

**ORANGE COUNTY CORRECTIONS DEPARTMENT
PROFESSIONAL SERVICES DIVISION- INTERNAL AFFAIRS UNIT
ADMINISTRATIVE INVESTIGATION #IA 08-018
Primary Investigator: Lieutenant Melanie Monroe
Secondary Investigator: Senior Investigator Rosby Jones**

BASIS OF INVESTIGATION:

On May 22, 2008 Major Richard Anderson, Security Operations Division, requested that an internal investigation be conducted into an incident alleged to have occurred on May 18, 2008 in the Horizon Facility. The specific allegation involved four (4) correctional officers, identified as Officer Samuel Cruz, Officer Erick Mejia, Officer Luis Escobales and Officer Mark Caruso who all reportedly sanctioned a fight between two (2) inmates and afterwards failed to submit a report detailing the incident.

Based upon testimony obtained from the inmates who claimed to have been involved in the fight and witnesses who testified to their observations, the Orange County Sheriff's Office (OCSO) was contacted on May 27, 2008 and asked to review the information for possible criminal activity on the part of the four (4) officers. The OCSO did conduct a criminal investigation and concluded there was insufficient evidence to prove the officers acted with malice and criminal intent. On August 20, 2008 Cpl. Robert Leben notified the Internal Affairs Unit of the outcome of his criminal investigation. Due to the criminal investigation, the administrative investigation was tolled in accordance with ss.112.532 for the time period between May 27, 2008 and August 14, 2008.

SYNOPSIS OF WRITTEN STATEMENTS:

Correctional Corporal Sonja Robinson, Reporting Supervisor

Cpl. Robinson completed a written statement dated May 22, 2008 outlining information she gained in reference to allegations made by two (2) inmates housed in the Horizon Facility unit 4D. According to Cpl. Robinson, at approximately 7:00am, Officer Lynese Smith notified her via telephone two (2) inmates, Timothy Beasley #08011787 and Michael Jarrard #08016856, requested to speak with her in reference to an incident that occurred on Sunday May 18, 2008.

Inmate Beasley informed Cpl. Robinson that on May 18, 2008 three (3) officers, whom he identified as Officer Samuel Cruz, Officer Luis Escobales and Officer Erick Mejia allowed two (2) inmates to fight. Inmate Beasley elaborated by stating Inmate Christopher Redding, housed in Horizon 4D-20, had been accused of stealing commissary from Inmate Anthony Hobdyfranco, housed in Horizon 4D-02, earlier during A Squad. None of the A Squad officers had been informed of the theft because the inmates intended to settle the matter themselves during B Squad.

During the shift change all inmates were locked inside their assigned cells. After shift change was completed the inmates in 4D were allowed into the dayroom except for Inmate Redding. Inmate Beasley reported observing the three (3) previously named

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officers putting on gloves while a large number of Hispanic inmates entered the 4C/D recreation yard while putting on their shoes. Inmate Beasley claimed Inmate Redding was scared because he knew the inmates on the recreation yard were waiting on him to come outside.

Inmate Beasley stated a few minutes passed then Inmate Redding exited his cell and walked over to 4C. A few minutes later Inmate Beasley observed Inmate Redding, along with a number of black inmates, begin to walk out onto the recreation yard, however, they were stopped by Officer Cruz. Inmate Beasley stated Officer Cruz informed the inmates there would not be a riot on the floor and they would settle the matter at the 2230-hour lockdown.

After all inmates had been locked down, Inmate Beasley observed Officer Cruz go to cell 4D-20 and allow Inmate Redding out of his cell. Officer Cruz then proceeded to 4D-02 and allowed Inmate Hobbyfranco out of his cell. Once both inmates were in the dayroom they began to physically fight each other while the three (3) previously identified officers stood by and observed.

Inmate Beasley asserted when Inmate Redding "got the best" of Inmate Hobbyfranco Officer Cruz stepped in and held Inmate Redding's arms and allowed Inmate Hobbyfranco to strike Inmate Redding several times. The inmates were then allowed to continue fighting. Inmate Beasley stated the fight ended when someone yelled out that the nurse was coming. At this point Officer Cruz stepped in to stop the fight and instructed both inmates to return to their cells. After speaking with Cpl. Robinson, Inmate Beasley completed a written statement.

Next, Cpl. Robinson spoke with Inmate Jarrard who informed her of his observations on May 18, 2008. Inmate Jarrard stated Officer Cruz and two (2) other Spanish officers allow inmates to fight. Inmate Jarrard stated on May 18, 2008 Inmate Redding had been accused of stealing commissary from a Spanish inmate. According to Inmate Jarrard, instead of informing the officers the inmates decided to handle the matter on B Squad.

Inmate Jarrard stated after lockdown Officer Cruz proceeded to 4D-20 and told Inmate Redding to come out of his cell. Next, Officer Cruz walked to 4D-02 and spoke with Inmate Hobbyfranco in Spanish. Inmate Hobbyfranco then exited the cell and both inmates began to fight in the dayroom. Inmate Jarrard stated the fight ended when someone yelled the nurse was coming. Officer Cruz and Officer Mejia then broke up the fight. Inmate Jarrard stated both Officer Escobales and Officer Mejia stood by watching the entire fight. After speaking with Cpl. Robinson, Inmate Jarrard completed a written statement.

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Cpl. Robinson had Inmate Redding escorted to the supervisors office and spoke with him. Cpl. Robinson stated Inmate Redding was initially reluctant to say anything when she questioned him about the events on May 18, 2008. After Cpl. Robinson informed Inmate Redding she had knowledge of the incident and wanted his side of the story Inmate Redding informed Cpl. Robinson he had been involved in a fight.

Inmate Redding confirmed he had been accused of stealing commissary from a Spanish inmate but denied responsibility for the theft. Inmate Redding stated when Officer Cruz came on duty Officer Cruz spoke with several Spanish inmates while the housing unit remained on lockdown. Once the dayroom was open all inmates were allowed out of their cells except for Inmate Redding. Inmate Redding stated from his cell he observed a number of Spanish inmates go onto the recreation yard and put on their shoes. Inmate Redding stated the inmates were motioning for him to come to the recreation yard.

A few minutes later Inmate Redding stated his cell door was unlocked and he walked over to 4C to recruit inmates he knew and they all proceeded to walk to the recreation yard. Officer Cruz stopped the inmates and instructed them to settle the issue at lockdown time. At lockdown, once all inmates were secured in their cells, Officer Cruz walked to Inmate Redding's cell and unlocked the door. Inmate Redding stated he exited his cell and walked to the dayroom. Officer Cruz then walked to 4D-02 and unlocked the door and spoke with Inmate Hobbyfranco.

A few seconds later Inmate Hobbyfranco ran out of his cell and both inmates began to fight. Inmate Redding stated Officer Cruz held him several times during the fight and allowed Inmate Hobbyfranco to strike him. According to Inmate Redding, the fight ended when someone said the nurse was coming. Inmate Redding stated Officer Cruz stopped the fight while Officer Escobales and Officer Mejia stood by watching. Inmate Redding completed a written statement after speaking with Cpl. Robinson. Cpl. Robinson stated that all inmates were kept separate from each other until further notice.

Inmate Timothy Beasley #08016856, Witness

Inmate Timothy Beasley completed a sworn written statement dated May 22, 2008. In his written statement Inmate Beasley stated Officer Cruz blasted an air horn at 4:30am thinking it would be funny. Inmate Beasley went on to state on May 18, 2008 the "three amigo's" let a young black inmate out of cell #20 and an older P.R. (Puerto Rican) man get into a fight while the unit was in lockdown.

Inmate Beasley stated one inmate was released while the other stood in the middle of the TV room (dayroom) scared and no really wanting to fight. Inmate Beasley stated Officer Cruz forced the inmate to fight. Inmate Beasley claimed one inmate came into

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contact with the desk and just missed hitting his head on the stairs. Inmate Beasley concluded his statement by stating that if the "young" officer was not stopped someone was going to be killed by his actions.

Inmate Michael Jarrard #08011787, Witness

Inmate Michael Jarrard completed a sworn written statement dated May 22, 2008. In his written statement Inmate Jarrard stated he was lock (sic) in cell 4D-16 and 4D has turned into a "3 ring circus" on the nights Officer Crews (sic) and his Spanish co-workers are on duty. Inmate Jarrard stated the officers often entertain themselves by staging fights between inmates on the recreation yard.

Inmate Jarrard stated on May 18, 2008 Officer Crews (sic) and "company" set up a fight between a young black inmate and a young Spanish inmate at 11:00pm. All of the inmates were in lockdown and Officer Crews (sic) opened cell #20 and allowed the black inmate into the center of the dayroom. Officer Crews (sic) then went to cell #2 and allowed the Spanish inmate out and stated, "You have 3 minutes".

Inmate Jarrard described the fight like a "scene from a gladiator movie". Inmate Jarrard claimed this fight was just one incident and many more had occurred. Inmate Jarrard further stated at 4:30am on May 22, 2008 the inmates were awoken by an air horn which caused distress to his roommate Inmate Beasley.

Inmate Akeem Hill #08019175, Witness

Inmate Akeem Hill completed a sworn written statement dated May 22, 2008. Due to Inmate Hill's grammar and spelling his written statement cannot be comprehended enough to ascertain what he is describing.

Inmate Christopher Redding #08002220, Participant

Inmate Christopher Redding completed a sworn written statement dated May 22, 2008. In his written statement Inmate Redding indicated he was in 4C prior to lockdown time, at which point he returned to 4D. When he returned to 4D an inmate claimed Inmate Redding had stolen his commissary, which Inmate Redding denied.

At shift change Officer Cruz, Officer Mejia and another officer came on duty. When the inmates were allowed into the dayroom, for some reason Inmate Redding, who was housed in cell #20, remained locked in his cell. Inmate Redding stated he observed inmates speaking with the three (3) officers. Inmate Redding claimed he was then allowed out of his cell.

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Inmate Redding stated he walked to a window where he was able to view the recreation yard and observed numerous Hispanic inmates taunting him to come out to the recreation yard acting as if they were going to attack him. Inmate Redding claimed he told his "homeboys" who started putting on their shoes. Officer Cruz told them there was going to be no "jumping" and the situation would be settled at lockdown.

At 10:30pm an officer came to Inmate Redding's cell and allowed him to exit his cell. Inmate Redding walked to the dayroom and the officer asked him if he was going to fight back. The person Inmate Redding was to fight was still in his cell. Inmate Redding indicated the officers were at the other inmates cell talking to him before Officer Cruz let the inmate out of his cell. Both inmates began fighting and during the fight Inmate Redding heard the officers stated they had money on the fight.

During the fight Inmate Redding stated Officer Cruz grabbed him and allowed the other inmate to strike him in the face. Officer Cruz then reportedly broke up the fight however the inmates resumed fighting. Officer Cruz again grabbed Inmate Redding and allowed the other inmate to strike him. Inmate Redding stated the fight ended when Officer Cruz stated the nurse was there.

According to Inmate Redding, Officer Cruz and an officer whose name he did not know told him to hurry back to his cell. Officer Mejia was sitting at the officers' desk while Officer Cruz and the unidentified officer escorted him back to his cell. Once in his cell Inmate Redding stated he was spitting blood and wrapped his knees with a towel to prevent blood from getting on his bunk. Inmate Redding indicated he received no medical attention after the fight. Approximately ten (10) minutes later Officer Cruz walked past Inmate Redding's cell and stated "good fight".

Correctional Officer Mark Caruso, Subject

On May 23, 2008 Officer Caruso was issued a memorandum informing him he was temporarily reassigned and restricted from having any inmate contact. Upon receipt of this memorandum Officer Caruso requested to be allowed to submit a written statement. Captain DeFerrari accompanied him to the Internal Affairs Unit and Officer Caruso consulted with an FOP union representative. Officer Caruso then wrote and submitted a written statement. Officer Caruso also requested the opportunity to take a polygraph examination.

In his written statement, Officer Caruso stated on Sunday May 18, 2008 he was working overtime and assigned to the movement post at the Horizon Facility. During his shift he traveled to the different floors to see if any of the officers needed a break. At approximately 10:30pm he entered 4C/D-housing units and his attention was immediately drawn to two (2) inmates leaving their cells and walking to the center of the dorm where they began fighting. Officer Caruso stated because his attention was

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focused on the inmates fighting he did not observe any other officers except Officer Cruz.

Officer Caruso stated Officer Cruz stated to him, "I got this" and he assumed Officer Cruz was going to "call inmate fight". Officer Caruso stated he was unsure where the other officers assigned to the unit were located. Officer Caruso stated he proceeded to give both inmates direct orders to stop fighting, however, they continued rolling on the floor and striking each other with closed fists in the face and body area.

Officer Caruso stated he continued to give the inmates verbal orders to stop fighting with no results. Officer Caruso indicated that Officer Cruz watched the inmates fighting and never attempted to stop the fight or provide verbal commands. Officer Caruso stated he attempted to separate the inmates at which point Officer Cruz walked over and assisted him. After both inmates were returned to their cells Officer Caruso stated he assumed the incident was going to be handled by the officers on the floor.

As Officer Caruso was leaving he walked past the nurse and stated to her, "can you believe these idiots fighting" and the nurse agreed with him. Officer Caruso admitted he should have reported these events to his supervisor on the night of the incident.

On June 13, 2008 Officer Caruso submitted a second written statement detailing a telephone call he received while assigned to the Work Release Center. According to Officer Caruso he received a telephone call from an individual who claimed to be Blake. The called ID on the telephone indicated the call was placed from 407-590-0961. Officer Caruso asked Cpl. Webb to call the number back due to the fact that Officer Caruso did not know anyone named Blake.

Cpl. Webb spoke to the individual briefly and handed the telephone to Officer Caruso. After Officer Caruso spoke to the individual for a minute he realized he was speaking with Officer Cruz and he informed Cpl. Webb whom he was speaking to. Officer Caruso stated Officer Cruz informed him they needed to talk and he wanted his cellular phone number. Officer Caruso stated he refused to provide his cellular number to Officer Cruz and reportedly informed Officer Cruz that they could not speak with each other.

On June 2, 2008 Officer Caruso submitted an e-mail he received from Officer Erick Mejia. On the subject line was "What's up?" There was nothing contained in the body of the e-mail.

Correctional Corporal Kevin Webb, Witness

On June 13, 2008 Cpl. Webb submitted a written statement in reference to the telephone call Officer Caruso received at the Work Release Center from an individual claiming to be Blake. In his written statement, Cpl. Webb indicated on June 13, 2008 at

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approximately 10:40pm Officer Bund received a telephone call from a man who stated his name was Blake. Blake requested to speak with Officer Caruso who was unable to receive the call at the time. The individual left his name and telephone number with Officer Bund.

A few minutes later Officer Caruso came to the control room and Officer Bund gave him the message to call Blake at 407-590-0961. Officer Caruso claimed he did not know an individual named Blake and asked Cpl. Webb to call the individual to determine if he could identify him. Cpl. Webb called the telephone number and asked the person who answered if they knew who was attempting to get in contact with Officer Caruso. The individual identified himself as Blake and asked whom he was speaking with. When Cpl. Webb identified himself, the individual acted as if he knew him but still maintained his name was Blake.

Cpl. Webb then handed the telephone to Officer Caruso. After a short time Officer Caruso informed Cpl. Webb the individual on the telephone was Officer Cruz. Cpl. Webb put his ear to the telephone and listened to the conversation. Cpl. Webb heard Officer Cruz state to Officer Caruso that they needed to talk and asked for Officer Caruso's cellular number.

Cpl. Webb stated Officer Caruso informed Officer Cruz that they could not speak to each other because of the investigation and refused to provide him with his cellular number. When Officer Cruz stated he wanted to get together with the union concerning the investigation, Officer Caruso told him to go to the union on his own because they were not to be communicating. Once Officer Cruz realized Officer Caruso was not going to communicate with him he ended the telephone call.

Polygraph Examination – Inmate Anthony Hobbyfranco

On June 4, 2008 Detective Jose Vicente, Orlando Police Department, Polygraph Services, conducted a polygraph examination on Inmate Anthony Hobbyfranco. During the pre-test phase of the examination Inmate Hobbyfranco stated he had participated in a fight that was staged by Officer Cruz, Officer Mejia and Officer Escobales on May 18, 2008. Inmate Hobbyfranco stated Inmate Christopher Redding had allegedly stolen commissary from other inmates therefore Inmate Hobbyfranco wanted to fight him in order to get him to stop.

Inmate Hobbyfranco stated right after lockdown, at approximately 10:30pm, Officer Escobales opened his cell door and informed him that if he won the fight Officer Escobales would bring him chicken on Thursday. Inmate Hobbyfranco stated he fought Inmate Redding for 5-7 minutes in the dayroom while Officer Cruz refereed the fight. After the fight Officer Mejia raised Inmate Hobbyfranco's hand in victory. Officer Caruso then came to his cell and stated he was knowledgeable in martial arts and provided

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fighting tips to Inmate Hobbyfranco. Inmate Hobbyfranco stated Officer Mejia and Officer Cruz did bring him chicken, from Winn Dixie and Kentucky Fried Chicken, to his cell and he shared it with his cellmates.

Inmate Hobbyfranco was asked the following relevant questions during the examination. The answers are also provided.

Q: Were you completely truthful regarding your statement about that fight?

A: Yes.

Q: Did C/O Escobales tell you he would give you chicken if you drew blood during that fight?

A: Yes.

Q: Did C/O Cruse provide you fighting tips after your fight?

A: Yes.

Q: Did C/O Cruz and Mejia bring chicken to you after he fight?

A: Yes.

Detective Vicente indicated in his report that, during the testing phase of the polygraph Inmate Hobbyfranco did not display any significant or consistent physiological reactions to the relevant questions. Therefore, it is in the opinion of Detective Vicente that the examination conclusion is inconclusive.

Polygraph Examination – Inmate Christopher Redding

On June 4, 2008 Officer Barbara McClelland, Orlando Police Department, Polygraph Services, conducted a polygraph examination on Inmate Christopher Redding. During the pre-test phase Inmate Redding stated he was involved in a fight on May 18, 2008. Inmate Redding stated at dinnertime lockdown he walked back to his cell and heard Hispanic inmates stating, "he stole from #21" as they were pointing at him. Inmate Redding entered his cell, #20, and retrieved his receipts for his commissary purchases and showed them to the Hispanic inmates.

Inmate Redding stated after dinner all inmates were in lockdown until 7:00pm. At this time Inmate Redding attempted to exit his cell however his cell remained locked. Inmate Redding looked out his window onto the recreation yard and observed between 15-20 Hispanic inmates gathering together all wearing shoes. Inmate Redding explained wearing shoes is a sign that the inmates are preparing to fight.

Inmate Redding then looked out into the housing unit and observed two (2) Hispanic inmates talking with Officer Cruz, Officer Mejia and Officer Escobales. Inmate Redding

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stated they all were looking up at his cell while they were talking. Inmate Redding commented to his roommate that they were debating whether or not to allow him out of the cell because the inmates wanted to "jump" him.

Inmate Redding stated his cell door was then unlocked and he exited the cell and walked around a corner where he observed a group of inmates motioning for him to come to them. Inmate Redding gathered a small group of black inmates, approximately five (5). Inmate Redding stated he did not want to fight but he knew if he did not he would be moved to a different part of the jail. Officer Cruz stated to him, "there is not going to be any jumping, you're going to fight. You, me and him at 10:30 in the dayroom."

Inmate Redding stated at 10:30pm he came in from the recreation yard and observed that most of the inmates were inside their cells. As he walked towards his cell Officer Mejia told him to remain in the dayroom. According to Inmate Redding he was tense and paced while in the dayroom when Officer Caruso, who was sitting at the desk, asked him why he was so nervous. Inmate Redding stated his roommate called out, "bro, watch out I heard them say they got money on it."

Inmate Redding stated Officer Cruz, Officer Mejia and Officer Escobales approached cell #2 a few times talking to the inmates inside the cell. Officer Cruz opened the cell door and Inmate Anthony Hobdyfranco came running out towards Inmate Redding At which point they began to fight. During the fight Inmate Redding claimed Officer Cruz grabbed him from behind and held his arms while Inmate Hobdyfranco repeatedly struck him. Officer Cruz then pushed him forward towards Inmate Hobdyfranco and the fight continued.

Officer Cruz, for a second time, reportedly grabbed Inmate Redding from behind and held him while Inmate Hobdyfranco struck him repeatedly. As they were fighting both inmates moved towards the dayroom chairs where Inmate Redding picked Inmate Hobdyfranco up. Inmate Hobdyfranco broke free from Inmate Redding and they ended up by the officer's desk where Officer Caruso was standing. During the fight Inmate Redding claimed he not only heard Officer Escobales yell, break" but also heard an officer state they had money on the fight.

