

DATE: February 9, 2015

TO: MICHAEL J. BOSTIC
Interim Chief of Police
City of Calexico

FROM: BETTY P. KELEPECZ, ESQ. *BK*
Licensed Investigator
Norman A. Traub Associates

SUBJECT: **EXECUTIVE SUMMARY – CONFIDENTIAL ADMINISTRATIVE
INVESTIGATION OF STONE GARDEN OVERTIME USE BY OFFICER
LUIS CASILLAS**

INTRODUCTION AND BACKGROUND:

In September 2014, during a review of Calexico Police Department overtime fund use; evidence of potential overtime abuse/fraud by Calexico Police Department employees was discovered. On October 6, 2014, suspected overtime abuse of federal Stone Garden grant overtime funds by two Calexico Police Department employees was reported to the City of Calexico.

On October 13, 2014, Michael J. Bostic was named Interim Chief of the Calexico Police Department following the termination of Chief Pompeyo Tabarez the same day. Interim Chief Bostic requested that the Stone Garden grant overtime use by two employees be investigated.

On October 16, 2014, the City of Calexico commissioned the services of Norman A. Traub Associates to conduct an investigation regarding Stone Garden overtime abuse/fraud allegations. Investigator Betty P. Kelepecz was assigned the investigation. Investigator Kelepecz conducted the investigations and while analyzing documents and preparing the investigative report of one of the employees, Kelepecz discovered evidence of potential overtime abuse and fraud by Officer Luis Casillas. On December 26, 2014, Kelepecz notified Chief Bostic of her discovery. Chief Bostic requested that the Stone Garden overtime use by Luis Casillas be investigated.

On January 3, 2015, the City of Calexico commissioned the services of Norman A. Traub Associates to conduct an investigation regarding Luis Casillas' Stone Garden overtime and potential abuse/fraud concerns. Investigator Betty P. Kelepecz was assigned the investigation.

Note: This investigation is limited to federal Stone Garden grant overtime requested by Casillas from November 1, 2013 through June 30, 2014.

INVESTIGATION:

**CALEXICO POLICE DEPARTMENT
INVESTIGATIVE REPORT
CONFIDENTIAL ADMINISTRATIVE
INVESTIGATION**

**COMPLAINT RE: STONE GARDEN
OVERTIME BY:
Police Officer Luis Casillas**

**PRESENTED TO:
Interim Police Chief Michael J. Bostic
Calexico Police Department**

**PREPARED BY:
Betty P. Kelepecz, Esq.
Licensed Investigator
Norman A. Traub Associates
February 9, 2015**

Table of Contents

BACKGROUND AND INTRODUCTION	3
COMPLAINT	3
SUBJECT EMPLOYEE	3
WITNESSES	4
INVESTIGATION	5
<i>Allegations</i>	24
<i>Witness Interviews</i>	30
Alarcon, Rudy	30
Bielma, Joe	31
Ceja, Manuel	32
Gerardo, Gonzalo	32
Legaspi, Victor	33
Gomez, Martha	34
Serrano, Jesus	35
Miramon, Leopoldo	36
Leon, Carmen	38
Tabarez, Pompeyo	39
Uriarte, Frank	41
<i>Subject Employee Interview</i>	44
Casillas, Luis	44
FINDINGS	52
<i>Discussion</i>	53
WITNESS LIST	57
INVESTIGATOR'S NOTES	59

**INVESTIGATIVE REPORT
CONFIDENTIAL ADMINISTRATIVE INVESTIGATION OF
STONE GARDEN OVERTIME USE BY POLICE OFFICER LUIS CASILLAS**

I. BACKGROUND AND INTRODUCTION

In September 2014, during a review of Calexico Police Department overtime fund use; evidence of potential overtime abuse/fraud by Calexico Police Department employees was discovered. On October 6, 2014, suspected overtime abuse of federal Stone Garden grant overtime funds by two Calexico Police Department employees was reported to the City of Calexico.

On October 13, 2014, Michael J. Bostic was named Interim Chief of the Calexico Police Department following the termination of Chief Pompeyo Tabarez the same day. Interim Chief Bostic requested that the Stone Garden grant overtime use by two employees be investigated.

On October 16, 2014, the City of Calexico commissioned the services of Norman A. Traub Associates to conduct an investigation regarding Stone Garden overtime abuse/fraud allegations. Investigator Betty P. Kelepecz was assigned the investigation. Investigator Kelepecz conducted the investigations and while analyzing documents and preparing the investigative report of one of the employees, Kelepecz discovered evidence of potential overtime abuse and fraud by Officer Luis Casillas. On December 26, 2014, Kelepecz notified Chief Bostic of her discovery. Chief Bostic requested that the Stone Garden overtime use by Luis Casillas be investigated.

On January 3, 2015, the City of Calexico commissioned the services of Norman A. Traub Associates to conduct an investigation regarding Luis Casillas' Stone Garden overtime and potential abuse/fraud concerns. Investigator Betty P. Kelepecz was assigned the investigation.

Note: This investigation is limited to federal Stone Garden grant overtime requested by Casillas from November 1, 2013 through June 30, 2014.

II. COMPLAINT

On December 26, 2014, the City of Calexico became aware of possible federal Stone Garden grant overtime abuse/fraud by Officer Luis Casillas during an investigation into Stone Garden overtime use of two other Calexico Police Department employees.

III. SUBJECT EMPLOYEE

Casillas, Luis
Police Officer

Calexico Police Department

IV. WITNESSES

Alarcon, Rudy
Police Officer (Formerly Sergeant)
Calexico Police Department

Bielma, Joe
Former Police Commissioner
City of Calexico

Ceja, Manuel
Police Officer
Calexico Police Department

Gerardo, Gonzalo
Lieutenant
Calexico Police Department

Legaspi, Victor
Sergeant
Calexico Police Department

Gomez, Martha
Executive Assistant
Calexico Police Department

Serrano, Jesus
Lieutenant
Calexico Police Department

Miramon, Leopoldo
Public Safety Dispatcher
City of Calexico

Leon, Carmen
Public Safety Dispatch Supervisor
City of Calexico

Tabarez, Pompeyo
Former Chief of Police
Calexico Police Department

V. INVESTIGATION

I requested and was provided with the following document that I reviewed for this investigation.

- The Calexico Police Department Policy Manual dated April 28, 2009

I later became aware of and obtained a copy of the Calexico Police Department Policy Manual dated October 10, 2013. I reviewed and compared both Calexico Police Department Policy manuals. Below are relevant excerpts from the City of Calexico and Calexico Police Department policies. Where there were changes to the policies from August 1, 2013 to the publication of the new manual on October 10, 2013, I included both policies.

Policy 340 - Conduct

340.3.5 PERFORMANCE

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

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statements on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(t) Misappropriation or misuse of public funds.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of employee to properly perform the function and duties of an assigned position.

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Policy 340.3.6 SAFETY

(f) Violating departmental safety standards or safe working practices.

Policy 216 – Staffing Levels

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. The Division Commander will ensure that at least one field supervisor is deployed during each watch. In addition to the field supervisor, at least four officers must be on duty and available to respond to service calls.

Policy 1032 – Fitness for Duty

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Policy 1036 – Time Card Procedures (2009 Policy)

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME CARDS

Employees are responsible for the accurate and timely submission of time cards for the payment of wages.

Policy 1036 – Payroll Record Procedures (2013 Policy)

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

Policy 1038 – Overtime Payment Requests

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS (2009 Policy)

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Administrative Services as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Sergeant. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Shift Sergeant the first day after returning for work.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hour minimum for Court, two hour minimum for call-back overtime). The supervisor will enter the actual time worked.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	¼ hour
16-30 minutes	½ hour
31-45 minutes	¾ hour

46-60 minutes

1 hour

1038.2 REQUEST FOR OVERTIME COMPENSATION (2013 Policy)

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Sergeant. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Shift Sergeant the first day after returning to work.

1038.2.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

February 27, 2012 Memorandum issued by Lieutenant G. Gerardo stating that, "Starting Tuesday, February 28, 2012, you are required to clock in and clock out when you come to work. This also includes any overtime worked. If you are not able to clock in or clock out due to being out of the office working an assignment, please bring in your time card to me and we will manually fill in the time and Lt. J. Serrano or I will initial the time."

I obtained emails regarding direction from the Operation Stone Garden Program Manager Bryan Kastoll (Addenda 8A-E). An email dated October 15, 2013 directed to Serrano and others and forwarded to Tabarez, Duran and M. Gomez contained the following comments:

"I had a recent internal audit of all Daily Activity reports done and a couple of issues came up.

- 1. OPSG overtime is only utilized to perform activities that are on your Operation Plan. If your Op plan states your agency will patrol certain areas and do specific things, then that is what you are supposed to do. There were several DARs submitted that stated officers/agents/deputies were in a certain area performing duties because of a lack of regular manpower. This is supplanting and is not allowable. If you [stet] Department is short manpower, OPSG overtime will not be used to fill that gap. OPSG overtime is not an administrative filler. If an offer/agent/deputy is working OPSG overtime, they will not make hospital runs, finish pending paperwork, make jail runs for others, or do any activity not mentioned in the Ops order. If this practice of using OPSG OT to fill your daily*

assignments does not stop, we will be in some serious trouble with FEMA and may lose funding all together.

2. *The DARs need to be completed thoroughly. The narrative portion needs to be clear and concise as to the location worked and what activities were performed during the shift. I am still getting DARs with nothing in the narrative portion or any corresponding paperwork detailing the shift activities."*

The email dated July 10, 2014 contained the following direction (Addendum 8B):

"Grant Management: In all of your applications it was written that the individual department would supervise and monitor their officers to ensure compliance with the OPSG grant while working OT under OPSG. It is imperative that the work being conducted while on OT is in line with the grant guidelines. You know your people better than I do but, if I can read a DAR and determine the officer is a slug, then you should know this as well and not assign this officer to work OT. I understand that not every day will be full of arrests and citations but, when the same officer submits several OT slips where nothing was done, I have to wonder what this officer was doing for the hours claimed as OT."

Regarding Daily Activity Reports (DAR), the email contained the following directions:

"DARs: The DARs are a vital part of the tracking process for this grant. Ensure that your officers are filling out the DAR completely and accurately. This includes the date, time, hours worked, rate of OT pay, total for OT shift, miles driven and the number of stops, citations, arrests, seizures and all relevant information from the shift. The narrative portion needs to reflect what the officer did during the OT shift. You as the POC for the OPSG grant or a designee need to ensure this is done for all DARs before it is submitted to me. All incomplete DARs will be sent back [to] the sender for corrections."

I also obtained Stone Garden Overtime sign-up sheets which include the mission for the time period and mission specific Stone Garden details and associated sign-up sheets (Addenda 10A-MMMM). An exemplar Stone Garden Detail sign-up sheet for April 2014 (Addenda 10KKK-NNN) contained the following instructions.

"From April 1, 2014 to April 30, 2014 the Calexico Police Department will be conducting street enforcement on the business district of Calexico by the International Border. This will provide a safe environment for the businesses near the border. Two police officers will be assigned to work this detail on two 8 hour shifts and they are from 0700-1500 hours and 1400-2200 hours.

It will be the mission of the Calexico Police Department to enforce all local, state and federal laws in order to prevent all forms of thefts, assaults, accidents, reckless driving and persons entering the country illegally. It will also be the mission of the Calexico Police Department to search for illegal drugs, currency and contraband that are found inside a

vehicle. It will be the mission of the Calexico Police Department to assist U.S. Border Patrol.

INSTRUCTION: *Police Officers will be responsible in scanning their stat sheet to the name and email address written on the stone garden form and attach a copy of it to the time cards.*

Officers wishing to work this, please sign below. If the signed officer is later aware that he/she is unable to work this, that officer will be responsible for getting a replacement. If you have any questions contact Sergeant Victor Legaspi or Lieutenant Jesus Serrano."

I requested and obtained from the Calexico Police Department, all Stone Garden Overtime and Daily Activity Reports from August 1, 2013 through June 30, 2014. I thoroughly reviewed and analyzed the reports (Addenda 12-17). I noted that Casillas did not work any Stone Garden Overtime in August, September or October 2013 and February and March 2014.

I compared Casillas' DARs to the provided Operations Plans (Addenda 10A-MMMM) to determine if Casillas' activities and his shifts were consistent with the posted details and mission. Where information was available, the results of the analysis are included in the specific dates analysis provided further below in the report.

I requested and obtained time cards for Casillas from September 1, 2013 through June 30, 2014 (Addenda 18A-YYY). I thoroughly reviewed and analyzed the time cards.

I requested and obtained a Spillman run by responsible officer for Luis Casillas from November 1, 2013 through June 30, 2014 (Addenda 21A-G). Spillman is the Computer Aided Dispatch (CAD)/Records Management System (RMS) that the Calexico Police Department uses for managing calls, activity, incidents and reports. I thoroughly reviewed and analyzed the Spillman reports. I also requested and received a query of all citations issued by Officer Casillas from September 1, 2013 through June 30, 2014 (Addenda 23A-Z).

I requested and obtained copies of the Vehicle Mileage Logs from September 1, 2013 through June 30, 2014. I thoroughly reviewed and analyzed the logs (Addenda 25A-HH & 26A-EEEE). I noted some dates were missing from the logs (Investigator's Note 1). I further requested additional mileage logs that I noted were missing in the log pages for June 17, 2014 – June 20, 2014. I added them to the addenda as pages (b) of Addenda 26III and 26JJJ. I also requested mileage logs for June 1 through August 31, 2013 (Addenda 24 A-BB).

To better visualize the data specific to Casillas, I created a spreadsheet noting the information obtained (Addenda 7A-F). I highlighted in yellow those areas where there

were inconsistencies and/or issues that required further analysis and explanation and which may indicate inappropriate conduct.

Generally, I noted that Casillas signed his overtime slips. Casillas regularly had his overtime slips approved by a supervisor or acting supervisor in November and December, 2013 and January 2014. Casillas did not work any Stone Garden overtime in February or March. In April 2014, I noticed a change in his overtime slips. In April 2014, Casillas' overtime slips were not approved and signed by a supervisor. In May 2014, one of two was signed by a supervisor. In June 2014, one of two overtime slips was signed by a supervisor. This change coincided with his promotion/assignment to Investigations on April 2, 2014. In Investigations, Casillas' supervisor was Sergeant German Duran.

Casillas also generally did not advise Dispatch of his vehicle and beginning odometer reading when he went out in the field. Of 21 Stone Garden dates, Casillas advised Dispatch of his odometer reading on only five occasions. Those times were noted on a spreadsheet (Addenda 7A-F) in the second to last column.

I noticed on many occasions that Casillas' odometer readings did not appear to be consistent with prior or later odometer readings for the same vehicle. It happened most often with Unit 570, but he also showed inconsistent odometer readings when driving Unit 582, Unit 527 and Unit 571. The inconsistent readings for the units are included in more detail further below.

To better investigate the inconsistencies, I reviewed the Vehicle Assignment list for 2014 and the Vehicle Inventory list for 2006 (Addenda 31 & 32). I noted that Unit #570 was a 2007 Ford Crown Victoria which is consistent with the fact that it was not on the 2006 Vehicle Inventory List.

I then reviewed the Mileage Logs (Addenda 24-26). I began the review for entries in May 31, 2013 (Addendum 24A-BB) and noted several entries for Unit #570 over the following months. I noted that often times the odometer was noted as unreadable, illegible or there was nothing in the space. I opined that the vehicle must have a faulty digital odometer making it difficult to read. However, I noted that several officers provided odometer readings that were noted, some very precisely to the decimal point, in the mileage log. I opined that the problem must be intermittent, more easily visible in certain light, or perhaps, those that gave odometer readings tried harder to interpret the mileage.

Since there were so many readings, I decided to make a spreadsheet noting the mileage from September 6, 2013 until June 16, 2014 (Addenda 30A-B). I noted that in September 2013, some officers indicated that the odometer was unreadable, whereas Villapudua, Porras, and Uriarte all noted odometer readings in the 130,000 range. Then, on September 30, 2013, the odometer readings dropped to 86212. I

considered that either Unit #570 was used for another vehicle, the odometer had been tampered with either to get it to work or maliciously and the odometer read differently and/or employees were falsely transmitting to Dispatch the odometer readings. Since the odometer was noted as unreadable many times after that date, I determined that the vehicle readings in early September were from the same vehicle as the vehicle in late September and thereafter. I then reviewed the odometer readings in the spreadsheet and noted that for the most part, there was a reasonable progression of 86212 on September 30, 2013 to 93191.1 on June 14, 2014. June 15 and 16 were both unreadable and thereafter, through September 2, 2014 there were no more entries for Unit #570.

There were a few exceptions to this progression. I noted that on November 5, 2013, Flores noted the mileage at 68443. I did not determine the cause of the inconsistency. On January 3, 2013, Garcia noted the mileage at 94022; again, I did not determine the cause of the inconsistency. Thereafter, I reviewed numerous but, not all Stone Garden DAR's and noted several where officers were driving Unit #570. I found again, for the most part, a steady progression from October 1, 2013 through April 11, 2014 (Addenda 33A-CC).

I then noted that two officers (Frazier and Flores) showed driving the same unit (582 and 570) as Casillas on December 15 and December 19, 2013. I then requested time cards for Officer Victor Flores and Frazier for Pay Period 12/24/2013 (Addenda 19A-D & 20A-D) and determined that Casillas noted on his DAR that he was driving the same vehicles as Frazier and Flores at the same time that Frazier and Flores logged in driving those vehicles.

I determined from the review of the data, that Casillas' DAR odometer readings on at least six dates were inconsistent with the steady progression of the mileage for Unit #570. Even taking into account that Unit #570's odometer was intermittently unreadable, there is sufficient data to observe a progression of odometer readings in the 86,000 to 90,000 range from September 30, 2013 through June 14, 2014.

I further determined from the review of the data that Casillas' DAR odometer readings on four occasions were inconsistent with the mileage for Unit 582. I also determined from the review of the data that Casillas' DAR odometer readings on two occasions were inconsistent with the mileage for Unit 571 and one time for Unit 527.

I also noted that on several occasions where Casillas indicated on his DAR that he wrote citations, the citation query returned no citations issued by Casillas.

I further noted:

In the November 2013 billing period report, 11 officers worked Stone Garden overtime. Of those, one worked five shifts, one worked four shifts, one worked three shifts, five worked two shifts and three worked one shift. Casillas worked three shifts.

In the December 2013 billing period report, 17 officers worked Stone Garden overtime. Of those 17, one worked 19 shifts, one worked 16 shifts, one worked 11 shifts, one worked 10 shifts, two worked nine shifts, one worked seven shifts, two worked five shifts, two worked four shifts, two worked three shifts, two worked two shifts and one worked one shift. Casillas worked 10 shifts, of which only nine showed up on the billing summary.

In the January 2014 billing period report, 19 officers worked Stone Garden overtime. Of the 19 officers, two worked five shifts, eight worked two shifts, and nine worked one shift. Casillas worked one shift.

In the April 2014 billing period report, 17 officers worked Stone Garden overtime. Of the 17 officers, one worked ten shifts, one worked eight shifts, six worked three shifts, two worked two shifts and seven worked one shift. Casillas worked three shifts.

In the May 2014 billing period report, 10 officers worked Stone Garden overtime. Of those 10, one worked twelve shifts, one worked ten shifts, one worked five shifts, one worked four shifts, two worked two shifts and four worked one shift. Casillas worked two shifts.

In the June billing period report, 13 officers worked Stone Garden overtime. Of those 13 officers one worked nine shifts, one worked eight shifts, one worked five shifts, two worked four shifts, one worked three shifts, two worked two shifts and five worked one shift. Casillas worked two shifts.

A review of the data and spreadsheet revealed that during the above noted time periods, Casillas worked 21 shifts. The following patterns emerged:

I noted that Casillas often engaged in no field activities during Stone Garden shifts. I noted that during four of the 21 shifts where DARs were submitted, Casillas noted no activity. I noted on the remaining dates where Casillas noted he engaged in various field activities including traffic stops, field interviews and arrests, Spillman showed no activity during the hours Casillas worked Stone Garden overtime on nine of 21 dates. On many other occasions, Spillman showed considerably less and different activity than noted by Casillas on his DAR. I noted on one occasions (December 5, 2013), Casillas noted no activity on his DAR and Spillman showed he conducted four traffic stops, wrote three citations and had one flag down. I further noted that the activity noted on Casillas' December 6, 2013 was consistent with Casillas' Spillman activity for December 5, 2013, a date which Casillas noted no activity on his DAR.

A review of the Casillas' narratives revealed that about 50 percent of the time his narratives were different from day to day. The rest of the time, his narratives were the same from two to four days. I noted that the same narrative was used for November 6 and 8, 2013; December 14 and 15, 2013; November 30, December 16, 19, 20 and 25, 2013; and May 30 and June 13, 2014.

I further noted that on several occasions, Casillas worked Stone Garden overtime shifts that were not included in an operation plan. The most obvious time was during the month of May 2014 when Casillas worked two Stone Garden shifts. The only operations plan I was provided that included May 2014 was for Operation Mountain Top. It was published on May 30, 2014 and the details ran from June 1 through September 30, 2014 (Addenda 10UUU-10III).

I noted the following more date specific inconsistencies and issues:

November 2013 (Addenda 12A-K)

November 6, 2013

Casillas worked a four hour Stone Garden shift from 1500 to 1900 hours. November 6, 2013 was a Wednesday. Casillas' DAR indicated he drove Unit #570, Ford Crown Victoria, for 20 miles. The odometer readings were 137796-137859, which is actually 63 not 20 miles. The investigation revealed that Unit#570 has intermittent odometer visibility issues and in November 2013, other employees reported mileage in the amount of 86820 to 87177 (Addendum 30A-B). Moreover, a review of other DAR's and information from the same day revealed that Victor Flores submitted a DAR for Stone Garden overtime worked that day(Addendum 20A-D) from 1500-1900 hours (the same shift as Casillas). His DAR showed that he was driving Unit #570 and his odometer readings were 86212-86227 for a total of 15 miles. Neither Casillas nor Flores noted on their DAR's that they were working with one another. I noted that Casillas drove Unit #570 on November 30, 2013 and Casillas noted that his odometer readings were 87175-87187. I further noted that Casillas' mileage on November 6 and 8 is totally inconsistent with prior and subsequent odometer readings and his own reading on November 30, 2013. Additionally, Casillas showed driving a vehicle that someone else indicated they were driving at the exact same time. The fact that Casillas' odometer readings for Unit #570 were so inconsistent with the progression for that unit and the Flores' odometer readings were consistent indicates that it is more likely than not that Flores' odometer readings were the accurate ones and therefore, suggests falsification of the vehicle, the mileage and the odometer readings by Casillas. Also, Casillas noted on his DAR that he wrote four citations, conducted eight field interviews and five traffic stops. Spillman showed only one incident for Casillas that day; one patrol check at 2:50 a.m. which was not within his submitted Stone Garden shift. The citation query returned no citations written by Casillas (Addendum 23C). Casillas' narrative was the same as the November 8, 2013 narrative with the exception of the number of traffic stops. However, the comment "no field interviews or arrests were conducted" was

included in the narrative when in his activity he indicated he conducted eight field interviews. I received no operations plans that included November 6, 2013. Casillas' time card revealed a clock in but no clock out time.

November 8, 2013

Casillas worked a four hour Stone Garden shift from 1500 to 1900 hours. November 8, 2013 was a Friday. Casillas' DAR indicated he drove Unit #570, Ford Crown Victoria, for 20 miles. The odometer readings were 13859-13879. The time, Unit, mileage and narrative were exactly the same information as was on Casillas' DAR on November 6, 2013. The same analysis applies for this date. The investigation revealed that Unit #570 has intermittent odometer visibility issues and in November 2013, other employees reported mileage in the amount of 86820 to 87177 (Addend 30A-B). I also noted that Casillas drove Unit #570 on November 30, 2013 and Casillas noted that his odometer readings were 87175-87187. I further noted that Casillas' mileage on November 6 and 8 is totally inconsistent with prior and subsequent odometer readings and his own odometer reading for the same vehicle on November 30, 2013. The fact that Casillas' odometer readings for Unit #570 were so inconsistent with the odometer progression for that unit and that Flores' odometer readings on November 6, 2013 where he showed driving the same vehicle during the same exact hours, were consistent, indicates that it is more likely than not that Flores' odometer readings were the accurate ones and therefore, suggests falsification of the mileage and the odometer readings by Casillas. Also, Casillas noted on his DAR that he wrote eight citations, conducted eight field interviews and five traffic stops. Spillman showed only one incident for Casillas that day; one patrol check at 2:50 a.m. which was not within his submitted Stone Garden shift. Spillman showed Casillas conducted five traffic stops and one "close patrol." Casillas' narrative was the same as the November 6, 2013 narrative with the exception of the number of traffic stops. However, the number of violations (four) was the same on the DAR even though he noted in his activity that he wrote eight citations. Moreover, the comment "no field interviews or arrests were conducted" was included in the narrative when in his activity he indicated he conducted eight field interviews. I received no operations plans that included November 8, 2013.

November 30, 2013

Casillas worked an eight hour Stone Garden shift from 1500 to 2300 hours. November 30, 2013 was a Saturday. Casillas' DAR indicated he drove Unit #570, Ford Crown Victoria, for 15 miles. The odometer readings were 87175-87187 which actually calculates to 12 miles not 15 miles. The investigation revealed that Unit #570 has intermittent odometer visibility issues and in November 2013, other employees reported mileage in the amount of 86820 to 87177 (Addenda 30A-B). I also noted that Officer McEntire drove Unit #570 during a regular shift on November 28, 2013 (two days prior to Casillas driving it) and the mileage start odometer reading was 87177 (Addendum 25GG). I further noted that McEntire's odometer reading had been corrected on the log. I then noted that on December 2, 2013, Flores showed driving Unit #570 for a regular shift and the mileage was 87187.3 (Addendum 25HH) which is

consistent with McEntire's mileage being as corrected at 87177. Given the findings from the prior dates and the miscalculation of the mileage, it is more likely than not that Casillas' odometer readings are the inaccurate readings and again suggests falsification of the information on the DAR. Also, Casillas noted on his DAR that he conducted eight field interviews and five traffic stops. Spillman showed no activity for Casillas during his Stone Garden shift. Furthermore, Casillas noted in his narrative that he "conducted four interviews, no arrests were conducted" when he noted in his activity that he conducted eight field interviews. Also, I noted that on November 29, 2013, Casillas worked overtime for Officer Salinas from 1900 to the next morning on November 30, 2013 at 0700. Casillas then returned to work at 1500 hours to work the Stone Garden shift. He clocked in at 3:04 p.m. but failed to clock out. I noted that his time card showed Casillas worked 20 hours in one day. Casillas actually worked 16 hours in a 24 hour period thus, he was not in violation of the limitation of 16 hours worked (Addend18I-L). Casillas' narrative indicated he conducted patrol checks and also foot patrol at the Gran Plaza. Per the operations plans, the Gran Plaza detail was cancelled for November 30, 2013 (Addendum 10Z). The highway interdiction detail had two officers working per day for 10 hour shifts from 1100-2100. The holiday enforcement detail also had two officers working per day for 10 hour shifts from 1100-2100. Therefore, Casillas worked two hours outside of any operation plan that was scheduled for the date.

December 2013 (Addenda 13A-BB)

December 4, 2013

Casillas worked a three and one half hour Stone Garden shift from 1530 to 1900 hours. December 4, 2013 was a Wednesday. His DAR showed he drove Unit #580, Crown Victoria, with an odometer reading of 59975-59982. Casillas' shift for this date was not included in the December 2013 billing summary. Casillas logged on with Unit #580 and a beginning mileage of 59935 which is different than the odometer reading noted on his DAR. Casillas noted that he conducted three vehicle stops, issued two citations and conducted two field interviews. Spillman showed that he conducted two traffic stops and one vehicle burglary call. The citation query showed that Casillas wrote two citations during his Stone Garden shift at 1710 and 1745 hours respectively. Casillas' time card showed that he did not clock out for his Stone Garden shift.

December 5, 2013

Casillas' DAR showed he worked a four hour Stone Garden shift from 1300-1900 hours. However, 1300-1900 is actually six hours. A review of Casillas' overtime slip showed that he worked from 1500-1900, for a four hour period. His timecard showed he started watch on December 5, 2013 at 3:29 p.m., 30 minutes later than his overtime slip indicated. There was no clock out time stamp. Casillas' DAR showed he drove Unit #571, a Crown Vic. He did not indicate any mileage or odometer readings. The mileage log (Addendum 26B) showed that he logged on with a different vehicle, Unit #580 with a log on odometer reading of 59892 which is a greater odometer mileage than the

ending mileage for Unit #580 from December 4, 2014 where Casillas advised Dispatch that he was driving Unit 580 with a mileage of 59935 (Addendum 25HH). Casillas' DAR shows no operational activities. However, his Spillman run showed he conducted four traffic stops, wrote three citations and handled one flag down.

December 6, 2013

Casillas' DAR indicated he worked a four hour Stone Garden shift. However, his DAR did not show the hours he worked. His overtime slip showed he worked from 1505-1905 hours. Casillas noted he drove Unit #580, Crown Vic. He did not note the mileage or odometer readings. The mileage logs showed that Casillas was driving Unit 571 for Stone Garden and his beginning mileage was 85900 (Addendum 26B). Casillas noted that he conducted four vehicle stops and three citations were issued. Spillman showed no activity for Casillas during his Stone Garden shift. Casillas' narrative indicated he cited three drivers for vehicle code violations. The citation query returned no citations written by Casillas. I opined that this DAR may actually be the December 5, 2013 DAR and the dates on the two DAR's were incorrectly entered, December 5 actually being December 6 and December 6 actually being December 5, 2013.

December 14, 2013

Casillas worked a six and one half hour Stone Garden shift from 1300 to 1930 hours. His DAR showed he was driving Unit #582, a Ford, Crown Vic. His odometer readings were 97000-97011. He drove 11 miles. I noted on the mileage log that the beginning odometer readings for Unit #582 in December 2013 were in the 85,000-86,000 range. On December 15, 2013 Frazier shows driving 582 for a regular shift. His beginning mileage was 85765 (Addendum 26D). On December 28, 2013, Frazier showed driving 582 for a regular shift with a mileage of 86134 (Addendum 26G). Other mileage log entries were consistent with Frazier's suggesting that Casillas falsified his DAR. Casillas noted that he conducted three vehicle stops. Casillas' narrative indicated he had 16 pedestrian contacts, the same number as on December 15, 2013. Spillman showed no activity for Casillas. I noted that the narrative on Casillas' DAR was the exact same narrative as December 15, 2013. I further noted that for this date, there was one time stamp at 9:00 a.m. but, no other time stamps for the Stone Garden shift.

December 15, 2013

Casillas worked a 12 hour Stone Garden shift from 1200 to 0000 hours. December 14, 2013 was a Saturday. His DAR showed he was driving Unit #582, a Ford, Crown Vic. His odometer readings were 97011-97027; follow on readings from December 14, 2013. He drove 16 miles. I noted on the mileage log that the beginning odometer readings for Unit #582 in December 2013 were in the 85,000-86,000 range. On December 15, 2013 Frazier shows driving Unit #582 for an eight hour overtime shift starting at 7:00 a.m. His beginning mileage was 85765 (Addendum 26D). Therefore, per Casillas' DAR he was driving the same vehicle Frazier was driving for three hours that Frazier was driving Unit 582. Also, on December 28, 2013, Frazier showed driving Unit #582 for a regular shift with a mileage of 86134 (Addendum 26G). Other mileage

log entries were consistent with Frazier's suggesting that Casillas falsified his DAR. Casillas noted that he conducted three vehicle stops. Casillas' narrative indicated he had 16 pedestrian contacts, the same number as on December 14, 2013. Spillman showed a patrol check at 22:53 hours. I noted that the narrative on Casillas' DAR was the same narrative as December 14, 2013. Per the operations plans, the highway interdiction detail had two officers working per day for 10 hour shifts from 1100-2100. The holiday enforcement detail also had two officers working per day for 10 hour shifts from 1100-2100. Therefore, Casillas worked three hours in excess of the scheduled shifts.

December 16, 2013

Casillas worked an 11 hour Stone Garden shift from 1300 to 0000 hours. His DAR showed he was driving Unit #582, a Ford, Crown Vic. His odometer readings were 91110-91120. These readings are 6,000 miles fewer than his previous 2 day's readings where he noted he was driving the same vehicle. He drove 10 miles. I noted on the mileage log that the beginning odometer reading for Unit #582 in December 2013 was in the 85,000-86,000 range. On December 15, 2013 Frazier shows driving Unit #582 for a regular shift. His beginning mileage was 85765 (Addendum 26D). On December 28, 2013, Frazier showed driving 582 for a regular shift with a mileage of 86134 (Addendum 26G). Other mileage log entries were consistent with Frazier's suggesting that Casillas falsified his DAR. Casillas' DAR narrative was the same as his DAR narrative for November 30, 2013. Casillas noted in his activities that he conducted eight field interviews. In his narrative, Casillas noted that he conducted four field interviews and no arrests were conducted. Spillman showed that he conducted two pedestrian checks. Per the operations plans, the highway interdiction detail had two officers working per day for 10 hour shifts from 1100-2100. The holiday enforcement detail also had two officers working per day for 10 hour shifts from 1100-2100. Therefore, Casillas worked three hours in excess of the scheduled shifts.

December 17, 2013

Casillas worked a four hour Stone Garden shift from 1500 to 1900 hours. His DAR indicated he was driving Unit #582, Ford Crown Victoria. His odometer readings were 91120-91123. He drove three miles. His odometer readings were follow-on readings to his December 16 mileage which were both 6,000 miles fewer than his December 14 and 15, 2013 odometer readings. Moreover, Casillas logged on for a Stone Garden shift on December 17, 2013 with a different vehicle, Unit 581 and 91079 as his beginning odometer reading (Addendum 26E). Mileage log readings for Unit #581 in mid-December were in the 91,000 range. I further noted on the mileage log that the beginning odometer reading for Unit #582 in December 2013 was in the 85,000-86,000 range. On December 15, 2013, Frazier shows driving Unit #582 for a regular shift. His beginning mileage was 85765 (Addendum 26D). On December 28, 2013, Frazier showed driving 582 for a regular shift with a mileage of 86134 (Addendum 26G). Other mileage log entries were consistent with Frazier's. All of the data suggests that Casillas falsified his vehicle and odometer readings on his DAR. With the exception of the last

sentence, Casillas' narrative was the same narrative as his December 16, 2013. Casillas noted that he issued one citation, conducted four field interviews, participated in one narcotics seizure and completed one crime report. Spillman noted one traffic stop for Casillas.

