POST CASE NUMBER: POST2505112/POST2505137/POST2505140

SUBJECT OFFICER NAME: Kevin Smithmatungol

Administrative Interview Advisement

Following is the record of an Administrative Interview conducted by the Professional Conduct Central Bureau on 1/13/2026 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:
Law Enforcement Consultant Christina Moore, Professional Conduct Central Bureau, Primary Investigator
Law Enforcement Consultant Kevin Sherburne, Professional Conduct Central Bureau, Secondary Investigator
Officer Kevin Smithmatungol, Daly City Police Department, Subject
Andrew Ganz, Rains Lucia Stern, Representative for subject officer

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Moore *All right, so the date is January 13th, 2026, and the time is 1222 hours. This is an administrative inquiry concerning Mr. Kevin Smithmatungol. Did I pronounce that okay?*

Smithmatungol *Smithmatungol.*

Moore *Smithmatungol, previously employed by Daly City Police Department. This interview is being conducted and recorded at the San Mateo County District Attorney's Office. I, Law Enforcement Consultant Christina Moore, am in charge of this interview and assisting me in this invest. Uh, this interview is Law Enforcement Consultant Kevin Sherburne, both of the Professional Conduct Central Bureau. Also present is Mr. Kevin Smithmatungol and the subject of this investigation and his attorney.*

Ganz *Andrew Ganz, from Rains Lucia Stern.*

Moore *Perfect. Each person, um, present is gonna identify themselves on tape. Give me their name, your title, and your classification. Um, as stated, Christina Moore, Law Enforcement Consultant.*

Sherbourne *Kevin Sherburne, Law Enforcement Consultant.*

Smithmatungol *Kevin Smithmatungol.*

Ganz *And again, Andrew Ganz, from Rains Lucia Stern. Thank you.*

Moore *You're being questioned as part of an official POST Peace Officer Standards and Accountability Division investigation. You are hereby directed to answer all questions honestly and completely. Your refusal to answer or any type of evasion, deception, dishonesty, or lack of cooperation on your part could constitute serious misconduct and result in further actions concerning your certification up to and including revocation of your POST certification. Neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings. No other promise will be made as an inducement for the answer to any question. This recorded interview is authorized by Commission Regulation Title 11, Section 1206(A)(4) of the California Code of Regulations. You may record any portion of this interview or have access to the Peace Officer Standards and Trainings recording if any other proceedings are contemplated or prior to any subsequent interviews. You have the right to be represented by an individual of your choice who may be present at all times during your interview provided the person chosen is not a witness or subject to this inquiry. POST is not your employing agency. Therefore, this interview is not subject to Peace Officer Bill of Rights, including but not limited to sections 3303 through 3312 of the Government Code. Although you as a representative are present to assist the subject officer, POST is only interested in hearing the officer's account of the matter under investigation. You may participate during the interview when appropriate, but you may not interfere with or cause unnecessary delay to the orderly course of the investigation.*

Ganz *Understood.*

Moore *You'll be given an opportunity to make clarifying statements and ask clarifying questions. If you need to take a break to use the restroom or attend personal needs, you may do so upon request. However, we just ask that you answer any pending questions before leaving.*

Ganz *Does That make sense? That little part?*

Smithmatungol *Yes.*

Ganz *Okay.*

Moore *To maintain the integrity of the investigation, you must not discuss the questions asked and the facts discussed in this interview with anyone other than your legal counsel, counsel, or as otherwise required by law. Do you both understand, understand and agree to proceed in accordance with these instructions?*

Smithmatungol *Yes.*

Ganz *Yes. Thank you.*

Moore *Thank you. So I understand, you were the subject of three separate Internal Affairs investigations conducted by the Daly City Police Department. Their investigations were completed and you were served a Notice of Intent to Terminate on June 2nd, 2025. On August 15th, 2025, you participated in a Skelly related meeting where you submitted your resignation effective October 1st, 2025. Is that correct?*

Smithmatungol *Correct.*

Moore *Okay. Besides the allegations of dishonesty, the additional departmental policy violations investigated by Daly City PD are not the focus of this POST investigation. My investigation is focused only on the allegations of dishonesty in violation of penal code sections 13510.8(b)(1) and Title 11, California Code of Regulations Section 1205(A)(1). Do you have any questions before we begin?*

Smithmatungol *No ma'am.*

Ganz *No, thank you.*

Moore *Okay. So before we begin, is there anything you would like us to know or information you would like to provide regarding the allegations of dishonesty sustained against you by the Daly City Police Department in each of your three IA investigations?*

Ganz *Um, is it okay, I I'm sure there's a lot. Can we see kind of what's not covered by the questions and then he can add at the end, or do you just want to make a statement at the beginning? I didn't.*

Moore *Uh, if he wants to make a statement now, there's gonna be plenty, plenty of time to go into detail.*

Ganz *Yeah. If, if we can proceed with questions and then he can add anything that he wants or, okay. I appreciate that.*

Moore *Sure. Okay. So you were employed by that Daly City PD as an officer from July 11th, 2022, to October 1st, 2025, about three years. Is that correct?*

Smithmatungol *Yes, ma'am.*

Moore *Why did you want to become a police officer?*

Smithmatungol *Um, my friend was killed by a wrong way, one of my best friends was killed by a wrong way, DUI driver, um, a little bit before I got hired as a police officer. And so that kind of wanted me to become a traffic officer, which I, ever since I graduated the academy, I pushed myself to do for. I went to, I put myself through all the trainings. I inquired about all the trainings. And additionally, my brother, um, he's a sergeant for the San Bernardino Police Department, and he influenced me since childhood to become a police officer.*

Moore *Okay. So you mentioned training. You put yourself through training?*

Smithmatungol *Uh, I, instead of waiting for the department to ask me to, oh, do you wanna go to this training, I said, hey, um, this is what I want to do. Can I put myself through all these trainings? I'll write the memos. I write anything that we need to do. And, um, that's what I assisted with.*

Moore *Was that a basic academy?*

Smithmatungol *Uh, I went to beginning, intermediate, advanced collision, drone collision reconstruction, uh, crime scene reconstruction. Um, so far through those two, two, a little over two years I was there.*

Moore *Okay.*

Smithmatungol *Or officially working.*

Moore *So prior to becoming a police officer, did you do a basic course somewhere?*

Smithmatungol *No.*

Moore *No basic course?*

Smithmatungol *Uh, I just got my bachelor's in criminal justice. That's it. Before becoming a police officer.*

Moore *Okay. Um, once you became a police officer for Daly City PD, did you receive field training?*

Smithmatungol *Yes.*

Moore *Can you describe a little bit? You don't have to go into the big, a lot of detail, but--*

Smithmatungol *I believe it was three or four months of FTO. Okay. Uh, phase 1, 2, 3, and final phase, which I, uh, completed with no remediations or extra training required.*

Moore *Did you have any difficulties during that training?*

Smithmatungol *Uh, not that I remember, no. Maybe, uh, report writing. I just had mistakes. Mm-hmm . But that's pretty much it, I believe.*

Moore *Is English your first language?*

Smithmatungol *Yes.*

Moore *Okay. After completing your field training, did you continue to receive various forms of professional training throughout your career?*

Smithmatungol *Yes.*

Moore *Um, can you describe your duties and assignments while employed by Daly City Police Department?*

Smithmatungol *Um, I was a, specifically a patrol officer, um, during my time there, and I believe after 20 beginning of 2024, I was, I joined the MAIT team for traffic collisions, field traffic collisions, anything that needs extra investigation. Um, I did a lot of collateral assignments, drone operator, uh, PAS calibration coordinator, um, Star Chase instructor, and I believe that's it.*

Moore *Just out of curiosity, how long have they had a drone program at Daly City?*

Smithmatungol *Uh, when I first got hired, it was kind of a new, new system and so I, I helped write some memos for new drones and, um, I was really interested in the drone program just 'cause I'm a kind of a drone little freak. And so, uh, that's, that's what I was interested in. Okay.*

Moore *Um, were you a field training officer at all?*

Smithmatungol *No, Ma'am.*

Moore *How about, uh, any kind of training facilitator?*

Smithmatungol *Uh, just for Star Chase.*

Moore *Star Chase, okay. Just prior to your resignation, what was your assigned work schedule?*

Smithmatungol *Um, I was on admin leave since Feb, end of February, 2024. Um, prior to that I was working Friday through Sunday, 7:00 PM to 7:00 AM*

Moore *So, graves?*

Smithmatungol *Graves. Weekend graves.*

Moore *Does deviation from your normal work schedule require some kind of approval?*

Smithmatungol *Uh, sorry. Can you,*

Moore *If you were going to deviate from your normal work schedule, did that require some kind of approval?*

Smithmatungol *Yes.*

Moore *Was it like supervisor approval?*

Smithmatungol *Yes.*

Moore *Okay. On a daily basis, how many field officers worked patrol on your assigned shift, weekend graves?*

Smithmatungol *Um, it can go as little as six all the way to full staffing, I believe, nine.*

Moore *Okay. How do beat assignments work? Are they like seniority based? Does a supervisor assign them?*

Smithmatungol *The supervisor assigns them?*

Moore *Supervisor. Can you put in a request to work a specific beat or it's just--*

Smithmatungol *Um, I can, or I, I, I think you can, but I've never done it. I've never requested to ask the specific beat.*

Moore *Do they seem to put you in the same beats all the time, or did they rotate them first?*

Smithmatungol *It depends on the supervisor. They rotated or they keep you on the same beat for the entire work week.*

Moore *Did you typically get the same beat or did it vary?*

Smithmatungol *It varied.*

Moore *As much as shift to shift or?*

Smithmatungol *Shift to shift.*

Moore *Okay. So night to night?*

Smithmatungol *Yes.*

Moore *Okay. Can you explain to me the process at the Daly City Police Department in regards to completing a basic investigation? Um, just from like, the moment you investigate, like as far as the, the levels of review of the report and how it becomes closed.*

Smithmatungol *Um, so it goes from initial investigation completed by my, by me, and then it goes, it gets submitted to, uh, our RIMS system. Um, it goes to, uh, a supervisor approval. It could be sergeant, the lieutenant, captain, whoever wants to review it and then approve the, the report.*

Moore *Now, is there a way to tell if an investigation is still pending, um, after it's been approved, for example, once it goes to prosecution or if it goes to further follow up, or if, let's say you're just still working on it?*

Smithmatungol *So if there's, it requires additional follow up, I will submit the initial narrative and then open up a second supplemental that requires follow up and what the follow up is for.*

