

STATEMENT OF

RAFAEL ANTONIO PEREZ,

TAKEN AT THE METRO TRANSIT AUTHORITY BUILDING, 1 GATEWAY PLAZA,
LOS ANGELES, CALIFORNIA.

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

APPEARANCES BY:

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99-036

LOS ANGELES, CALIFORNIA, FRIDAY, NOVEMBER 17, 1999; 11:53 A.M.

MR. ROSENTHAL: Okay. Today's date is Wednesday, November 17th, 1999. These are the continuing interviews with Rafael Perez. Present today are Sgt. Cook; Det. Nalywaiko; myself, Richard Rosenthal; Rafael Perez; and Kevin McKesson, attorney

for Rafael Perez.

And I'm going to place you under oath.

"Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

THE WITNESS: I do.

RAFAEL ANTONIO PEREZ,

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

EXAMINATION BY MR. ROSENTHAL:

Q All right. We're going to start off today by asking some questions about three cases in particular. We've had an opportunity to speak to criminal defendants, and we're gonna ask you some questions relating what they said, and determine how of their stories are truthful or not.

So, we're gonna start first with the case of Ruben Rojas.

SGT. COOK: Wait. Let me go on tape now. This is -- today's date is November 17th, 1999. The time now is 1153 hours. This is a re-interview of Rafael Perez on Tape No. 222109, Side A.

Q BY MR. ROSENTHAL: Okay. This relates to the case against Ruben Rojas. D.A. File No. BA146732. Dr. No. 97-02-11132. And Mr. Perez, you've had an opportunity to take a look at that report.

A I have.

Q And we've had a opportunity to talk to you about this

before. But if you'll just briefly tell us what really happened in this case.

A Okay. You want me to go briefly? Or do you want me to start from the beginning?

Q Well, it can be brief because we've already discussed it once before.

A Okay.

Q And you did go into some detail.

A Okay.

Q In fact -- in fact, actually, let me cut off. This is one where you've identified that this was a dope plant.

A Yes, sir.

Q And you I.D.- -- and you picked Ruben Rojas, because your informant --

A That's correct.

Q -- [

***** CI #6 info redacted *****

*****].

A Exactly.

Q Okay. We've spoken to Ruben Rojas. He was interviewed on November 11th, 1999. And there are some things he said in the story that I just want to, in essence, read to you and have you comment on.

He mentions, first of all, that before he was arrested, four of the officers -- he says the officers broke

down the door -- they forced-opened the door in order to make the arrest. Do you recall that?

A I think the door was -- it was open. I don't think it was like broken open or forced open.

Q Was it already open, at the time?

A I think it was, yeah. I think it was unlocked.

Q And you and the other officers -- how many other officers were there?

A Three.

Q Who was it, if you recall?

A Officer Durden and I believe it was Buchanon and his partner. Uhm, Stepp. Buchanon and his partner Stepp.

Q So, it would have been four of you?

A A total of four, yes.

Q Do you remember would you have had your guns drawn?

A I believe we had our guns drawn when we went in, yes.

Q Now, you hadn't seen him outside doing any kind of narcotics transactions before that?

A That's correct.

Q The defendant said that, at one point, he received a call -- a phone call -- at home shortly before the officers made entry, and that it was somebody who was trying to buy a pound of cocaine. Did you guys give him any type of phone call, or did this phone call have anything to do with the arrest of Rojas?

A I believe we called to make sure he was home. But we

definitely didn't have a conversation about a pound of cocaine.

Q Okay. He said that the caller identified himself as Jose. The caller asked Rojas, "Are you Little Boy?" He replied, "Yeah." And the caller said, "Hey, check this out. I want a pound of cocaine." Sound familiar at all?

A No, that wasn't us.

Q Who would have made the phone call?

A When we -- I probably would have done it just to make sure that he was there. You know, I -- I heard a male's voice. I wanted to make sure he was home. I didn't want to just, you know, go there and now he's not there. And now, everybody's warning him, hey, the cops are coming by here looking for you.

So, it was -- I mean, that was a common thing that we did. Just call to make sure that he was there.

Q How would you know it would be him?

A Because a young voice. And he lived there with his -- I believe his sister and mother, and I believe his father. But, I mean, I would have known if there was a male voice that sounded like a -- you know, a 25-year old person, I would know that's him.

Q Okay. So, you didn't try and engage him in narcotics talk during the call?

A No, sir.

Q Now, he says that, at the time, that you made entry, he was lying on the couch wearing only a white T-shirt and boxer shorts. Is that what -- is that how he appeared when you first

made contact with him?

A Yes, sir.

Q And he mentioned -- he said "Officer Perez was the first to enter armed with a shotgun."

A No. I believe it was Officer Buchanon who had a shotgun.

Q Okay.

A But I -- I did not have a shotgun.

Q What happened, at the point you made entry, the guns are drawn, what would you have told Rojas?

A Nothing. We just took him into custody. We checked the rest of the house, made sure there was nobody, uh, there.

Q He says, "Officer Perez stated, 'Get down on the floor. Get down on the floor. We got you.'" Is that possible?

A What purpose? I mean, I think we stood him up and handcuffed him. I don't think "Get down on the floor" was ever said or -- I don't remember that.

Q All right. Rojas says that Officer Durden told him that he knew he was on parole. That Rojas was on parole and they had the authority to randomly search the residence. Did any type of conversation like that occur?

A I think we might have told him that we knew that he was on parole. Whether we said that we could randomly check his house, I don't remember that part.

Q At the time, you did believe he was on parole?

A We knew he was on parole. He had -- we had already

ran him. Once my -- our informant had told us who he was, we -- see, I had never met him prior to this. I had never had any contact with him. But after my informant told me who he was, and I had gathered some more information, I -- I looked him up. And I remembered something about a bank robbery or something like that. Some type of robbery he was involved in, and he was in prison.

Q All right. Now, actually, in our investigation, what we found when we contacted the Department of Corrections, we were told that he was actually released from prison on November of '94. Discharged from parole and released to Federal custody on March 6th, of '95.

A It probably had to do with a bank robbery.

Q Okay. So, that's what you think it was?

A Yeah.

Q Do you know whether or not he was deported and came back?

A I do not.

Q At least, at the time of this incident, you did believe that he was on parole?

A Yes.

Q And you would have had the authority to conduct a parole search?

MR. MCKESSON: I think they call it parole.

THE WITNESS: That's what I was just gonna say. I knew he was on some type of --

Q BY MR. ROSENTHAL: Some type of parole?

A -- Federal parole or Federal -- we knew -- what we did know is he had just gotten out of prison. We knew it had to do something with robbery, because we saw it on his rap sheet. So, whether he was on State parole or Federal parole, we weren't sure. But we knew he -- he had some type of bank robbery.

Q All right. Now, --

MR. MCKESSON: Supervised release is what it's called.

MR. ROSENTHAL: Oh, that's right. That's a Federal parole.

MR. MCKESSON: Yeah.

Q BY MR. ROSENTHAL: When you took him out of the house, did you search the residence?

A I believe we did.

Q And didn't find any narcotics?

A No.

Q Were you -- or did you have any contact with either the mother or the sister?

A Yes.

Q And this is while you're taking him out?

A Yes, sir.

Q What happened then?

A I believe they were either next door or across the -- the little walkway there. 'Cause they came out wondering why are you taking my son. They were upset wondering what's going on. And after we put him in the car, I went and advised them

that, you know, that we are -- we were taking him for narcotics charges. And that was it.

Q All right. Did you either tell them one way or another whether or not narcotics were actually found in the residence?

A I -- I certainly wouldn't have shown it to them. I certainly wouldn't have, you know, given them any details of the case. I -- I might have just told them that we're taking him for narcotics charges.

Q All right.

A Something like that.

Q And you don't recall them -- telling them, yes, we found narcotics, or no, we didn't, in addition to the fact that you were doing an investigation for narcotics?

A I don't remember telling them that personally.

Q When you brought them to the station, did -- did you attempt to question them, in any way, to get information on the gang or any other gangsters, to try and find out who they were?

A I believe we were looking for a murder suspect.

Q I think you mentioned the name Stymie. Could that be who --

A That's who we were -- that's the -- that's the murder suspect that we were looking for. I might have questioned him about that.

Q The -- did you ever promise to let him go if he gave you information on Stymie or on guns that -- Temple Street guns

that might be around?

A Probably.

Q Would you have let him go if he had given you the information?

A No.

Q So, this was just a investigative tactic?

A Yes.

Q All right. Now, he mentions also that he was initially wearing boxer shorts when he was arrested. But I think his -- his family member brought pants for him, while he was in Rampart Station. Does that sound familiar?

A I don't remember it that way. I remember that, as we were taking him out, he was in his boxer shorts. And they saying, well, at least let me give him some pants, or something like that.

I think the pants were brought up to the car -- out to the car, and we took them with us.

Q Okay.

A I don't think they brought it to the station and given it to us there.

Q Did you --

A 'Cause I -- I'm sorry. Go ahead.

Q Were you going to say something else?

A No, that's all right.

Q Okay. At some point in the booking process, did you search his pants and then take out cocaine in the presence of

the jailer?

A No.

Q So, I know, in the past what you've told us, is when you put a gun or dope on somebody, it's not like you put it in their pants and take it out?

A Right.

Q You just say you found it there. And that was it.

A Right.

Q So, that's what happened in this case also?

A This is also a calculated error. Uh, or uncalculated error. In the report it states that as he's walking in the apartment, we're right behind him. We take him into custody. It doesn't talk about him being in his boxer shorts. It says that while we detain him, then we search his pockets and we find narcotics in his pocket. Well, that, obviously, isn't possible, 'cause he was wearing boxer shorts. And the pants were brought to us afterwards, by the -- the sister for him to wear. So, I mean, --

Q Who wrote the report?

A Officer Durden wrote the report.

Q Okay. So, of course, that's -- so, that would be a tactical error, because then, --

A Yeah.

Q -- you just have somebody who will testifies that, hey, wait a second, I brought his pants out to him at the car.

A Yeah. I -- you know, what actually reminded me that

he was in boxer shorts, was the actual newspaper article. I -
- I remember that.

Q Oh, you're referring to the article that appeared in today's L.A. Times?

A Yes, sir.

Q And you had a chance to read it?

A Yes, sir.

Q Okay. Getting to the newspaper article, there is some allegations that are made on Page A-21. Apparently, they're contained in a civil filing by his attorney. And he says, -- yeah, he does mention he was wearing boxer shorts. And you're saying that was true?

A Mmnh-mmnh.

Q Rojas says, at least in the paper, it says, "After Rojas insisted that he did not know where to find the gang member the police were looking for -- meaning Stymie -- Perez told Rojas he was gonna take him to jail." The documents say "When Rojas asked why, Perez told him he would find something." Does that sound familiar, or --

A That wouldn't be something I would say. I would know why I'm booking him. I don't need to even tell him why I booked him. I would just book him.

Q Okay. According to this, and the -- the civil papers claim that, at one point, while en route to the jail, uh, Rojas says that police stopped the car, took him out, unhandcuffed him, and that you -- with your hand on your weapon -- ordered

him to run. Did that happen?

A That's absolutely not true.

Q All right. Any other questions?

Q BY DET. NALYWAIKO: I've got a question, Ray. At the location of the arrest, --

A Yes, sir.

Q -- was there a supervisor present?

A No.

Q Did a supervisor ever respond to the location?

A No.

Q Did you ever have contact with a supervisor regarding the arrest?

A At some point, you know, we had to ask the supervisor for booking approval and let him know what we had.

Q Do you remember who that was?

A Not really. Unless I looked at the report, I really wouldn't remember.

Q Do you remember where that occurred?

A That would have been at the station.

Q Okay.

SGT. COOK: Okay. That concludes our interview. The time now is 1205 hours.

Q BY MR. ROSENTHAL: All right. The next one we're going to handle will be Michael Price. Also known as Michael Williams. This was a multi-two arrest that we've discussed before.

A This is in the park?

Q This is in the park.

A Oh, okay.

Q This is an O'Grady/Perez report.

A He was wanted for murder?

Q Yes, he's the one who actually got filed on also and convicted on a murder charge. And he was arrested with another defendant female, Sonia Castro.

A Yeah.

SGT. COOK: Are you going to allow him to review the report? Or do you want me to get started now?

MR. ROSENTHAL: Do you have a packet for him? Or do I need --

SGT. COOK: Well --

MR. ROSENTHAL: -- to give him a copy of the report --

SGT. COOK: -- I don't know. Well, what are you gonna do?

MR. ROSENTHAL: -- from the D.A. file.

SGT. COOK: I don't have the packet.

MR. ROSENTHAL: You don't have it. What I'm gonna do is just give him a copy of the report to take a quick look at. We have already discussed this.

THE WITNESS: Mmnh-mmnh.

Q BY MR. ROSENTHAL: And the purpose of discussing it again today is simply that we have spoken to Mr. Williams in custody, and just want to go through his statement with you.

A Just one second.

Q We can turn the tape off. We can go off the record for a moment.

(Off the record at 12:07 p.m.)

(Back on the record at 12:08 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1208 hours.

MR. ROSENTHAL: All right. This --

SGT. COOK: We're interviewing Rafael Perez concerning an arrest of Michael Williams, who has a aka of Price.

Q BY MR. ROSENTHAL: Now, this relates to D.R. No. 96-02-10437. D.A. Case No. BA128788. Uh, we -- as I mentioned, we have interviewed Mr. Price in custody.

A Mmnh-mmnh.

Q One of the things that he mentioned is -- I think this was with O'Grady. Do you recall who found the gun? Because you initially told us the gun was not found on him, but was found after you searched the area.

A Officer O'Grady found it.

Q Price stated that after being detained by the officers, they questioned him about criminal activity in the park. Price says he gave the officers some information, but according to the officers, it was not enough. And then, he says that O'Grady told Price that "The hand is mightier than the sword." He replied, "You're gonna give me a gun beef?" And O'Grady said, "You got it."

Does that sound familiar?

A No.

Q Was there any time when O'Grady would have been speaking to Price outside of your earshot?

A Yes.

Q So, that -- that conversation could have occurred without you hearing it?

A Yes. Because most of the time, he was talking to the male and I was talking to the female.

Q Actually, most of the other, uh, statement of Price is consistent. He actually does admit to be in possession of the gun, and that he dropped it before the officers approached.

A He would have seen us coming through the park towards him. We -- we didn't know where he was. We had just gotten information from [**** CI #13 information redacted *****
*****].

And the -- the talk about observations that we saw him make a hand-to-hand and all that, that's bogus. That's all made up. But when we went across the park, he probably would have seen us before we even got to him. So, he had already discarded the -- the weapon before we got there.

But we knew, you know, based on the information that we got, that he was in possession of the gun, at some point, so. Q Having had an opportunity to review the Michael Price interview report, is there any more questions anyone has?

(No audible responses.)

MR. ROSENTHAL: All right. That's it.

SGT. COOK: That concludes the interview. The time now is 1210 hours.

MR. ROSENTHAL: Let's go off the record for a second.

(Off the record at 12:10 p.m.)

(Back on the record at 12:13 p.m.)

SGT. COOK: Okay. The time now is 1213 hours. Again, this is November 17th, 1999. We're continuing the re-interview with Rafael Perez.

Q Ray, you were talking about the ability of Officer O'Grady to observe the defendant with the gun.

A After we obtained the information from [** CI #13 info redacted *****] through the park in a southwesterly direction. Up until we were about I'd say ten, fif- -- ten to fifteen feet from the defendants, we hadn't even seen them. So, once we saw them, we came to the conclusion these -- this must be the two people that [CI#13] was talking about.

We never saw anything -- no weapon being tossed, or anything like that. We got out of the car and just approached them and detained them, and started talking to them, did a pat-down search and everything.

Afterwards, after they were detained, then, we started looking for the gun. Uh, looking through -- you know, in that vicinity. And eventually, uh, Officer O'Grady found a gun.

But, before detaining them, we never -- we had no position to even see them, you know, toss it. Because we

weren't in any -- we didn't know who we were looking for.

We knew there was a male and a female, but there's -- there's hundreds of males and females in the park. But when we saw them together, that raised our suspicion. And we thought, this must be them. And that's why we detained those two.

Q At that point in time, when you and Officer O'Grady saw the male and female together, could it have been possible that O'Grady may have seen the suspect dump the gun?

A No. No, it was impossible because when we detained him, we stopped him right where he was. The gun was not found -- was found probably ten to fifteen feet away from where he was standing. So, it was impossible for us to -- to say that we observed him walking from Point A to Point B, fifteen feet away from where the gun was tossed, or even to see him throw a gun. We didn't -- we -- you know, we would have communicated that. You know, we, obviously, would have saw him throwing a -- a gun. Uh, we didn't even know if that was the person we were looking for, until we were right up on him, like I said, about ten, fifteen feet from him.

And we decided this must be him, and we detained him, at that point.

Q This search for the gun, how long was it approximately?

A A few minutes.

Q A few minutes?

A Five, six minutes, yeah.

Q Did O'Grady give you any indication or make any comment that he saw the suspect with the gun?

A No.

Q Okay. And it was O'Grady that found the gun?

A Yes.

Q So, the circumstances of the observation, plus the fact that you took time to find the gun, plus the lack of communication from O'Grady, would lead you to believe that O'Grady did not observe the suspect dump the gun?

A That's correct. Plus what the report says that, you know, -- obviously, what's written on the report is fabricated. That also isn't correct. And I -- I know that didn't happen, so.

Q Okay. That concludes the interview. The time is 1216 hours. Okay. Are we gonna do the Sam Bailey?

MR. ROSENTHAL: The -- actually, I looked at the report, --

SGT. COOK: We're not gonna get into it?

MR. ROSENTHAL: -- and there's nothing that we need to ask about, at this point.

SGT. COOK: Oh, okay. So, we're not gonna deal with that?

MR. ROSENTHAL: We're not gonna -- we're not gonna deal with that, at this point.

SGT. COOK: Okay.

MR. ROSENTHAL: Okay. So, we'll just go down the list

now. And we can start with Anthony Adams.

SGT. COOK: Anthony Adams. Okay. Let me get the tape here.

MR. ROSENTHAL: Let's go off the record.

(Off the record at 12:16 p.m.)

(Back on the record at 12:22 p.m.)

MR. ROSENTHAL: All right. It's 12:22. We're back on the record.

SGT. COOK: Excuse me. Okay. Today's date is November 17th, 1999. The time now is 1222 hours. We're interviewing Rafael Perez on Tape No. 222117, Side A.

Q BY MR. ROSENTHAL: All right. This case involves the arrest and conviction of an Anthony Adams. Case No. BA151844. It also relates to D.R. No. 96-02-07976. This was a case that was charged as a murder -- a Hardcore murder case. And -- and Anthony Adams was a defendant.

According to -- we received a report from defendant's father who believes his -- his son is innocent of wrongdoing. And your name does show up as -- at least according to the D.A. records as being involved in the case.

A Yes.

Q Are you familiar with Anthony Adams?

A Yes, I am.

Q And how are you familiar with him?

A I was in charge, or given the task of monitoring and maintaining, uh, intelligence on the Temple Street Gang. And

he is a Temple Street Gang member.

Q And did you ever have any dealings with him?

A Yes, I have.

Q What were you specific dealings with him?

A I detained him once and cited him for trespassing, uh, over on Coronado. Uh, and, uhm, I've kept records up on him, I-cards -- Identification cards -- uh, as to his criminal activity, as well as I knew he was a wanted 187 murder suspect. And I was seeking to find him.

Q All right. Are you aware of any misconduct that occurred with respect to the arrest or the trial of Anthony Adams on this case?

A None.

Q Did you have any -- did you arrest him on this case?

A Uh, I arrested him indirectly. [*****

** ***** CI information redacted

**

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** *****].

[

***** CI information redacted
*****] . Some county jail in New Mexico. I called New Mexico, uh, talked to them. I advised them that I was looking for a guy that was wanted for murder [*** CI information redacted ***] their custody facility there. And I gave them a description, 'cause they -- he was not under that name, Anthony Adams. I gave them a description. I gave them, uh, some tattoos that this guy had, some scars that he had.

They did some investigating. They started looking through things. And they, eventually, said, "Yes, we do have him here under a different name." And then, a, uh -- an extradition warrant was, obviously, uh, conducted -- or, uh, served. And he was transported back here. I did book him into -- into jail, uh -- our -- our county jail.

Q And there was no misconduct during the booking process or anything you're aware of?

A None, sir.

Q Now, with respect to his gang name --

A Yes, sir.

Q -- what was his gang name?

A Stymie.

Q And so, he was the one that you were actually looking for when you questioning Ruben Rojas?

A Yes, sir.

Q Now, the only thing -- I've been looking through

reports. And the only place I can see your name even mentioned in the report, is under "Additional". It says, "On February 9th, of 1996." And this is report from a Rampart homicide detective.

A Benjamin King?

Q Yes, I believe so. Yes. And it says, "I received a telephone call from Officer Ray Perez, Rampart area C.R.A.S.H. Perez advised me that on the evening of February 8th, 1996, he received a phone call at Rampart Station from Witness Sonia Flores.

Flores stated that she had received a call from Little Blacky. Little Blacky wanted to know what she had told police and that he wanted to meet with her in person. She feared for her safety, contacted Rampart Station." And then, you and Sammy Martin moved the witness to a location only known by them and the investigating detectives.

A That's correct.

Q And that was true. And that's what occurred?

A Right. But, I mean, that's -- there's more. I -- she eventually, uh, -- several, including Stymie, went to her residence. They put a gun to her chest. They told her, "If you talk about this case, and you say anything, we're gonna kill you." And they left. She reported that as well to a outside agency, as well as us.

I later arrested everyone that was involved in that crime. And I also arrested some of the ones that were involved

in the actual murder. Somebody -- I think there was five defendants in the murder. I arrested several of them.

Q Okay.

A Either one was, uh -- I believe, through my informant, again, I called his mother and told them I was a principal of the school. And I wanted him back in the high school. I asked her, "How can I get a hold of him?" She told me, "Well, he went to San Diego." She gave me the San Diego address. I called -- and a phone number. I called down there. And he answers the phone. I told him I was an administrator of the particular school that he was attending, prior to leaving, and that I wanted him back in the school. And I then, contacted San Diego P.D. and he was taken into custody.

SGT. COOK: Okay. That concludes the interview. The time now is 1225 hours.

MR. ROSENTHAL: Okay.

SGT. COOK: What are we gonna do now? Arechiga?

MR. ROSENTHAL: The next one is Arechiga Barbosa. This is one -- this is one that was pulled by you during the course of your review. Do we need to go off the record for a moment while you find the file?

SGT. COOK: No, I've got it right here.

MR. ROSENTHAL: And I will need --

SGT. COOK: Oh, no. Give me that.

MR. ROSENTHAL: I'm gonna need an extra copy of the arrest report. Thank you.

SGT. COOK: Are there two copies there or just one?

MR. ROSENTHAL: Well, there are actually two arrest reports and two different D.R. numbers. One for Arechiga and Barbosa, and one for Barbosa alone.

DET. NALYWAIKO: But it's the same -- is the narrative the same?

SGT. COOK: Yeah, let's look.

MR. ROSENTHAL: No, it's -- there're definitely different reports. Why don't we go off the record for a moment?

(Off the record at 12:29 p.m.)

(Back on the record at 12:45 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time is now 1245 hours. The case we're gonna talk about is Luis Arechiga and Jose Barbosa. D.R. No. 95-02-46189.

MR. ROSENTHAL: Okay. This is a case that was pulled out by Mr. Perez for discussion. Luis Arechiga resulted in a City Attorney filing. Case No. 6CR06756. Let me take a look at the file here -- L.A.P.D. file and see if there's any disposition information on Barbosa, because we could not find any record at all. What document would contain that?

DET. NALYWAIKO: It would either be on the 510 or on the follow-up report. I don't readily see a 510. It's not here. I don't see a disposition on any of these documents. We don't have any follow-up in here.

MR. ROSENTHAL: All right. So, there's -- there's just no record of what happened to Barbosa. I'm assuming he must have

been probably a City Attorney reject.

Q Okay. Why don't you tell us why you pulled out this file for discussion?

A The reason I've asked for this file to be pulled to the side is there's some direct knowledge that I have that was told to me by Officer Liddy. And then, there's just some opinions that I had on the -- on the report, based on what he had told me happened. It was not consistent with what he had written.

