

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**INTERVIEW WITH**  
**Q=Det. (Brendan) Omori**  
**Q1=Det. (Josh Singleton)**  
**A=(Jonathan) Cuilla**

Q: Today's date is Friday, September 11, 2015 at 1653 hours. This is Detective (Brendan) Omori, badge 1991 with the Santa Clara County Sheriff's Office. Also present during this interview is Detective (Josh Singleton), badge 1904. We're interviewing (Jonathan) Cuilla, and this is in regards to sheriff's office case 15-239-0032J. Uh...

Q1: Can I say something first? Sorry.

Q: Absolutely.

Q1: I know it's been a long day for you, and they told you earlier that we were gonna come talk to you. So like, I think it's - we want to put you at ease, uh, and try and just lower your stress level. This is gonna be a very low stress interview. It's not - we're not - we're not trying to, uh, to jam you up or anything like that. We just - uh, I just want to preface everything we say with just that, because I know you probably got a lot going through your mind right now and you're probably stressed out. So, deep breath. Relax.

Q: We intended to interview around 10:30 this morning.

A: Okay.

Q: But unfortunately, a chain of other events happened where we quickly needed to handle something else. So unfortunately, you got put on the back burner a little bit.

A: It's understood.

Q: I apologize about that.

A: Uh, no. (unintelligible) That's how it goes.

42 Q: So, um, well, the reason we're here is obviously we're continuing the  
43 investigation from, um, the (Michael Tyree) incident.

44

45 A: Yes.

46

47 Q: And, um, my understanding is that you have, um, potentially some knowledge  
48 of, uh, some of the events and some things that might assist us in our investigation.

49

50 A: Okay.

51

52 Q: Let me first preface you with this, that this is not an Internal Affairs  
53 investigation. You're not entitled to, uh, a representative with you. Um, you can have an attorney  
54 if you want. Um, I'd like to also preface it with you're a witness in - in our opinion right now.

55

56 A: Okay.

57

58 Q: So I'm strictly trying to get a statement from you, to get a better picture of - of  
59 everything that's going on.

60

61 A: Alright.

62

63 Q: Fair enough?

64

65 A: Yes, sir.

66

67 Q: Okay. Uh, first of all, um, (Jonathan), um, when did you, uh, get sworn in  
68 with, uh, Corrections?

69

70 A: It was in July. I believe the exact date was July 2, 2014. Uh, so just a little  
71 over a year.

72

73 Q: Uh, and you're on probation right now?

74

75 A: Yes, sir.

76

77 Q: When do you get off probation?

78

79 A: Uh, it's sometime in December.

80

81 Q: Okay.

82

83 A: Uh, I don't know the exact date.

84

85 Q: Normally 18 months or something like that?

86

87 A: Yes, sir.

88

89 Q: Okay. Where are you currently assigned?

90

91 A: Uh, this week so far, I've been assigned in the identification unit in men's  
92 booking, men's ID.

93

94 Q1: And again, our notes, like, don't let this distract you. Like, it's just we won't -  
95 you know, we got to basically record what's being said, that's all. Yeah.

96

97 Q: And you said you recently were transferred there?

98

99 A: Uh, since July. I was trained in July. I've been back and forth between there  
100 and 6B. Uh, on and off.

101

102 Q: Okay. Um, trained in ID in July, and then bounced back and forth between  
103 there and 6B?

104

105 A: Yeah. So, uh, I was, uh, Identification in July. Uh, August, or at the end of  
106 July, I went back to, uh, module 6B for approximately four to five weeks. Uh, and then actually,  
107 I think it was right after the incident had happened. Uh, the following week, I went back down to  
108 ID for half the week and 6B, so back and forth consistently, or inconsistently.

109

110 Q: Okay. Um, so were you assigned to 6B during the Mi- - (Michael Tyree)  
111 incident?

112

113 A: Yes, sir.

114

115 Q: And you're familiar with the incident?

116

117 A: Yes.

118

119 Q: Were you on duty the night of the incident?

120

121 A: Uh, not the night of. The - it's the day of, but it was the - the following shift  
122 after the incident that the shift occurred on.

123

124 Q: So you had already went OD for the day?

125

126 A: Um, uh, the 27th, technically I - I was coming on duty for the first time that  
127 day at 0600 hours.

128  
129 Q: Oh, that was the first day of your shift?

130  
131 A: That was the first day of my shift.

132  
133 Q: Uh, so you are, uh, B team?

134  
135 A: B team, day shift.

136  
137 Q: Okay. And did you - uh, was there any pass down given to you as to what  
138 happened when you first came on shift, or?

139  
140 A: Uh, as soon as I had exited the - the elevator, uh, I noticed that the front sally  
141 port door was open. Um, Officer (Tempra) and Deputy (Farris) were sitting at the desk. Uh, or at  
142 the desk, uh, the officer's station desk, and Deputy (Lubran) was walking by the desk as I exited  
143 the sally port, and he said that, "Everything's Code 4, nothing happened last night." Uh, that was  
144 the only pass down that I received from him.

145  
146 Q: "Everything is Code 4, nothing happened."

147  
148 A: E- - "Nothing happened last night."

149  
150 Q: And, um, is that unusual, for the sally port door to be open, then, when you  
151 get off the elevators?

