

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE METRO TRANSPORTATION AUTHORITY (MTA) BUILDING, LOS ANGELES, CALIFORNIA.

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

APPEARANCES BY:

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REPORTED BY:

Sara A. Mahan
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sam/99-031

LOS ANGELES, CALIFORNIA, SEPTEMBER 17, 1999; 10:40 A.M.

(On the record at 10:40 a.m.)

(Oath was given by reporter.)

THE WITNESS: I do.

RAFAEL ANTONIO PEREZ,

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

EXAMINATION BY DETECTIVE SEGURA:

Q Okay. We're on the record. It's, uh, -- uhm, September 17th, 1999, 10:40 in the hours. Uh, we're interviewing, uh, Ray Perez.

Present with him is his attorney Mr. Kevin McKesson. Uhm, also present is Detective Mike Hohan; myself, uh, Sgt. Segura; and, uh, Officer, uh, Jeff Paillet. And --

MR. PAILET: P-a-i-l-e-t.

SGT. SEGURA: And the court, uh -- and the court reporter. And the way we talked about it a little bit already, Ray, generally, the way we wanted to do it is, uh, give you an opportunity. Uh, I got the impression last time you felt we didn't give you an opportunity to talk. There were things you wanted to talk about. Uh, so, we'll let you, uh, talk about any incidents you want to remember.

We do have for you the, uh, C.R.A.S.H., uh, arrest book, and the F.E.S., uh, arrest book. And we'll go into that next, and let you, uh, review that. And then, uh, after that, if we have time, at the end of that, uh, we'll go into, uh, a little bit more detail on the shootings. And then, see how it progresses.

A Okay.

MR. MCKESSON: Could I just make a general statement, for the record?

SGT. SEGURA: Yeah, sure.

MR. MCKESSON: I understand and fully agree with my client's obligation to be honest and forthright throughout these proceedings. I also understand that later on, there's going to be a polygraph examination to confirm his statements. And one of the things I want to make clear, for the record, is my client is testifying, at this time, based upon his memory, and based upon the facts as he recalls them, at this time.

Many of these instances occurred almost three years ago. And I'm put in -- in -- at kind of a disadvantage, 'cause, normally, when my clients are -- are being questioned, I have, in my possession, all the factual material. And it's impossible for me to have it, at this point.

I want to make it clear, and I will state for the record, when my client is given information, and he doesn't have any documents in front of him, uh, all -- it would be helpful if, when he talks about something, he has the documents to refresh his recollection.

I want to make it clear he's testifying based on his recollection. And, specifically, with respect to these shootings. These shootings happened over three years ago. So, everything he says, at this point, is based upon his current recollection.

SGT. SEGURA: And what we'll try and do is, we'll try to focus in a little bit more as -- as we go. We got the log books. And, obviously, we know he's not gonna remember everything from just the log books. But then, from the log book, maybe we can get specific incidents. And then we'll get, uh, reports and -- and focus and fine tune it a little bit more, as we go.

DET. HOHAN: And what we, basically, want, Ray -- and I think is -- is a good faith, uh, -- uh, presentation. And I think we're -- we're not gonna have any problems with the good faith presentation. I realize -- and we all realize that there's been a lot of time that's elapsed here. But --

MR. MCKESSON: See, my -- my concern -- my concern is this. And I put it, uh, bluntly on the record. Uh, I believe my client -- he has told me

bits and pieces about, uh -- uh, this shooting to -- over the last couple of months. About a -- about a month and-a-half ago.

Uh, what concerns me is, uh, the alleged victim's version of this incident, where he says my client tried to shoot him execution style. My concern is, is that these questions will get very, very minute, where, uh -- uh -- and I don't want him prejudiced as to what -- what a ballistic's officer can say. And I -- I want to caution him ahead of time, you know, give your best estimate. But if you don't know exactly what angle, because -- it's -- it's -- yeah, because, I mean, we don't have the records. We -- I don't -- I don't know. All I know is the statement -- the version given by this young man is that he was, basically, executed, as opposed to what -- what was just a bad shooting.

THE WITNESS: Okay. Do you still have the officer-involved shooting report?

SGT. SEGURA: We have what?

THE WITNESS: That diagram.

SGT. SEGURA: Yes.

THE WITNESS: 'Cause I'll refer to that, again. And it --

SGT. SEGURA: Okay.

THE WITNESS: Nothing changes from that.

Q BY SGT SEGURA: Okay. Why don't we, uh -- why don't we start, Ray?

A Uhm, what are talking about now?

Q Well, basically, uhm, again, last time we talked about, uh, two shootings. We talked about, uh, illegal activity, basically, on the part of, uh -- of Nino Durden, involving, uh, narcotics. Uh, you said there were a couple of, uh, other incidents maybe involving, uh, money, uh, or narcotics that, uh -- that you wanted to go into.

So, basically, what I want to do, first, is see what

-- what you can remember, you know. Give us everything that you can, and then, we'll -- after we get everything out, then what we'll do is we'll get the books and go over -- go over the books.

A Okay. Do you want me to just give you a real quick overview, or just start from the beginning?

Q No, just -- just start --

A Then, I'm gonna need the books.

Q Let's -- let's start from the beginning and go.

A Can I get the --

Q Sure.

A And let me start -- okay, do you want to start about the money thing first?

Q Yeah, tell us about the money thing. And tell us generally --

A Okay. Can I get the -- can I get -- well, I'm gonna need both. Both books. One's a folder, I guess. Yeah.

Q Okay. For purposes of the tape, we've got the, uh, Rampart C.R.A.S.H., uh, arrest book. Uhm, December 1992, basically, to the present. That's a big book. And then, we have, Ray -- that's the one you're looking at first. And we also have a photocopy of, uh, -- of the Rampart F.E.S. arrest book. And that's '97.

DET. HOHAN: And that would reflect the period of time that Ray was, uh, on loan to Rampart F.E.S. F.E.S. Uh, Field Enforcement Section, Narcotics Division.

THE WITNESS: Uhm, I'll -- I'll start with this that the first illegal activity that occurred, uh, as far as any money or narcotics, occurred sometime -- and I'm going to have to refresh my memory with the book -- I believe sometime around May of '97. That's when the first illegal activity occurred. And I'm going to try and find it real quick in here, uh, by refreshing my memory with the book.

It was an arrest that myself and Officer Durden, uh, had made. Uh, it was a -- a righteous arrest. Uh, names I cannot remember right now. I'm gonna try and find it. However, we had made an arrest. Uh, recovered a large sum of money. Uh, whatever narcotics we recovered, and we went back to 3rd and Union.

Uh, at 3rd and Union, uh, I asked Officer Durden to package the money, get it, uh, initialed by a supervisor, package the narcotics, uh, and that I was gonna go ahead and start writing the report. I asked him to go ahead and dabis the body and book -- book the body into the computer.

Uhm, if I can have a moment, I'm gonna try and find it.

SGT. SEGURA: Sure.

DET. HOHAN: Sure.

THE WITNESS: Sorry it's taking so long. I'm just trying to find it. I'm going back a little bit.

SGT. SEGURA: It's all right. Take your time.

Q BY DET. HOHAN: Ray, do you just want to give us the circumstances of it?

A Yeah, I'm trying to. I'm hoping that some things are not in this book, you know what I mean, 'cause it's gonna be hard for me to remember. In other words, if it was failed to put in the log, --

Q Mmnh-mmnh.

A Most things were put in the log. I mean, because we had to put it in this -- in these logs.

As I was saying, I left off -- I had left off that we had made an arrest. And in my heart and in my mind, I believe it was sometime around April, maybe May. No, earlier than that. It was the first time any, uh, illegal activity, as far as money or drugs were concerned, with myself and -- and Durden.

We had made an arrest. We brought the defendant to the station at 3rd and Union. Uhm, there was a shoe-box, I remember. And it had the

money, had the narcotics, maybe some pagers and whatever else.

I had asked Officer Durden to book all that property. Uh, while he was in the interview room of Rampart Detectives -- and I don't know if you know where the interview room is, right next to the C.R.A.S.H. office -- C.R.A.S.H. Detectives Office. Just to the left of it. Uh, he was sitting in there counting the money and everything.

I went in there and asked -- to see what he was doing or whatever, while I was writing my report. And he said to me, "Man, there's this certain amount of money in there." And I said, "Yeah. Okay." He goes, "Man, we're gonna book all this?" He said it to me in a way where, come on, man, we ain't gonna book all this money. I know that.

And I said, "Yeah, man, get the supervisor to sign it." That was my initial response. He said, "Man, we ain't book all this money." And he -- he said something like, "This guy ain't gonna complain. He ain't gonna say nothing about it." Uhm, and I kind of just left it at that.

And Durden kept doing this -- what he was doing. A few minutes later, he says, "I'm gonna book this amount of money." Which is probably maybe a thousand less than what was actually in there. Uh, the exact amount of currency that I'm going to be talk about, I won't remember exact dollar amounts. It's gonna be very difficult for me to -- to do that.

Uh, I know, uh, on this -- this first one, it was probably maybe like \$1300 or \$1500. And the only thing that was booked was maybe \$500. Something like that. In other words, about a \$1000, uh, he took out. He gave me half of that. And I took it. Uh, and he kept his half. Uhm, everything else was done correctly. Uh, he was booked. And when he was booked, uh, the supervisor signed the -- the -- the package, uh, to the money. And we moved on from there.

That was the very first time that any illegal activity, as far as money or narcotics was concerned, with myself and Durden.

Q BY SGT. SEGURA: You know, Ray, I think rather than, uh, try to find these, uh, the idea that I had was if you could just give us something like that, uh, believe it or not, we've gone through over a lot of, uh, reports. And maybe we can help, uh -- we can help, uh, track it down, uh, later on.

So, why don't we just go back to the original plan? You know, you telling us everything that you can remember, generally, like that. And then, -- and then, we'll try to, uh, locate them. And maybe even as you're talking. And then, as you're telling us one, uh, instance, it might help you to, uh -- to remember, uh, another incident.

A How about I do this?

Q What?

A Uhm, excuse me. I'm sorry. Uhm, how about the ones that really stand out in my mind, I refer to them. And I can go right to them. Then, we'll go from there.

Q Okay. Okay.

A Uhm, because certain ones -- like certain large amounts of cash, stand out in my mind. And I remember where the information came from and how we got there, and what was done, uh, illegally and stuff like that.

Q Okay. Do you remember the, uh, defendant's name in this one?

A The one I just talked about?

Q Uh-huh.

A No.

Q No?

A I'm -- I'm sorry.

Q Okay.

A And I was trying to look for it. And I can't --

Q But just one male, uh, arrestee, as far as you recall?

A Yeah, I believe it was a male -- well, it was a male. I believe it was just one. Uhm, it was narcotics, money, uh, recovered. And we took

him to 3rd and Union to book him. We dabised him there.

Q Okay.

A Uhm, --

Q I'm sorry. Dabised. Booked him there.

DET. HOHAN: And dabis is D-a-b-i-s. That's the entering the, uh, information for the arrestee into the computer.

THE WITNESS: Okay. Officer -- or, uh, --

SGT. SEGURA: For -- I'm sorry. For purposes of the tape, I got to say. Otherwise, I can't remember, Ray, when I --

THE WITNESS: I am looking in the, uh, Rampart Arrest book. Uh, recap book for 1997. Currently, I'm, uh, -- I am looking at August of '97 trying to find a -- an incident that occurred. And I'm gonna flip over. I'm still on August of '97. I'm trying to find a particular -- particular incident that occurred.

I'm now looking at September's recap. I'm now looking at October's recap.

Q BY DET. HOHAN: Again, Ray, if you're having a hard time finding it, why don't you give us the general circumstances of it?

A I really want to find this. Uh, I will get into right now. [*** CI #2 redacted].

SGT. SEGURA: Okay.

THE WITNESS: On one instance, there was an arrest made at Sierra Vista, in the Hollywood Division. I believe it's Sierra Vista and St. Andrews. Somewhere around there. Uhm, in that location, [***** CI #2 redacted] had given us information that, uh, he was dealing narcotics, and all this stuff.

Uh, we went to the location. Uh, from that location, uh, we made an arrest. Uh, what went on illegally there was there was a bag of money under the kitchen, uh, sink, uh -- uh, stove area. Inside that money was -- there --

Q BY MR. MCKESSON: What kind of bag?

A Bag like a grocery bag with the two handles on it.

Q BY SGT. SEGURA: Shopping bag type of thing?

A Full of money. Uh, twenties, tens, fives, singles. It was full of money, though. Uhm, that money was put into a, uh, -- uh, pillowcase. And it was transported, uh, back towards Rampart.

Myself and Durden stopped at, uhm, one street west of the station. And one block south. I believe it was London. I'm not sure. It's one street right there. We -- we, again, looked at the money and we said, "Well, we can't count it here." Because that's where we would stop several times to count the money. So, what we did was we processed everything. We booked the bodies that we needed to book. That evening, we went back. Downstairs in Rampart Station was an old, uh, -- the office that we used to use for Rampart C.R.A.S.H. Uh, I believe they use it now for maybe, uh, the 181 Unit. Or maybe not.

They were using it for something. Downstairs where the Kid Room is.

Q Okay.

A In the roll call room. That room that's outside the roll call room.

Q Okay.

A We went in there, laid out all of the money. Uh, that was -- that -- that we had taken in that bag. And that -- uh, it was, I believe a total of, uhm, \$14,000. I -- again, we counted it all up. And we split it up.

Q BY DET. HOHAN: Seven thousand each?

A Yes, sir.

Q Okay. When that took place, did anybody else know you were doing it in there?

A Any other officers knew what we were doing?

Q Yeah.

A No. This was -- we didn't count the money 'til after it was -- everything was done. We had booked whatever we were gonna book. And -- and did everything else. That evening, when it was really quiet, we went into that room and laid all the money out on the table. 'Cause we needed to stack up all the ones and fives and tens and be able to count it.

Q This would have been on the morning watch hours?

A It would have been very late. Exactly what hours, I don't remember. But it would have been late. It probably would have been in the morning watch hours, obviously.

Q BY SGT. SEGURA: Was -- was any money booked?

A We always put some money.

Q Okay.

A Uh, if you -- if you notice, once I get into this, a lot of the times it was always like a thousand and twenty dollars. A thousand and ninety dollars.

Q Mmnh-mmnh.

A Only because, uh, we always wanted to have over a thousand dollars. 'Cause we know it was gonna be seized. It would have been seized and not released back to the person. Anything under a thousand dollars, some way, somehow, Asset Forfeiture was not gonna get involved as far as seizing the money. It was just gonna be either released back to them, at some point, or just booked in.

In other words, it wasn't gonna be seized. So, it was always -- whatever was booked was, at least, you know, a thousand dollars, if it was something big. If it wasn't something big, then it wasn't. But if it was something big, it'd be a least a thousand dollars.

Q With -- who else was at the, uh, arrest scene here?

A We called another unit to transport the bodies. And I believe, if I remember correctly, Officer, uh, Dean Gizzi showed up, and whoever his

partner was.

I believe it might have been New that came with him, uh, to transport the bodies. Oh, boy. I believe -- no one else was involved in any of this. But I believe they were the ones that transported the bodies. I'm not a hundred percent sure. But I believe they -- I believe they were the ones who transported the -- the bodies for us.

Q Nobody else was involved in the arrest, or in taking the money?

A In the arrest or in taking the money.

Q Okay. So, it was just you and Nino on -- on the arrest?

A Yes, sir.

Q Okay.

Q BY DET. HOHAN: What was the configuration of drugs there? What -- what did you seize?

A Very small quantity of drugs. Uhm, very small amount of powder. And I believe a very small amount of, uh, rock cocaine. Uhm, it was in a kitchen drawer, right-hand side. One of those small drawers. Maybe like a utility -- a utensil, uh, drawer with a -- I believe it was aluminum foil and stuff like that.

That's the only thing we recovered right there.

Q BY SGT. SEGURA: And I didn't know -- uh, understand the location, Ray. Was this at Sierra Vista or St. Andrews, or you were led from here to another location?

A No, we had gotten some information to where those people where. And that's where we went. Uhm, --

Q So, the --

A -- Sierra Vista or Sierra Madre -- not Sierra Madre. Sierra something. Right there in Hollywood. It has to be in here. I can't find it. I don't know if I'm just too nervous to find it. But it has to be in here. I mean, there's no way we wouldn't have recapped that.

It had -- we recapped everything. I mean, there's -- there's no doubt. I'm -- I'm having a problem finding things. I don't know why. But it was in Hollywood Division right off of Western. Uh, one street over from Western and St. Andrews. One west. And that one street -- the first street south of Santa Monica. What street is that?

It T-intersects. There's a Sears right on the north side of the street.

Q Mmnh-mmnh.

A If you take St. Andrews south from Santa Monica, that first street you get to, it T-intersects to that street right there.

Q BY MR. MCKESSON: Is that Franklin?

A No. No, Franklin is further up. It's Sierra --

Q Is it San Vicente?

A No, no, no. San Vicente is way out there. It's Sierra something.

Q Not San Marino?

A No. God bless it. I've gone through those streets so many times working undercover.

Q BY SGT. SEGURA: And, again, here, what would we be looking for? How many people were arrested?

A Three people were -- three people were arrested. Uh, two females, one male. Can I look at something one -- one more time? I think I remember why I'm not finding it.

Q All right.

A I'm looking for the add- -- uh, the location. But we might have put in a different location, uh, for the original stop.

Q Okay. Sure.

A Here we go. Okay. Yeah, that's what it was. We used the 7th and Alvarado address. This occurred on September 24th, 1997. The three

defendants involved was William Zepeda and Argelia Diaz and Gabriela -- Gabriela Diaz.

Uhm, --

Q BY DET. HOHAN: What's the D.R. number on that one?

A The D.R. number is 97-02-32501. The money seized indicated one thousand and seven dollars. Uh, Durden and myself were the arresting officers.

Q BY SGT. SEGURA: One thousand seven dollars seized?

A Right.

Q BY MR. MCKESSON: One thousand and seven?

A One thousand and seven dollars.

Q BY SGT. SEGURA: One thousand and seven dollars seized.

A But in actuality --

Q And probably -- and fourteen thousand --

A In actuality, uh, --

Q Mmnh-mmnh.

A -- in actuality, it's probably more like fifteen thousand.

Q Okay.

A Fourteen thousand was taken off.

Q Right.

Q BY DET. HOHAN: So, if my understanding of this is correct, the reason why you booked always over a thousand dollars, if you had it, was for Asset Forfeiture to take it. And was it your assumption that -- that, uh, -- or your knowledge that, generally, dope dealers don't contest and so you figured that way they wouldn't care, wouldn't beef you?

A Exactly. Especially if they call and say, well, you know, I want my money back. And we go, well, that money was seized. They're not gonna get into the quantity. They're not gonna ask how much exactly they had. Uhm, I can get into another incident where the guy actually did call back, that he actually talked to us.

Do you want me to get into that one now?

Q BY SGT. SEGURA: Before I forget, you know, I have to ask this. And I hate to kind of get off the subject. But what would Lusby or McGee say when you guys come in with three bodies and, uhm, basically, you're telling them, you know, it was just the two of us that, uh -- that did it.

I mean, it seems to me that red flags should be going off in Lusby and McGee's minds. But do you see what I'm saying, what I'm asking now?

A I know what you're saying. All that was cared about was numbers. All they cared about was that at the end of the month when they put that little red line across the -- the log book, you know, to indicate that that's the end of the month, how much total narcotics was brought in, how much money, and how many bodies. That's all that really -- that was the only concern. It wasn't of no concern that myself and my partner, by ourselves, went all the way to Hollywood and picked up three bodies.

That was never an issue. All it was is, "Great job. You got some bodies in." You know, I'm trying to be as brutally honest as -- as possible.

That's all that -- that really cared. It was the numbers.

Q BY DET. HOHAN: So, what you're saying is there was no supervisory oversight whatsoever?

A No. They were in the office doing whatever, you know.

Q BY SGT. SEGURA: Because the supervision is so poor it almost begs to ask, did these guys know something was going on?

A I don't -- I can't tell you that they knew something was going on. I can tell you that, did they care if something was going on? I don't -- I don't think they -- I mean, we did it -- the whole time we were there, that's the way things ran. We went and did whatever, you know, follow-up we wanted to do, whatever investigation we wanted to do, we did it.

And -- and just once we got back in the station, well, just tell me what you got so I can sign the booking approval. That was the way things were going.

Q BY DET. HOHAN: And when they -- when they did this, they signed the booking approval, there was no real look into what you were doing? No supervisory, uh, review of what you did or -- or offering any insight, or maybe, hey, you guys could have used better tactics, or another team out there, or anything like that?

A The only thing -- any time, uh, tactics was talked about or anything like that, was myself or Durden talking about it. 'Cause, you know, they considered us the tactics guys, 'cause we came from C.R.A.S.H. or whatever. And -- and when we did search warrants, I was the one that did the debriefings. You know, what we did wrong in the search warrants.

As far as going out and -- and digging for clues and -- and get bodies, there was never a, well, you know, uh -- there really wasn't. There wasn't, uh, -- there wasn't a procedure that, hey, uhm, you know, take a supervisor with you, or if you're gonna do door -- door knock, take a supervisor with you, or, uh -- you know what I mean?

Q Yeah.

A There -- there just wasn't. It was very lax. It was just go do whatever you could do. Bring the body and I'll sign a booking approval. They never even talked to the body, you know, hey, are you okay, anything going on. You know.

Q It was just a straight rubber stamp, whatever you --

A Yeah, that was pretty much it. Uhm --

Q Okay.

Q BY SGT. SEGURA: Okay.

A -- you started to ask me something else. And I wanted to add to it.

Q Well, no, let's go -- let's go on. You know, I was hitting on, uh, officer safety issues. Again, the temptation there of theft, that these guys are just -- and you're telling me, you know, it's just poor supervision on their part.

MR. MCKESSON: I didn't understand officer safety issues. I didn't understand.

SGT. SEGURA: Well, you know, these two guys going in there, three arrestees; you know, drug dealers, money, guns, all of this. And -- and they're allowing them to go in there by themselves.

THE WITNESS: Okay. I wanted to look at one that particularly stands out in my mind, because he called in.

Q BY DET. HOHAN: Why do you start giving us the circumstances?

A Uhm, we received a clue. I think I was still in C.R.A.S.H. We were about to come over to Narcotics. I believe I was still in C.R.A.S.H. We received a clue that a guy up in Northeast Division, uh, was the guy supplying someone that we has arrested. Uh, we get told that the guy is selling weed, and cocaine, and stuff like that from his house up in Northeast Division.

We pick up the C.R.A.S.H. van. You know that C.R.A.S.H. van that we use sometimes in -- in C.R.A.S.H.? Uh, that gray van? We used that van -- myself, Durden, and whoever the informant was. We put him in that van and drove him up there. He showed us where the location was.

We get Buchanan and several other officers -- it would be in the report -- uh, to come and assist us. We decide to go up there and tell the guy that -- I believe we had the guy make a phone call first saying that he wanted a certain amount of marijuana or something like that.

And the guy in the house said, "Sure, come and get it." Whatever time. Something to that effect. We decide to go by the house. And because the guy had a couple of big dogs out in front, we went up there as

though it was a radio call. And we said, uh, "Can we talk to you?" Because we weren't just gonna rush in there with two big giant-sized dogs out front.

We said, "You know, we've gotten complaints about your dog, uh, being, you know, out here too loud." And this and that. "Uh, can you put your dogs away? And then, uh, I need to talk to you."

The guy was kind of hesitant. But he said, "All right." He puts the dogs away. And we said, "Well, can you step out of your yard so we could talk to you?" And he's getting more hinky now. And finally, we just nab him and detain him.

Uh, we tell everybody else to come out of the house. Uh, we explain to him why we're there, what's going on. Uhm, we go in the location and we recover, uh, plastic, uh, Tupperware stuff full of marijuana -- a couple of them. Maybe a pound and-a-half of marijuana.

Uh, I believe we recovered a gun. And we also recovered I'll say -- I'll say maybe \$1800. I believe we only booked \$300. We split the rest.

Q Who split it?

A Myself and Durden. Everything, as far as splitting money, anything like that, it's myself and Durden. There's no other officers involved.

Q Okay.

A None. Everything that I'm gonna -- that I'll be mentioning, as far as splitting anything up, it's myself and Durden. That's it.

The guy bails out of jail. We go to court. Uh, I think we had a prelim or something. The guy finds out how much money was booked. He calls Rampart, uh, C.R.A.S.H. And it just so happens that Durden -- Durden answers the phone. The guy's complaining, hey, I went to court. Uh, my attorney tells me that \$300 was booked. There's no way. I had about \$2000, or whatever amount, in my drawer here.

