POST CASE NUMBER: POST2505112

SUBJECT OFFICER NAME: Kevin Smithmatungol

Administrative Interview Advisement

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

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

---

Ciucci *All right, we are up and running. Um, okay. It is Friday, January 31st, 2025. It is approximately 10:06 AM Um, Sergeant Matt Ciucci, we are in the Professional Standards Unit office at Daly City Police Department, with me is Officer Kevin Smithmatungol, can you say hello and state and spell your name? You don't have to spell it. Just say Hi.*

Smithmatungol *Hi, my name is Kevin Smithmatungol.*

Ciucci *Beautiful. And with you, you have brought, uh, uh, your counsel who in this case is gonna be, uh, Julia Fox. Julia, if you mind saying hello.*

Fox *Sure. This is Julia Fox. I'm a partner at RLS.*

Ciucci *Beautiful. Um, alright, with that said, I'm gonna begin by reading you the administrative admonishment 'cause you are a subject officer in an Internal Affairs investigation. Okay?*

Smithmatungol *Yeah.*

Ciucci *I'm gonna read it then I'm gonna give you a chance to read it. If you need me to stop, pause, let me know. Uh, and we'll get through this together. All right. And so you're hereby advised that an administrative investigation is in process within this department in which it has become necessary to obtain a statement from you. If you cooperate fully at this time, your statements,*

Siri *I'm sorry.*

Ciucci *<laugh> Don't worry about Siri. She's okay. Okay. If you cooperate fully at this time, your statements and any evidence arising there from may be used in any and all proceedings arising out of this investigation. As a citizen and an employee of this department, you're hereby advised that if prior to or during the taking of your statement, this department determines that you may be charged with a criminal offense, the proceedings will be stopped, and you'll be advised of your constitutional rights and given an opportunity to obtain legal counsel. Okay. If you decide not to give a statement at this time, you're now ordered as an employee of this department to answer all questions asked by investigators and to give a full, detailed, and complete statement regarding your knowledge of or involvement in the matter now under investigation. Although you have a right to silence in a criminal investigation, this is not a criminal investigation, but an administrative hearing, and you're now being ordered to answer all questions under the compulsion of the threat of disciplinary action. False statements, of course, will result in severe disciplinary action. Members are always required to be truthful, see Daly City Police Department Manual Rules 4.96. Truthfulness. Do you have any questions about what was just read to you?*

Smithmatungol *No.*

Ciucci *Okay. With that being said, I'm gonna give it to you, if you wouldn't mind, just look it over. This last sentence here says, I have read the above admonishment order and I fully understand my rights and duties in this investigation. If you are comfortable between you and your counsel, if you wouldn't mind signing date, time, and if I could have Mrs. Fox do the same as a witness.*

Fox *Sure.*

Ciucci *But feel free to look it over.*

Ciucci *Fabulous. Thank you. Thank you. Thank you. Okey dokey. Um, so the purpose of my role, I'm an independent fact finder. That's my job. Um, I'm not going to do any findings and recommendations. My job is to do an initial interview, garner everything together, and then I present it before the chief. It gets sent off to a lieutenant for findings and recommendations. Um, but all I'm doing is just compiling everything. So just like you do an investigation, uh, it's a police report, uh, you interview persons involved, you gather everything, you put it together. Um, have you had an opportunity to review your body-worn camera footage from an incident that occurred on June 2nd, 2024?*

Smithmatungol *Yes.*

Ciucci *Beautiful. Um, have you also had a chance to review your, uh, police report, which is police report 2 4 0 0 3 4 5 2 associated to that body-worn camera footage?*

Smithmatungol *Yes.*

Ciucci *Perfect. Okay. Can I see that pen back? <laugh>. Thank you, brother. Thank you. Thank you. Thank you. So do you recall on June 2nd, 2024, at approximately 7:45 PM uh, being dispatched to 133 Serramonte Center, uh, in Daly City, the Target store on the report of a shoplifter in custody?*

