

SUPPLEMENTAL REPORT

Date Prepared: 12-06-2011

1. Original File No. P11169228	2.	3. Off ID 496	4. Dist. W	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 11-16-2011/0717	9. Day 4			
10. /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) 10406 Indiana Ave. #Q242, Riverside							18. Type of Place first floor apartment				
For ID USE: V = Victim, I = Informant, W = Witness, O = Other											
19. ID: V-1	20. Last Name - First - Middle (Firm Name if Business) Detective Laura Ellefson #1080 (SACA Unit)					21. Race - Sex	22. DOB				
23. Residence Address			24. Business or School Address Riverside Police Department			25. Home Phone	26. Bus. Phone				
Comments:			E-mail Address			Cell Phone	Pager Number				
S U S P E C T	35. LAST Name - First - Middle Romo, Alfred Delatorre			36. Race - Sex H-M	37. Age 61	38. Ht. 5'7	39. Wt. 155	40. Hr blk	41. Eyes brn	42. DOB or ID [REDACTED]	43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	44. Address - Clothing - Other Marks or Identifying Characteristics 10406 Indiana Ave., 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			

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

Cat.	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)					61. Original Offenses Changed to (Code - Crime)					58. Stolen Auto Value ASP: \$	
(1) 664/187 P.C. on Police officers					(1)					59. Recovered Auto Value A2 \$	
(2) Officer Involved Shooting					(2)						
(3)					(3)						

Reporting Officer Det Sanfilippo	Reviewed By [Signature]	Copies To:	APR Sent:	APB Sent:
			APR Canx:	APB Canx:

VCLO ()	DOJ-NCIC Entered:	Cancelled:	ENTERED:	STATS:	ARBK:	ANK:	Page 1
				11			

Narrative of Supplemental Report:

V-2 Detective Phil Fernandez #618, SACA Unit Riverside Police Department
V-3 Detective Rita Cobb #484, SACA Unit Riverside Police Department
V-4 Sergeant Wayne Ramaekers #301, SACA Unit Riverside Police Department

Present at interview:

Detective Mike Medici (co-case)
Riverside County Deputy DA Michelle Paradise
Riverside County Senior Investigator Sean Murphy
Attorney Russell Perry, (Lackie, Dammeier & McGill)

Related report #--P11169201

See page two for summary of interview

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DATE 12/6/2011	TYPE OF REPORT 664/187 P.C. on Police Officers, OIS	INVESTIGATING OFFICER Det Sanfilippo #496
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Det. Fernandez was interviewed at the RPD Magnolia Street Station first floor conference room on 11-16-2011 at 1500 hours. This interview was recorded on my Puma handheld recorder and downloaded to the server. Det. Fernandez stated he is currently assigned as an investigator in the SACA Unit. Det. Fernandez has been a sworn officer for sixteen years.

Det. Fernandez said he was asked on 11-15-2011 by Det. Laura Ellefson if he could assist with a search warrant that she had prepared to serve on 11-16-2011. Det. Fernandez advised he met for the search warrant briefing on 11-16-2011 at 0700 hours at the RPD Magnolia Street Station. Det. Fernandez said he learned this case had to do with a [REDACTED] Det.

Fernandez stated he was told by Det. Laura Ellefson the suspect (Romo) had [REDACTED] although there was a handgun (.25) registered to his wife (Margie). Det. Fernandez said he was told that family members of the suspect (Romo) stated the suspect's (Romo) wife carries the gun in her purse. Det. Fernandez stated he learned the suspect's wife left for work at 0700 hours therefore the plan was to serve the warrant a short time after.

Det. Fernandez advised he was assigned to carry the door bang (a large heavy metal tactical breaching device used by law enforcement) and use it if necessary. Det. Fernandez said he drove to the apartment complex with Det. Jones and they entered the far west gate of the Tyler Springs complex. Det. Fernandez advised all investigators (Ellefson, Jones, Cobb and Ramaekers) parked near the south west corner of the complex and approached the suspect's apartment on foot. Det. Fernandez said as investigators approached the suspect's (Romo) apartment Det. Jones was assigned to cover the rear window. Det. Fernandez said they walked in a stacked formation on the sidewalk up to the door to the apartment. Det. Fernandez added he and Det. Ellefson were at the door and Det. Cobb and Sgt. Ramaekers were behind them as the knock and notice was given by Det. Ellefson.

