

SUPPLEMENTAL REPORT

Date Prepared: 09-26-13

1. Original File No. P13133894	2.	3. Off ID 496	4. Dist. E	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 091313/2108	9. Day 6				
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) 2395 10 th St., Riverside							18. Type of Place residence					
For ID USE: V = Victim, I = Informant, W = Witness, O = Other												
19. ID: V-1	20. Last Name - First - Middle (Firm Name if Business) Officer Kevin Kauk #1326						21. Race - Sex	22. DOB				
23. Residence Address			24. Business or School Address RPD Officer			25. Home Phone	26. Bus. Phone					
27.	28. Last Name - First - Middle (Firm Name if Business)						29. Race - Sex	30. DOB				
31. Residence Address			32. Business or School Address			33. Home Phone	34. Bus. Phone					
S U S P E N D I N G	35. LAST Name - First - Middle Jimenez, Hector			36. Race - Sex H-M	37. Age 50	38. Ht. 5'6	39. Wt. 220	40. Hr Gry	41. Eyes Hzi	42. DOB or ID 05-11-63	43. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No	
	44. Address - Clothing - Other Marks or Identifying Characteristics 2395 10 th St., Riverside; (Deceased)											
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 N D I N G	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

Case	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	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
57 PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime) (1) Officer Involved Shooting (2)	61. Original Offenses Changed to (Code - Crime) (1) (2)	58. Stolen Auto Value ASP: \$
62. Narrative of Supplemental Report Present at interview: Detective Mike Medici Deputy District Attorney Michelle Paradise Attorney Russell Perry		59. Recovered Auto Value A2 \$

Interview took place on 09-14-2013 at 0350 hours in the first floor conference room at the Riverside Police Department Magnolia Station. Officer Kevin Kauk has spent 8 1/2 years at RPD. Officer Kauk lateraled to Yuba City Police Department in 2010 but returned to the Riverside Police Department in 2011. Officer Kauk was working swing shift with call sign C320. Officer Kauk was driving police unit #3147.

See page two for narrative

Reporting Officer Det. Sanfilippo
Reviewed By <i>[Signature]</i>
COPIES TO
VCL0 ()
ACTIONS
APR Sent
APR Cncl.
APB Sent
APB Cncl.
DOJ-NCIC
Entered
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Stats
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**RIVERSIDE POLICE DEPT.
CONTINUATION PAGES**

PAGE NO: 2

FILE NO: P13133894

DATE 9/26/2013	TYPE OF REPORT Officer Involved Shooting	INVESTIGATING OFFICER Det. Sanfilippo #496
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Officer Kauk advised he was dispatched to Sedgwick Ave. and 10th St. reference a suicidal subject (S-1) armed with a knife. Officer Kauk stated he arrived at the location at the same time as Officers Outlaw and Quinn (C236 - unit #3148). Officer Kauk said he parked behind Officers Outlaw and Quinn's police unit on Sedgwick Ave. (west side of street, facing south, north of 2395 10th St.). Officer Kauk advised the last update he heard was that the suicidal subject (S-1) was near the corner of Sedgwick Ave. and 10th St. Officer Kauk stated as he exited his police unit he went to the trunk of Officer Outlaw and Quinn's police unit and observed / confirmed the loading of the less lethal shotgun by Officer Outlaw (per department policy).

Officer Kauk advised he then observed the arrival of Officer Larkin and Sgt. Toussaint. Officer Kauk stated the officers then began to search the vicinity for S-1. Officer Kauk said he first observed S-1 in possession of a knife in the south side yard of the 2395 10th St. residence. Officer Kauk advised he then moved in the direction of S-1 (east) and entered the south yard by jumping the small chain link fence. Officer Kauk said he jumped the chain-link fence on the west side of the property. Officer Kauk said he did observe a female with a small child standing in the doorway of the residence on the south portion of the dwelling (duplex). Officer Kauk stated he told the female to go back into the residence as he lost visual on S-1 for a few seconds. Officer Kauk said he didn't want a hostage situation if S-1 got back into the residence.

Officer Kauk said he then observed S-1 seated on a bench with his back up against the south wall of the residence. Officer Kauk advised S-1 was armed with a large knife. Officer Kauk stated S-1 wasn't complying with the commands given to him by Sgt. Toussaint to drop the knife. Officer Kauk added Sgt. Toussaint was communicating with S-1 and asked him (S-1) numerous times to put down the knife. Officer Kauk stated S-1 told officers he was sick and didn't want to live anymore. Officer Kauk advised that S-1 stated he was going to charge at the officers as he shifted the knife back and forth in his hands. Officer Kauk did observe S-1 reach into his pants pocket and pull out some papers while mentioning he had been at the doctors and was going to die. Officer Kauk said S-1 threw the knife down into the ground in front of him at one point but immediately picked it up. Officer Kauk stated S-1's arms and legs appeared to be bloody. Officer Kauk advised that S-1 was rubbing the tip of the knife against his own arms and face. Officer Kauk stated S-1 told the officers several times "I'm gonna go that way" pointing north/west (to S-1's right) towards the residence front door.