And Durden says, "Man, that guy." Durden tells me, "That guy that, you know, that we arrested -- that money -- he's on the phone." I get on the phone and talk to him. And I said, "What's the problem?" He said, "Look, man. You know, you guys did me wrong. You know I had much more money than that." And I tell him, "Well, you know what, all the money that -- that was there is being seized."

He goes, "So, you mean to tell me that, uh, all the money that you guys took, all you booked was \$300?" Uh, I'm not saying there was definitely \$300. But whatever amount, was absolutely wrong. Uh, he says, you know, "You -- you guys scored big." You know, he got -- he got agitated, you know, and said, "Man, you guys scored big, man. That ain't right. You know, whatever."

Concepcion -- I'm trying to remember his name. Uh, he's -- you know, he talks all this to me. And I said, "Listen. Bottom line, the money's getting seized. So, I don't know what you're worrying about. The money's getting seized."

He goes, "You know what? Whatever, man." And he hangs up. And I think later in court, the guy takes a plea agreement or something. And that was the end of that. But if he was to be interviewed, he would be able to tell you, yeah, I called, I talked to both of them. Well, he talked to Durden first. Then he talked to me. Yeah, I had so-and-so amount of cash. Uh, yeah, I had this marijuana here. Yeah, I might have been selling it. But still, they took 18- -- \$2000, whatever it was. But only booked this amount of money.

Uhm, you want me to look in here so I can give you more positive dates and -- and -- and, uh, locations?

Q BY SGT. SEGURA: If you think you can find it, sure. A It's in here. It's definitely in here. I'm trying to picture the date in my mind. It was right before we came -- and so, it's somewhere around May. May of '97.

Q May? June? Because you go to, uh, F.E.S. --

A In June.

Q -- in, uh, June.

A So, it has to be somewhere around, uh, May of '97. Okay. I'm sorry. This is kind of tedious and it's taking a long time. But I have -- have to -- to find it. You know what I mean?

Q Okay.

A Carnacion, something like that.

Q BY DET. HOHAN: How many arrestees in there, Ray?

A Up in the Northeast side was one person. Now, I'm trying to wonder if we just made it a multi-two because I'm looking at a Northeast D.R. number. And I'm thinking that if we arrested somebody in Rampart, and just went and followed-up and got him, I might have just -- we might have used a Rampart D.R. number instead of a Northeast D.R. number.

But, uh, we definitely got it from somebody else. But from up in the house, there was only one person arrested.

Q Okay. You know, if you can't find it pretty quickly, we can just move on. And we can kind of fine -- fine tune it and go back through this.

A All right. It's -- it's definitely in here, though. It's -- it's got to be in here. There it is. Yeah, I found it. Encarncion. It is a -- that's his last name.

Q BY SGT. SEGURA: What's the last name? I'm sorry.

A Encarnacion. E-n-c-a-r-n-a-c-i-o-n. First name is Fausto. His address is 3539 Arvia. He lives in Northeast Division.

Uhm, that occurred on May 16th, 1997. The D.R. number is 97-02-18961. Now, I believe that this person here must have been the person that gave us the information. And it's probably the person that we took up to the location to show us the house because we also arrested him that day.

So, I'm assuming this is the other guy that was involved. Mmnh, 'cause it was on the same date -- arrest date. And myself and Durden arrested him. His name is Gene Serrano. Uh, we picked him up on Occidental and Bellevue for marijuana -- possession of marijuana. So, this is probably the guy that we caught with marijuana. He rolled over and told us where he was getting his marijuana from.

Um, his D.R. number -- it's the same D.R. number. So, it definitely is a multi-two arrest. We made it a multi-two. Do you want these guys booking numbers, at all?

DET. HOHAN: No, we can find it.

THE WITNESS: You can find them. Uhm, oh, it doesn't say in here how much money was booked, uh, to Encarnacion. But from what I remember, it was like maybe three or four hundred dollars.

Q BY DET HOHAN: Did you rip the first guy off?

A This guy, uh, Gene Serrano?

Q BY MR. MCKESSON: Why you say "rip-off" --

Q BY DET. HOHAN: I mean, did you take any money or drugs from, uh, the first one that you arrested?

A I don't believe so. Unless Durden did something. But, no. On a couple of occasions that I'll talk about, Durden did some things that was without my knowledge. And I'll find out later that happened. And there was stupid things that he was doing that I didn't agree with.

But I'll get into that later. But, uh, to my knowledge, nothing was taken from Gene Serrano. It was a straight -- he showed up with some weed, and something like that. It was nothing involving him. The only person that got, uh, -- uh, taken anything from, was, uh, Fausto Encarncion.

SGT. SEGURA: Okay.

DET HOHAN: Okay.

Q Why don't we go to the next one?

A Okay. Uhm, I'm going to start [*****

CI #2 redacted *****].

Shortly -- well, maybe a month or two after that is when [CI#2] began to give me information. And I want to talk about the first person -- one of the first persons [CI#2] gave me. And I'm gonna find it in this book here. Uhm -- okay.

One of the first persons when I -- [*****

CI #2 description redacted *****]. I told [CI #2 that CI #2] needed to give me several good faith cases to see that [CI #2] wasn't lying to me. [***** CI #2 info redacted *****].

One of the first persons [CI#2] gave me was a, uh, girl that goes by the name of Carla. And she's used different last names a couple of times. She was arrested by Rampart F.E.S. twice -- on two occasions.

The very first time that we got wind of her, uh, we were told where she lived, uhm, what apartment. And I can't remember the exact address right now. It's in here somewhere, though. I have to find it.

We went to the location -- myself and Officer Durden. By ourselves. We go to the location. We find the apartment. Uhm, we sit outside the apartment. We hear some conversation. As we sit there -- because we didn't know how we were going to get in. If we knocked, and she's gonna look out and see who we are. She ain't gonna, number one, open the door. If she thinks we're cops, she's gonna flush and get rid of everything she's got.

We sit there and just wait for her. We figure, eventually, she's gonna come out to go deliver to somebody, or something like that. Sure enough, after a few minutes, she's coming out. She has a small child with her. Maybe a five-year old boy. Uh, we detain her. We go back inside and

talk to her. We tell her, "Listen, we know what you're doing." Da, da, da, da, the whole works.

She's got probably -- I want to say \$1200. And probably two ounces of rock cocaine already rocked up. We tell her -- she says she's gonna help us. Anything that we want, we'll help her. She tells us that she can, uh, provide us with the information as to who's supplying her. Uh, and it ended up, her supplier ended up being another girl that we arrested later on. Griselda. Uh, 'cause all of these people are involved with the same people. So, they were all using the same supplier.

Uh, so we say, "Fine. You're gonna help us. Let's go. Let's call her up and order right now." She goes, "I can't call her and order up right now. Look how much dope I have here. I just re-upped from her. If I call her right now and tell her that I need more, she's gonna suspect something."

Again, we went through that, "Well, you know what? What are we gonna do here?" We told her, "Okay. Well, we'll book you. And then come and get you out of jail so you can help us out." "No, don't book me. If I get arrested and taken out of here, everybody's gonna know I was arrested."

We take the money. We take the drugs. And we leave her in the house. Uhm, we keep in contact. I -- I -- I have her phone number. We call. Uhm, she says she's gonna help us in a few days. She (Sound.) tries to disappear on me. Doesn't -- doesn't move out of the apartment, but she's just never there. I don't know if she just left the apartment empty and was gonna come back from time to time. But she wasn't there.

[*****

***** CI#2 description redacted *****

*****].

Uh, we keep the money. And we keep the narcotics. Myself and Officer, uh, Durden. She -- she takes off, uh, on us. You know, we can't find her. We call her. No answer. Go by the apartment and she's not there. So, a little bit of time passes. Uh -- uh, [** CI #2 **] tells me that she's still dealing. She's still doing her usual thing. She's just being more careful. She got herself a Honda Accord. She's being more careful.

Well, we set her up. Uh, we set her up meaning that [*****

***** CI #2 redacted *****
*****].

Q [** CI #2 info redacted **].?

A [** CI #2 info redacted **].

Q Is this the one where [** CI #2 redacted **]?

A Exactly. Uh, I don't know where you guys got that from, but, yeah. [*** CI #2 ***] -- uh, I think Officer New was with me on -- on this particular date. I believe. It's kind of -- I made several contacts with that lady. So, I can't remember exactly each one. In fact -- yeah, in fact, this is the one where [***** CI #2 redacted *****

*****]. That is the same day that Officer Lusby -- or Detective Lusby and McGee had talked to [CI#2]. [***** CI #2 redacted *****]. You know, and all this other stuff.

And they definitely knew who [CI#2] was. I had to explain to them that, you know, [CI#2] gave me this information on her. Sorry about that.

Uhm, -- uh, we had recovered a purse, uh, that she was carrying that had some drugs in it. [*****
 ***** CI #2 redacted *****

 *****] .

[*****

 ***** CI #2 redacted *****

 *****] .

[*****
 ***** CI #2 redacted *****

 *****] .

Q For the purposes of the record, you indicated that

[***** CI #2 redacted *****

 *****] .

A Right. [***** CI #2 redacted *****

*****] .

Uhm, on -- at that point, we arrested her.

Q Who arrested her? When you say "we" you need to tell me who.

A I believe it was myself and Officer New arrested her. Okay. Now, we did not -- I'm getting a little bit mixed up here. We did not arrest her. We brought her to the station. [***** CI #2 info redacted *****]. We brought her to the station. And we were threatening that we were gonna arrest her for the other stuff. And I mean, this was a Spanish-speaker. So, I was the only Spanish-speaker. So, I was able to talk to her.

I -- you know, I was telling her, "Listen. You know we have that other case on you. We're gonna put it on you." You know, da, da, da, da. "You told us you were gonna help us." And she goes, "Just give me a little bit more time." Da, da, da, da. That's where the purse comes in.

Several days later, again, she doesn't talk to us. And that's when myself and Officer Durden go back and find her and arrest her. It was several days after that. But when myself and Officer New picked her up and brought her to the station, she was not arrested that day. She was not.

She was, again, later arrested maybe sometime in January. 'Cause I believe she had bailed out of jail and was --moved to another location, and was doing the same thing again. I gave the information to F.E.S. F.E.S. made the arrest on her.

Uh, on the second arrest that myself and -- well, actually, the second detention -- the first arrest that Officer, uh, Durden and myself did, it was a small amount of money. Officer Durden picked up the money. And I don't know if we just forget about it, or whatever, but I don't remember him giving me any part of that money. I don't even remember if we booked any money at all on that incident.

Q And how much money are we talking?

A I don't -- probably a few hundred dollars. Four or five hundred dollars. I don't recall exactly the amount, 'cause Officer Durden recovered it. And, as a matter of fact, he had asked me, "Did you pick up the money?" And I said, "No." We had already brought the female downstairs. He ran back upstairs, by himself, and picked up whatever money.

Also, that same day, uh, the child was with her -- the five-year old. Uh, we asked her, "Where can we drop this child off?" And she says, "There's a guy that always walks by here. He knows my family members."

Uh, Officer Durden, uh, gives the guy \$20 and tells him, "You know this lady? Take her kid. Take a taxi or whatever and go and take her -- take this kid. She said that her family members lived on Leeward." He says, "Yeah, I know where they live." He'll take a cab and take the child over to Leeward to where the rest of her family lives. That I remember. Q Okay.

A How much -- when he went back upstairs, how much money did he -- did he take total? I don't remember exactly how much. I know there was money there. My concern wasn't any money, at that point, 'cause it didn't appear to be large sums of money. And my concern was that she kept putting us off and not giving us information, you know. And we just wanted to arrest her, at that point.

Q What did you do with the drugs?

A On that one?

Q Yeah.

A She was arrested and booked. Everything was booked, other than the money. The first one, the money and the drugs, none of that was booked. What did you do with that drugs -- that we took that day? Where we placed it, where we hid it, I really don't remember.

I know we never -- we never booked it. The money was split up. You know, like I said, the drugs -- what did we do with the drugs? I'm

trying to remember. For a long time, uh, Durden had this green cooler, uh, that was in the office, that we actually kept it in the officers' cot room. And stuff was kept in there.

Q Which officers' cot room are we talking about?

A Rampart cot room.

Q Okay. And which Rampart station? The --

A Rampart station.

Q -- Rampart -- or

A Not Rampart Detectives. No, not --

Q You're talking about 2710 West Temple?

A Yes, sir. Right.

Q The one in the basement down by the weight room?

A Exactly. The -- the one where you're going down the hallway, on the right side. Uh, if you go in that cot room, there's two cots on the right side. And then, the -- another long hallway. And along the hallway, there's, uh -- stacks of, uh, -- of, uh, boxes of old, uh, reports or -- I'm not sure what's in there. But there's a bunch of files in there.

Q Clerical -- clerical records and files?

A Clerical records, right. And it has old D.R. numbers. We kept it in there for a long time. To be very honest, where exactly we kept the narcotics on that particular date, I just don't remember. I -- I definitely would have never taken anything home. I -- I never took anything home with me, or anything like that. It -- it stayed in the station somewhere. I just don't remember where. I don't remember -- or I don't remember where or anything like that.

Q Was there anyplace else in the station you guys used for a hiding place?

A Uhm, at one point -- I don't know where it came from. I think Durden found it somewhere. It was one of those Hide-a-keys. And I don't know if we -- he just found it on a defendant or where it came from. But

remember the office I was telling you that we used as the C.R.A.S.H. downstairs, right next to the roll call room, where we counted the money?

Q Yes.

A There's, uh -- there was, I believe, three desks. One of each side. And one right in front of you as you walk in. On that desk, underneath, he had a Hide-a-key with rock cocaine on it. And the reason it stands out in my mind was -- and this is going to be getting into a whole 'nother thing -- there was an informant that we used. Uh, [CI#5]'s name was [CI#5].

Q [CI #5]?

A [CI #5 redacted]. Uh, homeless that hung out [***
***** CI #5 info redacted *****

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

Q BY SGT. SEGURA: [** CI #5 **]?

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

*****]. [CI #5] was articulate, uh, I believe even educated. But turned to drugs and -- and -- and just was living off the streets now.

Q BY DET. HOHAN: Is this the same [CI#5] that called you from County jail -- who paged you? [CI#5] that called you in the County jail?

A A long, long time ago?

Q Yeah.

A It may be. Uhm, [CI#5] left me a voice mail or something?

Q Yeah.

A Or [CI#5] talked to me?

Q [CI#5] left you a voice mail.

A You know, I -- I kind of vaguely remember something like that. But I know [CI#2] also tried to page me, or something. I believe you guys must -- must have intercepted that call or something, 'cause it cut off.

Q Mmnh-mmnh.

A I believe [CI#5] might have been booked once or something and then released, or something. I'm not sure. Uhm, -- uh, do you know who I'm talking about? [CI#5]?

Q BY SGT. SEGURA: Yes. Before we go on to [CI#5], back to the Carla incident. Just a little bit. A couple of questions that -- that I have. Uhm, was there any jewelry involved in this; do you remember, Ray?

A In any of this?

Q In -- no, no. In this Carla, uhm, incident?

A Jewelry?

Q Yes.

A No.

Q That you know of?

A The jewelry incident that I thought we were talking about is the one that I described before.

Q No, this one with, uh -- with Carla?

A Carla? No.

Q You detained Carla the second time. There's about 400, \$500 worth of money, small amount of drugs. Do you remember what, uh -- was it cocaine? Did you say a little bit of rock cocaine?

A Rock cocaine.

Q Okay.

A But was there any jewelry?

Q Mmnh-mmnh.

A There's no jewelry involved with her at all.

Q No?

A No.

Q And, uhm, I didn't understand the part about Nino going back and possibly having an opportunity to take some more money. How did that happen? I didn't understand that. Sorry.

A We detained her. I was frustrated with her because she had told me time and time again that she's gonna help me. She's gonna call me. She had my voice mail number. And she --

Q Slow down.

A I'm sorry. And she never did. Uh, so, on this particular occasion, once we -- we -- we find her and we get her, I have no time to sit in her house and listen to her tell me how, okay, I'm gonna call. I'm gonna call. It's just I'm afraid, and all that. "I'm sorry. You're going to jail this time."

We go downstairs. Uh, we were trying to figure out what we're going to do with her son. We're trying to get a -- a location where we can drop her son off.

Q Mmnh-mmnh.

A Uh, Durden asked me, "Did you pick up the -- the -- the money?" I said, "No." He goes, "Oh, I'll go get it." And he runs, with the keys, back upstairs to the apartment building. Now, I'll look again so I can give you the exact address of the location. Durden goes back -- goes back upstairs and gets whatever money.

And, in fact, uh, the reason I remember this, also, is because, uh, when this gentleman that was walking by -- she tells him, "He knows where my family is." Durden takes money out of his pocket, from the money he went upstairs and got, gives him \$20, tells him to catch a cab, take this, uh, child, to where her family members live.

Q Okay. But it was before that he has the opportunity to go back upstairs and maybe -- maybe then he has an opportunity?

A No, he went upstairs and took the money -- and picked up the money.

Q Okay.

A But that was the whole purpose of him --

Q All right.

A -- going back upstairs was that the money was never, uh -- he never picked up any money.

Q BY MR. MCKESSON: I think what Sgt. Segura is trying to get to is you don't know what else was up there since Durden was by hisself (sic). Is that correct?

A That's true, yes.

Q BY SGT. SEGURA: Go ahead.

A On many of the searches, many of the money that was recovered, because I was a Spanish-speaker, and because I was always the one interviewing the person that we're there to arrest, Durden was always the one that did the searches.

On most of them, he always searched. Then, he would tell me what he recovered. In my mind, you know, I always felt that he actually recovered more, but only tell me he recovered this certain amount. In other words, he was skimming off the top of the top that we were supposed to skim.

Q BY DET. HOHAN: So, he was cheating you?

A He was cheating me on top of cheating every- -- everybody else. I -- and I always felt that. Because there was certain instances where I told him, "Do not touch any money that's in here." And he did it anyway. And I guess he thought maybe it wasn't gonna come back, or whatever. But he did it anyway.

I'm sorry. You were about to ask me something else?

SGT. SEGURA: No. That's it.

THE WITNESS: What were we headed back to?

DET. HOHAN: We were headed back to [CI#5 redacted].

MR. MCKESSON: Where?

Q BY DET. HOHAN: [CI#5]. [CI#5]?

A Uh, [CI#5]. Uh, [CI#5] was an informant of ours. Uhm, just a -- just for small things. Uh, cab drivers that were dealing in the area that

were just driving up and -- and deliver. Uh, a couple of houses that [CI#5] knew that was dealing a little bit of heroin. Uh, just small-time stuff. I mean, probably just the places where [CI#5] would go and -- and, uh -- and -- and buy. Which reminds me of another one.

Let me get into what we did to [CI#5] that was very illegal in my mind. Uh, --

Q BY MR. MCKESSON: Excuse me. What is [CI#5]'s last name?

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

THE WITNESS: Yeah, [** CI #5 description redacted **].

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

THE WITNESS: Okay. So, you guys, obviously, know [CI#5]. [CI#5], uhm, would give us information. Uhm, we would help [CI#5] any way we can. In fact, once [CI#5 redacted]. We put [CI#5] up in a hotel for a few days. You know, gave [CI#5] some food. Straightened [CI#5] up. [CI#5 redacted] over by the freeway. I know if [CI#5] told you about that. Uh, the guy was arrested and all this other stuff.

Uh, at any rate, uhm, that I can remember, uh, the first time that it hit me was, uh, Durden had that magnet thing under the -- the office. We had brought [CI#5] in to talk to [CI#5] about, uh, information that [CI#5] might have. [CI#5]'d usually call us. [CI#5] wanted to use us more than we really wanted to use [CI#5]. But [CI#5] always called. Always called. "I know something. I know something." 'Cause we would always buy [CI#5] food or -- or whatever.

Well, on this occasion, uh, Durden gave [CI#5] that -- that key holder with the drugs in it.

Q BY DET HOHAN: So, he gave [CI#5] rock cocaine?

A Yeah. Yeah. He gave [CI#5] that -- that holder. Uh, and [CI#5] took it. [*****

***** CI #5 description redacted *****

*****] . I

don't know if that means anything. But it's just in my mind.

Uhm, several times after that, again, we paid [CI#5] -- not paid [CI#5]. But, uh, -- uh, how did it come out? Like, for example, on one instance we used [CI#5] to call a cab. And the cab picked [CI#5] up. And [CI#5] was supposed to order up like \$50 worth of rock, or something like that. The guy handed it to [CI#5]. [CI#5] still had it in [CI#5]'s pocket. And we took the cab down, arrested the guy.

But we just told [CI#5], "Go ahead and leave" with the rock in [CI#5]'s pocket. You know, we knew that [CI#5] still had the rock. But we got more rock on the other person. We really didn't care about the rock that [CI#5] was getting.

Okay. On several instances, [CI#5] -- [CI#5] received, uh, narcotics.

Q Okay. So, basically, if I understand this correctly, what you would do is use [CI#5] to do the buy as your informant.

A Mmnh-mmnh.

Q [CI#5] would buy rock cocaine.

A Not on all of them. But on several of them, yes.

Q But -- for the drugs that [CI#5] bought -- on the ones that [CI#5] bought the rock, you would then take down the seller who were these taxi-cab drivers, and other people.

A Right.

Q You would, generally, get the major part of the -- that dealer's stash from him. You would allow [CI#5] to keep the rock cocaine, or -- or whatever drug [CI#5] had purchased, and go on [CI#5]'s way. And you wouldn't book that?

A That's correct.

Q Now, in these instances, what did you do with the drugs and money you took off the people that you arrested that [CI#5] told you about?

A It just depends on the instance. Uhm, the quantity -- on one, I remember, uhm, -- there was one of the instances where Durden upset me because the guy was gonna help. And I believe did help us. Uh, he was a cab driver. Uhm, he -- let me see how this went. Because we made several contacts with him.

Q Do you remember his name?

A Uh, -- uh, [CI #14]. This is the [* CI #14 *] guy.

Q Okay.

A [CI #14] -- I'm trying to remember how everything went with him. Because we made several contacts with him.

[CI #14] we arrested. I believe he bailed out. When he was taken down, Officer Durden searched him, removed some money from him.

In fact, no, the money was in the visor. If I re- -- if I'm remembering correctly, he had four or five hundred dollars. Durden detained him, recovered the money, had the money. [CI #14] says he was gonna help us. I believe he booked him. But he was released. Or -- or he bailed out immediately, or something. But the next day, he comes to the station because his cab is parked at the station. And we had his keys.

He tells Durden, you know, "Can I have my money back?" 'Cause, at this point, he's supposedly gonna help us. And I'm not sure whether we booked him on that occasion or not. I believe we did. I would have to look at the reports to remember on which dates we did arrest him or didn't arrest him.

He tells Durden that he wants his money back. Durden said, "I don't know what you're talking about." And he tells -- he tells me, "Man, your -- your buddy out there is talking about something." Or whatever. Uh, so I go back and talk to him. He goes, "Man, your -- your buddy took my money. Can I have all my money back, at least, you know?"

And I go, "What money?" He goes, "Well, all the money that I had. He took it out of my pocket. Or he took it from me." So, I asked Durden, "Did you take any money from him? Well, let's give it back to him. He's gonna help us out." Durden goes, "I didn't take no money from him."

But I remember that there was some money. I remember seeing it. Uh, but I don't know if Durden said -- or noticed that I saw it taking -- you know, I saw him taking it, or -- or whatever. But he never told me about it. I saw him taking it, though. And the guy told me, "You know, can I have my money back?" And I asked Durden, "Hey, you know, whatever you took from him, let's give it -- give it back to this guy. He's gonna help us out. He's gonna rollover on somebody for us."

And Durden said, "I didn't take nothing from him. Just tell him to get out of here or whatever." And that's where we left it at. I told him, listen, you know -- uh, as a matter of fact, uhm, he's the guy who, later on, he did help us. And we did -- we had booked him. But we went to, uhm, -- we did something like -- we were gonna help him on his case. And I believe what we did was, uhm, we talked to the D.A. We said we couldn't find the narcotics, or something like that.

In fact, we had went to court the first day. Something happened where the case wasn't gonna go. And something happened. We said -- I believe Durden was gonna handle the case. And I -- I believe -- I don't remember exactly how it went. But we both came back the next day. And we were talking about how are we gonna help -- you know, what are we gonna do.

Uh, and what we told the -- the D.A. was that we couldn't find the narcotics, or something like that. And we just told him we couldn't find the narcotics. When, in actuality, we never even checked to find the narcotics.

