TAPED INTERVIEW
OF
LIEUTENANT MICHAEL DEEBA, DSN 3267
DATED
MARCH 21, 2007

LT. HUELSMANN: This is Lieutenant Jack Huelsmann, Deputy Commander of the Internal Affairs Division. Today's date is March 21, 2007. The time is 10:22 AM. I am in the conference room of the Internal Affairs Division, along with Captain John Hayden, Commander of Internal Affairs, to conduct an interview with Lieutenant Michael Deeba, Commander of the Vice Narcotics Division. He's being represented by his attorney, Neal Gruntrager. I always mispronounce that name.

ATTORNEY GRUNTRAGER: You were very close that time.

CAPTAIN HAYDEN: Lt. Deeba we are, as you know, investigating the ticket scalping detail, per se. It was, I believe, October 24th through the 27th, of this past season ... this past baseball season.

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: There's been some allegations with respect to tickets, going various places, you know, we've had several detectives in here saying that they gave tickets to relatives and so that's what we're looking into. Just to kind of start with ... what we're trying to do ... let's get a general picture of the evidence property control procedure within the Vice Narcotics Unit. In general, for example, let's talk about tickets, if we can go straight to tickets. What would have been the process or information that would have been given to detectives with respect to the seizing of tickets.

LT. DEEBA: The detectives would have seized the tickets, went to the office, did the report, packaged the tickets and then presented them to their sergeant and placed in the evidence locker.

CAPTAIN HAYDEN: Okay now, how many different places potentially would those tickets be held?

EXHIBIT 4

LT. DEEBA: Two places; a safe in the sergeant's room and the second place would be the evidence locker.

CAPTAIN HAYDEN: Sometimes they refer to that as the cage?

LT. DEEBA: The cage ... the closet.

CAPTAIN HAYDEN: So, it is your understanding that all the tickets that were seized as a part of that detail were either in Sgt. Boone's safe or the evidence locker room, which is what I'm going to refer to as the cage.

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: Now, did you, or was there anything written about how to proceed with tickets and the like for the scalping detail ... anything written down ... any memorandum or emails about how or what you should do with the tickets on seizing day?

LT. DEEBA: No, we had a general meeting, I believe before the NLCS, and they were all told that we had the detail and that was about the extent of it.

CAPTAIN HAYDEN: Okay ... okay ...

LT. HUELSMANN: Captain, if I may, so you understand what he was asking was, other than the established procedures that you had in place, were there any additional procedures you could put for us?

LT. DEEBA: No Sir.

LT. HUELSMANN: Okay, so the established procedures would be the ones that you were using ...

LT. DEEBA: ... from the previous regimes that were out there.

LT. HUELSMANN: And those were in writing, weren't they?

LT. DEEBA: Well, we have our general evidence procedures, you know, in writing, but is there anything specific for

ticket scalping ... step-by-step ... no there is nothing like that.

LT. HUELSMANN: You're talking about the special orders dealing with it as opposed to an in-house ... because this is how Vice Narcotics handles property. So you go by what the special order says?

LT. DEEBA: No, I'm saying that's the only thing in writing.

LT. HUELSMANN: Right ... okay.

CAPTAIN HAYDEN: But for tickets, at least with this detail, we're talking about this particular detail, for tickets, what they should have done was seize the tickets, properly package them, written the report and they should have gone either to Sgt. Boone's safe or the evidence locker?

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: Okay, alright.

LT. HUELSMANN: Then, who would have actually physically put them in the safe or the locker, I think you earlier said, Mike, the tickets would have went to the sergeant and then either to the safe or the locker, but who physically would you have hoped would actually put those items into the locker or the safe?

LT. DEEBA: The sergeants.

LT. HUELSMANN: Then, who would log them into the book?

LT. DEEBA: The sergeants and/or the officer. I'm sure they'd be there with the sergeant when this is occurring.

LT. HUELSMANN: Because I'm thinking that ... I shouldn't say that I'm thinking ... Sgt. Morici tells us, this is from memory, but I'm thinking it's pretty accurate, that he from time to time would give a detective keys to the locker and then ... this is my terminology, my

interpretation ... and trust them to put that property into the locker, but would not necessarily be there to watch it done ... you follow me? He has the keys to the locker because his office was on the first floor, as opposed to the other sergeants, Boone and Crews, being upstairs. You would hope that the sergeant would be present when the property is actually put into the locker?

