PIMA COUNTY SHERIFF'S DEPARTMENT

Chris Nanos, Sheriff

1750 East Benson Highway, Tucson, Arizona 85714-1758

Phone: (520) 351-4600 ● Fax: (520) 351-4622 ● www.pimasheriff.org

May 30, 2025

Honorable Chair Rex Scott and
Members of the Pima County Board of Supervisors
33 N. Stone Avenue, 11th Floor
Tucson, AZ 85701

Dear Chair Scott and Members, Pima County Board of Supervisors:

I am in receipt of your request for a summary of the internal investigation conducted to address a complaint made by Deputy [redacted] This investigation was documented under Internal Affairs Case IA 23-031.

I understand that your request is in response to an email message you received from Sergeant Aaron Cross on Pima County Deputy's Organization letterhead. That message refers to a previous review of the criminal investigation completed by the Arizona Attorney General's Office (AAGO) and encourages the Board to re-engage the AAGO to review the internal case.

I will not offer just a summary, but rather I have attached the internal investigative file in its entirety to include the written report and all transcripts of the interviews conducted. I believe in transparency and openness; however, we need to recognize criminal cases involve the priority and concern of human beings suffering from painful emotions and injuries resulting from the crimes they experience. These cases are not media tabloids to use for exploitative purposes.

In this case both the [redacted] complaint and the AAGO's concerns were addressed.

On March 12, 2025, the Disciplinary Panel, which consists of: Sheriff's Legal Advisor, Pima County Sheriff's Department (PCSD) Human Resources Division Captain and Lieutenant, a member of the Citizen's Advisory Review Board, PCSD EEO Coordinator, as well as the Sheriff's executive Command Team (Chiefs/Captains) convened to hear the facts of the investigation. Any employee who was a witness or direct focus to this case, regardless of rank, was recused from the panel.

It should be noted that the internal affairs complaint, although submitted by [redacted] was prepared by Sergeant Aaron Cross and civil attorneys. [redacted] explained that she had been drinking prior to the incident and has no independent recollection of those events.

[redacted] Complaints:

1. ***The alleged failure to take action to stop Ricky Garcia (defendant) from sexually assaulting Ms. [redacted] by Lieutenant Brett Bernstein.*** At the time of the investigation, Sergeant Christopher Aquino indicates in his statement, "Uh, whatever may have happened, happened already..." (Pages 5 and 6 – Investigative Report IA 23-031) Lt. Bernstein also states that the information he was given gave the impression that something had occurred and was no longer occurring. (Page 13 – Investigative Report IA 23-031)

   Disciplinary Panel finding: NOT SUSTAINED.

2. ***The alleged failure to take action to stop Ricky Garcia from sexually assaulting Ms.*** [redacted] ***by Captain Luis Cornidez.*** At the time of the investigation, Sergeant Christopher Aquino indicates in his statement, "Uh, whatever may have happened, happened already..." (Pages 5 and 6 – Investigative Report IA 23-031) Captain Cornidez states he was told no one was in present danger and states he was not present at the scene. (Page 11 – Investigative Report IA 23-031)

   Disciplinary Panel finding: NOT SUSTAINED.

3. ***The alleged failure to take action to stop Ricky Garcia from sexually assaulting Ms.*** [redacted] ***by Bureau Chief Joseph Cameron***. At the time of the investigation, Sergeant Christopher Aquino indicates in his statement, "Uh, whatever may have happened, happened already..." (Pages 5 and 6 – Investigative Report IA 23-031) Chief Joseph Cameron states he was not in [redacted] chain-of-command and only received notification from the Patrol chain-of-command because he was covering for Chief Dominguez. Chief Cameron states that [redacted] was out of the house and safe with patrol personnel long after the incident occurred. Chief Cameron's involvement was phone conversation of advisory only as he was never at the scene. (Page 14 – Investigative Report IA 23-031)

   Disciplinary Panel finding: UNFOUNDED.

4. ***All three failed to take action for over an hour while a sexual assault was occurring*** At the time of the investigation, Sergeant Christopher Aquino indicates in his statement, "Uh, whatever may have happened, happened already..." (Pages 5 and 6 – Investigative Report IA 23-031) Both Lt. Bernstein's and Capt. Cornidez' s accounts refute the claim of an 80-minute delay and expressed the belief that the assault had already occurred. (Pages 11 and 13 – Investigative Report IA 23-031) In addition, Capt. Cornidez and Chief Cameron's involvement were phone conversations of advisory only as neither were at the scene. Chief Cameron was not made aware of the incident until after [redacted] was out of the house and safe with patrol personnel. (Pages 11 and 14 – Investigative Report IA 23-031)

   Disciplinary Panel finding: NOT SUSTAINED/UNFOUNDED.

·AAGO concerns:

1. ***All members are required to take appropriate police action to aide a fellow officer.*** Please see Page 6 – Investigative Report IA 23-031 documenting that no evidence or belief existed that [redacted] was in present danger while officers were on the scene and that the incident had already occurred.

2. ***A member shall act in an official capacity whether on or off duty if an incident is observed which requires action and time is of the essence.*** Lt. Bernstein's explanation of his presence at the scene was in an official capacity. (Page 13 – Investigative Report IA 23-031)

3. ***Supplemental reports should be submitted when commissioned members participate in law enforcement activities requiring a case report to document their involvement in the***

incident. Lt. Bernstein was interviewed as a witness and was not required to author a supplemental report. (Page 13 – Investigative Report IA 23-031) Capt. Cornidez explains that information he received was that of an advisory because of his unit's involvement, and his actions did not reflect law enforcement activities in the criminal investigation and did not require a supplement. (Page 11 – Investigative Report IA 23-031) Chief Cameron did prepare a supplemental report addressing contact with the defendant via text messages.

4. ***All property and evidence shall be packaged and secured in an evidence locker or delivered to the Property and Evidence Unit prior to the end of shift.*** During the investigation there was a packaging error, and a correction was made by a detective. This error did not negatively impact the evidence presented in the criminal case and the detective received discipline for this error. (Page 15 – Investigative Report IA 23-031)

This office was privy to facts of the criminal investigation that were not made public in an effort to protect the integrity of the case. The Board and the AAGO were unfortunately unaware of these facts. I was not aloof to your concerns because I was aware of these facts that came out early in the criminal investigation and helped alleviate any urgency.

While internal concerns are of great importance, it is best to wait out the criminal process so internal inquiries do not interfere with or contaminate the prosecution's efforts. The primary focus of this office was and is the proper investigation of alleged crimes and the facilitation of successful prosecutions. In this case, the defendant was arrested on numerous charges, tried, convicted, and is currently serving his imposed sentence.

This office conducts business in an open and transparent manner and will always protect the dignity of victims and the integrity of sensitive information while a case is ongoing and a trial pending. In this case and in all others, our greatest accountability and obligation is to the citizens of Pima County.

I respectfully urge you to review this report in its entirety, paying close attention to each detail. A thorough understanding of the facts presented herein is essential to you as leaders in our community—not only to recognize that this matter was handled correctly, but also to equip yourself to address and, if necessary, refute any future allegations. I am confident that your careful review will provide you the confidence that all actions were carried out appropriately.

I remain available to the members of the Board if any questions or concerns remain.

Sincerely,

Chris Nanos
Sheriff of Pima County

Attachments (*Investigative Report Case IA 23-031 and Transcripts)*

c: Ms. Jan Lesher, Pima County Administrator
Ms. Melissa Manriquez, Clerk of the Pima County Board of Supervisors

ATTACHMENT 1

Pima County Sheriff's Department
Investigative Report
dated March 3, 2025

Pages 1 – 27

Pima County Sheriff's Department
Chris Nanos, Sheriff

MEMORANDUM

TO: Chris Nanos, Sheriff
County of Pima

FROM: Gerard Moretz, Bureau Chief
Internal Services Bureau

RE: *Investigative Report: IA 23-031 and addendum to IA 24-009*

DATE: March 3, 2025

COMPLAINANT: Deputy [redacted] **DATE OF OCCURRENCE:** 12/17 - 18/2022
NATURE OF COMPLAINT: Procedure, Other

PERSONNEL INVOLVED:

- Dep. [redacted]
- Dep. (now sergeant) Chris Aquino
- Lt. Brett Bernstein
- Capt. Luis Cornidez
- Chief Joseph Cameron
- Chief Buddy Janes
- Det. Russell Gibson
- Sgt. Aaron Cross

INCIDENT LOCATION: Ricardo Garcia residence - [redacted]

COMPLAINT SYNOPSIS:

The PCSD received an electronic complaint that was submitted by [redacted] on July 30, 2023 at 1952 hours. The complaint references Dep. [redacted] chain-of-command (specifically Lt. Bernstein, Capt. Cornidez, and Chief Cameron), and raises a concern related to "failing to take action to stop my Sergeant (sic), Ricky Garcia, as he was sexually assaulting me." The complaint goes on to explain that during a unit Christmas party held at former Sgt. Ricardo Garcia's house, Dep. [redacted] lost consciousness due to the consumption of alcohol. The complaint states Dep. Chris Aquino witnessed Sgt. Garcia "preparing to sexually assault me," and says that Aquino called Capt. Cornidez to advise him of what was happening. The complaint goes on to say that Capt. Cornidez called Lt. Bernstein and Chief Cameron. The complaint alleges "all three failed to take appropriate action for over an hour as I was actively being sexually assaulted by my sergeant." The complaint indicates that Aquino called for patrol assistance and that patrol personnel from PCSD arrived and took action, "to stop my assault." The complaint also raises concern that some inaction might be explained by the belief that Chief Cameron and Sgt. Garcia were friends who had worked together in the union. The complaint says that "Ricky" (Ricardo Garcia) would brag about his relationship with Chief Cameron and Sheriff Nanos. [redacted] goes on to express, "I believe these employees committed several department policy violations. The complaint lists 5.I.A.5.a. Protect life and property, 5.I.A.5.c. Prevent crime, and 5.I.A.7 All members are required to take appropriate police action toward aiding a fellow peace officer or department member exposed to danger. [redacted] also states a belief that other violations include Pima County Law Enforcement Merit System Rules XII-1B2 Incompetency, and XII-1B.4 Neglect of duty.

The scope of this investigation also includes addressing concerns raised in the Attorney General's letter prepared after their review of the PCSD criminal investigation. Note that the A.G. reported no criminal wrongdoing but identified four areas of PCSD rules that "may have been violated." Those areas include:

1. "All members are required to take appropriate police action toward aiding a fellow officer or department member exposed to danger or in a situation where danger might be pending." (concerning command staff)
2. "A member shall act in an official capacity, whether on or off duty, if an incident observed which requires policy (sic) action and time is of the essence or when such action will safeguard life or property, preserve the peace, or prevent the escape of a criminal. All responses must be consistent with the responses of an on-duty member." (related to off duty/on-scene personnel).
3. "Supplemental Reports should be submitted when commissioned members participate in law enforcement activities requiring a case report to document their involvement in the incident." (concerning command staff who were on scene or received direct reports but failed to document their involvement)
4. "Unless otherwise approved by a supervisor, all property and/or evidence shall be packaged and secured in an approved property and evidence locker or delivered to the P&E Unit prior to the end of shift." (concerning detective(s) involved in the follow-up investigative activities)

Based on information developed during the course of conducting investigative interviews of this complaint, other concerns regarding the conduct of Sgt. Aaron Cross were raised. Specifically, his involvement in the composition of the complaint itself, contact with listed witnesses in the criminal case, and statements made regarding case details were identified as topics needing explanation. These concerns also are reflected in a portion of a separate complaint (IA 24-009), filed by Sgt. Eric Cervantez. This aspect concerns compliance with departmental rules that address the requirement of accuracy in representing department business, and the appropriateness of contact with witnesses in ongoing cases, seeking information and reports for reasons other than official business, and the requirement to make up-channel notifications of any knowledge of potential violations.

DOCUMENTATION:

As part of the administrative investigation, the criminal case reports for PCSD Case #221218031, transcripts of multiple interviews including deposition interviews, text messages, and phone records were reviewed. Additionally, the timeline prepared by the criminal investigators on the case that was presented in the criminal trial was consulted.

NARRATIVE:

On July 31, 2023, the Pima County Sheriff's Department received the above-mentioned complaint via the online complaint system. The complaint was briefed to Sheriff Nanos on that day. On August 2, 2023, Sheriff Nanos advised that internal administrative investigation would be paused. It was determined that the ongoing progression of the criminal case would require several of the individuals named in the complaint to be

witnesses in pre-trial interviews, depositions, and hearings and potentially in the criminal trial itself. Because of the complex nature of the criminal case, it was determined that producing IA work product and interviews could complicate the testimony in the criminal case and could compromise the criminal prosecution efforts. As in many administrative cases, it was determined that this internal matter would be investigated when the scope of the criminal case was resolved. It is a matter of record that Ricardo Garcia's trial was completed in December 2024 after several delays. Ricardo Garcia was found guilty on multiple charges in the indictment. Immediately after the trial was completed, the administrative investigation responsibility was assigned to Chiefs Jesus Lopez and Gerard Moretz, as several of the named individuals were of command rank.

- **INVESTIGATIVE INTERVIEW WITH COMPLAINANT, [redacted]. January 14, 2025:**

After explaining the administrative investigation was tasked to Chief Lopez and Chief Moretz, Dep. [redacted] was asked to go over the complaint she had submitted. Initially she had difficulty recalling the details of the complaint and later explained ***"I got, I got some help from a, my union on how to properly write 'cause to be honest I'm a Spanish speaker and my words and my train of thought, I had to be as professional as possible."*** And later, ***"I got help from Aaron Cross."*** ([redacted] page 2)

Dep. [redacted] was given a copy of the complaint which she read. Dep. [redacted] was unable to clarify whether there was anything about the complaint that had changed since it was made, ***"Uh, without my attorney looking at it, um, based on everything that happened through trial, I cannot fully answer that question right now at this time."*** When asked to elaborate, Dep. [redacted] said, ***"So, because this is a legal matter, uh, it's something that he, that is going through the civil, the civil lawsuit, I can't answer to see if there were gonna be any changes or anything. Today was just kind of abrupt where they told me, just be here."*** Dep. [redacted] was asked if there was anything that changed or anything needing modification on the complaint and she took a break to make a call. Afterwards, Dep. [redacted] returned to the interview and was asked, after having sat through the criminal trial and having heard the testimony and evidence offered, whether there was a different understanding or knowledge of the event compared to when the complaint was filed. Dep. [redacted] answered, ***"Um, it's all talking through my attorneys. 'Cause I got an attorney as soon as I could."*** ([redacted] page 4)

Later Dep. [redacted] stated that on the night of the incident, ***"I blacked out and I have no knowledge as to exactly what happened. Personal knowledge."*** She went on to say, ***"Deputy Aquino, uh, called me the day after, or that morning af-, of, um asking how I was doing and stuff like that. Um, and he honestly told me that he was, something happened that it was in question. He thought it was inappropriate because the door was locked…multiple times. I believe three or four times."*** In explaining the content of the complaint, Dep. [redacted] went on, ***"…talking to my attorneys trying to prepare for, for, you know, the future, trial, um Greg Stoltz (ph), my attorney, um, he got a lot of the details where it's, like, hey, was talking to people, you know, um, there was, this is what was seen and this is what happened that night."*** ([redacted] page 5).

Explaining about what happened after the incident on 12/18/22, Dep. [redacted] said she had spoken to Sgt. (then deputy) Aquino. ***"Like I said, uh, Aquino app-, was very apologetic for not doing more than he knew he could have done…He, 'cause he apologized for calling law enforcement…Because he thought I would be upset and putting, putting me in this, I guess, big billboard, right…of what happened."*** ([redacted] page 6)

Dep. [redacted] also said that Sgt. Aquino had shared information about what had happened, stating that Aquino shared, ***"The basics. The basic, you know, of, like, hey, I called 911 because this is kind of what I saw and felt that something needed to happen…He didn't go into any details. The details I heard of how I was positioned by Aquino were when he was on the stand."*** ([redacted] page 11)

When asked about the conflicting information Sgt. Aquino had provided, namely his belief that any assault had already occurred by the time he went out and started making phone calls, versus the possibility that assault was ongoing after Aquino had gone outside, Dep. [redacted] said, ***"I was drunk. How can I know that?"*** ([redacted] page 12)

Dep. [redacted] was asked about what she recalls and whether her beliefs about what happened were based on things that she had been told by others. Dep. [redacted] stated the following: ***"Something happened when all three of us, four of us were in the house…Something I do not recall." "Then I was left inside the residence. This is just knowledge, not from me, but based on investigations and my attorneys, that after those three actions happened, I was left alone in that house with him."*** She went on to say, ***"I have no recollection from the time I thought I was done drinking, or I stopped drinking and I was eating food on the island of the kitchen"*** ([redacted] page 12)

Later, Dep. [redacted] was asked to articulate her specific complaints about each of the named parties in her complaint. She provided the following:

Lt. Brett Bernstein—"***Stood outside and had no idea what to do. And he's an officer."*** ([redacted] page 13)

Capt. Luis Cornidez—***"He's above. Still couldn't relay proper information as to what they should do."*** ([redacted] page 14)

Chief Joseph Cameron—***"Same thing. People were being called and none of 'em could make the right decision I mean, I think, based on what I know now, by statute, somebody could have kicked down the door."*** ([redacted] page 14)

Dep. [redacted] was also asked about her experience during the criminal trial. She was asked specifically whether she believed the testimony in the trial to be accurate, as well as the timeline that was presented, to which she responded, ***"Um, yeah. I believe,"*** ([redacted] page 15)

Dep. [redacted] indicated that Aaron Cross is her union representative and that she had shared information with him, which amounted to what she had been told by Sgt. Aquino. She also expressed that people were talking about what had happened, saying, ***"it was all over."*** In addition, she mentioned that she felt shame and embarrassment about the situation and that one of her friends had encouraged her to step up and make the report. (Dep.

[redacted] disclosure and participation in a sexual assault examination happened two days after the initial incident). ([redacted] page 15)

After the bulk of the information was provided, Dep. [redacted] was asked if there was any other information she wished to provide that was not included in the complaint to which she replied, ***"No. My attorney said that. Leave it as is."*** ([redacted] page 17)

- **INVESTIGATIVE INTERVIEW WITH SUBJECT SGT. CHRISTOPHER AQUINO January 17, 2025:**

On 01/17/2025, Sgt. Christopher Aquino was called in for an interview in this matter. Sgt. Mark O'Dell was his representative. Sgt. Aquino was provided a Notice of Investigation which he signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

Sgt. Aquino was advised of the complaint and the incident in question (SRO Christmas party at Ricardo Garcia's home 12/17-18/2022). Sgt. Aquino was asked to explain his recollection of the events of that night that resulted in law enforcement response. Sgt. Aquino described the event and said that there was alcohol consumed during the course of the gathering. Ultimately many of the partygoers had left, leaving him, [redacted] (Dep. [redacted] Ricardo Garcia, and Ricardo's girlfriend, Victoria in the home.

Sgt. Aquino said eventually things started happening in the spare bedroom between Ricardo Garcia and [redacted] ***"leading her to be in gradual levels of undress, I guess. Um, Tried to get him to go to bed and let it be so that I could get the wife to come and let us take [redacted] home. Uh, ultimately, I ended up contacting, uh, my captain at the time, uh, Cornidez, and um, once I left the residence and, uh, --- investigation. 911 calls eventually happened after that."*** (Aquino, page 2)

Sgt. Aquino went on to describe three different times when he entered the spare bedroom and made observations of Ricardo Garcia and [redacted] During those times, Aquino described needing to use a plastic utensil to open the locked bedroom door. As he entered each time he noticed changes in the appearance of the other two people, namely that clothing was moved or removed, that bare body parts were visible. Also he described position changes where they were on the floor of the room and the bed. Asked what he thought about these observations, Aquino said, ***"I wasn't sure what had happened to that point, so. I, at that point, I didn't know, like, I'll only assume what could've happened, was happening, was going to happen."*** When asked about that assumption, Aquino said, ***"Some kind of sexual encounter was going to occur."*** (Aquino, page 3)

Sgt. Aquino was asked to clarify whether something was going to occur or had occurred. He replied, ***"Was going to occur, had occurred. I'm not, I wasn't sure the status of what had actually happened in that room yet by the time I'd, I'd walked back in."*** (Aquino, page 3)

Sgt. Aquino was provided a copy of the transcript of his interview conducted by detectives during the criminal investigation and read the following quote: **"Uh, whatever may have happened, happened already, if he was on his way out, and I'm not gonna start a fight with**

him in his house, in the hopes that, you know, she, whatever happened, and I can, uh, I can just get her out. Um, so my wife called me, damn near, at that point, she was outside. I went outside, made phone calls to my chain, and then here we are. I never spoke with him or her again." (Aquino, page 4)

When asked to clarify any differences between his statement to detectives and his statements during this interview, Aquino said, ***"Yeah, whatever may have happened, may have already happened so like I said, I just wasn't sure if it had happened, was going to happen, had already happened, so was unsure of the status of all that."*** Aquino was asked why he didn't call 911 at that point (if he believed something may have happened), and responded, "***Um, well, like I said, it was something that may not have happened so my ultimate goal wasn't trying to get anybody in trouble or anything either, I was trying to protect her, really protect the both of them, prevent things from happening. Um, so if we could do that at a level that doesn't require investigation, I would've preferred it that way but, obviously, that's not what happened at the end of the day."*** (Aquino, page 4)

Aquino was asked how he would have responded if he felt there was impending danger toward Dep. [redacted] to which he replied, ***"Uh, if it had been an immediate, probably been a little bit more, um, assertive, I guess. Um, but with the, like I said, with the may or may not have happened and then not, wasn't trying to get into a fight with him at his residence too to overshadow what could've happened, what would've happened in the future, um, I didn't want that to taint any investigation."*** (Aquino pages 4-5)

Sgt. Aquino went on to say that he had called Capt. Cornidez to "get guidance on what to do." At that point he was trying to get both [redacted] and Garcia "out" without any issues. He said, ***"I told him roughly, like, what was going on, um, and then, without knowing the specifics of the conversation, obviously, it's been a while, um, I think at one point, I even told him, I'm not sure what to do with this, and uh, I think somewhere after that he said he'd call me back. And I'm not sure what happened on his side after that."*** (Aquino, page 5)

Sgt. Aquino described calling his wife several times and during this time moving back and forth from inside to outside of the house. He said that when he called Capt. Cornidez, he was outside of the house. He also said that his conversation with Capt. Cornidez happened contemporaneous to Aquino's wife arriving at the Garcia residence. (Aquino, page 6)

Sgt. Aquino spoke about his efforts to intervene between Garcia and [redacted] hoping to separate them, and said that he had seen Sgt. Garcia go back to his bedroom (away from [redacted] on two occasions. Aquino was asked whether he though Deputy [redacted] was out of harm's way when he left the house and he said that he did not feel that way. He was asked why he left the house under those circumstances, and he stated, ***"Um, stated before, I didn't wanna get into a physical altercation with him that would, if something had happened between the two of them, overshadow whatever had happened already. So I just didn't want another issue on top of whatever may or may not have happened already by that point between the two of them."*** Sgt. Aquino was asked what he believed to be his law enforcement obligation if he thought a deputy was facing some kind of harm and he responded, ***"Obligation to act. But, uh, you know, I would imagine, uh, having people there that are, um,***

more sober to have those kinds of interactions with the people would be more beneficial. Uh, like I said, especially if that incident had already occurred, um, an investigation would have to go through and that's not something I'm going to do that night." (Aquino, page 7)

Sgt. Aquino was asked about his state of mind during the events of 12/18/2022 (separate from what he thinks in the present day). He was asked about his statements referenced above indicating that any harmful events had already passed and how if that is what he believed at the time, that would explain why he would walk out of the house. He was asked, "if in your mind you think that whatever happened was over, that would better explain, in your mind, why you would walk outta the house." He answered, ***"I think the statements I made at the time were what I believed was happening. Obviously, with, uh, going back and thinking about it, like I said, what things may or may not have happened, um, I was just telling the deputies at the time what had occurred, what I think may or may not have occurred, so."*** (Aquino, page 9)

Note that Sgt. Aquino, in his statement to detectives on 12/18/2022, detailed seeing [redacted] and Garcia in the bedroom where initially [redacted] was placed on the bed fully clothed, then found in bra and panties on the floor [redacted] and finally [redacted] was seen face down on the bed [redacted] while Garcia was leaving the room. This sequence was described in relation to Aquino's statements at the time that whatever was going to happen had happened already.

During the interview, the changes in perception between the night of the incident and the thoughts developed over time after participating in interviews and trial testimony were discussed. It was clear that based on what Sgt. Aquino conveyed, the night of the incident he was not sure what had transpired between Garcia and [redacted] wanted to separate them for both of their benefits, and sought to resolve the situation without involvement of police. He described a battle between not wanting outside involvement and the embarrassment it would bring and concern that outside help from law enforcement might be appropriate. When asked about whether he thought finally calling 911 was the correct decision, he replied***, "Um, once it finally happened, like I said, I was trying to get it to the point where I could get them both out without any issues…and when that did not appear to be an option is when 911 was called, or Comm was called."*** (Aquino, page 12)

Sgt. Aquino did not recall the specifics of a conversation he had with Dep. [redacted] the day following the incident, but said, ***"Um, I would imagine potentially something along the lines of somethin' happened last night. But it's been a long time since that conversation occurred. I couldn't tell you the specifics of it."*** (Aquino, page 13)

Sgt. Aquino said that sometime after the incident of 12/18/2022, he spoke to Sgt. Aaron Cross. He explained, ***"they had asked about for the, uh, the civil suit that was pending down the line, I guess. So, I would imagine it'd been a little bit since the incident occurred,"*** Aquino was asked whether he had provided Sgt. Cross information about what happened, he said, ***"Uh, to a degree, yeah. I couldn't tell you the exact details of that conversation. It's been a while."*** (Aquino, page 14)

Aquino was asked about the department's practices regarding discussions about sensitive cases among people who are not assigned to those cases or directly involved as principals. He generally said that people talk about cases within the department and described his conversations with Sgt. Cross as talking with a peer. Specific to the investigation, Sgt. Aquino was asked what he had told Sgt. Cross about the alleged assault suffered by Dep. [redacted] at the hands of Ricardo Garcia. He said, ***"I would imagine I told him what I've told everybody else, I wasn't sure what was going on inside the home once I left. That'd be the truth 'cause I don't know what was going on inside the house after I left."*** (Aquino, page 16)

Sgt. Aquino was asked what he would have done if he had knowledge that an active sexual assault was happening. He said, ***"I woulda carried her out myself. I think I even said that at trial. I , it's one of my regrets that I wish I woulda don't that. Um, it didn't happen that night unfortunately. Um, it woulda been easier to have done that, well, not easier 'cause she was, she's complete dead weight, but I wish I would've."*** (Aquino, page 17)

Again, it was apparent that Sgt. Aquino was not sure of what was happening between Sgt. Garcia and Dep. [redacted] on that occasion, and in fact, he did not take definitive steps to protect her as he described he would have done if he had knowledge that an assault was happening.

There was general discussion about the influence of alcohol on the night of the incident and when asked to rate his intoxication on a scale of zero to ten, Sgt. Aquino put himself at a "5." (Aquino, page 18)

Sgt. Aquino denied talking about the incident with any other peers, sergeants, or department members besides Sgt. Aaron Cross.

