

**OAKLAND POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
REPORT OF INTERNAL INVESTIGATION
FILE NO. 15-0771**

COMPLAINANT:

Oakland Police Department

ABSTRACT OF ALLEGATION:

It is alleged officers engaged in improper conduct with a prostitute.

(b)(3), (b)(4)

It is alleged officers had sex in a public place.

(b)(3), (b)(4)

It is alleged officers were aware of misconduct and failed to report it.

APPLICABLE RULE(S):

MOR 314.03-2 General Conduct

MOR 314.42-1 Obedience to Laws – Felony

(b)(3), (b)(4)

(b)(3), (b)(4)

MOR 314.48-1 Reporting Violations of Laws, Ordinances, Rules, or Orders

**DISCOVERY OF ADDITIONAL RULE(S)
VIOLATION(S):**

(b)(3), (b)(4)

(b)(3), (b)(4)

It is alleged an officer was untruthful.

MOR 398.80-1 Truthfulness

NOTE: All definitions, concepts, facts, conclusions and recommendations contained herein are strictly administrative in nature without force of law and have no bearing on any legal body with competent authority. Summary statements have been written to reflect the individual's recollection of the incident. No portions contained therein have been supplemented by the Internal Affairs Division.

SUBJECT OF COMPLAINT:

Officer Terryl Smith, 9238

Officer James Ta'ai, 9240

Ofc A, (b)(3), (b)(4)

Officer Warit Uttapa, 9254

Ofc B, (b)(3), (b)(4)

Ofc C, (b)(3), (b)(4)

Ofc D, (b)(3), (b)(4)

Ofc E, (b)(3), (b)(4)

Ofc F, (b)(3), (b)(4)

Officer Luis Roman, 9251

Ofc G, (b)(3), (b)(4)

Ofc H, (b)(3), (b)(4)

Ofc I, (b)(3), (b)(4)

Ofc J, (b)(3), (b)(4)

Sergeant Leroy Johnson, 7806

Ofc K, (b)(3), (b)(4)

Ofc L, (b)(3), (b)(4)

DATE/TIME OF INCIDENT:

25 Sep 15 / 2245hrs

LOCATION OF INCIDENT:

455 7th Street

DATE COMPLAINT RECEIVED:

25 Sep 15

ASSIGNED INVESTIGATOR(S):

Lieutenant Alan Yu (Primary)

Sergeant Mildred Oliver

Sergeant Nicholas Calonge

Sergeant Jason Skrdlant

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(C)	

BACKGROUND

On 25 Sep 15, the Oakland Police Department (OPD) discovered that Officer (b)(3), (b)(4), (b)(5)(C) took his own life at his residence in Oakland and a Criminal Investigation was subsequently initiated. During the course of the criminal investigation, Homicide Investigators recovered a suicide note. The suicide note appeared to have been written by (b)(3), (b)(4) who also left the passcode to his personal iPhone.

In the note, (b)(3), (b)(4) claimed that (b)(5)(B) was the "catalyst" of his suicide. (b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C) stated that Compl advised OPD Sergeant Leroy Johnson that she had been sexually involved with many OPD officers while underage. (b)(3), (b)(4), (b)(5)(C)

The Criminal Investigation Division (CID) discovered the names of current and former OPD officers in (b)(3), (b)(4) cell phone that linked them to (b)(5)(B). As a result, Lieutenant Roland Holmgren (Homicide Commander) contacted the Internal Affairs Division (IAD) Commander (Captain Donna Hoppenhauer) to advise they had discovered potential misconduct. This internal investigation was initiated following the notification.

COMPLAINANT STATEMENTS

Compl [REDACTED]

Compl [REDACTED] (Video recorded statement taken by Homicide Sergeant B. Baker and Sergeant J. Andersen on 30 Sep 15, from 0750 – 1026 hours, at the Police Administration Building, Room 203.)

Compl [REDACTED] began the interview by refusing to answer Andersen’s questions about her birthdate and age. Compl [REDACTED] said that she does not want to “snitch” and “get people in trouble.” After fifteen minutes and several requests, Compl [REDACTED] wrote her birthdate on Andersen’s notepad.

(8:24) Andersen asked about her relationships with all OPD personnel and Compl [REDACTED] immediately responded, “Well then, I was 18 when I was fucking with all of them.” When Andersen responded that was not true, Compl [REDACTED] did not respond to him.

(8:26) Baker stated that Compl [REDACTED] was a victim and that age and age difference were factors. Compl [REDACTED] responded, “I like older men.”

(b)(3), (b)(4)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

(8:30) Compl [REDACTED] quickly replied, “I didn’t touch them, I didn’t touch nobody, (b)(3), (b)(4) [REDACTED]” when asked about other officers.

(b)(3), (b)(4), (b)(5)(B)
[REDACTED]
[REDACTED]

(8:20), Compl [REDACTED] immediately replied, “I have never fucked that man; I have never done anything sexual to him.” after being asked about Sergeant Leroy Johnson. Johnson was friends with Compl [REDACTED] and Compl [REDACTED] respected him.

(b)(3), (b)(4)
[REDACTED]
[REDACTED]

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(5)(C)

(b)(3), (b)(4)

then stated, "I didn't touch nobody and nobody touched me."

(b)(3), (b)(4)

(b)(3), (b)(4)

(8:33) Compl replied, "No" when asked if she had a sexual relationship with anyone in the OPD.

(b)(3), (b)(4)

At this point in the interview, Compl takes a selfie with her cell phone and changes the topic by talking about her purse and items inside her purse.

(8:49) Compl denied any sexual interactions with OPD officers by stating, "I never perved any of them." Compl also denied having sex with (b)(3), (b)(4) or retired Sergeant Leroy Johnson (OPD). Compl admitted having sex with three officers after being assured that they would not get in trouble if she was 18.

At this point in the interview Compl shows Andersen Officer James Ta'ai's (OPD) Facebook page on her phone and identifies Ta'ai as someone she had sex with.

Compl stated she had sex with Ta'ai on a picnic table when she was 18.

(9:44) Compl denies that she had sex with Ta'ai; however, Compl confirmed she had sex with (b)(3), (b)(4)

(9:01 – 9:07) During a break, Compl used her cell phone to call an unknown person. Compl

talked about denying everything and not “snitching” on anyone. Compl stated there was a person in the OPD who thought she was his only one; therefore, she did not want him to find out.

Compl stated she is a “badge bunny” (b)(3), (b)(4)
Compl continued to state she would deny everything.

(9:46) Baker confronted Compl with her contradicting statements and Compl stated she just wanted to say she did not sleep with anyone. (b)(3), (b)(4)

Compl was asked to provide the names of the officers she slept with in order to prevent other officers from hurting themselves. Compl responded by writing down (b)(3), (b)(4) and Ta’ai. (b)(3), (b)(4)
(b)(3), (b)(4)

At this point in the interview, Compl physically spun around in the interview chair.

(10:00) Baker advised Compl the interview was going in circles. Compl stated she only had sex with (b)(3), (b)(4) Baker provided Compl with a yellow victim resource card and continued his attempt to elicit additional clarifying information. After 30 minutes of asking for additional information, the interview ended with no further details.

Compl (Recorded statement taken via telephone by Sergeant Mildred Oliver on 30 Oct 15, from 1147-1300 hours. No one else was present.)

(b)(5)(B), (b)(5)(C)
knew Sgt. Johnson
respected Johnson

Compl stated she told Johnson she was “fucking with officers,” but did not mean she was having sex with them. Compl stated she was “perving with them” but could not really explain what perverting was during the phone interview. Compl attempted to explain “perving” by stating it was, “like fucking with them over the phone.”

(b)(3), (b)(4)

Compl (b)(3), (b)(4)
Compl told Johnson she was “fucking with” Ofc C but did not believe she told Johnson they were having sex.

Compl sent Officer James Ta'ai a friend request on Facebook and he accepted it. Compl then stated she and Ta'ai began having sex (i.e., "oral and penetration") approximately three weeks ago.

Compl (b)(3), (b)(4)
(b)(5)

Compl stated the only officer she had sex with when she was under eighteen was (b)(3), (b)(4) and she told Johnson about this relationship.

Sgt. Oliver was in the IAD and initially assigned as the primary investigator. On March 15, 2016, Compl called the IAD regarding Officer Terryl "TJ" Smith (b)(5)(C). The investigation was later reassigned to Lt. Yu as the primary investigator. Sgt. Skrdlant and Sgt. Calonge were also assigned to the investigation as secondary investigators. As a result, additional investigative steps were completed.

Compl (Recorded phone conversation with Police Records Specialist B. Lee-Stephens on 15 Mar 16. No one else was present.)

Compl called the IAD (b)(5)(C). Compl became irate as Lee-Stephens attempted to gather additional information. Compl cursed at Lee-Stephens and eventually hung up the phone.

Follow-up Interview with Compl (Recorded phone conversation with Lt. A. Yu on 25 Apr 16.)

Compl was initially hesitant to talk, but began speaking openly about Smith (b)(5)(C). Compl then talked about how much she hated Smith and the things he (Smith) did to her.

While talking to Compl about her dislike of Smith, there were continual requests for an in-person interview to obtain more details.

Compl advised she befriended Smith on Facebook prior to her turning 18, but did not actually talk to Smith until after (b)(3), (b)(4) death. Compl attempted to obtain more information regarding (b)(3), (b)(4) suicide and, as a result, ended up talking more to Smith. The conversations quickly turned sexual and they had sex the night after or before (b)(3), (b)(4) funeral. The first time the two had sex, Compl requested a bag of "Flaming Hot Cheetos" from Smith. Smith complied with this request from Compl. Sex between Compl and Smith became routine. Compl and Smith would have sex almost every Saturday night following his shift (i.e., around 2:00 am).

Smith would pick Compl up in his personal car and they would go to a nearby park and engage in oral and vaginal sex. The sex would occur inside Smith's car.

Smith also provided Compl with information regarding the "track" (i.e., a street term referring to the location of street prostitution). Smith knew Compl worked as a prostitute in Oakland; therefore, he (Smith) would message Compl and advise when the "track was hot."

Compl claimed she had erased some of those messages. Compl requested the IAD download her phone to retrieve those messages.

On an unknown date, while Compl was on the track, Smith drove up in his personal car and asked Compl to participate in a threesome. Compl stated Chelsea was with her when this occurred. Compl told him Smith it would cost \$100.00; therefore, Smith declined.

Compl stated Smith also gave her an unknown pill out of an orange container. Compl asked if Smith wanted to do "lines with her" (i.e., a street term for inhaling lines of cocaine). Smith did not do cocaine with her, but offered her an unknown pill out of an orange prescription bottle. Compl did not know what it was.

As months passed, Smith would request sex from Compl more frequently. In February 2016, Smith wanted to have sex on a particular day. Compl offered Smith a "blowjob," and began to bend down to provide him oral sex. Instead, Smith wanted anal sex and began pulling Compl pants and underwear down from her hips. Compl did not want to have anal sex and attempted to pull her pants back up. Compl stated Smith "virtually raped" her because he (Smith) tried but could not get "it" (his penis) inside her.

(b)(5)(C)

Prior to the conclusion of this interview, Compl agreed to be interviewed, in-person, at a neutral location the next day (i.e., 26 Apr 16).

Follow-up Interview with Compl (Recorded interview conducted by Lt. A. Yu and Sgt. N. Calonge on 26 Apr 16, from 1500-2100 hours, at the IAD Conference Room. This interview was broken up into three parts.)

Compl was picked up at her house in Richmond and a recording device was activated. The first hour of the interview involved the transport and small talk about Compl involvement in prostitution. Compl agreed to participate in the interview once she arrived at the IAD.

During this interview, Compl elaborated on her relationship with "TJ" (Smith). Compl had befriended Smith on Facebook, but did not message him until after (b)(3), (b)(4) death. Compl was looking for answers about (b)(3), (b)(4) death and Smith was there to talk to her.

Compl stated their discussions quickly evolved to sexual talk as they began talking about prostitution and how much she charged. Compl sent Smith a screenshot of an internet prostitution post and told him she would only charge him \$100.00 because he was a cop. Compl then told Smith that sex with her would be free. Smith responded, "Just in case my curiosity turns into action one day." Compl joked that she wanted a bag of "flaming hot lime flavored Cheetos."

The night before (b)(3), (b)(4) funeral, Smith wanted to meet up with Compl for sex. Compl was too drunk to go to Oakland to meet Smith. Around 10:00 pm or 2:00 am (Compl was unsure); Smith drove to Compl house in Richmond and picked her up. Compl then directed Smith to Wildcat Canyon, which was five (5) minutes away, where they engaged in oral and vaginal sex in Smith's car. Smith then drove Compl back to her house.

Compl stated Smith brought her a bag of Cheetos, but she did not consider that as payment for sex. Afterwards, Smith and Compl had sex consistently on Saturday nights around 2:00 am because that was when Smith's shift ended. Smith drove a red truck and a silver "bucket." There was a bed in the red truck that they used for sex. The red truck was missing a door handle that Compl would try to grab and miss because she was drunk during many of their encounters. Smith's messaging about the "truck" also occurred around that time, but she was unsure when or how the topic came up. At that point, Compl offered up her cell phone to be download in an effort to try to find the messages she had deleted.

(b)(3), (b)(4)

(1:58:00 Part I) Compl was asked to elaborate on her previous statement that Smith had "virtually raped" her. Compl stated approximately six (6) weeks prior (March 2016), she was on her menstrual cycle; therefore, she was giving Smith oral sex. While this was occurring Smith stated, "Come on, let me put in your butt." They were at Wildcat Canyon in the back of Smith's SUV. Smith lived out of his car; therefore, he had a mattress in the back. Compl replied, "No;" however, Smith turned her around and began pulling down her pants. Compl tried to hold her pants up but Smith overpowered her. Compl stated, "He had me held down. I wasn't letting him and he was trying to put it in my butt." Compl told Smith, "I don't want to, stop." Compl stated Smith had a "tiny weenie" and could not get it past her butt cheeks.

Compl did not consider that incident rape because Smith "couldn't get it in." Smith "jacked up" and ejaculated into Compl mouth and she swallowed. Compl did not want to press charges, but she was willing to speak to the CID ([refer to the Criminal Investigation Section for details](#)). This was the last or second to last time that Smith and Compl "hooked up."

(b)(5)(C)

During the interview, Compl [redacted] would verbally offer her phone but not physically hand over her phone. Compl [redacted] also mentioned that an OPD officer (whom she refused to name) had told her to not to give the phone to the IAD. Compl [redacted] expressed concerns that she did not want the IAD to discover everyone and all her many contacts/messages on her phone. After an hour of discussing her concerns regarding the phone, Compl [redacted] agreed to allow the download of her phone, but only in her presence after signing a criminal consent form. The form indicated that only ^{Off C, (b)(3), (b)(4)} Compl [redacted] Smith, Ta'ai, and Uttapa's information would be accessed. Compl [redacted] commented that she was aware she could be lied to; nevertheless, she allowed her phone to be download (See Compl [redacted] [Phone Download Assessment](#)).

(b)(3), (b)(4), (b)(5)(C)

(b)(5)(C), (b)(3), (b)(4)

(b)(3), (b)(4)

On January 14, 2016, Compl [redacted] stated she had oral sex with Todd Uttapa (OPD officer) at Wildcat Canyon. Approximately a year prior, Compl [redacted] friended Uttapa on Facebook; however, she could not recall who sent the friend request. Compl [redacted] and Uttapa chatted on Facebook and then stopped talking for a period time. They began talking again in January 2016. Uttapa picked Compl [redacted] up at her house in Richmond and drove to Wildcat Canyon where they parked on the street. Compl [redacted] (b) [redacted] (b)(5)(C) [redacted] Compl [redacted] gave Uttapa oral sex for a minute, and then they stopped and returned home.

Compl [redacted] was not sure how it occurred, but she had lost her phone and believed Uttapa must have stolen it. Compl [redacted] was upset with Uttapa because she believed he had stolen her phone. Compl [redacted] stated Uttapa returned her phone a few days later. After that, Compl [redacted] Richmond "boos" knew about her Oakland contacts. Compl [redacted] believes Uttapa used her phone to contact other people and tell them not to talk to her because she was a "police ho."

Two or three days before having sex with Smith for the first time, Compl [redacted] had sex with James Ta'ai at Wildcat Canyon on a park bench. Ta'ai had picked Compl [redacted] up from her house and they

went to Wildcat Canyon. Ta'ai only had sex with Compl that one time and then stopped talking to her. Compl believed Ta'ai and Smith talked about her afterwards and that was why Ta'ai had stopped talking to her.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

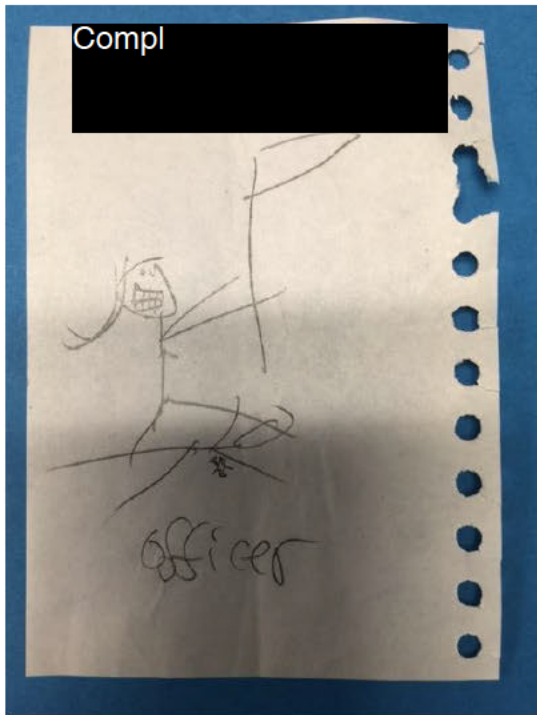
(b)(3), (b)(4)

(51:00 Part I) Compl was asked about the message she sent to Sgt. Johnson regarding sleeping with "hella" officers. Compl denied sleeping with multiple officers; however, she admitted having sex with (b)(3), (b)(4). Compl explained that when she wrote "fuck" to Johnson, she meant that she was "fucking with" or "breaking" someone to the point where the person would exchange sexual messages with her. In other words, Compl would establish a sexual relationship via text or on Facebook Messenger. Compl stated she never had sex with Johnson. (b)(5)(C)

(55:00 Part I) Compl was questioned in an effort to seek clarification regarding incidents involving "sexting" verses actual sex. Compl explained that she brought 14 OPD officers to orgasm. Compl stated she "conquered" or "broke" an officer if she got that officer to exchange sexual messages with her.

(1:31:00) Compl further elaborated how she would message officers and tell them how good she would make them feel good. Compl stated the officers would then respond back sexually.

Compl proceeded to draw a photo to express what she did to the officers that she "conquered."



Throughout the interview, **Compl** would, on occasion, refuse to cooperate and/or provide specific names of officers that she was involved with. Instead, **Compl** provided the number of OPD officers that she had relationships with on varying degrees and spoke with innuendo about officers that she appeared to want to protect.

Compl stated she had physical sex (i.e., brought to orgasm) with 28 officers. **Compl** stated 15-17 of these officers were from the OPD, five (5) were from the Richmond PD, six (6) were with the Alameda County Sheriff's Office, one (1) was from the Livermore Police Department, and three (3) were from the Contra Costa County Sheriff's Department.

(b)(3), (b)(4)

Compl claimed she kept a "trophy" list on one of her phones that contained the names of the officers she had sex with; however, **Compl** refused to provide the list.

(2:07:30 Part I) When asked if there were any cops that were inappropriate toward her, **Compl** stated, "No, cause I came at them."

(b)(3), (b)(4)

[REDACTED]

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

When asked whether she “conquered” or sexted women, Compl stated she only "messed" with men.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Compl stated she did not "fuck with" everyone that was her friend on Facebook.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Compl [REDACTED] (Recorded phone conversation taken by Lt. A. Yu on 5 May 16, from 1630 - 1722 hours)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Compl [REDACTED] was questioned again about James Ta'ai during this interview. Compl [REDACTED] confirmed that she had vaginal sex (no condom) with James Ta'ai at Wildcat Canyon on top of a picnic table. It occurred three or four days prior to having sex with Smith. Compl [REDACTED] was very proud because she had sex with three officers in seven (7) days. Compl [REDACTED] refused to provide any details or the name of the third officer. Ta'ai and Compl [REDACTED] only had sex once, and Ta'ai picked Compl [REDACTED] up in a silver Honda Civic. Ta'ai asked Compl [REDACTED] to come out to his house in Hayward for sex, but Compl [REDACTED] could not leave her babysitting duties. Compl [REDACTED] stated that after their encounter, Ta'ai stopped talking to her and blocked her on Facebook. As a result, Ta'ai was nothing to Compl [REDACTED] who stated, "Fuck that bitch."

When asked why she (Compl [REDACTED]) deleted many of her messages, including messages with Ta'ai and Smith, Compl [REDACTED] stated she became really paranoid. Compl [REDACTED] remembered she was attacked by a trick in Richmond, on 23rd Street, which made her paranoid. This caused Compl [REDACTED] to erase her messages.

(b)(3), (b)(4)

(b)(3), (b)(4)

Due to the alleged criminal allegations, Compl was asked and agreed to provide an interview to investigators from the CID. As a result, Compl was transported to the Special Victim Unit where she was subsequently interviewed by SVU investigator, J. Creed. Compl CID interview was consistent with information obtained during the IAD interview. The CID interview is attached as evidence.

Compl (Recorded Interview conducted by Lt. A. Yu and City Attorney A. Cook on 11 May 16 at the IAD Conference Room.)

Compl called the IAD and advised Yu that the press had been calling her phone. Compl was worried and Yu convinced Compl to come in for another interview after Compl agreed to provide "everything and her list". Yu and Cook picked up Compl from her house in Richmond and the recording begins prior to transport.

Compl began this interview with the promise that she would provide everything to the IAD and answer all questions. However, Compl ultimately refused to provide the list of officers she had sex with as agreed upon. Yu and Cook spent approximately four (4) hours with Compl in an attempt to elicit this information from her. Although the list was not obtained from Compl during this interview, she provided the following new information:

Compl sexted or "conquered" Luis Roman, (b)(3), (b)(4)

Regarding [Roman](#), Compl stated she sexted him, but did not provide any further details.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(5)(C)

Compl later accompanied IAD investigators (Yu and Coglio) to Wildcat Canyon and walked them through the locations where she had sex with Ta'ai, Smith, and Uttapa. ([See Canvass/Video for Details](#))

Compl (Record Phone Conversation taken by Lt. A. Yu on 17 May 16)

Compl called worried about the recent stories in the press and social media comments about her. Yu spoke to Compl for 15 minutes and received no new information from her. Compl was not willing to provide additional information or return for an interview. (b)(5)(C)

[Redacted]

Compl (Record Phone Conversation taken by Lt. A. Yu on 3 Jun 16)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4)
[Redacted]

Compl, (b) (5)(B) failed to provide any new information with respect to this investigation.

Compl, (b)(5)(B) (Recorded phone conversation taken by Sgt. Calonge on 9 Jun 16)

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4), (b)(5)(C)
[Redacted]

(b)(3), (b)(4), (b)(5)(C)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)

Compl stated no one from the OPD was still talking to her. Compl tried two (2) days ago to contact Luis Roman but he did not pick up. (b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

She started sexting with Luis Roman, Uttapa, (b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Compl, (b)(5)(B) (CID recorded interview conducted by Off. H. Webber and Off. R. Reymundo on 10 Jun 15, at the YFSD interview room.)

(b)(3), (b)(4)

Compl repeated several incidents that were covered in the above interview and those recollections were consistent.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Compl, (b)(5)(B) (Record phone conversation taken by Lt. A. Yu on 5 Jul 16)

Compl called the IAD asking questions about whether "he" will be fired. Compl asked whether it looked like she premeditated everything. Compl became upset when she did not receive any answers.

(b)(5)(C)

(b)(3), (b)(4)

The interview was concluded after thirty (30) minutes, and no additional information was obtained.

(b)(5)(C)

Compl (Record Interview conducted by Lt. A. Yu and Sgt. N. Calonge on 19 Aug 16)

Compl was contacted to discuss additional follow-up questions and agreed to an in-person interview. (See phone conversation on 19 Aug 16) Lt. Yu and Sgt. R. Clark transported Compl from 1050 7th Street, Oakland to the IAD conference room. (b)(5)(C)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

_____ Compl was again questioned regarding her previous statement that she had brought 14 OPD officers to orgasm. Compl stated she did not provide the names of the other officers because she failed to help those officers achieve orgasm. Compl felt that she was a failure and was too embarrassed to provide the names. When pressed for those names, Compl added that she was receiving “benefits” from those officers. Compl refused to describe the “benefits” and at times alluded to the possibility that she was blackmailing the officers.

(b)(3), (b)(4)

Compl eventually agreed to reveal her "list" of officers that she had slept with. Compl handed over her phone with the screen open on a "notes" type application similar in general appearance to a yellow legal pad. There were 10 entries, one on each line, each numbered sequentially.

The list was reviewed while Compl stood nearby. The following six names were identified prior to Compl grabbing her phone back and refusing to provide additional access:

1. (b)(3), (b)(4)
2. (b)(3), (b)(4)
3. TJ Smith
4. James Ta'ai
5. (b)(3), (b)(4)
6. (b)(3), (b)(4)

SUBJECT STATEMENTS

Officer Terryl "TJ" Smith

Compl [REDACTED] Account of Smith (Refer to **Compl [REDACTED]** statements for full details) - **Compl [REDACTED]** befriended Smith on Facebook, but did not message him until after **(b)(3), (b)(4)** eath. **Compl [REDACTED]** was looking for answers about **(b)(3), (b)(4)** death and Smith was there to talk to her.

