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7 **INTERVIEW WITH SGT. BRACKETT**

8 **Q=Sgt. Carrasco**

9 **A=Sgt. Brackett**

10
11
12 Q: Okay, today is Tuesday, January 12, 2016. Uh, my name is Sergeant Carrasco.
13 I work for the sheriff's office and I'm gonna be interviewing Sergeant
14 Brackett. I'm at the Main Jail right now in the lineup, uh, interview room and
15 we're gonna be discussing case, uh, 15-239-0032J as in John. And it's just a
16 follow-up interview from the Michael Tyree homicide investigation. I just
17 want to ask you a few follow-up questions. Um, uh, namely, uh, after the
18 incident happened, uh, you went home at around what time that Thursday?
19 The day of the incident was 8-27 of 2015. You remember what time you went
20 home?
21

22 A: I left here at about - I want to say it was about 0600. Uh, I left late, uh, after
23 puttin' all the...
24

25 Q: Okay.

26
27 A: ...paperwork together.
28

29 Q: And what time did you come back that night?

30
31 A: I came back early the next afternoon. I got in somewhere around...
32

33 Q: You can approximate.
34

35 A: It was 13 or - it was 13 or 1400. I got in before, uh, before my lieutenant.
36

37 Q: Okay.
38

39 A: Um, there were things that I had thought about that I still needed to follow up
40 on and information I needed to collect for my summary. Uh, and I needed to
41 be able to get - have access to the, uh, the folks in admin, uh, the admin safety
42 officer...

43

44 Q: Okay.

45

46 A: ...um, to get information from him on the AEDs and some other items.

47

48 Q: And that, uh, evening what was your assignment?

49

50 A: I was one of the JX units upstairs.

51

52 Q: Uh...

53

54 A: He had had south or - south or two, four, five I believe. Yeah, one of the tower
55 - one of the tower building floors.

56

57 Q: Okay.

58

59 A: Yeah, I wasn't booking anymore. I was - had already rotated out there.

60

61 Q: Okay, and you weren't in charge of scheduling then?

62

63 A: No.

64

65 Q: Okay, now did you see any of the three officers, uh, when they started their
66 shift? Did you see either Lubrin, Farris, or Rodriguez?

67

68 A: Yeah, they were - they were all on duty that night.

69

70 Q: Okay, did you actually give them their assignment for that evening?

71

72 A: No, I don't - I'd have to look at my calendar for - for my assignment for sure
73 but no, I don't believe so.

74

75 Q: And do you remember who your partners were that night?

76

77 A: Uh, (Duran) and Aguilar.

78

79 Q: And do you know who was doing the schedule then?

80

81 A: I believe (Duran) was.

82

83 Q: (Duran)? Okay, do you know if you can remember where Lubrin, Rodriguez,
84 or Farris were assigned that - that, uh, that evening?

85
86 A: I don't recall.
87
88 Q: You don't recall? Okay, do you know if they were put back in the same floor
89 of where the incident occurred?
90
91 A: No, I believe they were moved off the floor.
92
93 Q: Do you know if they were all together moved off in the - to the same area or
94 were they kinda split up?
95
96 A: I believe they were split up.
97
98 Q: Who was the lieutenant that night?
99
100 A: Um, I believe it was, uh, (Meyers).
101
102 Q: Okay, and you said you were working on some - some of your reports as well
103 when you - when, uh...
104
105 A: Yeah, I still had my supervisor summary to complete. And it was (Meyers),
106 yes.
107
108 Q: Okay, do you know if you had any interaction with either Lubrin, Farris, or
109 Rodriguez during that shift while - while you were doing your supervisor
110 summary or...
111
112 A: Not until - not until we were instructed to pull them all down to admin.
113
114 Q: Okay, and tell me, uh, did Lieutenant Meyers then, uh, at some point in the
115 evening ask to speak with you about that?
116
117 A: Yeah, he - he pulled all the sergeants together and asked us to, uh, round them
118 up and have them come down to the admin area, uh, with all their belongings,
119 um, so he could talk to each one of them.
120
121 Q: Did he say what was - what was happening?
122
123 A: They were gonna be, uh, put on administrative leave.
124
125 Q: You remember what time that - that conversation was with the lieutenant?
126

