

I asked Officer Clifton if he was inside of his unit, when the suspect jumped the fence, and he said he does not recall. I told Officer Clifton the reason I ask him this is because how could he see him jump the fence if he was in his vehicle. Officer Clifton said, "Oh I know I saw him jump the fence but I don't recall where." I asked Officer Clifton how this would make sense if he wrote in his report he was directly behind him and remained in his vehicle. I asked Officer Clifton if this is what he wrote in the report. Officer Clifton began reading the narrative in report DF1902030 and said, "I mean...I'm assuming I must have still been in my vehicle...I mean but it doesn't...I mean I feel like...I know what I saw so...It's not...I don't, I don't...I mean." I told Officer Clifton that he knows what he saw but I want to know what he saw and make sense of it. Officer Clifton said he doesn't want to sound 'smart' but he could see through the windows. Officer Clifton said he does not recall if he was still in the vehicle or out and only recalls what he remembers seeing. Officer Clifton said he knows he had a clear view of the suspect.

I told Officer Clifton he indicated in his report that he got a good look at him (suspect). I asked Officer Clifton to tell me what he meant by that. Officer Clifton said, "I felt I had a good description of him. I was able to put it out over the air, what I saw." I asked Officer Clifton what did he see, and he said, "Well, Hispanic male with a goatee wearing black pants and grey shirt." At this time we took a break and stopped the recording at approximately 2:51 PM. We resumed the interview at approximately 3:00 PM.

I told Officer Clifton he described the suspect as wearing black pants, grey shirt and a goatee. I asked Officer Clifton if there was anything else he could remember about the suspect's description that he did not write, and he said no. I asked Officer Clifton if he actually saw the suspect's face, and he said, "Haaa, I mean...had to in order to see the goatee." I told Officer Clifton that I wanted to know if his answer was yes or no, and he said yes. I asked Officer Clifton if the person who ran from the Mitsubishi had a goatee, and he said yes. I asked Officer Clifton what does he means by goatee, and he said facial hair down on the chin. I asked Officer Clifton if this is what he saw on the subject who ran, and he said yes.

I asked Officer Clifton when he broadcasted the description of the subject running over the radio, did he include the goatee. Officer Clifton said he does not know if he said goatee over the radio. I told Officer Clifton that he documented in the report that he did. Officer Clifton paused for a moment and looked at the report and said, "Yeah I see where I stated...I'm not sure if I meant to put this in there...all though it was not broadcasted over the radio..that was the description I had given out...I

until...if...without listening to the radio, I don't recall if I put it over the radio or...I believe I did because I put it in the report. To the best of my knowledge I did." Officer Clifton murmured, "I mean it's hard to remember when you are amped up...you know sometimes."

I asked Officer Clifton if **** ***** was placed into custody, and he said he was. I asked Officer Clifton when, and he said on the tenth of July. I asked Officer Clifton if he was clear now that **** ***** was not the suspect whom he chased, and he said looking back now, that is correct. I asked Officer Clifton if he saw **** ***** when he was taken into custody, and he said yes. I asked Officer Clifton if **** ***** looked like the suspect, and he said, "No, he changed his appearance." Officer Clifton said he did not look like the suspect when he turned himself in. I asked Officer Clifton how did **** ***** change his appearance, and he said, "He shaved his head and his facial hair." I asked Officer Clifton if he knew this or this is what he believes. Officer Clifton said, "Well even based on talking to her...Haa, the...the lady at Brandt Farms...she even stated that his goatee was fuller and his hair was a little longer."

I asked Officer Clifton if he believes **** ***** is the suspect who ran from him, and he said yes. I asked him why, and he said upon further investigation. I asked him like what investigation, and he said his vehicle, after speaking with the lady at Brandt Farms and after speaking with his wife or his girlfriend. I asked Officer Clifton if **** ***** had a goatee when he turned himself in, and he said no. Officer Clifton said **** ***** turned himself in on a warrant that he had for his arrest.

I asked Officer Clifton if he recalls when he typed page 2 of 9 in his narrative, and he said he does not recall. Officer Clifton said he does not know exactly when he typed this page, but it was not on the seventh. Officer Clifton said he shouldn't even say that either but does feel he did not start in on the seventh. Officer Clifton said to be honest he does not remember when he started it or finished it.

I asked Officer Clifton to look at the narrative of report DF1902030, Page 2 of 9, seventh sentence: Although it was not broadcasted over the radio I was able to observe that the suspect also had short black hair and was a light skinned Hispanic male.

I read this sentence and asked Officer Clifton if he actually saw the subject with short black hair. Officer Clifton said yes. I asked Officer Clifton if it was short black hair that he saw, and he said yes. I asked Officer Clifton when he contacted **** ***** on July 10, 2019 did he have short black hair. Officer Clifton said no. Officer Clifton

said **** ***** had his hair like it was shaved. I asked Officer Clifton how he found out **** ***** was the suspect, and he said on the further follow up he conducted.

I asked Officer Clifton to look at report DF1902030, page 6 of 9, last paragraph, last three sentences: After arriving at Brandt Farms I made contact with **** ***** who advised she was the night shift supervisor and knows **** ***** very well. Several people at Brandt Farms starting pulling his file and also printed out a picture of his work ID. This picture matched the picture I had just received from Full Steam Staffing.

I asked Officer Clifton how he received the photo from Full Steam Staffing, and he said they emailed it to him. I asked Officer Clifton if he spoke with someone from Full Steam Staffing, and he said yes. Officer Clifton said prior to this he went to SeaCa which is located in Dinuba to follow up on the name of **** *****. Officer Clifton said the SeaCa check stubs had **** *****'s name on them. Officer Clifton said the personnel at SeaCa referred him to Full Steam Staffing. Officer Clifton said he was in the parking lot of SeaCa when he called Full Steam Staffing from his phone. I asked Officer Clifton if he returned back to the police department to look at his email from Full Steam Staffing, and he said he looked at it on his phone.

I read report DF1902030, page 6 of 9, last paragraph, first sentence: After receiving the email I discovered that the picture of **** ***** did not match ****.

I asked Officer Clifton what he meant by this sentence, and he said he could tell it was not the same subject. At this time I introduced the email which Officer Clifton had received from Full Steam Staffing. This email was uploaded in the documents of case DF1902030 and it's a photo of **** *****. The email is from **** ***** and it's dated July 8, 2019 at 9:15 AM. I asked Officer Clifton to look at the email which was printed onto a piece of paper. I asked Officer Clifton if this was the email he received, and he said yes. I asked Officer Clifton if this was the photo he says in the report did not match **** **, and he said yes. I asked Officer Clifton what this made him believe, and he said that he probably had the wrong person. I asked Officer Clifton if this was the first time he believed he had the wrong person, and he said yes.

I asked Officer Clifton if he confirmed with **** ***** that **** ***** left work at Brandt Farms at 2:25 AM on July 7, 2019, and he said yes. I asked Officer Clifton if **** ***** showed him a printout of the time **** ***** left work. Officer Clifton said yes. I asked Officer Clifton if he collected the printout, and he said he does not

remember keeping it or giving it back to ***** . I asked Officer Clifton if he booked the time sheet into evidence or make a photo copy of it. Officer Clifton paused for a moment and said he does not believe he took it.

I asked Officer Clifton to read the narrative of report DF-1902030, page 7 of 9, second paragraph, first sentence: I then showed ***** a picture of ***** that I had just received from Full Steam Staffing and she stated yes that's him.

I read this sentence to Officer Clifton and asked if he was referring to the email copy from Full Steam Staffing which was the copy I had just introduced from the documents of report DF1902030. Officer Clifton said yes. I asked Officer Clifton if he used his cell phone to show ***** this photo or did he have a printed copy. Officer Clifton paused for a moment and said he did not recall. I asked Officer Clifton if he showed ***** a photo of ***** and he said yes. I asked Officer Clifton if the photo was a Trac Net photo of ***** which was taken during his booking on July 7, 2019, and he said, "I believe so." I asked Officer Clifton if he showed ***** this photo from his phone or did he print out a copy. Officer Clifton said he would have had to print that one out because he does not have access to Trac Net on his phone. I asked Officer Clifton if he was sure he showed ***** the latest booking photo of ***** , and he said he was not sure. Officer Clifton said he knows he showed her a booking photo of ***** but was not sure if it was the latest booking photo.

I asked Officer Clifton if ***** identified **** ***** when he showed her the Full Steam Staffing photo, and he said ***** said, "Yeah that's him, but his goatee is longer." I asked Officer Clifton what did ***** say when he showed her a photo of ***** , and he said "She stated no, that she did not know him, but that it wasn't ***** ."

I asked Officer Clifton if he viewed surveillance video while at Brandt Farms, and he said yes. I asked Officer Clifton if he saw ***** in the video. Officer Clifton said, ***** pointed out ***** to him in the video and told him he was ***** . I asked Officer Clifton what did he see in the video, and he said he saw ***** standing and working. I asked Officer Clifton if the video he saw at Brandt Farms match the photos of ***** that he had obtained from Full Steam Staffing and Brandt Farms. Officer Clifton said the video he saw of ***** was a far view and it had his back towards the camera. Officer Clifton said the clothing description matched. I asked Officer Clifton what was ***** wearing, and he said black pants, grey shirt and a red hat.