Sgt. Aquino was asked about the specific allegations in the complaint and did not believe that those details came from him or anything that he had conveyed. As to the on-scene deputies who arrived after patrol responded to the incident location, Sgt. Aquino said, ***"Uh, knowing the deputies, I would imagine they did what they, they were trying to do what they were trying to do. I don't I wouldn't see either of them as doing stuff that they couldn't do, I guess if that makes sense…given the two deputies that were on scene, I believe that they were, they did everything they were able to do with what they were given."*** (Aquino, page 21)

Sgt. Aquino was asked about the actions taken by Capt. Cornidez (whom Aquino had called the night of the incident), and Sgt. Aquino said, ***"I'll be hon-, I trust Luis a lot. I called him because, um, I believe that he was going to do what he knew was right. So, I don't know what happened after the phone call I made with him. I don't know who he spoke to or anything else but I called him because I trust him and I believed he knew, he would help, you know, like I said, give me guidance as well and then whatever else needed to get taken care of, he would do."*** (Aquino, page 21)

When asked about his interaction with Lt. Bernstein when Lt. Bernstein responded to the incident location, he said, ***"Um, when he arrived on scene, uh, I would imagine I gave him a brief overview of what happened…And then, uh, he said something along the lines of, do you believe 911 needs to get called at this point? I'm like, well, yeah. And that's when I called Comm."*** (Aquino, page 22)

Sgt. Aquino was asked if he told Sgt. Cross that while he (Aquino) was outside and law enforcement (patrol) had arrived outside the door that there was a sexual assault continuing inside the house and he replied, ***"I can't imagine those words came out of my mouth. 'Cause like I said multiple times, I had no idea what was going on inside that house 'cause I wasn't there."*** Sgt. Aquino also denied making statements that an assault was occurring while people were outside the house to any attorneys involved in the case. (Aquino, page 22)

Sgt. Aquino was asked about any details of the incident that were shared with Sgt. Cross during conversations they had. Sgt. Aquino conveyed that he only spoke in generalities and avoided details. He did not recall providing information about how much time passed from one event to the next during his involvement on 12/18/2022. (Aquino, page 27)

Sgt. Aquino talked in general about the gossip or open conversations he'd heard and participated in about the case throughout the department.

He also said, ***"Uh, so specifics and, like I said, the nitty gritties and timelines isn't something I'd, I'd touched on with people because that would be inappropriate. So, like I said, the generalities of what happened and the common knowledge are the things that were spoken about,"*** when describing conversations he had had about the incident with various department members. (Aquino, page 28)

Sgt. Aquino was asked about who ultimately was responsible for the negative events of 12/18/2022 and said, ***"Ricky…I know that, especially the two that showed up (referring to responding deputies), I know that they would do everything in their power to do their job correctly." He goes on to say, "I think the only person that did anything wrong was Ricky that night, in my eyes."*** (Aquino, page 29)

Sgt. Aquino was asked about allegations made against Chief Joseph Cameron and any perception that Chief Cameron had some responsibility for how things happened that night to which he answered, ***"I never spoke with him. I haven't spoke with him about this incident."*** (Aquino, page 29)

February 3, 2025
Sgt. Aquino provided his department-issued cellular phone for forensic download. The text log and call log were reviewed reflecting communications between Sgt. Aquino, Dep. [redacted] and Sgt. Cross. No details related to this investigation were discovered. On February 4, 2025, Sgt. Aquino's issued cellular phone was returned to him.

- **INVESTIGATIVE INTERVIEW WITH SUBJECT CAPT. LUIS CORNIDEZ**
  February 12, 2025:

On 02/12/2025, Capt. Luis Cornidez was called in for an interview in this matter. Capt. Cornidez did not bring a representative. He was provided a Notice of Investigation which was signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

Capt. Cornidez was asked about his involvement in the events of 12/18/2022. He said that at approximately 0156 hours he was called by Sgt. Chris Aquino (then deputy). He learned there had been a squad party for SROs at Ricardo Garcia's home and that something happened involving Garcia and Dep. [redacted] According to Capt. Cornidez, Aquino conveyed to him that at some point that night he, [redacted] Garcia, and Garcia's girlfriend, Victoria, were the remaining people in the home. Aquino had called his wife for a ride home as everyone had been drinking. At some point he noticed that [redacted] had gone into a bedroom and was incoherent. Then Aquino relayed a sequence of finding Garcia in the bedroom with [redacted] on three separate occasions. Each time he noticed that the state of dress was changing, and that the bedroom door was locked, which he overcame with a spork or plastic utensil. Capt. Cornidez said Aquino conveyed conversations around trying to separate Garcia from [redacted] and efforts to convince Garcia to not continue with what was going on. At some point Aquino said that Garcia was nude from the waist down. The exchanges between Aquino and Garcia became heated with Garcia telling Aquino, "get the fuck out of my house." At some point Aquino's wife arrived and Aquino apparently called Capt. Cornidez.

Capt. Cornidez said that Aquino had been drinking and that, ***"he sounded like he was drunk."*** He mentioned that his familiarity with Aquino was through supervising him in the SRO program in the past and that on this occasion he sounded noticeably different with slurred speech. Capt. Cornidez asked about the whereabouts of people at the home and was told that Garcia was in the bedroom with Victoria and [redacted] was in another bedroom and that Aquino's wife had arrived at the home. In recalling the conversation he had with Aquino, Capt. Cornidez said, ***"with the information that you're giving me, at this point, I , I don't, I don't feel that anybody is in like danger right now. I, I don't. He said everybody was separated, but my thought process is, well, you know what, let me, let my, my chief know, at that time it was, uh, Chief Buddy Janes. I'm gonna, I'm gonna Janes, and then I'm also gonna call Brett, um, the lieutenant that was over SRO. Because I knew Brett lived up north. I knew Ricky lived up north. I said, uh, my thought process, let me get somebody there who's sober, you know, sober eyes, let's see what's going on. So, I, I told Aquino, I said hey, expect a phone call from Brett and Brett's gonna be going over there."*** (Cornidez, page 3)

Capt. Cornidez clarified that he had only one conversation with Sgt. Aquino that night. When asked if Aquino had every mentioned a rape or a sexual assault, Capt. Cornidez said, ***"No. He did not. He never said rape. He never said, uh, he never said sexual assault…I know that if he would have mentioned it was a rape, then it would change things drastically. Because at that point, you know, uh, there is danger. There was danger. But, um, the way he was telling me, the way he was explaining to me, it, no, I didn't feel that."*** (Cornidez, page 3)

Capt. Cornidez said that he had a phone call with Chief Buddy Janes wherein he advised what he'd been told and his plan to involve Brett Bernstein to assess the situation to learn what was going on. Capt. Cornidez advised he did not consider sending patrol because of uncertainty about what had actually happened because of Aquino's obvious state (under the influence of alcohol).

Capt. Cornidez went on to clarify that in his conversation with Lt. Bernstein he did not say that a rape had occurred. In fact, Capt. Cornidez acknowledged that based on the phone call with Sgt. Aquino, he was not sure about what had happened. He mentioned that the three occasions of Aquino encountering Garcia and [redacted] in the bedroom never resulted in Aquino taking steps to remove [redacted] from the house, adding to his uncertainty.

Capt. Cornidez explained that he told Brett what had been conveyed to him by Aquino and asked Lt. Bernstein to respond to the location to get some clarity. He advised Lt. Bernstein that if he learns that there is more information that would solidify the concerns over a possible sex crime to have Aquino call 911, based on the fact that Aquino was there, was an eyewitness to what transpired. Capt. Cornidez understood that Lt. Bernstein would learn what else there might be to know so that whatever the next step would be, it would be made with better information.

Capt. Cornidez was asked if at any point based on what Sgt. Aquino had told him he felt that anyone was in danger. Capt. Cornidez said, ***"Oh not at all. No. No. Not at all sir. Um, when, when I talked to Aquino, I specifically asked him, I was like where is everybody at right now, and he said Ricky is with his girlfriend/fiancé. Um, he said [redacted] is in the bedroom and I'm here talking you. So, at that point, I said well nobody, my feeling is nobody's in danger right now. Nothing's happening right now. Everything is, is calm. That's why I sent somebody there to, to check it out."*** (Cornidez, page 5.)

Capt. Cornidez said that he received information that Aquino was calling 911 from Lt. Bernstein ***"as soon as Brett got there."*** (Cornidez, page 7)

Capt. Cornidez said that he got the initial call from Aquino at 0156 and estimated that he'd learned about Aquino calling 911 around 0230 or 0235. (actual time 0252h)

Capt. Cornidez said that after the incident and response, his next interaction with Dep. [redacted] was during a meeting in the sheriff's office where it was expressed to Dep. [redacted] that department resources were available should she need anything. He also said the he had occasion to speak to Sgt. Aquino about a week after the incident when he went to Capt. Cornidez' office and told him that there were a lot of people asking questions about what had happened. Capt. Cornidez relayed that he told Sgt. Aquino not to talk to people about the case because there is an investigation of the incident.

On February 14, 2025, Capt. Cornidez was brought in for a brief follow-up regarding the question of whether Capt. Cornidez had authored any supplemental case reports about the incident. He explained that commanders are not generally required to complete supplemental reports when investigative units are involved in conducting the law enforcement activities. He gave the example of critical incident responses which often see many commanders responding in order to hear briefings and arrange for resource deployment. Not having conducted any investigative or police activity, Capt. Cornidez did not think it necessary to complete any supplements.

- **INVESTIGATIVE INTERVIEW WITH SUBJECT LT. BRETT BERNSTEIN February 13, 2025:**

On 02/13/2025, Lt. Brett Bernstein was called in for an interview in this matter. Lt. Bernstein did not bring a representative. He was provided a Notice of Investigation which was signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

Lt. Bernstein was asked about his involvement in the incident on 12/18/2022. He recalled receiving a phone call shortly after 0200 from Capt. Cornidez. He explained at that time he was a lieutenant and was in charge of the SRO unit and that Capt. Cornidez was his direct supervisor.

Lt. Bernstein said that he was told that there had been a party at Ricardo Garcia's home and that something had occurred and that there was potentially an allegation of sexual assault or sexual impropriety. Lt. Bernstein conveyed that he was asked to get in contact with Sgt. Aquino to get more information and figure out what was going on. He went on to clarify that Capt. Cornidez was not sure what to make of what Aquino had told him and that his information described a wide array of possibilities.

Lt. Bernstein followed up with a phone call to Aquino and was given information about the situation. Lt. Bernstein said that he perceived it to be a sexual assault situation. Lt. Bernstein was asked whether he thought at that time that Dep. [redacted] was in any danger. He said, ***"Um, I did not. Um, I knew when I was speaking with him that he had already left the house, and that, um, some, uh, amount of time had, had already passed where he had not gone back in, and that he was making, uh, phone calls about it. Um, I had asked him if, uh, if he had called the police and he had not called the police."*** (Bernstein, page 3)

Bernstein then got dressed and proceeded to the Garcia home. Bernstein described the sense that he needed to do more as Aquino had said he wanted to stay at the location until Dep. [redacted] was accounted for. Lt. Bernstein said that he proceeded to the Garcia home. Lt. Bernstein explained that the information he'd received left him with the impression that a sex crime might have occurred and that he communicated with Capt. Cornidez and Chief Janes about police response. The communication included concerns that the people involved had been drinking and there was some uncertainty about what was seen. What was clear was that Sgt. Aquino was in the best position to articulate what had gone on and also the best person to articulate the need for police response. Lt. Bernstein conveyed that he was instructed by Chief Janes to proceed in that manner so that persons present at the incident would be making reports instead of those hearing information after the fact.

Lt. Bernstein said that when he arrived at the incident location he had an exchange with Sgt. Aquino that was just a few seconds and that through talking to him, he encouraged Aquino to move forward with calling the police. He said that Aquino then set about making that call. Lt. Bernstein said that while Aquino was on the phone making the report, he spoke with Aquino's wife.

Lt. Bernstein was still at the location waiting in his vehicle with Aquino as it was a cold night. The initial deputy arrived, and Aquino briefed her on what he had observed that night. Lt. Bernstein said that Sgt. Kunze arrived shortly thereafter, and they had a brief exchange and that Bernstein directed Kunze to Aquino if more information was needed.

Lt. Bernstein addressed the interaction with Sgt. Kunze and said that he was certainly there in an official capacity as his response was related to his role in the chain of command of the people involved more directly in the incidents. However, he was clear that he was not to get directly involved in any of the investigative activity that followed the report that Aquino made.

Lt. Bernstein was asked if he was presented with any information that made him believe that immediate action was needed to protect anyone. He said, ***"No, I, I truly never felt that way, um, at all that morning. I, I'll be honest with you that since then, you know, having been interrogated by the defense attorneys and, and being on the stand, I, I, I sometimes wonder if, if I was wrong. It's something that's weighed on me very heavily for, um, uh, this is, you know, a years long now. It's, it's been, that's been very difficult. But I never thought that, that day. I, I had a conversation with Deputy Aquino over the phone and then, uh, briefing him over there. Um, it, it was apparent to me that there was a , um some time, uh, some extended amount of time that had passed before I had ever spoken with him. Be-, uh, between that and the events where he was in the house. Um, it just never, no one told me anything that led me to believe that she was continually being raped or, or anything like that."*** (Bernstein, page 8)

Lt. Bernstein was asked if he thought that any incident that was concerning had already occurred or was still ongoing. He said, ***"…my impression was that something had occurred and was no longer occurring. Uh, when I, when I made my first phone call with, uh, Deputy Aquino, one of the things I mentioned to him was if you need to go back in there, you need to go back in there, and his response to me was no. Uh, uh, time, time has elapsed. I don't think that we have that anymore….He's the one that knows all the details about how long it's been since he's been out of the house and what he thinks he saw. I, I don't feel like, I felt like when he told me that he didn't have that anymore, that I definitely didn't have it." (Bernstein, page 8- 9)***

Lt. Bernstein estimated that after getting the phone call the morning of 12/18/2022, he got on the road between 0230 and 0240 and estimated the call for patrol response happened around 0250 (actual time 0252). Lt. Bernstein explained his distress at hearing news reports describing an 80-minute time frame where claims were made that assault activity was happening during that time. He explained that he wasted no time when he was alerted to the concerns, was given instruction to respond and that Aquino should be the one to report if it was necessary to do so. Lt. Bernstein expressed getting there quickly and that a uniform response was initiated right away.

Lt. Bernstein also explained that he was later interviewed by then Det. Siress (now sergeant) regarding the case. He said that the issue of report supplements was addressed and that he was told by Siress that he was interviewed as a witness in the case and that authoring a case report would not be necessary.

- **INVESTIGATIVE INTERVIEW WITH SUBJECT CHIEF JOSEPH CAMERON February 14, 2025:**

On 02/14/2025, Chief Joseph Cameron was called in for an interview in this matter. Chief Cameron did not bring a representative. He was provided a Notice of Investigation which was signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

Chief Cameron was interviewed about his involvement on the night of 12/18/2022 and any actions taken as a result and the contents of the complaint. Chief Cameron explained that he had received a call from Capt. Ed Spinney at 0408 (patrol captain). Chief Cameron was covering for the patrol chief (Dominguez) who was unavailable that night. Chief Cameron said that Capt. Spinney told him that patrol was at the Garcia residence in reference to a party at the house that had resulted in some allegations of a possible sexual assault and that the matter involved Dep. [redacted] Dep. Aquino, and Sgt. Garcia. Chief Cameron learned that Dep. [redacted] was secured and that patrol assets were there on scene. Chief Cameron explained he was then interested in ensuring criminal investigations personnel respond. Chief Cameron said that he then made contacted Chief Moretz to ensure CID response was happening.

Chief Cameron was asked about any information indicating that Dep. [redacted] might be in danger. He explained that when he was called by Capt. Spinney and told of the incident, he verified that Dep. [redacted] was out of the house and safe with patrol personnel.

Chief Cameron also addressed having prepared a supplement in which he documented receiving a phone call from Ricardo Garcia later in the morning on 12/18/2022. In that phone call, Chief Cameron documented that Garcia asked him what was going on and that there were several deputies down the street from his home. Chief Cameron said that he told Garcia he did not know what this was about but he could talk to them if he wanted to. He clarified that he was careful to say that Garcia could speak to deputies but he did not order him to do so. He mentioned that giving an order to Garcia to talk to deputies would have compelled him (as Chief Cameron was a superior) and that that would jeopardize any statements for use in the criminal case. Chief Cameron said that his phone records showed that call coming in at 0805 in the morning and lasting 7 minutes in length.

Chief Cameron said he received more calls and text messages from Garcia to which he did not respond. Because of the nature of what was being investigated that morning, Cameron reached out to Sgt. Eric Cervantez who Cameron knew to be a friend and union co-worker with Garcia. He asked Cervantez to contact Garcia and ask him to stop trying to contact Chief Cameron, that he would not have contact with him due to his position and that there was an ongoing investigation at that point. Chief Cameron said that Sgt. Cervantez said he would convey that message and Chief Cameron received no more calls or text messages from Garcia moving forward.

Chief Cameron mentioned other calls with Capt. Cornidez and Chief Janes that he made during the morning in an effort to make sure information was shared and seeking clarity

but emphasized that his main concern when becoming aware of a possible problem was ensuring Dep. [redacted] was safe and getting a CID response initiated.

- **INVESTIGATIVE INTERVIEW WITH SUBJECT DET. RUSSELL GIBSON February 18, 2025:**

On 02/18/2025, Det. Russell Gibson was called in for an interview in this matter. Det. Gibson did not bring a representative. He was provided a Notice of Investigation which was signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

Det. Gibson was brought in to address concerns raised specific to the Attorney General's communication about possible procedural/rule violations that they considered during their review of the case. Specifically, there was concern about mislabeling and mislocating of a piece of investigative evidence (underwear). Det. Gibson was asked about his recollection of this issue. Det. Gibson was familiar with the issue and explained that he was part of a call out team the morning of 12/18/2022 and that evidence had been collected from patrol personnel and that detectives had gone to the Foothills substation to complete the packaging and disposition of those items of evidence.

Det. Gibson said that on 12/21/2022 he was alerted to a problem by Det. Hilborn, specifically that the underwear collected was missing. Apparently, Det. Anders was able to locate the underwear in a bag at the Foothills substation and that they were missed as another package was made labeled underwear which actually contained a sweater. The team was able to sort out and correct the mistake as the underwear were collected and labeled properly from where they were found on a chair in the evidence area where they had been working a few days before.

Det. Gibson said that the mistake was discussed within his chain of command, and he was admonished for making the mistake verbally. Later it was confirmed that the matter was discussed by the sergeant of the sex crimes unit (Charles Garcia), but no formal action was taken as all administrative activity would hold until the completion of the criminal case.

- **INVESTIGATIVE INTERVIEW WITH SUBJECT CHIEF BUDDY JANES February 18, 2025:**

On 02/18/2025, Chief Harold Buddy Janes was called in for an interview in this matter. Chief Janes did not bring a representative. He was provided a Notice of Investigation which was signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

Chief Janes, not named in the initial complaint, was identified for interview due to the involvement in conversations the night of the incident as described by Capt. Cornidez and Lt. Bernstein.

Chief Janes spoke about receiving a phone call early in the morning of 12/18/2022 from Capt. Cornidez. He recalled that it was about a squad party where everyone was drunk

and there was some tomfoolery that had happened. His initial concern was to ensure people go home safely. Later after another call he learned that there might have been some fooling around and that an allegation emerged that someone may have been molested. He used the term "grab ass" and drunk people behaving stupidly at the party. As time went on the communications led him to the possibility that an allegation of something happening that was non-consensual and he took the position that if someone was alleging that a crime occurred, 911 needed to be called.

Chief Janes didn't recall having a conversation with Lt. Bernstein that night but did recall speaking with Capt. Cornidez. He said that things changed during a period from the initial call to about 90 minutes later, when people being drunk and getting out of hand may have been an event where non-consensual sexual activity had occurred. Chief Janes conveyed again that if something criminal was going on a 911 call needed to be made.

It was a short time later he received notification that Sgt. Aquino had called 911. Chief Janes said, ***"So our message to him, if you think something's wrong, call 911, he'd already come to that conclusion. I don't think, I don't think he did it because of an order, I think he came to that conclusion on his own. That's my foggy recollection."*** (Janes, page 3)

Chief Janes said that initially this was an administrative concern where the worry was about staff members getting out of hand at a Christmas party, but when the concern rose to the possibility of something criminal, he thought 911 was appropriate. He went on to say that "911" was a way to get police response, and he wasn't sure which agency might have jurisdiction at the Garcia home location.

When asked about the administrative function and receiving phone calls and advisories, Chief Janes said, ***"I think that this case highlights that perfectly. At first, you know, the first notifications to later notifications of, of, uh, hearing how the story changed or how it got more serious, wasn't just a party, that maybe got outta hand. Someone saying that there was sexual misconduct occurring and it, no one knew at that point if it was consensual or, or not consensual but it started to go towards, uh, non-consensual and that's when we decided, hey, we need to get somebody in law enforcement involved, not us law enforcement, somebody whos' actually working right now."*** In addressing whether others had an obligation to initiate a response instead of people who were actually there during the incident, Chief Janes said, ***"And I always equate it to, like what did you see, smell, taste, hear. When that person's there, they got a vibe that I can't get over the phone. And so Aquino was, uh, the person that observed something and he would know if his gut told him, no, that's not right or, and, again, we didn't have facts until I heard 'em later in the news and all that, but, um, what he saw specifically was unique to him to know if he thought it was wrong or not. That's why I was like, hey, if you saw somethin' that was wrong, you need to call 911 and report it."*** (Janes, pages 3-4) Chief Janes expressed that Sgt. Aquino, present at the scene at the time of the incident, was in the best position to know whether a police report was indicated.

Chief Janes was asked about whether he had authored any supplemental reports regarding the incident on 12/18/2022 and he explained that he had not. He conveyed that this occasion was similar to others where often administrators receive phone call notifications about things that are happening so that there can be shared awareness and

that resources can be made available to help with situations. Absent performing actual police functions during an investigation, it would not be normal for an administrator to write case reports about matters like this.

- **INVESTIGATIVE INTERVIEW WITH SUBJECT SGT. AARON CROSS February 21, 2025:**

On 02/21/2025, Sgt. Aaron Cross was called in for an interview in this matter. Sgt. Cross brought a representative, Sgt. Dawn Barkman. He was provided a Notice of Investigation which was signed. Chief Jesus Lopez and Chief Moretz conducted the interview.

It was explained to Sgt. Cross that he was not named in the complaint the department received but in investigating the allegations and discussing the contents of the complaint particularly with Dep. [redacted] and Sgt. Aquino, it was necessary to speak with Sgt. Cross about his involvement in preparing the complaint and any knowledge of the claims made in the complaint. He was provided a copy of the complaint to refer to during the interview and asked about his knowledge of the complaint and his involvement in its preparation.

Sgt. Cross said that he is a union president and [redacted] asked for assistance to make a complaint prepared by her and her attorneys. Cross said that he contacted IA Lt. Ryan Pretti who directed him in the online complaint submission process. Cross said that [redacted] supplied him with the complaint, and he helped by adding policy violations that were missing and then provided some grammatical edits to the document.

Cross denied supplying the details of the complaint or the timeline in question. He did say that he had some awareness of the call the morning it occurred as he had seen the call on the computer and saw that Sgt. Kunze had responded to the scene. Although he was not attached to the call or follow-up investigation, Sgt. Cross contacted Sgt. Kunze about what went on. From that conversation he had the idea that Lt. Bernstein, Capt. Cornidez and Chief Cameron had awareness of what occurred that night. Later he clarified, ***"Cameron was aware because Cameron was covering. That's what he believed, uh, was covering for Buddy who was out of town. You know, that, I think that later turned out to be, oh, in fact that did turn out to be incorrect but at the time that's where that belief came from. And so, um, in my opinion I think that, uh, a lot of that information came from her attorneys speaking with probably Sergeant Kunze and others, so."*** (Cross, page 3)

Cross then explained that when asked to help with the submission of the complaint, he contacted Sgt. Aquino to try to determine whether the complaint would have some validity. He questioned Sgt. Aquino about what happened outside the house (Ricardo Garcia's residence) related to when Aquino made a call and to whom. He said, ***"Because if he made it, you know, well after the incident then, then it's hard to blame people for not acting on something that they didn't know. And so he said that he, uh, made the call to Captain Cornidez as he was being, I think his words were something to the effect of being thrown out of the house. So, immediately. So, um, Captain Cornidez got the call immediately as he's being locked out of the house was my understanding. And so at that point I went, okay. So there's***

probably some merit here that this needs to be looked into. Um, it's reasonable to think, um, that action should have been taken at that time. You know?" (Cross, page 3)

Sgt. Cross said that he had this conversation with Sgt. Aquino shortly prior to the complaint around July 30, 2023.

Sgt. Cross said that he had spoken to Dep. [redacted] first about the incident about a week after it had occurred, and he said that he reached out to her to check on her and to see how she is doing. He claimed that during that conversation Dep. [redacted] told him she was interested in coming over to his union. He said he explained to her how she could do so and that she did join that organization in about one week's time.

Cross went on to explain that he and others were part of AZCOPS and that he served as a liaison to that parent group. Sgt. Cross said there was not a formal organization for sheriff's personnel until they had 50+ members at which point they went through steps to name their group and name Cross as president.

Cross also explained that after she had joined his organization, she asked for assistance finding an attorney. Cross said that [redacted] had been recommended an attorney (Michael Storie) but because of information attributed to Kevin Kubitskey that Storie and Chief Cameron are friends, Cross advised Dep. [redacted] on choosing a different attorney.

Cross then mentioned that he had had a conversation with former Chief Deputy Kastigar. Cross said, ***"he told me that the Monday following that Cameron walked in the office and was bragging that the investigation was going nowhere, and he talked to Ricky and it's all going on, it's all going away, which is directly contradictory to his official police report. And so I definitely wanted to make sure that that's on record and gets looked at as well."*** (Cross, page 6) Cross said that Kastigar provided this claim sometime in 2024 before the criminal trial began.

During the interview Sgt. Cross expressed concerns about being considered a focus officer in this investigation rather than a witness officer. It was explained that when portions of the complaint were attributed to him, it was necessary to speak to him in order to attempt to authenticate the complaint and attribute information to a source. It was also explained that there are expectations of department members regarding truthfulness and accuracy in reporting and that rules and regulations would be applied and that every department member was accountable/held to the expectations expressed in rules and regulations. When commenting about the contents of the complaint, Sgt. Cross said, ***"And, you have to understand at this point I don't think [redacted] or her attorneys had the benefit of the depositions and the text messages that Bernstein supplied. You know, those came, those came much later. Um, my, to your point to making sure it's you know, emphasizing veracity, that was the whole reason why I wanted to speak with Aquino, not to ask him about what he witnessed inside but to make sure that his complaint was gonna go forward. That it was a legitimate complaint that, that there was some veracity to it. That, that policy was not followed or it looks like policy was not followed by her own chain of command. Um, in, in, in such an egregious manner."*** (Cross, page 12)

This aspect of the interview indicated that the content of the complaint did not reflect the full breadth of information regarding the incident or actions taken by command staff.

