MEMO

Police Department

DATE: April 10, 2022

TO: Lieutenant Eric Detmer
Office of the Chief, Internal Affairs

FROM: Sergeant Karla Corbett
Office of the Chief, Internal Affairs

RE: Administrative Investigation PA2211047 /
Hostile Work Environment Claim by Complainant

CONFIDENTIAL: ***THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY.***

DATES OF COMPLAINTS: October 26, 2022, and February 20, 2023

DATE OF INCIDENT: August 2022 through February 20, 2022

LOCATION OF INCIDENT: 8181 Lincoln Avenue

COMPLAINANT/SUBJECT: Complainant

SUBJECT OFFICERS: Sergeant James Mutuku #1645
Field Operations / Patrol

Officer 3

Officer 4

WITNESS OFFICERS: Officer Jennifer Cappelen #1706
Field Operations / Patrol

Officer Carrin Christianson #1789
Field Operations / Patrol

Officer 2
Field Operations / Patrol

Officer Shea McMahon #1212
Field Operations / Patrol

Officer Ana Miskulin (formerly Ahumada) #1933
Field Operations / Patrol

Officer Dexter Pattison #2083
Field Operations / Patrol

Officer Spencer Weddle #1718
Field Operations / Patrol

Officer 1
Field Operations / Patrol

Detective Josh Ontko #1351
Central Investigations Bureau / Robbery/Homicide

Detective Dave Riedeman #1077
Central Investigations Bureau / Robbery/Homicide

Investigator Janet Ramos (former RPD Detective)
District Attorney's Office
951-623-3487

Sergeant Nathan Asbury #1368
Field Operations / Patrol

Sergeant Chamroeun Ouk #1615
Field Operations / Patrol

Sergeant Dawson Smith #1275
Field Operations / Patrol

Sergeant Robert Tipre #0152
Field Operations / Patrol

Sergeant William Zackowski #0354
Field Operations / Patrol

Lieutenant Mike Barney #1332
Field Operations / Patrol

Lieutenant Eric Meier #1317
Field Operations / Patrol

Captain [redacted] #1336
Field Operations / Patrol

Deputy Chief Bruce Blomdahl #0604
Chiefs Office / Administration

LEGAL REPRESENTATION:

Attorney Saku Ethir
909-260-9220 (cell)
saku@seepolicelaw.com

Attorney Peter Horton
323-486-6148 (office)
619-347-3935 (cell)
phorton@LFECR.com

RELATED REPORT(S)

220034682 (12/14/22) Missing Person
220036166 (12/26/22) Code 8
220004996 (2/20/2023) Domestic Violence

RELATED INCIDENT(S)

LPD22091500186516 (9/15/22) LA Fitness Call

ALLEGATION(S) INVOLVING SERGEANT JAMES MUTUKU:

ALLEGATION ONE: **DISCOURTEOUS OR DISRESPECTFUL TREATMENT OF DEPARTMENT MEMBER**

It has been alleged Sergeant James Mutuku created a hostile work environment by placing flyers with a picture of a rat and the words "Rat Busters" in the men's locker room and in [redacted] mailbox.

If true, Sergeant James Mutuku's actions would be a violation of Riverside Police Department's Conduct Policy, section 330.3.2(j).

330.2 DISCIPLINE POLICY:

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

330.3.2 CONDUCT

(j) Discourteous or disrespectful treatment of any member of the public or any member of this department.

ALLEGATION TWO: RETALIATION

It has been alleged Sergeant James Mutuku created a hostile work environment when he placed flyers with a picture of a rat and the words "Rat Busters" in the men's locker room and in [redacted] Complainant mailbox in retaliation for [redacted] filing a complaint against [redacted] Officer 1 and [redacted] Officer 2.

If true, Sergeant James Mutuku's actions would be in violation of Riverside Police Department's Discriminatory Harassment Policy, section 322.3.4.

322.2 DISCRIMINATION POLICY:

The Riverside Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

322.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

ALLEGATION THREE: RETALIATION

It has been alleged Sergeant James Mutuku created a hostile work environment when he used to his hand to simulate a handgun and motioned as if firing twice at [redacted] Complainant in retaliation for [redacted] Complainant filing a complaint against [redacted] Officer 1 and [redacted] Officer 2.

If true, Sergeant James Mutuku's actions would be in violation of Riverside Police Department's Discriminatory Harassment Policy, section 322.3.4.

322.2 DISCRIMINATION POLICY:

The Riverside Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2

CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

322.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

ALLEGATION FOUR: DISHONESTY

It has been alleged Sergeant James Mutuku provided false or misleading statements in connection with an administrative investigation involving claims of a hostile work environment and acts of retaliation.

If true, Sergeant James Mutuku's actions would be in violation of Riverside Police Department's Conduct Policy, section 330.3.5(ad).

330.2 DISCIPLINE POLICY:

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

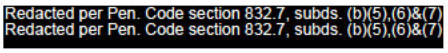
330.3.5 PERFORMANCE

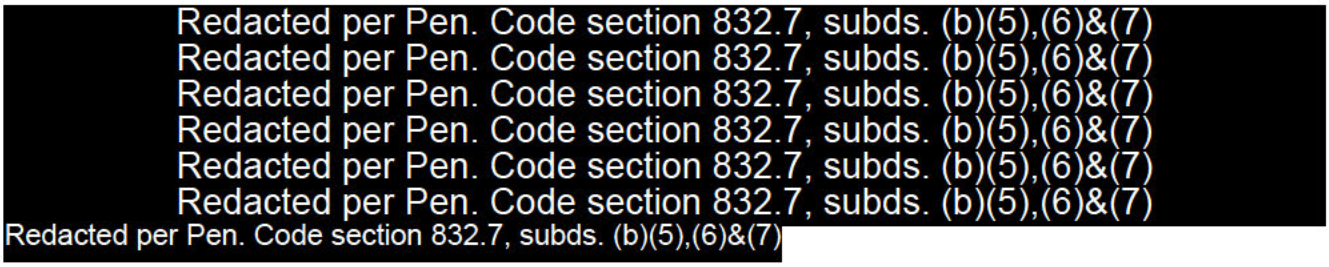
(ad) Giving false or misleading statements, or misrepresenting or omitting material information in connection with any investigation or in the reporting of any department-related business.

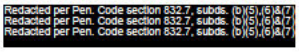
ALLEGATION(S) INVOLVING Officer 3

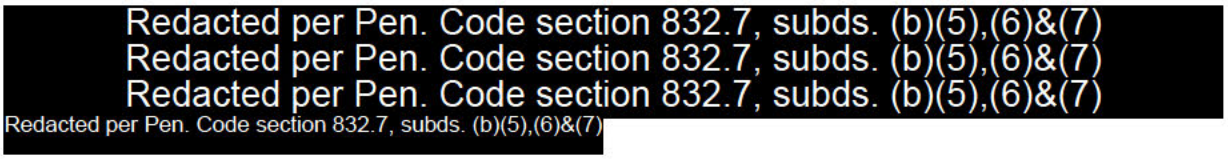
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

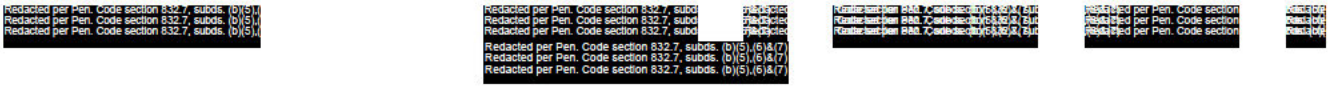
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

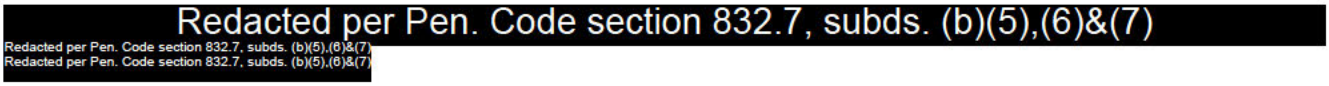

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

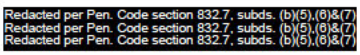

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

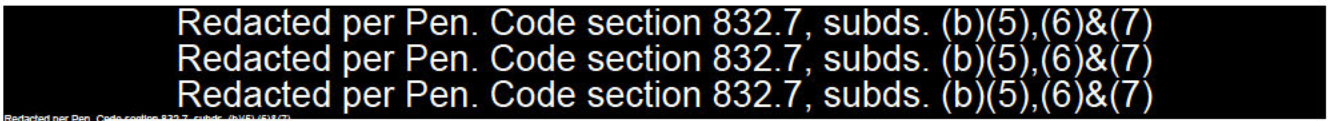

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

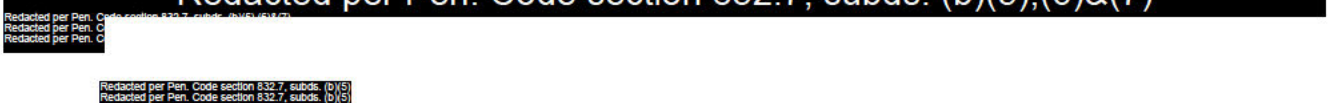

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

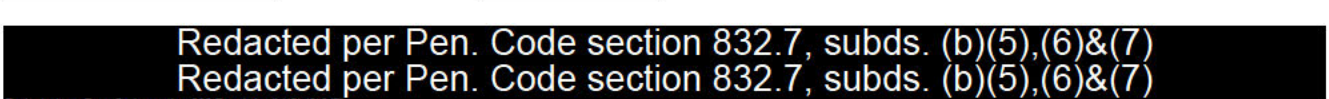

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

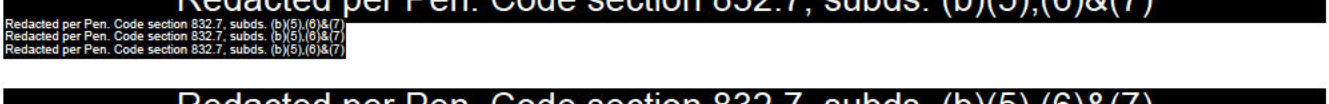

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

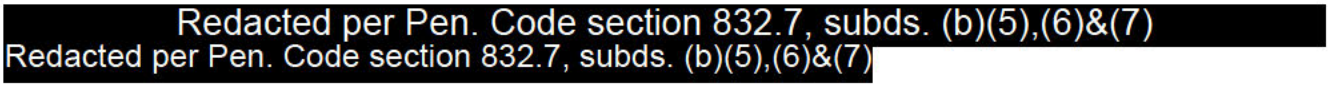

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

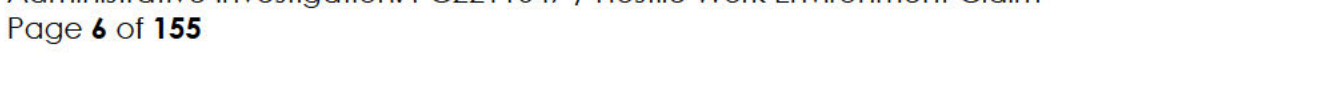

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832
Redacted per Pen. Code section 832
Redacted per Pen. Code section 832

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

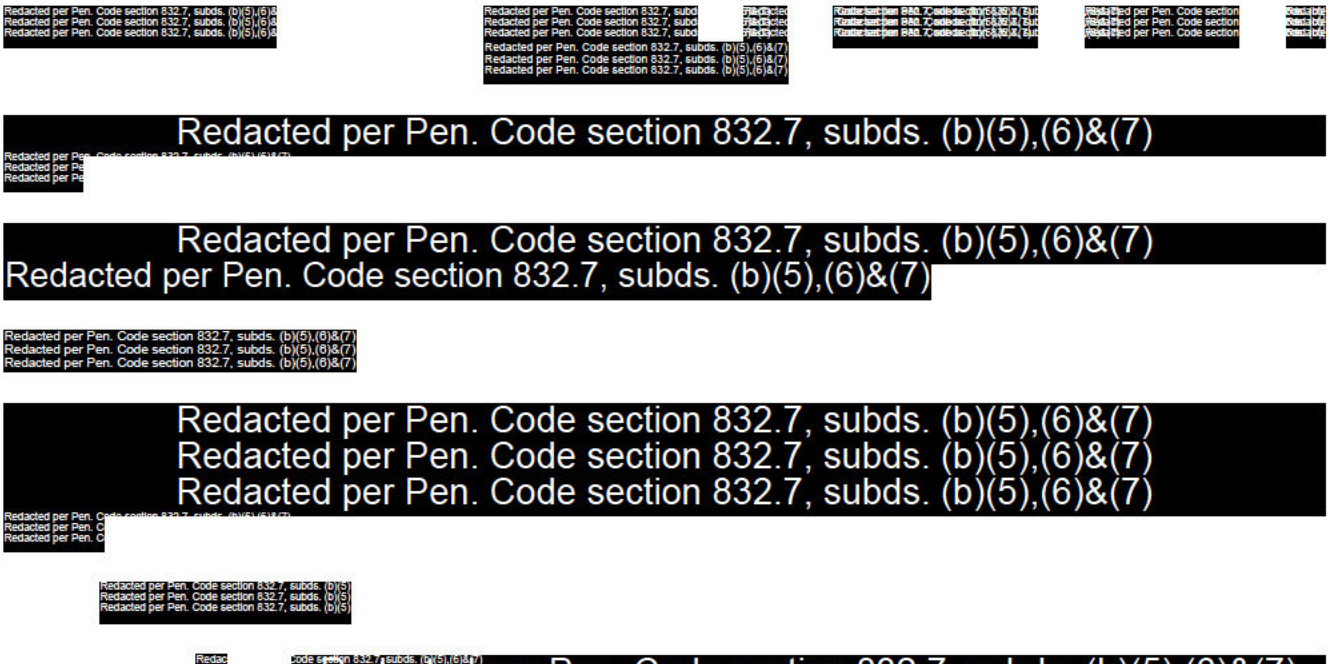
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)
Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)


Redacted per Pen. Code section 832.7, subds. (b)(5),(6)&(7)

BACKGROUND:

Sergeant James Mutuku is married to [redacted] Officer 1 was promoted to detective while this investigation was being conducted and may be referred to as an officer in portions of this report.

Shortly after shift change in July 2022, Officer [redacted] complained to Sergeant Dawson Smith about Officer 1 (who was afforded lactation breaks) and Officer 2 [redacted] riding together as partners.

On September 16, 2022, [redacted] filed a complaint with Internal Affairs and alleged Officer 1 and Officer 2 failed to take a police report on a call they handled. Internal Affairs referred his complaint to Field Operations to investigate.

On October 26, 2022, [redacted] filed a complaint with Internal Affairs and alleged he experienced a hostile work environment and was retaliated against after filing the complaint on September 16, 2022. Based on [redacted] interview and the interviews of witness employees, the following personnel were identified as subject officers: J. Mutuku, [redacted] Officer 3 and [redacted] Officer 4 .

On February 20, 2023, [redacted] filed a complaint with Lieutenant Trinidad Lomeli against Officer 3. His complaint was filed during the time the complaint from October 26, 2022, was still being investigated. Subsequently, the two complaints were combined. Based on information gathered throughout this investigation, Officer 5 was also identified as a subject officer.

SUMMARY:

[redacted] claimed he went to supervision on several occasions after shift change in July 2022 and expressed concerns about Officer 1 and Officer 2 riding together as partner officers during the time Officer 1 was afforded lactation breaks. Supervisors continued to allow this, even though [redacted] claimed it was a safety issue for him and his partner, Officer Spencer Weddle. [redacted] also claimed he and Weddle were unfairly left to handle the beat by themselves. [redacted] claimed they were "ripping their hair out and getting their butts kicked." [redacted] and Weddle were supervised by Officer 3.

The sergeants and both watch commanders for Watch C were interviewed as part of this investigation. The consensus amongst supervision was that Officer 1 and Officer 2 rode together prior to Officer 1 maternity leave and she and Officer 2 were productive together. An arrangement was made with supervision, that Officer 2 would leave Officer 1 at the station during these breaks, should a "hot call" come out or if an officer needed back up. Officer 2 would also handle any phone reports during this time or write reports. None of the personnel interviewed, including [redacted] himself, identified an incident in which an emergency call for assistance was not answered.

Sergeant Dawson Smith was Officer 1 and Officer 2's supervisor at the start of shift change, July 22, 2022. (Smith would later assume a squad on Watch A, effective September 9, 2022, and Sergeant William Zackowski would take over as Officer 1 and Officer 2's supervisor.) Smith described Officer 1 and Officer 2 were extremely productive and ran circles around the other officers. He did not want to punish Officer 1 by not letting her ride with her partner, simply because she had a child.

At shift change, Smith worked directly under Officer 4 shared Smith's opinion that Officer 4 and Officer 2 were productive together and should be allowed to ride together. Officer 4 described the amount of work they did in comparison to Officer 5 was "astronomically different." Officer 1 and Officer 2 didn't let calls stack up as Officer 5 did and they didn't avoid calls that required a report be written. They did everything he would expect an officer to do and did it well. Officer 4 advised Officer 5 did, "almost none of those things."

Zackowski did not see an issue with Officer 1 and Officer 2 taking breaks together, but he did not initially know of the lactation breaks. He advised he could see how other officers in the same beat would have an issue with this because "unless one is lactating the other, there's no reason for both of them to sit at the station." However, he did not see Officer 1 or Officer 2 dodge or try to hide from calls. He advised this was unlike Complainant who "stacks every… uh… non-report related call to himself," such as subject bothering calls and similar calls where Complainant can go from one call to the next without ever being dispatched.

During the time Zackowski supervised Officer 1 and Officer 2, he didn't personally observe any issues with their work performance but admitted he did not always work with Officer 1 and Officer 2. He said, "As a matter of fact, I do my best to not work around Complain because he gets… uh… my goat, so to speak. He does nothing but torment… um… the sergeants if it's something that he doesn't agree with. So, I prefer not to work in that area." For these reasons, he could not say with certainty if there were any issues with Officer 1 and Officer 2.

The camera crew from the television show "COPS" also rode with Officer 1 and Officer 2 on multiple occasions during this time. Sergeant Robert Tipre advised it was up to the watch commanders to decide which officers the crew from "COPS" would ride with and typically the watch commanders choose proactive officers. "COPS" wanted as much exposure to our city, our officers, and crime, so their crew was placed with officers that were "very active." They were assigned to ride with Officer 1 and Officer 2 for a period of several weeks, even during the time the lactation breaks occurred.

Complainant frustration continued to build when Officer 1 and Officer 2 were allowed to continue riding together. On September 16, 2022, Complainant filed a complaint with Sergeant Mike Medici in Internal Affairs. Complainant alleged Officer 1 and Officer 2 failed to take a police report on a call they handled at LA Fitness and that the officers showed enroute to the call for over an hour.[1] Medici brought Complainant complaint to Internal Affairs Lieutenant Eric Detmer. Detmer

[1] Refer to the CAD Printout for LPD22091500186516 (LA Fitness Call 9/15/2022).

delegated Complainant complaint to Field Operations to investigate.[2] Complainant alleged this complaint was "swept under the rug."

The investigation was handled informally, without pulling a "PA," which is common for low level policy violations or training issues.[3] Lieutenant Eric Meier pulled the CAD (Computer Aided Dispatch) information and attempted to pull body-worn camera video for the incident. He then informed both lieutenants for Watch C about the allegations and asked them to handle. Officer 4 questioned Officer 1 and Officer 2 about the call and Tipre witnessed the conversation. It was determined no policy violation occurred.

Complainant alleged Officer 3 began "coming after him" after he filed the complaint. He alleged Officer 3 showed up on one of his and Weddle's calls, on September 19, 2022, and informed them their response times were being watched. Complainant alleged this was in retaliation for filing a complaint. Weddle said although this was unusual of Officer 3, he thought Officer 3 was absolutely trying to look out for him and Complainant by sharing this information. Weddle said Officer 3 was being a good supervisor and did not believe Officer 3 was retaliating against Complainant

[redacted] alleged later that same shift, Officer 3 called Weddle twice and questioned why they were at a park for so long and to ask about a stalking call they handled. Complainant said this was unusual for Officer 3 to call and this was done as a form of retaliation. Weddle also said this was unusual. Weddle described the calls were not accusatory but more of an inquiry. He also knew they weren't the only ones that received a phone call; other officers did too.

When interviewed, Officer 3 did not recall showing up to Complainant and Weddle's call but said it sounded like something he would do. He remembered calling Weddle. He said he usually called Weddle, because Complainant would answer like he didn't know who was calling him even though Officer 3 knew Complainant had his number programmed in his phone. He described this as one of Complainant games. In addition, Officer 3 described conversations with Complainant were always "unpleasant" and "adversarial."

Officer 3 advised just prior to calling Weddle, Officer 4 or Lieutenant Mike Barney told the sergeants complaints had been coming in regarding response times. The complaints were not specific to any individual and sergeants were instructed to monitor response times. Officer 3 said after receiving the instruction from Officer 4 or Barney, he called other officers as well. Officer 3 advised the calls were not exclusive to Weddle and Complainant and were not to retaliate against Complainant.[4] Regarding the stalking call, Officer 3 advised there were two stalking calls that night and it turned out Complainant and Weddle's call was unrelated to his inquiry.[5]

Complainant alleged he was split from riding partners with Weddle, on September 21, 2022, in retaliation for the complaints he made against Officer 1 and Officer 2. (Per the Patrol Rosters,

---

[2] Riverside Police Department Policy 1009/ Personnel Complaints reads, "Complaints may be investigated by a Department supervisor of rank greater than the accused employee or referred to the Internal Affairs Bureau, depending on the seriousness and complexity of the investigation.
[3] Per RPD Policy 1009, "PA Indicates Internal Complaint/Investigation."
[4] Officer 3 Interview, approximate time index 17:40.
[5] Officer 3 Interview, approximate time index 14:30.

the last date Complainant and Weddle rode as partners was September 20, 2022.)[6] Supervision advised they talked about splitting Complainant and Weddle for months prior to Complainant complaints. They offered Complainant was so negative, they didn't want his negativity to rub off on Weddle. Redacted per Redacted per Redacted per Redacted per Penal Code section 832.7(b)(6)&(7)
Redacted per Penal Code section 832.7(b)(6)&(7)
Supervision did not want to split the officers during these times, because they were looking out for the wellness of both officers. Supervision advised the split was not retaliatory against Complainant but out of concern for Weddle, who was in the process of testing for sergeant. Weddle stated he did not believe the split was retaliatory against Complainant Instead, Weddle believed supervision acted in his best interest.

In addition, just prior to the split, Meier learned Complainant told Officer 3 he expected an exceeds standards or outstanding rating on his evaluation. Complainant request or demand for this rating was witnessed by Tipre.[7] Officer 3 shared Complainant expectation with Barney which prompted Barney to pull stats for Complainant According to Meier, Barney found them to be "lackluster." Barney told Meier he wished he hadn't told him about Complainant complaint regarding Officer 1 and Officer 2, because he and Officer 4 had already planned to split Complainant and Weddle. They discussed the appearance of splitting Complainant and Weddle days after he filed a complaint and how it would look bad. Ultimately, they made the decision they were not going to allow Complainant and Weddle to ride together. Meier said, "Appearance is one thing, but performance is another."[8]

Complainant advised he met with Deputy Chief Bruce Blomdahl on September 23, 2022. Both Complainant and Blomdahl advised their lengthy conversation went well and both mutually respected each other. Both advised Blomdahl asked for Complainant to allow the Department to investigate his complaint about Officer 1 and Officer 2. Complainant had threatened to take this complaint to the Community Police Review Commission (CPRC).

Blomdahl advised when he reached out to Complainant to have this conversation, Complainant had not filed a hostile work environment complaint. Blomdahl's meeting with Complainant was not to dissuade Complainant from filing a complaint, but to allow Internal Affairs to handle his complaint regarding Officer 1 and Officer 2.

Complainant alleged he ran into Sergeant James Mutuku on the morning of Saturday, October 1, 2022. Complainant said this was the first time he had seen J. Mutuku since Complainant filed a complaint against Officer 1 and Officer 2. Complainant advised he said hello to J. Mutuku and J. Mutuku said, "You'll see. You'll see." When interviewed on January 19, 2023, J. Mutuku denied this occurred.[9]

On Monday, October 3, 2022, Complainant located a flyer with a photo of a rat and the words "Rat Busters" in his mailbox at the Lincoln Station. The same flyer was posted in areas of the men's

[6] See Patrol Rosters, Watch C, 9/21/22 and 9/22/22.
[7] Refer to Tipre's Interview, approximate time index 22:30 and Meier's Interview, approximate time index 1:38:10.
[8] Meier Interview, approximate time index 1:39:55.
[9] During my investigation, I was unable to locate any witnesses or evidence to support this occurred.

locker room. Based on interviews, it appears two flyers were posted there. Complainant took photographs of the flyers and left them all in place. He did not notify supervision. In his interview, Complainant advised he probably should have notified supervision, but he wanted to see what J. Mutuku would do next.

On October 4, 2022, Meier was made aware of the flyers and located one in Complainant mailbox and one in the men's locker room which was encased in a frame/document holder. He removed them and collected them. He missed one of the flyers in the locker room and this flyer was removed by *Officer 4* and thrown away. Complainant sent a text to Meier thanking him for removing the flyers. He told Meier he had taken photographs of the flyers and J. Mutuku was responsible.

Meier called Complainant to ask why he thought J. Mutuku was responsible and if Complainant wanted to open an investigation. Complainant told him, "No. Don't do it." He told Meier he wanted to mind his own business.[10]

However, Complainant believes an investigation should have been opened immediately and said, "This is an epic failure of command at the Riverside Police Department in 2022." Complainant said Captain Chad Milby should have taken the initiative to pull a "PA" and initiate a complaint, the day Meier handed him the flyer.[11]

Complainant admitted he did not know what actions, if any, had been taken to identify the source of the flyers. He only speculated no action was taken, just as he speculated his complaint about Officer 1 and Officer 2 had been "swept under the rug."

The same day Meier learned about the flyers and Complainant belief J. Mutuku was responsible for them, he notified Milby. As the division commander, Milby assigned Meier to investigate informally but did not pull a "PA." His rationale was Meier previously worked as an investigator in Internal Affairs and he (Milby) worked in Internal Affairs as the lieutenant. Milby had every confidence in his and Meier's ability to conduct a complete and thorough investigation. He advised another reason he did not pull a "PA," was Meier spoke with Complainant and Complainant indicated he did not want one.

On October 4, 2022, Milby gave clear direction to his command regarding the flyers. He sent an email to his watch commanders and told them to share with personnel during roll call that posting any derogatory, demeaning, or disrespectful comments or material toward another person or group of people at any police facility shall not be tolerated and was a violation of Department policy, specifically 330.3.2(j).[12] He included both deputy chiefs on the email to ensure they knew he was addressing the matter. Milby instructed watch commanders to address this and to note on the rosters it had been discussed. He ensured this was done in roll call for Watches A, B, and C on Wednesday and Saturday.[13]

---

[10] Complainant Interview, approximate time index 19:20.
[11] Complainant Interview, approximate time index 56:15.
[12] See Email from Captain Milby (10/4/23).
[13] See Patrol Rosters Provided by Captain Milby.

Milby also spoke directly to Barney and Officer 4 and told them to convey to their troops that disparaging remarks at any level, any rank, shall not be tolerated. Milby specifically pulled in J. Mutuku, with Meier, and made him aware of the same. He reminded J. Mutuku he was a supervisor and disparaging remarks shall not be tolerated, even if there was a difference of opinion. He told J. Mutuku to be professional. For consistency, Milby and Meier brought Complainant in as well and told him the same. Milby told Complainant even if he had a disagreement with someone, or didn't like someone, disparaging remarks would not be tolerated.

Though Complainant did want to go through with a complaint regarding the flyers and did not want to be interviewed, Meier took steps to determine who might have been responsible and to preserve the evidence he located.[14]

On October 5, 2022, Meier contacted Information Technology (IT) and requested print queues on the Lincoln Station printers.[15] He was able to determine the flyer was saved to a computer in the report writing room on October 1, 2022, at 4:17 pm, and printed at 4:36 pm, on the printer inside the report writing room.[16]

Meier also pulled video from the Lincoln Station. The video showed J. Mutuku pull into the back lot at the Lincoln Station, exit his vehicle at 4:05 pm, and walk toward the station.[17]

In addition to pulling video and print logs, and ensuring this information could be saved, Meier preserved the flyer in its original frame, placed it in an envelope, and secured it in his office to maintain the integrity of the evidence. He even attempted to determine who had been logged onto the computer from which the flyer was printed, but the person used the generic log in for the report writing room. Meier learned shortly thereafter that an investigation by Internal Affairs had been initiated and he handed over the evidence he had collected. Meier said, "This thing was never put down."[18]

In his interview, Complainant advised he worked the swap meet on Saturday, October 8, 2022. At about 6:30 am, the officers had left to start their shift, but the sergeants were still sitting up in their seats in the roll call room. Complainant walked by and "sarcastically" said, "Hello James. How you doing?" and then went to change. After changing, Complainant walked out of the station by the watch commander's office. Prior to exiting, he told J. Mutuku, "James, I checked my mailbox and there's nothing in it."[19]

Complainant alleged J. Mutuku walked out and confronted him. J. Mutuku told him, "Your voice is trembling. What's wrong dude?" Complainant told him a "Rat Buster" is a rifle used to kill rats and, "You threatened my life." Complainant called him a punk and a coward. J. Mutuku then turned, and with his right or left hand, simulated a handgun and motioned as if firing twice at Complainant.[20]

---

[14] Meier Interview, approximate time index 16:30.
[15] See Email from Meier to IT dated 10/5/2022.
[16] See Report Room Print Log and Emails from Meier regarding Print Queue.
[17] Refer to Video , Lincoln PD – Fleet-2022-10-01_1600min00x000ms.mp4.
[18] Meier Interview, approximate time indexes 17:00 and 23:00
[19] Complainant Interview, approximate time indexes 17:00 and 1:26:20.
[20] Complainant Interview, approximate time indexes 17:00 and 1:26:20.

In J. Mutuku's interview, he acknowledged he exited the station to confront Complainant but denied he used his hand to simulate a handgun and motion as if firing it.

Sergeant Nathan Asbury witnessed part of this incident. Asbury witnessed Complainant address J. Mutuku inside the station and J. Mutuku exit the station to confront Complainant He did not witness what took place outside. I was unable to locate any witnesses or video evidence to verify what took place outside. I did review video, but the cameras in the back lot of the Lincoln Station do not cover the area (as described by both parties) where the incident occurred.

Complainant alleged Officer 4 moved him to Area 5 on October 26, 2022, though he was a senior officer, to retaliate against him and "bully, haze, and intimidate him" for his complaint against Officer 1 and Officer 2.[21]

Officer 4 advised he moved Complainant to Area 5 to keep him separated from Officer 1 and Officer 2.[22] He was clear it wasn't personal and had nothing to do with a creating a hostile work environment. Officer 2 and Officer 1 told Officer 4 that Complainant never drove by any of their traffic stops.[23] According to Officer 4 that can't happen with a beat partner. Officer 4 also advised officers could be moved at his and the sergeants' discretion to cover an area as they saw necessary. He addressed Complainant argument that he had seniority by saying, "He isn't senior to the detectives who are in the room working overtime, he's not senior to the sergeants, and he's sure as hell not senior to me."

Officer 3 didn't know why Officer 4 moved Complainant to Area 5, but Zackowski and Tipre thought it had to do with keeping Complainant separated from Officer 1 and Officer 2. All three sergeants advised Officer 4 readily agreed to move Complainant back to Area 2 when this was suggested by Officer 3 and Zackowski. All three sergeants advised they were not aware of any issues between Complainant and Officer 4 prior to this and they did not believe Officer 4 did this to be hostile toward Complainant

After Complainant was moved back to Area 2, Zackowski went outside to the parking lot to advise Complainant Zackowski said Complainant yelled at him for thirty seconds or more Redacted per Penal Code section 832.7(b)(5),(6)&(7) . He described Complainant was so angry, his face was red, and his lips were quivering. Other officers were in the area getting ready for their shifts when this occurred. Redacted per Penal Code section 832.7(b)(5),(6)&(7) .[24]

Shortly after Redacted per Penal Code section 832.7(b)(5),(6)&(7), Complainant came back into the roll call room. He told Officer 4 he wanted to file a complaint against him. Officer 4 told him he needed to file his complaint with Milby, Internal Affairs, or Human Resources. Complainant contacted Medici in Internal Affairs who in turn notified Detmer. Detmer notified Complainant the following day his complaint would be investigated by Internal Affairs.[25]

---

[21] Complainant Interview, approximate time indexes 22:15 and 24:50.
[22] Patrol Rosters from Watch C show 10/19/22 was the last date Complainant worked in the same beat (Area 2) as Officer 1 and Officer 2. Prior to this, the three officers commonly worked Area 2 together.
[23] In their interviews, both Officer 1 and Officer 2 advised Complainant did not come to any of their calls, even if they requested emergency backup, were in a use of force, or had an occupied GTA.
[24] Complainant Interview, approximate time index 26:45.
[25] See Email from Detmer to Complainant dated 10/27/22.

As part of my investigation, I collected and reviewed the evidence previously collected by Meier. I interviewed Complainant and twenty-three witnesses or subject officers. I continued to gather evidence throughout the investigation to include GPS Records, Unit Histories, CAD data, and requested the flyers and the plastic frame/document holder be processed for latent prints and swabbed for deoxyribonucleic acid (DNA).

I checked Telestaff and the Patrol Rosters for all the subject and witness officers listed in this investigation. On the date the "Rat Busters" flyers were printed (October 1, 2022) only the following personnel listed in this investigation worked: J. Mutuku, Officer 2 and Officer Ana Miskulin. J. Mutuku is observed on video entering the Lincoln Station at approximately 4:05 pm (minutes before the flyers were printed). Officer 2 was assigned unit #3839 and GPS records show her vehicle in the area of North High School at 4:17 pm. Telestaff shows Miskulin ended her shift at 4:00 pm. (Miskulin was only mentioned in this investigation as a possible witness to an exchange between Complainant and J. Mutuku in the parking lot.)

I considered at the time the flyers were printed, officers assigned to Watch C would likely have left the station and been in their assigned beats (most units are logged on and in their beats by 3:00 pm). Watch B officers, unless working overtime, would have left the station. In addition to looking at personnel named in this investigation, I also checked Telestaff for any Watch B officers that may have worked overtime. I located two officers: Jennifer Cappelen and Dexter Pattison. When asked, neither Cappelen nor Pattison could recall details from their overtime on October 1, 2022.

Finally, I had GPS records pulled to show what units were at the Lincoln Station on the date/time the flyers were printed. The only two units with automated vehicle locator (AVL) information at the Lincoln Station between 4:00 pm and 4:30 pm, on October 1, were S30 (Sergeant Tanner Paes) and S53 (J. Mutuku).[26] Paes was not mentioned by any officer interviewed in this investigation.

On January 19, 2023, J. Mutuku was interviewed regarding this investigation. The following is an excerpt from his interview:

> **J. Mutuku denied he ever saw the flyers but said he heard about them.**[27]
>
> I confirmed J. Mutuku never saw the flyer. **J. Mutuku said, "I've never… I've never seen this flyer."[28]**
>
> I asked if he heard who might have placed them. Initially, he said no. Then he said he heard Complainant placed them.[29]
>
> I asked, "You didn't place them?" He replied, "No."

[26] Refer to GPS Records At/Near Lincoln Station (10/01/2022, 1600-1630).
[27] J. Mutuku Interview, approximate time index 35:45; page 25 of transcript.
[28] J. Mutuku Interview, approximate time index 36:45; page 26 of transcript.
[29] Question one regarding who he heard placed the flyers. Initially Mutuku said no. J. Mutuku interview, approximate time index 37:10; page 26 or transcript.

In response to asking if his fingerprints would be on the flyers, J. Mutuku said, "No. They're not going to be on those."[30]

I asked if [Complainant] was the only person, he heard might have placed the flyers. He answered, "Yeah." He said everybody was saying [Complainant] put the flyers up.[31]

I asked if he heard he might have placed them. He answered, "Yes. I've heard people say I might've placed them." ***(This directly contradicts his previous two answers regarding who may have placed the flyers.)***[32]

On January 20, 2023, **I received an email from the Riverside County Sheriff's CAL-ID Unit with an informal report that positive identification was made to J. Mutuku reference latent prints collected from the "Rat Busters" flyers found in [Complainant] mailbox and in the locker room. (*This directly refutes J. Mutuku's statement.)***

On January 24, 2023, I spoke with Fingerprint Expert [Reporting Party 2] to follow up on the final report. I also asked to what certainty she was that the prints belonged to J. Mutuku. [Reporting Party 2] informed me that she and two additional fingerprint experts examined the prints and concluded the prints belonged to J. Mutuku.

On February 21, 2023, J. Mutuku was reinterviewed. He could offer no explanation as to why his prints were located on the flyer that had been encased within the frame/document holder found in the men's locker room. He maintained throughout his interview he did not post the flyers and had never seen them. The following is an excerpt from his second interview:

J. Mutuku admitted he was frustrated with [Complainant] and did not like him. I asked if this was enough to drive him to place the flyers. J. Mutuku denied it was. He said, "I cannot explain why my fingerprints would be on there."[33]

J. Mutuku was presented with the report from CAL-ID which showed his fingerprints were located on the flyer. J. Mutuku said, "I understand, but I'm telling you that I did not put the flyer up. I do not know why my fingerprints are on the flyer. I hadn't seen the flyer. I've never seen the flyer."[34]

J. Mutuku maintained he did not print the flyers, put up the flyers, did not put them in the vinyl frame, and did not see them.[35]

---

[30] J. Mutuku Interview, approximate time index 37:30; page 27 of transcript.
[31] Question two regarding who he heard placed the flyers. J. Mutuku Interview, approximate time index 37:35; page 27 of transcript.
[32] J. Mutuku Interview, approximate time index 37:40. Refer to footnotes 39 and 40.
[33] J. Mutuku Interview 2, approximate time index 5:30; page 4 of transcript.
[34] J. Mutuku Interview 2, approximate time index 6:45; pages 4 and 5 of transcript.
[35] J. Mutuku Interview 2, approximate time index 8:20; page 6 of transcript.

J. Mutuku said, "I a hundred percent get it, but I… again, I'm standing by what I said. I di… I didn't print the flyer, I've never seen the flyer, and I didn't put the flyer up or touch this vinyl case that you're talking about."[36]

J. Mutuku understood the evidence presented against him. He said, "It's black and white. I'm not stupid. I get it. I get all the circumstantial stuff. I understand that, but my answer's not gonna [*sic*] change. From the first interview, from the three times I've said it now, it's gonna [*sic*] be the same answer." He added, "but my answer is—there's nothing's gonna [*sic*] make me change my answer. Uh, that's—my answer's what it is."

Since the frame/document holder is not an item stocked at the Department, I asked if he would be willing to voluntarily supply a buccal swab to collect a sample of his DNA to show his DNA was not on the frame. Mutuku answered "yes." He said he would have no problem doing that but said he may have touched a locker on his way out of the locker room.[37] At the end of the interview, J. Mutuku stated he would like to consult with an attorney prior to his DNA being collected.[38]

Through the course of this investigation, I found J. Mutuku had a motive to place/post the flyers and both circumstantial and direct evidence to support he was responsible for them.

Complainant **SECOND COMPLAINT:**

Redacted per Penal Code section 832.7(b)(5),(6)&(7)

[redacted]

[redacted]

[36] J. Mutuku Interview 2, approximate time index 10:30; page 8 of transcript.
[37] J. Mutuku Interview 2, approximate time index 18:15; page 14 of transcript.
[38] J. Mutuku Interview 2, approximate time index 22:30; page 18 of transcript.
[redacted] Redacted per Penal Code section 832.7(b)(5),(6)&(7) [redacted]

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5), (6)&(7)

Redacted per Penal Code section 832.7(b)(5),(6)&(7)

Redacted per Penal Code section 832.7(b)(5),(6)&(7)

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Redacted per Penal Code section 832.7(b)(5),(6)&(7)

[redacted]

Redacted per Penal Code section 832.7(b)(5),(6)&(7)
Redacted per Penal Code section 832.7(b)(5),(6)&(7)
Redacted per Penal Code section 832.7(b)(5),(6)&(7)

2022. He advised he said this because J. Mutuku had "puffed up" and he didn't know if J. Mutuku wanted to fight.[57]

Complainant advised he "sarcastically" said hello to J. Mutuku and told him he checked his mailbox and there was nothing in it on October 8, 2023. Complainant also advised he called J. Mutuku a "punk" and a "coward" when J. Mutuku confronted him directly afterward in the parking lot. Meier, Milby, and Complainant all advised Meier and Milby told Complainant to act professionally and to avoid conflict after the flyers were discovered on October 3, 2022. When presented with this in his second interview, Complainant said he thought the conversation with Meier and Milby in which he was instructed to avoid contact with J. Mutuku occurred after he filed his hostile work environment complaint on October 26, 2022.

Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7) Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7) Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)

[57] Complainant Interview, approximate time index 18:30.
[58] Redacted per Penal Code section 832.7(b)(5)(6)&(7)
[59] Redacted per Penal Code section 832.7(b)(5)(6)&(7)
[60] Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7) Redacted per Penal Code section 832.7(b)(5)(6)&(7)
Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Many believed Complainant was frustrated with the changes in law enforcement and management from all ranks. They gave examples of how Complainant sat on calls for "unreasonable" amounts of time and assigned calls to himself that would result in an easy report or no report at all. Office and Officer 2 described Complainant had a reputation amongst officers for not showing up to calls that were "buckets."[61] Aside from this, they described they had a normal working relationship with Complainant until approximately three years ago when Officer 1 confronted Complainant after he was rude to Officer 1 on Channel 1. After this, Complainant "never" backed them up in the field, even if they requested emergency backup. In his second interview, Complainant recalled the incident that occurred years earlier with Officer 1 but denied he stopped backing Officer 1 and Officer 2 on calls.

Redacted per Penal Code section 832.7(b)(5)(6)&(7)

Redacted per Penal Code section 832.7(b)(5)(6)&(7)

INVESTIGATION:

On Thursday, October 27, 2022, Lieutenant Eric Detmer assigned me to investigate Complainant Complainant complaint of a hostile work environment and claims of retaliation (see attached email from Detmer). Though the complaint was serious, an arbitration hearing (PA2107041) the following week prevented me from immediately scheduling an interview with the complainant.

On Tuesday, November 8, 2022, Sergeant Mike Medici and I interviewed Complainant Complainant regarding his complaint of a hostile work environment, in the Internal Affairs Conference Room. The interview was audio recorded.

[61] The term "bucket" refers to a call that is complex and generally requires a lengthy report.
[62] Redacted per Penal Code section 832.7(b)(5)(6)&(7)
[63] Redacted per Penal Code section 832.7(b)(5)(6)&(7)

On November 29, 2022, I received a forwarded email from Lieutenant Eric Meier with an attachment titled "Report Room Print Log." The original email is dated October 5, 2022, from IT Technician Reporting Party 3.

On December 1, 2022, I met with Lieutenant Eric Meier and collected two "Rat Busters" flyers (one of the flyers was encased in a vinyl frame/document holder with a magnet attached to the rear) and a thumb drive. The thumb drive contained video footage of the rear parking lot at the Lincoln Station. I loaded the video into RMS.

During the week of December 5, 2022, I met with Supervising Forensic Specialist Reporting Party 1 to have her conduct a latent print search of the "Rat Buster" flyers and swab for DNA. Reporting Party 1 was in the middle of a jury trial and processing evidence from a recent triple homicide. To be discreet, I retained the flyers until she could process them.

On December 6, 2022, Sergeant Mike Medici and I interviewed Officer Spencer Weddle, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On December 7, 2022, Sergeant Mike Medici and I interviewed Sergeant Robert Tipre, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On December 7, 2022, I emailed Police Communications Systems Analyst Reporting Party 4 and requested GPS records and Unit History for 3R24 (Officer 2) for October 1, 2022. I later attached these to the case file.

On December 13, 2022, Sergeant Mike Medici and I interviewed Sergeant Dawson Smith, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On December 13, 2022, Lieutenant Eric Detmer and I interviewed Sergeant William "Billy" Zackowski, as a witness officer, in the Lincoln Station Conference Room. The interview was audio recorded.

On December 14, 2022, Sergeant Mike Medici and I interviewed Officer Shea McMahon, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On December 15, 2022, Sergeant Mike Medici interviewed Officer 4, as a subject officer, in the Internal Affairs Conference Room; Captain Charles Payne ordered Officer 4 to answer questions. The interview was audio recorded.

On December 19, 2022, I interviewed Officer Ana Miskulin (formerly Ahumada) as a witness officer, in my office in Internal Affairs. The interview was audio recorded.

On December 21, 2022, Sergeant Mike Medici and I interviewed Officer Carrin Christianson, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On January 3, 2023, Sergeant Mike Medici and I interviewed Lieutenant Mike Barney, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On January 4, 2023, I provided Supervising Forensic Specialist Reporting Party 1 the two "Rat Busters" flyers for processing. I requested latent prints and DNA swabs of both flyers.

On January 4, 2023, Sergeant Mike Medici and I interviewed Lieutenant Eric Meier, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On January 4, 2023, Sergeant Mike Medici and I interviewed Officer 2, as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On January 11, 2023, Sergeant Mike Medici and I interviewed O Officer 1 as a witness officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On January 19, 2023, Lieutenant Eric Detmer and I interviewed Sergeant James Mutuku, as a subject officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On January 20, 2023, I received an email from the Riverside County Sheriff's CAL-ID Unit with an informal report that positive identification was made to James Mutuku and Compl[Complainant] The email is attached to the case file.

On January 24, 2023, I called Fingerprint Expert Reporting Party 2 with Riverside County Sheriff's CAL-ID Unit to follow up on the final report. I also asked to what certainty she was that the prints belonged to James Mutuku. Reporting Party 2 informed me that she and two other fingerprint experts examined the prints and concluded the prints belonged to J. Mutuku. I asked if this would be in her report. Reporting Party 2 said the final report would indicate she and another examined the prints.

On January 24, 2023, I received an email from the Riverside County Sheriff's CAL-ID Unit with the final report. The email and final report are attached to the case file.

On January 25, 2023, I interviewed Deputy Chief Bruce Blomdahl, as a witness officer, in his office at the Orange Street Station. The interview was audio recorded.

On January 26, 2023, I interviewed Sergeant Nathan Asbury, as a witness officer, in my office in Internal Affairs. The interview was audio recorded.

On January 26, 2023, I interviewed Captain Chad Milby, as a witness officer, in my office in Internal Affairs. The interview was audio recorded.

On January 27, 2023, I attempted to reach Investigator Janet Ramos with the District Attorney's Office by phone to interview her. I received an automated voicemail for "951-623-3487." I left a message and requested she call me.

On January 27, 2023, I interviewed Investigator Janet Ramos with the District Attorney's Office by telephone. The interview was audio recorded.

On January 31, 2023, Lieutenant Eric Detmer and I interviewed Officer 3, as a subject officer, in the Internal Affairs Conference Room. He was represented by Attorney Saku Ethir. The interview was audio recorded.

On February 7, 2023, Supervising Forensic Specialist Reporting Party 1 returned the two "Rat Busters" flyers and possible DNA samples.

On February 8, 2023, I requested Supervising Forensic Specialist Reporting Party 1 process the frame/document holder which previously housed one the "Rat Busters" flyers.

On February 8, 2023, I interviewed Officer Dexter Pattison by telephone. The interview was audio recorded. I also conducted follow-up by email and attached the correspondence to the case file.

