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DATE (occurred): August 21, 1984
 TIME (occurred): 1521 Hours
 LOCATION: Internal Affairs Office
 SUBJECT: Transcription of Interview with Steve TOMPKINS, #9946

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY.

B = Sergeant Glenn BREITENSTEIN, Internal Affairs Section
 M = Sergeant Larry MORATTO, Internal Affairs Section
 T = Reserve Officer Steve TOMPKINS, ID #9946

M: Okay, uh, the tape now... The date is, uh, 8/21/84; the time is 1521 hours. Present in the room is Sergeant Glenn BREITENSTEIN of Internal Affairs, Sergeant Larry MORATTO of Internal Affairs, and Officer, Reserve Officer ... first name?

T: Steve.

M: ... Steve...

T: TOMPKINS.

M: TOMPKINS. What's your ID number, Steve?

T: 9946.

M: Okay.

B: Okay, Steve, before we get started, I do have to read you a, uh, a statement. We call it Reverse Garrity Warning. And, I want you to listen very carefully to what I have to say, okay? It says: At this time I'm going to question you about an incident concerning you and Officer Larry AVRECH involving one Donna GENTILE. This questioning concerns administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statement you make will be used against you in any criminal legal proceedings.

Since this is an administrative matter and any self-incriminating information you disclose will not be used against you in a court of law, you are required to answer my questions fully and truthfully. (This requirement is set forth in Section 1.04 and 1.44 of the San Diego Police Department Rules and Regulations.) If you refuse to answer my questions, this in itself is a violation of the rules of the Department and you will be subject to disciplinary penalties.

Do you understand what I have just explained to you?

T: Yeah.

B: Okay. Do you have any questions concerning what I have just explained to you?

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

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T: No.

B: Okay. Uh, I am now ordering you to answer the following questions.

T: Isn't that, isn't that for regulars?

B: Uh, it also applies to you as a Reserve.

T: Oh, it, why, am I on duty or something?

M: No, all, all the regulations of our Department, while you're working as a police officer...

T: Yeah, when I'm on duty.

M: Okay. You come under the constraints of those. And anything that we do, for instance if we wanted, if we want to terminate you out of the Reserve Program, that's an administrative procedure...

T: Oh.

M: ... And you're subject to those administrative regulations. Okay? Are you familiar with 1.04 and 1.44 of the Rules and Regulations?

T: No.

M: Those have to do with, you must answer the questions that, that the sergeant asks you, okay? And, you must answer truthfully. If you don't, if you fail to answer those questions, that in itself is grounds for administrative action, or discipline.

T: Oh.

M: Okay? That's, that's where that is. We want you to make, make sure you totally understand what you're doing before we get started. Okay? Are you, are you familiar at all with the Police Officer's Bill of Rights?

T: No, not really.

M: Okay, while you're working as a police officer, you're also covered under the Police Officer's Bill of Rights, and in that, uh, Police Officer Bill of Rights it covers the areas that you have the right, if you want to have an attorney here, or a representative, okay, you cannot have a representative that is also part of this investigation. But, you can have a representative. At any time while we're talking to you, you can stop this interview, you can go out, you can take care of, you can go to the bathroom, get a cup of coffee, coke, whatever you want to do. If at any time we ask you a question that you're unsure of, make sure you get clarity on that. Make sure

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- M: (Continued)
that, uh, if you at one point you want to talk to a representative about that question then we can stop the proceedings at that time. Okay?
- T: What do you mean? Talk to who? I'd have to get my own lawyer, right, or something?
- M: Exactly.
- T: All right.
- M: So, but we want you to know all of that ahead of time. This is not a, an underhanded interview. This is...
- T: Yeah.
- M: ... on the table, up-front, honest, forthright interview. And we want you to understand that. And we want you to respond the same way. Okay?
- B: And further, that, uh, what you are telling us, or what questions that you answer, are not subject to any criminal action on your part. This is strictly an administrative interview...
- T: Uh huh (affirmative).
- B: ... Not subject, subject to criminal prosecution. Now, do you understand that?
- T: Yeah.
- B: Okay. First of all, how long have you been a Reserve?
- T: Uh, all together I think about three years now.
- B: I see. And, what are the, uh, assignments that you've previously had as a Reserve?
- T: I've been assigned to, uh; you mean where I've been assigned?
- B: Right.
- T: I've been assigned to Eastern when I first got out of the Academy, and then in, uh, oh, almost about a year ago I, I was assigned to Administration in Reserves up at the Academy, and then I got, after the Academy I think I got reassigned back at Eastern.
- B: Where are you currently assigned?
- : Eastern.
- B: All right, I take that, that's Eastern Patrol?

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T: Yeah.

B: All right. Uh, are you familiar with an Officer Larry AVRECH?

T: Yeah.

B: How do you know this officer?

T: I've worked with him probably ever, almost ever since I got out of the Academy.

B: Okay, and you work with him on a regular basis?

T: Yeah.

B: About how many hours a month do you work with this officer?

T: Uh, I'd say it probably, like, average two days a week, two eight-hour shifts, I'd say. Just on an average, sometimes less, sometimes more, depends what watch he's on.