But that's what we told the -- whoever the D.A. handling the case was. I couldn't tell you whether it was a male or female right now. But it was -- there was a D.A. that we told, uh -- she goes, "Okay. Well, uh, unable to proceed." Or something like that. Then, that's what we'll have to do.

Q And she, subsequently, dismissed the case; do you know, or --

A Yes. I believe so. Uh, we didn't stick around to hear the official proceedings or whatever. We just left. But, I'm assuming that they did dismiss the case.

Q Okay. So, she told you they were gonna dismiss the case? You, basically, told her the dope was lost, or you couldn't find it?

A Right.

Q And then, she said, I'm gonna dismiss the case.

A Right.

Q Now, I have a question for you. Why didn't you impound this taxi-cab? What's the deal with that?

A Because, I believe, -- I believe there was two reasons why we didn't impound the cab. I believe that we were gonna use it for something. We were either gonna use it for something or we knew we were gonna release it back to him.

Or -- 'cause it -- not only was it parked in the station, it was parked upstairs in the station. In the upper lot at Rampart station. And I don't know exactly why, but I know that that car was gonna be released back to him.

And I don't remember how. I don't know if he told me that, yeah, he was gonna bail out right away. Or I -- I just don't remember what happened. But I believe we knew he was gonna bail out right away. And that he was gonna come back and help us. And then, we were gonna help him in return.

How exactly? I knew we didn't want to impound the car. Really, I don't -- I don't remember. I -- I don't know if we were gonna use it for something, or what. But we, uhm, -- we just didn't.

Q What would you have used it for, if you had used it?

A Uhm, probably to go O.P. or surveil (sic) some location or something. To go try and drive into a location and see what we can see. Something -- 'cause we've done that in the past. Uh, I mean, both in C.R.A.S.H. and Narcotics. You know, take down a cab and don't impound it. Just leave it parked. And then, the next day, we go use it to try and get in somewhere to look at something. We've done that in the past.

But -- and I'm just speculating that that's what we might have done. I'm not certain we did. In fact, I know we didn't use that cab for anything. Because I think it was the very next day he came back. And the car was still parked in the exact same spot.

Q BY SGT. SEGURA: So, not to get off the subject too much, but while it's fresh in your memory, is it possible that this was the cab that was used in the, uh, Shatto -- Shatto Street --

A No.

Q -- shooting?

A No. The Shatto shooting -- uh, the cab that was used was just an arbitrary -- just -- well, in fact, we were told, "Go get a cab." I mean, we've done that many times before, by the way. Just go get a cab and use it to do whatever we're gonna do. Go get a cab.

Uhm, pick up the cab. Put the guy on ice. And, uhm, meet us back at the snoopy-up (sic) location. That was routine to go -- to stop a guy. You know, one of these illegal bandit cabs. Tell them we're gonna write them some kind of ticket. Check them for warrants. Take them to the station. Sit them in the front desk, or in an interview room. Tell them to wait there. And then, we go use his car.

But, no, that cab was not the same cab that was used. The cab that was used in that other one was a yellow cab. And we, specifically, wanted a cab with all tinted windows. And we released it right back to the guy that night and told him, "Okay. Good-bye. See you later. Good-bye."

DET HOHAN: Do you want to take a break for a few minutes, Sara?

THE REPORTER: Maybe -- maybe so.

THE WITNESS: I'm sorry.

(Off the record for a break.)

(Back on the record.)

Q BY DET. HOHAN: What I'd like to do is -- is start from the get-go. You know, how you acquired the cab, the whole deal.

A Well, it actually started a little bit before that. I believe the day before.

MR. MCKESSON: Let me just say, on the record, this is another incident where Mr. Perez -- Officer Perez is testifying based upon his memory. My understanding is the incident occurred approximately three years ago. He's not been given any documents to review, to my knowledge. And he's talking from memory. So, everything here is to the best of his current recollection.

THE WITNESS: Uh, and that was the street -- Shatto. And you've reminded me of the street. But, uhm, the day before, uh, some M.S. gang members had come up to that location and killed, I -- I believe, two, uh, 18th Streeters, right there in front of that location.

Uhm, so we were well aware, the next day, that they're going to be planning a retaliation. I mean, that's a give me. We knew that's gonna happen. We were trying to figure out what we can do. You know, how we can, you know, watch these guys.

So, later that, uh -- later that evening, uh, some of the guys that were working the 18th Street guys -- Hewitt and Richardson and Montoya and Stepp. They were assigned to work the 18th Street Gang. I guess they

did an O.P. and saw that there was people there. A bunch of gangsters there. They had a little, uhm, -- a little, uh, funeral-thing.

What do you call the -- you know how they put little flowers and the guy's picture, and -- a little memorial or whatever. It was set up. And the little box with donations was set up. And all this stuff was going on. And there was several, uh, gangsters in front. They were all there.

Uhm, like I said, we had one guy across the street up on the roof, uh, watching it and giving us, uh, intell. Intelligence.

Q BY DET. HOHAN: Who was that guy?

A That was Richardson. Richardson was up on the roof, uh, looking down. Uh, Sgt. Ortiz, uh, gets called in. We all snoopy-up. Exactly where we snooped-up, I don't recall.

Q Explain what snoopying-up means.

A I'm sorry. Snoopying-up meaning to meet up. It's, uhm, -- it's like a code alpha. I think regular, you know, everybody else uses code alpha. I think we use snoopy-up. Meaning let's gather up and, uh, put a plan together to go do something.

Q Okay.

A Uh, we -- we -- we meet, I believe, somewhere off of Wilshire. Maybe over by the, uhm, Ambassador. Somewhere over -- over in that area, out of the way, where no one's gonna see us. And we, basically, formulate a plan. We're gonna have officers on each floor from the rear. They're gonna get to the building without being seen, from the rear, uh, and make their way up to each floor.

Uhm, and then, uh, myself and, uh -- uh, Duarte were told to go find a cab. Go secure a cab. Get back here as soon as you can. Uh, the plan was that we were gonna, obviously, get a tinted-window cab. And we're gonna pull right up front. And, basically, not give these guys an avenue of escape.

And we were gonna come up to the front. If they saw us, the first thing they're gonna do is run towards the back of the building. And waiting in the back of the building were officers on each floor. Uhm, that's it.

Before all of this is executed, before all of this is done, uhm, once they position them -- theirselves in the back of the building, officers on each floor, I guess one of the gangsters walked back there. And they detained him. Uh, and I guess he had a large, uh, automatic weapon, or a semi-automatic weapon on him.

They relayed that information to us that, uh, they had one in custody and that, uhm, he had a weapon on him. And they believe that, uh, there's definitely gonna be more items. We called everything -- uh, if we talked about a gun, we described it as an item. We never -- just called it either a long item or a small item. That's how we talked on the radio, or on the frequency. Item being a gun.

That it was definitely gonna be more items there, uh, or the people that were there had more items. I don't know if they just told them -- you know, the guy told them or what. But that's the information that we got.

Uhm, myself, uh, Officer, uh -- Sgt. Ortiz drove the, uhm, -- drove the --

Q Keep going, Ray.

A Keep going?

Q Mmnh-mmnh.

A Uhm, Sgt. Ortiz drove the cab. Uh, I was in the front passenger. And Duarte was in the rear passenger, I believe. I'm pretty sure that that's how it was positioned. I wasn't driving. Definitely wasn't driving. I believe Sgt. Ortiz was definitely driving. We get right up to the very front of the location. I mean, the guys are standing right

there at the -- at this front entrance of the building. And I am, uh -- we're pulling in up front.

Uh, as soon as we get out of car and start, you know, "Get down, police," you know, of course, they're all gonna start running to the back.

Q And -- and as you exited the car, okay, as you pull up there, could you see if anybody was armed? Could you see anybody that was armed?

A No.

Q Okay.

Q BY SGT. SEGURA: Was it -- was it broadcast, before you pull up, that somebody up front was armed?

A We were told that, uh, there was definitely more items up there.

Q Okay.

A And like I -- that's why I was talking about items. That's how we discussed things. That there's definitely gonna be another item. There's gonna more items up front.

Q But -- but if you had known that one of the gang members in front -- known for a fact that there are a number of gang members up there, and one of them is armed, would the plan -- would you still have gone up in a car with Ortiz, Duarte, and yourself?

A I did it. That's what we did.

Q Ray, --

A Uhm --

Q -- knowing that one of these guys had a gun?

Q BY DET. HOHAN: What -- what we're trying to say, Ray, is, the question is here, because it was broadcast that there are more items, based on the stop of the guy inside with the weapon who said there are more items. What we want to know is, did the O.P. or somebody see more guns? And was that broadcast to you?

A I do not remember if -- oh, I -- I do not remember if the O.P. -- it wasn't the O.P. that told us there was more items. It was, I believe,

Hewitt broadcasting they had detained a body. They had somebody in custody. I don't even know how they secured this body. 'Cause they're in the building. And somehow, they had to secure him. I don't know if they handcuffed him to a railing, or -- or what.

But they never came back out, and brought that body out, and be transported, and got rid of it. That body was still in there.

Q BY SGT. SEGURA: But that's the question that we had. Do you remember the O.P. broadcasting that they saw one of the gang members in front with a gun?

A Before we went in, and before the first guy was taken into custody -- the first guy in the back of the building that was taken into custody --

Q Mmnh-mmnh.

A -- there was some talk about, yeah, we definitely -- we're gonna have some items there.

Q Mmnh-mmnh.

A What -- I mean, you got to remember, Richardson, Hewitt, Stepp, and whoever else was there, they were in charge of the 18th Streeters. They go and do the preliminary O.P.

Q Mmnh-mmnh.

A So, when -- once the information gets back to us, once we snooped-up, was that there's gonna be items there. So, we know there's gonna be guns there.

Did I hear directly from Richardson? No. I believe I heard it at this -- when we snooped-up and got briefed of what we're gonna do, that items were -- were seen.

Uhm, what items? I don't remember what exactly. But we knew that there was gonna be items. In fact, when they get to the back, uhm, and they detain the guy, that was corroborated again. I guess they asked the guy that they had detained, uh, does anybody else have any guns up

there, and da, da, da, da. You know, I'm certain that the guy said, yeah, yeah. You know, whatever.

DET. HOHAN: Okay. This is a good place to take a break.

SGT. SEGURA: Okay. We'll break. Uh, take a break. Lunch is here. We're gonna take a break for lunch.

(Off the record at 12:23 p.m.)

(Back on the record at 1:35 p.m.)

SGT. SEGURA: We're back on tape after lunch break. It's now 1:35. And Richard Rosenthal has rejoined us.

Q BY MR. ROSENTHAL: And for the record, Mr. Perez, you still are under oath. And, in fact, let's -- for purposes of all of the interviews to be conducted in the presence of the court reporter, you're going to be -- your oath will continue. Do you understand that?

A Yes, sir.

Q Okay.

Q BY SGT. SEGURA: Before we went to, uh -- broke for lunch, we were talking about the, uh -- the Shatto Street, uh, shooting. And, basically, you had just given us a, uh, rundown, again of -- of the shooting.

A I think I left off maybe where we were going to go get the cab.

Q BY DET. HOHAN: Yes.

A I think that's where we left off. Uhm, like I said, we had met up. Uh, I was -- or I was told by the rest of the guys, "You have the weak link, so, unfortunately, you're gonna have to get this detail over here." Which was go get the cab. Find a cab. Acquire it. Put the guy on ice. Come back and meet us here. Make sure it's a cab with all tinted windows. And we do that -- uh, myself and Duarte go and do that.

We come back with the cab. Uhm, and then the game plan is set.

Q Who formulated the game plan?

A Uhm, everyone involved. Uh, you know, uh, it -- Montoya might have had some word in it. Uh, Hewitt might have had some -- we, basically, sit there and formulate, you know, how should we do it.

Q I know you put it together as a group. But, ultimately, does Sgt. Ortiz approve it?

A Right. He's the one that says, okay, yeah, that's how we're gonna do it. I mean, ultimately, if he says, no, then we start from square one. How do you want us to do it, then?

But, yeah, he was right there during the whole, uh, formulating of the plan as to how we're gonna get in there and, uh, do what we needed to do.

Uh, once we get back with the cab, everything is set up. Our O.P. is already up there letting us know. Uh, and I know you wanted to ask me whether the O.P. had told me if we saw some items. And when I say "items" that's how we would describe weapons in C.R.A.S.H. An item is a weapon. And if it's a long item, we called it -- it's a rifle -- long item. A short item, it's a handgun.

I remembered it when we met up with Sgt. Ortiz and everybody else, there was discussion that there's gonna be items there. There are items there. If the O.P. came down and told Montoya and Hewitt and all them, I'm not sure. I know, in the briefing, we were told there's gonna be some items there.

Q BY MR. ROSENTHAL: So, there as an O.P. -- uh, there's an O.P. established prior to you guys going in?

A Yes, sir. There was a -- uh, across the street from 676 Shatto, across the street there's a building. Get up on top of the roof and look right down at them. They were right in front of you. Uh, as I described earlier, there was a little memorial set up there, because the day before two -- two, uh, gang members there had been killed, right there on the sidewalk. Uh, so they were doing their little ritual. We had

information and we knew that they were going to try and retaliate that night. We -- it's the common thing to do. That's what they always do. Once somebody -- one of theirs gets killed, the next night they're gonna go out and kill one of theirs.

So, we -- we had that information. And -- and, uh, when we came to work that day, that was our project. Let's see what they're gonna do. Let's -- let's follow-up on it.

Q Do you know who manned the observation point?

A Uh, Officer Richardson was up at the observation point.

Q And when you guys came there with the cab, would he still have been manning that observation point?

A Yes, sir.

Q Do you know if he was alone, or was he with someone else?

A You know, he was the only one broadcasting. So, I really couldn't tell you. I -- I would assume there was somebody else with him, 'cause we try never to put just one officer by himself. But who -- who that other officer was, I can't remember. 'Cause, uh, any broadcast that was done, was always by the senior guys, which Richardson would have been broadcasting from the O.P. We only have one guy talking from the O.P. The other guy is looking. You know, uh, looking around.

Q McNeil is the other -- the other guy?

A Is it McNeil?

Q Do you remember?

A You know --

Q BY DET. HOHAN: That was his partner, uh, for the night. So --

A Uh, to be very honest, I don't even remember seeing McNeil's face.

Q Okay.

A But if that's what was in the log, then, that's what -- that's probably true. But I just don't remember McNeil's face.

Q Okay. What happened next, Ray?

A Uh, once we get everything set, uh, all the other officers take off, 'cause they're gonna go into the back of the building. And -- and the way we did it, was we would go through other buildings -- through their back door. Cut some fences, go through those doors, uh -- that fence, and sneak our way into the building.

Uh, once they got into the building, uh, as soon as they got there, they radioed us and let us know that they had one in custody who had walked back there. And that they had a small item in custody.

Uhm, where exactly they secured that arrestee, I don't know. 'Cause they never brought him back to us. We never took him out of the location. They must have either handcuffed him to a railing or to a fire escape, or something, because he -- there was nowhere for him to go. And we needed every officer for each floor.

Uhm, once we knew that they were set, they gave us some information that there's gonna be some more items up front.

Q Okay. Now, who broadcast that information?

A I -- you know, and like I said, a lot of this is --

Q To the best of your memory.

A Right. To the best of my memory, it was Officer Hewitt. I remember his voice saying that they had the guy in custody, that they had an item, and that there was -- there was more items. That there was gonna be more items there. And I -- I'm assuming that they talked to the guy they already had in custody and asked him, hey, who else -- how many people, uh -- you know, who else has a gun? How many people, and stuff like that.

So, we had some -- some info -- or some intell as to that there was going to be more items. Once we get that -- once we get that, we, uhm, -- we come from the -- uh, the south. We go all the way back around to,

uh, I believe it's 7th Street. Uh, came up Shatto. Uh, and the building's on the, uh -- the east side of the street.

Q So, you're northbound Shatto?

A Northbound Shatto from 7th, coming north towards, uh, Wilshire, uh, I believe it is. Uh, and the building is right there on the right-hand side, on the east side of the street. There's no -- really no front porch. I think it's just an opening, maybe one step, into the building.

They were -- they were right there. They were right in the front entrance. When we pulled right -- I believe Sgt. Ortiz was driving. He pulls right in front of the building and we bail out. And we start approaching them.

Q BY MR. ROSENTHAL: Now, how many people were in the cab?

A Three.

Q You, Ortiz, and who else?

A Duarte. Uh, Raquel Duarte.

Q A female?

A Female officer, yes, sir.

Q Okay. We have that already.

A Uhm, as soon as we get out, several of the -- uh, of the guys start running inside. And we, basically, knew they had no avenue of escape, unless they went into an apartment. Because if they ran to the rear, we had each floor covered. There was somebody on every floor. I think there was four -- four levels. And we had somebody in the rear of each one.

So, we knew they would run to the back where there was officers waiting. Uhm, as soon as they run in, uh, maybe -- I'll say ten seconds later, there's a big boom. A shotgun blast. Uh, --

Q BY DET. HOHAN: I want to stop you right there for a moment, Ray. Prior to hearing the shotgun blast, did you ever hear a radio broadcast or see anybody as you're exiting the vehicle, or just prior to

the vehicle pulling up, anybody, uh, remove like a .9 millimeter or a large caliber, or semi-automatic, uh, handgun from his waistband? And it would have been facing you, uh, it would have been in clear view of the O.P. and then would have turned around and carried that weapon into -- away from their body into the, uh --

A I was closest to the street. I'm the passenger. And the car is going northbound. So, I'm closest to the building. So, in other words, the driver would be a little bit further away than I would have been.

When I got out of the car -- and I'm -- you know, as we're driving north, I'm already looking at the location. I'm trying to see what I have -- who's standing where. Uh, and -- and while we're stopping, as I'm getting out the car, I never saw anybody pull out a gun. I never did. And they all ran inside. What happened inside, I don't -- you know, as far as that part goes, if somebody -- once they were inside and somebody pulled out a gun, I didn't remember seeing that.

But when we pulled up, no one up front pulled out a gun. I never saw that.

Q So, facing you, nobody would have removed --

A No.

Q -- a gun from their waistband, --

A No.

Q -- turned and ran towards the building? Something where the O.P. would have looked right down --

A No.

Q -- and saw them?

A No.

Q Okay.

A I would have -- I mean, I'm right there.

Q You were -- you were --

A I would have -- I would have been closer than the O.P. I mean, the guys are right in front of me. I mean, we're maybe a sidewalk and maybe a half a car length, you know, away.

Q BY MR. ROSENTHAL: Where were you when you heard the shotgun blast?

A Right in front of the building. I mean, right -- running towards the inside of the building. I back up, because now there's shots being fired. Uh, Raquel gets behind the cab. Uh, me and Ortiz are like, "Let's go. Let's go. We're getting in there."

Uh, I -- we go in. You know, we're starting to look, see what's -- you know, what's going on. Uhm, Montoya is on my right-hand side, the first landing going up. The stairs going up. You guys haven't been to the building yet, have you?

DET. HOHAN: Yeah, we have.

THE WITNESS: Okay. You know how you walk in that building, on the right-hand side there's some stairs. He's right there. Uh, he just shot somebody with a shotgun. Uhm, there was a -- a suspect on the top of the stairs.

When I ran up, I didn't see a gun. I don't know if later something was put there or not. I never saw a gun when I ran up. I saw him.

Q BY DET. HOHAN: Okay. I want to go through this very slowly --

A Okay.

Q -- and accurately. As you came in, Montoya was standing -- because that's kind of a funny stairwell. There's a landing then stairs, then a sort of a landing, and then stairs going back up. What you're saying is Montoya is standing on the, uh, -- uh, landing, which is somewhat different than the

--

A Here's the stairs.

Q Okay.

A Here's the front of the building. There's a little landing. And then it turns this way. And it goes up the stairs.

Q Correct.

A He's standing right on the -- uh, the first landing. The --

Q Okay.

A You know how you go up three or four steps and then you have to now turn a little bit of an angle and go up the rest of the stairs?

Q Correct.

A He's standing at that first landing.

Q Okay.

A Looking up.

Q Is he --

A Right. He's still got the rifle.

Q -- pointing the shotgun up?

A Right.

Q Okay.

A Right. Uh, myself, I think it's, uh, Sgt. Ortiz, and maybe another officer, we run up. They're controlling him. They're doing whatever, uh, with that defendant, or that person. Still shots are being fired. Pa, pa. Pa, pa, pa, pa. Shots are being fired. I run up. I look at the second floor. I don't see anybody.

Uh, when you get to the top of the stairs, this is the first -- or the front stairwell. There's another stairwell all the way to the rear that you can see right down the hallway. It's a clear view all the way down the hallway. I go up to the third floor and I see Patel all the way clear across on the other end of the -- of the hallway. I start running towards him. And then, I hear another, pa. There's another shot being fired. And I get, uh, shoulder-to-shoulder.

Patel's -- can I stand while I'm talking?

Q Sure.

A Patel is still like this. And I'm --

Q BY MR. ROSENTHAL: With his arm extended out.

A Right. With his weapon out. And I am standing right next to him. Like shoulder-to-shoulder right next to him. And I see the guy on the ground.

Can I keep going? Uhm, the guy's on the ground. I see an ever so slight, on his T-shirt, like a bloodstain right in the center. Uhm, he's kind of on his butt, kind of laid back. But he's up -- if Patel was right there -- if I just laid myself flat, straight back, that's how he was. He was kind of moving around. But he -- he's laid, uhm, basically, on his back, other than when he's trying to twist up and things like that.

I tell Patel, de- -- uh, decock and holster. Decock and holster. 'Cause I was gonna try and handcuff the guy. Uh, as I'm looking at the guy, I hear some running down the stairs. Duh, duh, duh, duh, duh. Two officers are coming down. That's Officer, uh, Stepp and Officer, uh, Hewitt running down.

They kind of look around. Then they run back upstairs. I'm handcuffing the guy. They come back down. And Officer Stepp takes the gun and puts it on the very first stair closest to his right hand. The defendant that's laying on the ground, his right hand is kind out of like this, right by the stairs. And then there's a step.

Q Mmnh-mmnh.

A The very -- if you look at the stairs, right on, towards the left-hand side, right on the top stair, by the first -- the first step. Right there. And there was a black, uh, semi-automatic weapon.

Q Ray --

A I could see that clearly.

Q -- when Officer Patel shot, where were you?

A Behind him. Uh, feet-wise, uhm, I would say the stretch of the hallway there, maybe, I don't know, a hundred feet.

Q Okay.

A Whatever the stretch of the hallway is, from the front stairs to the rear stairs. And I'd be guessing at the -- the feet amount. But maybe about a hundred feet.

Q So you could not see the person who was shot? Getting shot?

A Who was getting shot?

Q Right.

A No.

Q All you could see --

A All I could see is that there's an officer this. And I'm behind him. And I hear a shot. And I'm running to him, you know. And the guy is sitting on the floor. And Patel is, you know, still kind of in a little bit of a shock. And --

Q So, you have to run up to Patel before you can see the guy who got shot?

A Right. Well, as I'm running up there, I see there's somebody on the floor.

Q Right.

A I can't see who he is. I can't identify him or anything like that. But I can see there's somebody on the floor. I tell, uh, Patel, "Decock and holster." You know, lower your gun, 'cause he's still up like this. I'm gonna go up to the guy and handcuff him. Which, eventually, I did.

Q And the guy does not have a gun, at this time?

A No, there was no gun at all. There's no gun at all. Uh, like I said, uh, Hewitt and -- and Stepp kind of run down and run back upstairs. And they have this -- and I remember the gun. And, uh, it had like a -- the -- the grips were -- I mean, it's this color gun. You know, the blue

steel. But I -- for some reason, I remember like it has like ridges on the handgun itself. On the -- uh, on the grip itself.

I mean, when he put the gun there, I mean, it was real clear to me what was going on, you know. I -- I mean, he put it down ever so, you know. I knew what was going on.

Q BY DET. HOHAN: When we last talked, last week, Ray, and we were talking at the County jail, it was almost my impression -- when we were, uh, -- when we were dropping Ray off -- I want to clarify this.

When we brought Ray back, there was a point that was bothering me, because, uh, at this, you had said you rounded the top of the stairs and you were coming down the hallway as he shot. And I think I asked you a question, something to the effect, could you see part of -- uh, part of the person that Patel shot silhouetted around his body. And your answer to me was you thought you saw his hands extended.

A I remember when you asked me that.

Q His hands were out, or something. You could see something?

A Okay. Then I misunderstood you a little bit. I thought you meant when the guy was on the ground was his hands out to the side.

Q Okay.

A And remember I said, "Well, they were at some point. But they kept moving around?"