Sgt. Cross went on to say that his union made a public statement calling for these concerns to be investigated after the decision was made to place the administrative investigation on hold. He confirmed that he authored a public statement/media release that was sent around to board members of his organization. (Cross, page 13)

Sgt. Cross was asked about the accuracy of statements he made in the public message, in the context of department members being held to the expectations expressed in regulations all the time, particularly about commenting on department business/information concerning the department. Sgt. Cross said that he proceeded with the public statement because he had a ***"reasonable idea that there may have been serious policy violations"*** and ***"once I was finished with my conversation with Aquino and, and pretty confident, or at least had a reasonable belief that there were some policy violations, um, you know, I did everything in my power, you know, I knew this was going forward, I helped and participated by adding the policy violations, cleaned up some of the language, I think, you know, here or there grammatic errors…and then facilitated with Lieutenant Pretti, um, to make sure it got, um, submitted in an appropriate way."*** (Cross, page 12)

Sgt. Cross was asked about his choice to engage with people, in this case Sgt. Aquino and Dep. [redacted] who were directly involved as principals (witnesses) in a criminal investigation. Cross said that his involvement with Dep. [redacted] was oriented toward checking on her for humanitarian reasons. Sgt. Cross was asked about the department's rules and practices related to members becoming involved in investigations that they're not assigned to. He responded that he didn't think that he violated any policy. (Cross, page 16) He went on to say, ***"From, from my understanding is, is, you need to be careful about speaking with people that are involved in these type of things and, uh, in your role as a, as a department employee. Again, my role was as their union president advocating and making sure that that people were held accountable. That's what my role in this was."*** It should be noted that Dep. [redacted] joined Sgt. Cross' organization in late January 2023 and Sgt. Aquino is an FOP member. (Cross, page 17)

Sgt. Cross was asked about a deputy contacting witnesses or principals in an investigation that they are not assigned to. He said, ***"If they're not union presidents and they're not trying to get some accountability for the chain of command that failed, then I'd say that probably that they should stay out of it…"*** (Cross, page 17)

Sgt. Cross was asked about the procedures necessary when there is knowledge of a violation of rules or potential criminal violations. He said, ***"Uh, I imagine you have to report those up your chain of command."*** (Cross, page 17)

He was also asked about his understanding of the department's stance on truthfulness and accuracy in reporting and documenting and he said, ***"You need to be truthful and accurate to the best of your knowledge."*** (Cross, page 18)

Sgt. Cross was asked about statements he made regarding not having the benefit of information that became known later in the investigation (information from depositions and text message disclosures). Cross was asked if he believed it possible that through the discovery of facts available to investigators that the concerns expressed in the IA

complaint could be neutralized. He said, ***"Yeah. Things change, yeah, uh, when you get more information, of course."*** (Cross, page 18)

Sgt. Cross was asked why, instead of following procedure to report concerns about policy failures up his chain of command, he instead decided to create a media release. He said, ***"Well, Nanos made it pretty clear that he was not gonna change his mind, in my opinion, that it was just on hold until after the, the criminal case, and, uh, we obviously disagreed and the way to leverage over a political appointee would be in the court of public opinion. Um, and, and so that's why we did…We advocated for her publicly to try and get, exert public pressure to get him to change his mind and do, in our opinion, the, the right thing."*** (Cross, page 18)

The concept of waiting for a criminal case to be completed before engaging in an administrative investigation was discussed in general. Cross said that he'd seen it happen both ways and in this case he disagreed with delaying the administrative investigation because in his mind the behavior of commanders outside the house (Ricardo Garcia home) was a separate concern. He went on to say, ***"…if you arrive at a scene and a witness is outside and he tells you that someone's being raped inside, or stabbed inside, we act, take action as though that's going on right now. We can't just say, oh, it's probably done. I'm sure the raping's done. So we'll just sit tight. We have to act as though we can take steps to try and stop that."*** (Cross, page 20)

Cross was asked about the information he had available in contrast to that available to investigators. (Cross, page 21):

> ***Q) Is, is it fair to say that the contents of the exchange between Aquino and, uh, Captain Cornidez and Aquino and Lieutenant Bernstein aren't available to you…***
>
> ***A) Of course.***
>
> ***Q) …except what Aquino conveyed to you aft-, long after the fact, or after the fact at least?***
>
> ***A) Absolutely, Yeah***.

Sgt. Cross was asked in general about his characterization of the "failure of the chain of command" and that that perception was based on conclusions he came to from talking with a few of the people involved and not all of them. He said, ***"A few of the key players, uh, mostly Aquino."*** In addition, Cross said that Aquino never told him why he never took steps to ensure that she ([redacted] was out of the house, and Cross was asked whether he thought Aquino bore some responsibility. Cross said, ***"I, I think Aquino. No. Because I think Aquino was placed in a n impossible situation. You know, he, he'd been drinking some and he's presented with this absurd situation of his sergeant, uh, seemingly sexually assaulting his squad mate and you know.."*** Cross was asked whether those circumstances would have been a call to action for a lot of deputies and he said, ***"Yeah. I think he did what he thought was right and, and called his chain. You know, he's looking for help. Um, he's looking for some direction."*** (Cross pages 21-22)

Generally, Cross said that he was relying on information he got from Sgt. Aquino and assumed that Aquino had told Capt. Cornidez and Lt. Bernstein. He also said that he was

relying on information provided by Sgt. Kunze regarding what Lt. Bernstein did at the scene.

Note that there was nothing to indicate Sgt. Kunze had exposure to any of the phone calls or conversations between Capt. Cornidez, Sgt. Aquino, Lt. Bernstein, or Chief Janes.

Sgt. Cross was asked about his role as a sergeant in the organization regarding the obligation to maintain its smooth operation. He acknowledged receiving a letter of counseling for failing to convey information to his chain of command about a complaint he had received. He acknowledged being made aware of policies regarding the function of a sergeant when receiving complaints. Sgt. Cross was asked whether he feels as a sergeant he has a responsibility to contribute to the department running smoothly. He said, ***"When I am working as a sergeant with my sergeant hat on, yes. I am not a commander that's on all times and all day. It's, uh, uh, when I'm a sergeant, I'm a sergeant. When I'm a union president, I'm a union president. And, and I try to keep those separate. As best I can. That's why I do union activity off duty as best, you know, uh, I try to separate them when I'm speaking to deputies, you know, if they're calling me, like, are you calling me on a, as a union president or you calling me as a sergeant for advice."*** (Cross page 23)

Sgt. Cross was asked whether he perceived a responsibility to represent department business accurately in written, oral, and verbal statements. He said, ***"I try to do everything I can accurately."*** (Cross, page 23)

Sgt. Cross was asked about putting out information publicly when only a portion of the facts are available, and that pushing that line is questionable as a sergeant. He said, ***"I, I try to make every effort to not do that….But I'm not, I'm imperfect."*** He was asked about a responsibility to be as close to perfect as possible and he said, ***"Sure. And I make that, and that's why I make that effort. I try."*** This discussion happened in the context of statements representing department business and Cross' concerns over the commanders' actions named in this complaint, but that with access to only a portion of information, it was possible to misrepresent department actions. Sgt. Cross acknowledged that a full exposure to the facts could neutralize the concerns in the complaint. He said, ***"Like, Cameron not being the chief at the time. That's an example."*** (Cross, page 24)

Sgt. Cross was asked about what information he had access to about the Garcia/[redacted] criminal case. He said that he'd been provided reports and text messages that Lt. Bernstein had provided to [redacted] attorneys in pre-trial activities.

Sgt. Cross was asked about his knowledge of department rules regarding the release of departmental business information. He said, ***"No. I'm, I'm unfamiliar with the exact verbiage or anything."*** (Cross, page 26)

Sgt. Cross was asked about the risks of releasing inaccurate information about a department member, specifically the risk to the department. He said, ***"I, I don't know. Maybe looking at the, uh, uh, our standing in the court of public opinion would be lowered. I don't know."*** (Cross, page 27)

Sgt. Cross spoke several times about hearing things and talking with others within the department about the case and generally characterized the participation in these conversations as normal (gossip).

SUMMARY POINTS:

Concerns expressed in the [redacted] complaint: Lt. Brett Bernstein, Capt. Luis Cornidez, and Chief Joseph Cameron failed to take action to stop Ricardo Garcia as he was sexually assaulting me.

- Although he expressed uncertainty about what could have occurred once he left the house, Sgt. Aquino's statements to investigators at the time of the incident described any incidents being over. In his description of the three encounters in the bedroom where he made observations of Garcia and [redacted] the third encounter includes Garcia being dressed (where he had been unclothed from the waist down before), and going to the bedroom with Victoria.
  - Aquino gave no information and did not believe that there was exigency necessitating immediate action at the time
  - Capt. Cornidez' understanding of what was described by Aquino left him with the impression that whatever might have happened was already over and there was no information indicating the need for emergency action.
  - Lt. Bernstein's understanding of the events described by Aquino left him with concern that some sexual crime might have occurred, but nothing he was presented with left him to believe there was a present danger or concern necessitating or justifying emergency action.
  - Responding patrol personnel presented with the information available from Sgt. Aquino did not take steps to make emergency entry into the Garcia home.
  - The facts available at the time of the initial investigation by detectives were presented in a search warrant application which was denied by the judge as there was insufficient information to establish probable cause.
  - Facts presented some two days later by Dep. [redacted] and the continuation of the investigation with statements and medical exams provided the necessary information to allow a search warrant to be granted.

These facts are applicable in addressing the concerns expressed as possible violations of rules indicated in the Attorney General communication to the PC Board of Supervisors:

Members required to take action to aid a fellow officer: Neither Sgt. Aquino, who was an eyewitness to the interactions and behaviors inside the Garcia home, nor any of the commanders who received information from Sgt. Aquino had the impression that immediate aid was necessary or that there was a remaining or ongoing danger inside the Garcia home.

A member shall act in an official capacity, whether on or off duty, if an incident observed which requires policy (sic) action and time is of the essence…: The concerns expressed about Lt. Bernstein's response to the scene are disputed as a matter of understanding—

Sgt. Kunze's concern about Lt. Bernstein's words to him at the time were explained by Lt. Bernstein's intention to not engage in the investigation of any possible criminal activity himself, but to provide support to one of his direct reports in making a report he felt needed to be made. Lt. Bernstein believed his involvement was absolutely official as his capacity as lieutenant overseeing the many individuals who were in attendance at the Garcia home the night in question.

Supplemental reports should be submitted when commissioned members participate in law enforcement activities requiring a case report to document their involvement in the incident: In this case, Lt. Bernstein was interviewed as a witness and his statements were integrated into the case report by the investigating personnel. Capt. Cornidez received information and facilitated resources for the situation—this is typical of commanders receiving "advisories" and working to avail resources and provide up-channel communication. This is not substantive police work requiring documentation in a case report. Chief Janes received information and facilitated resources and also communicated up channel as the situation details became known. This is also typical of "advisory" activity and does not require a case report. Chief Cameron authored a report and provided phone records when it was realized Ricardo Garcia was a suspect in a serious case and that Garcia had contacted Chief Cameron and made continued attempts to contact him.

All property evidence shall be packaged and secured in an approved property and evidence locker or delivered to the P& E unit prior to the end of the shift: The issue of the underwear being mislocated and the mislabeling of a different item of evidence was discussed with Det. Gibson who was part of the detective team handling those responsibilities. He was admonished at the time the mistake was discovered, and steps were taken to correct the error.

Contacting witnesses of criminal cases to which a member is not assigned: In this case, Sgt. Cross explained that his initial contact with Dep. [redacted] was to check-in with her and to show humanitarian support after she'd been through a traumatic situation. His contact with Sgt. Aquino happened in his effort to help Dep. [redacted] with preparing a complaint. Sgt. Cross was also provided some reports and text message information by attorneys representing Dep. [redacted] Some of this information clarified and corrected the concern that Chief Cameron was involved in chain notifications of the initial concerns at the Garcia home. **(This addresses a portion of the complaint in IA 24-009)**

Prohibition against willful misrepresentation of any matter in any official statement or report: The public statement written by Sgt. Cross reads:

"The Victim's Plea for Internal Investigation Delayed by Sheriff Nanos"

The Pima County Deputy's Organization recently learned that one of our members, who was the victim of an alleged sexual assault by her sergeant, had her request for a formal internal investigation placed "ON HOLD" by Sheriff nanos.

This deputy filed a formal complaint through Internal Affairs against her chain of command, <u>who were aware that she was being actively sexually assaulted by her sergeant,</u>

Ricky Garcia, and refused to intervene for over 80 minutes. This occurred in December of 2022, and he was arrested the following week.

She filed her complaint to Internal Affairs after Sheriff Nanos failed to launch his own investigation in the months that followed to determine why her Lieutenant, Captain, and Chief allowed her to continue to be assaulted.

The suspect was a well-known friend of this Chief. Why was the Chief in question transferred to oversee Internal Affairs after this incident? Was there an attempt to cover up their involvement or complicity in the aftermath?

No information in the criminal case reports, transcripts, or in the subsequent internal administrative investigation revealed evidence of anyone being "aware that she ([redacted] was being actively sexually assaulted by her sergeant." Nor was there any information brought to light that supports the notion that anyone "allowed her to continue to be assaulted."

Department requirement to report in writing to the supervisor of an offending member and to one's own direct supervisor, any delinquent or immoral conduct, laxity in the performance of duty or laxity in the observance of department rules and regulations or procedures: The concerns expressed in the complaint and the public documents authored by Sgt. Cross reflect behaviors that would trigger proper notification according to department rules. No evidence was revealed indicating that there was an effort to comply with this policy and Sgt. Cross explained that using the "court of public opinion" to apply political pressure to Sheriff Nanos was chosen instead of choosing to comply with the requirements of regulations.

Department requirement directing supervisors to see to the intelligent and efficient functions of the department: There were topics revealed in the investigation about Sgt. Cross' perception of his responsibilities as a department sergeant and those of his role as a union president. He described his efforts to separate those two functions as often as possible, however, in this case there were aspects of department responsibilities that were subordinated to Cross' belief that union advocacy, holding commanders accountable for possible failings, and placing political pressure on the sheriff were more important.

Relevant legal concepts for consideration (provided by PCSD legal advisor, Sean Holguin of the Pima County Attorney's Office):

[redacted]

Pima County Sheriff's Department Policies:

2. VI. A (AUTHORITY AND RESPONSIBILITY OF THE SUPERVISOR): Supervisors shall constantly direct their efforts toward the intelligent and efficient performance of the functions of the department and shall require subordinates to do the same.

2. VI. D. (AUTHORITY AND RESPONSIBILITY OF THE SUPERVISOR): Supervisors shall report any delinquent or immoral conduct, laxity in the performance of duty or laxity in the observance of Department Rules and Regulations, or procedures on the part of any of their subordinates in writing to their supervisors. Such reports shall be submitted with (7) days of learning of the transgression.

A supervisor who observes or is informed of a neglect of duty or misconduct by a member not assigned to the supervisor's unit shall immediately bring the incident to the attention of the member's supervisor as well as his/her own superior.

4.I.A. Pima County Sheriff's Department members shall conduct their private and professional lives in a manner that will reflect favorably on the department as well as themselves. Conduct unbecoming a member of this department shall include that which tends to bring the department into disrepute or reflects adversely upon the individual as a member of the department, or that which tends to impair the operation or efficiency of the department or member.

4.I.A.5.b. No department member shall in an official capacity willfully misrepresent any matter, make or sign any false official statement or report, commit perjury, or give false testimony..

4.I.A.6 Department members shall not reveal official business except for the following purposes: (a. Release of public records, b. Release of information to members of the c.j. system for official use, c. Release of information in accordance with privacy and security procedures, d. Release of court-ordered information, e. Release to the news media of non-confidential information concerning daily department activities)

4.I.A.7 Department members shall access department and criminal justice information, including both manual and automated fields for official purposes only.

5.I.A.5.a Protect life and property

5.I.A.5.c Prevent crime

5.I.A.7 All members are required to take appropriate police action toward aiding a fellow peace officer or department member exposed to danger or in a situation where danger might be pending

Pima County Law Enforcement Merit System Rules:

XII-1B2 Incompetency

XII-1B4 Neglect of Duty

Pima County Personnel Policies:

8-119 M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.

N. Report to the immediate supervisor all known mistakes, policy violations, or infractions of the Rules of Conduct

:GM

ATTACHMENT 2

Pima County Sheriff's Department Investigative Report Transcripts of:

- Sgt. Aaron Cross
- Bureau Chief Joseph Carmeron
- Captain Luis Cornidez
- Lt. Brett Bernstein
- Det. Russell Gibson
- Bureau Chief Buddy Janes

Q. THIS IS JESUS LOPEZ OF THE PIMA COUNTY SHERIFF'S DEPARTMENT. TODAY'S DATE IS FEBRUARY 20TH, 2025. THE TIME IS APPROXIMATELY 0950 HOURS. UH, THIS INTERVIEW IS BEING CONDUCTED AT 1750 EAST BENSON HIGHWAY. THIS IS IN REF-, REFERENCE TO I-A CASE NUMBER 23 DASH 031. UM, ALSO PRESENT IS CHIEF GERARD MORETZ, UH, SERGEANT AARON CROSS, AND SERGEANT DAWN BARKMAN. CAN YOU PLEASE SAY YOUR NAME FOR THE RECORD?

Q2. IT'S GERARD MORETZ, BADGE 1243.

A. AARON CROSS, BADGE NUMBER 4496.

A2. DAWN BARKMAN, BADGE NUMBER 1120.

LEGEND:	Q. CHIEF LOPEZ	A. SGT. AARON CROSS
	Q2. CHIEF MORETZ	A2. SGT. DAWN BARKMAN

Q. Okay, Aaron, um, you, you just provided me a document that you said came from your attorney?

A. Correct.

Q. You _____ that, Gerard? As he's reading that I, this is the, uh, Notice of Investigation. If you have a few minutes to look that over.

A. Okay.

A2. I have one here.

A. Uh, it's the 20th? I haven't gotten used to saying '25 yet. 2025.

Q. It's always hard, right?

A. Mm hmm (yes).

Q2. Aaron, uh, when we talked on the phone this morning I told you, you, you asked a good question; are you a focus or a witness? And, this case is interesting because it's a complaint that we received, uh, via email from [redacted] um, and so naturally we interviewed her. We interviewed many of the people that were named in the complaint.

A. Okay.

Q2. And what emerged from that were questions about the contents of the complaint and how those, uh, allegations came to be.

A. Mm hmm (yes).

Q2. And, uh, obviously, uh, we were told things about how that was prepared and it, it leads us to you to get some clarification.

A. Okay.

Q2. So, while you weren't named in the complaint, um, it's relevant to bring you in and there are possible rules and regs implications and therefore I told you best to think of yourself as a focus but that's the gist of why you're here, on this particular complaint.

A. Okay.

Q2. Does that make sense?
A. Yeah.

Q2. Okay.
Q. And this is the complaint that was filed online.
A. Mm hmm (yes).

Q. You wanna look that over?
A. Are these, so I'm reading the complaint that was supplied by [redacted]?

Q2. Yes.
A. Okay.

Q2. So…
A. Is that all the foundational documents you guys have?

Q2. For the purposes of, of talking to you, yeah. That's, that's what we got.
A. Okay.

Q2. Um, so, let me start by asking you about your knowledge of the contents of that I-A complaint and any hand you had in preparing it.
A. So, in my role as her president, of her union, uh, she asked for assistance and her attorneys and her created this, uh, complaint and then, um, before it got submitted, I helped her with the submission. I called Lieutenant Pretti and just said, uh, I've never lodged an I-A complaint before. How does, what's the best way to, to do this? And so he recommended doing it online. And so, I relayed that back to, uh, [redacted] and her attorneys. And, uh, then before it got submitted I helped just kind of, she sent it to me before it got submitted to kind of review and if I remember correctly, it was lacking, um, the policy violations. So, I put that at the bottom and then, I think, just tweaked some of the language, my, it just, to make it sound more grammatically correct, I think. Um, but, that's about the extent.

Q. Did, did you, did you at all help out with getting the, I guess, the, the details of the actual complaint, like, the, the timeline, the events that occurred?
A. No. Those were supplied to her attorney. Uh, I imagine, I mean, if you guys wanna, to know the, the whole story how this kind of fell into place.

Q. Sure.
A. So, um, the incident happened. I was working that night and, uh, I, I was unaware of it until I was driving home and I saw Brian Kunze attached to the call, um, seemed odd. So, I looked at the call and looked at the, the names table. Like, why is a sergeant attached to that at six in the morning and saw that there was, uh, Ricardo Garcia and I thought, oh, I wonder what happened there. And I went home and went to bed. And then, uh, the next day Kunze, well, I woke up to a text from Kunze saying, hey, give me a call when you wake up. And so I called Kunze and he told me, um, you know, what had taken place the night before. And Brian Kunze told me that his understanding, and the

understanding of everybody at the scene that morning, was that, um, Bernstein was standing outside, Cornidez was aware, and Cameron was aware because Cameron was covering. That's what he believed, uh, was covering for Buddy who was out of town. You know, that, I think that later turned out to be, oh, in fact that did turn out to be incorrect but at the time that's where that belief came from. And so, um, in my opinion I think that, uh, a lot of that information came from her attorneys speaking with probably Sergeant Kunze and others, so.

Q. Okay. Did you interview any of the people involved like Aquino? Or [redacted]...
A. So...

Q. ...uh, particular details of what occurred that night?
A. So, prior to submitting it I wanted to make sure that it was going to be something valid. So, I asked, I called, uh, Aquino but this was in, this was after he testified at Grand Jury or something and he sent me, he sent me his notes but I couldn't read them. I was like, dude, they're chicken scratch. I can't read these at all. You need to tell me what's, you know, before we go forward on this and make these allegations. I'm not interested in, and I told him very specifically, that I wasn't interested in what happened inside the house. What I was interested in is what happened outside. When was the call made? And who did you make it to? Because if he made it, you know, well after the incident then, then it's hard to blame people for not acting on something that they didn't know. And so he said that he, uh, made the call to Captain Cornidez as he was being, I think his words were something to the effect of being thrown out of the house. So, immediately. So, um, Captain Cornidez got the call immediately as he's being locked out of the house was my understanding. And so at that point I went, okay. So, there's probably some merit here that this needs to be looked into. Um, it's reasonable to think, um, that action should have been taken at that time. You know?

Q. So, when was this phone call? Do, do you remember when you spoke with Aquino?
A. Aquino? It was...

Q. _____.
A. ...it was...

Q. General time frame.
A. Yeah. It was shortly, I think, before this complaint in July 30th of 2023, yeah. So, um, some, some time had passed. But that was the, the purpose of it was to, I, I was uninterested on all the particulars that happened inside the house. I was interested in, in who knew what and when. And, um, my question to Aquino was, okay, you called them, um, did you tell them everything? Because if you just told him, hey, some weird stuff's happening, it'd be hard to blame Cornidez for not acting on that. Um, he said, no, I told him, I told him everything that happened. I said, okay. So, we have a Captain with, with intimate knowledge of what's taking place immediately after or while it's, it's happening. Okay. Um, because if it didn't, I wanted to warn off her attorneys and [redacted] of, like, hey, maybe we shouldn't do this investigation, um, because they can't be blamed for not acting on something _____.

Q. Okay.
A. But I did that in capaci-, you know, in my capacity as her union president.

Q. All right. So, so this would have been some, sometime around the July timeframe of 2023.
A. I believe so. It's, it's been some time, so.

Q. Okay. Um, do you recall when you spoke with [redacted]?
A. I first spoke with her, if I remember correctly, about a week after the incident, week and a half. Something like that. I just reached out to her to check on her, um, just 'cause everybody knew what was going on so I just wanted to say, hey, how are you doing? You know? And, uh, she said she's doing okay and, um, we didn't talk about the case. I just, you know, if you need anything. And she's, like, yeah, actually I'll be looking to come over to your guys's union. She was a member of the Association at that time. And I said, okay. And she asked me how to do that and so I told her how. And she came over, I think, within the week, I think. So.

Q. And do you know when that timeframe would have been?
A. I, I…

Q. Do you think it was December, January?
A. Oh, it was probably January. I mean, I'd have to. It's been a coup-, this is end of '22, I think. So, you know, I think, a week, a week and a half. I, I didn't wanna call her right away. I wanted to give her some time to settle. And, 'cause I know when you're involved in a major incident you're, you know, everyone wants, everyone wants to talk to you so I wanted to give her a little time to breathe and then just call and say, hey, you know, as a person to person, how are you doing? Are you okay? Do you need anything? So, uh, I figured she probably got a lot of those types of calls and so, you know, just wanted to, um, check in on her, see how she's doing. So, we didn't talk about the case.

Q. Okay. So, so no details about the case, huh?
A. No.

Q. Um, during that time period you _____, um, she was gonna join your association.
A. Mm hmm (yes).

Q. Um, do you know, were you a, a, a full functioning association by then, um…
A. Yeah.

Q. …do you know when that occurred?
A. Yeah. So we, we'd always been. We didn't form our own organization but we were already part of AZCOPS well before, you know, you guys from the commanders union were part of it too before you left. Um, so we were part, you know, we, AZCOPS has been around and they had, you know, less than 50 members for a while. It wasn't until we got about 50 that Jim Parks (ph) our, our director at the time said, you guys should probably organize. And I think that was at the, you know, we did elections the end of '22, something like that. So, we were, we were in the process of forming and everything

but we were still under AZCOPS, you know, I was still the liaison, um, with Sergeant Barkman to Jim Parks, our director with AZCOPS, you know, in 2022.

Q. Okay.
Q2. When exactly did you join AZCOPS? And did you join as an individual or did you present to AZCOPS as a group? Two questions.
A. So, I joined AZCOPS in, uh, I joined as a member. When did, when did Joe leave? Um, Joe Murphy (ph) was, Joe Murphy and Dawn were the, uh, kind of, I think they called liaisons. And when Joe Murphy retired he called me and asked me if I would take over as liaison. Um, and, uh, I agreed. So, Dawn and I were kind of the lead of the, of the sub-group, of the deputies group inside AZCOPS and, I mean, that was in, like, '21, I think, if I remember correctly 'cause it was right when COVID was going insane. And so, uh, I think, early '21 if I remember correctly, uh, we, uh, we sat down with, with Jim, I feel like it was some time, um, sat down with Jim and Jim explained that you guys need to, like, formally organize under the AZCOPS umbrella. I mean, we were still under AZCOPS, we were just kind of a sub-group that hadn't created its official…

Q2. I'm sorry. Did you say in early '21?
A. I think. It's, I'd, I'd have to go back.

Q2. I'm just trying to get the, the timing right because the, the incident…
A. Mm hmm (yes).

Q2. …was late '22, right?
A. Yeah.

Q2. Okay.
A. But you're asking me when I, I joined…

Q2. Yes.
A. …with AZCOPS.

Q2. Yes.
A. I think '21.

Q2. Okay.
A. Yeah. And I only say that because that's when COVID was going insane. That was the big push to joint AZCOPS actually was that they were fighting the COVID stuff and so that's why I went over.

Q. Is, is that the, the extent of your, your contact with, uh, [redacted] and Aquino?
A. Yeah. I, I mean for the, from what I can remember it was, you know…

Q. In, in the initial part, 'cause I know that you, you mentioned you spoke to Aquino right after he testified in Grand Jury. But, in January you, you reached out to, uh, [redacted]?
A. Yeah. Just to check on her. Not to talk about the case. And then when she joined, uh, our, our union, um, she asked, in my capacity as her president, to help her, um, with, because she was looking for an attorney. And I believe, if I remember correctly, in my

capacity I, I sent her, I think, to Edward Bina (ph) and, um, that fell through. Uh, I'm not, I can't remember or I, I don't know all the ins and outs. I really was not trying to get that involved. And then, um, so I kind of just directed her to an attorney and, and thought that was the end of it. And then, uh, she was directed to, uh, Mike Storie by, um, Santa Cruz County attorneys and I let her know that that was, uh, well Kevin Kubitsky filled me in on a lot of the, the problems. But, there was some conflict of interest there, um, because at that time we thought that Cameron was the one that was notified. Um, and, uh, so, I told her, I was like, well, hey, you know, if, if Cameron's part of this, they're friends and that's kind of conflict of interest and I'm surprising, I'm surprised he didn't mention that to you. Something to that effect. And, uh, so, then, uh, Kevin, uh, Kubitsky is a private investigator for her current attorney, from my understanding and he recommended him and, um, so I, I relayed that to [redacted] and so I think she ended up going with him. Um, you know, our understanding at the time, you know, everybody thought that Cameron was the. 'Cause like I said, I mean, that was the knowledge that Brian gave to me. So I, I have a feeling that the field just thought that Cameron was covering. Now, as it turns out, later, uh, it was Buddy James was, was, was not on vacation. He was actually there and, and directing the response from, from what the text messages that Lieutenant Bernstein supplied. Cameron, um, you guys may not be aware of this stuff, but, you know, I wanna, since this is the investigation, um, when I spoke with, uh, former Chief Deputy Kastigar (ph) he told me that the Monday following that Cameron walked in the office and was bragging that the investigation was going nowhere and he talked to Ricky and it's all going on, it's all going away, which is directly contradictory to his official police report. And so I definitely wanted to make sure that that's on record and gets looked at as well.