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: So there was no, I'm kind of expanding upon Jack's previous question, now, so there would not have been a designated property officer for the seizing of tickets only?

LT. DEEBA: No Sir.

CAPTAIN HAYDEN: Sgt. Sheila Pearson went down to the Vice Narcotics office in December ...

LT. HUELSMANN: ... December 20th, I believe, according to her records ...

CAPTAIN HAYDEN: ... to retrieve tickets ...

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: ... some of which were not there, or let me rephrase that, some of which were not given to her. She asked for all of the available tickets and she was given a portion of tickets.

LT. HUELSMANN: Do you understand?

LT. DEEBA: I understand.

CAPTAIN HAYDEN: She asked for the tickets that were seized during the detail and she was not given all tickets that were seized during the detail. That's correct, isn't it?

LT. HUELSMANN: If you know?

LT. DEEBA: I don't believe that's inaccurate, I don't think that sergeant asked for anything. I think that the locker was open, so ... I was in the building ... I had a sergeant there, Sgt. Crews, dealing with her. I don't know if the locker was open for her or if it was already open with the sergeant standing by it anticipating her arrival. I believe I was told that she entered, observed the stack of tickets and envelopes sitting there, immediately grabbed them, made copies of the evidence envelope and handed copies to the sergeant and I don't believe she signed them out.

CAPTAIN HAYDEN: Okay, so I guess what you're saying, you're not sure whether or not she asked for all of them?

LT. DEEBA: I had a meeting with the sergeant because I wanted to know what happened. I don't believe she did. She did not request ... she didn't ask if there were other tickets anywhere else, at any other location, or if there was additional tickets in the locker itself.

CAPTAIN HAYDEN: Certainly, shortly thereafter, maybe within the next week or so, did you come to discover that we were ... that Internal Affairs ... was asking for all of the tickets?

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: So whether she did that on that day, it was within a few days that the new understanding, or the clearer understanding, is that all tickets that were seized during the world-series detail needed to be forwarded to Internal Affairs.

LT. DEEBA: I believe I talked to her or Jack and they sent me a list of additional tickets they wanted and we provided them with them.

CAPTAIN HAYDEN: At the time that you got that list, like I say, I got here on January the 3rd, and this ball was rolling

already, and I know for a fact that several weeks after I had gotten here, the tickets still weren't here, all of the ones that were requested were not here yet. That's personal experience. I know for a fact that when I got here, at least a couple of two or three weeks later, but I'm saying, several occasions afterwards there were conversations and I know for personal fact that all tickets that were requested were not in Internal Affairs yet. At what point did you deliver all the tickets that were requested?

LT. DEEBA: Sir, Sgt. Pearson, I believe, asked for a date, like to have these additional tickets to Internal Affairs by a certain date, and we had them there beforehand to the best of my knowledge. I can ask the sergeant, ensuring the list of the tickets that Sgt. Pearson additionally wanted, I think I gave that task to Sgt. Crews to get these to her, and I told him, let's get them there before the deadline.

CAPTAIN HAYDEN: So, are you saying that at upon you realizing the exact tickets that you needed, that you got them by the date of the request ...

LT. HUELSMANN: ... I think it was before, is what you ...

LT. DEEBA: ... I told her I would get them down there before the date she wanted them ...

CAPTAIN HAYDEN: ... but prior to that time, are you saying there was some uncertainty about what she was asking for, or what was being requested, and that's why there was a bit of confusion? It was my understanding that the tickets were well overdue ... I mean weeks overdue ... now she's not here and I'm not here to say that she absolutely said they had to be here on the 3rd, but my point is, I'm certainly under the full impression that the tickets were requested weeks before they actually got here, in total of what everybody wants, as far as the tickets.

LT. HUELSMANN: What you described is what you recall as the sequence of events regarding the tickets. She came down, didn't ask, just took, and then came back and said there are some missing, did that in written form, and you responded to that, is that right?

LT. DEEBA: Yes Sir.

