

## EMPLOYEE ADMINISTRATIVE INTERVIEWS

On May 10, 2007, Lieutenant Best conducted a telephone interview with retired Sergeant R.C. Patterson. Discussed was the polygraph examination administered to Calvin Smith documented in Polygraph report # 072696ST0800. In Detective Williams supplement this polygraph examination was attributed to Detective Maines with a "truthful" result. Sergeant Patterson said this was incorrect, and that he administered the polygraph to Calvin Smith with an "inconclusive result."

On May 14, 2007, Lieutenant Best contacted retired Detective D.R. Williams to request his assistance with this review. Detective Williams declined to be interviewed or participate in this review.

On May 14, 2007, Lieutenant Best and Sergeant Reese interviewed retired Detective L.M. Maines regarding his involvement in this investigation. Detective Maines was advised of his Administrative Rights, as he is currently a contract employee with the Department. Detective Maines confirmed he did not administer a polygraph to Calvin Smith as stated by Detective Williams. Detective Maines advised he was on vacation at the time Calvin Smith was first questioned in July 1996, and that Sergeant Patterson administered that polygraph.

Detective Maines was also with Detective Williams during the September 1997 trip to Ohio for the second interview of Jill Marker. Detective Maines account of that trip was consistent with his supplement report documenting that trip. Detective Maines recalled Ms. Marker identified Calvin Smith from a line-up of 8 X 10 photographs, and that she marked on the photo of Calvin Smith with a marker signifying her identification. Detective Maines further recalled a picture was taken of the photos by Detective Williams as they lay on a table, but he could not advise what was done with that photo.

On May 15, 2007, Sergeant M.N. Barker was interviewed by Lieutenant Best and Sergeant Reese, after being advised of his Administrative Rights. Sergeant Barker viewed the videotape of Jill Markers October 31, 1996 interview which he and Detective Williams conducted in Ohio. Detective Barker said the video was consistent with his recollection of the interview, and did not appear edited or abbreviated. Sergeant Barker confirmed the break in the video was due to an interruption by Ms. Marker's attorney and their discussion with him, and that it lasted only a few minutes.

Sergeant Barker said Ms. Marker was able to understand their questions. Sergeant Barker could not say who the subjects were in the line-ups presented by Detective Williams and thought it was unusual for Detective Williams to not document his actions as he was normally very thorough. Sergeant Barker said he did not believe Ms. Marker conclusively identified anyone from the line-ups.

Regarding the Toy's R Us surveillance video which was listed in the report but not accounted for among the case evidence, Sergeant Barker advised he remembered viewing the tape, but it was of such poor quality that facial recognition of individuals was not

possible. Sergeant Barker said he did not know what was done with the tape and presumed it was passed on to Detective Williams.

Sergeant Barker was also able to provide information regarding the July 1996 polygraph of Calvin Smith. Sergeant Barker is also a certified polygraphist, and reviewed Sgt. Patterson polygraph report. Sergeant Barker advised each polygraph test is given a unique identifying number at the time it is administered. The number is derived from the date and time of the polygraph, and this number is used to log the test in the polygraph computer. The number on Sergeant Patterson's report was 072696ST0800, which indicates it was administered on July 26, 1996 at 0800 hours. Sergeant Barker further advised he believed Detective Maines ran a quality control check on the test some time later and found deceptive rather than inconclusive results in that test.

Detective Maines was contacted during this interview and asked to check his files for the polygraph test to confirm this. Detective Maines was not sure if he still had the test among his files but if he did he would contact the investigators on May 17, 2007.