Smithmatungol *Yes.*

Ciucci *Beautiful. Um, were you the first officer arrived or was there another officer on scene?*

Smithmatungol *There was another officer on scene with me. I think we arrived together.*

Ciucci *Together in the same car together in separate cars?*

Smithmatungol *Separate cars.*

Ciucci *Okay. Um, who is that other officer?*

Smithmatungol *Officer Jose Rodriguez.*

Ciucci *Okay. Um, when you entered into the target store, did you contact a detained female?*

Smithmatungol *Yes.*

Ciucci *Okay. Were you able to communicate with her?*

Smithmatungol *I was not. She spoke primarily Spanish, which was Officer Rodriguez's role to translate.*

Ciucci *Okay. Um, and do you, for the record, do you speak Spanish fluently in any capacity?*

Smithmatungol *No.*

Ciucci *Okay. Do you have the ability to somewhat speak Spanish? Uh, words and phrases?*

Smithmatungol *Uh, partially.*

Ciucci *Perfect. Um, the female subject, did she have any form of identification?*

Smithmatungol *She did not.*

Ciucci *She did not. Okay. Um, did you conduct a search of her person, uh, upon accepting her into your custody because it was a, a, uh, loss prevention detention that you then accepted for, uh, an arrest. Is that correct?*

Smithmatungol *Yes.*

Ciucci *Perfect. And then did you conduct a search of a person when you took her into your custody?*

Smithmatungol *I did not.*

Ciucci *Okay. How come?*

Smithmatungol *Uh, I didn't, I maybe thought forgot about it. Um, but there was a belief, a purse or a, a bag that was on the table and Officer Rodriguez went inside and found a debit or a credit card with her name on it.*

Ciucci *Okay.*

Smithmatungol *And I think that's the only search we did there.*

Ciucci *Okay. So you didn't search her person and you didn't search her bag?*

Smithmatungol *No, Officer Rodriguez did.*

Ciucci *Okay. Um, so you just mentioned a, uh, a bank or a debit card.*

Smithmatungol *Correct.*

Ciucci *Uh, is that what you used to identify her?*

Smithmatungol *Yes.*

Ciucci *Okay. Basing on, based on your training experience, does that meet the burden for identification?*

Smithmatungol *No.*

Ciucci *No. Okay. Why wouldn't it meet the burden?*

Smithmatungol *Um, it's just a name on a card. Anyone can have a name on a card, could be anyone's.*

Ciucci *Primarily, what would you need in order to do a confirmation of identity?*

Smithmatungol *A valid license from foreign countries, passport, United States, anything.*

Ciucci *Okay. Um, do you recall, 'cause you watched the BWC, do you recall that while you were inside that loss prevention office, um, you and Officer Rodriguez had a conversation.*

Smithmatungol *Correct.*

Ciucci *Where you were asking did she have ID?*

Smithmatungol *Yeah.*

Ciucci *And you made a statement, uh, after he told you that no, she doesn't. Um, I'm gonna book her then. And you repeated that statement twice?*

Smithmatungol *Correct.*

Ciucci *Um, what made you make that statement?*

Smithmatungol *Uh, based on the no ID, but I didn't realize it was a, someone with no ideas a shall book in the policy. Um, but that mean, that's just the first conclusion I go off of fingerprints and they would get that at the jail.*

Ciucci *Okay.*

Fox *So you're saying you didn't realize that that was required at the time?*

Smithmatungol *At the time I didn't know until I read it after.*

Fox *Got it.*

Ciucci *Okay. Then why was it your belief then that you did need to book her? So if you're, if you didn't understand that it was a shall in the policy as you're saying, um, then why, what was it about that situation that made you believe you were supposed to book her?*

Smithmatungol *Uh, I've never had that incidence before. That was the first time I've never came up with someone with no ID, we couldn't find id and that was just my next course of steps in the investigation was a misdemeanor crime, it was a bookable offense and should have booked her.*