152  
153 A: Um, sometimes it's open for our staff to come in and relieve the other staff.  
154 They'll have it open, because we're coming and - and exchanging, uh, radios and keys. Uh, but  
155 you could tell that it was open and they were congregated there in a manner that was unusual.

156  
157 Q: Was there any other staff there besides those three, uh, officers that you stated,  
158 or?

159  
160 A: So on the right side after exiting, as the 6B module in that, there was Deputy  
161 (Rodriguez) sitting outside the module door, with 6B module door propped open.

162  
163 Q: Is that unusual?

164  
165 A: That's unusual. That was the first thing that kind of alerted me that something  
166 - something really was going on.

167

168 Q: Okay. And what was (Rodriguez) doing?

169

170 A: Uh, he was taking account of everyone that was exiting and entering the  
171 module, um, because it - it had been established there was a crime scene in there.

172

173 Q: Okay. And then what - what did you subsequently do after - after you kind of  
174 scoped things out?

175

176 A: Um, I asked what happened. Uh, Deputy (Farris) said, "You didn't hear what  
177 happened?" Um, you know, I looked at him, puzzled. He said, you know, "There was a ten - 10-  
178 56 completed, 10-56." Uh, I asked who - who had passed, and he said that it was, uh, (Michael  
179 Tyree). Um, I placed my belongings down, uh, so that I could grab my keys and radio from  
180 (Lubran) and be able to, you know, start my shift at that point.

181

182 Q: You gotta share keys and radios?

183

184 A: Yes, the - there's assigned keys and radio for each station or each post. Um, so  
185 I received the keys and radio from (Lubran). Uh, at that point, Sergeant (Roland), uh, was  
186 actually exiting the module and told me that she would brief me on what had happened and the  
187 incident that occurred. And, uh, actually told the D team staff to exit the - exit the floor at that  
188 point.

189

190 Q: So that would be (Farris), (Lubran), and?

191

192 A: (Farris), (Lubran), (Rodriguez), and, um, um, Temp- - (Tempra).

193

194 Q: (Tempra)? She told all four of them to leave?

195

196 A: Yes. Uh, I - I remember exclusively she said, you know, "(Lubran), you need  
197 to exit the floor." Uh, but they - she said, "You guys need to do pass down and we need to get B  
198 team staff on - on."

199

200 Q: Okay.

201

202 A: Uh, (unintelligible), basically.

203

204 Q: Okay. And, uh, were you the first one from your team to show up to - to work  
205 for - for the day or was anybody else there from your - your team?

206

207 A: Uh, I cannot recall if I was first on deck, uh, or if someone else had - had  
208 arrived, uh, before me.

209

210 Q: Okay. Um, and then what did Sergeant (Roland) tell you then?

211

212 A: Uh, so she briefed me that there was an in-custody death, uh, who the inmate  
213 was, (Michael Tyree), uh, that, uh, the body had left already, and that, uh, there was no longer a  
214 crime scene. It was able to be cleaned up by restoration management, uh, and that they were  
215 being contacted and on their way to, uh, clean up the contaminated areas that were in the  
216 dayroom and inside the cell.

217

218 Q: And then what - what subsequently did you do after that?

219

220 A: Um, after receiving my pass down, I started my daily rituals, making sure that  
221 I had, uh, my logs, uh, initiated with all my information to start the day, uh, that I was  
222 documenting what I had received as pass down. Uh, and that I needed to start my inmate welfare  
223 check and formal count of the unit, uh, to make sure that the count matched what was on our  
224 records, uh, and notify my morning courts, that they had to get ready so that I could move them  
225 out.

226

227 Q: And I'm sorry, I don't think I asked this earlier. But what time is your - your,  
228 uh, 10A time?

229

230 A: Uh, 0600.

231

232 Q: 0600?

233

234 A: So I was on deck and received pass down from Sergeant (Roland). I believe it  
235 was 0554. Uh, so I was there early.

236

237 Q: Mm-hm.

238

239 Q1: You are a new employee, getting to work early.

240

241 A: Yeah.

242

243 Q: Um, just familiarize ourselves a little bit with the process of the - the various  
244 logs and things, 'cause we've never worked in the jail.

245

246 A: Okay.

247

248 Q: I'm not familiar with that. So if you could just tell me a little bit about what  
249 each log is, what - what the significance is - of it is, how many different things you have to fill  
250 out.

251

252 A: Uh, so there's two logs that are associated with a, uh, a module. Uh, there's the  
253 logbook, which is where you log in any activity that takes place inside the module for the day.  
254 Um, that's your, you know, uh, your initial security checks, your welfare, your count of inmates,  
255 uh, anything that comes in or out of the dorm as far as movement, inmates leaving to go to  
256 medical appointments or inmates returning. Um, courts, if you're sending those out, program  
257 times, when you were able to feed. Um, basically your just - your daily routines that happen  
258 inside that - that module for the day. Um, the other log is a welfare logbook where we log, uh, an  
259 hourly welfare check, making sure that we're doing our rounds and checking on the welfare of  
260 the inmates, uh, as well as on the other side of that, uh, page in the log is a program log to know  
261 when they received, uh, the recreation time outside their cells for that day.

262

263 Q: Okay. So there's a welfare log and, I'm sorry, what was the first log called?

264

265 A: A logbook.

266

267 Q: Logbook. And you're supposed to check on the welfare of all the, uh, inmates  
268 every hour?

269

270 A: Uh, within the hour.

271

272 Q: Okay. And how - how does that typically work?

273

274 A: Uh...

275

276 Q: Is it you by yourself, going around and checking each cell? Do you have a  
277 partner? Um, I - I just - I'm not familiar with the whole process.

