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**INTERVIEW WITH SANTIAGO CASTILLO**

**Q=Cpt. Tony Morefield**  
**Q1=Lt. Desmond Bittner**  
**A=Sgt. Santiago Castillo**  
**A1=Jonathan Murphy**

Q: I'm on, right? Uh, this is Captain Tony Morefield with the Antioch Police Department. Uh, we're going on record now for APD Internal Affairs investigation K17-688. The date is August 19, 2017. The time is just after 10:00 am. It's 10:03 on my clock, again August 29.

Q1: 29th, yeah.

Q: What did I say?

A: 19th, sorry.

Q: I'm looking - I'm looking at 29th and I said 19th, so August 29.

A1: Thank you guys. If I wrote 19th I would have been confused later.

Q: Uh, we're in the APD, uh, administrative conference room. Uh, this morning, um, here are Lieutenant Desmond Bittner, Sergeant Santiago Castillo, um, his attorney Jonathan Murphy, and myself, again Captain Tony Morefield. Uh, I may have this interview transcribed at some point. Uh, just for the sake of the person possibly transcribing this, if you gentlemen wouldn't mind just stating your name and spelling it, and that way the - whoever is doing the transcription can kind of put a name to a voice.

A1: Sure, I'll go.

Q: Go ahead.

A1: Okay, Jonathan Murphy, J-O-N-A-T-H-A-N M-U-R-P-H-Y. Again, I'm with the law firm of Rains Luccia Stern. I won't bother spelling all of those names. And I'm here on behalf of Sergeant Santiago.

A: Santiago Castillo spelled S-A-N-T-I-A-G-O. Last is Castillo, C-A-S-T-I-L-L-

46 O.  
47  
48 Q1: Desmond Bittner. I'm a lieutenant with the Antioch Police Department. D-E-  
49 S-M-O-N-D B-I-T-T-N-E-R.  
50  
51 Q: And this is, uh, Captain Tony Morefield, T-O-N-Y M-O-R-E-F-I-E-L-D. I  
52 think we've got everybody.  
53  
54 A1: Sounds good.  
55  
56 Q: All right, um, uh, before we, um, get going, I'm going to give you first a copy  
57 of the, uh, POBAR here and ask that you review it and then, um, and then you  
58 can sign that you've reviewed this at the bottom. The others I'll read to you,  
59 but this one I'll ask you to - to review. Thank you. Um, next, because we will  
60 be talking about, um, allegations of misconduct that could constitute or that  
61 could be considered criminal, I will read you your Miranda rights. Um, I'll  
62 then ask you to review it yourself and then, uh, initial and sign this. Before I  
63 ask you any questions, I will inform you of your rights. You have the right to  
64 remain silent. You don't have to answer my questions or talk to me. Anything  
65 you say can be used against you in court. You have the right to talk to a  
66 lawyer for advice before you are asked any questions and have that lawyer  
67 present with you during the questioning. If you cannot afford to hire a lawyer,  
68 one will be appointed to represent you free of charge before any questioning if  
69 you wish. Do you understand each of these rights?  
70  
71 A: Yes.  
72  
73 Q: And do you wish to speak to me?  
74  
75 A: No.  
76  
77 Q: Okay. I'll ask you to review that and, uh, initial your responses, and then sign.  
78 And Mr. Murphy if you would be so kind as to be - uh, does it ask for a  
79 witness on that one or just a supervisor?  
80  
81 A1: Uh, neither.  
82  
83 Q: Okay. I think the next one has - has a witness signature on it.  
84  
85 A1: Sign it.  
86  
87 Q: All right, thank you.  
88  
89 A1: (Unintelligible) with this. Sign that.  
90

91 Q: Next will be the Lybarger admonishment. I will read this to you, also, and  
92 then ask you to review and sign. You are hereby notified that you are being  
93 interviewed in the course of an administrative investigation for alleged  
94 misconduct. You are directed to give complete and truthful statement  
95 regarding the alleged misconduct. Even though you have the right to remain  
96 silent and not incriminate yourself, your silence or refusal to cooperate could  
97 be deemed insubordination, which may lead to administrative discipline  
98 including possible termination from employment. Any statement made under  
99 admonishment of threat of administrative discipline or refusal to make a  
100 statement or evidence obtained as a result of any statement cannot be used  
101 against you in a subsequent criminal proceeding. Do you - do you understand  
102 that?  
103  
104 A: Yes.  
105  
106 Q: Okay. So you acknowledge there. And that one, Mr. Murphy, if you would be  
107 so kind as to witness that?  
108  
109 A1: Certainly.  
110  
111 Q1: Great signature.  
112  
113 Q: That's fine.  
114  
115 A1: It's - it's on the record that Jonathan Murphy signed as a witness. You'd know  
116 it. It looks like a 30-year-old having a seizure wrote it.  
117  
118 Q: That's fine. Um...  
119  
120 A1: From coffee.  
121  
122 Q: ...understanding also, um, Lybarger, are you willing to answer our questions  
123 today?  
124  
125 A: Yes.  
126  
127 Q: Okay. Now I do expect this could be a long interview. Um, I've got quite a  
128 few questions that I needed to ask you.  
129  
130 A: Okay.  
131  
132 Q: Um, we will take breaks as necessary. My recommendation is that we try to  
133 take a break around every hour or so, if that's agreeable?  
134  
135 A1: Sure.

136  
137 Q: Um, uh, however, I do want to make it clear that if there's a question pending  
138 prior to the break, we will expect you to answer the question before taking a  
139 break. Do you understand that?  
140  
141 A: Yes.  
142  
143 Q: So I pose a question, but we're coming up against the hour. I'll ask that you  
144 answer the question before we take that break. But we'll try to be cognizant of  
145 the hour. I think, uh, Lieutenant Bittner's gonna kind of monitor for me, also,  
146 kind of keep me on track, uh, when that's gonna be and, uh, you know,  
147 obviously if we're - if I've only got a few more questions in a particular area,  
148 then we plug through just to get through that section before we move onto the  
149 next. Okay? And we started right at around 10:00, so we'll expect a break  
150 around 11 o'clock or so.  
151  
152 A1: Okay.  
153  
154 Q: (Unintelligible) okay. Um, so first of all, Santiago, how long have you been  
155 with, uh, the Antioch Police Department and what assignments have you  
156 worked?  
157  
158 A: I've actually been here since 1995. I started off as an Explorer, and I got hired  
159 as a CSO dispatcher in '98 and a reserve police officer in 2001. In 2002 I got  
160 hired full time, and I've been here, uh, as a police officer. I've also been a  
161 detective and just promoted to sergeant. Also done an acting lieutenant role.  
162 Um, worked a wide variety of assignments in - in the jail.  
163  
164 Q: Okay. Uh, and your current assignment?  
165  
166 A: Patrol supervisor.  
167  
168 Q: Patrol supervisor. What did you work just before, uh, being a patrol  
169 supervisor?  
170  
171 A: Uh, Internal Affairs.  
172  
173 Q: And before that?  
174  
175 A: Uh, I was back in patrol for a little bit before I got promoted. Um, before that I  
176 was in investigations.  
177  
178 Q: Okay. Um, we're gonna move to some - some questioning about informants.  
179  
180 A: Okay.

181  
182 Q: Uh, I want to talk to you about working with informants. Um, have you ever  
183 had any training on informant management or, uh, working with confidential  
184 informants?  
185  
186 A: Just on-the-job training, uh, through FTOs and talking with other officers.  
187  
188 Q: Can you describe that to me?  
189  
190 A: Um, yeah, when - when I first started I mean we were all taught to have, you  
191 know, street informants and basically how to - how to obtain 'em and how to  
192 use 'em for information when needed.  
193  
194 Q: You said those were street informants?  
195  
196 A: Yeah.  
197  
198 Q: Okay. Are you, uh, familiar with our policy conserving - concerning  
199 informant management?  
200  
201 A: Not until today, obviously was reading the thing. I mean I knew there was  
202 one, but it never applied to me, because I just assumed the confidential  
203 informants were always for narcotics people.  
204  
205 Q: Okay.  
206  
207 A: And I know that there's certain things that you guys do with 'em, you know,  
208 as far as them working cases off and such and...  
209  
210 Q: Okay.  
211  
212 A: But I never really familiarized myself with it, because I never had them.  
213  
214 Q: Okay. So did you - um, you're - so you're familiar that we have a policy  
215 concerning informant management, but have you ever reviewed that policy?  
216  
217 A: No.  
218  
219 Q: Do you...  
220  
221 A: In passing, yeah, I've reviewed it before pass- passing, going through it but  
222 not for the purpose of using it.  
223  
224 Q: Okay.  
225

226 A: Does that make sense?  
227  
228 Q: Uh, I think so.  
229  
230 A: Yeah, I mean I've read it.  
231  
232 Q: Okay. Um, did you acknowledge that policy when you read it?  
233  
234 A: Yes - yes.  
235  
236 Q: Okay. Well tell me what your general, uh, understanding of the, uh, informant  
237 management policy is.  
238  
239 A: Um, typically it's a narcotics thing is what it's typically used for. And I - the  
240 way I understood it, it's, uh, people that want to work cases off or they're paid  
241 for information to use in cases.  
242  
243 Q: Okay.  
244  
245 A: Um, I know that they're typically - I don't know, what's the word - checked  
246 into a certain detective, whoever that detective is that's assigned to 'em or  
247 however it works. Um, and that's pretty much all I know about it.  
248  
249 Q: Okay. Um, are there different types of informants?  
250  
251 A: In the policy or as far as what I know?  
252  
253 Q: What you know. Uh, this is...  
254  
255 A: Yeah.  
256  
257 Q: ...just your knowledge of it.  
258  
259 A: Yeah - yeah, I mean there's always - there's street informants, there's  
260 confidential informants, there's paid informants.  
261  
262 Q: Okay.  
263  
264 A: You know.  
265  
266 Q: So you describe street informants, confidential informants, and paid  
267 informants.  
268  
269 A: Mm-hm.  
270

271 Q: Uh, let's start with, uh, what do you consider to be a paid informant?  
272

273 A: Somebody that's getting compensated by the police department monetarily I  
274 would assume, by money, to go buy dope or, uh, go inside a house or to get  
275 some intel for you guys, you know, things like that.  
276

277 Q: Okay. Um, and then a confidential informant, that was another type that you  
278 named. What would you consider that to be?  
279

280 A: I think the same thing, like a paid informant. Just some kind of informant that  
281 nobody knows about.  
282

283 Q: Okay.  
284

285 A: Their name is kept, uh, confidential.  
286

287 Q: How about a street informant?  
288

289 A: Street informants can be anybody. I mean they could be people that you've  
290 just built reputations - not reputations, but relationships with, uh, working the  
291 streets, especially if you've worked in the same area for a long time. People  
292 trust you. You trust them.  
293

294 Q: Mm-hm.  
295

296 A: And, uh, they give you information if you need it, you know.  
297

298 Q: Okay. And what type of people are - are typical street informants?  
299

300 A: Anybody, but typically they're of the criminal nature.  
301

302 Q: A street informant would be?  
303

304 A: They could be, yeah.  
305

306 Q: Okay.  
307

308 A: But they could be normal people, too. I mean it just depends on who's got the  
309 information and what they're giving.  
310

311 Q: Okay. And what do you think a typical police officer/informant relationship  
312 looks like or should look like?  
313

314 A1: And just specificity for the record, which type of informant or do you mean  
315 generally across all?

316  
317 Q: Um, well let's start with - um, because you've named three, we'll just go  
318 through the three. So a paid informant. What do you think a - um, well you've  
319 kind of blended the paid confidential informant...  
320  
321 A: Yeah, I was kinda...  
322  
323 Q: ...to be the same, so we say...  
324  
325 A: Yeah.  
326  
327 Q: ...what does that typical relationship look like and then well the street  
328 informant. Would that - what would that relationship look like?  
329  
330 A: Here's just my assumption, because I never had a paid informant before or  
331 confidential informant signed up like this.  
332  
333 Q: Mm-hm.  
334  
335 A: But my assumption is they would have to check up. You - there'd be constant  
336 contact between the two like I said they're working off a case or giving his - I  
337 don't know. That would be my assumption there.  
338  
339 Q: Okay.  
340  
341 A: Um, as far as street level one, there is no checking in. It's just kind of a run  
342 into 'em or ask me kind of thing, maybe drop the phone call, get some info,  
343 things like that.  
344  
345 Q: Okay. You'll note as I - as I hand you these different pieces of information,  
346 I've numbered 'em at the bottom with E numbers. That's just for ease, uh,  
347 later on in - in kind of corresponding. What I'm gonna hand you know is our  
348 policy 609 which is our policy concerning confidential informants. I'm gonna  
349 ask that you just review that and - and see if this is familiar to you. Um...  
350  
351 A1: Is there an E number?  
352  
353 Q: ...and I'm gonna give you that, too. The E number on that is E2.  
354  
355 A1: Thank you. Just for my notes, the policy numbers - is there just - are we just  
356 going to be going over department policies today? So like do I need - if I put  
357 policy 609 is - am I gonna be fine just putting everything - or is there gonna  
358 be like county policy versus department policy?  
359  
360 Q: Um, we'll be dealing with, uh, Antioch Police Department policies, so.

361  
362 A1: Perfect, so for my notes P69 should be...  
363  
364 Q: Sure.  
365  
366 A1: ...or 609 should be fine. Awesome, thank you.  
367  
368 Q: Mm-hm.  
369  
370 A1: (Unintelligible). Do you have a rough estimate when you think you'll be  
371 done? I'm just trying to schedule a conference call. Probably have to push it  
372 back.  
373  
374 Q: I - I don't know.  
375  
376 A1: If I said 1:00, do you think that'd be safe for a phone call?  
377  
378 Q: I have no idea.  
379  
380 A1: All right. I'll play it by ear. Uh, it's 10:18. You good? I won't hold you to it.  
381 Just trying to make my secretary's life easier.  
382  
383 Q: All right, Santiago, you've had an opportunity to review that policy. Does that  
384 refresh any of your recollection about your brief review of it in the past?  
385  
386 A: Just reviewing it, yeah.  
387  
388 Q: Okay, can I see it back, please? Um, all right we'll just go on for now. So  
389 have you ever worked informants since your career as an officer?  
390  
391 A: Uh, as far as a confidential informant like - like that policy dictates, like  
392 signing somebody up and all that kind of stuff?  
393  
394 Q: Sure.  
395  
396 A: No.  
397  
398 Q: Have you ever worked any other type of informants that you described  
399 earlier?  
400  
401 A: I wouldn't say worked, but I've had people give me information my whole  
402 career. I mean you always got people on the street that give you information.  
403  
404 Q: Okay. How many would you say?  
405

406 A: Uh, a lot.

407

408 Q: A lot?

409

410 A: Oh, yeah. Uh, it's almost essential to kinda do your job to have people like  
411 that, that give you information or intel.

412

413 Q: Well, tell me about them.

414

415 A: Well, I had, uh, plenty of 'em that would tell me - give me information on  
416 stolen cars back when I was in patrol back in the day. That's how I'd get a lot  
417 of my information from people about stolen cars back then when I - I've -  
418 when I worked investigations I had people giving me information. Um, I've  
419 had plenty of 'em, and they give me all kinds of stuff ranging from stolen cars  
420 to dope to, you know, knowing that we're looking for somebody and telling  
421 me where they are. I mean it's simple information, you know. It's not, uh, it's  
422 not like building cases kind of stuff. It's usually like right now kind of thing.  
423 This is what's going on.

424

425 Q: Okay. And what kind of informants would these be?

426

427 A: Just people on the street, people that I've had - either arrested before in the  
428 past or just have some kind of relationship with 'em from, you know, dealing  
429 with 'em on the street.

430

431 Q: And you could - would you consider those street informants?

432

433 A: Yeah - yeah.

434

435 Q: Okay.

436

437 A: I mean, I guess the best way to describe 'em, I mean, they're - like I said,  
438 they're not somebody that I have signed up. It's not somebody I check in with.  
439 They don't check in with me. It's just kind of the as-need kind of thing.

440

441 Q: And you had, uh, a lot of these?

442

443 A: Over the years, yeah.

444

445 Q: How many would you say?

446

447 A: Ten to 20 probably, different ones at different times.

448

449 Q: Okay.

450

451 A: Depending upon who is out and who is getting the information and...  
452  
453 Q: You say depending on who is out. What does that mean?  
454  
455 A: That they're not locked up.  
456  
457 Q: So are these typically, um, people with criminal backgrounds then?  
458  
459 A: Sometimes, yeah.  
460  
461 Q: And you would work these as street informants?  
462  
463 A: I don't know where you're trying to go with it with, uh, with working but I  
464 mean I'd get the information from them. I wouldn't work them, so to speak. If  
465 I needed to find somebody or they wanted to give me information or I was  
466 looking for somebody, I'd give 'em a phone call. Hey, do you know where so  
467 and so is or do you know who's - you know, especially with the aliases -  
468 who's, you know, ■  
469  
470 Q: Mm-hm.  
471  
472 A: You know, things like that, and they would tell me where they are or tell me  
473 their name if they know 'em. I mean it's kind of like that.  
474  
475 Q: Okay. Why would they give you this information?  
476  
477 A: Just built - built respect between the people. I mean it was just always just  
478 how - it's how you treat people, you know. It - it really is, and just I've dealt  
479 with them on numerous different occasions, and people give you information.  
480 You know, there's times where I've worked cases with and where I've  
481 arrested 'em and, you know, respected 'em when I arrested 'em, and we just  
482 kinda built a trust and we kinda turn into one of those things. You run into  
483 'em on the street. Hey, do you know where so and so is? You know, most of  
484 the time it wasn't by phone calls. Usually it's just by running into 'em, and I  
485 just kinda like know we're looking for certain people, and I just kinda put a  
486 bug in their ear. Hey, you know where this person is or you know where that  
487 person is? You know, because some things like that. Where can I - where can  
488 I get a stolen car, you know? Stuff like that, and they would give it to me.  
489 Sometimes they would. Sometimes they wouldn't. I mean it - it's 50/50, you  
490 know. It wasn't a guarantee. And that was even the information that was given  
491 to me, there's no guarantee it was legit anyway, you know, but it's - it's, uh,  
492 just all part of working the streets.  
493  
494 Q: Okay. Was there ever anything given to these informants in return for their  
495 information?