On February 9, 2023, Supervising Forensic Specialist Reporting Party 1 took possession of the frame/document holder which previously housed one the "Rat Busters" flyers to process for latent prints and swab for DNA.

On February 9, 2023, I contacted Police Communications System Analyst Reporting Party 4 for GPS records related to October 1, 2022. Reporting Party 4 provided me with the information requested and I attached to the case file.

On February 15, 2023, Supervising Forensic Specialist Reporting Party 1 forwarded me an email from RSO CAL-ID which indicated there was no match made on the plastic frame/document holder and the formal report would follow.

On February 21, 2023, Lieutenant Eric Detmer notified me Complainant filed another complaint against Officer 3 (see attached Complaint Control Form dated February 20, 2023). He informed me this complaint would be added to and investigated under this investigation.

On February 21, 2023, Lieutenant Eric Detmer and I interviewed Sergeant James Mutuku, as a subject officer, in the Internal Affairs Conference Room. The interview was audio recorded.

On February 23, 2023, I emailed Complainant to advise I could not keep his appointment that afternoon and asked to reschedule. I told him he had been identified as possible subject officer and he was welcome to bring a representative. He replied to me minutes later and advised he would speak with Attorney Saku Ethir.

On February 26, 2023, Captain Charles Payne and Lieutenant Eric Detmer placed Sergeant James Mutuku on paid administrative leave and suspended his police powers.

On February 28, 2023, Lieutenant Eric Detmer notified Sergeant James Mutuku he reported this investigation to Peace Officer Standards and Training reference Senate Bill 2 Disclosure.

On February 28, 2023, Lieutenant Eric Detmer and I interviewed Officer 3, as a subject officer, in the Internal Affairs Conference Room. The interview was audio recorded. Attorney Saku Ethir represented him. She told me Complainant had reached out to her for representation, but she told him it would be a conflict for her to represent him.

On March 2, 2023, I emailed Complainant to follow up on his interview. He replied to me minutes later and advised he spoke with Attorney Saku Ethir and would confirm with me once he had a date, she was available. Hours later, he replied he was available to be interviewed March 9, 2023.

On March 8, 2023, I interviewed Sergeant Chamroeun Ouk, as a witness officer, by telephone. I recorded the call with Ouk's permission.

On March 9, 2023, I interviewed Detective Dave Riedeman, as a witness officer, in my office in Internal Affairs. The interview was audio recorded.

On March 9, 2023, I interviewed Detective Josh Ontko, as a witness officer, in my office in Internal Affairs. The interview was audio recorded.

On March 9, 2023, Sergeant Mike Medici and I were prepared to interview Complainant regarding his complaint dated February 20, 2023, against Officer 3, in the Internal Affairs Conference Room. We also planned to interview him as a subject officer regarding allegations made by other parties during the investigation. Complainant arrived early to his 3:00 pm interview with Officer Danny Cisneros as his representative. Upon seeing the Complaint Control Form, Admonition of Rights Packet, and transcript of his first interview, he asked to reschedule so he could bring an attorney. I provided him with the transcript of his first interview and he advised he would reach out to me to reschedule once he had an attorney. He explained Attorney Saku Ethir advised him it would be a conflict to represent him.

On March 14, 2023, I received a phone call from Attorney Peter Horton who advised he was Officer Complainant's Complainant attorney. He requested a copy of the transcript of Complainant interview and the audio recording. I emailed him both items and we scheduled Complainant interview for March 30, 2023.

On March 16, 2023, Supervising Forensic Specialist Reporting Party 1 returned the "Rat Busters" plastic frame/document holder, DNA swabs a copy of her report and the final report from the RSO CAL-ID Unit. I later attached both reports to the case file.

On March 30, 2023, Sergeant Mike Medici and I interviewed Complainant regarding his complaint against Officer 3, in the Internal Affairs Conference Room. We also interviewed him as a subject officer regarding allegations made by other parties during the investigation; Attorney Peter Horton represented him. The interview was audio recorded.

INTERVIEW OF WITNESS [redacted]

On November 8, 2022, at 2:51 pm, Sergeant Mike Medici and I interviewed [redacted] in the Internal Affairs Conference Room. I explained to [redacted] I did not have any questions prepared for him and this interview was to allow him to explain the issues he had been experiencing. [redacted] stated he would attempt to identify the issues in chronological order to the best of his ability. The interview was recorded using a department issued digital audio recorder. The following is a summary of [redacted] recorded interview. It is not verbatim or necessarily in order but is organized for clarity. ([redacted] interview was also transcribed and is attached to the case file.)

[redacted] issues began at shift change which occurred in July of 2022. He advised Officers [redacted] and [redacted] normally rode as partners and he worked Wednesdays Thursdays with them. Due to staffing levels, the Department "has adopted this philosophy" that somehow, it's okay to put two units on the east side of the city when we used to have five units plus UNET (University Neighborhood Enhancement Team). By August, [redacted] and his partner, Officer Spencer Weddle, observed [redacted] and [redacted] taking themselves "out of service" frequently. This was due to [redacted] taking lactation breaks, which she is entitled to do, and [redacted] did not have a problem with. However, [redacted] did take issue with the fact that whenever [redacted] exercised this right, [redacted] was also being taken out of service, because they rode as partners. This left one police unit for 60,000 people. It wasn't safe and it wasn't fair to [redacted] and Weddle. [redacted] and Weddle were "ripping their hair out and getting their butts kicked."

[redacted] went to Sergeant Dawson Smith, who was in the sergeant's office, and requested he split [redacted] and [redacted] (Smith supervised [redacted] and [redacted] He told Smith it was a safety issue, and the workload was unfair to [redacted] and Weddle. [redacted] was "basically told no" and "it was implied" that [redacted] and [redacted] were going to do whatever they wanted. [redacted] ([redacted] direct supervisor) was present during this conversation. Smith and [redacted] were not receptive to [redacted] request. They looked at him and were like, "Are you nuts? We're not splitting them up. Just deal with it."[64]

[redacted] could not believe it. He did not care if [redacted] used her lactation break her entire shift. His issue was [redacted] shared a car with [redacted] so that meant they were both out of service. It was very frustrating to work like that, even though it was only two days per week. [redacted] and Weddle were left to handle the beat which is dangerous and large.

When he brought the issue to Smith, Smith and [redacted] kept saying "they're entitled to it." [redacted] disagreed and said [redacted] was entitled. He had no issue for a woman to take care of her business, but she was not entitled to ride with a partner and have both officers be tied up.

His conversation with Smith "obviously leaked back" to [redacted] and [redacted] because the lactation breaks went from thirty minutes to almost an hour and fifteen minutes. [redacted] and Weddle felt [redacted] and [redacted] were trying to make a point by stretching out the breaks since [redacted] said something to a sergeant.

---

[64] [redacted] Interview, approximate time indexes 2:00 and 4:00.

Complainant asked for help, but he and Weddle didn't receive any. The lactation breaks lasted longer and longer, and Complainant frustration continued to build.

Then on September 15, Officer 1 and Officer 2 were dispatched to a burglary or theft that occurred at LA Fitness. The reporting party (RP) advised her locker had been broken into and all her stuff had been taken. "The bad guys" had her key fob and probably used to it locate and split in her car. Complainant was driving and Weddle was watching the computer. Officer 1 and Officer 2 were enroute to the call for almost an hour and thirty minutes. The RP called back numerous times regarding the delay in police response. The RP must have called her father because her father showed up. The father called police, got mad because of the delay, and drove around and found his daughter's car.[65]

Dispatch got upset and "burned" Officer 1 and Officer 2 on Channel 1. Dispatch asked if they were "97" (on scene). Officer 1 or Officer 2 advised they were going to call the RP. Weddle looked at Complainant and asked how they were going to handle the call over the phone. They would have to fill out a CHP 180 Form for the stolen vehicle, have the victim sign it, and then enter the information into California Law Enforcement Telecommunications System (CLETS).

Complainant told Weddle that Officer 1 and Officer 2 were going to "NR" the call. (NR refers to "No Report" meaning they were not going to take a report.) Weddle didn't believe this. Complainant told him, "They know they're untouchable out here. They're doing whatever they want. If the sergeants aren't addressing it, they're not going to go to that call." Complainant and Weddle watched and Officer 1 and Officer 2 cleared without taking a report.[66]

Complainant and Weddle were ripping their hair out. Weddle typed a dispatcher to confirm Office and Officer 2 cleared without a report. The dispatcher responded and advised this was correct, but a report should have been taken.

Complainant sent a text to Public Safety Dispatcher Tanya Richardson. She too confirmed Officer 1 and Officer 2 did not take a report.

It took Officer 1 and Officer 2 an hour and a half to get to the call, Complainant and Weddle were "the ones getting their asses kicked all the time and they just pulled that." Complainant told Weddle, "I've had it." He told Weddle he was going to sleep on it, but if he was still upset in the morning, he was going to call Internal Affairs. He said, "There's nobody addressing these issues out here, and their behavior is getting more and more brazen."[67]

Complainant woke the next day, went to the gym, and was still upset. He sent a text to Sergeant Mike Medici (who works in Internal Affairs) on September 16, regarding the call Officer 1 and Officer 2 didn't take a report on. He provided the incident number to Medici and asked him to look at it. He did not bring the issue to Smith or any other supervisor in Field Operations. He reached out to Internal Affairs as "an act of desperation, because I already felt like I went to

[65] Complainant Interview, approximate time index 4:20.
[66] Complainant Interview, approximate time index 5:00.
[67] Complainant Interview, approximate time index 6:30.

them" and nothing was going to happen. The sergeants sat in the office and watched television, while the officers handled the calls.[68]

Medici responded and said the call didn't look right and he had Lieutenant Eric Meier looking into it. Complainant waited a few days and when he didn't hear anything, he sent a text to Meier. Complainant asked Meier if "you guys" were going to investigate the incident or not. Complainant said it was "sad that this was going to be swept under the rug." He knew as a rep, officers sat in this seat (referring to being interviewed in Internal Affairs) for hours and got accused of doing way less than what they did. Meier told Complainant "We're looking into it."[69]

Complainant said, "And Eric's a good solid guy. So, I trust him. And I look up to him even though he's younger than me. He's a… he's … I admire the guy."[70]

Complainant relied on Meier. A few days later, Complainant told Meier, "Look man. If you guys are going to cover this up, let me know, because I'm going right to the CPRC."[71] He told Meier Officer 1 and Officer 2 were not getting away with this. Complainant represented guys all the time and Meier had previously worked in Internal Affairs; both knew officers were investigated for way less than this.[72]

It wasn't easy for Complainant to contact Internal Affairs. He knew there would be a consequence for doing so and he would be labeled a rat. Meier told him he would try to protect his name, but Complainant was older and knew it was going to get out anyway.

Some time passed and Complainant had "a good conversation" with Deputy Chief Bruce Blomdahl. Blomdahl asked Complainant to stay away from the CPRC and let the Department handle this internally. Complainant didn't have any problem with that. He admired Blomdahl, looked up to him, and was a role model to Complainant The conversation was face to face, lasted about three hours, and occurred on a Friday, possibly September 30. The two also spoke about retirement and Blomdahl encouraged Complainant to retire with a smile on his face.[73]

On Saturday, October 1, Complainant worked overtime at the swap meet. He wondered what Sergeant James Mutuku (married to Officer 1 would think of "this" and if he would be able to separate his personal life from his professional life. Complainant saw J. Mutuku at 7:00 am and said hello to him. J. Mutuku replied, "You'll see. You'll see." J. Mutuku made this comment in the hall at the Lincoln Station. Complainant had just exited the locker room and ran into J. Mutuku just before J. Mutuku walked into the sergeant's office. Complainant knew J. Mutuku was going to retaliate. Complainant said this was this first time he saw J. Mutuku after filing the complaint against Officer 1 and Officer 2 approximately two weeks earlier.[74]

---

[68] Complainant Interview, approximate time index 7:00.
[69] Complainant Interview, approximate time index 8:00.
[70] Complainant Interview, approximate time index 8:30.
[71] CPRC refers to Community Police Review Commission.
[72] Complainant Interview, approximate time index 8:50.
[73] Complainant Interview, approximate time index 9:40.
[74] Complainant Interview, approximate time indexes 10:00 and 1:25:30.

On Monday, October 3, Complainant came into the station and there was a picture of a rat with the wording "Rat Busters" in his mailbox. He went into the locker room and there were framed pictures of rats (the same image and wording). Complainant believed J. Mutuku was responsible and was the only one with motive. He said the "girls" wouldn't have snuck in there to do that. Complainant photographed the images and didn't say anything to anybody. He left the photo in his mailbox and the photos in the locker room. He wanted to see what would happen and what else J. Mutuku would do.[75]

The following day when Complainant arrived at work, the photo from his mailbox was gone and all but one photo in the locker room had been removed. Complainant figured Meier had removed the photos but didn't see the photo that was left because it was covered by shoes. Complainant sent a text to Meier and said he appreciated him removing the photos, but he already had photos of them. He already had it documented.

Meier called Complainant later that day and Complainant told him J. Mutuku did it. Meier asked Complainant why he thought that, and Complainant told him about the conversation two days before the photos appeared in which J. Mutuku told Complainant "You'll see. You'll see."[76]

The Monday after Complainant notified Internal Affairs (September 19), Complainant and Weddle were riding partners. Officer 3 called Weddle to ask why Weddle and Complainant spent forty-three minutes at Bordwell Park. The call from Officer 3 was unusual because Officer 3 rarely called them and was "a hands-off guy." Complainant said they were never at Bordwell Park and thought the call was odd. An hour or two later, Officer 3 called Weddle again and asked why they cleared a stalking call without taking a report. Weddle told Officer 3 they were never on a stalking call. Weddle told Complainant he thought the calls from Officer 3 were because Complainant had gone to Internal Affairs, because previously Officer 3 had never bothered them.[77]

Later that night, they handled a recovered stolen vehicle. Officer 3 showed up and told Complainant and Weddle they were being watched. Officer 3 advised Lieutenant Mike Barney was checking response times and their names had come up. Complainant said his and Weddle's response times were good. He told Weddle, "You're right. They're coming after me." Complainant said he knew it and he shouldn't have said anything. He could not believe this was coming from command, from sergeants.[78]

The following day, the schedule was posted, and Complainant and Weddle were no longer riding together even though they had ridden partners for two years. Complainant told Weddle the Department was going to ruin his life.[79]

These incidents occurred a week or two prior to the rat photos. Complainant reported to Internal Affairs on September 16, and on Monday, September 19 (Complainant estimated September 18), Officer 3 "started coming after us." On Tuesday, September 21, Complainant and Weddle were

---

75 Complainant Interview, approximate time index 11:15.
76 Complainant Interview, approximate time index 12:30.
77 Complainant Interview, approximate time index 12:45.
78 Complainant Interview, approximate time index 14:00.
79 Complainant Interview, approximate time index 14:30.

separated from riding partners.[80] Friday, September 23, Complainant met with Blomdahl. Saturday, October 1, Complainant worked the swap meet and J. Mutuku said, "You'll see. You'll see." Monday, October 3, the rat flyers appeared. Tuesday, October 4, the rat flyers were gone. Meier called Complainant and told Complainant he took them down.[81]

Complainant looked up "Rat Busters" and learned it was a rifle used to kill rats. Complainant believed J. Mutuku either got lucky and printed the first thing he saw, or he purposely searched this to send a message.[82]

Complainant believed J. Mutuku was responsible for placing the rat photos, because he was the only one that had motive. Complainant was infuriated J. Mutuku was hiding behind "Hollywood props" and was not going to be intimidated by him.

The following Saturday, October 8, Complainant again worked the swap meet. At about 6:30 am, the officers had left to start their shift, but the sergeants were still sitting up in their seats in the roll call room. Complainant walked by and "sarcastically" said, "Hello James. How you doing [*sic*]?" and then went to change. After changing, Complainant walked out of the station by the watch commander's office. Prior to exiting, he told J. Mutuku, "James, I checked my mailbox and there's nothing in it."

J. Mutuku walked out the other door (in the roll call room) and confronted him. J. Mutuku told him, "Your voice is trembling. What's wrong dude?" Complainant told him a Rat Buster is a rifle used to kill rats and, "You threatened my life." Complainant called him a punk and a coward. J. Mutuku then turned, and with his right or left hand, simulated a handgun and motioned as if firing twice at Complainant did not know who was in the parking lot when he and J. Mutuku were yelling at each other and said the video was probably gone now.[83]

There was another incident in which Complainant did not log on while working the swap meet; he has a bad habit of not logging on when he works the swap meet. Lieutenant Ed Collins told Complainant to log on next time. Complainant said OK and walked outside. Then J. Mutuku "popped off and said something" and Complainant told him, "Do something then."[84]

I asked what J. Mutuku said to him. Complainant couldn't remember, but it was something about logging on. It was similar to the swap meet was in his (J. Mutuku's) area and to log on next time. Complainant told him, "Then do something."[85]

Complainant was trying to listen to Blomdahl because he admired him. Blomdahl told him to retire with a smile on his face, so Complainant was just trying to "take this stuff."

---

[80] Patrol Roster shows Complainant and Weddle were separated on 9/21/22. See attached Watch C 09-21-22 (Wednesday).
[81] Complainant Interview, approximate time index 14:40.
[82] Complainant Interview, approximate time index 15:30.
[83] Complainant Interview, approximate time indexes 17:00 and 1:26:20.
[84] Complainant Interview, approximate time index 18:30.
[85] Complainant Interview, approximate time index 19:00.

Meier called Complainant and asked him if he wanted to open an investigation regarding the rat flyers. Complainant told him, "No. Don't do it." He told Meier he wanted to mind his own business but asked if Captain Chad Milby knew about this. Meier told him he did. This made Complainant question why he needed to start the investigation. Upon the captain learning of the incident, an investigation should have been opened immediately.[86]

Complainant stated if Medici or I walked out and had the flyer on our car, there'd be an investigation. If he did that to a sergeant that pulled a "PA" on him, there would be an investigation. But in this case, there was no investigation. He did not see J. Mutuku do it but assumed he did because he had motive. It was crazy to Complainant there was no investigation.

Complainant struggled with what to do and how to play this out. He was upset, J. Mutuku was upset, and it would result in them fighting in the parking lot and losing their jobs, or this needed to be handled so Complainant would have some relief. He stated J. Mutuku could come into Internal Affairs and choose to lie to us, and he would get away with it. J. Mutuku could either lie or tell the truth and either one would have a serious consequence for his career.

Complainant was conflicted on what to do. He is good friends with "Larry" (Chief Lawrence Gonzalez) and now Gonzalez was going to get "sucked into this." Complainant said, "So now I'm getting backed into a corner and I don't know what else to do. So, I swallow it."[87]

Meier told Complainant he suggested in a Command Staff Meeting that they keep Officer 1 and Officer 2 out of Complainant beat; to separate them because there were problems. It was contentious because Complainant Officer 1 and Officer 2 worked together two days a week. However, Meier's recommendation didn't come to fruition. The two Watch Commanders, Officer 4 and Barney decided they weren't going to do that.[88]

Last week, the schedule went up and Officer 1 and Officer 2 were in Area 2 with Complainant there were four officers and a holdover (Officer 1, Officer 2, Complainant Andrew Tai and he believed Michael Leon was the holdover). Sergeant William "Billy" Zackowski, asked to move someone from Area 2 into Area 5. Officer 4 looked and said, "Put Complain over there." Everyone in the room stopped and knew why Officer 4 was doing that. There was no excuse for it. Complainant said, "He was doing it to intimidate me, to retaliate against me, to bully and haze me. And he loved every minute of it." Officer 4 knew he would get a reaction out of Complainant.[89]

Complainant advised Zackowski should have said to move "the girls" because they were his crew, or to split them up. Complainant understood sergeants could move people at will, but if it was done as a form of intimidation, or retaliation, or to embarrass him, then it was wrong.

Complainant walked out and received a text from Officer Carrin Christianson. She told him Officer 3 was standing up for him, arguing with Officer 4 and telling him he didn't agree with what Officer 4 just did.

---

86 Complainant Interview, approximate time index 19:20.
87 Complainant Interview, approximate time index 21:00.
88 Complainant Interview, approximate time index 21:20.
89 Complainant Interview, approximate time indexes 22:15 and 24:50.

Zackowski was also upset, but Officer 4 said he could basically do what he wanted and "flexed his muscles" and then they ended up moving Complainant back. It was changed because of Zackowski and Officer 3 stopping him from doing that.[90]

When Zackowski came out, he was upset. He told Complainant he was getting moved (back to his original beat). Complainant told him he was coward, and this was happening because Zackowski wasn't supervising "these people." He questioned Zackowski and told him he should have told the person doing the roster to move "his people" over to Area 5. Complainant said everyone says Officer 1 and Officer 2 are untouchable. He doesn't know why or where this came from. It's not just Complainant that says this about them; other officers do too.[91]

Complainant sat in the parking lot, upset, and tried to decide what to do. Was he going to retire with a smile? He wondered when this was going to stop. He was getting bumped out of beats and "having guys point guns at him." He wondered where this was going to go and what J. Mutuku might do. Would J. Mutuku throw a bag of dope in his locker? Would he key his car? Complainant wondered what potential violence this could bring on him. It was escalating and it was all against him. He believed it was because he brought this to the attention of Internal Affairs.[92]

Complainant decided he had enough and came into Internal Affairs. He advised something bad was going to happen if Internal Affairs did not get involved. Not from him, but J. Mutuku. J. Mutuku was a sergeant and was supposed to be able to separate his personal and professional life. As a supervisor, J. Mutuku has an obligation to separate himself. Obviously, he can't, and Officer 4 can't.[93]

I asked why he believed Officer 4 had an issue with him. Complainant advised Officer 4 was a big fan of Officer 1 and Officer 2 Complainant said, "They actually do good police work. I'm a fan of them too." Complainant knew the suggestion was made to move Officer 1 and Officer 2 but Officer 4 didn't do it. To make a point, when the schedule went up in front of all of Complainant peers, Officer 4 said to move Complainant

Prior to coming to Internal Affairs, Complainant read the retaliation policy and went back into the station. He told Officer 4 "Hey Dan. I'm just letting you know. I'm officially telling you that I'm filing a retaliation complaint against you for reporting police misconduct." Officer 4 told him to "Get out of here" and he wasn't taking it. I asked Complainant if he advised Officer 4 his report of misconduct involved Officer 1 and Officer 2 Complainant said he didn't have to; it was blatantly obvious. He told Officer 4 he was filing a hostile work environment claim for retaliation that he reported possible police misconduct. Officer 4 was still in the roll call room; Zackowski, Officer 3 and Officer Shea McMahon were present, and possibly Sergeant Robert Tipre.[94]

Complainant advised when he left Internal Affairs, he ran into Janet Ramos. They spoke about her leaving the Department. During that conversation, Ramos told Complainant J. Mutuku was "a dirty

---

[90] Complainant Interview, approximate time indexes 22:30 and 25:30.
[91] Complainant Interview, approximate time index 26:45.
[92] Complainant Interview, approximate time index 23:00.
[93] Complainant Interview, approximate time index 23:45.
[94] Complainant Interview, approximate time indexes 26:00, 27:30, and 29:00.

fucking cop." Ramos told Complainant when she worked with J. Mutuku in the Narcotics Unit, J. Mutuku didn't test the drugs, though he wrote he did. She also told Complainant that J. Mutuku met with an informant and then told Ramos to write a search warrant and say she had met with him when she did not. She repeatedly said J. Mutuku was "dirty." Complainant said this reeked of police corruption.[95]

I asked if anything else has happened, since Officer 4 told him to go to Internal Affairs, that he considered to be retaliatory or cause him concern? Complainant said no.

I asked Complainant why he chose to photograph the flyers that were posted in his mailbox and in the locker room and not report them to supervision. Complainant answered, "Because I wanted to see what his next move was going to be." (Complainant was referring to J. Mutuku.)[96]

Complainant observed the flyers on Monday afternoon, prior to his shift starting. The following day, he noticed two of them were gone, but one remained. Complainant sent Meier a text saying he appreciated him removing them but told Meier he had already photographed them for documentation. I asked again why he didn't report the flyers. Complainant said he made the decision to photograph and document them. He did not know why he didn't report them. He said this was the first time something like this had happened to him. Complainant said he wasn't shocked He knew J. Mutuku was going to do something after he made the statement "You'll see. You'll see."

I told Complainant I understood him photographing them, but why not photograph them and then go report this to a sergeant or lieutenant. Complainant said, "You're right. I should've. I don't know why."[97]

Complainant has had no further interactions with J. Mutuku or Officer 4 since coming to Internal Affairs to report a hostile work environment.

Complainant advised Officer 1 and Officer 2 were never split from riding as partners. He could not recall if the lactation breaks continued.

When Complainant filed a complaint against Officer 1 and Officer 2 for not taking a report, Medici told him Meier would investigate his complaint. Complainant waited a few days and then followed up with Meier by text to find out what happened. Complainant wanted to know if this was going to get swept under the rug or if someone was going to investigate. They exchanged texts and Meier told Complainant he was looking into it. Complainant said, "Somehow, I don't think it was investigated and I think they just told them not to do any... do it again or something."[98]

I confirmed he did not know that, and he was just assuming. Complainant admitted he didn't know. Meier told Complainant he would investigate, but Complainant had no knowledge what steps were taken to investigate, what discipline if any was issued, if Officer 1 or Officer 2 received a verbal

---

[95] Complainant Interview, approximate time index 29:30.
[96] Complainant Interview, approximate time index 32:00.
[97] Complainant Interview, approximate time index 34:20.
[98] Complainant Interview, approximate time index 35:40.

counseling, etc. The only thing Complainant knew was Blomdahl met with him and asked for Complainant to let the Department handle it internally.[99]

I told Complainant the Department tried to keep people's personnel matters as confidential as possible. I explained If Meier had investigated and reviewed computer aided dispatch (CAD), dispatch recordings, body-worn camera (BWC) video, and interviewed Officer 1 and Officer 2 he wouldn't share that knowledge with Complainant said that was fine. I also advised him when someone files a complaint, they are not made aware of the discipline, if any, the officer(s) may receive. Complainant said with the new laws, he believed the public and media would have access to these investigations, but perhaps not the discipline. Complainant stated he was trying to make sure his complaint regarding Officer 1 and Officer 2 would be investigated and "there wasn't going to be a cover up by my police department." He said this is what he was texting Meier about.

I told him I understood, but earlier in his interview he told me he admired Meier and looked up to him. I asked if Complainant had any reason to doubt Meier's word that he would investigate Complainant complaint. He answered, "Yeah. Because I've been told that Officer 1 and Officer 2 are untouchable. So, it way my belief that they were going to sweep this under the rug from the beginning. And I... I don't know if that's true or not, but... that was my belief."[100]

Medici directed Complainant attention back to the call on September 15. He asked how Complainant knew so much about the call. Complainant said he knew what Weddle told him from the computer because Complainant was driving. At one point, Complainant may have looked at the computer. He and Weddle discussed the reporting party kept calling in to find out where the police were. Weddle typed a dispatcher he knew, and the dispatcher told Weddle a report should have been taken on the call. Complainant sent a text to Public Safety Dispatcher Tonya Richardson to find out more about the call. He told Weddle they should find out more information before they started "jumping to conclusions, let's take a breath, because we're upset." Richardson also advised the officers didn't take a report.[101]

Complainant said any beat partner, that watched a computer and saw their beat partners enroute to a call for an hour and a half would be upset. This meant the other officers were getting all the calls. Complainant said he was taught in training to always monitor unit and incident status.

Medici asked Complainant if he ever learned if the Department was investigating the call. Complainant said he just met with Blomdahl who asked to "let us handle it internally." Complainant said he didn't know what that meant. It could have meant anything from, "Hey, don't do this again..." to "there's a complaint." Complainant assumed nothing happened because Officer 1 and Officer 2 were never split up. "So, I could just see, you know, 'Hey don't do that again. Change your ways. Be careful, and then go ahead.'"[102]

---

[99] Complainant Interview, approximate time index 37:45.
[100] Complainant Interview, approximate time index 39:50.
[101] Complainant Interview, approximate time index 40:30.
[102] Complainant Interview, approximate time index 43:00.

Medici asked Complainant how much he "poked the bear" after believing nothing happened. Complainant said what he (Complainant described kept building. He didn't know if he was poking the bear, or "they were poking me." He said, "Obviously the frustration's building."

Medici asked if perhaps the issue was resolved, but Complainant "stirred it up again." Complainant said, "No. I... I can't say that, because when I said hello to James Mutuku, he could have easily looked at me and said hello. He said, 'You'll see. You'll see.' And it escalated from that to... to the 'Rat Buster" flyer being in my mailbox."[103]

Complainant said he wasn't the one poking the bear. He notified Internal Affairs about officers not taking a report on a call. When J. Mutuku found out about it, he couldn't separate his professional life from his private life.

Medici asked Complainant if he asked J. Mutuku about the flyer and if he did it. Complainant said, "No, other than confronting him." When asked what he meant, Complainant said he called J. Mutuku a coward, told J. Mutuku he put the flyer in his mailbox, and that it was a threat on his life. Complainant told J. Mutuku it was a rifle used to kill a rat. J. Mutuku formed a "gun" with his hand and simulated firing it twice at Complainant said J. Mutuku did not deny putting the flyer in Complainant mailbox when confronted.[104]

Medici asked if Complainant was sincere when he said hello to J. Mutuku. Complainant said he was very sincere. He was surprised at J. Mutuku's response and denied trying to get a reaction.

Medici asked Complainant if he put himself "10-6" (busy) at Internal Affairs on October 1, purposely, so everyone would know what he was doing.[105] He said he didn't know, but Officer 4 told him to. He said for today's interview, he thought he put himself "10-6 Magnolia" (busy at the Magnolia Station). He could not recall if he put himself "10-6 IA" when he came to Internal Affairs to represent officers. Complainant said he was fifty-three years old, not twenty-five and "pissed off." He was getting ready to retire. He reported something he believed he should have and was timid in doing so because he was afraid this might happen. He said, "That flyer was put in my mailbox. He's the one who said, 'You'll see. You'll see.' Not me. I didn't go up to him and say 'Hey!' I didn't confront him. I didn't cause any problems with him. I wanted to be professional, and I wanted it to be handled..., however. I didn't want this to happen. It was sheer desperation the two times I came here, because nothing is being done out there. Sheer desperation."[106]

Medici asked Complainant why he called Zackowski a coward after Zackowski righted the situation with the roster. Complainant said he called Zackowski a coward because Zackowski could have moved someone on his own. Instead, Zackowski asked to move someone from Area 2. Complainant stated Zackowski could have said those were his people and to move them.

---

[103] Complainant Interview, approximate time index 44:30.
[104] Complainant Interview, approximate time index 45:20.
[105] October 1 was a Saturday, so this date is not correct. The date this occurred was October 26, 2022.
[106] Complainant Interview, approximate time index 46:45.

Medici asked, "So you were just mad at Billy?" Complainant answered, "Everyone was mad at each other. It's very contentious. We're shorthanded all the time. Billy's upset. I'm upset. Officer 3's upset. Everyone's arguing."[107]

Complainant said Officer 3 asking about the stalking call was "bizarre" and that Officer 3 asked, "weird questions." Neither he nor Weddle received any discipline about the call and Complainant did not know all that Officer 3 said, as Officer 3 called Weddle.

I told Complainant he brought the issue regarding Officer 1 and Officer 2 not taking a report to Internal Affairs on September 15, 2022. Complainant met with Blomdahl about two weeks later. He also had a conversation with Meier regarding this and/or Officer 1 and Officer 2 riding together with Officer 1 taking lactation breaks. Both Blomdahl and Meier told Complainant this would be handled internally. I told Complainant that unless Complainant told Officer 1 and Officer 2 himself, there had to have been some type of investigation for J. Mutuku to learn of the events. Complainant responded, "Well that's his wife." Complainant was sure "it got out." I told him that was my point.

I told Complainant he said earlier he respected Meier and Blomdahl and they wouldn't have a reason to lie. I told him some type of conversation had to take place with Officer 1 and Officer 2 about the call. Complainant said he didn't know. I asked why else J. Mutuku would say "You'll see. You'll see." the day after he spoke with Blomdahl? Complainant said, "I don't know."[108]

I told Complainant it was obvious he had an issue with J. Mutuku and believed J. Mutuku posted the flyers. Complainant said J. Mutuku had motive. Complainant identified J. Mutuku as a subject officer in this investigation.

I asked about Officer 4 Complainant responded, "Well, he violated… isn't he obligated to take the complaint?" I told Complainant I was trying to narrow down his complaint to identify subject officers in this investigation. Complainant responded, "I can tell you this. To me, this is an epic failure of command at the Riverside Police Department in 2022. When Chad Milby was presented with that, I should've never had to push that issue. It shouldn't… it should've been an immediate PA that was taken right then and there. Those flyers should have been frozen, and this investigation should've never got to this point." Complainant said Milby should have taken the initiative to pull a "PA" and initiate a complaint, the day Meier handed him the flyer. Complainant said this would have prevented the interaction with J. Mutuku over a flyer that J. Mutuku may be responsible for.[109]

I asked if Complainant was saying it was a failure on the captain's part? Complainant said, "It's a failure on everyone's part. I shouldn't have to come in here and push this issue. I should be a protected employee.[110]

I asked if Complainant told anyone about the "You'll see. You'll see." comment. He thought he told Meier. I asked if Meier would then be considered a subject. Complainant answered, "That's for you

---

107 Complainant Interview, approximate time index 48:30.
108 Complainant Interview, approximate time index 53:30.
109 Complainant Interview, approximate time index 56:15.
110 Complainant Interview, approximate time index 57:00.

guys to decide. I don't have any opinion on that." Complainant didn't know what Meier did, who he talked to, or how "they" handled any of this "stuff."

Medici asked Complainant if he was assuming Milby didn't do anything. Complainant responded, "I'm just assuming it." He said he didn't know what went on behind closed doors and nobody asked him, "Hey, what do you want done.?" Complainant said Milby met with him last Thursday to ask for everyone to get along during the Internal Affairs investigation.

Complainant agreed he did not know what happened in the layers of command as far what actions, if any, anyone took regarding this investigation. I asked him to keep that in mind and asked who he personally had an issue with as he sat before us. We established J. Mutuku was a subject officer based on the interactions Complainant described.

I asked about Officer 4 Medici interrupted and said Officer 4 felt he was a subject officer which is why he didn't take the complaint. Compl. admitted Officer 4 said something like, "You're accusing me. Go to Internal Affairs." Medici advised Complainant if Officer 4 thought he was the subject he couldn't take the complaint. Complain "Okay, that's fine." Complainant said the only other issue to make Officer 4 a subject officer was Officer 4 moving Complainant out of his beat.

I asked Complainant who were the people responsible for making him feel this way. I told him that it didn't mean if he only named two people, those would be the only two investigated. I told him it was possible for other misconduct to be noted on other officers. Complainant said he's never met a Riverside Police Administrator that admitted they failed, failed to take action, or made a mistake. He said generally they were very bar and stripe heavy; he couldn't imagine anyone in command coming in saying they made a mistake.

I asked if he believed Officer 4 moved him into Area 5 as retaliation even though it got corrected. Complainant said regardless of his opinion, two sergeants recognized what he did was wrong and intervened.[111]

Complainant agreed this entire thing started with a conversation with Smith. I asked it there was anything about that conversation that was hostile or inappropriate. Complainant answered, "No."

I asked about Officer 3 Complainant said we could talk about him. He didn't know who gave him the directive to start calling him and Weddle and asking "bizarre" questions. When Officer 3 came to the GTA recovery, he told Complainant and Weddle their response times were being watched.[112]

I asked if Officer 3 did this more as way to help him and Weddle out by letting them know they were being watched. Complainant said, "Out of the blue, yes." But Complainant questioned why Officer 3 was suddenly looking out for them days after Complainant reported the incident. He described Officer 3 was a hands-off sergeant and had a senior crew. Complainant worked for Officer 3 but did not recall if Officer 3 was assigned to Complainant area during the shift in question. Complainant said Officer 3 "accused" them of doing something they didn't do.

---

[111] Complainant Interview, approximate time index 1:04:00.
[112] Complainant Interview, approximate time index 1:05:00.

I clarified that Officer 3 calls were accusatory. Complainant said he didn't really know because he only heard Weddle's side of the conversation. Officer 3 asked why they were at Bordwell Park for forty-three minutes and then later called regarding a stalking call that they did not handle. Complainant thought the calls from Officer 3 occurred the Monday after he had gone to Internal Affairs (regarding Officer 1 and Officer 2

I told Complainant these sounded like "normal course of duty" conversations. Complainant said they were not normal, "because he doesn't call." It was out of the ordinary for Officer 3 to call and very unusual.

I asked if Complainant would consider it unusual if Officer 3 was given a directive by a watch commander to keep an eye on his people. Complainant said he found that highly unusual for this to occur three days after going to Internal Affairs. Complainant has worked for Officer 3 for a long time, and it was rare to get a call from Officer 3 Weddle is the one that pointed this out to Complainant that Officer 3 was "coming after him" because Complainant had gone to Internal Affairs.[113]

I asked if Complainant had any direct conversation with Officer 3 that he found to hostile. Complainant said he could go on and on about arguments, but just found it "awkward and weird" that Officer 3 called three days after going to Internal Affairs.

Complainant was unsure if Meier or Milby would be subject officers in this investigation because he had no idea what action, if any, they took.

When asked if Barney would be a subject, Complainant responded by saying it was "interesting" because if Barney was "barking out these orders" regarding Complainant and Weddle's response times, as the watch commander, Complainant found that "ironic" and "coincidental" that this occurred after he complained about Officer 1 and Officer 2 response times and not taking a report. Complainant acknowledged he and Weddle did have a delayed response to a call that day, but said it was so they could go eat. He said there was no such thing as a delayed response because they were so shorthanded.

Complainant said it was "absurd" and "false" to accuse Complainant and Weddle of delayed responses. He said his response times were never questioned, even as a probationary officer twenty-three years ago when there were only two sergeants. Now twenty-three years later, this started after he went to Internal Affairs. Complainant stated that he went to Medici in Internal Affairs on Friday, the following Monday his response times were questioned, he was split from riding partners with Weddle on Tuesday, and then it progressed to simulated handguns being pointed at him, "You'll see. "You'll see." and then rat flyers were posted. Complainant said he didn't poke any bear; they were poking him.[114]

I asked if Barney did anything to Complainant that made him feel threatened or retaliated against. Complainant said you argue he and Weddle were split form riding partners and Barney was the watch

[113] Complainant Interview, approximate time index 1:09:00.
[114] Complainant Interview, approximate time index 1:12:30.

commander. Complainant then remembered the watch commander was Officer 4 because Complainant asked Officer 4 if he did anything wrong.[115]

I asked again if there were any actions by Barney that would make him a subject in this investigation. Complainant said there wasn't anything that took place in front of him but was unsure about emails or texts.

Complainant could not narrow down who the subjects in this investigation would be.[116]

Complainant said, "That facts are… there's a flyer in my mailbox, there's motive of the person who did it, there's a gesture with a handgun, and 'You'll see. You'll see.'" Complainant said J. Mutuku could come into Internal Affairs and lie, which is what Complainant anticipated. He said, "But I'm telling you the truth." Complainant said in his twenty-three years at the Department, he's never lied: on a police report, when he's testified in court, to Internal Affairs, or to a sergeant. He's never put himself in a position where he's had to tell a lie.[117]

Complainant said that wasn't the case for J. Mutuku who had two choices. He could come in and tell the truth and suffer the consequence, which should be severe, or lie. Either way there would be a serious consequence.

Complainant said he wasn't being retaliated against by his peers, but by sergeants, lieutenants, and a captain. He said it was an epic failure Internal Affairs didn't know about this. The misconduct was serious, and you could argue criminal conduct (422 PC / criminal threats).[118]

Complainant said the flyers could be checked for fingerprints and DNA, but now so much time passed... He asked why he knew what to do as a policeman, but other leaders that have gone to SLI (Supervisory Leadership Institute), Quantico, and other leadership schools, do not. He said there was no excuse.

Medici asked if things have lightened up since Internal Affairs took over the investigation. Complainant has not directly worked for Officer 4 since but said there have been no more flyers. He said his life has been a little easier since coming to Internal Affairs to file a hostile work environment complaint. He said so far, "they" have put Officer 1 and Officer 2 in Area 5, where they belong.

Medici asked if there were other reasons Officer 1 and Officer 2 were considered a protected class, other than lactation breaks. Complainant said no and that they did good police work. He has heard other people say they're untouchable but did not know why this was said.

The interview concluded at 4:20 pm.

---

115 Complainant Interview, approximate time index 1:14:00.
116 Complainant Interview, approximate time index 1:15:50.
117 Complainant Interview, approximate time index 1:17:45.
118 Complainant Interview, approximate time index 1:22:00.

INTERVIEW OF WITNESS OFFICER SPENCER WEDDLE:

On December 6, 2022, at approximately 3:32 pm, Sergeant Medici and I interviewed Officer Spencer Weddle in the Internal Affairs Conference Room. The following is a summary of Weddle's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Weddle stated he and [redacted] rode as partners for one and half to two years. They rode together as often as they could since the most recent shift change and were assigned to the same crew. Their schedules overlapped the schedules of Officers [redacted] and [redacted] who rode together as partners, by two days.

I asked what issues, if any, there were with [redacted] and [redacted] riding together. Weddle advised the issue was when [redacted] took her lactation breaks, [redacted] would go "10-6" (busy) with her, leaving Weddle and [redacted] to be the only police unit on the east side. While [redacted] and [redacted] were on these breaks, [redacted] would monitor and handle any calls for service that could be handled over the phone. However, this happened less frequently as time went by.

[redacted] brought this up to supervision, but nothing happened. Other officers also complained to Weddle and [redacted] that [redacted] and [redacted] also did this on the days [redacted] and Weddle did not work with them.

Weddle reached out to [redacted] shortly after shift change to ask her why they were always going "10-6" and [redacted] told him what was going on.

Weddle did not report any issues about [redacted] and [redacted] to supervision, because he and [redacted] rode as partners. He and [redacted] were "experiencing the same thing" and [redacted] told him he was going to go to supervision. [redacted] addressed their concerns with Sergeant Dawson Smith and possibly [redacted]

Weddle stated [redacted] was entitled to take her breaks, that were protected by federal law. However, [redacted] "solution" and what "we" thought would be best, was to separate [redacted] and [redacted] or make sure [redacted] was doing work when they were on these breaks, or for [redacted] to drop [redacted] at the station for her break and [redacted] to remain in the beat and available "in case something hot came out." Weddle and [redacted] discussed these solutions together, but Weddle never offered these solutions to supervision.

I asked if there was ever a time, Weddle and [redacted] requested a backup unit, but did not receive one, because [redacted] and [redacted] were "10-6." Weddle answered no. He advised generally a back was not sent, because they were a two-man ride, but if they did need one, it would likely be sent from out of beat. He could not recall if this ever happened though.

I asked if he had an issue with how [redacted] and [redacted] handled a theft call that occurred at LA Fitness on September 15. He answered yes. He advised [redacted] and [redacted] were

dispatched to the call in which someone had broken into a women's locker and taken her wallet and keys. When the woman went to the parking lot, she observed her vehicle was gone.

Officer 1 and Officer 2 were enroute to the call for a very long time. So much time had passed that the reporting party called dispatch back to ask if officers were enroute. So much time passed that the woman's father found "his own vehicle" at the Bakers on Arlington. Channel 1 asked Officer 1 and Officer 2 over the radio if they were enroute and one of them responded they were on landline. Then they cleared the call with no report.

Weddle questioned why they did this. He did not understand how they closed out a burglary with no report. This was the straw that broke the camel's back for Complainant told Weddle he was going to report Officer 1 and Officer 2 to Internal Affairs. He later told Weddle he spoke to Sergeant Mike Medici.

Weddle did not ask Officer 1 and Officer 2 about the call, nor did he go to supervision. Complainant told him, he was going to take care of it.

I asked if it was normal to report an issue like this to Internal Affairs, or if standard practice would be to go to your sergeant or the officers' sergeant. Weddle said if it was the first issue he had with the officer(s), he would go to them first, like he did to find out why they were taking so many breaks. He said Complainant kept an eye on everyone and was like the "father of the beat." Complainant did a good job keeping an eye on everyone and assessing who needed help. He was often the most senior person in the room. They routinely pulled up calls for service and to check unit status to see what everyone was doing.

If Weddle called to check on the "junior officers" and didn't feel like the conversation went as it should, then he would probably bring it supervision's attention. If he didn't get anywhere with supervision, then he would escalate it.

If Weddle saw someone do something that was in clear violation of policy, he would confront them and tell them to take a report to keep themselves out of hot water. If the officer told him to pound sand, he would report it. He advised this is how he would handle it.

Weddle was not present when Complainant went to supervision regarding Officer 1 and Officer 2 riding together, nor was he present when Complainant went to Internal Affairs regarding the officers not taking a report on a call. He had Complainant account of what happened during these conversations.

Weddle did not have an issue with Officer 1 taking lactation breaks. The issue was patrol was short staffed. If an arrangement was made for Officer 2 to handle calls over the phone while Officer 1 was taking these breaks, but Officer 2 was not doing so, a supervisor needed to do something.

Weddle agreed Officer 2 was not violating a law or policy by taking these breaks alongside Officer 1 and ultimately it was a supervisor's decision to allow them ride together. I pointed out that when Complainant addressed supervision about Officer 1 and Officer 2 riding together, no

policy violation occurred and there may have been a reason supervision kept the officers together.

In the case where Officer 1 and Officer 2 did not take a report on what appeared to be a crime, that would be a policy violation. I asked why he thought Complainant went to Internal Affairs rather than a supervisor. Weddle believed supervision would have thought Complainant was "just nitpicking" and trying to get them in trouble.

Weddle again reemphasized he and Complainant did not have an issue with Officer 1 taking her breaks. The issue they both had was that nobody held Officer 2 accountable for holding up her end of the bargain which was to handle things over the phone. He learned of the arrangement that Officer 2 was supposed to handle phone reports from Complainant who spoke with their supervisor.

In September, Complainant and Weddle were separated from riding partners. Weddle did not know why this occurred and said he was not told anything by a sergeant or a lieutenant. He was puzzled because they were the senior officers on their crew and were doing good police work. They were doing everything they were supposed to. On the night they were separated, he could not recall who the watch commander was.

I asked Weddle if he asked why they were separated. Weddle said he asked Officer 4 "off the record" and Officer 4 told him he believed Complainant was becoming "toxic" and he didn't want that negative energy cast upon Weddle. Officer 3 came to Weddle and told him the same. Weddle described this conversation as just two men talking on the side.

At the time, he and Complainant were both testing for sergeant. Complainant however did not show up for his interview, "as he's done several times in other ways." Weddle's understanding was Complainant had done things like this several times throughout his career. People looked at Complainant now as being disgruntled, mad, at a low point in his career, and "doing whatever he can to get other people in trouble to cast the light off himself." Weddle did not believe this about Complainant and said Complainant was different inside the police car than he was inside the police department. He said Complainant had the best interest of everybody at heart. The things Complainant brought to light were not meant to make Complainant look better, but to better the Department.

I asked if it was possible Complainant suggestions to better the Department were shadowed by his delivery. Weddle laughed and said, "Absolutely." Weddle has had conversations with Complainant about this and has told him it was all about his delivery. He has made suggestions to Complainant about how to deliver messages. However, Complainant has been around longer than most officers and was beat partners with many of the supervisors and has a different history with them. Weddle has a military background and is a little more "tactful" when he talks to a someone of higher rank whereas Complainant "doesn't see the military bearing and tact side of things." Complainant sees it as, "We're just two policemen" and he is providing solutions to his past beat partners. He said Complainant didn't disrespect the rank.

