

INTERVIEW WITH SGT. AGUILAR

Q=Sgt. Carrasco

A=Sgt. Aguilar

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Q: All right, today is December 17, 2015. It's approximately 6:30 in the evening. My name is Sergeant Carrasco badge number 1643. And in the room - interview room with me is Sergeant Aguilar - Custody Sergeant Aguilar. We're gonna be discussing case, uh, 15-239-0032 and it's just gonna be a follow-up interview regarding the next shift after the, uh, the death incident. Um, Sergeant Aguilar, you've already written a report already regarding, uh, when you responded to, uh, 6-B, uh, that shift. So I just want to focus on after the incident that morning when everybody left. You get off at six o'clock in the morning or...

A: Uh, 4:30.

Q: 4:30 in the morning? Okay.

A: Mm-hm.

Q: And then when you came back to shift, it was what time?

A: 1630.

Q: 1630? And that would have been on August 27, 2015?

A: Uh, it - that would have been the same date I got off and got on. It would have been the same day.

Q: 27th? Okay.

A: That's probably - yeah.

Q: All right, 1630 hours. And when you came on to shift that, uh, afternoon, um, did you have a pass down from the day shift?

43

44 A: The pass down I had was for my areas that I worked. So it would have been
45 two, four, and south. Uh, I don't remember anything being significant about
46 that pass down. It was just more or less standard passed down.

47

48 Q: Mm-hm. Uh, out of Main Jail South?

49

50 A: Yeah, Main Jail South, uh, second floor, fourth floor, and south. Those were
51 my areas that week.

52

53 Q: Okay, you weren't in charge of doing the schedule?

54

55 A: No, at the time, uh, there was three sergeants working that week. Uh, so, uh,
56 Sergeant (Duran), uh, was in charge of the schedule and was in charge of the
57 basement as well.

58

59 Q: Mm-hm. And, uh, Sergeant (Brackett)?

60

61 A: (Brackett) was in charge of floors five through eight.

62

63 Q: Main Jail North?

64

65 A: Main Jail North, yes.

66

67 Q: And then you were what, two, four, and Main Jail South?

68

69 A: Two, four, and south, correct.

70

71 Q: Okay, um, during the beginning of your shift, did you have any contact with
72 either, uh, Lubrin, Farris, or Rodriguez?

73

74 A: No, I - I didn't.

75

76 Q: Okay, do you know - I know it's been a few months now. Do you know where
77 they were assigned that, uh, that shift?

78

79 A: I'm not - I'm not sure where they were assigned. Um, I couldn't tell you
80 without looking at the schedule. I have an idea.

81

82 Q: Mm-hm. Okay, um, at some point during the shift, uh, you were contacted
83 either by Lieutenant (Meyers) or was it Sergeant (Brackett) about the
84 impending, uh, officers being placed on admin leave?

85
86 A: Uh, it was (Brackett) who advised us. He was advised by Lieutenant
87 (Meyers).
88
89 Q: And about - know about what time that was?
90
91 A: No, it must have been - well I don't know exactly. Uh, I can't recall. I'm - I'm
92 thinking maybe it's closer - it wasn't at the beginning of the shift. I think it was
93 closer to maybe like 11 o'clock or something like that.
94
95 Q: Okay, and what did, uh, where - where were you at at the time that Sergeant
96 (Brackett) advised or gave this information to you?
97
98 A: I think Sergeant (Duran) and I were both in the first floor sergeants' office.
99
100 Q: Okay, um, and what did he say?
101
102 A: I think he just advised us that, uh, that those three were gonna be walked off.
103
104 Q: Okay.
105
106 A: And he specified, you know, Farris, Lubrin, and Rodriguez and, uh, that he
107 was gonna have to walk them off. And I think there was a discussion between
108 all of us thinking, "Hey, that's - that's, uh, it's, uh, how are you gonna manage
109 that? What if they have lockers at north and south?"
110
111 Q: Mm-hm.
112
113 A: And, uh, you know. it wouldn't be wise to walk one off and then come back,
114 walk the next one off, walk the next one off. So we, uh, we thought maybe it'd
115 be better the three of us go and walk them all off at one time.
116
117 Q: Okay, were they supposed to go somewhere first to get some sort of
118 paperwork or how was that gonna work?
119
120 A: They were supposed to come from wherever they were working. They were
121 supposed to leave their keys and their radios there...
122
123 Q: Mm-hm.
124
125 A: ...and report to the admin conference room across from the lieutenants' office.
126