496  
497 A: No, never.  
498  
499 Q: Let's talk about [REDACTED]  
500  
501 A: Okay.  
502  
503 Q: What do you know about him?  
504  
505 A: I met [REDACTED] probably a couple years ago. Um, he is - he was at the  
506 time, uh, dating my [REDACTED]. Does that make sense?  
507  
508 Q: [REDACTED], okay.  
509  
510 A: By marriage.  
511  
512 Q: Okay.  
513  
514 A: By marriage. Um, a [REDACTED] by marriage, so...  
515  
516 Q: You say that's how you knew him?  
517  
518 A: That's how I first met him. I never knew who he was before, uh, I met him.  
519  
520 Q: Okay. How did you meet?  
521  
522 A: He actually came to my house when we had a family barbecue, and that's kind  
523 of where I met him for the first time.  
524  
525 Q: He came to your house?  
526  
527 A: Mm-hm.  
528  
529 Q: Where was this?  
530  
531 A: In Oakley.  
532  
533 Q: This is when you were living in Oakley?  
534  
535 A: Yeah. I still live in Oakley.  
536  
537 Q: Is it - but you've moved, uh, a couple times, right or no?  
538  
539 A: Just once, and I came back.  
540

541 Q: Okay.  
542  
543 A: I've been back - been back since, uh...  
544  
545 Q: Right, so this is - this is your only home in Oakley.  
546  
547 A: Yes.  
548  
549 Q: Okay.  
550  
551 A: One - one home.  
552  
553 Q: Because you lived in Oakley and then I don't know where else.  
554  
555 A: I moved to Bethel Island and then came - then came back to Oakley.  
556  
557 Q: Bethel Island then came back to Oakley. I understand.  
558  
559 A: Yeah.  
560  
561 Q: Okay.  
562  
563 A: So...  
564  
565 Q: Um, so explain that to me. How did that happen?  
566  
567 A: Family barbecue. I mean we had all of, uh, my wife's family over that day. I  
568 don't - couldn't tell you what day it was. Just all of 'em were over.  
569  
570 Q: Okay.  
571  
572 A: And the only reason I know that that's what it was is there - we actually have  
573 a family picture of it that we all took on the driveway with all of our family  
574 and all the kids.  
575  
576 Q: Okay.  
577  
578 A: And he's - he's in it. He showed up and we started talking, and that's kind of  
579 when I found out who he was. Didn't know much about him. And just, uh,  
580 really that's kind of what it was.  
581  
582 Q: Did you know who he was at the time?  
583  
584 A: No, I didn't know who he was until after. I mean I knew who he was after the  
585 fact. Does that make sense? So I didn't know who he was when he came to

586 my house.

587

588 Q: Okay.

589

590 A: But after that, I found out a lot more about him.

591

592 Q: Do you know [REDACTED] to be a drug dealer?

593

594 A: I know he's been arrested for it, and I know there's been grumblings on the  
595 street about him selling dope, yes.

596

597 Q: Do you know him to be a gang member?

598

599 A: I assumed it, but I didn't know.

600

601 Q: At what point did you learn that he was a drug dealer and at what point did  
602 you assume he was a gang member?

603

604 A: Um, just finding out information from, uh, through family or just be talkin' to  
605 people. Um, once I found out his - his nickname, then a little bit more clicked  
606 in, because I didn't know who - I knew him as [REDACTED] I didn't  
607 know him as [REDACTED]

608

609 Q: Okay, that's his nickname?

610

611 A: That's his street name, and when I found out it was [REDACTED] uh, [REDACTED]  
612 [REDACTED] was [REDACTED], that's when everything started clicking in. Oh, shit. This  
613 guy's a dope dealer, you know, downtown...

614

615 Q: Mm-hm.

616

617 A: ...kinda thing. Or was, uh, you know, back then. But I didn't know who  
618 [REDACTED] was prior to that. I just heard the name. It was just through hearing -  
619 hearing stuff here - around here on the streets.

620

621 Q: So for my clarification, you knew of [REDACTED] before you knew [REDACTED]  
622 [REDACTED]

623

624 A: Correct.

625

626 Q: So you knew...

627

628 A: But I never knew - I knew the name [REDACTED] never had a face to [REDACTED] I  
629 just heard the name [REDACTED] from [REDACTED]

630

631 Q: Okay.  
632  
633 A: But I didn't know who [REDACTED] was. And after when I - when - finding more  
634 out about [REDACTED], um, I found out that that [REDACTED] was him. And I didn't  
635 know that before he came to my house (unintelligible).  
636  
637 Q: Does he have it tattooed on him?  
638  
639 A: I have no idea - I have no idea.  
640  
641 Q: He does.  
642  
643 A: Okay. He's got tattoos all over the place I think.  
644  
645 Q: It's - it's a prominent one. That's why I ask. Um, are you familiar with the  
646 [REDACTED] [REDACTED]  
647  
648 A: [REDACTED]  
649  
650 Q: [REDACTED] [REDACTED]  
651  
652 A: Is that the one with the (unintelligible)?  
653  
654 Q: Yeah.  
655  
656 A: Yes.  
657  
658 Q: Were you aware that [REDACTED] was at the center of that case?  
659  
660 A: No, not 'til right now.  
661  
662 Q: Have you ever worked any criminal cases involving [REDACTED] ?  
663  
664 A: No.  
665  
666 Q: So you describe that you met him at our home a couple years back, you said?  
667 is that correct?  
668  
669 A: Like four - four years ago - three or four years ago.  
670  
671 Q: Three or four years ago?  
672  
673 A: Maybe longer than that. I don't know.  
674  
675 Q: Okay.

676  
677 A: I've literally - I've literally seen the guy or talked to him face to face maybe  
678 four or five times.  
679  
680 Q: Okay. Have you ever had any other interactions with him? We'll start with  
681 outside of work.  
682  
683 A: No.  
684  
685 Q: Just the one time?  
686  
687 A: Just the one time. Never hung out with him. Never saw him. Never anything  
688 else at work ever.  
689  
690 Q: What was your relationship with [REDACTED] after you met him at your  
691 home?  
692  
693 A: Uh, there was no relationship after that. I was just more or less, uh, I figure  
694 he's a downtown guy and, you know, and I - I love working downtown. You  
695 don't know me. You know how long I've been a cop here for. I know down - I  
696 like to work the downtown area, so I figured shit, since there's kind of a little  
697 connection here with the family thing, maybe he'll give me some info. So it  
698 was I just started asking him if he knew where certain people were, if we were  
699 looking for some people or if we were, uh...  
700  
701 Q: Okay.  
702  
703 A: Things - just things like that and it just...  
704  
705 Q: You say he's known to be a downtown guy. What does that mean?  
706  
707 A: Well, he lives downtown. He lives on [REDACTED]  
708  
709 Q: How did you know that?  
710  
711 A: [REDACTED] Because I ran into him at [REDACTED]  
712  
713 Q: So you didn't know that before you ran into him at [REDACTED]  
714  
715 A: I - I didn't know that until after - I knew who he was before then.  
716  
717 Q: Okay.  
718  
719 A: Just, uh, you know, and - and this is all stuff that I just really gradually found  
720 out afterwards.

721  
722 Q: I understand. And so again, describe for me - I know you said it wasn't a  
723 relationship, but what was your contact with [REDACTED] then? Uh...  
724  
725 A: Uh, it was usually on phone calls - text messages or phone calls, you know,  
726 asking if I'm - asking if I'm looking for somebody, you know, or he'd call me  
727 up and give me info and people are shootin' at his house, or someone selling  
728 drugs or whatever the deal is. Sometimes I'd use the information. Other times  
729 I'd pass it onto other people. There's plenty of times where I gave the  
730 information to the narcotics guys, something [REDACTED] told me.  
731  
732 Q: So he provided you with information?  
733  
734 A: Yeah.  
735  
736 Q: Let's talk more specifically about what type of information he provided.  
737  
738 A: Uh, what did he try to tell me? He tried to tell me about a gambling house on  
739 [REDACTED]. Once I passed that onto the narc, I knew nothing about it.  
740 He told me that [REDACTED] uh, was rolling around with a gun in his car  
741 one day. He called me up, and pass it onto Corporal (Cook). I wasn't working.  
742 Um, I guess his house got shot at or something at one point, and he was trying  
743 to send - send me pictures or if he was telling me to get -- I don't remember. It  
744 was something about that, but that was pretty much the acceptance, his calling  
745 me. Um, my calling him as when, uh, when we were looking for somebody,  
746 you know, or I didn't know what his, uh, moniker was for somebody that  
747 supposedly frequented downtown, so I call him, "hey, you know who this  
748 person is, where they hang out, that kind thing?  
749  
750 Q: How many times can you estimate he provided you with information?  
751  
752 A: I don't know. I think it was off and on. I mean it wasn't a continual  
753 relationship with him like that as far as getting intel. I - I would say 10, 15  
754 times maybe. And that's just a guess.  
755  
756 Q: I want your best guess. Is that your best guess?  
757  
758 A: Yeah, I - I don't know. Like I said, uh, we talked with...  
759  
760 Q: Could it be more than that?  
761  
762 A: Could be.  
763  
764 Q: Over 20?  
765

766 A: It's possible.  
767  
768 Q: Over 30?  
769  
770 A: I - I know you want me to give you a number, but I can't give you a number,  
771 because I don't know - I really don't know.  
772  
773 Q: You have no idea?  
774  
775 A: I mean we talked. There was communications going on in this, a couple years'  
776 worth of communications since I met him, so.  
777  
778 Q: What timeframe was that?  
779  
780 A: I don't know what year I met him, so...  
781  
782 Q: You said it was a few years ago.  
783  
784 A: Yeah, I mean it's been going back. I mean and it wasn't all the time.  
785 Sometimes it was once a month. Sometimes I didn't talk to him for months.  
786 Um, conversations were never long. They were really short and brief,  
787 whatever it was. Um, I'd say 20, 25 times. Let's just say 20, 25 times.  
788  
789 Q: Twenty, 25?  
790  
791 A: Yeah.  
792  
793 Q: So how would you normally communicate with him? Was it over the phone or  
794 in person?  
795  
796 A: Phone. I never got with him in person.  
797  
798 Q: You never got with him in person?  
799  
800 A: Nope, just ran into him at [REDACTED] but I never - I never met with him  
801 in person.  
802  
803 Q: Never at his home?  
804  
805 A: No, I never went to his house. I've never been to his house.  
806  
807 Q: Well, it's right across, that's why...  
808  
809 A: Yeah, oh, yeah - yeah.  
810

811 Q: From [REDACTED].

812

813 A: That's where I found out, uh, where he's livin' when I ran into him at

814 [REDACTED] so.

815

816 Q: How many times did you meet with him in person or see him in person?

817

818 A: Oh, a couple times. May 4 - three or four times. Not - not very much. Like I

819 said, usually it's either at [REDACTED]. It wasn't, - uh, no we

820 had one cold one in front of his house, just kiddin', oh, somebody had

821 something too with his kid riding a bike in the street, and he came out and

822 talked - talked.

823

824 Q: How many times you estimate over this period that you spoke with [REDACTED]

825 over the phone? So he provided you information between 20 and 25 times.

826 Um, how many times did you estimate that you spoke to him on the phone?

827

828 A: Not that time. The only time I ever talked to him was when I was getting

829 information or he was giving me information.

830

831 Q: So 20, 25?

832

833 A: Yeah. I mean, and that's...

834

835 Q: Over the period of a few year- from a few years ago...

836

837 A: Yeah.

838

839 Q: ...until when? When did - when was the last time?

840

841 A: I don't know when the last time was. January maybe, December?

842

843 Q: Of?

844

845 A: December of last year, January this year.

846

847 Q: Okay, so possibly January of this year or December of last year was probably  
848 about the last time?

849

850 A: I don't even know what our last conversation was, when it was.

851

852 Q: Well, I'm just trying to come up with a general timeframe.

853

854 A: Yeah.

855

856 Q: Um, this is 2017, so somewhere in the neighborhood of is it safe to say  
857 between 2014 and early 2017 was when you were in communication with  
858 him?  
859

860 A: If this January is the last time I talked to him. I don't - I can't tell you the last  
861 time I talked to him. I really don't know the last time. It was either beginning  
862 of this year or the end of last year.  
863

864 Q: Or - or late - late 2016?  
865

866 A: Yeah, that's about right.  
867

868 Q: Okay.  
869

870 A: That sounds about right.  
871

872 Q: All right. And so the only time you spoke to him was when he was providing  
873 information. You estimated that to be between 20 and 25 times, correct?  
874

875 A: Yes.  
876

877 Q: Would you communicate on your work phone or on your personal cellphone?  
878

879 A: Work phone.  
880

881 Q: Work phone?  
882

883 A: Mm-hm.  
884

885 Q: Did you ever per- communicate with him on your personal cellphone?  
886

887 A: I don't think so. I try to keep everything on a work phone. I didn't want him to  
888 have my personal number, but it's possible.  
889

890 Q: Possible?  
891

892 A: Yeah. The only reason I say it's possible is because I have two phones, and  
893 my phonebooks are synced on both phones, so they're the same. So it's  
894 possible. Um, I - I - I'm not gonna yes or I'm not gonna say no, but it's - it's  
895 possible. I use my work - I use my personal phone for work all - you know,  
896 some- sometimes, too, so.  
897

898 Q: Okay. How did he get your personal cellphone number?  
899

900 A1: Did he - sorry. Did he say that he did?

901  
902 Q: Well, I'm asking.  
903  
904 A1: Well, you said, how did he get your personal cellphone number?  
905  
906 Q: He's been in commune - he said he's been - been in communication with him  
907 no his personal phone.  
908  
909 A1: No, that's not what he said. He said he didn't know. He said he believed he  
910 contacted him on his work phone. So I don't think it's been established for the  
911 record that [REDACTED] r whatever - [REDACTED] hatever his name is...  
912  
913 A: [REDACTED]  
914  
915 A1: [REDACTED] had his personal cellphone number.  
916  
917 Q: Did you provide him with your personal cellphone number?  
918  
919 A: I don't think I gave it to him directly. I think that me callin' him and it poppin'  
920 up in caller ID.  
921  
922 Q: Yeah, and I have a note here, too, that when we get - when asked the question  
923 with the personal phone you said it's possible.  
924  
925 A: It is possible, yeah.  
926  
927 Q: Okay. So...  
928  
929 A: I don't - I don't remember how we got in contact, how we started to get in  
930 contact with each other was - whether it was through Facebook or whether it  
931 would, you know, instead of Facebook messenger or, uh, or cellphone  
932 numbers. I - I can't remember how we - how we started it all.  
933  
934 Q: But in any event you communicated primarily with him on your work  
935 cellphone?  
936  
937 A: Yes.  
938  
939 Q: What, through phone conversations or through text messaging?  
940  
941 A: Um, a little of both.  
942  
943 Q: A little of both?  
944  
945 A: More text message - more text messages I got than, um....

946  
947 Q: And what is - okay, what is your, uh, work phone number?  
948  
949 A: [REDACTED] - I don't remember.  
950  
951 Q: How about your personal?  
952  
953 A, Uh [REDACTED]  
954  
955 Q: [REDACTED]  
956  
957 A: Correct. That's personal, yeah. I think this the work ones: [REDACTED], I  
958 think. I don't know. I don't have the phone anymore, so.  
959  
960 Q: Is that [REDACTED], you said?  
961  
962 A: Yeah.  
963  
964 Q: And how long have you had that - that number?  
965  
966 A: Which one?  
967  
968 Q: That - that work phone number?  
969  
970 A: Well, since we were up in investigations.  
971  
972 Q: And the numbers never changed. Is it the same?  
973  
974 A: Yeah, I've got the same phone all the time.  
975  
976 Q: Do you think it's unusual for an officer to speak to a street foreman on his  
977 personal phone?  
978  
979 A: Not really. People do it all time. I'm sure there's a lot of officers that do it.  
980 They use their personal phones to talk to street informants.  
981  
982 Q1: And not to get off track here, but going back to a question that you were  
983 asked, um, a few minutes ago in regards to, um, providing information and an  
984 informant and whether you acknowledge that. Um, you had these street  
985 inform- street informants, and the question was asked if, um, if, uh, those  
986 street informants had received anything in return for providing information.  
987  
988 A: Correct.  
989  
990 Q1: And I believe um, is it correct that the answer was no?