: How would you classify your relationship with, uh, Officer AVRECH?

T: Good. We're good friends.

B: Are you personal friends, off-duty?

T: I see him off-duty, yeah.

B: And you're, uh, relatively close, uh, acquaintances?

T: Yeah.

B: Uh, have you ridden with AVRECH, uh, primarily as the, uh, second officer, all this year or have you ridden with other officers too?

T: No, I, no, the only regular I usually work with is Larry.

B: And what is the area of, uh, the work that you've been concentrating on?

T: (No response)

B: In other words, what area and what shift?

T: Oh, "C" Squad.

: Okay. And what area?

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T: Uh, usually east, 312.

B: Okay. East San Diego?

T: Yeah.

B: Uh, have you been a part of the, uh, prostitution sweeps that have been taking place?

T: Yeah.

B: Uh, in what capacity have you functioned?

T: Um, well, when they had that, uh, detail up and down the Boulevard, and, uh, I worked that. But I didn't work with Larry 'cause he didn't work that.

B: Okay. Did you work in a patrol unit, or a ...

T: Yeah.

: ... prison transport, or...

T: No, in a patrol unit.

B: Uh, you did not work with AVRECH at that time?

T: No.

B: Who did you ride with?

T: Uh, couple of, I don't even know their names, couple different guys. Uh, one, one was Western and, uh, well, actually I think they were both from Western. Their names.

B: Okay. I'm going to show you a picture of, uh, an individual here and I'd like you to take a look at her and tell me if you, uh, have ever seen this individual before. The picture I'm showing you, as you can see, indicates on the side here, a person by the name of Donna Marie GENTILE. Do you know, uh, this individual?

T: Yeah.

B: How do you know this individual?

T: Uh, 'cause she's a prostitute that frequents El Cajon Boulevard and she's probably been the single sole problem up on El Cajon Boulevard to the whole detail. The one that kept coming back out and, uh, we'd have to follow her around on the streets and everything else like that. She'd be drivin' and we'd have to follow her and, uh, because they wanted to make sure she got out of the area and wasn't working the Boulevard.

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- B: Uh, how long have you known of this individual?
- T: Uh, well, probably since about the middle of the detail. The prostitution detail.
- B: Can you kind of give me an idea...
- T: A date?
- B: ... of what time, or what month this was?
- T: Uh, let's see, we did that May and June, so, I'd say, like, since the beginning of June, when I first heard of her. I actually didn't see her until after the end of the detail. I've never talked to her or met her or anything until after the end of the detail.
- B: It was not until after the end of this detail that you actually...
- T: Yeah.
- B: ... made personal contact with this individual?
- T: Yeah.
- B: How did you come into contact with her at that time?
- T: When I was working with Larry.
- B: And what was the form of this contact.
- T: Uh, an F.I. We F.I.'d her, uh... I don't remember exactly. As a matter of fact, let's see, no, Larry didn't work that detail, but it was me and him workin' so it was after the detail was officially over. And, we still had units working as a special detail on the Boulevard. I think, uh, at first it was everybody, all the units on "C" Squad. So I worked with him and we came across her, uh, somewhere around, it's all changed around, it's 70th and El Cajon, but I can't remember exactly where though.
- B: But it was sometime after the detail was finished.
- T: No, just right after I'd say, not some time after, but right after, 'cause they continued it, you know, non-stop.
- B: Approximately how many times have you made contact with this individual?
- T: Uh, I've probably seen her about, uh, a good dozen times.

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B: Uh, when you came in contact with her on each of these twelve or so occasions, were you always with Officer AVRECH?

T: Yeah. Uh, let's see, any time that I've, no, I've seen her when I worked, like, if worked there by, out there by myself, I've seen her but I've never talked to her, without him.

B: On each of these occasions, did you, uh, make Field Interrogations on this subject?

T: Yeah.

B: Were Field Interrogations submitted to the Department on each of these occasions?

T: Yeah.

B: Were they submitted by you or by Officer AVRECH?

T: Uh, I don't remember. I write some F.I.'s, sometimes he does. I took 'em down, I remember takin' down all her information. So at one time she's told me everything, you know, date of birth and everything. I don't know...

B: Have you ever arrested this individual?

T: No.

B: Has AVRECH ever, to your knowledge, ever arrested this individual?

T: No, that I know of.

B: What is your impression of, uh, this Donna GENTILE? What do you think, uh, what do you think she's doing out on the Boulevard?

T: Uh, I feel, I, I don't know, I think she's up to something. They, they talk about in line-up how she carries around a tape recorder with her, and tapes everything that everybody talks to her. Uh, you know, everything that you say. And other officers in line-up have mentioned that, you know, "Yeah, she tried to," uh, "I can, I can feel that she tried to trick me into sayin' this," and at one point somebody said, uh, in line-up, that, uh, she has gotten to somebody, or something...

B: She has...

T: Well, it's probably, I figured that some kind of, uh, investigation was starting or something because they said in line-up that, uh, said that she had made some people talk, and that it's going to end up putting her foot in her mouth, or something like that.