Q Yeah.

A Right. Okay. I didn't know if you meant before he shot him.

Q Okay.

A Is that what you're asking me now?

Q Yeah. That's why we --

A No. That -- that I can't say. All I know is, I really wasn't even looking for another person, or that male beyond the officer. All I know is there was still shots being fired. And I'm trying to, you know, -- which officer needs my

-- may need some help. Or what's going on where. Do I need to get into an apartment?

I get up there. All the way down the hallway, I see Patel. And as I'm headed that way, "boom", he fires another round. And I see somebody stumbling on the ground. Vavoom. And I run right up to him.

Q And just like that, he lays --

A Yeah, he's laying all the way back. He's kind of like trying to get up. He has a very slight, uh, bloodstain right in the center of his T-shirt. Uh, and he was just, you know, -- there was no -- there was no gun there. I -- I can tell you that quite emphatically. There was no gun nowhere near him.

Q Okay. And his hands in the -- in the way that he fell, when you initially saw him before he started to flop around, is he -- his hands -- because I remember you describing it to me like this. Open and back. Sort of like he got blown back off his feet?

A Yes. When he was laying back, yes, his arms were to his side. And it was like he was trying to gasp for air. You know, he was like -- (Deep sigh heard.) You know, he was trying to like breath. And trying to -- he was saying something. He was trying to talk. Uhm, I told him to turn around.

In fact, I think I helped him. After I told, uh, Kulin to decock and holster, I -- I turned -- I helped him turn around with his arms, so that I could handcuff him. Right around that point was when the two -- two other officers are coming down. And then they go back up. And then they come right back down. I mean, real quick.

Q And they put the gun down?

A Stepp takes the gun and he's holding it very lightly. Like with almost his fingernails. And puts it right on the first step.

Q And you handcuffed that man?

A The person that was shot, yes.

Q Okay. It was not Stepp. And it was not Brian Hewitt?

A No.

Q BY MR. ROSENTHAL: Where was Brian Hewitt when Stepp planted the gun on the step?

A They were right next to each other. They both ran up. When they saw that the guy was shot, they ran back upstairs. And then they came right back down. And they both came down. And Stepp -- I mean, Stepp -- he -- he never even made it down to the first stair. As he's coming back down the last stair, right when he's on the last stair, he puts it right there. And Hewitt is like right -- maybe already on the landing. He's already -- but Stepp is still on the first step. And then he comes and steps all the way down.

Q Okay. Forgive for this, because, uhm, I don't have the files. Was this shooting before or after the Ovando shooting?

A This is before the, uh, -- the Ovando shooting.

Q Was this the first time you had ever seen somebody actually plant a weapon on a shooting victim?

A Yes.

Q Okay.

A I had heard of, you know, several. Several, several occasions. But this is the first one that I actually saw with my own eyes.

Q The other ones were hearsay -- other people told you about them?

A Uhm, yeah. You know, the problem -- the thing is that officers will go to the Short Stop. They'll go through a training. We'll go through a training day. And they kind of spill the beans to each other. You know, they'll -- if you're in a C.R.A.S.H. unit here, and I'm in a C.R.A.S.H. there, they kind of say what really happened. You know what I mean? What -- what occurred.

So, I mean you hear a lot of the stories. I mean, you can't help but to hear them.

Q BY DET. HOHAN: Now, after -- after the gun is placed and this guy's handcuffed, where is Sgt. Ortiz?

A Sgt. Ortiz is somewhere still helping Montoya with the one guy that Montoya shot. Uhm, he hadn't shown up over here yet, where we were at with the one guy.

Q And as you came up the steps, from the first landing, was there -- was there anybody else on the steps?

A Where I came up from?

Q Yeah.

A There was nobody. I was the first officer up.

Q No, I mean, was there anybody else down or wounded, or -- or -- or when you came past -- did you go past the person that Montoya shot with the shotgun?

A Yes, I did. Because, uh, like I said, there was another officer -- I'm -- I'm not sure who the officer was -- and Ortiz. They were trying to secure him. And I wanted to get upstairs to see if any other officers needed assistance.

I ran up the next flight of stairs, which was up to the third floor, I believe. Which is where I saw Patel. And I started headed towards him. And "pa" there's shots fired. And "faroom" a guy is falling. And I witnessed what I witnessed.

MR. ROSENTHAL: Okay. Let me ask the court reporter. Get faroom?

THE REPORTER: Huh?

MR. ROSENTHAL: Faroom?

THE REPORTER: Yeah. Actually, I did.

Q BY MR. ROSENTHAL: Okay. What I'm -- what I'm trying to get at, Ray, is there was another individual shot that night. A Mmnh-mmnh.

Q Where was he at?

A He was on the, uh, I believe, the second floor landing. Top of the landing. I went past him.

Q When you got there?

A Right.

Q Okay. Was there anybody with him?

A With me?

Q No, no. With the other individual -- the non-gang member who was shot.

A Oh, I'm sorry. I see what you're saying. The -- the civilian? I never even saw the civilian until I got to the station. I found out he got hit with a pellet. And he had a child with him. I never even paid that guy any atten- -- I mean, he might have been there. I wasn't paying him any attention. I wanted to know what was going on with the officers.

Q Okay.

A I never -- I talked to him later, at the, uh, detectives, I believe. But I never talked to him at the scene. I never talked to him. Uh, once everything occurred, boom, the building was secured. And all the officers involved met with Ortiz. And they got their game plan put together.

Q With respect to the guy who got hit with the shotgun by Montoya, can you say, based upon what you saw, whether or not that guy was armed when he was shot; do you know?

Q BY MR. MCKESSON: Which guy, again, now?

MR. ROSENTHAL: The guy that got hit by the shotgun blast. DET.

HOHAN: The gang member that was shot.

MR. ROSENTHAL: The gang member. Right.

MR. MCKESSON: This is the first one that was shot?

MR. ROSENTHAL: Right.

SGT. SEGURA: With the shotgun.

MR. MCKESSON: I thought he said he didn't see the shooting.

Q BY MR. ROSENTHAL: No. Well, no, he heard the shooting. He ran up to it. But it sounds like he may have been in a position to see the gang member run into the building. Do you remember seeing the guy who got shot running into the building?

A I remember the guys running into the building.

Q All right.

A Now, the -- the game plan was that he ran into the building, ran up the stairs, the top of the stairs, turned around and pointed a gun at Montoya, and Montoya shot him. Right?

Q Mmnh-mmnh.

A That's what -- what was said.

Q Right.

A That's the story. Once the story -- that particular story is said, that is the story. That is it. There is no deviation. There's nothing.

When I ran up there and there was a guy shot and everything, did I see a gun? I didn't see a gun. Did somebody pick up the gun, or -- or was the gun hidden behind a corner where I couldn't see it? I don't know. But I did not see a gun.

Q BY SGT SEGURA: You did not see a gun on the suspect Montoya shot?

A Exactly.

Q Or -- okay.

A No, the guy that --

Q Or that Patel shot?

A The guy that Patel shot, he definitely didn't have a gun.

Q Okay. Right.

A That I could tell you, uh, you know. He didn't have a gun.

Q Now, Montoya's suspect --

A The first guy that was shot. The first guy I see, or the first defendant that I see that is shot or bleeding or hurt, --

Q Mmnh-mmnh.

A -- is the one that Montoya shot with a shotgun. That's the first blast that's -- that is the first shot that was fired.

Q BY DET. HOHAN: Now, in that -- in that incident, Montoya's got him covered. You're coming up the steps. There's another officer there somewhere around Montoya.

A And Ortiz.

Q And Ortiz. And -- and Ortiz comes with you, right?

A Right. Me and Ortiz go in together.

Q Okay. Now --

A Raquel stays outside, or something. Raquel Duarte stays out -- out of the building.

Q This gang member is down from his wound.

A Mmnh-mmnh.

Q Okay. And as best you can see, as you go past him, on your way to render assistance to wherever the other gunfire is taking place, this guy is not armed, that you can see?

A That's correct.

Q BY SGT. SEGURA: Do you look for that, Ray?

A That's my next thing that I was gonna say. However, I didn't go around inspecting around his body or around, you know, the little outer perimeter if there was. I know when I ran up the stairs and saw him, uh, you know, the guy was pretty normal, too. I mean, he was, you know, -- he wasn't like, oh, my God, I'm shooting. He had some pellets in him. But he -- he seemed fine. I don't think he died, right? He was just hurt. He didn't die.

In fact, both of them seemed fine. In fact, the guy that was shot upstairs, walked down the stairs to -- to the thing. But when I

walked up those stairs, and Montoya was still downstairs and we walked up, Ortiz, myself, and another officer, and eventually Montoya, I'm one of the first ones to see the -- you know, the guy sitting there. I don't see a gun. But I -- like I said, I didn't inspect for a gun either.

Q BY DET. HOHAN: Yeah. This is -- if you're in that position, as you're coming up, and you're one of the first officers to approach this guy, did you see him go into his waistband, or in close to his body, and then pitch a gun out to his side, drop a gun at his side, before he collapses to the floor?

A No.

MR. ROSENTHAL: Which guy are you talking about?

DET. HOHAN: I'm talking about Perez, the first person who was shot.

THE WITNESS: Perez?

DET. HOHAN: His name is Perez.

SGT. SEGURA: The guy Montoya shoots.

THE WITNESS: His name is Perez?

SGT. SEGURA: Joe Perez.

DET. HOHAN: It's Jose Perez.

MR. MCKESSON: There's Victor Perez, Joe Perez.

THE WITNESS: One of the first things that I would tell you, if I had saw someone pulling a gun out of his waistband and throwing it, -- that's -- that's one of the first things I would tell you. I never saw either defendant go to their waistband, uh, discard a weapon, throw a weapon, or pull out a weapon. I never did.

Q BY DET. HOHAN: And -- and I may sound old and dumb and -- but I'm gonna ask you this again to clarify it for me. As you pulled up on the taxi-cab, this fellow Perez is out front with the group.

A Mmnh-mmnh.

Q BY MR. MCKESSON: Excuse me. Can you distinguish who was out front?

A You know, you're telling me -- you're telling me the name is Perez and everything. But I couldn't tell you which Perez -- who's Perez, or who's who. I know he had dark hair. Uh, the other one up top was bald, uh, had a T-shirt. This other guy, I remember him. I remember seeing his face. But I couldn't tell you if he's Perez, or the one upstairs is Perez. I can't -- that I can't distinguish.

Q BY DET. HOHAN: Okay. I won't use names then. What -- what I'll say is this. As you pulled up, you did not remember anybody in that group -- and this would be somebody that you could clearly see -- remove a .9 millimeter from his waistband, turn, okay, in a direction that would be facing you --- from my understanding of reading the shooting reports -- as he's turning to run into the building, all right --

MR. MCKESSON: Let me just ask this question, Detective. I don't mean to be a jerk about it. You're -- you're not -- you're not asking him to say does he remember everything word-for-word?

DET. HOHAN: No.

MR. MCKESSON: You want to know if he saw a gun, number one? You're not asking if he saw everything titled up. If he's -- you're asking if he saw a gun, right?

DET. HOHAN: Right.

MR. MCKESSON: Okay. I don't want you to think he's -- did he see one guy do all these things, when you may have saw him do three of those things, but not all four of them.

THE WITNESS: You're asking me --

DET. HOHAN: Yeah, I'm not -- I'm not trying to trick him. MR. MCKESSON: Yeah.

DET. HOHAN: We're not trying to -- we don't want to trick anybody.

MR. MCKESSON: No, no, no. I know that. But I'm just trying to make sure you guys are -- are communicating. I'm sorry. Go ahead.

THE WITNESS: Your question started as, uh, to my recollection, or do I remember seeing. I can tell you that some parts of the incident -- of the incident, I remember very, very, very clearly. And that was one of them -- when we first pulled up. Because a lot of times, that's the way the -- something may happen -- right in front. I can tell you, emphatically -- another one of my emphatics -- no one, none of those guys turned around, pulled a gun, rotated to his right, or turned to his left, and started running.

I was looking right at them. No one pulled a gun. I don't -- I didn't know how -- or I didn't realize that maybe that's part of the, uh -- the report. Or that's what was said. That didn't happen.

Q BY DET. HOHAN: And as you went in the building -- Q BY SGT. SEGURA: Before going in, did you see any of the gang members run inside the building --

A Oh, yeah.

Q -- with a -- a gun in their hand?

A I saw them running. I didn't see no guns in their hands.

Q BY MR. MCKESSON: I think what he said -- just so we're clear -- is he never saw any of those guys with a gun. Is that correct?

A That's correct.

Q Before they went in the building.

A Right. Or after.

Q Or after.

A Or after for that matter.

Q BY MR. ROSENTHAL: The guy who Montoya shot, do you remember, specifically, seeing him running into the building, or is he just one of a number of guys?

A He's just one of, like the three guys or four guys that ran in.

Q Okay.

A You know what I mean? Uh, which one was he positioned out in front of the building? I couldn't tell you. It was kind of dark out there. You know, but I see male figures. Uh, and we're getting out. And we're approaching him now. You know, guns out. And they're like, holy shit. They turn around and start running.

Q Okay.

Q BY DET. HOHAN: And the type of thing you would be looking for, and what we're trained to look for, is, generally, somebody's waistband area, if their hands are up.

A For their movement.

Q Where they would go for a weapon.

A Correct.

Q Now, you hear the shot of the shotgun.

A Mmnh-mmnh.

Q Montoya shoots. You enter the building.

A Mmnh-mmnh.

Q Montoya is the on the first landing pointing the shotgun up.

A Mmnh-mmnh.

Q The suspect, uh, number one, for a better term instead of using names -- the first person shot.

A Mmnh-mmnh.

Q The first gang member shot --

A Mmnh-mmnh.

Q -- is down?

A Mmnh-mmnh.

Q Okay. You are going up the steps past him. There is -- at no time do you see him in any way remove a weapon from his waistband and drop it by his side, or try to pitch it out away from him.

A No, sir.

Q Okay.

MR. MCKESSON: And you need to include, at no time do you see him with a weapon at all.

THE WITNESS: At no time do I see him pulling a gun out, pulling it to his side, or at any time do I see a gun near him, at all.

Q BY DET. HOHAN: Okay. Now, do you continue on up to the location of the hallway where Officer Patel is at? Is that correct?

A I go up another flight of stairs to the third floor.

Q Okay. Behind you, the first gang member who is shot, he is secured by Officers Montoya, Sgt. Ortiz, and another officer who you do not remember --

A That's correct.

Q -- specifically who was there.

A That's correct.

Q As you approach down the hallway where Officer Patel is at, --

A Yes, sir.

Q -- do you see him in a shooting position?

A Yes, sir.

Q You hear a shot fired?

A Yes, sir.

Q As you approach Patel, at some point, you see the second gang member who is shot, down.

A After I hear the shot fired, I see somebody. Uh, I made that sound earlier, and I'm not gonna say it again. But I hear a -- (Popping sound heard.) you know. I can see a body beyond the officer, going to the ground.

Q Okay. So, you -- and you hear the noise that would be consistent with a -- a body hitting the floor?

A Yes, sir. Yes.

Q Okay. When you approach that body, and Patel, this person is lying on the floor, before they -- as you said, began to flop. The second

gang person is laying with their hands outstretched and away from him. Almost as if they fell --

A Crucifixion-style almost. Sort of just went back and just -- you hear this gasping for air. I mean, you know, like he's trying -- having a hard time breathing. And I'm looking right at him. You know, I'm looking at him. And I'm telling Patel, "Decock and holster. Holster up." Because I wanted to approach the guy to handcuff him. But Patel is still like this, pointing right at the guy. And he's just stuck there.

Q Now, at this point, did you either in this man's hands, on his person, or lying near his body, a handgun?

A I did not. The only thing that I --

Q You're absolutely certain of this?

A I am a hundred percent positive of that. The only time I saw a gun near him was the gun that, uhm, Officer Stepp put in the first stair, near the first step, right next to his right hand.

Q Okay. Now, you see Stepp and Hewitt come down the stairs to the scene of the shooting, in which Patel shoots gang member number two.

A Yes, sir.

Q They view the same scene that you're looking at. Am I correct?

A Yeah, they have to.

Q Okay. They see --

A I mean, uh, what --

Q Okay.

A -- I see is what I saw. And they have to be seeing the same thing.

Q Okay. Which is an unarmed suspect who has just been shot by an officer?

A Right.

Q Okay.

A I hear a few, "Fuck", you know, and, you know, "Shit", you know, and more running back upstairs.

Q Okay. Then they run upstairs. How long are they gone, approximately?

A Seconds. Uh, seconds. I mean, uh, maybe twenty seconds -- fifteen, twenty seconds. They run up and they run back -- right back down. Plmm, plmm, plmm, plmm -- both of them. They both run up. And they both run down.

Q Okay. And, at that point, Stepp places a gun -- a handgun -- by the shooting -- uh, the second gang member's hand. Is that correct?

A Well, the guy's laying, obviously, on the floor of the hallway.

Q Okay.

A The stairs are to his right. His hand is out to his side. By his hand is -- are the stairs. Here's the first step to the stairs. All the way to the left-hand side of that first stair is where Officer Stepp places the gun. Right there.

Q Okay. And is this, at this point, you handcuff him then?

A Right.

Q Okay. Hewitt is standing there and can clearly see this take place?

A Oh, yeah. Definitely.

Q Is there any discussion about it, among anybody --

A Uhn-uhn.

Q -- as it's taking place?

A Uhn-uhn.

Q Okay. It's just a straight drop the gun, and everybody --

A I'm sorry. I didn't answer you. I said, uhn-uhn. No, I never -- there was never any discussion, uh, of what went on. And we all saw it. We all -- I mean, this is a -- I mean, a -- maybe a -- we're all standing

in a, I think it's 6 feet by 6 feet, a little quadrant there. I mean, we all see what's going on. You know what I mean?

Uhm, but once it was done, it wasn't discussed. You don't discuss it. That's -- that's it. You know, that -- that's the story.

Q Now, who told you that you never discuss these things? How did you learn that?

A Well, here's the first thing.

MR. MCKESSON: Off the record. Now, you're going to arrest the entire police force.

THE WITNESS: Here's -- here's what happens. And here's how we were trained when I got to C.R.A.S.H. If there's an officer-involved shooting, no one, but absolutely no one -- not the lieutenant, not if the captain shows up will come into the scene. You create some kind of diversion, something. Sir, we still got suspects running. Stay here for a second. We've got officers searching.

And what's really going on is they're discussing what's going on. Whoever's involved in the shooting, directly involved shooter-wise, will talk to the supervisor and they will figure everything out -- the game plan. Everything, how it happened. And that is it. Don't even discuss it among yourselves. And don't do it. Don't. I don't care if Richardson was my best friend. I'm not gonna talk about how -- what we did. You know, how it went down. I'm not. Because the -- the least amount of people that know, sort of the better, as far as how that exactly went down.

Q BY MR. ROSENTHAL: And you're saying you learned this when you joined C.R.A.S.H.?

A This I learned when I joined C.R.A.S.H.

Q Okay.

Q BY DET. HOHAN: Who taught it to you? Do you remember?

A Supervisors there working C.R.A.S.H.

Q What supervisors taught it to you?

A Oh, my goodness. This is, you know, --

Q This is extremely important. And I need to know truthful answers here.

A Well, I am. You know, it's -- Sgt. Byrnes and Sgt. Hoopes are very good supervisors. You know who they are? You know who I'm talking about?

Q I know who they are.

A You're looking at me like --

Q I know who they are.

A Now, and -- and it hurts me, you know, and, uh, they're outstanding supervisors. But, you know, they are -- they are everything about C.R.A.S.H. They are, you know, -- they are C.R.A.S.H.

Q So -- so, what you're trying to tell me, if -- and am I getting this clear -- that it was Sgt. Hoopes and Sgt. Byrnes. A And Sgt. Ortiz. And, uh -- I mean, those are the three main supervisors who always locked us on. Always told us how things should go, how to do things. Always. Uhm, --

Q And this is --

A Not -- not -- mainly, not Sgt. Hoopes, but Sgt. Byrnes. Sgt. Ortiz mainly. Sgt. Ortiz is the one that really just really locked us on about a lot of things, how things needs to be -- need to be done.

MR. MCKESSON: So, I rest my case.

THE WITNESS: And -- and -- and one of the things I'm saying, was like when I got to Rampart C.R.A.S.H. in 1995, uh, I was the young guy there -- the new guy. And, you know, we got all these supervisors there, or certain supervisors. And -- but we got the officers that are all there when Sgt. Byrnes and Sgt. Hoopes were there. And so, I'm learning things from them, as well. You know, and this is how things go. This is how we do things.

Q BY DET. HOHAN: Okay. So, again, my understanding of it would be the three sergeants that taught you that this was the proper conduct to do,

or this was the way a shooting was to be --

A Not that this was the proper conduct.

Q No.

A This is how we were doing our thing.

Q This is -- okay. This is the conduct that would happen at the scene of an officer-involved shooting report?

A Right.

Q Sgt. George Hoopes and Sgt. Byrnes, and especially Sgt. Ed Ortiz?

A Right.

MR. MCKESSON: Let me just say something. I'm not trying to be picky. I want to get it straight. I don't think, as I understand -- I'm not trying to tell him what to say -- but I don't think what he's saying is these sergeants -- these supervisors -- encouraged them to plant evidence.

DET. HOHAN: And I'm not saying that.

MR. MCKESSON: Okay. I just want to make that clear. I -- I --

DET. HOHAN: There's a distinction here. And I'll make it. MR. MCKESSON: I don't -- I don't think he's testifying that -- that -- that these guys told them that when there's a shooting and something happens, then you start planting stuff. DET. HOHAN: Correct. And I'm not in any way --

MR. MCKESSON: I -- I -- I think what he was saying is that if there's a shooting, that you guys discuss it among yourselves first. That's -- that's what I think he was saying.

SGT. SEGURA: And make a plan.

THE WITNESS: Yeah. Uh, yeah. But like I talked about earlier, when -- you know, the first shooting, the last time I was here -- uh, the idea about I had a chase unit. That was Sgt. Ortiz' idea. I didn't have any chase unit. The idea that I reported every 15, 20 minutes to Sgt. Ortiz and he'd tell me, okay, everything's fine, continue your O.P., --

Q BY DET. HOHAN: That's the Ovando shooting?

A Right. My shooting. That's what I was talking about. Q
Yeah, your shooting.

A I didn't -- I wouldn't have even mentioned it. I wouldn't have even said that. Those are things that supervisors do because they know what's gonna be asked. And that's how they fix the game, or, you know, they -- they make things a little bit more smoother. So, there is less ridicule or less, uh --

(Off the record to change paper.)

(Back on the record.)

Q BY SGT. SEGURA: Okay.

A Where did I leave off at?

Q We -- we -- no, we were talking about the, uh, Ovando shooting, and the supervisors making a plan.

A Uhm, policy. Right. Like, uh, some of the things that were -- that were put out there, you know, like I was saying, chase, uh, broadcasting back and forth to supervisor to keep them abreast to what's going on. Uhm, I know -- I remember one of the -- one of the first things, uh, Ortiz told me was, where do you need to be when you made this -- you know, when you fired these rounds?

In other words, how can, you know -- what do we need to do? How do we -- you know, what happened, you know? And -- and the next thing we need was, the officers involved in the shooting, we all went to a corner. Everybody else -- you know, no one comes in the building. And we discussed it exactly how everything went.

Q BY DET. HOHAN: Okay. So, you create a story?

A We -- we gather our story. We put a story -- I mean, not that everything's completely different about the story.

Q I -- no.

A But if we need to add something to the story to make it look a little bit better, that's what we do.

Q BY SGT. SEGURA: If we need to correct something --

A If we need to correct something, it's corrected right then and there before we have the officer-involved shooting team, lieutenants and captains and everybody showing up, we fix it and correct it right there. And we always say that once we come up with a story, that's the story. That is it. You never change it. That is it no matter what.

I mean, because we know that the minute you tell a story, or say something, and someone don't find it correct, or something just don't seem right and they come back and ask you again, and you change the story, everything's out the window. I mean, you -- you're -- you're totally not credible. And your story's totally -- it ain't gonna happen. I mean, you're -- you're not coming across believable.

Q Okay. So, now, we leave off -- you've left Sgt. Ortiz, Montoya, and one other officer with the first gang member that's shot. You're up with Officer Patel, who just planted, uh, -- Stepp has just planted the gun and Hewitt.

A Yes.

Q What do you do next?

A After I handcuff the guy?

Q Yes.

A Uhm, we're trying to figure out what's gonna go on. And I remember somebody said, "Okay, the R.A.'s gonna be en route. Let's just take him downstairs to where the R.A. could meet him downstairs, instead of up here."