Inmate Redding claimed he had Inmate Hobdyfranco in a headlock when Inmate Hobdyfranco began striking his head into the desk. Inmate Hobdyfranco broke free from the headlock and kicked Inmate Redding twice in the face. At this point Officer Cruz called out, "the nurse is here, the nurse is here, stop, stop". Once the fight stopped Officer Mejia walked Inmate Redding to his cell. Inmate Redding claimed to have a cut lip and blood coming from his knees.

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Inmate Redding was asked the following relevant questions during the examination. The answers are also provided.

Q: During that fight did a correction officer say I've got money on this?

A: Yes.

Q: During that fight did you hear a correction officer hold your arms while Anthony hit you?

A: Yes.

Q: Were Officer Cruz, Officer Mejia and Officer Escobales present during that fight?

A: Yes.

Q: During that fight did Officer Cruz push you towards Anthony?

A: Yes.

Officer McClelland indicated in her report that, during the testing phase of the polygraph, Inmate Redding did display significant and/or consistent physiological reactions to the relevant questions. Therefore it is the determination of Officer McClelland that the exam conclusion is Deception Indicated.

Officer McClelland explained the results to Inmate Redding and he stated verbally and in writing that he had not heard a corrections officer say during the fight that "they had money on it." Inmate Redding also stated Officer Cruz had not pushed him during the fight.

At the completion of the polygraph examination Inmate Redding completed a written statement. In his written statement, Inmate Redding stated his roommate informed him the officers said they had money on the fight and his roommate stated he had observed Inmate Hobbyfranco receive a bag of ice and Kentucky Fried Chicken. Inmate Redding admitted he had not heard the officers state they had money on the fight. Inmate Redding further stated he was not pushed during the fight but he had been held while Inmate Hobbyfranco was allowed to strike him.

Polygraph Examination – Inmate Michael Jarrard

On May 30, 2008 Detective Jose Vicente, Orlando Police Department, Polygraph Services, conducted a polygraph examination on Inmate Michael Jarrard. During the pre-test phase of the examination Inmate Jarrard stated he had knowledge of a fight between two (2) inmates that was staged by Officer Cruz, Officer Mejia and Officer Escobales on May 18, 2008. Inmate Jarrard stated he heard about the fight that was supposed to occur between two (2) inmates earlier that day.

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Inmate Jarrard stated at 10:30pm, right after lockdown, he heard a commotion in the common area of the unit. Inmate Jarrard observed Officer Cruz and Officer Escobales allow two (2) inmates, one black and one Hispanic, to fight uninterrupted. Inmate Jarrard also provided more information in reference to the above stated incident.

Inmate Jarrard was asked the following relevant questions during the examination. The answers are also provided.

Q: Have you been completely truthful regarding your statement about that fight?

A: Yes.

Q: Did you see a dorm Corrections Officer and Corrections Officer Cruz allow two inmates to fight uninterrupted?

A: Yes.

Q: Have you seen any fights staged by Officer Cruz?

A: Yes.

Q: Do you know for sure that between lockup and that fight that a Corrections Officer let any of those inmates out of any cell?

A: Yes.

Detective Vicente indicated in his report that, during the testing phase of the polygraph, Inmate Jarrard did not display significant or consistent physiological reactions to the relevant questions. Therefore, it is the opinion of Detective Vicente that the examination conclusion is No Deception Indicated.

Polygraph Examination – Inmate Timothy Beasley

On May 30, 2008 Officer Barbara McClelland, Orlando Police Department, Polygraph Services, conducted a polygraph examination on Inmate Timothy Beasley. During the pre-test phase of the examination Inmate Beasley stated at the 6:00pm shift change he heard someone say there was going to be a fight and that someone, possibly a black male in cell #20 had stolen commissary from an elderly Hispanic inmate in cell#21.

Inmate Beasley observed a black male known to him as Chris pacing between 4C and 4D and assumed he was the inmate who was going to fight. At approximately 8:30pm Inmate Beasley was in line for medication and observed Officer Cruz and the officer from 4C wearing blue gloves. Inmate Beasley then heard Officer Cruz say, "it's not going to happen now, it's going to happen later on" as he removed his gloves and threw them in the trash.

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At the 10:30pm lockdown time Inmate Beasley observed an officer wearing glasses standing in the center of the dayroom along with Officer Cruz, who was wearing blue gloves, and Inmate Redding. A white male officer, wearing a dark uniform, arrived and stood by the desk as Officer Mejia opened cell #2. When the two inmates began fighting the officers were standing approximately eight (8) feet away.

During the fight both inmates fell into the chairs in front of the television. Officer Cruz grabbed one inmate while the white officer grabbed the other pulling them apart. Officer Cruz then motioned with his arms for the inmates to fight. Inmate Beasley demonstrated this action by placing his arms out to his side and waving his hands. Inmate Beasley stated the inmates began to fight again.

According to Inmate Beasley, at one point Inmate Hobdyfranco was striking Inmate Redding's head against the floor. As the fight continued the inmates moved towards the stairs. Both inmates fell to the ground near the filing cabinets and Inmate Redding's head came close to striking the metal railing of the stairs. At this point Officer Mejia stopped the fight.

Officer Mejia returned Inmate Hobdyfranco to his cell and Inmate Redding returned to his cell. Inmate Beasley stated he observed and heard the Officer Mejia yelling in the direction of cell #20, where Inmate Redding was housed, "I'm not talking about the fight anymore, it's over." Later Officer Mejia brought ice to cell #20 and cell #2.

The next day at noontime Inmate Beasley observed Inmate Redding inside cell #20 and asked him if he was okay and asked him why did the fight occur. According to Inmate Beasley, Inmate Redding stated he had been accused of stealing. A few days later, at approximately 4:30am, Inmate Beasley awoke to the sound of an air horn being sounded by Officer Cruz. Inmate Beasley stated this made him mad and he decided to inform the next shift.

Inmate Beasley was asked the following relevant questions during the examination. The answers are also provided.

Q: Have you been completely truthful regarding your statement about that fight?

A: Yes.

Q: Did you see your dorm corrections officer and Officer Cruz allow two inmates to fight uninterrupted on May 18, 2008?

A: Yes.

Q: Did you see Officer Cruz motion to the inmates to start fighting?

A: Yes.

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Q: Between lockdown and that fight, did you see a corrections officer open cell #2 letting Anthony out?

A: Yes.

Officer McClelland indicated in her report that, during the testing phase of the polygraph, Inmate Beasley did not display significant or consistent physiological reactions to the relevant questions. Therefore it is Officer McClelland's opinion that the examination conclusion is No Deception Indicated.

Polygraph Examination – Officer Mark Caruso

On May 30, 2008 Officer Barbara McClelland, Orlando Police Department, Polygraph Services, conducted a polygraph examination on Officer Mark Caruso. During the pre-test phase of the examination Officer Caruso stated he was on duty during the time of the incident on May 18, 2008. Officer Caruso stated he was on duty between 6:00pm on May 18, 2008 until 6:00am on May 19, 2008.

On this date Officer Caruso was assigned to the Horizon Facility as a movement officer. At 10:30pm he went to 2A/B and 2C/D to see if any officers needed a break. Officer Caruso then proceeded to the 4th floor to 4A/B and ultimately 4C/D. As he entered 4C/D he observed a couple of black inmates in the center of 4C/D and he recognized one as a trusty. Officer Caruso then observed a black male pacing in the center of the dayroom and he asked the inmate, "What are you doing".

Officer Caruso observed Officer Cruz walking around the upper tier locking doors. Officer Cruz came down stairs and approached the black male, Inmate Redding, and both of them looked towards Officer Caruso's left towards cell #2. Officer Caruso began walking towards cell #2 and as he approached a Hispanic inmate, Inmate Hobbyfranco, pushed the door open and ran to Inmate Redding and a fight began.

Officer Caruso stated he waited to see how Officer Cruz would respond to the fight prior to taking action himself. The inmates began moving towards Officer Caruso and he began to back away from them. The inmates fell into the metal filing cabinet pushing it away from the desk and Inmate Redding stated, "I give up." Officer Caruso yelled to Inmate Hobbyfranco approximately four (4) times to release Inmate Redding. Officer Caruso stated the fight lasted no longer than a minute.

Later in the conversation with Officer McClelland, Officer Caruso stated he tried to pull Inmate Hobbyfranco off of Inmate Redding when Inmate Redding had stated he gave up. This information contradicted his earlier recollection. Officer Caruso also stated as the inmates began to fight Officer Cruz stated, "I got it, I got it." Officer Caruso was adamant that he never touched either inmate prior to them falling to the ground and that he only placed his hands on Inmate Hobbyfranco.

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After the fight was over Officer Caruso stated he went to 2A/B and sat down. He stated he immediately felt sick because he knew something was wrong. Officer Caruso stated he did not make a report and knew he would be contacted about the incident.

Officer Caruso was asked the following relevant questions during the examination. The answers are also provided.

Q: Have you been completely truthful regarding your statement about that fight?

A: Yes.

Q: During that fight did you have physical contact with either inmate other than what you stated to me?

A: No.

Q: Did you see any other officers present during that fight?

A: No.

Officer McClelland indicated in her report that, during the testing phase of the polygraph, Officer Caruso did display significant and/or consistent physiological reactions to the relevant questions. Therefore, it is Officer McClelland's opinion that the examination conclusion is Deception Indicated.

After completing the examination Officer McClelland explained the results to Officer Caruso. Officer McClelland indicated Officer Caruso then gave a sworn written statement. In his written statement Officer Caruso indicated while Officer Cruz was standing next to Inmate Redding they were both looking at the cell where Inmate Hobbyfranco was housed, which caused Officer Caruso to look in the same direction.

As Officer Caruso walked over to the cell, Inmate Hobbyfranco exited the cell and began fighting with Inmate Redding. Officer Caruso stated as Inmate Hobbyfranco was approaching Inmate Redding to fight, he observed Officer Cruz waving his arm at Inmate Hobbyfranco in a "come here" or "pointing" manner.

Officer Caruso further stated there was a possibility that he had physical contact on one or both inmates prior to point they were on the ground. Officer Caruso continued by stating while the inmates were fighting near the chairs he may have had physical contact on the inmates until Officer Cruz stated, "I got it"

On a second page Officer Caruso wrote, " Since I have failed to report this incident I feel deeply sorry for all the inmates and officers that were involved unwillingly and I am truly regretful that I did not report it immediately to any supervisor. I am also regretful to have not remembered all of the events during my first interview."

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SYNOPSIS OF SWORN TESTIMONY:

Inmate A

Inmate A was interviewed on May 22, 2008. During his sworn testimony, Inmate A stated on the morning of May 22, 2008, at approximately 0430 hours Officer Cruz blasted an air horn as a means to awaken the inmates in 4D for breakfast. Inmate A stated although this had never occurred before, he believed Officer Cruz had gone too far with his actions.

Inmate A explained that he observed Officer Cruz standing in front of the office located within the unit. Inmate A stated Officer Mejia, who was assigned to 4D, was present laughing at Officer Cruz's actions while the officer assigned to 4C was in the dining room. When Inmate A came out for breakfast he commented to the three officers, "That was simple minded stuff man" and returned to his cell. According to Inmate A he felt intimidated by the officers due to the behavior he has observed therefore, he placed his identification badge on his bunk so that the on-coming officer would have to enter his cell and ask him for his ID.

When Officer Smith came on duty she entered Inmate A's cell requesting his ID badge. According to Inmate A, he informed Officer Smith what had happened that morning involving the air horn and about a previous incident involving an inmate fight. Inmate A stated the previous Sunday, May 18, 2008, during A Squad, Officer Wiecks was on duty and he repeatedly ordered Hispanic inmates out of a cell upstairs.

Inmate A claimed he learned that the inmates from cell #20 had stolen commissary from an inmate in cell #21. Inmate A also learned there was going to be retaliation for the stolen commissary. Also, according to Inmate A, Inmate F informed him days later that he was chosen to fight because the Hispanic inmates wanted retaliation. Inmate A stated throughout the day he could observe tension building between the black and Hispanic inmates.

Inmate A stated at approximately 8:30pm he was standing in line for medications and observed Officer Cruz and Officer Escobales standing beside the window where the medication is dispensed and both officers were wearing blue gloves. As Inmate A continued standing in line he heard Officer Cruz state, "It won't be now. It won't be now". Officer Cruz and Officer Escobales spoke together in Spanish and eventually removed their blue gloves and threw them into the garbage. Inmate A also observed the Hispanic inmates on the recreation yard attempting to get Inmate C to come out to the recreation yard, however, Inmate C kept walking between 4C and 4D.

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Inmate A stated there was tension on the recreation yard among the inmates who were standing around. Inmate A asked an inmate on the recreation yard what was going on and the inmate informed him the inmates on the recreation yard wanted to attack the inmate who stole the commissary. Inmate A then described the events he observed after the unit was locked down for the night.

Inmate A stated the officers locked the units down and Inmate C remained out in the dayroom. Inmate A stated Inmate C appeared scared and was pacing. Inmate A did not observe any other inmates out of their cells at the time. Inmate A recalled that Inmate F was also locked inside his cell at this point. Inmate A stated his roommates; Inmate B and Inmate E also observed what was taking place.

Inmate A stated Officer Cruz, who was now wearing gloves, walked over to cell #2 and opened the door and Inmate F ran out from the cell directly towards Inmate C and both inmates began fighting. During the fight Inmate A observed that Inmate F had an advantage over Inmate C. Both inmates fell over the chairs located in the dayroom. When the inmates were on the floor, Officer Cruz and the white officer unknown to Inmate A walked over and pulled them apart. Inmate A stated this white officer appeared to be wearing a black uniform. Inmate A described this officer as a white male, slender, approximately 6 feet tall with sandy brown hair.

After both officers separated the inmates the fight continued. Inmate A described, "Cruz and that other officer separated them and stepped them back just like you would a couple of boxer's and go at it boys." Both inmates eventually fell towards the officer's desk and the file cabinet. Inmate A stated the fight seemed to last longer than three minutes and estimated it to have lasted between 5 and 6 minutes.

Inmate A stated after the officers stopped the fight both inmates returned to their cells. Inmate A also heard Inmate C hollering to Officer Mejia who replied, "I'm not talking anymore about the fight". Eventually, Inmate A observed Officer Cruz and Officer Mejia give each inmate a bag of ice. Inmate A indicated both Officer Mejia and Officer Escobales watched the fight and did not separate the inmates.

Inmate A claimed he had observed a previous fight witnessed by Officer Cruz, Officer Escobales and Officer Mejia, however, this fight occurred on the recreation yard. During that fight inmates went into the cell of one of the inmate fighting, a black male from 4C cell#1, and stole all of his commissary and possessions. When the inmate returned to his cell and discovered his possessions had been stolen, Inmate A stated he went "berserk" and the officers removed him from the unit. Inmate A recalled this incident occurred a few days prior to May 18, 2008.

Inmate A was re-interviewed on May 23, 2008 and shown pictures in order to determine the exact identity of all the officers he referred to in his initial interview. First Inmate A

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was shown a picture of Officer Cruz. Inmate A readily identified the officer in the picture as Officer Cruz. Inmate A was next shown a picture of Officer Mejia. Inmate A stated he did not know the name of the officer, however, he confirmed the officer in the picture, Officer Mejia, was the officer working in 4D on May 18, 2008.

Inmate A was then shown a picture of Officer Escobales. Inmate A stated he was the officer assigned to 4C on May 18, 2008 however, he did not know Officer Escobales by name. Lastly, Inmate A was shown a picture of Officer Caruso. Inmate A confirmed Officer Caruso was the officer who assisted Officer Cruz in separating the inmates during the fight.

Inmate B

Inmate B was interviewed on May 22, 2008. During his sworn testimony, Inmate B described his observations from May 18, 2008 and prior dates. Inmate B claimed on the evening of May 21, 2008 the three officers assigned to 4C/D kept them locked in their cells most of the evening. In the morning, at approximately 4:30am, the officer assigned to his unit utilized what sounded like an air horn to awaken the inmates for breakfast. Inmate B claimed these three Hispanic officers, whom he described as acting like gangsters, always work together and things have been getting worse.

Inmate B stated he believed inmates referred to Officer Cruz as "the three minute guy" and he appeared to be the ringleader of the three officers. Inmate B stated the officers have been allowing inmates to fight on the recreation yard in order to settle their issues for months. Because of this, Inmate B stated he came forward with information relating to a fight that occurred on May 18, 2008.

Inmate B stated there was a lot of activity that evening, at approximately 8:30pm, on the recreation yard. Inmate B indicated there were numerous black and Hispanic inmates on the yard "ganging up" about something. Inmate B stated he did not know why this activity was occurring. Inmate B claimed he heard an officer tell the inmates they could fight on the recreation yard, however, if it became a riot every one would be locked down. Inmate B stated Inmate C was looking at the recreation yard through the window upstairs and would not go onto the recreation yard.

The unit was locked down at 10:30pm, at which point Inmate B was in his cell when his roommates told him to look out into the dayroom. Inmate B stated when he looked he observed Officer Cruz stop Inmate C in the middle of the dayroom. Inmate C was the only inmate in the dayroom at the time.

Inmate B stated an additional officer was present whom he did not know by name. Inmate B described the officer as a white male in a blue uniform with sandy brown hair, approximately 6 feet tall and slender. Inmate B stated Officer Cruz let Inmate F out of

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cell #2 and stated, "You got three minutes. Go get him" and Inmate F began to fight with Inmate C. Inmate B stated Inmate F came out of his cell already swinging.

Inmate B claimed the officers never took any action in order to stop the inmates from fighting. During the fight, the inmates fell over the chairs in the dayroom. When asked what finally stopped the fight, Inmate B stated, "they're three minutes was up I guess". According to Inmate B, the inmates in the unit know that they can approach Officer Cruz and request a three-minute fight to resolve issues. Inmate B added that this fight was the only one he observed taking place in the dayroom as the fights had always been on the recreation yard.

According to Inmate B, the inmates involved in the three-minute fights are never issued disciplinary reports and moved to lockdown. Inmate B stated he did observe one other fight on the recreation yard. Inmate B stated an inmate from 4C who routinely purchased large amounts from the commissary was involved in the fight. Reportedly, while this particular inmate was fighting on the recreation yard, other inmates entered his cell and stole all of his items. When the fight was over and the inmate returned to his cell and observed the theft he went "berserk". Inmate B claimed that due to his behavior the officers did remove him from the unit. Inmate B stated this incident occurred less than one month prior to the fight on May 18, 2008.

Inmate B was interviewed a second time on May 23, 2008 in order to positively identify the officers allegedly involved in the fight. Inmate B positively identified Officer Cruz as being involved. Inmate B was also shown a picture of Officer Mejia and Inmate B positively stated Officer Mejia was the officer assigned to their unit on May 18, 2008. Inmate B observed a photograph of Officer Escobales and identified him as an officer on duty on May 18, 2008. Lastly, Inmate B was shown a photograph of Officer Caruso. Inmate B identified Officer Caruso as the unidentified officer who came to observe the fight on May 18, 2008.

Inmate C

Inmate C was interviewed on May 22, 2008. During his sworn testimony Inmate C articulated on May 18, 2008 he was in 4C, although he was assigned to 4D, watching television. At dinnertime he returned to 4D at which point he was accused of stealing commissary items from the room next to his. Inmate C stated his accusers stated an inmate with "dreads" had committed the theft. **Note: Inmate C has a hairstyle commonly referred to as "dreads".** Inmate C claimed afterwards he ate dinner and returned to his room without incident.

Inmate C stated the unit remained on lockdown after dinner due to shift change. After shift change completed Inmate C claimed the inmates in 4D were released from their cells and allowed into the dayroom. According to Inmate C the officers kept his cell

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door locked therefore not allowing him and his roommates into the dayroom. Inmate C stated he was able to observe the three officers on duty at the desk looking up at his room. Inmate C also observed, from his cell window, that a large number of Hispanic inmates were on the recreation yard waving their hands at him trying to get him to come out to the yard. Inmate C claimed the Hispanic inmates had on their shoes. **Note: It is commonly accepted that inmate/s will wear tennis shoes when preparing for a fight in order to gain a footing advantage.**

Inmate C commented to his roommate that the officer's were debating whether or not to allow him to come out of the cell. Inmate C stated that his cell door then "popped" open, indicating the officers had dis-engaged the door lock allowing him to exit his cell. Inmate C stated he exited his cell and looked out onto the recreation yard from the window located on the upper tier and the Hispanic inmate's continued to wave at him in an attempt to have him come out to the recreation yard.

