

Kathryn Olson Interview Notes (Redacted)  
REPORT OF OPA DIRECTOR IN RESPONSE TO MAYOR NICKELS' REQUEST FOR REVIEW OF  
INVESTIGATION OF OPA COMPLAINT FILED  
BY GEORGE T. PATTERSON

Neil Low, June 25, 2007, 10:30 am

A thought jumped out for me around influence from above. Remember going to command staff meeting and Mike was working on the case summary and Diaz saying, "don't discuss this with me. You guys make your decision." On the way into the meeting, confident we were to do what we thought best. They didn't want me to tell them what we were going to do. Felt empowered to do what we needed to do. Thought we would find something sustained and whole file would be available for review.

Sam left and Neil took over as Acting Director. Sam took vacation and Neil started in and then she returned. Last year, did acting more than 2 weeks and had to receive extra pay....so when started in this year...Sam went to Jean Bowler and she said that Neil would fill in. Apparent that Neil would be in charge and new director could come in to a clean desk.

Initial allegations didn't raise any alarm bells around planting dope. More a use of force case. Upstairs more concerned with planting issue.

Thursday or Friday night and Mike invites him in to see video. He was concerned that no use of force packet was done. Not thinking around planting drugs. Who is this guy with handcuffs, not in report. Also didn't like the timeline because of the officers' reports and the struggle with are these guys lying, but it was definitely sloppy report writing. Could see that force used and not reported and handcuffing not reported and timeline wrong.

Failure to do use of force packet – if not think excessive not do packet. Neil struggled with how appropriate force was. Ready to go sustained but saw preliminary prelim. Disposition draft from Mike because teaching him how to do it. They had agreement to recommend whatever OPA wants. Discussed case before the write up all along...not like not screening the arrest...easy slam dunk, knew would be sustained with [handcuffed male]... I had problem with dime bag but his word against the officers so not sustained. With [female witness], she's bopping all over, and issue around it in plastic (could it have been in his mouth without being wrapped). [handcuffed male] thinks the crumbs in P's lap and Neil thinks there, too, and that wind not blow crumbs off his lap.

I think Mike leaning toward sustained towards something...we had a discussion and I told him that we didn't need Command Staff permission to make any findings. Then we got [female witness] and Mike went exonerated around planting of drugs...[handcuffed male] helpful with saying crumbs on the lap but then [female witness] help.

When [female witness] interviewed, Neil not in room. Let Bill do alone because afraid that she would tell Neil what he wanted to hear. Bill fresh and not know case...help with keeping things fresh but then Bill didn't follow up with her because not know details.

She said if get me off the charge, I'll talk. Neil said good news is we got C in custody but she wants deal...but bad news is she wants charged dismissed – told John Diaz, talking with him at home...I didn't think was ethical to let her out of her charges...charges had to be hanging over her head...had to face music for what she was doing...if I let her out, she's beholden to department...John agrees at that point. Hour later, John calls back and says if we don't get her now, she might disappear and is there a way to talk with her....Neil's plan, if we go interview her right away, we can investigate and release right away. Tell her she's free to go but has to face the charges and all we want is for her to tell us what happened. I told her I don't care what you say, for or against officer, but want to know what happened. She felt that if faced charges, she might get help she needs....Leslie got to hear some, too. All believed woman bright and might be okay if got squared away. John planted the seed if you don't talk with her tonight, won't have

anything and Neil immediately thought I'll I&R and bring in detective and see what she has to say. She was released and we brought her into the OPA offices downstairs. Before we signed her out of the jail, I talked with her in my uniform...we tried not to draw attention to her because then everyone know and that's when we decided to make the I&R...still winging it because she didn't want to talk with us in front of the other jailed others...cooperating with the police. She said up front I have something that might help you...walked as far away as could but she said I'll go back in and everyone will know something up...Neil figured out I&R and she said something about it would be good for me to talk (to deal with drug issues)...not mention dropping charges and made clear that not want to talk there. Neil signed paperwork for I&R and could do without clearing with anyone else. Did it on my own. Detectives can I&R people. Knew that would need to call sgt later and tell him what happened with his case...Eric Bardon.

Preliminary conversation in the jail and almost nothing in the OPA office...I knew would at least doing the cert and wanted to keep my professional distance. Also worried that my presence could influence what she said.

Few days before found her, Chief said you got [handcuffed male] but can't you guys find that woman...she's a dope user and she should be down there all the time...Neil went back to OPA and printed out picture and went to precinct and asked for them to let her know if found let us know. Within 2 days got her. Embarrassed b/c we should have thought about that.

When talked with her, already in the newspaper? Had Lisa D. already been interviewed and arguing planting dope...but OPA more focused on use of force. [female witness] first person interviewed that said that P had accused SPD of planting dope. First person to talk around "planting"...P had just said this is not my dope...For OPA, more of side issue. For Chief, et.al, should have taken more seriously.

Neil realized that need to let prosecutor know around video. Showed Sam he thinks. Neil told Mike and Mike told Leo.

