

#2020-003

EEO CONTROL FORM RECEIPT –REPORTING EMPLOYEE

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Reporting Employee:  Please Print _____ Signature: _____ Date _____

Reporting Supervisor:  Please Print _____ Signature:  _____ Date: 2/25/20

Commanding Officer:  Please Print _____ Signature:  _____ Date: 2/29/20

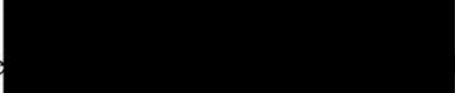
The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

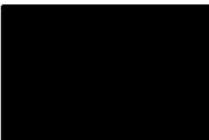
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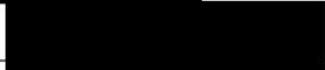
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Reporting Employee:  Signature:  Date: 2/18/20
Please Print

Reporting Supervisor:  Signature:  Date: 2/18/20

Commanding Officer:  Signature:  Date: 2/24/20
Please Print

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EEO #2020-003

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Reporting
Employee:

Please Print

Signature: _____ Date _____

Reporting
Supervisor

Please Print

Signature: _____ Date: 1/16/20

Commanding
Officer

Please Print

Signature: _____ Date: 1/16/20

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

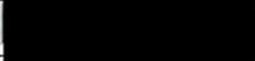
**SAN DIEGO POLICE DEPARTMENT
DISCRIMINATION/HARASSMENT CONTROL FORM**

FOR EEO USE ONLY

EEO CASE NUMBER 2020-003 **FORMAL** **INFORMAL** **NON-EEO**

Date of Incident: 1/13/2020
Date Reported: 1/13/2020

Basis of Complaint: RACE

Complainant:		ID Number:	
Division:		Phone:	

Complainant:		ID Number:	
Division:		Phone:	

Subject Name:		ID Number:	
Division:		Phone:	

Subject Name:		ID Number:	
Division:		Phone:	

Witness Name:		ID Number:	
Division:		Phone:	

Witness Name:		ID Number:	
Division:		Phone:	

Provide a brief description of the alleged Equal Employment Opportunity violation (Do not type past window):

See attached narrative.

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Please Print

Reporting Supervisor:  _____ Signature:  _____ Date: 1/13/20
Please Print

Commanding Officer:  _____ Signature:  _____ Date: 1/13/20
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The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

On 01-13-2020, [REDACTED] called me and advised that he had received an image (via text) of a cardboard cut-out poster of an African American Male that was positioned in the Southeastern line-up room. [REDACTED] said the image was offensive and called me to report the incident.

@ 1149 From [REDACTED]

At my request, [REDACTED] forwarded the image (via text) to me and I have attached that image to this control form.

After viewing the image, I called [REDACTED] back and he explained that the poster was offensive to him because he felt the poster was an offensive stereotypical representation of African American males. Additionally, he felt it was encouraging officers to make money through conducting enforcement action against the African American Community.

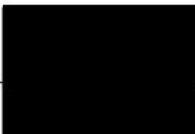
At the time of this report the subject officer(s) has not been identified.

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EEO CONTROL FORM RECEIPT – SUBJECT EMPLOYEE

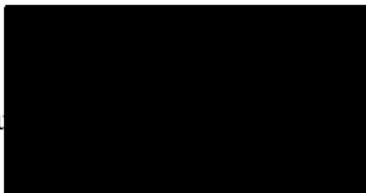
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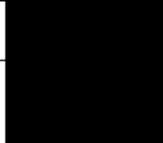


Date: 1-16-20

Reporting Supervisor:


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Signature:



Date: 1/16/20

Commanding Officer:

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Signature:

Date: _____

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Commanding Officer:	<small>Please Print</small>	Signature:		Date:	

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Employee:

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Signature: _____ Date: 1/16/20

Commanding
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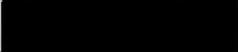
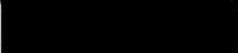
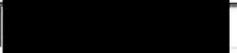
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DISCRIMINATION/HARASSMENT CONTROL FORM**

FOR EEO USE ONLY

EEO CASE NUMBER 2020-003 **FORMAL** **INFORMAL** **NON-EEO**

Date of Incident: 1/13/2020
Date Reported: 1/13/2020

Basis of Complaint: RACE

Complainant:		ID Number:	
Division:		Phone:	

Complainant:		ID Number:	
Division:		Phone:	

Subject Name:		ID Number:	
Division:		Phone:	

Subject Name:		ID Number:	
Division:		Phone:	

Witness Name:		ID Number:	
Division:		Phone:	

Witness Name:		ID Number:	
Division:		Phone:	

Provide a brief description of the alleged Equal Employment Opportunity violation (Do not type past window):

See attached narrative.

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5. You will be notified of the resolution of this complaint. Should you not receive such notice within 120 days, you should follow up with your Commanding Officer, Assistant Chief or the EEO Manager. Information regarding what, if any, disciplinary action has been or will be taken against other individuals will not be disclosed.
6. Retaliation is illegal and will not be tolerated. If you feel that you are being retaliated against, please contact your Commanding Officer, Assistant Chief, the EEO Manager, or any of the contacts listed in 2, above.

Reporting Employee:  _____ Signature: _____ Date _____
Please Print

Reporting Supervisor:  _____ Signature:  Date: 1/13/20
Please Print

Commanding Officer:  _____ Signature:  Date: 1/13/20
Please Print

The reporting supervisor reviews this form with the employee. Both supervisor and employee sign and date the report. The supervisor attaches the EEO Control Form Receipt to the EEO Control Form and sends it to the EEO Unit.

@ 1149 From [REDACTED]

On 01-13-2020, [REDACTED] called me and advised that he had received an image (via text) of a cardboard cut-out poster of an African American Male that was positioned in the Southeastern line-up room. [REDACTED] said the image was offensive and called me to report the incident.

At my request, [REDACTED] forwarded the image (via text) to me and I have attached that image to this control form.

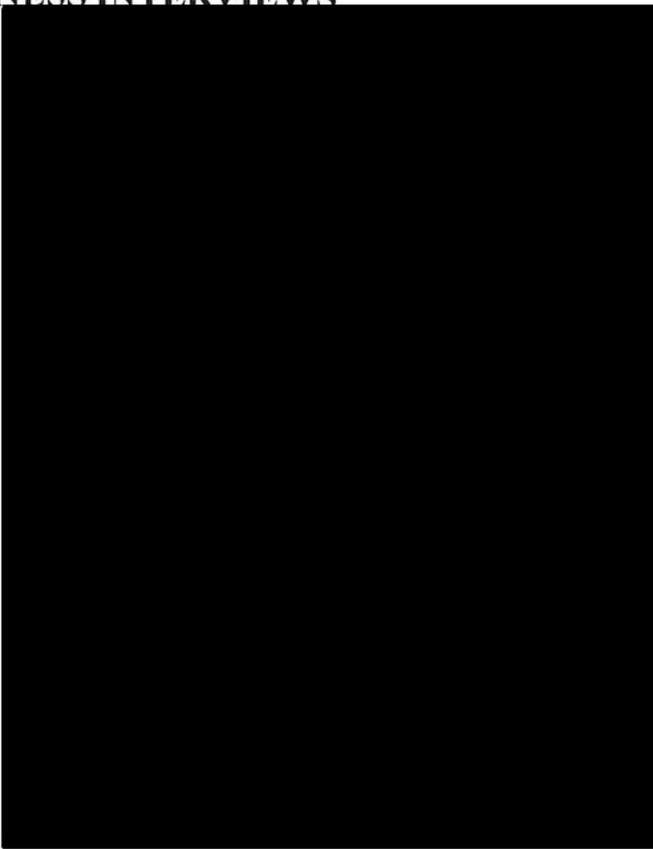
After viewing the image, I called [REDACTED] and he explained that the poster was offensive to him because he felt the poster was an offensive stereotypical representation of African American males. Additionally, he felt it was encouraging officers to make money through conducting enforcement action against the African American Community.

At the time of this report the subject officer(s) has not been identified.

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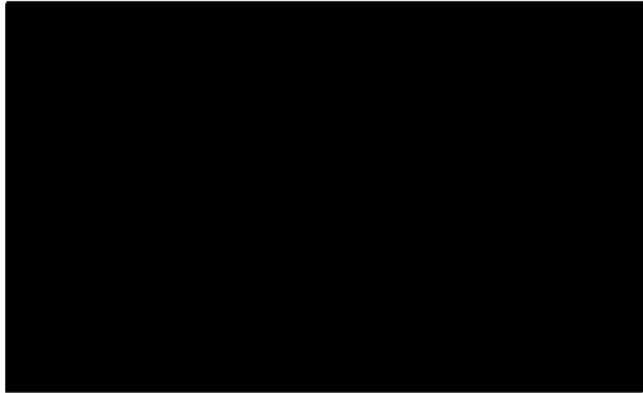
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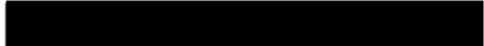
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Approved by:  53.7 Date of Report: April 22, 2020



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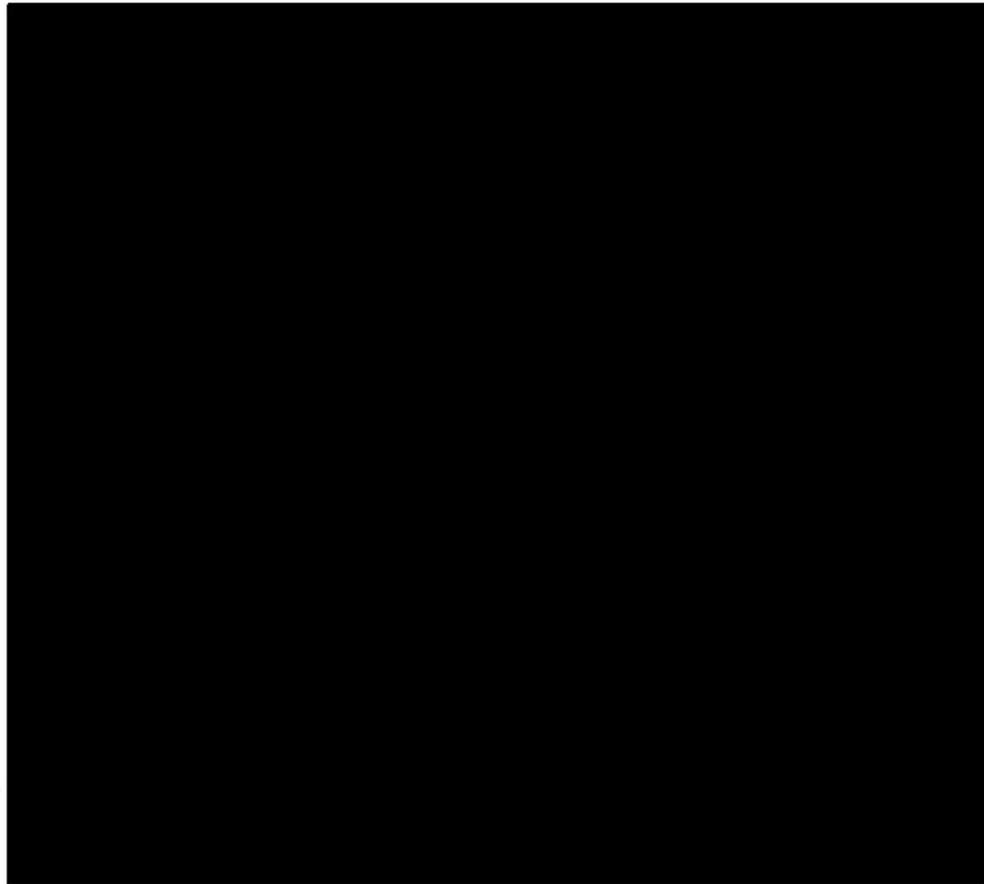
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San Diego Police Department Investigator's Report

Date of Incident: January 13, 2020
Location of Incident: 7222 Skyline Drive, San Diego, CA 92114
Subject: Equal Employment Opportunity Investigation I.A. #2020-003

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

COMPLAINANTS:

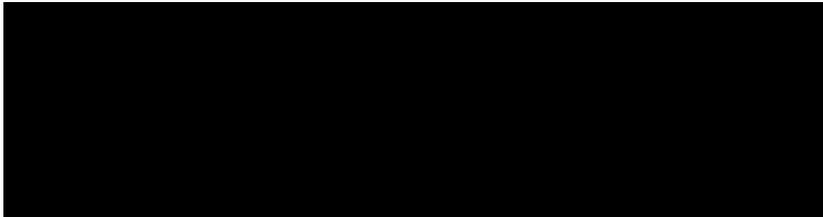


SUBJECT OFFICERS: CASTILLO, Isai , Police Officer - I, ID 7875
Date of Hire: 08-30-18
S.D.P.D., Southeastern Division – Patrol, 2nd Watch MTW
(619) 527-3500 (W)
H/M, [REDACTED]

Reporting Officer: Joel D. Tien, Sergeant ID: 6128 Division Internal Affairs
Approved by: [REDACTED] 537 Date of Report: April 22, 2020

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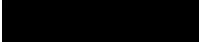
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EASTER, Travis V., Police Sergeant, ID #6717

Date of Hire: 04-17-09

S.D.P.D., Southeastern Division – Patrol 2nd Watch, MTW
(619) 527-3500 (W)

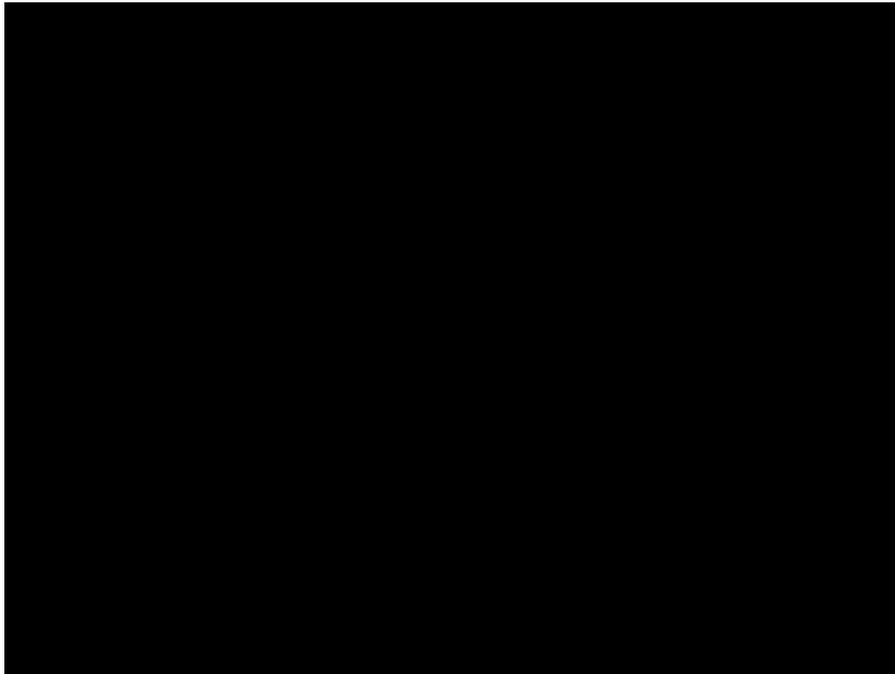
B/M, 

KOBYLARZ, Matthew W., Police Officer – II, ID #7589

Date of Hire: 09-01-16

S.D.P.D., Southeastern Division – Patrol 2nd Watch, MTW
(619) 527-3500 (W)

W/M, 



WITNESS OFFICERS:

Reporting Officer: Joel D. Tien, Sergeant ID: 6128 Division Internal Affairs

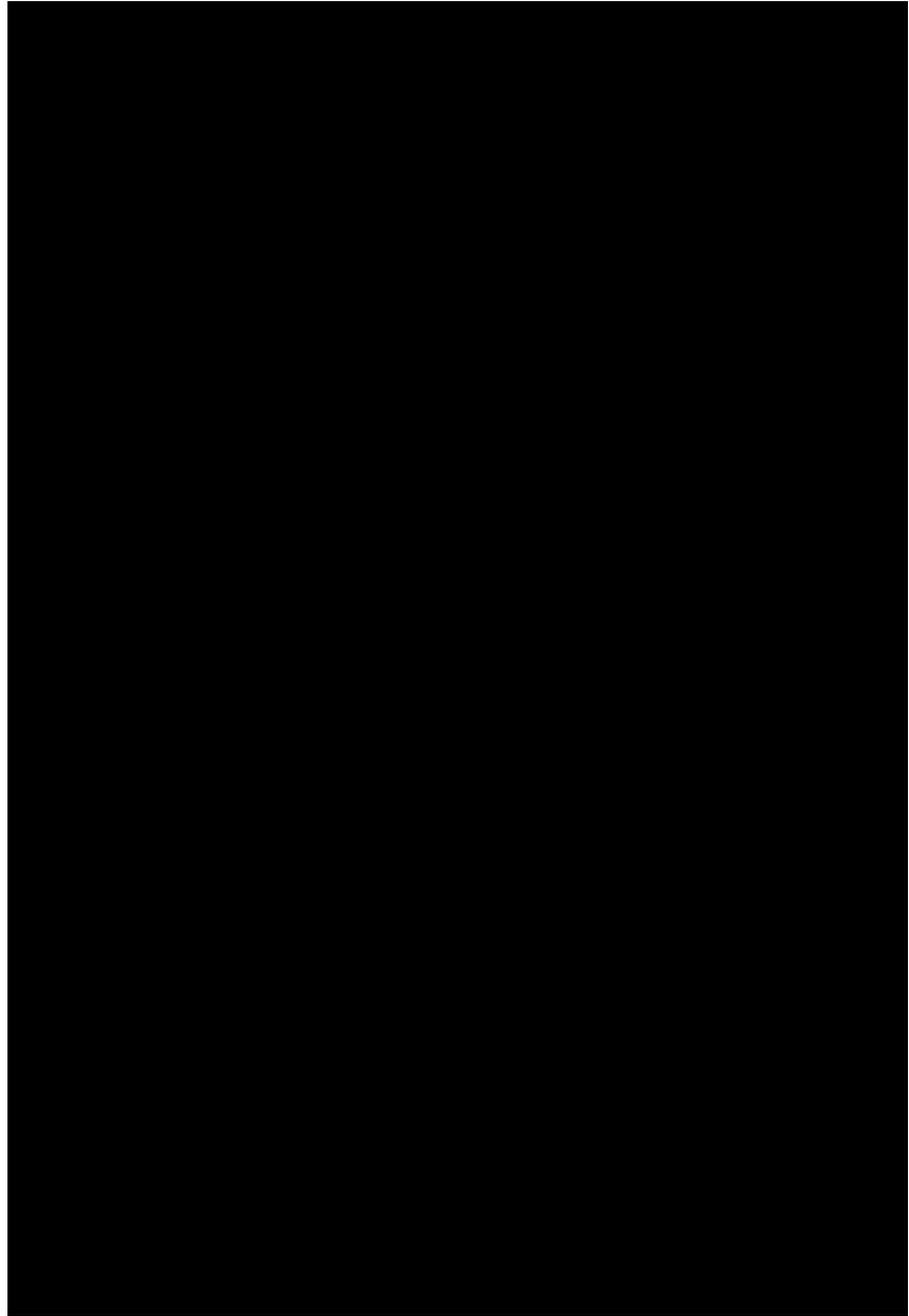
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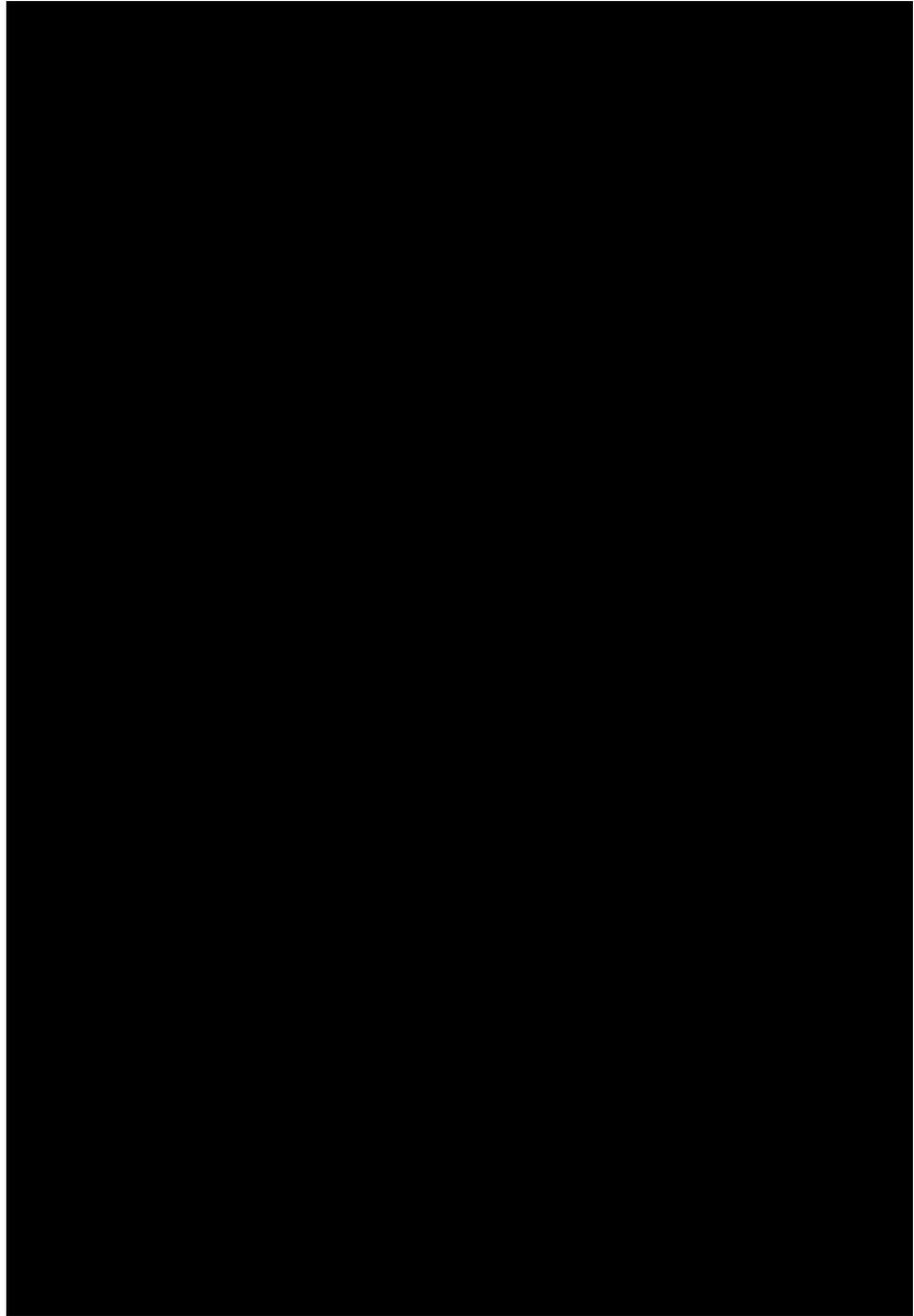
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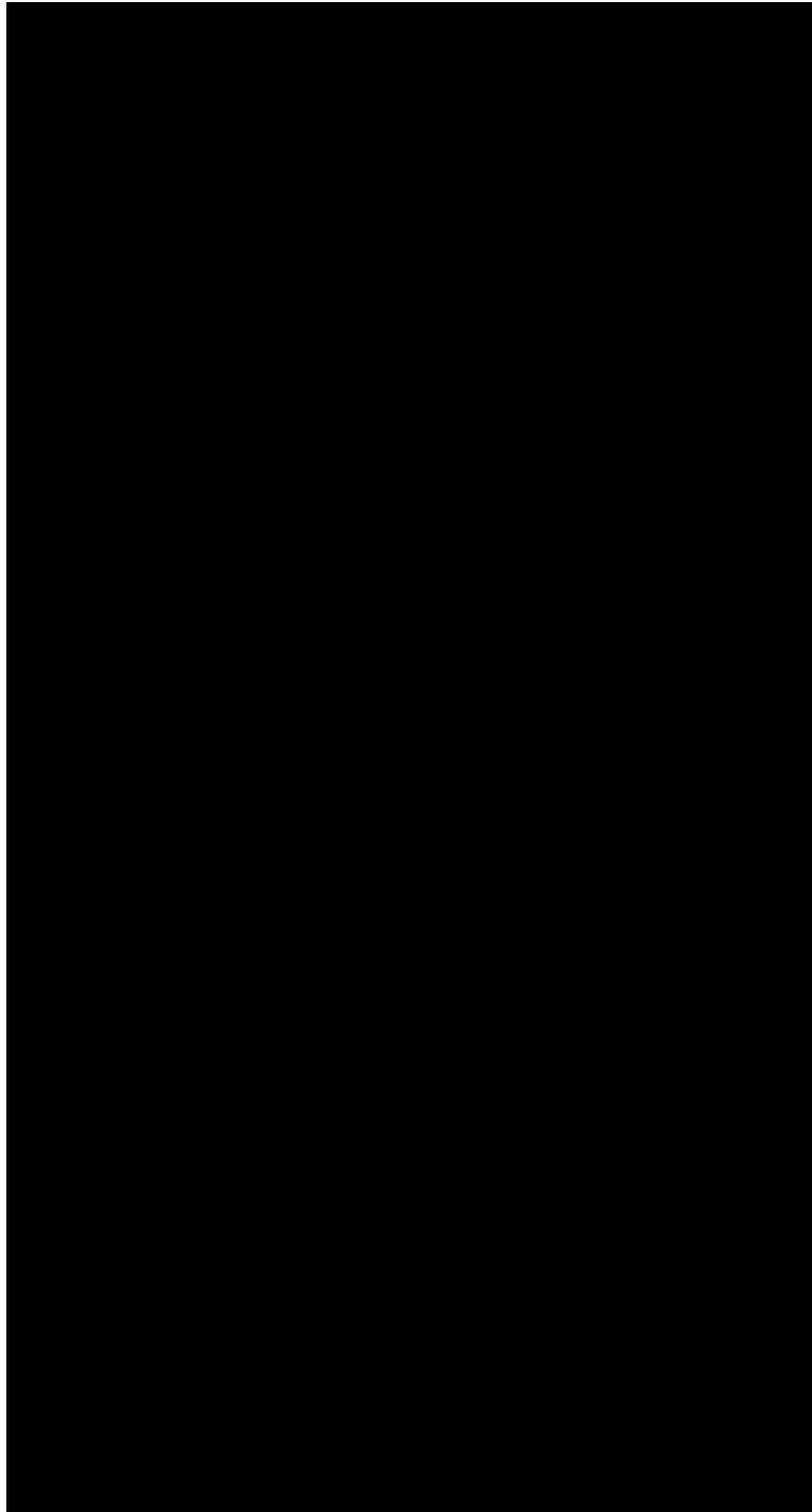
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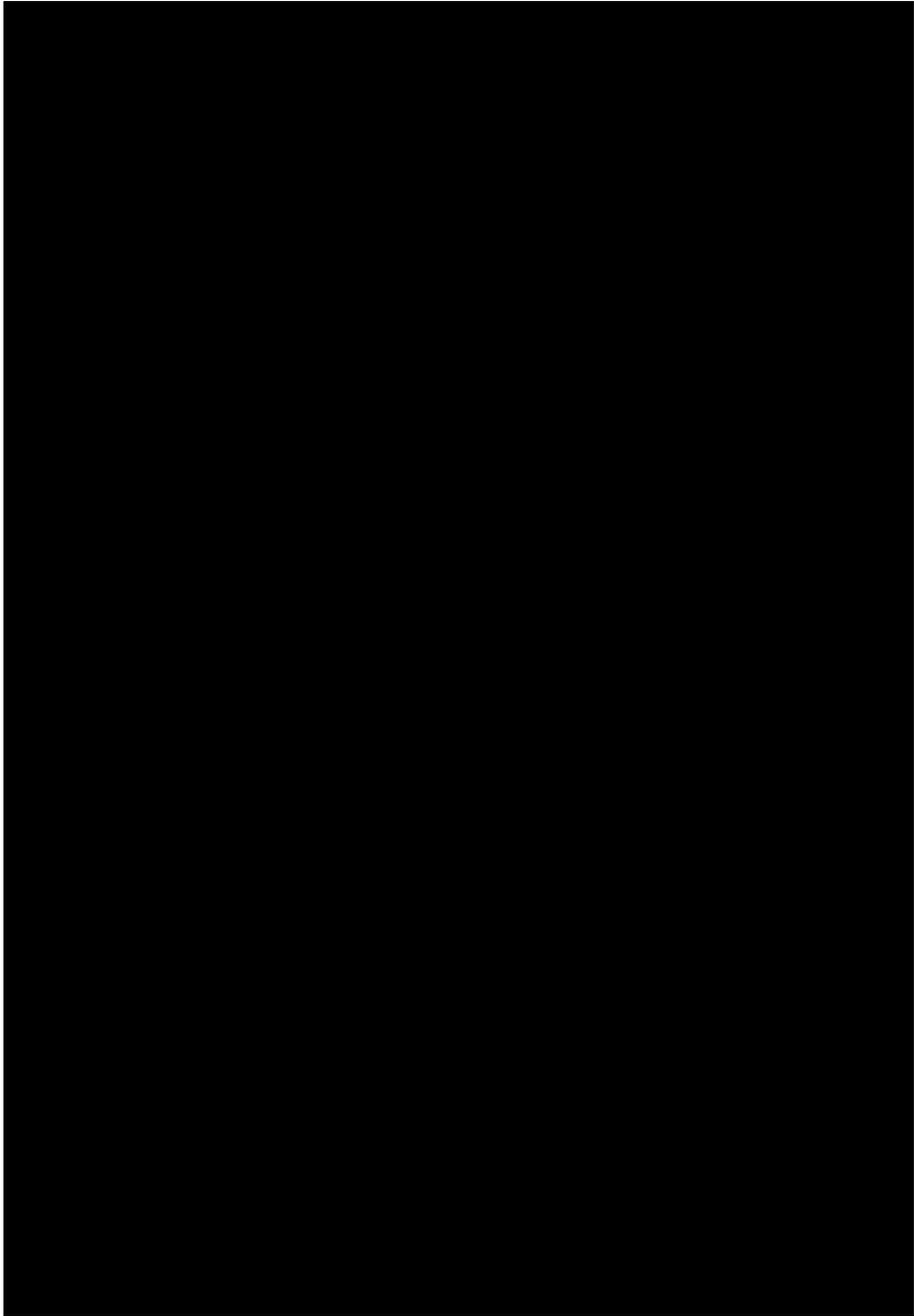
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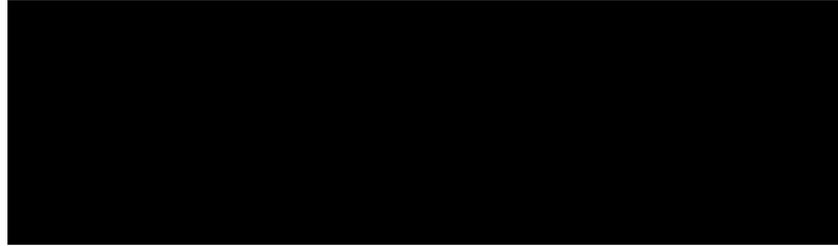
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SUMMARY:

On January 11, 2020, Officer Matthew Kobylarz responded to a radio call of a [REDACTED] located at [REDACTED] San Diego, CA. Upon resolving the call for service, he asked an employee of the business if he could purchase a life-sized cardboard cutout of Rapper Rick Ross. The cutout depicted Ross holding liquor in an advertisement.

The employee gave Officer Kobylarz another cutout because he said he was going to throw it away anyway. Officer Kobylarz decided to create a display in the Southeastern Division lineup room to solicit officers to sign up for more overtime. Officer Isai Castillo had also been present at the radio call when Officer Kobylarz obtained the cutout. Officer Kobylarz shared his plan for creating the display with Officer Castillo.

Officer Kobylarz sought approval from his supervisor, Sergeant Travis Easter. Sergeant Easter told him he could not display the cutout in its current form with the alcohol. Officer Kobylarz and Officer Castillo used various Department forms and copies of US currency to cover the alcohol and connect the display to overtime.

The cutout was posted in the lineup room after 3rd watch lineup on January 12, 2020. Officer Kobylarz added, "UH!! EVERDAY I'M HUSTLIN' AND YOU CAN TOO...SIGN UP FOR SOME OT" to a text bubble on the grease board behind the cutout in relation to a song by Ross.

[REDACTED] was in the lineup room when the cutout was placed on display and viewed by Sergeant Easter.

The following morning on January 13, 2020, during 1st Watch lineup, [REDACTED] and [REDACTED] were in the lineup room along with the display.

After lineup, [REDACTED] entered the lineup room to gather paperwork and viewed the display. He asked [REDACTED] about the display because [REDACTED] had been in AOT the previous week and was not sure if the display was placed for a reason unbeknownst to him. Both [REDACTED] and [REDACTED] viewed the display and [REDACTED] took a photograph and wrote, "This is racist," on the grease board with an arrow pointing towards the cutout.

During that same morning, [REDACTED] responded to a call at Southeastern Division and engaged in a conversation with [REDACTED] and [REDACTED]. They told her about the display and she went to the lineup room to view it herself. She asked [REDACTED] to forward her his photograph.

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██████████ shared the photograph with ██████████ who reported the display to ██████████ and stated he was offended. ██████████ completed an EEO Control Form and sent it to Internal Affairs.

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ALLEGATIONS:

On January 13, 2020, [REDACTED] made the following allegation during an interview with Internal Affairs:

1. PROCEDURE

[REDACTED] was offended by a life-size cardboard cutout of rapper, Rick Ross, which was placed in the lineup room at Southeastern Division. [REDACTED] was sent a photograph of the cutout which included a text bubble written on the white board behind it stating, "UH!! EVERDAY I'M HUSTLIN' AND YOU CAN TOO...SIGN UP FOR SOME OT." There were multiple copies of \$100 bills, a field interview, Arjis-9, and other Department paperwork taped to the front of the cutout.

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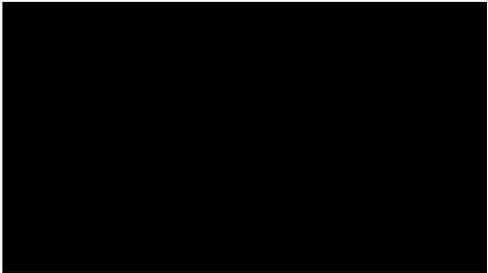
INVESTIGATION:

On January 13, 2020, at about 1315 hours, I was directed by Captain Morris to respond to Southeastern Division regarding a life-sized cardboard cutout of a Black male that was left in the station lineup room. Captain Morris showed me a photograph sent to him from [REDACTED] depicting a cardboard cutout of a person later identified as Rick Ross. There appeared to be money and other Department forms attached to the front of the cutout.

I was directed to meet with [REDACTED]

At 1350 hours, I met with [REDACTED]. She showed me the cutout which had apparently been removed from the lineup room and placed in [REDACTED] office until I was able to view it. [REDACTED] had folded the cutout in half and placed it inside of white plastic bags. She had also placed a barcode sticker on it for impound. The barcode number is 11102387. It was impounded as found property under Event #20010020758.

I stood the cutout up in the corner of [REDACTED] and took several photographs. The cutout depicts a bearded, Black male wearing a navy-blue baseball cap, white t-shirt, and navy-blue shorts. He is wearing a gold chain around his neck. The front of the baseball cap included the words, "San Diego Police" taped across the front. His white tube socks include "Crenshaw" written in blue. He is wearing white Nike Air Force 1 shoes. The male depicted, later determined to be Rick Ross, has both arms bent at the elbows with his hands at chest-level, as if he was holding something. Whatever he was holding is covered by numerous paper forms including a Field Interview [REDACTED] containing the following information:



There was no narrative or officer information. The other forms included a PERT referral form, a "Law Enforcement Transport Sheet", a 72-hour parking notice, multiple blank overtime slips, and an Arjis-9 form. The Arjis-9 form had the following written in the narrative, "ON THIS DAY AT THIS TIME SOMEONE NEEDED HELP. I TOOK A REPORT FOR A CRIME."

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The money was not authentic and appeared to be photocopied. There were four copies displaying the “face” side and four copies displaying the “Independence Hall” side. The copies displaying the “Franklin” side of the bills included the same serial number which was “██████████”

After I took the photographs, ██████████ impounded the cutout at the Southeastern Division evidence room.

At this point, I was trying to determine who placed the cutout in the lineup room. I asked ██████████ when she first saw it and she told me that today (January 13, 2020) was her first day at Southeastern Division having transferred there at shift change [which took place on January 11, 2020]. She mentioned her partner sergeant was ██████████ who was also working. I asked ██████████ when she noticed the cutout and she said she worked on Saturday morning, 1st watch. She said it was not in the lineup room. She said she took Sunday off and ██████████ was the acting sergeant. She said she first noticed it this morning [Monday, January 13, 2020]. These conversations with ██████████ and ██████████ were not recorded.

When I returned to the Internal Affairs Office, Captain Morris provided me with an EEO Control Form filled out by ██████████ and ██████████ as the “Reporting Employee.” The narrative stated the following:

On 01-13-2020, ██████████ called me and advised that he had received an image (via text) of a cardboard cut-out poster of an African American Male that was positioned in the Southeastern line-up room. ██████████ said the image was offensive and called me to report the incident.

At my request, ██████████ forwarded the image (via text) to me and I have attached that image to this control form.

After viewing the image, I called ██████████ back and he explained that the poster was offensive to him because he felt the poster was an offensive stereotypical representation of African American males. Additionally, he felt it was encouraging officers to make money through conducting enforcement action against the African American Community.

At that time, the subject officer(s) had not been identified.

On January 13, 2020, at 1526 hours, I interviewed ██████████ over the phone. The interview was recorded. He told me he would email me the photograph he received from ██████████ when he got to work that evening. ██████████ told me he was offended because of the derogatory nature of the cutout and it depicting an African American male in sagging shorts, gold jewelry and relating to “hustling,” to make money in an illegal manner.

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On January 13, 2020, at 1539 hours, I called [REDACTED]. I told her I would like to interview her regarding the picture she sent to [REDACTED]. [REDACTED] requested to be interviewed in person. She agreed to come to the Internal Affairs Office.

At 1604 hours, I interviewed [REDACTED] at the Internal Affairs Office. During the interview, I learned she spoke to [REDACTED] who is an acting detective at Southeastern Division, and a civilian employee named, [REDACTED] who also works at Southeastern Division (She could not recall his last name.) [REDACTED] stated that she, [REDACTED] and [REDACTED] were all offended by the cutout. She stated she was offended because the display was a negative depiction of an African American male making money illicitly.

Around 1630 hours, Captain Morris notified me that [REDACTED] would be coming in for an interview at the Internal Affairs Office on January 14, 2020, at 1100 hours.

At 1640 hours, I interviewed [REDACTED] over the phone. The conversation was recorded.

During the interview, I learned he initially learned about the cutout when he entered the Southeastern Division lineup room sometime just after lineup to gather some paperwork. He stated he was at AOT the previous week so he asked [REDACTED] if he had noticed the cutout. [REDACTED] accompanied [REDACTED] back to the lineup room and observed the cutout, apparently for the first time. [REDACTED] took a photograph of the cutout.

[REDACTED] said he and [REDACTED] discussed telling [REDACTED] about the cutout. It was agreed that [REDACTED] would be the one to report the cutout and its offensive nature. [REDACTED] stated he was offended by the cutout due to the fact that it's, "a black dude that looks like he is off the streets" talking about "hustlin'" in regards to making money. He considered the display very racist.

At 1819 hours, I interviewed [REDACTED] over the phone. The interview was recorded.

During his interview, I learned he found out about the cutout from [REDACTED]. After taking the photograph he later returned to the lineup room during a time after 1st watch lineup and before noon, and wrote "This is racist" on the grease board behind the cutout. He stated he was offended by the cutout. He said he and [REDACTED] went to [REDACTED] and discussed the cutout. During their conversation, [REDACTED] came into the station and walked over and joined their conversation. After hearing what they were talking about, [REDACTED] went to view the cutout herself. She also requested [REDACTED] text her the picture he took which he did. [REDACTED] stated he was offended because it was a racist image and done in very poor taste.

At 2115 hours, I received an email from [REDACTED] with the photograph he described depicting the cutout of Rick Ross.

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On January 14, 2020, around 0730 hours, Lieutenant Lara notified me that [REDACTED] would be coming in for an interview at the Internal Affairs Office at 0900 hours. He also said [REDACTED] would be coming in for an interview at the Internal Affairs Office at 1130 hours.

At this point, [REDACTED] had told me she did not see the cutout in the lineup room when she was in 1st watch lineup on Saturday, January 11, 2020. She and [REDACTED] confirmed it was present in the lineup room during 1st watch lineup on Monday, January 13, 2020.

I reviewed the patrol shift schedules for the periods in between those dates and found the following Sergeants had worked during that period:

Saturday, January 11, 2020:

2nd Watch – [REDACTED] and Sgt. Travis Easter

C-Squad – [REDACTED]

3rd Watch – [REDACTED] and [REDACTED]

Sunday, January 12, 2020:

1st Watch – [REDACTED]

2nd Watch – [REDACTED] and Sgt. Travis Easter

3rd Watch – [REDACTED] and [REDACTED]

Monday, January 13, 2020:

1st Watch – [REDACTED] and [REDACTED]

On January 14, 2020, at 0900 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office.

Based upon [REDACTED] interview, I determined him to be a witness officer in this investigation.

On January 14, 2020, at 1105 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office.

During the interview, I learned [REDACTED] initially learned of the cutout from [REDACTED]. [REDACTED] drove from a meeting location back to the Southeastern Division substation and saw [REDACTED] outside the entrance. He confirmed she was comfortable with the evidence impound system and asked her to accompany him to the lineup room. When they entered the lineup

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room, [REDACTED] made a comment that some text written on the grease board behind the cutout was not present earlier during 1st watch lineup. She said the statement, "This is racist," was not on the board during lineup. [REDACTED] folded the cutout in half and erased the related text on the grease board. [REDACTED] completed an evidence impound and placed the cutout in [REDACTED] office until IA personnel arrived to view the item.

Based on [REDACTED] interview, he did not have any knowledge of the cutout prior to the information relayed from [REDACTED]. Based upon that information, I determined him to be a witness officer in this investigation.

On January 14, 2020, at 1132 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office.

Based on his interview, [REDACTED] had already addressed the cutout when its existence was learned by [REDACTED]. Because of this, I determined [REDACTED] to be a witness officer in this investigation.

At this point, All the sergeants working the period from 2nd Watch, Saturday, January 11, 2020, through 1st Watch, Monday, January 13, 2020, would be considered subject officers in order to interview them regarding when they first noticed the cutout in the lineup room.

On January 14, 2020, at 1320 hours, I spoke to [REDACTED] over the phone. I advised him he was a [REDACTED] for an Internal Affairs EEO investigation with a right to representation and three days notice. We agreed to set his interview time for Saturday, January 18, 2020, at 1400 hours in the Internal Affairs Office.

On January 14, 2020, at 1325 hours, I spoke to Sergeant Easter over the phone. I advised him he was a subject officer for an Internal Affairs EEO investigation with a right to representation and three days' notice. Sergeant Easter agreed to tentatively waive his right to 3 days' notice and come in for an interview when he returned to work on Thursday, January 16, 2020, at 1400 hours in the Internal Affairs Office.

On January 14, 2020, at 1327 hours, I spoke to [REDACTED] over the phone. I advised him he was a [REDACTED] for an Internal Affairs EEO investigation with a right to representation and three days' notice. We agreed to set his interview time for Friday, January 17, 2020, at 1515 hours, in the Internal Affairs Office.

On January 14, 2020, at 1330 hours, I left a voicemail for [REDACTED] requesting a call back.

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On January 14, 2020, at 1333 hours, I spoke to [REDACTED] over the phone. I advised her she was a [REDACTED] for an Internal Affairs EEO investigation with a right to representation and three days' notice. I also told her the fact she was considered a [REDACTED] was not based upon anything she had told me when we spoke at the Southeastern Division Substation on January 13, 2020. We agreed to set her interview time for Saturday, January 18, 2020, at 1330 hours, in the Internal Affairs Office.

On January 14, 2020, at 1340 hours, I spoke to [REDACTED] over the phone. I advised her she was a [REDACTED] for an Internal Affairs EEO investigation with a right to representation and three days' notice. [REDACTED] agreed to waive those rights and stated she would drive to the Internal Affairs Office as soon as possible.

On January 14, 2020, at 1418 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office. [REDACTED] waived her right to representation.

On January 14, 2020, at 1442 hours, I spoke to [REDACTED] over the phone. I advised him he was a [REDACTED] for an Internal Affairs EEO investigation with a right to representation and three days' notice. We agreed to set his interview time for Friday, January 17, 2020, at 1445 hours in the Internal Affairs Office.

On January 14, 2020, at 1449 hours, I spoke to [REDACTED] over the Phone. I advised him he was a [REDACTED] for an Internal Affairs EEO investigation with a right to representation and three days' notice. We agreed to set his interview time for Saturday, January 18, 2020, at 2100 hours at the Internal Affairs Office.

On January 14, 2020, at about 1524 hours, I called [REDACTED]. [REDACTED] was at 3rd watch lineup on Sunday, January 12, 2020. I told him he was a witness in an Internal Affairs EEO investigation, and I was trying to determine when a cutout appeared in the Southeastern Division lineup room. I asked him if he saw a cutout of Rick Ross in the lineup room that night. He said, "Like Rick Ross, the rapper?" I said yes. He told me he did not see it in the lineup room that night. I asked him if he ever saw a Rick Ross cutout anywhere at the Southeastern Division Substation, and he said no. The conversation was not recorded.

At this point, I suspected the cutout was placed in the lineup room between the end of 3rd watch lineup on Sunday, January 12, 2020 and 1st watch lineup on Monday, January 13, 2020.

On January 14, 2020, at 1532 hours, I received a phone call from [REDACTED]. He told me he heard from someone who found out who placed the cutout in the lineup room. This person was told by [REDACTED] that Officer Matthew Kobylarz put the cutout in the lineup room with the permission of his sergeant, Travis Easter. I ordered [REDACTED] to tell me who give him this information. He told me it was [REDACTED]

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On January 14, 2020, at 1546 hours, I called [REDACTED] who is [REDACTED] supervisor. [REDACTED] told me [REDACTED] was on her way back to Southeastern Division from court. I told her to order [REDACTED] to stay at the station until I arrived, and she would be compensated for any overtime incurred.

On January 14, 2020, at about 1610 hours, Internal Affairs Sergeant Mario Perez #6312 and I drove to the Southeastern Division Substation. At 1631 hours, we interviewed [REDACTED] in the investigative lineup room.

During the interview, I learned that on January 14, 2020, [REDACTED] was asked by [REDACTED] if she recalled when the cutout appeared in the lineup room. She said she did not know. However, she communicated with [REDACTED] who told her Officer Kobylarz admitted to placing the cutout in the lineup room with the permission of Sergeant Easter. I also asked [REDACTED] about the time she first saw the cutout which was during 1st watch lineup on Monday, January 13, 2020. She said she didn't know who was being depicted in the cutout. She generically asked some other officers who were present in the lineup room, and they were laughing about it. She said no one in lineup communicated, both verbally and non-verbally, any offense taken by the cutout.

On January 14, 2020, at 1751 hours, I called [REDACTED] I left a voicemail requesting a call back. At 1848 hours, I spoke to him over the phone. I advised him he was a witness in an Internal Affairs EEO investigation. The interview was recorded.

During the interview, I learned that [REDACTED] received a photograph of the cutout via text message from [REDACTED] on Monday, January 13, 2020. [REDACTED] had previously seen the cutout of Rick Ross at [REDACTED] [REDACTED] did not believe it was racist or bias in anyway and that it was funny. [REDACTED] considers Officer Kobylarz, who is on his same squad, a friend. On January 14, 2020, he was texting with Officer Kobylarz about hanging out later that evening. [REDACTED] paraphrased the following dialogue of the text message exchange:

Officer Kobylarz: Did you hear I was being investigated by Internal Affairs?

[REDACTED] For what?

Officer Kobylarz: I got a Rick Ross standup poster, put OT slips on it, and put it next overtime board in the lineup room.

[REDACTED] Oh. You did that?

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Officer Kobylarz: Yeah. With Sgt. Easter's approval.

At this point, I suspected the cutout was placed by Officer Kobylarz in the lineup room after 3rd watch lineup which begins at 2100 hours on Sunday, January 12, 2020, and before the end of shift for 2nd watch at 2400 hours. I also suspected it was possible for both 2nd watch sergeants, Sergeants Easter and [REDACTED] and both 3rd watch sergeants, [REDACTED] and [REDACTED] to be in the Sergeant's Office when Officer Kobylarz asked permission to place the cutout from Sergeant Easter.

On January 15, 2020, at 0850 hours, I left Officer Kobylarz a voicemail requesting a call back.

On January 15, 2020, at 0941 hours, I sent [REDACTED] an email scheduling his [REDACTED] interview for Tuesday, January 21, 2020, at 1430 hours in the Internal Affairs Office.

On January 15, 2020, at 0948 hours, I sent [REDACTED] an email scheduling his [REDACTED] interview for Tuesday, January 21, 2020, at 0530 hours in the Internal Affairs Office.

On January 15, 2020, at 0951 hours, I sent [REDACTED] an email scheduling her [REDACTED] interview for Tuesday, January 21, 2020, at 0830 hours in the Internal Affairs Office.

On January 15, 2020, at 1010 hours, I sent Sergeant Easter an email scheduling his subject officer interview for Thursday, January 16, 2020, at 1400 hours in the Internal Affairs Office.

On January 15, 2020, at 1019 hours, I sent [REDACTED] an email scheduling his [REDACTED] interview for Friday, January 17, 2020, at 1515 hours in the Internal Affairs Office.

On January 15, 2020, at 1022 hours, I sent [REDACTED] an email scheduling his [REDACTED] interview for Friday, January 17, 2020, at 1445 hours in the Internal Affairs Office.

On January 15, 2020, at 1033 hours, I sent Officer Kobylarz an email notifying him he was a subject officer in an Internal Affairs EEO investigation and to contact me to schedule his interview.

On January 15, 2020, at 1035 hours, Officer Kobylarz called me. I provided him the phone number to the POA and directed him to contact them regarding scheduling his interview.

On January 15, 2020, at 1308 hours, [REDACTED] called me and we rescheduled his interview for Thursday, January 16, 2020, at 1300 hours in the Internal Affairs Office.

On January 15, 2020, at 1440 hours, I sent [REDACTED] an email notifying him he was a [REDACTED] [REDACTED] in an Internal Affairs EEO investigation and to contact me to schedule his interview.

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On January 15, 2020, at 1507 hours, I called [REDACTED] on the phone. I recorded our conversation to memorialize the information I learned previously during our unrecorded conversation on January 14, 2020.

On January 15, 2020, at 1539 hours, I spoke to [REDACTED]. She said she would be representing Officer Kobylarz during his interview. She said they tentatively would like to meet on January 16, 2020, at 1300 hours at the Internal Affairs Office. She was going to confirm that time with Officer Kobylarz and get back to me.

On January 15, 2020, at 1646 hours, I received a phone call from Sergeant Easter. He said he decided he wanted to have representation present for his interview. I was immediately surprised and stated I thought he had already obtained representation. He said he couldn't get a hold of anyone at the POA tonight and that he would try again in the morning. I ensured him that I understood and supported him obtaining representation if that is what he desired.

On January 16, 2020, at about 1030 hours, I spoke to [REDACTED] who was in the Internal Affairs Office on an unrelated matter. She confirmed Sgt. Easter's interview would be January 16, 2020, at 1430 hours and Officer Kobylarz' interview would be January 16, 2020, at 1530 hours.

On January 16, 2020, at 1300 hours, I spoke to [REDACTED] over the phone. I told her I forgot to provide her with an EEO control form receipt on January 13, 2020, when she came to the Internal Affairs Office for an in-person interview. She said she didn't want a control form. Captain Morris and I signed an EEO control form and dated it January 16, 2020. I labeled it, "EEO #2020-003," and emailed it to [REDACTED].

On January 16, 2020, at 1443 hours, I interviewed Sergeant Easter in the Internal Affairs Office. Also present was Internal Affairs Sergeant Greg Minter.

On January 16, 2020, at 1555 hours, I interviewed Officer Kobylarz in the Internal Affairs Office. Also present was Internal Affairs Sergeant Greg Minter.

After the interview, [REDACTED] stated she would also be representing [REDACTED]. She requested we reschedule his interview from January 17, 2020, to a later date.

On January 16, 2020, at 2146 hours, I emailed [REDACTED] and [REDACTED] stating we would be rescheduling his interview. At 2235 hours, he responded via email stating he would be in a leadership POST class Tuesday through Thursday, January 21-23, 2020, and then off on Friday, January 24, 2020.

On January 21, 2020, at 0535 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Greg Minter.

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██████████ only observed the cutout as he passed through the hallway outside the lineup room. During his interview, he stated he thought it was something related to a birthday gift for another lineup which did not prompt him to inspect the display further. For these reasons, I determined him to be a witness officer in this investigation.

On January 21, 2020, at 0831 hours, I interviewed ██████████ in the Internal Affairs Office. Also present was Internal Affairs Sergeant Greg Minter.

On January 21, 2020, at 0925 hours, I emailed ██████████ to schedule his interview for Friday, January 24, 2020, at 0530 hours in the Internal Affairs Office.

On January 21, 2020, at 0927 hours, I emailed ██████████ to schedule his interview for Friday, January 24, 2020, at 1300 hours in the Internal Affairs Office.

On January 21, 2020, at 0944 hours, I emailed ██████████ and ██████████ to set his interview for Wednesday, January 29, 2020, at 1430 hours in the Internal Affairs Office.

On January 21, 2020, at 1432 hours, I interviewed ██████████ in the Internal Affairs Office. Also present was Internal Affairs Sergeant Greg Minter.

On January 24, 2020, at 0529 hours, I interviewed ██████████ in the Internal Affairs Office. During the interview I learned that ██████████ never saw the cutout nor had any conversations with any other officers or sergeants about the cutout. After the interview, I notified ██████████ that he was now considered a witness to this investigation ██████████

On January 24, 2020, at 1258 hours, I interviewed ██████████ in the Internal Affairs Office. During the interview, I learned that ██████████ saw the cutout on Sunday, January 12, 2020, around 1330 hours, in the locker room at Southeastern Division. He was there to speak to 2nd watch Sergeant Easter regarding a staffing concern. Officer Kobylarz had the cutout with him. At that time, the cutout appeared to be in original condition. Based on his limited view of the cutout and lack of knowledge involving the final display, I determined ██████████ to be a witness officer in this investigation.

On January 25, 2020, I emailed ██████████ regarding rescheduling his interview for Thursday, January 30, 2020. He agreed to the updated interview date.

On January 29, 2020, Sergeant Easter called me on the phone. He wished to notify me that he was at work at ██████████ and ██████████ came in to the office. He said he had a brief

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conversation with her but nothing was said regarding this current investigation. He only wanted to make sure I was aware of the interaction in the interest of full disclosure.

On January 30, 2020, at 1412 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present as Internal Affairs Sergeant Elias Estrada #5771.

