

Riverside Police Department
Continuation Sheet

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04/04/12

245(d)(1)PC

File #P12-030492
Det. Medici #203

Present during the interview:

Detective Ron Sanfilippo
Deputy DA Samah Shouka
DA Investigator Rick Fuentes
Attorney Kasey Castillo (Lackie, Dammeier, and McGill)

Interview:

On Thursday 03/01/12 at approximately 1105 hours, Detective Ron Sanfilippo and I interviewed Officer Sancho Lopez in the conference room at the Magnolia Street Police Station. Attorney Kasey Castillo began the interview by making a verbal statement for the record that Officer Lopez was providing his statement to us in order to comply with Riverside Police Department Policy 4.8.

Officer Lopez said he's been employed with the Riverside Police Department for 11 years. He's a Field Training Officer and Officer Porter has been assigned as his trainee for 3-days. Officer Porter is currently in phase 2. Officer Lopez said that he and Officer Porter were driving unit #3908 tonight which is a fully marked patrol car with an emergency light bar displayed on top. Their call sign or designator was A-315 and they were working the graveyard shift. Both officers were in full uniform identifying them as Riverside Police Officers.

Officer Lopez said that Officer Porter was driving. He said they were WB on Lincoln when they saw the suspect's white van driving opposite of them going EB on Lincoln. Officer Lopez said he observed the vehicle's front license plate was obstructed with a plastic cover or something that was blocking the numbers. Officer Lopez said he told Officer Porter to make a U-turn and catch up to the van that now had made a NB turn onto Anna Street. When the patrol car caught up to the van they activated the overhead emergency lights to initiate a stop. Officer Lopez said the van stopped almost immediately but in the middle of the lane instead of pulling over to the right.

Officer Lopez said he approached the passenger side of the van as Officer Porter approached the driver side. As he approached, Officer Lopez saw the driver (Harold Smith Jr.) "Signing" to the passenger (Brandon Dunbar). He said it was odd because Smith was using sign language but he was also speaking to Dunbar. Officer Lopez said he began to feel more and more uncomfortable about Smith's and Dunbar's' behavior. Officer Lopez told Officer Porter to take Smith out of the car first. He could see through the window that Officer Porter safely had Smith out of the car and he was in the process of patting him down. Officer Lopez said he then asked Dunbar if he (Dunbar) was able to use sign language to help the officers communicate with Smith. Dunbar told Officer Lopez, "Yes," so Lopez asked Dunbar to step out of the car.

Officer Lopez said he opened Dunbar's passenger side door to allow Dunbar to exit. Before he could fully open the door, Dunbar took off running. Officer Lopez advised dispatch on the radio that he was in foot pursuit. Officer Lopez said Dunbar ran for approximately 50 yards before turning left running east up an embankment towards a perimeter wall leading into a residential neighborhood. Officer Lopez said Dunbar was not running with his arms pumping. He said both of Dunbar's hands were tucked inside his waistband.

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Officer Lopez couldn't see Dunbar's hands until Dunbar hopped up onto the approximately 6' tall wall. At that point Officer Lopez was able to see that Dunbar was holding a chrome colored handgun in his right hand. When Dunbar hit the top of the wall, the handgun hit the top of the wall. Officer Lopez heard the metal of the gun clank hard against the top of the wall.

Dunbar went completely over the wall while still holding onto the handgun. Officer Lopez said he didn't want to go over the wall in the exact same spot as Dunbar did so he moved several feet to the north on the wall. Officer Lopez lifted himself up onto the wall so he could see over it. He immediately saw Dunbar in the yard of a residence and he could clearly see Dunbar was holding the handgun in his right hand. Dunbar turned to look for Officer Lopez in the exact same spot that he jumped the wall. Officer Lopez felt that Dunbar's intention was to shoot him as he was coming over the wall so it was at that point that he fired his first volley of 2-3 rounds while braced on top of the wall.

Dunbar went down and he fell onto his right side but he was partially on his stomach. Dunbar dropped the gun and it ended up lying next to his head. Officer Lopez gave several commands to Dunbar yelling, "Don't move!" Dunbar said, "You shot me!" and then reached for the gun again with his right hand causing Officer Lopez to fire a second volley of shots while still braced on the top of the wall. Dunbar then rolled over mostly onto his back but he was still partially on his right side. Officer Lopez then saw Officer Porter was now south of him on top of the wall. Officer Lopez told Officer Porter to cover Dunbar allowing him to now fully jump over the wall and approach him. Officer Lopez said he approached Dunbar with his gun drawn and he slid Dunbar's handgun away from him with his foot. Officer Lopez said he covered Dunbar until Officer Hibbard arrived and was able to secure Dunbar in handcuffs.

For complete details of the entire interview refer to the transcript.

RIVERSIDE POLICE DEPARTMENT
Public Record Request
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INTERVIEW WITH OFC. SANCHO LOPEZ

Q=Det. Mike Medici

Q1=Det. Ron Sanfilippo

Q2=Kasey A. Castillo

A=Ofc. Sancho Lopez

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13
14 Q: Okay. This is Detective Mike Medici. We are at the Magnolia conference
15 room. It is Thursday, uh, March 1, 11:05 am. This investigation is under
16 Police Report Number P as in Paul, 12030492. Um, I'm here with Officer
17 Sancho Lopez, uh, attorney Kasey Castillo from Lackie, Demmeier and
18 McGill. DA's office is Sam Shouka, uh, (Ricky) Fuentes and I am Detective
19 Mike Medici again with Detective Ron Sanfilippo. Yes, let's go ahead and
20 put your statement on record.

21
22 Q2: Okay. Thank you. Um, Officer Lopez is here in compliance with, uh, Section
23 4.8 of the police department's rules and regulations and he wants to make
24 clear that by complying with this, uh, code section that he is not waiving any
25 of his statutory federal or constitutional rights to include his peace officer
26 rights.
27

28 Q: Okay. All right. Sancho, what I'm going to do is I think Ron and I will kind
29 of let you just narrate the events that occurred tonight and then we'll ask some
30 questions and kind of tweak it a little bit as - as we need. Let me get some of
31 the particulars out of the way like your ID number.
32

33 A: 1011.

34
35 Q: You are obviously employed with the Riverside Police Department. How
36 long have you been employed?
37

38 A: Eleven years.

39
40 Q: Okay. All with RPD?

41
42 A: Yes.

