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INTERVIEW WITH O13 (EDDIE) BARRERA

Q=Sgt. Jason Brown

Q1=Unidentified Male

A=O13 (Eddie) Barrera

Q: All right.

A: (Unintelligible).

Q: Yeah, I know it's gonna happen, man.

Q1: Oh, I got you a water. It's all right.

A: I have water, sir.

Q: See I was goin' with - appreciate it. I was goin' the old-fashioned way with a actual a cup of water.

Q1: I thought you were drinkin' coffee.

Q: No you know what? I wish, I asked 'em. I asked 'em if coffee was ready, and they said it was from the morning. No, thank you. I'm not partaking in the morning cool coffee. Okay. Um, we met you over at the jail, uh, came over here, we got your, uh, search warrant there for the phone. Um, and before we start I wanna make sure that you understand, um, that you're here 'cause y-you agreed to come over here with us. You know - you realize that you have information that, you know, we're lookin' to maybe get from you as far as a statement. Maybe ask you some questions, answer questions if you have them. Um, you are free to stop whenever you want and leave and go back to work. You are - you know, can answer our questions, not answer our questions, it's all completely up to you. Does that make sense? Am I makin' sense here?

A: Yes, sir.

42 Q: Um, you're not in custody for anything. You know, it's, you know - you're -
43 you're...
44
45 A: (Unintelligible)...
46
47 Q: ...you're talkin' to us 'cause you wanna talk to us and when you are done, you
48 don't wanna talk to us no more, we're done. Does that make sense?
49
50 A: Is it because I'm under investigation though?
51
52 Q: Well there's an investigation that we're doing, uh, part of it pertains to this
53 incident, uh - the death incident. Uh, and we know - I mean, w- like I talked to
54 you in the car you were one of the first responders there. We haven't talked to
55 you yet about that. Um, and then, you know, hopefully we'll be - may be able
56 to get into some of the other workings of the jail.
57
58 A: All right.
59
60 Q: Make sense?
61
62 A: Yes, sir.
63
64 Q: Um, so - but like I said I just wanna make sure you understand, um, that y-
65 this is - this is incumbent upon you, you know. Um, you can do whatever you
66 want with this, okay? Um, but, um, your name is (Eddie) or (Edward)?
67
68 A: (Eddie). (Eddie).
69
70 Q: (Eddie). Okay. So I know what to call you, right? (Eddie Barrera)?
71
72 A: Yes, sir.
73
74 Q: Is it R-R-E-R-A?
75
76 A: B-A-R-R-E-R-A, yes, sir.
77
78 Q: How old are you?
79
80 A:
81
82 Q:
83

84 A: Yes, sir, July.
85
86 Q: Uh, how long have you been working for sher- for corrections?
87
88 A: Uh, first day was January 20 - it was in January. So...
89
90 Q: Jan-...
91
92 A: ...(unintelligible).
93
94 Q: First day...
95
96 A: 2014.
97
98 Q: First day out of the academy or first day in the academy?
99
100 A: Uh, it was January, first day out of the academy somethin' like that.
101
102 Q: Okay. So January you - you started - where would you st- where did you start?
103
104 A: Uh, main jail.
105
106 Q: You started main jail? 2014?
107
108 A: Yes, sir.
109
110 Q: So you started at main jail?
111
112 A: Module 6B.
113
114 Q: 6B, started in 6B. Nothing like goin' right into the fire, right? Um, how long
115 were you on training?
116
117 A: Uh, tw- I believe it was 26 weeks POGT, I think.
118
119 Q: And what assignments did you have on training?
120
121 A: Uh...
122
123 Q: 6B?
124

125 A: 6B, I worked modules, I worked floor stations, I had to work, uh, B5
126 movement, I had to work F1 station, uh, F2 station, I believe - R- rover unit
127 which is R2, had to do. And then separate, um - I guess separate units I had to
128 work, Like, uh, like for instance 2nd West.
129

130 Q: Uh-huh. You have to help me out 'cause I don't know. I know, like, when
131 we're on FTO training were with, like, a training officer for, like, a month -
132 5/6 weeks. How long are you with a - a JTO?
133

134 A: Well shadow training - they started with shadow trainings three weeks - well
135 ours was three weeks long.
136

137 Q: Mm-hm.
138

139 A: Um, they pretty much stuck by our side the entire time.
140

141 Q: In shadow training -- 'cause I know it might mean something different for us
142 'cause we have that as well. In shadow training are you pretty much handling
143 the business, and they're shadowing you, or they're handling the business, and
144 you're shadowing them?
145

146 A: Uh, first it's - first three weeks it's pretty much them doing it and us watching.
147

148 Q: Okay so it's like ours.
149

150 ((Crosstalk))
151

152 A: (Unintelligible). Shadowing 'cause we're just always together. And the first
153 week...
154

155 Q: Mm-hm.
156

157 A: I remember - well actually the first day it was mainly - it was just my training
158 officer that did all the work...
159

160 Q: Mm-hm.
161

162 A: ...and I had to watch him.
163

164 Q: So you're learning by watching?
165

166 A: Yes, sir.

167

168 Q: Who's your shadow training officer?

169

170 A: Uh, I think - well I had, uh - I had a few different ones. My first week was, uh,
171 Training Officer (Jontou).

172

173 Q: Okay. And then...

174

175 A: Uh, after that I had a couple, there's - I don't know if they had, uh, sick days or
176 what was...

177

178 Q: Oh.

179

180 A: ...going on, but the...

181

182 Q: (Unintelligible).

183

184 A: ...second week - second week I had, uh, uh, (Vickers) - Training Officer
185 (Vickers), Training Officer (Ora), uh, I can't remember who else I had.

186

187 Q: Did you do all your shadow phases over at the main jail?

188

189 A: Yes, sir.

190

191 Q: (Unintelligible) I'm sorry?

192

193 A: Yes, sir. That's the only facility I've worked.

194

195 Q: You've never worked over at Elmwood?

196

197 A: No, sir.

198

199 Q: Not even in training or anything?

200

201 A: Not even overtime. The...

202

203 Q: Okay.

204

205 A: ...only time I've been over there was in the academy.

206

207 Q: Oh okay. After, uh, your first three weeks shadow phase well that what?

208

209 A: (Unintelligible). Uh, we'll go to the second week and the third week
210
211 Q: Of shadowing?
212
213 A: Um, shadow phase. Excuse me, sir.
214
215 Q: Mm-hm.
216
217 A: You do shadow and then after that usually - typically what would, I guess,
218 happen is a training officer will be on the same floor as you work. So they'll
219 work either floor station or another unit, and then I'll work, uh, a unit o- by
220 myself on the fourth week, I believe.
221
222 Q: So pretty much after shadow phase it's more...
223
224 A: Yeah it's...
225
226 Q: ...like a partner thing, but they're evaluating you?
227
228 A: Yes, sir.
229
230 Q: Okay.
231
232 A: And they keep up with us and...
233
234 Q: And that goes on for, like, 20, 21, 22 weeks, roughly?
235
236 A: I think it was 26 we- 24 or 26, something like that.
237
238 Q: Something like that. Um, do you work with, like, a certain evaluator or a
239 certain JTO for an extended period of time or is it kinda like the first one
240 where you kinda move, like, from week to week or day to day you move to a
241 different officer?
242
243 A: Usually - typically it's week to week.
244
245 Q: So you had numerous training officers?
246
247 A: Numerous training officers, yes, sir.
248
249 Q: Um, and so - gosh what's 24 weeks is - 20 - what - a few months?
250

251 A: Yeah at least.
252
253 Q: That's a while, huh? Like six months or so?
254
255 A: Yes, sir.
256
257 Q: After that - after you got out of training where were you assigned?
258
259 A: Uh, I was in - I was in 6A for, like, uh - since March, I believe. Either
260 February or March.
261
262 Q: Of?
263
264 A: Possibly - this year.
265
266 Q: This year?
267
268 A: Yeah. I worked there for quite a while.
269
270 Q: Quite a while. Then what?
271
272 A: Then I went to F2, and then I went to 2nd West.
273
274 Q: Second West. How long you been 2nd West?
275
276 A: Um, I'm not sure. Approximately - maybe two months, maybe.
277
278 Q: So not very long?
279
280 A: Not very long. I just got there.
281
282 Q: You were working 2nd West then on the night of the death over at the jail?
283
284 A: Yes, sir.
285
286 Q: Okay. And that's ion the south side, right? South - Main Jail South?
287
288 A: Main Jail South, yes, sir.
289
290 Q:
291
292 A:

293
294 Q:
295
296 A:
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298 Q:
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300 A:
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302 Q:
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304 A:
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306 Q:
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308 A:
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313 Q:
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315 A:
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317 Q:
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319 A:
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324 Q:
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326 A:
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331 Q:
332
333 A:
334

335

336 Q:

337

338 A:

339

340 Q:

341

342 A:

343

344 Q: Jesus. Okay. Um, you mentioned you, uh, wanna come to the enforcement
345 side?

346

347 A:

Correct.

348

349 Q:

All right. Is this what you've always wanted to do?

350

351 A:

Always, sir.

352

353 Q:

Did you do anything before this? Any

354

careers - career before this?

355

356 A:

Well not career- well my career I always wanted was in law enforcement, the
357 job, and I worked at FedEx for a little over three years. I worked as a
358 electrician apprentice, uh, all while goin' to school.

359

360 Q:

Mm-hm.

361

362 A:

Um, I wa- was goin' to school full time for 3 - maybe 3-1/2 years and did
363 some schooling with, um, electrician apprentice. Then, uh, I decided I wanted
364 to pursue a...

365

366 Q:

Your dream?

367

368 A:

Yeah my dream. Uh, I had a friend passed away and - from FedEx, it was
369 actually one of the managers.

370

371 Q:

Mm-hm.

372

373 A:

And I helped took care of him and, you know, after he passed away I just I felt
374 like I should move on.

375

376 Q: It was time, huh?
377
378 A: Yes, sir.
379
380 Q: Um, so no military?
381
382 A: No, sir, no military.
383
384 Q: What do you do, uh, in your spare time?
385
386 A: Uh, I used to ride bikes, I...
387
388 Q: Bicycles or...
389
390 A: Bicycles.
391
392 Q: Okay.
393
394 A: I - I used to ride dirt bikes. I don't have much time. I go to the beach, uh, play
395 with my dog.
396
397 Q: From Fresno?
398
399 A: Fresno, there's a lake...
400
401 Q: Mm-hm.
402
403 A: There's a lake. Uh...
404
405 Q: Pretty much just hangin' out?
406
407 A: Movies - I love watchin' movies, uh, gym - workout at the gym. Uh, I haven't
408 been able to work out lately 'cause all this stuff goin' on. It's just been kinda
409 gettin' to me and, um, no sleep, you know.
410
411 Q: Gettin' to you in what way?
412
413 A: Well just because at first it was the night of, uh, the incident. Uh, it had just
414 shocked me, it's the first time I seen something like that - a dead body. And...
415
416 Q: Oh really?
417

418 A: I - I - I've seen dead bodies before, but I've never had to do CPR on one. And
419 so it got to me a little bit and then I have trouble. And then when I found out
420 that my partners were being investigated on a - just being involved in it. It, uh
421 - and that got to me. Of course, I worry about 'em...
422

423 Q: Mm-hm.
424

425 A: ...you know, we're brought together, and I told, you know, this is your family,
426 this and that. And, you know, I believe that, you know, they didn't do anything
427 wrong and - because they're my fr- friends, partners, you know, supposed to
428 trust each other.
429

430 Q: Mm-hm.
431

432 A: So.
433

434 Q: Um, did you go to the academy with any of them?
435

436 A: I went to the academy with (Matthew Ferris) and (Rafael Rodriguez).
437

438 Q1: What academy was that?
439

440 A: Academy Four.
441

442 Q1: Deputy (Luburne), was he in the academy before or after you?
443

444 A: He was in a- uh, an academy before me, I'm not sure which one.
445

446 Q1: Okay.
447

448 A: I think it was Academy One.
449

450 Q: Okay. Okay. Um, did you, uh, talk to anybody about these troubles you're
451 havin'?
452

453 A: Well I went to the peer support, uh...
454

455 Q: I'm confused.
456

457 A: ...last week, the...
458

459 Q: I mean...

460

461 A: It just shocked me at first. Um, I didn't really talk to a- anybody about, like, oh

462 this, you know, - this comes up, I think about it, think about, uh, the body or,

463 you know. I don't think I've - I mighta told my parents, you know, um, there

464 was an incident and this and that. And I didn't give 'em too much details 'cause

465 I wa- I wasn't sure if I was supposed to talk about the whole thing...

466

467

468 Q: Uh-huh.

469

470 A: ...or not, but, um, anyways I've talked to - (unintelligible). I had talked to, uh,

471 my ex-girlfriend, about it. She, uh, you know - that's probably it.

472

473 Q: How are you doin' now?

474

475 A: I'm doin' - I'm doin' a little better. Still, uh, I guess the sleep is more because,

476 uh, just everything that the media's saying about these guys. And, you know,

477 don't wanna believe any of it.

478

479 Q: Tough to hear?

480

481 A: Yes, sir.

482

483 Q: Um...

484

485 A: Because I've, you know, w- somewhat worked with them a little bit. I worked

486 with (Ferris), I guess more than the other two, but, uh...

487

488 Q: Prior to this would you say that you guys were - I mean I know you guys went

489 to the academy together, but would you say you guys were friends? Would

490 you...

491

492 A: Well...

493

494 Q: Did you guys hang out?

495

496 A: Not outside of work.

497

498 Q: Not outside of work?

499

500 A: Uh, I don't think (Ferris) and I did anything outside of work. (Rodriguez) and
501 I didn't do anything. (Unintelligible) and I would go to the gym after work,
502 um, we'd barbecue together sometimes.

503

504 Q: Mm-hm.

505

506 A: He actually drove to Fresno on my birthday and we went to what's the
507 Millerton Lake, him and his wife.

508

509 Q: That's cool. So having worked at the main jail since January 2014, have you
510 had opportunities to respond to man down?

511

512 A: Yes - yes, sir.

513

514 Q: Um, but from what I understand this is kinda the first time you were able to
515 kind of jump in and - and - or was this just more severe?

516

517 A: Uh, the man downs I responded to the - the inmate hasn't...

518

519 Q: Hasn't...

520

521 A: ...expired. You know, uh, other man downs have been - well there's a couple
522 where I - I think it, uh - well I was doin' a welfare check for someone and, you
523 know, his face was - I called a man down 'cause he was bleeding from his
524 face.

525

526 Q: Mm-hm.

527

528 A: But, uh, you know, I've seen blood before. So, uh, the other things were, like,
529 uh, seizures mainly. I w- was on a man down last night actually or this
530 morning. A guy was having panic attacks and, you know, helped him through
531 it. Sergeant (Brackett) and I helped him through it.

532

533 Q: So pretty much medical type calls then?

534

535 A: Yes, sir.

536

537 Q: Tell me about that night.

538

539 A: Which night?

540

541 Q: Of the...
542
543 A: Oh...
544
545 Q: ...incident.
546
547 A: The - the incident in 6B?
548
549 Q: Yeah when you responded.
550
551 A: The (unintelligible)? Okay I'll start from the beginnings. I heard over the radio
552 control to 6B, and so I got up and I - I guess I didn't really - I wasn't too s- um
553 - sure of the timing, I didn't realize it was 2300. I thought it could have been a
554 415, which is a fight in there. Uh, of course you guys doesn't know that.
555
556 Q: Mm-hm.
557
558 A: Uh, um, so I - they popped the stairwell on 2nd West, I took off running and I
559 believe, uh, Deputy (Ortiz) was behind me or with me and I pa- I think passed
560 him up in the stairwell. Um, there's tw- I believe, three or four flights of stairs
561 that you run down. And then somewhere between - I think it was just en- just
562 as I exited by south controller I saw TODs there. They said, uh - he said - I
563 have - I heard over the radio again I have a man down. And then Training
564 Officer (Diaz), you know, said, "Oh you guys run into a man down." And he
565 said, "Co-" I think he said code four for staff somewhere between, uh, where I
566 was in the basement tunnel right around F1. So I had started a - a brisk walk
567 and I saw one of the deputies on POGT currently, Deputy (Strickland), he had
568 a AED machine. He, uh - I was walking, he, you know, he had the sallyport, I
569 asked him to hold it for me. And I think, uh, (Ortiz) at that point had he said
570 he was gonna go back. I don't remember, it was either Or- I believe it was
571 (Ortiz). And, um, so we got on the elevator, I put gloves on, you nev- you
572 know, you don't know what to expect.
573
574 Q: Mm-hm.
575
576 A: Uh, and then, uh, got off the elevator and through the sallyport, uh, I ran into
577 6- 6B, pushed it - well I had to pull the door.
578
579 Q: Was (Strickland) still with you?
580
581 A: (Strickland) was still with me. He was right by my side or maybe behind me.
582

- 583 Q: Mm-hm.
584
- 585 A: Uh, when I ran into the unit, you know, I walked in, I don't think I ran. Uh, it
586 could have been a brisk walk, I don't - I don't recall. But, um, I looked around
587 quick glance over the - the unit and then I looked at cell - towards cell 39, uh,
588 and I saw the- that's where, um, (Luburne) was - Deputy (Luburne) and
589 Deputy, uh, (Rodriguez) I believe was in there as well at the time. Yeah they
590 were both in there. And I remember, I think, he was pushin' the door a little -
591 door open and then I seen, uh, inmate (Tyree) laying on his, uh, right
592 shoulder. Uh, his head was right about where the door met the, uh - the frame.
593
- 594 Q: So he was still inside?
595
- 596 A: So - yes he was still inside the cell. Um, the...
597
- 598 Q: Was medical staff there yet?
599
- 600 A: No, sir.
601
- 602 Q: Okay.
603
- 604 A: I said, "What happened?" You know, uh, "What's goin' on?" And (Strickland)
605 ran around and I told him, you know, check for a pulse. Or I just - you know, I
606 looked - I looked at his chest, I didn't see, uh, signs of life. Well bef- just
607 before I started looking at his chest, I saw (Luburne) was tapping him on his
608 shoulder. Uh, "(Tyree) - (Tyree), um, come on man." You know,
609 (unintelligible) (Tyree). And I believe he picked up his, uh, or - yo- you know,
610 just pulled him over a - a little bit so he was on his back at that point. And
611 they picked up his right hand and, you know, try to wiggle it. (Unintelligible)
612 he's - I looked at his chest, he's not breathing.
613
- 614 Q: Mm-hm.
615
- 616 A: And I think it was - it was all about the same time that (Strickland) checked
617 the pulse. He said, "No pulse." And then, uh, when he- sh- when he said -
618 when (Strickland) said no pulse, I tell (Luburne) pull him out a little bit and,
619 uh, start CPR.
620
- 621 Q: Mm-hm.
622

- 623 A: Uh, at that point I - you know, I would describe the - in the cell there's throw
624 up, you know, in the cell. I saw it was on the sink, on the toilet, and then all
625 over the body. Inmate (Tyree) was naked in the cell..
626
627
628
629
- 630 A: Um, so that's what he looked like. And he - (Rodriguez) and (Luburne) pulled
631 him out a little bit to start CPR. Uh, I told him, you know, "Start CPR - start
632 CPR." And I heard, uh, or I looked for a bag valve mask, and, you know, there
633 was no bag valve mask. Uh, (unintelligible) I believe (Strickland) had said, "I
634 need pads." You know, referring to the pads on the, uh, AED machine.
635
- 636 Q: Okay.
637
- 638 A: And, um, so I turned around, and I ran out, uh, 6B I pushed the door, and I
639 think it was (Ferris) at F6, which is the post on the side of the sally port.
640
- 641 Q: Uh-huh.
642
- 643 A: He, um, uh, he has another AED machine. And I - when I ran out, I said, "I
644 need the - the bag valve mask and the machine." So I ran out, and r-
645 (Rodriguez) ran out with me. I handed him the mach-, uh, machine. And I
646 grabbed a blue recycling bin - excuse me - to prop the door open for Medical
647 when they respond. Um, that's right - so prior to me leaving the - the unit for
648 another machine and the, uh, bag valve mask, uh, I believe I ran into the cell
649 and looked for a wristband to identify the Inmate, uh, the PFN that we relay
650 back to Control. And then also put out that we need Medical to respond. Um, I
651 ran - and then that's when I ran out and came back in. Um, I - it's kind of a
652 blur. I don't remember if Medical ran in with me, uh, who would be Nurse
653 Uh, I can't remember his full name - that's what we call him is..
654
- 655 Q: Uh-huh.
656
- 657 A: Then another Nurse, ah, I believe two other nurses came up, too,
658 with - along with him and the crash cart. So, uh, we had the bag valve mask
659 on. I believe Nurse switched, uh, doing CPR with (Luburne). And
660 then I think I got on the - on the bag valve mask. I got down there.
661
- 662 Q: Uh-huh.
663

664 A: Um, and then there was the, uh, two of us. And then couple other officers
665 responded. I asked, uh, (unintelligible) asked Sergeant (Bracket) to give us a
666 couple more Officers 'cause we were gonna be doing CPR. And then we
667 rotated. I went to do CPR, uh, to help out Nurse And then, um, I
668 believe (Wilton) or - Deputy (Wilton) or Deputy (Chacon) did the bag valve
669 mask. And then went to the next one, and just kinda cycled through it.