991  
992 A: No, I do not provide 'em anything.  
993  
994 Q1: And just to be clear on what they're provided, we're not - there would be like  
995 a material item from our - anything material such as, you know, cash,  
996 products, stuff like that. And you're saying no to that?  
997  
998 A: No.  
999  
1000 Q1: Okay. What about any type of, uh, cases consideration?  
1001  
1002 A: I didn't have any cases on him, so I didn't - uh, there was nothing like that. No  
1003 case consideration, no nothing. I wasn't working anything on him. I never  
1004 busted him with anything. I never had contact with him outside of just these,  
1005 um, text calls.  
1006  
1007 Q1: Okay.  
1008  
1009 A: And more or less those even started to - just because like to be honest with  
1010 you, I was just kind of using them for the connection that I had through the  
1011 family. Using 'em for the intel.  
1012  
1013 Q1: Okay.  
1014  
1015 Q: And - and regards to case consideration, let's say for example you come  
1016 across him and they - they have a small amount of dope. They have - maybe  
1017 they're under the influence of a substance.  
1018  
1019 A: I - I get - I get what you're saying, but I never had contact with him like that. I  
1020 didn't have any cases on him at all.  
1021  
1022 Q: Okay. Yeah, we're not talking about the petty mistreating forms in general.  
1023 You said over the course of your career...  
1024  
1025 A: Oh.  
1026  
1027 Q: ...you've worked many street informants.  
1028  
1029 A: Yeah.  
1030  
1031 Q: You know.  
1032  
1033 A: Um, you know, sometimes it might be a pipe or something that you chuck out,  
1034 you know, something like that, but nothing ever big, you know. Get rid of it. I  
1035 can't pin it on 'em, but they don't know that, you know what I mean. They'll

1036                   dope in the car. You found it. You can't pin it on anybody. You just kind of  
1037                   listening and think they're you, you know, getting out and maybe next time  
1038                   they'll give you information. Maybe they won't. Sometimes it is. Sometimes  
1039                   they didn't.

1040  
1041   Q:                   So then you'd change your answer then from no, nevers - no, never?

1042  
1043   A:                   I thought you were talking about [REDACTED]

1044  
1045   Q:                   Okay.

1046  
1047   A:                   If you're talking about in general, yeah, there's been other times where things  
1048                   have happened like that, yes.

1049  
1050   Q:                   So other times things have happened like that but not with [REDACTED]

1051  
1052   A:                   Not with [REDACTED]

1053  
1054   Q:                   Why not.

1055  
1056   A:                   I've never had contact with. I didn't have any reason to. And it was - like I  
1057                   said I used the - the family connection for my way and to info from him.

1058  
1059   Q:                   So he provided you, by your estimation, information 20, 25 times?

1060  
1061   A:                   Over a couple of years?

1062  
1063   Q:                   Over a couple of years.

1064  
1065   A:                   Yeah. Here and there, spotty.

1066  
1067   Q:                   But he never got anything in return?

1068  
1069   A:                   Never got one thing for me to return ever.

1070  
1071   Q:                   How about information?

1072  
1073   A:                   I've never given him anything, literally.

1074  
1075   Q:                   Not even just a - a tip?

1076  
1077   A:                   On what?

1078  
1079   Q:                   I don't know, anything.

1080

1081 A: No. Uh, there was - what would I? I don't have anything on him, so I didn't -  
1082 it wasn't like that. It was me asking him information all summer, him giving  
1083 me information. That's all it was.  
1084

1085 Q: So he's just providing you information, asking you for nothing in return?  
1086

1087 A: Yes, that's literally how it was.  
1088

1089 Q: Why do you think he would do that  
1090

1091 A: I just think it was the family connection to be honest with you. It was just one  
1092 of those things. Uh, when I say family connection, [REDACTED]  
1093 [REDACTED] Really I think that's - that - that's all it was, because  
1094 there was nothing else, no other reason for him not to or to give me a hug. I  
1095 have the case log, never worked anything with him. Never popped him with  
1096 anything, nothing. I've never searched the guy. Like I said, I ran into him only  
1097 just a couple times, and it was just in passing at [REDACTED]  
1098 In other words, no outside communication with this guy whatsoever.  
1099

1100 Q: And you only talked to him 20 or 25 times over this, uh, period?  
1101

1102 A: Yeah, I mean it wasn't even like I - like I talked to him all the time. It was just  
1103 kinda hit and miss whenever I needed information or whether he wanted to  
1104 give me information, you know. But it was typically me calling him first,  
1105 asking him hey, do you know who so and so is or where so and so is hanging  
1106 out? We're looking for this guy, we're looking for that guy, you know, that  
1107 kind of thing. That was typically the - the brunt of my conversation with him.  
1108

1109 Q: Going back information regards to [REDACTED] that we discussed, do you recall  
1110 that? About, um, the [REDACTED] involving [REDACTED]  
1111

1112 A: Yes.  
1113

1114 Q: .. [REDACTED] (Unintelligible) [REDACTED] Um, and the question was asked if  
1115 you were familiar. And were you familiar and if [REDACTED] was involved in the  
1116 [REDACTED] scandal, and the answer to it was no?  
1117

1118 A: Yeah, I had no idea he was involved with it.  
1119

1120 Q: Okay. Um, and then later you asked, uh, or you stated that some of the  
1121 information that [REDACTED] would give you, that you would pass it on our - our  
1122 narcotics investigators. Was there ever a time when one of our narcotics  
1123 investigators or another officer or supervisor, um, mentioned to you about the  
1124 [REDACTED] [REDACTED]  
1125

1126 A: No.  
1127  
1128 Q: Never?  
1129  
1130 A: Never - never. And I - I didn't know anything about it 'til right now when you  
1131 mentioned it. It's the first time I ever heard it.  
1132  
1133 Q: So no officer, no supervisor, no narcotics investigator?  
1134  
1135 A: Yeah.  
1136  
1137 Q: Ever told you anything about [REDACTED] involvement in the [REDACTED] [REDACTED]  
1138  
1139 A: Absolutely not.  
1140  
1141 Q: Okay. Just generally speaking, did anybody ever caution you about working  
1142 with [REDACTED] as a street informant?  
1143  
1144 A: No.  
1145  
1146 Q: Never?  
1147  
1148 A: No, nobody's ever said anything to me. And like I as given information to  
1149 detectives. I was giving - I gave information to [REDACTED] before. I mean, I  
1150 would think if it was something that was that bad they would have told me,  
1151 but nobody ever said anything to me about it. Obviously had I known this  
1152 information then my relationship with him would have been a whole lot  
1153 different.  
1154  
1155 Q: So - so that I understand this correctly, so you're saying because of this - and  
1156 you're describing it as a very loose family type relationship.  
1157  
1158 A: Yeah, very loose.  
1159  
1160 Q: Because it's, um, he's [REDACTED] ..  
1161  
1162 A: He's had - because he had [REDACTED] They already had had a [REDACTED]  
1163 and...  
1164  
1165 Q: ... [REDACTED] Um...  
1166  
1167 A: But that was just kinda like my in, I guess, to make sense.  
1168  
1169 Q: Because of that loose family relationship...  
1170

1171 A: Right.  
1172  
1173 Q: ...he's providing you information 20, 25 times...  
1174  
1175 A: Yes.  
1176  
1177 Q: ...over the course of a couple of years?  
1178  
1179 A: Yes.  
1180  
1181 Q: Does that make sense to you?  
1182  
1183 A: I mean it is what it is. I - I just - I'm gonna deal with him. I mean we get along  
1184 when I talk on the phone. It's always been a respectful thing, and he's just  
1185 giving me information. All I can do is ask. Whether he gives it to me is up to  
1186 him. He's given it to me. There's never been any compensation to him. He's  
1187 never get - gotten anything. You know, I don't know if he's telling that this -  
1188 this is why we're going this line of questioning, but I'm telling you right now,  
1189 there was nothing ever given to him.  
1190  
1191 Q: Did you ever maybe tip him off that police were looking at him for a case?  
1192  
1193 A: No, but I would tell him stuff all the time when I hear people say that he sell  
1194 dope, like, "Dude, you better be careful. You're gonna get - you're gonna get  
1195 yourself in trouble."  
1196  
1197 Q: So you were telling him...  
1198  
1199 A: Like you're selling - if you're selling dope, you...  
1200  
1201 Q: People are saying he's selling dope?  
1202  
1203 A: Yeah, people are sellin' people sayin' you're sellin' dope, dude. If you're  
1204 sellin' dope, you're gonna get - you're gonna get in trouble, dude. You're  
1205 gonna get caught for doing it. You know, I'd say shit like that.  
1206  
1207 Q: All right.  
1208  
1209 A: Of course I would.  
1210  
1211 Q: And where would you come up with that information?  
1212  
1213 A: Just from hear- hearing people talk about be - sellin' dope. You know, but I  
1214 never had any...  
1215

1216 Q: What people talkin' about himself?

1217

1218 A: Other street people, other people at [REDACTED] people I come across at [REDACTED]  
1219 or just downtown. Like I said, I work the downtown a lot. And if you're  
1220 familiar with what I - where I like to work, it's always been downtown. You  
1221 know, so I know a lot of people down there, you know, working over the  
1222 years, whether it's business owners, whether it's just the tourists on the street,  
1223 the people at [REDACTED] people that hang out at the [REDACTED]. I mean, you just  
1224 make contacts with people.

1225

1226 Q: Let's explore that a little more. So you would let him know that people were  
1227 in generally telling - talking about him selling dope?

1228

1229 A: Yes.

1230

1231 Q: What people?

1232

1233 A: I just told you. People I come across.

1234

1235 Q: Do you have a specific...

1236

1237 A: I can tell you specific names. I don't know. You know, and I'm not gonna lie.  
1238 I had assumptions, too, only because of what I was hearing about him and his  
1239 past and him being a dope dealer.

1240

1241 Q: What do you mean you had your assumptions?

1242

1243 A: You can always assume that people are selling dope unless you know for a  
1244 fact you don't know. I mean you've been a cop.

1245

1246 ((Crosstalk))

1247

1248 Q: So you're saying you weren't aware that he was selling dope?

1249

1250 A: No, I did not know he was selling dope. I had heard rumors, but I didn't know  
1251 he was selling dope. He never told me he was selling dope. I never had any  
1252 information saying that he was selling dope, but you can assume it.

1253

1254 Q: So this was an assumption. You didn't know that you didn't have...

1255

1256 A: I had no proof, no evidence, no idea that he was selling dope if that's what he  
1257 was doing. I'm just telling you the information that was given to me by people  
1258 that I had talked to. Hey, [REDACTED] is selling dope. So then I'd say dude,  
1259 people are saying you're selling dope, you know. And if you're doing that,  
1260 you're gonna get fuckin' caught, dude. You're gonna get caught, you know.

1261 Just give him the warning. But I never had anything on him. I never arrested  
1262 anybody that told me they got dope from him or anything like that, you know.  
1263 I was a supervisor. I really wasn't doing that kind of stuff anymore. You  
1264 know, my stuff...

1265

1266 Q: Making stops?

1267

1268 A: Arresting him for dope, I couldn't tell you. I mean very, very rarely, but I  
1269 didn't do that like I did before when I was a young cop, you know, a young  
1270 street cop, you're doing that all the time.

1271

1272 Q: Did you still make stops as a supervisor?

1273

1274 A: Oh, yeah.

1275

1276 Q: What for?

1277

1278 A: All kinds of stuff. Um, pit stops, find out what's going on [REDACTED] with all  
1279 the people out there and the guns and the drugs that were being sold out there.

1280

1281 Q: Okay.

1282

1283 A: And the loitering at [REDACTED] ou know, the suspected drug dealing that was  
1284 going on at the [REDACTED] there. Uh, vehicle stops and I'm a cop,  
1285 you know. I'm nosy.

1286

1287 Q: Okay, but you weren't...

1288

1289 A: That's my job.

1290

1291 Q: You weren't arresting people for dope?

1292

1293 A: If I came across it, yeah, obviously. But I wasn't out targeting that stuff is  
1294 what I'm saying.

1295

1296 Q: Okay.

1297

1298 A: You know, where he had the time to sit and watch a house and you think - you  
1299 know, I've done that in the past where you get information that so and so is  
1300 selling dope. Well, sometimes you park down the street and watch the house,  
1301 watch people come and go and make a stop when they leave the house.  
1302 Sometimes you get dope out of it. You know, I didn't do anything like that.

1303

1304 Q: And in the context of you offering him at least as much as people are talking  
1305 about you selling drugs, did you ever caution him, uh, as far as, you know, the

1306 NARC team or something like that's looking at you or could be looking at you  
1307 or anything like that?  
1308  
1309 A: No, because I had no idea. I don't talk - they don't tell us anything, you know.  
1310 Like why would I tell him anything like that? You want me to be - uh - uh...  
1311  
1312 Q: Well, he's giving you a lot of information.  
1313  
1314 A: Oh, yeah, he's given - well and some of it was good, some of it wasn't. But  
1315 there wasn't nothing more to it than that.  
1316  
1317 Q: So he's just providing this open-ended information to you.  
1318  
1319 A: Yes.  
1320  
1321 Q: Okay. Did it ever occur to you that [REDACTED] could be playing you?  
1322  
1323 A: It's always possible.  
1324  
1325 Q: Giving you information to take out his competition?  
1326  
1327 A: Oh, that's possible, absolutely possible.  
1328  
1329 Q: Does that seem to you specifically this relationship with an- [REDACTED]  
1330 [REDACTED] just to be an appropriate police informant type relationship?  
1331  
1332 A: What do you mean? Clarify that because...  
1333  
1334 Q: Does that seem appropriate to you, that type of...  
1335  
1336 A: (Unintelligible).  
1337  
1338 Q: ...the type of relationship that you've described with [REDACTED] does  
1339 that seem to me - does that seem to you to be an appropriate relationship?  
1340  
1341 A: Why not if he's giving me info? We're using it to our benefit to help us catch  
1342 people.  
1343  
1344 Q: We're approaching now 11 o'clock.  
1345  
1346 A1: I could use a lavatory break if...  
1347  
1348 Q: I think we're close enough and, um, this is a good spot for a pause.  
1349  
1350 A1: Perfect.

1351  
1352 Q: Um, I've got a bit more to ask you kind of in line with this, but I think, um,  
1353 that this - a good, uh, a good spot so, uh, the time is - I got it at 10:52 am on  
1354 mine. We'll come off recording and take a - how much time do you want?  
1355  
1356 A1: I just need five minutes.  
1357  
1358 Q: We'll take five minutes and return. I'm on record. Also on the record, um,  
1359 Captain Tony Morefield, Antioch PD coming back on the record now at 10:58  
1360 am. Correctly describing it as August 29 this time. So I want to circle back on  
1361 a couple of things that we were just talking about and then we'll start to move  
1362 on. The first thing - actually I think [REDACTED] ou were gonna start with  
1363 something?  
1364  
1365 Q1: Yeah we - a few minutes prior to us, uh, going to break...  
1366  
1367 A: Mm-hm.  
1368  
1369 Q1: ...um, the question was asked to you, um, you know, did you see that the, uh,  
1370 relationship between you and [REDACTED] was an appropriate police-  
1371 informant relationship. Do you remember that question?  
1372  
1373 A: Mm-hm.  
1374  
1375 Q1: And then do you recall your answer to that?  
1376  
1377 A: I didn't think it was any other relationship I had with any other informants.  
1378  
1379 Q1: Okay. So you believed it to be a- appropriate.  
1380  
1381 A: From the information I was getting...  
1382  
1383 Q1: Okay.  
1384  
1385 A: ...(unintelligible) anything wrong with it.  
1386  
1387 Q1: Okay.  
1388  
1389 Q: Santiago did you follow proper procedure as you worked with [REDACTED] as an  
1390 informant? You've reviewed the policy.  
1391  
1392 A: Per that policy, I didn't - I didn't have anything on him so I - I didn't know  
1393 any of the (unintelligible) policy but I cou- it's just a street informant.  
1394  
1395 Q: Did you get permission from anyone to work him as an informant?

1396  
1397 A: No.  
1398  
1399 Q: Okay.  
1400  
1401 A: And like I said this - this is what I was taught since I was - forever I mean  
1402 everybody does it, every patrol officer out there has an informant that they  
1403 talk to on the street. I can guarantee you they probably all don't have them  
1404 signed up.  
1405  
1406 Q: Did you at least check him in (Unintelligible)...  
1407  
1408 A: I don't have access to (Unintelligible).  
1409  
1410 Q: ...or have him checked in (Unintelligible).  
1411  
1412 A: Like I said it wasn't like I was getting steady information from him, it was  
1413 kind of a hit and miss thing, I didn't think it was - I mean if obviously it was  
1414 something bigger than - that the need for him was bigger than the steps would  
1415 have been taken for him to be moved on to somebody that was gonna be more  
1416 handling him so to speak.  
1417  
1418 Q: I...  
1419  
1420 A: I just used him for information here and there, it wasn't like a daily  
1421 conversation with this guy or talking to him all the time, it wasn't like that.  
1422  
1423 Q: Did you keep an informant file on him?  
1424  
1425 A: No.  
1426  
1427 Q: So getting information by your estimation 20 to 25 times, um...  
1428  
1429 A: Over the course of a couple years.  
1430  
1431 Q: So that's roughly once a month?  
1432  
1433 A: I mean (unintelligible). Like I said I - I don't know how many times I talked  
1434 to him, I don't know. I mean it wasn't, you know, a constant thing, like I said  
1435 there was times where I wouldn't talk to him for months.  
1436  
1437 Q: Mm-hm.  
1438  
1439 A: You know, and then something would pop up (unintelligible) information, you  
1440 know.