I asked Officer Clifton if he preserved the video from Brandt Farms, and he said he did not. I asked Officer why not, and he said, "I felt like...I don't know...I don't know why I didn't to be honest with you. I looked back and thought why I didn't get that...Hum...I mean...I felt like I had enough and I was like...I knew I had the wrong guy you know so I was trying to basically more or less expedite it...to get him...to get him out of jail...Hum, but why I didn't ask for the video, I'm not sure. I asked Officer Clifton if he took photos of the video or attempt to record the video, and said no. Officer Clifton said he only viewed the video. I asked Officer Clifton if he felt the video was important evidence at the time. Officer Clifton said it was important evidence to him and looking back on it he should have obtained the video. I asked Officer Clifton if he felt it was important for evidence, and he said yes.

I asked Officer Clifton if ***** told him *****'s goatee was fuller than shown in the photo, and he said yes. At this time I showed Officer Clifton a photo of ***** which is a photo copy of an ID card from Brandt Farms. This photo is the size of a standard ID card and it's and it's copied on a white piece of paper. I asked Officer Clifton where did the photo come from, and he said that's what he was provided with (Brandt Farms). I asked Officer Clifton if this photo was uploaded into Trac Net to report DF1902030, and he said as far he knows it was. I told Officer Clifton that I retrieved it from the documents of report DF1902030.

I placed the Brandt Farms photo and the Full Steam Staffing photo side by side in front of Officer Clifton. I asked Officer Clifton which photo where they referring to when ***** said *****'s goatee was fuller in the photo. Officer Clifton said they were looking at the Brandt Farms photo. I asked Officer Clifton what ***** stated when they were looking at the photo, and he said that she said it was grown out more. I asked Officer Clifton if ***** told him *****'s hair was more grown out than that of the Brandt Farms photo. Officer Clifton said ***** stated it was a bit longer.

I asked Officer Clifton if ***** had a goatee in the video surveillance, and he said he does not believe he could recall because it was too far away. I asked Officer Clifton if he recalls, and he said no. I asked Officer Clifton if he viewed the video when ***** arrived to work on July 6th, and he said he only recalls seeing a picture of ***** inside the facility. I asked Officer Clifton if he did not recall seeing the video of the day ***** arrived to work, and he said no.

I asked Officer Clifton what if any investigation did he do from July 7, 2019 from the time he logged off to July 8, 2019 when he responded to Brandt Farms. Officer Clifton said he remembers trying to contact Brandt Farms and Full Steam Staffing

but they were both closed so there was nothing he could go off of. I asked Officer Clifton if that was his extent of his follow up, and he said, "Yeah, I really couldn't do anymore because I...I didn't have anything." I asked Officer Clifton if that was the only follow up he had, and he said no but he was going to come back on Monday. I told Officer Clifton the reason I ask is because "who was in jail at that time," and he said **** ** I asked Officer Clifton if there was any other follow up done, and he asked on Sunday morning or afternoon. I told him yes, and he said no, other than what he had already done. I asked Officer Clifton what did he do while waiting to contact **** ****'s employer, and he paused for a moment and said he was off duty. I asked Officer Clifton if he did any follow up during that time, and he said not till he returned on Monday (July 8, 2019).

I asked Officer Clifton when did he type the remainder of the narrative, and he said he did not know. I asked Officer Clifton when he found out he had the wrong suspect on July 8, 2018, did he not type the narrative at that time due to the case no longer being an 'in-custody' report. Officer Clifton said that is possible but does not recall.

I asked Officer Clifton when did he first realize he had arrested the wrong person, and he said once he received the Full Steam Staffing photo of **** *. I asked Officer Clifton what did he do as soon as he found out he had arrested the wrong person, and he said he contacted Sergeant Ashford.

I asked Officer Clifton if he ran a wants/warrant check on **** * once he found out he arrested the wrong person, and he said he did. I asked Officer Clifton if he had obtained a date of birth for **** *, and he said he is sure he got all that information from Full Steam Staffing. Officer Clifton said he put in his report he later 'ran' him but did not put what date or time. Officer Clifton said he 'ran' him, but does not know when.

I asked Officer Clifton after he found out that **** * was the suspect, if he went back and changed anything in his report that was no longer relevant. Officer Clifton said not that he could recall. I asked Officer Clifton if he deleted **** * from the face pages of report DF1902030, and he said he did not know. I asked Officer Clifton to look at report DF1902030, and he said he did delete it. I asked Officer Clifton when did he delete it, and he said on the 12th. I asked Officer Clifton what could this indicate to him, and he said that this was when the report was done. I asked Officer Clifton once again, when was the narrative typed, and he said he did not recall. I asked Officer Clifton when was the report approved, and he said on the 12th.

I asked Officer Clifton after looking at the TracNet photos attached to report DF1902030, did he take any photos of the broken fence at **** East Parkway. Officer Clifton said he did not see any. I asked Officer Clifton if he took photos, and he said he remembers talking with the owner and later seeing fixing the fence when he got back there. Officer Clifton said he does not recall if he took pictures or not.

I told Officer Clifton that we discussed the notes that were or were not taken. I then asked Officer Clifton if he ever wrote notes on his hand and he said, "Haa, I do write notes on my hand quite often. So whether I did then or not...I shouldn't say...yeah I do write notes on my hand sometimes. I don't recall if I did that then." I asked Officer Clifton if he wrote the information regarding **** Jr's cellphone call that he said came in at 2:25 AM on his hand, and he said he did not recall and may have. Officer Clifton said he did not directly recall. I asked Officer Clifton if he did write it on his hand, what are the chances it would still be there when he came back. Officer Clifton said, "What, four days later, it wouldn't be there." I told Officer Clifton this was the reason why I was asking him if the time of 2:25 AM was accurate. Officer Clifton said he does not see why he would write 0225 if that was not something he pulled off directly off his phone.

I told Officer Clifton for his information, he wrote something on his hand while he was holding ****'s phone. I was attempting to see if he could recall anything about this. I told Officer Clifton that 2:25 AM is not accurate and its way off. I told Officer Clifton that ****'s vehicle moved from Gloria Avenue after 2:25 AM so it could not be an accurate time because she called when she arrived home. Attorney Tobias said we could not know if that was accurate unless we had the phone record showing it was wrong.

Attorney Tobias said she was confused with how it was not possible that the time was not correct. Attorney Tobias asked Officer Clifton if the time 2:25 AM is incorrect, was it his intention to put down the wrong time. Officer Clifton said no. Officer Clifton said he thought it was strong evidence on his part that it was for 2 ½ minutes. Officer Clifton said at the time he believed they made the phone call for 2 ½ minutes to set up their alibi. Officer Clifton said the time was pretty 'spot one' and this is the reason he went and put the actual time and minutes. Officer Clifton said if 2:25 AM is wrong, obviously it was not his intent. I told Officer Clifton but he did not type the report right away, and he said correct. Attorney Tobias said we have not confirmed when Officer Clifton typed the narrative. Officer Clifton said he does not know when he typed the narrative, but it is his strong opinion that he did not type it that night. I asked Officer Clifton if he ever guessed the time, and he said he

would not guess on an exact number like that. Officer Clifton explained if the time is wrong, he never had any intentions of misrepresenting the wrong time or nor was he trying to be deceitful.

I told Officer Clifton he mentioned that he did not search the residence. I asked Officer Clifton if this was something he was still going to say he did not do. I told Officer Clifton that he mentioned that he did not search the residence other than for a person. Officer Clifton said, "Yeah that's all I recall searching for...I mean I looked at the pants obviously...Hum, but for as far anything particular I don't recall searching for anything in particular." I asked Officer Clifton if he recalls moving items around or looking for specific items. Officer Clifton said, "I don't recall doing that, no." I asked Officer Clifton if the pants were specifically on top of the hamper, and he said, "My recollection yes." I asked Officer Clifton, "So you didn't move clothes around to find those pants?" Officer Clifton said, "No...Not that I recall. I believe that they were right there...It's stuck in my head that they were right there...whether...that's all I recall.

I asked Officer Clifton if he was sticking with the statement he made regarding ***** saying *****'s hair was grown out more than the Brandt Farms photo. Officer Clifton said, "Correct." I asked Officer Clifton if he ever directed any of the deputies to look for specific items. Officer Clifton paused for a moment and said, "I don't think we ever talked about that, did we?" I told Officer Clifton that I asked him earlier. Officer Clifton said he does not recall telling the deputies to check for any items. Officer Clifton said, "No, I don't recall asking them...whether I did or not..I don't recall. I mean it was all happening so fast...So..I don't recall everything." I asked Officer Clifton what was happening so fast, and he said, "I don't know...I mean everything was happening so fast." I asked "the search," and he said, "Everything in general, the pursuit, the leg bail...Everything...Just..I don't know...It's easy to look back now and say what you did and what you did wrong...you know...when you're...when you're...when you're going at it...I personally believe one hundred percent that was the right subject and that I did everything correct...Hum, you know after obviously you looked back on it for the past six months and you realize that it wasn't..but I told, you know, her the other day...I would arrest him again if I had the exact same circumstances in front of me again...and that's...that's what I believe because...I believed one hundred percent that it was him...didn't know him before...I didn't you know...that was...that was who I believed it was...obviously we are here because it wasn't but I mean...that's...that was my...you know...I, one hundred percent believed it was him.