- 127 Q: Okay, did somebody make that phone call or do you remember how that
128 was...
129
- 130 A: How - how it happened? I - I'm not sure, but I believe Sergeant (Brackett) had
131 notified them. And, uh, I want to say they were retrieved where we went up to
132 the decks and then asked them to leave the radios and keys and come right
133 down. Um, if I remember correctly, I want to say it was maybe Farris and
134 Rodriguez that were brought down.
135
- 136 Q: Mm-hm.
137
- 138 A: Um, Farris was advised and was standing by the floor station. And I think
139 Rodriguez walked out of the unit and right into it and just said, "Hey, leave
140 your keys and radios here. Get your personal belongings. Come with us." And
141 that was it and then brought them down to the conference room.
142
- 143 Q: Did they ask any questions as to where they were going with you or they were
144 just kind of like, "Okay."?
145
- 146 A: No, I think it - just the fact that, uh, Sergeant (Brackett) and I being there and
147 just giving them the - the directives to leave that stuff there and come with us,
148 they were more or less just following orders and just wondering what's going
149 on.
150
- 151 Q: Okay.
152
- 153 A: Um, but they - they didn't ask anything while they were on the deck or while
154 we walked with them. And then, uh, I think (Brackett) may have told them,
155 "Okay, you guys come with us. We need to - we need to talk to the lieutenant
156 right now."
157
- 158 Q: Okay.
159
- 160 A: He was bringing them down.
161
- 162 Q: And, uh, the lieutenant that night was Lieutenant (Meyers)?
163
- 164 A: Yes.
165
- 166 Q: And was he in his office or was he in the conference room?
167

168 A: I think he was in the office. Uh, well I want to say Lubrin was already there in
169 the conference room...

170

171 Q: Okay.

172

173 A: ...and by himself and, uh, lieutenant was in his office. And then the other two
174 were brought down and went into the office - into that conference room. And
175 (Meyers) was, uh, printing out some letters. I guess there was some letters that
176 he was, uh, gonna give them. And then he walked into the conference room
177 with all three of them and - and the door was shut. Uh, Sergeant (Brackett),
178 myself, and Sergeant (Duran), we waited outside by, uh, like, a copy machine
179 area or by lieutenants' office right there just waiting for him to finish talking
180 to them.

181

182 Q: Okay, so he addressed them all at the same time?

183

184 A: Yes.

185

186 Q: How long did that meeting last? Do you know?

187

188 A: Mm, not very long, a few minutes maybe. Uh, less than five minutes.

189

190 Q: Now were you given instructions as to what was gonna happen when they
191 came out?

192

193 A: Yeah. Because before (Meyers) went in to - to talk to them, uh, we told him
194 we would be waiting there...

195

196 Q: Mm-hm.

197

198 A: ...that we were gonna help walk them out because we didn't feel it was right,
199 you know, just (Brackett) doing it by himself and whatnot. And he just - we
200 just waited there and, uh, when (Meyers) walked out, um, you know, ev-
201 everybody walked out after him.

202

203 Q: Mm-hm.

204

205 A: And I just said, "Okay, guys, just remember," I think (Meyers) may have said
206 something on, uh - uh, that we would be walking them out at this time. And,
207 uh, just like, you know, normal closing of salutations or something like,
208 "Okay.

209

210 Q: Mm-hm.
211
212 A: Take care," and whatnot. And then we walked them to - to their lockers. We
213 asked him where their lockers were at and they said they were all at south.
214
215 Q: How - in your opinion, how was their demeanor as...
216
217 A: After they walked out of the conference room, they were, uh, more or less
218 quiet, uh, kind of withdrawn, somber. Like, uh, maybe unsure the
219 circumstances where they were...
220
221 Q: Mm-hm.
222
223 A: ...taking it in perhaps. Um, uh, I don't know the best - the best thing, uh, you
224 know, that I could think of is maybe just, you know, just like a - like surreal
225 moment. They just - they can't believe it's happening or something like that...
226
227 Q: Mm-hm.
228
229 A: ...and just walked out. They didn't - they didn't seem disturbed by it. They just
230 seemed like rather just kind of shocked.
231
232 Q: Okay.
233
234 A: Mm-hm.
235
236 Q: And so all three of you, all three sergeants and then all three, uh, officers then
237 walked to Main Jail South where their lockers were?
238
239 A: Correct.
240
241 Q: Okay.
242
243 A: Mm-hm.
244
245 Q: And did - did they ask any questions during that time period?
246
247 A: No, it was kind of a, uh, I think it was an awkward moment for them because
248 they're walking through the facility.
249
250 Q: Mm-hm.
251

252 A: Um, everybody's watching them. They're watching us. It's not a common sight
253 to see. So I think they were just kind of, um, taken by it. We were, too. We
254 weren't tryin' to spark any conversations or anything...
255