Officer Kauk said he observed Officers Childers and Feimer arrive in the south yard of the residence. Officer Kauk stated Officer Childers stood to his left (near south/west corner of residence) and Officer Feimer stood behind him (Kauk) with his canine. Officer Kauk advised that Officer Feimer formulated a plan of releasing his canine if less lethal was an option and used on S-1. Officer Kauk stated S-1 all of a sudden stood up and "charged toward my direction" in an aggressive manner with the knife up extended out in his hand (unknown hand). Officer Kauk said at this point he fired his duty weapon 7-8 times for his own safety. Officer Kauk said he felt S-1's intention was to kill the officers or have the officers kill him. Officer Kauk stated he stopped shooting when S-1 went to the ground. Officer Kauk stated when S-1 went to the ground the knife landed next to S-1's hand. Officer Kauk said a plan was then formulated at the scene for him and Officer Childers to approach S-1 to secure the weapon and S-1. Officer Kauk said this was done under lethal cover. Officer Kauk advised Officer Childers kicked the knife away from S-1's reach and S-1 was handcuffed for their safety. Officer Kauk stated he requested medical aid immediately over the radio.

Officer Kauk was unsure how far he was from S-1 when S-1 was seated on the bench. Officer Kauk said originally that he believed he was 35 feet from S-1 but then suggested it was possibly 20-25 feet. Officer Kauk advised that Officer Childers was to his left and Officer Outlaw was 2-3 feet to the right of him armed with less

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lethal. Officer Kauk went on to say that Officer Larkin was to the right of Officer Outlaw with Sergeant Toussaint to the right of Officer Larkin. Officer Kauk said Officer Quinn was to the right of Sergeant Toussaint and all of them formed a semi-circle facing S-1. Officer Kauk said he wasn't sure who fired first but due to the casings he observed after the shooting he realized that less lethal was also fired. Officer Kauk was unaware if any of the officers present were in possession of a Taser. Officer Kauk said he has never been to that residence before and has had no prior contact with S-1.

For more details of the interview refer to the recorded interview that was downloaded to the server.

RIVERSIDE POLICE DEPT - Restricted Information
Public Records Act Request
ROZ 6/5/2015 12:14:26 PM Unauthorized Release PROHIBITED

INTERVIEW WITH OFC. KEVIN KAUK

Q=Det. Ron Sanfilippo

Q1=Det. Mike Medici

A=Ofc. Kevin Kauc

A1=Atty. Russell Perry

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Q: Okay, I'm Detective Ron Sanfilippo, Riverside PD, Homicide and Robbery. To my right is Detective Mike Medici, my partner, co-case in this. Your attorney is next to you, Russell Perry. Excuse me, and also present is Deputy DA Michelle Paradise. Okay. Can you spell your first and last name for me?

A: Yeah it's Kevin, K-E-V-I-N.

Q: Okay.

A: Last, Kauc, K-A-U-K.

Q: Okay, Kevin. Um, what's your ID number?

A: 1326.

Q: Okay. And how long you've been, uh, with Riverside PD?

A: Uh, with Riverside for approximately eight and a half years. Sworn police officer for 10 years.

Q: Okay. And where were you before RPD?

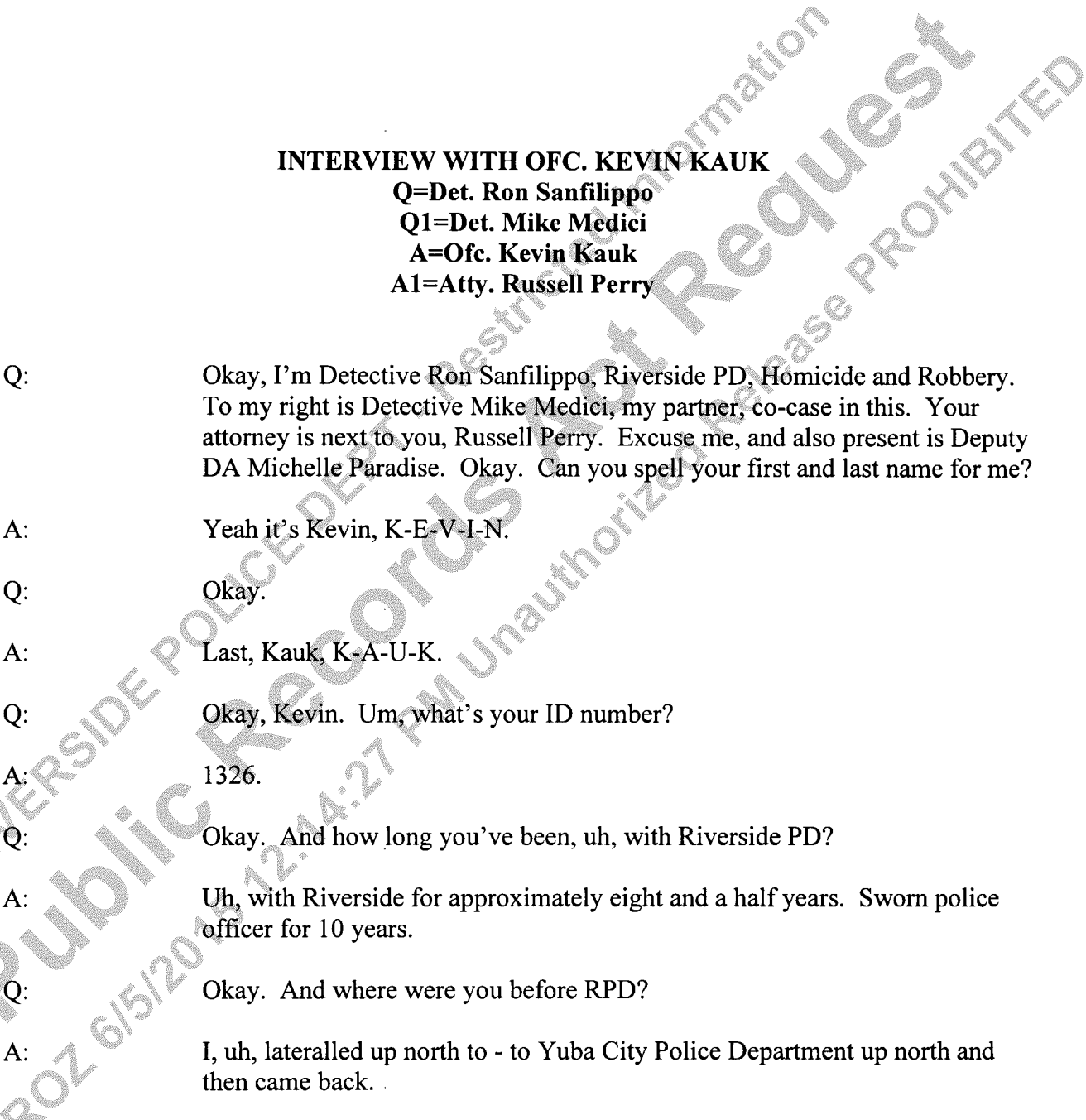
A: I, uh, lateralled up north to - to Yuba City Police Department up north and then came back.