Their conversations quickly evolved to sexual talk as they began talking about her job as a prostitute and how much she charged. **Compl [REDACTED]** sent Smith a screenshot of an internet prostitution post and she told him she would charge him \$100.00 because he was a cop. **Compl [REDACTED]** then told Smith that sex for him would be free. Smith responded, "Just in case my curiosity turns into action one day." **Compl [REDACTED]** joked that she wanted a bag of flaming hot lime flavored Cheetos.

The night before **(b)(3), (b)(4)** funeral, Smith wanted to meet up with **Compl [REDACTED]** for sex. **Compl [REDACTED]** was drunk that night so she could not go to Oakland to meet him. Around 10:00 pm or 2:00 am (**Compl [REDACTED]** was unsure), Smith drove to **Compl [REDACTED]** house in Richmond, picked her up and she directed him to Wildcat Canyon which was five (5) minutes away from her house. They had oral and vaginal sex in his car and then he returned **Compl [REDACTED]** to her house. Smith brought **Compl [REDACTED]** a bag of Cheetos, but **Compl [REDACTED]** did not consider that payment for sex. Afterwards, Smith and **Compl [REDACTED]** would have sex consistently on Saturday nights around 2:00 am because that was when Smith's work-shift ended. Smith would drive a red truck and a silver "bucket." There was a bed in the red truck that they had sex on. The red truck was also missing a door handle that **Compl [REDACTED]** would try to grab and miss because she was drunk many times.

(b)(3), (b)(4)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(b)(3), (b)(4)
[REDACTED] **Compl [REDACTED]** offered for IAD to download her phone to find the messages that she deleted.

(1:05:00) **(b)(3), (b)(4)**
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Compl [REDACTED] was asked to elaborate on her statement that Smith had "virtually raped" her. **Compl [REDACTED]**

stated about six (6) weeks prior (approximately March 2016) she was on her menstrual cycle; therefore, she was giving Smith oral sex. During this interaction Smith stated, "Come on, let me put in your butt." Compl [redacted] and Smith were at Wildcat Canyon in the back of Smith's SUV. Smith lived out of his car and had a mattress in the back. Compl [redacted] said, "No" but Smith turned Compl [redacted] around and began pulling down her pants. Compl [redacted] tried to hold her pants up but Smith overpowered her. Compl [redacted] stated, "He had me held down. I wasn't letting him and he was trying to put it in my butt." Smith stated, "I don't want to, stop." Compl [redacted] stated Smith had a "tiny weenie" and could not get his penis past Compl [redacted] butt cheeks. Compl [redacted] did not consider that incident rape because Smith "couldn't get it in." Smith "jacked up," ejaculated in Compl [redacted] mouth and she swallowed. It was the last or second to last time that Smith and Compl [redacted] "hooked up". Compl [redacted] stated she did not want to press charges, but she was willing to speak to the CID. ([See Criminal Investigation Section](#))

(b)(5)(C) [redacted]

Manual of Rules Allegations investigated regarding Smith:

- MOR 314.03-2 General Conduct
- MOR 314.42-1 Obedience to Laws – Felony
- (b)(3), (b)(4) [redacted]
- (b)(3), (b)(4) [redacted]
- (b)(3), (b)(4) [redacted]

Officer Terry Smith (Smith resigned from the Oakland Police Department during this investigation and refused all requests from the CID and the IAD for an interview)

The IAD provided Smith multiple opportunities to provide his statement. However, Smith's attorney responded that Smith had resigned and would not provide an interview.

Summary of Investigation related to Smith - Due to the complexity of the investigation, below are short summaries of Smith's related evidence. Additional details and investigative analysis can be found in their respective sections. (*Click on the links to skip to that section.*)

(b)(3), (b)(4), (b)(5)(C) [Suicide Note](#) - No evidence related to Smith.

(b)(3), (b)(4), (b)(5)(C) [Phone Evidence](#) – There was no evidence related to Smith. The lack of evidence is consistent with the statement from Compl [redacted] that she began engaging with Smith after (b)(3), (b)(4), (b)(5)(C) [redacted] suicide.

Compl [redacted] [Phone Evidence](#) - Text messages, photos, and videos were discovered between Smith

and Compl [redacted] The listed phone number for "Tijuana," Compl [redacted] nickname for Smith, matches the listed phone number for Officer Terryl Smith. A total of 260 text messages were found on Compl [redacted] phone beginning on 5 Oct 15 and ending on 25 Apr 16. Compl [redacted] stated her messages with Smith were mainly through Facebook Messenger but she had deleted it. ([See Facebook Warrant Section](#)) (b)(3), (b)(4) [redacted]

(b)(3), (b)(4) [redacted]

(b)(3), (b)(4) [redacted]

■

In the text messages from Compl [redacted] phone, the two flirted and sexted. On 11 Oct 15, Compl [redacted] and

Smith exchange messages implying that they had met previously.

* Tijuana	11/10/2015 11:38:11 (GMT-7)	Outgoing	Oooo sounds like fun lol
* Tijuana	11/10/2015 11:38:26 (GMT-7)	Outgoing	If we get shot help us
* Tijuana	11/10/2015 11:38:48 (GMT-7)	Incoming	Yea loads. Oh damn hopefully not.
* Tijuana	11/10/2015 11:41:00 (GMT-7)	Incoming	Sooo.... You busy tonight?
* Tijuana	11/10/2015 11:50:29 (GMT-7)	Outgoing	No im not
* Tijuana	11/10/2015 11:50:45 (GMT-7)	Outgoing	Are yoy
* Tijuana	11/10/2015 11:51:46 (GMT-7)	Incoming	Only if you want to keep me company.
* Tijuana	11/10/2015 12:06:00 (GMT-7)	Outgoing	I would love to
* Tijuana	11/10/2015 12:07:21 (GMT-7)	Incoming	Great, I'm off at 2 of course.
* Tijuana	11/10/2015 12:22:30 (GMT-7)	Outgoing	I'll thug it out for u lol
* Tijuana	11/10/2015 12:23:57 (GMT-7)	Incoming	☹
* Tijuana	11/10/2015 12:24:56 (GMT-7)	Incoming	You gona be all dolled up? I know you said I didn't give you enough time the other night
* Tijuana	11/10/2015 12:48:33 (GMT-7)	Outgoing	Yesss I have time to get pretty now lol
* Tijuana	11/10/2015 19:24:45 (GMT-7)	Incoming	Do you know any good places to kick it?
* Tijuana	11/10/2015 19:28:33 (GMT-7)	Outgoing	For wat
* Tijuana	11/10/2015 19:31:05 (GMT-7)	Incoming	Oh I'm sorry, tonight when we hang out. Where did you wanna go?

There are no text messages between **Compl** and Smith from 12 Oct 15 to 13 Mar 6.

On 13 Mar 16, **(b)(3), (b)(4)** **Compl** threatened Smith that she would report him to the IAD, tell his wife and "ruin...[his] happiness." **Compl** later apologized to Smith in a few messages, but then returned to threatening and insulting him again. Smith replied as if he did not know what was going on and questioned **Compl** as to why she was so angry. **(b)(5)(C)**

Compl The last messages between **Compl** and Smith occurred on 25 Apr 16, which included more insults directed at Smith without any replies from him.

Video of Compl Instagram message thread with Smith's wife - Lt. Yu recorded a video of

(b)(3), (b)(4), (b)(5)(C)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Facebook Friends list Audit - As of March 29, 2016, Smith was not on ^{Compl, (b)(5)}_(B) Facebook friend's list.

Facebook photos/comments Audit - No evidence of Smith.

Facebook Data (July 11, 2016 from Warrant) - (b)(3), (b)(4), (b)(5)(C)
[Redacted] There was no other information regarding Smith. The Facebook data only contained the data send/received using the Facebook site. If both accounts used Facebook Messenger (private messaging) the Facebook data did not contain those messages that were sent through the phone-to-phone application.

Instagram Data (July 7, 2016 from Warrant) - No evidence related to Smith.

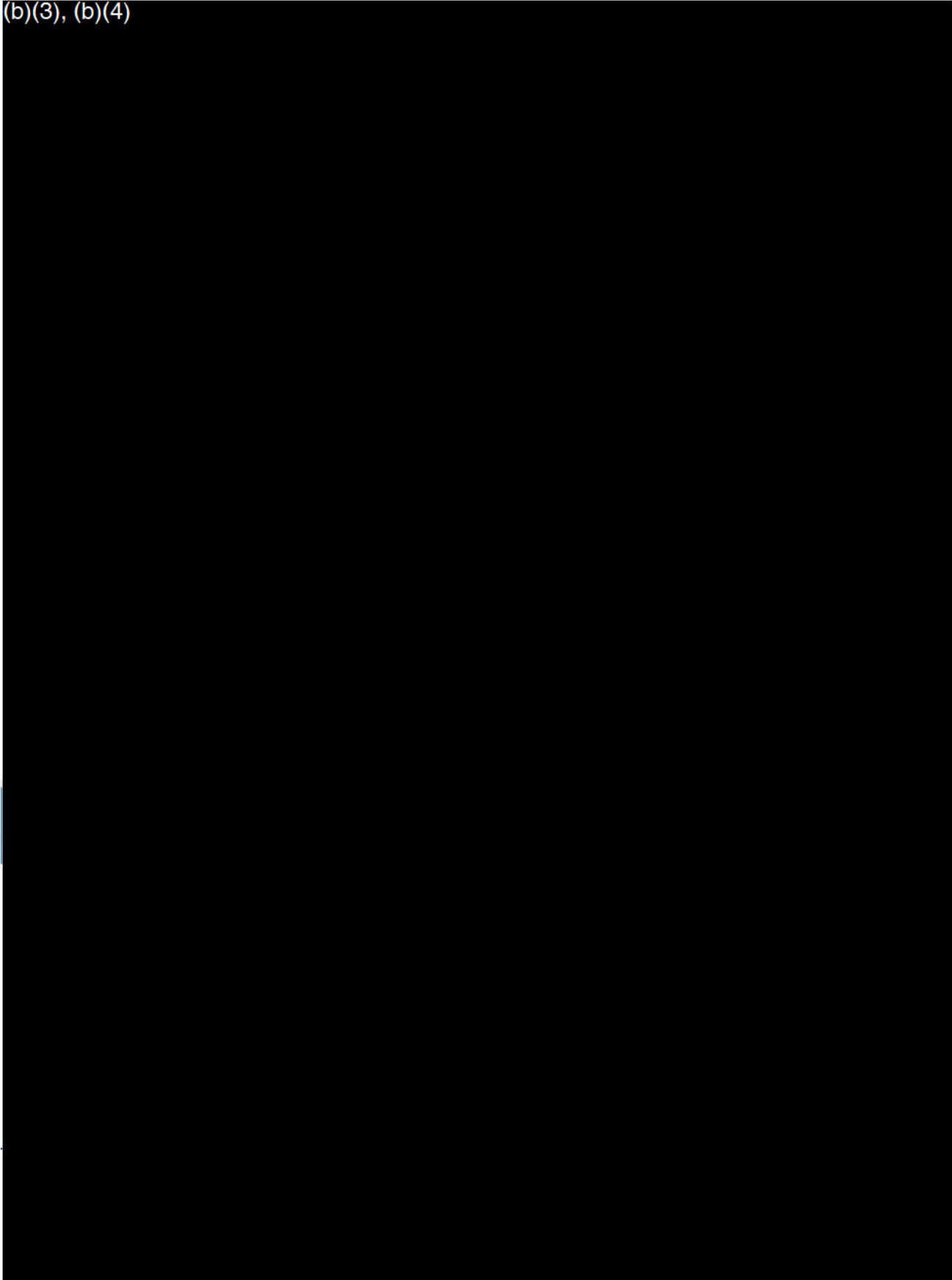
(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)



(b)(3), (b)(4)

Credibility Assessment

Officer Terryl Smith 9238 - Smith was not interviewed during this investigation because he resigned and refused to provide an interview. As a result, his credibility was not assessed. (b)(3), (b)(4)

Discussion and Conclusion

(b)(3), (b)(4)

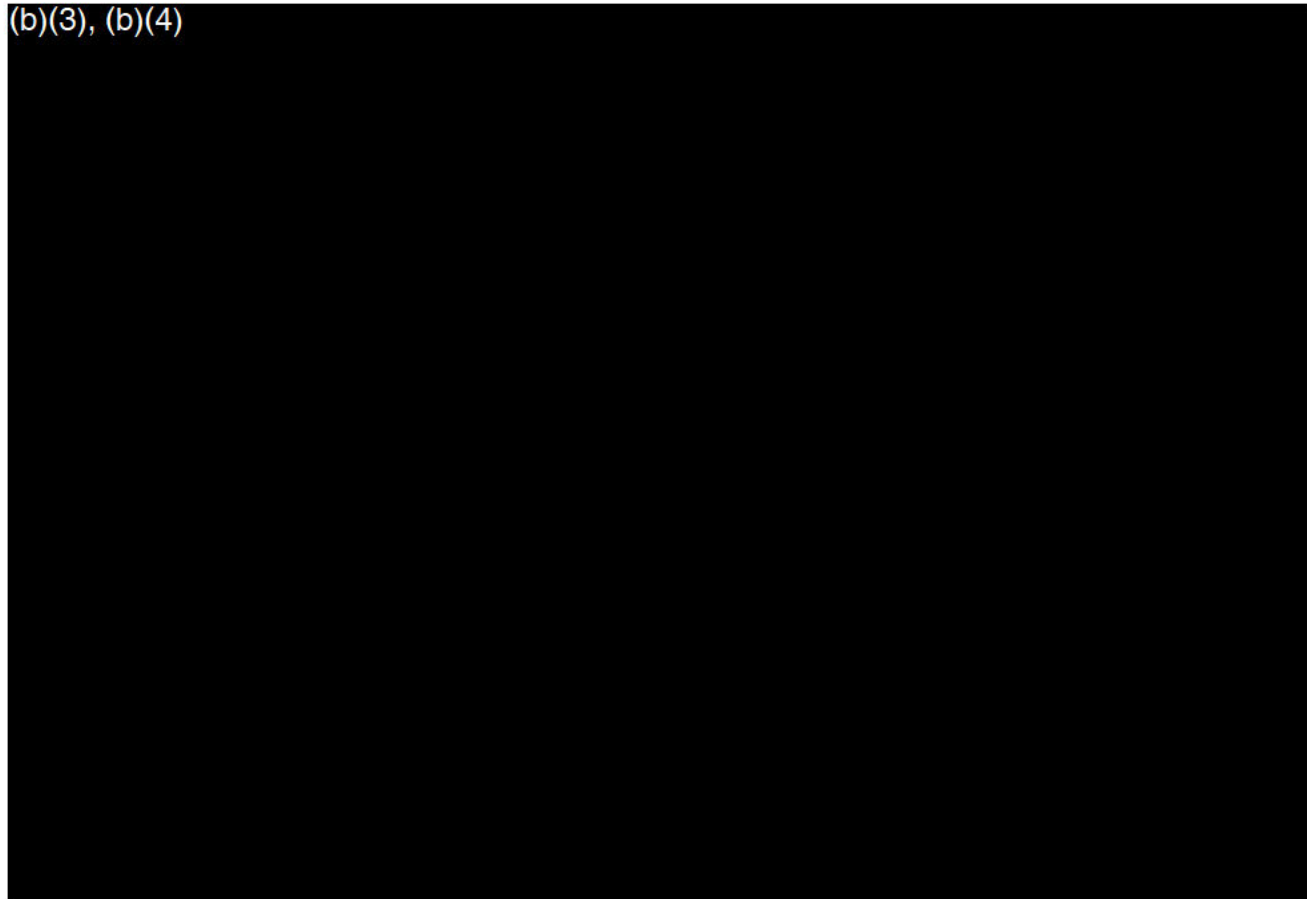
(b)(3), (b)(4)

(b)(3), (b)(4)

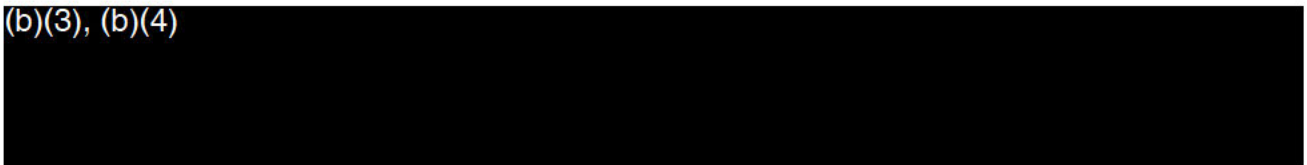
(b)(3), (b)(4)

(b)(3), (b)(4)

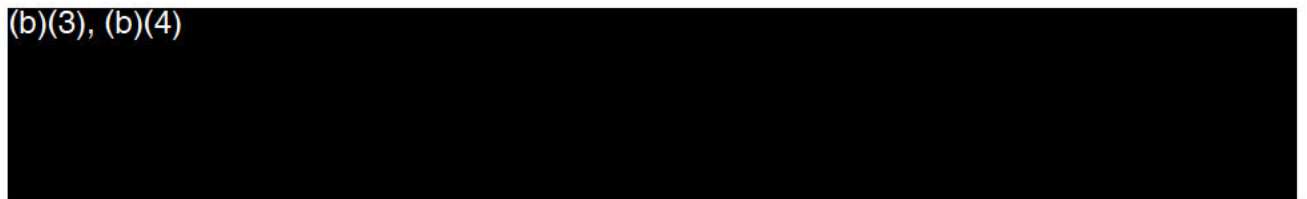
(b)(3), (b)(4)




(b)(3), (b)(4)




(b)(3), (b)(4)



(b)(3), (b)(4)



(b)(3), (b)(4)



Compl [redacted] claim that Smith forced her to have sex without her consent requires further discussion and analysis.

Did Officer Smith engage in unlawful sexual intercourse with Compl [REDACTED]

Yes, this investigation determined Smith attempted to forcefully commit the act of sodomy against Compl [REDACTED]. The facts below are based on Compl [REDACTED] statement and phone evidence:

- Smith resigned and refused to provide an interview.
- Compl [REDACTED] and Smith met on Facebook around September 2015, which is after Compl [REDACTED] turning eighteen in August 2015.
 - Compl [REDACTED] began talking to Smith after (b)(3), (b)(4) [REDACTED] suicide.
 - The night of (b)(3), (b)(4) [REDACTED] funeral, Smith had consensual sex with Compl [REDACTED]
 - From September 2015 to March 2016, Compl [REDACTED] and Smith had consensual sex mostly on Saturday nights around 2:00 am.
 - Compl [REDACTED] stated they had consensual sex and no goods or money was exchanged.
- Compl [REDACTED] phone evidence confirmed the sexual interaction.
 - Smith and Compl [REDACTED] texts confirmed that they met at night at 2:00 am.
- The last sexual incident was not consensual.
 - On February 2016, Compl [REDACTED] told Smith that she was on her menstrual cycle so Smith wanted to have anal sex.
 - Compl [REDACTED] never agreed to anal sex because she "passes out" during anal sex.
 - Compl [REDACTED] gave Smith oral sex, but Smith physically spun Compl [REDACTED] body around and pulled down her pants.
 - Compl [REDACTED] said, "No" and physically resisted by attempting to pull up her pants.
 - Smith forced himself on top of her and attempted force his penis into her anus.
 - Smith was unable to penetrate, according to Compl [REDACTED] due to a small penis and then finished with consensual oral sex. ([See Criminal Investigation Section](#))

Penal Code section 286:

(a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(2) (A) Any person commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

An analysis of the facts above show that in February 2016, Smith committed the crime of attempted sodomy. When Smith asked Compl [REDACTED] for anal sex, Compl [REDACTED] verbally told him "no" and physically tried to pull her pants up to reconfirm a clear "no" response to Smith. Smith overpowered Compl [REDACTED] by turning her around and pulling down her pants.

Compl stated there was no penetration due to her large posterior and Smith's small penis. Based on Smith's actions above, his intent was to have anal sex with Compl even against her will. As a result, and based on a preponderance of the evidence, Smith's intent and actions meet the elements of attempted sodomy.

Smith was notified of the rape charges levied against him and Smith was given an opportunity to provide countervailing evidence to the IAD in order to refute Compl allegations against him. However, Smith refused to do so and instead, resigned from the OPD.

Based on the above listed facts, the most appropriate finding is Sustained.

Did Officer Smith violate the Department's General Conduct policy?

General Conduct MOR 314.03 - Members and employees shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the Department and the police service. Whether on or off-duty, members and employees shall avoid any conduct that brings disrepute to the Department or impairs its efficient and effective operation.

Yes, this investigation determined Officer Smith violated the Department's General Conduct policy based, in part, on the following:

- Smith, a police officer, engaged in sexting with a known prostitute. This included the exchange of sexual messages and photographs
- (b)(3), (b)(4), (b)(5)(C)
- The media identified Smith as an Oakland Police Officer involved with the "Sex Scandal." (See Media Assessment)

An analysis of the above listed facts reveals a pattern of unethical choices by Smith that were eventually made public by the news media. Smith constantly texted and sexted with a known prostitute. In addition, (b)(3), (b)(4)

Smith engaged in a pattern of reckless and inappropriate conduct that was likely to be made public and was likely to bring disrepute to the Department. Smith texted a known prostitute, showing little regard for the possibility she would save the messages and publish them. (b)(3), (b)(4) Smith's conduct became public via media releases and the actions above have brought disrepute to the Department, as well as the law enforcement profession.

As stated in the Law Enforcement Code of Ethics:

"I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department."

Based on the above listed facts, the most appropriate finding is Sustained for General Conduct.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

- (b)(3), (b)(4)
- (b)(3), (b)(4)
 - (b)(3), (b)(4)
 - (b)(3), (b)(4)
 - (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)

An analysis (b)(3), (b)(4)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

■ [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Officer James Ta'ai

Compl [REDACTED] account of Ta'ai – Compl [REDACTED] consistently provided statements that she had sex with Ta'ai on a picnic table in Richmond, California in September 2015. Compl [REDACTED] expressed her pride regarding that particular week, because she had sex with three (3) officers (Ta'ai, Smith, and an unknown officer) in one week. Compl [REDACTED] elaborated to the IAD that she directed Ta'ai to drive to Wildcat Canyon and they walked down the path to the picnic table where they had vaginal intercourse on top of the picnic table. (Compl [REDACTED] showed the IAD investigators the exact location).

Compl [REDACTED] was able to recount that Ta'ai drove a silver Honda Civic. Compl [REDACTED] stated that Ta'ai blocked her on Facebook and that was the reason she “snitched” on Ta'ai.

Manual of Rules Allegations investigated regarding Officer Ta'ai:

- MOR 398.80-1 Truthfulness
- MOR 314.42-1 Obedience to Laws
- (b)(3), (b)(4) [REDACTED]
- (b)(3), (b)(4) [REDACTED]

Officer James Ta'ai, 9240 (Recorded statement taken by Sergeant Mildred Oliver on 12 Nov 15 from 2236-2246 hours. Also present was Internal Affairs Investigator Sergeant Richard Coglio. Ta'ai read and signed his Lybarger Advisement and his Acknowledgement of Rights and Obligations. However, Ta'ai elected to not have LDF representation present with him during the interview.)

Officer James Ta'ai has been an Oakland Police Officer for approximately 1½ years and was assigned to District 4, Dogwatch, B Side. Ta'ai did not know Sgt. Johnson but heard that he was a supervisor for the OPD. Ta'ai was friends with Johnson on Facebook but had no communication with him. (b)(5)(B), (b)(5)(C) [REDACTED]

[REDACTED] Ta'ai knew (b)(3), (b)(4) because (b)(3), (b)(4) would work overtime with their squad from time to time. Ta'ai and (b)(3), (b)(4) were friends on Facebook as well but their conversations were limited to work-related matters. Ta'ai never talked to (b)(3), (b)(4) about Compl [REDACTED]

Ta'ai stated he became acquainted with Compl [REDACTED] when she sent him a friend request on Facebook. Ta'ai decided to accept Compl [REDACTED] friend request after asking [Officer Michael Camacho](#) whether he should accept the request. Ta'ai stated that he and Compl [REDACTED] would “flirt around” on Facebook and that their conversations were sexual in nature. Ta'ai claimed in his first interview that he never met Compl [REDACTED] in person and never had sex with her. Ta'ai stated he did not know that Compl [REDACTED] worked as a prostitute. Ta'ai admitted that it was not okay for officers to have sex with prostitutes. Ta'ai knew of no other officers who had contact with Compl [REDACTED]

Follow-up Interview James Ta'ai (Recorded Interview conducted by Lt. A. Yu and Sgt. N. Calonge on 5 May 16 from 2204 - 2240 hours at the IAD Conference Room. Ta'ai read and signed his Acknowledgement of Rights and Obligations. Ta'ai confirmed that that he wished to conduct the interview without legal representation.)

Ta'ai stated he received Compl [REDACTED] friend request in September 2015, and he elected to begin an

online sexual relationship with Compl [redacted] Ta'ai was in a relationship with someone else and his only intent was to have an online sexual relationship with Compl [redacted] Ta'ai saw that her photos were provocative and wanted to see more.

Ta'ai stated they messaged each other about having sex. Compl [redacted] sent a nude photo of her breasts to Ta'ai and even asked Ta'ai whether she looked like a "hooker." Ta'ai answered, "No" because he had no indication that she was prostitute. Ta'ai also saw photos of her family and young kids, so he did not think Compl [redacted] was a prostitute. Ta'ai did not send any photos in return.

Ta'ai claimed they role-played sex online. Their role-playing included Ta'ai picking Compl [redacted] up from her house and having sex in a park. Ta'ai continued to initially claim in the second interview that he had never met Compl [redacted] or had a sexual relationship with her.