Moore *So the initial one will be closed out and approved, and then you just add supplementals as more information comes forward?*

Smithmatungol *Correct. Yes.*

Moore *And then is there a way to distinguish at some point if the DA prosecuted or if the case was just closed and filed?*

Smithmatungol *Um, I am not too sure about that answer. I think that's a records question that I don't really know.*

Moore *Okay. Would the only way you find out is if the DA, for example, wanted more additional investigation and they may contact you to do further? Or would that go to a different like person?*

Smithmatungol *They'll send a, uh, uh, a letter saying, um, they reviewed the case and then they require additional investigation. So they'll send a letter, uh, addressed to the officer. The officer will read it, then open up a supplemental.*

Moore *Okay. But that original report stays closed in its--*

Smithmatungol *Correct.*

Moore *Original formation that was signed by that--*

Smithmatungol *Yes.*

Moore *Approver?*

Smithmatungol *Yes.*

Moore *Perfect. Okay. During your career as a police officer, can you estimate how many calls of service you responded to involving shoplifting?*

Smithmatungol *Um--*

Moore *Just approximate.*

Smithmatungol *It, it really depends on the beat. Um, maybe for my, if I was in beat by the Serramonte Mall, it could be four to five a night.*

Moore *Okay.*

Ganz *So again, in terms of approximation, maybe, you know, some officers have responded to just a handful, like a few, some a million and some in the middle. I mean, just can you, no one's gonna hold you to an exact number. Can you give them a basic idea of if you were just to try to think--*

Smithmatungol *For a whole night? If I--*

Ganz *No, your whole career, how many shoplifting do you think?*

Smithmatungol O*h, my, my whole career?*

Ganz *You think it's like in the hundreds or less than that?*

Smithmatungol *A couple hundred.*

Ganz *Thank You.*

Moore *Thank you.*

Smithmatungol *Sorry.*

Ganz *That's Okay. You're fine.*

Moore *How do you typically confirm the subject's identity in a shoplifting case?*

Smithmatungol *Um, either, uh, previous contacts, um, through our RIMS system that we share with other, uh, departments.*

Moore *Let me stop you right there.*

Smithmatungol *Yes.*

Moore *Previous contact. So how do you, uh, determine previous contact through RIMS? Would you first obtain a name, date of birth, or something similar?*

Smithmatungol *Correct. Name, date of birth. Okay. Um,*

Moore *So tell me how you get that, name and date of birth.*

Smithmatungol *Well, we usually just ask the subject for name and date of birth.*

Moore *Verbally?*

Smithmatungol *Verbally. Um, I'll try to look that up in the system and if something pops up, um, either aliases, names it, it would show up on our computer and most agencies add a photo to, uh, the profile of the subject. And so I would confirm it through that. And then, um, that profile would also have sometimes a California driver's license number. So I'll run that through, um, the system, um, to verify driver's license, uh, picture and to the name or, um, a foreign passport ID card.*

Moore *So, uh, do you typically ask, hey, can I see your ID?*

Smithmatungol *Yeah.*

Moore *Okay. And what about out-of-state IDs?*

Smithmatungol *Uh, out-of-state IDs, they'll, they'll--*

Moore *Do you run them through your dispatch?*

Smithmatungol *Yeah, I run.*

Moore *Do they have that capability?*

Smithmatungol *Yes.*

Moore *Of outstate?*

Smithmatungol *Yes.*

Moore *Um, so let's say, uh, you run 'em verbally and it doesn't come back, uh, on your RIMS or any of your systems, what do you do next? Or what would you do next?*

Smithmatungol *Uh, if nothing comes back, I would…Sorry. If a name doesn't come back, I would, some departments have a, a fingerprint system that they can come and scan the fingerprint and sometimes that would show up if they are fictitious about their name.*

Moore *Does Daly City have that?*

Smithmatungol *No.*

Moore *Do any of your neighboring agencies have that?*

Smithmatungol *I, I believe Colma does.*

Moore *Have you used it before?*

Smithmatungol *I have not. To my knowledge, I have not.*

Moore *So, uh, if the mobile fingerprinting machine's not available, what would you do next?*

Ganz *Can I just clarify one thing?*

Moore *Mm-hmm .*

Ganz *Do you recall a specific instance where that actually occurred? Like do you remember if that, if you were confronted with that sort of situation before?*

Smithmatungol *Since to my, if I remember, ever since I started FTO, I've never had a subject that had no ID, no nothing, no, no name.*

Moore *No physical ID you're talking about?*

Smithmatungol *Or no, no way of showing that this person's who they are, they've always had at least a passport or a ID card or, I, I don't remember since, ever since working that I've had a instance where I've had no name, no nothing.*

Ganz *Okay .With that being said, do you want him to think about what he might do in that, that situation?*

Moore *Sure.*

Ganz *Okay. What do you think he would do in that situation?*

Smithmatungol *Um, I think I'd contact a supervisor just 'cause I, I, I wouldn't know what to do. Um, but in that case, I would probably have to book to jail to verify fingerprint ID.*

Moore *Okay. So just to confirm if all else methods as far as no physical ID, no match through dispatch, no mobile fingerprint available, you would book at jail so that they could fingerprint and get an ID, correct?*

Smithmatungol *Correct.*

Moore *Plus get supervisor approval. Does that require supervisor approval?*

Smithmatungol *No.*

Moore *You would just ask for advice?*

Smithmatungol *But I would just ask just for advice.*

Moore*. Advice. Perfect.*

Moore *Okay. So in the 200 or 300, um, shoplifting cases, you said you had, uh, plus you've been an officer for three years, every single one of them had, every single suspect had an ID, a physical ID, or you're saying, well, you were able to find a match based on name and date of birth?*

Smithmatungol *I was able to find a match.*

Moore *Do you have access to Cal photo? Are you familiar with that program?*

Smithmatungol *Yes.*

Moore *Okay. Do you use that also?*

Smithmatungol *Yes.*

Moore *Okay. Can you explain how fingerprints are obtained?*

Smithmatungol *Um, either digital on the ticket writer or, uh, ink and paper.*

Moore *Okay. Are there any other ways, uh, we kind of hit on this a little bit, but are there any other ways to obtain fingerprints besides your digital and your ink pad?*

Smithmatungol *That's the only way I've been taught to obtain fingerprints.*

Moore *Except the mobile also, or going to jail and having them do, correct?*

Smithmatungol *Yes.*

Moore *Okay. Is there a way to confirm that digital prints were taken?*

Smithmatungol *Um, I believe on the ticket writer.*

Moore *Okay. And do all ticket writers at Daly City PD have a digital capabilities?*

Smithmatungol *No.*

Moore *No, okay. And so if the ticket writer you had in your possession didn't have those capabilities, what were the other ways available that you said?*

Smithmatungol *Uh, the f uh, the ink and paper or take 'em to jail to get a fingerprint*

Moore *Or the mobile?*

Smithmatungol *Or the mobile.*

Moore *Okay.*

Sherburne *If I could say, I heard you answer the question, yes, on the mobile writer, there is a way to confirm digital fingerprints. What is that confirmation on the digital writer that allows you to confirm that fingerprints were in fact taken?*

Smithmatungol *Sorry, there's no, um, so some ticket writers have the fingerprint attachment at the top where you obtain a fingerprint and that would go on the citation, but it wouldn't confirm name, date, or anything like that. It just shows that you got a fingerprint for that specific citation.*

Sherburne *So are you saying that you physically see an image of a fingerprint?*

Smithmatungol *I, I don't remember, but the, the device itself has a little square tab to put a finger on.*

Sherburne *Okay. Is there a printout that the mobile device writer prints out that prints an image of a fingerprint on it?*

Smithmatungol *I don't remember if it, I, I don't remember if it prints out physically, but it would show up on an external website. If you go back to the PD a click the, the ticket writer website, and it, it, I think it'll show a fingerprint on there.*

Moore *Have you ever looked up a fingerprint that you've taken on the field digitally with your e-ticket writer?*

Smithmatungol *I can't say with full confidence. I don't, I don't remember.*

Moore *Okay. Have you used the digital fingerprint before?*

Smithmatungol *I, I think I have.*

Sherburne *Are, are there, excuse me.*

Moore *Oh, no, you're good.*

Sherburne *Are there required fields on a mobile writer? When you have a, a subject in front of you and there are required fields and optional fields, a required field might be name, date of birth, address, an optional field might be height, weight, uh, you know, like when you're filling out, uh, an Amazon shopping order, there are some things if you click it wrong, you, you didn't put the CCV in for the credit card, it's gonna reject it. Does the mobile writer have something like that?*

Smithmatungol *Uh, the finger, the mobile writer itself has a required field. Um, but for fingerprints, I don't think it's a required field because I've written citations, uh, without the fingerprint.*

Sherburne *If it's not a required field, does it have a check the box? Um, uh, sort of like, I confirm that I'm not affirmatively doing fingerprints. Like, uh, do you understand that question?*

Smithmatungol *I believe I answered the, I understand the question, but I don't, I can't say exactly without looking at the device.*

Sherburne *Okay.*

Moore *Is it important to confirm a subject's identity?*

Smithmatungol *Yes.*

Moore *Why?*

Smithmatungol *Um, you can arrest the wrong person and that would just jeopardize a whole investigation.*

Moore *Okay. So prosecution purposes?*

Smithmatungol *Correct.*

Moore *Okay. Um, and the wrong person ID'd?*

Smithmatungol *Correct.*

Moore *Of your total shoplifting calls of service, approximately how many did you cite and release approximate? You said 200 to 300 calls, of those?*

Ganz *You wanna do a percentage maybe?*

Moore *Sure.*

Ganz *That might be easier.*

Smithmatungol *Maybe eight, depending on what they, 80 to 90% of them.*

Moore *80 to 90 you, uh--*

Smithmatungol *Just, just for shopping itself, besides warrants or anything like that? Maybe 80 to 90% are just cite and release.*

Moore *And how many approximately did you book?*

Smithmatungol *The other 10-20%.*

Moore *20 to 20. 10 to 20, sorry, for 10 to 20, correct?*

Smithmatungol *Yes. Okay. And that's just shoplifting as the sole charge, not warrants or any other thing? Yeah, I believe that's correct.*

Moore *Okay. During your career as a police officer, can you estimate how many calls of service you responded to involving identity theft?*

Smithmatungol *Um, a handful, maybe a couple dozen.*

Moore *And how many, um, have you, uh, how many arrests have you made related to identity theft?*

