

**RIVERSIDE POLICE DEPT.
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FILE NO: P13133894

DATE 9/30/2013	TYPE OF REPORT Officer Involved Shooting (O.I.S.)	INVESTIGATING OFFICER Jim Simons #0556
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Narrative:

On 09-13-2013, 2200 hours, I was contacted by Sergeant Dan Russell over the phone. Sergeant Russell informed me of an Officer Involved Shooting that occurred at 2395 10th Street in the City of Riverside. Sergeant Russell requested that I respond to assist with the investigation.

I arrived on-scene at about 2215 hours. While at the location I attended a briefing of the incident that was provided by Sergeant Gary Toussaint. After the briefing I participated in a walk-through of the scene with Detective Greg Rowe. Upon completion of the walk-through I assisted Detective Rowe in identifying each police unit and other vehicles parked within the taped of crime scene. I provided this information to Detective Rowe who included it in his supplemental police report. I then responded to the Magnolia Street Police Station to assist Detective Sanfilippo with officer interviews.

Upon arrival to the Magnolia Station I met with Sergeant Gary Toussaint. I conducted an interview with Sergeant Toussaint inside Sergeant Dave Amador's office. The interview was audio recorded. The following is a summary of the interview with Sergeant Gary Toussaint.

Sergeant Gary Toussaint

Police I.D. # 471

Riverside Police Patrol Unit # 3631

Riverside Police Call designator (1SAM79)

Sergeant Gary Toussaint said he was working as a patrol sergeant for the East Neighborhood Policing Center. (E.N.P.C.) Gary was in the area of Riverside Community Hospital when he monitored a radio call of a suicidal subject that was armed with a knife. Gary recalled that the subject had [REDACTED] and was despondent. Gary said he began driving towards the scene which was in the area of 10th and Sedgwick Streets. When Gary arrived at the residence he parked his police vehicle near the corner of 10th and Sedgwick. The residence in question was located on the North-East corner of 10th and Sedgwick Streets. Gary said as he arrived on-scene, he noticed numerous uniformed patrol officers arriving and approaching the residence on foot.

Sergeant Toussaint said he observed a Hispanic Male subject standing in the front yard area of the residence. Gary believed this was the suicidal subject. He described the Hispanic Male as being about 50 years old and wearing a black shirt and blue jeans. Gary saw that this subject had a kitchen type knife in his hand. Gary said he jumped over the chain link fence that surrounds the front yard of the residence where the suspect was standing. Gary believed two other officers jumped the fence with him as several other officers walked into the front yard from the driveway area of the residence. Gary saw the suspect sit down on a chair or bench that was on the south side of the residence's exterior wall. The suspect had his back towards the south wall and was facing him. Gary said he and the officers formed a half circle around the suspect. Gary estimated that he and the other officers were standing about 12 to 15 feet away from the suspect. Gary heard one of the officers immediately yell at the suspect to put the knife down. The suspect did not comply. Gary said he began talking with the suspect asking him several times to drop the knife.

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At this time Gary noticed Officer Quinn standing to his (Sergeant Gary Toussaint) right. Gary noticed Officer Childers, Outlaw, Kauk and Larkin standing to his left. Gary said around the same time he noticed that K-9 Officer Kevin Feimer arrived on foot. Gary said he saw that Officer Outlaw had a less lethal shotgun which he identified by the shotguns Orange color. The Officers standing to his left had their handguns out as Gary talked with the suspect. Gary said he did not have his handgun out of its holster because he was the one talking with the suspect and attempting to negotiate a peaceful ending with the suspect. Gary believed that if he (Sergeant Gary Toussaint) had his handgun out while talking with the suspect, it may cause him to be less cooperative with him. Gary continued to try and calm the suspect down by talking to him and asking him about his diagnosis of [REDACTED]. Gary asked the suspect numerous times to put the knife on the ground. Gary told the suspect he did not want to see anyone get hurt. At one point while Gary was talking to the suspect, the suspect threw the knife on the ground near the suspect's feet. The knife's blade stuck into the grass with the handle facing up. At this point, Gary thought the suspect was going to cooperate with them so he continued to talk to the suspect. The suspect quickly picked the knife back up from the ground and held it in his right hand.

