

SUPPLEMENTAL REPORT

Date Prepared: 06/14/13

| | | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------------------|--------------------------------------------|----------------------|-------------------------------------|------------------------------------------|-----------------------------------------|-----------------|---------------------------|-------------------------------------------------------------------------------------|--|
| 1. Original File No. P13083040 | 2. | 3. Off ID 303 | 4. Dist. C | 5. Crime-Ct. | 6. Crime-Ct. | 7. Crime-Ct. | 8. Date/Time Occurred 06/11/13 - 2259 | 9. Day | | | | |
| 10. Date/Time Assigned | 11. Date/Time Inv. Start | | 12. Date/Time Inv. Term. | | 13. Type Clr. Exc | 14. Type Cont. Rec | 15. Additional Adults Arr. | 16. Additional Juv. Arr. | | | | |
| 17. Address of Occurrence (Street No. - Name - City) 3476 Van Buren Blvd. Riverside, CA 92503 | | | | | | | 18. Type of Place Chevron Gas Station | | | | | |
| For ID USE: V = Victim, I = Informant, W = Witness, O = Other | | | | | | | | | | | | |
| 19. ID: V | 20. Last Name - First - Middle (Firm Name if Business) Officer E. Hibbard / ID #1316 | | | | | | 21. Race - Sex | 22. DOB | | | | |
| 23. Residence Address | | | 24. Business or School Address Riverside Police Dept. | | | 25. Home Phone | 26. Bus. Phone | | | | | |
| 27. V | 28. Last Name - First - Middle (Firm Name if Business) Officer C. Disla / ID #1499 | | | | | | 29. Race - Sex | 30. DOB | | | | |
| 31. Residence Address | | | 32. Business or School Address Riverside Police Dept. | | | 33. Home Phone | 34. Bus. Phone | | | | | |
| S U S P E C T | 35. LAST Name - First - Middle Hopes, Rashad, Jarrett (Deceased) | | | 36. Race - Sex B/M | 37. Age 26 | 38. Ht. 507 | 39. Wt. 140 | 40. Hr Blk | 41. Eyes Bro | 42. DOB or ID 08/15/86 | 43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| | 44. Address - Clothing - Other Marks or Identifying Characteristics LKA: 778 Gianni Dr. #105, Corona, CA | | | | | | | | | | | |
| 45. Juv. Other Disp: Juris. <input type="checkbox"/> 2 | | Juv. Ct. Prob. <input type="checkbox"/> 5 | | Within Dept. <input type="checkbox"/> 6 | | Detained <input type="checkbox"/> 1 | | Not Detained <input type="checkbox"/> 2 | | | | |
| S U S P E C T | 46. LAST Name - First - Middle | | | 47. Race - Sex | 48. Age | 49. Ht. | 50. Wt. | 51. Hr | 52. Eyes | 53. DOB or ID | 54. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | 45. Address - Clothing - Other Marks or Identifying Characteristics | | | | | | | | | | | |
| 56. Juv. Other Disp: Juris. <input type="checkbox"/> 2 | | Juv. Ct. Prob. <input type="checkbox"/> 5 | | Within Dept. <input type="checkbox"/> 6 | | Detained <input type="checkbox"/> 1 | | Not Detained <input type="checkbox"/> 2 | | | | |

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

| | A Currency Notes | B Jewelry Prec. Met. | C Clothing Furs | E Office Equip. | F T.V.-Radio Cameras | G Firearms | H Household Goods | I Consum. Goods | J Livestock | K Misc. |
|----|------------------|----------------------|-----------------|-----------------|----------------------|------------|-------------------|-----------------|-------------|---------|
| PS | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| PR | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

| | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------|--|--|--|--|---------------------------------------------------------------|--|--|--|--|--------------------------------------|
| 60. Originally Reported Offenses (Code - Crime) (1) Officer Involved Shooting (OIS) (2) | | | | | 61. Original Offenses Changed to (Code - Crime) (1) (2) | | | | | 58. Stolen Auto Value ASP: \$ _____ |
| | | | | | | | | | | 59. Recovered Auto Value A2 \$ _____ |

62. Narrative of Supplemental Report

Assignment Investigation Interviews:
Ofc. Cleary
Ofc. Hibbard
Ofc. Disla

Reporting Officer
Det. R. Wheeler
Reviewed By
[Signature]
COPIES TO

VCL0 ()

ACTIONS
APR Sent
APR Cncl.
APB Sent
APB Cncl.
DOJ-NCIC
Entered _____
Cncl. _____

ENTERED
Stats ARBK ANK

Riverside Police Department
Continuation Sheet

File # P13083040

06/14/13

OIS

Det. R. Wheeler #303

1 **Additional Victim Officer:**

2 Ofc. J. Cleary / ID #1683
3 Riverside Police Dept.
4

5 **Assisting Personnel:**

6 Sgt. Russell – Investigation Supv.
7 Sgt. Amador – Scene Supv.
8 Det. Cobb – Co-Case Agent
9 Det. Rowe – Scene Processing
10 Det. Brandt – Weapon Charting
11 Det. Simons – Interviews
12 Det. Medici – Interviews
13 Det. Sanfilippo – Interviews
14 Supv ID Tech Fuller – Weapon Charting
15 ID Tech Ellis – Scene Processing
16 ID Tech McKay-Davis – Scene Processing
17

18 **Assignment:**

19 On June 11, 2013 at approximately 2330 hrs, I was contacted by Sgt. Amador and asked to
20 respond to 3746 Van Buren Blvd. in the city and county of Riverside reference an officer
21 involved shooting. I agreed to respond and arrived at the command post at around 0030 hrs. I
22 took part in a briefing of the events to that point which was provided by Lt. Milby and Sgt. Tipre.
23

24 **Briefing Overview:**

25 At around 2259 hrs, RPD Ofc. Garcia had been on routine patrol when he came upon a vehicle
26 that had crashed into the center divider, just north of the 91 freeway, on north bound Van Buren
27 Blvd. Ofc. Garcia was contacting the driver of the vehicle when dispatch broadcast that a man
28 with a gun had been seen running from the same vehicle toward the Chevron station just a few
29 moments before he arrived. Additional RPD units began to arrive in the area to look for the
30 subject with the gun. Sgt. Tipre organized several uniformed RPD officers into two search
31 teams to look for the subject at the Chevron station.
32

33 In these teams were:

34 #1 – Ofc. Hibbard (K-9), Ofc. Disla, Ofc. Cleary
35 #2 – Sgt. Tipre, Ofc. Barnhill, Ofc. Mann, Ofc. Macek.
36

37 Team #1 was tasked with watching the front and south side of the gas station while Team #2
38 began to clear the area by going around to the back of the business on the north side. As Team
39 #2 cleared the exterior and reached the back of the station, Team #2 saw the suspect hiding for
40 a moment before he ran around to the south side of the station. Team #2 broadcast this
41 information to Team #1 who began looking for the suspect. The suspect ran east along the
42 south side of the station where he was confronted by Team #1. The suspect raised and pointed
43 a handgun at the officers as he turned south. Ofc. Hibbard and Ofc. Disla fired their weapons at
44 the suspect when he pointed his gun at them.

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1 They continued to fire as the suspect ran toward the south perimeter fence. Seconds later, the
2 suspect fell to the ground in a planted next to the south perimeter fence. Both teams made a
3 tactical advance toward the suspect and secured him. A black revolver was found under the
4 suspect's body when it was moved. Medical aid was summoned and pronounced the suspect
5 deceased.

6
7 **Investigation:**

8 Once the briefing was completed, I took part in a walk-thru of the scene with Sgt. Tipre and
9 other RPD personnel. Once the walk-thru was finished, Det. Cobb and I drove to CIB where we
10 conducted interviews with witness officers and the two officers who had fired their weapons. All
11 of these interviews were audio recorded and downloaded to the department audio file server.

12
13 I first interviewed Ofc. J. Cleary. With him during this interview was attorney John Bakhit. What
14 follows is a synopsis of that interview.

15
16 **Ofc. J. Cleary:**

17 Ofc. Cleary was assigned to a single officer unit in the central beat and his call sign was "A323".
18 Ofc Cleary drove marked unit #3932 during his shift. Ofc. Cleary was dressed in an RPD
19 uniform at the time of this incident.

20
21 Ofc. Cleary was just clearing a radio call in the area of Jackson & Van Buren when he heard
22 Ofc. Garcia broadcast a non-injury traffic collision in the area of Van Buren and the 91 freeway.
23 Approximately 45 seconds after Ofc. Garcia broadcast his traffic, dispatch notified him that they
24 were getting calls of a man with a gun in relation to the traffic collision he was investigating.
25 Dispatch described the suspect as a black male wearing tan shorts and possibly a white t-shirt.

26
27 Ofc. Cleary drove to the area of Van Buren & the 91 freeway and stopped his unit along the
28 west curb of Van Buren, just north of the Chevron. He saw a burgundy vehicle stopped in the
29 southbound lanes of Van Buren, an on the center median. Ofc. Garcia was detaining a subject
30 near that vehicle. Sgt. Tipre and several other officers were already on scene by the time he
31 arrived. The clerks from the gas station were called out of the business and asked if anyone
32 was inside their building. The clerks did not think anyone was inside but they were not sure.
33 They added that they may have seen someone recently go around to the back side of the
34 building.

35
36 The officers deployed to the gas station in two teams. Officers Cleary, Hibbard and Disla went
37 to the front of the store while Sgt. Tipre took his team around to the north side of the business to
38 check the perimeter. Moments later, the other team broadcast that they had 'one at gun point'.
39 Ofc. Hibbard headed toward the other team with his K9. Seconds later, the other team
40 broadcast that the suspect was running south from the back of the building so, Ofc. Hibbard and
41 his K9 turned around and headed south through the parking lot toward the south side of the
42 building. Ofc. Cleary stayed to the front of the store to keep it secured as Ofc. Hibbard ran past.
43 Just prior to the shooting, Ofc. Hibbard was with his K9 to the east of the business in the parking
44 lot, Ofc. Cleary was still near the front of the store and Ofc. Disla was just to the east of Ofc.
45 Cleary between him and Ofc. Hibbard.