G: How long ago did you, uh...

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T: Hear this?

B: ... hear this.

T: Uh, two weeks, at the most, I don't remember exactly when.

B: Do you know her criminal record?

T: Do I know of her criminal record?

B: Do you know whether she's ever been convicted of a crime?

T: Uh, no, the only thing I ever heard that they said, that, uh, in line-up once, that somebody said if she gets one more ticket they're going to take her driver's license away, so she must have a lot of tickets. And, she's been arrested on prostitution cases 'cause she talked about, one time, her lawyer, uh, tryin' to get her out of this which if she paid all this money or something. And she was off the Boulevard for a while, herself, for a couple weeks because of that, or something.

: Do you believe this individual's a working prostitute?

T: Yeah.

B: Does AVRECH, Officer AVRECH have knowledge of this person's background?

T: Background? Well, I don't know.

B: Her arrest record, her criminal record?

T: No, I don't know.

B: Has he ever made any statements to you regarding the fact that she's a prostitute or he suspects her of being a prostitute?

T: Yeah. Yeah.

B: On how many occasions?

T: Uh, well, he, you know, probably only said it once 'cause, you know, he doesn't repeat things, you know.

B: Have you ever followed this individual in the course of your duties?

T: Yeah.

B: In her vehicle?

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T: Yeah.

B: Was she in her vehicle at the time?

T: Yeah.

B: Do you know what kind of car she drives?

T: Uh, it's a beige, uh, full-size, Buick or Pontiac, I can't remember. I know it when I see it.

B: And on these occasions, uh, that you followed her, uh, was Officer AVRECH in the car with you?

T: Yeah.

B: And, uh, where did you follow her to?

T: Uh, all around, wherever she went in the streets, and she'd try to ditch us, go up alleys.

B: Did you ever follow her out of the City of San Diego?

T: Yeah.

B: To where did you follow her?

T: Uh, La Mesa, she lives in La Mesa in an apartment complex.

B: Do you know on what street you were?

T: No, I don't remember, it's in La Mesa though.

B: Uh, how many times did you follow her to La Mesa?

T: Uh, let's see, one, twice or three times at the most.

B: And what did you do when you followed her into La Mesa?

T: We just followed her right up to her place and she went inside. And once, she came back out and we followed her back out. And she said, "I'm goin' back out on the Boulevard," she says, "I'm just gettin' my wash and I'm gonna go up to that place that was closed," to wash her clothes. That was on the Boulevard, 70th and El Cajon.

And you followed her there on at least three occasions?

T: Yeah.

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B: Have either you or Officer AVRECH ever contacted her at her residence?

T: You mean, what do you mean? As far as...

B: Have you talked to her at her residence?

T: As far as when we followed her there?

B: Yes.

T: Uh, we, no, I've never talked to her, I don't know if he has or if he, you know. The times that I worked with him, you know, we followed her to her residence, that's it. You know, we don't in to the door, we don't do anything.

B: Has Officer AVRECH ever left the car to go to her residence?

T: Yeah, you mean to make sure that she went inside the house? Or, go inside the house with her? Or what?

: For whatever purpose.

T: Yeah.

B: He has left the car?

T: Yeah.

B: How long as he been gone on these, on this occasion, or these occasions?

T: Now you, oh, I'd say, five minutes. First time we went there we both went up there 'cause she said she was gonna go get her wash and come back on the Boulevard, so I don't know if she had a back door or something so we stayed behind her and sure enough she went in, came out with her laundry, went back down to her car and left. We both were there. Second time we went there I was driving, he says he'll go up there and follow her, he went up there, he was in about five minutes, and I says, well, I'll take a walk up there, and he was still standin' outside the door.

B: And the third time?

T: Uh, third time, we didn't even go up there, as I remember. We followed her just, just to the house, to the house, the apartments.

B: When was the last time you saw this individual?

: Oh, it's been a long time now. Uh, 'bout, 'bout a month.

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- B: How would you classify, uh, Officer AVRECH's relationship with this individual?
- T: Uh, relationship? There's no relationship, everytime I've been with him he talks to her, you know, just like he talks to any, any other prostitute on the Boulevard, you know, asks her the, the questions and, uh, you know.
- B: Are you aware of any other contacts that this officer's ever had with GENTILE?
- T: No, I'm not.
- B: Are you, uh, aware of any contacts that the officer has made with GENTILE in an off-duty situation?
- T: Off-duty? No.
- B: Have you ever seen this officer, uh, call this individual, or heard him discussing telephone, any telephone conversation with this individual while on duty?
- T: No.
- B: Has AVRECH ever told you that he is, uh, a friend of this girl's?
- T: No.
- M: Okay. We talked about being truthful and totally honest. During the course of the investigation there is no room for covering up for anybody. Okay? And, we explained to you this is, it's administrative action, it's not a criminal action.
- T: Uh huh (affirmative).
- M: You may be asked to talk about this later. Okay? So it's real important that you listen to his questions, like I told you before. Think about what he says and analyze it before you answer the question.
- T: Yeah.
- M: Now, he's not asking you questions just out of the blue. He's asking you questions because he has some independent testimony and independent knowledge about the situation. So, if you lie about any part of it, then your credibility is going with that.
- T: Uh huh (affirmative).
- M: And we're going to question whether you're telling the truth on the rest of it.
- : Yeah.