Met with Chief every two weeks but happened less after Sam left. Have meeting and Capt would suggest 4 or 5 cases want to discuss and some of those he might weigh in and others not. After Sam was gone less structured meetings but before or after staff meeting do up dates. After this one hit the press, more sessions when I came up...including one with Chief, Clark, John and I pulled all cases for the first part of 07 – maybe first few months...each took a pile and had a chart on the board and looking for patterns ...looked at 40 or 45 cases... the less dope, the less writing, the more dope, the better the documentation. Sometimes other officers involved but anything with their name on it we looked at. Shane Anderson (narcotics background) went to see if all of the dope was accountable.... Charting on wall before interviewed [female witness]. Meeting with prosecutor's office and met with them and Larson came and talked with a group of us (not the Chief) and Leo Port (maybe late February).

The investigation was tenacious...My record will show that not bashful about recommending sustained when have evidence. When Kate and I talked, closer in agreement...not provable planted dope and use of force okay. Both felt disingenuous but not sufficient evidence that they were outright lying.

First time see video, shocking, but second time, could see not look like planting dope and use of force okay and now also comparing to report...not mean that report wrong but not including facts...lacking facts as opposed to bold face lying.

Called Bill in because he lived closer than Randy.

Randy Woolery, June 25, 1:30 and July 5, 2007, 10:30

Rotate intake – Brian's day – take initial notes, photos, and send 5-day notice (contractual issue). Want intake done in 10 days from date of complaint. Submit to Mike and he has 30 days to classify (30 days from complaint) and send to officer. Nothing about the case that was unusual. Made complaint on the 5<sup>th</sup>, so probably didn't know about video by somehow learn by time of Randy's contact on the 18<sup>th</sup>. Progressed naturally. One long weekend or two between time of intake and assignment. Assignments based on.....

Got it on the 18<sup>th</sup> of Jan., called Patterson to find out his position (had only read the reports). Some other preliminary work. He had tried to get video and they said would give to SPD but not Patterson. Picked it up when ready, looked at cameras. "Report paints concise picture of events" but saw what I thought was unnecessary force and didn't see them recover drugs from lap...told Mike that video and reports not look the same. Then must have shown Mike the video. This was 2<sup>nd</sup> or 3<sup>rd</sup> IS case, though 1000's in other units.

Mike reviewed case with Leo and thought that it was evidence for Patterson's felony and told R to contact narcotics, Romero, and told him they'd rushed filed it and so referred to Erin Becker at prosecutor's office. She's the filing chair for the drug unit and wasn't aware of the case but would pull the file. He walked video down to her and show her how to open because proprietary. Without any comments to him, she said words to the effect of we'll have to dismiss this case, but not my decision so will get back to you. She reviewed the statements after Leo let her and then about a week later dismissed. Early to mid March.

Letter went out to federal public defender and then snowballed from there. When letters went out they were spark or proverbial straw for media.

Under orders through Mike but came from Diaz to not disclose videos. First interview, had video but not mention. First interview, admitted that [handcuffed male] has been handcuffed...not remember if they mentioned first or Randy...but once came up, were forthcoming. The timing was what blew him out. Almost nothing on the video is document in the report. Timeline and lack of detail in report the main concerns. Looked like use of force a little excessive but no way to proof use of force at precinct. Early speculations.

Think Diaz might have looked at it, but know that Low looked at it and at least talked with Diaz about it. One point later when Diaz, Chief, Kilmer all saw at same time....much later into it, so don't know if first time for them....at least mid to late March.

Probably that same meeting date, Chief said...talked about difficulties in finding [handcuffed male] but with persistence were able to find and aided by fact that officers had run their name and got forwarding address, etc. Had lead on him but female was unknown entity. Patterson knew her by [female witness] but not know if true name. Gave her phone number and left messages but not want to respond. The Chief said I bet the downtown officers know her and go to video unit and have stills made and find her and interview her. Bill Edwards showed him how to print stills and made up flyers ...thought it would be useless but contacted Jim Fitzgerald and he circulated...An old student of Randy's Jason Drummond called him and said C had been arrested. Shane and R drove to WP and started initial contact.

Took photo and verified her. She talked about enough to verify had been there...consistent with Patterson and [handcuffed male]...confident she was the same person. She had seen the story in the paper and didn't want to talk unless not go to jail...she said she had info we'd want to know but not talk unless could arrange to get her out of jail...We don't know what she's going to say..."Do you have info you think we want to hear? We don't want to know anything but the truth. You're in on a felony...felony outweighs admin review...we cannot get you out of drug charges...TV talk." But knew important so page Mike and then Neil and he called back. Agreed with Shane and R that not comfortable arranging for her release.

Around 8 or 9, Neil called him and asked for name of woman because we're going to give another shot and will call Bill because closer. Came in the next day, sure enough that the statement taken and went to listen to it. When heard, thought she was a little gracious, but I wasn't there...I've learned that everyone has a different perspective of the same event. Her statement consistent, though maybe a little accommodating for officers.

Went to her apartment to check to see if she'd saved voice messages. Been a couple of months by that point.

Detective units administratively book and release all of the time, though patrol might not. Not know if would have had to post bond...Patterson had pending case and might have had to post for that reason. Not clear if [female witness] had anything else on her record.