Q: Yuba City?

A: Yes.

Q: And when were you at Yuba City then?

A: Uh, 2010.



1608
1609 Q: Mm-hm.
1610
1611 A: All of 2010 and, um, a couple months 2011. Was gone for about 15 months.
1612
1613 Q: Okay. Uh, today what beat were you working?
1614
1615 A: Uh, the 230 beat in the East NPC.
1616
1617 Q: Was that C230 then?
1618
1619 A: Correct.
1620
1621 Q: And then, um, so you work swing shift also?
1622
1623 A: Yes.
1624
1625 Q: Okay. And you know what unit you were driving?
1626
1627 A: 3147 I believe.
1628
1629 Q: Okay. Okay and why don't you go ahead and tell me what basically, uh, what
1630 you remember on this call what, uh, was, uh, well before I can go, your
1631 attorney wants to make a statement then we'll go into it.
1632
1633 A1: Yeah, um, my client's going to give a statement pursuant to Riverside Police
1634 Department Policy 4.8 and, um, it's my understanding that, uh, there might be
1635 some audio or some video of it that would be produced, um, later on if there's
1636 a subsequent interview.
1637
1638 Q: Sure.
1639
1640 A1: Thanks.
1641
1642 Q: Okay Kevin, go ahead.
1643
1644 A: Uh, yeah we were dispatched to, uh, Sedgwick and 10th reference a, uh,
1645 suicidal subject armed with a knife. Um, myself and, uh, Officers Outlaw and
1646 Quinn were responding to the call. Um, Dispatch gave an update that the
1647 subject was still armed with a knife and at one point was on the corner of
1648 Sedgwick and 10th.
1649
1650 Q: Okay.
1651

1652 A: Um, and as we were, uh, getting closer Sergeant Toussaint, uh, got on the
1653 radio and asked the, uh, the subject description again, indicating he was also
1654 in the area.

1655

1656 Q: Mm-hm.

1657

1658 A: Uh, myself and Officers Outlaw and Quinn they were in front of me. We
1659 pulled up relatively at the same time. Uh, also Sergeant Toussaint. And, uh,
1660 as we were, uh, getting out of our vehicles - I believe it was Officer Larkin
1661 also - also arrived. Um, Officer Outlaw and I went to the back of his unit to,
1662 uh, get out the less lethal shotgun. And, uh, I watched and confirmed per
1663 policy as he loaded the, uh, less lethal shotgun. And then myself, Officer
1664 Quinn, Officer Outlaw, and Officer Larkin access the scene and try to, uh,
1665 locate the suspect who was supposed to be somewhere, uh, either in the yard
1666 of the residence or nearby.

1667

1668 Q: Okay.

1669

1670 A: Um, Sergeant Toussaint also. We were looking for him and we, uh, we saw
1671 the subject on the south side of the house and he was armed with a knife. Um,
1672 as we all began to move up toward - toward the property, um, I also noticed
1673 there was a, a door to maybe it looked like a converted garage to a residence.
1674 And at one point the door opened and there was a woman with a small child
1675 there. Told her to close the door at that point as we moved on the subject
1676 started to walk around. At one point where I lost visual because I was
1677 walking up there, either a tree or some obstruction and the other officers, um,
1678 kind of moved around to the right at the same time I went over the, uh, small
1679 fence. There's a small fence around the property, small chain-link fence.