December 19, 2013

Casillas worked an eight hour Stone Garden shift from 1500 to 2300 hours. December 19, 2013 was a Thursday. His DAR indicated that he worked on December 18, 2013. However, a review of his time card and overtime slips showed he actually worked on December 19, 2013. His DAR further showed that Casillas drove Unit #570, Ford Crown Victoria for 10 miles. His odometer readings were 87187-87193 which actually calculates out to six not 10 miles. I noted in the mileage logs that Unit #570 driven by McEntire on December 4, 2013 (15 days prior) was 87276 (Addendum 25HH). Also, on December 19, 2013 from 1500 to 1900 hours, at the same time Casillas was driving it, Unit #570 was driven by Flores for a Stone Garden shift. The odometer reading on Flores' DAR was 87342.7 to 87357 (Addendum 13M). The mileage log showed Flores worked a regular shift and a Stone Garden shift on that day. The first (which was indicated as a "S/G" shift) showed a starting mileage at 87335.4 and the second which indicated as a Beat 3 shift, showed a starting mileage at 87342.7 (Addendum 26E). I reviewed Flores' time card and noted that he worked a regular graveyard shift on December 18, 2013 (Addendum 20C). He clocked in at 6:30 p.m. and out at 7:00 a.m. the next morning on the 19th. He showed clocking back in at 2:23 p.m. and out the following morning on December 20, 2013 at 7:00 a.m. Therefore, Flores was driving Unit 570 the entire time that Casillas indicated he was driving the same vehicle. However, Casillas' odometer reading was approximately 150 miles less than Flores' readings. Flores' readings were in a consistent progression from the December 4, 2013 odometer reading by McEntire. These mileage readings suggest that Casillas' odometer readings of 87187-87193 were falsified. I further noted that Casillas used the same DAR narrative as he did on November 30, December 16 and December 19, 2013. Casillas' DAR activity indicated he issued one citation, conducted four field interviews and four traffic stops. Spillman showed only one incident for Casillas. It was a fire. The citation query returned no citations written by Casillas. Casillas' time card revealed a time stamp at 2:57 p.m. There was no clock out. Additionally, per the operations plans, the highway interdiction detail had two officers working per day for 10 hour shifts from 1100-2100. The holiday enforcement detail also had two officers working per day for 10 hour shifts from 1100-2100. Therefore, Casillas worked three hours in excess of the scheduled shifts.

December 20, 2013

Casillas worked a four hour Stone Garden shift from 1530 to 1930 hours. December 20, 2013 was a Friday. His DAR indicated that he drove Unit #570, Ford Crown Victoria for eight miles. His odometer reading was 87210 to 87218. I noted in the mileage logs that Unit #570 driven by McEntire on December 4, 2013 (15 days prior) was 87276 (Addendum 25HH). Also, on December 19, 2013 from 1500 to 1900 hours, Unit #570

was driven by Flores for a Stone Garden shift. The odometer reading on Flores' DAR was 87342.7 to 87357 (Addendum 13M). The mileage log showed Flores worked a regular shift and a Stone Garden shift on that day. The first (which was indicated as a "S/G" shift) showed a starting mileage at 87335.4 and the second which indicated as a Beat 3 shift, showed a starting mileage at 87342.7 (Addendum 26E). Casillas' odometer reading was approximately 140 miles less than either of Flores' readings. Flores' readings were in a consistent progression from the December 4, 2013 odometer reading by McEntire. These mileage readings suggest that Casillas' odometer reading of 87210-87218 were falsified. Casillas noted in his DAR that he issued one citation, four field interviews and 4 traffic stops, the exact same activity as December 19, 2013. Spillman showed no activity for Casillas during his Stone Garden shift. The citation query returned no citations written by Casillas. Additionally, Casillas' narrative was the exact same narrative as his November 30, December 16 and December 19 narratives. I noted on his time card that his time stamp was 3:29 p.m.; there was no other time stamp for December 20, 2013.

December 25, 2013

Casillas worked a four hour Stone Garden shift from 1500 to 1900 hours. December 25, 2013 was a Wednesday. His DAR indicated he drove Unit #570 for eight miles. His odometer reading was 87210-87218. Casillas' vehicle, mileage and odometer reading were the same as his December 20, 2013 DAR. The mileage log showed that Casillas drove a different unit for Stone Garden, Unit #580 with a starting mileage of 613110 (Addendum 26G). Also, on December 25, 2013 from 0700-1100 hours, four hours before Casillas started his shift; Unit #570 was driven by Flores for a Stone Garden shift. The odometer reading on Flores' DAR was 87357 to 87377 (Addendum 13M). Casillas' odometer reading was approximately 140 miles less than Flores' readings. Furthermore, I noted in the mileage logs that Unit #570 driven by McEntire on December 4, 2013 (15 days prior) was 87276 (Addendum 25HH). Flores' readings were in a consistent progression from the December 4, 2013 odometer reading by McEntire. These mileage readings suggest that Casillas' odometer readings of 87210-87218 were falsified. Casillas noted in his DAR that he issued one citation, four field interviews and 4 traffic stops, the exact same activity as December 19 and 20, 2013. Spillman showed no activity for Casillas during his Stone Garden shift. Additionally, Casillas' narrative was the exact same narrative as his November 30, December 16 and December 19, 2013 narratives. I noted on his time card that his time stamp was 3:29 p.m.; there was no other time stamp for December 25, 2013.

January 2014 (Addenda 14A-F)

January 15, 2014

Casillas worked an eight hour Stone Garden shift from 0700 to 1500 hours. Casillas showed working with Officer Navarro. Casillas and Navarro submitted different DARs with different information. Navarro's DAR showed that he worked from 0730-1530 and drove the same vehicle but with different odometer readings. Casillas indicated he

drove Unit #527 for 20 miles with an odometer reading of 16000-16020. Navarro also drove Unit #527 but his odometer reading was 12700-12746. I noted in the mileage log that Casillas drove Unit #527 for a regular shift on January 14, 2014 and the starting mileage was 12601; which is more consistent with Navarro's odometer readings than Casillas'. Casillas' activity on his DAR showed he conducted two vehicle stops, issued one citation and had three pedestrian contacts. Spillman showed no activity for Casillas. The citation query returned no citations written by Casillas. Navarro noted three vehicle stops and 12 field interviews. The Spillman run showed that Navarro conducted a traffic stop at 7:56 hours with a verbal warning and a patrol check at 10:10 hours at Border Park where two males were contacted. A citation query returned no citations written by Navarro during the shift (Addenda 29A-D). The fact that Casillas indicated on his DAR that he worked with Navarro and the citation query showed no citations for either Casillas or Navarro and that Navarro did not indicate that he wrote any citations suggests that Casillas falsified his DAR by including a citation that neither he nor Navarro wrote.

April 2014 (Addenda 15A-L)

April 10, 2014

Casillas worked a 12 hour Stone Garden shift from 0600 to 1800 hours. Casillas' DAR indicated he drove the white, Crown Vic for 52 miles. I noted that the next two Stone Garden shifts, Casillas noted he drove 52 miles. I further noted that Casillas worked with Sergeant German Duran. Casillas' activity for the 12 hour period showed 1 Felony PC Arrest. Spillman did not show any activity for Casillas. I reviewed the April 2014 Stone Garden posted schedule which indicated there were two slots open for each day in April 2014 (one officer each time slot). One time slot was for 0700-1500. The other was from 1400-2200. Therefore, Casillas did not work either designated shifts. On his overtime slip Casillas noted he was working a furlough day. A Spillman run also revealed that Duran did not show any activity for the shift.

April 13, 2014

Casillas worked a six hour Stone Garden shift from 2000-0200 hours. Casillas noted that he was driving a Black Chevy Tahoe, drove 52 miles and his odometer reading was 7995-8047. I noted that these were the exact odometer readings for the same vehicle as noted on Casillas' April 14, 2014 DAR for Stone Garden overtime. Casillas noted that he drove 52 miles on the previous Stone Garden shift as well as the shift on April 14, 2014. I noted that Casillas worked with Sergeant German Duran. Casillas' activity for the six hour period showed 1 Felony PC Arrest. Spillman showed Casillas had a Drug activity at 2218 hours. I further reviewed the April 2014 Stone Garden posted schedule which indicated there were two slots open for each day in April 2014 (one officer each time slot). One time slot was for 0700-1500. The other was from 1400-2200. Therefore, Casillas did not work either designated shifts.

April 14, 2014

Casillas worked a seven hour Stone Garden shift from 1600-2300. Casillas noted that he was driving a Black Chevy Tahoe, drove 52 miles and his odometer reading was 7995-8047, the exact same odometer reading and mileage as the prior day. This suggested at the least sloppy reporting and possibly falsification of the report. I noted that Casillas worked with Sergeant German Duran. Casillas' activity for the seven hour period showed 1 Felony PC Arrest. Spillman did not show any activity for Casillas. I further reviewed the April 2014 Stone Garden posted schedule which indicated there were two slots open for each day in April 2014 (one officer each time slot). One time slot was for 0700-1500. The other was from 1400-2200. Therefore, Casillas did not work either designated shifts and worked in excess of one hour of the designated shifts.

May 2014 (Addenda 16A-G)

May 12, 2014

Casillas worked a nine hour Stone Garden shift from 0800 to 1700 hours. Casillas noted that he was drove Unit #571 for 15 miles from 86361 to 86435. Those odometer readings actually calculate to 74 miles. They are also the identical unit, mileage and odometer readings that Casillas noted on his May 30, 2014 and June 13, 2014 DARs. Furthermore, I noted in the mileage logs that almost a month prior on April 19, 2014 (Addendum 26TT), Fraker drove Unit #571 for a regular shift and noted the beginning mileage to be 87363. Thereafter, I noted a continuous progression of odometer readings. On April 20, 2014, Fraker noted a reading of 87429 (Addendum 26UU). On April 21, 2014, Fraker noted a reading of 87483. On May 6, 2014, Dominguez noted a reading of 87725 (Addendum 26ZZ). On May 13, 2014, Dominguez noted an odometer reading of 87853 (Addendum 26BBB). This data suggests that Casillas falsified his odometer readings. Casillas showed no activity on his DAR. Spillman showed he conducted a follow-up at 9:42 a.m. I found no operation plans for this date.

May 30, 2014

Casillas worked a nine hour Stone Garden shift from 0730-1630 hours. Casillas noted that he drove Unit #571 for 15 miles with an odometer reading of 86361-86435, the same readings from May 12 and June 13, 2014. Those odometer readings actually calculate to 74 miles. Furthermore, I noted in the mileage logs that almost a month prior on April 19, 2014 (Addendum 26TT), Fraker drove Unit #571 for a regular shift and noted the beginning mileage to be 87363. Thereafter, I noted a continuous progression of odometer readings. On April 20, 2014, Fraker noted a reading of 87429 (Addendum 26UU). On May 23, 2014 Orozco drove Unit #571 for a regular shift with a starting mileage of 88901 (Addendum 26EEE). The next time the vehicle shows on the mileage log is June 2, 2014 and was driven by Dominguez with a starting mileage of 88151 (26HHH). This data confirms that Casillas falsified his odometer readings. Casillas showed no activity on his DAR. Spillman showed no activity for Casillas. I also noted that the narrative on Casillas' DAR is the same exact narrative as May 12, 2014 with only a date changed at the beginning. I noted that Casillas' labor distribution does

not show that he received overtime for this date. I found no operation plans for this date.

June 2014 (Addenda 17A-E)

June 13, 2014

Casillas worked a nine hour Stone Garden shift from 0730 to 1630 hours. His DAR shows that he drove a brown Fusion for 15 miles with an odometer reading of 86361-86435 which is the exact same mileage as the two May DARs with Unit #571. Those odometer readings calculate out to 74 miles, not 15. Casillas showed no activity for the shift and Spillman showed no activity for Casillas. Casillas used the same exact narrative as the two May DARs, except that he changed the date. The narrative referred to making contact with the same Border Crime Unit USBP agent Fuentes. There is no data available on the brown Fusion but, the odometer readings and the narrative suggests falsification of the DAR. Moreover, there was only one operation plan for June 2014; Operation Mountain Top. The operation plan showed two eight hour patrol officer shifts per day; one at 1200-2000 hours and the other from 1600-2400 hours. There were also Traffic Controller and Dispatcher details per day. I further noted that there was a comment in the operation plan that stated that "at the end of the operation you shall have completed the entire Stone Garden Daily Activity Report and Code it as "Mountain Top Operation" and attached them to the Overtime sheet. If there is any incomplete form turned in or you failed to turn in the form, you will be in violation of Calexico Police Department Policy Section: 344.1.1-Report Preparation" (Addenda 10UUU-10III). Casillas did not note on his overtime slip or his DAR that he was working Mountain Top Operation. His narrative was not consistent with the mission of Operation Mountain Top. His hours were four and one half hours before the scheduled Operation Mountain Top shift.

June 30, 2014

Casillas worked a four hour Stone Garden shift from 1700 to 2100 hours. I was unable to locate a DAR for this date. Casillas submitted an overtime slip for 1700-2100. Casillas noted on his overtime slip that he worked Stone Garden/656 Lincoln, Code 5. A Code-5 is a stake-out or surveillance. Per M. Gomez, no DAR was submitted but, that Casillas worked with Sergeant G. Duran that date. According to his time card, Casillas was paid for the time but the information was not included in the billing summary because Casillas did not submit a DAR as required. Per Duran's DAR, Duran showed driving the black Chevy Tahoe, an unmarked vehicle. The odometer reading was exactly as the previous date for Duran, 12587-12642. Duran's activity for the eight hour period showed 1 Felony PC Arrest. Spillman showed no activity for Casillas on June 30, 2014. According to Operation Mountain Top (Addenda 10UUU-III), all personnel were required to wear a Class A or Class B Uniform. No other uniform was authorized. Officers were to drive marked units. Two shifts with one officer each shift was authorized from June 1, 2014 through September 30, 2014. The shifts were 1200-2000 and 1600-2400. No other Stone Garden overtime was authorized. Per the

Operation Mountain Top notice, officers working the detail were required to note that they were working Operation Mountain Top. There was an admonishment that stated that "if there is any incomplete form turned in or you failed to turn in the form you will be in violation of Calexico Police Department Section 344.1.1- Report Preparation. Moreover, a surveillance or stake-out at 656 Lincoln was not an authorized Operation Mountain Top activity.

Allegations

Based on a review of the policies, the following allegations were considered:

Allegation 1: On or about November 8, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 2: On or about November 30, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 3: On or about December 4, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 4: On or about December 14, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 5: On or about December 19, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 6: On or about December 20, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 7: On or about December 25, 2013, Officer Luis Casillas failed to accurately complete his payroll records when he failed to "clock out" on his time

card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 8: On or about January 15, 2014, Officer Luis Casillas failed to accurately complete his payroll records when he failed to “clock in” on his time card in violation of Calexico Police Department Policy 1036.1.1 – Responsibility for completion of Payroll Records and 340.3.5 (c), (e), (m), (t), and (ab).

Allegation 9: On or about December 5, 2013 Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 1038.3. Accounting for Overtime Worked and 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 10: On or about December 25, 2013 Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 1038.3. Accounting for Overtime Worked and 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 11: On or about November 30, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 12: On or about December 15, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 13: On or about December 16, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 14: On or about December 19, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 15: On or about April 10, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 16: On or about April 13, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 17: On or about April 14, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 18: On or about May 12, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 19: On or about May 30, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 20: On or about June 13, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime

guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 21: On or about June 30, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents that he knew or should have known was in violation of federal Stone Garden overtime guidelines and thereafter, accepted compensation for federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m),(n), (o), (p), (t), (aa) and (ab).

Allegation 22: On or about November 6, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 23: On or about November 8, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 24: On or about November 30, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for eight hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 25: On or about December 4, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for three and one half hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 26: On or about December 5, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 27: On or about December 6, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 28: On or about December 14, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for six and one half hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 29: On or about December 15, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for 12 hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 30: On or about December 16, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for 11 hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 31: On or about December 17, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 32: On or about December 19, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for eight hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 33: On or about December 20, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete

and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 34: On or about December 25, 2013, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 35: On or about January 15, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for eight hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 36: On or about April 10, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for 12 hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 37: On or about April 13, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for six hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 38: On or about April 14, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for seven hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 39: On or about May 12, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for nine hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 40: On or about May 30, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for nine hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 41: On or about June 13, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for nine hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 42: On or about June 30, 2014, Officer Luis Casillas submitted an official Department overtime report and required supporting documents for overtime that he knew or should have known contained inaccurate, incomplete and/or false information and thereafter, accepted compensation for four hours of federal Stone Garden overtime in violation of Calexico Police Department Policy 340.3.5 (c), (i), (m), (n), (o), (p), (t), (aa) and (ab).

Allegation 43: On or about January 29, 2015, Officer Luis Casillas made false and/or misleading statements during a work-related investigation interview in violation of Calexico Police Department Policy 340.3.5 (p) and (ad).

Allegation 44: From November 6, 2013 through June 30, 2014, Officer Luis Casillas engaged in a pattern of overtime abuse in violation of Calexico Police Department Policy 340.3.5 (t) – Misappropriation or misuse of public funds and (n) – Work-related dishonesty.

Witness Interviews

Alarcon, Rudy, Sergeant, Calexico Police Department, City of Calexico

I interviewed Sergeant Rudy Alarcon, Identification No. 515, on Wednesday, July 16, 2014 at 12:17 p.m., at 608 Heber Avenue, Calexico. The interview was digitally recorded on Digital Record No. 140716-003. Also present in the interview was Investigator Jeri Weinstein, Norman A. Traub Associates. Present as Alarcon's employee representative was Earl Dove, Esq., an attorney with Adams, Ferrone and Ferrone. Alarcon was given a Lybarger admonishment.

Alarcon stated that he has been a sergeant in the Calexico Police Department since December 2013. He has worked for the Calexico Police Department for 13 years and some months. Prior to Calexico Police Department, Alarcon volunteered as an explorer with the California Highway Patrol for approximately four to five years. Prior to law

enforcement, Alarcon was in the Marine Corps until 2002. Alarcon's MOS was 0811. He was a sergeant artilleryman. Alarcon received leadership courses in the Marine Corps but not in the police department.

Alarcon said that the overtime policy as he understands it is that it needs to be justified and a need for it. Alarcon said that he has been in charge of the Stonegarden federal grant overtime. Alarcon said that the number of slots available was posted on the board; in this case it was for three officers and a dispatcher. Selection is based on seniority. Alarcon said that everyone gets to see it and choose the day that fits their schedule.

Alarcon denied that any overtime is granted to individuals before it's posted on the board. Alarcon said that it is posted by a sergeant or a lieutenant. Sergeants Legaspi and Uriarte and Lieutenants Serrano and Gerardo have also posted Stone Garden overtime.

Alarcon said the policy of posting the overtime has been in practice for about a year. Alarcon said the policy changed under Tabarez because under Neujahr, Neujahr handpicked who would work overtime or he would give it to specific officers and they got to choose who would work with them that day on their assignment. Alarcon said that the POA expressed a concern that overtime was not being shared equal for all the officers.

Alarcon said that justified overtime is for backfill, court, fill in for vacation, and fill in for sick and special details. Sometimes, extended watch is justified. Alarcon said the maximum number of hours a day an officer can work on overtime is 16 hours but, when he was assigned to Narcotics, there were times when they worked more than 16 hours. Alarcon did not see anything in the policy limiting the number of days in a row an employee can work on overtime.

Bielma, Joe, Police Commissioner, Calexico Police Department, City of Calexico

I interviewed Police Commissioner Joe Bielma on Tuesday, December 17, 2013, at 12:17 p.m., at 8100 La Mesa Boulevard, La Mesa. The interview was digitally recorded on Digital Record No. 131217-002.

Bielma has been a Police Commissioner for the Calexico Police Department for approximately three months and is currently employed as a Special Investigator for the Department of Homeland Security conducting background investigations. Bielma has held this job for the last three years. Bielma also worked for the Imperial Police Department and Calexico Police Department for a total of 20 years, retiring at the rank of sergeant from the Imperial Police Department. Bielma was a Police Explorer with the Calexico Police Department from age 12 to 20 or 21.

Bielma stated the Calexico Police Department officers and sergeants would all go to sleep after about 2:00 a.m. The sergeant, who Bielma did not name, would sleep in the sally port and the officers would find a place to sleep or go home to sleep. That sergeant would then work overtime to finish the work he did not complete while he was sleeping, earning himself the nickname Embezzlement for using overtime money provided by the Stonegarden Program of the Border Patrol. West would not sleep, but would continue to work. West was threatened and told that he needed to stop working or "the boys were gonna get mad at him." West continued to work but no one would back him up. Bielma said that West jokingly asked Bielma if Bielma would work patrol with him because he needed backup. Bielma said West would call Bielma in the middle of the night to ask advice because West's sergeant was not available.

Ceja, Manuel, Police Officer, Calexico Police Department, City of Calexico

I interviewed Police Officer Manuel Ceja, Identification No. 536, on Wednesday, June 4, 2014 at 10:00 a.m., at 608 Heber Avenue, Calexico. The interview was digitally recorded on Digital Record No. 140604-002.

Ceja started working as a police officer for the City of Calexico in March 2006. He has worked in patrol, traffic and as a motor officer. His last position was as an investigator/detective. Prior to working for Calexico, Ceja worked as a police officer with the Chula Vista Police Department (PD) for 18 months and then as a police officer for the La Mesa PD for one year. Ceja had been on administrative leave since September 13, 2013 [REDACTED]

Note: Ceja has since returned to work.

Ceja said that Sergeant Duran is in charge of certain overtime details. Although there are no rules about overtime distribution, traditionally, a list of overtime opportunities is taped in the briefing room and it is first come, first served. However, before Duran posted the list, Duran would hand select officers that were his favorites, who Ceja once was, and ask them if they could work certain details. Ceja said that absolutely and without a doubt if you were in with Duran you would get more overtime and if you were out you were not allowed to get overtime. Ceja also said that he was allowed to work two days in a row of overtime because he was favored and those who were not were not allowed to work two days of overtime in a row. Ceja said that officers who are out of favor with Duran are Salinas, Marin and guys that Duran disliked.

Gerardo, Gonzalo, Lieutenant, Calexico Police Department, City of Calexico

I interviewed Lieutenant Gonzalo Gerardo, Identification No. 504, on Thursday, January 16, 2014, at 12:00 noon, at 211 West Aten Road, Imperial. The interview was digitally recorded on Digital Record No. 140116-003. Gerardo was again interviewed on

Wednesday, July 30, 2014, at 5:10 p.m., at 8100 La Mesa Boulevard, La Mesa. The interview was digitally recorded on Digital Record No. 140730-002.

Gerardo has worked for the Calexico Police Department for more than 22 years. He started as a police officer, promoted to sergeant in 2001, and promoted to lieutenant in 2008. Gerardo was promoted to lieutenant under Chief Neujahr. Gerardo was a police reserve for Calexico for a year and a half prior to being hired full-time. In 1987 Gerardo worked as a Level 1 ranger for the Department of Justice, Bureau of Narcotic Enforcement, Kemp Program, against marijuana planting in Eureka.

Gerardo stated Calexico Police Department got a new Chief of Police, Tabarez, in June 2013. Gerardo was the Acting Chief of Police and said the City never told the Department when they were going to hire Tabarez. Then, one day Gerardo received a telephone call that Tabarez was being sworn in as Chief. At Tabarez' swearing in ceremony were Sergeant Duran, Sergeant Duran's wife Lilly Duran, Police Officer Association (POA) President Rudy Alarcon, and City Councilman Castro. Neither Lieutenants Gerardo and Serrano nor the Executive Assistant to the Chief of Police Martha Gomez had prior knowledge of the swearing in.

On Tabarez' second day at work, Serrano and Gerardo went to El Centro. While there, they received a text message from Gomez that said she was giving them a heads up that they were going to hate what was going on. When they returned, Tabarez had put out a memo saying that Sergeant Duran was moved out of patrol and was now in charge of the investigations unit. Gerardo said this did not make sense because there were four patrol teams and only four patrol sergeants, and Gerardo was in charge of investigations.

Gerardo said there was no overtime policy. He stated there were Stone Garden sign-up sheets, but Uriarte, Alarcon, and Duran did not follow the Stone Garden protocol; they would just come in and work all the overtime they wanted. Gerardo said that their activity sheets for Stone Garden, compared to other people, show no activity. They only indicate how much gasoline they used and how many miles they drove, but never any tickets, field interviews, or reports. Gerardo said they sit in their offices watching television on the computer. Gerardo said he did not think the federal government audited the activity sheets because if they did they would put a stop to the Stone Garden money and make the Department pay everything back. Gerardo indicated it was theft of public funds because they were not doing anything to earn the money.

Legaspi, Victor, Sergeant, Calexico Police Department, City of Calexico

Legaspi was interviewed on Thursday, July 31, 2014, at 5:14 p.m. The interview was recorded on Digital Tape Record No. 140731-005.

Legaspi stated Stone Garden is a grant allocated by the US government to the Border Patrol. The officers generally work eight-hour shifts, and a memo is posted with the dates and times for the shifts. Legaspi stated not everyone follows the times, with the biggest violators being sergeants. Legaspi said the sergeants show up when they want, say they are working Stone Garden, and complete overtime slips. The overtime slips are signed off by the lieutenants because the sergeants already worked so they must be paid.

Legaspi stated everyone has the opportunity to work overtime. He said the overtime is posted on the board with time periods for the officers to sign up. Legaspi said they try to control it so one person does not sign the entire sheet, but there is the bouncing rule where a senior officer can sign over top of a junior officer. Legaspi said the bouncing rule was agreed upon in a staff meeting. He stated he did not agree to it and thought if an employee signed up the shift should be theirs.

Gomez, Martha, Executive Assistant to the Chief of Police, Calexico Police Department, City of Calexico

I interviewed Executive Assistant to the Chief of Police Martha Gomez on Thursday, January 16, 2014, at 10:15 a.m., at 211 West Aten Road, Imperial. The interview was digitally recorded on Digital Record No. 140116-005. Gomez stated she took prescription cough syrup at 6:00 a.m., but was okay to complete the interview. Gomez was again interviewed on Thursday, July 31, 2014 at 12:26 p.m., at 608 Heber Avenue, Calexico. The interview was recorded on Digital Tape Record No. 140731-003.

Gomez has worked for the Calexico Police Department since 1987. She started under a work-study program for six months and then got called back to a position in evidence. She worked evidence and records before going to administration. She worked part-time until 1990 when she was hired as a full-time employee. Gomez has been the executive assistant to eight Chiefs and she is considered a confidential employee although the City does not recognize that. Gomez has her Associate and Bachelor degrees in psychology and has completed her Master's course work in public administration.

Gomez said she does the billing for the Stone Garden grants at the end of each month. She said she compiles all of the overtime slips that are submitted with the backup report into a spreadsheet. She copies the overtime slips and backup reports, and fills out the appropriate form. She then prepares a cover letter for the Chief to sign. Everything is taken to the Sheriff's Office because the money is funneled through the feds to the Sheriff's Office. They then wait to be awarded the money. Gomez stated under Chief Neujahr the grant money was "a free for all." Gomez said beginning last year they have special details where Serrano submits an operational plan to the Border Patrol for approval. Once it is approved, the sergeant will post the sign-up list for

overtime on a first come first served basis. Gomez said she was not aware of anyone signing up before the list was posted.

Gomez said some officers are very detailed on the backup reports submitted with the overtime slips while others are very generic.

Gomez stated she also does a report for regular overtime by category that is for the City Council. Gomez said there is a lot of lack of manpower overtime, a lot of backfill. Gomez said she knows there has to be a minimum of eight hours between officers' shifts, and she believes there is favoritism in giving out the overtime. Gomez said there are sergeants that can just come in and work whenever they want on their days off, and a few of them have been Stone Garden. Gomez said Uriarte comes in whenever he wants but Gomez did not know if Uriarte was working Stone Garden or not.

Serrano, Jesus, Lieutenant, Calexico Police Department, City of Calexico

I interviewed Lieutenant Jesus Serrano, Identification No. 503, on Thursday, January 16, 2014, at 1:45 p.m., at 211 West Aten Road, Imperial. The interview was digitally recorded on Digital Record No. 140116-004. Serrano was again interviewed on Thursday, July 31, 2014, at 9:02 a.m., at 608 Heber Avenue, Calexico. The interview was recorded on Digital Tape Record No. 140731-002.

Serrano has worked for the Calexico Police Department for 19 years. He started as a police officer, and in 2000 promoted to sergeant. In 2006 or 2007 he promoted again to lieutenant. Prior to joining the Calexico Police Department, Serrano was in the United States Marine Corp. He was active duty from 1989-1993, and in the Reserves from 2001-2004. Serrano earned his Bachelor's degree in Administration of Justice.

Serrano is currently in charge of operations. Serrano stated the Department just hired a new Chief of Police, Tabarez. Before Tabarez, the division of work was one lieutenant had two patrol teams and investigations. The other lieutenant had the other two patrol teams and administrative duties. Serrano said he has heard that the division of work will change under Tabarez and there will be an administrative lieutenant, Lieutenant Duran.

Serrano stated when Tabarez first became Chief, Tabarez dealt only with Duran and did not pay attention to the lieutenants. Tabarez gave more responsibilities to the sergeants without the sergeants reporting to lieutenants. For example, Serrano used to be in charge of training. One day at a staff meeting Tabarez told a sergeant he was now in charge of training. Serrano was upset and told the Chief that he, a lieutenant, used to be in charge of training. Tabarez told Serrano that Serrano could continue to keep his P.O.S.T. access, but all training responsibilities were the sergeant's. Serrano said he also used to review internal affairs investigations but does not have that responsibility any more either. Now, the Chief determines if an internal affairs investigation should take

place. The Chief assigns it to a sergeant for investigation. Then the completed investigation is returned to the Chief. Serrano said Tabarez sets policy and the sergeants develop it and carry it out. Tabarez is cutting out middle management. Serrano felt that if Tabarez was not willing to listen to Serrano then Tabarez did not value Serrano's opinion so Serrano started keeping his opinions to himself.

Serrano stated Stone Garden is a federal grant given by the Border Patrol with the intention of assisting Border Patrol with crime on the border. Serrano said when an employee works Stone Garden they complete a daily activity report showing all activity for the shift and an overtime slip. The employees are supposed to clock in and out and the shifts are usually eight hours. Serrano stated they want employees to clock in and out although it is understandable that people might forget or go end of watch from a location other than the station.

I telephonically re-interviewed Serrano on December 9, 2014 at 12:48 hours. The interview was not recorded. Serrano said that the operational plans that he provided in November 2014 were the only Stone Garden operational plans submitted to him and therefore, the only ones approved to use Stone Garden overtime. Serrano said that from his recall, all of the operations plans that were submitted were for patrol operations and did not include an investigations component. He confirmed that there were no Stone Garden Operation Plans during May 2014. Serrano said that Operation Mountain Top was published on May 30, 2014 but; details did not start until June 1, 2014.

Serrano provided me with copies of all Stone Garden Operations Plans from September 1, 2013 through October 11, 2014 (Addenda 10A-MMMM).

Miramón, Leopoldo, Public Safety Dispatcher, Calexico Police Department, City of Calexico

I interviewed Public Safety Dispatcher Leopoldo Miramon on Thursday, November 20, 2014, at 5:55 p.m., at 420 East Fifth Street, Calexico. The interview was recorded on Digital Tape Record No. 141120-004.

Miramón has been a Dispatcher for the Calexico Police Department for approximately eight years. Prior to working for the Calexico Police Department, Miramon was a Level 1 Reserve Police Officer for approximately 12 years for the City of Imperial while working as a newspaper reporter for the Imperial Valley Press. Before that, Miramon was a police explorer for several years. Miramon earned his GED and a certificate of journalism from Vanderbilt University. Miramon attended some local colleges and has attended numerous trainings for dispatch which certified him as a trainer for dispatch. Miramon completed his reserve officer training at a local college. Miramon stated he

grew up with law enforcement; his brother, cousin, and uncle were all police officers for the City of Calexico.

Miramon stated there are currently nine dispatchers and his immediate supervisor is Carmen Leon. Above Leon is the sergeant on duty and then a lieutenant. Miramon said generally officers in the field provide radio transmissions, send instant messages through the CAD, or text personal cell phones of the dispatchers as a means of communications. The dispatchers then enter the information received from the officers into the CAD. Miramon stated anything that has to do with work that an officer reports to him, including taking lunch or bathroom breaks, he puts into CAD. Miramon said the officers are not required to notify dispatch every time they get out of their patrol vehicle, but use their discretion to maintain officer safety. Miramon stated if an officer was just stopping to talk to a family member or friend they would not notify dispatch. If it was a matter of immediate importance, like being flagged down, they would notify dispatch. Miramon said officers should notify dispatch of traffic stops and field interviews, but it depends on the officer. Miramon stated officers have come into dispatch before and told him they did not call information in because they knew the dispatchers were busy, while other officers notify dispatch of everything they do.

Miramon said when an officer starts their shift they notify dispatch, usually over the radio, of the vehicle they are driving and the starting mileage. Dispatch then manually records the information in a notebook by writing the date, officer's name, vehicle number, unit number, mileage, beat number and the dispatcher's initials. Miramon said the officer tells dispatch which of the four beats they are working: 1) west of the City, west of the railroad tracks 2) north of Fifth Street and east of Mary to Highway 98 3) the border downtown area to Fifth Street, stopping at Mary Avenue and 4) north of Highway 98 to the railroad tracks, west to the east City boundaries. Miramon stated if an officer is working Stone Garden, the information is recorded the same way except instead of a beat number, the dispatcher will indicate SG.

Miramon said originally when officers worked Stone Garden; their duties were to take care of the port of entry and any calls at the port of entry regarding any government-type situation or border patrol situation, so he would dispatch those calls to the Stone Garden officers. Then, it changed to where the Stone Garden officers were just to do preventative patrol, which some officers are very productive at doing and others are not. Miramon stated Stone Garden is patrol so the officers are required to be in uniform and drive a police vehicle. Miramon said the last two years the sergeants have been working Stone Garden, and their role was supposed to be exactly the same as an officer working the detail but the sergeants make their own rules. Miramon stated there were times where Dispatch would have a dispatcher, sometimes Miramon, assigned strictly to Stone Garden officers and the dispatcher would do nothing because the officer would go in service and then dispatch would never hear from him again. Miramon stated there is no requirement to provide an end of watch mileage.