During my interview with [REDACTED] I learned he never saw the cutout in person. His normal work days off are SMT. Based on my interview with Officer Kobylarz, I knew the cutout was placed in the lineup room on Sunday, January 12, 2020, between the end of 3rd watch lineup and the end of shift for 2nd watch at midnight. [REDACTED] told me he didn't enter the lineup room again until the following Wednesday, January 15, 2020. However, he said he has a text message thread that includes himself, [REDACTED] and [REDACTED]. He said the thread is ongoing and he doesn't always notice every message that is sent to the group. He said that sometime on Monday, he noticed someone text something related to being "offended." He scrolled back through the messages and saw [REDACTED] had sent a picture of the cutout in the lineup room. [REDACTED] called [REDACTED] and asked him what was going on. [REDACTED] said that [REDACTED] told him he was offended and already filed a complaint with [REDACTED]. While [REDACTED] was not personally offended by the cutout, he said he would not have allowed the display because he did not believe it was work related.

[REDACTED] never saw the cutout in person. Upon learning about the cutout in his text messages, [REDACTED] had already brought it to the attention of [REDACTED]. For these reasons, I determined [REDACTED] was not considered a witness officer in this investigation.

On January 30, 2020, at 2035 hours, I emailed Officer Isai Castillo notifying him he was a subject officer in an Internal Affairs investigation and that his subject officer interview was for Thursday, February 6, 2020, at 1430 hours in the Internal Affairs Office. At 2054 hours, he replied to my email confirming the interview date and time.

On January 30, 2020, at 2045 hours, I emailed [REDACTED] notifying her [REDACTED] in an Internal Affairs investigation and that her [REDACTED] interview was for Tuesday, February 4, 2020, at 1430 hours in the internal Affairs Office. At 2110 hours, I called [REDACTED]. She told me she normally doesn't check her work email until she gets to work. [REDACTED]

On February 3, 2020, [REDACTED] notified me that Officer Castillo would be present for his subject officer interview at the Internal Affairs Office on February 4, 2020, at 1400 hours. She also said [REDACTED] would be present for her [REDACTED] interview at the Internal Affairs Office on February 4, 2020, at 1430 hours.

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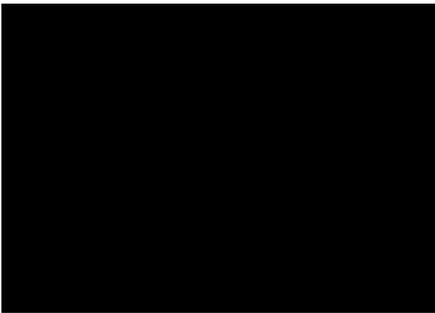
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On February 4, 2020, at 1358 hours, I interviewed Officer Castillo in the Internal Affairs Office. Also present was Internal Affairs Sergeant Estrada. During my interview with

On February 4, 2020, at 1450 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Estrada.

During her interview, I learned [REDACTED] assisted in completing a field interview for Officer Castillo without knowing what it would be used for. She also stated Officer Kobylarz never told her what he intended to do with the cutout when she observed him with it at [REDACTED]. For these reasons, I determined her to be a witness officer in this investigation.

On February 9, 2020, at about 2030 hours, I went to Southeastern Division to conduct witness interviews of the 2nd and 3rd watch officers who may have observed the cardboard cutout in the lineup room on January 12, 2020, or January 13, 2020. I interviewed the following officers who worked 3rd watch on Sunday, January 12, 2020, who said they never saw the cutout:



I spoke to the following 3rd watch officers over the phone as they were unavailable on February 9, 2020:

On February 14, 2020, at 1323 hours, I received a call back from [REDACTED]. He stated he never saw a cardboard cutout in the lineup room or anywhere at Southeastern Division.

On February 18, 2020, at 0917 hours, I called [REDACTED] on the phone. She told me she never saw a cardboard cutout in the lineup room on January 12, 2020, and has never seen a cardboard cutout anywhere at Southeastern Division.

On February 18, 2020, at 1055 hours, I received a call back from [REDACTED]. He told me he was at work during 3rd watch on Sunday, January 12, 2020, but he never saw a cardboard cutout in the lineup room nor anywhere in the substation.

In total, none of the 3rd watch officers at work on the evening of January 12, 2020, saw the cutout.

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On February 9, 2020, I also interviewed the following Officers who worked 2nd watch on Sunday, January 12, 2020:

[REDACTED]

[REDACTED] all recalled seeing at least a portion of the cutout on January 11, 2020, or January 12, 2020.

[REDACTED] and [REDACTED] said they never saw the cutout.

I later spoke to the following officers and also confirmed they never saw the cutout:

On February 12, 2020, at about 1100 hours, I called [REDACTED]. He confirmed to me that he worked a patrol overtime assignment with 2nd watch patrol at Southeastern Division on January 12, 2020. He stated he never saw a cardboard cutout in the lineup room.

On February 14, 2020, at 0900 hours, I spoke to [REDACTED] on the phone. She told me she never saw a cardboard cutout on January 12, 2020, and has never seen a cardboard cutout at Southeastern Division before.

On February 18, 2020, at 0930 hours, I spoke to [REDACTED] on the phone. He said he didn't see a cardboard cutout in the lineup room on January 12, 2020, and has never seen a cardboard cutout anywhere at Southeastern Division.

On February 18, 2020, at 1137 hours, I spoke to [REDACTED] on the phone. He told me he was at work on Sunday, January 12, 2020, during 2nd watch. He said he never saw a cardboard cutout in the lineup room nor anywhere in the substation.

On February 18, 2020, at about 1030 hours, I went to Southeastern Division to speak with [REDACTED]. Because I interviewed him over the phone, I had not yet provided him with the EEO Control Form Receipt for reporting employees. I met with [REDACTED] he signed a receipt, and I provided him with a copy. During this time, I learned that [REDACTED] was out of town for this week and would be back next week. I also needed to provide [REDACTED] a copy of the EEO Control Form Receipt.

On February 18, 2020, at 1025 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

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On February 18, 2020, at 1033 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 18, 2020, at 1044 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 18, 2020, at 1141 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 18, 2020, at 1148 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 18, 2020, at 1153 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 18, 2020, at 1158 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 18, 2020, at 1205 hours, I interviewed [REDACTED] at the Southeastern Division Community Room.

On February 19, 2020, at 0727 hours, I interviewed [REDACTED] in the Internal Affairs Office.

On February 19, 2020, at 0734 hours, I interviewed [REDACTED] in the Internal Affairs Office.

On February 19, 2020, at 0742 hours, I interviewed [REDACTED] in the Internal Affairs Office.

On February 19, 2020, at 0750 hours, I interviewed [REDACTED] in the Internal Affairs Office.

On February 19, 2020, I emailed [REDACTED] and notified him I was made aware he initially filed his complaint with [REDACTED] over the phone and never received the complaint copy of the EEO Control Form. I offered to have it available for him to pick up at the Internal Affairs Office or I could scan and email it to him. He emailed me back and requested it via email. On February 20, 2020, at 0542 hours, I emailed him the form.

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On February 20, 2020, Internal Affairs Lieutenant Stephen Shebloski #5317 notified me a community member attended a recent Citizen's Advisory Board meeting and spoke about and passed around a photograph of the cardboard cutout display. He also said [REDACTED] was present for the CAB meeting.

On February 21, 2020, at 0826 hours, I interviewed [REDACTED] in the Internal Affairs Office.

On February 25, 2020, I called [REDACTED] I asked him if he would like me to bring a hardcopy of the EEO Control Form receipt or would like me to email a copy to him. He said he would be ok receiving it via email. I went over the information provided on the form and advised him to give me a call if he had any questions.

On February 25, 2020, at about 1334 hours, I spoke to [REDACTED] over the phone. He worked 2nd watch on January 12, 2020. He stated he never saw a cardboard cutout at the Southeastern Division substation.

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Complainant Interview: [REDACTED]

On January 13, 2020, at 1526 hours, I interviewed [REDACTED] over the phone. The following is a cleaned version of his interview transcript. Please refer to the recorded audio for his verbatim statement.

SGT. TIEN: Today’s date is January 13, 2020. The time is 1526 hours. This is Sergeant Joel Tien #6128. I am on the phone with [REDACTED] [REDACTED] what is your ID number?

[REDACTED] [REDACTED]

SGT. TIEN: I just received a control form filled out by [REDACTED] It included a brief narrative of information you provided him today via a phone call. It says you called [REDACTED] and advised him you received an image via text message of a cardboard cutout poster of an African-American male in the Southeastern Division lineup room. Was that something that was just sent to you or did you physically see that?

[REDACTED] That was something sent to me. The picture.

SGT. TIEN: Who was the person who sent it to you?

[REDACTED] [REDACTED]

SGT. TIEN: From [REDACTED]

[REDACTED] Yeah.

SGT. TIEN: Do you recall what time that was at?

[REDACTED] It was at 1149.

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SGT. TIEN: I've seen some various pictures...can you see if there are any bubbles written on the board behind the cutout?

██████████ Yes. On the white board behind it there is something written up there. Do you want me to read it?

SGT. TIEN: Sure.

██████████ "Uh Everyday I'm hustling and you can to sign up for OT. In read letters with a box around the red letters with an arrow pointing down towards the African-American cutout image.

SGT. TIEN: Is there anything else around it or is that it?

██████████ It looks to me to be a 3...I think that might be something that was meant to be erased. Then it says OVERTIME in green. Next to that is says EXTINGUISHER and BATTERY ROOM in green. There is a 2nd WATCH or 2nd something with two papers. I don't know what those are on the side. The image has him holding overtime slips, cutouts of fake \$100 bills, a pink 72-hour parking notice, and an FI in his hand. I can't make out the other papers.

SGT. TIEN: Does it look like a real FI somebody filled out or blank?

██████████ It looks like it's filled out. I can't clearly see if it is but it appears there is some writing in the boxes.

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SGT. TIEN: Regarding the control form, were you notifying [REDACTED] as a complainant for the information that was provided to you or were you notifying him as a supervisor to document a complaint from a subordinate?

[REDACTED] I notified him as both. Mainly, because I'm offended by it. I'm a complainant. Obviously it's my job as a [REDACTED] when it's brought to my attention but when I saw it, I'm also offended by it. I think it's very derogatory.

SGT. TIEN: Okay. To outline what you saw and the information provided to you, why do you consider it derogatory and why would you be offended?

[REDACTED] Because it's suggestive of the stereotypical African American male. #1, the image of the male that's shown...obviously it's not a police officer and it's suggesting, to me, the writing above it says, "Uh," like he's dumb. Then it says, "Everyday I'm hustling." "Hustlin," how? Are you drug dealing? Then you have the stereotypical African American male with gold chains around his neck with sagging shorts. The shorts are sagging off his butt. Gold rings and a gold bracelet. Not only that, it's the overtime. To me it suggests that you can come work overtime and stop these kinds of people...the people that we are showing here. Then there is a San Diego PD hat or image that he is wearing. The whole thing is just derogatory. You have sagging pants, an African American male saying you can come work

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some overtime stopping these guys. Then it suggested in the writing on the white board saying, "Uh," like he is a dummy. "Everyday I'm hustling." "Hustlin'," is a derogatory term in and of itself. If you are "hustling" you're doing something illegal. Then it suggests, "You can to...come work some overtime," or sign up for OT.

SGT. TIEN: Do you recognize who it is? Is it a real person or is it like a caricature?

██████████ I don't know who it is. It's a real person. It looks like a cutout of a real person.

SGT. TIEN: It's not a drawn picture or painting or something like that?

██████████ Yeah. It's a full body picture of a real person.

SGT. TIEN: Did ██████████ tell you she was offended by it and wanted to file a complaint about it?

██████████ Yeah. She didn't saying anything about filing a complaint. She just brought it to my attention as a supervisor and somebody she trusts. I took it from there, looking at it, saying this is offensive and this is inappropriate. It shouldn't be in the workplace for the reasons I stated. If you look up "hustle," it's a fraud or swindle. The whole thing just suggest that this guy is up to no good and it's certainly not appropriate for the workplace.

SGT. TIEN: Would you be willing to either email or text the photograph you have?

██████████ Sure. Do you want me to send it to the number you called me at?

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SGT. TIEN: Are you able to email from there or only text?

██████████ I can probably email to you. I can't email you tonight or text it to you right now.

SGT. TIEN: You can wait until tonight. That's fine. From your work email. That's fine. Have you heard any ideas of who might have put this up?

██████████ I don't know. That was something I brought up to the Executive Assistant Chief, Guaderrama. It's concerning to me because I don't know how long it's been there. I don't know who put it there. If I saw this photo, I don't know who else saw it. It got sent to me. There is a person in the glare from the television that looks like an African American male that is taking the picture.

SGT. TIEN: It wasn't ██████████ taking the picture?

██████████ No. It doesn't look like ██████████ It looks like a male to me. ██████████. I don't recognize the person.

SGT. TIEN: ██████████ didn't specify whether she took the picture?

██████████ No. The language relayed to me was that somebody sent it to her. That's how I understood it. I don't know who sent it. I didn't ask here that. I just told her I would take care of it and report it.

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SGT. TIEN: I think I know who I need to speak to next which will be helpful. Is there anything else [REDACTED] that I have not asked you about that you think could help?

[REDACTED] You know? I am appreciative of it being dealt with so quickly. As soon as I saw it at 1149 or about 12 or so when I called [REDACTED] to let him know...I'm perfectly satisfied that it's being taken care of.

SGT. TIEN: If anything comes up or you hear anything that could be helpful for the investigation please reach out to me or the Internal Affairs Office.

[REDACTED] [REDACTED] the time is 1536 and we are concluding the recorded interview.

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Complainant Interview: [REDACTED]

On January 13, 2020, at 1539 hours, I called [REDACTED] I told her I would like to interview her regarding the picture she sent to [REDACTED] [REDACTED] requested to be interviewed in person. She agreed to come to the Internal Affairs Office.

At 1604 hours, I interviewed [REDACTED] at the Internal Affairs Office. The following is the interview transcript. Please refer to the recorded audio for her verbatim statement.

SGT. TIEN: This is Sergeant Joel Tien #6128. Today is January 13, 2020. The time is 1604 hours. We are at the Internal Affairs Officer at Police Headquarters. I am with [REDACTED] [REDACTED] can you state your name and ID number and spell your last name?

[REDACTED] [REDACTED]

SGT. TIEN: [REDACTED] our office received information regarding an EEO complaint and some sort of cardboard cutout that was placed at Southeastern Division's lineup room. I recently spoke with [REDACTED] who filed the complaint with [REDACTED] at [REDACTED] He mentioned he didn't personally see the cutout but that he received a text message picture from yourself. Is that accurate?

[REDACTED] That is true.

SGT. TIEN: Did you take the picture?

[REDACTED] I did not take the picture. Someone actually sent the picture to me after showing me the picture. I was at Southeast for a radio call from the front counter. I went back in the sub to the investigations area to speak to some

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old people I used to work with. I was showed the picture by a gentleman

named [REDACTED]

SGT. TIEN: [REDACTED]

[REDACTED] [REDACTED]

SGT. TIEN: Do you know his last name?

[REDACTED] I don't know his last name.

SGT. TIEN: [REDACTED]

[REDACTED] Yeah.

SGT. TIEN: [REDACTED]

[REDACTED] No. I don't exactly know his title but he works at Southeastern Division.

SGT. TIEN: So it shouldn't be that difficult to figure out?

[REDACTED] No. There aren't very many black people there.

SGT. TIEN: He is a black male?

[REDACTED] Yes. Older black male. He asked me if I saw it. He showed me the picture and said, "Did you see this?" I said no and asked where it was. He said it was in the lineup room. We walked in the lineup room. It was right there. Right in front. It was actually taller than me. It was probably 6' tall.

SGT. TIEN: [REDACTED] said he would email me the picture when he gets in to work tonight. Is it a real person, a drawing, a painting?

[REDACTED] That is a rapper by the name of Rick Ross.

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SGT. TIEN: Did you recognize who it was?

██████████ Yes.

SGT. TIEN: So you personally did see it but the photograph you sent ██████████ was sent to you?

██████████ Yeah. It was sent to me by ██████████ He told me he rarely goes in the lineup room. He said another co-worker asked him if he had seen it. He said it was put there anywhere from last Thursday to today.

SGT. TIEN: What time did you meet with ██████████ today?

██████████ We were there this afternoon so I want to say 11 or 12ish.

SGT. TIEN: Do you remember what kind of radio call you were on?

██████████ Yeah. Something homeless-related. It was at the front counter. A gentlemen had walked in wanting to get into a shelter. And actually I did transport that individual. It was a ██████████ request. I took him to the Salvation Army.

SGT. TIEN: Who did ██████████ hear it from?

██████████ ██████████

SGT. TIEN: ██████████

██████████ Yes.

SGT. TIEN: Did ██████████ say about what ██████████ told him?

██████████ Not his exact words but he was offended by it. He was upset about it. I guess he ██████████ had been at AOT for a week so he didn't notice until he

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noticed it. Then he asked [REDACTED] if he saw it. He asked [REDACTED] if she saw it. I heard from [REDACTED]

SGT. TIEN: [REDACTED] mentioned there was some other writing around it.

[REDACTED] There was a few different things. There are some dollar bills. It says, "Everyday I'm hustlin and you can too. Sign up for some OT."

SGT. TIEN: Out of curiosity and my naivety. Is that a song?

[REDACTED] Everyday I'm hustling is a song.

SGT. TIEN: Is it by this person [Rick Ross]?

[REDACTED] Yes. This is definitely not the place for something like this.

SGT. TIEN: Right.

[REDACTED] Eminem talks about "hustlin" too. I'm just saying.

[REDACTED] shows me the photograph on her phone.

SGT. TIEN: Oh there is a bunch of stuff in the front?

[REDACTED] Yeah.

SGT. TIEN: "Uh Everyday I'm hustlin' and you can too. Sign up for some OT."

[REDACTED] Yeah. This is definitely a street term. The connotation is usually selling dope or getting money the fast way.

SGT. TIEN: Not legitimately?

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██████████ Yeah.

SGT. TIEN: What is all this stuff [on the cutout]? Could you tell when you were there?

██████████ Money. OT slip. What else? Transport sheet. An FI. A 3-day tow form. It looked like a bunch of forms.

SGT. TIEN: Did you talk to anyone else about it at the sub?

██████████ No.

SGT. TIEN: Did you see any supervisors?

██████████ ██████████ was there but he was talking to someone. He was in his office.

SGT. TIEN: Was anyone in the lineup room when you went in?

██████████ No. No one was in the lineup room. Actually I didn't see any supervisor's there.

SGT. TIEN: When you talked to ██████████ and he mentioned ██████████ told him, did you talk to ██████████ at all that today?

██████████ Yes. I talked to him after the fact.

SGT. TIEN: Did this come up? What did he feel?

██████████ Yeah. I think all the black people were offended by this. This is a negative depiction of a black male regardless if he is a rapper or not. That is something that is definitely derogatory. He could have put a police officer up there eating a donut saying, "Come get your money so you can buy more

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donuts,” or something. But why a black male? And there are like, how many black officers there? I don't know who put it up there.

SGT. TIEN: So as far as a time frame... [REDACTED] seems to believe...

[REDACTED] Last Thursday to today.

SGT. TIEN: So was he at work last Wednesday?

[REDACTED] I believe so. He said he doesn't usually go into the lineup room. My assumption is maybe he put that time frame up from [REDACTED] and [REDACTED] since [REDACTED] said he didn't see it the week before going to AOT.

SGT. TIEN: So last week [REDACTED] wasn't here. Who's [REDACTED]

[REDACTED] [REDACTED]

SGT. TIEN: Is she the [REDACTED]?

[REDACTED] Yes. She never even saw it according to [REDACTED]

SGT. TIEN: Out of curiosity, have you heard any rumors of who might have put it there?

[REDACTED] No. I try not to stay in stuff. I try to mind my business until I walk into something like this. No I haven't.

SGT. TIEN: Can you think of anything else that might be helpful that I haven't asked you about? Did [REDACTED] tell you whether he has told anybody or a supervisor or anything like that?

[REDACTED] No. We were just talking about how offensive it was and how if it was the other way around, people wouldn't like it.

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SGT. TIEN: When you say, "the other way around," what do you mean?

██████████ Like if we posted a white male and made fun of him and added something negative to it like...anybody would be offended by it. You know. Stuff like that. I guess this is not the first time where pictures have been posted depicting a black male or a black person in a negative light making fun of that individual in a negative manner. In that sense, whether we be making fun of Trump or Eminem or whoever the case is, no matter what color you are, it's negative. You kind of got to put yourself in other people's shoes.

SGT. TIEN: When you reference that...whether Trump or Eminem or any other person, are you saying Trump or Eminem in a similar form as the picture? Or Eminem rapping about hustlin' or something? If it was a picture of Eminem in the same format, so to speak, that would be offensive as well?

██████████ I think it would be offensive as well.

SGT. TIEN: Not necessarily the race alone, but how it's depicting the race?

██████████ I think definitely the race considering the culture in Southeast. Absolutely the race. By no means am I making light of that. However it's not appropriate in the workplace.

SGT. TIEN: I don't have anything else to ask unless you have anything else?

██████████ No.

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SGT. TIEN: Obviously EEO investigations, you are aware. Please refrain from discussing this with anyone else. Any questions about that?

 No.

SGT. TIEN: The time is 1617 and that concludes the interview.

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Complainant Interview: [REDACTED]

On January 13, 2020, at 1640 hours, I called [REDACTED] I told him I would like to interview him regarding an Internal Affairs EEO investigation into a cutout in the Southeastern Division lineup room. The following is the interview transcript. Please refer to the recorded audio for his verbatim statement.

SGT. TIEN: This is Sergeant Joel Tien #6128. The date is January 13, 2020. The time is 1640 hours. I am on the phone with [REDACTED] [REDACTED] can you please state your ID #?

[REDACTED]

SGT. TIEN: There was a cardboard cutout of a black male that was posted in the lineup room of Southeastern Division sometime in the past and we are trying to establish when that occurred and who put it there. My understanding is that someone was aware that you had a discussion with [REDACTED] at Southeastern [REDACTED] or [REDACTED] [REDACTED] Is that accurate?

[REDACTED] Yes.

SGT. TIEN: The information I had is that you had a discussion with them about how the cardboard cutout was offensive. Is that accurate?

[REDACTED] That is true.

SGT. TIEN: When did you first learn about the cutout?

[REDACTED] I don't know what time in the morning but I happened to go in the lineup room just to see if there was any paperwork. I was on AOT last week. So I

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wouldn't have been there. I went in to check on paperwork and I saw that and I wasn't sure what the reason was that it was there. I didn't know if it was there all last week and there was some sort of significance. I was literally about to take it down myself right then and there.

SGT. TIEN: I apologize [REDACTED] Sorry. I caught almost everything you said except which day. Was that today?

[REDACTED] That was today. Yes. This morning.

SGT. TIEN: After lineup?

[REDACTED] I don't know. I didn't attend lineup this morning so I didn't see it.

SGT. TIEN: When you saw it, it was after lineup?

[REDACTED] Yes. I didn't understand the significance. I didn't know if it was up all last week and there was some significance to it, so I didn't want to take it down and tear it up because I figured if people saw it...it just didn't make any sense. So I talked to [REDACTED] I wasn't sure if he had been in lineup or been in there and saw it. I asked him, and he went in there. We both were like, kind of, flabbergasted. Then, when I saw the black board behind it, I realized the significance was for overtime. Still, why would you put something like that up? You know? Who does that? That doesn't make any sense. If you want to put overtime up, it's already there. You don't need this to explain it. We had that discussion. I think I had left, because I went to [REDACTED]

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at headquarters. When I came back, he [REDACTED] said, "[REDACTED] here. She wanted to talk to you." So we all talked about it. That was about it. I was going to talk to the captain about it but I didn't get a chance to talk to him immediately, which I should have done. I should have talked to him immediately and asked why this was here. Before I know it...I knew something was going on when I saw you guys [myself] coming in [Southeastern Division], but I didn't know for sure what was happening.

SGT. TIEN: I am losing you a little bit. Can you still hear me?

[REDACTED] Yeah. I can hear you.

SGT. TIEN: Did [REDACTED] say anything? Had he seen it before, or was today the first time?

[REDACTED] Today was the first time he saw it.

SGT. TIEN: What is [REDACTED] last name?

[REDACTED] [REDACTED]

SGT. TIEN: What is his title?

[REDACTED] He is [REDACTED]

SGT. TIEN: When you saw it, what was written behind the wall?

[REDACTED] Something about "hustlin" and something else I am not sure. "Everyday hustlin and overtime." I knew it was a rapper, Rick Ross. When I read "Everyday Hustlin," that is a song that he has about "hustlin'."

SGT. TIEN: When you said the rapper, did you say a name?

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██████████ Yeah. Rick Ross.

SGT. TIEN: Ok. Is that a song of his?

██████████ He has a song called "hustlin'." It's old. What's written on the white board had something to do with "everyday hustlin'," and overtime. I kind of understand what they were trying to do (laughing) but at the same time, come on. Are you serious?

SGT. TIEN: I understand it may sound redundant, but can you describe why felt the way you felt?

██████████ It's inappropriate for one. It can come off as extremely racist. You know. When you have something like that, you have a guy you can tell, you know, he is off the streets, from the photo. Why? Why would you do that? Put a black dude that looks like he is off the streets and then say, "Hustlin," and talk about overtime. It's just a bad taste and it's very poor. Very poor taste. Some people may say it's not racist but for me you shouldn't be putting racist stuff up. A lot of times we have community members who come to Southeastern Division all the time. We meet in the lineup room as ██████████. Can you imagine if I hadn't been there at first and we go meet in the lineup room and that is sitting in the lineup room? What do I say? I can't get that back. I can't take that back. I can't explain that away...that that's just

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somebody's humor. That's not going to fly. If it's offensive to me, I know it's offensive to them.

SGT. TIEN: Thank you. Do you recall seeing something written on the board that said, "This is racist?"

██████████ No. That was written there. I think ██████ came back and he wanted to make a point and say, "Hey, this is racist."

SGT. TIEN: So when you saw it this morning, that wasn't written there?

██████████ No. That wasn't there.

SGT. TIEN: Do you know, for a fact, that was ██████ who wrote that? Or was it potentially some other unknown officer?

██████████ No. It was ██████

SGT. TIEN: Did you see him do it, or did he tell you?

██████████ I saw him do it. He wrote, "This is racist."

SGT. TIEN: Do you know about what time that occurred?

██████████ It was sometime this morning. I remember what time.

SGT. TIEN: Is it fair to say it was between 1st watch lineup and lunchtime?

██████████ Yeah.

SGT. TIEN: Was it after you talked to ██████ about it?

██████████ After I talked to ██████ about it.

SGT. TIEN: Do you recall if it was after you talked to ████████████████████

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██████████ I think it was before I talked to ██████████

SGT. TIEN: ██████████ you said?

██████████ Yes.

SGT. TIEN: ██████████ do you have anything else to add I may not have asked you about regarding this investigation?

██████████ No. It's just like stuff like that shouldn't happen. You know. That's just ridiculous. It shouldn't happen. Unfortunately, after thinking about I should have just taken it down right then and there. I just wasn't sure about the significance of it when I first saw it. I don't know how long it's been up here so maybe there is a reason why. It's one of those things you think about. When I asked ██████████ about it he said he hadn't seen it. I don't know what's going on.

SGT. TIEN: Did ██████████ tell you about when he last would have noticed it?

██████████ He said he didn't see any time last week. He also said he doesn't go in the lineup room that much. He had no idea.

SGT. TIEN: Is there anything else I may have missed?

██████████ No. I think that's it.

SGT. TIEN: ██████████ thank you. Obviously, considering the nature of the investigation, please don't discuss it with anyone else. Do you understand?

██████████ Yep. I hear ya.

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The interview concluded at 1652 hours.

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Complainant Interview: [REDACTED]

On January 13, 2020, at 1819 hours, I called [REDACTED] I told him I would like to interview him regarding an Internal Affairs EEO investigation into a cutout in the Southeastern Division lineup room. The following is the interview transcript. Please refer to the recorded audio for his verbatim statement.

SGT. TIEN: This is Sergeant Joel Tien #6128. Today is January 13, 2020. The time is 1819 hours. I am on the phone with [REDACTED] [REDACTED] what is your title and ID number?

[REDACTED] [REDACTED]

SGT. TIEN: I am calling you about a cardboard cutout that was found in the lineup room at Southeastern Division. Through some conversations I've had, I learned that, and correct me if I'm wrong, it was brought to your attention through a question from [REDACTED] Is that accurate?

[REDACTED] Correct.

SGT. TIEN: Can you tell me how that went and what you heard and then saw?

[REDACTED] Sure. I was sitting at my desk and [REDACTED] came over and asked me, "Why is Rick Ross in the lineup room?" I was confused. He repeated himself and I said, "What are you talking about?" He said to come look. We walked in and I looked at it. I immediately thought...it didn't look good. I looked and it had FIs attached to it. It had a booking sheet or something and a bunch of \$100 bills. I thought this wasn't good. It wasn't funny. I asked who did this and he said he didn't know. I said I was going to get my phone to take a

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picture of it and he did too. I took the picture so I could show it to my wife later and discuss it and make sure I'm not being overly sensitive or what have you. We took the picture and left. We are talking to [REDACTED]

[REDACTED]

SGT. TIEN: Who is that?

[REDACTED] She is a, what do you call, a [REDACTED] basically?

SGT. TIEN: [REDACTED]

[REDACTED] Yeah.

SGT. TIEN: How do you spell her name?

[REDACTED] [REDACTED] I think. [REDACTED] So we were talking to her about it and I showed her the picture and she was like, "That's not right." We talked about it, and [REDACTED] said he was going to talk to the captain about it.

SGT. TIEN: When you say, "We," talked about it, was that you and [REDACTED] or you, [REDACTED] and [REDACTED]

[REDACTED] Me, [REDACTED] and [REDACTED] He was going to talk to the captain about it and take him into the lineup room to show it to him. He never got that opportunity, as far as I know.

SGT. TIEN: Do you know what the hurdles were for that?

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██████████ Well, I know the captain was busy talking to an officer in his office with the door closed. After that there were two more times he was unavailable, talking, dealing with officers with the doors closed.

SGT. TIEN: Out of curiosity, and not to detract. We will get back on track. Culturally, is the captain's door usually closed? Is it usually open?

██████████ No. No. No. He is very approachable. Very open. When he's there, the door is always open. He is always accessible.

SGT. TIEN: So when it's closed, it's for a valid reason.

██████████ Right. Exactly. I went on to finish up working on my cases. ██████████ came in and I saw her in the hall. She asked where ██████████ was. She went and did something, and I went and found ██████████ Next thing is all four of us were in ██████████ area. She was showing ██████████ ██████████ and I came in and were talking about random things. Then that came up again. She was like, "What?" I was like, "There's a Rick Ross in the break room." She was immediately upset over it. She asked me to send her the picture. I text it to her while we were standing together. We chatted about other things. ██████████ and I went outside and she talked about the ██████████ and then she left. Now whether ██████████ got a chance to talk to the captain at that point, I don't know. As far as I know, he didn't talk to the captain so the captain was unaware.

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SGT. TIEN: Obviously when you were describing what you saw earlier, I take it you were offended by it?

██████████ Oh yeah. Immediately when I saw it, I thought it was racist. I can understand if you want to put something up kind of funny to get the officers' attention for overtime. There are many different things you could come up with but for something like that, it's just like, "No. No." Very poor taste.

SGT. TIEN: I apologize for being redundant but this is for getting the documentation on audio. Can you be specific? Why did you feel that was racist?

██████████ You know. You are in Southeast. I have overheard comments before. Racist things. You know. If people knew that I was around...then when they realize I'm there, they kind of change the tone or walk away. So I know the mentality of some people there.

SGT. TIEN: Are you referencing the other officers that work at Southeastern Division?

██████████ Yeah. So, I know the mentality of some officers. Not all. You know, it's only, like, a couple. You know. That trickles down, and it probably affects some officers too. It probably affects their mentality, their outlook, the way they deal with people. It was just very, very poor taste.

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SGT. TIEN: If you were explaining this to somebody who had not seen the picture, Rick Ross, I've heard of him. I didn't know who he was before other than just hearing the name.

██████████ Same here.

SGT. TIEN: How would you describe the picture to somebody who had not seen it?

██████████ I would say a black rapper, a lot of gold chains on his neck and hands, well gold rings on his fingers and I think he had gold teeth in his mouth. He had the hat on which they put "San Diego Police" on it or something. But I'm looking at the paperwork that he had in his hand, as well. Why is he holding an FI? Why is there an FI there? Why is there a booking sheet on him? I am seeing that as some thug. Hey, let's arrest him. Let's arrest the gangster. You could have put Bugs Bunny up there if you wanted to put something funny. For overtime or nothing at all. Just on the board. Sign up for overtime. We have overtime slots. "Uh," and whatever they had. Because if you start a conversation with me, if you start your sentence off with, "Uh," then it sounds demeaning because everybody don't talk that way.

SGT. TIEN: If I may, some of the stuff you talked about, I want get a good idea of the time frame. Do you recall when ██████████ came to your desk?

██████████ I want to say around 9. Between 9 and 10. That's the other time we were trying to figure out, when that thing arrived. I don't go to the lineup room.

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Never. So would have never seen it. I walked by there two or three times today and I didn't even...I don't look in there.

SGT. TIEN: And it's kind of in the corner too so you wouldn't really notice it.

Right. He was trying to establish earlier when it was placed in there. I said I never go in there so I don't know. I think he talked to [REDACTED] and asked her because she goes to lineup when she's there. But her days off were Friday, Saturday, and Sunday. So, if she didn't go there on Thursday, she wouldn't have known it was there but I'm assuming it showed up between Friday and today. I told [REDACTED] also to ask [REDACTED] What was [REDACTED] last name? If he saw it this morning. I don't know if he found out or not if [REDACTED] was in there.

SGT. TIEN: [REDACTED]

No. Not [REDACTED]

SGT. TIEN: Oh, [REDACTED]?

Yeah.

SGT. TIEN: Oh, I thought you meant [REDACTED], I apologize. Did he respond or do you know?

I don't know. That's what I was telling [REDACTED] Get a hold of [REDACTED] and find out. If it was there this morning when they were in lineup. Him and [REDACTED] because they are always in lineup.

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SGT. TIEN: Are you able to tell when the last time you actually walked in the lineup room was?

██████████ Probably before Christmas.

SGT. TIEN: After ██████████ came to you and asked what was going on, you both walked back in the room and took a picture, right?

██████████ Uh-huh [Affirmative tone].

SGT. TIEN: What was written? Was there stuff written on the board behind it? And did you know what it was?

██████████ What was on the board was, "Uh" and a statement of something. I just looked at it and took the picture. I can't remember what it was.

SGT. TIEN: Not to discount what that may have said, but what you have told me so far is a reflection of your feelings regarding the cutout itself, so far?

██████████ Right.

SGT. TIEN: After that, you guys went and talked to ██████████

██████████ Yes.

SGT. TIEN: Again, initially between 9 and 10, ██████████ shows up and discussion comes up. She asks you to send her the picture. Does she go and see it too?

██████████ That I don't know. I know if she actually walked in there.

SGT. TIEN: At some point did you... ██████████ mentioned he believed you were the person that wrote, "This is racist," on the board. Is that accurate?

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██████████

Yes.

SGT. TIEN:

Do you recall when that was written? Around what time?

██████████

Shortly after I took the picture actually. I did write on there, "This is racist."

I was going to go back in there and erase it but there was a sergeant sitting in there...Um, ██████████. ██████████ was sitting in there so I just walked on by. I didn't go back in there.

SGT. TIEN:

How long do you think went by between you writing it and when you were going to go back in and erase it and you saw ██████████?

██████████

About five or ten minutes.

SGT. TIEN:

And that's ██████████ right?

██████████

Yes.

SGT. TIEN:

Can I ask you why you didn't...because you saw him?

██████████

I saw him in there and I was like, "I'm not going to go in there." I didn't, you know, feel comfortable.

SGT. TIEN:

Forgive me for prying, but, obviously, this is an internal investigation.

Would you mind sharing why you didn't feel comfortable?

██████████

I don't know. Usually, I just keep to myself, basically. I don't talk to a whole lot of people. I talk to certain people. Usually two or three officers. For the most part, I stay to myself, you know. I try to not get involved in all of their crap that they have going on. You know, there is a lot of bickering,

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you know a lot of political bickering and all kind of crap that goes on and I just, kind of, keep to myself.

SGT. TIEN: Ok. Fair enough. Do you think that when you wrote on it and then were going to go back in...was that before [REDACTED] showed up?

[REDACTED] That was before [REDACTED] Yeah. Like I said, I don't know if she even went in there or not.

SGT. TIEN: Did you ever go back in and see everything erased?

[REDACTED] No.

SGT. TIEN: So you haven't been back in there since then?

[REDACTED] No. But [REDACTED] did tell me this evening that he saw somebody tearing it up and putting it in a bag. I'm assuming they probably erased it. Whether that was before you guys came or after you guys came, I don't know.

SGT. TIEN: Just chronologically. Sometime between 9 and 10 [REDACTED] comes and asks you about Rick Ross in the lineup room. You guys go in there, see what is there, and take pictures. Was it at that same time you wrote, "This is racist," or did you come back in a 2nd time?

[REDACTED] It was the 2nd time. I think I walked away and then we went back in there. It was just like a blur, basically.

SGT. TIEN: After that, five to ten minutes later go back, you were going to erase it but [REDACTED] was in there. Then you end up talking with [REDACTED] and

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██████████ shows up. During that, this topic came up. She asked you to send the picture to her. Then your understanding at that point was that ██████████ was going to address it with the captain?

██████████ Yes.

SGT. TIEN: Obviously, you have voiced your concern over this. Is the reason why you didn't personally tell any supervisors about it, just because you assumed ██████████ would take care of it?

██████████ Yes. Exactly.

SGT. TIEN: Is there any other reason why you didn't? Or didn't talk to the captain yourself or anything like that?

██████████ Well, no. Like I said, when ██████████ said he would talk to the captain about it, I figured it would be handled. That's it.

SGT. TIEN: ██████████ is there anything I haven't asked you about, that you can think of that might be pertinent to all this? Do you have any idea or have you heard of any idea of who might have put it there?

██████████ Actually no. Like I said, I didn't even know it was there until he came and got me. I have walked by there several times this morning. I wasn't going to ask ██████████ I told ██████████ if he wanted to find out when it was there, ask ██████████ From when they were in lineup this morning. Whether he got a hold of them and found out or asked questions, I don't know.

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SGT. TIEN: I think that's all I have right now, [REDACTED] I really appreciate you talking to me so late at night. If anything comes up and you think of something else or hear of something please feel free to reach out to me. Email, call, text, any of it's fine.

[REDACTED] Ok.

The interview concluded at 1838 hours.

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Witness Officer Interview: [REDACTED]

On January 14, 2020, at 0900 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office. The following is the interview transcript. Please refer to the audio recording for his verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien #6128. Today’s date is January 14, 2020. The time is 0900 hours. We are located in the Internal Affairs Office at Police Headquarters. With me is [REDACTED] [REDACTED] could you please state your name, ID number, and spell you last name for the record?

[REDACTED] [REDACTED]
SGT. TIEN: Thank you. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
SGT. TIEN: Also in the room is Internal Affairs Lieutenant...

LT. LARA: Charles Lara. Last name Lara, L-A-R-A. ID #5591.

[REDACTED]

SGT. TIEN: [REDACTED] how long have you been a police officer?
[REDACTED] Just under 30 years.

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SGT. TIEN: What is your current assignment?

██████████ Southeastern ██████████

SGT. TIEN: How long have you been in that position?

██████████ About 2 years.

SGT. TIEN: Are you aware of a cardboard cutout of Rick Ross that was placed in the Southeastern Division lineup room as a solicitation of overtime?

██████████ I am.

SGT. TIEN: Have you seen in personally or just a photograph?

██████████ Just a photo.

SGT. TIEN: Was the photograph you saw the one you just saw immediately prior to this interview beginning?

██████████ Yes.

SGT. TIEN: Shown by me?

██████████ Yes.

SGT. TIEN: Do you think the cutout soliciting overtime was appropriate for the workplace?

██████████ Absolutely not.

SGT. TIEN: Do you think it could be considered racist?

██████████ To some. Yeah.

SGT. TIEN: What does this cutout imply to you personally?

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██████████ Well, based on where it's positioned and the caption above it...

LT. LARA: Would you kindly read the caption? Actually. Why don't we take a moment to give you time to get a closer look.

SGT. TIEN: The time is 0905 hours.

Stop Recording

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien. The time is 0907. I am still present with ██████████ and Lieutenant Lara in the Internal Affairs Office. We are resuming the interview. ██████████ a moment ago we were showing you a picture of a cardboard cutout from the Southeastern Division lineup room. For the audio, the picture depicts a, roughly, life-sized cutout of a photograph of Rick Ross. It appears that several Department forms including a field interview, an Arji-9, multiple overtime slips and copies of \$100 bills are taped to the front of the cutout. Behind the cutout is a white board and a bubble that appears to come from the cutout as if speaking. The words written are, "Uh Everyday I'm hustlin and you can to. Sign up for some ot." Also on the white board is writing that depicts overtime schedules for 2nd and 3rd watch and some potential openings for

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officers to sign up. [REDACTED] is that an accurate representation of the photograph in front of you?

[REDACTED] Yes. It is.

SGT. TIEN: Regarding everything on the white board behind it in that context, what would this cutout imply to you?

[REDACTED] I guess it implies that there is overtime available and an opportunity to make money. I think the tone of it, though, is inappropriate. The way it's suggested, there are Department forms on there. It's really an elaborate photograph. I don't think it was meant to be something that is appropriate in the lineup room. I think it's a bad joke if it's a joke.

SGT. TIEN: Do you feel the Department, currently, has a good working relationship with the community in Southeastern Division?

[REDACTED] In Southeastern?

SGT. TIEN: Yes.

[REDACTED] The Department has, what I would consider, a relationship that, at times, is good with the community. It's not great. It's never better than good. Right? And depending on which way the wind blows, figuratively I mean, if there is a significant incident that either happens in the community or nationally that somehow affects the community that things are bad. It's tenuous, at best. That's the best way I can describe it.

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SGT. TIEN: What type of impact could this information, regarding this cutout and the way it was used in the lineup room, have on the community were they to see it?

██████████ If this was seen certain members of our community in Southeastern, this could be weaponized and added to other narratives that are out with within the community that are negative towards our department.

SGT. TIEN: Could that negatively affect the operations of the department?

██████████ It could.

LT. LARA: Would you say that should some depiction, say a photograph of this cutout, were to get out into the public that it would erode our credibility or cause us to expend good will that is made in Southeastern Division by your Command?

██████████ Absolutely.

SGT. TIEN: Have you heard anyone discuss the cutout within the Department?

██████████ Just my captain when he told me about it yesterday. That's it. And he was speaking to me only.

SGT. TIEN: Was that face-to-face or...

██████████ It was over the phone.

SGT. TIEN: That was first time you had heard about this cutout?

██████████ Yes.

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SGT. TIEN: Do you know about what time that was?

█ That was sometime between 2:15 and 3:30ish or so. I can check my phone.
Let's see.

LT. LARA: █ while you're looking, what's your normal work schedule?

█ I work Tuesday to Friday, 8 to 5ish, roughly.

LT. LARA: Would you say today is your first day back?

█ Today is my first day back. It was...just going through my call log here. It was 2:35 pm.

LT. LARA: Were you at work on Friday?

█ I was.

LT. LARA: Was this cardboard cutout present in the lineup room on Friday?

█ No.

SGT. TIEN: Did you, I believe via social media, did you work Saturday involving the MLK event?

█ Yes. The MLK celebration and the parade in Southeastern Division. I worked that with my captain and members of CST.

SGT. TIEN: What time did that begin?

█ That stepped off at 0900.

SGT. TIEN: Did you ever go inside the substation on Saturday?

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██████████ No. I did not. We met out at the parade jump off point. The captain parked his car at the park so we wouldn't have to walk both ways. I drove down and picked him up and then went back to the step-off point.

SGT. TIEN: The last time you were in the substation was Friday?

██████████ Yeah.

LT. LARA: To your mind, you've never seen this in the substation prior to us showing you this photograph of it?

██████████ I've never seen this at all...substation, on the street, in the building, on the building...until you showed me this picture, I had never seen this before.

SGT. TIEN: Have you heard of any community members who have knowledge of the cutout in relation to the involvement with our department?

██████████ Not yet. There were some phone calls I did not take because I deserve some days off and don't want to talk to people. I did get some calls over the weekend I didn't take. I could do some inquiries.

LT. LARA: Actually, if you would not make any inquiries, we would appreciate that at this point.

██████████ Sure.

LT. LARA: While we undertake this investigation.

SGT. TIEN: Have you reached out to or spoken to any other person regarding the cutout other than ██████████

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██████████

No.

SGT. TIEN:

Is it your responsibility as an ██████████ to monitor the workplace for potentially offensive material?

██████████

Yes.

SGT. TIEN:

Do you?

██████████

Yes.

SGT. TIEN:

Would you have approved this solicitation if you had been asked for permission to use it at the command?

██████████

Absolutely not.

SGT. TIEN:

At the time you were notified by ██████████ of this, based on that information, did you feel the need to do anything?

██████████

No, because he said he did everything already.

SGT. TIEN:

Who manages the overtime scheduling for Southeastern Division? Is it one person? Multiple people?

██████████

This is actually old. We had a ██████████
██████████ What we were doing was have him solicit overtime shifts over the holidays and post that on the board so officers could sign up for them. He has since returned to the field and this is no longer even in use.

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SGT. TIEN: Do you know if sergeants or the command are still looking for people to work overtime relating to this text bubble?

██████████ I suppose we are always still looking for people for overtime but have we officially assigned someone to do that? We have not. I'm the ██████████ ██████████ and I was gone over the holidays. I'm just kind of getting back in the swing. Since ██████████ has returned to the field, I haven't gone back and looked at this yet. If we get someone else, we will.

SGT. TIEN: Did ██████████ return as recently as this weekend or has it been a week or two?

██████████ I want to say he returned the week of Christmas.

SGT. TIEN: Currently, for the command, are the sergeants, if they are 2, 3, or 4 under, are they...

██████████ They are managing it themselves. They are soliciting for overtime themselves and trying to fill those shifts themselves.

SGT. TIEN: So it's reasonable to think that this was placed with the intent of trying to get overtime. Not out of the blue where they don't need overtime at all.

██████████ Are you saying is that a reasonable...

LT. LARA: Is there a need for overtime slots to be filled at Southeastern Division.

██████████ Always is. Every command is.

SGT. TIEN: And the sergeants have the option to take the initiative to fill those?

██████████ That is correct.

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SGT. TIEN: Other than an acting sergeant role, is there ever a time when a PO-I or a PO-II would be tasked with filling overtime slots for patrol?

██████████ No.

SGT. TIEN: Based on the information you know, do you reasonably believe it was a sergeant or someone at the direction of a sergeant who made or placed the cutout in the lineup room?

██████████ That's a real stretch. I don't know.

LT. LARA: Are your supervisors empowered by you, ██████████ or ██████████ ██████████ to take down offensive material in the workplace?

██████████ Yes.

LT. LARA: Would you expect your supervisors to have removed this cardboard cutout upon seeing it?

██████████ Absolutely.

LT. LARA: That has been made clear to the supervisors to be EEO shop stewards in the Division.

██████████ Yes.

LT. LARA: Is there a particular reason why or is that the expectation of the Department. ██████████ That is the expectation of the Department and the Captain sends out weekly notes and things like that. One of the things he has placed in his notes before was to be wary of offensive material placed around the station and

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make sure the sergeants are managing that. He has put that out as his expectation in the past.

SGT. TIEN: That was via email?

██████████ Via email.

LT. LARA: That’s all I have.

SGT. TIEN: ██████████ do you have anything else you could add or something I did not ask about that might assist us in this investigation?

██████████ No. I have nothing that could assist you in this.

LT. LARA: Fair enough. As the person who is in charge of scheduling and filling the overtime slots, there is not a point person you go to right now who is your overtime guru?

██████████ Not right now.

LT. LARA: Have you communicated with anyone in the Division, “Hey, there is a critical need and we need to fill slots?”

██████████ For the holidays, yes. After the holidays, no.

LT. LARA: Who was that person you were chatting with? Was that ██████████

██████████ ██████████

LT. LARA: That’s all I have.

SGT. TIEN: ██████████ at this time I am ordering you not to discuss this case or investigation with anyone else. Do you understand?

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██████████

Yes.

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Witness Officer Interview: [REDACTED]

On January 14, 2020, at 1105 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office. The following is the interview transcript. Please refer to the audio recording for his verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien #6128. Today is January 14, 2020. The time is 1105 hours. We are located in the Internal Affairs Office at Headquarters with subject [REDACTED] [REDACTED] could you state your name, ID number, and spell your last name please.

[REDACTED] [REDACTED]

SGT. TIEN: Thank you. [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

SGT. TIEN: Also in the room with me is Internal Affairs Lieutenant...

LT. LARA: Charles. Last name Lara. L-A-R-A. 5591.

[REDACTED]

SGT. TIEN: [REDACTED] how long have you been a police officer?

[REDACTED] I have been a police officer since 1993 so 27 years.

SGT. TIEN: What is your current assignment?

[REDACTED] [REDACTED] Southeastern Division.

SGT. TIEN: How long have you been in that position?

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██████████ Almost 2 years.

SGT. TIEN: Are you aware of a cardboard cutout depicting a person identified as Rick Ross that was placed in the Southeastern Division lineup room as a solicitation of overtime?

██████████ I am familiar with the cutout. I don't know Rick Ross. However, I am very familiar of the cutout that was in the lineup room.

SGT. TIEN: Did you personally see it when it was in the lineup room?

██████████ Yes.

SGT. TIEN: For the purposes of the recording, in front of you we have a photograph that appears to be in the lineup room. Is that a fair and accurate depiction of what you saw?

██████████ Yes.

SGT. TIEN: When did you first see that?

██████████ I first saw it around 1:20 pm yesterday after ██████████ had called me and told me about a cardboard cutout. He asked me to go check it out. I was currently at ██████████ meeting with him. We disregarded the meeting with him and he asked me to go immediately to the lineup room and see if it's in there. I got there around 1:20 or so and found it there.

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SGT. TIEN: Do you think the cutout soliciting overtime is appropriate for the workplace?

██████████ It is not appropriate.

SGT. TIEN: Do you think it could be considered racist?

██████████ Yes.

SGT. TIEN: What does this cutout imply to you?

██████████ It implies an African American male with a San Diego Police hat with lots of dollar bills, overtime slips, booking slips, 72 hours notices, and it can definitely seem as offensive. In fact, when I first got there, this picture isn't all of what I saw. When I got there, on the grease board behind it in green it said, "This is racist," and it actually pointed to the cardboard cutout. I had walked in to the lineup room with ██████████ because I knew that if we had found we would definitely have to impound it. Obviously ██████████ is very familiar with FileOnQ to impound. She had said to me, without me soliciting anything, she says, "'This is racist,' is new. It was not here in the lineup room when we did lineup at 6:00 this morning."

LT. LARA: For point of clarity, she said, "This is racist. This is new. It was not here?"

██████████ Yeah. She was pointing toward the grease board that actually said, quote-on-quote, it was written on the board in green, "This is racist." She said that was new and wasn't here this morning.

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SGT. TIEN: Do you feel the Department currently has a good working relationship with the community in Southeastern Division?

██████████ Yes.

SGT. TIEN: What type of impact could this have on the community were they to see it?

██████████ A very negative impact. Our community, especially in the 430's service area of Skyline, Valencia Park, and so forth, where the substation is, has a predominant African American community. We value the diversity in our community and we respect all races. When you see something like this, it obviously does not look respectful, it's derogatory, and can seem offensive.

SGT. TIEN: Was your discussion with ██████████ over the phone?

██████████ That was over the phone. I was at ██████████ waiting for our meeting at 1:00 pm. That's when he called me to tell me about the cardboard cutout to go check for.

SGT. TIEN: That was the first time you heard anything referencing this cutout?

██████████ Yes.

SGT. TIEN: Have you heard anyone else discussing the cutout within the Department?

██████████ This morning. ██████████ who is a ██████████ pulled me aside and apologized that I was not notified. He said he talked to ██████████ who is currently an ██████████ at Southeastern Division, who said he had seen it earlier that morning...yesterday morning. ██████████ told ██████████ about it. ██████████ said he

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told [REDACTED] he needed to tell the captain. [REDACTED]

SGT. TIEN:

Have you heard of any community members who have knowledge of the cutout?

[REDACTED]

No. I do not.

SGT. TIEN:

Have you reached out or spoken to any other people regarding the cutout?

[REDACTED]

This morning, [REDACTED] with [REDACTED]

[REDACTED]. In our

detectives’ lineup room, [REDACTED] just said they might be hearing

there was an inappropriate cutout in the lineup room and it is not

appropriate. We are dealing with it and there will be an investigation. They

had not heard anything. It was news to all three of them.

SGT. TIEN:

Were they individually asked if they were aware of this or did they just not solicit information they were aware of it?

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██████████ ██████████ said, "That's news to me." ██████████ ...they both sounded like they didn't know anything about it. The first time they heard about was this morning.

SGT. TIEN: All three of them?

██████████ Yes.

SGT. TIEN: Is it your responsibility to monitor the workplace for potentially offensive material?

██████████ Yes.

SGT. TIEN: Do you?

██████████ Yes.

SGT. TIEN: Would you have approved this solicitation if it had been asked for permission to use it at the command?

██████████ No. Never.

SGT. TIEN: You mentioned earlier you got the information from ██████████ and when you got to the station you got ██████████ with the intention of impounding it. How did that dialogue go after you and ██████████ walked in the lineup room?

██████████ I arrived at the station around 1:15 or 1:20. I saw ██████████ parked outside the substation. I asked her if she was familiar with FileOnQ. She said yes. I told her I needed her assistance and to follow me. We went into

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the lineup room and she said something to the effect of, "Oooh. I know what this is about." I found the cutout in the same location depicted in the photograph. As directed by [REDACTED] I did take pictures of the bubble in red lettering behind the actual cutout. I took pictures of the green lettering to the left of it that said, "This is racist." I took pictures of the cutout. I sent all those pictures to [REDACTED]. I took the cutout, folded it in half, and then erased all the red and green lettering that had to do with the cutout because it was about 1:25 or 1:30 and people start to come in for 2nd watch lineup. I wanted to get it out as soon as possible.

SGT. TIEN:

From there, you gave it to [REDACTED] to impound?

[REDACTED] From there, we were trying to impound it on the computer in the lineup room. However, that computer was lagging. I kept it secure in my captain's office. She went back out to her car to get an event number and case number per procedure. That is when I got a phone call from Captain Morris saying that you were enroute. Therefore we were holding until you could view everything...before we impounded it. [REDACTED] had called and said he still wanted to make the meeting. Therefore I had to leave the substation another time to go meet with him.

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LT. LARA: I would say you immediately acted on the information...knowing that it was inappropriate...taking your photographs, and removing. Is that true?

██████████ Yes. Very quickly and securing it in my office.

SGT. TIEN: How is the patrol overtime scheduling managed at Southeastern Division?

██████████ We have sergeants that post overtime weeks in advance on the lineup board. Currently, because of staffing shortages, we try to make minimum recommended staffing most of the time. Therefore, by watch, on each one of those papers, we actually list how many positions are open so people can sign up on the grease board.

SGT. TIEN: Does the grease board in this photograph depict a column for 2nd watch and I see a "3"...

██████████ 3rd watch

SGT. TIEN: The printouts in lines with those consistent with the forms for officers to sign up for an overtime shift?

