

Form 200-15A	San Antonio Police Department	Unit Case: FC2015-104
Internal Affairs Unit		
Investigation Report		
Date of Incident: 04-07-2015	Date Received: 07-17-2015	Date Expires: 10-03-2015
Attention: () Internal Affairs Unit File () Officer's Division Commander () Advisory Action Board Chairman () Advisory Action Board		
Respondent: Officer Matthew Martin #1140 (EPC) Officer Frederick Grataski #0766 (EPC)		
Complainant: The Administration		

Synopsis:

This is an Administrative Investigation of alleged misconduct by Officer Matthew Martin #1140 (EPC) and Officer Frederick Grataski #0766 (EPC). The alleged misconduct occurred at Martin Luther King and Brooksdale on April 7th-8th, 2015. This investigation is being conducted as per **SAPD General Manual Rules and Regulations, Section 4.15 Responsibility for Internal Investigations, Subsection (A).**

Allegation (1): (Martin)

The Administration alleges that on April 7th, 2015, while conducting a traffic stop at Martin Luther King / Brooksdale and subsequently making a narcotics arrest, Officer Matthew Martin #1140 (EPC) was untruthful in his written report concerning where the narcotics were discovered and who had possession of the narcotics. This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members**

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

Allegation (2): (Martin)

The Administration alleges that as a result of actions taken and documented during a traffic stop and subsequent narcotics arrest at Martin Luther King / Brooksdale on April 7th, 2015, by Officer Matthew Martin #1140 (EPC), the District Attorney's Office forwarded information to be reviewed for potential administrative and criminal misconduct. Officer Martin arrested and booked the driver (Mr. Juan Martinez) for possession of narcotics (Marijuana) that were discovered in the possession of the passenger (Ms. Miriam Aquino). Officer Martin is alleged to have brought discredit and reproach on himself and the San Antonio Police Department. This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior**

3.04 Responsibility to Serve the Public:

C. Conduct and Behavior: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

Internal Affairs Investigator: Sgt. Michael Riggs #3071

San Antonio Police Department
Internal Affairs
Investigation Report

Allegation (3): (Martin)

The Administration alleges that on July 17th, 2015, during a videotaped interview with detectives from the SARIC Unit at Police Headquarters located at 315 S. Santa Rosa, Officer Matthew Martin #1140 (EPC) was untruthful when he explained why Mr. Juan Martinez was arrested and booked for possession of Narcotics (Marijuana) after admitting the narcotics were his. Neither Mr. Martinez nor his passenger Ms. Miriam Aquino, the person who actually had the additional Marijuana in her possession, ever made the claim that all of the Marijuana found belonged solely to Mr. Martinez. Additionally, there is no COBAN footage or justification in Officer Martin's written arrest report that support Officer Martin's claims of where the narcotics were discovered and who had possession of them. This case was originated under SAPD Case # 15072983.

This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

Allegation (1): (Grataski)

The Administration alleges that on April 7th, 2015, while conducting a traffic stop at Martin Luther King / Brooksdale and subsequently making a narcotics arrest, Officer Frederick Grataski #0766 (EPC) was untruthful in his documentation (booking slip and narcotics property tag) concerning where the narcotics were discovered and who had possession of the narcotics. This case was originated under SAPD Case # 15072983.

This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

**San Antonio Police Department
Internal Affairs
Investigation Report**

Allegation (2): (Grataski)

The Administration alleges that as a result of actions taken and documented during a traffic stop and subsequent narcotics arrest at Martin Luther King / Brooksdale on April 7th, 2015, by Officer Frederick Grataski #0766 (EPC), the District Attorney's Office forwarded information to be reviewed for potential administrative and criminal misconduct. Officer Grataski assisted in the arrest and booking of the driver (Mr. Juan Martinez) for possession of narcotics (Marijuana) some of which was discovered in the possession of the passenger (Ms. Miriam Aquino). Officer Grataski is alleged to have brought discredit and reproach on himself and the San Antonio Police Department. This case was originated under SAPD Case # 15072983.

This conduct may be a violation of the SAPD General Manual:**Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior****3.04 Responsibility to Serve the Public:**

C. Conduct and Behavior: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

Allegation (3): (Grataski)

The Administration alleges that on April 7th, 2015, while conducting a traffic stop at Martin Luther King / Brooksdale and subsequently making a narcotics arrest, Officer Frederick Grataski #0766 (EPC) muted his COBAN microphone several times during the traffic stop while in the presence of the subjects of the stop and failed to document this action in violation of SAPD COBAN Procedure. This case was originated under SAPD Case # 15072983.

This conduct may be a violation of the SAPD General Manual:**Procedure 409 Mobile Video Recording, Section .06 Recording, F.**

F. When recording video, Officers will utilize their portable microphones on all activity which takes place outside their vehicle and will not mute the receiver microphone in presence of anyone while responding to a call or on self-initiated activity. Use of the mute function must be documented in the officer's report or CFS comment entry field.

EXCEPTION: Use of the mute function for private conversations out of the auditory range of non-Department members does not require documentation.

San Antonio Police Department
Internal Affairs
Investigation Report

Allegation (4): (Grataski)

The Administration alleges that on July 17th, 2015, during a videotaped interview with detectives from the SARIC Unit at Police Headquarters located at 315 S. Santa Rosa, Officer Frederick Grataski #0766 (EPC) was untruthful when he told investigators that Officer Martin or one of the suspects told him (Grataski) that all the Marijuana in the car and on Ms. Aquino's person belonged to Mr. Martinez. COBAN video and audio of the incident does not reflect Officer Grataski's statement. There is no mention by Mr. Martinez, his passenger Ms. Miriam Aquino, or Officer Martin, that all of the Marijuana found belonged solely to Mr. Martinez.

This case was originated under SAPD Case # 15072983.

This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

Documentation of Investigation:

1. Formal Complaint Notices (2-Martin)	Capt. Flavin
2. Formal Complaint Notices (2-Grataski)	Capt. Flavin
3. Email from DA re: criminal case	Emily Angulio
4. Offense Report	Off. Martin
5. SARIC Investigation Packet	Det. Garcia
6. Detention Intake Document	S.A. Detention Center
7. Chain of Custody Document	S.A.P.D. Property Rm
8. Allegation Sheet	Sgt. Riggs
9. Garrity Warning Sheet	S.A.P.D.I.A
10. Officer's Response Report	Off. Martin
11. Receipt for Documents Viewed	Sgt. Riggs
12. Allegation Sheet	Sgt. Riggs
13. Garrity Warning Sheet	S.A.P.D.I.A
14. Officer's Response Report	Off. Grataski
15. Receipt for Documents Viewed	Sgt. Riggs

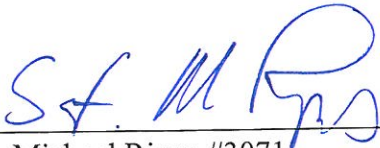
The Following information (COBAN and Interviews) are on CD/DVD and are included for review

16. COBAN from DA	COBAN
17. DVD Interview	Mr. Martinez
18. DVD Interview	Ms. Aquino
19. DVD Interview	Off. Martin
20. DVD Interview	Off. Grataski
21. COBAN download (easier viewing)	Sgt. Riggs

San Antonio Police Department
Internal Affairs
Investigation Report

Unit Case: FC2015-104

Conclusion: Based on the above statements, reports, and documents, I respectfully submit this case to the Chief's Advisory Action Board for their review and recommendation.



Date: 8-18-15

Sgt. Michael Riggs #3071
Internal Affairs Investigator



Date: 8-20-15

Lt. Michael Mosley #4058
Internal Affairs Unit Director



Date: 8-20-15

Capt. James Flavin #5014
Professional Standards Commander

Internal Affairs Investigator: Sgt. Michael Riggs #3071

SAN ANTONIO POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
INTEROFFICE CORRESPONDENCE

TO: Officer Matthew Martin #1140 (EPC)

FROM: Captain James Flavin, Professional Standards Section Commander

COPIES: Patrol North Division Commander
East Patrol Section Commander
Lieutenant Michael Mosley, Internal Affairs Unit Director

DATE: August 6, 2015

Formal Complaint Notice

A Formal Complaint has been filed against you regarding an incident that occurred on July 17, 2015. The Internal Affairs Unit has received information or documentation from an Administrative source that has resulted in an allegation against you of:

Rule and Regulation 3.02 Truthfulness of Members

This allegation may violate the Rules, Regulations or Procedures of the Department. The Internal Affairs Unit will conduct a thorough and objective investigation of the allegations made against you. Please refer to the following case or file numbers in connection with this incident:

FC2015-104

SAPD15072983

For an understanding of your contractual rights, relative to this investigation, please refer to the COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND THE SAN ANTONIO POLICE OFFICERS' ASSOCIATION (October 1, 2006), (October 1, 2009), **Article 28 (Disciplinary Actions) Section 15 and Article 29 (Internal Security Interview Procedure) Section 2. Internal Affairs Investigations.**

For an understanding of your responsibilities, relative to this investigation, please refer to the San Antonio Police Department General Manual, **RULE and REGULATION 3.27, GIVING INFORMATION IN INTERNAL INVESTIGATIONS: A. DUTY TO GIVE INFORMATION and B. GARRITY WARNING.**

Please be advised that an Internal Affairs investigator will contact you regarding the aforementioned complaint. You may be eligible to request the expedited disciplinary track. Please refer to Procedure 303, Disciplinary Procedures, Section .05, Formal Complaints, Subsection C.


Captain James Flavin
Professional Standards Section Commander

DOCUMENT # 1

SAN ANTONIO POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
INTEROFFICE CORRESPONDENCE

TO: Officer Matthew Martin #1140 (EPC)

FROM: Captain James Flavin, Professional Standards Section Commander

COPIES: Patrol North Division Commander
East Patrol Section Commander
Lieutenant Michael Mosley, Internal Affairs Unit Director

DATE: August 6, 2015

Formal Complaint Notice

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Rule and Regulation 3.02 Truthfulness of Members

Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior

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Captain James Flavin
Professional Standards Section Commander

DOCUMENT # 1

SAN ANTONIO POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
INTEROFFICE CORRESPONDENCE

TO: Officer Frederick Grataski #0766 (EPC)

FROM: Captain James Flavin, Professional Standards Section Commander

COPIES: Patrol North Division Commander
East Patrol Section Commander
Lieutenant Michael Mosley, Internal Affairs Unit Director

DATE: August 6, 2015

Formal Complaint Notice

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Rule and Regulation 3.02 Truthfulness of Members

**Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior
Procedure 409, Mobile Video Recording, Section .06 Recording**

These allegations may violate the Rules, Regulations or Procedures of the Department. The Internal Affairs Unit will conduct a thorough and objective investigation of the allegations made against you. Please refer to the following case or file numbers in connection with this incident:

FC2015-104

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Captain James Flavin

Professional Standards Section Commander

Fred Grataski 200

[Signature]

08-07-15 1130hrs

DOCUMENT #

2

SAN ANTONIO POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
INTEROFFICE CORRESPONDENCE

TO: Officer Frederick Grataski #0766 (EPC)

FROM: Captain James Flavin, Professional Standards Section Commander

COPIES: Patrol North Division Commander
East Patrol Section Commander
Lieutenant Michael Mosley, Internal Affairs Unit Director

DATE: August 6, 2015

Formal Complaint Notice

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FC2015-104

SAPD15072983

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Please be advised that an Internal Affairs investigator will contact you regarding the aforementioned complaint. You may be eligible to request the expedited disciplinary track. Please refer to Procedure 303, Disciplinary Procedures, Section .05, Formal Complaints, Subsection C.


Captain James Flavin

Professional Standards Section Commander

Fred Grataski 766

[Signature] 08-07-15 1130hrs

DOCUMENT # 2

Angulo, Emily

From: Reynolds, Casey C.
Sent: Friday, June 19, 2015 5:43 PM
To: Wheat, Jim (James) S.
Cc: Angulo, Emily
Subject: Juan Martinez, CC487787 (POM), SAPD 15072983

Mr. Wheat,

Emily asked me to send this to you, it's a brief summary of the POM video you discussed earlier today, with times noted. For the short version just read the highlighted portions, but I think the context helps clarify what is going on. I skipped a few seconds here and there on the video but I didn't hear the defendant make the admission that was hand written at the end of the police report.