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- M: Now, he's asked you questions about when you and Officer AVRECH have gone to that apartment complex where she lives. And he's asked about if you've waited in the car.
- T: Uh huh (affirmative).
- M: And you said you have on a couple of occasions, but only for five minutes.
- T: Once, once did he go up there without me though.
- M: Now, how long was that for?
- T: Not even five minutes.
- M: Not even five minutes?
- T: Yeah. Longest, because I felt, you know, I didn't know, I wanted to make sure nothin' you know, didn't happen, he didn't have a, she didn't have a pimp up there or something waitin' for him to beat him up or something. So, I go, parked the car and walked up there, took the stairs.
- M: And it was less than five minutes.
- T: Yep.
- M: Have you talked, today, have you talked to Officer AVRECH about this situation?
- T: No.
- M: About coming to Internal Affairs?
- T: No.
- M: On another occasion, have you and Officer AVRECH followed this girl to another location and watched while she performed any...
- T: Yeah, uh huh (affirmative). Well, we thought she was, she might of, I don't know. We followed her once to, uh, 4000 Wabash, and, this was, I think, the first, no, first few times that we followed her because, must have been like even the first or second time because I didn't really know who she was or what she was gonna do. She walked into the apartment and I watched the front door, we parked the car right where, near, where she parked it. She walked into an apartment, I was watchin' the front and Larry was around watchin' the back, and the only thing Larry said about it after, he saw, the only thing he saw through the windows was an Oriental guy in there. So I think she, uh, she, she had a business dealing there, a little prostitution in there. But what can you do, you know?

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B: Did you make any arrest at that time?

T: No. She just walked out, she says, "You gonna still follow us?" And sure enough, she got in her car and we followed her again. That's the only time she ever went someplace that we followed her.

B: Did you personally observe her while she was at the back of the residence?

T: Back of the residence?

B: You said your partner went to the back of the residence.

T: Yeah, to watch and make sure there wasn't a back door or something, or windows, or something she...

B: Did you observe her actions while she was inside the house?

T: No, I couldn't see anything, I was at the front door.

B: Did Officer AVRECH ever tell you what he saw?

T: No, the only thing he said he saw an Oriental guy, uh, he didn't see anything, he didn't see he'd seen any, uh, sex act going on or anything, inside.

B: Did he ever see any money exchange hands?

T: No, 'cause he would have told me that. I don't know.

B: What do you, what do you...

T: ... I don't know if he, I can't remember exactly if he said he, what the Oriental guy was doin', just some Oriental guy.

B: What do you believe transpired inside that house?

T: I think, uh, well, after he mentioned it, then I think that, uh, it wasn't a friend of her, it was, uh, some kind of sex act going on in there.

M: Did you guys stop the, what you thought might have been the 'John' afterwards and question him?

T: No, he stayed in his house. We followed her.

B: Okay.

B: Did you, uh, record this contact on your, uh, daily journals?

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T: Yeah, I believe it was. He was writin' the journal, I don't remember, I didn't look.

B: And about what time of the, uh, year was that?

T: It was, uh, let's see, it was after the detail had just ended, so it had to be, detail went to June, so, middle of June.

B: And you're telling me now that you did not observe any sexual intercourse between these two individuals take place?

T: No.

B: Did AVRECH observe this, uh, sex act of any type take place.

T: No, 'cause he would have, I'm sure he would have said something, I would have remembered it.

B: I'm gonna go back, again, to your, uh, encounters with GENTILE at her apartment. You say there were three specific times when you and AVRECH were together?

f: Yeah.

B: Are you aware of any other contacts that he's had with this individual at her apartment?

T: No, he never said anything about followin' her, you know, any other times that I wasn't with him.

B: Has he ever told you that he's, uh, been dating this person, or seeing her off-duty?

T: No. Has he?

M: We'll ask the questions, okay?

T: Oh, I can't ask, I can't ask any questions?

M: This is an interview, we'll conduct the interview.

B: Are you aware of any off-duty encounters of any type with this individual between AVRECH and GENTILE?

T: No.

B: Has he ever told you that he's had intercourse with her?

: No.

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B: Do you believe he has?

T: No.

B: You're not aware of any time that this officer has ever had any sexual encounters with this particular female?

T: No.

B: When was the last time you saw this female?

T: Oh, it's been about a month now.

B: And when was the last time you rode with Officer AVRECH?

T: Uh, Saturday night.

B: While you were with Officer AVRECH on Saturday night, did you overhear him making any telephone calls?

i: No. Every time we work he'd make some calls. I don't, I don't stand next to him when he makes the phone calls.

B: Have you ever heard him talking to this, uh, female while on duty?

T: No.

B: On the telephone?

T: No.

M: Have you ever known her to call him at work while you guys were waitin' to go on shift?

T: No.

B: And, you do not know of any off-duty encounters between these two individuals?

T: No.