Det. Fernandez advised the light to the apartment was on upon their arrival but after the knock and notice the light inside the apartment went off. Det. Fernandez said he heard Sgt. Ramaekers yell out that somebody (silhouette) had approached the door after the knock and notice but moved away from the door just prior to the light going off. Det. Fernandez stated Det. Ellefson continued to give the knock and notice without any success therefore Sgt. Ramaekers told him to use the banger on the apartment door. Det. Fernandez advised he struck the door several times with the door bang and when it partially opened he could see that had been a living room couch placed in front of the apartment door. (The front door opens into the living room).

Det. Fernandez advised as he entered into the apartment he pushed the couch slightly so he could step in as Det. Ellefson stepped into the apartment to his left. Det. Fernandez said he could see the living room, dining room and kitchen area but didn't see the suspect (Romo). Det. Fernandez added he used the front door as concealment as he went to his knees and yelled out to the suspect (Romo) to come out and show his hands. Det. Fernandez said as he was yelling out to the suspect (Romo) he also heard Det. Ellefson yelling out to the suspect (Romo) similar commands. Det. Fernandez said as he was yelling out commands he was pointing his handgun in the direction of the hallway which leads to the rear of the apartment.

Det. Fernandez stated as he was covering the hallway the suspect (Romo) appeared holding a long rifle or shotgun and was walking in his direction. Det. Fernandez added he knew at this point he had to fire at the suspect because he (Romo) wasn't following commands as he (Romo) walked toward them. Det. Fernandez said he felt he was exposed at the threshold of the doorway with no cover other than using the front wooden door as concealment. Det. Fernandez stated he was scared for Det. Ellefson safety and his own. Det. Fernandez advised there was an exchange of gunfire and he was thinking at this point that he needed to get Det. Ellefson out of the apartment from behind the living room couch. Det. Fernandez said he lost sight of the suspect (Romo) as the suspect (Romo) flanked out to his right into the kitchen area. Det. Fernandez added he decided to shoot his rounds through the opened front door in the direction he believed the suspect (Romo) had moved to. Det. Fernandez advised he then heard Det. Ellefson yell out "he's (Romo) down" so at that point he and Det.

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Ellefson exited the apartment and took up cover out by the patio. Det. Fernandez said at this point as he was covering the sliding door of the patio for the suspect's (Romo) apartment when he heard another shotgun round fired. Det. Fernandez stated he joined Sgt. Ramaekers over next to the neighbor's patio fence so they had visual on the suspects (Romo) apartment door and patio sliding door until assisting officers arrived.

Det. Fernandez wasn't sure how many rounds he had fired at the time but knew he fired at least three or four through the door. Det. Fernandez added he couldn't tell the difference in the caliber of the guns at the time the shooting was taking place. Det. Fernandez said he never heard the suspect (Romo) go to the ground but when told by Det. Ellefson he knew it was a good time to exit the suspect's (Romo) apartment. Det. Fernandez added he never saw the suspect's face because he (Fernandez) was focusing on the shotgun barrel that the suspect was holding. Det. Fernandez stated he didn't hear the suspect (Romo) say anything during this incident. Det. Fernandez said he doesn't believe Sgt. Ramaekers or Det. Cobb fired their weapons. Det. Fernandez said everyone involved in the execution were wearing their "raid gear" that identified all of them as police officers.

Det. Fernandez said he heard Det. Ellefson put out an "11-99" when they exited the suspect's (Romo) apartment. Det. Fernandez advised he got on the radio a short time later to update arriving officers on what gate to use and a description of the suspect (Romo). Det. Fernandez said there was no doubt the suspect (Romo) knew we were cops and he (Romo) intentionally blocked the front door with the living room couch. Det. Fernandez reiterated he yelled out "come out, let me see your hands, RPD" over and over as he and Det. Ellefson initially entered the apartment front door.

For more details refer to the audio recording and the transcripts.

RIVERSIDE POLICE DEPT. Public Record Act
ROZ 11/27/2012 12:01:33 PM Unauthorized Release Prohibited

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INTERVIEW WITH DET. PHIL FERNANDEZ

Q=Det. Ron Sanfilippo

Q1=Det. Mike Medici

A=Det. Phil Fernandez

A1=Russell Perry

Q: Okay. Like I said I'm Detective Ron Sanfilippo, Detective Mike Medici. Uh, present at the table also is DA (Michelle Paradise), DA Investigator (Sean Murphy) and your attorney - can you?