I told Officer Clifton that the whole investigation is not just of the arrest, but what happened after the arrest, and he said, "I understand." I told Officer Clifton the investigation includes what he investigated and what he did not investigate. I told Officer Clifton there are some contradictions based on my investigation and on the statement he provided me. I told Officer Clifton that one of the contradictions is the phone call. I told Officer Clifton that ***** said she called ***** and ***** said ***** called him. I told Officer Clifton that ***** told him he was wearing black shorts and white shirt. I told Officer Clifton that ***** told him ***** was wearing black shorts and white shirt. I told Officer Clifton that ***** never told him he was intoxicated and told him ***** was wearing shorts. Officer Clifton said, "I don't recall that." Attorney Tobias said, "***** says ***** told him that he was wearing shorts. We don't know that is a fact." I told Attorney Tobias that was correct but Officer Clifton document something different. I told Attorney Tobias that Officer Clifton documented that he (*****) could not recall because he was too intoxicated.

I told Officer Clifton that he did not follow up at Liquor Locker and did not collect the video from Brandt Farms or attempt to take any photos of the video. I told Officer Clifton that ***** told me the opposite of what he said regarding the goat. Officer Clifton replied, "Hum." I told Officer Clifton that ***** told me the opposite about *****'s hair being fuller. With all that information that I just told Officer Clifton, I asked him, "Did you ever search for any items inside the residence?" Officer Clifton said, "Not that I recall...I mean like I said it happened so fast, but...whether I did or didn't I don't recall." I asked Officer Clifton if he had any questions that he wanted to ask and at this time Attorney Tobias asked to take a break. I stopped the recording at approximately 3:56 PM. The interview resumed at approximately 4:05 PM.

Attorney Tobias said she wanted to clarify some questions. Attorney Tobias asked Officer Clifton if it was ever his intention to be dishonest in the report he wrote about the July 7, 2019 incident. Officer Clifton answered no. Attorney Tobias asked Officer Clifton if prior to seeing the Full Steam Staffing photo of ***** , did he believe he had arrested the wrong person. Officer Clifton answered no. Officer Tobias asked Officer Clifton why did he agree to search *****'s house if he thought he may have been lying about someone trying to break in. Officer Clifton said, "I think we have a duty to...If somebody says my house is getting broken into...I just can't say, I don't believe you...I mean I have...even if I didn't believe him...I think we have the right as an officer or the duty as an officer to search his house." Attorney Tobias asked Officer Clifton if at any time during his investigation or at any

time today throughout this interview has it been his intention to be deceitful. Officer Clifton answered no.

I asked Attorney Tobias a follow up question to her question to Officer Clifton. I asked if she was referring to searching the residence for a person for items other than a person. Attorney Tobias said her question was specifically searching for a person based on **** ** stating someone was trying to break into the residence. Attorney Tobias said she was referencing when they cleared the house and were searching for a person. I asked Attorney Tobias if she was referring to searching the residence for a person to make it safe, and she said correct. This concluded the interview with Officer Clifton.

SUMMARY

On July 7, 2019 at approximately 2:16 AM, Officer Clifton was involved in a vehicle pursuit with a Mitsubishi Eclipse with CA license plate number of *****. The pursuit began around the 1600 block of North Crawford Avenue after the vehicle failed to stop at the intersection for the posted stop sign. The Mitsubishi traveled southbound on Crawford Avenue and failed to stop for posted stop signs and street lights as Officer Clifton pursued it. The driver of the Mitsubishi eventually lost control of the vehicle as it could not make a full turn and ended up at the intersection of Park Way and Crawford Avenue. The driver left running and was last seeing running in the alleyway behind Gloria Avenue.

A perimeter was set up and the Tulare County Sheriff's Office was contacted to assist with a K-9. Two deputies from the Sheriff's Office arrived along with a K-9. The K-9, the two deputies and Officer Clifton began a house to house search of the area. The K-9 led them to the residence of *** of Gloria Avenue. They knocked on the residence door and **** ** answered the door. **** ** was shirtless and was wet from taking a shower. Officer Clifton identified **** ** as the person who was involved in the pursuit and the one who ran from the vehicle.

**** ** was arrested and brought to the police department for booking. **** ** was interrogated by Officer Clifton where **** ** denied being involved. **** ** was subsequently booked into the Tulare County Jail on charges related to the pursuit and running from the scene. Officer Clifton continued his investigation and later found out he had arrested the wrong person. Officer Clifton notified his supervisor and then responded to the County Jail to have **** ** released from custody. On July 10, 2019, **** ** arrived at the police department to file a formal complaint. **** ** was provided with a complaint form and returned it notarized on July 12, 2019.

FINDINGS AND CONCLUSIONS

323.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete all faces pages of reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

All reports taken during a shift will be entered into Trac-Net and the face pages completed by the end of each shift. This will allow additional officers to add supplemental reports when needed. **SUSTAINED**

On page 2 of report DF1902030, Paragraph 2, sentence 6, Officer Clifton documented, "As the units were responding I advised them that the suspect was wearing black pants, a Gray shirt, and had a goatee." Upon retrieving and listening to police radio recordings, Lieutenant Iriarte did not hear Officer Clifton mention goatee. Officer Clifton's police radio transmission at 02:16:52 AM, said the following: "Leg bail westbound, Hispanic male, grey shirt, black pants..He's going northbound in the alley...jumped the fence...somebody get on Gladys." There is no mention of goatee as he documented in his narrative.

On page 5 of report DF1902030, Paragraph 2, sentence 4, Officer Clifton documented, "I observed a call to ***** at 0225 for approximately 2-1/2 minutes." This is incorrect; the call was made from ***** to *****. The call time was also incorrect. This was shown in the July 2019 Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by *****. Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****'s cell phone. The call came in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called *****

In his statement to Lieutenant Iriarte, ***** said he received the telephone call from *****.

On page 5 of report DF1902030, Paragraph 5, sentence 2, Officer Clifton documented, "***** stated that ***** then called her to see if she made it home at which time she told him that she was stopped and her vehicle was searched for a suspect." This is incorrect; the call was made from ***** to *****. This was shown in the July 2019 Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by *****. Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****'s cell phone. The call came in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called *****

In his statement to Lieutenant Iriarte, **** ** said he received the telephone call from ****.

On page 6 of report DF1902030, Paragraph 2, on the last sentence, Officer Clifton documented "***** stated that he was unsure what **** was wearing due to the fact that he was intoxicated and does not remember." Upon Lieutenant Iriarte reviewing the audio/video recording of the interview with Officer Clifton and *****, this did not occur. ***** never mentioned being intoxicated and does not remember. Upon Lieutenant Iriarte reviewing the audio/video recording of the interview with Officer Clifton and *****, he noted the following during the ending of the interview; Officer Clifton asked ***** what **** was wearing, and ***** said he believes he was wearing shorts. ***** said that this is all he could remember and said **** is always wearing shorts. Nothing was mentioned regarding being intoxicated and not remembering.

On page 7 of report DF1902030, Paragraph 3, sentences 2 and 3, Officer Clifton documented, ***** also stated that *****'s goatee is fuller (grown out more) than it is in the picture. I then had her look at the picture of ***** she had just provided me and she stated the same thing about his goatee being fuller or grown out and stated his hair is a bit longer as well. In her statement provided to Lieutenant Iriarte, ***** said **** was shaved down a little bit more while he was working as compared to the copy of the Brandt Farms photo ID of ****. ***** said **** *****'s hair was about the same as in the photo of Full Steam staffing as the last time she saw him. ***** said he didn't have as much facial hair as in the Brandt Farms photo saying he was not has dark. When ***** said "not as dark" she was pointing at *****'s face in the Brandt Farms ID photo and referring to his facial hair. ***** said **** *****'s facial hair was more like the Full Steam Staffing photo, but had a little bit more facial hair than the photo.

600.4 INITIAL INVESTIGATION

604.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

1. (4) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects. SUSTAINED

When Officer Clifton arrived at ** Gloria Avenue with Deputy Montoya, and Deputy Durkee, they had all the occupants of the residence exit. The following people and their ages at the time of the incident were removed from the residence **** ** (age 26), **** ** (age 51) **** ** (Age 47), **** ** (age 24), **** ** (age 16) **** ** (age 16) **** ** (age 13) and Marifer **** ** (age approximately 15 years old). According to report DF1902030, only **** ** was interviewed as a witness. In his statement to Lieutenant Iriarte, Officer Clifton only recalled interviewing one witness, **** **. **** ** told Lieutenant Iriarte that Officer Clifton did interview her. All the individuals who were not interviewed may have provided information relevant to the investigation which ultimately led to a false arrest.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a

warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

SUSTAINED

Officer Clifton, Deputy Montoya and Deputy Durkee had the right to enter the residence to look for a person based on the circumstances they were in. They had every right to enter the residence and do a "protective sweep." A "protective sweep" is a limited search that law enforcement is allowed to conduct when they arrest someone. The purpose of a protective sweep is to allow officers to ensure their own safety, and that of those on the scene by searching in the vicinity of the arrest. The search is for people who may pose a threat. Although the Fourth Amendment to the U.S. Constitution generally requires that officers have a warrant before searching homes, the protective sweep doctrine is an exception. Other than to look for a person, they did not have any valid reason to search. For a valid search, other than a "protective sweep" Officer Clifton needed consent or a warrant. There was no warrant and no consent was given.