At this time Gary asked Officer Quinn if he had a Taser. Officer Quinn told Gary that he did not have a Taser. Gary said Officer O'Farrell told him that he (Officer O'Farrell) had a Taser. Gary said Officer O'Farrell was standing behind him on the other side of the fence. Gary told Officer O'Farrell to jump the fence, stand next to him and get ready to deploy the Taser. Gary said if he was not able to get the suspect to drop the knife, he was going to have Officer O'Farrell deploy the Taser on the suspect so they could safely take the suspect into custody.

As Officer O'Farrell was jumping the fence to get into position with the Taser, Gary saw the suspect use the knife to cut himself on his face and arms. Gary recalled the suspect saying something to the effect that he (The suspect) should just charge the officers with the knife to make them shoot him. Gary repeatedly told the suspect not to do that and that he did not want anyone to get hurt. Gary told the suspect that he just wanted to get the suspect some help that he needs. While Gary continued to talk to the suspect, Officer Kauk was getting family members out of the house by the front door. Officer Kauk returned back to the front yard while Gary continued talking with the suspect. Gary said he saw that Officer O'Farrell was now in position, just to Gary's right, with the Taser. Gary saw that O'Farrell had turned on the red aiming laser light on the Taser and had begun pointing it in the direction of the suspect. Gary noticed that the suspect was slightly quartering away from Officer O'Farrell. Gary saw the aiming laser light slowly moving up the suspect's leg towards the center of his body. Before Officer O'Farrell was able to deploy the Taser, the suspect suddenly stood up from the chair he was sitting in and lunged towards Officer Larkin, Kauk, Outlaw and Childers who was standing to Gary's left side. The suspect had the knife in his right hand and took several steps towards the officers standing on his left. Gary heard several Officers discharge their firearms. Gary believed Larkin, Kauk and Childers fired their duty handguns. Gary also believed Officer Outlaw fired several bean bag rounds from the less lethal shotgun. The suspect fell to the ground and was lying on his back. The knife was lying on the ground near his side. Officer Kauk kicked the knife away and one of the officers handcuffed the suspect. Paramedics arrived on-scene and pronounced the suspect as deceased. Gary estimated that he talked with the suspect for about 3 minutes before the suspect lunged towards the officers and the shooting occurred.

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I then interviewed Parole Agent Steve Webber inside Sergeant Amador's office. The interview with Webber was audio recorded. The following is a summary of the interview.

Parole Agent Steve Webber
Gang Task Force Officer
Identification # G476

Agent Steve Webber said he is currently assigned to the Riverside Gang Task Force. Tonight he was riding with partner Investigator Robert Quan. Steve said he and partner Investigator Quan monitored a radio transmission from a Riverside Police Officer regarding the suicidal subject call. Steve said he heard the Officer inform police dispatch that the suspect was armed with a knife and was not complying with the officer's orders to put the knife down. Steve said he and Investigator Quan responded from the area of 10th and Park Streets. They arrived and parked their vehicle near the intersection of 10th and Sedgwick.

Steve began walking towards the residence and saw the suspect sitting in a chair on the south side of the house. Steve said he saw the suspect holding a knife in his right hand. About five uniformed Riverside Police Officers were standing in the front yard of the residence. Steve said he did not recognize any of the Officers at this time. Steve described the suspect as an older Hispanic Male, about 45 to 50 years old. Steve described the knife as having an approximate five to six inch long silver blade. Steve said he could hear the officers saying something to the suspect but could not make out what they were saying. Steve said the suspect suddenly stood up from the chair and lunged towards the police officers that were standing to his (the suspects) right. The suspect had the knife in his right hand as he lunged towards the officers. Steve estimated that the suspect was about 12 feet from the officers when he stood up and lunged towards them. Steve said he heard several officers fire their duty weapons at the suspect as the suspect was coming towards the officers with the knife. Steve estimated that he heard about 10 to 12 shots being fired by the officers.

The suspect fell to the ground after the shots were fired. Steve saw uniformed officers approach the suspect, pat him down for additional weapons and place the suspect in handcuffs. Steve said paramedics arrived to treat the suspect a short time later. Steve was standing about 7 feet behind the officers that were inside the front yard with the suspect when the shooting occurred. Steve was standing behind the chain link fence and did not enter the front yard. After the shooting, Steve assisted in preserving the shooting scene by placing police crime scene tape around the perimeter of the residence.