670
671 Q: Uh-huh.

672
673 A: To help each other out. And then, uh, nurses were requesting Code 3
674 Paramedics, so we had the Paramedics come. Uh, tryin' to fill in the gaps.
675 Uh...

676
677 Q: When you, uh, so you said the - the bag valve mask, okay?

678
679 A: Yes, sir.

680
681 Q: Did you retrieve that?

682
683 A: Uh...

684
685 Q: Or where did it come from?

686
687 A: It came from F6, I believe.

688
689 Q: Do you have a (unintelligible)?

690
691 A: No it was, uh, (Ferris) had it - Deputy (Ferris).

692
693 Q: Did he bring it in, or somebody go get it from him? 'Cause he was at F6,
694 right?

695
696 A: Yeah, he was F6. We have a 911 Box behind the, uh...

697
698 Q: Uh-huh.

699
700 A: ...F6 station.

701
702 Q: Uh-huh.

703
704 A: And then there's also a AED machine.

705

706 Q: Uh-huh.
707

708 A: That, uh...
709

710 Q: On the wall?
711

712 A: Yes. And then that also contains - or that - that actually contains the, uh, the
713 bag valve mask. And (unintelligible) handed both of those to me, I believe,
714 and then I handed them off to (Rodriguez).
715

716 Q: And then you did the - the - the - propped - you propped the door?
717

718 A: (Unintelligible). Yeah so the Medical could come in.
719

720 Q: Uh, when you first went in, and you looked around, and surveyed the - the
721 pod, everything was okay. Looked over to 39, you saw (Luburne) and
722 (Rodriguez)?
723

724 A: Yes, sir.
725

726 Q: What were they doin'?
727

728 A: Uh, they were standing, I believe (Rodriguez) was on the right side of
729 (Luburne), on the - towards the wall. And I just remember (Luburne) tapping
730 him on the shoulder. And, uh, I - I did ask (Luburne) - I said, you know,
731 "What's going on?" He goes - (Luburne) said, "I don't know." Uh, he goes,
732 "Do, you know, just doin' a Welfare Check. And - and, uh, he's like this." He
733 said something to that effect. And I'm not saying (unintelligible).
734

735 Q: Um, yeah (unintelligible) it's been a while.
736

737 A: Yeah.
738

739 Q: Um, so I'm gonna see if I could just recap. Uh, you go up with (Strickland),
740 um, they're inside - and (Tyree)'s still inside his cell. Um, not gettin' any
741 response from him, you guys decide to pull him out, right?
742

743 A: Uh...
744

745 Q: I'm kinda givin' the CliffsNotes version.
746

747 A: Y- yeah (Luburne) and (Rodriguez).

748

749 Q: (Unintelligible).

750

751 A: I told 'em to pull - I believe I s- I believe it was me who said, "Pull h- pull him
752 out and start CPR."

753

754 Q: Yeah. 'Cause (unintelligible).

755

756 A: I - I know I told (Luburne) to start CPR.

757

758 Q: Because at this point, (Strickland)'s found no pulse?

759

760 A: Yes, sir.

761

762 Q: Okay. Um, so you advised, you know, (Luburne) and (Rodriguez), whoever
763 you told, (unintelligible) need to start CPR. Did - and did they do it?

764

765 A: Yes, sir.

766

767 Q: Um, but then you started - you went inside, look for the band?

768

769 A: Uh...

770

771 Q: Did you go and look for the - a bag valve mask, or did you go look for the bag
772 first - the band first?

773

774 A: I don't recall if I went to get the bag valve m- mask.

775

776 Q: Okay.

777

778 A: Uh, I - I - I don't wanna say the w- I, um, I just don't recall if - I just know
779 that's, uh, I believe it was after I got the bag valve mask (unintelligible) it
780 could've been the (unintelligible).

781

782 Q: They both happened, though, right?

783

784 A: They both happened. I did run in there.

785

786 Q: Uh-huh.

787

788 A: (Unintelligible).

789

790 Q: Did you find (unintelligible)?
791
792 A: No, no, so I had to have gone in afterwards. Because I remember I had to step
793 over his leg to get into the cell - to get in. And he was already pulled out...
794
795 Q: Pulled out?
796
797 A: ...a little bit.
798
799 Q: Um, did you find it?
800
801 A: Um...
802
803 Q: His - his band?
804
805 A: ...uh, I believe, yes I did.
806
807 Q: Okay. So...
808
809 A: It was on his - believe it was on his table.
810
811 Q: And you were doing that to get his PFN to provide to Control?
812
813 A: Yes, sir.
814
815 Q: And did you provide that?
816
817 A: Yes, sir.
818
819 Q: Okay. Um, so then you - you, uh, advise, uh, who advised to have Medical
820 come? Or was it already - already en route?
821
822 A: Uh, I believe it was myself or Deputy (Strickland). But I know there was some
823 radio traffic that (unintelligible) stepped on.
824
825 Q: Okay. And so you decide, okay I need to prop the door, and maybe get a
826 mask. And so you left?
827
828 A: I ran out to grab, uh, extra pads. The A - the AED machine.
829
830 Q: And the...
831

832 A: And then the bag valve mask. And I propped the doors for the Medical.
833
834 Q: Did (Strickland)'s AED not have pads in it?
835
836 A: I believe it did. I - I don't - I think (unintelligible).
837
838 Q: (Unintelligible) right?
839
840 A: Well I think that he may've been requesting, "Hey, someone pull the pads out
841 for me." I - I don't...
842
843 Q: (Unintelligible).
844
845 A: ...know 'cause I - I was...
846
847 Q: It's pretty hectic.
848
849 A: It was hectic. It was - yeah, um...
850
851 Q: Shocking. Were you guys still doin' CPR when the Medical Staff arrived?
852
853 A: Yes, sir.
854
855 Q: Uh, were you doing it or were they doing it?
856
857 A: Uh, (Luburne) was doing it.
858
859 Q: (Luburne) was doin' it? But at some point you took over, and you assisted
860 Medical Staff with CPR?
861
862 A: Medical Staff took over, and then I did CPR.
863
864 Q: And what did you do?
865
866 A: I did, uh, well first, I did the, uh, bag valve mask.
867
868 Q: Uh-huh.
869
870 A: And then after that I did chest compressions.
871
872 Q: Were you relieved by anybody?
873

874 A: Yes, sir.
875
876 Q: Do you know who it was?
877
878 A: It was, uh, e- either Deputy (Chacon) or Deputy (Wilton).
879
880 Q: Oh okay.
881
882 A: I don't recall.
883
884 Q: So not Medical Staff - it was another Deputy?
885
886 A: Yes, sir. And they were tryin' to - they were trying to, um, insert, uh, IV's into
887 the Inmate to f- whatever they do.
888
889 Q: Prior to - not Jail Medical Staff, but Fire and EMS arriving, did you leave
890 again or did you stay in there and help out?
891
892 A: I stayed in the en- the entire time.
893
894 Q: Okay. So Medical, EMS, Fire shows up. They b- they take over, and they start
895 working on him?
896
897 A: Uh, I don't r- actually, I don't believe they did any type of CPR. I, uh, didn't
898 really took notes. They, uh, spoke with the Medical, uh, well our Medical -
899 with the Medical at the jail. And then they, um, (unintelligible) I don't know if
900 they attempted to get a IV in or not. Uh, but I believe it was just the main jail
901 Nursing Staff and the - us Deputies that did CPR - the four - four of us.
902
903 Q: And doing, uh, the mask, and seeing him, you know, laying inside the cell,
904 and (unintelligible) uh, after he had been pulled out, and then doing the mask,
905 um, and then later doing CPR, um, did you notice if he had any injuries?
906
907 A: Uh, when I was doing CPR, I noticed that Inmate (Tyree) had a cut under his
908 chin, and then a cut on his - on his eye.
909
910 Q: One of his eyes?
911
912 A: Yes.
913
914 Q: Do you know which one?
915

916 A: Uh, I - I don't recall. I believe it was the - I don't recall (unintelligible).
917
918 Q: No I d- I - I'd rather - I'd rather you b- be certain.
919
920 ((Crosstalk))
921
922 A: It was a cut on the eye and a cut on the chin.
923
924 Q: All right. Um, eventually, Inmate (Tyree) was pronounced dead?
925
926 A: Yes, sir.
927
928 Q: Were you still inside when that happened?
929
930 A: Yes, sir.
931
932 Q: Uh, when did you leave?
933
934 A: Um, so at some point, there was a towel retrieved from Cell 45. And we had
935 to - so I - after it was already called, I ran in to grab - I didn't run in. I asked
936 Sergeant Duran for keys, and I grabbed a towel. I went to give, uh, another
937 towel back to the Inmate. And, uh, I couldn't find a towel, though. So
938 anyways, they said it'll get taken care of later. So I addressed the Inmate,
939 "We'll get your towel back later." And, um, then I told - I believe I said, "Let's
940 do a Welfare - another Welfare Check." 'Cause, uh, I know the unit gets
941 closed - closed off at that point.
942
943 Q: Uh-huh.
944
945 A: So I went and did a Welfare Check (unintelligible) top tier.
946
947 Q: Uh-huh. How were the Inmates?
948
949 A: Um, the Inmates were just - some of 'em were lookin' out of the cells. Uh - uh,
950 I remember one Inmate, um, asked me, "Hey what's going on?" And I said, "I
951 don't know, uh, there's a man down." Uh, it was, uh, Inmate
952 And, uh, I told him, "There's a man down." And I said - and he said,
953 "What happened?" And I said, "I don't know." And then - so walked around,
954 finished my, uh, look of the other cells, and then went back out. And then
955 advised Sergeant (Bracket) that, uh, a Welfare Check was completed.
956

957 Q: Did you leave at that point?
958
959 A: Uh, yes sir, I walked out.
960
961 Q: Did you ever go back in?
962
963 A: No, sir.
964
965 Q: After you walked out, and your role - you decided 6B was pretty much
966 complete, what did you do then?
967
968 A: Uh, I stood around at the Floor Station F6, yes sir. And, um, I just - I didn't
969 know who needed what from me. I didn't know if th- they were gonna need
970 help with anything. Uh, and then someone - afterwards I went to go and, uh,
971 change out of my uniform 'cause I had, uh, vomit on it, and other, you know, I
972 think there was feces in there. Uh, so I changed out of my uniform, put a new
973 one on. As well as, you know, the - the other three guys that w- worked on the
974 Inmate, uh, (Chacon), (Wilton), and (Luburne), as well.
975
976 Q: Everybody changed?
977
978 A: Everybody changed their clothing. And then, um, after that I went back up -
979 up to 6th Floor. And then just kinda stood around. Didn't know what anybody
980 needed. Sergeant (Bracket) said, "You go write your paperwork." So I went
981 and wrote my paper at 2nd West, I believe.
982
983 Q: So you went back to your post basically?
984
985 A: Uh, yeah. I believe I wrote it at 2nd West. I don't recall where I wrote it. But I
986 wrote my paperwork.
987
988 Q: So you wrote an ER?
989
990 A: At the, uh, (unintelligible).
991
992 Q: Did you write a Sheriff's (unintelligible) a Crime Report, as well, an IR?
993
994 A: Um, couple days later.
995
996 Q: Couple days later you did?
997
998 A: Or (unintelligible).

999

1000 Q: But you eventually...

1001

1002 A: Yes I did. Um, actually, no, uh, sorry. I was told a day or two later that - to
1003 transfer the IC to a Word document, and send it to Sergeant (Harrington) -
1004 email it to him.

1005

1006 Q: Your ER?

1007

1008 A: Uh...

1009

1010 Q: Or transfer it to Word?

1011

1012 A: ...transfer the - transfer what I wrote, put it on a Word document, and turn it
1013 into a Crime Report, and then email it to Sergeant (Harrington).

1014

1015 Q: So you did both ER and IR?

1016

1017 A: Uh, y- yes sir.

1018

1019 Q: Okay. Um, you left for the night - or I guess the day, I g- but you came back
1020 the next day. You still - still in 2nd West?

1021

1022 A: Yes, sir.

1023

1024 Q: Did you get moved to any other location during that shift?

1025

1026 A: No, sir - no, sir.

1027

1028 Q: All right. Did you actually turn in your ER before you left for your shift that
1029 morning, or did you turn it in the next day (unintelligible)?

1030

1031 A: Uh, I turned it in the same day (unintelligible).

1032

1033 Q: Same day. Okay. Who'd you turn it in to?

1034

1035 A: Um, I believe, uh - uh, well I t- believe I turned - turned it into Sergeant
1036 (Bracket).

1037

1038 Q: Oh, okay.

1039

1040 A: Yes.

1041

1042 Q: Did he approve it right there? Did he review it and approve it? Or did you...

1043

1044 A: He...

1045

1046 Q: ...have to go back and change some things?

1047

1048 A: Uh, I think I had made a few, uh, punctuation errors. And so I had to change a
1049 couple, uh, just a couple minor punctuation errors. And then, uh, I turned it
1050 back into him. And I waited for another, uh, review f- from him. And, uh, I
1051 don't believe - I don't remember if I had got one or not. Uh, I think his - he -
1052 he took it at that point.

1053

1054 Q: Okay. (Unintelligible). How do they normally document it?

1055

1056 A: Employees Reports.

1057

1058 Q: Employees Reports online or...

1059

1060 A: Uh, or Three by Five.

1061

1062 Q: (Unintelligible).

1063

1064 A: Uh, they have a Use of Force - they call it a Three by Five Incident Report
1065 Card. And, uh, basically, it says, you know, if, you know, uh, a brief
1066 paragraph of the incident that - that h- occurred.

1067

1068 Q: Do they have the same effect as, uh, an ER?

1069

1070 A: Uh, it just...

1071

1072 Q: They handle it the same?

1073

1074 A: ...it shows as documented. And it shows, um, (unintelligible) basically, you
1075 document your incident.

1076

1077 Q: What happened?

1078

1079 A: Yes, sir.

1080

1081 Q: Um...

1082

1083 A: Well, I guess, later it could be turned into an Employees Report if need be.
1084 And, uh, (unintelligible) doesn't r- always require one, though.
1085

1086 Q: Um, you worked 6A for quite a while, right?
1087

1088 A: Yes, sir.
1089

1090 Q: Who - who was your partners?
1091

1092 A: I had, uh, Deputy (Murillo) and, um, Deputy (Avisendari) on 6B.
1093

1094 Q: (Unintelligible).
1095

1096 A: Deputy (Murillo) was in, uh, 6C the - I believe for, pretty much, the entire
1097 duration of...
1098

1099 Q: And who was F6?
1100

1101 A: Um, F6 is - what's F6? Uh, I had - well I had Training Officer (Avilla) there
1102 for a while. And then we had Training Officer (Crawford) there. And, uh, we
1103 also switched out for training purposes. So I would work s- F6, and then an
1104 Officer would work, um, in 6A for training purposes - it would go back and
1105 forth. And sometimes I would work, like, just get moved around. So the
1106 Training Officer and the Training, uh, Deputy on Training would work in the
1107 unit together.
1108

1109 Q: (Unintelligible) they pretty much take precedence?
1110

1111 A: Yes, sir.
1112

1113 Q: But no real steady F6 Officer?
1114

1115 A: Um, no. S- we just have, uh, Overtime Officers and a lot of, uh, what do you
1116 call - Extra Help Officers. There was, uh - uh - uh, at some point, I believe,
1117 uh, (Avisendari) - Deputy (Avisendari) worked F6 for a couple weeks. And I
1118 got moved to F6 for a couple weeks prior to going to, uh, F2.
1119

1120 Q: Did (Luburne), (Rodriguez), or (Ferris) ever work up on 6th Floor with you?
1121

1122 A: Uh, f- oh f- yes (Ferris) took - oh s- so (Ferris) actually worked F6 for about a
1123 month. And, uh, he told me he was, uh, he had applied over here to go to
1124 Enforcement - the Enforcement Row.

1125

1126 Q: Okay.

1127

1128 A: So he was in Processing. Uh, he told me he didn't want any Use of Force
1129 Reports, and - which, you know, it's fine. Doesn't want, uh, he said that, uh,
1130 you know, I don't want any IA's 'cause I'm going to Backgrounds and stuff
1131 like that.

1132

1133 Q: So why would he say I don't want any Use of Force Reports? Because of IA?

1134

1135 A: Uh (unintelligible) well he said that you're not supposed to have any open
1136 Internal Affairs investigations. So he wanted to just kinda keep clear of
1137 Inmates, and, uh, incident, and - 'cause he - and incidents in 6A, or 6B, or
1138 wherever it was that they would put him. I guess he had asked Sergeant
1139 (Bracket) if he could work at Floor Station. (Unintelligible).

1140

1141 Q: How does it sound to you?

1142

1143 A: Um, to me - I told him, "Well you're gonna get incidents. Uh, um, you know,
1144 things happen - you shouldn't be afraid." Uh, (unintelligible) that's that.

1145

1146 Q: You guys friends?

1147

1148 A: (Unintelligible) yes.

1149

1150 Q: Um, did he end up with any (unintelligible).

1151

1152 A: Um...

1153

1154 Q: Incidents, that you know of, in that month that he was F6?

1155

1156 A: Uh, I believe, uh, yeah I believe so - yes.

1157

1158 Q: Did you have any Use of Force Reports during that time that he got involved
1159 in - or that anybody got involved in?

1160

1161 A: Um...

1162

1163 Q: How often do you have (unintelligible).

1164

1165 A: I - so when I worked 6...

1166

1167 Q: For example?

1168

1169 A: ...when I worked 6A I had do- I had quite a bit of Use of Force. It was either
1170 because there was, um, lots of ye- there's a lot of 415s that happen, inmate on
1171 inmate. I was involved in an officer involved in last November where an
1172 inmate tried to choke me. Uh...

1173

1174 Q: What happened with it?

1175

1176 A: ...with, uh, that incident?

1177

1178 Q: Yep.

1179

1180 A: I was - went into...

1181

1182 Q: Was this in 16?

1183

1184 A: Yes, sir.

1185

1186 Q: Who was the inmate?

1187

1188 A: Uh,

1189

1190 Q:

1191

1192 A:

1193

1194 Q: All right, go ahead.

1195

1196 A: Um, during that incident I - uh, so I came on duty and noticed that - you know
1197 he had a 15 minute - uh, inmate on suicide watch with 15-minute checks. So I
1198 walked - did my first check. And then I stopped inside to kind of get a feel
1199 from him. Hey, how are you doing?