In his statement to Lieutenant Iriarte, Officer Clifton said he did not get consent to search the residence and only entered to search for a person. In her statement to Lieutenant Iriarte, ***** said she never consented to a search of her residence nor was she asked for consent. In her statement to Lieutenant Iriarte, ***** said she asked an unknown officer on scene if they had a warrant to enter the residence but was told one was not needed. When Deputy Durkee and Officer Clifton exited the residence, ***** was heard asking, "Is there a reason why you guys are

searching without a warrant?" This was heard on Deputy Durkee's audio/video recording.

In his statement to Lieutenant Iriarte, Officer Clifton said he only entered the residence with the intent to search for a person.

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

The following are indicators that Officer Clifton entered the residence with intent to search for items other than a person:

On Deputy Montoya's video recording; at approximately 2:48:32 as they entered the residence, Officer Clifton is heard saying, "Look for black pants and grey shirt."

On Deputy Montoya's video recording; at approximately 2:48:59 AM, Deputy Montoya enters what appears to be a bedroom and says, "I got black pants and white shirt right here." Officer Clifton is seen with a flashlight looking at the clothes lying on the couch where Deputy Montoya said he saw black pants and a white shirt. Deputy Montoya says something to the affect, "There are grey ones or shorts." Officer Clifton says unknown words and Deputy Montoya replies, "Oh, they were black...black."

On Deputy Durkee's video recording; at approximately 2:48:49 AM, while in the living room area of the residence, Officer Clifton says, "Look for black pants, grey shirt." Deputy Durkee replies copy.

On Deputy Durkee's video recording; at approximately 2:50:53, AM, Deputy Montoya says, "Nothing...any other room that needs to be cleared?" Deputy Durkee replies, "That's it." Officer Clifton says, "I just have to look for the clothes."

The following are proofs that officer Clifton did search the residence for items other than a person:

In her statement to Lieutenant Iriarte, ***** said it appeared they ransacked her restroom. ***** further stated they dumped her dirty laundry basket on the floor as if they were looking for something.

On Deputy Montoya's video recording; at approximately 2:51:59 AM, Officer Clifton is seen inside the master bedroom moving articles of clothing and eventually holding up a pair of black pants.

On Deputy Durkee's video recording; at approximately 2:51:28 AM, Officer Clifton is seen going into the master bedroom's bathroom and Durkee says, "Black pants right there on the." Officer Clifton reaches down on the floor of the bathroom and grabs something.

NOTE: In Deputy Montoya's video recording a pair of black pants is seeing lying in the location where Officer Clifton reached.

On Deputy Durkee's video recording, half Officer Clifton's body is seen bending over inside the bathroom and appears as if he is moving something around in the location where the clothing hamper is located. Officer Clifton then replies, here they are. Officer Clifton pulls out a pair of pants and begins to unfold them.

On Deputy Durkee's video recording; at approximately 2:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

On Deputy Durkee's video recording; at approximately 2:53:26 AM, Officer Clifton is seen in the bedroom area of the master bedroom moving a pillow and some covers on the mattress and begins flashing his flashlight. Officer Clifton pulls up the mattress and looks in between the bedspring and mattress before quickly setting it down. Officer Clifton begins looking in the closet and reaches up and pulls down a pair of black jeans. After analyzing

them, he drops them on the floor. Officer Clifton looks through a few other articles of clothing next to the closet before exiting the room.

On Deputy Montoya's video recording; at approximately 2:54:36 AM, Officer Clifton is seen walking into a bedroom near the restroom as Deputy Durkee stands in the hallway. Deputy Montoya whispers to Deputy Durkee, "I didn't see anything." Deputy Durkee nods his head as to indicate no. Officer Clifton walks out of the room and all three appear to be in the hallway. Deputy Montoya asks Deputy Durkee if they found anything. Deputy Durkee says, "He's got some black pants and some shorts." As Deputy Durkee is saying this, Officer Clifton also replies, "He's got a bunch of black pants in there so..I mean...I don't know which ones are which, but it's got to be him...It's him."

312.4 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Officer Clifton did not document any search he conducted at the residence located at *** Gloria Avenue and only documented he observed inside the bathroom a hamper with clothes at which time he located a black pair of jeans size 33. The following shows a search of the residence was conducted and not documented:

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

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On Deputy Durkee's video recording; at approximately 2:48:49 AM, while in the living room area of the residence, Officer Clifton says, "Look for black pants, grey shirt." Deputy Durkee replies copy.

On Deputy Durkee's video recording; at approximately 2:50:53, AM, Deputy Montoya says, "Nothing...any other room that needs to be cleared?" Deputy Durkee replies, "That's it." Officer Clifton says, "I just have to look for the clothes."

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On Deputy Durkee's video recording; at approximately 9:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

On Deputy Durkee's video recording; at approximately 2:53:26 AM, Officer Clifton is seen in the bedroom area of the master bedroom moving a pillow and some covers on the mattress and begins flashing his flashlight. Officer Clifton pulls up the mattress and looks in between the bedspring and mattress before quickly setting it down. Officer Clifton begins looking in the closet and reaches up and pulls down a pair of black jeans. After analyzing

them, he drops them onto the floor. Officer Clifton looks through a few other articles of clothing next to the closet before exiting the room.

On Deputy Montoya's video recording; at approximately 2:54:36 AM, Officer Clifton is seen walking into a bedroom near the restroom as Deputy Durkee stands in the hallway. Deputy Montoya whispers to Deputy Durkee, "I didn't see anything." Deputy Durkee nods his head as to indicate no. Officer Clifton walks out of the room and all three appear to be in the hallway. Deputy Montoya asks Deputy Durkee if they found anything. Deputy Durkee says, "He's got some black pants and some shorts." As Deputy Durkee is saying this, Officer Clifton also replies, "He's got a bunch of black pants in there so...I mean...I don't know which ones are which, but it's got to be him...It's him.

321.5.7 EFFICIENCY

- (a) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse. **SUSTAINED**

Officer Clifton showed unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse when he documented the following in his report narrative which were inaccurate statements:

On page 2 of report DF1902030, Paragraph 2, sentence 6, Officer Clifton documented, "As the units were responding I advised them that the suspect was wearing black pants, a Gray shirt, and had a goatee." Upon retrieving and listening to police radio recordings, Lieutenant Iriarte did not hear Officer Clifton mention goatee. Officer Clifton's police radio transmission at 02:16:52 AM, said the following: "Leg bail westbound, Hispanic male, grey shirt, black pants...He's going northbound in the alley...jumped the

fence...somebody get on Gladys.” There is no mention of goatee as he documented in his narrative.

On page 5 of report DF1902030, Paragraph 2, sentence 4, Officer Clifton documented, “I observed a call to ***** at 0225 for approximately 2-1/2 minutes.” This is incorrect; the call was made from ***** to *****. The call time was also incorrect. This was shown in the July 2019 Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by *****. Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****’s cell phone. The call came in at 2:41 AM. The call was made from *****’s phone and not *****’s phone as indicated by Officer Clifton’s report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called *****

In his statement to Lieutenant Iriarte, ***** said he received the telephone call from *****.

On page 5 of report DF1902030, Paragraph 5, sentence 2, Officer Clifton documented, “***** stated that ***** then called her to see if she made it home at which time she told him that she was stopped and her vehicle was searched for a suspect.” This is incorrect; the call was made from ***** to *****. This was shown in the July 2019 Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by ***** . Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****’s cell phone. The call came in at 2:41 AM. The call was made from *****’s phone and not *****’s phone as indicated by Officer Clifton’s report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called

***** **

In his statement to Lieutenant Iriarte, **** ** said he
received the telephone call from *****.

On page 6 of report DF1902030, Paragraph 2, on the last sentence,
Officer Clifton documented “***** stated that he was unsure
what **** was wearing due to the fact that he was intoxicated and
does not remember.” Upon Lieutenant Iriarte reviewing the
audio/video recording of the interview with Officer Clifton and
*****, this did not occur. ***** never mentioned being
intoxicated and does not remember. Upon Lieutenant Iriarte
reviewing the audio/video recording of the interview with Officer
Clifton and *****, he noted the following during the ending of
the interview: Officer Clifton asked ***** what **** **
was wearing, and ***** said he believes he was wearing shorts,
***** said that this is all he could remember and said **** **
** is always wearing shorts. Nothing was mentioned regarding
being intoxicated and not remembering.

On page 7 of report DF1902030, Paragraph 3, sentences 2 and 3,
Officer Clifton documented, ***** also stated that
*****’s goatee is fuller (grown out more) than it is in the
picture. I then had her look at the picture of ***** she had
just provided me and she stated the same thing about his goatee
being fuller or grown out and stated his hair is a bit longer as well.
In her statement provided to Lieutenant Iriarte, ***** said
**** ***** was shaved down a little bit more while he was
working as compared to the copy of the Brandt Farms photo ID of
*****. ***** said **** *****’s hair was about
the same as in the photo of Full Steam staffing as the last time she
saw him. ***** said he didn’t have as much facial hair as in
the Brandt Farms photo saying he was not has dark. When
***** said “not as dark” she was pointing at ****
*****’s face in the Brandt Farms ID photo and referring to
his facial hair. ***** said **** *****’s facial hair was
more like the Full Steam Staffing photo, but had a little bit more
facial hair than the photo.