The audio recording of the interviews with Sergeant Toussaint and Agent Webber were downloaded into the computer database by Detective Sanfilippo.

for further information.

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5
6
7 **INTERVIEW WITH SGT. (GARY) TOUSSAINT**
8 **Q=Det. Jim Simons**
9 **A=Sgt. (Gary) Toussaint**
10
11

12 Q: Okay, this is Detective Jim Simons, Riverside Police Department, ID 556.
13 Today's date, September 14, 2013 and it is about 0110 hours. We're here at
14 the Magnolia Street police station. We are investigating an officer involved
15 shooting, Riverside Police Department file number P-13133894 that occurred
16 at Sedgwick and Tenth Street at about 2120 hours. I'm here with Sergeant
17 (Gary) Toussaint, gonna conduct an interview regarding that incident. Um,
18 (Gary), how do you spell your last name?
19

20 A: T-O-U-S-S-A-I-N-T.
21

22 Q: What's your ID (Gary)?
23

24 A: 471.
25

26 Q: Do you know what unit you were driving today?
27

28 A: Yes. Unit 3631.
29

30 Q: And what's your Sam unit?
31

32 A: Sam-79.
33

34 Q: Okay, it's my understanding that you were a sergeant on scene when this
35 officer involved shooting occurred. If you could just basically start from the
36 beginning and tell me how you became aware of the call, where you
37 responded from and once you did arrive, what, if anything, you saw.
38

39 A: Okay. Uh, I had just left Riverside Community Hospital and I heard them
40 broadcast a call and I believe it was, uh, Charles 236 and another unit. I don't
41 remember who the other unit was that initially got the call reference basically
42 what we call 5150, suicidal subject, armed with a knife, uh, on the corner of
43 Tenth and Sedgwick, and I believe it was family members who had called and
44 said that he was cutting himself and threatening to kill himself. They also said
45 that, uh, he had [REDACTED] and I believe that was why he was despondent. Um, as

46 the call was being dispatched, common practice dispatch notified me, being
47 the supervisor we was in charge of the east NPC for swing shift and advised
48 me of the call and I told them to go send me the call and responded to that
49 location. Um, while en route turning off 14th Street on to Sedgwick, I asked
50 for - if we - re broadcasted the description of the subject. I believe they said
51 he was a male Hispanic, 50 years old, wearing a - I think they said a black
52 shirt and blue jeans and last seen out at the corner of Tenth and Sedgwick. I
53 arrived out at that area, about the same time some other units had arrived.
54 They approached from the University side heading southbound. I came up
55 northbound from Sedgwick towards Tenth. Park my unit on the corner and as
56 I got outta my unit we observed the subject standing in the yard. I don't know
57 what the address of the residence is but it's on the northeast corner of the
58 intersection of Tenth and Sedgwick. Um, he's standing there holding the
59 knife. I jumped over the chain link fence to access the yard and I believe at
60 least one or two other officers did, and then a few of the officers came around
61 through an open gate via the driveway. Basically we - the suspect sat down
62 on a bench, uh, with his back against the wall to the residence right there, um,
63 and we had kind of half circled. And initially two of the officers had yelled at
64 him, told him to put the knife down, uh, but he wasn't, uh, wasn't complying.
65 I started a dialogue with the suspect, um, in an attempt to get him to cooperate
66 with us and put the knife down. Uh, as I did that I noticed that Officer Quinn
67 was to my right, um, and then I believe it was Officer Larkin and then Officer
68 Outlaw, Officer Childers and then Officer Kauk to my left and Um, about that
69 same time I believe Officer Feimer showed up with his canine. I started to
70 think - I said a dialogue with the subject trying to get to, uh, get him to
71 cooperate with us, put the knife down. I explained I didn't want to see
72 anybody get hurt. Uh, tried to get him to talk a little bit about if he did have
73 [REDACTED] what was going on with that, uh, to see if I could calm him down and
74 ultimately get him to put down the knife so we could safely take him into
75 custody and get him, um, obviously our thing was 5150, seventy two hour
76 hold. At one time, at one point while I was talking to him he actually did
77 throw the knife down and stuck it in the ground right between his feet.

