RE: Submission of Phone Records and Content - IBM Lotus Notes

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Open | Home | Lance Haight - Mail | Lance Haight - To Do | Lance Haight - Calendar | Lance Haight - Contacts | RE: Submission of Phone Records and ...

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RE: Submission of Phone Records and Content

Erich Knorr to: Lance Haight, Deborah Erdy

05/19/2014 09:35 PM

Show Details

History: This message has been forwarded.

HAVE THE FOREGOING APPLIES EVEN IF THIS NOTICE IS EMBEDDED IN A MESSAGE THAT IS FORWARDED OR ATTACHED.

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* DO NOT FORWARD THIS EMAIL OR ITS ATTACHMENTS *

From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Friday, May 16, 2014 4:50 PM
To: Deborah Erdy
Cc: Erich Knorr
Subject: Submission of Phone Records and Content

Officer Erdy,

As you are aware, an internal investigation is presently being conducted into the events which allegedly began at about 1415 hours on January 21, 2014, at 6450 Dougherty Road in Dublin, CA. (Internal Affairs case IA2014-005)

In relation to that case, you were ordered on March 9, 2014, to preserve any and all text messages and phone records from your personal cellular telephone that were made on January 21, 2014, from 1400 hours to the end of your shift.

I am now ordering you to submit any and all text messages and phone records from your personal cellular telephone that were made on January 21, 2014, from 1400 hours to the end of your shift, to Internal Affairs no later than May 21, 2014, by 1700 hours.

If you have any questions, please contact me.

YOU ARE ORDERED NOT TO DISCUSS THIS CASE WITH ANYONE OTHER THAN YOUR REPRESENTATIVE OR ANY INVESTIGATOR ASSIGNED TO INVESTIGATE THIS CASE, BEFORE OR AFTER YOUR INTERVIEW, OTHER THAN YOUR REPRESENTATIVE OR ME.

Thank you,

Lieutenant Lance Haight L19
Office of Internal Affairs
BART Police Department
300 Lakeside Drive, PO Box 12688
Oakland, CA 94604-2688
(877) 679-7000 ext. 7027
(510) 464-7027
Work Hours: 0700-1700 hours, Tuesday - Friday

Online

> RE: Request for Cell Phone Records - IBM Lotus Notes

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RE: Request for Cell Phone Records

Erich Knorr to: Lance Haight

06/03/2014 06:55 PM
Show Details

1 attachment

140602 Phone Records.pdf

Lt. Haight,

Please find attached Officer Erdy's cell phone records for the time period requested. The scan may be difficult to read, but there were two calls made to (510) 464-7000. One call was made at 2:09 pm, and the other at 2:34 pm.

Officer Erdy is fulfilling this request, but as you know, Officer Erdy is still on medical leave. She may not be asked to fulfill work related duties until she returns to work. Please contact me at your convenience to discuss [redacted]

Thank you,

Erich A. Knorr
Attorney at Law
MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSEN
1912 I STREET
SACRAMENTO, CA 95811
[redacted]

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* DO NOT FORWARD THIS EMAIL OR ITS ATTACHMENTS *

From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Friday, May 30, 2014 11:00 AM
To: Deborah Erdy; Erich Knorr
Subject: Request for Cell Phone Records

Officer Erdy:

Online

Request for Cell Phone Records - IBM Lotus Notes

File Edit View Create Actions Tools Window Help

Open | Home | Lance Haight - Mail | Lance Haight - To Do | Lance Haight - Calendar | Lance Haight - Contacts | Request for Cell Phone Records

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Request for Cell Phone Records

Lance Haight to: Deborah Erdy, eknorr

05/30/2014 10:59 AM

Show Details

Officer Erdy,

This email shall constitute and order for you to provide cell phone records and possible content under the following parameters: records and/or content for cell phone activity from your cell phone on January 21, 2014, between 1403 hours and 1445 hours.

This request is for cell phone activity that may have occurred on your cell phone while you were present at the scene of the officer involved shooting, 6450 Dougherty Road in Dublin. You can be seen on AXON Flex having a conversation with Officer Chamorro while at the scene. The video then shows that you take out your phone and touch the screen a number of times.

Our administrative investigation will address if you maintained compliance with the following policy regarding information about the incident:

> **201.7.1 RECORDS AND INFORMATION - RESTRICTED USE OF**
> Employees shall not divulge to any person or entity not connected with the Department information acquired by their employment if the information might discredit or imperil the efficiency of the Department, unless required by law, Departmental order or orders of a commanding officer. Departmental records and reports shall be exhibited/divulged/released only in conformity with Departmental orders.

Please comply with this order and provide your cell phone records and content for the specified time frame. You are to deliver this information to the Office of Internal Affairs no later that 1700 hours on Wednesday, June 4, 2014. The information may be emailed to me, if that would be convenient for you.

I have copied your attorney on this email.