Officer Clifton showed unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse when he did not do the following:

When Officer Clifton arrived at *** Gloria Avenue with Deputy Montoya, and Deputy Durkee, they had all the occupants of the residence exit. The following people and their ages at the time of the incident were removed from the residence **** ** (age 26), **** ** (age 51) **** (Age 47), **** ** (age 24), **** ** (age 16) **** (age 16) **** ** (age 13) and Marifer **** (age approximately 15 years old). According to report DF1902030, only **** was interviewed as a witness. In his statement to Lieutenant Iriarte, Officer Clifton only recalled interviewing one witness, ****. ***** told Lieutenant Iriarte that Officer Clifton did interview her. All the individuals who were not interviewed may have provided information relevant to the investigation which ultimately led to a false arrest.

Officer Clifton showed unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse when he searched the residence located at *** Gloria Avenue:

Officer Clifton, Deputy Montoya and Deputy Durkee had the right to enter the residence to look for a person based on the circumstances they were in. They had every right to enter the residence and do a “protective sweep.” A “protective sweep” is a limited search that law enforcement is allowed to conduct when they arrest someone. The purpose of a protective sweep is to allow officers to ensure their own safety, and that of those on the scene by searching in the vicinity of the arrest. The search is for people who may pose a threat. Although the Fourth Amendment to the U.S. Constitution generally requires that officers have a warrant before searching homes, the protective sweep doctrine is an

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walks out of the room and all three appear to be in the hallway.
Deputy Montoya asks Deputy Durkee if they found anything.
Deputy Durkee says, "He's got some black pants and some
shorts." As Deputy Durkee is saying this, Officer Clifton also
replies, "He's got a bunch of black pants in there so..I mean...I
don't know which ones are which, but it's got to be him..It's
him."

321.5.8 PERFORMANCE

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

SUSTAINED

During his interview with Lieutenant Iriarte, Officer Clifton was
asked if he had authority to search the residence, and he said other
than to clear the house, no.

During his interview with Lieutenant Iriarte, Officer Clifton was
asked if after they made the residence safe, did he search the
residence for items not related to the search of a person, and he
said no. Lieutenant Iriarte asked Officer Clifton if they remained
in the residence after they made it safe, and he said no. This is
clearly not true, According to Deputy Montoya's and Deputy
Durkee's video, Officer Clifton and the deputies remained in the
residence for approximately 4 minutes and 14 seconds after they
cleared the residence and made it safe.

During his interview with Lieutenant Iriarte, Officer Clifton was
asked where he located the black pair of pants, and he said right
on top of the hamper. This is not true. On Deputy Durkee's video
recording; at approximately 2:51:28 AM, Officer Clifton is seen
going into the master bedroom's bathroom and Durkee says,
"Black pants right there on the." Officer Clifton reaches down on
the floor of the bathroom and grabs something.

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On Deputy Montoya's video recording; At 2:51:59 AM, Deputy Durkee is seen inside the master bedroom. Deputy Durkee is flashing his light into the master bathroom. A shadow on the door to the bathroom shows what appears to be clothing being shuffled around or thrown around. You can slightly see what appears to be Officer Clifton holding something that appears to be a black pair of pants and Deputy Durkee says, "It's small." Deputy Durkee then walks away.

Both videos combined show Officer Clifton shuffling clothes around in the master bathroom where the clothes hamper was located. Officer Clifton then pulled up a pair of pants that he said are a size 33. The pants were clearly not on top of the clothes hamper as he said. He had to search for them.

During his interview with Lieutenant Iriarte, Officer Clifton was asked if he opened any containers or drawers within the residence, he paused and said, "Not that I recall." On Deputy Durkee's video recording; at approximately 2:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

During his interview with Lieutenant Iriarte, Officer Clifton was asked and replied the following. Lieutenant Iriarte is referred to as I:

I asked Officer Clifton if the sheriff deputies searched for any items at *** Gloria Avenue, and he said, "Not that I recall." I asked Officer Clifton if he searched for anything, and he asked,

"In specific?" I replied yes, and he said he did not. Officer Clifton said, "Other than the subject." I asked Officer Clifton if he asked the deputies to search for anything, and he said, "They were actually in front of me, so they were more or less the ones that were..." I asked Officer Clifton again if he requested the deputies to search for anything, and he said, "Yeah, I'm sure I said lets search for the subject." I asked Officer Clifton if he recalls telling the deputies to search for a specific item. Officer Clifton paused for a moment and Attorney Tobias asked, "Other than the subject?" I asked Officer Clifton if he instructed any of the deputies to search for something other than a person, and he said, "Haa, I don't know, I might have said, see if there's black pants on...Haa, I don't want to say I did or didn't."

Officer Clifton clearly asked the deputies to look for black pants and a grey shirt.

During his interview with Lieutenant Iriarte, Officer Clifton was asked and replied the following. Lieutenant Iriarte is referred to as I:

I asked Officer Clifton where in the hamper did he locate the black pair of jeans, and he said, "On top." I asked Officer Clifton if it was not top, middle, bottom, and he said, "Not from what I recall...they were just right here on top...just grabbed them." I asked Officer Clifton if he searched the hamper or remove any other clothing. Officer Clifton answered, "Remove any other clothing, no." I asked Officer Clifton if he removed any other clothing to find the black pair of pants, and he said, "Hugh, I don't recall." I asked Officer Clifton if he does not recall or if he did not do it. Officer Clifton said, "I don't recall...from what I could recall, they were on top...but I'm...I mean now I'm second guessing myself on everything."

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In his statement to Lieutenant Iriarte, Officer Clifton said he only entered the residence with the intent to search for a person. This is not true.

The following are indicators that Officer Clifton entered the residence with intent to search for items other than a person:

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

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ones or shorts.” Officer Clifton says unknown words and Deputy Montoya replies, “Oh, they were black...black.”

On Deputy Durkee’s video recording; at approximately 2:48:49 AM, while in the living room area of the residence, Officer Clifton says, “Look for black pants, grey shirt.” Deputy Durkee replies copy.

On Deputy Durkee’s video recording; at approximately 2:50:53, AM, Deputy Montoya says, “Nothing...any other room that needs to be cleared?” Deputy Durkee replies, “That’s it.” Officer Clifton says, “I just have to look for the clothes.”

The following are proofs that officer Clifton did search the residence for items other than a person:

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NOTE: In Deputy Montoya’s video recording a pair of black pants is seeing lying in the location where Officer Clifton reached.

On Deputy Durkee’s video recording, half Officer Clifton’s body is seen bending over inside the bathroom and appears as if he is moving something around in the location where the clothing hamper is located. Officer Clifton then replies, here they are. Officer Clifton pulls out a pair of pants and begins to unfold them.

On Deputy Durkee's video recording; at approximately 2:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

On Deputy Durkee's video recording; at approximately 2:53:26 AM, Officer Clifton is seen in the bedroom area of the master bedroom moving a pillow and some covers on the mattress and begins flashing his flashlight. Officer Clifton pulls up the mattress and looks in between the bedspring and mattress before quickly setting it down. Officer Clifton begins looking in the closet and reaches up and pulls down a pair of black jeans. After analyzing them, he drops them on the floor. Officer Clifton looks through a few other articles of clothing next to the closet before exiting the room.

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321.5.9 CONDUCT

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

SUSTAINED

During his interview with Lieutenant Iriarte, Officer Clifton was asked if he had authority to search the residence, and he said other than to clear the house, no.

During his interview with Lieutenant Iriarte, Officer Clifton was asked if after they made the residence safe, did he search the residence for items not related to the search of a person, and he said no. Lieutenant Iriarte asked Officer Clifton if they remained in the residence after they made it safe, and he said no. This is clearly not true, According to Deputy Montoya's and Deputy Durkee's video, Officer Clifton and the deputies remained in the residence for approximately 4 minutes and 14 seconds after they cleared the residence and made it safe.

During his interview with Lieutenant Iriarte, Officer Clifton was asked where he located the black pair of pants, and he said right on top of the hamper. This is not true. On Deputy Durkee's video recording; at approximately 2:51:28 AM, Officer Clifton is seen going into the master bedroom's bathroom and Durkee says, "Black pants right there on the." Officer Clifton reaches down on the floor of the bathroom and grabs something.

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On Deputy Montoya's video recording; At 2:51:59 AM, Deputy Durkee is seen inside the master bedroom. Deputy Durkee is flashing his light into the master bathroom. A shadow on the door to the bathroom shows what appears to be clothing being shuffled around or thrown around. You can slightly see what appears to be Officer Clifton holding something that appears to be a black

pair of pants and Deputy Durkee says, "It's small." Deputy Durkee then walks away.

Both videos combined show Officer Clifton shuffling clothes around in the master bathroom where the clothes hamper was located. Officer Clifton then pulled up a pair of pants that he said are a size 33. The pants were clearly not on top of the clothes hamper as he said. He had to search for them.

During his interview with Lieutenant Iriarte, Officer Clifton was asked if he opened any containers or drawers within the residence, he paused and said, "Not that I recall." On Deputy Durkee's video recording; at approximately 2:52:54 AM, Officer Clifton is seen looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

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CITY OF DINUBA PERSONNEL POLICIES AND PRACTICES, CHAPTER 13: DISCIPLINARY PROCEDURES

1. *Personnel Policy 13(B) (2): Incompetency*

SUSTAINED

Officer Clifton showed incompetency when he documented inaccurate information in the following:

On page 2 of report DF1902030, Paragraph 2, sentence 6, Officer Clifton documented, "As the units were responding I advised them that the suspect was wearing black pants, a Gray shirt, and had a goatee." Upon retrieving and listening to police radio recordings, Lieutenant Iriarte did not hear Officer Clifton mention goatee. Officer Clifton's police radio transmission at 02:16:52 AM, said the following: "Leg bail westbound, Hispanic male, grey shirt, black pants..He's going northbound in the alley...jumped the fence...somebody get on Gladys." There is no mention of goatee as he documented in his narrative.