Shane and R concerned around appearance of "buying her testimony." R's plan was to come talk with her the next day but that Low wanted to talk with her that night while they knew where she was. She was nice, articulate, not have been on street long...not tainted by the street life.

Screening of the arrest not addressed right by OPA? Lot of keeping it within the squad when only other bicycle officers around to get wagon and do the screening. More concerning than weight given. Sgt. Suppose to do in person so you can see the person and they have opportunity to do complaint and be sure there is probably cause. Reason why we do it; makes for good police work; hold to higher standards and immediate review by line of command. Other sgt. Working that night. Got lumped into the arrest procedures with [handcuffed male] – should have been focus on the lack of sgt. Looking at everything. Complacency on the part of WC in letting bicyclists do own thing.

If honesty issue it's in the report – tailored facts to make probably cause fit the report. Timeline could be a lie or lie of omission around some of the details. Tailoring the facts to make it an airtight case.

Officers uses force and no report...maybe necessary but not reasonable. But talking with guy in wheelchair who will have strong arms. Wasn't there so can never be sure.

Randy, not in this case or typically, would have a discussion around disposition. He might ask a clarifying question but doesn't really get into discussion or ask opinion. Not consult with Randy.

Done 100's of these cases, taking short cuts. Not lying but giving process short shrift.

N and T don't like OPA

We do a good job of policing ourselves; lots of points could do leading questions, destroy evidence, and not go interview another witness. Case highlights how well we can police ourselves; we are good at it, we don't hide anything, we turned over to the prosecutor...we did the right thing in turning over evidence in felony. This is transparency.

No reason to think she'd help the officers, more likely she wouldn't. Nobody else had so why would she and why would WC even help if it could hurt the officers? Says something about respect for the system. If anything, R embarrassed that hadn't thought of finding C. "Excellent strategy that I should have thought of." Chief thought a couple of specific officers would know her but they were out of town and so sent fliers to others. Wish had done differently.

Also wish had done different: gone for video earlier, including the hour prior. Coming from fraud perspective, assumed had everything available. By time realized what had happened prior relevant, it had been overwritten. Our forensic guy tried to do it and probably overwritten day got original video. Our guy went down there and saw we problem in trying to retrieve more – May 24<sup>th</sup>. Dave Dunn. Secret Service Task Force in federal building. Overwritten 4 or 5 times.

Room to disagree but nobody asked me what I thought or told me what to do, beyond Chief suggesting we find [female witness].

If only had a dime baggy, could they have arrested [handcuffed male]?

Timing of interviews, months later. But guys got 5 day notice and should have been reviewing the case or keeping on top of details. Rich not ask around number of cases that night. The process was stellar.

Mike Kebba, June 25, 3:30 and July 5, 2007, 10:30

Kebba checked and no other email and only ones can remember.

Don't archive email; if case related, give it to the investigator.

Emailing Chief because wanted to be sure he understood exact situation with video. Why we did or did not have video complete. Wanted to be sure that Chief knew what we'd learned.

Chief really gets involved in cases on an ongoing basis. More interest even because of high profile. Meets with OPA regularly. More attention as individual interests come up, e.g. Prosecutor's office get interested.

Clark say gave up video because evidence of drug offense, but potential exculpatory evidence. Officers have reputation in their office. We didn't offer any opinion; only said it's item you should review; discrepancies between the report and video.

First look at video; knew interesting, but the force not look over the top, concern not documented, but still didn't leap to any conclusions. Low look at almost immediately, along with Leo.

Meet with Sam, Low Clark, Diaz, Mike at Col. Center; Clark left before issue comes up. If know about video, can fill in blanks; video represented chance to gauge veracity. Litmus test around whether being honest. Strategy was to not show the video at all; consensus to not show in order to test forthrightness and recollection. Couple of guys went to class and said should always show video; we eventually get to it. Our decision was to wait and then show video next round; being as impartial as possible and make sure we got our facts straight. One ee said he knew of the video all along.

T's less than responsive answers to the missing marijuana; memory loss or potential video?

At point that Chief wanted us to find woman in video, Mike not at the meeting. But got the message and somebody would know who she is. I didn't know who she was and it didn't come to mind to go find her and didn't know how to do so. We already had [handcuffed male]' testimony. Good suggestion from the Chief. Mike not involved with any of the contact at the jail.

Before [female witness], what was Mike's thoughts? Between 4/5 and 4/9, wrote disposition. They were trying to figure out if almost done. Capt. Asked where am I at? I said I'm completing it. Remember trying to get it out by a Friday. Low said nobody upstairs wanted to prescreen my recommendations. I remember telling him that I split force into two counts and that at least one allegation would be sustained. I felt stress but not from the Chief's office; I felt focused to make this one of the most scrutinized analysis; such a big case and so many factors; it wasn't easy; painstaking...Did I have influence? No. Did I feel uncomfortable, comes with responsibility. It just wasn't fun; work for a reason. Absolutely not – Chief didn't meddle. For him to ask questions, not unusual. We welcome that because we might not be looking at all of the angles. If he has unanswered questions, we have to go get answers before case is closed. He's the person ultimately responsible for the finding. No outside influence one way or the other. Everyone resting on our ability to investigate this thoroughly and allowed process to play out. I cannot even say if anyone had any hopes for outcome. If had favoritisms, not made known to him. Nobody circling around these officers.