B: Are you aware of any other officers that have, uh, known this female socially?

T: I've heard rumors.

B: What are those rumors?

i: Uh, I heard that there was a, uh, she went on a date, uh, with a lieutenant. Or, not with a lieutenant, he arranged it, uh, to go on a, someplace out in the woods, someplace.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 660150

ckc/2615

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE (occurr.):

TIME (occurr.):

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Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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SUBJECT:

- T: (Continued)
a camping trip or something.
- B: With who?
- T: What do you mean, with who? With her.
- B: Who went with her?
- T: Uh, well, there was, uh, uh, a lieutenant and a couple other officers, I have no idea what their names are.
- B: Who was the lieutenant?
- T: Uh, the rumor was it was, uh, Lieutenant BLACK. Up at Eastern.
- B: Are you aware of this, uh, first-hand knowledge?
- T: Oh, I don't have no proof or nothin', no, just rumor, I heard it.
- J: Just a rumor.
- T: That's the only thing I ever heard that she was involved with something. That's why I thought that she always had the recorder with her and she's always trying to trick somebody.
- B: Did you ever see her with a recorder on any of your contacts?
- T: No.
- B: Do you know Officer GULYAS? GULYAS, I believe it's pronounced.
- T: Uh, Mike?
- B: Mike GULYAS.
- T: Yes, uh huh (affirmative). He works on "C" Squad.
- B: And he also works Eastern?
- T: Yep.
- B: Uh, have you ever had any professional dealings with this officer while you were riding with AVRECH?
- J: Umm, no.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000151

SAN DIEGO POLICE DEPARTMENT
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DATE (occrr.):

TIME (occrr.):

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SUBJECT: Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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B: Has he ever covered you on a call?

T: Uh, yeah, well, we covered him on a call.

B: Has he ever been your acting sergeant?

T: Uh, when I worked with Larry, you mean?

B: Yes.

T: Uh, I think at least once, yeah. 'Cause once in a while he is.

B: Has, has AVRECH ever made any comments to you about this officer?

T: Yeah, they were, uh, he didn't, uh, didn't like him because something happened at, when he wrote, worked at the Olympics. I wasn't there, so... Uh, apparently he was in charge, not the sergeant or anything but supposedly in charge of a group that rotated different places. And all the officers didn't agree with the way he rotated, uh, made the rotations, that GULYAS made the rotations, everybody had a complaint about it.

B: Did AVRECH ever make any comments about, uh, this officer, or getting even with him, or...

T: Um, no, he just said he didn't like him.

B: Did you ever hear him say anything about filing a complaint against this officer?

T: No. No, well, the only thing that, uh, no, the only thing... he said, he talked about with, uh, another sergeant said that she didn't like him either, because he was a cry-baby or something.

B: She didn't like him?

T: Yeah.

B: Who's she?

T: Uh, Sergeant ZIMMERMAN, she works Third Watch.

B: Who doesn't like...

T: She didn't like GULYAS, also. Because she used to be the "C" Squad sergeant and he was on there then, too.

: Have you ever heard any statements made about filing any kind of a complaint or getting the guy in trouble? This Officer GULYAS?

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000152

ckc/8615

SAN DIEGO POLICE DEPARTMENT
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DATE (occurr.):

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SUBJECT:

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- T: Get him in trouble?
- B: Yes.
- T: No.
- B: You know nothing of any kind of complaint that has been filed by any citizen, or was asked to be filed by a citizen, against Officer GULYAS?
- T: No.
- B: How long have you been with the Reserve Program?
- T: Three years, about three years.
- B: Steve, uh, we've been conducting a rather in-depth investigation regarding the things that we've, uh, just discussed. And I've gotta be real honest with you. I don't think you're telling me everything totally truthfully. I have some, uh, information that leads me to believe that some of these activities actually have taken place while you've been present with Officer AVRECH.
- T: Uh, what activities is that?
- B: I think that there's more that's been taking place at this apartment complex than, uh, where this female, Donna GENTILE, lives. And I think you've spent more time at that residence than you've told me. I'd like, I'd like the truth. I'd like the truth about what's taken place out there at that apartment complex.
- T: That's it.
- B: Has Officer AVRECH ever had sexual intercourse while you were waiting in the police c
- T: No. It would have to be pretty fast, 'cause there was, you know, uh, I'm the kind of personality, I, I don't get paid for anything out there. And I don't get paid to listen to that bullshit so I don't get paid to listen to this. Okay? Uh, if there was something goin' on, I wouldn't ride with him any more. If there was something that he wanted to hide from me, that's fine. The reason I work with him is because I get to do a lot of things that other officers don't let you, let you do when you're workin' with 'em. They let you sit, second, and man it, and, uh, write up the journal and everything. I do a lot of things when I'm workin' with him, we get along fine. And, I'm sure, we're friends, and he wouldn't jeopardize that by doing something in front of me of telling me he did something, 'cause he knows, I'm sure he knows, though I never have spelled it out to him, that, you know, I wouldn't put up with it. I wouldn't work with him any more. If he ever did anything while I was workin' that he did that would jeopardize me, you know. Any kind of criminal offense, or anything that I felt was against Department Rules that I might not even know about, you know.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time _____

000153

SAN DIEGO POLICE DEPARTMENT
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T: (Continued)

Uh, anything outright, you know. That's something outright. If he had, you know, if somebody said he had sex with her and he did it while I was there he must have been pretty fast and he never told me about it. 'Cause if it was, I would, I don't care, it doesn't, you know, it doesn't matter to me to mention it, it don't cost me anything to be here, you know, anyway, I have nothin' to lose, you know.