78
79 Q: While he was sitting down?

80
81 A: Yeah. And, um, I didn't feel at that point in time that it was feasible for
82 myself or anybody to try to get to the knife and get it knocked away or
83 whatever before he could pick it up and harm somebody so I didn't approach
84 him, but I felt at that point that maybe I was making a little headway with him
85 and he was going to cooperate. Unfortunately, um, as I tried to communicate
86 with him a little more, he picked the knife back up. Now, um, I knew I had
87 lethal cover 'cause I - I saw several other officers with their guns out. I didn't
88 pull my gun out because I felt like I was negotiating with him and I didn't
89 want him to feel that I was a threat. I wanted him to feel like I was there to
90 help him and get comfortable with me, and I knew that I had the cover - lethal

91 cover if I needed it. I also noticed that Officer Outlaw had, um, what we refer
92 to as the pumpkin gun, the less lethal shotgun out, which shoots the bean bag
93 rounds. I didn't see anybody with a taser initially in the group that was
94 confronting this individual so at one point while I was communicating with
95 him, trying to get him to put the knife down, I looked over at Officer Quinn
96 over my right shoulder and asked him if he had a taser and he said he did not.
97 But Officer O'Farrell, who was standing on the other side of the fence on the
98 sidewalk just behind me said, "I have one." So I instructed him to jump the
99 fence and get in next to me and get ready to deploy the taser. Uh, my thought
100 was being that if we couldn't get him to put down the knife, if Officer
101 O'Farrell could shoot him with the taser, hopefully it would incapacitate him
102 enough to where he would go down, drop the knife and we could safely
103 approach him and take him into custody. Uh, as I was getting Officer
104 O'Farrell in position, still trying to communicate with the subject, he took the
105 knife and, um, he started rubbing it across his forehead, down the sides of his
106 face and stuff, like he was trying to cut himself. I didn't see any blood so it
107 didn't look like he was actually, uh, successful, but he was - it looked like he
108 was pressing pretty hard against his skin and stuff with the knife and just
109 pushing it around his face in different directions and then at one point...

110
111 Q: So at what point did he pick it up outta the ground?

112
113 A: Um, once he had threw it down on the ground, within probably, uh, a few
114 seconds, he reached down and picked it back up again.

115
116 Q: So it was just on the ground for a few seconds?

117
118 A: Yeah, mm-hm. And he had thrown it down so it had stuck with the blade in
119 the ground and the handle sticking up and then he - like I said, within five or
120 six seconds I think he picked it back up and he had it back in his hand.

121
122 Q: And how far were you guys? Sounds like you guys were kind of in a half
123 circle, kind of a line?

124
125 A: Yes. Um...

126
127 Q: And how far were you guys from the suspect at that point?

128
129 A: I would say we were about be 12, 15 feet away, which is probably a little
130 closer than I would want to be, but it was a small yard and it was a chain link
131 fence right there, so we didn't have a lot of - a lot of room for - to give us that
132 greater area of cushion. So, um, even though that - I still felt pretty
133 comfortable 'cause I did have my less lethal and my lethal coverage if we
134 needed it and I knew that those guys knew, without me having to say, if he
135 does try to start approaching anybody, any one of us, you know, we take the

136 appropriate action. Um, at one point while this was all going on too, family
137 members were inside the residence, which was directly behind where he was
138 sitting. Um, I was concerned that if it did turn into a lethal situation, if any of
139 the rounds did penetrate through the wall or through the window that was
140 right there, um, possibly could harm or strike a family member so I believe it
141 was Officer Kauk, but one of the officers to my left was yelling to the family
142 to get outta the house, um, and they were yelling back something about, where
143 should we go? It's a small room. Something to that effect. And so I looked at
144 Officer Kauk and we made eye contact and I kinda gestured with my head for
145 him to go get the family outta there.

146
147 Q: From the front side there?