Chief didn't know what [female witness] would say, or what the officers would say.

When looked at other cases, pulled list of cases prosecutors had problem with. Shane Anderson checked to see that evidence listed in those cases made it into evidence room. Another due diligence thing. Checking under the rug. Pretty responsible.

Time issues; adjectives used to describe time; leads one to believe...puts them in position that they can't defend their work and put us into position around not being able to be conclusive...did they cooperate or not? Not sustained reflection on their lack of detail. Chief didn't change any finding. Can and does do it on occasion but didn't in this case. Also on occasion decides that OPA recommendation too lenient; decide on sustained (e.g., road rage case).

I didn't think intentional act of dishonesty...inattention to detail led to report that was substandard....need training. Felt elements were there for the arrest and actions for controlling the subject...elements there for additional witness if they'd taken care to write it all down. If they'd just followed through, they would have been fine. Issues around time line created problems when department demands specifics. They did job but not to high standard required of SPD. Not malicious but carelessness....

With regards to recommending sustained on arrest procedures, know included [handcuffed male] and then coming into precinct and knighting Diamond. Not sure if also thinking about sloppy reports. Doesn't sound like Neil included Acting Sgt. Issue but don't know why. Maybe good to conclude there is confusion and look at the issue later.

Bill Edwards, June 26, 2007, 9:00

Aware of case and some of the issues but not specific details. Just sitting down to dinner with Capt Low called and asked he'd be available to come in and briefly explained. I'm the closest. Briefed that Randy and Shane already been there and decided not to spring [female witness] but that the Chief really wanted her interviewed. Decision was made to have her released from jail in exchange for statement. We were very clear with her that it had no effect on pending charges and only thing we were asking is her statement of what observed that night. Took a little time to get to that point. She and the Capt bantering and I was on the periphery. We brought her back to the office to get her statement.

Realized there might be some issues about getting her out. Made the decision to not do a pre-interview...not want appearance of steering her to anything about what looking for by questions. At jail or when sat down, made a comment about fact about P contacting her after this incidence. Not sure if he was asking her to lie, but wanted her to testify that officers planted drugs.

I did my interview and when came to part around contact by P and she went into the thing around boyfriend living with her...she not mention anything about planting dope and I asked her specifically so get onto tape.

Not have in-depth knowledge about case...know video not match report and had seen video but not recall if had read their statements...but aware of issues that they said narcotics in P's lap and questions about timeline...joking about what "immediate or is" means...joking with others in the office.

Knew allegation around chocking to get drugs out but really tried to let her tell me what she was going to tell me. What she said and what I saw on the video seem to match...he was her drug dealer...she had sold or traded her car for drugs...and we see her trying to get his car in the video...got the sense she was trying to put things in good light for the officers but it was her decision...We made it clear from the get go that we just wanted her to tell us what she saw...With Capt., no discussion about issues we were looking at...How she decided to tell her story, my sense was she was trying to put it in a good light, but couldn't tell her...Laid it out up front so thought better to put it out there and not hide...get her to acknowledge no effect on her outstanding charges. Only a bail out for that night and in turn we only wanted the truth.

Understand that the appearance is a quid quo pro, but I got no direction from anyone about how to proceed, what we were looking for from her, what to ask...initially Low was going to sit in but he decided not to because he'd be involved in the review process and didn't want to appear to have influence and he was in uniform and Capt. And he'd gone into jail and whisked her away so want to take away option of trying to please Low

I agree with Randy that probably having me do interview because I didn't know the specifics details and so more difficult for me to steer the interview. I wanted to go in and say I didn't do the pre-interview because didn't want her to have any sense of what we were looking for...only looking for her to tell truth about what she saw. Made it very clear up front that all we were asking for the release is for her to give a truthful statement.

Pre-interview not always done...if sense witness might be flighty or unfocused, might get a sense of what they have to say ahead of time and let them know what the focus will be...particularly with intake, ask probing questions and clarification to keep on track and then do statement so more focused. At least get focused on subject matter. If pre-interview, also concerns around assumptions made about what said off the record...want everything on the record other than what spontaneously talking about on the way over.

I didn't go back and read her question but follow up question was merely to get more info...I wasn't looking for anything specific other than what she observed. I had a feeling in my mind that wouldn't get drop dead truth...she seemed she wanted to please the police...she talked about wanting to be a CI and trying to get out of the drug life style and if she helped the police she'd be redeemed in her own mind...trying to minimize the actions of the officers but nothing seemed to indicate that given the allegations ...I don't think she lied about what she saw but softened the impact...she believed it flew out of his mouth and I believe that's what happened...the officers having her hand on upper chest rather than throat maybe softened the impact of what she saw...did she intentionally do that or that's how she remembered it, I don't know.

She said she'd talked with P earlier the evening of the incident and he wouldn't give it to her...not know if that's true. Not aware that she'd seen the video. Bill not aware until way later that issue around [handcuffed male] saying missing grass. Understood issue around pulling her out of jail but given that we did, handled in the best way possible by not giving me direction about how to conduct the interview, not have captain sit in, not do pre-interview.