Thanks,

-Casey

1:23 – Martin contacts male driver who has warrants, detains him and puts him in patrol car.
6:50 – passenger tells Martin the car belongs to her
9:15 – Martin begins search of car, unclear where he finds marijuana but appears to be either in center or passenger side of car. Does not match with what is in report.
11:35 – Martin states he doesn't think his COBAN is working.
13:25 – Martin tells passenger he believes driver put the weed in the car because he won't answer any questions about what is in car.
13:55 – Martin tells passenger he is going to call female officer to search her, and she says "I won't waste your time anymore" and says she has weed in her bra. Martin turns his mic volume down and asks how much is it and where she got it. She says she just bought it from someone nearby.
15:35 – Martin mutes mic and has inaudible conversation with other officer
16:00 – Martin (to passenger): "This is what I'm going to do. I'm going to take the cuffs off. Take it out, ok? And you're going to put it on the seat. We're gonna collect it all." (She says something inaudible but sounds like she is feeling bad about the situation) Martin says, "He's gotta go down, ok?"
16:42 – unmutes mic, walks her to car door and says "Take it out and put it on the seat." Says they usually don't arrest for weed but they have to because they're being recorded. Then says "so, we're going to say we found it all in the same spot, and that's that."
17:49 – Martin reaches into passenger compartment where passenger placed the weed
18:19:47 – Martin asks passenger if it was just the three bags, and she says yes.
20:50 – Martin collects evidence from car
21:18 – Martin asks passenger "what's the difference in these weeds?" Holding the bags and showing her. She tells him.
25:58 – meanwhile in the patrol car, other officer laughs and tells defendant "they're going to legalize marijuana one day and I hope they do."
26:05 – Martin says to passenger, "Shit, back in the day, I went to jail all the time." Passenger says "but you're a cop, how does that work?" He says he got arrested for racing.
27:05 – passenger laughs and says "can you just take it all out and put it together so it won't look bad all in separate baggies?" Martin says something inaudible but says they are just going to go by the weight.
29:50 – Martin says to passenger "chances are, especially with the new DA, they're trying to get rid of all these old cases, they'll probably just throw it out. I wouldn't worry about it."
48:35 – other officer says he will go weigh weed and put the number in. Martin says "you think it'll be less than 2 right?" Other officer says "yeah."
49:23 – Martin tells defendant, "if I ever run into you again and I'm by myself, rest easy man cause you know I ain't gonna do shit about it."
49:30 – Martin says to other officer, "hey man can you get the COBAN? I don't want that shit to be –" and video cuts off.



San Antonio Police Department

SAPD15072983

ARREST

SAPD-2015-0325437

Primary Offense

POSS MARIHUANA 0-2 OZ

Page 1 of 4

Date / Time Occurred

4/8/2015 00:01 to 4/8/2015 00:05

Date / Time Reported

4/8/2015 00:10

Arrestion Fourth Narcotic Laws	Type Of Search Incident To Arrest	Location Given By Dispatcher MARTIN LUTHER KING DR & BROOKSDALE DR	Related Case #
Rate Crime	Arson	Damage Value	Clearance
CLEARED BY ADULT ARREST			

Elements of the incident

☐ Confidential ☐ Domestic Violence ☐ Drive by Shooting ☐ Gang Related ☐ High Profile ☐ Juvenile Related ☐ Video Surveillance Available ☐ Video Surveillance Received

Street Address MARTIN LUTHER KING DR & BROOKSDALE DR			Unit Type	
Unit No.	City SAN ANTONIO	State Texas	Zip 78220	County
Floor No.	District 4230	Building No.		

<input type="checkbox"/> Notified Detective	Detective Name	Detective Unit Type	Detective Badge #
<input type="checkbox"/> Notified Supervisor	Supervisor Name	Supervisor Unit Type	Supervisor Badge #
<input type="checkbox"/> Notified Medical Examiner	Medical Examiner Name	Medical Examiner Unit Type	Medical Examiner Badge #
<input type="checkbox"/> Notified Crisis Response Team	Crisis Response Name		
<input type="checkbox"/> Priority Notification	Priority Name		
<input type="checkbox"/> Notified Victim	Explanation		
<input type="checkbox"/> CSI Requested	CSI Name	CSI Unit Type	CSI Badge #
<input type="checkbox"/> BOLO	Reporting Officer MARTIN, MATTHEW	Employee Number	
Badge # 1140	Assignment Patrol Division		

<input checked="" type="checkbox"/> Primary Offense	Report Offense POSS MARIHUANA 0-2 OZ	
JCR Category 356205	Attempted Completed Completed	
Premise	Circumstances	Weapon UNARMED
Highway/Road/Alley/Street	Weapon Brand	Weapon Model
Weapon Color	Criminal Activity 1	Criminal Activity 2
Criminal Activity 3		

SUSPECT <input checked="" type="checkbox"/> Known				
Last Name MARTINEZ	First Name JUAN	Middle Name ANTONIO	Nickname	Suffix JR
Race WHITE	Sex Male	SSN	Date of Birth	Age 26
Age Range to	Weight 141	Height 5'04"	Driver's License #	DL State
Place of Birth SA	SID	Preferred CELL PHONE	Home Phone	Cell Phone 210-709-3078
Email Address				
Suspect Address				
Street Address 7907 DELIGHT			Unit Type Apartment	
Unit No. 109	City SAN ANTONIO	State Texas	Zip 78224	Building No.
Floor No.	Student	Employer	Occupation	
Suspect Employer Address				
Street Address			Unit Type	
Unit No.	City SAN ANTONIO	State Texas	Zip	Building No.
Floor No.				

DOCUMENT # 4



San Antonio Police Department

Offense Case #

SAPD15072983

Incident Type

ARREST

CPS Number

SAPD-2015-0325437

Primary Offense

POSS MARIHUANA 0-2 OZ

Page 2 of 4

Date / Time Occurred

4/8/2015 00:01 to 4/8/2015 00:05

Date / Time Reported

4/8/2015 00:10

Details

Work Phone	Hours of Employment	Hair Color	Hair Length	<input type="checkbox"/> Glasses	Eye Color
	to	Brown	Collar		Brown
Build	Facial Hair	Facial Hair Color	Voice	Complexion	
Medium	Mustache	Brown	MEDIUM TALKER	Medium	
Ethnicity	Marital Status	Demeanor	Hand Preference		
Hispanic	Single	Calm	Right		
Shirt	Jacket				
Pants	Shoes				
Hat					
Trademarks of Suspect					

Racial Profiling					
Traffic Stop		Was Suspect Driving Car		Race Known Prior to Stop	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Reason for Stop				Moving Traffic Violation	
Location of Stop		Contraband or Evidence		Race	
City Street		Drugs/Paraphernalia		WHITE	
Ethnicity				Hispanic	

ARREST

Arrest Action	Disposition	Offense Location	Arrest Location
Probable Cause	Booked - Adult		
Arrest Date/Time	Agency Issuing Warrant	Warrant Number	<input checked="" type="checkbox"/> Arrested on Scene
4/8/2015 00:18	MUNICIPAL COURT	P900909	
Arrest Address			
Street Address			Unit Type
MARTIN LUTHER KING DR & BROOKSDALE DR			
Unit No.	City	State	Zip
	SAN ANTONIO	Texas	78220
Building No.	Floor No.		
Test Given	Test Date/Time	Test Results	Test Administered By
	4/13/2015 12:00:00		
Test Given	Test Date/Time	Test Results	Test Administered By
	4/13/2015 12:00:00		
Arrestee was armed with			Multiple Arrest
Arresting Officer			Transporting Officer
MARTIN, MATTHEW			MARTIN, MATTHEW
Arrestee Drug Use			
<input type="checkbox"/> Amphetamine	<input type="checkbox"/> Cocaine	<input type="checkbox"/> Heroin	<input type="checkbox"/> Methamphetamine
<input type="checkbox"/> Barbituate	<input type="checkbox"/> Hallucinogen	<input checked="" type="checkbox"/> Marijuana	<input type="checkbox"/> Opium
<input type="checkbox"/> Synthetic Narcotic			
<input type="checkbox"/> Unknown			

Associated Charges

Charge	Penal Code	Counts
POSS MARIHUANA 0-2 OZ		1

Statement of Probable Cause

AP HAD ACTIVE/VERIFIED MC WARRANTS P-900909-1 AND P900909-2
AP WAS IN POSSESSION OF MARIJUANA

OTHER PERSON	Person Type			
	OTHER			
Last Name	First Name	Middle Name	Nickname	Suffix
AQUINO	MIRIAM			
Race	Sex	SSN	Date of Birth	Age
WHITE	Female			27
Weight	Height	Driver's License #	DL State	Place of Birth
				SAN ANTONIO, TX
Preferred	Home Phone	Cell Phone	Email Address	
Other Person Home Address				
Street Address				Unit Type
5350 W MILITARY DR				
Unit No.	City	State	Zip	Building No.
	SAN ANTONIO	Texas	78242	
Floor No.				

DOCUMENT # 4

San Antonio
Police Department

SAPD15072983

ARREST

SAPD-2015-0325437

Primary Offense
POSS MARIHUANA 0-2 OZ

Page 3 of 4

Date / Time Occurred
4/8/2015 00:01 to 4/8/2015 00:05Date / Time Reported
4/8/2015 00:10

<input type="checkbox"/> Student		Employer		Occupation	
Other Person Employer Address					
Street Address				Unit Type	
Unit No.	City	State	Zip	Building No.	Floor No.
	SAN ANTONIO	Texas			
Details					
Work Phone	Hours of Employment	Hair Color	Hair Length	<input type="checkbox"/> Glasses	
		Black	Shoulder		
Eye Color	Build	Facial Hair	Voice	Complexion	
Brown	Medium			Light	
Ethnicity	Demeanor				
Hispanic	Calm				
VEHICLE					
Vehicle Year	Make	Model	VIN	<input checked="" type="checkbox"/> VIN Validation Off	Tag Number
1994	Honda	Civic (And Crx)			
State	Tag Year	<input checked="" type="checkbox"/> Plate Only	Body Style	Color 1	Color 2
			4D	Green	
Vehicle Type	NIC Number				
4D					
Other Identifiers					
Mileage	Value	Keys in Ignition	Doors Locked	Windows Closed	Ignition Locked
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Registered Owner Name (Last, First, MI)	Sex	Race	DOB		
AQUINO, MIRIAM	Female	WHITE			
Insurance Company	Policy Number	Involvement	Seize Tires in Car		
		Suspect Vehicle	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Street Address				Unit Type	
5350 W MILITARY DR					
Unit No.	City	State	Zip	Building No.	Floor No.
	SAN ANTONIO	Texas	78242		
<input type="checkbox"/> Damaged	<input type="checkbox"/> Stolen	<input type="checkbox"/> Recovered	<input type="checkbox"/> Suspicious	<input checked="" type="checkbox"/> Suspect	<input type="checkbox"/> Victim <input type="checkbox"/> Other
Method of Theft		Repairs Checked	Tow List Check	Owner Notified	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Recovery Location					
Street Address				Unit Type	
Unit No.	City	State	Zip	Building No.	Floor No.
Tow Information	Recovered By	Recovery Date	Recovered Value	Recovery Code	Disposition
<input type="checkbox"/> Impounded	<input type="checkbox"/> Towed	Tow Report Number	Wrecker Service	Date Reported	Time
					00:00
Location Towed From		Location Towed To		Towed Operator	
Tow Truck Operator Signature					
PROPERTY					
<input type="checkbox"/> Evidence	Property Tag#	Quantity	Category	Action	
	990001032915	3	DRUGS	PLACED IN PROPERTY ROOM	
Property Type	Owner		Value		
	Suspect: MARTINEZ, JUAN				
Brand	Model	Color	Serial Number		
SRN/NIC Number	UCR Code	Secondary Action		Secondary Value	
Date Recovered					
Additional Description					
3 BAGS MARIJUANA TOTAL WEIGHT 1.01 OUNCE					
Associated Offenses					
Offense	<input checked="" type="checkbox"/> Associated With Property				
POSS MARIHUANA 0-2 OZ					

DOCUMENT # 4

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

PAGE 1 OF 134. ASSIGNMENT NO: FIU 2015 - 27

5. OFFENSE NO:

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Last name of Complainant, First, Middle Initial

Address of Complainant

Phone Number

The State of Texas

Place of Occurrence-Street on- at or Number

Dist. Occurrence

Date & Time of Occurrence

Date and Time of this Report

Martin Luther King & Brooksedale

4230

04/07/2015 23:40 hrs

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

PROSECUTION GUIDEComplainant:

The State of Texas

Suspect:

Martin, Matthew

SAPD #1140 (EPC)

DOB: [REDACTED]

SID#: 707253

HM: [REDACTED]

Officer Martin was interviewed at the SARIC office. The interview was DVD recorded. Officer Martin was given a non custodial admonishment by Det. Ortiz at the beginning of the interview. Officer Martin said he initiated a traffic stop for an expired registration and arrested the male driver for warrants. Officer Martin said he searched the vehicle and found baggies of marijuana between the center console and the driver's seat. Officer Martin said the driver admitted the marijuana was his. Officer Martin was vague and could not recall the exact circumstances in dealing with the female passenger. After confronted with the fact of what is seen in the COBAN video is different with what is written in his report, Officer Martin acknowledges the female passenger had marijuana on her person and claims she told him the male driver concealed the marijuana in the car and told her "they're not going to search you" insinuating she hide the marijuana on her person. Officer Martin acknowledged he told the female passenger to remove the marijuana from her person and place it on the passenger seat. In trying to recall, Officer Martin said he spoke to the male driver and believes the driver confirmed he handed the marijuana to the female passenger. Officer Martin then said he could not recall the conversation he had with the male driver and said he did not recall muting his mic. Officer Martin said he placed the bag of marijuana the female passenger had with the male driver's marijuana because he was using officer discretion and the male had claimed ownership of it. When asked to explain the conversation he had with the driver in the back of the patrol car, Officer Martin decided to terminate the interview and said he was going to get an attorney.

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Officer Making Report (Badge No.)