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1 Ofc. Cleary looked to the south side of the building and saw the suspect jog into view holding a
2 handgun in one of his hands, with the arm extended, as he headed west to east through the
3 south parking lot. The person Ofc. Cleary saw with the gun, appeared to match the description
4 of the armed suspect dispatch had broadcast minutes before. The suspect pointed his black
5 handgun toward Ofc. Hibbard. Ofc. Cleary yelled "Drop the gun!" at the suspect two times. Ofc.
6 Cleary also heard Officers Hibbard and Disla yell the same command multiple times. The
7 suspect did not follow their commands. The suspect never spoke to officers or responded to
8 their presence other than to point his handgun at Ofc. Hibbard.

9
10 Moments later, Ofc. Cleary heard shots being fired and brought his handgun up to fire at the
11 suspect. Before he could fire his weapon, Ofc. Disla moved into his line of sight so Ofc. Cleary
12 did not shoot for fear of hitting Ofc. Disla. Ofc. Cleary would have fired his weapon at the
13 suspect if he had had a clear line of sight. He watched as the suspect turned and headed
14 southwest once the gunshots started. The gunfire continued until suspect fell into a planter on
15 the south side of the property. The weapon was later found underneath the suspect when he
16 was move. Ofc. Cleary was not sure if the suspect ever fired his weapon at officers.

17
18 Once the gunshots rang out, the other team of officers came back around to the southeast side
19 of the building and met up with Officers Cleary, Hibbard and Disla. A plan was created to use a
20 marked police car (Ofc. Southard's unit) as cover to move up and take the suspect into custody.
21 Before the officers moved up, Ofc. Hibbard deployed his K9 to bite the suspect to make sure he
22 was non-responsive. The officers then moved up and Ofc. Cleary put handcuffs on the suspect
23 and helped move the suspect away from where his gun was located. Medical aid was then
24 called in and the scene was secured.

25
26 Next, Det. Cobb and I interviewed Officers Hibbard and Disla, in that order. Both interviews
27 were audio recorded and downloaded to the RPD audio server. What follows are synopsis of
28 both interviews. Also present for both interviews were; attorney John Bakhit, DDA J. Haringsma
29 and DA Inv. D. Binion.

30
31 Ofc. E. Hibbard:

32 Ofc. Hibbard is a K9 officer and was with his RPD issued K9 for this shift. Ofc. Hibbard is K9-5
33 and was driving marked K9 unit #3603. He was dressed in his RPD K9 uniform at the time of
34 this incident.

35
36 Ofc. Hibbard heard Ofc. Garcia broadcast that he had come upon a traffic collision near Van
37 Buren and the 91 freeway. Soon after his broadcast, dispatch advised him they were receiving
38 calls from citizens who saw a man with a gun near the car he was investigating. Ofc. Garcia
39 broadcast that the suspect with the gun may have gone into the Chevron gas station located
40 across the street from his location. Hearing the radio traffic, Ofc. Hibbard drove to the area from
41 Central and 91 freeway, west on the 91 and arrived on scene as the officers already at in the
42 area were getting the clerks from the Chevron to exit the business. As he exited the freeway at
43 Van Buren, Ofc. Hibbard noticed skid marks coming from the west bound Van Buren off ramp
44 and extending into traffic.

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1 At the end of the marks was a car stopped in lanes of traffic with Ofc. Garcia detaining a
2 subject. Ofc. Hibbard continued on and stopped his unit just north of the Chevron. Both he and
3 his K9 met with the other officers, devised a plan and began moving up to the business.

4
5 Once at the front entrance to the business, Ofc. Hibbard put his dog down in the doorway of the
6 business while Sgt. Tipre and his team went around the north side of the building heading
7 toward the back. Seconds later, he heard officers from the other team broadcast they had one
8 person 'at gunpoint'. Hearing this, Ofc. Hibbard and his K9 headed toward the other team to
9 assist them. Before he could reach them, the team yelled out that the suspect was now running
10 south along the side of the building, away from them. Ofc. Hibbard changed direction and ran
11 south across the front of the business and toward the area the suspect would be heading.

12
13 Ofc. Hibbard was rounding the farthest edge of a parking lot planter that extended from the
14 business east into the parking lot, as he headed south, when he saw the suspect. Officers
15 Cleary and Disla were behind Ofc. Hibbard when he saw the suspect. Ofc. Hibbard saw that
16 the suspect had a gun in his right hand and drew his weapon at the same time the suspect was
17 raising his gun (a black revolver) toward Ofc. Hibbard. The two men were running at each other
18 and closing the distance. The incident happened so quickly that Ofc. Hibbard did not have time
19 to give commands before the suspect pointed his gun at him. Ofc. Hibbard thought the suspect
20 was going to shoot him.

21
22 While holding his dog with one hand, Ofc. Hibbard began firing his handgun at the suspect. The
23 suspect, who was still holding onto his own gun, turned and began running south away from
24 Ofc. Hibbard and toward a perimeter fence that borders the 91 freeway. Ofc. Hibbard
25 continued to shoot at the suspect out of fear that he was still a danger to him, other officers and
26 anyone else he would come in contact with since he was willing to point the gun at police
27 officers. Ofc. Hibbard continued to fire as the suspect turned southwest and then fell into a
28 planter in the southwestern portion of the parking lot. Ofc. Hibbard thought that he had fired
29 nine rounds at the suspect. Ofc. Hibbard did not know if the suspect fired his gun during the
30 incident. The suspect did not speak to any of the officers before or during the shooting.

31
32 Sgt. Tipre called for a marked unit to pull into the parking lot so the officers could move up and
33 contact the suspect. The officers were giving the suspect commands to show his hands but he
34 would not respond. Once the officers were close enough, Ofc. Hibbard sent his K9 out on a
35 long leash to bite the suspect. The suspect did not react to the bite. Ofc. Hibbard gave his K9
36 the command to pull the suspect backwards so the gun was exposed. The gun was on the
37 ground, near the suspect's right hand and head. Officers moved in and contacted the suspect
38 while Ofc. Hibbard took his K9 away.

39
40 Ofc. C. Disla:

41 Ofc. Disla was assigned as a single officer unit on June 11th. He was dressed in an RPD
42 uniform and was driving a marked unit, #3124. Ofc. Disla was assigned to the west patrol area
43 and was designator "C428".
44
45

Riverside Police Department
Continuation Sheet

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1 Ofc. Disla first became aware of a subject with a gun call when it was broadcasted by dispatch
2 in connection to a traffic stop Ofc. Garcia had made in the area of Van Buren & the 91 freeway.
3 Ofc. Disla drove from somewhere near River Walk & Cochran, to the area and met with other
4 officers who were already on scene near the Chevron located at that intersection. Ofc. Disla
5 passed by a small, red car in the center divider of Van Buren, as he arrived on scene. He
6 assumed this was the stop Ofc. Garcia had been out on when the man with a gun call was
7 broadcast. Ofc. Disla was part of two teams of officers, led by Sgt. Tipre, who devised a plan to
8 search for the armed suspect at the Chevron station. Ofc. Disla brought his patrol rifle with him
9 for the search.

10
11 Sgt. Tipre's team went to the north side of the business while Ofc. Disla, Ofc. Hibbard and Ofc.
12 Cleary went to the front of the business to stand by while Sgt. Tipre's team search the
13 perimeter. Ofc. Disla was looking into the business from his position to the front and kept eyes
14 on the interior bathroom door. While at the front door, Ofc. Disla heard Sgt. Tipre's team
15 broadcast they had the suspect to the rear of the building. Ofc. Hibbard and his K9 went to
16 assist Sgt. Tipre's team. Ofc. Disla and Ofc. Cleary stayed where they were.

17
18 Seconds later, Ofc. Disla heard officers yelling that the suspect was running from the back of
19 the building. Ofc. Hibbard and his dog ran back toward the front of the business heading south.
20 Ofc. Disla and Ofc. Cleary also began heading south. Ofc. Disla reached the southeast corner
21 of the business and saw the suspect run into view from the south side of the building heading
22 east. The suspect was a black male. The suspect had a gun in one of his hands and he
23 pointed it in the direction of Ofc. Disla and the other officers. Seeing this, Ofc. Disla raised his
24 rifle and pointed it toward the suspect.

25
26 Ofc. Disla then heard a single gunshot that he believed came from the suspect. Hearing this
27 and being afraid the suspect would shoot either him or his fellow officers, Ofc. Disla began firing
28 at the suspect. He estimated he was 10 yards from the suspect while he fired his rifle. The
29 suspect then turned back southwest away from the officers, continuing to run, until he was
30 struck by gunfire and fell into a planter on the business property. Ofc. Disla did not recall if any
31 of the officers on scene was able to give verbal commands to the suspect prior to the shooting.
32 Ofc. Disla initially thought he had fired three rounds at the suspect but later saw that there were
33 five rifle casing on the ground where he had been standing. Ofc. Disla felt that he had struck
34 the suspect with the final round her fired, causing the suspect to fall into the planter.

35
36 Ofc. Disla met with the other officers in the area and kept watch on the suspect while a marked
37 police car was brought up for cover as they approached the downed suspect. Officers made
38 their approach and Ofc. Hibbard deployed his dog and it bit the suspect. The suspect did not
39 react to the dog bit so officers continued to move up and handcuffed the suspect. A black
40 handgun was located very near to the suspect when they approached.

41
42 **Disposition:**

43 This report will be added to the casebook

44
45 NFI

INTERVIEW WITH OFC. JOSEPH CLEARY

Q=Det. Rick Wheeler

A=Ofc. Joseph Cleary

A1=John Bakeet

1
2
3
4
5
6
7
8
9
10
11
12
13 Q: Okay. This is Detective Wheeler with, uh, Riverside Police Department.
14 Today's date is June 12th, as I believe that's what it is. Yes. And the current
15 time is 0257. I'm currently, uh, in the conference room at Mag, speaking to,
16 uh, Office Joseph Cleary and he is here with his an- attorney, uh, John Bakeet.
17 And the incident that we will be discussing is an officer involved shooting
18 under Riverside PD Report #P13083040, occurring at around 11 o'clock last
19 night. Okay. Uh, Officer Cleary, prior to me starting everything up I kind of
20 explained to you all I need to do is just have you explain to me what you may
21 have seen, uh, at the time of this OIS, the things leading up to it and what you
22 did at the scene. Um, so why don't we start with, uh, what unit you were
23 driving tonight.