278

279 A: Uh, typically you do your welfare checks by yourself, unless someone  
280 obviously decides to come and help you with a welfare check. Uh, but you're going in, you're,  
281 uh, making sure that, uh, every inmate is alive and breathing, or if - even if they're sleeping, the  
282 rise and fall of their chest, uh, to make sure they don't have anything that - that happened to them  
283 while you were gone within the last hour, or they didn't commit suicide or someone didn't  
284 escape. Uh, just making sure that everything is, uh, uh, the way it's supposed to be.

285

286 Q: Alright, just calling out names or are you actually popping doors or how...

287

288 A: Not popping doors. It's just a visual check, going by, uh, the windows and  
289 making sure that the inmate is there, the inmate is the inmate that they're supposed to be inside  
290 the cell, and that you're seeing the rise and fall of their chest, or that they're up - up and alive.

291

292 Q: Okay. And, um, is there anything else unusual that happened during that shift,  
293 following the incident?

294

295 A: Um, in - in regards to?

296

297 Q: Just anything that happened whatsoever. Or did it - did you just have a normal  
298 day and get off work, other than the fact that you had a in-custody death when you first came  
299 10A?

300

301 A: Um, not normal in that I, uh, I noticed when I'd come on after starting, that  
302 they hadn't fed breakfast, which typically is fed around 4:30. Uh, but obviously with the  
303 commotion that was up there, they weren't able - they weren't able to feed. They kept everyone  
304 locked down, because it was a - a crime scene at that point.

305

306 Q: Just 6B?

307

308 A: Uh, just...

309

310 Q: Module - the other modules had been fed?

311

312 A: Modules - correct, yeah. Just 6B had not been fed. Um, the mail had not been  
313 passed out, which is typically a night shift, uh, uh, duty as well.

314

315 Q: Nothing else unusual, though?

316

317 A: Um, minus what, uh - so, uh, after initiating my courts and making sure that  
318 they were sent out and starting my day, I used my inmate workers. I let them out of their cells to  
319 be able to help me - assist me in feeding breakfast. Um, which is standard. They come out and  
320 they help me assemble the trays, uh, put diet meals where they need to go, and feed everyone in  
321 the dorm. Uh, so it - it's at that point that they began to initiate conversation or try and talk to me  
322 about the incident that happened last night. Um...

323

324 Q: Did you hear anything, uh, any specific details from any inmates that actually  
325 saw the incident and not just hearsay?

326

327 A: Um, I didn't hear anything from anyone that saw anything. No one was saying  
328 that they saw anything. It was just what they heard. They heard screaming, they heard a thump,  
329 they heard silence. Uh, and that they came back in to check on him and he was what - what they  
330 assumed to be dead when they pulled him out of the cell.

331

332 Q: Have you had many dealings with, uh, (Michael Tyree)?

333



334 A: Um, he had been in that unit I want to say the four weeks that I was up there.  
335 So I had - I had, uh...

336  
337 Q: Interactions with him?

338  
339 A: Interactions with him, yes.

340  
341 Q: Uh, how would you - how would you describe (Michael Tyree)?

342  
343 A: Um, he was - he was mentally ill. Uh, he was, uh - I wouldn't say unstable,  
344 'cause I don't know the mental condition. But, um, he didn't really talk with anyone. He wasn't  
345 social. Um, he didn't carry on conversations. He, you know, was caught from time to time eating  
346 out of the trash. Um, didn't clean, didn't bathe very often. Um, bathed sometimes oddly inside  
347 the, uh, inside the dorm.

348  
349 Q: How would you characterize interactions with jail staff, with deputies and -  
350 and the like?

351  
352 A: Um, with myself, he, uh, he always seemed frustrated and he - he, uh, would  
353 sometimes get aggressive, uh, because in his mind, he believed he was supposed to be released  
354 and he believed he was being held, uh, against his - his will. Um, which I would try and  
355 explained that he had a hold. There was - he wasn't able to leave. Uh, there was still a court date  
356 set for him that he needed to attend before he was able to be released, uh, and needed to see the  
357 judge. Uh, sometimes he would get frustrated and tell me he was going to bring the sheriff's  
358 office down and the organization down. And he would, uh - uh, I think initially, the first day, he -  
359 he cursed at me a few times just because of his frustration. Uh, but he was never physically  
360 aggressive with me.

361  
362 Q: He was never, um, physical with you? Was he physical with any of the other  
363 deputies, to your knowledge? Or...

364  
365 A: Uh...

366  
367 Q: ...have you - have you observed any, um, physical aggression from (Michael  
368 Tyree)?

369  
370 A: Not - not to my knowledge. Uh, never anything that was, uh, physical. There  
371 was, uh, however, one time he, uh, he said he was going to, uh, beat his celly's ass or kick his  
372 ass, something to that manner, uh, when he was told he was gonna cell up with a - a Black male.  
373 Uh, he called the Black male a - a nigger and he said he - he wasn't gonna house with a - a - I  
374 believe he called him OJ Simpson, and he did seem like he was very aggressive. Uh, he never

375 did anything physically, but he showed - again, demonstrated signs that he was willing to, uh,  
376 willing to become aggressive.