LT. HUELSMANN: There wasn't any other request, other than what happened, what you described?

LT. DEEBA: There was that request, and what I knew, I didn't think we were late any getting any tickets anywhere.

CAPTAIN HAYDEN: You said that the only procedures that you had in place were procedures that are written policy, which are of course, if it's seized for evidence, arrests involved, and that type thing, that it should be down in property custody within 36 hours at the latest, according to special orders ...

LT. DEEBA: According to special orders, it's 36 hours, whether even if the case is TUA, it's treated the same way. As far as our office, what evidence, excluding weapons, drugs that would go to the lab, it's placed in the cage and anywhere at a time when our office had more personnel there was 40-60 percent of our cases went to the feds. For convenience for us, it's easier for me to go from our locker to the feds with the chain of custody.

CAPTAIN HAYDEN: Was the ticket scalping detail a federal case?

LT. DEEBA: No, a city ordinance.

CAPTAIN HAYDEN: So those tickets should have been down in property custody within 36 hours?

LT. DEEBA: Yes, according to special orders.

CAPTAIN HAYDEN: So in December, if she was able to retrieve any tickets on December 20th, which was much after the detail which was in October, then that was a clear violation of special order. If there were tickets there at all, if there were two tickets, if there was one ticket there, she said she received some, and I'm not telling you the amount that she received, but if there were some tickets there for her to retrieve on December 20th, which we've acknowledged that there were, then that would have been in violation of special order in and of itself.

LT. DEEBA: Depending upon ...

CAPTAIN HAYDEN: ... on 90S12 ...

LT. DEEBA: ... on how you interpret that, I don't want to mis-speak, I believe it's 36 hours after a disposition of the case and ...

CAPTAIN HAYDEN: well exactly ... I can continue ... the first is always after seizure, I'm pretty clear on the interpretation ...

LT. HUELSMANN: Captain, so that I'm clear, are you suggesting that the fact that she didn't get all the tickets when she went down there on the first instance suggested that the rest of the tickets weren't in the cage?

CAPTAIN HAYDEN: Well, I'm suggesting two things. One of which is that there were some there when she got there which is well beyond 36 hours ...

LT. HUELSMANN: ... where ... do you mean in the cage?

CAPTAIN HAYDEN: ... in the cage, yes. She got some out of the cage and I'm suggesting that that's a violation of special order for them being there at all and then I'm also ... which I can't necessarily clear up right now in her absence ... where were the others? I wish I could pinpoint dates and times Lt. Deeba is saying there was some question about what she actually

wanted at that point and that he complied once he was sure of exactly what she wanted is what I understand him to say. I can't say because I wasn't here when it started, but I knew that we were waiting for them for quite some time. Where were those tickets? I'm asking you, where did you have to go to retrieve tickets?

LT. DEEBA: I didn't retrieve the tickets. I'll have to ask the sergeant. I believe they were either ... there was more remaining in the evidence ... in the cage you saw ... I'm not sure if there is any others in the safe or property custody downtown, you know, I don't believe so, I believe the rest of them were in the safe, I'm sorry, the evidence locker. There might have been some in the safe, I'm not sure exactly where Sgt. Crews retrieved them from.

CAPTAIN HAYDEN: Several officers ... several of the detectives ... mentioned that they had actually given them to relatives to go to the game. To you knowledge, upon this investigation commencing, let's say December 20th, let's use that as a reference, did you or did any of the detectives or sergeants tell you that they had to go to people's houses or any place other than the cage or the safe to retrieve tickets?

LT. DEEBA: No Sir.

CAPTAIN HAYDEN: So you're saying everybody ... all the tickets were retrievable in either the cage or Sgt. Boone's safe?

LT. DEEBA: To the best of my knowledge.

CAPTAIN HAYDEN: To the best of your knowledge ... and you weren't apprised personally of anyone needing to go to somebody's house or go to a person's house or anything to retrieve tickets or to have them meet somewhere, anything other than they're either in the Sgt. Boone's safe, the evidence locker or, now I understand some were maybe actually in property

custody already. Some actually made it down there according to procedure.

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: Jack, were able to find that particular 48 hour issue ... 36 hour issue ... I'm sorry.