I asked Weddle if he would call a supervisor by his first name and call that person a coward. Weddle said it would depend. If he had a lot of history with that person and that person trusted his opinion….depending on how he worded it…. (Weddle then chuckled.) He said he

wasn't the type of person to call anybody a coward, "because that's pretty abrasive." He would probably try a different word.

Weddle thought it was different to address someone of a higher rank by their first name, call them a coward or confront them in a private setting versus in front of other people. I asked if he thought it was disrespectful to do/say those things when other people were present. He answered, "Yeah, absolutely."

Weddle agreed Complainant had a history of not showing up for things such as the sergeant interview. Weddle gave Complainant "crap" and joked with him about not showing up for his sergeant interview. He told Complainant that he (Complainant had such a problem with everybody, and the way things were done, and Complainant had an opportunity to put himself in a position where he could influence and make changes. Instead, Complainant got scared and backed out for whatever reason. Complainant response was he could not be "part of the enemy." Weddle said this wasn't what Complainant truly believed. Complainant didn't want to go into an interview for a supervisory position with twenty-three years' experience and not have anything on his resume to say why they should make him a sergeant.

While they studied for the sergeant's test, he and Complainant started prepping for the interview and would meet up with sergeants who would give them ideas. Complainant would absorb the information but didn't have any input. Complainant realized others had been Field Training Officers and he had been a policeman for twenty-three years but hadn't done anything more than be a policeman. Weddle tried to get Complainant to realize he had other qualities that set him apart from his peers and that Complainant was a gang expert. These are the conversations Weddle and Complainant had, but not conversations Complainant would have with others; others he didn't trust. Instead, Complainant would answer he couldn't be part of the enemy.

I asked Weddle if he believed Officer 4 and Officer 3 had his (Weddle's) best interest in mind when they separated him and Complainant as partners to keep Complainant negativity away from Weddle. Weddle said he told them, "If you think Complainant toxic now, you wait until he doesn't have somebody to vent to in the car. When he has the whole shift to sit in the car and stew about it. If you think he's bad now, you just wait until you put him in a car by himself." Weddle described he was the sounding board for Complainant while they rode partners and would have to tell Complainant to stop talking about things that were "jacked up" here, because no department was perfect. He would redirect Complainant attention and tell him they should try to find someone they could take to jail. He told Complainant they didn't really need anybody else in the beat. They were two capable policemen, and they should go be policemen. When he and Complainant were split, Weddle told Officer 4 and Officer 3 to "stand by."

I asked Weddle again if he believed Officer 4 and Officer 3 had his best interest in mind when they separated him and Complainant or if they were trying to get a dig on Complainant Weddle replied, "I truly believe that they had my best interest at heart." He thought they all had everyone's best interest at heart but said there were a lot of different leadership styles. He then said, "Yes, they had my best interest at heart… I… it… it appears at face value, that they did it as a dig on him." He did not know if this was their intention.

Weddle has known Officer 3 his entire career and advised Officer 3 would have no reason to lie to him about why he and Complainant were separated. Weddle knew Complainant had issues in the past. He mentioned Complainant and Officer Evan Wright used to ride partners, there was a lot going on, and Complainant got blamed for a lot of things. Weddle claimed this was all second, third, fourth and fifth hand information.

He restated he truly believed Officer 4 and Officer 3 had his best interest at heart and did not think they split him and Complainant as a dig on Complainant. Weddle believed he was a younger policeman with a lot of time left here and Officer 4 and Officer 3 didn't want any negative light shined on him.

I asked if Complainant was negative in the weeks leading up to their split. Weddle said a lot of things were negative on patrol and they were seventy-three officers short. Things that have never happened in Complainant career are happening and Complainant is not very kind to change because Complainant sees the benefit in how things were done culturally at the Department. Weddle said there's "a negative end-product" that's taking place. Probationers are riding two-man and officers are in a hurry to get in a car together. One could argue it's safer to have a two-man ride, but with two probationers, it's the blind leading the blind. As a seasoned officer, you can see that these probationers are spending a large amount of time on simple calls; they aren't being productive or efficient. Over time, you can see the problem with it, but it's not being addressed and is being allowed to continue. He advised you can get more done with more cars in a beat and police presence is greater which would deter crime. Weddle said it was not his job to tell lieutenants how to run their watch and it wasn't his job to tell sergeants how to run their crews. This was just his insight and things that he and Complainant talked about in the car.

Weddle didn't notice a change in Complainant behavior in the weeks prior to their separation.

He wasn't present when Complainant asked supervision Officer 1 and Officer 2 be split from riding together. He said knowing Complainant it would have been "very blunt, straight forward, to the point and probably didn't pull any punches, didn't use any tact, and gave it to them the way it comes out of his mouth. Compl doesn't have much of a filter."

Shortly before being split from Complainant they were on a GTA recovery. Officer 3 showed up and told them, "Just so you know… you guys are being watched, because of your response times." Later, they received a phone call from Officer 3 asked why they were at Bordwell Park for an hour and a half. Weddle told him they were never at Bordwell Park. Officer 3 then asked about a fraud call and Weddle told him they didn't handle a fraud call. This was the first time Officer 3 had ever called him. Officer 3 calls were not accusatory, but more of an inquiry. It was unusual though, because no sergeant had ever called in all the time he and Complainant rode together.

Officer 3 did not say who was watching them when he showed up on their call. Weddle believed Officer 3 was absolutely looking out for them when he showed up on their call. The conversation was short and Officer 3 said their response times were being watched. Weddle was shocked because nobody ever said anything about their response times.

I asked if he thought Officer 3 showing up on their call and calling during their shift was done to retaliate against Complainant for notifying Internal Affairs about the LA Fitness call handled by Office [redacted] and Officer 2 Weddle initially said he didn't see the relevance, but then said he guessed it could have been. He thought this happened after the LA Fitness call and if it did, then it could easily be construed as being retaliatory. If Complainant made a complaint about officers taking an hour and a half to respond to a call and then not taking a report, perhaps that's why Complainant and Weddle were being questioned. Or maybe supervision just started looking at everybody. Weddle said he knew they weren't the only ones that received a phone call and that other officers did too.

I asked if he thought the actions by Officer 3 were retaliatory, or if Officer 3 was being a good supervisor and looking out for his people. Weddle said Officer 3 was being a good supervisor. He did not believe Officer 3 was retaliating against Complainant

Weddle initially said he has not personally witnessed any retaliatory behavior by supervision toward Complainant He then said he remembered an incident that occurred a long time ago involving Sergeant Emilio Angulo. Complainant was "kicked out" of his beat because Angulo wanted his people to work east. Everybody was shocked that Complainant who was the most senior officer, was "booted" from his beat. Weddle said this occurred prior to him and Complainant riding partners, so more than one and half years ago.

I asked about hostile or retaliatory behavior and confirmed with Weddle that Complainant did not own the city. I explained to Weddle that just because an officer was senior, did not mean that the officer could always stay in their beat. Supervisors try their best to accommodate them, but it wasn't a God given right. Weddle replied, "That's not true." He said when you sign up for patrol, you sign up north or south. He said officers were told "your juice" will determine what beat you want to work. He said they were told if you were the most senior person, you got to pick where you wanted to work. He said you had the right as the most senior officer to pick your beat. I asked if there was a policy or something in our standing operating procedures that said this. He answered no but said that's what they were told.

I told Weddle although it may be customary, sometimes things may come up and supervision could not accommodate the norm. I asked if he agreed. He answered, "I guess, sure." He said anybody could make up anything.

Weddle said the incident more than a year and a half ago was the first time he witnessed a supervisor do something questionable or "retaliatory" toward Complainant Then recently, when Weddle was away at SWAT training, Complainant was "again kicked out of his beat" to go to the south end of the city.

I told Weddle Complainant claim was that he was being retaliated against after bringing up issues concerning Officer 1 and Officer 2 He said he would feel the same way. I asked if he personally witnessed anything. Weddle then described an incident that did not even involve Complainant He told me about a time he was the most senior person and was riding with Officer Andrew Liss. For some reason, he and Liss got split up so Officer 1 and Officer 2 who were junior to him, could ride together. Weddle did not know why this occurred and said it

happened two years ago at Zackowski's direction. He said these are just things that have happened over a span of time that have come to a head.

Weddle never had a conversation with Zackowski about why this was done. He didn't question sergeants because it wasn't going to get him anywhere. He said, "I have a long…. I believe I have a future here" and he didn't think questioning sergeants would be productive. He didn't see a point in "arguing" because it would just delay him going "10-8" (in service). He would rather just do what they wanted and go do his job. He said, "I don't necessarily always agree with it, but that doesn't mean that it's not right." I told Weddle it didn't have to be an argument; he could ask a question in a non-confrontational way to find the reason for a decision. Weddle said he was old enough and had been around long enough to know when a sergeant was open to suggestion. He said if he felt like he could have asked why, he would have.

Weddle said there were certain ways "supervision projects to you" and as long as you weren't "wet behind the ears" you knew when things were open for suggestion or not. I told him I agreed, however there could have been a reason the decision was made that had nothing to do with him. He agreed and said even if he had asked, he may not have been told why. I told Weddle he described it though as hostile, and it may have had nothing to do with him. He said, "I wouldn't describe it as being hostile," he was just taking "like situations and putting them together." He said, "We're talking about moving senior people out of their beats, splitting up senior two-man rides, in favor of… another option. What… what that option is, we don't know. We could ask, but we could be told, 'Don't worry about it. I… I chose to.'" He asked, "Why even fight that battle?" when you see that stuff happen several times. He said, "Almost like shut up and color. I'm OK with that. I don't have a problem with that. Some other people are a little less receptive to that."

Weddle advised he was still in the military and held the rank of Senior Master Sergeant. He said he didn't have a problem with any of the supervision here but thought they could do things better. He agreed with Medici that it was not wise to disrespect a supervisor because a supervisor has the ability to make decisions that could impact you. Medici told Weddle, based on Weddle's statement thus far, his personality was slightly different than Complainant Weddle responded, "I would say drastically different." and then chuckled. Weddle said one would "definitely not get their way approaching it that way" in response to Medici telling him Complainant called a supervisor a coward.

Weddle stated Complainant was just as respected today as he was years ago as an officer. He did not know if Complainant felt this way.

Weddle was not present when Officer 4 moved Complainant to Area 5, but he heard both Zackowski and Officer 3 told Officer 4 it wasn't right and Complainant got his beat assignment back. Weddle knew Complainant was moved to Area 5 to separate Complainant from Officer 1 and Officer 2 and to keep them out of the same beat. He agreed with separating them, to eliminate tensions in the beat, but not how they did it. He said they didn't have to start with the most senior person in the beat and move him.

Weddle said in patrol, seniority was the only thing a patrol officer had. To strip someone of that, was to strip them naked. Taking Complainant out of his beat and putting him somewhere he never worked was as egregious as calling someone a coward. Officer 4 was basically "fronting off" Complainant when he moved him to the west end. Weddle considered this to be the same as one firing off at a supervisor in defense of themself.

Weddle did not know why supervision allowed Officer 1 and Officer 2 to ride together while Officer 1 was lactating and required lactation breaks. He knew Barney and Officer 4 were trying to improve morale on patrol because everybody knew patrol was "overwhelmed."

Weddle believed several incidents have occurred which led up to this point, not just Officer 1 and Officer 2 taking extended breaks and not taking reports. Complainant took pictures "of all these calls" and not just those assigned to Officer 1 and Officer 2 Complainant questioned why they were being dispatched to certain calls, questioned how long officers took on calls, and many more things.

Weddle was never provided an explanation as to why Officer 1 and Officer 2 did not take a report on the call at LA Fitness. Weddle was asked if it would have made a difference if the woman's items had been taken by a family member and nobody wanted to press charges. Weddle said, "Yeah. That would explain it." He said if that is what happened, it would explain it and it wouldn't be an issue. Weddle said Complainant "kind of bypassed the supervisors on it" and this explanation was never provided to him or Complainant

Weddle said Complainant told him if Officer 1 and Officer 2 failed to take a report, Complainant was going to report them to the Community Police Review Commission and report police misconduct. Weddle said he talked Complainant out of this. Weddle did not know if Officer 1 and Officer 2 were ever talked to about the call at LA Fitness. Complainant told him after he reported the call to Medici, Medici told him the complaint would be handled by patrol. Weddle did not know if Officer 1 and Officer 2 were ever talked to or received any discipline from the incident, but said his opinion was nothing happened to them. He said maybe this was above his paygrade, maybe it was because he wasn't the one to make the complaint, and maybe he wasn't entitled to know.

Weddle said it was weird because when he and Complainant were split from riding partners, they weren't even allowed to work the east side together, yet Officer 1 and Officer 2 were not separated. This furthered Weddle's belief that supervision was doing this to keep him out of the drama that was going on between Complainant and Officer 1 and Officer 2

Weddle did feel impacted by supervision's decision because he got to go back to the west end and work where he wanted to work. He preferred to work the east side and ride partners with Complainant but if he couldn't do that, he would rather be a "single-man ride" on the west end.

Weddle had good relationships with Officer 4 Officer 3 and Smith and had no reason to believe they would be targeting him, secluding him, or punishing him in any way. He advised they were letting him do what he wanted to do. He said he signed up north and they were letting him work in the south. He had nothing negative to say about any of them. He said if they

really wanted to punish him, they would put him in the north end. That would be punishment to Weddle.

Weddle agreed a hostile work environment involved more than a single incident of being assigned an unpleasant task. He said there was no hostile work toward him and could not, or would not, give his opinion about whether or not Complainant was experiencing a hostile work environment. He stated Complainant believed it was a hostile work environment.

Medici asked how accountable Complainant was for this current situation and creating more issues based on how Complainant approached things. Weddle said he talked to Complainant frequently about Complainant delivery. Weddle said "absolutely" things could be better for Complainant if Complainant handled things differently. Weddle said there were things he thought Complainant could do better to get his concerns brought to light and supervision could do a better job listening and understanding Complainant position on things as abrasive as it may be that he's delivering it. Weddle said it was the supervisor's job to figure out if there was truth to what Complainant said.

Weddle said there were a lot of things Complainant could have done better. He said even when "they" (he seemed to refer to Complainant and supervision) had conversations, or Complainant brought up a confrontation, they would yell and scream for a little bit and then it was done. When I asked him who he meant by "they," Weddle said senior officers and that this was how "old policemen are."

Medici said he could go into his lieutenant's office and argue with him, but he knew where the limit line was. Weddle said Complainant was in the gray in terms of the limit line, didn't recognize it, and sometimes went over it.

Weddle did not know why Complainant called someone a coward. He said Complainant was battling hard for everybody. Complainant was known to patrolmen as someone that stands up for everybody and is a rep, so everybody goes to him with their issues. Complainant hears this stuff and tries to make arguments for everybody, not just himself. The things that Complainant brings up, would affect everybody. He listens to everyone's problems, tries to come up with solutions and then brings the issues up. The problem is, after Complainant brings it the sergeant's attention, that sergeant will go address it with the officer that reported to Complainant and the officer will deny there is a problem.

He gave an example of Redacted per Penal Code section 832.7(b)(5)(6)&(7) Weddle claimed officers regularly complained to Complainant but would later deny their complaints when asked by supervision. Weddle said this made Complainant look like an "asshole" and like Complainant was complaining just to complain. Everybody knew Complainant was not afraid to bring up issues with supervision.

Weddle said Complainant was very passionate about fixing things for the Department and it was never just about Complainant He claimed it was the response Complainant was given when Complainant brought up issues that turned the interaction confrontational or hostile.

Weddle saw a Rat Buster flyer in the locker room and saw Officer 4 remove it. The flyer was on the end of a row of lockers, behind a boot rack. It was not on an individual locker and he only saw one flyer. Weddle asked Complainant if he saw the flyer and Complainant told him the "rest of it." Complainant shared with Weddle he believed he was the target of the flyers , and J. Mutuku posted them because Complainant had reported J. Mutuku's wife for a possible policy violation. Weddle did not know who posted the flyers and nobody has told him they saw someone post them.

INTERVIEW OF WITNESS OFFICER ROBERT TIPRE:

On December 7, 2022, at approximately 4:03 pm, Sergeant Medici and I interviewed Sergeant Robert Tipre in the Internal Affairs Conference Room. The following is a summary of Tipre's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Tipre has worked for Riverside Police Department for more than twenty-seven years and has been a sergeant for more than ten years. He is currently assigned to Watch C but does not directly supervise Complainant Complainant

Tipre recalled a recent shift in which Officer 4 asked the officer preparing the roster to move Complainant to Area 5. He advised they were dealing with staffing issues, the "COPS" crew riding with officers, and separating some of the officers into different beats due to tension between them. (Tipre advised he learned third hand the tension was between Complainant and Officers Officer 1 and Officer 2 He heard Complainant had an issue with Officer 1 taking her lactation breaks, being out of her beat, and not responding to calls or backing other officers.) Complainant who normally worked Area 2, was moved to Area 5. The roster went up on the overhead for officers to see and assignments were given. Sergeant William Zackowski turned to Officer 4 and asked if they could revise the assignments since Complainant was senior. Officer 4 said he didn't care provided there was equal coverage in the beats. Zackowski made changes to the roster, so Complainant could remain in Area 2.

Tipre said it was common to move officers from the north end of the city to the sound end of the city or vice versa for staffing purposes, but this was the first time he had ever seen Complainant be moved. Tipre did not know why the decision was made to move Complainant to Area 2, but once Zackowski saw it, he asked to make changes so Complainant could remain in Area 2. Officer 4 agreed to this provided there was adequate coverage amongst the beats.

Tipre did not observe or hear of any conflict between Complainant and Officer 4 prior to, or during, roll call, nor was he aware of any issues between them.

Tipre advised several factors are considered when moving officers to other beats. For example, he currently has six officers assigned to him, but generally the beat he has only requires four officers. Depending on staffing levels, they might get doubled up or they might be moved into another beat that is short staffed. If Area 5, which is busy, only had three officers, then two of Tipre's officers would be assigned to Area 5 that shift. This was done for staffing purposes. Other factors included areas, calls for service, the number of officers available to deploy, and whether they were deploying single officer rides or two-person rides.

Today, two of Tipre's officers were assigned to different beats. He explained these moves could be based on seniority, but also the city's need for deployment purposes. He doesn't always move the junior officer because he may have a senior officer that likes to work the opposite end of the city. In this case, he would move the senior officer and allow the junior officer to remain in their beat.

There are many factors that are considered, and they try to figure these out at shift change. They consider the needs of the Department and where officers like to work. As a sergeant, Tipre tries to keep his officers close to him for supervision purposes. However, this is not always the case.

Tipre was aware Complainant had gone to supervision with concerns about Officer 1 and Officer 2 riding together because of Officer 1 lactation breaks. He advised it was relayed to him, but he did not have any direct knowledge. His understanding was this issue was addressed with Complainant

Tipre advised he was very familiar with both Complainant and Officer 4 He did not believe Officer 4 moved Complainant into Area 5 as a form of retaliation for complaining about Officer 1 and Officer 2 riding together.

Tipre was aware Complainant came to Internal Affairs to complain about a call Officer 1 and Officer 2 did not take a report on. He did not believe Officer 4 moved Complainant to Area 5 as a form of retaliation for taking this potential misconduct to Internal Affairs instead of handling it in Field Operations.

Tipre acknowledged shift change occurred in July and it was common for Officer 1 and Officer 2 to ride together and common for Complainant and Weddle to ride together. He did not know why Complainant and Weddle stopped riding together. He never had a conversation with Officer 4 or Lieutenant Mike Barney about this, nor did he hear any of the other sergeants talk about this.

After Zackowski asked Officer 4 about changing the roster to move Complainant back into Area 2, changes were made to the roster. Since Complainant and other officers had already left the roll call room, Tipre and Zackowski began to notify the officers of the changes. Zackowski went into the parking lot to notify the officers that were affected. Tipre was unaware if Complainant had been notified, so he called him. As Tipre made the call to Complainant he exited the roll call room door that leads into the parking lot. Complainant answered and Tipre asked if Zackowski had gotten ahold of him yet. At this time, Tipre could see Zackowski approaching Complainant in the parking lot. Tipre was on the phone with Complainant when words were exchanged between Complainant and Zackowski. Tipre hung up the phone, turned around, and went back inside the station.

I asked Tipre what he heard prior to hanging up the phone. Tipre stated after he asked Complainant if Zackowski had gotten ahold of him, Complainant answered no. Complainant then said, "No, no. I don't want to talk to you. Get away from me. You're a coward. You're the reason why things happened." Tipre realized Complainant was no longer talking to him, but to Zackowski who was in front of Complainant so Tipre hung up.

When Zackowski came back into the station, he told Tipre all he did was tell Complainant he had been moved back into his beat and Complainant blew up.

Tipre has not witnessed any behavior by supervision toward Complainant that he considered to be hostile or retaliatory for complaining about Officer 1 and Officer 2 riding together and/or for reporting to Internal Affairs Officer 1 and Officer 2 did not take a police report. Tipre advised he hasn't observed any changes this entire shift or since he's been back to patrol.

Tipre recalled Complainant and Officer Even Wright used to ride partners together but had no knowledge as to why they stopped riding together. He speculated it could have been because Wright made the SWAT Team. Tipre was not certain though and advised he wasn't in patrol at that time.

Tipre stated it is common to move people out of their assigned beats to cover other areas. Especially when working with holdovers or backfills, it was important to not put them all in the same beat. On the shift where Complainant had been moved into Area 5, Tipre was more focused on the south end of the city, because that's where he was assigned (Area 4). He could not recall why Complainant was moved but said ultimately it was Officer 4 decision. However, this was the first time Tipre had observed Complainant be moved from his beat since Tipre came back to patrol a year and a half ago.[119]

Tipre was initially unaware Officer 1 and Officer 2 would show themselves as busy, so Office could take her lactation breaks. Tipre learned later that this had been discussed with the north end supervisors and arrangements had been made. I asked Tipre if, considering the staffing shortages he previously mentioned, this was prudent and fair to the other officers to take both officers out of the field so one could take a lactation break. Tipre was unaware of what arrangements had been made, so he could not answer. He did not know the reasons behind the decision or what specifically was discussed. His understanding however was that Officer 2 would still be taking phone reports and working while Officer 1 took her lactation break. Ultimately, it was Officer 1 and Officer 2 supervisor and the watch commander that made the decision to allow them to ride together.

Since shift change, Tipre has not observed any rat photos in the locker room or anywhere else at the station. He heard something mentioned about them but did not have a direct conversation with anyone that saw them, nor did he hear who put them up.[120]

Tipre is not personal friends with any of the parties we talked about. He knows them all as acquaintances but does not hang out with any of them outside of work.

In Tipre's ten-year experience as a sergeant, he has never had Complainant assigned to work for him. He stated Complainant was very active in his career and did a lot of proactive police work when he was a young officer. Now, Complainant shows up on time, handles his radio calls, and goes home on time.

---

[119] Tipre's Interview, approximate time index 16:30.
[120] Tipre's Interview, approximate time index 20:10.

I asked if Complainant had a reputation for being a difficult employee. Tipre answered, "yes" based on conversations he has had with other supervisors. He said Complainant liked to challenge things, so it was becoming a little more difficult to supervise him. However, Tipre has not witnessed this behavior on scenes. [121]

I asked Tipre if he ever witnessed Complainant speak to a sergeant in an antagonistic or inflammatory manner. Tipre said he would not describe it as either of those terms, but instead provided an example of behavior he had witnessed firsthand that he had never seen before. He described Complainant walked into the sergeant's office, walked up to Officer 3 told him his evaluation was due, and he expected an outstanding rating. Tipre had never witnessed an officer come to a sergeant with an expectation of their evaluation. Officer 3 told Complainant he was sure Complainant would have supporting documentation to justify this rating. Complainant told Officer 3 he was his supervisor so he should know what Complainant does. Tipre described words were exchanged back and forth between Complainant and Officer 3 This took Tipre by surprise. He again said he had never seen this before and described it as "unique." Tipre said this occurred around September of this year. [122]

Tipre said he witnessed this firsthand, but only heard thirdhand about other incidents involving Complainant I asked if the people who shared with him incidents involving Complainant would have any reason to lie. He answered, "No."

I asked Tipre if based on his personal observations of Complainant and what he has heard, he would want to have Complainant on his crew. I mentioned Complainant was knowledgeable in case law and very knowledgeable about the gangs in the city, especially Casa Blanca. Tipre acknowledged that Complainant was very knowledgeable but said he was headstrong, condescending, and liked to challenge things which could be detrimental to younger officers. It was also very time consuming to deal with this as a sergeant. If he had a senior officer that was a very good mentor, he would want them on his crew, to help mentor the younger officers. But this was not the case when you had a senior officer that was very headstrong and condescending. He advised Complainant comes off as negative and disgruntled to the junior officers and would be a negative influence. [123]

Tipre has not witnessed any behavior by supervision toward Complainant that would be considered hostile or retaliatory. Other than Complainant interaction with Zackowski in the parking lot, Tipre has not witnessed any actions by Complainant toward supervision that he would consider hostile or inflammatory.

Tipre described there was also a confrontation between Complainant and Officer 4 that took place after the confrontation between Complainant and Zackowski. He advised Complainant returned to the roll call room and approached Officer 4 with some paperwork. Tipre and Zackowski were seated in the elevated positions in the roll call room and Officer 4 stood in front of them. Complainant told Officer 4 he was putting him on notice he felt retaliated against. Officer 4 told Complainant he could take that to the captain. Complainant told him per policy, he had to notify him. Officer 4 advised Complainant since his complaint was against him, he could take it to the next level. Complainant left the roll

[121] Tipre's Interview, approximate time index 21:55.
[122] Tipre Interview, approximate time index 22:30.
[123] Tipre Interview, approximate time index 27:30.

call room and Tipre assumed he was going to the captain's office. A short time later, Complainant came back in and advised the captain was not in his office. Officer 4 told Complainant he could call the captain or wait for him to get back. Complainant asked Officer 4 "You're not going to help me with this?" Officer 4 told Complainant he already helped him and told him he could take his complaint the captain or the City of Riverside's Human Resources Department. Tipre said Officer 4 could not accept the complaint against himself.

Tipre was asked if he knew whether the issue of Officer 1 and Officer 2 not taking a police report was addressed. Tipre said it was. He advised Officer 4 brought him in as a witness when Officer 4 discussed the issue with the officers. Tipre was made aware of the call, the officers were interviewed, and they established why a report was not taken. Tipre stated the RP either left the call, would not provide enough information to draft a report on the vehicle theft, or they had found the vehicle. He couldn't recall, but said the officers tried to obtain the information to take the report, but the victim would not supply enough information. Tipre did not review the information in CAD, but Officer 4 confirmed the information in CAD, and it was consistent with the information the officers provided. Tipre stated the issue was addressed through that conversation. He did not know if Complainant was made aware of the conversation, but said, "We don't go back and discuss that with him."

Over the course of his career, there have been times Tipre hasn't agreed with decisions command has made, but he also didn't have all the information or facts as to why those decisions were made. He said there have been occasions where a lieutenant has moved an officer out of a beat and when Tipre asked if they could be moved back, he has been told no. Tipre stated this did not constitute a hostile work environment and he has not witnessed any behavior which would indicate anyone was out to get or retaliate against Complainant or create a hostile work environment.

Tipre has not witnessed any issues between Complainant and Sergeant James Mutuku. He heard of an incident that occurred when Complainant worked an overtime shift at the swap meet, didn't log on, and Lieutenant Ed Collins told J. Mutuku to head to the swap meet and tell Complainant to log on. When J. Mutuku did this, there was a verbal altercation or confrontation between J. Mutuku and Complainant However, this occurred on Tipre's day off, so he didn't witness it, nor did he hear any specific details. The watch commander could have called Complainant and told him to log on. Tipre did not know why Collins told J. Mutuku to drive over there to do this.

Tipre starts his shift as J. Mutuku ends his. He has not witnessed J. Mutuku speak ill of Complainant and has not witnessed any deterioration in the relationship between J. Mutuku and Complainant

Tipre described Officer 1 and Officer 2 as workers; they handled their area, responded to radio calls, and generally took more reports in their beat since they were a two-person unit. He was aware they took the lactation breaks but was not aware of any other officers that had an issue with this. He advised that in addition to working the same beat with Complainant they also worked other beats and there were no complaints about their breaks or their work ethic. Tipre was not aware of the exact length of the breaks, but thought they were about thirty minutes and immediately afterward, the officers were back in service. He was not aware of the breaks

increasing in length since shift, nor was he aware of any other officer or supervisor that had an issue with them.

Tipre advised it was up to the watch commanders to decide which officers the crew from "COPS" would ride with and typically the watch commanders choose proactive officers. "COPS" wanted as much exposure to our city, our officers, and crime, so their crew was placed with officers that were "very active." They were assigned to ride with Officer 1 and Officer 2 for a period of several weeks, even during the time the lactation breaks occurred.

I told Tipre it wouldn't make sense to have the crew from "COPS" to ride with Officer 1 and Officer 2 if they were taking extended breaks. He agreed and said it would reduce their exposure to what they were trying to capture.

INTERVIEW OF WITNESS OFFICER DAWSON SMITH:

On December 13, 2022, at approximately 7:08 am, Sergeant Medici and I interviewed Sergeant Dawson Smith in the Internal Affairs Conference Room at the Magnolia Street Police Station. The following is a summary of Smith's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Smith has worked for the Department for almost twenty-one years. He has been a sergeant for almost six years and is currently assigned to patrol on Watch A. At shift change (July 2022), he was assigned to Watch C and was the direct supervisor for Officer Officer 1 and Officer 2 However, the first week of September 2022, Sergeant Celeste Neiman (assigned to Watch A) went on light duty and Smith assumed her shift/crew. Smith explained based on staffing levels, Captain Chad Milby believed it would be better for the Department if Smith went to Watch A.

During the two months Smith supervised Officer 1 and Officer 2 Complainant approached him regarding Officer 1 and Officer 2 riding as partners. Smith said he and Complainant had a few, brief conversations about this. Complainant concern was Officer 1 and Officer 2 were riding as partners, but during their shift Officer 1 had to take lactation breaks. Smith said he and Complainant discussed the policy, Smith's belief in troop welfare, and Smith's belief that Officer 1 and Officer 2 productivity outweighed their small break. Smith compared the lactation break to Complainant lunch break at El Pollo Loco or Complainant going to get a drink at a gas station for fifteen to twenty minutes.

Complainant believed the lactation breaks were extended and took officers off the street. Complainant was not aware that Smith had a meeting with Officer 1 and Officer 2 regarding their breaks. It was agreed Officer 1 would take her first lactation break right after roll call at the Lincoln Station. Officer 1 would store her milk there and then immediately go 10-8. Officer 1 would then only take one additional break around 1800 or 1900 hours, depending on the shift, at the Orange Station. During this break, Officer 2 was instructed to stay inside the vehicle and take phone reports. She was also instructed to respond to any emergency requests or hot calls; she was directed to leave Officer 1 at the station and immediately respond. Complainant also did

not know that on several occasions Smith authorized Officer 1 to drive her pumped breastmilk home since she lived in the same beat she was assigned, because Smith thought Officer 1 storing her breastmilk at the Orange Station was "absurd." Smith said he would order Officer 1 to drive her breastmilk home, so it wouldn't be left at the Orange Station unprotected. Complainant also did not know that Officer 1 refused to do this, because she didn't want to take any more time from being on the street. Officer 1 wanted to get back to work. Complainant was not aware of these conversations or Officer 1 desire to get back to work.

Smith's meeting with Officer 1 and Officer 2 occurred immediately at shift change. He discussed this with Officer 4 and both Officer 4 and Smith completely agreed with their prearranged schedule. Smith thought it was fantastic. It was a celebration of life for Officer 1 and her family and nothing negative should come of it. Smith was kind of bothered Complainant was turning something so positive into a negative when it didn't affect anybody.

Smith did not monitor Officer 1 break immediately after roll call, but said within thirty minutes, Officer 1 and Officer 2 were logged on and headed toward the eastside (their assigned beat). Smith appreciated that but did not ask for that. To him, it was the same as getting your gear together. He advised Officer 2 would get the unit ready and log on while Officer 1 took her break. Officer 2 knew if there was a hot call, an officer needed assistance, or anything that required multiple officers, to just leave Officer 1 at whatever station she was at. Smith said, "Therefore, I had a car 10-8 no matter what occurred." Smith did not see anything negative to such a positive thing.

Smith did not witness any delays with Officer 2 getting the unit ready and the officers going in service. He advised officers routinely used the time after roll call to load their gear, conduct training, write past reports, finish traffic accident reports, etc. It was all part of the process and not once in the two months he supervised Officer 1 and Officer 2 did he ever wonder why they were still at the station. Not once did he ever feel they were taking advantage of him or the Department. Smith said, "I didn't keep tabs. I didn't need to." He never wondered what they were doing.

I asked about the second lactation break that occurred at the Orange Station and if he ever observed they were there for an extended period. Smith answered, "Absolutely not." He advised he was often at the Orange Station for an arrest review, while Officer 1 took her break. Smith would talk to Officer 2 either in the station or while Officer 2 was in the car; he advised she was usually writing a report. While at the station, he would see Officer 1 running down the hall to store her breastmilk. That's why he had the conversations with her about taking her breastmilk home. He told her just to take it home. Officer 1 response was, "No sir. I can come back later. I'll just get it at the end of the shift." Smith thought this was absurd. Officer 1 lived in her beat. Even if she didn't, there wasn't anything going on and nobody was screaming for help on the radio. He believed she should be able to take this home. Even if someone needed help, Smith could respond. Smith appreciated how much Officer 1 did not take advantage of the policy, or him as a supervisor.

I asked Smith if he believed the arrangement made with Officer 1 and Officer 2 was in the best interest of the watch and fair to the other officers. Smith answered, "Absolutely." He

explained a two-person ride still allowed for one officer and their car to be available. He gave an example of a two-person ride booking someone into custody and/or doing the paperwork. The other officer would still technically be available. Also, Smith has supervised Officer 1 and Officer 2 in the past. He knows how much they appreciate working together. He described them as "a super productive two-officer ride." To him, a thirty-minute lactation break in the middle of the shift and never taking a lunch break which they are authorized to do, was no different than an officer going to In-N-Out or El Pollo Loco for thirty-minutes to an hour. He said Officer 1 and Officer 2 never put themselves on lunch or showed themselves as busy at any station to take a lunch break. Smith did not see the problem with Officer 1 and Officer 2 taking this break, so Officer 1 could take care of her family. In addition, he could always help if needed as he was an additional car. He could back Officer 2 and he also went to calls. Officer 1 and Officer 2 always let him know when they would go 10-6 and it was always when there was a lull in the shift. It was never when things were "jumping off." He never once questioned when they took the break; calls were never stacked on the board and there was never a hot call.

I told Smith we heard from two officers that in the months that followed shift change, Office [redacted] and Officer 2 breaks became longer. Smith did not notice but said every two days Complainant would remind him that he did not approve of Officer 1 and Officer 2 riding together and kept track of them. A couple times Complainant had come to Smith and told him Officer 1 and Officer 2 had taken thirty-five minutes; one time it was forty minutes. To Smith, anything under an hour was reasonable. It was the same as taking a lunch break and she was taking care of her family. He said, there was never a critical incident that made him ask where Officer 2 or Officer 1 were. For the two months Officer 1 and Officer 2 worked for him, their breaks were always reasonable. If the lactation break took twenty-five minutes and they wanted to spend another ten minutes at the station to warm their food and eat, he was good with it. It was Smith's opinion that mattered. He was their supervisor. He knew if anything happened, Officer 2 would leave Officer 1 at the station to go and handle. He also knew Officer 2 was taking phone reports during Officer 1 lactation breaks.

I asked Smith to describe the conversation he had with Complainant about Officer 1 and Officer 2 riding. Complainant and Smith had a couple conversations, but the first one was the "bigger one." Complainant and Smith have known each other a long time and Smith believed Complainant had some level of respect for him; Smith said Complainant didn't show a lot of respect for most supervisors. Smith tried to explain to Complainant policy, law, his belief in troop welfare, and his belief that a two-officer ride was greater for the Department versus splitting them up. Smith believed it was more productive for the Department to keep them together. Smith said, "So the conversation starts with he (Complainant did not believe they should ride together, but I felt it was personal." Smith did not know if it was because Complainant was a senior officer and felt Officer 1 and Officer 2 weren't doing enough. He did not know what Complainant issue was, but felt it was personal. He has known Complainant a long time and never really thought, "Oh, that's what I should do." when Complainant gave his opinions. The conversation was really Complainant voicing his opinion that they shouldn't ride together, it wasn't fair, and they were taking a car out of service. After Smith explained policy, law, and his opinion on the matter, in "normal Compl. fashion" they were good for about a week or so. Then something must have happened, like Complainant had to take a report, because Office [redacted] and Officer 2 were on a lactation break. Complainant brought it to Smith's attention again.

Smith let him know that while he supervised them, nothing was going to change. It was Smith's decision, it was approved by Officer 4 and it was best for the Department.

They also talked about staffing shortages, but not once were they understaffed. They may have had backfills or holdovers, but they had the officers required for the shift. They also met the staffing for Watch C which is twenty officers.

The first conversation took place in the sergeant's bay and Officer 3 was there. Smith did not know if anyone else was in the bay. Officer 3 supported Smith's decision but didn't say anything while Complainant was present.

I asked Smith what he meant by typical "Complainant fashion. Smith did not believe Complainant had respect for the rank and most of the people in it. He said, "You almost just waive it off, because his opinion doesn't matter." Smith has always tried to support Complainant to the best of his ability but did not agree with Complainant opinions because they were usually too far off to take seriously. Complainant brought Smith his concerns; Smith listened and talked to him about policy, law, and troop welfare, and told him it was going to continue whether he liked it or not. They agreed to disagree, and it was cordial. Complainant did not yell at Smith and tell him ge was an unfit supervisor like he has done before.

Complainant worked for Officer 3 but Smith worked with Complainant two or three days per week.

Complainant was the only officer to complain about Officer 1 and Officer 2 He said Weddle, who rode with Complainant at the time, never complained to him either and Smith and Weddle were on SWAT together. Smith and Weddle had candid conversations all the time related to patrol and SWAT, and he never mentioned a concern about Officer 1 and Officer 2 riding together.

Smith did not know if Weddle didn't say anything because he truly did not have an issue or he learned Complainant had gone to Smith and Smith told him nothing was going to change. Smith did not know, but said Weddle knew if Smith made a decision, Weddle wouldn't likely change it.

Smith was not aware of any issues Complainant had with Officer 1 and Officer 2 Smith heard rumors Complainant felt he had been split from riding as a two-officer unit, because Officer 1 and Officer 2 were getting pushed to ride together. Smith said he would have done this too (split Complainant a lot earlier, because Officer 1 and Officer 2 were more productive as a two-person unit than Complainant was in Smith's opinion. Officer 1 and Officer 2 were definitely higher in stats and calls for service; they were the leaders. Smith thought there was just something there, a "distaste" Complainant had for them; a belief "they weren't good enough." Smith couldn't put his finger on it, but believed it was personal. He described it as some "negativity" between Complainant and Office and Officer 2 riding together. I asked if it was possible Complainant was jealous. Smith answered, "Jealous (in the affirmative) and I mean you gotta [*sic*] remember that Complainant thinks everyone's under him." He added, "Compl. thinks everyone has to answer to him." This included sergeants, where everyone went, parked, what beats they were assigned. Smith

said, "He feels like somehow, he's in charge. Somewhere in his head, he thinks he is part of the supervision."

I told Smith Officer 4 moved Complainant to Area 5 during a roll call in September and asked if he was present. Smith did not recall Complainant being moved to Area 5. He said he may have been gone and thought he would have heard about that. I asked if he had been present if he would have found that unusual. Smith answered, "No, because people move around all the time." He had senior officers on graveyard that they had to move and when he was on swing shift, he had to move Officer Phil Sears, who is a fifteen-year plus officer. Smith liked Sears, but in order to keep Smith's squad together, there were a couple times Smith would "bump" him. Sears like to work east but was assigned to north or vice versa. Smith told him sorry, but explained he wanted to keep his squad together under his supervision. Smith heard Sears had an issue with it because he was a senior officer. Smith totally understood, but he spoke to Sears about it. He said, "Actually Compl. came to me about that one as well." Smith explained he had just started with his squad, needed to see them, he liked to ride with them, be in the same beat with them, and Sears was the odd man out. Smith moved Sears for a couple weeks in a row, until they were able to dial in where everyone would work.

I asked if it would be unusual to move a senior officer into a beat they were not assigned to work. Smith said it wasn't common and you usually asked for volunteers. However, if it was on the senior side of the week and there were shortages, it would be the senior officer that would be moved. Smith wasn't there, so he couldn't say why Complainant was moved. Senior officers had "pull" and supervisors tried to accommodate them. If it was the senior end of the week, all officers were senior, but Complainant was probably the most senior. Smith said it was uncommon to move a senior officer, but not unheard of. Supervisors tried to keep senior officers in their assigned beats or allow them to work a different beat if they chose, however there could be occasions when a senior officer was moved out of their beat for a number of reasons. For example, Smith was south, but on his Monday, he came in when a senior crew was south. In this case, Smith and his entire crew were "bumped" to east. Then Officer 3 crew came in, but only Complainant and Weddle from the crew would go east and Officer 3 would take them. Smith wanted to keep his crew together, so he would move Sears. He reiterated it was not unheard of for senior officers to be moved, whether they liked it or not, even though supervisors did try to accommodate them.

I confirmed Smith's crew was assigned west on the south end of the city, but regularly worked east, because there was a senior crew (a sergeant senior to Smith) that worked west on Smith's and his crew's Monday. Smith said yes, west was taken by Tipre's crew and Smith ended up being a "floater" and was spread out. Kouroubacalis, Officer 1 and Officer 2 would work together in east even though Smith would have to bounce around. He added swing shift was kind of a mess because you had sergeants moving around and a lot of seniority. He said Kouroubacalis was a twenty-year officer and she "bounced around every single shift." She worked every beat in the city. She understood they needed to move people and she was fine with moving.

Smith has worked with Officer 4 a long time. Officer 4 was "absolutely" professional and Smith thought he did what was best for the watch, to include where he placed people on the roster.

Smith said, "I think Lieutenant Officer 4 sees everything in whole, takes everything into account, uh… believes in troop welfare. Um… tries to make accommodations when he can." Smith said Officer 4 was always very accommodating when people wanted to ride together in certain areas. He said, "Swing shift is a mess. The roster is a mess. I feel bad for anybody that goes up there and tries to put that thing together." But Officer 4 knows exactly what is going on in the city, knows exactly what is going on with all the officers and sergeants assigned to him, is well aware of everything going on, and is in control. Smith said Officer 4 was probably the best watch commander we had.

I asked if he thought Officer 4 moved Complainant to Area 5 to retaliate against him for reporting an issue to Internal Affairs about Officer 1 and Officer 2 not taking a report, or if Officer 4 did this simply because he was trying to put the roster together. Smith said he did not believe for any reason Officer 4 did this as a form of retaliation. Officer 4 was one of the smartest people Smith knew, extremely professional, and Smith didn't think he would ever do anything to compromise this shift or any of the officers. Smith did not think he would do anything out of spite or revenge, or to prove something. Smith has observed Complainant and Officer 4 speak on numerous occasions. He described these as normal conversations and said Officer 4 was always very approachable, easy to talk to, didn't get too caught up in the rank, and you could have a normal conversation with him as an officer. Smith said they moved people around constantly and he thought maybe it was just Complainant turn to get moved. He again mentioned Sears and Kouroubacalis regularly getting moved and both were senior officers. Smith said, "And Compl would come up to the bench, every single time, almost every single day, and ask about the roster." He would question why Sears was going to the eastside and why the "two girls" (Officer 1 and Officer 2 were working "there when they could work west." He said, "Everyday it's like we almost had to approve the roster through him." Smith wasn't there, but thought Complainant was moved probably because they needed someone east to go west. He said Officer 4 probably looked around the room, saw he had previously asked other officers to move, so he chose Complainant because it was his turn. Smith said that's how he would've done it if he were the watch commander. This was similar to how we assigned holdovers. In the past when we needed holdovers, we always used to only use the junior officers, but now we use the officers on their Mondays. Smith now has senior officers that have to holdover.

Complainant came up to Smith and Officer 3 who were seated at the front of roll call to ask about Sears being moved. This conversation occurred on or about the second time they moved Sears and Complainant advised them Sears had an issue with being moved. Smith tried to explain to Complainant that Sears was not assigned to that beat, Sears just preferred to work there. Sears was assigned east with Officer 3 and he needed to work there, so Smith could keep his crew together under his supervision. Smith had six officers assigned to him and he was trying to keep at least four of them in the same beat under his supervision. Though Sears did not come to Smith with the issue, Smith talked to Sears about a week later. He told Sears he would try to keep him north as much as he could, and Sears appreciated it. It was Complainant though that told Smith he was wrong for moving Sears and that designators were everything to senior officers. Smith told him he was once a senior officer and understood, but moves were going to be made.

Two to three days per week, sergeants had to talk to Complainant about the roster, who should ride as partners, and where officers should be assigned to work. Smith said this occurred at least

half of each work week. I asked if any other officer ever came to ask these types of questions, and he answered, "Never."

Smith had no information as to why [redacted] and Weddle were separated from riding partners. I asked if he believed this was done in retaliation for [redacted] going to Internal Affairs about [redacted] and [redacted] not taking a report on a call. He answered, "No. The officers involved… the supervision involved in this case are smart, respected supervisors." He did not believe they would do anything to harm this agency or any of its officers. He also did not believe [redacted] and Weddle were separated from riding partners because [redacted] requested [redacted] and [redacted] be split from riding partners.

Smith observed a single rat photo in the men's locker room on his Monday night which would have been a Sunday. It was on the second row of lockers on the east wall, and it read "no rats." Smith had no idea [redacted] had made a complaint. Smith, who was now on graveyard, dressed out. He talked to the other graveyard guys, but they didn't know what he was talking about. Smith said the flyer was down the next day. He heard rumors that [redacted] may have taken a complaint to Internal Affairs about [redacted] and [redacted] not taking a report. This rumor was sixth, seventh, eighth hand information.

The photo Smith saw was in an area where flyers were normally placed to sell items or offer classes. There was always something funny there and Smith thought perhaps officers were just messing with each other. He had seen worse in the past. He didn't think anything of it and didn't think it was hostile. None of the other graveyard sergeants knew anything about it either. They speculated if someone had snitched on someone or if someone was just messing with someone because "they post some funny things in there sometimes." He advised the officers would post memes and gave an example of someone posting a photo of our two thinnest officers in the entire Department doing a "pose off" with them boxing. It wasn't anything crazy, just locker room stuff. It was nothing inappropriate, just in jest. When the other sergeants didn't know anything about the rat photo he saw, Smith didn't think it was a big deal.

Smith did not hear who might have placed the flyers and was surprised to hear they may have involved [redacted] has "always been loud and confrontational with the sergeants and other officers." He was "blindsided" this involved [redacted] and that other officers would "have a response to him." He said, "Almost like….Oh! I think the officers are finally put up… are done too." He said the sergeants were always trying to work with [redacted] the best they could. And "for the first time," "the officers are actually done with [redacted] too."