1680

1681 Q: Okay.

1682

1683 A: Um, we went into the yard. Um, at that point we didn't know other family
1684 members - we knew other family members were present. Uh, while we were
1685 in route I believe it was Officer Quinn broadcast to try to tell them to separate
1686 so that we didn't get into a hostage situation. Um, at that point I knew there
1687 was at least one small child and a woman in that house. I didn't know if there
1688 was other family members around the back of the house. So, um, we moved
1689 up to try to make sure there was no other bystanders that - that could be
1690 harmed by the subject. As we all entered into the yard the suspect was
1691 seating on a bench on the south side of the property and he was still holding
1692 the large, uh, knife in his hand. Um, almost immediately I think Sergeant
1693 Toussaint began to try to establish some type of dialogue with the subject,
1694 giving him orders to drop the knife. Um, we all initially were, you know,
1695 giving him orders to drop the knife and then, um, so that there was one person,
1696 Sergeant Toussaint began the dialogue and we all kind of maintained our

1697 cover as he tried to negotiate. Uh, tell the subject, you know, he's got family
1698 in there, he's got kids. No one wants to hurt him. And the subject, uh, began
1699 making a lot of statements, uh, I don't remember exact quotes but that he
1700 didn't want to live anymore, and I think that he was sick. Um, Sergeant
1701 Toussaint continued to try to - try to reason with him, try to get him to drop
1702 the knife. Explain you know, no one's going to hurt him, he's not in trouble.
1703 Just want to get him help. He was, uh, bloody. Looked like he had some, uh,
1704 wounds. And in the call it said that he had cut himself I believe in the legs.
1705 He had some blood I think on his arms and legs. And at one point well
1706 Sergeant Toussaint engaged in dialogue, he raised the knife up and like was
1707 pressing the point against his own head. Um, what else. K9 Officer Feimer
1708 arrived and, uh, also Officer Childers was on scene, as well as Officer Quinn.
1709 And as we maintained, uh, cover on the suspect we were trying to formulate a
1710 plan if he tried to get back into the residence or something if - if less lethal
1711 was an option or the K9. Uh, K9 Officer Feimer communicated to me to let
1712 me know where the dog was behind me that if there was some type of an
1713 opening where he was, you know, not a threat to our lives, but was trying to
1714 fling around to go in the house that he if he could send the dog, stuff like that.
1715 While Sergeant Toussaint continued to try to reason with the suspect. Um, I
1716 moved over to towards the, uh, that door on the west side and Sergeant
1717 Toussaint yelled to make sure that anybody who is in the house - 'cause there
1718 was kids away from that side of the room in case, uh, there was a shooting so
1719 that there was no, you know, chance for other people to get hurt. Um, I
1720 moved over in between, uh, on the corner of the house so that - and told the
1721 people inside to get out and leave the door so that I could be between the
1722 suspect and them. Keep them safe in case he charged at them to get them out
1723 of that portion of the residence. Once they were out, uh, suspect continued to,
1724 uh, make statements and - and at one point said, "I'm going to - I'm going to
1725 charge at you," and, you know, kind of pointed to - to a general direction
1726 where the officers. Said, "I'm going to come - I'm going to run at you. I'm
1727 going to run at you." Sergeant Toussaint continued to say, you know, "Don't
1728 do that. Just put it down." Um, at one point he kind of moved the knife from
1729 hand to hand and would kind of reposition it as if he was getting ready to
1730 stand up. Um, we were all trying to stay back at a safe enough distance to
1731 where we had the room for the - he couldn't advance, um, while maintaining
1732 dialogue. At one point he threw the knife down right at his feet and then
1733 immediately picked it back up. Um, perhaps as if he's trying to get somebody
1734 to move up. Because the whole time he kept saying, "I'm going to - I'm
1735 going to hurt you guys. I'm going to come at you. I'm - I'm going to charge
1736 that way," and he would kind of be specific and point with the knife which
1737 way he was going to go toward us. Uh, Sergeant Toussaint continued for, uh,
1738 for (unintelligible), "Hey, there's kids in here. Those your kids. You gotta
1739 think about your grandkids or kids, whatever." And the guy continued to say,
1740 "I'm," you know, uh, he said, "I'm going to show you something," at one
1741 point. Or something to that effect. Reached into his pocket with another hand

1742 that wasn't holding the knife and pulled out some type of like papers or
1743 medication. He made a reference to being to the hospital several times over
1744 the past couple weeks. And that's why, you know, he was going to - he was
1745 going to die. Um, and then he kind of moved tow- a little bit to his right with
1746 the knife in his hand and, uh, at that point he stood up and began running
1747 towards m- the direction of me, Officer Outlaw, and Officer Childers on that
1748 side. Um, he moved up and advanced a couple of feet at that point. Uh, I
1749 fired my duty weapon, uh, probably seven, eight times. And the suspect fell.
1750

1751 Q: Okay. Now Childers was - he was standing near you?

1752
1753 A: Yeah he would have been - Childers would have been to my left.

1754
1755 Q: Okay. So how close are you to the corner of the house then?

1756
1757 A: Um, well at the point I - at one point I had moved over closer to it while I was
1758 trying to yell inside the house.

1759
1760 Q: Right.

1761
1762 A: Um, I think Childers moved over by me or it could even been before he'd
1763 gotten there. Not 100% sure about that.

1764
1765 Q: Okay.