24
25 A: I believe it was 3932.

26
27 Q: 3932, okay. And were you a single man car or two-man?

28
29 A: I was single man.

30
31 Q: Single, okay. And what was your call sign tonight?

32
33 A: Adam 323.

34
35 Q: All right. And what part of the city were you assigned to?

36
37 A: Central.

38
39 Q: Central, okay. Um, what I'll have you do then is just kind of let me know
40 how you became aware of this situation and just take me all the way through
41 it. And once we get done I'll go back and ask any questions that I might need
42 to clarify.

43
44 A: Okay. Um, I originally was on a, uh, boy/girl at the area of Jackson and Van
45 Buren.

46
47 Q: Okay.
48
49 A: Um, we cleared that call and, uh, I heard a Officer Garcia put out a, uh, 11-82
50 at the area of, uh, VB and the 91. Um, approximately 45 seconds later, uh,
51 dispatch puts out a, uh, information to him about, uh, the sus- possibly a s- the
52 described vehicle was involved in a 417, um, with a - man with a gun...
53
54 Q: Okay.
55
56 A: ...um, call. So, I respond from Jackson and VB. Um, I get there and there's a
57 - I parked on the - I guess it's the north side of - or I'm sorry, the west side of,
58 uh, Van Buren just, uh, north of the gas station.
59
60 Q: Okay.
61
62 A: Um, where there's - Sergeant Tiptre's out there and a couple of additional
63 officers are out there already.
64
65 Q: Okay.
66
67 A: Um, kind of develop a plan as far as, um, what we're going to do. Um,
68 Sergeant Tiptre calls in to the, um, dispatch and has dispatch call the, uh,
69 clerks out of the store. Um, clerk - clerks come out. Um, as he's walking out,
70 um, questions asked about, is there anybody in your store.
71
72 Q: Mm-hm.
73
74 A: Um, guy says, "No, I don't think so, but I'm not 100% sure. Um, I didn't
75 clear the whole store, I didn't look in the store, but I don't think he's in there,
76 but I seen somebody around, possibly the back side of the building."
77
78 Q: Okay.
79
80 A: So, excuse me. Um, we develop a plan where, um, four officers are going to
81 go to the right and three officers was, uh - I believe it was Disla, myself and,
82 uh, Hibbard.
83
84 Q: And is that - as I'm looking at the front of the store, is it to the right?
85
86 A: To...
87
88 Q: Would be to the north?
89
90 A: To the south.

91
92 Q: South, okay.
93
94 A: Yeah. So we're on the north side of the store.
95
96 Q: Okay.
97
98 A: Um, the four-man team goes - follows the, uh, north side of the parking lot up
99 to the side of the building.
100
101 Q: Okay.
102
103 A: Um, us three officers go to the front of the store to hold on the store.
104
105 Q: Gotcha.
106
107 A: Um, they're going to clear the back of the building, make sure that, you know,
108 there's nobody behind the building.
109
110 Q: Mm-hm.
111
112 A: Um, as we're going on the front of the building, um, officers put out that they
113 got one at gunpoint. Um...
114
115 Q: Uh, is that the other team?
116
117 A: Yeah, the other team.
118
119 Q: Okay.
120
121 A: The - the arrest team.
122
123 Q: Gotcha.
124
125 A: Or the - the other four, the other team.
126
127 Q: Mm-hm.
128
129 A: Says they got one at gunpoint. Um, Officer Hibbard leaves the front door.
130 Um, and kinda heads towards their direction.
131
132 Q: Okay.
133
134 A: As he's leaving that direction they put out that he's running, um, southbound
135 through...

136
137 Q: Okay.
138
139 A: ...the back of the building. Um, I hold the front of the store originally just
140 'cause I didn't know, you know, if that was the actual suspect. I didn't know
141 what was, you know - what was going on inside the store.
142
143 Q: Mm-hm.
144
145 A: Kinda hold the front of the store. Um, Hibbard goes by me. Um, and I looked
146 to my left and I see a, uh, guy that matches the initial description, which was
147 a, uh, black guy wearing tan shorts.
148
149 Q: Okay.
150
151 A: Um, I see him come around the corner. As he comes around the corner I see
152 the, uh - I see a gun in his hand. Um, it comes up on point to Officer Hibbard,
153 towards Officer Hibbard's direction.
154
155 Q: Okay.
156
157 A: Um, I yell, Officer Disla yells and, uh, Hibbard yells, you know, drop the gun,
158 drop the gun. Um, at that point in time he didn't drop the gun, didn't listen.
159
160 Q: Mm-hm.
161
162 A: Um, I hear shots ring out.
163
164 Q: Okay.
165
166 A: Um, I go to get on - you know, get on my sight. Um, Officer Disla, um,
167 comes by me at this point in time and to his - I am to his right...
168
169 Q: Okay.
170
171 A: ...um, and he's coming by me. Um, in my mind I felt at that point, as shots
172 started ringing out, he was in front of me...
173
174 Q: Mm-hm.
175
176 A: ...you know, and when - I got to get on trigger, um, to shoot he was, um - I
177 didn't know which direction he was going to go. Was he going to go to the
178 cover, was he going to go to the left, which way he was going to go.
179
180 Q: Okay.

181
182 A: And I didn't want to throw any rounds into him since he was, you know,
183 ahead of me at that point in time.
184
185 Q: Sure. Sure.
186
187 A: So, um, the gun I seen was a, you know, like a - a black, um - black gun.
188
189 Q: Okay.
190
191 A: Had a, uh - I don't - stu- it was a barrel, you know, it was - of course the
192 barrel's going to look huge at that point in time, but...
193
194 Q: Right. Right.
195
196 A: ...um, I definitely see the gun come up on point, points towards, you know,
197 Officer Hibbard and his dog's direction...
198
199 Q: Okay.
200
201 A: ...and then that's when shots rang out. Um, guy falls down, um, into the
202 planter.
203
204 Q: Okay.
205
206 A: Um, face first. Gun never comes out of his possession. Um, so the gun's still
207 on him at this point in time.
208
209 Q: Mm-hm.
210
211 A: Um, give more commands, say, you know, get your hands out in front of you,
212 get your hands out, you know. Get no response. Um, at this point in time the
213 other team comes around the back side of the building and, uh, we formed a
214 plan to, you know, approach the guy. I believe Officer Southard comes up
215 and, uh, we positioned his car, um, and kinda used his car as cover.
216
217 Q: Okay.
218
219 A: He comes in, um, we make a team where he's going to go, we're gonna - you
220 know, Hibbard doesn't want to get his dog shot, so he's, you know, saying,
221 "Hey, we're going - give me one guy the shooter, if he moves," you know.
222
223 Q: Mm-hm.
224

225 A: Um, I'm that guy. So we approach him. He doesn't move. At that point in
226 time dog's released.
227
228 Q: Okay.
229
230 A: Um, he bites the suspect's leg and pulls him, you know, towards - away from
231 the gun.
232
233 Q: Okay.
234
235 A: Um, gun's still within arm's reach. Um...
236
237 Q: All right.
238
239 A: ...so we kinda - we approach him. He's not moving. He's not doing
240 anything, so I, um, take the guy into custody. At that point in time I put my
241 handcuffs on him.
242
243 Q: Mm-hm.
244
245 A: Um, once his handcuffs are detained, um, I drag him away from the, uh - the
246 gun and into the parking lot.
247
248 Q: Oh, kinda where he was...
249
250 A: Kinda where he was...
251
252 Q: ...(unintelligible)?
253
254 A: ...resting, yeah, that's where I drug him to where he came to rest.
255
256 Q: Okay.
257
258 A: Um, the gun was towards his head at that point in time when we drug him - or
259 after the dog moved him a little bit.
260
261 Q: Mm-hm.
262
263 A: Um, we could see the gun, but it was still within reach, so we pulled him away
264 from the gun and into the parking lot where he was probably at when you
265 guys found him.
266
267 Q: Okay.
268
269 A: So...

270
271 Q: All right.
272
273 A: ...um...
274
275 Q: Uh, it looks like there's like a medical tab or something on his stomach or
276 chest, did AMR get up there to do anything...
277
278 A: Uh-huh...
279
280 Q: ...with him...
281
282 A: ...after a while, yeah, AMR was staging.
283
284 Q: Okay.
285
286 A: Um, and we did bring AMR in. They came up and - where he was laying...
287
288 Q: Okay.
289
290 A: ...they, uh, hooked him up with medical tabs and...
291
292 Q: Okay.
293
294 A: ...so...
295
296 Q: Okay.
297
298 A: And at that point in time I was - I cleared away from it, so...
299
300 Q: Gotcha, okay. All right. Let me go back over it a little bit so I make sure I
301 kinda cover anything that - that might be important. Um, you were saying
302 that, uh, you or like we were on a boy/girl, were you with somebody at
303 Jackson and VB?
304
305 A: I was with (Macek).
306
307 Q: (Macek)?
308
309 A: Yeah.
310
311 Q: Okay. Did he also respond with you over to this...
312
313 A: Yes.
314

315 Q: ...incident?
316
317 A: And he was on the four-man - the team that went to...
318
319 Q: North side of the building?
320
321 A: ...yeah, the north side of the building.
322
323 Q: Gotcha, okay.
324
325 A: So...
326
327 Q: Um, once you arrive, you said, um - uh, you saw Tiptre - Sergeant Tiptre and
328 some other officers kind of getting a plan formulated.
329
330 A: Mm-hm.
331
332 Q: As you're coming down VB, did you come down VB to that location...
333
334 A: Yeah, I came...
335
336 Q: ...or did you come like Magnolia to VB southbound, what direction did you
337 come in?
338
339 A: I came southbound Van Buren. So I went south on Jackson to west...
340
341 Q: Westbound Jackson?
342
343 A: Well, at that point...
344
345 Q: I'm sorry...
346
347 A: ...Jackson.
348
349 Q: ...I'm sorry, southbound Jackson...
350
351 A: Yeah, southbound...
352
353 Q: Okay.
354
355 A: ...Jackson to westbound Mag to southbound VB...
356
357 Q: Okay. So you came around this direction?
358
359 A: Yeah.

