

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/01/2007

EDDIE ROY COLE (DOB [REDACTED] 1960), a sergeant at Desert Hot Springs Police Department (DHSPD), was interviewed at the FBI resident agency located at 601 East Tahquitz Canyon Way, Palm Springs, California. COLE was advised of the interviewing agents' official identities and of the purpose of the interview (allegations of excessive force by DHSPD officers). COLE was advised that he was not a subject of the investigation. COLE provided the following information:

COLE began his career in law enforcement as an officer in 1983 with the Housing Authority Police. COLE met future DHSPD officers JIM STEIMER, RADAMES GIL, WALTER MCKINNEY, and STEVEN JUDD while working at the Housing Authority. In 1988, COLE left the Housing Authority Police and started at the Riverside Sheriff's Office in 1989, where he worked until 1990. COLE also worked at Hawaiian Gardens Police Department for approximately three years before starting at DHSPD.

COLE started at DHSPD in September, 1997, along with Officer DAVE HENDERSON. Acting Chief JAMES BUTZBACK was running the department at the time. The department was in turmoil. There were lots of complaints that many of the officers did not have street experience or training. COLE did not think the department had problems with excessive force at that time. COLE worked the day shift.

When tasers were first issued, they were used a lot, and the use of force generally went up at that time.

COLE only worked on the same shift as HENDERSON for about one month in his 10 years on the DHS PD and did not observe any excessive force incidents involving him.

GIL and HENDERSON had a reputation for tasing people more than others. COLE had read a lot of the reports surrounding the MICHAEL SANCHEZ incident and knew that HENDERSON, GIL, and MATT DREW had been involved. COLE had heard HENDERSON and GIL talking about chasing SANCHEZ - they were upset that there was no mention during the pursuit that SANCHEZ had fired at officers earlier during the pursuit.

---

Investigation on 7/30/2007 at Palm Springs, CAFile # [REDACTED] Date dictated \_\_\_\_\_by SA Timothy L. Dixon  
SA Steven Novak

Continuation of FD-302 of Eddie Roy Cole, On 7/30/2007, Page 2

COLE was not involved much with the SANCHEZ incident because the same day it occurred, he had received a complaint regarding the daughter of one of his officers. COLE supervised officer DENNIS DECKER. DECKER'S daughter had allegedly been cutting herself, possibly due to sexual abuse by DECKER. COLE'S investigation ultimately exonerated DECKER.

At DHSPD, the officers who worked under COLE were called "lettuce eaters" because they tended to resolve situations by talking with subjects rather than immediately resorting to using force. The lettuce eaters did use force when necessary, but not as frequently as the officers who worked under HENDERSON. The lettuce eaters included the following officers: GUSTAVO PAIZ, ANDREA HEATH, DENNIS DECKER, RAY VOELTZ, and MATT DENNY.

The officers who worked under HENDERSON were called "meat eaters" because they frequently used force against subjects. The only officer that COLE could recall who was called a meat eater was RADAMES GIL. Meat eaters generally gave subjects one chance to put their hands behind their backs and then it was down to the ground.

COLE remembered responding to CARLOS MEDINA, a "459 in progress" (home burglary) with PAIZ. GIL and HENDERSON had apparently found MEDINA in the house's back yard hiding under a wheel barrow or plastic swimming pool. When COLE and PAIZ arrived in the back yard, COLE ran over to MEDINA, who was in handcuffs but was still kicking and pulling with HENDERSON and GIL. MEDINA seemed to be under the influence and was trying to run. COLE tased MEDINA, then walked him to the transport car. COLE remembers GIL and HENDERSON talking and laughing about how they picked up the wheelbarrow (or whatever it was MEDINA was hiding under) and slammed it back down on him. COLE doesn't know why they slammed it back down on him. They also didn't say why they tased him to begin with.

COLE remembered an incident at the station involving a Hispanic female. COLE arrived at the station at approximately 6:00 PM for work. As he passed by a cell, he saw a Hispanic female crying who said, "Help me." The lady said she was cold and that she had been tased and pepper sprayed. COLE saw that she was wet, probably from pepper spray decontamination, her feet were wrapped in toilet paper for warmth, and her bra was exposed (possibly only wearing a bra on top). COLE gave the woman a blanket, a paper jump suit, and some underwear. COLE did not recall if she was limping. COLE later heard that she was drunk, hit a school bus, was pepper

Continuation of FD-302 of Eddie Roy Cole, On 7/30/2007, Page 3

[REDACTED]

sprayed and tased. When an IA started over this incident, Sergeant SCLAFANI stopped talking to COLE.

Officer MATT DENNY worked under COLE for most of the time he was at DHSPD. COLE new him to be a hard working guy who was always making arrests on gun and drug charges. He assumed these to be legitimate arrests and the results of DENNY'S hard work and no reason to believe otherwise. He has since heard allegations that DENNY was planting evidence on subjects. He now remembers one incident that he believes is suspicious, although he didn't give it much thought at the time. DENNY went by himself to a call on Catalpa Avenue, where he encountered Richard ELGER, ELGER's sister, and about two other people. COLE responded to assist, as did either a community service officer (CSO) or a reserve officer. When COLE got there, things were "Code 4" (under control). COLE saw the CSO search ELGER, and thought that the CSO looked in ELGER's cigarette pack during the search. Then DENNY pulled ELGER's cigarette pack out of ELGER's pocket and produced some dope. ELGER really went ballistic ("Fuck you Matt DENNY"), far beyond the common protests and accusations that people make when they are found holding drugs and try to blame the officer instead.