1766
1767 A: I was focused on the suspect and trying to yell orders to get them out - to a
1768 position of safety and I notice that there was a small child in there. So once
1769 the woman with the small child exited - was able to get through - then I
1770 moved back, um, to my right. Um, and Childers at the time of the shooting
1771 was to my left.

1772
1773 Q: Okay.

1774
1775 A: And to my right was Officer Outlaw with the - the less lethal shotgun. And I
1776 think the order was Childers, myself, Outlaw, um, Feimer was kind of with
1777 the dog obviously, so he was kind of, uh, behind us.

1778
1779 Q: Okay.

1780
1781 A: And then, uh, Sergeant - well, Officer Larkin, Sergeant Toussaint, and then I
1782 believe Officer Quinn was further to the right around this side. perhaps to be
1783 a hands-on if...

1784
1785 Q: Mm-hm.

1786

1787 A: ...if the situation would have gone that way.
1788
1789 Q: Okay. So when you get - first roll up, you make contact with, uh, somebody
1790 that pulled in the driveway?
1791
1792 A: Yeah there was a - as we were walking up to the fence, uh, at this point we
1793 still - we didn't know exactly where the suspect was because the last we had
1794 was Sedgwick and 10th (unintelligible) and make sure we didn't have our
1795 backs to him. And at that point we were like - we were in front of the, uh, the
1796 residence. And then a woman in a car pulled like towards the driveway, but it
1797 had that small fence all around the property (unintelligible) somebody, you
1798 know, told her to leave. You know, can't go in there, it's not safe.
1799
1800 Q: Okay.
1801
1802 A: And I don't remember who that was because we were still moving forward.
1803
1804 Q: And was that driveway - is there a fence in front of the driveway?
1805
1806 A: Yeah it's a - got a fence in - it's like on a rolling gate and...
1807
1808 Q: Was it - was it closed when you guys first rolled up there then?
1809
1810 A: I believe so.
1811
1812 Q: Okay.
1813
1814 A: I believe so.
1815
1816 Q: And you would have to - in order to get in that yard you'd have to go over a
1817 fence, you couldn't just walk up the driveway?
1818
1819 A: If that gate was closed, yeah.
1820
1821 Q: Okay. What knowledge did you have from dispatcher whatever when you
1822 first rolled up there? What - what were you made aware of other than a 5150
1823 subject with a knife? Is that all you knew or...
1824
1825 A: Yeah they said that he had - he had, uh, I believe they said he had attempted in
1826 the past. Um, I can't remember what was broadcast and what I read. Because
1827 I was reading this, you know, as we were driving, getting the information as it
1828 was getting updated. Sometimes, uh, the dispatch system information can be
1829 put into the call where we can see it before the person on Channel 1 is able to
1830 communicate it. So something like this you always have to double-check.
1831

1832 Q: Right.
1833
1834 A: You know, there's not some other updates you haven't got yet and we were
1835 getting pretty close. So I can't remember exactly what was broadcast and
1836 what compared to what I read. But there was information that he was still
1837 armed with a knife, that he had already injured himself. That there was other
1838 family members at the residence. And, uh, that he was suicidal. And I
1839 believe that he had made attempts before.
1840
1841 Q: Okay. And then the first ones in the yard do you remember were - were who?
1842
1843 A: I believe it would have been, um, Officer Larkin. Um, myself, and then
1844 maybe Sergeant Toussaint.
1845
1846 Q: Okay.
1847
1848 A: But I couldn't be 100% sure about that because once, uh, like I said, I went in
1849 focused on him because he had the large knife out.
1850
1851 Q: Okay. And then you said you - you got some people out of the house? You
1852 remember who those people were?
1853
1854 A: I never made contact with them again. It was a, uh, a, a Hispanic female,
1855 probably 20's or 30's.
1856
1857 Q: Mm-hm.
1858
1859 A: And she was holding a smaller child. So.
1860
1861 Q: And that was it, just those two?
1862
1863 A: That - and that who was inside that one house that I remember. And there
1864 may have been another 'cause there was other family members to the north.
1865
1866 Q: Okay.
1867
1868 A: It - the way the residence is - it's kind of weird. It's like almost two separate
1869 ones or attached garage may have been converted. There's a garage in
1870 between I guess that's probably what it was.
1871
1872 Q: Right.
1873
1874 A: Um, so they were down on that side. And, you know, we motioned to them to
1875 stay inside too also, 'cause they were (unintelligible).
1876

1877 Q: Now the girl with the - with the baby, did she make any statements to you
1878 when she left about could be her - a relative or anything?
1879
1880 A: She - she said something but once she started leaving I don't remember
1881 anything that she said.
1882
1883 Q: Okay.
1884
1885 A: I don't remember anything that she said.
1886
1887 Q: So there was two objectives here. Also, there was not only the safety of
1888 yourselves, the safety - actually three - the safety of themselves but also you
1889 didn't want him going back in that house because then you'd have a whole
1890 another issue with possibly...
1891
1892 A: Right.
1893
1894 Q: ...hostages.
1895
1896 A: Hostage situation, yeah. And with small kids and, you know, we didn't know
1897 who else was there and - or who else was even around in the back of the yard
1898 if someone else had been, uh, out there.
1899
1900 Q: Okay. So then you guys get up there and how far away do you think you guys
1901 were at the time when you guys were communicating with the, uh, with this...
1902
1903 A: Um, we kind of formed a - almost like a semi-circle.
1904
1905 Q: Mm-hm.
1906
1907 A: But with - so the distance was, um, I'd estimate about 30 to 35 feet.
1908
1909 Q: Okay.
1910
1911 A: In that. Trying to keep enough distance to where we, you know, knowing
1912 with the 21 foot thing with the - the subject armed within a knife can - you can
1913 advance that quick. We've all seen, been trained on that and seen the videos
1914 of - of, uh, attacks with knives or cutting instruments where - where, uh, you
1915 try to keep that safe distance so...
1916
1917 Q: Mm-hm.
1918
1919 A: ...we were at the safest distance we can be in the back but still at that point
1920 being able to react if he tried to go toward the other (unintelligible) and you're
1921 also, you know, there's - it's a neighborhood so there's another house to the