Ta'ai was confronted with the knowledge of his Honda Civic and that there were discrepancies with his statements to the IAD. Ta'ai was then counseled that he should be forthright during the interview. Ta'ai eventually admitted to lying about not having sex with Compl [redacted] Ta'ai stated that he had lied because he was afraid of the allegation that he had purportedly had sex with a minor. Ta'ai then disclosed that he had sex with Compl [redacted] a week before (b)(3), (b)(4) suicide.

In the beginning of September 2015, around 9:00 pm, Ta'ai picked Compl [redacted] from her house, drove to a nearby park (about a mile away) and had sex with her on a park picnic table. Ta'ai described a park across from a residential area with a long driveway that led to a shed and then picnic tables where he had sex with Compl [redacted] Ta'ai drove her home and a week later (b)(3), (b)(4) committed suicide. Ta'ai believed that Compl [redacted] was associated with the suicide and heard rumors that she blackmailed (b)(3), (b)(4) As a result, Ta'ai ended all contact with her. Compl [redacted] messaged Ta'ai again three weeks ago to meet her at the Claremont, but he ignored her and deleted it.

Ta'ai always deleted her messages in fear that his wife would discover them. Compl [redacted] had not contacted Ta'ai's wife or blackmailed him. (b)(3), (b)(4) [redacted]

When asked why he lied, Ta'ai said he had received the complaint notification from Sgt. Oliver which stated that he was being investigated for having sex with a minor. Based on the notification, Ta'ai assumed that Compl [redacted] was actually a minor. Ta'ai did not want his family or the Department to know that he had sex with a minor.

(b)(3), (b)(4), (b)(5)(C) [redacted] Ta'ai believed Compl [redacted] was in her twenties based on her photos and appearance. Ta'ai had not spoken to any officers regarding Compl [redacted] or his interactions with Compl [redacted]

Following the interview, Ta'ai was placed on administrative leave. On 12 May 16, Ta'ai submitted his letter of resignation and his resignation was effective on 13 May 16.

Summary of Investigation related to Ta'ai - Due to the complexity of the investigation (i.e.,

(b)(3), (b)(4) Suicide Note, (b)(3), (b)(4) Phone Evidence, Compl Phone Evidence, Various Social Inquiries, (b)(3), (b)(4) and Media Assessment) below are short summaries of Ta'ai's related evidence. Additional details and investigative analysis can be found in their respective sections. (Click on the links to skip to that section.)

Compl [Phone Evidence](#) – No information related to Ta'ai.

[Facebook Friends list Audit](#) - As of 29 Mar 16, Ta'ai was not on Compl Facebook friend's list. That is consistent with Ta'ai's statement that he unfriended Compl around September 2015 after (b)(3), (b)(4) suicide.

[Facebook photos/comments Audit](#) - No evidence related to Ta'ai.

[Facebook Data \(July 11, 2016 from Warrant\)](#) - No evidence of Ta'ai. The Facebook data only contained the data send/received using the Facebook site. If both accounts used Facebook Messenger (private messaging) the Facebook data did not contain those messages that were sent through the phone-to-phone application.

[Instagram Data \(July 7, 2016 from Warrant\)](#) - No evidence of Ta'ai. Ta'ai and Compl had no Instagram interaction. Ta'ai has no Instagram.

(b)(3), (b)(4)

(b)(3), (b)(4)

[Media Analysis](#) – The media identified Ta'ai as an officer related to the “Sex Scandal” and that he was placed on administrative leave and then resigned. No new information was discovered regarding Ta'ai via the media.

Credibility Assessment

Officer James Ta'ai 9240

Ta'ai was found to be not credible. His initial statement was inconsistent with the evidence gathered during the investigation. In addition, during a subsequent interview Ta'ai admitted to being untruthful. (b)(3), (b)(4)

Discussion and Conclusion

Did Officer Ta'ai engage in unlawful sexual intercourse with [REDACTED] in a public place?

Yes, this investigation determined Ta'ai engaged in unlawful sex with [REDACTED] in a public place. This investigation also revealed Ta'ai had vaginal sex with Compl

The following facts were identified with respect to this allegation:

- **Compl** and Ta'ai met via Facebook in September 2015.
- **Compl** and Ta'ai engaged in sexting while she was 18.
- Around September 2015, **Compl** and Ta'ai met and engaged in sexual intercourse.
 - **Compl** and Ta'ai stated that the sex act occurred at Wildcat Canyon on top of a picnic table.
 - Both parties stated they consented to sex and no goods and/or money was exchanged.
 - **Compl** was 18 years of age.
- **Compl** took investigators to the public location.



This investigation evaluated whether Ta'ai had a sexual relationship with **Compl** while she was a minor (b)(3), (b)(4)

An analysis of the above listed facts show that Ta'ai had consensual sex with **Compl** in September

2015, while she was 18. Both parties consented to the sexual act without any exchange of goods and/or money. (b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

- (b)(3), (b)(4), (b)(5)(C)
 - (b)(3), (b)(4), (b)(5)(C)
 - (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)
 - (b)(3), (b)(4), (b)(5)(C)

- (b)(3), (b)(4), (b)(5)(C) [Redacted]
- (b)(3), (b)(4), (b)(5)(C) [Redacted]
 - (b)(3), (b)(4), (b)(5)(C) [Redacted]

(b)(3), (b)(4), (b)(5)(C) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]

(b)(3), (b)(4)

(b)(3), (b)(4)

Was Officer Ta'ai untruthful?

Yes, this investigation determined Ta'ai was untruthful during his internal affairs interviews.

- On 12 Nov 15, during his subject officer interview, Ta'ai told Sgt. Oliver he never physically met **Compl** nor did he have sex with her.
- **Compl** stated in multiple interviews that Ta'ai had sex with her on a park picnic table in Richmond.
- On 5 May 16, during a subject officer follow-up interview, Ta'ai again stated that he did not meet or have sex with **Compl**. When confronted with discrepancies and **Compl** knowledge of some personal information (e.g., the Honda Civic) Ta'ai admitted he had been untruthful.

Based on the above listed facts, the most appropriate finding is Sustained. Officer Ta'ai was placed on Administrative Leave on 5 May 16 and he resigned on 12 May 16.

(b)(3), (b)(4)

(b)(3), (b)(4)

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
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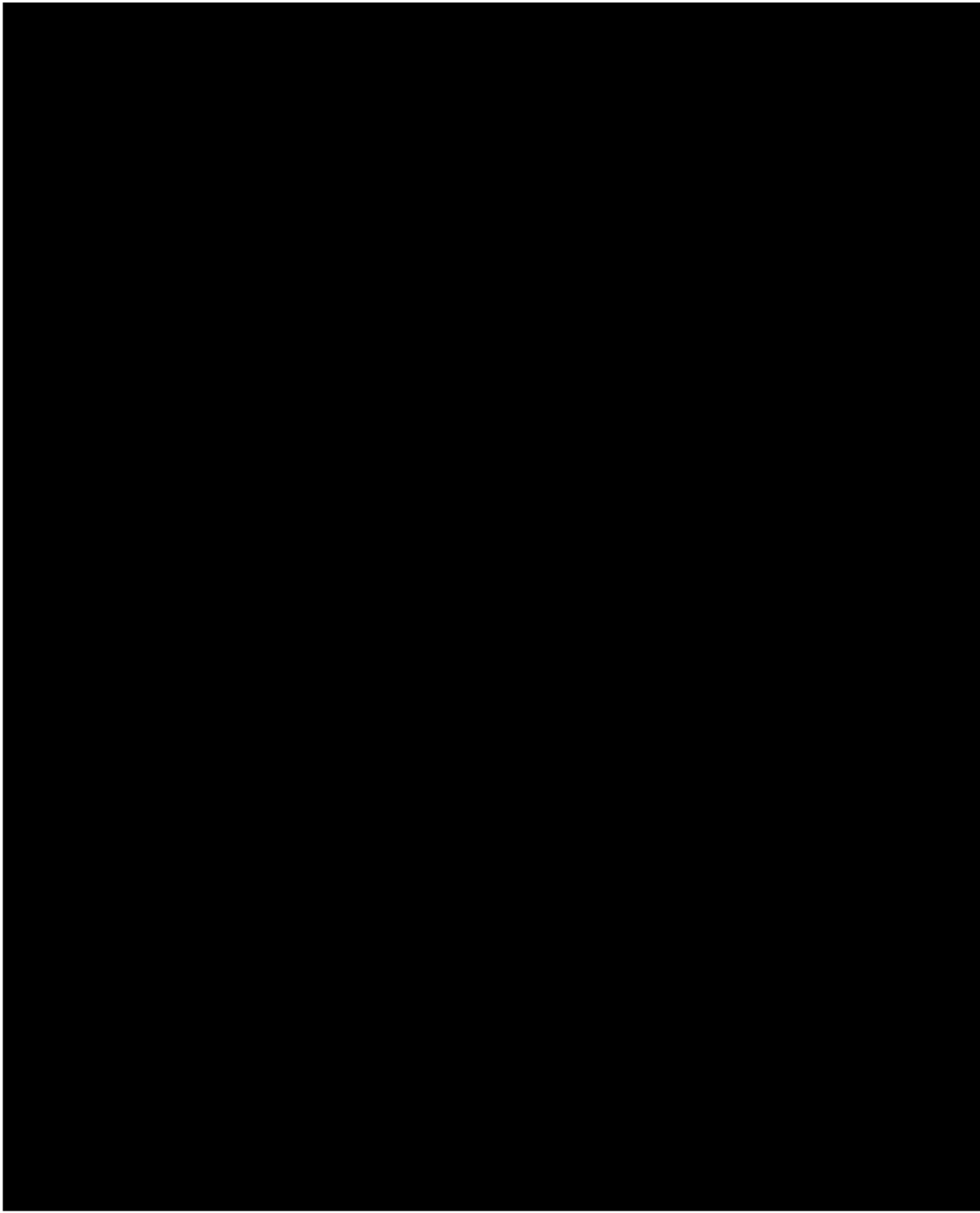
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Officer Warit Uttapa

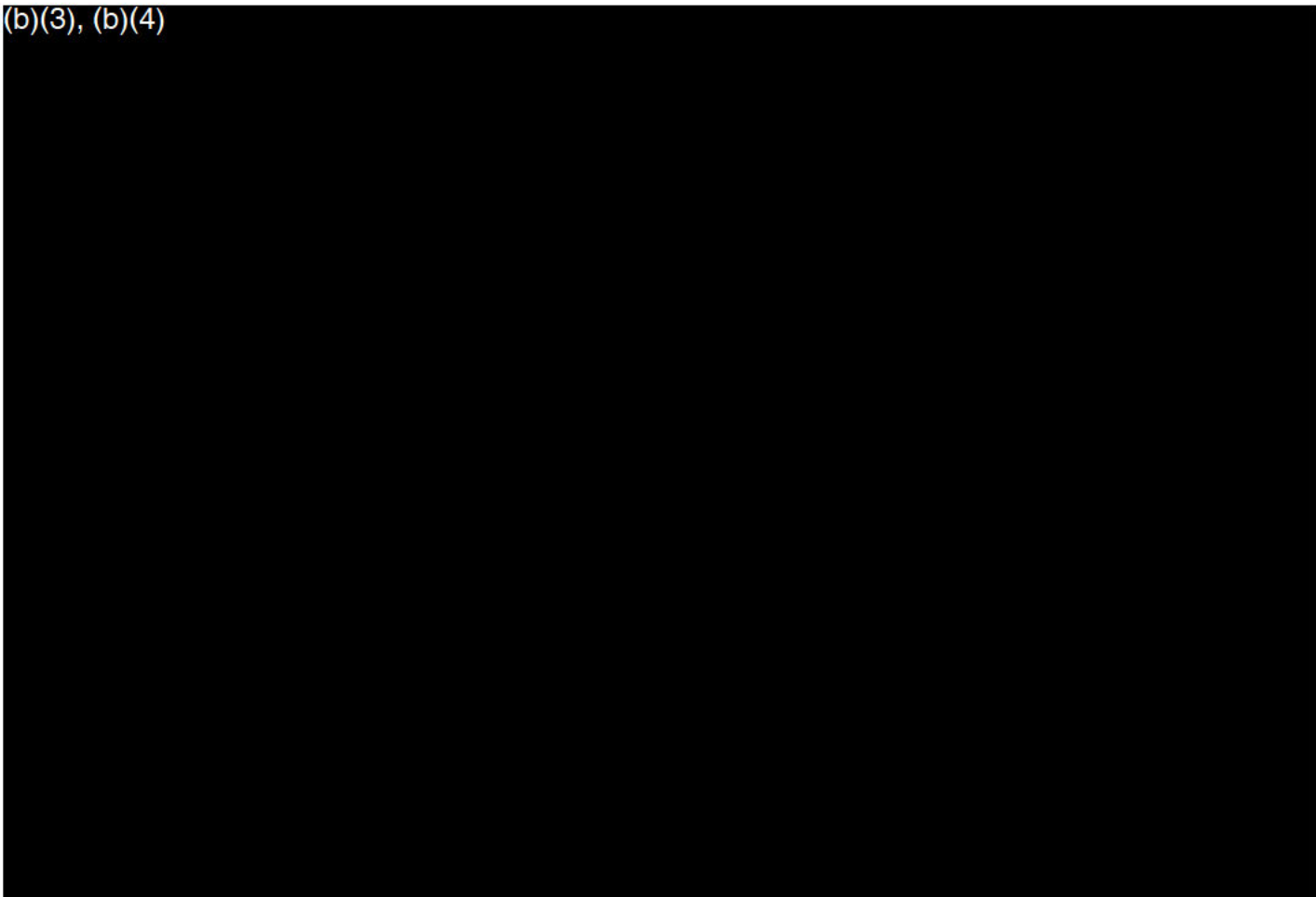
Compl [REDACTED] **Account of Uttapa** - On January 14, 2016, (b)(3), (b)(4) [REDACTED]. Almost a year prior, Compl [REDACTED] friended Uttapa on Facebook. She did not recall who sent the request, but they chatted on Facebook and then stopped for a period of time. They started again in January 2016. In January, (b)(3), (b)(4) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Compl [REDACTED] later claimed in her interview that she was upset with Uttapa because he "stole" her phone. Uttapa returned Compl [REDACTED] phone a few days later and suddenly her Richmond "boos" knew about her Oakland contacts. Compl [REDACTED] believed Uttapa used her phone to contact other people and tell them not to talk to her because she was a "police ho."

(b)(3), (b)(4) [REDACTED]
[REDACTED]



(b)(3), (b)(4)



Manual of Rules Allegations investigated regarding Uttapa:

- MOR 314.03-2 General Conduct
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)

Officer Warit Uttapa (Recorded Interview conducted by Lt. A. Yu and Sgt. N. Calonge on 1 Jun 16, from 1306 - 1352 hours, at the IAD Conference Room. Uttapa's attorney, Doug Foley, was present. Uttapa read and signed his acknowledgement of rights and obligations.)

Uttapa stated he received a Facebook request in September 2015 from Compl [redacted]. Based on a couple of mutual friends (e.g., "TJ Smith") Uttapa accepted the request. Uttapa thought Compl [redacted] was just "some chick." Uttapa asked about her age and Compl [redacted] told him she was 22. (b)(5)(C) [redacted] There was no exchange between the two for two months because Compl [redacted] had left out of state and Uttapa found a girlfriend during that time.

In December 2015 or January 2016, Uttapa ended his relationship. As a result, Compl [redacted] and Uttapa

started to flirt and sext with each other. Compl sent him two nude photos, which he liked, but he did not send photos in return. Uttapa admitted he was looking for a hook-up, or sexual relationship with Compl Uttapa believed Compl was over 18 since her photos appeared to match an adult with tattoos and she was going out drinking a lot. They exchanged phone numbers, continued the sexting relationship, and met up on 9 Jan 16.

(b)(3), (b)(4)

(b)(3), (b)(4)

Uttapa then drove her home. Upon arriving home, Compl began looking for her phone, but could not find it.

Uttapa left and the next day he saw a lot of threatening messages from Compl about Uttapa stealing her phone. One of those messages stated that she was going to E14th to get her daddy to, in turn, get Uttapa. At that point, Uttapa realized that she was a prostitute and Uttapa was concerned about the threats and the sexual act the night before. Uttapa really wanted to distance himself from her. Uttapa searched his car and found Compl Samsung phone. It was out of battery, so he plugged it in and looked into the phone, which had no password protection. Uttapa searched the phone and saw many more nude photos, which added to his suspicion that she was a prostitute. Uttapa saw some OPD names on the phone, but only remembered (b)(3), (b)(4) name. All that combined, Uttapa really wanted to get rid of Compl Uttapa dropped off the phone at Compl house without seeing her. Uttapa then messaged Compl and she responded that she had her phone. However, Compl continued to threaten Uttapa that he had used her phone or purposely stolen it.

Realizing that Compl was (b)(5)(C) a drug user, and prostitute Uttapa never interacted with Compl again. Uttapa went on military leave on January 13, 2016 and returned in March only to discover that Compl sent him additional text messages. The messages stated that a cop was in trouble, followed by a message saying it was false. Uttapa never responded to those messages.

(b)(3), (b)(4)

Follow up Interview with Uttapa (Recorded Interview conducted by Lt. A. Yu and Sgt. C. Worcester on 29 Aug 16, from 1334 - 1412 hours, at the IAD Conference Room. Uttapa's attorney,

(b)(3), (b)(4), (b)(5)(B)

(b)(3), (b)(4), (b)(5)(B)

(b)(3), (b)(4), (b)(5)(B)

(b)(3), (b)(4), (b)(5)(B)

Regarding Compl phone, Uttapa stated after Compl threatened him via messages, he searched and found Compl phone in his car. It was out of battery so he charged it to look inside. Uttapa searched the phone because Compl was threatening him and he wanted to know more about the person threatening him. While searching the phone, he saw some “OPD” labeled contacts. However, Uttapa stated he could only recognize and remember (b)(3), (b)(4) Uttapa also saw Richmond PD contacts that he did not recognize. Uttapa did not search further and returned the phone to Compl Uttapa stated he did not contact anyone on Compl phone.

Summary of Investigation related to Uttapa - Due to the complexity of the investigation, below are short summaries of Uttapa's related evidence. Additional details and investigative analysis can be found in their respective sections. *(Click on the links to skip to that section.)*

(b)(3), (b)(4), (b)(5)(C) **Suicide Note** - No evidence related to Uttapa.

Compl **Phone Evidence** – A total of 233 text messages were discovered between Uttapa and Compl dated 23 Dec 15 to 15 Mar 16.

In 23 Dec 15, Uttapa and Compl text conversation began and quickly became sexual:

* OPD Uttapa	23/12/2015 17:06:37 (GMT-8)	Incoming	You kiss dick for hot Cheetos? That sounds kinda rough. Lol
* OPD Uttapa	23/12/2015 17:10:53 (GMT-8)	Incoming	When do you want the Cheetos?
* OPD Uttapa	23/12/2015 17:18:47 (GMT-8)	Outgoing	Hahhaha no I usually charge for that but you're special
* OPD Uttapa	23/12/2015 17:18:53 (GMT-8)	Outgoing	Joking of course

Uttapa asked for **Compl** age and she responded:

* OPD Uttapa	24/12/2015 11:16:31 (GMT-8)	Outgoing	How old you are?
* OPD Uttapa	24/12/2015 11:16:57 (GMT-8)	Incoming	You haven't told me your age
* OPD Uttapa	24/12/2015 11:27:54 (GMT-8)	Outgoing	Lol
* OPD Uttapa	24/12/2015 11:28:05 (GMT-8)	Outgoing	U ass
* OPD Uttapa	24/12/2015 11:29:08 (GMT-8)	Outgoing	I can legally lick it
* OPD Uttapa	24/12/2015 11:31:37 (GMT-8)	Incoming	Lol
* OPD Uttapa	24/12/2015 11:31:56 (GMT-8)	Incoming	Why does it gotta be a secret
* OPD Uttapa	24/12/2015 11:37:50 (GMT-8)	Outgoing	Its not a secret daddy
* OPD Uttapa	24/12/2015 11:40:29 (GMT-8)	Incoming	I'm 29. I know I've told you that.
* OPD Uttapa	24/12/2015 11:42:34 (GMT-8)	Outgoing	Are you angry
* OPD Uttapa	24/12/2015 11:42:46 (GMT-8)	Outgoing	Im like 10 younger
* OPD Uttapa	24/12/2015 11:43:01 (GMT-8)	Outgoing	Old ass
* OPD Uttapa	24/12/2015 11:43:03 (GMT-8)	Outgoing	Jk lol
* OPD Uttapa	24/12/2015 11:43:30 (GMT-8)	Incoming	Lol got jokes
* OPD Uttapa	24/12/2015 11:43:38 (GMT-8)	Incoming	So are you 18 or 19?
* OPD Uttapa	24/12/2015 11:43:54 (GMT-8)	Incoming	I'm not angry. Never that.
* OPD Uttapa	24/12/2015 11:50:10 (GMT-8)	Outgoing	I'm jk you know that
* OPD Uttapa	24/12/2015 11:50:16 (GMT-8)	Outgoing	You're a baby

* OPD Uttapa	24/12/2015 11:50:22 (GMT-8)	Outgoing	Bachelor
* OPD Uttapa	24/12/2015 11:51:14 (GMT-8)	Incoming	Yupppp
* OPD Uttapa	24/12/2015 11:51:43 (GMT-8)	Incoming	So how old are you girl? 😊
* OPD Uttapa	24/12/2015 12:11:45 (GMT-8)	Outgoing	Lol
* OPD Uttapa	24/12/2015 12:11:50 (GMT-8)	Outgoing	Is it important
* OPD Uttapa	24/12/2015 12:12:56 (GMT-8)	Incoming	It's important that we be straight up
* OPD Uttapa	24/12/2015 12:17:18 (GMT-8)	Outgoing	That's what we are doing !!
* OPD Uttapa	24/12/2015 12:19:22 (GMT-8)	Outgoing	Don't be angry
* OPD Uttapa	24/12/2015 12:20:03 (GMT-8)	Incoming	Lol I don't get angry
* OPD Uttapa	24/12/2015 12:20:51 (GMT-8)	Incoming	You know it's real easy for me to find out. But I just want you to tell me.
* OPD Uttapa	24/12/2015 12:26:59 (GMT-8)	Outgoing	Do you know anyone whose slept with me
* OPD Uttapa	24/12/2015 12:27:13 (GMT-8)	Outgoing	Lol I known
* OPD Uttapa	24/12/2015 12:27:44 (GMT-8)	Outgoing	But u don't know my real name or address and thats how dude showed me he could check on his phone lol.
* OPD Uttapa	24/12/2015 12:27:51 (GMT-8)	Outgoing	I'll tell u my age tho.
(b)(5)(C)			
* OPD Uttapa	24/12/2015 12:55:03 (GMT-8)	Incoming	How many OPD have you slept with?
* OPD Uttapa	24/12/2015 12:57:25 (GMT-8)	Incoming	I do know your real name. Look, none of that is important to me. I just don't think we have any reason to not be straight up with each other. Not to get all
* OPD Uttapa	24/12/2015 12:57:28 (GMT-8)	Incoming	serious on you, I just want us to have fun and do what we do without anything extra.
* OPD Uttapa	24/12/2015 14:03:25 (GMT-8)	Outgoing	How many do u kno of I know its about the nut and that's my favorite part the important part but age isnt my fav topic
* OPD Uttapa	24/12/2015 18:29:01 (GMT-8)	Incoming	I understand that. But you gotta feel me too that I need to know how old you are before any nut can happen. Lol

On 9 Jan 16 **Compl** and Uttapa met for sex.

(b)(5)(B)

* OPD Uttapa	09/01/2016 21:19:22 (GMT-8)	Outgoing	I cant host tho
* OPD Uttapa	09/01/2016 21:19:27 (GMT-8)	Outgoing	☹
* OPD Uttapa	09/01/2016 21:20:15 (GMT-8)	Incoming	I know you can't
* OPD Uttapa	09/01/2016 21:20:32 (GMT-8)	Outgoing	How
* OPD Uttapa	09/01/2016 21:20:54 (GMT-8)	Incoming	You've told me
* OPD Uttapa	09/01/2016 21:22:23 (GMT-8)	Outgoing	Lol o ya
* OPD Uttapa	09/01/2016 21:45:33 (GMT-8)	Incoming	Be there in 20.

On 14 Jan 16, after Uttapa returned her phone, Compl [redacted] texted Uttapa and accused him of stealing and looking at her phone without permission. Uttapa ended the messages quickly by denying that he stole her phone and said goodbye.

On 15 Mar 16, there were text messages from Compl [redacted] regarding an officer hurting himself. No replies from Uttapa.

Facebook Friends list Audit - As of March 29, 2016, Uttapa was not on Compl [redacted] Facebook friend's list. That is consistent with Uttapa's statement and Compl [redacted] statement that they did not communicate via Facebook.

Facebook photos/comments Audit - No evidence of Uttapa.

Facebook Data (July 11, 2016 from Warrant) – The Facebook data provides the messaging between Compl [redacted] and Uttapa starting in August 2015. The interaction is introductory including Uttapa asking about age and Compl [redacted] responding that she is 19. (b)(3), (b)(4), (b)(5)(C) [redacted] They exchange phone numbers and the Facebook messages stopped in August 2015. The messages continued in December 2015 and were sexual in nature.

On January 12, 2016, there is a string of messages from Compl [redacted] accusing Uttapa of taking her phone and talking about her.

Instagram Data (July 7, 2016 from Warrant) - No evidence of Uttapa.