Uh, 'cause, normally, I mean, I've always been trained, you know, if the guy is shot right there, leave him right there. You know, so that when the R.A. comes, you know, he's still right there in case photos need to be taken. And if he dies, he dies right there, not three floors down.

But I was told to pick him up and get him out of there and take him down to, uh -- to the front of the building where the R.A. would see

him.

So, he was handcuffed. I helped him up. And I walked him down the hallway. Not where the flight of stairs was right next to him. I walked him across the hallway first, and down the stairs to the first floor.

Q Which would be the west, uh, -- west hall?

A The west stairwell of the building. Farthest west. And seconds -- I mean, right there. The R.A. was right there, at that point.

Q Okay. At what point -- what happened next?

A Right, at that point, as I was getting the guy out of there, uh, the officers involved -- all the officers that were involved in the shooting -- were meeting up with Ortiz. And we were already being told, everybody stay out while they, uh, got their little meeting together and made their game plan.

Q So, you weren't actually privy to that meeting that took place?

A The only persons that are going to be in the game plan are the actual officers that fired. That is it. Everybody else, once everything gets talked about and -- and reported to the Internal Affairs -- or the officer-involved shooting, everybody else played a very minimal part, unless it's important.

But everything else is smoothed out.

Q Were you ever interviewed, or was Sgt. Ortiz ever interviewed by the officer-involved shooting team, to the best of your memory?

A Oh, boy. I believe I was. I just -- I really don't remember. I, honestly, I just don't remember. I --

Q Did you ever -- did you or Sgt. Ortiz ever disclose to the shooting team, to the best of your knowledge, that you were percipient witnesses to the shooting? You to Patel's?

A Uh, no. That's what I'm talking about when we say everybody else. It's best to leave that part out. If -- if -- I don't -- number

one, I don't think --

Q BY MR. MCKESSON: Let me -- can I just say this? And -- and this is the only thing that bothers me on this. When you say "percipient witness" in my view that's anything you perceive with your senses. And so, in the one sense, given the fact that he heard the shot, he was a percipient witness to the shooting. I mean, he heard the shot and saw Patel there. But I don't know if that's what you meant by being a percipient witness.

DET. HOHAN: That's -- yes, sir, that is.

MR. MCKESSON: Okay.

DET HOHAN: And what I'm trying to get across to Ray here -- and -- and I'm not trying to trick him, or anything like that -- is that we have a duty if we're in a shooting, and we see, hear, or are a part of the shooting, to report that information of what we saw to the officer-involved shooting team, so that they can make a fair analysis of what occurred.

MR. MCKESSON: Okay.

DET. HOHAN: And, in this particular situation, if my understanding is correct, both, uh, -- although you did not see the Montoya shooting, you both heard it and you were on the scene within seconds. And in your particular situation, you can see the -- although from behind -- Patel in a shooting stance, hear the shot fired, you observe the -- hear the sound of a body dropping, and then see the victim down.

THE WITNESS: Yeah. Yes.

DET. HOHAN: That would make you a percipient witness to that shooting. Yet, you never disclosed yourself as such to the officer-involved shooting team.

MR. MCKESSON: Let me just say this. Now, I think what he said was he doesn't recall if he spoke to the officer-involved shooting team.

THE WITNESS: I -- I couldn't tell you. If -- if you had the -- you know, if you tell me I got interviewed, I would believe it, you know. If

you read something to me that I said, I probably would say, yeah.

Q BY DET. HOHAN: Okay. I've re- -- and I've just got to tell you. I've reviewed the statements in the officer-involved shooting team -- from the officer-involved shooting team, and there is no statement from you, or to the best of my knowledge, Sgt. Ortiz, as being percipient witnesses.

A Is that right? Uh, like I said, I don't remember whether I was interviewed or not. I -- I -- I know I expected to be interviewed. I just don't -- I don't know why I wasn't. And another thing that I wanted to mention was, you got to remember, like the part that you said that, uh, out front did somebody see somebody pulling a gun out and running, I don't even know that.

Because, see, now, when Richardson comes in, and, uh, Montoya and Hewitt and Stepp, or whoever's involved in the shooting, talk, that's something they may add to validate their -- you know, the -- the shooting. But it's something that I wasn't there when they -- once they huddled up and discussed it. That's something that was just left alone. You know, uh, that's their story. And that's what they're going with. I wasn't even there when they discussed that part.

'Cause that didn't happen. That part that somebody was in the front of the building and came out with a gun and turned around and started running, I never saw that. I never saw that.

Q And you would have been in a position to see that?

A Absolutely. I'm right in front of the building. I'm closer than Richardson is. And I'm getting out of the car right in front of these guys. They don't who we are getting out of the cab. The -- the window's completely tinted. Uh, you know, they don't know who we are until we're out of the car walking towards them.

MR. MCKESSON: So, just for the record, Detective Hohhan, am I correct that you have reviewed the officer-involved shooting reports in this case?

DET. HOHAN: Portions of it, yes, sir.

MR. MCKESSON: And that, what you've represented is that -- well, what's -- what's accurate is that, uh, my client Rafael Perez was not interviewed by the officer-involved shooting team with respect to the Shatto shooting?

DET. HOHAN: Yes, sir.

MR. MCKESSON: Okay.

SGT. SEGURA: There's not a statement in there for him. We don't know if he was interviewed or not. Looks like he's not --

DET. HOHAN: Not a formal statement was in there.

SGT. SEGURA: Formal statement in that report. Ray, one question.

THE WITNESS: At -- for some reason, at some point, I remember being interviewed. I think that I -- I might have been interviewed. But I just don't -- I'm not positive.

Q BY DET. HOHAN: Okay. So, if you would not have disclosed, -- uh, if you would have not disclosed the portions of the story that were disclosed to us here today, and on our prior meetings, uhm, they wouldn't have gone further into to probably take a formal statement?

A I didn't understand that question.

Q What I'm trying to say is -- I'm not saying that Ray deliberately withheld information. What I'm saying is part -- probably part of the story was not for Ray to --

MR. MCKESSON: To hear.

Q BY DET. HOHAN: -- to hear what occurred. Uh, because that would have generated a formal interview from the shooting team. Okay. And, so, it would be fair for us -- and I'm just -- this is an assumption I'm making on my part. Since that wasn't disclosed, the officer-involved shooting team didn't interview him.

A That -- that would be a --

Q Would that be right?

A That would be correct.

MR. ROSENTHAL: I stepped out for a couple of minutes. Have we -- have you discussed the, uh, comment by Sgt. Ortiz later?

DET. HOHAN: No, that's the other thing that --

Q BY SGT. SEGURA: Before we go later, a couple of questions on the -- on the shooting. So, you do not remember the O.P. Richardson or McNeil. But Richardson, I believe broadcasting that one of the gang members out front had had a gun, was seen with a gun?

A Let me make this real clear, again. Richardson, Montoya, Hewitt, Stepp, they are assigned to the 18th Street gang. We knew that day we were gonna work with them. Uh, 'cause we knew they were going to retaliate.

However, those four officers will go to the scene first, set up an O.P., see what they see, and then say, yeah, let's go ahead and get -- gather up. And we definitely got activity. And we're gonna do something.

Prior to that, we're still floating at the station getting ready, getting flexi cups ready, whatever we to do. We're not there in the O.P. We don't want to heat up the area. Once we met up and snooped-up -- snooped-up meaning we're gathering up -- that's when we're told that there's gonna be items there. We've got some items there. And stuff like that is being talked about, yes.

But did I hear directly from Richardson, the person who's working the O.P., that we have an item? I just -- I can't say for sure.

Q Okay. Now, you, Ortiz, and Duarte drive up. You get out of the car. Do you identify yourself to these gang members as police officers?

A To be honest, I don't even think we needed to. I think when they saw our uniforms -- we were in uniform, by the way.

Q Oh, okay.

A You know, by the time we're getting out of the car and start walking towards them, people are turning around and running the opposite direction -- into the building.

Q When you get out of the car and start walking towards them, are your weapons, uh, drawn?

A Yes, sir.

Q Yes. Do you know -- do you remember why your weapons are drawn? Any particular reason?

A The intelligence that we got

Q Okay. The intelligence that you got, not because you heard, uh, that, uh, -- that -- what I'm asking is, would you have approached them any differently if you'd have known that -- if it had just been broadcast that one of them had just been seen with a gun in front of the building --

A Well, that's exactly --

Q -- just -- just before -- I'm sorry. Just before you guys go up?

A The intelligence that we had gotten -- and when I say "intelligence" meaning what the O.P. is seeing and what was being relayed. Not only what the O.P. was saying, but the fact that one defendant was already taken into custody. And that one guy that was already taken into custody was armed.

So, the -- when I say "intelligence" I mean before we drive up, in my mind and in my heart, I know there are gonna be more weapons there. That is my mentality. Because that's what I'm being -- I'm being told, that there's gonna be more items at the location.

Q BY DET. HOHAN: But see, Ray, what we're trying to differentiate is -- it's kind of a fine point here. But what we're saying is as you're pulling up, you hear -- if you heard somebody say over the radio, gang member "x" just pulled a gun from his waistband, would -- would that have caused you one, to deploy differently, and number two, maybe to take some different actions. I mean, you don't just pull up on somebody that's just drawn down on you is what I'm --

A Exactly my point and what I was gonna say. If as we're driving up the O.P. -- and we were wearing earpieces. So, we can hear the radio

and everything else. If I get told that there's one gangster who's pulling his gun out and is in front of him and he's the one standing right to the right of the door, oh, you best believe that I'm gonna respond a little bit differently.

And -- and, you know -- you know, something would have happened. I mean, I -- I know this. I mean, but when we approached, we knew. You know, and our instincts were that we've got him trapped. They're gonna just run to the rear. But never was I told, as we're approaching, uh, one particular gang member is pulling a gun out, uh, with his right hand and is standing on the right side of the door. No, that never came out.

Q And you never saw that happen?

A And I know I never saw that. That I definitely know that I never saw. And like I said, I'm the front passenger. I'm closest to the sidewalk. The guys don't even see me 'til I'm -- you know, the gang members don't even see me until I'm getting out of the car.

Now, we're talking about maybe 15, 20 feet away from me. I would see that.

Q BY MR. ROSENTHAL: So, during the entire Shatto incident, you never saw a gang member with a gun?

A I never saw a gang member with a gun in the Shatto incident.

Q SGT. SEGURA: And what I'm understanding is the way you come out of the car, the way you approach, you had not heard -- there would not have been a broadcast saying that the O.P. had seen one of those gang members with a gun just before you go up?

A That's correct.

Q Okay.

MR. MCKESSON: Good question.

Q BY SGT. SEGURA: It took me awhile but -- uhm, now, when, uh, you, uh, go to the gang member that Patel shot, up on the, uh -- up on the third floor.

A Mmnh-mmnh.

Q Uhm, you say he's in relatively decent -- he's in okay condition because he's -- he's able to, uh, walk down.

A Mmnh-mmnh.

Q Uhm, is there any delay before you actually take him down to go look for an R.A.?

A There was a delay. What type of delay, sorry. Type of delay was -- probably we're talking, uh, a couple of minutes. And when I say -- I mean, from the time he was shot --

Q Ray --

A From the time he was shot, 'til the time that an R.A. was probably requested and got there, --

Q Mmnh-mmnh.

A -- and let's delay from the time he was shot to the time the R.A. was requested, we're talking about just a few minutes. Only because he was handcuffed. We were waiting for Ortiz to come back upstairs and say, you know, how are we gonna do this. We're waiting for a little direction, basically.

And, at that point, you know, okay, you, uh, request an R.A. unit. You put out C.R.A.S.H. 10, 20, 30, and 40. Even though we know we have everybody here, we want all the rest of the C.R.A.S.H. units to show up. Because the only people we want handling the perimeter and handling the scene are C.R.A.S.H. units. Not -- no -- no outside people.

Q BY DET. HOHAN: When we talked, uh, last Friday, Ray, and we're going back to the County jail -- and I want you to clarify something else for me.

A Okay.

Q Like we did with the hands and the how the guy -- okay. You said as Ortiz came up to the scene of the second shooting, --

A Mmnh-mmnh.

Q -- somewhere in there, in the -- in the discourse that took place, he made a comment something to the effect of, oh, shit. Two -- two bad shootings. Or two something?

A I never said that.

Q What -- what -- you said --

A I said, uh, I heard some comments with shit -- fuck, shit, you know, something like that.

Q Yeah. Okay.

A That was when Hewitt and Stepp had come down the first time. Saw what we saw, you know, fuck. You know, Patel, you know, shot him. Or something. And then he ran back upstairs. And then they came back down. You're talking about a little while ago when we talked about this, right?

Q MR. ROSENTHAL: There -- there was a comment on Friday when we talked to you about Ortiz making a comment. And I remember it, too. Something about --

A That I said two bad shootings?

Q BY DET. HOHAN: Yeah. Not two bad shootings, or --

A No.

Q -- something to clean -- we got two to clean up, or something to that effect.

A I don't remember that at all. Could -- do we -- do we have transcripts already ready, or no?

MR. ROSENTHAL: Not yet.

THE WITNESS: You know, I may have said something like that. But I'm not sure if we're talking about the same thing or not.

Q BY MR. ROSENTHAL: My -- my recollection is -- and I think Det. Hohans's recollection is the same as mine -- was he said some point after, -- uh, you were there at the Patel shooting.

A Right.

Q And Ortiz shows up, looks and says, "Oh shit, another -- another bad shooting I've got to clean up." You don't --

A No. I never said that.

Q -- remember saying that?

A There's -- there's -- show me a transcript. But I don't think I said that.

Q Did anything even close to that occur, that you can remember?

A Ortiz saying something like that?

Q Yeah.

A No. I'm sorry.

Q Let me ask you another way. Did you ever have any reason to believe that the shooting involving Montoya, uhm, was a bad shooting, that the guy was unarmed? And this could be hearsay. This could be -- we already know what you saw.

A Are you asking me was that guy shot, uh, and he had a weapon --

Q Did he have a weapon when he was shot?

A Right. He run up the stairs away from Montoya, 'cause as he's -- as he's running on the first floor, oops, he sees Montoya all the way down the hallway. He turns around and starts to go up the stairs. And then, when he got to the top of the stairs, decided I think I'll turn around and point this gun at this officer that's running after me with a shotgun, so that he can shoot me. Do I think that happened? No.

Q Did anyone say --

A No.

Q -- anything to make you think that he was unarmed at the time that he was shot?

A After the shooting occurred, we go up to the benches and we drink. And things are joked about. Things are mentioned as we're drinking beers and they're celebrating this shooting, or whatever else.

Things are mentioned and talked about, and kind of implied. But no one's saying actually what happened. But from the feel of things that are being said, you could tell that it wasn't -- uh, I'm a police officer, you know. And you guys are police officers. And there is no way that you can -- you know, in my mind, this defendant sees Montoya with a shotgun coming after him, runs the opposite way and gets to the top of the stairs then decides to turn around and --

Q BY DET. HOHAN: In other words, engage somebody --

A Engage someone knowing he's chasing him with a -- two officers, and one's got a shotgun. And he's gonna -- and not ever fire a round? You know, I never saw a gun on him. I mean, I never -- when I ran up, I had other officers there, boom, they were handling that location, or that -- that situation. I'm looking to see where the other officers are and see if they need some back-up.

And, you know, shots are being fired. And -- and like I was saying, I guess Stepp and, uh, -- and Hewitt are chasing this guy down the stairs. And they're firing as they're going around the -- the -- the stairs. They're firing at him as they're going down the stairs. You know what I mean?

So, there's continuous firing, you know, going down the stairs -- gunshots being fired.

Q Did, at some point, you ever learn that you had hit the same person that Patel shot?

MR. MCKESSON: On the same day? And hit, you mean like what?

THE WITNESS: That's the first I'm hearing that.

Q BY DET. HOHAN: Did, at any point, Hewitt ever disclose to you that he shot the same person that Patel shot? Hewitt shooting him in the back?

A No. In fact, I don't know if he was or wasn't. But that's the first time I'm hearing this that that guy was shot also in the back. That

I didn't know.

Q You -- you said you heard numerous shots. I mean, obviously, there were shotgun blasts by Montoya.

A Mmnh-mmnh.

Q You've got the shot by Patel.

A Mmnh-mmnh.

Q Who would be these other shots being fired out?

A Hewitt and, uh, Stepp.

Q And they were --

A They were chasing --

Q The guy that --

A The person that, uh, Patel shot was being chased by Stepp and Hewitt.

Q Right.

A Which is another part of the story that I don't know how the officer-involved shooting team can go, oh, okay. They're chasing this guy all the way around the building. I mean, around the stairs. Going down the stairs. I mean, there's -- there's gunshot wounds on the railing of the stairs, the floorboard, the door, all the way. I mean, it's just a running gunfight all the way around.

And we're trained. I mean, we're trained very well up at C.R.A.S.H. You don't just start chasing a guy who's holding a gun, supposedly. You're running after him. And, you know, just -- you're firing at -- running after him, you know, firing. We knew that part of it was bogus, I mean. Or at least, we knew, you know, that they're chasing this guy clearly across, uh, you know, all the way around the building and down the stairs. And, wait a minute, he never turned around and never -- I mean, the guy is running from you the whole time. He's coming down the stairs. And that's the same guy that Patel's confronted with.

Q Okay. Got it.

Q BY SGT. SEGURA: You weren't present when the game plans were made for either shooting?

MR. MCKESSON: Either shooting? You mean, either shooting at Shatto?

Q BY SGT SEGURA: The shooting for Montoya. No, no. For the Montoya, uh -- for when Montoya shot at Suspect No. 1, or Patel shot at Suspect No. 2?

A It was all one meeting. And, no, I wasn't present. I was there. But what they do is huddle up in a corner. We make sure nobody else comes in the building, no one comes near the scene until we're done. And then we move from there.

Q Were you there when they huddled up in the corner?

A Oh, certainly. Yes.

Q You were still in the building, or outside?

A No, I was in the building. Uh, I forgot who it was we sent out front. It was probably one of the young guys, McNeil or one of the young guys to be a, you know, be out in front of the building. Nobody comes in until we're ready for them -- for them to come in.

Q So, then -- so, then, they don't call the R.A. -- well, you don't want the, uh, suspect that Patel shot down until after the game plan?

A Exactly.

Q What about requesting the R.A.?

A That's what takes a few minutes.

Q Was the R.A. requested after the game plan, or before the game plan?

A I believe after the game plan.

Q After the game plan?

A Right. Because once the game plan is made, fine. That's the game plan. Now, we know, okay, go ahead and move the bod- -- uh, move the

guy. Move him downstairs or whatever. If they wanted to leave him there, they wanted to leave him there.

But this particular occasion, they wanted to move him downstairs.

Q Now, we're talking about a couple of minutes here.

A Yeah, we're talking, you know, four minutes, five minutes.

Q Four to five minutes.

A Right.

Q Roughly.

A Right. I'm guessing at the time.

Q Sure.

Q BY DET. HOHAN: If -- if my understanding is correct, Perez dropped on the second floor. Jose -- the first gang member shot --

A Okay. I'm sorry.

Q -- was down on the second floor, or the landing going up to the second floor.

A Right.

Q Okay. And the person that Patel shot was on the third floor?

A To the east -- east landing.

Q Okay.

MR. MCKESSON: And, again, I just want to make it clear. Uh, my client is talking about an incident that happened about three -- three years ago.

MR. ROSENTHAL: Well, we know that. We know that.

MR. MCKESSON: And, again, there's no diagrams here. I just want to make it clear, because they're -- he's talking about landings. He's putting east landings on things. And there are no diagrams or no photographs. And he hasn't reviewed the O.I.S. reports.

Q BY DET. HOHAN: At some point, we'll walk through it with him and we can -- we can clear it up. But what -- what I'm trying to -- to get

from Ray is to -- to the best of his memory, these two bodies were on two separate floors?

A Yes, they were on two separate floors.

Q Now, --

A And -- and two separate sides of the building. The one that Montoya fired on was the guy on the west side of the -- of the west staircase. Stepp was the one all the way on the east staircase -- the furthest away from the front of the building.

Q BY MR. ROSENTHAL: What about Richardson and McNeil? I think you -- at least, you said Richardson was in the O.P. initially possibly with McNeil? You're not sure?

A No, Richardson was definitely in the O.P.

Q Okay. I'm sorry. But, you know, we weren't sure.

A Right.

Q But you mentioned McNeil -- McNeil might have been, uhm, the one sent out to kind of cover the front.

A Well, it was one of the young guys. One of the new guys.

Q Would Richardson have come into the building, at some point?

A Oh, definite- -- Richardson was definitely in the building.

Q Where -- where was he with respect to everyone else?

A Once we moved in -- and here, this was part of the game plan -- once, uh, we moved into the front of the building, Richardson and his -- uh, whoever was with him -- were gonna come down and assist as to anything that was going on.

Q So, they would have gone into the building after you?

A Yes, definitely after me.

Q BY SGT. SEGURA: Do you know of any witnesses that, uh, were omitted?

MR. MCKESSON: Omitted?

Q BY SGT. SEGURA: Omitted from the, uh, reports?

Q BY DET. HOHAN: Citizen witnesses. Citizen or officer.

MR. MCKESSON: How would he know if they were omitted if he hasn't read the reports?

SGT. SEGURA: Well, that's true.

MR. ROSENTHAL: But somebody could have said something.

THE WITNESS: Did somebody intentionally, uh, say, "Let's get him out of here?" Something like that?

DET. HOHAN: Yeah.

THE WITNESS: I don't -- I don't recall that. I don't remember seeing that. And to be very honest, I wasn't looking around for witnesses and seeing who was talking to a witness or not. So, I -- I don't --

Q BY DET. HOHAN: Sometime later that evening, or the early morning hours, did you and Bo Arzate interview the, uh, citizen who was shot?

A I think so. The -- the male that was shot in the shoulder or something?

Q Yeah, he had his two children with him?

A Okay. Right.

Q Do you remember him, or did you ever say -- hear him say that as the gang member passed him on the stairwell, he was unarmed?

A You know, very vaguely I remember that gentleman saying something about something like that. But I don't think I took the formal interview. Did I? I don't think I wrote anything down or anything like that. I think I was trying to help translate or something.

Q BY MR. ROSENTHAL: Uh, yeah. Well, actually, I think I did see a report here.

A That I -- that I prepared?

Q I might be -- I'm not positive.

Q BY DET. HOHAN: I think you translated for Arzate. Uh, Bo wrote the report.

A Oh, okay. Yeah, that's what I'm -- I'm remembering that more that maybe I was just translating. 'Cause I -- I don't remember writing anything down. But I remember very vaguely. I remember asking about him seeing somebody with a gun. I remember him talking about somebody running past him. And I think, but I'm not positive, that I remember him saying something about that he didn't see no gun or anything like that. Q BY

MR. ROSENTHAL: Do you have any personal reason to believe that Ortiz knew -- let's -- let's actually assume. Let's assume -- you have already said that the guy who got killed, uh, that a gun was planted on him. And let's assume, for our purposes, that a gun was planted on the -- the guy who was shot by Montoya. Do you have any reason to know whether or not Ortiz would have known of these cover-ups?

A If he knew, it wouldn't surprise me.

Q All right. But you don't have any specific knowledge as to whether he knew or not?

A I'm trying to actually think about some discussions that we had like, you know, drinking beer afterwards. And I'm trying to remember if something specific was said, you know. And I really don't. But --

Q He was the sergeant in charge, at that point?

A Yes, sir.

Q And when the huddle occurred, you were not part of the huddle?

A No. Only the officers that fired.

Q Okay. Would Ortiz have been part of that, also?

A Oh, he's the one holding the -- the meeting.

Q So, it would have been Ortiz, Patel, Montoya, and that's it?

MR. MCKESSON: Hewitt.

MR. ROSENTHAL: Oh, Hewitt.

THE WITNESS: Hewitt, Stepp, uhm, and I believe -- I believe, uh, the senior man in the unit is always involved. The -- the P3 in the unit. The P3 in the unit's a senior non-supervisory unit. He, basically, -- he's

sort of almost in a supervisory position, which would have been Richardson.

And I believe he was also in the, uh, huddle. Or in the meeting, or whatever you want to call it.

Q BY SGT. SEGURA: Last three things that I have, uh, Ray. You translate for Arzate, right?

A Yes, sir.

Q BY MR. MCKESSON: So, Arzate is the civilian who was shot in the shoulder?

A No, he's the officer.

Q He's the officer who -- who was conducting --

DET. HOHAN: Interviewing. Interviewing the civilian.