On this report it talks about Officer Liddy conducting an O.P. and detaining a vehicle. Conducting a traffic stop of a vehicle. The traffic stop was conducted on Rosewood. It was a 1987 Nissan Pulsar. He talks about Officer Lopez and Officer Fong responding to their location and assisting them. He talks about those two officers standing by with the defendant that they had in custody, at which time, uh, Officer Liddy and his partner responded back to 529 North Berendo.

Q BY SGT. COOK: Who was Liddy's partner?

A Liddy's partner would be Officer Harper.

Q Okay.

A I talked to Officer Liddy directly about this. And he -- he talked to me in -- it was in a joking manner. And we discussed it. Uh, he was laughing about how he had made this arrest. He had told me that he had detained this vehicle, this Pulsar. After they detained the vehicle, they used that same

vehicle that they had detained to respond back to the location -- back to 529 North Mariposa -- they had gotten back in -- I'm sorry, Berendo.

He had told me that once he pulled up to the location -- I believe, it was a cul-de-sac, he told me -- that everybody just started running. He said that some -- certain -- certain people were detained. And then, later a gun was recovered. And just by reading the report, he writes that he particularly that he, himself, observed a gang member by the name of Boxer removing a 2-inch revolver from his front right coat pocket and that he held it.

It's just not consistent with what he had told me. I don't have no direct knowledge of how that gun was recovered, other than what Officer Liddy told me. Officer Liddy told me that they had drove the -- the Pulsar into the location and everybody started running when they saw them getting out of the -- out of the plain vehicle.

Q BY MR. ROSENTHAL: So, if I understand this correctly, then, what you're saying is that this would be one of those cases where a gun was dropped and put on this particular gang member.

A That's correct.

Q And is there anything in the report that indicates Boxer -- who Boxer is?

A It says here that he knew one male, uh, Luis Arechiga to be known as Boxer.

Q All right. Now, do you remember Liddy telling you about this and mentioning Boxer during that conversation, or is the name Boxer just familiar to you because you're reading the report?

A Yes, I'm sorry. It's on the report.

Q All right. So, the information that he told you, would it have been shortly after the arrest, or would it have been during one of the briefing sessions in the C.R.A.S.H. roll call?

A It was after -- obviously, after the arrest. Exactly what -- you know, if I had a time frame on it, I really couldn't tell you. I know he -- it was shortly after. You know, he was laughing about it how they drove, you know, the defendant who they had stopped -- who they had stopped earlier -- they had used his car to approach these gang members. And that, you know, everybody started running when they jumped out of the car. And it just wasn't consistent with what he wrote that, you know, he pulled right up and sees the guy take the gun out, and then, held it. And then, started running. It's not consistent with what he had told me that he pulled up and all of a sudden he got out of the car and everybody just (sound effects). And, you know, and they, obviously, ran after a few and detained whoever, and then, they started looking around. And then, they found the gun.

Q Okay.

Q BY SGT. COOK: Did he tell you that -- that everybody

started looking around and he found the gun?

A That part, no. He told me when he had gotten out of the car, everybody (sound effect) disappeared.

Q Okay.

A And, so, everybody started running around. And they detained whatever they got. And the other part is what I'm saying is, you know, what I don't have no direct knowledge, right.

Q Okay.

MR. ROSENTHAL: Okay.

SGT. COOK: All right. That concludes the interview. The time now is 1251 hours.

MR. ROSENTHAL: All right.

SGT. COOK: Juan Cervantes.

MR. ROSENTHAL: All right. The next case we'll be discussing is Juan Cervantes. This is another one that was pulled by Mr. Perez during the course of the, uh, reviews of the arrest reports.

This case involves D.R. No. 97- --

SGT. COOK: Let me get the introduction on here.

THE WITNESS: Before you say the disposition on this case, can I make a comment on it first?

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1252 hours. We're on Tape No. 222120, Side A. And we're interviewing Rafael Perez.

Q BY MR. ROSENTHAL: All right. This relates to D.R. No. 97-02-17010. Why was this case identified?

A This case was asked to be put to the side by me based on some of the things that are written on the report. This -- this weapon was planted. This weapon came from an informant, the same informant that we've talked about on numerous occasions, uh, [CI#6].

The reason this particular person was arrested was because we had information that he had been obtaining weapons for the neighborhood. On this particular occasion, we had this SKS rifle in our possession that was given to us by the informant. The informant had met us again on that same street, [***** CI #6 information redacted *****]. Placed a weapon there and we recovered it from [CI#6].

This report was written in a particular fashion because of a particular reason. The informant knew that we had gotten this weapon from [CI#6]. And [CI#6] particularly knew who -- who's gonna get arrested on this particular gun.

If you read the report, it's real vague. It doesn't describe any particular person holding the weapon. My partner and I had a concern as to the informant having a lot of knowledge as to what we do. So, we decided that we're gonna write this report in a fashion where it won't get filed on.

We decided that we're just gonna put him near the weapon, but not holding the weapon or being in possession of the weapon. And I remember -- if I -- if I remember correctly,

this case was not filed on, because it was not in his possession.

Q It's actually the -- initially, it looks like we pulled the wrong file. We pulled a 211, which is a different D.R. number. So, the D.R. number that I read initially is wrong. The D.R. number in this case is 96-02-40760. I gave a 97 D.R. That's a different case.

So, with respect to this one, Detective Nalywaiko, if you could take a look at the file and see if there's any indication of disposition on this case.

DET. NALYWAIKO: I'm looking at the report. I don't see a disposition -- either on a 510 or a follow-up report.

THE WITNESS: From what I remember, this was referred to the City Attorney. And the City Attorney rejected it.

Q BY MR. ROSENTHAL: So, most likely, a City Attorney reject. And this is a Perez/Durden arrest?

A Yes, sir.

Q Now, explain to me again, because I -- I was actually looking at the 211 file while you were talking. So, I didn't quite catch the reason why you would have written it for a reject.

A We had been using our informant for quite some time. And we did not want [CI#6] to know our practices or the things that we did, such as planting weapons on -- on someone. So, we decided that we're gonna write this report in a fashion where he's not gonna get filed on.

In other words, the weapon was there. But we didn't particularly put somebody as holding it, or having this weapon. [CI#6] knew that this person had gotten arrested for this weapon. But we said, yeah, he was there. I mean, we're not saying that he particularly had it. We just didn't want [CI#6] having a whole lot of knowledge as to what we did, or what we were doing.

Q All right. And I'm not sure I'm following. [*****
***** CI #6 info redacted *****]?

A No, sir.

Q All right. So, let's step back, because I'm a bit confused.

A Our informant [* CI #6 *] gave us a weapon, an SKS rifle.

Q Okay.

A [**** CI #6 info redacted ****].

Q Okay.

A [CI#6] placed the gun on the ground, left, and we went over and retrieved it. We had that gun in our possession. [** ** CI #6 info redacted **]. When we responded there this day, we had already had knowledge that this particular -- Cervantes -- this Juan Cervantes, had been messing around with guns and having guns in his possession, based on information that we had gotten.

On this particular day, we decided that we wanted to get rid of this rifle, this long item. What we call a long

item, a rifle. And we decided, you know what, let's book him. When we decided to book him, we started thinking, you know what, [CI#6] knows that [CI#6] gave us this rifle. [CI#6], you know, would have a -- a big up on us, you know, by knowing that [CI#6] gave us a rifle and knowing that somebody was arrested for that same rifle that [CI#6] gave us.

So, we just thought it would be a better idea to just place this -- this defendant near the weapon, but not holding it or possessing it. Therefore, causing a -- a reject on the case. But we still had, you know, -- we were able to book the weapon to him.

Q Okay. I understand. All right. Any other questions on this one?

Q BY SGT. COOK: Just you -- you and Durden on this one?

A Yes, sir.

Q No other officers?

A No.

Q BY DET. NALYWAIKO: And whose idea was it initially to put the rifle on him?

A Both of ours. We discussed it and we agreed on it. After we were at the station, we decided let's not just put him holding it, let's put it near him. Because it was going to be a misdemeanor arrest anyway, and we just felt that we didn't want to give our informant that much power, that much knowledge, something that [CI#6] could hold over us.

Q Right. This location where you initially, when you got the rifle, and you took it into your possession at [* CI#6 info redacted], had the informant met -- left things at that location before?

A Yes.

Q How many different times did the informant leave a weapon there for you guys to pick up?

A Probably two other times.

Q And where would [CI#6] normally leave it there at the location?

A On the east side of the street. As you open your door there's like a grassy part of the area. The sidewalk, and then, the grassy part. Right there. [CI#6] would usually wrap it up in a rag, put it right there, then drive off. [CI#6] would like high beam us, because we'd be parked north of the location. Uh, we'd know that's [CI#6]. [CI#6]'d drive by. And then, we'd come over and pick it up right from there.

Q BY MR. ROSENTHAL: Were there any other cases where [CI#6] would have known that you planted one of [CI#6]'s guns that [CI#6] had given you --

A Not --

Q -- on someone else?

A Not guns, but narcotics. [CI#6] knew Rojas was going to jail. Based on what [CI#6] had told us, I told him that Rojas would be out of the -- out of the neighborhood and in jail within the week. So, [CI#6] knew. And then, when [CI#6]

had found out a few days later that, hey, I heard he went to jail, you know, [CI#6], obviously, knew what was up.

Q But that's what [CI#6] wanted?

A Yes. We -- we wanted him out of the neighborhood and [CI#6] wanted him out of the neighborhood.

Q BY DET. NALYWAIKO: The other two occasions, do you recall what type of weapons were left there at that particular spot?

A It was, again, all three times that [CI#6] met us there with those type of weapons, were rifles. One of them was a Tech .22 rifle--assault weapon. The same weapon that was left at the Ovando shooting. That -- that one was dropped off there. And I believe there was a -- a carbine or some type of M-1 weapon, the SKS, obviously. You know what, there might have been about four, because I think twice [CI#6] gave us SKS rifles. And once it was like a regular rifle, and then, the assault weapon.

Q Besides Ovando and this particular case, the other weapons that [CI#6] left you there, were those planted on somebody or were they put against somebody also?

A Eventually, yes.

MR. ROSENTHAL: Okay.

Q BY DET. NALYWAIKO: Are those cases we've already discussed, or --

A Obviously, this one, the Ovando. Where the other ones went exactly, I don't remember. I mean, unless you showed

it to me, I would remember, yeah, I think that one my informant gave it to me. But, eventually, those weapons were planted on someone.

Q BY MR. ROSENTHAL: Did you take -- do you have a habit of trying to plant weapons that you received from [**** CI #6 info redacted ****]?

A Yes. Only because, again, the informant knowing where the gun exactly came from. See, like the narcotics cases, [CI#6] can only speculate what happened. Uh, with the weapons, it's a little more direct knowledge. And we didn't want [CI#6] having that kind of knowledge.

Q And you really don't need [CI#6] making a phone call claiming, hey, I just gave that weapon to Perez and Durden two weeks before.

A That's right.

Q Okay. Any other questions?

SGT. COOK: Okay. That concludes the interview. The time now is 1300 hours.

MR. ROSENTHAL: The next one we'll do is Elena Chacon. And I have taken a look at the records. All right. Are you going to do a tape on this?

SGT. COOK: Yeah.

LT. HERNANDEZ: Stan, did he run the serial number before?

DET. NALYWAIKO: I didn't even ask that. I want to ask about the serial number on the SKS, on that assault rifle.

SGT. COOK: Okay. We're back on tape. It's 1301 hours.

We have an additional question to ask you.

Q BY DET. NALYWAIKO: Ray, on that -- on this SKS Assault rifle, do you remember running the serial number?

A Offhand, I don't recall whether we ran the serial number or not. A lot of times we would if we knew something particular about the weapon, uh, we wouldn't. But if there was an indication where we would, but I just don't remember whether we did this time or not.

Q If you could think back on the four occasions where [CI#6] left weapons [* CI#6 info redacted *], do you have any clear recollection of any of those weapons, besides maybe the one on Ovando?

A Off the top of my head, no. I -- I -- I just don't -- I don't see it. I don't remember doing it. Nothing stands out as to whether we ran this serial or not. It doesn't stand out.

Like on the Ovando one, there was a reason why I remember it, because after the fact, you know, it hit me. But on this particular one, there's nothing to strike a memory. I don't remember. It's possible. I would check. But I -- I don't remember.

Q Okay.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1302 hours.

Today's date is November 17th, 1999. The time now is

1303 hours. We're on Tape No. 222121, Side A. We're interviewing Rafael Perez concerning D.R. No. 97-02-28- --

MR. ROSENTHAL: No, it's actually -- oh, yes. Yes, that's it.

SGT. COOK: The last five are 28248?

MR. ROSENTHAL: No, it's actually 28148.

SGT. COOK: 28148.

MR. ROSENTHAL: So, 97-02-28148. And before we go into anything about the name or the case number, let me do the introduction here. There was an article in the Los Angeles Times on -- printed on Wednesday, November 10th, of 1999. On Page A-19, there's an allegation made by a woman who identifies herself as Elena Chacon. C-h-a-c-o-n.

I'm just gonna actually read the statement from the Times.

Off the record for just a moment.

(Off the record at 1:04 p.m.)

(Back on the record at 1:04 p.m.)

SGT. COOK: Back on tape. It's 1304 hours.

MR. ROSENTHAL: All right. Uhm, the article -- I'm just gonna read it to you.

It says that Elena Chacon, uh, stated that her troubles with L.A.P.D. began when Officer Rafael Perez asked her to introduce him to some cocaine dealers. She said that she told him she did not know any and that he became angry. One day in February of 1998, she said Perez dropped cocaine in

her cashier's apron at a diner and arrested her, stopping at her house, Perez took \$300.

(Off the record the change tape.)

(Back on the record.)

Chacon said she told her lawyer that she was innocent but he persuaded her to plead guilty. In exchange for her guilty plea, she got a reduced sentence.

Q Do you recall an incident with this Elena Chacon?

A Yes.

Q And which incident is that?

A I remember the incident. I don't recall her name being Chacon. I recall it being Alvarado. And this is a case where we had talked about it in the past.

Q Right. And we actually did discuss this case, at least the case of Maria Alvarado, which was Case No. BA154817. We discussed it on Monday, October 11th, 1999.

How do you know that Elena Chacon is Maria Alvarado?

A Uh, just based on the area that they were talking about, based on the circumstances that were discussed in the newspaper article, right away, I felt that it was the same person.

Q Okay. These allegations, are they true?

A Some are true. Some are false.

Q All right. What's true?

A What's true is that I may have asked her about narcotics -- other narcotics dealers, wanting her to turn in -

- uh, turn over her, uh, informant -- or her -- wanted her to become an informant to turn over whoever the dealer was -- or supplier.

The fact that we responded to her house and gained entry without her knowledge, uhm, the part about \$300 being in the house and not returned to her, I don't -- I didn't recover any money. Uhm, but it's possible that Durden might have recovered some money and didn't tell me about it. 'Cause we were in the house for quite some time. And he was doing a lot of the searching.

The other part about dropping the -- the bindles of cocaine in her apron, that is false. Pretty much everything else is false. She was arrested legally. No narcotics was planted on her. Everything else is pretty factual as to the arrest report.

Q All right. So, she was, in fact, in possession of cocaine. And the arrest itself was legitimate?

A Yes, sir.

Q And -- and she at least corroborates the theft. I'm having a little trouble, though, figuring out how you can identify Elena Chacon as Maria Alvarado. Refresh my recollection on this one. Is this an arrest -- and the report's just been handed to you. Let me take a look at the report for a moment. There's --

MR. MCKESSON: Can I see this, Richard?

MR. ROSENTHAL: Sure.

Q BY DET. NALYWAIKO: Ray, here's an -- an arrest report. And it has a photograph of a female here that was arrested, Maria Alvarado.

A Yes, sir. I remember this case clearly. Reading the report, the location that they gave, the female who talked about the -- I've only ever arrested in my career one female wearing an apron with narcotics.

MR. ROSENTHAL: All right.

THE WITNESS: Uh, when they -- when I read that, I -- I knew exactly who it was. Like I said, a month ago we had talked about this case. And right away I knew who she -- who it was.

Q BY MR. ROSENTHAL: And this is a fairly distinctive-looking woman?

A Yes.

Q All right. All right. I understand. Yes, looking at the report, it does indicate that you searched her apron. Female searched her apron and -- and this is the only one -- this is the only one that comes close to matching any arrest that you've done?

A Yes, sir.

Q Okay. All right. Any further questions?

SGT. COOK: No. That concludes the interview. The time now is 1209 hours -- correction 1309 hours.

MR. ROSENTHAL: Okay. The next one -- let's go off the record for a moment while we catch the next one.

(Off the record at 1:09 p.m.)

(Back on the record at 1:16 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1316 hours. We're on Tape No. 222122, Side A. And we're interviewing Rafael Perez concerning Brian Cortez.

Q Uh, do you have a D.R. number there?

A The D.R. number is 96-01-21836.

Q And --

Q BY MR. ROSENTHAL: This -- this one, there was a call from the mother of Brian Cortez. And she stated that she believed that this was a set-up, that her son was not really guilty of this crime. So, we pulled the file and have asked you to take a look at it and let us know if there are any problems with this case.

A There is no problems with this case. If I remember correctly, everyone in this case wrote out statements acknowledging that they were involved in this crime. There was no misconduct of any sort in this arrest.

This arrest was -- the information that was obtained for this arrest was, again, [CI#6]. [**** CI #6 info redacted *****] after the robbery occurred, I received a page. I call my informant. [CI#6] told me that there were four gentlemen [** CI#6 info redacted **] that had a bag full of jewelry. And they were bragging about how they just did a robbery downtown. [CI#6] described the vehicle to me.

I called Downtown Communications Division and asked them if they had a report of a robbery that occurred. They

told me they did. It was a white Explorer involved, and some gang members. The victim of the robbery was taken to the hospital. Apparently, he was beat up pretty bad. He received 50-something stitches on his head.

That same evening, I believe, I worked around the clock. And I believe I arrested everybody that was involved. There was no misconduct. There was no -- there's nothing wrong with this case.

Q Okay. Anybody with any other questions?

Q BY DET. NALYWAIKO: In regards to the statements that were obtained, did you admonish -- give the admonition to the arrestees?

A I believe there was -- I didn't get all the statements. They were -- when I was at Detectives, other people were interviewing some of -- some of the people. But I believe that most of them were. Now, I'm trying to think of the ones I did. Who was it that I interviewed particularly, and I think it was Wilfredo. Right now, I just want to make sure I'm the one that interviewed them, so I'm gonna look in the report here.

I did interview Witness Putnam. I did read her her -- her rights. Okay. Yes, I did interview Defendant Lamotte. And the question was whether I read his 1503 Miranda Rights. I'm not sure if I read it to him.

In fact, actually, I -- I did read it to him, I didn't read it per the form. And, also, I think in the statement, where you write out the statement, I think he had -- I think

they were on there. You know, he read it there.

He wrote out the full statement. He wrote out everything. I mean, I can't find it in this report. But he wrote out a complete statement as to everything they did in that robbery. You know, he admitted to everything.

Q Okay.

A But I did refer to the -- the Admonition to him.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay.

DET. NALYWAIKO: That's it.

SGT. COOK: That concludes the interview. The time now is 1317 hours.

MR. ROSENTHAL: Let's go off the record for a minute.

(Off the record at 1:17 p.m.)

(Back on the record at 1:21 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1321 hours. We're on Tape No. 222123, Side A. This is regarding D.R. No. 96-02-29146.

MR. ROSENTHAL: And this is Octavio Fernandez. Also, relates to Case No. BA136807.

Q And if you could just let us know why this file was chosen for discussion?

A The reason I asked for this report to be pulled to the side is there's some observations that were written on this report that are not factual. Officer Durden wrote this report.

The narcotics that was recovered on Mr. Fernandez was

his narcotics. What was fabricated was the observation. On the observation it states -- on Page 2 of the arrest report, under "Observation" it states that "We observed this defendant, Mr. Fernandez, standing on the southwest corner of the above location. He was with a Black -- another -- he was with another male Black, approximately 30 years old."

Uh, observed -- it states about -- it talks about how we observed a narcotics transaction occur and some currency had been exchanged. All of that is fabricated.

We just happened to be pulling up on this gentleman, Mr. Fernandez. He was leaning up against the car. He becomes real nervous. We talk to him. All of a sudden, he drops a little -- a black canister. I mean, real obvious. I mean, it was his. He dropped it. And we arrested him.

But all this other part about us watching, observing a narcotics transaction trying to build up P.C. was all fabricated.

Q All right. So, the defendant was in possession of narcotics. He did drop it in front of you. But the observation that led up to, in essence, gave reason why you approached this particular person were false?

A Yes.

Q Why did you approach him?

A He was standing right in the Temple Street neighborhood area. And he just looked out of place. And if I remember correctly, he was wearing a cast or something. And he

was just standing there looking up and down. And we just wanted to talk to him to see what he was doing in the area. And he became really nervous, you know, and then, started kind of backing up like he wanted to walk away. And then, he dropped the canister.

Q Now, interestingly enough, you do have a statement here. The defendant spontaneously stated, "Please, sir, I won't sell over here again. Please give me a break. I'm on parole." Did -- did that statement occur?

A That's actually true. He also said that if he got arrested, he was gonna get deported to Cuba, or something like that. I don't know if it's on the report. But I remember him telling me that.

Q So, you -- you actually arrested him for Possession for Sale?

A Uh, yes, sir.

Q BY SGT. COOK: So, you weren't content to arrest him for just straight Possession of Cocaine?

A Yeah, uhm, it was my partner's decision to write it the way he wrote it. And that's how it was written.

Q Anyone else have knowledge of this?

A No, sir.

Q Okay.

MR. ROSENTHAL: Okay.

SGT. COOK: Anything?

Q BY DET. NALYWAIKO: Were there any other witnesses

present or around that you're aware of, that you can recall?

A Not offhand. I can't remember anybody else that was there.

Q Did any supervisors respond to the scene?

A No, sir.

Q I don't have any more questions.

SGT. COOK: Okay. That concludes the interview. The time now is 1225 -- correction 1325 hours.

MR. ROSENTHAL: And the next case we'll handle is Adamir, A-d-a-m-i-r. Last name Hernandez. Also known as Ernesto Diaz.

Off the record.

(Off the record at 1:25 p.m.)

(Back on the record at 1:27 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1327 hours. We're on Tape No. 222124, Side A. We're interviewing Rafael Perez concerning D.R. No. -- what's the D.R. number?

MR. ROSENTHAL: D.R. number is 97-02-11491. Arrestee is Ernesto Diaz, D-i-a-z. The -- there was a juvenile filing. And it appears the true name of the arrestee may have been Adamir Hernandez. A-d-a-m-i-r.

Q And if you'll let us know why you've pulled this particular report.

A The reason I asked for this report to be pulled to the side is because this weapon was planted on Ernesto Diaz. Everything in the report is fabricated. The report was written

by me. So far, everything I've read in the report is fabricated. The only part that is correct, is that he came to the station -- the police station -- and spoke with an Officer Montoya, and said, "Officer Perez is looking for me. I need to talk to him."

What had happened was we had talked to him. We wanted information from him. He said he was gonna give us information, and later declined. What Officer Durden did was, at that point, became -- he started to talk to people in the neighborhood making him out to be a snitch.

He had told several people, hey, uh, have you seen, uh, Bullet, you know. Tell him I said what's up. You know, just little things like that to make him look like a snitch.

[***** CI #6 info redacted *****].

[***** CI #6 info redacted *****

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** *****].

Bullet, at that point, showed up at the station and said, "Listen. Book me because people are starting to believe that I'm an informant. And I don't want to be known as an informant. So, book me. You know, take me to jail, and that

way they'll know I'm not an informant. You guys arrested me so -- and that's why you were looking for me."

However, on the report it says that we saw him in an alley. It appeared that he was holding a shotgun. We went after him. He ran. He dropped the shotgun. Uh, we recovered the shotgun, but lost him. And later he came to the station, and we booked him on that gun.

That's -- that's all fabricated.

Q So, you decided to do him a favor and book him?

A Uhm, in a sense, yes. We booked him to a weapon that we already had in custody.

Q Any idea where you got that weapon?

A If I remember correctly, and if you give me thirty seconds, -- I don't remember where we got the weapon from. I know we had it in our -- in our custody.

Q Any questions?

Q BY SGT. COOK: Did you run the serial number of that weapon?