1922 east, unrelated, that he could have, you know, gone into if he would have been
1923 able to - to flee still with the knife.

1924

1925 Q: Okay.

1926

1927 A: 'Cause of his mental state, he was obviously, um, willing to hurt himself and
1928 others so we thought at that point, so.

1929

1930 Q: Okay. So you think - you think at 30-35 feet then?

1931

1932 A: I would estimate about that.

1933

1934 Q: Okay. And then basically during the communication did it appear that he was
1935 even understanding what you guys were saying? Was he like answering back
1936 at times or was he just doing his own thing?

1937

1938 A: Yeah he - I mean he would tu- he would make just comments, you know, he's
1939 day, "You don't want to, you know, you don't want to do this." "Yeah, no I
1940 don't - I don't want to," you know, I don't even remember exact, but basically
1941 the point he - he didn't want to live. When Sergeant Toussaint was trying to
1942 make some connection with them, you know, kids, you know...

1943

1944 Q: Right.

1945

1946 A: "Live for your kids," or live for this and live for that. And, uh, he was just
1947 being dismissive saying, "No I'm going to - I'm going to - I'm going to run
1948 right into you with this," or, "I'm going to go in that direction."

1949

1950 Q: What was his intention do you think? Did he say why he wanted to run into
1951 you guys? Did he tell you what he wanted you guys to do to him? Or was it
1952 just that he just said, "I'm going to come at you?"

1953

1954 A: Yeah I don't know if he stated anything specific, but based on the call text and
1955 what the family had said, it was that he wanted to - when he - when he made
1956 mention of, uh, some type of, uh, serious illness that he kept going to the
1957 hospital back and forth like for that he didn't want to live anymore.

1958

1959 Q: Okay. So and when - how long do you think the communication was going on
1960 between, uh, you guys and, uh, the subject before this started?

1961

1962 A: Um, I would say probably, uh, two minutes, two to three minutes.
1963 Somewhere in that vicinity, by the time we got there, um.

1964

1965 Q: And nothing changed from the whole time it started to the end? He was in the
1966 same kind of, uh, mindset at that point I guess you'd say?

1967
1968 A: Yep.
1969
1970 Q: He wasn't really lowering - did he have the knife up the whole time? Or was
1971 it...
1972
1973 A: Yeah...
1974
1975 Q: ...(unintelligible).
1976
1977 A: ...he was moving it from hand to hand. Which at one point he - he took the
1978 tip and cut - cutting it into his own head or face or putting the point into it.
1979 But he was still talking the whole time about that saying, "No, I'm going to,
1980 you know...
1981
1982 Q: Mm-hm.
1983
1984 A: ...I'm going to - I'm going to run at you right that way." He said that a
1985 couple of times.
1986
1987 Q: So he actually faced an officer
1988
1989 A: Yeah or - or our direction. Uh-huh. Said - he said at one point, he said, "I'm
1990 going to go that way," and he kind of pointed to the group that would have
1991 been to my right and then he kind of pointed to myself, shows, "I'm going to
1992 come at you." Which was ultimately the - when he got up from the bench and
1993 began to lunge forward and took a couple steps.
1994
1995 Q: And that was prior to the shooting he only got up at that time just before the
1996 shooting? He never got up there at any other time before, like standing up or
1997 anything? He sat the whole time?
1998
1999 A: Yeah.
2000
2001 Q: Okay. Did he have any other questions for you guys or anything? Was he
2002 acting...
2003
2004 A: No.
2005
2006 Q: ...to the point where you guys - what was your - going through your mind
2007 then at that point? What did you think was happening at that - you think he
2008 was just going to basically turn over the knife or what was going through your
2009 mind at that point?
2010

2011 A: I was hoping, um, but nothing - nothing was, you know, we been to calls
2012 similar to this before where, you know, people are unstable and sometimes
2013 you can see a core with them and - and - and see something in their eyes
2014 where they, you know, if - if you can convince them that - that things are
2015 going to, you know, aren't that bad, but you just - he never changed his
2016 demeanor. He seemed like he had one goal in mind and...

2017

2018 Q: Mm-hm.

2019

2020 A: ...was going to do whatever he needed to get it done.

2021

2022 Q: So from the time you were in the yard then you - did you have your gun out
2023 at that time?

2024

2025 A: Yes.

2026

2027 Q: Okay and was it basically aimed at him or what were you doing - where was
2028 your gun aimed? He was sitting there talking and doing the maneuvering with
2029 the knife...