I asked if there was a level of frustration amongst supervisors with [redacted] based on [redacted] actions and he said yes. He believed this level of frustration was now carrying over to the officers. [redacted] was one of our most senior officers, and there was time he was one of the most respected officers through the ranks. Smith was "shocked" that one of Smith's peers did this. He assumed it was a peer because there was no way a sergeant would do that. I asked why it would not have been sergeant. Smith said he had the upmost respect for his peers, he's observed every one of them, and has trained the last six of them. He described them as professional, respectful, and said they would never compromise their rank. Half of them were

on probation and that's not how sergeants carried themselves. They would not risk their careers or discipline. He could not imagine a sergeant or above would do anything like that.

I asked specifically about J. Mutuku, being that Complainant issue involved J. Mutuku's wife. Smith said, "I would be absolutely shocked." He described J. Mutuku as very sharp, extremely professional, and wanted to be an all-star and leader at the Department. J. Mutuku was also a grown man and if he had an issue with Complainant he would pull him in and have a conversation with him. Smith has never witnessed J. Mutuku engage in childish pranks. J. Mutuku just bought a home and had a baby. J. Mutuku would just go talk to Complainant if he had an issue with him. Smith has witnessed J. Mutuku talk to other sergeants, counsel officers, and had no problem discussing an issue with someone. Smith works with J. Mutuku a lot and considers him a friend. Not once, has J. Mutuku ever said anything to Smith about Complainant J. Mutuku was focused on family and Smith would be "blown away" if J. Mutuku had anything to do with the flyers.

Smith has never witnessed any behavior by supervision toward Complainant that was hostile or retaliatory. Smith said everyone knew Complainant and everyone was used to Complainant Smith tried to remember him as the guy that was out chasing bad guys, even though "that's getting farther and farther away." Supervisors and lieutenants always treated Complainant with respect and had conversations with him. There has never been any hostility. Complainant worked for Officer 3 and Officer 3 was doing his best with Complainant Smith said, "There's nothing hostile around [redacted]" He added Complainant was working as a two-person ride, not taking anybody to jail, and wasn't being productive yet he was still allowed to work as a two-person ride and work where he wanted to work. He was still allowed to call dispatch and buy his "459" (burglary) calls. Complainant ran his own little world in his ten-hour shift. I asked the significance of Complainant handling the burglary calls. Smith advised Complainant bought the calls he wanted to handle. Smith agreed burglary calls were easy reports to take. A more significant call would be something "active" such as a domestic violence call, in progress crime, or a sex crime that would involve getting additional investigators involved; anything that time consuming. Smith said Complainant likely has bought one of these calls, "but his (Complainant reputation is grabbing like the past GTA's, past 459's, past 488's. He grabs the past calls." Smith agreed these calls were not high priorities or complex to investigate. Complainant controlled the calls he responded to.

In Smith's opinion, more was expected of a two-person ride, and it was a perk for being a hard worker. A two-person ride should be handling in progress calls, taking as many reports as everyone else in the beat, and actively looking for self-initiated activity. Smith said in the two months prior to him going to graveyard, he rarely heard Complainant and Weddle on the radio, so he knew they were buying calls off the board and controlling their shift. He could not recall them being very proactive, but they did occasionally take someone to jail. In Smith's opinion, a two-person ride should be taking someone to jail once or twice per shift. Riding as a two-person unit was a perk for working hard and this was far and few between for Complainant and Weddle compared to other two-person rides.

Smith had no knowledge of Complainant and Wright riding as partners or if and why they were separated.

Smith is personal friends with Officer 4 and hung out with him outside of work. He considered J. Mutuku a work friend but did not hang out with him outside of work. I asked if Smith's relationship with Officer 4 affected what he shared during his interview to make things more favorable for Officer 4. He answered, "This is my honest opinion and observations during that period of time."

I asked Smith to describe Complainant as an employee. Smith believed Complainant had some level of respect for him and outside of their disagreement about Officer 1 and Officer 2 riding together, they got along just fine. Smith can see Complainant doesn't respect the other sergeants, would be happy not having a sergeant and believed he would be a better sergeant. Smith told Complainant to become a sergeant and come help. Complainant is difficult because he questions decisions constantly and this becomes problematic. During roll call, Complainant will challenge sergeants in front of other officers. Smith has had conversations with him about this and asked Complainant to talk to the sergeants and maybe add his additional information at a future roll call. However, that is not Complainant style and Smith believes Complainant believes "he's just better than us." Smith doesn't find him difficult because he doesn't care about Complainant opinion. He said, "Unfortunately, this is how bad it's gotten. But he... yeah, I don't want him to work for me. And like I said, I... I get along with him for the most part, but I don't want to supervise him." As a supervisor there are so many moving parts and things that require your attention. With Complainant this is difficult because he challenges everything. There are new officers that need to be taught officer safety, case law, policy, arrest, and control procedures, etc. Smith said he could not constantly be worried about Complainant opinion or unhappiness with Smith's decision. There are times as a supervisor you need to make command decisions and you don't need to be questioned constantly.

Smith and Complainant worked out at the same time and during these times, Smith told Complainant he should take on more of a leadership role. Smith talked to him about working with the sergeants and also offered to read Complainant opening and closing statement for the sergeant's interview. Complainant told him he was still working on it. Smith and Officer 3 also gave him a date and time so they could do a mock interview with Complainant and sent a text reminding him of the mock interview the day before, but Complainant called in sick. Smith and Officer 3 took time out of their day to make a series of questions, discuss them, and print them out for Complainant but he never showed. They did this for both Complainant and Weddle. It was obvious to Smith that Complainant was not going to interview for the position even though Complainant had not officially withdrawn from the process. Smith described Complainant as ungrateful and said he did not realize the time and effort made by him and Officer 3 to help him. Smith was done helping Complainant with the testing process after that. Smith heard Complainant sent an email to personnel just before his interview and withdrew from the process. However, Complainant never sent a text or email to Smith about the mock interview before or after he called in sick. He never apologized or asked if he could reschedule.

While Smith was on the SWAT Team, Complainant put in for the SWAT Team one or two times and failed to show up for the physical fitness test. Smith also heard Complainant had put in for the POP (Problem Oriented Policing) Team but withdrew prior to the interview. While Smith was the sergeant for the PACT Team, Complainant told him he was going to put in to be on that team, but never ended up putting in for the position. Smith didn't know if Complainant did these things to get a rise out of people but said Complainant follow through has always been incomplete.

Smith has not observed any hostile or retaliatory behavior by a supervisor toward Complainant. He has not observed any inflammatory behavior by Complainant toward supervision, but said Complainant was "argumentative" with supervision. He has heard rumors of confrontations but has never witnessed this.

Smith recalled being moved around (from beat to beat) as an officer, even a senior officer. He thought staffing levels were probably at their worst in 2017 and were headed in that direction today with officers being on light duty, away at training, promotions, etc. Backfills are used to meet minimum staffing levels for each watch. Supervisors are constantly shuffling officers to determine what beats they will work. The officers' pay and duties are the same, they just may be working in a different beat. Smith sometimes moves a senior officer so he can keep his officers together to train and mentor them. He doesn't move them to upset them, and it is not personal. He said there were also officers that like being moved and he found this productive. Senior officers were shown as much respect as possible, but they still might be asked to hold over or change beats. It's not personal. It's just moving officers to make the shift work. Smith added, "The mission comes first."

Smith did not know if Complainant and Weddle ever put themselves "10-6" (busy), but said he knew them and knew they took lunch and snack breaks. It was absolutely ok to take a lunch break.

Nobody from command approached Smith and told him he needed to let Officer 1 and Officer 2 ride together because they feared if they didn't allow this, the Department would get sued. Smith said it was his decision to allow them to ride together and he would be blindsided if anything negative ever came from Officer 1 or Officer 2. There was never any mention about either of them being a protected class. Smith had an agreement with them at shift change and they stuck with the agreement. There was no issue, except for Complainant complaint.

In closing, Smith said has not heard from Complainant since Smith moved to graveyard. Complainant has not sent him a text and they don't see each other in the gym anymore. Complainant was the only one that expressed any issue with Officer 1 and Officer 2 riding together. Smith even asked Maggie Kouroubacalis, while he was still on swings, if any of the other officers expressed concerns. She assured him nobody else had an issue with the arrangement. All the sergeants on swing shift and Officer 4 supported Officer 1 and Officer 2 riding together. Smith didn't think Complainant had an issue anymore either since he hadn't heard from him since moving to graveyard. Smith was surprised when he learned he would be called as a witness in this investigation.

Medici asked Smith if he would split a two-person ride if they were not productive. Smith answered, "Immediately." Smith said he would separate a two-person ride if they were not productive or if one officer was not a good influence on the other. He has done it before and would do it again. This is common sense and taking care of your officers, this is not indicative of a hostile work environment. It is not a right to ride as a two-person ride and supervisors switched officers around constantly. In Smith's opinion, a two-person ride should be the hardest working unit in the beat. Based on his observations, Officer 1 and Officer 2 were running circles around the other officers. They were on the radio the entire shift, they were

buried in reports, they were getting (occupied) GTA's, they were chasing people. He said, "I've got an officer with a six-month-old child, that's chasing people down alleys." Smith said he told Complainant that Officer 1 and Officer 2 had ridden as partners three years earlier and were productive. Smith was not going to punish her because she had a child.

After the initial conversation Complainant had with Smith about Officer 1 and Officer 2 riding together, Complainant continued to voice his issues with this to Smith on several occasions. The conversations were not as long as the initial conversation. Smith described them more as "jabs." He said this is how Complainant tries to break people down, but it doesn't work.

INTERVIEW OF WITNESS OFFICER WILLIAM ZACKOWSKI:

On December 13, 2022, at approximately 3:02 pm, Lieutenant Eric Detmer and I interviewed Sergeant William "Billy" Zackowski in the Conference Room at the Lincoln Station. The following is a summary of Zackowski's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Zackowski started with the Riverside Police Department in June of 1998 and was promoted to sergeant in May 2018. He is currently assigned to Watch C and has been on this watch for the past three years.

Zackowski was present in roll call when Officer 4 moved Complainant to Area 5. There were a lot of holdovers that shift and Officer 2 Officer 1 and Complainant had "difficulties" working together. As a result of these difficulties, supervision had them working different beats. On the shift in question, Complainant was assigned to the same beat as Officer 1 and Officer 2 and there were holdovers that were involved. The roster had already gone up on the overhead for officers to see and last minute, the sergeants talked and said someone needed to be moved. Officer 4 said to move Complainant to Area 5. At that time, Zackowski said Complainant was senior and said they should move someone else. Officer 4 agreed and Zackowski left the roll call room to go tell Complainant Zackowski did not recall the date this occurred, but said he only worked with Complainant two days per week (Wednesdays and Thursdays).

Zackowski said this was the only time he had seen Complainant be moved into another area. I asked if Officer 4 said why he moved Complainant Zackowski said Officer 4 moved Complainant because somebody needed to be moved; he thought it was to keep him apart from Officer 1 and Officer 2 Zackowski was not aware of any conflict between Complainant and Officer 4 prior to or during that roll call. Zackowski said the watch commander had control over the roster and sat next to the person doing the roster so they could easily make comments to them about changing things. Zackowski thought Officer 4 was just trying to get rid of one problem and did not think he would be creating another.

Zackowski said Complainant had been split up before, but to his knowledge had never been moved from Area 2. When asked if he thought Officer 4 did this in retaliation for filing a complaint against Officer 1 and Officer 2 and complaining about them riding together, Zackowski said he was unaware of these two incidents.

Complainant historically gets up from roll call quickly and leaves to go in service. After the roll call in question, Complainant got up and said, "thanks" or made some other comment to the sergeants and lieutenant. After discussing it with the other sergeants and Officer 4 Zackowski said he would go tell Complainant he had been moved back to Area 2 before he got out into the field. Zackowski walked to the far corner of the lot, by the exit gate near the gas pumps where Complainant parked. As he approached him, Complainant began to yell at him. Complainant yelled something like, "Don't talk to me." or "I don't want to talk to you." Complainant then started calling Zackowski a coward. There were a lot officers in the area, because they had just left roll call. Zackowski told Complainant he had been moved back to Area 2, but Complainant continued to yell at him for at least thirty seconds or more. Complainant was so angry he was red, and his lip was quivering. Complainant had a hard time hearing anything Zackowski said. Zackowski told him he came out to tell him like a man he had been moved back to Area 2 and Officer 1 and Officer 2 were getting moved. Complainant called him a coward approximately five times. Complainant was so angry; Zackowski didn't think Complainant could hear or focus.

Afterward, Zackowski returned to the roll call room. Complainant also returned and tried to hand Officer 4 a complaint against Officer 4. Zackowski could not recall if Complainant said it was a retaliation complaint, but Officer 4 directed Complainant to the captain or Internal Affairs because he could not take a complaint against himself. Complainant was still so angry that he could not really focus. Complainant wasn't yelling or screaming but was loud. I asked if Complainant was disrespectful toward Officer 4 Zackowski said Complainant was not as disrespectful as he had been toward Zackowski in the parking lot. Zackowski thought Complainant came in from the parking lot, went to a computer, and looked up the policy for whatever he was complaining about. Complainant walked in with papers and tried to hand them to Officer 4 Complainant had screamed at Zackowski in the parking lot, but that didn't happen in roll call. I asked again if Complainant was disrespectful toward Officer 4 Zackowski said, "I guess on the Compl. scale, it's kind of par for the course." and added, "Not overly." I asked if it were any other employee, speaking in that tone, would Zackowski have considered it disrespectful. Zackowski said, "Then yes." It was common for Complainant to be disrespectful toward supervision and referred to sergeants as "the enemy" openly to other officers and in front of them. Complainant freely speaks to whomever will listen to him to express his dislike for the way things were done here. Everybody knew of Complainant friendship with the chief. Zackowski often tells Complainant if he didn't like the way things were done, he had an open door to the boss' office. Complainant always said he didn't want to put the chief in that spot.

Zackowski knew Complainant and Weddle regularly rode as partners at the beginning of shift change. He did not know why they were separated. They did not work for him and this wasn't discussed with him. He guessed this decision was made by their sergeant (Officer 3 and/or the lieutenant. Zackowski did not know if they were split as a form of retaliation as he was not aware of the complaints Complainant had made about Officer 1 and Officer 2 and said this was never discussed with him.

Zackowski was aware Complainant and Officer Evan Wright used to regularly ride as partners but had no knowledge as to why this stopped. He heard they had a falling out but did not know why. Zackowski was aware Officer 1 and Officer 2 commonly rode as partners at the start of shift change. Initially, he was unaware Officer 1 was taking lactation breaks, but learned of this later after there were some "grumblings." Complainant was "angry," and Weddle was "not so excited

about it either," because Officer 2 would "sit around and do nothing" while Officer 1 took her break. Zackowski did not hear of any grumblings until a couple months after shift change.

Zackowski began to supervise Officer 1 and Officer 2 after their sergeant (Smith) went to graveyard. I asked if he had any issues with their work performance. He answered, "No. They work constantly." Zackowski did not pay attention to how long their breaks were, but this is one of the issues he had with Complainant somehow knew what everybody in the city was doing, how long they were on calls, whatever, "except for himself." Complainant doesn't realize he does all the things he accuses other people of doing. Complainant was a hypocrite.

Zackowski said he did not see an issue with Officer 1 and Officer 2 taking breaks together, but he did not initially know of the lactation breaks. He could see how other officers in the same beat would have an issue with this because "unless one is lactating the other, there's no reason for both of them to sit at the station." The other officer could get in the police car and drive, there was no reason for the other officer to sit there. However, he did not see Office or Officer 2 dodge or try to hide from calls where "Compl stacks every... uh... non-report related call to himself;" subject bothering calls and similar calls where Complainant is able to go from one call to the next without ever being dispatched. Complainant also goes to any beat in the city he chooses to if he deems fit.

Zackowski has had issues with Complainant because of this. He described one incident that occurred in Casa Blanca where two people were sitting in a car and got shot at. Complainant is very familiar with that area. Complainant showed up to the scene, walked into the scene, talked to the two people on the ground, and then left. Complainant did not provide any assistance on the call and did not take a supplemental report. Zackowski said, "He just came to get information for himself and bounced." Things like this with Complainant are what Zackowski had issue with and tried to point these things out to Complainant Zackowski said the fact that Complainant wanted to complain about other people, was hypocritical.

Zackowski said if someone needed a backup officer, he would go himself. I asked if there was ever time, someone called for an emergency back-up and Officer 1 and Officer 2 did not response. He said no. I asked if he personally observed any issues with their work performance. Zackowski said he would like to think he would notice, but there were six sergeants assigned to swing shift and there was supposed to be eight. He had two crews; one is north, and one is south, so he is all over the city. He did not always work with Officer 1 and Officer 2 He said, "As a matter of fact, I do my best to not work around Complain because he gets... uh.. my goat, so to speak. He does nothing but torment... um... the sergeants if it's something that he doesn't agree with. So, I prefer not to work in that area." For these reasons, he could not say if there were any issues with Officer 1 and Officer 2

Zackowski did have a conversation with Weddle where Weddle told him he did not know why Complainant hated Officer 1 so much. When I asked about this, Zackowski said he wasn't sure if it was Officer 1 or Officer 2 but Complainant wasn't a fan of one of them. Zackowski said he could not see Complainant rushing to help Officer 1 or Officer 2 and vice versa. He hoped this would not be the case if the situation were life threatening. He didn't know and said he hadn't had conversations with them about that.

Zackowski was "thankfully" in Arizona when the rat flyers appeared at the station. He did not see them and did not hear who put them up.

I asked if he was personal friends with anyone we had talked about. Zackowski said, "I thought I was personal friends with [redacted]

I asked how he would describe [redacted] overall. Zackowski said he thought [redacted] has the potential to be a very good policeman. He didn't know why [redacted] focused so much on what others did, instead of focusing on what he did. He said, "I would say it's obsessive." Zackowski said he never cared to the degree that [redacted] does. He said, "To [redacted] disadvantage, I worked with him as a beat partner. I never worked with [redacted] and [redacted] as beat partners. Um… so, I know exactly what it's like working with [redacted] and he has a great ability to… uh… turn things around as to… to your fault, not his… like you're the one that's causing the problems."

Zackowski has heard grumblings that there are cliques on swing shift and none of them get along with each other. He hasn't experienced this firsthand, because as a sergeant, officers keep these things amongst themselves.

I asked if [redacted] had a reputation for being a difficult employee. Zackowski said, "My personal experience… he's been difficult with me." Zackowski said he still considered [redacted] a friend. He didn't know why [redacted] has been so angry lately. He added, "But like I said, he took this up with Kendal Banks eight years ago." Zackowski said [redacted] confronted and harassed Banks and did not know if this resulted in an investigation handled by Internal Affairs. [redacted] would question Kendal on everything. He described an incident he heard about in which [redacted] was off-duty and in a restaurant with his wife in Area 5. Banks and some other sergeants walked in and [redacted] wife went up to Kendal and "demeaned him." Zackowski wasn't there but the story had gotten around.

Zackowski said he would not want to have [redacted] on his crew. He said, "When I tried to supervise him, he would question and challenge everything." [redacted] would say he needed to know things because he was taking the sergeant's test. Zackowski would print out the policy and provide it to him. Zackowski did this at least three times. The last thing that happened between them "that I was just over with" involved a pursuit of three minibikes. The primary officer lost them after they started going through yards but was picked up later by a secondary unit that had a ride along. In roll call the next night, Zackowski said he was not a fan of chasing motorcycles although policy permitted it. However, the policy also stated you couldn't pursue people if you had a ride along. [redacted] went to everyone in roll call that day that would listen and told them Zackowski was wrong. [redacted] said there wasn't anything in the policy that said you couldn't be in pursuit if you had a ride along. Zackowski said there was a ride along policy and a pursuit policy. He thought the ride along policy said you couldn't do anything overtly dangerous that would put a ride along in danger. In Zackowski's opinion, this included a pursuit. The pursuit policy advises you should take into consideration who is in the car with you, it includes civilians and talks about people that are in custody; it doesn't say ride alongs. Zackowski said his discussions in roll call were not to get anybody in trouble, but to prevent people from getting into trouble in the future. He said his day went better when he wasn't questioned by somebody that wasn't involved anyway.

I asked if he has witnessed any hostile or retaliatory behavior by supervision toward Complainant since shift change. Zackowski said the only thing he could think was if a senior officer wanted to ride with someone but wasn't allow to…but said ultimately, it was the watch commander's decision. The watch commander ran the watch and made these decisions. Zackowski said staffing and other issues were factors in these decisions by the watch commander.

I asked if Zackowski ever witnessed hostile or retaliatory behavior by supervision toward Complainant prior to shift change. Zackowski answered, "No." He said he didn't deem Complainant getting moved to the five beat as hostile or retaliatory. He just thought there were other people that weren't senior that could've been moved. He suggested this and Officer 4 agreed right away and said, "Go switch them."

I asked if, since shift change, Zackowski witnessed any behavior by Complainant toward supervision that would be considered hostile or inflammatory. Zackowski said Complainant just questioned and challenged everything. He said his first confrontation occurred when the "dope team" called Complainant and Weddle to do a wall stop. Zackowski was not notified until they had arrested the suspect and had him in custody. Weddle called Zackowski for an arrest review and told him it was a wall stop and they were at the Orange Station. Zackowski explained to him that per policy, he had to let a supervisor know. Zackowski looked up the policy, "because that's what Compl wants every time, even though he's been a cop for twenty years, he needs you to prove it to him."

The policy states the detective needs to notify the watch commander, but Zackowski said something to Complainant for officer safety. He told Complainant the supervisor needed to know in the event something happened on the stop, such as a pursuit or other safety concerns. Complainant response to Zackowski was that supervisors only muddied the waters or something similar. Supervisors "foul it up" when they get involved.

Zackowski did not think any sergeant had ever called Complainant to address the way Complainant talked to supervision and how he constantly questioned them.

Detmer asked Zackowski if Complainant ever apologized for any of the things he did, to include calling Zackowski a coward. Zackowski said he did not think Complainant was capable of apologizing.

Complainant has never threatened anyone with his friendship with the chief. Zackowski said Complainant has never used his friendship with the chief, at least with him. Zackowski has referred Complainant to the chief, the one that could make changes, when Complainant brought up problems, instead of Complainant "beating us up at our level."

Detmer asked Zackowski what other officers in patrol thought of Complainant He answered, "As a supervisor, I didn't want to put them in a bad spot, so I would never ask."

Zackowski did not observe any issues with having the "COPS" crew ride with officers.

Zackowski answered, "yes" he believed splitting squads was a considerable challenge for supervisors to keep track of their people, especially the new sergeants. He said he and the new sergeants were more inclined to want to have their own people work with them. More senior sergeants didn't feel that way and felt they should let officers work where they wanted to work. Zackowski doesn't agree. He didn't want to do something, just because it was past practice, and tried to be flexible. He didn't agree with who should be able to ride as partners, where they worked, but he wasn't the watch commander. He said there was a watch commander that thought everyone should ride as partners. Zackowski thought two-person rides in busier beats was fine, but not everyone should ride as partners. There are more "dead calls" than live or hot calls. He also talked about unit shortages and how this could be a factor. He said there were a lot of things here he would change, but ultimately it was the watch commander's decision. He thought the new sergeants wanted to be more hands on than Zackowski thought they should be, but said it was not his place to tell them otherwise. He said he didn't claim to be the best sergeant and had his flaws too.

The new sergeants wanted to monitor their people better and we had some officers that were making mistakes that needed to be corrected.

In closing, I asked Zackowski if there was anything he thought we should know while investigating Complainant complaint of a hostile work environment. He answered, "I… I think Compla makes it hostile for the supervisors. Um… I don't know if you can be hostile up, but it seems to go more that way and be accepted. Um… like I said, he talks to the other officers that are working. The ones that he thinks he has their ear and poisons us with them. Um… I know he called me 'cancer' to Officer 3 Uh… which I find completely ironic, uh… but… I don't feel like anything's being done to correct that behavior." (Zackowski referred to Complainant behavior.)

INTERVIEW OF WITNESS OFFICER SHEA MCMAHON:

On December 14, 2022, at approximately 7:36 am, Sergeant Medici and I interviewed Officer Shea McMahon in the Internal Affairs Conference Room. The following is a summary of Smith's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

McMahon has been with the Department for twenty-one years. He is currently on patrol and assigned to Watch B. It was common for officers to write reports in the roll call room, after their shift, provided roll call for the next watch had been dismissed. He was in the roll call room when Complainant Complainant walked in and told Officer 4 he wanted to file a complaint against him. Complainant was talking and joking with Sergeants Robert Tipre and Officer 3 ; Sergeant William "Billy" Zackowski may also have been present. Complainant handed Officer 4 a packet and told him he wanted to file a hostile work environment against someone; McMahon didn't hear who the complaint was against. Officer 4 seemed to get "pretty upset" with Complainant and told him he needed to take the complaint higher up the chain. Officer 4 told Complainant not to call the sergeants a coward in front of anyone ever again or he would be sent home. Complainant asked Officer 4 if he was refusing to take his complaint. Officer 4 said yes and told him to get out of there.

McMahon could tell Officer 4 was "pretty pissed off." McMahon did not know where the coward comment came from. He also did not know who Complainant wanted to make the complaint against.

McMahon has not witnessed any behavior by supervision toward Complainant that he considered to be hostile or retaliatory. He has not witnessed any behavior by Complainant toward supervision that he would consider to be hostile, disrespectful, or inflammatory. He said, "I think Complain when he does his, whatever he's doing, he… he's pretty smart about it." Complainant does not lose his temper and is "pretty smart when he does stuff."

McMahon did not witness any rat photos at the Lincoln Station. He advised he was off work but did hear about it. He heard there was an exchange between Sergeant James Mutuku and Complainant over the weekend but did not hear details. He heard shortly after some Rat Busters photos appeared in some of the mailboxes; one of them being Complainant McMahon said everyone assumed it was J. Mutuku, but he didn't know.

McMahon is not personal friends with any of the parties but described them as acquaintances. He described Complainant as a "known prankster" and has been since Complainant started. He gave examples of eating half a cookie and putting "snot rockets" on the walls in the bathroom. McMahon said Complainant was a hard worker but has slowed down – perhaps due to issues with supervision. Complainant is very smart and probably knows case law better than most sergeants and lieutenants.

When asked if Complainant had a reputation for being a difficult employee, McMahon answered, "I think he does." McMahon didn't think this was the case years ago but said as Complainant has gotten older and closer to retirement, he seems like he is more of "a thorn in everyone's side." Complainant does it to "piss people off or ruffle feathers." McMahon said, "He's going to be known as a hard, and difficult employee" and Complainant used to be known as a hard worker. He said, "I think that's more his legacy now, unfortunately."

For most of McMahon's career, he has worked day shift and Complainant has worked swing shift. They have worked overtime shifts together though. McMahon has noticed Complainant has become more difficult over the years.

McMahon has worked under Officer 4 supervision or command and described him as jokester and one that would make "off-color" jokes occasionally. The things that Officer 4 may say do not affect McMahon because he knows how this profession is but said some of the things may offend some of the newer officers. He could not give a specific example, but said Officer 4 just had an old school mentality and was former military. McMahon has never seen Officer 4 treat someone in an unprofessional or hostile manner. Officer 4 did raise his voice at Complainant when he told Complainant to get out of the roll call room, but McMahon said it was obvious there was an issue between them. He did not think Officer 4 was being hostile or disrespectful to Complainant

I asked McMahon if it was acceptable behavior for an officer to yell at a sergeant and call him a coward multiple times. He said no and these conversations should be held in private.

McMahon said it was not out of line for Officer 4 to raise his voice at Complainant in light of what occurred, but perhaps it could have been handled better. McMahon was the only officer in the roll call and did not know if Officer 4 even knew he was in there. McMahon thought Officer 4 should have taken the complaint, because by not doing so, it "added fuel to [redacted] fire." McMahon speculated that if Officer 4 had taken the complaint, it would have perhaps prevented the issue from ending up in Internal Affairs. McMahon heard Officer 4 tell Complainant to take his complaint to the captain or Internal Affairs.

McMahon said Officer 4 runs a good ship and is a professional. It is common for lieutenants and sergeants to joke around after everybody leaves roll call. McMahon is not offended by the things said, but others could be. He wondered if maybe this wasn't the place to joke around, and supervision should go for coffee to have these conversations. He has never seen Officer 4 flirt with a female officer or be offensive to the point it created a hostile work environment. If this was the case, McMahon was sure we would be looking into claims from other employees and not just Complainant In addition, being moved out of a beat did not constitute a hostile work overornament.

McMahon advised he is good friends with Officer Spencer Weddle. Weddle has shared things with him about Complainant and some of the things that have been going on when they hang out. Weddle told McMahon supervision was "pissed off" at Complainant so they split Complainant and him up. McMahon didn't really care what was going on with [redacted] but said this was not hostile. He said, "If you're having issues and problems with a specific person, you're taking… you're fix… you're trying to fix it as a supervisor or as a watch commander. You're trying to alleviate any more problems by doing that, splitting them up, or…whatever else. That's not hostile, that's acting as a boss." McMahon also expected if he was doing something wrong, for his boss to raise his voice at him and tell him.

McMahon did not know whether someone could accept a complaint against himself. But if this was case, explained why Officer 4 did not accept Complainant complaint.

McMahon did not know who placed the Rat Buster photos and did not hear who placed them. He only heard rumors that it was possibly J. Mutuku. He heard about the exchange between J. Mutuku and Complainant from Weddle, but also other officers. He said Weddle likely heard about the exchange directly from Complainant McMahon did not hear anybody else say they witnessed the exchange between [redacted] and J. Mutuku.

INTERVIEW OF SUBJECT OfficerOfficer 4

(Prepared by Sergeant Mike Medici)

On December 15, 2022, at approximately 1445 hours, Sergeant Mike Medici interviewed Lieutenant Officer 4 in the Internal Affairs Conference Room. The interview was audio-recorded and then downloaded into Laserfiche under PA2211047. The following is a summary of the interview, prepared by Medici. It is not verbatim or necessarily in order, but it is organized for clarity.

Before any questioning, Medici told Officer 4 he was being interviewed as a subject officer of a complaint made by Officer [redacted] alleging a hostile work environment. According to Officer 4 he was already aware of [redacted] complaint. Medici provided Officer 4 with a POBR packet which they reviewed together, and Officer 4 signed. Officer 4 declined to have a representative with him during his interview. Because Officer 4 holds the rank of lieutenant, Captain Charles Payne was present to order him not to disclose details of the investigation to anyone else. After Officer 4 signed the Peace Officer Order Not to Disclose Form, Captain Payne excused himself and was not present for the remainder of the interview.

Officer 4 told Medici he started his law enforcement career over 23 years ago. He is currently a Lieutenant -Watch Commander in Field Operations. Medici asked Officer 4 if he remembered being present in roll call a few months earlier when he had [redacted] reassigned to a beat he doesn't normally work. Officer 4 said he didn't remember which beat he sent [redacted] to, but he admitted that he did have him moved. According to Officer 4 he, Lieutenant Barney, and Captain Milby got together and decided that [redacted] would no longer be allowed to work the same beat as Officer Officer 2 and Officer Officer 1 Officer 4 said he noticed during that specific roll call, [redacted] was scheduled to work the same beat as Officer 2 and Officer 1 so he moved [redacted] to a different beat.

Officer 4 confirmed that Officer 2 and [redacted] were riding together as partners in the same beat as [redacted] and Officer Weddle were working as a two-man unit. Officer 4 indicated that [redacted] had issues with Officer 2 and Officer 1 but he didn't know exactly what those issues were. According to Officer 4 Officer 2 and Officer 1 are hard workers. He said they were always looking for bad guys they could take to jail. Officer 4 also told Medici that the Department entrusted Officer 2 and Officer 1 to drive around with the film crew from the "COPS" television show because they always do their job well. Officer 4 felt, "On the other hand there is Weddle and [redacted] Officer 4 feels Weddle and [redacted] are not a great representation of what the Department is trying to show as an agency. According to Officer 4 [redacted] is a minimalist, and he only does a "bare bottom" amount of work. Officer 4 felt [redacted] is not a good beat partner and he never drives by Officer 2 and Officer 1 calls or stops.

Officer 4 believes that [redacted] was upset because Officer 1 is a "lactating mother" which makes her entitled to lactation breaks. When she takes those breaks, Officer 2 goes with her. The arrangement was set so that when Officer 1 is pumping her milk, Officer 2 takes phone reports. Officer 4 told Medici that [redacted] was upset, and alleged Officer 2 did not take a police report on a reported crime when she should have. Although Officer 4 knew [redacted] was upset about it, he said it was "below his level of giving a shit."

Officer 4 relayed to Medici that at the end of the day, [redacted] was just complaining about "the new mother and the Hispanic lesbian." According to Officer 4 [redacted] alleged that Officer 2 and Officer 1 don't do their job. [redacted] told Officer 4 that they suck, and he doesn't want to work around them.

Officer 4 completely agreed Officer 1 has the right as an employee and as a new mother to take lactation breaks. Medici asked Officer 4 if those breaks have ever been an officer safety issue for their beat partners. Officer 4 answered that Officer 2 and Officer 1 work well together.

It's Officer 4 belief that the only people that decide who gets to ride together, are the sergeants and him. Medici asked Officer 4 if he knew how long Officer 1 lactation breaks were. He felt that the time they spent on the lactation break seemed reasonable to him. Officer 4 paused briefly to recall a time his wife was lactating. Then Officer 4 said that he remembered it took as much time as needed before "they were both empty." He believed it was reasonable for the breaks to take 30-60 minutes.

According to Officer 4 the difference between the amount of work that Officer 2 and Officer 1 do in comparison to Complainant is "astronomically" different. Officer 2 and Officer 1 don't let calls stack up as Complainant does. They don't avoid paper calls and they do everything he would expect an officer to do, and they do it well. Officer 4 told Medici that Complainant does, "almost none of those things."

Medici asked Officer 4 if he was aware of Complainant allegation that Officer 2 and Officer 1 NR'd a crime report over the phone. According to Officer 4 members in command looked at the allegation from the patrol level and it proved to be inaccurate. After looking into the matter, it was determined that Officer 2 and Officer 1 did the right thing because it was a family problem and there was no crime.

Medici re-visited an earlier discussion when Officer 4 admitted he moved Complainant from his beat into another. Officer 4 told Medici that Complainant doesn't have his own beat. He went on to say twenty officers are working on the swing shift. At both his and the sergeants' discretion, Officers can be moved around to cover an area as they see necessary. According to Officer 4 officers get moved around all the time. He addressed Complainant argument that he has seniority. Officer 4 told Medici, "He isn't senior to the detectives who are in the room working overtime, he's not senior to the sergeants, and he's sure as hell not senior to me."

Officer 4 felt that Complainant negative and challenging attitude began to rub off on Weddle when they began riding together. Officer 4 and the rest of the swing shift management team noticed it happening. According to Officer 4 it's the reason they broke Complainant and Weddle up and kept them from riding together in the same car. Officer 4 believes that Complainant problem is that he doesn't want to be supervised. Officer 4 thinks Complainant feels he can do whatever he wants. Officer 2 and Officer 1 told Officer 4 that Complainant never drives by any of their traffic stops. According to Officer 4 that can't happen with a beat partner.

Officer 4 told Medici that the only reason he moved Complainant to another beat, was to keep him separated from Officer 2 and Officer 1 He was clear it wasn't personal and had nothing to do with a hostile work environment. Instead, it had everything to do with having proper coverage and keeping Complainant in a separate beat away from Officer 2 and Officer 1 Officer 4 told Medici that Complainant ended up working in his beat of choice that day anyway. According to Officer 4 Sergeant Zackowski moved a couple of other officers with less seniority around to other beats. Complainant was able to work the beat he preferred while Officer 2 and Officer 1 worked in another. According to Officer 4 he was fine with the way Zackowski worked things out. He said he doesn't care where Complainant works, as long as it's not with Officer 2 and Officer 1

One of the sergeants told Officer 4 they witnessed Complainant having an argument with Sergeant Zackowski in the parking lot after the roll call. Officer 4 didn't witness it but heard Complainant called Zackowski a coward. Officer 4 advised Medici that he spoke to Complainant about it in the Rollcall Room. According to Officer 4 he warned Complainant that if he ever witnessed him disrespecting a sergeant, he'd suspend him for the day and send him home. Officer 4 said he'd treat any other employee the same way.

Officer 4 told Medici that Complainant walked up to him after a recent roll call holding a policy in his hand. It was the same day Officer 4 wanted Complainant to move to a different beat. According to Officer 4 Complainant said he wanted to make a complaint against Officer 4 and Lieutenant Mike Barney for harassment. Since Complainant identified Officer 4 as being the subject of his complaint, Officer 4 instructed him to take his complaint to the captain because he can't take a complaint against himself. Officer 4 also gave Complainant other options including bringing his complaint to the captain, Human Resources, or Internal Affairs.

Medici asked Officer 4 about the Rat Buster pictures found in the men's locker room. Officer 4 confirmed he saw the photos, but he had no idea who put them there. Officer 4 believed they were meant for Complainant after he initiated a complaint against Officer 2 and Officer 1 for not taking a police report. All Officer 4 could confirm was that Lieutenant Meier and Captain Milby investigated the photos and determined they originated from a community computer in the Report Writing Room. They have not been able to determine who made the rat buster photographs. According to Officer 4 he heard that Complainant was accusing Sergeant James Mutuku of posting the photographs. Officer 4 claimed he doesn't believe it was true.

Medici asked Officer 4 if there was any decision he made or was directed to make regarding Complainant that could be mistaken for being a hostile work environment. Officer 4 described law enforcement as being a hard enough job, so he doesn't want anything to be hostile.

Officer 4 believes that Complainant needs to be examined to determine if he's fit for duty. Officer 4 gave examples including when Complainant recently tested for a sergeant promotion. He passed the written exam, and then pulled his name after deciding he couldn't "work for the enemy." Officer 4 went on to say Complainant argues with supervisors, doesn't cover his beat partners, and just isn't cut out for this job anymore. When asked about Complainant allegations regarding Officer 4 creating a hostile work environment, Officer 4 called it "silly."

INTERVIEW OF WITNESS OFFICER ANA MISKULIN (FORMERLY AHUMADA):

On December 19, 2022, at approximately 1312 hours, I interviewed Officer Ana Miskulin in my office in the Internal Affairs Bureau at the Magnolia Street Police Station. The following is a summary of Miskulin's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Miskulin has been a police officer for three and a half years and is currently assigned to Watch B; Complainant is assigned to Watch C. She wasn't positive, but said their schedules overlapped on

Mondays and/or Tuesdays. She occasionally observed [redacted] would log in to work overtime at the swap meet or Sandals Church on the weekends but did not see him.

Miskulin did not witness an argument or loud conversation between [redacted] and Sergeant Mutuku in the parking lot at the Lincoln Station. She could not recall ever seeing [redacted] leave to start his shift when she ended hers. She worked the west end of the city and usually when she got back to the station at the end of her shift, [redacted] had already left for his.

Since shift change, she has never seen a heated exchange or argument between [redacted] and Sergeant Mutuku and did not know anything about their relationship.

When asked about the relationship between [redacted] and Officer 1 and Officer 2 Miskulin advised she thought they "worked well together," but "not really." She clarified by saying [redacted] was an "old school" officer and goes "by his own tune." She was not aware of any conflict between the officers.

Miskulin worked swing shift with [redacted] two years ago, but they didn't always work the same beat. She advised she wasn't really sure about him, but he "was a super senior officer and you take care of your super senior officers." She explained by taking care of them, you don't let them take reports and try to help them out as much as you can. She said he was good about backing her up on calls (she was a solo officer in these instances and was not riding with a partner) and always had a lot of good insight on gangsters, particularly in Casa Blanca. He was known for this.

I asked what she meant by [redacted] being an old school officer. She gave an example of a shift in which she and another officer had to hold over and ended up working with [redacted] She and the officer that held over were going from call to call trying to clear the board. [redacted] was on a found property call for an extended period. She said it was well over thirty minutes and it seemed "unreasonable" to her. She called dispatch to check on him. [redacted] advised he had to book the property. Miskulin said the property was not evidence and could have been held until the end of his shift. She also advised [redacted] was "old school" with his equipment and how he used it. She said he did not wear an earpiece, or use Bluetooth, and still carried around his baton.

Miskulin never observed any behavior by supervision toward [redacted] that she considered hostile. She never observed [redacted] speak to supervision in an inflammatory manner or be disrespectful toward them. She never observed any rat photos at the Lincoln Station, nor did she hear of them.

I asked if she was aware of any issues supervision may be having with [redacted] recently. Miskulin was not aware of anything directly, but said everyone was saying [redacted] was not happy, disgruntled, and two days away from retiring. [redacted] hasn't been happy, and this is known by all. Miskulin believed it was because policing has changed. Officers today must wear body-worn cameras and must record their contacts. Officers today have to take reports that maybe ten years ago, you wouldn't have to. She did not believe [redacted] cared for these changes.

Miskulin was unaware of any issues between Complainant and Officers Officer 1 and Officer 2. She was unaware of any issues between Complainant and Sergeants J. Mutuku, Officer 3 Zackowski, Tipre, any other sergeant, or Lieutenant Officer 4.

She heard Complainant and Weddle were no longer riding together, because they got into trouble and were doing too many stupid things. She said she did not ask for clarification when she heard this, because she did not want to get involved.

INTERVIEW OF WITNESS OFFICER CARRIN CHRISTIANSON:

On December 21, 2022, at approximately 3:07 pm, Sergeant Medici and I interviewed Officer Carrin Christianson in the Internal Affairs Conference Room. The following is a summary of Christianson's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Christianson was hired in April 2014. She is currently assigned to Field Operations, Watch C.

Christianson was in roll call when Complainant was moved from Area 2 to Area 5. She did not know the reason or whose decision it was to move him, but assumed it was Lieutenant Officer 4. When the roster went up (on the overhead) everyone gasped.

She thought it was "fucked up" because Complainant who was senior, was moved instead of the junior officers that remained in Area 2. She said everyone knew Area 5 was busy and where someone was sent if they were "in trouble."

After roll call, Christianson observed Sergeant Zackowski looked upset. Changes were made to the roster and Complainant was moved back to Area 2. Zackowski went into the parking lot to advise Complainant of the changes, but she did not witness this conversation.

Christianson did not witness any conflict between Complainant and any level of supervision. She never observed Complainant say or do anything to provoke supervision and did not observe any behavior by supervision toward Complainant that she considered to be hostile.

Christianson had no knowledge of the relationship between Complainant and Officers Officer 1 and Officer 2 other than they worked the same beat.

She did not observe any rat flyers at the Lincoln Station. She did hear officers and sergeants talk about them and saw a photo of the flyer on someone's phone. She did not know who placed the flyers, but said people speculated it was a male because the flyers were in the men's locker room.

INTERVIEW OF WITNESS OFFICER MIKE BARNEY:

On January 3, 2023, at approximately 3:25 pm, Sergeant Medici and I interviewed Lieutenant Mike Barney in the Internal Affairs Conference Room at the Magnolia Street Police Station. The following is a summary of Barney's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Barney has twenty-nine years of service and is currently a watch commander assigned to Watch C. He works with Complainant two days per week and every other week on Wednesday. He works with Officer 1 and Officer 2 three days per week and every other Wednesday. Barney is aware Officer 1 takes lactation breaks and his understanding is Officer 2 takes phone reports while this occurs. This arrangement was made with their supervisor, Smith, at the beginning of shift change. Barney was not sure if the decision was made with Officer 4 but knew that was the arrangement. Smith later went to graveyard and Zackowski then supervised Officer 1 and Officer 2 Zackowski has since retired. On the days Barney worked with Officer 1 and Officer 2 he had zero issues with this arrangement.

Barney previously worked with Officer 1 and Officer 2 on his side of the week. He said they worked hard, did a lot of on-sighting, and stayed active. They were young officers and not without flaw, but overall, they were hard workers and did a good job.

Barney said Complainant was perfectly capable of doing the job, has seen videos of Complainant doing some great stuff, but thought Complainant was ready to retire. Barney's opinion was Complainant had not evolved with police work, how officers are today, and how we must do things today. It seemed difficult for Complainant to understand how things worked today. Police work changes and has been changing as long as Barney has been on the job and will change long after he leaves it. You must evolve with it, but Barney did not believe Complainant wanted to evolve; Complainant was ready to retire.

Complainant was "sometimes" proactive, handled his calls, and wrote police reports, but was not setting the world on fire and taking people to jail every night. He was a good police officer and perfectly capable, but "tapped out."

Initially, Barney was not aware of any tension between Complainant and Officer 1 and Officer 2 He learned about it later after the complaint by Complainant was made and it was decided keep the officers from working the same beat. Barney's understanding of the tension was due to Complainant not agreeing with Officer 1 and Officer 2 riding together because of the lactation breaks. Complainant did not have an issue with Officer 1 taking a lactation break but believed Officer 2 should be out working and not on a break. Barney did not know if Complainant was aware of the arrangement that Officer 2 would handle phone reports but said that was none of Complainant business. The arrangement was made between supervision and Officer 1 and Officer 2 Complainant was only their peer.

I asked Barney if he ever observed Complainant speak to a supervisor or do things to cause or provoke tension. Barney witnessed a "confrontation" that occurred two to three years ago in roll call between Complainant and Sergeant Emilio "Milo" Angulo, but said Angulo shut it down fast. Barney

was aware of other sergeants having issues with Complainant most recently Officer 3 but did not personally witness the incidents. Barney has had discussions with Officer 3 about the issues.

Barney heard Complainant complained to Smith about Officer 1 and Officer 2 riding together and complained to Internal Affairs about the officers not taking a report on a call. Barney heard about these things well after they occurred. I explained Complainant complaint is that after these two incidents, he has been retaliated against and is experiencing a hostile work environment. Barney has not witnessed any hostile or retaliatory behavior toward Complainant since Complainant reported those two things.

Barney was not present in roll call when Complainant was moved to Area 5 and did not know why Complainant was moved. Prior to Complainant being moved, Barney was unaware of any conflict between Complainant and Officer 4 Barney did hear what happened afterward. He learned of this when he had a meeting with Milby and Officer 4 It was Milby's directive that he did not want the officers to work the same beat. Barney said this might be why Complainant was moved, but he did not know. Then he said he heard that the officers were in the same beat, and it was just easier to move Complainant (a single unit) vs. Officer 1 and Officer 2 (who rode as partners).

Barney said it was the watch commander's discretion and he put out the schedule the way he saw fit, not to make the officers or the sergeants feel comfortable. It was his job to put the roster together and deploy the officers. There were a lot of times, he would try to give senior officers a particular beat or ride with someone, but that wasn't a right. It was just something they sometimes did, but it didn't always happen. For the good of the watch, the senior officer doesn't always get their pick, but they try to accommodate. Barney heard Complainant tried to file a hostile work environment complaint against Officer 4 with Officer 4 after this occurred.

Barney did not see any rat photos at the Lincoln Station but did hear about them. He did not know who placed them, nor did he hear who might have placed them. Barney said Complainant believed the flyers were placed by J. Mutuku. Meier investigated but was unable to determine who placed the flyers.

Barney said there was a difference in Complainant today, compared to how he was in the past. Barney thought Complainant was very frustrated with how we are today in law enforcement and how we are managed from all ranks. It's common when people get further into their careers, to not want to change with the times. Barney did not think Complainant could grasp the fact that law enforcement is not the same as it was when he started. Barney thought it was starting to affect him personally. He has had conversations with Complainant and told him if he thought it was that bad, he should just retire. Barney said it was Complainant personal preference when to retire, but if he was going to be here, he needed to just go do his thing.