1200

1201 Q: Was that or was that another...

1202

1203 A:

1204

1205 Q: ...okay?

1206

1207 A: It was So I just to get a feel for how he was. Uh, he was quiet. He's
1208 really quiet. And, uh, he got up out of his bunk. He just looked at me. And, uh,

1209 I just kind of got a weird vibe from him, like you know, I didn't know. Uh,
1210 like I knew at that point, I said, well, I'm going to give him a Ferguson gown.
1211 Uh, so uh, I kept doing my - my round. I did 15-minute checks. And then,
1212 uh...
1213

1214 Q1: Did he say anything to you?
1215

1216 A: Uh, a couple, yeah, every - just, you know, a couple of times I'd say, "Hey,
1217 how you doing? How you feeling?"
1218

1219 Q1: Mm-hm.
1220

1221 A: I kept trying to get a feel from him. At one point, he - he waved at me, and he
1222 said, "Good." Uh, okay. But he - he was real quiet. And, uh, he was awkward.
1223 I - it was just awkward to me. Uh, he would jump out of his bunk real fast and
1224 stand there.
1225

1226 Q1: Mm-hm.
1227

1228 A: And so...
1229

1230 Q1: Do you know if he had a celly - cellmate?
1231

1232 A: He didn't have no - he had no cellmate.
1233

1234 Q1: Okay.
1235

1236 A: And, uh, so later on, uh, it was after clothing exchange, uh, me and (Deputy
1237 Anderson Darr) went in and told him, uh, they were going to dress him out
1238 into a Ferguson gown. And I - well, actually, I - I believe - I'd mentioned it to
1239 him before. I said, (unintelligible). He said, "Okay." And so I opened the door.
1240 And then, uh, he said - asked, "Why I gotta wear a Ferguson gown?"
1241

1242 Q: Mm-hm.
1243

1244 A: And I - you know I explained to him. Uh, maybe you didn't talk to mental
1245 health when you came in. Uh, it pretty much establish things. If you don't talk
1246 to mental health when you come in, they're going to put you on, uh, 15-minute
1247 checks suicide watch because they don't know if you're suicidal or - or - or
1248 what. And, uh, so he, uh, he sa- first he said, "Okay." And so I had went to
1249 hand him the Ferguson gown. He looked at it, and he said, "Oh, I don't want to
1250 wear this." And, uh, (Jonathan) - uh, I said, 'Well, uh, you're going to have to

1251 wear it. Uh, you know, I want to make sure you're okay." You know standard
1252 stuff. I don't know if that's the exact words I used, but I said, you know -
1253 basically, I was trying to coax him into it. And so at one point, I told him, uh,
1254 "Well, if you didn't talk to mental health down there, then this is why they put
1255 you on. So what I will do for you, is you put this on now, and I'll go get, uh -
1256 or I'll call mental health technician and, you know, have them come up and
1257 evaluate you. And if they deem that you're okay to be here with your, uh,
1258 clothing property, sheets and blankets, then, uh, we'll - I'll go ahead and give
1259 you back your clothing." Sorry. And, uh, so I - uh, he said - he dropped the
1260 Ferguson gown. And he started to lift up his shirt and then he - he looked
1261 down. And he's like, "Oh, I'm not going to put this fucking thing on." And I
1262 said, "Well, uh" - I told him, "Well, you want to put it on. If you" - I think I
1263 told him - give him the option - "Well, we can put it on here, or if you don't
1264 feel comfortable. Or I will handcuff you and pull you out, and we'll take, you
1265 know, pull - we'll put this on in the interview room in privacy." And...

1266
1267 Q: Was this taking place in his cell?

1268
1269 A: He was standing in his cell. Myse-...

1270
1271 Q: Okay.

1272
1273 A: ...I was standing outside of his cell.

1274
1275 Q: All right. But the door was open.

1276
1277 A: The door was open.

1278
1279 Q: Who was with you, (Officer Darr)?

1280
1281 A: (Anderson).

1282
1283 Q: Okay.

1284
1285 A: Uh, (Anderson Darr).

1286
1287 Q: Okay.

1288
1289 A: So, uh, then, uh - I said, "Okay, " He said, "Well, I'm not putting
1290 the" - he said, "I'm not putting - putting the fucking the Ferguson gown", or
1291 something to that affect. Okay, face the wall now. We're going to have to put
1292 you in handcuffs and pull you out. And the door was already open. And, um,

1293 so I didn't want to close the door. And, you know, I was, you know, at the - he
1294 went to face the wall, so I stepped inside of his side hold my handcuffs. I
1295 stepped inside his cell with handcuffs - uh, handcuffed the inmate. So as soon
1296 as I stepped in he looked at me. And I told him, "Face the wall." And he
1297 cocked his right-hand back and lunged at me to try to hit me.

1298

1299 Q: Mm-hm.

1300

1301 A: So I back-pedaled backwards. Um, and then, uh, I attempted to put my
1302 handcuffs away. I - I did secure my handcuffs back in the case. And then, uh,
1303 he's fixed at me. And then he just kept swinging wildly. And so I took a step
1304 back, and then I lunged into him to hit him, like punched him quite a few
1305 times in the face. Uh, he - at one point, he locked up on me, and he grabbed
1306 me, uh, like by my uniform.

1307

1308 Q: Mm-hm.

1309

1310 A: And then I try to pull his head down to - because I was going to sprong to
1311 push his body weight - uh, put my body weight on him...

1312

1313 Q: Mm-hm.

1314

1315 A: ...to push him down to the ground. And he was just too big. Uh, and then I
1316 remember we were kind of weighing back and - swaying back and forth. And
1317 then we were just wrestling around. And then, uh, I remember telling - I think
1318 I told (unintelligible) to put it on the radio. I - he was already putting it out.
1319 And then put out patrol officer involved 6A. Uh, then he - he was on - he
1320 came on the right side of him, I believe. And then, uh, we eventually wrestled
1321 down to the ground.

1322

1323 Q1: Inside his cell or outside of his cell...

1324

1325 A: This is inside...

1326

1327 Q1: ...or in between?

1328

1329 A: ...and outside the cell.

1330

1331 Q1: Okay.

1332

1333 A: In front of the cell. Uh...

1334

1335 Q1: Top tier or bottom tier?
1336
1337 A: Bottom - it was all on the bottom tier.
1338
1339 Q1: Okay.
1340
1341 A: He was in a corner cell behind the pillar, uh, cell 25.
1342
1343 Q1: Okay.
1344
1345 A: And then, uh, so when he first looked to the - he went to his knees on the
1346 ground. And then, uh, he did get back up to his feet. And when he did right -
1347 right around cell 21...
1348
1349 Q1: Mm-hm.
1350
1351 A: ...and - and 19, because they're next door to each other. Um, I went - he kept
1352 pushing me back towards a pillar in front of cell 17. And then I remember
1353 pushing him down and kind of pushed him to the side. And he hit his head on
1354 the pillar. And, uh, he kind of just stopped moving for a second. And I just
1355 remember thinking to myself, oh shit, he - you know what happened.
1356
1357 Q1: Yeah.
1358
1359 A: And then, uh, he's - his legs were, you know, moving, and his hands - his
1360 hands are going back up. So I jumped on top of him and, uh, tried to wrestle
1361 his arm over to put him in handcuffs. And at some point, you know, he started
1362 wrestling again. And then, I finally - when I rolled him over I got - I - he
1363 rolled over - rolled me over - rolled me over to my side, pushed me off of him.
1364 And, uh - uh, he just charged - uh, he attempted to choke me. Choked me from
1365 the back, locked his hands behind my neck. And then I eventually got out. I
1366 got out of that, pulled on his head...
1367
1368 Q1: So he backed over that choke-hold?
1369
1370 A: Yes, sir.
1371
1372 Q1: Okay.
1373
1374 A: So I struck him a few times. And, uh, then got out of that and tried to roll him
1375 over. And I think I took, uh, friendly fire from my partner. He kicked me or
1376 something on accident. And, uh, I got pushed to the side. He got hit to the

1377 side. And then he ended up blocking - the inmate locked his arms, his hands
1378 were around me on this side of my neck.
1379
1380 Q1: Okay.
1381
1382 A: The left side of it. And at that point, uh, it was a pretty good choke. Uh, I just
1383 remember it felt like a long time that I was in the choke.
1384
1385 Q1: Mm-hm.
1386
1387 A: And then I felt like, uh, my - my vision started going out. And, uh, I just
1388 remember - I don't know. I don't want to get choked out in that room, you
1389 know.
1390
1391 Q1: Scared.
1392
1393 A: Mm-hm. So I got up on my toes and pushed his head down, and tried to pull
1394 his neck or his head one way. And squeezed my head. And I end up squeezing
1395 my head out. Uh, I felt a bunch of bodies came in, uh, pushing me from the
1396 back. And I just remember I grabbed his arm and I held onto his arm. Uh, I
1397 don't know. I don't know if my eyes were closed or if I just couldn't see, or
1398 what. I was - I think that I like lost my vision. Or, you know, maybe it was
1399 just the adrenaline, uh, I - I don't know. But, uh, I just held onto his arm until
1400 they had him handcuffed. And then somebody walked me out. And then I
1401 remember seeing the door as I was, uh, leaving the unit. Like, you know, just
1402 seeing the - the unit door, and then we walked towards the break room. Got
1403 checked out by the nurses. Eventually, went to VMC. So, uh, they told me I
1404 had a concussion.
1405
1406 Q: That was in November.
1407
1408 A: Uh, yes, sir.
1409
1410 Q: As you wrote in here.
1411
1412 A: Yes, sir.
1413
1414 Q: Okay.
1415
1416 A: Yeah, the crime report.
1417

1418 Q: On the crime report.
1419
1420 A: Yes, sir.
1421
1422 Q: Everybody else wrote duct paperwork. Did you miss any time?
1423
1424 A: Uh, I believe a week. Uh, I had the rest of that week off. Yes, sir.
1425
1426 Q: Why do you think that happened?
1427
1428 A: I was told that, uh, I believe it happened because he was under the influence
1429 of methamphetamines. Uh, or he was - he was high. I don't know off what.
1430 Somebody had told me - meth. Somebody had told me PCP. Uh, I don't know.
1431
1432 Q: Okay.
1433
1434 A: Um, what I do know is he had another incident on day shift with the officers
1435 when they attempted to insert him in the fourth floor. Uh, and he...
1436
1437 Q1: He was on the fourth floor before he went to the sixth floor.
1438
1439 A: No, sir. He was on the sixth floor at first.
1440
1441 Q1: Oh.
1442
1443 A: He came into custody housing six floor. After the incident, he went - he had
1444 also, um, got medical care from VMC. And, uh, he went to VMC and came
1445 back. And I had heard that during the day shift they had an incident with him,
1446 uh, on fourth floor.
1447
1448 Q: VMC because of this incident or later on?
1449
1450 A: No, because of this incident.
1451
1452 Q: Okay. So he went to VMC came back, went to the forth floor, and had another
1453 incident later on.
1454
1455 A: Yes, sir, on day shift.
1456
1457 Q: On day shift.
1458
1459 A: And I...

1460
1461 Q: Like, the next day.
1462
1463 A: Ye-, uh, yes, sir.
1464
1465 Q: Oh, okay.
1466
1467 A: And I, uh, believe that there was one more incident with him in that same 24-
1468 hour period. Uh, at the - actually, it could have been before the 4C. I think it
1469 was at, uh, medical center or something. So, uh, there's that. And then, uh, I
1470 actually recently seen inmate , uh, 4C. He was in - currently in 4C,
1471 yeah.
1472
1473 Q: And...
1474
1475 A: Uh, I was conducting clothing exchange and also assisted window bar checks,
1476 uh, in there. So when I went through, uh, his - do 4C, uh, he was on the top
1477 tier, I believe. I walked - had his door - cell open. And he looked at me and,
1478 uh, he had made eye contact with me prior, and I knew he was in there. And,
1479 uh, I said, "How are you doing " He said, "Good, sir." He goes, uh,
1480 "I want to apologize for what happened." I said, "Oh, it's okay, sir." I was like,
1481 "It's okay, . It's - you know things happen." He goes, uh - he goes,
1482 "Uh, I was" - I think he said I was out of my mind, or wasn't myself, or
1483 something like that. Something to that affect he said. And, uh, he said, "I
1484 apologize, and it's - it's not going to happen again." I was like, "It's perfectly
1485 fine." I was like, "I don't hold grudges." And I just don't. And he said, "Okay."
1486 And then, uh, I just asked him, you know what kind of - size pants you wear
1487 or whatever? And, uh, I handed him his clothing and just moved on. And later
1488 on I went and did window bar checks, which is go inside the cell. And I was
1489 the first one in and I stood right behind him. And open, you know, open. How
1490 you doing, sir? Good. How are you? You know again. And then just routine.
1491 One officer went and touched the window bars. And we walked out and
1492 closed the door, move onto the next cell. And then, uh, yeah.
1493
1494 Q: Do you have, uh - you know personally, I mean, you know I'm running the
1495 jail, you know. Do - have you had issues with other inmates over there? I
1496 mean, you were in 6A for, I don't know you said a while, so you did most of
1497 your time there. When you left 6A, did you go to (unintelligible) Second
1498 West?
1499
1500 A: No. I went to F2, which is...
1501

1502 Q: F2.
1503
1504 A: ...a 4 station.
1505
1506 Q: A 4 station.
1507
1508 A: That's the medical.
1509
1510 Q: Yeah, medical.
1511
1512 A: So I open the door for the nurses.
1513
1514 Q: Okay. And then you went to Second West.
1515
1516 A: Yes, sir.
1517
1518 Q: Why were you moved?
1519
1520 A: Uh, they moved a lot of officers around. Mmm.
1521
1522 Q: When you went from 6A to F2, it was like a normal movement or what - what
1523 - why were you moved?
1524
1525 A: To F2?
1526
1527 Q: Yeah.
1528
1529 A: I was told that it's - it was just because, uh, I had been in the dorm for a long
1530 time. And, uh, (Sgt. Brackett) said he wanted to give me a break. Um, I know
1531 it was 6A - or the 6th floor and the 5th floor pretty problematic units because
1532 of, uh - uh, there's a lot of inmates in there with - what do you call it - I guess
1533 psych issues - psych, uh, conditions.
1534
1535 Q: Special Management.
1536
1537 A: Special Management. Uh, and so there's a lot of them in there.
1538
1539 Q: And how long were you at F2?
1540
1541 A: Uh, I believe three months.
1542

1543 Q: And why were you moved from there?
1544

1545 A: Uh, I just kept asking, you know, can I go back to the dorm? I - oh, Lieutenant
1546 (Meyer) said, uh, he's going to move me back, and move me back into another
1547 unit. And, uh, he said, he did - he just wanted to give me a break.
1548

1549 Q: And you've been in Second West, what did you say, two months? Two months
1550 or four months?
1551

1552 A: About two months...
1553

1554 Q: Two months.
1555

1556 A: ...I believe.
1557

1558 Q: Any issues come up in Second West with you?
1559

1560 A: Um, yes. I worked, uh, the first day I got mask grieved in A dorm 4. Um...
1561

1562 Q: The first day.
1563

1564 A: Yes, sir.
1565

1566 Q: What happened?
1567

1568 A: Well, I, uh - one of the inmates had asked, uh, can he come and watch - there
1569 was a soccer game on. And he asked, uh, "Hey, can we turn the TVs on?" And,
1570 uh, around - I guess an officer had told them. (Thomas) had told them, you
1571 know, not till after count clears. And then they had asked another officer. And
1572 he said, "You may ask" - I believe he asked the deck patrol. And one of the
1573 deck patrol officers. And I heard him say, "You know, uh, you need to talk to
1574 your - your deck - your unit officer."
1575

1576 Q: Is that you?
1577

1578 A: Uh, it'll either be me or (T)'s or, um, yeah, (Thomas).
1579

1580 Q: So how many units officers...
1581

1582 A: On Second...
1583

1584 Q: I know - I know north, I don't really know south.
1585

1586 A: So Second West there's three - there's Second West 1, Second West 2 and
1587 Second West 3.
1588

1589 Q: Kind of like ABC.
1590

1591 A: And a Second - yeah, Second West, uh, cage officer.
1592

1593 Q: Okay.
1594

1595 A: So, uh, then I'd walk by - uh, I believe I was doing a welfare check or - I went
1596 over to Queens or the deck patrol officer. I walked by one of the inmates. Hey,
1597 can we, uh - they kept asking me. I told them, you got to talk - (Thomas) said,
1598 no. You - you asked another officer. Stop asking the officers. Uh, you're going
1599 to have to wait to count clears. And don't ask me. (Thomas) is the one that
1600 told you no.
1601

1602 Q: You one of the officers or are you on the, uh, cage?
1603

1604 A: No, I'm one of the officers.
1605

1606 Q: Okay.
1607

1608 A: So then I told them, uh - uh, I told them to ask. And then this - I believe I
1609 opened the door and then - oh no, they had said something. Yes. They had
1610 said, uh - I'm trying to get a timeline of when they said this. Somebody had
1611 said - oh no, okay. So that's right. I told them, "Everybody get on your - on
1612 your racks", because there's people walking around and going into the day
1613 room where the TV was. And so I told them, "Nobody goes in the day room
1614 until count clears now." And, uh, usually we'll leave the day room open just
1615 because, you know, it - it normally doesn't typically give, I guess the officers
1616 any issues. They're low level inmates, and they're, uh...
1617

1618 Q: GP and Spanish speaking GPs.
1619

1620 A: Uh, and you know, when I was on training I never had an issue with anybody
1621 in any dorm. And so, uh, I said - put everybody on rack status. And they
1622 basically just set on their bunks. And then, uh, when clothing came up I
1623 opened another hatch for clothing and stood by with the CSA. And I said,
1624 "Everybody line up for - for clothing." Uh, and one guy said, "Hey, we want
1625 to watch the game." And, uh, I told him, "When (Thomas) turn the TVs on,

1626 (Thomas) - you know, that's when the game will come on." Uh, I don't think
1627 count had cleared at that point. And, uh, I was like, "Everybody line up for
1628 count." And another inmate he says, "No, F that." Uh, he says, "Fuck that." I
1629 can cuss, right.
1630
1631 Q: Yeah.
1632
1633 A: He said...
1634
1635 Q: We're big boys now.
1636
1637 A: ...he said, "No - no fuck that." Uh, and then basically, he - he told the other
1638 inmates hey, you know, get up. I'm not going to - we're not going to fucking
1639 sit here. You're going to respect us. And then I told him, "I'm not going to
1640 argue with you guys. You guys want your clothing, line up, we're going to do
1641 clothing." And then one guy said, uh - and I - I was standing outside of the
1642 unit. And, uh, the door was closed. And it's a cage door -- a heavy metal door
1643 -- a cage door, and it secures. And, uh, the CSA is standing with me.
1644
1645 Q: Mm-hm.
1646
1647 A: So he said, uh - uh, you know, basically, fuck that. Uh, you know, everyone
1648 get up. Like - if you - I had told them, "If you guys want clothing, line up for
1649 clothing." (Unintelligible) right here. And, uh, I think it was (unintelligible)
1650 (Martin), she was conducting clothing. So she, um, uh, was standing there and
1651 one guy said, "No we don't want fucken clothing." And so, "Okay, go - go sit
1652 on your bunk." And then, uh, he said, uh, "I'm not gonna go sit anywhere."
1653 "Okay, anybody else want clothing?" And everybody was like, or that - that
1654 particular man I can't recall his name. But, um, he said, "No," uh, refused
1655 clothing, everybody refused clothing - everybody refused clothing. I said,
1656 "Clothing going once, clothing going twice, you guys want clothing or not?"
1657 And then everybody refused. They all walked back in the dorm, nobody came
1658 to the clothing line. So I closed the latch and shut the door. And then I had,
1659 uh, went back in. Oh, there was one inmate that said, "Hey, (Thomas) I wanna
1660 talk to you," he yelled from the door. So when (Thomas) came by, I stopped
1661 (Thomas) and I said, explained to him, I gave him my side of the story first
1662 and I know he's gonna go ask him, you know, which is fine.
1663
1664 Q: Sure.
1665
1666 A: And so he went and asked him and, uh, (Thomas) said, "Well, why am I
1667 gonna. Well, usually the TV's off, you know, (unintelligible) in there." Okay.

1668 So, um, he said, "What do you wanna do about it?" And I said, "Well, we'll
1669 go, you know, go through all their stuff, toss the house and - and you're gotta
1670 talk to me about why you wanna go search the bins. Well, you know, I've
1671 never had an issue. Well, you wanna go search the bins because, you know,
1672 they don't see me as authority figure, they don't see me as, you know, and I am
1673 respectful when I go. That was my first day, so I - when I got in there I went
1674 in there, you know, smile on my face and...

1675
1676 Q: Mm-hm.

1677
1678 A: ...how you doing, you know, you know. So anyways, uh, I told, you know.
1679 That's my thing. I'd like to search - search through stuff. So I went through the
1680 cells and, uh, or not the cells, uh, eventually went through the bins. I think was
1681 the following day or something. But anyways, so they had grieved it. Sergeant
1682 (Bracket) talked to me about it, and he said, uh, you know, basically gave me
1683 his input and, uh, eventually we let 'em, you know, we turned the game on
1684 and, uh, that was pretty much that. Sergeant (Bracket) took care of the, uh,
1685 grievance, or he did whatever he did on his end. I don't know what goes on
1686 after they - they received 'em, so.