A I don't -- there is a chance. But I don't recall. Also, on the third page of the report, it says that we recovered some additional rounds to a .22 caliber rifle in his right shoe. That was also planted there. That was put there to connect him, you know, with the same type of rounds that the weapon that we -- that was put on him.

Q Right. Otherwise, it's basically just a one-witness

I.D. kind of thing.

A Exactly.

Q BY DET. NALYWAIKO: Ray, who else had knowledge that this was a fabricated arrest report, or that you guys planted the gun on this guy?

A No one else.

Q No one else you knew that had any knowledge of this? You didn't discuss it with anybody else?

A No, sir.

Q What about Montoya?

A Montoya didn't know. All Montoya knew was that there was a guy, uh, at the front desk that was -- you know, a gang member who wanted to talk to a C.R.A.S.H. officer. They called Montoya. And Montoya called me, "Hey, there's a guy here looking for you."

Q Ray, where did you keep the gun? Where did you get it?

A Durden would have had it. Durden -- and I've said this a couple of times. Durden always kept all the guns in the back of his truck. Always. I -- I can only recall maybe once or twice where I had a -- a handgun in my -- my carrying bag. But most times, Durden kept the handguns, or -- or the rifles.

Q In his personal car?

A In his personal car. And he just took it out as needed.

Q Did he ever carry any in the police vehicle with him?

A Yes. You mean weapons?

Q Weapons, yes.

A Oh, yeah. Yes, I have, too. You know, every now and then you -- we'd have one. You know, let's say we recovered it on this particular day and put it on -- in your war bag. You just kept it there until let's say we were gonna be off for that weekend. And wanted -- we didn't want to leave the weapons in the -- in the -- in the, uhm, war bags, so, he put it in the back of his truck.

Q BY SGT. COOK: Ray, was this a common occurrence?

A What?

Q Person coming up and asking you to book him?

A There's been a couple of times where we've made someone out to look like an informant for not cooperating. And they've asked, you know, -- you know, do whatever you have to. I don't want to be known as an informant.

Q So, this has occurred to -- not only to -- to Diaz, but to other people?

A Yes.

Q BY MR. ROSENTHAL: You can't remember the other ones, at this point?

A Not offhand, no. But this one -- I mean, reading the report, I remember it. I mean, if you interview him, he will say -- he will tell you that he came asking to get booked because he didn't want to be known as an informant in the neighborhood. He was afraid of what was gonna happen to him.

Q BY SGT. COOK: Anything else? Okay. That concludes the interview. The time now is 1333 hours.

MR. ROSENTHAL: Off the record.

(Off the record at 1:33 p.m.)

(Back on the record at 2:43 p.m.)

MR. ROSENTHAL: It's 2:43. We're back on the record.

Q Mr. Perez, you're still under oath.

A Yes, sir.

Q We have been -- we've been joined also by Deputy District Attorney Susan Chasworth. And the discussion -- or the issue we're going to discuss, at this point, is we're gonna take a break in going over the new cases, and discuss the case of Walter Rivas, which has been previously discussed.

And this is the case relating to an Buchanon arrest where you told us that you overheard a conversation between Officer Graham and Buchanon.

A Yes, sir.

Q BY DET. SHAW: Okay. I'm Detective Tim Shaw, S-h-a-w, 25588. It's November 17th, 2:45 in the afternoon. My partner is Detective Mahoney, seated behind, No. 24138. And we have Deputy District Attorney Susan Chasworth, who is assigned this case as the Deputy District Attorney.

And, basically, this is a -- a re-interview on the Walter Rivas/Carlos Quevara arrest. Basically, I wanted to go over and see if there's anything else you remembered and -- and specific details about exactly where the conversation between

Officer Graham and Officer Buchanon took place.

And -- and you've had a chance to look at the arrest report and see if that refreshes your memory at all as to the incident and the conversation that took place later.

A Let me clear one thing up. Just now did you say Officer Brehm or Officer Graham?

Q Graham.

A Graham. Okay. That's correct. My recollection is that the conversation took place in two rooms. Primarily the conversations began in the Detectives portion of Rampart Detectives, and carried over into the C.R.A.S.H. office, which is -- they're adjacent to each other.

If you exit the C.R.A.S.H. office, you're into the Detectives area. I know Graham was upset about having to go and testify. He had -- he had told, uh, Buchanon that, hey, that's you guys' thing. You know, don't be asking me to testify on those kind of cases like that. Uh, he was real upset about it. Uh, and I do remember some of the conversation.

Q Okay. Do you remember Graham saying anything else about the specific night of the arrest, about whether he worked with them or why they were asking him to testify, or any conversation --

A Yes.

Q -- pertaining to that?

A Buchanon has brought it to his attention that they needed somebody else to testify in the case. The D.A. wanted

somebody to testify. And Graham was trying to remind him about the case. And there's, I guess, a case where they worked together, or Graham was present. Or was working with them when this occurred.

But, apparently, whatever had happened, or whatever was recovered, or whatever person was arrested, Graham did not want to be part of it. You know, he allowed them to do what they were doing, but he did not want to be a part of it, and didn't want to have to testify to any of it.

Q Okay. And do you remember, on that conversation, also there was some mention in an earlier interview about Buchanon in a telephone conversation with the D.A. Did that happen immediately before the conversation with Graham? Or is that a day before? Or --

A No, that's the same day before. Before the conversation.

Q The same day of --

A Right.

Q -- Graham and Buchanon's conversation?

A That was what the conversation was about that the D.A. wanted somebody else to testify. And Buchanon, obviously, told the D.A. that Graham could testify to it, 'cause he was their partner. And he -- when he brought it up to Graham, Graham was very upset. 'Cause he -- you know, he -- they shout at him, that, you know, "I'm not gonna be involved. I'm not gonna -- you know, you guys do that thing. I'm not gonna

involved in that kind of stuff. I'm not gonna be testifying to that."

Q Okay. And do you remember a time of day this conversation took place?

A It was during work hours. So, I'm assuming --

Q Was it start of watch? End of watch?

A It was probably start of watch. Right after -- we have our roll calls in C.R.A.S.H. Detectives. And that's when we're all gathered. So, it was during that time. So, it was early in the start of watch. If the start of watch was 4:00 or 5:00, it was right around that time.

Q BY MS. CHASWORTH: I have a couple of questions. You think that the day before that Buchanon must have talked to the D.A. and the D.A. asked Buchanon if he had another witness?

A Not the day before.

Q Okay. Then, clarify for me.

A If I remember correctly, Buchanon was on the phone at the Rampart C.R.A.S.H. office. And it appeared that he was talking to some type of D.A. And it appeared that that D.A. needed someone else to testify. Buchanon told that per- -- that D.A. that Graham would testify.

When Graham -- or when Buchanon hung up the phone and then started talking to Graham about it -- about needing him to testify on that case -- Graham became very upset. You know, he goes, "You know, you guys do that kind of thing. I'm not gonna be involved in that. I'm not gonna be testifying to that."

And the conversation, you know, took on several minutes. You know, it got a little heated. And, you know, they discussed it for a while.

Q Okay. So, you wouldn't --

A I don't know if the outcome was that he did testify or not. I know he was upset and said he wasn't gonna testify.

Q Okay. So, you wouldn't know if that was in contemplation of a preliminary hearing or in contemplation of a jury trial, or anything like that?

A No, ma'am.

Q Do you know when it would have been, in relation to the arrest that took place?

A No, ma'am.

Q You did not have any independent knowledge of when the arrest took place?

A That's correct.

Q And do you recall if there was any conversation about getting Officer Ruggiero to testify to back up what Buchanon was saying? Anything like that?

A No, ma'am.

Q BY DET. MAHONEY: Do you know was Ruggiero there when this conversation took place?

A Yes.

Q Did he have a part -- was he a part of the discussion?

A Mostly Buchanon spoke.

Q BY SGT. COOK: Ray, were there other officers in the

room when this conversation took place?

A There was quite a few officers there. If I gave you, you know, names, I mean, I would be speculating. I know this was right during, uh, roll call. So, I mean, there's a lot of people there.

I could only tell you it would be the ones who worked that day. You know, the C.R.A.S.H. unit was there.

Q So, was the time of the conversation and the fact that Graham was upset, would that have been noticed by the other people in roll call?

A Definitely. Everybody was looking like Graham -- when Graham gets upset, you know he's upset. He's -- he's a big guy. And he gets a little loud. And he was upset that day. And everybody, you know, knew it. It was real obvious.

Q BY MS. CHASWORTH: And -- and you didn't have it in your mind, at the time, that Ruggiero was Buchanon's partner for that arrest?

A That's correct.

Q You did not realize that, is that right?

A Well, the only reason I realized it is because they were together and they were talking about it. So, obviously, it was something that they were involved in. It was their case, in other words.

Q Right. Right. Would you have expected Ruggiero to be talking about testifying then, instead of Buchanon going to Graham?

A No -- well, Buchanon's the more -- he's the more experienced officer in the C.R.A.S.H. unit. He had been around a lot longer. He's more aggressive. I think Ruggiero had just gotten there. He hadn't been there too long. So, Buchanon would speak up more than Ruggiero.

Q And, other than this conversation that you heard, after the arrest you had not heard anything before that about the arrest itself, about what happened and whether it was a good arrest or a bad arrest, or anything like that? That's the first you learned about his case?

A That's correct.

Q BY DET SHAW: You don't remember the specific day, but would tend to believe it was during the week then, if he was talking to a D.A.? During mid-week, not a weekend?

A Yes, sir.

Q BY MS. CHASWORTH: You'd have no idea who the D.A. was, whether it was a male, a female?

A None whatsoever.

Q Okay.

Q BY DET. MAHONEY: About -- I mean, in the C.R.A.S.H. room, how close were you to Buchanon when he was on the -- this phone call?

A Well, like I said earlier, at one point, the conversation was taking place in C.R.A.S.H. Detectives. If you walk out of our C.R.A.S.H. office, you're looking right into C.R.A.S.H. Detectives.

Q Right.

A The conversation was taking place in both places. It went from one place. And it got mostly heated when they walked back into the C.R.A.S.H. office. That's when Graham was talking about not wanting to participate in any of this, uh, you know, testifying, or being involved in -- in that case. "You know, you guys do what you guys do, but that's on you guys. I don't want no part of it."

That -- mostly that part of the conversation took place in the C.R.A.S.H. office. And I can't tell you that, at one point, he was five feet, and another point he was fifteen feet. I mean, we weren't stationary. I mean, it was -- you know, they were walking around.

Q And they were within -- and you could see them the whole time?

A Yes. Yeah, we're in the same --

MR. MCKESSON: You guys are talking at the same time.

THE WITNESS: We're in the same office. You know, different -- various distances, but in the same office, you know, clearly being able to hear their conversation.

Q BY DET. NALYWAIKO: Ray, were any supervisors present when this conversation took place? Or would any supervisors have been in a position to hear or overhear the conversation?

A I think, from what I remember, there was a lot of people in the office. It was right before roll call. And I believe there was a supervisor there, uh, only because I know

where the supervisor sits.

And I, for some reason, remember seeing somebody sitting there. And I think that's why everybody was sort of like, you know, looking down like, uh-oh. Because, like I said earlier, if you know Officer Graham, when Officer Graham gets upset, you know he's upset. He's a big red-headed, you know, guy. And -- and when he talks, everybody listens.

And, uh, it was one of those things where when he -- the outburst was sort of like, it's not something we should be talking about in front of that supervisor. Or in front of -- you know, just so openly. If you want to discuss something like that, let's discuss it quietly somewhere else, not the way it came out.

So, it was one -- one of those things where everybody looked at each other like, uh-oh. That's why I can remember. Who the supervisor was, specifically, I don't recall. But there was somebody there.

Q Did -- when Officer Graham became upset and started talking loudly, was there anything else that accompanied his anger? Did he slam a book down, or throw anything?

A I remember him walking from -- what I really recall is when he walked from C.R.A.S.H. Detectives, walking into the C.R.A.S.H. office, he was really upset. You know, pulling the chair out and sitting down, and making his comments. He was really upset. You can tell. Did he slam a book? I don't remember -- remember him slamming a book. But his actions, his

physical actions, you could tell he was very upset.

He -- he was upset at having to be put in that position.

Q And after this occurred, and maybe on that -- not on that specific day, but at any time, did any of the C.R.A.S.H. officers talk about that incident?

A Not with me. I think -- I know I left it alone. That was on them. They needed to handle that. I did not talk to them about it again.

Q BY MS. CHASWORTH: Now, your best estimate as to when it occurred from now, how long ago do you think this was?

A From today?

Q Yeah.

A When this occurred? I would be guessing. I can only refer to a report and, you know, say, okay, obviously, that was the right date. But if you ask me right now, I'd be --

Q You have no idea?

A I couldn't give you a time date, no.

Q And do you have any specific memory when this occurred if Officer Koren was present?

A Again, off the top of my head, I couldn't tell you if he was there. If I saw some logs, obviously, I'd be able to say, obviously, he was working that day. And, again, uhm, this was in the start of roll -- or the start of watch when this conversation took place.

So, everybody that's in the C.R.A.S.H. unit should -

- should have been in that office. You know, we're gathering up to have our roll call. So, everyone that's working the C.R.A.S.H. unit should be in the office, unless they were late or didn't come to work that day, they should be in that office. That's where we hold our roll calls.

Q BY DET. SHAW: Now, was everyone in the office? Was everybody already in uniform? This wasn't a work-out day? Everyone was already suited up?

A We were in uniform already.

Q And the original phone conversation that Buchanan was involved with, is he on the telephone in the regular Detective area then?

A I remember him being on the phone in the Detective side. When he hung up from the phone, and started talking to Graham, that's when it all started.

Q And moving from the regular Detective area into the C.R.A.S.H. office, trying to think back to that day, was that because roll call was starting? Was that because anybody, hey, let's have some privacy in the C.R.A.S.H. office? Do you remember why or any reasoning why this move from the regular Detective area into the C.R.A.S.H. office?

A If I remember correctly, I believe roll call was gonna start. And I think we were -- we were moving that way anyway. We were going into the office to have our roll call. And, also, you know, I think Jeff Graham led the way. He went from Detectives. He was the one -- you know, he walked into the

C.R.A.S.H. office first. And then, we -- he -- everybody was just following him.

MR. MCKESSON: You guys finished with that one?

DET. SHAW: Anything you want to ask?

MS. CHASWORTH: I don't think so.

SGT. COOK: Okay? You need to take out the tape.

DET. SHAW: Okay. It is now 1458. I'm going to stop the tape. And the tape counter is at 104 on Tape 219458.

MR. ROSENTHAL: Off the record.

(Off the record at 2:58 p.m.)

(Back on the record at 3:05 p.m.)

MR. ROSENTHAL: Do you want the -- okay, let's go back on the record. Oh, you need a tape.

SGT. COOK: Okay. Today is November 17th, 1999. The time now is 1505 hours. We're on Tape No. 222125, Side A. We're going to be speaking with Rafael Perez concerning D.R. No. 96-11-21308.

MR. ROSENTHAL: And this is also D.A. Case No. BA135359. Defendants Raul Munoz and Cesar Natividad. N-a-t-i-v-i-d-a-d. His true last name is Banuelos. B-a-n-u-e-l-o-s.

Q You, uh -- Mr. Perez you identified this as a report that we needed to discuss.

A Yes, sir.

Q All right. Why did you identify this report?

A The reason I asked to have that report pulled to the side, because I have direct knowledge regarding some of the

things that were written on that report, uh, things that were fabricated in order to affect an arrest, uh, probable cause, as well as prima facie to the crime.

Reading the report, I read that Defendant Munoz drove his vehicle southbound in the alley hitting Mr. -- or Officer Buchanon. And that the passenger of the vehicle opened his door and knocked over -- or hitting Officer Liddy. Well, none of that actually occurred. That was -- that's what we decided to come up with after they were all taken into custody, in order to arrest them. That's -- that's what we came up with.

Q But what actually occurred?

A What actually occurred was -- pretty much everything is correct. When we went into the alley and started walking northbound towards the -- the defendants, they got into their truck. And they started driving southbound. And they were traveling at about 25 miles an hour. But they just went right past us. You know, we're looking and, you know, there's nothing we can do. They were -- they're on their way down the alley. And we just let them go by.

As they went out of the alley, out onto, I believe it was Clayton, they went to make that left-hand turn. However, they struck a -- a tree.

At that point, they bailed out and started running. One was taken into custody. On the report, I believe it says Liddy took them in custody. And Brehm -- I believe Brehm took them into custody. Liddy wasn't there when he was taken into

custody. Liddy was still in the alley with us.

And then, the other defendant, a perimeter was set. And he was, eventually, captured by a K-9 and taken into custody.

Q Okay. The -- now, was the -- was the car damaged at all when it struck the tree?

A There was some damage that was caused to the vehicle, to substantiate the injury or the ADW on a P.O. with a Vehicle on Officer Buchanon. He was directed to do some damage to the windshield.

Q What about damage to himself?

A Also, uhm, there was -- and I'm not sure exactly when it occurred. There was some talk about some damage to his trousers and -- and some scratches or something on his pant leg. That was also, if I remember correctly -- and I do remember correctly -- that that was all fabricated. That was all put there.

Dirt on his pants, uh, a rip in his pants, uh, all of that -- all of that was fabricated so that we could substantiate the -- the ADW on a P.O. that, supposedly, he got with the truck. And he flew over the truck and landed on the ground, or whatever. None of that actually occurred.

Q Are you aware of any other case where Assault on a Police Officer was fabricated like this? Everything else you've talked about has been planting dope, planting guns, things to that effect. I mean, is this --

A Have I ever heard of any other assaults -- Assault on a Police Officer?

Q No. What I mean is -- let me -- well, actually, let me ask it a different way. Why, if you guys wanted to take these guys in, didn't you just plant guns or dope on them?

A This is just what they decided on. The reason we were there, initially, was because I had a report that there was a 187 suspect there. And he was there. Stymie again. [

***** CI #37 info redacted

*****].

There was no talk of any weapons. There was no weapons seen. When we moved in, they had just concluded the meeting. And they were just starting to get in their vehicles. The reason that we decided to go with the ADW on a P.O. with a Vehicle was because he drove out of the, uh, alley so quickly right past us, that we felt we can justify this, you know, that he hit Buchanon with the car and -- and -- and I think Liddy just wanted to throw that part in there, too, to book the other guy, that the guy -- as they were traveling down, opened his door and knocked Liddy over with the -- with the -- with the door.

Q So, that would be why they crash into the tree, because they're going so fast to get out of the alley, to get away from the officers that were approaching?

A Yes, sir.

Q Okay.

Q BY SGT. COOK: Ray, who broke the window?

A Buchanan did.

Q And you said he was directed to. Who directed him?

A The sergeant.

Q And what sergeant was that?

A Ortiz.

Q And did Sgt. Ortiz give any other direction as to a cover-up? As to -- are we talking about a cover?

A There's -- no, there's no -- there's no cover-up here. It was mostly enhancing any type of evidence, or trying to obtain some evidence that wasn't there so that we can have a - - an actual arrest and conviction of a particular crime.

We didn't particularly plant any -- any particular evidence or covered-up anything. It was mostly -- it was decided, you know what, break the windshield so it will look at, you know, when you got hit, you went over it, hit the windshield, and landed. And, you know, that makes it look a little bit better. You know, it makes it look more believable as well as, uh, damage to his trousers and stuff like that.

Q Did any other direction come from Sgt. Ortiz as to how the report was gonna be written or articulated?

A Well, we decided that we're gonna split up the -- the cases. What -- what happened was, there was another male arrested. I handled that report. And Liddy and Buchanon handled this report. He didn't want to just tie up one big giant report. He -- he said it would be easier that, you know, we handle some of it, and they handle some of it. So, we can expedite this.

Q BY DET. NALYWAIKO: Ray, was -- at what point, was Sgt. Ortiz present at this incident?

A The entire time. He was -- in fact, Sgt. Ortiz was standing to my left when the people came southbound. Sgt. Ortiz is -- it was me, Buchanon, uh, Liddy, Sgt. Ortiz, uh, a couple other officers. We all came northbound through the alley. He was right -- right next to me.

Q So, he was in a position -- he saw the entire incident?

A Yes, sir.

Q Did he give any other directions besides telling Buchanon to break the front windshield of the car?

A There was some things done to the vehicle. I don't know exactly what was done, because I know Buchanon -- they kept going back to the car.

For some reason, and I'm not a hundred percent sure as to this part, I believe there was probably some damage done to the door. But I don't remember seeing him. I do remember the windshield. I don't remember the door.

But I think they were -- they went back to do something to that door. But I'm not sure, as far as that part goes.

Q I don't have a copy of the report in front of me. Was this in the hours of darkness?

A Yes, sir.

Q Do you know if there were any other witnesses present?

A There was a lot of other gang members running every which way. Uh, do you mean civilian witnesses not involved in this?

Q Yes.

A I have no idea. I don't remember seeing any. There may have been, but I don't -- I don't remember. I don't remember seeing any.

Q BY MR. ROSENTHAL: In the traffic report, I can't tell -- I'm looking to see who prepared it. Actually, --

A The very bottom.

Q Oh, actually, this appears to be by Duarte. An accident report. Do you remember Duarte being there? It's got Duarte on the top and Perez on the bottom.

A Yes, sir. She was with me when we were conducting -- what happened was, initially, we went there. There was a fire station across the street. We conducted an observation from the fire station to confirm that there was actually a meeting going on. So, we -- you know, we were there together. We were on the roof of the fire station. And we came back down and met

up with the rest of the unit.

Q Would she have been in a position to see what actually happened?

A Yes, sir.

Q Now, on the report on Page 3, there is a reference. This is actually a traffic collision report. Actually, it was Page 4 of 4. It says, "Injuries, Victim 1 -- let me see who Victim 1 --

A That would be -- that should be Officer Buchanon. He should be Victim 1.

SGT. COOK: I think that's Vehicle 1 on that.

THE WITNESS: Oh, I'm sorry. I thought you said Victim No. 1. Yeah, V-1 is the primary vehicle at fault.

MR. ROSENTHAL: Oh, no, I -- no, I did say Victim 1. It says --

THE WITNESS: You said victim.

MR. ROSENTHAL: Let me read this. It says, "Injuries, V-1 sustained sprained right ankle, abrasions and contusions to both lower legs. Medical treatment -- or M.T. -- were administered by Dr. Leygal, L-e-y-g-a-l. Victim 2 placed off-duty. Victim 2 sustained a sprained left ankle and torn ligaments."

Q Those injuries never occurred?

A No, sir.

Q BY MS. CHASWORTH: Who's the doctor?

A Who's the doctor? I don't know.

Q Do you have any idea?

A Who the doctor is? I don't know him, no.

Q BY MR. ROSENTHAL: Do you have any idea --

A If you -- if you read the report and it says that he tore some ligaments and had a sprained back, if you read the arrest report, he says he chased after one of the suspects, went all the way around the corner and caught up to him. And if you know Officer Liddy, Officer Liddy is a very heavysset officer. Couldn't run a half a block to save his life.

Those injuries -- and I don't know what's written there. And I don't think Duarte is a medical expert. I don't think that those were the -- the findings of -- probably not the findings of the doctor himself. He didn't have any torn ligaments.

I mean, he -- he walked around that day fine. He -- you know, we did our report and did our arrests. And whatever she put on there is probably just what they wanted her to write on the report itself.

MR. MCKESSON: Let me ask you this, Richard. Does it say on -- on the traffic collision report whether or not that report was prepared on the date of the incident? Does it say on it?

MR. ROSENTHAL: I'm going to look over on --

THE WITNESS: It should be on the first page.

MR. ROSENTHAL: -- Page 1.

THE WITNESS: On the very bottom. Did it give a date?

MR. ROSENTHAL: We have a date and time reported, 7/20/96

at 0600. Oh, and then, would that be the date it occurred, 7/19/96 at 2345 hours. But it's doesn't specifically say when -- when the report was prepared.

Q The -- do you know whether Liddy and Buchanon actually went to the hospital to get any form of medical treatment?

A Yes. I believe they were instructed to -- by Sgt. Ortiz to go. They wanted a patient number. I mean, that's standard. You know, and especially if you're claim some injuries, you want to get a patient number and a doctor that you saw you.

The fact that Officer Duarte wrote torn ligaments, that's -- that -- that's definitely not -- not consistent with what actually happened.

Q Well, there's also a report as to Victim 1 having abrasions and contusions, which would potentially be noticeable.

MR. MCKESSON: Any photographs in the file?

MR. ROSENTHAL: There are none -- there aren't any photographs of the officers. Or injuries to the officers. I'll check and verify that.