(b)(3), (b)(4) [redacted]

(b)(3), (b)(4) [redacted]

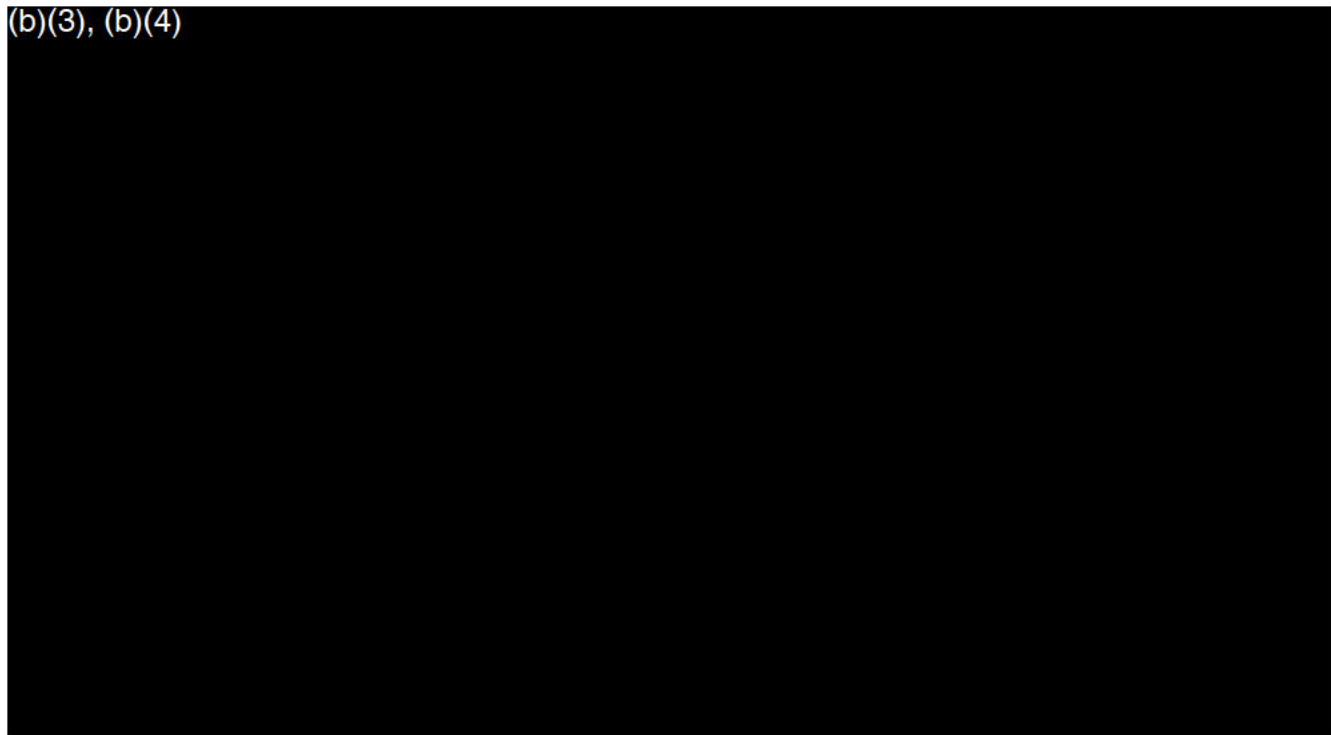
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[REDACTED]

(b)(3), (b)(4)




[Media Analysis](#) - No evidence related to Uttapa.

Credibility Assessment


Officer Warit Uttapa 9254

Uttapa was found to be credible. His statement was consistent with the evidence. (b)(3), (b)(4)

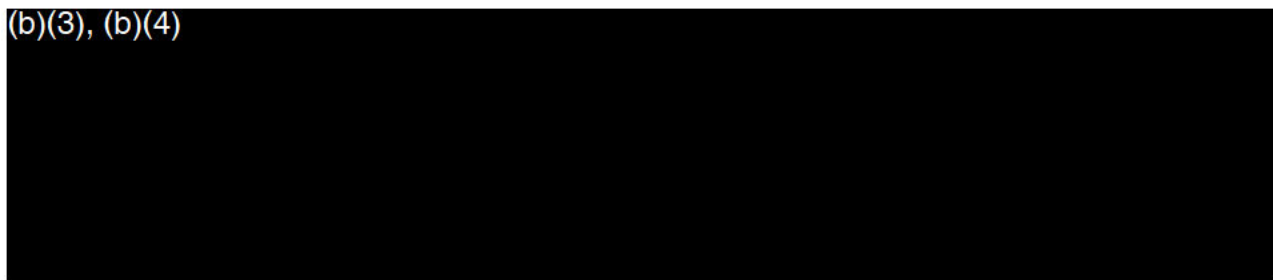


Discussion and Conclusion


(b)(3), (b)(4)




(b)(3), (b)(4)



(b)(3), (b)(4)



(b)(3), (b)(4)



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(b)(3), (b)(4)

(b)(3), (b)(4)

Did Officer Uttapa violate the Department’s General Conduct policy?

General Conduct MOR 314.03 - Members and employees shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the Department and the police service. Whether on or off-duty, members and employees shall avoid any conduct that brings disrepute to the Department or impairs its efficient and effective operation.

Yes, this investigation determined Officer Uttapa violated the Department’s manual of rules (MOR) section pertaining to General Conduct based, in part, on the following:

- Around December 2015 to January 2016, Uttapa engaged in sexting with Compl via Facebook and text messages.
- Uttapa asked for and received nude photos from Compl
- Uttapa asked Compl about her age multiple times and determined she was over 18.
- (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)

An analysis of the above listed facts revealed a multitude of inappropriate conduct that was made public by the news media and Compl (b)(3), (b)(4)

(b)(3), (b)(4)

Uttapa’s actions displayed a reckless disregard for how his actions might bring serious disrepute to the Department. A police officer’s job is to enforce the law, and the public must be able to trust police officers to perform their duties above reproach.

As stated in the Law Enforcement Code of Ethics:

"I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department."

The fact that these incidents became public knowledge did, in fact, bring disrepute to the Department and undermined the Department's ability to be effective in the community.

Based on the above listed facts, the most appropriate finding is Sustained for General Conduct.

(b)(3), (b)(4)

(b)(3), (b)(4)

- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

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(b)(3), (b)(4)

- (b)(3), (b)(4)

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Sergeant Leroy Johnson

Compl account of Johnson – **Compl** denied having sex with Johnson during interviews conducted by the CID (30 Sep 15) and the IAD (23 Nov 15 and 26 Apr 16). **Compl** response was consistent in all interviews stating that she respected Johnson (b)(5)(B) **Compl**. **Compl** stated Johnson had talked **Compl** out of staying in Puerto Rico and she listened to him. During her interview with the IAD, **Compl** denied sexting with Johnson at any point because she respected him too much. **Compl** acknowledged she sent the Facebook message (See below) to Johnson regarding sleeping with OPD officers. Johnson claimed he did not believe **Compl**

Manual of Rules Allegations investigated regarding Johnson:

- (b)(3), (b)(4)
- MOR 314.48-1 Reporting Violations of Laws, Ordinances, Rules, or Orders

Sergeant Leroy Johnson, 7806 (Recorded statement taken by Sergeant Mildred Oliver and Sergeant Tyman Small on 23 Nov 15, 0904-0942 hours. Also present was LDF Representative Doug Foley. Sergeant Johnson read and signed his Acknowledgement of Rights and Obligations.)

Sergeant Leroy Johnson has been an Oakland Police Officer for 24 years and was assigned to the Criminal Investigations Division Burglary Unit. He worked in that assignment for a year and a half. When he was promoted to Sergeant in 2005, he was assigned to work in the Communications Division (b)(5)(B), (b)(5)(C)

Johnson stated approximately a year or so ago he saw a post by Officer [Wendy Cross](#) advising officers not to “friend” a person by the name of **Compl** on Facebook (b)(3), (b)(4)

(b)(5)(B) then made a post advising her Facebook friends not to friend **Compl** (b)(5)(B), (b)(5)(C)

Johnson became Facebook friends with **Compl** around that time so he could reach out to her and help. Johnson stated the majority of his messages to **Compl** were to encourage her to take inappropriate posts off her Facebook page. Johnson admitted that he received a message from **Compl** that stated, “I slept with hella your officers as a teen.”

Johnson asked **Compl** who she slept with because he did not believe her. Based on his experience

with his daughter (b)(5)(C) he thought that Compl was trying to gain attention by saying and doing things for shock value. Of the names Compl included in her message regarding underage sex, Johnson could only recall (b)(3), (b)(4) Ofc B (b)(3), (b)(4) and Ofc M, (b)(3), (b)(4). Johnson did not know who (b)(3), (b)(4) was or if he was even an officer. Ofc B, (b)(3), (b)(4) had come to Johnson several weeks before Compl sent the text to him. Ofc B, (b)(3), (b)(4) stated he and Compl had been texting back and forth. Ofc B, (b)(3), (b)(4) saw that Johnson was her Facebook friend and wanted to know how old she was. Johnson told Ofc B, (b)(3), (b)(4) that she was 16 or 17; however, Compl told Ofc B, (b)(3), (b)(4) she was 23.

Johnson stated he believed Compl was lying when she said she had sex with Ofc M, (b)(3), (b)(4) because he knew Ofc M, (b)(3), (b)(4) did not mess with her. Johnson believed this because Ofc M, (b)(3), (b)(4) knew Compl was a minor. Johnson stated it was too far-fetched to believe that Ofc M, (b)(3), (b)(4) would have sex with Compl. Johnson did not recall Compl saying she had sex with anyone else. Johnson did not take Compl for being truthful and stated, "I thought she was trying to get attention. I figured anybody she communicated with she would turn around and say she is sleeping with them. That's how I took it."

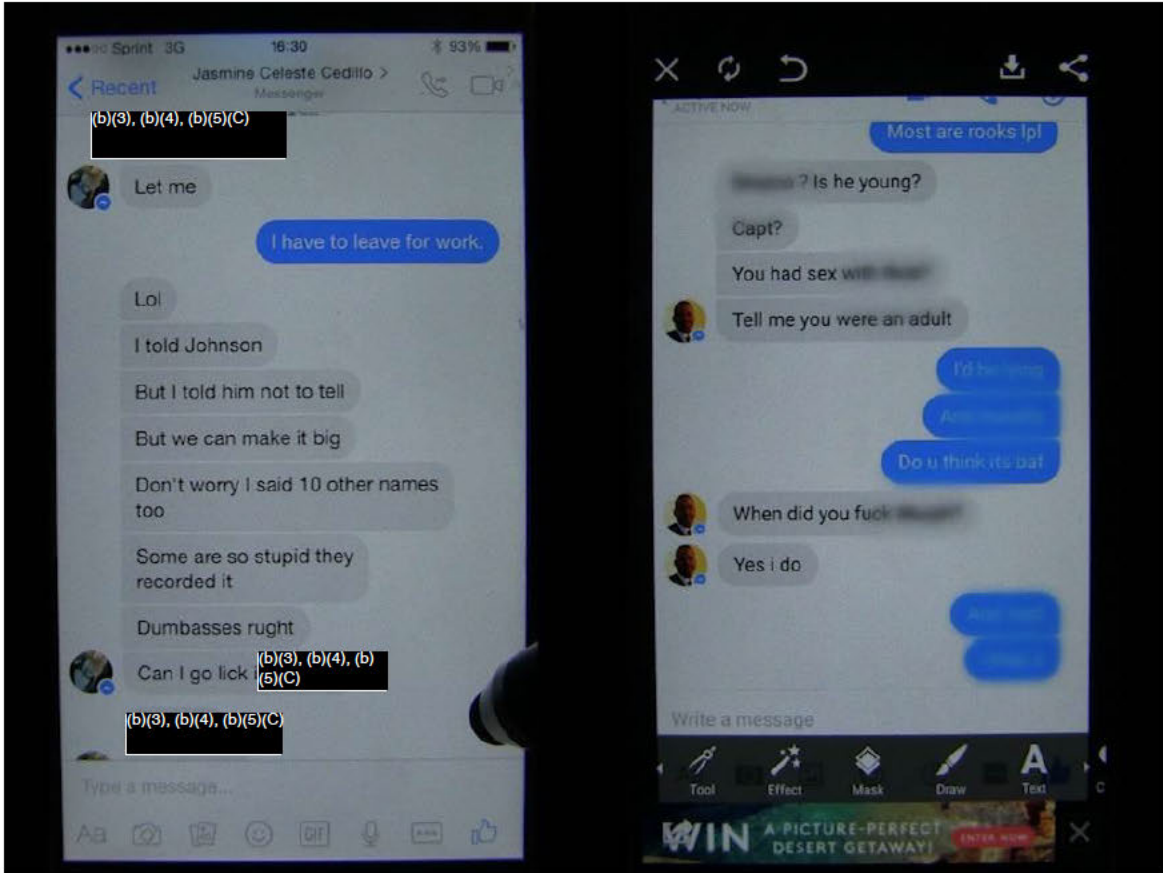
Johnson stated told Compl he would never say anything if she told him in order to gain her trust. If Johnson actually believed Compl which he did not, he would have said something. By not reporting what Compl told him, he was not attempting to cover-up officer (b)(3), (b)(4), (b)(5)(C) f. Johnson unfriended Compl after he found out that she may have been involved with (b)(3), (b)(4), (b)(5)(C) suicide.

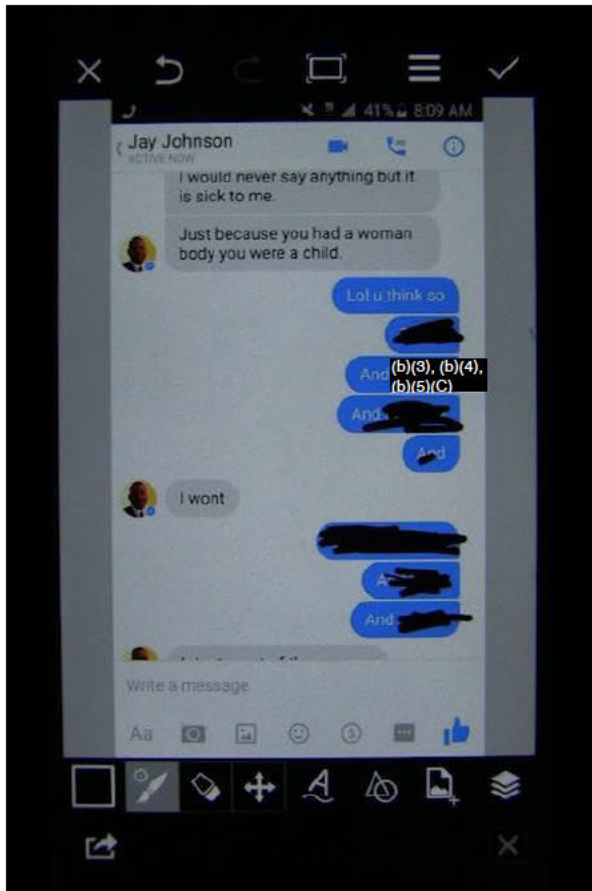
During this investigation, Johnson chose to retire. This investigation attempted to contact Johnson for a follow-up interview three times. Johnson did not respond.

Summary of Investigation related to Johnson - Due to the complexity of the investigation (b)(3), (b)(4), (b)(5)(C) Suicide Note, (b)(3), (b)(4), (b)(5)(C) Phone Evidence, Compl Phone Evidence, Various Social Inquiries, (b)(3), (b)(4) and Media Assessment), below are short summaries of Johnson's related evidence. Additional details and investigative analysis can be found in their respective sections. (Click on the links to skip to that section.)

(b)(3), (b)(4), (b)(5)(C) [Suicide Note](#) – In (b)(3), (b)(4), (b)(5)(C) suicide note, (b)(3), (b)(4), (b)(5)(C) identified Sgt. Leroy Johnson as a member of the police department who was advised by Compl that she had slept with numerous officers. An excerpt from the suicide note states, in part, "She (Compl) sent me (b)(3), (b)(4), (b)(5)(C) screenshots of a conversation that she had with Sgt. Leroy Johnson, who I've never met. It appears that in her conversation she told Johnson that she has been involved with many OPD officers while she was still a minor."

(b)(3), (b)(4), (b)(5)(C) [Phone Evidence](#) – (b)(3), (b)(4), (b)(5)(C) phone revealed the screenshots of Compl messages to "Jay" Johnson noted below. The photo matched the photo of Sgt. Leroy Johnson and he admitted to receiving this message thread. Note the censored or blacked out portions were added into the photo prior to taking the screenshot by Compl and cannot be removed. It appeared that Compl wanted to hide particular names from (b)(3), (b)(4), (b)(5)(C). Based on (b)(3), (b)(4), (b)(5)(C) phone evidence, (b)(3), (b)(4), (b)(5)(C) phone received the screenshots below on September 20, 2015. There is no time or date of when the messages between and Compl and Johnson were exchanged.





Compl Phone Evidence – Compl phone provided no evidence related to Johnson.

Facebook Friends list Audit - As of March 29, 2016, Johnson was not on Compl Facebook friend's list. That is consistent with Johnson's statement that he "unfriended" Compl around the time of O'Brien's suicide.

Facebook Data (July 11, 2016 from Warrant) – The Facebook data did not contain any messages between Compl and Johnson. The Facebook data only contained the data send/received using the Facebook site. If both accounts used Facebook Messenger (private messaging) the Facebook data did not contain those messages that were sent through the phone-to-phone application.

Instagram Data (July 7, 2016 from Warrant) - No evidence of Johnson.

(b)(3), (b)(4)

Media Analysis – Several media reports alleged that Johnson knew about sexual misconduct and then retired from the department. The reports provided no new evidence to this investigation.

Credibility Assessment

Sergeant Leroy Johnson - Johnson was found to be less than credible. Johnson admitted to his communications with Compl [redacted] and corroborated the messages that Compl [redacted] exchanged with Johnson. Johnson also provided Ofc B, (b)(3), (b)(4) 's name to the investigation when Ofc B, (b)(3), (b)(4) was not known. However, in the text messages, Johnson was very clear that he was not going to "tell anyone" about Compl [redacted] relationships with officers. That message is very concerning for this investigation and is a concern when determining Johnson's credibility about those particular officers. Compl [redacted] message to Johnson named additional officers, which was redacted in the screenshot. However, Johnson failed to provide those names to the IAD. Additionally, Johnson retired prior to the completion of this investigation and has not responded to any interview requests.

(b)(3), (b)(4)

Discussion and Conclusion

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Did Sergeant Johnson fail to report violations of laws, ordinances, rules or orders?

MOR Section 314.48 - REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES OR ORDERS. This section states, in part, "Members and employees who become aware that other members or employees violated laws, ordinances, rules of the Department, or disobeyed orders, of a Class I violation or any Class II violation which indicates a pattern of misconduct of which they are aware, shall within 24 hours or sooner, if practical, report the offense, orally or in writing, to his/her supervisor or the Internal Affairs Division."

Yes, this investigation determined Sergeant Johnson failed to report underage sexual misconduct allegations based, in part, on the following:

- Compl wrote in a Facebook Message to Johnson that she had sex with several Oakland Police Officers when she was a minor.
- In a message sent to Johnson on an unknown date, Compl wrote, “I slept with hella your officers as a teen.” Johnson asked Compl “Who did you sleep with?” He later wrote, “They should all be put in jail...I would never say anything but it is sick to me...Just because you had a woman body you were a child.”
- Johnson acknowledged receiving the Facebook Message from Compl and responding to the message
- During an interview with IAD Investigators on 23 Nov 15, Johnson stated that he didn’t believe Compl was being truthful when she told him she had slept with multiple police officers as a minor. Johnson stated if he would have actually believed her he would have reported it. Johnson thought Compl was just trying to get attention, something that his daughter did.
- Johnson never reported the possible misconduct to Internal Affairs.
- Johnson stated in his message that he “would never say anything,” indicating he would not report the possible misconduct.

Compl told Johnson about the improper relationships she had with OPD officers while underage. As a result, Johnson had a duty to ascertain if she was in danger or actually being sexually abused and/or trafficked. Regardless whether or not Johnson believed Compl he had a responsibility to act as a police officer and mandated reported.

Johnson’s obligation was to report the allegation(s) for further investigation, not assess whether or not this information was valid.

By his actions, Johnson violated MOR Section 314.48-1 Reporting Violations of Laws, Ordinances, Rules or Orders. Therefore, the most appropriate finding is Sustained.

