POST CASE NUMBER: POST2505140

SUBJECT OFFICER NAME: Kevin Smithmatungol

Administrative Interview Advisement

Following is the record of an Administrative Interview conducted by the Daly City Police Department on 1/31/2025 with Officer Kevin Smithmatungol, who is the subject of this investigation. The interview was recorded and a true and correct copy of the recording is being maintained by the Professional Conduct Central Bureau. The recording reflects all relevant statements and conversations occurring during the course of the interview. The interview was also transcribed by AXON AI transcription. This transcript was prepared by Law Enforcement Consultant Christina Moore, Professional Conduct Central Bureau.

Parties Present:
Sergeant Matthew Ciucci, Daly City Police Department, Primary Investigator
Officer Kevin Smithmatungol, Daly City Police Department, Subject
Julia Fox, Rains Lucia Stern, Representative for subject officer

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Ciucci *Recording. Okay. So it is Friday, January 31st, approximately 1105 hours am, sorry. Um, this is Sergeant Ciucci, currently in the Daly City Police Department Professional Standards Unit office, with me is Officer Kevin Smithmatungol. Kevin, if you could please say hi.*

Smithmatungol *Hello.*

Ciucci *Thank you. And, uh, you have, uh, your retained counsel with you, who is Mrs. Julia Fox from Rains, Lucia, and Stern. If you wouldn't mind saying hello?*

Fox *Sure. Julia Fox.*

Ciucci *Perfect. Um, officer Smithmatungol, you are in here as a subject officer, uh, for Internal Affairs investigation, 24-07. Uh, um, I'm gonna read you the administrative admonishment. If at any time during the reading this admonishment, if there's anything you don't understand, please ask me and we can get you the clarification that you need, all right? Um, you are hereby advised that an administrative investigation is in process within this department in which it has become necessary to obtain a statement from you. If you cooperate fully at this time, your statements and any evidence arising there from may be used in any and all proceedings arising out of this investigation. As a citizen and an employee of this department, you're hereby advised that if prior to or during the taking of your statement, this department determines that you may be charged with a criminal offense, the proceeding will be stopped, and you will be advised of your constitutional rights and given an opportunity to obtain legal counsel. If you decide not to give a statement at this time, you're now ordered as an employee of this department to answer all questions asked by investigators and to give a full, detailed, and complete statement regarding your knowledge of or involvement in the matter now under investigation. Although you have a right to silence in criminal investigations, this is not a criminal investigation, but an administrative hearing and you're now being ordered to tell all, excuse me, to answer all questions under the compulsion of threat of disciplinary action. False statements, of course, will result in severe disciplinary action. Members are always required to be truthful. Please see Daly City Police Department Manual Rules 4.96, which is truthfulness. I'm gonna go ahead and hand you this admonishment and I'll show you the last sentence, which says, I have read the above admonishment order and I fully understand my rights and duties in this investigation. Please look it over and if comfortable, please sign the bottom and date and time. Mrs. Fox, if can ask you to be the witness.*

Ciucci *Beautiful. Thank you. All right, so we're gonna dive in. Reminder, I'm an independent fact finder. I'm just here to get your statement. I'm here to get all the facts and then I present it to the chief, it's given to a lieutenant, and they do the findings and recommendations. So today, this is just an interview, okay? Um, please be truthful about everything I ask and we'll begin here. Um, so on Friday, October 25th, 2024, uh, you were working your B graveyard shift when you were given two citizen subpoenas to serve. Does this sound familiar?*

Smithmatungol *Yes.*

Ciucci *There is hesitancy when you say yes. Um, explain to me why you have a little hesitancy in your voice when you said yes.*

Smithmatungol *That exact date and, uh, we get subpoenas almost, almost every day. I mean, I dunno those two exact subpoenas, I don't know the names on. I don't remember. It's October.*

Ciucci *Let's do this. I have copies of two subpoenas that I'm gonna walk over to you. I labeled one, uh, for defendant* [redacted] *as attachment one, and I've labeled one for defendant* [redacted] *as, uh, attachment two. Okay. I'm gonna walk these over so we can all look at 'em together. Okay. So here we go. Uh, attachment one is gonna be for* [redacted] *attachment two for* [redacted] *And what we'll do here is I just kind of want to go through these together with both you. Uh, okay. Uh, I know based on my understanding of Daly City, uh, uh, both, uh, policy as well as just our practice, that in briefing the sergeant or their designee goes ahead and hands out the subpoenas. Is that also your*

understanding? Okay. Um, the sergeant or the designee is gonna write the badge number denoting what officer's gonna receive this subpoena. Is that also your understanding?