Inmate C claimed he told his "homeboys", whom he could not identify by name, of what was occurring, and they put on their tennis shoes also. Inmate C stated they all went to the recreation yard where Officer Cruz stopped them and told them they were not going out onto the yard. Inmate C claimed Officer Cruz informed him he was not going to allow him to be "jumped" on the recreation yard and that if he were going to fight it would be one-on-one at 10:30pm in the dayroom. Inmate C recalled this occurred between 8:00pm and 8:15 pm.

Inmate C stated Officer Cruz also went onto the recreation yard and addressed the Hispanic inmates, who gathered around him in a circle. Inmate C stated he did not know what Officer Cruz stated to them as he was speaking Spanish, however, the inmates disbanded and returned to 4C.

Afterwards, while Inmate C was on the recreation yard playing basketball, Officer Mejia came and got him and took him to his room and searched his possessions. Officer Mejia reviewed Inmate C's commissary receipts and possessions and, according to Inmate C, could not find anything indicating he had stolen from anyone. Inmate C claimed Officer Cruz came to his cell and allegedly stated to Inmate C, "but you going to fight back right" to which Inmate C claimed he informed Officer Cruz he would.

Inmate C stated he returned to the recreation yard where he remained until lockdown was called at 10:30 pm. Inmate C stated he returned to his cell only to find out the door was locked and he was unable to enter the cell. Inmate C stated he then went and stood in the dayroom. Inmate C stated Officer Cruz, Officer Mejia and Officer Escobales all went to the Hispanic inmates cell and were speaking with the inmate. Inmate C claimed they informed the Hispanic inmate, Inmate F, that they had money on the fight.

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Inmate C stated Officer Cruz opened the cell door and Inmate F came running from the cell and they began fighting. Inmate C claimed that during the fight an officer, whom he believed to have been Officer Escobales, grabbed him and held his hands to his side while Inmate F continued to strike him. Inmate C claimed this occurred on two separate occasions during the fight. Inmate C stated the fight ended when one of the officers yelled something about a nurse.

Inmate C stated he did not observe a nurse arrive in the housing unit but he stated he did hear the door slam. Inmate C stated he was bleeding from a cut to his mouth and his knees were also bleeding. Inmate C observed Inmate F was also bleeding from his mouth. Inmate C stated, although his injuries were easily visible, he never received medical attention. Instead, Inmate C stated he washed his mouth out and wrapped a towel around his knee so blood would not get on his sheets. Inmate C stated nothing else occurred and denied that an officer brought him an ice bag, instead alleging his roommate received ice.

Inmate C recalled that a fourth officer whom he did not know was also present during his fight. He stated his officer, unlike the other three, was wearing a black uniform. He also claimed this officer was one of the officers who had commented they had money on the fight.

Without being able to provide specific details, Inmate C claimed to have witnessed three other fights staged by the same three officers. All of the fights have occurred on the recreation yard as the three officers stood by and observed. Inmate C claimed that inmates would approach these officers if they had a problem they needed to settle. Inmate C alleged the officers would allow inmates three minutes to fight in order to settle their differences.

Inmate C also claimed that if one inmate did not desire to fight, he was in a position where he had to or risk being "tried" by other inmates and being labeled as "soft". Inmate C alleged this had been taking place prior to his arrival in the housing unit.

Inmate D

Inmate D was interviewed on May 22, 2008. During his sworn testimony Inmate D stated some Hispanic inmates wanted to fight his roommate, Inmate C, because of stolen commissary. According to Inmate D, he learned from Inmate C and Officer Mejia that the Hispanic inmates wanted to fight Inmate C. Inmate D claimed his cell remained locked for about an hour and a half after the other cells in the dorm had been opened. While in the room Inmate D stated he observed Hispanic inmates on the recreation yard with their shoes on. Inmate D stated they were allowed out of their cell around 8:00pm.

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Inmate D stated when he was on the recreation yard he observed about ten (10) Hispanic inmates gathered together. Inmate D stated because he did not know what the inmates were going to do he left the recreation yard. Inmate D stated he believed Officer Cruz went onto the recreation yard and spoke to the Hispanic inmates. Inmate D stated because he had walked back inside he was unable to hear what Officer Cruz said. Inmate D also stated nothing occurred on the recreation yard because Inmate C remained inside.

At the 10:30pm lockdown time, Inmate C was not allowed to enter the cell because the door had been locked. Inmate D claimed Inmate C did not want to fight the Hispanic inmate and had not stolen any commissary. Inmate D observed Inmate C was in the dayroom and claimed there were also a few other Hispanic inmates allowed out of their cells to watch the fight.

Inmate D stated Inmate F was allowed out of his cell and he began fighting with Inmate C. Inmate D alleged that during the fight Officer Cruz held Inmate C and allowed Inmate F to strike Inmate C. Inmate D alleged that when he witnessed this he began banging on his cell door in protest. Inmate D claimed Officer Cruz and Officer Escobales came to his cell and pushed him causing him to trip.

Inmate D stated the fight lasted between four (4) to six (6) minutes, during which no officer attempted to stop the inmates from fighting. He did state he was unable to observe the entire fight as once the inmates moved near the desk he was unable to see them. According to Inmate D, Inmate C later told him the officers stopped the fight because a nurse entered the area however, Inmate D stated he did not observe a nurse and Inmate C did not receive any medical attention. Inmate D stated Inmate C sustained skinned knees and a bloody mouth.

Inmate D claimed he observed a forth officer during the fight wearing a black uniform. Inmate D stated he had never seen this officer before. Inmate D described the officer as Hispanic, 6'4, slim with short dark spiked hair. Inmate D stated this officer was present however he took no action during the fight.

Inmate D alleged he has observed other fights, approximately four (4), and stated he was involved in one, which occurred on the recreation yard. The details Inmate D provided of that specific fight were vague. Inmate D stated the inmate whom he fought with; whom he only stated had been released from custody, asked for a three (3) minute fight. When asked if an officer informed him that he would be involved in a fight Inmate D stated no. However, Inmate D also stated that prior to the fight Officer Mejia stated to him, "Be ready". Inmate D also stated he did not know he was to fight another inmate until, while on the recreation yard, the inmates began to form a circle and the other inmate approached him. Inmate D stated Officer Mejia also closed the door to the recreation yard. Inmate D stated Officer Cruz and Officer Escobales were also present.

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Inmate D alleged he did not want to participate in the fight as the other inmate was larger than him therefore he allowed the inmate to strike him a few times at which point inmates observing the fight broke it up. Inmate D stated the inmate he fought was Hispanic and apparently believed Inmate D had an issue with Hispanic individuals. This fight allegedly occurred during the week prior to the May 18, 2008 fight. Although Inmate D was not aware of which officer "approved" for the fight to occur he stated Officer Mejia, Officer Escobales and Officer Cruz were present. Inmate D claimed he received a "lump" on his head and did not receive any medical attention stating, "They'll get you a bag of ice."

Allegedly, Inmate D witnessed a second fight on the same day as his. During this fight two black inmates were fighting on the recreation yard. Inmate D stated when the fight started he left the recreation yard because he did not know what was going to happen and he did not want to "get jumped". Inmate D also briefly mentioned another fight that occurred on the day he arrived at the Horizon Facility in which two black inmates were fighting on the recreation yard.

Inmate D stated that Officer Mejia, Officer Cruz and Officer Escobales were present. Inmate D stated one of the inmates was removed from the unit because he wanted to continue fighting. Inmate D stated this inmate had his commissary stolen and could only describe him as bald. Lastly, Inmate D stated on the morning of May 22, 2008 the unit was awoken by a horn, however, he did not know who had the horn.

Inmate D was interviewed a second time on May 23, 2008 in order to positively identify the officers involved on May 18, 2008. Inmate D was given photographs of officers to utilize in identifying the officers involved. Inmate D identified Officer Mejia as the officer assigned to 4D on May 18, 2008. Inmate D also positively identified Officer Cruz and stated he was the officer who spoke with the Hispanic inmates on the recreation yard.

Inmate D also identified Officer Cruz, Officer Mejia, Officer Escobales and Officer Caruso as being present in 4D on May 18, 2008 when the fight occurred between Inmate C and Inmate F. Inmate D also clarified that Officer Caruso was the person wearing the black uniform.

Inmate D, after reviewing the photographs, stated it was Officer Escobales who cursed at him when he was banging on his door protesting Inmate C being held by the officer while Inmate F continued to strike him. According to Inmate D, Office Escobales yelled at him to, "get the fuck away from the door" and pushed him causing him to trip and strike the toilet.

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Inmate E

Inmate E was interviewed on May 22, 2008. During his sworn testimony Inmate E confirmed he witnessed a fight in the dayroom of his unit on May 18, 2008. Inmate E stated he did not know the names of the two inmates however he described one as Hispanic and one as black. Inmate E also believed one inmate was housed in cell #20 and the other in cell #3. **Note: The inmate was actually housed in cell #2.**

Inmate E indicated that the officer assigned to 4D on the evening the fight took place was Officer Mejia and that Officer Escobales was working 4C. Inmate E added that he did not observe Officer Escobales during the fight. Inmate E identified the third officer on the floor as Officer Cruz.

According to Inmate E, he observed numerous Hispanic inmates congregating on the recreation yard with Officer Cruz. Inmate E stated Officer Cruz was speaking with the Hispanic inmates in Spanish therefore he did not know the content of the conversation. Inmate E stated he has been incarcerated in state prison and what he observed on the recreation yard lead him to believe something was about to take place.

After the unit was locked down at 10:30pm, Inmate E observed two inmates called to the dayroom to fight. Inmate E explained one of the inmates was in the dayroom when Officer Cruz let the second inmate out of cell #3 and the fight began. Inmate E observed Officer Cruz, Officer Escobales, Officer Mejia and an unidentified officer observing the fight. Inmate E stated the officers watched the fight except for two times when Officer Cruz intervened.

Inmate E stated when the inmates fell to the ground Officer Cruz separated them by lifting the black inmate and holding him for approximately 30 to 40 seconds while the Hispanic inmate struck the black inmate. Each time Officer Cruz released the black inmate the fight continued. Inmate E estimated the fight lasted between three and four minutes and ended when Officer Cruz broke them apart. According to Inmate E the inmates did not receive medical attention however he did observe Officer Cruz provide each inmate with an ice bag. Inmate E stated this was the only fight he observed in which the officers failed to intervene and stood by watching.

Inmate E stated while he was housed at the Main Facility he heard inmates who had been housed in the Horizon Facility speaking about officers that allowed inmates to fight. Inmate E stated apparently officers in 4D would allow inmates to have a three-minute fight if they had a problem with another inmate.

When asked about what had occurred in the early morning hours on May 22, 2008 Inmate E stated they were awakened by a bullhorn going off. Inmate E indicated he did

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not observe who sounded the bullhorn and that afterwards he heard from different inmates that it was Officer Cruz who had sounded the bullhorn.

Inmate E was interviewed a second time on May 23, 2007. The purpose of the interview was to reaffirm the identities of the officers he had identified during the previous interview and to identify the forth un-named officer. Inmate E identified Officer Cruz and Officer Mejia by photograph, although he initially believed Officer Mejia's real name was Rivera. Inmate E also identified Officer Escobales by photograph.

Inmate E was shown a photograph of Officer Caruso and identified him as the officer wearing a black uniform that he observed during the fight. Officer Caruso's photograph was obtained based upon his work assignment on May 18, 2008, 4th floor movement, and the fact that he had been issued a black uniform and was assigned to a different squad and not normally assigned to the 4C/D housing area.

Inmate F

Inmate F was interviewed on May 22, 2008. During his sworn testimony Inmate F stated he did not know Inmate C well as he only knew him from being in 4D. Inmate F claimed Inmate C had been stealing commissary from different inmates. Inmate F stated on Sunday, May 18, 2008, Inmate C stole his commissary and the commissary of his friend, who was in cell #21. Inmate F stated Inmate C and his friends had been stealing commissary for approximately three weeks.

Inmate F admitted he was angered when Inmate C stole his commissary and became even angrier when he learned Inmate C was stealing commissary to gamble with. Inmate F stated he had heard other inmates speaking about Inmate C stealing commissary. On one occasion Inmate F stated Inmate C was talking with his friends, in reference to the commissary they had been stealing. According to Inmate F, during this conversation Inmate C stated they would wait until inmates were out of their cells distracted before entering the cell and stealing the commissary. Inmate F alleged Inmate C had been observed stealing commissary and hiding it before returning to 4D.
Note: Inmate F insinuated Inmate C stole from Inmates housed in both 4C and 4D.

Inmate F stated he did not report his commissary being stolen to the officer because none of the officers have taken any action. Inmate F claimed the officers tell the inmates they are responsible for their property and they will not attempt to recover their items if they are stolen. Inmate F also stated this has caused the inmates to take matters into their own hands in order to deal with the thefts.

Inmate F stated the Hispanic inmates were upset due to the commissary thefts and wanted to fight the inmates who were stealing. Inmate F stated he informed the inmates they would get into trouble and he asked to fight Inmate C, the inmate who was

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stealing. Inmate F confirmed the inmates had gathered on the recreation yard and Officer Cruz told them nothing was going to happen because there were too many people. Officer Cruz informed the inmates they would have to wait until after lockdown. According to Inmate F, Officer Cruz spoke to the inmates in English.

Inmate F stated nothing happened at this point and the inmates returned to playing basketball and watching television while waiting for lockdown. Inmate F also stated inmates believed Inmate C would be attacked by multiple inmates. Inmate F stated he spoke to Inmate C and told him the fight would be one-on-one. According to Inmate F, Inmate C did not indicate he did not want to participate in the fight.

According to Inmate F, the officers working the units were allowing them to fight. Inmate F stated another inmate asked an officer, whom he believed to have been Officer Cruz, if they could fight to which Officer Cruz indicated they could fight after 10:30pm lockdown. Inmate F stated he waited until lockdown to fight Inmate C. Inmate F stated at lockdown time he was inside his cell and Inmate C was in the dayroom.

According to Inmate F, Officer Escobales allowed him out of his cell. Inmate F did not recall observing Officer Escobales after he opened his cell door. Once in the dayroom Inmate F stated they were told to fight. Inmate F estimated the fight lasted between 5 and 10 minutes. Inmate F denied any officers became involved in the fight except to stop the fight when Inmate C indicated he did not want to fight anymore.

Inmate F stated he observed both Officer Cruz and Officer Mejia present during the fight. Once the fight was over Inmate F stated he and Inmate C returned to their cells. Inmate F stated he had a scratch in his elbow and knees but never received any medical attention. Inmate F did indicate Officer Cruz provided him with a bag of ice after the fight.

Inmate F stated he heard rumors from other inmates that Officer Mejia, Officer Cruz and Officer Escobales would allow inmates to fight. Inmate F indicated the fighting did not involve issues of race indicating that mostly they dealt with disputes over commissary. Inmate F also stated the three officers do not receive anything for allowing inmates to fight each other. Inmate F also stated he had not observed an inmate fight who did not desire to.

Inmate F recalled a previous fight he observed. According to Inmate F this fight occurred 3 to 4 days prior to his. Inmate F claimed the same three officers were on duty and allowed the fight to occur on the recreation yard. Two black inmates were involved and the dispute was over stealing commissary.

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Inmate G

Inmate G was interviewed on May 23, 2008. During his sworn testimony Inmate G stated he had heard through other inmates about the three-minute fights that took place however, because he had not seen a fight he did not believe what he heard. Inmate G stated he first observed a fight on Sunday May 18, 2008. According to Inmate G, the black inmate who was eventually involved in the fight was standing against the railing outside of Inmate G's cell talking to other inmates.

During this conversation, the black inmate spoke about the Spanish inmate alleging he stolen commissary. Inmate G stated the inmates were trying to calm him down and telling him to let the issue go. According to Inmate G, the black inmate, later identified as Inmate C, stated he was going to speak with Officer Cruz than night and get his three minutes. Inmate G believed the three-minute fighting stemmed from the constant stealing of commissary.

Inmate G stated he did not hear any other discussions about the fight until lockdown that night. Inmate G indicated all of the inmates were locked into their cells as usual, however, because his cell lock malfunctions he was able to exit his room during the fight. Inmate G claimed several other inmates also exited their cells once the fight started. Inmate G recalled Officer Mejia allowing both Inmate C and Inmate F out of their cells after the unit was locked down. Inmate G stated Officer Cruz allowed Inmate F to go over to 4C and get shoes from another inmate immediately prior to the fight.

Inmate G observed both inmates fighting in the dayroom and indicated they were exchanging punches and throwing each other to the ground while nearing the stairs and officer's desk. Inmate G stated Officer Cruz and the officer wearing glasses held Inmate C while the Hispanic Inmate, Inmate F, continued to strike him. Inmate G stated this caused "an uproar" from the inmates in the unit and caused some to exit their cells and verbally protest. Inmate G also stated numerous inmates were banging on their cells.

In response, Officer Mejia and Officer Cruz began yelling and cursing at the inmates to return to their cells. As the fight continued Inmate C had blood coming from his mouth and indicated he did not want to continue fighting. Inmate G recalled Officer Cruz breaking up the fight and escorting Inmate C upstairs to his cell as Inmate F raised his hands in victory. While he escorted Inmate C to his cell, Officer Cruz kept telling Officer Escobales to watch for anyone entering the area.

Inmate G stated he has never seen any inmate receive medical attention but has observed them receive a bag of ice and an extra food tray in the morning. Inmate G stated that after the fight Officer Mejia gave Inmate C a bag of ice and told him he could get his extra tray of food in the morning.

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Inmate G also stated there was a forth officer present during the fight whom he did not regularly see. Inmate G, when shown photographs of officers, identified Officer Caruso as the forth officer. According to Inmate G, Officer Caruso rarely worked 4C/D but he had observed him on some mornings sleeping at one of the officer's desks. Inmate G claimed Officer Caruso and Officer Escobales only observed the fight.

Inmate G alleged, two-week prior, on a Saturday, two fights occurred at the same time on the recreation yard. He also alleged one week prior to that, on a Wednesday night, another fight occurred again on the recreation yard. During the fights on Saturday night, Inmate G stated Officer Cruz was present on the recreation yard while Officer Escobales rolled his chair to the main door leading into the unit to watch for anyone entering the area. During the Wednesday night fight, an inmate was fighting a bald trusty from 4C. During the fight inmates stole the commissary from the bald trusty, who eventually was removed from the unit.

During his interview, Inmate G alleged Officer Mejia has provided tobacco to Hispanic inmates, inmates have been given lighters, and Officer Cruz and Officer Escobales knew Hispanic inmates were in possession of "shanks". Inmate G also spoke about someone utilizing an air horn on the morning of May 22, 2008 to wake the inmates up for breakfast. Inmate G acknowledged he did not observe who used the air horn however he stated the officer who wears glasses stated afterwards, "How ya'll like how I woke y'all m*****f*****s up?"

Inmate H

Inmate H was interviewed on May 27, 2008. At the time of Inmate H's interview he was at Orlando Regional Medical Center. In his sworn testimony, Inmate H claimed he knew about the fights staged by officers at the Horizon Facility and had not reported his observations. Inmate H stated inmates were reluctant to report the fighting because they did not know who might be involved, to include supervisory staff, although Inmate H stated he had never seen a supervisor present during any staged fight. Inmate H indicated inmates had discussed making a complaint after their release or informing their attorney. Inmate H stated he informed Sgt. Reese only after being admitted to the hospital.

Inmate H stated some inmates had mixed feelings about the officers allowing inmates to fight. Some inmates believed it was an effective way for inmates to settle their issues without the threat of other inmates becoming involved. Others believed it was wrong because if you were called to fight and refused you would be removed from the Horizon Facility.

According to Inmate H, inmates could approach Officer Cruz and ask for three minutes to settle their dispute and the inmates would then fight until one of them decided to quit

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or could not fight any longer. Inmate H stated once an inmate quit, the fighting stopped. Inmate H stated the fights usually occurred on the recreation yard until one fight got out of control when other inmates joined in. Inmate H was not able to recall the date of that specific fight.

After that particular fight, Inmate H stated the fights were scheduled for after lockdown at night and took place in the dayroom. Inmate H indicated Officer Cruz ran the fights and acted as the referee, even wearing blue gloves. Inmate H stated if the inmates became tangled up or couldn't move Officer Cruz would separate them and then the inmates would continue fighting. Inmate H stated the fight ended when either inmate clearly won or one inmate wanted to stop.

Inmate H indicated two other officers were usually involved but stated he did not know them by their name. From photographs Inmate H identified Officer Escobales as one of the officers working in the area and observing the fights. Inmate H also stated Officer Caruso was present for the last fight on May 18, 2008.

Inmate H stated the incident on May 18, 2008 started earlier on the recreation yard when the inmates were going to fight without the officer's knowledge. Inmate H stated the issue was over commissary and numerous Hispanic inmates were on the recreation yard waiting on one particular inmate.