Approving Authority

Unit Case Number

Unit Assigned to Follow -up

Det. F. Garcia #2168

Sgt. J. Salame #3007

2015-27

Intelligence

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Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

Witnesses:Grataski, Frederick
East Patrol "C" Shift

SAPD #0766 (EPC)

DOB [REDACTED]

WK: (210) 207-7781

HM: [REDACTED]

Officer Grataski was interviewed at the SARIC office. The interview was recorded on DVD. Officer Grataski said he recalled working directive patrol with Officer Martin on 04/07/2015 and conducting a traffic stop of a vehicle with a male and female in it. Officer Grataski could not recall if Officer Martin or the female passenger told him the male occupant of the vehicle claimed ownership of all the marijuana found in the suspect vehicle. According to Officer Grataski, he saw the female remove marijuana from her bra and place it in the suspect vehicle. Officer Grataski acknowledged he did not hear the male claim ownership of the marijuana found in the vehicle. Officer Grataski said he did not recall the content of a conversation he and Officer Martin had during which Officer Martin muted his wireless COBAN mic. Officer Grataski said Officer Martin wrote the report documenting the incident and said he had not read the contents of the report until it was presented to him today during the interview.

Aquino, Miriam L / F
9257 Somerset Rd #404
San Antonio, TX. 78211

DOB: [REDACTED]

HM: (210) 214-8087

Miriam came to the PSHQ building and was interviewed. The interview was recorded on DVD. Miriam acknowledge she and her cousin, Juan, were in possession of marijuana the night they were stopped by SAPD officers. Miriam said she concealed the marijuana on her person but was unaware where Juan concealed the marijuana he was in possession of. Miriam said she verbally consented to a search of her vehicle. According to Miriam, after she informed the officers she was concealing marijuana in her bra, the officers stepped away from her and had a brief conversation. Miriam did not hear what was said. Miriam said when the officer returned he told her he was going to take the handcuffs off and instructed her to remove the marijuana from her bra and place it in the vehicle with the marijuana that was found concealed in the vehicle. Miriam said the officer told her they were going to put it on him, *referring to Juan. Miriam said she did not hear Juan claim ownership of all the marijuana and did not tell the officers the marijuana was Juan's or that Juan gave it to her to conceal. Miriam identified Officer Grataski as being at the scene of the traffic stop.

UCR
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JUVENILE ARRESTCLEARED BY EXCEPTION ()
OR OTHER MEANSCHANGE OF ()
OFFENSEPROGRESS OF ()
INVESTIGATION

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Martinez, Juan A Jr. L / M

DOB: [REDACTED]

9257 Somerset Rd #2605

HM: (210) 803-0420

San Antonio, TX. 78211

Juan came to the PSHQ building and was interviewed. The interview was recorded on DVD. Juan acknowledged on the night they were stopped by SAPD Officers, he and his cousin Miriam purchased three bags of marijuana. Juan claimed Miriam was in possession of the marijuana while he drove the suspect vehicle. Juan said he was unaware where Miriam concealed the marijuana prior to being pulled over by police. Juan said he was handcuffed and placed in the back of the marked unit. Miriam spoke to him while he was in the back of the marked unit. According to Miriam, the officer told her that Juan said he was going to take the rap for this. Juan said he did not have a conversation with an officer at the scene about ownership of the found marijuana and did not claim ownership of the marijuana to anyone at the scene.

Reporting Person:

Bexar County District Attorney's Office

Vehicle:

1994 Honda Civic [REDACTED]

LP # [REDACTED]

VIN #: [REDACTED]

Owner: Miriam S Aquino

9257 Somerset Rd #404

San Antonio, TX 78211

Scene:

The scene was the parking lot of the Martin Luther King Academy parking lot located at 3501 Martin Luther King Dr.

Alleged Criminal**Conduct:****Evidence:**

Witness Statements

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Intelligence Personnel Assigned

Sgt. J Salame #3007

Supervisor

Det. F Garcia #2168

Lead Investigator

Det. C. Ortiz #2150

Assist

Documentation Of Investigation**Case Documents****Multimedia Documents**

1. COBAN Video SAPD15072983 (DVD)
2. Matthew Martin Interview 07/17/2015 @ PSHQ Building - (DVD)
3. Frederick Grataski Interview 07/17/2015 @ PSHQ Building- (DVD)
4. Miriam Aquino Interview 07/17/2015 @PSHQ Building- (DVD)
5. Juan A. Martinez Jr. Interview 07/20/2015 @PSHQ Building - (DVD)

SYNOPSIS**DETAILS OF INVESTIGATION****07/17/2015:**

On this day Sgt. Salame assigned this case to me to investigate. I was given a folder containing a copy of an offense report written under case SAPD15072983 and a DVD disc of a COBAN video for the same case. I was also given a copy of a criminal allegation sent to Internal Affairs from the Bexar County District Attorney's office

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regarding the arrest of Juan Martinez under SAPD15072983. According to the details of the complaint, a review of Officer Matthew Martin #1140 and Officer Frederick Grataski's #0766 COBAN video documenting the traffic stop and arrest of Juan Martinez appears to show the officers made the decision to arrest Juan Martinez for possession of Marijuana that was in fact in the possession of the female passenger. "The police report appears to have been falsified to support the arrest". Within the folder I also found an email (Casey Reynolds to Jim Wheat) with what appears to be a brief summary with times of the COBAN video of the traffic stop and arrest of Martinez.

A decision was made to speak to Officer Martin and Grataski first since they had been placed on Administrative duty and there was the potential for them to discuss the incident prior to being interviewed. I began reviewing the COBAN video.

(Note: I used the VLC media player to playback the COBAN DVD Disc. The first video is from the front facing camera. When the first video is complete, a second video of the prisoner back seat area begins. Also note the VLC playing time for both videos is not synchronized.

Det. Ortiz called and spoke to Officer Martin over the phone. Officer Martin agreed to come to the PSHQ building and speak to Det. Ortiz. The following is a brief interview overview and is not considered direct quotes or a transcript. *(For complete details see the DVD recording of the interview in the case file.)*

- Officer Martin was working Directive Patrol with Officer Fred Grataski on the East side. He stopped a vehicle for an expired registration tag. The Hispanic male driver had warrants so he arrested the driver. After the arrest, he searched and found baggies of marijuana between the center console and the driver's seat. Officer Martin said the driver admitted the marijuana was his.
- After further discussion of what was on the Coban video and how it was different from what was on the report, Officer Martin said the female had a bag of weed on her. According to Officer Martin, the female told him that the driver saw police behind them and that the driver "started stuffing it" and then the driver told her "they're not gonna search you" insinuating the passenger hide the marijuana on her person.
- Officer Martin said he told the female passenger to remove the marijuana from her person and place it on the passenger seat. Officer Martin said he put the marijuana the female passenger had with the male's marijuana because he was using his discretion because the male "took ownership of it."
- Officer Martin terminated the interview.

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I called and spoke to Officer Grataski over the phone. Officer Grataski agreed to come to the SARIC office for an interview. The following is a brief overview of the interview and is not considered direct quotes or a transcript of the interview. *(For complete details see the DVD recording of the interview in the case file.)*

- Officer Grataski said he recalled the incident involving the arrest of Mr. Juan Martinez on 04/08/2015.
- Officer Grataski said Officer Martin typed the report documenting the arrest and claimed he had not seen the contents of the report till today when I showed it to him.
- Officer Grataski could not recall if he heard the female (Miriam Aquino) say the driver (Juan Martinez) gave her the marijuana to stash in her bra or if Officer Martin told him the driver (Juan Martinez) confessed to telling the female (Miriam Aquino) to stash the marijuana in her bra.
- Officer Grataski acknowledged he did not hear Juan Martinez claim ownership of all the marijuana found in the vehicle.
- Officer Grataski said he could not recall the conversation he and Officer Martin had off camera during the traffic stop when Officer Martin muted his microphone.
- Officer Grataski recalled the female (Miriam Aquino) took the marijuana out of her bra and placed it inside the vehicle.

I called Miriam Aquino and asked her to come to the SARIC office for an interview. Miriam agreed to an interview and arrived at approximately 5:00 pm. The following is a brief overview of the interview and is not considered direct quotes or a transcript of the interview. *(For complete details please see the DVD recording of the interview in the case file.)*

- Miriam acknowledged she and Juan were in possession of marijuana purchased prior to being pulled over by two officers. Miriam said Juan was driving and she was the passenger. Miriam also said she is the registered owner of the vehicle.
- Miriam said she gave verbal consent to a vehicle search. Miriam acknowledged she concealed a package of marijuana on her person but was unaware what Juan had done with the other packages. Miriam was under the impression Juan had concealed them on his person and was unaware they were concealed in the vehicle.
- Miriam said after she told one of the officers she had marijuana in her bra, the officers stepped away and had a brief conversation. Miriam said she did not hear what the conversation was about.
- Miriam said one of the officers returned and explained what was going to happen next. The officer told her he was going to remove the handcuffs at which time she was going to walk to her vehicle, remove the

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marijuana package from her bra and place it in the vehicle with the other marijuana that had been found in the vehicle. Miriam could not recall which officer gave her these instructions.

- Miriam said one of the officers told her "we are going to put it on him". (Referring to her cousin Juan)
- Miriam said she questioned why Juan was being arrested if the marijuana was found on her and in her vehicle but did not receive an explanation.
- Miriam said she did not hear Juan claim ownership of all the marijuana found in the vehicle. Miriam also said she did not tell the officers the marijuana was Juan's or that Juan gave it to her to hold.
- Miriam acknowledged her cousin Juan told her what occurred during his court hearing and what he saw on the "surveillance video" (COBAN).

Sgt. J Salame administered two photo lineups to Miriam. Due to computer issues with the photo retrieval system only 5 photos were used in each lineup presentation. Miriam did not make an identification in the first lineup. Miriam identified SAPD Officer Frederick Grataski #0766 in the second lineup as one of the officers present the night of the traffic stop.

07/20/2015

I completed a review of the DVD COBAN videos. The following is a brief summary of the videos and is not to be considered direct quotes or a transcript. As noted earlier, I used the VLC player to playback the videos. The first video is from the forward facing camera view and the total VLC playtime is 49:37. When making reference to this view I will use the VLC playing time (**Front View – mm:ss**). The second video begins shortly after the first video ends. The second video is the back seat view of the marked unit. This video has a VLC playtime length of 49:38 but is not synchronized with the front facing video. The rear view does have a visible date and time stamp but for continuity I will use the VLC playing time (**Rear View – mm:ss**) when referencing the rear view video. The driver of the suspect vehicle has been identified as Juan Martinez and will be referred to as Juan in the summary. The passenger of the vehicle has been identified as Miriam Aquino and will be referred to as Miriam in the summary.

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COBAN Video Information

Date: 07-Apr-2015 Time: 23:42:31 Progress: 00:00 / 49:40

Patrol Unit: 746014E Case ID: SAPD1507 2983

Officer ID: [REDACTED] - Officer M. Martin # 1140

[REDACTED] - Officer F. Grataski #0766

Event Log:

23:42:31 Start Video
 23:43:00 Lightbar On
 23:43:03 W-Less Mic-1 On (30545) 4.2V
 23:43:03 Wireless Mic-2 On (29051) 4.2V
 23:58:04 Mic-2 Mute (29051) 4.2V
 23:59:11 Mic-2 Unmute (29051) 4.2V
 23:59:47 Mic-2 Mute (29051) 4.2V
 00:00:16 Mic-2 Unmute (29051) 4.2V
 00:14:58 Lightbar Off
 00:32:07 W-Less Mic-1 Off (30545) 4.2V
 00:32:07 W-Less Mic-2 Off (29051) 4.2V

The video begins with the marked unit driving behind the suspect vehicle. After the light bar is activated the vehicle pulls into a parking lot. Officer Martin walks up to the driver's side door and speaks with Juan while Officer Grataski walks to the passenger side of the vehicle. The officers return to their vehicle and run a person check on the individuals. Officer Martin tells Officer Grataski the passenger is clear and the driver has warrants. Officer Martin asks Juan to step out of the vehicle and proceeds to handcuff him and tells him he is being detained at the moment. Officer Martin informs Juan he has outstanding traffic warrants. Officer Martin pats down Juan and asked him if there are any drugs in the car. Juan does not answer the officer.

(Front View - 07:20) / (Rear View - 06:31) Officer Martin places Juan in the back of the police vehicle and then walks over to the suspect vehicle and begins to speak to Miriam. Officer Martin asks Miriam if there are narcotics or weapons in the vehicle. Miriam replies "I hope not because this is my only transportation". Officer Martin tells Miriam "we can work around that if that's the case". Officer Martin asks Miriam if "there is anything on you" (referring to narcotics or weapons) to which she replies she does not. Miriam tells the officers she does not know where she is at and says she just wants to get home and take her kids to school tomorrow.

(Front View - 08:28) Officer Martin begins searching the driver's side of the vehicle. Officer Martin can be seen with one knee on the seat while the rest of his body is in the driver's side area of the vehicle.

(Front View - 09:30) Officer Martin acknowledges he found something. Officer Martin continues to search the vehicle.

(Front View - 12:20) Officer Grataski asks Miriam if she has anything on her person to which she says no. Officer Martin asked Miriam if she was aware the marijuana was in the vehicle to which she also replies she was

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not aware. Officer Martin tells Miriam he believes Juan hid the marijuana because he would not answer his question about whether there were narcotics in the vehicle.