Ciucci *Okay.*

Ciucci *Okay. Um, do you recall handing an auto cite to Officer Rodriguez and asking, asking him to fill out the citation?*

Smithmatungol *Yes.*

Ciucci *Okay. Following that, you made the statement, Hey, we're short. I'm just gonna cite her. Uh, that's at the nine minute, 52nd mark of your, of your video. Uh, what made you say that hey, man, we we're short I'm just gonna cite her?*

Smithmatungol *Uh, I looked up the, the RIMS, uh, app on my phone and saw that everyone was tied up. Um, I was in the most busy, or one of the most busy parts of the city at the most busy time on a weekend.*

Ciucci *Okay.*

Smithmatungol *Which was the Serramonte shopping center. And at that time we had a second shoplifter that I didn't want my team to take for me. That's just how I'm as an officer. And so I wanted to finish my investigation with her so I can get the other incus or the other on view shoplifting that we had at that same location.*

Ciucci *Okay. Um, did you provide the, uh, the suspect with a, uh, with a citation? A ticket?*

Smithmatungol *I did.*

Ciucci *Okay. Did you collect a fingerprint from her?*

Smithmatungol *I did.*

Ciucci *You did. Okay. When did you collect the fingerprint?*

Smithmatungol *I, so I gave her the citation while she was sitting down in the security office, uh, briefly went out or gave her the citation while she was in the office.*

Ciucci *Okay.*

Smithmatungol *Um, got everything I needed from security. She walked out to go find a friend that she was with at the initial time of call, that's when the security officer said there was two of them, one of them already left. She went to go find, I believe, find her friend or something like that. 'cause she went back in the target store and then wa dealt with the other shoplifter outside at the front of the target store. I'm not sure how long after and she came out, that's when I realized I didn't get a fingerprint from her. And my ink pad is in the front pocket of my, uh, my duty bag.*

Ciucci *Okay.*

Smithmatungol *And when she walked out, I grabbed a, my thumbprint or, or my ink pad, got the thumbprint and put the citation in my car until the end of shift.*

Ciucci *Okay. How many, let's talk about this. Um, you use an auto cite or do you use, uh, an old school carbon copy citation book?*

Smithmatungol *The auto cite.*

Ciucci *Okay. Are you assigned an auto cite, uh, from the city of Daly City as your, your auto cite?*

Smithmatungol *At that time? No.*

Ciucci *At that time, no. Okay. Do you, in watching that body worn camera footage, were you able to see the, the number on the auto cite?*

Smithmatungol *I do not recall.*

Ciucci *Okay. It was DCTR 61. Uh, you can watch the video, it'll be right on there with a label. Um, they track how many times a citation is printed. Um, the citation that you gave to the female subject, that's the first time you printed a citation, is that correct?*

Smithmatungol *Yes.*

Ciucci *Okay. Did you print a second citation out of that ticket rider?*

Smithmatungol *Yes, I believe I did.*

Ciucci *You believe you did or you did?*

Smithmatungol *I did.*

Ciucci *You did. Okay. When?*

Smithmatungol *I, I don't recall. Okay. Uh, I don't know, an hour after I printed in the first one within that timeframe.*

Ciucci *Okay. Are you aware if a ticket rider has a time allowance for you to go back in and print a second copy? Are you aware that ticket riders have have a set time? I'm asking this question poorly. Let me rephrase it so that it's way more clear. There's a finite period of time that you can print a second copy of a ticket. Are you aware of that?*

Smithmatungol *No. Okay. I just know that it says sometimes it pops up print last ticket.*

Ciucci *Okay.*

Smithmatungol *The last citation.*

Ciucci *Okay. How long after you printed the first ticket, do you believe you printed the second ticket?*

Smithmatungol *10, 15 minutes, maybe.*

Ciucci *10 to 15 minutes?*

Smithmatungol *At least. I don't, I don't remember.*

Ciucci *Where did*

Fox *Don't guess.*

Ciucci *Yes.*

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

Ciucci *Okay. You don't know. Then, in an effort to, uh, in an effort to narrow and kind of quantify a, a time estimate, um, do you believe it was over an hour or under an hour? That's a pretty large scale of time?*