LT. HUELSMANN: In Section 3, Page 1, Property Control Procedure on A2 says ... Evidence not requiring laboratory analysis shall remain in the district or division until it is no longer needed in the investigation. Then you go to Page 2, Section A4, small section B, it says ... If an arrest is made while the evidence is still in the district or division it shall remain there until the information application is completed. That's subsection 4, then you to 4B, it talks about if the warrant is issued, it shall be recorded on the evidence container before being forwarded to the property custody section. The evidence shall be forwarded within 36 hours after no longer being needed in the investigation ... and then Section 4A deals with when a warrant is refused. Then you take steps to classify it as unclaimed property and forward it to property custody if you cannot return it to the owner if the warrant is refused. I would think in most cases, your warrants were issued ...

LT. DEEBA: They were issued and/or majority are federal prosecution.

LT. HUELSMANN: I'm talking about the ticket scalping.

LT. DEEBA: I'm sorry, I was talking in general. I would assume they were all issued.

LT. HUELSMANN: To get back to the actual tickets seized in these cases ...

CAPTAIN HAYDEN: Lieutenant, why did it take ... even ... you were given some extended period of time ... even with ... I guess what I'm saying ... it would seem to me

that the tickets, if they were in either the safe or the locker, or even property custody, it would seem to me that once upon learning that they were needed as part of the investigation, that they could have been retrieved in a couple of days or so, maybe, arguably even the same day ... I guess what I'm asserting, I'm just trying to get an understanding of why it took so long to actually bring the tickets here.

LT. DEEBA: I'll search my email, I don't know if I was called by Sgt. Pearson on the phone or emailed. When I was contacted, and I'm just guessing on a date, I think she said, Hey Lieutenant ... I think she sent me a spread sheet ... I need these additional tickets, can you please have them to be ... I'm just throwing that date out ... January 15th ... and when I tasked that to Crews, we had, let's say, I don't know when she sent it, I'll find out for you, but we had the tickets to her before the deadline that she requested. So I then, in my opinion sir, nothing was delinquent. We didn't miss a deadline to get her the tickets.

LT. HUELSMANN: ... and responded to the deadline that she had given as opposed to you saying, hey I'll do it by the end of the day, is that right?

LT. DEEBA: Yes, we got them there beforehand.

CAPTAIN HAYDEN: Lt. Deeba, have you ever personally received a request for tickets, persons asking you if it's possible to get tickets via having been scalped? Have you ever had someone call you and ask you would it be okay to go to the game on tickets that have been seized?

LT. DEEBA: No Sir.

CAPTAIN HAYDEN: Have any of your sergeants or your officers ever came to you or approached you about the fact that tickets were used other than ... tickets were ... something was done other than properly packaging

and seizing them ... giving them to relatives for usage?

LT. DEEBA: No Sir.

CAPTAIN HAYDEN: So, when was the first time that you learned that this had occurred?

LT. DEEBA: I believe, and I'd have to check my notes, I believe it was when Sgt. Pearson maybe first contacted us, saying she wanted to come out and observe our gear locker, whatever reason she came and seized the tickets. Before that, I'd have to think about that one, to the best of my knowledge, right now, I think it was when she initially called me or emailed me saying, hey I need to come to the office Tuesday.

CAPTAIN HAYDEN: Did you have occasion to review some of the reports where evidence was ... where tickets were seized?

LT. DEEBA: I don't believe I did sir, that was tasked to the sergeants for the city court ordinance violations.

LT. HUELSMANN: I'm confused, but I'm interpreting as what you said as just generally looking at them, and I think Lt. Deeba you're interpreting them as actually leveling them up to level 3. In other words, did you at any time look at these reports, you know, like in a general ...

LT. DEEBA: ... did they come up on one of my I-Leads audits, just be going through the division reports, I don't recall. I do a lot of that.

LT. HUELSMANN: Did you just randomly look at them?

LT. DEEBA: I couldn't tell you last week if I looked at a drug report or a ticket report sir ...

LT. HUELSMANN: Is that the question?

CAPTAIN HAYDEN: Sure ... sure ... I guess more specifically, did you conduct any type of audit during the detail yourself to determine that tickets seized were actually in the proper place?