(Front View – 12:55) / (Rear View 12:30 Audio) Officer Martin handcuffs Miriam and tells her she is being detained and is going to request a female officer come out to the scene and search her. After Officer Martin asked her again if she had anything on her, Miriam says "it is right here". The location she is referring to can't be seen on camera. Miriam says she does not want to waste anyone's time and offers to remove it after Officer Martin tells her he has to get a female officer to the scene to search her. Miriam says it is "weed" and says it is a "20". Miriam acknowledges the narcotics were purchased at the apartments nearby. Miriam tells Officer Martin she does not want to go to jail and has kids at home being watched by a family member.

(Front View – 14:28) Officer Martin walks out of camera view and mutes his mic. Officer Martin and Officer Grataski can be heard having a conversation.

(Front View – 14:44) / (Rear View- 14:12 Audio) At one point of the conversation Officer Martin can be hear saying something with the words "(inaudible)..." "take it out" and "(inaudible..take the fall for all of this)". Officer Grataski can be heard saying, "Good with me". Officer Martin then says, "(inaudible)..have her get out of here; take the car".

(Front View – 15:00) / (Rear View – 14:33 Audio) Officer Martin walks back to where Miriam is standing. Officer Martin, while his Mic is still muted, tells Miriam "This is what I'm going to do ok? I'm going to take the cuffs off; take it out, ok? (inaudible) and you're going to put it on the seat; we're going to collect it all". Miriam replies, "Oh my God y'all are the best". Officer Martin tells Miriam Juan is going to be arrested for the found marijuana to which Miriam says she will help Juan get out of jail.

(Front View – 15:30) Officer Martin removes the hand cuffs from Miriam. Officer Martin activates his mic while Miriam walks up to the open passenger door. Officer Martin tells Miriam to face the door and take it (marijuana) out and put it on the seat. Miriam asks if she can speak to Juan.

(Front View – 16:00) / (Rear View - 15:39 Audio) Officer Martin tells Miriam he and Officer Grataski are working narcotics interdiction and because of that are in a vehicle that is recording. Officer Martin tells Miriam, "we're going to say we found it all in the same spot and that's that".

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Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

(Front View – 16:18)/ (Rear View 15:50 Audio) Officer Martin Mutes his mic and tells Miriam, "You need to be careful about that". Officer Martin has a brief conversation that is inaudible and at one point mentions "...you have kids to think about".

(Front View – 16:44) Officer Martin reactivates his mic as he is walking to the passenger side of the suspect vehicle. Officer Martin reaches into the passenger side of the suspect vehicle and collects the evidence. Officer Martin allows Miriam to walk to the passenger side of the police car and speak to Juan.

(Front View – 17:00) Miriam walks out of view towards the passenger side of the patrol car.

(Rear View – 16:48) Miriam tells Juan, "they are going to take you in; call my phone". Miriam proceeds to give Juan her number. Miriam also tells Juan she is going to work on his bond.

(Front View – 17:45) / (Rear View – 17:14) Officer Martin tells Juan he and Officer Grataski are in a "camera car" working interdiction. Officer Martin tells Juan they are letting Miriam "slide" even though she had narcotics on her but have to "take" him. Officer Martin tells Juan he is not being charged with distribution. Officer Martin tells Juan they are going to let Miriam "slide" and take the car. Officer Martin explains he is trying to work with them (Juan and Miriam) as much as he can. Officer Martin exits the vehicle.

(Rear View – 18:10) After Juan asks Officer Grataski if he is being charged for possession, Officer Grataski confirms he is.

(Front View – 17:49) Miriam walks back to the rear of her vehicle.

(Front View – 18:43)/ (Rear View 18:20) Officer Martin walks back into camera view and asks Miriam if it was only 3 bags. Miriam confirms it was only 3 bags. Officer Martin looks through the vehicle again and then returns to the police vehicle empty handed and asks Juan if he wants his wallet, phone and money that is in the vehicle. Officer Martin gets the items from the vehicle. Miriam is using her cell phone and asks Officer Martin questions regarding the length of time Juan will be in Jail and about her keys. Officer Grataski can be heard speaking with Juan and asking him about the quality of marijuana he is in possession of.

(Front View – 21:15) The officers start talking about beginning the paperwork for this call.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF () INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority		Unit Case Number		Unit Assigned to Follow-up	
Det. F. Garcia #2168	Sgt. J. Salame #3007		2015-27		Intelligence	

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)

DOCUMENT # 5

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

4. ASSIGNMENT NO: FIU 2015 - 27PAGE 11 OF 13

5. OFFENSE NO:

6. DATE REPORTED: 07/17/2015ROUTING: DA; Case File

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial		Address of Complainant	Phone Number
The State of Texas			
Place of Occurrence-Street on- at or Number	Dist. Occurrence	Date & Time of Occurrence	Date and Time of this Report
Martin Luther King & Brooksdale	4230	04/07/2015 23:40 hrs	

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

(Front View – 26:10)/ (Rear View 26:30) Officer Martin is talking with Miriam and telling her about the booking process. Miriam asks Officer Martin if he can put all the marijuana in one bag so “it won’t look bad in separate baggies”. Officer Martin tells her Juan is not going to jail for distribution and they are using the weight of the marijuana to charge Juan.

(Front View – 30:40) Miriam gets into her vehicle and leaves the parking lot.

(Front View – 36:45) The officers start driving from the parking lot to the Magistrates office.

(Front View – 48:00) / (Rear View - 48:20) The officers arrive at the Magistrate’s Office rear parking lot. Officer Grataski says he will take Juan into the magistrate’s office and put the evidence in the property room while Officer Martin stays in the vehicle and finishes the report. Officer Martin says he will put the weight (marijuana) on the report after Officer Grataski weighs it at the property room. Officer Grataski tells Officer Martin “it should be less than 2” (referring to 2 oz.) which Officer Martin responds “yea”.

(Front View – 49:06)/ (Rear View - 48:55) Officer Martin tells Juan he is not writing him citations for the traffic violations. Officer Martin tells Juan he appreciates him “being cool”. Juan responds by saying “you’re just doing your job. Officer Martin tells Juan “if I ever run into you again and I’m by myself, breathe easy man cause you know I aint going to do shit about It”. Juan expresses his appreciation. Officer Grataski asks Officer Martin to turn off the COBAN so it will not start beeping. (mic will give an alert when it is out of range)

Key Points of the COBAN Video

After Officer Martin detained Juan for traffic warrants he conducted a search of the vehicle. Although it is not clear where Officer Martin found the narcotics, his position in the vehicle is consistent with finding the narcotics around the center console or the passenger side area and not between the driver’s seat and the door as he wrote in his report. Officer Martin expressed his belief Juan hid the marijuana because Juan did not answer the question whether there was narcotics in the vehicle. I did not hear Miriam say the marijuana was Juan’s nor did I hear Juan claim ownership of the marijuana found in the vehicle. Officer Martin muted his mic while having a conversation with Officer Grataski. Although the entire conversation is not clear, the words that are heard such as “take the fall for it all” and then instructing Miriam to remove the marijuana from her person and put it in the car leads me to believe the decision was made during that conversation to charge Juan with possession of all the marijuana found in the vehicle knowing it was not all his.

During his interview Officer Martin claimed he used his discretion to release Miriam because Juan had claimed ownership of the Marijuana found. The COBAN does not show Juan claiming ownership of the marijuana nor does it show Officer Martin trying to establish ownership.

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF () INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority	Unit Case Number	Unit Assigned to Follow -up			
Det. F. Garcia #2168	Sgt. J. Salame #3007	2015-27	Intelligence			

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT
SAPD Form 3-L Rev. (9-90)DOCUMENT # 5

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

4. ASSIGNMENT NO: FIU 2015 - 27PAGE 12 OF 13

5. OFFENSE NO:

6. DATE REPORTED: 07/17/2015ROUTING: DA; Case File

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial

Address of Complainant

Phone Number

The State of Texas

Place of Occurrence-Street on- at or Number

Dist. Occurrence

Date & Time of Occurrence

Date and Time of this Report

Martin Luther King & Brooksdale

4230

04/07/2015 23:40 hrs

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

During Miriam's interview she said she questioned why Juan was being arrested for all the marijuana in the vehicle if the vehicle was hers and she was in possession of some of the marijuana. The COBAN video shows Miriam did not question the officer and was actually relieved she was not being arrested.

Although Juan did not claim ownership of all the marijuana he also did not object when he discovered Miriam was not going to jail and he was being charged with possession of all of the marijuana.

Det. Ortiz spoke to Mr. Juan Martinez Jr. over the phone. Juan agreed to come to the SARIC office for an interview. The following is a brief overview of the interview and is not considered direct quotes or a transcript of the interview. *(For complete details see the DVD recording of the interview in the case file.)*

- Juan acknowledged he and his cousin (Miriam) purchased marijuana together at an apartment complex.
- Juan said they purchased 2 bags of marijuana referred to as twenties and a smaller bag of "hydro" marijuana for a total of three bags. Juan said one bag was for him, one was for Miriam and the third was for a friend who was not in the car.
- Juan said Miriam was in possession of the bags while he drove the vehicle.
- Juan said at the time he was pulled over he did not see where Miriam hid the bags of marijuana and claimed he was not in possession of the marijuana and did not conceal marijuana anywhere around him.
- Juan said after he was placed in the back of the marked unit Miriam came to the passenger side window and spoke to him. Miriam said one of the officers told her that Juan said he was going to take the rap for it (referring to marijuana). Juan said he did not have a conversation with the officer and did not claim all the marijuana was his as Miriam claims the officer said.
- Juan said he was under the impression he was being arrested for his traffic warrants and not for the marijuana.
- Juan acknowledged he has seen the COBAN video of the night he was arrested.

Note: *During the interview Juan claimed the officer told him he was not going to arrest him for the marijuana that was found. A review of the COBAN video (Prisoner Rear View 18:14) indicates Officer Grataski informs Juan he is being arrested for possession of marijuana. At the end of the video the officer informed Mr. Martinez he was not being issued any citations for the traffic violations.*

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF () INVESTIGATION
Officer Making Report (Badge No.) Det. F. Garcia #2168	Approving Authority Sgt. J. Salame #3007	Unit Case Number 2015-27	Unit Assigned to Follow-up Intelligence			

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT

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DOCUMENT # 5

SUPPLEMENTARY REPORT

3. OFFENSE CLASSIFICATION

PAGE 13 OF 134. ASSIGNMENT NO: FIU 2015 - 27

5. OFFENSE NO:

6. DATE REPORTED: 07/17/2015ROUTING: DA; Case File

SAN ANTONIO POLICE DEPARTMENT

Last name of Complainant, First, Middle Initial

Address of Complainant

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The State of Texas

Place of Occurrence-Street on- at or Number

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Date and Time of this Report

Martin Luther King & Brooksdale

4230

04/07/2015 23:40 hrs

Additional Detail of Offense-Progress of Investigation-Disposition of Evidence, Property, Etc.

07/30/2015:

I called the Video Investigations unit and spoke to Officer M. Lazcano. I sent a copy of the COBAN video to him and asked him to enhance the audio of specific time frames on the video.

CONCLUSIONIncluded:

- Prosecution Guide

PLEASE CONTACT ME WITH QUESTIONS OR COMMENTS AT 207-4195 OR frank.garcia@sanantonio.gov

CLEARED BY:Follow Up Investigation (Post Filing)

UCR STATUS	UNFOUNDED () REPORT	CLEARED BY () ARREST	CLEARED BY () JUVENILE ARREST	CLEARED BY EXCEPTION () OR OTHER MEANS	CHANGE OF () OFFENSE	PROGRESS OF () INVESTIGATION
Officer Making Report (Badge No.)	Approving Authority	Unit Case Number	Unit Assigned to Follow -up			
Det. F. Garcia #2168	Sgt. J. Salame #3007	2015-27	Intelligence			

SAN ANTONIO
POLICE DEPARTMENT

TYPE ONLY

SUPPLEMENTARY REPORT

SAPD Form 3-L Rev. (9-90)