B: Five minutes is the longest he ever stayed up there?

T: Yeah.

M: Why did you follow her there to start with?

T: Because it was part of that prostitution thing.

M: I don't...

T: Other officers have followed her to her place.

Earlier in this conversation on tape you told us that it was your job to follow them to make sure they left the area, okay?

T: Yeah.

M: Uh, La Mesa is some distance away from the Boulevard.

T: Not left the area. When we first started this thing, even after the official thing was over, anybody that came across that, they said in line-up, that came across Donna, 'cause she was such a pain in the neck out there, follow her everywhere. And I've heard units follow her all, all the way to her apartment. Even Sergeant GOUDARZI has followed her to her apartment, I'm sure. Because, uh, one, even one individual officer arrested her near her place or at her place on her warrants.

M: Okay. You've done it three times. You've been there at her apartment three times, and that's all.

T: Well, as, as far as I remember, I don't know if it's three times, it could have been twice, you know, I, I know where it is and I've been, we've followed her there. I know it's been more than once.

M: Okay. And it's your statement that the longest that Officer AVRECH was ever away from you at that apartment complex...

That one time, was five minutes.

... was five minutes. Have you ever been inside her apartment?

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000154

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE (occurr.):

TIME (occurr.):

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Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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T: No. He's never been either.

M: You've never seen him go inside her apartment?

T: No.

M: And he's never talked to you about any of his activities with, uh, Donna GENTILE?

T: No.

B: Are you aware of any other officers, uh, having had a social association with this girl?

T: No, just that one rumor I heard.

B: Just the one rumor. And that rumor is regarding, uh, the lieutenant...

T: Yeah.

B: ... and her going to, camping or someplace with him.

T: Yeah. And her using a different name for some reason.

M: Okay, I'm going to stop the interview, it's getting toward the end of the tape.
(PAUSE -- Change tape to Side B)

M: This will be Side 2 of the same interview. The time is 1552 hours. Still present in the room is Reserve Officer TOMPKINS, Sergeant BREITENSTEIN, and Sergeant MORATTO.

B: Okay, Steve, have you heard any rumors about an investigation involving Donna GENTILE that's been on-going or taking place?

T: No.

B: Has Officer AVRECH made any mention to you about, uh, seeing this female in the last month?

T: No.

B: That you've been riding with him?

T: No.

: Are you aware of any contacts that Officer AVRECH has made with this, uh, female in an off-duty capacity?

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000155
ckc/8615

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE (occurr.):

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Reserve Officer Steve TOMPKINS, ID #9946

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T: No.

B: Has he ever told you anything about her criminal record or criminal past?

T: No.

B: Okay. Are, and you're telling me that you do not know of her criminal record?

T: Do I know of her criminal record? It may be, if anything, that Larry told me. I've never really talked to her, that we've, you know, talked; he's always done the talking with her.

B: You say that you know AVRECH, uh, relatively well. You've been riding with him for two or three years.

T: Yeah.

B: And, uh, you're at least somewhat social, uh, friends on in off-duty capacity, is that right?

T: Yeah.

B: I'm gonna show you two documents here, and ask you if, uh, you can recognize anything on them. First of all, do you see Officer AVRECH's reports when you're riding with him?

T: Yeah, uh huh (affirmative).

B: Are you familiar, relatively familiar with his handwriting and signature?

T: Yeah.

B: I'm gonna ask you to look at a piece of pink paper on here that's dated 7/21/84, has some, uh, handwritten, uh, statements on it. It contains the name of Larry AVRECH on the bottom. I'll ask you to take a look at that, examine it.

M: Just look at the writing and look at the signature and see if you recognize it.

T: Yeah, it looks, uh, similar to his.

B: Does that appear to be Officer AVRECH's writing and signature on the bottom?

T: Yeah, it appears to be.

B: Now, I'm gonna ask you to look at the other side, which contains a brown piece of cardboard and, uh, some hand, some printing in ink. I'm gonna ask you to take a look at that and see if you recognize the printing on that.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000156

SAN DIEGO POLICE DEPARTMENT
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DATE (occurr.):

TIME (occurr.):