LT. DEEBA: No Sir.

CAPTAIN HAYDEN: Did you have any safe guards in place to ensure that tickets that were seized by detectives would actually make it to either the safe ... in other words ... did you do any random checks or any auditing to determine that tickets seized were actually placed where they were supposed to have been placed?

LT. HUELSMANN: Captain, so I'm sure, are you asking whether there were audits in place for all evidence or specific to the tickets?

CAPTAIN HAYDEN: I'm asking, did Lt. Deeba actually conduct some type of audit specific to the tickets?

LT. DEEBA: No Sir.

LT. HUELSMANN: But my understanding is that there were auditing procedures in place for all evidence ...

LT. DEEBA: ... the evidence locker ... I audit a lot of things, usually weekly, and I brought documentation to that in case you guys need it.

CAPTAIN HAYDEN: Jack, you have any questions?

LT. HUELSMANN: Do you have summons releases? I would imagine that everybody that was booked on this ordinance violation would have been released on bond, or you know, in other words, released on bond or a summons, so you might not have had a 20 hour problem to apply for warrants. The point is, the question is, did you have a procedure in place for like a day watch applying officer to take yesterday's reports down to the city counselor's office, you know, like the Tuesday game, those reports would

have went to the city counselor's office on Wednesday or Thursday to apply for a warrant?

LT. DEEBA: Each detective would have been tasked to go and apply on their cases or the group might have designated one officer to go down and apply, I'm not sure which way they did it, but did I have anything specifically in place for a city ordinance violation for tickets, no.

LT. HUELSMANN: Refresh my memory, I'm thinking on a summons release, we got what is it, five days to get the report down to the city counselor's office, up to five ...

LT. DEEBA: Five working days.

LT. HUELSMANN: In other words, the point that I was going to make is that if you were allowed to keep the tickets in your possession until the investigation is done, I would think that I would interpret the investigation as completed when the city counselor's office says yeah or nay on a warrant application, which doesn't need to be made within 20 hours, you got five days to apply.

LT. DEEBA: Is that your question Lieutenant?

LT. HUELSMANN: No, I think that is just a general statement. I would not interpret the 36 hours to start at the time of arrest. The 36 hours starts at the time the city counselor's office says I'm issuing a warrant, which very well could have been the week after the world series. The final game was on a Friday, right?

LT. DEEBA: Yes. I had a comment. What I was gonna say Lieutenant, Sir, my interpreted issues when I read a disposition of a case, it goes beyond a case being issued, it's when there's a sentencing or a guilty plea or whatnot. That would be my interpretation of the special orders, because the old order was actually clear with the 36 hour, I think it was in 87, when you read that, it was 36 hours after the

disposition of the case, although that's not clear in itself ...

LT. HUELSMANN: So what you would do, you would maintain it in the locker? You would always have chain of custody in that regard, if you were called to bring it to trial, you would bring it to trial, and you would carry it, or your officers would carry it directly from the locker to the trial?

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: I'm glad you brought that up, because interestingly enough, that portion of evidence is pretty nonambiguous in the special order because clearly all of the evidence going from and getting into the court room would come from property custody and so we can all have different interpretations on whether it's 36 hours from a certain point, I think that it's pretty clear that it is certainly 36 hours, not 36 hours from the disposition as determined by individual units monitoring of the case. The property control procedure is clearly that property for important cases go from the property custody section to the corresponding property place in the court system, not by individual officers bringing stuff with them. That's the absolute fact of the court for the order, we're not going to argue about that.

Lt. Deeba, obviously the first thing that I highlighted in the evidence control procedure was simply the fact that it should not touch as many hands as absolutely necessary and we have a chain of custody. In preserving the chain of custody, and I highlighted that, it should touch as few hands as possible, and of course we know that, according to the detectives, several hands on there that potentially, if it ended up in a courtroom or in a court setting, would clearly be a violation of policy simply because people that aren't police officers, aren't court members, or any folks they're in had

nothing to do with the case, folks, relatives, sisters and brothers, aunts and uncles, friends and family, are handling evidence and I think it's clear, I don't think that we can argue that is a clear violation of evidence and control procedures that people other than absolutely necessary had handled them according to the detectives.