1441  
1442 Q: But in any event you contacted him typically on your work phone and rarely  
1443 on, uh, on your personal?  
1444  
1445 A: Typically my work phone, yes. It was only when - when I working, I didn't  
1446 really hear from him too often. He would call me, you know, leave me  
1447 voicemails on my work phone (unintelligible) when I was off work but  
1448 typically if I ever talked to him I talked to him was when I was working.  
1449  
1450 Q: Are you - do you have reason to be concerned about divulging the amount of  
1451 times you've talked to him on your personal cell phone?  
1452  
1453 A: (Unintelligible)?  
1454  
1455 Q: Do you have reason to be concerned?  
1456  
1457 A: No. I use my work phone - my personal phone for work and per- things, I - it  
1458 doesn't matter.  
1459  
1460 Q: But your estimation is that you've spoken to him much more on your work  
1461 phone than on your personal phone?  
1462  
1463 A: That's my assumption, yes.  
1464  
1465 Q: Your assumption?  
1466  
1467 A: I don't know because I don't know. I use both of them [REDACTED] I know you're  
1468 trying to get me to pin it down one way or the other and I can't. I talked to  
1469 him on both phones.  
1470  
1471 Q: Okay well the - the answer's changing and that's why I'm trying to...  
1472  
1473 A: Oh no.  
1474  
1475 Q: ...trying to clarify.  
1476  
1477 A: I hear what you're saying. I mean if you want to give me numbers, typically I  
1478 talk to him on the work phone.  
1479  
1480 Q: Okay.  
1481  
1482 A: But I'm not gonna say that I didn't talk to him on my personal phone.  
1483  
1484 Q: Okay.  
1485

1486 A: And it's very possible that I did.  
1487  
1488 Q: Okay.  
1489  
1490 A: Okay I'm not gonna say I didn't 'cause it's very possible I did. I don't know  
1491 which one I talked to him more on, um, but like I said I use my work phone  
1492 and I use my regular phone - I mean my personal phone for work stuff too  
1493 so...  
1494  
1495 Q1: Well primarily it would indicate that, you know, you're - you're saying that  
1496 it's possible that you talked to him on your personal phone but...  
1497  
1498 A: I know I've talked to him on my personal phone.  
1499  
1500 Q1: ...primarily you talked to him on his work phone but then following it up with,  
1501 "But I don't know which one I talked to him more on." You said...  
1502  
1503 A: Right.  
1504  
1505 Q1: ...primarily your work phone, that means - that would mean the...  
1506  
1507 A: That would - and that's...  
1508  
1509 Q1: ...majority of the phone calls...  
1510  
1511 A: ...the majority of the phone calls would be on the work phone, yeah.  
1512  
1513 Q1: ...on the work phone. So that's your answer then?  
1514  
1515 A: That's - that's my answer yes. The majority of the phone calls should be on  
1516 my work phone, yes.  
1517  
1518 Q: Would it surprise you to find out the opposite of that?  
1519  
1520 A: Really?  
1521  
1522 Q: Yes.  
1523  
1524 A: Okay. That would surprise me.  
1525  
1526 Q: To the tune of 42 phone conversations on your personal phone and only 7 on  
1527 your work phone.  
1528  
1529 A: Really?  
1530

1531 Q: Yes really.  
1532  
1533 A: Oh.  
1534  
1535 Q: And that's why I'm asking you...  
1536  
1537 A: Yeah I know.  
1538  
1539 Q: ...why that...  
1540  
1541 A: I just thought it was the other way around.  
1542  
1543 Q: ...why that would be of concern to you to not tell me that.  
1544  
1545 A: I didn't know. And it doesn't - I- I'm not gonna deny it, I - I don't know. Like  
1546 I told you I don't know.  
1547  
1548 Q: Well now you don't know. Before you estimated you spoke to him far more  
1549 on your...  
1550  
1551 A: Yes...  
1552  
1553 Q: ...work phone...  
1554  
1555 A: ...that was what I assumed until you just told me that right now, that's why...  
1556  
1557 Q: Well you assumed it now?  
1558  
1559 A: Yeah.  
1560  
1561 Q: Okay.  
1562  
1563 A: That's what I believed. That's what I believed.  
1564  
1565 Q: So...  
1566  
1567 A: I believed I talked to him far more on my work phone than I did on my  
1568 personal.  
1569  
1570 Q: Okay.  
1571  
1572 A1: Just to memorialize for the record, you acted astonished when he said the  
1573 word assumed. I want to point out that, uh, like 90 seconds ago you used the  
1574 word assumed.  
1575

1576 Q: I'm only astonished at the changing answers.  
1577  
1578 A1: I don't think they've changed but the re- the record will speak for itself.  
1579  
1580 Q1: Okay going back to the question that was, uh, asked of you, um, I think it was  
1581 just prior to the - to the break, um, it was a - a question that was initially asked  
1582 as - was that have you ever provided anything to the street informants. Not  
1583 [REDACTED], it was wh- during your - during the course of your career  
1584 you've had, um, I believe you estimated, uh, I don't know, a - a fair number of  
1585 street in- street informants, right? And we asked, uh, if you had ever given  
1586 anything in return for information. Your initial answer, um, was no.  
1587  
1588 A: Right.  
1589  
1590 Q1: And then asked kind of a clarifying question, you know, any type of case  
1591 consideration such as, um, drugs, pipes, whatever it may be. And then you  
1592 said, um, yes that - that may have been the case, maybe dope that you can pin  
1593 on 'em...  
1594  
1595 A: Right.  
1596  
1597 Q1: ...pipes, but nothing - nothing major.  
1598  
1599 A: But I wouldn't give the information on how - I just kind of (unintelligible)  
1600 they think they're getting away and then later on I run into 'em, "Hey," you  
1601 know what I mean...  
1602  
1603 A1: Just really quickly, that was a fairly large re-statement of prior testimony we  
1604 don't have the benefit of the transcript. My recollection of what I think you're  
1605 talking about was when he said that he thought you were asking about  
1606 [REDACTED] and then he clarified a more broader response...  
1607  
1608 Q1: Yes.  
1609  
1610 A1: ...to include other street contacts.  
1611  
1612 Q1: Yes, agreed.  
1613  
1614 A1: Is that the...  
1615  
1616 Q1: Yes.  
1617  
1618 A1: Okay. That was not included in your recitation.  
1619  
1620 Q1: Okay.

1621  
1622 A1: That fact.  
1623  
1624 Q1: Okay. I'm sorry, I - I thought it was. So in your previous answer not involving  
1625 ████████ your other street informants that you were discussing and how  
1626 sometimes you had, um, you know, in return (unintelligible) with some times  
1627 if they had a - a pipe on them or - or dope that you can pin on 'em, that would  
1628 be their - what they'd be receiving in benefit. Is that correct?  
1629  
1630 A: If they gave me info. It wasn't like I'm gonna let you go if you te- if you tell  
1631 me this.  
1632  
1633 Q1: Okay.  
1634  
1635 A: It wasn't anything like that.  
1636  
1637 Q1: Okay.  
1638  
1639 Q: Isn't that case consideration?  
1640  
1641 A: What? If I were to say if (unintelligible) if you give me info?  
1642  
1643 Q: Yes.  
1644  
1645 A: That would be yes. But I didn't do any of that. This wasn't like I got of it right  
1646 then and told them to give me information now or you're going to jail for this,  
1647 it was none of that. It was just get rid of it 'cause I couldn't, you know, if I run  
1648 into him again, you know, you got that in the back of your head well hey I let  
1649 that guy go last time.  
1650  
1651 Q: And when you say get rid of it, what do you mean get rid of it?  
1652  
1653 A: Well whether you're putting it into evidence or whether you're stompin' it out  
1654 or...  
1655  
1656 Q: Is that what you'd do with it, would you put it in evidence?  
1657  
1658 A: I don't know.  
1659  
1660 Q: Did you stomp it out?  
1661  
1662 A: I've done that too.  
1663  
1664 Q: Okay. How about dope?  
1665

1666 A: Dope I've always put in evidence.  
1667  
1668 Q: Okay 'cause you mentioned dope too.  
1669  
1670 A: Yeah, yeah. Dope was what's been in evidence. It's now property, to be  
1671 destroyed stuff.  
1672  
1673 Q: Have you ever pro- provided anyone in the past with information concerning  
1674 police operations?  
1675  
1676 A: I always talk to people about police operations, family and friends, but as far  
1677 as street people, hm-mm.  
1678  
1679 Q: Family and friends?  
1680  
1681 A: Sometime- sometimes you - sometimes you bullshit with 'em and you tell 'em  
1682 stories to get them scared up, you think they're doing something. You know,  
1683 I've done shit like that before. And they're watching - they're watching...  
1684  
1685 Q: How about your [REDACTED]  
1686  
1687 A: What about her?  
1688  
1689 Q: Have you ever talked with her about police operations?  
1690  
1691 A: No. I haven't talked to her in - shit she's been in jail, it's been a long time.  
1692  
1693 Q: Well I know. I'm talkin' about before she was in jail.  
1694  
1695 A: No. After - after, I mean...  
1696  
1697 A1: Sorry, hold on. Let's pause real quick. You're talking about his [REDACTED]  
1698 [REDACTED]  
1699  
1700 Q: Yes.  
1701  
1702 A1: Is that in any way have any nexus to the two reports listed in the notice? And  
1703 the informant has now been identified as [REDACTED] Is there any  
1704 nexus between his [REDACTED] and any of the things included in the notice?  
1705  
1706 Q: We'll get there.  
1707  
1708 A1: Okay well we should get there before you ask questions about it.  
1709  
1710 Q: Well - well we'll - we'll get there.

1711  
1712 A1: I mean I...  
1713  
1714 Q: No it's - I understand, I just - I want to find out more about [REDACTED]  
1715 because it's been alleged that you provided [REDACTED] with information and I  
1716 think that there may be a pattern of providing people information.  
1717  
1718 A1: Okay. If that is the case that should've been included in the notice.  
1719  
1720 Q: I'm just askin' a question.  
1721  
1722 A1: Correct?  
1723  
1724 Q: Did you - did you a- did you - if you provided [REDACTED] with...  
1725  
1726 A1: Let's memorialize this for the record, I've objected that you're asking a  
1727 question outside the scope of the notice issued. Are you - you're respective of  
1728 that objection ordering my client to answer your question?  
1729  
1730 Q: I'm asking a question of whether or not he's provided with [REDACTED] with  
1731 information in the past.  
1732  
1733 A1: And I'm objecting.  
1734  
1735 Q: I'm not...  
1736  
1737 A1: That is outside the scope of the notice.  
1738  
1739 Q: ...you know what, I'm - I'm only trying to set a foundation for what I believe  
1740 is - is - was the - the - the conduct that we've already questioned about.  
1741  
1742 A1: Based on the information before us, I think that is outside of the scope so I'm  
1743 objecting to the asking of the question. You're respective of my objection, you  
1744 can order him to answer your question, I just want to know if that's what you  
1745 plan to do right now.  
1746  
1747 Q: Well let's ask the question.  
1748  
1749 A1: Are you ordering him to answer that question over my objection?  
1750  
1751 Q: Not at this point, no. Well I - I have other questions so I can move on.  
1752  
1753 A1: Okay.  
1754  
1755 Q: Okay.

1756  
1757 A1: Let's do that.  
1758  
1759 Q: Were you aware that [REDACTED] told officers, um, that you provided  
1760 information...  
1761  
1762 A1: Same objection. Same objection. If we're gonna go down this road you have  
1763 to order him to answer the question over my objection.  
1764  
1765 Q: Okay. Because I think the truth is this has been going on for some time. Is that  
1766 true?  
1767  
1768 A1: Okay. Just...  
1769  
1770 Q: That- that's - that's...  
1771  
1772 A1: ...do you - do you - do you...  
1773  
1774 Q: ...a general question.  
1775  
1776 A1: ...do you understand my objection?  
1777  
1778 Q: That's - I understand your - and I'm asking generally, has this gone on for a  
1779 long time...  
1780  
1781 A1: That's the same...  
1782  
1783 Q: ...when you provided people with information?  
1784  
1785 A1: ...same objection. There's not a general allegation in the notice, it's specific  
1786 to, uh, a unnamed informant who has now been identified at [REDACTED]  
1787 [REDACTED] So same objection. If we're gonna go down this road I'm objecting  
1788 and you can order him to answer your questions but you need to say the  
1789 words.  
1790  
1791 Q: Castillo have you ever provided anybody with information in the past?  
1792  
1793 A1: Same objection.  
1794  
1795 Q: Are you ordering him not to answer my question?  
1796  
1797 A1: I can't order him. You've already ordered him.  
1798  
1799 Q: Yes I'm ordering you to answer the question. How's that?  
1800

1801 A1: There you go. That's fine.  
1802  
1803 Q: Thank you.  
1804  
1805 A: Okay Tony, which - which question do you want now? There was so many  
1806 different ones.  
1807  
1808 Q: I just want to find out if in general...  
1809  
1810 A: Mm-hm.  
1811  
1812 Q: ...you've even provided anyone with information about police operations or  
1813 anything like that in the past.  
1814  
1815 A: No. I mean I've talked to people about...  
1816  
1817 Q: And I'm only setting a foundation.  
1818  
1819 A: ...we're looking for people - that we're looking for people, yeah I've talked to  
1820 people that we're looking for somebody. Absolutely.  
1821  
1822 Q: Okay.  
1823  
1824 A: But I haven't given 'em any information head's up wise. Typically I don't  
1825 have that information anyway.  
1826  
1827 Q: Okay.  
1828  
1829 A: But like I said, I have told people things before in the past to - to make them  
1830 think that shit like that was gonna happen to 'em just to scare 'em.  
1831  
1832 Q: What - explain that to me, what does that mean?  
1833  
1834 A: I - if cops are lookin' at you, you better watch out, you know, things like that.  
1835 But it - there was never any information to back it up, it was just a - a bullshit  
1836 story to tell 'em to scare 'em, I didn't want 'em doin' whatever I thought they  
1837 were doing.  
1838  
1839 Q: Who did you tell that to?  
1840  
1841 A: Plenty of people.  
1842  
1843 Q: Plenty of people.  
1844  
1845 A: I - I - I wouldn't say - I wouldn't say it was, uh, specific people, just

1846 something just came out, you know, something I said to people, whoever it  
1847 was, whatever the reason was.  
1848  
1849 Q: We're gonna circle back now.  
1850  
1851 A: Okay.  
1852  
1853 Q: Did you ever tell that to [REDACTED]  
1854  
1855 A: I don't think so.  
1856  
1857 Q: You don't think so?  
1858  
1859 A: I don't think so. Is it possible? Maybe I have. I know I told him in the past,  
1860 "You best watch out, people are sell- thinkin' you're sellin' dope," but I don't  
1861 - I don't think I've ever told him that's the - the thing I just talked to you  
1862 about, "Hey they're lookin' at you," I don't think I've ever told him that.  
1863  
1864 Q: You don't think so?  
1865  
1866 A: No I don't think so. If I did it wasn't - there wasn't no information to back it  
1867 up, let's put it that way.  
1868  
1869 Q: Okay, fair enough. That was it. That was all I was trying to get to.  
1870  
1871 A: Yeah I know.  
1872  
1873 Q: I'm not - I'm not going down that road, I just want to make sure you're clear  
1874 that I was just trying to...  
1875  
1876 A1: No, yeah I appreciate it.  
1877  
1878 Q: ...(unintelligible) that I was getting to. That's all.  
1879  
1880 A1: And I - I really don't try to make your life harder.  
1881  
1882 Q: No.  
1883  
1884 A1: It's just...  
1885  
1886 Q: I understand.  
1887  
1888 A1: ...lawyer stuff like big dark question marks, you know. It's - I have to - before  
1889 we go down the road I have to lay an objection or at the...  
1890

1891 Q: Sure.  
1892  
1893 A1: ...end of the day if you were to say I didn't do my job.  
1894  
1895 Q: No I understand, I just want to make sure.  
1896  
1897 A1: Yeah no, I...  
1898  
1899 Q: And we're - we're...  
1900  
1901 A1: ...I appreciate it.  
1902  
1903 Q: ...we're going about this - this for - I just needed to get through some minutia  
1904 before I could get to my question...  
1905  
1906 A1: Okay.  
1907  
1908 Q: ...I was looking for. Thank you. Um, anything more on that?  
1909  
1910 Q1: Yeah did you ever think by going to - you said that you - you may have told,  
1911 um, people in the past that the cops were - are lookin' at you...  
1912  
1913 A: Yeah.  
1914  
1915 Q1: ...uh, in a way to, uh, you know, gather information or maybe - i- is that - that  
1916 fair?  
1917  
1918 A: Yeah I would say that's...  
1919  
1920 Q1: Or what was the reason - what was the reason for telling people - telling, um...  
1921  
1922 A: Typically I tell people that if I think they're doing something or hear they're  
1923 doing something but I've got nothing to pin it on 'em. So I'd say, "Shit you  
1924 better watch out, the cops are watching you, you know." (Unintelligible) the  
1925 perfect example, I tell those guys all the time 'cause I never catch 'em with  
1926 guns or dope but you know it's goin' on over there. "All the cops are watchin'  
1927 this place, they're gonna raid this place pretty soon, watch." You know, things  
1928 like that. And - but there was no information or no nothing to back it up, it  
1929 was strictly just used as a scare tactic.  
1930  
1931 Q1: Okay. Did you ever think that those scare tactic- tactics could possibly  
1932 jeopardize a- an investigation that you may not be aware of?  
1933  
1934 A: I guess it could but that - that wasn't the intent when I was doin' it. You  
1935 know, had - like I said had I known, if I knew something was gonna happen

1936 then of course I wouldn't have said anything like that. You know, if I had any  
1937 information to say that I knew a house was being looked at or I knew the  
1938 house was gonna get hit of course I wouldn't say anything like that. This is all  
1939 just kind of just BS-in' with them to try and get 'em to knock off whatever  
1940 they're fuckin' doin' or scare 'em.

1941  
1942 Q1: Okay.

1943  
1944 A: You know?