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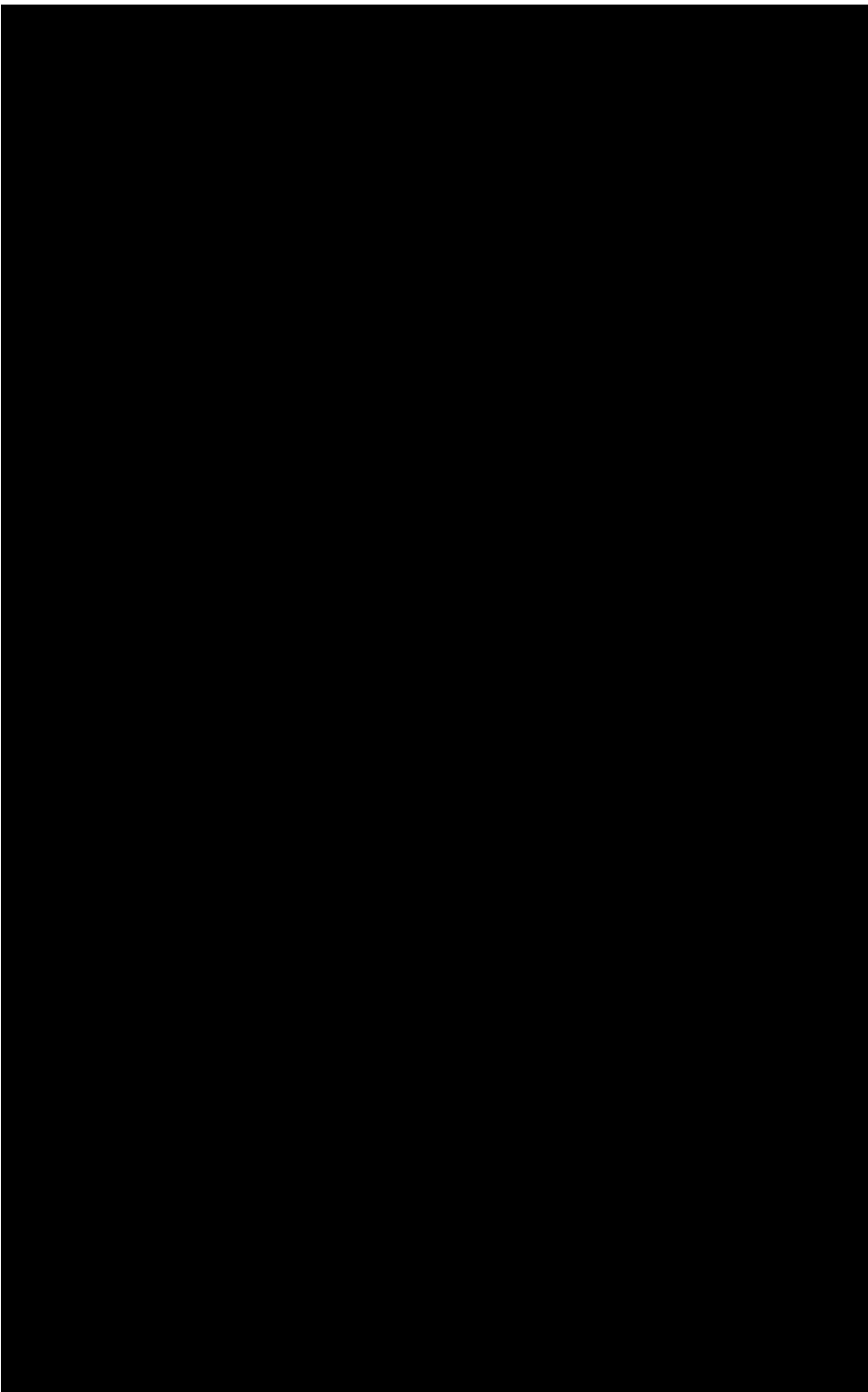
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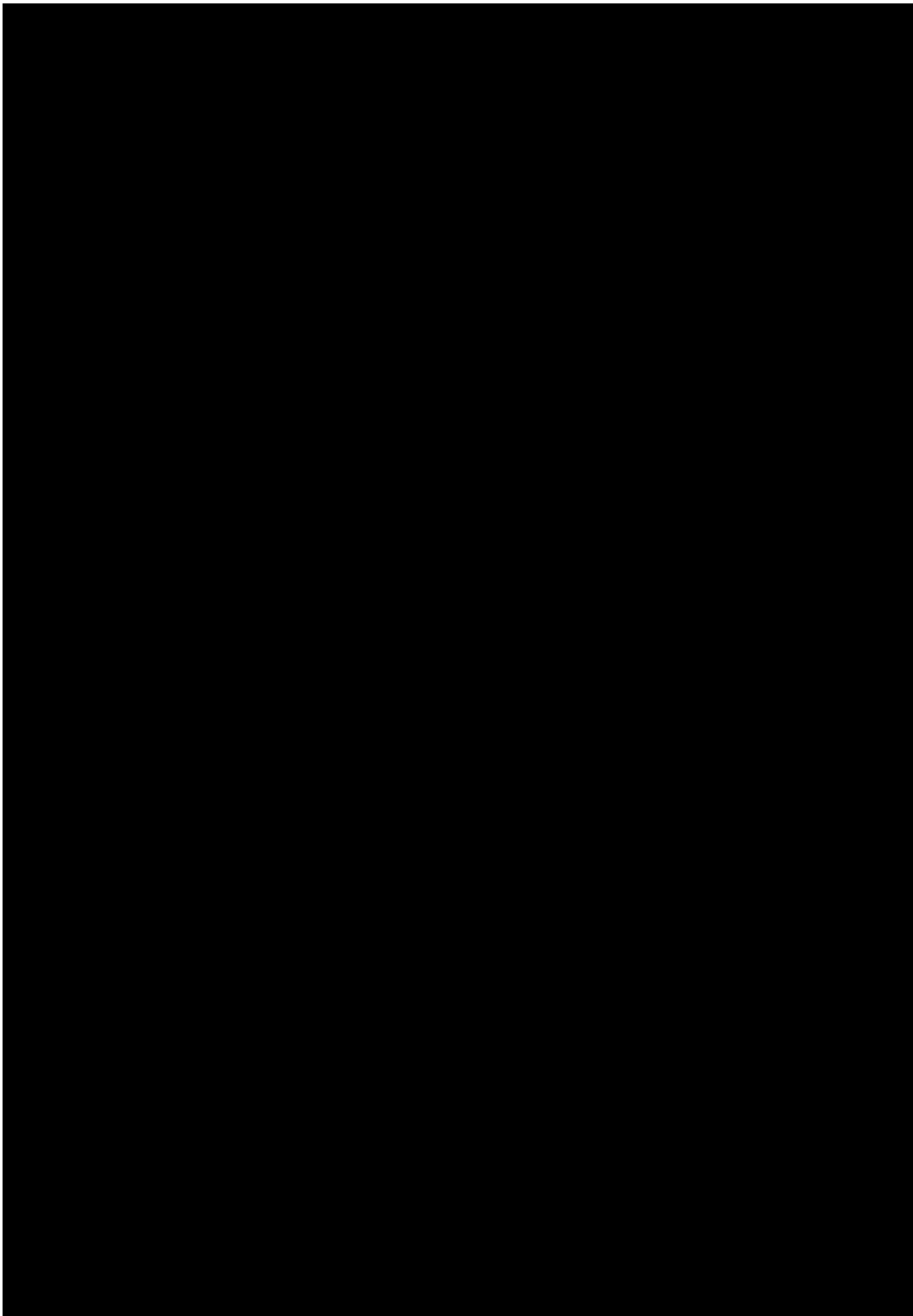
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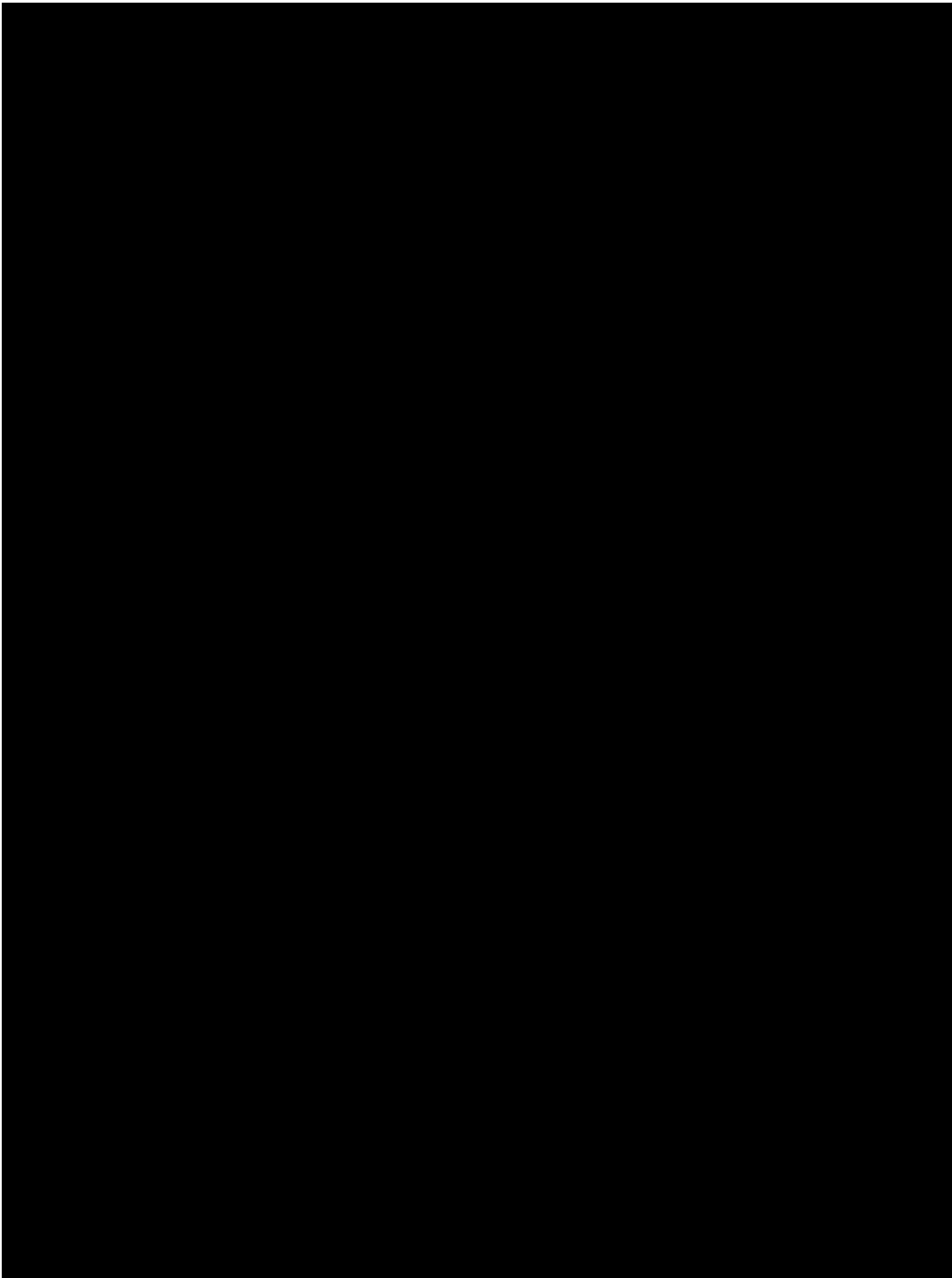
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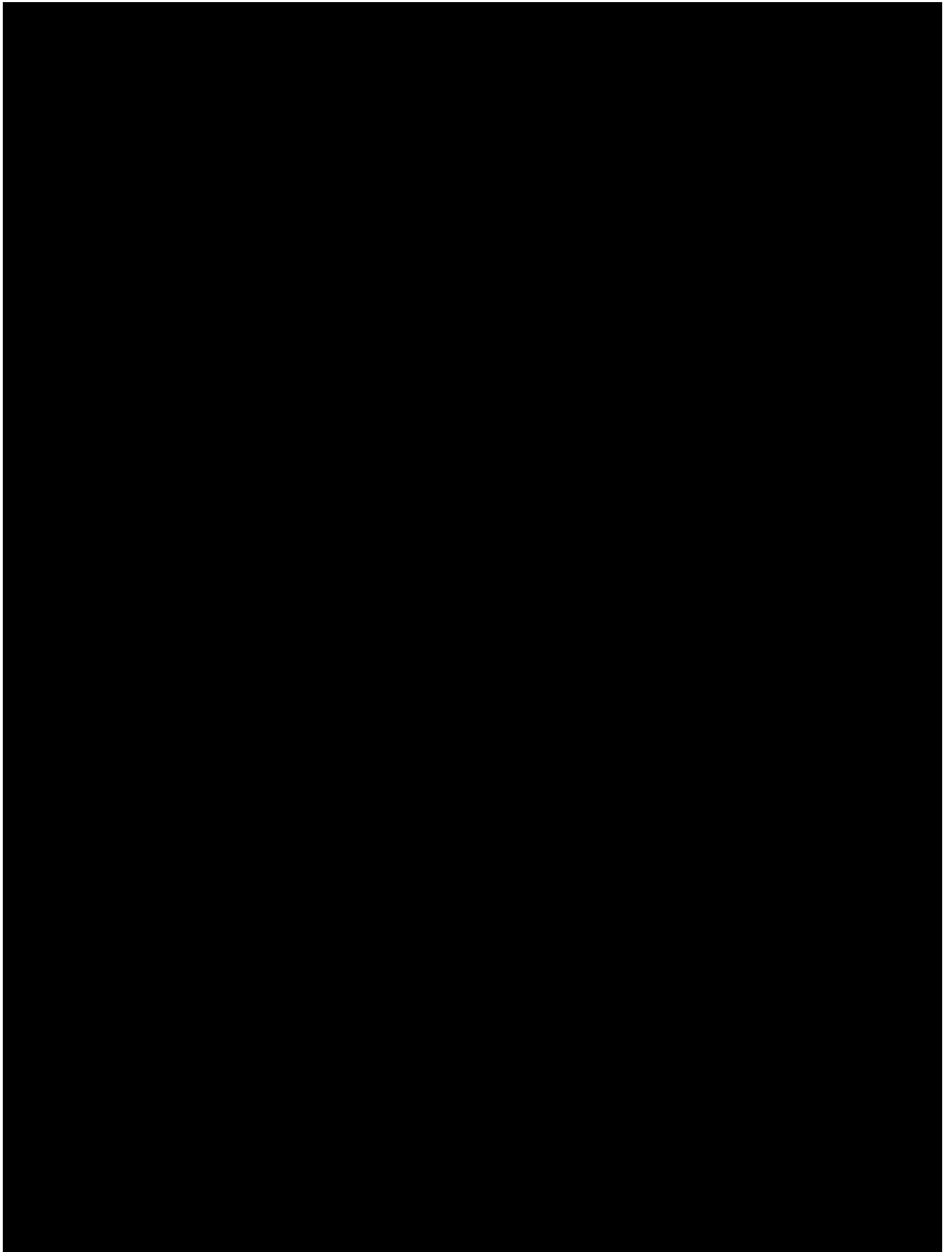
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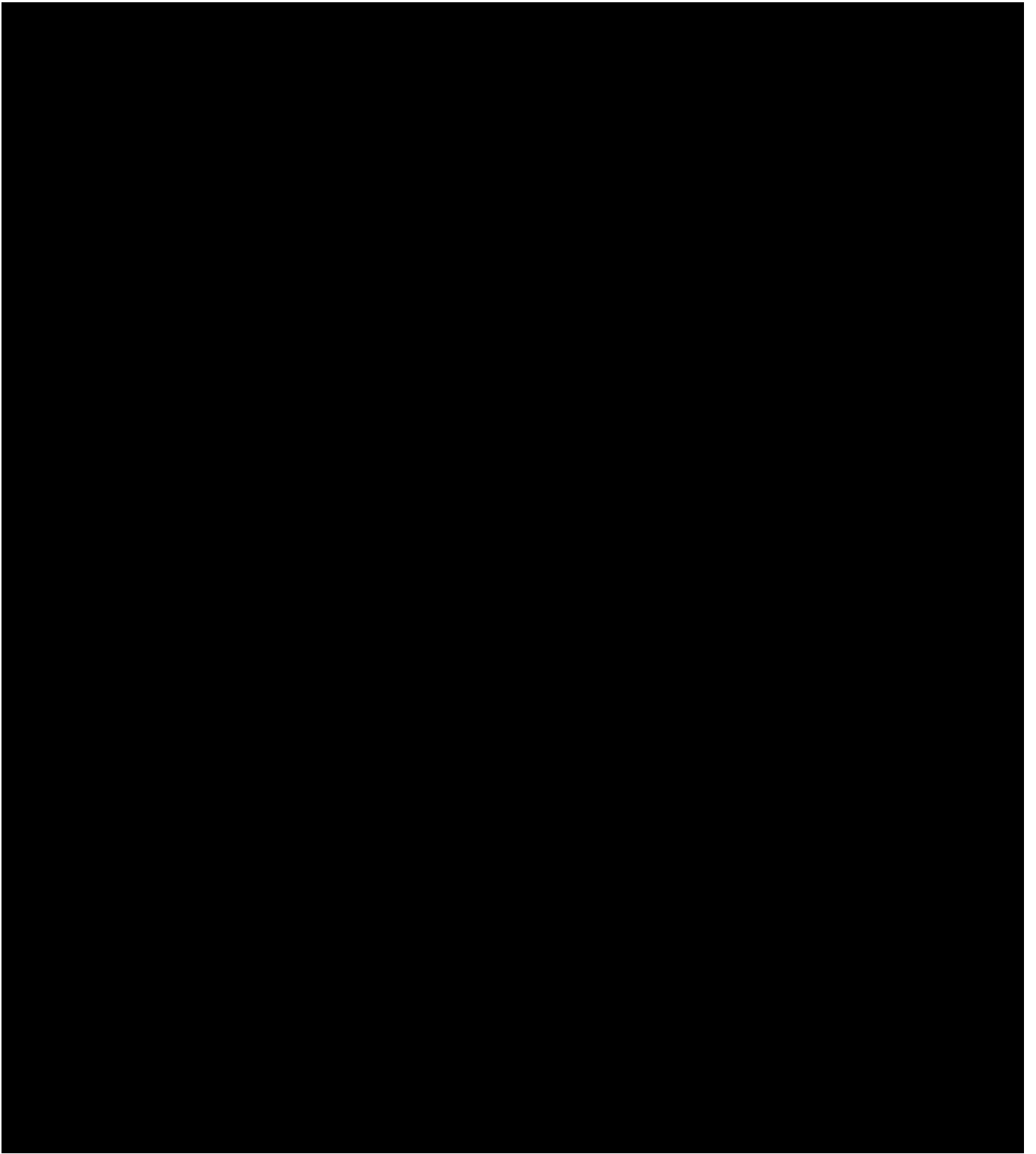




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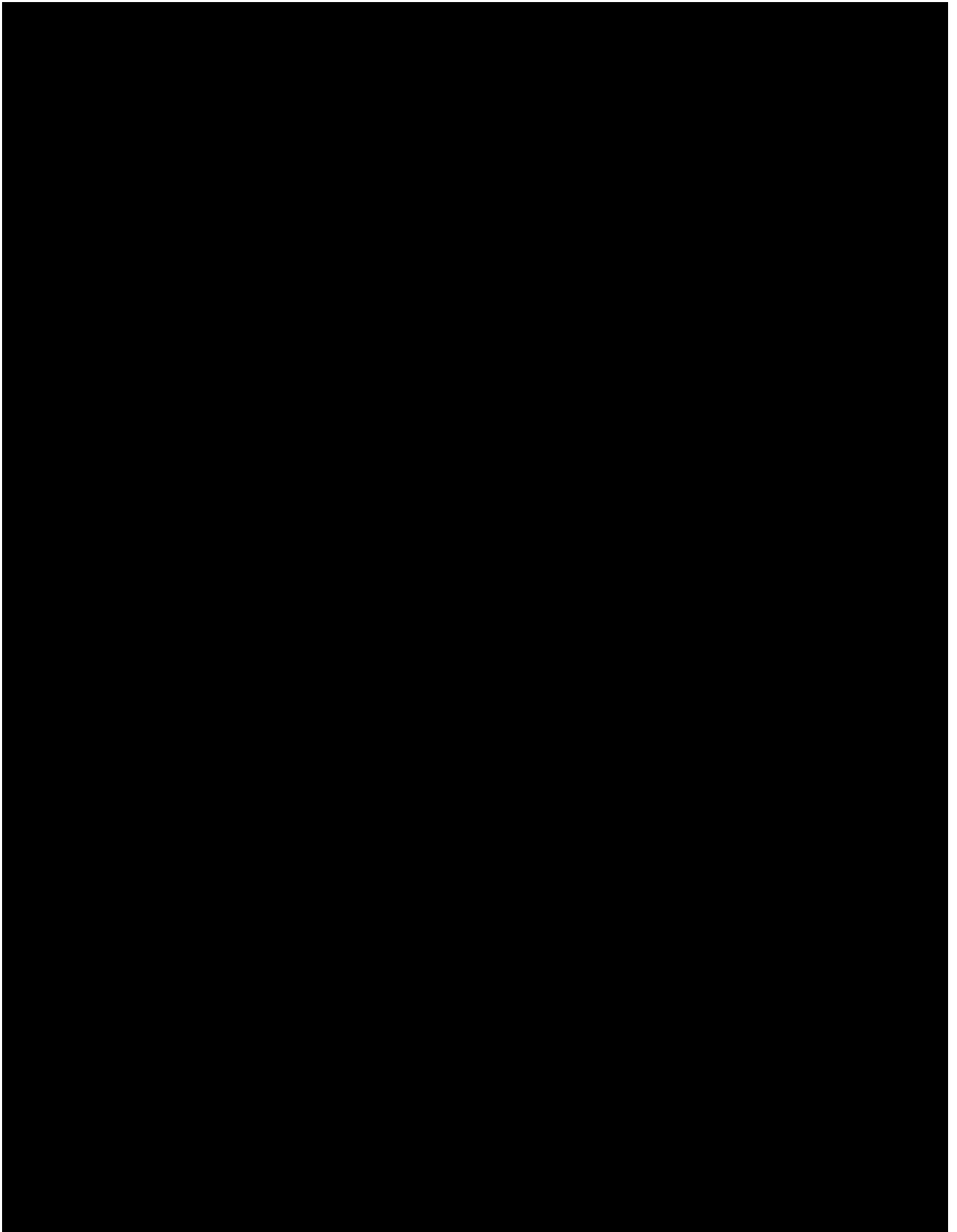