360
361 Q: Okay. Did you see any vehicles in the street that looked like they were
362 involved in this at all...
363
364 A: Well, I could see...
365
366 Q: ...other than police cars?
367
368 A: ...the 11-82 that Officer, uh, Garcia was tending to and he had one suspect
369 detained there. So there was...
370
371 Q: Okay.
372
373 A: ...somebody sitting on the curb there. The car was facing, um, westbound,
374 kinda come to rest on the center median.
375
376 Q: Okay.
377
378 A: So...
379
380 Q: Like in the middle of Van Buren?
381
382 A: Yeah, in the middle of Van Buren.
383
384 Q: Okay. There was, uh, kind of a red or burgundy looking car...
385
386 A: Yes.
387
388 Q: ...does that - does that...
389
390 A: Correct.
391
392 Q: ...kinda what you remember?
393
394 A: Mm-hm.
395
396 Q: Okay. And as far as you know that's like the 11-82 Garcia was dealing with?
397
398 A: Correct.
399
400 Q: Okay. Did you know if it had any connection to what you were dealing with
401 at the gas station?
402
403 A: Yes...
404

405 Q: Okay.
406
407 A: ...because that was the - the - dispatch had put that information out that there
408 was a - that was a 417 vehicle.
409
410 Q: Ah, gotcha.
411
412 A: Um, and there was a - you know, a guy seen running towards...
413
414 Q: Okay.
415
416 A: ...Chevron. So, we knew that he was in that Chevron area.
417
418 Q: Right.
419
420 A: Um...
421
422 Q: Right.
423
424 A: ...so, they didn't - I think Officer Garcia put out that he was inside Chevron.
425 That he seen...
426
427 Q: Okay.
428
429 A: ...him run inside Chevron.
430
431 Q: Okay.
432
433 A: So - and I think that's where that information came from was Garcia saying,
434 "Hey, the second guy involved in this car is - was seen going into Chevron."
435
436 Q: Okay.
437
438 A: So...
439
440 Q: And you may not know, but did dispatch expand on where the 417 came from
441 or how they knew there was a 417 connected with that vehicle?
442
443 A: Uh, no, not that I heard. They might've, but I didn't - I can't remember...
444
445 Q: Nothing that you recall...
446
447 A: Nothing that I can recall.
8

449 Q: Okay. No problem. Like I said, that's fine, okay. So a plan is formulated.
450 Sergeant Tipre is kinda running things. You got the four-man team on the
451 north side. You're part of the three or four-man team...

452
453 A: Three-man.

454
455 Q: Three-man and that's you, Hibbard...

456
457 A: And Disla.

458
459 Q: ...Disla, okay. And you guys are on the south side of the business ki- or front
460 to south side?

461
462 A: Yeah, we were right directly to the front of the store when we got up there.

463
464 Q: Okay.

465
466 A: So they stayed to the - the four-man team stayed on the north side of the
467 parking lot...

468
469 Q: Okay.

470
471 A: ...kinda around the curb line on the north side of the parking lot.

472
473 Q: Okay.

474
475 A: We went through the center of the parking lot to the front of the store.

476
477 Q: And held to the front?

478
479 A: And held to the...

480
481 Q: Okay.

482
483 A: ...front.

484
485 Q: Gotcha. Uh, next thing you hear the four-man team is saying they've got one
486 at gunpoint. Are - do you recall - maybe I should back up a little bit. The -
487 the description that you got, uh, of a person related to the 417, what was that
488 description again that they gave you?

489
490 A: It was a black male wearing tan shorts and I believe a white T-shirt.

491
492 Q: Okay. And you understood that to be the person somehow connected to the
493 417 vehicle...

494
495 A: Correct.
496
497 Q: ...that had run?
498
499 A: Yes.
500
501 Q: Okay. When they say that they have somebody at gunpoint, do they expand
502 on hey, we got that guy or...
503
504 A: No.
505
506 Q: ...anything or just, you know...
507
508 A: They just said...
509
510 Q: ...one subject...
511
512 A: ...we got one subject at gunpoint.
513
514 Q: Okay. How long between them saying that and then you seeing somebody
515 walking around the south side of the building...
516
517 A: Well, they had said that he - 'cause they put out we've got one at gunpoint,
518 he's running...
519
520 Q: Okay.
521
522 A: ...southbound.
523
524 Q: Did he show up fairly quick in your view after they said he was running
525 southbound?
526
527 A: Yeah, I mean, pretty - pretty quick.
528
529 Q: Okay.
530
531 A: I mean, so he came around obviously the south side of the building and went,
532 um, east on the side of the parking lot towards our direction.
533
534 Q: Okay.
535
536 A: So basically if he's behind the store, he runs south and then east...
537
538 Q: Okay.

539
540 A: ...to come out towards the front of the - you know, to the, um, south side of
541 the store...

542
543 Q: All right.

544
545 A: ...at that point in time.

546
547 Q: So he's kinda at first going out toward the freeway and then he heads back
548 like maybe toward where the car had TC'ed before?

549
550 A: Correct.

551
552 Q: Okay.

553
554 A: Like he was running back towards where the car is and that's when he comes
555 around the side of the building he's...

556
557 Q: Okay.

558
559 A: ...immediately comes up on - on point on Officer...

560
561 Q: It - and you and I are saying running, is he actually running or is he walking
562 or...

563
564 A: He's...

565
566 Q: ...how would you describe it?

567
568 A: I would probably kinda like a - like a jogish...

569
570 Q: Okay.

571
572 A: ...you know, I wouldn't call like a dead sprint run. It was more of...

573
574 Q: Okay.

575
576 A: ...you know, um, he was definitely at a brisk pace...

577
578 Q: He's not walking...

579
580 A: He's not walking...

581
582 Q: He's not at a full run?

583

584 A: ...he's not in a full sprint...

585

586 Q: Somewhere...

587

588 A: Yeah.

589

590 Q: ...okay.

591

592 A: So somewhere in the middle.

593

594 Q: And if I understood you right, the person that you see come around that corner
595 after they say he's running or leaving, that's a - a black male that appears to
596 be matching the description that you knew to be this...

597

598 A: Correct.

599

600 Q: ...potential...

601

602 A: Um...

603

604 Q: ...417 person?

605

606 A: ...I - I immediately recognized the - the shorts at that point in time...

607

608 Q: Okay.

609

610 A: ...the tan shorts.

611

612 Q: How close when he came around the building, um - did he come very close to
613 the building as he's going east...

614

615 A: I was...

616

617 Q: ...alongside or...

618

619 A: I was holding the front of the building...

620

621 Q: Mm-hm.

622

623 A: ...and so I don't know how close he came. I seen him, you know, as he
624 cleared the - the store 'cause I didn't have a picture of the east side.

625

626 Q: Okay.

627

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628 A: You know, so I didn't see him run east. I'm just assuming, you know, from
629 where they said he had him to where I seen him, he had to have ran east.
630
631 Q: Okay.
632
633 A: You know, so...
634
635 Q: When he first comes into view is he - he's moving, uh, west to east toward
636 Van Buren?
637
638 A: Correct.
639
640 Q: Okay. I- does he ever at any point change direction and start moving toward
641 where he ends up later on?
642
643 A: Yeah, as after gunshots start ringing out, he starts...
644
645 Q: Okay.
646
647 A: ...running back west, you know, he sees us at that point in time...
648
649 Q: Okay.
650
651 A: ...so that's where he starts running back west.
652
653 Q: All right. As soon as he comes into, uh - into view, uh, how would you
654 describe his posture, like - like how is he carrying himself, what is he doing as
655 soon as you see him?
656
657 A: Oh, as soon as I see him the gun - excuse me, is pointed in Officer Hibbard's
658 direction.
659
660 Q: Okay. Can you describe that for me, I - where's Ober- Officer Hibbard, is he
661 with you to the front of the store still?
662
663 A: He is to - yeah, kinda. He's more of like in the center of the - not center of the
664 parking lot, but he is to the east of where I'm at in the parking lot.
665
666 Q: Okay.
667
668 A: So he's off the, uh - he's kinda in the parking stalls, you know, the parking
669 stalls are at the front of that store...
670
671 Q: Yeah.
672

673 A: ...he's kind of in that parking stalls area.

674

675 Q: And you're closer to the store?

676

677 A: And I'm closer to the store.

678

679 Q: Okay.

680

681 A: So...

682

683 Q: So when you first see him, the first image you get of this guy is you see a
684 gun?

685

686 A: Mm-hm.

687

688 Q: Do you recall which hand he had it in?

689

690 A: I don't recall. I - I - I di- I don't recall.

691

692 Q: Okay. And that's fine.

693

694 A: I don't remember.

695

696 Q: Do you remember the gun being held out away from his body...

697

698 A: Yes.

699

700 Q: ...close to the body, down by the side?

701

702 A: It was definitely held out away from his body.

703

704 Q: Like an extended arm?

705

706 A: Correct.

707

708 Q: All right. And you say it was pointed toward Officer Hibbard. From what
709 you can tell, it appears that he's pointing the gun at another officer...

710

711 A: Correct.

712

713 Q: ...who happens to be Hibbard, okay. Um, and is that when you started giving
714 the commands?

715

716 A: Correct, drop the gun, drop the gun.

717

718 Q: Uh, does Officer Hibbard recognize the guy or register that - that this guy's
719 also got a gun, is he giving commands as well?
720
721 A: Absolutely, he's yelling drop the gun, too.
722
723 Q: Where is Officer Disla at that time?
724
725 A: Um...
726
727 Q: Best that you can recall.
728
729 A: The best that I can recall he is basically just to the east of me on the - on the
730 sidewalk still or basically - you know the sidewalk to the front of the store.
731
732 Q: Okay.
733
734 A: So you - if you go from the west I'm standing further west, Disla's to the east
735 and then Hibbard's further east than that, so...
736
737 Q: Okay. And as you make your way out toward Van Buren type of thing...
738
739 A: Correct.
740
741 Q: ...you guys are kinda online...
742
743 A: Mm-hm.
744
745 Q: ...okay. Um, how - how long is it before the - once you see him to when the
746 first shots go off?
747
748 A: Fairly quick. I mean, it wasn't - I mean...
749
750 Q: Okay.
751
752 A: ...it was probably enough time - you know, I - like I gave - I believe I gave
753 two commands, you know, drop the gun, drop the gun and...
754
755 Q: Okay.
756
757 A: ...you know, shots were ringing out, so it was...
758
759 Q: Okay.
760
761 A: ...fairly, fairly quick.
762

763 Q: Okay. And, uh, you were saying at one point Officer Disla moves in such a
764 way that he's kinda down range from you?