256 Q: Sure.
257

258 A: ...or make light of anything. So we just...
259

260 Q: Mm-hm.
261

262 A: ...kept it, uh, kept it serious I guess.
263

264 Q: And what happened when you got into the locker room at Main Jail South?
265

266 A: Uh, when we walked into the locker room to the right - as you first walk into
267 the locker room, there's lockers that are on the left and right...
268

269 Q: Mm-hm.
270

271 A: ...and there's some towards further back. Farris and, uh, Farris and Rodriguez
272 when they walked in, they walked towards the right. Uh, (Brackett) and
273 (Duran) who were in front of me followed them and walked towards their
274 lockers. They had the lockers on the same row. Lubrin was walking about,
275 you know, straight still as if...
276

277 Q: Mm-hm.
278

279 A: ...you know, his locker was further back. So I just followed Lubrin because
280 (Brackett) and (Duran) were already with Farris and Rodriguez.
281

282 Q: Okay, could you still see the other two or the other four?
283

284 A: No, the moment, uh, the moment I passed the row where they walked down, I
285 couldn't see them any longer because, uh, Lubrin had a locker that was two
286 rows back.
287

288 Q: Okay.
289

290 A: And I just followed Lubrin to it.

291

292 Q: So if they were talking or anything you wouldn't be able to hear them or...
293

294 A: No.
295
296 Q: ...or what was said if they didn't say anything.
297
298 A: No, I wouldn't be able to hear it or - hear or see, uh, unless it was loud...
299
300 Q: Right.
301
302 A: ...or loud enough...
303
304 Q: Sure.
305
306 A: ...for me to hear but I didn't hear conversations, uh, at all.
307
308 Q: Do you know if anybody else was in the locker or do - did you think it was
309 empty?
310
311 A: Uh, I didn't see anybody else in the locker. Uh, we thought it was empty. Um,
312 I thought it was empty anyways. And, um, when we got there to, uh, to the
313 locker room, I don't recall seeing anybody walking or in the weight room or
314 anything like that because of the hour. It wasn't - it was time...
315
316 Q: Mm-hm.
317
318 A: More - more people would be at their site...
319
320 Q: Okay.
321
322 A: ...place, not the locker room.
323
324 Q: So Lubrin goes to his locker. You follow him?
325
326 A: Yeah.
327
328 Q: Uh, was it a lock locker for - with, like, a key or was it like a combination
329 where you have to twist the numbers? Do you remember?
330
331 A: Uh, the type of lock?
332
333 Q: Yeah.
334

335 A: Uh, that I don't - I don't remember which type of lock, whether it was a combo
336 or, um, a key.
337

338 Q: Mm-hm.
339

340 A: I'm thinking it might have been a combo because I don't remember seeing him
341 pull a key out.
342

343 Q: Okay.
344

345 A: But I'm not sure. I just kind of remember where his locker was.
346

347 Q: And, uh, did he say anything as he was opening his locker or did he ask any
348 questions before we opened his locker or...
349

350 A: No, he didn't ask any questions or anything. We just told him, hey, we need
351 him to collect his bunk. I think all that was already said. He kind of knew
352 what was about to happen.
353

354 Q: Okay.
355

356 A: So he was just going through the motions. He already - he had opened his
357 locker, opened it up, and I - I gave him a bag. He opened it and I said, "I need
358 to collect the items that, uh, belong to the department."
359

360 Q: Mm-hm.
361

362 A: And - and any - and the only conversations that we pretty much carried were
363 confirming things that whether he can keep or not. For example, if it - it was,
364 uh, a specialty cuff case, he says, "Can I keep this?" I said, "Well the
365 department didn't issue that to you. Uh, you bought that on your own. You -
366 it's your property. You - you can keep that." Um, and, um, that was basically it
367 I think.
368

369 Q: Do you remember - I mean it's been a while. Do you remember what you
370 actually collected?
371

372 A: I think I collected - let's see. Yeah - yeah.
373

374 Q: Or that was put in the bag?
375

376 A: That was put in the bag? Um, this - I think it was Bell, uh, like, flashlight, the
377 holders...
378

379 Q: Mm-hm.
380

381 A: ...for the fla- the holder for the flashlight, uh, maybe a cuff ca- cuff case and
382 some cuffs. Um, I don't think - I want to say - I want to say collected his ID
383 but I think the lieutenant might have collected this ID at that time.
384

385 Q: Okay, so you're not sure?
386

387 A: Yeah, I'm trying to recall. Um...
388

389 Q: Do you remember if he had anything that he had bought specifically that he
390 kept? Like - like you had mentioned right now a specialty item or something
391 that...
392

393 A: A specific item? Man, I wish I had known all this. I would've made it - I
394 would've made it really clear, uh, to inventory everything. Um, I don't
395 remember specifically but I know it was something that he probably would
396 have purchased himself. I think it was something that was a duty belt type of,
397 uh, equipment. And then he just asked if you can keep it and I said, "Well that
398 wasn't issued to you." I remember telling him that and, uh, "But it's - it's
399 authorized but you just can't, you know, I just can't take it. We didn't we didn't
400 buy that for you."
401