2030

2031 A: Yes my gun was pointed at him. Um, in addition to - because Officer Outlaw
2032 was armed with the less lethal, I also - obviously he was - if the subject was
2033 able to get to him, he didn't have the means of lethal force at his disposal, so I,
2034 uh, as always the course when someone's armed with the less lethal than...

2035

2036 Q: What - why was he armed with less lethal at that point? Was there some kind
2037 of plan that was...

2038

2039 A: Yeah we had, you know, talked quick initially if there was a chance - if there
2040 was a situation presented itself where, um, you know, if at any point he did
2041 back away from the knife and - and we had any opportunity to - or he got far
2042 enough away an then went back for it, if there was a situation where we could
2043 deploy a less lethal option to resolve it, either the less lethal shotgun or the
2044 K9. Um, and we obviously wanted to be able to have that in place to be able
2045 to use it if that option presented itself. But unfortunately it didn't.

2046

2047 Q: Okay. And the taser, also was somebody out there with a taser?

2048

2049 A: Um, I'm not aware if anyone had a taser.

2050

2051 Q: Okay. So go through your mindset and everything, what was going through
2052 your mind at the time when you decided to fire your weapon, what was - just
2053 describe basically what you saw the - this guy do that made you fire?

2054

2055 A: When I fired he had stood up and began to charge toward my direction and -
2056 or Officer Child- whoever was to the right or left of me with the knife up, the
2057 intent to kill us or...
2058
2059 Q: Okay.
2060
2061 A: ...make us kill him.
2062
2063 Q: So he had his knife up? And - and which hand did he have it, do you
2064 remember?
2065
2066 A: Uh...
2067
2068 Q: Don't guess.
2069
2070 A: Yeah. I - I - I honestly don't remember the hand.
2071
2072 Q: Okay.
2073
2074 A: I - I would assume his right. It was in his right the most time, but I said a
2075 couple times he did and at point when he stood up and lunged.
2076
2077 Q: But it was in aggressive manner coming towards...
2078
2079 A: Yes.
2080
2081 Q: ...you? Okay, do you know how close he got to you before you start firing?
2082 Or was it right away when he started moving towards you?
2083
2084 A: Uh, he got - he maybe came a total of maybe five, five to seven feet.
2085
2086 Q: Okay.
2087
2088 A: About that.
2089
2090 Q: Okay and you said you - you fired how many rounds, do you remember?
2091
2092 A: I estimate seven or eight.
2093
2094 Q: Okay. And wh- wh- why did you stop firing at that point?
2095
2096 A: He - he fell. He fell to the ground and the knife fell, uh, I just - when he came
2097 forward, got came forward toward us with the knife, charging us, I began
2098 firing and obviously that happened really quick. But um, I stopped firing and

2099 he fell. And I saw the knife come out of his hand and going next to his hand
2100 while he was lying motionless.

2101
2102 Q: Okay.

2103
2104 A: Um, and obviously at that point we still don't know if the threat's ended, but
2105 at that point we regrouped, kind of got some communication. I communicated
2106 with Sergeant Toussaint that, um, myself and Childers - since we were over
2107 on the left - we had the other guys to still maintain cover. We made a plan to
2108 go up and, uh, Officer Childers moved the knife away from him.

2109
2110 Q: Mm-hm.

2111
2112 A: So that we could move in and handcuff. I put on latex gloves.

2113
2114 Q: Okay.

2115
2116 A: Um, I holstered, put on the latex glove while the other officer maintained
2117 cover. Myself and Officer Childers moved up. He, uh, moved the knife far
2118 enough away from him so he couldn't grab it. If he tried. And, uh, myself
2119 and Officer Childers rolled him over and I handcuffed him.

2120
2121 Q: Okay. Did he move it with his foot or did he move the knife with his hands?

2122
2123 A: He moved the knife with his foot.

2124
2125 Q: Foot? Was - was he - the subject saying anything at that point when you
2126 (unintelligible)?

2127
2128 A: No.

2129
2130 Q: Okay.

2131
2132 A: I also, uh, I believe I was the first to get on and request, uh, for tell medical
2133 aid they can roll in immediately, as soon as - as soon as he was down.

2134
2135 Q: Okay. Okay. Michael?

2136
2137 Q1: Uh, Kevin, are you familiar with that house?

2138
2139 A: No.

2140
2141 Q1: You haven't seen the guy before? Never dealt with any situations at that
2142 house before?