Miramón said the supervisors would request license plate checks and he would give them the requested information because that was protocol. Miramón said dispatch would run everything they asked whether for a good reason or not, dispatch did not know because they were "just dispatch." Miramón stated this frustrated him because he worked as an officer before and knows they are taking advantage of the situation.

Miramón stated he wanted to do something about the situation on the department but said, "How far would I have gotten? Would I still have my job? No, if I complained about it, you know, would these guys have retaliated against me? Would I have been on their hit list? I mean, I'm not stupid." Miramón further stated he was afraid of the department returning to the way it was under Chief Tabarez and it being taken back over the way it was before.

Leon, Carmen, Dispatch Supervisor, Calexico Police Department, City of Calexico

I interviewed Dispatch Supervisor Carmen Leon on Thursday, November 20, 2014, at 5:05 p.m., at 420 East Fifth Street, Calexico. The interview was recorded on Digital Record No. 141120-003.

Leon has worked for the City of Calexico for over 25 years. She started as a dispatcher, and at the time there were maybe five dispatchers for police and fire. Over five years ago, Leon promoted to Dispatch Supervisor where she works all watches on a rotating shift and supervises eight dispatchers. Leon is the only Dispatch Supervisor. Leon completed two years of college.

Leon described the role of dispatcher as receiving all calls including 911 and office calls, dispatching for fire and officers, completing all paperwork for stolen vehicles and missing persons, and running rap sheets. Leon stated the officers have computers with CAD capability in their patrol vehicles but, usually they contact dispatch to do runs for them. Leon stated Dispatch also types everything into CAD including the dispositions.

Leon stated if an officer issues a citation, the officer tells Dispatch and Dispatch puts it into the CAD system. Only if there is an arrest along with the citation will the officer provide Dispatch with the cite number and court date, which will also be put into CAD. If an officer completes a field interview (FI) and notifies Dispatch, Dispatch will indicate "subject FI" in CAD. Leon said she tries to put everything an officer tells her into the comments.

Leon said when an officer works Stone Garden overtime, most of the time they log on at the start of their shift. Leon stated she is usually aware of who is working Stone Garden because she has seen the sign-up sheet or the sergeant has told her. The officer is supposed to provide unit, mileage, and that they are working Stone Garden. When a sergeant works Stone Garden, they are supposed to be doing the same work a police officer does for Stone Garden, including notifying Dispatch of all police activities.

Leon stated the employees that work Stone Garden seem to have the energy to do it, with the exception of the sergeants. Leon said Sergeants Marquez, Duran, Alarcon, Mardueño, Legaspi and Uriarte are not very active. Leon stated the sergeants will back up officers, but their mentality stays as a sergeant. Leon said it is very rare if a sergeant will stop someone while working Stone Garden.

Leon stated that officers were not required to give mileage at the end of their shifts. Leon stated everyone's mileage is handwritten in a log in dispatch, but if an employee does not call the information in, it does not get recorded.

Leon stated Calexico uses the Spillman CAD System from which she can run a report for an officer on a specific day. Leon reviewed a Calexico Police Department Law Incident Summary Report. Leon said counter traffic meant he helped someone who came in to the counter. Leon did not know what the code FD meant. She stated 1182 was either an accident or a civil matter. Office information was information he wanted the office to know about. Leon said lost property incidents are usually at the counter. An AVR is when a broadcast is made over the radio for all Valley agents. She stated CT was counter traffic, and she did not know what 314.1 meant. Leon said "act" meant active, CLO meant closed, and CAA meant closed with an adult arrest.

Leon felt that the sergeants were allowed to work overtime without doing work because they were close with the Chief. Leon said Chief Tabarez let them do it even though she did not see the Chief around when the sergeants were working Stone Garden. Leon said no one ever conducted an off-hours inspection or checked their time. Leon stated she really noticed the sergeants not doing anything because she was shorthanded in dispatch but could not get Stone Garden funds for dispatch. She noticed "because they were not doing nothing and we needed help in here and they're getting paid money and we had to suffer over here and do all the extra work with extra bodies out there." Leon stated the sergeants did not deserve the Stone Garden money because they were not active.

Tabarez, Pompeyo, Chief of Police, Calexico Police Department, City of Calexico

I interviewed Chief of Police Pompeyo Tabarez, Identification No. 500, on Tuesday, July 8, 2014, at 10:02 a.m., at 608 Heber Avenue, Calexico. Present as Tabarez' attorney was Robert W. Krause, of Bobbitt, Pinkard and Fields. The interview was recorded on Digital Record No. 140708-002. Tabarez was given a Lybarger admonishment. Tabarez refused a request to re-interview him on December 3, 2014.

Tabarez became the Chief of Police for the Calexico Police Department on June 25, 2013. Prior to working for the Calexico Police Department, Tabarez worked for the Imperial County Sheriff's Office for 32 years, and retired in 2012 at the rank of sergeant. Prior to that, Tabarez worked approximately one year with the Westmoreland Police

Department and three years with the Calexico Police Department. Tabarez earned a Bachelor of Science degree in business administration and attended the California Peace Officer Standards and Training Manager's Course.

Tabarez stated he has six sergeants, two lieutenants, and an administrative assistant. Tabarez developed a three tier-down command structure. He has an operational commander, an administrative commander, and an investigation commander. The commander positions are the rank of lieutenant, but Tabarez has not been able to fill the investigation commander position with a lieutenant. Sergeant Duran currently fills that position.

Tabarez stated the Department did not have an overtime policy but there was an overtime practice. Later in the interview Tabarez said there might be an overtime policy but he would have to look it up. He said the list is posted and the bidding process is followed for the list. Tabarez said before he became Chief, the culture used to be that everybody assigned their overtime to whomever, but he mandated the posting of the list and the bidding. Tabarez stated his direction was you sign up for the overtime, and then once everybody's got a time, you can come back to it. Tabarez said he knew his direction was being followed because he gave the directive, verbally, to the sergeants and the lieutenants. Tabarez said he knows his direction is being followed because of the trust factor. He stated all involved are sworn peace officers and they follow direction. Tabarez said he does not audit overtime because everything seems pretty normal and working fine, and nobody makes any allegations about it. When asked if there was a possibility that sergeants were giving overtime to certain people before they posted the list, Tabarez responded, "No, there's not." He stated it could never happen in his organization because of trust.

Tabarez said he does not limit the number of hours of overtime an officer can work because he has to fill the spots. He said regularly he cannot find officers to fill the overtime and sometimes has to order people to come to work on overtime. Tabarez said they do have the 8-hour turn around standard that everybody else has, and he believed that was a written policy.

Tabarez stated he knows how much overtime is used for what purpose and who his highest overtime employees are because they do a report. Tabarez said his highest overtime employees were Alarcon, Duran, Legaspi, and Uriarte.

Tabarez said he knows that the overtime being worked is appropriate because it has a code. Tabarez said he has no one that engineers overtime but if he did that would be the sergeant's problem. Tabarez stated his employees do not have to engineer overtime because they have nonstop overtime. Tabarez further said he did not know of anybody inappropriately submitting overtime and it has not been an allegation or discovered. Tabarez said his sergeants are aware that they are accountable for the overtime, and they submit weekly and daily reports on overtime activities on their shifts. Tabarez

said everybody is part of the system, but he is specifically responsible for monitoring overtime usage.

Tabarez did not know how long overtime slips were maintained because payroll maintained them. He believed they should be kept for five years, but did not know what practices payroll followed. Tabarez stated his executive assistant was responsible for ensuring overtime slips were submitted with the time cards. Tabarez said his executive assistant had been working there for approximately 20 years and that is her responsibility so that is how he knows it is happening.

Tabarez said his overtime budget was \$450,000 but he went over budget this year by \$500,000. Tabarez said the Department has an allocation of 31 officers but has been working with 25. He said instead of paying for the 6 positions they are paying overtime to guard those 6 positions. Tabarez stated the overtime budget might have gone up \$500,000 but they were saving on the 6 positions. Tabarez said he fulfilled the needs and the requirements. Tabarez stated in addition to his overtime budget he had funding from the Border Patrol of anywhere between \$250,000 and \$500,000 a year for overtime to be used for special operations on the border area.

Uriarte, Frank, Sergeant, Calexico Police Department, City of Calexico

I interviewed Sergeant Frank Uriarte, Identification No. 514, on Wednesday, July 16, 2014 at 2:57 p.m., at 608 Heber Avenue, Calexico. The interview was digitally recorded on Digital Record No. 140716-004. Also present in the interview was Investigator Jeri Weinstein, Norman A. Traub Associates. Present as Uriarte's employee representative was Earl Dove, Esq., an attorney with Adams, Ferrone and Ferrone. Uriarte was given a Lybarger admonishment.

Uriarte has worked with the Calexico Police Department since 2000. Uriarte has been a sergeant for seven years and promoted to sergeant in 2006. Uriarte has worked all in patrol. Uriarte stated that he currently conducts IA's as a collateral duty. He is also responsible for recruitments and training. Uriarte stated that Alarcon is currently the FTO Sergeant. Uriarte said he has attended supervisory courses but, could not recall what courses. The last time he attended a course was about two years prior.

Uriarte said that he was recently assigned as the IA sergeant. Internal Affairs investigations are assigned to him by the chief directly or the chief will tell Sergeant Duran or maybe Lieutenant Serrano to open up an IA regarding a complaint and assign it to him. When that happens, Uriarte gets a folder with the complaint and he starts to work on it.

Uriarte said that every time there is a change in administration, there are new individuals that the chief trusts or goes to all the time. Chief Tabarez looks favorably upon Sergeant Duran.

I, along with John Capen, re-interviewed Sergeant Frank Uriarte, Employee Identification No. 514, on Wednesday, December 3, 2014, at 3:45 p.m., at 420 East Fifth Street, Calexico. Attorney Kristopher Di Giovanni with the firm Adams, Ferrone, and Ferrone was present as Uriarte's representative. The interview was recorded on Digital Tape Record No. 141203-003. Uriarte was given a Lybarger admonishment.

Uriarte stated from September 2013 to June 30, 2014, his responsibilities were mainly patrol. Uriarte was also responsible for the reserve program and was in charge of the range, the Taser program, getting together a SWAT team and SWAT Manual, Internal Affairs, recruitment, backgrounds, training, and dealing with P.O.S.T.-related issues. Uriarte stated once Alarcon was promoted to Sergeant, in January or February, Uriarte talked to Tabarez about Alarcon being responsible for the Reserve Officer Program. In June or July, when Mardueño was promoted to Sergeant, Uriarte talked to Tabarez about Mardueño being responsible for the range, Taser, and SWAT. Uriarte kept Internal Affairs, recruitment, backgrounds, training and P.O.S.T. along with patrol supervisor. Uriarte stated he received no additional pay for his collateral duties, but worked quite a bit of overtime to complete the work.

Uriarte stated as a supervisor one of his duties is to review and approve overtime for his shift. Uriarte stated he approved overtime for such things as short staffing and extended watch. Uriarte said when an officer works extended watch the next shift supervisor would sign the overtime slip. Uriarte said he approves overtime after it has been worked, so he does not ask the officer if the officer worked the day prior or how many hours. Uriarte stated there has not been an issue with officers working an excessive amount.

Uriarte said there is no way to verify, 100 percent, that officers actually do the overtime work because you cannot watch someone 100 percent of the time. Uriarte stated you have to take people by their word, but if he sees a discrepancy he gets to the bottom of it.

Uriarte said for an employee to get paid for overtime they must complete and sign an overtime slip indicating they worked the hours, the slip must be signed by a supervisor, and then one copy goes to administration, one copy is placed with the time card, and the employee keeps a copy. Uriarte stated the overtime slips are signed by a lieutenant whenever the lieutenant gets the slips. Uriarte did not know exactly what happened to the overtime slips for administration, but thought they were filed.

Uriarte stated all Department employees are required to clock in and out every day unless they are working outside of the City or have court. Uriarte stated officers are not allowed to clock in or out for others and he has never heard of instances where that occurred. For employees that do not clock in and out, overtime is verified when they attach a subpoena from court or by their word. Uriarte stated some officers clock in

before they get dressed and others get dressed and then clock in. Uriarte said he would expect patrol officers to show roughly 12-hours worked on their time card, give or take five minutes.

Uriarte later stated the time card system was not really accurate because things happen. He said there are times where an officer has clocked out and then he gets a call or has to meet with someone. Uriarte said he supposed the employee could go and clock back in, but no one did that. Uriarte stated the same thing occurs before clocking in, where he gets tasked with work. Uriarte said the time card was a guideline.

Uriarte stated it is the supervisor's responsibility to complete time cards for the officers. Uriarte said he reviews the time cards and overtime slips and then adds up the hours and notes it at the bottom of the column on the time card. Gomez then picks up the time cards and reviews them. Uriarte stated if there were 30 minutes or more discrepancy between the time card and overtime slip he would have the officer explain the discrepancy.

Uriarte stated Stone Garden overtime changed from Chief to Chief. Uriarte said under Chief Neujahr they worked Stone Garden to fill patrol during furloughs. The officers would work a 12-hour shift in patrol using Stone Garden overtime. Under Chief Tabarez the officers were paid during furlough time with asset forfeiture money. Uriarte did not know if Stone Garden could be used to pay for furlough days, but simply took direction from the Chief.

Uriarte said he never saw the MOU between the Border Patrol and Calexico Police Department, but his understanding was Stone Garden dealt with alien smuggling, drug enforcement, and any other issues along the border and was paid by Homeland Security. Uriarte said the lieutenant would determine the operation for the month. Uriarte stated each team would work one Stone Garden operation per pay period and the lieutenant would ask for an operational plan, which Uriarte would complete for his team. On Uriarte's team day to work Stone Garden, they would work based on the operational plan he put together.

Uriarte stated when he works Stone Garden he is in uniform as are most employees who work it. He said the exceptions would be Investigations or when the operational plan was for surveillance. Uriarte said when he works Stone Garden it is normally as a supervisor but he is available to get dispatched calls.

Uriarte stated it was common for officers to work a 12-hour shift in patrol followed by a few hours of Stone Garden overtime. Uriarte said that happened when there were sign-up sheets for Stone Garden, because officers would call in sick and not work the shifts they had signed up for. Uriarte said when that occurred; anyone that wanted to stay over and work the available shift could do so with shift supervisor approval. Uriarte stated he worked overtime in this capacity as well.

Uriarte reviewed the Stone Garden Daily Activity Report (DAR) form and indicated the form must be completed every time an officer works Stone Garden overtime. He said it was required by the Department and Stone Garden got a copy too. Uriarte said he thought the form was used for statistics. Uriarte stated the officer must complete their name, overtime hours, number of hours, pay rate, overtime rate, car you are driving, beginning mileage, ending mileage, total miles, statistics, and narrative. Uriarte said the narrative section was where the officer could describe what went on that day, which is usually consistent with the operational plan. Uriarte stated under Chief Neujahr an officer would handle a lot of patrol calls that were not Stone Garden work.

Uriarte said in the statistics section he would expect an officer to indicate what they did and what they assisted on. Uriarte stated if an officer conducted a vehicle stop they should put a "1" in the box. If an officer assisted on a vehicle stop they should also put a "1" in the box. Uriarte said there was no way to differentiate between assisting and actually doing it yourself. Uriarte stated work gets counted twice but that is the way it has always been.

Uriarte stated if an officer conducts a vehicle stop it is good practice to notify communications, but it does not always happen. Uriarte stated there was a policy or procedure requirement but they had not been following it consistently over the past years. Uriarte said officers do not notify dispatch because they get lazy and feel the stop will be no big deal. Uriarte said if an officer called in their stops it would be recorded in the Spillman CAD system.

Subject Employee Interview

Casillas, Luis, Police Officer, Calexico Police Department, City of Calexico

I interviewed Police Officer Luis Casillas, Badge Number 545, on Thursday, January 29, 2015, at 9:50 a.m., at 420 East 5th Street, Calexico. Present as Casillas' employee representative was Attorney Kristopher Di Giovanni with Adams Ferrone. The interview was recorded on Digital Tape Record No. 150129-002. Casillas was given a Lybarger admonishment by Lieutenant Jesus Serrano who left the room immediately following the admonishment.

Casillas stated that he was hired by the Calexico Police Department in August 2008, and worked patrol until June 2014 when Casillas went to the Detective Bureau.

Note: Department records revealed that Casillas was appointed as an investigator on April 2, 2014.

Casillas stated while working patrol, the officer with the most Calexico Police Department seniority on the team was the Officer in Charge (OIC). Since Casillas was at

the bottom of the seniority list, most of the time he was not the OIC. Casillas drove a black and white patrol vehicle but did not recall which unit number he used most often.

Casillas stated he received a five percent special pay increase when he was transferred to Detective Bureau. Casillas stated in Detective Bureau he did basic detective work and attended a one-week detective school at Carlsbad Police Department. As an investigator Casillas had a take-home vehicle, a gray Ford Fusion. Casillas was placed on administrative leave on October 30, 2014, and has been off since that date.

Casillas stated when he worked patrol, he would first walk into the station and "shoot the shit" with people. Casillas described himself as in between a last-minute person and one that gets to work 15 minutes early. If he remembered he would then clock in, but he would sometimes get sidetracked and forget to clock in. He would then go to the locker room and dress as he never came to work in uniform. He attend roll call and got assigned his beat and then checked his patrol vehicle and his weapons. Casillas would then notify dispatch of his assigned beat, his unit number and mileage. Casillas stated notifying dispatch was hit and miss, and occurred approximately 50 percent of the time, due to bad habits and just human nature.

Casillas said the Mobile Digital Terminals (MDTs) in the older patrol vehicles tended to work more often than the MDTs in the new vehicles. Casillas stated he would try to use the MDT but after a few tries he would give up, so sometimes he used it and sometimes he did not. Casillas stated he was not a "techie guy" and did not remember the process to turn on and off the MDT. He did recall that he had a login and password where he entered his first initial and last name followed by the first three letters of his last name and the last four numbers of his social security number. Casillas stated the new cars had in-car video and some of the cameras worked and some did not. He further stated the new cars had audio in the back but only some of those worked as well. Casillas was not trained on the recording equipment and anytime he needed a copy of a recording he would go through Steven Frazier or Lieutenant Gerardo. Casillas stated he did not recall ever reviewing video footage of himself. Casillas said he used the new patrol vehicles for approximately four or five months before going to Detective Bureau.

Casillas was asked if COBAN system videos were pulled for the vehicles he indicated on his logs, for the dates and times indicated on his logs, and the officer was not him would he be able to explain the inconsistency. Casillas stated he would not be able to explain it. Casillas stated he did not specifically recall but he might have used another officer's log in information to log into COBAN or the in-car video system if his password was not working.

Casillas stated if he was driving around on patrol and observed a traffic violation he would call out what he had, license plate or vehicle description and his location. Casillas said there were times when he did not notify dispatch of his traffic stops because there was emergency radio traffic or multiple units working overtime. Casillas

stated 90 percent of the time he notified dispatch of his stops because it was good officer safety. Casillas stated he was sure there was a policy or procedure that required an officer to call everything in but he did not know it offhand.

Casillas said they have field interview (FI) cards but they do not always use them. Casillas stated he usually jots down FI information on his notepad or announces the information over the air. Then he gives whoever is inquiring about the information the page from his notebook or they could pick up a printout from dispatch at the station. Casillas described his notepad as small, in a leather wallet, that fits in his pocket. Casillas stated nothing else was done with the FI information, it was not maintained anywhere.

Casillas stated the overtime policy stated an officer could work a maximum of 16 hours with 8 hours between shifts. Casillas said there could be exceptions to the policy, but did not recall doing it himself although he stated there could be a possibility he did. Casillas said he heard supervisors tell officers that they needed to go home because they did not have 8 hours between shifts, but he was never told that. Casillas stated he was sure there was a policy that limited work hours in a 3-day, 5-day, or 7-day period but he could not remember it offhand. Casillas said he was not a big overtime guy.

Casillas stated to complete an overtime slip you put your name (he would put his initial and last name) and division and complete the check boxes. Casillas stated if you were in court you checked the court box and indicated how many hours worked. If the overtime was Stone Garden grant then you checked the grant box and overtime box, indicated how many hours, and wrote and circled the number 88 in the payroll code box. You then indicated your assignment, day you worked, hours you worked, total hours, and then indicated what type of compensation you preferred. The employee signs the slip and gives it to the supervisor for signature. The person requesting overtime would then keep the blue copy. Casillas said that by signing the overtime slip, the employee was indicating they worked that day and those hours.

Casillas stated half hour increments of time were used for overtime slips. Casillas stated, "I would assume that if you wanted to, you know, nickel and dime 'em for 15 minutes, you could but it, it just becomes a, a nightmare." Casillas did not know offhand what the policy and procedure was on how much time had to be worked to put in for 15 minutes of overtime. Casillas said if an employee was 10 or 15 minutes late for a shift they took it upon themselves to stay the extra 10 or 15 minutes at the end. Casillas stated there have been situations where officers signed up for a 10-hour overtime shift but were released early. In those situations, overtime slips were submitted for the hours actually worked not for the hours scheduled to work.

Casillas said the practice if you had a late report was to advise the person in charge of the shift that your report was going to put you overtime and get approval to stay. Casillas stated each supervisor was different, whether they would sign the overtime slip

or not, so he would just find a supervisor that would sign. Casillas said if the sergeant who was working when the overtime was completed would not sign the overtime slip he would take it to his supervisor the next day for signature. Casillas stated he did not recall submitting overtime slips without a supervisor's signature, but he assumed there could be some times where it happened.

Casillas stated overtime slips are due the Tuesday before the last day of the pay period. Casillas said some officers held onto their overtime slips and then on Tuesday were running around getting them signed and submitted. Then it was implemented that all slips had to be in by 10:00 a.m. on Tuesday. It became common practice, if an officer was working overtime past or after 10:00 a.m. on Tuesday, to complete the overtime slip and submit it before working the overtime so that it would appear on the paycheck. Casillas stated if the officer did not end up working the overtime, he assumed the officer's paycheck would be docked the next time. Casillas stated he usually sees about the same amount of money all the time on his paychecks so if his paycheck looked off it would be his obligation to say something because he did not work for the extra pay. Casillas could not recall a situation where that happened to him.

Casillas stated Stone Garden was a federal grant managed by the County through the Border Patrol for border crimes that happen within the proximity of the border. Casillas said the money has been used in a lot of different ways, and at one point was used to supplement patrol. Casillas said a couple of years ago the officers were furloughed 12 hours each pay period. Instead of 80 hours of pay they were getting 68 hours of pay. The officers would work an 8-hour Stone Garden overtime shift to supplement the patrol force and at the same time would balance out the missing 12 hours of pay from their paychecks. Casillas stated there was a time when they had to go to the Border Patrol station for their roll call. Then there was a time when they would complete a Stone Garden sheet and have the Border Patrol supervisor sign it. There was a time when they would put five names on the sheet and everyone's hours and the Border Patrol would sign it, which was then changed to one officer per report. Casillas said there was a possibility that asset forfeiture funds were being used to supplement furlough days as well.

Casillas said after furloughs ended, sign-up sheets were hung on the board for Stone Garden overtime shifts. Casillas stated, "It was kind of like a Stone Garden buffet I called it, you know, and some guys signed up for the Stone Garden and some guys didn't." Casillas said in the beginning there were rules such as if you signed up but did not show up for your shift you would get written up. After that, if you signed up people with more seniority had two days to cross your name out and take your spot. Some lists had a spot for a supervisor to sign up, but if no supervisor wanted it an officer would sign up instead. Then just before the shift the supervisor would decide to work and bump the officer out of the overtime. Sometimes no supervisor worked the shift. Casillas stated a lot of officers worked Stone Garden every day they had off. Casillas

employee completes for warrants, arrests, citations, vehicle searches, etc. Casillas said the number of vehicle searches recorded were the number you conducted or assisted with. The number of citations issued would be the number you issued or assisted with. Field interviews would be the same. Casillas said by looking at the DAR there is no way to know the difference between the number he actually conducted and the number he assisted with. Casillas admitted this caused a possibility of duplication of statistics. Casillas said 'IA turned over to BP' was used when you contacted an illegal undocumented alien and turned the person over to the Border Patrol. Casillas stated you enter the badge number of the Border Patrol agent you turned the person over to.

Casillas stated when an employee submits an overtime slip and a DAR it is expected that the information on both is consistent, along with the timecard, but he is sure it does not always work that way. Casillas said he is sure he has submitted overtime slips that were inconsistent with his DARs because he makes lots of mistakes. Casillas said the DAR is supposed to be filled out completely but oftentimes, due to bad habits and poor recordkeeping that does not happen. Casillas stated to his knowledge nothing happens if it is not filled out completely.

Casillas reviewed a DAR dated November 6, for the hours of 1500 to 1900. There was no year in the date box, but Casillas noted the year 2013 was in the header of the report. Casillas acknowledged it was his name on the report and the report indicated unit 570 was a Crown Victoria. Casillas said he logged the starting mileage as 137,796 and the ending mileage as 137,859 for a total of 20 miles. Casillas said he did not put in the correct total miles because of sloppy recordkeeping, and that he made a mistake. Casillas stated his signature was on the overtime slip for November 6, 2013, for four hours of overtime. He stated his signature indicated the overtime was required and his slip was accurate.

Casillas reviewed a DAR dated November 8, 2013, and stated because his name was on it he assumed it was his. The DAR indicated four citations, eight FIs and five traffic stops. Casillas said although he would expect if someone looked into the system someplace they could locate the work he did, it might not necessarily be in there. Casillas stated he might have used an old template and just left the numbers in there from a prior shift. Casillas further stated one would expect the mileage on the DAR to match the mileage on either the mileage log or somewhere else, but he might have made a mistake or used a sloppy template. Casillas stated for the starting mileage he sometimes takes the number from the odometer, or he guesstimates at the end of the shift by noting the ending mileage and taking a stab at how many miles he drove. Casillas said a lot of times he was too lazy to check the car for the miles and would just guess or use an old template. Casillas stated he had no clue what the mileage was used for other than he needed to complete the boxes on the report to get paid for the overtime. Casillas believed that when he filled out the report it was supposed to be accurate, but he made lots of mistakes. Casillas stated it was his signature on an

overtime slip for November 8, 2013, and that his signature indicated he worked four hours of required overtime and the slip was accurate.

Casillas reviewed a DAR dated November 30, 2013, for the hours 1500 to 2300. The DAR indicated unit 570 with the starting mileage of 87,175 and ending mileage of 87,187. Casillas stated he was not good with math, but thought the total mileage of 15 as indicated on the DAR was not accurate. Casillas stated he could not recall specifically what happened that night, but he might have made a mistake doing the math. When asked why the mileage was different (87,000 at the end of November and 137,000 earlier in the month) Casillas stated he probably used a template and made a mistake. Casillas stated, "I probably failed to properly fill that out correctly." Casillas reviewed a signed overtime slip for November 30, 2013 and confirmed it was his signature. Casillas stated his signature meant the eight hours of overtime was required and his slip was accurate.

Casillas reviewed a DAR dated December 4, 2013, that was handwritten and confirmed it was his. The DAR indicated he drove unit 580, a Crown Victoria, with the starting mileage of 59,975 and the ending mileage of 59,982 for a total of 7 miles. Casillas reviewed the dispatch log, called 25HH, and noted his name was on December 4, 2013, with unit 580, a starting mileage of 59,935, and SG for Stone Garden. Casillas stated he might have again made a mistake when recording the mileage. Casillas was asked if as a supervisor he would be concerned if one of his employees had reports with consistent mistakes on them. Casillas replied, "Maybe that's why I'm not a supervisor." Casillas further stated if you looked at everyone's Stone Garden sheets there would be millions of mistakes.

Casillas reviewed a DAR dated December 5, 2013, and stated it had his name on it and was written in his handwriting. Casillas said the report indicated he drove unit 571, but there was no starting, ending, or total miles completed. Casillas stated he "half-assed it" and by putting lines through those boxes knew that he did not enter the required information. Casillas stated the report indicated he worked from 1300 hours until 1900 hours that night which is a total of 6 hours, but the DAR indicates a total of 4 hours. Casillas reviewed his overtime slip for December 5, 2013 and noted it was for 4 hours. Casillas said he made a mistake on the total hours, but also noted the date was not in his handwriting. Casillas concluded he must have left it blank and another person filled it in. Casillas stated he failed to complete the appropriate date and hours.

Casillas reviewed a DAR dated December 6, 2013, with his name on it that appeared to be his. The DAR indicated he drove unit 580, a Crown Victoria, but there was no starting mileage or ending mileage indicated. Casillas reviewed the dispatch log, called 26B, and saw it recorded him driving unit 571 with a starting mileage of 85,900 and working Stone Garden. When asked to explain how the DAR could say he drove 580 and the dispatch log said he drove 571, Casillas stated he made a mistake and was not paying attention when he completed his DAR.

Casillas reviewed a DAR dated December 14, 2013 and indicated it was his. The DAR indicated he drove unit 582, a Crown Victoria, with a starting mileage of 97,000 and an ending mileage of 97,011 for a total of 11 miles.

Casillas reviewed a DAR dated December 15, 2013 with his name on it. The DAR indicated he again drove unit 582 with a starting mileage of 97,011 and an ending mileage of 97,027. Casillas stated he did not recall what happened but that he made a mistake. Casillas reviewed the dispatch log and noted Officer Frazier was driving unit 582 on December 15, 2013 and had a starting mileage of 85,765. When asked how Casillas had two consecutive days of mileage at 97,000 and Frasier had the same vehicle mileage at 85,765, Casillas stated he improperly completed the DAR and it was another mistake on the template. When asked how it was a mistake when the mileage ended one day at 97,011 and started the next day at 97,011, Casillas stated he could not recall that specific date but it was either a mistake or a guess. Casillas said none of it was intentional.

Casillas reviewed a DAR dated December 16, 2013, for the hours 1300 to 0100. Casillas stated it was his name on the report and the report indicated he drove unit 582, a Crown Victoria, with the starting mileage of 91,110 and the ending mileage of 91,120. Casillas said the mileage did not look consistent with the mileage two days earlier at 97,000. Casillas stated he improperly completed the DAR and made a mistake.

Casillas reviewed a DAR dated December 17, 2013, and said it indicated he drove unit 582 with the starting mileage of 91,120 and the ending mileage of 91,123. Casillas stated he made a mistake completing the DAR, but he could not go back to 2013 and provide an answer as to why he did it.

Casillas reviewed a DAR dated December 18, 2013, for the hours of 1500 to 2300. The DAR has a note indicating the correct date should be December 19, 2013. The DAR indicates Casillas drove unit 570 with a starting mileage of 87,187, an ending mileage of 87,193, for a total of 10 miles. Casillas stated it appeared the mileage was off and he made a mistake with both the mileage and the total miles. Casillas was asked if he was concerned because his start mileage on December 19, 2013, was the same as he recorded on November 30, 2013. Casillas stated he was not concerned and it was just a mistake or poor recordkeeping. Casillas said he could not recall that day in 2013. Casillas noted there were two times in December when Victor Flores used unit 570, and Flores signed on with the mileage 87,335.4 and later the same day for overtime with 87,342.7.

Casillas reviewed a DAR dated December 20, 2013, with his name on it and noted he used unit 570. The starting mileage was 87,210 and the ending mileage was 87,218 for a total of 8 miles. Casillas stated he did not remember this date, but he had poor recordkeeping skills.

Casillas reviewed a DAR dated December 25, 2013, where he drove unit 570 with a starting mileage of 87,210 and an ending mileage of 87,218 for a total of 8 miles. Casillas stated he could not explain why the mileage was the same as on December 20, 2013 other than he made a mistake when completing the DARs.

Casillas took a short break to meet with his attorney, and upon return to the interview Attorney Kristopher Di Giovanni stated, "My client feels that he doesn't have any indirect, independent recollection of any of these DARs in 2013 and if there are inaccuracies, his stance is that it was an inadvertent mistake on his part and sloppy rec, recordkeeping and in no way was it done intentionally, um, or fraudulently." When told there were concerns with DARs through June 30, 2014, Casillas stated he would have the same response for all of them and there was no need to continue to go through each one, his answer would just be the same over and over again.

Casillas reviewed an overtime slip dated April 10, 2014 and stated it was his. Casillas stated it was his writing that indicated furlough, probation sweeps, and Stone Garden on the slip. Casillas noted the slip was not signed by a supervisor but said he had no clue why he would not have had it signed. Casillas stated he did not recall putting in for furlough days and he did not recall that specific date.

Casillas stated oftentimes there were not enough vehicles for everyone so he would work Stone Garden with two people in one vehicle. Casillas said he did not remember a particular day in June 2014 when he worked Stone Garden with Sergeant Duran, but he did have recollection of working Stone Garden with Duran on occasion. Casillas did not recall which car they drove, but said he could have been in Duran's black Chevy Tahoe. Casillas stated when he worked with Duran sometimes Casillas would complete the DAR and sometimes Duran would complete it.

Casillas stated from November 2013 to June 30, 2014, he submitted DARs with mistakes on them. Casillas said the mistakes were not intentional and were just sloppy recordkeeping. Casillas stated to his knowledge, during that time period, he did not submit any overtime slips or DARs for times that he did not work. Casillas stated during that time period nothing stood out where he was overpaid or paid for overtime he did not work and he notified the City of Calexico of the discrepancy.

Casillas said in order to conduct a thorough investigation the whole Department should be interviewed, whoever filled out overtime slips for Stone Garden.

VI. FINDINGS

The findings of this Confidential Investigative Report do not reach questions of law as to whether the alleged misconduct supports a violation of applicable laws, but instead address whether the employer's policies were violated.

See Section V – Investigation for the 44 allegations against Officer Luis Casillas.

I find Allegations 1-44 to be **Sustained**.

Discussion

Because of the large number of allegations, each and every allegation will not be discussed individually. Specific information organized in the investigation by each DAR submission date is included in Section V, the investigation section of the report. That information along with the corresponding spreadsheet (Addenda 7A-F) was used to organize the documented evidence and to support the findings. For this discussion, categories of conduct that Casillas engaged in that supported the findings will be explained.

Allegations 1-8 represent incidents where Casillas failed to clock in and/or clock out. By policy and practice, officers are required to clock in and clock out using a time stamp located outside of Administration. If the officer is unable to do so, they are required to annotate their time card with the actual time and ensure it is reviewed and initialed by a supervisor.

Allegations 9-10 represent incidents where Casillas submitted overtime slips for time his time card did not support. On these occasions, I noted that Casillas clocked in late or out early and the calculated time of overtime actually documented based on the time stamps was approximately 30 minutes less than the hours for which Casillas submitted and was paid for overtime.