1945  
1946 Q1: With all you training, all your experience, you know, especially being an  
1947 investigator for many years and being a- an active supervisor of investigations  
1948 could you ever - could you ever thing that that could be - one thing th- that's  
1949 significant officer safety concern because who knows if, uh, you know, maybe  
1950 - maybe the police are really lookin' at 'em and that puts 'em on - on the  
1951 guard. Or that it could jeopardize investigation.

1952  
1953 A: You know, I didn't think of that because I didn't, you know, like I said it  
1954 wasn't because I didn't think there was any investigation on. You know, had I  
1955 known, of course, that's not something I would say. I'm not gonna put  
1956 anybody here at risk for that. Or jeopardize any investigation, you know, but  
1957 when I say these things I'm not thinking someone's gonna get hurt or the cops  
1958 are really lookin' at 'em, you know what I mean. God if I had known that I  
1959 wouldn't have said anything like that, you know.

1960  
1961 Q: But you knew that [REDACTED] was a dope dealer.

1962  
1963 A: I assumed, yeah. I never had any solid information, I've heard that he was,  
1964 you know, but I, once again...

1965  
1966 Q: But that would require have you - seeing him sling dope to - 'cause you're  
1967 saying...

1968  
1969 A: Or get - I - I...

1970  
1971 Q: ...(unintelligible).

1972  
1973 A: ...'cause I heard he got arrested for - for it.

1974  
1975 Q: Okay.

1976  
1977 A: You know, I - I had heard that he got arrested for it before.

1978  
1979 Q: And so you assume based on an arrest?

1980

1981 A: And never been - yeah and I think peop- people that - people were telling me  
1982 on the street, "[REDACTED] selling dope. [REDACTED] selling dope.  
1983 [REDACTED] selling dope." I think other cops said he was selling dope too but  
1984 I, you know, I don't - you hear the stories, you - you know how it works out  
1985 there, you hear things. But (unintelligible) never saw him but...  
1986  
1987 Q: But - but generally speaking when I hear - especially from other officers that  
1988 somebody's slinging dope it goes from an assumption to...  
1989  
1990 A: Well depending upon where they got the information from too, I mean 'cause  
1991 they got the information from somebody like I got it or it's just a street guy  
1992 saying, "Oh [REDACTED] selling dope." I mean it wasn't from like - from a  
1993 narcotics officer or nothing like that or a detective, it would never have come -  
1994 the information never came like that. It came literally through the streets.  
1995  
1996 Q: Okay. All right. Anything else on that, Lieutenant?  
1997  
1998 Q1: No I think we're fine.  
1999  
2000 Q: Okay. We're gonna change gears now and talk about a separate incident. Uh,  
2001 now before, uh, we came on record I gave you two police reports to help, uh,  
2002 to help you prepare and help refresh your recollection. I'm gonna talk to you  
2003 today - or, not today, at this moment rather about the case specific is [REDACTED]  
2004 [REDACTED] And even though you didn't have - I don't think you authored a  
2005 supplemental report anywhere in this, um, there was an incident that occurred  
2006 having to do with the case that I want to talk to you about. And you've had an  
2007 opportunity to review the case, did that in any way refresh your recollection  
2008 about the incident that I want to talk to you about?  
2009  
2010 A: Yes I know exactly what it is.  
2011  
2012 Q: Okay good. So this was on February 24, did you work that day?  
2013  
2014 A: Yes.  
2015  
2016 Q: Okay. In what capacity?  
2017  
2018 A: Day shift, Patrol supervisor.  
2019  
2020 Q: Did you assist, uh, SOU our Special Ope- Operations Unit that day at any  
2021 point?  
2022  
2023 A: I think I covered one of them on a traffic stop on [REDACTED]  
2024  
2025 Q: Okay.

2026  
2027 A: [REDACTED] wherever they were, somewhere off G Street.  
2028  
2029 Q: Were you aware that they sus- they seized stolen property during some of  
2030 their stops that day?  
2031  
2032 A: Later on I did, yes.  
2033  
2034 Q: Okay. Did you speak to detectives in the evidence processing room? It  
2035 would've been that evening.  
2036  
2037 A: Yes.  
2038  
2039 Q: Who was there and who might you have spoken to?  
2040  
2041 A: Uh, Detective (Evans) was the one I was talking to. I think he's the only one I  
2042 talked to. There was other people in and out of there but as far as...  
2043  
2044 Q: Who else was in there?  
2045  
2046 A: It was a patrol officer, one of my guys was in there. I think that's it.  
2047  
2048 Q: Okay.  
2049  
2050 A: I mean there was other people coming in and out obviously, it was the end of  
2051 the day, there was a lot of evidence coming and going.  
2052  
2053 Q: Well let's talk about that interaction you said with Detective (Evans).  
2054  
2055 A: Mm-hm.  
2056  
2057 Q: What was said?  
2058  
2059 A: Uh, basically what happened was I went through I wa- and I want to say one  
2060 of my officers was in the evidence room, I went in there and there was a  
2061 bunch of evidence in the - in the room left unattended.  
2062  
2063 Q: Okay.  
2064  
2065 A: And I didn't know whose it was, who it belonged to and I asked the guys, "No  
2066 it's not mine, it's not mine," didn't know where it came from. Obviously  
2067 that's not something we do so I left and I came back and (Evans) was now  
2068 with the property a little bit later, a half hour later, 20 minutes later, um...  
2069  
2070 A1: Just for the record, (Evans) was with the property?

2071  
2072 A: Yeah.  
2073  
2074 A1: Okay. Just (Evans) is close to evidence, it's gonna be transcribed by a person.  
2075  
2076 Q: No I - I appreciate...  
2077  
2078 A1: Yeah.  
2079  
2080 Q: ...the clarification.  
2081  
2082 A1: Yeah.  
2083  
2084 A: Um, so I talked to him and I basically confronted him on why he's leaving  
2085 property unattended, you know, evidence unattended. I go, "Is this evidence?"  
2086 He goes, "No it's just found property," and I go, "Yeah you can't -  
2087 somebody's gotta stay with the stuff. You can't just leave it in here like that,  
2088 somebody's gonna steal it." I go, "Look at this fuckin' drill right here  
2089 (unintelligible) if I would've just took it you would have never known," you  
2090 know, kind of thing. "I need a drill," you know, messing with him kind of  
2091 thing and, "Okay, okay, I'm sorry, I won't do it again." I left, I ended up  
2092 coming back by again, property is left unattended again. This is after I had  
2093 already talked to him about not leaving the property unattended. So this time  
2094 being the smartass, I probably shouldn't have done it, I took the drill and I put  
2095 it under the sink in the evidence room, kind of just to prove a point to show -  
2096 show him that stuff could walk away. Um, thinking that I was gonna go back  
2097 later and take it or tell him, um, but it was the end of the work day and I  
2098 totally forgot about it. Totally forgot about it. And I didn't remember until the  
2099 following week. It literally stayed under that sink for an entire week before I  
2100 remembered about it. So my next conversation was oh my God, I forgot the  
2101 damn thing. So I call him up and say, "Hey (unintelligible) I forgot to tell you  
2102 that drill's under the sink, you know, what do you want me to do with it?"  
2103 "Well bring it upstairs." So we get it, we go upstairs, he's not there and I'm  
2104 not gonna leave this thing just sitting out (unintelligible) it was a Friday I  
2105 think it was, Thursday or - well it had to be a Friday or Saturday. 'Cause there  
2106 was nobody out there so it probably a Saturday. And, uh, I end up talking to  
2107 him on the phone tellin' - he tells me to leave it somewhere out there and I  
2108 didn't feel comfortable leaving it out there so I put it back under the sink, um,  
2109 thinking I would just deal with it when he'd come back to work on Monday.  
2110 And that was the end of it.  
2111  
2112 Q: Okay. So I appreciate the narrative and I want to go back through it just to  
2113 clarify.  
2114  
2115 A: Yeah.

2116  
2117 Q: So you found some evidence that was left unattended. Um, it was some time  
2118 you later, you estimate how much later?  
2119  
2120 A: Twenty, thirty minutes later when I went back and (Evans) was not with it.  
2121  
2122 Q: Okay. And then you had a conversation with him?  
2123  
2124 A: Yeah.  
2125  
2126 Q: Now describe to me that conversation a- again just 'cause I want to be clear  
2127 'cause you were describing it from my estimation almost as an admonishment  
2128 to them. Is that correct?  
2129  
2130 A: At the beginning it was, yes.  
2131  
2132 Q: Okay.  
2133  
2134 A: When you say them, it was to (Evans), I don't...  
2135  
2136 Q: I'm sorry, and I...  
2137  
2138 A: ...think anybody else was there.  
2139  
2140 Q: (Evans).  
2141  
2142 A: I don't think there was anybody else there.  
2143  
2144 Q: You - you only remembered (Evans)...  
2145  
2146 A: (Evans) yeah.  
2147  
2148 Q: ...there were other people present but that's...  
2149  
2150 A: And that's...  
2151  
2152 Q: That's fine.  
2153  
2154 A: ...I think it was just 'cause I only interacted really with him.  
2155  
2156 Q: Okay.  
2157  
2158 A: Um, anyways so I just, "Hey what are you doing? You know, you can't leave  
2159 evidence like this," kind of thing. But it was casual, it wasn't like - it's was an  
2160 admonishment but it was a casual admonishment. Those - (Evans) is a good

2161 friend of mine, you know, I play softball with him, I mean it's not like - he's  
2162 like one of my guys, it wasn't like a stern, you know, kind of thing, it was  
2163 kind of a loose conversation that, "Hey you can't leave it here. Stay with it."  
2164 He said something about somebody else bringing it to the station or he didn't  
2165 know - I don't know what it was. I said either way somebody's gotta stay with  
2166 it, you can't leave it in here kind of deal. You know, what if it walks away and  
2167 you're never gonna know. I need a new drill. It was a bad ass drill, you know,  
2168 look at this bad ass drill combo set. This (unintelligible) never know who it  
2169 was.

2170  
2171 Q: Okay.

2172  
2173 A: Kind of thing and, uh, and that was the end of it. I left it there and walked out  
2174 and, you know, and walked out. They were there and I left and came back  
2175 through later, I don't even know how long after that it was, I couldn't even tell  
2176 you how long after that it was. Maybe another half an hour and that's just an  
2177 assumption, a guess. Gone again but the property is still there. And there's  
2178 nobody in the room. So that's when I grabbed the drill and put it under the  
2179 sink.

2180  
2181 Q: And you did that why?

2182  
2183 A: Just to kind of prove a point to 'em that stuff could walk away. Right after our  
2184 conversation we had the previous time about it.

2185  
2186 Q: Okay. Um...

2187  
2188 A: I mean (unintelligible) right thing to do and I was wrong, I shouldn't have  
2189 done it. I mean my intent was to go back and pull it out and give it to him.

2190  
2191 Q: In any event you did go back, correct?

2192  
2193 A: The following week.

2194  
2195 Q: Just like - the following week.

2196  
2197 A: Yeah.

2198  
2199 Q: Do you remember what day of the week that was?

2200  
2201 A: I - like I said either Friday or Saturday.

2202  
2203 Q: Okay. But the following week. And...

2204  
2205 A: Yeah. Because I went on my days off. I want to say that the day this all

2206 happened was a Friday where I was off.  
2207

2208 Q: Okay.  
2209

2210 A: I obviously didn't think anything of it 'til I came back to work. I don't know  
2211 what sparked me to remind me like oh shit that drill is still under there, under  
2212 the sink.  
2213

2214 Q: Okay.  
2215

2216 A: So I called (Evans) and told him, "Hey dude, sorry I was just messin' with  
2217 that, I was fuckin' with ya, I left that drill under the sink. Did you get it?" "No  
2218 I didn't get it."  
2219

2220 Q: Okay. What did you do - do with the drill then after you - now did you call  
2221 him before or after you got the drill? Or you found the drill, you fou- you said  
2222 you found the drill.  
2223

2224 A: What do you mean?  
2225

2226 Q: Under the sink. Is that correct?  
2227

2228 A: Oh you're right, that's where it was still there. It was still there.  
2229

2230 Q: Okay so you found - when - when did you call (Evans)?  
2231

2232 A: I don't remember if I saw it first and then called him or if I called him first  
2233 and asked him if he got it, I can't remember how but it was all about the same  
2234 time. 'Cause I was in the station when it happened.  
2235

2236 Q: Okay.  
2237

2238 A: Um, so then I pulled it out of there to bring it, you know, go bring it upstairs  
2239 to him.  
2240

2241 Q: Where did you take it then?  
2242

2243 A: I think I took it into the briefing room. I don't know, I had it with me for a  
2244 minute. We were doin- out walking all over the place. Went in the briefing  
2245 room - when I think about it, went in the sergeants office then I walked up the  
2246 stairs with it, back stairs...  
2247

2248 Q: Do you remember the order in which you did those things?  
2249

2250 A: No. No I really - it wasn't that big of a thing, like to be honest with you I was

2251 just trying to give it back to him. You know, I had already felt bad enough that  
2252 I had left it in there for a week. Um...

2253

2254 Q: Did you take it upstairs?

2255

2256 A: Yeah.

2257

2258 Q: Where?

2259

2260 A: Just to the back door of the (unintelligible) office and knocked on the door.

2261

2262 Q: But you didn't go further than that?

2263

2264 A: Not with that. Not with th- that. I went inside, I think I talked to - I went  
2265 inside and asked [REDACTED] if they were working, she said no. That's when I  
2266 brought it back downstairs.

2267

2268 Q: So you talked to [REDACTED]

2269

2270 A: Yeah.

2271

2272 Q: Did you have the drill then?

2273

2274 A: I don't know if I had it with me or if I left it outside their door. I might have  
2275 left it outside the door, if not I did have it with me. I don't know. But it came  
2276 with me upstairs.

2277

2278 Q: And then what'd you do with it after you took it upstairs?

2279

2280 A: Put it back down under the sink.

2281

2282 Q: Okay. Are you familiar with our policies concerning handling of evidence?

2283

2284 A: Yes.

2285

2286 Q: Okay. Can you tell me about that?

2287

2288 A: You gotta maintain custody of 'em at all times, they gotta be secured.

2289

2290 Q: Okay.

2291

2292 A: It's got a chain of command, it's gotta be entered into evidence, uh, for a  
2293 report, so yes and I didn't obey that one.

2294

2295 Q: I'm sorry, what?

2296  
2297 A: I said I didn't follow that policy.  
2298  
2299 Q: Okay.  
2300  
2301 A: On this. I mean I'll - I'll up (frontly) admit that. I - I screwed up.  
2302  
2303 Q: I'll offer this to you just so - for your review so you can take a look at it. Um,  
2304 I've got it noted as E3, it's Policy Number 811. All right, and it's  
2305 (unintelligible) policy.  
2306  
2307 A: (Unintelligible).  
2308  
2309 Q: (Unintelligible), okay. Was there any legitimate law enforcement reason for  
2310 handling the evidence in that way?  
2311  
2312 A: No.  
2313  
2314 Q: So let's go back, let's - I'm gonna focus on the day where you ultimately  
2315 located the drill under the sink. What prompted you to look under the sink for  
2316 the drill or what prompted your memory?  
2317  
2318 A: That's where I left it. The day before I realized that I didn't - or, week  
2319 before...  
2320  
2321 Q: Well not the day before.  
2322  
2323 A: ...week before, it was the week before.  
2324  
2325 Q: What prompted your memory of that?  
2326  
2327 A: Because I never got it back to [REDACTED] And I don't know what sparked my  
2328 memory, oh shit - I just remember it coming back in my head oh my God, I  
2329 forgot about that drill.  
2330  
2331 Q: And let's focus on some of the details of that day, the day that you located it  
2332 where you left it under the sink.  
2333  
2334 A: Okay.  
2335  
2336 Q: What did you do with the drill as soon as you found it under the sink?  
2337  
2338 A: Took it out of there and I don't remember where I went with it but I had it  
2339 with me.  
2340

2341 Q: Okay but you don't remember where you went with it immediately?  
2342  
2343 A: Hm-mm.  
2344  
2345 Q: Did you go upstairs with it immediately?  
2346  
2347 A: I don't remember if I went upstairs immediately or if I went to sergeants  
2348 office with or I went to the briefing room, I - I went a variety of places.  
2349  
2350 Q: Okay.  
2351  
2352 A: And I don't know. I mean I was still in the mode of messing with him, to be  
2353 honest with you.  
2354  
2355 Q: So you were messing with him.  
2356  
2357 A: Still messing with (Josh), you know, I was gonna get an empty box to be  
2358 honest with you, I figured give him the empty box 'cause I thought he was up  
2359 there.  
2360  
2361 Q: Okay now...  
2362  
2363 A: I mean I was still literally was in the me- messing mode, I didn't think  
2364 anything more than that.  
2365  
2366 Q: So you were gonna give him an empty box?  
2367  
2368 A: Just to mess with him I was gonna hand it to him. That was my plan but it  
2369 didn't happen.  
2370  
2371 Q: Okay.  
2372  
2373 A: Obviously, 'cause he wasn't there. That's when I said I'm putting it all back  
2374 under the sink. I'm leaving it alone and tell him where it was.  
2375  
2376 Q: Was that before or after you talked to him on the phone?  
2377  
2378 A: After.  
2379  
2380 Q: So after you talked to him on the phone then you went upstairs to try to mess  
2381 with him? I'm sorry, I'm trying to understand.  
2382  
2383 A: Before. Yeah because I didn't know - we - he wasn't up there, that's when I  
2384 called him and he wasn't working. That's when I found out that he wasn't  
2385 there. But besides [REDACTED] too.