Q. Okay. Um, did you share that with the attorney? Your, your, uh, the defense attorney? 'Cause I'm assuming you, you were interviewed, correct?

A. Yeah. Um, I, I think that I was supplied with that later after my, my deposition. Um, but I relayed that information to, to [redacted]'s attorney so that, uh, Kastigar could be, de-, you know, whenever the depositions would go forward, I wanted to make sure that that was known for her case.

Q. Okay. And when did Kastigar tell you this information?

A. It was late last year, if I remember correctly.

Q. Okay. Um…

A. But right before the trial, I think.

Q. Right. Um, you, you mentioned that you, you never spoke to Aquino or, um, [redacted] about details of the case. Um, there's information that I think you gave interviews on the radio or on T-V that you spoke and got details about what happened from them? You also mentioned that to a member of the media that you interviewed [redacted] and she told you the details of what occurred.

A. I probably misspoke or something like, the, when I spoke with [redacted], [redacted] doesn't even know what happened. She was blacked out.

Q. Right.

A. So, that's obviously not, you know, not the case. And when I spoke with, uh, well I spoke about the details I'm not talking about the details of the sexual assault. I'm talking about the details of what the chain of command knew. That is our complaint. Ricky's got his own, you know, what happened to Ricky, happened to Ricky. Um, my job, my, my role as her advocate and as her union president is to advocate for her about the failure of the chain of command. So, when I'm talking about the details _____ that's probably what I'm referencing. It's not necessarily about what happened in, you know, inside the, the house. Um, I was, I made a very concerted effort to try and steer away from that. What I know about what happened in the house is public knowledge from, um, from, uh, media and from just the rumor mill. I mean, how many deputies were disciplined for looking up those reports, you know, in the, in the week following. So, this was a very talked about incident, um, very talked about amongst the field and a lot of that information just flows to me as their president. So, you know, the, you guys were deputies once. You remember how the rumor mill goes.

Q. Right. So, um, get-, getting back to the, the Rick Kastigar statement…
A. Mm hmm (yes).

Q. …he says that the Monday after the incident occurred, that's when he heard that statement?
A. Yeah. So, if I remember correctly, the, the incident happened, what Saturday night into early Sunday morning and then the following Monday, if I can remember what, what Rick's statement. I'm paraphrasing, or course, but, essentially that, that, uh, he was in there, in the executive suite and Cameron came in and, uh, from what he told me he was, uh, bragging about how it's not going anywhere. He talked to Ricky. This thing's not going anywhere. It's all swept, getting swept under the rug. And Kastigar responded to him by saying, you can't be talking to him. You know that, right? And that's when, I think, he described him as kind of backpedaling. You had a question?

Q2. So, Rick Kastigar told you this himself?
A. Yes.

Q2. Was it a face to face conversation, or?
A. Over the phone.

Q2. Over the phone?
Q. Did you record it by any chance?
A. No. I don't record it.

Q. Um, uh, in, in spa-, in spite of that comment, um, um, I think Ricky was still arrested, correct?
A. Yes. Yes. And…

Q. And, uh, he went to trial?
A. He went to trial.

Q. Um, did, did you testify that criminal proceeding by any chance?

A. I was, I was not in, uh, I didn't end up getting called, um, I was on the list to get called in the event that Ricky's very close relationship with Sheriff Nanos came up and they needed to dispute it.

Q. Okay. And during, I guess, in preparation for that trial, did you do defense interviews or interviews with the County Attorney's Office?
A. I did depositions, yeah. Which you guys probably have copies.

Q. Yeah. We have those copies. Okay. So, so as you're getting details of what the command staff, do you think that's interfering, or, with the investigation by making those inquiries?
A. Absolutely not.

Q. No?
A. How would it be interfering?

Q. Uh, uh, I'm just asking, pos-, posing that question to you. So, I'm just asking you that.
A. I didn't direct them to change their testimony. I didn't direct them to stop, to not testify. In fact, if, if this hadn't happened, would this even be investigated? I very much doubt it. And I even have doubts about this. I think that this is a bad faith investigation. We have a, a situation where one-third of the chiefs are investigating another third of the chiefs? This should be handled by an Internal Affairs unit from T-P-D or some other agency because it's obvious conflicts of interest. Um, you know, the rumors, how it looks is, uh, there's a rumor that Cameron went into and spoke with Matt Schilp (ph) and went and spoke with Vince Lopez (ph) and Gerard, you're indicated that you were there during this conversation to ensure that somehow text messages wouldn't be backed up on department cars and that ran around the department as well.

Q2. Department what?
A. That when your phone syncs to your department car, to make sure that the car doesn't have those text messages on backup, um, and, and that rumor's going around. I mean, this, this is going to look to the ma-, to the deputies and to everybody in this department like it a cover up job. Whether intended or not, it, it looks terrible. You know? And, um, we just had a situation where our Internal Affairs was investigated by another agency's Internal Affairs so that can happen, you know, in this department there's precedent for that. You know, we're coming off the heels of Ricky escaping the most serious of his charges because we kept this department, you know, this investigation in-house, inappropriately so.

Q2. Hold on. It, it seems like you have a speech but this is not an inquiry of you into the department.
A. I understand you're upset.

Q2. Okay.
A. Go ahead. I, I mean, I'm just, I'm just saying, answering, you know, the question. I'm being accused of, of tampering with _____...

Q. But in, but in the same…

A. …but I didn't do that.

Q. Yeah, but in the same token, we're aware that Jill Isely met with you outside of work and gave you a thumb drive with information regarding your internal investiga-, Internal Affairs investigation. That's not appropriate either.
A. That's…

Q. Right? And if, if you…
A. Go ahead.

Q. …you should have at least come forward and said, this is not appropriate and taken matters, uh, in, in, at least report it that this is very inappropriate that they're doing this.
A. I asked her under the Police Officer's Bill of Rights to supply me, as required in the Police Officer's Bill of Rights with all the foundational documents. She and I believe that that is consistent with the law. In this instance right now I've been supplied with no foundational documents to explain to me why I'm being investigated. The focus, as you, as you mentioned.

Q. Right.
A. The focus of this investigation. I've been supplied with only the complaint that [redacted] provided.

Q2. Let me explain that a little bit further.
A. Yeah.

Q2. The, the, uh, as you saw in the complaint, you're not mentioned as, there's no allegation against you.
A. Right.

Q2. Okay? So, you came up in the investigation in talking with people to try to establish, um, an attribution for the allegations that are in this. Um, would you agree that it's appropriate in the course of pursuing allegations or complaints to try to attribute information to a source?
A. If that were true, I would agree with you saying, if I were here as, under, as a witness. But, because I'm a target, and I should also say that, that, uh, I've been, I've been told for a few months that this investigation was gonna be turned around against me as witness tampering. That was the rumor mill, um, coming around 103 to me. Information that comes to me and I just, okay. Well, we'll see if that ends up happening.

Q2. Well, Aaron, Aaron, this sitting with us today is also an opportunity for you to, we've asked you straight-forward questions…
A. Mm hmm (yes).

Q2. …about your knowledge of this complaint.
A. Right.

Q2. And still in pursuit of trying to attribute the allegations to a source. As you said, um, you mentioned [redacted] uh, I, I forget your exact words but either not recalling or having difficulty recalling some of the events of that night.
A. I think it's pretty well-known she blacked out. Doesn't remember anything.

Q2. Well, what, what, what…
A. That was her testimony.

Q2. …whatever's well-known, I'm asking you about what you said.
A. Yes.

Q2. Um…
A. Um, and I think if, if you're asking me straight-forward how this information got on that page from [redacted] and her attorneys, my speculation would be that they spoke with, um, Brian Kunze. He supplied that information. Because that's what he told me that morning, or the afternoon following and that's what the, the rumors were swirling around amongst the patrolmen. So, I can speculate where it came from. I only cleaned up the language and added the policy.

Q2. Okay. And that helps to, to understand…
Q. That, that's your involvement with this is…
A. Yeah.

Q. …adding that and…
A. Mm hmm (yes).

Q. Okay.
A. Yeah.

Q2. And, and I'm glad you're mentioning some things. When you talk about speculation and rumors, that's why part of why this task is difficult. It's part of why we asked you to come in.
A. Right.

Q2. It's like, okay, where did this come from? How are these allegations, uh, I guess, arrived at…
A. Right.

Q2. …uh, that brought us to this investigation.
A. And this. Like I said, rumors and speculation. That's why I try to clarify what I know for fact and what's rumor and speculation. Um, you know, the, the rumor mill as we've talked about previously, that's, that's what it was rolling around amongst, I mean, this isn't secret stuff, you know.

Q2. No. Part, part of what, uh, we have to do as an agency when there is, uh, a sensational case is we have to exercise self-control and be patient with the legal process.
A. Mm hmm (yes).

Q2. Um, very difficult to impose controls on people…
Q. The rumor mill, right?
Q2. Yeah. On, on the, on the rumors. So, as, as much as you've been a part of hearing things, that's, it creates a frustration level. But, I don't know how else to sort through this than to talk to you about it.
A. Right. Right.

Q2. Is that fair?
A. It is alarming, yes. I understand what your point is.

Q2. Okay.
A. I'm not trying to be obtuse. Um, it is alarming when I'm called in as a, as a focus and not as a witness or a, or a…

Q2. But, well, if…
A. I'm not saying I'm a witness to this thing, I'm just saying…

Q2. One, one, one of the possibilities is that, um, a person could make a complaint with conjured information. You know? It's I-A.
A. Sure.

Q2. I-A receives complaints from a lot of people, citizens, whomever. Um, you're a department member and there are rules and regulations and expectations of department members with respect to, um, a hundred percent of the time advancing information with voracity.
A. Correct.

Q2. And, and being truthful at all times.
A. Right.

Q2. And if, and if something's not known, qualifying it perfectly.
A. Right.

Q2. You know what I mean? So, um, you're not here by accident. You were named as a person who participated in the construct of this and so, we gotta ask you questions about it.
A. Sure. Yeah, and, and…

Q2. So if you, if you feel under attack, I'm, uh, I can only be fair with you and say, yeah, if, if there's information, if you came in and said, well, I just thought that these things happened and I put them down…
A. Right.

Q2. …rules and regs would be applicable.
A. Sure.

Q2. We're, we're all accountable to, to rules and regs, uh, on these things.

A. I made every effort to make sure that this, if it was gonna go forward. And, and you have to understand at this point I don't think [redacted] or her attorneys had the benefit of the depositions and the text messages that Bernstein supplied. You know, those came, those came much later. Um, my, to your point to making sure it's, you know, emphasizing voracity, that was the whole reason why I wanted to speak with Aquino, not to ask him about what he witnessed inside but to make sure that this complaint was gonna go forward. That it was a legitimate complaint that, that there was some voracity to it. That, that policy was not followed or it looks like policy was not followed by her own chain of command. Um, in, in, in such an egregious manner.

Q. Yeah. I, I, I know you mentioned that there was some, I guess, lack of response or, you know, with command staff. Did you report that to anybody or did you let everybody know, anybody know that you had issues with that or there was concerns with that? Like, did you share that with your lieutenant, share that with your command staff?

A. I think it's pretty well known our, our union made public, made a public statement that, you know, calling for this to be investigated, particularly when it was shot down or, I'm sorry, put on hold by the Sheriff. We made a very public statement about that. You know, this, this, um, complaint, all these things, you know, my interaction with [redacted] was not as a department member, it's in her capacity as a, as a union president and we've been, we made it very publicly known our issue with this and, and what should have happened. You know?

Q2. That's part of, uh, my inquiry, I think, is trying to separate out union functions from department functions.

A. Mm hmm (yes).

Q2. Because these are expectations on us, you know, for lack of a better expression, 24 hours a day as department members and, and duties and responsibilities that we have to share information in a, in a, in a certain manner if it's a, if it's information concerning the department and so forth. So, that's why that's a relevant question.

A. Right. So, when I was confirmed through speaking with Aquino of who knew what and when they knew, that was the day or two, uh, whenever it was, in the week before this complaint was _____. So, so, I knew once I was, I had a good idea or at least a reasonable idea that there may have been serious policy violations that, um, that that ball was, was now rolling to try and get some, uh, accountability for that, or at least get it looked at. So, you know, um, once I was finished with my conversation with Aquino and, and pretty confident, or at least had a reasonable belief that there were some policy violations, um, you know, I did everything in my power, you know, I knew this was going forward, I helped and participated by adding the policy violations, cleaned up some of the language, I think, you know, here or there grammatic errors or whatnot, and then I knew, and then facilitated with Lieutenant Pretti, um, to make sure it got, um, submitted in an appropriate way.

Q2. So, this email was a suggestion that Ryan Pretti had to…

A. Yeah, I asked…

Q2. …get, get it to the department…

A. I've never made an I-A complaint before. So, I won't, I, I didn't know. Did she have to go in? I was trying to save her the indignity of having to walk in the office. She suffered enough, in my opinion. So, um, again, as her, in my capacity as her union president I asked her what, I asked Ryan Pretti, you know, what's the best way to, to do this and he recommended that way so she didn't have to come in.

Q2. Did you author any other documents about these concerns?
A. I offered the, um, again, in my roles as union president I offered the, um, public statement that our union made when this was, uh, when, uh, [redacted] told me that it was placed on hold. I think she got a call from, if I remember correctly, from, uh, Lieutenant Pretti relaying that Sheriff Nanos put it on hold. And so, uh, I authored, and I think we've sent it around to our board, um, to get their okay, uh, 'cause I'm president but I'm not the king, and, uh, they okay the language and we put out a public release.

Q2. Okay. So, you wrote it…
A. Right.

Q2. …and members of your association approved the language?
A. Yes. The board. Not member, yeah.

Q2. The board. Okay. Um, what care did you take in composing that to ensure that the information that you were putting out there, um, is it fair to say that you put the information out there as if they were facts?
A. I, I guess. I, I, to the best of my knowledge at the time.

Q2. Okay. And, so, what, what was your process to ensure that your knowledge was, um, squared away?
A. Are you saying there's an issue with the statement? Do you have the statement that I could review?

Q2. Uh, I don't have the statement that you…
A. Okay.

Q2. …your media release that you wrote, right?
A. Yeah, yeah. Uh…

Q2. Okay.
A. …it's been a couple years so I don't remember everything verbatim off the top of my head but, uh…

Q2. Okay.
A. …yeah, as the, the best of my knowledge it was accurate and I sent it to the rest of the board, um, that was my effort to maintain somewhat accuracy. If there's something wrong there, um, I feel like I probably would have been told at that time but we all okay'd it. It looked good to us, to what was known at the time. And essentially, we just criticized the lack of, of investigation. The fact that none of the people were put on leave, none of their phones were downloaded. You know, there's no effort to preserve any

evidence for this investigation that was gonna happen that ended up turning out to be, you know, a year and a half later.

Q2. Those things that you just mentioned, how do you know that?
A. Well, everybody knew that they're not, you know, they're not on leave. I'm, we all assume that the phone's aren't downloaded.

Q2. So, you assumed it.
A. We would have heard. Yeah. I didn't say that in the statement that their phones weren't downloaded.

Q2. Okay. Okay.
A. Yeah.

Q2. I just wanna be careful about separating statements represented as fact from assumptions or speculations that you've made 'cause I think that's important.
A. Oh, certainly. I just, I know that this investigation's probably going to be reviewed by the Attorney General's Office. So, a lot of this I want to just have on the tape.

Q2. I see. I wanna ask you about, um, this call that you made to, to Deputy [redacted]
A. Initial-, the week after?

Q2. Yeah.
A. Okay.

Q2. Yeah. And the way you described it, uh, don't let me put words in your mouth. But the way you describe it, it sounds like, uh, uh, you called with sort of a humanitarian inquiry.
A. Yes.

Q2. Okay. I want you to put your deputy hat on for sec and, and I wanna ask you about, um, what is at risk when someone is, is the subject, a principle subject in a criminal investigation of someone who's not involved in that investigation, reaching out and talking to that person? Do you have a sense that there's anything at risk in doing that?
A. No. That's, I, I…

Q2. Well…
A. …call deputies who've been involved in shootings as well just to check up on them. That's something we do.

Q2. Okay. But were you careful about, um, where you went with that conversation?
A. Hundred percent. We didn't talk about the case at all.

Q2. Okay.
A. I just asked if she was okay.

Q2. Okay. So, that to me, if, if you're careful about where you go it, it seems to indicate that you understand that there's some risk in going in the direction of a conversation…
A. Sure.

Q2. …into the contents of the case.
A. Yes. If I call her and say, hey, tell me what happened, that's, that's not appropriate. But that's not the purpose nor what happened on the call.

Q2. Okay. Let me ask you a question. As a longtime sergeant, if you had information that a deputy on your squad got wind of a case that was being investigated in another district and that there were witnesses and victims and so forth identified in a, in a case in another district and you found out that your deputy took an interest in that case and called, um, a witness to a case that was being investigated by others within our department. As a sergeant, what would be your response to that?
A. It was a very long-winded hypothetical. But, as long as he was call-, we have deputies call other deputies who have been in shootings to check up on them all…

Q2. I'm not talking about necessarily other deputies. I'm talking about a witness.
A. You mean [redacted] or are you talking about…

Q2. I'm, I'm, I'm giving you an example. If you were a sergeant, which you are…
A. Right.

Q2. …and you found out that one of your deputies took an interest in a case that was being investigated by our department in another district…
A. Uh huh (yes).

Q2. …and there were witnesses and so forth that had been identified in that case and sometime later you found out that your deputy made a phone call and got in touch with a witness and talked to them, uh, roo-, um, born from their involvement with the Sheriff's Department.
A. It's, lacking sufficient details for me to really answer that correctly. Um, in, in his cap-, is he a union president calling in the capacity of his union president?

Q2. Uh, uh…
A. Then I would think that that would be appropriate. Um, if it's a deputy calling another deputy to check up on them, I think that's appropriate. Um, and it happens all the time.

Q2. What…
A. I, ev-, everybody who's involved in a shooting can testify that the day after and the week following, and I can testify as well, your phone will not stop ringing from people calling to check up on you. It's just something we do. You know?

Q2. What's, what's your understanding of, um, interpersonal violence or sexual assault cases and considerations or special concerns related to victims in the victim experience?
A. I, I, I don't, I don't even know.

Q2. Okay.
A. Are you implying that calling to check up on someone is inappropriate?

Q2. Um, I'm, I'm, I'm, I'm asking you a question to determine whether you weighed out the appropriateness of talking to somebody who had been allegedly involved in a, in a serious interpersonal violence case as a victim.
A. Of course I did. That's why I was careful with the topic. It was just a, how are you doing? Do you need anything? Anything I can help you with? That's all. Um, and I do, I try to take care of, of people who've been in shootings or any critical incidents to try to at least give a humanitarian touch to that and just, you know, that, I imagine that they feel isolated after that 'cause people don't want to talk to them, you know, about the case. If, you know, I know how it is. You feel like you're on an island after some critical incident and it's nice when people call to check up on you and show that they care. And that's what I did, and that was my intention. And I was careful with my questions. We didn't talk about the case at all.

Q. Okay, um, the. the night of the incident, I guess, that morning Brian, Brian Kunz-, or Kunze text you _____ a call.
A. Right.

Q. Do you recall what, what details he gave you about what transpired other than Bernstein?
A. He just said that as he walked up that it was, that, that, uh, everybody, I think, by then knew, you know, uh, the rumor mill. I, this was my first hearing of it though, 'cause I had just woken up. Um, but he told me that, uh, that, what the allegation was and that, you know, 'cause it was in the call text or whatever. And he said he responded and when he got there he got out of the car and, uh, he was met by Bernstein and he said that Bernstein's first words to him were, he held up his hands and he said, I'm not here officially. And Kunze thought that that was obviously inappropriate. I would, I agree. And that, uh, Bernstein had been standing out there for a while and didn't do anything. And he told me that, I think I asked him, I said, how did Bernstein _____ something to the effect of, who else knew in the chain and that's when he told me that it was his understanding, um, that Cornidez and Cameron knew, because Cameron was covering. That was the belief that Kunze had at the time. Where that came from, I couldn't tell ya.

Q. Was there mention of any other details that Aquino provided that night?
A. No. Because I don't think Brian knew them. He was busy dealing with the scene. He just told me from his angle as a sergeant responding. And, and that, you know, they got up to the door and Ricky was rude and short while later she appeared and, and, you know, half, half clothed and they got her taken care of. And so, we were discussing it. Kunze and spoke often 'cause at the time he was the senior serge-, there were two senior sergeants on midnights. He ran the north side and I was on the south side, obviously. And, uh, sorry. Um, and so we would often debrief about big incidents.

Q. Okay.
Q2. What's your general understanding of department rules and practices related to members becoming involved in investigations that they're not assigned to?
A. I don't think that I violated any policy.

Q2. I'm asking you to convey your understanding of what the department rules and practices are.
A. From, from my understanding is, is, you need to be careful about speaking with people that are involved in these type of things and, uh, in your role as a, as a department employee. Again, my role was as their union president advocating and making sure that, that people were held accountable. That's what my role in this was.

Q2. Okay. You mentioned before people getting in trouble for looking up the case.
A. Right.

Q2. Okay. Would that be a reflection of the department's stance on involving, becoming involved in a case you're not assigned to?
A. As I understand, that's a violation of our, of our electronic, you know, our, you know, uh, uh, I was trying to say the, uh, violating computer rules and things. Looking up cases that you don't have a, a reason to look up.

Q2. You, can you think of any other reason that there, there might be a rule like that?
A. Uh, if there's another parallel rule about looking at cases outside of the computer, um, policy and procedures, I'm not aware of it.

Q2. Okay. Um, what's your sense of, of, uh, a deputy contacting witnesses or principles in an investigation of they're not assigned?
A. If they're not union presidents and they're not trying to get some accountability for the chain of command that failed, then I'd say that probably that they should stay out of it. Um, but if they have a, a, a bonified reason to do so, um, outside of their role as a department employee then, uh, perhaps that needs to happen.

Q2. Okay. Um, who has responsibility for victim advocacy in, in a person violence cases or sex crime cases in the department?
A. I could not tell you.

Q2. Okay. You don't have any idea about who takes on that function?
A. About victim advocacy?

Q2. Mm hmm (yes).
A. In sexual assault cases? Um, I imagine that the county has some sort of people for that.

Q2. Okay.
A. Uh, I wasn't advocating for her on anything but a department level, and a union level.

Q2. What's your knowledge of department rules and practices regarding, um, informing the department, uh, or providing information about criminal concerns, criminal matters?
A. What criminal matters?

Q2. In general. If, if you happen to have information about a, a violation, uh, or some kind of crime related activity, do you have steps that you have to take?
A. Uh, I imagine you have to report those up your chain of command.

Q2. Okay. Uh, and what's your understanding of the department's stance, rules, practices on the requirement of truthfulness and accuracy in reporting and documenting?
A. Yes. You need to be truthful and accurate to the best of your knowledge. Yes.

Q2. Okay. Um, you mentioned something before I wanted to go back to, uh, about, we were speaking of an earlier time, uh, frame after the incident occurred and you said something along the lines of, without the benefit of information that came out in depositions and so forth.
A. Sure.

Q2. Am I remembering what you said correctly?
A. I think so. Yeah.

Q2. All right. So does it exist in the realm of possibilities that the concerns that, that you might have had or that were expressed in, in a complaint like this, um, through the discovery of facts that those concerns would be neutralized? Does that exist in the realm of possibilities?
A. Yeah. _____ things change, yeah, uh, when you get more information, of course.

Q2. Okay. Um, is there a reason why. You mentioned doing the media release. Is there a rea-, a reason why you went that route versus, um, communicating it within the department, up the chain?
A. Well, Nanos made it pretty clear that he was not gonna change his mind, in my opinion, that it was just on hold until after the, the criminal case, and, uh, we obviously disagreed and the way to leverage over a political appointee would be in the court of public opinion. Um, and, and so that's why we did. We advocated for her publicly to try and get, exert public pressure to get him to change his mind and do, in our opinion, the, the right thing.

Q2. Okay. Um, since you brought it up, I just, I wonder what your take is on, uh, the, have you thought about the possibility that if you have information being gathered simultaneously, and you have statements being taken by those concerned with the criminal prosecution, and those concerned with internal functions, that conflicts could arise that could jeopardize the criminal case and the way it's moving forward?
A. I think fact-finding I. See, I disagree with the premise. I think any investigation that assists in the fact-finding whether it aids or, or, the defendant or, or helps them I think is, is noble and something that we should do.

Q2. Okay. And would you agree though that there are times where, um, investigation focus changes and information might be discovered on one side where the other part of the investigation didn't go any, didn't go in that direction?
A. I, I imagine so.

Q2. Okay. What's your experience with I-A procedures with respect to timing? Especially in the context of, um, an ongoing criminal concern?
A. I think it varies based on, um, political convenience.

Q2. Is that your experience?

A. Yes. I, I think the, uh, not doing an internal investigation when a criminal investigation is ongoing would be a, a surprise to, uh, Fierro, Deputy Fierro, uh, and others who've had internal investigations happen simultaneously with a criminal going on. We've done it in the past. We just had it happen a couple months ago with Ronaldo Fierro.

Q2. Can you think of any cases where, uh, the administrative investigation was held until the completion of a, of a criminal investigation?

A. Yes. Like I said, it goes back and forth. You know, there's no real consistency there. And our…

Q2. Based on your experience?

A. Just based on what I've seen. Yeah, and based on experience 'cause we rep, uh, you know, and so, um, we've, we've repped cases I think if I remember _____ in the past where, you know, they've waited. Um, this one we disagreed with because we didn't think that an investigation into what happened outside the house would endanger the investigation that happened of, of what happened inside the house. Um, and, and that's where our concern was. You know, we weren't calling, um, you know, when, when, uh, [redacted] submitted this and it got shot down. We weren't calling for an investigation into Ricky Garcia. And that was happening, criminally. We were calling for investigation of chain of command and we were…

Q2. Did…

A. Go ahead.

Q2. I'm sorry. Did you read this?

A. Yeah. Of course.

Q2. Okay. So, are you aware of the fact pattern that was laid out in the criminal case?

A. Some. I, I followed it some.

Q2. Okay. Um…

A. Just what was reported in the media.

Q2. Okay. So, just. I can see how that would be limited but, um, the, the timing of, uh, we're talking about an assault or various kinds of activities under the umbrella of assault, right?

A. Mm hmm (yes).

Q2. The timing of when that might have occurred is central to a criminal case, right?

A. I imagine. Yeah.

Q2. Yeah. Because oftentimes a defense will call for a bill of particulars or a, or as best as possible the, the State has to nail down what happened, when it happened, so they can defend, the, the defense has to defend their client…

A. Sure.

Q2. …against specific allegations, right?

A. Sure.

Q2. So, this complaint suggests the possibility of assaults occurring at a point after, uh, the time frame that was presented in the criminal case…
A. Yes.

Q2. …as far as when things happened.
A. Yes. That is ongoing.