765
766 A: Correct.

767
768 Q: All right. And that's why you didn't employ your weapon...

769
770 A: Yeah, that's why I did not employ my weapon.

771
772 Q: Had he not been in your field of view, were you in a position or were you
773 thinking that you may employ your weapon then at that point?

774
775 A: Absolutely.

776
777 Q: Okay.

778
779 A: I was on the trigger...

780
781 Q: Based on what you're seeing?

782
783 A: Mm-hm.

784
785 Q: Okay. And what is it that you're feeling this guy is - is presenting to you as
786 officers, do you - you're seeing him as a threat with a gun...

787
788 A: Absolutely. I mean...

789
790 Q: Okay.

791
792 A: ...you know, and a gun pointed in my direction is, you know, a threat at that
793 point in time.

794
795 Q: Okay. Okay.

796
797 A: So, and...

798
799 Q: Okay.

800
801 A: You know, I would have definitely deployed my gun if I wouldn't have felt
802 there was another officer safety...

803
804 Q: Right.

805
806 A: ...involved at that point in time.

807

808 Q: Which I totally get. I mean, that's - that's the best call. You don't want to
809 endanger anybody else as well, so that - that was a good call.
810
811 A: I just wouldn't be able to live with myself at that point in time.
812
813 Q: No. Um, and then once the - the shots start ringing out, um, when they ring
814 out, is he still kind of going east and then once the shots start he kinda goes, if
815 I understand, more southwest from you guys?
816
817 A: Yeah, more southwest from us.
818
819 Q: Okay.
820
821 A: So...
822
823 Q: Does he still have the gun pointed and extended as y- the officers are firing at
824 him?
825
826 A: When the original shots rang out...
827
828 Q: Mm-hm.
829
830 A: ...yes.
831
832 Q: Okay. So he still has his gun up when the first set of shots are going out?
833
834 A: Yes.
835
836 Q: Okay. And is there a point at which his gun comes down, that he's not
837 holding it up and pointing it anymore?
838
839 A: Well, I believe when he turns to head westbound the gun's no longer pointed
840 in the officer's direction.
841
842 Q: Okay. But they're already firing at this point?
843
844 A: They're already firing at this point in time.
845
846 Q: Okay. All right. And he has not complied, has not gotten on the ground, has
847 not dropped the gun, none of those things have happened?
848
849 A: None of those things have happened.
850
851 Q: Okay. And then does the firing continue until he goes to the ground in the
852 planter?

853
854 A: Yes.
855
856 Q: Okay. Do you know if he ever fired at you guys, do you have any idea?
857
858 A: I'd have no idea.
859
860 Q: Okay.
861
862 A: So...
863
864 Q: All right. As far as you know, you don't know one way or the other?
865
866 A: I don't know one way or the other.
867
868 Q: Okay. Um, and then once he goes down on the ground, um, it sounds like you
869 guys move up to a certain position. Um, and do you guys take any cover
870 around with the vehicles that are there or...
871
872 A: There's no vehicles there at that point in time, so we're...
873
874 Q: Okay.
875
876 A: ...you know, where it went down we were - you know, obviously as he's
877 running, we're following him...
878
879 Q: Mm-hm.
880
881 A: ...you know, in that direction and so we're kind of - you know, there's no
882 cover, so we're not in any position of cover at that point in time.
883
884 Q: Okay.
885
886 A: So...
887
888 Q: And then at some point it's decided to, uh, let the dog loose...
889
890 A: Well, we retreat and then we develop another plan to...
891
892 Q: Okay.
893
894 A: ...you know, (Southard)'s car comes in, we're going to use (Southard)'s car as
895 cover as we approach him...
896
897 Q: Okay.

898
899 A: ...at that point in time.
900
901 Q: And then the dog is released to - to get a hold of him, make sure everything is
902 somewhat safe?
903
904 A: Correct.
905
906 Q: And I understand it, the gun is not visible to you guys prior to moving him,
907 right?
908
909 A: No.
910
911 Q: And then...
912
913 A: Could not see the gun at all when he was laying in the planter.
914
915 Q: Okay.
916
917 A: We did not get close enough at that point in time...
918
919 Q: Sure.
920
921 A: ...to determine where it was at, but...
922
923 Q: Sure.
924
925 A: ...um, it was no long- you know, it was not visible - not visible...
926
927 Q: Are you guys still giving commands...
928
929 A: Yes.
930
931 Q: ...as - prior to the dog being deployed and all that good stuff and...
932
933 A: Yes.
934
935 Q: ...still no compliance?
936
937 A: Yes.
938
939 Q: Okay.
940
941 A: After we develop our plan we give him, you know, more commands, say put
942 your hands out, you know...

943
944 Q: Sure.
945
946 A: ...put your hands out from underneath you and there's no response.
947
948 Q: Okay.
949
950 A: So...
951
952 Q: Okay. All right. And obviously you didn't fire your weapon at all?
953
954 A: I did not.
955
956 Q: Uh, and do you know, was it - do you know who fired?
957
958 A: Um, I - I know Officer Disla and Officer Hibbard fired.
959
960 Q: Hibbard fired, okay. All right. Um, i- did the guy ever make any statements,
961 ever say anything to you guys when, um - when you said drop the gun and
962 identified yourselves and...
963
964 A: No.
965
966 Q: Okay. So no communication - you guys are trying to communicate, but he's
967 not responding at all?
968
969 A: No.
970
971 Q: Okay. And, uh, I see you're dressed in your, uh, RPD police uniform, badge,
972 gun, you know, shoulder patches and all. Is this how you were dressed when
973 this incident happened?
974
975 A: Yes.
976
977 Q: Okay. And, uh, were most of the other officers that were with you also
978 dressed in some type of RPD uniform?
979
980 A: Yes.
981
982 Q: Okay. All right. Um, I think I've covered pretty much any- everything.
983 (John), is there anything that you want to bring up?
984
985 A1: No, sir.
986

987 Q: Okay. All right. I think at this point then, uh, we'll end the interview. The
988 time is 0317 hours.
989

990
991 This transcript has been reviewed with the audio recording submitted and it is an accurate
992 transcription.

993 Signed  #1683

303

RIVERSIDE POLICE DEPT - Restricted Information
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INTERVIEW WITH OFC. HIBBARD

Q=Det. Rick Wheeler

Q1=Det. Rick Cobb

A=Ofc. Hibbard

A1=John Bakeet

1
2
3
4
5
6
7
8
9
10
11
12
13
14 Q: All right. This is Detective Wheeler with Riverside Police Department. Uh,
15 today's date is June 12, uh, 2013. And I am at the Magnolia conference room,
16 uh, at CIB. And, uh, present with me is Officer Eric Hibbard and he is
17 represented by, uh, his attorney, uh, John Bakeet. Also with me is partner,
18 Officer Detective Rick Cobb. From the DA's office, DA Jared Haringsma
19 and DA Investigator, Dan Binyon, um, regarding an OIS that happened, uh,
20 the previous evening, which would have been the 11th. And that case number
21 for that OIS is P13083040 occurring at about 11 o'clock the night previously.
22 Um, Officer Hibbard, we're going to kind of go over what took place, uh, out
23 at the scene, kinda your observations, uh, and everything that happened and
24 basically why you were involved in the shooting and so forth. Um, can I start
25 out with what your unit number was for this evening?
26

27 A: My designator?
28

29 Q: Uh, I'm sorry, no, the actual unit you were driving.
30

31 A: Oh, 3603.
32

33 Q: 03, and is that a K-9 unit?
34

35 A: It is.
36

37 Q: Okay. All right. And I see you're dressed in a - in a K-9 officer's uniform, is
38 that what you were wearing at the time that the, uh - the shooting happened?
39

40 A: Yes.
41

42 Q: Okay. And what is your K-9 designator?
43

44 A: K-9 Five.
45

46 Q: All right. Okay. Um, I - I kind of have some background on what happened,
47 but if you wouldn't mind taking me maybe a few minutes prior to the incident,
48 uh, and what drew you out to the scene and - and kind of what happened when
49 you were there. I'll let you go ahead take that...

50
51 A: Uh, I heard a radio call - actually, um, Officer Gar- Garcia on-sited, uh, non-
52 injury collision. Um, shortly thereafter dispatch told him that they had gotten
53 a radio call of someone in that vehicle with a gun. Um, I overheard Officer
54 Garcia saying something about, uh, he may have gone into the Chevron at
55 Van Buren and the 91. So, I responded from Central and 91 I believe. Got on
56 the freeway westbound, exited Van Buren. They had already - when I got
57 there, they had the clerks out of the gas station. I pulled my unit - I got off the
58 freeway and went, uh, northbound in the southbound lanes and stopped facing
59 northbound, just north of the - the Chevron gas station. Got out with the dog,
60 uh, 'cause we were going to go search the Chevron. As soon as I got out of
61 the car, the team and myself and the dog moved up to the front of the
62 Chevron. I downed the dog in the doors, uh, Sergeant Tiptre took a team
63 around to clear the back before we entered the Chevron. When they got
64 around to the - that would be the northwest corner of the Chevron, he said
65 they had one at gunpoint. So, I ran around to the north side of the Chevron
66 and as I rounded that corner, uh, they started yelling, "He's running, uh,
67 southbound." I ran back around to the front of the store, uh, through the
68 parking lot. Uh, on the south end, be the southeast corner, there's a planter
69 that comes out in a U-shape and I was rounding the outside of that planter
70 when the suspect was running eastbound right towards me on the south side of
71 the gas station.

72
73 Q: Okay.