402 Q: Okay, could you see inside of his locker?
403

404 A: From where I was standing, I couldn't see in his locker. It wasn't until he left
405 and I looked over and just made sure it was empty and then...
406

407 Q: Okay.
408

409 A: ...then he shut the door and then that was it.
410

411 Q: Um, was he wearing a uniform? So did he change or did he...
412

413 A: He had a uniform and I want to say he changed. I think, uh, he did change
414 because I - I remember when we stepped outside, he wasn't in uniform. He
415 changed. He had to have changed right there while...
416

417 Q: Okay.

418

419 A: ...you know, I was talking to him.

420

421 Q: So he changed into his own street clothes?

422

423 A: Street clothes, yeah.

424

425 Q: All right, okay.

426

427 A: And I think he just took his uniform and put it in another bag that was given to
428 him to take all the rest of his stuff.

429

430 Q: Mm-hm.

431

432 A: Um, but he also had a backpack that he brought down from the - from the
433 decks that, you know, he probably had his lunch and gear, stuff like that in
434 there. Um, he - he just had that and whatever else he emptied out his locker
435 that belonged...

436

437 Q: Okay.

438

439 A: ...that belonged to him.

440

441 Q: Anything else in his locker?

442

443 A: Um, yeah, he had a personal weapon. He had a firearm with him. Uh, he told
444 me he had the firearm. Uh, I asked him to pass it to me. I unloaded it, uh, I
445 took the magazine out, and I left it in the open position with the slide back. It
446 was a small handgun. Uh...

447

448 Q: You know what kind?

449

450 A: It was a Glock, uh, a Glock .380. I think it's one of the newer - newer models
451 that came out this past year.

452

453 Q: Okay.

454

455 A: Um, it was either the .380 or - or a 0, but it was the smaller personal, uh, like
456 concealment type.

457

458 Q: Mm-hm.

459

460 A: Uh, I remember taking the rounds and wrapping them in a - a paper towel. Uh,
461 there was a paper towel on the bench. I grabbed the paper towel and just
462 balled them up in that and then, uh, put it in his bag that he was taking. Uh,
463 and then his firearm, I did the same, just I put it separate. So...
464

465 Q: Okay, did he actually clean out his entire locker or do you know?
466

467 A: Uh, I didn't see anything in there, so I would say yeah. I didn't - I didn't see
468 anything that was, uh...
469

470 Q: Mm-hm.
471

472 A: ...left behind, not even paper or anything like that. It just looked em- looked
473 empty. So...
474

475 Q: Okay.
476

477 A: Mm-hm.
478

479 Q: So he took basically all his personal belongings or...
480

481 A: Yeah, I think he took everything that he had in there with him.
482

483 Q: Did he have any extra uniforms in there? Do you know or...
484

485 A: Extra uniforms? No, I didn't see any extra uniforms.
486

487 Q: Okay.
488

489 A: He just had the uniform he had on and when he took it off he, like, uh, just,
490 like, balled it up and just put it - just, like, you know, 'cause it's a TDU type.
491

492 Q: Mm-hm.
493

494 A: And - and he just put in the bag with the rest of the stuff and just - just kind of
495 just cleared out - cleared out his locker.
496

497 Q: Okay, so he didn't have a lot of stuff in his locker? Everything fit in one bag
498 or...
499

500 A: Yeah, everything fit in one bag.
501

502 Q: Okay.
503
504 A: It didn't seem it was too big. I think the things that took the most room were
505 his boots...
506
507 Q: Mm-hm.
508
509 A: ...and his uniform.
510
511 Q: Okay.
512
513 A: And - 'cause the rest of the stuff was just superficial stuff. He was wearing his
514 clothes. So...
515
516 Q: Yeah, what happened after that?
517
518 A: And then after that he was about done. Farris and Rodriguez along with
519 Sergeant (Brackett) and Sergeant (Duran) come from around the corner.
520
521 Q: Mm-hm.
522
523 A: And we're all in the general area where Lubrin's locker is. Um, Lubrin is
524 collecting the final items right there and, uh, he stands there with his stuff.
525 And as Farris and Rodriguez come around the corner, uh, that's where some
526 conversation is - is occurring where it's along the lines of, "Hey, uh, just have
527 faith in the process." And I think (Brackett) was talking to them about that.
528 Farris felt inclined to ask me for my phone number.
529
530 Q: Mm-hm.
531
532 A: (Brackett) was right there, too. And he said, "Can I ask Sergeant Aguilar for
533 his phone number?" And he said, "Yeah, that's fine." So he gives me his
534 phone. He asked me to put my phone number in there. It's my personal
535 number. I didn't feel comfortable with it, but this was an awkward moment
536 because he just handed it to me. I could see that these guys are confused and
537 stuff. But since it was my personal number...
538
539 Q: Mm-hm.
540
541 A: ...I didn't feel comfortable giving it to him. So I gave him an actual number
542 that was off by a digit.
543