Allegations 11-21 represent incidents where Casillas submitted documents for overtime that was in violation of federal Stone Garden overtime guidelines. The Stone Garden guidelines were clarified in two emails on October 15, 2013 and July 10, 2014 from the OPSG Program Manager Bryan Kastoll to OPSG agencies including the Calexico Police Department (Addenda 8A-B).

One type of submission for Casillas that violated the guidelines was where he submitted overtime for a date when there was no operation plan. This conduct was most obvious in May 2014 when there were no Stone Garden operation plans for the entire month of May 2014 and Casillas worked two shifts totaling 18 hours.

Another type of submission was where Casillas would work a date where there was an operation plan but, his hours were not entirely consistent with the posted details. In some cases the shift he worked was not at all during the detail hours and in other cases he worked hours that were part of an operation plan but he also worked additional hours before or after that were not consistent with the details.

In other cases, Casillas submitted overtime on a date that a Stone Garden detail was scheduled, but his narrative and/or his activity was not included in the Stone Garden operation plan or area. Yet in other cases, there was a combination of the three above violations of guidelines.

Allegations 22-42 represent incidents where the data demonstrated that it was more likely than not that Casillas falsified his DARs. I considered the possibility that the inaccuracies on the DAR's were mistakes or just poor record-keeping as Casillas stated in his interview. I found that it was more likely than not that an error in including the dates on two DARs, December 5 and December 6 were mistakes. However, during my document analysis, I uncovered considerable inconsistent data regarding DAR vehicle odometer readings compared to the mileage logs and other employee Stone Garden DARs. Moreover, there were at least a few occasions when another officer noted either via the mileage log or a DAR that they were driving the same vehicle at the same time that Casillas was driving it. On those occasions, I also noted that the mileage that Casillas noted was considerably different than the progression of the odometer readings for that vehicle. Therefore, I determined that more likely than not, the falsified vehicle reading was Casillas'. Also, I noted on several occasions when Casillas' odometer readings did not calculate out to the miles Casillas noted on his DAR. Furthermore, there were three separate series of odometer readings where the readings were exactly the same, clearly showing inaccuracy and based on the totality of the circumstances, more likely than not falsified readings and vehicles.

Moreover, there were several occasions when I noted follow-on odometer readings from DAR to DAR where the odometer readings were clearly inaccurate but, more importantly they were intentionally falsified. The very act of starting an odometer reading from the last ending odometer reading of a previous DAR, sometimes several days prior, shows clear intent to document that odometer reading and eliminates any possibility of a mistake or the simple reuse of the template.

Additionally there were two occasions when Casillas did not note any odometer readings or mileage. In one of those cases, Casillas was working with Duran and submitted no DAR. In that case, I noted that Duran's DAR included that he was driving a black Chevy Tahoe and his noted odometer reading was the exact same reading as Duran's previous odometer reading in the same vehicle during the prior shift. I fully documented the analysis in the investigation. These inconsistent readings occurred with each vehicle Casillas drove and for each and every Stone Garden shift he worked. One of the vehicles involved in this inconsistent data was Unit #570 which has an apparently intermittently readable digital odometer. I considered the possibility of mistaken or careless odometer readings or the intermittent illegible nature of Unit #570's odometer. However, because Casillas' readings were inconsistent with the regular progression of the odometer of that vehicle when it was readable and in some cases, inconsistent with his own readings, I find that it is more likely than not that

Casillas intentionally falsified his DAR odometer readings and mileage to support his overtime submission and to deceive reviewers of his DARs.

Allegations 22-42 may also represent incidents where Casillas noted on his DAR that he completed certain activity that could not be confirmed by any data source including the Spillman CAD/RMS system. Some of those incidents Casillas indicated were that he wrote a number of citations but, a review of the Spillman system and citation query found his actual numbers were less than his DAR notation.

Allegations 22-42 may also include incidents where Casillas submitted DARs with inaccurate information. Sometimes the inaccurate information appeared to be the result of re-using the same template without ensuring the form that he had completed included accurate information. One such example occurred on June 13, 2014 when Casillas showed driving a brown Fusion but left the same mileage and odometer readings as the prior two Stone Garden Shifts on May 12 and May 30, 2014. However, mistake or the simple reuse of a template is ruled out when the reader reviews the remainder of the DARs when Casillas purposefully changed the date in the narrative to the appropriate date on the DAR.

Based on Casillas' time cards, he received compensation for the overtime. Per the Finance Director John Quinn and based on his own statements, Casillas never returned any overpayment to the City and never reported overpayment on his paycheck (Investigator's Note 2). Therefore, Casillas accepted the compensation.

Allegation 43 is the result of Casillas consistently and without modification indicating that there was no intent to any of the inaccurate DAR entries. Casillas was shown numerous examples of how the entry could not have been a mistake or the simple reuse of the template and Casillas consistently denied that there was intent to falsify or include false or inaccurate data. He firmly held to the position that any inconsistent data on the DAR was the result of a "mistake," poor recordkeeping or the reuse of a template. However, the evidence showed that intent was demonstrated particularly as it related to the falsification of the odometer readings, most notably from December 14, 2013 through December 17, 2013, where the evidence showed that Casillas had to intentionally begin the starting odometer reading at the last one he noted on his DAR and then add an ending reading and then calculate that mileage and include it (or vice versa).

Moreover, where Casillas failed to include vehicle information on his DAR, such as that on December 5, 2013 (Addendum 13E), mistake is ruled out and intent was demonstrated by Casillas placing lines in the box where the information should have been included. Therefore, Casillas' falsification of the documents was demonstrated by omissions as well as false information thus, demonstrating an intent to deceive rather than just laziness, sloppiness, poor record keeping, mistakes or the simple reuse of the

**CALEXICO POLICE DEPARTMENT
INVESTIGATIVE REPORT
RE: STONE GARDEN OVERTIME BY POLICE OFFICER LUIS CASILLAS
CONFIDENTIAL**

template. Based on the evidence, these are clear indications of false information because, in part, there is no way that the odometer readings Casillas included were correct based on the other evidence. Therefore, Casillas' continuing denial that he did not intend to include the information on the DAR and it was either a mistake or the result of reusing the template is a continual false and misleading statement.

Finally, a review of the 21 DARs and the documented evidence for the allegations that include evidence of a lack of activity during many of his Stone Garden details, along with witness statements and Casillas' interview, support an additional allegation for a pattern of conduct that is consistent with overtime abuse and misuse. Therefore, based on the totality of the circumstances and a preponderance of evidence, I find that all 44 allegations against Officer Luis Casillas are sustained.

WITNESS LIST

Name	Date & Time	Digital Record No.	Page
Alarcon, Rudy Police Officer (Formerly Sergeant) Calexico Police Department	7/16/14 12:17 p.m.	140716-003	45
Bielma, Joe Former Police Commissioner City of Calexico	12/17/13 12:17 p.m.	131217-002	31
Casillas, Luis Police Officer Calexico Police Department	1/29/15 9:50 a.m.	150129-002	44
Ceja, Manuel Police Officer Calexico Police Department	6/4/14 10:00 a.m.	140604-002	32
Gerardo, Gonzalo Lieutenant Calexico Police Department	1/16/14 12:00 noon 7/30/14 5:10 p.m.	140116-003 141203-002	32
Gomez, Martha Executive Assistant Calexico Police Department	1/16/14 10:15 a.m. 7/31/14 12:26 p.m.	140116-005 140731-003	34
Legaspi, Victor Sergeant Calexico Police Department	7/31/14 5:14 p.m.	140731-005	33
Leon, Carmen Public Safety Dispatch Supervisor City of Calexico	11/20/14 5:05 p.m.	141120-003	38
Miramon, Leopoldo Public Safety Dispatcher City of Calexico	11/20/14 5:55 p.m.	141120-004	36
Serrano, Jesus Lieutenant Calexico Police Department	1/16/14 1:45 p.m. 7/31/14 9:02 a.m.	140116-004 140731-002	35

CALEXICO POLICE DEPARTMENT
INVESTIGATIVE REPORT
RE: STONE GARDEN OVERTIME BY POLICE OFFICER LUIS CASILLAS
CONFIDENTIAL

Tabarez, Pompeyo	7/8/14 10:02 a.m.	140708-002	39
Former Chief of Police			
Calexico Police Department			
Uriarte, Frank	7/16/14 2:57 p.m.	140716-004	41
Sergeant	12/3/14 3:45 p.m.	141203-003	
Calexico Police Department			

INVESTIGATOR'S NOTES

1. According to Martha Gomez, no mileage entries were located in the mileage log book for December 2013 for dates from June 4 through June 14, 2014 (Addenda 26HHH & 26III). Only one entry was located for June 4, 2014 and four entries were located for June 14, 2014. The dates in between were missing in the log book.
2. According to Calexico Finance Director John Quinn, and since Quinn began as the Finance Director over two years prior, Casillas has never reported overpayment on his check or attempted to return funds received on his paycheck to the City.
3. I reviewed the 2010-2012 MOU Extension between the City of Calexico and the Calexico Police Officer's Association and the unsigned 2012-2013 MOU between the City of Calexico and the Calexico Police Officer's Association. I found no reference to "flex time" which Uriarte stated allowed 14 minutes of flex time when working overtime; anything over 15 minutes gets rounded to 30 minutes, and anything past 45 minutes gets rounded to one hour. However, Calexico Police Department Policy 1038.3.1, provides for accounting for portions of an hour.
4. Gomez advised that even if one or more officers are working together, each overtime slip submitted by each officer, must have a separate back-up DAR along with the overtime slip. Per M. Gomez, no DAR for June 20, 2014 was submitted for the four hours of Stone Garden Overtime for which Casillas received overtime compensation. Therefore, his hours were not included in the billing summary and the City was not reimbursed for his time by the federal grant.
5. A review of COBAN (In-Car Video) records was conducted for the 21 dates that Casillas worked Stone Garden overtime. The searched returned COBAN records for only one date. On January 15, 2014, a date when Casillas showed working with Navarro, the records showed that the system in Unit #527 started up at 7:37 a.m. The officer I.D. was 1111 which is the training I.D. Over the following hours until 14:31 p.m. there were a series of 24 entries indicating numerous shutdowns due to low power and system start ups. There were no recordings or any other activity that could be evaluated. Thus, the data was not included in the investigation and not considered in the analysis.

Investigated by Betty P. Kelepecz
California Bar No. 150602, P.I. No. 27814
Licensed Investigator
Norman A. Traub Associates
February 9, 2015

ADDENDA

1. A-B Calexico Police Department Organizational Chart 2014
2. Calexico Police Department Policy 216 – Staffing Levels
3. A-G Calexico Police Department Policy 340 – Conduct
4. A –C Calexico Police Department Policy 1032 – Fitness for Duty
5. Calexico Police Department Policy 1036 – Payroll Record Procedures
6. A -B Calexico Police Department Policy 1038 – Overtime Payment Requests
7. A-F Spreadsheet of Casillas’ Stone Garden Overtime from November 1, 2013 through June 30, 2014
8. A-E Email and email strings dated October 15, 2013 and July 10, 2014 from Bryan D. Kastoll, OPSG Program Manager, El Centro Sector Border Patrol
9. A-B Email dated November 24, 2014 from J Serrano to Betty Kelepecz regarding Operations Stone Garden signup sheets
10. A-MMMM Operation Stone Garden Operations Plans from August 2013 through June 2014
11. Stone Garden Daily Activity Sheet Template
12. A-K Operation Stone Garden Billing summary for November 2013 including Luis Casillas’ DARs and overtime slips
13. A-BB Operation Stone Garden Billing summary for December 2013 including Luis Casillas’ DARs and overtime slips
14. A-F Operation Stone Garden Billing summary REVISED for January 2014 including Luis Casillas’ DARs and overtime slips
15. A-L Operation Stone Garden Billing summary for April 2014 including Luis Casillas’ DARs and overtime slips
16. A-G Operation Stone Garden Billing summary for May 2014 including Luis Casillas’ DARs and overtime slips
17. A-E Operation Stone Garden Billing summary for June 2014 including Luis Casillas’ DARs and overtime slips
18. A-YYY Time cards for Luis Casillas from PP11/12/2013 through PP07/08/2014
19. A-D Time Cards and Labor Distribution sheets for Stephen Frazier for PP 12/24/13
20. A-D Time cards and Labor Distribution sheets for Victor Flores for PP 12/24/2013
21. A-G Law Incident Summary Report, by Responsible Officer for Luis Casillas from November 1, 2013 through June 30, 2014
22. A-KKK CAD Law Incident Tables for Casillas incidents that corresponded with Stone Garden overtime from November 1, 2013 through April 14, 2014
23. A-Z Citations from Officer Casillas for September 2013 – June 2014 dated January 13, 2015.
24. A-BB Mileage logs from May 31, 2013 into September 1, 2013
25. A-HH Mileage logs from August 29, 2013 into December 5, 2013
26. A-EEEE Mileage logs from December 5, 2013 into September 2, 2014

**CALEXICO POLICE DEPARTMENT
INVESTIGATIVE REPORT
RE: STONE GARDEN OVERTIME BY POLICE OFFICER LUIS CASILLAS
CONFIDENTIAL**

- 27. A-B Calexico Police Department Letter dated November 24, 2014 from Michael J. Bostic, Chief of Police to Officer Luis Casillas
- 28. Lybarger Admonishment signed by Luis Casillas and witnessed by
- 29. A-D Citations From Officer Navarro, January 15, 2014 and supporting documentation
- 30. A-B Spreadsheet of Mileage Logs entries for Unit #570
- 31. Calexico Police Department vehicle assignment list as of November 12, 2014
- 32. A-B Calexico Police Department Vehicle Inventory List as of May, 2006
- 33. A-CC Stone Garden Daily Activity reports by officers who drove Unit #570 from October 1, 2013 to April 10, 2014

**CASILLAS TRANSCRIPT
CONFIDENTIAL ADMINISTRATIVE
INVESTIGATION
CALEXICO POLICE DEPARTMENT
COMPLAINTS RE: STONE GARDEN
OVERTIME USE BY
OFFICER LUIS CASILLAS
FEBRUARY 9, 2015**

In the Matter of:)
Calexico Police Department)
Transcription of Tape-Recorded)
Interview of)
Luis Casillas)

TRANSCRIPTION OF TAPE-RECORDED INTERVIEW OF
LUIS CASILLAS, BY BETTY KELEPECZ

1 "Luis Casillas"

2
3 BETTY KELEPECZ: In the matter of the Calexico
4 Police Department, this is a digitally-recorded interview
5 for an investigation for the Calexico Police Department.
6 Today is Thursday, January 29, 2015; the time is now
7 9:50 a.m. The location of the interview is the Calexico
8 Police Department at 420 East 5th Street in the City of
9 Calexico. Present to be interviewed is Luis, L-U-I-S,
10 Casillas, C-A-S-I-L-L-A-S. He is a police officer with
11 the Calexico Police Department and his badge number is
12 545. The interview is being recorded on Digital Record
13 No. 150129-002. The interview is being conducted by me,
14 Betty Kelepecz with Norman A. Traub Associates. Also
15 present is:

16 OTHER SPEAKER: Attorney Kristopher Di Giovanni with
17 Adams Ferrone. It's Kristopher, K-R-I-S-T-O-P-H-E-R,
18 Di Giovanni, D-I, space, capital G-I-O-V-A-N-N-I.

19 BETTY KELEPECZ: And also present is:

20 Other Speaker: Lieutenant Jesus Serrano, last name
21 spelled S-E-R-R-A-N-O.

22 BETTY KELEPECZ: And, uh, Di Giovanni is Casillas'
23 employee representative. Let it be noted they are also
24 recording, um, as well as I am. Uh, Officer Casillas, I
25 have been retained to conduct a confidential

1 investigation concerning complaints that have been filed
2 with the City of Calexico and to which you have been
3 identified as a subject employee. The investigation
4 involves allegations of misuse of city resources since
5 Chief Tabarez was hired as the Chief of Calexico Police
6 Department. My role as an investigator is a neutral fact
7 finder. I am not acting as an advocate for the persons
8 who filed the complaint or the person or agency
9 responding to the complaint nor am I an advocate for the
10 City of Calexico. As part of my investigation, I will
11 take statements from relevant parties and collect and
12 review documents and any other relevant evidence. I will
13 review the information you give me today and along with
14 statements from other witnesses and evidence I collect, I
15 will then report my findings to the City of Calexico. Do
16 you understand what I have explained so far?

17 LUIS CASILLAS: Yes.

18 BETTY KELEPECZ: On, uh, Thursday, July 17, 2014,
19 you were previously interviewed regarding some of what we
20 will cover today and that is the issues of overtime use
21 and overtime. We very, very basically covered that when
22 I interviewed you last time, but did you offer them an
23 opportunity to have their interview? I know you recorded
24 it last time.

25 OTHER SPEAKER: Yes ****.

1 BETTY KELEPECZ: But they knew, they already had
2 it, so, so it's really not that much we're going into
3 depth a lot more this time. This interview will continue
4 on from that point and also may cover other incidents
5 reported since that date. On January 13, 2015, you were
6 served with a memo by Lieutenant Jesus Serrano directing
7 you to be present for this interview. Oh, this one's
8 from Michael J. Bostic, interim chief of police. I'm
9 holding in my hand a document dated January 13, 2014, but
10 that is a mistake because it was 2015, am I correct?

11 LUIS CASILLAS: Yes, you are.

12 BETTY KELEPECZ: Okay, I just noticed that, and
13 it's signed by Michael J. Bostic, interim chief of police
14 dated 1/13/2015. I'm gonna hand that over to you. Do
15 you recognize this document?

16 LUIS CASILLAS: Yes, I do. It's the same one that
17 I have.

18 BETTY KELEPECZ: Okay, and did you have an
19 opportunity to read that document?

20 LUIS CASILLAS: Yes, I did.

21 BETTY KELEPECZ: Okay, so, um, you know that in
22 this memo you were ordered to cooperate fully with the
23 investigation and to answer all of our questions, my
24 questions, in a complete and truthful manner. You are
25 also ordered to obey any lawful directive I give. Also

1 in the memo you were ordered to refrain from discussing
2 or communicating in any way the issues in this
3 investigation, the questions asked and/or answered this
4 notice, the administrative interview, and the allegations
5 with anyone other than your attorney or authorized
6 representative. The prohibition applies to communication
7 with employees of the city, members of the elected or
8 appointed bodies of the city or anyone who could
9 potentially be a witness in this investigation including
10 former employees. That prohibition remains until such
11 time this investigation is completed and you are formally
12 notified by the city that you are no longer subject to
13 the order. Do you understand the order as given by
14 Lieutenant Serrano and Chief Bostic?

15 LUIS CASILLAS: Yes, I do.

16 BETTY KELEPECZ: So you are reminded not to engage
17 in any retaliatory actions or behavior towards
18 complainants, witnesses or potential witnesses and any
19 violations of the above orders will be considered an act
20 of insubordination and can be an independent basis for
21 disciplinary action up to and including termination. Do
22 you understand this?

23 LUIS CASILLAS: Yes, I do.

24 BETTY KELEPECZ: Before we go to the Lybarger
25 admonishment, um, Mr. Di Giovanni did you want to make

1 any comments or anything, concerns?

2 Other Speaker: Uh, yes. I just wanted to know
3 for the record that, um, we're objecting to the notice
4 that was served on January 13, 2015 to my client as
5 inadequate notice not providing any information based on,
6 um, just a listing of misuse of Department resources.
7 The allegations, this is, um, not giving my client the
8 ability to properly prepare for this interview and also,
9 uh, afforded him adequate legal representation due to the
10 deficiency of the notice.

11 BETTY KELEPECZ: Thank you, and of course, uh, the
12 position I have on that is that I believe it was adequate
13 notice because misuse of Department resources overtime
14 use is a misuse of Department resources if it's abused.
15 So, we're gonna go forward. Lieutenant Serrano, would
16 you please conduct the Lybarger?

17 OTHER SPEAKER: Due to the nature of this
18 administrative investigation Governor Code § 3303H
19 requires me to advise you of your Constitutional rights.
20 Therefore, it is important that you understand that
21 criminally you have the right to remain silent. Anything
22 you say may be used against you in court. You have the
23 right to an attorney before and during any questioning.
24 Do you understand each of these rights that I have
25 explained to you?

1 LUIS CASILLAS: Yes.

2 OTHER SPEAKER: With these rights in mind, do you
3 want to talk, will you talk to us now?

4 LUIS CASILLAS: No.

5 OTHER SPEAKER: Okay, I've annotated your
6 responses in note form and at the end you will have a
7 chance to initial them. While you have the right to
8 remain silent with regards to any criminal investigation,
9 you do not have the right to refuse to answer my
10 questions or our questions ****. This is an
11 administrative investigation, I am therefore now ordering
12 you to answer all our questions fully and honestly. If
13 you refuse to answer our questions, your silence can be
14 deemed insubordination and result in administrative
15 discipline up to and including termination. Any
16 statement you make under compulsion of the threat of such
17 discipline is for administrative purposes only and cannot
18 be used against you in a criminal proceeding. Do you
19 understand this admonishment?

20 LUIS CASILLAS: Yes.

21 OTHER SPEAKER: Will you talk to us now?

22 LUIS CASILLAS: Yes.

23 OTHER SPEAKER: Okay. I've annotated your
24 response in the form and please initial every one of
25 those and then sign and date.

1 LUIS CASILLAS: Today is the -
2 OTHER SPEAKER: 29th, fifteen.
3 BETTY KELEPECZ: Yeah, still doing that.
4 OTHER SPEAKER: Sign this. Okay.
5 BETTY KELEPECZ: Okay, thank you very much.
6 OTHER SPEAKER: All right, I'm going to be
7 excusing myself.
8 BETTY KELEPECZ: You are excused. Thank you.
9 Okay, so, um, I'm gonna go into the questions now.
10 Before I continue on do you have any questions or
11 concerns?
12 LUIS CASILLAS: Mm, no.
13 BETTY KELEPECZ: Okay, anything more to say?
14 LUIS CASILLAS: No.
15 BETTY KELEPECZ: Okay. Are you ill, injured or
16 under the influence of any medication that will affect
17 your answers or ability to be interviewed here today?
18 LUIS CASILLAS: No.
19 BETTY KELEPECZ: Is there any reason you will not
20 be able to fully participate in this interview and
21 investigation?
22 LUIS CASILLAS: No.
23 BETTY KELEPECZ: Okay, do you understand why you
24 are here and your responsibility to cooperate?
25 LUIS CASILLAS: Yes.

1 BETTY KELEPECZ: If you don't understand a
2 question, because I admit fully that sometimes I make bad
3 questions, please let me know, I'll repeat or clarify.
4 Please do not answer a question you do not understand. I
5 have a habit of kind of doing two or three questions in a
6 question. If you need me to break it down I will do
7 that. Okay? Um, if you need a break, let me know, we
8 can do that. Uh, she brought some water in. If you need
9 some additional water, I'm going to walk over there and
10 get some myself. I forgot to do that, and, um, of course
11 if you make it through to your water you're welcome to
12 take that. Okay, so, I've gotten your background on a
13 previous interview. What I'd really like you to do is
14 just remind me the date you came on, how long you've been
15 on the job, you know, what any promotions you have and
16 the rank that you were at, um, and if you have not been
17 on the job for a period of time why would that ****.
18 Okay.

19 LUIS CASILLAS: Okay. Would you like me to start
20 from the beginning of, uh, my, uh, date of hire with
21 Calexico or my police record?

22 BETTY KELEPECZ: Date of hire with Calexico 'cause
23 I believe we have the rest of this.

24 LUIS CASILLAS: Okay. I believe -

25 BETTY KELEPECZ: From your prior interview. Yeah.

1 LUIS CASILLAS: I believe, uh, I got hired in
2 2008, August 2008, and, uh, I've been on patrol ever
3 since up into, up until 2014, uh, sometime in, um, I want
4 to say, uh, June when I got promoted to, uh, the
5 Detective Bureau.

6 BETTY KELEPECZ: So, June 2014 somewhere around
7 there you were -

8 LUIS CASILLAS: Somewhere -

9 BETTY KELEPECZ: I can probably track that, all
10 right.

11 LUIS CASILLAS: Yes.

12 BETTY KELEPECZ: Okay, um, promoted to Detective
13 Bureau, and is that a promotion or is that a, an
14 assignment with some benefits?

15 LUIS CASILLAS: Well, it's, it's, it's a
16 promotion. You do have a, you do get a five percent, uh
17 -

18 BETTY KELEPECZ: Okay.

19 LUIS CASILLAS: - uh, pay, special pay increase
20 and, well, I don't know if you want to call it a
21 promotion or not. It all depends on how you look at it,
22 I guess.

23 BETTY KELEPECZ: Yeah, I think one is like
24 permanent and the other one is a pay increase and it's a
25 special assignment -

1 LUIS CASILLAS: Yeah.

2 BETTY KELEPECZ: - with, with benefits, but having
3 worked personnel -

4 LUIS CASILLAS: Mm.

5 BETTY KELEPECZ: - in the past that's just where my
6 brain goes. So, um, and what did you do when you were
7 working investigations?

8 LUIS CASILLAS: Well I started off, uh, working
9 alongside of, uh, Detective Rodriguez and, uh, Sergeant,
10 uh, Hermando ****, and the, uh, Detective Bureau, and,
11 you know, started from the, the ground up. I, prior to
12 that I had, I've only been up, you know, had only did
13 patrol assignments, uh, most of my career, and so just
14 the fundamentals of, you know, basic detective work and,
15 uh, through the period that I was there they, they, the,
16 they had the opportunity to send me to basic, uh, uh,
17 detective school, uh, for about a week and, uh, that I
18 attended out in Carlsbad at Carlsbad, uh, Police
19 Department, and, uh, that was pretty much it. After that
20 we typically just, we really didn't have, we weren't
21 assigned a specific, um, we, we didn't break the, the
22 cases down by, by, uh, by crimes or anything. It was
23 kinda like just, uh, the, the, you know, priority cases,
24 if something came up or, uh, we basically just worked on
25 mainly child abuse cases.

1 BETTY KELEPECZ: Okay.

2 LUIS CASILLAS: Uh, we just didn't have the
3 resources to do anything else.

4 BETTY KELEPECZ: Okay, and so, um, at some time
5 after that did you go off duty?

6 LUIS CASILLAS: Yes, and then in October, uh,
7 sometime in October, October the 30th, I believe were
8 placed on administrative leave and I've been off ever
9 since.

10 BETTY KELEPECZ: Okay, and during that time, during
11 all this patrol time and your investigative period time,
12 did, were you ever, um, acting as an officer in charge or
13 sitting in as a sergeant or anything like that?

14 LUIS CASILLAS: Uh, there was a few occasions when
15 I did, but, uh, because of the sit-, the way that it
16 worked here was at least, uh, uh, seniority, whoever had
17 seniority on the team was the, the OIC or the Officer in
18 Charge. Um, so because I was at the bottom of the, of
19 the seniority list, even though I had more years of
20 experience than other officers, um, most of the time I
21 wasn't the guy in charge, even though I had a little more
22 experience, just because of the fact that, you know, they
23 kinda did it based on seniority, so.

24 BETTY KELEPECZ: Calexico Police Department
25 seniority.

1 LUIS CASILLAS: Calexico, yes.

2 BETTY KELEPECZ: So since you came on in 2008 -

3 LUIS CASILLAS: Right.

4 BETTY KELEPECZ: - you were kinda like -

5 LUIS CASILLAS: At the bottom of the totem pole.

6 BETTY KELEPECZ: - didn't have a lot of seniority.

7 Okay, I understand that. So, since your, um, let's just

8 talk a little bit about take-home cars. Did you have a

9 take-home car while you were an investigator?

10 LUIS CASILLAS: Yes, I did.

11 BETTY KELEPECZ: Okay, and do you know what the

12 unit number was of this take-home car?

13 LUIS CASILLAS: No, um, I identified it as the

14 gray Fusion.

15 BETTY KELEPECZ: A gray Fusion, okay, and prior to

16 going to investigations, uh, did you use black and whites

17 or undercover cars?

18 LUIS CASILLAS: Black and whites.

19 BETTY KELEPECZ: Okay, and do you recall what black

20 and white you predominantly used, or did you have one?

21 LUIS CASILLAS: Um, no, I don't recall. I mean,

22 uh, they did assign us a unit, and, uh, it was based on,

23 again, seniority or if you're on the shift, if you're on

24 the shift and that was your permanent shift you went to

25 your car, but if your car broke down or your car was

1 being serviced, you would take a spare car which would
2 be, you know, as we called the old collar cars, the Crown
3 Vics, and, uh, that's, that's kind of what you drove.

4 BETTY KELEPECZ: Okay, and so you were assigned a
5 vehicle. You used it most of the time unless -

6 LUIS CASILLAS: Most of the time.

7 BETTY KELEPECZ: - there was some -

8 LUIS CASILLAS: ****.

9 BETTY KELEPECZ: - **** not. Okay. I understand
10 that. So, having said that, uh, what if you were there
11 on overtime and another super-, were you the only one
12 assigned to that car or was there one, more than one
13 people assigned to that unit?

14 LUIS CASILLAS: Um, typically there was someone
15 else that shared that, that new car, what we called the
16 new car, and, uh, typically it was the opposite shift, so
17 you wouldn't, you know, bump, bump into each other at the
18 end of, end of watch. So, um, it was, it was prob-, it
19 was typically someone that worked the opposite days of
20 you so that the car would rest and so, you know, no one,
21 the car would, would, you know, wouldn't be idle, you
22 know, 24-7, but that, that wasn't always the case. Um,
23 our fleet, we had a lot of issues with the Chargers and,
24 you know, they're constantly in and out of the shop, so,
25 you know, and they're really, they had a system but it

1 didn't always work.

2 BETTY KELEPECZ: Do you recall what the issues were
3 with the Chargers? I mean, what was wrong with them?

4 LUIS CASILLAS: Well, right out of the chute some
5 of the, the first issues were the, uh, the brakes. They
6 were having a lot of brake issues. Um, apparently it was
7 just some type of defect or, or they, they weren't built
8 properly to where the, uh, ball joints in the front and
9 the brakes would go, go out about every 3,000 miles.

10 BETTY KELEPECZ: Wow.

11 LUIS CASILLAS: So, uh, they were constantly -

12 BETTY KELEPECZ: That's scary.

13 LUIS CASILLAS: - in the shop.

14 BETTY KELEPECZ: Okay, anything else that you can
15 recall?

16 LUIS CASILLAS: Uh, they had a lot of issues with
17 the computers, with the computer system.

18 BETTY KELEPECZ: Okay.

19 LUIS CASILLAS: Uh, sometimes the Code 3 lights
20 didn't work because it was all intertwined with the, with
21 the system. Shock and release wouldn't work so they,
22 they had a lot of, lot of glitches in the system so they
23 weren't out. We never had the, the, the fleet
24 100 percent ****.

25 BETTY KELEPECZ: Okay. So, um, if you were working

1 an overtime shift and someone else was there you would
2 take a different car -

3 LUIS CASILLAS: Yes.

4 BETTY KELEPECZ: - is that what I'm hearing?

5 LUIS CASILLAS: Yes. I'd take a different car,
6 whatever was available.

7 BETTY KELEPECZ: Okay. So, um, given that, could
8 you just go through what your day would be like when you
9 came on duty as a police officer? You know, what's the
10 first thing you do, the second thing you do, the third
11 thing you do, and just give me a chronological of that.

12 LUIS CASILLAS: Well, you know, after, after roll
13 call, uh, we were typically assigned, uh, our beats.

14 BETTY KELEPECZ: Actually could you start before
15 that when you walked in the back door?

16 LUIS CASILLAS: Well, when you walk in the back
17 door, you, you know, you shoot the shit with **** the
18 parking lot.

19 BETTY KELEPECZ: Okay.

20 LUIS CASILLAS: Just prior to getting to the
21 locker room and, uh, kinda **** it all depends. If
22 you're, uh, a last-minute guy or if you're a guy that
23 comes in 10, 15 minutes prior.

24 BETTY KELEPECZ: What are you?

25 LUIS CASILLAS: Um, I'm in between.

1 BETTY KELEPECZ: Okay.

2 LUIS CASILLAS: Sometimes I'm a last-minute guy,
3 sometimes I'm a 10-minute guy.

4 BETTY KELEPECZ: And do you come in in uniform or
5 do you go to the locker room and dress?

6 LUIS CASILLAS: No, I go to the locker room and
7 dress.

8 BETTY KELEPECZ: Okay. Some people come in
9 uniform, some -

10 LUIS CASILLAS: Some people do come in uniform, at
11 least with their, with their shirts and they just go to
12 the locker room and put on their boots, I mean their sand
13 browns and stuff like that, but I typically did always, I
14 never came in uniform.

15 BETTY KELEPECZ: Okay. So, continue on. So, now
16 you've come in the back door and you've shot the shit,
17 you've gone into the locker room. You're starting to -

18 LUIS CASILLAS: Uh, when you remember you would
19 clock in.

20 BETTY KELEPECZ: Okay. If you remember clock in.
21 Why would there be a reason you wouldn't remember?

22 LUIS CASILLAS: Uh, you get sidetracked.

23 BETTY KELEPECZ: Okay.

24 LUIS CASILLAS: You get sidetracked and sometimes
25 you forget to clock in.

1 BETTY KELEPECZ: So you try to clock in before you
2 go into the locker room?

3 LUIS CASILLAS: I, I would, I would try to clock
4 in before I went to the locker room, but once again I,
5 that wasn't always the case. Sometimes you get side
6 tracked and all it takes is for someone, you know, tap
7 you on the shoulder and, you know, you lose focus and
8 before you know it, you know -

9 BETTY KELEPECZ: yeah.

10 LUIS CASILLAS: - you, you don't clock in.

11 BETTY KELEPECZ: Okay, so let's go on. So, now
12 you've either clocked in before or when you come out
13 you're going to briefing or clocking in and what?

14 LUIS CASILLAS: Well, then you, you go through the
15 typical roll call. They go through the logs. Uh, either
16 the sergeant or the officer in charge goes through the
17 logs. We share information with the previous shift. Uh,
18 we have a, uh, some type of roll call training, but most
19 of the time they went over the, the **** the policy
20 book, unless there were some there was a hot call that
21 was pending or something that was going on then, then,
22 you know, we would just hit the field, but, uh, most,
23 most of the time they, they read some type of policy.
24 Um, you'd get assigned your, your beats and you'd go out
25 to your beat. Depending on what beat you had in the

1 city, it's broken up into, into quadrants of, uh, and
2 there's four of them, and you, you know, you go, you go
3 to your area and you shag the calls from your, from your
4 beat.