DOCUMENT # 5

**MAGISTRATE SERVICES/DETENTION CENTER
ARRESTED PERSON REGISTRATION/PROPERTY FORM**

M / F	DATE: 4/8/15	TIME: 0033	SEAL#: 8484456																																	
NAME: Martinez, Juan A JR		DOE [REDACTED]	SID#:																																	
DESCRIPTORS: jeans, gray shirt		INTAKE #: 172903																																		
JOB #:	COUNTY INIT: Y N	PHOTO: Y N	PROPERTY INVENTORY UPON ARRIVAL																																	
CHARGE(S):		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>1. CASH AMT: \$6.74</td> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td>2. WALLET</td> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td>3. <input checked="" type="checkbox"/> ID / ID exp.</td> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td>4. KEYS</td> <td><input type="checkbox"/> YES</td> <td><input checked="" type="checkbox"/> NO</td> </tr> <tr> <td>5. PURSE</td> <td><input type="checkbox"/> YES</td> <td><input checked="" type="checkbox"/> NO</td> </tr> <tr> <td>6. WATCH</td> <td><input type="checkbox"/> YES</td> <td><input checked="" type="checkbox"/> NO</td> </tr> <tr> <td>7. KNIFE</td> <td><input type="checkbox"/> YES</td> <td><input checked="" type="checkbox"/> NO</td> </tr> <tr> <td>8. RING(S) #:</td> <td><input checked="" type="checkbox"/> YES</td> <td><input checked="" type="checkbox"/> NO</td> </tr> <tr> <td>9. CELL PHONE</td> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td>10. SHOES / STL TOE (Tagged):</td> <td><input checked="" type="checkbox"/> YES</td> <td><input checked="" type="checkbox"/> NO</td> </tr> <tr> <td>11. OTHER ITEMS:</td> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table>		1. CASH AMT: \$6.74	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	2. WALLET	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	3. <input checked="" type="checkbox"/> ID / ID exp.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	4. KEYS	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	5. PURSE	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	6. WATCH	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	7. KNIFE	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	8. RING(S) #:	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	9. CELL PHONE	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	10. SHOES / STL TOE (Tagged):	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	11. OTHER ITEMS:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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A. Sight Arrests: a. Felonies: _____ b. Class A/B: _____ c. Class C- Non Traffic - PI Yes d. Class C- Non Traffic: _____ e. Class C - Traffic: _____ B. Warrants: a. Felonies: _____ b. Class A/B: Poss Marijuana 0-202 (City of San Antonio Warrants): 1. Capias (approx #): 2 2. (J.P. - approx #): _____ 3. Alias (approx #): _____		1. Honstar belt necklace 2 earr. AM 12:33																																		
CLASSIFICATION: (circle one)		ARRESTEE: I CERTIFY THAT THE INVENTORY LISTED																																		
CODE: 1 2 3 4 6 7		ABOVE IS CORRECT: <input checked="" type="checkbox"/> [Signature] DETENTION OFFICER: ABOVE INVENTORY RECEIVED <input checked="" type="checkbox"/> SP 21																																		
AGENCY: <u>SAPD</u> BCSO OTHER: _____		SEAL # VERIFIED BY (Init & Bdge #): [Signature]																																		
ARREST/TRANSP OFF: <u>Flora Tash</u> BIDGE #: <u>704</u>		DOES AP CLAIM TO BE SICK / INJ? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>																																		
GUN BOX #: <u>22</u> DISTRICT: <u>4260</u>		DO'S COMMENTS: _____																																		
Money Taken to Prop Rm: \$ _____ AO Init: _____		_____																																		
AO'S COMMENTS: _____		_____																																		
POC PHONE #: _____		_____																																		
PROPERTY / ARRESTEE DISPOSITION																																				
A. DISPOSITION OF AP: JAIL / PR-B / S-B / HOSP / Other: _____																																				
B. AP/PROPERTY TRANSP BY: SAPD / BCSO Off Badge #: _____ Date: <u>4/8</u> Time Out: <u>1330</u>																																				
C. PROPERTY RETURNED TO AP - (RELEASED BY JUDGE) 1 2 3 4 5 6 7 8 9 10 11																																				
ARRESTEE (I CERTIFY THAT I HAVE RECEIVED ALL OF THE ABOVE PROPERTY)		<input checked="" type="checkbox"/> [Signature]																																		
PROPERTY RELEASED BY (DO Init & Bdge #): [Signature]																																				
PROPERTY RELEASED TO THIRD PARTY: I authorize my below listed property be released to the person listed below.																																				
AP SIGNATURE (X): _____		PROP RELEASED TIME: _____																																		
PROPERTY RELEASED TO: _____		SIGNATURE: (X) _____																																		
I.D. NUMBER: _____	AUTH. SUPV.: _____	PROPERTY: 1 2 3 4 5 6 7 8 9 10 11																																		
OTHER PROP: _____		PROPERTY RELEASED BY (DO Init & Bdge #): _____																																		

**SAN ANTONIO POLICE DEPARTMENT
CHAIN OF CUSTODY**

Case #: **15072983**



990001032915

ITEM: Narcotics 3 small baggies of marijuana

LOCATION FOUND: **MLK at brooksdale** BROUGHT IN BY: **MARTIN, MATTHEW (1140)**

<i>Date/Time</i>	<i>Logged in User</i>	<i>Item moved to this Location</i>
4/8/2015 12:49:25AM	GRATASKI FREDERICK J JR	Created at TEMP LOCKERS
4/8/2015 8:42:23AM	LEAL ANNETTE C	REMOVED FROM TEMP LOCKERS
4/8/2015 9:15:10AM	LEAL ANNETTE C	NARC PROCESS
4/8/2015 10:30:10AM	LEAL ANNETTE C	Narcotics to Vault
4/10/2015 2:01:36PM	JERRILYNN ARAUZA	NARC-MISD 178

End Chain of Custody for Item with Barcode #: **990001032915** related to Case #: **15072983**

NOTES:

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Matthew Martin #1140 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

During an investigation of a complaint filed by the Administration, it has been determined that based on the complainant's allegation, you are now a respondent in this case. This memorandum is to inform you of the specific allegation against you, and that Sergeant Michael Riggs is the assigned investigator. The findings of this investigation will be forwarded to the Chief's Advisory Action Board for a review and recommendation. A written response is required from you regarding the following allegation.

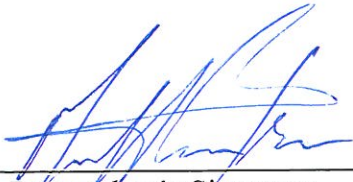
Allegation (1):

The Administration alleges that on April 7th, 2015, while conducting a traffic stop at Martin Luther King / Brooksdale and subsequently making a narcotics arrest, Officer Matthew Martin #1140 (EPC) was untruthful in his written report concerning where the narcotics were discovered and who had possession of the narcotics.

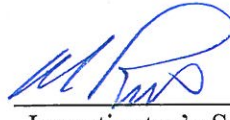
This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members**

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.



Respondent's Signature



Investigator's Signature

1140

Badge #

08/18/2015

Date

3071

Badge #

8-18-15

Date

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Matthew Martin #1140 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

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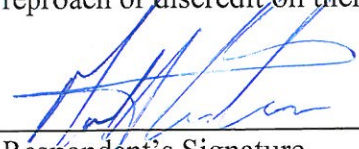
Allegation (2):

The Administration alleges that as a result of actions taken and documented during a traffic stop and subsequent narcotics arrest at Martin Luther King / Brooksdale on April 7th, 2015, by Officer Matthew Martin #1140 (EPC), the District Attorney's Office forwarded information to be reviewed for potential administrative and criminal misconduct. Officer Martin arrested and booked the driver (Mr. Juan Martinez) for possession of narcotics (Marijuana) that were discovered in the possession of the passenger (Ms. Miriam Aquino). Officer Martin is alleged to have brought discredit and reproach on himself and the San Antonio Police Department. This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior**

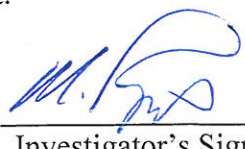
3.04 Responsibility to Serve the Public:

C. Conduct and Behavior: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.


Respondent's Signature

1140
Badge #

08/18/2015
Date


Investigator's Signature

3071
Badge #

8-18-15
Date

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Matthew Martin #1140 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

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Allegation (3):

The Administration alleges that on July 17th, 2015, during a videotaped interview with detectives from the SARIC Unit at Police Headquarters located at 315 S. Santa Rosa, Officer Matthew Martin #1140 (EPC) was untruthful when he explained why Mr. Juan Martinez was arrested and booked for possession of Narcotics (Marijuana) after admitting the narcotics were his. Neither Mr. Martinez nor his passenger Ms. Miriam Aquino, the person who actually had the additional Marijuana in her possession, ever made the claim that all of the Marijuana found belonged solely to Mr. Martinez. Additionally, there is no COBAN footage or justification in Officer Martin's written arrest report that support Officer Martin's claims of where the narcotics were discovered and who had possession of them.

This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members**

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.


Respondent's Signature

1140
Badge #

08/18/2015
Date


Investigator's Signature

3071
Badge #

8-18-15
Date

Garrity Warning Sheet

San Antonio Police Department
General Manual
Section 200
Rules and Regulations
(Effective Date 07-24-2015)

SECTION 3.00 INDIVIDUAL RESPONSIBILITIES

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

3.27 GIVING INFORMATION IN INTERNAL INVESTIGATIONS:

A. DUTY TO GIVE INFORMATION: A member shall, when requested, answer questions, render statements, or surrender material relevant to a Professional Standards Section investigation.

B. GARRITY WARNING: Any member who is the subject of a Professional Standards Section investigation gives a written report, provided they are advised:

1. The report is for departmental purposes only;
2. The report will not be used against them in any subsequent criminal investigation or prosecution; and
3. Should they fail to give a written report, a lawful order to do so will be given, and failure to follow such an order will result in disciplinary action.

San Antonio Police Department
General Manual
Procedure 303
Disciplinary Procedures
(Effective Date 07-24-2015)

.10 COMPLAINT INTERVIEWS

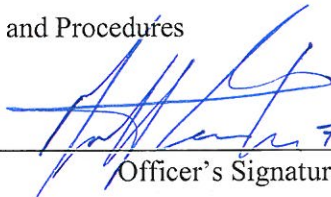
C. A sworn member of the Internal Affairs Unit holding the rank of sergeant or above, when conducting a complaint interview with a sworn member, may request, or order if necessary, a sworn member of any rank to:

1. Submit a written report;
2. Answer interrogatories;
3. Provide physical evidence; or
4. Otherwise cooperate in any manner with Internal Affairs Unit personnel during an investigation.

I have read and I understand the above Rules and Procedures

MATTHEW MARTIN

Officer's Printed Name

 #1140

Officer's Signature

08/18/2015

Date

DOCUMENT # 9

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report**

I.A. Formal Case Number: FC2015-104
SAPD Case Number: 15-072983

Place of Occurrence		District of Occurrence	Type of Complaint
Martin Luther King / Brooksdale		4230	Administrative
Complainant's Name (Last, First, MI)		Address	Phone Number
Administration		315 S. Santa Rosa	207-7273
Day of Occurrence	Date and Time of Occurrence	Date and Time Reported	How Reported
Tuesday	04-07-2015	07-17-2015	Person

TYPE OR PRINT ONLY

It is my understanding that this report is made for administrative internal police department purposes only, and will not be used against me in a criminal investigation. This report is made by me after being requested to do so by a lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report, I can be disciplined for insubordination, and that the punishment for insubordination can include termination of employment. This report is made pursuant to such order, and the potential discipline that can result from failure to obey that order.

Please answer the following questions as fully and truthfully as possible.

Question No. 1: Have you read the Sworn Statement, Letter of Complaint, or the Administrative Complaint that has been filed against you? Do you understand it?

Answer: YES.YES

Question No. 2: Have you read Rule 3.02, Truthfulness of Members, of the San Antonio Police Department General Manual? Do you understand it?

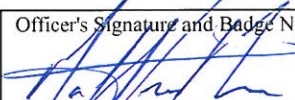
Answer: YES.YES

Question No. 3: Do you have an audio recording device in your possession at this time? Answer "Yes," or "No." If your answer is "Yes," are you recording this interview? Answer "Yes," or "No."

Answer: YES.NO

Question No. 4: Are you in Internal Affairs today with an attorney or supervisor? Answer "Yes," or "No." If your answer is "Yes," please identify that individual.

Answer: YES. ROBERT LEONARD, CLEAT

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
MATTHEW MARTIN	 #1140	08/18/2015

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

Question No. 5: You completed a report regarding the traffic stop and arrest of Mr. Juan Martinez on April 7th-8th, 2015. Is that report a true, accurate, and correct document? If no, provide a detailed account as to what part(s) were not true, accurate, and/or correct.

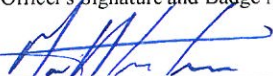
Answer: NO, AFTER REVIEWING ALL OF THE PACKET I RECOGNIZE THAT THERE WERE SEVERAL FACTS AND CIRCUMSTANCES THAT SHOULD HAVE BEEN INCLUDED. I SHOULD HAVE INCLUDED THE FACT THAT MRS. AQUINO HAD INFORMED ME THAT SHE WAS HOLDING MARIJUANA AT THE REQUEST OF JUAN MARTINEZ. I MISTAKENLY LISTED THE MARIJUANA AS BEING FOUND BETWEEN THE SEAT AND DOOR WHEN IT WAS FOUND BETWEEN THE SEAT AND CENTER CONSOLE AS I TOLD SARIC.

Question No. 6: While beginning to search the vehicle driven by Mr. Jaun Martinez you mention having truble with your COBAN equipment. Did you know your audio/visual COBAN was running the entire time during that traffic stop?

Answer: I KNEW THE VISUAL PORTION WAS WORKING, AS I LEANED INTO THE VEHICLE THAT MR. MARTINEZ WAS DRIVING I FELT A LONG VIBRATION FROM MY MICROPHONE AND SAW THAT MY VISUAL INDICATOR LIGHT WAS BLACK AND A SHORT TIME LATER THE LIGHT CAME BACK ON AND I ASSUMED THE AUDIO WAS STILL OPERATIONAL.