2143

2144 A: I don't believe so.
2145
2146 Q1: Um, any conversations with any other officer on the scene that night that had
2147 done so and let you know that they had been there before?
2148
2149 A: No.
2150
2151 Q1: Do you know as you sit here and maybe you covered some of this, um, who
2152 else besides yourself fired?
2153
2154 A: Uh, I believe myself, Officer Larkin, and Officer Childers fired lethal round.
2155 And, uh, Officer Outlaw fired the less lethal shotgun as well.
2156
2157 Q1: Okay, so you did hear less lethal before it?
2158
2159 A: I - I did and I saw the - the while we were still at the scene I saw the two, uh,
2160 two spent lethal rounds.
2161
2162 Q1: Do you have, um, a mindset of - of what effect that had on him? On the
2163 suspect?
2164
2165 A: It had no effect. To the point I - if it was fired initially when he first got up
2166 and he didn't stop until we stopped shooting.
2167
2168 Q1: And how soon after, if you know, and again don't - I'm not trying to make
2169 you guess, I just want to know if it's, uh, if it's a long delay, short delay,
2170 simultaneous? From the time the less lethal was deployed was that actually
2171 deployed before you fired then?
2172
2173 A: I couldn't - I couldn't tell you.
2174
2175 Q1: Um, would you say that it's more, uh, in your own mind kind of everything
2176 just happened at the same time? You know what I'm saying, I'm trying to
2177 determine if...
2178
2179 A: Right.
2180
2181 Q1: ...if (unintelligible).
2182
2183 A: There was never a lull between, uh, less lethal deployed and - and when I
2184 fired.
2185
2186 Q1: Okay.
2187

2188 A: He's - he stood up with the knife raised and would like run toward us. He got
2189 a few steps and at which time I began firing. And I know there was other
2190 firing going on, but like I said, from - from the time I started firing to the time
2191 I stopped, I don't remember any shots before or after that time that were
2192 discernible to me.
2193
2194 Q1: And no long pauses after the...
2195
2196 A: No it was all...
2197
2198 Q1: How about call it a volley, is that a fair word to say for rounds being fired?
2199
2200 A: Yeah.
2201
2202 Q1: You heard - you fired seven or eight, you say you know other officers fired as
2203 well, and then you also, uh, know less lethal was deployed?
2204
2205 A: Correct.
2206
2207 Q1: Um, and for purposes of the recorders that are going in the room, you're
2208 repeatedly describing a - a pointing motion, uh, for somewhere around mid-
2209 section. I don't know, is that knife point pointing towards your direction or
2210 officer's direction?
2211
2212 A: Yes.
2213
2214 Q1: Um, and then you - you're saying three steps did you say when he...
2215
2216 A: I - I - I don't know exactly how many, I'd say he got three, five, three to five
2217 before he fell (unintelligible).
2218
2219 Q1: And actually started advancing in your direction?
2220
2221 A: Correct.
2222
2223 Q1: Uh, you made a couple, uh, you told us about a couple statements you said
2224 one was, "I'm going to run at you," the other one is, "I'm going to hurt you
2225 guys," that kind of a thing, uh, are you surmising? Are you - are you - are you
2226 just, uh, are those his exact words, "I'm going to hurt you guys?"
2227
2228 A: I don't know exact quotes. That's what he communicated, but it was, you
2229 know, he said a couple things multiple times and then a couple statements
2230 once and it was, you know, in between to Sergeant Toussaint trying to come
2231 to a resolution where he just dropped the knife. So I don't - I couldn't give
2232 you exact quotes:

2233
2234 Q1: Okay and did he - did he talk about wanting to die, things like that?
2235
2236 A: Yeah.
2237
2238 Q1: And he talked about his medical condition?
2239
2240 A: He - he - he said something about he pulled out something this is from
2241 hospital, some, you know, relayed - I don't remember exactly what he said,
2242 but he conveyed that he had some type of a - some type of a terminal illness or
2243 some type of grave medical condition that it caused him to be in and out of the
2244 hospital several times.
2245
2246 Q1: Would you describe him as distraught then? Now again, I don't want to put
2247 words in your mouth, you describe him to me. What - what was his demeanor
2248 at the time?
2249
2250 A: Yeah I guess you could say distraught.
2251
2252 Q1: Was there any indication that - that, um, he just wanted to die or you guys to
2253 shoot him? Or was he actually wanting to hurt you?
2254
2255 A: I don't...
2256
2257 Q1: If you know?
2258
2259 A: Yeah I couldn't interpret his actions. I just know he seemed like he had a set
2260 plan and nothing that anybody did or said was going to change what - the
2261 outcome that he wanted.
2262
2263 Q1: Okay. Um, what about - was - I think Ron asked you, was there a taser on
2264 scene? Or do you know?
2265
2266 A: I didn't - I don't know.
2267
2268 Q1: Okay.
2269
2270 A: 'Cause the problem with that would be the - the general effective of range
2271 we'd have to use that would put us within that distance to where, you know,
2272 generally we're - we're trained not to be that close with someone armed with a
2273 knife or his weapon because they could advance and still harm or kill you.
2274 That's personally why I wouldn't - wouldn't have taken one.
2275
2276 A1: I don't - I don't think so. I don't think I have anything.
2277

2279 Q1: Okay. We'll take a quick - quick break and then we'll - we'll come back and
2280 finish it.

2281
2282 A1: Okay.

2283
2284 Q1: Other than for purposes of the tape, you are in uniform. Um, that's the same
2285 uniform you were wearing...

2286
2287 A: Yes.

2288
2289 Q1: ...tonight? The officers with you were in uniform?

2290
2291 A: Yes.

2292
2293 Q: Okay. And before we take the break, um, did you turn on your - your - your
2294 recorder at any time?

2295
2296 A: No I don't believe so.

2297
2298 Q: Okay. Okay, we'll check it then before we leave. But - okay, we'll take a
2299 quick break.

2300
2301
2302 This transcript has been reviewed with the audio recording submitted and it is an accurate
2303 transcription.

2304 Signed  10-16-13

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