Smithmatungol *Mm-hmm <affirmative>.*

Ciucci *Okay. Badge number 150. Is that you?*

Smithmatungol *Yeah.*

Ciucci *Beautiful. Is that 150 your handwriting?*

Smithmatungol *No.*

Ciucci *Okay. Um, following the badge number 150 on both subpoenas, there is a correlating date, time, and a remark section. Uh, there, there's a, a remark that's noted. On attachment number one it says under date 10/25, under time it says 2123, under remarks it says no answer.*

Smithmatungol *Mm-hmm <affirmative>.*

Ciucci *Are those three boxes filled out that I just, that I just said that, is that your handwriting?*

Smithmatungol *Uh, not the date, but the time that I answered.*

Ciucci *Beautiful. So the date is filled out, presumably without guessing, but by someone else maybe who gave you the subpoena?*

Smithmatungol *Yep.*

Ciucci *But the time and remarks is yours?*

Smithmatungol *Yep.*

Ciucci *Okay. Same thing for attachment number two. Uh, 10/25 is the date on here you're writing?*

Smithmatungol *Yep.*

Ciucci *Okay. How about the time and the remark?*

Smithmatungol *Yes.*

Ciucci *So 2142 hours no answer. That's your writing?*

Smithmatungol *Yep.*

Ciucci *Okay. Um, I'm just gonna leave those there 'cause I think it's easier in case we have to reference 'em. Um, walk me through this, when you attempt a subpoena service, um, how do you generate a call? What do you do? Do you broadcast your location on the air? Uh, do you create a call for service in Versiterm? How, how do you do it?*

Smithmatungol *I usually broadcast on the Air.*

Ciucci *Over the air? Is that your standard practice?*

Smithmatungol *Yes.*

Ciucci *Okay. Um, do you ever do, uh, a self-generated call in Versiterm where you open up a call for service added it in so as you don't, you tie up, uh, radio airspace?*

Smithmatungol *No.*

Ciucci *No. Don't do it. Okay. When you do a subpoena service, do you activate your body-worn camera?*

Smithmatungol *Not unless someone opens the door.*

Ciucci *Not unless someone opens the door?*

Smithmatungol *Mm-hmm <affirmative>.*

Ciucci *Okay.*

Smithmatungol *Or I make contact with someone at the residence.*

Ciucci *Okay. So if there is no interaction with a human that you don't open, you don't, uh, activate your BWC?*

Smithmatungol *No.*

Ciucci *Okay. When you fill out subpoenas, uh, the portion that you said with the time and the remarks, what is your standard practice? Do you, do you go to a home, there's no answer, you immediately fill it out and, and retain it in your car? Do you do it at the end of your shift? Is there, do you have a standard practice or is there really no? What do you do?*

Smithmatungol *I don't have a standard practice.*

Ciucci *So you will just fill that out at some point before you turn it in at the end of your shift?*

Smithmatungol *Correct.*

Ciucci *Okay. Um, what are the dispositions in the remarks that you commonly use? Uh, if you could name the ones that you, that you're like, these are the, whenever there's a remark, these are the common ones that I, I put on there.*

Smithmatungol *Uh, for on the MDT or on this?*

Ciucci *No, on this. So, when you go ahead and you fill out your remarks, um, if no one's home, what would you write? If someone, hold on. If someone is home, what would you write? If, uh, you do get the person you serve, it beautiful. If you talk to somebody, nobody's there. If you could walk me through your standardized remarks.*

Smithmatungol *If there's no answer at the door, I didn't make contact with anyone, I put no answer. If I made contact someone and serve the paperwork, I put served.*

Ciucci *Okay. Um, do you ever use not served?*

Smithmatungol *Uh, no, because we got in trouble for, as a department, for not attempting to serve the subpoena.*

Ciucci *Would you say that not served as somewhat am a little bit ambiguous, where, I don't know. Does not serve mean you actually went to a house? Does it mean you just didn't do it?*

Smithmatungol *I think in our, in our, uh, it could go both ways. Either not served as you didn't attempt to serve or not served as they didn't.*

Ciucci *Okay. And then served, you said self-explanatory, you served the subpoena.*