Smithmatungol *Identity theft or providing false name to a police officer?*

Moore *No, Identity theft.*

Smithmatungol *Not much. Um--*

Moore *Have you made any arrests for an identity theft?*

Smithmatungol *Yes, I've, I've had maybe I, I only recall one specific one. Um, but I don't remember. I don't know for sure how many during my career.*

Moore *But at least one?*

Smithmatungol *Correct.*

Moore *Okay. Less than five?*

Smithmatungol *Maybe around five to 10.*

Moore *Okay.*

Ganz *Can I also ask just a foundational question?*

Moore *Mm-hmm .*

Ganz *So when, approximately when was the last date that you were actually working as a police officer?*

Smithmatungol *Beginning of 2024. Okay. So, or 2025. I'm sorry.*

Ganz *Do you think some of these things were fresher in your memory at that time than they are since everything that's happened?*

Smithmatungol *Correct. That's been about it almost a year.*

Moore *So on June 2nd, 2024, you responded to the target in the Serramonte Center for a detained shoplifter. You cited and released a subject, a person identified as Ms.* [redacted] *Do you recall that?*

Smithmatungol *I recall that call, but I don't that name. Um, I don't exactly remember that name.*

Moore *Did you cite and release a subject?*

Smithmatungol *At Target? Yes.*

Moore *At Target, okay. Was she female?*

Smithmatungol *Yes.*

Moore *Was she pregnant?*

Smithmatungol *I, yes.*

Moore *Or appeared to be?*

Smithmatungol *Appeared to be, yes. Okay.*

Ganz *Do you think, you know what call for service we're talking about?*

Smithmatungol *Yes. Yes, I do.*

Moore *Related to your IA?*

Smithmatungol *Yes.*

Moore *Number one?*

Smithmatungol *Yes.*

Moore *Okay. So please explain how you identified the subject you identified as Ms.* [redacted] *Um, that's according to your report, that name.*

Smithmatungol *So she, this was primarily Spanish speaking. I was able just to ask, uh, license, passport or anything like that, just in Spanish before my second officer who speaks Spanish gets there. Um, she said no for license, no for passport, if I remember. And I just had my partner do all the talking. Um, asked, I asked him if he can get identification or search or, or property. I think he found a, a card with her name on it.*

Moore *What kind of card was that?*

Smithmatungol *I believe it was a debit or credit card.*

Moore *To your knowledge, did she have anything else in her possession with her name on it?*

Smithmatungol *I, no, I did not. I do not remember. Right. I don't.*

Moore *Is that something you would've, information you would've gotten from your partner at the time?*

Smithmatungol *At the time I had him do most of the talking because I don't, I don't speak Spanish, and so I would've ask him for all the standard practice. We go there, we get the name and all that items, and so I had, I had my partner do most of the talking.*

Moore *Okay. So the name that was written on the citation, uh, I, did you write it in there or did your partner?*

Smithmatungol *I wrote it in there and I think he provided me that card with that name on there.*

Moore *Like his FI card or the one that you got from a debit card?*

Smithmatungol *I don't remember if it's FI card or a debit card, but it's, it's one or the other.*

Moore *Either way, the name was obtained from this female subject?*

Smithmatungol *From the female subject.*

Moore *Okay. Verbally and then possibly by a debit card?*

Smithmatungol *Correct.*

Moore *Okay. Did she have a California ID or license?*

Smithmatungol *She did not.*

Moore *And how did you find out that she did not?*

Smithmatungol *Um, I asked her if she had any license or identification. She said no, and I believe my partner asked her if he, if she asked or if she had any in Spanish for better clarification, I believe she said no.*

Moore *And did you and/or Officer Rodriguez request dispatch to run her name and date of birth that she provided?*

Smithmatungol *I, one of us ran her name out over the, in the air, I believe.*

Moore *And what was the purpose of this?*

Smithmatungol *Just to put it in the system, in the CAD call for the future reference if I need to go back to it, or, uh, if they can find the name or a match on the name.*

Moore *A matching, um, name, which would be indicative of an ID, California ID or DL. Is that correct?*

Smithmatungol *Correct, yes.*

Moore *Okay. What was the result of this request?*

Smithmatungol *I believe there was no match.*

Moore *Did she have an out-of-state identification card or license?*

Smithmatungol *Not that I saw.*

Moore *Did you request dispatch to run her by name or date of birth out of state?*

Smithmatungol *I do not recall specifically asking for out-of-state.*

Moore *Uh, I think you said this already, but let me just confirm. Does dispatch your dispatch at Daly City PD have the capabilities of running an out-of-state DL or ID?*

Smithmatungol *Yes.*

Moore *Okay. So in the report, um, that you have for the shoplifter, there was a out-of-state ID number written in North Carolina. Would that be indicative of running it over the air or running it through dispatch to obtain that?*

Smithmatungol *I, yes, because I, I, there's no possibility without me going on the computer to get that number because my computer's in my patrol car outside. And so that either came from my partner or dispatch.*

Moore *Okay. But you don't remember seeing a physical ID card, so it would've been over the air?*

Smithmatungol *Correct.*

Moore *Okay. After being told by Officer Rodriguez that the suspect had no id, you stated, I'm gonna book her, then what did that mean?*

Smithmatungol *Um, that was just my first impression that I, there's nothing else I can do. I I should just book her.*

Moore *Why? You said there's nothing else I can do.*

Smithmatungol *Uh, as in there's no, uh, to my knowledge, there's no other way of IDing her, um, at that time. So I said, uh, I'm just gonna book her.*

Moore *Is that because when you ran her over the air by name and date of birth, there was no match in California ID or DL?*

Smithmatungol *Correct.*

Moore *Okay. Did you inquire the, for a mobile fingerprinting system?*

Smithmatungol *I did not.*

Moore *Okay. So if I'm understanding this correctly, you weren't able to identify her, so at that time, you planned on booking her?*

Smithmatungol *Correct.*

Moore *During, uh, conversation with Officer Rodriguez, at the time he's filling in the electronic ticket writer, you stated we're short, I'm just going to cite her. What did that mean?*

Smithmatungol *Um, I think I looked at the, the, our, our phone has the ability to look at RIMS to see what other officers are doing. Um, I believe most of the officers were busy doing something else, and that was the start of shift and Serramonte, is the biggest, it was one of the biggest busiest beats according to just people coming in wise. And so, um, I had, I, I was thinking about beat integrity saying, I, I am not gonna take this person to jail because I, if I'm going to jail and all these calls are coming in, I just didn't want my partners to take more paper for me. I just, I just thought that my beat, my responsibility.*

Moore *So. And the last question, you just said you were going to book her and then here you said you're going to cite her. Was there any other reasons besides the amount of officers and their, uh, availability that made you decide to go from citing and release to booking?*

Smithmatungol *Not that I remember. I think I just--*

Moore *I'm sorry, I said backwards from booking to citing and releasing.*

Smithmatungol *Not that I remember. I just thought about beat integrity and that was my main concern.*

Moore *Was there anything else in your decision process for citing and releasing the subject that day?*

Smithmatungol *No, I just, I made a bad judgment call on that, on, on that, on that cite and release.*

Moore *Why do you feel it was a bad judgement call?*

Smithmatungol *Um, after, I mean, after I looked at the call and how I handled it, it wasn't the appropriate way of handling it, and I just didn't take responsibility and I messed up.*

Moore *What would've been the appropriate way to handle it?*

Smithmatungol *Take her to jail and do the right thing.*

Ganz *Okay. Just why was it the wrong thing? Like just go into more now, like why do you feel that way?*

Smithmatungol *I, I, I just felt that she, so she was pregnant. I saw that she was pregnant. What she stole was, um, household items, food, and maybe some decor, not, not the consistent, um, shoplifters that we tend to see, which steel buckets and buckets of tide pods, for example, to sell on the streets. So I kind of also felt consciously bad that she's very, she's very, uh, physically looked like she's pregnant. And so I just didn't think she was a, a habitual shoplifter. Target security is usually very, uh, knowledgeable about who's a frequent, who's not. And they didn't tell me this is, she's been in here multiple times. And I just kind of played that into effect and I, I, I, I felt bad for her. Um, and so that's, that's why I cited and released her, but the right thing would've been take her to jail and go through the process.*

Moore *So the question right before this, I asked, can you please explain your decision process for citing and releasing it? And you indicated that it was just because of beat accountability. Um, so let me ask that question again. Uh, so with what you've brought forward, correct. Now it's a humanistic approach, so there's two reasons. Is there any other reasons why, besides the humanity approach as far as the subject and a beat accountability? Any other reasons?*

Smithmatungol *For that, I believe there was another shoplifter at the same time while I was dealing with this one who was more aggressive verbally, um, verbally aggressive towards security as well as just, I was shocked that he'd steal with the police car parked right out front, inside or outside. And so I think I was just juggling her plus him. Um, and so I, I I might have gotten kind of jumbled. Um, but I, I think that's it. I'm trying to recall it. Sorry.*

Moore *Okay. Uh, we'll get into a little more detail about the second shoplifter, but before we get there, did you and Officer Rodriguez have a discussion about fingerprinting her, fingerprinting her at any time?*

Smithmatungol *I,I don't think so. I don't remember.*

Moore *How about after this incident, did you have any discussions with him after everything's said and done at any point between then and now regarding fingerprinting? For example, if after your IA you're like, oh, did we fingerprint? Maybe, maybe not. At any point did you have a conversation with Officer Rodriguez regarding fingerprinting?*

Smithmatungol *I, I think I did. I, or I think that day I asked him if I gave him a citation with the fingerprint, and I think that's all I asked him for.*

Moore *When was that conversation?*

Smithmatungol *I think that same day.*

Moore *So after shift before shift in the middle of shift*

Smithmatungol *In the middle of the shift.*

Moore *Uh, had you already concluded that scene?*

Smithmatungol *Yes. That was already done. I think this was hours after, hours later. Um, I was confront, I was approached by my sergeant about the case, and I, I, I asked him if I gave him a citation with a fingerprint. And--*

Moore *What did he say?*

Smithmatungol *He said, he'll look, but he doesn't remember.*

Moore *He didn't remember. What obligation did Officer Rodriguez have in regards to obtaining a fingerprint?*

Smithmatungol *None. It's, it was my responsibility. It's my call, my case. I'm primary. It's, it's my, it, I, I'm my, I'm, it's my investigation. He was just there as a cover.*

Moore *Okay. Was there another shoplifter in the store at the same time you were dealing with this first subject?*