Agree that should be able to direct case best way possible...that's my personal opinion.

Met Low downstairs...not remember if he'd briefed Diaz...Chief K wanted her interview and willing to release her...the sense I had was the Chief but don't know if he made the decision...Low not say anything but Chief wanted her interviewed...don't know if Low made the decision or the Chief made the decision...drove to the jail so we could walk her into the office...went to jail they got her...I stood by and Low did most of the talking...talked with staff to find out what we need to do to get her released...not uncommon to get someone out of jail to get statements or to show them something...brought her from jail and out of sight to talk and wanted clarity would get statement and would be willing to let her out of jail but very clear that nothing to do for charges to go away and still on hook to take care of showing up for court and only not have to spend the night in jail before get out tomorrow.

Capt walked off to do paperwork...might have been when she said P called her...but not interested in pursuing anything or asking questions...noncommittal...wanted to get her on tape and goal was to get her back into the office to get as much of what she was saying on the record...off the record, not talk much about the incident but about herself...drug habit...not really using...been clean and sober but fell off the wagon...CI thing came up...not sure if she said was working with someone as CI or had a card to follow up with someone...could have been her effort to show working with the police...people want to drop officers' names...meant to impress and I didn't pay a lot of attention...rambling and most not germane to the investigation.

I felt she was credible in what she told me but that there was some minimizing going on...I don't think the basic facts were inaccurate...not notice [handcuffed male] but she needs her fix and she's got a plan to get P's keys and may have at the time realized someone there but not important enough to store that info...she was focused on P and his money so can get dope. Fact that she didn't remember [handcuffed male] didn't bother me too much because probably high or coming off a high.

At time of interview, no info whatsoever about whether there were any leanings on findings...I didn't even know all of the specific allegations...figured it was use of force and issue around arrest procedures...thought looking at more of honesty type info...know trying to get done in a timely manner and want to do my part.

Because had seen the video and knew basics of the case, some idea of her role there but just wanted to find out what she'd seen. Key for me is nobody said interview her because we want x information, other than

what she saw and what she was doing. After interview, reiterated that all because she was going home, still needed to take care of her charges...reminded her she'd get a warrant if not...more like trying to tell her here is a chance to turn your life around and you need to not do this because otherwise arrest her again...not about the case but more social work side of the police job...offered to give her a ride but she wanted to take a bus.

You can disagree with the Chief but it was his decision. The process was good and thorough. I don't think the process is the issue here.

Deputy Chief John Diaz, June 26, 2007, 2:00

Normally not involved until gone through whole process. Here, Mark Larson and Kathy Vanolds wanted to meet about Neubert case and first heard about this one. Probably a month after video tape. Erin looked at video and then came back here to look and following Friday? That Leo and I met with Larson and Kathy. Neil Low, Mike Kebba there and Leo and Diaz and discuss Brady notices. That day, looked at videotape 3 or 4 times, and read the report. Couldn't tell why people worked up about the case....report "lackluster" and report show timing off. Person in wheelchair and lots of people around but everyone looked pretty casual...not look out of the ordinary. Prosecutor's office wanted to be sure info went out to P's atty. OPA actually contacted prosecutor's office. Focus then on Brady requirements. Also, they knew officers had a lot of arrests and hoping for resolution because of other cases pending. OPA said would complete timely way. Diaz unhappy with quality of some cases and timeline.

Sure talked with Neil and Mike to be sure get as complete a case as possible as quickly as possible.

They did the heads up re: Patterson and feds did it on the 14<sup>th</sup> and KC then did theirs on the 21<sup>st</sup>.

After Diaz look at video, ask around camera angles and realize never gone out to look at it. He went out himself and saw 2 cameras and would have been close to officers and they would have known there. All bicyclists use cameras and ask for in other cases. Would have to have known cameras there. Not pleased that OPA hadn't checked.

Told Neil to go find other two witnesses. When Chief meet with Sam and Neil and whoever they talk about the cases and I sat in on this one ...to get district officers to look. Had sent letter at last known address...I was unhappy about that because not way to find someone...Think that P had named the woman as a witness so didn't expect that she'd be helpful to the officers but Chief came up with idea about how to do it.

I get a call from Neil (and probably after Randy talked with her) and she'd been picked up and Neil said he wouldn't drop the charges. He said he'd told her that she could get out of jail that night but not have charges dropped. Would have been kicked lose by morning anyway. Recall that Neil reported after he did it; no problem with the approach. No promises around charges and have to look at severity of offense.

Don't recall if he asked for permission or just agreed that was the approach or reported and said he was going to do it. No red flags. Diaz still assume not helpful for the officers.

Think talked next day or soon after that [female witness] had been contacted. Neil sent email and then probably the morning of it Chief had info. Something that happens somewhere up the chain of command...

Oversight function of command staff to look at quality of investigations. This was a common case and nothing unusual about how searching for the truth. My assumption was that C's testimony would not be good for the officers, she'd been identified by P, and she looked on the video like she knew P

Read over C's testimony...she acknowledged she was dope dealer and wanted his car and verified around where saw dope coming from...remember from [handcuffed male] that he said he saw bread crumbs on P which tallies up with officer's.