43
44 Q: Any other agencies?
45

46 A: No.

47

48 Q: Okay. Are you a, uh, training officer?

49

50 A: I am.

51

52 Q: Okay. And tonight you had a trainee with you?

53

54 A: Yes, I did.

55

56 Q: And who was that?

57

58 A: Officer (Brett) Porter.

59

60 Q: Okay. So (Brett) Porter and this is Phase what for him?

61

62 A: Two.

63

64 Q: Two, okay. How long has he been with you?

65

66 A: Uh, this would be our third day.

67

68 Q: Okay. And you guys are obviously in the same patrol car. Do you remember
69 what unit that is?

70

71 A: I believe it was 3908.

72

73 Q: And your designator tonight?

74

75 A: Adam 315.

76

77 Q: You guys are graveyard?

78

79 A: Correct.

80

81 Q: Um, okay. And a little bit about your gear and so forth to get that out of the
82 way. I know your weapons were charted and so forth. You carry a backup?

83

84 A: No, I do not.

85

86 Q: Okay. So you had no backup weapon on you tonight. I won't get into the
87 charting. That's something that we'll have reports on. Uh, typically you carry
88 how many extra magazines on you?

89

90 A: The two extra magazines.

91
92 Q: Okay. So that is your normal procedure, you had two with you tonight?
93
94 A: Correct.
95
96 Q: All that has been charted by another detective, I think Detective (Smith), right?
97
98 A: Yes.
99
100 Q: Um, no other forms of weapons that - that you carry, what you normally carry
101 is what you had on you and it was no backup left and it was your primary
102 weapon?
103
104 A: Correct.
105
106 Q: Okay. All right, um, you're in a marked police uniform, you were in a - I
107 assume - well, I saw it, so I don't have to assume, the - the patrol car is
108 obviously a full fledged marked patrol unit. Um, light bar, siren...
109
110 A: Yes.
111
112 Q: ...full gear, everything like that so there's no question you guys were operating
113 in the capacity of police officers tonight, uh, correct?
114
115 A: Correct.
116
117 Q: Okay. All right, so, um, let's just - take us through the sequence of events,
118 how - you know, right up to the shooting and we'll just go from there, okay?
119
120 A: Um, Officer Porter was driving. We were on Lincoln. We were traveling
121 westbound on Lincoln when the, uh, suspect vehicle was approaching us
122 head-on, going eastbound. Uh, as we approached the car our lights reflected
123 off their front plate, which had a - I'm not sure what it is, it's a tape or a
124 plastic covering of some sort that a lot of people have been doing it recently to
125 cover as far as the anti-reflection material to dodge the camera - the license
126 plate reader lights, stuff like that. Anyway, you can't read the license plate.
127 So, having seen the obstruction I told Officer Porter turn around and stop that
128 car. We made a U-turn. We followed - we caught up to the vehicle and by
129 the time we caught up to the vehicle the - the vehicle was making a
130 northbound turn, left-hand turn to turn north onto Anna. Once he had made
131 the - the turn we activated our lights, full light bar. Uh, the vehicle then
132 slowed and then stopped in the middle of the lane, in the right-hand side lane,
133 instead of pulling over to the side of the road. Um, we got out of the car.
134 Officer Porter made contact with the driver. I approached from the passenger
135 side. Officer Porter began to speak with the driver and I noticed immediately

136 that they were - the driver was signing to the passenger in what appeared to be
137 sign language. Um, I thought it - to me at the time it seemed like kind of odd
138 because the passenger was also speaking to the driver. So I didn't understand
139 exactly what was going on, it was becoming - I was beginning to feel more
140 and more uncomfortable with the situation because I didn't know if they were
141 playing a game with us or what - what exactly the circumstances were. At
142 that time I think - I believe - I believe I told Officer Porter to pull the pa-
143 driver out of the vehicle. Officer Porter did so. Uh, once he had removed the
144 driver from the vehicle and I could kind of see through the window that he
145 was - had him somewhat secured and was patting him down or what appeared
146 to be like he was patting him down. I then began to speak with the passenger.
147 And I asked the passenger if he could translate for the driver, if he signed. He
148 said, yes, a little. I was like can you translate for the driver, he said, yes, he
149 could. Said, okay, go ahead and step out of the vehicle for me. Um, I believe
150 I opened the door. I can't remember if he opened the door or if I opened the
151 door.

152
153 Q: Okay.

154
155 A: But before I got the door all the way open he turned to face his body toward
me and then stood up before I got a chance to grab onto him so he was facing
me. At that point I again tried to grab onto his arm to - to turn him away from
me. I think I managed to grab onto his sleeve or sweatshirt or something and
then he immediately took off. I followed in foot pursuit. I put out that I was
in foot pursuit. I believe I put out a suspect description. Um, we ran
approximately about 50 yards, maybe.

162
163 Q: Okay.

164
165 A: At which point he made a - he turned left - oh, I'm sorry. During the time he
166 was running, um, he wasn't pumping his arms. He had his arms tucked inside
167 his waistband. I could see his arms - his hands inside of his - or I couldn't see
168 his hands, but I could see that his hands were concealed inside his waistband.
169 So when he turned, he had his hands out now, and he was making or
170 attempting to jump over the wall, south from our - where our vehicle was,
171 which was now - he was now going, running, west again - I'm sorry, east
172 again, now running east again. As he started to jump over the wall I could see
173 a chrome silver object in his hand and I heard it hit the top of the wall. When
174 he put his hands on top of the wall I could hear the - the gun hit the top of the
175 wall, the - the clanking noise, at which point I drew my weapon and by that
176 time he was already over the fence. Um, knowing that he had the gun I didn't
177 want to go over the fence directly where he went over so I believe I - I'm not
sure how far - much further north at that point of the fence that I went over,
but I tried to scooch down a little bit further down the fence line and lifted
myself up over the fence. And at that point I could see - I could clearly see

180

181 the gun now in his hand and he was turning to look back at where he had just
182 jumped over the fence, I believe to see where I was at. At that point - at that
183 point I fired the first volley, um, I don't know how many rounds I fired.
184

185 Q: Okay.

186

187 A: Two, three maybe, I don't know. Um, he went down. Uh, he fell kind of on
188 his side, almost on his stomach, but he was still propped up a little bit on his
189 right side. The gun had fallen, but it was now directly right next to his head.
190 Um, I yelled some commands, don't move, um, I don't remember exactly
191 what he said, I think something along the lines of you shot me or something.
192 Uh, he then reached for the gun. I fired the second volley. I wasn't going to
193 take a chance for him to - to shoot me a - a second time. I fired a second
194 volley. Um, at which point he - I'm not sure - not sure if I hit him or not, but
195 he stopped reaching and at that point he kind of rolled over more, still on his
196 right side, but more so onto his back. Uh, at that point I realized that I had - I
197 don't know if I - my radio came on when I was hitting the wall or if I had
198 dropped it when I was trying to put it back in, my - my holster - I didn't have
199 my radio. Um, I then looked over and noticed that Officer Porter was now
200 standing south of where I was on the wall. I instructed Officer Porter to cover
201 the suspect, which he did. I then climbed over the wall, the rest of the way
202 over the wall. Uh, I approached the suspect. I - with my shoe I moved the
203 gun out of - out of the way so it was out of his reach. And I covered him until
204 I believe it was Officer Hibbard who showed up first who placed handcuffs on
205 the suspect.