Smithmatungol *Under an hour.*

Ciucci *Under an hour?*

Smithmatungol *Roughly under an hour.*

Ciucci *Okay. Under an hour. Using that same methodology, uh, not to guess, but just to give an approximate, uh, kind of an end zone here of where we're playing the game. 30 minutes, more than 30 minutes later, less than 30 minutes later?*

Smithmatungol *Less than 30.*

Ciucci *Less than 30, Okay. Where did this contact with the female occur outside of the initial contact where you were able to track her down and get a fingerprint?*

Smithmatungol *The front of the parking lot at Target.*

Ciucci *Whereabouts?*

Smithmatungol *Uh, by the handicap stall in, in front of the exit of the, by the security office. So the south side, south side.*

Ciucci *If I were to look at the target store.*

Smithmatungol *Mm-hmm <affirmative>*

Ciucci *The front of it.*

Smithmatungol *Mm-hmm <affirmative>.*

Ciucci *Um, would you say that you were closer to the Wells Fargo bank to the left of you?*

Smithmatungol *Yes.*

Ciucci *Or would you say you're closer to the shops like Old Navy to the right of you?*

Smithmatungol *Wells Fargo Bank area.*

Ciucci *Wells Fargo. When you printed that ticket, did you have to re-enter any of the information or was it already pre-stored within the ticket writer?*

Smithmatungol *Pre-stored, it just prints another copy of it. I've done that multiple times because the ticket writers aren't the greatest and I've had to reprint it multiple times.*

Ciucci *Okay.I want to go back to one thing really quick. Um, you said earlier when I asked you regarding why you didn't book or you said that was your first time encountering a person who did not have identification. When approximately when did you, uh, get out of the academies, begin the FTO program? What, what year, month, uh, or approximate time of year?*

Smithmatungol *July 2023 is when I graduated the academy.*

Ciucci *July 2023. So is it fair to say in around July, August of 2023 you began, uh, to have street interaction with human beings, citizens in the city of Daly City on the street?*

Smithmatungol *Correct.*

Ciucci *Okay.*

Fox *So 10 to 11 months prior to this incident?*

Smithmatungol *Yes.*

Ciucci *Okay. So, in that 10-to-11-month time, you've never once encountered somebody that didn't have a form of identification that you were trying to either arrest or, uh, were trying to, uh, take to jail or release via citation, never had it?*

Smithmatungol *To my knowledge, no. They've always had like maybe a foreign passport or a, or like a consulate card, but not someone with zero identification, no picture of identification, no nothing of an identification given by a national or country or government.*

Ciucci *Okay. Um, do you understand that's something that can be looked at later on in order to go through cases, uh, to see if that's ever happened, correct?*

Smithmatungol *Based on my recollection, I don't recall.*

Ciucci *Recollection, alright. Likewise, the printing of a secondary ticket is retained with a ticket rider.*

Smithmatungol *Mm-hmm <affirmative>.*

Ciucci *It will show a second ticket printed.*

Smithmatungol *Correct.*

Ciucci *Okay. Um, did you ever receive Sergeant/Lieutenant approval to cite out this individual?*

Smithmatungol *I did not.*

Ciucci *Okay. Um, that same day you drafted, obviously the report that we talked about that you reviewed, um, was that report kicked back by Sergeant Douglas?*

Smithmatungol *I don't, I believe so, but I don't remember.*

Ciucci *Okay. Um, the report was kicked back. Um, do you remember meeting with Sergeant Douglas?*

Smithmatungol *I did.*

Ciucci *Okay. Um, do you remember the discussion that you had surrounding the kickback?*

Smithmatungol *Uh, it was regarding giving the female a citation and finding the citation with the thumbprint, which I couldn't find at the end of the shift.*