MR. MCKESSON: Any medical reports of the officers in the file?

MR. ROSENTHAL: That we're going to have to check. There are scene photographs.

THE WITNESS: I believe there was photos taken of his trousers and like a rip and -- for some -- and there was some

bogus photos that were taken. I -- I don't know where they are. MR. ROSENTHAL: We do have medical records. Here we go. "M. Buchanon, Good Samaritan Hospital." And there are identifying -- there's identifying information. Looks like Patient No. 552339863.

Okay. We do have some photographs of Officer Buchanon. Let me first show you this and see if there is any way to identify this photograph. There's actually a number on the back. So, I'll read that so we don't have to put a copy.

For the record, first, I'm going to show you a photograph of an officer lying on a gurney with his right leg exposed. It says, "L.A.P.D. Photo" -- I can't read that. Right leg exposed. L.A.P.D. Photo looks like 09581.

What officer is that?

A That is Officer Buchanon.

Q There is another photograph, Photo number -- looks like 08581. I'm sorry. That's actually the same number. So, that's a photograph of Officer Buchanon. There is also another photograph, close up of his leg that looks like a pretty nasty abrasion.

A Right.

Q Do you remember Officer Buchanon having that abrasion on this day?

A Yeah.

Q Okay. But you said he wasn't injured.

A Well, he sustained -- the reason he was picked for

being the victim, because he had obtained this injury trying to get away from the vehicle. He did not get the injury by getting hit by the vehicle. This is an injury that was caused by him getting out of the way of the vehicle.

Q All right. Now, initially, you said there were no injuries.

A I'm not sure if that's exactly what I said. I think I said there was -- in fact, he was obtained getting -- obtained injuries by getting hit by the car. He was never touched by the car. He had said that they were caused by the vehicle striking him or whatever. The vehicle never struck anybody.

That vehicle never -- never, you know. It came close to us. It came right by us. It was not caused by the vehicle.

Q So, there were actually injuries?

A Yeah, this is -- I know it looks pretty bad. It's just an abrasion. It was not caused by the vehicle.

Q BY MS. CHASWORTH: But he had to get out of the way of this moving vehicle in order to avoid being hit by it?

A Yes.

Q Okay.

Q BY MR. ROSENTHAL: And this is, potentially, in and of itself, an assault with a vehicle. There are a number of other photographs of Buchanon.

MR. MCKESSON: Those are taken later, because of the scabs.

MR. ROSENTHAL: They're taken July 24th, of '96. This day of this incident was July 20th. So, they are scabbed up.

Q What about Officer Liddy? Do you recall any injuries to Officer Liddy?

A Officer Liddy never went to the ground. Officer Liddy was right behind me. Sgt. Ortiz was in front of me. We both -- as the truck was going by -- we're both looking at the vehicle going by. Buchanon got out of the way, slipped or fell. He got out of the way. But no one ever got hit by the car. No one ever got hit by the door of the car.

Q All right.

A We watched the truck go right into the tree.

Q BY MS. CHASWORTH: Was it as if this truck was coming after any of you guys, though?

A No, they were just leaving. This is an alley. You've got to come out of the -- there's no left or right. So, if he's coming at us and we just move over and watch him go by.

But, if you read the report, it says that he was actually struck by the car, fell over, got hit. And it also describes Liddy having his gun out, the guy drives by him, the door is open. That didn't happen. That didn't happen.

Q BY MR. ROSENTHAL: Any -- or I do have one other question. Sgt. Ortiz, is this actually his signature on the report? Can you tell?

A Yes, it is.

MR. MCKESSON: One more thing, Richard. The medical records -- it does have medical records for Officer Buchanon, none for Officer Liddy?

MR. ROSENTHAL: I'll have to take a look. Hold on. I'm going to take these photographs -- these photographs were in a manilla envelope in the D.A. case file. I'm going to place them into the envelope in the case file.

This also contained numerous photos -- or scene photos. Now, what I'm going to be looking at are just some medical records. And we do also have medical records of Brian Liddy. It looks like Patient No. 044569662. But there are not photographs, apparently, of Liddy.

We do have a doctor's report, which indicates examination of the left ankle revealing swelling and tenderness to the lateral malleolus, m-a-l-l-e-o-l-u-s, diagnosed as acute sprained left ankle. S/PMBA. There is no evidence of acute bone injury or destructive process.

MR. MCKESSON: This is conclusion on the record. These are radiology reports to the contusions on the right ankle?

MR. ROSENTHAL: That's correct. We'll, obviously, be reviewing these records more closely at a later time.

MR. MCKESSON: Can we go back?

MR. ROSENTHAL: Oh, I'm sorry.

MR. MCKESSON: Who did they say had the torn ligaments?

MR. ROSENTHAL: In the traffic collision report, it appears V-1 has to be, uh, Buchanon because he's described as having abrasions and contusions. V-2, Liddy, appears to have sustained a sprained left ankle and torn ligaments. That's the report by -- report prepared by Officer Duarte.

MR. MCKESSON: And the Good Samaritan records, do they show anything about any evidence of any ligament problems?

MR. ROSENTHAL: Well, we haven't looked at them carefully. We're going to have to, obviously, look at them more carefully.

Q Let me ask you this, Duarte, was she in a position to see everything that happened?

A Yes.

Q So, although there's nothing in her report that indicates that -- it doesn't look like there's anything that indicates that the vehicle actually struck the officers. She's just simply showing the -- well, actually, I take it back. P.O.E., what does that stand for?

A Point of, uh --

SGT. COOK: Point of Impact.

MR. MCKESSON: Point of Impact. Is that an "I"?

THE WITNESS: No, P.O.E. is --

MR. MCKESSON: P.O.I. is point of impact. This has an "E".

MR. ROSENTHAL: There's a little diagram of the vehicle. Victim 1 and Victim 2. And it says, "P.O.E. No. 1 and P.O.E. No. 2."

Q Any idea what P.O.E. would stand for?

A I did at one point. P.O.E.? That's --

Q Normally, I would think it was the point of impact. In fact, that's what it looks like.

A It might be her -- her "E" may look like an "I".

MR. MCKESSON: No, that's an "E".

THE WITNESS: That's P.O.E.?

MR. MCKESSON: Yeah.

THE WITNESS: Maybe she just made a mistake on that.

MR. ROSENTHAL: It's possible writes P.O.E. as Point of Impact.

SGT. COOK: Maybe she spell "impact" with an "E".

MS. CHASWORTH: You know, this handwriting is the same as the handwriting on here.

MR. ROSENTHAL: Okay. The --

MS. CHASWORTH: You would have expected this to be prepared by Liddy. But, obviously, it wasn't.

MR. ROSENTHAL: That's an interesting -- that's an interesting point. The handwriting maybe that of Liddy on Page 4 of 4 of the traffic collision report. We'd, obviously, have to check into that to verify.

Q You don't recognize Liddy's handwriting, do you? Or Duarte's handwriting?

A I'd know Liddy's handwriting. Is this supposed to be Duarte's handwriting?

Q Uh, the traffic collision report, Page 4 of 4, I would assume, since Duarte has signed --

A This is not my partner's handwriting.

Q -- Page 1 of 1 --

A This is -- this is not my partner's handwriting.

Q Page 4 is not Duarte's handwriting?

A No. Can I see the other report -- I mean, the other page before that?

Q BY MS. CHASWORTH: Do you know whose handwriting --

A That's Liddy's handwriting here. All that is Liddy's handwriting.

Q BY MR. ROSENTHAL: Liddy's handwriting is on Page 2 of 4 of the arrest report. And you're saying that you do not believe Page 4 of 4 of the traffic collision report is the handwriting of Duarte?

A This is Page 2. This does not look like my partner's handwriting. This here is my partner's handwriting. That there -- this handwriting here that's my partner's handwriting. She wrote that. Duarte and Perez.

Q All right. Page 1 of 4. And you're referring to the names "Duarte and Perez" on Page 1 of 4 of the traffic collision report?

A And this is her handwriting.

Q And you're referring --

A All of this. I'm sorry. Go ahead.

Q And you're referring -- you're, -- basically, you're referring to all the entries on Page 1 of the traffic collision report, are those of your partner?

A No, none of this here on the bottom portion of Page 1.

Q Page 1.

A The bottom portion, that's not my partner's

handwriting.

Q All right.

A That's probably a traffic officer or somebody who came and did the report. And she just put her name on it as the author. But she is not the author of this report. But none of this is her handwriting either.

Q On Page 4?

A Page 4 of 4.

Q All right. Okay. I think we've got it.

Q BY MS. CHASWORTH: Where's the face sheet of the, uh, arrest report?

A This is the face sheet. This is the face sheet of the, uh, the arrest report. But this is not her handwriting either.

MR. MCKESSON: It's supposed to be Liddy, isn't it?

MR. ROSENTHAL: It's, purportedly, prepared by Liddy. Okay. Any other questions?

SGT. COOK: Yeah, I have one.

Q If I understand you correctly, when you were in the alley, were you -- were -- was Officer Liddy -- from where you could, Officer Liddy and Buchanon in front of the vehicle as it was coming down the alley?

A Were they in front of the vehicle?

Q Yes.

A The vehicle's coming southbound. We are south of the vehicle, walking northbound.

Q Okay. So --

Q BY MR. MCKESSON: The vehicle was approaching?

A Right.

Q BY SGT. COOK: So, the -- the vehicle's approaching?

A Yes, sir.

Q Okay. And it's -- and it's you, Buchanon, uhm, Liddy, and Duarte?

A Ortiz.

Q And Ortiz.

A And there's a couple more officers.

Q You just don't remember them offhand. Okay. So, could it have been -- could someone else have made the judgement that the car -- that vehicle was going to strike an officer?

A Could someone else make the judgement?

Q Yes.

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

Q BY SGT. COOK: ADW on a police officer with a vehicle, was that -- or could that observation have been made by another officer that the vehicle was going to strike them?

Q BY MR. ROSENTHAL: Could a -- could a reasonable officer in the position of Liddy and Buchanon, have reached a reasonable conclusion that the driver of the vehicle was intending to strike or trying to strike the officers in making their escape?

A I don't think so. You're asking me my opinion?

Q Yes.

A The vehicle's trying to get away. We can clearly see the vehicle coming, uh, from the alley, coming south. And we're walking in the middle of the alley. Either we get out of the way -- and if you ask me if this is an ADW -- ADW on a P.O., then it's an ADW on a P.O. We were walking down the middle of the alley. When we see the car coming, we run out of the way to get out of the way. 'Cause we can see that it's not stopping.

Is that an ADW on a P.O.? You can construe it as that, or not. What I'm -- what I brought up was what was written on the report. On the report it says that Officer Buchanan was struck by a vehicle and the guy was charged with ADW on a P.O.

That did not occur. Officer Liddy did not get hit by the door of the vehicle. And that's what I am intending. That's what I'm saying. That's what happened.

Q So, you're not --

A So, could have he have gotten hit, -- uh, might have he gotten hit if he didn't get out of the way? Anything's possible. What I'm telling is, when we -- when we all saw the car coming, we all got out of the way and looked it at going south. Saw it boom, run into the, uh, -- to the tree, and then, the two guys bailing out.

All the other things would be speculation. I mean, I --

Q Right.

A Would he have gotten hit, if he stayed in the middle?

Possibly he would. Would the guy have stopped? I don't know.

Q BY DET. NALYWAIKO: Ray, how fast was the car going, in your estimate?

A About 25 to 30 miles an hour.

Q Did the vehicle, at any time, swerve towards you or any other officers?

A No. It went straight down the alley.

Q Was the -- did the vehicle have any other avenue of escape besides running towards -- could the vehicle have backed up?

A Yes, he could have gone north down the alley in reverse. But his direction of travel was south towards where -- where we were.

Q BY MS. CHASWORTH: Were you guys -- were you in uniform?

A Yes, we were in uniform.

MR. ROSENTHAL: Well, let's -- let's go off record for a moment.

(Off the record to change paper.)

(Back on the record at 3:35 p.m.)

SGT. COOK: Back on tape. Time now is 1535 hours.

MR. ROSENTHAL: Okay. Detective Nalywaiko, you had a question?

DET. NALYWAIKO: Yeah, I had a couple of questions.

(Coughing heard.)

Q How close was the vehicle when it passed?

A I didn't -- start again. He coughed right when you said the word.

Q How close was the vehicle to any of the officers, when it passed?

MR. MCKESSON: Okay. That's a little confusing to me because he'd have to -- it seems like you're asking him to say how close was it to him, how close was it to Ortiz. Do you mean how close was it to the closest officer?

DET. NALYWAIKO: The closest officer.

MR. ROSENTHAL: I think he means Liddy and Buchanon.

DET. NALYWAIKO: Yeah. It could be Liddy and Buchanon or any other officer that's --

THE WITNESS: Liddy was right next to me. And so was Sgt. Ortiz. I mean, we both -- we all watched the vehicle go by. Uh, the person who was closest to the vehicle was, uhm, Buchanon. He jumped out of the way.

If you were to go to that alley, if I remember correctly, there's gravel in that alley. And I think that's where he slipped and -- and fell on his knee or something. But the closest officer that was -- let me back up a little bit.

If we were -- Buchanon was like one of the last ones behind. I don't know if he just didn't see the vehicle, uh, in front of him, because we were in front of him, or for whatever reason. But, at some point, we're all like in the middle of the alley. We're all lined up going up towards -- towards where all the gangsters were.

When we see the vehicle, we start filing out of the way. And the vehicle's coming. And Buchanon sees it -- probably one of the last officers to see it. He jumps out of the way. There's some gravel right there.

And when I say "jump out of the way" I mean we went to the west side of the alley. And the vehicle goes by. Once the vehicle goes by us, from where we're standing, the vehicle's probably 7 to 8 feet away from us, as it's going south from where we're standing.

Q Okay. The second question is, did you see the windshield being broken by Buchanon?

A No. I know he was directed to go break it.

Q Were you present when he was directed?

A Yes, sir.

Q He was directed by?

A Sgt. -- Sgt. Ortiz.

Q Do you know how he broke the windshield?

A No. There were some other things going on at the same time. Some, you know, uh, -- there were some gang members being taken into custody. There was a search of a house. Uh, this whole thing took a long time. We were there all night. Uh, in fact, 'til the morning. We did a building search right there. The thing about the windshield and all that was pretty much late in the day -- uh, in the evening. And it was just things that, you know, how do we -- you know, we need to do certain things. And that was one of the things that was

discussed. And Buchanon was going to go handle that. And he was gonna do it.

But, I mean, we had arrested, I think five or six other people. I had to book, uh, four or five other people. And they were handling this part of it. Uh, Liddy and Buchanon were gonna handle these two arrestees.

Q Did you hear the sound of what could have been a windshield breaking?

A No, sir.

Q Okay. I don't have any further questions.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. That concludes the interview. The time is 1538.

MR. ROSENTHAL: All right. I'm -- I'm going to have you look at the next file. We may not need to do a tape on this. Let's just take a look. This is a --

SGT. COOK: This a complaint of some sort? I'm sorry.

MR. ROSENTHAL: This is a case where the Public Defender asked us to take a look at it. It's an arrest by Buchanon. And your name's not on the report at all. It's just a one-page report. D.R. No. 96-07 --

LT. HERNANDEZ: Excuse me, Richard. We get a lot of calls from I.A. about some of these things. And we really need to -
-

MR. ROSENTHAL: Do you want to put it on tape?

LT. HERNANDEZ: Yeah, let's put it on tape so we could

have it.

MR. ROSENTHAL: All right.

SGT. COOK: Today is November 17th, 1999. The time now is 1539 hours. We're on Tape No. 222126, Side A. We're interviewing Rafael Perez.

MR. ROSENTHAL: All right. And this is the case of Tomas Orduna, O-r-d-u-n-a. Tomas is T-o-m-a-s. D.A. Case File BA133020. D.R. No. 96-02-20475. This is a Buchanon/Hewitt arrest for heroin. Your name is not mentioned anywhere. But the Public Defender did ask us to take a look at it.

Q So, I'm going to ask you to just take a look at the report and tell us if you know anything about this, or have any reason to believe that it's anything other than a legitimate arrest. And I'm handing you a report to take a look at.

Does anything look familiar about this?

A There is only one thing that's familiar about this report and that's the way Officer Hewitt writes his reports. If you were to look at most of -- most of his reports, you will always read that the defendant was surprised to see him. He writes that in most of his reports.

I don't know why, but that's the only thing that's familiar. I don't know anything about this report. I have no personal knowledge.

If you were asking my personal opinion, I have an opinion. But personal knowledge, I have none.

Q I'm not going to ask you to speculate, at this point.

Okay. Any questions?

SGT. COOK: Okay. That concludes this interview. The time is 1542 hours.

MR. MCKESSON: Were you finished?

MS. CHASWORTH: Yeah, I just wanted to read the report.

MR. ROSENTHAL: Okay. We'll go off the record for a couple of minutes. I've got to make a phone call.

(Off the record at 3:42 p.m.)

(Back on the record at 4:05 p.m.)

MR. ROSENTHAL: Okay. We're back on the record.

SGT. COOK: It's November 17th, 1999. The time now is 1605 hours. We're on Tape No. 222127, Side A. We're interviewing Rafael Perez. We're going to talk about D.R. No. 96-02-20488.

Q BY MR. ROSENTHAL: And this is the case of People vs. Oscar Lafarga, L-a-f-a-r-g-a. Case No. BA132986. The Public Defender has requested that we take a look at this file. And, actually, a Writ of Habeas Corpus was filed on this one. In the writ the defendant is, basically, alleging, as he testified at his probation violation hearing, this was a case that was filed. His probation was violated on another case. And then, this case was dismissed. It's 11350.

And he alleges that contrary to the report, where it indicates there were two people in the car, there were actually four that when the car was stopped, he got out of the car pursuant to the orders, that the cocaine was found in the car,

I think by you. But that he never had it in his possession, he never dropped it, that someone else had had it in the car.

A He got everything just about right, except that it was his dope. It happened exactly that way. But I was watching him stuff it into the seat.

Q Okay. So, you actually did see it in his possession?

A Yes, sir.

Q In the --

A There's -- there's nothing -- no specific reason why I arrested him. I don't know him other than that. I saw him put the dope in there. That's why he went to jail. That's why we -- I know we wrote it a little bit -- I wrote it a little bit differently. And I don't recall why.

But as I was asking him to get out of the car, he was taking too long to get out of the car. So, I walked up on the car, wondering why he's taking so long. And I can see him trying to stuff it on the rear left passenger seat, uh, between the -- what would be the wall -- the left wall of the car and the seat itself. He's stuffing this piece of tissue in there.

And I -- you know, I was pretty confident as to what he was doing. I asked him to get out of the car, recovered it. And I told him he was going to jail.

Q And the way you wrote the report?

A I actually wrote in the report that when I asked him to get out of the car, and I observed him exiting, I noticed him drop from his right hand a paper bundle to the ground.

Q All right. And that's the way you testified at the probation violation hearing?

A Yes, sir.

Q So, it didn't happen exactly like that?

A It happened exactly the way he said, uh, that there were -- there was, uh, four people in the car. And that he was in the rear of the vehicle, uh, that I recovered the bindle from inside the vehicle. All of that is correct, other than he said that it's not his narcotics. It was his narcotics. I watched him stuff it in there.

Q In the report, you indicated there were two people in the car; didn't you?

A In the report, I believe I put -- let me see here. Were two male Hispanics. Okay. On the report, it says the vehicle was parked there. And then, I observed the vehicle, the license plate, two-door Pontiac blue, with two male Hispanics in it. There was two other people there. There was a female in the front seat and another male outside of the vehicle. So, there were a total of four people.

Q And, actually, I'm looking at your testimony here. And you did testify at the probation violation hearing on August 23rd of '96. You were asked how many people in the vehicle? And you said, three, including your client.

So, three total?

A Three total. But there was another person out in the right front door, as though he was about to get in the car.

Q Okay.

A He was standing outside. So, technically, there were four people that were probably had been sitting in the car, at one point or another. When I started asking him to get out, there was three people.

Q Okay. Any other questions on that one?

Q BY SGT. COOK: So, you just -- your observations were changed?

A That was the only thing that was changed on the -- on the -- what actually happened.

Q All right. Did you write the report, or Tovar?

A I wrote the report, sir.

Q Did Tovar have knowledge that the -- your observations had changed?

A Yes.

Q Were changed in the report?

A Yes.

Q Okay.

A He was standing right next to me. I mean, this is -
- yes, he did.

Q So, Tovar didn't see the guy drop the bindle?

A No.

Q And he knows that you recovered the dope from the back seat?

A Yes, sir.

Q Anyone else?

A No, sir.

Q BY MR. ROSENTHAL: Now, did Tovar know that you did not see him drop it?

A He knows that I did not see him drop it out the -- the way it's written on the report is that, as he's coming out of the car, he drops the bindle.

Q Right.

A Tovar knows 'cause he's standing right there next to me.

Q Oh.

A We were asking the guy to get out of the car. He sees me looking in the car and me recovering some dope. He knows I recovered it inside the car.

Q Although, if the guy dropped it inside the car, you'd still have to recover it from inside the car; wouldn't you?

A Sure. But on the report, it says that as he got out of the car, he drops the bindle to the ground.

Q Oh. Oh, I see.

A And the bindle was actually between the seat and the wall -- the left side of the car in between the seat and the wall itself. I don't know what you call the left side of the car there. The left wall.

Q BY MR. MCKESSON: But wouldn't it fall out when the door opened?

A No, sir. It's -- he -- it's a two-door vehicle.

Q Oh, okay.

A It's a two-door vehicle. So, he has to step -- you know, how you push the front seat forward and then step out. But the back seat's still back here along the wall. Where they were -- if there was a four-door vehicle, yeah, when you open the door, it would fall out. But there's no door there.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1611 hours.

MR. ROSENTHAL: Off the record.

(Off the record at 4:11 p.m.)

(Back on the record at 4:12 p.m.)

MR. ROSENTHAL: This will be Antonio Lizama, which is one that you pulled out.

SGT. COOK: The date is November 17th, 1999. The time now is 1612 hours. We're on Tape No. 222128, Side A. We're going to talk about D.R. No. 97-07-13409.

Q BY MR. ROSENTHAL: This is the case of Antonio Lizama, L-i-z-a-m-a. D.A. Case No. BA147783. This is a report that was pulled out during the review of the Rampart reports. So, if you could take a look at it and let us know why you identified it for discussion.

A The reason I asked for this report to be pulled to the side is because, based on several things, several recollections based on the money that was recovered on this case, based on a lot of little things. It is my belief that this was the very first case where me and Officer Durden took

and kept money from a -- an arrestee.

Q Let's start off with the arrest itself. Was the arrest itself legitimate?

A Yes, sir.

Q And according to the summary in the statement of facts, it says at 2230 hours on March --

MR. MCKESSON: What page are you on?

MR. ROSENTHAL: I'm just looking at a summary.

MR. MCKESSON: Oh, okay.

MR. ROSENTHAL: It says, March 20th, 1997 at 2230 hours, Officers Durden and Perez and a C.I. paged defendant and set up sale of cocaine to take place at 2nd and Serrano in thirty minutes. Officers went to location, saw defendant arrive in the described car. The C.I. pointed out defendant as the seller.

Uh, Officer Richardson and Eng, E-n-g, advised and detained defendant and recover two baggies of rock cocaine from the floorboard. Is that a pretty good summary of the event?

A Yes, sir.

Q Okay. How did the theft take place?

A How did it actually take place?

Q Yeah. Why don't you just go through and explain?

A When everything was recovered, there was a large sum of money recovered. When we got to the station, we had put everything in. If you go to the Rampart C.R.A.S.H. office, past the office, on the right-hand side, there is a conference

room there. There's a telephone on the table and a long -- two long tables, right next to the C.R.A.S.H. office.

I don't know if you guys know where it's at. Durden went in there and I asked him, you know, go ahead and start counting the money, I'll go get a supervisor to recount the money to make sure everything's there, and put it into the envelope. I left the room. I started to maybe run somebody or doing something. And Durden came back to me and said -- he said words to the effect that "We're not going to book all this money, are we?"

And I kind of joked at him like, "What are you talking about, man? Go book that money." You know, something to that effect. And then, he said, "Man, fuck -- I'm gonna say some curse words -- he said, "Man, fuck that, man. We're not gonna book all this money." Something to that effect. And that's exactly what we did.