Be more worried if all statements look alike because then look like everyone got together on a story.

Telling Neil and Mike need to do a better, faster job. We'd lost some key cases

Initial complaint around use of force but issue around whether officers lying was biggest concern around the planting of the dope issue.

Lessons learned but everyone trying to do the right thing here, which is to find the truth. A half done report would not have been helpful.

Checked email and nothing else

Sam Pailca, June 27, 2006, 11:00 am (telephone)

Don't remember seeing the original 2.7...remember Kebba catching me and close in time to leaving for a trip or for good...weird development...remember something about allegations of drugs planted and force and have video and not matching up...remember asking him where officers are now and saying you should pull supervisor group (e.g. DV) to decide about employment status. Form developed to use. Pull group together to see whether to pull them off the street...no criminal allegations, so whether should do it...I said validity issues. Asked if P had been charged. Be sure to let prosecutors' office know. Maybe later talked with Neil and he said not do supervisors' group meeting.

Remember multiple interviews with officers and maybe something not match video...

Sam had trips in February to Spokane, for NACOLE to San Jose. Last official day suppose to be Feb. 16 but come back in on Monday to do exit interview with City Council. Start with Microsoft on Feb. 26.

Regular practice to brief Chief during development...status of complex, more serious cases...would have briefed Chief at minimum of every two weeks.

Chief's suggestion to locate witness "not unusual." There were cases we'd look at allegation A and he'd see if they had problem with other arrests...suggest other lines of inquiry...interpreted as direction from him.

Ever interview witness yourself? Can only think of two...recall recent reluctant complainant, did initial interview with her. Never re-interviewed witness if credibility issues...Could develop more formal credibility matrix...think Pete suggested...credibility determination is fact finding function of investigators...if question, might follow up with discussion with investigator...captain looks at all evidence and more explicit credibility statement sometimes.

No appeal process...no double jeopardy if look at facts because no discipline possible...one of standards used about whether to reopen investigation is whether new evidence...enhanced video might meet that standard. Cases where reopened...one where person administratively exonerated...complainant not cooperate but later his attorney offered medical records showing significant injuries...wanted to get another medical expert but took too long...if new investigation showed misconduct, would have tried but to not rule out possibility of discipline...another case involved Bartell's...with Gilchrest, considered because new information from court proceedings but he and his wife decline to reopen...woman arrested for DV, initially declined to cooperate and then she followed up...broken arm in arrest...if there is an allegation of perjury, new allegation and new case.

What mean to reopen – what options are available and how far to push...there are other reasons to get to the bottom of what happened besides discipline of employees involved.

Not recall issue of releasing someone from jail in exchange for statement coming up before...Not believe OPA Director have authority to set it up...would have taken the issue to the Chief and even if there was disagreement, would have taken his direction. Couple of cases there was notion of administrative

immunity...we won't report something subjecting employee to discipline for failure to report something and promise no trouble but want cooperation in investigation...prepared agreements but not sure use...would have told Guild...would have consulted Chief because he has hiring and discipline authority.

Thoughts on what happened with [female witness]...case by case...weigh competing interests, benefit and need to know information outweigh potential harm. Legitimate technique to use in appropriate circumstances.

Integrity and absence of civilian director...John couldn't be Acting Director so no other civilian available...Auditor was an important check...there is a flaw in the ordinance that no provision for more oversight if Director absent...captain is deputy by ordinance.

If I thought Chief was interfering, I'd tell him it was my call on investigation...e.g., I told him my call on how to classify cases and should be delegated to me.. If concern, option to go to Mayor in open case or Council in closed case. If captain told to make deal with witness so witness would say x, the captain can't go to mayor's office. Civilian there serves as check.

Any overall comments/concerns: wonder about sequence of events. Neil duty captain and problem wearing two hats. Biggest issue was officers' report not accurately describe events...putting people in jail...report treated like small thing but repercussions beyond the guys if report not complete... they have new assignments.

Brian Miles, June 27, 2007, 3:00 pm

Intake of Mr. Patterson's complaint done in-person. He came in accompanied by another adult male. Nothing remarkable about intake. Initially, Patterson spoke but then companion try to offer information. I asked whether he was witness and then asked him not to talk since not present at arrest.

Patterson talked about officers twisting his arm, could name at least one officer but I don't remember which. Said he was injured. I asked him if I could take photos...went and got 35 mm camera and business card...took pictures across the room and then close up.

Outlined process...knew would be full investigation because use of force allegation...there had been a split in office about whether to do taped intake interviews...I thought taped interviews good idea but everyone decide to only get basics, photo's, medical release, 5 day notice, intake packet for the Lt.

I was struck when take issue came up later...no mention of video during intake...I would have noted...practice is to take handwritten notes, type up, and then throw away handwritten notes.

Just recently, decide to take taped statements at intake stage...can always do follow up.

If Patterson had focused on planting dope at intake, I would have included it as an allegation.