Smithmatungol *Yes.*

Moore *Can you tell me a little more about that interaction?*

Smithmatungol *Um, it was a male who was actively shoplifting. I was notified by target personnel. Um, I was, I think I was watching it on camera in the same security office where the female was sitting. Um, he was actively placing stuff in a basket, um, about to walk out the front doors of where we were, uh, in where the office is 'cause the office is in the vestibule between the outside doors of the inside doors. And so he was, he was gonna walk past the door that we were in. And so I confronted him inside the store right at the front, um, display case. I told him, hey, put the basket down, go outside and did the investigation out there. And then I thought he dropped all the items. Um, but it turns out he had items in his pants or in his shirt or somewhere in there. And so, um, I didn't arrest him for, or cite him for shoplifting because I told him to leave the premises. And so I legally, I, I, that was my decision. I can't, I told him to shoplift technically. Um, and so I didn't do that. He was verbally aggressive. Uh, so I had to try to get in control of him while I think Officer Rodriguez was in the, the security office with the female . And so I was dealing with him by myself, um, verbally aggressive. I don't know what he was gonna do until I believe I placed him in handcuffs and then ended up doing a, a search. I don't remember if it was incident to arrest or consensual and found, um, narcotic substance on him, which I cited and released him for.*

Moore *How did you identify him?*

Smithmatungol *I believe it was by name and I ran it over the air and it came back as a match. And I think I confirmed it through e excuse me, either CalPhoto or our, uh, internal system.*

Moore *And you said, uh, he was cited and released, correct?*

Smithmatungol *Correct.*

Moore *Was there a difference between the way the first shoplifter was identified and the second?*

Smithmatungol *Yes.*

Moore *Can you please explain?*

Smithmatungol *Um, the first one, she wasn't identified. She, I got the name, no match of the name, no card, no nothing to show that she had identity. And so--*

Moore *As opposed to the second?*

Smithmatungol *The second one had a match that I confirmed it was a match.*

Moore *Through dispatch, ID, and in CalPhoto?*

Smithmatungol *Uh, dispatch and then CalPhoto.*

Moore *Did you obtain a fingerprint of the female suspect you cited and released on June 2nd, 2024, at the Target in the Serramonte Center?*

Smithmatungol *I did not.*

Moore *How do, how do you know that the person you cited, as written on your citation, Ms. [redacted] was who she claimed to be?*

Smithmatungol *I don't.*

Ganz *Can I follow up on that one?*

Moore *Yeah.*

Ganz *Um, was there anything that led you to feel somewhat confident or did you really, as you sit here right now, there was really no--*

Smithmatungol *There's really no. She, she gave us an address, um, in a different state and that that was pretty much it.*

Ganz *Okay. Thank you.*

Smithmatungol *I don't have anything else.*

Moore *Please explain why, when questioned by your field supervisor, Sergeant Karen Douglas, both on the night of the incident and on June 8th, 2024, you stated you had obtained a fingerprint from the female suspect.*

Smithmatungol *Um, I panicked. I, I have no excuses for what I did. I just, I just panicked. I, that was my first time kind of getting in trouble doing something wrong, and I didn't take accountability for myself. And I have no excuse for that one.*

Moore *Please explain why questioned by IA Sergeant Matthew Ciucci, during your IA interview on January 31st, 2025, you stated you obtained the suspect's fingerprint.*

Smithmatungol *Um, I, like I said, I have no excuse. I was going through some personal things then, and I, I have no reason.*

Moore *On January 31st, 2025, during your IA interview with Sergeant Ciucci, you related that you reviewed your BWC of the event prior to your interview. Did you in fact review your BWC prior to your IA interview?*

Smithmatungol *Yes.*

Moore *When did you review it?*

Smithmatungol *20 minutes before my IA.*

Moore *20 minutes before. Okay. Was that the only time you reviewed it or had you reviewed it previously?*

Smithmatungol *I believe I reviewed it previously, and I don't remember when the date was at.*

Moore *Can you give me approximate when and where you reviewed it before the IA? Besides the one right before the IA, would it been like weeks before? Would it been that same day of the incident? Do you remember at all?*

Smithmatungol *I, I don't remember at all.*

Moore *Was it multiple times?*

Smithmatungol *I believe so. Um, I don't remember when I got my notice that had an IA, but I think from the time I got the notice of the IA to the IA interview, I think I watched it once or twice. But I, I, I don't know an exact number.*

Moore *Okay. So once or twice after your notice. How about before your notice? Did you review it at all?*

Smithmatungol *No, I don't think so.*

Moore *Was there any--*

Sherburne *I'm sorry. When did you get the notice? Was it contemporaneous with being placed on admin leave or was you placed on a, where were you placed on admin leave and some other later time you got notice of the IA?*

Smithmatungol *I think I received a notice of an interview in January, and then I got into a pursuit collision in February, which placed me on IA. On admin. On admin, sorry.*

Sherburne *Okay. And the notice of the interview was the first time that you also got notice of the investigation?*

Smithmatungol *Correct.*

Moore *Was anyone with you when you were reviewing your BWC?*

Smithmatungol *My, uh, attorney from RLS last time.*

Moore *After reviewing it, did you have any concerns?*

Smithmatungol *Uh, concerns, meaning?*

Moore *Regarding the actions you took?*

Smithmatungol *I saw that I messed up and that's pretty much it.*

Moore *So you saw that you had messed up? How?*

Smithmatungol *I saw the way I handled it. Um, and after being on admin, or sorry, sorry, my dates are a little troubled right now. My admin was January 31st.*

Ganz *You said earlier, not to put words in your mouth, but you said earlier there was some pursuit that happened. That's, that's what triggered your admin leave or are you not sure about that?*

Smithmatungol *My pursuit, I was placed on admin end of February, um, because of a pursuit collision. And I think I got the notice of IA somewhere in January. So January to February.*

Moore *The IA interview was the 31st of January, if that helps out.*

Ganz *Do you remember if you were on admin leave at the time of your IA interview or have you not been yet?*

Smithmatungol *I wasn't on admin leave during the interview.*

Ganz *Okay. So I don't even remember the question. Sorry.*

Moore*. It's your follow up. [laughter]*

Ganz *It is my follow up. [laughter]*

Smithmatungol *Sorry, I'm just trying to get my dates--*

Ganz *[laughter] We're all here to take responsibility for our actions.*

Moore *Uh, okay. So after reviewing it, let's say before your IA, did you have any concerns about the fact that you didn't ID the subject?*

Smithmatungol *Um, yeah, because I looked at, um, our policy regarding, um, what to do for a person who didn't have ID and it was book, book in jail and that's what I didn't do.*

Moore *Okay. So you had knowledge of it going into your IA?*

Smithmatungol *Yes.*

Moore *But still when questioned you decided to not be forthcoming with that information?*

Smithmatungol *Correct.*

Moore *Okay. Uh, I think we already asked this, but I'm gonna ask it again. So why did you state then during your IA to obtain the fingerprint when you had not?*

Smithmatungol *I don't have any excuses. Um, that that was my first kind of disciplining and as well as some things back at home and, or some things happening at home and I just wasn't in the right mindset and I didn't take responsibility for my actions.*

Moore *Would you like to elaborate about what you're indicating as far as things at home?*

Smithmatungol *Um, prior to all this happening, in May,* [redacted]

Moore *I'm sorry to hear that.*

Smithmatungol *It's okay. Thank you. And so I think just that whole end of or middle to end of year was just not great. And so, like I said, I, I understand that officers have to keep their personal and work lives separate, but it was, it was just hard for me.*

Moore *Understood.*

Smithmatungol *And I can't use that as excuse for what I did.*

Moore *By stating during your IA that you had obtained a fingerprint when you had not, were you dishonest?*

Smithmatungol *Yes.*

Moore *Did you read the completed internal affairs investigation number 24-04, including the findings and recommendations?*

Smithmatungol *Yes.*

Moore *Please share your thoughts, feelings, or concerns after reading it.*

Smithmatungol *Um, I, it's appropriate and I messed up. I didn't take accountability and I don't deserve to be a department that would have your back if you can't even do the right thing. And so whatever they did was appropriate and that's why I didn't fight it during the Skelly. I just wanted to take it head on.*

Moore *Is there any evidence you have to refute the findings of dishonesty?*

Smithmatungol *No.*

Moore *It's now been a year since your IA interview. Thinking back now, is there anything you would've done or said differently during your IA?*

Smithmatungol *Yeah, I would've told him everything that happened and the truth. That's it, plain and simple.*

Moore *I'm gonna move on to IA, the second IA. In June, 2024, how far away was your residence from the Daly City PD office?*

Smithmatungol *Seven minutes.*

Moore *Okay. Typically, how'd you get to work each day?*

Smithmatungol *Just drive.*

Moore *Do you ever carpool?*

Smithmatungol *No.*

Moore *Okay. On June 20th, 2024, you were scheduled to attend a training at 0700 hours at the Daly City PD. Can you please describe your actions prior to arriving to work on June 20th, 2024?*

Smithmatungol *Um, I remember coming to work. Um.*

Moore *So I wanna know prior to coming to work.*

Smithmatungol *Sorry. Um, I think I worked the night before and I, I just woke up. Um, every time I wake up I check my emails, um, saw I had things to do regarding evidence wise and I, I woke up and I think I woke up late. And so I, I, I just rushed to work.*

Moore *Uh, what time do you think you woke up?*

Smithmatungol *6:55 maybe 7, I say 7:10.*

Moore *And did you respond from your residence?*

Smithmatungol *Yes.*

Moore *Did you go straight to work or did you make any stops?*

Smithmatungol *I went straight to work.*

Moore *Anything unusual occur that morning?*

Smithmatungol *No.*

Moore *How about the fact that you said you woke up late. What time were you intending on waking up?*

Smithmatungol *6:20, 6:15. I usually get to work maybe 30 minutes early just to get ready.*

Moore *So this was an unusual occurrence to wake up late?*

Smithmatungol *Yes.*

Moore *Okay. During your IA interview, you admitted you arrived late to work when you arrived at approximately 730 hours instead of the required 0700 hour start. From 07 to 0730 hours, what were you physically doing?*

Smithmatungol *Getting outta bed, throwing on clothes and getting on the, getting out of the car or getting outta the house to go to work.*

Moore *Okay. And you said you did not make any stops that morning, right?*

Smithmatungol *No.*

Moore *Okay. Besides just being late, can you explain if you have any other reasonings for arriving at work at 0730 instead of 0700?*

Smithmatungol *No, I think I was just exhausted from working, uh, over, uh, the retail theft shift the night before.*