148
149 A: Yes. So he moved around the front door, and I believe, out of my peripheral
150 vision, my left, I saw him go for a second and I believe he got everybody outta
151 there and then he returned back to where we were. Um, like I stated, the
152 individual, subject started pushing the knife across his forehead and down his
153 cheeks and stuff. Um, and he had made comments about, uh, he should just
154 charge towards the officers 'cause we'd kill him. I tried to explain to him we
155 didn't wanna do that, we didn't wanna hurt him, we didn't want - I didn't want
56 my officers to get hurt. Just want him to put the knife down so we could get
157 him help and...

158
159 Q: Do you remember exactly, like, what he said? Did he say - can you remember
160 what he said?

161
162 A: Not exactly, no.

163
164 Q: But it was something to the effect of I'm gonna charge you guys and make you
165 kill me or something to that effect?

166
167 A: Yes, yes. He made comments about that a couple times and, um, based on the
168 way that he was rubbing the knife across his head or whatever, I - I got
169 concerned that, um, something was gonna happen. Um, at that point Officer
170 O'Farrell started to bring the taser up and you could see he had the laser beam
171 on so see the red dot on the subject. And as he started bring it up, subject was
172 kinda canted to his right and I was concerned that if Officer O'Farrell
173 deployed the taser and it wasn't effective, it would just instigate this person to
174 react somehow or something, so I was concerned. I wanted it - if we took that
175 shot, I wanted it to be a good shot and have the desired effect. Hopefully it
176 would incapacitate him. I was hoping he would turn back a little bit. And
177 about the time I was - I thought we don't have a choice, we have to do
78 something. And I was going to tell Officer O'Farrell to deploy the taser, I
179 never got the words out. Um, the subject stood up and moved, um, off to my

180 left - towards the officers that were off to my left and that's when, uh, the
181 officer fired.
182
183 Q: That's Childers, Outlaw, Kauk and Larkin?
184
185 A: Yes.
186
187 Q: Kauk and Larkin?
188
189 A: Yes.
190
191 Q: Okay. And where was O'Farrell?
192
193 A: O'Farrell, once he had jumped the fence, was directly to my right.
194
195 Q: And Quinn was still to your right?
196
197 A: Yes. Quinn was then to O'Farrell's right, um...
198
199 Q: Okay. So O'Farrell went in between you and Quinn?
200
201 A: Yes. I believe so.
202
203 Q: Okay. So was he sitting down that entire point, or did he stand up prior to
204 charging towards the officers?
205
206 A: Uh...
207
208 Q: You know what I'm saying?
209
210 A: It was - he was sitting down the whole time up until the point - or right at
211 them - just prior to them, uh, discharging the firearms. He - it was all one
212 movement. He stood up and started moving in the direction of the officers to
213 my left and - and those officers all fired. I believe that Officer Outlaw did fire
214 the less lethal and Officer Kauk, Officer Childers and Officer Larkin fired
215 lethal rounds.
216
217 Q: Okay. So soon as he got up, could you - did it look like he was gonna charge
218 after him, like, run? Did he start just walking towards him? Do you know
219 how many steps he may have taken towards him or did he - was he able to
220 close the distance?
221
222 A: Um, didn't necessarily look like he charged. Um, I don't - he got up, um, I
223 guess rather quickly and started moving that direction. I think he got about

224 two to three steps when they opened fire. It wasn't like he charged, lunged at
225 them...

226
227 Q: Not like he ran at 'em but...

228
229 A: Correct.

230
231 Q: ...in your mind, could you clearly see, and you clearly believe that he's now
232 standing up and then making these comments, I'm gonna charge after you or
233 come after you?

234
235 A: Well, he made those comments...

236
237 Q: Before.

238
239 A: ...before he stood up.

240
241 Q: Right.

242
243 A: Once he stood up it was like he committed and he was going to move towards
44 his officers.

245
246 Q: Okay, now, do you think that him seeing the laser on the, um, taser is what...

247
248 A: I don't know. I mean, I really don't know.

249
250 Q: Like, I'm gonna have to do something now or...