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SUBJECT: Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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- T: No, the writing doesn't look familiar.
- B: Can you say, or does it appear to be Officer AVRECH's printing?
- T: Eh, it looks vaguely like it, but, you know, I couldn't be sure, couldn't be sure.
- B: Have you ever seen either one of those documents before?
- T: No.
- B: All right. Are you aware of any, uh, disciplinary matters that are pending against Officer AVRECH right now?
- T: No.
- B: Are you aware of, uh, his work product, his, how he gets along with his sergeant in the field?
- T: I don't, I don't think anybody gets along with his sergeant in the field.
- J: Who is his sergeant?
- T: GOUDARZI?
- B: Does AVRECH ever make any statements to you, or has he ever made any statements to you regarding, uh, how he gets along with his sergeant?
- T: Uh, he doesn't, he doesn't think they get 'cause, uh, apparently, uh, a couple weeks ago they got into an argument. I don't know what they were talkin' about 'cause they didn't talk in front of me. But, he didn't say exactly what the sergeant said or anything.
- B: Has he ever made mention to you the fact that, uh, the sergeant has held him back from any preferred assignment, or...
- T: Yeah, he has, yeah.
- B: And what was that?
- T: Preferred assignment?
- B: Yeah.
- T: Well, I don't know if he thought that he wasn't, they got this 459 detail goin' on, and I don't know if he thought that he wasn't letting him, you know, do it as often as everybody else.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000157

SAN DIEGO POLICE DEPARTMENT
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DATE (occurr.):

TIME (occurr.):

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SUBJECT: Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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B: What 459 detail are you referring to?

T: They had a 459, uh, detail up on 325, just for a burglar, and half the "C" Squad units would, uh, work up there in pastels, lookin' for the guy. And the other would work down south.

B: And AVRECH didn't get to work on that detail?

T: No, he did, but, for some reason he felt he didn't get to do it often enough.

B: Is that the only situation that you're aware of, or are there other situations?

T: Oh, the only other thing he mentioned was that last, well, we worked at, they still got that hooker detail going on, and we worked it Saturday, and before then he hadn't worked here for, he wasn't picked for three weeks before that. It was always somebody else. If he was south of the freeway, it was always the other unit that was the special detail unit.

B: I see.

T: But, I don't think he considered that as, you know, preferred assignment.

B: Has he ever mentioned anything about being a field training officer to you?

T: Yeah, he wanted to be, he wanted to be a field training officer, I don't know, I thought he's, he wanted to be a couple years ago, you know. Or at least a year ago. But, uh, I guess the lieutenant wouldn't, uh, sign it, or sign for him, or something.

B: Have you ever, uh, made checks of license plates while on duty?

T: Checks of license plates?

B: Yes.

M: Run 28's.

T: Yeah. Uh huh (affirmative).

B: Or 29's.

T: Yeah.

B: Are you familiar with the process to obtain the registration on a license plate?

: Yeah.

B: Have you, uh, run different license plates while you were on-duty with AVRECH?

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000158
ckc/8615

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE (occrr.):

TIME (occrr.):

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SUBJECT: Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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T: Yeah, uh huh (affirmative).

B: Have you ever made any telephone calls to the Police Department, uh, either Records Division or some other division, to obtain, uh, registration information?

T: Have I?

B: Yes.

T: No. Always on the radio.

B: You've never used the, the Records Division for...

T: For a check of, records check for anybody?

B: ... for a check on, uh, license plates, or backgrounds, or...

T: No.

: Do you know what the code word is to access the Records Division?

T: Uh, yeah. I think it's still, if they use it.

B: And what is the word that you think...

T: CH-44.

B: Has officer AVRECH ever, uh, made license plates checks of various vehicles in your presence.

T: No, only on the radio, if, and the only ones I can even recall we ran was just parked cars, that's it, write parking tickets, for writing parking tickets.

B: When you've obtained this information, what have you done with it?

T: He never, I've never even seen him write one down.

B: I'm talking about you.

T: You mean, 28 information?

B: Yes.

T: I don't run anything 28 information. You know, far as, that I can recall right, for any reason.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000159

SAN DIEGO POLICE DEPARTMENT
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DATE (occurr.):

TIME (occurr.):

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SUBJECT: Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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B: Didn't you just do it, say you have run it in the field?

T: Well, I'm, I'm confusing it with 29.

B: When you obtain registration information on a vehicle, what have you done with it?

T: What have I done with it?

B: Yes.

T: I haven't, you know, I haven't done anything with it. Unless I wrote it down some... I don't even remember, you know, writing any tickets that I would call for 28 information.

B: Since you've been a Reserve, have you ever run a registration check to obtain information on a driver's license or a vehicle license and then given that information to anybody else?

T: Given it to anybody else? No.

B: Have you ever been asked to provide, uh, vehicle license or driver's license information to someone, uh, outside the Police Department?

T: No.

B: And you've never given that type of information to anyone?

T: No.

B: Are you aware of any instances when Officer AVRECH has ever provided information to someone outside of the Police Department?

T: No, never, you know, called on, unless he called on the phone when I wasn't there, but never called on the radio and ran strange plates that draw the air or nothin', just picked them out of the air and just called it in when we weren't on a stop or anything.

B: Are you aware of any conversations where Officer AVRECH's discussed police activities with someone outside of the Police Department?

T: Well, I don't understand that one?

B: Like police activities, I'm talking about where officers are working or where they're assigned or any special details that might be on-going.

T: I, I... You kind of went over my head on that one. I don't understand.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000160

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Reserve Officer Steve TOMPKINS, ID #9946

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B: Has he ever, has Officer AVRECH, to your knowledge, ever told someone that is not working for the Police Department of where certain units are working?