MR. MCKESSON: Okay.

Q BY SGT. SEGURA: So, Arzate doesn't know what Ochoa is saying? You're translating what Ochoa is saying, for Arzate?

A I think Arzate speaks a little Spanish. Not very well. This is Bo Arzate, right?

Q Mmnh-mmnh. Right.

DET. HOHAN: Correct.

THE WITNESS: Bo. Bo speaks a little bit of Spanish. Uhm, I think it was just some things that he -- he needed some clarification. And he asked me to -- to help him on. But I don't even remember if I was there for the full interview. You know what I mean? I think some things he had difficulty understanding. And I think I just helped him out.

Q BY SGT. SEGURA: But for clarification really so he could understand, generally, what you helped translate with the details.

A Exactly.

Q Do you know of any evidence being destroyed, uhm, in this case?

MR. MCKESSON: When you say "evidence being destroyed" --

Q BY SGT. SEGURA: Any -- any -- any records? Anything? First of all, anything general? Any -- any evidence either at the scene or records, or --

A I don't know of anything --

Q -- guns or anything?

A No, not really.

Q What -- and you don't know of any records or --

A Records?

Q -- documents, uhm, missing on, uh, --

A Missing?

Q -- on this case?

A Okay. You totally lost me.

Q BY DET. HOHAN: Case packages, I-cards, for all --

A No.

Q The -- the intelligence card on the specific gang members that were involved in this.

A I know we would have pulled the I-cards out once we got back to the station as to who was involved at that scene. We -- we would do that immediately.

Q And update them, correct?

A Well, not just update them. We want to get them identified. We want to pull the cards. We want to pull their rap -- you know, we just want to get intelligence on the person. Uh, but, I mean, was something taken out and like destroyed, or thrown away, or discarded? I don't -- I don't -- I don't remember seeing any of that.

Q Well, there are a couple of things. In a officer-involved shooting, uh, all evidence should be retained for ten years. Because of not only the -- the criminal and field aspects of it, but also for all civil litigation.

In this particular case, I believe five or six months after the shooting, everything was ordered disposed of.

MR. ROSENTHAL: This one? Shatto?

MR. MCKESSON: Is that right?

Q BY SGT. SEGURA: And another problem that we were having, Ray -- maybe you can help us and look it -- look it up in the C.R.A.S.H. book -- but we couldn't find this arrest or this incident here in, uh -- here in the C.R.A.S.H. book.

MR. MCKESSON: Can we go off the record, so we can look at the -- the, uh, arrest book.

(Off the record for a moment.)

(Back on the record.)

Q BY SGT. SEGURA: Okay. We're back, uh -- we're back on tape. When we were on break, Ray, you were looking through the, uh, -- the, uh, C.R.A.S.H., uh, book. The Rampart C.R.A.S.H. looking for the, uh, O.I.S. -- the arrest on July 20, 1996. And were you able to find anything?

A No. It is not recapped. And none of the information is, uh, contained in that book.

Q And, uhm, what do you think? Did that seem strange in that -- in that an arrest where guns are recovered and arrests are made, in, uh -- in a specialized unit, that's something that's, uh, recapped because, you know, the guys want that on their recap. Isn't that true?

A The fact that that -- that arrest and those weapons that were recovered is not in that book is, uh, unusually unusual.

Q Mmnh-mmnh.

A Because, you're right. Uhm, one of our functions is to recap, on a monthly basis, everything that we did, including guns recovered, uh, types of arrest, how many arrests. And just for our purposes, we want to recap the names and D.R. numbers of all those people.

Q Mmnh-mmnh.

A And none of it is in there, which is, yeah, very, uh, unusual.

Q Okay.

Q BY MR. ROSENTHAL: Ray, what we'd like to do now is go into some of the stuff that we kind of kicked around while we were eating lunch. And, uh, -- uh, what we want to start with, I think, is, uh, --

Q BY SGT. SEGURA: You know what, before -- before we go into that, can I just clarify, uh, one, uh -- one point? We're not gonna get into the, uh -- into the Ovando, uh, shooting, uh, today. But one thing that I did -- we did need to, uh -- we did need to clarify. We need a little bit more direction as far as, uh, trying to identify the computer terminal that you think possibly the gun was run, uh, on, when -- when the -- when it was first recovered, you know, approximately a week, you said, before, uh -- before the shooting.

A What I told you was you should run it from the day of the shooting, run back about a week. Start from that day and run back. Because I can't tell you exactly when.

Q Mmnh-mmnh.

A But the terminals were the terminals that are in front of C.R.A.S.H. Detectives. Directly in front of the door.

Q You mean, C.R.A.S.H. -- okay.

A C.R.A.S.H. Detectives at 3rd and Union.

Q Okay.

A You know, where the C.R.A.S.H. and C.R.A.S.H. Detectives office is?

Q Right.

Q BY DET. HOHAN: Where is that?

A Let's say you're coming out of the office -- C.R.A.S.H. Detectives, C.R.A.S.H. officers. But I don't know if their office is still there. But where the C.R.A.S.H. Detectives used to be.

Q BY SGT. SEGURA: Right next to the hallway where you go out?

A Right. Next to the hallway. As you're coming out of the office

--

Q Mmnh-mmnh.

A there's a little door that swings right in front of you. Let's say you were going straight as you're coming out of the office, there's some terminals -- I believe they're still there. Some terminals right there in front of you on your right-hand side.

Q Correct.

A You know -- you know the ones I'm talking about?

Q Right.

A One of these two terminals.

Q Okay.

A One of those two.

Q That's all I wanted to know about that. Okay.

Q BY DET. HOHAN: Ray, what I want to go into is --

MR. MCKESSON: Richard had a question.

MR. ROSENTHAL: Can I -- we just find out about this. It'll only take a couple of minutes. Is that all right?

DET. HOHAN: Yeah.

Q BY MR. ROSENTHAL: Let me just -- there was a, uh -- you got some of this in the -- the discovery of the criminal case. There was a case against [CI #14]. And I know you've talked about [CI #14] a little bit earlier today.

A Yeah.

Q Uhm, in this case, it was an 11350.

A Mmnh-mmnh.

Q It was an arrest by you and Durden back in [* CI#14 description redacted]. And the case dismissed because, supposedly, the dope was misplaced. Officer couldn't find. And what we got is a disposition report

by the prelim deputy. She says, "Officer came in. Said he spent two hours trying to find the dope. Apparently the dope was missing."

A Officer Durden and I, uh, in fact, uh, the defendant [CI #14] was out of custody, at the time.

Q Right.

A And he was in the hallway. And we were trying to figure out how we were gonna help him. And instead of talking to the D.A. and saying, you know, can we get him some leniency, he helped us out, we figured out the best thing to do is just say, "Hey, we can't find the drugs."

And then, they just go, uh, unable to proceed. Uh, and dis- -- dismiss it. And that was that.

Q BY DET. HOHAN: Wasn't it also because, uh, Durden had ripped-off -- or -- or taken, uh, money from, uh, [CI #14] and did not return it?

A Right. Uh, the money had been removed, uh, by Durden from [CI #14]. I believe some of it was in the visor. Some of it was on him. Uh, [CI #14], after he had bailed out, had come back to the station wanting to pick up his cab. And also he told Durden, "Can I get my money back?"

And Durden said, "I don't know what you're talking about." And -- and he told me to talk to [CI #14]. Uh, and [CI #14] does speak some English. He speaks English and Spanish. So, Durden knew what he was talking about. Uh, and I talked to him. He goes, "Man, why -- you know, could I get my money back? You know, can I -- you know, that's my money. I mean, that's what I have."

And I said, "Well, which money are you talking about?" And he relayed to me that Durden had taken some money off of him and out of the visor, uh, when he was arrested. Uh, and Durden was like, "I don't know what he's talking about." And he left it at that.

So, I told him, I -- you know, there's nothing I can say. I wasn't, you know, -- I -- we just left it at that. He was like, "Ah, whatever." And, so, when he was out of custody and we went to court, uh,

me and Durden just figured out, what's the best way of going about, you know, helping him. And we figured we'd just tell the D.A. we've been looking for the narcotics and couldn't find it.

Q BY MR. ROSENTHAL: The, uhm -- so, you didn't bring the narcotics with you to court?

A No. We never -- I don't believe we even checked it out. Well, usually we do.

Q You usually do, though, before court?

A Yeah. But, you know, something was going on. Because we were in court the day before, or a few -- something before that. And it didn't go. And maybe it was continued or something.

Q I think it got trailed one day.

A Was it trailed one day?

Q Right.

A Okay. And then, the next day we were supposed to come back?

Q Right.

A And then, Durden was like, what are we gonna do? 'Cause I believe Durden was supposed to go, 'cause he was gonna testify. 'Cause it was, uh, whatever he recovered or whatever. And -- but we were like, oh, we're gonna help him. 'Cause he did help us out. I don't remember which case it was he helped us out with. But he did help us out. So, we were trying to make good on our promise to him that we would help him.

And discussed it. And we just figured out that the best way to do it is just tell the D.A. that we can't find the narcotics. And we'll -- you know, they'll just have to dismiss the -- the case. And we've done our part to help him out.

Q He said that, uhm, when he came back, after bailing out, that his place was ransacked and money was missing. Do you know anything about that?

A Well, where did he live? What -- what place?

Q I do not --

DET. HOHAN: I believe he lived down in [** CI #14 description redacted **].

THE WITNESS: In [CI #14]? We may -- did he say we took him down there?

SGT. SEGURA: No, he said he was left on the benches.

THE WITNESS: You know, we may have gone down there. But I don't -- for some reason I remember him living in -- what was that street? Just west -- west of [** CI#14 description redacted **] --

DET. HOHAN: [** CI#14 description redacted **].

THE WITNESS: [CI#14 description]. I thought -- did he live somewhere on [CI#14 description]? Anything like that? Like the [CI#14 description redacted]?

DET. HOHAN: I'm not sure.

THE WITNESS: Maybe I'm confusing him with someone else. We -- we may have gone -- I believe we went to one of his houses. But I didn't think it was in [CI#14], though.

DET. HOHAN: Let's see.

THE WITNESS: [* CI#14 description redacted *]?

DET. HOHAN: That I don't remember. It might be [CI#14 description]. But my question here is, if you went to his house, his allegation is that money and drugs were stolen.

THE WITNESS: Drugs, too? I -- if there was money -- there -- there was probably some money taken. I don't remember any drugs being taken from him. But, uhm, you know, if -- if you showed me the location, or if you took me to the location, and said, "Have you been here," it would hit -- you know, my mind would go, "Yeah, we were here."

You know, but I mean, we've done so many follow-ups and so many -- I can't remember -- 'cause, uh, we dealt with him four or five times.

Q BY DET. HOHAN: Yeah. Okay. So, -- so, but it's within -- you remember taking money from him. And then --

A Certainly.

Q And -- and it is possible that you went to his home and --

A I don't remember any drugs, though. I don't remember.

Q Okay. No drugs. But money for sure?

A Yeah. Yeah.

Q You just don't remember where the house is at?

A In fact, he came back. Like I said, -- right. 'Cause I'm thinking he lived on [CI#14 description]. Somewhere around in that area up in there.

Q Okay.

A But maybe not. Maybe I'm getting it confused with somebody else.

Q Now, what I want you to do, Ray, is -- we kind of did it informally. But I want you to explain what "in the loop" means, and who is in the loop.

A First of all, before you get into a C.R.A.S.H. unit, someone's either gonna have to sponsor you, or you're gonna get voted in. It's not a supervisor's doing despite what anybody may think.

A supervisor is gonna go, well, I want that guy and that guy. They're coming in the unit. That's not how it works. We vote them in. We have a round table. And we discuss this person. We talk to people who he's worked with, uh, and find out the type of person that he is. What's the type -- you know, the type of person that he is.

If, let's say, for example, Durden, uh, has been in the division five, six months, came from 77th. And people have seen him walking around. And it looks like he's been making some arrests. But they don't know him. No one's gonna sponsor -- or no one's gonna say, yeah, you know, he's good to go. Bring him in.

The only way he's gonna come in is if somebody's sponsors him. And if that person's gonna sponsor him in, that person's gonna have to work with him. And the other way, like I was saying, was to get voted in.

Once you're in the unit, certain things are gonna happen before someone could say, yeah, you can depend on him. He's in the loop. You know, he's -- he's with us. Or however you want to, uh, say it.

And -- and those things are, let's say there's a use of force situation and someone's gonna get thumped on. And this officer, you know, gets in there and thumps this guy, no problem, and writes that "The guy was handcuffed and brought to the station." They know that they can, -- you know, this guy, he's in the loop. He's -- he's with us. He -- he knows what's going on.

You know -- you know what I'm saying?

Q Mmnh-mmnh.

A Uh, and if it ain't that, uh, -- if it ain't that, uh, it could be an array of things. But what it all boils down to is if this person's willing to take what we call "take it to the box." I know you've heard that term before.

Q What's the meaning of "take it to the box?"

A "Take it the box" is saying that I don't care if Officer Perez gets arrested, he will never get in front of a D.A. and in front of a, uh, Internal Affairs supervisor and say this guy did this and this guy did that. And you know why he wouldn't do it? 'Cause he's been right there with us. He's done it all before. He's right there. You see what I'm saying?

I'm willing to take to the box. Keep me in custody a year and never said a word. Everybody's confident. He won't say a thing. Because I've been there too long. I know too much. You know what I mean?

Q Mmnh-mmnh.

A I will take it to the box. And when we say "the box" not only just being arrested, let's say it goes to a board. If I have to get fired to defend or protect everybody else, then I'll get fired. If a hundred people see me beating someone up, and they saw somebody else -- another officer -- uh, but they couldn't see his face, so all they can really identify is me or identify as me, and a silhouette of somebody else, they know that I will not -- no way, no how -- say who that other officer was.

I would -- they would -- they will know I will take it to the box. Testify at a Board of Rights, and say there was no other officer there. I don't know what you're talking about.

Q So, in essence, you're willing to perjure yourself for the people that you work with that are in the loop?

A Correct.

Q Okay.

Q BY MR. ROSENTHAL: At what point in time, when you enter the unit, do they talk to you about this idea of how to respond to an O.I.S. Because if a guy is not in a position yet and you don't know if you can trust him or not, how do they go about trusting this person when it comes to O.I.S.'s?

A That person won't be there when there's a O.I.S. For example, Duarte would have never been behind that building. We knew who were gonna be in a position to shoot at that O.I.S. We knew. You know what I mean?

The -- when we do, uh, tactics and we do a scrimmage line, what do you always want to do when you do a scrimmage line? Give the people an avenue to escape.

In other words, you do a scrimmage and you start pushing them back, you don't push them to a wall. They have no choice but to come towards you. They have nowhere to go. It was the same in this building. We knew they had nowhere to go but to some other officers waiting for them in the back.

So, we knew, no way, no how will Raquel Duarte ever be in the back of that building. I don't care if she was working with Hewitt, she would be told, "Okay, you go to the front." She's not in the loop. She -- she could have been in the unit ten months. She would never be in the loop. She can't be trusted. She's -- she's not someone that would -- I mean, you could do something and then, okay, yeah, no problem.

Q BY DET. HOHAN: Was there anybody --

Q BY MR. ROSENTHAL: She'll turn you in?

A Probably.

Q BY SGT. SEGURA: Was there anybody else at Shatto that was not, uh, in the loop of Richardson, McNeil, --

A Duarte. That's it.

Q Duarte was the only one?

A The only one.

Q Richardson was already in the loop?

A Long before I got there. The Rampart C.R.A.S.H. unit motto -- the current motto was "We intimidate those who intimidate others." That was our -- our motto. The motto before I got there, and I don't know if you can check the books or whatever, when a third -- three-strikes thing came up, their goal and their motto was that they will -- they will have a record for putting more third-strikers in jail than any other unit.

No matter how they did it. They -- their forte and what, you know -- we always -- when you get into a unit, they always tell you the history of the unit. You know, we have roll call meetings. And here's where this unit came from. You know, here's what we stand for. And this is what we do. And this is Rampart C.R.A.S.H. And it's been a long history of Rampart C.R.A.S.H.

And their motto and their forte back then, was that they're gonna put more third-strikers in jail than anybody. Bottom line. And that's what they bragged about. You know, the Richardsons, the Lujans, the, uh,

all the officers that were there from, you know, '93, '94, you know. That's what they were doing.

That was their thing. They put a lot of people in jail.

Q BY DET. HOHAN: And when you say "by any means" does that mean by planting evidence, perjured testimony, uh, falsifying probable cause, those types of things?

A All of the above, yes.

Q BY MR. ROSENTHAL: What about, McNeil, you know, you said he was -- he was there and he watched the front. Was he -- he was in the loop, so to speak?

A McNeil was a young guy. Uh, a probationary officer. But he was squared-away. There was only a few probationers that we had that we could say that were in the loop, that we can trust. We always tried to keep them out of things, simply because they were probationers. And -- and if it hit the fan, they're just gonna get fired, no questions asked. We try to keep them as sterile as possible.

But McNeil, Rios, and, uhm, -- McNeil, Rios. And there was one other probationer that were pretty solid. When we call solid -- I -- I use a lot of the terms that my supervisor Ortiz used. You know, solid. You know, that's his word. Those guys are solid. You can use them, you know.

But there's a couple probationers that were solid. And McNeil was young, yeah. And he was a probationer. But he was a solid guy.

Q BY SGT. SEGURA: And we're using "solid" and "squared-away" in the traditional sense, what would be across the board, right? We're not talking about in the eyes of the C.R.A.S.H. unit? Would an officer be squared-away because he's doing things right, or because he's in the loop?

A He's solid and squared-away because not only does he do things right as a patrol officer, he also does everything right in the eyes of the C.R.A.S.H. officer.

Q BY DET HOHAN: In the loop?

A In the loop.

Q So, he's both now?

A Because you cannot be screwed-up on the patrol side or let's say just the everyday side, and then come to C.R.A.S.H. and be squared-away. You can't be a -- an idiot wearing one, you know, uniform, and then, come back and -- and not be an idiot in the other -- or vice versa.

In other words, if you're a knucklehead, you know, working patrol, you can't come to C.R.A.S.H. and all of a sudden, you know, you're in the loop 'cause you're a bad ass.

No, that ain't gonna happen.

Q But you understand what I'm -- what I'm saying? In the traditional sense, uh, as far as a supervisor would say, you know, this young officer is squared-away, it's because he's by the book, he's doing everything right.

A No, no, no, no, no.

Q That's not what you're meaning by squared-away?

A No. No. When I say "solid" and -- and when I say "solid" and, uh, he's "squared-away" meaning he knows how we do things here.

Q Okay.

Q BY DET. HOHAN: Which means he's willing to --

A In C.R.A.S.H.

Q -- perjure himself, plant evidence --

A Absolutely.

Q -- falsify P.C., uh, and things like that?

A Yes.

Q Okay.

MR. MCKESSON: And "P.C." is probable cause?

DET. HOHAN: Probable cause.

MR. MCKESSON: Okay. Let the record reflect Mr. Rosenthal's eyebrows are going up.

Q BY DET. HOHAN: In the loop, while you were there in the C.R.A.S.H. unit, what officers, to the best of your memory, were in the loop?

Q BY SGT. SEGURA: And if I could add to that. Can you tell us, if you can remember, who got in the loop, and is there one particular incident that got them in the loop? For example, yourself, do you remember what it is, what incident that they had on you that actually got you in the loop?

A Well, let me back up just a little bit.

Q All right. Sure.

A For example, we had heard a lot about Sgt. Ortiz, when he got in the unit. But we -- obviously, we weren't sure about him. How we knew that he was in the loop, I'll give you how we -- how I knew he was in the loop and everything was going to be okay.

Q Okay.

A There was a situation with Lujan and a couple of other officers. They had chased somebody down. Lujan thumped him. Uhm, Sgt. Ortiz responds. We respond. A couple other people respond. Ortiz says, "Well, what do you got?" And Lujan's pretty -- pretty blunt, as far as being honest as to what he did, with the -- you know, to the supervisor. He says, "Uh, he ran. And then we thumped him."

'Cause the guy was -- he was either bleeding -- or something. It was an obvious thump. You know, you can't -- no -- no way around it. And, uh, Sgt. Ortiz said, "Well, what are you gonna book him on?" And Lujan, you know -- and I'm standing there. And we're all standing there. And he goes, "I don't know." And he says, "Does anybody got anything on him?"

And, you know, I believe the guy got booked for 11350. And that's how we knew Sgt. Ortiz was in the loop.

Q BY DET. HOHAN: So, basically, by making that statement, he was telling you to plant narcotics on this guy?

A Not me -- Lujan.

Q But -- Lujan.

A Right.

Q To plant narcotics on this guy?

A Yeah. We knew what he meant. And, you know, he signed the booking approval. And, you know, we knew. I mean, it was -- yeah, book this guy for something. 'Cause I got to write something for the use of force, you know.

The guy was thumped on. So, we had -- he had to be booked for something. And that was one of the first times that, other than words -- Sgt. Ortiz saying words -- actual action, something that I actually saw him say or, you know, do this. Let's just book him for 11350, that's when I knew, you know, that he was definitely in the loop.

Q BY MR. ROSENTHAL: Any way we'd able to identify that case?

A Oh, boy. That -- this is early on when -- you're talking about, uh, sometime early maybe '96.

Q But is there --

A I -- I couldn't even identify the guy right now if I saw him. The -- the kid that got thumped and -- and booked. I -- I couldn't tell you, "Yeah, that's him." It was so long ago. Three and-a-half years ago.

Q BY DET. HOHAN: Do you remember where it happened, roughly?

A Yeah, this happened, we were going down Alvarado. You pass -- you go down Alvarado and you get to 12th Street.

Q Okay.

A Close to 12th and Lake, or -- or 11th Street. I'm sorry. Uh, what's that? Uh, just south of Olympic. That first street you get to on Alvarado. That first street is 11th Street, right?

Q Right.

A Make a left. That first street you get to is -- what's one street -- Westlake? One street west.

Q Could be, yes.

A I think one street west of Alvarado is Westlake.

Q Mmnh-mmnh.

A You go another street south. One street south. And then, you make a left on that next street. Uh, whatever the name of that street is.

Q BY SGT. SEGURA: It wouldn't be 12th Street, at around 12th and Lake? At West -- Westlake.

A No, not Lake.

Q Westlake.

A Right. But I -- I think it would be between Westlake and what's the next street after? One east of Westlake. It's between those two streets. And it maybe 12th Street. You know, if I had a map I could probably say, yeah, it was definitely this street. Uhm, but it would be one street south of 11th Street. It would be one block west of -- I'm sorry, east of Alvarado. And then, between the -- uh, that street. I believe it's Westlake and whatever the next street over is.

Q Okay.

A And I can't remember the doggone name of the streets. Q BY DET. HOHAN: So, it was clear in your mind, at that point, Sgt. Ortiz had instructed you -- Lujan --

A Lujan, right.

Q -- to plant narcotics on this person?

A Yes.

Q And then, that would justify a booking. And then, he signed a booking approval and this person was arrested for a narcotics violation?

A Yes.

Q BY MR. ROSENTHAL: Where would Lujan get the dope to plant on this guy?

A Lujan, early on, uh, when -- when, uh, we were in the unit -- 'cause Lujan, I believe, left a while later and whatever. But Lujan's nickname was the Candy Man.

Q BY DET HOHAN: And the street vernacular for the Candy Man is what?

A The street vernacular? That's not really a street vernacular. I don't know if you've heard it before or not. It was just a joke that was said among the -- the guys there. Because he would be a case on anybody. No -- no problem. You know what I mean. It was, you know, the Candy Man can. You know, he would come to the station with somebody thumped and, you know, bleeding -- an 11350 arrest. We knew what happened. And so, then, people would joke about, you know, him being the Candy Man.

Q So, he was --

A Where would the -- the dope come from? You know, it was recovered from another dope dealer who dropped it and ran and got away. And he held on to it. Or -- or whatever.

I -- I can tell you this, that most of the guys at Rampart, uh, C.R.A.S.H., at one point or another, is -- you know, that were planting or is planting narcotics or something else on -- on a defendant, and they always kept something, you know, nearby.

Q When you say --

A Always.

Q -- Rampart, Division or Rampart C.R.A.S.H.?

A Rampart C.R.A.S.H.

Q BY DET. HOHAN: Could you go down who was in the loop while you were there?

A I'm sorry. He had asked me a question. You wanted to know how many officers out of everybody that was there that was in the loop, or -- or were what?

Q BY SGT. SEGURA: Well, you've been asked, Ray, well, as we've been going. First I asked you before, who was in the loop at Shatto. And you told me everybody but, uh -- but Richardson.