127 A: Uh, it was early in the shift. I want to say it was somewhere around 19 or
128 2000.
129
130 Q: Okay.
131
132 A: Probably not any later than 21. It was still fairly early in the shift. We hadn't
133 gone to lunch yet.
134
135 Q: And did all three of you, uh, go get them individually or together or...
136
137 A: They - they came down.
138
139 Q: Okay, so you just called on the phone...
140
141 A: Yeah.
142
143 Q: ...and had them come down?
144
145 A: Yeah.
146
147 Q: Okay, and where were they directed to go?
148
149 A: To the admin conference room.
150
151 Q: Were you also in the conference room?
152
153 A: No.
154
155 Q: So was, uh, Aguilar in the conference room?
156
157 A: I don't believe any of us were, no.
158
159 Q: Okay.
160
161 A: Just the lieutenant and the...
162
163 Q: So no sergeants were in the conference room? Just the lieutenant and the three
164 officers?
165
166 A: Mm-hm, yeah.
167

168 Q: Okay, do you know how long that meeting lasted? Did he speak with them all
169 together at the same time? Do you know?
170

171 A: I believe he did, yes, and they weren't there very long.
172

173 Q: Less than 10 minutes?
174

175 A: About 10, probably no more than - no more than that or 15. Yeah, it was
176 pretty quick.
177

178 Q: When they, uh, came down from their - their assignment that evening, did
179 they ask you any questions as to what - what it was regarding or...
180

181 A: I don't recall any specific questions but we really didn't - we really didn't
182 know. We just knew that he was gonna talk about them going out on leave
183 and...
184

185 Q: Okay, um, when they came out, uh, what - what else were you instructed to do
186 then after that?
187

188 A: After they came out of the interview we were instructed - we were given, uh,
189 bags to put all their - their equipment and we were instructed to go with them
190 over to their lockers. They all three had lockers in south all on the same row.
191

192 Q: Mm-hm.
193

194 A: And, uh, we went over there with them and collected all their issued
195 equipment, their IDs, their badges, um, made sure that they had all their
196 personal items, and then we walked them out the, uh, the exit of the south
197 locker room.
198

199 Q: Okay, um when they came out of that conference room with lieutenant, can
200 you describe their demeanor if you can recall? Do you remember?
201

202 A: Um, I don't really recall her demeanor at - at that point. Um, yeah, nothing
203 really sticks out to me then.
204

205 Q: Okay.
206

207 A: Um...
208

209 Q: How about when you walked over to the Main Jail South locker room? Did
210 they ask any questions to the sergeants or...
211

212 A: Yeah, they were, you know, confused about, you know, what the process - I
213 remember questions about what the process was. And then, you know, um,
214 you know, things like, "Is this normal?" And, uh, the younger kid, uh, is it
215 Rodriguez?
216

217 Q: Mm-hm.
218

219 A: He was real, um, he was real nervous, um, especially as we walked them out.
220 Demeanors really became real noticeable to me when - when we walked them
221 out - out the back of south, out the locker room. And...
222

223 Q: Okay.
224

225 A: And, you know, they had turned over their gear and, um...
226

227 Q: Before we get there I would like...
228

229 A: Mm-hm.
230

231 Q: ...I just wanna go, uh, step by step. So...
232

233 A: Okay.
234

235 Q: ...during the walk over just kinda just asking...
236

237 A: There's not really much to the walk over. I mean, it's pretty quiet. You know,
238 you go over there and...
239

240 Q: Okay.
241

242 A: ...you know, they start cleaning out their stuff and, you know...
243

244 Q: So when you got into the locker room, uh, did each of you go with certain...
245

246 A: They - their lockers were virtually all next to each other.
247

248 Q: Okay.
249

250 A: So all six of us are standing right there in one row while they - while they
251 clean out their stuff.
252

253 Q: Anything, uh, you remember about, uh, when they were cleaning out their
254 lockers that - anything they say? Did they say anything? Any spontaneous
255 statements like, "I don't understand. We didn't do anything."? Any - anything
256 like that or...
257

258 A: Uh, no, I don't...
259

260 Q: ..."I can't believe this is happening," or...
261

262 A: I don't remember any - any spontaneous statements that - that, you know, were
263 pointed towards the incident. You know, they just - like I said, they had
264 questions about, you know, "What - what's the next step? You know, what do
265 we do next?" And, you know, and we weren't privy to what the lieutenant told
266 them so, you know, whatever the, you know...
267