On page 5 of report DF1902030, Paragraph 2, sentence 4, Officer Clifton documented, "I observed a call to ***** at 0225 for approximately 2-1/2 minutes." This is incorrect; the call was made from ***** to *****. The call time was also incorrect. This was shown in the July Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by *****. Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****'s cell phone. The call came in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called *****.

In his statement to Lieutenant Iriarte, ***** said he received the telephone call from *****.

On page 5 of report DF1902030, Paragraph 5, sentence 2, Officer Clifton documented, "***** stated that ***** then called her to see if she made it home at which time she told him that she was stopped and her vehicle was searched for a suspect." This is incorrect; the call was made from ***** to *****. The call time was also incorrect. This was shown in the July Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by *****. Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****'s cell phone. The call came in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called

***** **

In his statement to Lieutenant Iriarte, **** ** said he
received the telephone call from *****.

On page 6 of report DF1902030, Paragraph 2, on the last sentence,
Officer Clifton documented "***** stated that he was unsure
what *** was wearing due to the fact that he was intoxicated and
does not remember." Upon Lieutenant Iriarte reviewing the
audio/video recording of the interview with Officer Clifton and
*****, this did not occur. ***** never mentioned being
intoxicated and does not remember. Upon Lieutenant Iriarte
reviewing the audio/video recording of the interview with Officer
Clifton and *****, he noted the following during the ending of
the interview Officer Clifton had with *****; Officer Clifton
asked ***** what *** was wearing, and ***** said
he believes he was wearing shorts. ***** said that this is all he
could remember and said ***** is always wearing shorts.
Nothing was mentioned regarding being intoxicated and not
remembering.

On page 7 of report DF1902030, Paragraph 3, sentences 2 and 3,
Officer Clifton documented, ***** also stated that
*****'s goatee is fuller (grown out more) than it is in the
picture. I then had her look at the picture of ***** she had
just provided me and she stated the same thing about his goatee
being fuller or grown out and stated his hair is a bit longer as well.
In her statement provided to Lieutenant Iriarte, ***** said
**** ***** was shaved down a little bit more while he was
working as compared to the copy of the Brandt Farms photo ID of
*****. ***** said *****'s hair was about
the same as in the photo of Full Steam staffing as the last time she
saw him. ***** said he didn't have as much facial hair as in
the Brandt Farms photo saying he was not has dark. When
***** said "not as dark" she was pointing at ****
*****'s face in the Brandt Farms ID photo and referring to
his facial hair. ***** said *****'s facial hair was

more like the Full Steam Staffing photo, but had a little bit more facial hair than the photo.

Officer Clifton showed incompetency when he did not interview the possible witnesses located at *** Gloria Avenue:

When Officer Clifton arrived at *** Gloria Avenue with Deputy Montoya, and Deputy Durkee, they had all the occupants of the residence exit. The following people and their ages at the time of the incident were removed from the residence **** *(age 26), **** *(age 51) **** *(Age 47), **** *(age 24), **** *(age 16) **** *(age 16) **** *(age 13) and Marifer **** *(age approximately 15 years old). According to report DF1902030, only **** was interviewed as a witness. In his statement to Lieutenant Iriarte, Officer Clifton only recalled interviewing one witness, ****. ***** told Lieutenant Iriarte that Officer Clifton did interview her. All the individuals who were not interviewed may have provided information relevant to the investigation which ultimately led to a false arrest.

Officer Clifton showed incompetency when he searched the residence located at *** Gloria Avenue without any justification:

Officer Clifton, Deputy Montoya and Deputy Durkee had the right to enter the residence to look for a person based on the circumstances they were in. They had every right to enter the residence and do a “protective sweep.” A “protective sweep” is a limited search that law enforcement is allowed to conduct when they arrest someone. The purpose of a protective sweep is to allow officers to ensure their own safety, and that of those on the scene by searching in the vicinity of the arrest. The search is for people who may pose a threat. Although the Fourth Amendment to the U.S. Constitution generally requires that officers have a warrant before searching homes, the protective sweep doctrine is an exception. Other than to look for a person, they did not have any valid reason to search. For a valid search, other than a “protective sweep” Officer Clifton needed consent or a warrant. There was no warrant and no consent was given.

In his statement to Lieutenant Iriarte, Officer Clifton said he did not get consent to search the residence and only entered to search for a person. In her statement to Lieutenant Iriarte, ***** said she never consented to a search of her residence nor was she asked for consent. In her statement to Lieutenant Iriarte, ***** said she asked an unknown officer on scene if they had a warrant to enter the residence but was told one was not needed. When Deputy Durkee and Officer Clifton exited the residence, ***** was heard asking, "Is there a reason why you guys are searching without a warrant?" This was heard on Deputy Durkee's audio/video recording.

In his statement to Lieutenant Iriarte, Officer Clifton said he only entered the residence with the intent to search for a person.

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

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Half Officer Clifton's body is seen bending over inside the bathroom and it appears as if he is moving something around in the location where the clothing hamper is located. Officer Clifton then replies, here they are. Officer Clifton pulls out a pair of pants and begins to unfold them.

On Deputy Durkee's video recording; at approximately 9:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be

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Officer Clifton showed incompetency when he searched the residence located at *** Gloria Avenue and did not document it in his report:

Officer Clifton did not document any search he conducted at the residence located at *** Gloria Avenue and only documented he observed inside the bathroom a hamper with clothes at which time he located a black pair of jeans size 33. The following shows a search of the residence was conducted and not documented:

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On Deputy Durkee's video recording; at approximately 2:53:26 AM, Officer Clifton is seen in the bedroom area of the master bedroom removing a pillow and some covers and begins flashing his flashlight. Officer Clifton pulls up the mattress and looks in between the bedspring and mattress before quickly setting it down. Officer Clifton begins looking in the closet and reaches up and pulls down a pair of black jeans. After analyzing them, he drops them onto the floor. Officer Clifton looks through a few other articles of clothing next to the closet before exiting the room.

On Deputy Montoya's video recording; at approximately 2:54:36 AM, Officer Clifton is seen walking into a bedroom near the restroom as Deputy Durkee stands in the hallway. Deputy Montoya whispers to Deputy Durkee, "I didn't see anything."

Deputy Durkee nodes his head as to indicate no. Officer Clifton walks out of the room and all three appear to be in the hallway. Deputy Montoya asks Deputy Durkee if they found anything. Deputy Durkee says, "He's got some black pants and some shorts." As Deputy Durkee is saying this, Officer Clifton also replies, "He's got a bunch of black pants in there so...I mean...I don't know which ones are which, but it's got to be him...It's him."

2. *Personnel Policy 13(B)(3): Inefficiency*
SUSTAINED

Officer Clifton was inefficient when he documented inaccurate information in the following:

On page 2 of report DF1902030, Paragraph 2, sentence 6, Officer Clifton documented, "As the units were responding I advised them that the suspect was wearing black pants, a Gray shirt, and had a goatee." Upon retrieving and listening to police radio recordings, Lieutenant Iriarte did not hear Officer Clifton mention goatee. Officer Clifton's police radio transmission at 02:16:52 AM, said the following: "Leg bail westbound, Hispanic male, grey shirt, black pants...He's going northbound in the alley...jumped the fence...somebody get on Gladys." There is no mention of goatee as he documented in his narrative.

On page 5 of report DF1902030, Paragraph 2, sentence 4, Officer Clifton documented, "I observed a call to ***** at 0225 for approximately 2-1/2 minutes." This is incorrect; the call was made from ***** to ***** ** The call time was also incorrect. This was shown in the July Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by ***** Cell # (559) ***** belongs to ***** ** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****'s cell phone. The call came in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is

2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called *****

In his statement to Lieutenant Iriarte, ***** ** said he received the telephone call from *****.

On page 5 of report DF1902030, Paragraph 5, sentence 2, Officer Clifton documented, “***** stated that ***** then called her to see if she made it home at which time she told him that she was stopped and her vehicle was searched for a suspect.” This is incorrect; the call was made from ***** to ***** ** The call time was also incorrect. This was shown in the July Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by ***** Cell # (559) ***** belongs to ***** ** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****’s cell phone. The call came in at 2:41 AM. The call was made from *****’s phone and not *****’s phone as indicated by Officer Clifton’s report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called *****

In his statement to Lieutenant Iriarte, ***** ** said he received the telephone call from *****.

On page 6 of report DF1902030, Paragraph 2, on the last sentence, Officer Clifton documented “***** stated that he was unsure what ***** was wearing due to the fact that he was intoxicated and does not remember.” Upon Lieutenant Iriarte reviewing the audio/video recording of the interview with Officer Clifton and ***** , this did not occur. ***** never mentioned being intoxicated and does not remember. Upon Lieutenant Iriarte reviewing the audio/video recording of the interview with Officer Clifton and ***** , he noted the following during the ending of the interview Officer Clifton had

with *****; Officer Clifton asked ***** what **** ***** was wearing, and ***** said he believes he was wearing shorts. ***** said that this is all he could remember and said ***** is always wearing shorts. Nothing was mentioned regarding being intoxicated and not remembering.