377

378 Q: Was he - did he have any other altercations with any of the other, uh, inmates?

379

380 A: Uh, not to my knowledge.

381

382 Q: Okay. Um, so in general, is (unintelligible) summary that he was mentally ill  
383 and, um, was frustrated based on his custody status, but never physically assaulted any other  
384 people?

385

386 A: Correct.

387

388 Q: Including correctional staff?

389

390 A: Passive aggressive. He was upset, but he would listen to directions when  
391 given directions.

392

393 Q: Okay. Um, to your knowledge, have any of your other partners, whether B or  
394 D team, uh, have any physical altercations with him prior to the - the incident of his, uh, passing?

395

396 A: No.

397

398 Q: Okay. Um, did you go to the academy with, uh, anybody that's on your, uh,  
399 your team? Your current - the - the members of your, uh, B team?

400

401 A: Yes.

402

403 Q: On 6B? Who did you go to the academy with?

404

405 A: Um, my academy on my team is, uh, Deputy (Concepcion). That's C-O-N-C-  
406 E-P-C-I-O-N. Uh...

407

408 Q: And was he working the same day, that - uh, the day - the shift following the  
409 incident?

410

411 A: I - I believe so. I don't know if he was on vacation or not in that day, but to my  
412 knowledge, I...

413

414 Q: Okay. You just - you just don't remember who was there?

415

416 A: I - I don't remember, yes.

417

418 Q: Okay.

419

420 A: Yeah.

421

422 Q: Um, conversely, on D team, did you go to the academy with any of those?

423 Um, any of the guys on that team?

424

425 A: Uh, yes, I did. Was this just on the - the sixth floor or?

426

427 Q: Yeah, six - the 6B, 6B guys is more what I'm talking about.

428

429 A: Oh, who - uh, those that worked in 6B?

430

431 Q: Yeah.

432

433 A: Oh, okay. I'm sorry, (Concepcion) wasn't working in 6B.

434

435 Q: Okay. Just the 6B, on B or D team.

436

437 A: On B or D team, no. No one from my academy that I know, uh, is - is working  
438 that module right now.

439

440 Q: Okay. Um, were any of those guys - did any of those guys get hired around  
441 the time that you did? Like, academy before or after, somewhere in there? Or...

442

443 A: Uh, I believe, uh, (Lubran) is from academy two or three. I'm academy five.

444

445 Q: Okay.

446

447 A: And just in 6B, right? That's all you're asking?

448

449 Q: Just in 6B, correct.

450

451 A: And I believe the officer that works C team is from academy, uh, I want to say  
452 six.

453

454 Q1: Who is that?

455

456 A: That's, uh, (Gil Breceno). He's, um, typically in, uh, 6B, on C team.

457

458 Q1: Okay.  
459  
460 A: That's the opposite side of the week from us.  
461  
462 Q: Uh, how well do you know (Lubran)?  
463  
464 A: Uh, somewhat. I mean, in - in passing. Uh, never had an extended, uh,  
465 association with him.  
466  
467 Q: Um, so you - he's more of an acquaintance at work? Would you call him a  
468 friend?  
469  
470 A: Uh, no.  
471  
472 Q: Have you hung out with him outside of work?  
473  
474 A: No.  
475  
476 Q: Um, so you have no personal interaction with him aside from just work?  
477  
478 A: Uh, just at work and, uh, I think about a month before, because we were  
479 working the same module, we exchanged phone numbers just to advise each other if anything  
480 had happened or anything that we needed to know or missed, that we left something somewhere.  
481  
482 Q: Naturally, people on the same shift would exchange numbers.  
483  
484 A: Exactly.  
485  
486 Q: Okay. Um, and where you working when you were, um, on the same team as  
487 him?  
488  
489 A: On - when I worked D team?  
490  
491 Q: Uh, I - I'm just - I'm - I'm - when - when - when did you work with him on the  
492 same team, and where were you guys?  
493  
494 A: Uh, so after our academy, we go through six months of probationary on the  
495 job training. Three months is done on night shift and three months is done on day shift. Uh, so  
496 whatever team you start on, which for me was D team, um, I only worked three months on D  
497 team with (Lubran), and it was during my training. So I worked, uh, the various positions that  
498 were required for, uh, on the job training, and then moved to B team right after.  
499

500 Q: Okay.

501

502 A: So my interaction with him was limited. I can't say that I worked, uh, to my  
503 recollection, on the - on a deck or in - in any area with him specifically.

504

505 Q: Okay. Um, what about (Farris)?

506

507 A: Uh, (Farris), I - I had never worked with before, minus on the...

508

509 Q: Just the shift change?

510

511 A: ...just the shift change, yeah.

512

513 Q: Okay. And, uh, so you would not consider him a friend?

514

515 A: No.

516

517 Q: And what about, um, (Rodriguez)?

518

519 A: Same thing. Never had, uh, worked with, minus the, uh, shift ex- - exchange.

520

521 Q: Do you have, um, (Farris) or (Rodriguez's) phone number as well?

522

523 A: No.

524

525 Q: Just (Lubran)?

526

527 A: Just (Lubran).

528

529 Q: Okay. Uh, I believe at some point, um, you had a text exchange with  
530 (Lubran).

531

532 A: Yes.

533

534 Q: Where he was asking you for information about the incident. Was that when  
535 he was on administrative leave, or?