A1: Russell Perry.

Q: Russell Perry.

A1: Yeah.

Q: Okay. What we're gonna do basically is just kinda go over what happened today starting from the beginning of the search warrant all the way to the end when you were brought down here.

A: Okay.

Q: Um, before we get started I'll go ahead and just uh, say that it's about 3 o'clock in the afternoon on 11-16-2011. And if I some background on you a little bit that'd be great.

A: Okay.

A1: Before we get...

Q: Sure I'm sorry.

A1: If you - if you wouldn't mind uh, my client's here to give a statement. That's my understanding. Uh, and I am aware of uh, Riverside PD's policy regarding officer involved shootings and he's here to give a statement in compliance with uh, with that.

45 Q: Well um, what's your um, right now where are you assigned and - and what is
46 your title?
47

48 A: Uh, currently Detective assigned to uh, the SACA Unit uh, Sexual Assault and
49 Child Abuse Unit. Uh, Centralized Investigation Bureau.
50

51 Q: Okay. How long have you been a sworn officer?
52

53 A: For 16 years.
54

55 Q: Okay. Have you been with our RPD the whole time or have you been with
56 other agencies also?
57

58 A: Fifteen years with uh, Riverside Police Department and one year with Chula
59 Vista Police Department.
60

61 Q: Your ID number?
62

63 A: ID 618.
64

65 Q: And on today's date you were um, assigned to go along uh, with a search
66 warrant that was gonna be uh, ? out on Indiana Avenue in the City of
67 Riverside?
68

69 A: Yes that's correct.
70

71 Q: Can you kinda tell us basically what - how that all started and how you were
72 brought into that and - and what eventually happened during this search
73 warrant?
74

75 A: Yes. Uh, yesterday got a phone call from uh, Case Agent uh, um, Detective
76 Laura (Riso) Ellefson. Uh, she asked if I was available to uh, assist in the
77 execution of a search warrant. Uh, yesterday about um, 11 o'clock in the
78 morning I gave her the um, confirmation that I'd be able to uh, to assist her.
79 Uh, and that was today's date to execute that search warrant. I got to work
80 this morning uh, we had briefing on that search warrant uh, operation at 0700
81 hours.
82

83 Q: Mm-hm.
84

85 A: Uh, Detective Ellefson uh, conducted the briefing on the operation. Uh, we
86 listened to the - the facts of the case and how that uh, that investigation was
87 developed uh, leading to uh, probable cause and uh, for the search warrant. It
88 was described that the residence is located at Tyler Springs uh, 55 and over
89 uh, community off of Tyler and uh, Indiana. I was familiar with this area. I

90 used to work this beat so I'm familiar with uh, that apartment complex. And
91 uh, we had the brief went over uh, the profile of the suspect. Talked about uh,
92 some history. I remember uh, nothing was uh, [REDACTED]
93 [REDACTED]

94 He had mentioned that uh, that there was information that the wi- uh,
95 suspect's wife um, purchased a gun or has - was known to maybe carry a gun
96 on her person. It was a .25 I believe. That - that information from the family
97 that she would use that or she would carry that on her person or her purse.
98 Uh, Detective Ellefson uh, assigned some uh, gave some assignments uh, as
99 far as uh, who was gonna um, approach the door. Uh, I was assigned to uh,
100 the door-knocker. Uh, I was able to get one from uh, CIB and utilize that in
101 case that uh, we needed to make entry. I did uh, respond convoy uh,
102 Detective Ellefson and Detective (Rita Cobb) rode uh, in their - in Detective
103 Ellefson's uh, city car. Uh, I rode with uh, Detective (Jones) in his car. And
104 behind us was uh, supervisor Sergeant (Ramaekers). We did uh - during the
105 briefing she had uh, d- designated a gate that we were going to uh, enter -
106 enter the apartment complex through which is the far west gate. Um, excuse
107 me. Detective Ellefson had a uh, Knox-Box key and was able to open the
108 gate. We were able to make entry into the complex. Uh, followed each other
109 - convoyed. Uh, we were able to park uh, near the southwest corner at the -
the complex there.

111
112 Q: Mm-hm.