544 Q: Okay.
545
546 A: The last digit was two and my - my phone number ends with three. And I just
547 didn't feel comfortable with it.
548
549 Q: Mm-hm.
550
551 A: I mean, some people will but - and there are deputies and other sergeants that
552 have my personal number, but it's typically because I socialize with them, uh,
553 outside the work like golf or whatnot. And Farris, I never asso- associated
554 with him outside of work and I thought of all times right now he's gonna ask
555 for it, but I didn't know enough specifics about the circumstance to feel
556 comfortable enough to just give my personal number. You know, I walked out
557 other people, too, like, uh - uh, people who were in training who - who didn't
558 succeed...
559
560 Q: Mm-hm.
561
562 A: ...and I would feel awkward if they asked me for my number. "Hey, can I get
563 your number?" Uh...
564
565 Q: Why?
566
567 A: Yeah, why now?
568
569 Q: Yeah.
570
571 A: And it felt weird, so I just didn't feel comfortable with it. If it were - honestly
572 if it were a duty phone - if it was a phone that was assigned to me work-
573 related, it's the phone I'm supposed to keep...
574
575 Q: Mm-hm.
576
577 A: ...and I'm like, "Here's my card," or - or whatever...
578
579 Q: Sure.
580
581 A: ...they would already have it. They - it's, they're entitled to it.
582
583 Q: Mm-hm.
584

585 A: But my personal phone just felt awkward. I just didn't feel comfortable there.
586 You know, (Brackett) said it would be okay but, you know, I just, you know, I
587 don't think he has (Brackett)'s number and I just didn't feel comfortable.
588

589 Q: Okay, um, what sort of questions were they asking?
590

591 A: Um, uh, just general like, "Hey, so - so what happens now? What - what's
592 going on? Are, uh, as - are we gonna be contacted or what? What's the
593 process?"
594

595 Q: Mm-hm.
596

597 A: And (Brackett) kind of explained to them, "Hey, the process is that you're, uh,
598 you're gonna be on leave. Uh, an investigation is - is happening." Uh, kind of
599 reassured them that, "Hey, just cooperate with the - with the investigation. Be
600 truthful. "
601

602 Q: Mm-hm.
603

604 A: Um, and, uh, if they needed any services, he offered, uh, the employee
605 counseling services were available for them. If they needed to reach us give us
606 a call here at work. If they had any questions or anything, anything needs to -
607 that they can't find, maybe they need a contact with employee services that
608 can't get through...
609

610 Q: Right.
611

612 A: ...that they could contact us or whatever the case may be. And, uh, that was
613 pretty much it. Uh, after that it was more or less, uh, um, it seemed as though
614 they - they couldn't believe it was actually happening. Like, uh, they were
615 kind of shocked.
616

617 Q: Mm-hm.
618

619 A: Uh, and we were very serious about the matter, too. So we weren't - we
620 weren't...
621

622 Q: Mm-hm.
623

624 A: ...keeping a joking tone or trying to carry a conversation. We're just being
625 very, you know, informative.
626

- 627 Q: Mm-hm.
628
- 629 A: Mm-hm.
630
- 631 Q: Um, did they all appear like that or was...
632
- 633 A: You know, they - no, I don't think so. I think when they were there it seemed
634 that's that out of body feeling or experience that they were going through was
635 - was in the locker room, but the moment we got up to the top of the staircase
636 and we walked out of the facility...
637
- 638 Q: Mm-hm.
639
- 640 A: ...just on the outside of the building were talking to them about, uh, you know
641 just trying to - trying to stay focused. What we're trying to do is reassure them
642 in our own ways, you know, just to stay calm, stay focused. Uh, this is an
643 investigation. It doesn't mean it's the end. It's just part of the process.
644
- 645 Q: Right.
646
- 647 A: We were trying to, uh, reassure them because, uh, we understood the
648 magnitude of somebody gettin' walked off and we've seen it before. And we
649 didn't want somebody to, you know, not be focused while they're driving and
650 end up in a car accident 'cause they run a red light or something.
651
- 652 Q: Sure.
653
- 654 A: So we were just trying to talk to them and - and try and give it that time to
655 kinda calm down a little bit, to de-escalate. Farris and - and Rodriguez and
656 Lubrin all had questions in regards to, uh, "Okay, so do we contact an attorney
657 or what happens?" And - and (Brackett) pretty much did the majority of the
658 talking, explained to them the process. But Lubrin made a comment that
659 seemed, like, inconsistent with the circumstance.
660
- 661 Q: Mm-hm.
662
- 663 A: This is, uh, this is important, right? This is important and it's - it's - it's life-
664 changing. And, uh, Lubrin makes a comment of, uh, "Could you take a group
665 photo? Is it a group photo time?" or something along that lines. Like, to take a
666 group photo...
667
- 668 Q: Mm-hm.