And I've said this before in the past that the way he said it, I felt as though, you know, this wasn't his first time. So, nonchalantly. So, matter of factly. It was more like -- like you don't know? That type of thing. And it just caught me off-guard. You know, I felt like -- almost like I'm the one being trained here and didn't know. But, as far as taking money from a defendant or someone that we arrested, a narcotics defendant or something like that, to my best -- to the best of my recollection, this was the very first time that this ever happened. Or this is the very first time.

Q And this was in March of -- March 20th, of '97?

A Yes, sir.

Q All right. And the first time you did, you actually stole -- dealt and stole narcotics?

A Oh, that was many times. I mean, a lot of times when we -- when you took narcotics, it wasn't necessarily, to, you know, sell it or anything. We'd just take narcotics off the defendant and just not book it. I mean, it wasn't like we were stealing narcotics for personal use or for selling it or whatever.

Q There was a -- there was a case -- that's right, it was the theft of the pound of cocaine. This was the one where -- the first one where you and Durden stole cocaine and dealt it, I think. This was, I think, with Jesus Flores, Julio Ramirez. We discussed this before.

A This was on Gramercy. It's in the Wilshire Division. Was it on Gramercy?

Q I don't have the file with me.

A I know which one you're talking about.

Q BY DET. NALYWAIKO: Is that Coronado's case?

A Right.

Q That was the first one?

A I'm sorry.

Q That was the first one where you had the large quantity of dope? And that's the --

A That was the one -- there was a pound.

Q The first time you sold narcotics?

A Right.

Q BY MR. ROSENTHAL: This was also a '97 arrest. I don't have a file.

A That was like in July, August of '97. Somewhere around there.

Q Okay. So, prior to March 20th, '97, had you actually taken -- you had actually taken dope from defendants and kept it to put on other people?

A Yeah, small quantities of narcotics. Nothing -- nothing major.

Q Okay. Any questions on this?

Q BY SGT. COOK: Yeah. How much money was taken?

A Uhm, probably, if I remember correctly, it was a good sum. My best recollection, for some reason, I remember it being like -- my share was like four or five hundred dollars. So, I'd have to say somewhere around a thousand dollars. And that's just what Durden told me he took. It may have been more that he might have taken. But what he told me my share was, was about four or five hundred dollars, if I remember correctly.

Q BY MR. ROSENTHAL: All right. And it looks like, from the report, it indicates U.S. currency was seized. It looks like a little over a thousand dollars was actually booked. This is on the combined evidence report. No. 1 is narcotics 17.8 grams. No. 2 is U.S. currency of \$295.50. And No. 3 is U.S. currency of \$768.

A Yes, sir.

Q So, that's a little over -- so, that's a little over a thousand dollars.

A Yes, sir.

Q So, it sounds like you booked half and kept half?

A Probably, yeah.

Q Okay.

Q BY SGT. COOK: So, you don't have any certainty as to how much money Durden kept?

A Quantity, no, sir.

Q Okay. And do you have any knowledge -- again, just to clarify this -- that Durden has taken money prior to this?

A Do I have any knowledge?

Q Any specific knowledge.

A No, sir.

Q BY DET. NALYWAIKO: Do you know how long Durden had been in C.R.A.S.H., at this point?

MR. MCKESSON: When you say "C.R.A.S.H." you mean Rampart C.R.A.S.H. or the 77th C.R.A.S.H.?

Q BY DET. NALYWAIKO: Yeah, at Rampart C.R.A.S.H.

A He had been in Rampart C.R.A.S.H. already about, uh, nine months. Uh, seven -- uh, he got to Rampart C.R.A.S.H. August, so --

Q August of when?

A August of '96. So, about six months? Uh, no, seven months. Seven months.

Q BY SGT. COOK: Could Durden come back and say, no, I didn't take none of that money. You took all the money?

A Durden could come back and say anything he wants. I can plainly say --

Q But my point is, did he take the money and divide it up with you, or did you divide the money up with him?

A Prior to this date, and prior to this case, I had never ever taken any money from a defendant that I had arrested. The suggestion to take money from this case was Officer Durden. Officer Durden came to me. And like I said earlier, made the comment of, "We're not going to book all this money, are we?"

And, at first, I was like, you know, I thought he was joking with me, you know. "Of course. You know, book it. Count all of it. And then, we'll book it." And, you know, again, he persisted with the conversation. And, eventually, I said, "All right. Whatever." And he -- he came up with how much we were going to book and how much we were going to keep. And he gave me my half, you know, at some point, at Detectives.

Q BY DET. NALYWAIKO: Ray, I remember you mentioning this specific fact about the first time you had taken money, in a previous interview. And I can't remember -- I don't have my notes with me, so, I don't know. I don't know if this is the case you were talking about, or whether you were talking about another case. But I remember what we're talking about now was very similar circumstances.

A The circumstances when I said --

MR. MCKESSON: I don't think there is a question pending.

Q BY DET. NALYWAIKO: But I'm trying to find out if this is the case or was there one other case, besides this, early on?

A When we were talking about it, remember, at that point, we hadn't gotten through the reports. And I mentioned I remember that case. I remember the first time that I took, you know, we took money. I remember it clearly. I mean, I remember the conversation. I remember, you know, his comments.

And, after going through all the reports, and going through many reports, when I saw this report, something just clicked. I wanted other things to be verified. I wanted to find out if this guy was dabised at Detectives, just to -- you know, instead of making me 99 percent sure, I wanted to be 99.9 percent sure. But I am, uhm, -- just looking at this, I'm really confident that this was the very first time that we actually took money. I'm not saying this is the first time we did anything wrong. Obviously, you know, we planted evidence and done whatever else.

What I'm talking about is actually taking money from a defendant. I believe this was the first time.

Q Okay.

A And, yeah, we talked about it early on when we first began our interviews. I had talked about that standing out on, you know, the way Durden asked me. That he just said it so nonchalantly like I didn't know, and, you know, this has been

going on forever. Everybody does it.

That's how you felt when he said it to me. But that stands out in my mind clearly.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. That concludes the interview. It's 1622 hours.

MR. ROSENTHAL: The next case we're going to be discussing is one that has come to us as a result of a complaint by a relative, uh, to my office.

MR. MCKESSON: A relative?

MR. ROSENTHAL: Of the defendant.

MR. MCKESSON: Oh. Not one of your relatives?

MR. ROSENTHAL: No, this is not my relative.

THE WITNESS: I've really reached out.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1622 hours. We're going to interview Rafael Perez on Tape No. 222129, Side A.

Q BY MR. ROSENTHAL: All right. This relates to a case of People vs. Lorenzo Lopez. BA168112. The D.R. number is 98-02-15409. This is an arrest that occurred on April 17th, 1998. You were assigned to Rampart C.R.A.S.H.?

A Yes, sir.

Q As of then. The allegation is that -- that Perez says, basically the defendant's sister alleges that the defendant was a juvenile. Claims that Perez and possibly Durden

stopped him, planted narcotics in his vehicle. He drove one block, was stopped by a black-and-white. The officers found the narcotics and arrested him.

This is a methamphetamine case. It looks like it was 2.4 gross grams of meth. Did you ever do anything like that?

A I would like to look at the report, first of all. But, secondly, at that point, I was not working with Officer Durden. Officer Durden was working as a vice officer, undercover. He had a goatee, the whole thing. So, he couldn't be working in uniform, you know, uh, working C.R.A.S.H. with me. But just to be a hundred percent sure, I can look at the report. And it certainly doesn't fit any M.O. of something that I've done. Put some narcotics on someone and telling them to drive away and then, have a black-and-white stop him. It doesn't make any sense at all. But I can look at the report to --

Q The -- the report is actually by patrol officers.

A Their names?

Q Uh, Un, U-n and Frus, F-r-u-s; do you know them?

A I have no idea who they even are.

Q I'll show you the report. The real -- it seems to me the most significant issue is whether you ever did put methamphetamine in someone's car. Stop them, put narcotics in the car, and then tell them to go. And, in essence, arrange for a black-and-white to stop them.

A Never. It's not something -- it makes no sense. And

it's not something I've ever done. I take it that my name's nowhere on this report, right?

Q Correct.

SGT. COOK: We're taking a break. It's 1625.

(Off the record at 4:25 p.m.)

(Back on the record at 4:25 p.m.)

SGT. COOK: Back on the record. It's 1625.

THE WITNESS: There is nothing in this report that refreshes my memory as to any wrongdoing by my partner, Officer Durden's part, or the officers that made the arrest. There is none.

MR. ROSENTHAL: Okay.

Q BY DET. NALYWAIKO: Ray, do you know the officers?

A I have no idea who they are. I may know them by face. If they work Rampart, I might have seen them in the hallway, or -- but by name, I have no idea who they are.

Q BY MR. ROSENTHAL: They -- it says here the defendant was an active Rockwood Gang member. Did you ever deal with the Rockwood Gang?

A I dealt with some. I've known some -- obviously, some Rockwood Gang members. Who he particularly is, I have no idea.

Q All right.

SGT. COOK: That concludes the interview. The time now is 1625 hours.

MR. ROSENTHAL: Off the record for a second.

(Off the record at 4:25 p.m.)

(Back on the record at 4:27 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1627 hours. We're on Tape No. 222641, Side A. And we're interviewing Rafael Perez.

Q BY MR. ROSENTHAL: This is just a case where we received a report, again, from -- and this is actually from the defendant himself who called an Alvaro Moran. Uh, do you -- does that name sound familiar to you at all? First name, Alvaro. Last name, Moran.

A I don't know why I want to say it, but the name, you know what, I may know another defendant named Moran. But, for some reason, I want to say I've heard the name, but I'm not a hundred percent sure.

Q And I'm looking to see. This is D.R. No. 97-02-26881. I see an arrestee, yes, it looks like defendant Alvaro Moran. And then, a non -- a juvenile Raymond Castillo, C-a-s-t-i-l-l-o. I'll just read you the notes from the D.A. Investigator. Says "Received a phone call from Mr. Moran. Moran stated that he served one year in jail for an assault that was originally filed as a attempt murder. He indicated he was "set up" by Officers O'Sullivan and Villarta, V-i-l-l-a-r-t-a from Rampart." I'm just asking you about this particularly because I know you had mentioned O'Sullivan as being an officer who was in the loop?

A Mmnh-mmnh.

Q This sound familiar to you at all?

A No.

Q Is this something you would have any knowledge about?

A I, actually, don't what the crime was, or anything other than the names you've given me. I can review the report. But right off hand, I don't --

Q I'll show you the report.

A I don't even know what the crime is. You said assault?

Q It was actually filed as a attempt murder.

A Is it against a police officer? Or a --

Q The -- of the victims -- three victims, Police Officer O'Sullivan -- Dennis O'Sullivan; Police Officer Ernst, E-r-n-s-t, Cabriales, C-a-b-r-i-a-l-e-s; and Police Officer Edgar Villarta, V-i-l-l-a-r-t-a.

A What year did this occur?

Q The date of the offense, the date of the arrest was July 31st, of '97.

A The location?

Q I'll show you. Let me show you the report. Just why don't you take a look at it. Obviously, this -- this person did not name -- mention your name at all. The only question is, if by some chance this is something you have any knowledge about. And the only reason we're really showing it to you is because Officer O'Sullivan's name is mentioned in the complaint. And you've previously identified O'Sullivan as being someone in the loop.

THE WITNESS: Do you guys want to go off the record for a second while I read this? Or --

MR. ROSENTHAL: Sure.

(Off the record at 4:30 p.m.)

(Back on the record at 4:35 p.m.)

SGT. COOK: Back on tape. The time now is 1635 hours.

Q BY MR. ROSENTHAL: Okay. You've had an opportunity to look at the report relating to the Alvaro Moran arrest?

A Yes, sir.

Q And so, uh, can you respond to these allegations that he was set up by officers O'Sullivan and Villarta?

A I've reviewed -- Villalta.

Q Officer Villalta.

A I've reviewed the report. I've read it. There is nothing on here that refreshes my memory as to any personal knowledge that I may have regarding this arrest, or that he was, uh, set up or not.

And I -- for some reason, recall this incident, but I had nothing -- I have no involvement in this arrest.

Q All right. Okay. And you have no reason to be able to either confirm or deny whether this defendant was set up or not?

A No reason or no position, no.

Q Okay.

Q BY SGT. COOK: Do you have any knowledge of any misconduct that you may have heard regarding this particular -

- it was an O.I.S.; is that correct?

A Yes, sir. I have no knowledge of any misconduct or any wrongdoing regarding that O.I.S.

Q Okay. Anybody else?

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1636 hours.

Today's date is November 17th, 1999. The time now is 1636 hours. We're on Tape No. 222642, Side A. We're interviewing Rafael Perez.

Q BY MR. ROSENTHAL: All right. The next case we're going to be discussing is Elvis Ponce De Leon, P-o-n-c-e, D-e, L-e-o-n. D.R. number is 97-02-19824. D.A. Case number is BA150940. And this is a file that you pulled out during the course of review of Rampart reports. So, if you could tell us why you pulled this file?

A The reason I asked for this report to be pulled to the side is, after reading it and reviewing this report, several things -- several incidents came to mind that occurred. The first thing that I remember was that the defendant, after a short perimeter, was taken into custody by C.R.A.S.H. officers.

This is not a actual crime that occurred against C.R.A.S.H. officers. This was a crime that occurred against a motor officer. A C.R.A.S.H., or a motor officer named Boyd. And I believe a short pursuit ensued. The defendant crashed into the side of a building and a pole and exited and ran.

In the report, it talks about him being taken into custody by Officer Stepp and Officer Veloz. The main thing that I wanted to talk about was they had talked to me about how they had roughed this guy up while at the scene. They kicked his butt pretty good.

Q BY SGT. COOK: You said -- you're saying they?

A Stepp. Mostly, I was talking to Stepp. The main thing that I remember about this is while he was at the station, while at Rampart Detectives, while at a holding tank, I remember an officer being inside the tank, an officer being at the door of the tank. It's a interview room. It's not a tank. It's actually like an interview room. Uhm, while walking -- while I was walking around, I heard some scuffle going on inside the room. I walked over to the room. And, as I'm walking in, I see what the residual is of a -- apparently, Officer Stepp is choking-out this defendant.

As I'm walking in, the guy falls to a chair and then to the floor and is out unconscious. What appeared to have happened was that he had just gotten choked-out. The guy was out. And, a few minutes later, they decide that they're gonna get an R.A. for him. I'm sorry. Uhm, what -- what it appeared was that he had just -- uh, Officer Stepp had just finished choking him out. Because when I walked in, the guy -- you know, he releases the guy, the guy falls on the chair and to the ground. And is out. He's out unconscious.

Q BY MR. ROSENTHAL: Now, where did this occur?

A The actual choking-out?

Q Right.

A At Rampart Detectives.

Q Okay.

A The second interview -- as you walk into the Rampart Detectives, then turn make a left, there's two interview rooms. The first one, you get to the first door. And then, a second door. That's where the second.

Q And you actually saw this? You were walking by the interview room?

A Yes.

Q And you saw --

A The tail-end of it. As I'm walking in, Officer Stepp has him and is releasing him, and let go of him on the chair. That is in the interview room. And he goes from the chair to the floor. And I'm looking right at him. And he is out. When I say "choke-out" when you choke somebody out, they lose consciousness.

Q Right.

A He was -- he lost consciousness.

Q And Officer -- this was Officer Stepp that did this?

A Yes, sir.

Q Did you ever have a discussion with Officer Stepp afterwards about what happened or why he did it?

A No. I think, you know, he made some comments. He made some comments. Some things were said, before the choking-

out, when they took him into custody, and we drove over there to find out where he was in custody, you could tell he had been roughed-up a little bit. And then, he told me, "Yeah, you know, we -- we put the boots to him." Uh, not in those exact words. I forgot what words he used. But he had pretty much told me, yeah, we kicked his butt.

At Detectives, that was something different. That was a whole 'nother incident while they have him in custody, and while he's in the interview room, he's also, again, roughed-up and choked-out.

And I think that the reason was because this suspect was, supposedly, a ADW, Attempt Murder on a P.O. suspect. So, we don't take too kindly to ADW on a P.O. suspects. So, basically, the -- you know, the thought was he got what -- what, you know, what he deserves.

Q So, it appeared that he was one, roughed-up sometime between the time of arrest and the time he got to Rampart, and then, choked-out when he got to Rampart?

A Yes, sir.

Q BY SGT. COOK: Did you observe any injuries when you saw the suspect when he was apprehended?

A No physical that I can see, other than what his demeanor was. Like, he looked like he just took a -- you know, a stomping. You know, growling and moaning, and that type of thing.

Q Was he belligerent? Was the suspect belligerent?

A No, he was just sitting. You know, he was calm.

Q Okay.

A He didn't seem belligerent to me.

Q And you didn't see any observable physical injuries?

A No.

Q And that's shortly while you were still at the scene, that's when Stepp made the comment to you to the effect that -
-

A At the scene.

Q -- the suspect, or the arrestee was roughed-up?

A Yes.

Q And you don't remember the exact verbiage?

A No.

Q Okay. And it was when you returned to the C.R.A.S.H. office, or to C.R.A.S.H. Detectives. How long were you at the Detectives when you walked by the office there?

A This is probably -- I would probably say ten, fifteen minutes after we got there.

Q Okay. And so, when you say choked-out, you didn't actually see Stepp choke him out?

A That's correct.

Q And just to go over the positioning. Stepp was behind the suspect?

A He's behind. And I'm behind Stepp.

Q Okay.

A Or when I'm walking in, Stepp's got him by the neck,

what would be a choke-hold. But, obviously, I didn't see the actual -- the full four or five seconds, or whoever long it took to choke him out.

When I walk in the room, he has him by the neck -- by the choke-hold -- and is releasing him to the chair. He is falling on the chair -- from the chair to the ground.

Q Now, Stepp is behind him with one of his arms be- -- uh, around the arrestees neck?

A Yes.

Q Were there any other officers in the room there?

A I believe Veloz was there, too. He was the one that was standing at the archway of the door.

Q Okay. And when Stepp threw, or placed, or what was it? Threw or placed?

A It looked like he just placed him on the chair.

Q Placed him on the chair.

A And he fell off the chair.

Q And the suspect fell off. Now, was he handcuffed, or --

A He was handcuffed.

Q He was handcuffed?

A Yes.

Q And you say he was unconscious?

A When he hit the ground and I saw him, when I was looking at him, he was out unconscious.

Q Now, was he unconscious when he was first

apprehended?

A No.

Q Okay. So, based on your experience and perhaps your training, you made the determination that he was choked-out?

A Yes.

Q Although, you didn't see it?

A Yes.

Q Okay. You said that you heard some noise prior to going into the room that caught your attention?

A Yes.

Q And can you be more descriptive of the noise that you heard?

A (Pounding sounds heard.) Just some, you know, noise that you would hear like some rumbling.

Q Scuffling?

A I don't know how to describe it. But like some scuffling, yes. And, you know, then, when I walked over there, I could see what was -- you know, basically, what the residual, the ending of what was happening.

Q Now, when you observed the suspect go unconscious, did you observe any injuries, at that point in time?

A All I could see is that he had been sweating profusely. That I do remember. But if you're asking me if I remember seeing a -- you know, a cut in his face or a particular injury, no.

Q How long -- was the suspect transported for M.T.?

A Yeah, eventually, we decided, uh, to call -- or they decided to call an R.A.

Q Okay. Was there any statement made about the suspect being choked-out or roughed-up at the station?

A I don't think so.

Q Okay.

A Not to my knowledge.

Q Okay. Did, uh -- and for what reason was he transported for M.T.?

A I'm sorry? For what reason was he transported?

Q The arrestee. What reason was he transported? Because he was unconscious?

A Yeah, I think he -- they decided to call because he was passed out and stayed out on the floor for some time. Uh, he wasn't -- you know, when you normally choke somebody out, they usually snap out of it after a while. He laid on the floor for a long time.

Q What's a long time to you?

A I didn't time it. I know that they were a little concerned. He was laying on the ground for some time. If I had to put a time on it, it was -- it was some time. I would say maybe, I think after ten minutes, we were concerned. Mostly, they were concerned.

Q In the re- -- I'm sorry. Go ahead.

A In the report, it's written that -- it's implicated that he was transferred to -- for M.T. because of the collision.

If he was injured or needed to be transferred for medical reasons, because of the collision, he would have been transported from the scene. I mean, it would have been obvious that he had injuries or whatever.

He was transported from the station -- or from the scene to Rampart Detectives. At Rampart Detectives, he received some injuries.

Q There's a notation in there about -- about 45 minutes.

A I'm sorry. Where?

Q There's a notation that after 45 minutes, he was transported. I'm talking about the arrestee. It's in the report.

A On the third page of the arrest report, it says, "We were at Rampart Detectives Station for approximately 45 minutes when we received information that during the incident the suspect was involved in a traffic collision."

We requested an R.A. R.A. 076 responded and transported the suspect to USC/MC. At USC/MC Dr. Vulcan treated the suspect and okayed booking." Is that the comment -- or is that the statement you're talking about?

Q Well, yeah. The fact that he was transported 45 minutes after being apprehended in the collision.

A Yes, sir.

Q All right. That's all I have. Richard?

Q BY MR. ROSENTHAL: I've got a photo here in the file. It's got 52454-684 at the bottom.

A That's him.

Q That's the defendant?

A Yes, sir.

Q It looks like it's a -- it's a large -- or an 8-1/2 x 11 or 8 x 10 photograph in color. And that's the defendant Ponce De Leon?

A Yes, sir.

Q And he's got a neck brace on.

A I'm -- I'm assuming this is at the hospital, or when the R.A. transported him, or -- this wasn't at the scene.

Q Right.

A Or at the Rampart Station.

Q Did -- did you see him with any noticeable injuries, at any time, other than the fact he was unconscious?

A Unconscious. He was -- I remember him sweating a lot.

Q Okay.

A Oh, yeah, I see that. I don't remember. You know, but he's got a little dried blood. You know, I don't know at what point the blood starting coming out of his -- his mouth there. But when -- when I saw him laying on the floor, I cannot -- I didn't see those, uh -- I didn't see that dried blood.

Q In the photograph?

A And he has like a little --

Q Abrasion?

A -- I guess, a little -- a little abrasion up in his upper left cheek. I don't remember seeing it.

Q So, the blood in the mouth you see in the photograph as well as the abrasion to the left cheek?

A Yeah.

Q Okay. All right. Nothing else.

SGT. COOK: Okay. That concludes the interview. The time now is 1649 hours.

MR. ROSENTHAL: All right. The next case, and this is why we've got the videotape player here, is there were reports on local news of a gang member who, at the time, was 14. Oh, I'm sorry, do you want to do a separate tape?

SGT. COOK: Yeah. Do you want to look at the videotape first and then go on tape? Or how do you want to do this?

MR. ROSENTHAL: We're actually going to have the reporter transcribe from what's said on the tape.

SGT. COOK: Okay.

MR. ROSENTHAL: So, in fact, let me get into the -- what -- what we're going to do is we're going to play up to a certain point. And the beginning portion is nothing more than an introductory into the Rampart Scandal. And we won't report that. But we'll stop the tape. And then, -- so, in essence, we'll go off the record until we get to the point where Joseph Tenorio -- uh, the story relates to Joseph Tenorio. And then, we'll go on the record and have the reporter, and then taped.

SGT. COOK: Okay. Well, do you want me to start now?

MR. ROSENTHAL: Well, let's do an introduction.

SGT. COOK: Okay. It's November 17th, 1999. The time now

is 1650 hours. Tape number is 222643, Side A. We're interviewing Rafael Perez concerning Joseph Tenorio.

MR. ROSENTHAL: And that's T-e-n-o-r-i-o. And we do not have a case file or a D.R. number. So, I'm going to play the tape until we get to the point where they discuss Joseph Tenorio. So, we'll go off the record.

SGT. COOK: We're off the record. Now -- the time now is 1651 hours.

(Off the record at 4:51 p.m.)

(Back on the record at 4:51 p.m.)

SGT. COOK: We're back on tape. Time now is 1652 hours.

MR. ROSENTHAL: All right. What I'm going to do is, we're going to start, first of all, with, uh, the complaint that was made to L.A.P.D. I'm going to read the complaint into the record. Then, we're going to play the tape. And then, we're going to ask you to comment on the complaint and the allegations raised in this news conference.

Uh, according to the L.A.P.D. complaint, uhm, the complaint was reported on September 17th, of 1999. And it states that the mother of Joseph Tenorio called to complain that her son was the victim of inappropriate use of force by Officers Perez and Vinton in approximately July of 1998.