On page 7 of report DF1902030, Paragraph 3, sentences 2 and 3, Officer Clifton documented, ***** also stated that *****'s goatee is fuller (grown out more) than it is in the picture. I then had her look at the picture of ***** she had just provided me and she stated the same thing about his goatee being fuller or grown out and stated his hair is a bit longer as well. In her statement provided to Lieutenant Iriarte, ***** said **** ***** was shaved down a little bit more while he was working as compared to the copy of the Brandt Farms photo ID of **** ***** said *****'s hair was about the same as in the photo of Full Steam staffing as the last time she saw him. ***** said he didn't have as much facial hair as in the Brandt Farms photo saying he was not has dark. When ***** said "not as dark" she was pointing at *****'s face in the Brandt Farms ID photo and referring to his facial hair. ***** said **** *****'s facial hair was more like the Full Steam Staffing photo, but had a little bit more facial hair than the photo.

Officer Clifton was inefficient when he did not interview the possible witnesses located at *** Gloria Avenue:

When Officer Clifton arrived at *** Gloria Avenue with Deputy Montoya, and Deputy Durkee, they had all the occupants of the residence exit. The following people and their ages at the time of the incident were removed from the residence ***** (age 26), **** (age 51) ***** (Age 47), ***** (age 24), ***** (age 16) ***** (age 16) ***** (age 13) and Marifer ***** (age approximately 15 years old). According to report DF1902030, only ***** was interviewed as a witness. In his statement to Lieutenant Iriarte, Officer Clifton only recalled interviewing one witness, ***** ***** told Lieutenant Iriarte that Officer Clifton did interview her. All the individuals who were not interviewed may have provided information relevant to the investigation which ultimately led to a false arrest.

Officer Clifton showed he was inefficient when he searched the residence at *** Gloria Avenue with no justification:

Officer Clifton, Deputy Montoya and Deputy Durkee had the right to enter the residence to look for a person based on the circumstances they were in. They had every right to enter the residence and do a "protective sweep." A "protective sweep" is a limited search that law enforcement is allowed to conduct when they arrest someone. The purpose of a protective sweep is to allow officers to ensure their own safety, and that of those on the scene by searching in the vicinity of the arrest. The search is for people who may pose a threat. Although the Fourth Amendment to the U.S. Constitution generally requires that officers have a warrant before searching homes, the protective sweep doctrine is an exception. Other than to look for a person, they did not have any valid reason to search. For a valid search, other than a "protective sweep" Officer Clifton needed consent or a warrant. There was no warrant and no consent was given.

In his statement to Lieutenant Iriarte, Officer Clifton said he did not get consent to search the residence and only entered to search for a person. In her statement to Lieutenant Iriarte, ***** said she never consented to a search of her residence nor was she asked for consent. In her statement to Lieutenant Iriarte, ***** said she asked an unknown officer on scene if they had a warrant to enter the residence but was told one was not needed. When Deputy Durkee and Officer Clifton exited the residence, ***** was heard asking, "Is there a reason why you guys are searching without a warrant?" This was heard on Deputy Durkee's audio/video recording.

In his statement to Lieutenant Iriarte, Officer Clifton said he only entered the residence with the intent to search for a person.

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

The following are indicators that Officer Clifton entered the residence with intent to search for items other than a person:

On Deputy Montoya's video recording; at approximately 2:48:32 as they enter the residence, Officer Clifton is heard saying, "Look for black pants and grey shirt."

On Deputy Montoya's video recording at approximately 2:48:59 AM, Deputy Montoya enters what appears to be a bedroom and says, "I got black pants and white shirt right here." Officer Clifton is seen with a flashlight looking at the clothes lying on the couch where Deputy Montoya said he saw black pants and a white shirt. Deputy Montoya says something to the affect, "There are grey ones or shorts." Officer Clifton says unknown words and Deputy Montoya replies, "Oh, they were black...black."

On Deputy Durkee's video recording; at approximately 2:48:49 AM, while in the living room area of the residence, Officer Clifton says, "Look for black pants, grey shirt." Deputy Durkee replies copy.

On Deputy Durkee's video recording; at approximately 2:50:53, AM, Deputy Montoya says, "Nothing..any other room that needs to be cleared?" Deputy Durkee replies, "That's it." Officer Clifton says, "I just have to look for the clothes."

The following are proofs that officer Clifton did search the residence for items other than a person:

In her statement to Lieutenant Iriarte, ***** said, it appeared they ransacked her restroom. ***** further stated, they dumped her dirty laundry basket on the floor as if they were looking for something.

On Deputy Montoya's video recording; at approximately 2:51:59 AM, Officer Clifton is seen inside the master bedroom moving articles of clothing and eventually holding up a pair of black pants.

On Deputy Durkee's video recording; at approximately 2:51:28 AM, Officer Clifton is seen going into the master bedroom's bathroom and Durkee says, "Black pants right there on the." Officer Clifton reaches down on the floor of the bathroom and grabs something.

NOTE: In Deputy Montoya's video recording a pair of black pants is seeing lying in the location where Officer Clifton reached.

Half Officer Clifton's body is seen bending over inside the bathroom and appears as if he is moving something around in the location where the clothing hamper is located. Officer Clifton then replies, here they are. Officer Clifton pulls out a pair of pants and begins to unfold them.

On Deputy Durkee's video recording; at approximately 9:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

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Officer Clifton showed inefficient when he searched the residence located at *** Gloria Avenue and did not document it in his report:

Officer Clifton did not document any search he conducted at the residence located at *** Gloria Avenue and only documented he observed inside the bathroom a hamper with clothes at which time he located a black pair of jeans size 33. The following shows a search of the residence was conducted and not documented:

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

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On Deputy Durkee's video recording; at approximately 2:50:53, AM, Deputy Montoya says, "Nothing...any other room that needs to be cleared?" Deputy Durkee replies, "That's it." Officer Clifton says, "I just have to look for the clothes."

The following are proofs that officer Clifton did search the residence for items other than a person:

In her statement to Lieutenant Iriarte, ***** said, it appeared they ransacked her restroom. ***** further stated, they dumped her dirty laundry basket on the floor as if they were looking for something.

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3. *Personnel Policy 13(B)(4): Inexcusable Neglect of Duty*
SUSTAINED

Officer Clifton showed inexcusable Neglect of Duty when he documented inaccurate information in the following:

On page 2 of report DF1902030, Paragraph 2, sentence 6, Officer Clifton documented, "As the units were responding I advised them that the suspect was wearing black pants, a Gray shirt, and had a goatee." Upon retrieving and listening to police radio recordings, Lieutenant Iriarte did not hear Officer Clifton mention goatee. Officer Clifton's police radio transmission at 02:16:52 AM, said the following: "Leg bail westbound, Hispanic male, grey shirt, black pants...He's going northbound in the alley...jumped the fence...somebody get on Gladys." There is no mention of goatee as he documented in his narrative.

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in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

In her statement to Lieutenant Iriarte, ***** said that she called
***** **

In his statement to Lieutenant Iriarte, ***** said he
received the telephone call from *****.

On page 5 of report DFI902030, Paragraph 5, sentence 2, Officer Clifton documented, "***** stated that ***** then called her to see if she made it home at which time she told him that she was stopped and her vehicle was searched for a suspect." This is incorrect; the call was made from ***** to ***** The call time was also incorrect. This was shown in the July Verizon billing statement for cell phone number (559) ***** provided to Lieutenant Iriarte by ***** Cell # (559) ***** belongs to ***** as he provided this telephone number during his booking on July 7, 2019. The Verizon billing statement shows an incoming call from (559) ***** to *****'s cell phone. The call came in at 2:41 AM. The call was made from *****'s phone and not *****'s phone as indicated by Officer Clifton's report. Also, the time shown on the statement is 2:41 AM and not 2:25 AM as indicated by Officer Clifton. That is a 16 minute difference.

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received the telephone call from *****.

On page 6 of report DFI902030, Paragraph 2, on the last sentence, Officer Clifton documented "***** stated that he was unsure what ***** was wearing due to the fact that he was intoxicated and does not remember." Upon Lieutenant Iriarte reviewing the audio/video recording of the interview with Officer Clifton and

****, this did not occur. **** never mentioned being intoxicated and does not remember. Upon Lieutenant Iriarte reviewing the audio/video recording of the interview with Officer Clifton and ****, he noted the following during the ending of the interview Officer Clifton had with ****; Officer Clifton asked **** what **** was wearing, and **** said he believes he was wearing shorts. **** said that this is all he could remember and said **** is always wearing shorts. Nothing was mentioned regarding being intoxicated and not remembering.