Q2. So, so when you say you don't see the potential for conflict, I, I'm having a hard time with that because if you, if you're presenting, uh, what essentially constitutes a new allegation of an assault occurring at a different timeframe, and you have a criminal case moving forward based on established crime timeframe that's different than this, do you see how that conflict could raise issues?
A. I think our, what we had an issue with, and [redacted] and her attorneys and, and our union advocating on her behalf was that if you arrive at a scene and a witness is outside and he tells you that someone's being raped inside, or stabbed inside, we act, take action as though that's going on right now. We can't just say, oh, it's probably done. I'm sure the raping's done. So we'll just sit tight. We have to act as though we can take steps to try and stop that. You can't just say, oh, I'm sure it's done. I'm sure he's finished and, and everything's hunky dory, we'll get it tomorrow. The expectation on the chain of command, if my daughter is working in the Sheriff's Departments or any Sheriff's Department that if they are told that she is being assaulted by her sergeant, or potentially assaulted, that they would take steps to stop it. Um, the severity of this situation statutorily, you know, you can use lethal force to stop a rape. The next similar thing you could say is if Aquino came out and called and said, he's setting the house on fire with her in it, you know, or, or stabbing her. Statutorily you can use lethal force to stop what is alleged to have happened. And we can't just assume on good faith, oh, I'm sure he's done. Some steps. I think we can all agree that if, that the first ball got dropped when Cornidez was called he should have said, hang up with me and call 911. Or, I'll call 911 and get patrol over there.

Q2. Do you know the contents of the conversation between Aquino and Cornidez?
A. Aquino told me he told Cor-, uh, Cornidez exactly what he saw.

Q2. Okay. So, you have information that Aquino provided you?
A. I mentioned that earlier, yeah. When I spoke to him to make su-, 'cause again, um, when I spoke with Aquino I wanted to know, okay, when did you call them, and did they have sufficient information? Did they have sufficient time to intervene, and did they have sufficient information to galvanize them into action, without getting all the particulars. He said, I called him as soon as I was stepping out of the house, being thrown out and locked, the door locked behind him, and he told him everything.

Q2. Did you talk to Aquino that night?
A. No. No.

Q2. Okay.
A. I didn't talk to Aquino until, like, the week before we, uh, this was submitted. Again, for voracity…

Q2. Okay.
A. …to make sure that this complaint wasn't going forward.

Q2. Is, is it fair to say that the contents of the exchange between Aquino and, uh, Captain Cornidez and Aquino and Lieutenant Bernstein aren't available to you…
A. Of course.

Q2. …except what Aquino conveyed to you aft-, long after the fact, or after the fact at least?
A. Absolutely. Yeah.

Q2. Okay.
A. I'm taking Aquino at his word.

Q2. Okay.
A. I didn't want to get into everything he saw. I just said, what did you tell him? And he said he told him everything.

Q2. Okay.
Q. But you didn't ask what everything was, correct?
A. Yeah, yeah. I, at that point, again, my interest in this case, I really made an effort to stay out of what happened inside. I was only focused on advocating for her on the outside, um, that, that she should have been helped and she wasn't. Before

(Phone ringing.)

Q2. Oh, shit. That's me. Or is it me? Is that you?
Q. Yeah.
Q2. Okay. I tried to remember to turn off, uh, it turns out you can be in airplane mode but if you have wifi, sometime it'll still…
A. Still go.

Q. It still connects.
Q2. Okay, yeah. I think I'm completely off.
A. So, yeah. Everything through, you know, dealing with this case, trying to advocate as, in my capacity as her union president everything was viewed through the lens of, really, what happened outside; the failure of the chain outside. I really tried to steer away from anything that happened inside.

Q2. Okay. I, I, you've said failure of the chain. And you've, you've stated things kind of as if they're facts. But in talking with you, is it fair to say that you came to those conclusions based on getting information from a few of the players and not all?
A. A few of the key players, uh, mostly Aquino. He told me what he saw and apparent-, there was clearly enough to, uh, of what Aquino saw, there's clear-, clearly enough there to warrant an investigation, subsequent arrest and conviction along with physical evidence and everything that came afterwards. Um, uh, and what Kunze told me, I mean, why is a deputy walking half naked out of her sergeant's house? That's a little suspicious that something may have happened along with Aquino telling me that he told, uh, from, again what was publicly available in, in media was the story of him continuingly, uh,

continuously going into the room interrupting him several times, whatever the number was, in various states of, of dress for her and various positions and whatnot.

Q. Did Aquino ever share with you why he never took steps to ensure that she was out of that house?
A. No.

Q. _____ he bare a responsibility to, uh, uh, to a degree?
A. I, I think Aquino. No. Because I think Aquino was placed in an impossible situation. You know, he, he'd been drinking some and he's presented with this absurd situation of his sergeant, uh, seemingly sexually assaulting his squad mate and, you know, uh…

Q2. Would, wouldn't that, wouldn't that be a call to action for a lot of deputies?
A. Yeah. I think he did what he thought was right and, and called his chain. You know, he's looking for help. Um, he's looking for some direction. And that's why I think that if Cornidez had, or Bernstein, or whomever had told him, hey, uh, yeah, hang up with me, call 911, you know, we'll get some, some people over there. Um, that's, you know, that's what he should have been told, um, in my opinion.

Q2. Based on a belief you have about what Aquino conveyed to Lieutenant, or excuse me, to Captain Cornidez. Is that right?
A. I'm taking, yeah, Aquino at his word that he told him everything right away. And, uh, I mean, clearly enough was there because Aquino is the one who later made the call. And I think what gets lost in some of this is, it's not as though command staff showed up eventually and did the right thing. They did no-thing. Aquino was the one that still had to call 911 when Bernstein arrived.

Q2. When you say they did no-thing, you have full knowledge of conversations and actions and decisions that were made by commanders?
A. I have not heard of a single thing that anyone in the chain of command did to try and get in there and stop it.

Q2. So, so you assumption is nothing was done?
A. Yeah, well, from what I was told from Sergeant Kunze was that Bernstein, uh, just stood out there and didn't go to the house. So…

Q. But, but you're also assuming to stop it, you mean that she was being sexually assaulted?
A. Potentially. I mean, we can't, we can't assume, like I discussed earlier, that, that, that feat was, was done and over with and that there'd be no more assaulting. You know, can we, I mean, is that the new precedent for our department?

Q. No. I, I'm just bringing that up because it, if she was still continued to be assaulted, that would have been charged in the criminal case. Because in the criminal case didn't they get all the fact that was known to the investigation in regards to what charges were filed against Ricky?
A. Uh, I'm un-, unfamiliar with all the particulars. Like I said, I only know…

Q. Okay.

A. …what was available in the media.

Q2. Have you been counseled on your role as a sergeant in the organization, um, regarding functionality, uh, toward maintaining, uh, the, the smooth operation of the department?
A. Yes. You wrote me a letter of counseling for, uh, getting a complaint in my capacity as a union president delivered to our union house and failing to tell my civil lieutenant about a, a complaint that the union received despite my, uh, my steps, what I thought was appropriate to give it to the Internal Affairs lieutenant, which I did. Uh, which I believed I was following policy and still to this day believe that I followed policy.

Q2. Okay. Have you been made aware of other policies regarding the function of a sergeant when information is received like that?
A. Inappropriately applied in my opinion, but yes.

Q2. Okay. Do you feel you have a role in, as a sergeant in the organization, do you, do feel you have, you have a role in its smooth functioning?
A. In the, in the department or, you said organization so I, I…

Q2. The, well…
A. …we're called Pima County Deputies Organization so I have to make sure…

Q2. I'm sorry.
A. …I understand what you're talking about.

Q2. Yeah. Within the department, do you feel like you as a sergeant, or really any sergeant, do you feel like there is a responsibility to, um, take steps to, uh, contribute to the department running smoothly?
A. When I am working as a sergeant with my sergeant hat on, yes. I am not a commander that's on all times and all day. It's, uh, uh, when I'm a sergeant, I'm a sergeant. When I'm a union president, I'm a union president. And, and I try to keep those separate. As best I can. That's why I do union activity off duty as best, you know, uh, I try to separate them when I'm speaking to deputies, you know, if they're calling me, like, are you calling me on a, as a union president or you calling me as a sergeant for advice. What are you looking for?

Q2. I see. Do you find that's tough?
A. Very.

Q2. Yeah? Do you feel like you have a, a responsibility to represent department business accurately in written statements or, or oral statements, verbal statements?
A. I try to do everything I can accurately.

Q2. Okay.
A. As best of my ability.

Q2. To be fair, I've heard you say things today and then when we dig into it, it, you, you've stated things as facts and then when we peel back some of the layers, what it really is is a belief based on a portion of, of the information available. Um…

A. I've tried to make clear when I'm hearing something as rumors or, or, you know, third-hand or something. I, I try to make that clear.

Q2. Do you ever feel like, like, um, riding that edge on proffering something as fact when it's based on a portion of information available is, is questionable as a sergeant?
A. I don't even know how to answer that.

Q2. I'm saying…
A. I know you're getting somewhere.

Q2. I'm, I'm, I'm saying, um, you've, you've, uh, talked about some of the things you wrote. _____, you've, you've asserted things and in my opinion you've stated some things as facts but when we dig down, um, what's really going on is it's a belief that you have based on a portion of the information. Do you, do you have any hesitation about offering that out to people, the public or whomever, as if it were fact when it's not fully investigated information?
A. I, I try to make every effort to not do that.

Q2. Do you feel you have a respon-…
A. But I'm not, I'm imperfect.

Q2. But do you have, do you feel you have a responsibility to be as close to perfect as possible _____?
A. Sure. And I make that, and that's why I make that effort. I try.

Q2. Okay. So, and, and, particularly when it comes to representing department business. Now, you have concerns about, um, what commanders did or did not do the night of the [redacted] matter.
A. Sure. Of course.

Q2. And in talking, you accepted the idea that in the realm of possibilities there could be explanations that neutralize some of these concerns.
A. Sure. Yeah.

Q2. Um…
A. Like, Cameron not being the chief at the time. That's an example.

Q2. Um. I, I guess, I guess my concern in, in, when, to hear you talk about these matters and others, um, that we've talked about today, my concern is, is, uh, I see a sort of willingness to, um, put your belief out there as if it's a fact. And my, my, I guess, I, I try to look at things from the standpoint of investigations. I've done investigations the bulk of my career. And, and it takes a lot. First of all, you have to attribute things, um, to a source. And then you have vet that source and you have to make some credibility assessments of the source based on the circumstances and the conditions and all of those things. You gotta be really careful before something is an evidence supported fact. That's kind of my investigative mindset. But…
A. Yeah.

Q2. …in talking about some of these issues today it just, it feels like you're, you're okay with putting something out there as a fact when it hasn't been, I'm, I'm going like this with my hand as if to draw a circle, like a 360 degree vetting of a concern or a piece of information.

A. Well, and you asked…

Q2. That's possible all the time.

A. Right. And you understand that I can't do all that completely because I don't want to insert myself in the criminal investigation. I have to be careful about who I speak with. I don't have the benefit of, as you mentioned in your role as an investigator as in my role when I was a detective, to talk to anybody I want about anything I, I, I'd like to. I don't have that benefit. I have the benefit of being very careful, very selective about what I can ask and whom I can ask, and get it picture painted to me as best I can under those parameters and advocate in my role as union president for my member, um, [redacted]

Q2. Union president or not, do you have any concerns about putting information out that might paint the department in a negative light if it's not evidence supported? I mean, you're, you're a member of this department. You have been for many years. I just, I'm just, do you have a sense of concern for…

A. I think we should be truthful. I think we as a law enforcement agency should go above and beyond to be more transparent instead of opaque. I think that sunlight's the best disinfectant and I don't like any of this cover-, this looks like a coverup to me. I'm just being frank. That's my opinion, you know? Uh, we're talking about opinions, you tell me your opinion that, uh…

Q2. Sure.

A. …and, and I'm just sharing mine. Um, this looks like it's being completely twisted against me, taking an existing complaint and turning it against a political enemy of the sheriff. And I think that if this investigation, since we're talking about opinions, since you mention yours, if this were being handled by another agency, I would not being, I would not be being asked these questions. I would be brought in as a witness potentially…

Q. You're, you're making that assumption.

A. I'm making that assumption, yeah. We're talking about opinions. He shared his, I'm just sharing mine that the only reason I'm being asked these questions and this type is, is only because this is kept in-house. And I think that this is, uh, an effort to get at a political opponent.

Q2. It's an Internal Affairs investigation though. It's an internal matter.

A. Right. That's what I'm saying.

Q2. Yeah.

A. If this internal matter were handled by another agency, would I be in here this way, asked these questions? I'm skeptical. I don't know. We can only assume.

Q2. Yeah.

A. I'm skeptical.

Q2. The only reason. First of all, your name was not part of this complaint. The only reason you're here is because your name came up.
A. Mm hmm (yes). I understand.

Q2. Uh, from the complainant.
A. Mm hmm (yes).

Q2. Okay?
A. I understand.

Q2. So, um. A few other things here. Did you ever access the, the Sheriff Department reports on this? Or were you provided them by anybody?
A. Her attorneys in, I think a few months before the trial started, uh, they sent me over some information. Um, no recordings or anything, but the reports and the text messages that Bernstein provided, uh, her attorneys, um, would probably, I imagine, you know, want me to help them in their case, in their civil case and in that capacity, they asked, hey, is there, you know, does this seem legit to you? Is there anything, anything wrong here?

Q2. Did, um, did anyone else approach you with information or, or documents related to the case?
A. Not to my knowledge. Not that I can recall. I don't think so.

Q2. Okay. Did you seek out information from people directly involved or third parties?
A. Only what I've mentioned so far to, to my memory. Yeah. It's only been Kunze. [redacted] never actually, to my, I don't think [redacted] ever talked about the incident to me.

Q2. No? Uh, can I ask you a question? Do, do you know when the breadth of the allegations were known? Do you, were they known that night?
A. The breadth of the allegations? What, what do you mean?

Q2. I mean the, the allegations that ended up going into an indictment. Do you know if, if there was information known that night? The night of the incident?
A. I don't know. I don't know what into the, went into the indictment or, it.

Q2. Other than Aquino and [redacted] did any other witnesses approach you?
A. We've talked about Kunze, Aquino, [redacted]..

Q. Any of the people that attended the, the party that night? From the S-R-O squad?
A. I don't remember anybody else. I, I don't, yeah, I don't, I don't remember anyone else.

Q2. Do you know of any department rules regarding the release of departmental business information?
A. No. I'm, I'm unfamiliar with the exact verbiage or anything.

Q2. Ask you a, a question sort of related to something we already talked about but, what's your assessment of the risk of releasing inaccurate information about a department matter?
A. I couldn't even speculate. I made no effort to release inaccurate information to anybody.

Q2. Okay. But if someone released inaccurate information, what's at risk for the department?
A. I, I don't know. Maybe looking at the, uh, uh, our standing in the court of public opinion would be lowered. I don't know.

Q2. That's a fair answer. What's, what's the impact of that?
A. Uh, I don't know. I, I think that, uh, this department's done a fairly good job of that on its own.

Q2. I'm, I'm sorry. The department's done a fairly good job of?
A. Of negatively impacting its image on its own. That's my opinion.

Q2. I see. Can you see the release of inaccurate information possibly having a, a, a negative impact on a prosecution?
A. It, if it was germane to the case, I suppose. But you're assuming that it was knowingly inaccurate information. We've not done that to my knowledge. Anything we released was accurate to our knowledge at the time. And again, we tried to make great steps to avoid talking about Ricky and [redacted] the, that, that inaction in the house. Our, our criticism is, well I've made every effort to try and steer that directly towards the lack of response to chain of command in our opinion.

Q2. Based on information provided by Kunze and Aquino?
A. Yes.

Q2. Okay. Did you take any steps to verify those allegations?
A. By speaking to Aquino and, and Kunze. First-hand witnesses.

Q2. Okay. Did you…
A. In a careful way. Again, I don't have the benefit of just sitting them down like this and, and getting to the bottom of everything they know.

Q2. Of course. What about the, the, the idea of, like, an independent corroboration?
A. Can you give me an example?

Q2. Like, an example might be, um, in this case, like, phoning up Cornidez.
A. Cornidez is directly involved in, in, in the complaint. No. I, I wouldn't do that.

Q2. So, so is Aquino. And, and so is [redacted] and you talked to them.
A. In the complaint.

Q2. Yeah.
A. [redacted] not alleging that Aquino failed his job.

Q2. Okay. Um, we talked about this a little bit already. Let's see. Was there a discussion about. So, you mentioned the composition of a media release. Was there a discussion about, um, moving forward with a media release with unverified information?
A. We didn't have a conversation specific to unverified information. It was written as I discussed earlier. Uh, I wrote it and sent it out to the members. I can't remember if they offered, uh, tweaks or not, uh, that may have happened, I don't know.

Q2. Offered what?
A. Tweaks to the public statement.

Q2. Tweaks? Okay.
A. I, I don't remember, um, and, and then we released it once they agreed it was good. I think it may have gone through a couple drafts. That's how that happened.

Q2. Okay. Would you be concerned if, if there were facts available that, um, painted the information that you put out as inaccurate?
A. You'd have to specify what. I haven't read my statement and we don't have it here. I, I, I couldn't answer that question.

Q2. You can't answer, if there were additional facts available that made you statements and your media release inaccurate, would you, that would be a concern or not?
A. It too broad of a question. Available to whom? You know, available where. And, and again, I've, as I've explained repeatedly, I tried to do a delicate dance of trying to get enough information to advocate for my member without interfering, without getting into, uh, beyond the scope of _____. I had to be very careful. I didn't have the benefit of being a C-I-D investigator into this or Internal Affairs investigator. I'm a union president trying to advocate on behalf of my member so that, um, this hopefully doesn't happen again.

Q2. Have you ever received a briefing on an on-going case investigation in your capacity as a, a union president?
A. I, I don't recall any.

Q2. Okay. What. Do you think it would be normal for our department, or any department, to phone up a, a union president to brief them on a case?
A. Probably not.

Q2. Yeah?
A. Particularly when there's so much animosity between a union and the department heads.

Q2. What animosity is that?
A. The one that exists between Sheriff Nanos, the command staff, and myself.

Q2. Okay. So, uh, that's an opinion that you have?
A. Are you saying that that's not true?

Q2. I'm saying you're speaking things as facts and you said…
A. In my opinion.

Q2. …_____ the only source of that.
A. Yeah. My opinion. My opinion, uh, yes. Uh, based on, um, again, rumors.

Q2. Okay. So, I think I've, I've torn through my list here. I just, I wanna ask if, um, based on, you know, we've talked, we've kind of worn this out, up, up and down.
A. Yeah.

Q2. Um, but based on our role in sorting through these concerns, can you think of anything else that would be helpful to know or anybody else we should talk to?
A. Can I take a break?

Q2. Of course.
A. And then.

Q. Sure.
Q2. Yeah.
A. Okay.

Q2. I'm sorry. You could have taken a break anytime.
A. Yeah, yeah. I hear ya.

Q2. Yeah.
A. But, before we wrap this up just…

Q2. Yeah. Yeah.
Q. Gonna be a…
Q2. Pause it.
Q. Put this on pause.

(Pause in the recording at 01:17:06.)

Q. Okay. The, the time is approximately 11:14. Uh, we are back on tape. Did you get, do you have any questions there?
A. If I, if I may, I'd like to, uh, the, the paper that I handed to you, um, I was curious if we could just get that read on tape?

Q. Which one do you...
A. The paper that I handed to you. That one right there. Thank you. This I supplied before the, um, interview began. Is that correct?

Q2. Yes.
A. Okay. Um, so, my statement that I provided was, uh, quote, as, as follows. Quote: It is my understanding that I am being compelled to participate in an interview as condition of my employment. I believe that this interview is governed by the Arizona Police Officers Bill of Rights; therefore, I request all relevant and readily available materials prior to the commencement of my interview. Additionally, I request that the Notice of Investigation specifically define the allegations of misconduct that serve as the basis of this interview. Finally, I per-, I serve of president of the local labor union. In that role I assist members

in exercising their rights under the First, uh, under the U.S. Constitution, Arizona law, and Pima Col-, uh, County policies. It is my intent to keep member conversations confidential to the maximum extent possible consistent with the First Amendment Rights of both myself and my members. I respectfully request that I not be compelled to answer any questions related to my role a local labor leader. End quote. Um…

Q2. Do you want a copy of the Notice of Investigation to take with you?
A. Yes, please.

Q2. Yeah. I can do that.
A. Okay. Um, and then lastly, I just wanted to clarify that, that my participation in this, uh, was specific to my role as president of a labor union, uh, one that's been at odds with, with the sheriff very publicly. I don't think that's a, a surprise to anybody. Um, and so, I was just advocating on behalf of, of my member once she came along shortly after this incident happened and that I tried to be, uh, I tried to advocate while also being careful and respect the criminal investigation without diving too deep into things. So, um, I never intentionally, um, put out false or fictitious information. Everything I, we put out, um, as a board we tried to make sure was accurate to the best of our knowledge. And, uh, that's, that's it.

Q2. Okay. Good. That, that's, uh…
Q. _____ covers it.
Q2. Part, part of this process is for you to be able to share your point of view.
A. Yeah.

Q2. So, that's perfect.
Q. So, part of the process, and, you know, you're aware of this is that we ask that you not speak to anybody regarding what happened here with other people that may be involved in the investigation.
A. I understand.

Q. 'Cause we're, we're still interviewing other folks so…
A. Okay.

Q. …just, uh, don't ha-, discuss this matter with anybody.
A. I understand.

Q. Okay.
Q2. I think I think based on some of the things you said today, I, life would be better in our department if, if, when incidents occur, it doesn't immediately go on the gossip hotline. That's, that's…
A. You were a deputy once, right? (Laughing)

Q2. Um, I, I…
A. I don't know if you could ever stop those. It's human nature.

Q2. Well, I mean, we can stop it to our extent. You know?
A. Yeah, yeah. Those happen, uh, conversations when we're not there.

Q2. Gotcha.
Q. OKAY. WHAT I'M GONNA DO IS I'll END THE RECORDING. THE TIME IS 11:17 A-M.

WITNESS:

_____
CHIEF LOPEZ # 755

TRANSCRIBED BY:
BADGE #51587, FEBRUARY 24, 2025

THIS IS CHIEF JESUS LOPEZ. TODAY'S DATE IS FEBRUARY 14TH, 2025. I AM CURRENTLY AT THE PIMA COUNTY SHERIFF'S DEPARTMENT, UH, MAIN STATION AT 1750 E. BENSON HIGHWAY. I AM DOING AN INTERVIEW OF, OF CHIEF JOSEPH CAMERON. ALSO PRESENT IS CHIEF GERARD MORETZ.

LEGEND: Q. CHIEF JESUS LOPEZ A. CHIEF JOSEPH CAMERON
Q2. CHIEF GERARD MORTEZ

Q. Can you please state your names for the record?
Q2. __. Gerard Moretz, badge 1243.
A. Joseph Cameron, badge number 756.

Q. All right, uh, Joe, um, the, the reason we're here is, uh, Gerard and I have been tasked to complete the administrative investigation of the incident regarding Ricky Garcia. Um, we just provided you the, uh, Notice of Investigation. Did you read that?
A. Yes.

Q. And you signed it?
A. Yes.

Q. Okay. So what we're gonna do is, uh, cover a couple of things that occurred that night. Um, do you have a recollection of what occurred that night?
A. Yes.

Q. Uh, can you tell us in your words how you became involved in it?
A. Yes. Uh, December 18th, I believe is when it happened. Um, I was home asleep in bed. Uh, I hadn't had any alcohol prior to going to bed. And, uh, at approximately 0410 or 048, the reason why I know that, I have my cell phone bills _____ provide copies for, of _____. Um, I got a phone call from Captain Spinney (ph). He was a patrol captain, I was not the patrol chief, but I was covering for Chief Dominguez. Woke me up and said that there was a party at Sergeant Garcia's house. He's the SRO sergeant. He works for, he's under Chief Janes' command. And there was some allegations that a sexual assault had taken place at some Christmas party. I asked him wh-, and he said that, uh, he told me who it involved, Deputy [redacted] and Sergeant Garcia, and Deputy Aquino. He was a d-, Aquino was a deputy at the time. And, I said, so I said okay, where, where's [redacted] do we have her, he said yes. She's out of the house, yes. I said patrol's 23, yes. I said I will work on getting CID out there and I will get back to you.

Q. So you clarified that patrol was on scene?
A. Yes, patrol was 23 and that she was out of the house. That's what I, and I confirmed that. So, uh, uh.

Q. Uh, just real quickly, um, since we're doing a, an interview that it's gonna be reviewed by others, instead of using ten codes, just, can you just use plain English?
A. I'm sorry.

Q. Okay.
A. That they arrived and they were on scene, you're right. And, uh, uh, so I started making phone calls to make, and one of the phone calls was to Chief Meretz (ph), to make sure CID was out there. After all that was done, I went to, went back to sleep and, um.

Q. Just, just to clarify so this phone call from Captain Spinney like, uh, 4:08 or 4:10 am.
A. Yes.

Q. In your mind, did you sense that anybody, like, uh, Deputy [redacted] was in danger? Was, was she.
A. No, I, I, I verified that she was out of the house, that, that we had her and they, they said they had her.

Q. Okay.
A. So, I verified that. I asked that right out of the gate. Um, I cut a supplement. I ended up briefing Sheriff Nanos and we both agreed, not about that, my supplement didn't involve that, that's just normal advisories, and getting people out that. We don't do supplements for that. But what the supplement was for, is it, and I did the supplement a few days after or a week after, something like of, um, when did I cut the supplement.

Q. Okay. You know, let's go back to after Spinney, you, you made sure that CID was en route or?
A. Yeah, so I was back and forth. I talked to Captain Cornidez, 'cause he, uh, uh, Garcia worked for him. I never talked to Bernstein. I have never talked to Bernstein about the incident. Uh, I talked to Chief Janes, and I was back and forth and with Spinney again just making sure we're getting this handled, getting it all coordinated. That's what we do. That's what I did. Uh, then I, you know, went to bed, went back to sleep and, um, uh.

Q. So, so before you went to bed, was it your understanding that detectives were en route?
A. Oh yes, after, yes. I mean I, I, Chief Meretz was in charge of the detective bureau at the time and I, and I told him what I had, and he said yeah, we'll, we'll get somebody on it.

Q. Okay.
A. So, uh, in my mind, and I've spent most of my career in patrol, you gotta make the scene safe. You have to secure the scene, then things slow down and you got time to get CID or the other things, things out there. My main thing was, do we have her, yes. Uh, we're, we're there and we ain't leaving. I never told anybody to leave and that, that she, that we had, we had her.

Q. Okay.
A. So, um, uh.

Q. You went back to bed.
A. Went back to bed. My supplement it shows that I did it on 12/29. The incident was 12/18. So was that in between, it's a supplement, it didn't have to be in right away, so. The supplement is written because I, at the time I did the supplement, and I use approximations. I didn't say it was dead bang at, at this time. It was, this is my

supplement. I said at approximately 0630 hours, my cell phone bill shows it was 0800 when Garcia called me.

Q. Okay.
A. So it was much, much later. Um, uh, uh, and I didn't know that, I timestamped and pulled my cell phone bill. I was going off memory. And, everybody has a copy. Um, I don't, do you guys have copies of the supplement, of my supplement _____?

Q. Yeah, I have your supplement.
A. Okay. So I'm gonna read it, I'm gonna …

Q. Okay.
A. … read off it. Uh, it's not a long supplement, it's what, one, two, three, four paragraphs. Um, I was asleep in my home. At approximately, I said approximately 0630 hours, my cell phone shows actually 0800, I received a phone call from, uh, Sergeant Garcia, a school resource officer and I answered the phone, I was groggy. He asked me what was going on. I told him something to the effect of, I don't know. I asked him what was going on. He advised there were several deputies down the street from his house and asked me what it was about. I told him, I did not know what this was about, but he could talk to them if he wanted to. I said he could. I didn't order him to. That's very important, 'cause if I ordered him as a com-, as a, as a superior officer to go out and make contact, Garrity kicks in. It's automatic. So it would ruin the criminal investigation. I was very careful, that's why I cut the supplement was for that reason. Um, uh, if he wanted to, I, and then I said I never ordered him to talk to them. I never gave him any direction or official orders. That was the extent of the conversation, we hung up.

Q. So, so that conversation with very brief.
A. Extremely brief. He co-, in fact, his, his phone number, the only that's on here, um, is at 0805 is when he called me, and it was seven minutes. It shows that it was seven minutes long in my cell ph-, in my cell phone.