Moore *Was that overtime?*

Smithmatungol *It was overtime and I think I got out at maybe midnight. Around that time. I'm not a hundred percent sure. But it was late.*

Moore *Later than normal?*

Smithmatungol *Correct, because I, I don't work day shift.*

Moore *Normally would modifying a work schedule require approval from a sergeant?*

Smithmatungol *Yes.*

Moore *Okay. Did you notify anyone you'd be driving at work at 7:30 instead of 07?*

Smithmatungol *I did not.*

Moore *Why not?*

Smithmatungol *Um, at that time, I've, I've never been late in my career and so I just didn't ever, I didn't think of doing it 'cause I was just get to work, get to work, get to work.*

Moore *Did it have anything to do with the fact that you were just in a training day and not on patrol?*

Smithmatungol *No, I, I usually always come to work early. I've always come to work early and, uh, it was just a different routine for me.*

Moore *If you were working patrol and you were 30 minutes late, would you have notified someone?*

Smithmatungol *I, I believe I would, yeah.*

Moore *Did you get compensated for the whole workday despite not being at work until 7:30?*

Smithmatungol *I believe I did.*

Moore *And can you explain your actions upon your arrival at work from 0730 until you entered the training room at approximately 0740-45 hours?*

Smithmatungol *I came through the doors from the, into the PD. Um, walking past evidence I saw, I don't, I don't know if I saw the lights 'cause I had property to fix and so I didn't know if my property technician was there. So I just took a quick glance, kept walking, went through the doors changed, and, uh, went up, went up to the training room.*

Moore *Did you have to change in the locker room?*

Smithmatungol *Yes.*

Moore *Okay. During your IA interview with Sergeant Ciucci, when Sergeant Ciucci asked you, did you provide your sergeant's a reason for being late to entering the training room, you stated, yes, I told them I was working, I was going to do evidence. I think I told the sergeants, I said with Rose, but I meant for Rose, okay, it's just a slip up in words. What did you mean by that?*

Smithmatungol *So I, we, we have, we get emails about property that we have to fix, and I believe that day was a weekday. So my case was going to the DA's office and the physical property had to be fixed to get, to get sent. And so it wasn't, uh, go on the computer fix it was, I have to go to the property room and either sign or, or repackage a physical piece of, I think it was a pipe at that time, um, to repackage that. And so I was, I was gonna go do it, but I, I just went up to the training room instead.*

Moore *Why did you make the distinction between with and for?*

Smithmatungol *Uh, with would be, I mean with, and for I kind of used interchangeably. I got the email from Rose. Um, I was gonna do it for Rose 'cause I got the email or with Rose or the other permanent, or the technician who was there to the evidence technician to do, to do property. So I I I have no further explanation on why you used with or for.*

Moore *Were you in fact handling evidence for Rose?*

Smithmatungol *No.*

Moore *You sent Rose a text message at 0807 hours stating, if Karen or Jerel asks, can you please let them know I was handling evidence.com with you. What does the statement mean?*

Smithmatungol *Um, during that training day, I was gonna go down and, um, go do evidence with her, but I didn't know she was there, so I just sent her the text and I was gonna go down later to fix the property, but she ended not being there.*

Moore *What timeframe does it refer to?*

Smithmatungol *Probably that morning. I, I wanted to do it ASAP 'cause um, it had to be sent down to the DA.*

Moore *And what does handling evidence.com mean or refer to?*

Smithmatungol *Um, if evidence.com would be, um, going to a computer terminal and going to the Axon Evidence website to fix either labeling or, um, a title of evidence.*

Moore *Okay. Did you handle anything evidence related with Rose prior to 0807 hours on June 20th, 2024?*

Smithmatungol *No, she wasn't there.*

Moore *So why did you send her the text if you had not actually been handing evidence with her?*

Smithmatungol *I no excuse. I mean, I was, I texted her 'cause uh, I was gonna go do it with her. She ended up not being there.*

Moore *So was the se was the text you sent at 8:07 was any part of it not truthful?*

Smithmatungol *Yeah, I didn't do it with Rose*

Moore *Then why would you send her that text?*

Smithmatungol *I dunno. I I don't know why I did it.*

Moore *Was it to create an alibi?*

Smithmatungol *No, I--*

Moore *Should the sergeant ask?*

Smithmatungol *When I, when the sergeant asked me why I was late, I told her I came late. Um, but I was gonna, I was gonna do property with the Rose, but I ended up not doing it.*

Moore *So there's a difference of asking Rose, hey, I need to do property with you later. But that's not the text. The text in fact says, if a sergeant asks you, let them know I was handling evidence. So was is past tense, meaning we did it already. So, is there a reason, is that statement truthful in the fact that you're asking her to tell a sergeant that you were doing evidence with her, meaning prior to past tense, rather than can you let him know we're gonna do evidence later?*

Smithmatungol *I, it was untruthful.*

Moore *It was untruthful?*

Smithmatungol *. It was untruthful. Untruthful.*

Moore *But why?*

Smithmatungol *I really don't have an explanation. I it wasn't to create an alibi whatsoever. Um, I really don't know.*

Moore *Was it so that she would cover for you?*

Smithmatungol *No, God no.*

Moore *Did you ask her to lie for you?*

Smithmatungol *I didn't specifically say, hey, uh, cover for me, I'm coming in late, but that's what the text appears to indicate, then uh, you know, sure.*

Moore *I I don't want you to admit to something that you don't believe in. So you're saying if that's how it appears. You stated that it's not true, correct? That you didn't do evidence, evidence with her that morning?*

Smithmatungol *It's correct. I didn't do evidence with her. My text to her was from, was not to create an alibi or, or, or for me to come, or a reason for me to come late. I needed to do property with her. Um, and it was a physical property that I couldn't do at a computer. And so I think it was just a heads up 'cause I was gonna step out from the training office and they, that might raise questions. I, I think that's what I did it for. I, I, I can't say for certain.*

Moore *So you admitted that it's not a truthful statement of doing evidence with her, right?*

Smithmatungol *Correct.*

Moore *Okay. Did you tell her that statement or ask that statement to conceal the fact that you arrived at work at 7:30 instead of 07?*

Smithmatungol *Not to conceal the fact that.*

Moore *You're saying you didn't ask her to lie, but that the statement, in fact is a lie.*

Smithmatungol *It's been, I I didn't ask her to lie for me or just to cover for me whatsoever. I texted her because I wanted to do evidence with her, and then it was gonna require me to step out at some point*

to, of the, the training room. And so I think that was just a, if they asked I was gonna do a, a property with her, I, I think that's why.

Moore *But it doesn't say, if they ask, tell 'em I'm gonna do property with you. It says, tell 'em that I was handling evidence with you. Do you see the difference in past tense versus future?*

Smithmatungol *Correct.*

Moore *So did you purposely use past tense and ask her to tell a sergeant that you in fact, were doing evidence with her when you had not been doing evidence with her?*

Smithmatungol *I didn't do it on purpose.*

Moore *So you didn't do it on purpose, but in fact you did it.*

Smithmatungol *I did it. I*

Moore *Did it and it was untruthful?*

Smithmatungol *It was untruthful. But my intention for not for her to cover for me. I don't want Rose to get in trouble. I, I, I did it, but it wasn't, I, it was just, I, I made a mistake. I I doing the text and.*

Moore *So did you ask Rose to do, to say you were doing something you weren't?*

Smithmatungol *I did.*

Moore *During your IA interview with Sergeant Ciucci, uh, I'm sorry. During your interview, Sergeant Ciucci asked, in essence, in hindsight, looking back at it now, is there anything you would've done differently or anything you would change and you responded, just tell the sergeant. What did you mean by this?*

Smithmatungol *Tell the Sergeant I was gonna be late and, um, I, I mean, I needed to do evidence anyways, but I would've not told Rose to make it seem like I'm, she's trying to cover for me. But I just would've told her, hey, I have to, I have to do evidence with you.*

Moore *And why would you tell the sergeant that you were just gonna be late? Why would you change that?*

Smithmatungol *Uh, thinking about it, if, if I'm coming in late, then I have to tell someone coming in late.*

Moore *During your IA interview, Sergeant Ciucci asked you, so in in hindsight, if you could, do you think that your definition probably was a little lackluster, the reasoning that you gave was probably more that you could have given, there's probably more that you could have given, and you stated There's more I could have given, followed by, I should have given and yeah. I mean, they asked me one question why I was late. I told 'em I was handling evidence, I should have taken responsibility and told them, yeah, I came in a little bit later. Why didn't you take responsibility and tell them you came in late?*

Smithmatungol *I, I told my sergeant I did come in late.*

Moore *Uh, why did you not take responsibility and tell them the reasons, all reasons why you were late?*

Smithmatungol *Of waking up late? I, I, I don't have a, a reason to say anything. Um, sorry, I don't, how do I say this? Sorry. I don't know why I didn't, I, I mean, I should have told them, but I, I didn't.*

Moore *Can you explain, um, the actions, your actions the rest of the day? After this incident, at about eight o'clock in the morning.*

Smithmatungol *After the incident, I stayed in the training room, um, and did my portion of the instruction and then after that, I, I think Rose told me that she was coming back at around nine or nine 30, around that time and so I went down at our break at I think 10 or 11 and did the property.*

Moore *And then what time did you conclude your day and return home?*

Smithmatungol *Maybe at 11:00 PM that night 'cause I worked another overtime shift for retail theft.*

Moore *Okay. Did you read the completed internal affairs investigation 24-06, including the findings and recommendations?*

Smithmatungol *I did.*

Moore *Please share your thoughts, feelings, or concerns after reading it.*

Smithmatungol *Um, I, I have no excuse. I, I, I messed up. I, it what I said in the text appeared to be untruthful and misleading and I I have no excuse. I was, I was being untruthful.*

Moore *After reading it, please explain whether you agree with the sustained finding of dishonesty or not.*

Smithmatungol *I agree.*

Moore *Is there any evidence you have to refute the finding of dishonesty?*

Smithmatungol *None. None whatsoever.*

Moore *It's now been a year since your IA interview, thinking back now, is there anything you would've done or said differently during your IA interview?*

Smithmatungol *Uh, I mean, during the IA interview, no, but to my sergeant, um, when she approached me, tell her I woke up late and I came late and I regret sending that text to Rose. My intentions were not to get her in trouble whatsoever, what whatsoever. Um, I just made a bad judgment call.*

Moore *I'd like to ask for your telephone records for your personal cell phone for June 20th, 2024. Will you be willing to obtain those and provide them to us?*