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When Officer Clifton arrived at ** Gloria Avenue with Deputy Montoya, and Deputy Durkee, they had all the occupants of the residence exit. The following people and their ages at the time of the incident were removed from the residence **** (age 26), **** (age 51) **** (Age 47), **** (age 24), **** (age 16) **** (age 16) **** (age 13) and Marifer **** (age approximately 15

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Officer Clifton showed inexcusable Neglect of Duty when he searched the residence at *** Gloria Avenue with no justification:

Officer Clifton, Deputy Montoya and Deputy Durkee had the right to enter the residence to look for a person based on the circumstances they were in. They had every right to enter the residence and do a “protective sweep.” A “protective sweep” is a limited search that law enforcement is allowed to conduct when they arrest someone. The purpose of a protective sweep is to allow officers to ensure their own safety, and that of those on the scene by searching in the vicinity of the arrest. The search is for people who may pose a threat. Although the Fourth Amendment to the U.S. Constitution generally requires that officers have a warrant before searching homes, the protective sweep doctrine is an exception. Other than to look for a person, they did not have any valid reason to search. For a valid search, other than a “protective sweep” Officer Clifton needed consent or a warrant. There was no warrant and no consent was given.

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On Deputy Durkee's video recording; at approximately 9:52:54 AM, Officer Clifton is seeing looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

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On Deputy Montoya's video recording; at approximately 2:54:36 AM, Officer Clifton is seen walking into a bedroom near the restroom as Deputy Durkee stands in the hallway. Deputy Montoya whispers to Deputy Durkee, "I didn't see anything." Deputy Durkee nods his head as to indicate no. Officer Clifton walks out of the room and all three appear to be in the hallway. Deputy Montoya asks Deputy Durkee if they found anything. Deputy Durkee says, "He's got some black pants and some shorts." Has Deputy Durkee is saying this, Officer Clifton also replies, "He's got a bunch of black pants in there so...I mean...I don't know which ones are which, but it's got to be him...It's him."

Personnel Policy 13(B) (6): Dishonesty

SUSTAINED

During his interview with Lieutenant Iriarte, Officer Clifton was asked if he had authority to search the residence, and he said other than to clear the house, no.

During his interview with Lieutenant Iriarte, Officer Clifton was asked if after they made the residence safe, did he search the residence for items not related to the search of a person, and he said no. Lieutenant Iriarte asked Officer Clifton if they remained in the residence after they made it safe, and he said no. This is clearly not true. According to Deputy Montoya's and Deputy Durkee's video, Officer Clifton and the deputies remained in the residence for approximately 4 minutes and 14 seconds after they cleared the residence and made it safe.

During his interview with Lieutenant Iriarte, Officer Clifton was asked where he located the black pair of pants, and he said right on top of the hamper. This is not true. On Deputy Durkee's video recording; at approximately 2:51:28 AM, Officer Clifton is seen going into the master bedroom's bathroom and Durkee says, "Black pants right there on the." Officer Clifton reaches down on the floor of the bathroom and grabs something.

NOTE: In Deputy Montoya's video recording a pair of black pants is seeing lying in the location where Officer Clifton reached.

On Deputy Durkee's video recording, half Officer Clifton's body is seen bending over inside the bathroom and appears as if he is moving something around in the location where the clothing hamper is located. Officer Clifton then replies, here they are. Officer Clifton pulls out a pair of pants and begins to unfold them

On Deputy Montoya's video recording; At 2:51:59 AM, Deputy Durkee is seen inside the master bedroom. Deputy Durkee is flashing his light into the master bathroom. A shadow on the door to the bathroom shows what appears to be clothing been shuffled around or thrown around. You can slightly see what appears to be Officer Clifton holding something that appears to be a black

pair of pants and Deputy Durkee says, "It's small." Deputy Durkee then walks away.

Both videos combined show Officer Clifton shuffling clothes around in the master bathroom where the clothes hamper was located. Officer Clifton then pulled up a pair of pants that he said are a size 33. The pants were clearly not on top of the clothes hamper as he said. He had to search for them.

During his interview with Lieutenant Iriarte, Officer Clifton was asked if he opened any containers or drawers within the residence, he paused and said, "Not that I recall." On Deputy Durkee's video recording: at approximately 2:52:54 AM, Officer Clifton is seen looking at some papers resting on top of a dresser. Officer Clifton grabs and looks at what appears to be an envelope. Officer Clifton then opens up three of the dresser's drawers and does a quick check through them.

During his interview with Lieutenant Iriarte, Officer Clifton was asked and replied the following. Lieutenant Iriarte is referred to as I:

I asked Officer Clifton if the sheriff deputies searched for any items at *** Gloria Avenue, and he said, "Not that I recall." I asked Officer Clifton if he searched for anything, and he asked, "In specific?" I replied yes, and he said he did not. Officer Clifton said, "Other than the subject." I asked Officer Clifton if he asked the deputies to search for anything, and he said, "They were actually in front of me, so they were more or less the ones that were..." I asked Officer Clifton again if he requested the deputies to search for anything, and he said, "Yeah, I'm sure I said lets search for the subject." I asked Officer Clifton if he recalls telling the deputies to search for a specific item. Officer Clifton paused for a moment and Attorney Tobias asked, "Other than the subject?" I asked Officer Clifton if he instructed any of the deputies to search for something other than a person, and he said, "Haa, I don't know, I might have said, see if there's black pants on...Haa, I don't want to say I did or didn't."

Officer Clifton clearly asked the deputies to look for black pants and a grey shirt.

During his interview with Lieutenant Iriarte, Officer Clifton was asked and replied the following. Lieutenant Iriarte is referred to as I:

I asked Officer Clifton where in the hamper did he locate the black pair of jeans, and he said, "On top." I asked Officer Clifton if it was not top, middle, bottom, and he said, "Not from what I recall...they were just right here on top...just grabbed them." I asked Officer Clifton if he searched the hamper or remove any other clothing. Officer Clifton answered, "Remove any other clothing, no." I asked Officer Clifton if he removed any other clothing to find the black pair of pants, and he said, "Hugh, I don't recall." I asked Officer Clifton if he does not recall or if he did not do it. Officer Clifton said, "I don't recall...from what I could recall, they were on top...but I'm...I mean now I'm second guessing myself on everything."

During his interview with Lieutenant Iriarte, Officer Clifton was asked and replied the following. Lieutenant Iriarte is referred to as I:

I told Officer Clifton he mentioned that he did not search the residence. I asked Officer Clifton if this was something he was still going to say he did not do. I told Officer Clifton that he mentioned that he did not search the residence other than for a person. Officer Clifton said, "Yeah that's all I recall searching for...I mean I looked at the pants obviously...Hum, but for as far anything particular I don't recall searching for anything in particular." I asked Officer Clifton if he recalls moving items around or looking for specific items. Officer Clifton said, "I don't recall doing that, no." I asked Officer Clifton if the pants were specifically on top of the hamper, and he said, "My recollection yes." I asked Officer Clifton, "So you didn't move clothes around to find those pants?" Officer Clifton said, "No...Not that I recall. I believe that they were right there...It's stuck in my head that they were right there...whether...that's all I recall."

In his statement to Lieutenant Iriarte, Officer Clifton said he only entered the residence with the intent to search for a person. This is not true.

The following are indicators that Officer Clifton entered the residence with intent to search for items other than a person:

According to Deputy Durkee's video recording, they entered the residence at approximately 2:48:43 AM and concluded the "protective sweep" at approximately 2:50:55 AM. Officer Clifton began searching the residence for something other than a person after this and concluded at approximately 2:55:09 AM. Officer Clifton remained in the residence for approximately 4 minutes and 14 seconds. Most of this time, Officer Clifton was looking or searching for something other than a person.

On Deputy Montoya's video recording; at approximately 2:48:32 as they entered the residence, Officer Clifton is heard saying, "Look for black pants and grey shirt."

On Deputy Montoya's video recording; at approximately 2:48:59 AM, Deputy Montoya enters what appears to be a bedroom and says, "I got black pants and white shirt right here." Officer Clifton is seen with a flashlight looking at the clothes lying on the couch where Deputy Montoya said he saw black pants and a white shirt. Deputy Montoya says something to the affect, "There are grey ones or shorts." Officer Clifton says unknown words and Deputy Montoya replies, "Oh, they were black...black."

On Deputy Durkee's video recording; at approximately 2:48:49 AM, while in the living room area of the residence, Officer Clifton says, "Look for black pants, grey shirt." Deputy Durkee replies copy.

On Deputy Durkee's video recording; at approximately 2:50:53, AM, Deputy Montoya says, "Nothing...any other room that needs to be cleared?" Deputy Durkee replies, "That's it." Officer Clifton says, "I just have to look for the clothes."

The following are proofs that officer Clifton did search the residence for items other than a person:

In her statement to Lieutenant Iriarte, ***** said it appeared they ransacked her restroom. ***** further stated they dumped her dirty laundry basket on the floor as if they were looking for something.

On Deputy Montoya's video recording; at approximately 2:51:59 AM, Officer Clifton is seen inside the master bedroom moving articles of clothing and eventually holding up a pair of black pants.

On Deputy Durkee's video recording; at approximately 2:51:28 AM, Officer Clifton is seen going into the master bedroom's bathroom and Durkee says, "Black pants right there on the." Officer Clifton reaches down on the floor of the bathroom and grabs something.

NOTE: In Deputy Montoya's video recording a pair of black pants is seen lying in the location where Officer Clifton reached.

On Deputy Durkee's video recording, half Officer Clifton's body is seen bending over inside the bathroom and appears as if he is moving something around in the location where the clothing hamper is located. Officer Clifton then replies, here they are. Officer Clifton pulls out a pair of pants and begins to unfold them.

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few other articles of clothing next to the closet before exiting the room.

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RECOMMENDATIONS: I recommend that IA-19-02 be forwarded to Chief Devon Popovich for review and disposition.