Thank you,

Lieutenant Lance Haight L19
Office of Internal Affairs
BART Police Department
300 Lakeside Drive, PO Box 12688
Oakland, CA 94604-2688
(877) 679-7000 ext. 7027
(510) 464-7027
Work Hours: 0700-1700 hours, Tuesday - Friday

Online

> RE: Request for Cell Phone Records - IBM Lotus Notes

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RE: Request for Cell Phone Records

Erich Knorr to: Lance Haight

06/05/2014 03:07 PM
Show Details

History: This message has been replied to.

1 attachment

140605 Phone Records.pdf

Lt. Haight,

Please find attached the requested phone records. Officer Erdy does not recall sending any text messages during the requested time frame. She tried to get a report from her provider, but the provider does not keep records of text messages past 90 days.

In case you can't read the document, the phone call made prior to 1403 was made at 0932 hours, and the phone call made after 1445 was made at 1537 hours.

Erich A. Knorr
Attorney at Law
MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSEN
1912 I STREET
SACRAMENTO, CA 95811
[redacted]

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* DO NOT FORWARD THIS EMAIL OR ITS ATTACHMENTS *

From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Friday, May 30, 2014 11:00 AM
To: Deborah Erdy; Erich Knorr
Subject: Request for Cell Phone Records

Officer Erdy,

You have new mail on Notes-CC01/BART | Online

> RE: Request for Cell Phone Records - IBM Lotus Notes

File Edit View Create Actions Tools Window Help

Open | Home | Lance Haight - Mail | Lance Haight - To Do | Lance Haight - Calendar | Lance Haight - Contacts | > RE: Request for Cell Phone Records

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New | Reply | Reply to All | Forward | Display | More

RE: Request for Cell Phone Records

Erich Knorr to: Lance Haight

06/05/2014 04:10 PM
Show Details

History: This message has been replied to.

1 attachment

140605 Phone Records (3).pdf

Lt. Haight,

These copies should be easier to read. Also, see the second page for verification that text messages are not kept past 90 days. There is no data on the phone in the form of text messages either.

Thanks,

Erich A. Knorr
Attorney at Law
MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSEN
1912 I STREET
SACRAMENTO, CA 95811
[redacted]

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From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Thursday, June 05, 2014 3:22 PM
To: Erich Knorr
Subject: RE: Request for Cell Phone Records

Hi Erich,

Online

RE: Request for Cell Phone Records - IBM Lotus Notes

File Edit View Create Actions Tools Window Help

Open | Home | Lance Haight - Mail | Lance Haight - To Do | Lance Haight - Calendar | Lance Haight - Contacts | RE: Request for Cell Phone Records

Address | Search All Mail

New | Reply | Reply to All | Forward | Display | More

RE: Request for Cell Phone Records

Erich Knorr to: Lance Haight

06/05/2014 04:19 PM
Show Details

Just to clarify, there are no text messages on Officer Erdy's phone from the relevant time period.

Erich A. Knorr
Attorney at Law
MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSEN
1912 I STREET
SACRAMENTO, CA 95811
[redacted]

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_X_ IF THIS BLANK IS MARKED WITH AN "X" THE FOLLOWING NOTICE APPLIES:
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From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Thursday, June 05, 2014 3:22 PM
To: Erich Knorr
Subject: RE: Request for Cell Phone Records

Hi Erich,

Thank you for making the second attempt. Sorry, but the scan quality is just not readable. There may be something else that can be done to get a better copy.

Also, I will also need to have the cell phone history for data/text messages during the same time period. It there is data on the phone in the form of text messages, I will need the content of those messages. If not, would you please provide a statement to that effect.

Thanks,

Lieutenant Lance Haight L19
Office of Internal Affairs
BART Police Department

Online

RE: Request for Cell Phone Records - IBM Lotus Notes

File Edit View Create Actions Section Tools Window Help

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RE: Request for Cell Phone Records

Lance Haight to: Erich Knorr

06/06/2014 07:24 AM
Show Details

Erich,

Yes, these copies are much more readable.

If you have the originals, would you please send the same information again without redacting the subscriber information. I need to be able to identify that the bill belongs to Officer Erdy.

In regards to the messaging details, if there is no message information, would you please not redact information on that page.

That should do it.

Thanks,

Lieutenant Lance Haight L19
Office of Internal Affairs
BART Police Department
300 Lakeside Drive, PO Box 12688
Oakland, CA 94604-2688
(877) 679-7000 ext. 7027
(510) 464-7027
Work Hours: 0700-1700 hours, Tuesday - Friday

Erich Knorr	Lt. Haight, These copies should be easier to read. Also, see the second page for verification that	06/05/2014 04:10:06 PM

From: Erich Knorr <eknorr@mastagni.com>
To: Lance Haight <LHaight@bart.gov>
Date: 06/05/2014 04:10 PM
Subject: RE: Request for Cell Phone Records

Lt. Haight,

These copies should be easier to read. Also, see the second page for verification that text messages are not kept past 90 days. There is no data on the phone in the form of text messages either.