Inmate H alleged other black inmates went onto the recreation yard and spoke to the Hispanic inmates about having the officers allow two inmates to have a three-minute fight to settle the matter. Inmate H recalled Officer Escobales speaking in Spanish to some of the Hispanic inmates and telling them to calm down. When Inmate H was asked if other officers were on the recreation yard he stated Officer Cruz and another officer were on the recreation yard and that they were attempting to calm the situation down. According to Inmate H this incident on the recreation yard occurred around 8:00pm.

After lockdown that evening, Inmate H stated he was in his cell in 4C and did observe some of the fight across the dining area. Inmate H stated the three officers assigned to the floor were present when the fight occurred. According to Inmate H, Officer Caruso was in 4C locking the inmates down to ensure none of them could come out. Inmate H alleged inmates were asking Officer Caruso to let them know who won the fight and he reportedly came back afterwards and stated the black inmate had quit. Inmate H also recalled observing a nurse in the area towards the end of the fight.

Inmate H stated, other than a fight he was involved in, he has observed three other fights the officers had allegedly allowed. Inmate H stated that about two and a half weeks ago he and his roommate, Inmate I, were in their cell "bickering" with each other.

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Inmate H stated he and Inmate I have been friends for a long time and attributed the bickering to having four inmates in the cell and a general lack of space and privacy.

Inmate H alleged that as they were arguing, Officer Cruz walked past the cell and asked them if they wanted a three-minute fight. Inmate H stated he and Inmate I both declined Officer Cruz's suggestion, however, they did continue to argue. Inmate H stated Officer Cruz told them that they were both going to fight that night.

According to Inmate H, he and Inmate I were unsure as to how they were going to handle the situation as neither wanted to fight, which reportedly would result in both of them being moved to the Main Facility. Inmate H also claimed health issues prevented him from fighting.

Inmate H stated he and Inmate I decided to stage the fight to make it appear as if they were in fact fighting. Inmate H stated it was more wrestling then fighting and Inmate H claimed that Officer Cruz even complained that they were not fighting. However, Inmate H did state while he and Inmate I were wrestling he struck his head on a chair in the dayroom. Officer Cruz stepped in and separated them before allowing them to continue fighting. Inmate H stated Officer Cruz eventually became upset because they were not fighting and instructed them to stop.

According to Inmate H, he experienced double vision the next day and has had a loss of equilibrium since then. Inmate H stated Officer Vega was working and notified medical of his situation. Inmate H claimed a doctor at ORMC informed him it was possible his injury could cause paralysis of his eye.

According to Inmate H, he and Inmate I was arguing between 6:00pm and 9:00 pm. He stated they had the fight after lockdown sometime around 10:30pm. Inmate H asserted he and Inmate I would not have engaged in a physical confrontation had it not been for Officer Cruz. Inmate H stated Officer Cruz was assigned to his dorm that shift and, during the fight, Officer Escobales was present and observed the fight. Inmate H stated he has not seen Officer Mejia involved in any of the fights and that Officer Caruso was present for the fight on May 18, 2008.

Inmate I

Inmate I was interviewed on May 28, 2008. During his sworn testimony, Inmate I stated on the evening of May 18, 2008 between 10:30pm and 11:00pm the unit had been locked down for the night. Inmate I indicated Officer Cruz had turned the lights off and the unit was quiet when he observed a black inmate, identified as Inmate C, pacing in the dayroom.

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Inmate I stated the Hispanic inmate, identified as Inmate F, was inside his cell ready to come out and fight. Inmate I stated Officer Cruz went over to 4D to "coach" the fight. Inmate I stated he did not observe who allowed Inmate F out of his cell. Inmate I did recall Officer Mejia, who was the dorm officer for 4D, and Officer Escobales being present during the fight. Inmate I recalled another officer he described as a former police officer. Utilizing photographs, Inmate I identified Officer Caruso as the former police officer who was also present during the fight.

Inmate I stated the fight occurred in the dayroom. Inmate I specifically recalled observing both Officer Cruz and Officer Caruso during the fight. Inmate I stated both officers stood by and watched the fight. According to Inmate I, if the inmates held on to each other both officers would break them apart and then allow them to continue fighting. Inmate I stated Officer Cruz is the one who stopped the fight and also stated neither Officer Mejia nor Officer Escobales had anything to do with the fight.

Inmate I also indicated he observed a nurse enter into the housing area and enter her office prior to the fight starting. He described her as an older black female. Inmate I indicated another inmate mentioned the nurse had observed the fight in the dayroom.

Inmate I indicated Officer Mejia did not want to have any part of the fighting. Inmate I stated Officer Mejia always told Officer Cruz not to allow the fighting. Inmate I stated Officer Escobales, earlier in the day between 7:00pm and 9:30pm, had to intervene when inmates were beginning to riot over stolen commissary. Inmate I stated this is what eventually lead to the fight after lockdown.

Inmate I stated apparently a black inmate from 4D stole commissary from a Hispanic inmate. The Hispanic inmate reportedly wanted "respect" and paid another inmate \$20.00 [in commissary items] to fight the black inmate. Inmate I stated Officer Cruz set up the fight.

Inmate I stated the only other fight he witnessed occurred several days prior to May 18th. Inmate I stated two fights occurred at the same time on the recreation yard. Inmate I stated Officer Cruz was on the recreation yard and Officer Escobales was sitting in front of the door. Inmate I stated Officer Cruz was standing on the recreation yard making sure nothing got out of hand and eventually the inmates stopped the fighting.

Inmate I also had information in reference to what he called a horn that was utilized the morning after the May 18th fight. Inmate I stated he heard Officer Cruz state the night before, "I got a surprise for you". Inmate I stated he did not observe who sounded the horn.

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Inmate J

Inmate J was interviewed on May 28, 2008. During his sworn testimony Inmate J stated he did not know anything about a fight taking place until the night it occurred. Inmate J stated it apparently started outside on the recreation yard. Inmate J stated that apparently one inmate did not want to fight so another inmate was paid to fight for him.

Inmate J stated Inmate C was accused of stealing commissary from an older Hispanic inmate who was unable to fight for himself. Inmate J indicated that Inmate F fought instead of the older inmate. Inmate J stated he understood that inmates were able to ask an officer for a three-minute fight. If one inmate did not want to fight they were removed from the Horizon Facility and labeled as a "punk". Inmate J stated he heard Officer Cruz was the officer who allowed the three-minute fights however he did not know this to be true.

According to Inmate J, he was able to observe some of the fight on May 18, 2008 from his cell in 4C. Inmate J indicated he could see across the dining area and the fight, at first seemed unorganized as both inmates were "throwing their arms". Inmate J indicated the inmates began exchanging punches and once they went to the ground the officers' separated them. After being separated both inmates continued fighting until the officers stopped the fight. Inmate J heard the next day that Inmate C did not want to continue fighting and gave up.

Inmate J was able to identify Officer Caruso as being present when the fight occurred. He recalled Officer Caruso because of a conversation they had prior to the fight about martial arts, which he found interesting. Inmate J was unable to identify any other officer present during the fight.

Inmate J was questioned in reference to the allegation made by Inmate H that Officer Cruz forced Inmate H and Inmate I to fight each other. Inmate J denied having any knowledge of any fight between Inmate H and Inmate I. Inmate J asserted he and Inmate I had spent time together playing cards and talking. Inmate J indicated Inmate H and Inmate I also played cards together and Inmate J seemed surprised at the allegation indicating that he believed, if it were true, Inmate I would have mentioned it to him. Inmate J also denied observing any injuries to Inmate H.

Inmate K

Inmate K was interviewed on May 28, 2008. Inmate K was identified as previously being housed with Inmate H during the time Inmate H alleged he was forced by Officer Cruz to fight Inmate I. Inmate K denied having any knowledge of any fight between Inmate H and Inmate I. Inmate K stated both inmates seemed more like brothers and were best friends prior to their incarceration.

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Inmate K stated he never noticed any hostilities between Inmate H and Inmate I and also stated Inmate H never mentioned having a fight with another inmate. Inmate K also stated he had no knowledge of any officer asking Inmate H or Inmate I if they needed three minutes to settle their argument. Inmate K indicated he had no idea why Inmate H would make the allegation. Inmate K stated, "these allegations seem incredibly false to me."

Inmate K did state he observed the fight on May 18, 2008. Inmate K stated he heard of a dispute between two inmates in 4D that was going to be settled after lockdown. According to Inmate K he knew exactly what was going to happen because of prior allegations about three-minute fights. Inmate K stated he knew prior to lockdown that a fight was going to take place.

Inmate K claimed after lockdown he heard a commotion coming from 4D and he along with his roommates looked across to 4D. Inmate K stated he could see the two inmates fighting and several officers watching the fight. According to Inmate K the officers would break the fight up into one-minute rounds. Inmate K stated when the inmates were on the ground the officers would break them apart, allow them to stand up and the fighting resumed. Inmate K was only able to identify Officer Caruso as being present, recalling someone had told him Officer Caruso knew martial arts.

Inmate K had limited knowledge of the alleged three-minute fights. He recalled inmates speaking in general that inmates could go to officers and inform them they had an issue they needed to settle with another inmate. Inmate K indicated if you said that to one of the right officers they would allow you to fight for three minutes after lockdown. Inmate K denied having any knowledge of other fights being allowed.

Inmate Michael Gerard - OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Gerard on June 19, 2008 as part of a criminal investigation. During Inmate Gerard's sworn testimony he stated he had been housed in Horizon 4D-16 along with Inmate Beasley and Inmate Cameron on May 18, 2008. Inmate Gerard stated during the two months he had been housed in 4D he has heard talk about three minute fights. Inmate Gerard claimed to have witnessed some fights on the recreation yard that was supervised by the officers.

Inmate Gerard stated the same three officers, who are commonly referred to as the "Three Amigos", were on duty when the fights he observed took place. Inmate Gerard identified the three officers as Officer Cruz, Officer Mejia and Officer Escobales. According to what Inmate Gerard heard other inmates talking about, if an inmate had a problem with another inmate, either inmate could approach the officers who would allow the inmates to fight for three minutes.

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Inmate Gerard stated on May 18, 2008, between 8:00pm and 8:30pm he walked out onto the recreation yard and stated he immediately noticed "static" and believed that something was about to occur. Inmate Gerard stated he observed the Hispanic inmates were congregated around the recreation doorway and that the Hispanic and black inmates on the recreation yard were separated. Inmate Gerard stated he then heard that someone had stolen commissary from another inmate and the Hispanic inmates were trying to get the person(s) responsible to come to the recreation yard so they could "jump them".

Inmate Gerard stated he observed, through a window located on the upper tier of the unit in the library area, two young skinny black inmates who the Hispanic inmates were attempting to get onto the recreation yard by yelling "come on down". Inmate Gerard indicated he heard Officer Cruz inside telling both inmates to come down and go outside because the inmates wanted to see him. According to Inmate Gerard the inmates refused to go outside. Inmate Gerard stated a rumor began that the inmates were going to come out after lockdown and fight.

Inmate Gerard stated he observed the fight that occurred after lockdown, between 10:45pm and 11:00pm. Inmate Gerard stated he observed a forth officer present during the fight. According to Inmate Gerard after all inmates had been locked down the officer wearing glasses, Officer Mejia, went upstairs to Inmate Redding's cell. Officer Mejia brought Inmate Redding down stairs into the dayroom. Inmate Gerard alleged that Officer Mejia then went to Inmate Hobbyfranco's cell and allowed him to come out to the dayroom and stated, "you got three minutes go get him". Inmate Gerard stated once both inmates were in the dayroom they began to fight.

Inmate Gerard claimed disbelief at what he was observing. Inmate Gerard stated he did not want to witness the fight so he pulled a blanket over his head while at the same time he heard the inmates in the unit begin banging on their cell windows. Although he claimed he had his blanket over his head, Inmate Gerard then stated he observed both inmates fall across the chairs almost coming in contact with the stairs.

Inmate Gerard stated when the inmates began wrestling Officer Cruz grabbed them and separated them because they had become entangled with each other and were no longer fighting. Inmate Gerard claimed Officer Cruz held onto Inmate Redding long enough for Inmate Hobbyfranco to grab him by the hair and begin striking him in the face. Inmate Gerard indicated the other three officers were standing around watching and that they had gloves on.

In reference to any previous fights he observed, Inmate Gerard indicated during his first week in the unit he observed a fight on the recreation yard. Inmate Gerard indicated that most of the inmates who were involved in the fighting have been released or

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transferred to prison. Inmate Gerard did not provide the names of any inmates who participated in any fight reportedly supervised by officers.

When asked if he had knowledge of the officers betting on the fights, Inmate Gerard indicated he had heard that rumor but he could not say if the rumor was true or not. Inmate Gerard did state he did witness inmates, specifically Hispanic inmates, involved in the fights receive extra bread or food trays.

According to Inmate Gerard, he has observed one of the Hispanic officers, possibly Officer Cruz, go upstairs in the unit and drop a package of Newport 100 cigarettes and a red lighter on the floor and kick them under a cell door. Inmate Gerard did not recall specifically which officer this was or is the officer received anything in exchange.

Inmate Christopher Redding – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Redding on June 4, 2008 as part of a criminal investigation. During his sworn testimony Inmate Redding stated he was involved in a fight on May 18, 2008 at approximately 10:30pm. According to Inmate Redding when he awoke on the afternoon of May 18, 2008 he went to 4C and watched a basketball game on television. Inmate Redding estimated he watched the basketball game until 3:30pm or 4:00pm when lockdown began for the evening meal.

When he walked back to his unit he overheard two Hispanic inmates talking about their commissary being stolen. Inmate Redding stated the inmates pointed to him while stating he was responsible for the theft. Inmate Redding indicated he told both inmates he was not responsible and that he had been in 4C watching television. Inmate Redding also claimed he obtained his commissary receipts and showed them to the two inmates as proof that he purchased his own items. Inmate Redding indicated an officer even searched his property and the property belonging to his roommate looking for the stolen items.

Inmate Redding stated the evening meal was served and the inmates remained locked in their cells until approximately 7:00pm, which was after shift change. Inmate Redding stated at 7:00pm the officers opened the cells however his particular cell remained locked. Inmate Redding stated the officers now on duty were Officer Cruz, Officer Mejia and Officer Escobales.

While Inmate Redding and his roommates remained locked in their cell, Inmate Redding stated he observed the inmate whose commissary had been stolen speaking with the officers at their desk. Inmate Redding stated the officer was looking up at his cell while shaking his head. Inmate Redding stated he then looked out onto the recreation yard and observed numerous Hispanic inmates putting on shoes while lined up by the door.

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Inmate Redding stated that the Hispanic inmates were taunting him to come out to the recreation yard. Inmate Redding stated when he looked into the dayroom the officer was still looking up at his cell shaking his head. Inmate Redding commented to his roommate that he believed the officers were debating whether they were going to allow him out of his cell.

A few minutes passed and Inmate Redding's cell door was unlocked. Inmate Redding stated he exited the cell and walked around to the window located in the upstairs library area. Inmate Redding observed the inmates on the recreation yard telling him to come out to the recreation yard. Inmate Redding claimed his roommate went to the recreation yard and told the inmates that Inmate Redding did not want to fight.

According to Inmate Redding, Officer Mejia intervened and stated there was not going to be a fight. Officer Cruz then stated that Inmate Redding and the other inmate, Inmate Hobdyfranco, would fight in the dayroom after lockdown. Inmate Redding indicated he stated he did not want to fight and denied stealing from another inmate.

Inmate Redding stated he returned to 4C where he remained until 10:30pm lockdown. Inmate Redding stated by the time he returned to 4D all of the inmates were already inside their cells and he was unable to open his cell door. Inmate Redding stated the officer instructed him to come downstairs to the dayroom and sit down.

Inmate Redding stated once he reached the dayroom he did not sit down because he knew he was going to have to fight and he began to pace back and forth in the dayroom. Inmate Redding stated he already knew he was going to fight with Inmate Hobdyfranco. Inmate Redding also stated the inmates in the unit were standing at their cell windows watching what was occurring.

Inmate Redding stated all three officers went to Inmate Hobdyfranco's cell and got Inmate Hobdyfranco "hyped up". Inmate Redding stated they also were laughing at him and asking him why he was pacing. Inmate Redding claimed the officers went to Inmate Hobdyfranco's cell approximately three times before Officer Cruz unlocked his cell door at which point Inmate Hobdyfranco rushed out towards Inmate Redding.

Inmate Redding stated they then began to fight. During the fight Inmate Redding claimed that Officer Cruz and Officer Escobales held his arms to his side and allowed Inmate Hobdyfranco to strike him. Once the officers released him Inmate Redding continued fighting with Inmate Hobdyfranco. Inmate Redding claimed that the officers, for a second time, held his arms to his side and again allowed Inmate Hobdyfranco to strike him. Once he was released Inmate Redding stated he was able to place Inmate Hobdyfranco in a headlock after which they both ended up on the floor by the officer's desk.

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Inmate Redding stated he then informed the officers he did not want to continue fighting however he stated they ignored him until a nurse came onto the floor and he was told to stop fighting. Inmate Redding stated he then returned to his cell. Inmate Redding stated he did not observe a nurse however he was certain the officers stated a nurse had arrived on the floor.

When he returned to his cell Inmate Redding stated he cleaned the blood from his mouth and wrapped a towel around his legs to prevent blood from getting on his sheets. Inmate Redding stated he was too nervous to ask the officers to see a nurse about his injuries. Inmate Redding stated he never reported the incident because he did not want to make his time incarcerated harder. Inmate Redding stated the officers had already began telling other inmates that he had not wanted to fight.

After the fight Inmate Redding claimed Inmate Hobdyfranco received chicken from Kentucky Fried Chicken and a bag of ice from the officers, which he perceived as a reward for fighting. Inmate Redding also claimed his roommate informed him the officers were betting on the fight. Apparently, Inmate Redding's roommate heard the officers talk about betting earlier in the shift when the incident on the recreation yard occurred.

Inmate Redding also spoke about previous fights he witnessed in which the same officers were involved. According to Inmate Redding, on the day prior to his fight, he was on the recreation yard and observed two black inmates fight over stolen commissary. At the same time, two other inmates began fighting over an incident that took place the prior day. According to Inmate Redding, Officer Cruz, Officer Mejia and Officer Escobales all walked out to the recreation yard and stood by the door watching the two fights. Inmate Redding estimated the fighting lasted for approximately five minutes.

Inmate Redding claimed at one point someone yelled out either Sergeant or Lieutenant and the fighting stopped. Inmate Redding stated he never observed a supervisor during the fighting and also claimed that none of the participants were placed in lockdown for disciplinary reasons.

Inmate Anthony Hobdyfranco – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Hobdyfranco on June 4, 2008 as part of a criminal investigation. During Inmate Hobdyfranco's sworn testimony he stated he recalled Officer Cruz, Officer Mejia and Officer Escobales being on duty on May 18, 2008, the night he was involved in a fight with Inmate Redding.

According to Inmate Hobdyfranco, it was well known that Inmate Redding had been stealing commissary from inmates in 4C. On May 18th Inmate Redding reportedly was

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observed stealing the commissary from an inmate named Vasquez in 4D. Inmate Hobbyfranco stated this occurred between 2:00pm and 3:30pm. Inmate Hobbyfranco stated, after learning of the theft, inmates were in Inmate Vasquez's cell discussing what they were going to do.

Inmate Hobbyfranco indicated they decided to wait for the next shift to come on duty because of the rumor that those officers would allow inmates to fight. Inmate Hobbyfranco stated he has heard the same rumor during the three weeks he has been housed in 4D. Inmate Hobbyfranco indicated inmates approached the officers and told them about the theft earlier in the day.

Afterwards, Inmate Hobbyfranco stated the inmates went to the recreation yard and waited on Inmate Redding to come outside. Officer Cruz and Officer Escobales then instructed them that the fight was not going to occur on the recreation yard because too many people were involved and it would get too dangerous. Inmate Hobbyfranco indicated he then informed Officer Cruz that he was the one who was going to fight Inmate Redding. Allegedly, Officer Cruz stated to Inmate Hobbyfranco the fight would take place after lockdown so that other inmates would not be able to participate.

Inmate Hobbyfranco explained he was going to fight Inmate Redding for Inmate Vasquez because, in the past, Inmate Vasquez had taken care of him by providing him with commissary items when he did not have money. Also Inmate Vasquez offered Inmate Hobbyfranco \$20.00 worth of commissary items if he fought Inmate Redding for him. Inmate Hobbyfranco stated because Inmate Vasquez had taken care of him in the past he decided to honor Inmate Vasquez's request of him.