Q. Okay. Did he ever tell you what, what, what he did?
A. Nope.

Q. Did he give you any details?
A. No. My impression was that he was fishing. That he was looking for help from me and that he wanted me, he wanted to get information on me. I wasn't about to give him anything.

Q. Okay.
A. So, uh, in my supplement, approximately one to two hours later, Sergeant Garcia began to call and text message me. I never answered the phone calls and I never answered the texts. Uh, that's what I say in here, and, and he had asked me to call him, and it was serious. Thos were his words in the text message, which I saved.

Q. Okay.
A. Uh, by that time I had been briefed more on the situation, Sergeant Garcia's resident and I was in no position to talk to him, 'cause it was an ongoing criminal investigation, I

refused to answer all phone calls. Uh, uh, then because he was, kept texting me and calling me, I contacted Sergeant Cervantes, who I know is his friend, who also was aware of the union stuff or whatever, and I told him, this is all I told him. Contact Sergeant Garcia for me, for him to stop, for, uh, I advised him to contact Sergeant Garcia for me to tell him to stop calling me. I could not talk to him or text ___ due to my position in the agency and the fact that it was an ongoing criminal investigation. Sergeant Cervantes advised he would relay the message, uh, the phone calls and text messages then stopped and that was the end of the supplement. I never told Sergeant Cervantes what it was about. I never told him any details. I never told him anything. He never, he never asked. I told him just deliver it and that was what he did.

Q. Okay. Um, an-, any other phone calls where Ricky has reached out to you?
A. No. I have not talked to him since that night. I bumped into him when they were bringing him in, they served him his, um, letter of intent to terminate in, in the lobby. I said hi to him, left, that was it. That's the only contact I ever had with him. He was with his attorney.

Q. Okay. Um, le-, let's just go back to the timeline of the first phone call. So after you get notified by, uh, Spinney, you contact, uh, Chief Meretz, who's over investigations to get detectives out there.
A. Yeah.

Q. You mention you spoke to, uh, Captain Cornidez.
A. Yes.

Q. And, um, an-, any reason for that phone call?
A. Yeah, it was, I, what, what we're trying to do, when we get these things, it's chaotic and nobody knows what's going on. You don't know, you hear something may have happened, but we don't know if it happened. They, he doesn't work, Garcia doesn't work for me, he's not in my chain of command. He's in Cornidez'. So if between talking to him and I also talked to Chief Janes, I'm just trying to find out what is it that we actually have. Do we know anymore 'cause, uh, uh, some cursory text goes out we first get these things, do we have anything, what do we know. That, that, that was what I was doing and, but the main thing was we had her, she was s-, she was safe and I was getting, gonna get CID out there.

Q. Okay.
A. And, uh, and, uh, yeah, that's what I did.

Q. All right. Um, did, did you have an opportunity to, uh, do a defense interview?
A. Yes.

Q. Did you provide this same information?
A. Yes, I have that.

Q. Okay. That, yeah, I just wanna confirm you, did you testify in the trial by any chance?
A. I did not.

Q. Okay. Is there any other information that we need to be aware of that we haven't discussed here?
A. Not, not about that night, no.

Q. Okay. Um, at, at, at this time I, we have no further questions. Uh, but, um, I will remind you this is still an active administrative investigation. We ask that you do not discuss this interview with any department members.
A. Absolutely.

Q. Okay. And, and if we need, have any further questions, we'll reach out to you and, uh, set up an-, another interview.
A. No problem.

Q. OKAY. UH, THE TIME IS 10:53 AM. UM, I AM ENDING THE RECORDING.

WITNESS:

_____

CHIEF LOPEZ #755

TRANSCRIBED BY:
J. KENNEDY, FEBRUARY 24, 2025

THIS IS JESUS LOPEZ, UH, CHIEF OF INVESTIGATIONS. TODAY'S DATE IS FEB-, FEBRUARY 12TH, 2025. THE TIME IS APPROXIMATELY 1:17 PM. I AM CURRENTLY IN MY OFFICE LOCATED AT 1750 E. BENSON HIGHWAY. THIS IS IN REFERENCE TO INTERNAL AFFAIRS CASE NUMBER 23-031. UM, ALSO PRESENT IS CHIEF GERARD MORETZ.

LEGEND: Q. CHIEF JESUS LOPEZ A. CAPT. LUIS CORNIDEZ
Q2. CHIEF GERARD MORETZ

Q. Can you please identify yourself for the recording?
Q2. Gerard Moretz, badge 1243.

Q. And, uh, Captain Luis Cornidez.
A. Yes. Luis Cornidez, badge number 1373.

Q. All right. Um, uh, Luis, uh, the reason we're here is we're, we're doing, uh, an administrative investigation regarding the incident involving, uh, Ricardo Garcia, at the party that occurred at his house.
A. Uh huh (yes).

Q. So part of this investigation we just, uh, gave you a Notice of, of, uh, Investigation.
A. Uh huh (yes).

Q. I think, uh, you're reading the, uh, the content …
A. Yes.

Q. … of, of that document.
A. Yes sir.

Q. Go ahead and take a few minutes to read it and then sign it.
A. There you go sir.

Q. Okay. So there was a, an Internal Affairs complaint that was filed regarding the incident that occurred at, uh, Ricky Garcia's, uh, residence. And one of the persons that was named was yourself in regards to, uh, I guess lack of action on your part in regards to getting assistance to, to the victim in that case.
A. Okay.

Q. So we're gonna be talking a little bit about that. So, um, what we wanna do is talk about what your recollection is of what happened that night.
A. Okay.

Q. Okay, um, can you tell us in your words what, what happened or what your recollection is?
A. Yeah. So, um, it was, uh, December 18th at approximately 1:56, um, in the morning. I received a phone call, my phone was ringing, I received a phone call from, um, now Sergeant Chris Aquino (ph). Uh, at the time he was a deputy, Deputy Aquino. Um, he, he

calls me and he says that, uh, he's like, uh, hey, Captain, uh, I'm at Ricky's house, there was a squad party, uh, for all SROs, and, uh, something happened. And I said, well, what happened, and he said, uh, everybody was drinking, um, and now at the house, um, it's me, um, he said Ricky Garcia's here. He said, um, Deputy [redacted] uh, Ricky's, uh, girlfriend/fiancé. I think her name was Victoria. He said that, uh, that they were all present at the house, and I said, well, what's going on, and he said that, uh, through the night everybody had been drinking, and that, uh, he had called his wife to get a, uh, a ride home. And he had gone outside, when he came inside, he said that, um, that he noticed, um, a door was locked where he thought [redacted] was, uh, was going to sleep. Because, uh, according to, um, to, uh, Aquino, he said that, that [redacted] had been, had been drinking quite a bit, and that she was a little, uh, incoherent. And when he went into, um, he said that, that he went into the bedroom and he noticed that Ricky was in there with, um, with [redacted] in the, in the bedroom. And that at that point he noticed that [redacted] was like half naked. Um, I didn't go into like what was she wearing, none, none of that. He said, um, she's half naked and I had to escort Ricky out of the room and told him he didn't wanna do this, and took him back to his bedroom where Victoria was at. So he continued to say that he then went outside again to make another phone call, when he came back into the house, he said that the bedroom door was locked. He got some, um, a plastic fork or a spork or something like that, um, and jiggled the door. He opened the door and he noticed that Ricky was in there again. At this time, he again, goes and tells Ricky, hey, you need to go to your bedroom, so he escorts him out again. He said that a third time, um, he went out to make another phone call just to make sure that his wife, uh, was getting pretty close, 'cause he had called his wife, he had been drinking as well, and his wife was gonna go and pick him up. So, he said that he went out the third time, he comes back into the, into the house again, and again notices that the door is closed. He opens the door again with a, with a spork and, um, he said that at that point, he did notice that, um, [redacted] or Deputy [redacted] was naked, and that Ricky was naked from his, um, hi-, the pants were off and the underwear were off. At that point, again, he told Ricky, you don't wanna do this, he told him to get out of there. He then said, Ricky made some sort of comment saying get the fuck out of my house. Um, and he said, my wife got here and this where I'm calling you.

Q. Okay, And what time was this phone call? Do you recall?
A. Yeah, it was at one, 1:56 in the morning.

Q. Okay. Did he, so he was asking advice on what to do or ?
A. I didn't get it. I didn't really get it as, as advice. Um, the information he was giving me, you know, I, I, I'm, I'm trying to, you know, because I knew that he said that he had been drinking, and he sounded like he was drunk. It wasn't the Aquino that, um, so I supervised Aquino in SRO, and we would talk quite a bit. He's, he's a really good deputy out there. He was working really hard. So we would talk quite a bit about SRO stuff and this time, I, I noticed that he did have some slurred speech going on. And, I'm like okay, what, what is going on right now. And, and I asked where, where's everybody at right now, he said, Ricky is, is in the bedroom with Victoria, uh, [redacted] in the bedroom and my wife just got here. That's all he said. I said is there anybody else there, he said, he said no, everybody else had, had left. So, still the reason for the phone call is like okay, well, you know what, with that, I said, with the information that you're giving me, at this

point, I, I don't, I don't feel that anybody is in like danger right now. I, I don't. He said everybody was separated, but my thought process is, well, you know what, let me, let my, my chief know, at that time it was, uh, Chief Buddy Janes. I'm gonna, I'm gonna Janes, and then I'm also gonna call Brett, um, the lieutenant that, uh, that was over SRO. Because I knew Brett lived up north. I knew Ricky lived up north. I said, uh, my thought process, let me get somebody there who's sober, you know, sober eyes, let's see what's going on. So, I told Aquino, I said hey, expect a phone call from Brett and Brett's gonna be going over there. That was.

Q. That's all you told him.
A. Correct.

Q2. All and, I'm sorry, uh, to jump in, but all in one conversation.
A. Yes.

Q2. Okay.
A. Yes. I only, I only spoke to Aquino the one time …

Q2. Okay.
A. … that he called me. That's the only time I, I …

Q. Did he …
A. … talked to Aquino.

Q. … did he ever mention that there was a rape that occurred?
A. No. He did not. He never said rape. He never said, uh, he never said sexual assault. He said, um, what, what I had mentioned. Oh, and one part that I, I, sorry, I left out. He said that, um, he was helping, um, [redacted] put her clothes on, and that he turned on his cell phone and put it in his pocket. I didn't know what that means, it meant if it was recording, if it was just audio. I, I have no idea. Um, but no, he never mention that there was, that was a rape. I, I think that if, well, I know that if he would have mentioned it was a rape, then it would change things drastically. Because at that point, you know, uh, there is danger. There was danger. But, um, the way he was telling me, the way he was explaining to me, it, no, I didn't feel that. Um, I knew that, you know, I had to let my supervisor know, um, and then I just.

Q. Who did you notify?
A. I notified the Chief Buddy Janes.

Q. Via phone call or text message?
A. No, via phone call. So I, I called Buddy and I, I woke him up, um, and I, I told him everything that Aquino had said. I told him, I told him all that and then I said look, this is what I'm gonna do, I'm gonna get Brett, um, to call Aquino and I'm gonna have Brett go out, uh, to Ricky's house to see what's going on. Because just the way Aquino was talking, I'm like, we need to figure out, you know, what's, what's going on with this.

Q. Y-, at that point, you didn't, you didn't consider sending law enforcement, um …
A. Well, I …

Q. … like patrol deputies there?
A. … I, I did not. At that time, I didn't consider, um, sending patrol because it just, the time that the call was, was happening, the information that Aquino was, was telling me, um, uh, everybody was separated, everybody was secured, and I just, I wanted more information as to what is really going on, because I, I could tell that Aquino, um, had been drinking. I mean he, you could tell he was, you know, he was, he was drinking.

Q. Okay. So, so once you, after you called, um, Buddy …
A. Uh huh (yes).

Q. … um, did he give you direction or was he good with what you were doing?
A. Well, so I called Buddy, and he, he was like okay, yeah, that's fine, you just go ahead and call Brett. So I called Brett and I was telling Brett what Aquino said. I said hey, call Aquino, go out there and check to see what's going on, what's happening, because it, it, Aquino's kind of like not making sense. He's in and out, in and out. In my mind, it's like look if something happened, I would really want Aquino to grab her, her being [redacted] and take her out of the house with him. Uh, that's, that's my, you know, mindset and thought process. So I'm like, you know, what let, let's just get Brett out there. So I called Brett, and I told him call Aquino, head out there. He's like okay.

Q. Did you give him any details of what happened?
A. I told him everything that, uh, that Aquino had told me. That way when he got there, or when, when he talked to Aquino, he already knows hey, this is what I know and, you know, see if you get the same information from Aquino or any added information at all.

Q. Do you have any questions during the, I need to look for her report real quick.
Q2. It sounds like the information that Aquino provided to you left you with more questions than answers, is that …
A. Oh absolutely.

Q2. … is that accurate?
A. Absolutely, yes. It did. It did, just, just because of, I'm thinking well, you went in and out of the house three times and each time, it was pretty much the same thing, why didn't you do something at that point. That's why I'm like no, let's, let's get somebody there. Brett lives up there. I know Brett lives up there. Brett's their lieutenant. Ricky, uh, Garcia works under Brett. So, it's like hey, you know, what's _____.

Q2. Is it fair to say that from talking to Aquino you really didn't know what had happened?
A. Exactly. Yes sir.

Q. So, um, what I was looking for is a, a document where I believe when, when they talked to Bernstein in regards to this, uh, investigation or this case, he mentioned that when he spoke to you that he thought a rape had occurred. And I just was trying to clarify where would have, uh, A-, um, uh, Brett, um, Lieutenant Bernstein receive that information.
A. Yeah, I, I never told him that there was a rape. I, I didn't say that. What I said is, is what, uh, what Aquino had told me …

Q. Okay.

A. … and that's how I explained it to him. I.

Q2. Okay. Given that, was there a time where you got feedback and learned that there was a rape allegation in play or?

A. Yeah, so, so here, um, after I spoke with Chief Janes, um, and then spoke to Brett, I received, we, Brett and I received a text message from Chief Janes, uh, pretty much saying, look Brett's gonna head out there, let's see what he notices, sees anything. Put, you know, put them to bed and if there, if something happened, we are gonna deal with it later. If there are any allegations then, you know, we'll just deal with it later. Let's just put drunk people to bed. Um, and at that point, when I received that text message, um, I called Brett, and I said, hey, look, if something happened, because I mean we can all assume that something maybe happened, possibly happened. Um, possibly a sexual assault. I said if you get there and you find out that there's more information to this, obviously have Aquino call 911. Have Aquino call 911, because he was there and whatever he saw, if you get more information. Um, but up to that point, you know, Brett was, his thing is, okay, I'm gonna head over there. I'm gonna talk to Aquino there and find out, see what, you know, what else, what else if going on.

Q2. Okay. What was your thinking about that, the specificity of what instruction to have Aquino call 911?

A. So, uh, what I'm thinking is once Brett gets there, if he gets additional or more information, if he felt like hey, A-, Aquino needs to call 911, then call 911.

Q2. Okay. Did any, I think we already covered this …

A. Uh huh (yes).

Q2. … but did Aquino tell you anything, it seems like we're go-, we're talking about what may have happened.

A. Right.

Q2. Did Aquino tell you anything in your conversation that made you think that there was a current danger to anybody in that house?

A. Oh not at all. No. No. Not at all sir. Um, when, when I talked to Aquino, I specifically asked him, I was like where is everybody at right now, and he said Ricky is with his girlfriend/fiancé. Um, he said [redacted] is in the bedroom and I'm here talking you. So, at that point, I said well nobody, my feeling is nobody's in danger right now. Nothing's happening right now. Everything is, is calm. That's why I sent somebody there to, to check it out.

Q. Okay. Knowing all the information that you, you know about this case now.

A. Uh huh (yes).

Q. Would you, would you have changed how you would done things differently, I guess based on what you know now and.

A. Well, uh, based on what I know now, um, because of the allegations that did come forward and, you know, everything that has happened since, uh, I would have still contacted my chief, and then, uh, I would have called the, uh, the patrol captain directly.

Say, hey, this is what's going on, we need to start patrol, or I would have called COM and said send a deputy over check welfare, see what's going on.

Q. Yeah, but, but again, now you have more information.
A. Oh absolutely. There's, there's a lot more information. You know, when I got this call at 1:56 in the morning, it's, it's like any other call we receive. It's like, wait a minute, slow down, what's going, trying to gather all the facts.

Q. Did, did Aquino ever tell you why he called you instead of calling 911?
A. No, sir. I, I still wonder why he did that.

Q2. Do you know when, um, a sexual assault possibility was, um, in play that, uh, do you know when the investigation became an investigation of sexual assault?
A. Um, um, so I received the phone call from, um, at that time it was, uh, Captain Spinney (ph). So he was, he was over patrol at that time. I get a phone call saying, uh, just asking hey, what, what's going on because he got a phone call saying patrol was responding out to this location. And I knew that, uh, Chief Dominguez was, um, he was the Chief over patrol, and I told Spinney at that point, I said hey, you need to get a hold of, uh, it was, uh, Chief Cameron, he was covering for, for Dominguez at that time. Dominguez was out of town. So I told Spinney, he's like hey, you need to contact, um, Chief Cameron to let him know what's going on and we need to, to start CID, at that point, we need to start CID. As a matter of fact, I said maybe we should turn it over to another agency, that was just my thought process. Me thinking, hey if something, if something is going on. So, then, um, then, um, I guess Captain Spinney calls later on, and this is much later, I get a phone call from Chief Cameron saying, hey, what the hell is going on. Um, I was just told that there are deputies at, um, there are deputies over at Ricky's house, uh, I guess Gabby Rivas had walked out the home by this time and CID is en route. And so then I contacted, uh, Chief Janes and asked hey, you know, is this going the CID route and that's when, uh, the Chief told me that it was. That CID was now involved. After patrol had, had gotten there. After, um, [redacted] had walked out of the house, they started CID.

Q2. Okay. You said that your involvement began at 1:56 …
A. Correct.

Q2. … in the morning with a phone call.
A. Yes.

Q2. Can you give us a time frame of when this later conversation with Ed Spinney and then Chief Cameron happened?
A. Um, well, actually Spinney called me, uh, he called me three times.

Q2. Okay.
A. It just, it seemed like, uh, Ed was, was trying to get some direction as to what he should do. He just seemed like he was, uh, he was confused at the time and, uh, the first time it was hey, what, what's going on, uh, patrol went out to Ricky's house. So I explained, uh, why patrol was, was sent over there.

Q2. Ok-, okay, so let met interrupt you …

A. Yes.

Q2. … just for clarification. So, Ed's calling you to have this conversation, but to your knowledge patrol had already gone, gone 23 at the house.

A. That's my understanding. When, when, um, so, let me back up a little bit. As soon as, um, Lieutenant Bernstein went, uh, arr-, arrived, arrived at the location, he said he sent the text to, uh, Chief Janes and I saying Aquino is calling 911 now. So that was like as soon as Brett got there. Um, it's my understanding, Brett sends that text message saying, um, Aquino calling 911.

Q2. And it's your, your understanding that Brett conveyed that information to you, it happened shortly after he arrived.

A. Correct. Correct.

Q2. Any ____ specificity about that timing?

A. Um, so I received a call at 1:56 in the morning, I think that text message where Brett said Aquino calling 911, I'm thinking it was, and this is just, I, I'm just guessing at this point, um, maybe 2:30'ish, 2:35 in the morning or so. That's what I think.

Q2. So just a little more than a half hour after you get the …

A. Correct.

Q2. … initial call from Aquino.

A. Correct.

Q2. Okay.

Q. And, and, um, in regards to that Lieutenant Bernstein, you said he lived, lives in the area.

A. He lives up north. I, I don't know how close it is to Ricky's house, but I just, I thought well, Brett lives up north.

Q. Okay.

Q2. So when I asked you this before about when you became aware that it what was going to be investigated was the possibility of a sexual assault and what you said is you learned that CID had been called.

A. Correct.

Q2. Uh, so I don't know if that answers the question.

A. No, so I found out, Chief Cameron calls me and I relay the same information. I, I tell him, hey, I know you're covering for, um, Chief Dominguez, you need to contact …

Q2. CID.

A. … uh, you need to contact Chief Meretz (ph), CID. We need to get CID. We need to, as a matter of fact, I said maybe we should turn it over to another agency. At that point, um, Chief Cameron says, look that's not my decision. Uh, I'm going to calling Chief Meretz, we're gonna talk about it, but that decision to turn it over is gonna go, ultimately go to the Sheriff. So, at that point is when I was like, hey, we need CID. I don't know what patrol was doing at that point, but this is just me with, you know, phone calls with, with Chief

Meretz. And also with, um, with, uh, Captain Spinney, telling him hey, we need to send CID out. We need to send CID out.

Q2. Okay. And again, was that sensibility triggered by the thought that there was a sexual assault or information that there was a sexual assault …

A. Well.

Q2. … or just the situation had red flags or?

A. Well, for me, uh, working CID it did have red flags. After, uh, Brett going out, after saying Aquino's calling 911. At this point, I'm like look, we need to start CID. We need to start somebody out there to see what, what's going on. Um.

Q2. So, patrol's there, but let's get investigators there.

A. Yes, that's, that's what I'm, I'm pushing. Um, um, and ultimately to answer your, your question. Ultimately, it was actually Chief Janes that told me, hey, CID is now involved, um, and we're gonna let them handle it, and I was okay. I, I don't recall what time that was though.

Q. Okay. Did Brett ever call you, after he got to the scene, did he ever call you and tell you what was happening and what was going on scene?

A. No. No. No, he did not. He just texted, um, Aquino calling 911 and then Chief Janes texted, okay, we'll let, uh, from this point we'll let, uh, patrol handle, and they're taking over.

Q2. So it sound, it, just to kind of summarize, it sounds like this goes from a confusing call to you by Aquino, describing these three events that he kind of walks in or interrupts or what have you.

A. Uh huh (yes).

Q2. Leaving you confused, but with enough concern that I'm gonna call up and I'm gonna call down.

A. Yes.

Q2. Call up to the Chief, call down to the lieutenant that lives nearby, send the lieutenant over.

A. Correct.

Q2. The lieutenant goes there, advises you, 911 is being called and as you're processing the information you, you advise, I think we should get detectives to respond and start looking into this.

A. Correct.

Q2. Anything I got wrong on any of that?

A. No. No sir.

Q2. Okay.

Q. So, so after you spoke with Aquino, you decided to call I guess, um, Bernstein. Before you called Bernstein, did you call him directly after that or did you make notifications to your chief first?
A. I made notification to my chief first and told my chief hey, this is what I'm gonna do, I'm gonna have Brett, um, and then I explained to him.

Q. Do you know how long that delay would have been?
A. Um, maybe five minutes if that.

Q. Okay. And this is what the, the report I was referring to. He says that he got the call at _____. So you think it was about a five minute delay then?
A. Yeah. Yes sir.

Q. Okay.
A. I, I don't think it was, it was a long delay.

Q. ____.
Q2. So you get called at 1:56 in the morning.
A. 1:56 in the morning.

Q2. You have a conversation with Aquino.
A. ____.

Q2. How long do you think that took?
A. About five minutes.

Q2. About five.
A. Uh huh (yes).

Q2. You then called Buddy Janes.
A. Correct.

Q2. About five minutes.
A. Uh huh (yes), approximately.

Q2. Then you called, don't, don't …
A. Brett, Brett.

Q2. … let me put words in your mouth.
A. Right. Yes, then I called _____.

Q2. _____ talked to Buddy Janes …
A. Uh huh (yes).

Q2. … how long do you think?
A. Ab-, about five minutes. About five minutes.

Q2. Then you called Brett Bernstein.

A. Correct.

Q2. Okay.
Q. I think that clarifies it a little bit better.

Q2. Yeah, thank you.
A. ____.

Q2. But I, I guess I don't, I don't think I've heard you tell me when you knew that it was a rape investigation.
A. Uh, it was, it was later on. It was once, uh, patrol had, was already there. It was Chief Janes that let me know that CID is now involved, and that CID's going to take the, the case.

Q. Was that via phone call or via text?
A. That was via, it was a text because it was sent to me and to Brett.

Q2. Di-, do you know if Chief Janes, uh, mentioned the nature of the investigation? I mean I understand CID was responding, but.
A. I, hmm, I, no. I think it was just assumed.

Q2. Okay. Do you, do you think that you ever used the word rape or sexual assault when you advised Brett Bernstein?
A. No.

Q2. You don't think you did?
A. No.

Q2. Okay.
A. No sir.

Q. W-, were there any other phone calls from Brett that night to you or the next morning?
A. Uh, the next morning, um, there was. Uh, so Brett called me and said that, uh, Chief Janes wanted and email just with, uh, with what had, uh, happened, what information we received and what happened. Um, and I said okay, and I said them, I sent, uh, Bernstein a text message with hey, this is what Aquino told me and this is what I did. And I sent that to, uh, to Lieutenant Bernstein.

Q. Okay.
Q. So you got, so I'm getting the impression that Chief Janes was calling Bernstein directly.
A. Correct.

Q2. Okay.
Q. So I have, I have a sort of chain of command question. This all happens in basically the middle of the night.
A. Yes sir.

Q2. You took the actions you took. You sent Brett Bernstein. So when the dust settles days after this, did you debrief with Brett and learn of his actions and give him any feedback on?

A. Uh, actually no. And, and the reason, um, that we did not sit and hey what did you do and what did I do, is because once the allegation came forward, CID is involved. Now I know there's gonna be an internal investigation. I don't wanna talk to Brett and say hey, why did you do this, why, until the investigation over with. Um, because at one point, I had Aquino come to my office and, and said, uh, this was like a week later or something. He comes to my office and, and tells me, he's like hey, there's a lot of people asking what happened, and I said, don't tell anybody anything. There's gonna be investigations. I said so don't tell anybody anything.

Q2. So do you feel like, so you're a commander and things roll out the way you described, which I would say was unusual getting a phone call from a deputy in the middle of the night.

A. Uh, very much so. Yes sir.

Q2. Um, do you feel like you were status _____. Obviously you, you felt, you were cautioning yourself about debriefing Brett Bernstein.

A. Uh huh (esy).

Q2. Because, did you view yourself as a possible witness to this whole thing?

A. Oh absolutely. From the getting the phone directly from Aquino …

Q2. Okay.

A. … I did.

Q2. In fact, you were called as a witness in the criminal case.

A. Yes sir, I was.

Q2. Did you testify to these facts in the, in the criminal case?

A. I did. Yes sir.

Q2. Do you recall anything different today as we sit here talking that you're, details that you're able to provide us or questions that we've asked you that, that you weren't asked in court that are different than what you provided in court?

A. No sir.

Q. Did, uh, Deputy [redacted] ever come and talk to you after the incident?

A. No, she did not. I did run into Deputy [redacted] it was days later, um, here at 103 in the hallways, and the only thing I mentioned, mentioned to her is that hey, please let us know if you need anything. And then, uh, right after that is when, uh, the Sheriff had a meeting with her and I was also present in that meeting.

Q. Have you talked to Deputy [redacted] at all regarding this incident since …

A. No sir. I have not. No

Q. … _____. How about with Deputy Aquino?

A. Deputy Aquino, the only time that I, that I talked to Aquino was the week, a week after this, the incident, uh, when he came to my office and said hey, there's a lot of people, you know, just asking a lot of questions and I said, do not talk to them, don't talk to anybody. There's gonna be investigations. That's the only time we talked about, um, anything that has to do with this incident.

Q2. Were you interviewed by CID?
A. I was not.

Q2. Did anybody outside the investigation or anybody that you didn't believe was directly involved in the investigation contact you and ask you any questions?
A. Um, uh, well, uh, Ricky Garcia's attorney. I did do a, um, a defense attorney interview with him, with, uh, Louie Fidel (ph).