Question No. 7: At approximately 15:47 in the COBAN video (VTS 01 1), during the time Officer Grataski's Microphone was muted, you are heard having a conversation with Officer Grataski where you said, "...take the fall for all of it" to which Grataski responded, "...Good with me" What was the meaning of this conversation?

Answer: THE CONVERSATION I HAD WITH MRS. AQUINO PRIOR TO SPEAKING WITH OFFICER GRATASKI WAS WHEN SHE INFORMED ME THAT MR. MARTINEZ HAD HANDED HER A BAG OF MARIJUANA AND TOLD HER TO PLACE IT IN HER BRA BECAUSE YOU'RE A FEMALE AND THEY WON'T SEARCH YOU. AFTER HEARING THIS I DECIDED MR. MARTINEZ WAS GOING TO BE CHARGED WITH ALL THE MARIJUANA.

Officer's Printed Name MATTHEW MARTINEZ	Officer's Signature and Badge Number  #1140	Date Submitted 08/18/2015
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**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

Question No. 8: In the Offense Report you completed documenting the arrest of Juan Martinez on 04-08-2015 you detailed Mr. Martinez was arrested and booked for possession of Marijuana 0-2oz. Why did you complete this document detailing that all of the marijuana found during the traffic stop, including the marijuana discovered in possession of the female passenger, was being used as evidence against Mr. Martinez? Explain in detail.

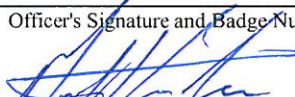
Answer: AS I STATED IN QUESTION NUMBER 7, MRS. AQUINO HAD INFORMED ME THAT ALL OF THE MARIJUANA BELONGED TO MR. MARTINEZ AND HE HAD ASKED HER TO HIDE SOME OF IT IN HER BRA TO AVOID DETECTION. I USED OFFICER DISCRETION IN MAKING THE DECISION THAT MR. MARTINEZ WAS THE SOLE OWNER OF THE MARIJUANA SIMILAR TO WHEN AN OFFICER FINDS A GUN UNDER THE SEAT OF A VEHICLE OCCUPIED BY SEVERAL PEOPLE AND AN OCCUPANT STATES THAT THE DRIVER OF THE VEHICLE IS THE OWNER OF THE GUN AND THERE IS NO OBJECTION FROM THE DRIVER, THE DRIVER IS ARRESTED FOR POSSESSION OF THE WEAPON.

Question No. 9: Once Marijuana was found in the possession of the female passenger of the vehicle stopped on April 7th-7th, 2015, why did you not have a female officer respond to the scene and conduct a complete search of the female passenger? Explain in detail.

Answer: INITIALLY A FEMALE OFFICER WAS REQUESTED, I DO NOT RECALL IF THERE WAS A FEMALE OFFICER ASSIGNED OR IF THEY WERE UNAVAILABLE, BUT AS SOON AS MRS. AQUINO PRODUCED THE MARIJUANA THAT WAS GIVEN TO HER BY MR. MARTINEZ. I DIDN'T FEEL THERE WAS A NEED FOR A FEMALE OFFICER TO MAKE THE SCENE IN THE INTEREST OF TIME.

Question No. 10: During a conversation you had with the female passenger (Ms. Aquino) you state you had arrested three times in your youth, and that you had, "bad" tattoos. Why did you make those statements to a member of the general public? Explain in detail.

Answer: IT HAS BEEN MY EXPERIENCE THAT YOU CAN BUILD AN EXCELLENT RAPPORT WITH MEMBERS OF THE PUBLIC IF YOU CAN SHOW YOUR RELATABILITY WITH THEM AND THEY SEE YOU ON

Officer's Printed Name MATTHEW MARTIN	Officer's Signature and Badge Number  #1140	Date Submitted 08/18/2015
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**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

THEIR LEVEL AND AS A PERSON RATHER THAN AN IMPOSING AUTHORITY FIGURE. I HAVE DEVELOPED STRONG INTELLIGENCE IN THE PAST WITH THIS METHOD, WHILE I DO HAVE TATTOOS, I DO NOT POSSESS ANY "BAD" TATTOOS, I MERELY USE THAT AS AN ICE BREAKER TO FURTHER ESTABLISH A RELATIONSHIP. ADDITIONALLY I WAS NOT ARRESTED THREE TIMES IN MY YOUTH AS I STATED TO MRS. AQUINO. I WAS DETAINED FOR AN ALLEGED OUT OF COUNTY TRAFFIC WARRANT. THE TICKET HAD BEEN DISMISSED AND I WAS CLEARED AND RELEASED BY THE JUDGE. I DID NOTIFY SAPD APPLICANT PROCESSING WHEN I APPLIED TO SAPD.

Question No. 11: In your recorded interview with SARIC detectives you state where the Marijuana was discovered, statements regarding what the female said to you, and that the male "took ownership of it", referring to all the Marijuana. Your original report and the COBAN video/Audio that was running the entire time on scene do not confirm those statements. How do you respond?

Answer: AS I STATED ABOVE I MISTAKENLY LISTED THE MARIJUANA AS BEING FOUND BETWEEN THE DRIVER SEAT AND DOOR WHEN IT WAS OBSERVED BETWEEN THE DRIVER SEAT AND CENTER CONSOLE. IN REGARDS TO MY CONVERSATION WITH MRS. AQUINO BESIDE HER VEHICLE, I BELIEVE THAT CONVERSATION IS NOT AUDIBLE ON THE RECORDING DUE TO RADIO TRAFFIC, VEHICLES PASSING AND HER VERY LOW SPEAKING TONE BUT THAT IS WHERE SHE TOLD ME THE WEED BELONGED TO HER COUSIN MR. MARTINEZ. I BELIEVE IT OCCURS AT APPROXIMATELY 15:15 ON THE TIME BAR OF THE CD LABELED "MARTIN/GRATASKI COBAN FRT/BACK." I CANNOT RECALL THE EXACT POINT THAT HE STATED THIS BUT AT SOME POINT DURING THE TIME MR. MARTINEZ WAS ARRESTED AND BOOKED I TOLD MR. MARTINEZ HE WAS BEING BOOKED FOR THE WARRANTS AND POSSESSION OF MARIJUANA, MR. MARTINEZ STATED I KNOW , THE OTHER OFFICER ALREADY TOLD ME. MR. MARTINEZ ASKED IF HE WAS BEING CHARGED WITH ALL THREE BAGS OF MARIJUANA AND I TOLD HIM YES. MR. MARTINEZ ASKED IF WE HAD WEIGHED THE MARIJUANA AND WHAT THE WEIGHT OF ALL THREE BAGS WAS, I INFORMED HIM WE HAD NOT YET WEIGHED THE MARIJUANA AT

Officer's Printed Name MATTHEW MARTIN	Officer's Signature and Badge Number  #1140	Date Submitted 08/18/2015
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**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

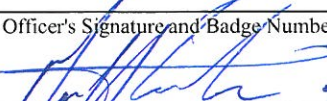
**THE TIME BUT I DID TELL HIM I WAS SURE IT WAS LESS THAN 2
OUNCES. HE DID NOT OBJECT OR DENY THAT IT WAS HIS.**

Question No. 12: As to the first allegation- Rule and Regulation 3.02 Truthfulness of Members regarding te documentation you completed (Offense Report), how do you respond?

Answer: I DENY THE ALLEGATION. AS I STATED ABOVE BASED ON WHAT I WAS TOLD BY MRS. AQUINO AND MR. MARTINEZ AND BASED ON MY EXPERIENCE, I USED OFFICER DISCRETION IN DETERMINING THAT THE MARIJUANA BELONGED TO MR. MARTINEZ. I DID MISTAKENLY PUT THAT THE MARIJUANA WAS OBSERVED BETWEEN THE DRIVER SEAT AND THE DOOR WHEN IN FACT IT WAS OBSERVED BETWEEN THE DRIVER SEAT AND CENTER CONSOLE. WHILE I AGREE THAT MY REPORT WAS LIMITED IN ITS DESCRIPTION OF THE EVENTS AND WAS AN EXAMPLE OF POOR REPORT WRITING AND SLOPPY POLICE WORK, AT NO TIME WAS I INTENTIONALLY OR KNOWINGLY TRYING TO BE MISLEADING OR DECEPTIVE.

Question No. 13: As to the second allegation- Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior regarding how your actions and documentation may have brought discredit and reproach on yourself and the San Antonio Police Department, how do you respond?

Answer: I DENY THE ALLEGATION. WHILE I ACCEPT THE FACT THAT MY REPORT WRITING IN THIS CASE WAS NOT UP TO MY USUAL HIGH STANDARDS, BOTH MRS. AQUINO AND MR. MARTINEZ STATED THAT I WAS PROFESSIONAL AND RESPECTFUL DURING THIS ENTIRE ENCOUNTER. WHILE IN HIND SIGHT MY ACTIONS MAY NOT HAVE BEEN THE MOST PRUDENT COURSE I COULD HAVE TAKEN, BUT MY ACTIONS WERE BASED ON A GOOD FAITH BELIEF THAT I WAS DOING THE CORRECT THING.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
MATTHEW MARTIN	 #1140	08/18/2015

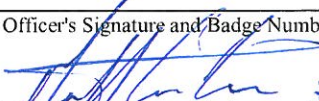
**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

Question No. 14: As to the third allegation- Rule and Regulation 3.02 Truthfulness of Members regarding the SARIC interview, how do you respond?

Answer:

I DENY THE ALLEGATION. I WAS NOT UNTRUTHFUL ABOUT THE ARREST OF MR. MARTINEZ. I STAND BY MY ASSERTION THAT MRS. AQUINO DID TELL ME THE MARIJUANA BELONGED TO HER COUSIN MR. MARTINEZ. IN DISCUSSING HIS ARREST FOR THE MARIJUANA MR. MARTINEZ NEVER DENIED OR REFUTED THAT THE MARIJUANA BELONGED TO HIM. IT HAS BEEN MY EXPERIENCE THAT WHEN SOMEONE BELIEVES THEY ARE BEING FALSELY CHARGED WITH MARIJUANA THEY DENY THE MARIJUANA IS THEIRS. I DISTINCTLY REMEMBER HAVING A CONVERSATION WITH MR MARTINEZ WHERE HE WAS TOLD HE WAS BEING CHARGED WITH THE MARIJUANA AND HE CLEARLY INDICATED HE UNDERSTOOD AND WAS ONLY INTERESTED IN THE TOTAL WEIGHT. THIS LEAD ME TO BELIEVE THAT HE WAS ACKNOWLEDGING THAT THE MARIJUANA WAS HIS. AT THE TIME I SPOKE TO DET ORTIZ I WAS NOT PERMITTED TO REVIEW THE COBAN VIDEO PRIOR TO MY HAVING GONE DOWN TO SARIC. I WAS ALLOWED TO SEE MY REPORT ONLY AFTER I HAD TRIED TO RECALL THE EVENTS OF THAT DAY. WHICH WAS APPROXIMATELY THREE MONTHS EARLIER. AT THE TIME I WAS TALKING TO DET ORTIZ I WAS SPEAKING IN GENERALITIES AND PARPHRASING WHAT I RECALLED TO THE BEST OF MY ABILITY. I TOLD DET ORTIZ THAT I DID NOT SPECIFICALLY RECALL THE CONVERSATION I HAD WITH MR MARTINEZ. INITIALLY WHEN I WENT DOWN TO SARIC I WAS UNAWARE OF THE NATURE OF THE INVESTIGATION. I THOUGHT I WAS THERE TO ASSIST IN AN INVESTIGATION OF ONE OF MY CASES BASED ON WHAT DET ORTIZ HAD TOLD ME ON THE PHONE. AFTER SPEAKING WITH DET ORTIZ FOR A WHILE I REALIZED THAT I WAS THE SUBJECT OF HIS INVESTIGATION. I IMMEDIATELY BECAME VERY UPSET AND CONCERNED. I FELT DET ORTIZ HAD PURPOSEFULLY LIED TO AND MISLED ME SO I EXERCISED MY RIGHT TO LEAVE THE IINTERROGATION ROOM AS DET ORTIZ TOLD ME I COULD DO.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
MATTHEW MARTIN	 # 1140	08/18/2015

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

Question No. 15: Do you have any additional pertinent information to add to this investigation?