Smithmatungol *Yeah, if I can get it.*

Moore *Okay. You can email 'em if you'd like.*

Smithmatungol *Okay.*

Moore *Okay. Um, we have, we're making good progress, but it's been about an hour and 15 or so. Do you guys want to take a break or do you wanna keep going?*

Ganz *It, it's totally up to you. I did have, I think, while there's somewhat in my mind, just a couple follow up questions.*

Moore *Okay.*

Ganz *So maybe after that you let us know if you want a break or you also, if you want a break?*

Moore *Do you need a break?*

Sherburne *Well, so before you get, I think you have part three?*

Moore *We still have part three.*

Sherburne *So maybe, uh, the follow up questions pertain to questions already asked.*

Ganz*. Yeah. To one and two.*

Sherburne *So yeah. Suggestion, why not ask those questions? Then we take a break. Okay. Quick break and then*

Moore *Sure.*

Ganz *Okay. So just on the one on number two that we're just talking about mm-hmm . I just want, so I understand, um, kind of like a little bit of the confusion. So I just want to give you the opportunity. Obviously you're coming in here and acknowledging some things that you haven't acknowledged before, right? In terms of, compared to the IA interviews.*

Smithmatungol *Correct.*

Ganz *Okay. So I just wanna make sure, and, and like Ms. Moore said, she doesn't want you to say things that aren't true just because we're in that spirit, but at the same time, if you messed up, so I just think we need clarification. So at the time that you sent this text message, um, was your intention to do evidence with her or were you never gonna do that?*

Smithmatungol *My intentions were to do evidence with her, um, because it was due that day. It was due to sent to the DA's office. I tried to do it as soon as possible, but she wasn't there.*

Ganz *Okay. So when you sent the message, there is a distinction between being intentionally deceptive or untruthful and being inaccurate, getting something wrong. And again, we're trying to lay it all out on the table. So, were you, when you wrote that, did you know that you weren't gonna be doing it or did you think that you were gonna be doing it?*

Smithmatungol *I thought I was gonna be doing it. Um, 'cause she's, she's usually there at six in the morning. Um, 'cause when I get off night shift, she's usually there early for us to finish whatever before we go home. Okay. And so, my intentions were to do it with her, but she wasn't there. She was in a meeting or doing something else. So it kind of was not her usual schedule.*

Ganz *Okay. So then in terms of like whether or not you were trying to get her to lie, at the time that you asked her to do that, did you think it was going to be true? It was just, it didn't happen yet?*

Smithmatungol *Correct. Yeah.*

Ganz *Okay. So is is that, I mean, is that what happened here? Is that you thought something would happen, you were anticipating it and then it didn't turn out happening?*

Smithmatungol *Yeah.*

Ganz *Okay. Do you think you should have corrected that at some point?*

Smithmatungol *I should have corrected that. Um, I don't know. She didn't reply to me. I think until that she was out of office until a certain time. So I couldn't tell my sergeant, oh, never mind, she's not here, I can't do it yet.*

Ganz *Okay.*

Smithmatungol *Um, but that I was, yeah, my intentions were to do it with her, but it didn't happen yet. And--*

Ganz *Okay. Would you agree that if that were all the case, that you should have let, like, send a follow up text at least to say like, hey, you know, I know we didn't end up doing that, so obviously I don't want you to say anything that's not true. Like, did you think, did that cross your mind at all?*

Smithmatungol *I, I don't remember. I think she replied, uh, for sure to my text. And so, and then after that she said she'll be back at nine to, at the station at nine, and that's when I can do it.*

Ganz *Can do what?*

Smithmatungol *The, help me with the property.*

Ganz *Okay. What about the part about telling a sergeant that you were doing it with her? Did you ever think to correct that, what ended up not being accurate?*

Smithmatungol *I, at that time, I, I don't remember my, I, I should have, but I don't think I did.*

Ganz *Okay. And then just in terms of the first one, so you said that you at some point reviewed BWC I think multiple times, but like also a little bit before your interview, correct?*

Smithmatungol *Yes.*

Ganz *And was that the only time you reviewed it with your attorney?*

Smithmatungol *Yes.*

Ganz *Okay. Did you feel like, and this is a very delicate area, but did you feel like you were prepared well for that interview by your attorney?*

Smithmatungol *Not really.*

Ganz *Okay. Um, and either way, do you accept responsibility for the things that you said?*

Smithmatungol *I do, I do whatsoever. I, I accept full responsibility, but, um, that was my first kind of IA going through the whole process, so I didn't really know what to do. Um, and I wasn't really prepared for what was happening.*

Ganz *Okay. Those are all my questions I have.*

Sherburne *Um, if, if, if I, do you mind. Um, so early on you said that you cited and released about 80 to 90% of the shoplifters that you had come in contact with. Of that 80 to 90%, what percent did you obtain fingerprints for?*

Smithmatungol *None. Uh, if I, I don't think I did for any of them. Um, if we cited and released, that means we had an ID.*

Sherburne *Okay.*

Smithmatungol *Um, but I, yeah, none, it, it was rare for me to get a fingerprint.*

Sherburne *So at that night when Officer Rodriguez was helping you with that shoplifter, there was a second shoplifter and, uh, [redacted], I think was the subject's name, that was the first time or one of the only times that you had ever had to potentially obtain a fingerprint?*

Smithmatungol *I think that was one of the very first, or one of the few first times. It's, it's less than double digits that I've ever gone a fingerprint.*

Sherburne *Okay.*

Moore *Is that because you would normally take them to jail?*

Smithmatungol *No, I've never, so, I, I don't think I've came to an instance where they had no, ID, no anything, no way of getting a ID whatsoever. And so, I think this was my first time ever experiencing that. And I, I messed up and I should asked for help from a sergeant. And I mean, that was learning*

experience. Ever since that instance, anytime I had any questions about investigation, I called the sergeant every single time.

Sherburne *Because these are follow up questions. This next one is not going to pertain to that.*

Smithmatungol *Correct.*

Sherburne *It's gonna feel like we're jumping around. So, I'm sorry. There was a, not a true Skelly hearing, but there was a Skelly like presentation that you and your lawyer had, um, uh, uh, given, correct. Uh, what did you say? You referenced that during the Skelly, you said that I, I I recall you saying something to the effect that you accepted responsibility and, and therefore moved on. What, what exactly was the defense or the presentation?*

Smithmatungol *There was no defense or presentation. I, I, I think I spoke to my lawyer, I think a week prior to the Skelly. She, I believe she asked me what did I want to do and, um, I said is, I mean, I, I have no excuse or anything to say to about the actions I did. And so I asked, is it possibility to resign and she said she can, she can try to make that happen. And so I went to the Skelly interview with the chief attorney and I think city manager. I just told him, uh, just, I mean, thank you for choosing me to be a police officer and I'm sorry, I disappointed the, the city and the department. And, uh, what I did, I take full responsibility of it's, it's not me. It's, um, that's not who I am as a person. And so I, I asked to resign. And--*

Sherburne *Was there a memorandum or a brief that your attorney wrote and gave to the city on your behalf?*

Smithmatungol *Nothing.*

Sherburne *Like some sort of letter?*

Smithmatungol *Nothing.*

Moore *Did you read a statement?*

Smithmatungol *I wrote a statement.*

Sherburne *Oh, you wrote?*

Smithmatungol *I wrote, I wrote, I wrote a, I think a paragraph statement, just a thank the city, thank for the department for what they've done for me. And, and it was like a five minute meeting. Okay.*

Sherburne *Who was the lawyer at that time?*

Smithmatungol *Uh, Julia Fox.*

Sherburne *With RLS?*

Smithmatungol *Correct.*

Sherburne *Okay. And do you have a copy of that? Uh, like a written out copy digital file?*

Smithmatungol *I think it's on my Google Doc.*

Sherburne *Would would you be able to provide that to Ms. Moore?*

Smithmatungol *Yes.*

Sherburne *If you could look for it. And during the Skelly presentation, um, was any part of that, um, um, the issues* [redacted]*?*

Smithmatungol *No.*

Sherburne *Did your department know at any time that, that [redacted]?*

Smithmatungol *Um, during the middle of the, I mean the academy was keep your, keep your professional and your work life separate. I mean, that's kind of thing, that's what I tried to do. Um, so that's what I did for the middle of the year [redacted]. And so I asked for time off, it got approved. Um, my lieutenant called me or texted me and said, everything's okay or if everything's okay with my family 'cause I put family emergency. Um, and I, I think just my lieutenant knew and I think the next shift I came in, um, my sergeants just said, I'm sorry that happened. And that's it.*

Sherburne *Did you feel comfortable talking to friends at work about what was going on?*

Smithmatungol *Uh, not really. 'Cause stuff like this kind of never happened before.*

Sherburne *That's pretty personal too. Yeah. Um, uh, I have a final question. I'm sorry. Um, I want to frame it correctly. [redacted]*

Smithmatungol [redacted].

Moore *You want to go on break?*

Sherburne *Okay. Yeah. If it's good now we can go on a break.*

Moore *What time is that? Uh, the time is 1334 hours. And we're gonna go ahead and go on break. Stop the recording now.*

Moore *Okay. And we are back from break and the time is 1343 hours. Uh, Mr. Smithmatungol, during the break and myself or investigator, uh, Sherburne, um, discuss anything related to the case with you?*

Smithmatungol *No.*

Moore *Please explain how you typically serve a subpoena.*

Smithmatungol *Um, I would take the subpoena, walk to the door, knock on the door, if there's no answer, put uh, write no answer on the slip. If there's an answer, serve the subpoena.*

Moore *Okay. And do you typically knock and ring the doorbell or one or the other or does it vary?*

Smithmatungol *One or the other.*

Moore *But not both?*

Smithmatungol *Not all the time.*

Moore *Not all the time. Okay. And, um, after knocking or ringing, how long do you usually wait before leaving if there's no answer?*

Smithmatungol *30 seconds to a minute.*

Moore *Do you time it or you just kind of guesstimate?*

Smithmatungol *Just guesstimate.*

Moore *And then how do you document?*

Smithmatungol *Uh, on the subpoena slip just put no answer or served or--*

Moore *Any other ways? Like do you have like a field record that you keep track or a dispatch log or--*

Smithmatungol *Usually when you serve subpoenas, uh, you're supposed to put that you're on a subpoena call.*

Moore *So they're usually, but not always?*

Smithmatungol *My practice, I sometimes do. I sometimes don't.*

Moore *Okay. Approximately how many subpoenas have you attempted to serve in your career?*