Smithmatungol *Correct.*

Ciucci *And obviously that page would be ripped off. You give 'em their copy, it's beautiful. Do you ever use not home?*

Smithmatungol *Maybe once or twice, but I usually don't.*

Ciucci *What would you, what would your understanding be of the remark not home?*

Smithmatungol *Uh, we made contact with an, an individual but not the person we're, uh, serving. So it might be a family member and they're saying they're not home until tomorrow.*

Ciucci *Okay. Um, no attempt. Do you ever use no attempt?*

Smithmatungol *No. I don't remember using, I don't remember the last time using no attempt.*

Ciucci *No attempt. So let's say you were to get a subpoena, the night goes wacky, you were going call to call, to call, to call, to call to call, you never even were able to serve that thing. What would you write?*

Smithmatungol *Um, I think on B graves what we do is we leave it blank, turn it in, and then they would give us the same ones the next day.*

Ciucci *What if you got that subpoena on your Sunday? Sunday night, that's your Friday. So that was your last chance to, to, to serve this thing in your three day tour, what would you write if you never had an opportunity?*

Smithmatungol *Uh, not served.*

Ciucci. *Not served. Okay. So the one that, that we're not supposed to do, uh, because we got in trouble, but not served is the one you think?*

Smithmatungol *Uh, yeah.*

Ciucci *Okay.*

Smithmatungol *Or maybe either it's either not served or no attempt, it's one.*

Ciucci. *Okay. So no attempt would be one that you would use in that scenario?*

Smithmatungol *Correct.*

Ciucci *Okay. So maybe you've used no attempt before?*

Smithmatungol *Maybe, but I don't remember when.*

Ciucci *Okay. Maybe used, but if you did use it, you would characterize it as never had an opportunity to serve this thing?*

Smithmatungol *Correct.*

Ciucci *Okay. And then for no answer, walk me through what is your definition of writing no answer.*

Smithmatungol *Uh,I park my car.*

Ciucci *Okay.*

Smithmatungol *I go to the door, knock on the door, give it a, a minute or two, knock again. If they don’t answer, I just return back to the car and leave.*

Ciucci *Parked car, knock, no answer.*

Ciucci *Okay. So these two subpoenas in question, they both say, uh, no answer, correct?*

Smithmatungol *Correct.*

Ciucci *Okay. Looking at your writing, your remark, what is your belief that you did on both of these subpoenas based on the definitions you just gave me?*

Smithmatungol *Exactly what I did. I parked my car, walked up, knocked, didn't get an answer, left, continued on with the day.*

Ciucci *Okay. So, and to be very clear, does seeing these, uh, two subpoenas and the address is on 'em, one is on* [redacted] *one is on* [redacted] *if I'm not mistaken, do they specifically ring a bell? You've now talked about subpoenas in general and kinda your philosophy, but do you remember these two subpoenas specifically?*

Smithmatungol *Not, not these specific subpoenas.*

Ciucci *Okay. Um, okay. Excuse me. And before I go further, I just want just things to remind everybody of, you're aware that police cars have several different layers of GPS, um, via the CAD system via all the ALPR craziness, right. Um, and also as a police officer, you're aware 'cause you have solved numerous crimes. Um, home video, ring doorbell, cameras is, everybody's got 'em. It's how we solve homicides. It's how we solve package thefts from the mild to the wild. Okay. Um, so on October 25th at 2123 hours, uh, did you drive to the residence of* [redacted] *Drive and attempt to serve that subpoena right there?*

Smithmatungol *I did.*

Ciucci *You did? How do you remember that?*

Smithmatungol *Uh, well, I mean, the subpoenas, I I, I always try to serve 'em. I don't try not to serve 'em. I mean, they're part of the job. They, I have to do it. Um, so I would say I went to the house, I knocked on the door and, no answer, I left.*

Ciucci *Okay. Um, so at 2123 hours, uh, on October 25th, you were actually on a call for service at the Ross Dress for Less at West Lake Shopping Center. Does that ring a bell? It's you and Officer Chu and you were dealing with, uh, essentially, uh, a suspicious unruly subject. Does that ring a bell?*

Smithmatungol *Not that particular call.*

Ciucci *Okay. Um, you were on that call in CAD until 2130 hours. Um, that subpoena says 2123 hours. Um, is there an explanation or something that I should be aware for why the subpoena would say that you were serving that subpoena at 2123 hours, um, when in fact you were on a different call for service?*