██████████ Yes. If they are interested, they sign their name and that sergeant will schedule them and put them on the schedule.

LT. LARA: Who is in charge of that?

██████████ Last was ██████████ He was ██████████ for a while but then returned. I still believe he assists with that. I believe ██████████ would know more.

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SGT. TIEN: Are your employees empowered by yourself, [REDACTED] and [REDACTED] to remove anything that could be considered offensive from the workplace?

[REDACTED] Yes.

SGT. TIEN: Have you sent out any recent emails regarding EEO topics to the employees at Southeastern Division?

LT. LARA: Maybe in forms of an addendum to Ops notes or something like that? Be mindful of your workplace...that sort of thing?

[REDACTED] I have done that in my ops notes. Recently? I wouldn't say in the past couple weeks, but have I done that periodically? Yes. Especially when it's brought up in the Ops Meeting where they ask us to remind our troops to abide by the EEO policy.

LT. LARA: And that would be something like, post Wednesday, the Chief gives his direction and then you reiterate that direction?

[REDACTED] Yes.

SGT. TIEN: Have you ever seen this cutout at the division or in any other context?

[REDACTED] No. As you are aware, Southeastern does have security cameras. [REDACTED]

[REDACTED]

[REDACTED]

Anyone carrying something this big I would hope would be caught on

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camera. [REDACTED] can help you retrieve that information as well as [REDACTED]. He is our staff sergeant and JST Sergeant. [REDACTED] would be able to help you download it if needed. Something that big has to be seen.

LT. LARA: Did you notice any folds that would have implied that this thing was smaller when it came in?

[REDACTED] Yeah. When I was getting rid of it, there is a fold here by the shorts line. You can see it depicted by a white line. It was very flimsy so it could have been easily folded in half.

LT. LARA: So it's about 3 foot in length.

[REDACTED] Yeah. 3 to 4 feet.

LT. LARA: We will make every effort to examine the video footage.

[REDACTED] Do you need any schedules? I went to 2nd watch lineup on Thursday. It was not there. I was off on Friday. I came in to work the MLK parade on Saturday. However I didn't go into the lineup room. For me, if you talk to the watches that worked over the weekend, you will be able to nail down the specific time. I can supply all the schedules because shift change just happened.

SGT. TIEN: I think we have most of what we are looking for.

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LT. LARA: Has there been any feeling, sentiment, or directive from you where there has been a bigger push to get overtime slots filled where somebody might think, "I need to get creative?" Or is there more pressure about filling overtime slots than any time before?

██████████ No. Southeastern actually does pretty good. Better than other commands at overtime. Every Tuesday and Thursday are our barrel days on all watches. Therefore, there is no need for overtime. When I look at the schedules, other than last Saturday being shift change, that was the first time we were down by four or five. Other than that, we are usually pretty good around negative 2 or at minimum.

LT. LARA: So apart from ██████████ there is not necessarily a supervisor who is your point person on the schedule?

██████████ No. It is on a voluntary basis and we have a lot who volunteer for the overtime. We do 8 hour shifts to conserve on the budget.

LT. LARA: Are there any PO-1's or PO-2's that have helped with the scheduling overtime.

██████████ If so, they would probably be an acting sergeant. Right now we have a detectives, ██████████. He is an acting sergeant on graveyards right now. We have had ██████████ is an acting sergeant for ██████████.

SGT. TIEN: Do you know what shift he is?

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██████████ I believe he is day watch now. Yeah. He is working today. Over the weekend, we also had ██████████ who was an acting sergeant this weekend. Again, I would have to take a look at all the schedules but I would be glad to supply you guys with all the schedules from the weekend.

LT. LARA: We would appreciate that assistance. That’s all I have.

SGT. TIEN: ██████████ is there anything else you would care to add that I may not have asked about?

██████████ No.

SGT. TIEN: At this time I ordering you not to discuss this case or investigation with anyone else. Do you understand?

██████████ Yes.

SGT. TIEN: The time is 1126 and that concludes the interview.

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Witness Officer Interview: [REDACTED]

On January 14, 2020, at 1132 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office. The following is the interview transcript. Please refer to the audio recording for his verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 14, 2020. The time is 1132 hours. We are located in the Internal Affairs office at police headquarters with [REDACTED] And [REDACTED] if you can state your name, ID number and spell your last name.

[REDACTED] [REDACTED]

SGT. TIEN: [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

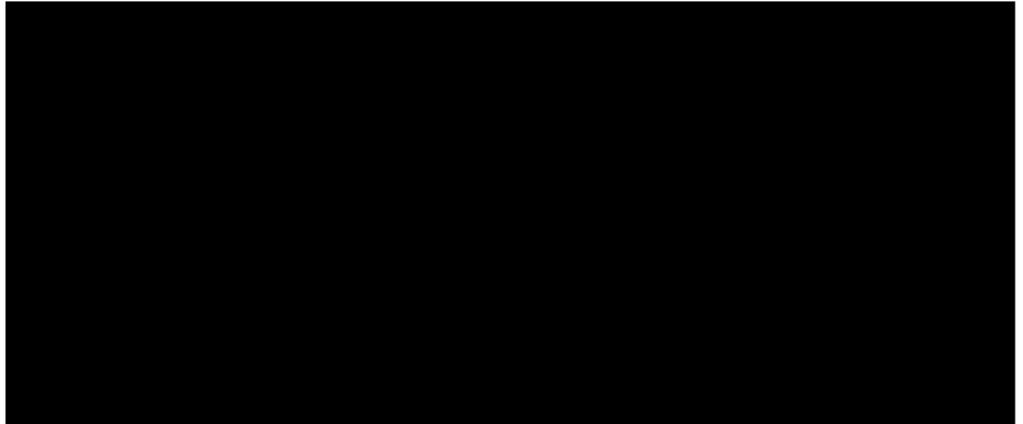
SGT. TIEN: Also in the room is Internal Affairs Lieutenant...

LT. LARA: Charles Lara, L-A-R-A, 5591.

SGT. TIEN: [REDACTED]

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[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] how long have you been a police officer?

[Redacted]

Just over 28 years.

SGT. TIEN:

And what is your current assignment?

[Redacted]

Currently assigned [Redacted] the Southeastern Division,
[Redacted]

SGT. TIEN:

And how long have you been in that position?

[Redacted]

About a year and a half.

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SGT. TIEN: Are you aware of a cardboard cutout that was placed in the Southeastern Division lineup room as a solicitation of overtime?

██████████ I am.

SGT. TIEN: And have you - and for reference for the audio, there is a photographs, appears to depict a cardboard cutout. Is that a fair and accurate depiction of the cutout in the lineup room as you're looking at it?

██████████ Well it's not in the lineup room now.

SGT. TIEN: Does the picture taken that you're looking at appear to be in the lineup room?

██████████ It appears to be in the lineup room.

SGT. TIEN: Did you personally or physically see the cardboard cutout or were you just told and saw a photograph?

██████████ I did not see it. I was off yesterday. But I did not see it. I was told about it but I didn't see it until this morning.

LT. LARA: When we just showed it to you?

██████████ No. ██████████ had shared it with me.

SGT. TIEN: After viewing the picture that you saw from ██████████ and then - and this one, do you think the cutout soliciting overtime was appropriate for the workplace?

██████████ No I don't.

SGT. TIEN: Do you think it could be considered racist?

██████████ At this point without reading what's written on the - looks like an FI or the paperwork, I - I don't.

SGT. TIEN: What does this cutout imply to you?

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██████████ Just implies that - well on that eraser board is the overtime availability. ██████████ had posted that in a response to the Morale Committee asking that overtime slots be announced in a way where officers could sign up. So because the cutout is there, I would say that it's just telling people that overtime is available and to come to where they can sign up for the overtime. So that's - that's how I would see this as a creative yet tasteless way of advertising overtime availability.

LT. LARA: The Morale Committee request to put those things up and was that in the vein of fairness and transparency - here's what we have?

██████████ Correct - correct. The Morale Committee had received requests from officers because officers were being notified kind of last minute that overtime was available or - or that we needed backfill overtime. So they suggested - and I'm a member of the Morale Committee but the suggestion came up that we should have these overtime sheets for the different watches on the different days that we're short and therefore give the officers an opportunity to sign up for the overtime themselves. And because it's, again because this poster is next to that, I would imagine it was someone's opportunity or someone's attempt I should say to enlist people to sign up for overtime. I think it could have been handled differently but that's - that's how I'm viewing this.

SGT. TIEN: Do you feel the department currently has a good working relationship with the community in Southeastern Division?

██████████ I think we have an excellent working relationship.

SGT. TIEN: What type of impact could this have on the community were they to see this specific cutout in the station?

██████████ I can't say what type of impact it would have. I think some people would view it - everyone would have their own opinion. You know, I see it as something that could be seen as offensive but then again to other people, it could not be seen as offensive. So I think it was poor judgment, poor taste, you know? Had it been a White person standing there or a professional athlete cutout or, you know, Nacho Libre standing there, I mean, who knows who - which community group would've seen it as offensive but I can't speak for how the community would interpret it.

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SGT. TIEN: Have you heard anyone discussing the cutout within the department?

Other than the captain sharing it with me yesterday and the captain and I talking about it this morning, I haven't heard anything. But the exception of - I reminded our detective sergeants this morning after morning call to make sure that - I made them aware of this. I did show them the photo but I just reminded them that, you know, they should be walking around through the station periodically look for anything that could be misinterpreted or could be offensive and to bring it to our attention. I do that on a daily basis. I walk around the station looking for inappropriate postings.

SGT. TIEN: When was the last day you were at the station?

It would be Thursday.

SGT. TIEN: Thursday. And do you recall - were you at a specific watch lineup that day or...

I was at second watch lineup.

SGT. TIEN: So the last time you were here - you were in the lineup room was second watch lineup last Thursday?

No.

SGT. TIEN: Prior to learning about this cutout?

No. The last time I was in the lineup room was before I went home.

SGT. TIEN: And what time was that?

About 1700.

SGT. TIEN: Next Thursday then?

Thursday.

SGT. TIEN: 1700. And at 1700 on last Thursday was this cutout or any of the red writing - do you recall seeing it in the lineup?

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██████████

No.

SGT. TIEN:

Can you categorically say it was not there?

██████████

It was definitely not there.

LT. LARA:

That would've stood out to you?

██████████

It would've. I would've taken it down.

SGT. TIEN:

Have you heard of any community members who have knowledge of the cutout?

██████████

No.

SGT. TIEN:

Other than the detective, sergeants and speaking with the command administration Southeastern Division, have you reached out or spoken to any other person regarding the cutout?

██████████

No.

SGT. TIEN:

I know you mentioned earlier but is it your responsibility to monitor the workplace for potentially offensive material?

██████████

It is.

SGT. TIEN:

And you do?

██████████

I do. Every day.

SGT. TIEN:

Would you have approved this solicitation if you had been asked for permission to use it at the command?

██████████

No.

SGT. TIEN:

Other than providing information, were you directed or did you take the initiative to do anything when you were - found out about the cutouts presence?

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██████████ No. ██████████ had already explained to me what his actions were. He took photographs of it and took it down.

SGT. TIEN: How does the overtime patrol scheduling work at Southeastern Division? Is there one person in charge of it... one sergeant assigned?

██████████ Yeah.

SGT. TIEN: Or can you run us through that?

██████████ Recently - it was - up - up until - I want to say November, the lineup sergeant was responsible to ensure that adequate staffing was there for their watch. There were times where that sergeant would call people kind of last minute when someone would call in sick or something. So the Morale Committee became aware of that and a suggestion was made for us to post the different days and the watches where we had shortages so officers can take the initiative and sign themselves up for overtime. ██████████ took on that responsibility pretty much on his own and he's been tracking and monitoring the overtime and has been posting it on the board.

SGT. TIEN: And does this picture fairly depict the kind of system you were describing, like, it appears like there's some paper printouts with some slots?

██████████ Correct.

SGT. TIEN: And that's how officers would sign up then?

██████████ Correct.

LT. LARA: And that was done in the vein of being fair and transparent and a little bit ahead of the lead time?

██████████ Correct.

SGT. TIEN: Do you know who prints those all out? Is it just ██████████ or does it kind of depend?

██████████ That I'm aware of it's been ██████████ He's taken the lead on it, took the initiative to do it and the - I, you know, I - I'm aware of only him doing it. I haven't heard any other sergeant doing it.

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SGT. TIEN: Are the employees of Southeastern Division empowered by yourself, [REDACTED] and [REDACTED] to remove anything that could be considered offensive from the workplace?

[REDACTED] Yes.

SGT. TIEN: Have you ever seen this cutout anywhere else at the division in any other context?

[REDACTED] No.

LT. LARA: Only one last question. So clearly someone took some time to create this - this sign to - this gentleman - the cutout with some - with some decoration. Does - have you ever seen, like, a craft project like this that somebody might've done for some other thing in the - in the division where this sort of thing, you know, in another context might have been done?

[REDACTED] No. No. And whoever did it's got some pretty good skills.

LT. LARA: Yeah. It's - it's elaborate. That's really all I have. Anything you would like to add?

[REDACTED] No.

SGT. TIEN: All right. [REDACTED] at this time I'm ordering you not to discuss this case or investigation...

LT. LARA: Actually forgive me. I actually have one more question. Has there been any particular urgency to fill overtime slots, like, with the PO-IIs or something, you know, we're going out, like, 20 under, you know, has there been some exigency or urgency behind getting overtime slots filled of late that you know of that might've caused somebody to be creative?

[REDACTED] No.

LT. LARA: That's really all I have.

SGT. TIEN: All right. [REDACTED] at this time I'm ordering you not to discuss this case or investigation with anyone else. Do you understand?

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██████████

I do.

SGT. TIEN:

The time is 1146 and that concludes the interview.

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Interview: [REDACTED]

On January 14, 2020, at 1418 hours, Lieutenant Lara and I interviewed [REDACTED] in the Internal Affairs Office. [REDACTED] The following is the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 14, 2020. The time is 1418 hours. We are located in the Internal Affairs office at police headquarters with [REDACTED] And [REDACTED] can you state your full name, ID number, and spell your last name for the record?

[REDACTED] [REDACTED]

SGT. TIEN: Thank you. And also in the room is Internal Affairs Lieutenant...

LT. LARA: Charles, last name Lara, L-A-R-A, ID number 5591.

SGT. TIEN: [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

SGT. TIEN:

How long have you been a police officer?

[REDACTED]

Fourteen years.

SGT. TIEN:

And what is your current assignment?

[REDACTED]

My current assignment is Southeast Division.

SGT. TIEN:

And how long have you been in that current assignment?

[REDACTED]

This is day two.

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SGT. TIEN: Are you aware of a cardboard cutout that was placed in the Southeastern Division lineup room as a solicitation for overtime?

██████████ Yes.

SGT. TIEN: Did you see it firsthand in that location in the lineup room?

██████████ Yes.

SGT. TIEN: And when was that?

██████████ It would've been Monday - Monday morning at 6:00 am.

SGT. TIEN: So yesterday morning?

██████████ Yes.

SGT. TIEN: And 6:00 am first watch lineup time?

██████████ Yes.

SGT. TIEN: Did you see it when you went in or was - did somebody notify you about it?

██████████ I saw it after I sat down.

SGT. TIEN: Were there any other people in the lineup room at that time?

██████████ Yeah. You had the officers and ██████████

SGT. TIEN: Did any of the officers mention anything to you about it?

██████████ No.

SGT. TIEN: Did the - was there, like, a thought bubble or something written on the grease board behind the cutout that appeared to be related to it?

██████████ Yes.

SGT. TIEN: And for audio's sake, in front of ██████████ I've placed a photograph.

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Appears to depict the cardboard cutout in its position in the Southern Division lineup room. Does this picture fairly depict the - the lineup room and where you saw the cutout?

██████████

Yes.

SGT. TIEN:

Does that thought bubble behind the cutout appear to be what you recall seeing there?

██████████

Yes.

SGT. TIEN:

Can you read that?

██████████

It says, "Uh" And then there's in quotations, there aren't beginning quotations. Every day...

SGT. TIEN:

Is it exclamation points or is it quotation marks?

██████████

It looks like it's two exclamation points. And then, "Everyday I'm hustlin' and you can too." And there's dot - dot - dot, "Sign up for some OT."

SGT. TIEN:

And that was written on the board when you saw it in the lineup yesterday?

██████████

It was.

SGT. TIEN:

And then the cutout itself appears to depict a Black male?

██████████

Yes.

SGT. TIEN:

And it looks like it was altered in some capacity, correct?

██████████

Correct.

SGT. TIEN:

Based on your knowledge of the information presented on the board, how would you understand this cutout to be related to or not related to the information presented on the board in the lineup room?

██████████

Honestly, when it was pointed out at lineup, I knew it had something to do with overtime. It's because of what the bubble said. There were overtime slips - blank ones attached to the cardboard cutout. Other than that, I didn't

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really give or pay it any attention.

SGT. TIEN: And you just mentioned when it was pointed out in lineup, how was it pointed out? I guess how was it brought to your attention?

██████████ It was more of a, "Hey. Who is this?" I honestly thought it was a football player from one of the playoff games. I have no idea who that is. I can only guess - I was guessing it had something to do with overtime because of the dollar bills that were attached to it and the overtime slips.

SGT. TIEN: Do you know who put it there?

██████████ I do not.

SGT. TIEN: Have you heard anyone discuss where they believe the cutout originated?

██████████ No.

SGT. TIEN: Have you heard anyone from outside the department discuss the cutout at all?

██████████ No.

SGT. TIEN: Do you feel the cutout including its peripheral additions and the verbiage could be considered derogatory based on race?

██████████ I honestly do not believe so.

SGT. TIEN: Based on your knowledge and experience, what is the demographic makeup, roughly, of Southeastern Division?

██████████ African American. I've not worked the division before. I...

LT. LARA: Day two.

██████████ Day two.

SGT. TIEN: How would you feel the community might react if a photograph of the cutout were to become known regarding its place within the police department - the location - as - as embellished, I mean, as decorated and in

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the context of this?

██████████ As it is, not knowing anything about this singer, I understand he's a rapper. I honestly do not feel it would upset the community. I think if it was - we'll just say decorated differently, I think it - that would be a whole different ballgame. It might raise some eyebrows but as it is, no.

LT. LARA: You just mentioned about a rapper. Did you have personal knowledge that this was a rapper?

██████████ No. I found that out from my meeting with my squad afterwards to do the introductory. I asked, "Who is that?" And then they said a name and honestly I didn't hear what it was and they said, "He's a rapper."

SGT. TIEN: As a supervisor, do you have a responsibility to monitor the workplace for actual or potential violations of EEO?

██████████ Yes.

SGT. TIEN: In this case, did you believe this was a potential violation of a EEO?

██████████ No.

SGT. TIEN: You mentioned you've been at Southeastern Division for two days?

██████████ Yes.

SGT. TIEN: Have you ever been assigned to Southeastern Division before?

██████████ Yes.

SGT. TIEN: And how long ago was that?

██████████ Fourteen years ago.

SGT. TIEN: And in what capacity?

██████████ ██████████

SGT. TIEN: How long were you there?

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██████████

Oh. Six weeks.

LT. LARA:

Were you there in the building or were you working the field? ██████████

██████████

In the building. ██████████

SGT. TIEN:

Of course.

██████████

At the substations. And then I went back on phase.

SGT. TIEN:

Having not been assigned to Southeastern Division for 14 years and just beginning your time here recently, how familiar with the culture of the division are you?

██████████

I'm not. I haven't even moved all the stuff in out of my boxes yet.

SGT. TIEN:

As a supervisor, if you do observe something that is an actual or potential violation of a EEO, how would you handle it?

██████████

Well it's immediate and documenting corrective action. If anybody had mentioned body language, facial expressions, any kind of hesitation whatsoever then yeah. Then I would've acted on it.

SGT. TIEN:

So building on that, I'm coming to understand by what you're saying, did anyone tell you they were offended by the cutout?

██████████

No.

SGT. TIEN:

And you said clearly that you were not personally - you didn't even know who it was but you did - you were not personally offended by this?

██████████

No.

SGT. TIEN:

So you felt no need to take any action because you did not think of it as patently offensive to you and no one else articulated that they were offended?

██████████

Correct.

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SGT. TIEN: [REDACTED] do you have anything else you would like to add that I may not have asked about?

[REDACTED] I can't think of anything.

SGT. TIEN: A couple more things. Were you given some direction regarding what should be done with this cutout by your commanding officer?

[REDACTED] Yes.

SGT. TIEN: Who is your commanding officer?

[REDACTED] [REDACTED]

SGT. TIEN: What were his specific instructions to you with regard to this cutout?

[REDACTED] Well he approached me in the patrol car and asked if I was still familiar with file on Q. And of course, yes I am, and if I could help him impound. I said, "Sure." So then when we went into the lineup room and he said, "We need to impound this." I went, "Okay." And that's the first time I had been notified that there was an issue. So I just folded it in half and...

SGT. TIEN: Was that action taken in the context of your understanding that perhaps somebody had been offended and that it might be violation of EEO?

[REDACTED] Yes.

SGT. TIEN: And that was sort of the first time you understood that cutout to be in any way connected with something that was an EEO matter?

[REDACTED] Yes.

SGT. TIEN: And upon finding out about that, did you act?

[REDACTED] Yes I did.

SGT. TIEN: And immediately thereafter?

[REDACTED] Yes.

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SGT. TIEN: And at your commanding officer's direction?

██████████ Yes.

SGT. TIEN: Thank you.

LT. LARA: The picture right now only includes the one thought bubble that says - essentially soliciting overtime.

██████████ Correct.

LT. LARA: At some point, did you see an additional written text on the board?

██████████ Yes.

LT. LARA: What else did you see?

██████████ When I came in to do the impound. For the video's sake, approximately head level with the cardboard cutout in green marker was, "This is racist," with an arrow from the "racist" pointing to the cardboard cutout.

LT. LARA: And that was after you got the direction from ██████████

██████████ Yes.

LT. LARA: And around what time was that? And I'd assume that was yesterday.

██████████ Yes. And it'd be about 1320 hours.

LT. LARA: And was that present at lineup that morning?

SGT. TIEN: The green pen.

██████████ The green, no.

SGT. TIEN: "This is racist."

██████████ No.

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LT. LARA: Do you recall going in and noticing it throughout the morning at all?

██████████ I never went back into the lineup room after first watch lineup. Until I went back in with the captain.

LT. LARA: And your discussion with your squad with regard to Mr. Ross - the cutout, it was more in the vein of educating you simply who this person was because you had no idea?

██████████ Correct. It was maybe a sentence or two. The purpose of our meeting was to introduce myself, go over expectations and, "Who is that?"

LT. LARA: Okay.

██████████ They told me and we were onto the next subject.

LT. LARA: Okay. I'm good.

SGT. TIEN: Did any of the officers from what you observed seem to express any concern over this cutout at all?

██████████ No. There weren't any officers in the lineup that, like I said, appeared to be concerned. Nobody came up to me. When I was walking around the sub throughout the day, nobody approached me. I didn't overhear any kind of conversations. I had no idea.

LT. LARA: Would you say that you are generally looking for not just what people say but their body language and their demeanor as well?

██████████ Yes.

LT. LARA: And you saw nothing that gave you any pause?

██████████ Correct.

SGT. TIEN: All right. ██████████ at this time I'm ordering you not to discuss this case or investigation with anyone else. Do you understand?

██████████ Yes.

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SGT. TIEN: The time is 1433 and that concludes the interview.

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Witness Officer Interview: [REDACTED]

On January 14, 2020, at about 1610 hours, Internal Affairs Sergeant Mario Perez #6312 and I drove to the Southeastern Division Substation. At 1631 hours, we interviewed [REDACTED] in the investigative lineup room. The following is the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today's date is January 14, 2020. The time is 1631 hours. We're at the Southeastern Division investigative lineup room. Present is Internal Affairs Sergeant...

SGT. PEREZ: Mario Perez, ID #6312.

SGT. TIEN: And we're here with [REDACTED] and [REDACTED] can you state your name, ID number and spell your last name please?

[REDACTED]

SGT. TIEN: [REDACTED] we're here regarding a cardboard cutout that was placed in the Southeastern Division in the lineup room sometime this past weekend. Are you familiar with this cardboard cutout?

[REDACTED] Yes, it was in there when I was in lineup on Sunday.

SGT. TIEN: And which shift was that?

[REDACTED] First watch.

SGT. TIEN: And for the record, do you know who the depiction was of?

[REDACTED] I didn't know. Someone had to tell me.

SGT. TIEN: And was it a painting, a drawing or picture? How would you describe it?

[REDACTED] I didn't go up close to it but it looked like a normal, like, a life size cutout type thing, like, a cardboard cutout type thing.

SGT. TIEN: Male, female?

[REDACTED] Well, it's a male. And someone in the lineup said it was Rick Ross who's a

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popular rapper.

SGT. TIEN: So the first time you saw it was Sunday morning when you walked in the lineup room?

██████████ Yes.

SGT. TIEN: Did you hear anyone discussing it prior to you entering the lineup room?

██████████ No. Only when I got in the lineup room.

SGT. TIEN: Was there anyone written on the grease board behind it that appeared to be connected somehow to it?

██████████ Yes.

SGT. TIEN: What was written?

██████████ I don't remember the exact words but somethin', like, about hustling. Because that particular rapper has a song or his lyric or kind of his phrase where it's, like, "Every day I'm hustlin'." It's, like, his tag line. And so the inference was, you know, "Work OT, get your hustle on."

SGT. TIEN: Okay.

██████████ Type thing.

SGT. TIEN: So was that your inference after learning what this was - it was connected to the overtime?

██████████ So I can't see very good. I didn't have my glasses on so I couldn't tell what it was. All I saw was the 72 hour notice because it's pink and it's neon pink and I sit in the back of the lineup room and the poster was at the front of the lineup room. That's all I could see was a 72 hour notice. So I said, "Who is that?" And someone laughed and said, "That's Rick Ross." I know Rick Ross's music. I know that his tag line is "Every day I'm hustling." Which I can imply connects the dots.

SGT. TIEN: Gotcha.

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██████████ Does that answer your question?

SGT. TIEN: Yes. Thank you very much. That was very - very good. Were you personally offended by it?

██████████ No. I didn't get it. Didn't make sense to me.

SGT. TIEN: When you mentioned you asked, "Who is that?" in lineup, you said somebody laughed. Is that correct?

██████████ Oh. A couple people laughed. Yeah. Jokingly laughed.

SGT. TIEN: From what you could tell, was anyone else in lineup offended by it?

██████████ If they were, they didn't speak on it.

SGT. TIEN: Judging by anyone's body language or demeanor, did it appear like anyone was?

██████████ No. But I wasn't paying any attention to it. It was just weird.

SGT. TIEN: When were you last in the lineup room before first watch Sunday?

██████████ Well, I've been in Jamaica for eight days prior. So it would have been quite a while. If that's fair. I'd have to look up the day.

SGT. TIEN: Actually - yeah.

██████████ You are going to want to know the day. Okay. Hold on. Well it was before shift change. So my days off would have been Saturday, Sunday, Monday so I would have been in the lineup room - well I took Friday off to fly so it would've been Thursday the 2nd.

SGT. TIEN: And when you were there on Thursday the 2nd or any time during that shift, did you go in the lineup room if you recall?

██████████ Yes.

SGT. TIEN: At any point during that shift date - and that was third watch?

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██████████ Second watch.

SGT. TIEN: Second watch. So at any time during your second watch shift, did you see that cutout?

██████████ No.

SGT. TIEN: In the lineup room? Do you recall specifically going in the lineup room on January 2 after lineup at all?

██████████ Like, to go inside the room for any other reason?

SGT. TIEN: Yeah.

██████████ I don't remember.

SGT. TIEN: So the most concrete thing you can say is it wasn't there during lineup on January 2 for second watch?

██████████ Correct.

SGT. TIEN: Thank you.

██████████ Did you actually see it?

SGT. TIEN: Yeah.

██████████ Yeah it's tall. It's big. You can't miss it.

SGT. TIEN: Yeah.

██████████ I - I would hope...

SGT. TIEN: I just wanna make sure we're talkin' about the same thing.

██████████ Yeah. I would hope I would have noticed that.

SGT. TIEN: At some point did you hear someone discuss where it might have originated?

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██████████ Yes.

SGT. TIEN: And when did you hear that discussion?

██████████ Today.

SGT. TIEN: And how did you hear that discussion?

██████████ I was talking to ██████████ who's an officer here in Southeast about something completely unrelated.

SGT. TIEN: And during that discussion, something related to the cardboard cutout came up?

██████████ Yes.

SGT. TIEN: And what did he say?

██████████ He said that it was not meant harmfully or to be racist or anything of that sort. And he thought it was funny. And I said, "Well who did it?" And he told me who did it.

SGT. TIEN: And what did he say? Who did he say it was?

██████████ Matt Kobylarz. I have no idea how to spell that.

SGT. TIEN: Okay.

██████████ And I said, "Matt is a super good guy. I can't see him being, like, harmful about it." And he said, "Well he asked the sergeant if he could do it and the sergeant said, 'Yeah, sure. No problem.'" I said, "Who's the sergeant?" He said, "Travis Easter."

SGT. TIEN: Does ██████████ work for Easter?

██████████ Yes and so does Kobylarz.

SGT. TIEN: Did ██████████ allude to the fact that he was present when Kobylarz asked Easter?

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██████████ I didn't ask.

SGT. TIEN: All right.

██████████ So I said, "Well where'd it come from?" He said, "It came from ██████████
██████████ Are you familiar with Southeast?"

SGT. TIEN: Yeah.

██████████ So I've never been inside. I don't remember ever being inside ██████████ -
at least not recently. I guess inside of there they have a bunch of life size
cutouts of, like, Nipsey Hussle and Rick Ross and...

SGT. TIEN: That's the one over ██████████ right?

██████████ ██████████. Yeah. And so actually on ██████████ though. So I was,
like, "Oh - oh okay." And I said - and then he decorated it and he asked
Easter, "Do you think this would be okay - would this be fine to put it in the
lineup?" And he was, like, "Yeah, sure. Go ahead. It's fine."

SGT. TIEN: Do you know what day that occurred?

██████████ I have no idea.

SGT. TIEN: All you know is it was before Sunday first watch lineup?

██████████ Right.

SGT. TIEN: Okay.

██████████ And they're a second watch squad.

SGT. TIEN: Okay.

██████████ I don't know.

SGT. TIEN: Okay.

██████████ Like, they're working right now. Well I don't know if Matt's here but...

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SGT. TIEN: Okay.

██████████ Oh no. They might be off right now. I take that back but they are...I think they're a second watch squad.

SGT. TIEN: Okay.

██████████ Don't quote me on that.

SGT. TIEN: Any other discussion with ██████████ about it or just that?

██████████ No. I asked him if he was offended. He wasn't. He said it was funny. He saw the joke in it. He thought it was funny. And I said, "Well did you see what was written on the whiteboard part?" And he said, "Yeah. That's Rick Ross's line though." That it was directly related to Rick Ross and that was the humor behind it. It's his tagline.

SGT. TIEN: So you ask him if he was offended and he says...

██████████ "No, it was funny."

SGT. TIEN: And then you followed up with, "Did you see what was written on the board?"

██████████ Right.

SGT. TIEN: And he said, "Yeah, that's his song. That's why it's funny.?"

██████████ It's the lyric. Yeah.

SGT. TIEN: Okay.

██████████ He also said that if it was a problem then a sergeant would have said something. That's it. That's all I can think of that he said.

SGT. TIEN: And he followed up with that saying if it was a problem...

██████████ Sergeant should have said no. Don't put it up, like, that is a problem. Don't do it.

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SGT. TIEN: Do you remember if he said the sergeant should have said something or the sergeant would have said something?

██████████ Should have.

SGT. TIEN: Should. Okay. So you worked Sunday. Did you work yesterday?

██████████ Mm-hm. Yes.

SGT. TIEN: Was it still there yesterday?

██████████ No.

SGT. TIEN: In first watch lineup?

██████████ Am I getting' my days mixed up?

SGT. TIEN: I've actually got the schedules right here. Let me pull this up just to make sure...

██████████ I'm on vacation mode I suppose - long week mode.

SGT. TIEN: Yeah. Completely understand. So I have you on the schedule with ██████████
██████████ the new sergeant yesterday.

██████████ I can tell you I worked Sunday and Monday. When did this first come up?
Was it yesterday?

SGT. TIEN: Yesterday is the first I heard of it.

██████████ Yesterday is when I - when you guys were here, right?

SGT. TIEN: Yes.

██████████ Then it happened yesterday. I did not see it Sunday. I saw it yesterday.

SGT. TIEN: Okay.

██████████ Yeah.

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SGT. TIEN: All right. So let's...

██████████ So I'm sorry.

SGT. TIEN: That's okay. I just wanted...

██████████ Yeah.

SGT. TIEN: That's fine.

██████████ It happened yesterday because you guys were here yesterday. It all happened in the same day.

SGT. TIEN: Okay.

██████████ So it was yesterday in lineup. It was not there on Sunday which was my first day back. I did not work Saturday. I was in Jamaica Saturday.

SGT. TIEN: It was not in lineup Sunday morning?

██████████ Correct.

SGT. TIEN: Okay.

██████████ Sorry about that.

SGT. TIEN: That's okay. Just to clarify, I'm going to go through some dates real quick. Sunday, January 12, your first day back from vacation.

██████████ Yeah correct.

SGT. TIEN: Your sergeant is not here and you have an ██████████

██████████ Correct.

SGT. TIEN: You recall that day?

██████████ Yes.

SGT. TIEN: In lineup Sunday morning was the cardboard cutout there?

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██████████ No, it was not. I saw it on Monday, January 13.

SGT. TIEN: Which is yesterday.

██████████ Yep. And ██████████ was there and ██████████ was there.

SGT. TIEN: Okay.

██████████ And I think just the two. I don't remember the rest.

SGT. TIEN: Sunday when ██████████ was in, it wasn't there in lineup. Do you recall going into the lineup room any more during the rest of the shift? Where you would've noticed...

██████████ I don't remember - nothing that I would've paid attention to.

SGT. TIEN: Okay. All right. So you don't recall seeing it at all that day?

██████████ Correct.

SGT. TIEN: But you can't say, "You know, I walked in there - the EOS to double check something' and it wasn't there." You...

██████████ Correct. I don't normally go back in there.

SGT. TIEN: So first watch, Monday, January 13, is the first time you saw it?

██████████ Correct.

SGT. TIEN: All right.

██████████ In first watch lineup.

SGT. TIEN: In first watch lineup?

██████████ Right. And my sergeant was there as well.

SGT. TIEN: Okay.

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SGT. PEREZ: Was there any other sergeants there on Monday?

██████████ Wasn't ██████████ there yesterday? Yeah.

SGT. TIEN: I'm going back to the dialogue when you walked in there, you said, "Who is that? What is that?" Do you recall - did the sergeant say anything about the cutout?

██████████ I don't remember that part. Like I said, I sit at the end of the table. The sergeants sit at the head of the table so if they did say something, I probably didn't even hear.

SGT. TIEN: If the sergeant said something to the effect of, "Guys, this really shouldn't be here."

██████████ Oh. That didn't happen.

SGT. TIEN: Would you recall something like that?

██████████ I didn't hear anything like that.

SGT. TIEN: Did they make any reference about it being a concern?

██████████ No.

SGT. TIEN: Okay.

SGT. PEREZ: During your conversation with the officers when you said, "Who is that?" And they explained to you who it was, after that initial conversation after they left and they told you it was Rick Ross, did you hear any other side conversations between officers not particularly involving yourself?

██████████ No. I didn't even know it was a problem until the end of the day and somebody said IA was here over the sign and I was, like, "Oh crap."

SGT. TIEN: So until you heard IA was here...

██████████ I didn't think anything else of it.

SGT. TIEN: Okay.

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SGT. PEREZ: Did any of the officers approach you about that - about the cutout itself after lineup?

██████████ No. After lineup?

SGT. PEREZ: Yeah.

██████████ I don't think so. Not that I recall.

SGT. TIEN: Did you hear anyone else discuss the cutout in general in a way that would make you think anyone was offended by it?

██████████ No. I genuinely don't think I even talked or knew anything about it until the end of the day when someone said IA was here about the sign.

SGT. TIEN: Okay.

██████████ Yeah. And then I talked to ██████████ I want to say it was today. And then he asked me if I had seen the sign the day before and I said I had. He asked me if I knew who put it out there and I was, like, "No."

SGT. TIEN: And that was today sometime?

██████████ Yeah.

SGT. TIEN: And do you know when?

██████████ No. I mean, I see ██████████ all day. So I don't know.

SGT. TIEN: Was that before you ended up finding out?

██████████ Yes. And then once I talked to ██████████ I then called ██████████ and said, "This is what ██████████ told me." ██████████ then called you and told you and then you said, "I'm ordering you to tell me who told you." And then I got called out of the locker room that I couldn't go home.

SGT. TIEN: That is accurate.

██████████ There you go.

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SGT. TIEN: All right. I think that's it.

SGT. PEREZ: Yeah.

SGT. TIEN: [REDACTED] is there anything that I didn't ask that you think might be helpful or that you would care to add?

[REDACTED] No.

SGT. TIEN: At this time I'm ordering you not to discuss this with any other person.

[REDACTED] Mm-hm.

SGT. TIEN: Topic or otherwise. That being said, if someone asks you anything related to this, please respond, "IA is investigating it and I have been ordered not to discuss it."

[REDACTED] Got it.

SGT. TIEN: All right? Questions about that?

[REDACTED] No.

SGT. TIEN: Time is 1646 and that concludes the interview.

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Witness Officer Interview: [REDACTED]

On January 14, 2020, at about 1848 hours, I interviewed [REDACTED] over the phone. The following is his paraphrased statement. Please refer to the audio recording for [REDACTED] verbatim interview.

I explained to [REDACTED] that I learned he had knowledge about where the cardboard came from and how it came to be placed in the lineup room.

Yesterday, I received a text message with a picture from [REDACTED] showing the cardboard cutout in the lineup room of Rick Ross. I have seen the cardboard cutout before. I saw it at [REDACTED] I didn't think anything was wrong with it. It's a cardboard cutout. I don't see anything racial or any bias with it. Is it inappropriate for the workplace? Yes. Maybe if supervisors would have seen it...I'm pretty sure they did. They should have said something about it.

I asked [REDACTED] who placed the cardboard cutout. He hesitated so I ordered him to tell me.

Around noon today, Officer Matthew Kobylarz told me he placed the cardboard cutout via text message. We had been discussing social plans for this evening. He asked me if I had heard he was being investigated by IA. I responded, "For what?" He then told me he obtained a Rick Ross stand-up poster from [REDACTED] put overtime slips in his hand, and placed it next to the overtime board.

I never saw the display personally. I only saw a picture of it. The last time I was in the lineup room was last week on Thursday when we were on 3rd watch. The last time I was at the substation was yesterday when I spoke to the captain. I never went in the lineup room yesterday. I wasn't aware of the display at that time. I only found out about it today from Officer Kobylarz.

Officer Kobylarz also told me he obtained permission from Sergeant Easter to put up the display. I have not communicated with Sergeant Easter since I found out about the display.

I asked [REDACTED] to describe the photograph he received from [REDACTED]

It's a picture of Rick Ross. It looks like he had money, some miscellaneous department forms, and overtime slips in his hands.

I asked him if there was anything written on the board behind the display.

There was a reference to one of Ross' songs and it was related to working overtime. Regarding the entire display, I had seen the cardboard cutout before at [REDACTED] I am aware of his

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“Everyday I’m hustlin’” song. “Personally, I didn’t think there was anything racist by it. It’s not appropriate for work, and if he got approval from a sergeant, I mean, that’s on the sergeant.” I work with Officer Kobylarz. He isn’t racist and doesn’t seem to have any bias toward anyone. I told him I thought it was funny.

Other than [REDACTED] Officer Kobylarz, and [REDACTED] I haven’t spoken to anyone else about the cutout.

I asked [REDACTED] if he had heard any other personnel on the Department discuss the cutout in either a positive or negative light.

“No.”

I haven’t heard anyone from outside the Department discuss the cutout. [REDACTED] told me she reported the incident. When I heard that, it made me believe she was not happy about it.

I ordered [REDACTED] to keep this investigation confidential.

The interview concluded at 1905 hours.

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Witness Officer Interview: [REDACTED]

On January 15, 2020, at 1507 hours, I interviewed [REDACTED] over the phone. This recorded conversation was to memorialize the information I learned from him the previous day on January 14, 2020. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working during 3rd watch in Southeastern Division on January 12, 2020. I work for [REDACTED] [REDACTED] I was at lineup that night which begins at 2100 hours. At lineup, I did not see a life-sized cardboard cutout in the room. I have never seen a life-sized cardboard cutout of Rick Ross anywhere in the substation. I haven't heard anyone discuss any cardboard cutout that may have been placed in the lineup room over the weekend. I have not spoken to anyone else about this information. I don't know Officer Matt Kobylarz so I'm not sure I saw him that night.

The interview concluded at 1511 hours.

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Subject Officer Interview: Sergeant Travis Easter #6717

On January 16, 2020, at 1443 hours, I interviewed Sergeant Easter in the Internal Affairs Office. Also present was Internal Affairs Sergeant Minter. Present as Sergeant Easter's legal representative was [REDACTED]. The following is the interview transcript. Please refer to the audio recording for Sergeant Easter's verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien ID 6128. Today's date is January 16, 2020, the time is 1443 hours. We're located in the Internal Affairs Office at police headquarters with subject, Officer Sergeant Travis Easter. And Sergeant Easter, if you could state your name, ID number, and spell your last name, please.

SGT. EASTER: My name is Travis last name is Easter, like the holiday, E-A-S-T-E-R, and ID number is 6717.

SGT. TIEN: Sergeant Easter, when you were notified of this interview, you were advised of your right to representation, and today you do have a representative, and that is...

[REDACTED] [REDACTED]
SGT. TIEN: And also present is Internal Affairs Sergeant...

SGT. MINTER: Greg Minter, ID 6053.

SGT. TIEN: Sergeant, at this time I'm going to read you the administrative admonishment. At this time I'm going to question you about an EEO complaint regarding the cardboard cutout in the Southeastern Division lineup room. My questions during this interview concern administrative matters relating to the official business of the police department. I'm not questioning you for the purpose of a criminal prosecution. In a criminal investigation, you have a right to remain silent and not incriminate yourself. However, since this is an administrative, not a criminal investigation, your failure to answer my questions could be insubordination and result in discipline up to and including termination. Any statement you make cannot be used against in any criminal proceeding. Under Penal Code 832.7, the grand jury, attorney's general's office, or district attorney's office may have the right to obtain a copy of your statement to me during this interview. Your statements to me cannot be used against you by any agency in any

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criminal proceeding. You are required to answer my questions fully and truthfully, this requirement is set forth in sections 9.4 and 9.29 of the San Diego Police Department policy manual. 9.4, obedience to lawful orders policy. Members shall promptly obey any lawful orders of superiors, this includes orders relayed from a superior by someone of the same or lesser rank. 9.29, truthfulness policy. Members shall be truthful in all matters relating to their duties. Upon the order of a superior or any officers appointed by the chief of police to conduct internal investigations, and in accordance with constitutional and contractual guarantees, including the right to representation, members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment, and operations of the department. Refusal to answer any questions is in itself a violation of department policy, and will subject you to disciplinary penalties. Do you understand what I have just explained to you?

SGT. EASTER: Yes, I do.

SGT. TIEN: Is there anything that may prevent you from answering my questions fully and truthfully?

SGT. EASTER: No.

SGT. TIEN: Do you have any questions concerning what I have just explained to you?

SGT. EASTER: No.

SGT. TIEN: I now order you to answer the following questions, I'm also ordering you not to disclose anything we discuss during this interview, or anything regarding this investigation with anyone other than your employer representative or legal counsel. Doing so will be insubordination, and by itself, could subject you to disciplinary action up to and including termination. Sergeant Easter, how long have you been a police officer?

SGT. EASTER: Ten years.

SGT. TIEN: And what is your current assignment?

SGT. EASTER: I'm a patrol sergeant in Southeastern Division.

SGT. TIEN: And how long have you been in that position?

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SGT. EASTER: Since March of last year, so about ten months.

SGT. TIEN: Were you working on Sunday, January 12, 2020, during second watch at Southeastern Division?

SGT. EASTER: Yes, I was.

SGT. TIEN: Was there a cardboard cutout set up in the lineup room at that time?

SGT. EASTER: During the shift.

SGT. TIEN: How...

SGT. EASTER: Yes.

SGT. TIEN: During lineup was it there?

SGT. EASTER: No, not during lineup.

SGT. TIEN: At some point, it was set up in the lineup room during your work shift?

SGT. EASTER: Yes.

SGT. TIEN: When was it set up? Do you know approximately the time?

SGT. EASTER: Towards the end of the shift, so it was at the end of the shift maybe around 2230 or around then.

SGT. TIEN: And this photograph we have right here depicts a cardboard cutout and what appears to be the Southeastern Division lineup room. Does that look like...

SGT. EASTER: That is accurate.

SGT. TIEN: That's correct?

SGT. EASTER: Yes.

SGT. TIEN: And so with this being the which corner, it'd be south - no, northwest corner?

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SGT. EASTER: Wait a minute. Lineup room is this way.

SGT. TIEN: Help me out.

SGT. EASTER: Wait - nope. Yes, northwest corner.

SGT. TIEN: Northwest corner?

SGT. EASTER: You're correct.

SGT. TIEN: That's right. Are you aware that this was placed there as a solicitation for overtime?

SGT. EASTER: When you say solicitation, you mean, like, to kind of advertise or to get people to sign up for overtime?

SGT. TIEN: Yeah.

SGT. EASTER: Yes.

SGT. TIEN: Is that what the intent was?

SGT. EASTER: Yes, to get people, to kind of encourage them to sign up for overtime.

SGT. TIEN: Okay.

SGT. EASTER: Mm-hm.

SGT. TIEN: When did you first see this cardboard cutout?

SGT. EASTER: So it was at the beginning of my shift.

SGT. TIEN: Okay.

SGT. EASTER: At the beginning of my shift an officer came to me Officer Matthew Kobylarz. He came to me and he said, "Hey sarge, I have an idea I'd like to," he said, "I got that sign," or he got the sign and it originally had I think it had some beer bottles on it and he said, "Hey, I want to, like, kind of change this sign a little bit, and kind of use it to get people to sign up for

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overtime." He was, like, you know, "It's Rick Ross, you know, every day I'm hustling, everybody's always working for overtime." You know, "They're hustling overtime, so, you know, I think it'd be pretty cool and kind of fun to set it up and kind of, you know, have it next to the OT signups to get people to sign up for overtime. So I told them, I said, "Well, obviously, it can't go up like that."

SGT. TIEN: Okay.

SGT. EASTER: "Let me see what you do with it."

SGT. TIEN: When you say "like that," what did you mean?

SGT. EASTER: Because it had beer bottles.

SGT. TIEN: So on the picture here, it's covered in - it looks like department forms and photocopies of money. Are they covering where the beer bottles were?

SGT. EASTER: Yeah, if I'm not mistaken, I believe he cut it out.

SGT. TIEN: Okay. All right. But that's approximately where it was?

SGT. EASTER: Mm-hm.

SGT. TIEN: And so when was this conversation with Officer Kobylarz?

SGT. EASTER: It was at the beginning of the shift. So I want to say at the end of the shift in the locker room before.

SGT. TIEN: Before lineup?

SGT. EASTER: Before lineup, yes.

SGT. TIEN: And at that time, had you seen this cardboard cutout?

SGT. EASTER: I saw it.

SGT. TIEN: And where did you see it at?

SGT. EASTER: In the locker room.

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- SGT. TIEN: So he had it in the locker room in, let's say, its original condition?
- SGT. EASTER: Yes.
- SGT. TIEN: And that was the first time you saw it?
- SGT. EASTER: Yes.
- SGT. TIEN: Was it the first time the idea was brought to your attention?
- SGT. EASTER: Yes.
- SGT. TIEN: Has there been an issue with getting officers to sign up for overtime?
- SGT. EASTER: Yes. Because that weekend, that was shift change. So Saturday, we were minus six, and then Sunday, we were minus five. And we're working second watch during the weekends, which at least the last shift we were on graveyards and on our board, like, right here, there's overtime signups.
- SGT. TIEN: By here, you're referring to the board and this picture behind the cutout. And it looks like an overtime board of some kind?
- SGT. EASTER: Yes. So it's something that the command uses where for each shift, there's signups where anybody can go up and sign up, and one of the things we noticed in that second watch always had vacancies, I'll put it that way. Open slots. So one of the things to try and at least get people to sign up because we're working Saturday and Sunday and anticipating that it will be busy, it was to hopefully get people to sign up. Because I tried to get people, couldn't get anybody Saturday, and so we got one person Sunday and our guys know what our staffing is like. So, you know, it was something to try and encourage people in a fun way to just sign up for overtime.
- SGT. TIEN: Did you task or give any direction to the officers on your squad to try to find ways to encourage officers to sign up for overtime?
- SGT. EASTER: No.
- SGT. TIEN: Was that something that they did on their own just based on the face that

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it's limited staffing?

SGT. EASTER: Yeah, that was on their own. I mean, that they all know that we're understaffed. So...

SGT. TIEN: Do you know where the money came from?

SGT. EASTER: That and I asked him about it because when he showed it to me, I went, "Wow." So I asked him about the money.

SGT. TIEN: So you saw it again in this form?

SGT. EASTER: Yes.

SGT. TIEN: When did you see with, for the lack of a better term, the additional décor?

SGT. EASTER: It was around the 2230. Or so.

SGT. TIEN: Towards the end of the shift?

SGT. EASTER: Yeah. That was after third watch came out and we were starting to kind of wind down with administrative paperwork, reports, and things like that.

SGT. TIEN: Is this picture, at that time when you saw it is this picture a fair and accurate representation of what you saw?

SGT. EASTER: Yes, it is.

SGT. TIEN: So regarding the money, do you know where it came from?

SGT. EASTER: I believe he went to Google or somewhere and just printed the picture. And pictures and he just cut them out. So he purposely cut them to where if you look at the top of the bottom of it, you can see the white paper. Because he didn't want anybody to be confused that it was real money. He wanted it to be visible that it was paper. Because it looks real, but no, it was just newspaper.

SGT. TIEN: Did he tell you that?

SGT. EASTER: Yes.

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SGT. TIEN: Do you know where the department forms came from?

SGT. EASTER: That, I did not ask. I can assume within the division. I didn't ask.

SGT. TIEN: All those forms are available at the division?

SGT. EASTER: Yes.

SGT. TIEN: Do you know where the field interview came from?

SGT. EASTER: He said he made that up. So I asked him about the field interview.

SGT. TIEN: Let me ask you this to be more clear. The actual paper in your, like, the paper form itself, do you know whose FIFAD it came from?

SGT. EASTER: Oh that, I don't know.

SGT. TIEN: Do you know who [REDACTED] is?

SGT. EASTER: Yes, I do.

SGT. TIEN: Who is she?

SGT. EASTER: [REDACTED] is a known caller within our division, she's a chronic caller. She calls every day pretty much, and every officer just like every officer on our shift and all the other rotating shifts have been to her location. Apparently to my understanding, she's in the 30s, and they've had cases of her abusing 911. So it's kind of a known chronic caller throughout the division to where pretty much every day, you're going to [REDACTED] and there's a lot that goes with handling those radio calls. Typically it's medical only, but there's a lot of from my understanding, there's complaints and she doesn't really get along with the officers, but they go there all the time.

SGT. TIEN: Do you know why her name was written on it instead of somebody else? Is there a reason why?

SGT. EASTER: I think it was just because she's known throughout the division as sort of a...

SGT. TIEN: All right.

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SGT. EASTER: Just about everybody knows who [REDACTED] is throughout the division.

[REDACTED] That's just your guess, though?

SGT. EASTER: My guess. And I can't speak for everybody but I'm...

[REDACTED] I guess my question is, did you ask...

SGT. EASTER: Mm-hm.

[REDACTED] ...Officer...

SGT. EASTER: Kobylarz?

[REDACTED] Thank you. Why he put her name on here? Do you know why he did that? Do you know if he did that, why he did that?

SGT. EASTER: That, I don't know. I think that yeah, I'm trying to think now. I think I asked but I think it was the fact that she's known throughout the division.

[REDACTED] Okay.

SGT. TIEN: Do you know who actually wrote this information on the FI?

SGT. EASTER: No, I do not.

SGT. TIEN: Did you write it?

SGT. EASTER: No, I did not.

SGT. TIEN: Regarding the blank Arjis-9 report, did you know there was handwriting on it?

SGT. EASTER: I don't remember.

SGT. TIEN: I mean, it's kind of behind the other pictures. It's concealed.

SGT. EASTER: Okay. Yeah, I didn't move anything around on that.

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SGT. TIEN: Did you write this on the crime...

SGT. EASTER: No.

SGT. TIEN: Do you know who did?

SGT. EASTER: No.

SGT. TIEN: Are you even aware if there was handwriting on it when you saw it?

SGT. EASTER: No.

SGT. TIEN: Do you see additional related verbiage or what somebody could construe as being related verbiage written on the grease board behind the cutout in the lineup room?

SGT. EASTER: No. In regards to the quote...

SGT. TIEN: Yes.

SGT. EASTER: In the quote bubble above, Officer Kobylarz wrote that on after he put it up.

SGT. TIEN: Did you physically see it after he had written it on?

SGT. EASTER: Yes.

SGT. TIEN: Do you know what it's in reference to?

SGT. EASTER: So the person, the cutout, his name is Rick Ross, he's a rapper. So he's a popular rapper and one of his main songs I believe it was Hustling. And that's the phrase that he's known for, "Every day I'm hustling." That's a term that's a mainstream term, it's I believe it's a mainstream term I'm very familiar with, with myself, that is used in movie trailers and pretty much pertains to someone working all the time. Always working, always on the grind working to make money. That's a popular phrase for him. So that was used in reference to the overtime. A lot of people who have signed up for me for overtime, they sign up a lot for overtime, whether they're working on weddings, paying off vehicles, so the term was used kind of, like, "Okay. Hey, Rick Ross, every day, I'm hustling. Well, you can, too." Kind of like a like a promotion, like an ad or something. Sign up for overtime and, you

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know, you can make your money. So it wasn't meant in a malicious term or a malicious way, it was in reference to highlight how much, you know, people work and as it pertains particularly to the rapper, Rick Ross and his song.