Smithmatungol *Maybe around a hundred.*

Moore *Okay. Of those, how many did you successfully serve?*

Smithmatungol *Uh, few because I worked night shift, um, a couple dozen.*

Moore *And if a couple dozen, so would you say the majority of them you were unable to serve?*

Smithmatungol *Correct.*

Moore *In those cases, what typically occurs? If, what do you do if you're not able to serve? You said majority of those of a hundred, you said a couple dozen, you successfully did so, or 80% of them when you weren't able to serve, what happened next?*

Smithmatungol *Uh, just put no service on the slip and give it to the next team to serve.*

Moore *Okay. And it gets turned back in at the end of your shift?*

Smithmatungol *Correct.*

Moore *And then another officer would get it the next shift?*

Smithmatungol *Correct.*

Moore *And try until service is completed?*

Smithmatungol *Yes.*

Moore *On October 25th, 2024, did you work a regularly scheduled patrol shift from 1900 hours to 0730 hours?*

Smithmatungol *Yes.*

Moore *Anything unusual occurred during the shift?*

Smithmatungol *Uh, regular calls for service.*

Moore *Anything stand out in your memory about that night?*

Smithmatungol *Um, a DV that I had, uh, I was primary officer. It was, it occurred in our city, it like a few different locations. We had to kind of finalize where it happened so that beat officer can take it. It ended up being my beat. Um, at least we, I think that investigation took most of the night 'cause I had to go to San Francisco, talk to the victim, and while I was talking to the victim and getting the statement, the suspect arrived into the, and walked into the residence and that's when we arrested him and did my whole investigation. We took most of the night.*

Moore *So pretty memorable shift?*

Smithmatungol *Correct.*

Moore *Okay. Were you paired up with another officer, like as a passenger in the patrol vehicle at any time?*

Smithmatungol *No.*

Moore *Were you in possession of your own patrol vehicle the entire 12 and a half hour shift?*

Smithmatungol *Yes.*

Moore *Do you ever switch patrol cars during your shift?*

Smithmatungol *No.*

Moore *On October 25th, 2024, you were assigned two subpoenas to serve. I'm sorry. Were you assigned two subpoenas to serve by your sergeant?*

Smithmatungol *Yes.*

Moore *Okay. Was one subpoena, let's just say subpoena number one for witness* [redacted] *with an associated address of* [redacted] *Daly City?*

Smithmatungol *Yes. Uh, I don't know the exact address or Name.*

Moore *It sounds familiar based on your last IA?*

Smithmatungol *Correct.*

Moore *Okay. Do you personally know* [redacted] *?*

Smithmatungol *No.*

Moore *Prior to October 25th, 2024, had you ever been to* [redacted] *in Daly City?*

Smithmatungol *No.*

Moore *Okay. Was subpoena number two for witness* [redacted] *with an associated address of* [redacted] *Daly City?*

Smithmatungol *Yes.*

Moore *Do you personally know* [redacted] *, Ms. or Mr.* [redacted]

Smithmatungol *No.*

Moore *And prior to October 25th, 2024, had you ever been to* [redacted] *Drive in Daly City?*

Smithmatungol *Um, it's apartment complex, I believe. Mm-hmm*

Moore . [redacted]

Smithmatungol *That specific unit? No.*

Moore *Okay. So on October 25th, 2024, did you attempt to serve at any time a subpoena to* [redacted] *at* [redacted] *Drive in Daly City?*

Smithmatungol *No.*

Moore *Towards the end of your shift on the morning of October 26th, 2024, you submitted the subpoena, return slip back to your sergeant, indicated on the subpoena, was the date: 10/25, time: 2123, remarks: No answer. What does that mean?*

Smithmatungol *Um, if I put that, that means I attempted the subpoena at that time and no answer.*

Moore *According to your CAD history, you were on scene at Westlake Shopping Center after being dispatched to a shoplifter from 2105 to 2130 hours. Additionally, your BWC recordings show you were at Ross during this time. Do you have any evidence to refute this?*

Smithmatungol *No.*

Moore *APLR data from your patrol vehicle shows your patrol vehicle never traveled on* [redacted] *Drive during your entire 12-and-a-half-hour shift. Do you have any evidence to refute this?*

Smithmatungol *No.*

Moore *According to Nest camera footage, uh, which displays the front of* [redacted] *and the road leading up to the residence, no patrol vehicle can be seen between 2130 and 2200 hours. Do you have any evidence to refute this?*

Smithmatungol *No.*

Moore *Okay. And a witness interviewed at the residence of* [redacted] *explained he and his family were home the entire day and night of October 25th, 2024, no one came to their home and, um, had someone come, uh, their dog would've barked uncontrollably. Do you have any evidence to refute this?*

Smithmatungol *No.*

Moore *Why did you write date: 10/25, time: 2123, remarks: No answer, on the return slip when you did not physically attempt to serve the subpoena at 2123 hours?*

Smithmatungol *In all honesty, I didn't want to get in trouble. Um, it's plain and simple.*

Moore *Okay.*

Sherburne *Could you explain that?*

Smithmatungol *Yes, sir. Um, so for subpoenas, we, uh, we got a talking to maybe a couple weeks or a couple months before that if we, that we have to make an attempt for that subpoena. Um, you, uh, no attempt is kind of not acceptable. Um, and I was busy with that DV call that night and I think for both of the subpoenas I was, it was already five or 6:00 AM and I still wasn't done with my report 'cause it was a weekday and it was in, in custody and it had to go to the DA that day. And so I, I just put a time and a date and no answer just to give it to the next team. And I, I just didn't want to get in trouble.*

Sherburne *Was it a common practice for officers of Daly City to, um, inaccurately note, attempts of service when no attempt was made?*

Smithmatungol *Um, I can't speak on behalf of other officers, but, um, I've, it it's happened.*

Sherburne *Had you heard that it happened?*

Smithmatungol *I've heard that it's happened.*

Sherburne *Did you see it firsthand?*

Smithmatungol *Yes.*

Sherburne *And, uh, on how many occasions would you say ballpark?*

Smithmatungol *A a handful. Um, some, some officers at, I mean, we work graveyard shift and people aren't awake at 3, 4, 5, 6:00 AM 'cause beginning of the shift from 7:00 AM to 1:00 AM we're busy back to back calls. And, um, and sometimes we have to have the reports done for in-custodies and so we generally just forget. And at the, the end of the shift, some people put no attempt and we got in trouble for no attempt. And so some put no answer.*

Sherburne *Was a possibility to put no attempt busy with DV call?*

Smithmatungol *Um, I've never done that. I think it was either, it's either served, no attempt or no answer.*

Sherburne *What do you think would've happened if you had put, did not, hey boss, I didn't attempt this. I was busy with the DV, I had an in custody. Would, would you have gotten a pass for that at that point and say, hey, maybe the next team could cover this?*

Smithmatungol *I, I probably would have.*

Sherburne *Okay. But you didn't do that?*

Smithmatungol *I didn't, I did not do that.*

Sherburne *Did other people try and do that?*

Smithmatungol *I, I don't rem I don't know.*

Sherburne *Did other people get in trouble for writing false statements on their returns of attempted but not really attempted?*

Smithmatungol *I don't, I don't know.*

Sherburne *Dunno. Okay. Sorry to interrupt.*

Moore *No, it's good.*

Smithmatungol *I am sorry. That was my answer for both of these subpoenas on my reason why I didn't serve them. Just to clarify.*

Moore *Okay. um, subpoena number two, October 25th, 2024, did you attempt at any time to serve the subpoena to, uh, the* [redacted] *at* [redacted] *in Daly City?*

Smithmatungol *No.*

Moore *Okay And towards the end of the shift, on the morning of October 26th, 2024, you submitted a subpoena slip back to your sergeant, indicated the subpoena date was 10/25, time 2142, remarks no answer. What does that mean?*

Smithmatungol *Uh, same as the last one. If I wrote that, then I attempted to serve it, but no answer.*

Moore *Uh, you attempted to serve it. That's what it indicates, correct?*

Smithmatungol *Correct..*

Moore *Okay. And according to your vehicle's APLR data, uh, at approximately 2053 hours your vehicle passed* [redacted] *Drive, but you did not stop, you passed a second time making an enforcement contact across the street with both APLR data and your BWC indicate you did not*

attempt to serve the subpoena immediately before or after the enforcement contact. Do you have any evidence to refute this?

Smithmatungol *No.*

Moore *And why did you arrive 10/25, 2142, no answer on a return, return subpoena slip when you did not physically attempt to serve the subpoena?*

Smithmatungol *Same as the last one. Um, I didn't wanna get in trouble and I thought the next team could serve it.*

Moore *During your IA interview, did you state you physically attempted to serve both subpoenas?*

Smithmatungol *I, I believe I did.*

Moore *Why?*

Smithmatungol *I, I don't know why I did that. It was untruthful and I had no reason to.*

Moore *And again, do you have any evidence of support that you did attempt to serve either subpoena?*

Smithmatungol *No.*

Moore *During your IA interview, Ms. Fox asked you, can you definitively, can you say definitively that GPS on your patrol vehicle would show you at these two addresses on this date, and you stated on that day, yes, it will. Why did you state this?*

Smithmatungol *Um,I dunno why I did, but it was untruthful.*

Ganz *Could I ask a similar question?*

Moore *Mm-hmm*

Ganz *Um, take a moment and try to look back at to what you were thinking, if you can remember. And what do you think was your thought process? Just, um, tell us what you think was going on.*

Smithmatungol *She asked me, she asked that I, I think I was in the area, I think for the head of traffic enforcement traffic stop and so I think I was in that area. Um, that, I mean, uh, that IA I was, I was nervous. Um, my first, that was my first IA meeting. And that's, I was scared.*

Ganz *Were you hoping that you would basically get away with that lie and not get in trouble? Was that what, was that your thought process at the time?*

Smithmatungol *Yeah.*

Ganz *Okay. Did you receive any guidance to tell you that that was a bad idea?*

Smithmatungol *No.*

Ganz *Okay.*

Moore *During your IA interview Sergeant Ciucci asked, so if there's no video of you doing it, then you didn't do it, to which you answered, if there's not, then there's not, you further stated, I don't want to give you all the excuses, but if there's no video of me doing it, then I, maybe I didn't do it. Yeah. And I don't know why these dates and times would be on there, but I don't honestly remember. Please explain what you mean by this statement.*

Smithmatungol *So at that time, if it's not on video, it never happened. Video never lies. I mean, we learned that as police officers, video never lies. If it, if it's on video, if it's on video, um, those date and*

times, I just, I just wrote in, I think at the end of my shift just to fill in the date. There's no significance of the date and time. I just didn't wanna get in trouble.