Complainant was not a supervisor but was very opinionated. He has crossed the line several times with supervisors and has had "knock down drag outs." Barney said these conversations were not always bad, but there was a time and place to have these conversations and to stop. Roll call was not the place. Barney again mentioned the incident between Complainant and Angulo a few years ago. He said he was fine with their conversation, but not in roll call which is why he told them to stop and told both to leave. The time and place to have these conversations

were not in roll call, not in the parking lot with a bunch of officers around, or in the field with a bunch of citizens around. A private conversation or "banter" was totally fine, but there had to be a certain level of respect. Barney said, "At some point, if I'm not asking you to do something illegal, immoral, or unethical, I really didn't care what your opinion is. Go do it. Simple as that." That was in line with our rank structure even though someone may not like it at times. He said he has not liked it at times, but he also knew it wasn't his choice; he wasn't asked to do anything illegal, immoral, or unethical, so he did it.

Barney said he could "100%" see how Complainant was the problem here and said he believed it was just Complainant frustration with the way things were run today. Barney has told Complainant he couldn't look at it like that. He had a really good conversation about two weeks ago. He described he heard something happened between Complainant and Officer 3 He asked Officer 3 about it and Officer 3 told him he handled it and it was fine but was frustrated because he shouldn't always have to justify himself to his officer. Barney called Complainant and asked him how he was doing and what was going on. He told Complainant "This isn't the Compla I remember." They had a good conversation and Barney told him at the end of the day, Complainant needed to follow direction as long as it wasn't illegal, immoral, or unethical. He told Complainant he was leaving in six months and to "stop arguing with my sergeants please." Complainant shook his hand before he walked out and hasn't done it since.

Barney has always gotten along with Complainant even though he doesn't always agree with his thinking. He said not that it won't happen again, but Complainant hasn't with Barney's sergeants since that conversation.

Barney thought it was good Complainant and Weddle were separated from riding partners. He and Officer 3 had talked about this before. It was their job to guide and manage the officers and make decision in the best interest of their careers. Weddle started to take on some disgruntled traits. Barney thought they were separated before any of these other things came to light and said it had nothing to do with that. Barney and Officer 3 had been about it for months. They were trying to see how things went, because Complainant and Weddle were both senior officers, but it was constant with little things here and there. Officer 3 thought they should be separated, and Barney told him to do it. Barney thought the separation occurred prior to Complainant coming to Internal Affairs about Officer 1 and Officer 2 but wasn't sure.

As a watch commander, Barney likes two-person rides and would let them all go that way. He said it was proven to be safer and he preferred it. He didn't mind having as many as he could go out there. It wasn't a right to ride with a partner and he didn't have to give you a reason why. People have been split before for a variety of reasons. He gave examples of wanting more cars in a beat and officers not doing what they should be doing when riding as partners. As a two-person ride, you should be faster than somebody riding solo and handling more reports. There were numerous reasons to separate a two-person unit and there wasn't anything that said someone had a right to ride as a two-person unit.

I asked if there was an expectation of being more proactive as a two-person unit. Barney said there was nothing on paper in terms of expectations. As a watch commander, his perception of what a productive two-person unit looked like could be different than his five

counterparts and could be different than his four sergeants. Some might say that they wanted the two-person unit to be hard chargers taking people to jail and others might want the unit to handle the beat. Barney said it wasn't fair to answer this question because it was only his perception of what made a productive two-person car.

I asked if seniority was a factor in terms of who rode together. Barney answered, "Not really." He said it could, and traditionally sometimes it did, but what happened fifteen years ago had nothing to do with how he was going to run his shift or how the other watch commanders would run their shift. A lot of times, the senior officer would take the most junior officer and have the junior officer write all the reports. Barney wasn't going to let that happen. Supervision paid attention to who wrote the reports and he asked them to monitor this. He was more lenient, than other watch commanders when it came to two-person units. Some might have an issue with two, two-person units in a single beat and want more cars; Barney did not mind this if the officers worked hard together. It was his watch and he could run it the way he saw fit.

Typically, he doesn't care who rides together. But if a sergeant came to him and gave a reason for not liking certain officers riding together, Barney would split them up. Barney and Officer 3 talked about splitting Complainant and Weddle up for months, for a myriad of reasons, and should have done it sooner. It finally happened.

Barney has been a watch commander for four to five years. Complainant and Weddle were not the first officers he split up. He has had other times where a sergeant has come to him to request this or he himself made the decision to do so. The reasons were many to include: taking long to perform tasks, taking an extraordinary amount of time to get to a call (which meant the officers were trying to onsite), a ton of pre-empting calls, not being a good beat partner, etc. Or like in this case…you have someone who is ready to retire and someone who is trying to promote. Splitting Complainant and Weddle was done to help Weddle. When asked why he thought Complainant was a negative influence on Weddle, Barney answered he's worked with Weddle a long time and Weddle wasn't confrontational or someone that questioned things. However, some of that started to go on; things that weren't typical to Weddle's character. He said that happened sometimes in partnerships….where sometimes the traits of one partner started showing in the other. Barney said Weddle worked Area 5 now and took three people to jail last night. Weddle has been much more productive on his own or riding with a different partner.

Morale was important to Barney. He said, if you're happy to come to work, you work harder. When you're unhappy, it tends to affect your performance and can also affect others. This was yet another reason to separate people.

INTERVIEW OF WITNESS OFFICER ERIC MEIER:

On January 4, 2023, at approximately 9:49 am, Sergeant Medici and I interviewed Lieutenant Eric Meier in the Internal Affairs Conference Room. The following is a summary of Meier's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Meier has been with the Riverside Police Department for approximately twenty years and is currently the Executive Lieutenant assigned to Field Operations and handles administrative tasks related to patrol. He is not in daily roll calls but does attend roll call periodically when he fills in as Watch Commander or to provide an update to patrol. Prior to promoting to lieutenant, Meier worked as an investigator in Internal Affairs for approximately three and a half years and is comfortable with these types of investigations.

Meier learned from Medici that Complainant had come to Internal Affairs regarding Officer 2 and Office [redacted] not taking a report on a call they handled. To Meier's knowledge, Complainant information was limited to what was in CAD and CAD showed the call was cleared with no report. Meier shared this with Milby and both lieutenants for the watch, Barney and Officer 4 spoke with Officer 1 and Officer 2 about the incident. Meier did not know the details of that conversation but knew it was investigated and addressed by Officer 4

Sometime later, Meier received a call from Lieutenant Kevin Kauk. Kauk asked if there were flyers going around the station. Meier could not recall the exact conversation but remembered something came up about Complainant When Meier hung up with Kauk, he walked to Complainant mailbox and saw a flyer in his box. The flyer was of a cartoon rat and said rat busters. Meier removed the flyer from Complainant box and went to the locker room to see if there were more. He observed another flyer in a protected cover that was taped to the end of a row of lockers. He removed this flyer as well and took them back to his office.

He notified Milby of what he found and where. He also notified Officer 4 who was about to start his shift. Officer 4 located a third flyer in the locker room, that Meier didn't see. Officer 4 immediately took it down and threw it in the trash.

Later that day, Meier received a text from Complainant with a picture of the flyer that was in his mailbox. Complainant told Meier if he took down the flyer, "thanks, but I already got pictures of it. James Mutuku did that."[124]

Meier called Complainant and asked him why he thought J. Mutuku was responsible. Complainant told him of an incident that happened over the weekend, just prior to the flyers being discovered on October 4. Complainant worked overtime on either the Saturday or Sunday prior to the flyers. He greeted J. Mutuku and J. Mutuku ignored him. Complainant asked J. Mutuku if it was going to be like that or something similar. J. Mutuku told Complainant "You'll see. You'll see." Therefore, Complainant believed J. Mutuku was responsible.

In addition to collecting the flyers and notifying Milby, Officer 4 and Barney, Meier placed the flyers he collected into an envelope and locked them in his office. The following day, he asked Reporting Party 3 in Information Technology to pull the printer logs to see if they could determine if the flyers were printed at the station. Printer logs were pulled for the report writing room and the sergeant's bay. The printer logs will show the number of pages of each document, the date and time it was printed, and the title of the document, if titled. It will not show a picture of the document.[125]

---

[124] Meier Interview, approximate time index 8:00.
[125] Meier Interview, approximate time index 10:00.

Meier reviewed the printer logs and easily located a possible match. A document titled "[redacted] had been printed on October 1, 2022. Meier asked RP 3 to see if he could determine what computer the document had been printed from. RP 3 was able to determine the document was printed from a computer in the report writing room, specifically the computer located on the east wall of the report writing room, and the furthest north. RP 3 logged into that computer remotely and located the document titled "[redacted]PNG" which was saved October 1, 2022, at 4:17pm. This was the same file name that showed on the printer log. RP 3 clicked on the document and confirmed it was the same image as the one shown to him by Meier.[126]

Meier then logged on to the City's camera system to see if there was video footage that might be useful. He explained there are no cameras in the station, but there are cameras in the lobby, back lot, and front parking lot. The cameras are activated by motion and are not great quality. However, Meier did see J. Mutuku pull into the back parking lot a few minutes before the file in question was saved. The video showed J. Mutuku park his marked unit, exit his vehicle, and walk toward the station. Meier knew J. Mutuku was there, but said it was hard to make out other people. There were personal vehicles and he also saw a Dodge truck pulling away around the same time. Meier said J. Mutuku would have had to move very fast to get into the building, print the flyer, and save it, if he was the one that did it.[127]

Meier informed Milby about the things he had done and what he learned. He said short of calling someone in and making them a subject officer and doing a formal investigation (which is normally routed through Internal Affairs), he felt this was as far as he could go. He also understood the more he did, could complicate things for the investigator that would be assigned to handle. Meier did not have a conversation with J. Mutuku about the flyer.[128]

Meier knew the flyers were printed on October 1, and he discovered them on October 4, but did not know when they were posted. Meier asked Complainant what he wanted to do, since Complainant believed J. Mutuku was responsible. Complainant initially said he didn't want to go through with a complaint and did not want to be interviewed. Even though Complainant did not want a formal investigation, Meier took steps to determine who might have been responsible and preserve the evidence he located.[129]

A couple days later, Complainant asked Meier if Complainant needed to file a complaint, since Meier saw the flyers. Meier discussed this with Milby. Meier did not contact Internal Affairs and was not sure if Milby did. He was not sure if Milby brought it up in a meeting with Command Staff and could not recall if he talked to Detmer about it. Meier said over the last couple months, he could not recall if he had this conversation with Detmer, Medici, or "anyone of you guys" about how Complainant changed his mind. However, he learned shortly thereafter that an investigation by Internal Affairs had been initiated and handed over the evidence he had collected. Meier said, "This thing was never put down."[130]

---

[126] Meier Interview, approximate time index 11:10.
[127] Meier Interview, approximate time index 13:00.
[128] Meier Interview, approximate time index 14:45.
[129] Meier Interview, approximate time index 16:30.
[130] Meier Interview, approximate time indexes 17:00 and 23:00

Meier said on the day they found the flyer, Milby sent an email to all the watch commanders and copied both deputy chiefs. The email was titled, "Derogatory Posting Material at the Lincoln Station." Milby directed watch commanders to remind personnel of policy 330 and advise them that this type of behavior "shall not" be tolerated. This was addressed in the roll calls the following day and the following Saturday.[131]

Meier and Milby learned of a couple encounters between Complainant and J. Mutuku at the station. Milby asked Meier to sit in on a conversation with J. Mutuku, but they did not discuss the flyer. Milby addressed his expectations of a sergeant and told J. Mutuku not to get involved in any confrontations with Complainant The flyer was not mentioned at all. J. Mutuku was receptive to the conversation and appeared to appreciate the candor of the conversation. J. Mutuku was reminded to keep his personal life separate from his professional life and was also reminded that he was a sergeant and Complainant an officer.[132]

Meier and Milby also called Complainant in and told him they did not want there to be any conflict. They told him they would look into the things he brought forward, but to not engage in any conflict with J. Mutuku or any other sergeant. Meier did not know details, but knew Complainant also had an issue with Officer 3 and Zackowski, recent to these events, based on conversations he had with Complainant and other sergeants. Complainant seemed receptive to the conversation.[133]

Meier heard from Complainant and others that Complainant had issues with Officer 1 and Officer 2 riding together and Complainant took his concerns to Smith; this was prior to the flyers being discovered. Complainant told Meier he had no problem with Officer 1 taking her lactation breaks but was upset that Officer 2 was at the station while this occurred. Complainant believed Officer 2 should be handling calls in the beat. I asked Meier for his thoughts on the issue. Meier advised this was a supervisory decision made by the sergeant and the watch commander who work with those officers daily. He stated if their decision wasn't something morally questionable or violated policy, it was well within their right to make that decision. In talking with Barney and Officer 4 Officer 1 and Officer 2 worked well together, were active police officers, and this wasn't Complainant concern.

Officer 1 and Officer 2 were efficient. So much so, that Barney assigned the "COPS" crew to ride with them. The "COPS" crew rode with officers a year ago and mentioned they enjoyed riding with Officer 2 Barney assigned the "COPS" crew to ride with Officer 1 and Officer 2 on multiple shifts. Barney was confident in their ability to handle their business in front of a camera.

Officer 1 had a right to these breaks. Complainant perception was he had to handle more calls because Officer 1 and Officer 2 took these breaks together. Meier was confident if the supervisors had an issue with Officer 1 and Officer 2 performance, or if calls weren't getting handled, they would have addressed it.

[131]Meier Interview, approximate time index 17:20.
[132] Meier Interview, approximate time indexes 18:15 and 20:15
[133] Meier Interview, approximate time indexes 19:30 and 21:30.

I asked Meier if he knew why Complainant referred to Officer 1 and Officer 2 as untouchable. Meier said Complainant himself acknowledged Officer 1 was entitled to take her lactation breaks and that these breaks were far beyond Complainant business. Complainant was fixated on this and it wasn't his decision.

I explained Complainant filed the complaint about Officer 1 and Officer 2 violating policy (by not taking a report with Internal Affairs, because Complainant claimed he knew nothing would be done if he took it to a supervisor. I asked Meier if he would have investigated and addressed that possible violation if Complainant had brought it to him. Meier said he would have investigated, just like he did when Medici called him about it.[134]

Meier said every single day something comes up in patrol and traffic, which totals approximately 140 employees. There is always an incident where someone could have done something better or they made a mistake. He spoke with Detmer daily about things that may not necessarily rise to the level of a complaint but could be training issues. There were certain things per policy that required them to take a complaint, such as external or citizen complaints. Internally, sometimes the most efficient way to deal with an issue, is to quickly address it. He gave an example of a call that recently occurred and some of the questions he had regarding it. He said these issues didn't always rise to the level of a formal complaint. There were also many factors to consider such as if the behavior was repeated by the officer in question. Often, a discussion is had with the officer to correct the behavior, without pulling a PA.[135]

When these issues come up, they are often given to the officers' supervision chain. This is what happened in this case regarding Complainant complaint about Officer 1 and Officer 2

Meier agreed there were several layers of supervision at the Lincoln Station to whom Complainant could have reported the possible policy violation. Meier would have investigated it or had another supervisor investigate it, if Complainant had brought the complaint to him. He believed Barney, Officer 4 and any of the sergeants would have investigated as well. If Complainant had called a sergeant the night it occurred, instead of calling dispatch and conducting his own investigation, Meier had every confidence in the world it would have been investigated that night.

Meier did not know that outcome of Complainant complaint or if there was a valid reason a report was not taken. He only knew from Milby, that Officer 4 talked to Officer 1 and Officer 2 and addressed the issue with them.

In response to Complainant saying his complaint about Officer 1 and Officer 2 would get swept under the rug, Meier told Complainant it was a personnel matter. He told Complainant he would not learn of the results of the investigation and he was not entitled to know. Complainant has been a rep and knows he is not entitled to this information. Meier said there is no playbook on how personnel

[134] Meier Interview, approximate time index 31:30.
[135] Meier Interview, approximate time index 32:30.

matters should be handled. There wasn't anything someone could do in this case that would satisfy Complainant.[136]

As an officer, Meier worked with Complainant for years and often worked the same shift together. In total Meier has worked with Complainant for approximately twenty years. Meier felt he knew Complainant well but did not hang out with him outside of work. When asked how he would describe Complainant as an employee, Meier said Complainant had some good characteristics about him, things he admired, especially as a new officer. Complainant started at the Department a few years prior to Meier, and was "a good street cop." Meier learned some things from Complainant such as developing contacts in the field. The two rode partners a couple times in Casa Blanca. Complainant knew more about this area than anyone in the Department and probably still did. This knowledge and his contacts in that area allowed Complainant to play a significant role in solving some serious crimes.[137]

Meier continued and said, "But I think anybody that's worked with Complain knows that Complainant going to do what Compla wants to do."[138]

Complainant has a certain niche and goes to that niche. He reads a lot of police articles and tries to stay current on case law. He has the skills and the competency. Meier said, "Where I think he's had trouble, is… with supervision. Uh…. And I don't think that's a secret to anybody."

Meier saw this when he was an officer, a sergeant, and now as a lieutenant. Complainant could have good relationships with people but could sometimes be resistant to how certain sergeants wanted things done.

Meier didn't know if Complainant thought he knew better than some of the sergeants because he had more time on them but said this has been an issue dating back several years with senior sergeants. He thought some of these incidents were investigated by Internal Affairs.

Meier could not think of a time where he personally witnessed Complainant be confrontational with supervision, but "certainly heard about it" from Complainant and other sergeants. Recently, Zackowski came to Complainant defense on something and Complainant called him a coward. He's heard of the things, "beat politics," and routine things that aren't necessarily big deals, but "that's Complainant world and he latches on to those things."

He's heard Complainant recently "butted heads" with Zackowski and Officer 3 He heard from Complainant that he previously "butted heads" with Kendal Banks (former sergeant, now retired) a couple different times. Meier could not recall details, and wasn't there, but heard it involved Complainant and Banks yelling at each other. He said, "It's no secret to anybody that Complainant had confrontations with sergeants and I think anybody that's worked out of Lincoln Station in the last twenty years knows that."[139]

---

[136] Meier Interview, approximate time index 36:50.
[137] Meier Interview, approximate time index 37:45.
[138] Meier Interview, approximate time index 39:00.
[139] Meier Interview, approximate time index 41:50.

Meier agreed the confrontations Complainant has had with supervision date back years, prior to his issues brought up in his complaint.

Recently, when Smith was on swing shift, Smith had a conversation with Milby and advised Complainant was "resistant" and "questioning" every decision the sergeants made. Meier also heard from dispatchers that Complainant and another employee called down there frequently and questioned why certain calls were being dispatched and others not. Meier believed this was true because he's heard this from Complainant himself. Sometimes Complainant was right. Complainant looked at things from a different perspective and was very vocal about his opinions. However, Complainant must understand that if a sergeant is giving a lawful order or directive and it is within policy, that is their job. Meier didn't think Complainant always understood what a sergeant's job entailed.

I told Meier it seemed Complainant took on more of a supervisory role rather than that of an officer. Meier agreed and said Complainant was good at finding flaws, or what Complainant perceived to be flaws. Complainant questioned everything such as, "why is somebody 10-6, why are they going to training, this is a joke, why is this person doing that, why…" Complainant was always looking and monitoring. Meier said sometimes however, it was good to have someone paying attention.

I asked if Meier ever witnessed Complainant say or do anything to a supervisor to cause or provoke tension. Meier couldn't think of an incident off the top of his head, but said it was certainly possible.[140]

I asked Meier why he thought Complainant reached out to him or talked to him about things when they were not friends outside of work and Meier was not Complainant direct supervisor. Meier advised although he and Complainant have not seen each other for years outside of work, there is some friendship between them. Complainant will reach out to him at times regarding the stock market and things that are law enforcement related, but not directly related to the Department. They also spoke about scheduling and Complainant was a proponent of moving to a 3-day,12-hour shift schedule.

In the past, Complainant had quite an audience in patrol. He was a senior officer that was doing the fun stuff such as pursuits, foot pursuits and getting bad guys with guns. Meier said, "I know that there were people out there that respected him and I know there are still some that do, but um… I think that he's losing that audience…" Meier advised Complainant no longer does the things he did fifteen to twenty years ago and most of our patrol officers only have five years' experience.

Meier learned from Officer 4 and Barney that Officer 1 and Officer 2 were productive officers, but never worked directly with the officers himself. Since Complainant complaint about them riding together and his complaint to Internal Affairs regarding the officers not taking a report, Meier has not observed any hostile or retaliatory behavior by supervision toward Complainant.[141]

Meier was aware Complainant was moved to Area 5 during a roll call but did not know why this was done. He knew after the complaints were made, there were issues with Complainant and Officer 1

[140] Meier Interview, approximate time index 45:30.
[141] Meier Interview, approximate time index 49:30.

and Officer 2 Milby and Meier talked about this and decided it wasn't a good idea to allow the three officers to work in the same beat together. Especially considering Area 2 was a busy beat and it would likely only be these three officers and one or two additional officers. Meier said there were four other beats in the city the officers could work and "we don't have the conflict with other officers that we do with them right now."[142]

They didn't want issues with one of the officers not showing up when another one needed help, being slow to respond to a call, or the more likely example of "dodging paper" on each other. To avoid those issues, they didn't want them working in the same beat. Meier said, "And nobody's entitled to a certain beat anyway." It was the watch commander's discretion. Milby and Meier spoke to Officer 4 and Barney. Everyone was in agreeance to split the officers from working together.[143]

Milby told Meier he talked to Officer 4 advised he had a conversation with Officer 1 and Officer 2 and told them he was going to put them in a different beat (separate from Complainant Officer 1 and Officer 2 were receptive to the idea and were willing to work wherever they were needed.

Meier's understanding was Officer 1 and Officer 2 were moved the first few shifts after this decision was made. The day Complainant was moved to Area 5, Milby and Meier were in Meier's office with the door closed discussing a personnel issue. A few minutes after roll call ended, Officer 4 or Zackowski came into the office and advised Complainant was upset and was going to Internal Affairs. They looked at the CAD screen and observed Complainant had put himself "10-6 going to IA." Officer 4 advised he had moved Complainant to a different beat and Complainant stormed out of roll call. Zackowski said he told Officer 4 they should probably move Officer 1 and Officer 2 since Complainant was senior and Officer 4 agreed. They changed the roster and put Complainant back in Area 2 and moved Officer 1 and Officer 2 into a different beat. Zackowski went to the parking lot to advise Complainant and Complainant yelled at Zackowski and called him a coward.

Later in the shift, Meier received a text from Complainant who advised Officer 4 moved him out of his beat, but Zackowski and Officer 3 stood up for him.

Meier confirmed there was no policy or standard operating procedure regarding riding as partners; it was the watch commander's discretion. I asked Meier what the standard practice was, if there was one, for senior officers in terms of riding with a partner. Meier explained several senior officers like to ride solo, especially officers that have Complainant level of tenure. There have been senior officers that have ridden together, but these officers "made good decisions, handled their beat, and nobody ever complained about them riding together…"[144]

As a watch commander, Meier considered work performance, efficiency of the officers, and staffing levels when determining who he would allow to ride together. He encouraged two-man rides, but said it was performance based. There were also times newer officers may need additional training and would benefit from riding with a senior officer. However, there wasn't

[142] Meier Interview, approximate time index 50:10.
[143] Meier Interview, approximate time index 51:00.
[144] Meier Interview, approximate time index 55:00.

anything in the policy that said you had to ride as partners and it didn't go by seniority, though people felt "entitled" by their time at the Department.

In terms of what beat an officer works, Meier said officer generally sign up to work the north or south end of the city at shift change. As a general practice, but not a rule, the senior crew will work the beat of their choice it there is another crew assigned to the same area. Meier said he likes to keep crews together if possible. There may be an odd man out if depending on the needs of another beat. Meier agreed supervision tries to accommodate officers based on seniority, but there are many variables supervision considers when determining where someone will work.

To Meier's knowledge, there was an agreement between the watch commander and supervision to keep Complainant from working in the same beat as Officer 1 and Officer 2 and vice versa. I asked if it was fair to always move Officer 1 and Officer 2 from their beat in order to comply with the agreement made by supervision. Meier did not know Officer 4 thought process when he moved Complainant the night in question but said this would not be unreasonable.

Complainant is known to be assigned to a particular beat (Area 2), yet somehow, he is always on a call in Casa Blanca (Area 4) right away; no matter where he works in the city. For this reason, Complainant argument "didn't hold a whole lot of water" and Meier didn't think a beat meant that much to Complainant He certainly didn't think Complainant was wronged by getting moved to another beat. Obviously, Zackowski didn't agree with it and got Officer 4 to move Complainant back. Meier said seniority did have a place, but it wasn't the only thing considered. If someone got moved, he certainly wouldn't expect it to be something that is "grieved, or somehow harmed, or that it's hostile to you, because you're working a different area."[145]

Prior to the roll call where Complainant was moved, Meier was not aware of any conflict between Officer 4 and Complainant He learned from Officer 4 after roll call, Complainant wanted to file a complaint against him (Officer 4 and Complainant had gone to Internal Affairs. Meier did not think Complainant made an exhaustive effort to look for Milby. Milby's car was in the parking lot and his office door was open and the light was on. Meier said, "Quite frankly…. (he) made a show of it and put himself 10-6… wrote 'IA.' He didn't have to do any of that."[146]

Meier said it would have been obvious to any officer at the station that Milby was at the station. His car, which everyone knows, was parked right outside the doors used by officers to enter and exit the station and his office door was open. Meier also added that nobody, except Officer 4 knocked on his door either. Meier's car was parked right next to Milby's so it would have been obvious to any officer that both Meier and Milby were at the station.

Officer 4 made no attempt to dissuade Complainant from filing a complaint, and Meier wouldn't expect Officer 4 to take out a complaint control form to fill it out about himself.

Prior to Complainant making a complaint on Officer 1 and Officer 2 and even after, Meier was unaware of any issues between Complainant and J. Mutuku. The first time he became aware of any

[145] Meier Interview, approximate time index 1:01:30.
[146] Meier Interview, approximate time index 1:02:50.

issues, was when [redacted] told him J. Mutuku put the flyer in his mailbox. Meier's asked him why he thought this. [redacted] told him he believed this based on the interaction he and J. Mutuku had in the hallway. The way [redacted] described it, [redacted] was simply greeting J. Mutuku which would suggest they didn't have an issue with each other. After the greeting, J. Mutuku didn't respond. [redacted] asked J. Mutuku if that was how it was going to be and J. Mutuku responded something similar to, "You'll see."[147]

The flyers appeared one or two days after this interaction. Meier and Milby pulled both [redacted] and J. Mutuku in separately to have conversations with them about engaging one another. After that, [redacted] told Meier about another encounter between him and J. Mutuku that occurred approximately one week later. [redacted] told J. Mutuku, who was in the roll call room, that there weren't any flyers in his mailbox. J. Mutuku didn't deny he placed the flyers. Meier said it was possible J. Mutuku didn't respond because of the conversation Meier and Milby had with him.[148]

Meier thought [redacted] confronted J. Mutuku after the conversation he and Milby had with him telling him not to engage J. Mutuku. However, he was not sure if that conversation occurred prior to or just after this second interaction.[149]

[redacted] also told Meier J. Mutuku followed him out into the parking lot and there was another exchange between the two of them. They "got into it" and [redacted] called J. Mutuku a coward and told him he put the flyer in his mailbox. [redacted] told him J. Mutuku asked [redacted] why his voice was rattling. [redacted] told him it was because J. Mutuku was threatening him. J. Mutuku then simulated a firearm with his hand and pointed it at [redacted] Meier asked [redacted] if anyone was in the parking lot that may have witnessed this. [redacted] told him "Ana Ahumada" (now Miskulin) was against the station waiting for a car and had to see it since a sergeant and officer were yelling at each other. That was the last thing Meier heard about any issues between them.

Meier thought it was a very stupid thing to do on the part of the person who placed the flyer. Up to this point, there wasn't really anything that [redacted] had been harmed by. [redacted] could argue perhaps he had to handle more calls while Officer 1 and Officer 2 took their breaks, but that was more "beat politics" between beat partners.[150]

Meier said the flyer was "stupid" and knew [redacted] would come in and say that he was being "threatened and it's um... retaliation and all that other stuff. It's a cartoon type caricature and it's stupid. It was dumb." It should have never been put in place by anyone. Meier did not think the rat looked threatening or menacing but said everyone knows what a picture of a rat implies. It gave [redacted] something to talk about. Meier was sure [redacted] was now saying someone was trying to dissuade him or these were repercussions from contacting Internal Affairs.[151]

---

[147] Meier Interview, approximate time index 1:05:45.
[148] Meier Interview, approximate time index 1:07:10.
[149] Meier Interview, approximate time index 1:08:20.
[150] Meier Interview, approximate time index 1:11:00.
[151] Meier Interview, approximate time index 1:11:50.

Meier never heard of "Rat Busters" prior to this. He learned from Complainant after this happened that Rat Busters was an extermination tool or company. He agreed it was odd Complainant even looked up Rat Busters. I asked Meier if he would have Googled Rat Busters if the flyer had been placed in his mailbox and he said no. Meier said it looked like a cartoon character of a rat and he would not have taken it as a death threat if he received it.[152]

Meier did not know if Officer 2 was given direction by supervision to take phone reports, while Officer 1 was on her lactation break. He was aware officers in the field did take phone reports and advised there were people on light duty who did it every day.

Internal Affairs did not investigate every internal complaint or issue in patrol. Meier advised issues came up every day in patrol and they tried to handle them as quickly and efficiently as possible. It happened every day, on every crew, and the sergeant had to be a supervisor and address the issues. Complainant would not be privy to the outcome of the investigation where he alleged Officer 1 and Officer 2 did not take a police report on a crime.[153]

Meier acknowledged Medici contacted him after Complainant filed a complaint regarding Office and Officer 2 Since it was a patrol issue, Medici asked Meier to investigate. Complainant called Meier and implied that if Officer 1 and Officer 2 were anyone else, more action would be taken and more resources would have been utilized. Meier asked Complainant if he was kidding. Meier told Complainant someone not taking a report was something they dealt with every day. He told him it wasn't an "IA call out thing" and if somebody was wrong, they were going to correct it.[154]

Meier explained multiple issues came up with officers and he has had discussions with all the sergeants in Internal Affairs about them and routinely speaks with Detmer since he is the lieutenant in Internal Affairs. Not all issues rise to the level of a complaint (administrative investigation) investigated by Internal Affairs. Instead, Meier will have discussions with the officer or will ask a lieutenant or sergeant to handle.

To Meier's knowledge, Officer 1 and Officer 2 riding together never posed an officer safety issue and he never heard anyone complain about this except Complainant brought his concern to Smith. Meier has worked with Smith who is a very capable and attentive supervisor. Meier had no doubt if Officer 1 and Officer 2 riding together began to create any officer safety issue, Smith would have stepped in. The same was true for Officer 4 and Barney. Meier also advised if the workload increased for Complainant and Weddle due to Officer 1 and Officer 2 taking these breaks, this too would have been addressed. He bet if stats were pulled for the officers, they would show Officer 1 and Officer 2 were probably pulling more reports than Complainant and Weddle.

Meier said it was possible Complainant was jealous of Officer 1 and Officer 2 because they had the "COPS" crew riding with them. He also dismissed Complainant claim that a sergeant or someone at Lincoln would address the possible policy violation of Officer 1 and Officer 2 not taking a

[152] Meier Interview, approximate time index 1:12:40.
[153] Meier Interview, approximate time index 1:15:30.
[154] Meier Interview, approximate time index 1:16:30.

report. He said this was evidenced by the fact immediately reported to Milby [redacted] wanted to file a complaint against him. Meier said if [redacted] had contacted a sergeant the night of the LA Fitness call, a sergeant would have addressed it right away. Like external complaints, sometimes there is just a misunderstanding. If every complaint went to a formal investigation, the Department would be inundated. Had [redacted] addressed the issue the night it occurred, it likely could have been cleared up in five minutes. This was more productive than having [redacted] come in to give a statement as a witness when all he did was look at the information in CAD. Then interview three or four more people, before calling in [redacted] and [redacted] to collect their statements. This wasn't a call in which the officers failed to take a report on a domestic violence call or left a sexual assault victim on the side of the road. It was a report of a stolen vehicle that was recovered a short time after. The call was not egregious.

Meier took the rat flyers seriously, especially considering [redacted] accused a sergeant of placing them. Meier removed the flyers, contacted IT to pull print logs and pulled video. Meier has been in his current position for more than a year and has never pulled print logs or video prior to this. He could not remember all the people he had to get involved to acquire this information, but he told them he needed access to this information right away. Meier did not dismiss the flyers. If he would have been able to determine who was responsible for the flyers, he would have dealt with that person.

Meier did not know if J. Mutuku was responsible for the flyers but said he could have been. However, there were other people at the station that also had an ax to grind with [redacted] Meier said it was important to let the investigation run its course to determine who was responsible.

In addition to pulling video and print logs, and ensuring this information could be saved, Meier preserved the flyer in its original frame, placed it in an envelope, and secured it in his office to maintain the integrity of the evidence. He even attempted to determine who was logged onto the computer from which the flyer was printed. Whoever it was, they used the generic log in for the report writing room. Meier did not ignore the flyers.

The only reason [redacted] was moved from Area 2, was because the decision had been made not to allow [redacted] to work around [redacted] and [redacted] and vice versa. They didn't want anyone to get hurt.

Medici asked if there was anything we were missing in terms of a potential hostile work environment toward [redacted] Meier said no. He said whoever was responsible for the flyer, was wrong and they violated policy. That should be addressed. That's the only thing Meier thought [redacted] was somehow wronged in any of this.[155]

[redacted] could have handled [redacted] and [redacted] not taking a report in other ways. He could have gone to a sergeant. Meier speculated [redacted] didn't go to a sergeant because "he butted heads with almost all the sergeants on that watch and presumably the lieutenants too." [redacted] also didn't go to Meier to report [redacted] and [redacted] did not take a report; he went straight to Internal Affairs. Meier said this probably wasn't the best way to report this, but certainly nobody prevented him from doing it or tried to talk him out of it. Just like nobody

[155] Meier Interview, approximate time index 1:32:45.

tried to talk him out of filing a complaint against Officer 4 Complainant was very familiar with Internal Affairs and has been a representative for officers. Complainant has also threatened to go the CPRC with different things and knows how to file a complaint. To Meier's knowledge, nobody has ever told Complainant he could not file a complaint for employee misconduct.

Unless it was a supervisor that put the flyer in Complainant mailbox, Meier did not think any of this "beat stuff" or anything else is a hostile work environment for Complainant Sergeants and lieutenants must manage their watch and sometimes there are personality conflicts. It appears that was at play here and it was the right thing to do by moving people. Meier said they had to protect all employees.[156]

Meier knew Weddle and Complainant commonly rode as partners at shift change and probably before. He did not know exactly when they were split. When asked if he knew why they were split, Meier recounted a past conversation with Medici. Meier advised Medici called him (he believed on a Friday) to let him know Complainant had come to Internal Affairs and requested he look into the call at LA Fitness. Medici asked Meier to investigate this and Meier did not share this information with anyone other than Milby. Officer 4 and Barney didn't know anything about it. Meier got the impression Complainant wanted to keep the fact that he had gone to Internal Affairs quiet. It was rare for an officer to file a complaint with Internal Affairs against another officer and Meier did not want to broadcast it. Meier only shared the information with Milby because he thought the captain should know.[157]

The following Wednesday, (he knew the day because it was the day Officer 4 and Barney's schedule overlapped) he brought Complainant allegation about Officer 1 and Officer 2 not taking a report to Officer 4 and Barney and let them know there was a conflict between Complainant and Officer and Officer 2 Meier had also pulled the call in CAD and tried to pull body-worn camera video. He asked them to look into what Complainant was alleging.

Meier could not recall if he shared this with them first, "but they had both already discussed… and it was apparent that they had already talked about this issue with… not necessarily Officer 1 and Officer 2 but they both had an issue with the way that Compla and Weddle were working together."[158]

Initially, Meier could not recall why they had an issue with Complainant and Weddle. He then recalled Barney shared with him Complainant had told Officer 3 he wanted an "exceeds" standards or "outstanding" on his evaluation the night before. Officer 3 told Complainant to give him some supporting information as to why he deserved this. Meier was told Complainant responded by telling Officer 3 he was his sergeant and he should figure that out. When Barney learned of this from Officer 3 Barney pulled Complainant stats for the previous night or the night of and saw that they were "lackluster." Complainant and Weddle weren't responding to calls quickly and they weren't taking a bunch of reports. Meier did not know how detailed Barney was in reviewing Complainant stats, but Complainant evaluation request is what prompted him to look at Complainant performance. This and whatever other issues they have had over the past year with all these other things. Barney

[156] Meier Interview, approximate time index 1:34:20.
[157] Meier Interview, approximate time index 1:35:30.
[158] Meier Interview, approximate time index 1:37:40.

and Officer 4 had already decided that they were no longer going to allow Complainant and Weddle to ride together.

Barney told Meier he wished he hadn't told him about Complainant complaint about Officer 1 and Officer 2 because they had already planned to split Complainant and Weddle. The timing was bad and it would look bad. (A couple days after Complainant went to Internal Affairs, he would be split from riding with Weddle.) They talked about the appearance of it. Ultimately, it was Barney's and Officer 4 Watch and they made the decision they were not going to allow Complainant and Weddle to ride together. Meier said, "Appearance is one thing, but performance is another." Meier said that was his understanding as to why Complainant and Weddle were split. It was also his understanding the conversations between Officer 3 Officer 4 and Barney about splitting Complainant and Weddle took place prior to Complainant coming to Internal Affairs to complain about Officer 1 and Officer 2[159]

Meier has been a supervisor for the Department for almost six years (he was promoted to sergeant at the end of 2016 or beginning of 2017). In that time, he has never had an employee demand or tell him they expect an outstanding or exceeds standards on their evaluation. He did not know if Complainant requested this in jest. He said it was sometimes hard to read Complainant could be funny and sometimes sent "stupid shit" over the phone. Complainant could be "a jokester." Meier did not know if Complainant was joking with Officer 3 if he was trying to be difficult, or if he really believed he deserved an outstanding. Meier was sure there was a time in Complainant career that he did receiving outstanding evaluations and did do outstanding work, but said, "I don't know that he's there right now, but I'm also not his supervisor every day."

INTERVIEW OF WITNESS OFFICER Officer 2

On January 4, 2023, at approximately 3:37 pm, Sergeant Medici and I interviewed Officer Officer 2 in the Internal Affairs Conference Room at the Magnolia Street Police Station. The following is a summary of Officer 2 recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Officer 2 has five and half years of service and is currently assigned to patrol on Watch C. Since shift change in July, she commonly rides as partners with Officer 1 The two signed up for the same shift and crew in hopes of being able to ride together as partners. They were initially under the supervision of Smith. They discussed with Smith their desire to ride as partners and how to make this feasible since Officer 1 needed to take lactation breaks. There was nothing official, but they discussed Officer 2 would still handle calls (phone reports) and if hot calls came out, or if someone needed backup, she would go by herself and then come back to pick up Officer 1 Officer 2 would handle citywide phone reports if her beat wasn't busy. Smith didn't ask her to do this, it was something she wanted to do on her own to stay efficient and to help.

During the time they rode together, they also had the "COPS" crew ride with them. Officer 2 didn't know how they got picked but said she and Officer 1 agreed. Officer 2 had the

[159] Meier Interview, approximate time indexes 1:39:55 and 1:41:30.

"COPS" crew ride with her last year as well. There was no real direction given when the "COPS" crew rode with them other than just to go out and work and give them something to record. She said she and Officer 1 liked to work and maybe that's why they were chosen. Maybe they would get something through on-sighting. She remembered a "COPS" crew member say that the crew from last year mentioned Officer 2 name and recommended her as someone the new crew should ride with. Officer 2 agreed the crew wanted to ride with officers that were active to better their chances of something to record for their show.

I asked Officer 2 if the amount of phone reports she took stayed consistent over the months following shift change, while Officer 1 took her lactation breaks. Officer 2 said no. She advised when the "COPS" crew rode with them, they ate dinner during these breaks and Officer 2 ate with them. She recalled one incident where she and the crew left Officer 1 at the station to respond to a hot call. Officer 2 estimated the breaks were thirty minutes to an hour. When asked if they took more than one break in a shift, Officer 2 advised Officer 1 was pumping more at the beginning of shift change than present day. Officer 2 admitted she wasn't as productive taking phone reports during the months November and December, when the "COPS" crew wasn't riding with them; she handled pressing phone reports.

Officer 2 has had Smith and Zackowski as sergeants this rotation. Neither have spoken to her about her productivity. She was not aware of any of her beat partners having issues with her productivity and said they would say something if they did. Nobody questioned them and everybody knew Officer 1 was taking lactation breaks. After the breaks, they would text their crew, find out how many reports everyone was down, and catch up and take care of their beat. They stayed in contact with their partners and shared the workload.

At the beginning of shift change, she and Officer 1 worked two days per week with Complainant in the same beat. A couple months after shift change, supervision split her and Officer 1 from working in the same beat as Complainant Supervision didn't say why, only that they didn't want any issues with Complainant Officer 2 thought it was to alleviate tension, but said she never had a personal issue with him.

When asked how she would describe Complainant as a beat partner, she said she didn't like to work with him. Complainant liked to sit on calls for hours, went "10-6" (busy) or showed himself as busy for hours, went out of beat to Casa Blanca for hours, didn't show up to your calls, wasn't reliable, and didn't share the workload. She said before she started to work with him, she was warned by other officers about him and told to be careful because he was a "certain way." They told her all the things she just described to me. They told her not to trust him. He was "definitely not" to be trusted if someone needed backup and "never" sent a text to find out if his beat partners were down reports. Officer 2 didn't keep track of Complainant workload and never cared because it was never reciprocated. Everyone was on their own when they worked with Complainant Officer 2 and Officer 1 both didn't care to work with Complainant They talked and knew if they needed a back, someone else would come to help them.

I asked Officer 2 if she ever observed Complainant speak to supervision in a manner that was confrontational. Officer 2 began to laugh and said yes. She said, "multiple, many, many, multiple times, very disrespectful. Yes, I have." This was not normal for an officer to do that,

young or old. She was taught to respect your supervisor whether they were younger or older than you and said they were a supervisor for a reason. Whether she agreed with a supervisor or not, she would never disrespect them. She has observed other officers make respectful comments or ask questions if they disagreed, but they were always respectful and had a conversation.

I asked if she ever observed any behavior by Complainant toward supervision that would be considered hostile. Officer 2 witnessed Complainant go up to supervision at the front of the room where supervision sat and "yell" and "go off, pissed off, yelling," so Officer 2 would leave because she didn't want any part of that. She said you would hear people talk about it. She also heard about an incident in the parking lot but didn't see it. I asked if she witnessed Complainant yell at supervision on more than one occasion and she said yes. I asked if she witnessed this more than five times. She answered, "Absolutely. It was like every week was something new he didn't like or didn't agree with. And every week was something…he would complain and yell and bitch about." In addition to Complainant going up and yelling at the sergeants (after roll call), Complainant would yell at sergeants from the back of the room where he sat during roll call. Complainant would make comments or remarks about things he didn't agree with.

Officer 2 could not recall when she and Officer 1 were split from working the same beat as Complainant It wasn't that she didn't care. She liked to work Area 2 and had done so for a long time prior to this. They were told they were going to work a different area. Officer 2 didn't care. She just wanted to work with her partner. She could not remember who said they weren't going to work together, it just changed on the roster. Officer 2 had worked in Area 2 with Complainant for years prior to this.

Officer 2 did not understand why this decision was made "all of a sudden." She didn't question her supervisors. She said, "OK" and went on about her day. She would rather work Area 2, but if it would alleviate tension and make work easier, she and Officer 1 would go to Area 1 or 3. On the two days they did not work with Complainant she and Officer 1 would work Area 2.

Officer 2 was in roll call the day Complainant was moved to Area 5. She didn't know why he was moved but thought the numbers (personnel) weren't even. It didn't go well, and Complainant was moved back. I asked what she meant by it not going well. Officer 2 said Complainant was "pissed, I think he made some remarks, yelled." She left roll call because she didn't want to be part of it. She said, "I was like… oh fuck. Here he goes again." She and Officer 1 received a call a little later advising they would be in Area 5. Officer 2 said OK and went about her day. She was unaware of any conflict between Complainant and Officer 4 prior to this.

We talked about a call that she and Officer 1 were assigned a few months ago involving a theft at LA Fitness on Arlington. Officer 2 remembered the call. Officer 4 and Tipre called her and Officer 1 to ask them about it, because a complaint was made that they did not take a police report and should have. I asked if they were told to take a report or if they provided additional information that warranted not taking a report. Officer 2 advised this was one of the calls she took while Officer 1 was on a lactation break. She wasn't going to "get lazy" just because it was over the phone. She spoke with the reporting party, and it sounded a little

fishy. The reporting party also didn't want a report. She shared what she learned with [redacted] and Officer 1 told her to call the reporting party back to get additional information. Officer 2 called back and determined the call was unfounded. She cleared the call but didn't add any notes to the call. She didn't think Officer 4 said anything about her response time. Officer 4 had pulled up the call and gave them the CAD printout. At the end of the conversation, Officer 4 and Tipre were satisfied with the action that was taken. They were just advised to add notes to the call because sometimes they might have questions and those notes would alleviate those questions.

Officer 2 said she and Officer 1 learned Complainant was the one that made the complaint but could not remember if it was from Officer 4 and/or Tipre. She could not remember if they mentioned this or if she learned it elsewhere. She did not know if other people knew.

Officer 2 thought it was silly that Complainant complained and said it was crazy. I asked if she would have appreciated Complainant reaching out to her directly to find out what happened. She answered, "I mean he's not my supervisor. I mean if he really wanted to take a report, he could've taken a report or handled that call." She handled calls all the time and did what she had to do. She didn't go babysit him and check on his call status and times. She didn't think he should be one to complain.

Officer 2 did not see any of the rat flyers hanging at the station, but she did see a picture of one on Christianson's phone. She learned of the flyers at roll call and wanted to know what people were talking about. She did not hear who was responsible. Nobody said who was the target, but during roll call Complainant was yelling and Officer 2 assumed he was the target because he was offended. Complainant was yelling at Officer 4 about finding out who was responsible and wanting to know what was going to be done.

The female officers talked about it in the locker room; Christianson, Aguirre, Officer 1 Iniguez, possibly Cruz, and herself. They didn't know who the flyers were meant for or why they were placed, but speculated it was Complainant because of how upset he was.

I asked if she or Officer 1 ever mentioned to any other officers Complainant had gone to supervision about them not taking a report. Officer 2 thought they did speak about it and make comments to their small circle to include the girls in the locker room and Maggie Kouroubacalis. Officer 2 said they also mentioned it in passing, at the station while typing, with a couple of the male officers. The consensus amongst those that they shared this with was it was silly, and Complainant was not one to complain. Officer 2 said she didn't want to talk (bad) about anybody. She followed this by saying Complainant just wasn't a good beat partner.