Ciucci *Okay. Um, did you tell Sergeant Douglas that you had printed a second ticket?*

Smithmatungol *I believe I did, yes.*

Ciucci *Okay. Um, and did you also tell her that you, uh, believe you had taken a fingerprint from the individual?*

Smithmatungol *Yes.*

Ciucci *Okay. Is there any reason that you would tell Sergeant Douglas that you had printed a second citation, had taken a fingerprint, if you had not done so in order to avoid getting into trouble?*

Smithmatungol *No. Why would I jeopardize my job for a citation of someone who stole a home goods at Target? I worked, respectfully, my ass off to get here, and I believe I deserve to be here. I don't want to risk my job for getting, being a scapegoat and trying to cover my mistakes.*

Ciucci *Okay. Um, at any time did you lie to your Sergeant, Sergeant Douglas during the course of your explanation for, uh, either why you did not cite, or excuse me, take, uh, the female subject to jail or how you identified her or how you did the thumbprint? Did you ever lie once to your sergeant?*

Smithmatungol *No, I told her exactly what I told you.*

Ciucci *Okay. Um, in your earlier answer, you said that you weren't aware of the, of the policy. Have you a chance to review policy 420 of Lexipol, uh, that outlines when and why you should, uh, go ahead and cite somebody out?*

Smithmatungol *I read it, but I don't know verbatim.*

Ciucci *Don't know verbatim. I don't expect you to, there's about 3000 policies. Okay. Um, are you aware if the person cannot provide satisfactory evidence of personal identification, they cannot be cited out?*

Smithmatungol *Yep.*

Ciucci *Okay. Um, are you aware that there's also a penal code that does the exact same thing that is the basis essentially for that policy?*

Smithmatungol *Penal code, no, but policy, yes.*

Ciucci *okay. Um, the penal code is 853.6. It outlines when somebody can be, uh, cited out and when they can't. Um, sitting in this office now is never a comfortable feeling for anybody.*

Smithmatungol *No, sir.*

Ciucci *Um, in hindsight, looking back at the situation, uh, if you were to have the benefit of, of that hindsight, was there anything you would change or do differently?*

Smithmatungol *Um,I would've got, went with my gut. I mean, I said I was gonna book her before any of that thing happened. I should have booked her, I should have got sergeant approval if I was gonna cite her. Um, I didn't think she was a prolific shoplifter. Target had no history with her. She stole household goods. It wasn't like a laundry pods or anything. It was like a household plant. It was a clock. So I, she appeared pregnant too. She had the distended belly. I believe she was pregnant and like when she stood up, you can see the big rounding of her stomach. I, at that time, I didn't think it was excess fat. It looked to me pregnancy. I thought I was just being a good person. Maybe she was down on some luck. I thought I should have gave a citation and let her go home. But in the end I should have booked her. I should have done sergeant's approval. Um, I did make mistakes and I haven't had an issue of the same sort since.*

Ciucci *Okay. Um, is there anything that I did not ask you that you feel is important for me to understand or know in regards to the reasoning behind any of this, giving me, providing me with any context or?*

Smithmatungol *Uh, I might have gotten a little confused sometimes with the two shoplift things at the same time, I wanted to be a good beat partner and handle my, my, uh, beat, uh, without anyone having to take paper from me, but sometimes it's better to ask for help.*

Ciucci *Okay.*

Fox *Good. That's the only thing I was gonna follow up on. Did the fact that there was this intervening 48 on the part of the black male adult sort of throw you off the rhythm of this particular investigation?*

Smithmatungol *Yeah, just because his aggression with one officer out there, I wanted to finish with her as quick as possible so I can be a good partner out there in case something does go wrong, it'd be my fault.*

Ciucci *Okay. I have no further questions for you. Uh, without anything else to add on either your parts, I'm gonna go ahead and conclude this interview. Uh, time is approximately 1028, same day, same hour. And we are going to stop you.*

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.

Christine Ciucci
Investigator

3/18/26
Date