

# Conversation with Ms. Macchiaroli

Recording Name:

[E21 SAPD- CALL WITH MACCHIAROLI 121520.m4a]

Transcript Prepared By:



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1 Macchiaroli: -- returning your phone call.

2 Bereki: Oh. Um, yeah. I was calling because I recalled that  
3 when we, uh, spoke last, I believe you said that you  
4 were not going to investigate the claims that I had  
5 made, um, to the two supervisors regarding --

6 Macchiaroli: No, no, no. I -- I said I was gonna investigate  
7 it, um, on our phone call, and then, once -- once the  
8 investigation is complete, it gets forwarded, uh,  
9 through our chain of command, and then, um, obviously,  
10 it ends up on the Ch- -- uh, Chief's office who makes  
11 the final decision on --

12 Bereki: Okay.

13 Macchiaroli: -- uh, any discipline, if any.

14 Bereki: So -- so, you were going to investigate the complaint  
15 that I made, as a citizen complaint, but you were  
16 saying if I recall correctly, that the department was  
17 not going to investigate the actual claim that I made,  
18 requesting the department's assistance, um, because of  
19 the, uh, dereliction of duty of the public officials  
20 that I was complaining of. Does that make sense?

21 Macchiaroli: Uh, on the judges. Yes. We were not gonna  
22 investigate that as a criminal matter. That's  
23 correct.

24 Bereki: Okay. Um --

25 Macchiaroli: Okay?



1 Berek: -- so -- so, then, my curiosity, then, is that, if  
2 you're not going to investigate that, does, then, that  
3 not render the complaint, the citizen complaint that I  
4 made, um, unfounded, or whatever terminology you use  
5 for it?

6 Macchiaroli: Well, we -- after we do our investigation, it gets  
7 forwarded, uh, obviously, to the Commander and, uh,  
8 Deputy Chief, and the Chief, and they make the  
9 determination whether it's, uh -- uh, sustained, uh,  
10 unfounded and not sustained, or exonerated, um, or if  
11 it was one of service and procedure. So, they make  
12 that determination.

13 Berek: Correct. Okay.

14 Macchiaroli: And then -- and then --

15 Berek: Okay.

16 Macchiaroli: -- and then, at that point, then you will be  
17 notified, uh -- uh, once it's been finalized, you will  
18 be notified, uh, via mail --

19 Berek: Okay.

20 Macchiaroli: -- the outcome of your complaint.

21 Berek: Have you submitted that to them yet, or are you still  
22 conducting your part of the investigation?

23 Macchiaroli: Yeah. Everything's been submitted, so it's just -  
24 - you know, obviously, it takes a little bit of time  
25 to get through, uh, the system.



1 Berekhi: Right. And can you tell me about when you submitted  
2 it to them?

3 Macchiaroli: Um, that probably would have been -- I'd have to  
4 look at my -- my -- my stuff, but it had been a few  
5 weeks back.

6 Berekhi: Okay. But do -- do you get what I'm saying, that --  
7 that if the department was not going to investigate my  
8 initial complaint that there really was no point in  
9 doing an -- an -- uh, an investigation because if  
10 those claims are not going to be investigated and are,  
11 uh, whatever we call it, unfounded, or whatever, then  
12 there really is no issue for the complaint against the  
13 officers. Do you see how the two go hand in hand?

14 Macchiaroli: No, I know, but, obviously, we still -- you made a  
15 -- an allegation. You know, you -- you submitted a  
16 citizen complaint, making these allegations regarding  
17 those two sergeants, so we -- we -- we still have to  
18 go -- move forward with our investigation.

19 Berekhi: Right. But at -- uh -- uh --

20 Macchiaroli: That -- that has to --

21 Berekhi: I mean, but I -- I -- I -- I don't think I'm -- I --  
22 I'm -- I get that, because I did make a complaint, but  
23 there -- there really is -- what I'm getting at is,  
24 there is no point in doing it if the department's not  
25 going to investigate those other issues, because those



1 are the issues that I complained about in the  
2 complaint, is that there was a -- a credible  
3 deprivation of my rights, and the department had a  
4 duty to investigate that and/or protect me from the --  
5 um, the unlawful actions of the other public officials  
6 on behalf of the state. Uh, and so, if those claims  
7 aren't going to be investigated, well, then, there's  
8 no way to determine if the officers -- the sergeants  
9 did anything wrong, and then there is, therefore,  
10 really no complaint. Um, do you get what I'm saying?

11 Macchiaroli: No. I understand what you're saying. I mean, we  
12 just can't just make our complaints, you know, we have  
13 -- you know, obviously, we have -- have an obligation  
14 to investigate them. So, I -- I -- I understand what  
15 you're saying. You're basically saying we shouldn't  
16 do anything at this point, but we still have to  
17 complete everything. Does that make sense?

18 Bereki: Yes. So --

19 Macchiaroli: O- --

20 Bereki: -- are -- are you able to share with me any of your  
21 findings?

22 Macchiaroli: I -- I don't make the findings. That's something  
23 the --

24 Bereki: Well --

25 Macchiaroli: -- the people above me make the findings. So, all



1 I do is, I'm a fact gatherer and I pass it, uh, u- --  
2 up to the upper management and they make that  
3 determination.

4 Bereki: Okay. So, are you able to share with me the facts  
5 that you gathered?

6 Macchiaroli: Not at this point. I mean, it's still a -- it's  
7 still a open investigation until it's completed.

8 Bereki: Okay. So, will I --

9 Macchiaroli: And the -- and -- and then, at that point, um, if  
10 you have any questions, uh, obviously, you can contact  
11 -- uh, the information will be on the -- the complaint  
12 form, who to contact. Obviously, it would be somebody  
13 above me who m- -- who makes that determination on --

14 Bereki: Okay. So --

15 Macchiaroli: -- uh, the findings. So, all that will be in the  
16 -- in the letter that you receive.

17 Bereki: Okay, great. And then, am I entitled to a copy of the  
18 factual findings that you made and submitted --

19 Macchiaroli: You mean --

20 Bereki: -- to them?

21 Macchiaroli: -- as far as the actual in- -- investigation?

22 Bereki: Yes.

23 Macchiaroli: Um, I don't -- I can't say 100 percent. I'm not  
24 sure. I'd have to check with my boss, but I don't  
25 know how that works on --



1 Berekı: Okay.

2 Macchiaroli: -- um, I --

3 Berekı: S- --

4 Macchiaroli: -- yeah.

5 Berekı: -- so, I -- I'll have to check with them on that,

6 then?

7 Macchiaroli: Yes.

8 Berekı: Okay. All right.

9 Macchiaroli: Okay?

10 Berekı: Thank you very much for your help. I appreciate your

11 time, and I hope you have a nice Christmas.

12 Macchiaroli: All right. You too.

13 Berekı: Thank you.

14 Macchiaroli: Thank you. All right. Bye, bye.

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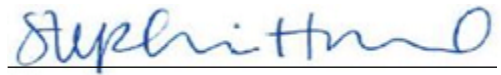
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