- SGT. TIEN: Is that as far as what you recall and then looking at this photograph in the lineup room, is that the only verbiage that was added to the grease board pertaining to the cutout?
- SGT. EASTER: Yes.
- SGT. TIEN: You mentioned earlier, Officer Kobylarz has asked you because you said he had an idea about this. Correct me if I'm wrong, I think you mentioned, "Well, let me see it and we'll go from there." Is that...
- SGT. EASTER: Yes.
- SGT. TIEN: Is that accurate?
- SGT. EASTER: Mm-hm.
- SGT. TIEN: And then after he showed you the cutout, what did you tell him as far as permissiveness of putting the cutout in the lineup room?
- SGT. EASTER: So when he showed it to me, I looked at it, and, you know, I kind of did the checklist in my head. Because in the lineup room it was Officer Kobylarz, myself, and a few other officers, and another sergeant, [REDACTED]. So there were a group of us in the lineup room because it was at the end of the shift. And I kind of did the checklist, I went and looked in my head and looked at it, and went, "Okay. Well, is there anything to it?" You know, "I recognize the person I recognize the phrase, I know that the intent is to get people to sign up for overtime." So I looked at the phrase and went, "Okay. It pertains to the rapper, overtime, people are working. Okay." I think that sign, looked at the shirt, there was nothing on the shirt jeans, nothing, I saw the hat thinking originally he was going to put LA on the hat, but he put the San Diego PD. I went, "Okay. All right." And then the money, which he explained, okay, it's just a paper. And where it's there to show that it's paper, it's not that there's real money there the [REDACTED] aspect, it's just the name, the address, but nothing else pertaining to [REDACTED]. And so I put some thought into it because I wanted to make sure that for one, I didn't

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want it to be offensive, I don't want to - okay, if it goes up, all right, hey, it's right next to the overtime, so the overtime signup was there, the phrase was there and we do fun things throughout the division, so I figured, okay. Well, I'm just going to check because I don't want anybody to be offended. And I didn't see anything, I saw some of the forms or so, which I perceived as okay, as work, you know, when you sign up for overtime, you're going to have some work to do. And that's kind of the look that I gave it. And that's how I saw it when I left and went, "Okay. All right. I don't see anything there where it would have to come down." And so I went, "Okay."

- SGT. TIEN: So the decision-making process you were just talking about, that occurred when the cutout had been placed in the lineup room essentially in this position, the verbiage was on the grease board, and this was the end of the second watch shift.
- SGT. EASTER: Yeah.
- SGT. TIEN: You mentioned some other people in the room.
- SGT. EASTER: Yes.
- SGT. TIEN: Do you recall all of the officers that were present...
- SGT. EASTER: Yes.
- SGT. TIEN: ...at that point?
- SGT. EASTER: Mm-hm.
- SGT. TIEN: And who were they?
- SGT. EASTER: So it was [REDACTED] and he was sitting at the computer in the lineup room. He was kind of working on the schedule for the next shift. [REDACTED] he was sitting next to [REDACTED] And then there was [REDACTED] Officer [REDACTED] and [REDACTED] [REDACTED] I believe that...
- SGT. TIEN: Kobylarz?
- SGT. EASTER: Officer Kobylarz.

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SGT. TIEN: Okay.

SGT. EASTER: And that was another thing, too, as I looked at it and they, you know, evaluating it the tone in the room, I felt like they were okay. Didn't seem like anybody was upset or offended by it, they thought it was actually pretty fun, pretty cool. Hoping people would sign up for overtime. So that was one of the things I took into consideration where, you know, making my own assessment of it, and then kind of gauging the room how people took it. It seemed like they were okay with it, I didn't see anything. And so I'm, like, "Okay."

SGT. TIEN: Have you received EEO training before?

SGT. EASTER: Yes, I have.

SGT. TIEN: Do you know approximately when? Or how many times.

SGT. EASTER: Oh quite a bit... I'd say it's at least once a year, actually I think we had the EEO training I just finished it a few months ago.

SGT. TIEN: And then have you received the EEO training for supervisors then as well?

SGT. EASTER: Yes, I have.

SGT. TIEN: And you said you just finished it recently?

SGT. EASTER: Yeah. I believe so.

SGT. TIEN: And how many times have you had the training for supervisors?

SGT. EASTER: Twice because I had it once as a FTO as well.

SGT. TIEN: Does that training include information essentially establishing a higher expectation of EEO concern for supervisors?

SGT. EASTER: Yes, it does.

SGT. TIEN: Do you believe you took that into consideration in your decision-making process and whether to approve of Officer Kobylarz' idea?

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SGT. EASTER: Yes.

SGT. TIEN: Have you gone to an out-of-county sergeant school or was your sergeant school in-county?

SGT. EASTER: It was in-county.

SGT. TIEN: Was there also EEO training for supervisors there?

SGT. EASTER: Yes.

SGT. TIEN: Did your prior assignment to being a sergeant in Southeastern Division include working at In-Service Training?

SGT. EASTER: Yes, it did.

SGT. TIEN: And what type of training or instruction did you conduct?

SGT. EASTER: I've taught, oh about 40 different subjects at this point. Some of those subjects include Non-Biased Policing.

SGT. TIEN: Okay.

SGT. EASTER: Cultural Diversity. Those are the tactic communication courses I've taught.

SGT. TIEN: Are those mainly the topics of instruction that could be related to EEO issues?

SGT. EASTER: Yes.

SGT. TIEN: That being said, have you received training and consider yourself informed regarding EEO topics both academic and cultural?

SGT. EASTER: I believe so. And I say that, I mean, it's kind of a wide range of stuff.

SGT. TIEN: It is. Again, are those the types of things you took into consideration when you were just making the decision whether to permit the placement of the display?

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- SGT. EASTER: So yes. As you know, having taught cultural diversity quite a few times. I've taught tolerance where I've had the nonbiased instructor school as well. And some of those experiences played in my mind when I looked at this. And part of that is, you know, looking at the person in the cutout, Rick Ross he's a known rapper. And part of having all those experiences, he's a very mainstream person. So he's a hip-hop artist, so it's hip hop, at least in my opinion, and I think it's proven it doesn't pertain to just black people, African American anymore, that is mainstream where a lot of people are aware of it. So having that in mind and, you know, and even Officer Kobylarz is white, and his intention was never anything racial. He said that he knew who Rick Ross was and he thought it'd be pretty cool. Having that in mind and knowing that people are aware and open different things, him even recognizing this and knowing it, and going, "Okay. Well hey, this is something where everybody knows - well, a lot of people know who he is, and something people could identify with, and encourage them to want to or entice them to sign up for overtime." So all that did come into mind as I made my decision.
- SGT. TIEN: Regarding you describing the mainstream knowledge regarding Rick Ross. Does his genre of music, in your opinion, only pertain to gangster rap or that demographic of listener?
- SGT. EASTER: To be honest with you, I don't think so anymore. I...
- SGT. TIEN: So who would you consider a listener to be? Based on your knowledge.
- SGT. EASTER: Anybody. Quite frankly. And growing up, I've seen I've seen white people, I've seen Asian, Hispanic, a lot of people, and you can ride down the street and hear people playing hip-hop songs very loudly and as I've gotten older, and obviously, I'm older, mature, I think the genre just doesn't pertain to just black people or African Americans. I believe a lot of people identify with this type of music.
- SGT. TIEN: Do you feel it's possible that some people only attribute his genre of music towards gang members or people involved in illicit activity?
- SGT. EASTER: I would say it could be possible.
- SGT. TIEN: All right.

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SGT. EASTER: We're people, so...

SGT. TIEN: And I think you covered this earlier when you were describing your thought process. But did you give any thought to the idea that this display might be considered racially offensive to others?

SGT. EASTER: I thought about it. I truly did. And that's one of the things that I looked at in a way how could it be racially offensive. And like I said, I took into account, who he was and kind of what is the cardboard cutout? He's a rapper that's standing there with money and there's OT slips. And I, you know, I asked myself quite a few questions and what way. Like I said, I looked at the shirt, was there anything, you know, gang paraphernalia or anything pertaining how it could be derogatory. I took it into account, I didn't see anything.

SGT. TIEN: If you had in making that evaluation, if you had, what would you have done?

SGT. EASTER: If I thought that it could be racially offensive? I wouldn't let it go up.

SGT. TIEN: Do you know whose idea it was to add the currency and department forms to the display?

SGT. EASTER: I don't know for sure, I think it was Matt, but I don't know.

SGT. TIEN: Were there other people around when he initially approached and asked you about this?

SGT. EASTER: [REDACTED] was in the locker room. He overheard. I think he saw it originally, but I don't know who else was in the locker room. And that was before the shift began.

SGT. TIEN: So at that point when he for a couple hours initially inquired with you, is that when he showed it to you in its original form?

SGT. EASTER: Yes.

SGT. TIEN: As well? Okay.

SGT. EASTER: Mm-hm.

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SGT. TIEN: That was the same time?

SGT. EASTER: Yep.

SGT. TIEN: And to your knowledge, it was [REDACTED]

SGT. EASTER: [REDACTED]

SGT. TIEN: [REDACTED] was the only other person around.

SGT. EASTER: Yes. At least that's what I think.

SGT. TIEN: Do you recall if any other supervisors were around?

SGT. EASTER: No.

SGT. TIEN: By this display being in the lineup room, look again, lack for a better for lack of a better term, decorated with department forms would you be a reasonable assumption to be the department endorsed the display?

SGT. EASTER: I don't know, honestly. I'd mentioned it earlier, we have kind of some fun things around the sub.

SGT. TIEN: Can you give me examples of those?

SGT. EASTER: Yeah. For instance, this one sounds silly, but, like, there's a Happy Easter. Happy Easter and it has my face cut out and it's been posted around the sub, and I think one of them is still in the sergeant's office door. And that was posted up around the sub for months. Even, I think about a few weeks ago, we did a missing persons flyer for a sergeant who's been very out for a quite a bit of time, so we did, like, a missing person, like, "Hey, where's our sergeant?" They had that posted up. We've had that posted up in the sub.

[REDACTED] And that's probably enough examples. I think they get it.

SGT. EASTER: 10-4.

SGT. TIEN: Did you see Officer Kobylarz add the wording to the grease board?

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SGT. EASTER: Yes, I did.

SGT. TIEN: Is he the only person that wrote it?

SGT. EASTER: Yes.

SGT. TIEN: And that, again, that was at EOS?

SGT. EASTER: Yes.

SGT. TIEN: To your knowledge, was that aspect of it his idea as well?

SGT. EASTER: Yes.

SGT. TIEN: Do you know if any other officers were involved in the idea, the purchase, the modifying of the display in any form other than Officer Kobylarz?

SGT. EASTER: That, I don't know. I don't know. Because during the end of the shift I was finishing up a few things because it was one of my days off. So that, I don't know.

SGT. TIEN: Do you know where it was purchased?

SGT. EASTER: I believe he said it was given to him at the [REDACTED]. He had been there on a few calls and he noticed the sign before, and he asked the guy about it, I guess the storeowner gave it to him after one last - he said, "Hey, you want to have it, hey, here you go." It was, like, "Okay, cool."

SGT. TIEN: Do you know when?

SGT. EASTER: That, I don't know.

SGT. TIEN: So your understanding it wasn't purchased?

SGT. EASTER: No.

SGT. TIEN: Do you know when it was brought to the station?

SGT. EASTER: That Sunday was the first time I was aware of it, and I think maybe the first time he brought that - I don't know if he brought it any other day.

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SGT. TIEN: And again, the first time you saw it, it was already in the locker room?

SGT. EASTER: It was in the locker room, yeah.

SGT. TIEN: Have you heard anyone outside the department discuss the cutout at all?

SGT. EASTER: No. When I left Sunday night I received a text message that you guys had some...

SGT. TIEN: Sunday night?

SGT. EASTER: Monday. I didn't hear anything about the cutout, though, I just heard that you guys were at the sub and it had to go down.

SGT. TIEN: Was that from a person outside the department or department employee?

SGT. EASTER: A department employee.

SGT. TIEN: And who was that?

SGT. EASTER: [REDACTED] just let me know that you guys were at the substation and it went down. Just as a heads up that it was taken down.

SGT. TIEN: The display was taken down?

SGT. EASTER: Mm-hm.

SGT. TIEN: You mentioned [REDACTED] was present at the end of shift when you were describing you were going through your mental checklist and evaluating whether to permit it being displayed.

SGT. EASTER: Mm-hm.

SGT. TIEN: Did you have any conversation with him or any other supervisors regarding the display?

SGT. EASTER: I didn't have a direct conversation with [REDACTED] He was looking at the computer working on lineup, I believe he looked at it but we didn't have a direct conversation, and I didn't have a conversation with any other

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supervisor.

SGT. TIEN: Are you aware of any other supervisors other than him that would've seen it up until that point or during that shift?

SGT. EASTER: That, I don't know.

SGT. TIEN: Did you ever see third watch [REDACTED] or [REDACTED] that evening?

SGT. EASTER: I saw them that evening, but it was prior to the sign going up.

SGT. TIEN: And where did you see them at?

SGT. EASTER: In the hallway. And saw [REDACTED] and [REDACTED] outside.

SGT. TIEN: Initially, you saw the original form of the display in the locker room before shift?

SGT. EASTER: Yes.

SGT. TIEN: Is the next time you saw the display itself when it was set up like this in the lineup room?

SGT. EASTER: Yeah, when he placed it in the lineup room.

SGT. TIEN: So you didn't see it being moved by Officer Kobylarz or anyone else from the locker room, in the hallways, or left in the breakroom at all, or...

SGT. EASTER: No, it wasn't in the breakroom I remember when I saw him with it in the hallway walking to the lineup room.

SGT. TIEN: You did see him or no?

SGT. EASTER: I think so. But if anything, it was just from the hallway to the lineup room. It wasn't placed anywhere else in the sub.

SGT. TIEN: As an African American, are you personally offended by this display?

SGT. EASTER: No. And I say that if I was offended, I wouldn't have let it go out.

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SGT. TIEN: Why are you not offended? Well actually, scratch that. Do you believe it's a racist display?

SGT. EASTER: No, I do not.

SGT. TIEN: And why is that?

SGT. EASTER: The reason why - well, I'm going to say he is who he is, he's a rapper, that's what he's known for. And part of doing the check, and I kept thinking, "Okay, what could be offensive about this?" And I know I've mentioned that multiple times, but I thought about it. And he's black, there's no other way around it, and, you know, it's a phrase that he coined and made popular it's a popular term, hustling, I mean, like I said, that as a black man, it personally doesn't bother me because when I look at it, I don't see how it is a knock against black people. I don't see that it is derogatory or demeaning. Everything about this pertains to the rapper himself. That's, "Hey, I'm hustling, I'm making money." And it pertains to the overtime, which to get people to sign up for overtime. And like I said, I've hired people for overtime who are working on their on their weddings, they're trying to pay off vehicles. And from my experience of seeing, you know, white people, Hispanic people, Asian people listening to hip-hop, you know, using terms, that is the rapper and I don't see it as a reflection of me or as a knock against me. In my opinion, this doesn't say to me, it's not a reflection of a black person or reflective of who I am as a black person. I think that's more on the rapper, who he is, and that's him.

SGT. TIEN: What does the word hustling mean to you?

SGT. EASTER: Hustling? It means somebody who works a lot. And even personally going back my older brother used that term quite a bit, he'd say, "You're not hustling like me." And he would always get out and work, and he would do jobs work jobs. So it's just somebody who's always working and working to make money.

SGT. TIEN: Has that word ever held a different meaning as far as you're aware of? culturally or in mainstream?

SGT. EASTER: I think in the past it had, I mean, too, but over the years, especially as it became more popular, I think it became more known for somebody who's working and making money.

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- SGT. TIEN: What was the past meaning?
- SGT. EASTER: Granted, I was younger, so I don't think it was great again, it's hard to even articulate exactly what it was because I don't really remember, I just know it was, like, that's something that you're going to call yourself a hustler.
- SGT. TIEN: Was it ever pertaining hustling or making money illicitly?
- SGT. EASTER: I think in the past, think so in the past. And I'm saying that because over the years and seeing how it was being utilized so much, and how it was everywhere, I think in a way it is one of those things that people use now saying, "No, we're just hustling, and we're just working." And I've seen a lot of people use it who are not criminals, I'd say the people who are just always working.
- SGT. TIEN: Do you know what the lyrics of the song, Rick Ross, what type of work he's alluding to?
- SGT. EASTER: That, I don't know. And I'll be honest with you, I know the phrase, of course, I hear it in my head over and over. So that's the extent.
- SGT. TIEN: How do you feel the community of Southeast San Diego would react if this display were to be known regarding it in present in its position within the substation?
- SGT. EASTER: So I can see a mix, to be honest with you. I could see younger people who would go, like, "Hey, that's pretty cool," I think they would think that's pretty cool because it's kind of current. It's current and it's relevant to the rapper himself. If you throw it out to the community, could somebody be upset? Possibly, and like I said, it doesn't offend me as a black person, as a black male, it doesn't offend me, and trying to think for other people or African Americans, and that's one of the things that I thought of when I looked at it, in what way could this be kind of derogatory towards other black people if other black people saw it. And I don't see it. I don't to be honest with you.
- SGT. TIEN: And so in your evaluation, did you consider the impact this could have on other people?

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- SGT. EASTER: I thought about it, I did. And that's one of the things just you know, was very important. There's the training and I know that my role as supervisor is to make sure that, you know, we have a non-hostile environment that is harassment-free. I am aware of that, so I took that into consideration when I looked at it. And, you know, I tried to think how could somebody take it? So and I didn't see it.
- SGT. TIEN: I know you discussed the lack of staffing for second watch, and shift change, and you did not give any direction to your subordinates regarding recruiting people.
- SGT. EASTER: Mm-hm.
- SGT. TIEN: But was there any more of a backstory reason for this specific cutout other than what you've shared already?
- SGT. EASTER: No. There was nothing and having spoken to Officer Kobylarz, you know, even before the shift. So there was nothing more to it than to just to try to find a fun way to get people to sign up for overtime.
- SGT. TIEN: At any point during the initial approach from Officer Kobylarz regarding this through making it in its end form and then put on display are you aware of anyone who appeared offended, displeased, hesitant, questioning either verbally or nonverbally?
- SGT. EASTER: No. And I was not seeing any of that, and I also felt aided in my decision-making process. So like I said, we're in a room full of people, and I'm saying full of people, but there were mostly people in the room, so aside from me looking at it and evaluating it, and trying to, you know, ask myself questions, how would it look to the people in the room, it didn't look anybody was offended, it didn't look like anybody was upset or bothered by it. So that aided in my decision making. I went, "Okay. Well, it seems like they're all right, maybe I'm overthinking it or thinking just enough, but it looks like its fine. I don't see anything, it doesn't offend me." Like I said, I don't see it. So no, and then after that, I went home because it was the end of my shift. And so I don't know about anybody else I just know these officers who were in the room with me who I have mentioned and nobody seemed offended or upset. I said that fairly to the people in the room, I talk to them. You know, we talk. And I feel confident in saying that if somebody felt offended, they would've told me.

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- SGT. TIEN: Have people come to you before with concerns about stuff?
- SGT. EASTER: Say that last part again?
- SGT. TIEN: Have your subordinates come to you before if they have felt offended about things?
- SGT. EASTER: Not offended, but just about things in general. You know, if they have something going on in their personal life or so...they've come to me.
- SGT. TIEN: Any reason to believe your subordinates would not consider you approachable?
- SGT. EASTER: No. To throw this out there, I have a new officer on my squad, and at first, I guess he did think that I was kind of - he was afraid to approach me about something, even Officer Kobylarz said, "Hey look, sarge, he's very approachable, you can talk to him about anything. It's okay. Like, you can talk to him," and I've reached out to the officer, [REDACTED] and he talks to me, you know, and I want my officers to be able to come to me and let me know what's going on. I'm a big firm believer, if they're not doing all right, then they're not going to be able to do okay out there. And this past shift, this past shift was pretty rough, so we got a bit closer because I was on the outside for a while and with the fluctuation of the shift, so I ended up getting involved with a lot of the officers, kind of know what's going on, keep an eye out for them.
- SGT. TIEN: Just to make sure.
- SGT. EASTER: Mm-hm.
- SGT. TIEN: You are you aware of any other supervisors that saw this display either in its original form or all the way to where it was placed in the lineup room, other than [REDACTED]
- SGT. EASTER: No, I'm not.
- SGT. TIEN: Did [REDACTED] ever dialogue with you or offer any sort of opinion regarding the display?

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SGT. EASTER: No, at that point, I believe he looked at it, but then he was focused back on taking care of the lineup for the next day.

SGT. TIEN: Okay. Okay.

SGT. MINTER: Not yet.

SGT. TIEN: [REDACTED] Maybe?

[REDACTED] I have absolutely no questions.

SGT. MINTER: Okay. Then I guess I do. And I think unfortunately, there's stereotypes with every race, would you agree with that?

SGT. TIEN: Mm-hm.

SGT. EASTER: I agree.

SGT. MINTER: You're African American, correct?

SGT. EASTER: Mm-hm. Yes.

SGT. MINTER: Looking at this, do you see any stereotypes of African Americans on the display?

SGT. EASTER: Yeah, I have to ask in stereotype...

SGT. MINTER: Like, negative...

SGT. EASTER: ...like, negative ones...

SGT. MINTER: Negative stereotypes. When you look at that, are there any negative stereotypes that you associate or you think people would associate with African Americans?

SGT. EASTER: When I look at it, I see a rapper and he's wearing a white t-shirt, and blue shorts, and tennis shoes. I mean, and that's anybody could wear.

SGT. MINTER: If you saw a negative stereotype, would you have allowed it to go out?

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SGT. EASTER: No.

SGT. MINTER: Have you ever heard of the term side hustle?

SGT. EASTER: Yes.

SGT. MINTER: Do you know what does that mean to you?

SGT. EASTER: I guess, like, an extra, like, job on the side or something like that.

SGT. MINTER: Have you heard people that are not African American using the term hustling or side hustle?

SGT. EASTER: I'm going to say yes, I'm trying to remember it specifically because like I and that's part of the reason why I, you know, felt it's a mainstream term, I've heard people use it quite a bit. And at least even people I've interacted with outside of work, you know, they're not just African Americans, they're not just black people, so I mean, I've heard that term used quite a bit.

SGT. MINTER: Why is it important for you as a supervisor to encourage people to get overtime? Or to sign up for overtime at the command?

SGT. EASTER: To encourage people to sign up?

SGT. MINTER: Yeah.

SGT. TIEN: What does having the additional officers do?

SGT. EASTER: Well, it helps with the staffing. Like I said, personally, for me, I'm typically the one that's kind of telling people to make sure you get a day off, make sure you take some time with your family. That, to me, is I'm a stickler for that. When I think of the extra staffing or at least getting other people, like, I don't get worked up about it very much because honestly, since I've been on, the staffing, it's been bad. And I constantly tell officers, even when I'm in the lineup, I say, "Hey look, I know we're short, one call at a time. If it has to hold, it will hold, I'll be 10-4. I don't want you to stress about it because this is all that we have. So be safe, nothing changes, take it one at a time." I know they really want more officers there. They want extra officers because they want the staffing to be they want, you know, to go out and feel safe and know that, hey, if there's cover, they have cover coming, you

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know? That is very important to them. And not that it's not important to me, but it's just is in ten years or almost eleven years since I've been on it's been rough. And we're going out in PB just me and another officer on a Saturday, you know? And so to me, it's one of those things where even if our staffing is low, the way we do business doesn't change.

SGT. MINTER: So you're working second watch working weekends now?

SGT. EASTER: Yes.

SGT. MINTER: So what's normal staffing like on a Saturday night? I know, it's probably going to be off a little bit.

SGT. EASTER: Because I just did the schedule Saturday and Sunday, I think. I think it's 15.

SGT. MINTER: And do you know how many you generally have on a weekend?

SGT. EASTER: We just started. So last Saturday and Sunday was the first weekend. So that, and I looked ahead in the schedule, it looks like we will probably be okay, but the funny thing about this past weekend was that with shift change, we couldn't look ahead to see it because the red book was closed. So I couldn't look ahead and then people put in dates for time off, and you can't see that going into the next shift. So...

SGT. TIEN: In addition to the benefits of staffing you were talking about for the officers...

SGT. EASTER: Mm-hm.

SGT. TIEN: Are there benefits for the community?

SGT. EASTER: Absolutely. I think there's benefits for the community if there's extra staffing. That means...

SGT. TIEN: Like what?

SGT. MINTER: You keep saying extra, but we're talking about hiring to the minimum, right?

SGT. EASTER: Correct. I'm sorry, extras because we're used to be under, it feels like extra.

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No, when we have more officers, it definitely benefits the community. And the reason is because as calls come out, and especially when things get busy, we have people who can go address whatever calls that there are. That is only a plus, I don't think that could ever be a negative, especially if something big happens or a critical incident. We have officers who will have officers, who can actually help out and assist, provide proper cover, set perimeter, we could, you know, we could work better and more efficiently by having more officers. And one of the things that our officers do is they - you want me to pause?

SGT. MINTER: No, we'll probably ask for [REDACTED] copy.

SGT. EASTER: So they there's more that officers can do with - in my opinion, without the extra stress. So, like, a lot of times, and I want to say we kind of shoot ourselves in the foot this way where we kind of get busy, and then something else comes out, so we drop it, and then we go to another call. And then before you know it, they're overloaded and overworked. So it's one of those things where having the other officers, getting up to minimum staffing will help them in many ways, and the community. I think it's just an overall positive effect of having minimum staffing.

SGT. MINTER: So the lieutenants and the captain at Southeastern, are they supportive of hiring back to meet that minimum staffing?

SGT. EASTER: Yes, they are.

SGT. MINTER: Did you use any of that information to factor into your decision to allow that to go up?

SGT. EASTER: I didn't think about that at that moment we already - well, to (unintelligible) they're supportive of overtime. One of the things that I thought about is that the days on the overtime, which is Saturday and Sunday 2:00 to midnight. So if there's overtime, especially on the board, okay, you know, people have different schedules. But Saturday and Sunday, people have families, and if they don't have families, they have friends who may want to go out. So it may not be the most attractive day to sign up for overtime, especially 2:00 to midnight and considering the volume of work that they may encounter, you know, they could be signed up for a lot of work on one of those two days. So it was one of those things where I already know the command supports overtime. But I think personal lives, you know, where

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hey, I mean, I may want to do overtime, but not on that day, I have something going on. I think that affects the decision to sign up to do overtime.

SGT. MINTER: Somebody at Southeastern put a picture of you, your face up on the wall?

SGT. EASTER: Yeah.

SGT. MINTER: You're an African American?

SGT. EASTER: Mm-hm.

SGT. MINTER: Was that racist?

SGT. EASTER: No.

SGT. MINTER: Okay.

SGT. EASTER: No.

SGT. MINTER: I think that's it.

SGT. TIEN: Thinking back to this now are you able to consider and would you consider that if someone took this picture and it were to be shared outside the department, could it be construed to present the department in a negative light?

SGT. EASTER: To be honest, with my experience with working in media on the department and in the Marine Corps, to me, when I look at a photo, I think it can be construed in any way. And that's not even trying to get around the question. I think anything can be turned into a negative, even if there's a positive to it. Because everybody has an opinion, and everybody has a feeling that they can look at anything and have a certain feeling about it. Even if I don't think that there's anything there or the majority of the people may not think something is there, I think anybody can. So when I look at that I don't think it's smart to just say no because anybody can think anything. So, you know, could it? Yeah, but that could be anything, in my opinion.

SGT. TIEN: [REDACTED] anything else?

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No.

SGT. TIEN:

All right. Sergeant Easter, do you have anything else to add?

SGT. EASTER:

I just want to say that this is unfortunate. It's unfortunate because I know the intent, I know that it wasn't to harm anybody or offend anybody, and it's unfortunate that this has come up. And I know Officer Kobylarz I've spoken to him on several occasions, and I know that this is something that's not the type of person that he is to do anything that would imply that he feels a certain way about people. You know, it's unfortunate but I know that overall, the idea and the intent was to get people to sign up for overtime, and be creative, and to not harm anybody or offend anybody. And he put thought into it to try to make sure that he didn't do that. And even when I looked at it, you know, there was thought to make sure that this wasn't going to harm people or upset people. And, you know, considering that he's a white officer and is aware of, you know, a rapper, and as a black man, you know it didn't offend me, and looking at it, I didn't see it. So it is unfortunate that this has happened. Yeah, it's unfortunate. That's all.

SGT. TIEN:

Okay. Time is 1538, that concludes the interview.

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Subject Officer Interview: Officer Matthew Kobylarz #7589

On January 16, 2020, at 1555 hours, I interviewed Officer Kobylarz in the Internal Affairs Office. Also present was Internal Affairs Sergeant Minter. Present as Officer Kobylarz legal representative was [REDACTED]. The following is a cleaned version of the interview transcript. Please refer to the audio recording for Officer Kobylarz' verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today's date is January 16, 2020. The time is 1555 hours. We're located in the Internal Affairs Office at police headquarters with subject officer Matthew Kobylarz. And Officer Kobylarz can you state your name, ID Number, and spell your last name?

OFC. KOBYLARZ: My name is Matthew Kobylarz. ID is 7589. Last name is spelled K-O-B-Y-L-A-R-Z.

SGT. TIEN: Officer Kobylarz, when you were notified of this interview you were advised of your right representation. Present as your employer legal council is?

[REDACTED] [REDACTED] [REDACTED]
SGT. TIEN: And also present is Internal Affairs Sergeant?

SGT. MINTER: Greg Minter, ID 6052.

SGT. TIEN: Officer Kobylarz at this time I'm going to question you about an EEO complaint regarding a cardboard cutout in the Southeast Division lineup room. My questions during this interview concern administrative matters

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relating to the official business of the police department. I'm not questioning you for the purpose of a criminal prosecution. In a criminal investigation you have a right to remain silent and not incriminate yourself. However, since this is an administrative, not a criminal investigation, your failure to answer my questions could be insubordination and result in discipline up to and including termination. Any statement you make cannot be used against you in any criminal proceeding. Under Penal Code 832.7, the Grand Jury, Attorney General's Office, or District Attorney's Office may have the right to obtain a copy of your statement to me during this interview. Your statements to me cannot be used against you by any agency in any criminal proceeding. You're required to answer my questions fully and truthfully. This requirement is set forth in Section 9.4 and 9.29 of the San Diego Police Department Policy Manual. 9.4, Obedience to Lawful Orders Policy, members shall promptly obey any lawful orders of superiors. This includes orders relayed from a superior by someone of the same or lesser rank. 9.29, Truthfulness Policy, members shall be truthful in all matters relating to their duties. Upon the order of a superior or any officers appointed by the chief of police to conduct internal investigations, and in accordance with Constitutional and contractual guarantees, including your right to representation, members shall truthfully answer all questions

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specifically directed and narrowly related to the scope of employment and operations of the department. Refusal to answer my questions is in itself a violation of department policy and will subject you to disciplinary penalties.

Do you understand what I've just explained to you?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Is there anything that prevents or may prevent you from answering my questions fully and truthfully?

OFC. KOBYLARZ: No.

SGT. TIEN: Do you have any questions concerning what I have just explained to you?

OFC. KOBYLARZ: No.

SGT. TIEN: I now order you to answer the following questions. I'm also ordering you not to disclose anything we discuss during this interview, or anything regarding this investigation with anyone other than your employee representative or legal counsel. Doing so would be insubordination by itself could subject you to disciplinary action up to and including termination.

Officer Kobylarz, how long have you been a police officer?

OFC. KOBYLARZ: I was hired in September, 2016, so little over three and a half years, I think.

SGT. TIEN: And what is your current assignment?

OFC. KOBYLARZ: Southeastern Division. Second watch.

SGT. TIEN: How long have you been in that position?

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OFC. KOBYLARZ: Just as of shift change so this last Saturday.

SGT. TIEN: Were you at Southeastern Division patrol prior to that?

OFC. KOBYLARZ: Yes.

SGT. TIEN: How long have you been at Southeastern Division?

OFC. KOBYLARZ: Since last year.

SGT. TIEN: Were you working this past Sunday, January 12, 2020 during second watch at Southeastern Division?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Did you put a cardboard cutout of Rick Ross in the lineup room sometime during your shift?

OFC. KOBYLARZ: I did.

SGT. TIEN: Where did you get the cutout?

OFC. KOBYLARZ: I got it at [REDACTED]

SGT. TIEN: At [REDACTED]

OFC. KOBYLARZ: Yes. Off of [REDACTED]

SGT. TIEN: You didn't get it at the [REDACTED]

OFC. KOBYLARZ: No.

SGT. TIEN: Are both [REDACTED] and [REDACTED] popular liquor...

OFC. KOBYLARZ: I've never heard of [REDACTED]

SGT. TIEN: Never heard...

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OFC. KOBYLARZ: [REDACTED] I've heard of. Yes.

SGT. TIEN: When did you get the cutout?

OFC. KOBYLARZ: It was the day before Sunday that I put it up.

SGT. TIEN: Did you purchase it?

OFC. KOBYLARZ: No. I was given to by the employee.

SGT. TIEN: So day before Sunday so Saturday?

OFC. KOBYLARZ: Yes.

SGT. TIEN: You worked Saturday, same shift?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And an employee gave it to you?

OFC. KOBYLARZ: Yeah they were going to - they said they were going to get rid of it. I told them I'd pay for it because I wanted it. They said just take it.

SGT. TIEN: Do you remember the employee's name?

OFC. KOBYLARZ: It was the owner or manager. [REDACTED].

SGT. TIEN: [REDACTED]?

OFC. KOBYLARZ: I think he's [REDACTED] possibly.

SGT. TIEN: About what time?

OFC. KOBYLARZ: It was dark so at some time after 7:00 or 8:00, I believe.

SGT. TIEN: Were you there on a call or?

OFC. KOBYLARZ: Yes.

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SGT. TIEN: Oh it was a call for service?

OFC. KOBYLARZ: Yes.

SGT. TIEN: What kind of call?

OFC. KOBYLARZ: It was just a 415 with a subject outside the liquor store that was causing problems with that owner, or the manager.

SGT. TIEN: Was he the RP?

OFC. KOBYLARZ: He was the RP, yes.

SGT. TIEN: Where did you take it from there?

OFC. KOBYLARZ: I just put it in the trunk of my car and I put it into my wall locker at work 'till I was...

SGT. TIEN: So the trunk of your patrol vehicle?

OFC. KOBYLARZ: Yeah.

SGT. TIEN: Was it decorated at all when you got it?

OFC. KOBYLARZ: It was plain. It had - he was holding like two liquor bottles underneath all this stuff it was just plain and he's just - was standing there like with two bottles.

SGT. TIEN: Is it made to be like an advertisement?

OFC. KOBYLARZ: Yes. It was an advertisement.

SGT. TIEN: For?

OFC. KOBYLARZ: Whatever alcohol was on the - he was holding.

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SGT. TIEN: So it was just on display at the liquor store?

OFC. KOBYLARZ: Yeah.

SGT. TIEN: Do you know who it is?

OFC. KOBYLARZ: Rick Ross. Yes.

SGT. TIEN: Did you know that before I said name Rick Ross in the interview?

OFC. KOBYLARZ: Yes.

SGT. TIEN: How do you know him?

OFC. KOBYLARZ: I'm a fan of his music. I've been listening to him since high school.

SGT. TIEN: What kind of music does he make?

OFC. KOBYLARZ: Rap music. Hip hop.

SGT. TIEN: So you brought it into the sub that night?

OFC. KOBYLARZ: Yes. Right when I got off shift, I removed it from my vehicle and put it in the locker room.

SGT. TIEN: And how did - which door to the substation did you walk in with the cutout?

OFC. KOBYLARZ: The locker room entrance.

SGT. TIEN: And that was at the end of shift?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Were you partnered up that day?

OFC. KOBYLARZ: No.

SGT. TIEN: Did you have another officer with you at the [REDACTED] when you got it?

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OFC. KOBYLARZ: Yes, two officers were...

SGT. TIEN: Who was that?

OFC. KOBYLARZ: [REDACTED] and Isai Castillo.

SGT. TIEN: Did they encourage you to attempt to ascertain the cutout? Or was it solely your idea?

OFC. KOBYLARZ: It was solely my idea.

SGT. TIEN: Did they or were they present when you told the owner you would like to buy it?

OFC. KOBYLARZ: Yes, they were.

SGT. TIEN: Did they say anything?

OFC. KOBYLARZ: No.

SGT. TIEN: Did they say anything after he gave it to you?

OFC. KOBYLARZ: Just other than laughing, other than that I don't know. Nothing I remember.

SGT. TIEN: What did you intend to do with it when you got it?

OFC. KOBYLARZ: At first I wanted just to have it for my own. And then it kind of sprouted this idea after that.

SGT. TIEN: When you say have it as my own, like take it home?

OFC. KOBYLARZ: Yeah. Just put in my house.

SGT. TIEN: So, "this idea", you were referencing a photograph in front of you on the table. Is this the - a depiction of the cutout with, for lack of a better term,

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décor, forms, copies of money, in the lineup room in Southeastern division?

OFC. KOBYLARZ: Yes.

SGT. TIEN: When did this idea, as you referenced, come to mind?

OFC. KOBYLARZ: After our second day of being, like, negative 6 understaffed. I thought it would be something that would bring light to the overtime board.

SGT. TIEN: So when was that?

OFC. KOBYLARZ: That's the Sunday night when we were working.

SGT. TIEN: So like just before this was placed in the lineup room?

OFC. KOBYLARZ: Yeah.

SGT. TIEN: Did you show the cutout to anyone else other than [REDACTED] and Castillo?

OFC. KOBYLARZ: Not until it was complete. I showed it to other people in my squad after that.

SGT. TIEN: After it was complete?

OFC. KOBYLARZ: After I put all the forms and money.

SGT. TIEN: Did you ever show it, even if it was in passing, to Sergeant Easter in the locker room?

OFC. KOBYLARZ: I don't remember.

SGT. TIEN: Is it possible?

OFC. KOBYLARZ: Possible, yeah. Yes. It's pretty big. Might've seen it.

SGT. TIEN: So from your recollection, other than [REDACTED] and Castillo, no one else including any other supervisors, saw the cutout until it was in place in the

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lineup room?

OFC. KOBYLARZ: I might've shown it to Sergeant Easter. I remember showing it to him when it was done. That's for sure.

SGT. TIEN: And by done, did it include this text box above...

OFC. KOBYLARZ: He saw it prior to me bringing it in there. I showed him the documents that were on it and the money before I brought it to the lineup room. I believe I showed it to him in his office. I think.

SGT. TIEN: Do you recall if there were any other sergeants in the office at that time?

OFC. KOBYLARZ: I think [REDACTED] was in the office when I asked if Sergeant Easter was there. And he wasn't there at first.

SGT. TIEN: And you had the cutout...

OFC. KOBYLARZ: In my hand. Yes.

SGT. TIEN: Did he say anything about what you were - had in your hand?

OFC. KOBYLARZ: Just laughed. That's about it.

SGT. TIEN: Okay. Did he express concern?

OFC. KOBYLARZ: No.

SGT. TIEN: At some point did you get or ask permission from a supervisor to put the display in the lineup room?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Do you recall when you first asked?

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OFC. KOBYLARZ: I asked when I had the idea early in the night on Sunday to Sergeant Easter before - I didn't have it complete. I just asked him.

SGT. TIEN: And so you didn't have it with you?

OFC. KOBYLARZ: I did not have it with me at that time when I asked.

SGT. TIEN: To the best of your recollection, how did or where were you when you brought it up to him?

OFC. KOBYLARZ: I don't remember exactly. It was just somewhere in the substation.

SGT. TIEN: Face to face?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And how did you describe what you wanted to ask him?

OFC. KOBYLARZ: I basically - as it's seen here, I basically said I wanted to make it look like something. It's appropriate for work and have him to try to bring in people for overtime.

SGT. TIEN: So without looking and referencing the picture how would you have described it to Sergeant Easter?

OFC. KOBYLARZ: I said I was going to have one hand with a bunch of overtime slips and money. The other hand would have - I originally wanted to do like makeshift crime case report and like FI's in the other hand.

SGT. TIEN: But did you reference...

OFC. KOBYLARZ: That it was Rick Ross. I did. I said I had a Rick Ross cutout from [REDACTED]

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█ that I got from an employee. Because he writes a song that I was familiar with that kind of correlated with the idea that I had for overtime. That's the one I said I would add the money and overtime slips and the reports.

SGT. TIEN: Did he seem to know who Rick Ross was?

OFC. KOBYLARZ: Yes.

SGT. TIEN: What was his response?

OFC. KOBYLARZ: Just laughed and he said, "I have to see it first and then we'll decide."

SGT. TIEN: When he said, "I have to see it first," what do you think his concern was?

OFC. KOBYLARZ: If there was going to be anything on there that would cause anyone offense.

SGT. TIEN: Any offense?

OFC. KOBYLARZ: Yeah.

SGT. TIEN: At that time was the cutout still in your locker?

OFC. KOBYLARZ: It was.

SGT. TIEN: Who added the currency and department forms?

OFC. KOBYLARZ: I did.

SGT. TIEN: And you were describing what your idea is. Are they covering something?

OFC. KOBYLARZ: Yes.

SGT. TIEN: What are they covering?

OFC. KOBYLARZ: They are covering the original advertisement with the liquor bottles in his

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hand.

SGT. TIEN: Why did you want to cover the liquor bottles?

OFC. KOBYLARZ: Because I didn't think that would be work appropriate to have liquor bottles.

SGT. TIEN: Got it.

OFC. KOBYLARZ: The most offensive part of it.

SGT. TIEN: Where did the \$100 bills come from?

OFC. KOBYLARZ: A Google search.

SGT. TIEN: So they are not photocopied?

OFC. KOBYLARZ: No.

SGT. TIEN: Was that done at the substation?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Do you remember which computer or what room you were in? Was that you that obtained...

OFC. KOBYLARZ: Yes. It was - I believe the computer was - it's the one right where the security cameras are. It's like an open desk right next to the lieutenant's office that we use sometimes at night.

SGT. TIEN: So out in the investigative bay area?

OFC. KOBYLARZ: It was like in a detective's - it was just like an open - I think it was like a clerical desk. Yeah. It was unoccupied.

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SGT. TIEN: And which printer did you print those to?

OFC. KOBYLARZ: The one off of - next to the - it was like Admin Bay 4 I believe.

SGT. TIEN: Who obtained the PERT referral form?

OFC. KOBYLARZ: Isai Castillo.

SGT. TIEN: Was that your idea or his idea?

OFC. KOBYLARZ: It was my idea and I told him to go grab it for me.

SGT. TIEN: Did you specifically say, "Go get a PERT referral form?"

OFC. KOBYLARZ: I didn't - I just said - I said, "Grab some extra forms."

SGT. TIEN: And what was your intent by forms?

OFC. KOBYLARZ: Just to show that people were working hard. They have a bunch of, you know, work-related forms. Keep it within the workspace.

SGT. TIEN: So these are forms that one might commonly need during their overtime shift?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Who obtained the law enforcement transport sheet?

OFC. KOBYLARZ: I believe it was Isai Castillo as well.

SGT. TIEN: Is he the only other person that assisted you in either gathering forms or creating the display?

OFC. KOBYLARZ: The FI was done by [REDACTED]

SGT. TIEN: What about the 72 hour parking notice?

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OFC. KOBYLARZ: Oh I had just one on me.

SGT. TIEN: You had - okay. The blank RG sign form?

OFC. KOBYLARZ: That was mine.

SGT. TIEN: Who wrote on the RG sign form?

OFC. KOBYLARZ: Oh I did.

SGT. TIEN: You did?

OFC. KOBYLARZ: Yes.

SGT. TIEN: So, this photograph, that is your handwriting?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Who obtained the OT slips?

OFC. KOBYLARZ: I took a - it was me.

SGT. TIEN: It was you. Who obtained the FI? You said it was...

OFC. KOBYLARZ: [REDACTED]

SGT. TIEN: Did she fill it out?

OFC. KOBYLARZ: I believe so yes.

SGT. TIEN: Did you see it before it was placed on the display?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Do you know who [REDACTED] is?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And who is that?

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OFC. KOBYLARZ: It is just a very well-known person in Southeastern Division.

SGT. TIEN: Was there a specific reason why - or was it your determination to put her name on there?

OFC. KOBYLARZ: No.

SGT. TIEN: Do you know if this was an actual FI from earlier in the shift?

OFC. KOBYLARZ: I don't - it was - I asked just to be filled out a blank, like a fake FI basically.

SGT. TIEN: So your request to [REDACTED] was to fill out a fake FI, not use a real one?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Is the information on here, I'm not familiar with who this is, is the information on here like categorically true to FI [REDACTED]

OFC. KOBYLARZ: Not that I'm aware of. I don't know her information. I just know her name is correct.

SGT. TIEN: Okay.

OFC. KOBYLARZ: Yeah. I don't know about the phone number or anything or social or anything.

SGT. TIEN: Is there any sort of Southeastern patrol culture or cultural reason why [REDACTED] might be written on FI for this display?

OFC. KOBYLARZ: Yes. She's just a well-known chronic caller, calls every day about invalid crimes and other things.

SGT. TIEN: So safe to say all patrol officers know who she is?

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OFC. KOBYLARZ: Yes.

SGT. TIEN: Is there an element of humor intended in...

OFC. KOBYLARZ: Yes.

SGT. TIEN: All right. Who obtained the tape used to put the forms and currency on the cutout?

OFC. KOBYLARZ: It was - I obtained the tape from the resource - or, the room with all our supplies with [REDACTED] help.

SGT. TIEN: [REDACTED] help?

OFC. KOBYLARZ: Yeah. He opened it up and I found the tape.

SGT. TIEN: Resource room?

OFC. KOBYLARZ: It's like a - or like equipment - or that's not the word.

SGT. TIEN: Yeah.

OFC. KOBYLARZ: Supply room.

SGT. TIEN: Supply room?

OFC. KOBYLARZ: Yeah. It was a locked supply room.

SGT. TIEN: Do we have a supply room at central? Is this something special in Southeastern?

SGT. MINTER: I don't know.

SGT. TIEN: So what kind of other things are in there? Just all forms and...

OFC. KOBYLARZ: Just like...

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SGT. TIEN: ...paper or what?

OFC. KOBYLARZ: Yeah paper, pens. All the extra forms.

SGT. TIEN: What time of day was this all done, as far as obtaining the forms and printing the copies out and putting it on the display?

OFC. KOBYLARZ: It was probably after 9:30 or 10.

SGT. TIEN: So towards the end of shift?

OFC. KOBYLARZ: Yeah.

SGT. TIEN: After third watch lineup?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Where did everything kind of come together? Where were you?

OFC. KOBYLARZ: It was in the locker room.

SGT. TIEN: In the locker room?

OFC. KOBYLARZ: Yes.

SGT. TIEN: What did you tell [REDACTED] regarding the tape?

OFC. KOBYLARZ: I was just putting together a project. He didn't really know exactly what the project was.

SGT. TIEN: Any questions about it?

OFC. KOBYLARZ: He asked me to see it and I said he'll see it right before I put it up. And he could decide if I should take it down or not.

SGT. TIEN: So you essentially were saying, "I'd like to put it together and then ask for

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your approval?"

OFC. KOBYLARZ: Yes.

SGT. TIEN: Is that the second sergeant you asked?

OFC. KOBYLARZ: Yes.

SGT. TIEN: 'Cause you had already...

OFC. KOBYLARZ: Talked to Sergeant Easter. Yes.

SGT. MINTER: So did [REDACTED] know the context and all the - everything about it?
Or you just said, "A project?"

OFC. KOBYLARZ: I just said, "A project." I said I'd let him see it after I was finished.

SGT. MINTER: Okay.

SGT. TIEN: So then you took the tape and all the forms and everything back to the
locker room?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Was anyone else in the locker room when you were putting it together?

OFC. KOBYLARZ: Officer Castillo.

SGT. TIEN: Just Castillo and you?

OFC. KOBYLARZ: Yes.

SGT. TIEN: So, [REDACTED] just gave you the FI?

OFC. KOBYLARZ: Yes. I asked Castillo to go get an FI, and then she provided it to him and
brought it to the locker room where I taped it on.

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SGT. TIEN: Do you know if she provided to him because you saw that happen or he told you that's what happened?

OFC. KOBYLARZ: He told me and she told me that she did.

SGT. TIEN: So later on she said, "I -" or was it later she said that?

OFC. KOBYLARZ: When I was walking - when I showed it to everybody. That she's the one who said she made FI.

SGT. TIEN: Gotcha.

OFC. KOBYLARZ: And Castillo had told me already at that point.

SGT. TIEN: Did anyone else contribute any ideas to the display?

OFC. KOBYLARZ: No.

SGT. TIEN: So up to the point of placing in the lineup room, Castillo and [REDACTED] were the only ones that assisted you essentially?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And had you already asked Sergeant Easter?

OFC. KOBYLARZ: Yes.

SGT. TIEN: But not shown it to him?

OFC. KOBYLARZ: I had not shown him the final result of my...

SGT. TIEN: Did he see the initial, original form at all?

OFC. KOBYLARZ: I don't think so, no.

SGT. TIEN: And you had just said a project to [REDACTED] so he had no idea what

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you were doing?

OFC. KOBYLARZ: Yes.

SGT. TIEN: When did you bring it into the lineup room?

OFC. KOBYLARZ: After I spoke with Sergeant Easter and he saw the finished result. And it was right outside of his office.

SGT. TIEN: So you walked from the locker room to his office with the cutout in hand?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Showed Sergeant Easter.

OFC. KOBYLARZ: Yes.

SGT. TIEN: What was his reaction?

OFC. KOBYLARZ: Initially he laughed. I asked him to look it over, see if he sees anything that he didn't approve of. He said it was all right.

SGT. TIEN: And [REDACTED] was in the office to your recollection?

OFC. KOBYLARZ: When I had originally walked through and asked if Sergeant Easter was in the office, because he was not there originally, he laughed at it and then he said, "I don't know where he's at." And then I walked to the entrance of the office. And that's where Sergeant Easter came and met me.

SGT. TIEN: So where did you see [REDACTED]

OFC. KOBYLARZ: He was sitting in the - because the sergeants' office is just like one big hallway of cubicles, and he was on the middle cubicle in the office next to

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Sergeant Easter's desk.

SGT. TIEN: Okay.

SGT. MINTER: Did you have any discussion with [REDACTED] about where it was going to go?

OFC. KOBYLARZ: No.

SGT. TIEN: From there you walked into the lineup room?

OFC. KOBYLARZ: Yes.

SGT. TIEN: When you were in the sergeants' office were there any other officers with you?

OFC. KOBYLARZ: At that point when I was showing Sergeant Easter, Officer Castillo and [REDACTED] were there as well.

SGT. TIEN: Did they talk at all during the interaction between you and Sergeant Easter?

OFC. KOBYLARZ: They did. I just don't remember exactly what they had said.

SGT. TIEN: Did they express concern?

OFC. KOBYLARZ: No.

SGT. TIEN: And then from there you went where?

OFC. KOBYLARZ: Into the lineup room.

SGT. TIEN: When you went in the lineup room was anyone else there?

OFC. KOBYLARZ: [REDACTED] was sitting at the computer for the lineup room and I believe [REDACTED] possibly. I think it was [REDACTED] and then also

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██████████ walked in as well.

SGT. TIEN: Okay.

OFC. KOBYLARZ: ██████████

SGT. TIEN: When you walked in initially was Sergeant Easter like right behind you or did he come at all?

OFC. KOBYLARZ: He came into the lineup room. I don't know if he was right behind me. I was putting it up and then he was there.

SGT. TIEN: When you walked in and ██████████ did he see it or do you know if he saw it?

OFC. KOBYLARZ: He did see it.

SGT. TIEN: Did he say anything at that point?

OFC. KOBYLARZ: Other than laughed and he - other than that just like laughed.

SGT. TIEN: Did you write, referencing the photograph, the text box above it?

OFC. KOBYLARZ: Yes.

SGT. TIEN: What does that say?

OFC. KOBYLARZ: It says - it's his signature thing. He goes, "Uh-huh," and then every day I'm hustlin' and you can too if you sign up for some overtime, OT.

SGT. TIEN: So are you quoting a song?

OFC. KOBYLARZ: The first portion yes, I'm quoting.

SGT. TIEN: And which portion is quoted?

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OFC. KOBYLARZ: The everyday I'm hustlin'.

SGT. TIEN: What about the U-H...

OFC. KOBYLARZ: It's a noise he makes throughout his songs. He's just like a deep like - I don't - I couldn't - like it's a, "Ugh."

SGT. TIEN: Okay.

OFC. KOBYLARZ: That's how he says it.

SGT. TIEN: Did you write that intended to be derogatory towards people that maybe don't speak the same way as you?

OFC. KOBYLARZ: No.

SGT. TIEN: Is that in specific reference to Rick Ross and how he performs?

OFC. KOBYLARZ: Yes.

SGT. TIEN: 'Everyday I'm hustlin'. Is the quote?

OFC. KOBYLARZ: Yes.

SGT. TIEN: "And you can too, sign up for OT." Was that your addition?

OFC. KOBYLARZ: That was my addition.

SGT. TIEN: Did anyone else contribute to that idea?

OFC. KOBYLARZ: No.

SGT. TIEN: That was your idea?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And what is this related to in its position?

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OFC. KOBYLARZ: So that board behind - the sergeant's desk is to the left of this board. And it was right behind the sergeant's desk is the overtime board. And they have like basically first watch, second watch, third watch. And each squad's list of extra bodies that they need.

SGT. TIEN: What was your intent?

OFC. KOBYLARZ: Clearly the overtime board wasn't bringing anyone to sign up for overtime. And with our issues with how low on staffing, there's officer safety issues with that, I just was trying to bring attention to the board and bring people to sign up for overtime.

SGT. TIEN: Were you ever tasked with or directed by any supervisors to try to increase the overtime sign up?

OFC. KOBYLARZ: No.

SGT. TIEN: So this was solely an idea you came up with?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Other than that you mentioned like officer safety for the officers, are there any other benefits to say the community to having additional officers working?

OFC. KOBYLARZ: The response time's a lot shorter if you have more officers. At one point the night before we had - it was just me and Isai Castillo handling all the calls and so our response times were extended out 20, 30 minutes or more than

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that. So it'd help the community get the services they deserve.

SGT. TIEN: When you initially gave - was the text box going to be initially part of your plan?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Had you explained that to Sergeant Easter?

OFC. KOBYLARZ: I did.

SGT. TIEN: And if I recall his response was, "I'll have to see it at the end," or?

OFC. KOBYLARZ: Yes.

SGT. TIEN: Once you finished writing the text box, what happened?

OFC. KOBYLARZ: Just some chuckles from people that were in the room with me. And then other than that, nothing.

SGT. TIEN: Did Sergeant Easter say anything regarding the overall display?

OFC. KOBYLARZ: Just that it was appropriate. That he didn't see anything wrong with it.

SGT. TIEN: So did it look like he put some thought into whether it should be placed there?

OFC. KOBYLARZ: Yes.

SGT. TIEN: You mentioned covering the alcohol bottles up. Because it wouldn't be workplace appropriate.

OFC. KOBYLARZ: Yes.

SGT. TIEN: Did you also go through some sort of thought process, trying to determine

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whether the display itself as it finished was workplace appropriate?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And what kind of considerations?

OFC. KOBYLARZ: Just any type of like logos that were on - like he had a Texas hat on. I was like we'll put a SDPD hat on to make it more focused on work. Cover the alcohol bottles. Make sure that that wasn't displayed. And then kind of looked it over, made sure there was no like other type of derogatory terms on his clothing or anything like that.

SGT. TIEN: If - well actually so after [REDACTED] saw it, did he ever provide an actual verbal response to your project?

OFC. KOBYLARZ: I couldn't remember. Just I remember him laughing, other than that.

SGT. TIEN: Did he express any concern?

OFC. KOBYLARZ: No.

SGT. TIEN: Did anyone else in the lineup room at that point express any concern to you?

OFC. KOBYLARZ: No.

SGT. TIEN: Did anyone contact you - so after the display was left in the lineup room, did you finish your shift at normal time?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And assume went home?

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OFC. KOBYLARZ: Yes.

SGT. TIEN: After that, as far as you know, was the last place the cardboard cutout was, was it on display in the lineup room?

OFC. KOBYLARZ: It was.

SGT. TIEN: Did anyone contact you after it was left there regarding the display other than me when I scheduled the interview?