5 BETTY KELEPECZ: So let's back up a little bit from
6 there. When you get in your car, I mean, do you check
7 out -

8 LUIS CASILLAS: Well -

9 BETTY KELEPECZ: - **** then or how does that all
10 work?

11 LUIS CASILLAS: Um, when you, typically there's,
12 the shotgun situation, um, some cars have shotguns in
13 there, some didn't.

14 BETTY KELEPECZ: Mm hmm.

15 LUIS CASILLAS: Um, so at times it was a hit and
16 miss. You know, some guys carry their rifles, some guys
17 didn't. Um, and the reason for that is, uh, you know,
18 some of the racks, uh, you know, some of the racks aren't
19 really properly, uh, made or adjusted to our, to our
20 rifles and, uh, there was a lot of issues with the racks
21 and, you know, they, as time went on they kind of fixed
22 them, but it was, it didn't always work. So, some cars
23 had shotguns, some didn't, um, and, uh, typically there,
24 if there was a shotgun in there before you go 10-8, you
25 know, you kinda run through your car, you know, take out

1 your shotgun make sure that it's, that it's, uh, that
2 it's, uh, you empty it out and then reload it and kinda
3 go through your own personal checklist, uh, and, uh, you
4 know, for awhile there we had, uh, we actually had, uh,
5 uh, sheets, uh, that we would check off for fuel and gas
6 and like everything else it only worked for, for, for
7 awhile and then after that it just kind of you grab the
8 sheet and then the sheets were never around and before
9 you know it we're not using sheets anymore, kinda back to
10 all of that.

11 BETTY KELEPECZ: Mm hmm. Mm hmm.

12 LUIS CASILLAS: Um, you kinda check out your unit,
13 your weapons and you go 10-8. Some guys like to take
14 their, their rifle, long rifles out, some guys didn't.

15 BETTY KELEPECZ: Uh huh.

16 LUIS CASILLAS: Um, you know, I, I, I would take
17 it out sometimes and sometimes I didn't.

18 BETTY KELEPECZ: Mm hmm.

19 LUIS CASILLAS: Uh, and, uh, sometimes you -

20 BETTY KELEPECZ: So you were all assigned a long
21 rifle, is that correct?

22 LUIS CASILLAS: We were all assigned a long rifle.

23 BETTY KELEPECZ: Every patrol officer is assigned a
24 long rifle?

25 LUIS CASILLAS: Every patrol officer.

1 BETTY KELEPECZ: Okay.

2 LUIS CASILLAS: Okay, and that's your own personal
3 rifle and some guys take them home, some guys leave them
4 in the locker and that's kinda the way it works. Um,
5 typically what you're supposed to, as you take, leave
6 the, the, the rear lot you're supposed to, um, you know,
7 call in the unit number and your mileage and, uh, let the
8 dispatch or the dispatchers know what, what, what's your
9 assigned, what's your assigned beat. Um, it didn't
10 always work, it didn't always happen, you know, sometimes
11 you forget, sometimes, uh, you did it, sometimes you
12 didn't.

13 BETTY KELEPECZ: So you're saying you, sometimes
14 you didn't do it?

15 LUIS CASILLAS: Yes.

16 BETTY KELEPECZ: Other people didn't as well, but
17 you didn't do it sometimes.

18 LUIS CASILLAS: It's, it was hit and miss.

19 BETTY KELEPECZ: Why is that?

20 LUIS CASILLAS: Well, uh, just bad habits that,
21 that, that you don't get rid of that you start picking up
22 as, as, uh, you know, I don't know, just human nature.
23 Sometimes you've got bad habits you just can't shake off
24 and, and, uh, it's just a lot of reasons. I don't know,
25 but you know, you try, but it doesn't always happen.

1 BETTY KELEPECZ: So, it, and to follow up on that,
2 if you were to say what percentage of the time that you
3 went out in the field and you did that and, or the
4 percentage that you didn't, what percentage might that
5 be? And this is just an estimate, I realize that.

6 LUIS CASILLAS: If I had to take a, if I had to
7 guess I would guess 50 percent of the time.

8 BETTY KELEPECZ: Okay. Okay. Okay, could you, um,
9 give me a feeling of you get out in your car and you're
10 now leaving the station and you're giving them your
11 mileage and your car and your beat. Is that correct?

12 LUIS CASILLAS: That's correct.

13 BETTY KELEPECZ: What do you do with the, there,
14 are there MDCs in the car or MDTs?

15 LUIS CASILLAS: Yes, yes, there is, um -

16 BETTY KELEPECZ: Okay, and are they used to log on
17 or do you use them to log on or tell me how that happens.

18 LUIS CASILLAS: The, uh, MDTs, uh, sometimes work
19 and sometimes didn't. Um, if you were, if you were in
20 one of the newer cars, uh, most of the time they, they
21 didn't work, um, and same with the, with the older cars,
22 but the older cars tend to work a little more than the
23 newer cars for whatever reason. I, I don't know but, uh,
24 so the, the older cars had more, this Motorola system
25 which -

1 BETTY KELEPECZ: Mm hmm.

2 LUIS CASILLAS: - you, you have to log in and you
3 have to put in your password -

4 BETTY KELEPECZ: Right.

5 LUIS CASILLAS: - and so on and so forth, and the
6 same thing with the, the Dodge Chargers, but, um, they
7 didn't always work, the system wasn't always up to par.

8 BETTY KELEPECZ: So, uh, did you do it, I mean, did
9 you try every time or did you just -

10 LUIS CASILLAS: It, you, you try.

11 BETTY KELEPECZ: - say this doesn't work.

12 LUIS CASILLAS: No, you try and after a few times
13 you, you give up. Um, and sometimes, you know, if you
14 hit a dead spot or if it kicks you off or whatever the
15 situation may be, you know, you kind of get tired of
16 putting in a password, you know, and um, sometimes we
17 used them, sometimes we didn't.

18 BETTY KELEPECZ: Okay, so tell me a little bit
19 about other systems in the car, um, like the, do you have
20 an in-car video in them?

21 LUIS CASILLAS: Uh, yeah. There is a, a, the new
22 cars had a charade of electronics.

23 BETTY KELEPECZ: Mm hmm.

24 LUIS CASILLAS: Um, I'm not a big electronic guy
25 but I know that, uh, some of the cameras worked, some of

1 them didn't. Uh, I know that there's audio in the back,
2 some worked, some didn't. Um, uh, I wouldn't know how
3 to, you know, some guys are more techie than other guys.
4 Some guys, you know, like to get that computer up and
5 going before they went 10-8 and, you know, they were a
6 little more techie with it. Some guys like me, I'm not,
7 I'm not a techie guy. I don't, I don't know much about
8 computers and I just, if it worked it worked, if it
9 didn't work, well, it just didn't work.

10 BETTY KELEPECZ: That's funny. How do you know if
11 it's working? Is there a process to turn it on or turn
12 it off -

13 LUIS CASILLAS: Well -

14 BETTY KELEPECZ: - how does that work?

15 LUIS CASILLAS: Um, I, I really don't, don't
16 remember the process for the uh, for the, for the
17 Chargers, but it, the screen was the same as the old cars
18 but, um, you know, typically you have a password, a login
19 and a password, um, and, uh, first initial and last name
20 and then your password was typically the first three
21 letters of your last name and the, and the last four, uh,
22 numbers of your Social Security, and, uh, that's, you
23 know, like I said, sometimes it worked, sometimes it
24 didn't. Um, some guys, some guys were real techie, like
25 I said, and they would just sit there and mess with it

1 all day until they got it to work. Some guys didn't, um.

2 BETTY KELEPECZ: So, did you ever use it?

3 LUIS CASILLAS: I, I used it at times.

4 BETTY KELEPECZ: And did you log on with your first
5 name and last name like you told me, the initials and all
6 that kind of stuff?

7 LUIS CASILLAS: Typically, yeah.

8 BETTY KELEPECZ: And when you did that, um, do you
9 know what the system boot up process is and when it's
10 activated and when it starts recording and all of that
11 stuff?

12 LUIS CASILLAS: Uh, as far as the new cars?

13 BETTY KELEPECZ: Um, I, I don't know, if it's
14 different tell, tell -

15 LUIS CASILLAS: No, I, yeah, the, the, the old
16 cars, the, the old car was a little more, it's a little
17 more simple. You log on, the way that you know that it's
18 working typically it'll show you on the screen and it'll
19 show the other cars, it'll show the address or the
20 location of the other cars where they're at, and you can
21 go into the call and see what the nature of the call is.
22 So, you know if you're on just by looking at, at the
23 screen. The, the new cars would do the same, but like I
24 said, I don't know if, I don't know how all that stuff
25 worked as far as, uh, the recorders or, you know, I know,

1 uh, you know, some guys, you had to do something in the
2 back sometimes. You gotta, had to reboot it and they
3 just had a lot of issues with those cars. If they left
4 them, if they turned off the key the whole car would shut
5 down. They had to get a jump so a lot of guys would
6 leave the cars on. It, it just, it became kind of a mess
7 after awhile and, um, you know, after awhile, I worked on
8 the, with the new cars a very short time because when I
9 got back from, uh, when I got back from my workers' comp,
10 um, you know, I had a, I only came, I came back like for
11 four, five months and then I was put in the, uh, and
12 promoted to the Detective Bureau, so I, I really didn't
13 get a, a whole lot of time with the, with the new cars,
14 but, uh, I know that they're, they were supposed to do a
15 bunch of Wazoo stuff. I don't know if it actually worked
16 or not or how that stuff worked.

17 BETTY KELEPECZ: And, and do you know what the
18 triggers are for the recordings. Do you, were you ever
19 trained in any of that -

20 LUIS CASILLAS: Mm mmm.

21 BETTY KELEPECZ: - do you recall or anything like
22 that?

23 LUIS CASILLAS: Uh, no. For any, anytime we
24 needed a recording of, of any footage from the vehicle
25 you had to go through uh, uh, uh, Steven Frazier who was

1 the computer guy or the lieutenant, Lieutenant Geraldo
2 who were the, you know, the computer liaisons or whatever
3 they did. I don't know how that you would turn it off or
4 on or if any of that stuff actually ever worked.

5 BETTY KELEPECZ: Okay, okay, fair enough. So, um,
6 have you ever reviewed any of the video that ever came
7 from you? You said you'd have to go to them to look at
8 it. Have you ever looked at any of your videos or any
9 video that comes out of the **** system?

10 LUIS CASILLAS: Um, not that I recall.

11 BETTY KELEPECZ: Okay. Do you know if any of your
12 contacts or any of your time in patrol resulted in a
13 video being created?

14 LUIS CASILLAS: Uh, there's a possibility. I, I
15 don't know if any of these cars -

16 BETTY KELEPECZ: Okay.

17 LUIS CASILLAS: - if the car that I was driving
18 worked or not. I know that they had some, some sort of
19 deal where, you know, once you hit the Code 3 lights it
20 records a minute or a couple seconds prior and after or
21 if you're, you know, some, you know, some people said
22 there was, you know, if you're outside talking to your
23 partner, you know, it had mics. I, I don't know if, uh,
24 I mean, I don't know if, if any of that stuff really
25 worked or, or if I ever was recorded on them. I'm sure I

1 was if it worked. I don't know, I was around the, the
2 vehicle so I'm sure at one point I was recorded.

3 BETTY KELEPECZ: Okay. So, um, so do you know if
4 you don't log onto the system whether there's like a
5 default logon process that occurs whether you like it or
6 not? I mean, if you get in a car and -

7 LUIS CASILLAS: Mm.

8 BETTY KELEPECZ: - turn it on do you know if
9 there's some sort of way that it boots up on its own,
10 even if you don't put in your password to log in?

11 LUIS CASILLAS: Uh, no. I, I don't know what
12 there is. I.

13 BETTY KELEPECZ: Okay. So, if I were to go into
14 the COBAN system, which is your in-car video system, and
15 pull video for the dates and times that you were working
16 and it indicated that you were in a certain vehicle on
17 your logs, let's say, but I look at the video and it's
18 not you. Can you explain how that might have occurred?

19 LUIS CASILLAS: No.

20 BETTY KELEPECZ: Okay. Have you used another
21 officer's logon information to log in to COBAN or to the
22 in-car video system?

23 LUIS CASILLAS: Mm, I don't recall. I might have.

24 BETTY KELEPECZ: And under what circumstances,
25 circumstances might you log on to the COBAN system?

1 LUIS CASILLAS: To the.

2

3 BETTY KELEPECZ: With another person's.

4 LUIS CASILLAS: Uh, maybe if my password didn't
5 work or.

6 BETTY KELEPECZ: And, and do you specifically
7 recall - and I think you answered this, but I'm gonna ask
8 it again - do you re, specifically recall ever doing
9 that?

10 LUIS CASILLAS: Uh, I don't recall ever doin'
11 that.

12 BETTY KELEPECZ: And, um, I have these, that answer
13 so hang on for a second. Is there any other reason you
14 might use someone else's, uh, login information?

15 LUIS CASILLAS: Um, other than, uh, you know,
16 maybe my, my password didn't work or I mean that's the
17 only thing that I can think of. I don't recall every,
18 ever, uh, doing it but it could be a possibility where,
19 where, where it's been done.

20 BETTY KELEPECZ: Okay. So, let's go into overtime
21 a little bit. Um, can you tell me a little bit about
22 your overtime system and I'm holding in my hand an
23 overtime slip and if that helps you understand it better
24 and to tell me how it works. Um, just go overview about.
25 What types of overtime? When are they used? All that
26 kind of stuff and your responsibility as it relates to

1 overtime.

2 LUIS CASILLAS: Um, well, in front of me is a, you
3 know, a, a overtime slip and basically, you put your name
4 and your division. In this case, I would, the way that I
5 fill it out is I put my initial and my last name and I,
6 uh, put patrol up there and, and, uh, there's a lot of
7 checkboxes on, in this slip where there's court or you
8 kind of put whatever kind of pertains to the overtime
9 that you're doin'. If you're court and you check off the
10 court, uh, line there and then you put how many hours
11 you, you worked. If it was, uh, grant overtime, uh,
12 Stone Garden and you would hit the grant and overtime and
13 you put the hours and, uh, it, if it was some type of a
14 DUI grant or anything like that, they typically tell you
15 what to put on there. Uh, the sergeants or lieutenants
16 say, um, you know, DUI checkpoint or, you know, often
17 times, uh, if you worked overtime at another city or, you
18 know, as a mutual aid they would, they would tell you
19 what, what to put on there, um, and that's, you know, you
20 put your, your assignment, uh, the day that you worked,
21 uh, the hours that you worked, total hours and then you
22 check off if you want the, uh, overtime or the comp. You
23 sign it. Uh, you give it to your supervisor. He takes a
24 look at it. He signs it and, uh, you keep a copy. Uh,
25 you're, you're supposed to keep a copy of 'em but, you

1 know.

2 BETTY KELEPECZ: So, which copy would you keep.

3 I'm showing, this one has a triplicate on it.

4 LUIS CASILLAS: Yeah.

5 BETTY KELEPECZ: So, is it the blue copy that you

6 would keep?

7 LUIS CASILLAS: Yeah, I, I think it's the blue co,

8 it says, says right, you keep the blue copy, says it

9 right, says it right on there.

10 BETTY KELEPECZ: And did they ever tell you what to

11 put in this, see here? Is this the payroll code, code

12 area?

13 LUIS CASILLAS: Yeah. You typically check

14 whatever, whatever applies.

15 BETTY KELEPECZ: Okay.

16 LUIS CASILLAS: Um, if it's, uh.

17 BETTY KELEPECZ: Did you ever put a number in there

18 or anything like that?

19 LUIS CASILLAS: Yes, yes, yes, I'm sorry. Uh, if

20 you worked a, a grant overtime, which was Stone Garden

21 and you would put 88.

22 BETTY KELEPECZ: Okay. So, 88's the payroll code

23 for Stone Garden and that?

24 LUIS CASILLAS: Uh, I, uh, I assume. I, I don't

25 know.

1 BETTY KELEPECZ: You don't know that.

2 LUIS CASILLAS: I don't know but I know it, if
3 it's Stone Guard, you put 88 and you circled it.

4 BETTY KELEPECZ: Okay and so, when you sign your
5 signature on here saying employee signature, what are you
6 saying when you sign that?

7 LUIS CASILLAS: When you sign it, well, that you
8 worked that day and those hours.

9 BETTY KELEPECZ: And, um, there's a little claim,
10 disclaimer up here, I certify this overtime was required
11 and is accurate. Is that how you, how you perceive what,
12 your signing of it?

13 LUIS CASILLAS: Yes.

14 BETTY KELEPECZ: Okay. Can you tell me what
15 overtime is required and what's authorized? Tell me how
16 that decision's made.

17 LUIS CASILLAS: Well, um, there's overtime,
18 there's a type of overtime when you're working on a re,
19 late report or a case, um, and then there's, uh, grant
20 overtime or some special assignment overtime if, uh, you
21 know, you're doin' a parade or there's different types of
22 overtimes. I, you know, it all depends what, what you
23 work is, is what you're gonna put on them.

24 BETTY KELEPECZ: So, let's say you come into the
25 station and you have a late report. You just arrested

1 bad guy. You took him to Imperial County Jail. You've
2 booked him in. Now, you gotta finish your report. How
3 do you get, how do you do that? Do you get authorization
4 to do that or you just start doing it? How does that
5 work? What's the practice here?

6 LUIS CASILLAS: Well, um, if it's a, it's a late
7 report, um, you know you advise your, whoever's in charge
8 of the, of the shift hey, this is gonna put me into
9 overtime. You want me to stay or, or, you know, you want
10 me to, to leave? So, if they authorize you to yeah, well
11 just, you know, go ahead and transport him. Go ahead
12 and, you know, transport him and then and then leave.
13 Then what he, what he'll do is he'll sign the overtime
14 slip. Um, you sign it and he sign, he signs the overtime
15 slip because it happened on, on his shift. Um, every
16 sergeant is different. Some sergeants won't sign the
17 slip unless you worked, uh, unless you're part of his
18 team. So, the, you know, it, it all depends. It kind
19 of, um, there's really no consistency on how we did it.
20 You just get a supervisor to sign your slip. Hey, I was
21 here. I stayed over 2 hours. Are you gonna sign my
22 slip? Some would tell you no.

23 BETTY KELEPECZ: ****.

24 LUIS CASILLAS: Um, and some would sign it, um,
25 you know, so it, it was a, a hit and miss.

1 BETTY KELEPECZ: So, if someone told you no, what
2 would you do? In other words, you said hey, I, I gotta
3 work overtime, go ahead and work it, um, you, will you
4 sign my slip? Not until you're done with it. So, what
5 would you do about that supervisory review if they said
6 goodbye, I'm gone for the night and you just finish your
7 overtime?

8 LUIS CASILLAS: And it happened, and it happened
9 often with some sergeants, like I'm not signing it, your,
10 your, your overtime. Tell your sergeant to sign it.

11 BETTY KELEPECZ: Right.

12 LUIS CASILLAS: So then, you know, for, if you
13 didn't want to put up a fight or anything like that, you
14 just okay, well, then I'll go to my ****, see my
15 sergeant tomorrow. Hey, sarge, uh, X, X sarge didn't,
16 didn't wanna sign my slip last night. Can you sign it?

17 BETTY KELEPECZ: Mm hmm.

18 LUIS CASILLAS: Uh, how long did you stay, an
19 hour, two hours, whatever it is and he signs it and ****.

20 BETTY KELEPECZ: So, were there ever any times that
21 you turned in your overtime slip and it wasn't signed by
22 a supervisor?

23 LUIS CASILLAS: Um, it, it would have to be signed
24 by a supervisor or else you're not gonna get paid.

25 BETTY KELEPECZ: Okay. So, do you recall any time

1 specifically -

2 LUIS CASILLAS: I, I don't, I don't recall.

3 BETTY KELEPECZ: - that you may have turned in and
4 supe - let me finish my question - that you may have
5 turned in an overtime slip and a supervisor didn't sign
6 it?

7 LUIS CASILLAS: Um, I don't recall but I would
8 assume that there could be some times. I don't know.

9 BETTY KELEPECZ: Okay. Can you tell me, according
10 to the overtime policy, how many hours you can work in a
11 day and how much time off you have to have off between,
12 um, working?

13 LUIS CASILLAS: Um, I wanna say it's a total of
14 16. You had to have, uh, 8 hours between a, uh, the next
15 shift.

16 BETTY KELEPECZ: And were there any exceptions to
17 that?

18 LUIS CASILLAS: Um, I'm sure there could be.

19 BETTY KELEPECZ: And do you recall any time that
20 you may have worked over the 16 hours without 8 hours
21 between?

22 LUIS CASILLAS: Mm, uh, I don't recall but I'm
23 sure that there's, I mean there could be possibility.
24 You get into an arrest or, or something it'll and you're
25 already on your 12th hour and I mean you sure could carry

1 over to the 16th or 17th hour. Doesn't always happen but
2 I, I would say, venture to say that there's a possibility
3 they could.

4 BETTY KELEPECZ: Do you know if there's any policy
5 or procedure that requires that you limit your hours
6 worked in a 3-day period or a 5-day period or a 7-day
7 period?

8 LUIS CASILLAS: Um, I'm sure that there is -

9 BETTY KELEPECZ: Mm hmm.

10 LUIS CASILLAS: - but I, I, I couldn't tell you
11 offhand what it, what it is.

12 BETTY KELEPECZ: Okay and have you ever had a
13 supervisor mention to you you need to go home 'cause
14 you're not within the 8-hour period of returning to work?

15 LUIS CASILLAS: Um, I've heard supervisors tell
16 other officers that. Um, me personally, typically I, you
17 know, you don't have to tell me twice to go home. I'll,
18 I'll leave. I mean I, you know, I wanna do my ****.
19 I'm not, you know, I don't like to mope around. I, I'm
20 not a big overtime guy so I mean I'm, I have heard, I've
21 heard supervisors hey, you know, you guys gotta have
22 8 hours between shifts and anything like that. Um, I
23 mean I, there, there have been situations where, where I
24 stayed the, you know, the 16 hours. Someone called in
25 sick or just somethin' came up but, uh, not, not too

1 many.

2 BETTY KELEPECZ: Okay.

3 LUIS CASILLAS: I would have to say not too many.

4 BETTY KELEPECZ: Okay and, and is it safe to say
5 that you can't recall any specific time?

6 LUIS CASILLAS: I can't recall any specific times.

7 BETTY KELEPECZ: Okay. Okay. Tell me a little
8 bit, uh, we briefly went over your timecards. Uh, who,
9 who is responsible for the timecard submissions?

10 LUIS CASILLAS: Well, um, the timecards are
11 actually, uh, the way that payroll is done here is
12 actually a train wreck and I've.

13 BETTY KELEPECZ: A train wreck. Okay.

14 LUIS CASILLAS: It really is. It's, it's
15 somethin' that we actually as a POA, uh, went over with
16 one of the, one, the last city manager, Mr. Oscar
17 Rodriguez, um, because, you know, it's just got so many,
18 so many glitches and it, it goes through so many hands
19 that, um, at, at times it becomes an issue and, and the
20 reason we got into that was because a lotta guys, uh,
21 often times would hold their overtime slips or would,
22 wouldn't turn 'em in on time and typically what it is is
23 the Tuesday, uh, before the, the last day of the pay
24 period which, uh, is the week of payday, you're to submit
25 all overtime, uh, uh, slips so that it could be on that

1 week's, at that, at that, on that check, on that, that
2 Thursday.

3 BETTY KELEPECZ: So you could get paid for it.

4 LUIS CASILLAS: So you can get paid for it. So,
5 um, you know, we had a lot of issues with that. A lot of
6 guys would, not intentionally but sometimes would hold
7 their, the overtime slips and now it's Tuesday and
8 they're running around and they want Martha to take it
9 across the street and it, it just became very hectic and
10 then they, they, they put a, a, uh, a timeframe on there,
11 said 8:00 on Tuesday and then they said no, it's gonna
12 be, uh, 10:00 on Tuesday and the issue was that if you
13 worked, if you worked on Tuesday overtime, right -

14 BETTY KELEPECZ: Mm hmm.

15 LUIS CASILLAS: - and you're, you got off at 10:00
16 at night, well that overtime slip was not gonna be on
17 that week's check because it's too late. It had to been,
18 been in that Tuesday morning. So, a lotta times, um, and
19 it was common practice, what they would do is that the
20 sergeant would, the supervisor would sign that, that
21 overtime slip, turn it in so that you can get paid on
22 Thursday and, and hoping that you show up, right?
23 Because if you didn't show up, I mean you had to show up
24 because you're being paid, you know, on that week's check
25 for work that you really haven't worked yet.

1 BETTY KELEPECZ: But this is only on overtime, not
2 on straight shifts?

3 LUIS CASILLAS: This was on overtime, right.

4 BETTY KELEPECZ: Okay. So, you were scheduled to
5 work the overtime. Correct me if I'm wrong. You were on
6 the schedule to work the overtime or someone knew you
7 were going to court that day or whatever it was.

8 LUIS CASILLAS: Right.

9 BETTY KELEPECZ: And they'd sign it beforehand so
10 it'd get in.

11 LUIS CASILLAS: On time.

12 BETTY KELEPECZ: So if you, on time, and if you
13 didn't show up, what did they do?

14 LUIS CASILLAS: Well, I don't know. I was ****.

15 BETTY KELEPECZ: Okay. It didn't happen to you?

16 LUIS CASILLAS: Well, I, no, I mean that's, that's
17 your obligation. You gotta show up. You can't, I assume
18 they probably dock you the next, next time around for the
19 time that they, you know, dock you the hours that you
20 didn't, uh, show up for that shift. I mean that's the
21 only fair thing to do.

22 BETTY KELEPECZ: So and you, normally on your, um,
23 checks do you see about the same amount of money all the
24 time?

25 LUIS CASILLAS: I, I do.

1 BETTY KELEPECZ: So, that, that begs the question
2 of if you see something different and you know you didn't
3 work the overtime, is there any obligation on your part
4 to report that they got too much money versus just wait
5 for them to dock you?

6 LUIS CASILLAS: Um, well, well, you know. I mean
7 you know if you didn't show up or not.

8 BETTY KELEPECZ: Right. So, let's say you didn't
9 show up and you've got - and obviously, this is a
10 hypothetical because I'm not sure that you've ever done
11 that. I'm not asking you about that - if you got your
12 check and it showed you worked 12 hours overtime and you
13 know during that pay period you didn't, what is your
14 obligation?

15 LUIS CASILLAS: Well, your obligation is to say
16 something 'cause it's -

17 BETTY KELEPECZ: Okay.

18 LUIS CASILLAS: - time that you, you got paid for
19 somethin' you didn't work.

20 BETTY KELEPECZ: And have you ever had the
21 opportunity to do that?

22 LUIS CASILLAS: Uh, do what?

23 BETTY KELEPECZ: See something on your check that
24 shouldn't be there and say something.

25 LUIS CASILLAS: Um.

1 BETTY KELEPECZ: As you called it.

2 LUIS CASILLAS: I mean, uh, no 'cause me
3 personally?

4 BETTY KELEPECZ: Yes. I'm asking you.

5 LUIS CASILLAS: Oh, no. For the most part, I mean
6 I kinda roundabout kinda know what I'm gonna get paid so,
7 obviously, if there's somethin' that's out of whack, I,
8 you know, you gotta say somethin' but either to your
9 supervisor or say hey, I, I got paid or dock me the next
10 week or whatever but I, I can't, uh, recall a situation
11 where that's happened to me.

12 BETTY KELEPECZ: Okay and when you fill out your
13 overtime slips, uh, what increments of time do you show
14 on your overtime slips?

15 LUIS CASILLAS: Well, uh, half. You can go half
16 hours, half hours. Um, I guess you can go three-quarters
17 of an hour if you got technical but, um, it's, you know,
18 typically a, a flat, a flat time unless it's, you know,
19 half an hour and then you call it half an hour.

20 BETTY KELEPECZ: And how is it typically that way?

21 LUIS CASILLAS: You stay over 2½ hours, you put
22 2.5 or, or you just write on there 2½, uh, 2½ hours. Um,
23 different people do different things, um, and you just
24 put it on there.

25 BETTY KELEPECZ: Okay. Are there quarter hours?

1 You said, you, technically there's three-quarter hours or
2 that if you get technical.

3 LUIS CASILLAS: Well, yeah, I, I would assume that
4 if you wanted to, you know, nickel and dime 'em for
5 15 minutes, you could but it, it just becomes a, a
6 nightmare, uh.

7 BETTY KELEPECZ: So, what if they, what if you
8 didn't work a full 15 minutes, do you know what the
9 policy and procedure is for how much time you work in
10 order to put in for a 15-minute increment or a 20?

11 LUIS CASILLAS: Uh, no, I don't know it offhand.
12 I'm sure there, there's somethin' out there but.

13 BETTY KELEPECZ: And what if you come in late and
14 you clock in with your timecard and you're legitimately
15 late? I mean you didn't get held up. You didn't get
16 anything like that. Um, do you put in for that overtime
17 for that full half hour or how do you make that decision
18 about what you're gonna put in?

19 LUIS CASILLAS: Well, if you're, if you're late
20 and, you know, you're, you know, 10, 15 minutes, which it
21 happens, you know, you take it upon yourself to, to stay
22 the extra 10, 15 minutes.

23 BETTY KELEPECZ: Okay and when you're working
24 overtime, let's just say it's maybe a DUI task force or
25 something like that, are you permitted to leave early?

1 LUIS CASILLAS: Um.

2 BETTY KELEPECZ: You're signed up for a 10-hour
3 shift, let's say.

4 LUIS CASILLAS: If you're signed up for a 10-hour
5 shift, uh, I mean typically you're gonna work the
6 10 hours but there's been situations where they've,
7 they've done, uh, DUI checkpoints and if it's dead or
8 somethin' or, you know, after a while people just, you
9 know, you're moping around and if they call it an early
10 day, they call it an early day but, uh, yeah, there, I
11 mean there's been situations where you leave early.

12 BETTY KELEPECZ: And do you submit your overtime
13 slip for the actual hours worked or the shift that you
14 were assigned?

15 LUIS CASILLAS: No, for the actual hours at work.

16 BETTY KELEPECZ: So, tell me a little bit about
17 Stone Guard overtime, what it is and what the, what the
18 reason for it is.

19 LUIS CASILLAS: Well, as, as we know it, um, Stone
20 Guarding is a, is a federal grant, um, that is given to,
21 it's managed by the, the county through border patrol for
22 the, you know, border crimes that, that, that happen
23 within, you know, the proximity of the border.

24 BETTY KELEPECZ: Mm hmm.

25 LUIS CASILLAS: It's a federal grant and, uh, how

1 it's used, it's, it's been used a lotta different ways.
2 Um, it's been used a lot of different ways. It's, uh, at
3 one point they were using it to supplement patrol.

4 BETTY KELEPECZ: Mm hmm.

5 LUIS CASILLAS: Um, so if we were short on, on
6 patro, I, well, let's backtrack. Through, couple years
7 ago when, when we were taking furloughs as part of our
8 negotiation we were gonna, we were short, we, uh,
9 12 hours a pay period so rather than get paid the, uh,
10 80 hours, we were getting paid 68. So, what they would
11 do was they would, uh, bring us in for 8 hours of
12 overtime under Stone Garden to supplement the patrol
13 force and at the same time, they kinda balanced out the,
14 the, the straight 12 hours that you were missing on your
15 check. So, moneywise it was, it was, it was a wash, um,
16 but it was just being I guess put under Stone Garden.
17 That was.

18 BETTY KELEPECZ: Oh, so you'd work an 8-hour shift.
19 With time and a half, it would make it a 12-hour time.

20 LUIS CASILLAS: It would make it 12, right.

21 BETTY KELEPECZ: I got it. Okay.

22 LUIS CASILLAS: Um, so it was handled in a lot of
23 different ways and every year was kinda different the way
24 that Stone Garden's been handled. Um, there was a time
25 where we had to go to the border patrol station for their

1 roll. Roll call is, is what they call mustered. Don't
2 call it roll call, call it mustered. Um, in order to get
3 put in for that Stone Garden, uh, time and then after a w
4 while we didn't go over there. We just did it out of
5 here and then we went back and did it out of there and
6 then there was a time where, uh, we would fill out a, a
7 sheet, a Stone Garden sheet and, uh, have them sign it,
8 have the border patrol supervisor sign it and there was a
9 time when we put five name, five names on the sheet and
10 everyone's hours and they would sign it and then we would
11 leave them a copy and bring the original back and then
12 after that they changed it to where we faxed it over and
13 then after that they changed it to where it was one per
14 person and they emailed it and after, so it just kind of,
15 you know, the, the way that we, that we did it and it
16 just kinda went all over the place. It just, it changed
17 year by year so there wasn't really a, you know, I can't
18 say there's really a, a set way of doin' it. There was,
19 there was trends that we used. I would call 'em trends
20 but not, not, uh, because it changed so much, uh -

21 BETTY KELEPECZ: Mm hmm.

22 LUIS CASILLAS: - and so, like I said, we had to
23 go to that roll call. Then after that you don't have to
24 go there anymore. You go **** from the station and it
25 just, that's kind of the way it worked, um, so it just.

1 BETTY KELEPECZ: And so, that was a whole lotta
2 stuff right there so lemme see if I can clear some of
3 that up. So, the first thing you said was in the past or
4 it used to be that it was used for furlough days.

5 LUIS CASILLAS: Mm hmm.

6 BETTY KELEPECZ: Did that change at some point?

7 LUIS CASILLAS: At some point, it did.

8 BETTY KELEPECZ: Okay and can you tell me what your
9 understanding was when it changed?

10 LUIS CASILLAS: Well, um, it, it changed as the
11 money started running out and, and, and the, you know,
12 they're, they're given, the Stone Garden is granted every
13 year. Um, as their contract changed, that changed so
14 that, that went on for about a year and then, um, you
15 know, you get a, a, a full new batch of, of money. There
16 was X amount of dollars in there and, and then they and
17 then after that they didn't do it for, you know, to
18 supplement patrol. They would put sheets on the board
19 and, and you sign up if you wanted. It was kind of like
20 a Stone Garden buffet I called it, you know, and some
21 guys signed up for the Stone Garden and some guys didn't,
22 um, and it just, uh, it, it became a mess because you'd
23 sign up and, you know, and, uh, at first there was these
24 rules if you sign up and you don't show up, you get
25 written up and after that you'd sign up and they had

1 2 days, you had, uh, someone else had 2 days to cross
2 your name out if they had more seniority than you and
3 take your spot and it just, it became convoluted and,
4 and, and twisted and, uh, but a lotta guys worked that,
5 that Stone Garden. I mean it's, it's, you know, it was,
6 it was the, the gravy, um, and a lotta guys worked,
7 worked it every, you know, on their days off, every day
8 off. You know, I, you know, I, I worked some of it but
9 I, I mean I wasn't, like I said, I'm, uh, it just, it
10 became too, too twisted and convoluted and I, I, I mean I
11 worked it here and there but not, just, you know, too
12 much of, of a pain to, to.