Didn't see injuries and I didn't believe his story. Reason I wrote "highly unlikely" on use of force issue on my checklist... I'd look to see if one done but based on the story and no injuries, didn't think it would be there.

Tried to treat Patterson with dignity and respect...when all done, Patterson seemed a little less suspicious.

Friend who came with him in and out during interview...cell phone ringing.

Leslie Thornburg, July 2, 2007, 3:30

The handwritten notation, "4/9/07" on the Proposed Disposition is her handwriting. She puts in the date the day that she's copying and mailing the proposed disposition to everyone. She uses that date because the 10

day review period begins ticking on the date noted on the memo. She checked the properties of the memo itself and reported that the proposed disposition memo was created on April 3 and modified on April 6.

Alyssa Pulliam, July 2, 4:30 and July 3, 2007, 10:45

Was there a disposition or discipline meeting held in this case? Alyssa gave me the following time line based on her review of the Chief's calendar:

April 5 – 2:00 – Chiefs Kerlikowske, Kimerer and Diaz meet to review the case; not sure who else might have been in meeting.

April 6 – Kate Pflaumer came to review the file at the Chief's request; Alyssa helped to make copies

April 6 – 2:00 – met with SPOG to review the completed Patterson case

April 9 – 2:00 press conference

April 12 – formal disciplinary meeting –was scheduled for 30 minutes but lasted a couple of hours

April 13 – 7:45 am (one of them going on vacation) -Loudermill meeting with the officers

A disciplinary meeting was schedule for April 12. Leslie and I worked out a deal for all discipline meetings that I would take care of setting it up. Notice is sent out to everyone. Looking at a copy of the notice sent out on this case, notice of the meeting went to Brown, Steven; Diaz, John, Kebba, Michael; Kerlikowske, Gil; Low, Neil; McCarty, Mark; Pierce, Linda, along with support staff working with these people.

Joyce Low, July 3, 2007, 11:15

When OPA-IS has completed its investigation, the file is copied and distributed by Leslie. Usually, the OPA Director gets a copy at the same time as the Section Commander. Depending on the OPA Dir.'s schedule, she might complete her review before she even gets input from the Section Commander. If it turns out that the Commander reaches a different conclusion, she can go back and consider. The Dir. also sometimes has OPA-IS recommending one thing and the Section Commander recomment something different and the Dir. has to decide for herself for the certification.

I got notice of April 12 discipline meeting on the Patterson case. I usually create a folder with a downloaded copy of the email notice on the outside. Then, as information comes in about the discipline, like the Loudermill meeting notice, the Chief's final decision and the discipline action report, I put it in the folder. Also track the dates and information on a spreadsheet and calendar to watch to be sure that final discipline is imposed within the 180 days.

Chief Kerlikowske, July 3, 1:00 and July 5, 2007, 1:15

Why was there a sense of urgency? Huge amount of attention about the case...Brady letters had gone out and cases pending...important to resolve allegations. We had impassioned discussions about the case.

First really focused on the case when got call from Mark Larson to discuss the video. I wasn't available but Diaz and maybe Clark looked at the video. We were told they were dismissing Patterson's charge and sending Brady letters. John told me there had been an incident and I needed to be briefed. Initially saw it as issue of force and questions about officers' report. Shortly afterwards, issue about planting dope came up. I told him to put all resources necessary into the investigation.

Biggest concern about allegations raised was planting evidence. No question...if guys had planted dope it goes to the heart of everything...that's corruption.

Capt. Brown had given his concurrence and was at the discipline meeting. There was across the board concurrence. John Diaz made sure that Steve Brown got a copy of the file. He had reviewed it before the meeting.

Met with SPOG before press conference to make sure it was okay to go public. Rich would have notified the officers. The Loudermill meeting was uncontentious. They were embarrassed, knew they should have written up handcuffed guy, accepted responsibility.

Why asking for more steps after April 9? Agree with Sam that reasons to get questions answered not related to findings or discipline. May go to Loudermill or to media concerns.

Asked for evidence check – were officers turning in narcotics and other evidence recovered? Follow up on dime bag issue. Hear all of the time that “a cop stole my dope.” Wanted to know their history on submission. Looked at a computer print out first. Then check to see if dope, money, guns, paraphernalia turned in.

When found out that they hadn't found the female witness from the tape, I told them, “Go find her.” This is part of an OPA-IS problem that they rely on phones and faxes and need to get out there. It was my idea since she was a downtown person to give her picture out and see if the downtown officers could ID her and let us know. I had nothing to do with the decision to release her from jail after she was found. I got an email Neil sent to John and Linda the next day saying it had happened.

On the Acting Sgts. issue, not sure what happened with including it in the sustained finding on arrest procedures. Do not think there is a problem because just forgot to sign in as Acting but understand that Kebba recommended sustained.

Mark McCarty, July 3, 2007, 4:00

Why was there no notice between the time of the discipline meeting and the Loudermill meeting on April 13? Everyone agreed that the best way to deal with it was to confront it and move on. The officers did not challenge the finding that they didn't screen the guy in handcuffs when Patterson came along. Worked things out to get it done quickly... acknowledging the problem and moving on.