Q2. Any contact with any members of, of this department outside of that investigation?
A. No sir.

Q2. You mentioned earlier that, and I, and I don't remember your exact words, but it, it was about Aquino and I don't know if you expressed this, something you would have wanted him to do if there was a perception of danger. Am I remembering that right?
A. Oh, yeah, no, you're, you're correct. I, I said, um, that if he knew she was in danger he should have grabbed her and took her out of the house regardless as to what Ricky had told him. 'Cause at one point, he did say that Ricky told him, get the fuck out of my house. Um, I mean at that point.

Q. Did you ever convey that Aquino, that if she's in danger take her out?
A. No, because, because when I was talking to Aquino, um, he said everybody, I asked where, where's everybody at, and he said everybody's separated. Everybody, Ricky's with his girlfriend in the bedroom, [redacted] in a bedroom and then he was calling me. So everything was, everybody was separated.

Q. Did he, did, when he called you, do you know where he was at?
A. I do not, no.

Q2. Did he articulate anything to you in that conversation that made you think that anybody was in danger …
A. No sir.

Q2. … in that house?
A. No sir.

Q. I don't have any other questions.
Q2. Uh, I'm just trying to review _____. Okay. You understand the crux of the questions and what the concerns are. Is there anything that we haven't asked you about that you would add that would help us understand what happened better?
A. No sir.

Q2. Then I don't have any other questions.

Q. Okay. Uh, just so, just to make sure we're, we're on the same page. Um, we are doing the Internal Affairs investigation or the administration review of, of a complaint that was filed against, uh, certain commanders of this agency.
A. Yes sir.

Q. So since we are in the middle of this investigation, I ask that you do not discuss any of the, this conversations with any other, uh, department employee.
A. Absolutely.

Q. Okay.
A. Yes sir.

Q. And, and if we have any additional questions, um, what we'll do is we'll reach out to you and, and schedule another meeting.
A. Okay. Sounds good.

Q. Okay.
Q2. Thanks Luis.
A. Th-, thank you.

Q. THE TIME 1:52 PM. I AM ENDING THE RECORDING.

WITNESS:

_____

CHIEF LOPEZ #755

TRANSCRIBED BY:
J. KENNEDY, FEBRUARY 22, 2025

THIS IS, UH, CHIEF JESUS, UH, LOPEZ. TODAY'S DATE IS FEBRUARY 14TH, 2025. THE TIME IS APPROXIMATELY 10:59 AM. I AM CURRENTLY AT 1750 E. BENSON HIGHWAY. ALSO PRESENT IS CHIEF GERARD MORETZ, UH, UH, DOING AN INTERVIEW OF CAPTAIN, UH, LUIS CORNIDEZ.

LEGEND: Q. CHIEF JESUS LOPEZ A. CAPT. LUIS CORNIDEZ
Q2. CHIEF GERARD MORETZ

Q. Please state your name for the recording?
Q2. Uh, Gerard Mortez, badge 1243.
A. Captain Luis Cornidez, badge number 1373.

Q. Uh, this is a follow-up interview to IA, uh, case number 23-031. Uh, previously, uh, Captain Cornidez, do you recall, uh, being given a Notice of Investigation?
A. Yes sir, I do.

Q. Okay. We did talk to you several days ago regarding this same topic. Um, so we had a couple follow-up questions to ask you. And, um, one of the things that we forgot to ask is, based on your involvement that night and having that conversation with Aquino, did you ever complete a supplement?
A. No sir, I did not.

Q. Is there a reason why?
A. Yes, uh, well, as, as, uh, commanders were not required to, to complete supplemental reports. The, uh, the investigative units when they go out and do the investigation, they'll, uh, they'll get all the information, gather all the information that's been obtained so far. And then we'll, uh, then we do the, the reports similar to, uh, the Critical Incident Team. Um, a lot of commanders go out to the scenes, they go out to calls, and it's the investigative teams that, that will, uh, you know, complete the, the supplements and reports.

Q. Okay. Did you re-, did you think you needed to do a supplement on this, uh, incident?
A. No sir, I did not.

Q. Okay. And the information that he shared, uh, to you that night was provided to detectives, uh, in regards to an interview that Aquino did?
A. That's correct. Yes sir.

Q. OKAY. I, I THINK THAT SHOULD COVER IT. UM, I'LL END THE RECORDING. UH, THE TIME IS 11:08 AM. I AM ENDING THE RECORDING.

WITNESS:

_____

CHIEF LOPEZ #755

TRANSCRIBED BY:
J. KENNEDY, FEBRUARY 24, 2025

THIS IS JESUS LOPEZ OF THE PIMA COUNTY SHERIFF'S DEPARTMENT. TODAY'S DATE IS FEBRUARY 13TH, 2025. THE TIME IS 11:18 AM. THIS IS IN REFERENCE TO CA-, UH, IA INVESTIGATION 23-031. ALSO PRESENT HERE, UH, FOR THIS INTERVIEW IS CHIEF GERARD MORETZ AND LEIUTENANT BRETT BERNSTEIN.

LEGEND: Q. CHIEF JESUS LOPEZ A. LT. BRETT BERNSTEIN
Q2. CHIEF GERARD MORETZ

Q. Please id-, identify yourself for the recording.
Q2. It's Gerard Moretz, badge 1243.
A. And Brett Bernstein, badge 5680.

Q. Okay. Brett, uh, the reason we called is that we've been tasked with completing the administrative review of the incident involving Ricky Garcia. Um, so you, uh, there was a complaint that was filed by a department member and you were listed as one of the persons they were making the complaint against. So, I think that Chief Moretz, uh, explained to that, um, you have a right to representation and this is the, uh, Notice of Investigation. Um, you wanna look that over?
A. Yeah. I've never read one of these before, so. Okay. Okay.

Q2. One of the main points that we're asking you to initial on there is the one that says it's an ongoing investigation and not to discuss.
A. _____.

Q2. Yeah, thanks.
Q. And Brett, do, do you have recollection of what happened that night?
A. Yes.

Q. Do you remember what day it would have been?
A. Um, not the exact day. I remember it was in December. It was before Christmas.

Q2. I summarized what the complaint is …
A. About that rape?

Q2. … if you wanna read that closely. Yeah.
A. Yeah, this has, uh, um, my involvement would have been on December 18th, the, the very, very early morning hours.

Q. Okay. Let me confirm the date on that. Okay. Yeah, so, um, did, did you have an opportunity to testify in Garcia's, uh, trial?
A. Yes, I did testify.

Q. Okay. All right. So, can you explain to us in, in your words, what your recollection is? How you got, became involved in that inv-, in that case?
A. Yeah. It was a little bit after 2:00 am on the 18th, I received a phone call from Captain Luis Cornidez. At the time, I was a lieutenant and I was in charge of the school resource officer units, uh, and he was my captain. He called me, woke me up, told me that, um, he

received a phone call from, uh, one of the SROs, Deputy Aquino and, um, that, uh, they were at their squad Christmas party at, um, one of the SRO sergeant's, Ricky Garcia's home. And, uh, that something had occurred. Uh, uh, he wasn't exactly sure, um, what to make of it, but there was a, a potential allegation of, uh, like a sexual assault or, or sexual impropriety. And, uh, he asked me to call Aquino to, to get more information and, and figure it out.

Q. Okay. Do, do you recall how long your conversation with Captain Cor-, Cornidez was during that first …
A. Uh huh (yes).

Q. … initial phone call?
A. Um, not exactly. I, I could guess.

Q. Okay.
A. Yeah.

Q. And do you recall him telling you specifically that there was some type of sexual assault or rape that occurred?
A. Um, I, I recall specifically that, um, he, he based on what he was told by Aquino, was not sure, but had something to do with, uh, something like a sexual assault.

Q. Okay. Um, I, I, I know that, um, you, you've done a, a, I guess the defense interview on this case. You, you received other information re-, you know, preparing to testify that in trial. Uh, wo-, what I want you to try to do is the best way possible, is try to just recall what you, you exactly at that time that you …
A. Uh huh (yes).

Q. … received that call. Um, um, 'cause I, I know that in your defense interview you mention the word, um, that, you claimed that when lieutenant, or Captain Cornidez called you, you mentioned that something like an alleged rape had occurred.
A. Right.

Q. So we're just trying to clarify that because we're, we're trying to figure out where did that actually, uh, originate from. Um, you know, is, is that your recollection? 'Cause I think Captain Cornidez does not recall saying exactly those words.
A. Um, yeah, I think, I think what I said earlier and what I testified to is, is my recollection. Um, it was, uh, uh, like I said before, he wasn't sure what to make of what Aquino was telling him. Because, um, it seemed like he was describing a wide array of, um, possibilities.

Q. Okay.
A. And that it was something to do, like a rape.

Q. Okay.
Q2. Um, do you remember any details that Captain Cornidez conveyed to you about what Aquino had told him?
A. Um.

Q2. You, you describing a rape, but do you remember any specifics?
A. Well, he told me, I, I don't, maybe I shouldn't say, because I don't remember exactly what the words that he chose to say.

Q. Could it be possible that based on the array of, of events that he shared with you, that you perceived that it could have been something that occurred like a rape or a sexual assault?
A. Definitely. Yes.

Q. Okay. Um, did you call, uh, Aquino thereafter?
A. Yes.

Q. And do you recall what that conversation entailed?
A. Yeah. I asked him, uh, what's going on, uh, uh, Luis, or Captain Cornidez asked me to give you a call to see what needs to be done. And, uh, and then he kind of ran through, um, very, I guess I would say very briefly within a few minutes, uh, the entirety of, of the situation.

Q. And what did you perceive at that time?
A. I perceived it to be, um, a sexual assault.

Q. Did you perceive that she was still in danger?
A. Um, I did not. Um, I knew when I was speaking with him that he had already left the house, and that, um, some, uh, amount of time had, had already passed where he had not gone back in, and that he was making, uh, phone calls about it. Um, I had asked him if, uh, if he had called the police and he had not called the police.

Q. Okay. So did you decide to, what, what did you decide to do after that?
A. I decided I was gonna head out there and then, uh, while I was getting dressed, I, I would make notifications to, to my chain.

Q. Okay. And what was the reason for you to go out there?
A. Um, I felt like since it involved, um, the, uh, my direct subordinates that, um, uh, and, uh, I guess I just decided that I, I thought more should be done. And, um, I, I, I just, I just had to, uh, I know that Aquino said that he wanted to stay there until we, we did something to get, um, what's her name, uh, uh, Deputy [redacted] um, accounted for. So I thought the, the best thing to do, uh, at that point was to get out there and be with Deputy Aquino.

Q. Okay. Um, so, so based on, on, on that that he wanted to, I guess be accountable or to, for, um, Deputy [redacted] did you perceive that she was still in danger?
A. I, I did not and I continued not to perceive that she was still in danger. I, I did believe that something had occurred, but to what extent I, I don't think any of us could have known, but I did think that a crime had, had been committed.

Q. Okay.
Q2. Ba-, I wanna back up a little bit 'cause we, we talked about your phone conversation with Captain Cornidez and then you had a conversation with Deputy Aquino who kind of got the ball rolling on this. So, you're speaking to him directly now. At the end of that conversation you said, you believed that it could have been a sex crime of some kind or.

A. Yes.

Q2. I'm, I'm paraphrasing what you said. What do you recall about the details that Aquino provided you?

A. He told me about, um, a, a, very briefly about, that, you know, the party had occurred. There was a lot of drinking involved. He told me that, uh, it was, uh, towards the end of the night where there was only a few people left. I believe it was him, and [redacted] and Ricky Garcia and his girlfriend. I think her name was Vicky. And that, um, um, Garcia had, uh, uh, was sleeping off, uh, not Garcia, um, uh, Deputy [redacted] was sleeping off, uh, uh, the drinking in, in a bedroom. And that he had caught, uh, Ricky in there and, um, he wasn't exactly sure what was happening, but he knew that he had to get Ricky a-, away from her, like it's just not, you know, just let her be. And then, uh, he described two more situations where he had to pull Ricky away from her and in each situation, um, what they were doing had become more aggravated. Like, uh, in the, in the second situation, I guess she was partially de-clothed, and then in the last situation he saw that, um, Ricky Garcia was also, um, nude, at least from the waist down.

Q2. Okay. So, those details led you to think that, uh, a sexual crime might have occurred.

A. Yeah, he, he al-, he had told me that it was, it was obvious to him that [redacted] was not, um, awake when these things were o-, were occurring.

Q2. Based on that phone call with them, um, did you consider activating a patrol response yourself?

A. Yeah, well, I, what I did next is, I called, um, Capt-, Captain Cornidez back, I said hey, you know, uh, this does sound like, like a sexual assault or something like that has occurred. Um, based on, on this briefing that I got from Aquino and he said okay, call, uh, and I told him I was gonna go out there. And I said oka-, he said okay, call, uh, Chief Janes. So then I'm getting dressed and I called Chief Janes, I said hey, uh, I think this is, uh, something. I'm in, I'm in the car, I'm headed over there. Uh, and I suggested that the police simply be called. Um, he, uh, uh, and it's in the text messages that he sent to me afterwards as well, but he was pretty adamant that, you know, we can't really just trust these, these, um, people who've been drinking a lot that they're not, maybe not exactly sure what they saw. Um, we shouldn't be, like we shouldn't be basing, uh, like calling the police and bringing someone, unless, unless they want to. So, it became where, uh, it became a situation where if you get there and, um, uh, Aquino thinks that this is worthy of calling the police, then he should call the police.

Q2. And for clarity sake, you're saying with some authority sexual assault. What you described Aquino conveying to you is several encounters be-, where he saw Deputy [redacted] and Sergeant Garcia in changing states of being clothed or unclothed.

A. Uh huh (yes).

Q2. Did he ever describe to you sexual activity on display?

A. Well, I think, I think what he was describing was, um, sexual activity short of penetration.

Q2. Wh-.

A. In, in, in his words.

Q2. Wh-, what did he say?
A. Well, so what he's describing is, is, um, uh, Sergeant Garcia making attempts to have sex with, uh, Deputy G-, uh, Deputy, uh, dang it, Sergeant Garcia is making attempts to have sex with, um, Deputy, uh, [redacted]

Q2. Okay. And I'm, I'm not trying to trip you up.
A. No.

Q2. But what exactly is he saying? Because in my mind when you say attempt to have sex, I, I understand the mechanics of what that might look like, but what is he saying to you exactly?
A. Yeah, he, he described, um, uh, Deputy [redacted] being on the bed.

Q2. Okay.
A. And that, um, when he would, uh, uh, my memory is that the first time she, she already wasn't fully clothed, but I think he was giving Sergeant Garcia the benefit of the doubt, because he wasn't exactly sure what was happening. But then the second time when he goes in there, she's got even less clothes, and the po-, uh, the position he described was, um, uh, a, a sexual in the sense that, um, Sergeant Garcia was, was, uh, like, like above her. And then in the third incident.

Q2. And, do you recall how he described Deputy [redacted]
A. Just, just on the side of the bed and that he could tell from his vantage point that she wasn't clothed, uh, from the bottom down.

Q2. Okay. On the side of the bed. Laying on her back? Laying on her side? Sitting up?
A. I don't think he told me into that much detail.

Q2. Okay. Uh, what I'm trying to do is differentiate what was actually happening from what a person might deduce. Does that make sense?
A. Well, I think, um.

Q2. We, 'cause we, we wanna be as factual as possible about …
A. Uh huh (yes).

Q2. … what was seen and I don't wanna prematurely use a word to describe something happening that actually wasn't on display.
A. Okay. I gue-, I guess what I'm discussing with you or the question I was trying to answer was the feeling that he gave me about what had happened, and what he was trying to convey to me that he thought was happening.

Q. So based on what he told you, you assumed or you.
Q2. Like impression?

Q. You got the impression …
A. Yes.

Q. … that a sexual assault or attempted sex was occurring.
A. Yes.

Q. Okay.
A. Is that fair?

Q2. Yeah, I'm okay. So you have a conversation with Chief Janes about, it sounds like the reliability of what you're being told.
A. Yes.

Q2. And am I paraphrasing correctly? So you, you're directed to go there and lay eyes on it and try to figure it out.
A. Um, yeah, he, he, he …

Q2. I don't wanna put words in your mouth.
A. … well, what I'll say, what I'll say is that he made it clear that, um, I was not to call the police because I was not directly involved in the situation.

Q2. Okay.
A. That if, that if Deputy Aquino thought that this was, uh, worthy of getting the police involved then, um, then he should do that.

Q2. Okay.
Q. But, uh, in your mind, you, you were planning on calling the police.
A. Well, I called them saying, I, I, I think the police should be involved. I think, I think something occurred that needs to be investigated.

Q2. What's your next step?
A. Well, uh, this is all occurring while I'm driving.

Q2. Okay.
A. Uh, this is all about and I, I think I lived about, I live about, uh, 15 minutes away or maybe, between 15 and 20 minutes away from, uh, Garcia's house. Um, uh, so, uh, I hang up the phone, I know I'm right around the corner, so I, I didn't call Aquino again. I know I'm just pull up and talk to him. Um, well, after I hung up the phone, I, uh, I got a couple of text messages from, um, uh, Chief Janes. I shared them to my defense interview. And, um, and then I pull up. I, uh, Deputy Aquino and his wife standing on the side of the street, uh, next to what I assume to be, was their vehicle. And I told 'em, uh, do you, do you think what happened, uh, needs to be investigated by the police and he said, uh, I don-, well, then just call the police, and he said okay, and he called the police.

Q2. That sounds like a very short exchange.
A. It was seconds. Uh, uh, I, I gotta be honest with you, I felt, uh, in the moment that the police needed to be involved. It, it's just how I felt. It just seemed like the safest thing to do. And, um, if the reality is that if, if, uh, Aquino had told me that he didn't feel like he shou-, would call the police, I probably would have kept trying to convince him just to call the police.

Q2. And you're operating on instructions that you got to sort it out with Aquino whether or not the police should be called.
A. Yes.

Q2. It sounds like that didn't take long.
A. Se-, seconds. Yeah.

Q2. So you arrive, a brief exchange with Aquino. Did you observe him call for patrol or how did that go down?
A. Yes. Yeah, he pulled out his phone, uh, I saw him dial the number and I let him talk on the phone while I spoke with his wife.

Q2. Do you know if he did 911 or the, or the nonemergency?
A. I, I didn't know at the time. Uh, I, I know now from some conversations, uh, leading up to trial with the, the defense attorney, that I guess he called the nonemergency number. But that wasn't something that he and I discussed. I just told him to call the police.

Q. Okay. And then what happened? Uh, did you have further discussions with him?
A. Yeah. So, um, we were, uh, he hung up the phone and, um, we went and sat in a, uh, my car because I had the heater going and they don't wanna, I, I, my, my memory is that they didn't wanna leave their car running or something like that. It was ice cold that evening. And, um, uh, when we, uh, we sat and waited a few minutes and, and before the first deputy arrived, I, I think her name was, uh, Piana (ph). Um, and then, um, she, um, uh, took him out of the car. He briefed her on everything that night. I, I assume he briefed her on everything that he knew and then he came back and sat down again. And then he kind of talked to me about, he kind of just reiterated everything that he had already told me over the phone. And then, uh, a, a minute or so later, um, Sergeant, uh, Kunzy (ph) arrived.

Q. Okay. Do you recall having any conversations with Kunzy?
A. I recall him walking past the car. Uh, I was sitting in the driver's seat, and he asked me what's going on and I said, um, here's, here's Aquino if you need to get any more information just do what you normally do, and then he walked away over to, uh, Deputy Piana.

Q. Okay. Um, in, in a supplement that I believe he wrote, either a supplement or an interview he did, he, he alleged that when he walked up to you, you told him, I not here officially.
A. Uh huh (yes). I, I heard about that, um, on the news that, that's part of his testimony, and I, I don't remember that happening.

Q. Is that something you, you, you don't think you, you would have done?
A. Uh, I do not think I would have done that. Um, I was, uh, I guess we could go over the, the semantics of the word official. Um, I was definitely there in an official capacity in sense that I was Aquino's, uh, um, lieutenant and the people in the house, I was, I was their lieutenant as well. Um, I know that my instructions from Chief Janes were not to get involved in any investigation or anything. Uh, uh, so maybe I made, um, I don't wanna

put a bunch of conjecture I guess. I, I d-, I never said out loud to, to, um, Kunzy or anybody else at the scene that I'm not there officially.

Q2. And if I'm understanding correctly, the information you're getting and, and you're forming an impression in your mind, you're thinking we need to have deputies respond or what have you, you said police.

A. Uh huh (yes).

Q2. You get there very quickly, what you think should happen is happening. Is that fair?

A. Well, I, I know it felt slow while I was there, but I, but, uh, the, yeah, the, to answer the question. The ball was rolling the direction that I thought it should, should roll.

Q2. Okay. So you arrive within seconds, COM is called, I assume COM and deputies start to show up a few minutes later.

A. Uh huh (yes).

Q2. During that interim, did, were you ever presented with any information or did you have the impression that there was immediate action that needed to be taken?

A. No, I, I truly never felt that way, um, at all that morning. I, I'll be honest with you that that since then, you know, having been interrogated by the defense attorneys and, and being on the stand, I, I, I sometimes wonder if, if I was wrong. It's something that's weighed on me very heavily for, um, uh, this is, you know, a year's long now. It's, it's been, that's been very difficult. But I never thought that, that day. I, I had a conversation with Deputy Aquino over the phone and then, uh, briefing him over there. Um, it, it was apparent to me that there was a, um, some time, uh, some extended amount of time that had passed before I had ever spoken with him. Be-, uh, between that and the events where he was in the house. Um, it just never, no one told me anything that led me to believe that she was like continually being raped or, or anything like that.

Q2. Yeah, I wanna drill that down a little bit with you 'cause you, I used the word impression.

A. Uh huh (yes).

Q2. When, when, when you're describing how, what could be happening or what, or what could have happened was a sex crime.

A. Uh huh (yes).

Q2. I wanna, so I guess I wanna ask about your impression of timeframe of any bad acts happening. In your mind was this an incident that had already occurred or was there any chance that it was ongoing?

A. It, my, my impression was that something had occurred and was no longer occurring. Uh, when I, when I made my first phone call with, uh, Deputy Aquino, one of the things I mentioned to him was if you need to go back in there, you need to go back in there, and his response to me was no. Uh, uh, time, time has elapsed, I don't think that we have that anymore.

Q2. So you're coaching him through his own information that he's providing you on, if there's any urgency, take action.

A. Exactly. You know, I feel like, uh, you know, in, in the, in the police, um, world, uh, we have, we have ___, and second responders don't get that hesitancy. You know, it, that's, he was the one that was there. He's the one that knows all the details about how long it's been since he's been out of the house and what he thinks he saw. I, I don't feel like, I felt like when he told me that he didn't have that anymore, that I definitely didn't have it.

Q. Okay. Do you think intoxication on his part could have, his, um, I guess his decision making was it accurate?

A. Well, I mean from what I know about, you know, the ingestion of alcohol, I, I would have to agree that. Uh, you know, my w-, I, I told the defense attorney as well, that when I met with him that day, I, I could tell that he had been drinking. But I also felt like he was of sound mind.

Q. Okay.

Q2. When it sounds like you, you drilled down the main issue very quickly with him, which was, are we, are we getting a patrol response here or not.

A. Uh huh (yes).

Q2. And it, it ends up being yes, we are getting one there and he, you helped him get to that point in, in a very brief amount of time.

A. Yes.

Q2. So from the, you said you got a call, um, I thought I wrote it down.

A. My call, my, my recollection is around a quarter after two.

Q2. Okay. How quickly before you were on the road after that first call ____?

A. I would say I got on the road by about 2, maybe between 2:30 and 2:40. I, I'm not exactly sure. And one thing that made me really upset about the defense attorney was when I did my defense interview, I said, uh, or they, they, uh, confronted me with my phone number wa-, was not in Deputy Aquino's phone. They said well, it, it, according to his phone, you never called him. So then I gave them, I still had it in my phone, so I said here's _____.

Q2. In your log.

A. Not in the log. I, I had his contact. And I said, uh, here's the number that I called, they said, oh okay, that's not the same number for the log that we have here. I said okay, I think the number that I have is his work phone. I'm not sure if he has a separate phone and they said okay, we'll, we'll get that figured out. Well, then at the trial they never got these other records, because to me this timeline is very important. Because I, my, uh, I know that I, uh, when I got these phone calls, I, I was, I feel like I was moving pretty quick. Um, as, as soon as I talked, after talking to, um, uh, Captain Cornidez the first time, I was okay, I'll give him a call and see what's going on. But then after I talked to Aquino, I kind of l-, I was like getting dressed as soon as I hung up the phone with him and trying to get stuff up chain while I was moving and, and getting dressed and waking up, you know. And, um, I feel like, um, once I knew, once I made my decision about what had happened, I moved very quickly, and, uh, when I got to the scene, it was done. Uh, I'm, I'm sure you guys are familiar with what they reported on the news for a long

time now about a lieutenant, which I've always assumed they meant me, was just, you know, letting somebody in the house be raped for 80 minutes, and there's no, there, in my mind there is no such thing as this 80 minute timeframe where I'm letting anything happen. I, I feel like I was doing something, and what I felt to be the correct thing at every given moment. Um, if, uh, if, if, you know, I'm not, I didn't do every-, I don't think I did everything perfectly. Um, I'm sure some things could have been different, especially with the, with the gift of hindsight, but, um, I, I did call Captain Cornidez, he told me to make another call, so I did make that other call to, to Chief, uh, uh, Janes. Um, he, he told me not to call the police myself, so I did get to the scene and I immediately told, um, uh, Aquino hey, if we're gonna call the police, let's, let's just get it done and then that call was made right away. I don't think my entire involvement before the police was called was anything out of, uh, that 2:15 am until I got there and he made that call which I think I was around 2:50 if my memory's correct. Um, uh, and, and, and I guess that, that's all I can say about that.

Q. Okay. Do you, you said you shared your text messages for the defense, is that right?
A. Yes.

Q. Okay. Do you have copies of those text messages?
A. I do, yeah. I have 'em on a, on a flash drive with me if you, if you wanna plug it in and see 'em.

Q. Okay. We'll probably gonna need copies of those.
A. _____.

Q2. Did you, you just conveyed your involvement to us. Is there anything else that, about that night that you think we should know?
A. About that night.

Q2. And I have a follow up. I'm just trying to frame this _____.
A. Yeah, yeah, I think it's important you guys see those text messages. I think, I think it, uh, the timeline is in there and, uh, or at least helps to confirm the timeline. And it shows the, I think it shows, um, the, the theme of my, of my conversations with Captain Cornidez and, and Chief Moretz in there.

Q. Moretz or?
A. Oh not Mo-, you're Chief Moretz. Uh, Chief, uh, Janes. A lot of names flying _____, Chief Janes. Thank you for correcting me.

Q. _____.
A. I don't think I can think of anything else. From, from that, you know, I, I, as the _____ went on, we left. I was interviewed by, by Sergeant Sirus. I'm not sure if that's what you mean by that night, but nothing else I can think of about that night.

Q2. You, you led perfectly into my next question. So you end of being ended by Sergeant Sirus.
A. Yes.

Q2. Was he a sergeant at the time or, or ___?
A. I think he was a detective in the homicide unit.

Q2. Okay.
A. At, at the time.

Q2. But he co-, he conducted an interview. What was the content of that interview?
A. Um, uh, uh, everything that I knew about, about the, the incident. J-, it's the same of this interview right now.

Q2. Okay. Um, so my next question is, having been alerted the situation and responded, you did what you did, then you were interviewed as a witness by Sergeant Sirus. Did you, um, think to author any kind of report or supplement on your involvement or were you thinking differently on that?
A. No, I, I remember speaking with Sergeant, uh, De-, Detective Sirus afterwards, do you need me to ____, do a supplement for this, and he said no, I think you're a witness, you know.