Answer: I WANT TO NOTE FOR THE RECORD THAT BEFORE THIS EVENING I DID NOT KNOW EITHER MRS. AQUINO OR MR. MARTINEZ. I DID NOT HAVE ANY GRUDGE AGAINST THEM NOR ANY AX TO GRIND. ALTHOUGH I MADE THE DECISION TO CHARGE MR. MARTINEZ WITH ALL THREE BAGS OF MARIJUANA THAT DID NOT CHANGE THE CHARGE FILED AGAINST HIM. I ALSO DID NOT WRITE MR. MARTINEZ ANY TRAFFIC CITATIONS, I BELIEVE THIS CLEARLY SHOWS I WAS NOT OUT TO GET MR. MARTINEZ. I BELIEVE THAT MRS. AQUINO AND MR. MARTINEZ'S DENIALS THAT THEY TOLD ME THE MARIJUANA BELONGED TO MR. MARTINEZ ARE SELF SERVING. IN BOTH THEIR INTERVIEWS WITH SARIC, BOTH MRS. AQUINO AND MR. MARTINEZ MAKE SEVERAL CONTRADICTIONARY/UNTRUTHFUL STATEMENTS. MRS. AQUINO CLAIMED SHE SAID TO ME WHY ARE YOU CHARGING MR. MARTINEZ WITH THE MARIJUANA WHEN IT WAS ON ME AND IN MY CAR? WHEN DET GARCIA CHALLENGED HER ON THAT STATEMENT SHE CHANGED HER RESPONSE, SAYING SHE ONLY THOUGHT THAT AND NEVER SAID IT, MRS. AQUINO THEN SAID I FOLLOWED WITH MY RESPONSE BEING "JUST BE LUCKY YOU'RE GOING HOME TO YOUR KIDS", WHICH I NEVER SAID. MRS. AQUINO ALSO STATED THAT WE TOLD HER WE WERE GOING TO CALL THE K-9 OUT TO CHECK HER CAR, WHICH ALSO WAS NEVER SAID. MR. MARTINEZ'S VERSION OF POSSESSION DOES NOT MATCH UP WITH MRS. AQUINO'S ACCOUNT. MR. MARTINEZ CLAIMS HE NEVER HAD POSSESSION OF THE MARIJUANA AT ALL WHICH DIFFERS FROM MRS. AQUINO'S ACCOUNT. WHILE THERE ARE OTHERS, THIS IS JUST A BRIEF EXAMPLE OF SOME OF THE DISCREPENCIES, I BELIEVE SHOW MRS. AQUINO'S AND MR. MARTINEZ'S RETELLING OF THE EVENTS FROM THAT EVENING ARE SELF SERVING.

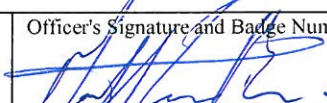
I ACCEPT THAT I DID NOT PERFORM MY DUTIES TO THE HIGH STANDARDS I HOLD MYSELF TO. I HAVE NEVER BEEN IN A SITUATION LIKE THIS AND NOTHING LIKE THIS HAS EVER HAPPENED BEFORE. ON THIS NIGHT I FOUND MYSELF SYMPATHETIC TO MRS AQUINO AND HER PLIGHT AS A SINGLE PARENT [REDACTED] I ADMIT THAT I CUT HER A BREAK. HOWEVER AT THE TIME I STILL FELT THAT MR MARTINEZ WAS THE OWNER OF THE MARIJUANA. I REALIZE I

Officer's Printed Name MATTHEW MARTIN	Officer's Signature and Badge Number  # 1140	Date Submitted 06/18/2015
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San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)

I.A. Formal Case Number: FC2015-104

SHOULD HAVE LISTED HER IN THE NARRATIVE OF MY REPORT. IF I
HAD TO DO IT ALL OVER AGAIN I WOULD DEFINITELY BE MORE
DETAILED IN MY NARRATIVE AND INCLUDE THE INFORMATION
ABOUT MRS. AQUINO.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
MATTHEW MARTIN	 #1140	08/18/2015

SAN ANTONIO POLICE DEPARTMENT

**INTERNAL AFFAIRS
RECEIPT OF DOCUMENTS VIEWED**

In accordance to the Collective Bargaining Agreement, Article 29 Subsection 2 (C), provides for review of certain documents at the time a respondent officer is providing a response to allegations presented to him by the Internal Affairs Unit.

<u>Martin, Matthew</u> <i>Officer's Name (Last, First, MI)</i>	<u>1140</u> / <u>Patrolman</u> <i>Badge No./Rank</i>
<u>EPC</u> <i>Unit Assignment</i>	<u>207-7781</u> <i>Work Telephone</i>


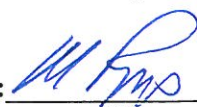
The following list of documents were viewed by the respondent officer prior to responding to the allegation (s).

<u>Title of Document</u>	<u>Prepared By</u>	<u>Date of Document</u>
The respondent officer's signature provides proof of the documents viewed and that a copy of this receipt form was provided at this time.		

Formal Complaint Notices (2)	Capt. Flavin	08-06-2015
Email from DA re: criminal case	Emily Angulio	06-19-2015
Offense Report	Off. Martin	04-08-2015
SARIC Investigation Packet	Det. Garcia	07-17-2015
Detention Intake Document	S.A. Detention Center	04-08-2015
Chain of Custody Document	S.A.P.D. Property Rm	08-06-2015
Allegation Sheet	Sgt. Riggs	08-06-2015
Garrity Warning Sheet	S.A.P.D.I.A	08-06-2015

The Following information (COBAN and Interviews) are on CD/DVD and are included for review

COBAN from DA	COBAN	04-08-2015
DVD Interview	Mr. Martinez	07-20-2015
DVD Interview	Ms. Aquino	07-17-2015
DVD Interview	Off. Martin	07-17-2015
DVD Interview	Off. Grataski	07-17-2015
COBAN download (easier viewing)	Sgt. Riggs	08-12-2015

Respondent Officer: <u> #1140</u> <i>Signature</i>	Date: <u>08/18/2015</u>
Internal Affairs Investigator: <u></u> <i>Signature</i>	Date: <u>8-18-15</u>

DOCUMENT # 11

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Frederick Grataski #0766 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

During an investigation of a complaint filed by the Administration, it has been determined that based on the complainant's allegation, you are now a respondent in this case. This memorandum is to inform you of the specific allegation against you, and that Sergeant Michael Riggs is the assigned investigator. The findings of this investigation will be forwarded to the Chief's Advisory Action Board for a review and recommendation. A written response is required from you regarding the following allegation.

Allegation (1):

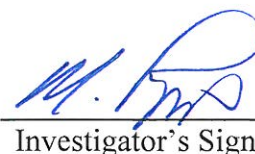
The Administration alleges that on April 7th, 2015, while conducting a traffic stop at Martin Luther King / Brooksdale and subsequently making a narcotics arrest, Officer Frederick Grataski #0766 (EPC) was untruthful in his documentation (booking slip and narcotics property tag) concerning where the narcotics were discovered and who had possession of the narcotics. This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members**

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.


Respondent's Signature

7666 08-14-15
Badge # Date


Investigator's Signature

3071 8-14-15
Badge # Date

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Frederick Grataski #0766 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

During an investigation of a complaint filed by the Administration, it has been determined that based on the complainant's allegation, you are now a respondent in this case. This memorandum is to inform you of the specific allegation against you, and that Sergeant Michael Riggs is the assigned investigator. The findings of this investigation will be forwarded to the Chief's Advisory Action Board for a review and recommendation. A written response is required from you regarding the following allegation.

Allegation (2):

The Administration alleges that as a result of actions taken and documented during a traffic stop and subsequent narcotics arrest at Martin Luther King / Brooksdale on April 7th, 2015, by Officer Frederick Grataski #0766 (EPC), the District Attorney's Office forwarded information to be reviewed for potential administrative and criminal misconduct. Officer Grataski assisted in the arrest and booking of the driver (Mr. Juan Martinez) for possession of narcotics (Marijuana) some of which was discovered in the possession of the passenger (Ms. Miriam Aquino). Officer Grataski is alleged to have brought discredit and reproach on himself and the San Antonio Police Department.

This case was originated under SAPD Case # 15072983.

This conduct may be a violation of the SAPD General Manual:

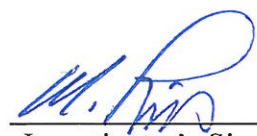
Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior

3.04 Responsibility to Serve the Public:

C. Conduct and Behavior: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.


Respondent's Signature

7466 08-14-15
Badge # Date


Investigator's Signature

3071 8-14-15
Badge # Date

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Frederick Grataski #0766 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

During an investigation of a complaint filed by the Administration, it has been determined that based on the complainant's allegation, you are now a respondent in this case. This memorandum is to inform you of the specific allegation against you, and that Sergeant Michael Riggs is the assigned investigator. The findings of this investigation will be forwarded to the Chief's Advisory Action Board for a review and recommendation. A written response is required from you regarding the following allegation.


Allegation (3):

The Administration alleges that on April 7th, 2015, while conducting a traffic stop at Martin Luther King / Brooksdale and subsequently making a narcotics arrest, Officer Frederick Grataski #0766 (EPC) muted his COBAN microphone several times during the traffic stop while in the presence of the subjects of the stop and failed to document this action in violation of SAPD COBAN Procedure. This case was originated under SAPD Case # 15072983.

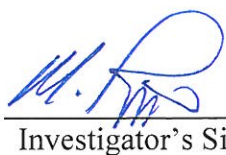
**This conduct may be a violation of the SAPD General Manual:
Procedure 409 Mobile Video Recording, Section .06 Recording, F.**

F. When recording video, Officers will utilize their portable microphones on all activity which takes place outside their vehicle and will not mute the receiver microphone in presence of anyone while responding to a call or on self-initiated activity. Use of the mute function must be documented in the officer's report or CFS comment entry field.

EXCEPTION: Use of the mute function for private conversations out of the auditory range of non-Department members does not require documentation.


Respondent's Signature

706 08-12-15
Badge # Date


Investigator's Signature

3071 8-14-15
Badge # Date

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Frederick Grataski #0766 (EPC)

Internal Affairs Investigator: Sgt. Michael Riggs #3071 (CIA)

I.A. Formal Case Number: FC2015-104

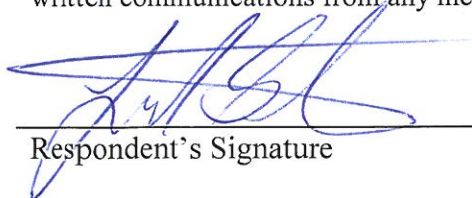
During an investigation of a complaint filed by the Administration, it has been determined that based on the complainant's allegation, you are now a respondent in this case. This memorandum is to inform you of the specific allegation against you, and that Sergeant Michael Riggs is the assigned investigator. The findings of this investigation will be forwarded to the Chief's Advisory Action Board for a review and recommendation. A written response is required from you regarding the following allegation.

Allegation (4):

The Administration alleges that on July 17th, 2015, during a videotaped interview with detectives from the SARIC Unit at Police Headquarters located at 315 S. Santa Rosa, Officer Frederick Grataski #0766 (EPC) was untruthful when he told investigators that Officer Martin or one of the suspects told him (Grataski) that all the Marijuana in the car and on Ms. Aquino's person belonged to Mr. Martinez. COBAN video and audio of the incident does not reflect Officer Grataski's statement. There is no mention by Mr. Martinez, his passenger Ms. Miriam Aquino, or Officer Martin, that all of the Marijuana found belonged solely to Mr. Martinez. This case was originated under SAPD Case # 15072983.

**This conduct may be a violation of the SAPD General Manual:
Rule and Regulation 3.02 Truthfulness of Members**

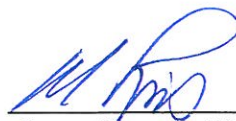
3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.



Respondent's Signature

766
Badge #

08-14-15
Date



Investigator's Signature

3071
Badge #

8.14.15
Date

Garrity Warning Sheet

San Antonio Police Department
General Manual
Section 200
Rules and Regulations
(Effective Date 07-24-2015)

SECTION 3.00 INDIVIDUAL RESPONSIBILITIES

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

3.27 GIVING INFORMATION IN INTERNAL INVESTIGATIONS:

A. DUTY TO GIVE INFORMATION: A member shall, when requested, answer questions, render statements, or surrender material relevant to a Professional Standards Section investigation.

B. GARRITY WARNING: Any member who is the subject of a Professional Standards Section investigation gives a written report, provided they are advised:

1. The report is for departmental purposes only;
2. The report will not be used against them in any subsequent criminal investigation or prosecution; and
3. Should they fail to give a written report, a lawful order to do so will be given, and failure to follow such an order will result in disciplinary action.

San Antonio Police Department
General Manual
Procedure 303
Disciplinary Procedures
(Effective Date 07-24-2015)

.10 COMPLAINT INTERVIEWS

C. A sworn member of the Internal Affairs Unit holding the rank of sergeant or above, when conducting a complaint interview with a sworn member, may request, or order if necessary, a sworn member of any rank to:

1. Submit a written report;
2. Answer interrogatories;
3. Provide physical evidence; or
4. Otherwise cooperate in any manner with Internal Affairs Unit personnel during an investigation.

I have read and I understand the above Rules and Procedures

Fred Gratski 764
Officer's Printed Name

[Signature]
Officer's Signature

08-14-15
Date

DOCUMENT # 13

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report**

I.A. Formal Case Number: FC2015-104
SAPD Case Number: 15-072983

Place of Occurrence		District of Occurrence	Type of Complaint
Martin Luther King / Brooksdale		4230	Administrative
Complainant's Name (Last, First, MI)		Address	Phone Number
Administration		315 S. Santa Rosa	207-7273
Day of Occurrence	Date and Time of Occurrence	Date and Time Reported	How Reported
Tuesday	04-07-2015	07-17-2015	Person

TYPE OR PRINT ONLY

It is my understanding that this report is made for administrative internal police department purposes only, and will not be used against me in a criminal investigation. This report is made by me after being requested to do so by a lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report, I can be disciplined for insubordination, and that the punishment for insubordination can include termination of employment. This report is made pursuant to such order, and the potential discipline that can result from failure to obey that order.

Please answer the following questions as fully and truthfully as possible.