536

537 A: No, that was on, uh, August 27. Um, when my shift had ended and I went OD,  
538 I had powered my phone - or took it off airplane mode and, uh, noticed that I had received a text  
539 from him earlier in the day. I think it was about 16 - around the 1600 hour. Um, just asking what  
540 was going on. Uh, and his name, 'cause I don't think he realized that we had exchanged numbers,  
541 'cause it was - we hadn't texted before that.

542

543 Q: Mm-hm.

544

545 A: Uh, it was, uh, I think the first text message I had received from him.

546

547 Q: So you recall that thread pretty good? Your exchange of messages with him?

548

549 A: Uh, not verbatim. It - it was five short text messages.

550

551 Q: Okay. Did you text him any other time, other than that?

552

553 A: Uh, just that - just the one time. I don't think we had any other text messages  
554 exchanged before that. Uh, before that incident.

555

556 Q: And not after?

557

558 A: Uh, none after.

559

560 Q: Okay. And, um, I believe you had a phone conversation with him as well.

561

562 A: Yes.

563

564 Q: What - what happened during that phone call? It was three or four minutes,  
565 right?

566

567 A: Uh, it was about three minutes.

568

569 Q: Okay.

570

571 A: Um, I had called him 'cause I was driving home. I - I read the text messages  
572 but I - I didn't want to text and drive. Um, so I - I gave him a call, 'cause I still - the  
573 investigations had just started, uh, right before I went OD that day. Um, so I called him and just  
574 as a - as a colleague was trying to say, you know, "I hope you guys were, uh, smart and you guys  
575 didn't do anything that you regret or anything stupid." Um, I let him know that there - there were  
576 investigators up there interviewing everyone. Um, and that, uh, um - I'm trying to think, 'cause it  
577 was - it was a short conversation. But he - he wanted to know what - what they were saying,  
578 what was going on. I said, you know, "They're - they're obviously investigating to see if you  
579 guys had, uh, any part in his death. Uh, if - if you guys were the ones that caused the death." Um,  
580 he said that, um, he's not worried about it. He had two officers that were there with them, or two  
581 officers that, uh, had his - had his back or had his story, uh, and that, um, they - they were gonna  
582 be okay.

583

584 Q: Okay. With that, think - think hard, 'cause I want you to kind of try to get as  
585 close to verbatim of what he said, 'cause it - it - words can get construed, you know?

586

587 A: Mm-hm.

588

589 Q: So what exactly did he say when it came to...

590

591 A: I - I think...

592

593 Q: ...his response to you?

594

595 A: And again, I - I - I think he said, "I had two officers in there with me," is what  
596 I think he said. I - and I know I wrote it down in the report that I had written, the supplemental.  
597 Um, when it was a little - little more fresh, 'cause it was only about a week old.

598

599 Q: Mm-hm.

600

601 A: Um, but I think he said, "I had - I - it's okay, I had two officers in there with  
602 me."

603

604 Q: Nothing about the...

605

606 A: He...

607

608 Q: ...he didn't say he came up with a story or something like that?

609

610 A: No, nothing like that.

611

612 Q: No? Did it seem, when you were speaking with him, that he was being truthful  
613 to you?

614

615 A: Um, he didn't have as much to say, versus he just wanted to know what had  
616 happened that day. Um, and I - I was trying to give him messages of, you know, "Keep your  
617 head up." Uh, you know, "I hope you guys are okay. You know, make sure you guys are, you  
618 know, staying safe," and, you know, "I hope you guys come out in the clear," basically. Um, he  
619 really didn't - he didn't say anything or give me anything as far as what happened or what they  
620 did or what - what happened with anything.

621

622 Q: Did it seem as though he was interested in the well-being of the inmate? Well,  
623 obviously he was deceased, but that? Or was he more interested in - did it seem like he was  
624 trying to cover some tracks?

625

626 A: Um, I wouldn't say he was trying to cover, and I wouldn't say that he was, uh,  
627 interested in the well-being of the inmate. He just seemed more concerned as to what - what was  
628 going on, what was the commotion on the sixth floor? Because I think by the time I had spoke  
629 with him, they had moved the entire sixth floor staff that typically is there up to the seventh  
630 floor, and moved the seventh floor staff down to the sixth floor. So he obviously knew something  
631 was going on. Something was different. And I had found that out before I went OD. Um, so I -  
632 you know, I called him to just let him know, you know, "Hopefully you guys are okay." Um, but  
633 he didn't - he didn't really have any concern other than that. What was - what was happening was  
634 his main...

635

636 Q: Have you had any other contact with him since then? Since that phone  
637 conversation?

638

639 A: No, that was it.

640

641 Q: Ha- - has he tried to reach out to you and you just didn't answer?

642

643 A: No.

644

645 Q: Has any of the other two, (Farris) or (Rodriguez), tried to reach out to you at  
646 all?

647

648 A: No.

649

650 Q: Has anybody else, um, amongst the staff tried to contact you, either for  
651 information or, um, to ask you to come up with a certain story to tell, uh, the administration or  
652 any investigators?

653

654 A: Uh, not for stories to the investigator. People were texting me to ask what was  
655 going on. Some people that, uh, aren't currently at work or some - some deputies that were not on  
656 duty or on a different team.