OFC. KOBYLARZ: I just was told someone took it down and that IA was in the building by just - it was [REDACTED] She originally texted me said, "They took it down," 'cause I asked, you know, the reactions in lineup. I wanted to see what people had to say about it.

SGT. TIEN: Does she work a different shift?

OFC. KOBYLARZ: Well she's on the sister squad so they were working still for second watch the next day.

SGT. TIEN: So she texted you saying it was taken down.

OFC. KOBYLARZ: Yes.

SGT. TIEN: And IA was here.

OFC. KOBYLARZ: That someone alluded to that IA was there. She couldn't confirm.

SGT. TIEN: So was that the only dialogue you had regarding after there, after that?

OFC. KOBYLARZ: Yes.

SGT. TIEN: And that was Monday?

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OFC. KOBYLARZ: Yes, Monday afternoon.

SGT. TIEN: Have you heard from anyone outside of the department discuss the display?

OFC. KOBYLARZ: Outside of the department?

SGT. TIEN: A non-department employee.

OFC. KOBYLARZ: No. No I have not.

SGT. TIEN: Did you ever have any either text or voice discussion with [REDACTED]

Whether he heard you were under investigation by IA?

OFC. KOBYLARZ: Yes, I did actually.

SGT. TIEN: How did that go?

OFC. KOBYLARZ: I don't have the messages anymore but he said something along the lines of - asked me if I was all right and then asked me if I knew anything about what was going on. I said not - kind of I knew what was going on. And then that was about it. Yeah. Along those lines.

SGT. TIEN: Did he ask you if you made the display?

OFC. KOBYLARZ: I don't remember.

SGT. TIEN: Do you recall telling him you did it with the permission of a supervisor?

OFC. KOBYLARZ: Yes actually we did talk about it. I did say I did do it, 'cause he asked me if - he asked me if I was aware of what was going on. And if I was the one that did it. And I said I was. And that Sergeant Easter approved it. And he - I think he said along the lines that, "Well it's going to be on Sergeant Easter

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if anything happens,” or something like that.

SGT. TIEN: He said that? [REDACTED] said that to you?

OFC. KOBYLARZ: Yeah, something along those lines.

SGT. TIEN: Anything else regarding the display and that text exchange?

OFC. KOBYLARZ: I don't really remember.

SGT. TIEN: Do you recall any other conversations with any other people about the display?

OFC. KOBYLARZ: I talked to - I forward Sergeant Easter the info that I heard about IA being involved. I told him, “Hey just a heads up,” he said, “We'll take care of it when it comes.” Other than that, can't really think about it yeah.

SGT. TIEN: Did anyone contact you voicing any displeasure over the display?

OFC. KOBYLARZ: No.

SGT. TIEN: Whether electronically or in person?

OFC. KOBYLARZ: No.

SGT. TIEN: Have you received EEO training before?

OFC. KOBYLARZ: I have.

SGT. TIEN: And approximately when?

OFC. KOBYLARZ: Kind of refreshers all the time in lineup. Then also the academy, then our officer after the academy, the post academy training in the department.

SGT. TIEN: So a couple times?

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OFC. KOBYLARZ: Yes.

SGT. TIEN: Beyond this, what you've mentioned about being a fan of Rick Ross and seeing it at the store, is there any back story for this specific cutout?

OFC. KOBYLARZ: Other than just being a fan, that's about it.

SGT. TIEN: Did you give any thought to the idea this display might be considered racially offensive to others?

OFC. KOBYLARZ: No.

SGT. TIEN: You didn't?

OFC. KOBYLARZ: I didn't.

SGT. TIEN: Why is that? Why didn't you give it any thought?

OFC. KOBYLARZ: He's just a famous rapper and I thought everyone would know who he was. It wasn't based on his skin color or anything. It was just - I thought famous rapper. That's it.

SGT. TIEN: In thinking that and seeking the permission of Sergeant Easter, what did having his approval mean?

OFC. KOBYLARZ: I just wanted to run it past a sergeant before I did anything. I didn't want to put something on a board and then that's not something he wanted there, whatever the case may be.

SGT. TIEN: If he would've had concerns regarding the display what would you have done?

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OFC. KOBYLARZ: I would have removed it and got rid of it.

SGT. TIEN: By placing the display in the lineup room decorated with department forms, would you believe a reasonable assumption to be the department endorsed the display?

OFC. KOBYLARZ: Sorry, could you rephrase that?

SGT. TIEN: So if this picture were seen by somebody outside the department, would it be reasonable for them to think the department was endorsing the display because of the use of department forms on it?

OFC. KOBYLARZ: Probably. Yes.

SGT. TIEN: Do you think it's possible other people may consider aspects of the display offensive?

OFC. KOBYLARZ: I don't think so, no.

SGT. TIEN: And why is that?

OFC. KOBYLARZ: I just can't see anything that sticks out that makes it offensive. There's no slurs or alcohol bottles, or, you know, use of drugs. I just don't see anything offensive. He's a famous rapper. Other than that...

SGT. TIEN: Other than [REDACTED] [REDACTED] and Sergeant Easter, did you discuss or show the display to any other supervisors?

OFC. KOBYLARZ: No.

SGT. TIEN: Are you aware of any other supervisors that saw the display that evening?

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OFC. KOBYLARZ: First watch supervisor might've saw it because we were leaving when I finally put it up. So probably...

SGT. TIEN: First watch or third watch?

OFC. KOBYLARZ: Third watch. Yeah sorry. Third watch.

SGT. TIEN: So would that be [REDACTED]

OFC. KOBYLARZ: It would be [REDACTED] and whoever his sister squad to that.

SGT. TIEN: Do you feel the cutout, including the peripheral additions and verbiage, could be considered derogatory?

OFC. KOBYLARZ: No.

SGT. TIEN: And why is that?

OFC. KOBYLARZ: I don't - I just don't see it as derogatory I guess.

SGT. TIEN: Do you feel that this display celebrates anything?

OFC. KOBYLARZ: Hard work. That's what the intent was.

SGT. TIEN: And what about this makes you think it would celebrate hard work?

OFC. KOBYLARZ: Overtime slips with money and then my little catch phrase at the top about working hard.

SGT. TIEN: Is that what the rap song is about?

OFC. KOBYLARZ: Yeah. Yes.

SGT. TIEN: Do you know the context of the rap song?

OFC. KOBYLARZ: Yes.

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SGT. TIEN: Does hustlin' mean making money illicitly?

OFC. KOBYLARZ: No. I don't think so.

SGT. TIEN: What do you think it means?

OFC. KOBYLARZ: Think it just means just working hard every day to make some money.

SGT. TIEN: Does the song reference a means of work at all, to your knowledge?

OFC. KOBYLARZ: Not - I wouldn't be able to quote any lyrics other than, "Everyday I'm hustlin'," because that's pretty much the majority of the song.

SGT. TIEN: How do you feel the community of Southeastern division might react if a photograph of the cutout were to be made public?

OFC. KOBYLARZ: I don't see that there would be any reaction other than what it is. I can't see any reaction to it.

SGT. TIEN: At any point during the creation or the placement of the display are you aware of anyone who appeared offended, displeased, hesitant, or questioning either verbally or non-verbally?

OFC. KOBYLARZ: Not that I'm aware other than the laughing, I didn't see anyone uncomfortable.

SGT. TIEN: And by laughing, were there some people that were laughing that you thought they were uncomfortable?

OFC. KOBYLARZ: Not that I felt they were uncomfortable.

SGT. TIEN: So was the laughing in a manner they generally just thought it was funny?

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OFC. KOBYLARZ: Yes.

SGT. TIEN: If someone had displayed those traits of being offended or hesitant or displeased, what would you have done?

OFC. KOBYLARZ: I would have taken it down.

SGT. MINTER: Prior to Southeastern division which command were you at?

OFC. KOBYLARZ: Central division.

SGT. MINTER: Did you volunteer to go to Southeastern or do you move there unwillingly?

OFC. KOBYLARZ: I volunteered.

SGT. MINTER: Why would you do that?

OFC. KOBYLARZ: I wanted to expand my knowledge of the city. And then I wanted to see a different perspective of the city. I know the Southeastern is a very busy command but the quality of calls you get all the, you know, I guess there was a - I don't know how to word it. Just better quality of calls to investigate and work on my investigation skills.

SGT. MINTER: Have you heard people use the word hustle outside of the song?

OFC. KOBYLARZ: Yes.

SGT. MINTER: In your personal life?

OFC. KOBYLARZ: Yes.

SGT. MINTER: What was the racial makeup of those people?

OFC. KOBYLARZ: Mixed race.

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SGT. MINTER: You mean diverse?

OFC. KOBYLARZ: Yes.

SGT. MINTER: You've heard white people say it, black people, Hispanic people?

OFC. KOBYLARZ: Yes.

SGT. MINTER: Did they say it in a positive manner or negative manner?

OFC. KOBYLARZ: Depends on how you see work, because working hard can be a negative manner as well. If you have to work a lot.

SGT. MINTER: Do you feel like Sergeant Easter and the command staff, the lieutenant and the captain, support hiring back to a minimum staffing?

OFC. KOBYLARZ: Yes.

SGT. MINTER: And do you see that as a good thing?

OFC. KOBYLARZ: Yes.

SGT. MINTER: It sounds like you had some time to consider what you were doing. You got the cutout the night before right?

OFC. KOBYLARZ: Yes.

SGT. MINTER: And then you came up with the idea. And it sounds like it took considerable amount of work. At any time during that process if you had thought, "Oh this might offend somebody," be it race or whatever, what would you have done?

OFC. KOBYLARZ: I would have not even put it up.

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SGT. MINTER: That's all I had.

SGT. TIEN: [REDACTED]

[REDACTED] Nothing.

SGT. TIEN: Officer Kobylarz, do you have anything you'd like to add?

OFC. KOBYLARZ: No.

SGT. TIEN: All right. Time is 1632. And that concludes the interview.

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Witness Officer Interview: [REDACTED]

On January 21, 2020, at 0535 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Minter. [REDACTED]

[REDACTED] The following is a cleaned version of the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 21, 2020. The time is 0535 hours. We’re located in the Internal Affairs office in police headquarters. Today we’re s- we’re with [REDACTED] [REDACTED] can you state your name, ID number and spell your last name for the record please?

[REDACTED] [REDACTED]

SGT. TIEN: All right. [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

SGT. TIEN: All right. Also present is Internal Affairs sergeant...

SGT. MINTER: Greg Minter, ID 6052.

SGT. TIEN: [REDACTED]

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[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted] how long have you been a police officer?

[Redacted]

Fifteen years today.

SGT. TIEN:

Happy anniversary day.

[Redacted]

Thank you.

SGT. TIEN:

350 hours?

[Redacted]

What’s that? Yeah. I wish. Yeah.

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SGT. TIEN: What is your current assignment?

██████████ Southeastern Division.

SGT. TIEN: And how long have you been in that position?

██████████ March 2016.

SGT. TIEN: Were you working on Sunday, January 12, 2020 during third watch at Southeastern Division?

██████████ I just have to look at my calendar.

SGT. TIEN: That's fine.

██████████ 12 January?

SGT. TIEN: Yeah.

██████████ Shift change. Yes.

SGT. TIEN: During line - or was there a cardboard cutout set up in the lineup room at that time?

██████████ Yes.

SGT. TIEN: So just during the lineup third watch?

██████████ Actually I don't remember if - I remember seeing the cardboard cutout. I'm not contesting that. I don't recall holding lineup with it next to me.

SGT. TIEN: So at some point during that shift you saw a cardboard cutout?

██████████ Yes. Walking past lineup room.

SGT. TIEN: Was that the first time you had seen a cardboard cutout at Southeastern Division?

██████████ No.

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SGT. TIEN: Let me - let me back up.

██████████ Oh.

SGT. TIEN: Is this - this photograph in front of you appears to depict a Black male in a life-size cardboard cutout. Does this look familiar?

██████████ The poster itself but all the attachments other than the OT slips is what I saw. So the additional stuff that's in here, the pieces of paper and the hundred dollar bills, I don't remember that or recognize that.

SGT. TIEN: So you recall seeing this cardboard cutout. Do you know who this is?

██████████ I do not know who that is.

SGT. TIEN: Did you see it in this position?

██████████ It - I saw mainly the side of it. I never - I didn't go in and study it. I saw that it was cardboard, it had, like, a support backing. And at this angle if this is how it was, it's hard to tell because is - it's - the way the door is in the hallway it's more of a side view.

SGT. TIEN: And then regarding the stuff that was added to it, there appeared to be department forms, copies of hundred dollar bills and OT slips. Were any of those things - do you recall any of those things being added to it when you saw it?

██████████ I believe I just saw the OT slips. And thinking it was part of the OT sign up log that's on the board.

SGT. TIEN: And so this board is in the lineup room at Southeastern Division?

██████████ Correct. The overtime sign up areas, the head of the lineup room.

SGT. TIEN: And you assumed that it was related to the overtime program or...

██████████ I actually thought it was, like, a birthday card, like, a - they were going to present it to somebody in lineup. Not our lineup. We would have a plan for that. So that's why I didn't really go and study it. So I just thought it was - there's various types of birthday celebrations, I guess for morale or what

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not. So I just thought it was going to be something along the lines of that presented to somebody.

SGT. TIEN: Do you recall - and I'm getting kind of specific - Officer Kobylarz coming into the sergeant's office with this cutout and asking for Sergeant Easter?

██████████ I don't.

SGT. TIEN: No. Okay.

██████████ What was the officer's name?

SGT. TIEN: K-O-B-Y-L-A-R-Z.

██████████ Thanks.

SGT. TIEN: Were you ever present for any conversation with either a patrol officer or another sergeant about the cutout?

██████████ I don't - no.

SGT. TIEN: Do you - do you - do you recall hearing any conversations about it?

██████████ No.

SGT. TIEN: Do you ever recall a patrol officer asking for permission to put it in the lineup room?

██████████ No. Asking me?

SGT. TIEN: Or another supervisor that you overheard.

██████████ No.

SGT. TIEN: You described just walking by and seeing it passing by and thinking it was a birthday card. Was there ever another point in time during that shift that you were in the lineup room and had a more of complete look at the cutout?

██████████ No.

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SGT. TIEN: Did you see this text box in the picture above the cutout's head?

██████████ Oh okay. What's written on the board?

SGT. TIEN: Yeah. Reading it now, have you ever seen that before?

██████████ No.

SGT. TIEN: As a supervisor, have you received EEO training before?

██████████ Yes.

SGT. TIEN: Does that training include information establishing a higher expectation of EEO concern for supervisors?

██████████ Correct.

SGT. TIEN: Are you aware of anyone that conveyed any sort of concern regarding the insensitivity this cutout may present?

██████████ Nobody identified it or came to me.

SGT. TIEN: So no officers at Southeastern Division or officers at any station that may have heard about this, did anyone ever convey to you a concern over the discriminatory or derogatory nature of this cutout?

██████████ No.

SGT. TIEN: Are you personally offended by what you saw that night?

██████████ I'm not.

SGT. TIEN: In the form of the cutout?

██████████ I'm not.

SGT. TIEN: Have you ever heard anyone from outside the department or a non-department employee discuss the cutout?

██████████ No.

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SGT. TIEN: Like, a member of the public.

██████████ No.

SGT. TIEN: And just so I'm clear, there's a lot - this picture is a fairly encompassing photograph of the cutout in front of the overtime board at Southeastern Division with a text box above it and additional items added to the front of the cutout. Correct me if I'm wrong but what you're saying is you saw this cutout from walking by the lineup room?

██████████ Yeah. There's two doors.

SGT. TIEN: Yeah.

██████████ So I guess if you're orienting the east side closest to the admin offices and detective base, there's two doors. That doors always open. The door closest to the men's locker room, that's usually closed. So I was just walking through and peeking in or what not, that's when I saw it.

SGT. TIEN: And you don't recall seeing the text bubble above the head?

██████████ No.

SGT. TIEN: So in your brief observation of it, do you recall if anyone else was in the lineup room at that time?

██████████ No.

SGT. TIEN: If someone had come to you as a supervisor and said that they were offended by this cutout, would you have taken action?

██████████ Yes.

SGT. TIEN: In this case you did not take action. Is that correct?

██████████ I didn't take action because no one brought it to my attention.

SGT. TIEN: Okay.

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SGT. MINTER: Just this one thing I was confused about. When you walked by, was that before or after you had already held lineup - when you walked by and you saw the cutout?

█ That was after lineup.

SGT. MINTER: Okay.

█ We had already gone 10-8 and left the room.

SGT. MINTER: Okay.

SGT. TIEN: █

█ Nothing.

SGT. TIEN: All right. █ you have anything else to add?

█ I don't.

SGT. TIEN: The time is 0547. That concludes the interview.

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Interview: [REDACTED]

On January 21, 2020, at 0831 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Minter. [REDACTED]
[REDACTED] The following is a cleaned version of the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 21, 2020. The time is 0831 hours. We’re located in the Internal Affairs office at police headquarters with a [REDACTED]
[REDACTED] [REDACTED] can you state your name, ID number, and spell your last name?

[REDACTED] [REDACTED]
[REDACTED]

SGT. TIEN: All right. [REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

SGT. TIEN: And also present is Internal Affairs sergeant...

SGT. MINTER: Greg Minter, ID 6052.

SGT. TIEN: [REDACTED]

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[Redacted]

SGT. TIEN: [Redacted]

[Redacted]

SGT. TIEN: [Redacted]

[Redacted]

SGT. TIEN: [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] how long have you been a police officer?

[Redacted] I have been sworn 10 years this month and with academy time it will be 11 in July of this year.

[Redacted] Just real quick for the record, before we were on the recording I made a request for any notes, recordings related to a first interview with [Redacted] that took place at the Southeast patrol station and you did give me notes it looks like with a time of 1402 and so just for the record I want to make sure there’s no other notes or recordings related to her first interview on this topic.

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SGT. TIEN: That is correct.

██████████ Thank you.

SGT. TIEN: And what is your current assignment?

██████████ ██████████ in Southeastern.

SGT. TIEN: And how long have you been in that position?

██████████ ██████████ March of 2019.

SGT. TIEN: Were you working on Monday, January 13, 2020, during first watch at Southeastern Division?

██████████ Yes.

SGT. TIEN: Was there a cardboard cutout set up in the lineup room at that time?

██████████ Yes.

SGT. TIEN: And did I give you a photograph that appears to depict a life size stand up cardboard cutout and does that photograph accurately look like it was taken in the lineup room at Southeastern Division?

██████████ Yes.

SGT. TIEN: Had you seen it any place else prior to that morning in the lineup room?

██████████ No.

SGT. TIEN: In what condition was it when you first saw it and if you want to reference the photograph, feel free.

██████████ Exactly like that.

SGT. TIEN: So when you say like that, it appears that several department forms, photo copies of money, those were all affixed to the front of the cutout?

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██████████ Yes.

SGT. TIEN: At the time?

██████████ Yes.

SGT. TIEN: And then it appears that there's a text bubble written on the grease board behind the cutout apparently pertaining to the cutout itself. Can you read the text bubble to yourself and just confirm you recall seeing that at that time as well?

██████████ So, I recall seeing this but not until after it had been brought to my attention later on. So I had taken photographs of it to show ██████████ because they're into rappers and I had no idea who this person was. And it was only when I looked at the photograph that I saw the bubble.

SGT. TIEN: So in lineup you didn't notice the text bubble?

██████████ I didn't even notice a bubble.

SGT. TIEN: Do you know who ██████████ is?

██████████ Yes.

SGT. TIEN: And who is that?

██████████ ██████████ is a ██████████ who is maybe in her mid-██████████. She lives over on ██████████ and she frequently calls the department ██████████. Oh, God. I can't remember ██████████. She calls all the times generally during third watch hours or maybe late into second watch hours and she usual- usually asks for transportation. So fire has to stage because she's been violent with them in the past. We have to go out and just, you know, make sure she's comfortable.

SGT. TIEN: Is it a fair assumption that most patrol officers know who that is?

██████████ Yeah.

SGT. TIEN: Do you recall when you initially went in the lineup room on Monday morning?

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██████████ Yes.

SGT. TIEN: Did you notice it immediately or was it mid-way through lineup?

██████████ Honestly, I walked in and I don't know if I just didn't look that way or I walked in and I just went straight to the computer and so no. That is my answer. Not initially until officers walked in and went, "Oh my God. It's Rick Ross."

SGT. TIEN: So, the common position for sergeants in lineup is to sit at a table?

██████████ Yes.

SGT. TIEN: In that position, would your back be to where this cutout is?

██████████ Pretty much. Back - it's kind of there. It would be, like, here.

SGT. TIEN: So it wouldn't be in your line of sight - it's essentially behind you instead of in your line of sight?

██████████ Yes.

SGT. TIEN: So you were just describing when officers came in. Did they seem concerned?

██████████ No.

SGT. TIEN: Did they seem to know who this was?

██████████ They did, yeah.

SGT. TIEN: I have here a Southeastern Division, Monday, January 13, first watch patrol schedule.

██████████ Mm-hm.

SGT. TIEN: Does that look familiar as far as the personnel that ended up being in lineup room that morning?

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██████████ Yes. And then of course we do have investigative personnel that come in, and I'll be honest with you, I don't remember who if any were in that day. But generally we'll have investigative personnel, city attorney but...

SGT. TIEN: So it's possible you had no additional people other than what's listed?

██████████ It - it's possible. Yeah it's possible.

SGT. TIEN: So no independent recollection either way?

██████████ No. I really don't know.

SGT. TIEN: When they said "Rick Ross," do you know who that is?

██████████ Not a clue.

SGT. TIEN: After you were notified or alerted to the presence of the cutout and took a look at it, did you understand it to be within a specific context...

██████████ I had no idea whatsoever as to what it was or why.

SGT. TIEN: Did you give any thought to the idea that the display might be considered racially offensive to others?

██████████ Not at all.

SGT. TIEN: And why is that?

██████████ Because it didn't even strike me that it was racially offensive. There was nothing.

SGT. TIEN: If some other people that were in lineup room that had seen it had conveyed some concern to you, what would you have done?

██████████ I would immediately address that concern by taking it down as stipulating department policy 5.3.

SGT. TIEN: Have you received EEO training before?

██████████ Yes.

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SGT. TIEN: Do you approximately know when the last time you received it?

Truthfully, no. Probably during [REDACTED] school. Which would've been March.

SGT. TIEN: So...

2019.

SGT. TIEN: Does that training include information that establishes essentially a higher expectation of EEO concern for supervisors?

Yes.

SGT. TIEN: Have you gone to an out of county [REDACTED] school or was it in county?

It was in county - it was in county.

SGT. TIEN: With other agency supervisors?

Yes.

SGT. TIEN: Did that also include EEO training?

Honestly I can't remember. It may have. Sorry.

SGT. TIEN: That's okay. Have you heard anyone from outside the department or non-department personnel discuss the display or the cutout?

Non-department personnel, no.

SGT. TIEN: Are you personally offended by the display?

No I'm not.

SGT. TIEN: Do you believe its racist?

Not at all.

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SGT. TIEN: If you feel so inclined or have an opinion, how do you feel the community would react if a photograph of the cutout were to become known? And by community, I mean, community of Southeastern Division.

█ I don't think anyone would be offended by it because I don't see anything offensive about it.

SGT. TIEN: At any point while you were aware of the display did you know if anyone appeared offended or displeased or hesitant or questioning either verbally or non-verbally regarding the display?

█ No. And I was in the substation most of Monday because I was still sick so I was visible all morning and then at approximately 12:00, 12:30, 1:00, I walked into the lineup room. █ was there and said, "Someone's complained. We have to take it down." Captain had already taken it down and she said, "I have to impound it. I need bags." So I said, "Okay. I will find bags." I went to the impound room, couldn't find any bags that were big enough for this. The huge giant bags, they weren't going to fit. I went in the kitchen, I looked through all the kitchen cabinets. There was no trash bags that would fit. I came back into the lineup room and the captain was either in the hallway or in the lineup room and I said, "You know what? I'm going to go out to the garage because I bet the garage has industrial size trash bags." Captain said, "Thanks, █" I went out to the garage. I got two very large white trash bags, came back in, met with █ We folded it, we put the one side of it in the trash bag and then got a second trash bag, put the trash bag over the top and then stapled it shut and put it in the captain's office, and then █ went to go pull a case number to impound it.

SGT. TIEN: Other than it being relayed to you by █ did you ever speak to anyone first person that complained as you described █ put about the display?

█ No.

SGT. TIEN: And I think you elude to the fact if somebody had brought it to your attention that they were offended by it, what would you have done?

█ Immediately have taken it down.

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SGT. TIEN: As a supervisor, do you have a responsibility to monitor the workplace for actual or potential violations of EEO?

██████████ Yes I do.

SGT. TIEN: And do you do that?

██████████ I do.

SGT. TIEN: Based on your training, did that obligation enter your mind at any point during the knowledge or when - at the point when you first saw the display?

██████████ No.

SGT. TIEN: And why is that?

██████████ I did not think it to be offensive in any way.

SGT. TIEN: Okay.

SGT. MINTER: Nothing.

SGT. TIEN: █████ anything?

██████████ No, nothing.

SGT. TIEN: █████ do you have anything else you would care to add?

██████████ No I don’t think so.

SGT. TIEN: All right. Time is 0845 hours and that concludes the interview.

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Interview: [REDACTED]

On January 21, 2020, at 1432 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Minter. [REDACTED]

[REDACTED] The following is a cleaned version of the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 21, 2020. The time is 1432 hours. We are located in the Internal Affairs Office at Police Headquarters with [REDACTED] [REDACTED] can you state your name, ID number and spell your last name please?

[REDACTED] [REDACTED]

SGT. TIEN: [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

SGT. TIEN: And also present is Internal Affairs Sergeant...

SGT. MINTER: Greg Minter, ID 6052.

SGT. TIEN: [REDACTED]

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[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] how long have you been a police officer?

[Redacted]

17 years with the police department, 23 total.

SGT. TIEN:

So you have previous law enforcement experience?

[Redacted]

Yes. Six years prior law enforcement state of [Redacted]

SGT. TIEN:

And what is your current assignment?

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██████████ Southeast Division ██████████ Second Watch.

SGT. TIEN: And how long have you been in that position?

██████████ Been a ██████████ since August 10 of 2019.

SGT. TIEN: Were you working on Sunday, January 12, 2020 during second watch at Southeastern Division?

██████████ Yes I was. ██████████.

SGT. TIEN: When you began work was there a cardboard cutout set up in the lineup room at that time?

██████████ No.

SGT. TIEN: Have you ever seen a cardboard cutout anywhere at Southeastern Division?

██████████ I did.

SGT. TIEN: When is the first time you saw it or a cardboard cutout?

██████████ The first time I saw this - the one you have in front of me was on Sunday night around - it had been the 12th, I believe, if my date is correct.

SGT. TIEN: Yep.

██████████ Somewhere around 11:00 pm - 11:10. Somewhere in that area sometime. I am not quite sure.

SGT. TIEN: And regarding the picture for the audio, it appears to depict a life-sized cardboard cutout of a black male in a navy blue baseball cap with San Diego Police written on it in various department forms affixed to the front of it. Is that accurate?

██████████ Yes. That is about - well when I saw the post - this is - there is a bubble above it. I never did see the bubble but the cardboard cutout with the male and the forms I did see.

SGT. TIEN: Does it look like a picture that was taken in the lineup room at Southeastern

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Division?

██████████

Yes that is. That is the corner of our lineup room right by our TV. Absolutely, yes.

SGT. TIEN:

So around 11:00 or 11:10 that evening, where did you see this cutout at?

██████████

In that area right where you are - right where it is pictured right there by the TV and the whiteboard.

SGT. TIEN:

And like you described, the department forms, photocopies of \$100 bills, all that stuff was affixed as you see in this photograph pretty much?

██████████

Yes. My recollection was those were overtime slips but I - they could have been dollar bills.

SGT. TIEN:

There is a little closer...

██████████

Yes. I remember seeing the overtime slip. Yes. These overtime slips and things like that. I do not remember specifically focusing on dollar bills or seeing those. Nor even this, looks to be, like, a FI. I do not remember seeing that. I remember definitely seeing the overtime slips and this looks like a - I am not sure what that form is but there were some forms there. They were attached to it.

SGT. TIEN:

How about the depiction of the male? Is that what you recall?

██████████

Yes.

SGT. TIEN:

Is the picture you are looking at right now, the photograph of the black male, is it the same facial image of the cardboard cutout you saw in the lineup room around 11 o'clock Sunday night?

██████████

Yes sir. It is.

SGT. TIEN:

Were you already in the lineup room and somebody came in with it, or was it there when you walked in the lineup room?

██████████

Yes. I was seated in this picture just to the left - well my left would be the - of the - is the lineup table and there is a computer there where the sergeants

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to do our lineup. I was seated at the lineup computer. I was doing a 10-17 for one of my officers. I was trying to correct a NetRMS report which I am not a great NetRMS person but I was trying my best. He had gotten the wrong charges for an elder abuse case and I was trying to correct it. I had asked [REDACTED] one of my officers because he knows this stuff to help me. He was sitting down and we were trying to go through the changes for the report, and I saw Officer Matt Kobylarz walk in to the lineup room with this cutout. There were a couple officers but I - for the life of me now I cannot remember. I think one of them was [REDACTED] but I do not know who the other - I cannot recall who the others were right off the top of my head, and they walked and set the poster in that area. I turned to my left and this and saw the...Go ahead.

SGT. TIEN: Did they walk in the door behind you, or the one ahead of you down to the left towards...

[REDACTED] It would have been down at the other end of the lineup room on the left.

SGT. TIEN: And that essentially the door across the hall from the kitchen area?

[REDACTED] Yes.

SGT. TIEN: So they walked in the door essentially in your view at that point?

[REDACTED] Yes. They walked towards me and I was focused on - I saw what they were bringing in and I saw and I looked and I turned and I looked at the poster. They were talking about promoting overtime. The - if you look on the picture there on the p- on the wall right next to the male there is the overtime - backfill overtime list. Well I am the [REDACTED] that does this for second watch. I put this out so when we are under staffing we can hire back to minimum so I put a list and they had - they were saying this gentleman was a famous artist, hip hop, rapper. I do not know. I looked at the photo. I looked at that. I saw nothing derogatory. I saw nothing inflammatory. I saw nothing that concerned me as a supervisor and I turned back and focused my attention back on the report to try and get it corrected and submitted.

SGT. TIEN: So I got this clear. So you are in the lineup room with [REDACTED] just you and him at that point before...

[REDACTED] Yes. Actually yes. [REDACTED] and I were in there because I was working on that

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report and I needed help.

SGT. TIEN: Your report?

██████████ Yes.

SGT. TIEN: And then Officer Kobylarz and ██████████ both, together walk in?

██████████ The one I saw bringing it in was Officer Kobylarz.

SGT. TIEN: Okay.

██████████ And then I know at one point when I had looked at the thing and I was looking at it and I was in my middle of my report and still looked, you know, listening I saw ██████ in there. There were a couple other officers but I cannot recall who they were exactly.

SGT. TIEN: Were there any other sergeants in the office at that - or in the lineup room at that time?

██████████ At some point Sergeant Travis Easter did walk into the lineup room.

SGT. TIEN: Was that after the cutout was brought in?

██████████ Yes.

SGT. TIEN: At any point did Officer Kobylarz directly ask you any questions relating to the cutout?

██████████ Not that I recall. I...

SGT. TIEN: So does the conversation - was it just you overheard them speaking?

██████████ A lot of it was that. And I - because - obviously I am close to it and I turn my attention to it and the comments were made, "This is a famous rapper. We are trying to promote the overtime to get people to come work overtime," because Saturday and Sunday we were minus four and five each day. And I looked and I was like, "Okay," and then I kind of left it at that for a second and went back to my report. They were still there talking, but I do not recall anybody asking directly a question of me.

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SGT. TIEN: Do you remember who was saying this was a rapper and relating it to overtime? Was it Officer Kobylarz?

██████████ Officer Kobylarz was mentioning that he was a famous rapper for some song he had promoted to - what is the - hustler for overtime. Trying to - let's get some overtime so that is... That was what I understood it to be.

SGT. TIEN: So the photo in front of you has a text bubble above the head of the cutout. Have you ever seen that before?

██████████ No. I did not see that.

SGT. TIEN: When either Officer Kobylarz brought the cutout in or while you were still in there and some other officers were present, did anyone at any time convey any sort of negative feelings or a feeling of being offended or disagreement with the display?

██████████ No.

SGT. TIEN: Both verbally or in nonverbal body language?

██████████ No.

SGT. TIEN: You were just describing as a supervisor, evaluating the display for age appropriateness. Have you taken any EEO training courses?

██████████ Yes.

SGT. TIEN: And do you approximately know when the last time you took an EEO training course?

██████████ Well, we just did the mandatory two-and-a-half hour one so I would have taken it late 2019 so just November, December. Somewhere right in there with the success factors.

SGT. TIEN: And then did you also have EEO training in either the in-house ██████████ school or the out-of-county one when you got ██████████

██████████ The in-house, yes. I am scheduled to go to the post one next week.

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SGT. TIEN: And does the training information establish essentially a higher expectation of EEO concern for supervisors?

██████████ Yes.

SGT. TIEN: At any point have you heard of anyone from outside the department discuss the cutout or the display?

██████████ No.

SGT. TIEN: Or have been made aware that anyone outside the department is aware of the display?

██████████ Not to my knowledge, no.

SGT. TIEN: When Sergeant Easter walked in the lineup room, do you recall hearing a conversation between him and any of the officers?

██████████ They were communicating but when he came in he had dressed down because he had done lineup that night so he was getting ready to leave. I had lates. Once I had finished, like I said, all this is - they were there and I had done my duty, you know? What I thought was my duty and looked and I was like, "Huh. Overtime. Outstanding." I did finish my report and I got up as he was coming in so probably within a few minutes, maybe a minute he came in, he was dressed down. He was talking with Officer Kobylarz and ██████████ was there and maybe another one or two officers that were in the room and I went. I had to go to the holding cell area to help another officer with one of his reports and lates so I left the lineup room at that time.

SGT. TIEN: At any point prior to leaving the lineup room did you hear any discussion involving Sergeant Easter that either led you to think he granted permission for the display or conveyed concern that it should not be placed in the lineup room either way?

██████████ I did not see any of that. I did not hear anything. He seemed to know what was going on. Are you asking, "Did he say something to me?"

SGT. TIEN: Or did you overhear him say that any of the officers? Whether he agreed

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with the display or disagreed with it.

██████████ I do not recall ever hearing anything like that.

SGT. TIEN: If Sergeant Easter as a supervisor had conveyed to the officers that he disagreed with the display do you think you would have noticed that?

██████████ Absolutely.

SGT. TIEN: So you would have recalled hearing him if he did not believe it was appropriate?

██████████ Yes. I believe I would. If I would have heard something of that nature come out of his mouth, I would have stood right beside him and backed his play. If he felt that way too, that would have - because that is one person and that is enough for me. That - I mean, that is - we are done.

SGT. TIEN: After you left the lineup room, did you ever have you ever see this cutout in person again since then?

██████████ Not in that shape.

SGT. TIEN: In what shape?

██████████ Monday the 13th when I came in. I have lineup on Mondays and Tuesdays. I came in on Monday. I got in around 12:30. That is usually when I get in, when I have lineup so I can prep for lineup. The cutout was down and it had been folded in half and was covered.

SGT. TIEN: And where was that at?

██████████ Right in the lineup room.

SGT. TIEN: Was anyone else in there at that time?

██████████ ██████████ - ██████████ was there. She was getting ready to log on to a computer and ██████████

SGT. TIEN: Did you overhear or did they speak to you at all regarding what was happening with the cutout?

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██████████ No. ██████████ just said - actually I had logged in. I had logged into the computer already and she asked if she could utilize the computer to impound this item and I said, "Sure." So I logged off let her log on and then I went into the sergeant's office.

SGT. TIEN: And that was the last time you saw the cutout? At that point did you happen to notice if anything was written on the board behind?

██████████ It - there was nothing written on the board other than the backfill overtime stated there - there was no bubble, no other markings.

SGT. TIEN: You mentioned being in charge of some overtime stuff earlier.

██████████ Yes.

SGT. TIEN: Did you ever give any patrol officers any direction to come up with ideas for getting more officers to sign up for overtime?

██████████ The only thing I did was I have asked people from our shifts to contact their friends and, you know, via text or email or let them know, "Hey we have got these days open," if they are willing to work overtime.

SGT. TIEN: And is that, like, a blanket statement or is that made specifically to certain people?

██████████ It is division-wide. If they know somebody that wants to work overtime reach out to them and have them give me a call and we'll get them signed up for overtime.

SGT. TIEN: But was that when you said, "Hey so I did not have your buddy sign up for overtime." Was that made to a specific officer or were you saying that to the lineup room in general?

██████████ Uh, I have said it to all my officers. Since I have been a ██████████ that when we do these it is, "Hey anybody and everybody sign up."

SGT. TIEN: And is that consistent just because you are consistently understaffed?

██████████ Yes. Unfortunately.

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SGT. TIEN: As a supervisor, do you have a responsibility to monitor the workplace for actual or potential violations of EEO?

██████████ Yes. I do.

SGT. TIEN: Do you do that?

██████████ Yes.

SGT. TIEN: In this case, did you evaluate this display in any way to adhere to that responsibility?

██████████ I believe I did.

SGT. TIEN: And how did you do that or come to the decision that you did?

██████████ I looked at it. I found nothing derogatory. I found nothing inflammatory. I found nothing that - nor saw anybody that was in any way, shape or form affected by it. I found nothing that, in my opinion, in my belief, that, that would violate the EEO policy.

SGT. TIEN: In observing other officers that were also in the room when this display was present and hearing any conversations, did you see or hear anything that supported your conclusion regarding that or disagreed with your conclusion?

██████████ Definitely no disagreement. I believe I remember hearing Officer Kobylarz say, "We just need, you know - we are short all the time. Let's get people to work overtime. Let's do something to get people to work overtime. Let's help, you know, spur people to work some overtime. Inspire people to work overtime," but nothing negatively. Nothing on the opposite of the spectrum, that - did I ever hear. And had I, I would have taken and addressed it.

SGT. TIEN: Sergeant Minter.

SGT. MINTER: You seem pretty passionate about getting people to work overtime.

██████████ Well yes. I mean, it is an officer safety issue when we are four or five under consistently, and I am a ██████████. I, you know, ██████████ in August but

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I have been on the job for quite a while, and one of my top priorities for the command is - and the community - is priority one calls, you know, getting officers there, but not just getting them there, but getting enough people there safely. And Southeast is a very busy division. It is historically known as a violent division. And when we go out 4 and 5 under, that puts my officers and me and supervisors in a predicament that we want to make sure we get everybody home safe. And so yes, I am very passionate about getting people to work overtime. Otherwise I would not have, you know, I would not be doing this list. It would be like, yeah whatever we will be fine and that is not the case. It is 4 and 5 under is and an officer safety issue. And it is a community safety issue.

SGT. MINTER: You talked about asking people on your shift - officers to talk to their friends and get anybody and everybody to sign up for overtime. Do you remember if Officer Kobylarz has heard that from you?

██████████ Yes. I am sure he has.

SGT. MINTER: What would you have done if someone would have complained that the cutout was derogatory or offensive?

██████████ I would have taken it down immediately and I would have addressed the issue with the person to see if we had an EEO complaint or if they wished to pursue an EEO complaint.

SGT. MINTER: Now that you have had - it has been, what, a week I guess? A little over a week. You probably had time to think about it. Do you share this - do you the same opinion about it now even looking at this photo that...

██████████ My opinion has not changed.

SGT. MINTER: You still think that it is not offensive at all?

██████████ I do not see that there is any offense to it. I do not see it as derogatory. I see it as someone trying to get the younger cops that we have to, you know, let's work some overtime. We need help. That is how I see it.

SGT. MINTER: Okay.

SGT. TIEN: ██████████

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██████████ Nope.

SGT. TIEN: ██████████ do you have anything else you would like to add?

██████████ No I do not think so.

SGT. TIEN: All right. Time is 1455 and that concludes the interview.

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Witness Officer Interview: [REDACTED]

On January 24, 2020, at 0529 hours, I interviewed [REDACTED] in the Internal Affairs Office.

[REDACTED] The following is his paraphrased statement. Please refer to the audio recording for [REDACTED] verbatim statement.

I have been a police officer since 2010. I am currently a [REDACTED] at Southeastern Division. I was working 3rd watch on Sunday, January 12, 2020. During lineup, I did not see a cardboard cutout that night. I have never seen a cardboard cutout anywhere in the substation. I am aware of a cardboard cutout of Rick Ross only because I was notified about this investigation.

I showed [REDACTED] a photograph of the cutout. He confirmed to me he has never seen the cutout before.

I have not heard or had any conversation with any other officers about this cutout.

[REDACTED] stated he never viewed or even had a conversation about the cutout. Furthermore, based on my investigation at this point, I knew the cutout was not in the lineup room at the time of 3rd watch lineup on January 12, 2020. Based on this information, I advised him he was now considered a witness officer in this investigation.

The interview concluded at 0534 hours.

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Witness Officer Interview: [REDACTED]

On January 24, 2020, at 1258 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Minter. [REDACTED]

[REDACTED] The following is a cleaned version of the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: All right. This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 24, 2020. The time is 1258 hours. We’re located in Internal Affairs office at police headquarters. I am here with [REDACTED] who was an [REDACTED] at the time [REDACTED] and can you please state your name, ID number and spell your last name?

[REDACTED] [REDACTED]

SGT. TIEN: All right. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

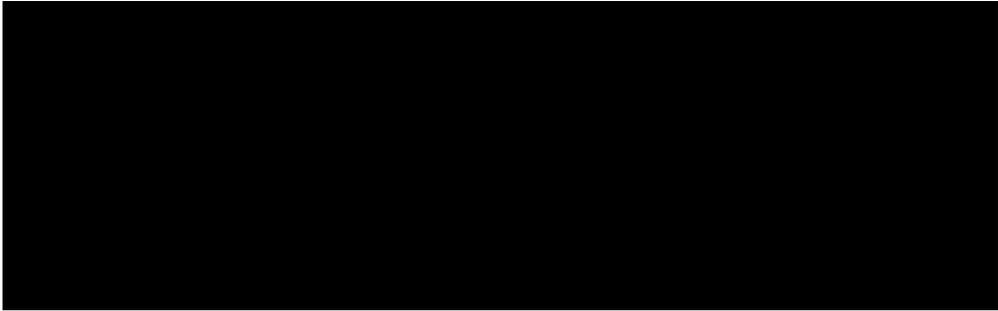
SGT. TIEN: [REDACTED]

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[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted] how long have you been a police officer?

[Redacted]

A little more than five years.

SGT. TIEN:

And what is your current assignment?

[Redacted]

Patrol.

SGT. TIEN:

At which division?

[Redacted]

Southeastern division.

SGT. TIEN:

And how long have you been in that position?

[Redacted]

All five years.

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SGT. TIEN: Do you sometimes fill an acting sergeant position?

██████████ I do.

SGT. TIEN: Has it been a long-term capacity or just intermittent?

██████████ Intermittent.

SGT. TIEN: Are you aware of a cardboard cutout of Rick Ross that was placed in the Southeastern Division Lineup room as a solicitation for overtime?

██████████ I am.

SGT. TIEN: When did you first become aware of that?

██████████ I became aware that it was placed in there the next day on Monday. I think that's the 13th.

SGT. TIEN: Did you work on Monday?

██████████ I did not.

SGT. TIEN: Did you come to the station?

██████████ I did not.

SGT. TIEN: So how did you hear about it?

██████████ Through the grapevine.

SGT. TIEN: So just officer's talking about it?

██████████ Yeah. People talking about it.

SGT. TIEN: Do you remember who told you?

██████████ I do not.

SGT. TIEN: Was it in person or over the phone?

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██████████ I don't remember exactly.

SGT. TIEN: Was it via text message?

██████████ I don't remember which one, how I got notified.

SGT. TIEN: What was the gist of what they said?

██████████ Just that there was a cardboard cutout in the lineup room.

SGT. TIEN: To your recollection did they use the phrase cardboard cutout?

██████████ No.

SGT. TIEN: What did they tell you?

██████████ There was Rick, a cutout of Rick Ross.

SGT. TIEN: And you have no idea who told you this?

██████████ I don't remember who told me at first no.

SGT. TIEN: Were there other people or was it a topic of discussion for a period of time?

██████████ Yes.

SGT. TIEN: Did you ever see the cutout in person?

██████████ I did.

SGT. TIEN: And when was that?

██████████ On Sunday afternoon.

SGT. TIEN: And do you recall the circumstance?

██████████ Yeah. It was in the locker room.

SGT. TIEN: And you worked first watch on Sunday. Correct? So about what time?

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██████████ Around 1:30. Something like that.

SGT. TIEN: So 1330 hours?

██████████ Correct.

SGT. TIEN: In the locker room? And in front of you is a photograph of the cutout. Do you recognize it?

██████████ I do.

SGT. TIEN: Was it in this particular appearance that you saw the cutout or was it...

██████████ It was not.

SGT. TIEN: It was different?

██████████ Correct.

SGT. TIEN: How was it different?

██████████ Just I don't know if they're taped on, stapled on or something on but these papers weren't there.

SGT. TIEN: And you're pointing to a bunch of - what we know based on further pictures - are department forms and photocopies of money?

██████████ Correct.

SGT. TIEN: So nothing was affixed to the front of the...

██████████ Correct. It was not.

SGT. TIEN: Are these forms covering up whatever was on display?

██████████ It looks...

SGT. TIEN: Or do you recall what...

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██████████ I don't remember specifically what was there.

SGT. TIEN: Who showed you the cutout?

██████████ No one showed it to me.

SGT. TIEN: Was it just sitting in the locker room?

██████████ No.

SGT. TIEN: So how did you see it?

██████████ I was there to speak with a different sergeant. To get...

SGT. TIEN: And who is that?

██████████ Travis Easter. To get - we had a unit at a hospital, a first watch unit at a hospital that was sitting on a DV suspect. So to get relief for that you unit.

SGT. TIEN: So you're at the end - near the end of your shift.

██████████ Correct.

SGT. TIEN: Sergeant Easter is coming on as the second watch sergeant, and you're just filling him in on staffing issues?

██████████ Correct.

SGT. TIEN: And this is prior to second watch lineup?

██████████ Correct.

SGT. TIEN: And then how did the cutout come to be visible?

██████████ Officer Kobylarz had it, and right when I was wrapping up my conversation with Sergeant Easter, he appeared around one of the corners of the locker room.

SGT. TIEN: And was he holding the cutout?

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██████████ He did. He was. Yeah.

SGT. TIEN: What was he doing with it?

██████████ I don't know what he was doing with it.

SGT. TIEN: I mean, was he standing there showing it to you? Was he going to talk to somebody about it? Was he shoving it in a locker? Uh, what did it appear?

██████████ I don't think he was there to show it to me because I left right after that and he didn't, like, stop me or show me or anything like that so I couldn't tell you what he was there to do.

SGT. TIEN: So did he appear in the locker room holding onto a cardboard cutout and didn't say anything?

██████████ I don't know how he got in there. I just saw him when he turned the corner of one of the end of the aisles.

SGT. TIEN: Did you overhear or do you recall hearing any conversation between Officer Kobylarz and anyone else?

██████████ I do not.

SGT. TIEN: Did you say anything when you did see it?

██████████ I did not.

SGT. TIEN: Did you have any idea what Officer Kobylarz was doing with it?

██████████ I did not.

SGT. TIEN: How much time elapsed from your having a conversation with Sergeant Easter, when Officer Kobylarz appeared from around the corner with the cutout to the point you no longer saw the cutout how much time elapsed?

██████████ Seconds.

SGT. TIEN: Seconds? So after those seconds you left the locker room at that point?

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██████████ Correct. And I went to a radio call.

SGT. TIEN: So you exited out into the parking lot?

██████████ Uh, through the substation but yeah. Ultimately in the parking lot.

SGT. TIEN: Did Officer Kobylarz ever tell you about what he was doing with the cutout?

██████████ He did not.

SGT. TIEN: Did you ever hear from any other officers prior to the conversations you had the following day? So that Sunday? Did you ever hear from any other officers or sergeants? Any discussion about the cutout?

██████████ I did not.

SGT. TIEN: Did you end up going home at the end of your shift at normal time that day approximately?

██████████ I believe so yes.

SGT. TIEN: When you saw the cutout did you know who it was?

██████████ Yes, I did.

SGT. TIEN: Is Rick Ross a - how would you categorize him? A mainstream music artist? A...

██████████ Yeah.

SGT. TIEN: niche rapper? What would you...

██████████ I would call him more mainstream than anything.

SGT. TIEN: Mainstream? Are you familiar with his music?

██████████ I am.

SGT. TIEN: Did you have any idea when you saw the cutout that it would end up being

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placed in the lineup room?

██████████ I did not.

SGT. TIEN: Do you know where it came from?

██████████ I do not.

SGT. TIEN: As a sometimes acting supervisor you have a responsibility to monitor the workplace for actual or potential violations of EEO?

██████████ I do.

SGT. TIEN: Do you do that?

██████████ I do.

SGT. TIEN: Would you - if you had been approached and asked about placing this cutout in the lineup room how would you evaluate or make that decision?

██████████ About getting placed in the lineup room?

SGT. TIEN: Yeah.

██████████ First I would find out why it would be placed in the lineup room, and then I would ask my superior if that would be okay.

SGT. TIEN: Are you personally offended by this display?

██████████ I am not.

SGT. TIEN: And why is that?

██████████ I don't find anything about it offensive.

SGT. TIEN: What does the display imply to you?

██████████ Are you asking based on the photos or based on what he actually saw?

SGT. TIEN: Based on the photograph - well let me preface it, the photograph, does that

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appear to be the lineup room in the southeastern division?

██████████ It does appear to be yes.

SGT. TIEN: There's a grease board behind the cutout. Is that - it looks like the word "overtime" on it. Is there a specific reason why overtime's written on it?

██████████ That is now the board we post available patrol overtime.

SGT. TIEN: Looking at the display as it in this picture what does the cutout imply to you?

██████████ The cutout implies to work overtime and possibly you'll get more money.

SGT. TIEN: In any of the conversations you had regarding the cutout prior to today did anyone ever convey any concern or feelings of being offended by the cutout to you?

██████████ They did not.

SGT. TIEN: And how many other officers do you think you spoke to about it?

██████████ I couldn't even guess.

SGT. TIEN: One? Or 12?

██████████ A handful.

SGT. TIEN: Okay. And were those phone calls or text messages or a mixture?

██████████ A mixture.

SGT. TIEN: Are you aware of any non-department personnel that are or were aware of this cutout?

██████████ I personally do not.

SGT. TIEN: So all the people that you spoke to it about were department members?

██████████ Correct.

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SGT. TIEN: And none of them expressed any concern of the cutout being perceived as racist or derogatory?

██████████ Correct.

SGT. TIEN: What are your days off?

██████████ Monday, Tuesday and Wednesday currently.

SGT. TIEN: ██████████ do you have anything else that you'd care to add that I may not have asked regarding this investigation?

██████████ I do not.

SGT. TIEN: Time is 1312 hours. That concludes the interview.

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Witness Officer Interview: [REDACTED]

On January 30, 2020, at 1412 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Elias Estrada, [REDACTED]. The following is a cleaned version of the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien, ID 6128. Today’s date is January 30, 2020 and the time is 1412 hours. We’re located in the Internal Affairs office at police headquarters. We are with [REDACTED]. [REDACTED] can you state your name, ID number and spell your last name?

[REDACTED] [REDACTED]

SGT. TIEN: [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

SGT. TIEN: Also present is Internal Affairs sergeant...

SGT. ESTRADA: Elias Estrada, my ID number is 5771.

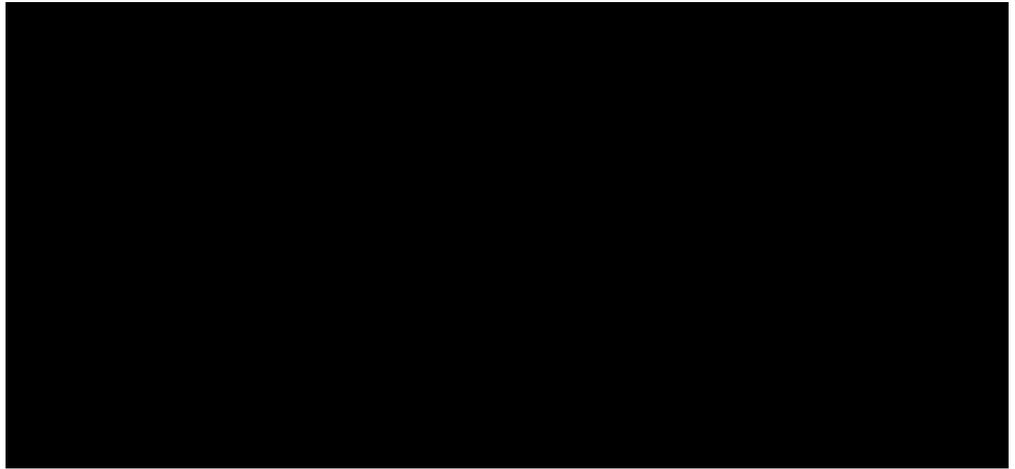
SGT. TIEN: [REDACTED]

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[REDACTED]

[REDACTED]

SGT. TIEN:

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

SGT. TIEN:

[REDACTED]

[REDACTED]

[REDACTED]

SGT. TIEN:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] how long have you been a police officer?

[REDACTED]

20 years and two months.

SGT. TIEN:

And what is your current position?

[REDACTED]

[REDACTED] Southeastern [REDACTED]

SGT. TIEN:

And how long have you been in that position?

[REDACTED]

Almost two years.

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SGT. TIEN: Were you working on Saturday, January 11, 2020 at Southeastern Division?

██████████ Yes I was.

SGT. TIEN: Is that your normal Friday of the work week?

██████████ Yes it is.

SGT. TIEN: Did you have a lineup that day?

██████████ No.

SGT. TIEN: So what did you guys do that day?

██████████ So my whole team, we were adjusted that day to work the MLK march that they had.

SGT. TIEN: And what time were you working?

██████████ We came in at 7:30.

SGT. TIEN: In the morning?

██████████ 7:30 in the morning. Yes.

SGT. TIEN: And did you ever go into the lineup room at Southeastern Division that day?

██████████ No.

SGT. TIEN: Have you ever seen a cardboard cutout set up in the lineup room at Southeastern Division?

██████████ No.

SGT. TIEN: Have you ever seen a cardboard cutout anywhere at Southeastern Division?

██████████ Not at Southeastern, no.

SGT. TIEN: Are you aware of a cardboard cutout of Rick Ross that was placed in the

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Southeastern Davison lineup room as a solicitation of overtime?

██████████

Yeah I’m aware of the cutout.

SGT. TIEN:

Are you only aware of it due to my notifying you about this investigation?

██████████

No.

SGT. TIEN:

Or did you hear about it elsewhere?

██████████

I heard about it elsewhere.

SGT. TIEN:

Where did you first hear about it?

██████████

I heard about it from ██████████

SGT. TIEN:

And do you know when that was?

██████████

I think it was the next day, Monday.

SGT. TIEN:

On Monday?

██████████

Yes.

SGT. TIEN:

And about what time of day?

██████████

Late morning maybe.

SGT. TIEN:

Did he send you a picture of it?

██████████

He did.

SGT. TIEN:

Is that picture relatively similar to the depiction of the photograph I put in front of you right now?

██████████

Yes.