A July 1998?

Q Right.

MR. MCKESSON: He was -- he was off-duty; wasn't he?

THE WITNESS: Yeah. Uh, no, August of '98, I was out --

Q BY MR. ROSENTHAL: August of -- yeah, we didn't have you taken off until August. Uh, Tenorio was not available for an interview. However, he may want to speak to investigators at a later date. The mother indicated there were other incidents where Perez and Vinton may have afflicted inappropriate use of force on Tenorio.

A Do you know what gang this person is from?

Q BY MR. ROSENTHAL: Yes, actually, we've got -- we do have an arrest report. This, though, -- this is by Cohan and Brehm. D.R. No. -- well, there is no D.R. number.

A Okay. What -- that's the violation?

Q Yes.

A There probably wouldn't be no D.R. number.

Q It does seem to indicate, though, -- it does have a gang affiliation here, 18th Street Gang member moniker of Little Silly.

MR. MCKESSON: Could I ask a question, Richard?

MR. ROSENTHAL: Sure.

MR. MCKESSON: Is there a D.A. file on this case?

MR. ROSENTHAL: This one, I don't know. This is a -- it may have been a P.V. Yeah, it looks like it was a probation violation on a juvenile.

MR. MCKESSON: A juvenile filing?

MR. ROSENTHAL: I can't say for sure. I've not looked. I do not have a D.R. number. Actually, there is no D.A. record of Joseph Tenorio.

MR. MCKESSON: So, there is no filing?

MR. ROSENTHAL: Well, as far as I can tell. We don't --

MR. MCKESSON: And the incident happened on what day?

MR. ROSENTHAL: He's saying, in this complaint, the mother is saying that it was inappropriate use of force by Perez and Vinton in approximately July of 1998.

MR. MCKESSON: The statute of limitations is up.

MR. ROSENTHAL: All right. Well, we don't care about that.

MR. MCKESSON: I do. But I'm just letting you know.

MR. ROSENTHAL: Right. All right. Well, the -- let's -- let's start with that. So, that's the first allegation. Now, what we'll do is we'll play the tape. And then, let's have you comment on it. And we'll have the record from the moment that they start talking about this case.

THE WITNESS: Before we start, --

MR. ROSENTHAL: Yes?

THE WITNESS: -- could you tell me at least what intersection this, supposedly, occurred?

MR. ROSENTHAL: The -- you've got all the information we've got.

THE WITNESS: So, that's -- that's all we have?

MR. ROSENTHAL: That's the only information we've got.

THE WITNESS: Because it would help, you know, if I at least had a location.

Q BY MR. ROSENTHAL: All right.

(Tape being played.)

"A former gang member is now alleging Perez and Brian Hewitt, another C.R.A.S.H. officer at Rampart, roughed him up three years ago.

Joseph Tenorio says he was only 14 years old when officers conducting a search of this alleged gang hang-out handcuffed him and demanded to know where a gun was stashed."

"They asked me again, 'All right. Where's the gun?' I told them, 'I still don't know what you're talking about. I don't know anything.' So, then, they picked me up, again, and they started slamming my head into the wall."

"Tenorio is now suing the L.A.P.D. He claims the beating was mostly meant to intimidate him and other young men in the area."

"And before it's all over, we can expect to hear a lot more allegations about police brutalizing the tough young men from this rough old neighborhood."

MR. ROSENTHAL: We can stop at that point.

Q Do you recognize that juvenile?

A He looks familiar. The building looked familiar. I still don't now where it's at. I need a lot more information to be able to say something conclusive one way or another.

Q Okay.

And --

A And I would need the location where this occurred, who was involved. He, apparently, knows who -- on this complaint, it says Vinton and Perez. I heard another one that

was Hewitt and Perez.

Q Right.

A I need a little bit more to be able to comment on this accurately.

MR. MCKESSON: I thought you read in this report where he said it happened in July of 1998?

MR. ROSENTHAL: Correct.

MR. MCKESSON: And on the T.V. show, he said -- on the news show, he said three years ago --

MR. ROSENTHAL: Right.

MR. MCKESSON: -- when he was 14.

MR. ROSENTHAL: Right. They appear to be -- they involve the same person. There may be either inaccuracies or different allegations. I don't know.

THE WITNESS: I will say this. He looks familiar. The building looked familiar. There may be something there. I need more details. I need more to go on to be able to comment.

Q BY MR. ROSENTHAL: Can you say whether or not you and Hewitt together -- well, let's see. First, with respect to just your own actions in general, throughout all of these interviews, I can only recall one time when you said that, at one point, you --

A I punched a --

Q Yeah, you punched --

A -- a guy who was ramming police cars.

Q Right.

A Mmnh-mmnh.

Q I don't recall really any other instances, other than the Ovando incident, where you've admitted to using excessive force on -- on any officer. You pretty much said that was Hewitt's and there were some other officers, also.

MR. MCKESSON: You said on the officer?

Q BY MR. ROSENTHAL: Oh, I'm sorry. On any suspect.

A Yeah, Officer Cohan, Officer Hewitt, that was their things. They liked beating on gang members. That was something they did. I particular didn't like doing that. That's definitely not my thing. That's not to say that I may not have been present when Officer Hewitt thumped on somebody, or Officer Cohan thumped on somebody, because I've seen it many times.

Q You just can't specifically state who was involved or --

A Not unless I had more details like, where, what time of day, what exactly occurred, because like right off the bat, when he showed me that fire escape, it reminded me of an incident that Cohan did where he held a guy. I didn't know if we should say it on this tape. But he held a guy upside down on the fire escape to try to get information from him. You know, scaring the kid. Him and Brehm held the guy upside down on the fire escape.

I don't think it was that. Because, obviously, he would have said they held me upside down from the second floor

fire escape. But that reminded me of that. I mean, there's been many instances where I remember things happening that, I, obviously, didn't report.

But on this particular case, on that person, that guy looks familiar. But I need a whole lot more to be able to say one way or another, yes or no, I -- or, you know, I remember something or don't remember something.

Q Okay. Now, you mentioned that Hewitt -- uh, many numerous incidents where Hewitt used excessive force. What about Vinton?

A Vinton's a little heavy-handed, too.

Q All right.

A He's not one that I dealt with a lot. But I know just by -- by him, just some of his actions, I know he's a little heavy-handed.

Q Any other questions on this one?

SGT. COOK: Was there a situation -- do you, specifically, remember working with Hewitt?

A Not in -- wait. Let me see. If we ever worked together, we were riding -- he rode with us three-deep. I don't remember how many times it occurred. But I never worked with him just me and him as partners. I have worked with him where we did group things that, you know, let's say we're gonna go break up a party, you know, as a group. But as me and him by ourselves, as partners, no.

Q Do you, specifically, recall working with Vinton?

A Not partner -- not, you know, partners, no.

Q Okay. That's all I have. Is that it?

MR. ROSENTHAL: Okay.

SGT. COOK: That concludes the interview. The time is 1700.

MR. ROSENTHAL: Uh, we'll go off the record.

(Off the record at 5:00 p.m.)

(Back on the record at 5:01 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1701 hours. We're on Tape No. 222644, Side A. Interviewing Rafael Perez.

Q BY MR. ROSENTHAL: Okay. We're going to talk about -- uh, this is D.R. No. 97-02-10642. It relates to Danny Zavala, Z-a-v-a-l-a. And is a juvenile in which, apparently, you also fired an officer-involved shooting.

A Yes.

Q And your partner was?

A Officer Tovar.

Q Why don't you just briefly tell us what happened with that?

A I was traveling southbound on Alvarado approaching Temple. I had received some information from my informant that a gang member that goes -- his moniker is Satan. His name is Zavala, uh, was in the neighborhood carrying a .357 Magnum. After receiving this information, I had been looking around for him. I couldn't find him. I observed, as I was coming

southbound on Alvarado, I see another informant that I use on other things, [CI#5].

I pick [CI#5] up, because [CI#5] tells me, "I'm hungry. I need some food. I could use some cigarettes." I put [CI#5] in the back seat of my car. I go to take [CI#5] to a 7-Eleven and buy [CI#5] some stuff that [CI#5] needs. As I'm traveling southbound, right before I get to Temple, at the bus stop, the northwest corner, I see Mr. Zavala. He's sitting at the bus bench. I tell my partner, "That guy's got a gun."

And, after we interviewed him, he said he heard me say it that he had a gun. I turned my car from the No. 1 lane, towards the No. 2, and then, No. 3 lane, directed -- pointing my vehicle towards him. I, again, tell my partner, "He's got a gun. Get out of the car. He's got a gun." I get out of the car. My partner gets out of the car. Mr. Zavala gets up. He puts his hand up. He goes, "What's up, Perez? What's going on, man?" And starts walking side-stepping in a north direction. In a northerly direction. Northerly direction. I tell him, "Get your hands up. Don't move."

As I'm telling him not to move, and I'm trying to come around my car, he is still side-stepping a little bit faster now, a little bit faster. As I, uh, tell him, again, "Don't move. Don't move." He reaches in his waistband, turns his body northbound, pulls his .357 out, and starts running. I, then, start running behind him.

Initially, my partner, Tovar, runs after him. And

Tovar's in front of me. And I'm behind him. I pass up Tovar. And, now, I'm behind Mr. Zavala. I'm also broadcasting. I put out a broadcast that I'm in foot pursuit of a 415 man with a gun, carrying a blue steel .357 Magnum.

When we get just north of the freeway, on the west side of the street, there's some stairs up that -- it's parallel to the freeway. There's some stairs that you can take up to catch a bus, on the upper level of the freeway. As he's going up, I'm involved in an officer-involved shooting. I would say, if I had to put a time on it, and it's difficult when, you know, you're involved in something like this. Probably -- probably, as far as, maybe four to five seconds after my officer-involved shooting occurred, I pulled my radio out, getting ready to broadcast and Officer Tovar shows up.

And when he finally catches up to me, and he fires several rounds in the direction of where the defendant was last seen. The defendant was, obviously, long gone by that point. Why Officer Tovar fired some rounds, I don't know. It startled me because I was getting ready to talk on the radio. And when the rounds went off, it startled me. But I don't know what -- when he had the, uh, walk-through, and the officer-involved, uh, shooting team -- there actually was an officer-involved shooting team, it was actually just some regular detectives, because this was the same night of the North Hollywood shooting. So, they were all tied-up, I guess.

Some regular detectives showed up. When we described

the incident, we, of course, stated that as the guy went up the stairs, we smashed a pie on the stairs, saw him, and then, fired simultaneously. But, obviously, that's not how it occurred.

Q The guy was hit?

A No, there was no hits. The guy admitted to what he did wrong. He said -- he made the comment that, "I wasn't gonna shoot Perez. You know, I know him." Something like that. And he also was somewhat cooperative. He told us where he threw the gun. But he actually told us a lie. It was actually on the other side of the freeway from where he told us he threw the gun. A K-9 eventually, found the gun. Uh, they brought a K-9 in. The K-9 started searching and eventually found the gun in the side of the freeway in the weeds. That's where he threw the gun. The guy was taken into custody by some units over by Waterloo and Temple, which is -- I'm sorry. The guy was taken into custody at Waterloo and Temple over at the church where they hang out.

Once the incident occurred, we decided to send this unit there. Because, you know, that's where they hang out. And maybe ten, fifteen minutes after the incident, he surfaces out of the weeds and out of the freeway coming down. And two units take him into custody.

Q Uh, you shot at him because he pointed the gun at you?

A Yes, sir.

Q I think he admitted to possessing a gun. But not actually pointing at you guys or at you.

A That was -- I thought there was a statement taken by somebody that he said, "I wasn't going to shoot him." I remember that. I -- in fact, I think it came out in court. It just said that, "I wasn't gonna -- I know Perez. I wasn't gonna shoot him." But, I don't -- I don't --

Q And that could be consistent with also denying pointing it.

A Right.

Q If you're not pointing it at somebody, you're not going to shoot them. But, at this point, you're saying he did point the gun at you?

A Yes.

Q To the point that you reasonably believed you were in fear of your life and then fired?

A Yes.

Q Any questions?

Q BY SGT. COOK: How many rounds did you fire?

A To be very honest, I don't remember. I think it was several rounds.

Q And was Zavala still in the area when Tovar came up and fired?

A He was long gone.

Q Long gone. Okay. That's all I have.

Q BY DET. NALYWAIKO: You said you were getting ready

to put out a broadcast after you got involved in the O.I.S. You lost sight of the suspect, you got on the radio and you put out the broadcast. That's about the time Tovar showed up and he fires. Do you know how many rounds Tovar fired?

A Several. And I -- I remember they were hitting the stairs. His rounds hit the stairs. I remember that. Because I could see the, you know, when you see a ricochet and it sparks. I could see where his rounds were impacting. But how many total he fired, I can't tell you. Three or four -- two, maybe three.

Q Do you remember if that shooting occurred when you were still talking on the radio?

A No, I was about to talk on the radio. And, you know, when he fired it -- it took me off guard. It startled me. But I was not talking on the radio.

Q Where was [CI#5] during this time? You said you had [CI#5] in the car. You were bringing [CI#5] back to [** CI#5 info redacted **], right?

A [CI#5] was in the back seat of my car. A-- what-- from what [CI#5] told me, a female officer pointed a gun at [CI#5] and said, "What are you doing back there?" And then, told [CI#5], "Get out of the car and get out of here." That's what [CI#5] told me afterwards.

Q BY MR. ROSENTHAL: Was [CI#5] ever interviewed regarding the shooting?

A No. No.

Q BY DET. NALYWAIKO: Would [CI#5] have been in a position to see?

A I think [CI#5] would have been in a position to see the foot pursuit, uh, the guy taking the gun out, and running. I doubt that [CI#5] would have been in a position to see the actual officer-involved -- well, [CI#5] might have been in a position to see me firing the weapon and Tovar. But it would have been a distance. You know, probably three hundred meters. For [CI#5], that's kind of a distance. I don't know if you know [CI#5]. I mean, for [CI#5] to see that it would be a stretch. QQ Do you know if [CI#5] has any trouble hearing?

A Oh, no, [CI#5] definitely heard the rounds. [CI#5] said when [CI#5] heard all those rounds going off, [CI#5] got scared. Q And when did [CI#5] tell you that?

A A couple of days after, when I had seen CI#5 again, [CI#5] told me what--you know, [CI#5] was--we talked about it.

Q And what did [CI#5] tell you that [CI#5] saw?

A Well, just that--you know, well, CI#5 actually saw it. [CI#5] saw us running. And then, [CI#5] heard the rounds being fired. [CI#5] definitely didn't see, you know, what went on the stairs, because the freeway would have been in the way, as to what the defendant did. I don't recall if [CI#5] actually said [CI#5] saw me, you know, firing or if [CI#5] saw Tovar firing. But [CI#5] said -- said that [CI#5] heard the rounds. [CI#5] heard all the rounds. And [CI#5] saw the guy running.

And I'm sure that [CI#5] heard my comment saying, "That guy's got a gun." Because [CI#5]'s -- you know, [CI#5]'s sitting right there in the car with us.

Q Did Tovar tell you why he shot, or did you ever ask him why he shot?

A No. No, he didn't. He did not. I mean, I assume-- I had my assumptions why he did it. But, I think he wanted the -- the --maybe the recognition of being involved in an officer-involved shooting, for lack of a better term. I don't know how to really phrase it. But I think he just didn't want to be left out on this. You know, I was in a shooting, too. That type of thing. I think he wanted to make an impression on the rest of the guys.

Q Was any of the evidence moved in the shooting?

A Initially, I think there was some officers there, uh, some C.R.A.S.H. officers, who began picking brass up, because there was some miscommunication as to what occurred. They don't know -- they didn't know whether we broadcasted the officer-involved shooting and we were gonna go ahead and handle it as an officer-involved shooting or it was just a foot pursuit, and we can pick up the casings and keep walking.

So, from what I understood -- from what I remember, uh, some of the guys telling me that when they got there, they started picking up casings. And then, it was too late. Uh, I think there was an Officer Arcos and some other officers that showed up, too quickly, that were not involved in Rampart

C.R.A.S.H., for us to just pick up casings and just go, just move -- just go.

But, uh, yeah, from what I remember, and I don't know who the officers were, but some casings were picked up and then thrown back down.

MR. ROSENTHAL: Okay.

SGT. COOK: Okay. That concludes the interview. The time is 1711.

Q BY MR. ROSENTHAL: Okay. We're -- we're going to take a break in just a minute. But there is just one last thing I wanted to ask you about that we don't need a special I.A. team on. This just relates to an article in the Times from November 9th. The last two paragraphs, it mentioned two things about items seized pursuant to search warrant from your house. One was a -- a box with marked "C.R.A.S.H. Confidential." And had some air pistols and other weaponry of that sort in there.

What type of items did you actually have? This was seized, I think from your -- was it your basement?

A From my home. From the home -- uh, the first step that goes down to the basement.

Q Okay.

A Yeah, all that was is, uhm, we were having an inspection at Rampart Station, including the Rampart Detectives, the office. When you walked into our office, on the left-hand side, there's a four-drawer -- the big drawers, uh, file cabinet. That second -- actually, it was the third

one from the top, or the second one from the bottom, if you open that drawer, any time somebody recovered let's say an air gun from a kid in the neighborhood, and, you know, or from a gang member and they just took it away from them, and didn't book it, that's where they would throw it.

There was just extra junk -- uh, brass knuckles, whatever it was, that's where they would throw it. Everybody, you know, for however long, that's where they were throwing it.

When we found out that we're having an inspection, we were cleaning up the office. We decided to take all this junk and put it in a box. I decided to tape it. And then, I wrote "Confidential C.R.A.S.H." on it. And I threw it in the back of my truck, just for the time being. And then, once -- once the inspection was over, I'd bring it back in and put everything back.

Something occurred where I needed to empty out the back of my truck. And I took that box and ended up throwing it in the, uh -- in my house under the stairs. Everything that was in there, there is nothing. It is not linked to any crime, uh, anything that occurred. I know there was a money bag in there, or something like that -- uh, like a bank money bag. All that stuff just happened to be in that drawer.

Q Okay. It was just stuff seized or that was taken from either kids or suspects, and for some reason, decided not to arrest them or book the stuff, and that was it?

A That's correct.

Q Were any of these air guns used to plant on people for purposes of officer-involved shootings?

A Not to my knowledge.

Q All right. And there was no intent on saving them at that place in order to do that?

A No, sir.

Q Okay. What about, uh, the note? Do you recall what the note -- there was a note that was seized.

A A note that read something, "Don't trust a good person to -- in a bad deal" or something like that?

Q Detective Nalywaiko, do you remember what the note had on it?

A It's in the --

DET. NALYWAIKO: It was something -- it was something in regards, "If you're going to do something wrong, to choose the lowest person" something to that effect.

THE WITNESS: That note --

Q BY DET. NALYWAIKO: Does that refresh your memory?

A I think you're paraphrasing it. And I think it's still a little bit off. But I know what the note is because I discussed it with my wife. That note was recovered by my wife, at the time of her grandfather's death, in Chicago, in his apartment.

And I believe it's in handwritten form. And it's handwritten by him. She kept that because it was something that he wrote. And she kept it since 1988 when he died. Before

I even met her. That's where that note came from.

MR. ROSENTHAL: Okay. Okay. Shall we take a break?

SGT. COOK: Yeah.

MR. ROSENTHAL: Okay. Off the record.

(Off the record at 5:17 p.m.)

(Back on the record at 5:55 p.m.)

SGT. COOK: Okay. It's November 17th, 1999. The time now is 1755 hours. We're on Tape No. 222645, Side A. Interview with Rafael Perez.

Q BY MR. ROSENTHAL: Okay. We had actually previously discussed a case involving Jorge Toscano, D.R. No. 97-02-17418 And we've re-pulled the file because you requested us to do so because you wanted to correct something made in your prior statement?

A Yes, sir.

Q Let me show you the report. Okay. Go ahead.

A The reason I asked for this report to be re-interviewed, or re-addressed, is because after I had made the statements, certain things started working in my mind. I was trying to recollect everything about the incident. Everything I talked about about the incident is correct, except one issue that I'm having a problem remembering. And that was the weapon that was put on Mr. Toscano, where that weapon came from.

I had, initially, said that I believed that was one of the weapons that my informant [* CI#6 *] had given me. But when reviewing some other reports, I found the actual weapon

-- one of the weapons that I was thinking it might have been this one. And that was an SKS rifle that I talked about earlier today, that was recovered in an alley.

Q All right.

A So, I'm having a tough time remembering where this weapon came from. As far as the weapon being placed on him, that was fabricated.

Q Right.

A Uhm, I had talked about when we got to his apartment, he was actually inside his apartment sleeping with his girlfriend. That was also true. Uh, the only thing I wanted to correct, as far as my statements were, was where the weapon actually came from. I don't recall where we got that weapon from. I don't remember where that weapon came from.

Q BY MR. ROSENTHAL: All right. Are you pretty certain it did not come [CI#6] though?

A It did not come from him, from the alley, where he -- where we claimed that we had stopped him in the alley with the rifle. It did not come from there. I don't know where that weapon came from right now. I'm having a tough time remembering. But, he did not have it -- I mean, he was never in the alley with that weapon, that I can assure you. I mean, that was fabricated.

Q Okay. Any other questions on that?

Q BY DET. NALYWAIKO: Let me see if I get this clear. Everything that you told us in the previous interview is

correct?

A Yes, sir.

Q You gave us the summary of what happened. Except, now, you're just saying I'm not really sure where that weapon came from. You don't believe it came from [CI#6]?

A I don't remember where that weapon came from, that's right.

SGT. COOK: Okay. That concludes the interview. The time now is 1758 hours.

MR. ROSENTHAL: Okay.

SGT. COOK: Today's date is November 17th, 1999. The time now is 1759 hours. We're on Tape No. 222646, Side A. We're talking to Rafael Perez.

Q BY MR. ROSENTHAL: Okay. This appears to be a file that was pulled during review of the arrest reports by you. This is Roberto Martinez, a, uh, single-defendant arrest. D.R. number is 96-02-32869. I'll show you a copy of the report and see if you can tell us why this was identified as one that needed to be discussed.

A Okay.

Q BY DET. NALYWAIKO: Here's the photo, Ray. If you need to see a photo.

A I remember. Yeah, the only thing that I needed to discuss about this case was if you -- there was an arrest that I made of a man named Richard Campos. His name is Cholo Richards. And his wife's name is Angela.

This person was detained with marijuana. The only thing we did differently was the location is different as to where we detained him. And the entire story as to how we found it is fabricated. Because what we were gonna to were -- we were gonna do a search warrant on Richard Campos' home. And we wanted to have someone that -- that would say that he came from Richard Campos' house and bought narcotics. And that way we have our probable cause to do a search warrant.

All of this was fabricated. This whole story, "The Source of Activity" as well as the "Observation" that we observed him going to the 600 block of North Dillon, speaking to a male about 45 years old, the male got into a Cadillac, all of that is fabricated. The fact that this person had marijuana, it's correct.

Q BY MR. ROSENTHAL: Okay.

A We just -- I think we found them somewhere in a park or something. And we decided, you know what, let's just write it like this, as though -- we needed to write a search warrant over there anyway. Let's just say we saw him coming from, uh, Richard Campos' house. And I'll add -- we'll just -- I think we cited him out. I think we probably wrote him a ticket and cited him out.

In fact, I think all his information that he gave us, we were pretty confident there was bogus information. But we really didn't care. We just wanted the information to write a cite so that we can wrote this report, so, that when we decided

to write the search warrant, we had this to justify it.

Q So, the -- you would have actually used this information in the search warrant?

A But we never did the search warrant.

Q Oh, you didn't?

A No. We ended up arresting Cholo Richards in front of his house and then, going inside and recovering additional narcotics.

Q BY DET. NALYWAIKO: So, you never did write the search warrant?

A No, we didn't.

Q BY MR. ROSENTHAL: I remember you talking about Richard Campos. Did you say that was a legitimate arrest?

A Yes. [** CI #18 info redacted **].

Q That's right.

A [** CI #18 info redacted **].

Q BY SGT. COOK: Durden wrote the search -- or this, uh, report?

A I think so. No, I did. I don't know why Durden's name's on top. But I wrote the report.

SGT. COOK: Okay.

Q BY DET. NALYWAIKO: When you arrested Cholo Richard -- or Cholo Richard, did that information -- when you did arrest him, did that information come from [CI#5]?