1687
1688 Q: So you basically kinda - when (unintelligible) toss their bunks, you basically
1689 kinda like set precedence?

1690
1691 A: I'm sorry I didn't hear, um...

1692
1693 Q: When (Thomas) had asked, you know, when you had said, hey, you know,
1694 let's - let's basically go toss their stuff. Why? Basically in your mind you're
1695 thinking, well I gotta set precedence. It's my first day, I've tried to be nice to
1696 these guys, you know, but at the same time, I'm gonna show 'em I mean, you
1697 know, some kind of business, you know, I'm the one in charge here. Is that
1698 kinda - kinda right?

1699
1700 A: Yeah. I, uh. Yes, sir. I - I wanted to. It wasn't like a - a punishment thing or
1701 anything like that, it was just. Well, I guess, yeah, I needed to.

1702
1703 Q: It's your house.

1704
1705 A: Yes, sir. And I don't know if that's wrong or not, but that's what I did.

1706
1707 Q: Well, I'm not saying it is, I'm just...

1708
1709 A: Okay.

1710

1711 Q: ...trying to, you know, kinda get a feeling.

1712

1713 A: Okay.

1714

1715 Q: Um, so you talked about grievances. How - are grievances handled the same
1716 by everybody?

1717

1718 A: Uh, the officer who received it - the officer receiving the grievance will sign
1719 it, turn it into the, uh, the mailbox, and it goes to the sergeant's box.

1720

1721 Q: Are they duplicate forms?

1722

1723 A: Yes, sir.

1724

1725 Q: So when I give it to you...

1726

1727 A: I hand back the pink copy.

1728

1729 Q: ...you sign it, and you give them back their pink copy...

1730

1731 A: Yes, sir.

1732

1733 Q: ...and then you turn in the main form.

1734

1735 A: Excuse me.

1736

1737 Q: Are their grievances that don't get turned in?

1738

1739 A: Every time I receive a grievance, I will turn it in, I.

1740

1741 Q: Or do - do others not turn 'em in?

1742

1743 A: Uh I've never seen anybody throw away a grievance. I've never seen anybody
1744 throw away a grievance, but you hear about it all the, you know, the O.G.'s,
1745 they just, O.G. officers they just throw 'em away or, you know, it's like.

1746

1747 Q: So...

1748

1749 A: But (unintelligible).

1750

- 1751 Q: ...so my thought of that happening it - it potentially could happen.
1752
- 1753 A: (Unintelligible) of course, yes.
1754
- 1755 Q: Okay, all right. All right. Because I - I, I'm learning the grievance process
1756 right now...
1757
- 1758 A: So.
1759
- 1760 Q: ...um, and - and the last couple of days I've been trying to learn this grievance
1761 process because, um, it - it's come up in - in this investigation. And, you
1762 know, I - I didn't work at the jail. Even as a supervisor when - when, you
1763 know, we were over there, I - I didn't work over there. So I'm learning this
1764 grievance process, and it just sounded to me like exactly what you were
1765 saying. An inmate files, you know, writes up a grievance, and he gives it to
1766 the officer. The officer will sign it, give them a copy, and then it's incumbent
1767 upon the officer to do what needs to be done with that grievance.
1768
- 1769 A: Yes, sir.
1770
- 1771 Q: Um, so I don't know if down the line I go, and I hear about a grievance, an
1772 inmate tells me you know what I - I, this happened. Uh, let's say use of force
1773 'cause that's what we're talking about, right. This happened, I wrote up a
1774 grievance, I turned it in, and that was like three months ago, and I haven't
1775 heard anything from it. And I try to do some research on it and I find out
1776 shoot, man, uh, in the system - the system, this grievance doesn't exist. Is it
1777 possible that whoever that officer was, didn't turn it in?
1778
- 1779 A: Uh, yeah. But typically the inmates will wait until another shift to turn in a
1780 grievance.
1781
- 1782 Q: So they don't have to hand it directly to the officer that they're grieving?
1783
- 1784 A: No, sir.
1785
- 1786 Q: Oh, okay. See I just learned something. Um, okay.
1787
- 1788 A: And, like I said, typically they won't - they won't turn it in.
1789
- 1790 Q: I know, why would you, right. I mean...
1791
- 1792 A: 'Cause then...

1793

1794 Q: ...you're - you're grown man. If - if you are beefing with somebody and you
1795 wanna write something about them so that, you know, their bosses get it,
1796 would you wanna give it to them?

1797

1798 A: Uh, probably not.

1799

1800 Q: Probably not, right. Probably not. Um, okay. Uh, how do you think - how do
1801 you think inmates. I mean you had problems, not problems, but I mean you
1802 had used force incidents on 6A, right...

1803

1804 A: Yes, sir.

1805

1806 Q: ...uh, 'cause you were there how long?

1807

1808 A: Probably around 10 - 11 months.

1809

1810 Q: Okay. So they'll probably, shoot, like you talk about five - six...

1811

1812 A: Right.

1813

1814 Q: ...those are floors that she kicks off, right?

1815

1816 A: Yes, sir.

1817

1818 Q: Um, so you are (unintelligible), um, for a various amounts of stuff, but, you
1819 know, some of 'em were for use of force, right?

1820

1821 A: Yes, sir.

1822

1823 Q: So would you say that, um, you know, inmates in your dorm had issues with
1824 you, uh, any more than say anybody else, or was it just kinda normal business
1825 as usual, say in - in various pods?

1826

1827 A: With, uh, everyone jokes with me and calls me the shit magnet.

1828

1829 Q: Why do they call you that?

1830

1831 A: Because, uh, there's lots of incidents in 6A or, um, I'll be escorting an inmate
1832 somewhere. And like - like one time on the 5th floor, so- something happen -
1833 it hap-, uh, happen on 5th floor and I ended up running in and, uh, you know
1834 assisting, you know. And then sergeant would, well, how - how are you doing,

1835 you're on 6th. But anyways, it's just, people say, um, you know, there's lots of
1836 incidents in 6A. So, uh, going back to that, uh, I'm - I'm - I'm kinda, like,
1837 hitting blank right now. What - what was your question again?
1838

1839 Q: Would you say that, you know, your - your - your dorm, 6A, had, you know,
1840 specific problems with you...
1841

1842 A: Oh, yes, (unintelligible).
1843

1844 Q: ...and you, you know, you said people calls you shit magnet.
1845

1846 A: Well, uh, majority of the incidents I had, I believe were inmates on inmates.
1847 Um, there have been failure lockdowns. I've had, uh, most of what I can recall
1848 they're pretty much all, um, inmates with, uh, psychic, uh...
1849

1850 Q: Special management.
1851

1852 A: ...special management, (unintelligible). Um, and, uh, I guess I've had talks
1853 with, you know, different officers, different training officers, and stuff like
1854 that about, you know, trying to find out, um, you know, what can - what can I
1855 improve in commun- communication maybe, uh, you know, try to talk 'em
1856 down or what not. So eventually, you know, it all slowed down and, uh, things
1857 like that. But, um, I've pepper sprayed a few people. At one time a inmate
1858 throwing hot water on me. Uh, and then I've had mainly failure lock-downs or
1859 415's, I mean...
1860

1861 Q: Nobody's perfect, right?
1862

1863 A: No, sir.
1864

1865 Q: Now I'm - I'm not perfect, you know, Sergeant (Cross) wasn't perfect. And I -
1866 I - I don't sit here and, you know, try and think that you're perfect, okay.
1867 Especially, you know, gosh, what...
1868

1869 A: Only (unintelligible).
1870

1871 Q: ...you know, less than two years on, right?
1872

1873 A: Yes, sir.
1874

1875 Q: Um, what would you say is, and you - you mentioned going to, like, uh, you
1876 know, training officers and ask 'em, hey, you know, what - what can I do.

1877 What would you say if you had to guess, uh, you know, like some things that
1878 you could improve on like a weakness, what would it be?
1879

1880 A: Um, well back then I - I had, uh, I know I had an issue with, uh, I guess
1881 communicating or, um, just basically communicating with the inmates. 'Cause
1882 in my training in the academy or, it was get comfortable with the word no,
1883 um, you don't have to give anything extra to these guys, you know, things like
1884 that, uh, le-, you know, let them know that it's your house, go through their
1885 stuff, um, things like that, so. And that's pretty much what I did.
1886

1887 Q: Communication?
1888

1889 A: Yes.
1890

1891 Q: Um.
1892

1893 A: And, sorry. And so - so I remember what I was gonna say. Back to you were
1894 asking me what would you say they had issues with you. Uh, I don't know if
1895 they had issues with me or basically because I - I was comfortable with going
1896 through, um, their property. I was comfortable with pat searching on - pat
1897 search inmates all the time and always found contraband or...
1898

1899 Q: Mm-hm.
1900

1901 A: ...like, tattoo kits or various, you know, staples, you know, minor pins, uh,
1902 lighters, things that. You know I've always been, uh, you know - you know,
1903 you guys are here, this is my house, we - we work with you, live here
1904 together. I live here 12 hours a day and, um, you got, you know, just basically,
1905 you know, I - I enforce the rules, basically.
1906

1907 Q: Right.
1908

1909 A: Yeah.
1910

1911 Q: Do you think they respect you for that?
1912

1913 A: Uh, I believe so. Uh, some, you know, some of the inmates do and some
1914 inmates probably, you know, they're - they're coming off the street, they're
1915 high, they're irritated, they're upset, they, or they're having issues that I don't
1916 understand. You know, they probably can't talk to me about it because all the
1917 other inmates are watching or for whatever reason, you know, they may be
1918 having issues with people.

1919

1920 Q: Would you call yourself fair?

1921

1922 A: Uh, I believe so. Yes, sir.

1923

1924 Q: You think so?

1925

1926 A: Yes, sir.

1927

1928 Q: It's just - I'm just, you know, asking.

1929

1930 A: I believe I'm fair.

1931

1932 Q1: Have you characterized yourself as proactive then?

1933

1934 A: Very much so.

1935

1936 Q1: Okay.

1937

1938 Q: How do you think your - your peers?

1939

1940 A: Say again?

1941

1942 Q: How do you think your peers, you know, uh...

1943

1944 A: Mm-hm.

1945

1946 Q: ...you know, other than calling you shit magnet. How do you think they, uh,
1947 feel about, you know, maybe would you say you, you know, toss bunks more
1948 than normal?

1949

1950 A: Um.

1951

1952 Q: Would you say maybe a little more proactive than some of the other deputies,
1953 or how would you characterize it?

1954

1955 A: Yeah, I believe I'm more proactive than most deputies. Uh, well, yeah, yes, I
1956 would.

1957

1958 Q: As a result of that, would you say that at times that that turns into maybe more
1959 use of force incidents than other deputies?

1960

1961 A: Uh, no. I would say that maybe inmates, uh. I - I guess so, yeah, I guess that
1962 could be. It - it could be, uh, well more results of paperwork. I don't know
1963 about use of force 'cause.
1964
1965 Q: Okay, fair enough. I - I understand what you're saying. Whether it's use of
1966 force or just whatever...
1967
1968 A: Whatever worked out.
1969
1970 Q: ...maybe even grievances...
1971
1972 A: Yeah, grievances.
1973
1974 Q: ...right, maybe even grievances. Eh, this guy's tossing our shit all the time.
1975 Right, that would be a grievance, right.
1976
1977 A: Got it, yeah, you know...
1978
1979 Q: Yeah.
1980
1981 A: ...things they. They'll - they'll say something, you know, maybe, you know, to
1982 get me out of there or...
1983
1984 Q: Mm-hm.
1985
1986 A: ...you know, I always hear about too is that inmates, um, will write up mass
1987 grieve people or officers to get them out of there if they're on their ass all the
1988 time and, uh, and they're really enforcing the rules. Then, uh, they'll grieve
1989 'em, they'll write stuff up...
1990
1991 Q: If.
1992
1993 A: ...you know, make shit up.
1994
1995 Q: Other than that first day in Second West, you've been masquerade before?
1996
1997 A: Uh, I believe in, yeah, 6A.
1998
1999 Q: 6A?
2000
2001 A: Yeah.
2002

- 2003 Q: Just in general - just 'cause what do you think they didn't want you there or
2004 why?
2005
- 2006 A: Um, (unintelligible) actually I do believe that that's because of, uh, I was
2007 always going through people's cells. Especially when I first, um, when I first
2008 went to 6A I was really, uh, I guess was adamant about going into the cells
2009 and cleaning 'em up and make sure there's nothing there, whatever.
2010
- 2011 Q: So you're trying to keep a clean house?
2012
- 2013 A: Yes, sir.
2014
- 2015 Q: Back to one of the questions I asked. How do you think your peers, you know,
2016 view how - how you - you run your pod or shift or whatever?
2017
- 2018 A: Uh, I think, uh, I really think I'm proactive and they would, I've heard people
2019 say I'm a good partner. Uh, I've also had Sergeant (Bracket) say, uh - uh, well
2020 he's, you know, he's doing a good job at what we're. I was in, the first time of
2021 overtime signups. I remember Sergeant (Bracket) say, yeah, he keeps a - he
2022 keeps a - he runs a tight ship up there, and it's good he keeps up the good, uh,
2023 he said, keep up the good work. So I said, okay. Uh, I believe he was talking
2024 to Sergeant (Duran) or one of the - one of the sergeants, uh, 'cause there's new
2025 sergeants that just got promoted. So, uh, you know, made me feel good and
2026 then after when I got in, went to Second West, Sergeant (Bracket) talk to me,
2027 uh, maybe, you know, take it easy, slow down, uh, you don't need to be, you
2028 know, you can sit here and relax and do your welfare checks, uh, you don't
2029 have to be on these guys so much.
2030
- 2031 Q1: Why do you think he had that conversation with you?
2032
- 2033 A: Because of, uh, the paperwork they got worked up, uh, paper, you know, the
2034 incidents I had in 6A or things like that. And he told me that following the
2035 grievance in (unintelligible).
2036
- 2037 Q: The mass grievance?
2038
- 2039 A: The mass grievance (unintelligible).
2040
- 2041 Q: Did you take that advice?
2042
- 2043 A: Uh, yeah. Yes, sir, I did. Well, okay, so when he told me that I felt like, uh, I
2044 kinda felt, uh, I felt like he was taking the inmates side, uh, maybe I -

2045 something I wasn't understanding or, I just feel like, well I'm doing my job,
2046 I'm enforcing rules, and things like that. And he - and he explained to me. I
2047 actually even told him this, and he said, no, well, yeah, you can enforce all the
2048 rules and keep getting paperwork and paperwork and paperwork and - and
2049 you're gonna tire yourself out and your career is not gonna be very long here.
2050 And I said, okay. And then, uh, I just - I guess the way he said it or he - it
2051 seemed like he was upset or disappointed in me. So then I felt like it was not
2052 necessarily a personal attack or just that he took the other inmates side and, or
2053 the inmates side over mine. And I just felt like, well maybe I should just not,
2054 you know, not do so much searching through bins, uh - uh, maybe not force so
2055 many - so many rules or come down so hard, you know, I guess.
2056

2057 Q: Your peers had some of the conversations with you, hey man, slow down, you
2058 know, lay off, you know. Have partners that we work with that maybe don't,
2059 you know, handle their business like, you know, we do. But do they ever tell
2060 you, you know, hey, man, slow down.
2061

2062 A: Uh, um, I think (Calise) told me one time in the basement. She's like, "Eh,
2063 you, uh, you know just kinda keep your - just stay away from things." And,
2064 uh, I don't really recall anybody saying, you know, stop - stop responding to
2065 incidents and things like that. And that's the other thing, is I respond to
2066 incidents and I report, you know. If I go and help - help out, whatever I do, I'll
2067 - I'll report.
2068

2069 Q: You report up everything.
2070

2071 A: Yes, sir.
2072

2073 Q: You report it accurately...
2074

2075 A: Accurately.
2076

2077 Q: ...as it happened.
2078

2079 A: As it happened.
2080

2081 Q: Um, many years ago, you know, I went through, you know, training
2082 (unintelligible) training and - and I - I know that, you know, as - as a training
2083 officer I used to tell people this too because I tried to do this. You know, a lot
2084 of times we try and find people, uh, and we admire how they work, uh, maybe
2085 even try to model our- ourselves after, you know, some of the things they do.

2086 Did you have anybody like that?
2087
2088 A: To model myself...
2089
2090 Q: Mm-hm.
2091
2092 A: ...after someone?
2093
2094 Q: Mentor - mentor.
2095
2096 A: Um, first was, uh, tio (Duenes). He was - he's a funny guy.
2097
2098 Q: who?
2099
2100 A: Tio (Duenes).
2101
2102 Q: (Duenes)?
2103
2104 A: Yes, sir. Um, he's funny, he's always, you know, cheerful, uh, he's proactive.
2105 Uh, who else? Uh - uh. I like the way that tio (Yanto), uh, trained. And, um, I
2106 actually had a, uh - uh, training, like, he was - used to be a training officer. I
2107 think his name is (Torres) or, yeah. I was working overtime, uh, a few weeks
2108 ago, maybe a month ago. And, uh, he kinda gave me some advice and I liked
2109 it, you know, stuff that he was telling me, uh, go in there and tell 'em what
2110 you expect. And that's pretty much what - what I did. I took after my - my -
2111 my recruit training officer (Vasquez), I - I could say, um, 'cause I, you know, I
2112 look up to him and, uh, (McNeely) as well. I look up to Mc-.
2113
2114 Q: What about partners?
2115
2116 A: Partners, uh. Well, like I said, (Duenes), he'd be a partner. Uh - uh, maybe
2117 (Murillo). I like. Well, I. So I like the - I liked working with (Murillo), uh, I
2118 enjoyed working with him.
2119
2120 Q: I know (Murillo).
2121
2122 A: Yeah. (Unintelligible) here - he was here for, like (unintelligible) a year. And
2123 so, um, you know, he's - he's pretty - he talks to the inmates and he goes in
2124 there. Uh, he's worked 6C. And then, uh, I always, of course, I always like the
2125 way that the inmates respected him...
2126

- 2127 Q: Mm-hm.
2128
- 2129 A: ...uh, he'd go in there, he's able to have a conversation even though these
2130 inmates had, uh, (unintelligible), um, you know, getting told (unintelligible).
2131 But they would tell - you know, they would tell him, "Look, (unintelligible),
2132 you know, this issue or whatever," and they were able to have some sort of,
2133 you know, mutual respect with each other, and this and that. So, uh,
2134 (unintelligible) also talked to me, you know, uh, you're gonna have a
2135 conversation with him, talk to him, get a feel for him, you're gonna have some
2136 sort of bonding with him...
2137
- 2138 Q: No matter, what they're still human beings, right?
2139
- 2140 A: Of course, of course.
2141
- 2142 Q: All right.
2143
- 2144 A: And, um, so I always - always told myself that, and I've always - I believe I've
2145 always talked to these guys - inmates as human beings, and, um, you know,
2146 always give them a - a chance to voice their opinion, and, uh, some - even
2147 sometimes I spent more time talkin' to inmates than - than, you know, other
2148 officers will.
2149
- 2150 Q: Mm-hm. What do you think (Ferris) probably - or thinks of you; how about
2151 that?
2152
- 2153 A: Thinks of me?
2154
- 2155 Q: What do you think - what do you think (Ferris) thinks of you?
2156
- 2157 A: Uh...
2158
- 2159 Q: You guys are friends, I understand that, but, you know...
2160
- 2161 A: Well, I mean, yeah. Yeah, I would consider all my partners friends, so yeah.
2162 But, uh, I think he - uh, he thought maybe, uh, he was probably one person
2163 that thinks that I just - I go in there, and I'm always, uh, goin' through stuff,
2164 and - I know one time - one time I - when he was workin' 6A, and I heard, you
2165 know, inmates yellin' and stuff (unintelligible), uh, you know, you gotta have
2166 control over - they're just gonna run all over you and things like that. And he
2167 told me, um - he goes, "Well, as long as I get to go home in the morning and
2168 stuff like that, then it's fine with me." I said, "Okay. Well, they're gonna run