268 Q: Mm-hm.
269

270 A: ...whatever the lieutenant told you you need to do is, you know...
271

272 Q: Did, uh, you give them any advice as far as, like, what the next step was going
273 to be or...
274

275 A: As we got out to the - as we got out to the exit to the alleyway...
276

277 Q: Okay.
278

279 A: ...um, all of us reminded them that, uh, you know, like I started to say a
280 minute ago, Rodriguez, uh, was real, uh, he was real - you could tell he was
281 upset. He was real nervous. Um, you know, he had, uh, they all three kind of
282 had questions about, you know, "Is this, you know, we've never heard of this
283 happening before this. You know, um, you know, is this normal? What's the
284 process?" Um, and I remember telling them that, you know, that - that it hadn't
285 been done like this in a long time, but - but this did kind of follow the way we
286 used to do things...
287

288 Q: Mm-hm.
289

290 A: ...where if you had an incident, yeah, you were put on leave, you know, while
291 - while the incident was looked at. And - and, uh, you know, uh, you know,

292 my train of thought at the time was, you know, we had a medical death in
293 custody.
294
295 Q: Sure.
296
297 A: You know, so I'm thinking, "You know what? They're gonna take a couple of
298 days and, you know, we'll get the results back and you know, no big deal.
299 Don't sweat it. You know, uh, you know, you're gonna, you know, you're
300 gonna - you're gonna get interviewed, whatever. You know...
301
302 Q: Mm-hm.
303
304 A: You know, call - call down to the union office. You know, they'll - they'll tell
305 you what the steps are. And - and, you know, and if you have to call in every
306 day, then call in every day and, you know, do whatever the lieutenant told you
307 do. But, you know, just remember that, you know, just be forthright and, you
308 know, truthful. And, you know, when you're asked questions, answer your
309 questions and, you know, answer them to the best of your ability and you
310 know, just work through the process. Don't sweat it."
311
312 Q: Okay, how about Farris? How was his demeanor?
313
314 A: He was kinda...
315
316 Q: Anything stick out to you?
317
318 A: You know, he just kinda has a - yeah, they all three had different - they all
319 three had different, you know, the young kid was - he was - he was nervous.
320 You could tell he was nervous and upset.
321
322 Q: Mm-hm.
323
324 A: Um, Farris was just very, very calm and - and confident. You know, just like
325 it really wasn't bothering him.
326
327 Q: Okay.
328
329 A: Um, Lubrin at one point as I'm - as I'm talking to Rodriguez, I noticed Lubrin
330 is kinda giving me the mad dog stare, um, just had a real angry, um, look on
331 his face, you know, just kind of demeanor.
332
333 Q: Mm-hm. Was he very talkative?

334

335 A: No, not really.

336

337 Q: Okay, did you know these employees, uh, long enough to know that maybe
338 that was just sort of his normal personality or - or - or face - or...

339

340 A: Yeah, I mean, I've supervised - I've supervised all of them long enough to
341 know that - that Farris's demeanor was kind of the way he always normally is.
342 You know, he's a big...

343

344 Q: Okay.

345

346 A: He's a big, you know, he's got a good self-confidence and, you know, stands
347 tall. And, you know, so his - his demeanor wasn't really out of the ordinary.
348 Rodriguez's demeanor was definitely - he was unnerved. And, uh, and Lubrin
349 had gone from his little - his little smirky, cocky kind of attitude that he
350 normally has, um, to - to, uh, angry. Like I said, I mean, I looked over and he
351 was - he was standing kind of back behind one of the others and - and just
352 givin' me a, you know, just givin' me a stare down.

353

354 Q: Mm-hm. Did you think it was more directed towards you or just...

355

356 A: Oh yeah - yeah, definitely. I felt it was - it was pointed right...

357

358 Q: Okay.

359

360 A: ...at me and I really didn't understand, you know, why. But yeah, I - I got the
361 impression, like, I had mentioned it to - to my partners afterwards if - if one of
362 them had noticed it, if either one of them had noticed it, um, that he was
363 standin' there just kinda givin' me the angry stare.

364

365 Q: You said you had supervised all three of them then before?

366

367 A: Well on D team, I didn't have them in my area per se...

368

369 Q: Mm-hm.

370

371 A: ...that I'm directly responsible for. But we've always exercised a management
372 style - style on D team where when there's an incident or something happens,
373 we all respond.