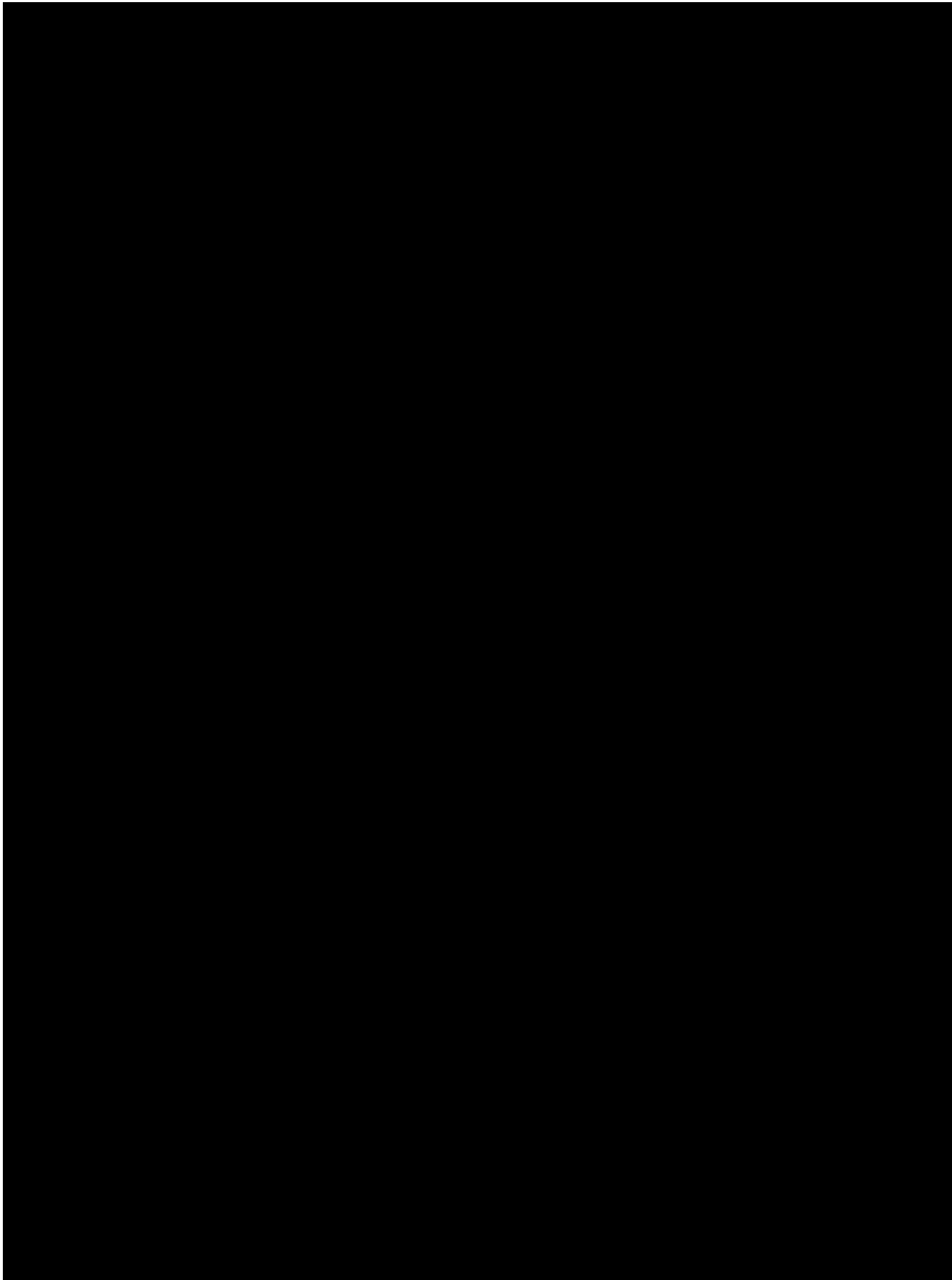


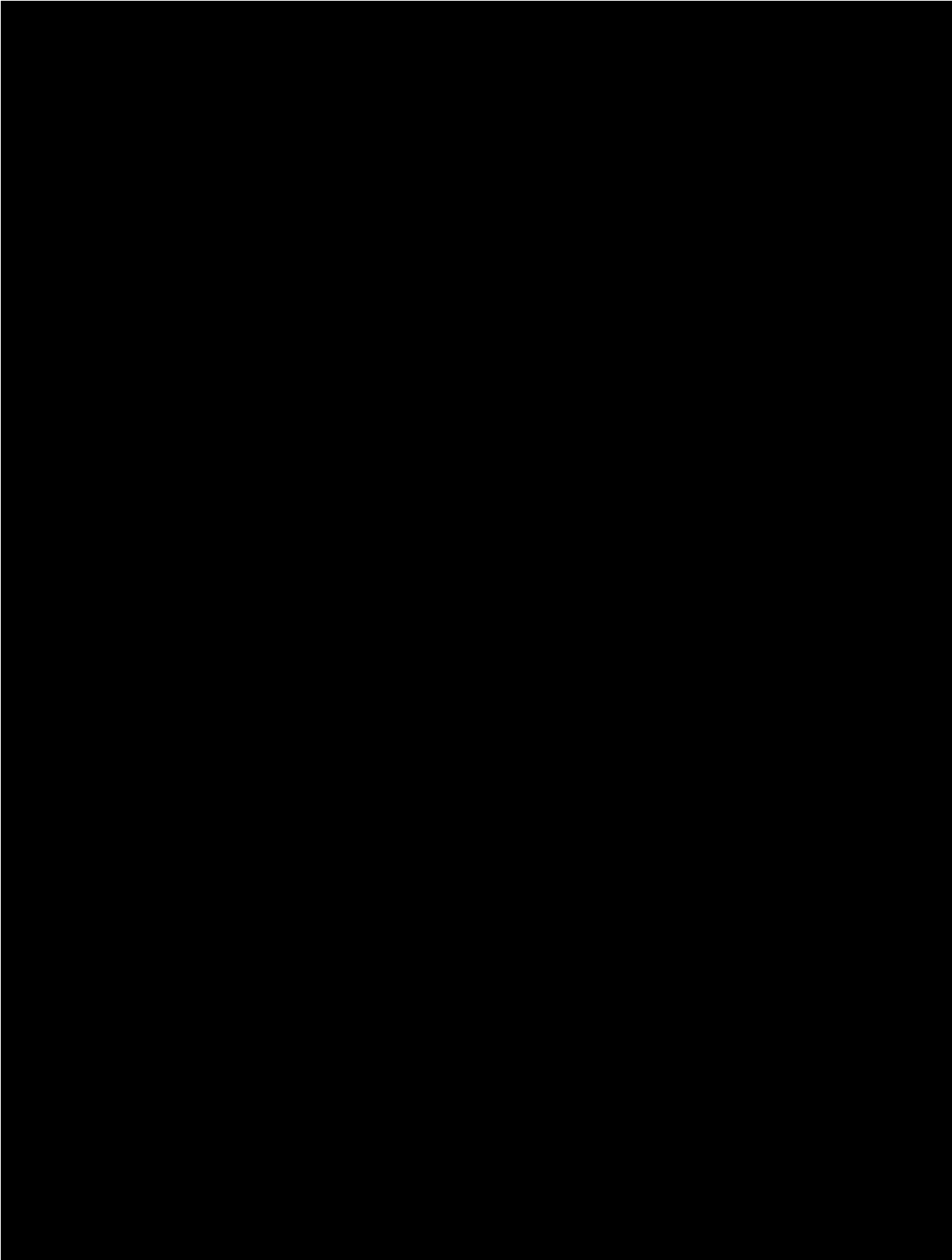
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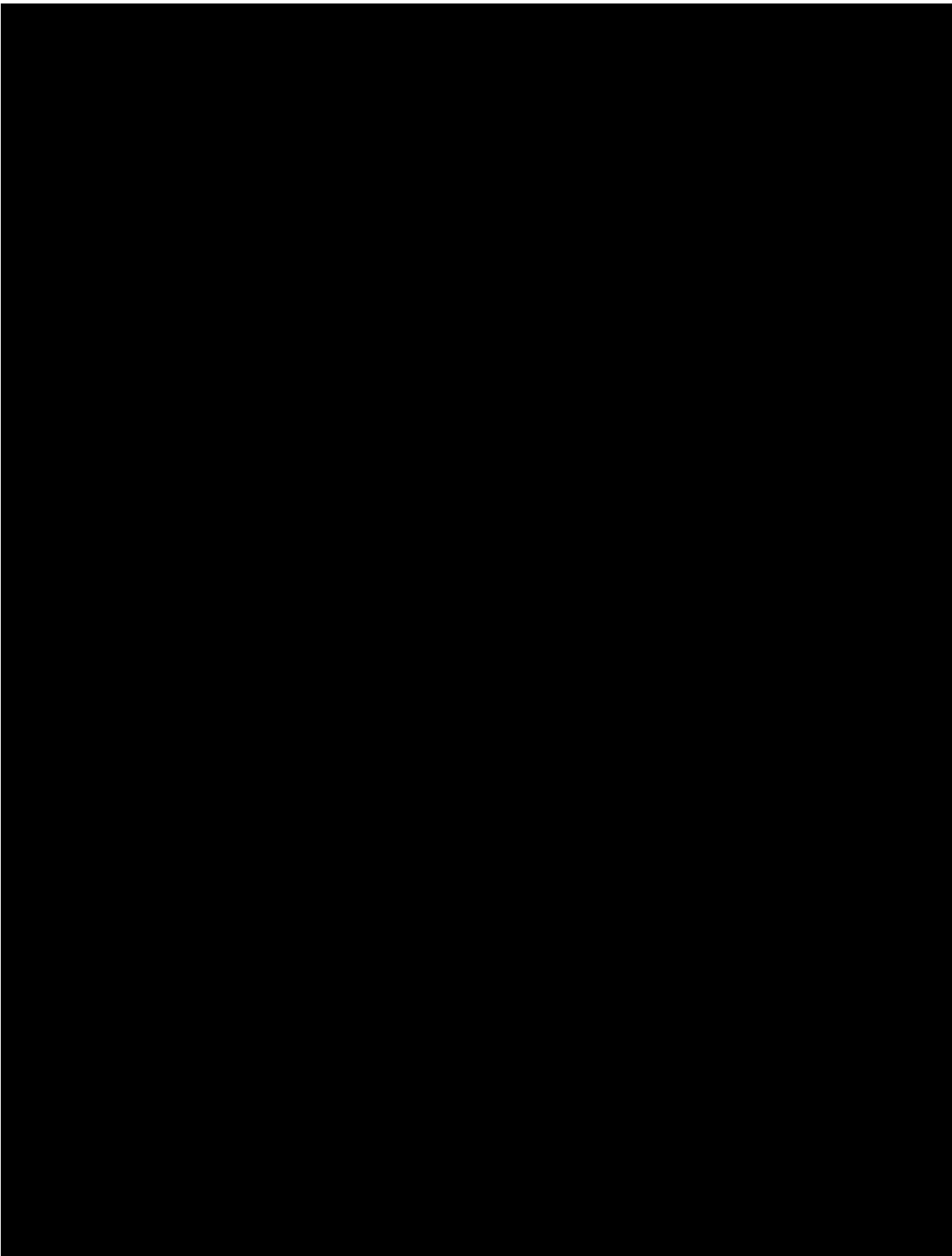
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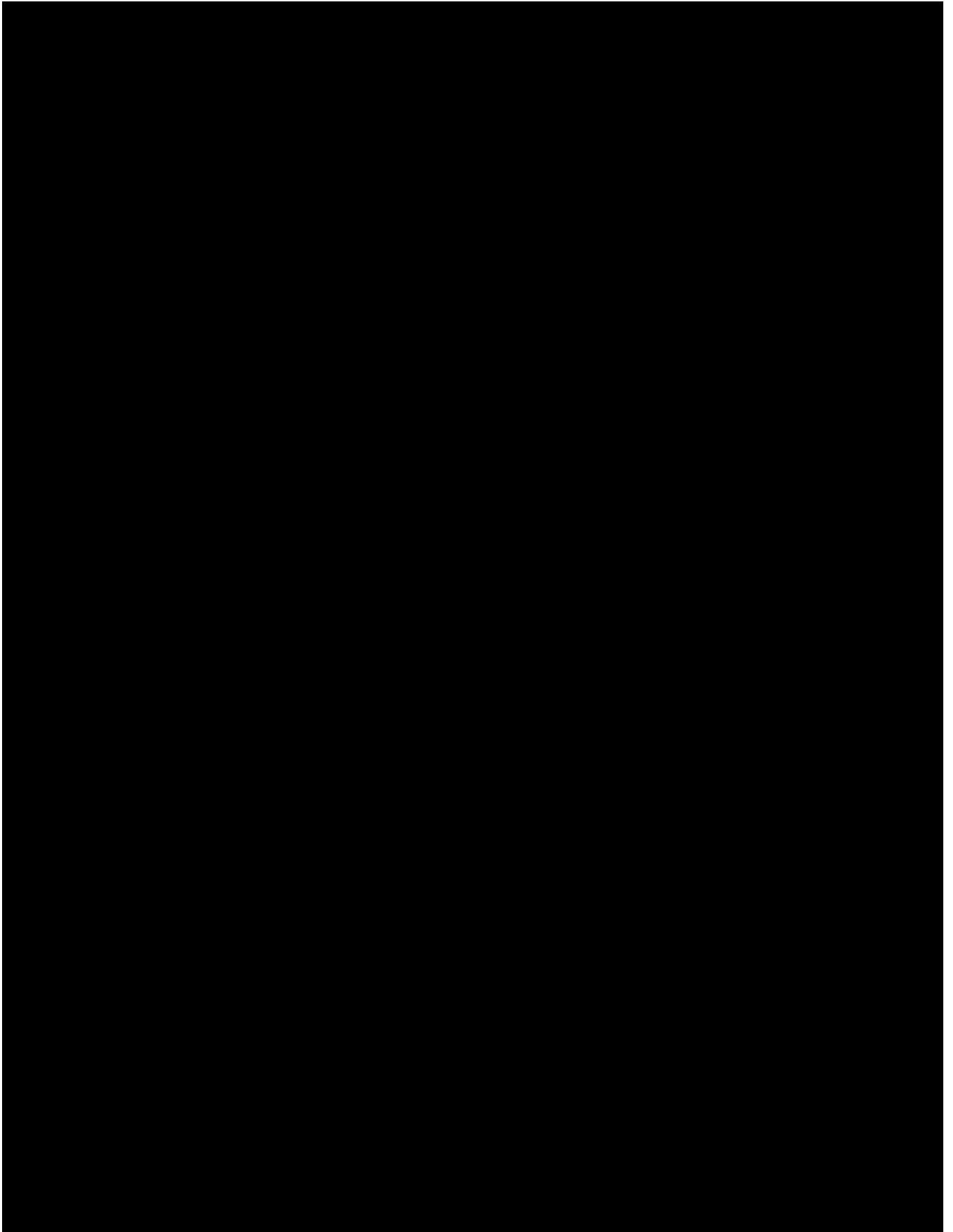


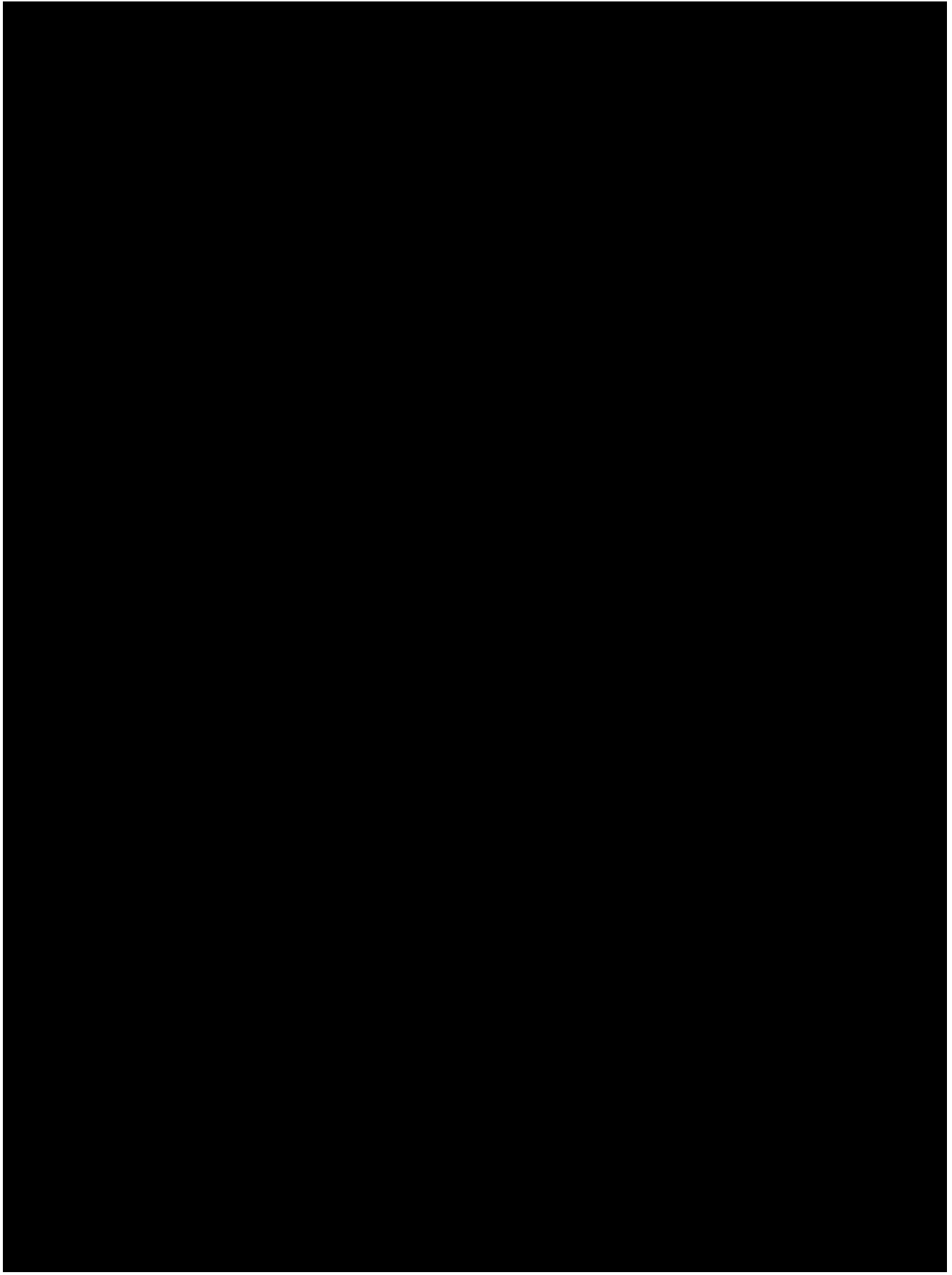


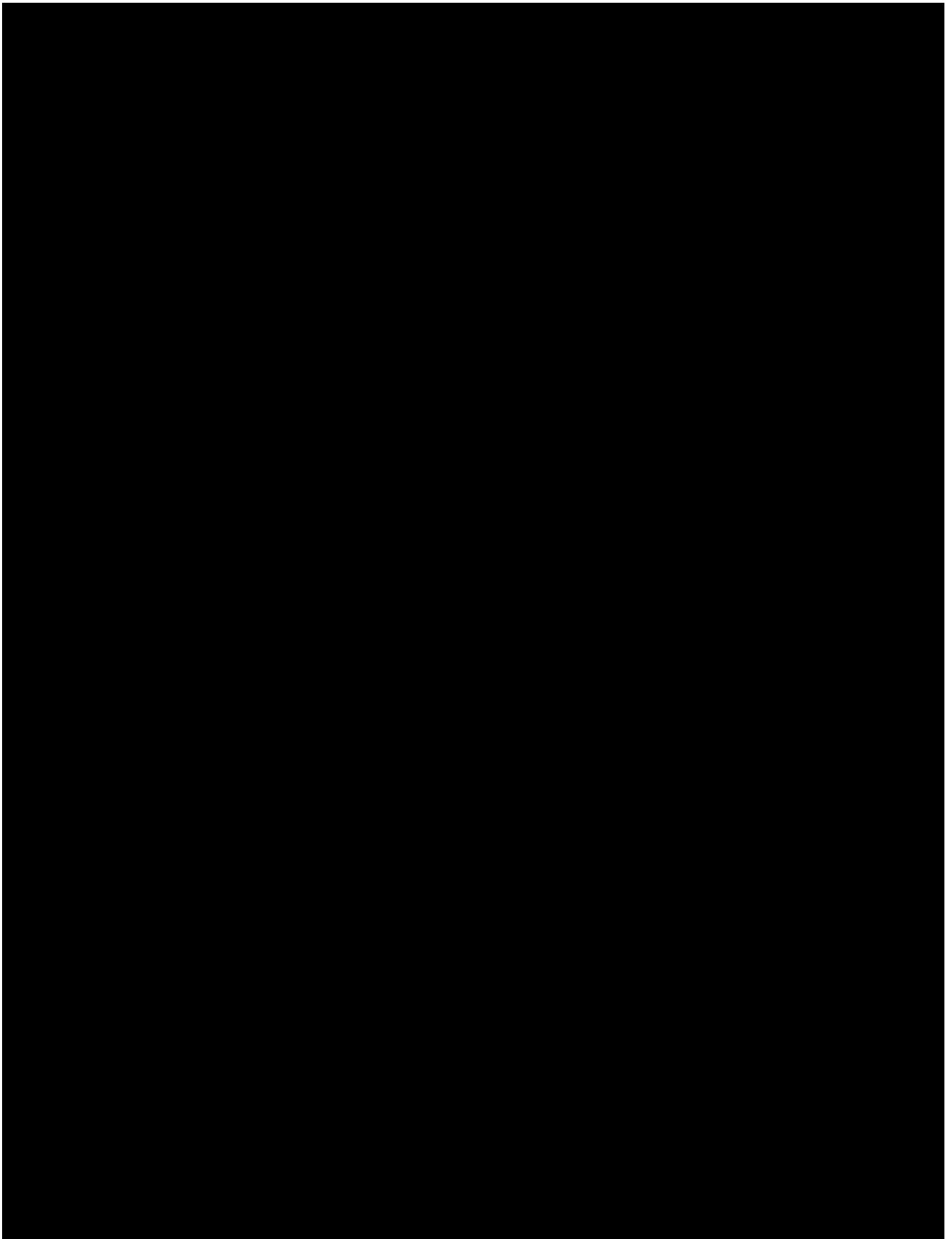




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(b) (3) , (b) (4)

Officer Luis Roman

Compl account of Roman – **Compl** stated she sexted Roman, but did not elaborate on their activities.

Allegations investigated:

- MOR 314.03-2 General Conduct
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)

Officer Luis Roman (Recorded Interview conducted by Lt. A. Yu and Sgt. J. Skrdlant on 21 Jun 16, from 1031 - 1124 hours, at the IAD Conference Room. LDF representative Doug Foley was present. Roman read and signed his Acknowledgement of Rights and Obligations.)

Officer Roman received a Facebook (FB) request from **Compl** Cedillo around August or September of 2015. Roman recalled that his friend and academy mate, Officer (b)(3), (b)(4) and (b)(3), (b)(4) were mutual friends; therefore, he accepted the friend request. Roman also felt that **Compl** was “cute.” Based on her FB photos (tattoos and body maturity) Roman believed she was 20-21 years old. Immediately, **Compl** sent him FB messages which Roman replied to and questioned her age and relationships. **Compl** replied that she just turned 18, (b)(5)(B) and her boyfriend was and OPD officer.

Roman questioned who the boyfriend was, but **Compl** did not tell him. Roman was concerned that her boyfriend was OPD and did not want to be involved with her, so he initially did not engage in any flirting or sexting. Soon after the FB friendship, **Compl** followed Roman on Instagram (Rome_0311). Roman recalled liking some of **Compl** FB and Instagram posts. She would post photos of her face and chest. The messaging continued on FB and his phone, but not on Instagram.

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A week or so later, **Compl** changed her FB status to single and she began to message him again. Since she was single, Roman began flirting back and forth with **Compl**. This eventually progressed to "sexting" messages about sexual acts to each other. **Compl** also sent him nude photos, but he did not send any in return. **Compl** would also ask Roman to get together at her house and sometimes at hotels; however, Roman declined because he did not want to drive from his house in Antioch out to Richmond or the hotel.

Roman felt that **Compl** was not worth the drive. (b)(3), (b)(4), (b)(5)(C)

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(b)(3), (b)(4), (b)(5)(C)

Roman continued to sext Compl whenever she initiated the conversation. Roman admitted he liked the nude photos and the sexting behavior. However, (b)(3), (b)(4), (b)(5)(C) he "unfriended" Compl on FB in September. Compl continued to sext him on his phone and he continued to entertain her even though he did not want to meet up with her. Roman had deleted his text messages with Compl but he believed that the text message thread would show that he constantly declined Compl requests to meet up and have sex. Roman was adamant that he did not want to meet Compl or have sex with her, but also did not want to upset her by blocking her completely.

Roman would delay his responses so that Compl would lose interest in him. His plan appeared to be working because Compl would text him less frequently. The last text was regarding Officer Terry Smith (b)(5)(C)

Roman did not text or talk to Compl after that. Roman knew Smith from their academy together, but they were never close. Smith worked out in west Oakland while Roman was working in east Oakland. Roman and Smith never spoke about Compl

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

From Oct 15 to Mar 16, there are multiple threads involving sexting back and forth. Roman requests photos and Compl and Roman message about how they would have sex. Then Compl would ask Roman to meet her for sex and Roman would decline. (See example below)

* LuisOPD	08/01/2016 08:15:37 (GMT-8)	Incoming	So you gonna send me the pictures I asked for?
* LuisOPD	09/01/2016 08:41:31 (GMT-8)	Outgoing	Doing pee
* LuisOPD	09/01/2016 12:50:36 (GMT-8)	Incoming	No of you getting fucked
* LuisOPD	09/01/2016 14:18:37 (GMT-8)	Outgoing	I want u to cum in my mouth
* LuisOPD	30/01/2016 20:27:47 (GMT-8)	Outgoing	Come to my room tonight xoxi
* LuisOPD	30/01/2016 20:27:50 (GMT-8)	Outgoing	Xoxo
* LuisOPD	30/01/2016 20:28:22 (GMT-8)	Incoming	I work tonight
* LuisOPD	30/01/2016 20:40:23 (GMT-8)	Outgoing	I'm b at a room every night this week
* LuisOPD	30/01/2016 20:40:29 (GMT-8)	Outgoing	Come see me
* LuisOPD	30/01/2016 20:40:38 (GMT-8)	Outgoing	I make you feel good baby
* LuisOPD	30/01/2016 20:40:52 (GMT-8)	Outgoing	In San fran tho
* LuisOPD	30/01/2016 20:42:16 (GMT-8)	Incoming	I bet you would.. I've already told you tho.. I prolly won't fuck with you just given everything.

On 4 Feb 16, Compl is pleading to have sex with Roman and that he and possibly Ofc C, (b)(3), (b)(4) were “messing up her numbers.” Compl became angry after Roman declined to have sex with her. Message threats and insults toward Roman then followed. In all the messages, Roman never

accepted or scheduled a meeting with Compl. (b)(5)

* LuisOPD	04/02/2016 01:17:16 (GMT-8)	Outgoing	Come daddy get your dick licked
* LuisOPD	04/02/2016 01:17:26 (GMT-8)	Outgoing	Yes you can
* LuisOPD	04/02/2016 01:17:53 (GMT-8)	Outgoing	I'm old now
* LuisOPD	04/02/2016 01:18:15 (GMT-8)	Outgoing	Two consenting adults
* LuisOPD	04/02/2016 01:18:25 (GMT-8)	Outgoing	Nothing illegal
* LuisOPD	04/02/2016 01:19:03 (GMT-8)	Outgoing	I won't let you bring down my success rate luis
* LuisOPD	04/02/2016 01:19:16 (GMT-8)	Outgoing	I don't agree with you
* LuisOPD	04/02/2016 01:19:20 (GMT-8)	Outgoing	You will cum
* LuisOPD	04/02/2016 01:19:36 (GMT-8)	Outgoing	I'm a champ
* LuisOPD	04/02/2016 01:20:03 (GMT-8)	Outgoing	Tell Ofc C, (b)(3), (b)(4) to come see me too
* LuisOPD	04/02/2016 01:20:07 (GMT-8)	Outgoing	I miss him
* LuisOPD	04/02/2016 01:20:34 (GMT-8)	Outgoing	But you come first I've never met u and you've always been my favorite I only want you
* LuisOPD	04/02/2016 01:20:36 (GMT-8)	Outgoing	So come
* LuisOPD	04/02/2016 01:20:54 (GMT-8)	Outgoing	So you can cum
* LuisOPD	04/02/2016 01:21:02 (GMT-8)	Incoming	I'm good.. Thank you tho.

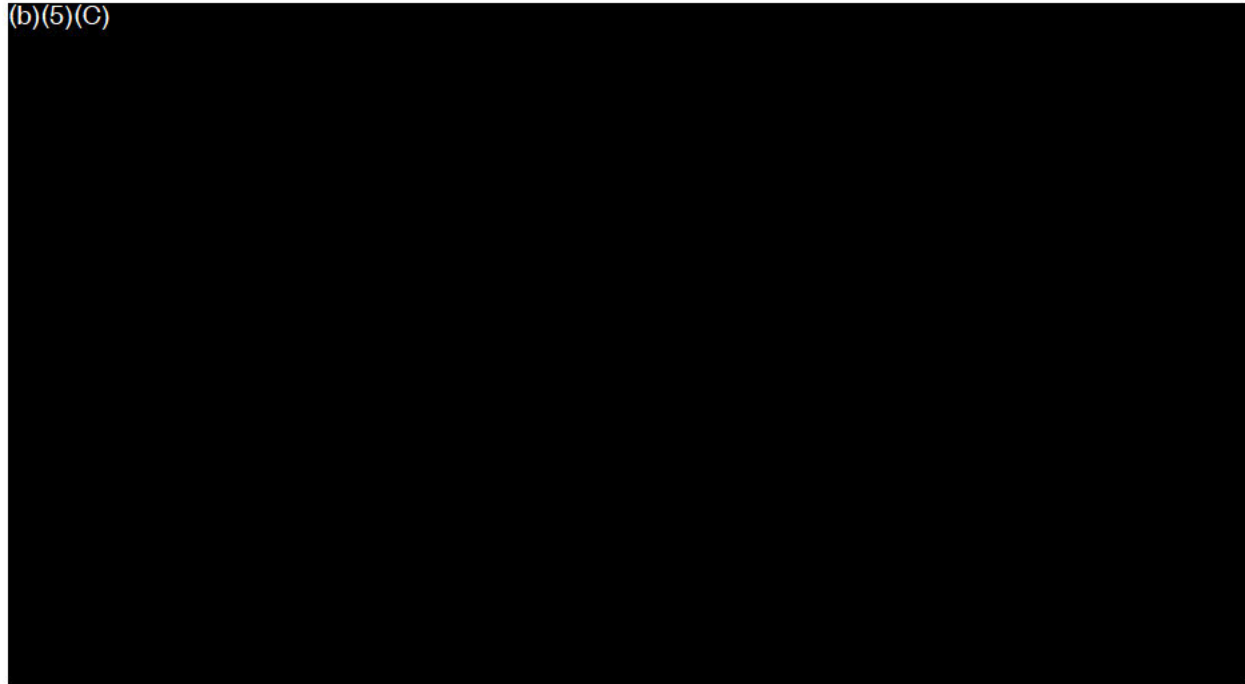
* LuisOPD	04/02/2016 01:21:14 (GMT-8)	Outgoing	I said come
* LuisOPD	04/02/2016 01:21:25 (GMT-8)	Outgoing	No youre not
* LuisOPD	04/02/2016 01:21:35 (GMT-8)	Outgoing	You're stressed and need to bust one
* LuisOPD	04/02/2016 01:21:50 (GMT-8)	Outgoing	Just come
* LuisOPD	04/02/2016 01:22:12 (GMT-8)	Outgoing	I'm harmless
* LuisOPD	04/02/2016 01:22:14 (GMT-8)	Incoming	I'm sure you'll be just fine..
* LuisOPD	04/02/2016 01:22:30 (GMT-8)	Incoming	I'm not interested.. Thank you tho.
* LuisOPD	04/02/2016 01:22:36 (GMT-8)	Outgoing	Why you're so mean to me
* LuisOPD	04/02/2016 01:22:48 (GMT-8)	Incoming	I'm not trying to be
* LuisOPD	04/02/2016 01:23:02 (GMT-8)	Outgoing	You're making me cry
* LuisOPD	04/02/2016 01:23:06 (GMT-8)	Outgoing	Come
* LuisOPD	04/02/2016 01:23:14 (GMT-8)	Incoming	I'm just letting you know I can't and won't be heading over there.
* LuisOPD	04/02/2016 01:23:44 (GMT-8)	Outgoing	Then I'll delete your number in front of your face and we can be dead to each other
* LuisOPD	04/02/2016 01:24:35 (GMT-8)	Outgoing	No one ever gets caught with me one of your boys paid me 200 today for a quicky
* LuisOPD	04/02/2016 01:25:24 (GMT-8)	Outgoing	But you can and you will head over

* LuisOPD	04/02/2016 01:26:26 (GMT-8)	Outgoing	But Luis come youre hurting my feelings and I'm crying come
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(b)(5)(C) [Redacted]

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(b)(5)(C)



The messages end following the above thread.

Facebook Friends list Audit - As of 29 Mar 16, Roman was not on **Compl** Facebook friend's list.

Facebook photos/comments Audit – No evidence of Roman.

Facebook Data (July 11, 2016 from Warrant) – The Facebook showed that Roman and **Compl** had messaged from July 2015 to September 2015. However, the content of those messages had been erased and only the date and time were provided.

Instagram Data (July 7, 2016 from Warrant) - No evidence of Roman.

(b)(3), (b)(4)

(b)(3), (b)(4)

Media Analysis -

The East Bay Express Article titled "The real Reason OPD Chief resigned"

(b)(3), (b)(4)

Credibility Assessment

Officer Luis Roman 9251 - Roman was found to be credible. His statement was consistent with the evidence. [REDACTED]

Discussion and Conclusion

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Was Roman's interaction with Compl a violation of the Department's General Conduct policy?