A Yes. [** CI#5 info redacted **], yes.

Q That's where you went -- [CI#5] went up there.

Somebody had yelled something about the cops or something. And you ended up knocking the door down with Durden and getting Cholo Richards and his wife?

A No, sir.

Q That's different?

A This is one where [**** CI#5 info redacted *****
*****]. Cholo Richards was in front of the house. We pull up, he drops a -- I think it was a paper bindle, we recover it, take him into custody, bring him back upstairs. There's a bag of, uh, I think like Doritos or something. Inside the bag of Dorito bag, underneath it, there's a bunch of narcotics. And a bunch of weapons in the house.

Q Is this the first and only time you arrested Cholo Richard? Or did you arrest him --

A Just once.

Q Just that --

A Yes, sir.

Q And we'll get to that later -- at a further date.

A Okay.

SGT. COOK: Okay. That concludes the interview. The time now is 1803 hours.

MR. ROSENTHAL: Okay. Ready for the next one?

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1804 hours. We're on Tape No. 222647, Side A. Interviewing Rafael Perez.

Q BY MR. ROSENTHAL: Okay. This is another report that

was identified by you during your review of Rampart arrest reports. This relates to a 2-arrestee case, Melvin Nolasco, N-o-l-a-s-c-o; and Felipe Ordonez, O-r-d-o-n-e-z, D.R. number is 97-06-16310. This is another Perez/Durden report. And I'll show you a copy of it. And let's find out why this one was identified. Okay.

A Okay. The reason I asked for this report to be pulled to the side is a couple of issues. On the second page of the arrest report under "Source of Activity" the second paragraph, it talks about a confidential informant that we have place a phone call to this guy named Melvin, at a particular phone number.

Then, under "Observations" -- under "Observations" it says, that, at that time, my partner and I responded to that location. What actually happened was this informant was [*****
***** CI #20 information redacted *****
*****]. And we pulled into this underground parking structure.

It talks about some observations that we made. I think it says that we observed Defendant No. 2 standing next to a vehicle. It appears that Defendant No. 2 was waiting for someone. Approximately two minutes later, we observed a male Hispanic -- which is Defendant No. 1, Nolasco -- walk towards Defendant No. 2, Ordonez. The two males met, at which time, we observed Defendant No. 1, Nolasco remove a white paper bindle from his right front pants pocket, and hand it to Defendant No.

2.

We never observed that. When we approached him, we found the narcotics. We don't know who it came from. That's just the way -- from what we learned from our informant -- that's what we felt was actually probably gonna to happen. We figured out who the narcotics dealer was. And we figured that this other person was there purchasing it. So, that's how we wrote the story. The narcotics did come from them. It wasn't our narcotics, or we didn't plant any narcotics. But the way we wrote our observations was incorrect.

Anywhere on this report where it says that we observed somebody dropping a bindle, that's incorrect. We either found it, it was sitting in a car, on the grill of the car or somewhere on the floor, or somewhere. But we never observed anyone actually drop it.

Also -- and I -- and this is one point where I have a problem remembering this section. At one point or another, we went upstairs. Actually, I think -- I believe my partner went upstairs to their apartment. We were still in the underground parking structure. My partner went upstairs to their apartment. He didn't tell me that he did. He didn't tell me he found any money or anything like that. I had my suspicions that he might have found some money upstairs. I have no direct knowledge of that, though.

Q Okay. Any questions?

Q BY DET. NALYWAIKO: [*****

***** CI #20 info redacted *****]?

A [

***** CI #20 info redacted *****

***** CI #5 info redacted *****

****] --

Q [* CI#20 info redacted *].

QA [*CI#20*]. And we ended up giving [CI#20] a break, because we did let [CI#20] go. So, who [CI#20] was, you know, right off the top of my head, I -- I couldn't tell you. I couldn't tell you [***** CI#20 info redacted *****

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*****]. He's already downstairs. 'Cause what we were gonna do was go up to the apartment. When we pulled in, they were already downstairs in the parking structure.

Q BY SGT. COOK: Okay. Is that it?

MR. ROSENTHAL: That's it.

SGT. COOK: That concludes the interview. The time now is 1809. Are we going to do Castillo right now?

MR. ROSENTHAL: Let's go off the record for a minute.

(Off the record at 6:09 p.m.)

(Back on the record at 6:40 p.m.)

SGT. COOK: Okay. This is -- today is November 17th, 1999. The time now is 1840 hours. We're on Tape No. 222648, Side A. I'm Sgt. John Cook, 25353. And my partner is Mark Thompson, Sgt. Mark Thompson. Serial number?

SGT. THOMPSON: 23251.

SGT. COOK: And Detective Stan Nalywaiko.

DET. NALYWAIKO: Serial 21100.

SGT. COOK: Present is the Attorney Kevin McKesson. And we have a court reporter, Sara Mahan. And we're interviewing Rafael Perez.

Q BY SGT. THOMPSON: Okay. Ray, this is just to clarify some issues regarding the interview you provided to Detective Jesse Castillo and Sgt. Cook on November 3rd, 1999. That interview took place at Lynwood, or the Century Justice Center wherever you were housed at.

A Yes, sir.

Q You've had an opportunity to review that statement prior to going on tape here?

A Yes, sir.

Q Okay. And in looking at that paraphrased statement, uhm, is there anything you'd like to change or clarify or feel that is incorrect that you want to talk about?

MR. MCKESSON: Could I just make a statement first?

SGT. THOMPSON: Sure.

MR. MCKESSON: Officer Thompson, Detective Thompson, I'm sorry. Let me just say, we have been here pretty much all day since eleven o'clock doing interviews. And this is a 4-page document. And I know for myself it's difficult to read all this and digest it and then come back and say what's an error. At least for me it is. I can't speak for Mr. Perez. But it maybe easier if there is some things you want to point out.

SGT. THOMPSON: Okay. I mean, that's fine.

MR. MCKESSON: I mean, he -- I will agree he has read it and gone through it and initialed it. But I just want to say, you know, it's -- it's difficult after all these hours to go through something 4 pages and look through it that close and make sure there is no --

SGT. THOMPSON: Okay. That's fine.

THE WITNESS: And, also, all these statements that I made were from memory. Something that happened years ago, to the best of my memory. If there's something that you can tell me or there's something different, or something that may refresh my memory as to something else, you know, I can elaborate on it a little more if you'd like.

Q BY SGT. THOMPSON: Okay. My purpose of the re-interview is not to challenge anything that's in the statement. That's your statement. That's fine. What I do want to do is clarify some issues. Okay?

And to that point, we'll just go ahead and I'll direct you to certain paragraphs and ask you questions.

A Okay.

Q The first page, third paragraph, basically, it reads, "Perez stated that he had met [* CI #5 *] during 1996. And he utilized [CI#5] as a informant throughout 1997. Perez estimated that [CI#5] was his source of narcotic activity information which results in narcotics arrests in approximately twenty investigations."

It's my understanding that you never qualified [CI#5] as a confidential informant, meaning [CI#5] was never approved as an informant by the Department; is that correct?

A That's correct.

Q Okay. Did you ever bring [** CI #5 **], using as an informant, to any Department supervisor whether you were in FES or Rampart C.R.A.S.H.? Do you know of any Department supervisor was aware that [CI#5] was working as an informant for you and Durden?

A Uh, Sgt. Ortiz met [CI#5] once. [CI#5] met us at the station before roll call. When we got there, [CI#5] was already there. So, [CI#5] was waiting at our office during our roll call. But did I introduce [CI#5] as an informant? I -- I doubt it. I think he may have assumed that [CI#5] was somebody I used as an informant.

But other than Sgt. Ortiz that one time that [CI#5] was at the station, I have never introduced [CI#5] to anyone else as a -- uh, "This is our informant", no.

Q Did Sgt. Ortiz ever question you after meeting

[CI#5], you know, what [CI#5] function was in regards to you and Durden?

A No.

Q For me, myself, it would seem like it would be unusual to bring a person such as [CI#5] to the station, other than a arrest situation.

A What I stated was I didn't bring [CI#5] to the station. [CI#5] had came to the station --

Q Okay.

A -- that particular day. When we got to the station, you know, getting ready for roll call, we got a call. "Hey, there's a person at the front desk that wants to talk to you."

We went to the front desk. [CI#5]'s there. We bring [CI#5] down and put [CI#5] in the office while we had roll call. Because [CI#5] wanted to talk to us. And Sgt. Ortiz had seen [CI#5]. He -- I think he knew that [CI#5] was one of our informants. Obviously, he knew [CI#5]'s a street person in our office. [CI#5]'s, obviously, an informant. But did he go, "Is that your informant? What are you going to do with your informant today?" Or a question as to why the informant is here, no, he did not ask me any of those questions.

SGT. THOMPSON: Mr. Mckesson, you look like you wanted to interject something on this?

MR. MCKESSON: Oh, no, I -- I was just going to clarify that he -- that he didn't state that he brought [CI#5] there. That [CI#5] was in --

Q BY SGT. THOMPSON: Okay. During the roll call. Do you know, Ray, approximately when that might have occurred, that meeting that took place between Sgt. Ortiz and [CI#5]?

A The date?

Q Or approximate, you know, time.

A Sometime in 1997. But, you know, it's real tough unless I had something to cross-reference it with, you know. Oh, yeah, it was right around that time. I mean, you know, the time has passed. I know it was some time in '97. Some time in early '97. But I couldn't tell you, you know, which month. I'd be guessing.

Q Do you recall, during that meeting, if there was anyone else that was present that might have also been there?

A At the station?

Q When [CI#5] met Ortiz.

A Whoever else walked by. [CI#5] was at our office downstairs, so, whoever might have walked by would have seen [CI#5]. I mean --

Q In your mind, do you know who that might have been?

A No.

Q The same page, the last paragraph, talks about --

MR. MCKESSON: Last paragraph?

SGT. THOMPSON: Last paragraph on that first page. It starts "Perez recognizes the name Cholo Richard." Okay. "According to Perez, [CI#5] was the source of information that led to the arrest of Richard Campos." That particular arrest

as you referred to there, was [CI#5] paid any money by you or Durden, for that information?

A I believe so. We usually paid [CI#5] one way or another. Most of the times either with -- or most of the time we'd pay [CI#5] with keeping the rock and giving [CI#5] some money and some food or whatever, buying [CI#5] whatever. But we usually paid [CI#5] something.

Q Okay. But on this particular -- that was your normal practice?

A Right.

Q But on this particular incident, involving Cholo Richard and Angela -- Richard Campos and Angela Campos, do you specifically remember giving [CI#5] money for that information?

A Specifically, no.

Q Okay.

A Not specifically.

Q Is it possible that you gave [CI#5], or Durden gave [CI#5] \$40 for the information?

A It's possible, yeah. I mean, like I said, we normally would pay [CI#5]. Do I have a specific recollection every time I paid [CI#5]? Not really. I mean, there were so many times that, you know, we paid [CI#5]. I mean, it's -- they don't all stand out clearly, you know, each time I paid [CI#5].

Q Okay. Uhm, that last sentence in that paragraph. It starts, "Perez recalled." And it continues on the next page. "The narcotics and the gun were seized during the arrest." Uhm,

were -- was jewelry also seized during that arrest?

A No, sir, not to my knowledge. And no jewelry -- as
a matter of fact. [

***** CI #18 info redacted *****

*****].

So, I mean, [***** CI #18 info redacted *****
*****]. To my knowledge, there
was none taken. [***** CI #18 info redacted
*****].

Q Next paragraph, same page, talks about a person named
"Pops" who was a narcotics dealer that you and Durden arrested,
correct?

A Yes, sir.

Q Is that information that was provided to you by
[*** CI #5 ***]?

A Yes, sir.

Q Okay. Was [CI#5], if you can recall, was [CI#5]
compensated with money or in any way for that information?

A [CI#5] got to keep the narcotics [** CI#5 info
redacted **]. Also, at some point, I'm sure we paid [CI#5].

Q Do you recall how much narcotics [CI#5] might have
been given for that?

MR. MCKESSON: [** CI #5 info redacted **]?

Q BY SGT. THOMPSON: [** CI #5 info redacted **].

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

** *****].

Q And there's a sentence there where it says, "According to Perez, he and Durden went back to suspect's house and recovered a gun." Okay. Was that gun ultimately booked as evidence?

A No, sir.

Q What happened to that gun?

A We kept that gun.

Q Okay. And do you know what type of gun was that, do you recall?

A It was a small weapon. If I remember correctly, it was a small like a chrome semi-automatic. But I'm not a hundred percent positive. I know it was a small weapon. When we did the follow-up to the -- Pops' residence, we recovered it. And we just decided not to book it.

Q And do you know what ultimately happened to that gun?

A I would assume that ultimately somebody got booked for it. I just don't remember who or where.

Q Okay. The next paragraph talks about the Lafayette Hotel and that you arrested a person at the hotel, but you could not recall the person's name. In that incident was -- did that information come from [CI#5]?

A Yes.

Q Okay. And do you recall if [CI#5] was compensated in any way for that particular incident?

A [CI#5] was compensated. And if I remember correctly, now, too, and I think this was brought up to my attention, that [CI#5] got to keep a radio that was in the hallway or something like that. [CI#5] picked up the radio and kept it with [CI#5]. Uh, but I think [CI#5] was also paid on top of that. Yeah.

Q When you say "paid" was that in narcotics and/or money?

A Yes, both.

Q Both. Okay. And do you recall how much money that might have been?

A There were so many times that we paid [CI#5] so many various amounts that I couldn't tell if it was \$20, \$10, it was just multiple -- you know, so many times that I couldn't tell you how much on each of those incidents.

Q And the narcotics that [CI#5] was given, do you recall how much that was?

A It would have been a small amount.

Q Was that narcotics that was recovered during this incident, or narcotics that came from a different source?

A I believe it was narcotics that came from the incident.

Q You talked about a radio.

A Yeah, there was a radio in the hallway there. And that [CI#5] told me afterwards. I didn't know it was not [CI#5]'s. [CI#5] goes, "I took that radio that was in the hallway." And [CI#5] just kept it. I didn't care about it.

[CI#5] --[CI#5] kept the radio that [CI#5] found in the hallway.

Q Do you know where that radio originated from? Is that something that came from --

A I don't know. Somebody in the hallway that was there. [CI#5] picked it up and kept walking with it.

Q Okay. The next paragraph talks about another incident involving the Lafayette, a male and a female suspect where you eventually recover \$3000 that was kept; correct?

A That's correct.

Q And that particular incident, did that information come from [CI#5]?

A Yes, sir.

Q Okay. And, again, the same question applies, was [CI#5] compensated, in any way, money or narcotics, for that information?

A [CI#5] was compensated money. I'm not a hundred percent sure whether [CI#5] was compensated narcotics. I'm not sure. I'm pretty sure [CI#5] was compensated some money.

Q Do you recall how much that might have been?

A No, sir.

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

A Yes, sir. [***** CI #5 info redacted *****

**

** *****].

Q Okay. Did [CI#5] have knowledge of this \$3000 that was recovered?

A No, sir, unless [CI#5] received that information from the actual narcotics dealer. It was never released. [CI#5] didn't get it from us.

Q But, at the time --

A At the time, no.

Q It's \$3000. Uh, the last sentence of that paragraph said that you and Durden kept \$3000. Do you know how that money was split?

A 50/50 right down the middle.

Q Going on to the next page, I believe would be the third paragraph, it talks about the arrest of a cab driver Omar Alonzo and Leonel Estrada. Do you see that?

A Yes, sir.

Q Okay. Was that information that was given to you by [CI#5]?

A Yes, sir.

Q Okay. And was [CI#5] compensated either money or narcotics for that particular arrest?

A I know [CI#5] was compensated in money. I don't remember if [CI#5] was compensated in narcotics.

Q Okay. Do you recall how much money [CI#5] might have received for that?

A No, sir.

Q Going on to the next page. Page after that, it is the first full paragraph there. Starts "Perez recalled an unknown date you furnished [CI#5, while at Rampart Area Community Police Station, furnished [CI#5] with rock cocaine." Do you see that?

A Yes, sir.

Q Is that actually Detectives? Or was that the Temple Street Station?

A Rampart Station downstairs, the old C.R.A.S.H. office. The small office that's right next to the roll call room.

Q Okay.

A And reading here, in that same paragraph, it reads, "Perez, believes that Durden had earlier found the rock cocaine in the desk drawer at Rampart Community Station." That is incorrect.

Q I was going to ask you about that.

A That's incorrect.

Q Why don't you go ahead and clarify?

A What it should read, or what actually happened was, we had that narcotics in our possession. That narcotics was -- maybe I didn't describe it correctly. That narcotics, if you look at the desk, and you pulled the drawer out, the side of the drawer, the actual drawer on the side, that magnetic key holder was sitting there. Durden had put that narcotics there in that Hide-a-Key thing that hides things. You slide it open.

There's a little compartment. And you close it. That's where that was. It wasn't inside the drawer. Or it wasn't that he found it inside of a drawer. That was intentionally placed there.

When we brought [CI#5] over and told [CI#5] turn [CI#5]'s back, Durden went down there and recovered it, put the narcotics in the tissue, and then, put it next to [CI#5].

MR. MCKESSON: Why don't you write error right there in that area there?

Q BY SGT. THOMPSON: That particular narcotics, that was in that key box, do you recall where that was recovered from originally?

A No.

Q Who put the -- was it you or Durden put it in that key holder where you describe it at?

A Where who put it there?

Q Yeah.

A Durden put it there.

Q Okay. Was anybody else aware, besides yourself and Durden that that was there?

A No, sir. Not to my knowledge.

Q Last page.

MR. MCKESSON: We're missing a page.

SGT. THOMPSON: Is that the one we didn't do? This was the one I'm referring to.

SGT. COOK: Yeah.

SGT. THOMPSON: Is that --

SGT. COOK: Yeah, it cut a couple paragraphs off.

Q BY SGT. THOMPSON: This is what paragraph I wanted to refer to. It talks about this brick of narcotics that was recovered in Northeast area.

A Yes, sir.

Q Was that an arrest that you and Durden made? Or was that --

A That was an arrest that me and Durden made. We did a follow-up to this person's house.

Q Okay.

A We found that brick. We also found a Ruger Mini 14. Who the arrestee was, I don't remember. But I remember going there. And we kept that narcotics for some reason.

Q Is that -- obviously, we haven't come across that in a packet or review of this one. You haven't seen that one yet?

A No. Uh, we may have. But it didn't spark, you know, the memory, oh, that's the guy who we did a follow-up to at a Northeast house.

Q Was this at a time when you were working C.R.A.S.H. or FES?

A At C.R.A.S.H.

Q C.R.A.S.H. This's a line there that says, additionally, two large amounts of cuts.

Q BY SGT. COOK: He doesn't have a -- it's not phrased in that form. I edited it.

A By the way, there's something that I want to add to that about the Ruger Mini 14. I took that Ruger Mini 14, a couple of times, to training day up at Angeles Crest. And several officers fired that Mini 14. I don't know if that means anything.

Q BY SGT. THOMPSON: Do you recall who those officers might have been?

A Everyone that was up at our training day. For some reason, I particularly remember Richardson, 'cause he also brought one of his, uh, AR-15's. And he had some assault weapons that he brought. And I brought the -- this Ruger Mini 14, which is that Ruger Mini 14.

Q When was the training day, do you recall?

A I would have to look. You know, you would have to maybe give me some dates. And I would have to refer, you know --- some time during my time in Rampart C.R.A.S.H.

Q After it was seized at this particular --

A Obviously, right.

Q But besides shooting this weapon, were any of the officers aware of how you came to possession of this weapon?

A Other than Officer Durden, no.

Q This was the sentence I was referring to here. "Additionally, two large amounts of cut narcotics were recovered."

A Two?

Q That's what it says there. Maybe you can clarify

that.

A No. There was one large. I'm underlining the part that says "Additionally two large amounts of cut." I'm going to put a line through two and put a one there.

Q Okay.

A There was one. There was one large round ball about this big of a crystallized, almost clear kind of whitish substance that we assumed was cut.

Q So, that's the thing where this narcotics that you showed -- later showed [CI#5]?

A In fact, we gave [CI#5] some to test it.

Q Okay.

Q BY SGT. COOK: Give it to Mickey. He'll eat it.

Q BY SGT. THOMPSON: Were there any other narcotics that were recovered?

A At this location?

Q Yeah, that's described there.

A No, sir.

Q The Mini 14 that we just spoke about, previously, the one that you shot up at the training day, and all that, whatever became of that?

A Some of it is at the corner of Slauson and Fairfax. Some of it is at the next intersection north of Slauson on Fairfax.

During a time when I believed that there was some heat on me, I had that weapon at my house. When I felt that

there was some heat and something was coming down, I took that weapon apart down to the smallest of pieces, and I started scattering them in different gutters and different places.

Q I think that's all that I have. Do you have anything more to clarify?

DET. NALYWAIKO: I have a question that's probably going to sound a little strange.

Q But did the container, that Hide-a-Key type container, that Durden had at the office that he kept behind - - under his desk and behind a drawer --

A The side of the drawer.

Q -- the side of the drawer. Do you know if he ever experienced any malfunction with that container? Did it ever fall apart on him or anything like that?

A That is strange, but no, I don't remember anything like that.

Q Okay.

A Experience a malfunction with it?

Q With the magnetic -- and I know they have magnets on there. And if the magnet ever had come off, would you remember if he had told you that this thing fell apart or anything like that?

A I doubt he would tell me that. But I don't remember seeing it either.

Q Okay.

MR. MCKESSON: Do you want this back, John?

SGT. COOK: Yeah, we'll need that back.

Q BY SGT. THOMPSON: Is there anything else you want to clarify on your statement?

A No, sir.

SGT. COOK: That concludes the interview. The time now is 1903 hours.

(Off the record at 7:03 p.m.)

(Back on the record at 7:06 p.m.)

SGT. COOK: Okay. This is November 17th, 1999. The time now is 1906 hours. We're on Tape No. 222649, Side A.

Q We're interviewing Rafael Perez concerning an incident that you talked about at the Hotel Rio in Las Vegas, Nevada.

A Yes, sir.

Q BY DET. NALYWAIKO: Ray, can you go over -- uh, you briefly told us about an incident that happened at the Club Rio, where, uh, that one -- the entire C.R.A.S.H. unit rented a motor home and some individuals went in the car because there wasn't enough room in the motor home. And went to the Club Rio. And we just want you to relate what -- what occurred.

A We were -- we obtained rooms at the Club Rio. We -- we were all -- we, uh, -- we had rooms had the Club Rio. So, we were staying at the Club Rio.

Q BY SGT. COOK: Uh, before you get started, approximately what time frame are we talking about?

A This was at the Baker to Vegas. So, I think it was

somewhere around the end of March, beginning of April of 1997.

Q Okay.

A 1997. Uhm, we had rented a motor home somewhere in the Whittier area. Somewhere I think off the 10 freeway. We brought that, uh, Winnebago back to Rampart Station. We all mounted up there. We parked our vehicles. Uh, at the last minute, uh, Officer Diaz -- uh, Lucy Diaz and a couple of her girlfriends decided that they'll just leave their van there and ride with us. So, we had probably fifteen of us in this one vehicle. Between ten and fifteen. I can't remember everybody that was in there.

Uhm, we took off. We stopped at Sgt. Ortiz' residence. We picked him up there. Uhm, we actually didn't, uh, -- we actually didn't, uh, stop at his house. We stopped a couple of blocks, 'cause whoever he was living with, he decided that he's gonna tell them that he's going on a -- some kind of training day. But he was actually going to Vegas with us.

So, he took his car and parked it at a super- -- or a supermarket parking lot. And jumped into the R.V. with us. Once we're at the Hotel Rio, we decided that we're gonna go to the club that night. Uhm, while at the club, uh, early on, uh, myself and Officer, uhm, Martin, we sort of kind of separated from the rest of the group. Uh, there was a lot of young guys, a lot of young coppers, including Durden, Cohan, and Rios, several officers.

And they're over in this section. And me and Officer Martin are talking to other people away from the group. When we come back to talk to them for a little bit, they had just told us about they almost got into a fight, uh, with somebody there at the -- at the -- at the club. It was broken up. And no problems.

Uhm, somewhere towards the end of the evening -- not the end of the evening, but late in the evening, me and Officer Martin are leaving. And we observed, uh, everybody that was there -- all the C.R.A.S.H. officers -- handcuffed and placed up against the wall and being filed into a room, uh, in the lower level of the Hotel Rio.