206

207 Q: Okay. At this point, anything else before we ask a couple of things?

208

209 A: I can't remember anything else right now.

210

211 Q: Okay. If - if it comes to you we'll certainly talk about it, okay? Um, you
212 mentioned initially the license plate. That's the PC for the stop, you couldn't
213 read the front plate?

214

215 A: The obstruction, yes.

216

217 Q: Okay. Did you have any - did you recognize the car from anywhere?

218

219 A: I had seen a - I'm not certain, but I believe it was the same van that I had seen
220 earlier in the evening in CB.

221

222 Q: Okay. Um, was there a concern, what was the call in CB, I mean...

223

224 A: There wasn't a call. We were driving - we were proactive patrol through Casa
225 Blanca.

226
227 Q: Okay.
228
229 A: I saw a gentleman walking away from that van. I believe we ran the plate at
230 the time. It didn't come back stolen or anything else, so we continued on our
231 patrol. And he had walked into a house near where he had been parked.
232
233 Q: All right, so, um, you think you might have seen the car earlier in the day, the
234 plate was obstructed, do you know if, uh, anybody actually ran the plate, you
235 or your partner?
236
237 A: I - I couldn't be certain. I believe we ran the plate at the time. You mean
238 when it was parked, right?
239
240 Q: Well...
241
242 A: In CB?
243
244 Q: No. Let me - let me clean that up. As - as you were, uh - you told your
245 partner I guess to turn around, uh, and - and get behind the car...
246
247 A: Yes.
248
249 Q: ...is that correct?
250
251 A: Yes.
252
253 Q: At any time did you or your partner, if you know, radio dispatch and run the
254 license plate?
255
256 A: I believe we did in our car.
257
258 Q: Okay. Um, do you know if that was you or your partner...
259
260 A: I...
261
262 Q: ...or do you not know?
263
264 A: I don't remember.
265
266 Q: Okay. And that's fine. I - I - I'd actually rather you just say you don't know
267 if you don't. I don't want you to guess, okay? Um, you - you, uh - your
268 partner pulls behind this vehicle - what's your perception, is - is he - does he
269 know you're there, the - the driver of that car?
270

271 A: I don't know.
272
273 Q: Okay. Was there anything in the vehicle that concerned you? Was there
274 movements, was there, um...
275
276 A: Oh, I'm sorry. Do you mean did he know that we were behind him?
277
278 Q: Yeah. Was there an evasive tactic, was there anything...
279
280 A: I...
281
282 Q: ...like that?
283
284 A: Maybe - maybe. He sped - it appeared as though he had sped up when we
285 made our U-turn.
286
287 Q: Okay. Accelerated a little bit...
288
289 A: Yes.
290
291 Q: ...um, not to the point of a pursuit.
292
293 A: No.
294
295 Q: Um, was there - prior to you or your partner getting out of the car and actually
296 making the traffic stop, was there any kind of communication or something
297 going on in the car that concerned you? Reaching, talking to each other...
298
299 A: I couldn't...
300
301 Q: ...or rubbernecking...
302
303 A: I couldn't see in the vehicle very well.
304
305 Q: Okay. Who lights up the car to get it to stop?
306
307 A: I did.
308
309 Q: And what was the reaction? Did they stop right away?
310
311 A: They stopped, yes.
312
313 Q: Just kind of oddly I guess...
314
315 A: Yes.

316
317 Q: ...in - in your terms, it was parked more in the middle of the street as opposed
318 to...
319
320 A: Right. He stopped right where he was at instead of pulling over.
321
322 Q: And you put that stop out?
323
324 A: I believe my - I believe Officer - Officer Porter put out the stop. Our location
325 (unintelligible)...
326
327 Q: Okay.
328
329 A: ...and that we were making the traffic stop.
330
331 Q: What was the next thing that happened after he pulled over?
332
333 A: We - that's when we began - we got out and approached the vehicle.
334
335 Q: Okay. And you said at one point you thought the passenger might have been
saying something to the driver?
336
337
338 A: Yes.
339
340 Q: Was it sign language or was he actually communicating?
341
342 A: Both. He was using words. He was speaking to the driver and using his
343 hands at the same time.
344
345 Q: Where were you standing when that occurred?
346
347 A: Directly at the B pillar, the passenger side door.
348
349 Q: Okay.
350
351 A: So I could see into the vehicle, I could see the passenger and I could see the
352 driver.
353
354 Q: Was it more of a - of a loud conversation or was he whispering or was there
355 anything unusual about it?
356
357 A: A norm- like we're having right now, a normal conversation.
358
359 Q: What was being said if you know?
360

361 A: I don't remember.

362
363 Q: Any context that you remember?

364
365 A: No.

366
367 Q: All right. So just communication...

368
369 A: Yes.

370
371 Q: ...to the driver?

372
373 A: Yes.

374
375 Q: Um, you mentioned at - at some point in time that you knew that the driver
376 was signing. Right? Did you see him making signs?

377
378 A: It appeared as though that they were signing to each other.

379
380 Q: All right. What - what did that tell you, what did that mean to you?

381
382 A: I thought that maybe one of the subjects or both of the subjects were deaf.

383
384 Q: Okay. So then at one point in time you asked the passenger if in fact he could
385 communicate with the driver, this was after the driver was pulled out of the
386 car?

387
388 A: Yes.

389
390 Q: Okay. And why was the driver removed?

391
392 A: When I - when we approached the vehicle and they began to sign, I originally
393 be- thought that - that maybe he wasn't deaf however, like I said before he
394 was - began to speak to...

395
396 Q2: Excuse me.

397
398 A: Bless you.

399
400 Q2: Thank you.

401
402 A: He began to speak to the driver. So, I - the hair kind of stood up on the back
403 of my neck, something not right, he's speaking to him, they're - I think
404 they're playing with us. They're...