74
75 A: We were running right at each other and at that point, I noticed he had a gun
76 in his right hand. I drew my weapon and the gun - he lifted with his right
77 hand, he started to come up with the gun. So, at that point, I thought, "Oh,
78 shit, he's going to shoot at me." Um, so I started firing at him. He turned in a
79 southbound direction, running away from me towards the wrought-iron fence,
80 the perimeter of the Chevron parking lot, uh, which butts up to the westbound
81 91-freeway on-ramp at Van Buren. I was firing at him as he was running
82 away from me, um, because at that point in my mind, he's an imminent threat
83 to not only the public, but to the officers. He started to raise the gun at me,
84 he's going to take out anybody he can to try to get away. So I kept firing at
85 him as he was running away. Um, and then he made a westbound turn like
86 right at the planter. I was continuing to fire and then he fell. At that point, I
87 believe it was Sergeant Tiptre called for a unit to move up 'cause he was down,
88 he wasn't responding to our commands to put his hands out, get his hands out
89 from under him. He went down face first and his elbows were - were - his
90 hands were under him, we couldn't see his hands. So we're yelling at him to

91 put his hands out, put his hands out. Sergeant Tiple had a unit pull up for
92 cover. Um, since he wasn't responding, made the decision to send the dog.
93 We moved the car up so there was enough distance so I could the 30-foot long
94 line up to him and still have control of him with the 30-foot long line.
95
96 Q: Okay.
97
98 A: Um, I sent him on a bite to see if when the dog bit if there was any reaction
99 from the suspect. Um, when he bit it was obvious the guy was down. He was
100 not reacting to the dog bite. I started, uh, yelling at him, "aport", which is
101 pull, to pull him away from - you know, pull him towards us.
102
103 Q: Okay.
104
105 A: So the dog started pulling him in an eastbound direction and as he's pulling
106 him away, I could then see the gun. It was by his head by his right hand.
107 He's actually pulling him away from the gun. Um, he kept trying to pull but
108 at some point, the suspect stopped moving. So then we moved up. The team,
109 um, moved up with me. I grabbed a hold of the dog, took the dog off the bite,
110 walked him away and then I saw the team going towards him, but I - I walked
111 away after that.
112
113 Q: Okay. All right. All right, let me go over a - a little bit of what - what you
114 had there. As you're, um, coming from Central and you get off that the
115 freeway, do you see the TC that Officer Garcia was initially dealing with
116 before you got there?
117
118 A: Yes.
119
120 Q: Okay. What...
121
122 A: There was...
123
124 Q: What about that?
125
126 A: I noticed the skid marks from the off-ramp, the westbound off-ramp onto Van
127 Buren.
128
129 Q: Mm-hm.
130
131 A: Skid marks and then there was a car that was up on the center median. There
132 was - I don't, uh - I don't know which officers it were, but there was officers
133 standing on the corner with someone, I'm assuming it was the driver that he
134 had initially contacted.
135

136 Q: Okay.
137
138 A: And that's - I went around the car and around the median and went
139 northbound on the southbound lanes on Van Buren.
140
141 Q: Okay. Um, once you got on scene, uh, near the Chevron, I guess it was prior
142 to you getting there you had gotten the update about there being a man with a
143 gun connected with Garcia's 11-82; is that right or was it once you were on-
144 scene?
145
146 A: No, it was on the way there.
147
148 Q: On the way there...
149
150 A: Yes.
151
152 Q: ...okay.
153
154 A: And that he believed he went into the Chevron.
155
156 Q: And they thought that that was connected to that 11-82 vehicle that Garcia
157 was currently handling, right?
158
159 A: Correct.
160
161 Q: Okay. Did they give a description of what that guy, the 417 guy looked like at
162 all, do you remember?
163
164 A: I - I know it was a black male, but they gave a couple different - I remember
165 the clothing description being different from - or not exactly the same as what
166 Garcia put out that he thought the guy was wearing when he saw him going
167 into the Chevron or towards the Chevron.
168
169 Q: Okay.
170
171 A: Um, I don't remember the clothing description.
172
173 Q: Do you remember w- what Garcia described the guy as, as he's seeing him
174 walk toward the Chevron?
175
176 A: I remember hearing the - the black socks - I think it was black socks, but I - I
177 mean, I - Code 3, lights and sirens...
178
179 Q: Yeah.
180

181 A: ...120 miles an hour on the freeway, so...
182
183 Q: Okay.
184
185 A: ...I knew it was a black male that went into the Chevron and I was just getting
186 there to help out with the team.
187
188 Q: Okay. Uh, once you guys, uh, make the, um - the decision as to how to
189 approach on it, um, it sounds like your team is kind of more to the front,
190 maybe south looking side, uh, coverage for the gas station and then another
191 team, they go around to the north side of it?
192
193 A: Yeah, we all met up at the, uh - the northeast section of the parking lot of the
194 Chevron.
195
196 Q: Okay.
197
198 A: There's a block wall there. The team was there when I pulled up and got out
199 with the dog. We moved from that location up to - would be the southeast
200 corner - I'm sorry, the northeast corner...
201
202 Q: Okay.
203
204 A: ...of the Chevron. I kinda peeled off with Disla and I believe it was Cleary.
205 The three of us kinda peeled off clearing the windows as we were going by.
206
207 Q: Okay.
208
209 A: And I downed him at the doors and Tippy - Tipse took the, um - the team over
210 to the north side of the building to clear the rear before we went inside the
211 Chevron.
212
213 Q: Okay. And then is it fairly soon after that you hear, uh, Sergeant Tipse put
214 out, one at gunpoint?
215
216 A: Yeah, it was maybe, yeah, 15 seconds maybe.
217
218 Q: Okay. How soon after that, um, do you hear them say that he's running or - or
219 leaving where he was last seen?
220
221 A: It probably took me five seconds or so to run from the front doors to the north
222 side.
223
224 Q: Okay.
225

226 A: And then as soon as I'm rounding that's when they said he's running, so I
227 spun around and went back the other way...
228
229 Q: All right.
230
231 A: ...toward southbound.
232
233 Q: All right. And as you're coming back to the, uh, south s- uh, south side of the
234 Chevron and you see the guy coming also around kinda southeast, uh, where
235 is Disla and Cleary, do you know where they're at?
236
237 A: I - I don't. They were behind me.
238
239 Q: Okay. So you were ahead of them then?
240
241 A: I was ahead of 'em, yes.
242
243 Q: Gotcha. All right. And the dog, is it still downed at the door?
244
245 A: No, I took the dog with me to the north side...
246
247 Q: Okay.
248
249 A: ...when they said he was running. I turned around with the dog and started
250 running southbound.
251
252 Q: Okay. Um, once the guy comes into view, um, do you remember what the
253 guy looked like once he comes into view with you as far as any clothing or...
254
255 A: I remember the white T-shirt.
256
257 Q: Okay.
258
259 A: Uh, I was pretty much focused on the gun in his right hand.
260
261 Q: Okay. And initially when he comes around the corner, where's that gun at?
262
263 A: It was down by his side and he was running.
264
265 Q: Okay.
266
267 A: And then I saw the motion of his right arm coming up and so I started to fire.
268
269 Q: And is that - that gun coming up pointed in your direction?
270

271 A: Yes.
272
273 Q: Okay. Um, it - can you describe the gun, do you remember what it looked
274 like?
275
276 A: Black revolver.
277
278 Q: Okay. Uh...
279
280 A: I'm sure it was black.
281
282 Q: ...does the guy say anything or...
283
284 A: He didn't say a word.
285
286 Q: Nothing at all, okay.
287
288 A: Nothing at all.
289
290 Q: And as I under- understand it right, you're giving commands for him to drop
291 the gun or...
292
293 A: It happened so fast...
294
295 Q: Okay.
296
297 A: ...we were running at each other.
298
299 Q: Okay.
300
301 A: So, when he saw me and I saw him, when I'm starting to take the gun out to
302 give commands, that's when the gun started to come up and I just - I started...
303
304 Q: So you didn't get a chance to even...
305
306 A: I didn't even get a chance...
307
308 Q: ..commands, it was...
309
310 A: ...to give commands.
311
312 Q: Okay. Do - do you know if anybody yelled at him at all or you're focused on
313 what you're doing?

315 A: I was focused on him and then when I started firing I didn't hear anything but
316 the shots.

317
318 Q: Okay. All right. Um, and what does - what does he do once you start, uh,
319 firing rounds at him, does he continue to advance on you or what does he do
320 next?

321
322 A: He stopped his advance towards me and turned in a southbound direction to
323 the parking lot away from me.

324
325 Q: Okay. Still gun in the hand?

326
327 A: Yes.

328
329 Q: All right. And, uh, you're still firing and you said obviously because of the
330 danger that he was posing to you guys and if he gets away as a guy that's
331 armed, so that's why you were still firing, so...

332
333 A: Absolutely.

334
335 Q: Okay. Um, do you know if anybody else fired around you?

336
337 A: I didn't hear any other shots. Uh, the only reason I knew that somebody else
338 had fired was 'cause I saw the .223 casings on the ground.

339
340 Q: Okay.

341
342 A: And I - I knew Disla had a rifle, so, uh...

343
344 Q: Okay.

345
346 A: ...I assumed that he fired, but I didn't hear anything but my gun going off.

347
348 Q: Okay. Do you have an idea how many rounds you think you fired?

349
350 A: Nine.

351
352 Q: Nine rounds, okay.

353
354 A: Um, between my gunshots and the dog barking...

355
356 Q: Mm-hm.

357
358 A: ...that's - that's all I heard was the dog barks and the gunshots.

359

360 Q: Okay. Do you know if he was able to fire at you at any time prior to you
361 shooting?
362
363 A: I - I don't know.
364
365 Q: Okay.
366
367 A: I don't know if his gun went off or not.
368
369 Q: All right. And then, um, you continue to fire until he actually goes down
370 where he was found prior to the dog bite, right?
371
372 A: Correct.
373
374 Q: Okay. Um, fair to say that there's never any kind of communication between
375 him and you at any time, the gun just comes up, shots are fired then he's down
376 on the ground, there's no verbal...
377
378 A: None...
379
380 Q: ...anywhere?
381
382 A: ...at all. It happened extremely fast.
383
384 Q: Okay. Um, and then, uh, you said that there was a gun that was found
385 underneath him after the dog was on the bite and you were giving him
386 commands to pull him away?
387
388 A: Right.
389
390 Q: You could actually see the gun visibly...
391
392 A: Yes.
393
394 Q: Do you remember where that was at?
395
396 A: Right - right above his head. Um, he was laying face down and the gun was
397 right above his head. He may have actually been on top of it before the dog
398 pulled him off.
399
400 Q: Started pulling, okay.
401
402 A: But it was about head level of where his right hand was also.
403

404 Q: Okay. All right. And I think you covered it, but the - the main reason why
405 you employed your weapon was because of him pointing the gun at you,
406 right?