669

670 A: ...because we were all standing right there. And, uh, I thought that was, like,
671 inappropriate and not consistent with...

672

673 Q: Yeah.

674

675 A: ...the situation.

676

677 Q: What was goin' on, yeah.

678

679 A: Yeah, I go, you - you know, in my mind I'm thinking, "You understand this is
680 a - it's a serious matter here in here?" But I know some people have different
681 ways of dealing with stress.

682

683 Q: Sure.

684

685 A: And some people, you know, make light of it. We can respond to emergencies
686 and - and people as a way of coping talk themselves through in - in a more
687 animated way...

688

689 Q: Sure.

690

691 A: ...and others are very, you know, quiet and focused. But that circumstance I
692 just, uh, I don't know. It just didn't reflect very well as far as character.

693

694 Q: Mm-hm.

695

696 A: And when I heard it, I was kind of taken by it. And I think (Duran) and I,
697 maybe even, uh, Sergeant (Brackett), we talked about it after like, "Man, can
698 you believe that kind of a comment would come out..."

699

700 Q: Yeah.

701

702 A: ...of somebody at this time?" And - and it was kind of unbelievable for us.
703 But, um, like, and we talked about, you know, people have different ways of
704 coping with things.

705

706 Q: Sure.

707

708 A: But it seemed as though Rodriguez and Farris were more or less, uh, you
709 know, I think, uh, Rodriguez was just more or less, uh, concerned and he's
710 just, like, kind of lost, bewildered. And Farris seemed a little bit, um, he's a

711 real big guy, you know, and - and I - and to see that guy kind of quietly, like,
712 you know, you could see the nervous disposition in him. Like, you know, he
713 doesn't want to lose his job.
714
715 Q: Right.
716
717 A: He's - he - I think he had a girlfriend who just passed the bar. They were
718 gonna get married. Uh, he wanted to come over to enforcement. So I could see
719 maybe in Farris's mind, all this is going through his mind.
720
721 Q: Mm-hm.
722
723 A: He's reacting normal...
724
725 Q: Yeah.
726
727 A: ...that you would expect. And Rodriguez I think he was just, like, looking like
728 he was shocked. Like - like, uh, you know, he's just listening...
729
730 Q: Mm-hm.
731
732 A: ...but not knowing what else to say. What could he do? And Farris was
733 registering and Lubrin just, you know, he - he didn't seem - he didn't seem
734 disturbed by it. I would have to say that much but at the same time, that
735 comment removed all doubt. You know...
736
737 Q: Right.
738
739 A: ...what I mean? And I go, "Wow, I couldn't believe he said that."
740
741 Q: Yeah.
742
743 A: Uh, but shortly after that we just told them, "Hey, just be focused. Focus on
744 driving home." Go with their families. Uh, contact the union. Contact the
745 attorney for the union. Um, and you know, just to try and focus on the
746 investigation. But we told them, "Be honest. Be forthright. Cooperate with the
747 investigation." And they would be contacted, you know, as part of the process
748 and that - that was pretty much it. And after that they walked off, um, towards
749 their cars. Sergeant (Duran) and (Brack) and I, I think we ended up walking
750 towards - along with them as they walked towards their cars...
751
752 Q: Mm-hm.

753

754 A: ...and then turned around and came down the ramp back into the facility. So it
755 was - it was not like we turned back and went back in the locker. We walked
756 them all the way to - basically to the curb.

757

758 Q: At any time that they make any statement that had anything to do with the
759 incident that happened the night before?

760

761 A: No - no.

762

763 Q: Did they ever say anything like, "Yeah, I don't, uh, understand. We didn't do
764 anything," or any - anything to that...

765

766 A: No.

767

768 Q: ...effect or...

769

770 A: No, in - in fact...

771

772 Q: ...like, "Why is this happening? Because, you know, I don't understand or..."

773

774 A: I - I would think that maybe Farris or Rodriguez may have asked, but I don't
775 know because I didn't hear or see that. Uh, I think Lubrin - the only thing he
776 may have asked was something along the lines of, um - um, and it's probably
777 the only thing the guy said. Um, well, the one comment he made about taking
778 a picture. And the other guy - and - oh, he said something about his academy.
779 I think they were all in the same academy 'cause he says, um, "Will we still be
780 able to talk to each other? We were in the same academy." And then I go,
781 "You know what? You guys have been able to - been able to talk to each
782 other. I can't tell you not to talk to each other."