Inmate Hobbyfranco claimed at 10:30pm he entered his cell for lockdown. Inmate Hobbyfranco stated Officer Escobales entered his cell and told him that if he "beat up" Inmate Redding he would provide him with chicken. Inmate Hobbyfranco considered this comment to be an incentive to fight Inmate Redding.

Inmate Hobbyfranco stated he and Inmate Redding were allowed out of their cells and they began fighting. Inmate Hobbyfranco stated Officer Cruz acted as the "referee" during the fight and at one point, as Inmate Redding was attempting to hold onto Inmate Hobbyfranco, Officer Cruz separated them apart from each other. Inmate Hobbyfranco denied the allegation that Officer Cruz had held Inmate Redding by his arms thereby allowing him to strike Inmate Redding. Inmate Hobbyfranco estimated the fight lasted between three to five minutes, after which he raised his hands in victory.

Inmate Hobbyfranco specifically recalled observing Officer Mejia, who was standing at the officer's desk, and Officer Escobales in the unit when the fight took place. Inmate Hobbyfranco stated he did not observe Officer Caruso until after the fight had ended. In reference to any injuries, Inmate Hobbyfranco stated he observed Inmate Redding

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bleeding from his mouth and that he also received injuries to his knees and jaw. Inmate Hobdyfranco stated he did not receive medical attention for his injuries.

After the fight Inmate Hobdyfranco stated Officer Caruso came to him inside his cell and spoke with him. According to Inmate Hobdyfranco, Officer Caruso provided him with advise in reference to fighting. Apparently, Officer Caruso told Inmate Hobdyfranco not to charge at his opponent but to wait and allow his opponent to come to him and to move from side to side. Inmate Hobdyfranco stated Officer Caruso was knowledgeable about martial arts.

Inmate Hobdyfranco stated that Officer Escobales did give him five pieces of chicken from Winn Dixie and that Officer Cruz also gave him three pieces of chicken from Kentucky Fried Chicken. Inmate Hobdyfranco stated he received the chicken some time between 12:00am and 1:00am. Inmate Hobdyfranco added that Officer Escobales also heated the chicken for him in a microwave oven.

Inmate Hobdyfranco offered his belief that Officer Cruz appeared to be "running the show" and that Officer Mejia and Officer Escobales followed his lead. Inmate Hobdyfranco stated he had observed one fight prior to his in which two black inmates were fighting over commissary. Inmate Hobdyfranco stated the two inmates had argued on Wednesday or Thursday but waited until Friday to resolve their issue. Inmate Hobdyfranco stated the inmates waited only because Officer Cruz, Officer Mejia and Officer Escobales were scheduled to work on Friday. Inmate Hobdyfranco stated he had no knowledge of any officer betting on fights.

Inmate Carlos Morales – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Morales on June 24, 2008 as part of a criminal investigation. Inmate Morales stated he knew of six fights that the officers were aware of and took no action. Inmate Morales stated he observed one fight between a Jamaican inmate and a Haitian inmate in January. Inmate Morales stated this fight occurred in the dayroom of 4D at approximately 7:00pm and was over a commissary theft.

Inmate Morales stated, in order to deter a riot, the officers would lock the unit down and allow the two inmates out to the dayroom to fight for three minutes. After three minutes the officers stopped the fight and the inmates returned to their cells. Unless an inmate caused trouble, Inmate Morales stated the officers never removed them from the unit. Inmate Morales recalled observing Officer Cruz and Officer Mejia watching the fight and stated, usually Officer Escobales is present, however he was not able to recall if he was present during this specific fight.

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Inmate Morales explained the officers believed they were helping inmates by allowing them to fight verses getting "jumped" while on the recreation yard. Inmates would approach the officers and ask to be allowed to fight in order to avoid fighting on the recreation yard where they did not know who might also become involved. Inmate Morales stated this also allowed inmates to fight without "getting packed up". According to Inmate Morales, inmates were only packed up if they continued to "push the issue" after the fight was over. Inmate Morales claimed when the officer did move an inmate it was usually only to another floor within the facility.

Inmate Morales described another fight, on the recreation yard, between a Chinese inmate and a homosexual inmate. Inmate Morales stated the homosexual inmate had the upper hand so Officer Cruz separated them. Next, a friend of the Chinese inmate fought with the homosexual inmate. During this fight the Chinese inmate began to strike the homosexual inmate. Because of this, the officers placed the Chinese inmate in the holding cell to calm down. Inmate Morales stated the officers told the Chinese inmate he would not be allowed to return to the unit if he maintained the same attitude. Inmate Morales stated this fight occurred at night around 8:30pm and Officer Cruz and Officer Mejia were present. Inmate Morales stated Officer Escobales was most likely also present.

Inmate Morales described another fight he stated occurred on the recreation yard. This fight was between two black inmates who fought over a bet placed on a basketball game, which one inmate did not want to pay his debt. Inmate Morales stated one inmate was named Lucas Reed and the other inmate was nicknamed "Bald Head". Inmate Morales stated one of the inmates had approached Officer Cruz about the fight.

During the fight Inmate Morales stated Officer Cruz, Officer Mejia and Officer Escobales were on the recreation yard and they ensured that no other inmate became involved in the fight. At the end of the three-minute time frame the officers stopped the fight. While the fight was taking place, inmates stole the commissary of the bald inmate. Also the bald inmate was moved from the unit after the fight. According to Inmate Morales, Officer Cruz and Officer Mejia appear to be the main officers involved, because either officer allows inmates to approach them asking to fight.

Inmate Morales also described what he observed during the fight on May 18th. Inmate Morales was housed in 4C-27 and was locked in his cell when the fight occurred in the dayroom of 4D. Inmate Morales stated he was able to observe Officer Cruz, Officer Mejia and Officer Escobales during the fight.

According to Inmate Morales, Inmate Redding had been stealing commissary for weeks. On the day of the fight a Hispanic inmate named Ramon had his commissary stolen around 2:00pm when he was on the recreation yard. The inmates believed that Inmate Redding had stolen Ramon's commissary.

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Inmate Morales stated the inmates waited until Officer Cruz came on duty then they went to the recreation yard with the intention of fighting Inmate Redding. Inmate Morales stated Ramon had paid Inmate Hobdyfranco \$20.00 worth of commissary to fight Inmate Redding for him. Inmate Morales stated Inmate Hobdyfranco was on the recreation yard and Inmate Redding was upstairs in the library looking out the window down onto the recreation yard. Inmate Hobdyfranco was attempting to get Inmate Redding to come out onto the recreation yard.

Inmate Morales stated he observed Inmate Redding come down from the library and speak with Officer Mejia. Inmate Redding informed Officer Mejia that the inmates on the recreation yard had "shanks" and were going to attack him if he went onto the recreation yard. Officer Mejia then spoke with Officer Cruz and Officer Cruz informed the inmates there was not going to be a fight until after lockdown.

Inmate Morales stated at lockdown Officer Cruz assisted Officer Escobales lockdown 4C and that Officer Cruz secured him inside his cell. Inmate Morales stated from his cell he was able to see the officer's desk in 4D and observed Inmate Hobdyfranco and Inmate Redding fighting. Inmate Morales stated he observed the officers present during the fight. Inmate Morales specifically stated he observed Officer Cruz, Officer Mejia, Officer Escobales and Officer Caruso. Inmate Morales stated Officer Cruz stopped the fight.

Inmate Akeem Hill – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Hill on June 6, 2008 as part of a criminal investigation. During his sworn testimony, Inmate Hill stated he was housed in 4D in the same cell as Inmate Redding and Inmate James Lloyd. Inmate Hill stated when he arrived in the unit he heard there were three officers that would give inmates three minutes to fight. Inmate Hill stated sometimes the officers would tell the inmates to go ask Officer Cruz for their three minute fight because they were not managing it that day.

Inmate Hill stated he had been involved in a fight that had been allowed to take place by Officer Cruz, Officer Mejia and Officer Escobales. Inmate Hill stated a Hispanic inmate struck him before other inmates stopped him. Inmate Hill claimed the officers allowed this to occur because they watched it take place and took no action.

Inmate Hill also described another fight he alleged was allowed to occur by the same officers. Inmate Hill stated two black inmates, one bald and one named Luder, were fighting on the recreation yard. During this fight Inmate Hill stated the officers would stop the fight and then allow the inmates to begin fighting again. Inmate Hill stated this fight eventually ended in the dayroom.

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In reference to the fight that took place on May 18th, Inmate Hill stated some Hispanic inmates were accusing Inmate Redding of stealing commissary. After shift change, Inmate Hill stated all inmates were allowed into the dayroom except for he and his roommates. Inmate Hill stated he observed Hispanic inmates gathering on the recreation yard putting on tennis shoes. Inmate Hill also observed a Hispanic inmate speaking with Officer Mejia at the desk. Inmate Hill stated Hispanic inmates walked by the cell and stated to Inmate Redding, "You better be ready".

Eventually Inmate Hill and his roommates were able to exit their cell. Inmate Hill stated Inmate Redding was scared to go onto the recreation yard and did not want to fight. According to Inmate Hill, Inmate Redding asked an officer what was going on and the officer told him the inmates wanted to fight with him. Inmate Hill claimed the officers did not allow the inmates to fight on the recreation yard and told them the fight would take place after lockdown.

Inmate Hill stated Inmate Redding and Inmate Hobdyfranco did fight after lockdown. During the fight Inmate Hill did observe a few inmates exit their cells. Inmate Hill confirmed that Officer Cruz, Officer Mejia, Officer Escobales and Officer Caruso were present when the fight occurred and watched the inmates fight. Inmate Hill alleged that, during the fight, Officer Cruz held Inmate Redding and allowed Inmate Hobdyfranco to strike Inmate Redding. Inmate Hill stated Officer Cruz did this more than once.

Inmate Kenneth Earl Dent – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Dent on June 6, 2008 as part of a criminal investigation. During his sworn testimony, Inmate Dent stated he was housed in 4D-18, which is located upstairs and observed the fight on May 18, 2008. Prior to that fight, Inmate Dent indicated he had heard about a "three minute rule" in which officers allowed inmates to fight for three minutes to resolve any "beef" they had with each other. Inmate Dent stated Officer Cruz, Officer Escobales and the third Hispanic officer were commonly known as the "Latino Connection" and "The Three Amigo's" because they would allow inmates to fight.

Inmate Dent stated the first fight he observed occurred on the recreation yard between a black bald inmate housed in 4C-01 and another black inmate known as Lulu. Inmate Dent stated the fight took place on a Wednesday night while he was attending a church service. The commotion caused by the fight drew inmates out of the church service to watch. Allegedly both inmates were fighting over commissary items. According to Inmate Dent the inmates went to Officer Cruz and another officer, whose name Inmate Dent was unable to recall, however the officer is Hispanic and wore glasses.

Inmate Dent stated both officers allowed the inmates to fight and he observed Officer Cruz on the recreation yard during the fight. Inmate Dent described a second officer

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who was standing by the door as short and stout and wore glasses. Inmate Dent stated the bald trusty had his entire commissary stolen from his cell while he was fighting on the recreation yard. Upon learning about his commissary, the inmate returned to the recreation yard where Officer Cruz was and accused Lulu of having something to do with the theft. The trusty was placed in handcuffs and sent to the "box".

Inmate Dent claimed to have witnessed another fight on the recreation yard between a black inmate and a Hispanic inmate, over a basketball game. Both inmates spoke with Officer Cruz and the short, stout officer who were on duty prior to the fight. Inmate Dent claimed Officer Cruz was on the recreation yard during the fight and another officer watched the door. Inmate Dent stated inmates never receive medical attention but the officers do give them a bag of ice and an extra tray at breakfast.

In reference to the fight that occurred on May 18, 2008 Inmate Dent stated he overheard Inmate Redding speaking to his friends about the Hispanic inmates stating they had observed him stealing commissary. Inmate Dent stated Inmate Redding was on the upper tier outside of his cell talking. Inmate Dent stated he had his cell door partially open which attributed to his ability to hear the conversation. Inmate Dent claimed Inmate Redding commented that he was going to speak with Officer Cruz and ask for his three minutes.

Inmate Dent stated after lockdown inmates in the unit began to look out of their windows to watch for the fight. According to Inmate Dent, Inmate Hobdyfranco had his friends to braid his hair in preparation for the fight and Inmate Redding was allowed to borrow tennis shoes from an inmate in 4C. Inmate Dent stated Inmate Redding was in the dayroom when Inmate Hobdyfranco came downstairs. Officer Mejia explained the rules of the fight to the inmates and they began to fight.

Inmate Dent estimated the fight lasted no longer than five minutes and that all three officers working 4C/D were present, along with a forth officer who was wearing a black uniform. Inmate Dent indicated during the fight both inmates slammed into the chairs in the dayroom, broke the plastic mailbox on the file cabinet, and at one point, ended up under the staircase. During this, Officer Cruz was present and appeared to Inmate Dent to be trying to keep the inmates in the middle of the dayroom. Eventually, both inmates locked arms with each other and Officer Cruz attempted to break them apart by pushing Inmate Redding, who fell down.

Inmate Dent specifically alleged that Officer Cruz acted like he was attempting to break up the fight when he actually was holding Inmate Redding down by his hair while Inmate Hobdyfranco continued to strike him. Inmate Dent further alleged that while doing this, Officer Cruz continually told the inmates to "break it up". Inmate Dent stated the fight continued as Officer Cruz and Officer Mejia stood by watching.

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Eventually the officers stopped the fight and Inmate Hobbyfranco raised his hands as if in victory while walking back and forth in the dayroom. As Inmate Redding returned to his cell Inmate Dent observed blood coming from his mouth and a swollen eye. Officer Cruz walked along with Inmate Redding and asked him if he was okay. Inmate Dent claimed both inmates did receive an ice pack from one of the officers that night. Inmate Dent also stated that Inmate Hobbyfranco received chicken from Kentucky Fried Chicken and an extra tray of food at breakfast. Before ending the interview, Inmate Dent alleged that Officer Cruz had provided a Hispanic inmate with a green Bic cigarette lighter.

Inmate Gary Dunwood – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Dunwood on June 9, 2008 as part of a criminal investigation. During his sworn testimony Inmate Dunwood stated he was housed in Horizon 4D with Inmate Hobbyfranco on the evening of May 18, 2008. Inmate Dunwood stated at lockdown he walked into his cell and Inmate Hobbyfranco was jumping up and down and stated that Inmate Dunwood was going to see him fight.

Inmate Dunwood recalled that earlier in the day Inmate Hobbyfranco had stated to him that he was going to fight that day. Inmate Dunwood stated he looked out into the dayroom and observed Inmate Redding. According to Inmate Dunwood, Officer Cruz had let Inmate Redding out of his cell. Inmate Dunwood indicated that prior to the fight an officer came to the cell and spoke with Inmate Hobbyfranco. Inmate Dunwood stated the conversation was in Spanish therefore he did not know what was discussed. Afterwards Inmate Dunwood stated Inmate Hobbyfranco claimed the officer told him if he fought he would give him a "reefer". Inmate Dunwood was adamant that Inmate Hobbyfranco never received a "reefer" from any of the officers.

Inmate Dunwood stated when the fight began both inmates were throwing each other around and eventually ended up close to the file cabinet located next to the officer's desk. Inmate Dunwood stated he did observe an officer holding Inmate Redding while Inmate Hobbyfranco struck him, however, Inmate Dunwood was not able to recall which officer did so. Inmate Dunwood stated the fight soon ended and both inmates returned to their cells.

Inmate Dunwood recalled Inmate Hobbyfranco received ice for the bruising and knot on his head. Inmate Dunwood stated he received ice up to three times that night. Inmate Dunwood also stated Inmate Hobbyfranco received chicken wrapped in tin foil and later received chicken from a bucket of chicken an officer had.

Inmate Dunwood spoke of a rumor he heard that this type of fight has occurred previously. Inmate Dunwood stated he has observed probably four fights where nobody seemed to stop them. Inmate Dunwood recalled one fight on the recreation yard

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between two black inmates. Inmate Dunwood stated approximately 20 inmates blocked the door leading to the recreation yard during the fight. Inmate Dunwood stated he did not observe any officer on the recreation yard during the fight however he believed they must have known something was taking place due to the large number of inmates blocking the door.

Inmate Lloyd James – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate James on June 6, 2008 as part of a criminal investigation. During his sworn testimony Inmate James stated he was assigned to Horizon 4D on the night of the fight however he was sleeping when it allegedly occurred. When asked, Inmate James denied ever having a conversation with Inmate Redding in reference to the allegation he had stolen commissary.

Inmate James also denied having any knowledge of officers allowing inmates to fight in order to settle issues between them. Inmate James did indicate he has observed inmates fighting however he stated the officers always intervened and stopped the fight.

Inmate Javier Rios – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Inmate Rios on June 9, 2008 as part of a criminal investigation. During his sworn testimony Inmate James stated he had no knowledge about a fight occurring on May 18, 2008 and also claimed to have no knowledge of fights being arranged by officers.

Interview of Subject:

Corrections Officer Mark Caruso – OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Officer Mark Caruso on June 19, 2008 as part of a criminal investigation. During his sworn testimony Officer Caruso confirmed he was working overtime on May 18, 2008 and was assigned as an activity officer working from 6:00pm until 6:00 am.

Officer Caruso stated he arrived at the 4C/D housing area around 11:00pm and denied that any of the officers had called him to come to the floor for any reason. Upon entering the area Officer Caruso first observed a few inmates walking around that he recognized as trusty's. Officer Caruso then observed a black inmate pacing in the 4D dayroom. Officer Caruso approached the inmate, identified as Inmate Redding, and asked him why he appeared nervous and was pacing. Inmate Redding did not respond to Officer Caruso.

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Officer Caruso observed Inmate Redding's attention was focused on cell #2, which was to Officer Caruso's left and where Inmate Hobdyfranco was housed. Officer Caruso stated Officer Cruz was upstairs locking the unit down. Officer Caruso stated he walked over to cell #2 to see what Inmate Redding was looking at. Officer Caruso stated Officer Cruz had come downstairs by this time. According to Officer Caruso, Inmate Hobdyfranco ran out from cell #2 and began fighting with Inmate Redding.

Officer Caruso stated Inmate Hobdyfranco exited the cell without having an officer unlock the door. Officer Caruso moved to where the inmates were fighting indicating he intended to try to stop the fight. Officer Caruso stated that Officer Cruz stated to him "I got it" so he did not intervene in the fight. Officer Caruso stated he did not observe either Officer Mejia or Officer Escobales although he admitted they must have been on the floor.

Officer Caruso stated the inmates continued to fight and fell into the chairs in the dayroom. Once the inmates fell to the floor by the desk Officer Caruso stated he attempted to stop the fight. Inmate Hobdyfranco was on top of Inmate Redding so Officer Caruso attempted to pull Inmate Hobdyfranco off of Inmate Redding. Officer Caruso stated he repeatedly told Inmate Hobdyfranco it was over and that Inmate Redding had given up. Officer Caruso stated Officer Cruz assisted him and the inmates were separated.

After the inmates were separated, Officer Caruso walked Inmate Hobdyfranco back to his cell. Officer Caruso observed that Inmate Hobdyfranco had "carpet burns" on his knees. Officer Caruso stated that he did provide Inmate Hobdyfranco with advise in reference to fighting. Officer Caruso stated he told Inmate Hobdyfranco not to charge at the person he is fighting. Officer Caruso stated as a "tactic" he leads inmate to believe he is knowledgeable of Martial Arts.

Officer Caruso stated he was in 4D for approximately one minute. When he left the unit Officer Caruso went to the 2nd floor and indicated he thought about what had just happened. Officer Caruso stated he had a feeling that something was wrong and he claimed to have been petrified about what he had gotten himself into. Officer Caruso admitted he never informed a supervisor about the fight in 4D. Officer Caruso further stated he never returned to 4C/D and had no conversation with any of the officers after the fight. Officer Caruso stated, "I had that gut feeling in my stomach that something was going to be said and if it was, I would, I would, I would've been happy about it if someone else like the inmates said something and then I would've been relieved to come forward and say yes, thank God someone said something and I feel better about myself, better about saying something now."

Officer Caruso initially denied hearing that certain officers would allow inmates to fight. He then stated that he had heard inmates at the Work Release Center, where he had

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been reassigned pending the outcome of this investigation, talk about Officer Cruz, Officer Mejia and Officer Escobales allowing inmates to fight. Later in his interview, Officer Caruso changed his testimony and stated he had heard from inmates, "that they like to fight on the fourth floor, but I never heard from the inmates that the CO's were setting it up or whatever."

Correctional Officer Mark Caruso

The Internal Affairs Unit interviewed Officer Mark Caruso on August 7, 2008. During his sworn testimony, Officer Caruso confirmed he was working overtime at the Horizon Facility on Squad B-1 on May 18, 2008 and was assigned as an Activity Officer. Officer Caruso stated he worked overtime at Horizon on Squad B-1 approximately 5 to 10 times a month, however, he stated he did not work directly with Officer Cruz, Officer Mejia or Officer Escobales.