Smithmatungol *I don't, I think I was, I served it before that call.*

Ciucci *I don't want thinks, I just want to, but I, going forward, I just, if you recall, perfect. If you don't recall, perfect. I just need to know an answer of, of why there would be a discrepancy on the time.*

Smithmatungol *I don't remember. Sorry, I don't remember. Can you repeat the question again?*

Ciucci *No, that's, and that, and that's fine.*

Fox *Um, how is it that you could be at Ross at the time indicated but this subpoena seven minutes prior?*

Smithmatungol *I don't remember writing the times exactly right after I did it. I think it was served. I attempted to serve it, went to a different call and then filled it in later. But I didn't put exactly the time I served it.*

Ciucci *Okay. Um, so if I'm understanding correctly, you physically attempted to serve the subpoena, but you filled in the time at a later date and potentially you mis-recorded the, the, the exact time.*

Smithmatungol *Correct.*

Ciucci *2123 is pretty specific. I know if I was a recorded time, I would probably, if I was gonna generalize, I would give you, uh, uh, division of 10. So at 2030 hours or whatever it may be, 2123 is pretty specific. What would make you think that you would choose such a specific number?*

Smithmatungol *I, I don't remember.*

Ciucci *Okay. Um, you told me that your process is you broadcast your location over the air. I've reviewed cad uh, you never broadcasted this location or the other location on air. Is there a reason why that you, you have a subpoena service but you did not broadcast it?*

Smithmatungol *Sometimes I just forget to do it. I just, I just pull up, I go in, I knock, and I leave.*

Ciucci *Okay.*

Fox *Can you say definitively that GPS on your patrol car would show you at these two addresses on this date?*

Smithmatungol *On that day, yes it will.*

Ciucci *During the time that you wrote on the subpoenas?*

Smithmatungol *Maybe not the time, but on that day I did.*

Ciucci *Okay Um.*

Fox *Close in time?*

Smithmatungol *Maybe.*

Fox *Okay.*

Smithmatungol *Can't say exactly.*

Ciucci *Okay. On October 25th at 2142 hours, did you drive to the residence of* [redacted] *and attempt to serve a subpoena?*

Smithmatungol *Mm-hmm <affirmative>.*

Ciucci *Okay. Uh, can you say yes or no? Uh help me out with the Uhhuh?*

Smithmatungol *Yes.*

Ciucci *Yes. Okay. Um, did you generate a call?*

Smithmatungol *No.*

Ciucci *Do you recall not generating a call?*

Ciucci *I, I just wanna make sure, do you recall not generating a call for service?*

Smithmatungol *I don't recall. Um, I, I was probably just thinking about just going in, getting it done, leaving.*

Ciucci *Okay. And then I've reviewed your BWC and there is no activation fo* [redacted] *at* [redacted]*. Is there a reason why that there wouldn't be an activation for* [redacted] *at* [redacted]*?*

Smithmatungol *'cause there's no answer.*

Ciucci. *No answer. Okay. Um, the homeowners at* [redacted] *I talked to 'em, they have a massive German shepherd. That massive German shepherd goes nuts. And they are alerted every time <laugh> someone's at the front door, including myself when I went to go, um, that someone's at their house, someone's at the property, the dog goes nuts. Um, I met with the family. The family stated that they were home that night and that nobody answered or nobody knocked on their door. Is there a reason that the family with this, uh, crazy guard dog, uh, who was home during the evening hours, is there a reason that they would tell me that nobody knocked on their front door when they have a really unique kind of circumstance that alerts them when someone's at their home?*

Smithmatungol *No. I mean, I, it's a subpoena. It's not worth my job.*

Ciucci *No, and I get that and I get that. Um, but likewise, is there a reason that there would be a discrepancy between a homeowner telling me that nobody came to their home last night because their dog is gonna lose their bananas and they were home and awake during that time? Uh, is there a reason that they would be telling me that yet you are saying that, Hey, I went up there and I knocked on the door. So how can we, is there a a way to explain that discrepancy between your story and theirs?*

Smithmatungol *I,I don't have a reason to.*

Ciucci *Okay.*

Fox *Do you recall hearing a dog?*

Smithmatungol *Uh, I, I don't recall at all. I mean, it's October. I don't, I don't remember a couple months ago.*