783

784 Q: Mm-hm.

785

786 A: You know - you know, there's no...

787

788 ((Crosstalk))

789

790 Q: Who asked that again?

791

792 A: Lubrin - Lubrin.

793

794 Q: Lubrin?

795

796 A: He says, "Hey, can we still talk? Can we still be," something like, "Can we
797 still be friends or something like that? Because we're out of the same
798 academy." I'm wondering if he's just pretty much inquiring, "Hey, are we're
799 not supposed to talk to each other?"

800

801 Q: Mm-hm.

802

803 A: Or whatever the case may be and - and I told him, "There's the reason why
804 you guys can't talk to each other. Uh, there's nothing restricting that."

805

806 Q: Mm-hm.

807

808 A: Um, and that was - that was it. I told them, "Yeah, if, you know, you guys are
809 the same academy, uh, we're just assuring you, you can't be here. After you're
810 - you're gone, I mean, I can't restrict you from anything but..."

811

812 Q: Right.

813

814 A: ...but, uh, you do have to go along with this investigation." That - that's
815 basically was it. And I think he asked that - he asked that when he was by his
816 locker and undressing. Um, and then the other - the next thing he said was
817 something along - about - about a photo and that was upstairs, uh, on top of
818 the, uh, stairwell. That's about it.

819

820 Q: Okay, all righty. I think that's about it myself.

821

822 A: Mm-hm.

823

824 Q: Anything else you can think of that maybe...

825

826 A: Regarding that incident?

827

828 Q: Yeah.

829

830 A: Mm...

831

832 Q: So he came to work. You had the same, uh, floors as the night before.

833

834 A: Yeah.

835

836 Q: Um, maybe around 10 or 11 o'clock, uh, Sergeant (Brackett) informed, uh,
837 you and Sergeant (Duran) -- you were in the first floor sergeants' office -- that
838 a decision has been made that the - the three officers were gonna be placed on
839 admin leave.
840
841 A: Right.
842
843 Q: And, uh, collectively you were gonna - you, uh, said that, uh, instead of
844 (Brackett) doing it by himself, you guys were all gonna help out. And, uh, so
845 you're not sure if you went upstairs to get Farris and Rodriguez, but you - you
846 think you probably did.
847
848 A: I think I did. I think I went up there with (Brackett)...
849
850 Q: Mm-hm.
851
852 A: ...and we just asked him for the radios and keys left in there.
853
854 Q: Then they came downstairs to the admin office.
855
856 A: And that was it. Yeah, we walked them down.
857
858 Q: And, uh, Lieutenant (Meyers) was in his office printin' out some paperwork.
859
860 A: Mm-hm.
861
862 Q: I believe Lubrin was already in the conference room.
863
864 A: Yeah, I believe he was in there already. Mm-hm.
865
866 Q: And then, um, the lieutenant took all three officers in there. You guys waited
867 outside and then he had his meeting with them. And then they came out and
868 then you guys escorted them - asked them where their lockers were.
869
870 A: Mm-hm.
871
872 Q: They all had their lockers at Main Jail South so you...
873
874 A: Mm-hm.
875
876 Q: ...basically just kinda walked them through the facility over to the Main Jail
877 South locker room.

878

879 A: Right.

880

881 Q: And, uh, so do you - do you - and you went with Lubrin but do you know who
882 was st- standing by with, uh, Farris? Was it Sergeant (Brackett)? Was it
883 (Duran)? You're not sure? 'Cause you said you couldn't see him.

884

885 A: Well they walked in the direction - so as, uh, Farris and Rodriguez made the
886 turn into south, uh, there's this little bit of the cement pillar that extends for
887 that row.

888

889 Q: Mm-hm.

890

891 A: So you gotta go around it to go into the row.

892

893 Q: I see.

894

895 A: So they go around it to go into the row and then (Brackett) and (Duran) follow
896 along with them as Lubrin and I continue to walk straight.

897

898 Q: Okay.

899

900 A: Mm-hm.

901

902 Q: And then you basically stood by with Lubrin. Uh, as he opened his locker
903 there was a bag there and you were saying that you needed to collect whatever
904 was, uh...

905

906 A: The bag I gave him, the brown bag, and then we gave him plastic bags. There
907 were plastic bags. There's some stuff that just - in the - in the locker room just
908 like - like those paper towels. They're just paper towels on the bench that
909 people use.