Question No. 1: Have you read the Sworn Statement, Letter of Complaint, or the Administrative Complaint that has been filed against you? Do you understand it?

Answer: Yes, Yes.

Question No. 2: Have you read Rule 3.02, Truthfulness of Members, of the San Antonio Police Department General Manual? Do you understand it?

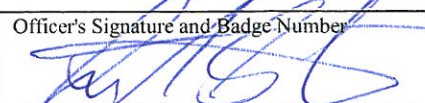
Answer: Yes, Yes.

Question No. 3: Do you have an audio recording device in your possession at this time? Answer "Yes," or "No." If your answer is "Yes," are you recording this interview? Answer "Yes," or "No."

Answer: No.

Question No. 4: Are you in Internal Affairs today with an attorney or supervisor? Answer "Yes," or "No." If your answer is "Yes," please identify that individual.

Answer: Yes, Karl Brehm, CLEAT

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
Fred Gratafski 7009		8-14-15

**San Antonio Police Department
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Officer's Response Report
(Supplement Sheet)**

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Question No. 5: Did you complete a report regarding the traffic stop and arrest of Mr. Juan Martinez on April 7th-8th, 2015? If no, provide a detailed account of your actions and observations of that incident.

Answer: No. I did not write the offense report, I did however prepare the booking slip and the detention form 17. I also processed the evidence into the SAPD property room. I assisted as cover during the stop and I also assisted with the search of the passenger side of the vehicle and continued to assist when needed. I acted as a cover officer as Officer Martin handled the stop and interacted with the suspects.

Question No. 6: While in the presence of the female (SP) you mute your COBAN microphone at 15:36 – 16:43 and at 17:19 – 17:48 in the video time line as captured. This time corresponds specifically to the times Officer Martin was talking about placing all the marijuana on the male (AP) and charging him for the total amount of marijuana found. Provide a detailed account as to why you choose to mute your microphone at those times.

Answer: For the first time I muted the COBAN, Officer Martin gestured to speak privately away from female passenger, and also pointed to my coban light, I took it as to mute so I did. Other officers have also done this same gesture when wanting to talk. Officers are allowed to and often do mute their COBAN while discussing among themselves police related and non-police related matters. I muted my mic because I believed Officer Martin desired to talk about something that was not necessary to be on COBAN.

As to the second time there really is not any explanation. I was sort of off in my own little world not really paying attention to the conversation between Officer Martin and Ms. Aquino standing a bit of a distance back as they talked. The video might look like I was a bit close but you can see from the video that after Officer Martin stops talking to Ms. Aquino, he actually steps towards the vehicle away from Ms. Aquino and I don't have to move out of his way as I am not close to him.

I knew the COBAN was going to show that Ms. Aquino had narcotics in her possession, my muting the COBAN was in no way going to change that fact and my muting of the COBAN was in no way attempting to hide what was plainview on the video which was that Ms. Aquino had marijuana in her possession at that time. I in fact got on the radio to call over a female officer to search Ms. Aquino for those drugs we suspected on her. I was not trying to cover up the fact that Ms. Aquino had drugs on her.

Officer's Printed Name <i>Fred Bratashi</i>	Officer's Signature and Badge Number <i>[Signature]</i>	Date Submitted <i>8-14-15</i>
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(Supplement Sheet)**

I.A. Formal Case Number: FC2015-104

Question No. 7: At approximately 15:47 in the COBAN video (VTS 01 1), during the time your Microphone was muted, Officer Martin is heard having a conversation with you and he said, "...take the fall for all of it" to which you respond, "...Good with me" What was the meaning of this conversation?

Answer: I believe he stated that Mr. Martinez stated it was his marijuana and he would have the female passenger take it out and put it in the seat and Mr. Martinez take the fall for all of it, and my response was reflecting I understood.

It is common for vehicle stops in which narcotics are recovered such as this stop where there are males and females in the vehicle, that males in possession of the drugs will ask or order the females to hide the drugs so that officers (usually male officers) cannot find the narcotics as easily because offenders are aware that male officers are restricted from searching females as easily as males. I believed that the situation in this case was that the narcotics, all of them, belonged to Mr. Martinez and that he has asked or ordered Ms. Aquino to hide them in her bra. I thought that was what Officer Martin was telling me so I was not surprised that we were going to arrest Mr. Martinez for possession of all the drugs. In fact neither Ms. Aquino or Mr. Martinez expressed any disagreement with this at anytime.

Question No. 8: Did you complete the intake document on the arrest of Juan Martinez on 04-08-2015? That document detailed Mr. Martinez was arrested and booked for possession of Marijuana 0-2oz. Did you complete this document with the understanding that all of the marijuana found during the traffic stop, including the marijuana discovered in possession of the female passenger, was being used as evidence against Mr. Martinez? Was that document truthful, accurate, and correct? Explain in detail.

Answer: Yes, I completed the intake form. Yes, I believed Mr. Martinez had ownership of all the evidence at some time prior to the traffic stop, and had used the female passenger to conceal the evidence from us. So yes I believe everything was true and correct.

Question No. 9: Did you complete the property document related to the arrest of Juan Martinez on 04-08-2015? That document detailed 3 small baggies of Marijuana used as evidence in the possession charge filed on Mr. Martinez. Did you complete this document

Officer's Printed Name <i>Fred Goatsashi</i>	Officer's Signature and Badge Number <i>[Signature]</i>	Date Submitted <i>8-14-15</i>
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Officer's Response Report
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I.A. Formal Case Number: FC2015-104

with the understanding that all of the marijuana found during the traffic stop, including the marijuana discovered in possession of the female passenger, was being used as evidence against Mr. Martinez? Was that document truthful, accurate, and correct? Explain in detail.

Answer: Yes, I completed the property document. Yes, I believed Mr. Martinez had ownership of all the evidence at some time prior to the traffic stop, and had used the female passenger to conceal the evidence from us. So yes I believe everything was true and correct

Question No. 10: In your recorded interview with SARIC detectives you state that you heard from Officer Martin and/or from the SP or AP that the marijuana found in the SP's vehicle and on the SP herself belonged to the AP, Mr. Martinez. The COBAN video/Audio that was running the entire time on scene does not confirm that statement. How do you respond?

Answer: I thought it was stated at the scene sometime during the stop, but after watching the COBAN I am still unsure when it was stated, there is a possibility that it occurred in the patrol vehicle after the arrest and booking were complete while going back to the district as we may have reflected on the stop post arrest. This might have been the impression I got from my conversation with Officer Martin at the time I first muted my mic. It is also possible just from the circumstances presented to us when we stopped the vehicle, being one male driver and a female passenger that my mind was already thinking along the lines that the male might attempt to hide any drugs he had on the female as that is a common tactic from my past experience.

In the COBAN video, I can also be heard discussing with Mr. Martinez the nature of the narcotics in each baggie and how they smelled different to me and I asked if to explain to me why that was. Mr. Martinez then gave an explanation as to the different type of marijuana in each bag and that to me tended to confirm that all the baggies were his because why would he know the difference between what was in each bag if they were not all his.

Officer's Printed Name <i>Fred Gratachi 704</i>	Officer's Signature and Badge Number <i>[Signature]</i>	Date Submitted <i>8-14-15</i>
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Question No. 11: As to the first allegation- Rule and Regulation 3.02 Truthfulness of Members regarding te documentation you completed (booking intake and property), how do you respond?

Answer: Like I stated above, I completed both those documents with the belief that all of the drugs belonged to Mr. Martinez so I filled out the documents saying so.

Question No. 12: As to the second allegation- Rule and Regulation 3.04 Responsibility to Serve the Public, C. Conduct and Behavior regarding how your action s and documentation may have brought discredit and reproach on youself and the San Antonio Police Department, how do you respond?

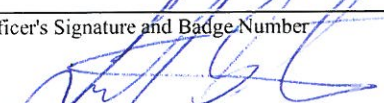
Answer: Any discredit or reproach was not intentional. I believed Mr. Martinez to have been in possession of all the narcotics and the arrest to be proper and lawful. I see the problems with this case and am sorry about the confusion. I guess I could have read Officer Martin's report but that isn't standard procedure among officers on patrol. I could have been more attentive to the scene and interaction between Officer Martin and the suspects. There seemed to be concern that Officer Martin and I were trumping the charges on Mr. Martinez from the SARIC interviews but the amount recovered from Mr. Martinez and then the additional amount from Ms. Aquino did not result in any increase in the charges.

Question No. 13: As to the third allegation- Procedure 409 Mobile Video Recording, Section .06 Recording, F. regarding the muting of your COBAN video, how do you respond?

Answer: If I recall the General Manual states that we can mute for private conversation. I muted for a private conversation with Officer Martin away from the passenger. The second time I muted there really is not any explanation.

Question No. 14: As to the forth allegation- Rule and Regulation 3.02 Truthfulness of Members regarding the SARIC interview, how do you respond?

Answer: When I meet with SARIC my statements were based off what I could remember without any review of the report or the COBAN video. If I made any statements that were inaccurate, they were not meant to deceive any investigation.

Officer's Printed Name <i>Fred Berastasi 706</i>	Officer's Signature and Badge Number 	Date Submitted <i>8-14-15</i>
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**San Antonio Police Department
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Question No. 15: Do you have any additional pertinent information to add to this investigation?

Answer: I believe the case revolves around the video and what the report reads. I did not know that Officer Martin would not include the female into the narrative of the report, I assumed the report would have included her participation in what happened as she was a witness and at the stop and in fact had the drugs on her. Officer Martin and I never discussed how the report was going to be written, only who was going to do what as far as writing the report, booking slips and process Mr. Martinez into the magistrate and that I would process the evidence into the property room.

I think by past experience in dealing with vehicle stops such as this involving a male and female might have got my mind thinking along the lines that Ms. Aquino might be hiding drugs for Mr. Martinez as that is a common occurrence. So when that information I thought was confirmed to me, I was not surprised to hear Mr. Martinez would be arrested for possession of all the drugs recovered. I did in fact tell Mr. Martinez he was being charged for possession when he asked me and my discussion with him about the drugs to me confirmed that they were all his drugs.

From watching the COBAN video you might get the impression that Officer Martin and I work together often but in fact this was the first and only time we have worked directed patrol together that I can recall. I usually work alone while on patrol. Working directed patrol is a rare thing at the East Substation in my experience. I also don't have a problem performing arrests involving marijuana possession and believe my work history shows I do those arrests.

I honestly think this entire situation was created because of some laziness on the part of Officer Martin and myself. If we both would have been more attentive to the details of this stop it would not have lead to this situation.

Officer's Printed Name <i>Fred Brantash 706</i>	Officer's Signature and Badge Number 	Date Submitted <i>8-12-15</i>
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After reading this report Sergeant Riggs asked me the following:

Where was the Marijuana, from inside the car, found exactly?

I didn't see exactly where Officer Martin recovered the drugs from but I had the impression the narcotics were located someplace between the driver's seat and console.

Once the Ms. Aquino was found to be in possession of Marijauna, why did you not have a female officer come to the scene and complete a full search?

We did not have a female officer come for the search of Ms. Aquino because she was was admitting she had the drugs on her that we suspected she was hiding and she was willing to remove them and given them to us. I can in fact be heard on the COBAN cancelling the request for a female officer to make the scene.

Officer's Printed Name <i>Fred Gratachi 744</i>	Officer's Signature and Badge Number <i>[Signature]</i>	Date Submitted <i>8-14-15</i>
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SAN ANTONIO POLICE DEPARTMENT

INTERNAL AFFAIRS
RECEIPT OF DOCUMENTS VIEWED

In accordance to the Collective Bargaining Agreement, Article 29 Subsection 2 (C), provides for review of certain documents at the time a respondent officer is providing a response to allegations presented to him by the Internal Affairs Unit.

Grataski, Frederick
Officer's Name (Last, First, MI)

0766 / Patrolman
Badge No./Rank

EPC
Unit Assignment

207-7781
Work Telephone

The following list of documents were viewed by the respondent officer prior to responding to the allegation (s).

Title of Document

Prepared By

Date of Document

The respondent officer's signature provides proof of the documents viewed and that a copy of this receipt form was provided at this time.

Formal Complaint Notices (2)	Capt. Flavin	08-06-2015
Email from DA re: criminal case	Emily Angulio	06-19-2015
Offense Report	Off. Martin	04-08-2015
SARIC Investigation Packet	Det. Garcia	07-17-2015
Detention Intake Document	S.A. Detention Center	04-08-2015
Chain of Custody Document	S.A.P.D. Property Rm	08-06-2015
Allegation Sheet	Sgt. Riggs	08-06-2015
Garrrity Warning Sheet	S.A.P.D.I.A	08-06-2015

The Following information (COBAN and Interviews) are on CD/DVD and are included for review

COBAN from DA	COBAN	04-08-2015
DVD Interview	Mr. Martinez	07-20-2015
DVD Interview	Ms. Aquino	07-17-2015
DVD Interview	Off. Martin	07-17-2015
DVD Interview	Off. Grataski	07-17-2015
COBAN download (easier viewing)	Sgt. Riggs	08-12-2015

Respondent Officer:


Signature

Date:

8-14-15

Internal Affairs Investigator:


Signature

Date:

8-14-15

DOCUMENT #

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