Ciucci *Okay. So I was, there's, there's video camera surveillance footage, uh, that actually shoots all of* [redacted] *Uh, and it's on* [redacted]*, the adjacent* [redacted]*, the adjacent street that starts with the letter C. Um, and I pulled the video and the video was pulled for the timeframes in which, uh, that you're, you, you stated you served this subpoena, and your patrol vehicle's never on the street. And so is there a reason why, in your recollection you're remembering that no, I was there, I served this thing, yet I have no video of your vehicle being on the block, uh, to serve this subpoena*

Smithmatungol B*ecause it could have not been that time. I, like I said, I don't, I, I think I just put a random time on there, but I showed up that day.*

Ciucci *Okay. Help me understand uh, just putting a random time. Uh, if I, let's say I forgot. Let's say I forgot to put out my location over my radio and it wasn't in cad. I'm sitting there going, when did I go out there this evening? I think I tried to make an educated guess, say, hey, it was after this call, before this call, try and like lock it in. When you say, I just put a random time, help me understand a random time, like what amount of window of time would I need? Is there gonna be you writing on there 2123 hours when you actually served it at 5:00 AM? Is there gonna be that much of a difference?*

Smithmatungol *I believe it was in the beginning of the evening, beginning of the shift, but I can't say exactly the exact time.*

Ciucci *So in the video I have from a homeowner mm-hmm <affirmative>, of the street and the ring camera, if I review it from the time you went ten eight, uh, which is, uh, B Graves seven A 7:00 PM. Excuse me. So I'll just say, at the time, briefing began 7:00 AM or 7:00 PM, excuse me. And then I stop it at, let's go as far as eight in the morning, just in case, uh, at the end of your shift and 30 minutes over, and I watch every second of it, am I gonna see your cop car on* [redacted]*?*

Smithmatungol *It should.*

Ciucci *It should or it will.*

Smithmatungol *It should.*

Ciucci *Why would you choose the verbiage it should rather than it will,*

Smithmatungol *I can't explain. Um, it will.*

Ciucci *It will?*

Smithmatungol *Yeah.*

Ciucci *Okay. Um, do you think there's a problem if it doesn't?*

Smithmatungol *Yeah.*

Ciucci *What is that problem? in your mind, if, if I'm saying I have, I have this video surveillance footage and I don't see your vehicle during a 12 and a half hour shift, do you, you just said, yeah, I, I could see it'd be a problem. What kind of problem is that?*

Smithmatungol *Integrity.*

Ciucci *Okay. And whose integrity would be brought into question?*

Smithmatungol *Mine.*

Ciucci *Okay. Do you recall a conversation you had with Sergeant Douglas at the end of your shift when you turned in those two subpoenas, uh, uh, and she actually commented on the fact, thank you for trying to serve them? Do you recall a conversation?*

Smithmatungol *No.*

Ciucci *Okay. Um, do you recall during a conversation where potentially she actually applauded you and said, thank you for trying to serve them because nobody else had the opportunity?*

Smithmatungol *No.*

Ciucci *Okay. Um, uh, during your career as a, as an officer here, um, have you ever served, have you ever written on a subpoena, uh, the wrong disposition? To your recollection, have you ever written, you even said, excuse me, not served is the one that you, we can't, we're not allowed to use anymore because we got in trouble with the District Attorney's office, have you ever written the wrong disposition for something?*

Smithmatungol *I should, yeah. I mean, I've made mistakes on subpoenas.*

Ciucci*. Okay. Um, uh, do you have any reason in your mind right now to believe that you made a mistake on these two subpoenas? Is there anything in your mind that'd be like, yeah, maybe I did or maybe I didn't? Uh, is there anything about looking at those two subpoenas that you think that there could be a mistake or not?*

Smithmatungol *Maybe I did. I don't remember.*

Ciucci *Because as I, I gave, uh, I threw out in the middle of that thing about, hey, technology, we have GPS, all that. When reviewing your GPS, if I don't see your car stopping on* [redacted] *Drive or on* [redacted] *Drive, do you believe that that would be an issue? If during your 12 and a half hour shift, looking at the GPS for your vehicle, that I don't see you on* [redacted] *uh,* [redacted] *or, uh,* [redacted] *Drive, do you, do you see that as an issue?*

Smithmatungol *Yeah.*

Ciucci *Okay. And again, same line of questioning, what kind of issue would that be in your mind? What, what, what do we have?*

Smithmatungol *My integrity.*

Ciucci *Okay.*

Fox *And that was your experience? That's not a hypothetical. I'm just trying to track that was your experience. You reviewed 12 hours of GPS?*