374

375 Q: I see.

376
377 A: It's - we don't - we don't make it a, "Well hey, that's so and so's beat kind of
378 thing."
379
380 Q: Right.
381
382 A: So if - if something - if something happens in an area we're all gonna go to it.
383 We were all gonna go. We're all gonna, you know, go with the different
384 players or different actors...
385
386 Q: Mm-hm.
387
388 A: ...you know, to an incident and - and make sure that all the bases covered and
389 help each other out. Um, so in that sense, you know, we all - we all have an,
390 uh - uh, an opinion or a game plan of we all our supervisors of all of the team.
391
392 Q: I see.
393
394 A: Not this is my group over here and...
395
396 Q: Mm-hm.
397
398 A: ...I supervise these guys and, you know, and I'm the only one that instructs
399 them. We don't - we don't do it like that. So they don't - they didn't - I had just
400 come out of working down in the basement where I've been for the first two
401 years, um, and I didn't have any of them really down there because they were
402 still new.
403
404 Q: Sure.
405
406 A: So they're not really, you know, rotated back into...
407
408 Q: Mm-hm.
409
410 A: ...that area.
411
412 Q: Had you ever, uh, counseled any of them before on any sort of other...
413
414 A: Yes.
415
416 Q: ...incidents?
417

418 A: I - I did have the, uh, opportunity to do a sup summary on one of Lubrin's uses
419 of force. I've been to a couple of his, um, his incidents, um, and discussed, you
420 know, taking briefings from him about the incident, uh, discussed him with
421 his direct supervisor who was leading that area or managing that area and then
422 leading this or do - was the one that was gonna do the supervisor summary.
423 Um, I've had the opportunity where in someone else's absence on vacation
424 I've, uh, had him where he was in my area of responsibility for that night. And
425 I've done summaries over - did a summary over his, um, uh, one of these uses
426 of force.
427

428 Q: So you've counseled him on two uses of force?
429

430 A: Uh, I believe so, yes.
431

432 Q: And...
433

434 A: Uh, one - one for sure that, uh, that...
435

436 Q: Can you share that with me, what you - what you recall, what you remember?
437

438 A: Well I, uh, I was not - I was not, uh, completely comfortable with all the facts
439 and the details and I recommended in my summary that that one be looked at,
440 um, that our admin look at it or refer it. There'd been...
441

442 Q: Referred to - to go up the chain?
443

444 A: Yes.
445

446 Q: So like Internal Affairs?
447

448 A: Yeah, that it needed to be looked at.
449

450 Q: Do you remember what the incident was about...
451

452 A: Um...
453

454 Q: ...or when it was? Do you remember what - about what time frame?
455

456 A: I don't remember off the top of my head. Uh, it's - it's in his files. It's in my
457 files. I have my copy of my supervisor summary. I want to beli- I want to say
458 it had to do with a - with the use of OC I believe. He's had a coup-, you know,
459 like I said, he's had a couple where I've - I've re- responded to the scene and

460 I've - and I have either taken his initial pass down from him or - or been there
461 when the pass down that was given. And I've discussed with his direct
462 supervisor concerns with either his technique or how he is relaying of the - of
463 the incident verbally compared to then how his report comes in.
464
465 Q: Mm-hm.
466
467 A: Um...
468
469 Q: You saw some inconsistencies there?
470
471 A: I - I wouldn't - I don't know if I'd call them inconsistencies or if that when -
472 when he gives his verbal pass down after the incident, um, he verbally
473 explains things differently than he writes them.
474
475 Q: Okay.
476
477 A: You know, his - his writing skills aren't real great and they - they, you know,
478 his - his - he has to be helped a lot with, you know, "Well what do you mean
479 by this?
480
481 Q: Okay.
482
483 A: You know, explain this to me better.
484
485 Q: Mm-hm.
486
487 A: I'm not - I'm not, you know, the way you told it to me and the way it's being
488 written, I'm not - I'm not getting that same picture when I read it...
489
490 Q: Okay.
491
492 A: ...compared to the picture I got my mind when you told it to me.
493
494 Q: Sure. I can understand.
495
496 A: So explain it to me again how." You know, um, you know, and - and then
497 there was - there's been some technique things, um, where, uh, where we've
498 tried to counsel him. Myself and others have tried to council in the past about,
499 um, his style and - and whether or not it's, you know, something that needs to
500 have that kind of level of attention to it or, um, creating situations that then
501 he's either - either can't control it or he's forced to - to take action when if he