251
252 A: Yeah. I - what - when he first was pressing the knife across his forehead and
253 stuff and starting running it back and forth over his arm, um, that's when his
254 behavior starting becoming - seemed to me, more aggressive and that's when I
255 thought something - we - we have to do something. Something's gonna
256 happen. Um, and that's when, uh, Officer O'Farrell - I believe that he
257 probably felt the same way because I remember watching the beam of the
258 taser come up his leg and towards the center mass of his body, um, and it was
259 at that point that, like I said, I thought we - we have to do something. I was
260 just ready - I wanted to be careful in all honesty because I didn't wanna say
261 deploy, you know, your weapon. I didn't want everybody to misunderstand. I
262 wanted to make sure they knew it was just Officer O'Farrell deploy the taser.

263
264 Q: Taser, right.

265
266 A: Um, but before he could do it, before he could react and get a good line of
267 sight or beat on the individual, that's when he started to stand up. I - I
268 watched his face, I don't remember him looking down, seeing the dot on him,

269 'cause I did think about that, but what was in his mind at that point, I really
270 don't know.

271
272 Q: Okay. So he clearly stood up and took several two, three steps directly at the
273 officers that were to your left.

274
275 A: Correct.

276
277 Q: And where was the knife at that point when he started advancing towards the
278 officers?

279
280 A: Uh, I believe - as he stood up and went to my left, um, he turned so I was
281 looking at his - on his left side and I believe the knife was in his right hand.
282 And where exactly he was holding it, whether he had it up or down, I don't
283 recall.

284
285 Q: Okay. Did he have his hand out like it was...

286
287 A: It was to his right side, but I don't recall...

288
289 Q: So it was in his right hand?

290
291 A: Yes.

292
293 Q: Okay. Um, do you know which officers are the ones that fired?

294
295 A: Yes.

296
297 Q: And who were those?

298
299 A: Officer Larkin I believe fired - well, I did a public safety brief at the scene just
300 to find out who fired what direction so we could account for the rounds.
301 Officer Larkin fired, and I believe it was two rounds. Officer Childers fired
302 lethal - or his handgun and I believe that was also two rounds. And Officer
303 Kauk fired and I believe he said between three and five rounds. Um, and then,
304 uh, Officer Outlaw fired four rounds from the less lethal shotgun.

305
306 Q: Okay. From the walk through it looked like you guys - when you were - when
307 you were pointing out the area that you and the other officers were standing, it
308 appears that you guys were kinda facing in a northern direction towards the
309 side of the house.

310
311 A: Correct, yes.

312

- 313 Q: Okay. So the backdrop of the officers' rounds would have been the stucco
314 wall of the house...
- 315
- 316 A: Yes.
- 317
- 318 Q: ...right behind you.
- 319
- 320 A: I noticed after everything was over that there were several bullet strike marks
321 into the wall behind where the, uh, suspect got up.
- 322
- 323 Q: When you were talking to, um, this suspect with the knife, did - did he have,
324 like, slurred speech, did he - I dunno if you were ever close enough to notice if
325 you could spell alcohol, did you see any open alcohol containers around him?
326 Did he look like he was under the influence of any kinda drugs or anything?
327
- 328 A: No. I didn't see any alcohol, uh, around him, any bottles or cans or anything.
329 Um, he didn't - his speech seemed clear. There were times he was a little soft
330 spoken so I had trouble hearing what he said. That's at one point that he told
331 me he had cancer. I think he said he had liver cancer, but I wasn't sure. Um,
332 but as far as - he spoke good English, he was articulate, he seemed to
33 understand what I was telling him. Um, so I - I - he didn't seem, uh,
334 incoherent or intoxicated to me, no.
- 335
- 336 Q: Did he ever make any kind of verbal threats towards the officers, like, if you
337 come any closer I'm gonna stab you or don't come any closer. Do you recall
338 anything like that?
339
- 340 A: No. I don't.
- 341
- 342 Q: Okay. Um, did you notice if he was bleeding on his arms or - you said you
343 didn't notice any blood on his face.
344
- 345 A: No. I was surprised because, like I said, it looked like he was - when he was
346 pressing the knife to his forehead and stuff like that, that he was putting pretty
347 good pressure on it.
348
- 349 Q: Was it the blade that he was pressing against it...
- 350
- 351 A: Yes, he was pressing the blade...
- 352
- 353 Q: ...was it the side?
- 354
- 355 A: Uh, the - the...
- 356
- 357 Q: The sharp blade?