Ciucci *I have reviewed GPS and I do not see his car. Uh, I have to go back and review again the exact timelines, but as of right now, the timelines for the, uh, written times of 2123, 2142, ua bracketing there within this vehicle's not parked on the street. Um, and I do not have your vehicle showing up on video. Now I'm not trying to trick you in any way into a statement right now. I have to go review a lot more than the original bracketing I have. Um, and that's why before I begin reviewing it, I need to know exactly what type of issue I'm looking at. Is this an issue of recollection? Is this an issue of not understanding, uh, uh, the, the definition or dispositions or do I have an integrity issue? And that is exactly where I'm at right now, is trying to figure out and decipher what I am looking at.*

Fox *And I imagine you all have a cutoff time with regard to when you can serve a subpoena, right? You can't disturb a family at 1130 at night.*

Ciucci *Believe it or not, we will go to family homes because a lot of times people will say, hey, I work, I work daytime day shifts, please come at night. And so, uh, I'd say graveyard shift as any other shift gets subpoenas, generally try to serve it before it gets too late and before it gets too early. Um, but there's no, no exact cutoffs on times. It's fluid with the understanding don't knock the door at 2:00 AM.*

Fox *Yeah.*

Smithmatungol *Is there a possibility I could look at the cases I took that day?*

Ciucci *Yeah I have RIMS up.*

Fox *Can you say unequivocally, you would never write no answer if you went to a residence and there was no answer?*

Smithmatungol *We could either, no answer officer or not served.*

Fox *Okay.*

Ciucci *You wanna see the case log for that day in general, everybody on your team, or do you wanna just look at yours?*

Smithmatungol *Uh, everybody on that team so I can remember what--*

Ciucci *Not a problem.*

Ciucci *Okay. Date occurred. Kevin, come on over. Let me click search. So I've gone into RIMS, our case management system, and I have pulled up, okay, these are all the cases from, I made it. Standby, excuse me. There we go. Cases from 10/24 to 10/25. So this is kind of a different look than what you're used to. Um, but what I can do is, is bracket you in and we will look at officer PSN numbers and times and dates. So, 655, 6. Let's look at this one right here. [redacted]. 1335 hours on 25th. That is before your shift began. I went the wrong direction. Excuse me. Speed. 5:30 on the 25th. Nope. Sorry. Here's my issue. Now we're running. 1942. 25th. Okay. So from here, case number 65, 62ish, all the way down until your shift 'cause you overlap on the graveyards going into the 26th all the way down to here. So you guys had, somebody was unlicensed on [redacted] a tow [redacted].*

Smithmatungol *That's our team.*

Ciucci *This is your guys' right here, this block. That would've been the b graveyard timeline because we're coming in at the 26th on zero right after midnight. So from right here to right here looks like, uh, organized retail theft at Serramonte, a CPS cross report, a DV uh, narcotics, stolen car.* [redacted]

[redacted] *got a stolen car, probably kind of one you would remember from the night on a Honda Civic. Arresting those two defendants.*

Smithmatungol *And then I took a DV that day,*

Ciucci *I think. Uh, what's your PSN 2 2 0 5. 2 2 0 5. You took a DV at 306 Westlake Center at the Halloween store. And 2 2 0 5. That's all I got for you for that date.*

Smithmatungol *Can I see the people on that screen on me?*

Ciucci *Yep.*

Smithmatungol *Oh, what's that day?*

Ciucci *Uh, 10/26. So this was right after midnight. So on 10/26, that would've been Saturday the 26th. So your shift begins on Friday, rolls into Saturday 10/26, approximately 0014 hours, the defendant and the victim, uh, were arrested in the parking lot. Okay. Slammed the head against the dashboard of the vehicle. You located the people in San Francisco and transport to jail. Ring a bell on that part at least?*

Smithmatungol *Yeah.*

Ciucci *Okay.*

Fox *No, let's take a break.*

Ciucci *Yep. Uh, I, I, not a problem. It is, uh, 1135 hours. And, uh, per the request, we're gonna take a break. Gimme one moment. One is paused. This is my personal phone. What am I doing? Um, and second one is on pause.*