910

911 Q: I see. And then you collected basically what was ever - what was, uh,
912 department issued.

913

914 A: Right. Mm-hm.

915

916 Q: So you pretty much believe it was his gun belt...

917

918 A: Yeah.

919

920 Q: ...and the stuff on the gun belt?
921
922 A: Right. The gun belt, keys, um, you know, the pepper spray, and things that
923 were issued. And I want to - I can't recall if I got the ID. I would think that I
924 did.
925
926 Q: Mm-hm.
927
928 A: Uh, we got it from everybody else we've walked out, but never have we
929 walked out anybody that didn't, um, t- everybody. we walked out, like,
930 (unintelligible) or whoever, um, I've never seen him sit down with the
931 lieutenant before. This time they sat down with the lieutenant and then they
932 came to us.
933
934 Q: Okay.
935
936 A: In the past we would just say, "Hey, you're giving the directive. You need to
937 walk this person out." We explained it to them and then walked them out and
938 then we know for a fact, "All right, I need this. I need that."
939
940 Q: Right.
941
942 A: But, uh, I - I can't - if we - if we didn't get it, uh, from the lieutenant, he would
943 have told us. I'm sure he would have got
944 it.
945
946 Q: Okay.
947
948 A: That's my thinking.
949
950 Q: So, uh, Lubrin changes out of his uniform into...
951
952 A: Yeah.
953
954 Q: ...his street clothes and then he puts his...
955
956 A: Mm-hm.
957
958 Q: ...his uniform in a bag and pretty much goes through his locker. Um, you had
959 mentioned that he had, uh, his own personal firearm in his locker.
960
961 A: Right. He had a personal...

962
963 Q: And, uh, you just made - made sure it was clear. So you took the bullets out of
964 the...
965
966 A: Sure.
967
968 Q: ...magazine...
969
970 A: Mm-hm.
971
972 Q: ...the magazine of the gun. It was a Glock. And, um, once everybody was sort
973 of ready to go, um, kind of all reconvened at which time the three officers
974 were sort of asking questions about, you know, kinda like what happens next.
975
976 A: Yeah.
977
978 Q: And you guys just gave them the advice about, you know, just contact your -
979 the union attorney and if, you know, you need assistance this is for...
980
981 A: Yeah.
982
983 Q: Uh, so you gave them, uh, phone numbers. Actually Farris asked you for your
984 own personal phone number.
985
986 A: Mm-hm.
987
988 Q: You weren't really comfortable with giving him that, so you - he handed - he
989 handed you his phone so you could put your phone number in there and you
990 basically put a phone number in there that wasn't yours.
991
992 A: It was a digit off.
993
994 Q: A digit off? Okay.
995
996 A: Mm-hm.
997
998 Q: And, um, you said the demeanor seemed sort of like a little in shock. They
999 kinda seemed unsure...
1000
1001 A: Mm-hm.
1002
1003 Q: ...of themselves, like, you know, "Is this really happening?"

1004

1005 A: Yeah.

1006

1007 Q: And then, uh, from the Main Jail South locker room, you walked up the stairs
1008 out into the, uh, alleyway in between San Jose PD and the Main Jail, right?

1009

1010 A: Correct, between Main Jail South and, uh. San Jose.

1011

1012 Q: And, um, again, uh, you'd mentioned that (Lubrin) made this off comment
1013 like, "Hey, is this a good time to take a group photo?"

1014

1015 A: Yeah.

1016

1017 Q: Which didn't really seem - yeah.

1018

1019 A: Yeah.

1020

1021 Q: It's kind of, like, an odd...

1022

1023 A: I was taken by it.

1024

1025 Q: ...comment, yeah.

1026

1027 A: It wasn't consistent with the circumstance.

1028

1029 Q: Mm-hm.

1030

1031 A: It just seemed immature. Uh, yeah, that's basically it. I think Farris probably
1032 was shakin'. You know, he's, like, a little - so...

1033

1034 Q: Yeah.

1035

1036 A: He's so nervous. He was shaking. Um, and Lubrin seemed calm. Rodriguez
1037 just kinda seemed, uh, like, in shock, not sure what was going on.

1038

1039 Q: Mm-hm.

1040

1041 A: He was just - and they were just following every directive we asked of them,
1042 you know, and then that was it, yeah.

1043

1044 Q: And then they walked off to their cars and you...

1045

1046 A: Mm-hm.

1047

1048 Q: ...and you three sergeants walk back into the facility?

1049

1050 A: Yeah, mm-hm.

1051

1052 Q: Okay, all right. Well I appreciate you taking the time to come talk to me
1053 tonight.

1054

1055 A: No problem.

1056

1057 Q: We'll go ahead and stop the recorder. It's, uh, 7 o'clock.

1058

1059

1060 This transcript has been reviewed with the audio recording submitted and it is an accurate
1061 transcription.

1062 Signed _____