Moore *During your IA interview Sergeant Ciucci asked you, in essence, if I have this video surveillance footage and I don't see your vehicle during a 12 and a half hour shift, what kind of problem is that, and you stated, integrity.*

Smithmatungol *Correct.*

Moore *What did you mean by this?*

Smithmatungol *Um, uh, it questions my integrity. If there's no video of me being there and I say I'm there, then I'm lying. And that's an integral issue.*

Moore *Do you believe integrity is an important characteristic for a peace officer to maintain?*

Smithmatungol *It is.*

Moore *By stating in your IA that you attempted to physically serve a subpoena two subpoenas when you had not, were you dishonest?*

Smithmatungol *Yes.*

Moore *Did you demonstrate integrity?*

Smithmatungol *No.*

Moore *Why not?*

Smithmatungol *Um, I try to excuse myself and not want to get in trouble. In trouble. And so instead of confronting the issue head on at the time it happened, I try to work my way around it and it was not the right thing to do. It questions, I mean, it, it makes assumptions of who I am and who I am as a person, which I'm, I'm not, I mean, I hope I'm not, but now that my name is tarnished and the department's tarnished and, um, sorry, it's, it just questions my integrity.*

Moore *It's now been a year since your IA interview, looking back at, back at it now, is there anything you would've done or said differently?*

Smithmatungol *Do the right thing,*

Moore *Which is?*

Smithmatungol *Either serve it, attempt to serve it, or tell my sergeant I couldn't.*

Moore *Did you read the completed internal affairs investigation 24-07, including the findings and recommendations?*

Smithmatungol *Yes.*

Moore *Please share your thoughts, feelings, or concerns after reading it.*

Smithmatungol *I, I deserve it. I mean, I deserve the discipline that I got. I had no excuse for it.*

Moore *After reading it, please explain whether you agree with the sustained finding of dishonesty.*

Smithmatungol *I Agree.*

Moore *And is there any evidence you have to refute the finding of dishonesty?*

Smithmatungol *I do not.*

Moore *On October 1st, 2025, you resigned from your position as a police officer with the Daly City Police Department. Why did you resign?*

Smithmatungol *Um, I believe that, I didn't think I was, I deserved to be there. Um, Daly City was the first and only department I applied to and I got in, they did their best. And, um, I mean, it was a good department and I messed up. And so I didn't think arguing or trying to lessen the discipline of at the Skelly was appropriate. I I, I messed up and I knew I messed up and Daly City didn't deserve me or I didn't deserve Daly City, and so I resigned.*

Moore *Do you believe you were given training, adequate training and guidance through your career in Daly City to be a successful peace officer?*

Smithmatungol *I did. Um, FTO was a little, a little hard, um, because I had, I think 8 or 10 different FTOs, usually it's one per month, but with people going off and, um, going on vacation and stuff, I would just swap schedules and swap FTOs all the time. But other than that, like we, we had the trainings, we had everything.*

Moore *Do you plan on seeking employment as a peace officer in the future?*

Smithmatungol *If given the opportunity I would, I would try to.*

Moore *How would you explain your actions during these three separate incidents we discussed today to a future employer?*

Smithmatungol *That I wholeheartedly messed up. I, whatever I did, I did. Um, I have no reasons to be dishonest and whatever other questions they ask, I'll say with wholehearted truth and there's nothing to hide at this point. And so, if, if given the opportunity, everything's gonna be out on the table and I'm, I'd be happy to answer any questions and take full responsibility of what happened.*

Moore *Kevin, do you have anything?*

Sherburne *Uh, I I have a couple of questions if I could. Um, going back to the text messages, I, I had another question about that day that you were texting Rose and she wasn't in the office. So, so with that as the background, um, let's assume Rose were in the office at 7:00 AM, what would've taken precedence if she were in the office taking care of the evidence or going to training on time?*

Smithmatungol *I said I would've thought that doing the evidence, um, because I think that day the case was getting submitted and I, my thought process is my Star Chase instruction portion wasn't until the later afternoon. So for me to be there from seven to I think like nine or 10 o'clock where my, um, instruction was, or from seven to nine or around that time, I, that's not my instruction time, that's a different officer. So, I would've just been sitting there and so I would've thought of, I'm just gonna go knock out this evidence real quick, just 'cause it's going to the DA and I think cases, going to the DA takes precedent, then sitting and watching, um, videos about Star Chase.*

Sherburne *If Rose had been in the office at 7 to 7:30 in the morning, whose responsibility would it have been to talk to training to say Kevin Smithmatungol. Sorry, I didn't mean to mispronounce your name.. Sat…*

Smithmatungol *That's okay Kevin Smithmatungol. Kevin's fine.*

Sherburne *Sorry, my name's Kevin too. Who, who would, whose responsibility would've been to, to tell training, hey, he's busy with, with evidence.*

Smithmatungol *It would've been mine.*

Sherburne *Okay. Um, jumping forward then to the subpoenas, correct. A different topic. Um, did the subpoenas that you did not serve, did they ultimately get served?*

Smithmatungol *I do not. I, I don't know that answer.*

Sherburne *Okay.*

Moore *Would you or your rep like to add anything?*

Ganz *I'll ask a couple questions if there's anything you wanna add just on that one specific topic. When you did what you did and put in the entries that were not true, correct. What were you expecting would happen?*

Smithmatungol *That it would ultimately get served, uh, from the next team.*

Ganz *Okay. And just based on your experience there, was that a realistic possibility?*

Smithmatungol *Yeah, it usually gets served until it, they don't live in the state anymore.*

Ganz *Okay. That doesn't change the fact that you've put in information that was not accurate.*

Smithmatungol *Not whatsoever.*

Ganz *So I just want to talk about the big picture here. So I think the topic, the word of integrity came up. I think you made a comment early on about how this is not kind of who you are. Um, would you agree that during this particular time span in these events that you showed a lack of integrity?*

Smithmatungol *I did.*

Ganz *Um, for whether you're on a job interview at some point, talking to the people here at POST, what would you want them to know about you and why this does or not does not represent you as a person?*

Smithmatungol *I mean, um, when I was put on IA, I was notified by my captain who did my background investigation. He did it from start to finish. He said, in my background, I had no blips or anything of dishonesty or anything of lying. Um, I, I per, that's not an excuse, but I personally think that what I was kind of, what was going on at home was kind of influencing and kind of keeping it bottled up with me and* [redacted]*. Um, but I went to seek therapy, went to go get help, and it's helping. And um, being truthful is kind of the big thing right now. It's always the same. You, you lie, you die, which ultimately that's what happened. I don't, I don't, um, I mean, I regret what I did. I have no excuses or anything about what happened, but that's, that's not who I am. I, it, it really isn't. Um, ever since I worked at Daly City, if like, if anyone needed help, I'd help. Or if they had any questions they had, they'd ask me no questions asked. Um, so it just, it kind of just takes a, a stab in the heart that now my integrity is now shot and it's, it's gonna be hard to bring back, but that's what I plan to do.*

Ganz *Do, do you feel like, in a sense, like some of this snowballed in the sense that like you made a decision at one point in the moment to say something that you know wasn't true and then you get into this IA and then all of a sudden you're just out trying to get yourself out of it. Do you feel like that kind of happened to you?*

Smithmatungol *Uh, a little bit because I mean, this IA notification was my first IA notification. And to get three of them, um, over the span of the actions that happened over six or seven months kind of threw me through a wrench in how I don't, I don't know how this process goes. I'd never been disciplined or been suspended or anything like that. So I, I really didn't know the process. Um.*

Ganz *At that time, did you know that, you know, whether or not it's a department policy, just a major part of law enforcement in general, that whether or not you're familiar with the process, did you know in your gut that you should have been forthright when it came to those interviews?*

Smithmatungol *Yeah.*

Ganz *Okay. And do you feel like you made a bad decision?*

Smithmatungol *I did.*

Ganz *And what consequences have you had to suffer as a result?*

Smithmatungol *I lost my job. I, um, lost all the friends I met up here 'cause I moved from SoCal and I, law enforcement was, I mean, it was my identity ever since I was growing up. It was police or fire pick one. Um, I could, I tried to go the fire route and did my career in that, but the six year wait for any department kind of, um, didn't want me to go fire. So, I went police route and loved it ever since I majored in college for it, um, taught at the Explorer Academy, I taught at the Explorer Academy for traffic collisions, which my, my heart loves. And, um, I just wish that I would've done the right thing. And that's what I'm trying to do now, now that my certification's on the line and, um, potentially my careers ever in law enforcement.*

Ganz *And do you feel like in some very, um, I guess non-ideal way, you've actually learned from this experience in a way that you wouldn't have otherwise? Like what, what do you think you've learned from it?*

Smithmatungol *I mean, I learned that, um, what I did was serious, but I mean, at the time I thought, hey, it's, it'll, it'll blow over. It'll, uh, I'll, I'll, I'll make it right later down the road. But there is no down the road. My, my road ended with Daly City and, um, trying to get back on my feet. I've learned, I, like I said, I went to therapy, go to therapy now. Um, trying to be able to, my, my, I think my issue was I was afraid of confrontation. Confrontation with supervisors, confrontation with anything. Um, because I knew I was wrong. And I can say that wholeheartedly I was wrong, but at that moment I couldn't say I was wrong. I don't know why I couldn't say I was wrong, but I was wrong.*

Ganz *Okay. So if I was either POST or if I was a potential employer of any sort, I would want to know if that instinct that you had for various reasons to run away from the problem as opposed to confront it, do you feel like you have worked past that given everything that's happened?*

Smithmatungol *Yeah.*

Ganz *Like in other words, if a situation, obviously whatever job you're gonna have, a situation could come up or you get messed up or you're too busy to do something, do you feel like you have addressed that so that you can make the right decision in the future?*

Smithmatungol *I did. I, I really think that if, if a situation like this or I did something wrong came up, I, I can confidently say I was wrong. I'm sorry. Um, because I mean the situation, it's not a very good situation.*

Ganz *Those are all the questions I had. Is there anything else that you feel like you wanted to say that you haven't had a chance to?*

Smithmatungol *No, I just wanna appreciate POST and I apologize to the Daly City Police Department for tarnishing the name and tarnishing my name and that hopefully I can stay in law enforcement.*

Moore *Okay.*

Ganz *Thank you both.*

Moore *That's going to conclude our interview for today and time is, uh, 1411 hours.*

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 Ganz
Investigator

3/19/26
Date