MR. MCKESSON: No, it was everybody but Duarte.

Q BY SGT. SEGURA: Everybody but Duarte. Yeah, that's right. Everybody but Duarte. And then, Mike asked, who were the people, uh, in, uh -- in the loop. But I piggy-backed on that and asked, if you can remember, one incident -- just like you did with Ortiz -- when you knew that they were in the loop.

A Right. I mean, if I can take that book and -- and you can show me booking photos, or -- or reports, I can tell you. Like right now, just off the top of my head, I know that there was an arrest that Cohan made. And it involved a .45. And it involved a -- a gang member who, I believe, was a third-striker, or something like that.

I know for a fact that that was a plant, simply because, uh, Cohan had told me about the gun that he had had several days before. And then, a couple of days later, he gets somebody in a car. Supposedly there's a gun in the car. And this guy's a third-striker. And he went to jail.

I know for a fact -- I can't tell you what date it was. I can't tell you what gang the guy was from. I'm assuming that he was 18th Street, because Cohan was an 18th Street, -- uh, in charge of the 18th Street gang.

Q BY MR. ROSENTHAL: So, he -- so, he would have planted a gun on him as a third strike?

A Right. And that's just off the top of my head. And for some reason I remember it's a .45, because when he came in and had the .45 and was booking it, I knew something was up. You know, you just know. You know, and they give that look. Like, you know, all right.

Q BY DET. HOHAN: Was Officer Brehm in the loop?

A Yes.

MR. MCKESSON: Was Officer Brehm what?

Q BY DET. HOHAN: In the loop?

A The only person -- it -- it -- you don't have a roster of when I was working C.R.A.S.H., who -- uh, you know, all the C.R.A.S.H. officers; do you?

SGT. SEGURA: Not handy.

THE WITNESS: The only officers that we did not trust -- but they were -- they were trying to fit in and -- and trying to get in the loop. But we just didn't trust their intelligence. They weren't smart enough to be in the loop was, uh, Officer Rico. You know who Officer Rico is? The -- the Cuban guy?

SGT. SEGURA: No.

THE WITNESS: Uh, he -- he wanted to be in the loop. He tried to be in the loop. But we just didn't trust his intelligence. He just doesn't have a half a -- you know, he didn't have a half a brain. I mean, he was just -- he would do awfully -- I mean, stupid things. I mean, on Alvarado in the middle of, you know, everybody around, he would just slap a guy.

You know, what -- what are you doing? You know, and we would get upset at him. And so, we -- he was just so -- so in his own world, that we just never trusted him. And Duarte is one. And she was there a short time. And --

Q BY MR. ROSENTHAL: How did she come to the unit?

A We had to have a female in the unit. They said that we had to have a female. And it was just the, you know, the best selection, you know -- the -- you know, we figured who else? You know, I mean, there was nobody else, you know, female that we really thought, you know, could be in the unit. But we had to have one.

So, she was selected. How was she selected? I think I said, "Yeah, she seems okay." Uhm, couple of people said, "Yeah, I mean, if we have to pick one, she seems okay." And I -- I said, "Okay. Fine. I'll work with her."

But how exactly? I don't know if the supervisor said, "Yeah, she's seems okay." Or I think we just agreed that, fine, we'll take her.

Q Okay.

A But she wasn't gonna last long. We knew she wouldn't last long. The whole thing was, get her tired. Get her upset. And, uh, she'll quit. And she did.

Q BY SGT. SEGURA: What about, uh, O'Grady? Was O'Grady in the loop?

A O'Grady was -- that was the other one. He -- he was not in the loop. There was several times that you said to yourself, this guy wants to be in the loop. I took a beef for O'Grady. Uh, there was a complaint made by -- actually, I think we squashed it with Sgt. Ortiz. There was gonna be a complaint. No, I think it turned into a complaint of a La Mirada gang member who says that I hit him upside the head -- while he was face-down on the ground -- uh, with a flashlight.

I don't know if you guys read that, if it's in my package or not. But it was a -- I don't know which gangster it was. And we had -- we had tried to surround these guys. And they went to the back of the building. But the guy lays down. O'Grady hits him in the head with the flashlight. Boom. And gets up. And the guy turns around and looks right at me.

So, he thinks I hit him. And I took the beef for him. I took the beef, you know, for -- for O'Grady. But it was O'Grady who hit them -- who hit him. You know, but that wasn't like a second thought. Like, hey, O'Grady you better say that it was you. I just took the hit. You know, okay, whatever, you know.

But O'Grady was really -- that I know of -- involved in anything. He -- he was not really -- nobody -- nobody trusted him. Uhm, no one wanted to work with him. So, he really wasn't -- I mean, and the reason I brought that one incident up, because that's the most I saw him do

was hit somebody in the head with a flashlight. And the guy thought it was me, and -- and complained against me. Thought -- thinking it was me.

Q And it seems to me that this is an action he's taken to try to impress upon you guys that, yeah --

A Right.

Q -- he should be trustworthy. And he should be --

A Right.

Q -- he should be in the loop?

A Right. But -- right. But we never did. We never trusted him.

Q BY MR. ROSENTHAL: What about Canister? He's the one whose name you used.

A Not involved in anything. Uh, why was his name used? I don't know. It was just a serial number.

Q Did you -- did you ever go up to him and ask him about, uh, an arrest he made? Because he, at one point, testified -- he told us that on the search warrant case, where you did the dope switch. It was his dope.

A Mmnh-mmnh.

Q You come up and asked him about the case.

MR. MCKESSON: No. That was O'Grady.

MR. ROSENTHAL: Oh, that was O'Grady?

MR. MCKESSON: That was O'Grady.

MR. ROSENTHAL: I'm sorry.

THE WITNESS: Yeah, that was O'Grady. And that is ridiculous. What purpose would it serve for me to go ask a guy I don't like? I -- I worked with O'Grady for however long he was there. I didn't like him. Didn't get along with him. Really didn't communicate with him a whole lot. Uhm, what purpose would it serve for me to go up to him and ask him, hey, what did you recover on that, uh, search warrant?

Or I don't know what he said that -- to you guys. But that -- that was a lie. Or I don't know if he actually believe that happened. But

I never walked up to him and asked him about his search warrant that he did at whatever house. Because all I have to do is pull the package and look myself. Why would I need to ask him?

I -- I never talked to him about a case. Never. I don't what he was thinking, or what he was trying to get himself involved in, but I never ever asked Officer O'Grady about a case that he did involving a search warrant, and that's why I got -- how I found what narcotics was recovered. No.

Obviously, I would already have to know about the case in order to ask him about it. So, if I know about the case, that means I either have the package, or the report, or something. So, why would I need to ask him was it good dope or something like that? You know, was it a large amount of dope? I just look at the report and see how much dope was recovered. I never have to ask anybody. I can just look at the report.

Q BY MR. ROSENTHAL: How did you pick the three kilos?

A The three kilos? I just ran right down the book. Right above the three kilos, there's another case that was nine kilos. And that one, I was -- that's the one I was gonna originally do. But I said I don't need nine kilos. I don't need nine kilos. All I needed was these three kilos. That was it.

So, anything above three kilos, what was I gonna do with it? Uh, keep it in my back pocket? Keep it -- you know. So, I said, no, I'm not gonna do that one. And I was certain that it was probably gonna be in the same type of box. And the box was not -- I know in court you guys described it, it was a small box. It was a big box. You know the box that carried like ten reams of paper? Those type -- it was one of those big boxes.

And I was certain that the nine kilos were -- were in -- were probably in the same type of box. That was what was going on in my mind that these narcotics are not gonna be in some small package or an envelope

or anything like that. I assumed that it had to be in one of those boxes.

'Cause, in Narcotics, anybody that works Narcotics knows that --

Uh, up at, uh -- at P.A.B., upstairs in the -- and I think you guys figured it out later on that someone can just look at the recap book.

Q Right.

A And find it. And that's exactly how it happened.

Q Okay.

A Uh, one evening, I was booking some property and went upstairs. Found it. Found the D.R. number. And there should have been one package missing from all the packages involved. Because it was like multi-eight arrest, right?

Q Right.

A There was one package missing, right?

Q What do you mean package?

A Case package for all the arrestees.

Q BY SGT. SEGURA: Well, we didn't pull all of them and look at all of them -- at each package.

A Well, if you -- if you look, I believe, there's a guy named Martinez. Martinez, or something like that. There's one case package completely missing. I pulled it out. In fact, it had some photos in it, too. I completely pulled the case package and took it with me. When I went to go check out the narcotics, I never said a word to Castellanos, other than I need that. And I never said another word to her.

Q All right. I'm sorry.

MR. MCKESSON: So you can prosecute all your property officers for perjury.

THE WITNESS: Uhm, but where were we before that?

Q BY DET. HOHAN: Talking about, uh, people that were in the loop.

A Okay.

Q O'Grady was not in the loop?

A No.

Q Uhm, Hewitt, was he in the loop?

A Oh, Hewitt is -- is the loop. Yeah. That's about as in the loop as you can get.

Q Okay. Villalobos?

A Veloz? Veloz.

Q BY MR. ROSENTHAL: We stopped with Hewitt. And what did -- did Hewitt ever plant dope on anyone or do anything like that, to your knowledge?

A Many, many --

MR. MCKESSON: Wait a minute. When you say "anything like that", 'cause I think they talked about the planting of a gun. MR. ROSENTHAL: Right.

MR. MCKESSON: Do you mean --

MR. ROSENTHAL: So, that's what I mean. When I say anything like --

THE WITNESS: I can tell you that Officer Hewitt, at some point, long before I got to C.R.A.S.H., and while I was at C.R.A.S.H., either planted narcotics or a gun, or something like that, on somebody. Absolutely.

And, actually, his biggest forte was thumping people. He just had this thing about beating people up while they were handcuffed, or while they were -- he just. That's what he did. He was just a brutal guy. I mean, I don't know what turned him on to that, but he was just brutal. Uh, you know, between him and Lujan, that was their favorite thing. Just beat people up for no reason.

And I mean, I probably have very few complaints about beating somebody up. It wasn't something that I did. I mean, what purpose did it serve? But for some reason, that's what they did. But Hewitt was definitely in the loop. Officer Veloz, V-e-l-o-z, was in the loop. I believe Officer, uh, Lujan got him in the loop.

Q Stepp?

A Stepp is definitely in the loop.

Q BY MR. ROSENTHAL: And when you say "in the loop" what I'd also like you to say -- what about Veloz? Did he ever plant guns, anything like that?

A Yes.

MR. MCKESSON: Uh, is there any --

THE WITNESS: All of these people that we're talking about, and that -- and if I say they're in the loop, that's exactly what it means. They will either -- they have no problem planting narcotics, a gun, whatever -- falsifying P.C. to put somebody in jail.

Q BY MR. ROSENTHAL: How are we -- and, obviously, although falsifying P.C. is, obviously, serious -- uhm, even more serious is planting dope on somebody. Basically, whether they're a gang banger or a three-striker or whatever, obviously, the most serious thing is convicting them of a crime that they did not commit. Even if they committed it ten days -- ten times the day before. How would we go about figuring out in what cases that occurred?

I mean, what documents do we need to show you? How -- obviously, it sounds like there are enough of them. There's no way you're going to be able to identify all of them.

A No.

Q But how are we going to identify cases like that?

A You're going to have to do a lot of talking to a lot of defendants. And -- and this sounds like a real lengthy investigation. Because --

Q Defendants -- most defendants are not credible.

A I understand that.

Q So, how are we going to do it?

A But you can put a defendant on a polygraph and ask him the right question. Did you have a gun in your car? And if they --

(Off the record to change tape.)

(Back on the record.)

MR. ROSENTHAL: Okay. It's 3:58.

Q We -- we -- the question was how are we going to try and locate or identify cases where these plants occurred? Obviously, you know, trying to contact every criminal defendant arrested by Rampart C.R.A.S.H. is not practical and then trying to polygraph them. But polygraphs aren't admissible in court, anyway, because of issues as to their, you know, --

MR. MCKESSON: Reliability.

MR. ROSENTHAL: -- reliability. So, given -- what we need from you, if possible, is for you to specifically identify those cases, or as many as you can.

Q What can we do? What information could we give you that would allow you to do that?

A I would need photos -- uh, at least booking photos; uh, maybe police reports.

Q Arrest reports?

A Arrest -- yeah, arrest reports. I said police reports?

Q Yeah.

A Arrest reports. Uhm, you know, continue to look at some of these, uh, C.R.A.S.H. -- uh, the C.R.A.S.H. recap -- uh, recap book and certain things will hit me. Oh, yeah, I remember what happened with that. Uh, that didn't happen. This is how it happened. Certain things, uh, are gonna have to jar my memory as to even the incident. I mean, we're talking about something that happened two years ago that was routine back then to me.

Q So --

A Everything was routine. So, it's not gonna stand out so much.

Q BY SGT. SEGURA: And I think we're going in the right direction. Because what -- if what we can do is we can get just, uh, -- uh, an idea from you, who we're looking at --

A Right.

Q -- and what area. Uh, you know, uh, Lujan was -- at Lujan we're gonna look at, uh, narcotics arrests. Uhm, Veloz we're gonna look at use of forces. And we can kind of concentrate --

A And narcotics.

Q -- uh, on, uh, each officer what type of arrest reports. And we're gonna have to get arrest reports. We're gonna have to get pictures, all of that, to show you to see if you remember anything about that.

A And remember what I said a little earlier, that Veloz was -- was, uh, brought in the loop by Lujan. And Lujan was the Candy Man. So, uh, Veloz' claim to fame turned to be narcotics. Putting like dope on people. That was his thing.

Q Right. Narcotics.

A You started -- you started to start running down names to me. And you left off at Veloz. Did you have any more names? Or do we have a list of names, or anybody that was in the C.R.A.S.H. unit, or -- you know, actually, we could probably go down the -- if you look through the recap book, there may be some names in there.

Q BY MR. ROSENTHAL: Yeah. Well, actually, why don't we even start with -- with the names? We can even go through these two shootings. So far what I've got is I've got Lujan, Cohan, Hewitt and Veloz. Now, let's see. In the Ovando shooting, that was -- we know about Durden. What about Rios and Montoya?

A Rios and Montoya are in the loop.

Q And what type of cases should we be looking at for them?

A Uh, --

SGT. SEGURA: Montoya first.

THE WITNESS: Montoya is gonna be guns and -- and, obviously, planting of guns and arresting people. Very little as far as narcotics. His thing was a lot -- mostly with guns and -- and probably just falsifying the -- the P.C., and stuff like that.

Q BY MR. ROSENTHAL: Okay. And then there's Rios.

A Rios was trained by, uh, -- by Lujan. So, he -- not that he is actually out there doing it, but he's out there backing the play.

In other words, if, uh -- if, uh, -- if, uh, -- what's the officer's name again?

Q Lujan?

A No, the one we were just talking about.

Q Montoya and Rios.

A If Montoya says, "This is how it happened." And he's gonna go, "Absolutely. That's exactly how it happened." You know what I mean? He's not out there putting on or getting cases done himself, but he will go along with it. You know, that's no problem.

Q Is there any chance of -- of these officers -- it sounds like Rios might be a weak link, so to speak, who we could pressure into cooperating? Is that possible?

A Do you -- you just do not have a list of all the names that worked the C.R.A.S.H. unit, huh?

DET. HOHAN: No, I'm going to have to put it together.

THE WITNESS: 'Cause if I can look at it, I could tell you. Q BY

DET HOHAN: Kulin Patel?

A Patel has put, uh, dope cases on people and falsified P.C., that type of thing. Uh, he -- you know, I've seen him, you know, get pissed-off a few times and then kind of slap a guy upside the head. Uhm --

Q Okay.

A -- things like that.

Q Doyle Stepp?

A Oh, yeah. Stepp's definitely in the loop. Him and Hewitt are tight. Very tight. Everything. Uh, he's involved in everything.

Q Mark Richardson?

A Richardson is one of the old, you know, old G.'s, let's say, of the unit. He's the one that shows us, you know, how -- how it's done, basically. He's the P3 of the unit. I mean, he's -- he's a solid guy. I mean, he's -- he's done it all. You know, he -- all of it. I mean, he's -- there's nothing that he hasn't done. He's done it all.

Q Planted guns?

A Absolutely.

Q He's planted dope?

A Absolutely.

Q He's falsified probably cause on an arrest?

A That's -- yeah. That's -- that's a given.

Q He's committed perjury?

A Absolutely.

Q BY MR. ROSENTHAL: What -- what --

Q BY DET. HOHAN: Scott --

MR. ROSENTHAL: I'm sorry.

Q BY DET. HOHAN: Scott McNeil?

A McNeil is another one just like Rios who will not maybe go out and do something himself, but if you do it in front of him, uh, he will go with the flow. And absolutely, you know, yeah, that's exactly what happened.

Q All right. Melissa New?

A Melissa New, uh, is not in any loop. I don't think -- did she work C.R.A.S.H. or something? Or --

Q No. Her name -- her name comes in because of the Honduran situation.

A No. Melissa New isn't in any loop. She's not in any loop.

Q But she did participate in the theft of the jewelry?

A But that was not supposed to be a theft. That was simply took everything, all the jewelry off, took the money, and then, we were gonna return it when we came back and cooperated

-- and she was gonna cooperate with us. It was her idea.

Q BY MR. MCKESSON: My understanding -- my understanding was that in that situation, uh, the intention was to ensure that the person would come back?

A Right.

Q BY DET. HOHAN: Yeah. And -- and I understand that. But, at some point, that person made a robbery report.

A And Melissa New, uh, perjured herself and said that, no, we never took anything. No, there was no other kid that showed up. Uh, no, I don't know -- know what you're talking about. Yes, she did perjure herself that way, yes.

Q BY SGT. SEGURA: And do you know what happened to the jewelry?

A Uh, Officer Durden kept everything. And I -- I'm assuming he probably threw it away once we knew that, uh, these detectives came in and -- and heard about a, uh, -- or got a hold of this report and they knew that it was involving us. Uh, I'm assuming that either threw it away -- I don't know what he did with the jewelry, actually. I don't know what he did with it. But I'm assuming he threw it away, though.

Q BY MR. ROSENTHAL: Okay. We -- we hit Stepp. We hit Patel, Hewitt.

A Can I look through this? And maybe some names will pop up.

Q BY SGT. SEGURA: Sure. And before even you, uh, go into there, you know, a couple of, uh, big names again that, you know, we've mentioned to you before. And, you know, the people that we've looking at all along -- David Mack, Sammy Martin.

David Mack, do you know, if, uh, he --

A Me and David Mack never worked, uh, -- the only thing that me and David Mack ever worked was Narcotics.

Q Mmnh-mmnh.

A And our cases were very easy. We walk up to somebody. Give you a twenty. He gives you twenty and you walk away. And --

Q You don't need to --

A Yeah. There was nothing ever done. I -- the -- from the time that I worked with David Mack, 'til the present, me and him have never been involved in anything illegal, uh, together, at all. Nothing. No setting somebody up to, you know, sell me twenty he really didn't sell me, and we arrested him anyway. Nothing like that.

Q BY MR. ROSENTHAL: What about in Rampart F.E.S.? Same thing?

A I'm sorry. Before we get to that one. You said some other names? Uh, Sammy --

Q BY SGT. SEGURA: Sammy Martin.

A -- Martin. Also not involved in anything that I've been involved with. And not that I know of, involved in anything that David Mack was involved in.

Q BY MR. ROSENTHAL: Sammy Martin and you were really close.

A Very close, too.

Q Didn't you even tell him, give him any idea of what you were doing?

A Not an ounce. Not even an inclination.

Q Because you're -- you're stealing this dope. You're dealing it.

A He has no clue. And that's one -- there was several things that I told my attorney that I felt bad about. Uh, certain things that I needed to get out. And one of them was that I heard that he was taken out of the detectives, uh, put on the front desk, and stuff like that. And I can tell you. And you, obviously, know I'm taking a -- a big polygraph, and all this other stuff.

But Sammy Martin is not involved in absolutely anything. Not even to the slightest where I said, man, I kind of did this. And no one knows about it. But I'm gonna tell you 'cause you're my best friend. Not even something that small.

Sammy Martin was not involved in anything. And -- and the reason I was kind of upset at myself, with him, is because I remember when we found out about David Mack getting arrested, we met up at the, uh, Cigar Bar place. And we're sitting there looking at each other thinking how could he have put us in a predicament like that.

I mean, here he is, does a bank robbery, two days later he says -- he calls us up at the last minute and says, "Hey, I -- I want to go with you guys to Vegas." We were sort of upset about it. And, you know, thinking now, you know, I put him in a position like that. The same thing that I was angry at David Mack for, I put him in that position. 'Cause all of you guys are look-- -- thinking he's involved in something. Wait a minute. He knows David Mack. He knows you. You're his best friend. You must have leaked or told him something. Never. Never.

Q BY SGT. SEGURA: But he did have a couple of the, uh, expensive tastes that, uh -- that you did, you know.

MR. MCKESSON: Let me -- let me say this. This is one thing that -- that irked me about everything. I mean, my client were -- and I'm not trying to get on a soap box -- but my client worked L.A.P.D. for ten years. He worked overtime, made 70 or 80,000 dollars. His wife made \$50,000 a year. They had a 1995 318 BMW. I mean, -- I mean, that's a nice car. But that's not extravagant.

And they talk about the Caribbean va-- -- uh, cruise. This was a 4-day cruise to Mexico.

THE WITNESS: \$439.00

MR. MCKESSON: You know, they're -- they're making it seem like this is Tooney Reese (phonetic). And that this guy is -- is just blowing

\$50,000 a pop. And --

THE WITNESS: And that BMW was purchased long before any of this even occurred.

MR. MCKESSON: And you know -- you know, Detective Segura, you can go to Ceasar's -- uh, Ceasar's Palace, and you cans stay for like 129 a night. I mean, it's -- none of this stuff is even inconsistent with what you can do under a normal police officer's salary.

SGT. SEGURA: But I can't -- and to be honest with you, I -- well, I've got a couple more kids. But they start to add up. Things start to add up with a child, and with the child in -- in day care. I don't have if they had day care, uh, expense with the -- with the child. And then, 'cause -- because I have a good salary, my wife has a good salary, and I can't afford the, uh -- the vacations, granted there are parochial -- parochial school expenses and a couple of other, -- a couple of other expenses.

But --

MR. MCKESSON: A \$400 vacation? You can afford that.

Q BY MR. ROSENTHAL: Well, let's -- let's stop for a second. Hold on one second here. Let's -- first, let me make a point. Obviously, Officer Perez spends a lot of the stolen money on something. So, he had to be living in some form extravagantly. Right? So, what were spending this dope money on?

A Of extravagance? Nothing. You -- you would be amazed as to how much money you could spend just taking a -- a woman to a -- to a dinner. Uh, and just, you know, buy this, buy that. And my other thing was, you know, I was a gambler. I mean, like I said, we could be at Rampart Detectives right now and we're discussing this fight. And the average guy, hey, you want to put a hundred bucks on the fight? Yeah.

Well, the average guy would say, yeah, I'll put a hundred bucks. I would put a hundred bucks with each and every person there. You see what

I'm saying? And I wasn't worried about losing it. It wasn't my money to begin with.

And if I won it, that's just an added bonus. I went to Vegas. I don't know if you guys found this in -- in the records. I went to Vegas a lot. Sometimes, uh, there was certain things that would indicate like, you know, a charge in Vegas that said I paid for the room with a credit card. A lot of times, there wasn't. So, I would go to Vegas for a turnaround and lose \$3000 and didn't worry about it. Because the next time that I came back, I won \$4000.

I -- I was sitting pretty. I mean, I sat one time next to my, uh -- my wife's aunt. And she saw me win like \$4000. And she was like, "Wow." And to me, it was no big deal, because it really wasn't my money to begin with. And the fact that I won, yeah, this is great. But it was the excitement of gambling.

My -- my thing was to gamble. The excitement of, you know, I sat there in that table all day and didn't get up. I mean, that was enjoyable to me. But vacations and --

Q BY SGT. SEGURA: But did Martin have -- did Martin like going to Vegas?

A Yes, he did.

Q Did he -- did he like gambling?

A Not as much as me.

Q Okay. But he did gamble?

A He gambled, sure. But nowhere near -- his wife gambles more than he does. Me and her sat one time for about sixteen hours straight and gambled.

Q And then, the girlfriend. Uh, I mean, that's got to be real expensive. Not that I -- not that I could relate, you know.