407
408 A: I thought he was going to shoot me.

409
410 Q: Okay. All right. Uh, I think I've covered it all. Is there any I missed, Rick?

411
412 Q1: No.

413
414 Q: I think we're all good.

415
416 Q1: (Unintelligible).

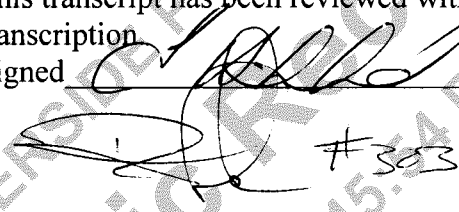
417
418 Q: Okay. All right, (John), did you have any questions at all or...

419
420 A1: No, sir.

421
422 Q: ...nothing el- okay. All right. Um, I think we're going to go ahead and close
423 the interview out. It is, uh, 0353 hours.

424
425
426 This transcript has been reviewed with the audio recording submitted and it is an accurate
427 transcription

428 Signed



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INTERVIEW WITH OFC. CEDRIC DISLA

Q=Det. Rick Wheeler

Q1=Det. Rick Cobb

Q2=Man

A=Ofc. Cedric Disla

1
2
3
4
5
6
7
8
9
10
11
12
13
14 Q: All right this is Detective Rick Wheeler with the Riverside Police Department.
15 It is, uh, June 12 at 04, uh, 0401 in the morning. Uh, I am presently at the, uh,
16 Magnolia, uh, Police Station in the executive conference room talking with
17 Officer Cedric Disla regarding an officer involved shooting from earlier - or
18 from last night which would have been the 11th and that file number for that
19 case is P13083040 and the approximate time is around 11 o'clock the night
20 previously. Uh, also with me in the conference room is John Bakeet who is
21 the attorney representing, uh, Officer Disla, uh, my partner Officer Detective
22 Cobb, uh, DA or DDA Jarred Harringsma from the DA's Office and DA
23 Investigator Dan Binyon also from the DA's office. Uh, Officer Disla like we
24 were talking just prior to us going on tape, my main thing is I just want to
25 have you go over what you did out at the scene, uh, kind of give us an idea of
26 why you went to the scene in the first place. Um, and then once I get an
27 overall understanding on what you did I'll go back and kind of clarify a few
28 things here and there. Okay?

29
30 A: Okay.

31
32 Q: Um, let me start out with what, uh, unit number were you driving today?

33
34 A: 3124.

35
36 Q: 24 okay and were you in a single man or a two man car today?

37
38 A: Single man car.

39
40 Q: Single all right and what was your designator for today?

41
42 A: Charles 428.

43
44 Q: Okay and what part of the city were you assigned to for today?
45

46 A: West precinct.

47
48 Q: I'm sorry?

49
50 A: The West precinct.

51
52 Q: West? All right sounds good. Okay and are - are you working swings right?

53
54 A: Yes sir.

55
56 Q: Okay, um, one - I'll just let you kind of take it. Let me know maybe just prior
57 to this thing going off what drew your attention to that location, um, and then
58 kind of take me through the events that happened.

59
60 A: Okay, um, I responded to a subject with a gun and, um, I guess Officer Garcia
61 had on sited a TC and somehow there was a subject with a gun. Um, I
62 responded to Van Buren and, uh, the 91 right there on the freeway.

63
64 Q: Okay.

65
66 A: And, um, I parked my car just north of the, uh, of the business on the, uh, west
67 side of the street and then I took my patrol rifle from the vehicle and I went up
68 and met up with the rest of the officers. Um, once we were there Sergeant
69 Tipre was, uh, on scene and, uh, he designated how we were gonna move up.

70
71 Q: Okay.

72
73 A: And I had - they pretty much took the north side of the building to the d- the
74 dark corner. On the north side of the building there was, like, some bushes
75 back there.

76
77 Q: Okay.

78
79 A: And we took the actual business - so we moved up towards the actual business
80 and, um, it was - with me was, um, myself, Officer Hibbard who's the K-9
81 and Officer Cleary.

82
83 Q: Okay.

84
85 A: Um, we moved up to the front of the building, held on the, uh, building. I,
86 um, while they were at the front door, um, I was watching the, uh, bathroom
87 door from the business. From outside the business I can see into the business.

88
89 Q: Okay.

90

91 A: I can see the bathroom door of the business so he could have been hiding in
92 there as we were - we - I had eyes on there. They had eyes on the rest of the
93 business.
94
95 Q: Okay.
96
97 A: Um, while we were there the other team went around the back and, um,
98 *INAUDIBLE* ~~347~~ (Cindy?) came, um, on the radio if I remember correctly it was something
99 along the lines of, um, they got the suspect in the back of the business.
100
101 Q: Okay.
102
103 A: So Officer Hibbard with the K-9 goes to the back of the business. Um, I stay
104 up there with - with, uh, Officer Cleary...
105
106 Q: Okay.
107
108 A: ...in the front of the business. Um, shortly after, um, we hear that - I hear that
109 the suspect is running. So is the other and I see, um, Office Hibbard coming
110 back around the front of the building with, um, with his dog and then I see the
111 guy come out running from behind the business on the south side of the
112 business. Um - um, when the guy comes out running from the ba- from the
113 back of the building, um, I - I just saw, um, him pull out a - a gun and point it
114 at, like, towards our direction. So I, um, brought my rifle up and, um,
115 engaged him.
116
117 Q: Okay.
118
119 A: Um, then, uh, the - the subject started going back towards the - what would
120 that be? That would be, like, the we- uh, west side of, uh, southwest side of
121 the - towards like mo- back in towards the bushes I guess. I mean he was
122 headed that way...
123
124 Q: Okay.
125
126 A: ...as I was engaging him.
127
128 Q: Okay.
129
130 A: And then, um, I remember my - after my last round is when I noticed that the
131 subject - the s- subject dropped and I stopped firing.
132
133 Q: Okay.
134

135 A: Um, once that was done, um, I made sure everybody was okay and then, um,
136 there was - I guess there - there was two cars parked there, um, on the south
137 side of the building.
138

139 Q: Okay.
140

141 A: Um, we took cover there and then, um, they brought a patrol unit up for cover
142 and then, uh - uh, the dog was - was sent, um, for the suspect and, um, after
143 the - we realized the suspect was unresponsive after the dog had him.
144

145 Q: Okay.
146

147 A: Um, the - he was handcuffed and, um, that - that was that. And, um, I walked
148 up and I looked at the - you know I looked at the gun which the suspect I gu-
149 still had with him. It was in - in one of his hands I can't - not after the dog -
150 before the dog went up to him.
151

152 Q: Okay.
153

154 A: The - he still had the gun with him.
155

156 Q: Okay.
157

158 A: Um, then after the dog pulled him off then he didn't - you know the gun - him
159 and the gun were separated.
160

161 Q: Okay.
162

163 A: Um, and that was it. Then I was, uh, brought back and separated from the
164 scene.
165

166 Q: Okay, all right sounds good. All right let me go back over a little bit and I'll
167 kind of get some details just to make sure that everything is solid all right, so.
168

169 A: Okay.
170

171 Q: Um, when you're responding to the scene initially, um, I - I - I think I forgot
172 where did you say you were coming from or where were you at when you first
173 got the subject with the gun information?
174

175 A: I was at, um, River Walk and what is that place? Over there by the Carl's Jr.,
176 that...
177

178 Q: Oh is that out by, like, Collette and River Walk or somewhere in that area?
179

180 A: Yeah Collette and River Walk area, yeah.
181
182 Q: Okay so kind of, uh, deep La Sierra area...
183
184 A: Yeah.
185
186 Q: ...out toward Corona, okay. Um, did you hear Garcia go out with 1182 prior
187 to the subject with a gun or was it after, do you remember how that sequence
188 went?
189
190 A: Yeah it was, um, it was a TC first.
191
192 Q: Okay.
193
194 A: And then they said I think - I think they said clear 35, something along those
195 lines.
196
197 Q: Mm-hm.
198
199 A: Um, and then they said something about a subject with a gun.
200
201 Q: Somehow connected with that 1182.
202
203 A: Right, yes.
204
205 Q: Gotcha, okay.
206
207 A: So, um - um, I started responding there.
208
209 Q: Sure - sure. Do you remember if, uh, they gave a description of the person
210 who was the subject with a gun or?
211
212 A: I don't remember, um, I just - as soon as he - you know the subject with a gun
213 I started going over there. I don't remember if I, um, they possibly - if they
214 gave one I don't remember hearing one.
215
216 Q: Okay and how did you get to the scene? Did you use the freeway or...
217
218 A: Yes.
219
220 Q: ...side streets? Okay so...
221
222 A: I used - I...
223
224 Q: What eastbound 91?