Thanks,

Erich A. Knorr
Attorney at Law
MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSEN
1912 I STREET

Online

RE: Request for Cell Phone Records - IBM Lotus Notes

File Edit View Create Actions Tools Window Help

Open | Home | Lance Haight - Mail | Lance Haight - To Do | Lance Haight - Calendar | Lance Haight - Contacts | RE: Request for Cell Phone Records

Address | Search All Mail

New | Reply | Reply to All | Forward | Display | More

RE: Request for Cell Phone Records

Erich Knorr to: Lance Haight

06/06/2014 05:30 PM
Show Details

Lt. Haight,

Unfortunately, Officer Erdy's name is not printed anywhere on the page. We did not redact her name in the copies we sent to you. If you look in the middle of both pages, there is a drop-down box that identifies the phone number associated with the bill. That is Officer Erdy's phone number and you can use that for verification.

Thanks,

Erich A. Knorr
Attorney at Law
MASTAGNI, HOLSTEDT, AMICK,
MILLER & JOHNSEN
1912 I STREET
SACRAMENTO, CA 95811
[redacted]

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From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Friday, June 06, 2014 7:24 AM
To: Erich Knorr
Subject: RE: Request for Cell Phone Records

Erich,

Yes, these copies are much more readable.

If you have the originals, would you please send the same information again without redacting the subscriber information. I need to be able to identify that the bill belongs to Officer Erdy.

In regards to the messaging details, if there is no message information, would you please not redact information on that page.

Online

> RE: Interview Request for Officer Erdy (Retired) - IBM Lotus Notes

File Edit View Create Actions Tools Window Help

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Address | Search All Mail

New | Reply | Reply to All | Forward | Display | More

RE: Interview Request for Officer Erdy (Retired)

Erich Knorr to: Lance Haight

11/13/2014 11:18 AM

Show Details

History: This message has been replied to.

Lance,

Officer Erdy is not willing to submit to a telephone interview or a written questionnaire. This would interfere with her ongoing treatment.

Thanks,

Erich Knorr | Associate
MASTAGNI HOLSTEDT, A.P.C.
Labor and Employment Department
1912 I Street | Sacramento, CA 95811
Main: (916) 446-4692 | Fax: (916) 447-4614
[redacted]
www.mastagni.com

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From: Lance Haight [mailto:LHaight@bart.gov]
Sent: Thursday, November 13, 2014 10:41 AM
To: Erich Knorr
Subject: RE: Interview Request for Officer Erdy (Retired)

Erich,

Would you please advise if Officer Erdy would be willing to participate in a telephone interview, or if she would be willing to respond to a written questionnaire.

Thanks,

Lieutenant Lance Haight L19
Office of Internal Affairs
BART Police Department
300 Lakeside Drive, PO Box 12688
Oakland, CA 94604-2688
(877) 679-7000 ext. 7027
(510) 464-7027
Work Hours: 0700-1700 hours, Tuesday - Friday

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BAY AREA RAPID TRANSIT POLICE DEPARTMENT
The Office of the Chief of Police
800 Madison Street
P.O. Box 12688
Oakland, CA 94604-2688
www.bart.gov/police

DATE: March 4, 2014

TO: Officer Deborah J Erdy

FROM: Sergeant Aaron Togonon

SUBJECT: Internal Affairs Investigation

The Office of Internal Affairs is currently investigating an incident that occurred on January 21, 2014, 14:00 hours, at 6450 Doherty Road in which it appears you are the subject officer.

Nature of the complaint: Truthfulness (Please note that these are preliminary allegations and are subject to addition and/or amendment upon further investigation)

You will be receiving notification to report to the Office of Internal Affairs for an interview on a future date. The allegation(s), if proven to be true, may lead to disciplinary action against you.

You are ordered to notify the Office of Internal Affairs if you have control over or knowledge of any audio or video recordings that does or might exist regarding the incident in question. You are also ordered to preserve any and all text messages and phone records from your cellular telephone that were made on January 21, 2014. You are ordered to preserve this evidence and contact the Office of Internal Affairs of this as soon as practicable.

You are prohibited from making any contact with the complainant or any witnesses involved in this matter unless you would be required to do so during your normal course of duties. If you do come in contact with these parties, you are ordered to refrain from discussing any details of this investigation with them and shall not influence their involvement or testimony in this case.

Your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300-3311. If you have any questions, please contact me at 510-464-7029.

YOU ARE ORDERED NOT TO DISCUSS OR DIVULGE ANY INFORMATION WHATSOEVER REGARDING THIS CASE WITH **ANYONE**, OTHER THAN YOUR REPRESENTATIVE OR THE OFFICE OF INTERNAL AFFAIRS.