2386  
2387 Q: Okay.  
2388  
2389 A: She said he wasn't there but when I talked to (Josh), "I'm not working today  
2390 just leave it upstairs." Does that make sense?  
2391  
2392 Q: Yes.  
2393  
2394 A: Okay.  
2395  
2396 Q: Did you say (unintelligible)...  
2397  
2398 A: So before that was when I was gonna mess with him. Once I found out that he  
2399 wasn't workin' it all - this - the whole plan went to poop and I went back  
2400 and...  
2401  
2402 Q: And your plan you said was to give him an empty box?  
2403  
2404 A: To mess with him, yeah.  
2405  
2406 Q: What were you gonna do?  
2407  
2408 A: Just be a smartass. I mean it was just literally being a - a - just goofin' around.  
2409  
2410 Q: Okay.  
2411  
2412 A: It wasn't nothing more than that.  
2413  
2414 Q: Did you empty the box?  
2415  
2416 A: No.  
2417  
2418 Q: Did you open the box?  
2419  
2420 A: I don't know if I - no.  
2421  
2422 Q: You didn't?  
2423  
2424 A: I don't think I opened it.  
2425  
2426 Q: Okay. Did you take anything out of the box?  
2427  
2428 A: Hm-mm.  
2429  
2430 Q: Okay. Um, so as I'm understanding this, and you found the box- the drill set,

2431 we'll just refer to it as a drill set...

2432

2433 A: Drill set, yeah.

2434

2435 Q: ...it's in the box obviously. You took it upstairs - or you took it looking for

2436 him, is that correct? Or...

2437

2438 A: At one point, yes. Took it upstairs to give it back to him.

2439

2440 Q: To give it back to him. And your intent was to give him an empty box.

2441

2442 A: Right.

2443

2444 Q: To further your joke.

2445

2446 A: Right.

2447

2448 Q: Okay. And at some point you - you made it upstairs to the Narc office and you

2449 said you knocked on the door there?

2450

2451 A: The back door.

2452

2453 Q: Their back door?

2454

2455 A: I think it was the back door I knocked on.

2456

2457 Q: Okay. And you didn't get a response, is that correct?

2458

2459 A: That's correct.

2460

2461 Q: And so then you...

2462

2463 A: Then I walked inside.

2464

2465 Q: You walked inside of where?

2466

2467 A: The other double door into the ev- investigation...

2468

2469 Q: To - to regular Investigations?

2470

2471 A: Right.

2472

2473 Q: And that was when you talked to [REDACTED]

2474

2475 A: Yeah. And asked her if they were there and she said they're not.

2476  
2477 Q: Okay. Did you talk to anybody else upstairs?  
2478  
2479 A: No. I think she was the only one up there?  
2480  
2481 Q: Okay. And then where did you go with it after that?  
2482  
2483 A: Back downstairs and put it under the sink.  
2484  
2485 Q: Okay. You also had mentioned that you'd been maybe to the watch  
2486 commander's office and other places...  
2487  
2488 A: Yeah but I think that was before I went upstairs. I think that was all before I  
2489 went upstairs. I - 'cause I had it with me.  
2490  
2491 Q: Okay.  
2492  
2493 A: Like I said it was all part of the plan just to mess with him, you know, and I  
2494 was trying to think of what I had to do to mess with him. So I did have it with  
2495 me (unintelligible). I know I had it in the briefing room. I think that's it  
2496 (unintelligible). Like I said it was just a - it was a poor attempt at that...  
2497  
2498 Q: Did anybody else see you with the drill?  
2499  
2500 A: Oh I have no idea.  
2501  
2502 Q: I mean did you contact anybody else while you had the drill with you?  
2503  
2504 A: Do I know - I don't know. I mean if I ran through that passing with somebody  
2505 at the station maybe. But nothing direct, I wasn't holding it while I remember  
2506 having a specific conversation with some...  
2507  
2508 Q: Okay.  
2509  
2510 A: ...somebody.  
2511  
2512 Q: Did you ever have any conversations with anybody else that day in front of  
2513 Investigations?  
2514  
2515 A: I don't think so. It was just (Josh). Which day?  
2516  
2517 Q: The day that you talked to (Josh).  
2518  
2519 A: The - the - the week after or the day - or the day that it happened?  
2520

2521 Q: I'm sorry. To clarify...

2522

2523 A: Yeah.

2524

2525 Q: ...so I- I'm just sticking to the - the week after incident...

2526

2527 A: Okay.

2528

2529 Q: ...and...

2530

2531 A: No I think (Josh) is the only one I talked to.

2532

2533 Q: (Josh) is the only one you talked to. Um, and I - I got the date here, let me

2534 make sure I...

2535

2536 A: (Unintelligible).

2537

2538 Q: ...I'm talking about the right date. It's actually March 3...

2539

2540 A: Okay.

2541

2542 Q: ...is the Friday of that...

2543

2544 A: The week - okay. So yeah.

2545

2546 Q: And that's your (unintelligible)? Okay. So you only talked to (Josh Evans)...

2547

2548 A: On the phone.

2549

2550 Q: ...on the phone. And what did you tell (Josh)?

2551

2552 A: "Man dude I fucked up, I left that - did you get that," first I said, "Hey did you

2553 get that drill?" He goes, "No." I go, "Dude I fucked up, I put it under the sink,

2554 it's still sitting under there if you didn't get it, right?" He goes, "No I didn't

2555 get it." And that's when I hung up with him, went and got it. Well I talked

2556 about bringing and giving it to him (unintelligible), "Bring it upstairs." Okay

2557 so that's when I went and got it and went upstairs with it. Obviously the stuff

2558 happened, you know, walking around thinking how I can further the joke to

2559 him between that time. But...

2560

2561 Q: Okay. I don't think I quite understand the - the empty box joke. So at what

2562 point did you...

2563

2564 A: I was just gonna - I mean literally I was gonna have the drill with me but I was

2565 just gonna hand him an empty box so he'd be like, "What the hell is this," you

2566 know. That's all that was. I - it wasn't anything more than that. I mean  
2567 obviously he's gonna know the drill is missing as soon as I hand it to him, it  
2568 was just to be funny.  
2569  
2570 Q: Okay. Um, did you talk to Sergeant (Wisecarver) that day?  
2571  
2572 A: I don't think so.  
2573  
2574 Q: Did you talk to - how about [REDACTED]  
2575  
2576 A: I don't think I talked to anybody that day besides (Josh). I really don't  
2577 remember talking to anybody that day.  
2578  
2579 Q: Are you aware that there's video surveillance in that room?  
2580  
2581 A: Yeah.  
2582  
2583 Q: Yes?  
2584  
2585 A: Yeah.  
2586  
2587 Q: Where is it?  
2588  
2589 A: I don't know. I just assumed there's always video surveillance in that room.  
2590  
2591 Q: You just assumed it?  
2592  
2593 A: Mm-hm.  
2594  
2595 Q: Okay.  
2596  
2597 A: I mean I've - I've heard about it be- I've heard about them (unintelligible), do  
2598 - do I know specifically where it is? No.  
2599  
2600 Q: Okay so you're...  
2601  
2602 A: It's not an obvious camera up there.  
2603  
2604 Q: Okay. So you're aware there's video surveillance in that room?  
2605  
2606 A: Yeah I know there is, in the past I know there has been.  
2607  
2608 Q: Santiago are you lying to us about anything what you were doing with that  
2609 drill right now?  
2610

2611 A: About what?  
2612  
2613 Q: The drill. The - the incident from start to finish, are you lying about any...  
2614  
2615 A: (Unintelligible)...  
2616  
2617 Q: ...any point of it?  
2618  
2619 A: ...that's - that's what it's all about. That was it.  
2620  
2621 Q: And that was it. 'Cause there is video surveillance.  
2622  
2623 A: Okay. That should show exactly what I did. Nobody was in there, I put it  
2624 under the sink and left. Should show me back in there Friday getting it out of  
2625 the sink, walking with it there for a little bit and bringing it back. Is that  
2626 correct? I mean that's - that's all that - that should be done.  
2627  
2628 Q: That's roughly correct.  
2629  
2630 A: It should - yeah it should all that should be there.  
2631  
2632 Q1: Let me ask you this, so why did you open the box?  
2633  
2634 A: Like I told you, I was gonna give him the empty box. That was the whole plan  
2635 just to further the thing. I don't think I opened it though, I think I just - like I  
2636 didn't take anything out of it, I don't know if I cut the tape or not. I might  
2637 have, I might've pulled it open or - I don't know. But the whole plan was to  
2638 give him an empty box. That was the whole plan was just to - I mean seriously  
2639 it was just a piss poor attempt to try and be - do something funny, smartass.  
2640 You know.  
2641  
2642 Q: Once you realized you had made this error in judgment, um, you've  
2643 acknowledged that - you realized you made a mistake?  
2644  
2645 A: Yeah.  
2646  
2647 Q: What did you do to rectify that?  
2648  
2649 A: As far as...  
2650  
2651 Q: The mistake that you had made.  
2652  
2653 A: I put it back and I told (Josh) where it was at.  
2654  
2655 Q: Okay. Did you tell anybody?

2656  
2657 A: (Josh). It was his evidence that's why I told him.  
2658  
2659 Q: Did you tell anybody else?  
2660  
2661 A: Hm-mm.  
2662  
2663 Q: Did you have an opportunity to tell anybody else?  
2664  
2665 A: I didn't see the need to tell anybody else 'cause it was just his evidence, that's  
2666 the only person I felt like I needed to deal with.  
2667  
2668 Q: But you put it back under the sink.  
2669  
2670 A: Yes.  
2671  
2672 Q: You did not log it into evidence?  
2673  
2674 A: No I did not log it into evidence. I didn't have the case number for it, you  
2675 know, it wasn't my - it - my - once again my error was...  
2676  
2677 Q: What would have been the proper way of handling that?  
2678  
2679 A: The proper way would have been getting a case number for that case,  
2680 whatever that was and log it in myself. That would have been the proper way  
2681 of doing it.  
2682  
2683 Q: Okay. But you didn't do that.  
2684  
2685 A: I did not do that, no.  
2686  
2687 Q: Why not?  
2688  
2689 A: I didn't even think about it to be honest with you. It's just - like I said I was  
2690 just trying to give the evidence back to him. Or the property back to him.  
2691  
2692 Q: Okay I want to circle back to the point you had made that this was a - a joke.  
2693 It's kind of how you described it, correct?  
2694  
2695 A: Yeah.  
2696  
2697 Q: Did you ever tell anybody about it? I mean it's a joke, we typically share  
2698 jokes.  
2699  
2700 A: Um, well no because I totally forgot all about it. Like I said, when I put that

2701 thing under the sink, if you have video from that from the first time  
2702 (unintelligible) 'cause you can - it was at the end of our shift and I meant to go  
2703 back in before the shift was over.  
2704

2705 Q: Mm-hm.  
2706

2707 A: And I didn't so it was totally forgot about. I didn't - out of sight out of mind  
2708 for over a week until I came back to work and I don't know what sparked me  
2709 to remember about it. And obviously had - had I remembered about it over the  
2710 weekend that's something I could've called (Josh) or anybody, or even  
2711 Monday when I know they're back to work, "Hey dude I forgot that thing's  
2712 under the sink, you know, my fault." I didn't even - it didn't even come to my  
2713 mind until that following Friday.  
2714

2715 Q: So this thing you did as a joke, you didn't tell anybody about?  
2716

2717 A: I don't think so.  
2718

2719 Q: Is that correct?  
2720

2721 A: Yeah. I don't think so.  
2722

2723 Q: It just doesn't seem like...  
2724

2725 A: I mean after the fact it would've.  
2726

2727 Q: ...a joke.  
2728

2729 A: After the fact it would've. Sorry.  
2730

2731 Q: Okay.  
2732

2733 A: But like I said, it wasn't intended to go on that long, it was supposed to just be  
2734 a couple minute thing, when he came back down I was gonna give it to him,  
2735 you know, whenever he was back in the evidence room but I never went back  
2736 in the evidence room after that. I went - I went home and that was it for the  
2737 day.  
2738

2739 Q1: Can you explain the - the humor in the - a joke such as that?  
2740

2741 A: What do you mean?  
2742

2743 Q1: I mean how - how...  
2744

2745 A: You mean hiding it?

2746  
2747 Q1: ...how would a joke like that - what is the purpose of the joke or how - how  
2748 would it make somebody laugh.  
2749  
2750 A: It was kind of a - being a sarcastic thing to him, funny because I had just told  
2751 him five minutes before not to leave the evidence there by itself unattended --  
2752 or not five minutes, but the previous conversation -- and he did it again. So it  
2753 was just kind of like a, "Here, ha-ha, see what can happen," kind of thing. You  
2754 know, this is what could happen. And that was the whole purpose of putting it  
2755 under the sink, there was no intent to leave it there for a damn week, That was  
2756 where it all got messed up. It should've been that day when he was back down  
2757 there, so I should have remembered it, went back in there and gave it to him  
2758 that day. Or told him where it was that day so he could have dealt with it  
2759 appropriately with the rest of the property that day. But it didn't happen like  
2760 that.  
2761  
2762 Q: So whatever happened to the drill?  
2763  
2764 A: I don't know. Last I saw it it was under the sink, the last I placed it.  
2765  
2766 Q: So you placed it back under the sink.  
2767  
2768 A: Mm-hm.  
2769  
2770 Q: Did you do any follow-up to find out what happened with the drill?  
2771  
2772 A: I told (Josh) where it was, I think he went back maybe a day - the next day or  
2773 a couple days later or maybe that following week, I don't know. I think I went  
2774 back and looked and it was gone, I just assumed they got it.  
2775  
2776 Q: Did you ever confirm?  
2777  
2778 A: (Unintelligible). No I didn't. Because I just told him. It really wasn't that big  
2779 of a deal to me, I was just kind of like, "Here," you know, it - it - it wasn't that  
2780 serious of a thing to me, I guess, you know, at that point I told him or it was  
2781 and it was there and that was the end of it for me.  
2782  
2783 Q: I know that was pos- but it was possibly evidence of a felony crime.  
2784  
2785 A: He told me it was found property. Obviously if I knew it was evidence that  
2786 would've never happened in the first place anyway. But I know there's a little  
2787 more leeway with found property when it's not attached to a case like that.  
2788  
2789 Q: There's more leeway in what way?  
2790

- 2791 A: As far as it's different - there's different (importances) of it. And if you know  
2792 it's evidence in a crime I'm not gonna touch that. It's found property, I mean  
2793 you find found property all the time, you know, I figured if I did that and  
2794 messed with him it's not a big deal, you know. It still gets logged in the same  
2795 way, yeah it's still treated the same way and the same policies, I get it. But  
2796 just looking at the severity of things I wouldn't have done it if it was evidence,  
2797 had I known it was evidence that would have never happened.  
2798
- 2799 Q: 'Cause you - and you didn't do any follow up after your phone conversation  
2800 with (Evans) to make sure it was handled?  
2801
- 2802 A: Not with him, no I didn't.  
2803
- 2804 Q: Do you think you have a responsibility as a supervisor to make sure that that  
2805 has happened - that it's been handled correctly?  
2806
- 2807 A: I mean I guess yeah, thinkin' back yeah, probably. But I - like I said, I didn't  
2808 think it was a big deal. I really didn't think it was that big of a deal. Other than  
2809 the fact that it was a week in between which is kind of bad but, you know, I  
2810 didn't - it wasn't that big of a thing to me. I mean I was - it was totally a bad  
2811 joke. My - my error, it was a lapse in judgment, I mean it shouldn't - it  
2812 shouldn't have went that long, I should have went that day but obviously I  
2813 didn't.  
2814
- 2815 Q1: And what type of property was - was in that evidence room in addition to the -  
2816 the drill? What was like - what...  
2817
- 2818 A: Oh they had all kinds of stuff out there. They had a big 50" TV, they had a  
2819 whole bunch of bags, laptops, uh, bike equipment I think it was.  
2820
- 2821 Q1: What was the condition of the - the television and the drill?  
2822
- 2823 A: They were both brand new in the boxes.  
2824
- 2825 Q1: Okay. Did it occur to be - be brand new in the boxes, tape seal?  
2826
- 2827 A: It appeared to be brand new, yeah I don't know if they were sealed. They  
2828 appeared brand new, they didn't look - they didn't look opened.  
2829
- 2830 Q1: So with your training and experience as a police officer is - is it common that  
2831 we get that brand new televisions, brand new drill sets, um, are just located on  
2832 the street and not part of some type of crime?  
2833
- 2834 A: Well it happens. I mean you get it, you - you can assume it's part of a crime  
2835 but, you know, but like stolen cars for instance. You find - you recover a

2836 stolen car and you find a bunch of property in there, you know. You don't  
2837 know if it's stolen or not.  
2838

2839 Q1: But what - but brand new electronic equipment such as brand new TV, brand  
2840 new drill set would be any different than let's say an old broke down bike that  
2841 was found?  
2842

2843 A: No. I mean it- it's - the - well that's a whole different story obviously. I think  
2844 depending on where you found it circumstances are gonna dictate the - the  
2845 difference - differences of importance of it I guess, obviously.  
2846

2847 Q1: Well the reason why I'm asking that is is you're trying to downplay brand  
2848 new electronic equipment that has some type of significant value that it's - it's  
2849 just found property, it's - it's not the big of a deal, that...  
2850

2851 A: I'm saying as far as it being compared to as evidence. No I'm not talking  
2852 about monetary value or - or how much it's worth, that's - I was talking about  
2853 the differences in the importance of the case. (Unintelligible)...  
2854