358
359 A: The sharp blade.
360
361 Q: So he was rubbing it on his - the forehead, on his face?
362
363 A: Yes, yes. And a lot of it was just the point, the very edge, the point of the
364 knife and it looked to me like he was pushing pretty good. And I was actually
365 kinda surprised 'cause I thought, um, it would cut himself and he'd start
366 bleeding. And the same thing - and when he - when he ran it over his arm and
367 under his arm, um, he used the sharp edge of the blade and then the top side
368 and whatever and go back and forth like that, but there again, I was kinda
369 looking at it and I didn't see any blood coming...
370
371 Q: From his arm?
372
373 A: ...from his arm or anything.
374
375 Q: So he was doing that to his left arm?
376
377 A: Yes.
378
379 Q: Holding the knife in his right arm - right hand?
380
381 A: Yes.
382
383 Q: What did his, um, knife look like? Do you remember what it looked like?
384 Did you see it well enough?
385
386 A: Um, yeah, it had a - it was a black handle and I would say the blade itself was
387 probably 8 to 10 inches long. Uh, I don't think it was, like, a butcher knife,
388 but it was a large...
389
390 Q: Kitchen type knife?
391
392 A: Yes.
393
394 Q: Was there any other witnesses out there that you saw besides, um, the officers
395 involved? Larkin, Childers, Officer Kauk, Outlaw, O'Farrell and Quinn?
396
397 A: Feimer.
398
399 Q: Feimer was out there also?
400
401 A: Yes.
402

403 Q: And he - he was on the inside or outside of the gate?
404
405 A: Inside. He was inside the fence.
406
407 Q: He also jumped over the fence?
408
409 A: I think he brought his dog around.
410
411 Q: Brought his dog around so he had his dog with him?
412
413 A: Yeah, yeah, he had his dog with him. And then, um, I was reminded later that
414 Officer Childers had a ride along, and that individual was sitting in his car,
415 which was parked on Tenth Street. He was directly, uh, behind where this all
416 took place.
417
418 Q: A civilian ride along?
419
420 A: Yes. And I learned later that, uh, Officer - or Investigator (Kwan) from the
421 DA's office and Agent (Webber), who are part of the gang task force, were
422 pulling up. Uh, I guess they came up northbound on Sedgwick right at Tenth
423 Street, were pulling up just as the shooting had occurred.
424
425 Q: So based on - on what you saw, did it appear clear to you that he was coming
426 at the officers with a knife?
427
428 A: Yes.
429
430 Q: Um, were there anybody else out there that got injured?
431
432 A: No. Not that I'm aware of.
433
434 Q: No officers had any injuries or anything?
435
436 A: No. No officers had any injuries. Once - once the suspect was hit, went
437 down, the knife ended up right next to me. He was laying on his back. I had
438 Officer Quinn and I can't remember who else approach from - his head was
439 kinda laying in a west - westerly direction and he wasn't moving, but the knife
440 was just to his left side, so I had Officer Kauk move up while we had - still
441 had cover, and he kicked the knife away from the suspect, uh, and then placed
442 handcuffs on him.
443
444 Q: Kauk handcuffed him?
445
446 A: Yes. I believe it was Officer Kauk.
447

448 Q: Somebody ultimately handcuffed him?

449
450 A: Yeah. And then, uh, paramedics came in and, um, and he was pronounced
451 deceased at the scene.

452
453 Q: Is there anything you can think of that we didn't go over?

454
455 A: Um, I believe, and I don't know at what point during the whole incident, but I
456 believe Officer Outlaw, uh, activated his COBAN recorder. And like I said, I
457 don't know at what point during, uh, the whole dialogue and all that, but he -
458 he possibly, uh, was able to record some of the conversation that I had with
459 the individual and the suspect back and forth.

460
461 Q: Was any of the other officers talking, or were you primarily doing the most
462 verbal interaction with him?

463
464 A: I was primarily the one talking to him.

465
466 Q: And how long did you estimate that you were communicating back and forth
467 with him?