HEATHER DUNNING is rumored to have "GIL" tattooed on her stomach. COLE knew that CHRISTOPHER ENGLUND'S girlfriend was APRIL MORRIS.

GIL and HENDERSON wanted to get STEIMER out so HENDERSON could get his slot, which he eventually did. They also planned to have JUDD become chief.

PAIZ was originally on HENDERSON'S shift, but requested to transfer to COLE'S shift. PAIZ told COLE he didn't like what went on while working on HENDERSON'S shift, but did not elaborate. COLE thought it had something to do with the way prisoners were treated by HENDERSON and his officers.

COLE was positive that the individual captured on a home surveillance video during a home intrusion was GREGORY GOEHNER. COLE was aware that GOEHNER had been arrested at one point but did not know the details.

If a prisoner is pounding and kicking at the cell door, they will typically be warned a few times to stop. If they continue, it is not unusual at DHSPD to pepper spray the prisoner to get them to stop.

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/18/2009

On 12/17/2009, Sergeant Eddie Cole, Desert Hot Springs Police Department (DHS PD) was interviewed by SA Steven Novak, AUSA Steven Arkow, and AUSA Lamar Baker. [REDACTED] testimony. At the start of the interview, [REDACTED] that the current interview was voluntary in nature, and that he was not required to participate. Cole agreed to the voluntary interview. The following is a summary of the information provided by Cole.

Cole recalled the Vargas incident, although he did not independently recall Vargas's name. On the day of the incident, Cole was replacing a patrol officer on overtime and it was not Cole's normal shift as a supervisor. Cole arrived for his shift and entered the station through the sally port door into the jail. He saw a Hispanic female sitting on the bench wearing a bra (no shirt) and pants. She was wet and was wrapping her hands and feet with toilet paper to try to keep warm. Usually when Cole sees someone who is wet like that, it is because they were washed off after having been pepper sprayed, and he assumed that was the case here. Cole doesn't recall a strong odor of pepper spray at that time (such as would be the case if she had just been sprayed), but doesn't recall if he smelled any residual odor. Cole doesn't think he noticed any taser marks on the woman at that time, but added that he was trying to avert his eyes somewhat since the woman was only partially clothed. Cole saw Officer Andrea Heath and exchanged a look with her, something different than just the usual friendly hello look, but he doesn't think he spoke to Heath at that time. Cole didn't ask anyone what was going on with the woman. Cole got a jail jump suit and some underwear for the woman. Heath took pictures after the incident and was talking to the woman. Cole recalled Officers Heath, Sclafani, and Gutting as having been there during the incident. Cole talked to someone at the station, perhaps Gutting, and found out that the woman had been arrested after running into a school bus, but doesn't recall discussing her having been tased. Cole didn't recall anything about the woman vomiting. Cole saw the woman walking down Pierson later that night in her jump suit. Cole thought it odd that she would be released out on the street at that hour and in those clothes and was concerned for her safety. Cole gave her a ride and suggested she try to find lodging at a local motel.

---

Investigation on 12/17/2009 at Los Angeles, CAFile # [REDACTED] Date dictated                     by SA Steven Novak

[REDACTED]

Continuation of FD-302 of Eddie Cole, On 12/17/2009, Page 2

Cole has a good relationship with Heath and took her under his wing for awhile. Cole was aware that other officers were giving her a hard time in the field. He asked to have her assigned to assist him with sex crimes investigation.

Cole was interviewed by an IA guy after the incident. He was advised at that time not to discuss it with others on the department. After the IA started, Sclafani largely stopped talking to Cole. Cole assumes that Sclafani somehow knew that Cole had been interviewed and this was why Sclafani stopped talking to Cole, but Cole is unsure why exactly Sclafani would be upset about it.

When the tasers were first issued, some people were known to use them more than others, and in general they were used more than they are now. Cole himself used his perhaps three to four times in a six month period during this time. Cole usually keeps a low profile and his philosophy is to not get involved in things you can't change.

Cole and the officers on his shift were known as the "lettuce eaters," while another group was known as the "meat eaters." The lettuce eaters moniker referred to them being softer and gentler, while the meat eaters were more forceful, rougher around the collar when dealing with people. The meat eaters would be more likely to use a taser whereas Cole would be more likely to go in and diffuse the situation without using a taser, but he was not always able to do so and would use a taser himself sometimes. Besides Cole, lettuce eaters included Paiz, Heath, Decker, and a few others. Meat eaters included Sclafani, Gil, Henderson, and Duffy.

Cole recalled hearing about an incident in which Gil and Henderson were arresting a white parolee and punched him in the stomach until he crapped his pants.

Cole heard about Sclafani having an IA complaint about kicking somebody in the head that was witnessed by another officer, Reggie Stewart.

SA Novak described details of the White incident to Cole, and Cole did not recall anything incidents like that. Regarding the Hansen incident, Cole recalled that he kept the department's four wheel drive vehicle at his residence and that the other shifts were always coming over to use it. He doesn't recall anything

Continuation of FD-302 of Eddie Cole, On 12/17/2009, Page 3

about a specific incident in which Gil came over to borrow it to look for a gun that was dumped in the desert during a pursuit.

Cole recalled having had taser training when tasers were issued. Gil gave the training and was assisted by Collard. Cole believes that they were instructed from the beginning that they were to try to avoid taser usage on juveniles, but it also depended on the situation. For example, a taser could be used on a large 14 or 15 year old who was fighting with you, but should not be used on a nine year old. Factors to be considered would be the age and size of the juvenile and the degree of any violence. Cole recalled that verbal warnings were also to be given if possible. There have been incidents where juveniles were tasered, including one where Decker tased a 17 year old during a car/foot pursuit.