2169 all over you and blah blah blah and things like that." Uh, I told him, "You
2170 gotta go toss their cells. Uh, I'm not saying go in there and hit nobody. I'm just
2171 saying you gotta go in there and show that this is your house, it's - it's author-
2172 and you gotta show authority, and, um, you're not afraid to go in there and go
2173 through their stuff what - whatnot, so - take stuff away, take the TVs away,
2174 take the hot pot away, uh, things like that."
2175
2176 Q: Run the house.
2177
2178 A: Run the house. Uh, enforce rules, and if - if you have to, just enforce more
2179 rules than what you would normally enforce.
2180
2181 Q: How did he take that?
2182
2183 A: Um, he told me, "Well, I just try to lay low and" - uh, and basically goes back
2184 to he was wanting (unintelligible).
2185
2186 Q: You know (Evans)?
2187
2188 A: (Unintelligible).
2189
2190 Q: Yeah.
2191
2192 A: Uh, yes, sir.
2193
2194 Q: What if I had - what if I told you that, uh - uh, I had somebody come forward
2195 to me that - that, uh, said that maybe Barrera, you, maybe Barrera was a little
2196 heavy-handed; would that surprise you?
2197
2198 A: No, people have said - told me that before.
2199
2200 Q: People have told you that before?
2201
2202 A: Yeah.
2203
2204 Q: By who?
2205
2206 A: Uh, just, uh - I don't think they've used the exact words heavy-handed, but I - I
2207 got the vibe (unintelligible) told me, "You better slow down, this and that,
2208 and, you know don't be so heavy-handed, or, you know, take - take a break,
2209 take a step back." Uh, but I wouldn't, uh, see myself as being heavy-handed.
2210

2211 Q: Why do you think they said that?
2212

2213 A: Because of all the incidents that occurred in my unit. And basically because I
2214 go through the house (unintelligible)...
2215

2216 Q: This goes back to my question. I mean, do - do - do inmates have a problem
2217 with you?
2218

2219 A: Mmm, I mean, i- if you keep - I guess if you keep, uh, you know, enforcin'
2220 more rules, whatever, you know, inmate can be upset with you or inmates can
2221 get upset with you or things like that. You know, if you keep lockin' him in or
2222 you take the TV away or - you know.
2223

2224 Q: Uh - uh, maybe I also have information that said that maybe you got in trouble
2225 for something, um, and as a result, someone said, "Yeah, you know, he's super
2226 heavy-handed." What would they be talking about?
2227

2228 A: I don't know.
2229

2230 Q: Um, when you were working 6A, did anything happen that, you know, maybe
2231 you got, you know, counsel for, in trouble for, or anything?
2232

2233 A: Uh...
2234

2235 Q: Other than (Brackets); you know, "Hey, slow down?"
2236

2237 A: Uh, believe I - oh, so, yeah. I believe, um, (Bracket) had talked to me about -
2238 he said, "We don't punch inmates."
2239

2240 Q: Okay. What was that as a result of?
2241

2242 A: Uh, there's a - this - I believe (unintelligible) came up. He was, um, under the
2243 influence. And he told me, uh, "You - basically we just don't - we don't strike
2244 inmates, there's multiple officers," and things like that. And, you know,
2245 (unintelligible)...
2246

2247 Q: Did you strike an inmate?
2248

2249 A: Yes, sir, I did.
2250

2251 Q: I mean, you - you talked earlier, too, about, um,
2252

2253 A: Yeah.
2254
2255 Q: You know, he had come at you and you s- backed up, but then when you
2256 (unintelligible) punched him in the face a few times.
2257
2258 A: Yes, sir.
2259
2260 Q: Is that the one you're talking about or is this a different one?
2261
2262 A: (Unintelligible).
2263
2264 Q: It's a different one?
2265
2266 A: (Unintelligible) is in protective custody. The inmate came up. Uh, he
2267 was (unintelligible). He was goin' to 6C. I was working, uh, F6 at the time.
2268 Uh, I believe Deputy (Atwell) was - yeah, he was the B5 officer. Brought him
2269 up. He brought him up, said, uh, (unintelligible) he told him to stand in the
2270 green box, and then he kinda just looked at him, and then I told him again.
2271 And I said, "Hey, stand in the green box," and then, um - so, we'd gone over
2272 to, uh, put him in - oh, I got his paperwork and looked and put it down real
2273 quick. I called 6C. They said to just keep him out there, "Okay." Um, so we
2274 went to stick him in Interview Room, uh, 2, I believe, and, uh, (unintelligible)
2275 Interview Room 2, so we directed him to go stand over in, uh, Interview
2276 Room Number 2. Then, um, I - I told - he didn't really - he looked at (Atwell)
2277 like, you know, kinda like he wasn't gettin' the message or whatever, so I said
2278 like, "Go drop your stuff outside the door (unintelligible) have a seat in
2279 Interview Room Number 2." "Okay," started walking over there,
2280 (unintelligible) stuff, I said, "Just drop your stuff right here," and I opened the
2281 door, and then I told - uh, I told him, "You can go have a seat back there, uh,
2282 on the seat," and then, uh, he said, "What - why do we gotta go in here for."
2283 "Uh, your officer's not ready for you, uh, you're just gonna have a seat, when
2284 he's ready, when he's done doing what he's doing, uh, he'll come out and he'll
2285 get you." He said, "I - I don't want to go in here, I'm not a rat," and then, you
2286 know, he looked over at, uh, (unintelligible), and then, uh, I said, you know,
2287 "Don't be sayin' that," and then he kinda just flipped the script. He started
2288 screamin', "I'm not a rat, I'm not a - I'm not a fuckin' rat, blah blah blah," uh,
2289 and so he - he was, I believe, right inside the - the doorway when he started
2290 doin' this. And then he went to turn around, so when he turned to face me, I
2291 kinda just put my hand on his back and one hand on his arm. I told him, "You
2292 need to relax, relax," and then, uh, went to sit him down (unintelligible) gonna
2293 have a seat here, and he kept, like, pullin' and tugging. So, at this point, I felt
2294 like we had to put him in handcuffs, restrain him, and, uh, I believe, uh -

2295 (unintelligible). Uh, I told (Atwell) I was gonna gra- grab his other arm or
2296 handcuff him, so I went to put him in a twist lock. Twist locked him, and then
2297 held him to the - uh, to the wall. He kept tryin' to get away from me, and then,
2298 uh, (Atwell) grabs the other arm. I told him, "You have to put him in a twist
2299 lock, uh, you know, you're gonna get elbowed," 'cause he had him, you know,
2300 very light - lightly on the arm (unintelligible). And then, um - um, he just kept
2301 jerking, and he ended up gettin' elbows in the nose. And, uh, so...

2302

2303 Q: Who - who got elbowed in the nose?

2304

2305 A: Uh, Deputy (Atwell).

2306

2307 Q: At...

2308

2309 A: So, push him to the - he kept goin' away, so I kind of push him over to the side
2310 and tried to hold him in the corner. Then he kept pushin' back, and then
2311 eventually we started wrestling around the ground. He, uh, ended up turnin'
2312 around, facing me, and then - at some point, and he struck me, he punched me
2313 in the leg, and then when he punched me, I tried to push him back, and then I
2314 hit him two or three times to, uh, create distance - well, I struck him because,
2315 you know, I got punched.

2316

2317 Q: Where'd you strike him?

2318

2319 A: In the face.

2320

2321 Q: Okay.

2322

2323 A: Uh, and then when that happened, he rolled over and kind of curled up, so I - I
2324 grabbed him, and he kept tryin' to get up onto his knees and scoot over, so I
2325 kept tryin' to hold him down. And then, uh, tried to get his arm, and I told him
2326 (unintelligible) deputy I will put it over the radio. And then, uh - uh,
2327 eventually, he put - he put it on the radio, and then (unintelligible) go open the
2328 sally port, open the door (unintelligible)...

2329

2330 Q: Mm-hm.

2331

2332 A: ...(unintelligible)...

2333

2334 Q: Responders? Yeah.

2335

- 2336 A: And then, uh, he said, "No, no," and he goes, "I got him, I got him," so then I
2337 ran out, opened the door, and ran right back in and jumped on him and held
2338 him there. And then responding officers came, they - they pulled him out - or
2339 the officers were pulling him, and then, uh, he, uh, was pulled out on his
2340 stomach, and I was on top of him kinda, like, uh, straddling him, I guess. And
2341 then, uh, pulled, uh - pulled him out, and then we ended up handcuffing him.
2342 A bunch of officers came. There was a whole bunch of officers that were
2343 there. Uh, and then...
- 2344
- 2345 Q: Did you write it up exactly the way it happened?
2346
- 2347 A: Yes, sir.
2348
- 2349 Q: Um, and Sergeant (Bracket) later, I guess, uh, talked to you about, you know,
2350 "Hey, man, we - uh, we don't punch people."
2351
- 2352 A: Yes, sir.
2353
- 2354 Q: Um, because, you know, uh, that's a couple times now (unintelligible) it
2355 sounds (unintelligible), you know, that, uh, when an inmate, uh, becomes
2356 assaulted, um, that maybe that's, you know, uh, somethin' that - that you've
2357 done is - is to, uh - to try and halt the assault (unintelligible) maybe punch the
2358 inmate. And Sergeant (Bracket)'s now telling you, "Hey, man, we - uh, that's
2359 not how we handle business." Um, was this, you know, like, just him talking
2360 to you, or was this, like, more like a - like a - like a counseling, like, um, that
2361 he's talking to officially?
2362
- 2363 A: Uh, sort of more like it was a cordial conversation, and then I tried to explain
2364 myself, uh, what happened, and then he told me - and then it turned into, uh -
2365 well, he just said, "Well, we just don't do that."
2366
- 2367 Q: Okay.
2368
- 2369 A: "We don't do that here," so I said, "Okay."
2370
- 2371 Q: Um...
2372
- 2373 A: I felt like he was (unintelligible).
2374
- 2375 Q: How do you feel about it?
2376

2377 A: Uh, I - I was under the impression that we could strike inmates if we had to or
2378 if we were - we can meet same use of force. And so, you know, an inmate is
2379 punching me or hit - hits me and I - you know, then I can meet or exceed to,
2380 uh, overcome resistance of the inmate. So, you know, and - and - which is
2381 what I did, so...

2382

2383 Q: Uh, any other times where maybe, you know, someone would be referencing,
2384 you know, you'd be in trouble for something, or is that, you know, all you can
2385 think of?

2386

2387 A: Uh, they're in the, uh - in the basement, I - I don't remember (unintelligible) I
2388 used to go down there just to say hi to the officers down there, and, uh - you
2389 know, just say hi, and there was a sergeant that said, "Don't, um - you know" -
2390 what was the incident - I believe (unintelligible) going on with an inmate, and
2391 he ended up getting, uh, twisted up. He pulled away from - I - I don't
2392 remember exactly how it went down.

2393

2394 Q: Okay.

2395

2396 A: Basically I had a three-by-five down there, and then, um, Sergeant told - came
2397 up and talked to me, "Don't go down to the basement anymore (unintelligible)
2398 I don't want you getting use of forces down there." (Unintelligible) basement
2399 crew. I said, "Okay." Uh - uh, he had asked me, "What are you doing there."
2400 Well, I walked down there on my lunch and, you know, chit-chat, and then,
2401 uh, you know, it happened.

2402

2403 Q: If somethin' happens, you're - you're gonna help out?

2404

2405 A: Yes, sir.

2406

2407 Q: All right. Um, one - one of the directions I was going a few minutes ago was,
2408 um, even though, uh, Sergeant (Bracket) talked to you, "Hey, you know, that's
2409 not what we do, we don't - we don't punch people," when you have done it,
2410 sounds to me like you're telling me that you documented just the way that it
2411 happened.

2412

2413 A: Right.

2414

2415 Q: "If I did it, I did it. I'm gonna write it on paper."

2416

2417 A: Yes, sir.

2418

2419 Q: Do you leave stuff out?
2420
2421 A: Like what?
2422
2423 Q: I don't know, anything.
2424
2425 A: Basically...
2426
2427 Q: (Unintelligible), you know, i- i- if - if their use-of-force incident, uh, occurs,
2428 uh, and maybe you do something that, you know, you think, "Shoot, man, you
2429 know what, (Bracket)'s gonna talk to me about that," would you leave it out of
2430 (unintelligible)?
2431
2432 A: No, sir.
2433
2434 Q: Uh, you document it like it happened?
2435
2436 A: Yes, sir.
2437
2438 Q: (Unintelligible). Um, do you think that, uh, any of your peers maybe think that
2439 you're gonna get in bigger trouble down the line, or do you know?
2440
2441 A: Uh...
2442
2443 Q: You think they have an opinion, uh, whether or not, you know, uh, you may...
2444
2445 A: (Unintelligible).
2446
2447 Q: ...go to IA or maybe you're gonna be fired or anything like that; do you - do
2448 you know?
2449
2450 A: No. (Unintelligible)...
2451
2452 Q: (Unintelligible) never said anything?
2453
2454 A: Not that I can recall.
2455
2456 Q: You mean maybe they've ever thought that?
2457
2458 A: That - that I was gonna get fired?
2459

2460 Q: Yeah, or IA, whatever it is.
2461
2462 A: Uh...
2463
2464 Q: Just because (unintelligible).
2465
2466 A: Well, yeah.
2467
2468 Q: 'Cause their opinion might be (unintelligible). Remember we had that
2469 conversation.
2470
2471 A: (Unintelligible), yes, sir.
2472
2473 Q: So, maybe they think that?
2474
2475 Q1: I'm gonna ask you some questions. I've got a little bit of jail experience. Um,
2476 you've talked about wanting to enforce the rules and stuff like that?
2477
2478 A: Yes, sir.
2479
2480 Q1: Do you write - do you write a lot of infractions?
2481
2482 A: Uh, I didn't (unintelligible) CIs 'cause I can instantly, uh - uh, so a CI's
2483 (unintelligible)...
2484
2485 Q1: We know what it is, yeah.
2486
2487 A: So, uh, I was always told that they s- they'll stay in the file for a longer period
2488 of time.
2489
2490 Q1: Mm-hm.
2491
2492 A: Uh, I don't - I don't know if it's in - I don't recall if it's indefinite or not, but, uh
2493 - and he goes, uh, I guess, this shows inmate's behavior throughout. You can
2494 wa- you can write positive ones, you can write negative ones. Um...
2495
2496 Q1: Did you ever write any positive ones?
2497
2498 A: Uh, yes, I have. I've written - I've written a positive one for, uh - um, a couple
2499 of inmate workers (unintelligible). Uh...
2500

2501 Q1: But most of them would probably be categorized as...
2502
2503 A: As negative, yeah.
2504
2505 Q1: Okay.
2506
2507 A: Because if - you know, if I was going to praise an inmate for a good job
2508 they're doing, usually I give, uh, extra food to or something like the extra
2509 program or (unintelligible). But, um, (unintelligible) is you can take, uh,
2510 program time from an inmate (unintelligible) CI.
2511
2512 Q1: And that's usually based on your recommendation to the sergeant?
2513
2514 A: Yes, sir.
2515
2516 Q1: Do you have to get those custody inputs approved before you start taking
2517 program time away?
2518
2519 A: Uh, yes, sir. The sergeant will have to sign them.
2520
2521 Q1: Okay. So you said you did that at first (unintelligible)...
2522
2523 A: I - I do - I - I have written infractions, and I still do occasionally, yes.
2524
2525 Q1: Okay.
2526
2527 A: Yes, sir. Like, if it's something, um - uh, you know, (unintelligible) failure to
2528 lockdown or fights, uh - well, typically I won't do it for fights 'cause I think
2529 they have to get (unintelligible) failure to lockdown, uh, I'll write up an
2530 infraction and stuff like that.
2531
2532 Q1: Okay. So you - you characterize that you do write infractions?
2533
2534 A: Yes, sir.
2535
2536 Q1: Okay. Have there ever been times where you sort of discipline inmates
2537 without having to do the infraction or the custody input; maybe tell them,
2538 "You know what, go ahead and lock down?"
2539
2540 A: Yes, sir.
2541

2542 Q1: Or you take, uh, a program time away without actually doin' a...
2543
2544 A: Well, so...
2545
2546 Q1: ...CI?
2547
2548 A: So, during program, if, um, they're being, um, really destructive or is being
2549 too loud and I gotta (unintelligible) yo guys - you guys lock down...
2550
2551 Q1: Sure.
2552
2553 A: ...I'll lock them down, uh, either for remaining of the - the program. My thing
2554 was I always give them - typically I usually give them a chance and I lock
2555 them down for 15 minutes at first, and if - when I let them - I - at the end of
2556 the 15 minutes, I'll go and I'll explain to them, "This is why you were - this is
2557 why I locked you down during program, uh, fix it," and then when, um - I let
2558 them back out. If it happens again, then I'll just lock them down for remainder
2559 of the...
2560
2561 Q1: All right.
2562
2563 A: For remainder of the program.
2564
2565 Q1: You said you like going through the bins.
2566
2567 A: Yes, sir.
2568
2569 Q1: Or their stuff. When do you do this?
2570
2571 A: During, um - during - so, like, after clothing, we do - you know, usually we'll
2572 go through a couple bins. Or if it's during a program, sometimes I'll go in and
2573 I'll just go through a couple things, move stuff around. Uh, I like doing
2574 window bar checks and going through stuff like that.
2575
2576 Q1: Sure.
2577
2578 A: Uh, (unintelligible) sweeps and other things.
2579
2580 Q1: Regular checks?
2581
2582 A: Regular checks (unintelligible)...
2583

2584 Q1: So during program time, you'll actually go into an inmate's cell to maybe do a
2585 little shakedown?
2586

2587 A: Uh, not, like, a full shakedown. I'll open their bin and I'll do a, you know,
2588 walk-through and stuff like that.
2589

2590 Q1: Okay.
2591

2592 A: If they have string attached to their sheets, I'll usually pull the string out. Um,
2593 usually I don't mess with their photos. I let their - their photos stay up on the
2594 wall for - for the most part.
2595

2596 Q1: All right. I know - just based on experience, I know sometimes younger
2597 officers, like you say, when they're going to a new unit, and they're trying to
2598 establish themselves, you know, you gotta be the authority figure, and you do
2599 start enforcing the rules maybe more than another shift or another officer,
2600 you're gonna get some resistance. You're gonna get some push-back obviously
2601 because they don't like it.
2602

2603 A: Yes, sir.
2604

2605 Q1: Um, would you say then that you did this on a regular basis; you would go
2606 through their bins, you would lock them down with rights to get negative CIs?
2607

2608 A: Um, you know, if I felt like, uh - I would - I used to do it ver- uh, pretty often,
2609 and, um, usually, uh, if the inmates are bein', uh, respectful and they don't give
2610 me hassle or anything like that.
2611

2612 Q: Sure.
2613

2614 A: Um, uh, I won't go through as much. Uh, but I will go through the, uh, the
2615 bands s- you know, especially if, um, feel like they get too - if I feel like they
2616 get too comfortable with me then, okay, I gotta set that precedent again then.
2617

2618 Q: Okay. Um, tell me about - tell me about pulling inmates out and putting them
2619 in the interview room? Does that happen?
2620

2621 A: Uh, yeah. So - yes it does happen w- if they're being really disruptive or things
2622 like that we'll pull them out, stick them in the interview room and, uh, waist
2623 chain 'em. I- you know, so the only time I'll waist chain is if, like, they're, like,
2624 suicidal or such.
2625

- 2626 Q: Uh-huh.
2627
- 2628 A: Or, uh, if they're banging or kicking their head or - or not kicking their head
2629 but banging their head, kicking the doors, punching, whatever. Or they just,
2630 um, if you feel like something's gonna happen we'll restrain 'em. Uh, if I feel
2631 like they're being really disruptive, uh, um, and I gotta tell 'em multiple times,
2632 you know? And then inside their cell, they're - they're, uh, yellin' and cussin'
2633 I'll call the sarge and say, "Hey, you know, this, um, this is goin' on - blah -
2634 blah - blah." "Okay." Sarge'll come up. There's been times where sarge has
2635 been there we've removed 'em. There's been other times where, uh, it was
2636 during program and then somebody'll just, you know, act like y-, uh, uh, like,
2637 for instance there was a guy - I can't remember his name. It was basically a
2638 (unintelligible) lockdown. I just ended up handcuffing him, stuck him out in -
2639 in the cell. So there's plenty of reasons why we'll - we'll pull 'em out. And if I
2640 go through s- uh, search cells and I feel like, you know, if I find something
2641 then - okay find a lighter or find something like that I'll cuff 'em and then just
2642 walk 'em out. Um, but y- don't open the doors if they're acting combative or
2643 anything like that so...
2644
- 2645 Q: Okay. So would it be fair to say that sometimes these interview rooms are sort
2646 of designated as sort of, like, a penalty box?
2647
- 2648 A: Uh...
2649
- 2650 Q: If an inmate is...
2651
- 2652 A: It's to separate 'em.
2653
- 2654 Q: ...acting out or if you want to just remove 'em from the unit you'll send them
2655 out and put 'em in an interview room?
2656
- 2657 A: If I want to remove from the - the unit I'll place 'em into the interview room.
2658 Uh, if I feel like it - it'll be more beneficial to - to getting, you know, getting
2659 control of the unit again.
2660
- 2661 Q: Okay.
2662
- 2663 A: If I feel like it'll - it'll help me out I'll s- stick 'em in there.
2664
- 2665 Q: And you've done this before?
2666
- 2667 A: Uh, yes sir.