Uhm, we talked to them, find out what's going on. Sgt. Ortiz explains to us what happened. Uh, but that he thinks he's gonna have it squared away. And no one's gonna get arrested. Uh, he had relayed the information that while they were dancing, some of the guys got stupid. Uh, somebody took their gun out and passed the gun to the other guy. While they were doing this, the gun fell on the floor. And everybody screamed, "Oh, my God. A gun."

Uh, the security came in and detained every -- you know, all the guys. They -- apparently, they had been already looking at them. But they knew who -- who was all together. Uhm, so, everybody was handcuffed, detained, and taken to the security office.

Uhm, what ended up happening, according to what we

were -- me and Martin -- what they told me and Martin was that, uh, they were not gonna be arrested. And they were not gonna call the police, uh, and have them arrested. But what they wanted to do was, they took their photos, they were not welcome at that hotel any more. And also, they had to leave the hotel right that minute.

So, uh, they were escorted upstairs to our rooms, where we were -- by security, they had to take everything out of their rooms. Me and Martin had a separate room by ourselves, so, we basically were not involved with them. But they had to empty all their rooms and -- and get out of the hotel.

Q Is that it?

A Pretty much.

Q Now, did -- was Diaz, uh, in the group that, uh -- that got arrested? Or that got detained?

A No.

Q And who was -- where was she?

A With her girlfriends. Uh, we ended up meeting them upstairs in the rooms, uh, while -- right before, uh -- uh, security brought all the other officers upstairs, myself and Martin was with Diaz and another one of her girlfriends upstairs.

Q Do you know the names offhand?

A Of her girlfriend?

Q Yeah.

A I knew it. But I couldn't tell you right now.

Q Did you personally observe the officers become detained?

A I saw them being detained. I saw them handcuffed and up against the wall.

Q No, I mean, when the security officers made contact with them?

A No.

Q You didn't see the gun fall to the floor?

A You know what? While me and Martin were in the club, we saw or heard like what -- something -- something kind of ruckus. But we were -- our minds were on something else. We didn't -- it didn't occur to us that it could be our guys getting detained. We saw like there was something going on over there. And people were being escorted -- a group -- a large group. It never dawned on us that it was our guys.

We were over here doing our own thing. And later, you know, we were wondering where all our guys are. And we just start walking out. Walking down the hotel hallway. And that's when we see all of our guys, uh, handcuffed.

Q Do you have an independent recollection of the officers that were there, other than Ortiz and yourself and Martin?

A I remember Rios. I remember Brehm. I remember Cohan. Buchanon. Did I say Durden already?

MR. MCKESSON: Yes.

THE WITNESS: I didn't say Durden? Durden. In fact, on

that incident, that was another Durden, uh, O.C.'ing people. Uh, when we got out of the R.V., when we first arrived at Vegas, uh, Durden got out of the, uh, -- out of the R.V. and had his O.C. And he was spraying people just for fun. 'Cause it was something he likes to do was spraying people with O.C. Us, meaning -- when I say "people" meaning the guys. Not civilians or anything.

But Durden was definitely there. Richardson was there. Richardson was there. And I can't think of any more.

Q If we showed you, at some point in time, when we come back and re-interview on this, if we showed you a roster of the people working C.R.A.S.H. at that particular time, would -- would that jog your memory?

A It may, yes.

Q Okay. Now, why did Ortiz explain why Metropolitan Police didn't step in?

A From what I remember, somebody knew somebody that knew somebody. And it was gonna be handled like an in-house thing. Hey, sorry about that. Uh, you know, L.A.P.D. Uh, somebody knows somebody. And I can't remember who knew who. But somebody -- there was a con- -- there was a contact there. Somebody knew somebody.

Hey, listen, you know the same people I know. Give my guys a break. That type of thing. And they agreed. Initially, they was no agreement. It looked like they were about to get -- somebody was about to get booked. Uh, and

somehow, at the last minute, somebody knew somebody. And they were not gonna get booked. Or nobody was get booked.

Q BY DET. NALYWAIKO: Do you remember if Veloz was there?

A I want to say he was there. But I'm not a hundred percent sure. Veloz?

Q Yes.

A You know, I don't remember him there. He may have been there, but I don't remember him.

Q Okay.

Q BY SGT. COOK: Do you recall, or did you hear --

A I'm sorry. 'Cause not everybody rode with us. I mean, we had, uh, you know, a big R.V., but other people, you know, a couple of people, I think, flew out. You know -- in fact, Martin, he flew up. I went in the R.V. So, you know, we didn't all go together.

Q Do you recall what officer dropped the gun?

A If I remember correctly, somebody was handing it to somebody. I think it was one of the young officers handing it to either Cohan or Durden. It was either Rios --

Q BY MR. MCKESSON: Well, this is not something you witnessed; is it?

A No. This is what was relayed to me, the story of what happened. It was one of the young officers who had a fanny pack on. He had his gun in the -- in the fanny pack. He wore it into the club. That should have keyed them off right there

that these guys are probably carrying guns. Uh, but he was wearing a fanny pack. And I think it was Rios or Brehm, or one of the guys. One of the young officers. And while they were dancing or something, acting stupid, took the gun and here. You know, intentionally, probably trying to get a rise out of somebody. But I guess they dropped it on the ground. And it caused more of a reaction than they thought it was gonna cause.

Q And they were handing it to either one of those? They were handing it to either Cohan or Durden?

A Right. That's what caused the security to come and detain everybody.

Q Well, for right now, that's all I have. Ortiz was part of the, uh, contingent?

A They were all handcuffed.

Q They were all handcuffed?

A All of them.

Q BY DET. NALYWAIKO: Was Lucy Diaz handcuffed?

A No, sir. Like I said, she was already upstairs.

Q But all the other guys, they were handcuffed and --

A And put into this small little office. First they were all up along the wall. And then, escorted like into a little -- almost like an inter- -- one of our interview rooms. That's what it looked like. Just a plain little room.

Q Did you ride back in the motor home come back to L.A.?

A Yes, sir.

Q Was this incident talked about?

A Of course. We talked about how we'll come back next year.

Q Did anybody go back to the club after that?

A We went back and Officer Rios was recognized and told he couldn't go in, believe it or not.

Q Was he the only one? Who went back the second time?

A A lot of officers. We didn't go in an R.V. this time. We went separate -- separate, uh, -- separate reasons, or separate -- I'm trying to think when was the next time we went. As a unit, we went again, at some point. And it might have been, again, Baker to Vegas '98.

Uhm, but I remember specifically me and Martin coming in and out of the club. And we saw, uh, Rios and -- uh, Rios and somebody else. You know, I think Montoya might have been one of the other officers that were there, too. I don't know if I mentioned his name. But I think he might have been there.

Q Montoya?

A But, anyway, uh, I remember seeing Rios. He goes, "Man, I don't even know how they do this. They actually remembered me and said I couldn't come in." The -- I guess, one of the security guards recognized him, remembered who he was and told him he couldn't come in the club.

Q Did they talk about photos being taken?

A Polaroids being taken of them.

Q And did they talk about any type of an incident report being written up? Anything like that?

A I'm assuming that there was. But no one specifically telling me they wrote an incident report. But I'm assuming they documented it somehow.

Q Who told you about the Polaroids being taken?

A Uh, it came from several of the guys, you know, as they were talking -- telling me the story over and over. And, you know, I don't know exactly.

Q Anybody specifically you can recall?

A No. I -- I do remember, uhm, them talking about how the -- the -- the owner's son is the one managing the club. And he's a young guy. And he's the one that cut them the break. He decided that he's not gonna, you know, have them arrested. Because of somebody that knew somebody. Uh, but from what I understand he's a young guy. A good-looking young guy. And, uh, he was like the -- the son of the owner of the hotel, or something like that.

SGT. COOK: Okay. That's all we have for right now. That concludes the interview. The time now is 1920 hours.

(Off the record at 7:20 p.m.)

(Back on the record at 7:21 p.m.)

SGT. COOK: Okay. Today's date is November 17th, 1999. The time now is 1921 hours. We're on Tape No. 222650, Side A. Interviewing Rafael Perez.

Q BY DET. NALYWAIKO: Ray, on October 16th, 1999, while you were at the Century Station Jail Facility, you were conducting a review of reports. And you had mentioned somebody

about Durden being the O.C. guy. And started telling us a little bit about an incident at the Short Stop Bar where, uh, Durden sprayed a civilian patron for no reason at the bar. Can you tell us about that?

A I'm assuming that it was probably a pay day Wednesday, which is usually when, uh, a lot of the, you know, the parties are at the Short Stop. It was crowded that day. Uh, obviously, a lot of the C.R.A.S.H. unit, uh, guys were there.

Uhm, if you walk into the Short Stop, on the left-hand side, there's a pool table -- a room with a pool table. And there's benches along the wall where you can sit down. If you go into the first door of the left room, where the pool table is and look to your right, all the way at the end of the wall, there's a bench there. At that wall, there is a male Hispanic, an older gentleman, -- I want to say late forties, early fifties -- who was heavily intoxicated.

Uh, he was seated -- uh, seated there. And, uh, slowly but surely, began to pass out. Kind of nodding his head. And just kind of passed out. And his mouth was a little bit open. Durden decided he's gonna run out to his truck and get something. When he came back, he had his, uh, canister of O.C. pepper spray. And while we were sitting there, in a crowded, you know, and the whole Short Stop is packed with people. Uh, you know, one of those typical days when it's packed. Uh, Durden took out his O.C. and sprayed the guy in the face and in the mouth, while he was asleep. Uh, it had very little -- from

what I remember, very little effect on the -- the guy that he sprayed. I mean, he kind of like moved his mouth around a little bit. But it didn't have the effect that it had on us.

I mean, the whole club -- everybody that was in there, had to eventually leave the, uh, -- leave the club. Because it was just too much. I mean, it was tearing everybody up and -- and everything. Uh, I remember that the -- the female bartender and the male bartender, I think his name is Tom. Her name is -- I can't remember her name. The female bartender that's always there. Uh, the older, uh, woman. Uhm, they were very upset. Because they felt it had to be somebody from Rampart C.R.A.S.H. 'cause we were the ones seated in that area. Uh, you know, we're regulars there. And she was upset, because the whole club had to empty out.

You know, so, basically, business came to a halt, during all that time. Uh, so, you know, later on we -- we all apologized to her. You know, we said we didn't know who did it. But we apologized, you know. But I'm pretty sure that they remember that incident, uh, when -- the place got O.C.'d.

Q Do you remember about what time it occurred?

A It was late in the evening. It was -- if I had to take a guess at the time, it was probably somewhere around 1:00 in the morning.

Q When you -- when the club emptied-out, did anybody come back in after that, or did everybody leave?

A A few people trickled back in. But it was almost

close to closing time anyway. So, a lot of people were leaving.

Q Did the entire bar empty-out?

A The entire bar.

Q Not just that room?

A The entire bar.

Q BY SGT. COOK: Do you have a time frame when this occurred?

A I couldn't -- I'd be guessing if I told you a month and it was --

Q Well, what about a year?

A It occurred sometime in '97. Uh, the first half of '97.

Q At about 1:00 in the morning?

A 1:00 in the morning, yeah. Somewhere around 1:00 in the morning.

Q BY DET. NALYWAIKO: Who do you remember being there when this incident occurred?

A All the usual guys.

Q To the best of your recollection?

A I remember seeing Cohan, Brehm, myself, Montoya, Tovar. Did I say Cohan already?

SGT. COOK: Yeah.

DET. NALYWAIKO: Yeah.

THE WITNESS: I'm trying to picture the scene and -- and the people that were there.

Q BY DET. NALYWAIKO: Anybody --

A There were much more than that. But I -- I can't -- drawing a picture, I can't see them. But I know there was much more. I mean, the whole -- usually, the whole C.R.A.S.H. is there. We were all there. But I just can't picture everybody's faces. I only see a few.

Q How many people would you estimate were in the bar that night?

A At that point, there was probably -- well, I'm guessing -- maybe fifty people in the bar. Probably a little bit more.

Q BY SGT. COOK: Other than yourself, did anyone specifically see Durden spray the O.C.?

A Yeah, there was a few of us looking at it. He told us what he was gonna do. Uh, and we were looking at him when he did it.

Q So, are you talking about Cohan, Brehm, Montoya, and Tovar? Of the four names that you -- that you gave, which ones -- which one of these names observed this?

A Uh, Buchanon was also there. Did I say Buchanon's name?

Q No.

DET. NALYWAIKO: No, you haven't.

THE WITNESS: Uh, Buchanon. I believe Buchanon would have seen it. I believe Cohan would have seen it. Richardson was there, too. I believe Richardson was there. There was someone who took sort of responsibility and went to apologize. And I

can't remember who it was. Someone decided, you know what, we -- we should apologize to her. And I can't remember who it was.

But, I think a few of those guys would have seen, you know, when Durden did it. You know, because he's standing from the doorway and spraying at the guy. And the guy's sitting on the -- on the bench with his mouth open.

Q BY DET. NALYWAIKO: When you're looking into that specific room, when you walked in the bar, off to the left, a big pool room, he's all the way at the back and to the --

A Right.

Q -- right side bench back there.

A Okay. When you walk into the Short Stop, you know, there's two doors on your left. The first door that leads into the pool room, and then, another door that leads into the pool room. When you go to the second door, and as soon as you enter the room, on the right-hand side there's a bench right there. He's seated right there.

Q Okay.

SGT. COOK: That's all I got. Okay. That concludes the interview. The time now is --

DET. NALYWAIKO: I have one. I have one question.

Q Was Stepp there?

A Stepp, I think, would have been there, yeah. I think he also would have been in a position to see what was going on.

Q I think that concludes everything.

SGT. COOK: That concludes the interview. The time is

7:00 -- 1928 hours.

(Off the record at 7:28 p.m.)

(Back on the record at 7:40 p.m.)

SGT. COOK: Today's date is November 17th, 1999. The time now is 1940 hours. We're on Tape No. 222651, Side A. We're interviewing Rafael Perez.

Q BY DET. NALYWAIKO: Ray, on October 16th, 1999, while you were in custody at the Century Station Jail, you started to tell us something about the C.R.A.S.H. pad in the Valley.

A That's correct.

Q Can you elaborate on that?

A My first encounter with the C.R.A.S.H. pad in the Valley was shortly after I arrived in Rampart C.R.A.S.H. in 1995. So, probably sometime around September of 1995, we had, up in the Valley, uh, I think we threw a bachelor party, uh, at the C.R.A.S.H. pad.

So, there was quite a few of us. Who was there exactly, I -- I really can't remember. A lot of the C.R.A.S.H. guys that were in the unit, and some old C.R.A.S.H. guys that were, uh, in the unit prior. Uh, I can -- I can picture the building. I can tell you that it was on a main. It's right on the corner. It, uh -- it's on the north side of the street.

It's a big building. What the exact address is, I couldn't tell you. I know it's up in the Valley. I don't know much about the Valley. I don't know how the streets run, what the name of the streets are. Uh, I was a passenger in the

vehicle when somebody took me there. So, I really -- I couldn't tell you exactly where it's at or -- if I saw it, I could tell, that's the building.

It should have some, uh, balconies in front of it that face out towards the street. But, uh, it's difficult for me to tell you the address is so-and-so and so-and-so.

Q Whose C.R.A.S.H. pad was that in the Valley?

A From what I understand, it was -- belonged to the Rampart C.R.A.S.H. guys. Uh, it was used, uh, -- it was used primarily for bachelor parties and stuff like that. But, just now something entered my mind that somebody used it the most. And I can't remember who it was. There was somebody that had that -- that was in charge of that bachelor -- or that C.R.A.S.H. pad. But I can't remember who.

Q BY SGT. COOK: You had mentioned something about Sammy Martin and --

A Mmnh-mmnh.

Q -- Covarrubias?

A That's the other C.R.A.S.H. pad.

Q Oh.

A Uh, there's another C.R.A.S.H. pad in Rampart Sta- - - uh, Rampart Division. They have that -- they -- they're responsible paying the rent and all that. I think the rent is two or three hundred dollars, something like that.

Uhm, but from what I understand, some of the furniture that was at that one was transferred to the one in Rampart.

So, I don't know if there's a connection there or not. I -- I really don't know who -- I don't know who was paying the rent or anything. In fact, I don't think there was any rent, at the one up in the Valley. I think that was given to officers as a, here, you can have this place and give us some security in this building, type of thing.

Uhm, but I don't know who specifically might have filled out a lease or a -- an agreement. I don't know.

Q BY DET. NALYWAIKO: Uh, so, Covarrubias and Martin, to your knowledge, were -- were not responsible for that apartment out in the Valley?

A I don't know who was.

Q You don't know?

A I know they were responsible for the one in Rampart Division. But they're -- you know, they're obviously responsible parties for that -- for that apartment. But for the one in the Valley, I don't know, you know, who -- who particularly was in charge.

Q And how many times had you been to the one in the Valley?

A Twice.

Q Do you recall any incidents that occurred there?

A Yes.

Q What were those incidents?

A The very last incident that we ended up going there, uhm, I think shortly after this incident, we lost the -- or

that apartment was lost. Uh, it was during that, uh, bachelor party. Uh, there was an Officer Hopkins that used to work Rampart C.R.A.S.H. -- a male Black. He left the department and went somewhere else.

Anyway, uh, he decided that he's gonna down a fifth of, uh, -- of vodka. Uh, in this apartment there is curtains that go all the way across the big sliding glass door that leads out to the balcony. And, you know, he's standing right in front of the -- in front of all us, he decided that, watch. He's gonna -- I mean, he -- he downed the primary, you know, most of that bottle. I mean, he downed it. Incredibly, he downed it.

Anyway, it took about ten seconds. All of a sudden, he starts playing with the curtains like he's looking for somewhere to go. He finally, gets them open. He slides the door and goes out to the balcony. And he throws up, a lot. Uh, unfortunately, there was a lady -- an elderly lady -- downstairs waiting to receive the -- the regurgitation. And she received it.

And that was it.

Q Did anything else occur at the, uh, apartment, besides that?

A Yes.

Q What else?

A Uhm, right after he threw up, there was some talk and some laughing and going on. And two officers -- and I don't know who the two officers were, went out to the balcony and

fired several rounds.

If you had to ask me and if -- uh, I think this officer's squared away, I think he's an outstanding officer -- but if you had to ask me what my memory was of the shooting itself, who fired some rounds, I want to say -- and this is what stands out in my mind, that I remember seeing Officer Graham take a kneeling position and fire several rounds.

But, uh, I'm not gonna say a hundred percent that that's absolutely who it was. But I remember seeing him walking out to the balcony, taking a kneeling position, putting his hands on the banister of the -- the banister of the balcony and firing several rounds.

I don't know who the other officer was.

Q Do you recall anybody else -- any other incidents occurring, besides those two?

A Right after the shots were fired, me and Martin ran -- a lot of people ran. But me and Martin ran out of the apartment, went downstairs to our -- or his vehicle -- and we left. And that was the last I ever went to that apartment.

Q BY SGT. COOK: Do you re- -- do you recall what type of a gun was used?

A No. What type of weapon I saw being fired?

Q Yeah.

A No. All I know is I heard the shots. Everybody heard the shots. Everybody (sound effects) -- split.

Q Okay. So, you saw -- you remember seeing Officer

Graham go the balcony, take a kneeling position. Did you see him withdraw --

A He had a gun in his hand.

Q Okay. And you couldn't tell if it was a revolver or if it was a --

A It wasn't a revolver.

Q Automatic? Semi-automatic?

A I remember seeing some type of semi-automatic. But I'm not gonna say it was his Beretta. Because I really don't remember it. But it wasn't a revolver. If it had been a revolver, it would stand out in my mind. 'Cause I know he's a -- a younger -- younger than I am. He would have been issued a .9 millimeter in the Academy. If I would have saw him with a revolver, I would have went, what's he doing with a revolver?

Q In addition to hearing the shots, did you actually see the shots being fired?

A Yes.

Q Okay.

Q BY DET. NALYWAIKO: When did incident occur with the shots being fired and --

A This -- this is all the same day. The day of the throwing up and --

Q But what -- what time period are we talking about here?

A Sometime probably I would say September, October of 1995.

Q So, you only went there two times?

A Yes, sir.

Q And the two times that you went there were both in September of 1995?

A Yeah. It was one or -- 'cause right after that, uh, after that shooting, and then, the throwing up on the old lady, uh, it was known that, uh, the people didn't want you -- didn't want us back in that apartment.

Q When you went there the first time, who did you go with?

A Again with Martin. It was some type of event. Uh, back then, at Rampart C.R.A.S.H. it was almost like a -- a bi-weekly thing. There was gonna be some type of bachelor party. It just depended on who you're gonna pick to be the bachelor that day. There was a lot of bachelor parties.

I mean, it was just, you know. If it wasn't at one of the C.R.A.S.H. pads, it was at, uh, the Holiday Inn over there on, uhm -- in Rampart Division -- or if not the -- another hotel over right by Wilshire Division. We used different hotels. We would get suites.

And you're the bachelor today. That's how it was.

Q Did you drive with Martin on both those times to the bach- -- to the, uh, C.R.A.S.H. pad?

A Yes, sir.

Q Did you drive, or did Martin drive?

A Martin drove.

Q BY SGT. COOK: You said you heard a couple gunshots, could you be more definite?

A As to how many shots?

Q Yeah.

A No, sir.

Q BY DET. NALYWAIKO: Do you know if they were shooting at anything specific?

A I think they were shooting towards up in the air. And the -- what I remember, the one officer that I remember, uh, was in a kneeling position. His hand was on the banister. He was shooting toward a -- in an upperly direction.

Q BY SGT. COOK: Can you remember the apartment if there was -- was this a multi-story? Obviously, it was.

A Yes, sir.

Q Do you remember which floor it was on?

A We were probably on the third floor.

Q Third floor?

A Yes, sir. And it had a subterranean garage.

DET. NALYWAIKO: I don't have any other questions at this time.

SGT. COOK: Okay. That concludes the interview. The time now is 1950 hours.

(Off the record at 7:50 p.m.)

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VOLUME 9 - OFFICER INDEX

November 17, 1999 Transcript

NAME	PAGE (S)
Officer Arcos	1394
Officer Boyd	1371
Officer Edward Brehm	1321, 1332, 1382, 1386, 1426, 1428, 1433-1434
Officer Mike Buchanon 1331- 1342, 1426,	1276, 1278, 1321-1326, 1332, 1334-1335, 1337- 1346-1347, 1350-1352, 1434
Officer Cabrialess	1369
Officer Ethan Cohan	1382, 1386, 1423, 1426-1428, 1433-1434
Officer Covarrubias	1436-1437
Officer Lucy Diaz	1422, 1424-1425, 1428
Officer Raquel Duarte	1336, 1338-1339, 2333-2335, 2357
Officer Nino Durden 1303, 1317, 1359- 1408, 1410- 1423, 1426- 1433-1433	1276, 1278, 1283, 1301, 1306, 1314, 1317, 1367, 1402-14033, 1412, 1415-1420, 1428, 1430-1431,
Officer Eng	1359
Officer Ernst	1369

Officer Frus	1367
Officer Jeffrey Graham	1321-1325, 1327-1328, 1330, 1439-1440
Officer Paul Harper	1297
Officer Brian Hewitt	1353, 1384-1387
Officer Hopkins	1438
Officer Brian Koren	1329
Officer Brian Liddy 1344-	1296-1297, 1331-1332, 1279- 1280, 1338, 1341-1342, 1348, 1350
Officer Samuel Martin	1423-1425, 1427, 1436-1437, 1439, 1441
Officer Mike Montoya 1433-	1316, 1318-1319, 1429, 1434
Officer Thomas O'Grady	1285, 1287, 1289-1290
Sgt. Edwardo Ortiz	1334-1335, 1339, 1341-1342 1347, 1350-1351, 1408-1410, 1422-1423, 1425-1426, 1428
Officer Dennis O'Sullivan	1369-1370
Officer Mark Richardson	1359, 1419, 1426, 1434
Officer Mario Rios	1423, 1426-1427
Officer Roger Ruggiero	1324-1326
Officer Doyle Stepp	1276, 1282-1283, 1285, 1435
Officer Humberto Tovar	1356-1357, 1388-1390, 1392, 1433-1434
Officer Un	1367
Officer Omar Veloz	1372, 1376, 1427
Officer Villalta	1370
Officer Edgar Villarta	1369-1370

Officer Dave Vinton

1381-1384, 1387