General Conduct MOR 314.03 - Members and employees shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the Department and the police service. Whether on or off-duty, members and employees shall avoid any conduct that brings disrepute to the Department or impairs its efficient and effective operation.

Yes, this investigation determined Officer Roman violated the Department's manual of rules (MOR) section pertaining to General Conduct based, in part, on the following:

- Compl and Roman met on Facebook in August 2015 and prior to August 25th Compl 18th birthday.
 - Roman is an Oakland Police Officer.
 - Compl admitted that she was actively searching for police officers via Facebook and Facebook mutual friends.
 - (b)(5)(B), (b)(5)(C)
- Roman believed Compl was an adult.
 - Roman stated he concluded that Compl was in her 20's based on her photos.
 - Compl consistently displayed herself as over 18 years old.
 - All involved parties and witnesses believed that Compl was over 18 years of age.
- Compl and Roman engaged in flirting sexting while Compl was 17.
 - On 23 Aug 15, Roman and Compl exchanged sexually explicit messages involving oral copulation. (See text messages above)
 - Roman admitted that he enjoyed the sexting behavior and the female attention from Compl
- (b)(5)(C) Roman admitted that he enjoyed the sexting behavior and chose to continue sexting Compl but not meet her.

This investigation determined Officer Roman engaged in sexually explicit messaging and received

nude photos (b)(3), (b)(4), (b)(5)(B)

(b)(3), (b)(4), (b)(5)(B)

Roman's conduct reflected poorly on himself, the Department and the law enforcement profession in general.

As stated in the Law Enforcement Code of Ethics:

"I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department."

Based on the above listed facts, the most appropriate finding is Sustained for General Conduct.

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

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(b)(3), (b)(4)

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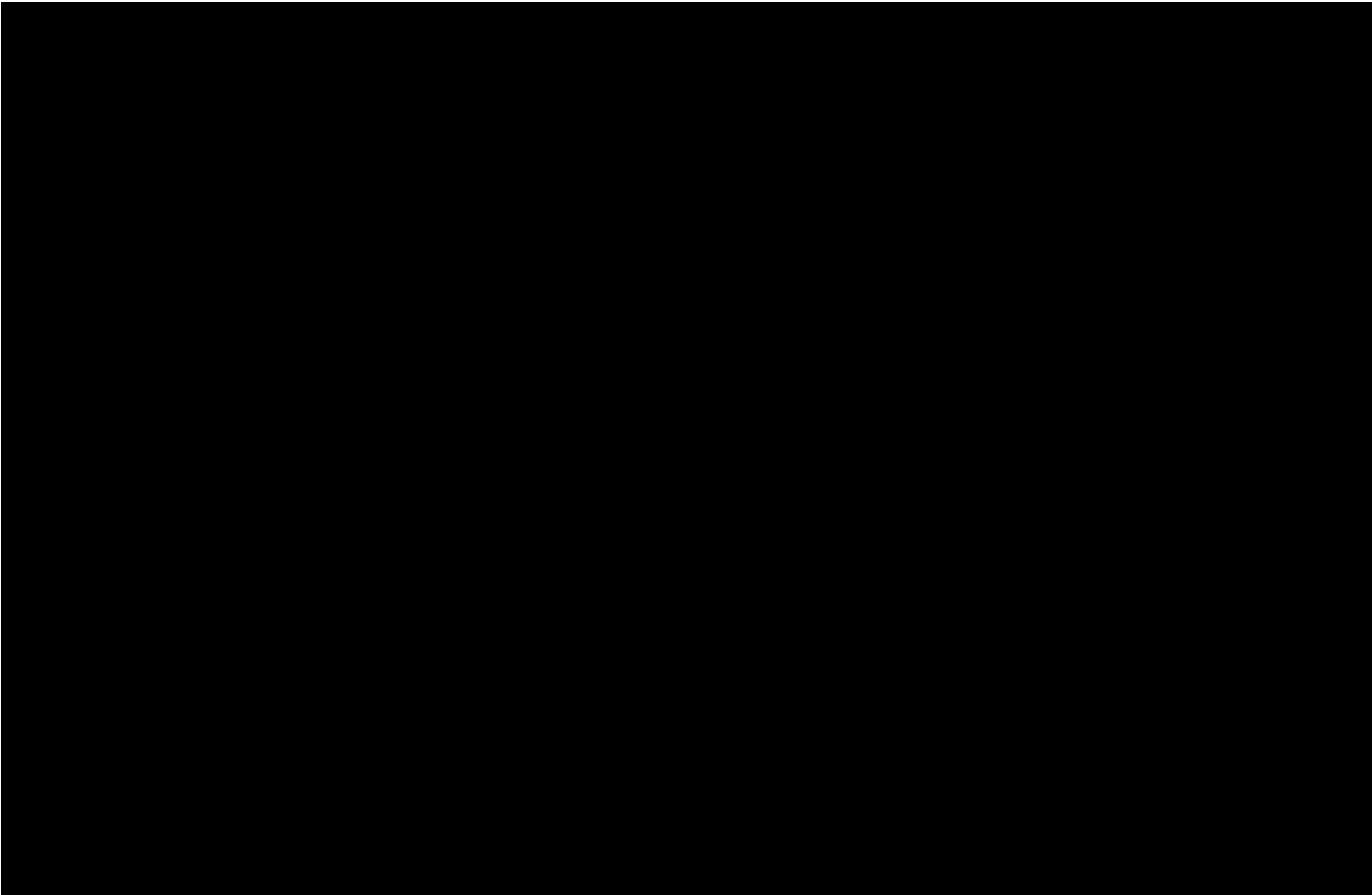
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INVESTIGATION AND OTHER RELEVANT INFORMATION

Physical Canvass

Canvass of Wildcat Canyon, Richmond - This investigation conducted a canvass of the area of Wildcat Canyon where **Compl** stated she had sex with police officers. IAD located a sign notifying the public of surveillance cameras in the area, but a physical search did not locate those cameras. The responsible agency, East Bay Regional Parks, advised that the cameras were located and focused on the parking lots.

A walkthrough video of Wildcat Canyon was completed by the IAD with **Compl** on 10 May 16. **Compl** revealed the location on the public street where she provided oral sex to Uttapa, the park picnic table where Ta'ai had sex with her, and where Smith and her "normal tricks" would usually park at the tree covered entry point of Wildcat Canyon because the park was closed at night. All three of those areas were not covered by any cameras. This investigation contacted East Bay Regional Parks who confirmed that the locations were not video recorded. The investigators walked the public street (Park Avenue) and found no residential cameras.

The location is the entrance to Wildcat Canyon Regional Park in Richmond. The street is the 5800 to 6000 blocks of Park Avenue in Richmond. The street and entrance area is open to the public. The park closes at 2200 hours and a swinging locked bar obstructs vehicle traffic. Pedestrian traffic is not obstructed by any barriers.

IAD canvassed the house with a view of 5800 block of Park Avenue. Both houses below had obstructed views to the location where **Compl** stated that she performed oral sex upon Uttapa.

(b)(5)(B) – No Answer

(b)(5)(B) – **(b)(5)(B)** **(b)(5)(B)** stated that his window faced the street and he had never seen anything out of the ordinary. He has never seen anyone having sex along the street or in front of his house. (See Recording "Canvass 5 Aug 16))



Using a satellite view of the location (via Google maps), this investigation labeled the locations where Compl physically showed investigators where she had sex with Smith, (b)(3), (b)(4) (b)(5)(C)



Below is a link to the location using your browser using Google map.

[Link to Google Maps of Location](#)

Social Media Canvass/Evaluation

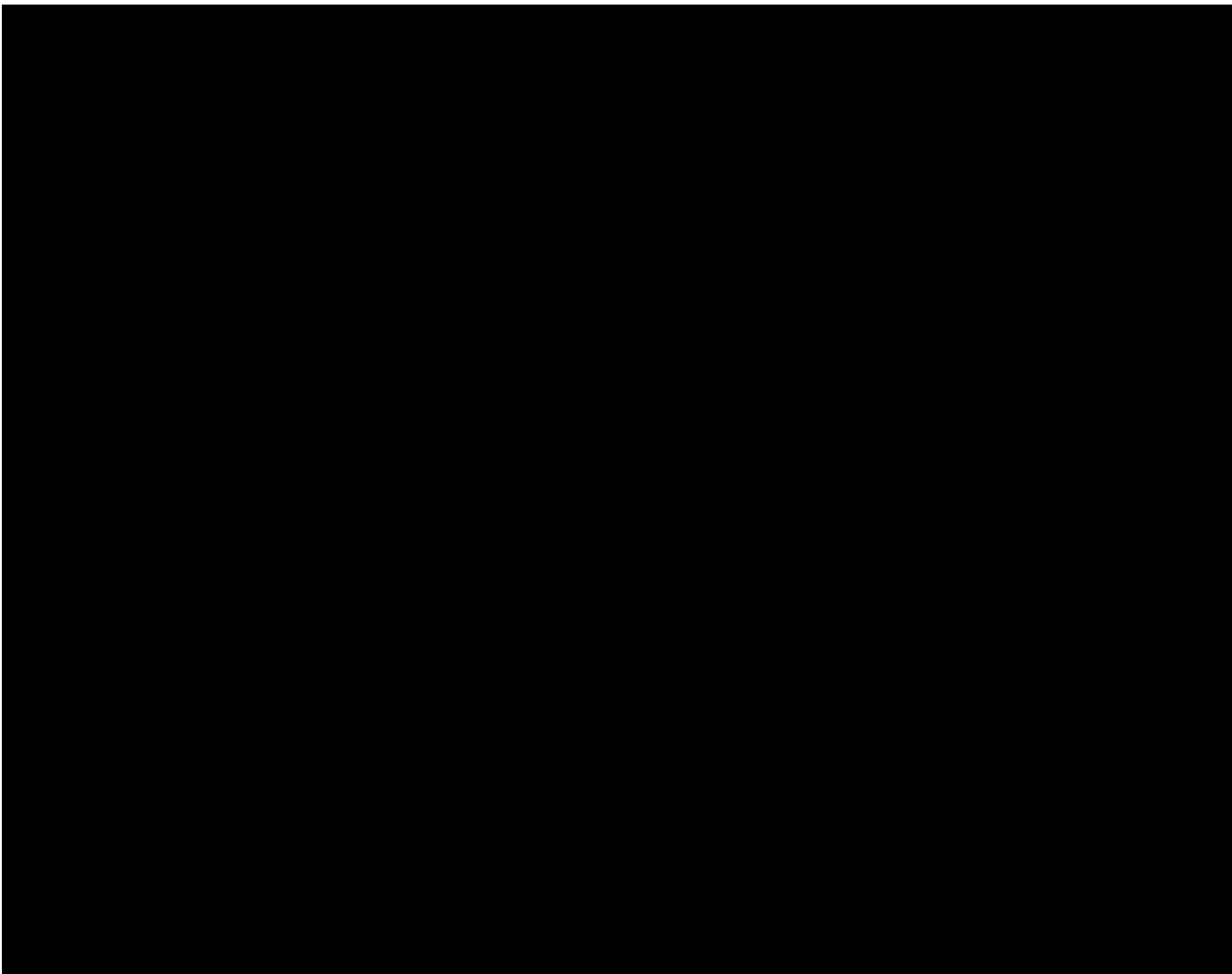
A comprehensive social media canvass was conducted on Facebook and Instagram:

Facebook - This investigation revealed that Compl actively used two (2) Facebook accounts: Compl and Compl. The Compl account is a private account which Compl used to friend several involved members and the account has over 2500 friends. When the IAD (using a fabricated account) attempted to friend Compl Facebook advised that the account had exceeded the limits of friends on Facebook. (b)(5)(C), (b)(6)

(b)(3), (b)(4)

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(b)(3), (b)(4)

Press Coverage and Media Analysis

On 11 May 16, the press began to interview **Compl** and probe the details of her accounts and the investigations. Below is all the press coverage (11 May 16 to 3 Sep 16) as a result of this incident. All the media reports were reviewed for new facts or leads in the ongoing investigation.

	Title	Date	Outlet	Link
1	Underage Sex Scandal Rocks Oakland Police Department	5/12/16	CBS	Link
2	Sex Scandal Rocks Oakland Police Department	5/13/16	Leo Affairs	Link
3	Oakland Police Department under investigation for underage sex scandal	5/13/16	AOL	Link
4	Underage sex scandal at Oakland Police Department as several officers are accused of sex with the same teenage girl including one who committed suicide	5/13/16	Daily Mail	Link
5	Angry Mayor Demands Accountability In Wake Of Oakland Police Sex Scandal	5/13/16	CBS	Link
6	Celeste Guap Photos: Pictures of Woman at the Center of the Oakland PD Sex Scandal	5/14/16	Heavy	Link

7	Underage sex scandal rocks Oakland Police Dept.	5/14/16	Khon2	Link
8	Celeste Guap: 5 Fast Facts You Need to Know	5/16/16	Heavy	Link
9	'Corrupt in its roots': as Oakland police scandals pile up, residents not surprised	5/21/16	The Guardian	Link
10	KRON4 Investigation: Oakland police sex scandal expands	5/23/16	Kron4	Link
11	Oakland Police Sex Scandal Expands to Other Law Enforcement Agencies	5/23/16	East Bay Express	Link
12	Oakland Police Chief Sean Whent resigns in midst of department sex scandal	6/10/16	The Press Democrat	Link
13	KPIX 5 Exclusive: Woman At Center Of Oakland Police Sex Scandal Speaks	6/10/16	CBS	Link
14	The Real Reason Why Oakland's Police Chief Was Fired	6/10/16	East Bay Express	Link
15	Oakland Police Sex Scandal Blows Up Further With Details From Formerly Underage Prostitute	6/11/16	SFIST	Link
16	Richmond officers may be involved in Oakland police sex scandal	6/12/16	The Richmond Standard	Link
17	Saucy texts reveal Oakland officers tipped off teen prostitute caught up in OPD scandal about undercover operations	6/12/16	Daily Mail	Link
18	Oakland police scandal spreads: Teen claims sex with dozens of officers	6/12/16	Mercury News	Link
19	KRON Investigation: Connection between underage call girl, wife of former Oakland police chief Sean Whent in alleged sex scandal	6/13/16	Kron4	Link
20	Teen Prostitute who slept with at least 24 police officers reveals she was tipped off about prostitution sting	6/14/16	The Sun	Link
21	Teen Alleges Having Sex With 28 Officers; Fifth Oakland Officer on Leave	6/14/16	NBC	Link
22	KRON Investigation: Graphic details revealed about alleged Oakland police sex scandal	6/15/16	Kron4	Link
23	Badge of Dishonor: Top Oakland Police Department Officials Looked Away as East Bay Cops Sexually Exploited and Trafficked a Teenager	6/15/16	East Bay Express	Link
24	Oakland Mayor Denounces 'Frat House' Culture Of Police Department As 3rd Chief In 8 Days Steps Down	6/17/16	CBS	Link
25	Shaken by Sex Scandal, Oakland Police to Get New Leader, Again	6/18/16	The NY Times	Link

26	'Frat House' Police Department Loses Third Chief In Nine Days Amidst Underage Sex Scandal	6/18/16	The Daily Caller	Link
27	3 chiefs in 9 days: Scandals plague police in Oakland, California	6/20/16	CNN	Link
28	Mired In Sex Scandal, Oakland Police Department Loses 3 Chiefs In 9 Days	6/20/16	NPR	Link
29	FED UP OAKLAND RESIDENTS CALL FOR MAYOR'S REMOVAL FOLLOWING OPD SCANDAL	6/22/16	ABC	Link
30	6 Things You Should Know About the Police Sex Scandal That Has Oakland Reeling	6/22/16	Mother Jones	Link
31	OPD Teen Sex Scandal Puts Police Academy On Hold, Delays Plan To Hire New Officers	6/22/16	CBS	Link
32	Black Oakland Police Officers Slam Schaaf over OPD Texting, Human Trafficking Scandals	6/23/16	East Bay Express	Link
33	OAKLAND POLICE SEX SCANDAL: WOMAN SAYS SHE SLEPT WITH 'MORE THAN 30' COPS	6/27/16	ABC	Link
34	I-TEAM EXCLUSIVE: WOMAN AT CENTER OF OAKLAND POLICE SEX SCANDAL SPEAKS OUT	6/27/16	ABC	Link
35	BELOVED COP'S MURDER PLAYED KEY ROLE IN OAKLAND POLICE SEX SCANDAL	6/28/16	ABC	Link
36	SECRETS TO WHAT SPARKED OAKLAND POLICE SEX SCANDAL REVEALED	6/28/16	ABC	Link
37	The Oakland Police Department Mess, Explained	6/29/16	SLATE	Link
38	Explosive details revealed by prostitute at the heart of Oakland police sex scandal send shock waves through Bay Area	6/30/16	Daily News	Link
39	Teen details police sex abuse scandal: 'Hurry up and turn 18'	7/1/16	SF Gate	Link
40	Oakland police scandal: How often are cops having sex with prostitutes?	7/2/16	The Mercury News	Link
41	2 RICHMOND COPS LINKED TO OAKLAND POLICE DEPARTMENT SEX SCANDAL REASSIGNED	7/2/16	ABC	Link
42	California Police Underage Sex Scandal Just Keeps Getting Wilder	7/3/16	Daily Caller	Link
43	Officers reassigned over Bay Area police sex scandal	7/3/16	CNN	Link

	Officers reassigned over Bay Area police sex scandal	7/3/16	CNN	Link
44	Can Oakland police save trafficking victims in the wake of its own sex scandal?	7/7/16	LA Times	Link
45	<u>Three Chiefs in Eight Days – The Decline of the Oakland Police Department</u>	7/7/16	We Are Anonymous	Link
46	Oakland Police sex scandal: Former OPD captain fired from DA's office	7/7/16	East Bay Express	Link
47	Federal Police Officer Offered to Pimp East Bay Teenager at Center of Oakland Police Sex-Abuse Scandal	7/7/16	East Bay Express	Link
48	Oakland Police sex scandal: Former OPD captain fired from DA's office	7/8/16	The Mercury News	Link
49	Inspector fired, officer on leave in widening Oakland police sex scandal	7/9/16	OCR Register	Link
50	Oakland police sex scandal: New revelations in death of officer and wife	8/5/16	The Mercury News	Link
51	OPD Sex Scandal: Exclusive interview with grandmother of Celeste Guap	7/29/16	KRON4	Link
52	Celeste Guap decides to enter rehab	8/22/16	KRON4	Link
53	Woman at center of Oakland police sex scandal arrested at Florida rehab center	9/2/16	ABC	Link
53	Celeste Guap speaks from Florida jail cell for first time since assault arrest	9/3/16	ABC7	Link

In multiple articles and reports, the media showed a Facebook photo of an OPD patrol car where **Compl** commented "Took me back to Richmond in style." The post occurred on 27 Apr 16. IAD interviewed **Compl** on 26 Apr 16 and then transported her to CID who interviewed **Compl** into 27 Apr 16. After the interview, SVU investigator Herb Webber was assigned to transport **Compl** home in a marked patrol vehicle as part of his normal duties for OPD.

14. The East Bay Express Article titled "The real Reason OPD Chief was Fired"

(b)(3), (b)(4)

Other than noted above, no new allegations or leads were discovered. In the news articles or videos, **Compl** repeated facts from IAD/CID interviews above and conclusions/claims by the news were speculations based on those facts already discovered. Those conclusions and claims are evaluated as allegations of misconduct and evaluated per OPD officer.

(b)(3), (b)(4)

Phone Evidence

This investigation obtained (b)(3), (b)(4) phone download from CID following (b)(3), (b)(4) suicide. From the phone messages/photos, this investigation found evidence related to the following officers (See the officers' respective sections for details):

- (b)(3), (b)(4)
- Ofc C, (b)(3), (b)(4)
- [Leroy Johnson](#)

Compl (b)(3), (b)(4) Phone Evidence

This investigation obtained Compl (b)(3), (b)(4) phone and downloaded the entire phone on 26 Apr 16. The phone contained photos/screenshots, call logs, contacts, and 28,862 text messages. Any name or phone number that matched an OPD employee was separated and evaluated for allegations of misconduct.

Any OPD member who appeared on the phone became a subject of this investigation:

- Ofc D, (b)(3), (b)(4)
- (b)(3), (b)(4)
- Ofc C, (b)(3), (b)(4)
- [Luis Roman "LuisOPD"](#)
- [Warit Uttapa "OPD Uttapa"](#)
- Ofc A, (b)(3), (b)(4)
- [Terry Smith "Tijuana"](#)

(b)(3), (b)(4)

- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

Facebook Friends list Audit

On 29 Mar 16, Lt. Yu used a private account to search Compl private Facebook account for OPD members. Due to Compl privacy settings, the private account could not access her full friend's list. Only Compl Facebook friends would be able to access the friends' list.

The limited access revealed the following members were Facebook friends with Compl on 29 Mar 16:

- Wit A, (b)(5)(B), (b)(5)(C)
- Wit B, (b)(5)(B), (b)(5)(C)
- Wit C, (b)(5)(B), (b)(5)(C)
- Wit D, (b)(5)(B), (b)(5)(C)
- Ofc H, (b)(3), (b)(4)
- Wit E, (b)(5)(B), (b)(5)(C)
- Wit F, (b)(5)(B), (b)(5)(C)
- Wit G, (b)(5)(B), (b)(5)(C)

Refer to their respective interview for details.

Facebook photos/comments Audit

Sgt. Ramirez's Facebook Forensic Report also provided a searchable list/file of Compl photos (Jan 2015 to April 2016) and all the people who "liked" or commented on each photograph. Compl averaged about five hundred (500) "likes" per photo and posted several photos daily.

Using that file, this investigation reviewed of all of Compl Facebook posts of her photos to locate any OPD members who "liked" or commented on those photos since January 2015. The audit revealed the following OPD members:

- (b)(5)(B), (b)(5)(C)
- (b)(5)(B), (b)(5)(C)
- (b)(5)(B), (b)(5)(C)
- (b)(5)(B), (b)(5)(C)

- (b)(5)(B), (b)(5)(C) [Redacted]
- (b)(5)(B), (b)(5)(C) [Redacted]
- (b)(5)(B), (b)(5)(C) [Redacted]
- (b)(5)(B), (b)(5)(C) [Redacted]
- (b)(5)(B), (b)(5)(C) [Redacted]

(b)(5)(B), (b)(5)(C) [Redacted]

Facebook Warrant Data (July 11, 2016)

On 11 Jul 16, Facebook preserved and sent the CID the contents of [Redacted] Facebook account (Facebook ID # (b)(5)(B) [Redacted]). The contents were immense containing approximately 78,000 pages of data of [Redacted] Facebook “life.”

Using all involved officers’ names and terms associated with this investigation, the investigators searched/filtered through the document and located information on the following officers/involved parties:

- (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit H, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit I, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit J, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit K, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit L, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Ofc G, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Ofc H, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- [Luis Roman](#) – See Linked Section
- Wit M, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit N, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit O, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- Wit P, (b)(3), (b)(4), (b)(5)(B) [Redacted]
- [Todd Uttapa \(Warit Uttapa\)](#) – See Linked Section

Several key terms (such as sex, “Cheetos”, “lick it”) were also filtered to extract any associated

members of the Department. (b)(3), (b)(4) [Redacted]
[Redacted]
[Redacted]
[Redacted]

The Facebook data only contained the data send/received using the Facebook site. If both accounts used Facebook Messenger (private messaging) the Facebook data did not contain those messages that were sent through the phone-to-phone application.