Officer 2 did not know for a fact if Officer 1 shared that Complainant complained about them with her husband, J. Mutuku, but assumed she did. Officer 2 said J. Mutuku was Officer 1 best friend, and she told him everything. Officer 2 knew J. Mutuku was upset that Complainant tried to "punk" his wife. She knew this because she and Officer 1 had girl talk every day in the locker room, gym, etc. She did not know if J. Mutuku was responsible for the flyers and said she didn't want to know. Officer 1 never told Officer 2 J. Mutuku hung the flyers, and Officer 2 didn't ask. Officer 1 and Officer 2 also hung out together outside of work and sometimes J. Mutuku

was present. J. Mutuku has told Officer 2 things about Complainant in the past such as not to trust him, he was crazy, a jerk, etc. I asked if any of these conversations took place right before the flyers were posted or shortly thereafter. Officer 2 was sure they did, because she was very close with Officer 1 and J. Mutuku and would visit them at their home and work out with them. She said the conversations about Complainant were brief because they focused more on talking about positive things, personal things, and their goals. J. Mutuku never told Officer 2 he placed the flyers. Officer 2 did not believe J. Mutuku would do this, but said, "you never know."

When asked when the issues with Complainant and Weddle began between her and Officer 1 Officer 2 advised she never had an issue with Weddle. Officer 2 said she and Weddle worked together and rode with "COPS" together. She believed the issues with Complainant begin in 2019 or 2020. She described an incident where Complainant was being "rude" to her and Officer 1 on the radio. Once they arrived on the call, they kind of "got into it." Ever since then, it has been "awkward and weird."

Officer 2 agreed it was unusual for an officer to complain about another officer. After it was learned by other officers that this happened, other officers made remarks such as, "that's fucking crazy" or "that's ridiculous," they did not have in depth conversations about it.

Medici asked if the other officers on patrol shared her opinion about Complainant not working hard. He asked if she knew patrol officers' overall opinion of Complainant She answered, "I feel like… I don't like saying this… but I feel like we all have a general opinion and it's consistent. Meaning not good." Officer 2 felt this opinion was primarily about Complainant not Weddle.

Medici asked about the call that occurred at LA Fitness and asked if it involved a stolen car. Based on her conversation with the reporting party, Officer 2 did not believe the car was stolen. The car was located at the gas station down the street, with keys, and the reporting party did not want a report. Officer 2 shared this with Officer 4 and Tipre. She did not share this with Complainant and said it was none of his business; he was not her supervisor.

Officer 2 did not notice any change in the relationship with Complainant after he complained about her and Officer 1 and did not think anybody "joined teams or sides." Nothing changed with Complainant they didn't talk, and he didn't show up to their calls. Officer 2 thought it was ridiculous and crazy that Complainant complained about her and Officer 1 When asked if she and Officer 1 were pissed he complained, she answered, "Oh yeah."

Officer 2 heard the rumor that J. Mutuku placed the flyers. When she heard the rumor, she told Officer 1 she didn't want to know. She didn't want to know because she didn't want to get "caught up in some bullshit." Officer 2 did not know if Officer 1 knew who placed the flyers.

Initially, nobody knew who the target of the flyers was. There was talk about some of the guys on graveyard, playing a trick on some of the "SWAT guys." Officer 2 said they had some "clowns" on their crew and didn't know if it was one of them doing that to some of the "SWAT

boys." It wasn't until roll call when Complainant was obviously upset and yelling across the room, did they learn who the target was.

Officer 2 was familiar with rats being associated with someone that snitched. She had never heard of rat busters. She did not hear anything from anyone about rat busters or what it might mean. She saw the photo and laughed. She described the flyer as a cartoon and more of a joke. She said if the flyer had been meant for her, she would have laughed and just thrown it in the trash. She did not think it was that serious. She was unaware the flyer was placed in Complainant mailbox.

Officer 2 did not question Complainant after learning he complained about her and Officer 1. She never talked to him. She said, "I'll be honest. He just never shows up to our calls." When they did run into him, Complainant would turn away and do some "silly stuff" to avoid them. I asked if she ever went to his calls. Officer 2 said, "If they ask for a back, yes." I asked if Complainant responded when they asked for a back. She said no. She said an officer out of beat would respond and get there before Complainant even if Complainant was down the street.

Officer 2 did not think Officer 1 questioned Complainant after learning he complained but did not know. She did not know if J. Mutuku questioned Complainant after learning of the complaint. She was not aware of J. Mutuku exchanging words at the station but said Officer 1 told her J. Mutuku had said something to either Complainant or Weddle about them having an issue with his wife taking lactation breaks to feed his son. She could not recall if this occurred prior to or after being called in by supervision to discuss the call at LA Fitness.

I asked if Officer 1 ever shared with her that Complainant had fronted off J. Mutuku at the station. She said Officer 1 did and described an incident that occurred when Complainant worked overtime. J. Mutuku told Complainant to log on and "Complainant fronted him off" and they got into it. She thought this occurred on a Sunday, which was her day off. She was unaware of any other incidents between Complainant and J. Mutuku.

Officer 2 said Christianson showed her a photo of the rat flyer which was on her phone.

Prior to ending the interview, I asked if there was anything she thought we should know. Officer 2 said, "I don't think so. I mean, I don't like to talk bad about anyone, but I don't think [redacted] is one to complain. Like I said, he's a horrible beat partner. He doesn't show up to our calls. We get into uses of force… he never makes it. We have occupied GTA's, never shows up. 11-11, never shows up. He goes 10-6 for unknown reasons. I never question him. He likes to go to CB and 10-6 on… for whatever reason. He logs off early. Like… I don't get it. He sits on tree hazards that are NR's for over an hour. I don't…. I don't get it. I don't… understand why he's complaining. He's the problem. And like he needs to go home and retire. I don't know why he's making work… nuts! We all get along. We all work well." She said, "I don't know if it's his time on, that he thinks he can get away with that, but it's gotten this far. That's ridiculous. He's the one that needs to be checked. That's the way I really feel, to be honest with you without saying too much."

I told Officer 2 we talked earlier about some the ways Complainant has been disrespectful to sergeants and maybe even lieutenants. Officer 2 shook her head as to say "yes" and said, "Yeah. He yells at them from across the room." I asked if that was common. Officer 2 said it was. She said, "Honestly, I'm not even exaggerating, I feel like it happens once a week." Now that she knew about this investigation, she believed this was the reason Complainant has been a little quiet in roll call and "hasn't popped off" for the that month or so, or a little longer. She said he has been "really hush, hush" and "surprisingly doesn't say anything in roll call."

Officer 2 has never witnessed a supervisor be hostile toward Complainant She said every time Complainant yelled at one of them, they had an answer for him. She said there were so many incidents, and the supervisors would just talk back to Complainant It got loud in roll call, and she didn't stick around to hear everything that was said. She added, "but, personally, like bullying him (Complainant no."

Medici asked Officer 2 if she and Officer 1 came to the Magnolia Station on the day Complainant put himself 10-6 at Internal Affairs to complain about Officer 1 and Officer 2 not taking a report. Officer 2 asked when this was and did not recall her and Medici seeing one another in the hall. Officer 2 was unaware at that time that Complainant was filing a complaint or that he had put himself 10-6 to come to Internal Affairs. She said maybe they were here to turn in evidence, maybe a cell phone on a sales case, or meet with a detective, but could not recall. She had no idea Complainant was here and said she and Officer 1 did not keep tabs on Complainant

INTERVIEW OF WITNESS OFFICER Officer 1

On January 11, 2023, at approximately 3:08 pm, Sergeant Medici and I interviewed Officer Officer 1 in the Internal Affairs Conference Room. The following is a summary Office recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Officer 1 has been a police officer for seven years. She was recently promoted to detective and is currently assigned to patrol.

In July 2022, Officer 1 signed up for swing shift under the supervision of Dawson Smith and commonly rode partners with Officer 2 Smith was aware that Officer 1 required lactation breaks. During these breaks, Officer 2 took it upon herself to take phone reports not only for their beat, but for citywide. Officer 2 also used this time to write reports.

At shift change, and in the months that followed, Officer 1 and Officer 2 had the "COPS" crew ride with them on several occasions. She estimated they rode with them about ten to fifteen times. Officer 1 wasn't sure how they were selected to have the "COPS" crew ride with them; she thought supervision selected them. Officer 1 agreed it wouldn't be productive for the "COPS" crew to ride with officers that didn't work and spent their shift on breaks at the station. She said the "COPS" crew wouldn't want to ride with them. Yet the "COPS" crew did ride with Officer 1 and Officer 2 even though Officer 1 took lactation breaks. During these breaks, the "COPS" crew would get food and eat. She estimated the

breaks were approximately forty-five minutes in length. She took one break at the very beginning of her shift, right after roll call and before the "COPS" crew arrived, and then one later in the shift at around 7:00 or 8:00 pm. At the very start of shift change, she sometimes took three breaks.

Officer 1 was aware Complainant had an issue with her taking lactation breaks. She heard from her husband that Complainant and Weddle were asking other sergeants about her and Officer 2 taking breaks. Weddle got ahold of Officer 2 to ask why they were taking breaks. Officer 2 initially told Weddle it was none of his business but ended up telling him why they were taking breaks. Even other officers came up to Officer 1 and told her they were aware Complainant had an issue with her taking these breaks. To Officer 1 knowledge, Complainant was the only one that had an issue.

I asked Officer 1 what if anything she and Officer 2 did to make up for going out of service two to three times per shift. Officer 1 said she and Officer 2 would stack or assign calls to them and Officer 2 would handle calls over the phone if she could. Depending on who they worked in the beat with, it wouldn't matter if they stacked the calls to themselves or not because the same calls would be holding when they finished their break, and they would handle the calls at that time. Their supervisor never had an issue with their work performance.

Officer 1 and Officer 2 worked with Complainant two days per week. I asked her to describe Complainant as an employee/beat partner. Officer 1 said, "Um…we never see him in the beat, so he's just there." They never went to calls together. I asked about the two days per week they didn't work with Complainant and if they saw the officers, they worked the beat with. She said they did, and the officers would back them on calls and vice versa. It was a normal working relationship.

Officer 1 and Officer 2 did not see Complainant or Weddle on their calls. Officer 1 felt it was courtesy to stop by someone's call, even if they rode with a partner, especially if it sounded like "a bucket of a call." She said they all usually went to these calls to help each other out and make sure everything was okay, but this was not the case with Complainant and Weddle. Complainant had a reputation for doing this and this wasn't exclusive to Officer 1 and Officer 2 calls. What Officer 1 thought was exclusive to Officer 1 and Officer 2 was the fact Complainant did not come to fights, 11-11's, or occupied GTA's. She wasn't sure though, because she never asked other officers if Complainant went to their 11-11's if they needed help.

Complainant "never" showed up to her emergency backup requests, ever since he had an issue with her. The "issue" occurred approximately three years ago. Complainant got upset because she confronted him after he was rude to her on Channel 1. She went to his call and asked him what his problem was. Ever since then, he has not liked her. Prior to this, he was friendly and would respond to her emergency backup requests.

Officer 1 has witnessed Complainant speak to supervision in a way that would cause or provoke tension. She described him as argumentative and said he always challenged them. He would do this from the back of the roll call room and would also go up to supervision afterward as well. She said it sounded like arguing, but she didn't try to listen. She also heard he yells at

them in the parking lot too but did not witness this. It was common for Complainant to challenge supervision from the back of the roll call room, but recently he's been quiet. She has never witnessed any behavior by supervision toward Complainant that she would consider to be hostile.

Officer 1 was present in roll call when Complainant was moved to Area 5. She did not know the reason he was moved. She was unaware of any conflict between Complainant and Officer 4 but said she knew Complainant had problems with supervisors; she did not know which ones specifically.

During the last shift change, Officer 1 and Officer 2 were split from working the same beat as Complainant Approximately two months ago, Zackowski told them he didn't want them anywhere near Complainant because he feared Complainant could hurt them. Zackowski also said he was worried about Complainant mental stability and worried about Officer 1 family.

Officer 1 never said anything to supervision about Complainant not responding to hot calls or emergency backup requests. She said it wasn't her place and she didn't want to "tattle" on somebody. Complainant was a grown man. She didn't necessarily want him on her calls because she felt he caused more issues. She said, "But also, it's... it's just kind of crazy, because we could be like getting beat up and he wouldn't show up."

Officer 1 confirmed Officer 4 spoke to her and Officer 2 about the call at LA Fitness; Tipre was there as a witness. They showed Officer 1 and Officer 2 the call text and asked them what happened. Officer 2 explained. Officer 4 and Tipre told them to make notes in the call going forward so they would not have questions. They seemed satisfied with Officer 2 explanation as to why she did not write a report. She thought they mentioned they were made aware of the call from Internal Affairs. She could not remember who told her Complainant brought the issue to Internal Affairs but was aware it was Complainant prior to going in to speak with Officer 4 and Tipre. Office could not provide many details about the call, because Officer 2 handled it.

Officer 1 heard about the rat flyers but did not see them. She saw a photo of the rat on someone's phone but could not remember whose phone she saw it on. She first learned of the flyers when Complainant said something in roll call about them being posted. Nobody knew what he was talking about. Her and other officers thought the flyers were a "joking thing." She acknowledged rats were associated with snitches. The rat photo she saw wasn't threatening but did have a red "X" through it. She thought it was a "funny thing;" she didn't think it was a "serious thing." I asked about rat busters. She said she didn't know if that was even a thing.

When asked what she knew about the relationship between Complainant and her husband, Office Office said she knew they didn't get along. This was due to Officer 1 lactation breaks. was aware of a couple of incidents that had occurred between Complainant and J. Mutuku. She described one incident that occurred when J. Mutuku pointed at Complainant and told him to have a good day. Complainant asked him if he was pointing a finger gun at him. J. Mutuku didn't know what he was talking about and went inside. Another incident occurred when supervision asked J. Mutuku to follow up on the officer working an overtime event. Complainant had worked the event, but J. Mutuku did not see him there; J. Mutuku saw him in the parking lot at Lincoln. J. Mutuku told him he needed to log on. Complainant asked him what he was going to do

about it and called him a punk. Those were the only two incidents she was aware of, and she learned of these from J. Mutuku.

On the first incident, she couldn't remember who greeted who first. The incident just stood out to her, because J. Mutuku told her Complainant had asked if he was pointing a finger gun at him. (Officer 1 smiled at this and then chuckled.) She said, "It's just ridiculous." She did not know if anyone was in the parking lot, J. Mutuku didn't say.

She did not hear rumors that J. Mutuku hung the rat flyers and did not have any conversations with anybody about this. I asked if she thought this was something J. Mutuku would do. She said no. When asked why, she said, "Well first of all, I don't think James cares that much about Compla to take time out of his day and Complainant not worth getting in trouble over."

We spoke again about the call at LA Fitness. Officer 1 said neither Complainant nor Weddle, ever asked them about the call. She thought it was silly Complainant had gone to Internal Affairs, because Complainant had nothing to do with the call. She didn't know why he even cared to look at the call. Medici asked if Complainant had a habit of knowing what other units were doing. She said he did and he had a habit of calling people out all the time over silly little things which is probably why he had problems with everyone. When asked what she thought Complainant motivation was, she answered, "Honestly, I think he's just a miserable person."

Zackowski told Officer 1 he has known Complainant for a long time, and he didn't think Complainant was mentally there anymore. Zackowski didn't know what Complainant would do to her and Officer 2 and told them, "I don't want him to hurt you girls." He worried Complainant might hurt her family which Officer 1 took to mean J. Mutuku and their son.

During the lactation breaks, if there was a hot call, Officer 2 would leave the station and respond. Officer 2 had left Officer 1 at the station a few times to respond to a hot call and then return to pick up Officer 1 There was never a problem, and nobody ever got hurt. If there was a problem, Smith would have addressed it.

Officer 1 did not know specifically what issues Complainant has brought to supervision. Recently, with Officer 1 lactation breaks, Complainant focus seemed to be on Officer 1 and Officer 2 Medici asked if she thought Complainant might be jealous that the "COPS" crew rode with her and Officer 2 Officer 1 said she didn't think so because she didn't think Complainant wanted the "COPS" crew to ride with him.

After she confronted him a few years ago, they still worked together but just didn't talk. It wasn't until she came back from maternity leave, that Complainant had "all these issues with us."

Aside from the call at LA Fitness, Officer 1 was unaware of any other calls that she and/or Officer 2 handled that Complainant had an issue with it.

Medici questioned Officer 1 earlier statement that she had not heard people say J. Mutuku may have hung the rat flyers. Officer 1 maintained she had not heard that and said perhaps people didn't say it around her because she was married to him. She said J. Mutuku told her

people were saying they thought he did it. Officer 1 didn't ask him if he did it because she felt he would have told her if he did. Officer 1 did not know who put the flyers up.

When Smith went back to graveyard, Zackowski became her and Officer 2 sergeant. Zackowski never had an issue with her or Officer 2 work performance. He never said anything to her or Officer 2 about taking breaks or about any of their calls.

Officer 1 thought Officer 2 mentioned to Officer 4 and Tipre that Complainant never backed them when they discussed the call at LA Fitness. She did not know if this was mentioned to Zackowski. She didn't say anything to Zackowski. She wasn't sure if Officer 2 said anything to Zackowski.

I asked if it was possible Officer 4 or Tipre mentioned it was Complainant that had reported them to Internal Affairs, and this was why Officer 2 mentioned Complainant never backed them. Officer 1 said she didn't think Officer 4 or Tipre said anything about Complainant and she didn't think Officer 2 said anything about Complainant She could not remember. She said she felt like everyone knew Complainant had gone to Internal Affairs.

Medici asked if Officer 1 remembered seeing him in the hall (this occurred the day Complainant came to Internal Affairs). Officer 1 recalled seeing Medici and said she thought she and Officer 2 were at Magnolia for a radio call or to download a cell phone. She had no idea Complainant was here and said they do not look at Complainant status.

INTERVIEW OF SUBJECT OFFICER JAMES MUTUKU:

On January 19, 2023, at approximately 10:26 am, Lieutenant Eric Detmer and I interviewed Sergeant James Mutuku in the Internal Affairs Conference Room. Prior to the interview, we provided J. Mutuku an Admonition of Rights Packet and reviewed it with him. J. Mutuku understood his rights and did not have any questions. He elected not to have a representative present and signed the packet in our presence. The following is a summary of J. Mutuku's recorded interview. It is not verbatim or necessarily in order but is organized for clarity. (J. Mutuku's interview was also transcribed and is attached to the case file.)

J. Mutuku has been with the Department since 2009 and was sworn in as a police officer in July of that year. He promoted to sergeant about two and half years ago and is currently assigned to patrol on Watch B.

As a new officer, J. Mutuku primarily worked Watch C in patrol and worked with Officer Complainant "Complainant Complainant J. Mutuku said Complainant would commonly seek out new officers and try to mentor them. Back then, J. Mutuku worked for Sergeant Kendal Banks and Complainant sought out J. Mutuku and other new officers and tried to mentor them. J. Mutuku said his relationship with Complainant was good. However, when J. Mutuku left patrol for special assignments and then promoted to detective, J. Mutuku had limited interaction with Complainant Since promoting to sergeant, J. Mutuku has not supervised Complainant

J. Mutuku advised issues between Complainant and his wife, Officer Officer 1 started about two and half years ago. When Officer 1 first started here, she worked the eastside with Officer Officer 2 and Complainant and Officer 1 talked a lot as he tried to mentor her and the relationship between the three officers was good. J. Mutuku warned Officer 1 to be careful around Complainant because he had seen this play out before. He was specifically referring to Complainant and Melissa Cunningham (former officer). This was also a situation where Complainant tried to mentor a young female officer. It was known Complainant and Cunningham were very close initially and they rode as partners. The two had a difference of opinion about something, but Cunningham held her ground. This soured the relationship between them, and it got ugly. Complainant would publicly bash Cunningham all the time and talk about her fertility issues. J. Mutuku told Officer 1 and Officer 2 to be friendly toward Complainant but to be careful. He said they shouldn't think for one second that just because they were females, Complainant wouldn't become malicious with them like he would with a male.

The relationship changed when Officer 1 and Officer 2 failed to respond to a call fast enough for Complainant who had requested a camera. When they arrived, Complainant "barked" at them and they "barked back." J. Mutuku believed the relationship soured from that point. J. Mutuku told Officer 1 and Officer 2 to stay away from Complainant and not try to mend the relationship. He told them Complainant would never get over "two twenty-year-old girls fronting him off."

After that incident, Complainant began to call them out over the radio and was very rude and brash toward them. Officer 1 and Officer 2 thought Complainant was trying to bully them out of the eastside, but they continued to work there anyway.

When J. Mutuku first started, he heard about "the legend of Complainant in a positive way, but never witnessed it. Though Complainant was disgruntled, J. Mutuku gave him a little respect based on what older officers said about him. J. Mutuku noticed immediately however, Complainant would bash J. Mutuku's supervisor, Sergeant Kendal Banks. Complainant would constantly ask J. Mutuku what Banks said to him or advised him to do and then tell J. Mutuku that Banks was wrong or oppose what Banks had advised. J. Mutuku tried to distance himself from Complainant but not disrespectfully. He was new and didn't want to be around Complainant negativity. There was never a confrontation between them, but J. Mutuku would steer clear of places where Complainant was. J. Mutuku described Complainant as disgruntled and very negative.

I asked J. Mutuku to describe Complainant today, over thirteen years later, leaving out the issues with Officer 1 and Officer 2 J. Mutuku answered, "He's toxic." As a supervisor, J. Mutuku has a good relationship with the officers, especially those with less than five years of service. He said the general consensus is that most of the officers do not respect Complainant think he is toxic, and he is in this category with only two or three other officers in the Department. Officers try to stay far away from Complainant and know that if they need an emergency back, Complainant won't come. Complainant is a toxic employee to young officers, but fortunately the young officers today recognize he is toxic faster than the officers of J. Mutuku's generation. There aren't many officers sharing the legend of Complainant anymore; that generation has died out. J. Mutuku said one hundred percent, if a blind survey of patrol officers was taken, officers would rank Complainant as a toxic employee.

J. Mutuku said it was probably even worse amongst supervisors. When asked why, Mutuku said, "Unfortunately for a lot of them, they've had to supervise him." These sergeants have seen firsthand Complainant toxicity and Complainant is known for being an "anti-supervisor" employee. Complainant prides himself on that and is confrontational with supervisors when unnecessary. Multiple sergeants had stories about Complainant J. Mutuku observed Complainant confront supervisors as an officer but has not witnessed this as a sergeant.

Complainant never said anything to J. Mutuku about Officer 1 lactation breaks. J. Mutuku learned Complainant had an issue with these breaks when he overheard sergeants talk about it in the sergeant's bay. He learned Complainant had gone to multiple supervisors and complained about it. J. Mutuku never confronted Complainant and never made any comments to him. He denied he ever confronted Complainant by saying, "I heard you had an issue with my wife feeding my son." or something similar.

J. Mutuku learned Complainant also filed a complaint against Officer 1 and Officer 2 for not taking a report on a call they handled. J. Mutuku also heard this in the sergeant's bay. He claimed initially he did not know the complaint was against Officer 1 and Officer 2 he only heard the complaint was against a couple of officers. He learned a day or two later the complaint was against Officer 1 and Officer 2 He could not remember if Officer 1 told him or if he heard it from someone in the sergeant's bay.

J. Mutuku stated it wasn't normal for on officer to complain to Internal Affairs about an officer taking a report. He has seen a junior officer just take a report on a call that a senior officer wasn't going to, or a senior officer pull a junior officer aside and tell them they should probably take a report. Normal practice was for officers to address it amongst themselves, or if it was egregious, the officer might go to a sergeant; he added it could be a training issue.

Complainant and J. Mutuku were on different shifts and rarely saw one another. J. Mutuku usually saw Complainant on weekends when Complainant worked overtime. Prior to learning about the complaint, Complainant and J. Mutuku were on speaking terms. When J. Mutuku learned Complainant filed the complaint, he was upset. J. Mutuku did not confront him but recalled a couple negative interactions that took place between them.

The first incident occurred when they crossed paths and Complainant greeted him or gave him a head nod. J. Mutuku ignored him and went into the sergeant's bay. Complainant said something to J. Mutuku about ignoring him or dismissing him. It wasn't confrontational.

The next one occurred one or two weeks later. J. Mutuku was in the roll call room after Watch B roll call had been dismissed. Complainant walked in to work his overtime shift and sarcastically greeted everyone. After Complainant changed, he walked back and said something about checking his mailbox and it was clear. J. Mutuku told us, "I don't know what he's talking about… completely confused." (He then paused, to gather his thoughts.)[160]

Only J. Mutuku and Asbury were in the roll call room. J. Mutuku asked Asbury what he was talking about, and Asbury said it was the flyer that was posted in the locker room. J. Mutuku

[160] J. Mutuku Interview, approximate time index 28:15.

knew [redacted] was accusing him because [redacted] did not have an issue with Asbury. J. Mutuku opened the side door in the roll call room and yelled out to [redacted] He told [redacted] to have a good day and to be safe out there. [redacted] turned beat red and charged at J. Mutuku. He stopped about ten feet from J. Mutuku and told him he knew J. Mutuku put the flyer in his mailbox.

J. Mutuku then told us, "I did know, sitting up at that podium, that there was, uh, a flyer that had been distributed, 'cause [sic] when Nate said (unintelligible) about the flyer, I knew that what he was… I didn't have to ask him what… what flyer are you talking about. So, I must've had knowledge… that… about that flyer at that point."[161]

[redacted] told J. Mutuku he knew he put the flyer in his mailbox, and it was a threat on his life. J. Mutuku asked what he was talking about. Then [redacted] asked if he was pointing a gun at him. J. Mutuku described how he pointed at him with his finger when he told him to have a good day. J. Mutuku asked if [redacted] was joking. J. Mutuku said [redacted] was being silly accusing him of this and walked back inside. Asbury told J. Mutuku to leave it alone and J. Mutuku said it was his fault for going out there. J. Mutuku said Asbury would have heard the exchange, and possibly someone in the parking lot, but he did not recall seeing anyone.

There was another negative incident that occurred after this. J. Mutuku was assigned Central, and nobody was logged on to the swap meet for overtime. (J. Mutuku took it upon himself to drive to the swap meet, he was not directed or ordered to. However, Lieutenant Ed Collins asked J. Mutuku who was working because nobody was logged on.) J. Mutuku went to the swap meet to see if anyone was there. J. Mutuku said [redacted] usually worked this overtime. He passed [redacted] as J. Mutuku drove into the swap meet and [redacted] drove out. It took J. Mutuku some time to drive in and then back out the swap meet. He drove to the Lincoln Station and told [redacted] he needed to log on when he worked there; the swap meet was in J. Mutuku's beat. [redacted] called him a punk and told him he didn't have a beat. [redacted] told him he wasn't going to log on and asked J. Mutuku what he was going to do about it. J. Mutuku could not recall seeing anyone that might have witnessed the conversation. J. Mutuku was not disrespectful, but admitted he was sarcastic because of their "history." [redacted] exploded during this interaction like he did the previous one. Since then, they have seen each other, but have not engaged in conversation. J. Mutuku denied he ever told [redacted] "You'll see. You'll see." during any of their conversations.[162]

J. Mutuku denied he ever saw the flyers but said he heard about them. He also denied seeing a photo of the flyer. After the conversation with [redacted] outside the roll call room, he used his phone to look up "Rat Busters" to see what [redacted] was saying was a weapon. [redacted] yelling made sense to him after he looked everything up. "Rat Busters" was a gun used by exterminators to shoot rats. [redacted] was crazy though for saying J. Mutuku's finger was a gun.[163]

---

[161] J. Mutuku Interview, approximate time index 29:15.
[162] J. Mutuku Interview, approximate time index 31:20.
[163] J. Mutuku Interview, approximate time index 35:45; page 25 of transcript.

I confirmed J. Mutuku never saw the flyer. **J. Mutuku said, "I've never… I've never seen this flyer."**[164]

I asked if he heard who might have placed them. Initially, he said no. Then he said he heard Complainant placed them.[165]

I asked, "You didn't place them?" He replied, "No."

In response to asking if his fingerprints would be on the flyers, J. Mutuku said, "No. They're not going to be on those."[166]

I asked if Complainant was the only person, he heard might have placed the flyers. He answered, "Yeah." He said everybody was saying Complainant put the flyers up.[167]

I asked if he heard he might have placed them. He answered, "Yes. I've heard people say I might've placed them." ***(This directly contradicts his previous two answers.)***[168]

I asked if he ever used the computers in the report writing room. J. Mutuku said no, but then in a stuttered response said he sometimes sat down to edit officers' reports.[169]

I told J. Mutuku flyers were posted in the men's locker room and one flyer was placed in Complainant mailbox and that Complainant alleged J. Mutuku was responsible. J. Mutuku said, "I heard that." I continued and advised Lieutenant Eric Meier pulled a print log and was able to determine the flyer was printed on October 1, at 4:17 pm in the report writing room at the Lincoln Station. Meier also pulled video which showed J. Mutuku pull into the parking lot and then walk into the station at 4:05 pm. I told him the flyer was printed approximately twelve minutes after he walked into the station. J. Mutuku laughed and said, "OK." I asked if he had any explanation and he said no. I asked again about the computers in the report writing room and he said he didn't use those computes other than to review an officer's report. He said he had no reason to use one of those computers.

J. Mutuku said he asked Complainant why his voice was trembling every time they talked because Complainant would turn red immediately and his voice would start cracking. Mutuku said he asked Complainant why he was scared and why was his voice cracking every single time he talked to him. This made Complainant even more angry when J. Mutuku asked this to the point Complainant was shaking with anger.

---

[164] J. Mutuku Interview, approximate time index 36:45; page 26 of transcript.
[165] Question one regarding who he heard placed the flyers. Initially Mutuku said no. J. Mutuku interview, approximate time index 37:10; page 26 or transcript.
[166] J. Mutuku Interview, approximate time index 37:30; page 27 of transcript.
[167] Question two regarding who he heard placed the flyers. J. Mutuku Interview, approximate time index 37:35; page 27 of transcript.
[168] J. Mutuku Interview, approximate time index 37:40. Refer to footnotes 39 and 40.
[169] J. Mutuku Interview, approximate time index 38:15; page 27 and 28 of transcript.

I asked if he ever manipulated his hand to resemble a firearm and simulate firing at Complainant J. Mutuku said no and said he believed this would have been captured on camera. He said he only pointed at him and was confused and flabbergasted when Complainant suggested this.[170]

Since Complainant has voiced concerns about Officer 1 and Officer 2 riding together and since filing a complaint against them, J. Mutuku denied he has done anything to retaliate against Complainant or create a hostile work environment for him. He has not observed any behavior by supervision toward Complainant that he would consider hostile or retaliatory, nor has he heard of anything.

As a sergeant, J. Mutuku has not witnessed any behavior by Complainant toward supervision that would cause or provoke tension, but did witness this as an officer; specifically, Complainant was confrontational with Banks. He also personally observed incidents involving Cunningham and many others when he was an officer. This led to him warning his wife about Complainant when she first started.

J. Mutuku agreed that most people in patrol were no longer amused by Complainant When asked who Complainant allies or closest friends were, J. Mutuku only provided Weddle's name. J. Mutuku thought the fact that Complainant no longer had a following of officers, created most of Complainant current issues and possibly issues he might have in his home life.

In closing, J. Mutuku wanted it on the record that the consensus in patrol is that Complainant is not the same person today as he was when he was coming up in the Department. A lot of people think there is a "mental issue" going on with him. J. Mutuku spoke again about the conversation he had with Complainant when J. Mutuku told him to have a good day. Although the statement was sarcastic, J. Mutuku was shocked at how instantaneously red and filled with anger Complainant became, to the point he could not control his body. His whole body was shaking, including his voice. J. Mutuku said this was not out of fear, but anger. He has seen the smallest things trigger Complainant It's to the point where sergeants have told his wife to be careful around Complainant that he is not safe. The sergeants have told her they are worried about her safety. J. Mutuku said he and other sergeants could not pinpoint what Complainant issue was, but the consensus was Complainant was not safe. Whether this meant not backing up officers and/or harming us with Complainant "anti-supervisor" mentality. J. Mutuku expressed concerns that Complainant was a "safety hazard" in a police station and stated the consensus amongst supervisors was Complainant "may harm one of us."

J. Mutuku said most supervisors tried to avoid Complainant and many of the issues Complainant has had with supervisors, involved a supervisor other than his own.

J. Mutuku advised Officer 1 and Officer 2 have shared with him on multiple occasions that Complainant did not respond to their request for an emergency back up or respond to a hot call they were sent to. He said it was not surprising, considering Complainant had been reported in the past for driving the opposite direction of emergency backup requests. Officers reported this to supervision and J. Mutuku thought Internal Affairs investigated this.

---

[170] J. Mutuku Interview, approximate time index 43:10.

J. Mutuku again advised that officers with five years or less of tenure knew that Complainant would drive the opposite way if they requested an emergency backup. This was not exclusive to Office and Officer 2 J. Mutuku said, "If he has an issue with you, which it's a long list, he's not coming."

In addition to the safety concerns about Complainant not backing officers, there was talk and concern that Complainant may intentionally harm someone. J. Mutuku said when he saw the anger that instantaneously filled Complainant over minute things, coupled with statements, from people that have known Complainant for years, saying that Complainant today was a completely different person, was concerning to J. Mutuku.

J. Mutuku said officers and supervisor alike, absolutely do not want to work around Complainant

INTERVIEW OF WITNESS OFFICER BRUCE BLOMDAHL

On January 25, 2023, at approximately 9:51 am, I interviewed Deputy Chief Bruce Blomdahl in his office at the Orange Street Police Station. The following is a summary of Blomdahl's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Blomdahl is the Administrative Chief and part of his responsibilities are overseeing Internal Affairs, but he works collectively with Deputy Chief Frank Assumma and Chief Larry Gonzalez on organizational matters and the three keep each other abreast of issues withing the Department. Although he oversees Internal Affairs, Community Services, Accounting ,the budget, etc., he described this group of chiefs will often overlap into each other's commands and make recommendations. This year he will have thirty years of service, all with the Riverside Police Department, and he has both administrative and operational experience.

Blomdahl has known Complainant for more than twenty years. Blomdahl was on the full time METRO Team when Complainant was a new officer, but supervised Complainant for a short time after Blomdahl was promoted to sergeant and prior to going back to the METRO Team. Later, Blomdahl promoted to lieutenant, went back to patrol, and had conversations with Complainant To Blomdahl's knowledge, the two never worked as officers together.

I asked Blomdahl to describe Complainant when he supervised him as a sergeant. Blomdahl answered, "Opinionated." He described Complainant has always been this way, but back then he was not disrespectful. Complainant was very into case law and the two had some lengthy conversations. It was challenging as a new supervisor to try to get Complainant to understand, from a level higher than officer, the interpretation of policy or case law. They had great conversations and Complainant called it "going to church." Complainant would ask questions about why supervisors did things and why the policy read the way it did. He was never disrespectful and more times than not, after lengthy conversations Complainant would understand the different perspective. As the years progressed however, Complainant felt his way was the right way and everyone else was messed up. Blomdahl said sometimes Complainant was right and Complainant knew case law better than some of the supervisors, both new and tenured.

Complainant never took a disrespectful stance with him, but Blomdahl heard through the rumor mill that progressively Complainant got a little more confrontational as the years passed. Blomdahl also heard that Complainant who was known to challenge things, became disrespectful.

Blomdahl described Complainant as a productive officer when Blomdahl was a sergeant. He has heard that Complainant is no longer as productive as he once was. Blomdahl and Complainant have talked about this. Complainant was involved in an incident off Miami Street in the Casa Blanca Area. In that incident, Complainant was talked to by supervision and the incident may have been referred to Internal Affairs. Complainant take was he was disciplined, although Blomdahl advised there was no discipline in that incident. Since then, Complainant has changed and is not as proactive. Complainant still has a good understanding of Casa Blanca and gets involved in the things that interest him.

Blomdahl was aware Complainant had issues with Officer 1 and Officer 2 riding as partners and later learned Complainant had gone to Internal Affairs about a call Officer 1 and Officer 2 did not take a report on. Blomdahl was not upset Complainant had reported a possible policy violation but thought there were other avenues through Complainant chain of command to address this.

There was no issue with Internal Affairs referring this to patrol to handle/investigate and this is commonly done. If a complaint is small or not complex, it's a good opportunity for a patrol supervisor to investigate and work out the personnel issue.

Blomdahl advised he "absolutely" wanted officers to bring any potential police misconduct forward. However, there could be many reasons why a report may not have been taken. He also clarified he considered police misconduct to be a violation of law or something more serious than failing to take a report, which would be a policy violation. Policy violations could be addressed within the command and police misconduct or a complaint that was more complex, time consuming, or involved command would be handled through Internal Affairs.

Blomdahl heard rumors that Officer 1 and Officer 2 might be "ducking" calls as well as Complainant It started to become an organizational and morale issue. Blomdahl and Deputy Chief Assumma discussed ways they could address this, since it didn't appear it was being addressed at the captain, lieutenant, and sergeant level. They kept hearing rumors about the effects on morale in patrol these issues were causing. Usually, employees accusing each other of not taking a police report, would be addressed by the sergeant.

Blomdahl heard Complainant wanted to complain about being split from his partner and being moved out of his beat. Later, he heard Officer 1 and Officer 2 claimed Complainant didn't take a report and there were issues between the three officers. He thought command was going to handle this. Chief Larry Gonzalez, Assumma, and Blomdahl heard from Milby in their command staff meetings, that Complainant was being difficult and challenging command in patrol. Blomdahl knew Complainant didn't respect every member of the rank, but felt he had a positive relationship with Complainant and Complainant might listen to him. To try to circumvent a morale issue in patrol, Blomdahl wanted to have a conversation with Complainant to see if they could work through some of the concerns and get Complainant to be more respectful and follow the chain of command. He hoped he could get Complainant to understand where the organization was coming from, but also wanted to get his side of the story.

When Blomdahl reached out to him, Complainant had not filed a complaint. Complainant had reached out to Detmer about his issues, but indicated he wasn't ready to file a complaint; however, he made comments about going to the press and human resources.

Blomdahl and Complainant had a three-hour conversation. Blomdahl's conversation with Complainant was not to dissuade him from filing a complaint, but to allow the Department to investigate his concerns rather than going to the press and human resources about adults acting like children. Blomdahl did not have specific behaviors that supervisors were doing toward Complainant but what Complainant was doing.

They talked about many things to include retirement, the profession, and Complainant feeling he was being harassed by supervisors. Blomdahl told Complainant to do what he needed to do, but he preferred if Complainant would allow Internal Affairs to investigate his allegations. He told Complainant he didn't need to go to the press and if he went to Human Recourses, they would just refer it back to Internal Affairs anyway. This was a small part of their overall lengthy conversation. In their conversation, Blomdahl made it clear to Complainant it was his decision. Blomdahl did not believe Complainant was ready to file a complaint at that time. Blomdahl told Complainant if he felt he was bullied or harassed by supervision, he needed to go to Internal Affairs to file a complaint. He told Complainant this several times.

The rat flyers appeared after Blomdahl and Complainant talked. Blomdahl heard one was placed in Complainant mailbox and others in the locker room. Complainant sent Blomdahl a picture of the flyer and told him this just happened. Blomdahl contacted Meier to alert him and to remove the flyers. Blomdahl did not direct Meier to investigate; he believed Meier knew this was something that needed to be investigated. Meier began to investigate on his own. Meier did not pull a "PA" (file number for administrative investigations), but it is not uncommon to begin an investigation prior to pulling this. Internal Affairs took over Meier's investigation after Complainant went to Internal Affairs to file a complaint.

Blomdahl concluded by saying he considered Complainant a friend and was very clear with him. He was specific when he told Complainant he needed to do what he needed to do if he felt he was being harassed. It didn't serve anyone well in the organization to go to the press, but our Internal Affairs Unit could handle his concerns. All Blomdahl asked of Complainant was the opportunity for Internal Affairs to investigate. He never tried to dissuade him from filing a complaint.

INTERVIEW OF WITNESS OFFICER NATHAN ASBURY

On January 26, 2023, at approximately 9:17 am, I interviewed Sergeant Nathan Asbury in my office in Internal Affairs. The following is a summary of Asbury's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Asbury has been with the Riverside Police Department for fifteen years and has been a sergeant for two years. He has known Complainant since he started with the Department and has known J. Mutuku since J. Mutuku started with the Department, approximately thirteen years.

As an officer, Asbury never directly worked with Complainant was known to work Casa Blanca and had good relationships with that community. Complainant had a reputation for that and "for being Complainant Complainant did things his way and if someone didn't like it, he'd tell you about it. There was never a question about how Complainant felt about something, and it didn't matter if you were an officer or a sergeant. Complainant was open to tell you about it and that hasn't changed. Complainant would bring up things to supervisors in roll call that he didn't agree with and have discussions with supervisors and officers about things he didn't agree with. As a sergeant, Asbury has had minimal interaction with Complainant and he is not personal friends with him.

Asbury is personal friends with J. Mutuku; they were on the collateral SWAT Team together and worked together as detectives. Asbury is aware of issues between J. Mutuku and Complainant and said J. Mutuku has shared things with him. Asbury could not recall if J. Mutuku shared this with him, or if he heard from someone else, but heard Complainant had complained to Internal Affairs about Officer 1 lactation breaks and/or Officer 1 and Officer 2 not taking a report on a call. Asbury said this did not affect J. Mutuku at all.

He first noticed an issue between Complainant and J. Mutuku after a Watch B roll call. Asbury and J. Mutuku were the only ones in the room and sitting up at the front. Complainant walked down the hall, stuck his head in the door, and said something about his mailbox being clean and it better be clean when he got back. Asbury said it wasn't just "a typical Complaina and it wasn't a normal officer and sergeant contact. It was very rude, Complainant was yelling, and you could tell very clearly Complainant was mad.

Asbury and J. Mutuku didn't know what Complainant was talking about. Complainant walked out the door by the Watch Commander's Office and J. Mutuku went out the side door in roll call. Asbury heard J. Mutuku yell something to get Complainant attention and then J. Mutuku walked out the door. Asbury didn't hear anything else. J. Mutuku then came back inside and looked bewildered. Asbury asked what was going on and J. Mutuku said he didn't know. J. Mutuku said he went out there to talk to Complainant and Complainant accused him of pointing a gun at him. J. Mutuku said Complainant kept asking him if he was pointing a gun at him. J. Mutuku said Complainant voice was cracking, he got weird, and wouldn't talk to him.

Asbury asked J. Mutuku about the "mailbox thing." Not then, but later, the two found out that flyer had a rifle and a double meaning. Someone was calling Complainant a rat. Asbury didn't know if Complainant accused J. Mutuku of pointing a gun at him because of the flyer; he didn't know if the two were related. Asbury assumed Complainant had an issue with J. Mutuku and perhaps Complainant thought J. Mutuku placed the flyer in retaliation for his wife, because Complainant has never said anything to him, and they were the only two people in the roll call room.

Asbury could not recall if J. Mutuku left the door open when he called out to Complainant or if the door closed behind him, but Asbury did not hear Complainant say anything about a gun. He also did not see if J. Mutuku did anything with his hands when he first called out Complainant

Prior to this interaction, Asbury saw one flyer in the men's locker room near the boot rack. It was a picture of a rat with a circle around it and a line through it, "basically a rat extermination or no rat type of thing." He only saw one flyer and did not hear of any other flyers. When he

saw the flyer, he did not know it was related toward anybody. It was an ad for rat extermination with other ads. He could not recall if it said anything, but possibly "rat extermination" and a phone number; nothing outside of a normal ad. He only saw the flyer one time, so he wasn't sure.

Later, he was told the same flyer was put in Complainant mailbox. He could not recall who told him this.

Asbury clarified his earlier statement and said he didn't think Complainant ever said J. Mutuku pointed a gun at him. J. Mutuku told him Complainant kept asking, "Is that a gun in your hand?" Asbury and J. Mutuku talked about this. Asbury joked and asked if Complainant said that because J. Mutuku's hand was black like our guns. He could not recall if they talked about the flyers then, or later.

J. Mutuku never told him he placed the flyers and Asbury never heard who might have placed them.

Either the day of the exchange between Complainant and J. Mutuku or later, somebody told them that the flyer was a rifle, or a pistol used to shoot rats. It wasn't just a rat trap type of company. Asbury could not recall who shared this with him. When they learned this, they speculated this was why Complainant talked about a gun. Asbury said, "Maybe he's accusing you, of pointing a gun at him, because you put a flyer in his… in his mailbox." Asbury said he hated saying that, but that's what they were thinking; they were confused, or at least he was.[171]

Asbury could not recall if he asked J. Mutuku or if J. Mutuku asked him what Complainant was talking about it when he stuck his head in the door and mentioned his mailbox. They were both confused and shocked. When J. Mutuku opened the side door to address Complainant he initially popped the door open. Asbury could not recall if the door stayed open or not, but said he never heard Complainant response.

Asbury could not recall who told him about the meaning behind the flyer. He did remember speaking to J. Mutuku and realizing that maybe this was more than just Complainant thinking "we put…there's a flyer… that somebody in the Department put in his mailbox, but hey, this is like a threat on his life or something like." It was more than calling Complainant a rat. Exterminating a rat was a bigger deal. He and J. Mutuku wondered if Complainant was trying to allege a bigger thing besides someone putting a flyer in his mailbox.[172]

Asbury worked Watch B and Complainant Watch C, though Complainant like to work swap meet overtime. The exchange between Complainant and J. Mutuku would have occurred on a weekend, likely when Complainant was on his way to the swap meet.

From July 2022 to present day, Asbury has not witnessed a supervisor of any rank be hostile toward Complainant nor has he heard of a supervisor of any rank be hostile toward him. When asked if he heard of any actions by supervision toward Complainant that would be considered retaliatory, Asbury said he heard things that he didn't consider (to be retaliatory), but he heard Complainant was

[171] Asbury Interview, approximate time index 16:00.
[172] Asbury Interview, approximate time index 20:30.

moved out of an area by a lieutenant. Asbury heard the move was based on staffing, but [redacted] said it was retaliation.

Asbury said he believed the retaliation was the other way around; [redacted] retaliating against supervision. On several occasions after this incident, Asbury heard [redacted] on the radio take his sergeant ([redacted] to Channel 4 to ask his ETA or estimated time of arrival. Asbury has never been asked as a sergeant his ETA to go to a call, nor in his fifteen years at the Department has he heard an officer do this. However, [redacted] did this numerous times in a row. Asbury asked what [redacted] was doing. Everybody told him [redacted] was playing games and was mad at them. One incident occurred on an excited delirium call. As soon as it was dispatched or just a few minutes later, [redacted] took [redacted] to Channel 4 to ask his ETA. Asbury said this was [redacted] way of messing with [redacted] and it was weird. He asked [redacted] what that was all about. He thought [redacted] mentioned he had talked to [redacted] about his response times to calls, so now this is [redacted] retaliating and questioning [redacted] response times to calls.

Asbury said the reputation [redacted] has always had, was he tried to poke and get people mad. However, [redacted] has never done this to Asbury, and he has never witnessed this aside from the radio incidents he just described.

INTERVIEW OF WITNESS OFFICER CHAD MILBY

On January 26, 2023, at approximately 2:14 pm, I interviewed Captain Chad Milby in my office in Internal Affairs. The following is a summary of Milby's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Milby has been with the Riverside Police Department since January 2003. Prior to that he had a little more than five years of sworn experience with Oceanside Police Department. He is currently the captain of Field Operations and held this assignment during the dates involving this incident.

When Milby started with RPD, he worked with [redacted] as an officer. He described they had a good relationship and were like minded; they wanted to do good police work and look for bad guys. [redacted] typically worked Casa Blanca, rode with newer officers, and was known for taking people to jail. He had a lot of knowledge about the Casa Blanca area, and he liked to train officers to get to know people in their beats. [redacted] formed good relationships within this community which allowed him to develop information. He was hardworking, proactive, and a mentor to newer officers.