502 had just thought out the process or - or handled the - the entire situation or the
503 supervision of the program or whatever differently...
504
505 Q: Mm-hm.
506
507 A: ...it - it could have possibly eliminated or not led to a confrontation, yeah.
508
509 Q: So, uh...
510
511 A: A - a lot of inexperience.
512
513 Q: Okay, and these were incidents of where he was, uh, the officer in a dorm...
514
515 ((Crosstalk))
516
517 A: He was a door module, yes.
518
519 Q: And then maybe there was a use of force, uh, incident with an inmate?
520
521 A: Mm-hm.
522
523 Q: Okay, and, uh, you made reference to he pulled his OC out or - or he went
524 hands on or both?
525
526 A: Yeah, he - he's had - he's had a couple incidents, you know, that - that I've
527 responded to where it wasn't my incident but I responded to it. You know, he's
528 - he's had - obviously had the one where I did the summary.
529
530 Q: Okay.
531
532 A: Uh, he had another one where, um, where - where he, uh, had to OC a guy.
533 Um, and it was - and the way it was explained didn't exactly come across to
534 me verbally. I was there first but it wasn't my area. So I got the verbal from
535 him, removed him from the situation...
536
537 Q: Mm-hm.
538
539 A: ...let other responding officers deal with the inmate and - and the dorm by
540 removing him...
541
542 Q: Mm-hm.
543

544 A: ...out of it and trying to get him away from it and separate him from the - from
545 the scene. I took his initial pass down. And - and I remember that one, uh, the
546 way he explained to me the incident with, uh, the inmate going back in the
547 cell and the inmate coming rushing out of the cell at him was then different
548 than the way when he turned in the report to Sergeant Aguilar. And they were
549 - and Aguilar was trying to get a mental picture of it and they were talking
550 about it as he was reading the report. It was coming across differently than he
551 had verbally reported it to me...

552

553 Q: Okay.

554

555 A: ...right after the incident happened.

556

557 Q: Oh when it should have...

558

559 A: You know, so...

560

561 Q: ...been fresh in his mind you would think.

562

563 A: Exactly, right. The - the way he gave it to me and now the way - hours later
564 the way Aguilar's reading it out loud in the - in the office right next to me and
565 - and talking about it and trying to get an understanding of what he means by
566 what he wrote, his explanation to Aguilar wasn't the same explanation he gave
567 me. And, you know, so I chimed up and, you know...

568

569 Q: Yeah.

570

571 A: ...added my two cents for Aguilar that, you know, "That's, you know, that's
572 not what you told me earlier. You told me XYZ. So explain to me how..."

573

574 Q: And do you remember his reaction when you sort of confronted him with
575 that? Did - was he like, "Oh, like..."

576

577 A: Yeah, uh, a little taken back maybe. Um, you know, but he explained himself.
578 He explained himself to the point that Aguilar I guess felt comfortable with it
579 and - and understood then what he meant. You know, I could see where - I
580 could see where...

581

582 Q: Was he leaving...

583

584 A: ...where he was...

585

586 Q: ...details out or was he adding d-...

587

588 A: Well like I said, he just - he's not a - he's not a real good report writer.

589

590 Q: Okay.

591

592 A: You know, he's not - not real experienced, sometimes not real mature.

593

594 Q: Mm-hm.

595

596 A: Um, and just problems grammatically, um, explaining himself on paper.

597

598 Q: Okay, we talked a little or you mentioned about his style. Um, was that
599 something then that you saw him as a dorm officer he just handles things
600 differently where he was creating his own problems or...

601

602 A: Yeah, I would say he was cre- and - and Aguilar and I both talked about it.

603

604 And I know Aguilar has had conversations with him about - about his style

605

606 and - and, uh, you know, the way he manages his dorm or whether or not it
607 had to manage that rough. You know, a lot of it is, um, you know, and it's not
608 just him. We see it with - with a lot of these new, young guys...

609

610 Q: Mm-hm.

611

612 A: ...you know, where we don't have the time to mentor them after they get off
613 their (unintelligible) anymore. So they get there 24 weeks, you know, with
614 their TO and then they're cut loose. You know, "Here you go. Here's your
615 dorm.

616

617 Q: Right.

618

619 A: Good luck." Um, so just trying to get them to understand, you know, how to
620 build rapport, um, not being so authoritarian. And I would say that he's
621 definitely was very authoritarian.