Instagram Warrant Data (July 7, 2016)

The Instagram data contained approximately 2,500 pages of Instagram data including messages. A review of the data did not provide any new information. (b)(3), (b)(4) [Redacted]
[Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]
 - (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]
- (b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

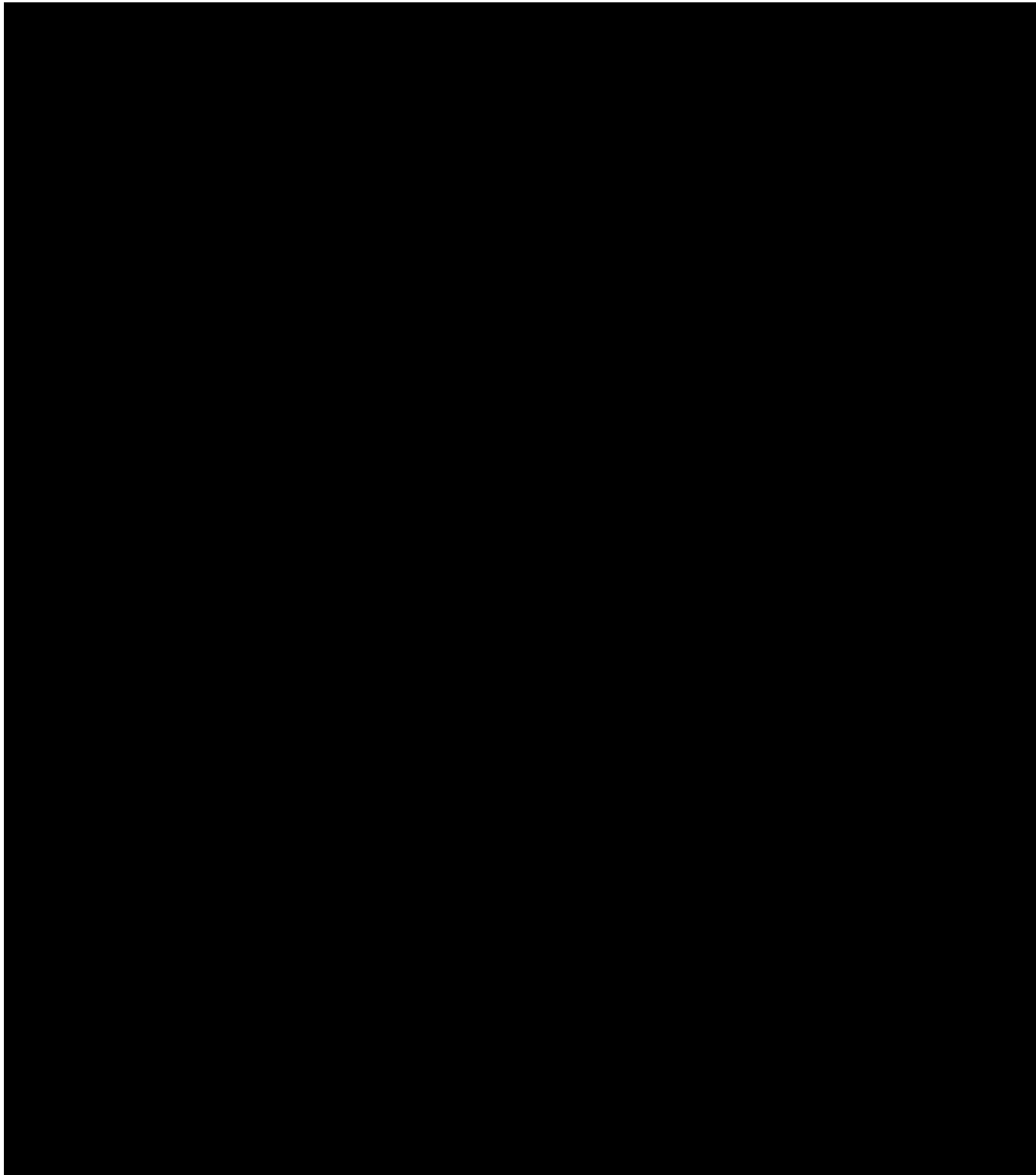
(b)(3), (b)(4) [Redacted]

(b)(3), (b)(4) [Redacted]

[REDACTED]

[REDACTED]

[REDACTED]



[Redacted text block]

[Redacted text block]

Criminal Allegations

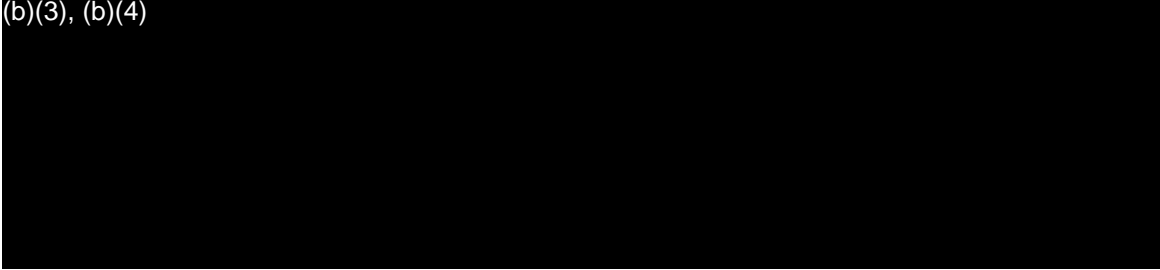
This investigation revealed several allegations that had criminal elements. All criminal allegations were reported to the Criminal Investigations Division. Below are the summaries of each case:

1. 16-022375 – Attempted Sodomy (664/286 PC) – The suspect is Oakland Police Officer Terryl Smith. The incident occurred on 1 Feb 16, at Wild Cat Canyon, Contra Costa County. As an adult, Compl Cedillo (Compl met Smith, via Facebook, and had consensual sex. On 1 Feb 16, Compl met Smith in his car at Wild Cat Canyon. Compl was on her menstrual cycle; therefore, she did not want to have sex. Smith attempted to sodomize Compl in the car. The case was presented to Contra Costa County District Attorney (Paul Graves) on 17 May 16 and he declined to charge due to lack of sufficient evidence.

2. (b)(3), (b)(4)

3. (b)(3), (b)(4)

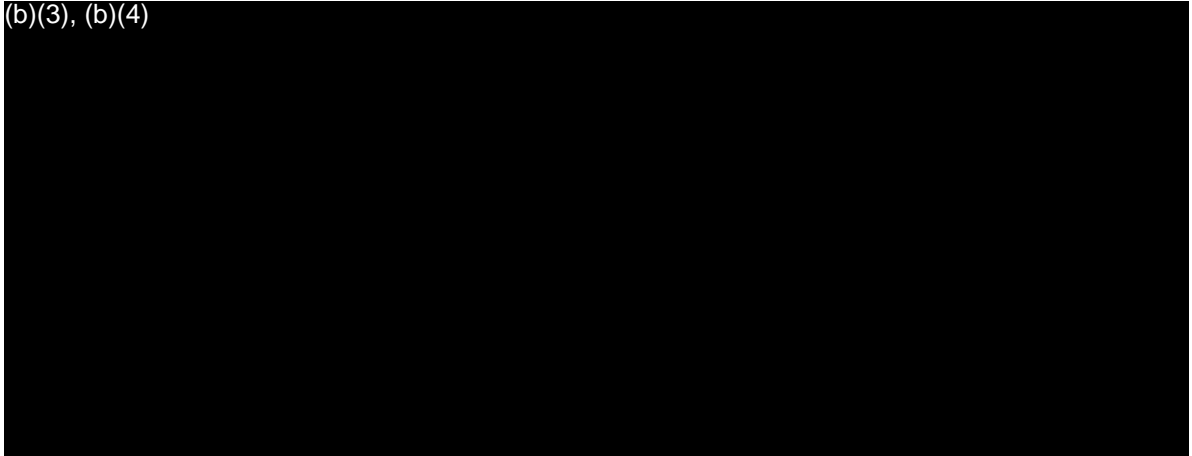
4. (b)(3), (b)(4)



5. (b)(3), (b)(4)



6. (b)(3), (b)(4)



7. 16 -033162 - Failure to report Suspected Child Abuse by mandated reporter (11172(e) PC). The suspect is a retired Sergeant with the Oakland Police Department (Leroy Johnson). Johnson is a very close family friend and knew **Compl, (b)(5)(B)** was working as a prostitute and having sex with officers while she was underage; however, Johnson never reported it. As a mandated reporter, Johnson is required to complete a phone call to Child Protective Services as soon as reasonably possible and complete the Department of Justice report 11166 within 36 hours. Johnson resides in another state and has not been interviewed. The case is currently pending.

- [Redacted text block]

- [Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

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[Redacted text block]

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

CREDIBILITY ASSESSMENTS

Compl [redacted] - Compl [redacted] was found to be credible. She provided consistent statements to the IAD, CID and DA investigators about Officers Smith, Ta'ai, Ofc A [redacted] and Uttapa. All of Compl [redacted] sexting claims were also proven to be true and the officers corroborated her statement Compl [redacted] (b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

WITNESS OFFICERS

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

Lieutenant Arturo Bautista 7909 - Bautista was found to be credible. His statement was consistent with the evidence (b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

Officer Michael Camacho 9206 - Camacho was found to be credible. His statement was consistent with the evidence. (b)(3), (b)(4), (b)(5)(C)

[Redacted]

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Officer Vernell Brothers 9346 - Brothers was found to be credible. His statement was consistent with the evidence. [REDACTED]

[REDACTED]

[Redacted text block]

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[Redacted text block]

[Redacted text block]

[Redacted text block]

(b)(3), (b)(4), (b)(5)(C)

CIVILIAN WITNESSES

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

(b)(5)(B)

MEMBER / EMPLOYEE ACCOUNTABILITY

(b)(3), (b)(4)

(b)(3), (b)(4)
[Redacted]

Other than the direct supervisors, this investigation found evidence leading to allegations of failure to report regarding Sergeant [Leroy Johnson](#), Ofc K, (b)(3), (b)(4) Ofc E, (b)(3), (b)(4) (See their respective sections for details)

TRAINING AND POLICY RECOMMENDATIONS

This investigation revealed and highlighted the necessity of a social media/internet policy. Facebook, Instagram, and future internet social media applications have and will greatly affect the mission and reputation of the Oakland Police Department. Our Department currently has no social media policy and this investigation revealed the need for such a policy. In addition to a policy, social media specific training needs to be incorporated in the academy curriculum. Officers need to understand that their social media posts are public and any links to the police department creates a nexus between their private life and their professional career.

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)
[Redacted]

(b)(3), (b)(4)

[Redacted text block]

RECOMMENDED FINDINGS

As to Officer Terryl Smith:

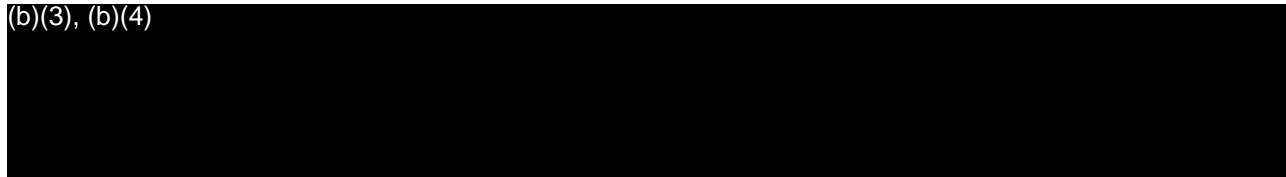
Obedience to Laws – Felony

MOR 314.42-1

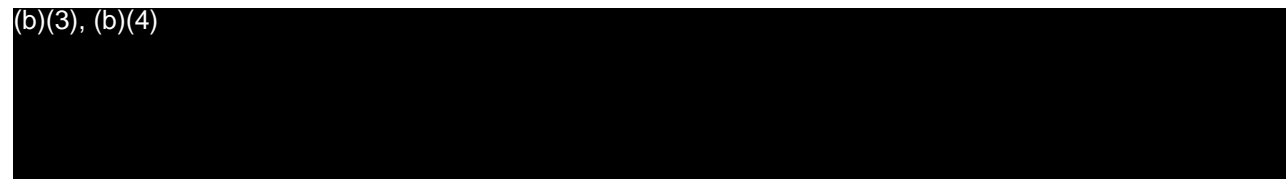
SUSTAINED

The investigation disclosed sufficient evidence to determine that Smith committed attempted forcible sodomy in violation of 664/286(a) P.C.

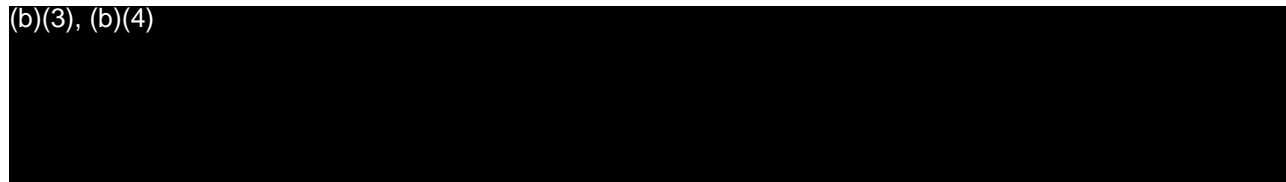
(b)(3), (b)(4)



(b)(3), (b)(4)



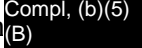
(b)(3), (b)(4)



General Conduct

MOR 314.03-2

SUSTAINED

The investigation disclosed sufficient evidence to determine that Smith's interactions with  brought disrepute to the Oakland Police Department.

As to Officer James Ta'ai:

Truthfulness

MOR 398.80-1

SUSTAINED

The investigation disclosed sufficient evidence to determine Ta'ai was untruthful to investigators during this investigation.

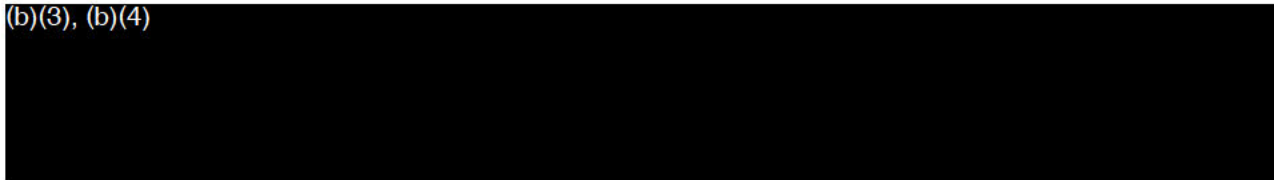
Obedience to Laws – Misdemeanor

MOR 314.42-2


SUSTAINED

The investigation disclosed sufficient evidence to determine that Ta'ai committed misdemeanor lewd and lascivious conduct in public in violation of 647(a) P.C.

(b)(3), (b)(4)

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(b)(3), (b)(4)

A large black rectangular redaction box covering the majority of the page content below the third section header.

Ofc A, (b)(3), (b)(4)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

As to Officer Warit Uttapa:

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4) Compl in committing a crime, evading arrest or disposing of evidence of any unlawful act.

General Conduct


MOR 314.03-2

SUSTAINED

The investigation disclosed sufficient evidence to determine that Uttapa's interactions with Compl, (b)(5)(B) brought disrepute to the Oakland Police Department.

As to Sergeant Leroy Johnson:

(b)(3), (b)(4)



Reporting Violations of Laws, Ordinances, Rules or Orders MOR 314.48-1 SUSTAINED

The investigation disclosed sufficient evidence to determine that Sergeant Leroy Johnson failed to report a violation of law, ordinances, rules or orders when he did not report allegations of a minor having/had sexual contact with Oakland Police Officers.

Ofc B, (b)(3), (b)(4)

[Redacted text block containing multiple lines of blacked-out content]

As to Officer Luis Roman:

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

(b)(3), (b)(4)

General Conduct

MOR 314.03-2

SUSTAINED

The investigation disclosed sufficient evidence to determine that Roman's interactions with **Compl, (b)(5)(B)** brought disrepute to the Oakland Police Department.

Ofc G, (b)(3), (b)(4)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ofc H, (b)(3), (b)(4)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

Ofc I, (b)(3), (b)(4)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

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[Redacted]

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[Redacted]

[Redacted]

Ofc J, (b)(3), (b)(4)

[Redacted]

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Ofc K, (b)(3), (b)(4)

[Redacted]

[Redacted]

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Ofc L, (b)(3), (b)(4)

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Appendix A - Witness Interviews

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(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

Officer Michael Camacho (Recorded Interview conducted by Lt. A. Yu on 2 May 16 from 1253 - 1301 hours. No one else was present. Camacho read and signed his Acknowledgement of Rights and Obligations.)

Camacho has a Facebook account "Michael Camacho". He created another account at work last week (b)(5)(C). The work account has not interacted with Compl. Camacho has not logged onto his personal Facebook account for a couple years, he only logged on last week after he activated the work account.

On Camacho's personal Facebook, he has not interacted (messages, "liked", comment, or friend request) with Compl. He had not accepted or logged onto his account for years. Camacho stated he had never interacted with Compl in any way or on social media platforms. (Instagram, Twitter, Snapchat, etc.) *Camacho was willing to allow IAD view his accounts to verify that fact.*

Camacho knew Ta'ai as a co-worker and they graduated the academy together. Ta'ai just got married to a girl that Camacho that Ta'ai brought to the academy graduation. Camacho did not recall a conversation with Ta'ai regarding Compl or any friend request. Camacho did not remember Ta'ai showing Camacho a profile or anything similar to that. *Yu confronted Camacho with the fact that Ta'ai brought Camacho's name up.*

Camacho remained adamant that he did not recall that type of conversation with Ta'ai. Camacho stated that if it occurred, he might not remember since he has not spoken or worked with Ta'ai for

a while.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Officer Vernell Brothers (Recorded Interview conducted by Lt. A. Yu and Sgt. N. Calonge on 2 Jun 16 from 1603 - 1627 hours at the IAD Conference Room. Doug Foley was also present. Brothers read and signed his Acknowledgement of Rights and Obligations.)

Brothers has a Facebook account under "Bo Brothers". Brothers goes by the nickname of "Bo". He created the account only a couple weeks ago and he had a previous account that he closed in February of 2014. On the new and old accounts, he never had [Compl] [Compl] or [Compl] as a friend on Facebook. Based on the new stories and press coverage, Brothers knew and saw [Compl] on the news.

Around September 2015, in the Eastmont locker room, Roman showed Brothers a phone photo of [Compl] and told Brothers to "check her out." Brothers interpreted it as guy-to-guy talk about just checking out a girl that Roman believed was good looking. Brothers recalled that Roman said he was talking to her, but Brothers did not know what their relationship was or whether the "talking" was messaging or phone or in person. Roman did not tell Brothers whether he had sex with her or not. No one else was part of their locker room conversation.

Brothers recalled the photo was of [Compl] in a bikini, but not nude. Brothers felt that the photo was too "racy" to be a Facebook post. Brothers' response was "Who is that?" Roman's response was "do you know her?" Based on that response, Brothers assumed that Roman did not know who she was either.

(b)(3), (b)(4), (b)(5)(C)
[Redacted]

(b)(3), (b)(4), (b)(5)(C)
[Redacted]

(b)(3), (b)(4), (b)(5)(C)
[Redacted]

(b)(3), (b)(4), (b)(5)(C)
[Redacted]

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(b)(3), (b)(4), (b)(5)(C)

Acting Lt. Arturo Bautista (Recorded Interview conducted by Lt. A. Yu and Sgt. J. Skrdlant on 20 Apr 16 from 1505 -1523 hours the Police Administration Building. Bautista read and signed his Acknowledgement of Rights and Obligations.)

Bautista has a Facebook account under "Arturo Bautista" and he did not friend people that he did not personally know. Bautista would just leave requests pending and not accept or decline the requests.

Bautista recalled that he received a friend request a year ago from Compl [redacted] Bautista never accepted the request and probably just left it standing. (b)(5)(B), (b)(5)(C)

Bautista believed he went into this account and removed Compl [redacted] request.

Bautista was shown and confirmed the message from Wit N [redacted] was the exact message he received.

Bautista became to doubt that he was friends or not with Compl [redacted] Bautista stated he was not "fancy" with Facebook. Bautista logged onto Facebook and volunteered his account for IAD investigators. Yu searched Bautista's account and confirmed that Compl [redacted] and Bautista were not friends. Yu located the same message that Wit N [redacted] sent to Bautista. There were no messages from Compl [redacted]

No officer has contacted Bautista regarding any interaction with Compl [redacted] (b)(9), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

(b)(3), (b)(4), (b)(5)(C)

[Redacted]

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[REDACTED]

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(b) (3), (b) (4), (b) (5) (C)

[REDACTED]

Appendix B - List of Evidence

- OPD Crime Report RD#15-051520 dated 25 Sep 15
- (b)(3), (b)(4), (b)(5)(C) Suicide Note ([See Appendix C](#))
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- (b)(3), (b)(4)
- Printout from Compl Facebook Page with new screen name “Compl”
- (b)(3), (b)(4), (b)(5)(B), (b)(5)(C)
- Phone Download (b)(3), (b)(4)
 - Video Recording of (b)(3), (b)(4) Facebook Message between (b)(3), (b)(4) and Compl
- Phone Download Compl “Compl Samsung Download”
 - Excel Spreadsheet of Text Messages from the phone download – “Report_SMSSection”
- (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)
- (b)(3), (b)(4), (b)(5)(C)
- Video Recording of Wildcat Canyon Canvass with Compl
 - Audio Recording of IAD Follow-up Canvass at 5800 block of Park Avenue Richmond
- (b)(3), (b)(4)
- Facebook “Compl” printouts
- Facebook “likes/comments” spreadsheet
 - Word document contain photos “liked” by OPD members labeled “Photos liked by Current OPD members”.
- Facebook Warrant for Compl Account ((b)(5)(B))
 - Data filtered by names – Digital folder “Facebook Report” and “Facebook Data Celeste Guap”
- Instagram Warrant for Compl Account

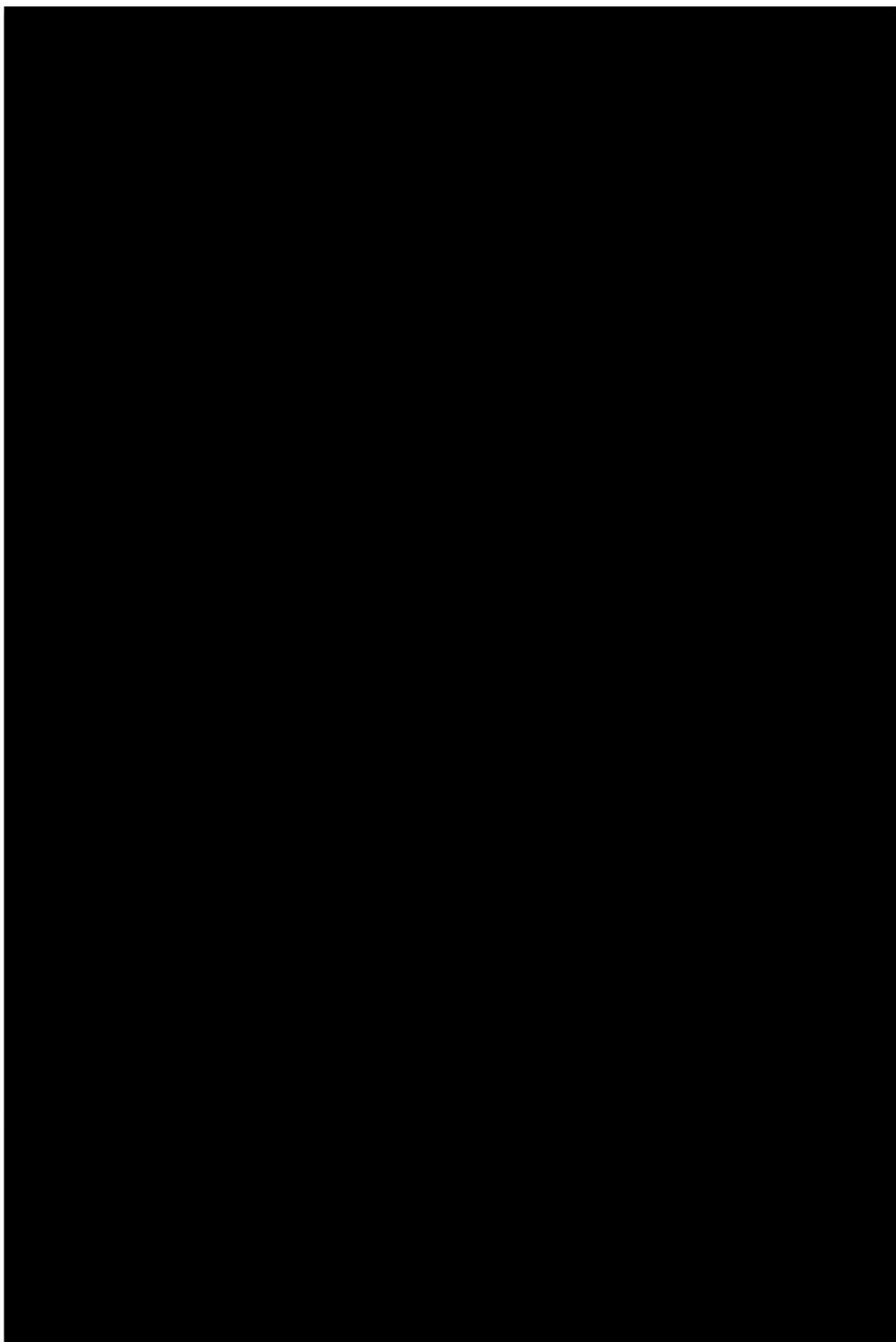
- Instagram Data for Compl [redacted] – Digital Folder “Instagram Data Compl [redacted]
- (b)(3), (b)(4) [redacted]
- (b)(3), (b)(4) [redacted]
- (b)(3), (b)(4) [redacted]

Digital recordings of statements taken

Compl [redacted] (Multiple)
Ta'ai, James
Leroy Johnson (Retired)
Ofc A [redacted]
Ofc E [redacted]
Warit Uttapa
Ofc G [redacted]
Ofc D [redacted]
Ofc B [redacted]
Ofc H [redacted]
Ofc I [redacted]
Ofc J [redacted]
Ofc F [redacted]
Ofc C [redacted]
Luis Roman
Ofc L [redacted]
Ofc M [redacted]
Wit D [redacted]
Wit Q [redacted]
Arturo Bautista
Wit R [redacted]
Wit S [redacted]
Wit E [redacted]
Wit T [redacted]
Wit G [redacted]
Compl [redacted]
Wit U [redacted]
Wit C [redacted]
Michael Camacho
Wit V [redacted]
Wit W [redacted]
Wit L [redacted]
Wit X [redacted]
Wit Y [redacted]

Wit Z	[REDACTED]
Wit AA	[REDACTED]
Wit BB	[REDACTED]
Wit CC	[REDACTED]
Wit DD	[REDACTED]
Wit EE	[REDACTED]
Wit FF	[REDACTED]
Wit GG	[REDACTED]
Vernell Brothers	
Wit HH	[REDACTED]
Wit II	[REDACTED]
Wit JJ	[REDACTED]
Wit KK	[REDACTED]
Wit LL	[REDACTED]
Wit N	[REDACTED]
Wit B	[REDACTED]
Wit MM	[REDACTED]
Wit F	[REDACTED]
Wit NN	[REDACTED]
Wit OO	[REDACTED]
Wit H	[REDACTED]
Wit PP	[REDACTED]
Wit QQ	[REDACTED]
Wit A	[REDACTED]
Wit P	[REDACTED]

Appendix C - [REDACTED]'s Suicide Note



[REDACTED]

[REDACTED] She also sent me screenshots of a conversation that she had with Sgt. Leroy Johnson, who I've never met. It appears that in her conversation she told Johnson that she has been involved with many OPD officers while she was still a minor.

[REDACTED]

[REDACTED]