2855 Q1: I mean is it possible that stuff could be evidence, just not discovered yet as  
2856 being involved in a crime?  
2857

2858 A: I guess it could've been, I don't know. I don't know the details of the case so I  
2859 don't know. I wasn't privy to any of that.  
2860

2861 Q: So I want to clarify, why did you only tell Detective (Evans) about the drill?  
2862

2863 A: It was his evidence that I talked to him about specifically that he was - it was  
2864 his evidence. That's the only reason why I talked to him. And he's the one I  
2865 hid it from originally was to mess with him.  
2866

2867 Q: Why didn't you tell his supervisor? I mean if it was just a joke gone wrong  
2868 why didn't you tell his supervisor?  
2869

2870 A: Didn't feel the need to at that point. I - here's your evidence, dude I'm sorry,  
2871 it was left there 'cause it - I didn't take it anywhere, it literally stayed under  
2872 the sink, you know, it stayed there. It was there for a whole dang week. The  
2873 only time it came...  
2874

2875 Q: Okay.  
2876

2877 A: ...out was when I brought it upstairs and brought it back - back to the sink.  
2878

2879 Q: But you spoke to Sergeant (Wisecarver) that same day that you talked to  
2880 Detective (Evans)?

2881  
2882 A: Did I?  
2883  
2884 Q: On the phone, yes.  
2885  
2886 A: And what'd I tell (Jimmy)?  
2887  
2888 Q: You didn't. That's why I'm asking you.  
2889  
2890 A: How did I talk to - what did I talk to him about?  
2891  
2892 Q: An unrelated case.  
2893  
2894 A: I didn't have the need to tell - I didn't think I had a need to tell (Jimmy) to be  
2895 honest with you. I was giving (Evans) - (Evans) back his thing, I didn't - he  
2896 was the only one I told about the whole thing.  
2897  
2898 Q: But if we're gonna handle this correctly, and if it's just a joke gone wrong...  
2899  
2900 A: And you're right. But like I said...  
2901  
2902 Q: ...that you're describing it. Wouldn't it be most appropriate to talk - tell  
2903 somebody else, "Hey (Jimmy)"...  
2904  
2905 A: Looking back you're absolutely right, yes. You're absolutely right, I should  
2906 have. There's a lot of things I could have done looking back as far as  
2907 something you said earlier, I could have checked it in myself, (unintelligible)  
2908 and put it in evidence, you're - you're right about that. I didn't.  
2909  
2910 Q: You saw me numerous times since that incident and you didn't tell me  
2911 anything about it as your direct supervisor.  
2912  
2913 A: No. No. I didn't think it was a big thing 'cause I gave him his evidence back, I  
2914 really didn't think it was a big deal.  
2915  
2916 Q: Did you give him his evidence back?  
2917  
2918 A: Well I put it back under the sink, back where he knew it was. That's where I  
2919 put it. But I didn't think - like I said I didn't think it was a big - I didn't really  
2920 think it was gonna be this big of a deal. It wasn't intended or - any way to get  
2921 to this point. Obviously it has and I'm sitting here telling you that it's my  
2922 fault, I did it. I shouldn't have done it and I did it.  
2923  
2924 Q1: And one area I don't think we have a clear answer on...  
2925

2926 A: Mm-hm.  
2927  
2928 Q1: ...is, uh, the box being opened by you. Okay I think that that - that that  
2929 (unintelligible)..  
2930  
2931 A: I think I did cut the tape, I think I might have opened it but I didn't take  
2932 anything out of it.  
2933  
2934 Q1: So it started off that...  
2935  
2936 A: I know I never took - I never took anything out of it. I can't - and the only  
2937 reason I'm saying it, I don't remember doing it but I remember one of the  
2938 flaps being open and I - I don't want to say if I did or didn't. I'm assuming I  
2939 did because I think it was sealed close before that. It was brand new so yes I  
2940 think I did, I don't know where I did it...  
2941  
2942 Q1: So yes you - you opened the box?  
2943  
2944 A: I opened the box.  
2945  
2946 Q1: You cut the tape.  
2947  
2948 A: Yes. But I didn't take anything out of it. Nothing came out of it.  
2949  
2950 Q: And why did you cut the tape?  
2951  
2952 A: The whole point was to give him an empty box.  
2953  
2954 Q: Okay.  
2955  
2956 A: But I never did it and I don't know why I didn't do it after all, I - I don't  
2957 remember whatever ha- happened but...  
2958  
2959 Q: What did you see when you opened the box?  
2960  
2961 A: Nothing. I don't think I even looked inside of it to be honest with you. I think  
2962 I just cut the tape and I never got any farther than that.  
2963  
2964 Q: So under- I understand that you cut the tape but you didn't open it?  
2965  
2966 A: Yeah 'cause I - I want to - I didn't - I...  
2967  
2968 A1: My client has already testified that he doesn't remember it and that the only  
2969 reason he thinks he opened the box is 'cause he remembers the flap. So I want  
2970 to be really clear on the record whether you're asking him what he thinks

2971 happened or if he has specific recollection, okay? Because...  
2972  
2973 Q: I'm just (unintelligible)...  
2974  
2975 A1: ...when he tells you he doesn't remember - yeah when he tells you he doesn't  
2976 remember something and then you start asking him specific things beyond  
2977 that you can put him in a situation where he's speculating. What - as - as  
2978 opposed to sitting here with an independent recollection like in my mind I can  
2979 see what's inside that box. So I think with where things at - are at and his  
2980 testimony that he remembers there being a flap so he thinks he opened the  
2981 box, I really want us to be abundantly clear about what is my client's specific  
2982 recollection versus assumptions he's making because he's as- being asked  
2983 pointed questions about something he's already said he doesn't have a  
2984 recollection of. Okay? Just let's - I mean I would - let's just admonish him  
2985 now, can you please be specific about what you have an independent  
2986 recollection of versus what you're thinking may have happened based on  
2987 other circumstances.  
2988  
2989 A: I don't have a specific recollection of opening that box. I remember the flap  
2990 being open but I never looked in the box, I never took anything out of the box.  
2991  
2992 Q: Okay.  
2993  
2994 A: And that's basically what I remember of that.  
2995  
2996 Q: Okay.  
2997  
2998 A: Does that make sense?  
2999  
3000 Q: Yes. That...  
3001  
3002 A: Okay.  
3003  
3004 Q: ...that covers that. I just want to ask this, why did you open - why did you just  
3005 open the flap and not look in the box?  
3006  
3007 A: My intent was to take the box out - to empty the box...  
3008  
3009 A1: This is exactly what I'm talking about. Just - yeah just - yeah...  
3010  
3011 Q: I'm just - I'm just trying to figure out, he's - your - your client has said -  
3012 Sergeant Castillo has said that he's opened the box with the intent to empty  
3013 the box...  
3014  
3015 A1: But so...

3016  
3017 Q: ...but he did not do that and I'm trying to figure out at what point...  
3018  
3019 A1: This is where I think the confusion lies. He said he remembers having an  
3020 intent to give an empty box...  
3021  
3022 Q: Yes.  
3023  
3024 A1: ...so he remember that. That's - we'll call that piece of evidence number 1.  
3025  
3026 Q: Okay.  
3027  
3028 A1: He remembers that he had an intent to give an empty box. He remembers that  
3029 there was an open flap so he assumes that he opened the box with this intent...  
3030  
3031 Q: Well you're - you're - you're - you're answering the question for him.  
3032  
3033 A1: Well just...  
3034  
3035 Q: So I just want to find out...  
3036  
3037 A1: What...  
3038  
3039 Q: ...I just want to find out simply if your intent was to empty the box but you  
3040 only open the box, what happened...  
3041  
3042 A: I don't know what happened, why I didn't empty it.  
3043  
3044 Q: That's all - that's all I want to know.  
3045  
3046 A1: Yeah. Yeah.  
3047  
3048 A: Okay.  
3049  
3050 A1: Okay so - so - but my point is this, and this is what I'm talking about getting  
3051 in troubles of forcing speculation through questions is, if he says, "I remember  
3052 I had an intent to open the box," and he says, "I saw a flap open so I'm  
3053 assuming I opened the box," the question, "Why did you open the box," is a  
3054 question asked with the assumption of a third piece of evidence which is that  
3055 he independently recalls opening the box. Because my mind - my mind  
3056 process, my thoughts, my rationales...  
3057  
3058 Q: Mm-hm.  
3059  
3060 A1: ...when I open the box is a necessary component of an independent

3061 recollection of opening the box. And that is not currently before you. So  
3062 asking him why he did that based on these two, there isn't a proper foundation  
3063 for that question.  
3064  
3065 Q: But I - I don't - I need to - to set up a proper foundation for my question...  
3066  
3067 A1: The...  
3068  
3069 Q: ...I only need to - I only need the answer.  
3070  
3071 A1: I...  
3072  
3073 Q: If he doesn't remember he doesn't remember and that was - that was what he  
3074 had just said...  
3075  
3076 A1: Okay.  
3077  
3078 Q: ...so I'm - I'm...  
3079  
3080 A1: I have no authority here, I'm just trying to - yeah I have no authority here...  
3081  
3082 Q: No I - and that's (unintelligible)...  
3083  
3084 A1: ...(unintelligible) yeah.  
3085  
3086 Q: That's fine I - I get what you're explaining, you're doing a great job at  
3087 answering the questions for him, I appreciate it and I've allowed you probably  
3088 more of a narrative than - than I probably should have...  
3089  
3090 A1: Fir- first of all, I haven't said a single thing he hasn't already told you today.  
3091  
3092 Q: Okay.  
3093  
3094 A1: I did not say one single thing.  
3095  
3096 Q: Well you - you definitely...  
3097  
3098 A1: What I'm trying to point out...  
3099  
3100 Q: ...framed it in - in a way so - and I appreciate it. I just - I wanted that answer,  
3101 he says he doesn't remember what...  
3102  
3103 A1: We're all building a record here...  
3104  
3105 Q: Yeah.

3106  
3107 A1: ...I'm - I don't want speculation...  
3108  
3109 Q: Okay.  
3110  
3111 A1: ...to enter into the record masquerading his fact.  
3112  
3113 Q: Okay.  
3114  
3115 A1: And that is what not...  
3116  
3117 Q: But...  
3118  
3119 A1: ...laying the foundation for questions...  
3120  
3121 Q: Your assertion is that - that - that speculation might - but he's gonna answer  
3122 the question, he says he doesn't know.  
3123  
3124 A1: Yeah.  
3125  
3126 Q: I got it.  
3127  
3128 A1: The question followed that answer though. Thi- look, this is all litigation at  
3129 this point. We can move on.  
3130  
3131 Q: Santiago, I need to ask you -- and we'll take a break here soon -- are there any  
3132 other issues going on right now that we need to know about?  
3133  
3134 A: Issues as far as?  
3135  
3136 Q: Is there anything else going on?  
3137  
3138 A: Such as what?  
3139  
3140 Q: I'm gonna give you an opportunity...  
3141  
3142 A: Everybody's got issues.  
3143  
3144 Q: ...if there are things going on, um, because we've got, um - I've got a whole  
3145 other block of questions to ask you but a separate incident. Before I get to that  
3146 I just want to ask you if there's other things going on that might be a reason  
3147 for some of this pattern of behavior? We're just...  
3148  
3149 A: If you're alluding to my marital issues, yes.  
3150

3151 Q: Okay I- I'm not alluding to...  
3152  
3153 A: (Unintelligible)...  
3154  
3155 Q: ...I'm not alluding to anything. I just wanted to make sure that if there are  
3156 other issues going on I'm giving you an opportunity...  
3157  
3158 A: There is - there is some marital issues going on. My wife left me with the [REDACTED]  
3159 [REDACTED].  
3160  
3161 Q: Okay.  
3162  
3163 A: Out of the picture, out of - I - I am the single parent of [REDACTED] right now,  
3164 having to deal with like...  
3165  
3166 Q: Okay.  
3167  
3168 A: ...that single parenting, um, a house move, uh, kitchenette caught on fire.  
3169  
3170 Q: Okay.  
3171  
3172 A: I mean it's - the last year has been a bumpy one, let's put it that way.  
3173  
3174 Q: Okay.  
3175  
3176 A: A lot on my plate.  
3177  
3178 Q: All right. Um, have you ever done anything like this before?  
3179  
3180 A: Like what?  
3181  
3182 Q: The - the incident that we just described with the evidence?  
3183  
3184 A: Oh I - we've done - we've horse-played around here all the time, everybody  
3185 does. Nothing specific like that...  
3186  
3187 Q: That's what I'm talking - specific ones - specific - specifically like this.  
3188  
3189 A: ...but we've horse-played before yeah. Not specifically like this.  
3190  
3191 Q: Okay.  
3192  
3193 A: I mean we've hidden peoples' evidence before off their desks or something  
3194 like that and moved 'em but nothin' like this. And like I said this shouldn't  
3195 even have gone to that point where it got. It should've been dealt with that

3196 day, that same day but it wasn't.  
3197  
3198 Q: Okay. Um, let me just show you a couple of pictures and then I think we'll  
3199 take a break. I think we've already established it but I've got a couple of  
3200 pictures just so for my clarity...  
3201  
3202 A: Okay.  
3203  
3204 Q: ...'cause you said that, you know, we don't want to assume that he remembers  
3205 things, I want to make sure that we're remembering it the way...  
3206  
3207 A: Yeah.  
3208  
3209 Q: ...that he - he saw it so - (unintelligible) I've got it described here as - E13,  
3210 this is a picture of a DEWALT drill box. Is that what - what you recall or is  
3211 that the - the box that, uh, the DEWALT drill that we were - that we've been  
3212 talking about?  
3213  
3214 A: I'm going to assume yes it was a DEWALT box.  
3215  
3216 Q: Does it look like...  
3217  
3218 A: Yeah.  
3219  
3220 Q: ...did you recall it looking like that, I'm sorry...  
3221  
3222 A: (Unintelligible) yeah.  
3223  
3224 Q: Does it look like that?  
3225  
3226 A: Yeah.  
3227  
3228 Q: Okay.  
3229  
3230 A: No doubt about that.  
3231  
3232 Q: All right. And now I'm gonna show you a picture and it's E14. That's a  
3233 picture of...  
3234  
3235 A: Yeah that's where I put it under the sink.  
3236  
3237 Q: Okay. Does that look like how you left it in the sink when you - when you -  
3238 after you brought it back the second time?  
3239  
3240 A: After I brought it back, yes.

3241  
3242 Q: Okay.  
3243  
3244 A: That's where - and that's where it was...  
3245  
3246 Q: As you described, um...  
3247  
3248 A: ...and that's where it was the first time too.  
3249  
3250 Q: ...simply pointing out...  
3251  
3252 A: Yeah.  
3253  
3254 Q: ...as you described, the flap is open.  
3255  
3256 A: Yeah. And that's...  
3257  
3258 Q: Okay.  
3259  
3260 A: ...that's where it was the first time too.  
3261  
3262 Q: All right. It's just a closer picture, same describing as you did, the flap open?  
3263  
3264 A: Yes.  
3265  
3266 Q: And I'm sorry, that was E - shoot, I missed it.  
3267  
3268 A: 15.  
3269  
3270 Q: 15, thank you. But you never saw the inside of the box?  
3271  
3272 A: No I never opened it up and saw the inside.  
3273  
3274 Q: Okay. Okay I've got a whole other area to talk about. It has to do with the  
3275 other case. I think even though we're not quite to an hour now would probably  
3276 be a good time to take a break, um, before we get into what will be the last,  
3277 uh, last section.  
3278  
3279 A1: At the start of the next section are we gonna jump into the third allegation?  
3280  
3281 Q: Um, I think so. Uh, I've gotta go back through and maybe take a look.  
3282  
3283 A1: That's - that's fine. Just at the end of -- I didn't want to obstruct that -- at the  
3284 end of this alle- this I'm going to just lodge a, um, document preservation  
3285 request, then if there is video evidence of that evidence room I would ask - or

3286 anything related to this allegation or any of the allegations here that all video,  
3287 audio, paperwork, document...

3288  
3289 Q: Oh certainly.

3290  
3291 A1: ...emails be preserved.

3292  
3293 Q: Certainly.

3294  
3295 A1: Yeah.

3296  
3297 Q: Yeah, no and I've got, you know, a mass collection and I'll - I'll make sure  
3298 we got - and in the event, uh, when the - the report's completed every bit of  
3299 evidence, um, that I would obtain will be - be part of that package.

3300  
3301 A1: Thank you.

3302  
3303 Q: Okay. Um, all right. I think we've got that. It is 11:54 am and we are gonna  
3304 come off the record here.

3305  
3306 A1: I'm off the record.

3307  
3308 Q: So am I. 'Kay. Ah, coming back on the record, Captain Tony Morefield. Ah,  
3309 the time is now 12:07 on August 29th. Coming back on - for Internal Affairs'  
3310 Case 17-688. Everybody's still here. Um, Lieutenant Bittner, were there any  
3311 follow-up questions that...

3312  
3313 Q1: No.

3314  
3315 Q: ...I mean, I know we just kinda finished a whole area of discussion. Are there  
3316 any follow-up questions on that?

3317  
3318 Q1: No, I think we're fine...

3319  
3320 Q: Okay.

3321  
3322 Q1: ...I don't have any.

3323  
3324 A1: Excellent.