657

658 Q: Right.

659

660 A: Um, I - for the majority, I told them all it was a 10-36, that there was an  
661 investigation going on. Uh, you know, that was no good, or I couldn't - I couldn't talk about it.  
662 Um, I think the only person that I had uh, texted -- and it's on my phone -- was, uh - is, uh,  
663 Sergeant (Hernandez). Uh, 'cause he asked, you know, if - I can't remember our text message, but  
664 I did let him know that they were investigating. There was a death and murder in six - in 6B, uh,  
665 that they were going through investigations right now about it. Uh, but...

666



667 Q: Were you admonished at any point not to talk about the investigation?

668

669 A: Uh, Sergeant (Roland) had told us that we didn't - we should - we should not  
670 talk about it, that we were - we were told. Uh, there was no - I don't know - I don't know what a  
671 formal admonishment is. I don't know how that works, 'cause I've never - I've never been through  
672 it before. Uh...

673

674 Q: So...

675

676 A: ...I don't know if that's just a statement, a blanket statement, or...

677

678 Q: At what point did she tell you that? When was that?

679

680 A: Uh, I believe it was on August 27, she said.

681

682 Q: Was it when you came on or just sometime during the shift or?

683

684 A: Some - sometime during the shift. I can't recall.

685

686 Q: Was she pretty much on the floor with you guys the whole shift?

687

688 A: Uh, for a majority of the day. She was on and off. She was very busy with  
689 investigators and different things that were going on.

690

691 Q: Okay. Is there any - uh, is there anything else you heard regarding the  
692 investigation since this time? Or are you pretty much in - in the dark following the initial stuff?

693

694 A: Uh, so there was the initial stuff that day, there was investigations that began  
695 later that - that day, which was obviously unordinary. Uh, I believe it was the following day, on  
696 the 28th or 29th. Uh, again in - in my report, um, two of the inmate workers had come out again.  
697 I think it was during program time. Uh, and again, wanted to give me more information of what  
698 happened, what they had saw, uh, what - what they recalled from that night. Um, and in greater  
699 detail than what they had briefed me on the first day when they - they started trying to talk to me.  
700 Um, and then on - was it last Saturday? I - I don't know the date, what - what Saturday that was.  
701 Uh, one of the inmates, again, an inmate worker, uh, came up and told me that he had found that  
702 there was one eyewitness that said that he had saw it all, and told this inmate. Again, it was  
703 hearsay, that he saw a certain, uh, set of acts happening inside the cell. But he wasn't - he wasn't  
704 willing to talk about it.

705

706 Q: Do you - did he pass on the name to you, of who it was?

707

708 A: He did. It was a

709

710 Q: Okay, and he allegedly was an eyewitness to what happened?

711

712 A: Uh, he was, allegedly.

713

714 Q: And did you talk to him, or no?

715

716 A: Uh, the - after speaking with Deputy (Bright), I did try to go up and see if I  
717 could, uh, garnish a response from him. Uh, he was reluctant to say anything. He said, "I - I - I  
718 didn't see anything. That's - that's all I'm saying."

719

720 Q: Okay. Anything else you want to add?

721

722 Q1: Uh, yes, a few things. Um, do you know - do you know - and so  
723 said - , he was reluctant to tell you anything?

724

725 A: Yes, he was reluctant to tell me anything, didn't want to speak.

726

727 Q1: Did he tell you anything?

728

729 A: No, he didn't tell me anything.

730

731 Q1: Uh, what was the name of the inmate worker that told you that?

732

733 A: Uh, it was Uh, he also goes by, uh - it's - I think his full name  
734 now in custody is

735

736 Q1: Did he give you any more details about what, uh, suppor- -  
737 supposedly saw?

738

739 A: Uh, he said that had told him that when the deputies went  
740 downstairs and entered into, uh, cell 39, they had placed in between the toilet and the - and the  
741 bunk, uh, as usual, when they're doing a clothing search. Uh, they at one point brought him down  
742 to the bunk, um, and pinned him down and at that point, began exchanging or taking turns giving  
743 him elbows to the ribs and body, and that one of them, not in specific any name, but one of them  
744 was either kicking or stomping on the back of his head, or on his head. Um, I don't - they didn't  
745 elaborate as to whether he was face down, face up, where his head was. Um, because again, this  
746 was - this was all hearsay. Uh, but that, uh, (Lubran) at one point had turned around and saw that  
747 had seen, or that someone was looking, and took a step to block the view, uh, and  
748 then after they were done, they turned the light off, exited the cell, and finished their, uh, their  
749 clothing search that they were in the middle of.

750

751 Q1: And where would - where would be to see this? Like, do you  
752 know what room he was in, or cell?

753

754 A: He was in cell 45 at the time of the incident.

755

756 Q: And to your recollection, does that cell actually have a view of (Tyree's) cell?

757

758 A: Uh, it does have a view. Uh, it's - it's hard in - in my, uh - while working my  
759 post, to be able to enter the cell and see what he could see, 'cause I would have to close the door.  
760 Uh, which is...

761

762 Q: But in the general area, is - it wouldn't be blocked by a pillar or anything like  
763 that?

764

765 A: No, it - it would have a - a - a fairly decent vantage point of inside...

766

767 Q: Okay.

768

769 A: ...cell 39.

770

771 Q: And this information was passed on to you by , and he said that - from  
772 though?

773

774 A: Correct.

775

776 Q: Okay.

777

778 Q1: And do you know if any sheriff's office investigators followed up with, um...

779

780 Q:

781

782 Q1: Yeah.

783

784 A: Uh, I know that I believe, uh, Deputy (Bright) went and spoke with  
785 Uh, they were trying to have , uh, also say - see if he could get him to come forward and  
786 speak to the investigators. Um, I - I don't know if D team was able to get a response, or if they  
787 had to wait and got something. So I - I - I couldn't elaborate on that.