468
469 A: Uh, I'd say probably three or four minutes maybe. Um, like I said, initially
470 when we got there, we spotted him in the yard. Uh, the officers jumped the
471 fence or came around and they were yelling at him to drop the knife and get
472 on the ground. Uh, he didn't comply, kinda backed up and just sat down on
473 that bench. Uh, and so that's where we kinda maintained our position where,
474 uh, I felt we had a pretty safe distance and then I started a dialogue with him
475 so that way - I wanted to try to calm the whole situation down, see if I could
476 get him to start cooperating with us. And, um, so basically everybody stayed
477 pretty quiet and I tried to communicate with the suspect, get him to comply
478 with us. And the only time I think I did divert from him, which I didn't want
479 to do it because I wanted him to feel like he had all my attention, but was
480 when I asked Officer Quinn about the taser, and then, uh, Officer O'Farrell
481 had said he had one and I directed him to come in next to me. Um, I did think
482 about, uh, trying to get on the radio and getting dispatch to start medical aid to
483 have 'em stage somewhere. I didn't know if one of the other officers had done
484 it, but just in case it did, uh, go in a - in - in a situation where we would need
485 medical aid, but I didn't wanna pull my radio out and make him feel like I was
486 doing something, uh, that he perceived you know aggressive or whatever. As
487 a matter of fact, I didn't even have my weapon drawn. I kept it holstered
488 hoping he would concentrate on me and I didn't wanna look like I was a
489 threat; like I was there to help him.

490
491 Q: Right.

492

493 A: So...

494

495 Q: Was he, like, threatening, uh, was he making comments like he wanted to hurt

496 himself or kill himself? I mean, it's obvious he's cutting himself with a knife,

497 but was he - did he say, like, I just wanna die or...

498

499 A: Yeah. He made some kind of - I believe at some point he's just tired and just

500 wants to be done. And then during that - that, uh, when he would talk like

501 that, that's when he would say I should just charge you guys with this knife, or

502 something, knowing that if he did that, there was a good chance that we would

503 use lethal force and kill him.

504

505 Q: And he made that comment a couple of times?

506

507 A: I believe it was a couple times that he said something along those lines, yes.

508

509 Q: So did it appear that he was trying to contemplate it or build up the courage to

510 do it or...

511

512 A: That's what it appeared to me, and like I said, based on his demeanor initially

513 when I thought - when he had thrown the knife down, I thought maybe I was -

514 I was having some success and that he was going to cooperate, but then he

515 picked it back up, we continued with our dialogue a little bit more and then

516 when I saw him start taking the knife and rubbing it across his head and stuff,

517 you could tell by - based on his demeanor, that he was starting to build up the

518 courage to do something, at least that was my perception of it. So, um...

519

520 Q: Did he appear, like, aggressive or angry? Was he yelling or was he more

521 kinda subdued and kinda despondent?

522

523 A: More despondent. He didn't really appear that, you know, maybe a little bit

524 angry, but more despondent than anything to me.

525

526 Q: The radio call - I haven't listened to it, but did dispatch say anything that - I

527 assume a family member is the one that called...

528

529 A: Yes.

530

531 Q: ...reporting that this was occurring at the residence? Did, uh, dispatch, when

532 they dispatched your officers to the call and you responded, did, uh, did they

533 say whether or not the family members reported that he had been drinking or

534 taking any medication or anything like that? Do you recall?

535

536 A: I don't recall. I - I later learned, uh, from one of the officers that interviewed -

537 I think it was a daughter - that she was the RP, or the person who called the

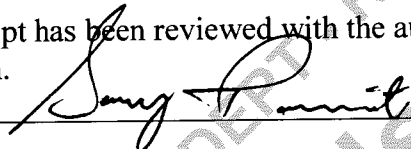
538 police and had said that he had been drinking and taking his medication. I
539 think he had just gotten released from the hospital earlier in the day and she
540 was the one who said he has a knife and he's cutting himself and they were all
541 scared of him and had told him to leave the house or something like that
542 'cause they were afraid to have him inside the house.

543
544 Q: All right, I can't think of anything else. Anything else you wanna add or
545 anything I missed?

546
547 A: I don't - I don't think so.

548
549 Q: All right, we will end the interview. It is now about 1:35.

550
551
552 This transcript has been reviewed with the audio recording submitted and it is an accurate
553 transcription.

554 Signed  471

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