Q. And you were interviewed as a witness.
A. I was, that's how I felt. Yeah, it was a recorded interview.

Q. Okay.
Q2. So that, that would have been a, a, a loose end except that you had addressed it with the detective who interviewed you correct.
A. Right. and that's, that's, um, uh, the way it's been my entire career. Uh, in situations where we're interviewed by a detective as a police officer, we don't generally do a, do a supplement on top of that, because _____ each other.

Q2. Understood. Did you author any memos or anything like that?
A. Uh, in the days, uh, and, and weeks later, I, I was asked to do, uh, uh, several administrative things, including writing a memo.

Q2. Okay. Can you walk us through the documentation that you made?
A. Yeah. To, uh, to the best of my ability.

Q2. Please.
A. Um, uh, after the, after that day, I don't remember exactly which day it was, but I was told, um, by, uh, Captain Cornidez that, um, command staff hadn't been in contact with, uh, uh, Deputy [redacted] and that now I was to call and, and see if she needed anything, uh, as her lieutenant. Um, I did make that phone call. I think it was two, maybe three days. She was, she had still not come back to work. Um, she just told me that she was fine, that she didn't need any additional resources. I confirmed with her that she had family support and that she can take off as much time as she needed, just to keep me posted on whatever she needs. Um, sometime after that I was asked, uh, to, um, contact, uh, Sergeant Garcia and tell him that he was on administrative leave. This, actually that may have come first actually. That may have been the next day. Contact Sergeant Garcia, tell him that he's on administrative leave with pay and that, um, he needed to meet with me at material management to, to drop of his belongings and his car. So we had, I just arranged for him

in the conversation to drive his patrol car down there, he said that he have his girlfriend follow him so he could get a ride back. Um, I brought a box out to him, he, he took, I his gun and his computer and all those kinds of things, drop it in the box with material management. Um, and then, uh, and I was also told to tell him that, um, uh, CID detectives have been trying to reach him, but he wasn't returning their calls and that he needed to, and he said that he, I, I, I think he told me something like he, he had one unknown number on his phone, but just one call and that he didn't answer it because he didn't recognize the number. And that if a detective called him, he'd answer.

Q2. So you gave him instruction to get in touch.
A. To, if they called, to answer.

Q2. Okay.
A. And then I let, uh, Captain Cornidez know that I, I told him those things. And then I was asked to author a memo documenting my conversation with Sergeant Garcia, and I submitted that to Captain Cornidez. And then after, I believe I checked in with Deputy [redacted] one more time. It was, it was extremely similar to the first check in, she still had zero complaints. Um, uh, I think, I think in the second time, she indicated that she does plan to return to work, uh, soon. I don't remember the exact date of that. and then, um, after that, I got a, I got contacted by, um, I can't remember which deputy it was, if it was Deputy Aquino or somebody else, but that they had gotten a phone call from a private investigator and that they weren't sure what to do. So I got the information over to Captain Cornidez and, uh, it just came back down the chain to me that they were not to speak with the private investigator and they asked me to author, um, a, a, like an instruction to all of the SROs not to do that, and that's one of the text messages that I saved and gave to the defense attorney.

Q2. Who gave you that instruction?
A. Captain Cornidez.

Q2. Okay. And you wrote a communication to your deputies?
A. I wrote a text message to all the deputies in the SRO units. There was no sergeants at the time.

Q. Anything else?
A. Um, no, nothing else that I can think of.

Q. Did, do you, do you recall if any other department members outside of Aquino, [redacted] did anybody ever call you and ask you what happened or share information with anybody?
A. No, nothing. Uh, no one in the unit ever really spoke with me about it. Um, the only thing I can think of is just, uh, several people talking about rumors, but I never really engaged.

Q. Okay.
Q2. Did, did you offer any instruction or guidance to those members regarding rumors and discussions about the case?
A. Um, I don't recall offering any guidance about that.

Q2. I think that covers it. I, I can't think of any other questions. We may later on, as these things go. Um, we may have to reach back out to you if there's something that needs clarifying, but I can't think of any other questions.

Q. Uh, just, just as a reminder, uh, we are doing this administrative review ____ Internal Affairs review of that incident.

A. Uh huh (yes).

Q. And, and we're doing it based on some allegations that were made by, um, uh, Deputy [redacted] against command staff and you're named in that complaint. So we ask that you not speak to anybody regarding this discussion that we have, 'cause it's still an on-, ongoing investigation.

A. I understand.

Q. OKAY. I THINK THAT COVERS IT. UM, WHAT I'M GONNA DO IS TURN OFF THE RECORDING. THE TIME IS 11:53 AM.

WITNESS:

_____

CHIEF LOPEZ #755

TRANSCRIBED BY:
J. KENNEDY, FEBRUARY 21, 2025

Q. THIS IS JESUS LOPEZ. TODAY'S DATE IS FEBRUARY 18TH, 2025. THE TIME IS 10:13 A-M. I AM CURRENTLY IN MY OFFICE LOCATED AT 1750 EAST BENSON HIGHWAY. THIS IS IN REFERENCE TO IA, IA INVESTIGATION NUMBER 23 DASH 0031. ALSO PRESENT IS CHIEF GERARD MORETZ AND DETECTIVE RUSSELL GIBSON. PLEASE STATE YOUR NAME FOR THE RECORD.
Q2. IT'S GERARD MORETZ, BADGE 1243.
A. RUSSELL GIBSON, BADGE 1467.

LEGEND: Q. CHIEF JESUS LOPEZ A. DET. RUSSELL GIBSON
Q2. CHIEF GERARD MORETZ

Q. Russell, um, we just, uh, gave you a Notice of Investigation. Um, this is in regards to the incident involving Ricky Garcia, uh, and the party that happened at his house. Um, there's some administrative issues that we, we need to address so we're giving you this Right to Representation. Um, please take a few minutes to read it and then initial it and sign it if you.
Q2. This portion here covers all the things that were mentioned in the complaint and the other document that we're looking into. They don't all apply to everybody.
A. Okay.

Q2. If that makes sense.
A. Okay. When, uh, when it says I can't discuss, I can talk to, like, my, uh, union rep about that?

Q. Yes.
A. Okay.

Q. You can talk to a union rep. But nobody else though.
Q2. Yeah.
A. What's today? The 18th?

Q. The 18th.
Q2. And if you could initial…
A. Oh.

Q2. …those, those areas.
Q. Uh, Russ, uh, our portion of it is that we've been tasked to do the administrative investigation concerning the Ricky Garcia incident. Uh, during that, uh, that, I guess, uh, uh, aftermath is that there is some reports or allegations made that there is a specific issue in regards to evidence.
A. Okay.

Q. Mishandling of evidence. So, um, do you recall anything about mishandling of evidence? Regarding that case?
A. Yeah. I know what you're referring to, yeah.

Q. Okay. Um, did you testify in court regarding those same issues?
A. Yes.

Q. Okay. And did you do a defense interview in-, regarding those same issues?
A. Yes.

Q. Yes? Okay. Um, and when you testified in court the, the events and what transpired is very accurate? There was no issues in regards to your testimony?
A. Um…

Q. Meaning that you, what you told was the truth, right, based on what your recollection was?
A. Yes. I told the truth in, in all the interviews and, and in court.

Q. Okay. Um, can you just summarize to us what the, the, the issue was in, regarding to the, uh…
A. So…

Q. …mishandling of evidence?
A. …so one thing is I don't know who was with me when it happened. Um, I know that…

Q. Do you know what day it was?
A. No.

Q. 'Cause I have some, your supplements.
A. I. No. I don't know. Um, so the, so I know that when I testified, they asked me who was with me when we were doing the interview and I said, I said, I think Hilborn was there and I said, I don't remember who else was there. And then in the closing arguments I heard the guy say Gibson didn't even remember who he was with. Um, he thought it was Hilborn. And that was the first time I re-, realized, like, oh, well I was mistaken about who I was with. So, and, and I didn't go back and look it up. So, I, even now, I don't know who was in the room with me when we were doing the evidence. But I do know, it was, like, a typical way we do evidence where one person is going black sweater in the bag, fold it, tape it, sign it, and then another guy's got the thing and he's writing black sweater, what's the item number? It was done that way. There was other people in the room. I took the blame for it. I, you know, when, when we realized, like, hey, this doesn't match what's in the bag, and then we opened the bags over at evidence and then we went, what, you know, we're missing something. Um, and then we found it and then we're all, like, ah, shit. We messed it up. I, I was, like, you know, 'cause it was a group effort doing it. But obviously I'm not gonna go, oh, it's his fault and then he's gonna, no, it's his fault. So, I said, okay, yeah, we messed it up. And…

Q. Okay, were, were you the, the person responsible for collecting the evidence during that time period? At…
A. So, the way I recall it, because, like, you know, it was a while ago and like I said, I, I know for a fact that I've, uh, not recalled correctly on a few of those things anyway, um, but the way I recall was when we were given the evidence it was already in bags, like, patrol had collected, here's her sweater, here's her underwear, here's her this and that and

it's all in different bags. And they, and the bags were open and it was, like, grab the bags, they were put into a car, I believe it was not my car they were put into. They were taken to the Foothills Substation. We took the bags, took 'em into that conference room and, um, and then we, like I said, we did, went through that procedure where we were, we looked the different things and wrote things down and, it wasn't just me in a room by myself messing it up. It was, um, a few people but I don't, but like I said, I don't know who was in the room.

Q2. When you say you took the blame. What, what's the exact mistake that was made an issue?

A. Well, the mistake. So, two things. One is one of the bags was mislabeled because that's how we figured it out. Um, Ryan said to me, hey, where the, one of the, one of the items. So, we went to evidence to look for it and we had a bag and I think the bag was labeled, like, underwear but it was a big bulky bag and we're, like, that's too big to be underwear. And it turned out to be a sweater. And so we pulled it out to see if the underwear was, was in the sweater and it wasn't. So then it was, the next mistake which was, where's the underwear. And, and so we called around and Scott, um, Anders happened to be driving on the north side. He said, I'll stop by Foothills. And he went there and that's when he found the bag, um, it was, like a, you know, the grocery bags that we use and it was folded the way they come, like, um, 'cause it was just collapsed…

Q2. _____ underwear.

A. Yeah. It was, it was folded and collapsed the way they come from the place. So, it looked like an empty bag because it was a small pair of underwear and he found it sitting in a chair, it was a conference room with a table with chairs around it in the middle and then chairs around the outside. And I believe when he got there people were using the room so he wasn't able to get in there right away but when he got in the room that bag was on the chair and he found the bag and opened it, saw the underwear, brought it over to evidence and then we package and sealed everything the correct way at that point.

Q. Is that the same room you guys were…

A. Yes.

Q. …processing evidence?

A. Yes. Mm hmm (yes).

Q. Okay. Do you remember what day that would have been?

A. Uh, no. I'd have to…

Q. Uh, here's your supplement.

A. Those are all the _____ interviews. So, on my report that I dictated on the 19th, um, it pretty much outlines my involvement for everything that occurred on the 18th. So, it looks like it was on the 18th that all that occurred. December 18th of, uh, 2022.

Q. Okay.

Q2. So, when you say all that occurred, are you talking about the collection of the evidence and packaging at Foothills followed by the discovery of the missing underwear and then the recovery of the underwear?
A. Um, so the packaging of the evidence was on the 18th, um, it looks like. And then, and then I don't think that's when the, um, let me see the…

Q2. I guess what I'm asking is, was, do you recall if this was all kind of on a con-, uh, a continuing timeline of, you get called out, you deal with evidence at the substation, you come back here that you discover the mistake and then Scott Anders goes and finds them all in the same continuous timeline and brings 'em back? Does that make sense?
A. No. it doesn't appear that way.

Q2. Okay.
A. It looks like everything, um, that pa-, the evidence was packaged on the 18th and then, and then this report which was dictated on the 23rd of December, um, outlining my involvement for the twenty-, well, it says that I was called on the 21st and asked to do a few things for follow up. Um, one of those was a, let's see, um, because of a statement that was made, um, and then, and then it says later I was informed by Hilborn a problem with the evidence. Um, so that's when, and then Anders went to find the, uh, underwear. So, that all happened around, on the 21st it looks like.

Q2. So, initial call is the morning of the 18th.
A. Yeah.

Q2. And then the discovery and fixing of the problem is the 21st?
A. Yes.

Q2. Okay.
A. That's what it looks like.

Q. Okay. So, it appears when you guys collected eviden-, the evidence on the, on the 18th you guys were following S-O-Ps laid out on evidence collection?
A. I beli-, I believed we were…

Q. Okay.
A. …at the time. I don't think we did anything that, at, at least, if anything was done outside of that, it was not done consciously. You know, everything, um, was done the way, 'cause we do the warrants for the ICAC and we usually, you know, we do 'em the same way where there's a person who's writing and another person who's packaging. So, it, it appeared at the time to me to be done the correct way.

Q. So, it appears it was an, an oversight on somebody's part or on your part on, I guess, leaving that piece of evidence behind?
A. That's what I, I mean, I, because that evi-, because that bag was marked as pink underwear and then it turned out to not be, I, I think everything was done by the book. It was just that somehow, we mistook a black, you know, put a black sweater in a bag and wrote pink underwear so that later when we we're going down the list, we're, like, we got the underwear. And then a black sweater was, was, was probably more of, like, we've got

this but it wasn't necessarily, like, evidence. It was just some of the clothing. So, if the black sweater had been left behind, you know, it might have never been an issue. Somebody might have never realized it was missing and it wouldn't have been part of the case type of thing. But, because it was underwear and it was definitely part of the case, then it stood out as…

Q. Okay.
A. …having been mislabeled and not present.

Q. Okay. Um, since that occurred, obviously, you know, you testified in court, um, has an-, has any of your supervisors or lieutenants or commanders spoken to you about that incident or issued you any discipline regarding those events?
A. Um, not, not officially. No.

Q. Okay.
Q2. What about unofficially?
A. Um, yeah. There's always, like, uh, oh, man, you know, here's what you should have done or here's what could have been done. You know, like, kind of like I'm gl-, you know, 'cause we've had different bosses since then so obviously if it had been the boss that was in charge the day it happened, I might have got something official, or I might have got, um, more official. But it was, it was more, like, yeah, you F-d up and you know it. You know, we all know it. You know it already, um, kind, so it's kind of a, kind of, like, an undocumented verbal counseling type of thing.

Q2. Yeah, so we, we use that term coaching. Like, coaching and then…
A. Okay.

Q2. …documented verbal, letter counseling.
Q. That, but, but, uh, so one of the things is when the administration became aware of that issue, um, there was still the other administrative review that is still being conducted aside from this. So, we put all that on stand-by and hold until after the criminal trial was done.
A. Okay.

Q. Now that that trial's done we're, we're doing the administrative review for the entire incidence 'cause there was an, a complaint that was filed, uh, that's very specific on some stuff that occurred and then there's a review by the Attorney General's Office and one of the issues they brought up was the, um, mishandling of evidence. So, we're covering that through this, uh, administrative review. So, that's why we're speaking to you now.
A. Mm hmm (yes).

Q. So, um, once we're done with this, um, there's gonna be a finding and then we'll address it at that point. Do you have any questions for us?
A. Mmm. Not really. No.

Q. Okay. I think we covered it, right, Gerard?
Q2. I think so. it was really just drilling down on that one, uh, issue.

Q. ALL RIGHT. UM, SO AT THIS TIME I'M GONNA END THE RECORDING. THE TIME IS 10:28 A-M.

WITNESS:

_____

CHIEF LOPEZ # 755

TRANSCRIBED BY:
BADGE #51587, FEBRUARY 20, 2025

Q. THIS IS, UH, CHIEF JESUS LOPEZ. TODAY'S DATE IS FEBRUARY 18, 2025. THE TIME IS APPROXIMATELY 09:10 A.M. UH, THIS IS IN REFERENCE TO IA INVESTIGATION, UH, 23-031. UM, ALSO PRESENT IS CHIEF, UH, GERARD MORETZ AND CHIEF BUDDY JANES. UH, PLEASE STATE YOUR NAME FOR THE RECORD.

A. HAROLD BUDDY JANES, BADGE NUMBER 1295.

Q2. AND GERARD MORETZ, 1243. AND, BUDDY, THIS IS FOR YOU. AND IF YOU TAKE A LOOK AT THIS PORTION, IT SUMMARIZES WHAT WE'RE LOOKING AT.

LEGEND: Q. CHIEF JESUS LOPEZ A. CHIEF HAROLD BUDDY JANES
Q2. CHIEF GERARD MORETZ

A. Uh huh (yes). You said 18th, right?

Q. The 18th, yes.

A. Got a big ol' scratch on my watch.

Q. Okay, Buddy, the reason we're here is, um, Gerard and I had been tasked with completing the administrative investigation regarding the Ricky Garcia incident that happened back in December of '22…

A. Two, I think. Yeah.

Q. …yes. Um, there was an allegation, uh, submitted by, uh, uh, Deputy [redacted] against four commanders.

A. Uh huh (yes).

Q. Um, during our interview of those commanders, um, one of 'em, uh, Brett Bernstein, provided information in regards to some notifications that were made to you that night. Do you have any recollection, to the best of your memory, of what you remember happened that night?

A. Yes, I do. It's been a while, and I haven't talked about it with anybody because I knew that there was gonna be an investigation at some point. So, um, I haven't clarified any points or, or anything to that with anybody that was involved. But I recall at about 2:00 o'clock in the morning, or 'ish, um, I got some phone calls from, uh, Luis Cornidez, um, uh, advising me that the SROs had been at a Christmas party at Ricky Garcia's house and that everybody was drunk and that there was, I, for lack of a better term, some tomfoolery going on. He did not describe it any better than that. Um, I told him that we should probably figure out how to get everybody home safely, um, and that was the end of the conversation. A short time later, he called me back and said, actually, it was more than, than, like, just being drunk and fooling around, that there was an allegation that, um, somebody had been molested, or somethin' along those lines. And, um, I, I told him, hey, if someone's saying that there's a, that a crime has been committed, somebody needs to call 911 and start that, um, that process of getting this investigated.

Q. Okay. Um, in our conversations with, uh, Lieutenant Bernstein, he provided us some text messages, um, that are between, uh, obviously, these are from Brett's phone, un, there's some text messages between you and Brett and then, I guess, uh, uh, some other text messages regarding other things. What I'm gonna do is share this document with you…

A. Okay.

Q. …and see if any of this refreshes your memory. The, the first one you're looking at on Page 1 is, um, at 2:31 a.m. on December 18th.

A. Okay. So you want me to look at all of 'em or just this one?

Q. Uh, yeah, just, you want…

A. Okay.

Q. …just to, yeah, peruse through them all.

Q2. I think yours pick up on Page 5, 6 and 7.

A. Okay.

Q. Okay. So, um, when we talked to Lieutenant Bernstein, um, and we've also talked to Luis Cornidez, based on your telephone conversations with them, did you ever feel that somebody was in danger, or there was an incident or a crime still occurring inside the residence?

A. No, not at first. At first, it sounded like there was some grab ass or some drunkenness stuff goin' on but no, at first, it was just drunk people being stupid at a party. And then later on, I realized that there was a component, somebody was saying that there had been, like, some sexual activity of some sort. And it wasn't until much later that, in my mind, anyway, much later, in, in phone calls and texts during that 2:00 o'clock in the morning, 5:00 o'clock in the morning window, that somebody was alleging that something potentially non-consensual happened. And then, um, I, basically, said, hey, if someone's alleging that a crime occurred, you need to call 911.

Q. Okay. Um, yeah, and just to, uh, I guess, make sure that we're on the same pages, at no time did you believe that somebody was being sexually assaulted during your advisories?

A. No. It wasn't 10-31 or in progress, the advisory was that something had occurred. And at first, it was just drunken stupidity. That, that incident never changed as far as it had already occurred, whatever it was. There was nothing going on in progress as, as they were speaking. But as it got more defined and more information came up, it sounded, like, um, somebody, there was a sexual activity thing. And even then, we weren't sure if it was consensual or non-consensual.

Q2. It's my understanding that that morning, there were some phone calls and then Lieutenant Bernstein went to the location, more phone calls and so forth over a period of hours. Were you getting notifications either text or phone calls throughout that morning? And, I guess, I'm, I'm curious about, um, when it changed in your mind and the strategy for handling the situation properly changed.

A. I would say that it was within an hour, or an hour and a half. Ninety minutes of, like, the first phone call of there's somethin' goin' on to, okay, this is a more serious allegation.

And it's hard to recall, um, I don't remember talking to Lieutenant Bernstein, um, but I do recall talking to Luis Cornidez, who was a captain at the time. Lu-, uh, Bernstein was the SRO lieutenant and it was his staff. So when it sounded like it was just drunken people at a party that maybe got outta hand, I think Luis and I talked about, like, getting people home safely, and that may be why I believe that Brett was, original intention to go there was to go make pe-, sure people got home safely. And the reason I think that is because he was a new lieutenant, he cared about them a lot, but he'd also been a DUI guy and a traffic guy so I think he was thinkin', hey, I don't want anybody to get a DUI and draw attent-, negative attention to a Christmas party. Somewhere along the line, Luis tells me that, uh, Deputy Aquino, who's an SRO, thought that something sexual had happened and, um, wasn't sure if it was consensual or not. And at the end of that window, that 90 minute window, if I'm, if I'm correct on the timeframe, it was like, no, there's definitely some kind of allegation being, uh, alleged here. And I said, well, if there's something criminal going on, someone needs to call 911 and report it. And then by the time I had that communication with him, I think he called me right back and said, hey, Deputy Aquino already called 911. So our message to him, if you think something's wrong, call 911, he'd already come to that conclusion. I don't think, I don't think he did it because of an order, I think he came to that conclusion on his own. But that's my foggy recollection.

Q2. And, and when you say, call 911, I mean, we, we would tell a member of the public call 911, but in your mind, what does call 911 mean that changes the, the scope of what was going on that morning?

A. Yeah. So, so far up to that point, it's been a little bit of an administrative thing. Did we have some department members maybe get outta hand somewhere, um, and they're on their own time, they're not workin', it's Christmas…

Q2. Uh huh (yes).

A. …time, there's parties. But when someone's alleging that something potentially criminal could happen, calling 911 means report it to the proper authorities. I don't know if we knew at that time where this location was, I didn't, I knew it was kinda north side but I don't know if it's Marana, Sheriff's Department, or Oro Valley, but get law enforcement involved if somebody is alleging that a crime occurred to investigate that crime from the proper perspective of law enforcement. Not something administrative or an advisory. We are police officers but somebody that's actually working in police, uh, function needs to start being involved in this, not us as off duty law enforcement.

Q2. Okay. And would you say that there are times where it's normal to get information from people as an administrator and then the tone of it shifts and the strategy has to sh-, pivot with it?

A. Absolutely. I think that this case highlights that perfectly. At first, you know, the first notifications to later notifications of, of, uh, hearing how the story changed or how it got more serious, wasn't just a party, that maybe got outta hand. Someone saying that there was sexual misconduct occurring and it, no one knew at that point if it was consensual or, or not consensual but it started to go towards, uh, non-consensual and that's when we

decided, hey, we need to get somebody in law enforcement involved, not us law enforcement, somebody who's actually working right now.

Q2. Is, is there any reason why Lieutenant Bernstein did not start law enforcement to, once he realized it? Uh, what's the thought process about having Aquino call it in as opposed to Bernstein?

A. I, I don't know what Bernstein knew or didn't know, and I don't remember talking to him. Like I said, I remember talking to Cornidez and, um, I didn't even remember these texts, to be honest with you, um, but Aquino was the witness of whatever had potentially occurred. And, again, at some point, um, I'm thinking, did somebody have something, some kind of consensual encounter or not. But Aquino was the pivoting point of whatever he saw. And I always equate it to, like, what did you see, smell, taste, hear. When that person's there, they got a vibe that I can't get over the phone. And so Aquino was, uh, the person that observed something and he would know if his gut told him, no, that's not right or, and, again, we didn't have facts until I heard 'em later in the news and all that, but, um, what he saw specifically was unique to him to know if he thought it was wrong or not. That's why I was like, hey, if you saw somethin' that was wrong, you need to call 911 and report it.

Q2. S-, s-, so let me summarize that and you tell me if it sounds right. So you're getting information that sounds like people getting drunk at a party and things getting outta hand, nothing particularly specific. But then as time goes on, as more conversations are happening, it seems like, okay, there was some kind of contact and maybe it was not consensual. And the person who is raising that concern is gonna be the person best equipped to convey that in a report and get the right kinda response versus third-parties playin' the telephone game, so to speak, and trying to initiate a response without that firsthand, uh, experience.

A. Absolutely. And, and, um, you know, if we worked at Raytheon and someone talked about this, it'd be, I think it gets convoluted a little bit because we are in law enforcement…

Q2. Uh huh (yes).

A. …and people don't take the step back and think, hey, you know, we are in law enforcement but we're not working right now. This isn't something that happened while we were at work, this is 2:00 o'clock in the morning on a Saturday, or a Sunday morning, um, at Christmas time. And I know that we had been to a Christmas party that night…

Q2. Uh huh (yes).

A. …um, and I know lots of people were, were doin' that as well so it was that, like, that timeframe.

Q2. It was the season.

A. Yep.

Q. Do you recall any other phone calls that night?

A. No, I do not recall talkin' to anybody else. I mean, I know there was some group texts going on and, and some of these communications and, and, um, there was, actually, I do recall, I think, I think at some point, I talked to, to, uh, Joe Cameron at about 5:00 o'clock in the morning. He was covering for Gilbert. But, um, excuse me, um, I do not recall any of the phone calls.

Q. Okay. Um, since this incident occurred, um, is there, um, did you feel like you had to write a supplement regarding your involvement?

A. No, I did-, didn't feel like that I needed to that, uh, do that because, um, I had, I was hearing third-hand information without any details or facts that would lead me to do anything for law enforcement even though I work for a law enforcement entity. I, I, that, the i-, the idea, uh, the telephone game at 2:00 o'clock in the morning when I'm talking to people that I think had been drinking, um, and I know, and some people at a party that, it didn't, it didn't rise to a level of any police action on my end.

Q. Yeah. You, you didn't interview any direct witnesses or any people at the party…

A. No.

Q. …that night?

A. No, I did not. And after it got to the seriousness to where, um, law enforcement was investigating it, we never talked about it, even today, the people that, uh, were in my chain of command, because we knew that that could potentially, uh, hurt the case or, um, an internal affairs investigation that would likely follow later on, so.

Q2. And as a, as an administrator, your experience here at the Sheriff's Department and elsewhere, um, what's normal as far as people calling you and letting you know about situations with respect to documentation?

A. Ordinarily, for, for aft-, after hours and communications, um, there isn't much that needs to happen at all. It's more of, like, now you have the information. Sometimes it requires someone to write a memo later on to articulate somethin', or if, if it's an advisory about something lost, missing, stolen, or somebody injured at the hospital, maybe some follow up to go check on an employee, but, um, that's pretty normal activity is just to be informed of what's going on so that we have a, uh, a big picture as administrator but often not much follow up other than just being informed of what's going on. The paperwork and the issues being held and handled at a lower level.

Q2. So as an administrator, it would be very unusual to be handling principal functions in an investigation?

A. Absolutely. It wouldn't, it, I, I can't imagine a circumstance that that would occur. We have people that are professionals that are in the chain of command that can handle that and don't need interference or, um, our advice or, or, or, or usually even much direction on how to proceed.

Q2. All right.

Q. What we're gonna do is, um, end the recording. Um, we have no further questions. Uh, just as a reminder, this is an ongoing, uh, IA investigation so we ask that you not discuss this with anybody regarding, uh, what we discussed today.
A. I will not do that.

Q. OKAY. I'M ENDING THE RECORDING. THE TIME IS 9:26 A.M.

WITNESS:

_____
CHIEF JESUS LOPEZ #755

TRANSCRIBED BY:
BADGE #51055, FEBRUARY 19, 2025