788

789 Q1: Okay. So you don't know if he's been interviewed about that specific - okay.

790 Uh, and then yeah, just a few other questions. Um, did it strike you as odd that, um,

791 (Lubran) told you, "Everything's Code 4, nothing happened last night," when you walked in to

792 start your shift? Wouldn't that seem - would - wouldn't it be ordinary - uh, well, tell me. I mean,

793 if someone died at the shift before, would that be something that would normally get passed on,  
794 especially if there was crime scene investigators there?

795

796 A: Uh, it - it - it would get passed on, but, uh, (Lubran's) personality, he - he is  
797 sarcastic in a somewhat, um - I don't want to say morbid, but he's - you know, he's been there for  
798 a while and seen a lot of - a lot of stuff. Uh, but, uh, it - it - it seemed like an appropriate  
799 response after I found out what had happened and who had died, because my first thought with  
800 that particular inmate and his - his condition, uh, was that he did - he - he killed himself or - or  
801 something medically was wrong with him and - and he passed away. Um, that was my initial  
802 thought.

803

804 Q1: Okay. Um, and then at some point, um, (Tyree) said something about he was  
805 gonna take down the SO. What - what did that mean?

806

807 A: Um, he said, "I'm gonna take down this establishment, I'm gonna take this  
808 whole place down." Um, and it was in frustration. Again, he - he was asking me about his release  
809 and why he was being held here against his will. Uh, and again, I explained to him that, uh, he  
810 had future court dates, that he still needed to see the judge. Um, he wasn't gonna be released.  
811 Um, and he - he said, "I'm gonna - I'm gonna take this place down, I'm gonna..."

812

813 Q1: Did he say how?

814

815 A: No, he didn't say how. Um, "I'll take this whole establishment down."

816

817 Q1: Like, physically take it down, like, somehow? Or...

818

819 A: No, I'm assuming he meant through lawsuits or through the courts.

820

821 Q1: Okay.

822

823 Q: So you mentioned you wrote a report. Was it in an ER or something like that,  
824 or?

825

826 A: Uh, no. It was actually a supplemental, uh, report attached to this, in the, uh,  
827 incident work system.

828

829 Q: Okay. And when did you write that?

830

831 A: Uh, that was, uh, last Saturday. Again, the date...

832

833 Q1: Yeah, it's really important you're writing this stuff down, just for your - your  
834 own protection, too. I mean, it's smart.  
835  
836 A: Um, the date was - what is today? The...  
837  
838 Q1: 11th.  
839  
840 A: ...11th? So it would have been, uh, Saturday, November 5, is when I wrote my  
841 report.  
842  
843 Q1: September 5?  
844  
845 A: September 5?  
846  
847 Q1: Um, you said (Lubran) hasn't attempted to contact you in any - any manner  
848 since those - that phone call, right?  
849  
850 A: Correct.  
851  
852 Q1: Has there been any, uh, third party attempts to contact? Has he had anyone  
853 else on his behalf contact you...  
854  
855 A: No.  
856  
857 Q1: ...and ask to meet you?  
858  
859 A: No.  
860  
861 Q1: Have you met any of these three officers off-site in person?  
862  
863 A: No.  
864  
865 Q1: Yeah, those are only my questions.  
866  
867 Q: Um, how is it working on the mental - mental health dorm?  
868  
869 A: Um, it - it isn't - it isn't designated as a mental health dorm. Uh, our mental  
870 health floor where our - our ward is, is the eighth floor.  
871  
872 Q: Eighth floor.  
873

874 A: Um, because these inmates are designated as protected custody inmates,  
875 they're not able to go with the eighth floor mental health areas, because those are all general  
876 population areas. Uh, so they don't have a protective custody ward set up, and they send them to  
877 (unintelligible) 6A and 6B. Um, to my knowledge, they haven't been s designated as a mental  
878 health dorm. Uh, it's just they - there's no other place for them to go.

879

880 Q: But you have quite a few mental - mentally ill, um...

881

882 A: There are...

883

884 Q: ...inmates in 6B?

885

886 A: There are. There are quite a few that are in there.

887

888 Q: How is it working amongst them?

889

890 A: Um, it's difficult. Uh, it's - it's extremely difficult, because they, uh, they are  
891 hard to talk to and hard to have them understand the reasons why they need to listen to an  
892 officer's orders, because I don't think they really, uh, most times most understand the authority or  
893 the - the direction that's being given. Um, it's also difficult from the other inmates' perspectives,  
894 because when you have to segregate how you respond to any kind of aggression or reaction from  
895 an inmate that may be negative, you can't deal with it in the same manner that you would with a  
896 mentally ill patient as you would with a regular inmate that's a Norteno dropout, a Sureno  
897 dropout, that's sophisticated and knows our system. Uh, in a dorm setting, it creates a lot of  
898 tension and problems for an officer to manage his inmates, because of the fact that you're not  
899 able to be consistent and fair. Something that I would handle or something that I would do to  
900 handle a situation with a regular Sureno dropout or Norteno dropout, I wouldn't be able to do that  
901 with a mentally ill patient, because I'd have to be more calm. I'd have to talk to them more and  
902 have to be a little more giving. And it's not - it - it doesn't make for a conducive environment  
903 inside the dorm, because it seems like you have preferential treatment for certain inmates, and  
904 certain inmates get the brunt nd of the stick. Um, so it's - it's a very difficult...