405

406 Q: Okay. So, in your mind, is it fair to say it was more of an officer safety issue?
407
408 A: Yes. Absolutely.
409
410 Q: Okay. Um, so Officer Porter does that, he takes the driver out of the car?
411
412 A: Yes.
413
414 Q: And then is your intention to take the passenger out, I think you said because
415 you thought he signed as if to help communicate?
416
417 A: I asked him originally, yes. "Can you communicate with the driver."
418
419 Q: Okay. So that's the reason you wanted him out of the car?
420
421 A: I also - again, they're coming out of a high gang, drug infested area. Um, I
422 immediately notice that the passenger had a [REDACTED] tattoo tattooed on his hand,
423 identifying him as a - a gang member. So my - I had a little si- little, uh,
424 heightened sense of awareness I felt - at the time I felt it was more prudent,
425 safer for us if we removed 'em both from the vehicle to get them to
communicate so we - where we could safely see them and...
426
427
428 Q: Um, let's talk about just some of your experience with - with gangs. Now
429 you're not a gang officer, correct?
430
431 A: No, I'm not, no.
432
433 Q: Okay. But let me ask you this based on your experience. If I had the word
434 [REDACTED] tattooed across my hand, is that - is that something that would be normal?
435
436 A: No.
437
438 Q: Okay. Well, I mean...
439
440 A: For a gang member.
441
442 Q: Okay. So you recognize [REDACTED] as being a gang member, uh, and typically in
443 gangs, if you know - maybe you don't know the answer to this and if you
444 don't tell me. If I was not a [REDACTED] and I put [REDACTED] on my hand, is that a good
445 thing for me?
446
447 A: No.
448
449 Q: Okay. Typically what - what would happen based on your experience?
450

451 A: Other gang members would come to identify which set of gang you belong to.
452 If you cannot - if you're not affiliated or associated with those other - with the
453 [REDACTED] gang members then they would probably jump you, beat you up...
454

455 Q: Okay. So based on your experience in law enforcement, to see a [REDACTED] tattoo
456 on somebody is an indicator that quite likely he could be a gang member, is
457 that fair?
458

459 A: Yes.
460

461 Q: All right. Um, so this stuff and - and, you know, we've - it's been a long time,
462 but we've all been on patrol and these things are all running through your
463 mind at a pretty rapid pace. You've gotta piece all this stuff together, right?
464

465 A: Yes.
466

467 Q: So you - you - you have the driver pulled out and now your responsibility as -
468 as a partner officer, uh, on that side of the car is to contain the passenger,
469 correct?
470

471 A: Correct.
472

473 Q: All right. So, um, as you're taking him out of the car he's complying at this
474 point?
475

476 A: Yes.
477

478 Q: Do you see any handgun at this point?
479

480 A: No.
481

482 Q: All right. What is his behavior as you ask him to get out of the car, is there
483 any change?
484

485 A: No.
486

487 Q: All right. Um, how would you describe his demeanor, if you will, during this
488 whole contact?
489

490 A: He seemed relaxed at the time. He didn't seem that he was...
491

492 Q: Okay.
493

494 A: ...nervous or anything.
495

496 Q: So then as he steps out of the car, does he face you or do you direct him one
497 way or another?
498
499 A: No, he faced me. He turned his body before he even got out of the vehicle.
500
501 Q: Okay. So he's facing you, um, how soon after he actually puts his feet on the
502 ground does he take off running?
503
504 A: Two seconds, maybe, not even that maybe.
505
506 Q: Okay. So it's a quick...
507
508 A: Yes.
509
510 Q: ...thing? Um, did he - did he have to move you out of the way, push you...
511
512 A: No.
513
514 Q: Okay. Um, he runs, do you give commands? Tell him to stop, anything like
515 that?
516
517 A: I don't believe I did.
518
519 Q: Okay. But you do put it out on the radio?
520
521 A: Correct.
522
523 Q: How far ahead of you do you think he gets as you're running after him?
524
525 A: I'd say no more than 15, 20 feet. Approximately 15, 20 feet.
526
527 Q: So as soon as - as soon as he runs you run?
528
529 A: Correct.
530
531 Q: And then you said, I think, about 50 yards or so before he changes his
532 direction?
533
534 A: Approximately, yes.
535
536 Q: Okay. And you ultimately end up in a - in a yard and we'll get there, but how
537 do you get there, there's a - there's a perimeter wall on that street?
538
539 A: Yes. That whole side of that, um, complex, I think they're condominiums, is
540 entirely walled off.

541
542 Q: Okay. So he runs to the point of that wall - did - can you describe that wall,
543 um, I mean, is it tall, short...
544
545 A: It's about a six-foot brick wall. It's covered in plaster I believe or whatever
546 that stuff is.
547
548 Q: Uh, stucco?
549
550 A: Stucco.
551
552 Q: Okay.
553
554 A: (Unintelligible).
555
556 Q: So, is he confused or does he go right to that wall?
557
558 A: No, he turned - he made an immediate turn and headed over that wall.
559
560 Q: Okay. So he's - he's climbing that wall, he's jumping over the wall?
561
562 A: Correct.
563
564 Q: And are you aware at the time, I know you know now, but then, do you know
565 where that wall leads?
566
567 A: No, I did not.
568
569 Q: Okay. Do you know whether it's residential, a business, a field?
570
571 A: I - I knew that there were residences there, yes.
572
573 Q: Okay. So you did have knowledge that that's heading into a residential...
574
575 A: Area.
576
577 Q: ...area?
578
579 A: Yes.
580
581 Q: Um, then he scales the wall, does he go over it completely?
582
583 A: Yes.
584
585 Q: Okay. And at - at the wall is when you hear the clank of a metal object?

586
587 A: Correct.
588
589 Q: And that's actually before he goes over it?
590
591 A: Correct.
592
593 Q: So kind of at what point do you first see the gun in his hand, prior to the wall
594 or on the wall?
595
596 A: I don't believe I saw it until it hit the wall. I heard the clank and I could see -
597 I looked and could see the gun in his hand on the wall.
598
599 Q: But he is making - his hands are tucked at one point you said?
600
601 A: While he was running.
602
603 Q: How far from the wall do you think was his hands tucked? I mean, a ways or
604 just prior to getting to the wall?
605
606 A: I would say about halfway between the distance between from where we
607 started running to where he jumped over the wall.
608
609 Q: And is this hand motion to hi- what - what side, left side, right side...
610
611 A: It was both hands, both hands were tucked into his waistband area.
612
613 Q: Okay. And you're pointing to almost center of your beltline?
614
615 A: Yes.
616
617 Q: Okay. And how long do you think those hands remained there?
618
619 A: A couple of seconds maybe.
620
621 Q: From the length of time it took to get - if this run is halfway approximately to
622 the wall, can you estimate the feet from the time he tucked his hands until he
623 got to the wall?
624
625 A: That would be difficult to estimate I could guess
626
627 Q: Okay. Well don't guess, then. Um, from the - from that point where he
tucked his hands, did he keep his hands tucked until he got to the wall?