2668

2669 Q: Okay. An- do you do it normally after hours when everything's locked down
2670 and you go back in the unit and somebody's making a lot of noise or banging
2671 on the door and do you pull 'em out?

2672

2673 A: Uh, so yeah we'll - typically we'll tell a sergeant, you know, banging - he's
2674 banging this and that. And then we'll say o- we'll go ahead and, uh, go in there
2675 and pull him out and, you know, "If he's gonna - feel like he's gonna give you
2676 any issue then I'm gonna come up blah - blah - blah." And I'll just handle it
2677 and that's it and then, um...

2678

2679 Q: When you say handle it what do you mean handle it?

2680

2681 A: Basically just, like, you know, uh, help (unintelligible) or if he says, you
2682 know, if we feel like we can do it without having an incident we'll go in there
2683 and just pull 'em out. Uh, you know, what a- what are you doin' or, uh, like,
2684 flooding cells or...

2685

2686 Q: Uh-huh.

2687

2688 A: Um, what's the other reasons? Yelling and screaming. Oh, so a lot of times
2689 we'll pull inmates out to - you'll have inmates yelling and screaming out of the
2690 cell and then other inmates are getting upset and irritated. So i- to keep - try to
2691 keep the peace we'll pull 'em out and stick 'em inside the interview room.

2692

2693 Q: And normally you're supposed to advise the sergeant before you do this?

2694

2695 A: Correct sir.

2696

2697 Q: Sometimes have you done it when you've done it and then you advised the
2698 sergeant afterwards?

2699

2700 A: Yes, sir.

2701

2702 Q: Okay. And have you ever had to - when I say use force, you know, could be
2703 guiding by the arm or maybe put him in a - in a - a twist lock or, uh, you say
2704 you handcuff 'em and you'll walk 'em out? Do you, does that happen at times?

2705

2706 A: Uh, c- I'll cuff 'em and if I v- have to cuff 'em I'll cuff 'em, take 'em out and
2707 obviously sarge will be notified...

2708

2709 Q: Okay.

2710

2711 A: ...if I do something like that of course.

2712

2713 Q: And just gonna ask you have you ever pulled somebody out of the cell, maybe
2714 had to use force, maybe put 'em in an interview room and just didn't tell the
2715 sergeant?

2716

2717 A: Um...

2718

2719 Q: Forgot about it?

2720

2721 A: No. I - I would say that, uh, I - if I use force - if I use pain compliance I'll
2722 always report it and I'll let the sergeant know.

2723

2724 Q: Okay.

2725

2726 A: Because, uh, I know that that's a big killer on, you know, gettin' yourself in
2727 trouble. And I'm very adamant about that. And I - I'm pretty sure where you're
2728 gettin' to. And I - like I said I'm adamant about reporting, uh, if I use force. So
2729 if I pull someone out, ya know, typically what I'll do is I'll i- sometimes if i- if
2730 I just feel like it's not a big deal, I pull 'em out and, uh, he doesn't give us any
2731 issues we'll put him back, you know, 20 minutes. Yes that's happened sir.

2732

2733 Q: Okay.

2734

2735 A: Thirty minutes, an hour.

2736

2737 Q: So are there any other shit magnets on any other teams?

2738

2739 A: Uh, I d- I don't know. I...

2740

2741 Q: 'Cause you said that that's kind of like your - your nickname, right? Or people
2742 kinda refer to you as a shit magnet o-...

2743

2744 A: Well we - yeah. I mean, Detective (Weeks) calls me a shit magnet. Uh, he's
2745 just like, "Oh, uh, we're - I am investigating another fight on your floor."

2746

2747 Q: I see.

2748

2749 A: "Or I'm investigating something on your floor."

2750

2751 Q: I know that sometimes when inmates don't necessarily do what you ask them
2752 to do, um, it's sort of like a challenge to the officer. Basically, "What are you
2753 gonna do next," right? Like you say, you're the authority figure. You have
2754 options that you've been trained whether it's talking to them or calling a
2755 sergeant or if you feel that maybe there's, uh, some sort of incident that's
2756 gonna happen, ya know, you can sort of prevent it or if you had to you could
2757 use your OC spray. Do you feel that in your short stay here at the jail that
2758 you've had to use twist locks or - or arm bars or wrist locks to gain control of
2759 the situation more often than maybe other officers? Because I think my
2760 partner had said something about, you know, some of your colleagues or - or
2761 teammates have said, "Oh well he's heavy-handed or something like that."
2762 Like, why would they say that?
2763

2764 A: Uh...

2765

2766 Q: Is it because...

2767

2768 A: I probably...

2769

2770 Q: ...because you're using twist locks more than maybe somebody else or...

2771

2772 A: I don't - I don't believe that I'm heavy - like I said I don't believe I'm heavy-
2773 handed.
2774

2775 Q: Okay.

2776

2777 A: I know there's rumors and there's always rumors and, uh, you know, uh, I do
2778 use twist locks. I do use arm bars. And when I do I report 'em. And when I do
2779 it's usually for a good reason. If someone's - I feel like I'm going out with an
2780 inmate or an inmate is gonna get up, strike me or maybe strike another inmate.
2781

2782 Q: Okay.

2783

2784 Q1: All right man I'm gonna get to it, okay? I'm gonna get to it. I'm gonna read
2785 you something, okay? As you know with this investigation - and I'm su- it's no
2786 secret. Ya know, we've - we've - we've got a lot of phones, ya know, that we're
2787 looking at to try and help with the investigation. Um, we've talked to countless
2788 numbers of people and, ya know, today was your day, okay? Um, I'm gonna
2789 read you a text, okay? This was sent, uh, in early March. So if - if what I read
2790 you triggers an incident please tell me about it, okay? It says, "Barrera brings
2791 this shit on himself. He's a walking liability." It says, "Yeah, man, he's an idiot
2792 trying to come off hard." And then somebody asks, "Is he all right?" And it

2793 says, "He's fine. Not even red mark. All - all he talks about is the badass - all
2794 he talks about is the badass shit he does to inmates." It says, "Maybe he'll get
2795 moved to an F station. He's an idiot. One of these days someone's gonna get
2796 him."
2797
2798 A: In March?
2799
2800 Q1: Yeah. Well beginning of March, end of February.
2801
2802 A: Uh...
2803
2804 Q1: So I mean, you know, I mean, you - you...
2805
2806 A: I think...
2807
2808 Q1: You're not dumb. I, ya know a-...
2809
2810 A: Like I s- I - I think in February I think that was the incident where, like,
2811 inmate had thrown hot water on me and, uh...
2812
2813 Q1: Why did they do that, that inmate?
2814
2815 A: He was - I believe he's in his 70s or 80s. He's old guy. He, uh, uh, uh, I know
2816 he has psych issues and he - special management, like, he (unintelligible).
2817
2818 Q1: It's - e- either way is fine.
2819
2820 A: Okay. So, uh, and I got hot water thrown at me. I pepper-sprayed him. I tried
2821 to gain control of him. We ended up moving him o- I mean, I didn't want to
2822 punch him. He's frail. He's an older - older guy.
2823
2824 Q1: Uh-huh.
2825
2826 A: And, uh, when I ended up getting him to the ground just inside his cell, cell
2827 47, uh, officers came runnin' in. I said, "Hey slow down - slow down. It's a -
2828 it's a old man. We'll j- we're gonna - I'm grabbed his arms. Gonna cuff him
2829 up." That's what happened. (Unintelligible) pepper-sprayed him 'cause he -
2830 'cause he threw hot water on me and that's why.
2831
2832 Q1: So you think that those, um, those texts are probably in reference to that
2833 incident?
2834

2835 A: I - I just - I recall tha- that incident happening sometime around...
2836
2837 Q1: Right about that time?
2838
2839 A: Yes, sir.
2840
2841 Q1: Um, would that also probably explain why they said, "Ah, you know, he's
2842 fine, not even a red mark."
2843
2844 A: Yeah.
2845
2846 Q1: You - you went to the hospital?
2847
2848 A: Yes, sir, for that.
2849
2850 Q1: Okay. Were h- were you fine?
2851
2852 A: Yeah. Just i- my face was...
2853
2854 Q1: It's hot as hell.
2855
2856 A: (Unintelligible).
2857
2858 Q1: Um, because I mean, I'm - I'm like I said, I mean, I'm - you know - you're not
2859 dumb. I know you're not dumb.
2860
2861 A: No.
2862
2863 Q1: Okay? And you know...
2864
2865 A: I...
2866
2867 Q1: ...all the stuff that, ya know, i- i- now we're looking into and why we're talking
2868 to people and why I'm talking to you. I mean, people that you work with are -
2869 are writing these things and, ya know, so I - I want to ask you...
2870
2871 A: I...
2872
2873 Q1: ...you know, why - why are they saying, ya know, "Hey, ya know, he talks, ya
2874 know, he's Mr. Badass. He talks a bunch of shit," ya know, or ya know,
2875 "Dude, Barrera's gonna get fired, ya know, the (unintelligible) disagree with
2876 him about something. Oh that never happens," ya know? Uh, ya know, "He's

2877 super heavy-handed. He was, uh, so sick of floor stations 'cause he got in
2878 trouble," ya know? I'm - I'm not making these things up and these are coming
2879 from people that you work with.
2880
2881 A: I understand.
2882
2883 Q1: Ya know? And so that's why I - I - I want to ask, ya know, why are they
2884 saying these things about you, ya know? Are - are you heavy-handed? Do you
2885 document, ya know, the stuff that happens, ya know? And like I said I'm
2886 gonna get to it, ya know? Because, ya know, i-...
2887
2888 A: I - I do g- I do, uh, document my repor-...
2889
2890 Q1: Uh-huh.
2891
2892 A: ...my - my incidents and, um, i- like I said it goes around. So somebody'll say
2893 something to somebody else and all of a sudden everybody thinks that I'm
2894 heavy-handed. And I do - I remember s- uh, ya know, hearing it from, ya
2895 know, well v- various people just like, "Hey, you know, uh, y- slow down, or
2896 you have - you had another incident?" And it's like - I took it like, "Come on
2897 man I got enough, ya know, I gotta hear from sergeant." I was like, "I- I'm not
2898 trying to," I remember trying to basically to defend myself and defend my
2899 name, like, to them. Like, "I'm not trying to get these, uh, use of forces. I'm
2900 not l- out there looking for 'em."
2901
2902 Q1: Is this because - you think that, ya know, they're - they're saying all this stuff -
2903 - he's heavy-handed and oh man he's gonna get fired -- ya know because ya
2904 know you're - you're fuckin' with people's shit and they're - they don't like it?
2905 Or ya know, are you just - is there - there unreasonable, ya know, use of force
2906 incidents? I- i- w- why do you think they're saying these things?
2907
2908 A: Use - unrea- unreasonable...
2909
2910 Q1: Well...
2911
2912 A: ...force incidents?
2913
2914 Q1: Excess, whatever you wanna call it?
2915
2916 A: I don't - I don't ever use excessive force on - on - I'm not gonna pull somebody
2917 out, beat the shit out of 'em and throw 'em back in.
2918

2919 Q1: Uh-huh.
2920
2921 A: Ya know? Like, whatever's being said about this - this case I'm not gonna do
2922 that, okay? There's no - there's no, um, there's no - there's no pride in that. You
2923 can't take pride at your job and you go beat up somebody ya know what I
2924 mean? And I understand what you're trying to get at. I understand what you
2925 were trying to get at in the beginning of this conversation. And I'm not gonna
2926 do that. And I know that, ya know, people say whatever it is they want to say
2927 about me. They'll - they'll add onto it..
2928
2929 Q1: Yeah. Right.
2930
2931 A: ...or whatever and that, ya know, fine.
2932
2933 Q1: So you're saying that's their opinion? It's not coming from...
2934
2935 A: It's...
2936
2937 Q1: ...fact? It's their opinion?
2938
2939 A: It's their opinion. Fine whatever, uh...
2940
2941 Q: Be honest with me. When, ya know, we've been on the job over 20 years or
2942 close to 20 years. And when we were new, ya know, there - we had colleagues
2943 that, ya know, you go out on the street, and you make a car stop you - you talk
2944 to somebody and it's - sometimes it's how you talk to 'em. Are you diesr- I
2945 mean - I mean, are you disrespectful to these people - these inmates? Because
2946 it seems like they don't like you and..
2947
2948 A: I'm just very...
2949
2950 Q: And I know that you said, "Well I like going through their stuff and I'm doing
2951 my job. I'm enforcing the rules." And that's great 'cause that's - that's part of
2952 your job. And like I said when there's an officer that - that is doing that you're
2953 gonna get resistance. People are not gonna like it 'cause you said you're gonna
2954 - you're goin' through their stuff and they get mad. But sometimes if you go in
2955 there and you're...
2956
2957 A: Come off as (unintelligible).
2958
2959 Q: ...talking shit to them or, ya know, you - you talk shit to them, or you curse at
2960 'em or, ya know...

2961
2962 Q1: Twist 'em up.
2963
2964 Q: Twist 'em up. So I don't know, like, that's - we're just trying to figure out, like,
2965 why is it that it seems like your name - you don't get moved to a floor station
2966 because you're - 'cause you're not...
2967
2968 Q1: (Unintelligible).
2969
2970 Q: Yeah. I mean, sometimes you get moved to a floor station because y- like you
2971 say maybe you've had some incidents in there that are questionable. So that's
2972 what we're just trying to get at. We're just trying to figure out, you know, Bar-
2973 ris Barrera going in there puffing out his chest, talking shit, maybe these guys
2974 talk shit back t- to you and you're like, "Okay. I - I got - I got you. Like, I'm
2975 com- I - guess what, I'm - I'm gonna come and I'm gonna knock up your cell."
2976 And I've been through shakedowns before. And there's a nice way to do it and
2977 there's a fucked-up way to do it. And I know the fucked-up ways to do it,
2978 right? You go through their shit. It's - the room's a mess and then they go back
2979 in and they're pissed off now. And then they start talking shit to you. And then
2980 you tell 'em lockdown or something and they challenge you. And then what -
2981 what other sort of course do you have, right? What o- what are your other
2982 options? Well, might be just going hands-on and twisting 'em up. It might not
2983 be a full-on - a fight. But if you have to go hands-on because, like you say, an
2984 inmate didn't follow your directive and now you have to go hands-on, put 'em
2985 in handcuffs and take 'em out to the interview room, yeah, it's documented.
2986 But why is it happening maybe more often than not on your shift or on your -
2987 in your module?
2988
2989 A: I guess - okay so...
2990
2991 Q: See what I'm getting at?
2992
2993 A: I do see what you're getting at and back to what I think I said earlier about my
2994 communication. When I - I, uh, ya know, maybe I still have this issue but
2995 when I c- maybe I do, maybe I don't. I know it's - I've definitely improved my
2996 communication - that. But when I give someone, ya know, an order and I say,
2997 "Hey, ya know, this is what you're gonna do. Uh, you're going t- you're gonna
2998 do it." And then, ya know, they may come back and try to argue with me. I - I
2999 know I've definitely caught myself arguing with people...
3000
3001 Q: It happens.
3002

3003 A: ...more times than not.
3004
3005 Q1: It happens.
3006
3007 Q: Yeah it happens. It's a jail.
3008
3009 A: Ya know?
3010
3011 Q: They're there for a reason, right? So I mean, ya know, most of the time they're
3012 there for a reason.
3013
3014 A: So sometimes I've probably, uh, ya know, spent too much time arguing.
3015 You're not supposed to argue with 'em, ya know, alw- I guess I've been told,
3016 ya know, "You're not gonna argue with these guys. You just tell 'em what it is
3017 and that's it." And like I was saying that, uh, one of the training officers -
3018 (Torres), "Hey you don't gotta argue with 'em. Go in there and tell 'em what it
3019 is you want to tell 'em and that's it. Done. Shut case. You can think about it
3020 and you're gonna go back in there and talk to 'em afterwards it's fine." So - but
3021 going back to the - why the incidents occurred or, um, ya know, I'm not out
3022 there saying - I'm not, ya know, I'm not challenging 'em. I'm not challenging
3023 inmates. I'm not - but w- I am very -- I can't think of the word -- very, uh, um,
3024 if I say something I'm gonna stand by what I say. I'm not gonna back down.
3025
3026 Q1: Sure.
3027
3028 A: Okay. Uh, b- to an inm- like if I say, ya know, "You're gonna do this." I'm not
3029 gonna - I'll listen - I'll listen to 'em.
3030
3031 Q1: Sure.
3032
3033 A: And then I'll tell them, "Okay. So I understand, ya know, this. But you're
3034 gonna - you're gonna have to do this for now." Or, uh, there has been -
3035 probably been times when, you know, I've gotten upset or something and I
3036 argue with them. I say, uh, ya know, I'll - I'll probably come off as an asshole
3037 you know what I mean?
3038
3039 Q1: Sure.
3040
3041 A: Or, "Put your shit in there." Or ya know - ya know what I'm saying? Like...
3042
3043 Q: I understand.
3044

3045 A: I understand it and they g-...

3046

3047 Q: We know this is not a...

3048

3049 A: They'll get ups-...

3050

3051 Q: ...ya know (unintelligible).

3052

3053 A: They'll get fuckin' pissed.

3054

3055 Q1: Yeah. It's not daycare.

3056

3057 Q: Okay. So given those examples that you just said has any of those resulted in a

3058 use of force incident though? 'Cause I think that's important. I mean you can

3059 argue and - and you can put your foot down and - or, ya know, draw your line

3060 in the sand. And you can write your custody CIs or you're CIs - your negative

3061 CIs. Or you can take program time away and that could be it. But if you are g-

3062 iving an order and they are arguing with you has that ever resulted in a use of

3063 force sis- incident where, "Hey turn around. You're going out to the interview

3064 room." And then now you've got to twist this guy up?

3065

3066 A: Yes I'm sure it has. Yes, sir. I'm sure it has. I mean...

3067

3068 Q: Well, I'm sure it has or yes it has?

3069

3070 A: S- I mean, yeah it's possible.

3071

3072 Q: Okay.

3073

3074 A: Okay, uh...

3075

3076 Q: That's honest.

3077

3078 A: I'm trying to think of, um, okay. Ya know, I ca- okay. It has happened. I have

3079 an - an incident I can bring up where, um, pat-searching an inmate and then

3080 I'll say, "Hey give me, uh, ya know, what is this?" "It's nothing." "Give it to

3081 me," ya know? And "Give me the f- me give - give me the fuckin'," it's a

3082 tattoo kit, whatever, ya know...

3083

3084 Q: Right.

3085

3086 A: ...whatever and...

3087

3088 Q: It's contraband. They can't have it.

3089

3090 A: Yeah and then they'll say, ya know - turn into an argument then. I'm not gonna
3091 argue. Uh, slap the cuffs on and then, ya know, he'll turn, uh, one inmate
3092 turned around on me and, ya know, had to drop him down. The other inmates
3093 - the other officers came in, took him out to the interview room and wrote it
3094 up, infraction for the contraband. Um, it happened on seventh floor. Uh, was it
3095 seventh floor? I think we're doin' window bar checks. I was on overtime doin'
3096 window bar checks, found a kite or a s- had - the inmate had something.
3097 "Hand it over," and it started off as a, ya know, a cordial conversation when I
3098 was pat-searching. And then, ya know, just i- "What is this?" "Nothing."
3099 "Give it to me." Uh, and then he tried to, ya know, take it away and of course
3100 I'm gonna lunge for it, push him out of the way, try to get it, whatever it is.
3101 Try and collect the contraband.

3102

3103 Q: Sure.

3104

3105 A: Uh, that - that incident - those two inmates actually ended up dropping out of
3106 their - their (unintelligible) for whatever reason. They PCed up that same day.