SGT. TIEN:

Does that appear to be the lineup room at Southeastern Division based on the white board...

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██████████ Yes. And the TV and all that. Yes.

SGT. TIEN: Did you ever see the cutout in the station at all?

██████████ No.

SGT. TIEN: Did you go to the Southeastern Division station at all on Sunday?

██████████ If I did, it would have been overtime working on maybe traffic or TSF but I don't...I'm not 100% sure. If it was TSF, it would have been early in the morning, like, 4:00, like I would just go into the locker room and change and go.

SGT. TIEN: So you wouldn't have gone in the lineup room?

██████████ No.

SGT. TIEN: When you get back from an overtime assignment, if you did work that day, would you go into the lineup room?

██████████ No. I just go to my office, turn my stuff in, and then go straight to the locker room and change to leave.

SGT. TIEN: Do you recall on Sunday - did you ever see a cardboard cutout of Rick Ross either being carried by another officer or moved around the station at all?

██████████ No.

SGT. TIEN: So the first time you heard about this was via text message from ██████████ on Monday morning sometime?

██████████ Yeah. Monday sometime. Yes.

SGT. TIEN: Have you heard any non-department personnel or people - civilians in public discuss knowledge of the cutout?

██████████ Other than police personnel?

SGT. TIEN: Yeah. Non police personnel.

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██████████ No. Not that I can - no.

SGT. TIEN: What did ██████████ tell you about it?

██████████ He just told me that it was offensive. He couldn't believe that it was up there, that he had called his captain and started investigation and...

SGT. TIEN: So was he kind of notifying you of what you thought of it or was he calling to ask you a question or...

██████████ No. I called him.

SGT. TIEN: So you - you called him out of the blue?

██████████ Yeah. No. So I called him because on the text message, you know, it was, like, there was, like, a bunch of text messages. I didn't see it until way later. And I was scrolling through it and then I saw - and I don't know what the exact words were, like, "IA is here." Or something and I was, like, "What?" So I didn't know who sent this at first and I look and it was ██████████ So I called him - I said, "Hey. What is this all about?" And he told me that, you know, he - it was offensive, he couldn't believe that it was up there, that he called his captain, he was going to have it taken care of and I'm, like, "Oh. All right. Cool."

SGT. TIEN: Was that text message a chain with other people?

██████████ Yes.

SGT. TIEN: Do you recall who the other people were?

██████████ I do.

SGT. TIEN: Who is that?

██████████ ██████████ ██████████ - he works for ██████████. Myself. Who else is on there? There might be one other person or two. That's all I can remember I think. Just me, ██████████ I think that might be it.

SGT. TIEN: Would you be willing to check your - did you keep the message thread?

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██████████ I do.

SGT. TIEN: All right. Would you be willing to check and see who else was on it?

██████████ Would you do that right now? Is that the only question you were going to ask about his personal phone though?

SGT. TIEN: Is this a personal phone or department phone?

██████████ It's a personal phone.

SGT. TIEN: Is it? Do you receive a department stipend?

██████████ No. I have a department phone.

SGT. TIEN: Oh. You have a separate?

██████████ Yes.

SGT. TIEN: Yes. That's the only question I'm asking about is who the other person in the chain is.

██████████ It's got bugs in there. I'm just going to have to scroll and see if the - okay. This is it here. So it is - there are four people. Oh, ██████████. And ██████████ ██████████ ██████████ and myself.

SGT. TIEN: So five people total?

██████████ Yeah.

SGT. TIEN: So if I understand this correctly, is this a commonly used thread?

██████████ Yes.

SGT. TIEN: So it's not, like, a brand new one that was created that morning?

██████████ No - no - no. This is just, I mean, we're all friends and we just talk about nonsense or whatever.

SGT. TIEN: So at some point you noticed a text message that prompted you, "Hey. I'm -

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I'm going to take a look at this a little more closely."?

██████████ Yeah. Because it's, like, a constant - constant text message. So I'll wake up and I'll have, like, 30 text messages and like I said, I don't know what - what time it was sent exactly but I'll just scroll through. I saw the picture and just said, "Okay." And I just went up and then something said, "IA is here for that picture." Or whatever. That's why I was, like, huh.

SGT. TIEN: And so in response to that, you called ██████████

██████████ Yeah. And I never respond on the text message...rarely.

SGT. TIEN: Okay.

██████████ Once in a while but...

SGT. TIEN: Did you respond on this one?

██████████ No not to that.

SGT. TIEN: If I recall what you told me moments ago regarding the conversation with ████████ you just called to say, "Hey. What's going on?" And he said, "Well I'm offended about this and reporting to my captain."?

██████████ Yes. He said he took offense to that and he couldn't believe it was up there, that he notified his captain directly and then it went from there.

SGT. TIEN: Did you provide any feedback based on what he had sent you?

██████████ No because he asked me if I knew who took the picture because if you expand it, you can see the reflection but it looked like maybe - it didn't look like an officer. So I was, like, "No, I don't know who it is."

SGT. TIEN: Was that the extent of you...

██████████ Yeah. We didn't say much about it. I mean, he said that he was taking care of it. I said, "Okay. Well..." I said, "Yeah. Probably shouldn't have been there but okay."

SGT. TIEN: The picture in front of you, you said it does appear to be the Southeast

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lineup room?

█ Yes.

SGT. TIEN:

Is that whiteboard - it's got some language on it for, like, overtime. Is that something that was written on there - has it been there for a while? Do you know? Do you know what the - what the - what the verbiage on the - the whiteboard is about?

█ Oh. This up here?

SGT. TIEN:

Yeah.

█ Yeah. This has always been here because they have little sheets here to sign up for overtime.

SGT. TIEN:

So this board is kind of used for signing up for overtime?

█ Right. And they have it up there saying sign up for overtime and they put the little pieces of paper like this up there. With the names and times and stuff.

SGT. TIEN:

Did you ever see the text bubble above the cutout?

█ No.

SGT. TIEN:

Do you know, I mean, looking at it now, do you know what it is in reference to?

█ Yeah.

SGT. TIEN:

And what is it in reference to?

█ Reference to the overtime.

SGT. TIEN:

And- how did you come to the conclusion it's in reference to overtime?

█ Because it said here, "Everybody, I'm hustlin' and you can too. Sign up for some overtime."

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SGT. TIEN: Is the phrase everybody - "Everyday I'm hustlin'"...

██████████ Every day. Yeah. I don't have my glasses. Sorry.

SGT. TIEN: That's okay. Is it to your knowledge pertinent to the cutout?

██████████ Well it's reference to him because the little bubble and it has a little thing on the bottom that points toward his head. So basically he's saying that's coming from him.

SGT. TIEN: Just seeing the picture, did you know who that was?

██████████ At first I didn't when I looked at it but when I expanded it, I figured it was Rick Ross. So...

SGT. TIEN: Does this look any dissimilar to the picture that you were sent?

██████████ No. It looks the same.

SGT. TIEN: Looks the same?

██████████ Yeah.

SGT. TIEN: What does the totality of the display whether including the text bubble and the peripheral forms that are on the display and its position in the lineup room, what does the entire thing imply to you?

██████████ To me it's just saying that, you know, if you want to make some money, sign up for this overtime so you can get yours.

SGT. TIEN: Are you personally offended by the display?

██████████ Personally, no.

SGT. TIEN: As a supervisor, are you required to monitor the workplace for actual and potential EEO violations?

██████████ Yes.

SGT. TIEN: And do you do so?

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██████████

I do.

SGT. TIEN:

As a supervisor, was this ever brought to your attention when you were at work?

██████████

No.

SGT. TIEN:

After you had found out about this or were shown the picture, when was the next day you returned or next time you returned to work?

██████████

Wednesday I believe. That's my Monday.

SGT. TIEN:

This was not present anymore?

██████████

It was not there anymore, no.

SGT. TIEN:

Out of curiosity, if a patrol officer or civilian employee or guest at Southeastern Division had brought this display to your attention or somebody had asked whether they could post it there, how would you evaluate whether or not that would be something concerning to you?

██████████

It has nothing to do with work so I mean, I'd just say no. That's not allowed. I mean you know, that's just how I am, you know? If it's not work related, I mean, I can see what they're saying but I mean, you don't really need that there.

SGT. TIEN:

Okay - okay. Anything else?

SGT. ESTRADA:

No. I have nothing.

SGT. TIEN:

██████████

██████████

I think I just want to clarify for the record. So the way that you would evaluate it is - is this directly work related and to you it's not directly work related?

██████████

No.

██████████

And when you said earlier - I think you made a comment, like, "It probably

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shouldn't have been there." Did you mean that because you didn't believe it was work related or because you find it offensive, derogatory or racist?"

██████████

Because I believe it's not work related. So yeah. It has nothing to do with the work. I could see what they're saying is to make overtime money but, I mean, there's no need for it to be there. It's not work related.

██████████

Got it. That was it. No other questions.

SGT. TIEN:

██████████ at this time I'm ordering you not to discuss this case or investigation with anyone else other than legal counsel. You understand?

██████████

Yes, sir.

SGT. TIEN:

Time is 1428 and that concludes the interview.

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Subject Officer Interview: Officer Isai Castillo #7875

On February 4, 2020, at 1358 hours, I interviewed Officer Castillo in the Internal Affairs Office. Also present was Internal Affairs Elias Estrada. Present as Officer Castillo's legal representative was [REDACTED]

[REDACTED] The following is a cleaned version of the interview transcript. Please refer to the audio recording for Officer Castillo's verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien. ID #6128. Today is February 4, 2020. The time is 1358 hours. We are located in the Internal Affairs Office at Police Headquarters with subject Officer Isai Castillo. Officer Castillo, can you state your name, ID #, and spell your last name for the record?

OFC CASTILLO: Yes. Isai Castillo. ID #7875. My last name is C-A-S-T-I-L-L-O.

SGT. TIEN: When you were notified of this interview, you were advised of your right to representation. Present as your employee representative is...

[REDACTED] [REDACTED] [REDACTED]
SGT. TIEN: Also present is Internal Affairs Sergeant...

SGT. ESTRADA: Elias Estrada. ID #5771.

SGT. TIEN: Officer Castillo. You are off-duty right now. Is that correct?

OFC CASTILLO: Correct.

SGT. TIEN: And you were advised of the overtime available to come in?

OFC CASTILLO: Yes.

SGT. TIEN: At this time, I am going to question you about an EEO complaint regarding a cardboard cutout in the SE Division Lineup Room. My questions during this interview concern administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of a criminal prosecution. In a criminal investigation, you have a right to remain silent and not incriminate yourself. However, since this is an administrative, not a criminal investigation, your failure to answer my questions could be insubordination and result in discipline up to and including termination. Any statement you make cannot be used against you

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in any criminal proceeding. Under Penal Code 832.7, the Grand Jury, Attorney General's Office, or District Attorney's Office may have the right to obtain a copy of your statement to me during this interview. Your statements to me cannot be used against you by any agency in any criminal proceeding. You are required to answer my questions fully and truthfully. This requirement is set forth in Sections 9.4 and 9.29 of the San Diego Police Department Policy Manual. 9.4 - Obedience to Lawful Orders Policy. Members shall promptly obey any lawful orders of superiors. This includes orders relayed from a superior by someone of the same or lesser rank. 9.29 - Truthfulness Policy. Members shall be truthful in all matters relating to their duties. Upon the order of a superior or any officers appointed by the Chief of Police to conduct internal investigations and in accordance with Constitutional and contractual guarantees, including a right to representation, members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department. Refusal to answer my questions is in itself a violation of Department policy and will subject you to disciplinary penalties. Do you understand what I have just explained to you?

OFC CASTILLO: Yes

SGT. TIEN: Is there anything that prevents or may prevent you from answering my questions fully and truthfully?

OFC CASTILLO: No.

SGT. TIEN: Do you have any questions concerning what I have just explained to you?

OFC CASTILLO: No.

SGT. TIEN: I now order you to answer the following questions. I am also ordering you not to disclose anything we discuss during this interview or anything regarding this investigation with anyone other than your employee representative or legal counsel. Doing so would be insubordination, and by itself, could subject you to disciplinary action, up to and including termination. Officer Castillo, how long have you been a police officer?

OFC CASTILLO: I have been a police officer for approximately 11 months.

SGT. TIEN: What is your current assignment?

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OFC CASTILLO: Working Southeastern Patrol.

SGT. TIEN: How long have you been in that position?

OFC CASTILLO: For about 11 months.

SGT. TIEN: Were you working on Saturday, January 11, 2020, during 2nd watch at Southeastern Division?

OFC CASTILLO: I thought it was the 20th on the email but if it was the day of this incident, then yes I was.

SGT. TIEN: Let me pull up the schedule. So the date is up here (showing him the schedule from 1/12/20 for 2nd watch at Southeastern Division). So that was the first day after shift change. Correct? Because you worked graveyards the night before?

OFC CASTILLO: Yes.

SGT. TIEN: Did you respond to a 415 radio call at [REDACTED] located at [REDACTED] around 2030 hours?

OFC CASTILLO: Yes.

SGT. TIEN: Who else responded to that radio call?

OFC CASTILLO: It was a 415 that came out. Officer Kobylarz and I arrived there. After we handled the situation, towards the end of the radio, [REDACTED] I remember speaking to her at that scene.

SGT. TIEN: So she came to the scene as well?

OFC CASTILLO: Yes. She came for a couple minutes.

SGT. TIEN: Do you know if she was requested to come?

OFC CASTILLO: I don't think she was requested. I think she probably put herself on the call.

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SGT. TIEN: Well, for clarification. Does this look like the radio call in questions (I showed him Event # [REDACTED])?

OFC CASTILLO: I recognize the location.

SGT. TIEN: The MPS information will general be this stuff...in that box (I pointed to the "REMARKS" box).

OFC CASTILLO: Yes.

SGT. TIEN: The reason I wanted to show you that is because she didn't show as attached to the incident. Not that that's my concern. I wanted to ask...do you consider [REDACTED] a friend?

OFC CASTILLO: Correct.

SGT. TIEN: Is it uncommon for you, her, or Officer Kobylarz to show up and cover each other on calls?

OFC CASTILLO: It's not uncommon.

SGT. TIEN: Even when the other officers might be code four?

OFC CASTILLO: Yeah. We can still show up to a call.

SGT. TIEN: Is it safe to say that is probably what happened in this case?

OFC CASTILLO: It's probably what happened.

SGT. TIEN: At [REDACTED] did you observe a cardboard cutout similar to the one in this photograph that seems to be in the Southeastern Division lineup room?

OFC CASTILLO: Yes.

SGT. TIEN: How did you first observe it at [REDACTED]

OFC CASTILLO: Towards the end of our call, we were walking out of the liquor store and I believe it was the RP or one of the employees or managers there, they followed us. We were outside and Officer Kobylarz noticed two of these posters on their window on display. Officer Kobylarz asked, "How much

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would you sell me this poster for?" Then the person who followed us out said, "Don't worry about it. I was about to throw this out. I have an extra one in the car. I'll give it to you." So he walked towards his car, grabbed his poster, and gave it to Officer Kobylarz.

SGT. TIEN: Was [REDACTED] present during that interaction?

OFC CASTILLO: I can't remember. I think she was arriving about that time. I can't remember if she saw that interaction.

SGT. TIEN: Are you certain Officer Kobylarz offered to purchase...

OFC CASTILLO: Yes.

SGT. TIEN: Do you know who this is (I pointed to the photograph of the cutout in the lineup room)?

OFC CASTILLO: At first I didn't know. He mentioned it was Rick Ross, but I didn't know who that was. Then he explained to me it was a corrections officer who later became a famous rapper. When I read the quote that is on top of that (pointing towards the text box), that connected the song to him, and I wondered if that was him. At a later date, I googled him and found out he was the person who sang that song.

SGT. TIEN: I'm going to ask you some questions about the timing of what you just told me. You see this cutout as a display at the liquor store.

OFC CASTILLO: Correct.

SGT. TIEN: You don't know who it is at all?

OFC CASTILLO: Correct.

SGT. TIEN: When were you first told it was Rick Ross and by who?

OFC CASTILLO: Officer Kobylarz told me it was Rick Ross...I can't remember if he told me at the scene there or if it was later at the substation.

SGT. TIEN: The way Officer Kobylarz was showing interested in the poster, as you described it, to the employee, what did you think Officer Kobylarz' affinity

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for the poster...what did you make of that or how did you take that to mean?

OFC CASTILLO: I didn't really think anything of it. He did tell me he wanted to put it at the substation but I just disregarded it. I didn't think much of it.

SGT. TIEN: So Officer Kobylarz said he wanted to put the poster at the substation?

OFC CASTILLO: Yes.

SGT. TIEN: Where were you when he told you that?

OFC CASTILLO: I think we were standing by the police cars as soon as he grabbed it.

SGT. TIEN: You later said you read the text bubble that is in this photograph.

OFC CASTILLO: Yes.

SGT. TIEN: For the purposes of this photograph, does it look familiar?

OFC CASTILLO: Yes.

SGT. TIEN: This cutout was later placed in the lineup room at Southeastern Division, correct?

OFC CASTILLO: Correct.

SGT. TIEN: Is this essentially the form with the verbiage that you saw?

OFC CASTILLO: Yes.

SGT. TIEN: The text above it...can you read what it says?

OFC CASTILLO: It says, "Uh everyday I'm hustling and you can too. Sign up for some OT."

SGT. TIEN: When did you first read that text? Was it this picture or at another point?

OFC CASTILLO: It was when we were at the substation and he placed it next to the overtime forms.

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SGT. TIEN: What do you recognize that text from? When you read it, did you... When you mentioned you read the text and then but two and two together?

OFC CASTILLO: I thought of the song, "Everyday I'm hustling." But I wasn't 100% sure he was the one who sang it. But that's what came to mind at that time.

SGT. TIEN: And that is when you read it...because you said you ended up googling to confirm that...

OFC CASTILLO: Yeah. I Youtubed him and then I saw he was the one singing it.

SGT. TIEN: You mentioned Officer Kobylarz told he was interested in putting it at the sub. I think you said...

OFC CASTILLO: I didn't really think much of it at that point.

SGT. TIEN: Do you recall, without these forms on it, was there anything else in the picture?

OFC CASTILLO: Yes. I think he was holding two liquor bottles in each hand.

SGT. TIEN: And being that it was a liquor store...was it an advertisement?

OFC CASTILLO: I think it was an advertisement. Yeah.

SGT. TIEN: From the liquor store, where did the cutout go?

OFC CASTILLO: Officer Kobylarz placed it in the trunk of his patrol car.

SGT. TIEN: When did you see it again?

OFC CASTILLO: I saw it again 2 days later after that 415 radio call at the substation when Officer Kobylarz was attaching forms.

SGT. TIEN: Just to clarify the time frame, because you said 2 days later, the radio call you went to was on a Saturday.

OFC CASTILLO: Based on this (he was looking at CAD printout # [REDACTED])?

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SGT. TIEN: There are dates right here.

OFC CASTILLO: The 11th? I don't remember the specific day.

SGT. TIEN: So the 11th is a Saturday, correct?

OFC CASTILLO: Correct.

SGT. TIEN: And you're off MTW. Is that correct?

OFC CASTILLO: Correct.

SGT. TIEN: Knowing that, when was the next time you saw the cutout?

OFC CASTILLO: I thought it was two days after. I don't remember, exactly, how many days after.

SGT. TIEN: Do you know if Officer Kobylarz drove straight back to the substation at that point?

OFC CASTILLO: I don't know. I think I got dispatched to another call. So this radio call was on the 11th and this was placed on the 11th?

SGT. TIEN: Are you asking me?

OFC CASTILLO: No. I thought it happened a couple days after this incident.

SGT. TIEN: So you working on Saturday, the 11th.

OFC CASTILLO: Correct.

SGT. TIEN: This is the schedule from Sunday, the 12th, and it looks like you're off MTW.

OFC CASTILLO: It was probably the next day that I saw it.

SGT. TIEN: Fair enough. That sounds reasonable. So the next day, where did you first see it?

OFC CASTILLO: In the locker room.

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SGT. TIEN: Was it on the display in the locker room?

OFC CASTILLO: It wasn't on display. I think he had it in his locker and then when I saw it, he had it on the bench layed out.

SGT. TIEN: Do you remember...because this is 2nd watch hours, right?

OFC CASTILLO: Yes.

SGT. TIEN: Do you remember what time during the day it was? Was it the beginning of your shift?

OFC CASTILLO: It was towards the end of our shift. We all came in. We did our 10-17s. It was towards the end. We were about to get off.

SGT. TIEN: So, 10-17s. Is this before or after 3rd watch lineup?

OFC CASTILLO: After.

SGT. TIEN: Was anyone else there when you saw the display laying on the bench?

OFC CASTILLO: No. It was just me and Officer Kobylarz.

SGT. TIEN: Was there a discussion about what he was doing with it?

OFC CASTILLO: He said he was going to place it in the lineup room and try to get people to sign up for overtime.

SGT. TIEN: Does that sound reasonable to you or does that sound kind of off-the-wall?

OFC CASTILLO: It sounded reasonable.

SGT. TIEN: Maybe you can describe why pertaining to what is in the lineup room, but why does that sound reasonable?

OFC CASTILLO: Because we need officers to work and sign up for overtime since we are always understaffed. I remember walking with the printout of the dollar bills and the San Diego PD...he said he wanted people to sign up so they could make some extra cash. That sounds reasonable.

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SGT. TIEN: Is there a connection to where he placed it in the lineup room versus why he didn't put it in the kitchen?

OFC CASTILLO: I think so. I think it was next to the overtime forms right under the overtime signs.

SGT. TIEN: Are you alluding to what is written on the grease board?

OFC CASTILLO: Yes.

SGT. TIEN: So is this board how overtime is signed up for?

OFC CASTILLO: Correct.

SGT. TIEN: Is it reasonable that an officer at Southeastern would equate the display to overtime?

OFC CASTILLO: I think so. Yes.

SGT. TIEN: Is that how you saw it?

OFC CASTILLO: That is how I saw it.

SGT. TIEN: Was any part of the display your idea?

OFC CASTILLO: Yes. When he printed out the dollar bills and an SDPD label, I said, "Hey. Let's attach an FI." Officer Kobylarz told me to come up with an FI and that's when [REDACTED] came up with a Field Interview.

SGT. TIEN: Is that still in the locker room.

OFC CASTILLO: No. That was not in the locker room. When Officer Kobylarz was walking towards the locker room, [REDACTED] and I were in the report room where all the forms were at and we were standing there just talking about the end of the shift. That is when we saw Officer Kobylarz and he said, "I'm working on the poster." Then I said, "Oh, attach an FI?" He said to come up with one. That is when we filled out the FI.

SGT. TIEN: So you and [REDACTED] filled it out in the report room?

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OFC CASTILLO: Correct.

SGT. TIEN: Is that an accurate depiction of the FI you are talking about (I am showing him the close-up of the FI from the display)?

OFC CASTILLO: Correct.

SGT. TIEN: Who's hand writing is that?

OFC CASTILLO: When I was there, we were trying to figure out who we were going to put. I just decided we would put a chronic caller. I filled out the first line and then we came up with [REDACTED] because she is one of our chronic callers. I didn't know how to write her name or have number information about her so I handed my FI pad to [REDACTED] and she filled out the rest of the form.

SGT. TIEN: When you say, "Top line," is it Agency, Date, Time, and Incident Number?

OFC CASTILLO: I don't remember writing the incident number but I do remember writing SDPD, the date, and the time.

SGT. TIEN: From what you remember, the rest of the writing on the FI was who?

OFC CASTILLO: [REDACTED]

SGT. TIEN: What was the, for lack of a better term, the point of using a chronic caller on the FI for a display like this?

OFC CASTILLO: So what I had told [REDACTED] was, "Let's do something funny and let's come up with a name." We just thought a chronic caller would have some humor.

SGT. TIEN: As far as humor is that because most officers in Southeastern know who it is?

OFC CASTILLO: Yes.

SGT. TIEN: Was any other parts of the display your idea?

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- OFC CASTILLO: The other thing that I helped out Matt with...I took this FI and gave it to Matt...Actually, before I gave it to Matt, he asked me for 5150 forms or some 153 forms so I went over to the report room where all the forms are at. I didn't find the 5150 forms but I grabbed some transport sheets and I think I grabbed the 153 forms. Then I went to Officer Kobylarz and I gave him the forms and then the FI.
- SGT. TIEN: By "153 form," is that what you mean (I showed him the picture of the Arjis-9 form from the display)?
- OFC CASTILLO: Yes.
- SGT. TIEN: And whose hand writing is that? Is that yours or do you recall?
- OFC CASTILLO: I don't recall.
- SGT. TIEN: Were any other parts of the display your idea?
- OFC CASTILLO: No.
- SGT. TIEN: Were any other parts of the display that you contributed to by being asked to help?
- OFC CASTILLO: Not anything else.
- SGT. TIEN: When you brought those forms to Officer Kobylarz, what happened?
- OFC CASTILLO: He was taping them to essentially cover the liquor bottles. From there, once everything was taped, he said, "Alright. Let's take it to Sergeant Easter so he can approve it." That is when we went over to the sergeant's office looking for Sergeant Easter.
- SGT. TIEN: At that point, in the locker room still, was anyone else present?
- OFC CASTILLO: Nobody else was there. As soon as we went to the sergeant's office. I remember passing [REDACTED] I just remember him smiling and saying, "Oh. That's funny." We proceeded to Sergeant Easter's desk and he wasn't there. We ended up finding him at another report room where the computers are at. There was a conversation there. It wasn't long but I remember moving over to the lineup room at that point. And he said

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something like, "I want to put it here as an advertisement so people would sign up for overtime."

SGT. TIEN: So you are with Officer Kobylarz?

OFC CASTILLO: Correct.

SGT. TIEN: [REDACTED] offers a chuckle?

OFC CASTILLO: Correct.

SGT. TIEN: It seemed that he thought it was funny. To you, did it seem that [REDACTED] [REDACTED] was concerned about the cutout?

OFC CASTILLO: I don't think so. I think he was being sincere.

SGT. TIEN: Then you went to the computer room? With Officer Kobylarz to where Sergeant Easter was?

OFC CASTILLO: Correct.

SGT. TIEN: You don't recall the exact wording of the conversation but whatever it was, it led to the three of you going to the lineup room?

OFC CASTILLO: At the time, I remember myself, Officer Kobylarz, Sergeant Easter, and I believe it was [REDACTED]. She was there. I think we all went in to the lineup room together. Once we were in the lineup room, I know [REDACTED] was there on the computer. There was somebody else but I can't remember who it was. I think it was another newer officer. I think it was a guy. That is when Matt went up to the white board, placed the cardboard there, and said, "We can put it here and see if people sign up." That is when he grabbed the red marker and wrote the quote over his head, "Everyday I'm hustlin' and you can too...Sign up for some OT."

SGT. TIEN: So you saw Matt write that himself at that time?

OFC CASTILLO: Correct.

SGT. TIEN: What was Sergeant Easter's response?

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- OFC CASTILLO: He smiled and stayed quiet for a little bit. About 30 or 45 seconds later, I think he said, "That's fine," and we ended up leaving.
- SGT. TIEN: What was he doing for 30 or 45 seconds? Was he looking at it? Was he on his phone?
- OFC CASTILLO: I remember he was smiling and kind of put his head down like this and said it was fine.
- SGT. TIEN: So did it seem like he was thinking about it?
- OFC CASTILLO: Yeah.
- SGT. TIEN: What was your understanding as far as what was Sergeant Easter thinking about or evaluating?
- OFC CASTILLO: It was a little hesitation he had. I think as a supervisor, he probably thought, "Oh. Is this going to be ok?" Then he determined that it should be fine. Then that is when we left.
- SGT. TIEN: Did you and/or Officer Kobylarz think or have any conversation as far as, "Why not put this in the lineup room without asking a sergeant?" Did you think about asking the sergeant or is that something Officer Kobylarz had done?
- OFC CASTILLO: I didn't think of asking. I just went with Matt.
- SGT. TIEN: When did you know the name of this individual?
- OFC CASTILLO: By this point, Officer Kobylarz had already told me who he was. I didn't exactly know what the connection of the song...
- SGT. TIEN: Did you know who Rick Ross was?
- OFC CASTILLO: No. I didn't.
- ██████████ Sorry, at what point are you asking?
- SGT. TIEN: At the point when the cutout was first placed in the lineup room with no text on the board, did you know who Rick Ross was or what he did?

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- OFC CASTILLO: The only thing I knew about Rick Ross was the name and that he was a former corrections officer. And that he became a famous rapper?
- SGT. TIEN: So before you saw the text, you knew he became a rapper?
- OFC CASTILLO: Yes.
- SGT. TIEN: OK. I thought you mentioned earlier that you saw "Everyday, I'm hustlin'" and put two and two together.
- OFC CASTILLO: Correct. Once he wrote it, that is why I thought, "Oh Hustlin'." That probably means the "Everyday I'm hustlin'," song. But I wasn't 100% sure. Then at a later date, I youtubed him and realized he was the one who sang the "Hustlin'," song.
- SGT. TIEN: So before this, corrections officer, rapper. You read that, and then were able connect that it's the song that he raps. Is that the sequence?
- OFC CASTILLO: Correct. And I believe Officer Kobylarz also did the "Everyday I'm hustlin'" song and that's how I put the connection to the quote too.
- SGT. TIEN: When you say, "Did the song," he rapped it for you?
- OFC CASTILLO: He just quoted it.
- SGT. TIEN: When viewing the display, did you personally take any offense to what you saw?
- OFC CASTILLO: No. Based on what Officer Kobylarz said, he said he was a corrections officer so he was a police officer. I know they are a little different but he is still technically law enforcement. He became a famous rapper for his music. So I didn't think it was offensive.
- SGT. TIEN: Did your opinion change at all once the display was in place and the text box was in place above it?
- OFC CASTILLO: No.

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SGT. TIEN: In the computer room when you first went to talk to Sergeant Easter, was there anyone else in there?

OFC CASTILLO: I think there was. It was [REDACTED] I don't know if [REDACTED] was there. I think [REDACTED] had a trainee but I don't know if they were there. I know it was myself, Officer Kobylarz, Sergeant Easter and I'm pretty sure [REDACTED] was there.

SGT. TIEN: Did [REDACTED] convey any concern or hesitation on viewing the cutout?

OFC CASTILLO: I can't remember if she said anything. I can't remember.

SGT. TIEN: Do you think that if she or any other officer would have conveyed any sort of offense taken by this display, you would have noticed?

OFC CASTILLO: I think so.

SGT. TIEN: You said when you walked in the lineup room it was [REDACTED] and one other officer, maybe a male officer.

OFC CASTILLO: Correct.

SGT. TIEN: Did they elicit any reaction to it?

OFC CASTILLO: I remember [REDACTED] just smiling. I can't remember if he said something. That's all I remember for his reaction.

SGT. TIEN: Again, did his reaction lead you to think he was offended or didn't think it was a good idea?

OFC CASTILLO: No.

SGT. TIEN: So he thought it was funny?

OFC CASTILLO: Yes.

SGT. TIEN: Did anyone contact you after the cutout was left in the lineup room? Either from a different watch or about the cutout?

OFC CASTILLO: No.

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SGT. TIEN: Have you heard from anyone outside the Department...so non-department personnel, that have discussed the display?

OFC CASTILLO: No.

SGT. TIEN: Have you received EEO training before Officer Castillo?

OFC CASTILLO: Yes.

SGT. TIEN: When do you recall that?

OFC CASTILLO: In the Academy.

SGT. TIEN: From the point of the radio call at [REDACTED] with Officer Kobylarz, what do you think the back story is for using this cutout the way it was used?

OFC CASTILLO: Just somebody who was a corrections officer who became really rich by working a lot. So, I thought it was just an advertisement.

SGT. TIEN: Do you think it could be considered racially offensive to others?

OFC CASTILLO: I didn't think so.

SGT. TIEN: Why do you not think so?

OFC CASTILLO: I didn't think it was a racial thing. If it had been a racial thing, I think it would have been stopped immediately. Even myself, I would have intervened and said, "That's not right." So I didn't think that it could be offensive because of race.

SGT. TIEN: Did getting permission from a supervisor support your position of not thinking it was offensive?

OFC CASTILLO: I think so. Yes.

SGT. TIEN: To your knowledge, who were all the people involved in obtaining the cutout, modifying it, placing it, and adding any additional verbiage?

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- OFC CASTILLO: Myself, Officer Kobylarz, [REDACTED] helped me with the FI. Sergeant Easter said it was ok to put it there.
- SGT. TIEN: Did [REDACTED] what was her interaction?
- OFC CASTILLO: She just saw it and followed us into the lineup room. I can't remember exactly what she said.
- SGT. TIEN: Was it anything of concern about the display?
- OFC CASTILLO: No. I didn't look like she was offended or anything. I think she thought it was ok. I don't want to say this is what she said, but I think what she said was, "It was fine," but don't quote me on that.
- SGT. TIEN: What would you gauge your opinion of Sergeant Easter and how confident would you think other officers would be to approach him and say whether or not they were offended by something like this?
- OFC CASTILLO: Sorry, can you repeat that?
- SGT. TIEN: Do you think that any of your co-workers would hesitate to tell Sergeant Easter they were offended by something?
- OFC CASTILLO: I think they would tell him.
- SGT. TIEN: You think they would be comfortable approaching him with something like that?
- OFC CASTILLO: Yes. Absolutely.
- SGT. TIEN: So do you consider Sergeant Easter approachable about topics like that?
- OFC CASTILLO: Yes. I would go to him for any issues I have. I think everyone else does too.
- SGT. TIEN: Last question, at any point during the creation or the placement of the display, are you aware of anyone who appeared offended, displeased, hesitant or questioning either verbally or non-verbally regarding the display?
- OFC CASTILLO: I didn't think anyone was offended...anyone we encountered that night.

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SGT. TIEN: If you had felt that or heard that from somebody, what would you have done.

OFC CASTILLO: Stopped it immediately.

SGT. TIEN: [REDACTED]

[REDACTED] No questions

SGT. TIEN: Officer Castillo, I am just reminding you that I am ordering you not to discuss this case or investigation with anyone other than your legal representative. The time is 1432. That concludes the interview.

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Witness Officer Interview: [REDACTED]

On February 4, 2020, at 1450 hours, I interviewed [REDACTED] in the Internal Affairs Office. Also present was Internal Affairs Sergeant Estrada. [REDACTED]

[REDACTED] The following is a cleaned version of the interview transcript. Please refer to the audio recording for [REDACTED] verbatim statement.

SGT. TIEN: This is Internal Affairs Sergeant Joel Tien. Today’s date is February 4, 2020. The time is 1450 hours. We are located in the Internal Affairs Officer at Police Headquarters with [REDACTED] [REDACTED] please state your name, ID number, and spell your last name.

[REDACTED] [REDACTED]

SGT. TIEN: [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

SGT. TIEN: Also present is Internal Affairs Sergeant...

SGT. ESTRADA: Elias Estrada. ID #5771.

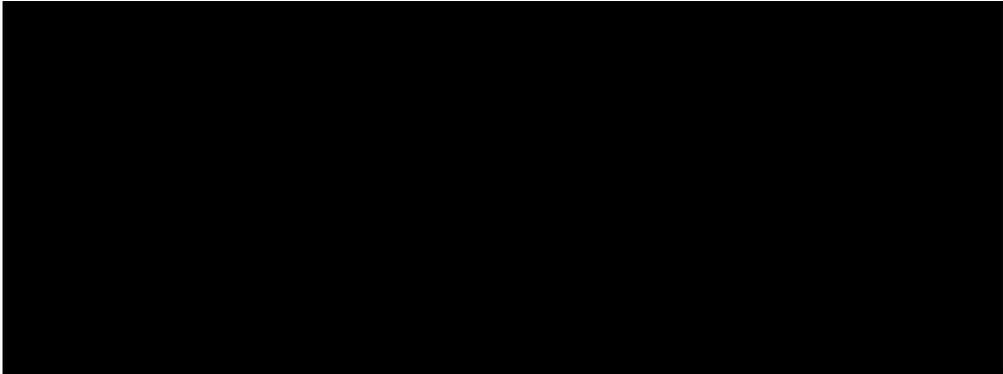
SGT. TIEN: [REDACTED]

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[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]

[Redacted]

[Redacted]

SGT. TIEN:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] how long have you been a police officer?

[Redacted]

A year and 3 months.

SGT. TIEN:

What is your current position?

[Redacted]

Southeast.

SGT. TIEN:

Patrol?

[Redacted]

Patrol.

SGT. TIEN:

How long have you been in that position?

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██████████ A year and 3 months.

SGT. TIEN: Were you working on Saturday, January 11, 2020, during 2nd watch at Southeastern Division?

██████████ I was.

SGT. TIEN: Did you end up going to the ██████████ at ██████████ between 8:30 and 9:00 that night?

██████████ Yes.

SGT. TIEN: Was it in response to a radio call or were you just going there to meet up with co-workers?

██████████ I was just driving west on ██████████ and I saw Officers Kobylarz and Castillo...because knew they were on a call there...so we have a habit of if we see officers we will stop by and see if they are code-4 or if they need anything. I was not assigned to the call but I stopped to see if they needed any help.

SGT. TIEN: Were they in the middle of the call? Were they finished?

██████████ When I got there, I got out of the car and Officer Kobylarz was by the trunk of the car. I asked if they needed help. He said they were good.

SGT. TIEN: Did you see a cardboard cutout at that time?

██████████ When I talked to him, he was putting something that was cardboard and folded in the back of his trunk.

SGT. TIEN: Reference this photograph that depicts a black male on a cardboard cutout and set up in what appears to be the Southeastern Division lineup room.

██████████ When I saw the cardboard, I was not able to see what it was. It was just brown. Just like when you fold it. It didn't show the picture.

SGT. TIEN: Folded face to feet?

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██████████

Yes.

SGT. TIEN:

Did you have any conversation about what he was doing?

██████████

I asked, "What is that?" He said, "Oh. Something." I asked him what he was going to do with it and he said, "You'll see." He explained that it a store employee gave it to him.

SGT. TIEN:

Did you have any idea of what he planned to do with it?

██████████

No.

SGT. TIEN:

Did you inquire any further

██████████

No.

SGT. TIEN:

When is the next time you saw what you understood to be that cardboard cutout?

██████████

When it was in lineup.

SGT. TIEN:

Would that have been the next day?

██████████

Yes.

SGT. TIEN:

When you say you saw it in the, "Lineup," do you mean the lineup room?

██████████

Lineup room.

SGT. TIEN:

Does this picture appear to be the lineup room?

██████████

Yes.

SGT. TIEN:

Was the cutout with all these things attached to the front of it...dollar bills, \$100 bills, department forms, an FI, overtime slips...was the cutout...did it include all those things the next time you saw it?

██████████

I wouldn't be able to answer that since it was folded. I never saw it before. But when I saw it at lineup? Yes.

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SGT. TIEN: Did you assist with any of the material that was affixed to the front of it?

██████████ There is one FI where it's my handwriting. I wasn't aware that it was going to be put on here. To go back to that... Sunday, when we were at the end of shift, myself and Officer Castillo were walking in. Officer Kobylarz came out of the locker room. Officer Castillo asked if he was done so I asked, "With what?" He said not to worry about it and mind my own business.

SGT. TIEN: Joking around?

██████████ Yes. Joking around. I was like, "Okay, whatever." Officer Castillo asked if he did an FI? Officer Kobylarz answered, "No I didn't. You do it." Officer Castillo and I walked to the BWC room, where we dock our BWC. He took out his FI pad. I asked him what he was doing. He said he is filling out an FI. He started filling it out. His pen wasn't working but he wrote SDPD on the top. We had a conversation and he said, "I am tired." I told him to give it to me and I would help him fill it out. I told him to just tell me what to write and I would write it. On the beginning of the FI pad, I think it says, "Address," or something, I told him I was going to write "47th And Logan." It was the first thing that came to my mind. I asked him what I should put for a name. He said what about ██████████ I was like, "Oh yeah." But then he brought up, "What if we have problems?" I said, "Anyone can be a ██████████ It's very common name." He said we knew who ██████████ is and I was like, "I know but this is fake." I wrote the name. After that I put in a phone number which is our number and a social security number which is 12345. It was just made up. I was like, "Alright. I'm done here." I gave him back the FI pad and then I don't know what he did with it.

SGT. TIEN: Does this appear to be the FI?

██████████ Yes. This is my handwriting (she was pointing to everything below the top line). This is Officer Castillo.

SGT. TIEN: So you are pointing to the top line, "SDPD," the date...is Officer Castillo. The time...maybe?

██████████ Maybe.

SGT. TIEN: So either you or him?

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██████████ Either me or him. I do know this time because...

SGT. TIEN: For the recording, the time and incident number might be you or him and then from the location on down is all your handwriting?

██████████ Yes.

SGT. TIEN: So ██████████ is a real person but all the rest of the stuff was made up?

██████████ Yeah.

SGT. TIEN: How do you know ██████████

██████████ She is a woman that we will all encounter. She is a chronic caller. She is banned from calling 911. We just know her because we say on the call she called five times last night or we just share information from shift to shift. We all know her.

SGT. TIEN: Is it safe to say, every patrol officer at Southeastern Division knows who she is?

██████████ Most likely, yes.

SGT. TIEN: At this point, while you were filling out the FI...up to the point where you gave it to Officer Castillo, did you know what he was going to do with it?

██████████ No.

SGT. TIEN: Where did he go with the FI?

██████████ I don't know because I left the room.

SGT. TIEN: Where did you go?

██████████ I left to...I don't remember. I checked my emails in the report room. After that, I was talking to ██████████ I went to the lineup room. We were all there. ██████████ Sergeant Easter, and whoever was there...at this point, it was just us in the lineup room.

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SGT. TIEN: So early you talked about docking your BWC. As far as time frame, this Sunday night, 2nd watch shift, docking your BWC, doing paper work...is this after graveyard lineup?

██████████ So we worked for 8 nights straight.

SGT. TIEN: Ok. Shift change?

██████████ Yes. I remember that Sunday, it was Sergeant Easter's Friday. It was my Tuesday. I remember we had to come back early because there were no cars at Southeast. I remember we 10-19'd a little earlier to give back cars.

SGT. TIEN: For the graveyard officers?

██████████ Yes.

SGT. TIEN: So for a general time frame...was it before or after graveyard lineup?

██████████ After.

SGT. TIEN: Do you recall being in the hallway with Officer Kobylarz and Officer Castillo when Officer Kobylarz was taking this to Sergeant Easter in the office?

██████████ I don't recall that.

SGT. TIEN: After the FI was filled out, you went to the report room and then went to talk to ██████████

██████████ We were all there in the lineup room.

SGT. TIEN: So when you were in the lineup room, do you recall who was in there?

██████████ ██████████ Castillo, ██████████ and Sergeant Easter.

SGT. TIEN: So they were all present before you entered the lineup room.

██████████ Yes.

SGT. TIEN: And this was in there as well (pointing to the photograph of the cutout)?

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██████████

No.

SGT. TIEN:

So you enter the lineup room...

██████████

I remember we were all in there in the lineup room. Kobylarz came in with it and tried to put it in here.

SGT. TIEN:

Did you say ██████████

██████████

██████████

SGT. TIEN:

So when you entered the lineup room to talk to ██████████ it was ██████████ and Easter, Castillo and Kobylarz...

██████████

No.

SGT. TIEN:

No Kobylarz...Castillo?

██████████

I believe so. I'm not 100% sure. I don't know if he was in the lineup room at that time. I just don't recall.

SGT. TIEN:

So ██████████ Easter, maybe Castillo...

██████████

Maybe Castillo.

SGT. TIEN:

And ██████████ ██████████ for sure?

██████████

Maybe ██████████

SGT. TIEN:

And then, shortly after, Kobylarz walked in with the cutout?

██████████

Yes.

SGT. TIEN:

And maybe Castillo with him?

██████████

Yes. Because at that time, Castillo was with us... when this was put up, he was with us.

SGT. TIEN:

What did Officer Kobylarz say or do at that point?

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██████████ He said, "Sarge, what do you think of it?"

SGT. TIEN: Who was he talking to?

██████████ Easter.

SGT. TIEN: What did Sergeant Easter say?

██████████ He looked at. He was like, "Damn..." And we all started laughing.

SGT. TIEN: Why did you start laughing?

██████████ I honestly started laughing because I'm an interior designer and, to me? All the work he put into it was like, wow. So I even complimented him and was like, "You did a pretty good job." I didn't see it like that. I don't know about the others, be we just thought it was funny.

SGT. TIEN: When you say, "See it like that," what do you mean?

██████████ Like, I didn't see it as offensive.

SGT. TIEN: So you were not offended by this?

██████████ No.

SGT. TIEN: In this photograph, does it accurately depict where Officer Kobylarz placed the cutout?

██████████ Yes.

SGT. TIEN: And does this look like the lineup room to you?

██████████ Yes.

SGT. TIEN: Is there any sort of connection between the display and the grease board behind it?

██████████ Yes.

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SGT. TIEN: What is the connection?

██████████ Overtime.

SGT. TIEN: So how is that connected?

██████████ He wrote this (She was pointing to the text box).

SGT. TIEN: Did you see him write it?

██████████ Yeah.

SGT. TIEN: Who is him?

██████████ Officer Kobylarz. He wrote this. Then he explained saying, "Maybe this will make more people sign up for overtime."

SGT. TIEN: When you say, "Explained," like he explained to everyone in the lineup room?

██████████ We were all there. Plus he said, "This will make more people sign up for overtime." I said this will make me sign up for more overtime.

SGT. TIEN: When he placed this and you said you first saw this (the full cutout), this was where that occurred, right?

██████████ Yes.

SGT. TIEN: Did you know who this was?

██████████ No.

SGT. TIEN: When he wrote this on the board (text box), did you know who it was?

██████████ Nope.

SGT. TIEN: Why would this cutout or display make you want to sign up for more overtime?

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██████████ Because it has everything we do. What he wrote..everyday we're hustlin'...I asked after the fact, "Who is he?" They explained to me who it was.

SGT. TIEN: Who explained it to you?

██████████ I don't remember who did...they said it was a singer. Kobylarz said, "He used to be a security guard too." I remember Kobylarz saying he used to be a security guard but someone else said, "He is a singer."

SGT. TIEN: So were multiple people chiming in with an explanation?

██████████ Yes.

SGT. TIEN: Did he explain the text above there at all to you?

██████████ Yeah.

SGT. TIEN: Do you understand what that means?

██████████ Yeah.

SGT. TIEN: What's that mean to you?

██████████ It means that everyday we're working hard to get money so sign up for it.

SGT. TIEN: From your perspective, does "Hustlin'," mean working illicitly?

██████████ In my opinion, it means working and looking for a way of income.

SGT. TIEN: Is this just specifically for patrol? This overtime board?

██████████ Yes.

SGT. TIEN: In patrol, can you expect to have to use these department forms?

██████████ Yes. We use them.

SGT. TIEN: Have you ever heard the term, "Hustlin'," used anywhere else other than this text box?

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██████████ At ██████████.

SGT. TIEN: In what way or meaning is it used?

██████████ ██████████. He was like, "I've got to go hustle for us to go where we want to go."

SGT. TIEN: How did Sergeant Easter respond when Officer Kobylarz placed this hear and then explained what he was doing?

██████████ I don't remember his words but I remember Kobylarz said, "Come on sarge." Sergeant Easter said, "You did a pretty good job. It's fun. It's nice." He hesitated whether or not...I guess Kobylarz asked permission to leave it there. At least that is what he was seeking approval for. Sarge was thinking about and said, "You know what? I don't see anything wrong with it. Why not?"

SGT. TIEN: Did ██████████ provide any feedback or say anything about it?

██████████ He laughed. He was at the computer. He smiled but he didn't comment much about. I want to think he said it looked good but nothing else. I feel that if hadn't felt comfortable, he would have said something.

SGT. TIEN: When you said Sergeant Easter was looking at it and hesitating, was that after the text bubble written by Officer Kobylarz or before?

██████████ I can't recall.

SGT. TIEN: I think you mentioned the first time you saw the cutout, other than folded at ██████████ was in the lineup room, right?

██████████ Yes.

SGT. TIEN: Did anyone else in there convey any sort of offense taken by the display?

██████████ No. The reason why I say this is because in the lineup was one of each race. There was a Black person. There was a White person. There were two Hispanics and an Asian person

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SGT. TIEN: Can you list who all those people were?

██████████ The Black person was Sergeant Easter. The White people were Kobylarz and ██████████ I know there was someone else there but I don't remember who.

SGT. TIEN: And you said two Hispanic people?

██████████ Myself and Castillo were the two Hispanics. The Asian female was ██████████ None of us made a comment of being offended. We all laughed about it as a joke because we are told to enjoy our job and here we are.

SGT. TIEN: You work for ██████████

██████████ Yes.

SGT. TIEN: Would you consider him approachable?

██████████ Yes.

SGT. TIEN: Would you ever hesitate to say or notify him if you were offended by something?

██████████ If I felt offended I wouldn't hesitate...I would probably say something right there. I'm known for being very upfront. Sometimes it makes me look like I'm rude.

SGT. TIEN: Is ██████████ or Sergeant Easter, to your experience having worked on sister squads, do you know of anyone who would be hesitant to notify them if they were offended by something?

██████████ Like to go to them?

SGT. TIEN: Yes. And express their concern?

██████████ I think anyone would go to them. They are approachable.

SGT. TIEN: Have you heard of anyone from outside the department, non-departmental personnel, discuss the display at all?

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█ Outside the San Diego Police Department? No.

SGT. TIEN: Have you heard of anyone outside the lineup room at that time, discuss the display in a way that they conveyed they took offense to it?

█ No.

SGT. TIEN: Have you received EEO training before?

█ EEO training? Yes.

SGT. TIEN: When was that?

█ During the academy.

SGT. TIEN: In looking at the cutout at that time, did you give any thoughts to the idea that it might be considered racially offensive to others?

█ No.

SGT. TIEN: Why is that?

█ Because I don't find it offensive. I completely understand we all have a different way of thinking. I'm just thinking for myself. Me, personally, I don't find anything on the poster offensive at all. It could be Hispanic on the picture. It could be an Asian male or female and I would still feel the same way.

SGT. TIEN: Are you talking about the person's depicting and the same material affixed to it?

█ Yes.

SGT. TIEN: Is that because it, in your eyes, is connected to the overtime board?

█ Yes.

SGT. TIEN: So there is some context to it.

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██████████ To me, it just encourages to sign up for overtime and we are really short. That is the connection I see.

SGT. TIEN: When you initially made that FI, you had no idea that this is where it would go. Is that accurate?

██████████ Yes.

SGT. TIEN: When you did see the display and your FI, if you had seen something about the display that brought your concern, what would you have done?

██████████ I would have taken my FI. I wouldn't want to be part of something that would cause issues and make people feel uncomfortable.

SGT. TIEN: At any point in that lineup room, were you aware of anyone who appeared offended, displeased, questioning, or hesitant, either verbally or non-verbally, about the display?

██████████ No.

SGT. TIEN: Elias?

SGT. ESTRADA: Just one question. What did the money represent on the cardboard cutout to you?

██████████ It was just for overtime and I'm getting paid to work extra time.

SGT. ESTRADA: Did the words depicted on the white board behind the poster, the money, anything the poster had, specifically the Department forms, overtime slips...in your opinion, did any of that appear condescending to the African-American community or specifically the community members of Southeastern Divison?

██████████ No.

SGT. ESTRADA: That's all.

SGT. TIEN: ██████████

██████████ No questions.

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SGT. TIEN: [REDACTED] I'm just reminding you, you are ordered not to discuss this case or investigation with anyone other than your legal counsel. Do you understand?

[REDACTED] Yes.

SGT. TIEN: The time is 1517 hours and that concludes the interview.

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Witness Officer Interview: [REDACTED]

On February 9, 2020, at 2110 hours, I interviewed [REDACTED] in the Investigative Lineup Room at Southeastern Division. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working on January 12, 2020, during 2nd watch. I never saw a cardboard cutout in the lineup room. However, the previous day, January 11, 2020, I saw a bald, white officer with a folded cutout in the locker room. It was my first day at the division so I don't know who he was. I could only see the face of the cutout and it was a black male. The officer unfolded the cutout and showed it to Sergeant Easter as he said something to the effect of, "What do you think about this?" I didn't hear any other conversation between the two. When the officer unfolded it, I only saw the back of it which was solid white in color.

The interview concluded at 2113 hours.

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Witness Officer Interview: [REDACTED]

On February 9, 2020, at 2158 hours, I interviewed [REDACTED] in the Investigative Lineup Room at Southeastern Division. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 2nd watch on Sunday, January 12, 2020. Towards the end of the shift, after 3rd watch lineup, I was in the lineup room sitting with [REDACTED] at the lineup computer. Officer Kobylarz brought in a cardboard cutout and put it near the grease board behind us. The person was wearing a hat and there was a "San Diego Police" sticker on the hat to match our hats from the field. I noticed that money was also put on the cutout.

The grease board includes all the available overtime for patrol. I think the cutout was placed in order to promote people signing up for overtime. I recall the gist of a discussion being about helping overtime. At that time, I did not know the identity of the person depicted in the cutout.

I recall noticing a text bubble and seeing something to the effect of, "I hustle. How about you?" At that time, I knew the text bubble had something to do with the cutout.

At that time, I thought the display was implying a fun way to promote overtime. I am, "Absolutely not," offended by the display personally.

[REDACTED] is my supervisor and Sergeant Easter had overlapping days with us. I would describe both of them as being approachable and caring about their subordinates. I don't think anyone would hesitate to tell either of them if they had a problem with the display. For the other people in the lineup room that night, I thought the mood was light-hearted. It didn't seem that anyone was offended by it.

I never saw the cutout after that time in the lineup room. I haven't heard of any people who were offended by the display.

At that time, the people present in the lineup room included [REDACTED] Sergeant Easter, myself, Officer Kobylarz, and possibly a few other people but I don't recall their identity.

The interview concluded at 2207 hours.

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Witness Officer Interview: [REDACTED]

On February 9, 2020, at 2221 hours, I interviewed [REDACTED] in the Investigative Lineup Room at Southeastern Division. The following is her paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working on January 12, 2020, during 2nd watch for Sergeant Easter. I first saw a life-sized cardboard cutout in the lineup room. I walked in and Officer Kobylarz was placing the cutout and writing text on the board. The cutout depicted a Black male with some money and other forms. It was placed near the television in the front of the lineup room.

I showed [REDACTED] a photograph of the cutout in the lineup room.

This looks like what I saw in the lineup room on January 12, 2020, as far as its placement and location. Officer Kobylarz was still there when I left the room. Other people in the lineup room, at that time that I recall, included Sergeants Easter and [REDACTED] and [REDACTED]. The grease board behind the cutout is used for overtime availability. At the time, I don't recall seeing the display and coming to the conclusion it was connected to the overtime availability on the grease board.

Earlier, when I was in the computer room, I saw Officer Kobylarz carrying the cutout around the hallway. At that time, I didn't know what it was.

I would consider Sergeant Easter very approachable in general. When the cutout was placed in the lineup room, I don't recall hearing anything from others that led me to believe someone was offended by it. I was not offended by the display at all. At the time I saw it, I did not know who the person depicted in the cutout was. I found out later some other person told me it was Rick Ross. I recall Officer Kobylarz writing the text bubble on the board. I would describe the demeanor of others in the lineup room as light hearted. No one sounded offended. I don't think anyone would hesitate to tell Sergeant Easter if they were offended by something.