905

906 Q: it's never driven you to the point where you wanted to act violently against  
907 anyone?

908

909 A: No, sir.

910

911 Q: Okay. And did it seem like - uh, did it feel to you as if maybe other colleagues  
912 were at that point, that breaking point? Or you had no - no signs, no clues that this might  
913 happen?

914

915 A: No, sir.

916

917 Q: Okay. Um, has this affected you at all as far as, um, public perception, uh, or  
918 maybe people talking, um, that you hear about, uh, correctional staff or the jail system in  
919 general? Maybe when you're off duty and they don't know you work there. Do you - have you  
920 heard any of this stuff out there, any banter or?

921

922 A: Uh, I've heard a lot of banter. Uh, I've read things. I try not to, but it's - it's  
923 hard at points. But yeah, it - it does, it - it demoralizes what we do. You know, we - we obviously  
924 have a hard time, because we know we don't receive the training that, uh, enforcement receives.  
925 Uh, and feel inadequate at points. Uh, we know that we, uh, are kind of deemed just as guards or  
926 not - not peace officers, uh, which to some extent is - is true, while we're off duty. Uh, and  
927 obviously a lot of the negative comments don't - don't help you feel like what you're doing in  
928 service to the community, uh, has any - any merit. Uh, so it is - it's - it's a sad time to be in - in  
929 the correctional role. It's definitely difficult and obviously for me personally, walking in, uh,  
930 hearing what I've heard, knowing what I know or what I've heard, um, it - it's - it's - it's put a lot  
931 of stress on myself, uh, because I obviously have, uh, hope that my partners had integrity and  
932 that my partner has dealt with things the way they - that we're supposed to. Uh, and, uh, it hurts  
933 me to know if that any of it is true or any of it comes to light, uh, that - that those events did  
934 happen.

935

936 Q: You feel like it puts you in a bad spot to where now you might have to be a  
937 little bit more alert than you otherwise would have for your own protection and safety? Or do  
938 you not feel any of that - any difference with that?

939

940 A: Um, I - I don't feel any difference. I feel very comfortable with my knowledge  
941 of our use of force policy and our - our - our protocol, um, when it comes to handling situations.  
942 Uh, I - I'm - I don't have a hot head and don't deal with things in that manner. Um, I think morale  
943 is down because we, uh, we don't feel like we have that backing now. We're gonna be questioned  
944 on a lot of a, uh, a lot of things that come up in the - in the near future. Um, sorry, I know I'm -  
945 I'm rambling at some point to you.

946

947 Q: No, no, I just wanted your perspective on it all, too, 'cause it helps shape  
948 everything for us, too. Um, like I said, that's - it's just, uh, an interview as a witness. Um, thanks  
949 for taking the time. Sorry it took us so long to get - get to you. But, uh, we have bosses with  
950 orders, too, so.

951

952 A: I understand.

953

954 Q1: And - and also too, like, I mean, we - we recognize that you guys have a  
955 challenging job. Like, there's no doubt about it. So - and - and just speaking with you today, it's  
956 very clear to me that you're level-headed, you're very intelligent. I mean, you take your job  
957 serious, right? And you - and, uh, as hard as that might be right now, just keep up that

958 professionalism, you know? Because, um, uh, just because you guys have a challenging job. So  
959 we do want to see you, uh, you know, do the right thing. And then in terms of just, you know,  
960 um - it sounds like you're doing everything right by not talking about this with others, and I  
961 know that's challenging and that - and that can be difficult at times. But just like, out of, um, like,  
962 just trying to give you some advice, you know, just keep up with that and - and don't, uh, don't  
963 fall victim to talking about this, uh, when you've been ordered not to, only because, you know,  
964 you don't want to put your career in jeopardy. You're very young in your career and - and I can  
965 tell you're gonna go a long way in your career. So don't let this, uh - don't jeopardize it now.  
966 That's all.

967

968 A: I - I - thank you, and I appreciate that. I mean, from - from the deputy's level  
969 and detective's level, you know, and even sergeant's level, we get a lot of respect, uh, 'cause we  
970 have a lot of interaction. Um, it's more of the outside, you know? We don't get to drive the cool  
971 cars and do the cool stuff. We're stuck in a - we're stuck in a module with, you know, 60 to 70 to  
972 80 inmates that don't appreciate what we do. And, you know, we don't get to show it off and be  
973 cool.

974

975 Q1: Well, I mean, you - you still have a long career ahead of you. We started our  
976 career in the courthouse and the same thing. Like, we want to be driving the cars and stuff, too.  
977 And that - that took some time. But you have a long time ahead of you. So just, um, you know,  
978 keep at the pace you're going and it'll work out.

979

980 A: Thank you.

981

982 Q: Okay. Time is, uh, 54 - uh, excuse me, 1742 hours. And, uh, that terminates  
983 the in- - interview.

984

985

986 This transcript has been reviewed with the audio recording submitted and it is an accurate  
987 transcription.

988 Signed \_\_\_\_\_