During the shift on May 18, 2008, Officer Caruso stated he attended briefing along with Officer Cruz, Officer Mejia and Officer Escobales. After briefing, Officer Caruso stated he did not have any contact with the three officers until approximately 11:00 to 11:30pm, when he entered 4C/D to see if the officers needed assistance with lockdown or to take breaks. Upon entering the housing area Officer Caruso stated he observed a few inmates walking around in the dining area, however, he did not find this to be unusual. Officer Caruso then walked over to 4D and observed a black male pacing back and forth in the dayroom.

As Officer Caruso approached the unit he asked the inmate, identified as Inmate Redding, why he was pacing in the dayroom. Officer Caruso stated Inmate Redding did not respond to his question and appeared to be anxious. Officer Caruso stated he also observed Officer Cruz on the upper tier locking down the cells. Officer Caruso stated nothing else drew his attention.

Officer Caruso stated he did not observe any other officer when he was in 4D. When Inmate Redding did not respond to Officer Caruso's question, Officer Caruso stated he waited for Officer Cruz to return downstairs, which he did approximately 10 seconds later. Officer Cruz came down the stairs located across the dayroom from the officer's desk. Officer Caruso observed that Officer Cruz was making a pointing motion towards cell #2, which was to the left of Officer Caruso who was standing behind the officer's desk. Officer Caruso described Officer Cruz's pointing motion as a "come here" type of motion.

Officer Caruso stated Inmate Redding was also looking towards cell #2. Officer Caruso walked towards cell #2 to see what Officer Cruz and Inmate Redding were looking at. As he was approaching the cell Inmate Hobdyfranco exited the cell and began fighting with Inmate Redding in the middle of the dayroom. Officer Caruso claimed he was

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unable to see Inmate Hobbyfranco inside cell #2 prior to when he exited the cell. According to Officer Caruso, Officer Cruz was positioned behind Inmate Redding as Inmate Hobbyfranco exited his cell.

Once the inmates began to fight Officer Caruso stated he "froze" and waited to see what Officer Cruz was going to do. Officer Caruso stated that, other than moving back and forth, Officer Cruz did nothing when the inmates were fighting other than watching them fight. Officer Caruso stated that neither he nor Officer Cruz took any actions to get assistance due to the fight.

At one point Officer Caruso stated Officer Cruz told him "I got it" which Officer Caruso interpreted as meaning for him not to intervene. Officer Caruso was asked if Officer Cruz had separated the inmates during the fight and then allowed them to continue fighting. In response, Officer Caruso stated Officer Cruz was close to the inmates and could have placed his hands on them. Officer Caruso stated he was completely focused on the fight and was not concentrating on Officer Cruz.

Officer Caruso, when asked, stated he believed he might have attempted to grab the inmates to separate them prior to Officer Cruz stating, "I got it". Officer Caruso recalled the inmates punching each other and grabbing each other's hair. After fighting for approximately one minute, Officer Caruso stated the inmates fell to the ground near his feet and he was able to break them apart. Officer Caruso stated if he had been thinking more clearly he would have called for assistance because he believed he and Officer Cruz would not have been able to break up the fight.

As he was separating the inmates, Officer Caruso stated Inmate Redding was stating, "I give up" repeatedly. Officer Caruso indicated Inmate Hobbyfranco seemed to have an advantage during the fight therefore he attempted to pull Inmate Hobbyfranco's arms from Inmate Redding. Inmate Hobbyfranco did not let go of Inmate Redding, therefore Officer Caruso tapped Inmate Hobbyfranco on the shoulder while stating, "Let him go". According to Officer Caruso Inmate Hobbyfranco released Inmate Redding and he pulled Inmate Hobbyfranco up from the floor.

Because Officer Caruso had not spoken about the actions of Officer Cruz in reference to breaking up the fight and his written statement outlined the actions of Officer Cruz, Officer Caruso was asked to describe the actions of Officer Cruz. In response, Officer Caruso stated, once the inmates were on the ground Officer Cruz assisted him by grabbing Inmate Redding by his arms and pulling him from Inmate Hobbyfranco. Officer Caruso was adamant that Officer Cruz assisted him only after he initiated the separation.

Officer Caruso walked Inmate Hobbyfranco back to his cell as Officer Cruz walked Inmate Redding to his cell. As Officer Caruso was walking Inmate Hobbyfranco to his

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cell he gave him advise on fighting techniques. Officer Caruso stated he advised Inmate Hobdyfranco never to rush in to a fight as he had. When asked why he gave Inmate Hobdyfranco advise on how to fight, Officer Caruso stated, "It looked kind of stupid what he did." Officer Caruso admitted he had informed inmates he was knowledgeable in Martial Arts as a "tactic" to make them believe he had experience, however, he denied telling this to Inmate Hobdyfranco prior to the fight.

Officer Caruso stated once Officer Cruz returned from escorting Inmate Redding to his cell he left the housing area. Officer Caruso denied having any conversation with Officer Cruz in reference to the fight. Officer Caruso stated that Officer Cruz ignored him and he felt nervous and scared about what had taken place. Officer Caruso explained he could have gotten injured had he "actually jumped in the fight".

Officer Caruso stated he believed Officer Cruz was going to notify a supervisor about the fight. Officer Caruso admitted he believed a supervisor would approach him about the fight and when that did not occur, Officer Caruso stated he believed that Officer Cruz had, "left me out of it for whatever reason". Officer Caruso admitted he never informed a supervisor of his actions or observations and never completed a written statement. Officer Caruso denied believing Officer Cruz had not reported the incident after it occurred.

According to Officer Caruso, it was not until Officer Cruz, Officer Mejia and Officer Escobales were pulled out of briefing that it first occurred to him that Officer Cruz had not reported the incident. Officer Caruso indicated he believed he too would be pulled out of briefing because he had been present when the incident took place.

Officer Caruso stated he did not have any impression that Officer Cruz had somehow allowed Inmate Redding and Inmate Hobdyfranco to fight. Officer Caruso did state that something did seem wrong in that the inmates were in the dayroom by themselves fighting. Officer Caruso denied having any knowledge of any inmate receiving food items after the fight and also claimed not to have any information in reference to Officer Cruz utilizing an air horn to awaken the inmates for breakfast a few days later.

Correctional Officer Erick Mejia

Officer Mejia was interviewed at the Internal Affairs Unit on November 11, 2008. During his sworn testimony, Office Mejia confirmed he was assigned to work with Officer Cruz and Officer Escobales in the 4C/D housing area on May 18, 2008. Officer Mejia also confirmed that he and Officer Cruz and Officer Escobales frequently worked together in the 4C/D housing area. On the shift for May 18, 2008 Officer Mejia stated he was assigned to work 4D.

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When Officer Mejia assumed the post he stated the off-going officer did not pass along any information to him in reference to the days activities. When asked how often he believed he had to deal with a reported commissary theft, Officer Mejia indicated approximately once a week. Officer Mejia indicated he first became aware that Inmate Redding was accused of stealing commissary later in his shift, around 10:00pm. Officer Mejia recalled observing numerous Hispanic inmates going back and forth between the recreation yard and 4D and one inmate informed him that Inmate Redding had stolen his commissary. Officer Mejia was not able to recall which inmate informed him that Inmate Redding had stolen his commissary.

Officer Mejia stated he intended to look into the allegation and even told Inmate Redding to sit in the dayroom to avoid any confrontation. Officer Mejia was asked to describe what occurred when the nurse issued medication earlier in his shift. Officer Mejia stated the nurse issues medication from her office and, although he did not observe any tension or dispute, it could have taken place without his knowledge.

Officer Mejia indicated that he knew Inmate Hobdyfranco and was positive he was not present within the group of inmates who informed him that Inmate Redding had stolen from another Hispanic inmate. Officer Mejia explained he intended to speak to Inmate Redding after lockdown and try to determine what had taken place. Officer Mejia stated the only other information he gained from the inmates was that the theft had occurred during the previous shift.

Officer Mejia denied any confrontation occurred between Inmate Redding and the Hispanic inmates. Officer Mejia stated he believed something would possibly occur which prompted him to instruct Inmate Redding to stay in the dayroom until lockdown. Regardless of his instruction to Inmate Redding, Officer Mejia admitted he did not know if Inmate Redding remained in the dayroom, although he stated there were no incidents between that time and 30 minutes later when he conducted lockdown.

At lockdown time Officer Cruz assisted Officer Mejia by locking down the upper tier. Officer Mejia secured the lower tier and once completed asked Officer Cruz to send Inmate Redding downstairs. Officer Mejia was asked if it was possible that Inmate Redding never entered his cell as he indicated in his testimony. Officer Mejia stated that was not possible because he specifically asked Officer Cruz to bring Inmate Redding downstairs. When Inmate Redding came to his desk Officer Mejia asked him what was going on. Inmate Redding apparently denied the allegation and indicated he did not know anything about the theft.

Once Officer Cruz completed securing the cells on the upper tier he walked downstairs and approached cell #2 where Inmate Hobdyfranco was housed. According to Officer Mejia, Inmate Hobdyfranco was upset and loudly banging on his door stating that he wanted to talk to them. Officer Mejia stated Officer Cruz opened the cell door and

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Inmate Hobbyfranco pushed the door and ran towards Inmate Redding, at which time the fight began.

Officer Mejia recalled as both inmates fought they were pulling each other's hair and Officer Cruz attempted to stop Inmate Hobbyfranco. Officer Mejia indicated he moved around his desk while yelling, "Stop! Stop! Stop!". According to Officer Mejia both inmates fell to the ground at which point he first noticed Officer Caruso and Officer Escobales. Officer Mejia stated he along with Officer Cruz and Officer Caruso was able to pull the inmates away from each other.

Officer Mejia admitted he and Officer Cruz has to utilize their strength in order to separate both inmates, although he was unable to state where the inmate resistance would have been on the Use of Force Matrix. Likewise, Officer Mejia was unable to state what level of response he utilized. Officer Mejia stated he grabbed Inmate Hobbyfranco and pulled him from Inmate Redding as Officer Cruz pulled Inmate Redding away. Officer Mejia was not able to recall what actions Officer Caruso took.

Officer Mejia indicated that during the fight both inmates did fall over the dayroom chairs before falling to the ground by the desk causing the plastic mailbox to break. He recalled Officer Cruz escorted Inmate Redding back upstairs to his cell while he and Officer Caruso took Inmate Hobbyfranco back to his cell. Officer Mejia stated the inmates in the unit were upset after the fight and alleged that Officer Cruz had grabbed Inmate Redding while Inmate Hobbyfranco was punching him. Officer Mejia denied that this occurred. Officer Mejia did recall it took approximately 10 minutes to settle the inmates down and indicated that at least one inmate had come out of his cell during the fight.

When Officer Mejia was asked at what point Officer Caruso would have observed Inmate Redding pacing in the dayroom, Officer Mejia stated he did not know as he believed Officer Caruso had walked in after the inmates were fighting. Officer Mejia was also asked if there had been a point when Inmate Redding was in the dayroom before he (Officer Mejia) returned to his desk, as Officer Caruso testified he had not observed Officer Mejia when Inmate Redding was pacing in the dayroom. Officer Mejia stated this was not possible because he was at his desk when he asked Officer Cruz to let Inmate Redding out of his cell.

Officer Mejia was asked if Officer Escobales had spoken to him about an allegation that had been brought to his attention in reference to an inmate in 4D stealing. Officer Mejia stated Officer Escobales never shared anything with him in reference to this. Officer Mejia also stated he had no idea how either Officer Escobales or Officer Caruso could have had prior knowledge that a fight was going to occur in his unit and denied having any conversation with Officer Caruso prior to the fight.

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Officer Mejia admitted he did not notify medical to attend to the inmates after the fight indicating he did not see any blood and he thought it wasn't necessary. Officer Mejia also stated he did not know why he failed to notify a supervisor of the fight and subsequent use of force. Officer Mejia stated, "but it's like at that moment to me was like okay, they, I mean this, keep it over here, everybody goes to your room and that's it. I know I felt you know poor judgment or something. I don't know. But I know it's, I should of, I should of reported it to my supervisor. That's for sure. I should of. You know? I can say that it was my fault on that particular case."

In explaining how Officer Cruz knew he, Officer Mejia, was going to simply allow the inmate to return to their cells and not report the incident, Officer Mejia explained he told the inmates, "Okay everybody goes into your room, that's it, that's it, you know it's over." According to Officer Mejia that is the only comment he made about the fight. Officer Mejia stated he never spoke with Officer Escobales about the fight and he did not recall if he had spoken with Officer Caruso afterwards.

Officer Mejia denied the allegation that he participated in allowing inmates to fight in a controlled manner in order to settle their issues. Officer Mejia further denied ever being approached by an inmate who requested to be allowed to fight another inmate. Officer Mejia denied having knowledge of incidents, other than the May 18th fight, that went unreported and he denied having knowledge that either Officer Cruz or Officer Escobales were involved in allowing inmate to fight in a controlled manner.

Officer Mejia also disputed the answers provided by all of the inmates who participated in taking a polygraph test, including the answers provided by the two inmates who passed their test. Officer Mejia was unable to explain how two inmates passed their polygraph testing and their answers dispute his testimony.

When asked if he provided either inmate with chicken after the fight Officer Mejia replied, "No." Officer Mejia did not recall if he brought chicken to work with him as a meal. Officer Mejia also denied having knowledge that Officer Cruz provided either inmate with chicken. Officer Mejia also denied the statements that both inmates received ice bags after the fight.

When asked if Officer Cruz utilized an air horn several days later, Officer Mejia confirmed that he had. According to Officer Mejia, Officer Cruz utilized the horn on one occasion to wake the inmates up in 4C and 4D. Officer Mejia stated it was effective however; some inmates did not like it.

Correctional Officer Luis Escobales - OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Officer Luis Escobales on August 11, 2008 as part of a criminal investigation. During his sworn testimony, Officer Escobales indicated he

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was assigned to the Horizon Facility approximately 6-7 months ago and routinely worked with both Officer Cruz and Officer Mejia. According to Officer Escobales, he only knew Officer Caruso from the occasions Officer Caruso worked overtime on his (Officer Escobales) shift.

Officer Escobales explained that after he came on duty, several Hispanic inmates from 4C approached him and complained about an inmate in 4D who was stealing commissary from different inmates. Officer Escobales expressed one inmate in particular, whom he was unable to identify by name, stated he wanted to "shank" the inmate who was committing the thefts. **Note: "Shank" is a commonly utilized slang term referring to "knife" or "stab".**

According to Officer Escobales the inmates did not reveal the name of the inmate who was allegedly committing the thefts. Officer Escobales stated he also observed that the Hispanic inmates were wearing their tennis shoes, which indicated to him that the inmates were preparing themselves for a fight. Officer Escobales indicated he spoke with the inmate who voiced his intent to "shank" the inmate who was stealing and, upon the completion of their conversation; the inmate gave Officer Escobales his word that he would not take any action. Officer Escobales stated he did not inform his co-workers about the situation or allegations made by the inmates.

Officer Escobales indicated the inmates went to the recreation yard, as usual, and around 8:00pm the nurse arrived to issue medications. At lockdown time, Officer Escobales made his rounds and ensured that his inmates were properly secured inside their assigned cells and conducted a headcount. As Officer Escobales was logging these entries into the computer he heard a door open and close. Officer Escobales then observed Officer Caruso enter the housing area.

Officer Escobales stated he asked Officer Caruso, "What's up" and Officer Caruso responded by making a hand gesture. When Officer Escobales was asked what the gesture meant, he stated, "I don't know I guess fight." Officer Caruso walked over to 4D and Officer Escobales stated he followed him to 4D.

According to Officer Escobales, when he arrived at 4D two inmates were "grabbing each other". Officer Escobales stated he did not observe either inmate punching the other however he did recall Officer Caruso attempting to separate the two inmates. Officer Escobales stated Officer Cruz was walking towards the two inmates and Officer Mejia was positioned on the opposite side of the officer's desk. Officer Escobales estimated the fight lasted approximately two minutes.

Officer Escobales stated he did not attempt to stop the inmates from fighting because he observed both Officer Cruz and Officer Caruso walking towards the inmates. Officer Escobales stated Officer Cruz pulled one inmate and pushed the other. Officer

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Escobales stated the only officer who separated the inmates was Officer Cruz. Once the inmates were separated Officer Escobales stated he returned to his unit and did not observe anything else.

Officer Escobales stated he did not observe the inmates fall into the dayroom chairs or the officer's desk as reported by other witnesses. Officer Escobales was asked if he found it unusual for two inmates to be in the dayroom fighting after lockdown had taken place. At first Officer Escobales provided a vague response. Upon further questioning Officer Escobales stated he did not know why the inmates were in the dayroom fighting and offered that Officer Mejia and Officer Cruz must have had a reason to let them out of their cells. When questioned, Officer Escobales did not recall if the inmates were wearing shoes or if Officer Mejia and Officer Cruz were wearing gloves.

Officer Escobales admitted inmates have approached him asking to be allowed to fight another inmate. Officer Escobales attributed this to two reasons. The first being that the inmates trusted him to talk to them and secondly, he notices when something wrong is taking place. When questioned as to the allegation that one or both of the inmates received chicken after the fight, Officer Escobales responded that he did not know if chicken was provided to either of the inmates.

Officer Escobales did express his belief that he erred in not notifying a supervisor about the incident he observed. He did state that the other officers did not approach him after the incident was over and denied knowing that the incident was not going to be reported. Furthermore, Officer Escobales denied having any knowledge or suspicion that his co-workers were allowing inmates to fight

Correctional Officer Luis Escobales

Officer Escobales was interviewed on November 13, 2008 at the Internal Affairs Unit. During his sworn testimony, Officer Escobales confirmed he was assigned to 4C on May 18, 2008. Upon assuming his shift, Officer Escobales was approached by an unnamed inmate who informed Officer Escobales that an inmate in 4D was stealing commissary from inmates. This inmate did not inform Officer Escobales of the identity of the inmate who was stealing but he did tell Officer Escobales he wanted to retaliate by means of "shanking", or stabbing, the inmate.

Officer Escobales expressed his belief that the inmate may carry out his threat based upon his demeanor, therefore, Officer Escobales counseled the inmate. As Officer Escobales was counseling the inmate, other Hispanic inmates approached him lodging the same complaint. According to Officer Escobales, he told all of the inmates not to take any action and that he would handle the situation.

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Officer Escobales stated he was satisfied the inmates would not take any action because they had given him their word. Officer Escobales further indicated that based upon his experience when an inmate gave his word nothing would happen. Officer Escobales admitted he did not speak with Officer Mejia, who was assigned to 4D, about the allegations made by the inmates.

Officer Escobales did recall observing tension between a number of inmates going out to the recreation yard, however, he could not attribute that tension specifically to the allegation against Inmate Redding. Likewise, Officer Escobales stated he observed the nurse issue medications that evening and denied any altercation occurred or tension was present.

According to Officer Escobales, nothing else of interest occurred before lockdown. After Officer Escobales completed his lockdown and was positioned at his desk, he observed Officer Caruso enter the housing area through the crossover door. Officer Caruso made a swinging motion with his arm, like a punching motion, and then proceeded over to 4D. Officer Escobales interpreted the motion made by Officer Caruso to indicate a fight, although Officer Caruso had not spoken to him.

According to Officer Escobales he completed his log entry and, approximately 30 seconds later, walked over to 4D. Upon his arrival he observed two inmates in the dayroom grabbing each other and fighting. Officer Escobales recalled observing Officer Cruz in the dayroom positioned between 8 to 10 feet from the inmates and he appeared to Officer Escobales as if he were attempting to intervene.

Officer Escobales recalled Officer Mejia moved around the desk closer to the inmates and Officer Caruso was positioned behind the desk along with Officer Escobales. Officer Escobales was unable to recall what Officer Mejia did once he moved around the desk but he did recall hearing an officer yell "Break it up" several times. Officer Escobales was asked if he heard Officer Cruz state, "I got it. I got it" and he stated no, however, he indicated Officer Cruz might have been how he heard state "Break it up".

Officer Escobales did observe the inmates move against the dayroom chairs but he denied observing them fall to the floor at or near the officer's desk. Officer Escobales stated Officer Cruz stepped between the inmates and separated them. Once the inmates were separated, Officer Escobales claimed he turned and returned to his unit.

In explaining why he left, Officer Escobales stated from his observations the officers had the situation under control and the actions they took were swift and appropriate. Officer Escobales stated he departed because he believed the situation had ended. Officer Escobales stated, while he believed the officers would have returned the inmates to their cells, he was not present to observe that. Officer Escobales claimed he did not assist because the incident occurred so quickly.