Ciucci *Okay. Sergeant Ciucci, uh, same day, same time. It's, uh, 1144 hours and we have resumed. You guys just took a little break and we're back. Okay. So before we had gone on the break, um, I was trying to understand, uh, essentially how you could be at these addresses when I'm not showing you there, based upon evidence that has been retrieved prior to this in, uh, this interview. Um, you have stepped out. Is there any clarity that you can give me as to why I'm not showing your vehicle at these locations?*

Smithmatungol *I genuinely don't remember serving the subpoenas. Okay. That's why I wanted to see the calls from that day 'cause I wanted to narrow down what happened that day. I generally don't remember.*

Ciucci *Okay. Um, if you don't remember, um, can you help me understand, because I, I don't believe it to be your, your standard operating procedure that you would just write frivolous dates and times and, and remarks on a subpoena. I, I, I don't, I don't have any reason to believe that. So if you don't remember this incident, help me understand how, uh, I would have discrepancy on the time and how maybe a remark would not accurately reflect the actions that occurred that day? Is there anything that you can do to help me understand it?*

Smithmatungol *I don't remember why I put these times. These aren't specific times that I would remember. And I don't know why I would put these on here, but I did.*

Ciucci *Okay.*

Smithmatungol *And I genuinely don't remember.*

Ciucci *Okay. Is there a reasonable explanation that you could think of that would help me understand why those dates and times would be there? Um, anything that would make sense to you? Uh, not saying that that's your guessing what would happen, but just essentially is there, is there a logical explanation you could think of why it would say served or, excuse me, no answer and have a specific date and time?*

Smithmatungol *I don't, I don't know when I wrote these, I don't know why I wrote these. I, I just don't.*

Ciucci *Okay. Um, and it's difficult for me on my end to, to, to understand it. It is, it, it truly is. I'm not gonna give you any baloney. I, I have a difficulty understanding how, uh, a date and a time and a remark could be on there, um, if it wasn't what occurred. Um, and so I, stopping this interview or ending it, um, kind of having that as like the lingering last, uh, um, clarification or words on it is troublesome to me. It, it truly, it truly is. Um, because then at that point I'm left to compile the evidence and when we're looking at the, the findings and recommendations, it becomes, I have a document that has a date, time and remarks. I have an officer who initially said, yeah, of course unequivocal. I would be there. I I did it, I did it. And then now is at a point of, I don't remember. And so that, that kind of timeline, that transition across, it troubles me. It truly does. And so I, I ask, is there anything that you can, uh, provide me without specific questioning, uh, without specific yes, no's back and forth, that can help, uh, add circumstance, context, or understanding of why those would be written as they are, but why they wouldn't be supported with any factual evidence?*

Smithmatungol *I, I, I don't, I, I'm trying to think of something, but I dunno why I would put no answer if I didn't serve 'em. I really don't.*

Ciucci *Okay. Have you ever gotten in trouble for not serving a subpoena before, either formally or informally? Informal meaning your sergeant just goes, hey, what are you doing and, and has a, a little talk to you about it. Have you ever had, uh, anything like that in your career?*

Smithmatungol *To my knowledge, no. I've never gotten in trouble for a subpoena.*

Ciucci *Okay. Do you recall ever being in trouble for a subpoena? Kind of a more of a yes or no? Yeah, I think you would know. I, i I like to hope you would know if you were in trouble for a subpoena previously.*

Smithmatungol *Maybe putting, not served.*

Ciucci *Okay. That's an understandable thing. 'cause you said that was something that got brought up, not served. Um--*

Fox *Anything in addition to that?*

Smithmatungol *No, I've never was confronted about serving subpoenas. I I've never been any of that sort.*

Ciucci *Do you have any reason to, uh, misrepresent fact, in order to avoid punishment or avoid confrontation with supervisors, is there anything that would cause you whether the intent is a, a, an honorable one or not, that would cause you to go ahead and, and say that you serve something or you attempted to, even if you didn't, do you have a reason to avoid consequence?*

Smithmatungol *No, because I've never gotten a consequence for not serving subpoena. I, I, I don't know what a punishment would be, but I thinking about this, I remember these dates, how the time, I don't, I dunno why. I really don't.*

Ciucci *Okay. Um, I'm also not just gonna hold you in here <laugh> and, and just keep asking kind of the same question 30 different times, 30 different ways. Yeah. I just want to make sure that when you're walking out, you have been, you feel that you have had every opportunity that you have in order to add clarity to this. And I feel comfortable that I've asked every question I can in order to get that clarity. But I'm goin to be very frank with you when I say I don't have clarity on this. I don't have clarity on this issue. And my understanding of this interview is that there's a date and time on two subpoenas and a remark that says no answer when fundamentally I have, uh, um, supporting evidence that shows it didn't occur. And so that for me is troublesome. Um, but I wanna make sure that when we're walking out that you have had every opportunity that you feel deservedly to state your case and, and make it clear to me. But I'm being honest, I don't understand it.*