13 BETTY KELEPECZ: Okay. So, can you remember a, uh,
14 approximate date when furlough Stone Garden stopped?

15 LUIS CASILLAS: I wanna say it was in the 2013 or
16 2012 contract.

17 BETTY KELEPECZ: And that's when they said you
18 can't use it for, you can't use Stone Garden for, um,
19 furloughs.

20 LUIS CASILLAS: Yeah, to subsi.

21 BETTY KELEPECZ: Is that?

22 LUIS CASILLAS: Right.

23 BETTY KELEPECZ: To supplant.

24 LUIS CASILLAS: To, to supplement the -

25 BETTY KELEPECZ: To regular patrol.

1 LUIS CASILLAS: - regular patrol. Right.

2 BETTY KELEPECZ: So, what was it used for other
3 than, was, was it used -

4 LUIS CASILLAS: Well.

5 BETTY KELEPECZ: - for anything other than?

6 LUIS CASILLAS: They used it for everything from,
7 uh, uh, surveillance to, you know, you know you worked
8 your patrol shift to, um, the guy that was working Store,
9 Stone Garden that day had to respond to only the port of
10 entry and the border patrol station, um, or along, you
11 know, um, so like I said it just kinda changed as the
12 trend changed and then they would, the way that they
13 would work the Stone Garden was just, just different. It
14 wasn't consistent in any way.

15 BETTY KELEPECZ: So, how was, how were furlough
16 days paid for after they stopped that?

17 LUIS CASILLAS: Well, we did furloughs for a year.

18 BETTY KELEPECZ: Okay.

19 LUIS CASILLAS: Um, so for, for a year, um, we
20 gave up a 20, a 20, wait, 26 weeks of, of, of furloughs
21 and after they, after that we finished the year. That
22 was it. I mean we went back to working our, our, uh, our
23 80 hours every 2 weeks.

24 BETTY KELEPECZ: And you know this. Were you part
25 of the negotiation teams on that or?

1 LUIS CASILLAS: Yes.

2 BETTY KELEPECZ: Okay. So, that's how you know

3 that so well?

4 LUIS CASILLAS: Right.

5 BETTY KELEPECZ: Okay. I'm not sure I would

6 remember that. Okay. So, you did 20, you gave up

7 26 weeks of furlough. Is that what you just said?

8 LUIS CASILLAS: Right.

9 BETTY KELEPECZ: Okay.

10 LUIS CASILLAS: Approximately.

11 BETTY KELEPECZ: So, do you know if you weren't

12 using Stone Garden overtime for the furloughs, what were,

13 what, how was it being paid? Do you know that?

14 LUIS CASILLAS: If it wasn't being used for Stone

15 Garden?

16 BETTY KELEPECZ: Right. If Stone Garden wasn't

17 paying your furlough days -

18 LUIS CASILLAS: Mm hmm.

19 BETTY KELEPECZ: - and you worked overtime that

20 day, what was paying it? Do you know?

21 LUIS CASILLAS: Mm. Now I'm, I'm confused. I'm

22 confused.

23 BETTY KELEPECZ: Okay.

24 LUIS CASILLAS: If you didn't.

25 BETTY KELEPECZ: If you worked overtime -

1 LUIS CASILLAS: Okay.

2 BETTY KELEPECZ: - on your furlough day -

3 LUIS CASILLAS: Okay.

4 BETTY KELEPECZ: - and it was authorized -

5 LUIS CASILLAS: Mm hmm.

6 BETTY KELEPECZ: - and it wasn't okay to use Stone

7 Garden overtime grants to pay for that furlough day that

8 you worked overtime -

9 LUIS CASILLAS: Mm hmm.

10 BETTY KELEPECZ: - what bucket of money might that

11 overtime pay come from?

12 LUIS CASILLAS: Well, duri, duri, I know that

13 during that contract, it just came out of that, that

14 Stone Garden bucket, um, and I wanna say, I wanna say

15 that towards the last, uh, the last weeks of, of, of our,

16 you know, the last weeks that we were on that furlough,

17 you know, people just, you know, bit the bullet on the,

18 on the, on the 68 hours, you know, and not everyone

19 worked their Stone Garden either. Um, you have the, the,

20 uh, the option of not comin' in on that day, on your

21 Stone.

22 BETTY KELEPECZ: For the option if you signed up?

23 LUIS CASILLAS: No, no, no.

24 BETTY KELEPECZ: Okay.

25 LUIS CASILLAS: On your, on your furlough day -

1 BETTY KELEPECZ: Oh, yeah. Okay.

2 LUIS CASILLAS: - because you're, you're, you're,
3 you know, on the day that you weren't supposed to be here
4 for 12 hours, um, they gave you the opportunity to come
5 in for 8 hours of Stone Garden. Well, a lotta guys
6 rather than, than come in would, would take the day off.

7 BETTY KELEPECZ: Right.

8 LUIS CASILLAS: So, you know, so now they got,
9 it's, you know, a, a, 2 day, they only worked 2 days or
10 vice versa, whatever, instead of working the 7 days they
11 would work 6. Some guys went that route. They didn't,
12 they just get paid the 68 hours and, and down the road.
13 They, they went in that over that, those 8 hours that
14 that officer was supposed to work. Well, then someone
15 could easily suck those up if you wanted to work
16 overtime.

17 BETTY KELEPECZ: So, do you know at all if asset
18 forfeiture funds was being used to pay for Stone Garden,
19 I mean for furlough days?

20 LUIS CASILLAS: Um, there is a possibility.

21 BETTY KELEPECZ: Okay.

22 LUIS CASILLAS: There's a possibility.

23 BETTY KELEPECZ: So, um, can you tell me, you, you
24 mentioned something about the signup lists everywhere.

25 LUIS CASILLAS: Mm hmm.

1 BETTY KELEPECZ: And people would sign up and then
2 people wouldn't and do you know what those signups lists
3 were based on?

4 LUIS CASILLAS: Um, well, the different shifts.
5 Um, certain days they needed, uh, X amount of, of, of
6 guys out there and, like I said, it wasn't, it wasn't
7 really consistent. It, it kinda depended on how much
8 money or, or if, if we, if we pissing one off or not, you
9 know?

10 BETTY KELEPECZ: Right.

11 LUIS CASILLAS: It, you know, it's like hey, guys,
12 you know, you guys are, you know, over there causing a
13 ruckus. Okay, there's no more Stone Garden.

14 BETTY KELEPECZ: Mm hmm.

15 LUIS CASILLAS: We're not gonna release it until.
16 So now you got all these guys running around like, you
17 know, where's my Stone Garden money?

18 BETTY KELEPECZ: Right 'cause they're depending on
19 that -

20 LUIS CASILLAS: Everything on that.

21 BETTY KELEPECZ: - for things that they shouldn't
22 have, yes.

23 LUIS CASILLAS: Right. Right. And so, you know,
24 now they're scrambling and, uh, and then, you know, they
25 would throw a couple sheets up there, couple spots and,

1 you know, now everyone's fighting for how many, you know,
2 you've got, put your name up there and someone crosses it
3 out and it, it just be, it became a, a mess, um, and, uh,
4 like I said, at first, uh, you know, there was the, the,
5 they would put the sheet, the Calexico policy, if you
6 failed to show up and then, of course, people would sign
7 up, be greedy and, and then some people the day that
8 they're supposed to, hey, you know what? I'm not gonna
9 go. I'm calling in sick.

10 BETTY KELEPECZ: Right.

11 LUIS CASILLAS: And it just, it, you know, that's
12 kinda the way it worked. There was really no total
13 consistency of it. It was just kinda like a trend.
14 Sometimes it worked, sometimes it didn't.

15 BETTY KELEPECZ: So, was there any time that you
16 would work Stone Garden overtime when there wasn't a
17 signup list?

18 LUIS CASILLAS: Uh, yeah, certainly. There was a
19 lot ****.

20 BETTY KELEPECZ: Okay. Tell me when that would
21 happen.

22 LUIS CASILLAS: Um, if you had the, if you had
23 somethin' goin' on in an investigation or somethin' like
24 that. I know there's, there's situations where, where I
25 mighta worked a, you know, we're doin' surveillance on

1 something or, or, you know, there, we got somethin' goin'
2 on and it's just put it under Stone Garden or, uh, you
3 know, people are doin' somethin' else and they would just
4 put it under Stone Garden.

5 BETTY KELEPECZ: And how would you know that you
6 could put it under Stone Garden?

7 LUIS CASILLAS: Well, they'd, they'd tell you put
8 it under.

9 BETTY KELEPECZ: Who is they?

10 LUIS CASILLAS: Uh, your supervisor, whoever's in
11 charge.

12 BETTY KELEPECZ: And did it have to comply with any
13 guidelines in order to be considered Stone Garden?

14 LUIS CASILLAS: Well, the big thing was that they
15 had a, uh, link it, annex it to the, to the border, um.

16 BETTY KELEPECZ: So.

17 LUIS CASILLAS: So I, you know, I mean I guess, I
18 mean just do somethin' around, you know, traffic stop
19 around the border, get, but, you know, go check on the
20 border and now it's annexed. That's kinda the way that,
21 that, uh.

22 BETTY KELEPECZ: And so you may have done that once
23 in a shift and the rest of the shift you're doin'
24 somethin' else?

25 LUIS CASILLAS: You might be doin' somethin' else.

1 BETTY KELEPECZ: Okay and was there anybody that
2 told you well, no, you have to work the entire time on
3 all of this stuff rather than on, um, just do that one
4 thing at the border?

5 LUIS CASILLAS: Um, I mean the rule was there but
6 people never really, never did it. Typically if, uh,
7 once they started, once the, the Stone Garden started
8 running out, you would know when they would start to run
9 out because the lists would, the lists would be shorter
10 and shorter. It wasn't five sheets up. There was two
11 spots.

12 BETTY KELEPECZ: Right.

13 LUIS CASILLAS: And, uh, obviously, whoever was in
14 charge of that patrol shift, um, wanted the Stone Garden
15 guy to go, you know, go do the warrants at the port or if
16 there was, you know, someone with dope or anything that
17 had to deal with the port, then they want that Stone
18 Garden guy to do it because it would alleviate a lot of,
19 uh, you know, it would alleviate one of his guys from his
20 shift so, um, it, it all depended. You know, it, some
21 guys did it, some guys didn't.

22 BETTY KELEPECZ: So, would there ever be times when
23 you or anyone else would work shifts? So, you're saying
24 there are shifts. Were they a time period like from 10
25 to 10 or 7 to 2 or anything like that? Were those

1 written up there, the times that the shifts were?

2 LUIS CASILLAS: Yeah. Sometimes, there, there was
3 times. There was days and times, yes.

4 BETTY KELEPECZ: And were there, were there times
5 when you or other people, and then we'll get down to
6 whether you did it, um, ever worked beyond or outside
7 those shift times?

8 LUIS CASILLAS: I'm sure, I'm sure they did or we
9 did, yeah.

10 BETTY KELEPECZ: And under what circumstances would
11 that happen?

12 LUIS CASILLAS: Um, something came up, you're told
13 to stay or maybe someone called in sick or, uh, not,
14 there's a lot of possibilities the way ****.

15 BETTY KELEPECZ: Might there also be times when
16 people would be, uh, signed up for Stone Garden and the
17 shift didn't start 'til 7 and they, uh, 10 and they got
18 off at 7 and they'd stay before, through that time and
19 put in for Stone Garden overtime?

20 LUIS CASILLAS: Yeah. I mean, you know, it, Stone
21 Garden was, there was the, the list and there was the, I
22 guess the, the, the freestyle list so I mean it all just,
23 uh, Stone Garden, it all depended and it all depended on,
24 uh, different chief did it different ways, uh, and, you
25 know, we went through I think, you know, uh, two chiefs

1 with, with Stone Garden and they, they, you know, each
2 one of those chiefs did it a, a different way.

3 BETTY KELEPECZ: Have you ever been responsible for
4 setting up, uh, Stone Garden details?

5 LUIS CASILLAS: Um, not that I recall.

6 BETTY KELEPECZ: Okay. So, can you tell me, you
7 said different chiefs do it different ways. Can you tell
8 me how Chief Tabarez did it?

9 LUIS CASILLAS: Uh, well, I don't, I mean he
10 wasn't really, I don't know what, what directive he gave,
11 gave the people that were in charge of Stone Garden. At,
12 uh, at one time it was, uh, uh, the lieutenants in charge
13 of Stone Garden. Another time it was the sergeants in
14 charge of Stone Garden. Um, so it was.

15 BETTY KELEPECZ: Can you tell me what, under
16 Tabarez how did Stone Garden work?

17 LUIS CASILLAS: Well, I mean there was the same
18 thing. There was a list -

19 BETTY KELEPECZ: Mm hmm.

20 LUIS CASILLAS: - and, uh, people signed up and,
21 uh, there was also, um, I know that investigations, there
22 mighta been some occasions where we worked, uh, some
23 Stone Garden that's, you know, either on surveillance or
24 just, uh, you know, an, we would annex anything to the
25 border and, and work it so it wasn't a, a list. It was

1 the investigations, uh, sergeant that would say hey,
2 well, um, today, you guys wanna work Stone Garden, you
3 guys want, you know.

4 BETTY KELEPECZ: Were you done with your thought?

5 LUIS CASILLAS: I was, I was, I thought you had a
6 question for me.

7 BETTY KELEPECZ: No, no, just lookin' up waitin'
8 for you to finish with your thought. Okay. Okay. Um,
9 when you worked Stone Garden overtime before you went
10 into investigation, is it in uniform or out of uniform?

11 LUIS CASILLAS: Um, I did in, in, uh, in uniform.

12 BETTY KELEPECZ: And were you, um, in black and
13 whites as well?

14 LUIS CASILLAS: Black and whites.

15 BETTY KELEPECZ: Was there ever a time when you
16 weren't in uniform or you weren't in your black and
17 white?

18 LUIS CASILLAS: Uh, there was, um, yeah, there was
19 times where we, we were doin' somethin' that we jumped
20 out of, uh, uniform and other people as well would work
21 Stone Garden out of uniform.

22 BETTY KELEPECZ: And under what circumstances would
23 that happen?

24 LUIS CASILLAS: Um, if they were doin' some, like
25 I said, surveillance or at a case or a narcotics case or

1 they were workin' somethin' with the border patrol agent
2 that they, they worked out of our, uh, investigations
3 office.

4 BETTY KELEPECZ: And that's Fuentes?

5 LUIS CASILLAS: Well, there was two. There was
6 Fuentes and then there was, uh, uh, Gomez.

7 BETTY KELEPECZ: Yeah. Gomez. I was trying to
8 remember. Okay. Um, were there any of the Stone Garden
9 shifts that required a supervisor or were all of them -
10 okay, maybe this is a question. Were there any of the
11 Stone Garden shifts that didn't require a supervisor to
12 your knowledge?

13 LUIS CASILLAS: Uh, to my knowledge, uh, no. To
14 my knowledge, you were supposed to, uh, if you came in,
15 some guys came in for Stone Garden, um, you know you're
16 supposed to let the, the on-shift, uh, supervisor know
17 that you're here and workin' Stone Garden but that wasn't
18 always the case.

19 BETTY KELEPECZ: Were there any of those times that
20 Stone Garden was assigned where a supervisor was
21 identified as one of those shifts? You're, okay, that
22 was not very good. You're right. I like that question
23 look on your face. Okay. Was there any time when they
24 had Stone Garden, um, signup lists -

25 LUIS CASILLAS: Mm hmm.

1 BETTY KELEPECZ: - and the signup sheet provided
2 for signup by a supervisor?

3 LUIS CASILLAS: Yes. Yes.

4 BETTY KELEPECZ: Okay. Were all of them that way?

5 LUIS CASILLAS: Uh, no, not, not all the lists but
6 there was, uh, there was some lists that, uh, where there
7 was a, a supervisor, a, a spot up there. In fact, that,
8 that kinda became a, a, an issue for a while there
9 because, um, you know, the people would sign up and if a
10 supervisor would come along, you know, he would bump that
11 guy, that guy that was there so before you know it, you
12 know, that supervisor is bumping all these guys and, uh,
13 it, it became a little, a little hectic because, um, I
14 mean I, I didn't think, I mean I, I didn't think it was
15 fair that, that a supervise, just because he's a
16 supervisor that he would just bump, you know, uh, you
17 know, just a regular, a regular guy, you know?

18 BETTY KELEPECZ: Well, how did, how did that, how
19 did that happen? Was it because of seniority or was
20 there some other thing being planned?

21 LUIS CASILLAS: Well, it was, it was based on, it
22 was based on seniority but they did, at one point for a
23 while there, they had a, a spot for a supervisor.

24 BETTY KELEPECZ: Right.

25 LUIS CASILLAS: And so if, say if, um, there was

1 three spots, one supervisor, two officers, um, and, uh,
2 no one, no supervisor signed up so now you got three guys
3 up there -

4 BETTY KELEPECZ: Right.

5 LUIS CASILLAS: - just regular patrol officers.
6 Then a supervisor comes along.

7 BETTY KELEPECZ: Right.

8 LUIS CASILLAS: And he take that, it's like hey,
9 I'm, you know, kinda move out the way.

10 BETTY KELEPECZ: That's my supervisor.

11 LUIS CASILLAS: That's my supervisor spot, you
12 know? And, you know, it, it became a little bit of a
13 conflict because I, I mean I thought it was kinda
14 bullshit that, you know, why are these guys getting
15 bumped like that. I mean that's, that's not fair. I
16 mean if, first of all, you know, you wait 'til the last
17 minute and you can't just decide the last minute that you
18 need Christmas money or gas money and bump this guy that
19 already made plans and, and you know? I just.

20 BETTY KELEPECZ: And did it ever happen when there
21 wasn't a supervisor spot there and it was just all
22 officer spots?

23 LUIS CASILLAS: Yeah and there and, and that was,
24 that was my, that was the argument that sometimes there
25 wasn't a, a supervisor for whatever reason. Maybe they,

1 you know, they were already fed up with Stone Garden or -

2 BETTY KELEPECZ: Right.

3 LUIS CASILLAS: - they were maxed out, whatever
4 the situation was and so then at, you know, when it was
5 convenient for them, then it was okay to put out, you
6 know, to have all three of those guys officers but when
7 it wasn't convenient, then now you, you're bumpin',
8 bumpin' my guys.

9 BETTY KELEPECZ: And they're in the same bargaining
10 unit as you?

11 LUIS CASILLAS: We're, we're all in the same
12 bargaining unit so.

13 BETTY KELEPECZ: Okay. Okay. Okay. So, um, let's
14 continue on with Stone Garden, um.

15 LUIS CASILLAS: Can I get, get some *****?

16 BETTY KELEPECZ: Yes, you may. ***** water right
17 there. ***** brought it right over for you. Give you a
18 chance to get a little drink. Do you wanna take a break
19 or are you, you okay?

20 LUIS CASILLAS: Actually, I, I do need to go to
21 the restroom.

22 BETTY KELEPECZ: Okay. So, why don't we do that?
23 It's, uh, 11, 11:02. We're gonna go off for a little
24 break here. So, let's pause here. Okay. We're, it's
25 now 11:07, maybe 8 and we're back on tape. Uh, we still

1 have Mr. Di Giovanni and Officer Casillas in the room.
2 Okay. So, the last we were talking was Stone Garden and
3 before we get into this report, daily activity report,
4 um, I need to follow up on one other thing. When you go
5 out in the field and I wanna know what your practice is,
6 okay? We talked about the MDC and sometimes it doesn't
7 work and sometimes it does. When you get, when you do a
8 traffic stop, how, how does that go down?

9 LUIS CASILLAS: Uh.

10 BETTY KELEPECZ: Let's say you're drivin' around
11 and you see a violation. You decide to do a traffic
12 stop. Could you kinda walk me through how that works?

13 LUIS CASILLAS: Uh, see a violation, you, you call
14 out what we, a 960, um, call out the, uh, the plate and
15 your location and, uh, if it doesn't have a, a plate, you
16 know, 916 and you identify the vehicle on the move Chevy
17 Malibu and if it does a plate, then you go with the plate
18 and, and always a location, um, typically. Um, is there
19 times where you do a, a traffic stop and you don't call
20 it out, call it in? Yes, there has been. I mean there
21 is. Sometimes there is.

22 BETTY KELEPECZ: And under what circumstances would
23 that occur?

24 LUIS CASILLAS: Um, you know, maybe they got
25 emergency radio traffic on the, on the radio or, or

1 there's multiple units out there, you know, you got a
2 bunch of units working overtime and, and, uh, you know,
3 we try to, uh, keep the, the radio traffic to, to a
4 minimum, uh, so there, I mean there is situations where
5 you don't, you don't call it in but I would say that, you
6 know, 90 percent of the time I call it in, at least I
7 call it in.

8 BETTY KELEPECZ: And what's the purpose for calling
9 it in?

10 LUIS CASILLAS: Well, officer safety. You wanna
11 make sure that if something goes sideways they know where
12 you're at and, and, uh, you know, for, for your safety
13 and the safety of the person you pulled over.

14 BETTY KELEPECZ: Is there any policy or procedure
15 that requires you to call in on everything that you do?

16 LUIS CASILLAS: I'm sure there is.

17 BETTY KELEPECZ: Mm hmm.

18 LUIS CASILLAS: Uh, I, I don't know it offhand.

19 BETTY KELEPECZ: Okay.

20 LUIS CASILLAS: But I would venture to say I'm
21 sure there is.

22 BETTY KELEPECZ: So, in your practice, you would
23 say 90 percent of the time you call in your traf, traffic
24 stops.

25 LUIS CASILLAS: Most of the time, yeah.

1 BETTY KELEPECZ: Okay. So, I'm looking at, um,
2 what's called your Operation Stone Garden and this is a
3 2014 daily activity report. I'm gonna show it to you.
4 Does this look familiar? It's a blank one.

5 LUIS CASILLAS: Uh.

6 BETTY KELEPECZ: I cannot **** blank.

7 LUIS CASILLAS: Yes, it's ****.

8 BETTY KELEPECZ: A template?

9 LUIS CASILLAS: A template that we, that we use.

10 BETTY KELEPECZ: And did you use this template or
11 how did you, what did you use to submit your Stone Garden
12 overtime?

13 LUIS CASILLAS: Um, well, we used different,
14 different methods. This looks like a, a template that
15 was on, on the comp, that was on my computer or on a, on
16 a flash drive. Um, we've, I've used those in the past
17 and then I've also used the regular black and white, uh,
18 blank sheet with, without the color, um.

19 BETTY KELEPECZ: And are those both available on
20 some community drive or something?

21 LUIS CASILLAS: Well, yeah. Everyone kinda has
22 'em. If you don't have it, you can always get one from
23 someone else.

24 BETTY KELEPECZ: And when you do Stone Garden
25 overtime, what, uh, what is required in addition to your

1 regular overtime slip? And I kinda got ahead of it but
2 is the DAR required as well?

3 LUIS CASILLAS: Yes, the, the, along with the,
4 with the Cal, with our overtime slip, you're supposed to
5 attach one of these to the, to the slip and it's supposed
6 to coincide with the, the date and the time on, on the
7 slip.

8 BETTY KELEPECZ: Do you physically print it out or
9 is it sent via email?

10 LUIS CASILLAS: Um.

11 BETTY KELEPECZ: How does that work?

12 LUIS CASILLAS: It works both ways, um.

13 BETTY KELEPECZ: Mm hmm.

14 LUIS CASILLAS: You could email it -

15 BETTY KELEPECZ: Mm hmm.

16 LUIS CASILLAS: - to whoever is in charge over
17 there or, uh, you can physically take it over there and
18 physically get it signed, that's and, uh, or at one time
19 we faxed it over so it all depends. Uh, this one here
20 looks like this is the one that you email to, to that
21 name up there and some guys emailed it, some guys faxed
22 it, some guys, um, got it, got it signed. I know that
23 I've done all three ways so.

24 BETTY KELEPECZ: So, do you only email it to that
25 person or do you email it to anyone else in the

1 organization or outside?

2 LUIS CASILLAS: Uh, when you email, I've only done
3 it a, I'm, uh, I'm not a big email guy so I mean that,
4 yeah, to whatever is up there.

5 BETTY KELEPECZ: Okay.

6 LUIS CASILLAS: I don't know if that's the person
7 that's in charge of it now.

8 BETTY KELEPECZ: And you said you take it over
9 there. Where is over there?

10 LUIS CASILLAS: Well, if you get it hand-signed,
11 um, you take it to the border patrol station, which is,
12 uh, just east of, of Calexico outside of the city limits.

13 BETTY KELEPECZ: So, let's go through and could you
14 tell me how you fill this out and what and we're still
15 looking at that template. I'm seeing right here that
16 it's Operation Heat Wave. So is that the name of
17 whatever operation there is? What is that?

18 LUIS CASILLAS: Uh, I would assume that's, that's
19 what they, they named the, the Stone Garden operation.
20 I, I couldn't tell you.

21 BETTY KELEPECZ: Do you remember there being an
22 Operation Heat Wave?

23 LUIS CASILLAS: Uh, no but -

24 BETTY KELEPECZ: Okay.

25 LUIS CASILLAS: - the time, uh, matches, you know,

1 coincides with our climate here so.

2 BETTY KELEPECZ: Yes, it does. Okay. So, it says
3 state local agency and under it says Calexico. So, it
4 looks like this is partially filled out for something.

5 LUIS CASILLAS: Yes.

6 BETTY KELEPECZ: Calexico Border Patrol. Calexico
7 Operation ****. When you fill this out, what do you put
8 in the date and hours period?

9 LUIS CASILLAS: Um, well, you put the, the date
10 and then the, the hours that you worked, uh, you know,
11 1700 to 23 or whatever the hours you worked and then, uh,
12 the date that, that you worked it.

13 BETTY KELEPECZ: So, is that the date the hours of
14 your shift or hours you actually worked?

15 LUIS CASILLAS: Um, the hours, it could, could, I
16 guess it could essentially be both, the hours that you
17 worked, um, and well, typically, it's supposed to be the
18 hour of the shift that you signed up for.

19 BETTY KELEPECZ: Right.

20 LUIS CASILLAS: But that's not always the case
21 because if you're, if you're, if you're on patrol, you're
22 gonna have, uh, the date and the time on the sheet that's
23 gotta coincide with this but if you're doing some other,
24 go sit on the border, let's wait for this truck to, you
25 know, this load to come north or whatever. Then your,

1 your time and date is not, it's gonna be different.

2 BETTY KELEPECZ: So, when you're drive, uh, okay,
3 so that kinda was a good question or you created a good
4 question for me. So, when you're sent out on patrol and
5 you, you sit on the border, um, do you just drive out to
6 wherever that place is and just sit?

7 LUIS CASILLAS: Uh, it all depends. I mean if, if
8 they have somethin' for you -

9 BETTY KELEPECZ: Right.

10 LUIS CASILLAS: - then, then you do whatever they
11 have for you and I'll give you an example. We also have,
12 um, uh, officers that, well, assigned to the, to the ICE,
13 uh, to CBP and ICE so if they got somethin' going on and
14 they need a, you know, a, an, a traffic stop from a black
15 and white, then you, you just kinda mope around the area
16 and it's a, it's a, it's a wait game until that vehicle
17 goes north and, you know, they want an FI so you're gonna
18 pull it over. You're gonna find PC, pull it over and
19 they want ****. They'd think that the car is loaded so
20 you're gonna pull it over, do a traffic stop and call the
21 dog or whatever the situation, uh, you know, a wall stop
22 or somethin' so if that's the case, yeah, you, sometimes
23 you just sit there and one and find a nice shade and sit
24 there until that car goes north or sometime you're just
25 driving around. It all depends.

1 BETTY KELEPECZ: So, you brought up, uh, FIs. How
2 do you document your FIs? If they want an FI, you said,
3 you said if they want an FI, you write an FI. How is
4 that documented and how do they get it and what kinda
5 piece of paper is it on or if it, is it on a piece of
6 paper or is it on computer?

7 LUIS CASILLAS: Well, we, we, we have FI cards but
8 we don't always use 'em.

9 BETTY KELEPECZ: Mm hmm.

10 LUIS CASILLAS: So, if they wanna a, an FI and,
11 and you pull the, the doc, you know, if they, I want the
12 driver, I want the, the passenger, um, you know, you
13 obviously, you know, after they get pulled over and, and
14 you run 'em, um -

15 BETTY KELEPECZ: Mm hmm.

16 LUIS CASILLAS: - you either jot it down on your,
17 on your notepad or, or you put it, you know, over, over
18 the air. Um, you give the, the, the, the, uh, the ICE
19 agent or, or whoever is, you know, inquiring the
20 information the information, here you go.

21 BETTY KELEPECZ: And you would simply read it off
22 your notebook or a piece of paper or whatever you have?

23 LUIS CASILLAS: Yeah. Just a, you know, we, our
24 notepad, you know, Juan Basket's, uh, DOB, address and
25 then, obviously, you know you're runnin' for, for, for

1 warrants and stuff like that and you can print it up,
2 print it up, mark it white if they're in a white car,
3 print it up, mark it green if they're in a green car.

4 BETTY KELEPECZ: Mm hmm.

5 LUIS CASILLAS: And they can either come back to
6 the station pick up the, the, you know, or if that's
7 gonna suffice, then you just give 'em the notepad and
8 then, yeah.

9 BETTY KELEPECZ: And what do you, what are you
10 referring to a notepad? Is it just literally a notepad -

11 LUIS CASILLAS: Yeah, it's just.

12 BETTY KELEPECZ: - or is a field officer's notebook
13 or is it a?

14 LUIS CASILLAS: It's, uh, you know, our, our, our
15 -

16 BETTY KELEPECZ: I'm gettin' chilled.

17 LUIS CASILLAS: - our, it's just our, our notepad
18 that we carry, just a.

19 BETTY KELEPECZ: Okay. Is it the small one -

20 LUIS CASILLAS: Small.

21 BETTY KELEPECZ: - that fits in your pocket?

22 LUIS CASILLAS: Pocket. Yes.

23 BETTY KELEPECZ: Okay 'cause I noticed there were
24 some yellow notepads on the thing but they look too big
25 to fit in your pocket.

1 LUIS CASILLAS: Yeah.

2 BETTY KELEPECZ: So it's not that. It's just.

3 LUIS CASILLAS: Well, some people, you know, me
4 personally I prefer the, you know, the old little
5 notepads with the leath, leather wallet.

6 BETTY KELEPECZ: Right.

7 LUIS CASILLAS: And some guys, you know, prefer
8 the, you know, the, the yellow ones. It, it all, it's
9 all preference but, uh, you write it, jot it on, jot down
10 the information on there and give it to.

11 BETTY KELEPECZ: 'Cause, 'cause in my, in my
12 experience, we had actual what we called field officer
13 notebooks and, and it was kinda this bound little one
14 that fit right in your pocket.

15 LUIS CASILLAS: Yeah, little white ones.

16 BETTY KELEPECZ: And then on the back side you have
17 your Miranda rights, that you could have that there in
18 case you needed it or some other information so that it
19 was available but you don't have anything, uh.

20 LUIS CASILLAS: Nothin' that's assigned to us.

21 BETTY KELEPECZ: Okay.

22 LUIS CASILLAS: You know, it, but it's, it's
23 similar. It just, it's.

24 BETTY KELEPECZ: And what do you do with all of
25 that information after you've jotted it down? I mean do

1 you maintain it anyplace?

2 LUIS CASILLAS: No. I mean sometimes if, uh,
3 well, if they want the information on that particular
4 person, you just tear it off and give it to the, to the
5 agent.

6 BETTY KELEPECZ: Okay.

7 LUIS CASILLAS: If they want a, uh, a, you know,
8 a, a printout then they gotta come by dispatch and, and
9 pick it up.

10 BETTY KELEPECZ: Okay. So, continuing on with this
11 daily activity report, um, it says here name of officer.
12 Do you insert that in there?

13 LUIS CASILLAS: Uh, yes -

14 BETTY KELEPECZ: Okay.

15 LUIS CASILLAS: - you put your name on there.

16 BETTY KELEPECZ: And then the overtime hours, what
17 is that?

18 LUIS CASILLAS: Uh, the, I guess the, how many hours
19 you, you worked.

20 BETTY KELEPECZ: And should that con, that be
21 consistent with the date and hours that you -

22 LUIS CASILLAS: It -

23 BETTY KELEPECZ: - worked?

24 LUIS CASILLAS: - it should.

25 BETTY KELEPECZ: Okay. Who puts in the overtime

1 rate, do you?

2 LUIS CASILLAS: Yeah, we, yeah, we take a stab at
3 it. It's, uh, approximate. I mean we, they were, you
4 know, you just kind of estimate it.

5 BETTY KELEPECZ: You kind of say oh, I'm, I'm -

6 LUIS CASILLAS: Over -

7 BETTY KELEPECZ: - I think -

8 LUIS CASILLAS: - time 50 bucks an -

9 BETTY KELEPECZ: - 50 bucks an hour.

10 LUIS CASILLAS: - hour, uh.

11 BETTY KELEPECZ: And do you put in the labor cost,
12 do you do the calculation on that -

13 LUIS CASILLAS: We -

14 BETTY KELEPECZ: - based on that?

15 LUIS CASILLAS: - yeah, we, we, we, uh, based on
16 your approximation.

17 BETTY KELEPECZ: Okay.

18 LUIS CASILLAS: Uh, 'cause -

19 BETTY KELEPECZ: And you -

20 LUIS CASILLAS: - that's not the -

21 BETTY KELEPECZ: - enter that, right? You enter
22 that?

23 LUIS CASILLAS: Yes.

24 BETTY KELEPECZ: Okay.

25 LUIS CASILLAS: But that's now, whatever you put on

1 there, it's not what you're gonna, 'cause I, everyone has
2 a different overtime rate.

3 BETTY KELEPECZ: Right.

4 LUIS CASILLAS: And so everyone's rate is different.
5 I mean if you, you really have to get down to the, I mean
6 I couldn't tell you what my rate is now, so I kind of,
7 uh, guess.