630 A: And when he tur- I believe he pulled his hands out at the point where he
631 turned to jump over the wall.
632

633 Q: Okay. When he moves his hands to his waistband I realize there's a gamut of
634 things that you could be thinking of, what are you thinking of?
635

636 A: I was thinking that he had a gun or something hidden in there, either drugs or
637 a gun or something.
638

639 Q: Um, when did you first draw your weapon?
640

641 A: I don't believe - I don't believe I drew my weapon until I heard the clank on
642 the wall.
643

644 Q: Okay. So you had concerns that he was reaching for possibly a gun?
645

646 A: Yes.
647

648 Q: Um, he was still running away from you?
649

650 A: Yes.
651

652 Q: Hands to his waistband?
653

654 A: Yes.
655

656 Q: When he got to the wall, um, describe kind of what happens, does he free his
657 hands, jump up...
658

659 A: He turns, I see - I could see his, I believe it was his left arm come out, nothing
660 in his left arm.
661

662 Q: Okay.
663

664 A: And then as he lunges up onto the top of the wall I could - again, I could hear
665 the clank, I could see the object in his hand and then he immediately goes over.
666

667 Q: Okay. Um, what's the next thing you do then after he goes over? You lose
668 sight of him for a second.
669

670 A: Lose sight of him for a second, yes.
671

672 Q: Okay. Um, you said you moved, I guess it would be a little bit more south?
673

674 A: North.

675
676 Q: North?
677
678 A: Yes.
679
680 Q: Okay. So if I'm looking at that wall from the street just directionally from a
681 left or right standpoint, do - are you left of him going over the wall or right of
682 him?
683
684 A: Left of him.
685
686 Q: Okay. So you go over the wall a few feet left of him...
687
688 A: Correct.
689
690 Q: ...or north, do you look first over the wall?
691
692 A: I already had my gun out. At that point I already had my - I know I had my
693 weapon out because I had to push myself up over the wall and then hold
694 myself up with just my one arm.
695
696 Q: Okay. So are your feet kind of actually dangling if you will?
697
698 A: Yes.
699
700 Q: And you're just braced with your left arm?
701
702 A: Correct.
703
704 Q: When do you see him again?
705
706 A: Immediately. As soon as I - as soon as my head pops up over the wall I can
707 see him standing about - about midway in the yard, about in the middle of the
708 yard. I can clearly see him turning, looking and he had the gun in his right
709 hand.
710
711 Q: And is it at that point you define it as a gun?
712
713 A: Yes.
714
715 Q: Okay. And is that the first point you were able to actually define it as a gun?
716
717 A: That I was 100% certain that it was a gun, yes.
718
719 Q: I mean, clearly you thought gun when it hit the wall?

720
721 A: Correct.
722
723 Q: Um, is the impression I'm getting from you, but...
724
725 A: Yes.
726
727 Q: ...you actually physically saw that it was a gun when he was in the yard?
728
729 A: Yes.
730
731 Q: Okay. So what - what hand is he holding this in?
732
733 A: It was his right hand.
734
735 Q: And I sa- I saw the courtyard. Ron was there, too. I think we saw that - that
736 yard area. Can you describe it again, if I- if I'm talking in feet, approximately
737 how long that yard is, if you know?
738
739 A: The yard is about I would say 20 - approximately 20 to 25 feet long.
740
741 Q: Okay.
742
743 A: Um, where I came over the wall originally I believe I was almost - there's a
744 little small covered patio area, I think there's like a lattice type round wooden,
745 uh, uh, like a roof.
746
747 Q: Okay.
748
749 A: Um, there was a patio light, um, where I went over I believe I was just - the
750 beams that hold up the patio, there's...
751
752 Q: Was the light on or off?
753
754 A: The light was on. The beams that hold up the patio, there was - they're set in
755 the concrete as part of the patio and I believe I was just, uh - just - if you're -
756 again, if you're on the street facing the wall...
757
758 Q: Yeah.
759
760 A: ...you gotta go over the wall and just - just left of those beams.
761
762 Q: Okay. Um, which would have put him over to your right?
763
764 A: Right, correct. In the grass.

765
766 Q: In the grass area?
767
768 A: I'm sorry, I should have clarified. The rest of the - the rest of the yard is grass.
769
770 Q: Okay. Um, light was on. How was your visibility, could you see him?
771
772 A: I could see him, yes.
773
774 Q: Okay. Clearly you saw it was a gun?
775
776 A: Yes.
777
778 Q: You described it but tell me again what - what'd the gun look like?
779
780 A: It was a - well, do you want me to tell you what it looked like at the time or
781 afterward?
782
783 Q: Uh, at - well, at the...
784
785 A: At the time...
786
787 Q: Now you know what it looks like...
788
789 A: Yes.
790
791 Q: ...but was it consistent?
792
793 A: Yes, at the time it was a full-sized, um, chrome or steel silver han-
794 semiautomatic handgun.
795
796 Q: Okay. In his right hand. And then you describe him turned towards you, what
797 - tell me about that.
798
799 A: He was looking - I wouldn't say completely turned, maybe a quarter turn, he
800 was looking over his shoulder back at the point of the fence where - where he
801 had come over.
802
803 Q: Okay.
804
805 A: So because he was turned I could see the gun in front of him, clearly in front
806 of him.
807
808 Q: Okay. Um, was he still advancing to get out of the yard or was he stopped?
809

810 A: It didn't appear so. It appeared as though he was stopped.
811
812 Q: Did he say anything?
813
814 A: No, he did not.
815
816 Q: At what point did he see you?
817
818 A: I don't know if he did.
819
820 Q: Okay. Um, so at that point where you see him in the yard and he's holding
821 the gun in his right hand and he slightly turns, do you issue a command, do
822 you just fire, what do you do?
823
824 A: I fired.
825
826 Q: Okay. Um, the position of his body that's facing you, do you know what you
827 fired or what your target was?
828
829 A: I'm sorry...
830
831 Q: Front, back...
832
833 A: Side - his left side and back.
834
835 Q: Okay. Um, why did you feel the need to fire at that point?
836
837 A: At that point I realized he was probably waiting for me to come over the wall
838 so he could shoot me and kill me.
839
840 Q: Okay. Um, you fire how many rounds, do you know?
841
842 A: I don't know. I was - I would - two, three...
843
844 Q: Okay. Quick succession? I - were they...
845
846 A: Yes.
847
848 Q: ...boom, boom, boom...
849
850 A: Rapid succession.
851
852 Q: ...or...
853
854 A: Boom, boom, boom, yes.