After I found out who Rick Ross was, I would say the display conveys, "If you need money, work some overtime." Since this time I haven't heard of anyone else who is offended by the display.

The interview concluded at 2233 hours.

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1025 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. I did not see a cardboard cutout placed in the lineup room. I usually sit at the lineup table right next to the sergeants so I am facing north. I have since heard about a cutout but I don't recall seeing it that day. I don't recall any discussion in lineup either.

The interview concluded at 1028 hours.

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Witness Officer Interview: Officer [REDACTED]

On February 18, 2020, at 1033 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. During lineup, I saw a cardboard cutout in the lineup room. I know who Rick Ross is. He is a rapper, and I immediately recognized him. He was holding a bunch of OT slips and work forms. There was also a sign that said, "Everyday I'm hustlin'..." and something like "How about you hustle for some overtime." That is his famous song and it was kind of encouraging to get people to sign up for overtime.

That is how I perceived it. I grew up listening to him and I didn't think much of it other than it being pretty funny. It was placed right behind the where the sergeant sits in lineup.

Overtime is a constant issue at Southeastern Division. I know the sergeants do a great job trying to encourage people to sign up. They also make sure to thank people who do help out by coming in to work overtime. I do not know who made the display.

Most people in lineup found it kind of funny. I think a lot of people related to it because of who it is. I mean, it's Rick Ross.

I would consider my sergeant, [REDACTED] very approachable. I was not offended by the display at all. I perceived it to mean to encourage people to work overtime. I didn't feel anyone in lineup had any concerns about the display. If someone did have a concern about the display I think they would feel free to let a sergeant know.

I think the word "hustle" could be construed to mean to make money illicitly. However, the way it was used in this display made me think it meant work for some overtime.

I haven't heard of anyone outside the department talk about the display at all.

The interview concluded at 1040 hours.

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1044 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. I explained to her that she was not a police employee and not bound by any duty to speak with me. She volunteered to be interviewed and consented to the interview being recorded. The following is her paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch on January 13, 2020. I recall seeing a cardboard cutout in the lineup room that morning. I don't know who was depicted in the cutout. I don't recall seeing anything written on the board related to the cutout.

I was not personally offended by the cutout. During lineup, there seemed to be arguments amongst other 1st watch officers during lineup and that someone felt offended. [REDACTED] got loud which led me to think she was offended by the cutout. There was also some eye rolling and people looking away. It seemed like the general consensus. No one said anything to the supervisors. Normally if I feel like something is awkward in lineup, I try not to pay attention to it.

I would hesitate to bring a concern I had to [REDACTED] because I believe her and [REDACTED] have a relationship outside of work. Because of that I don't feel comfortable talking to her about anything related to [REDACTED]. I think [REDACTED] would take [REDACTED] side.

But if I was offended by something I would have no problem talking to the sergeants. In this specific case I thought [REDACTED] was offended by what other people were saying. She was getting loud and argumentative. I can't recall exactly what was being said though.

The interview concluded at 1052 hours.

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1141hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch on January 12, 2020, in Southeastern Division. I work for [REDACTED] [REDACTED] I recall seeing a cardboard cutout in lineup that day. It was behind where the sergeant sits. When I first saw it, I recognized the individual as Rick Ross. I know he raps about making money. I thought it was funny because it relates to working overtime. He was holding some overtime slips in his hands. I was not personally offended by it.

I don't recall anything written on the board related to the cutout. In general, people were laughing about the display during lineup. It didn't seem like anyone was offended by it. If anyone had any concerns about the display, I think they would feel comfortable bringing it to the sergeants' attention.

The interview concluded at 1145 hours.

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1148 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is her paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. In lineup, I saw a cardboard cutout in the lineup room. I initially thought it was a joke. I think it was DJ Khaled. It was for overtime. He has a staying and it said, "Everyday we're hustlin'," on the board. I was not offended by the display. As far as I could see, everyone was laughing in lineup. If someone was offended, I think they would tell either sergeant. They are approachable.

The interview concluded at 1150 hours.

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1153 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. I saw a cardboard cutout in the lineup room. I saw it by our overtime wall. It looked like it was trying to get people to sign up for overtime. I was not offended by the display. I know the artist. It's Rick Ross. He talks about making money. It correlated to signing up for overtime to make money.

It said something like, "Everyday I'm hustlin' and you can too. Sign up for overtime." It seemed that the consensus was that it was funny. Everyone was laughing. Some days, staffing is a struggle. I don't recall anyone showing any concern or being offended by the display. We are adults here. I consider both sergeants very approachable. If someone was offended they would report it through the proper channels.

The interview concluded at 1156 hours.

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1158 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. I saw a cardboard cutout in the lineup room. It was at the front of the room near the TV. It was Rick Ross who is a rapper. He was holding overtime slips, some black FI's I think. There were lists for the different watches to sign up for overtime. The display was right next to the overtime board. It was a fun way to advertise to work overtime. A few of us had a laugh about it.

I know one of his songs is "Everyday I'm hustlin'." That's how I saw it. Work hard for some overtime. I don't recall any specific discussion about it. There were a few people who asked to the guy was. It was explained that it was Rick Ross, the rapper, and that was it.

If anyone had any concerns, I absolutely consider both sergeants approachable and they will bring it to their attention.

The interview concluded at 1202 hours.

Reporting Officer: Joel D. Tien, Sergeant ID: 6128 Division Internal Affairs
Approved by: Stephen Shebloski, Lieutenant Date of Report: April 22, 2020

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Witness Officer Interview: [REDACTED]

On February 18, 2020, at 1205 hours, I interviewed [REDACTED] in the Southeastern Division Community Room. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was at work on Monday, January 13, 2020. I saw a cardboard cutout in the lineup room that morning. I was sitting in the back corner of the room. I immediately recognized the cutout as Rick Ross. He was holding some FI's and some other stuff. I vaguely remember the board saying something like, "Come get this money." I chuckled. People sounded confused so I said, "Hey, that's Rick Ross, the biggest boss." I have heard his songs.

I was absolutely not offended by the display. He is a rapper. He has been a police officer. He looked like he normally does. I didn't see anything offensive about it.

As far as other people in the room, the majority of the people were laughing about it. It was just about working overtime. Based on what I saw, it seemed they were trying a creative way to get people to sign up for overtime.

As far as who put it up, I can guess based on who is no longer at the division.

There were some people who had their backs to me since they were at the table and I was seated back against the wall. But as far as the people I could see, no one seemed offended.

I don't think anyone would hesitate to bring it to the sergeants' attention if they were offended. I haven't heard anyone from outside the Department talk about the display.

In general, it seemed a lot of people didn't know who Rick Ross was. I must be a little older since I know who he is.

The interview concluded at 1210 hours.

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Witness Officer Interview: [REDACTED]

On February 19, 2020, at 0727 hours, I interviewed [REDACTED] in the Internal Affairs Office. The following is her paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. I saw a cardboard cutout in the lineup room. It was behind where the sergeants normally sit. It was a poster of Rick Ross with an "SDPD" hat or printout or something. Attached to the display were parking violations, overtime slips, and maybe an FI. There was a quote on board behind it that made me realize it was Rick Ross. It said something about "Husltin'," and signing up for overtime. My interpretation was that you could sign up for overtime, work, and get some money. He has a song called, "Everyday I'm hustlin'." That's how I knew it was Rick Ross.

I was not offended by the display. I thought it was funny and it made me want to sign up for overtime. It seemed like the other people in lineup were just laughing about it. It didn't seem like anyone was uncomfortable with the display.

I don't think anyone would hesitate to approach either sergeant if they were offended by the display. I don't know who placed it there. I haven't heard of anyone outside the department talk about the display.

The interview concluded at 0733 hours.

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Witness Officer Interview: [REDACTED]

On February 19, 2020, at 0734 hours, I interviewed [REDACTED] in the Internal Affairs Office. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch patrol at Southeastern Division on January 13, 2020. I saw a cardboard cutout of the rapper Rick Ross in the lineup room. I recall him holding the overtime sign-up sheet. I don't know if it was on the board or somewhere else but I remember seeing something like, "Everyday I'm hustlin'," written somewhere. Ross has a song about that. It was placed behind where the sergeant's sit. It seemed like typical cop, clever joke, humor. I wasn't offended by the display. Based on Ross' song, the overtime sheets up there, it's all a clever take on people working for more money.

The fact that an officer would look at the display, sign up for overtime and make money by enforcing laws on people who look like Rick Ross never entered my mind. I know Ross is a rapper who has a song about "Hustlin'." I never thought about his race or anything. I don't know who placed the display there.

People in lineup seemed to have found the display clever and funny. I don't recall seeing anyone who seemed upset about it. I would consider both sergeants approachable. I don't think anyone would hesitate to bring their concerns to the sergeants' attention.

The interview concluded at 0741 hours.

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Witness Officer Interview: [REDACTED]

On February 19, 2020, at 0742 hours, I interviewed [REDACTED] in the Internal Affairs Office. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch at Southeastern Division on Monday, January 13, 2020. In lineup I saw a cardboard cutout on display. It was behind where the sergeant's sit. It was a cutout of Rick Ross. There appeared to be overtime slips, FIs, and a SDPD ball cap on the display. I was not offended by the display.

There was a word bubble that said something to the effect of, "If you want to hustle like me, do overtime." It was a reference to one of his songs. I knew it was Rick Ross when I first saw the cutout. He is popular with my generation.

Personally, to see the display and think it means to make money by enforcing laws on people who look like Rick Ross would be taking it out of context. The term, "Hustlin'," at least in this context means if you want to make more money, apply for overtime. That's how I took it.

It was a topic of discussion during lineup but it wasn't in a negative context. People thought it was funny. I didn't notice anyone offended by it. If they were, I would think they would bring it to the sergeants' attention.

I don't know who placed it there. When I saw it, I thought it was a fun way to start the morning and start the new watch. I don't know of anyone who was offended by it. I have never heard of anyone outside the Department talking about the display.

The interview concluded at 0748 hours.

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Witness Officer Interview: [REDACTED]

On February 19, 2020, at 0750 hours, I interviewed [REDACTED] in the Internal Affairs Office. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview.

I was working 1st watch patrol at Southeastern Division on Monday, January 13, 2020. In lineup, I saw a cardboard cutout behind where the sergeants' sit in front of the white board. It was a cutout of Rick Ross. I immediately knew it was him through his music.

The display had a SDPD hat and some overtime slips. It seemed like it was trying to get people to sign up for overtime. Ross is an African-American male who makes rap music. I was not offended by the display.

There was something written on the board that seemed to pertain to the display.

I showed [REDACTED] a picture of the display.

Yes, this is what I saw. The text on the board is a reference to a song. I don't know if it is his song. I'm not a huge rap fan but I knew who Rick Ross is. I'm more of a county music guy. He is a well-known artist.

Overall, the display made me think it was intended to get people to sign up for overtime. I don't know who put the display there. Other people seemed to be laughing and joking. No one seemed upset.

The interview concluded at 0755 hours.

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Witness Officer Interview: [REDACTED]

On February 21, 2020, at 0826 hours, I interviewed [REDACTED] in the Internal Affairs Office. The following is his paraphrased statement. Please refer to the audio recording for the verbatim interview. Also present was Internal Affairs Sergeant Greg Minter.

I am a [REDACTED]. I attended a Citizen's Advisory Board Meeting on January 27, 2020, in the evening at a community room across the street from Mid-City Division. The meetings provide dialogue and for community members to listen to Department updates and provide feedback.

At this meeting, there was a female community member who was passing around a photograph and talking about how "this is an example of things that are going on inside the Department." Chief Guaderrama had a chance to explain that it was something observed and taken down and immediately addressed. I was introduced to the female community member that night but I don't recall her name.

She appeared to be upset and conveyed her belief it was unprofessional in our police facility. As the photograph was being passed around, there was discussion among board members about the situation. I don't recall if she said where she got the photograph. The community member actually praised the Chief for handling the concern quickly but highlighted that "it should not have been up there to begin with."

Although this was my first CAB meeting, these types of meetings give the public an opportunity to convey their concerns about our department. In this case, the female community member "appeared to be less than pleased," about the photograph. In all fairness, I don't know what her opinion was of the Department prior to the incident. Based on her demeanor, "it was obvious that it angered her."

The interview concluded at 0837 hours.

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CONCLUSIONS:

1. CONDUCT – SUSTAINED

Sergeant Travis Easter brought the Department into disrepute and affected its operation and efficiency by approving the placement of a derogatory display depicting an African-American male in the lineup room of Southeastern Division.

Department Policy 9.06 Unbecoming Conduct Policy (Revised 01/26/04) states:

Officers shall conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Department. Officers shall not conduct themselves in any manner that could bring the Department into disrepute or reflects discredit upon the officer as a member of the Department, or impairs the operation and efficiency of the Department or officer.

Members shall not engage in any conduct that is unbecoming an employee of the Department, nor which impairs the operation of the Department.

On January 11, 2020, Officer Matthew Kobylarz was working 2nd watch patrol at Southeastern Division. While he and Officer Isai Castillo were addressing a call for service at [REDACTED] located at [REDACTED] San Diego, Officer Kobylarz asked an employee of the establishment if he could purchase a stand-up cardboard cutout of Rick Ross. The employee said he was going to discard the cutout so he gave it to him. The cutout depicted Rick Ross holding liquor bottles as an advertisement for the product.

Officer Kobylarz took the cutout into the locker room at Southeastern Division and spoke to his supervisor, Sergeant Easter, about his plan for the display. According to Sergeant Easter, he recalled Officer Kobylarz showing him the cutout in its original form in the locker room at the beginning of their shift on Sunday, January 12, 2020. Officer Kobylarz explained to Sergeant Easter that Rick Ross raps about, "Everyday I'm hustlin'," and Officer Kobylarz thought it would be fun to set it up next to the overtime board.

Officers Kobylarz and Castillo placed the cutout in the lineup room next to the grease board used for soliciting overtime positions. Sergeant Easter was present and evaluated the display. In his statement to IA, Sergeant Easter said he went through a checklist in his mind. He stated he recognized the person, Rick Ross. He recognized the phrase, "Everyday I'm hustlin'." He said it pertained to the rapper, overtime, and people working. He thought the clothing was appropriate as well as the SDPD on Ross' hat. He saw all the forms and decided this was for work, which is an expectation of patrol overtime. He didn't observe anything offensive in the display and gave it his approval.

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Sergeant Easter said in his interview none of the other people in the lineup room conveyed any concern about the display.

The final display depicted a life-sized Rick Ross, who is a 44 year old African-American male rap music artist, wearing a navy blue baseball cap with San Diego Police on the front of it. Ross was wearing a plain white t-shirt, navy blue athletic shorts with white stripes, white ankle-high socks and white shoes. Ross has his hands in front of him at chest level. The changes to the original cutout make him appear to hold several Department forms and copies of \$100 bills. Ross is wearing a silver-colored metal chain around his neck and a gold bracelet and gold ring on his left wrist and hand. The cutout is to the right side of a white grease board that all personnel interviewed from Southeastern Division have attributed to being used to make known patrol overtime availability. On the grease board directly above Ross' head is a text bubble in red marker that includes the following verbiage:

UH!! EVERDAY I'M HUSTLIN' AND YOU CAN TOO...SIGN UP FOR SOME OT

On January 27, 2020, ██████████ attended at CAB Meeting in a community room across the street from Mid-City Division. During the meeting, a female community member passed around copies of a photograph attributed to be the display created by Officer Kobylarz and Officer Castillo. While the community member praised Chief Nisleit for his swift response to the display by ensuring its removal and initiating an internal investigation, ██████████ said the community member was "less than pleased" and appeared angered that the display would ever be placed in a police facility.

During my interview with ██████████ I showed him a photograph of the cutout that was ultimately determined to have been taken by ██████████. While ██████████ said he didn't have a chance to get a good look at the photograph being shared by the community member, the photograph appeared to be similar. Further, the concern by the community member and their knowledge it had been swiftly addressed confirmed the circumstance she was addressing. The concerns of the community member came on the heels of four complaints from Department members who had seen and were offended by the display in the lineup room based on their opinion the display was derogatory and racist.

Knowledge and a photograph of the display found its way to a member of the public who was clearly affected by what she believed had been placed in a police facility. The actions of the community member encapsulate how the display created by Officer Kobylarz and approved by Sergeant Easter negatively affected the Department's perception and reputation in the community. Also, time and investigative resources were redirected in order to address the circumstances of the display. Ultimately, the approval of the display by Sergeant Easter brought disrepute and negatively affected the operation and efficiency of the Department.

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The display was portrayed by African-American members of the Department to be derogatory and offended members of the community. The display portrayed a negative connotation that the Department makes money by stopping minority members of the Southeastern community and thus further perpetuating the appearance that the Department racially profiles and over-polices.

For these reasons, the allegation that Sergeant Travis Easter violated Department Policy 9.06 is **SUSTAINED**.

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2. CONDUCT – SUSTAINED

Officer Matthew Kobylarz brought the Department into disrepute and affected its operation and efficiency by creating and placing a display depicting an African-American male in the lineup room of Southeastern Division.

Department Policy 9.06 Unbecoming Conduct Policy (Revised 01/26/04) states:

Officers shall conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Department. Officers shall not conduct themselves in any manner that could bring the Department into disrepute or reflects discredit upon the officer as a member of the Department, or impairs the operation and efficiency of the Department or officer.

Members shall not engage in any conduct that is unbecoming an employee of the Department, nor which impairs the operation of the Department.

On January 11, 2020, Officer Matthew Kobylarz was working 2nd watch patrol at Southeastern Division. While he and Officer Isai Castillo were addressing a call for service at [REDACTED] located at [REDACTED] San Diego, Officer Kobylarz asked an employee of the establishment if he could purchase a stand-up cardboard cutout of Rick Ross. The employee said he was going to discard the cutout so he gave it to him. The cutout depicted Rick Ross holding liquor bottles as an advertisement for the product.

Officer Kobylarz took the cutout into the locker room at Southeastern Division and spoke to his supervisor, Sergeant Easter, about his plan for the display. Sergeant Easter said Ross was holding liquor and told Officer Kobylarz he couldn't place it in its present form. He told Officer Kobylarz to show him what he would come up with.

Later in the evening of January 12, 2020, Officer Kobylarz started gathering items to decorate the display and cover up the liquor bottles. He obtained copies of \$100 bills from Google and printed them out on paper. He asked Officer Castillo to grab some Department forms. Officer Kobylarz stated the Department forms kept it connected to the job and demonstrated people working hard. In addition to the Department forms and money, overtime slips and a field interview were attached to the display.

Upon completing the decorations for the cutout, Officers Kobylarz and Castillo placed the cutout in the lineup room next to the grease board used for soliciting overtime positions.

On January 27, 2020, [REDACTED] attended at CAB Meeting in a community room across the street from Mid-City Division. During the meeting, the female passed around copies of a photograph attributed to be the display created by Officer Kobylarz in the lineup room at Southeastern Division. While the community member praised Chief Nisleit for his swift response to the display by

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ensuring its removal and initiating an internal investigation, ██████████ said she was “less than pleased” and appeared angered that the display would ever be placed in a police facility.

During my interview with ██████████ I showed him a photograph of the cutout that was ultimately determined to have been taken by ██████████. While ██████████ said he didn't have a chance to get a good look at the photograph being shared by the community member, the photograph I showed him appeared to be similar. Further, the concern by the member and their knowledge it had been swiftly addressed confirmed the circumstance she was addressing. The concerns of the community member came on the heels of four complaints from Department members who had seen and were offended by the display in the lineup room based on their opinion the display was derogatory in nature regarding race.

Knowledge and a photograph of the display found its way to a member of the public who was clearly affected by what she believed had been placed in a police facility. The actions of the community member encapsulate how the display, created by Officers Kobylarz and Castillo, and approved by Sergeant Easter, negatively affected the Department's perception and reputation in the community. Also, time and investigative resources were redirected in order to address the circumstances of the display. Ultimately, the placement of the display which was created by Officer Kobylarz brought disrepute and negatively affected the operation and efficiency of the Department.

The display was portrayed by African-American members of the Department to be derogatory and offended members of the community. The display portrayed a negative connotation that the Department makes money by stopping minority members of the Southeastern Division community and, thus, further perpetuating the appearance that the Department racially profiles and over-polices.

For these reasons, the allegation that Officer Matthew Kobylarz violated Department Policy 9.06 is **SUSTAINED**.

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3. CONDUCT – SUSTAINED

Officer Isai Castillo brought the Department into disrepute and affected its operation and efficiency by assisting in creating and placing a display depicting an African-American male in the lineup room of Southeastern Division.

Department Policy 9.06 Unbecoming Conduct Policy (Revised 01/26/04) states:

Officers shall conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Department. Officers shall not conduct themselves in any manner that could bring the Department into disrepute or reflects discredit upon the officer as a member of the Department, or impairs the operation and efficiency of the Department or officer.

Members shall not engage in any conduct that is unbecoming an employee of the Department, nor which impairs the operation of the Department.

On January 11, 2020, Officer Matthew Kobylarz was working 2nd watch patrol at Southeastern Division. While he and Officer Isai Castillo were addressing a call for service at [REDACTED] located at [REDACTED] San Diego, Officer Kobylarz asked an employee of the establishment if he could purchase a stand-up cardboard cutout of Rick Ross. The employee said he was going to discard the cutout so he gave it to him. The cutout depicted Rick Ross holding liquor bottles as an advertisement for the product.

Officer Castillo told me in his interview he was aware Officer Kobylarz intended to put the cutout in the substation. Furthermore, he said he assisted Officer Kobylarz by collecting department forms to help decorate the cutout. Officer Castillo also said that placing a Field Interview on the cutout was his idea.

Upon completing the decorations for the cutout, Officers Kobylarz and Castillo placed the cutout in the lineup room next to the grease board used for soliciting overtime positions.

On January 27, 2020, [REDACTED] attended at CAB Meeting in a community room across the street from Mid-City Division. During the meeting, the female passed around copies of a photograph attributed to be the display created by Officer Kobylarz in the lineup room at Southeastern Division. While the community member praised Chief Nisleit for his swift response to the display by ensuring its removal and initiating an internal investigation, [REDACTED] said she was "less than pleased" and appeared angered that the display would ever be placed in a police facility.

During my interview with [REDACTED] I showed him a photograph of the cutout that was ultimately determined to have been taken by [REDACTED] While [REDACTED] said he didn't have a chance to get a good look at the photograph being shared by the community member, the photograph I showed him appeared to be similar. Further, the concern by the member and their knowledge it had been

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swiftly addressed confirmed the circumstance she was addressing. The concerns of the community member came on the heels of four complaints from Department members who had seen and were offended by the display in the lineup room based on their opinion the display was derogatory in nature regarding race.

Knowledge and a photograph of the display found its way to a member of the public who was clearly affected by what she believed had been placed in a police facility. The actions of the community member encapsulate how the display, which was partially created by Officer Castillo, affected the Department's perception and reputation. Also, time and investigative resources were redirected in order to address the circumstances of the display. Ultimately, the actions of Officer Castillo brought disrepute and negatively affected the operation and efficiency of the Department.

The display was portrayed by African-American members of the Department to be derogatory and offended members of the community. The display portrayed a negative connotation that the Department makes money by stopping minority members of the Southeastern community and thus further perpetuating the appearance that the Department racially profiles and over-polices.

For these reasons, the allegation that Officer Isai Castillo violated Department Policy 9.06 is **SUSTAINED**.

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4. PROCEDURE – SUSTAINED

Sergeants Travis Easter failed to monitor the workplace for actual or potential violations of EEO policy and procedure.

██████████ first went into the lineup room at Southeastern Division sometime after 1st lineup had concluded on Monday, January 13, 2020. He had been at AOT the previous week so he told me he was unsure if “there was some sort of significance” to the display so he went and asked ██████████ if he had been in lineup. ██████████ said he usually doesn't attend lineup so he had not seen the cutout previously.

Later that morning, ██████████ was at Southeastern Division on a radio call and she conversed with ██████████ and ██████████. They told her about the cutout and she proceeded to view it herself in the lineup room. ██████████ had already taken a photograph and ██████████ requested that he send it to her.

██████████ forwarded the photograph on to ██████████ at ██████████

Based on my interviews with each individual I learned that ██████████ was offended by the display involving the cardboard cutout. He told me it came off “as extremely racist.” He said the image is a “black dude that looks like he is off the streets.”

██████████ told me he was offended by the display because he “thought it was racist.” When I asked him to be specific he said, “You know. You are in Southeast. I have overheard comments before. Racist things. If people knew that I was around...then when they realize I'm there, they kind of change the tone or walk away. So I know the mentality of some people there.” He also said the display was “very poor taste.” ██████████ also wrote on the grease board next to the display, “this is racist.”

██████████ told me she thought, “Yeah. I think all the black people were offended by this. This is a negative depiction of a black male regardless if he is a rapper or not. That is something that is definitely derogatory. He could have put a police officer up there eating a donut saying, ‘Come get your money so you can buy more donuts,’ or something. But why a black male? And there are like, how many black officers there?”

██████████ indicated that he was offended by the display because it was, “suggestive of the stereotypical African American male. #1, the image of the male that's shown...obviously it's not a police officer and it's suggesting, to me, the writing above it says, “Uh,” like he's dumb. Then it says, “Everyday I'm hustling.” “Hustlin,” how? Are you drug dealing? Then you have the stereotypical African American male with gold chains around his neck with sagging shorts. The shorts are sagging off his butt. Gold rings and a gold bracelet. Not only that, it's the overtime. To me it suggests that you can come work

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overtime and stop these kinds of people...the people that we are showing here. Then there is a San Diego PD hat or image that he is wearing. The whole thing is just derogatory. You have sagging pants, an African American male saying you can come work some overtime stopping these guys. Then it suggested in the writing on the white board saying, "Uh," like he is a dummy. "Everyday I'm hustling." "Hustlin'," is a derogatory term in and of itself. If you are "hustling" you're doing something illegal. Then it suggests, "You can to...come work some overtime," or sign up for OT.

██████████ further explained why he felt the image was derogatory towards African-American males due to the clothing style, jewelry, and verbiage in the text bubble. ██████████ expounded on his belief it was racist by saying the male looked like a, "black dude that looks like he is off the streets." ██████████ only said it was offensive because of the race of the person in the image. She said that due to the culture in Southeastern Division, it was offensive to use that depiction of an African-American. ██████████ described previously hearing comments from other people. He did not say who made the comments or describe what they were. Based on his statement, it sounded like he had heard something that he considered offensive in the past and because of that past experience, he considered the display racist as well.

The policy of the Department regarding discrimination and harassment is stated in D.P. 5.03. Section V, A which states:

- A. Members shall be permitted a work atmosphere that is free from discrimination and harassment of any form. Members shall not discriminate against, no harass other members. It shall be the responsibility of all supervisors to ensure a non-discriminatory work environment exists.

D.P. 5.03, V subsection 3 further states:

Discrimination is unlawful. It creates a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. The Department does not tolerate discrimination or harassment in any form.

D. P. 5.03, IV. Defines Supervisors. Section D. states:

D. Supervisor – all Department members who have the authority to undertake or recommend employment decisions, including authority to direct the daily work activities, review work performance, and recommend or implement disciplinary actions affecting Department members. This includes first level supervisors and above.

D.P. 5.03, VII. Includes Procedural Responsibilities for officers and supervisors. Section B. states the following:

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B. Supervisory responsibility - it is the responsibility of all supervisors to establish and maintain a non-hostile, non-discriminatory work environment free from intimidation, ridicule, or insult. Specifically, supervisors shall:

1. Educate and train employees on EEO policy and ensure they are aware of the procedures for reporting potential violations;
2. Monitor the workplace for actual or potential violations of EEO policy and procedure;
3. Stop behavior in violation of this policy when directly observed or upon obtaining direct knowledge thereof;
4. Notify their Equal Employment Liaison Officer (EELO) of suspected cases of discrimination or sexual harassment, unless circumstances exist which necessitate reporting the conduct directly to the Department's EEO Office;
5. Manage the effect of an EEO complaint in the workplace by protecting confidentiality, discouraging rumors, and ensuring participants are not subjected to retaliation; and,
6. Follow through with all complaints of discrimination and harassment by taking immediate, documented, and corrective action. The complaint will be handled in accordance with the "Informal Reporting Process" or the "Formal Investigative Process" as set forth in this procedure.

Furthermore, D.P. 5.03, VI., E., 2., states the following:

Racial discrimination can create an offensive and hostile environment. The following are examples of racial discrimination or harassment. The following are examples of behavior that constitutes racial discrimination or harassment as defined by this policy:

- a. Verbal harassment – racial innuendo, racially suggestive comments, jokes, and teasing of a racial nature.
- b. Visual harassment – racially suggestive or derogatory posters, videos, cartoons, drawings, documents, writing, electronic mail, or texting.

As outlined in their interviews it IA, four Department members were offended by the display as racially derogatory.

D.P. 5.03, VI., C., states the following:

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C. Impact vs. Intent

1. Whether or not harassment occurred depends not on whether the act was intended to cause harm, but the impact of the act on the individual's employment or work environment. For example, a person who teases in a sexual or racial manner, or tells sexual or racial jokes, may create an offensive work environment for another worker even though the person intended such action merely to be "good fun." This applies to the field, as well as office positions. If one's behavior is harassing to an individual or a group of individuals, it will not suffice that the harasser failed to recognize the behavior as harassing.
2. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment. Here, the cut-out was a one-time, isolated incident and not egregious. Sergeant Easter's approval of the cut-out was not racially motivated. He did not intend to offend or cause harm. Nonetheless, regardless of Sergeant Easter's intent and reasoning behind approving the cut-out, four employees reported the impact of the cut out and described being offended by the display. As such, as a supervisor, Sergeant Easter had the responsibility to monitor and not approve of the cut out that had the potential of an EEO violation. This responsibility is addressed in section VII., B. above.

For the above reasons, Sergeant Easter is found **SUSTAINED** for the violation of D.P. 5.03, VII., B., 2., *Monitor the workplace for actual or potential violations of EEO policy and procedure.*

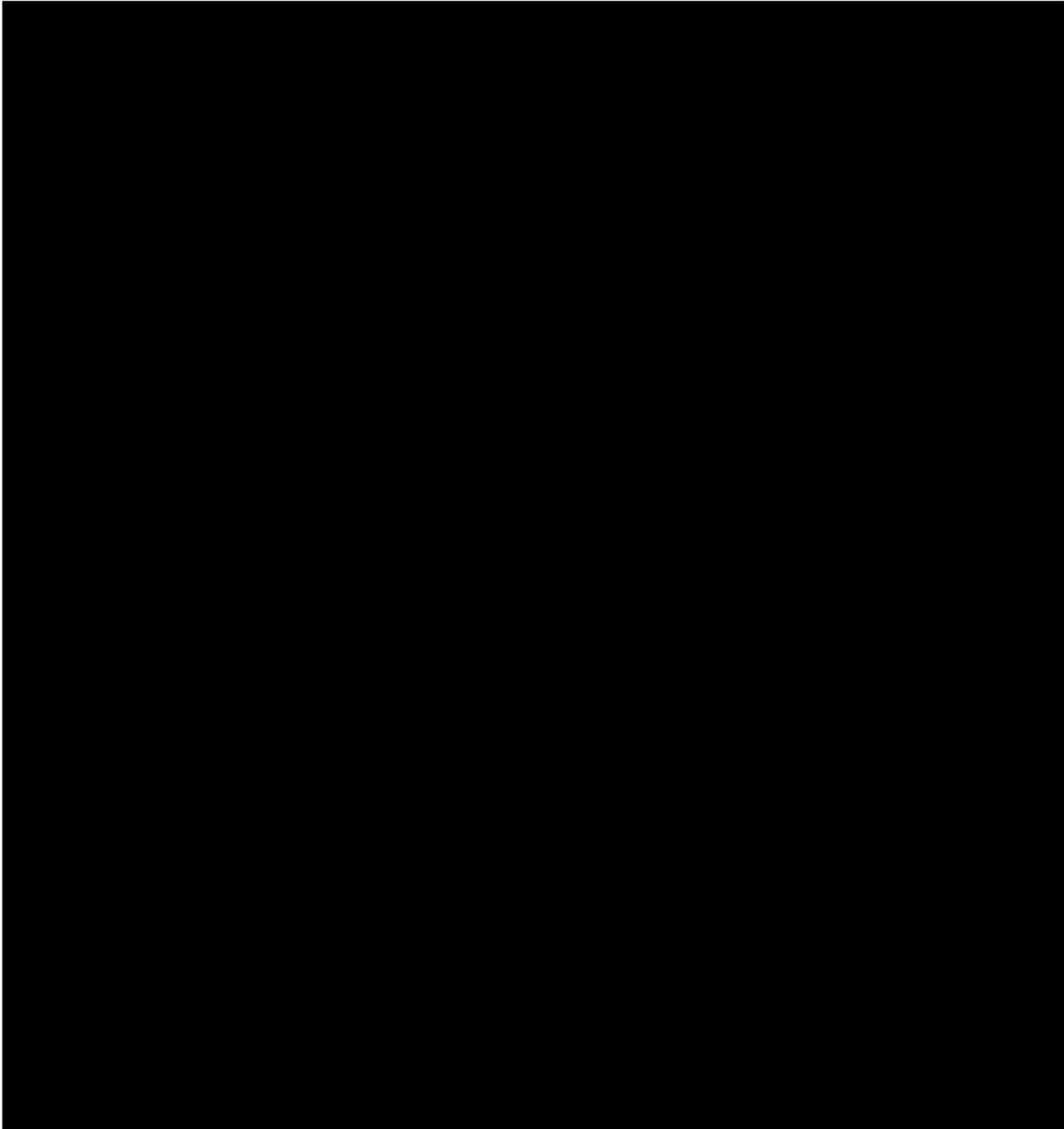
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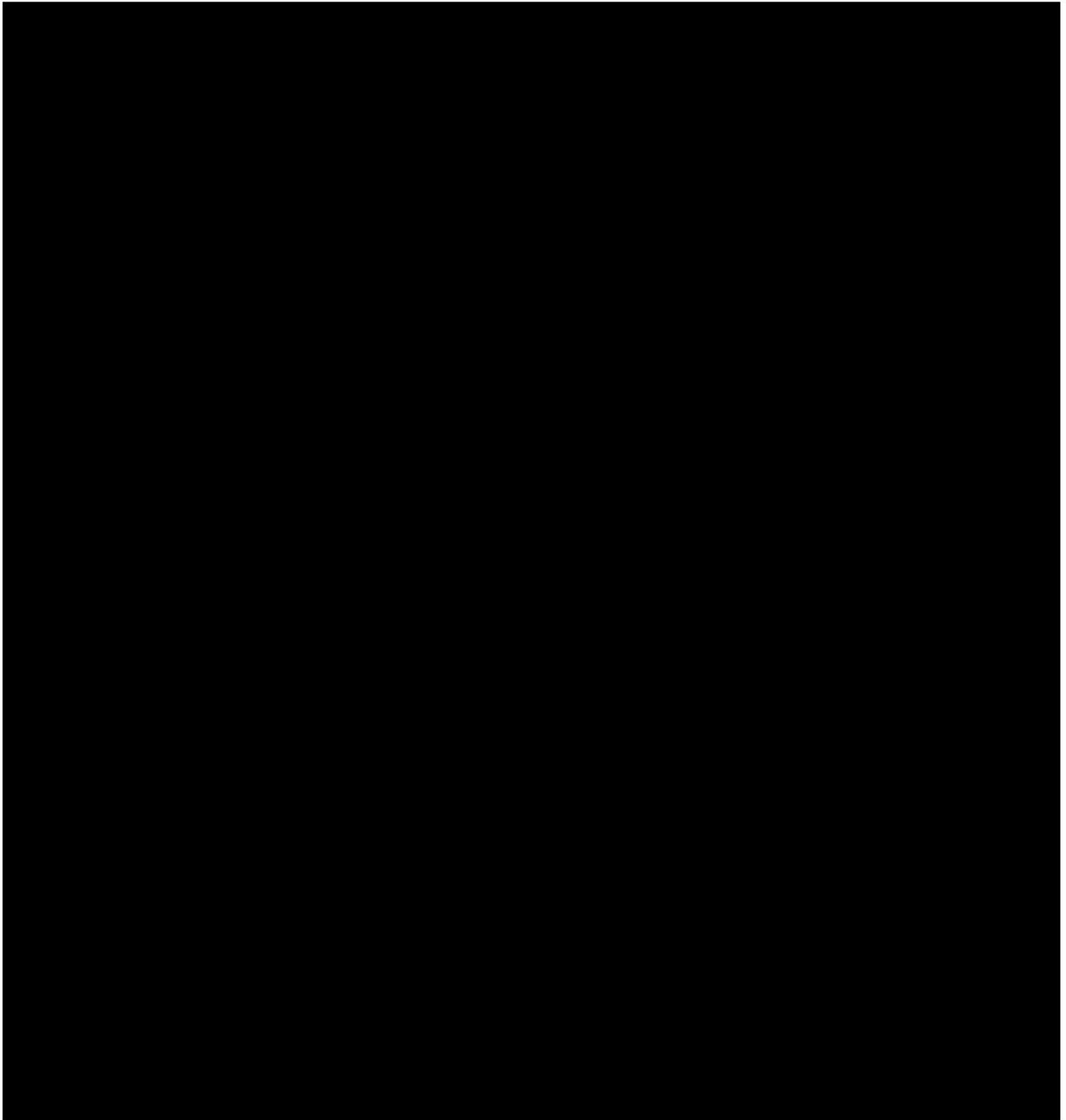
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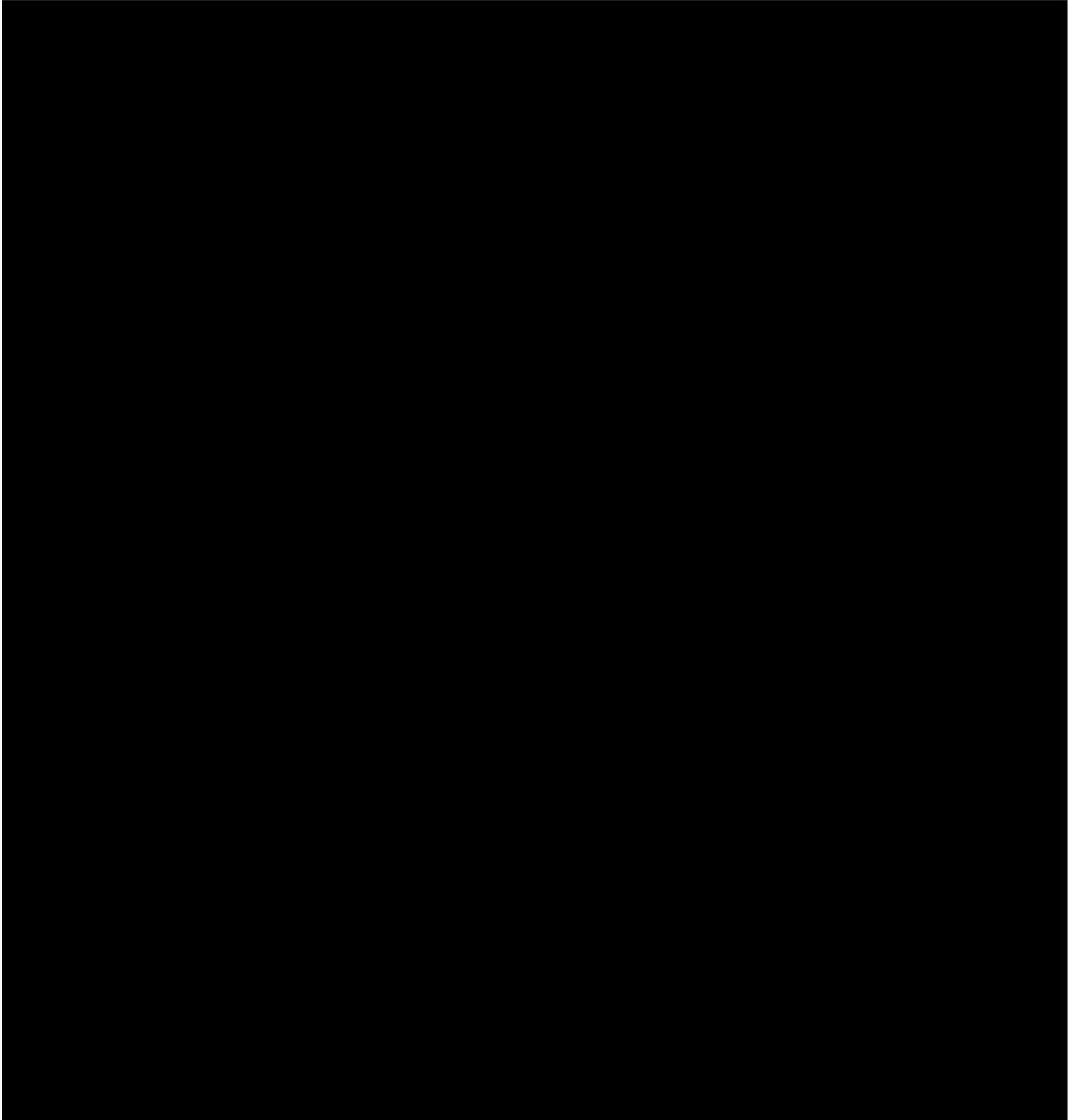
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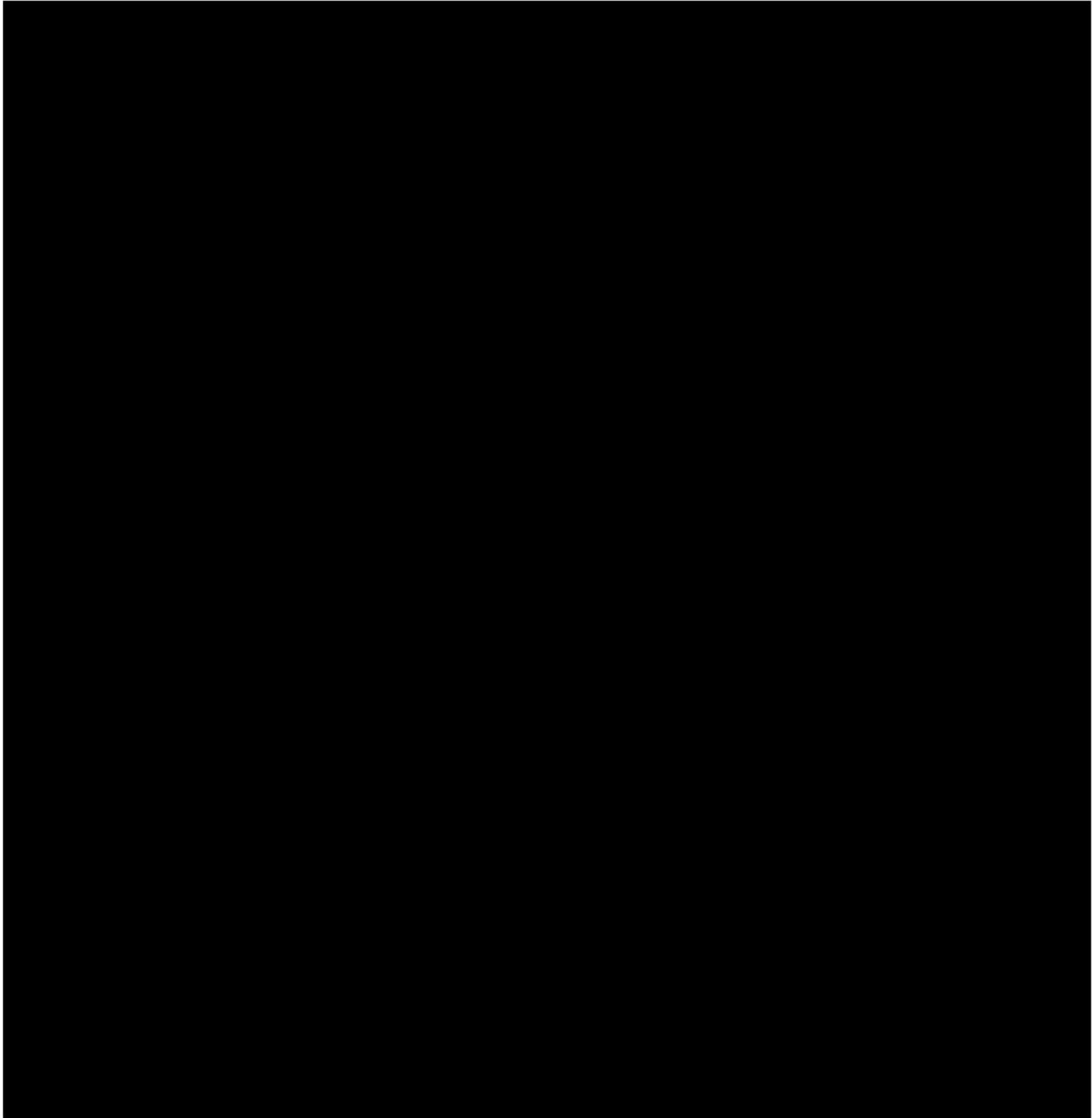
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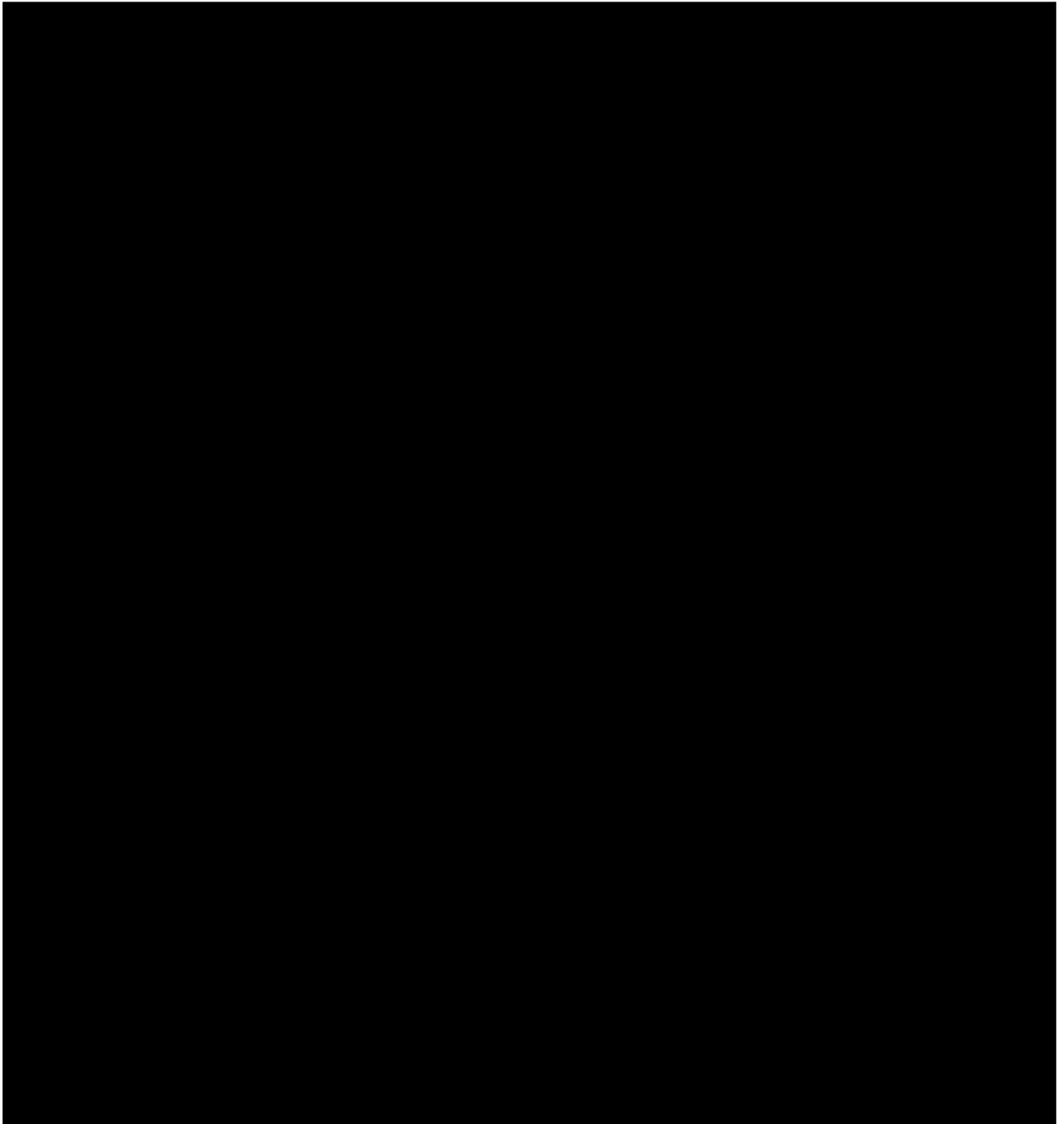
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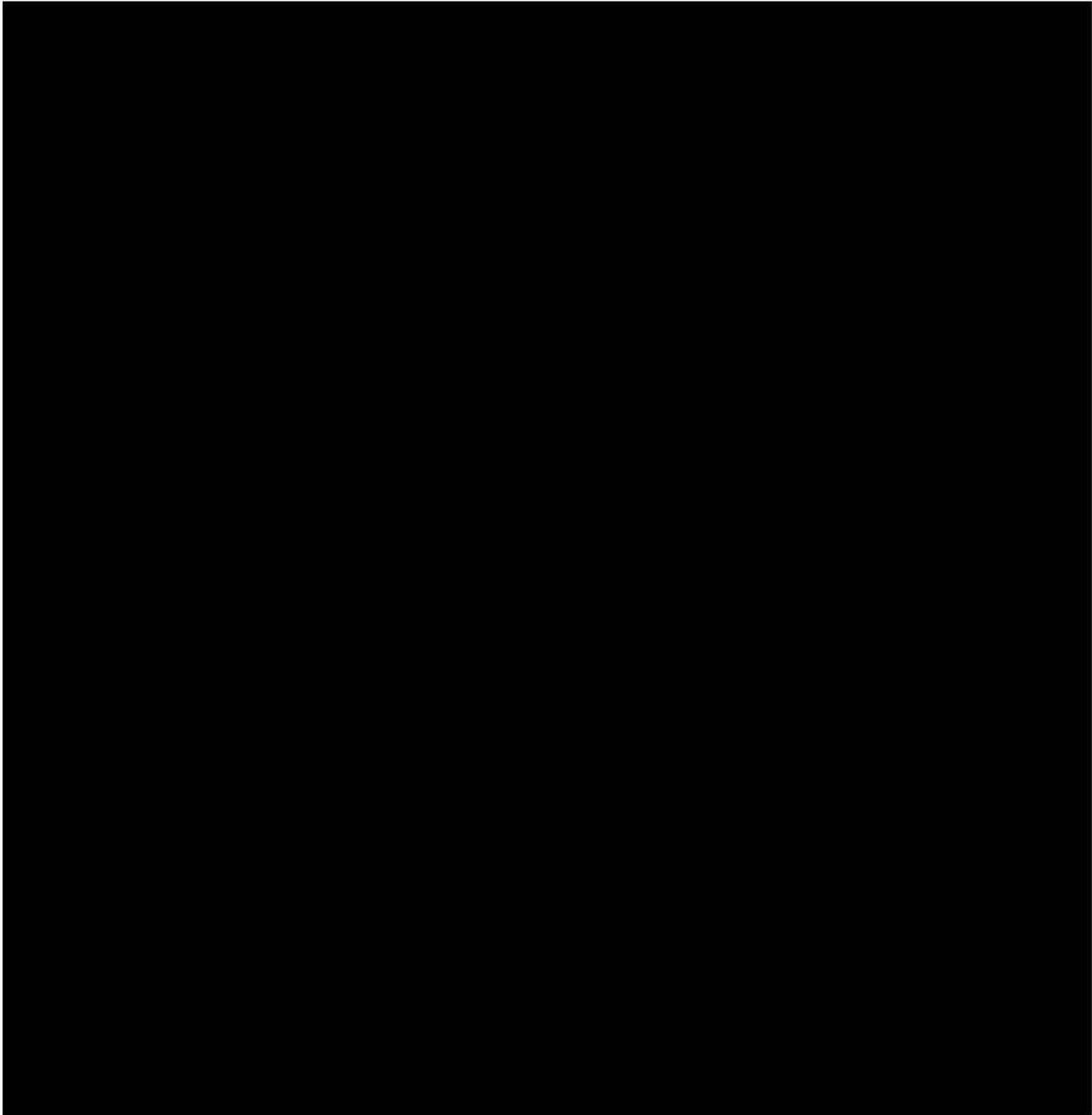
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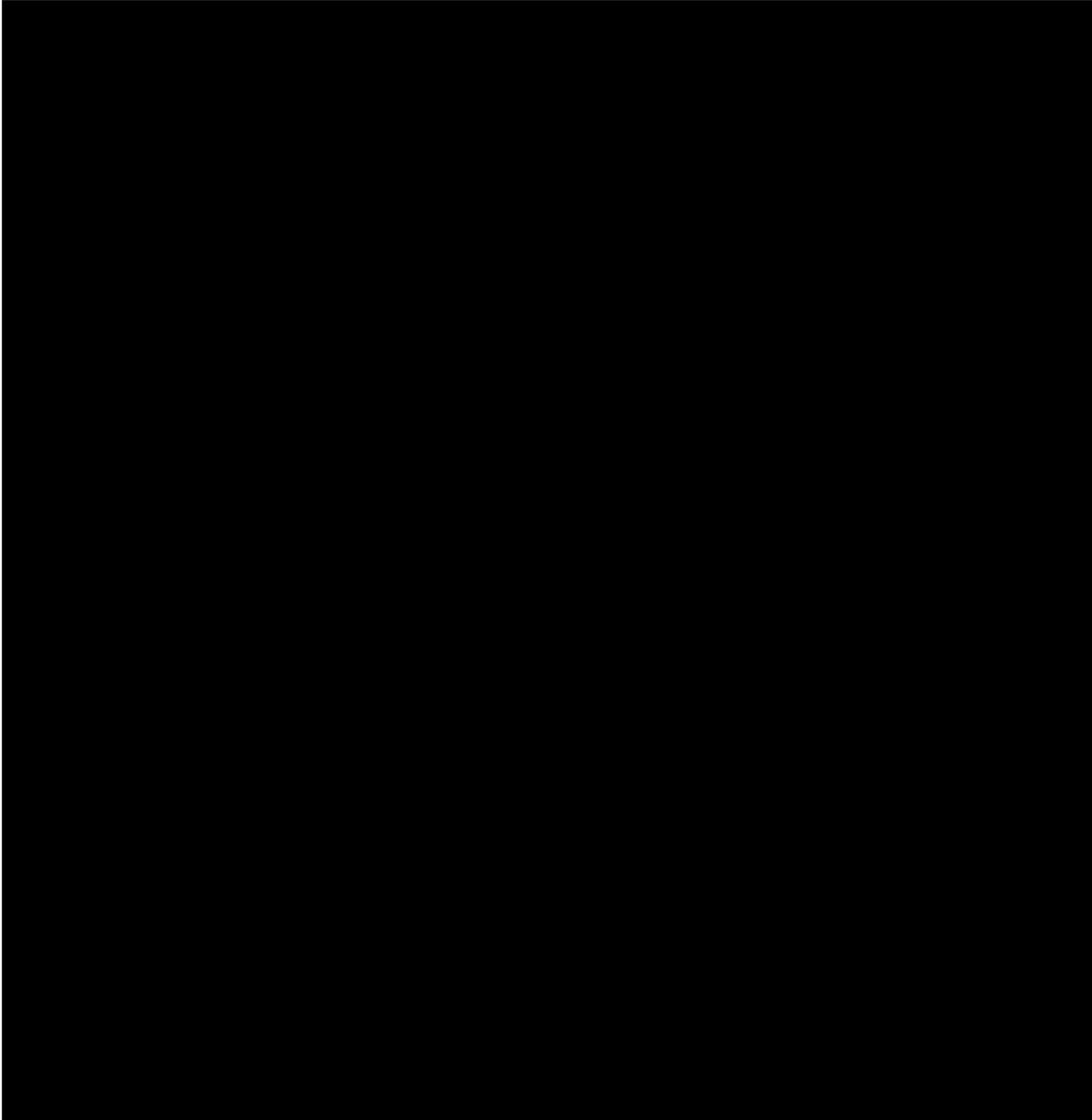
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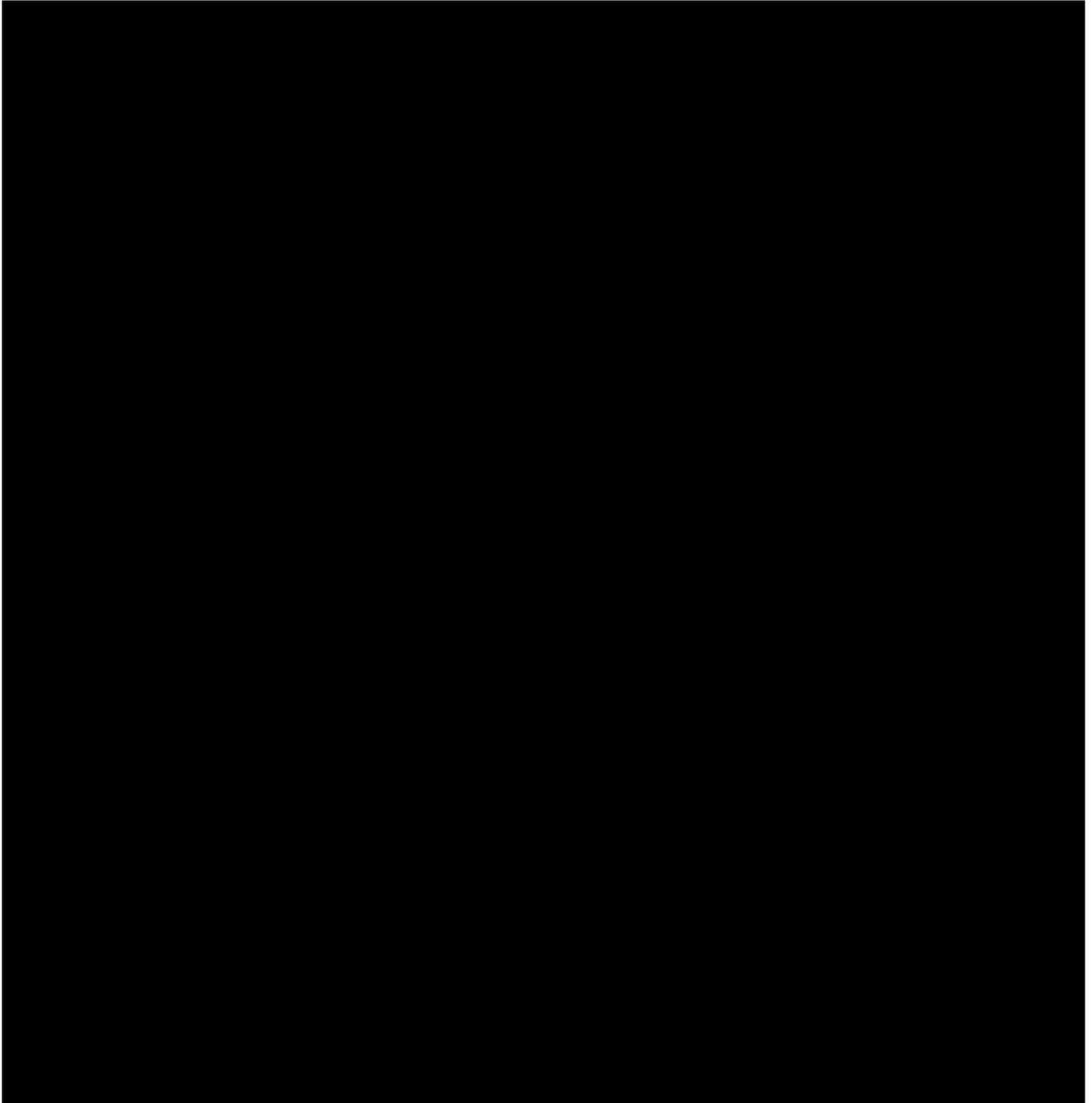
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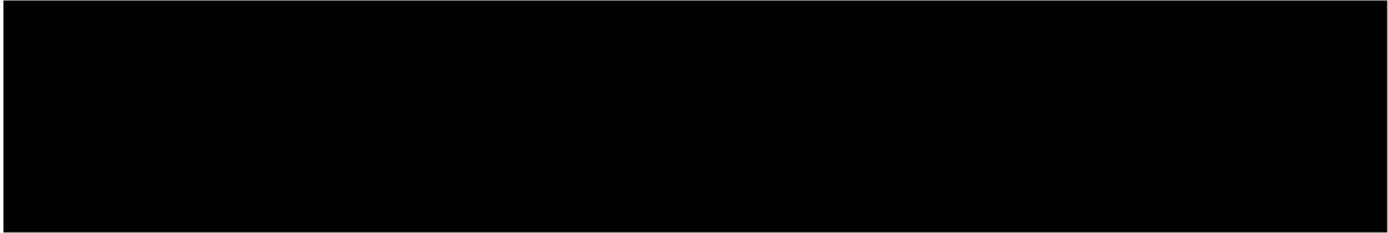
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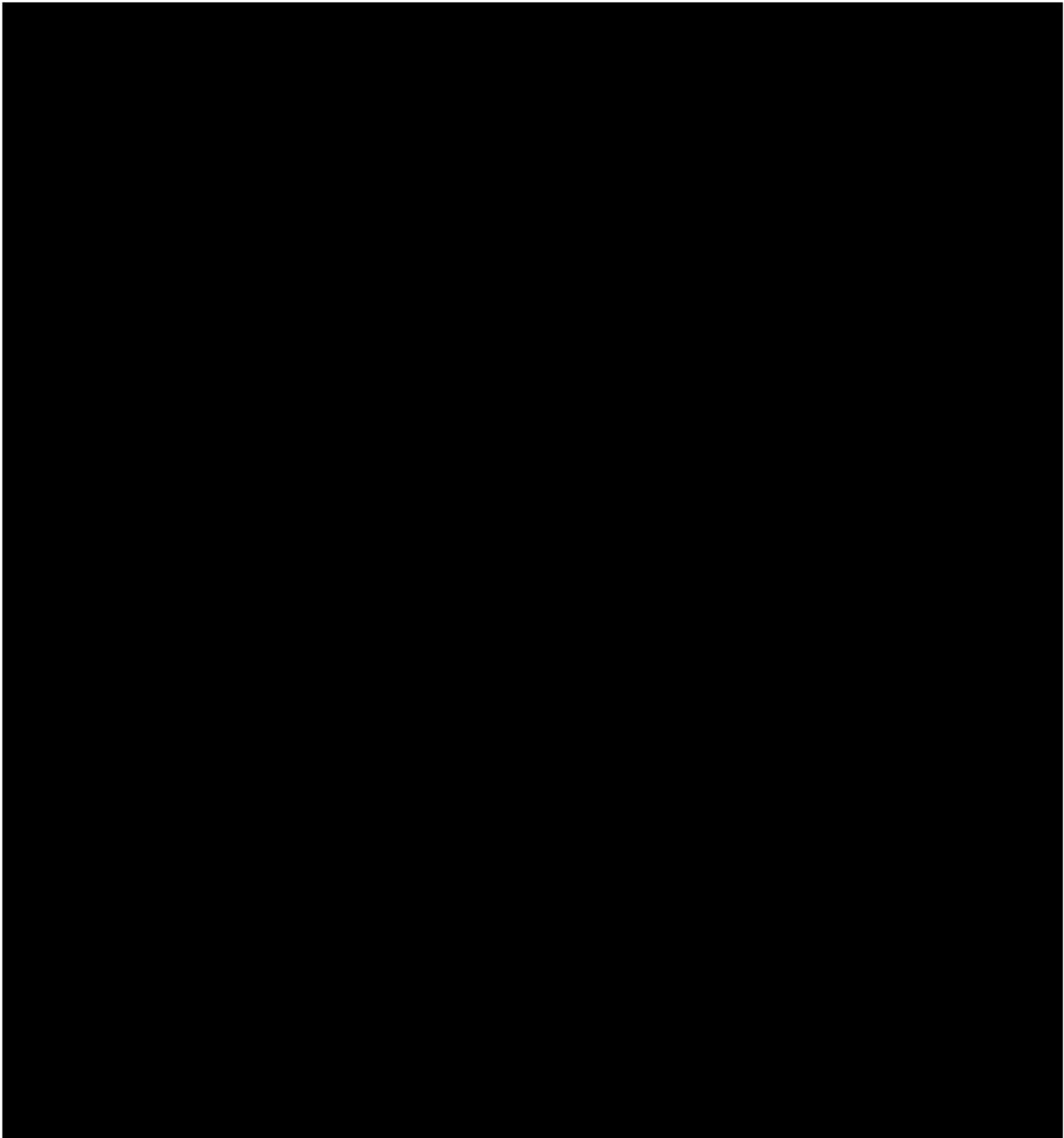
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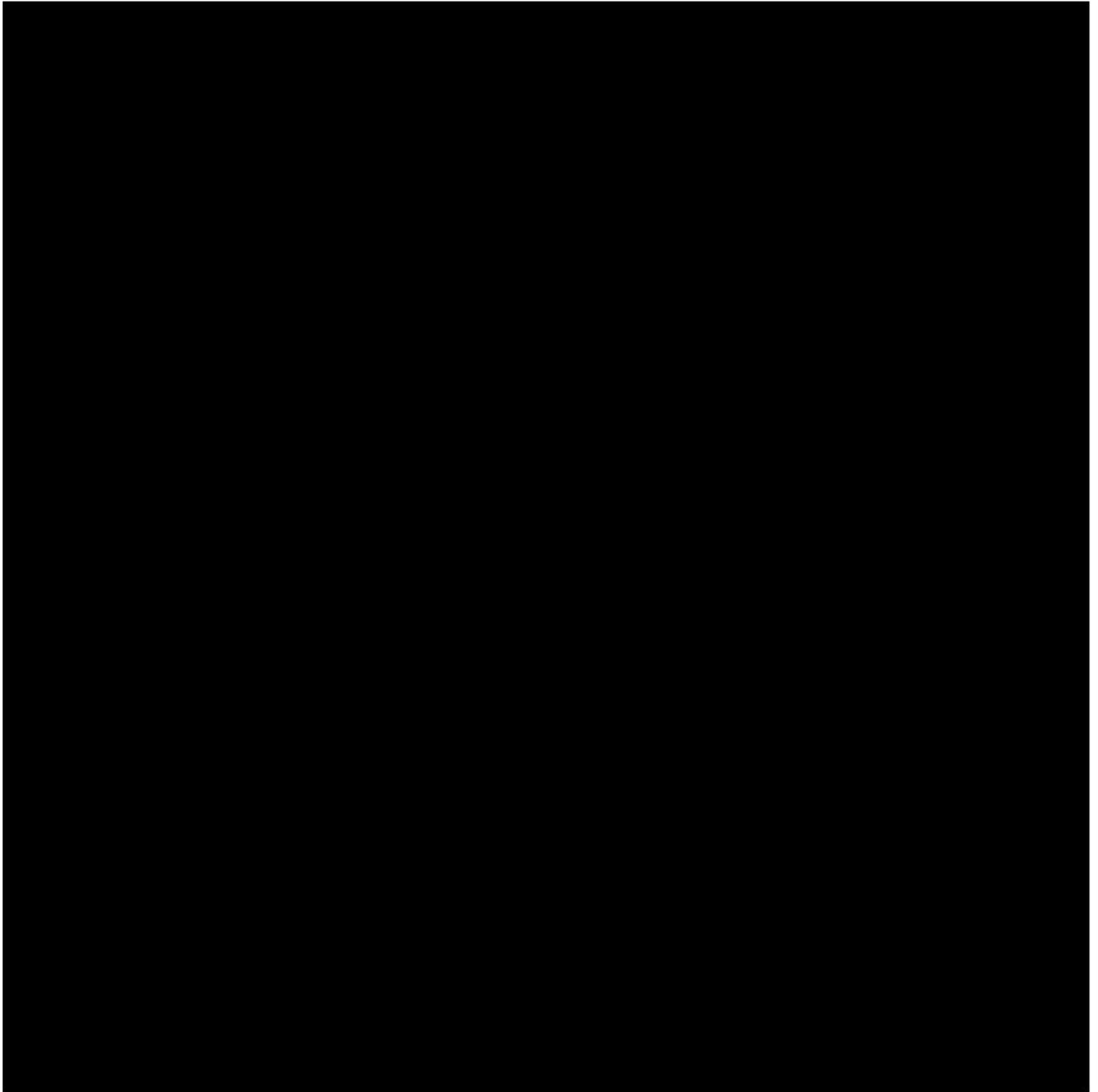
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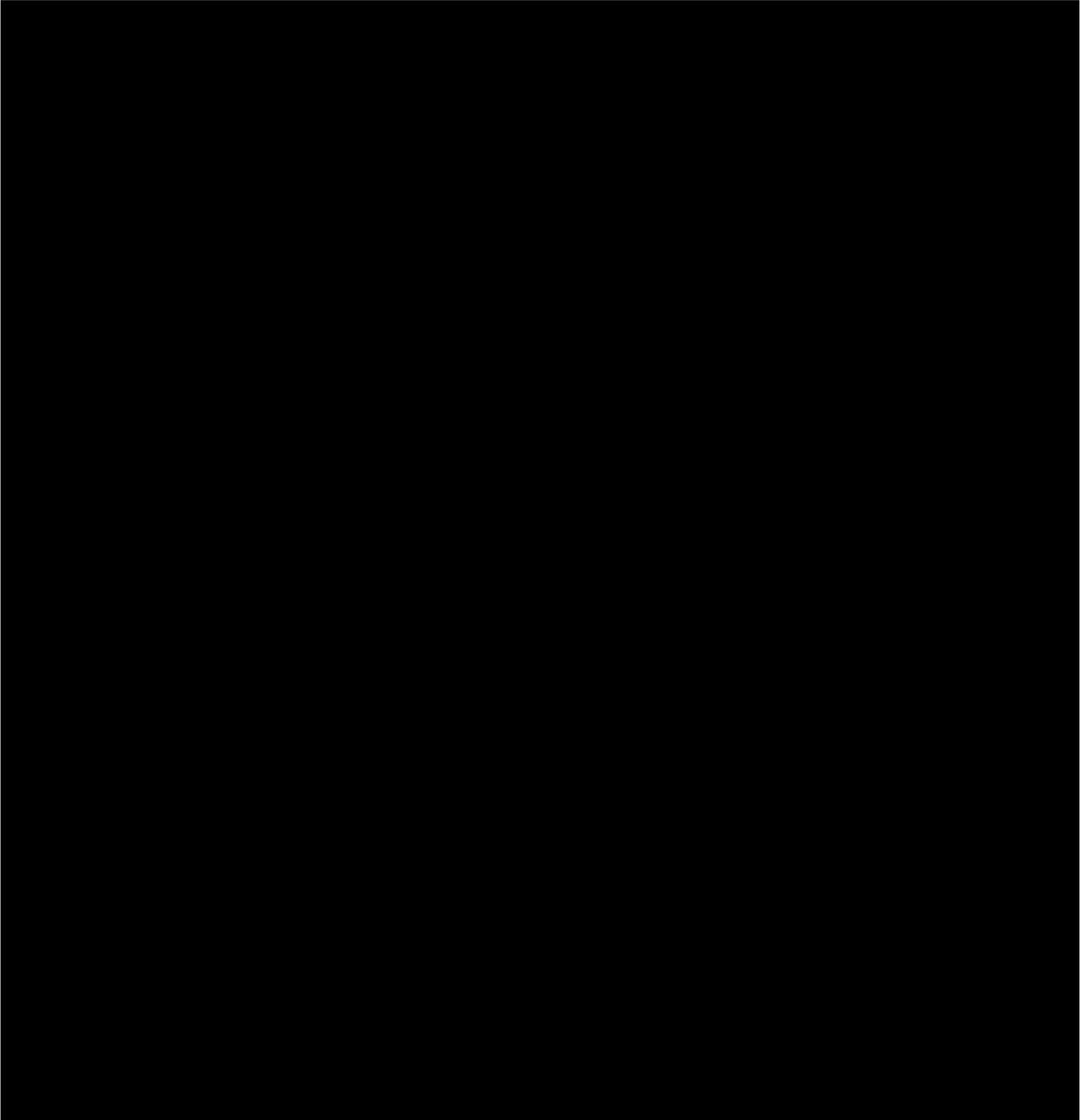
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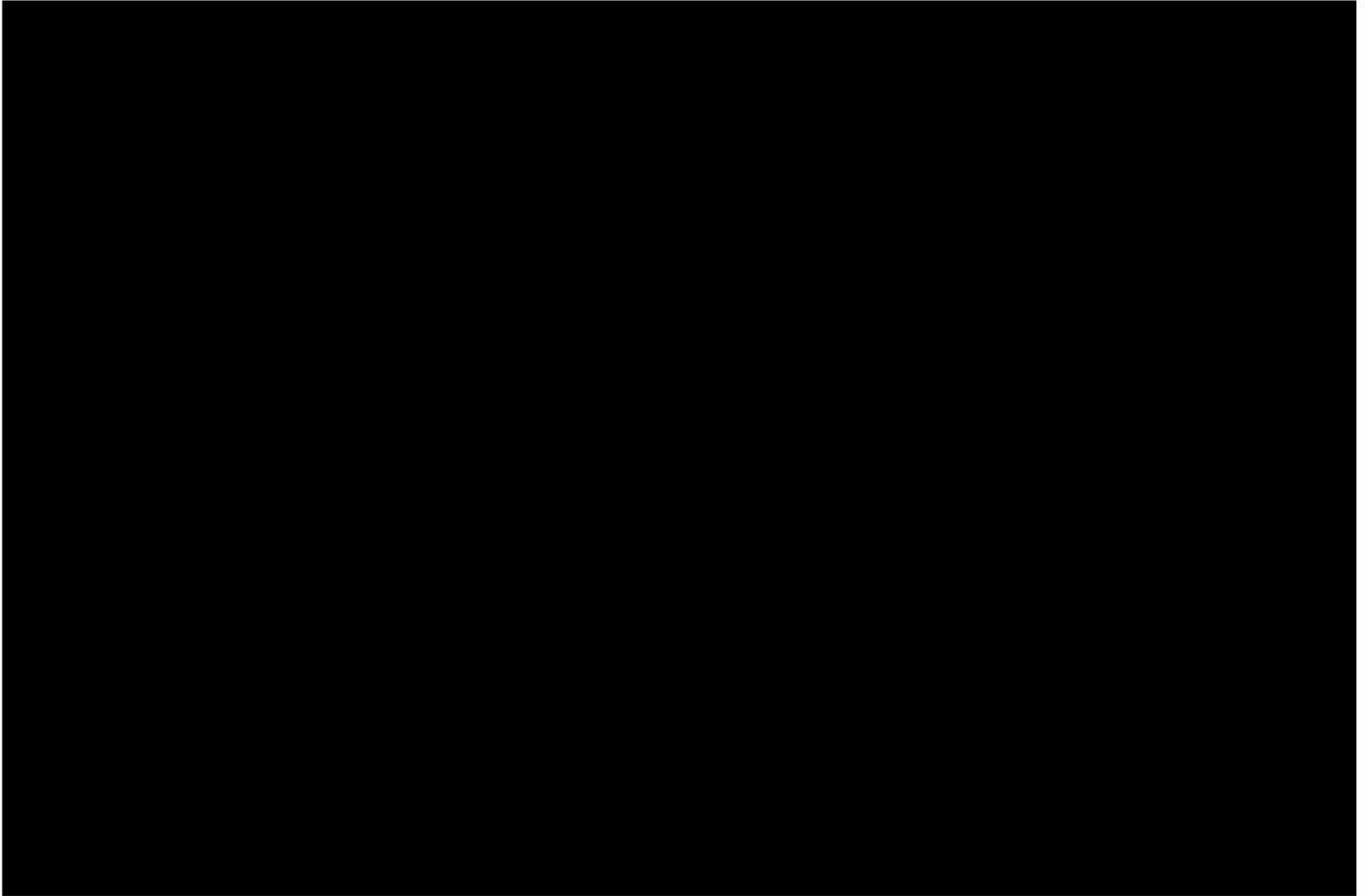
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8. PROCEDURE – SUSTAINED