Fox *That there's nothing left unsaid.*

Ciucci. *Yes.*

Smithmatungol *There's nothing. There's nothing I can remember saying if there was, I'd say it, but if I, there's no video of me doing it [inaudible].*

Ciucci *So if there's no video of you doing it, then you didn't do it?*

Smithmatungol *If there's not, then there's not.*

Ciucci *Okay. Uh--*

Fox *Don't you have GPS on your cars? I thought you all have like the platinum package if--*

Ciucci *Versaterm. Yeah. No, it's, it's platinumy.*

Fox *Uh, so you went from no body cam to very much body cam?*

Ciucci *Yeah. We, we, we went big, um, across the board. And like I said, there's, there's different layers too. Versaterm tracks it. Your ALPR data shows every street that you're on, that you're running every plate that's through flock, that's through Versaterm, that's through, um, evidence.com. Uh, it, it's all a ton of different layers of it. And so that's why I just want to confirm.*

Smithmatungol *I don't, I don't want to give you all these excuses, but if there's no video of me doing it, then I, maybe I didn't do it. And I don't know why these dates and times would be on there, but I, I don't remember honestly.*

Ciucci *Okay. You don't remember, however you are cognizant of, if there is evidence against it, then that's most likely what occurred?*

Smithmatungol *That's what occurred. I'm not, I'm not gonna, I'm just gonna own up to it, I mean, if if there's nothing there, then I can't put myself there. If, even if I'm not.*

Ciucci *Okay.*

Smithmatungol *But I, I don't know why these specific times are on there. I don't know what's relevant of these times, the 2142 and 2123.*

Ciucci *So I'll be, and I'll be honest with you here, and I have been here as an officer, I've been in IAs. I've been, I've been, uh, I've been recorded, I've been questioned, and I have never, I have never wavered on my integrity. Um, I've never once said, hey, if you have it, then maybe that's what I did. And so it's a concerning statement for you because I believe you to have integrity. Um, but for you to say, if I didn't do it, and if the video, if the evidence isn't there, then I guess I didn't do it. I feel like you're a person that would, that would be a troublesome thing for you to, to almost willfully or not willfully, but write incorrectly on the subpoena that you did something if you didn't do it, is that something I should be alarmed about your character? Or is this an offline thing? If it's an offline thing, do you, don't you think you would remember not doing something that you said you would?*

Smithmatungol *It's not like every subpoena I get, I don't attempt it. I, I it's not--*

Fox *Well, that's why I said the best you can shelf the witnesses. Mm-hmm <affirmative>, the camera. Yeah. All of that, put that out of scene. Can you drill down on your own work product, your own happening custom and say, regardless of that, I know I would never write no answer. If in fact that wasn't my experience.*

Smithmatungol *I, I wouldn't put no answer. But I don't know why I did if I didn't, if I didn't serve it or attempt attempted certain. And I don't know where I got these times from. I, I really don't.*

Ciucci *Okay. Um, at this point, I just have one last question and is, did you willfully write, uh, times and dates on there with the intent to deceive in any way, um, and state something on that paperwork that you knew to be not true?*

Smithmatungol *I don't. I, I just, I wrote it on here. I, this is my handwriting. I wrote it. Yep. But I don't, I can't recall why I wrote it.*

Ciucci *Okay.*

Smithmatungol *But I, I've been thinking about why are these two times in particular on here if there are no significance to me.*

Ciucci *Okay. Um, is there anything that I didn't ask you, you feel important at the end of this that I should be aware of? Any other circumstances that, that in any way help shed light on this situation?*

Smithmatungol *Not that I know.*

Ciucci *Okay. Counsel anything to add?*

Fox No.

Ciucci *Okay. Uh, with that being said, uh, I'm gonna go ahead and we'll conclude this. Uh, it is 1155 hours. Um, that first one is done and this one is standby, done off and.*

I have used all reasonable diligence in reviewing this transcription and to the best of my knowledge the information contained herein is true and complete.

Chris Ciucci
Investigator

3/19/26
Date