T: No.

B: Has he ever provided information concerning information from the Department of Motor Vehicles' computer?

T: No.

B: You've had a number of conversations with Donna, Donna GENTILE I take it.

T: Well, like I said, I've never really talked with her, you know. I don't think she likes me. I don't really like to talk to prostitutes, so, you know.

B: But you have been present when Officer AVRECH has talked with her?

T: Yeah, uh huh (affirmative).

: Uh, how would you say they got along together? Did they seem to be polite, cordial...

T: Yeah.

B: ... hostile?

T: No.

B: They seem to get along pretty well?

T: Yeah, uh, no, not all the time, because she didn't like it when he follows her around.

B: Did she seem to be friendly towards Officer AVRECH?

T: Um, no, not all the times, you know. She never yelled or anything, but she didn't look like she was havin' a good time either. She'd laugh or something, maybe they, you know, she said a joke or something, but...

B: Have you ever overheard this officer, uh, telling this female about where the prostitution detail's were working on El Cajon Boulevard?

T: No.

B: Have you ever heard AVRECH tell her anything about where any units were working?

: No. The only thing that we've all told them is that we were out here, that was it. Not any certain nights or any certain units, any certain people or anything.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000161

SAN DIEGO POLICE DEPARTMENT
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DATE (occurr.):

TIME (occurr.):

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SUBJECT: Transcription of Taped Interview with
Reserve Officer Steve TOMPKINS, ID #9946

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- B: To your knowledge, has Officer AVRECH ever provided any type of information or material to Donna GENTILE?
- T: No.
- M: Does AVRECH make a habit of, uh, after line-up, making telephone calls?
- T: No.
- B: How, uh, well does, uh, Officer AVRECH get along with, uh, the rest of the sergeants out at Eastern?
- T: Fine.
- B: Does he have any of the sergeants out there that he particularly likes, or would prefer to work for?
- T: Oh, probably likes Sergeant ZIMMERMAN. Uh, he likes Sergeant KENDALL, uh, he basically likes 'em all, I never hear, other than, you know, Sergeant GOUDARZI, him complain. You know. Not complain, but, you know, not really like a sergeant, but, you know. But even with Sergeant GOUDARZI he still jokes around with him and stuff when he says things, you know.
- B: That's all I have, I think. Do you have anything to add, as far as the questions that I've asked you?
- T: No.
- M: One thing before we turn off the tape recorder; and we're going to admonish you and give you a direct order not to discuss this interview or any part of this interview with Officer AVRECH or any other member of this Department or any person that may be involved in this investigation. Is that clear?
- T: Um hum (affirmative).
- M: Okay. Should we at any time find out that you did, in fact, discuss any part of this investigation or any part of this interview with Officer AVRECH or anybody else involved in this investigation, or anybody other than your immediate representative or attorney, then you'll be subject to disciplinary action. Is that clear?
- T: Yeah. Well, as long as you don't make it sound like a threat. You know, I don't like to be threatened.
- M: It's not a threat.
- B: It's not a threat.

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000102

ckc/8615

SAN DIEGO POLICE DEPARTMENT
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DATE (occurr.):

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Reserve Officer Steve TOMPKINS, ID #9946

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M: It's not a threat.

T: Like I said, I'm out here for nothin'.

M: Okay. We, we...

T: So...

M: We realize that.

T: ... I'm gettin' tired of it too.

M: We, we know your position and we appreciate Reserve Officers out here. We know you guys...

T: Yeah, I'll bet.

M: ... dedicate a lot of your time and it saves us a lot. Okay. But you've got to understand what our position is too. We're doing an investigation and we're not about to have our investigation...

T: Well...

M: ... uh, fouled up by a Reserve...

T: Okay...

M: ... a regular or anybody else.

T: Yeah, whichever. I'm not going to say anything again until I see a, I do see a lawyer.

M: Okay. When we have you in this room, and when we talk to you, we're treating you and talking to you just like you were a regular officer; because that's what you are when you're out there. You're putting your line on, your life on the line just like anybody else when you're out on the streets. And under 832, you are a police officer when you're out there. Are you a level one?

T: Level one, yeah.

M: Level one? That's good. So, we do appreciate that, and we understand your, uh, your bag. It's not, and don't construe it as a threat.

T: Well, I do. And I will see my lawyer.

M: It's just, it's just the same as a, as our Garrity Warning, that is given to all

Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time 000103

SAN DIEGO POLICE DEPARTMENT
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Reserve Officer Steve TOMPKINS, ID #9946

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M: (Continued)
officers. It's an administrative action. Uh, this interview probably could have taken another line, it probably could have gone in a criminal nature, but we're not investigating it in a criminal nature, it's only administrative.

T: Whatever. I'm just gonna... That's all, I gotta go.

M: This'll be the end of the interview, the time is, uh, 1607 hours.

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Reporting Officer G. A. BREITENSTEIN, Sergeant I.D. # 1111 Division Internal Affairs

Approved By _____ Date of this report 08/23/84 Time _____

000164