622

623 Q: Okay.

624

625 A: Um, uh, maybe, uh, not to pick on the Marine Corps but maybe, you know,
626 bring a little too much Marine Corps into the way he runs his dorm.

627

628 Q: Mm-hm.

629

628 A: You know, this isn't the Marine Corps and some 20 - some young 20 some
629 odd-year-old kid is not gonna tell some, you know, not gonna get away with
630 ordering and barking at, you know, some 40 or 50-year-old gang banger...
631
632 Q: Mm-hm.
633
634 A: ...you know, who's been doin' time since the kid is old.
635
636 Q: Right.
637
638 A: You know, it's just not gonna work. It's not - they're not gonna put up with it.
639
640 Q: Mm-hm.
641
642 A: You know, so they're gonna buck him. Um, you know, he's - he's following
643 the rules and he's enforcing the rules. Um, and you can enforce the rules but
644 it's how you...
645
646 Q: Sure.
647
648 A: ...enforce the rules. And, you know, he just, you know, it was really hard
649 having to...
650
651 Q: Do you know if he was...
652
653 A: ...to remind over and over again.
654
655 Q: ...writing a lot of infractions or...
656
657 A: Uh, you know, I don't...
658
659 Q: ...CIs or negative CIs or...
660
661 A: I didn't - I didn't directly supervise him that often.
662
663 Q: Mm-hm.
664
665 A: So I don't know how much paperwork he was cranking out.
666
667 Q: Okay.
668

669 A: Um, you know, but - but I'd say he definitely was, you know, havin' to put a
670 lot of work into trying to control his dorm, um, just be-...
671

672 Q: So just off the top of your...
673

674 A: ...just 'cause - just 'cause of the way he was doing it.
675

676 Q: Yeah.
677

678 A: You know - you know, you push hard, the inmates are gonna push hard back.
679 You know, you can still run a - you can still run a dorm...
680

681 Q: Mm-hm.
682

683 A: ...and get it done and run a nice, safe, clean, quiet dorm without barkin' at
684 people and ordering people around and, you know, and bein' so authoritarian.
685 It's, you know, it's gettin' them to do what you want to do, not orderin' them to
686 do. You know, so yeah, I think a lot of his problems and a lot of his issues
687 with people came just from that. The - the - the incident I was mentioning, uh,
688 where he gave me the brief and then - and then Aguilar and I talked about it...
689

690 Q: Mm-hm.
691

692 A: ...he would - he would, uh, announce to the dorm that they had, you know, X
693 amount of minutes left in their - in their, uh, program time, "You've got three
694 minutes left." You know, and he would expect them to go ahead and
695 voluntarily lock down while it's still their program time. So when the three
696 minutes would run out, he would already have the door locks set and he would
697 go around and start just going down the tier and closing and locking doors...
698

699 Q: When - when the inmates had...
700

701 A: ...knowing - knowing people are still out, right? He would just yell - walk to
702 the first door and yell, "Lock down," and then start closin' doors, thereby
703 locking inmates out of their cells. And then they'd all have to stand at their
704 cells and he would go around and have to key them all in individually and sit
705 there and - and chirp each one of them and give them a verbal reprimand in
706 front of all their peers and everybody else. Not a good correctional practice.
707

708 Q: Yeah.
709

710 A: He's created a situation. And it's like telling somebody, you know, having a,
711 you know, I think, uh, Aguilar gave him this ex- example directly. It's like
712 you're the owner of the 7/Eleven and you don't want - you want this person to
713 leave your store, but you've locked the door and they can't leave. You know...
714

715 Q: Yeah.

716

717 A: ...if you want them to lock down, give them the opportunity to lock down.
718 You know, don't back a crowd of people into an alley and then tell them to
719 disperse while you're blocking the opening.
720

721 Q: Right.

722

723 A: I mean, that's basically what, you know, 'cause he - he was so focused in on -
724 on managing them enforcing the rules and - that he was missing the big
725 picture of...
726

727 Q: So he was probably...

728

729 A: ...runnin' - runnin' the dorm.

730

731 Q: ...probably too strict, huh?

732

733 A: Yeah, I would say so.

734

735 Q: Yeah.

736

737 A: Too - too - too focused, too tunnel vision on...
738

739 Q: Right.

740

741 A: ...enforcing the rules.
742

743 Q: Right.

744

745 A: We're gonna enforce the rules here. Okay, well great, enforce the rules when
746 somebody doesn't do what you ask them to do, but try asking them first.
747