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Officer Escobales also stated that he did find it to be unusual in that two inmates were fighting after lockdown. Even with that said, Officer Escobales stated he did not recall if he had a conversation with Officer Mejia about the fight and affirmed the fight was not unusual enough to cause him to be curious as to what had happened.

Officer Escobales acknowledged that after a fight a disciplinary report and/or use of force report must be completed. Officer Escobales further acknowledged that, in reference to this incident, a report was "probably not" completed and that he did not complete a written witness statement.

Officer Escobales accepted responsibility for having not completed a written statement in reference to the fight and use of force he had observed. He indicated his knowledge and understanding of the use of force policy was minimal which lead to his belief he only needed to complete a written statement if he utilized force himself.

Officer Escobales expressed his lack of understanding in reference to the allegations stating he has observed several fights and they were all handled and documented appropriately, to include the actions of both Officer Cruz and Officer Mejia. According to Officer Escobales, he never felt that he, Officer Cruz or Officer Mejia ever allowed or insinuated that inmates could fight.

Officer Escobales expressed his belief that the allegation was false stating he has observed the manner in which Officer Cruz and Officer Mejia respond to situations. Officer Escobales denied any involvement in the alleged incidents and commented, "I mean I'm not saying that all the allegations in every jail and every prison are not true, but there are some that they are not. And I think this is one of them." Officer Escobales denied having knowledge of any previous fight as alleged by the inmates. He also disputed the fact that he provided food to either inmate, although, he had no direct knowledge as to whether or not either Officer Cruz or Officer Mejia had.

Lastly, Officer Escobales did recall the morning when Officer Cruz utilized an air horn to awaken the inmates. Officer Escobales stated once the lights in the unit came on he heard the horn. Although he did not know why Officer Cruz chose to utilize an air horn on that particular morning Officer Escobales stated he did not believe Officer Cruz intended to be malicious. Officer Escobales indicated he had never known Officer Cruz to utilize an air horn other than that one date.

Correctional Officer Samuel Cruz - OCSO Detective Corporal Robert Leben

Detective Robert Leben interviewed Officer Samuel Cruz on July 11, 2008 as part of a criminal investigation. Officer Cruz stated on May 18, 2008 he was assigned as the Floater for 4C/D. At lockdown time he was assisting Officer Mejia lockdown his unit.

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While locking the unit down two inmates began an argument over stealing commissary. Officer Cruz stated Officer Mejia asked him to send Inmate Redding, who was alleged to be involved, down to his desk. After doing so, Officer Cruz stated he proceeded down the stairs over to the cell where the inmate who allegedly had his commissary stolen was housed. This inmate was identified as Inmate Hobdyfranco.

Officer Cruz stated Inmate Hobdyfranco was screaming as he approached the cell. Officer Cruz unlocked the cell and opened the door. As soon as Officer Cruz opened the cell door he alleged that Inmate Hobdyfranco immediately ran past him and engaged Inmate Redding in a fight. Officer Cruz described the inmates actions when he stated, "and start punching got involved in the fist action. Aggressively start punching this other guy right there in front of the desk." Officer Cruz reported he instantly began attempting to separate both inmates.

Both inmates ultimately fell to the floor at which point Officer Mejia arrived to assist. Officer Cruz and Officer Mejia was successful in separating both inmates and Officer Cruz stated it was not necessary to utilize handcuffs. Officer Cruz stated he escorted Inmate Redding to his cell. Officer Cruz stated, "Officer Mejia was in charge of that dorm. And ah, he didn't you know um, arrest the or you know do..."

Officer Cruz admitted that the normal course of action would have been to write a disciplinary report, however, he stated Officer Mejia felt like the inmates were kids and he was going to provide them with a second chance. Officer Cruz summarized the incident as a fight over stolen commissary. Officer Cruz indicated all he was guilty of doing was not completing a report of the incident. Although Officer Cruz stated he did not discuss the reporting of the incident with Officer Mejia, he stated he assumed it would not be reported.

Officer Cruz did confirm Officer Caruso was present and indicated Officer Caruso assisted in separating the inmates during the fight. Officer Cruz claimed not to know how Officer Caruso came to be in the unit at the time of the fight. As to Officer Escobales' whereabouts during the fight, Officer Cruz stated he did not observe Officer Escobales.

Officer Cruz denied there were any accusations of theft prior to lockdown time. He also denied that he participated in allowing the inmates out into the dayroom in order to settle their dispute by fighting. He further denied providing either inmate with food items as a reward or incentive to fight. When informed several inmates alleged he witnessed fights on the recreation yard and failed to take action, Officer Cruz denied the allegation and stated he took control of any situation he observed.

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Correctional Officer Samuel Cruz

Officer Cruz was interviewed on November 12, 2008 at the Internal Affairs Unit. Officer Cruz confirmed he was assigned as the Floater for 4C/D on May 18, 2008 and was working along with Officer Escobales and Officer Mejia. According to Officer Cruz nothing was passed on to him from the off-going shift and he was unaware if Officer Escobales or Officer Mejia received any pass on information.

Officer Cruz indicated he first became aware of an allegation that commissary had been stolen at approximately 10:00pm when Officer Mejia mentioned it to him in passing. Officer Cruz stated he did not give it much attention due in part to the manner in which Officer Mejia mentioned it and the prevalence of thefts. Officer Cruz did state he offered to assist Officer Mejia in looking into the allegation.

Officer Cruz was asked if he was present when the nurse issued medications at approximately 8:30pm. He indicated that he was and that when the nurse arrived he announced her arrival to the inmates on the recreation yard and monitored the inmates as they received their medication. Officer Cruz stated he routinely wears gloves during this activity. Additionally, Officer Cruz stated he did not observe any tension or incidents while the nurse issued medications. He did state that it would be possible for an incident to have occurred without his knowledge as he also monitored the recreation yard.

Officer Cruz stated Officer Escobales never shared with him the issue he handled with the inmates who were upset over commissary thefts. Officer Cruz also stated that inmates were allowed to move freely between 4C and 4D, therefore, Inmate Redding's claim that he had been in 4C during the shift could be true.

Officer Cruz stated nothing else occurred prior to lockdown time as he continued to monitor the recreation yard activities. Officer Cruz stated it was while he was in the process of locking down the recreation yard that Officer Mejia mentioned the theft to him. This testimony contradicts his comments made to Detective Leben that an argument broke out, in reference to a commissary theft, as he and Officer Mejia were in the process of locking down 4D.

At lockdown time Officer Cruz stated he assisted Officer Mejia lockdown 4D. Officer Cruz secured the upper tier as Officer Mejia secured the lower tier. Officer Cruz stated while he was upstairs, Officer Mejia called out to him from his desk and requested that he let Inmate Redding out of his cell in order for him to speak with him. Officer Cruz stated he allowed Inmate Redding out of his cell and Inmate Redding walked downstairs to the desk and spoke with Officer Mejia.

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At the same time Officer Cruz stated he also walked downstairs and noticed Inmate Hobdyfranco yelling from his cell. Inmate Hobdyfranco wanted to speak with the officers and Officer Cruz stated he began to think Inmate Hobdyfranco might have been involved in the theft. Officer Cruz stated Inmate Hobdyfranco did not appear agitated or aggressive however he did appear as if he wanted "his side of the story known". This contradicts the testimony from Officer Mejia who stated Inmate Hobdyfranco was upset and loudly banging on his door.

Officer Cruz stated he does not speak to inmates through the closed door because he indicated it is difficult to hear them. Officer Cruz stated when he approached Inmate Hobdyfranco's cell he opened the door to speak with him. Officer Cruz stated as soon as he opened the door, Inmate Hobdyfranco immediately ran from the cell and engaged Inmate Redding who was positioned in front of the desk. Both inmates began fighting at that point. Officer Cruz stated the actions of Inmate Hobdyfranco caught him off guard.

Officer Cruz stated he immediately followed behind Inmate Hobdyfranco and as he approached the inmates they were positioned near the dayroom chairs. As the inmates tripped over the chairs Officer Cruz grasped one of the inmates to restrain him while yelling, "stop". Officer Cruz did not recall which inmate he had grabbed. Officer Cruz described his actions further by stating, "I locked up an arm and I was behind him."

Officer Cruz described that Inmate Hobdyfranco held onto Inmate Redding by his hair and both inmates fell to the floor landing in front of the desk. Officer Mejia and Officer Caruso moved around the desk and separated both inmates. Once the inmates were separated Officer Cruz escorted Inmate Redding upstairs to his cell. Officer Cruz stated Inmate Redding indicated he was okay and Officer Cruz stated he did not observe any injuries to Inmate Redding.

Officer Cruz expressed his anger that Inmate Hobdyfranco had run out of his cell and engaged in a fight. Officer Cruz further stated he observed Officer Escobales during the incident however he indicated that Officer Escobales had not become involved.

Officer Cruz was asked if he recalled inmates exiting their cells during or after the fight. Officer Cruz stated when he returned downstairs after securing Inmate Redding inside his cell; he did observe one inmate out of his cell on the upper tier. This inmate was screaming and accusing Officer Cruz of holding Inmate Redding and allowing Inmate Hobdyfranco to strike Inmate Redding. Officer Cruz and Officer Mejia proceeded upstairs and ordered the inmate to return to his cell. Officer Cruz stated the inmate was upset and that the inmates in the unit were also upset because they perceived the fight as a racial incident. Once the unit was calm Officer Cruz stated he went to an office located in 4C and remained there for the remainder of the shift.

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Officer Cruz was informed that Officer Caruso testified that upon entering 4D he observed Inmate Redding pacing in the dayroom and that Officer Mejia was not present at the desk. Officer Cruz stated it was possible that Inmate Redding may have been pacing while standing at the desk speaking to Officer Mejia however he denied that Inmate Redding had been in the middle of the dayroom or that Officer Mejia had not been at the desk as testified to by Officer Caruso.

Officer Cruz further denied the testimony from Officer Caruso that, as he descended the stairs into the dayroom, he pointed towards cell 3# where Inmate Hobdyfranco was housed. Officer Cruz further denied making any comment or suggestion to Officer Caruso not to intervene in the fight or state, "I got it". Officer Cruz stated once he became involved in attempting to separate the inmates he never disengaged.

Officer Cruz denied "referring" the fight or having any conversation with his co-workers about the fight beforehand. When asked about the reported hand gesture Officer Caruso made to Officer Escobales upon entering the housing area, Officer Cruz stated he did not understand how Officer Caruso could have made that gesture or known a fight was occurring unless he observed the fight when he made the gesture to Officer Escobales.

In explaining why he failed to document the incident, Officer Cruz stated he knew he was responsible for reporting the incident, however, in this case he allowed Officer Mejia to dictate how the incident was going to be handled. When asked why on this one occasion he allowed Officer Mejia to make that decision, Officer Cruz stated, "Cause I'm – I probably had a different expectations of what the result of the action was." In describing what he meant by that comment Officer Cruz stated, "Well I would have expected him to write a report."

Officer Cruz explained that he had allowed his friendship, developed through working with Officer Mejia, to interfere in the decision. Officer Cruz expressed his knowledge that he was at fault for failing to report the incident, regardless of the decisions made by any other officer involved. Officer Cruz did explain that, in his mind, he did not believe force had been utilized in separating the inmates.

Officer Cruz stated he never spoke with Officer Mejia after the incident therefore they did not discuss not reporting the incident. Officer Cruz expressed, as he returned to 4C after the fight he stated, "The only thing that I told them, it was that, I told them they better, that I want them to do the right thing and I told them to do the right thing because I was already, (laughing) I was already suspended for one incident that was not related to this. And I told them you know I don't need this stuff." Officer Cruz stated it was a few days later before Officer Mejia informed him that the indicant had not been reported.

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Officer Cruz was asked about the allegation that he provided Inmate Hobdyfranco with chicken after the fight. In response, Officer Cruz denied the allegation citing his previous discipline for the same matter as sufficient reason for him not to engage in similar behavior. Officer Cruz also denied providing either inmate with an ice bag for their injuries.

Officer Cruz categorically denied that he in any manner allowed inmates to fight for any reason. He denied observing fights and failing to take appropriate action and other than the incident on May 18, 2008, he denied ever failing to report a fight. Officer Cruz did admit that, on one occasion, he did bring an air horn into the facility and utilize it to awaken the inmates. Officer Cruz claimed he did this because his whistle, which he normally utilized, had broken.

FINDINGS:

This investigation was initiated to determine if Officer violated any OCCD Administrative Orders and Orange County Personnel Operational Regulations in reference to his actions on May 18, 2008, involving Inmate. Listed herein are the major investigative findings.

1. On May 22, 2008 Inmate Timothy Beasley #08011787 and Inmate Michael Jarrard #08016856 informed Officer Lynese Smith that, on May 18, 2008, a fight occurred in 4D between two inmates and the officers on duty at that time arranged for and allowed the inmates to fight. Both inmates further alleged the fight occurred in the dayroom after the inmates in the unit had been locked down for the night. Based upon information provided by Inmate Beasley, Inmate Jarrard and other identified witnesses, it was determined that Inmate Christopher Redding #08002220 and Inmate Anthony Hobdyfranco #08019723 were the two inmates engaged in the physical altercation.
2. Based upon a review of the Daily Shift Roster and computer generated logbook entries for May 18, 2008, it was determined that Officer Mejia was assigned to 4D, Officer Escobales was assigned to 4C, Officer Cruz was assigned to 4C/D and Officer Caruso was assigned to 4 Activity. These post assignments were confirmed through testimony from each of the previously names officers. A review of IMS housing records indicated that, on May 18, 2008, Inmate Christopher Redding was housed in 4D-20 and Inmate Hobdyfranco was housed in 4D-02.
3. Officer Escobales explained that after he came on duty, several Hispanic inmates from 4C approached him and complained about an inmate in 4D who was stealing commissary from different inmates. Officer Escobales expressed one inmate in particular, whom he was unable to identify by name, stated he wanted

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to "shank" the inmate who was committing the thefts. Officer Escobales expressed his belief that the inmate may carry out his threat based upon his demeanor, therefore, Officer Escobales counseled the inmate.

4. Officer Escobales stated he also observed that the Hispanic inmates were wearing their tennis shoes, which indicated to him that the inmates were preparing themselves for a fight. Officer Escobales indicated he spoke with the inmate who voiced his intent to "shank" the inmate who was stealing and, upon the completion of their conversation; the inmate gave Officer Escobales his word that he would not take any action. According to Officer Escobales, he told all of the inmates not to take any action and that he would handle the situation.
5. Officer Escobales stated he was satisfied the inmates would not take any action because they had given him their word. Officer Escobales further indicated that based upon his experience when an inmate gave his word nothing would happen. Officer Escobales admitted he did not speak with Officer Mejia, who was assigned to 4D, about the allegations made by the inmates.
6. Based upon IMS log entries made by Officer Mejia and Officer Escobales, the nurse made medication rounds in 4C/D at approximately 8:21pm. Officer Cruz, Officer Escobales and Officer Mejia all testified that, for the most part, they observed the medications being issued and did not observe or intervene in any disruption between any inmates. There is no other testimony or evidence to validate the allegation made by various inmates that a fight began to erupt which the officers quelled or that Officer Cruz instructed the inmates that the fight would occur after lockdown.
7. Officer Mejia indicated he first became aware that Inmate Redding was accused of stealing commissary later in his shift, around 10:00pm. Officer Mejia recalled observing numerous Hispanic inmates going back and forth between the recreation yard and 4D and one inmate informed him that Inmate Redding had stolen his commissary. Officer Mejia was not able to recall which inmate informed him that Inmate Redding had stolen his commissary. Officer Mejia indicated that he knew Inmate Hobdyfranco and was positive he was not present within the group of inmates who informed him that Inmate Redding had stolen from another Hispanic inmate.
8. Officer Caruso stated he did not have any contact with Officer Cruz, Officer Escobales or Officer Mejia until approximately 11:00 to 11:30pm, when he entered 4C/D to see if the officers needed assistance with lockdown or to take breaks. Officer Escobales testified that once he completed his lockdown and headcount, he was positioned at his desk when he observed Officer Caruso enter the housing area through the crossover door. Officer Caruso made a

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swinging motion with his arm, like a punching motion, and then proceeded over to 4D. Officer Escobales interpreted the motion made by Officer Caruso to indicate a fight, although Officer Caruso had not spoken to him. Although Officer Caruso denied having prior knowledge that a fight was going to occur, Officer Escobales' interpretation of Officer Caruso's punching motion coupled with the fact that, once Officer Caruso arrived in 4D the fight did begin, calls into question the validity of Officer Caruso's denial of having prior knowledge that a fight was going to take place.

9. Officer Caruso testified that, upon entering 4D, he immediately observed a black inmate pacing in the 4D dayroom. Officer Caruso reportedly questioned the inmate, identified as Inmate Redding, as to why he was pacing. Inmate Redding appeared to be anxious and failed to answer Officer Caruso. Officer Caruso stated the only officer he observed was Officer Cruz, who was upstairs locking down the tier. In contrast, both Officer Mejia and Officer Cruz stated they both locked down 4D, with Officer Cruz on the upper tier and Officer Mejia on the lower tier. Officer Mejia and Officer Cruz stated Inmate Redding was secured inside his cell, in contrast to the testimony from Officer Caruso, Inmate Redding and other inmate witnesses. Both Officer Mejia and Officer Cruz stated once Officer Mejia was completed with the lower tier, he asked Officer Cruz to release Inmate Redding from his cell for counseling. Both officers denied that Inmate Redding was ever alone in the dayroom.
10. Officer Cruz stated after he released Inmate Redding from his cell, he returned downstairs at which point he observed Inmate Hobbyfranco yelling from his cell. Inmate Hobbyfranco wanted to speak with the officers and Officer Cruz stated he began to think Inmate Hobbyfranco might have been involved in the theft. Officer Cruz stated Inmate Hobbyfranco did not appear agitated or aggressive however he did appear as if he wanted "his side of the story known". This contradicts the testimony from Officer Mejia who stated Inmate Hobbyfranco was upset and loudly banging on his door.
11. According to Officer Caruso, Officer Cruz came down the stairs located across the dayroom from the officer's desk. Officer Caruso observed that Officer Cruz was making a pointing motion towards cell #2, which was to the left of Officer Caruso who was standing behind the officer's desk. Officer Caruso described Officer Cruz's pointing motion as a "come here" type of motion. Officer Cruz denied the testimony from Officer Caruso that, as he descended the stairs into the dayroom, he pointed towards cell 2# where Inmate Hobbyfranco was housed. There are no additional witnesses to substantiate the allegation made by Officer Caruso.

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12. Officer Cruz stated Inmate Hobbyfranco was screaming as he approached the cell. Officer Cruz stated he does not speak to inmates through the closed door because he indicated it is difficult to hear them. Officer Cruz stated when he approached Inmate Hobbyfranco's cell he opened the door to speak with him. Officer Cruz stated as soon as he opened the door, Inmate Hobbyfranco immediately ran from the cell and engaged Inmate Redding who was positioned in front of the desk. Both inmates began fighting at that point. Officer Cruz stated the actions of Inmate Hobbyfranco caught him off guard.
13. As the inmates were fighting, Officer Cruz, Officer Mejia, Officer and Officer Escobales were present. Officer Cruz, Officer Mejia and Officer Caruso all testified they physically intervened to stop the inmates from fighting. Officer Mejia stated he utilized his physical strength to pull Inmate Hobbyfranco from Inmate Redding. Officer Caruso stated he also grabbed Inmate Hobbyfranco, whom he identified as the most aggressive, and pulled his arms away from Inmate Redding. Officer Cruz stated, "I locked up an arm and I was behind him." Officer Cruz was unable to recall which inmate he grabbed. Each officer's testimony supports the fact that a fight did occur and each officer, except Officer Escobales, took physical action to separate the combatants.
14. Numerous inmate witnesses testified that, during the fight, Officer Cruz held Inmate Redding and allowed Inmate Hobbyfranco to freely strike Inmate Redding. By his own admission, Officer Cruz did become physically engaged while the inmates were fighting. Sufficient testimony exists to suggest that, during the fight, both inmates held onto each other's hair. If this occurred while Officer Cruz was engaged in physically separating the inmates, the inmate witnesses may have perceived Officer Cruz's actions incorrectly. Regardless, it could not be proven that Officer Cruz purposefully restrained Inmate Redding in order to allow Inmate Hobbyfranco to strike him.
15. Upon separating the inmates, Officer Cruz escorted Inmate Redding to his cell. Officer Cruz admitted that he provided Inmate Redding with no medical attention stating he did not observe any injuries to Inmate Redding. Officer Caruso admitted he escorted Inmate Hobbyfranco to his cell and also did not provide Inmate Hobbyfranco with any medical attention. Officer Mejia, who was assigned to that particular dorm, never provided either inmate with medical attention. Furthermore, Officer Caruso admitted he provided Inmate Hobbyfranco with advise in reference to how to more effectively engage in a physical confrontation. Officer Caruso stated he did so because, "It looked kind of stupid what he did." Each officer admitted to having knowledge of their responsibility to ensure the inmates were provided with adequate medical care and failed to do so.