855
856 Q: Okay. Um, two or three shots?
857
858 A: Two or three shots, yes.
859
860 Q: Was there a pause then?
861
862 A: Yes, there was.
863
864 Q: Okay. And - and what occurred in that pause, what happened?
865
866 A: That's when he goes down.
867
868 Q: Okay.
869
870 A: I can see the gun come out and so that gun is now right next to his head.
871
872 Q: On the ground?
873
874 A: On the ground.
875
876 Q: Okay.
877
878 A: Um, again, he's on his right side kind of almost on his stomach. I yelled
879 commands for him to not to move. Um...
880
881 Q: From the same position you're in on the wall?
882
883 A: From the same position, I'm still holding myself up on the wall. Um, I don't
884 remember exactly what I said, I just remember giving commands for him not
885 to move. At that point again, he reaches for the gun. As he's reaching for the
886 gun I fired a second volley.
887
888 Q: Does he reach - you're - you're - which hand?
889
890 A: I believe it was his left hand.
891
892 Q: Okay. So he reaches for the gun again after you give him commands, how
893 many more shots do you think?
894
895 A: Two to three more sho- two or three more rounds.
896
897 Q: Okay. Another two or three rounds?
898
899 A: Yes.

900
901 Q: Um, how far from the wall is he, from - from your position on the wall how
902 far is he?
903
904 A: He's now on the other side of this yard. So, 20, 25 feet maybe.
905
906 Q: So for the first volley of shots how far do you think he is away from you?
907
908 A: Ten, 15 feet maybe.
909
910 Q: Okay. And then second volley of shots he's moved and - and now he's
911 another ten feet away, so he's about 20 feet?
912
913 A: Approximately, yes.
914
915 Q: Okay. After the second volley what does he do, what are his movements,
916 what happens next?
917
918 A: He then rolls a little bit to his - almost onto his back. He's still on his right
919 side, but rolled over a little more so now his - his chest - the front of his
920 body's a little more exposed.
921
922 Q: Okay.
923
924 A: Again - again, I issue more commands not to move. He's still alive. He's still
925 talking. I tell him, "Don't move." Um, those were - and then he just laid
926 there until we took him into custody.
927
928 Q: Okay. Um, at one point I guess you jumped the wall?
929
930 A: Correct.
931
932 Q: Tell me about that sequence.
933
934 A: Um, after the second volley and after I issued some more commands, I then
935 notice that Officer Porter was to the - to the right of me further down.
936 (Unintelligible) to the front of me further down the wall and he was looking
937 over the wall.
938
939 Q: Trying to find you?
940
941 A: No, I think he was trying to find the suspect.
942
943 Q: Okay.
944

945 A: He could see me. I was - my whole body was still on this side of..

946

947 Q: Okay.

948

949 A: ...on the Anna side of the wall.

950

951 Q: Okay.

952

953 A: Um, I told him to draw and cover the suspect so that I could get into the

954 backyard to move - move the gun.

955

956 Q: So when he does that where is he standing in relation to you, Officer Porter?

957

958 A: He's standing to my right almost all the way at the - the end of the yard where

959 the - where the next residency is.

960

961 Q: Okay. You tell him to cover?

962

963 A: Yes.

964

965 Q: And then at that point is when you hopped the wall?

966

967 A: Correct.

968

969 Q: All right. And then your next move is what, what do you do next?

970

971 A: I approach the suspect to keep him covered. Once I get to him I moved the -

972 the weapon that's next to his head still.

973

974 Q: Okay.

975

976 A: I move it with my foot out of his reach and I hold cover on him until Officer

977 Hibbard arrived.

978

979 Q: Do you remember, um, where the gun ultimately came to rest in that planter, it

980 was kind of a dirt area? If you don't that's fine.

981

982 A: It was - it was right along the edge of the wall, by the edge...

983

984 Q: By the...

985

986 A: ...edge of the wall.

987

988 Q: By the far wall?

989

990 A: Right.

991

992 Q: Okay. How far did you actually have to move back up be...

993

994 A: Three, maybe - I wouldn't even say four feet - approximately three feet.

995

996 Q: Okay. And you just did that with your foot to get it out of the way?

997

998 A: Correct.

999

1000 Q: Did anybody handcuff the suspect?

1001

1002 A: Officer Hibbard handcuffed the suspect.

1003

1004 Q: All right. And when did Hibbard arrive?

1005

1006 A: Maybe 30 seconds to a minute approximately maybe, after that.

1007

1008 Q: So did you hold cover until other officers arrived?

1009

1010 A: Correct, yes.

1011

1012 Q: And was Hibbard the first officer that arrived...

1013

1014 A: I believe so...

1015

1016 Q: ...if you remember?

1017

1018 A: ...yes. He was the first officer that I saw who was in the yard with me.

1019

1020 Q: Okay. Um, then the suspect's handcuffed?

1021

1022 A: Yes.

1023

1024 Q: By what you believe is Hibbard, correct?

1025

1026 A: Yes.

1027

1028 Q: Okay. Things like the medical aide and - and shots fired and - and, you know,

1029 notification stuff, who - who made those?

1030

1031 A: I - again, because I realized I had lost my radio, I was - when I was also giving

1032 commands to the suspect not to move I was also giving commands to my - to

1033 Officer Porter to, uh - I told him to tell 'em, shots fired, uh, the subject was

1034 down. I don't believe I specifically asked for medical.

1035
1036 Q: Okay. Do you know if that was done one way or another?
1037
1038 A: Uh, I know medical aide arrived.
1039
1040 Q: Okay. Um, suspect's in custody, he's handcuffed, what happens next?
1041
1042 A: Um, once he's - was secure, I can't say removed myself, I just stepped away
1043 from the scene and waited for supervision to show up so we could discuss the
1044 - the, uh, public safety concerns.
1045
1046 Q: Okay. Um, did you look at all at the condition of the gun, um, was it loaded,
1047 things like that...
1048
1049 A: No, I did not.
1050
1051 Q: ...do you know one way or another?
1052
1053 A: No.
1054
1055 Q: Okay. Was there any civilian witnesses that you observed out there?
1056
1057 A: I do not believe so, no.
1058
1059 Q: W- we know now there's an actual homeowner that owns that property. Did
1060 he ever come out?
1061
1062 A: Not during the incident, no.
1063
1064 Q: To your knowledge...
1065
1066 A: No.
1067
1068 Q: During the incident?
1069
1070 A: Not to my knowledge.
1071
1072 Q: Okay. So the only - the only people that actually saw the incident was you,
1073 your partner, and then later Hibbard handcuffs and things like that?
1074
1075 A: Correct.
1076
1077 Q: Okay. Um, Ron, while I re-group?
1078

1079 Q1: Just a couple things. Going back to the, uh - when he started running and stuff,
1080 do you remember, um, at what point you lost your radio? I think Mike went
1081 over it but do you remember - you put it out that you were in foot pursuit...
1082
1083 A: Yes.
1084
1085 Q1: Do you remember trying putting it back in your belt at that point or...
1086
1087 A: Right. Correct. I remember putting out that we were in foot pursuit in the
1088 southbound Anna.
1089
1090 Q1: Mm-hm.
1091
1092 A: And I remember putting out the description of the suspect.
1093
1094 Q1: Mm-hm.
1095
1096 A: And then I - I don't know if I missed my holster when I was putting it back or
1097 if it came out when I was trying to jump the wall. I - I don't...
1098
1099 Q1: Were you guys running on that grass area or...
1100
1101 A: Yes.
1102
1103 Q1: or on the sidewalk?
1104
1105 A: On the grass area, yes.
1106
1107 Q1: Grass area. How about flashlight, did you...
1108
1109 A: Yes, I lost my flashlight, too.
1110
1111 Q1: Lost your flashlight...
1112
1113 A: (Unintelligible)...
1114
1115 Q1: ...is that your flashlight out there then?
1116
1117 A: Yeah.
1118
1119 Q1: Okay.
1120
1121 A: (Unintelligible).