225
226 A: Yes.
227
228 Q: Okay.
229
230 A: Um, I went, um, southbound River Walk...
231
232 Q: Mm-hm.
233
234 A: ...Pierce to Magnolia, jumped on the freeway, um, and, uh, east onto, uh, Van
235 Buren.
236
237 Q: Okay and then, uh, coming southbound on Van Buren to where the, uh, I'm
238 sorry northbound on Van Buren...
239
240 A: Northbound Van Buren.
241
242 Q: ...to where the, uh, incident was?
243
244 A: Right I went northbound Van Buren and then I did a U-turn.
245
246 Q: Okay.
247
248 A: So you can get on - that's on the west side of the street.
249
250 Q: Okay.
251
252 A: And park there.
253
254 Q: Do you remember as you're driving down Van Buren toward where you
255 eventually park do you pass the actual TC where Garcia was at?
256
257 A: Yes.
258
259 Q: Can you tell me a little bit about that? Do you remember much about the TC?
260
261 A: Um...
262
263 Q: As far as, like, the car or what was going on at the time?
264
265 A: There was a small - small vehicle, I want to say it was probably red in color.
266
267 Q: Okay.
268

269 A: And it was, uh, in the center divider and that's what I remember. And I think
270 there was somebody sitting on the curb. As I passed it I - this is what I saw.
271

272 Q: Okay.
273

274 A: Um, and that was it.
275

276 Q: All right.
277

278 A: And I did see Office - I want to say it was Officer Garcia standing by there.
279

280 Q: Okay.
281

282 A: So...
283

284 Q: So you make it over to where the other officers are at. Uh, you said Sergeant
285 Tipe was kind of formulating the plan and so forth?
286

287 A: Yes.
288

289 Q: And did you guys have information from someone that the man with the gun
290 had ended up at the Chevron is that what I understood?
291

292 A: Yes.
293

294 Q: Okay any idea where that came from? Was that an update from Garcia or
295 from someone else?
296

297 A: Um, I don't know where that came from.
298

299 Q: Okay.
300

301 A: I can't - I can't say I remember where that came from.
302

303 Q: But you recall s- s- there being some information that the subject with the gun
304 was at the Chevron potentially?
305

306 A: Yes because they had the, uh, the clerks - they had them come out and meet
307 and come down towards us.
308

309 Q: Oh, okay.
310

311 A: So we had them exit the bu- the business because of the - 'cause a subject with
312 a gun in there is dangerous.
313

314 Q: Sure - sure, makes total sense. Um, and then you said there were it sounds
315 like a couple of teams that were devised or set up as you guys made your
316 approach to the Chevron?
317
318 A: Yes.
319
320 Q: And - on your team you said was yourself, uh, Officer Hibbard and then you
321 thought Officer Cleary?
322
323 A: Yes.
324
325 Q: Okay and is Of- Office Hibbard is he a K-9?
326
327 A: Yes he is.
328
329 Q: Okay and then the other team is that Sergeant Tipre and a few other officers
330 that, you know, are on the other team?
331
332 A: Yes sir.
333
334 Q: Okay. You guy's your initial, um, assignment is to kind of watch the front of
335 the business to make sure that if this guy went into the business you're
336 watching the interior, is that correct?
337
338 A: Yeah pretty much that's how.
339
340 Q: And then the other guys go around the back?
341
342 A: Yes.
343
344 Q: How long after they go around the back to search, uh, for the suspect on the
345 back side of the business do you hear them say they've got one at gunpoint?
346
347 A: Oh it was maybe like 30 seconds I want to say.
348
349 Q: Pretty quick then?
350
351 A: It was pretty quick, yeah.
352
353 Q: Okay and then how soon after they say they have one at gunpoint do you hear
354 that the person is leaving that area and kind of leaving or running from the
355 area?
356
357 A: I heard Officers yelling in the back and then you know he's running - he's
358 coming up and then not - right a - pretty much right away. It all happened...

359
360 Q: Very short periods of time then?
361
362 A: Yes.
363
364 Q: Okay and the - where are you when you first see the officer. Where are you
365 stand - I'm sorry not the officer, the suspect, where are you standing?
366
367 A: Um, be the southwest corner - I'm sorry southeast corner of the - in the front -
368 on the front of the building.
369
370 Q: Okay.
371
372 A: To the front of the building.
373
374 Q: I've seen the - the building. There's a - you have the sliding doors to the
375 front...
376
377 A: Yes.
378
379 Q: ...and then off toward the southwest corner there's, like, a little planter in the
380 parking lot area and - and where the shooting ended up - where the bad guy
381 ended up at you're at that corner of the business kind of on the sidewalk area?
382
383 A: Yeah I was, um, we were initially by the sliders in the front.
384
385 Q: Okay.
386
387 A: And then when he came running out then - I mean when Office Hibbard came
388 running...
389
390 Q: Mm-hm.
391
392 A: ...then we just ran and I ran up to the corner. That's when I noticed this - the
393 suspect coming out and...
394
395 Q: Okay.
396
397 A: ...pointing the gun.
398
399 Q: Do you remember what that guy looked like the - the suspect, can you
400 describe him at all to me?
401
402 A: All I can honestly tell you is that it was a male black. I don't remember, um,
403 the - what color shirt he was wearing or anything like that.

404
405 Q: Okay. And you said that at some point a gun - this guy either pulled out or
406 had a gun in his hand?
407
408 A: Yes sir.
409
410 Q: Did he have that gun visible as he was running or is it something that he
411 pulled out when you came into view or when did the gun become visible for
412 you?
413
414 A: Um, he came out and then all the sudden he's pointing a gun.
415
416 Q: Okay.
417
418 A: So I don't know where he got the gun from. I don't know if he had it in his
419 hand...
420
421 Q: Mm-hm.
422
423 A: ...and, um, or you know all I saw was the gun pointed in our direction.
424
425 Q: Okay.
426
427 A: And...
428
429 Q: And did you sa- I - I'm not sure if I missed it, did you say it was right or left
430 hand that he was holding it in or do you recall?
431
432 A: I don't recall, no. Um, I want to say it's his right had but I'm not 100 percent
433 certain.
434
435 Q: Okay but you do recall that the gun is actually pointed toward you or the
436 officers that you are with...
437
438 A: Yes.
439
440 Q: ...to- near the front part of the business is that correct?
441
442 A: Yes.
443
444 Q: Okay do you recall if - if there was any gunfire from the suspect prior to you
445 employing your weapon?
446
447 A: Yes I believe I heard a - a round go off.
448

449 Q: Okay.
450
451 A: And I believe it was from the suspect.
452
453 Q: Okay that - that's your understanding is the way ...
454
455 A: Yes.
456
457 Q: ...you thought that maybe he had fired.
458
459 A: Yes.
460
461 Q: Okay.
462
463 A: And that's - yeah.
464
465 Q: And then you - you responded by firing your patrol rifle at this - at the
466 suspect, is that right?
467
468 A: Yes.
469
470 Q: Do you have an idea distance wise how far you guys might have been when,
471 uh, when you fired?
472
473 A: Um, I don't know maybe about 10 yards maybe.
474
475 Q: Okay and at some point it sounds like he actually starts moving southwest,
476 like, away from you?
477
478 A: Yes.
479
480 Q: Is that while you're actually firing at him?
481
482 A: Yes.
483
484 Q: Okay and has he at any time dropped that gun or, uh, tried to do anything to -
485 to, like, get on the ground or do anything like that?
486
487 A: No he did not.
488
489 Q: Okay.
490
491 A: I didn't see him try to drop the gun.
492

493 Q: Okay did - do you know if you, uh, you or anyone else that were part of your -
494 your team, did anybody have the chance to give him commands, like, to drop
495 the gun or get on the ground or anything like that?
496
497 A: I don't remember if someone did or didn't. I don't remember that.
498
499 Q: Safe to say it happened pretty quick though, right?
500
501 A: Yes it - it did happen very quick so.
502
503 Q: Okay so as he's, uh, going away from you, uh, how many rounds do you think
504 you fired from the time that you see him in your direction to where he finally
505 goes down to the ground?
506
507 A: Initially, um, I thought I fired three shots and later there was five casings on
508 the floor.
509
510 Q: Okay.
511
512 A: So...
513
514 Q: So your initial thought is that maybe there were three but after seeing the
515 casings there were actually five that - that you had potentially fired?
516
517 A: Yes.
518
519 Q: Okay. Do you know if you hit him at all as - as he was running?
520
521 A: Um, the other shots - the only one I - the only shot I can say that la- was my
522 last shot for sure because when I took my last shot...
523
524 Q: Mm-hm.
525
526 A: ...that's when I saw him drop.
527
528 Q: Okay so it was right after your final shot...
529
530 A: Yes that he...
531
532 Q: ...he actually went to the ground.
533
534 A: Yes.
535
536 Q: Okay.
537

538 A: And that's - as far as the other shots I - I was shooting, he was moving.
539
540 Q: Okay.
541
542 A: And I was - yeah.
543
544 Q: Okay, um, and then after, uh, you guys moved up with the unit and the K-9
545 officer, uh, I guess was Officer Hibbard deploys his K-9, um, you said that the
546 gun became visible at some point, you actually saw the gun on the ground
547 near him?
548
549 A: Yes, um, before we ac- before we, um, before we moved up on there we were
550 still concerned because, um, the officers were saying that he still had the gun
551 with him.
552
553 Q: Okay.
554
555 A: He still had the gun in his hands or something along those lines.
556
557 Q: Okay.
558
559 A: Um, yeah after - after, um, we moved up there he - the dog pulled him and he
560 was secured and I could see the gun.
561
562 Q: Okay, uh, we may have gone over this but the reason for you employing or -
563 or firing your - your gun at the suspect, um, it sounds like was because he was
564 pointing a gun at you, is that fair to say?
565
566 A: Yes he was - well yes he was pointing a gun at - at us.
567
568 Q: Okay.
569
570 A: So he was pointing it in our direction and you know I didn't want him to shoot
571 us.
572
573 Q: Right that's what - is that what's going through your mind at the time is
574 you're thinking that he was going to shoot to you?
575
576 A: Well I heard - I thought - I heard what I thought was a - his - a round go off
577 when I - after I saw his gun.
578
579 Q: Right.
580
581 A: And then you know I'm, like, holy smokes this guy's - you know he's, like,
582 shooting at us.

583
584 Q: Okay.
585
586 A: So that's why I engaged him.
587
588 Q: Okay - all right.
589
590 Q1: Uh, safe to say you were afraid?
591
592 A: Yes.
593
594 Q1: Okay and I don't know if it was mentioned earlier did you, uh, at any time did
595 you either hear or see any of the other officers fire?
596
597 A: Um, I know Office Hibbard shot.
598
599 Q1: And we know - yes you know now he did. At that time did you - did you hear
600 or see him engage also?
601
602 A: Yes.
603
604 Q1: Okay.
605
606 A: Yes.
607
608 Q1: Anyone else?
609
610 A: No I didn't see anybody else.
611
612 Q1: Okay, that's fine.
613
614 Q: Okay, John any questions or anything like that?
615
616 Q2: No sir.
617
618 Q: Okay, all right we'll, uh, complete the interview at, uh, 0420 hours.

619
620
621 This transcript has been reviewed with the audio recording submitted and is an accurate
622 transcript.

623 Signed



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