LT. HUELSMANN: That's a general statement, Lieutenant. He's not asking you a question in that regard. Because obviously we don't know what the other folks have said necessarily. So, it's just a general statement.

CAPTAIN HAYDEN: If that's true what I'm saying, do you consider that according to ... if indeed, if indeed, if indeed, the detectives are telling the truth, if indeed the detectives are telling the truth that is a clear violation of this order. If they're telling the truth about what they did with those tickets, you would, you would acknowledge that that's a clear violation of the chain of custody.

LT. HUELSMANN: Captain, we're at a disadvantage though because we don't know what they've said to you. We don't know specifically what your interviews have been and what they've said to you in terms of the specifics of that. So as we're sitting here, if the question is should chain of custody be maintained, the answer clearly is going to be yes.

CAPTAIN HAYDEN: Ok.

LT. HUELSMANN: Should you minimize that the answer is clearly yes, but what they've said and what they've done, we're at a disadvantage.

CAPTAIN HAYDEN: Sure. And that's, that's fair enough. And, and let's, let's, let's make a little bit more generic, if, if, if, if my, if my in these investigations, or any investigation, if my relatives, not saying that anybody specifically has, but certainly if my

relatives are holding on to a piece of evidence, clearly that's a violation.

LT. HUELSMANN: Yes.

CAPTAIN HAYDEN: Ok, ok alright. Um...Several of the detectives did say that they gave them to family members, friends and relatives. Can you, do you have an explanation of how that could have possibly have happened under proper supervision?

LT. DEEBA: Why I think, no. I think uh we rely on all the officers to do their job and do it right.

CAPTAIN HAYDEN: Ok. Alright....This is and this is, while I was looking ... you know in other words uh... I you know today is the 21st is it?

LT. HUELSMANN: Yes Sir.

CAPTAIN HAYDEN: And so on the 19th, and, and you were there, Lt. Huelsmann and I responded to the Vice Narcotics Division and you saw me making copies of ... of course Boone's safe was pretty much empty of items, but he did have the log book ...

LT. DEEBA: Yes Sir.

CAPTAIN HAYDEN: I just wanted to just, just acknowledge some observations I made because I might not have, I see you, you might have done some as well, but I just noticed that for example you, you know that when when money is seized, like particularly $2000 or more that it shou...and it's for Asset Forfeiture purposes that it should go, Asset Forfeiture should respond to the scene and get it.

LT. DEEBA: Correct.

CAPTAIN HAYDEN: Acc, according to special orders. According to special orders and I, and I just happen to notice a couple like for example this one here and this is,

this I took this directly out of Sgt. Boone's log book; if it's accurate. He has on here uh, uh seizing date of March of $7000 and then an uh, uh a forwarding date of, of, of August of '06; which would be uh you know roughly six months or so, five months or so with $7000 in his safe. If that's true, if he's telling the truth, uh, would that be a violation of special order if he actually has $7000 in his safe for that period of time.

LT. DEEBA: Yes.

CAPTAIN HAYDEN: Ok. Alright...Uh I see another one here for $4700. Uh he has on here date of 5/31/06. He's saying that they had a disposition of going to Asset Forfeiture again on August. Would you announce that as being a violation of, of Asset Forfeiture procedures?

LT. DEEBA: Yes sir.

CAPTAIN HAYDEN: Ok, alright. Actually there are others, but I just, I just want to acknowledge that uh certainly during the investigation I'm, I'm, I'm discovering that as we already mentioned the sum of the evidence is not getting to the Property Custody section within 36 hours and also that there are monies that clearly should have been immediately were, were, were stored in Sgt. Boone's locker in some incidents for several months, which we, which we are saying unless there was some special procedure that you had in place there would be, there would be a clear violation of the Asset Forfeiture procedure.

LT. DEEBA: Correct.

CAPTAIN HAYDEN: Alright. Lt. Huelsmann do you have anything else?

LT. HUELSMANN: No sir.

CAPTAIN HAYDEN: This concludes the investigation; the interview with Lt. Deeba. It is now 10:55 on 3/21.

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END OF INTERVIEW

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