1123 Q1: Okay. Did you see anything - was he discarding any clothing or anything
1124 while he was running, did you see...
1125
1126 A: Shoes.
1127
1128 Q1: You seen some shoes come off him?
1129
1130 A: He ran right out of his shoes.
1131
1132 Q1: Okay. At that point were they - were they just, uh - do you remember the
1133 shoes, sneakers or anything or just clothes...
1134
1135 A: I saw shoes in the grass. I couldn't tell you what kind of shoes they were.
1136
1137 Q1: Do you rem- what was his, uh, clothing?
1138
1139 A: He had a black hoodie, baggy hoodie sweatshirt on. Um, I believe he had a
1140 black, um, like a doo-rag and dark, either black or dark blue jeans.
1141
1142 Q1: Okay. Um, let's see. You had your recorder going during this time or do
1143 you...
1144
1145 A: I did not activate my recorder until - until after I cleared the wall.
1146
1147 Q1: Okay. So when you went into the yard that's when you turned it on?
1148
1149 A: Yes.
1150
1151 Q1: Okay. Now Mike asked you about the first volley, you said you were like 10
1152 to 15 feet away when you - when you shot.
1153
1154 A: Approximately, yes.
1155
1156 Q1: And then you said he went down?
1157
1158 A: Correct.
1159
1160 Q1: Right? Did he stumble to another area because then you said the second
1161 volley was like 20, 25, did he stumble like ten feet before he went down then?
1162
1163 A: I couldn't tell you for certain.
1164
1165 Q1: Okay.
1166

1167 A: I know that when I fired the first volley he was approximately middle of the
1168 yard.
1169

1170 Q1: Okay.
1171

1172 A: And when I fired the second volley he was already by the other end of the
1173 wall.
1174

1175 Q1: Okay. And at first you said that - was it like 15 feet or you said something
1176 like that the first volley...
1177

1178 A: The first volley about 10, 15 feet away from the wall, yes.
1179

1180 Q1: Okay. And, um, what were you - what - when you first got - from the time
1181 you got out of that car and he started running - when he got out of the car and
1182 started running to the time of the shooting, what was going through your mind
1183 step-by-step? I mean, when you were running what were you thinking at that
1184 point and when you got to the wall what were you thinking? I mean, can you
1185 tell me - if you remember can you kind of let us know what was going through
1186 your mind at that point?
1187

1188 A: Yes, when he was - when he was running - when he reached in for his
1189 waistband I was, again, concerned that he had, you know, a gun, drugs,
1190 something.
1191

1192 Q1: Okay.
1193

1194 A: Um, there was no - you've seen the scene, there was no availability of cover
1195 for anything else out there.
1196

1197 Q1: Right.
1198

1199 A: Um, I don't believe I drew my weapon, but I think I - I think I placed my hand
1200 on my gun, but I don't think I drew, but I think at that point he - when he
1201 turned I knew he was going over the wall, so I left my weapon holstered.
1202 However, when he hit the wall and I heard the clank and I could see the object
1203 in his hand, at that point I - I immediately drew my weapon. I knew that most
1204 likely a gun and I knew that...
1205

1206 Q1: What were you thinking at that point? What was...
1207

1208 A: Well, then at that point I was, uh - I was more scared because at that point
1209 once he got over the wall I - it was as brick wall. I can't see through the wall...
1210

1211 Q1: Right.

1212
1213 A: ...I didn't know what was on the other side of the wall.
1214
1215 Q1: Mm-hm.
1216
1217 A: I didn't know what he was doing on the other side of the wall. If he was
1218 going to continue to run or if he was going to lay in wait for me. I didn't
1219 know.
1220
1221 Q1: Okay. Okay. So then you decided to make like a quick peek or something, is
1222 that what you were going to do just to make sure that where he was at or kind
1223 of get an idea for your own safety or...
1224
1225 A: Um...
1226
1227 Q1: What made you go up over that wall to look while he's...
1228
1229 A: I wanted to see - I wanted to see where - if he - if he had, you know, if he
1230 continued running or - or what - what - what actions he had taken.
1231
1232 Q1: Okay. Then when you first went up - that's when you see him in the middle
1233 of the yard...
1234
1235 A: I immediately saw him with the gun. I felt that he was waiting for me to come
1236 over the wall.
1237
1238 Q1: Mm-hm.
1239
1240 A: To - to try to shoot me and at that point I wasn't taking any chances.
1241
1242 Q1: Okay. So, fear for your safety you basically - you shot?
1243
1244 A: Yes.
1245
1246 Q1: Okay. And when - did you ever go back down below the wall or did you stay
1247 above the wall the whole time?
1248
1249 A: I stayed above the wall the whole time.
1250
1251 Q1: Okay. Anything else on your feelings or anything or anything like that, what
1252 you felt or while you were running or anything or that would ba- basically -
1253 any actions on his part - I know he was running away from you, but how far
1254 away were you at the farthest point from him?
1255
1256 A: I would say approximately no more than 20 feet.