748 Q: Right.

749

750 A: You don't have to order everybody to do anything. Try asking.
751

752 Q: Okay.
753
754 A: Yeah, he just - that - that's kind of - his demeanor...
755
756 Q: And he, uh...
757
758 A: ...was very rule enforcement, policy enforcement oriented.
759
760 Q: How about the other two? Any, uh, any incidents that you can remember that
761 they were involved in that maybe needed...
762
763 A: No.
764
765 Q: ...your attention or counseling or...
766
767 A: None.
768
769 Q: Okay.
770
771 A: None. Yeah, uh...
772
773 Q: So with Lubrin at least two that you can remember? So, like, incidents that
774 you responded to...
775
776 A: Yeah, he's...
777
778 Q: ...where he was the officer and...
779
780 A: I responded - I responded with my partners to a lot of, you know, to a bunch
781 of his things. Like I said, we respond together to all of them...
782
783 Q: Okay.
784
785 A: ...regardless of whose area is or what - what staff's involved. We go to all of
786 them. And - and I - I couldn't tell you right off the top of my head how many
787 he's had, but I - but I know I have that gut feeling that he's had more than -
788 than the rest of...
789
790 Q: Okay.
791
792 A: ...things that we've responded to. And - and - and I know (Aggie)'s counseled
793 him and I've - I've done my - I did my, uh, my sup summary where I

794 suggested that - that this case be looked at, be reviewed and looked at, um,
795 further up the chain.
796
797 Q: Uh, going back to when, um, the lockers. Um, so you collected - do you
798 remember, uh, whose equipment you collected?
799
800 A: No, not exactly.
801
802 Q: Okay.
803
804 A: Like I said, we were - we were all standing there together. You know, we just
805 all carried a bag and, um...
806
807 Q: How about when you walked them up, uh, into the alleyway, uh, in between
808 Main Jail South and San Jose PD? Anybody say anything sort of off comment
809 or...
810
811 A: Nothin' that sticks out, no.
812
813 Q: Nobody...
814
815 A: No, the only - the only thing that really stuck out to me, I mean, they all
816 wanted to know what was the process and is this...
817
818 Q: Mm-hm.
819
820 A: ...you know, and - and most of the conversation happened upstairs is, you
821 know, we're telling them, "Hey, you know, don't, you know, just work through
822 this. Don't - don't sweat it. No big deal.
823
824 Q: Mm-hm.
825
826 A: You know, yeah, we don't do it this way all the time, but - but this isn't totally
827 out of the ordinary. This is the way we used to do it all the time. You know,
828 so, you know, maybe now that we're back under one - one headquarters,
829 maybe this is the way we're gonna do it. Who knows?" You know, um, you
830 know, we had no idea at that time what - what the situation was.
831
832 Q: Right.
833
834 A: We were still working on the premise that, you know, we had a - we had a
835 medical death in custody.

836

837 Q: Right.

838

839 A: Um, and - and - and the conversation, you know, their question kinda was,
840 you know, a lot about, you know, "What's going to happen next? What -
841 what's this process? How long is this gonna take?"

842

843 Q: I see.

844

845 A: You know, and - and ours - everyone, you know, we just try to reassure them
846 that, you know, "Just work through it. Tell the truth.

847

848 Q: Mm-hm.

849

850 A: Be truthful. Be detailed. Ex- explain everything. You know - you know, think
851 about - think about the questions and, you know, when you get to that point,
852 think about the questions, answer the questions, and, you know, don't hold
853 anything back. You know, don't leave any stones unturned. Um, you know,
854 just, you know, you'll - you'll make it through it. Just, you know, don't sweat
855 it."

856

857 Q: Right. And - and then they left?

858

859 A: And then - and then the one thing that stuck out to me was that - was that mad
860 dog look from...

861

862 Q: From Lubrin?

863

864 A: ...from Lubrin. You know, like I said, you know, out of the three of them, you
865 know, Rod was visibly shaken and Farris was pretty much just his normal...

866

867 Q: Did Lubrin know that you had recommended, uh, the - the last thing that - his
868 last use - or I don't know if it was his last use of force, but...