3107

3108 Q: Uh-huh.

3109

3110 A: I talked to 'em, uh, even after the whole scuffle was done in the cell. I - I didn't
3111 have to twist lock him but I did handcuff him. I did push him and hold him
3112 against the wall which I did report. And, uh, I said, ya know, uh, one guy's
3113 like, "Oh I'm sorry," ya know? De-escalated real quick.

3114

3115 Q: Right.

3116

3117 A: Which is, ya know, something I - I - I've done. So yeah I - I guess it - it has,
3118 ya know, unintentionally. Uh, maybe the way I communicate or try to get my
3119 point across to some inmates. Unintentionally it - it has, um, resulted in, uh,
3120 maybe, uh, yes, in use of force.

3121

3122 Q: And you, I know you sort of touched on this before, but you always reported
3123 your use of force incidents?

3124

3125 A: Yes, I reported my incidents.

3126

3127 Q: So, you've never had a use of force incident, and we're not talking a, you
3128 know, where the guys got to go to medical or not. But even a - a twist-lock or

3129 a (unintelligible), you said you've always reported that to your Sergeant?
3130
3131 A: Yeah. I've alwa- I've always, uh, every time I've applied (unintelligible), I
3132 would report it to the Sergeant.
3133
3134 Q: Okay.
3135
3136 A: That I can recall, yes sir.
3137
3138 Q: So, you've never had an incident where an inmate got injured, and you never
3139 called medical, and it was never reported to your Sergeant?
3140
3141 A: No.
3142
3143 Q: Okay.
3144
3145 A: Not that I can recall, so - so, I don't know.
3146
3147 Q: You guys have a young team, D-Team.
3148
3149 A: Yes, sir.
3150
3151 Q: Would that be fair to say?
3152
3153 A: Yes, sir.
3154
3155 Q: There are some officers there with only a few years on, and they're working
3156 the whole floor and, you know, and every pod in the 4 Station. Um, and we've
3157 been young once too. You know, we'll go out there and make arrest, and we
3158 talk about the, you know, the DUI that we, you know, we made or the drug
3159 arrest. And I'm sure you know like you say, you do your shakedowns. Hey, I
3160 got a tattoo kit, you know, I got a lighter. You know, I know sometimes at
3161 Elmwood they get cell phones. Uh, do you guys talk about stuff like that at
3162 work?
3163
3164 A: Yes, sir.
3165
3166 Q: So, you communicate with your partners?
3167
3168 A: Yeah, we talk to each other.
3169

- 3170 Q: Okay. Do you do that on the phone, or do you do that by your cell phone?
3171
- 3172 A: Uh, both. I don't - I don't recall, I mean, I don't really recall talking about too
3173 much things on the cell phones. Usually, if I talk to my partners, it will be in
3174 person.
3175
- 3176 Q: Do you ever text your partners about things that have happened at the jail?
3177
- 3178 A: Um, sure.
3179
- 3180 Q: Okay.
3181
- 3182 Q: How do you get (passed down)?
3183
- 3184 A: Um, in person you to say, you know...
3185
- 3186 Q: You - you do it face-to-face?
3187
- 3188 A: Pretty much. Yes, sir.
3189
- 3190 Q: Do you write, (pass down) on paper?
3191
- 3192 A: Um, sometimes.
3193
- 3194 Q: Do you have to text (pass down) because, I don't know, so-and-so is coming
3195 and you guys didn't (unintelligible)...
3196
- 3197 A: Typically you don't really text (pass down) unless, uh, it's something like, hey,
3198 this happened. And I happen to have the officer's number or whatever and say,
3199 and you just kinda look out for this guy or, but typically no.
3200
- 3201 Q: Would you say the way that you conduct your business in your pods is
3202 different than the way say (Ferris) conducts business in his pod?
3203
- 3204 A: Hm, I - I haven't really seen (Ferris) work in - in a unit.
3205
- 3206 Q: Luber?
3207
- 3208 A: I haven't really seen Luber working...
3209
- 3210 Q: (Rodriguez)?
3211

3212 A: And (Rodriguez), I haven't even, I've might have worked with them one or
3213 two days, but I haven't really worked with him. I, and, you know - you know,
3214 of course, I've heard - I've heard (Luburne) is heavy-handed. You know what I
3215 mean, I've heard things like that of course.
3216
3217 Q: Tell us about that.
3218
3219 Q1: (Unintelligible), yeah.
3220
3221 Q: What have you heard?
3222
3223 A: About Luber?
3224
3225 Q: Yeah.
3226
3227 A: Everyone says, you know, he's heavy-handed he gets, uh, (unintelligible),
3228 same thing but basically about me.
3229
3230 Q: Hm.
3231
3232 Q1: Hm.
3233
3234 A: Uh, you know, I don't want to stick my own foot in my mouth, but it's just, uh,
3235 (unintelligible).
3236
3237 Q: What have you heard?
3238
3239 A: Uh, that he creates unnecessary incidents and things like that.
3240
3241 Q: How?
3242
3243 A: Um, he's just always on, I guess he's always on their ass or, eh, things like
3244 that.
3245
3246 Q: Is that it?
3247
3248 A: Um, uh, like, is that it for what?
3249
3250 Q: What you said about Luber about as far as him being heavy-handed. Are there
3251 other things that you've heard about him that he does?
3252

3253 A: Um, like, he - he goes through cells all the time. He tells me, you know, I'm,
3254 he goes, I'm on the guy's asses because I enforce the rules. And he says, you
3255 know, like, they're on my ass because I, uh, I, uh, I enforce the rules and the
3256 oth- other officers don't or...
3257
3258 Q: Mm-hm.
3259
3260 A: ...whatever.
3261
3262 Q1: Shit, I'll ask it. Does he twist people up?
3263
3264 A: Um, uh, I'm sure he does, yes sir.
3265
3266 Q: Have you ever witnessed it?
3267
3268 A: I haven't - I haven't, uh, I'm trying to - I'm trying to think of, uh, maybe
3269 another shakedown. I haven't really worked in his units or anything like that.
3270 So...
3271
3272 Q: You worked with (Ferris) for a few months even if it's, you know, he's F6, or
3273 maybe he's (unintelligible) something though, right?
3274
3275 A: Yeah.
3276
3277 Q: I mean, would you say that he twists people up?
3278
3279 A: Uh...
3280
3281 Q: I mean you mentioned that he's trying to avoid, you know, use of force reports
3282 because he wants to, you know, come over to enforcement. But, they still
3283 happen.
3284
3285 A: Yeah.
3286
3287 Q: Um, you know, and I - I know at least, at very least on Au- August 26 he was
3288 in charge of his own pod. Right?
3289
3290 A: Yeah.
3291
3292 Q: Um, does he twist people up. Does he, you know, use force maybe that's a
3293 little bit too much? I mean what does - what does he do?
3294

3295 A: I don't - I don't think that he would, eh, I don't believe (Ferris) would use force
3296 that's a litt- little bit too much. He comes off as, like he said to me in one time,
3297 in one incident, the time (unintelligible) I had said earlier. He said, uh, I don't
3298 want to get into anymore, uh, I don't want too many, I don't want use of forces
3299 on my - on my record, I don't want, you know, if I get to go home in the
3300 morning that's what matters to me. So...

3301
3302 Q: How long have you had that phone?

3303
3304 A: Um, I just got that one on Christmas.

3305
3306 Q: You - you got that one on Christmas?

3307
3308 A: I think it was this Christmas, yeah. It could have been last Christmas, but I'm
3309 not sure.

3310
3311 Q: Um, why - why is it that you - you changed your - your contact numbers with,
3312 uh, HR recently?

3313
3314 A: Uh, Lieutenant Grumble told me that I needed to make my cell phone my
3315 primary number and I had my house number my primary number. And he had
3316 called...

3317
3318 Q: Was your secondary number...

3319
3320 A: My cell phone.

3321
3322 Q: It was your cell phone?

3323
3324 A: Yeah. I -I didn't, I don't recall ma- making it like that, but I obviously must
3325 have done something like that.

3326
3327 Q: Um, do you remember when it was he asked you to do that?

3328
3329 A: Um, I think it was right around the time you called, (unintelligible), he told
3330 me, uh, probably like three or four weeks ago.

3331
3332 Q: So...

3333
3334 A: Well, actually, no, it's got to be more than that - It's got to be more than that.

3335

3336 Q1: And you submitted a memo to P&T to change your...
3337
3338 A: Yes.
3339
3340 Q: ...primary phone number.
3341
3342 A: Yeah, it was approximately, maybe like a week later or so.
3343
3344 Q: Oh, after he talked to?
3345
3346 A: Yes, sir.
3347
3348 Q: Um, do you know what day you submitted that ER, uh, memo.
3349
3350 A: No, I don't remember.
3351
3352 Q: Okay. Um, so it wasn't submitted on August 27 for any other reason, just for
3353 the fact that you re -that's when you recalled and -and were able to do it?
3354
3355 A: Yes, sir.
3356
3357 Q: Okay.
3358
3359 A: Oh, I - I actually think I submitted that maybe at the same time I turned in the
3360 paperwork to Sergeant (Harrington). That could have been, because I do recall
3361 sending, I had to send another email out at the same time, and it reminded me
3362 to make my cell phone...
3363
3364 Q: Mm-hm.
3365
3366 Q1: Mm-hm.
3367
3368 A: ...my primary number. Yes, sir.
3369
3370 Q1: But that cell phone you've had for...
3371
3372 A: Like about at least (unintelligible)...
3373
3374 Q1: At least eight months, maybe, or at least nine months, maybe a year and nine
3375 months?
3376
3377 A: Yes, sir.

3378
3379 Q1: Okay. So that's not a new cell phone and I would assume new cell phone
3380 number?
3381
3382 A: No, sir.
3383
3384 Q1: Oh, okay. All right.
3385
3386 Q: I just want to back up a bit. You said that when you left 6B to go change, you
3387 stopped that F6, and (Ferris) was there.
3388
3389 A: (Ferris) was there, yes, sir.
3390
3391 Q: What did you talk about?
3392
3393 A: Um...
3394
3395 Q: This was before you went and changed.
3396
3397 A: Yeah, I don't reca- I don't recall, I might've asked like he - he, you know, or he
3398 - he might've asked what - what happened. And I said, well we did CPR, I
3399 probably explained to him what we did in there. Because I know that, uh, a lot
3400 of people asked me the same thing.
3401
3402 Q: What did he ask you any questions about who it was?
3403
3404 A: I don't recall him asking, but he may have? I don't recall.
3405
3406 Q: Did you tell him who the inmate was?
3407
3408 A: Yeah.
3409
3410 Q: What was his response?
3411
3412 A: Um, I don't - I don't rec- I honestly do not, uh, recall anything.
3413
3414 Q: Did he ask you...
3415
3416 A: I don't - I don't...
3417
3418 Q: ...any specific questions about the inmate?
3419

3420 A: Like, uh...
3421
3422 Q: Like what he looked like or...
3423
3424 A: Not what he looked like, no.
3425
3426 Q: ...what - what was going on?
3427
3428 A: No, sir. I don't - I don't believe so?
3429
3430 Q: Did he seem concerned?
3431
3432 A: Uh, no, he, I think he just stood there. That was, and there was a lot of people
3433 up there, and I was kind of moving around like walking around, you know,
3434 looking to see, you know, what's gonna go, what do we need to do next or...
3435
3436 Q: So he wasn't asking you a lot of questions?
3437
3438 A: Uh, I don't recall. I don't believe so. Uh, not that I - not that...
3439
3440 Q: Did he ask you some questions?
3441
3442 A: I'm sure he did, yeah.
3443
3444 Q: But you don't remember what those were?
3445
3446 A: Um, I'm, no, like I said, I - I, it's probably more likely I told him, you know,
3447 the inmate's name who wa- was (Tyree). And then, uh, that's about it. I don't
3448 think I gave him too much, I don't think I gave him...
3449
3450 Q: Did you have any contact with anybody on the sixth floor after your shift?
3451
3452 A: Uh...
3453
3454 Q: And you went home, I don't know where you went if you went to your uncle's
3455 or your grandma's. But, did anybody call you?
3456
3457 A: Um, I don't, I talked to, I did talk to, uh, Luber in the morning. We went to the
3458 gym together.
3459
3460 Q: So you went to the gym after work?
3461

3462 A: Yes, sir.
3463
3464 Q: Right after work, right after your shift?
3465
3466 A: Uh, yes, sir.
3467
3468 Q: Where did you guys go?
3469
3470 A: Uh, 24 hours on, um, what is that, Curtner.
3471
3472 Q: Okay. And does he talk about anything?
3473
3474 A: Um, I just kept asking if he was all right. You know, you okay. And then, uh,
3475 he said he - he said, yeah, I'm - I'm all right. And then, um, we were by the,
3476 well, a couple of machines, we're doing, like, we're doing triceps, um, pull-
3477 downs or whatever. And uh (unintelligible)...
3478
3479 Q: Did he talk about the, that...
3480
3481 A: He didn't - he didn't, I know what you're trying to get to, and he didn't mention
3482 anything, um. He - he mentioned like I, because I - I - I'll - I obviously asked.
3483 I was like, (unintelligible) so - so what happened. How was he before, uh, the
3484 last welfare check? Was he - was he awake, did you check? Uh, I was making
3485 sure his checks are okay.
3486
3487 Q: Yeah.
3488
3489 A: And he told me, um, you know, he goes yeah, he was - he was fine, he was on
3490 his bunk. Uh, I was like did anything else happen, did he have problems with
3491 anybody. You know, like, what could have led up to this. You know, like?
3492
3493 Q: Sure, it's a normal question.
3494
3495 A: Yeah. And, um, uh, (unintelligible), because I had thought he maybe
3496 overdosed which is what some, I think maybe a nurse at mentioned or because
3497 there was a mention of him hoarding his pills.
3498
3499 Q: Mm-hm.
3500
3501 A: So, okay, well, what led up to it, maybe he, why would he take all those pills,
3502 and you know.
3503

3504 Q: Yeah.

3505

3506 A: That was my initial belief. So, um, he's like, no, he - he, um, told a nurse that
3507 she was the devil. And then, these pills are from Satan or something to that
3508 effect and...

3509

3510 Q: Mm-hm.

3511

3512

3513

3514 A: ...tried - tried to take the pills back, but he made him take them, or. And
3515 then, um, after that they, what'd they do. He told me that, oh, he sa- so, when
3516 he did mention the wi- window bar checks, and he said um, (unintelligible) so,
3517 he, you know, what happened then. And he said well, we went in and, uh, he,
3518 they checked on the windows whatever. That he didn't want to, uh, he sat up
3519 on his bunk, and he didn't want to, he was cussing at them.

3520

3521 Q: Mm-hm.

3522

3523 A: And he didn't want to, you know, get off his bunk or whatever. And the in-
3524 inmate, (unintelligible) inmate, um, (Luburne)
3525 Like he said, just that he pointed, and he said, he's just - let's
3526 go. And then like I guess he say, uh, he told me that inmate (Tyree) told him,
3527 get the fuck out of my cell and started screaming, so.

3528

3529 A: Mm-hm.

3530

3531 Q: If, so, you don't know if he actually finished the bar check or the...

3532

3533 A: Oh, he - he did mention that he, um, uh, he just did a quick peek and then left.
3534 He told him he didn't have anything anyways. That was what he said.

3535

3536 Q: Okay. Um, if you're doing bar checks, and you tell an inmate to stand up, I'm
3537 assuming you stand up and face the wall. Right?

3538

3539 A: Yes, sir.

3540

3541 Q: And if they don't do it, what's your, what would be your option as an officer?
3542 What are your options, or what do you do?

3543

- 3544 A: Um, uh, let me think. Well, I - I don't, so, I don't recall, so, okay, so on fourth
3545 floor the, there's a couple different, you know. On fourth floor, um, you stand
3546 that you stand at the window and say hey, you know, stand and face the wall.
3547
- 3548 Q: Sure.
3549
- 3550 A: Well, and then, you know inmates who go up when they go to the wall, they'll
3551 put their hands behind their back usually. If they don't want to, then there
3552 being non-compliant, and then - then the - the sergeant will pretty much take
3553 over the scene and then call EOT. And it's dealt with that way. Sometimes
3554 when...
3555
- 3556 Q: What if the sergeant is not there, though?
3557
- 3558 A: Yes, yes. So, sometimes like when, uh, I'm just doing a quick pre-check for
3559 clothing and whatnot, uh, I feel like I have a good report with these guys. Um,
3560 I'll just, you know, hey, we're here doing the bar checks, open the door.
3561 (Unintelligible) and they look like they're starting to stand up. And then, you
3562 know what we're doing is window bar checks, go and face the wall. When
3563 they face the wall, we'll go in there and then, uh, just, you know, look around,
3564 do our business and then leave. And by business, I mean going through the -
3565 the stuff, checking the windows, checking the bars, you know...
3566
- 3567 Q: Right.
3568
- 3569 A: ...cells, mattress, you know, things like that. Um...
3570
- 3571 Q: But my question was, what happens when an inmate doesn't want to stand up
3572 and face the wall? As an officer, what are your options, or what do you do?
3573
- 3574 A: So, are you saying when we are already inside the cell?
3575
- 3576 Q: (Unintelligible).
3577
- 3578 Q1: Well, when you open the door, and you tell the inmate window bar, stand up,
3579 face the wall. I mean, that's the procedure, right?
3580
- 3581 A: Yes, sir.
3582
- 3583 Q1: What happens if the inmate says I don't want to?
3584
- 3585 A: Uh...

3586

3587 Q1: What do you do?

3588

3589 A: I - I don't, honestly, I don't recall an incident where of had that. Uh, I guess
3590 just use your best judgment. Um, if it seems like it could go sideways, and
3591 you're by yourself, like if on my own unit, and I'm just doing window bar
3592 checks real quick in and out with somebody. And then if there is a new
3593 housing and I don't know the inmate...

3594

3595 Q: Mm-hm.

3596

3597 A: ...and it could go south. Okay. And you know, probably back out, and you
3598 know, go let - let Sarge know, and write it down. Document what happened
3599 and let Sarge know, of course. Say, you know, hey, I have this guy who doe-
3600 doesn't want to get up, won't let me go in his cell search his stuff. And he's -
3601 he's acting this, and that's, uh...

3602

3603 Q: So you're saying that you've never had an experience where...

3604

3605 A: I...

3606

3607 Q: ...an inmates...

3608

3609 A: Not that I recall, but, um...

3610

3611 Q: Do you ever do window and bar checks by yourself?

3612

3613 A: Yeah. Occasionally in uh 6A, I - I have done it.

3614

3615 Q: How do you do it?

3616

3617 A: Uh, just real quick, if I'm going to do it by myself, usually it's just, uh, a real
3618 quick, um, window bar ch...

3619

3620 Q: Like, what do you do, like, you open the door, and then what?

3621

3622 A: Yeah. I'll open the door (unintelligible), you know, window bar checks
3623 (unintelligible). Sometimes I won't even make them face the wall. Like - like
3624 if they're inmates that, like, in 6A is my unit, if I know the inmates...