A That's what I was saying, as far as it's amazing how much you can, uh, spend on a female on a couple of dates. You know, uh, go get

something to eat. Well, it ain't gonna be go get something to eat at Denny's. It's going to go get something eat at, uh, at Gladstone's, or at, uh, Monty's, or at, uh, you know, the Shark Bar, or something like that where the drink is \$10 a drink. You know what I mean?

And -- and then, you know, well, okay, you know, I got it. Don't worry about. Okay. Well, we all each just had, you know, uh, seven drinks. Or even five drinks, let's say. That's fifty bucks per person just on the drinks. And then, we had dinner. Okay. That's \$350. Yeah, no problem. Here you go.

That's just one night. \$350 just on, uh, dinner and a couple of drinks.

Q Exactly. So, now, you're starting to tell us some of the things that we've been hearing about Martin. And we're wondering where he gets the money.

A Martin is not that extravagant.

Q No?

A Martin --

Q Well, we were told he was.

A Yes. Yes, Martin is involved with other females.

Q Mmnh-mmnh.

A Uh, absolutely. I mean, I'm sure you guys know. And I'm sure he told you that. Of course he's involved with other females. And he has, you know, does this thing with his females. He has his steady girlfriends.

Was Martin involved somehow with a lot of extra money? Martin's wife works incredible -- I don't know if you've done a financial thing on him. But his wife makes an incredible amount of money. Not only does she work for her regular job as a nurse, she'll work all kind of overtime at the other hospital making extra money. They keep their accounts separate. He makes plenty of money.

You know what I'm saying? They live in an apartment. They don't even have a house yet. They were paying \$900 for rent. And that was it. And he had a -- a little \$300 or \$250 car payment. She was -- his wife was driving a used little car that they weren't making a payment. His -- his whole payments were the apartment and his car. That was it.

His kids were always being taken care of by his grandmother. So, was he getting extra money from somewhere? I don't think so. Other than, any time that we might have worked some type of off-duty gig, or something like that. Other than that, no. Was he -- was he spending something big, as far as cruises? No. A cruise -- even a 7-day cruise is only \$799. Most of the time we went on little cruises it was those three and four-day cruises that was like \$399 or \$299.

You know, so you're talking maybe spending 600, \$700 for the -- for the little cruise total for both of you.

Q BY DET. HOHAN: Ray, what I want to get into now, because we're kind of running out of time here, are the other bad shootings.

A We never talked about the rest of the officers. Do you want to just leave that alone for now?

Q We may have to. I want -- what I want to go into now is the shootings we talked about over lunch.

A Okay.

Q Okay.

Q BY SGT. SEGURA: Mike, let me just run these names, and just tell me if you've --

DET. HOHAN: Lou -- Lou, I have to go into this.

SGT. SEGURA: Go ahead.

Q BY DET. HOHAN: Okay. Okay. Over lunch, casually, we discussed your knowledge of other bad shootings, or shootings that, uh, appeared to be bad, that were fixed by Sgt. Ortiz or other supervisors. Okay. Uh,

what I want you to do now, is just give me a basic summary of them. We'll probably have to come back another time and -- and go through them.

Uh, there was one, uh, that you said Sergeants Ortiz and Navarro cleaned up. And it involved a tall probationer. A Mmnh-mmnh.

Q And, uh, it was a fatal shooting.

A Not a fatal. He -- he was hit.

Q He was hit?

A He was hit in the -- in the abdomen. I don't think he died.

Q Okay. What -- what happened in that shooting?

A I was not there. This is just what the supervisors told us in a roll call meeting that we had on -- on a particular occasion.

Q Okay.

A He says -- and -- and one thing that stands out. And I'll say it right off the bat. Something about they took some ketchup and sprayed it on the wall so that the officer, in his mind, felt that there was something, uh, -- some type of exigent circumstance, and that broadened or lifted his, uh, -- his intensity level. Something -- I remember saying -- I remember him saying something about ketchup on the wall. Throwing some ketchup on the wall.

The incident was that some probationary officer and another officer are searching in an apartment.

Q Was this in Rampart Division?

A In -- in Rampart Division.

Q Okay.

A The young probationary officer, uh, is confronted with a -- uh, a, uh, closet. He pushes this door open in the closet. It swings open. And there's a guy there, just standing there. The officer fires a round. The guy goes down. I believe Sgt. Navarro and Sgt. Ortiz, and I don't know who, responded. Uh, but this is what their telling us. This is what I'm getting out of the roll call. And that they wanted to save the kid's

career 'cause he said -- they asked him what do you got? And he goes, "I don't know. I just shot him."

And they were like, oh, Jesus. No. You know, uh, they kind of talked to him about it. And they came up with some idea of a little mirror. That, supposedly, the guy had a little mirror like this in front of him. So that when he opened the door and -- and he heard a "boom" and the guy turned on his flashlight, -- uh, the officer -- there was a reflection on that little mirror in front of him, which --

Q Of his own --

A Of his own flashlight, which made him believe that the "boom" and light was actually that guy shooting at him. Which is why he fired. And they made it very clear to us that that was just what they did to save his, you know, his job.

Q So, it would have been something that would have wound up out-of-policy --

A Yeah.

Q -- mistake-type of shooting? And what they did was --

A Was just cover it up.

Q Okay.

A Cover it up. Fixed it. You know, uh, fixed it for the kid so he didn't get fired.

Q You talked about --

A And now -- and in that incident, that they specifically talked to us about that in a roll call training day that we had one particular day.

(Off the record for a quick break.)

(Back on the record at 4:20 p.m.)

MR. ROSENTHAL: Okay. It's now 4:20.

Q BY DET. HOHAN: Okay. You talked about an officer-involved shooting involving an Officer Melissa Towne.

A Mmnh-mmnh.

Q Okay.

Q BY SGT. SEGURA: Just backing up just one second. The probationary officer, Ray, do you know what division that, uh --

A That this occurred?

Q The -- the shooting that you were talking about?

A This is at Rampart Division.

Q Rampart?

A Yeah.

Q All right. Thanks.

A All that ones that I'm talking about right now are going to be Rampart Division.

Q Okay.

A Yes, I have heard some about some other divisions and 77th, and we'll talk about those at the very end if you want to, or --

Q Okay.

A -- or whenever.

Q BY DET. HOHAN: The Melissa Towne shooting. That was a non-hit, is that correct?

A That was a non-hit.

Q Okay. All right. What happened in that shooting?

A I believe Melissa, uh, Towne was working with another C.R.A.S.H. officer. This was probably in either late '94 or early '95. Uh, they're driving in the area of Temple -- I'm sorry Bellevue and, uhm, -- uh, just several streets, uh, east of Hoover. I can't remember the name of the street exactly.

At any rate, they're driving. They're gonna go and -- and -- and, uh, detain some, uh, gang members. Melissa gets out. Or, yeah, Melissa New -- Melissa Towne gets out. The other officer gets out. One of the arrestees -- it's a corner lot -- northwest corner -- he starts running

north, then, uh, west through the house. And then, he's gonna come back south back on towards Bellevue.

Melissa is sitting there waiting on him. And from what I understand, she kind of just overreacted and fired a round. The guy just stops and falls to the ground. Like Holy smokes, you know, I give. You know, don't shoot at me. He's taken into custody. They're game-planning it. And I believe that Sgt. Hoopes and Sgt. -- uh, Sgt. Byrnes, and --

Q BY MR. ROSENTHAL: Who is this? I'm sorry?

Q BY DET. HOHAN: Hoopes and Byrnes.

A The officer that -- Melissa Towne.

Q BY MR. ROSENTHAL: How do you spell that?

A T-o-w-n-e, I believe it is.

Q I'm sorry. Go ahead.

A Uh, Sgt. Hoopes and Sgt., uh, Byrnes, are, I guess, discussing it. And this also was discussed to us by Sgt. Byrnes, uh, in one of the roll calls, that, uh, they remember going, "Jesus Christ." You know, how are we gonna -- and I believe it was Sgt. Byrnes who said he had saw something leaning or sitting on the bumper of a car. Picked that up and put it by the guy, you know, where he would -- fell to the ground. Put it there and said, "Okay. That's what he had in his hand. And then, pointed it at you." And that's how that one went.

Q BY DET. HOHAN: Okay. So, they planted. And you said, at some point, they planted evidence on him. It was a false arrest. Is that --

A No, I don't know that. I said I don't know if he was arrested or not. I don't.

Q Okay. But there was something planted next to him?

A There was something put there that was -- well, from what I remember exactly what he said was that there was something leaning or sitting on a bumper of a car. And he said that's the first thing he could think of, grabbed it real quick, and put it down there. And that was the

story that they went with, that this is what he was carrying and pointed it at the officer. And that's why the officer fired the round.

Q Okay. Any other shootings at Rampart?

A Uhm, there's several shootings that occurred that -- like I told you before, you know, when we were out drinking and we're all talking. Uh, and most of these guys that we're talking about, are guys who either worked F.E.S., or guys that worked C.R.A.S.H., were on loan to F.E.S.

Uhm, somebody decocking?

SGT. SEGURA: Oh, they're having an inspection.

THE WITNESS: Is there a roll call here?

SGT. SEGURA: Over in the -- in the conference room over there.

THE WITNESS: Not Central Division, though, right? Is that, uh --

SGT. SEGURA: Central.

THE WITNESS: Oh. Uhm, I had gotten wind of and had heard some scuttlebutt. Uh, scuttlebutt meaning rumors, uh, regarding the Palomares, I believe, it's Galindo, uh, shooting. I -- I'm not sure if you're familiar -- or I think you are familiar with it.

Q BY DET. HOHAN: That's the Narcotics shooting in the basement?

A Right. They were working, uh, F.E.S., -- uh, Rampart F.E.S. with, uh, Lusby and McGee and all of them. Uh, the -- the sort of the rumor was that, you know, they went to this building.

There was some narcotics involved. They had went to the basement of this building. There was a guy down there. They shot the guy. And then, supposedly, there was a shotgun put there. You know, uhm, what exactly -- which officer did what, I don't know. Uh, did we -- did we discuss it and talk to them about it a little bit? Yeah.

We first -- we got the very -- because anything that occurs with our C.R.A.S.H. guys, even if they're on loan to let's say F.E.S., they're gonna come back to our roll call the next day, or as soon as possible, and debrief us as to how it went. What happened, how did it go.

After the official debriefing is over, then we sit there and kind of shoot the breeze and talk and drink a beer. And little -- you know, little comments are made. You know what I mean? They're, you know -- you know, looks are being given. Things are being said that, you know, no, you know.

Q BY MR. ROSENTHAL: You -- you gave -- you said something -- you gave a name of a shooting -- was it the people involved?

A I'm sorry?

Q When you first started, you gave a name or something. Palomares?

A The Palomares. And I believe it's Galindo.

Q And are those the people involved?

A Those are the two officers, uh, involved. I believe -- was that fatal?

DET. HOHAN: Yes.

THE WITNESS: That was a fatal.

Q BY MR. ROSENTHAL: What was the first name?

A The first name? No, those are two last names. Palomares and Galindo are two different officers.

Q Palomares. Okay.

Q BY DET. HOHAN: And in this unofficial briefing, the general consensus was the shotgun was planted? Is that correct?

A Right.

Q Are there any other Rampart shootings?

A There was one. It was just simply a mistake. But he didn't know how to explain it. It was Sonny Garcia. Uh, he, uh, I guess, was chasing after someone. He wasn't using good tactics. Had his hand, or his -- his gun out as he's chasing this guy. Has his finger on the trigger. Accidentally fires a round.

Well, to cover it up, I think they -- he decided that what he was gonna say was that the guy went after his gun and the gun went off that

way. Uh, I believe, that's also a non-hit. But that's -- that's how, basically, the shooting was, uh, justified. And I don't know what other word to use. But to -- instead of saying, hey, I was running and my gun accidentally went off, things are made up and -- and added to the story to make it sound like, okay, I can -- we can understand how that happened.

Q BY MR. ROSENTHAL: Garcia. Garcia. What's his first name?

A Sonny. S-o-n-n-y.

Q BY DET. HOHAN: Is -- or in either the Palomares/Galindo shooting, or the Sonny Garcia shooting, did Sgt. Ortiz, or any sergeant from C.R.A.S.H. take part in cleaning those up?

A I don't -- I don't know who responded to the one down at, uh, -- definitely not the one with Garcia involved. Uh, involving Garcia, he was not involved. And I don't recall regarding the one with Palomares. Can I have one minute to think about something?

I don't remember if Sgt. Ortiz was involved in that one or not. I don't. I believe -- uh, as a matter of fact, I don't believe so. I believe that was handled by the F.E.S. guys originally. I believe, if I remember correctly, uh, Lusby and McGee and all those guys responded to that. And they were the ones handling it. And I think they just -- I think our -- our patrol guys just let them handle it. You know what I mean?

Just let the Narcotics guys handle it. If you -- 'cause I was sitting here thinking about other shootings. If you had like a list of all the Rampart shootings in the past few years, I -- I can comment on some. I'm -- I'm probably forgetting some off the top of my head. But if you have more documentation, more things for me to look at, I'll be able to comment on and I can talk about it.

Q Okay. I want to ask you about, uh, the two other C.R.A.S.H. sergeants -- Mondo Perez.

A Mondo Perez? Uhm, what about him?

Q Was he ever involved in any of this type of activity? Was he in the loop?

A Mondo Perez, Sgt. Perez, uh, was actually trying to establish his own loop. He was trying to get a loop going within the, uh, bike detail. And he had their little thing going. You know, he was in charge of them for awhile. Uh, and it turned into a big rivalry thing. You know, they had their, uh, little -- it turned into -- from a bike detail, they turned it into a S.E.G. unit, S.E.U. unit, whatever.

He really never really got along with C.R.A.S.H. 'Cause he, you know -- we did our thing. And they were trying to outdo us. You know, they had Espinoza and all those guys over there who were trying to outdo us, and that type of thing. Uh, so he was trying to establish his own loop over there.

But he was never really in our loop, no. I mean, okay. If you asked me, was Sgt. Perez there when that officer spit in that guy's face? I'm sure you know about that one, right?

Of course, Sgt Perez was there. And, of course, he saw it. And -- but everything was cleaned up as much as they can. And, of course, it blew up in their face later. But, sure, he knows things are going -- certain things are going on that, you know, weren't right. Uh, --

Q BY SGT. SEGURA: I don't know about that incident. Can you tell us, just briefly, generally, about that incident?

A Uh, I think it had to do with their -- his unit that he was running. I don't know even know what they were called. Were they called S.A.G. or -- they -- they had some little acronym for their unit. But there was an incident where some -- some of his officers backed another unit on a, uh, GTA.

They -- they got the guy out. And one of the officers kind of hacked and just spit right in the defendant's face. I believe, maybe a

probationer got fired, and maybe a couple of guys got six months off, or something like that.

Uh, 'cause it an -- it was an obvious cover-up. Uh, and one of the probationers came back and said, "Oh, yeah, this really did happen." You know, the probationer kind of let it out. I think he even got fired anyway. But he -- he pretty much let everything out.

Q BY DET. HOHAN: Sgt. Bobby Chacon?

A Sgt. Bobby Chacon. Why do I know that name? But it's not --

Q Bobby. Bobby Chacon.

A No. Who is he? I don't know who he is.

Q I may have the name wrong. I'll have to go back and

--

Q BY SGT. SEGURA: Sgt. Chacon.

A Sgt. Chacon? I know that name. But -- did he work Rampart C.R.A.S.H.?

Q Uh, he was at Rampart. I don't know if he was in -- I think he was in the -- in the C.R.A.S.H. unit, yes.

A I know that name. But I'm drawing a blank right now. Q BY DET. HOHAN: Okay.

A 'Cause we're not talking about Sgt., uh, Guerrero; right? There was a Sgt. Guerrero. Sgt. Chacon, I know that name. But I can't remember. I can't place his face right now. Uh, I can't -- I -- I know the name. But I'm -- I'm not -- I don't know why I'm not remembering his face.

Q We're just about down to the wire. There are a couple of last names that are gonna be out of sequence, that I need to ask you. Uh, first, on the, uh, Shatto Place shooting.

A Mmnh-mmnh.

Q After the shooting goes down, and the meeting is held, at what point do they remove the taxi-cab and bring your blue car back and say it

was there?

A Right -- right after the briefing. And right after I took the guy downstairs.

Q Okay. Who took the --

A After -- after the briefing, Sgt. -- uh, I was bringing the guy downstairs. Ortiz told me -- let me think for a second here. I want to be absolutely correct. I know it was definitely Sgt. Ortiz who told me, "Let's get that car out of here. That cab out of here. And bring the Taurus back and put it here."

When exactly did that occur? It, obviously, occurred before anybody else started getting there. I'm not remembering whether I went with him or not.

Q Who -- who took the -- who took the cab back?

A That's what I'm trying to remember now. I'm thinking that maybe -- I don't remember me being the one bringing the car back. I remember, I think, Duarte and maybe one of the other officers went and replaced the car. Yeah, it had to be either Duarte and some other officer that took the cab out of -- right where the briefing is done, with the officers, and I'm getting ready to start taking the guy downstairs, uh, Ortiz starts telling us, "Let's get that cab out here and get the, uh -- the other police car brought in."

Q Now, on the Ovando shooting, I want to go through this again, so in my mind I know exactly, uh, where the computer was, or the terminals that you used. As you come out of the C.R.A.S.H. office, at 3rd and Union --

A Mmnh-mmnh.

Q -- and walk through the swinging door --

A Downstairs on the first floor.

Q That's the first floor.

A Mmnh-mmnh.

Q It's one of the two terminals on the right.

A And I -- the more I think about it, I believe it's the one on the right.

Q Okay.

A It's one of those RMOQ whatever. You know, as you go out the door, you know, there's two computers there. And I'm saying all this, because it's what the last thing I remember. I don't know if the computers have been moved in the past year. But is -- is the -- one of two computers that are right there. And I believe it's the one on the right, if I remember correctly.

Q Okay. When the gun was run, you said it was run approximately a week prior to the shooting, approximately?

A I don't remember exactly. Right. It could have been three days, it could have been five days. That's why I said start from Day one and run back about a week and you'll find it.

Q Okay.

Q BY MR. ROSENTHAL: Whose name? Who would have run it?

A That's what I don't remember exactly, whether it was somebody already logged on, or was it me and Durden that logged on that day. Because there was other people at the station. But I remember we ran the serial number. That's one thing I definitely remember that we definitely ran the serial number.

Q But it could have been run under another officer's serial number? And not on you or --

A Unfortunately, that's what I'm -- I'm --

Q Either you or Durden?

A -- thinking. Yeah. But can't we just -- can't we do this? For the entire week of that -- run everybody there that ran -- just run everybody.

Q BY DET. HOHAN: We're in the process of doing that now.

A Okay.

Q When -- when did you guys recover that gun?

A That gun was recovered probably in that week. Probably, uh -- uh, I would say no more than a week prior to that. Probably -- probably within the week. I would say a week before that occurred.

MR. MCKESSON: You guys still have the gun?

MR. ROSENTHAL: Let's not go into that.

MR. MCKESSON: I'm just wondering.

Q BY DET. ROSENTHAL: I know you're wondering. I'll tell you off the record what's going on.

Q BY DET. HOHAN: Uhm, okay. And when you recovered the gun, how did you recover it? What -- what took place? Was it you and Durden that recovered it?

A Yeah, it was definitely me and Durden. And I don't -- I -- I was trying to think about this before. I don't remember exactly how we came across that -- that gun. Because on a couple of occasions we had had informants who told us, hey, there's guns being hidden under here in this bush. And we'd go and find it and just pick it up.

Uh, and other occasions we'd -- we'd break up, let's say a gang party and people start running and there was gun left there, and we'd pick it up. We may not necessarily, you know -- let's say, uh, it's a Diamond Street party and the Diamond Street officers are there and we're helping them. Well, if there's guns left behind, he's going to keep them.

And let's say it's a Temple Street party, well, I'm gonna keep them. Whoever's designed -- or, uh, designated that to that gang, if they don't want to book certain property, they won't book it. They just hang on to it. And there's been so -- you know, there's several instances where I remember picking up guns. But I don't remember where exactly that particular one came from.

I know it was sometime before that because -- because maybe I say four days before that shooting, I remember him sitting in the car filing that serial number off. I remember that clearly.

You know, in fact, I -- you know, when all this went down, I thought, Jesus. I couldn't believe it. 'Cause I'm thinking, you know, if they decide to come into this car right now and check the -- check the floorboard of -- of this particular car, they would find all these little scrape marks that came from that gun.

Q The metal shavings?

A The metal shavings. 'Cause he was sitting in the passenger seat, you know, just filing this thing off just as we were driving along. And then, the other thing that -- it's like, oh, my gosh. You know, the worse gun to put there because we had run the serial number. I thought, they're gonna lift -- you know, 'cause you can scratch off a serial number, but there's certain ways of making it lift up.

Q Mmnh-mmnh.

A And I was thinking to myself, they're going to lift that serial number up and see it, and run it, and say wait a minute, this gun was run a week ago in the C.R.A.S.H. office. You see what I'm saying?

And that's one of two things that stand out in my mind. The fact that he was scraping the serial number off in the car. And then, a week later, you know, this is the gun that he's dumping there.

Q Now, when you -- what you just implied, and I just want to understand if -- if I'm taking this correctly, you guys would recover guns or other property at times and not book it?

A Mmnh-mmnh.

Q In the sense of the guns, was that so that you kept them as drop guns?

A Mmnh-mmnh.

Q For bad shootings?

A Mmnh-mmnh. Yeah.

Q Okay.

A Yes. Or sometimes it was just a matter of not wanting to book it because there's no body with it, so why book it?

Q BY MR. ROSENTHAL: Well, where would you keep these guns?

A Anywhere. Officers keep it -- uh, you know, officers carry war bags. And I -- maybe not now with everything that's going on, but if you did a random sweep -- one time there was a sweep done, because somebody had said that somebody was carrying illegal bullets, you know, back in the day before, uh, the slugs, or whatever we were allowed to carry them. I mean, they had every unit come into the station and searched their trunk.

You know, if you were to do that to the C.R.A.S.H. unit on one occasion, you would be amazed at what you would find in an officer's war bag.

I mean, like Durden was carrying that bag in one of his backpacks, in his war bag. And this was a pretty big gun, if I remember correctly, the -- the Tech .22. But he -- I mean, he has, you know, backpacks with binoculars in it and tape. And he's one of those handy guys who are -- carries everything in -- in these little bags.

But, uh, yeah, officers would just carry them in their -- there's a war bag -- what we call a war bag. And you carry that in the back of your black-and-white. And at the end of the night, you either throw in -- in your locker, or in the back of your truck, you know, in the parking lot and just kept it there. DET. HOHAN: Okay. Ray, I think we've just about burnt Sara out here.

Q BY MR. ROSENTHAL: One last thing. No more lists or names or anything like that. But I want to show you a picture, Ray, of uh, -- of a cooler.

A A who?

Q A cooler.

Q BY SGT. SEGURA: Was that the cooler?

A That's the cooler. That's the cooler. Uh, the reason this cooler is at my house --

Q Do you know what --

A Oh, you probably didn't find it. Uhm, remember I -- I was telling you that I would weigh everything, and -- and had a scale? In fact, if you were to ask the hype unit upstairs at, uh, Rampart Detectives, they had a scale sitting in their little office there. I took that scale.

Uh, on one particular occasion, uh, the drugs that -- the -- the switches, I had put it in -- in this -- in -- in this cooler and put the cooler in my car, as well as the scale.

Q Mmnh-mmnh.

A And for a long time, that's where we were keeping things. But on this particular day, I put the scale and whatever else was there -- the packages, in this cooler and put it in my truck, and took it to a parking lot, and did whatever I -- I was doing.

Q Mmnh-mmnh.

A But that is exactly the cooler that I was talking that had Durden's name on it.

A Right.

Q Yeah.

Q BY DET. HOHAN: Do you know if Denise maybe still has that cooler, or got rid of it, or --

A Uhm, I have no idea. I have no idea. It could -- she could. I don't know. Yeah, just ask her. Probably not. You know, she's always doing yard sales, so.

Q Yeah, maybe just on an outside chance it might be around. That would be a tremendous benefit to us.

A Mmnh-mmnh.

Q Okay. I think that's, uh, it. It's, uh --

Q BY SGT. SEGURA: Anything you guys have? Anything else?

MR. ROSENTHAL: For now. We'll set up the next interview as soon as, uh, we get a call on Monday from Mr. McKesson, to let us know his availability. And then, we'll just, uh, try and do more than one next week.

THE WITNESS: I have nowhere to go, so as many as you guys want to do.

MR. ROSENTHAL: Okay. All right. We're -- it's 4:41 and we're off the record.

(Off the record at 4:41 p.m.)

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