I asked if this is how is how he would describe [redacted] today. Milby said he knew [redacted] sometimes rode with Weddle and it appeared, when time permitted, they were taking people to jail. There were layers of separation between him and [redacted] now, so he didn't have a lot of direct conversations with [redacted] However, Milby's supervisors informed him [redacted] did have a change in his disposition. Over the last twelve months, Milby got reports that [redacted] would become confrontational at times, challenge the process, and ask questions of supervisors. Milby didn't have an issue with [redacted] questioning supervisors if it pertained to case or state law, changes

in legislation, or policy, but there were supervisors and managers who told Milby that these behaviors were beginning to get worse.

Around the time Complainant tested for sergeant, Milby heard Complainant did well on the written exam. Milby was happy for him and thought Complainant was finally going to get his name on the list. Then Milby heard he didn't show up for his oral interview.

Following that, Smith reached out to Milby. Smith told him he noticed a change in Complainant behavior and that Complainant seemed more confrontational, seemed to challenge supervision more, and was not reasonable when the supervisors provided him with answers. Smith said Complainant often asked questions and wanted answers to things that didn't involve him but were supervisor and management decisions.

Milby was concerned for Complainant welfare. It appeared to Milby, Complainant was having conflict with most supervisors and most lieutenants. He wanted to get to the root of Complainant problem. He knew the Chief had a relationship with Complainant so he brought this to the Chief's attention. The Chief had a different relationship with Complainant than Milby; the Chief and Complainant played baseball together. He hoped the Chief could identify why there was so much tension with Complainant so they could resolve it and make the work environment better. He asked if either the Chief or Deputy Chief Bruce Blomdahl, who had a similar relationship with Complainant would have a conversation with Complainant His priority and intent were Complainant wellbeing and to make things better for him. Milby also let his boss, Deputy Chief Frank Assumma, know about the issues and his hope the Chief or Blomdahl would have a conversation with Complainant Milby said his conversations with the chiefs to get one of them to speak to Complainant were not in any way to sweep any of Complainant issues under the rug, but to get him some help and to make things more positive for him at work. He didn't want it to get to the point where Complainant was insubordinate and would violate policy.

I asked if he learned Complainant had an issue with Officer 1 and Officer 2 riding together. Milby said he learned this from Barney. He said the deployment of personnel was left up to the watch commander. Milby advised he had conversations about this with Barney and Officer 4 He also heard from Smith that Complainant had an issue with this. He reiterated that these decisions were made at the supervisory and watch commander level; they decide who ride as partners based on performance, number of personnel, and the needs of the city.

Milby also learned from Meier that Complainant had gone to Internal Affairs to file a complaint against Officer 1 and Officer 2 Once Milby became aware of it, he asked Officer 4 to investigate. Milby said there might have been a reason the officers didn't take a report and they didn't do anything wrong. Officer 4 investigated and reported to Milby that the reporting party had been contacted and no longer wanted to file a report; it turned out a family member had taken the vehicle. That was the explanation Milby received for a report not being taken.

Complainant complaint occurred following the testing process for sergeant.

Milby was not upset Complainant filed a complaint against Officer 1 and Officer 2 but said it was a personnel matter. If an officer made supervision aware of a potential policy violation, they

would investigate. However, there was no obligation to notify the complaining officer of the findings of that investigation. Supervision has an obligation to investigate, and that's what they did in this case.

Milby heard Complainant had an issue with the length of time Officer 1 lactation breaks were and the fact Officer 2 took these breaks with her. Supervision was dealing with those things. When Officer 1 was taking her breaks, Officer 2 would write reports. Complainant may not have known this or been provided with his information. Complainant voiced his concerns to supervision, but supervision advised Officer 1 and Officer 2 were not abusing the situation. This is the feedback Milby received. Milby did not know every problem Complainant had with Officer 1 and Officer 2

Milby's understanding was that Blomdahl met with Complainant and the meeting was fruitful. Milby spoke with Blomdahl briefly following Blomdahl's conversation with Complainant Blomdahl didn't provide details, but advised he had a long conversation with Complainant and Complainant admitted he could make some changes. Following the meeting, it appeared Complainant made these changes and wasn't confrontational and challenging. This lasted a short period, until the flyers were posted.

Milby became aware of the flyers on October 4, 2022. Meier informed him he found one in Complainant mailbox and one in the locker room. Officer 4 found an additional one in the locker room and brought it to Meier's attention. Meier showed Milby the flyer which had the words, "Rat Busters" on them. Milby said they were discourteous in nature, and he asked Meier to investigate to determine who was responsible for them. Meier told Milby that Complainant thought J. Mutuku was responsible for them based on Complainant going to Internal Affairs and a conversation between J. Mutuku and Complainant Meier told Milby that Complainant and J. Mutuku exchanged words at the Lincoln Station. This conversation occurred after Complainant complaint to Internal Affairs and prior to the flyers being posted.

I asked Milby if he pulled a "PA" (file number for an administrative investigation) after learning about the flyers. Milby said he did not. His rationale was Meier previously worked as an investigator in Internal Affairs and he (Milby) worked in Internal Affairs as the lieutenant. He described he and Meier were more than competent to conduct the investigation. As the division commander, he assigned Meier to investigate which included contacting Information Technology to see if it could be determined if/when the flyers were printed at the Lincoln Station and to review video from the cameras there. Milby had every confidence in his and Meier's ability to conduct a complete and thorough investigation and he had no intention of sweeping the matter under the rug.

Milby advised another reason he did not pull a "PA," was Meier spoke with Complainant and Complainant indicated he did not want a "PA." Milby said that didn't mean that he and Meier were not going to investigate, because this type of conduct could not be tolerated in the workplace and wouldn't be. Even though Complainant did not want it investigated at that time, Milby said they were still going to investigate and make every effort possible to identify the person who created the flyers. Meier began to informally investigate and kept Milby abreast of his investigation.

Milby also felt it was extremely important to get out in front of this and give clear direction to his command. The same day he learned of the flyers, he sent an email to his watch commanders and told them to share with personnel during roll call that posting any derogatory, demeaning or disrespectful comments or material toward another person or group of people at any police facility shall not be tolerated and was a violation of Department policy, specifically 330.3.2(j).[173] He included his bosses, both deputy chiefs, on the email to ensure they knew he was addressing the matter. Milby instructed watch commanders to address this and to note on the rosters it had been discussed. He ensured this was done in roll call for Watches A, B, and C on Wednesday and Saturday.[174]

Milby also spoke to Barney and Officer 4 and told them to convey to their troops that disparaging remarks at any level, any rank, shall not be tolerated. They had to ensure their supervisors did not get into any confrontations with any officer. Milby specifically pulled in J. Mutuku, with Meier, and made him aware of the same. He reminded J. Mutuku he was a supervisor and disparaging remarks shall not be tolerated, even if there was a difference of opinion. He told J. Mutuku to be professional. For consistency, Milby and Meier brought Complainant in as well and told him the same. Milby told Complainant even if he had a disagreement with someone or didn't like someone, disparaging remarks would not be tolerated. Milby felt by doing all these things to put everyone on formal notice and to do this early, would prevent this type of behavior from continuing and escalating to workplace violence. Milby advised no other flyers appeared after this.

Milby believed there was one negative incident between Complainant and J. Mutuku that occurred after this. (As Milby continued, it appeared he was confused as he described the confrontation between J. Mutuku and Complainant occurred prior to his conversations with them.) Milby didn't know details, but heard words were exchanged between J. Mutuku and Complainant who was working overtime at the swap meet. J. Mutuku was told by a watch commander (Collins) to contact Complainant and tell him to log on. Milby said this is what prompted Milby to have conversations with J. Mutuku and Complainant Milby told J. Mutuku he needed to use better judgement and should have considered sending someone else since there were issues between him and Complainant Milby said J. Mutuku never should have got sent to the swap meet to do this. He thought the lieutenant who did this was aware there were issues but wasn't sure. Milby said it could have been an oversight. (During J. Mutuku's interview, J. Mutuku said the watch commander did not send him to the swap meet. J. Mutuku made the decision himself to go there to tell Complainant to log on.)

Milby advised as soon as he learned there was a confrontation between J. Mutuku and Complainant he pulled J. Mutuku in, within a day or two, to have the conversation with him. He spoke to Complainant a few days after his conversation with J. Mutuku. He advised it was shortly after the flyers were posted. He wasn't positive on the timeline.

I asked Milby if he personally witnessed any behavior by a supervisor of any rank that would be considered hostile or retaliatory toward Complainant He said he didn't witness anything but did hear of an incident. He said he met with Officer 4 and Barney and advised he didn't want

[173] See Email from Captain Milby (10/4/23).
[174] See Patrol Rosters Provided by Captain Milby.

Complainant to work with Officer 1 and Officer 2 and vice versa. He said it could create an officer safety issue if people weren't getting along, talking to each other, and showing up on each other's calls. The lieutenants agreed with him. Officer 4 sat down with Officer 1 and Officer 2 to advise of this and ask how they felt. Officer 1 and Officer 2 were fine with this and since they were junior said they would work somewhere else. After this, there was a roll call in which the roster showed the three officers working in the same beat. Officer 4 recognized this and told the officer doing the roster to move Complainant to a different area. Complainant got upset. The sergeants recognized this and asked to move Complainant back. Complainant was moved back and Officer and Officer 2 were moved. Zackowski went out into the parking lot to advise Complainant and there was an altercation. Complainant called Zackowski a coward. Milby didn't witness this event but heard about it and notified his boss. He was instructed to let the investigation take its course because at that point, they determined there would be a formal investigation through Internal Affairs. Milby knew this would come out in the Internal Affairs investigation.

Milby has known Officer 4 for twenty-three or twenty-four years; they previously worked together at Oceanside Police Department. I asked Milby if he thought Officer 4 moved Complainant to another area to retaliate against him. Milby said no; Officer 4 was following his directive and the management decision to not allow Complainant to work with Officer 1 and Officer 2 and vice versa. If these officers could not get along, there could be an officer safety issue. Milby talked to Officer 4 after this occurred. Officer 4 told him it was an oversight on his part, the sergeants immediately brought it to his attention, and it wasn't personal against Complainant Up to that point, Officer 1 and Officer 2 had been the ones that were moved. Milby said Officer 4 was "fair and right and would do what was right." He wouldn't move Complainant for a personal issue. Milby believed this about Officer 4 He said Officer 4 would say what the truth is and what is right even though people may not agree with him. Milby said if Officer 4 had done this as a personal thing, he would've drawn a hard line and kept the change that moved Complainant Instead, Officer 4 immediately agreed to move Complainant back.

Milby said although the seniority of an officer is taken into consideration when making decisions about where an officer would work, or who they would work with, there were absolutely no property rights to any of those things. The watch commander makes the ultimate decisions to manage the watch and deploy resources as they see accordingly, based on the need.

In closing, Milby advised his current management team and supervisory group immediately addressed issues as they arose. This is not the first time Milby has served in a management capacity in Field Operations. Milby was the Executive Officer in 2020, which was a challenging year. There were issues that came up then, COVID-19, George Complainant etc. Having been in that position for about a year and now with almost a year in his current assignment, Milby knows the importance of dealing with issues immediately to avoid compounding the problem. That's always been his nature and he believes this to be Meier's nature. They always do what is in the best interest of the organization and its employees. Milby wants people to be safe and wants people to be happy when they come to work. However, sometimes no matter what you do to try and make things more enjoyable, you can't always make everybody happy. He said, "But I can tell you one thing…." he continued, "We do not ignore any issues… um… out there in Field Ops." He said they addressed things daily. Some things could be

addressed through conversations and other things had to be addressed more formally, but nothing got ignored.

I asked Milby if he knew if Complainant ever changed his mind about wanting a formal investigation. Milby recalled Complainant would reach out directly to Meier, but it wasn't until Complainant was moved from his beat and came to Internal Affairs that Complainant decided he wanted a formal investigation. Milby said he heard Complainant looked for him after the roll call in question, but Milby was in Meier's office with the door closed dealing with another personnel issue. Milby said both his and Meier's car were parked in their reserved stalls just outside the station, near the doors the officers used to enter and exit the station, and Milby's door was open. As soon as Milby and Meier got done with their meeting, Officer 4 made him aware Complainant wanted to talk to him (Milby) to file a complaint against Officer 4. Milby told Officer 4 Complainant didn't contact him. Officer 4 told Milby he instructed Complainant to go to Milby (Officer 4 boss), Human Resources, or Internal Affairs if he wanted to file a complaint against him. By the time Milby and Meier's meeting was over, and Officer 4 advised what happened, Complainant was already showing "10-6" (busy) at Internal Affairs. Milby never had the opportunity to talk to Complainant didn't text or call him, knock on the door, or wait for him at his office even though Milby had an open-door policy. Complainant never came to Milby.

After Complainant came to Internal Affairs to report a hostile work environment, Meier turned his investigation into the rat flyers over to Internal Affairs.

INTERVIEW OF WITNESS OFFICER JANET RAMOS:

On January 27, 2023, at approximately 12:40 pm, I interviewed District Attorney Investigator Janet Ramos by telephone. The following is a summary of Ramos' recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Ramos recalled a conversation she had with Complainant near the locker rooms at the Magnolia Street Police Station shortly before she left the Department. She told him how she was treated by J. Mutuku when she worked in the Narcotics Unit and said it was very difficult to work with that group. She worked with J. Mutuku, Nathan Asbury, Roger Serrato, Scott LeVesque, and Christie Arnold; Sergeant Joe Miera was their sergeant. She spent ten to eleven "painful" months there.

I asked if J. Mutuku ever asked her to do something she was uncomfortable with. She said it wasn't so much J. Mutuku, but more Asbury.[175]

Ramos said she knew what I was getting at. I told her Complainant shared their conversation, but rather than ask her questions, I'd rather she tell me about their conversation and then I would follow up.

Ramos agreed. She advised on her first arrest in the unit, J. Mutuku was supposed to test the drugs from her arrest. Ramos didn't see him perform the test, so she asked him if he did.

[175] Ramos Interview, approximate time index 3:00.

Mutuku told her he did, but the way he answered made Ramos question if he did. She asked Asbury if J. Mutuku tested the drugs. Asbury shrugged, implied he wasn't sure and left Ramos with the impression that Mutuku may not have tested them; it appeared Asbury didn't want to say yes or no. Ramos thought Asbury knew he didn't test them, but didn't want to throw him under the bus, since they "were boys." Ramos did not feel comfortable writing in her report the drugs had been tested. The drugs had already been booked into evidence, so Ramos went to the Property Unit the following day so she could test them herself. After that, Ramos never trusted J. Mutuku to test drugs from her arrests.

Ramos also mentioned an incident in which she was tasked to write a search warrant after J. Mutuku, Asbury, and Roger Serrato met with a confidential informant. Ramos claims she was told to write she met with the informant but could not recall who asked her to write that. Ramos questioned why she couldn't just write they had met with the informant and refused to write the warrant the way it was suggested to her. She could not recall if Arnold was there when this happened but was sure she told Arnold about it.[176]

J. Mutuku learned Ramos had retrieved her evidence from the Property Unit to test it. After the test and search warrant incidents, J. Mutuku got the message that she would not work the same way he did or "play the way they play." The guys excluded her from anything they did, and she and Arnold were often left out of operations and confidential informant meetings.

Asbury, J. Mutuku, and Serrato ran the unit; Sergeant Joe Miera was just "there, mouth breathing." Ramos said working in that unit was "horrible" and a "nightmare."

Ramos confirmed she called J. Mutuku a dirty cop when she spoke with Complainant She explained the reasons for having this opinion of J. Mutuku stemmed from her experience working with him. She wasn't going to lie in a police report or search warrant.[177]

Prior to working with J. Mutuku in the Narcotics Unit, she had never worked around him. Arnold told her J. Mutuku used to be a good cop when he was a School Resource Officer, and she didn't know what happened to him. I asked if Arnold also thought J. Mutuku was a dirty cop. Ramos didn't know. She knew Arnold didn't like the way he did things and Arnold also "covered her ass" working with J. Mutuku. Ramos said, "It was just like…. He didn't give a shit! Like…so insubordinate to Miera."[178]

Ramos claimed J. Mutuku ordered a cocktail while on-duty during a meal at the Roadhouse Grill in front of Miera. Ramos claimed the entire unit was present, except Detective Scott LeVesque, who was considered an outcast by other members of the unit. Miera, pretended not to notice J. Mutuku ordered the drink.

When asked if she considered J. Mutuku, Asbury, or Serrato to be unethical, she answered in the affirmative to J. Mutuku. She said Asbury wasn't unethical, but he cut corners, was lazy, and sloppy; she ended by saying she couldn't confidently tell me he wasn't ethical. Serrato

[176] Ramos Interview, approximate time index 7:45.
[177] Ramos Interview, approximate time index 15:45.
[178] Ramos Interview, approximate time index 17:45.

was good. He was nice to her one on one, but around the rest of the guys, he was more of a follower. He was the nicest one in the group, and she never saw him do anything that was unethical. LeVesque was fine; he was nice and tried to mentor her and Arnold. The guys didn't like him, so he was an outcast like her and Arnold.[179]

Ramos mentioned some of her concerns to Miera and Lieutenant Mark Rossi shortly before she left the unit. She told them the guys in the unit were "a-holes," they "half assed everything" and she didn't care if they sent her back to patrol. She ended up joining Arnold (who also left one or two months prior to her) in the Sexual Assault and Child Abuse Unit. Ramos said both Miera and Rossi dismissed her concerns and attributed her leaving the unit to childcare issues. Ramos said Rossi had one foot out the door because he was nearing retirement and didn't want to deal with any issues and Miera was just "there, mouth breathing."

Throughout the interview, she said J. Mutuku was insubordinate. In addition to ordering a cocktail on duty, she described an incident that occurred shortly after Sheriff Chad Bianco was elected. Her unit was going to take part in a multi-agency operation targeting marijuana grows. J. Mutuku was adamant he would not participate. He said, "Fuck that" and told Miera he would call in sick and Miera could write him up. Miera told J. Mutuku he was going to participate and J. Mutuku told him he would not. Ramos said Serrato, who is best friends with J. Mutuku, had to talk some sense into him.

She also advised J. Mutuku would often disappear. At the time, he lived down the street from the station. The rumor (and running joke) was he was at home when he should have been at work.

Ramos is not personal friends with Complainant or J. Mutuku.

INTERVIEW OF SUBJECT Officer 3 :

On January 31, 2023, at approximately 4:10 pm, Lieutenant Eric Detmer and I interviewed Officer 3 in the Conference Room at the Magnolia Street Police Station. Officer 3 elected to have Attorney Saku Ethir as his representative. Prior to the interview, Officer 3 and Ethir had an opportunity to review the Admonition of Rights Packet which we went over and signed. The interview was recorded using a department issued digital audio recorder. The following is a summary of the interview. It is not verbatim or necessarily in order but is organized for clarity.

Officer 3 has been a police officer for twenty-five years and a sergeant for ten years, all with Riverside Police Department. Officer 3 supervised Complainant about one year ago for six months. After Sergeant William McCoy was promoted, Officer 3 took over McCoy's crew and supervised Complainant for the remainder of that shift (approximately three months). Then Officer 3 had Complainant again at the following shift change (July 2023). Officer 3 also supervised Complainant several years ago, in 2014, for six months.

[179] Ramos Interview, approximate time index 10:45.

In January 2024, the Department had shift change. Complainant signed up to work for Officer 3 so Officer 3 is again Complainant direct supervisor.

Over the past twenty-five years Officer 3 worked with Complainant both as an officer/beat partner and supervised him on and off over the past ten years. As a new sergeant, Officer 3 gave Complainant an "Exceeds" or "Outstanding" on his evaluation; Complainant did outstanding work. This past year, Officer 3 noticed a change in Complainant behavior and work habits; "more complaining, more adversarial interactions."

Officer 3 was made aware of issues Complainant had with Officer 1 and Officer 2 Officer 1 and Officer 2 did not work for Officer 3 but Officer 3 learned of these issues by talking to other sergeants in the sergeant's bay. Officer 3 learned Complainant had a problem with Officer 1 lactation breaks during a conversation with Smith who sat next to Officer 3 and worked the same shift. Complainant had gone directly to Smith about this issue and then came back to Smith a day or two later and brought it up again. This time, Officer 3 was present. Officer 3 told Complainant his issue with Officer 1 lactation break wasn't going to go anywhere.

Complainant said he didn't have a problem with the lactation break but had an issue with Officer 2 was supposed to take phone reports, while Officer 1 was on break and the breaks should only be twenty or thirty minutes. He told Officer 3 the last few breaks were thirty-one and thirty-three minutes. Complainant was keeping track of the female officers, down to the minute. Officer 3 thought it was ridiculous. He told Complainant they weren't going to interfere with the breaks and if there were no phone reports to take, it was what it was.

Officer 3 never heard Officer 1 and Officer 2 were "untouchable" as Complainant claimed everyone said.

Initially, Officer 3 was not aware of the arrangement Officer 1 and Officer 2 had with their supervisor in terms of them riding together and Officer 1 taking her lactation breaks. He told Complainant it was a federal law and Complainant would have to suck it up.

Officer 3 did not observe any issues with Officer 1 and Officer 2 riding together. He did not hear of any other officer or supervisor that had an issue with them riding together, only Complainant When asked if he was aware of any issues or tension between Complainant the female officers, Officer 3 replied, "I'm aware of Compl having tension and issues with pretty much everybody." Officer 3 said he could provide numerous examples and said Complainant had issues with everyone but Complainant This has been the "overall trend" for Complainant but it has increased in intensity and frequency over the last year. Officer 3 was unaware of any other issue Complainant had with Officer 1 and Officer 2

Officer 3 learned Complainant filed a complaint against Officer 1 and Officer 2 about one week after Complainant filed the complaint. Officer 3 was pretty sure he heard it was for the officers not taking a report. He did not know the outcome of this complaint and thought Complainant retracted it; Officer 3 didn't know.

I told Officer 3 Complainant alleged he began to "come after" Complainant after he filed this complaint and started calling Weddle (Complainant partner) about their response times and how they handled

certain calls… specifically a call at Bordwell Park and a stalking call. Officer 3 remembered the calls. Just prior to this, either Officer 4 or Barney told the sergeants complaints had been coming in regarding response times. The complaints were not specific to any individual and sergeants were instructed to monitor response times. Officer 3 said this was something he already did anyway. As far as the stalking call, there were two that night and it turned out Complainant and Weddle's call was unrelated.[180]

Officer 3 advised if he had called anyone else, it would've been, "OK sarge, no problem" but with Complainant it was always adversarial. It didn't matter if he asked Complainant to fix a report or if he had questions about a call. He said, "It's always an unpleasant, adversarial conversation."[181]

Therefore, Officer 3 usually called Weddle. When Officer 3 called Complainant he answered like he didn't know who was calling him even though Officer 3 knew Complainant had his number programmed in his phone.

Officer 3 said after receiving the instruction from Officer 4 or Barney, he called other units as well; the calls were not exclusive to Weddle and Complainant Officer 3 did not make the calls to Weddle to retaliate against Complainant.[182]

Officer 3 did not recall showing up on a call that Weddle and Complainant were on and advising them response times were being watched. He said if lieutenants were questioning response times, he had no problem immediately addressing this and this is consistent with something he would do. He gave examples of how officers "played" the game to take extended breaks and how he monitored this and overcame these issues with those officers. This is in Officer 3 normal course of duty as a sergeant.

Officer 3 tried to recall all the reasons Complainant and Weddle were split from riding partners. He knew he had a conversation with Weddle the same night Sergeant Matt Lewis was killed. (Lewis was killed August 2, 2022). Officer 3 told Weddle he had a future at the Department and had fifteen to twenty years left in his career whereas Complainant was over fifty years old and could leave whenever he wanted. He told Weddle he should consider riding with someone else. Officer 3 could not remember all the issues, but said Complainant and Weddle were "beefing" with other officers.[183]

Weddle was a good cop in Officer 3 opinion and Officer 3 thought it would be a good idea for Weddle to separate from Complainant Weddle had time left in his career and could be mentored; this was not the case with Complainant Officer 3 believed Complainant negativity was beginning to rub off on Weddle, who was testing for sergeant, and thought it was in Weddle's best interest for him not to ride with Complainant anymore.

The discussions to separate Complainant and Weddle started well before Complainant made any complaints. There were reasons why they weren't separated sooner. First, Weddle was going through

[180] Officer 3 Interview, approximate time index 14:30.
[181] Officer 3 Interview, approximate time index 16:40.
[182] Officer 3 Interview, approximate time index 17:40.
[183] Officer 3 Interview, approximate time indexes 21:00 and 30:15.

some personal issues at home. Officer 3 didn't think it would be good to separate them at that time, when Weddle wasn't on his "A game." Then, Lewis was killed, and Officer 3 didn't want to split them because people's heads weren't in the right spots. Supervision elected not to separate them during these times for safety and morale reasons. When Complainant and Weddle were split, Officer 3 was off.

In addition to Weddle, Complainant was also testing for sergeant. Officer 3 and some of the other sergeants offered to do mock oral interviews with the officers that were testing. Officer 3 took the time to create questions and conduct the interviews. Complainant scheduled a mock oral interview but called in sick on the day of the interview. He never called or sent Officer 3 a text to advise he wasn't going to make the interview, nor did he ever ask to reschedule. At the time, Complainant and Weddle were still riding together. Officer 3 took time with both officers in the back lot at the Orange Street Station to prepare them for their interviews. He gave them information on how to score high on interview questions. He offered to review their opening and closing statements. Weddle accepted the offer and Officer 3 helped Weddle with both statements. Complainant never participated in the conversation and never had anything to offer. Officer 3 was not surprised Complainant did not show for the mock oral interview, nor was he surprised Complainant walked away from the testing process and withdrew his name the day before his actual oral interview.

Officer 3 stated Complainant and Weddle were not split out of retaliation. In addition to the reasons already provided, there were complaints coming in about Complainant and Weddle. Other officers hated working with them, and that was not the case when Weddle was by himself.[184]

Officer 3 denied retaliating against Complainant in any way. He also denied observing any hostile or retaliatory behavior by any supervisor toward Complainant.[185]

When asked if he ever observed Complainant speak to supervisors in a manner that would cause or provoke tension, he answered, "Yes." Officer 3 advised Complainant was good at walking the line of insubordination. The times Complainant pushed Officer 3 buttons, they both "went at like men." Officer 3 said it was difficult to explain, but every interaction with Complainant was unpleasant. Complainant was "very immature" especially for someone of his age and tenure. Officer 3 did not witness it, but heard Complainant called Zackowski a coward. Officer 3 could not think of any other officer that behaved the way Complainant did or walked the line of insubordination the way Complainant did.[186]

Officer 3 said Complainant reputation years ago was he was very proactive and had extensive knowledge of Casa Blanca; Officer 3 considered Complainant knowledge of Casa Blanca gangs to be expert level. However, Complainant always had a complaint. Twenty years later, it appears the complaints Complainant has had, have consumed him. Officer 3 said, "He doesn't like the direction law enforcement is going, he hates the leadership at RPD, he refers to RPD as a circus, he makes fun of the command staff…" Officer 3 asked why he didn't retire if he hated it here so much. Complainant responded by asking why he would retire when he could get paid to watch the circus under the big top. Officer 3 found this interesting because he thought Complainant was friends

[184] Officer 3 Interview, approximate time index 30:30.
[185] Officer 3 Interview, approximate time index 31:45.
[186] Officer 3 Interview, approximate time index 32:00.

with the Chief. Complainant would bash the command staff and how RPD operated but claimed to be friends with the Chief of Police.[187]

Detmer asked Officer 3 if he ever heard Complainant refer to sergeants as the enemy. Officer 3 said, "Yeah." Officer 3 said he knew Complainant did well on the written exam for the position of sergeant. He asked Complainant about his sergeant interview and Complainant said something similar to he decided he couldn't sleep with the enemy. Officer 3 told him usually people figured that out prior to taking the test.

Officer 3 was present in roll call when Complainant was moved to Area 5. He didn't know why Complainant was moved, but when Officer 3 saw this, he said Complainant needed to be moved back to his area and Complainant was usually 3R28. Zackowski also said something, but Complainant stormed out. Officer 3 thought it was an oversight on Officer 4 part. As soon as it was brought to Officer 4 attention, he readily agreed to move Complainant. Zackowski went out into the parking lot to notify Complainant and Officer 3 heard it went "real shitty" and there was name calling. Officer 3 said Zackowski had been advocating for Complainant and it got fixed immediately.[188]

Officer 3 was unaware of any issues between Complainant and Officer 4 prior to that and did not believe this was done in retaliation. He believed there were some personnel issues and Officer 4 moved someone to avoid this but happened to pick the wrong officer. Officer 3 knew a decision was made by supervision to not allow Complainant to work in the same beat as Officer 1 and Officer 2 and vice versa. I asked if Area 5 needed an additional officer the night Complainant was moved, so Officer 4 moved Complainant. Officer 3 said this sounded right and could have been the issue, but he was not positive.[189]

Officer 3 knew officers were moved for various reasons but could not recall ever having a personnel issue like this where supervision felt officers could not work in the same beat as one another and therefore would not allow it.

After Zackowski came back inside from letting Complainant know he had been moved back to Area 2, Complainant came back into roll call to file a complaint against Officer 4 with Officer 4. Complainant tried to hand some forms to Officer 4 but Officer 4 told Complainant he needed to go to the captain, Internal Affairs, or Human Resources since the complaint was against him. Complainant left then returned a couple minutes later saying the captain wasn't in his office. Officer 4 directed him to Internal Affairs or Human Resources.[190]

Complainant appeared to have a "fight or flight" look when this occurred. He was very agitated, red faced, and shaking. Officer 3 said, "That's how he gets." He didn't remember Complainant yelling.[191]

Officer 3 observed one or two rat flyers in the locker room. He didn't know what they meant. He knew the flyers said something but didn't recall they said Rat Busters; he didn't know what

---

187 Officer 3 Interview, approximate time index 33:45.
188 Officer 3 Interview, approximate time index 36:30.
189 Officer 3 Interview, approximate time index 38:30.
190 Officer 3 Interview, approximate time index 41:00.
191 Officer 3 Interview, approximate time index 41:45.

Rat Busters meant. When he first saw the flyers, he didn't know if the flyers referred to anyone or not. He didn't think anything of them and just dismissed them. There wasn't anything about the flyer that grabbed his attention, and the flyer didn't appear threatening.[192]

The flyers were taken down and he never saw them again. He didn't draw a connection between the flyer about someone ratting someone out. He didn't give the flyer much thought and didn't cross his mind this may be a form of retaliation or harassment.[193]

Officer 3 did not print or post the flyers. He did not hear who might have placed them.[194]

Officer 4 (or Barney) addressed the flyers in roll call the next day. He advised they would not tolerate that behavior and were investigating. Complainant from the back of the room, said he wanted to know the outcome of the investigation. That's when Officer 3 made the connection the flyers may have something to do with Complainant Later, Officer 3 also heard one of the flyers was placed in Complainant mailbox.

At the time the flyers were posted, Officer 3 did not know anything about the relationship between Complainant and J. Mutuku. Officer 3 later learned there was an issue between J. Mutuku and Complainant regarding Complainant not logging on for a swap meet shift. Officer 3 heard J. Mutuku was directed by the watch commander to go tell Complainant who was working the swap meet, to log on. Officer 3 was not present for this conversation, he only heard they had a "beef."

Officer 3 never heard J. Mutuku say anything about Complainant having an issue with Officer 1 and Officer 2 riding together and he never heard J. Mutuku say anything about Complainant filing a complaint against Officer 1 and Officer 2 with Internal Affairs. He never heard J. Mutuku say anything negative about Complainant having issues with Officer 1

Officer 3 acknowledged at shift sign up, sergeants sign up first, followed by officers. With Complainant tenure, Complainant could sign up for any crew he wanted, but still signed up to work for Officer 3 Detmer asked Officer 3 if he would sign up (as an officer) to work for a sergeant that was causing him a hostile work environment. Officer 3 answered, "Not at all. I would not sign up on that crew."[195]

In closing, Officer 3 mentioned Complainant had blocked his cell phone number. Officer 3 would have to have Tipre call Complainant to reach him. This was another example of some of the games Complainant played.

I told Officer 3 I heard Complainant would ask for Officer 3 ETA over the radio and asked if this was normal. Officer 3 confirmed Complainant would ask for his ETA over Channel 1 and said this was not normal. Other than Complainant Officer 3 has never had another officer ask for his ETA. Occasionally an officer might have a need to do this, but there was no need the amount of times Complainant did this. Officer 3 take was Complainant did this "more as a probing." The only time Officer 3 could see an

[192] Officer 3 Interview, approximate time index 42:45.
[193] Officer 3 Interview, approximate time index 44:45.
[194] Officer 3 Interview, approximate time index 45:35.
[195] Officer 3 Interview, approximate time index 49:30.

officer asking for an ETA, is if the other unit had an asset that they might need. In these cases, Officer 3 didn't have anything Complainant needed. This was done officer to officer.

Officer 3 agreed a lot of communication today between officers and their sergeants was handled by cell phone. I asked Officer 3 if he thought this was a game Complainant played with supervision. Officer 3 answered, "Yes. It's nothing but a game with him." I asked if he would call it poking the bear and Complainant trying to antagonize. Officer 3 answered, "Yes."

When asked if Officer 3 had anything else, Officer 3 said, "We could go on and on, but there's no need." He said, "He likes to poke the bear. He likes to walk that fine line between insubordination." He continued, "And he's good at it. He's very good at it."

Officer 3 opinion was Complainant had something else going on and needed assistance elsewhere.

INTERVIEW OF WITNESS OFFICER DEXTER PATTISON:

On January 8, 2023, at approximately 7:57 am, I interviewed Officer Dexter Pattison by telephone. The following is a summary of Pattison's recorded interview. It is not verbatim or necessarily in order but is organized for clarity.

Pattison could not recall any details regarding the overtime he worked on October 1, 2022. He said it was common for him to stay late and write reports on Watch B.

(Later, through email communications, Pattison advised he typically wrote his reports in the report writing room at the Lincoln Station.)

SECOND INTERVIEW OF SUBJECT OFFICER JAMES MUTUKU:

On February 21, 2023, at approximately 3:01 pm, Lieutenant Eric Detmer and I interviewed Sergeant James Mutuku in the Internal Affairs Conference Room. Prior to the interview, we provided J. Mutuku an Admonition of Rights Packet, an audio recording and transcript of his interview on January 19, and video footage from the Lincoln Station from October 1, which captured him walk into the Lincoln Station at 4:05 pm.

J. Mutuku declined to listen to his previous interview or review the transcript; he advised he recalled what he previously said. He also declined to review the video. Together, we reviewed the Admonition of Rights Packet. J. Mutuku understood his rights and did not have any questions. He elected not to have a representative present and signed the Admonition of Rights Packet in our presence.

The following is a summary of J. Mutuku's recorded interview. It is not verbatim or necessarily in order but is organized for clarity. (J. Mutuku's interview was also transcribed and is attached to the case file.)

J. Mutuku could offer no explanation as to why his prints were located on the flyer that had been encased in a frame and found in the men's locker room. He maintained he did not post the flyers and had never seen them.

He admitted he was frustrated with Complainant and did not like him. I asked if this was enough to drive him to place the flyers. J. Mutuku denied it was. He said, "I cannot explain why my fingerprints would be on there."[196]

J. Mutuku was presented with the report from CAL-ID which showed his fingerprints were located on the flyer. Detmer explained it looked bad. J. Mutuku said, "I understand, but I'm telling you that I did not put the flyer up. I do not know why my fingerprints are on the flyer. I hadn't seen the flyer. I've never seen the flyer."[197]

I asked if there would be any reason why his prints or DNA would be on the frame that the flyers were in. Mutuku replied, "I mean, you have to—uh, where is this frame at, uh, 'cause [*sic*] you… you (unintelligible) in some vinyl frame. I don't know what you're talking about, 'cause [*sic*], again, I didn't… I haven't… so I don't… where's this… I… I don't know where you're talking about location-wise, anything else."[198]

J. Mutuku maintained he did not print the flyers, put up the flyers, did not put them in the vinyl frame, and did not see them.[199]

I reminded him we also had video of him entering the station minutes before the flyer was printed. I asked if he remembered that day and if he could remember seeing anyone else at the station… someone else that we could investigate. J. Mutuku could not recall and said he would have to look at his log and everything else.

Detmer and I both told J. Mutuku we were surprised by the results from CAL-ID.

J. Mutuku said, "I a hundred percent get it, but I… again, I'm standing by what I said. I di… I didn't print the flyer, I've never seen the flyer, and I didn't put the flyer up or touch this vinyl case that you're talking about."[200]

I told J. Mutuku I looked at every possibility in terms of who was responsible for the flyers to include who worked that day. I explained several names were mentioned in the sixteen interviews that were conducted for this investigation and only three of those individuals worked the day the flyers were printed: J. Mutuku, Officer 1 (but she took the day off), and Officer 2 but her unit GPS showed her on the east side. He replied, "Okay."

---

[196] J. Mutuku Interview 2, approximate time index 5:30; page 4 of transcript.
[197] J. Mutuku Interview 2, approximate time index 6:45; pages 4 and 5 of transcript.
[198] J. Mutuku Interview 2, approximate time index 7:15; page 4 of transcript.
[199] J. Mutuku Interview 2, approximate time index 8:00 page 6 of transcript.
[200] J. Mutuku Interview 2, approximate time index 10:30; page 8 of transcript.

I explained I also looked at who could have been in the station at the time the flyers were printed, because after 4:00 pm, dayshift would have likely gone home. He agreed and said, "Yeah, the majority of them, yeah."[201]

I told him I pulled Telestaff and GPS records to see who might have been at the station at the time the flyers were printed. Telestaff only showed two officers, Pattison and Cappelen that held over and neither of them were mentioned by anyone interviewed. GPS records only showed two units at the station at the time the flyers were printed. (*One of these units was J. Mutuku; the other was Sergeant Tanner Paes who was not mentioned by anyone interviewed in this investigation.)* I told him there weren't many people at the station that would have had an opportunity to print the flyers. He replied, "Okay."

I told J. Mutuku I knew from personal experience how hard it was at times to work with your spouse. I could see why he would be frustrated and I didn't understand why he never reported Complainant for not backing his wife on calls. I told him I just wanted him to be honest.

J. Mutuku replied, "I understand what you're saying. I understand the evidence you've presented reference this. It's black and white. I'm not stupid. I get it. I get all the circumstantial stuff. I understand that, but my answer's not gonna [*sic*] change. From the first interview, from the three times I've said it now, it's gonna [*sic*] be the same answer."[202]

J. Mutuku said he respected Detmer and me, "but my answer is—there's nothing's gonna [*sic*] make me change my answer. Uh, that's—my answer's what it is."

I explained prints had not yet come back on the frame of the flyer, but all the evidence items collected had also been swabbed for DNA. I explained the frame was not an item stocked at the Department. Since J. Mutuku maintained he was not responsible for the flyers, I asked if he would be willing to voluntarily supply a buccal swab to collect a sample of his DNA to show his DNA was not on the frame. Mutuku answered "yes." He said he would have no problem doing that but said he may have touched a locker on his way out of the locker room.[203]
He continued, "But usually, like, special cases that somebody brought and put, that aren't… don't usually belong there, then, then, there's no reason for me… my DNA to be anywhere on there, and I have no problem with providing a buccal swab.[204]

Detmer explained to J. Mutuku three different fingerprint examiners compared and confirmed J. Mutuku's prints were located on the flyer inside the vinyl or plastic frame.

I moved on and asked J. Mutuku why he drove to the swap meet to tell Complainant to log on instead of calling him on the phone or radio. J. Mutuku said he wanted to make sure Complainant was physically there. I told him I was curious about this because when he did that, there were

[201] J. Mutuku Interview 2, approximate time index 12:30; page 10 of transcript.
[202] J. Mutuku Interview 2, approximate time index 14:00; page 11 of transcript.
[203] J. Mutuku Interview 2, approximate time index 18:15; page 14 of transcript.
[204] J. Mutuku Interview 2, approximate time index 18:45; page 14 of transcript.

already issues with Complainant and he agreed. I asked why he didn't just call him and ask then. He replied, "The only reason is to make sure he's physically there."[205]

I began to ask if he doubted and J. Mutuku interrupted. He said, "Not… I didn't doubt. I just wanted to make sure." He said it was odd someone didn't log on for overtime. I told him I understood it was common for Complainant to do that and it was a repeated problem. J. Mutuku said he had never seen Complainant do that before, but he may have. He explained he (J. Mutuku) usually worked Area 5, but that particular day he worked Area 4 (swap meet is located in Area 4).

J. Mutuku said since his first interview, there have been no verbal disputes with Complainant but Complainant has continued with the "silliness…" the puffing on the chest…

I asked if J. Mutuku had any questions for us. J. Mutuku did not have any questions but advised he would like to consult with an attorney prior to his DNA being collected.[206]

We ended the interview at 3:24 pm.

After the interview, I downloaded the audio recording and added it to the thumb drive that contained the audio recording from his first interview and the video footage from the Lincoln Station. I provided the thumb drive to J. Mutuku along with the transcript of his first interview. I also scanned his Admonition of Rights Packets and emailed him a copy. J. Mutuku thanked me and left.

On February 22, 2023, Attorney Saku Ethir notified me J. Mutuku had reached out to her. She inquired about J. Mutuku's interview recordings and transcripts. I informed her I provided everything to J. Mutuku except the transcript of his second interview. She acknowledged J. Mutuku had them and said she would review them. I told her I would forward the transcript of the second interview once it was available. I emailed her and J. Mutuku the transcript of the second interview and the Complaint Control Form on February 23, 2023.

INTERVIEW OF SUBJECT Officer 3 :

On March 1, 2023, at approximately 3:08 pm, Lieutenant Eric Detmer and I interviewed Officer 3 in the Internal Affairs Conference Room. Officer 3 elected to have Attorney Saku Ethir as his representative. Prior to the interview, Officer 3 and Ethir had an opportunity to review the Admonition of Rights Packet which we went over and signed. They were also given the opportunity to review audio of Officer 3 interview on January 31, but they declined. The interview was recorded using a department issued digital audio recorder. The following is a summary of the interview. It is not verbatim or necessarily in order but is organized for clarity.

[205] J. Mutuku Interview 2, approximate time index 21:00; page 16 of transcript.
[206] J. Mutuku Interview 2, approximate time index 22:30; page 18 of transcript.

Officer 3 did not know why Complainant filed the second complaint, other than "this is what he does," but said Complainant told him he was going to file it.

On February 20, at approximately 10:15 pm, a violent domestic violence was broadcast over the radio. Complainant beat partner, Officer Daniel Covarrubias, was dispatched to the call. The dispatcher advised the male suspect in that call, broke into the residence and was assaulting his wife/girlfriend and the children. Officer 3 could not recall all the details broadcast, but it was enough that Covarrubias copied the call and put himself enroute to the call Code 3 (emergency response with lights and sirens).

Officer 3 observed two other Area 2 officers were responding to the call to assist Covarrubias. In addition, two officers from Area 1 were also responding to assist based on the circumstances of the call. Complainant was on Code 7 (meal break).

When Covarrubias arrived on scene, he asked how far out his back up was. That was a clue to Officer 3 that Covarrubias either had something in front of him that needed to deal with right then, or he heard something and something wasn't right. Officer 3 asked over the radio for the nearest unit. Officer Tai got on the radio and advised he was two minutes out. To Officer 3 two minutes is a long time to wait for back up. Officer 3 didn't think two minutes was good and that officers needed to get there to help that family out. Officer 3 asked over the radio if there were any other units closer. He asked if "28" (Complainant was closer. Officer 3 looked at the board again and observed Complainant had not cleared himself from Code 7. Officer 3 advised over the radio, "10-22, he's on Code 7."[207]

Officer 3 advised this was his way of hinting to Complainant to clear Code 7 and put himself enroute to the call. That's what is expected at the Department, it's in the policy, it's a matter of practice, it's standard operating procedure and it's a well-known practice in the law enforcement profession. Complainant didn't do that and this irritated Officer 3 He said it was 10:15 pm and, "we all know that he's not on Code 7. He's not eating. He's not doing anything."

Right after Perkin's radio traffic, he received two text messages from Complainant Officer 3 read aloud the first message received at 10:36 pm. Officer 3 said it read, "I guess you didn't watch the city harassment video." Officer 3 ignored this text as he was still trying to manage the call and getting ready to respond to the call. At 10:37 pm, Officer 3 received a second text from Complainant that read, "And I apologize for taking my lunch. I didn't realize that was prohibited." Officer 3 ignored this text as well.

Within minutes and as Officer 3 gathered his things to respond to the call, Complainant came into the sergeant's bay. (A graveyard sergeant put himself enroute to the call so that alleviated the need for Officer 3 to respond.) Complainant asked if he wasn't allowed to take his Code 7. Officer 3 told him nobody said Complainant couldn't take Code 7, but Complainant was expected to clear Code 7 immediately when something was going down in his beat. This was especially true when a unit was rolling Code 3 to a violent domestic violence call. Complainant took issue with that.[208]

---

[207] Officer 3 Interview 2, approximate time index 5:10. "10-22" is the radio code for cancel last transmission/request.
[208] Officer 3 Interview 2, approximate time index 8:15.

Officer 3 told Complainant that wasn't how we did business. He explained there was a reason we got a paid lunch and we were sworn employees. We get a paid lunch because we can be dispatched to, and expect to respond to, calls for service even if we are sitting down eating food.[209]

Officer 3 said, "So yeah… I was a little irritated that… here's a guy that proclaims to be… uh… the best policeman RPD has ever known and yet he can't get off his ass and go respond to help his beat partner." Officer 3 said the young officer that responded could have been involved in a major physical fight with someone. Not only did Complainant fail to respond to help his beat partner, but he also took time to send Officer 3 two text messages within a short time span. Shortly after sending the messages, Complainant came into the sergeant's office and decided to have a verbal confrontation with him. This told Officer 3 Complainant was in the parking lot when he sent the messages. Also, another sergeant told him they had just seen Complainant in the parking lot.[210]

Officer 3 told Complainant he was wrong and he was "a shitty beat partner" for doing that. This led to "a big shouting match" in the office. Complainant told Officer 3 he was career dead like he was. Complainant called Officer 3 a loser because he couldn't get promoted. Officer 3 had enough. He told Complainant "Get the fuck out of this office." He told Complainant he was done talking to him. Complainant told him he was going to file a complaint for cursing at him. Officer 3 told him he didn't care what he did. He told him to file a complaint, nobody cared what he did, and this was Complainant new thing…to file complaints on people.[211]

Officer 3 also told Complainant he was the most immature fifty-three-year-old he had ever met in his life. Complainant wiped boogers on the walls and took a bite out of every donut in the breakroom if a church brought them in for the officers. Officer 3 said Complainant has been doing these things for over twenty years.[212]

There wasn't anyone else in the sergeant's bay when Officer 3 and Complainant exchanged words. However, Sergeant Ouk walked in briefly, grabbed something off desk, and left.