We mutually arranged with the Guild, the officers and the Chief to set up the Loudermill right after the discipline meeting. We met and then actually wrote it up the next week. Discipline was imposed and they cooperated.

There was no procedural irregularity because they agreed to the date for the meeting. Even when send out notices of a Loudermill meeting, dates change...officers want to move it up or back because of their schedules is typical.

Sgt. Shane Anderson, July 3, 2007, 7:30 (telephone)

Involvement with the case. Sat in on 2<sup>nd</sup> interviews of officers and went with Randy to West Precinct when [female witness] was arrested to attempt to get a statement from her. She was arrested for a drug charge and we told her we were doing an administrative investigation. She said she knew something but didn't want to say anything unless we let her out. I told her we could offer to set something up with the narcotics detective... that if she has information about others and drugs, then might work out something with detective to get off that night or if become CI, work off entire charge. Gave her option of working as informant because that's something narcotics does to try to get info on other drug deals. Made it clear to her that admin investigation was separate. Randy and I try to keep the two completely separate. But if she has info on other drug deals, then might work with detective. I was comfortable with this idea because I worked narcotics. She didn't want to work with narcotics Later found out she had given interview but I wasn't involved.

Everyone wanted to hear her side of the story. I had no sense of what her testimony would be. We said that id didn't matter what she had to say...just want your side of the story. Felt like she was trying to play us...not comfortable making that decision to let her out for her statement. Had trouble locating Low and Kebba.

I sat in on 2<sup>nd</sup> interviews of N and T. Not in on decision to initially not show the video. My presence was requested by Kebba because of my narcotics background. Officers seems to be answering in a noncommittal sort of way...not completely forthcoming but not deceptive.

Did evidence check at end of April...check to see if things on the up and up as far as evidence in other cases. Lt. Kebba gave me case numbers. Met with employee of the evidence unit a couple of days before. He pulled all of the evidence in the cases we wanted. I didn't reweigh drugs because way originally weighed (e.g., in a baggie) might not be how stored here. Just from my experience and eye-balling, evidence there as reported and in right amounts.

Deputy Chief Clark Kimerer, July 4, 2007, 11:30

I was not a part of the original review chain. I was pulled in late...specifically involved when the Chief, Neil, Diaz and maybe Brown were looking at the case and the Chief said it was incomplete. I had already scanned it and seen witnesses identified but not contacted. Said something about we need to find her and see what she has to say. Not the best case I've seen investigated. We need the best investigated case we can get because making decisions about people's lives.

Think I proposed, "let's dive in." Probably said it to Diaz...let's look at the vantage point, look at the video and then go down there. Gil said, "I'll go, too." Met with Sgt. Ashley Price who is familiar with the area. Used same spotting scope as guys did. Questioned, "Is it seeable?" Testing what was in the report; validated that and saw same activity around drug deals.

Soon after, found the witness. I got a summary. Chief said let's get everything we can so make best decision. Give me the best case. Small frustrations because there were still lose ends. Lt., Capt., any rank – if you review an investigation and it's not complete, send it back to get it done.

Role of COP to say, "You've missed something." Not to influence outcome but because we are cops and what we do is make sure investigations are complete. Can happen at any level of review. I've reviewed 100's of these and seen cases sent back before.

Not recall having details about the interview process with the female witness. Interview people in jail all of the time.

COP said I'm leaning towards the following findings, went to the site, got new information, and I concurred. Not as in-depth on honesty except there were discrepancies but not enough to trigger dishonesty...sloppy and imprecise.

COP said in meeting, must address report, screening, planting drugs.

"Can I have my drugs back?" not credible.

Don't like lack of clear delegation of who was in charge – acting sets., etc.  
Failing to follow procedures in reporting, I agree.

Not part of IS to look at other issues, but want to consider bigger picture, too. Diaz got 40 or 50 incident reports going back a year. We reviewed as if we were the sgts. Neubert and Tietjen sometimes with each other, sometimes alone. Randomly looked at report quality and found laudable actions. Appeared thorough, in the main. Saw none where little voice questioned honesty. Mainly worked with John but maybe Gil and Linda looked, too.

Broad discretion under deliberative process as to what to consider in these investigations.

Also called evidence. Give me run on all evidence entered in last few years. Is there spotty entry of evidence of marijuana or other drugs? I'm in charge of the evidence section. I got two computer print out runs back to '04. Everything appears scrupulously entered. All 12 or 15 reports I read matched up

perfectly. Both were equal in terms of frequency of entries. Compared their logs to Burns and Jokala, who have never had any complaints, and they are very similar. We looked at this computer info before making the final decision. Informing myself so I could counsel the Chief.

Patterson had been arrested lots of times. If they wanted to plant drugs on him...if they are submitting so much into evidence on other cases, hard to understand why they'd plant on him. Also, because they turn in so much, and lots of it is small quantities, taking stuff from [handcuffed male] and not turning it in doesn't make sense.

They enter a lot of evidence and there was nothing to suggest not appropriately handling drug evidence.

Managed ACT team in the West Precinct for 5 years; drug busts that go on for days; investigations that last years...

I wasn't involved with check that Shane Anderson did.