3625

3626 Q: Mm-hm.

3627

3628 A: ...I have a good rapport. Like, yeah, I'm going to go in real quick, uh, open the
3629 door, you know, how are you guys doing. Just shoot the breeze a little.
3630
3631 Q: Mm-hm.
3632
3633 A: Quick, you know, chitchat. Check the bars. (Unintelligible)..
3634
3635 Q: So you actually go in, and you check the, physically check the window.
3636
3637 A: Yes, sir. With, uh, your (unintelligible) stick, and you'll tap on it. Sometimes
3638 you'll use the palm of your, I mean the - the back of your hand.
3639
3640 Q: Okay.
3641
3642 A: Your fist or whatever and just knock on it, check, and then just do a quick
3643 overlook of, uh, things like that. Um, big things or easy things to take are like
3644 oranges. Is there any (unintelligible), you know, if they're just sitting out, just
3645 grab them. If it's not sitting out, I wouldn't say, you know, hey, take off your
3646 socks and this and that, you know. Um, but uh, and I've don't recall too, I don't
3647 think I've had an issue doing - doing that too much, uh, by myself. Except for
3648 I did have one on the seventh floor, I explained to. When I found contraband
3649 on somebody. Um...
3650
3651 Q: But...
3652
3653 A: I did have partners with me.
3654
3655 Q: You did shakedowns or window bars with (Luburne)?
3656
3657 A: Uh, no.
3658
3659 Q: (Unintelligible)..
3660
3661 A: Oh, well, actually, I have uh, well, there's been like a big shakedown, I have -
3662 I have done he's been, like, he was present on some of them.
3663
3664 Q: What if the, uh, did, what, during that time, where you've done it with him,
3665 did any of the inmates, where they non-compliant?
3666
3667 A: Uh, no, sir.
3668

- 3669 Q: Have you ever done it with (Ferris)?
3670
- 3671 A: Um, yeah, in and outs.
3672
- 3673 Q: In and outs?
3674
- 3675 A: I think I have. Oh no, wait, (Ferris), okay, so, I've, no, I know of an instance,
3676 uh, when I've been, I think it was sixth floor. And like I said, 6A, I know
3677 those, I have a rapport. And, uh, I believe that they got caught drunk, uh, off
3678 of Pruno during dayshift, and gone in there and, um, (Ferris) came by, and I
3679 think he asked me for advice or something. And so I went in there, I don't - I
3680 don't recall exactly what it was, but uh - uh. I recall the two inmates, um, and I
3681 went in there and opened the door. And, uh, I think it was, oh, I think it was
3682 over an extra pair of clothing or something that were they had, and they said
3683 oh we don't have it. Or we don't have this, or we don't have that, basically.
3684 And, uh - uh, (Ferris) said, hey, you know, I don't recall grabbing that thing.
3685 Oh, it was pills. That's what it was, it was pills. And he said, uh, I don't - I
3686 don't I took, I think they took them back. So I said, okay. So, uh, I went out
3687 there. I was like, hey, how are you guys doing, you know, you guys are a little
3688 drunk. He goes yeah. Do you mind if I come in. Okay. Open the door and
3689 then, uh...
3690
- 3691 Q: Yep.
3692
- 3693 A: ...you know, "How you been Barrera?" And I'm like, "I'm good". Um, "Did
3694 (Ferris) take pills from you?" Uh, "Yes he did." :What happened to them?
3695 Where are they at?" And then, uh, he said, "Okay." And I was like, "Come on,
3696 I don't want to have to go through all of your stuff. Take you, sit you - sit you
3697 outside (inintelligible), you know, search through all of your stuff. Just give it
3698 to me." You know, handle it, however, give it to him. "We just don't want you
3699 to have them." Uh, and I believe that we had stopped. That - that was the only,
3700 I believe that was the only shakedown I've ever done with, uh, (Ferris). And
3701 then I think, I believe actually (Luburne) was even there too. Yes, (Luburne)
3702 was there on that one.
3703
- 3704 Q: But not non-compliant to the fact that when I say hey, you know, get on the
3705 wall, and they say fuck you?
3706
- 3707 A: Uh, wel- well,
3708
- 3709 Q: With (Ferris) or (Luburne) or (Rodriguez).
3710

3711 A: ...those - those guys, they were being - they were being kind of, uh, I guess,
3712 um, defiant. They weren't saying, they didn't say fuck, they never - they never
3713 said fuck you to me or anything like that. They were like, well, why I gotta,
3714 you know, questioned me, why I did- (unintelligible).
3715
3716 Q: Did they get on the wall?
3717
3718 A: Uh, yes, sir.
3719
3720 Q: Oh, okay.
3721
3722 A: And, uh, I and I did tell them, you know, well I'm going to pat search you one
3723 at a time. So you send over here, and then I pat searched them and that's
3724 (unintelligible).
3725
3726 Q1: Um, real quick. Uh, you work out with (Luburne).
3727
3728 A: Yes, sir.
3729
3730 Q: Uh, he - he used to be in the military right?
3731
3732 A: Uh, he was in the Marine Corps sir.
3733
3734 Q: Marine Corps?
3735
3736 A: Reserves, yes.
3737
3738 Q: Reserves. Um, eh, does he work out a lot?
3739
3740 A: Uh, yeah.
3741
3742 Q: Does he do like MMA?
3743
3744 A: I - I don't believe, so he's, uh, I think he actually asked me to teach him some
3745 wrestling and stuff like that 'cause I did wrestling and aikido...
3746
3747 Q: Oh, you did.
3748
3749 A: So. But, uh, no.
3750
3751 Q: Okay.
3752

3753 A: Not - not to my knowledge at least, I don't know.
3754
3755 Q: He's never talked about it?
3756
3757 A: No, sir.
3758
3759 Q: Never talked about kickboxing...
3760
3761 A: And I - and I actually always talk.
3762
3763 Q: ...(unintelligible) or (unintelligible) or anything like that?
3764
3765 A: No, I always talk about. I think I even asked him don't - don't they teach you
3766 guys, like, to fight (unintelligible).
3767
3768 Q: What, in a ring?
3769
3770 A: Yeah, 'cause they usually have, like, hand-to-hand combat. He said, "Yeah, it's
3771 just the basic stuff." And I asked him, well, how come you don't go? Uh, and
3772 we did get into conversation how come you don't go to another, you know, get
3773 more training. And, uh, he's like, well I, uh - uh, I think he told me it's like
3774 another, however many months away, I guess, to go to school for just like
3775 special schooling or something - something like that.
3776
3777 Q: Hm.
3778
3779 Q1: Have you ever. You had mentioned that (Farris) wanted to go to the floor
3780 station because he didn't wanna get any use of - use of force or I.A. beefs or
3781 something like that, right?
3782
3783 A: Yes, sir.
3784
3785 Q1: Did - did he ever talk about getting grieved or something about some incidents
3786 that he - he got involved in that he just wanted to stay away from or...
3787
3788 A: Uh.
3789
3790 Q1: ...because like I mentioned, and I don't wanna I keep using this example, you
3791 know, we've been on patrol before...
3792
3793 A: I see.
3794

3795 Q1: ...and we used to talk about our D.U.I. arrest or dope arrest or whatever. And,
3796 uh, you know, if something's going on at work and, you know, you're partners,
3797 you're gonna talk about it...

3798

3799 A: Right.

3800

3801 Q1: ...you know, so for somebody that mentioned that they don't wanna get any -
3802 they - they wanna go to a floor station 'cause they don't wanna put themselves
3803 in a position where they might, you know, get a use of force. It seems to me
3804 that either a use of force was occurring or maybe occurring too often or - or
3805 maybe he was getting grieved by inmates for using force. Did he ever talk
3806 about that?

3807

3808 A: Um.

3809

3810 Q1: Do you remember?

3811

3812 A: I'm trying to think of something he may have mentioned. I don't know, I don't
3813 believe so. He's, uh, he's mentioned, uh, like, he. Well, he came from
3814 Elmwood...

3815

3816 Q1: Oh, okay.

3817

3818 A: ...and so, uh, he was, and I was always told, like, Elmwood, you know, is way
3819 different than main jail. You gotta be more on those guys asses. And so, uh,
3820 he was at Elmwood and basically he told me he had to do, uh, he - he was on
3821 E.R.T., um, over there...

3822

3823 Q1: Right.

3824

3825 A: ...so, um, he's mentioned, you know, not a lot of details or anything, but that
3826 they've had to pull guys - pull people out and, um, things like that, yeah.

3827

3828 Q1: Okay.

3829

3830 A: But I don't recall him saying, uh, anything about him going to I.A. or...

3831

3832 Q1: Did he ever.

3833

3834 A: ...he worried about anything, if that's what you're asking.

3835

3836 Q1: Yeah. Did he ever complain about getting grievanced or people complaining
3837 about the way he was working?
3838

3839 A: Uh, not. No, not that I - not that I recall.
3840

3841 Q1: Did he ever talk about a sergeant having a conversation with him, maybe like
3842 Sergeant (Bracket) had with you, about different ways to...
3843

3844 A: No, sir.
3845

3846 Q1: ...do his job?
3847

3848 A: No, sir.
3849

3850 Q1: What about (Rodriguez), did (Rodriguez) ever talk to you about getting
3851 grieved or...
3852

3853 A: Uh.
3854

3855 Q1: ...anything that happened to him that he was upset about or - or mad about...
3856

3857 A: Um, no, sir.
3858

3859 Q1: ...or inmates grieving him or making things up?
3860

3861 A: Not that I recall, no.
3862

3863 Q1: Okay. Do you remember if you ever talked or texted or let's just text - use
3864 text. Did you ever text any of those three officers, (Ferris), (Luburne), or
3865 (Rodriguez), about any of your use of force incidents?
3866

3867 A: Um - um, not that I recall. But if, uh, you know, maybe I've ex-, uh, said to
3868 (Luburne) maybe. Because, uh, you know, we went to the - we go to the gym
3869 together.
3870

3871 Q1: Mm-hm. Do you remember if they texted you, talking about maybe some
3872 other use of force incidents?
3873

3874 A: Uh, I don't even think I have (Ferris)'s number. (Rodriguez), no. Uh, and
3875 (Luburne), probably, yeah. Um, I know we've talked about it, uh.
3876

3877 Q1: What have you talked about?
3878

3879 A: Just like, um, he's like, oh I'm getting in trouble. I twisted someone up and, uh,
3880 whatever the sergeant (unintelligible) said about it. I don't recall, like, you
3881 know what - what specific incident he was referring to or anything like that.
3882 But, um, uh, usually it's just like - usually he would say something to the
3883 effect of he's in - he's in trouble or he's, uh, going to I.A. or something. And
3884 then there's been times where, uh, you know.
3885

3886 Q1: He actually said that he was going to I.A.?
3887

3888 A: They all probably gonna go to I.A. 'cause all my - all my incidents or things
3889 like that.
3890

3891 Q1: When did he say that?
3892

3893 A: Uh, I don't think through text, was more, like, in person. Maybe that could've
3894 been a personal thing. I don't recall. Honestly, I don't recall him texting me
3895 about. I'm not saying it didn't happen...
3896

3897 Q1: Sure.
3898

3899 A: ...you know, it could have happened, uh.
3900

3901 Q1: Did he seem concerned about it?
3902

3903 A: Um...
3904

3905 Q1: Did he laugh about it? Did he shrug it off, like they don't know what they're
3906 talking about?
3907

3908 A: No, the thing - no, with him, he was just like, uh, felt like the sergeants didn't
3909 like him and didn't. He would, oh, he would say I need to go to another team
3910 because I feel like the sergeants are on my ass or after me.
3911

3912 Q1: Okay. And when did he...
3913

3914 A: On his ass or after him, basically.
3915

3916 Q1: Yeah. When did - when did he say sort of expressed these things to you,
3917 within - within a month, two months ago, three months ago, the beginning of

3918 the year?
3919
3920 A: Uh.
3921
3922 Q1: Can you kind of narrow it down?
3923
3924 A: Uh, I don't. He's, you know, he said it a few times probably over the last, you
3925 know. I think we barely started going to the gym together in, uh, this year
3926 sometime. I normally go into the gym.
3927
3928 Q1: Yeah.
3929
3930 A: We've gone a couple times but we - we started going pretty regularly and.
3931
3932 Q1: Right after shift?
3933
3934 A: Yeah, we usually go...
3935
3936 Q1: You go right in the morning or.
3937
3938 A: ...right after shift.
3939
3940 Q: What was their problem with him?
3941
3942 A: Uh, whose problem?
3943
3944 Q: Sergeants.
3945
3946 A: Um, well, I talked to Sergeant (Duran) and he's like, uh, he would - Sergeant
3947 (Duran) would tell me, you don't, you know, you don't have an is-, you know,
3948 you're not, uh, he just say like you - you don't - you're not a problem, you
3949 don't, it's different, uh, you. 'Cause I - I think he goes back to me, asking why
3950 I was at the floor station or something. And he goes, no - no - no, he goes,
3951 we're just giving you a break, this and that. And he goes, unlike somebody
3952 else on the shift, uh, he goes, he didn't go into detail about it, he just said,
3953 you're gonna have a problem with him. And so I just, you know.
3954
3955 Q: Did (Jerry) say what their problem was with him?
3956
3957 A: Um, no, I think it was just because he had, um, use of force - use of forces that
3958 maybe we're unexplained or whatever. What, excuse me, sorry.
3959

3960 Q1: Did you ever boast to anybody in a text message about something you did that
3961 really didn't happen?
3962

3963 A: Yeah, I'm - I'm sure I (unintelligible), you know, I think everyone does it.
3964 Yeah.
3965

3966 Q1: Okay. So it would be safe to say that.
3967

3968 A: I probably say things like, uh, well, I guess you say, uh, to make yourself
3969 seem more like.
3970

3971 Q1: A badass, kinda like the text. I mean, somebody commented that it seemed
3972 like you were like a badass because you talked about doing things or...
3973

3974 A: Uh...
3975

3976 Q1: I mean.
3977

3978 A: ...yeah, well.
3979

3980 Q1: Would they say that because maybe you've texted out some things about some
3981 incidents that you had. I'm not saying that they're, you know. Like you said, if
3982 you had a use of force incident, you told - you told us. If you had a use of
3983 force incident, you would always report it, and it was always because there
3984 was something that, you know, happened, and it just seemed like that's how it
3985 went...
3986

3987 A: Yeah.
3988

3989 Q1: ...so.
3990

3991 A: Um.
3992

3993 Q1: But in your conversations with your teammates, your colleague, do you
3994 maybe sort of embellish that? I mean, would that be safe to say or - or texted
3995 it...
3996

3997 A: No.
3998

3999 Q1: ...saying that maybe you did something that you really didn't or.
4000

4001 A: I don't - I don't recall, but I'm sure it's - it's happened, uh.

4002

4003 Q1: 'Cause what we're trying to get at is we're just trying to make sure that the use
4004 of force incidents that you've talked about, happened the way they happened...

4005

4006 A: Yeah.

4007

4008 Q1: ...because let's be honest, sometimes there's some officers that might give a
4009 little extra or they might twist a little harder or they might not let up when
4010 they say they let up, you know. They're not saying that the incident didn't
4011 happen, you know, yeah, they're saying that they put somebody in a twist
4012 lock, but maybe they were in a twist lock for longer than they probably should
4013 have been or something like that.

4014

4015 A: Oh, I see what you're saying. Uh, I've.

4016

4017 Q1: Could that be possible...

4018

4019 A: Possible?

4020

4021 Q1: ...that you've used force that maybe should've been...

4022

4023 A: No.

4024

4025 Q1: ...subsided sooner or...

4026

4027 A: I don't.

4028

4029 Q1: ...'cause maybe you were mad at somebody or...

4030

4031 A: No.

4032

4033 Q1: ...that challenged you in front of the dorm and, like, later on...

4034

4035 A: No, sir.

4036

4037 Q1: ...there was a use of force incident and...

4038

4039 A: No, sir.

4040

4041 Q1: ...you took advantage of that.

4042

4043 A: No, sir.

4044

4045 Q1: Okay.

4046

4047 A: And I can think of incidents where, or an incident right now that, um, I've
4048 been challenged and this and that. And I've de-escalated as soon as possible,
4049 uh, you know. I don't know if you wanna hear about it, but it's the truth.

4050

4051 Q1: Sure, we'd love to hear about it.

4052

4053 A: Um, an inmate by the name of Um, have you heard - heard
4054 about him?

4055

4056 Q: Mm-hm.

4057

4058 A: Okay. So, uh, he's very, uh, special management. He's very, uh, loud,
4059 boisterous. He'll be the guy where I'll, he'll tell all the inmates I'll be beat your
4060 ass, I'll fuck. He's one of the guys, you know, that I don't recall. But we've -
4061 someone - we've probably pulled him out and set him aside for a little bit...

4062

4063 Q: Mm-hm.

4064

4065 A: ...of course the other dorm is gonna go up. (Unintelligible) whoop his ass
4066 when program happens or something. So he's - he's just a special
4067 management, um, inmate. Uh, one time we had failure lockdown. Uh, he told
4068 me in front of the nurse (unintelligible) I don't wanna lockdown. we're
4069 gonna open up, this is during protocol...

4070

4071 Q: Right.

4072

4073 A: you need to lockdown now. And, uh, he goes - he said fuck - he said
4074 fuck you and fuck this, whatever, and cu- cussed me out. And I was like, go
4075 up to your dorm now and lockdown. So he - he ran up the stairs, he - he walk
4076 back out, and he's like, I don't wanna fucken lockdown, I ain't gonna
4077 lockdown. Everybody else lockdown. You know, we leave the, we moved the
4078 nurse. I believe it was during protocols. Obviously, you know, we're gonna
4079 secure the nurse make sure she's safe...

4080

4081 Q: Mm-hm.

4082

4083 A: ...or he. And, um, and we go up to the top. And, uh, 'cause he was going back
4084 into his cell and then I was, well, I can go close to the cell on him. And then,
4085 uh, he came back out and he had, uh, I think he might have put a - his top shirt

4086 on or another shirt on, he started going like that. I was like I'm gonna
4087 pepper spray you, get down on the ground. And then, uh, I could've pepper
4088 sprayed him. And he said, uh, he said, I don't wanna lock, he's like, I'm not
4089 locking down 'cause I'm not going back in there. But he laid on the ground. So
4090 I said, okay. So I ran over and put my, uh, my pepper spray back. And when
4091 as soon as I touched him, he starts, he's like, I'm not putting handcuffs on, blah
4092 - blah - blah. And I believe I secure him into a arm bar and I waited for, uh, I
4093 obviously put the (unintelligible) out at some point. I waited for them to come
4094 by. Uh, I told him, you know, stop, don't resist, it'll be fine. And he laid there,
4095 he goes, I don't wanna go back in the cell. And I realize that's just what he
4096 wants, he doesn't wanna go back in the cell. So no - no pain compliance. You
4097 don't need a pain compliance. But as long as I'm there and he knows I'm there
4098 and I have a good hold on him in case he decides he wants to go sideways
4099 again...

4100
4101 Q1: Mm-hm.

4102
4103 A: ...I'm able to apply the pressure and pain compliance for him. And you know,
4104 that's - that's what we'll do.

4105
4106 Q1: What was the end result?

4107
4108 A: Oh, sorry, with him. Uh...

4109
4110 Q1: So he just lay, he just lay on the ground, and you just had to.

4111
4112 A: ...uh, I actually. I think, I believe I actually han- ended up being able to secure
4113 him in handcuffs on my own and then just stay there with him on the ground
4114 'til other officers arrived...

4115
4116 Q1: Okay.

4117
4118 A: ...and then, you know, picked him up, walked him out, handled it. He ended
4119 up telling me that he had a shank on him. I believe Sergeant (Stream) was the
4120 sergeant on duty that night. And he said, um, uh, I have to tell you something,
4121 and what, and, uh, he said - he said, I have a weapon. And, uh - uh, we went in
4122 there, I was like where is it at? He goes, it's a - it's a big - it's a big weapon.
4123 You know, where's it at? It's in my - it's on my pants right here. So I looked,
4124 and I see this long, you know, silver shiny item at first and then like, you
4125 know. And the first thing that hit me was, uh, he could have stuck me with
4126 that when I was on the top tier...

4127

4128 Q1: Mm-hm.
4129
4130 A: ...you know, it could've been a trap, you know, he - he's - he go into a cell to
4131 grab it, what is it. And then when we end up pulling it out, turn out just to be a
4132 tightly rolled up Cheetos bag, inside out, silver, so...
4133
4134 Q1: Right.
4135
4136 A: ...um, but, you know, didn't - I didn't go overboard with the force, I didn't use
4137 any unnecessary things like that.
4138
4139 Q1: Thank you for that example. Uh...
4140
4141 Q: Let me go see what they wanna, uh, when they wanna get 'em back?
4142
4143 Q1: Yeah. Do you have to go to the bathroom or anything?
4144
4145 A: Uh, I can - I can hold that. I'll wait 'til I go back, sir.
4146
4147 Q1: I'll wait in here (unintelligible).
4148
4149 Q: Whatever you want, man. You gotta go to the bathroom?
4150
4151 Q1: Yeah.
4152
4153 Q: All right. We're gonna figure out how they wanna get you back, okay.
4154
4155 Q1: (Unintelligible). You come in or (unintelligible).
4156
4157 Q: I haven't been able to leave yet. All right, man, you ready? We're gonna drive
4158 you back.
4159
4160 A: (Unintelligible).
4161
4162 Q: Oh, shit.
4163
4164 A: Nine o'clock.
4165
4166 Q: That the new Super Bowl batch?
4167
4168

4169 This transcript has been reviewed with the audio recording submitted and it is an accurate
4170 transcription.
4171 Signed _____