Officer 3 believed the domestic violence call came out around 10:15 pm. He said Officer Daniel Covarrubias handled the call and it made the graveyard shift summary. Officer 3 said the suspect broke the window to the house, attacked the mother, attacked all the kids, and it was a big mess.[213]

Officer 3 said Complainant typical practice is to put himself on Code 7 during the transition period between swing shift and graveyard. Officer 3 has observed Complainant do this several times and doesn't care that he does it, but when something is going on in the beat, Officer 3 expects Complainant to clear Code 7 and put himself enroute to the call. Officer 3 didn't think this expectation was unreasonable. He did not know if Complainant asked if he was clear to take Code 7, but never

---

209 Officer 3 Interview 2, approximate time index 8:45.
210 Officer 3 Interview 2, approximate time indexes 9:15 and 12:08.
211 Officer 3 Interview 2, approximate time index 9:45.
212 Officer 3 Interview 2, approximate time index 11:00.
213 Officer 3 Interview 2, approximate time index 11:00.

hears him ask over the radio. As far as Officer 3 knew, Complainant just puts himself Code 7 from his MDC.[214]

Complainant level of disrespect and insubordination has gotten to the point where it cannot be tolerated anymore, but it appears it is being tolerated. Officer 3 doesn't tolerate it. This is his second time in Internal Affairs for the same individual.

Prior to the domestic violence call, there was another incident that happened earlier in the shift. At approximately 9:30 pm, dispatch put out information from Fullerton Police Department regarding a suspect vehicle involved in the robbery of a Game Stop. Dispatch advised the vehicle was tracking eastbound on SR-91, provided a vehicle description, partial plate, and suspect descriptions. Officer 3 did not initially copy the call, but began to hear radio traffic, specifically Complainant that he was on the freeway attempting to locate the vehicle.[215]

Officer 3 received a call from dispatch and they asked if he copied the call. They provided additional details to include there was a device in the suspect vehicle that was allowing law enforcement to track the vehicle. The call was beat info only, but Officer 3 was good with Complainant attempting to locate the vehicle.

Eventually however, dispatch advised the vehicle was tracking in Colton. Officer 3 confirmed with dispatch the vehicle was no longer in our city, then told all RPD units to clear and return to the city. Officer 3 said Complainant probably took issue with that, and thought Officer 3 was singling him out. Officer 3 wasn't singling him out but was acting in his normal course of business as a field supervisor. In addition, Complainant was not the only unit that was attempting to locate the vehicle.[216]

There have been additional incidents involving Complainant since February 20. For example, yesterday, during roll call, Detectives Josh Ontko and Dave Riedeman (Riverside Police Officer's Association Vice President and President) came in to give a brief about some of the things that have been going on. The presentation was helpful. Ontko and Riedeman extended an olive branch for officers that may need assistance. At the end of their presentation, Ontko and Riedeman asked if anyone had any questions. Complainant raised his hand and asked if they ever found out why the gun wasn't found on "that dead kid out in the field" and "whatever happened with that. (The incident Complainant asked about occurred on December 26, 2022.)[217]

Complainant knew what happened, because Officer 3 was on that call and provided a brief to roll call following it. Officer 3 was the supervisor on scene when he, the officers, and the coroner did not find the gun. He said the coroner didn't "find the hole in the guy's head either," and they didn't look for a gun other than what they could see. The gun was in the bushes, it was dark, and the coroner literally placed a body bag on top of it which likely further pressed the gun into the weeds.

---

214 Officer 3 Interview 2, approximate time index 13:05.
215 Officer 3 Interview 2, approximate time index 16:15.
216 Officer 3 Interview 2, approximate time index 18:25.
217 Officer 3 Interview 2, approximate time indexes 20:40 and 23:20.

Officer 3 said it was a clear "jab" and "dig" at him by Complainant when Complainant asked these questions, because Officer 3 briefed the call during roll call the same day he learned of the information. The day after the body was located, the coroner's officer discovered a hole in the guy's head and contacted RPD's Robbery Homicide Unit. They in turn contacted Officer 3 and asked him to respond to help locate the possible crime scene in the field. Officer 3 met detectives in the field at approximately 10:00 am and they located the gun. Officer 3 then briefed everyone in roll call hours later about what happened. Complainant sat in the back "laughing and smiling."[218]

Complainant was also "laughing and smiling" now that J. Mutuku was "on the ropes now." That's the way Complainant is and that is what he does. He takes these jabs, constantly skirts the line of insubordination, and clearly had crossed it many times now. It's reached a point where Complainant is incapable of being supervised by a sergeant.[219]

Officer 3 said Complainant believes he could do no wrong and when he does do something wrong and someone calls him on it, "he loses his marbles." Officer 3 said, "But he, himself, can attack every bureau he's ever worked in, every supervisor that he has to answer to… every… any time his actions are called into question or even remotely challenged… he flies off the rails."[220]

On February 20, Complainant got under Officer 3 skin when he called him a loser for not being able to get promoted. These were conversations Officer 3 had with Complainant "as a friend" in the past. Officer 3 had expressed his frustrations to Complainant about his profession. For Complainant to then use that against him, was "kind of a low blow, very immature, and unprofessional." Officer 3 said, "And I thought…you know what? I'm done with you. Get the fuck out of this office. And I had to tell him more than once."[221]

Officer 3 was fine afterward. He said he could "go toe to toe with anybody if we're yelling and screaming at each other and we're done." That was fine and he was cool with that. Then Complainant went off and filed a complaint with Internal Affairs, which was "entertaining."

Officer 3 advised Complainant used profanity during their exchange (but could not recall specifically what Complainant said) and without a doubt both Complainant and Officer 3 voices were raised. Officer 3 has heard Complainant use profanity in the past and said it was common for Complainant and most officers to use profanity. Officer 3 agreed it was common for personnel within the Department to use profanity and said it was not always used in a confrontational manner but in normal, routine discussions. Most of the time, it's not used in a confrontational manner.[222]

Officer 3 believed Complainant sole purpose for going into the sergeant's bay that night was to start a confrontation with him, because Officer 3 did not reply to Complainant text messages. Officer 3 said, "He boils over that. He stews and boils. This is a guy that should not have a gun and he shouldn't have a badge. He's mentally unstable and I'm putting it on record. I think he's

---

218 Officer 3 Interview 2, approximate time index 21:40.
219 Officer 3 Interview 2, approximate time index 22:45.
220 Officer 3 Interview 2, approximate time index 23:45.
221 Officer 3 Interview 2, approximate time index 24:20.
222 Officer 3 Interview 2, approximate time index 25:20.

going to walk into roll call and start blasting people and I'm going to be the first one. That's… that's what we're dealing with here and I've made that point to several people."[223]

When asked if Officer 3 noticed anything about Complainant when he came into the sergeant's bay, Officer 3 advised Complainant doesn't use any rank or titles when addressing people to show respect, at least at the sergeant level. He further described Complainant face gets red, he appears to break out in hives and he is unable to control his emotions. Officer 3 admitted he was "pissed" that day after Complainant said what he did. It's a problem that Complainant behavior has been allowed to continue. Officer 3 realizes there is an on-going investigation but believes Complainant behavior needs to be addressed more than just being told by lieutenants to not talk to sergeants the way he does. Officer 3 knew of two lieutenants who had conversations with Complainant telling him he couldn't talk to sergeants the way he does, but it continues to happen.

Officer 3 asked if Complainant was being investigated as a subject officer for failure to take action or dereliction of duty regarding Complainant not clearing Code 7 and responding to the domestic violence call discussed earlier. Detmer advised we couldn't give specifics, but it was obvious why Complainant had gone from a complainant to a subject officer. He explained we were addressing concerns brought to light by multiple witnesses. Officer 3 wanted to be sure this issue would be addressed, otherwise he wanted to file a complaint on Complainant for dereliction of duty.

Officer 3 agreed that he and Complainant have used profanity around one another and have had heated discussions prior to February 20. Complainant has also had these types of exchanges with other supervisors and other officers. Complainant remembered having a similar exchange with Complainant about fifteen years ago, when Officer 3 was still an officer; when Complainant questioned how Officer 3 managed a beat. Officer 3 said, "But then… then you find out… oh… he's done that with the Gang Unit, Aviation, and the more you talk to people… it's like… wow! Everywhere this guy goes… he has a problem with everything everybody does but he doesn't have a problem with himself." Complainant is incapable of doing a self-evaluation of his own career path and behavior which is something we all must do. Officer 3 said, "It's just impossible for him to do that, which is unfortunate."[224]

When Complainant first came into the sergeant's bay, he confronted Officer 3 about taking Code 7 but then switched gears and began to personally attack Officer 3 by telling him he was career dead and called him a loser because he couldn't get promoted. Officer 3 is currently on the promotional lieutenant's list and this is the fourth list he has been on. Complainant knows that. That was the final straw that prompted Officer 3 to tell him to "get the fuck out of the office." It started though over Complainant failing to clear Code 7 to respond to a violent domestic violence call in which an inexperienced officer was responding to Code 3.[225]

Ethir mentioned Officer 3 stated in his last interview, he did not allow Complainant to get under his skin. She said there was only so much someone could take however, and this personal attack on Officer 3 was what pushed Officer 3 to the point where he allowed Complainant to get under his skin.

---

223 Officer 3 Interview 2, approximate time index 26:40.
224 Officer 3 Interview 2, approximate time index 29:50.
225 Officer 3 Interview 2, approximate time index 31:00.

Officer 3 agreed and said he has seen Complainant get under the skin of others to include Zackowski. He used to tell Zackowski to let him deal with Complainant because Complainant was on his squad and was his problem. Officer 3 acknowledged he has had heated debates with Complainant and was totally fine with that. He said, "But, you know… I just have had enough of it. It's just gotten to be out of control." Officer 3 has been a sergeant for almost ten years. He has had thousands of interactions with police officers and subordinates and "none of them go this way. None of 'em [*sic*] go this way. They never go this way." [226]

Officer 3 doesn't nitpick people, pick battles, or pick battles with Complainant In fact, Officer 3 often leaves things alone with Complainant because it's not worth it to address minor issues with him; issues he would definitely address with a younger officer. Officer 3 said at this point, Complainant is career dead. He has an issue with his career path, or lack thereof.

Officer 3 is the first-person Complainant must deal with in terms of the face of the Department regarding authority and Officer 3 has to "take the brunt of all his BS." Officer 3 is a representative of the Chief, but Complainant just walks all over all the sergeants "unchecked." It's gotten to be a "bit ridiculous" and has "reached a boiling point." There have been times, when a lieutenant planned to write Complainant up but was overridden by the captain or someone above him. There has been a long period where nothing has happened to Complainant and there isn't anything in writing to document his behavior.

Officer 3 believed Complainant was still on Code 7 when he sent the text messages but did not know where Complainant was. He presumed he was in the parking lot based on how quickly Complainant made it into the sergeant's bay after sending the messages.

INTERVIEW OF WITNESS OFFICER JENNIFER CAPPELEN:

On March 2, 2023, I called Officer Jennifer Cappelen to interview her as a witness in this investigation. I asked if she recalled any details from October 1, 2022, specifically the overtime she worked that day (1700-1830 hours). Cappelen reviewed Telestaff, CAD and the calendar from her phone, but was unable to recall any details from this day.
I recorded the call with her permission.

INTERVIEW OF WITNESS OFFICER CHAMROEUN OUK:

On March 8, 2023, I called Sergeant Chamroeun Ouk to interview him as a witness in this investigation. I asked if he recalled an argument that may have occurred between Complainant and Officer 3 on February 20, 2023.

Ouk advised in roll call, he heard a domestic violence call dispatched and a unit respond Code 3. He did not hear where the call was located, so he wanted to log onto his unit quickly in the event he needed to respond. Ouk walked into the sergeant's bay to grab his keys where he encountered Complainant and Officer 3 Both had raised voices and were standing near

[226] Officer 3 Interview 2, approximate time index 32:55.

Officer 3 desk. Ouk could not recall what was said and left immediately after grabbing his keys. He worked Area 5 that shift, so he did not respond to the domestic violence call and had no further information.

I recorded the call with his permission.

INTERVIEW OF WITNESS OFFICER DAVE RIEDEMAN:

On March 9, 2023, at 11:34 am, I interviewed Detective Dave Riedeman in my office in Internal Affairs as a witness in this investigation. The interview was recorded using a department issued digital audio recorder. The following is a summary of the interview. It is not verbatim or necessarily in order but is organized for clarity.

Riedeman advised he and Ontko gave a presentation to Watch C roll call on February 28, 2023. Riedeman and Ontko are both robbery / homicide detectives and are also Riverside Police Officer Association Board Members Their presentation was geared toward their role as detectives, evidence collection, etc. At the end of their presentation, they asked if anyone had any questions. A few people asked questions, to include Complainant

asked about a recent suicide in which the subject died from a self-inflicted gunshot wound, but the firearm was not discovered when the body was recovered. Riedeman was familiar with this case as he responded to the scene the day after the body was recovered.

Riedeman believed there were several reasons why the firearm was initially missed and not recovered the night the body was located officers and later recovered by the coroner's office. His following account of events is based on his visit to the scene the following day and speaking with the coroner and RPD personnel. Riedeman advised it was dark and there was some brush in the area (open field) the body was located. When the officers arrived and located the body, they backed away and waited for the coroner to arrive. The coroner assessed the body and did not locate a gunshot wound to the head. The coroner placed the body into a body bag and left the scene.

The following day, the coroner's office contacted RPD personnel and advised the subject had died from a gunshot wound. Riedeman and other members of the Robbery/Homicide Unit responded to the scene to see if they could locate a firearm. Officer 3 who was off duty, also arrived to assist. RPD personnel recovered the firearm.

Complainant question about how the firearm was missed, felt like Complainant was pointing out a mistake made by Officer 3 (Officer 3 was the scene supervisor the night the body was recovered and was also in roll call when Complainant asked the question.) Riedeman said, "It did feel like that. I think… not just to me, but to… to anybody in there that knew about the case."[227]

[227] Riedeman Interview, approximate time index 5:00.

"At a minimum," Riedeman "definitely" took Complainant question as Complainant pointing out a mistake Officer 3 made and Officer 3 was in the room.[228]

After the homicide presentation, Riedeman and Ontko also discussed some RPOA issues.

Riedeman has been with the Department since October 2000. He is friends with both Officer 3 and Complainant but does not hang out with them outside of work. Riedeman and Complainant have each other's cell phone numbers and have communicated in the past about RPOA issues. (Complainant was formerly an RPOA board member.)

I asked if there was anything else that stood out about the presentation given in roll call. Riedeman answered he found it odd that Complainant and Officer Andrew Tai were the only two officers seated on one half of the roll call room. Riedeman was present during a swing shift roll call a few weeks ago but could not recall if Complainant was present. Riedeman has not been in Field Operations and part of roll for eleven years. When he was, certain officers had certain seats or areas within the room they preferred to sit. He did not know if this was the case today. He could not say if the officers that were seated in roll call during the recent presentation where seated where they normally sat.

INTERVIEW OF WITNESS OFFICER JOSH ONTKO:

On March 9, 2023, at 12:05 pm, I interviewed Detective Josh Ontko in my office in Internal Affairs as a witness in this investigation. The interview was recorded using a department issued digital audio recorder. The following is a summary of the interview. It is not verbatim or necessarily in order but is organized for clarity.

Ontko has been with the Department since 2003. He started after Complainant and Officer 3 and is not personal friends with either. He attended a lot of training with Officer 3 when he was on the Sniper Team and they would hang out socially after training. He has also hung out with Officer 3 on RPOA sponsored fishing trips. Ontko has talked to Complainant "a lot" both on and off-duty, but it has always been work-related. Currently, Ontko is a detective in the Robbery/Homicide Unit; he is also a Detective Representative for the RPOA (Riverside Police Officers Association) and is assigned as the Grievance Chair. Riedeman is the current RPOA President.

Ontko and Riedeman gave a presentation to Watch C roll call in the last week or so, possibly February 28. Ontko advised his unit was asked to give the presentation regarding trends detectives were seeing and issues they were dealing with in court. Ontko and Riedeman volunteered to give the presentation.

At the end of the presentation, a few officers asked questions to include Complainant asked about a specific investigation in which a subject was found deceased in a field. Ontko knew right away what he was referring to. The coroner's initial assessment was wrong. The subject had a self-inflicted gunshot wound which was originally overlooked, and the gun was "missed." The case was talked about a lot in the beginning.

[228] Riedeman Interview, approximate time index 6:10.

Ontko said, "If I'm being honest…. I thought it was…" pretty interesting that Officer 3 was the scene supervisor and Complainant was asking the question. "It just felt, like there was more to the question than a general interest on how the gun got missed."[229]

Ontko couldn't say if it was a personal attack or dig on Officer 3 He said, "I just can only talk about what I felt, which was… it was an awkward question."[230]

Ontko knew there were issues with the case. The fact that Officer 3 was the scene supervisor and was present in roll call, made it even more awkward. He did not know if he was just projecting this because he knew Complainant and Officer 3 were having "issues" (did not know the details) and he knew Complainant personality.

Ontko explained to roll call the importance of scene security. He also explained what happened in the case where a gun was not recovered which had been next to a deceased body in a huge field. Officer 3 mindset was to approach the body to determine the condition of the subject (medical aid or deceased). Once Officer 3 determined the subject was deceased, he did the correct thing; he backed out the same way he had come in, locked down the scene, and called the coroner. It was dark, there was tall brush, and the coroner advised it appeared to be an overdose. The coroner's transport crew inadvertently placed the body bag on top of the gun. Ontko advised nobody from the Department would have had a reason to search for a gun. He acknowledged mistakes were made. This is what he explained to those in roll call.

Ontko did not remember Complainant having additional comments after the explanation was given. Ontko said he hesitated to say and wondered if he was making more of it. He described the "awkwardness" could have just been "from me, knowing the information I had."[231]

I asked Ontko if it was his opinion, based on knowing Complainant for twenty-three years, Complainant question was meant to "poke" at Officer 3 Ontko answered, "My honest opinion, was that… yeah. I felt like he was trying to throw Officer 3 under the bus, because he was the scene sergeant that day and there were mistakes made.[232]
Complainant had Ontko's cell phone number. Complainant has called or texted Ontko to follow up on cases in the past. Most notably was a homicide that occurred at a gas station in Casa Blanca. When this case went to court, it was livestreamed. Complainant followed the case and reached out to Ontko.

There was another homicide that occurred at the dead end of El Sol in Casa Blanca. Complainant also communicated with Ontko regarding this case. Ontko described between these two cases, it was the most communication he had ever had with Complainant also reached out to Ontko to talk about cases when Ontko worked in the gang unit.

---

[229] Ontko Interview, approximate time index 05:55.
[230] Ontko Interview, approximate time index 06:20.
[231] Ontko Interview, approximate time index 11:45.
[232] Ontko Interview, approximate time index 12:00.

I asked, "So there's no hesitation on his part to contact you, or reach out, if he had a question or information related to an investigation?" Ontko answered, "No. None whatsoever and I've never known Compla to hold back either."[233]

Ontko stated Complainant was not afraid to give his honest opinion, even if it "hurt feelings."

Ontko said Complainant "definitely could have" contacted him in the weeks prior to roll call on February 28 to ask questions about how the gun was missed versus doing it in front of an audience.[234]

I asked if there was anything else about that roll call that stood out or he found unusual. Ontko said he noticed all the officers were sitting on one side of the room except for Complainant and another officer. In his time working patrol, certain officers routinely sat in the same spot. He said as far back as he could remember, once you had your spot, you always went to the same spot. I asked if it was possible the officers in roll call that day were seated where they normally sat. He said, "That's definitely possible because that's the first roll call, I've been to… especially for that shift… um, in years."[235]

INTERVIEW OF WITNESS/SUBJECT OFFICER Complainant "Complainant Complainant

On March 9, 2023, at 3:02 pm, Sergeant Mike Medici and I interviewed Officer Complainant "Complainant Complainant in the Internal Affairs Conference Room regarding the complaint he filed against Officer 3 on February 20, 2023. I explained his recent complaint was going to be investigated alongside the complaint he filed in October 2022 and based on interviews conducted thus far, he had been identified as a possible subject officer by the involved parties.

Complainant elected to have Attorney Peter Horton as his representative. Prior to the interview, I provided Complainant and Horton with an audio recording and transcript of Complainant first interview. I also provided an Admonition of Rights Packet which we reviewed and signed. The interview was recorded using a department issued digital audio recorder. The following is a summary of the interview. It is not verbatim or necessarily in order but is organized for clarity. (Complainant interview was also transcribed and is attached to the case file.)

I asked Complainant to explain what happened on February 20, 2023, which caused him to file a second complaint. Complainant explained he was on Code 7 and parked on St. Lawrence. He heard a domestic battery call broadcast over the radio. A unit went on scene and other units were responding. Officer 3 asked if another unit was closer and asked if Complainant was on Code 7. Complainant said this was "unprovoked" and he didn't know what he did wrong.

Complainant went into the sergeant's office and asked Officer 3 if he did something wrong. Officer 3 told him he saw on the monitor Complainant was on Code 7. Complainant asked him why he went on the

[233] Ontko Interview, approximate time index 14:40.
[234] Ontko Interview, approximate time index 15:40.
[235] Ontko Interview, approximate time index 16:00.

radio and "burn me like that." Officer 3 exploded and told him repeatedly, "Get the fuck out of the office."

Officer 3 told him he was "fucking his beat partners" by taking Code 7. They yelled and screamed some more and Complainant walked out.

Complainant acknowledged he sent Officer 3 a couple text messages prior to going into the office. He advised he apologized to Officer 3 for taking Code 7.

Complainant denied he called Officer 3 any names, but then said he may have. When asked if he called Officer 3 a loser, Complainant advised Officer 3 called him a loser. Complainant said he agreed and told Officer 3 they were both losers; Complainant was a loser because he was a lifetime patrol officer and Officer 3 was a loser because he was going to be a lifetime patrol sergeant, because of his bad temper. Complainant acknowledged he told Officer 3 he was "career dead." He did not recall telling him he would not get promoted.

I asked if he considered it disrespectful when Officer 3 called him a loser. Complainant explained he and Officer 3 have a "love hate relationship" and have had arguments over the years. They were friends and had been to each other's houses. On the night in question, Complainant thought they were just arguing. Complainant didn't have a problem with this and could tolerate this type of behavior. The reason he filed a complaint, was so he "could get out in front of it," because he believed Officer 3 would go to a lieutenant like he had in the past.[236]

Complainant feared Officer 3 would imply he did something wrong. Complainant advised he waited until graveyard was going to 10-8, before he took Code 7, so he wouldn't "fuck" his beat partners. Complainant did not know why Officer 3 got on the radio that night, other than to create a hostile work environment and "stroke it up."

Complainant said Officer 3 radio traffic was discourteous and disrespectful. He also said it was discourteous or disrespectful when Officer 3 called him a loser. When asked if it was discourteous or disrespectful, he called Officer 3 a loser, he answered, "Absolutely not, because I was responding to him." I asked if two wrongs made a right, and he answered, "Sometimes."[237]
Complainant advised he has used Code 7 for twenty years but did not always put himself Code 7 to take a meal break. He advised he has used Code 7 more frequently now that he is older, to "relax." On the night in question, Complainant put himself on Code7 through his MDC, but did not request clearance from the Communications Center prior to doing so. He advised he does not normally request clearance from the Communication Center prior to taking these breaks.[238]

On the night of the incident, Complainant put gas in his car and parked on St. Lawrence. He heard the domestic violence call being broadcast. When asked, he said he did not put himself on Code 7 to avoid being dispatched to the call. He claimed he put himself on Code 7, prior to

236 Complainant described an incident that occurred in August 2022.
237 Complainant Interview 2, approximate time index 9:30.
238 Complainant Interview 2, approximate time index 11:30.

it being dispatched. He advised a graveyard unit was dispatched but never responded, nor did Officer 3

Complainant heard his beat partner, Covarrubias, put himself enroute to the call Code 3. Complainant did not clear from Code 7, because four other units were responding. I told him some of the units were graveyard units that would be responding from the station. He said, "Where I'm at." He said this "could have been" out of the area of the call. He agreed there would have been a delay in their response based on their location. I mentioned his unit was ready to respond, but graveyard units would have to get their units ready. He answered, "I don't know." Complainant advised they had assigned units, so they jump in their units and go. I asked about officers loading their gear, performing a shot gun and unit inspection, etc. Complainant said he hasn't seen anyone do a unit inspection in years and advised "guys get in those cars and go."

I asked if anyone else Complainant worked with put themselves on Code 7. Complainant said probably not; he was the oldest guy on patrol. I asked the last time he ever observed anyone, besides himself, take Code 7. Complainant said he had no idea and didn't look for this. I reminded him he told us in his first interview that he continually monitored the unit status. He said, "I do." I asked if he recalled ever seeing anyone, except himself, take Code 7. Complainant said, "I don't recall." He then said he would not be surprised if he was the only one that took Code 7.[239]

Complainant agreed the domestic violence call was active. He heard dispatch advise the male broke the window, assaulted the female, and was "415 verbal" with neighbors. He did not recall hearing children were in the home but said he would take my word for it. He also did not recall hearing the first officer on scene ask how far out his back up was. I asked the significance of asking this and what it meant. Complainant said he didn't know because we weren't trained that way. He said we were trained to use 11-10 and 11-11. He said if someone needed another unit, they should ask for one properly. Instead of asking how far their back was, Complainant said they should immediately ask for an 11-10 or an 11-11 and agreed this an indicator that they needed assistance."[240]

I told Complainant multiple units responded to the call from both shifts and from multiple beats, but he never cleared from Code 7 or left the area of the station. Complainant said, "That's correct and neither did the graveyard unit that was 10-8 the entire time." I told Complainant it was his beat partner that was first on scene. He replied, "We're all beat partners. We all work in Area 2. Graveyard and us." I told Complainant it was a swing shift unit that was first on scene. Complainant said that unit was dispatched to the call. I told Complainant the unit needed help. Complainant said, "I don't know if he needed help or not. He should have used 11-11." Complainant also said Officer 3 could have cleared him from Code 7 and had him respond to the call. And Officer 3 himself could have responded.[241]

Complainant said if Officer 3 had not involved a lieutenant in the argument that took place between him and Officer 3 back in August, he would not have had an issue with the argument they had

239 Complainant Interview 2, approximate time index 14:50.
240 Complainant Interview 2, approximate time index 15:30.
241 Complainant Interview 2, approximate time index 17:15.

on February 20, 2023. Arguments happened between people all the time. He would much rather have an argument with someone than, "do this."[242]

I asked if the issue Complainant had was the fact Officer 3 used profanity. Complainant said, "No." Complainant said he spent an hour and a half watching the workplace harassment video the night before and less than 24 hours later, Officer 3 was violating every one, or most of, of the policies. That was the issue.[243]

Complainant believed Officer 3 actions that night on the radio were retaliatory. Officer 3 could have called him on the phone or simply cleared Complainant from Code 7 and had him respond. Complainant said, "He did what he did, to make a fool out of me, because he's upset with me."[244]

Complainant said Officer 3 "exploded" and "blew up" after Complainant asked him if he did something wrong by taking Code 7.

I told Complainant several people alleged that he routinely stacked calls to himself that generated no reports. Complainant said this wasn't true and he handled more reports than anybody in his beat. He said this has been the case for the past five years. He stacked calls based on his direction and where he was going.[245]

I asked Complainant the average length of his police report, specifically the narrative. He answered, "It depends." He explained if it was a report without follow up, then "not much" but if it was an in-custody or something like that, then he would put as much effort as he could into it.

I asked if he recalled a conversation he and I had when I was in patrol after I kept kicking back his reports. He did. I asked what this issue was. Complainant said he thought the issue was the amount that was taken or stolen was five dollars. He thought I was "really disconnected" from what was going on in patrol.

I told him I recalled kicking back several of his reports that were three sentences at best. I reminded him I told him he could spend a minute or two to look for cameras and note whether he located any in his report. I also explained he was working the opposite end of the city from our detectives and this would save them from driving across town to look for cameras. I asked if he recalled that. Complainant said, "Yeah. That's what I want to do. I want to save them time."[246]

I asked for Complainant response regarding people advising he liked to conduct business anywhere in the city, regardless of the beat he was working. Complainant said he developed several relationships in Casa Blanca and that community relied on him. He often receives calls from people there and will respond to assist. Complainant also advised he would handle calls in other beats because they were so busy, such as a "license plate" call that he would handle over the phone.[247]

---

[242] Complainant Interview 2, approximate time index 19:20.
[243] Complainant Interview 2, approximate time index 22:00.
[244] Complainant Interview 2, approximate time index 23:00.
[245] Complainant Interview 2, approximate time index 24:30.
[246] Complainant Interview 2, approximate time index 26:00.
[247] Complainant Interview 2, approximate time index 27:45.

Complainant agreed he was out of his beat when he was in Casa Blanca. I asked if by doing that, he was then leaving calls in his beat to be handled by his beat partners. Complainant answered, "Maybe."[248]

I asked Complainant if he recalled the presentation by Ontko and Riedeman that occurred approximately one week after he filed the complaint against Officer 3 on February 20, 2023. Complainant recalled the presentation but did not recall what it was about. I asked if he remembered what he asked at the end of the presentation. He asked me to refresh his memory and I did. I asked why he asked the question about the dead kid in the field and the gun that was not found. Complainant then recalled what the presentation was about. He could not remember his exact question, but knew it involved the crime scene where the gun was not recovered. I asked again why he asked this. Complainant said he thought it was important and they were talking about crime scenes.

I asked if Officer 3 already addressed this the day after it happened in roll call. Complainant said, "Yeah. He blamed the coroner." I told Complainant the information had already been provided to him back in December. Officer 3 explained what happened in roll call. Complainant agreed and said he was present. I asked why he asked about it then. Complainant said it was a good training point and not everybody that day was present in the previous roll call. There were a lot of young "policemen" in roll call and there wasn't anything wrong with saying you made a mistake. Complainant denied he asked the question to embarrass Officer 3.[249]

Complainant has been with the Department for 24 years and has represented officers who are the subjects of complaints or administrative investigations for five or six years. I asked if there would be anyone at the Department (aside from Officer 3 J. Mutuku, Officer 4 Officer 1 and Officer 2 that would have a reason to lie or say things about him that weren't true. Complainant answered, "I don't have any idea." People had their opinions and could say whatever they wanted. I asked if they would have a reason to lie. Complainant said he didn't know. I asked if Weddle, his former partner, would have a reason to lie about him. Complainant had no idea. He had no idea about McMahon, Riedeman, and Ontko.[250]

Complainant affirmed he believed Officer 3 started coming after him after he filed his first complaint. I asked if this was true, why did Complainant sign up to work for Officer 3 in January at shift change. Complainant said he wanted the days off and would tolerate his behavior. I told Complainant I pulled this sign-up list and found he was the third officer of 147 to sign up. Complainant had his choice to work any shift, on any crew, but chose to work for Officer 3. Complainant said he signed up for the days off and if Officer 3 signed up that was his choice. I told Complainant Officer 3 signed up before he did. Complainant said Officer 3 should have been prevented from signing up for that crew. "They" should have gone to Officer 3 and told him he had to pick to another crew. Complainant said, "I'm the victim in this. I was retaliated against. I need to be protected by my employer." I told Complainant he signed up to work for the person he alleged was victimizing him. Complainant said he already answered the question and said yes.[251]

---

248 Complainant Interview 2, approximate time index 29:00.
249 Complainant Interview 2, approximate time index 32:00.
250 Complainant Interview 2, approximate time index 34:00.
251 Complainant Interview 2, approximate time index 35:00.

Complainant said he "might have" sent via text the pictures he took of the rat flyers to members of the Department or at least shown them to them. He did not remember. He did not remember sending it to Christianson. Complainant could not remember who he sent it, or showed it, to. Complainant didn't know why he did this but wanted to see what people's reactions were. He denied he did it to provoke the situation. Complainant said he didn't know what to do when this happened and he didn't want to cause a bunch of problems for "Larry."[252]

I asked Complainant if he considered it discourteous or disrespectful when he called Zackowski a coward. Complainant answered, "Yes."[253]

Complainant recalled an incident that occurred two or three years earlier that involved Officer 1 and Officer 2 I told him I heard he was rude to Officer 1 on the Channel 1 and Officer 1 showed up to his scene, with Officer 2 and confronted him. I told him Officer 1 and Officer 2 advised after this incident, Complainant no longer backed them on their calls to include occupied on GTA's, use of force, etc. Complainant denied this. He said he went on all the calls, but when officers advised 10-34, Complainant did not go. He wasn't going to "loiter" on calls.[254]

I told Complainant several people advised he sat on calls for "unreasonable" amounts of time to include found property calls and took time to book the property when there were more pressing calls holding. Complainant said he was trained to book evidence, not drive around with it. I reminded him it was found property, not evidence. Complainant asked what it was. Was it a knife? He advised he has always done that.[255]

Complainant acknowledged he took the promotional sergeant's test last year and passed. He also acknowledged Officer 3 offered to help him with his oral interview. Complainant wasn't sure but did not think Officer 3 was required to do this. Officer 3 sent him a date for a mock oral interview. I asked if he agreed to the date. He said, "I don't know." Complainant had never participated in a mock oral interview before. He didn't think he had ever conducted one for another employee. I asked if he understood one would have to take time from their regular duties to prepare questions, conduct the interview, and provide feedback. He said he guessed but didn't really know. Complainant did not make it to his interview. He didn't remember calling in sick that day. I asked if he ever apologized for not showing up or if he asked to reschedule. Complainant said he didn't remember it being formal.[256]

Complainant sent an email to Human Resources withdrawing from the process. I asked if he told people he couldn't be part of the enemy afterward. Complainant said, "Oh, I've said that for years." I asked if he sometimes referred to sergeants as the enemy. He answered, "Yes." I asked why. He asked if he was wrong and told me to look at what they've done to him. He went on to say he formed that opinion over a long period of time. He said sergeants used to be helpful, but now they just made his job more difficult.[257]

---

252 Complainant Interview 2, approximate time index 36:30.
253 Complainant Interview 2, approximate time index 39:00.
254 Complainant Interview 2, approximate time index 42:50.
255 Complainant Interview 2, approximate time index 45:55.
256 Complainant Interview 2, approximate time index 46:55.
257 Complainant Interview 2, approximate time index 49:30.

I asked Complainant if he realized that he could have changed this, had he promoted. Complainant said there was only a handful of people he respected here. He named Detmer as one of them. Complainant said he took the sergeant test, though he was reluctant, and did well. Afterward, he ran into Detmer. Detmer told him he was glad to hear Complainant had put in for sergeant and told Complainant he was going to hate it. Detmer told Complainant officers were a nightmare and you couldn't get them to do anything. Complainant said the wind was taken out of his sails after that. Complainant knew he wasn't going to fit in with the other sergeants that liked to watch television in the sergeant's office.

Complainant also had a conversation with Sergeant Andrew Leyva about a month ago. They talked about how sergeants used to be in the field. Leyva told him now that he is back in the field, sergeants texted him and told him they managed from the office. Complainant claimed those are things that made him realize it wasn't going to work out well for him. I told Complainant he brought up that Leyva was in the field, so not every sergeant was in the office.

Complainant acknowledged Weddle, an officer with less tenure and his former partner, completed the testing process and made the sergeant's list. I asked if he ever asked why he and Weddle were split. Complainant said he didn't, but Weddle did. Weddle told Complainant that Officer 3 said they were split because Complainant was "toxic." Complainant thought it was odd, because for two years they rode together without issue. Then three days after going to Internal Affairs they were split because Complainant was toxic.

Complainant agreed that he and Weddle had many conversations while they rode together as partners and spoke about work and some personal issues. I asked if Weddle shared he was having problems at home last year. Complainant thought Weddle shared a step-son was causing some problems and guessed it was last year. He did not know if this was prior to Lewis being killed in a traffic accident. I asked if it was possible these two incidents delayed supervision from splitting Weddle from Complainant didn't know.[258]

Complainant did not recall that he and Wright, a younger officer with less tenure, were split from riding partners. Complainant thought they both just went to graveyard, but on different shifts.

I asked if supervisors or other officers had ever talked to him about his delivery when speaking to supervision. Complainant answered, "I'm too honest. I think is what they say." Complainant said was told he had a good message, but a bad delivery. Complainant didn't know how to "sugar coat" things. I asked how many people have talked to him about this and he said he didn't know. He remembered Gary Toussaint (retired sergeant) did but didn't recall officers say anything to him. I asked about Weddle. Complainant said Weddle had brought it up. I asked about any others. Complainant said he didn't know.[259]

I asked if anyone ever told him he came off as abrasive and/or borderline insubordinate. Complainant said, "No." He went on to say he guessed people insinuated this when they told him "Good message, bad delivery." I told him Weddle told us he had numerous conversations with him about this. Complainant answered, "OK."

---

258 Complainant Interview 2, approximate time index 53:30.
259 Complainant Interview 2, approximate time index 55:15.

I asked Complainant about taking a bite out of every cookie or donut when these items were brought in by the public. Complainant said he didn't take a bite out of each one, but one or two as a joke. In response to asking him about wiping boogers and shooting snot rockets on the locker room walls, Complainant said "yes," he was "part of that." Complainant said he had been accused several times of defecating in the toilet and not flushing, but he hadn't even been at work. I told him all of these had come up and people told us he had been doing these things for over twenty years. Complainant said, "Joking around, yeah. I joke around."[260]

Complainant said he didn't do these things to anger, provoke, or disrespect people. He did it because it was fun. Complainant said there was a big difference between doing this in someone's house versus the police station.

Complainant admitted he has used profanity in front of another officer and in front of another sergeant. He said it was common for officers, sergeants, and lieutenants to use profanity in front of one another. On February 20, 2023, Complainant was more offended by Officer 3 radio traffic, not the fact Officer 3 used profanity.

I asked Complainant if his second complaint against Officer 3 was to further provoke Department members. Complainant advised a couple days prior to Officer 3 second interview, Officer 3 called Complainant and asked if Complainant could represent him in his interview. Officer 3 asked would it not be funny if Complainant represented him in the complaint in which Complainant named Officer 3 as a subject officer. Complainant told Officer 3 this was a serious situation and wasn't a joke. Complainant took that as another direct assault and attack by Officer 3 to intimidate Complainant

Medici asked if there were any sergeants today Complainant had respect for, other than Detmer. Complainant named a few retired sergeants. He also mentioned William McCoy, Blomdahl, Officer 4 and Officer 3 Complainant said he didn't dislike supervision; he dislikes incompetent supervisors. Complainant said he always admired Officer 4 and Officer 4 was a good street sergeant.[261]

Complainant said the first few years he worked here, except for when he crashed his car, everything he touched was "golden." Things changed when Steve Van Etten (retired 12/29/2009) got promoted to sergeant. Complainant alleged Van Etten tried to get officers to lie in police reports. Complainant said when he refused, "The screws got put to me." Complainant said this was his third or fourth year of his career and he realized the sergeants were not out there to protect or help him. He felt this was when the level of supervision declined. Complainant also immediately "butted heads" with Kendal Banks. Complainant believed it was because Van Etten told Banks that Complainant was a problem employee. It was during this time, Complainant began to believe that in some instances, supervision was the enemy.[262]

Complainant talked about his relationships with Department members over the years. He drank beer with some of them, went to their houses, etc. Complainant stated he realized these relationships may have affected how he addressed certain supervisors, but stated it went both ways. He gave the example of Officer 3 yelling at him in the park.

---

260 Complainant Interview 2, approximate time index 57:20.
261 Complainant Interview 2, approximate time index 1:01:00.
262 Complainant Interview 2, approximate time index 1:04:00.

Complainant said for the last ten years, he has not been a problem employee. He has not had PC's or PA's (external complaints and internal investigations) pulled against him. For the last two years, he and Weddle rode as partners and did their job. When Complainant went to Internal Affairs, "this all fell apart." Complainant said there was history behind everything and there wasn't anything in his evaluations. Complainant questioned why he didn't get an evaluation from 2020-2021 if he was a terrible employee. Complainant also said he still didn't have his evaluation from 2021-2022. Complainant thought there would be documentation if he was a terrible employee. He mentioned Van Etten was able to put his personal feelings aside and gave him an "exceeds" on his evaluation. He also advised one of the best evaluations he ever received was by Banks and they butted heads all the time.

Complainant said he wouldn't do anything different regarding the domestic violence call on February 20, 2023. He said the graveyard unit that did not respond was 10-8 longer than he was on Code 7.[263]

Complainant stated he has always been involved in the Department, but the older he has gotten, he has taken the position of minding his own business.

Complainant stated if he felt he needed to go to the call, he would have gone. He said if the five or six units that responded couldn't handle the call, something was wrong.[264]

Medici told Complainant he was trying to figure out when Complainant went from a hunter to one that minded his own business. Complainant said, "I got split up from my partner." Complainant said, "I'd still be doing my job… with him." Complainant said if someone asked for help, he went.[265]

Complainant acknowledged Meier and Milby called him to speak to him a couple days after Meier discovered the flyers to keep things from "boiling over." I asked Complainant why he confronted J. Mutuku the week after the flyers were discovered by sarcastically saying hi to him. Complainant said he didn't sarcastically say hi to J. Mutuku and he didn't say that in his interview. I directed his attention to pages 15 and 60 of the transcript of his first interview. Complainant acknowledged he did say hi to J. Mutuku sarcastically to let J. Mutuku know Complainant knew what he did. I asked Complainant would this not go against the direction given by Meier and Milby? Complainant advised he believed this exchange with J. Mutuku occurred prior to the conversation with Meier and Milby. Complainant did not think Meier and Milby called him in to have that conversation until after Complainant filed a hostile work environment claim.

Complainant acknowledged he told Meier he did not want to file a complaint and did not want to cause any problems in the days that followed Meier discovering the flyers. I told Complainant this conversation occurred prior to the one with Meier and Milby. I told him that his actions when he confronted J. Mutuku seemed to contradict what he told Meier. Complainant said as far as he could remember, these conversations occurred after he said hello to J. Mutuku.[266]

---

263 Complainant Interview 2, approximate time index 1:14:45.
264 Complainant Interview 2, approximate time index 1:19:20.
265 Complainant Interview 2, approximate time index 1:19:30.
266 Complainant Interview 2, approximate time index 1:23:50.

Complainant recalled sending Meier a text after the flyers were taken down and he recalled a conversation he had with Meier when Meier asked him why he thought J. Mutuku was responsible for the flyers. I told Complainant during that conversation, Meier asked him if he wanted anything done and Complainant told him he didn't want anything done. Complainant agreed.

Complainant stated the incident where J. Mutuku told him to log on to the computer when working overtime at the swap meet occurred after the flyers were posted. I told him during that exchange, he told J. Mutuku to "do something." Complainant said, "Yeah, because the way he said it. He was puffing up." Complainant could not recall the exact date, but it was after the flyers were posted.

I told Complainant if a supervisor told me to log on, my response would not likely include telling the supervisor to do something. Complainant said when he told J. Mutuku to do something, there was already tension there. Complainant and J. Mutuku both knew what J. Mutuku had done. Complainant described J. Mutuku was "puffing up" and he didn't know if J. Mutuku wanted to fight.

I told Complainant it seemed that Complainant was further provoking the situation by responding this way. Complainant said the smart thing for J. Mutuku to do would have been to go to Lieutenant Ed Collins and have Collins address him, since there was already tension between the two.

ATTACHMENTS:

1. Complaint Control Forms
    a. Complainant Complainant
    b. Mutuku, James
    c. Officer 3
    d. Officer 3, Additional dated 02/23
    e. Officer 4 Dan
2. Employee Histories
    a. Complainant Complainant
    b. Mutuku, James
    c. Officer 3
    d. Officer 4 Dan
3. Admonition of Rights Packets
    a. Complainant Complainant (Second Interview)
    b. Mutuku, James
    c. Mutuku, James (Second Interview)
    d. Officer 3
    e. Officer 3 (Second Interview)
    f. Officer 4 Dan
4. Letter from Complainant to HR
5. Recorded Interviews

a. Asbury, Nathan
b. Barney, Mike
c. Blomdahl, Bruce
d. Christianson, Carrin
e. Complainant Complainant
f. Complainant Complainant (Second Interview)
g. Officer 2
h. McMahon, Shea
i. Meier, Eric
j. O6 O6
k. Miskulin, Ana
l. Mutuku, James
m. Mutuku, James (Second Interview)
n. Officer 1Officer 1
o. Ontko, Josh
p. Ouk, Chamroeun
q. Pattison, Dexter
r. Officer 3
s. Officer 3 (Second Interview)
t. Ramos, Janet
u. Riedeman, Dave
v. Smith, Dawson
w. Tipre, Robert
x. Officer 4 Dan
y. Weddle, Spencer
z. Zackowski, William

6. Transcribed Interviews
    a. Complainant Complainant (11/08/2022)
    b. Complainant Complainant (Second Interview)
    c. Mutuku, James (01/19/2023)
    d. Mutuku, James (Second Interview) (02/21/2023)
7. Patrol Rosters
    a. Watch B 10/01/2022 (date flyer was printed)
    b. Watch C 10/01/2022 (date flyer was printed)
    c. Provided by O6 (showing RPD Policy 330.3.2(j) was debriefed)
        i. Watch B 10/05/2022
        ii. Watch C 10/05/2022
        iii. Watch A 10/07/2022
        iv. Watch B 10/08/2022
        v. Watch C 10/08/2022

vi. Watch A 10/09/2022

d. Watch C 10/26/2022 (date Complainant was moved to Area 5, then back to Area 2)
e. Watch C 12/27/2022 (date Officer 3 debriefed Code 8 from 12/26/2022 where firearm was missed)
f. Watch C 2/20/2023 (date of call 230004996 & Complainant second complaint against Officer 3
g. Watch C 2/21/2023 (DV call from 2/20/2028 debriefed)

8. Emails
    a. From Detmer – Case assignment
    b. From O6 (10/04/2022)
    c. From Meier regarding Print Queue
    d. From Meier with Print Queue Report
    e. From Reporting Party 4 regarding GPS Records at Lincoln on 10/01/2022
    f. From RSO CAL-ID (1/20/2023)
    g. From RSO CAL-ID with Final Report (1/24/2023)
    h. From RSO CAL-ID (2/24/2023)
    i. From Detmer – RE Watch A Shift Summary ~ Tuesday, February 21, 2023
    j. From North – RE Shift Change Sign Ups January 2023

9. Reports
    a. Report Room Print Log
    b. Supervising Forensic Specialist Reporting Party 1
    c. RSO CAL-ID 1/17/2023 Packet 1
    d. RSO CAL-ID 2/15/2023 Packet 2
    e. RSO CAL-ID 2/24/2023 Packet 3
    f. Telestaff Exceptions Report, 10/01/2022
    g. Unit History Reports
        i. 3R24, Officer 2 10/01/2022
        ii. 3R20, Covarrubias, 2/20/2023
        iii. 3R24, /Pa'u, 2/20/2023
        iv. 3R28, Complainant 2/20/2023
10. GPS Records
    a. Officer 2 Unit 3839 (10/01/2022, 1600-1630)
    b. At/Near Lincoln Station (10/01/2022, 1600-1630) ***FILE TOO LARGE TO ATTACH TO RMS***
    c. Complainant Unit 3172 (2/20/2023)
11. Video, Lincoln PD – Fleet-2022-10-01_1600min00x000ms.mp4
12. Radio Traffic, Channel 1, 230004996, 2/20/2023
13. CAD Printouts
    a. 230004996 (Domestic Violence Call 2/20/2023)

    b. LPD22091500186516 (LA Fitness Call 9/15/2022)
14. Riverside Police Department Polices
    a. 330 / Standards of Conduct
    b. 322 / Discriminatory Harassment
    c. 1009 / Personnel Complaints
    d. 1015 / Fitness for Duty
    e. 1016 / Meal Periods and Breaks
    f. 1017 / Lactation Break Policy
15. Radio Codes
16. Patrol Seniority List 1/3/2023
17. J. Mutuku Admin Leave
18. Mutuku SB2 Notification