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16. Officer Caruso alleged that, during the fight, Officer Cruz stated to him, "I got, I got it" which Officer Caruso understood to mean for him not to become involved. Officer Cruz denied the allegation stating that once he became involved in attempting to separate the inmates he never disengaged. There is no additional testimony to support the testimony from either Officer Cruz or Officer Caruso; therefore there is insufficient evidence to support the allegation.
17. Officer Mejia admitted he failed to notify his supervisor of the physical altercation and to complete the required documentation. Likewise, Officer Cruz, Officer Caruso and Officer Escobales all admitted they also failed to ensure the incident was reported and properly documented. While each officer offered their own rationale for their failure to comply with existing policy and procedure, none were deemed sufficient enough to justify each officer's failure to comply with the policy requirements that each officer admitted having knowledge of.
18. Both Officer Mejia and Officer Cruz testified that, after the fight, inmates in the unit were upset over what had taken place and one inmate had even exited their cells to voice his displeasure. Both officers stated the inmates were accusing Officer Cruz of holding Inmate Redding and allowing Inmate Hobbyfranco to freely strike him. Officer Mejia stated it took approximately 10 minutes to settle the inmates in the unit down.
19. Once the inmates had been separated and confined to their cells, all four officers claimed they returned to their respective work assignments and did not discuss the incident. Officer Caruso stated that he felt nervous and scared about what had taken place and indicated, " I had that gut feeling in my stomach that something was going to be said and if it was, I would, I would, I would've been happy about it if someone else like the inmates said something and then I would've been relieved to come forward and say, yes, thank God someone said something and I feel better about myself, better about saying something now." Officer Cruz indicated, "The only thing I told them, it was that, I told them they better, that I want them to do the right thing and I told them to do the right thing because I was already, (laughing) I was already suspended for one incident that was not related to this. And I told them you know I don't need this stuff."
20. Virtually all of the inmate witnesses testified to observing prior fights that they believed Officer Cruz, Officer Mejia and Officer Escobales not only allowed to occur, but in a way, supervised or refereed. Although there was substantial testimony to this allegation, the testimony was inconsistent and could not be distinguished from events that were reported by the officers. Furthermore, there were no known participants found to corroborate the allegations.

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21. Inmate McLemore alleged that Officer Cruz, in essence, forced him to fight his roommate, Inmate XXX due to an argument between the two inmates. Based upon testimony from Inmate McLemore's roommates and other inmates it was determined that no physical altercation occurred as reported by Inmate McLemore. Therefore, the allegation as reported by Inmate McLemore is not substantiated.
22. Inmate Harris alleged that he too was involved in a fight that officers allowed to occur while he was housed in the Horizon Facility. In reviewing Inmate Harris's allegation and reviewing his housing history, it was determined that no basis exists to substantiate Inmate Harris's allegation.
23. Officer Cruz admitted that, on March 22, 2008, he utilized an air horn to awaken the inmates in 4C/D. Officer Cruz stated he did so because his whistle, which he normally utilized to awaken the inmates was broken. Officer Cruz expressed his intention was to ensure the inmates were awaken so that they did not miss the morning meal and, in turn, complain at a later time.

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CONCLUSIONS:

Based on the preponderance of evidence in this investigation, Officer Luis Escobales is **“SUSTAINED”** for violating the following:

Orange County Corrections Department Administrative Order:
IO.009 Use of Force: Policy:

- A written report will be generated and submitted to the Division Major/Manager prior to leaving the facility or by the conclusion of the shift, by the affected employees who witnessed or participated in the following:

“Use of Force” to control inmates

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Policy:

- Employees shall make a complete written report regarding any emergencies, incidents related to security, routine, or operational information, alleged violations of Federal/State laws, violations of facility regulations or disciplinary actions, grievances, crime(s) committed while in custody, unusual incidents, or medical incidents using the guidelines established within this policy.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: General Report Writing Information:

- Staff will be accountable and responsible for reporting incidents, operational information, emergencies, crimes, and any unusual occurrences.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: B: Incident Notification:

- All incidents will be reported immediately to the Shift Supervisor at the first opportunity following the incident.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: E:

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- Each staff member involved in, or witnessing, an "Use of Force" must complete an "Incident Report" or "Statement", as appropriate.
 - a. Barring exigent circumstances, all required forms must be completed prior **to going off duty** provided that the staff member's injuries, if any, do not preclude the immediate completion of said forms.

TO WIT: Based upon his own testimony, Officer Escobales witnessed his co-workers utilize force in order to stop the physical confrontation between Inmate Redding and Inmate Hobdyfranco. Furthermore, Officer Escobales was unable to justify his failure to not only document his observations but to report them to his immediate supervisor. Additionally, no exigent circumstances were found that would have precluded Officer Escobales from reporting the incident prior to the conclusion of his shift.

TO WIT: Regardless of his failure to appropriately report and document the incident and subsequent use of force, there is no reason to believe that Officer Escobales was unaware of his responsibilities, as he has appropriately reported and documented incidents throughout his career.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Policy:

- This Code of Ethics policy provides a framework to guide employees in conduct that avoids even the appearance of impropriety in contact with inmates/offenders of the Corrections Department. Employees must act with the knowledge that citizens, inmates, and offenders under community supervision are often in a position to make accusations of misconduct against them. Employees must exercise their best professional judgment to ensure that their behavior and conduct with citizens, inmates, and offenders is above reproach.

High ethical standards are essential for criminal justice employees whether on or off-duty. They are entrusted with enforcing society's rules of conduct. Therefore, an employee's violation of the law, or demeanor, which does not maintain high ethical standards, discredits themselves, the Department, and Orange County government.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Procedures: Employee Conduct: 1:

- Employees will be expected to perform their duties in a manner that will promote professionalism, protect the rights of the inmates/clients entrusted to their care, and adhere to the highest standards of ethics both on and off-duty.

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TO WIT: Officer Escobales failed to utilize his best professional judgment when he failed to appropriately document and report the use of force utilized on Inmate Redding and Inmate Hobbyfranco. Additionally, when Officer Escobales was confronted with an inmate who claimed he wanted to "shank" an inmate in the adjacent dorm and made the conscious decision not to take any actions based upon the inmates "word" that he would not carry out his threat is further demonstration of Officer Escobales' failure to make rational and sound decisions.

TO WIT: Officer Escobales testified that he did not engage in any conversation with Officer Mejia, Officer Cruz or Officer Caruso after the incident occurred. Officer Escobales further stated he assumed that incident would be properly reported. The actions of Officer Escobales in this incident give the clear perception that he observed an incident and then ignored not only his responsibilities, but allowed his peers to ignore their responsibilities. The actions of Officer Escobales are in not in keeping with the responsibilities of employees to ensure and protect the trust that the public places on the criminal justice system.

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Based on the preponderance of evidence in this investigation, Officer Samuel Cruz is **“SUSTAINED”** for violating the following:

Orange County Corrections Department Administrative Order:

IO.009 Use of Force: Policy:

- A written report will be generated and submitted to the Division Major/Manager prior to leaving the facility or by the conclusion of the shift, by the affected employees who witnessed or participated in the following:

2. “Use of Force” to control inmates

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Policy:

- Employees shall make a complete written report regarding any emergencies, incidents related to security, routine, or operational information, alleged violations of Federal/State laws, violations of facility regulations or disciplinary actions, grievances, crime(s) committed while in custody, unusual incidents, or medical incidents using the guidelines established within this policy.

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: General Report Writing Information:

- Staff will be accountable and responsible for reporting incidents, operational information, emergencies, crimes, and any unusual occurrences.

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: B: Incident Notification:

- All incidents will be reported immediately to the Shift Supervisor at the first opportunity following the incident.

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: E:

- Each staff member involved in, or witnessing, an “Use of Force” must complete an “Incident Report” or “Statement”, as appropriate.

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- a. Barring exigent circumstances, all required forms must be completed prior **to going off duty** provided that the staff member's injuries, if any, do not preclude the immediate completion of said forms.

TO WIT: Testimony clearly revealed that Officer Cruz was involved and initiated the force utilized to stop the physical confrontation between Inmate Redding and Inmate Hobdyfranco. Officer Cruz was fully aware of the documentation and reporting procedures in reference to such incidents; however, he failed to take the appropriate actions. Officer Cruz's testimony that Officer Mejia was fully responsible ~~to~~for reporting the incident, as Officer Mejia was assigned to the unit in which the incident occurred, does not absolve him from his responsibility to completely and truthfully report his actions and observations.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics Policy:

- This Code of Ethics policy provides a framework to guide employees in conduct that avoids even the appearance of impropriety in contact with inmates/offenders of the Corrections Department. Employees must act with the knowledge that citizens, inmates, and offenders under community supervision are often in a position to make accusations of misconduct against them. Employees must exercise their best professional judgment to ensure that their behavior and conduct with citizens, inmates, and offenders is above reproach.

High ethical standards are essential for criminal justice employees whether on or off-duty. They are entrusted with enforcing society's rules of conduct. Therefore, an employee's violation of the law, or demeanor, which does not maintain high ethical standards, discredits themselves, the Department, and Orange County government.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Procedures: Employee Conduct: 1:

- Employees will be expected to perform their duties in a manner that will promote professionalism, protect the rights of the inmates/clients entrusted to their care, and adhere to the highest standards of ethics both on and off-duty.

TO WIT: Officer Cruz testified that he opened ~~the~~ Inmate Hobdyfranco's cell door in order to speak with him. Based upon the testimony of Officer Cruz and other witnesses, Inmate Hobdyfranco was displaying aggressive behavior that should have caused Officer Cruz to utilize caution. ~~In~~stead, Officer Cruz opened ~~to the~~ cell door and additionally failed to take any precautionary actions to prevent Inmate Hobdyfranco to exit the cell. Officer Cruz's stated

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desire to speak with Inmate Hobdyfranco through an opened door demonstrated poor decision-making and allowed Inmate Hobdyfranco the opportunity to engage Inmate Redding in a physical confrontation.

TO WIT: Officer Cruz's actions in this incident demonstrate that he failed to utilize his best professional judgment. Officer Cruz chose to not report the incident stating he deferred to the decision of Officer Mejia. Officer Cruz cannot defer his responsibilities to document and report an incident and subsequent use of force. Officer Cruz was aware of his responsibilities and failed to fulfill them. Officer Cruz's actions are detrimental to the trust and confidence that the public places on the criminal justice system

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: E: "Use of Force" Packet:

- Any time a Correctional Officer (CO) is involved in a Use of Force, an "Use of Force Packet" will be initiated and completed.
- The primary CO initiating the "Use of Force" will:
 - a. Notify the Shift Supervisor of impending force/force used.
 - b. Initiate and complete an "Incident Report Packet" and the "Use of Force Packet",
 - c. Notify the Shift Supervisor when the "Incident Report Packet and the "Use of Force Packet" is completed and ready for review, and
 - d. Make a note in IMS under the inmate notebook.

TO WIT: Based upon the testimony of Officer Cruz, he was fully aware that he had initiated force in order to separate Inmate Redding and Inmate Hobdyfranco when they were engaged in a physical confrontation. As evidence in his investigation, Officer Cruz submitted several incident reports that demonstrated his knowledge or his responsibility in documenting and reporting incidents. However, in this instance, Officer Cruz clearly failed to document and report the use of force he had become involved in. By his own admission, Officer Cruz took no action in reference to the physical confrontation that occurred, even though he initiated the force.

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Based on the preponderance of evidence in this investigation, Officer Erick Mejia is **"Sustained"** for the following:

Orange County Corrections Department Administrative Order:

IO.009 Use of Force: Policy:

- A written report will be generated and submitted to the Division Major/Manager prior to leaving the facility or by the conclusion of the shift, by the affected employees who witnessed or participated in the following:

2. "Use of Force" to control inmates

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Policy:

- Employees shall make a complete written report regarding any emergencies, incidents related to security, routine, or operational information, alleged violations of Federal/State laws, violations of facility regulations or disciplinary actions, grievances, crime(s) committed while in custody, unusual incidents, or medical incidents using the guidelines established within this policy.

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: General Report Writing Information:

- Staff will be accountable and responsible for reporting incidents, operational information, emergencies, crimes, and any unusual occurrences.

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: B: Incident Notification:

- All incidents will be reported immediately to the Shift Supervisor at the first opportunity following the incident.

Orange County Corrections Department Administrative Order:

IO.014 Report Writing: Procedures: E:

- Each staff member involved in, or witnessing, an "Use of Force" must complete an "Incident Report" or "Statement", as appropriate.
 - a. Barring exigent circumstances, all required forms must be completed prior **to going off duty** provided that the staff member's injuries, if any, do not preclude the immediate completion of said forms.

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TO WIT: Officer Mejia was counseling Inmate Redding at the desk when Inmate Hobbyfranco was allowed out of his cell and the physical confrontation began. Officer Mejia testified that he assisted in separating the inmates, and in doing so utilized force. Officer Mejia's duty assignment was 4D, where the incident occurred. Although Officer Mejia did not initiate the use of force, as the housing officer, he was equally responsible for appropriately documenting the incident and use of force and reporting the event to his supervisor.

TO WIT: Officer Mejia testified that he chose not to issue disciplinary charges against Inmate Redding and Inmate Hobbyfranco because he perceived the incident as minor. Therefore, neither inmate was transferred to a confinement unit and no action was taken. Officer Mejia further chose not to report the incident and use of force, again, because he perceived the incident as minor in nature. Regardless of Officer Mejia's reported perception of the incident, he bore the responsibility to fully comply with the reporting and documentation procedures in place.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Policy:

- This Code of Ethics policy provides a framework to guide employees in conduct that avoids even the appearance of impropriety in contact with inmates/offenders of the Corrections Department. Employees must act with the knowledge that citizens, inmates, and offenders under community supervision are often in a position to make accusations of misconduct against them. Employees must exercise their best professional judgment to ensure that their behavior and conduct with citizens, inmates, and offenders is above reproach.

High ethical standards are essential for criminal justice employees whether on or off-duty. They are entrusted with enforcing society's rules of conduct. Therefore, an employee's violation of the law, or demeanor, which does not maintain high ethical standards, discredits themselves, the Department, and Orange County government.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Procedures: Employee Conduct: 1:

- Employees will be expected to perform their duties in a manner that will promote professionalism, protect the rights of the inmates/clients entrusted to their care, and adhere to the highest standards of ethics both on and off-duty.

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TO WIT: Officer Mejia failed to utilize his best professional judgment in his decision not to report or document the physical confrontation and subsequent use of force. Additionally, Officer Mejia acted negligently when he chose to not take any actions against the inmates and leave them together in the same housing unit. Officer Mejia's poor decision making placed other officers at risk, as Officer Mejia took no actions to make anyone aware of the violent confrontation that had occurred. Additionally, Officer Mejia's actions are ~~in~~ not in keeping accord with the responsibilities of employees to ensure and protect the trust that the public places on the criminal justice system.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: F: "Disciplinary Report Packet":

- In accordance with Administrative Order IO.200. "Inmate Discipline", a staff member who has reason to believe an inmate has violated rules and regulations, which cannot be resolved informally, will complete a notation in IMS and a "Disciplinary Report Packet" to be forwarded to the Shift Supervisor.

TO WIT: Officer Mejia testified that he chose not to issue disciplinary charges against Inmate Redding and Inmate Hobdyfranco because he perceived the incident as minor in nature. Regardless of Officer Mejia's perception, he knew force had been utilized and therefore appropriate actions should have been taken as outlined in policy. Had Officer Mejia reported the incident and use of force to his supervisor it is likely that the supervisor would have instructed Officer Mejia to issue disciplinary charges against both inmates and the inmates would have been transferred to a confinement unit. Instead, Officer Mejia chose to allow two inmates who had been involved in a physical confrontation to remain housed together. In addition Officer Mejia's actions caused other officers who were subsequently assigned to the unit not to have knowledge of the confrontation between the inmates.

Orange County Corrections Department Administrative Order:
IO.009 Use of Force: Procedures: 2:

- Call for HSD staff to respond.

TO WIT: Officer Mejia failed to provide Inmate Redding and Inmate Hobdyfranco with the required medical attention after the physical confrontation and subsequent use of force. Officer Mejia was the officer assigned to the unit and bore the responsibility to ensure the inmates received appropriate care. Officer Mejia provided ~~to no~~ reasonable explanation for his failure to take appropriate actions.

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Based on the preponderance of evidence in this investigation, **Officer Mark Caruso** is **"Sustained"** for the following:

Orange County Corrections Department Administrative Order:
IO.009 Use of Force: Policy:

- A written report will be generated and submitted to the Division Major/Manager prior to leaving the facility or by the conclusion of the shift, by the affected employees who witnessed or participated in the following:

2. "Use of Force" to control inmates

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Policy:

- Employees shall make a complete written report regarding any emergencies, incidents related to security, routine, or operational information, alleged violations of Federal/State laws, violations of facility regulations or disciplinary actions, grievances, crime(s) committed while in custody, unusual incidents, or medical incidents using the guidelines established within this policy.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: General Report Writing Information: 1:

- Staff will be accountable and responsible for reporting incidents, operational information, emergencies, crimes, and any unusual occurrences.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: B: Incident Notification: 1:

- All incidents will be reported immediately to the Shift Supervisor at the first opportunity following the incident.

Orange County Corrections Department Administrative Order:
IO.014 Report Writing: Procedures: E: 4:

- Each staff member involved in, or witnessing, an "Use of Force" must complete an "Incident Report" or "Statement", as appropriate.

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a. Barring exigent circumstances, all required forms must be completed prior **to going off duty** provided that the staff member's injuries, if any, do not preclude the immediate completion of said forms.

TO WIT: Based upon his own testimony, Officer Caruso utilized force in order to stop the physical confrontation between Inmate Redding and Inmate Hobdyfranco. Furthermore, Officer Caruso was unable to justify his failure to not only document his actions but to report them to his immediate supervisor. Additionally, no exigent circumstances were found that would have precluded Officer Caruso from reporting the incident prior to the conclusion of his shift.

TO WIT: Officer Caruso bore the responsibility of ensuring the force he utilized was appropriately documented and reported to his immediate supervisor. For Officer Caruso to testify that he believed the incident had been reported by one of the other officers involved and still make the conscious decision not to act appropriately demonstrates Officer Caruso's total failure to take appropriate actions.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Policy:

- This Code of Ethics policy provides a framework to guide employees in conduct that avoids even the appearance of impropriety in contact with inmates/offenders of the Corrections Department. Employees must act with the knowledge that citizens, inmates, and offenders under community supervision are often in a position to make accusations of misconduct against them. Employees must exercise their best professional judgment to ensure that their behavior and conduct with citizens, inmates, and offenders is above reproach.

High ethical standards are essential for criminal justice employees whether on or off-duty. They are entrusted with enforcing society's rules of conduct. Therefore, an employee's violation of the law, or demeanor, which does not maintain high ethical standards, discredits themselves, the Department, and Orange County government.

Orange County Corrections Department Administrative Order:
HR.200 Code Of Ethics: Procedures: Employee Conduct: 1:

- Employees will be expected to perform their duties in a manner that will promote professionalism, protect the rights of the inmates/clients entrusted to their care, and adhere to the highest standards of ethics both on and off-duty.

**ORANGE COUNTY CORRECTIONS DEPARTMENT
PROFESSIONAL SERVICES DIVISION- INTERNAL AFFAIRS UNIT
ADMINISTRATIVE INVESTIGATION #IA 08-018
Primary Investigator: Lieutenant Melanie Monroe
Secondary Investigator: Senior Investigator Rosby Jones**

TO WIT: Officer Caruso was well aware of his involvement in the incident and that he had utilized force to separate the combatants. Officer Caruso testified that he had a bad feeling about what had occurred during the incident and he still chose to not take appropriate actions. Officer Caruso's actions are detrimental to the public's trust placed on the criminal justice field and not in compliance with the expectations of the Orange County Corrections Division. Officer Caruso had the opportunity to come forward with his reservations and to document his involvement, however, he chose not to do so.

TO WIT: Officer Caruso testified that after the fight was over, he spoke with Inmate Hobdyfranco and provided him with advice on how to handle himself in future physical confrontations. In doing so, Officer Caruso demonstrated extremely poor judgment and additionally could have placed his peers in harm by his advice provided to Inmate Hobdyfranco.

"I, Lt. Melanie Monroe, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willingly deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

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