Officer Matthew Kobylarz participated in behavior that is discriminatory, harassing, or retaliatory.

Officer Kobylarz told me he obtained the cutout of Rick Ross, decorated it, with the assistance of Officer Castillo, and placed it in the lineup room with the intent of generating additional overtime participation.

██████████ first went into the lineup room at Southeastern Division sometime after 1st lineup had concluded on Monday, January 13, 2020. He had been at AOT the previous so he told me he was unsure if “there was some sort of significance” to it so he went and asked ██████████ if he had been in lineup. ██████████ said he usually doesn't attend lineup so he had not seen the cutout previously.

Later that morning, ██████████ was at Southeastern Division on a radio call and she conversed with ██████████ and ██████████. They told her about the cutout and she proceeded to view it herself in the lineup room. ██████████ had already taken a photograph and ██████████ requested that he send it to her.

██████████ forwarded the photograph on to ██████████ at ██████████

Based on my interviews with each individual I learned that ██████████ was offended by the display involving the cardboard cutout. He told me it came off “as extremely racist.” He said the image is a “black dude that looks like he is off the streets.”

██████████ told me he was offended by the display because he “thought it was racist.” When I asked him to be specific he said, “You know. You are in Southeast. I have overheard comments before. Racist things. If people knew that I was around...then when they realize I'm there, they kind of change the tone or walk away. So I know the mentality of some people there.” He also said the display was “very poor taste.”

██████████ told me she thought, “Yeah. I think all the black people were offended by this. This is a negative depiction of a black male regardless if he is a rapper or not. That is something that is derogatory. He could have put a police officer up there eating a donut saying, ‘Come get your money so you can buy more donuts,’ or something. But why a black male? And there are like, how many black officers there?”

██████████ told me he was offended by the display because it was, “suggestive of the stereotypical African American male. #1, the image of the male that's shown...obviously it's not a police officer and it's suggesting, to me, the writing above it says, ‘Uh,’ like he's dumb. Then it says, ‘Everyday I'm hustling.’ ‘Hustlin,’ how? Are you drug dealing? Then you have the stereotypical African American male with gold chains around his neck with sagging shorts. The shorts are sagging off his butt. Gold rings and a

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gold bracelet. Not only that, it's the overtime. To me it suggests that you can come work overtime and stop these kinds of people...the people that we are showing here. Then there is a San Diego PD hat or image that he is wearing. The whole thing is just derogatory. You have sagging pants, an African American male saying you can come work some overtime stopping these guys. Then it suggested in the writing on the white board saying, "Uh," like he is a dummy. "Everyday I'm hustling." "Hustlin'," is a derogatory term in and of itself. If you are "hustling" you're doing something illegal. Then it suggests, "You can to...come work some overtime," or sign up for OT.

██████████ further explained why he felt the image was derogatory towards African-American males due to the clothing style, jewelry, and verbiage in the text bubble. ██████████ expounded on his belief it was racist by saying the male looked like a, "black dude that looks like he is off the streets." ██████████ only said it was offensive because of the race of the person in the image. She said that due to the culture in Southeastern Division, it was offensive to use that depiction of an African-American. ██████████ stated he considered the display racist as well. ██████████ further made his beliefs know by writing, "this is racist," on the grease board behind the image.

D.P. 5.03, VII. Includes Procedural Responsibilities for officers and supervisors. Section A. states the following:

- A. Employee responsibility - the following suggestions are intended to aid all employees in establishing and maintaining a professional and healthy working environment, while preventing discrimination, which includes harassment of any form:
1. Employees must set an example of acceptable conduct by not participating in or provoking behavior that is discriminatory, harassing, or retaliatory;
 2. Make it absolutely clear you are not interested in uninvited sexual advances, and find discriminatory behavior offensive;
 3. Warn the offender the particular behavior is offensive and unwelcome. Be specific in advising that person what conduct is offensive and unwelcome. Make it clear you will take official action if the conduct continues;
 4. If the discriminatory or harassing behavior continues, notify any supervisor immediately; and,
 5. Maintain confidentiality when participating in an investigation as a witness, subject, or complainant.

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Behavior that could be considered discriminator, harassing, or retaliatory, is defined in D.P. 5.03, VI., E., 2., which states the following:

Racial discrimination can create an offensive and hostile environment. The following are examples of racial discrimination or harassment. The following are examples of behavior that constitutes racial discrimination or harassment as defined by this policy:

- a. Verbal harassment – racial innuendo, racially suggestive comments, jokes, and teasing of a racial nature.
- b. Visual harassment – racially suggestive or derogatory posters, videos, cartoons, drawings, documents, writing, electronic mail, or texting.

Four Department members were offended by the racially derogatory nature of the display. The impact of the display was clearly demonstrated in the statements of the offended Department members. The impact on the offended party versus the intent of the individual who created the display is addressed in D.P. 5.03, VI., C., which states the following:

G. Impact vs. Intent

1. Whether or not harassment occurred depends not on whether the act was intended to cause harm, but the impact of the act on the individual's employment or work environment. For example, a person who teases in a sexual or racial manner, or tells sexual or racial jokes, may create an offensive work environment for another worker even though the person intended such action merely to be "good fun." This applies to the field, as well as office positions. If one's behavior is harassing to an individual or a group of individuals, it will not suffice that the harasser failed to recognize the behavior as harassing.
2. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

The impact of the act of placing the display in a Police facility affected those who demonstrated they were offended. While Officer Kobylarz may not have intended to offend anyone, because it was received that way, it is considered visual harassment per D.P. 5.03, VI., E., 2.

Officer Kobylarz participated in harassing behavior in violation of our EEO procedure.

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For the above reasons, Officer Kobylarz is found **SUSTAINED** for the violation of D.P. 5.03, VII., A., 1., *Employees must set an example of acceptable conduct by not participating in or provoking behavior that is discriminatory, harassing, or retaliatory.*

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9. PROCEDURE – SUSTAINED

Officer Isai Castillo participated in behavior that is discriminatory, harassing, or retaliatory.

Officer Kobylarz told me he obtained the cutout of Rick Ross, decorated it, with the assistance of Officer Castillo, and placed it in the lineup room with the intent of generating additional overtime participation.

██████████ first went into the lineup room at Southeastern Division sometime after 1st lineup had concluded on Monday, January 13, 2020. He had been at AOT the previous week so he told me he was unsure if “there was some sort of significance” to the display so he went and asked ██████████ if he had been in lineup. ██████████ said he usually doesn't attend lineup so he had not seen the cutout previously.

Later that morning, ██████████ was at Southeastern Division on a radio call and she conversed with ██████████ and ██████████. They told her about the cutout and she proceeded to view it herself in the lineup room. ██████████ had already taken a photograph and ██████████ requested that he send it to her.

██████████ then forwarded the photograph to ██████████ at ██████████

Based on my interviews with each individual, I learned that ██████████ was offended by the display involving the cardboard cutout. He told me it came off “as extremely racist.” He said the image is a “black dude that looks like he is off the streets.”

██████████ told me he was offended by the display because he “thought it was racist.” When I asked him to be specific he said, “You know. You are in Southeast. I have overheard comments before. Racist things. If people knew that I was around...then when they realize I'm there, they kind of change the tone or walk away. So I know the mentality of some people there.” He also said the display was “very poor taste.” ██████████ expressed this feeling by writing, “this is racist,” on the grease board behind the image.

██████████ told me she thought, “Yeah. I think all the black people were offended by this. This is a negative depiction of a black male regardless if he is a rapper or not. That is something that is derogatory. He could have put a police officer up there eating a donut saying, ‘Come get your money so you can buy more donuts,’ or something. But why a black male? And there are like, how many black officers there?”

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with gold chains around his neck with sagging shorts. The shorts are sagging off his butt. Gold rings and a gold bracelet. Not only that, it's the overtime. To me it suggests that you can come work overtime and stop these kinds of people...the people that we are showing here. Then there is a San Diego PD hat or image that he is wearing. The whole thing is just derogatory. You have sagging pants, an African American male saying you can come work some overtime stopping these guys. Then it suggested in the writing on the white board saying, "Uh," like he is a dummy. "Everyday I'm hustling." "Hustlin'," is a derogatory term in and of itself. If you are "hustling" you're doing something illegal. Then it suggests, "You can to...come work some overtime," or sign up for OT.

██████████ further explained why he felt the image was derogatory towards African-American males due to the clothing style, jewelry, and verbiage in the text bubble. ██████████ expounded on his belief it was racist by saying the male looked like a, "black dude that looks like he is off the streets." ██████████ only said it was offensive because of the race of the person in the image. She said that due to the culture in Southeastern Division, it was offensive to use that depiction of an African-American. ██████████ stated he considered the display racist as well. ██████████ further made his beliefs know by writing, "this is racist," on the grease board behind the image.

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 - 2. Make it absolutely clear you are not interested in uninvited sexual advances, and find discriminatory behavior offensive;
 - 3. Warn the offender the particular behavior is offensive and unwelcome. Be specific in advising that person what conduct is offensive and unwelcome. Make it clear you will take official action if the conduct continues;
 - 4. If the discriminatory or harassing behavior continues, notify any supervisor immediately; and,
 - 5. Maintain confidentiality when participating in an investigation as a witness, subject, or complainant.

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Four Department members were offended by the racially derogatory nature of the display. The impact of the display was clearly demonstrated in the statements of the offended Department members. The impact on the offended party versus the intent of the individual who created the display is addressed in D.P. 5.03, VI., C., which states the following:

H. Impact vs. Intent

3. Whether or not harassment occurred depends not on whether the act was intended to cause harm, but the impact of the act on the individual's employment or work environment. For example, a person who teases in a sexual or racial manner, or tells sexual or racial jokes, may create an offensive work environment for another worker even though the person intended such action merely to be "good fun." This applies to the field, as well as office positions. If one's behavior is harassing to an individual or a group of individuals, it will not suffice that the harasser failed to recognize the behavior as harassing.
4. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

The impact of the act of placing the display in a Police facility affected those who demonstrated they were offended. While Officer Castillo may not have intended to offend anyone, because it was received that way, it is considered visual harassment per D.P. 5.03, VI., E., 2.

Officer Castillo participated in harassing behavior in violation of our EEO procedure.

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For the above reasons, Officer Castillo is found **SUSTAINED** for the violation of D.P. 5.03, VII., B., 1., *Employees must set an example of acceptable conduct by not participating in or provoking behavior that is discriminatory, harassing, or retaliatory..*

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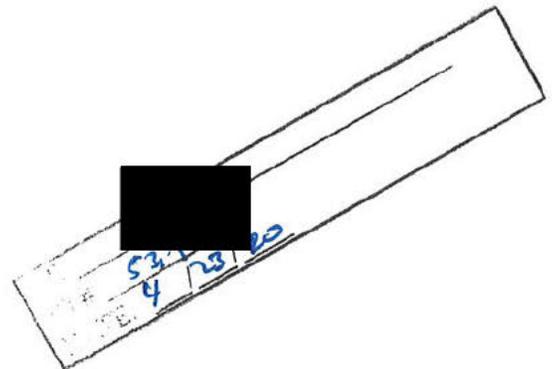
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DOCUMENTATION:

The results of this investigation are based on the following items:

1. CAD Printout [REDACTED]
2. Equal Employment Opportunity Control Form 2020-003
3. Photograph from [REDACTED]
4. Photographs of lineup room and close up of cutout
5. Audio Interviews

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Approved by: Stephen Shebloski, Lieutenant Date of Report: April 22, 2020



EVENT INFORMATION -

01/11/20

Event Type	Event ID	Priority	Status	Source	DGroup	Case Numbers	Disposition Code	Terminal	Dup No.	Calltaker ID
[Redacted]										

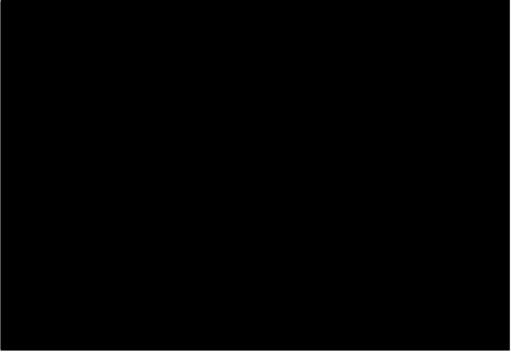
AGENCY INFORMATION

Agency	Priority	DGroup	ESZ	Area	Added	Dispatched	Arrived	Closed	Close ID	Close Terminal	Event ID	Primary Unit	Situation	Comments
SDPD	1	[Redacted]												

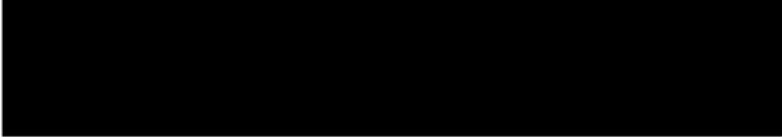
REMARKS

Common Agency Specific

LOCATION INFORMATION



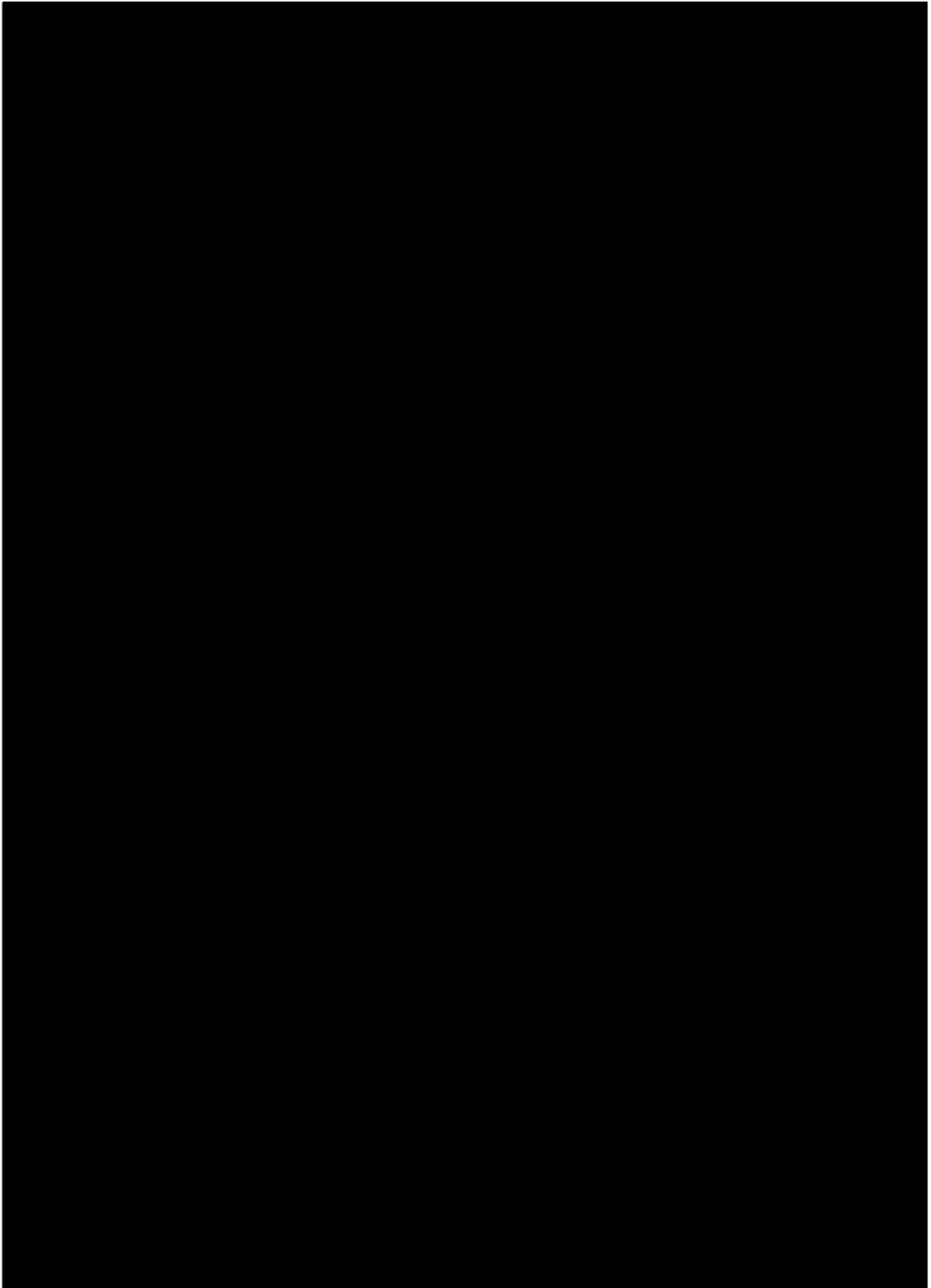
CALLER INFORMATION

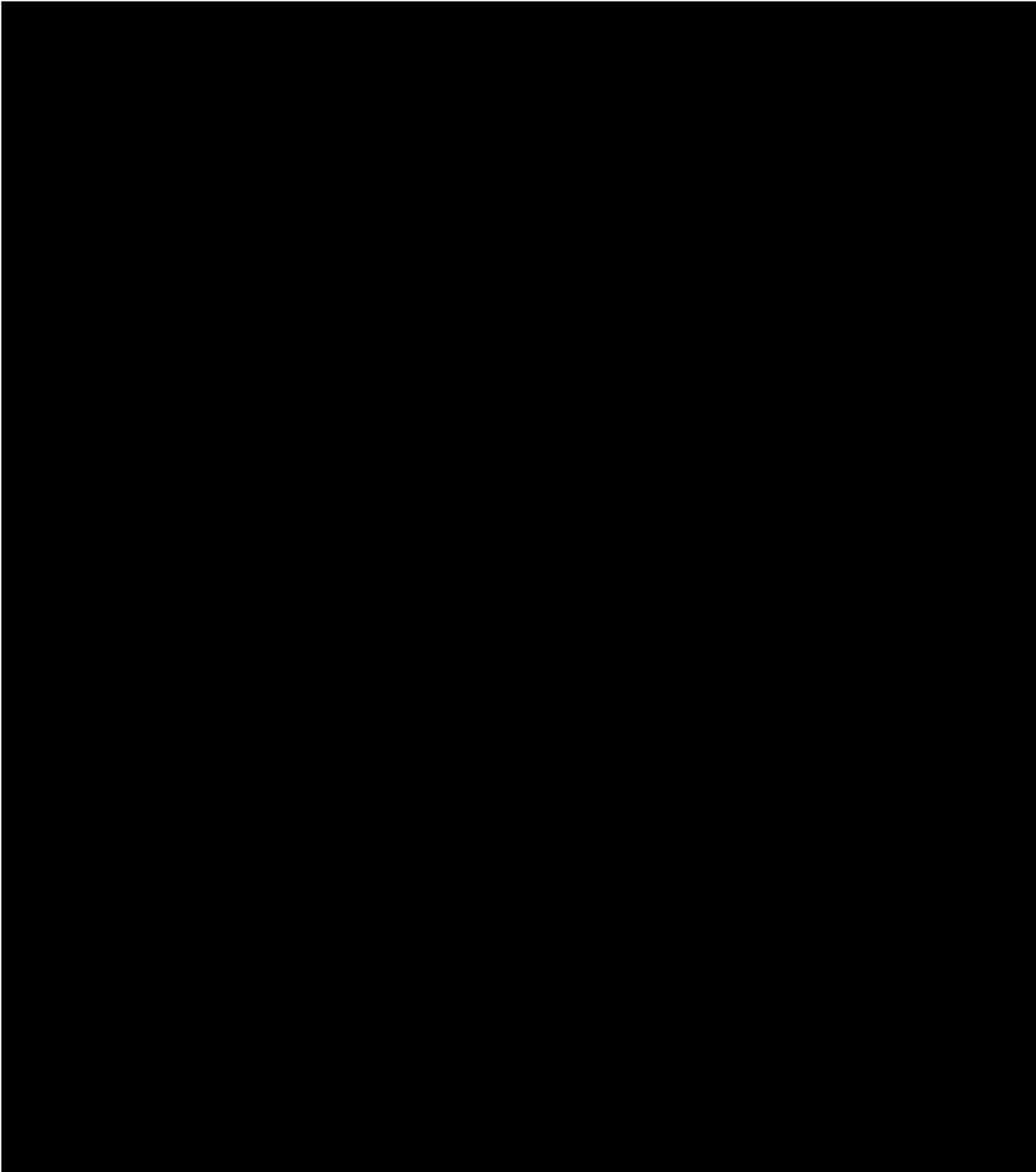


SUPPLEMENTAL INFORMATION

Person 0
Vehicle 0
Property 0
Contact Name 0
Incident Times 0







I/NetViewer

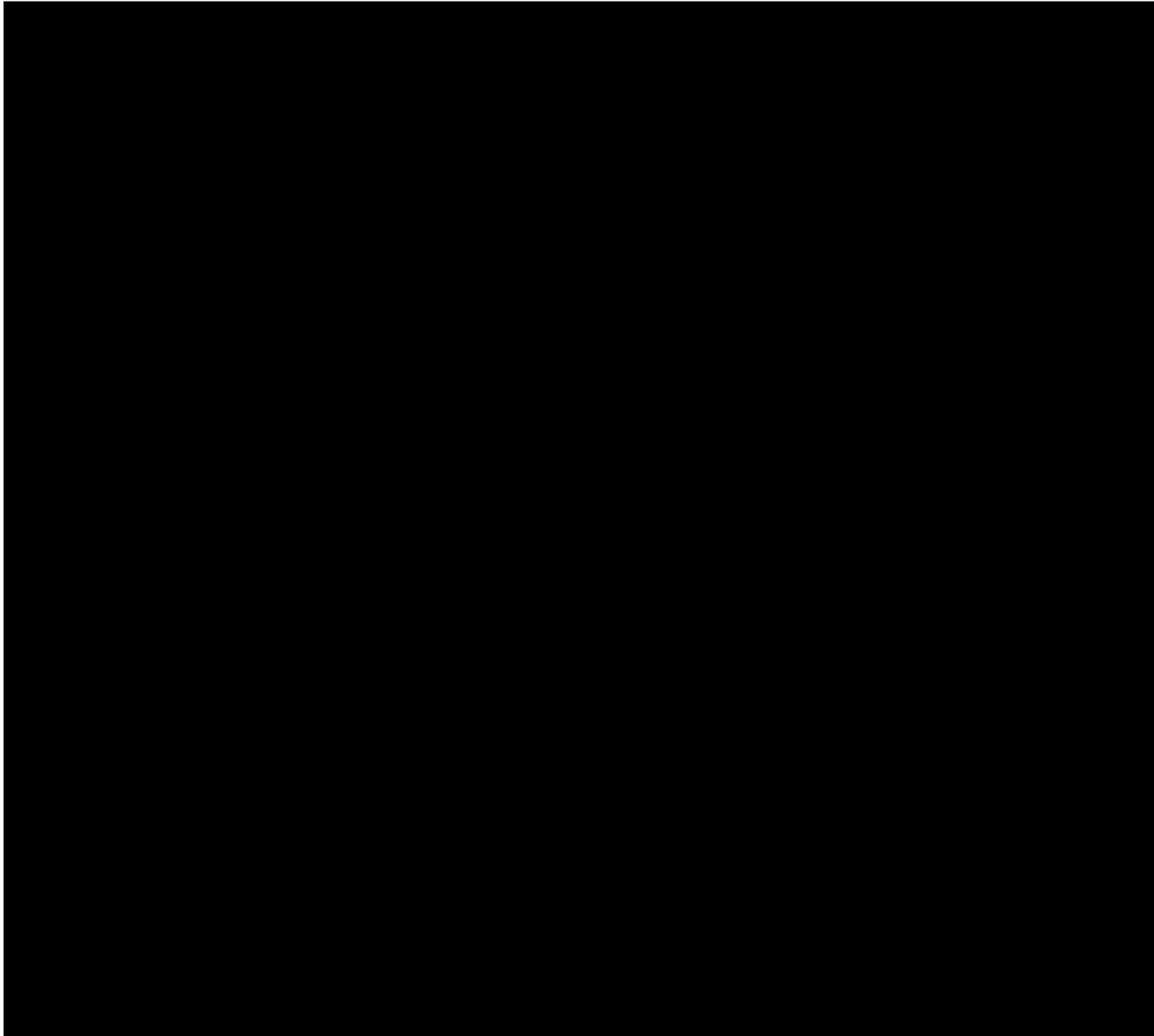
Search: **GO >**

 [Logoff](#) | [Help](#) |

[Main](#) [Events](#) [Units](#) [Messages](#) [Lineups](#) [Inquiry](#) [Configure](#)



Overview	Chronology	Event Unit	View Map	Event Details	Event Calls (1)
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I/NetViewer

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 Logoff | Help |

Main

Events

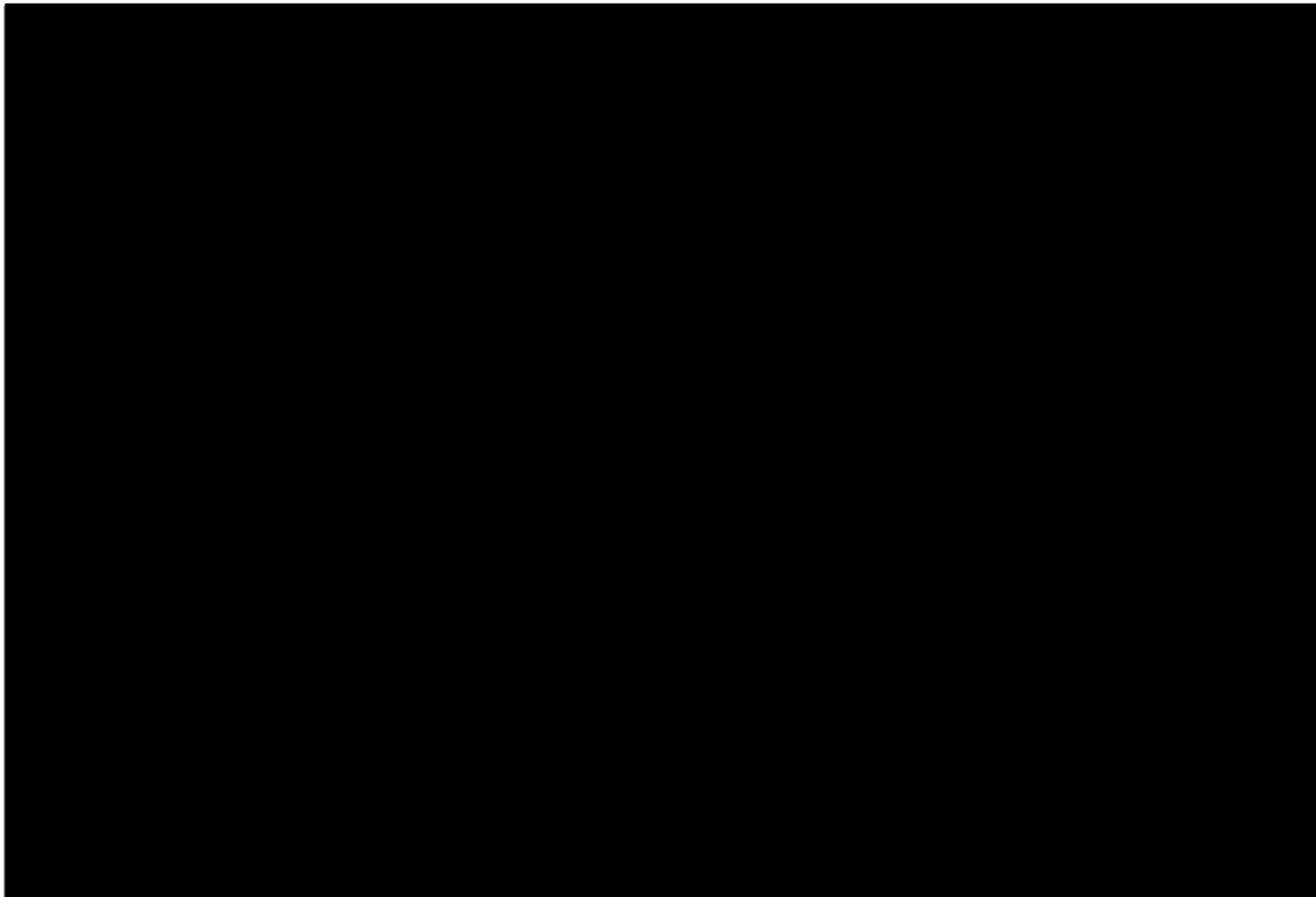
Units

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I/NetViewer

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 logoff | Help |

Main

Events

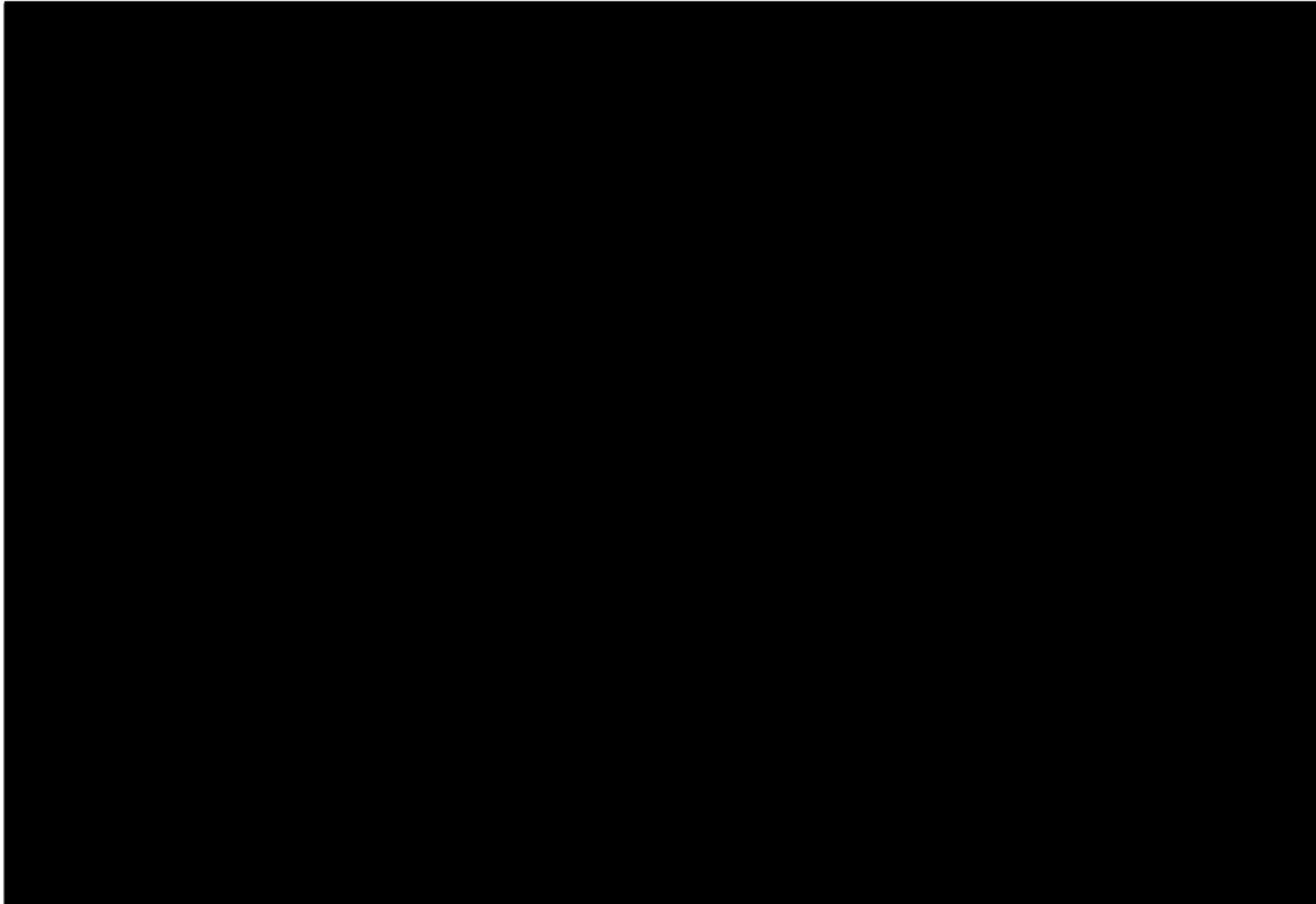
Units

Messages

Lineups

Inquiry

Configure





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20 MAY 15 AM 8:27
INTERNAL AFFAIRS

M E M O R A N D U M

DATE: April 23, 2020
TO: Brent Williams, Captain, Northwestern Division
FROM: Albert Guaderrama, Executive Assistant Chief of Police
Via Mike Holden, Captain, Internal Affairs
SUBJECT: Completed EEO Investigation

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

IA INDEX FILE NUMBER: 2020-003
SUBJECT OFFICER: KOBYLARZ, Matthew W., Police Officer II, ID #7589
NATURE OF COMPLAINT: 2. Conduct 8. Procedure
DISPOSITION: 2. Sustained 8. Sustained

Discipline or Notice of Adverse Action must be served by: January 13, 2021

The investigation of the above EEO complaint has been completed and is attached for your review. Commanding Officers will review the investigation with the subject employee and return the signed package to Internal Affairs within 30 days.

If the employee does not agree with the disposition/findings of this investigation, he/she may file a written rebuttal within 30 days of the date the employee signed below. The rebuttal will be filed with the investigation in Internal Affairs, see D.P. 1.10, VII, E.

Mark the box if the subject employee retained the attached investigation.

I have read the Internal Affairs investigation reference the above complaint.

Employee [Redacted] Date 5-14-20 Commanding Officer [Redacted] 4973 ARA



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INTERNAL AFFAIRS

MEMORANDUM

DATE: April 23, 2020
TO: Jerry Hara, Captain, Southeastern Division
FROM: Albert Guaderrama, Executive Assistant Chief of Police
Via Mike Holden, Captain, Internal Affairs
SUBJECT: Completed EEO Investigation

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

IA INDEX FILE NUMBER: 2020-003
SUBJECT OFFICER: CASTILLO, Isai, Police Officer I, ID # 7875
NATURE OF COMPLAINT: 3. Conduct 9. Procedure
DISPOSITION: 3. Sustained 9. Sustained

Discipline or Notice of Adverse Action must be served by: January 13, 2021

The investigation of the above EEO complaint has been completed and is attached for your review. Commanding Officers will review the investigation with the subject employee and return the signed package to Internal Affairs within 30 days.

If the employee does not agree with the disposition/findings of this investigation, he/she may file a written rebuttal within 30 days of the date the employee signed below. The rebuttal will be filed with the investigation in Internal Affairs, see D.P. 1.10, VII, E.

Mark the box if the subject employee retained the attached investigation.

I have read the Internal Affairs investigation reference the above complaint.

Employee  5-14-20

Comm Office  4973
ARG