8 BETTY KELEPECZ: Okay. And it may change with the
9 different -

10 LUIS CASILLAS: Ya, yeah, I mean the, that's just a
11 -

12 BETTY KELEPECZ: MOU or some negotiations you've
13 done, you -

14 LUIS CASILLAS: Yeah.

15 BETTY KELEPECZ: - basic ****.

16 LUIS CASILLAS: Whatever we put on there, it's more
17 of a formality that they're -

18 BETTY KELEPECZ: Yep.

19 LUIS CASILLAS: - gonna put whatever you get, you
20 actually get paid.

21 BETTY KELEPECZ: They're gonna do the actual -

22 LUIS CASILLAS: The actual.

23 BETTY KELEPECZ: - calculations eventually, okay.
24 Under here, it says mileage costs. Do you know why they
25 have a section that says mileage costs?

1 LUIS CASILLAS: Um, no, but -
2 BETTY KELEPECZ: Okay.
3 LUIS CASILLAS: - it was about the vehicle that you
4 were in, uh -
5 BETTY KELEPECZ: Okay.
6 LUIS CASILLAS: - if it's a black and white, you put
7 the, the number. Um, if it's unmarked and, I guess, you
8 would identify it by whatever -
9 BETTY KELEPECZ: Like -
10 LUIS CASILLAS: - **** that you're -
11 BETTY KELEPECZ: - gray =
12 LUIS CASILLAS: - **** -
13 BETTY KELEPECZ: - Fusion.
14 LUIS CASILLAS: - Fusion.
15 BETTY KELEPECZ: Gray Fusion, which is what you
16 normally. And what is this mileage start?
17 LUIS CASILLAS: Uh, it's supposed to be the start
18 mileage of the, of the, when you started working, uh,
19 the, the overtime hours.
20 BETTY KELEPECZ: The O, odometer reading, when -
21 LUIS CASILLAS: Odometer reading.
22 BETTY KELEPECZ: - you started out in your car?
23 LUIS CASILLAS: Yes.
24 BETTY KELEPECZ: And the mileage end -
25 LUIS CASILLAS: Yes.

1 BETTY KELEPECZ: - the same thing, it's the odometer
2 reading?

3 LUIS CASILLAS: Yes.

4 BETTY KELEPECZ: And mileage total, how does -

5 LUIS CASILLAS: That's the total -

6 BETTY KELEPECZ: - that -

7 LUIS CASILLAS: - mileage of the odometer reading.

8 BETTY KELEPECZ: And how do you deter, uh, is, do
9 you put that in or does somebody else calculate that?

10 LUIS CASILLAS: No, we, we put it in.

11 BETTY KELEPECZ: Okay. So based on your mileage
12 start and mileage end, you determine what the mileage
13 total is?

14 LUIS CASILLAS: Yes.

15 BETTY KELEPECZ: Okay. And, um, equipment and
16 maintenance costs, do you have anything to do with that?

17 LUIS CASILLAS: No, that's kind of, you, you kind of
18 leave that one blank.

19 BETTY KELEPECZ: Okay. And you know what, I am not
20 seeing something on this. There should be a second page
21 on this, correct?

22 LUIS CASILLAS: Uh, I don't know.

23 BETTY KELEPECZ: Because I'm not seeing a narrative
24 and the boxes.

25 LUIS CASILLAS: Yes, yes, some of 'em do have, um,

1 boxes for, uh, this one doesn't but boxes for FIs or
2 arrest or, uh -

3 BETTY KELEPECZ: And the narrative.

4 LUIS CASILLAS: - narrative or what you cease or
5 whatever situation you're in.

6 BETTY KELEPECZ: So in those situations, in the
7 narrative part, what are you supposed to put in the
8 narrative?

9 LUIS CASILLAS: Um, we do a little summary.

10 BETTY KELEPECZ: Of what you've been doing during
11 that shift?

12 LUIS CASILLAS: Yep.

13 BETTY KELEPECZ: Do you ever put anything else in
14 the narrative?

15 LUIS CASILLAS: Um, no, I mean it's, most narratives
16 are the same. I mean patrolled along the, the United
17 States, Mexico International Border.

18 BETTY KELEPECZ: And are you, we talked about check
19 boxes, what are those for and I'm gonna show you one of
20 yours from November 6th, 2013. Here is the front page and
21 here is the back page, it kind of did the opposite, but,
22 um, here is the narrative for yours.

23 LUIS CASILLAS: Mm hmm.

24 BETTY KELEPECZ: Total all costs \$200.00. Um, so
25 this would be some more to the narrative you might use?

1 LUIS CASILLAS: Yes, it's -

2 BETTY KELEPECZ: And -

3 LUIS CASILLAS: - you, you kind of, uh, fill -

4 BETTY KELEPECZ: Okay.

5 LUIS CASILLAS: - that out to the best of your
6 ability. If you had some **** or, uh, you, you know,
7 whatever boxes apply here.

8 BETTY KELEPECZ: Okay. So underneath the narrative,
9 you're putting in what you did. Do you ever reuse the
10 same narrative?

11 LUIS CASILLAS: Uh, oftentimes.

12 BETTY KELEPECZ: Okay.

13 LUIS CASILLAS: Yes.

14 BETTY KELEPECZ: And in the check box, what is
15 expected to be put in there and what circumstances?

16 LUIS CASILLAS: Well, um, you know, you've got, if
17 you picked, uh, someone up with a warrant out of the, the
18 port of entry, you would, uh, jot that done or if you did
19 any, uh, um, arrested anyone or, or citations. I don't
20 see the cit, whatever boxes applies, you, you fill out.

21 BETTY KELEPECZ: And this isn't yours, by the way, I
22 just realized it's someone else's but, um, you put in so
23 let's go through each one of those. Um, citations
24 issued, it, it has vehicle searches -

25 LUIS CASILLAS: Mm hmm.

1 BETTY KELEPECZ: - that's how many times you
2 personally searched a vehicle?

3 LUIS CASILLAS: Uh, well yeah, you, if you searched,
4 uh, or if you helped or if you searched a -

5 BETTY KELEPECZ: Thank you.

6 LUIS CASILLAS: - a, a car, you would, you would
7 fill that box out.

8 BETTY KELEPECZ: What about citations issued, were
9 those citations you wrote?

10 LUIS CASILLAS: Uh, could or I assisted someone with
11 a citation.

12 BETTY KELEPECZ: And how would anyone know if you
13 assisted someone with a citation?

14 LUIS CASILLAS: How would they know?

15 BETTY KELEPECZ: Right, that this isn't your four
16 citations.

17 LUIS CASILLAS: Uh, well, if you were the, if there
18 was someone else there at, at, at the, at those traffic
19 stops, I guess.

20 BETTY KELEPECZ: Okay. But you would put in here
21 any citations you wrote and any citations you assisted
22 on?

23 LUIS CASILLAS: Well, if, for the purpose of, of the
24 stats, we just, if I, if I, uh, roll up on, on one of
25 your traffic stops and you get a citation, you know, I

1 would put it as I assisted you with the citation. It
2 doesn't always mean, mean that I'm the one that gave the
3 citation.

4 BETTY KELEPECZ: Right. But where is it that you
5 know the difference -

6 LUIS CASILLAS: Oh, well I -

7 BETTY KELEPECZ: - between the two?

8 LUIS CASILLAS: - there, you couldn't.

9 BETTY KELEPECZ: Okay. So there's a possibility of
10 a duplication of stats, statistics?

11 LUIS CASILLAS: Yes.

12 BETTY KELEPECZ: Okay. For field interviews, are
13 those field interviews you personally conducted?

14 LUIS CASILLAS: Uh, same thing. You know, if you
15 assisted someone and, and, and, uh, they had, you know, a
16 couple guys on the curb and I would, uh, if I assisted
17 some, assisted someone then I would put down, uh, those
18 interview cards, I mean the ****.

19 BETTY KELEPECZ: Okay. And so if, if you assisted
20 on an arrest, you'd, may put an arrest, it may have been
21 your arrest, it could have been someone else's arrest?

22 LUIS CASILLAS: Right.

23 BETTY KELEPECZ: If it's a traffic stop, if you
24 rolled on a traffic stop and backed on that traffic stop,
25 you, I may be your guy that's stopped, it may be somebody

1 else's?

2 LUIS CASILLAS: Yes.

3 BETTY KELEPECZ: Sometimes you voice those traffic
4 stops, sometimes you don't.

5 LUIS CASILLAS: That's correct.

6 BETTY KELEPECZ: Okay. What is this, IA turned over
7 to BP? What is that? Do you have any nine, idea what
8 that -

9 LUIS CASILLAS: Uh, yeah -

10 BETTY KELEPECZ: - means?

11 LUIS CASILLAS: - uh, IA is an illegal alien, so
12 like the -

13 BETTY KELEPECZ: Ah.

14 LUIS CASILLAS: - if you, uh, you know, contacted an
15 illegal alien and, uh, he was undocumented -

16 BETTY KELEPECZ: Mm hmm.

17 LUIS CASILLAS: - and you, uh, turned him over to,
18 uh, border patrol. You assisted 'em and you could put
19 that there.

20 BETTY KELEPECZ: And that should be whatever their
21 badge number is?

22 LUIS CASILLAS: Uh, yes. I mean I, yeah, that would
23 -

24 BETTY KELEPECZ: Who you -

25 LUIS CASILLAS: - turned -

1 BETTY KELEPECZ: - turned over -
2 LUIS CASILLAS: - over to.
3 BETTY KELEPECZ: - to?
4 LUIS CASILLAS: Yes.
5 BETTY KELEPECZ: So if you turned it over to a BP
6 agent, you're expected to get the star number, which is
7 their badge -
8 LUIS CASILLAS: Uh, the -
9 BETTY KELEPECZ: - number?
10 LUIS CASILLAS: - badge number, um -
11 BETTY KELEPECZ: What does that mean, agent's star
12 number?
13 LUIS CASILLAS: I guess that would be their, their,
14 their, uh, their badge number.
15 BETTY KELEPECZ: Ah, that's what I was kind of
16 thinking but I was hoping you'd help me out with that
17 'cause I'm, I'm not sure.
18 LUIS CASILLAS: Yeah, their, they got long serial
19 numbers.
20 BETTY KELEPECZ: And do they have a number on their
21 badge?
22 LUIS CASILLAS: No, they, I think they, I want to
23 say they have it behind the badge -
24 BETTY KELEPECZ: Okay.
25 LUIS CASILLAS: - number **** on the back.

1 BETTY KELEPECZ: Oh, okay, on the back side where -
2 LUIS CASILLAS: Back side.
3 BETTY KELEPECZ: - you can read it?
4 LUIS CASILLAS: Right.
5 BETTY KELEPECZ: Okay, ****. Okay, this is where I
6 start getting confused, so this will be confusing for me
7 as well. So when you turn this overtime slip in and you
8 turn this DAR in, is it expected that whatever is on this
9 overtime slip is gonna be consistent with the, what this
10 says -
11 LUIS CASILLAS: Yeah.
12 BETTY KELEPECZ: - the DAR?
13 LUIS CASILLAS: Well, that's, that's what's
14 expected.
15 BETTY KELEPECZ: Okay.
16 LUIS CASILLAS: ****.
17 BETTY KELEPECZ: Have you ever, to your knowledge,
18 turned in an overtime slip that was inconsistent with
19 your DAR?
20 LUIS CASILLAS: Uh, actually, yeah, I'm sure I've
21 made, um, a lot of mistakes.
22 BETTY KELEPECZ: Are there are any requirements that
23 this be filled out completely?
24 LUIS CASILLAS: Uh, yeah, if you want to get paid,
25 it, it's required that, that this be attached to that.

1 BETTY KELEPECZ: And be completely filled out?
2 LUIS CASILLAS: Uh -
3 BETTY KELEPECZ: In other words, you put your
4 mileage day, you put your overtime hours, all, fill in
5 all those spots?
6 LUIS CASILLAS: Uh, you're supposed to fill it out,
7 uh, completely but, you know, oftentimes, you, once
8 again, bad habits and just poor habits and poor
9 recordkeeping, sometimes you, you don't.
10 BETTY KELEPECZ: And does anything happen if you
11 don't fill that out completely -
12 LUIS CASILLAS: Hmm.
13 BETTY KELEPECZ: - to your knowledge?
14 LUIS CASILLAS: Not, not to my knowledge.
15 BETTY KELEPECZ: Do you specifically recall any time
16 where you didn't fill that out and why, um, why you
17 didn't?
18 LUIS CASILLAS: Nothing that pops out but I'm sure
19 that I've, uh, that I've done that.
20 BETTY KELEPECZ: Okay. And, um, should your
21 overtime slip and your DAR be, also be consistent with
22 whatever timecard you have?
23 LUIS CASILLAS: They should.
24 BETTY KELEPECZ: Okay.
25 LUIS CASILLAS: It, I'm sure it doesn't always work

1 that way.

2 BETTY KELEPECZ: And why wouldn't it work that way?

3 LUIS CASILLAS: Well, you make mistakes.

4 BETTY KELEPECZ: And what do you mean by make
5 mistakes? How could you make mistakes where they don't,
6 they aren't consistent?

7 LUIS CASILLAS: You make mistakes, I, you know,
8 where I, I'm human and I, I make mistakes.

9 BETTY KELEPECZ: So can you explain to me what type
10 of mistakes you might make where they would not be
11 consistent with the -

12 LUIS CASILLAS: Uh -

13 BETTY KELEPECZ: - each other?

14 LUIS CASILLAS: - why would it, mistake on the day,
15 mistake on the time, um, you know, there's, there's, uh,
16 I'm sure a number of, uh, ways that I can, uh, you know,
17 screw that up. I, uh, as simple as it may seem, there's
18 a possibility that I could make mistakes.

19 BETTY KELEPECZ: Okay. Okay. Okay, so I'm gonna
20 start going through some specific overtime slips and
21 DARs, and talk to you a little bit about those Stone
22 Garden ones, so, uh, the first one is dated November 6th
23 and I assume that's 2013 from 1500 to 1900. I'm gonna
24 pass it on over to you and I'm gonna ask you to review
25 that with me today. So do you, um, you notice that

1 there's no, um, year or date on there.

2 LUIS CASILLAS: Uh, yes.

3 BETTY KELEPECZ: So how do we know which year this

4 was?

5 LUIS CASILLAS: Um.

6 OTHER SPEAKER: Well the header right there says

7 2013 daily activity report.

8 BETTY KELEPECZ: Okay. So and that was Mr. Di

9 Giovanni that said that.

10 OTHER SPEAKER: Sorry, I thought you were asking, I

11 mean -

12 LUIS CASILLAS: Yeah.

13 OTHER SPEAKER: - it seemed -

14 LUIS CASILLAS: I mean -

15 OTHER SPEAKER: - pretty obvious that there's a -

16 LUIS CASILLAS: - it's right up there -

17 OTHER SPEAKER: - it's year dated.

18 LUIS CASILLAS: - on the top. I -

19 OTHER SPEAKER: So -

20 LUIS CASILLAS: - I didn't notice it but yeah, there

21 is a 2013 up there.

22 BETTY KELEPECZ: Okay.

23 OTHER SPEAKER: Sorry, I'm very observant.

24 BETTY KELEPECZ: Yeah, I know, I know. So, uh, is

25 this your name -

1 LUIS CASILLAS: Yes -
2 BETTY KELEPECZ: - **** -
3 LUIS CASILLAS: - that's -
4 BETTY KELEPECZ: - Casillas.
5 LUIS CASILLAS: - my name.
6 BETTY KELEPECZ: And this is how many hours you
7 worked?
8 LUIS CASILLAS: Yes.
9 BETTY KELEPECZ: And this is what you're kind of,
10 oh, your \$50.00 rate, overtime -
11 LUIS CASILLAS: Yes.
12 BETTY KELEPECZ: - rate? Okay. And so here it said
13 you worked from 1500 to 1900 hours, is that correct?
14 LUIS CASILLAS: Uh, I guess, that's what's on there.
15 BETTY KELEPECZ: Okay. So let's look at your unit
16 number. Can you tell me a little bit about Unit No. 570?
17 Do you know what that one is and can you re, recall
18 anything specific about it?
19 LUIS CASILLAS: Other than what it says on there,
20 no, I don't, I don't know any of 'em personally or I
21 don't have a, a, a, a personal unit. If it says it's a
22 Ford, uh, Crown Victoria, it's Unit 570.
23 BETTY KELEPECZ: Okay. So could you kind of look at
24 those numbers that say mileage -
25 LUIS CASILLAS: Mm hmm.

1 BETTY KELEPECZ: - start and mileage end and tell me
2 how many miles that is?

3 LUIS CASILLAS: Um, uh, 137,796 and then the next
4 number is 137,859.

5 BETTY KELEPECZ: Correct. And how many miles does
6 that make?

7 LUIS CASILLAS: Well, it probably makes more than
8 the 20 that says total mileage.

9 BETTY KELEPECZ: Okay. Can you tell me how that
10 might happen?

11 LUIS CASILLAS: Um, mistakes.

12 BETTY KELEPECZ: Okay. So how might you have made
13 that mistake? So if this is a calculation and that's
14 supposed to be the mileage total based on the subtraction
15 of this from this -

16 LUIS CASILLAS: Mm hmm.

17 BETTY KELEPECZ: - how might you have made that
18 mistake and putting 20 instead of, what is that number?

19 LUIS CASILLAS: Yeah, well I -

20 BETTY KELEPECZ: Let's do a calc for me 'cause I'm
21 having trouble, 137,859 minus 137,796, let's see, 9, 10,
22 11, 12, 13, 14, 15, 63 miles.

23 LUIS CASILLAS: If that's what the calculation came
24 up. How, how I made the mistake, I just, that, uh, but,
25 you know, sloppy, uh, recordkeeping. I mean I made

1 mistakes, I'm not, I'm not 100 percent.

2 BETTY KELEPECZ: Okay. Okay, so let's also look
3 over to, um, No. 6, yeah. Excuse me. Okay, is that ****
4 there, so these are all **** let's go to No. 8. Okay.
5 And do you know if this DAR is your DAR? In other words,
6 do you ever sign the bottom of this or have it together?
7 Are they one side and the other side of a paper or how
8 does -

9 LUIS CASILLAS: Uh -

10 BETTY KELEPECZ: - that work?

11 LUIS CASILLAS: - some are, it's, at one point,
12 there were, uh, two sheets. At one point, they were one
13 sheet. Then they went to, then they put 'em on the
14 computer so is that mine, it's got my name on there, I
15 would assume that it, that it's mine.

16 BETTY KELEPECZ: Okay. And what does it say
17 regarding how many citations and how many arrests and
18 field interviews you have here? I don't think that one
19 is yours. To tell you the truth, I don't think it is. I
20 think -

21 LUIS CASILLAS: It's got my name on it.

22 BETTY KELEPECZ: It's got your name on this side but
23 not on this side. You see what I'm saying? Okay.
24 That's why this was in here. So this is Victor Flores on
25 the same date, 1500 to 1900. This goes here. See what

1 I'm saying? This is the second page of this one.

2 LUIS CASILLAS: Mm hmm.

3 BETTY KELEPECZ: Because I can get it up on the

4 computer like that but they printed out and it flows into

5 the next one and how I know that is this says \$50.00 and

6 it's \$200.00 and this says \$200.00 over here, whereas

7 this one says 20541 and so the next one would be 20541.

8 So based on this, would you have expected that you issued

9 four citations and had eight FIs and anything else there

10 that I'm missing 'cause I'm looking upside down?

11 LUIS CASILLAS: Uh, I mean what's the question?

12 BETTY KELEPECZ: You see these boxes?

13 LUIS CASILLAS: Yes.

14 BETTY KELEPECZ: Would you expect that if I were to

15 look into the system or someplace -

16 LUIS CASILLAS: Mm hmm.

17 BETTY KELEPECZ: - that you have written four

18 citations, done eight FIs and five traffic stops.

19 LUIS CASILLAS: If you looked into the system, would

20 that be in there?

21 BETTY KELEPECZ: Yeah, that's, would you expect it

22 to be in there?

23 LUIS CASILLAS: Well, you would expect it but not,

24 not necessarily, it might not necessarily be in there.

25 BETTY KELEPECZ: And under what circumstances might

1 not that be -

2 LUIS CASILLAS: Well -

3 BETTY KELEPECZ: - in the system?

4 LUIS CASILLAS: - uh, once again, I might have, uh,

5 used an old template, got lazy and, and just left

6 whatever numbers were on there.

7 BETTY KELEPECZ: And what about the citations? If

8 you said you did four citations, it's because it was an

9 old template and you left -

10 LUIS CASILLAS: It -

11 BETTY KELEPECZ: - those numbers -

12 LUIS CASILLAS: - that -

13 BETTY KELEPECZ: - on -

14 LUIS CASILLAS: - I mean that's -

15 BETTY KELEPECZ: - there?

16 LUIS CASILLAS: - that's a possibility.

17 BETTY KELEPECZ: Okay. What might another reason

18 be?

19 LUIS CASILLAS: Well, that's the only reason I can

20 think of.

21 BETTY KELEPECZ: Okay. So, um, related to this,

22 we've already kind of figured out that those numbers

23 don't match those numbers, would you expect, um, that

24 these numbers would match whatever the mileage is for

25 that vehicle, either on the mileage log or someplace

1 else?

2 LUIS CASILLAS: Um, you would expect it but I, once
3 again, I might have made a mistake or used a sloppy, uh,
4 template.

5 BETTY KELEPECZ: Okay. So when you take mileage
6 start, how do you determine that? Do you actually read
7 it off the odometer?

8 LUIS CASILLAS: Well, sometimes or sometimes I jot
9 it down on my notepad or, you know, I guesstimate at the
10 end of the end of the shift.

11 BETTY KELEPECZ: So tell me how you do that, I mean,
12 uh, guesstimate?

13 LUIS CASILLAS: Well, you just look at the ending
14 and estimate how many miles you drove around and take a
15 stab at it.

16 BETTY KELEPECZ: It's, um, how, I know, I don't
17 think I understand that, so you just take a stab at how
18 many miles you might have driven that day?

19 LUIS CASILLAS: Yeah.

20 BETTY KELEPECZ: Okay. So this may not be accurate
21 because you did not actually take down the mileage or
22 what -

23 LUIS CASILLAS: That -

24 BETTY KELEPECZ: - happened?

25 LUIS CASILLAS: - it might not be accurate because I

1 might have either made a mistake or just got sloppy or
2 used a old template or just guessed, was too lazy to
3 check the car.

4 BETTY KELEPECZ: Okay. And under those
5 circumstances, you would guesstimate?

6 LUIS CASILLAS: Yeah, I did that a lot of times.

7 BETTY KELEPECZ: Do you know what this information
8 is used for?

9 LUIS CASILLAS: I have no clue other than it, that's
10 something that we need to fill out to get paid.

11 BETTY KELEPECZ: And do you believe that when you
12 fill it out, it's supposed to be accurate?

13 LUIS CASILLAS: Well, it's supposed to be but, uh,
14 obviously, not always, there's a lot of mistakes on there
15 that I made. Bless you.

16 OTHER SPEAKER: Thanks.

17 BETTY KELEPECZ: Bless you. Okay, so did you ever
18 guesstimate the odometer readings at the beginning and
19 the end, and, um, how would you guesstimate odometer
20 readings? First, do you, have you ever done that?

21 LUIS CASILLAS: Well, I had looked at the odometer
22 reading at the end and I probably just estimated how many
23 miles I drove around and subtracted it. Somehow I est,
24 I, the, uh, I might have estimated it or used an old
25 template.

1 BETTY KELEPECZ: Okay, so you, either you used an
2 old template or you guesstimated. From this information,
3 would you expect that car mileage to be consistent with
4 the vehicle mileage for that car?

5 LUIS CASILLAS: Not if I estimated it. I, it could
6 be different, I, um -

7 BETTY KELEPECZ: So sometimes you would make up
8 both?

9 LUIS CASILLAS: Well, you don't make it up, you
10 estimate it.

11 BETTY KELEPECZ: Okay. So if you get in the car and
12 you start down the road and you forget to write down the
13 mileage and you get to the end of the **** and you get
14 out of the car and you get into the station and you
15 forget to write the mileage, how do you get the mileage
16 for the car here? How do you, I mean how do you
17 guesstimate it if you didn't look at the odom, odometer?

18 LUIS CASILLAS: Maybe I went out there and, uh,
19 looked, physically looked at the ending mileage or maybe
20 I used an old template -

21 BETTY KELEPECZ: Okay.

22 LUIS CASILLAS: - with that mileage on there.

23 BETTY KELEPECZ: So this could be an old template or
24 it could be partially correct?

25 LUIS CASILLAS: Yes, for the fifth time.

1 BETTY KELEPECZ: Partially correct from one to the
2 other?

3 LUIS CASILLAS: Yes.

4 BETTY KELEPECZ: For the sixth time, just to -

5 LUIS CASILLAS: For the -

6 BETTY KELEPECZ: - add that for you.

7 LUIS CASILLAS: - sixth time.

8 BETTY KELEPECZ: Okay, okay. So I'm showing you an
9 overtime slip or a DAR or rather, for, dated
10 November 30th, 2013 from 1500 to 2300 hours and as you can
11 see, same rules apply. This was \$50.00, 400 and 400,
12 this was a continuation of yours. So, um, looking at
13 your vehicle, it shows Unit 570 and the mileage start was
14 87,175 and mileage end 87,187. Can you tell me if that's
15 an accurate mileage total?

16 LUIS CASILLAS: Uh, probably not.

17 BETTY KELEPECZ: Okay. Probably?

18 LUIS CASILLAS: Probably not, I, I would have to,
19 I'm not good with math but if I add up the 15 to the 80,
20 no, probably not.

21 BETTY KELEPECZ: So what should it be?

22 LUIS CASILLAS: Um, uh, I don't have a calculator
23 and I, probably a little more than 15.

24 BETTY KELEPECZ: Okay. I'm gonna give you a piece
25 of paper and I'd like you to make that determination and

1 do the calculation. There you go. Do you have a pen?
2 LUIS CASILLAS: And can I borrow yours?
3 BETTY KELEPECZ: Yes, you may.
4 LUIS CASILLAS: So, um, that would be 87, uh, minus,
5 uh, uh, so that's ****, that would be, uh, 62 miles.
6 BETTY KELEPECZ: Would it?
7 LUIS CASILLAS: Uh, according to my math.
8 BETTY KELEPECZ: Okay. Make sure you're writing
9 down the numbers right. So it's 87,1 -
10 LUIS CASILLAS: 187.
11 BETTY KELEPECZ: - 87 is the ending mileage. The
12 beginning mileage is 87,175, you have 125, I think,
13 there.
14 LUIS CASILLAS: Oh, it's 175, I'm sorry.
15 BETTY KELEPECZ: So actually it, that should -
16 LUIS CASILLAS: 12.
17 BETTY KELEPECZ: - be 12, correct?
18 LUIS CASILLAS: 12.
19 BETTY KELEPECZ: Okay. So can you recall
20 specifically why this mileage was not 15 or how you
21 changed those miles on **** -
22 LUIS CASILLAS: Um -
23 BETTY KELEPECZ: - if I ****.
24 LUIS CASILLAS: - no, I can't recall. Um, I might
25 have made a mistake just like the mistake I made when I

1 tried to do the math problem.

2 BETTY KELEPECZ: Yeah, okay. So then let's look at
3 your previous one for, this is Unit 570. It's a Ford
4 Crown Victoria. This is Unit 570, a Ford Crown Victoria
5 and if you'd notice that this was 87,000 and this is
6 137,000, how might you, um, figure out why those two are
7 so different in the same month?

8 LUIS CASILLAS: No. Probably, uh, a template, a
9 mistake.

10 BETTY KELEPECZ: Okay. Okay. I'm gonna go to the
11 next one. Okay, so 3, this is 11/8, I get ****. Okay,
12 so this is going back. I missed a date in between here.
13 This is November 8th, 2013 from 1500 to 1900. It's
14 4 hours. It's yours. It shows you driving Unit 570 with
15 a mileage of 137,859, 137,879, 20 miles. Can you tell me
16 what happened there? It's 2 days after this one.

17 LUIS CASILLAS: Well, it's, I just probably used the
18 same template or made a mistake.

19 BETTY KELEPECZ: Okay.

20 LUIS CASILLAS: And I probably failed to properly
21 fill that out correctly.

22 BETTY KELEPECZ: So you had three in November and
23 that's the order that they were in. So the first two
24 times, you used the same mileage and the same mileage
25 total, the same odometer readings and the third time, you

1 used a different one with incorrect mileage ****. I'm
2 just gonna show you your overtime slips. So on, um,
3 November 6th, 2013, is that your signature on this
4 overtime slip that shows you used Stone Garden for
5 4 hours?

6 LUIS CASILLAS: Yes.

7 BETTY KELEPECZ: Okay and it, were you signing that,
8 um, that it was required and accurate?

9 LUIS CASILLAS: Uh, yes.

10 BETTY KELEPECZ: Okay. And on November 8th, 2013,
11 same question. Is that your signature on that document?

12 LUIS CASILLAS: No.

13 BETTY KELEPECZ: That's not your signature?

14 LUIS CASILLAS: No.

15 BETTY KELEPECZ: Is, 'cause that's Orozco's, you're
16 exactly right. Is that your signature? Thank you.

17 LUIS CASILLAS: Yes.

18 BETTY KELEPECZ: Okay. And are you certifying that
19 you worked the 4 hours and it's a, uh -

20 LUIS CASILLAS: Yes.

21 BETTY KELEPECZ: - required and accurate?

22 LUIS CASILLAS: That's what is says on there.

23 BETTY KELEPECZ: Okay. And then on November 30th,
24 2013, same question. I'm gonna try to point to the right
25 one, this one right here and did you, um, sign that?

1 LUIS CASILLAS: Yes, I did.

2 BETTY KELEPECZ: And is that 8 hours of overtime

3 that you're certifying is correct and accurate?

4 LUIS CASILLAS: Mm hmm, that's what I says.

5 BETTY KELEPECZ: Required and accurate.

6 LUIS CASILLAS: Yes.

7 BETTY KELEPECZ: And the date is 11/30?

8 LUIS CASILLAS: Yes.

9 BETTY KELEPECZ: Okay. Okay. One down. December

10 is a big month, why?

11 LUIS CASILLAS: Christmas.

12 BETTY KELEPECZ: Probably. Okay. I am showing a

13 document, it's a daily activity report Stone Garden for

14 and this is in handwriting L. Casillas -

15 LUIS CASILLAS: Mm hmm.

16 BETTY KELEPECZ: - uh, \$150.00, 350 and that looks

17 like, is that your writing as well on the narrative?

18 LUIS CASILLAS: Yes, it is.

19 BETTY KELEPECZ: Okay. So, um, can you read for me

20 'cause it's upside down, the mileage start and the

21 mileage ending?

22 LUIS CASILLAS: It reads, uh, Crown Vic, 580, start

23 59,975, ending of 59,982, total mileage of 7 miles.

24 BETTY KELEPECZ: Okay. Is, is that correct?

25 LUIS CASILLAS: Well, it's, I don't think it's

1 correct. I'm obviously been making a lot of mistakes on
2 these in 2, in 2013.

3 BETTY KELEPECZ: Okay, so 59,982 minus 59,975, you
4 had been correct that time. And when you work overtime,
5 do you sometimes use the same car on your overtime
6 shifts?

7 LUIS CASILLAS: Uh, sometimes and sometimes we do
8 and sometimes we don't.

9 BETTY KELEPECZ: Okay. Do you see your name
10 anywhere on this list? Do you know what this is list is,
11 by the way, I'm sorry, I'm **** you.

12 LUIS CASILLAS: It is a, uh, list that they keep in
13 dispatch.

14 BETTY KELEPECZ: Okay. And what is it?

15 LUIS CASILLAS: It's a list of the officer's names
16 with the unit numbers -

17 BETTY KELEPECZ: And -

18 LUIS CASILLAS: - and mileage.

19 BETTY KELEPECZ: Okay. So I'm gonna direct your
20 attention to this dated sheet and it's called 25HH -

21 LUIS CASILLAS: Mm hmm.

22 BETTY KELEPECZ: - is, starts at 12/1 and it goes
23 through 12/5, so do you see, you're looking at 12/4 in
24 front of you, do you see your name anywhere on 12/4?

25 LUIS CASILLAS: Uh, yes, I do.

1 BETTY KELEPECZ: Okay. And what does it say?
2 LUIS CASILLAS: It says Unit 580 -
3 BETTY KELEPECZ: Okay.
4 LUIS CASILLAS: - and a start of 59,935.
5 BETTY KELEPECZ: Okay. And what does it say to the
6 right of that?
7 LUIS CASILLAS: Uh, 12/4.
8 BETTY KELEPECZ: No, to the right of that.
9 LUIS CASILLAS: Oh, I'm sorry.
10 BETTY KELEPECZ: Your right of that.
11 LUIS CASILLAS: Oh -
12 BETTY KELEPECZ: Your right.
13 LUIS CASILLAS: - 580.
14 BETTY KELEPECZ: 5, I'm sorry, okay. What does it
15 say there?
16 LUIS CASILLAS: Uh, I, I, 59 or, I, I can't -
17 BETTY KELEPECZ: Could that -
18 LUIS CASILLAS: - **** -
19 BETTY KELEPECZ: - be an SG?
20 LUIS CASILLAS: Oh, Stone Garden, SG.
21 BETTY KELEPECZ: Okay.
22 LUIS CASILLAS: Yeah, that could be SG, Stone -
23 BETTY KELEPECZ: So is -
24 LUIS CASILLAS: - Garden.
25 BETTY KELEPECZ: - the mileage same there as it is

1 there?

2 LUIS CASILLAS: No, it is not.

3 BETTY KELEPECZ: Okay. This is handwritten so
4 template may be out of the question but you have to tell
5 me that. So how can you explain this being different
6 than this?

7 LUIS CASILLAS: I might have made a mistake.

8 BETTY KELEPECZ: So it's another -

9 LUIS CASILLAS: That -

10 BETTY KELEPECZ: - time that you might have made a
11 mistake?

12 LUIS CASILLAS: Yeah, that's correct.

13 BETTY KELEPECZ: Four overtime slips in a row.

14 LUIS CASILLAS: That's correct in -

15 BETTY KELEPECZ: Okay.

16 LUIS CASILLAS: - 2013.

17 BETTY KELEPECZ: In 2013, okay. As a supervisor,
18 would you be concerned if any of your employees had any
19 report like a police report or any report that had you
20 consistently made mistakes on? Would that ever concern
21 you?