869

870 A: I don't know if, uh...

871

872 Q: ...you think maybe he knew that...

873

874 A: I don't know if he knew that I had recommended that would be looked at or
875 not.

876

877 Q: Okay.

878

879 A: But - but he and I've had - when I was the scheduling sergeant...

880

881 Q: Mm-hm.

882

883 A: ...he and I've had quite a few interactions. Um, it was suggested a couple of
884 times that I take him down and bring him down to booking and give him a
885 shot down there. And I turned that down, "Absolutely not. I'm not havin' that
886 kid down in my area." I didn't want him down there, absolutely not. That's not
887 - in the booking area, you're dealing with - with people who are drunk or
888 under the influence. That's not what I need is some authoritarian who - who,
889 you know, can only - only see that, you know, "The rule says this and I'm
890 gonna make - you're gonna do this 'cause I told you to do this." That's not the
891 kind of person I needed down in booking. Um, and I...

892

893 Q: Had he asked to come down?

894

895 A: I think he had.

896

897 Q: Okay.

898

899 A: I think he had asked. As we do our - our quarterly rotations...

900

901 Q: Mm-hm.

902

903 A: ...you know, most of the guys up on the decks will voice their desire to - to -
904 to whoever their direct supervisor is. Sometimes they would come to me and
905 ask, "Hey, can I, you know, is there any possibility I can come down, start
906 learning ID or..."

907

908 Q: Sure.

909

910 A: Um, but he never asked me that. Um, but it was suggested that I, you know, I
911 bring him down there and give him a shot by one of the other supervisors. So I
912 can only assume that - that he must have said something to them and they
913 were advocating for him and I...

914

915 Q: Mm-hm.

916

917 A: ...I turned it down. Um, he would do his military leave a lot. And he had - he
918 and I had a lot of, uh, interactions that kind of escalated, um, with his, you
919 know, trying to get paid for his weekend military leave. You know, I

920 explained to him a couple of times that, uh, "You don't get paid for that. You
921 know, I appreciate that you're doing it, appreciate your service. However,
922 that's on you. That's your weekend." You know, I explained the process to
923 him, you know, when he's his two weeks, uh, or he, uh, his two weeks
924 summer training or if he gets, uh - uh, actually deployed...

925

926 Q: Mm-hm.

927

928 A: ...you know, how to bring me the paperwork and how we would submit it to
929 personnel and get it approved so he could get paid for that time. But, uh, you
930 know, and every time he would turn in his blue slips, he would still continue
931 to try and check it off and, you know, and get paid for it. You know, and it - it
932 got to the point where I had to call him in and say, "Look, I've explained this
933 to you. Quit doing this. You're giving me the impression now that this is, you
934 know, the first time, you didn't know.

935

936 Q: Right.

937

938 A: The second time maybe I didn't explain myself enough or maybe you forgot or
939 it was just a - a, you know, a mistake. But now that it's becoming a habit,
940 you're, you know, you started doing it three and 4 times. I can only assume
941 you're ignoring what I'm tellin' you and you're trying to get over because you
942 know that somebody else over at Elmwood or something has - has gotten paid
943 for it and you think you should, too." Well, you know, so the - that's the
944 conversation we had.

945

946 Q: I see.

947

948 A: You know, yeah, so I think he knows, you know, that I'm not his - I was not
949 his fan. You know, the conversations we had, the way I - the way, you know,
950 as - as there were more - more incidents that - that we would go to respond to,
951 um, I know I asked when it dealt with him, I - I know myself consciously or
952 subconsciously I was asking him - as I look back at it now asking him more
953 detailed questions that I might have somebody else. Just making sure that I
954 understood...

955

956 Q: Right.

957

958 A: ...what happened and then wait for the paperwork to come in and see how that
959 was written 'cause there - there were - every time it happened there seemed to
960 be some kind of little hiccup or disparity.

961

962 Q: Mm-hm.

963

964 A: So yeah, I - I - I think he knows that, you know, that he got a little more
965 supervisory attention from me than some others might have and that - that, uh
966 - uh, you know, I wasn't a big fan of him or...

967

968 Q: Yeah, all right. Anything else you can think of that - and the other two just...

969

970 A: Just, you know...

971

972 Q: Never, uh...

973

974 A: ...not a problem.

975

976 Q: Okay.

977

978 A: Yeah.

979

980 Q: Pretty quiet?

981

982 A: Yeah.

983

984 Q: Okay, all right. Well let's see. It's about 7:55. I think we started at about 7:20.

985

986 A: Yeah.

987

988 Q: So go ahead and, uh, stop the recorder. Thank you.

989

990

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

993 Signed _____