1257
1258 Q1: Twenty feet. And even when he got to the wall when you - when you saw the,
1259 uh, silver object in his hand that we know is a gun, how far were you away,
1260 about the same 20 feet?
1261
1262 A: About the same.
1263
1264 Q1: Okay.
1265
1266 Q: When - well, just - just a quick thing. Um, when you - when he went over the
1267 wall, you lose sight of him for a, uh, split second I guess.
1268
1269 A: Yes.
1270
1271 Q: How - how - estimate the time, is it literally a quick second?
1272
1273 A: I would say a second. No more than two seconds.
1274
1275 Q: Okay. And - and tactically you changed positions. Why would you do that?
1276 Why do you - why do you think of things like that, move to a different
1277 position...
1278
1279 A: I knew that if he was running away from me and I went over the wall at the
1280 same place that he went over the wall that he would have an easier target. I'd
1281 make an easy target for him.
1282
1283 Q: Okay.
1284
1285 A: Like I moved positions hoping that I would gain some advantage and kind of
1286 surprise him a little bit.
1287
1288 Q: Okay. And - and was that - again, so I'm clear in my mind, you changed
1289 posit- positions, is that, uh - is that a one second thing, a three second thing,
1290 how - how long before you actually looked over the wall?
1291
1292 A: The - the time between where he went over the wall and where I went over the
1293 wall I would say approximately no more than two seconds.
1294
1295 Q: Okay. And your tactical decision apparently worked because he was looking
1296 in the direction you weren't, correct?
1297
1298 A: Correct.
1299
1300 Q: And then from that point on I think Ron cleared it up, you never came back
1301 down, you always kept eyes on him?

1302
1303 A: Correct.
1304
1305 Q1: Anything else we're not, uh - we haven't touched on that you might want to -
1306 I know there's so many things running through your mind and you'll probably
1307 remember, we can take a break if you want to and we - give you a couple of
1308 minutes to regroup yourself. There may be some things that you may
1309 remember or something or maybe not, maybe you've covered it all because,
1310 you know, you've done a fairly good job of describing everything. It's just a
1311 lot thrown at you. But if you can remember something, just...
1312
1313 Q: You ever seen this guy before?
1314
1315 A: I've never seen this guy before.
1316
1317 Q: Either one of 'em?
1318
1319 A: I don't know. I mean, it's - in the dark I - I couldn't identify who he was.
1320
1321 Q: Okay.
1322
1323 A: I didn't rec- immediately recognize him, no.
1324
1325 Q1: What area were you guys working, what - what is that A-315?
1326
1327 A: Uh, my, uh, it's...
1328
1329 Q1: Central?
1330
1331 A: Central and it's - CB is my area.
1332
1333 Q1: Okay.
1334
1335 A: Casa Blanca's my area to cover
1336
1337 Q1: Okay. How long have you been an FTO?
1338
1339 A: Oh, God. I was - (unintelligible) like two-and-a-half years on, so...
1340
1341 Q1: You've been doing it for a while then?
1342
1343 A: Eight years. Eight plus years.
1344
1345 Q2: Um, break?
1346

1347 Q: Yeah, we can take a quick break and...
1348
1349 Q1: (Unintelligible)...
1350
1351 A: (Unintelligible)...
1352
1353 Q: Um, I'm going to break at, uh, 11:46. Okay. We are back on the record. It's
1354 11:55. Sancho, I just have, um, one kind of question to clear up. This is more
1355 of a general knowledge question, um, so don't look at me like I'm crazy.
1356 You're a police officer, um, when - when - in this case, this guy gets out of the
1357 car and he runs from you, wh- what's in your head, why do you chase
1358 somebody that's running from you?
1359
1360 A: Well, again, I know he's a gang member. We've been having an influx of
1361 gang violence, some shootings and other subjects with guns recently. Um,
1362 he's taking off. He's running toward, uh, a residential area. I have no idea
1363 what his intentions are.
1364
1365 Q: What does the residential area mean to you, what's your concerns?
1366
1367 A: That there are other - that he might try to break into somebody's home or
1368 carjack...
1369
1370 Q: Okay.
1371
1372 A: ...somebody or...
1373
1374 Q: Okay. And - and then we reach a point where you determine or strongly
1375 believe there is a gun, you hear the clank on the wall and you see a shiny
1376 object and he goes over the wall. What's in your mindset as far as why you
1377 would continue after someone that's armed?
1378
1379 A: I don't want him to hurt anybody else.
1380
1381 Q: Okay. Um, is there something you would like to cover before we end the
1382 interview here at all that we haven't talked about?
1383
1384 A: Yes, just for clarification purposes, um, when we talked about when I had him
1385 step out of the vehicle.
1386
1387 Q: Yes.
1388
1389 A: I attempted to - I'm not sure we went over it to clarify it.
1390
1391 Q: Okay.

1392
1393 A: Um, I attempted to grab onto his arm originally to help him out of the vehicle,
1394 to - again, to turn him away from me to make sure for - for my own safety, so
1395 I could attempt to conduct a pat down to make sure he didn't have any guns,
1396 weapons, anything that's going to kill me. Um, again, but when I attempted to
1397 - he turned - before he even got out of his vehicle he turned his body so he
1398 was facing me and then stood up so he was directly facing me. And...
1399
1400 Q: Okay. So you're describing a maintaining control of somebody scenario,
1401 correct?
1402
1403 A: Correct.
1404
1405 Q: Um, and that's something in - in - in what you do on patrol especially is what
1406 you do as a normal basis, correct?
1407
1408 A: Correct.
1409
1410 Q: Um, and the reason for that I think is obvious, but you want to describe why
1411 you would want to maintain control?
1412
1413 A: Because I don't know what - again, I have no idea what he has, if he has a
1414 weapon or if he has some oth- something else on him that he's going to
1415 attempt to hide from me or, um, again, if he's going to try and run from me.
1416
1417 Q: Okay. So in this case it happened that quickly, you - the - the - the control,
1418 um, you weren't even able to apply control?
1419
1420 A: I was never able to apply control, no.
1421
1422 Q: Okay. Is there anything else, uh, that you think we should clarify?
1423
1424 A: I don't believe so.
1425
1426 Q: Ron?
1427
1428 Q1: No, I think that answers everything he knows as far as I'm concerned
1429 (unintelligible) if you have any questions feel free to get a hold of us.
1430
1431 Q: You know where we work.
1432
1433 A: I do. I do.
1434
1435 Q: Okay. Um, I have 11:58 and we will conclude the interview. Okay. We're
1436 back on record. Uh, it's straight up 12 o'clock. We - we forgot to ask you

1437 one question. Uh, your duty weapon, is there a tactical light on your duty
1438 weapon?

1439
1440 A: Yes, there is.

1441
1442 Q: Okay. Did you activate that, was it on during the shooting?

1443
1444 A: Yes, it was.

1445
1446 Q: Okay.

1447
1448 Q1: That's the only question we had. I just wanted to make - wanted to know
1449 what kind of lighting (unintelligible). There was patio lighting was on, and
1450 you even told us that, and we wanted to know about the light on the gun also.

1451
1452 A: Right. I think it's a Surefire, Surefire X300 with LED light.

1453
1454 Q: Okay. And it was illuminated?

1455
1456 A: Correct.

1457
1458 Q: Okay. Thank you.

1459
1460 Q1: Thanks...

1461
1462
1463 This transcript has been reviewed with the audio recording submitted and it is an accurate
1464 transcription.

1465 Signed  4/4/12

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