22 LUIS CASILLAS: Uh, I haven't got to that level yet.
23 I'm not, I, maybe that's why I'm not a supervisor.

24 BETTY KELEPECZ: Okay. So that doesn't bother you?
25 Does that bother you?

1 LUIS CASILLAS: That's, it's a mistake.
2 BETTY KELEPECZ: Okay.
3 LUIS CASILLAS: And I'm sure if they looked at
4 everyone's, uh, Stone Garden sheets, there would be
5 millions of -
6 BETTY KELEPECZ: Well -
7 LUIS CASILLAS: - mistakes.
8 BETTY KELEPECZ: - we're not talking about everyone,
9 right?
10 LUIS CASILLAS: No, ****.
11 BETTY KELEPECZ: Right now, we're talking about you.
12 LUIS CASILLAS: Mm hmm.
13 BETTY KELEPECZ: Okay, good. Okay. So that was
14 12/4. Okay, 12/5. I'm gonna show you a DAR for 12/5.
15 Um, is this one your DAR?
16 LUIS CASILLAS: Uh, that's what, my name is on
17 there. Yeah.
18 BETTY KELEPECZ: Yeah.
19 LUIS CASILLAS: It sure is.
20 BETTY KELEPECZ: And is that your writing in the -
21 LUIS CASILLAS: Yeah.
22 BETTY KELEPECZ: - narrative?
23 LUIS CASILLAS: That's mine.
24 BETTY KELEPECZ: So that's the entire DAR is yours?
25 LUIS CASILLAS: Mm hmm, it looks like it.

1 BETTY KELEPECZ: Okay. So what vehicle were you
2 driving?
3 LUIS CASILLAS: 571.
4 BETTY KELEPECZ: And can you tell me what's its
5 mileage start and mileage end?
6 LUIS CASILLAS: No mileage.
7 BETTY KELEPECZ: And can you tell me what's in
8 mileage total?
9 LUIS CASILLAS: No mileage.
10 BETTY KELEPECZ: And can you explain to me why that
11 and how that might happen?
12 LUIS CASILLAS: Well, I didn't put it on, I failed
13 to put the mileage down there. I half-assed it, as we
14 call it.
15 BETTY KELEPECZ: Okay. But you put a line through
16 there, so you know you did that.
17 LUIS CASILLAS: Mm hmm.
18 BETTY KELEPECZ: Is that a yes?
19 LUIS CASILLAS: Yes.
20 BETTY KELEPECZ: Okay. I'd also like you to take a
21 look at your date and time you worked.
22 LUIS CASILLAS: Okay.
23 BETTY KELEPECZ: So the date, can you read that out
24 to me?
25 LUIS CASILLAS: 12/5/13.

1 BETTY KELEPECZ: And the time?
2 LUIS CASILLAS: 13, what appears to be 19.
3 BETTY KELEPECZ: Okay. And how many hours is that?
4 LUIS CASILLAS: Hmm, I don't, that would be 13 to
5 19, that's 6.
6 BETTY KELEPECZ: Okay. How many hours does it say
7 that you worked?
8 LUIS CASILLAS: 4.
9 BETTY KELEPECZ: Okay. Is that an accurate amount?
10 Is that an accurate amount?
11 LUIS CASILLAS: Uh, that's what is says on there.
12 BETTY KELEPECZ: Okay.
13 LUIS CASILLAS: It looks like it could be a mistake.
14 BETTY KELEPECZ: So another mistake. I'm gonna ask
15 you to look at your overtime slip and tell me how many
16 hours you worked that day and what you submitted for.
17 LUIS CASILLAS: 4 hours.
18 BETTY KELEPECZ: Okay. So which one do you think is
19 the accurate one, the date and time, the time and hours,
20 **** -
21 LUIS CASILLAS: Well, it's -
22 BETTY KELEPECZ: - **** -
23 LUIS CASILLAS: - here's the -
24 BETTY KELEPECZ: - and hours.
25 LUIS CASILLAS: - there's some mistakes but I can,

1 uh, I made a mistake. Well, I didn't, I didn't write
2 that 12/5/13. That's not my writing.

3 BETTY KELEPECZ: Okay. So you left it blank?

4 LUIS CASILLAS: I might have left, left it blank,
5 someone must have filled it in. You can clearly see how
6 I do my 5s a lot different than I do. I don't know.
7 Look how I do my 5. It doesn't look like, it doesn't
8 appear to look like my writing, but my name is on there.

9 OTHER SPEAKER: So it -

10 BETTY KELEPECZ: Okay.

11 OTHER SPEAKER: - probably from your writing then it
12 looks like the 4 hours is the correct amount for
13 overtime.

14 LUIS CASILLAS: Yes.

15 BETTY KELEPECZ: This is, so, um, extrapolating that
16 out, so you failed to, uh, also complete the appropriate
17 date and hours, is that -

18 LUIS CASILLAS: Yes.

19 BETTY KELEPECZ: - correct? Okay.

20 OTHER SPEAKER: So you shorted yourself 2 hours of
21 overtime, essentially.

22 LUIS CASILLAS: Yes.

23 BETTY KELEPECZ: If in fact your timecard shows
24 that's correct.

25 LUIS CASILLAS: I don't know what my timecard -

1 BETTY KELEPECZ: Okay.

2 LUIS CASILLAS: - says.

3 BETTY KELEPECZ: Uh, well, you can track already

4 it's happened **** time **** here 12/6. Okay, so I'm

5 showing you a DAR for 12/6/2013 and would you please tell

6 me if that is your DAR?

7 LUIS CASILLAS: Uh, yes, it is.

8 BETTY KELEPECZ: And did you fill out the operations

9 -

10 LUIS CASILLAS: Date.

11 BETTY KELEPECZ: - information there?

12 LUIS CASILLAS: I filled, it looks like I filled

13 some of it out.

14 BETTY KELEPECZ: What part of it did you fill out?

15 LUIS CASILLAS: It looks like my name, the 4 hours,

16 the rate, the cost.

17 BETTY KELEPECZ: Okay. And can you tell me what you

18 filled out as it relates to vehicle?

19 LUIS CASILLAS: Uh, Crown Vic, 580.

20 BETTY KELEPECZ: And did you fill out the mileage

21 start date?

22 LUIS CASILLAS: Uh, no, I did not.

23 BETTY KELEPECZ: Did you fill out the mileage end

24 date?

25 LUIS CASILLAS: Uh, no, I did not.

1 BETTY KELEPECZ: Okay. I'm showing you another
2 mileage log. It's called 26B. I'd like you to see if
3 you can see your name anywhere on that.

4 LUIS CASILLAS: Yes, I do.

5 BETTY KELEPECZ: Do you see it for December 6th?

6 LUIS CASILLAS: Yes, I do.

7 BETTY KELEPECZ: Could you tell me what it says?

8 LUIS CASILLAS: It says, uh, my name, the unit, 571,
9 and it's, it has a start mileage of, uh, 85,900.

10 BETTY KELEPECZ: And can you tell me what you were
11 working that date or what it says to the right -

12 LUIS CASILLAS: It -

13 BETTY KELEPECZ: - of that.

14 LUIS CASILLAS: - it appears SG Stone Garden.

15 BETTY KELEPECZ: Okay. Can you explain how on your
16 DAR it says you're at 58, in 580 and how you're in 571
17 when you log on?

18 LUIS CASILLAS: Yeah, I made a mistake, probably.
19 Um, so once again, some sloppy, not paying attention, uh,
20 the way I filled out my DAR.

21 BETTY KELEPECZ: Okay. The next DAR is dated
22 12/14/2013. I'm gonna show it to you. It has your name
23 on it. Um, could you, uh, tell me, uh, what, if that's
24 your DAR?

25 LUIS CASILLAS: That is my DAR. It's -

1 BETTY KELEPECZ: Okay.

2 LUIS CASILLAS: - got my name on there.

3 BETTY KELEPECZ: Okay. Can you tell me, um, what
4 the vehicle is and the mileage and the mileage total?

5 LUIS CASILLAS: It says Vehicle 582, Crown Vic,
6 start of, uh, 97,000 and ending of 97,011.

7 BETTY KELEPECZ: Okay. And so does that look like
8 the right mileage?

9 LUIS CASILLAS: 11 miles.

10 BETTY KELEPECZ: Mm hmm.

11 LUIS CASILLAS: Well, it's, that's what's on there.

12 BETTY KELEPECZ: Okay. And I'm gonna show you DAR
13 for 12/15/2013. Can you review that and tell me if that
14 one is yours?

15 LUIS CASILLAS: It's got my name on there.

16 BETTY KELEPECZ: Okay.

17 LUIS CASILLAS: And, uh, it says 582 and it's got
18 97,011 with a ending of 97,027.

19 BETTY KELEPECZ: Okay. So based on that, can you
20 tell me how those numbers were placed in there? So this
21 was before this, so did you just change cars and, or stay
22 in the same car and do overtime or how did that happen,
23 do you know? Do you recall?

24 LUIS CASILLAS: I don't recall. I'm sure I made a
25 mistake. I don't recall. It's been over a year.

1 BETTY KELEPECZ: Okay. Which car was that, 582?
2 LUIS CASILLAS: Mm hmm.
3 BETTY KELEPECZ: Can you identify on this mileage
4 log any car named 582 anybody driven?
5 LUIS CASILLAS: Hmm, it looks like Officer Frasier
6 was driving 582.
7 BETTY KELEPECZ: Okay and what was the mileage for
8 Officer Frasier's car on 12/15?
9 LUIS CASILLAS: Uh, 85,765.
10 BETTY KELEPECZ: And was that before or after 12/14?
11 LUIS CASILLAS: Well, according to hat, it's 12/14 -
12 BETTY KELEPECZ: Okay -
13 LUIS CASILLAS: - on the -
14 BETTY KELEPECZ: - so -
15 LUIS CASILLAS: - the logbook there.
16 BETTY KELEPECZ: - so is that consistent with the
17 mileage that you had there?
18 LUIS CASILLAS: Uh, 582, no, not for 582.
19 BETTY KELEPECZ: Okay. And so can you tell me if
20 your 12/15 is consistent with, uh, Frasier's mileage for
21 that date?
22 LUIS CASILLAS: Hmm, it doesn't look like it.
23 BETTY KELEPECZ: Okay. So can you tell me how this
24 might be that their mileage is 85,765 and your miles are
25 in the 97,000 and consecutive to each other?

1 LUIS CASILLAS: Well, all I can say, it's another
2 mistake on the template.

3 BETTY KELEPECZ: Okay. So you used a template and
4 you made a mistake on the template?

5 LUIS CASILLAS: Well, we, I, I made mistakes.

6 BETTY KELEPECZ: Okay.

7 LUIS CASILLAS: I improperly filled out the, uh,
8 DAR.

9 BETTY KELEPECZ: So how is it that you improperly
10 filled it out when you started out at 97,000 and went
11 97,011 and then started out at the next one exactly right
12 after that at 97,011 to 97,027 is immediately following
13 it, how is it a mistake?

14 LUIS CASILLAS: A mistake or a guess or I
15 guesstimated, I don't, I couldn't tell you. I cannot
16 recall that specific date how it happened.

17 BETTY KELEPECZ: Okay.

18 LUIS CASILLAS: But it's obviously a mistake that I
19 made on there filling it out.

20 BETTY KELEPECZ: So you're saying none of it's
21 intentional?

22 LUIS CASILLAS: None of it is intentional.

23 BETTY KELEPECZ: So how is it you came from 97,000
24 to 97,011 and the very next one being 97,011 to 97,027?

25 LUIS CASILLAS: I made a mistake. It wasn't

1 intentional.

2 BETTY KELEPECZ: Okay. So that's what you're gonna
3 say that was, a mistake. You can say it one more time
4 but I'm giving you a chance -

5 OTHER SPEAKER: Well, I'm -

6 BETTY KELEPECZ: - to tell -

7 OTHER SPEAKER: - I'm curious -

8 BETTY KELEPECZ: - ****.

9 OTHER SPEAKER: - to, I have a question. I'm
10 curious about what, is there a benefit derived from
11 having a mileage be different from what it's supposed to
12 or if you made, if you intentionally changed the mileage?
13 I mean what benefit would that achieve? I'm just
14 curious.

15 BETTY KELEPECZ: Well, can you tell me what benefit
16 you might achieve from changing that mileage?

17 LUIS CASILLAS: I, those DARs were, the way that we
18 filled 'em out were always, uh, we were always told and
19 it was always common practice just to put your name on
20 there and fill it out the best you could and, uh, it's
21 obvious that I made a bunch of mistakes on there.

22 OTHER SPEAKER: But you didn't receive like mon,
23 like a mileage reimbursement or anything like that?

24 LUIS CASILLAS: No, no.

25 OTHER SPEAKER: Okay.

1 BETTY KELEPECZ: Okay. And the next one is, okay,
2 so we looked at 12/15. Let's look at 12/16. 12/16, 1300
3 to 0100, is that your mileage?
4 LUIS CASILLAS: That's my name.
5 BETTY KELEPECZ: Okay. And is that your, what
6 vehicle are you driving at that point?
7 LUIS CASILLAS: Uh, on the sheet, it states 582,
8 Crown Victoria.
9 BETTY KELEPECZ: Okay. And what is the mileage on
10 that?
11 LUIS CASILLAS: 9,110.
12 BETTY KELEPECZ: 91,110 -
13 LUIS CASILLAS: Yes.
14 BETTY KELEPECZ: - to 91,120, correct?
15 LUIS CASILLAS: That's correct.
16 BETTY KELEPECZ: Okay. Is that consistent with the
17 mileage 2 days earlier at 97,000?
18 LUIS CASILLAS: Uh, no, it doesn't look like it is.
19 BETTY KELEPECZ: Okay. Can you explain that, that
20 difference?
21 LUIS CASILLAS: Other than I made a mistake.
22 BETTY KELEPECZ: Okay.
23 LUIS CASILLAS: I improperly filled it out.
24 BETTY KELEPECZ: So I'm, I am actually a bit
25 curious, how is it that you would make a mistake on this

1 but on your, when you signed in on log, like you did on
2 whatever that 570, why it was different? Why didn't you
3 take the mileage from what you signed on and put it onto
4 your -

5 LUIS CASILLAS: I, I couldn't -

6 BETTY KELEPECZ: - DA -

7 LUIS CASILLAS: - tell you.

8 BETTY KELEPECZ: - R?

9 LUIS CASILLAS: I couldn't tell you. I can't, I
10 can't pinpoint that day in 2013 -

11 BETTY KELEPECZ: Okay.

12 LUIS CASILLAS: - why I did that other than it's an
13 obvious mistake that I made and, uh.

14 BETTY KELEPECZ: Okay. So I'm gonna show you
15 another DAR the day following the last one, December 17th,
16 and can you show me, tell me the vehicle number, the
17 start and the end date and how -

18 LUIS CASILLAS: It looks -

19 BETTY KELEPECZ: - miles?

20 LUIS CASILLAS: - like it's, it looks like it's 582
21 and it looks like it's another template that it used and,
22 uh, the mileage is, uh, 91,120 and 91,123.

23 BETTY KELEPECZ: So the previous one was 91,110 to
24 91,120 and then the next one follows on 91,120 to 91,123?

25 LUIS CASILLAS: Mm hmm.

1 BETTY KELEPECZ: Is that a yes?

2 LUIS CASILLAS: That's a yes.

3 BETTY KELEPECZ: Okay. So if you're using a
4 template, how is it that it either doesn't repeat or it's
5 numbers similar to some other one?

6 LUIS CASILLAS: I made a mistake filling it out.

7 BETTY KELEPECZ: So the follow on is a mistake?

8 LUIS CASILLAS: That's a mistake.

9 BETTY KELEPECZ: So it was not intentional, is that
10 correct?

11 LUIS CASILLAS: That's, not to my, I mean I can't go
12 back to 2013 on that day and give you an answer of why I
13 did it.

14 BETTY KELEPECZ: Okay. So I'm, we're going now to
15 December 19th, 2013. First off is, you can see on here it
16 says date should be 12/19 and you have in here 10/8, 9,
17 um, 12/18 from 1500 to 2300. So could you give me the
18 unit you're driving and the mileage start and mileage
19 end?

20 LUIS CASILLAS: Unit 570, start of 87,187, 87,193.

21 BETTY KELEPECZ: And do you remember the last times
22 you were driving, uh, Unit 570 what the mileage was?

23 LUIS CASILLAS: Uh, no, I do not.

24 BETTY KELEPECZ: Okay. So let's pull those back out
25 so you can go back over those, give you an opportunity to

1 explain that.

2 LUIS CASILLAS: **** -

3 BETTY KELEPECZ: Okay.

4 LUIS CASILLAS: - **** this one.

5 OTHER SPEAKER: All right, yeah, sure. Can we take
6 a break?

7 BETTY KELEPECZ: Sure. We're gonna take a break and
8 it's now 12:10. We're going to pause ****. Okay, we're
9 back on tape and it's now 12:15. Okay, so we were
10 looking at your, uh, December 18th, which we later
11 determined December 19th from 1500 to 2300 hours, 4 hours
12 of overtime and we were looking at Unit No. 570, your
13 mileage was 87,187 to 87,193 with the mileage total of
14 10. Could you explain the mileage total?

15 LUIS CASILLAS: Uh, no, I mean it's, uh, a mistake.

16 BETTY KELEPECZ: Okay.

17 LUIS CASILLAS: It looks like the mileage is off
18 there.

19 BETTY KELEPECZ: Okay. So when you look at the
20 mileage start and mileage end on the previous ones that
21 you had, was it consistent with those in any way? So I'm
22 showing you the ones in November, the mileage start and
23 mileage end being 137,000 twice then, uh, it's ****.
24 Then 87,175 to 87,187 being November 30th.

25 LUIS CASILLAS: Yeah, it looks like the, uh, I made

1 a mistake on the, uh, mileage there and on the, and the
2 totaling the miles.

3 BETTY KELEPECZ: Okay. So, uh, are there any other
4 concerns that you might have about the mileage start and
5 mileage end date considering that on the mileage end date
6 on December 30th, you had 87,187 as the mileage end and
7 then the mileage start on December 19th was 87,187.

8 LUIS CASILLAS: No, just a mistake.

9 BETTY KELEPECZ: A mistake.

10 LUIS CASILLAS: Poor recordkeeping. I can't, once
11 again, I can't recall that day in 2013.

12 BETTY KELEPECZ: Okay. Um, can you tell me if on,
13 this is Unit 570, if on this **** I put it on upside
14 down, 570, if anyone else drove Unit 570 in December.

15 LUIS CASILLAS: It looks like, uh, Victor Flores
16 did.

17 BETTY KELEPECZ: Okay. And could you tell me what
18 his unit, uh, I mean what the mileage was when he logged
19 -

20 LUIS CASILLAS: 8 -

21 BETTY KELEPECZ: - on?

22 LUIS CASILLAS: - 7,342, uh, let's see, 87,342, 7.

23 BETTY KELEPECZ: That's 87,342, 7?

24 LUIS CASILLAS: I'm looking at -

25 BETTY KELEPECZ: Okay.

1 LUIS CASILLAS: - 570, is that what -
2 BETTY KELEPECZ: So there is two times that - ooh,
3 what was that - two times where Flores signed on with
4 Unit 570, is that correct?
5 LUIS CASILLAS: That's what it -
6 BETTY KELEPECZ: And -
7 LUIS CASILLAS: - appears.
8 BETTY KELEPECZ: - both of them -
9 LUIS CASILLAS: Mm hmm.
10 BETTY KELEPECZ: - one of 'em is a Stone Garden and
11 the other one is a Shift 3, so he signed on 87,335.4 and
12 then he later, in the same day, signed on at 8C -
13 LUIS CASILLAS: Mm hmm.
14 BETTY KELEPECZ: - 7,342.73, so can you tell me how
15 was that he was signed on to that car the entire shifts,
16 two shifts and you show 4 hours of Stone Garden overtime?
17 LUIS CASILLAS: I can't tell you 'cause I don't
18 remember that specific date in 2013, but I can tell you
19 that it looks like I made a mistake.
20 BETTY KELEPECZ: Okay.
21 LUIS CASILLAS: So then now -
22 BETTY KELEPECZ: So this is -
23 LUIS CASILLAS: - my **** -
24 BETTY KELEPECZ: - just another -
25 LUIS CASILLAS: - ****.

1 BETTY KELEPECZ: - mistake?

2 LUIS CASILLAS: That's correct.

3 BETTY KELEPECZ: And it was not intentional, is that
4 correct?

5 LUIS CASILLAS: It's a mistake, poor recordkeeping.

6 BETTY KELEPECZ: Mistake, poor recordkeeping, okay.

7 ***** 30th ***** November ones. Same routine
8 November 20th, 2013, uh, what vehicle is that?

9 LUIS CASILLAS: 570.

10 BETTY KELEPECZ: And is that your -

11 LUIS CASILLAS: That's my name, L. Casillas.

12 BETTY KELEPECZ: Okay and what is the mileage on
13 that?

14 LUIS CASILLAS: On there, it's got 87,210.

15 BETTY KELEPECZ: 2 -

16 LUIS CASILLAS: 10.

17 BETTY KELEPECZ: 287 -

18 LUIS CASILLAS: 87,210 and the ending is 87,218.

19 BETTY KELEPECZ: For 8 miles, correct?

20 LUIS CASILLAS: That's what it's, uh, that's what -

21 BETTY KELEPECZ: Okay.

22 LUIS CASILLAS: - I put on there.

23 BETTY KELEPECZ: And can you reconcile how your
24 mileage should be, could be that and the mileage the day
25 before is higher?

1 LUIS CASILLAS: I couldn't tell you. I don't
2 remember that date.

3 BETTY KELEPECZ: And how might you explain it?

4 LUIS CASILLAS: Once again, it looks like have some,
5 uh, poor recordkeeping skills.

6 BETTY KELEPECZ: Was it intentional?

7 LUIS CASILLAS: Once again, I said I have poor
8 recordkeeping skills and I made a mistake.

9 BETTY KELEPECZ: Oh. Your next overtime shift,
10 December 25th, 2013, I'm showing you, your DAR for that
11 and that on the second page, uh, can you tell me what
12 your vehicle unit number is and what the mileage is?

13 LUIS CASILLAS: 570.

14 BETTY KELEPECZ: And the mileage start and end?

15 LUIS CASILLAS: 87,210, 87,218.

16 BETTY KELEPECZ: How many miles is that?

17 LUIS CASILLAS: Uh, it says 8 on there.

18 BETTY KELEPECZ: Can you explain the fact that those
19 two are the same from the same, two different dates?

20 LUIS CASILLAS: Uh, no, I can't explain other than I
21 made a mistake while filling them out.

22 BETTY KELEPECZ: Okay. Whoops.

23 OTHER SPEAKER: I have a question.

24 BETTY KELEPECZ: Yes.

25 OTHER SPEAKER: If my client doesn't have specific

1 recollection of a DAR and we're gonna continue to go
2 through one day at a time and it's an issue of mileage
3 being inaccurate, I just don't understand why we need to
4 go through every single one if his answer is it must be a
5 mistake, inaccurate recordkeeping, whereas if he had some
6 specific recollection, I could see the value in going
7 through every single one but I mean it just seems like
8 there's a trend that's emerging here and I just, I don't,
9 I don't really see the value in going through every
10 single -

11 BETTY KELEPECZ: Okay.

12 OTHER SPEAKER: - DAR.

13 BETTY KELEPECZ: So precisely, there is a trend.

14 OTHER SPEAKER: Right.

15 BETTY KELEPECZ: That's clear.

16 OTHER SPEAKER: Right.

17 BETTY KELEPECZ: Um, we're pretty much to another
18 section of, uh, issues that I -

19 OTHER SPEAKER: Okay.

20 BETTY KELEPECZ: - have.

21 OTHER SPEAKER: Okay.

22 BETTY KELEPECZ: And so the 25th was, well, okay, so
23 let me ask you this question. So here I am, if I don't
24 ask you this and every time you say you don't remember,
25 the one time I don't ask you then the defense is, you

1 didn't ask him on that date. Okay, so, um, if I'm, if on
2 record you want to tell me you don't remember anything
3 from back there and you don't remember any reason why you
4 might have made those, um, documentations and you want to
5 say for all of these, I have no personal recollection, it
6 must have been a mistake, I'll take that and we won't go
7 any further, but that's based on all of them and there
8 are gonna be questions on every one of 'em. And so
9 that's, that's my question to you, either I go through
10 this all or you say, I don't remember any of 'em and, uh,
11 you **** probably shouldn't ask me anymore, but I'm not
12 gonna take that on myself to do that.

13 LUIS CASILLAS: Oh, I, you're asking me -

14 OTHER SPEAKER: Do you want -

15 LUIS CASILLAS: - I don't -

16 OTHER SPEAKER: - to, do you want to take a break
17 and talk about it?

18 LUIS CASILLAS: Sure.

19 OTHER SPEAKER: Okay.

20 BETTY KELEPECZ: Okay. Let's take a break and it is
21 now 12:24. Okay. It's not 12:31 and we're back on tape.
22 You had some time to talk so how are we gonna proceed?

23 OTHER SPEAKER: Well, basically, um, my client feels
24 that he doesn't have any indirect, independent
25 recollection of any of these DARs in 2013 and if there

1 are inaccurate, inaccuracies, his stance is that it was
2 an inadvertent mistake on his part and sloppy rec,
3 recordkeeping and in no way was it done intentionally,
4 um, or fraudulently.

5 BETTY KELEPECZ: Okay.

6 OTHER SPEAKER: Um -

7 BETTY KELEPECZ: So what if we go into 2014, are you
8 gonna have that, I mean I'm, I have things up through
9 June 30th, 2014, is that gonna be the similar response?

10 LUIS CASILLAS: That's gonna be the, the, uh, the
11 same response.

12 BETTY KELEPECZ: Okay. So I'm gonna get on record
13 that you, you believe there is no, um, need on my part to
14 continue to go through, it's just gonna be the same
15 answer over and over again?

16 LUIS CASILLAS: That's correct.

17 BETTY KELEPECZ: Okay. So I have two specific, two
18 or three specific questions to ask you and, uh, then we
19 will go into the allegation questions and, um, finish up
20 with the final questions and we should be done before
21 1:00, okay. So let's go to a couple specific questions
22 and I'm sorry if I have to go that ***, but I have to,
23 here it is. Here is my folder, so let's go to April, so
24 that January, here we go. Okay. Earlier, we talked
25 about the, um, no more using furloughs, uh, Stone Garden

1 for furlough. I'm gonna show you a overtime slip dated
2 April 10th, 2014 and is that your overtime slip right
3 there?

4 LUIS CASILLAS: Yes, it is.

5 BETTY KELEPECZ: Okay. And this is less than a year
6 ago.

7 LUIS CASILLAS: Mm hmm.

8 BETTY KELEPECZ: And, and can you tell, see right
9 there where it says furlough, is that your writing?

10 LUIS CASILLAS: Yes, it is.

11 BETTY KELEPECZ: Okay. And it says probation
12 sweeps, is that correct -

13 LUIS CASILLAS: That's -

14 BETTY KELEPECZ: - HSI and probation?

15 LUIS CASILLAS: - that's what it says.

16 BETTY KELEPECZ: And Stone Garden. Um, I'd like you
17 to take a look at the supervisor's signature. Can you
18 tell me, um, under what circumstances that might have,
19 not have been signed again -

20 LUIS CASILLAS: Uh -

21 BETTY KELEPECZ: - 'cause we kind of went through
22 some of that, but.

23 LUIS CASILLAS: Have, I have no clue why he wouldn't
24 have signed, someone -

25 BETTY KELEPECZ: Okay.

1 LUIS CASILLAS: - would have signed it.

2 BETTY KELEPECZ: Do you remember, um, putting in for

3 furlough -

4 LUIS CASILLAS: Uh -

5 BETTY KELEPECZ: - days -

6 LUIS CASILLAS: - no, I do not, I -

7 BETTY KELEPECZ: - for -

8 LUIS CASILLAS: - don't -

9 BETTY KELEPECZ: - Stone -

10 LUIS CASILLAS: - re -

11 BETTY KELEPECZ: - Garden?

12 LUIS CASILLAS: - I don't remember that specific

13 day, no.

14 BETTY KELEPECZ: Okay. And were there any times

15 that you ever worked with any, anyone while you were

16 working, in other words, two in a car during Stone

17 Garden?

18 LUIS CASILLAS: At times.

19 BETTY KELEPECZ: And can you recall any specific

20 circumstances when that did occur?

21 LUIS CASILLAS: Uh, oftentimes, if they ran out of

22 cars with the, uh, if some of the vehicles didn't work

23 and there wasn't enough cars for everyone, we would

24 double up, at times.

25 BETTY KELEPECZ: Okay. Do you specifically remember

1 in June working with, uh, Sergeant Duran, yeah, for doing
2 Stone Garden overtime?

3 LUIS CASILLAS: Not a particular day.

4 BETTY KELEPECZ: Okay. Or in April? No?

5 LUIS CASILLAS: No, not a particular day.

6 BETTY KELEPECZ: Do you have a recollection of every
7 working with -

8 LUIS CASILLAS: Yes, I -

9 BETTY KELEPECZ: - him?

10 LUIS CASILLAS: - mean I've, I've, I've worked with,
11 uh, with him on, on occasions.

12 BETTY KELEPECZ: And when you did, do you recall
13 which cars you drove in?

14 LUIS CASILLAS: Uh, no.

15 BETTY KELEPECZ: Do you ever, were you ever in his
16 black Chevy Tahoe?

17 LUIS CASILLAS: I'm sure that I, I could have been,
18 we -

19 BETTY KELEPECZ: Okay.

20 LUIS CASILLAS: - used different cars.

21 BETTY KELEPECZ: When, uh, you worked together, who
22 filled out the DAR?

23 LUIS CASILLAS: Um, sometimes it would be, it would
24 be up to the officer or sometimes it would be up to the
25 sergeant, I, it all de, it all depended.

1 BETTY KELEPECZ: Okay. When you worked with
2 Sergeant Duran, do you remember who filled out your DAR?

3 LUIS CASILLAS: No, I do not.

4 BETTY KELEPECZ: Okay. Okay, so I'll, I'll just ask
5 you specifically. From the time period of September 1st,
6 well, actually, November 'cause you were off during
7 September and you weren't doing any Stone Garden
8 overtime, from November 2013 to June 30th, 2014, did you
9 ever submit a DAR or an overtime slip that contained
10 inaccurate or, um, incorrect information?

11 LUIS CASILLAS: It appears that I did, that I made
12 some mistakes on those, uh, DARs.

13 BETTY KELEPECZ: And during that time, did you ever
14 submit any DAR or overtime slip and intentionally, um,
15 modify or falsify either of those documents?

16 LUIS CASILLAS: All the, uh, mistakes that I made
17 were, were not intentional and, uh, were just sloppy
18 recordkeeping on my behalf.

19 BETTY KELEPECZ: Okay. And, uh, during that period
20 of time, did you ever submit a overtime slip or DAR for
21 time that you did not work?

22 LUIS CASILLAS: Not to my, uh, knowledge.

23 BETTY KELEPECZ: And did you, at any time during
24 that time, identify any mistakes on your time, uh, your
25 pay slips or your check where you notified the city of

1 Calexico that you were either overpaid, that you were
2 overpaid or were paid for overtime that you did not work?

3 LUIS CASILLAS: Uh -

4 BETTY KELEPECZ: ****.

5 LUIS CASILLAS: - not, nothing that stands out.

6 BETTY KELEPECZ: Okay. Is there anything else I
7 should know regarding Stone Garden overtime from November
8 2013 through June 30th, 2014 that will help me better
9 understand how, um, anything else that I should know,
10 just anything else that I, I should know?

11 LUIS CASILLAS: Uh, not other than what we talked
12 about.

13 BETTY KELEPECZ: And do you have anything else to
14 add?

15 LUIS CASILLAS: No.

16 BETTY KELEPECZ: Um, is there anyone else I should
17 talk to in order to confirm or otherwise ensure that I
18 fully conducted an investigation?

19 LUIS CASILLAS: Yes.

20 BETTY KELEPECZ: Who?

21 LUIS CASILLAS: The whole department, everyone -

22 BETTY KELEPECZ: Oh.

23 LUIS CASILLAS: - whoever filled out an over, a, uh,
24 for Stone Garden overtime -

25 BETTY KELEPECZ: Okay.

1 LUIS CASILLAS: - slip.

2 BETTY KELEPECZ: Is there anything else that I
3 haven't asked you but should know?

4 LUIS CASILLAS: No.

5 BETTY KELEPECZ: Has everything you said here today
6 been the truth?

7 LUIS CASILLAS: Yes.

8 BETTY KELEPECZ: Do you remember our earlier
9 discussion regarding the prohibition against any form of
10 retaliatory conduct and regarding confidentiality of what
11 we have discussed today?

12 LUIS CASILLAS: Yes.

13 BETTY KELEPECZ: Do you agree to abide by those
14 instructions?

15 LUIS CASILLAS: Yes, I do.

16 BETTY KELEPECZ: And I will not ever contact you
17 personally, but you now have my business card, you have
18 another business card, if you should come across some
19 documentation, uh, a notebook with the, some information,
20 a overtime slip, a, anything that you think will support
21 your position that all of these were mistakes or that you
22 think would be relevant or appropriate to my
23 investigation, I'm offering you the opportunity to submit
24 those to, uh, Kris Di Giovanni and then he'll get that
25 information to me. Do you understand?

1 LUIS CASILLAS: Yes, I do.

2 BETTY KELEPECZ: I would encourage you to do that at
3 your earliest convenience if there's something in here
4 where you think there may be some information that you
5 look it up or find it in, in your capacity while you're
6 off on administrative leave and, um, get back to me with
7 that as soon as possible, okay. Do you understand that?

8 LUIS CASILLAS: Yes.

9 BETTY KELEPECZ: Okay. And, um, Kris, you agree to
10 deal with that, correct?

11 OTHER SPEAKER: Yes, of course.

12 BETTY KELEPECZ: Okay. So you have my card.

13 Everything, have I covered everything? Do you need -

14 OTHER SPEAKER: I think so.

15 BETTY KELEPECZ: - to make any follow-up stuff on
16 any of this stuff?

17 OTHER SPEAKER: No, I think, I think that covered
18 it.

19 BETTY KELEPECZ: Okay, so given that, it sounds like
20 this is the end of interview and we're gonna go off tape
21 and it's now 12:40.

22

23

24

25

1

2

SpeakWrite

3

www.speakwrite.com

4

Job Number: 15029-001

5

Custom Filename: Luis Casillas 1-29-15

6

Date: 01/30/2015

7

Billed Word Count: 25242

8