3325  
3326 Q: Um, so we're gonna change gears now and talk about a separate incident that  
3327 was a case that I also provided you, ah, at the outset for our meeting today,  
3328 which you've had a chance to review. Hopefully, that has sparked your  
3329 memory of the event of the case in question, um, so that will be statements  
3330 from some level of that as we - we talk about it. Ah, so this case that I wanna

3331 talk to you about happened on February 2. Um, you were made aware of some  
3332 missing money having to do with a DUI investigation. That Case is 17-1129,  
3333 is that correct?  
3334

3335 A: Correct.

3336  
3337 Q: Okay. Um, I believe you wrote me a memo about it and authored a  
3338 supplement report to that case also, is that correct?  
3339

3340 A: That's correct.

3341  
3342 Q: Okay.

3343  
3344 A: I had a conversation with you before the memo was written too, kind of givin'  
3345 you the rundown as it was takin' place.

3346  
3347 Q: Yes, yeah, we - we did talk...

3348  
3349 A: Yeah.

3350  
3351 Q: ...about it, thank you. I'm just going to, ah, just for clarity, first, I'll give you  
3352 the memo that you wrote me, ah, and that is - I've got it described as "E16,"  
3353 and I'll just show it to you. This is a - a photocopy of it, but I just ask that you  
3354 review that.

3355  
3356 A: Yep.

3357  
3358 Q: And then I'll ask you about it. Is that the, ah...

3359  
3360 A: Yeah, no.

3361  
3362 Q: ...you just - you're handing it back. Is that the - the memo that you wrote to  
3363 me...

3364  
3365 A: Yeah.

3366  
3367 Q: ...followin' that incident?

3368  
3369 A: Yes.

3370  
3371 Q: Okay. And then you've had a chance to review it but I'll just direct you to -  
3372 it's page 11 of 12 on Case 17-1129, it's the upper portion, ah, which is your  
3373 supplemental report. Just ask you to take a quick look at that. It - is it the  
3374 upper portion, right? Did I describe that correctly?  
3375

3376 A: Yeah.  
3377  
3378 Q: Okay. And is that your...  
3379  
3380 A: Yeah.  
3381  
3382 Q: ...supplemental report? Okay. It was "E17," if I didn't already note that. But  
3383 that is the Police Report 17-1129, and I've described it as "E17." So, um, can  
3384 you tell me about your whole involvement in that case?  
3385  
3386 A: My whole involvement happened the next day.  
3387  
3388 Q: Okay.  
3389  
3390 A: Um, I do remember it happened the day before, and I don't - I 'member him  
3391 tellin' me the day before that she had a bunch of money and I told him make  
3392 sure he had a witness to count it.  
3393  
3394 Q: And just for clarity, you say "him."  
3395  
3396 A: (Unintelligible) [REDACTED] Ah, Officer Ewart.  
3397  
3398 Q: So O...  
3399  
3400 A: Ur- Ewart?  
3401  
3402 Q: Ewart's fine.  
3403  
3404 A: Whoever made the arrest.  
3405  
3406 Q: Okay.  
3407  
3408 A: Um, so I'd given him some direction on - 'cause you sent in a rover - and, ah,  
3409 you know, what - what to do with the money 'cause it was a lotta money that  
3410 she had.  
3411  
3412 Q: Okay.  
3413  
3414 A: Make sure somebody's with you to witness it, that kinda thing.  
3415  
3416 Q: All right.  
3417  
3418 A: But that was it. I - I didn't - I never went to the scene, (Morin) had handled the  
3419 scene that day. Um, so basically the next morning Ewart comes to me and  
3420 says, "Hey, [REDACTED] called [REDACTED] this morning and said that she had

3421 left her - another wallet, a second wallet -" apparently she had brought a  
3422 wallet to the station but apparently a second wallet because she claimed that  
3423 900 bucks or \$1,000 in cash that was left in her purse in the - didn't go with  
3424 her to MDF. He said that [REDACTED] had the car towed and that apparently they  
3425 left, they - he, Ewart left a purse in the car. [REDACTED] - I later found out that  
3426 [REDACTED] put it in the trunk and the car got (tipped).  
3427  
3428 Q: Okay.  
3429  
3430 A: So Ewart was workin' on an in custody that morning, which is why he was  
3431 still in the station at 8 o'clock. He needed to be finished with it that morning. I  
3432 - we'd left the - we - because of the late view I arrest - the late arrest, he didn't  
3433 get a chance to finish the report the day before. So I told...  
3434  
3435 Q: Was that a different case or was that this case?  
3436  
3437 A: Different case.  
3438  
3439 Q: Okay.  
3440  
3441 A: Different case. So he was workin' it, he was in the station workin' on an in  
3442 custody that needed to be done before investigations came on, obvious  
3443 reasons. Ah, or at least early in the morning so they could get that filed. But  
3444 he told me about the purse so I said, "Okay, I'll go get it. I'll go get the purse  
3445 myself." So I shot straight from the station, straight to the tow yard on East  
3446 18th Street. Picked up the purse, brought it right back to the station and gave it  
3447 to Ewart.  
3448  
3449 Q: Okay.  
3450  
3451 A: There was no money in it. We did find the other phone in there, but there was  
3452 no money in it.  
3453  
3454 Q: Okay. Why did you go retrieve the purse yourself?  
3455  
3456 A: Because, ah, Officer Ewart was workin' on the in custody, and I figured  
3457 because of the fact there was cash involved, I figured best thing to do as a  
3458 supervisor go, just get it, bring it back.  
3459  
3460 Q: Did you have a subordinate supervisor with you that day?  
3461  
3462 A: I don't know if [REDACTED] was workin' that day or not. I'm assuming yeah.  
3463  
3464 Q: Could you have...  
3465

3466 A: I don't know.  
3467  
3468 Q: ...had him go and retrieve the purse?  
3469  
3470 A: Sure, could've. But I - I just chose to do it myself...  
3471  
3472 Q: Okay.  
3473  
3474 A: ...as a supervisor.  
3475  
3476 Q: Ah, what did you do once you got to the tow yard? 'Cause you opted to go get  
3477 the purse yourself...  
3478  
3479 A: Right.  
3480  
3481 Q: ...correct?  
3482  
3483 A: Right. So we found the car, waiting for the tow-truck driver. Um, then we  
3484 searched the inside of the car. I didn't know it...  
3485  
3486 Q: When you say "we," who's "we?"  
3487  
3488 A: I'm sorry, me. Me.  
3489  
3490 Q: Okay.  
3491  
3492 A: It was just me. Sorry, it was just me. Um, when I get there, the car's parked in  
3493 the back northwest corner of the lot. Um, searched the inside of the car,  
3494 wasn't there. Ah, waited for the tow-truck driver, he came, he got a key, we  
3495 opened up the trunk. Sure enough, there's the purse.  
3496  
3497 Q: 'Kay.  
3498  
3499 A: Grabbed it, brought it straight back to the station.  
3500  
3501 Q: Did you look in the purse?  
3502  
3503 A: I don't think I looked at it there, but we did look in to it when we got back to  
3504 the station.  
3505  
3506 Q: Who's "we?" When you say "we" did look at it...  
3507  
3508 A: Ewart.  
3509  
3510 Q: ...when we got back in the...

3511  
3512 A: Ewart.  
3513  
3514 Q: So you did not open it when you were out at the tow yard.  
3515  
3516 A: I don't think I opened it when I was - no, I didn't open it at all when I was  
3517 there. I think I - we - we did all that at - at the station. I just grabbed it and left.  
3518 I mean, it was literally a quick little trip once he got there. It was a grab-and-  
3519 go.  
3520  
3521 Q: Okay. And what did you do with the purse once you got back to the police  
3522 department?  
3523  
3524 A: I turned it over to Officer Ewart.  
3525  
3526 Q: Gave it to Ewart?  
3527  
3528 A: Yeah.  
3529  
3530 Q: Okay.  
3531  
3532 A: The spelling of the...  
3533  
3534 Q: Ewart? Of course...  
3535  
3536 Q1: E-W...  
3537  
3538 Q: ...W-A-R-T?  
3539  
3540 Q1: Yeah.  
3541  
3542 A: E-W-A-R- okay.  
3543  
3544 Q: You might think...  
3545  
3546 A: Yeah, no, it makes sense now.  
3547  
3548 Q: ...ah, Ewart, but I think he goes - he goes by Ewart.  
3549  
3550 A: Okay.  
3551  
3552 Q1: That's how he pronounces it.  
3553  
3554 Q: So the only time that the po- the purse was opened was when you got it back  
3555 to the police department, is that correct?

3556  
3557 A: Yeah, I - I - I mean, I may have glanced into it, but I didn't search it as far as  
3558 goin' through anything out there. It got - that all happened at the station.  
3559  
3560 Q: When did you write, ah, a sup? Ah, y- there was a supplemental report that  
3561 you - you saw there. When did you write that supplemental report?  
3562  
3563 A: I don't know. I don't know if it was that day or if it was a couple days later.  
3564 Actually, I think it was later because I re- I asked you what you wanted me to  
3565 do about that.  
3566  
3567 Q: Okay. It - it was some time later, it was almost...  
3568  
3569 A: Yeah, I wan...  
3570  
3571 Q: ...a full month.  
3572  
3573 A: I wanna say I remember havin' to talk to you about whether or not I should  
3574 even write one because I'd written the memo.  
3575  
3576 Q: Okay. Why did it - so you'd writ- you'd written the memo - I think the date on  
3577 that was the same day. I've got a memo dated...  
3578  
3579 A: Yeah. You should've got...  
3580  
3581 Q: ...February 2nd...  
3582  
3583 A: Yes.  
3584  
3585 Q: ...on the missing money.  
3586  
3587 A: Mm-hm.  
3588  
3589 Q: Um, but it was - actually, March 2 was the day I think you met with me. Is  
3590 that - you - does that sound right? It was the day before, it happened to be the  
3591 day before, um, you found the drill under the sink still.  
3592  
3593 A: I don't know.  
3594  
3595 Q: You don't know?  
3596  
3597 A: I don't know what day...  
3598  
3599 Q: It was almost a month later that you talked to me.  
3600

3601 A: Okay. About?  
3602  
3603 Q: About writing a sup.  
3604  
3605 A: Writing the sup?  
3606  
3607 Q: Why did it take you so long to ask me about writing a sup to the case?  
3608  
3609 A: I don't know. I don't know if it was - I don't know.  
3610  
3611 Q: D...  
3612  
3613 A: I don't think I was...  
3614  
3615 Q: Does it occur to you that when...  
3616  
3617 A: ...I don't think I was going to - I don't think I was going to at first.  
3618  
3619 Q: Okay. Why not?  
3620  
3621 A: T- because we didn't know how to document with the whole money issue,  
3622 whether we document in the report or whether we document it in just a memo  
3623 form. I know there was a big contentious thing between all of us, like, how are  
3624 we gonna document this?  
3625  
3626 Q: "Between all of us," who's "all of us?"  
3627  
3628 A: The - Ewart, (Morin). How it was all gonna be documented, as far as what  
3629 we're gonna do, if we were gonna put this in the criminal aspect, report the  
3630 missing money in the criminal report or if it was gonna be documented  
3631 separately as far as memos or...  
3632  
3633 Q: When did you have those conversations?  
3634  
3635 A: Just sporadically with them. I mean, I know we were waiting for Ewart to  
3636 finish his report for a while. Um, I - and I, I mean, I know event- once I talked  
3637 to you, and r- we needed to res- to - you told me we needed to write the sup, I  
3638 wrote the sup.  
3639  
3640 Q: Okay.  
3641  
3642 A: I mean, there really wasn't much I did anyway. I went there and grabbed it  
3643 and brought it back. But the purse didn't have anything to do with the DUI,  
3644 which is why the whole question was whether I needed to write a sup about it  
3645 in the first place.

3646  
3647 Q: Okay. Tell me about the conversation you had with me concerning the case  
3648 and whether or not you should write a report.  
3649  
3650 A: Do what now?  
3651  
3652 Q: Ah, you said we had a conversation, you had talked - you spoke to me...  
3653  
3654 A: Mm-hm.  
3655  
3656 Q: ...about whether or not to write a report. Tell me about that conversation...  
3657  
3658 A: I think I just went in the off- just went in the office and asked you if you  
3659 wanted me to cut a sup on it or not. And I think that's the whole thing we  
3660 talked about is what I just talked about now, whether or not we even write  
3661 anything about the missing money in the criminal report or not.  
3662  
3663 A1: Just really quickly, is this conversation with you tied to any of the allegations?  
3664  
3665 Q: Yes.  
3666  
3667 A1: Okay. You know that makes you a witness, right?  
3668  
3669 Q: What's that?  
3670  
3671 A1: You know that makes you a witness, right?  
3672  
3673 Q: I'm sorry?  
3674  
3675 A1: You - you know it makes you a witness. You're aware that you're a witness to  
3676 one of the allegations here, and you're the investigator?  
3677  
3678 Q: But...  
3679  
3680 A1: I...  
3681  
3682 Q: ...I - it - I - I'm j- I'm trying to - what I'm trying to explain is that i- we're  
3683 gonna - like before, I'm just - I'm - I'm getting somewhere with it, I just...  
3684  
3685 A1: Uh-huh.  
3686  
3687 Q: ...wanna know what his recollection of...  
3688  
3689 A1: I d...  
3690

3691 Q: ...of that is.  
3692  
3693 A1: I don't know where it's goin' because I don't have the back story, but...  
3694  
3695 Q: Yeah.  
3696  
3697 A1: ...if - if that were, like, a major component, I would have issues with you  
3698 being, ah, I mean, obviously, there are...  
3699  
3700 Q: It - it's fine.  
3701  
3702 A1: I just wanna memorialize it for the record. I don't know where it's going,  
3703 but...  
3704  
3705 Q: We're very close.  
3706  
3707 A1: Okay.  
3708  
3709 Q: Um, where was I? Ah, the conversation that - that you had with me. What...  
3710  
3711 A: Believe it was just a conversation in regards to just what I said, whether or not  
3712 we're gonna put this information, as far as the money being missing, in the  
3713 criminal report or it's just okay to be covered in the memo.  
3714  
3715 Q: And what did I tell ya?  
3716  
3717 A: Ah, you told me just to write a sup, ah, exactly what you did, and don't worry  
3718 about the money part 'cause it was covered in the memo. So that's why there  
3719 was no money issues written in the report.  
3720  
3721 Q: I told you not to write...  
3722  
3723 A: Y- well, you said it was covered in the memo so just write a sup about what I  
3724 did. So I just literally cut a sup. about what I did, I went and picked the purse  
3725 up and brought it back. That was at your direction.  
3726  
3727 Q: To not include anything about the money.  
3728  
3729 A: Yes, to - you said, "Just simply write what you did."  
3730  
3731 Q: Okay.  
3732  
3733 A: And I simply wrote what I did. I mean, I tried to be open and up front with  
3734 you about this from the very beginning about how we're gonna handle that.  
3735

- 3736 Q: Okay. Did you take the money that was in the purse?  
3737
- 3738 A: I'm not a thief, no.  
3739
- 3740 Q: Given all that we've talked about today, why should I believe you, that you  
3741 didn't take the purse? Or take the money rather.  
3742
- 3743 A: That's up for your opinion right there. I mean, ah, you've known me long  
3744 enough. You guys both have known me long enough. My reputation around  
3745 here's been pretty good. I've been a stellar cop for years, you know. I don't  
3746 have a bad reputation as a thief. I've never stolen anything in my life. I'm not  
3747 a thief. I've made bad choices, yeah. Got a lot goin' on, I've made some bad  
3748 choices, bad decisions. That doesn't take away who I am, my morals.  
3749
- 3750 Q: Okay. So in summation today, we've talked about three separate incidents...  
3751
- 3752 A: Mm-hm.  
3753
- 3754 Q: ...of misconduct.  
3755
- 3756 A1: Alleged misconduct.  
3757
- 3758 Q: I'm sorry, alleged misconduct. Ah, when a (chief) readily, um, I think a-  
3759 appropriately, admitted misconduct, right? Um, is this situation where you  
3760 weren't thinking clearly at times or? 'Cause you're saying, you know, this  
3761 isn't who you are.  
3762
- 3763 A: I think I had a lot go - I think I had a lot goin' on at the time, you know. Like I  
3764 said, a - oh, my God. Did anybody ever read (unintelligible) "intimate" about  
3765 what was goin' on? And I struggled. Lotta stuff goin' on my plate, havin' to  
3766 take a lotta time off, havin' to, you know, do things that I was unaccustomed  
3767 to doing. Because not only did the wife take off, but she left me [REDACTED]  
3768 [REDACTED]. 'Cause she's not in these [REDACTED], I mean...  
3769
- 3770 Q: Okay.  
3771
- 3772 A: ...clearly. It's me, and that's all it is. That's all I've got. You know, I'm a sole  
3773 provider of [REDACTED], basically by myself. And, I mean, you guys know me well  
3774 enough to know that I'm not the kind of person of the things that were goin'  
3775 on here.  
3776
- 3777 Q: Do you think that's affected you here, at work?  
3778
- 3779 A: I think it did back then. I don't think it is anymore. You know, obviously, it's  
3780 been a year now. I'm over it, I'm ready to move on, you know. But, you

3781 know, we gotta deal with this stuff, so here we are.

3782

3783 Q: Okay. Lieutenant Bittner?

3784

3785 Q1: I have nothin' further.

3786

3787 Q: Do you have anything further?

3788

3789 A1: No. I think I've memorialized everything I need to.

3790

3791 Q: All right. Do they have a clock here? It is now 12:23 pm. Ah, we are  
3792 concluding the interview with Sergeant Santiago Castillo, ah, of August 29th.  
3793 Turning off.

3794

3795 A1: And - and it is still August 29.

3796

3797

3798 The transcript has been reviewed with the audio recording submitted and it is an accurate  
3799 transcription.

3800

Signed \_\_\_\_\_