113
114 A: Uh, just west of the uh, the apartment uh, target apartment. At exit uh, I was
115 able to - I grabbed the - the door knocker. Uh, single file uh, followed our
116 way down the path uh, towards the front. But - but she did mention that there
117 is a uh, a - a back window leading out to that parking lot that we parked at.
118 We were walking by it uh, she pointed out to (Jeff Jones) who's assigned to
119 cover that - that portion. In the briefing that uh, we uh, learned that there was
120 a uh, a patio that was uh, past or off to the side of the target apartment. Uh,
121 they had a the east - southeast corner there. That we stacked or single file uh,
122 and we're walking past. We're coming up to the patio uh, looking in the
123 patio. I remember she'd mention there's a lot of foliage - a lot of plants in this
124 uh, patio. She was right there was a lot of plants. Looking in it - looking at
125 the patio or the slider window the - the blinds are closed. Went out to the
126 front uh, single file with uh, Detective Ellefson was the primary, secondary
127 and then I believe it was a uh, (Rita) behind me - Sergeant (Ramaekers). Go
128 to the door uh, up against the wall. Noticed that there's a light on in the house
129 uh, right in front uh, straight acr- just off to the side of the doorway leading
130 into the apartment there's a - look like what a - probably a kitchen window.
131 There's a window but the blinds were closed. Obviously there was a - you
132 could tell that there was a light on. Detective Ellefson's uh, knocking on the
133 door. Uh, not gettin' any response. Uh, knocking a couple times. I could
134 hear Sergeant (Ramaekers) in the background saying um, he could see

135 movement inside. He can't tell if it's a female or male. Uh, so they - he's
136 giving us - telling us where they're moving. Looks like they're moving uh,
137 towards the either the living room or walking back away from it. Uh, at this
138 point uh, Detective Ellefson's now making the - making knock - knock and
139 notices. She's uh, uh, demanding entry. Search warrant. Uh, identifyin'
140 ourselves uh, Riverside Police. Uh, I did yell out uh, "Search Warrant uh,
141 Riverside Police Department." Point uh - (unintelligible) - there's still no
142 response at the front door.

143

144 Q: Mm-hm.

145

146 A: I uh, can't remember which way uh, Detective Ellefson moves to the side
147 we're gonna - I'm gonna door knock it. I door knock it one time and the s-
148 some - some damage to the door. It doesn't open all the way. Hit it again.
149 Opens up slightly. But now you can tell there's an obstruction there. At this
150 point uh, I - I put down the door knocker on the side of the door - doorway
151 there to the left. Uh, and clearly I could see what appears to be a couch. Oh
152 and go back uh, up the point with - time when uh, just when we're making a
153 knock and notice the light goes off.

154

155 Q: Okay.

156

157 A: I couldn't tell you when but to the best of my knowledge at some point that
158 light turned off.

159

160 Q: Did somebody alert you to that of did you (unintelligible).

161

162 A: I - I saw the light turn off.

163

164 Q: Okay. Did somebody had - did somebody tell it? Yell it out or anything? Do
165 you remember?

166

167 A: Uh, that - no.

168

169 Q: Okay.

170

171 A: No I don't remember hearing that.

172

173 Q: Okay.

174

175 A: Uh, that - that - I remember that the light turned off.

176

177 Q: Okay.

178

179 A: It was clearly from that window. Um, make entry. Look in - look in uh, into
180 the doorway clearly there's - the couch is there. And it's up against that door.
181 So we're pushin' it. I'm - I'm thinking - all I could see - I know that this -
182 something to the side. There's a room to the - off to the right and then the
183 hallway straight down. Uh, I've been - I worked a - an investigation - code
184 eight investigation so I was kinda familiar with kind of the layout of those
185 apartments. So I could see that this - clearly the hallway and the living room
186 and then there's a kitchen off to the side and then um, a nook uh, west of that
187 uh, kitchen.
188

189 Q: Okay.

190

191 A: Anyways uh, we're pushing the door out of the way and then we're uh...

192

193 Q: That just you and Laura?

194

195 A: Just me and Laura.

196

197 Q: Okay.

198

199 A: Uh, Laura goes to the left. And I'm - I'm - I'm covering right. And I'm - and
200 I'm - at this point I'm thinking okay I can't - I can't clear the kitchen. There's
201 a kitchen right here and I - I believe it's either Sergeant (Ramaekers) or
202 (Rita)'s right behind me and I go, "This kitchen's right here." It's off to the,
203 you know, (unintelligible).
204

205 Q: You're pointing like to the right.

206

207 A: Exactly. Kinda to the right.

208

209 Q: Okay.

210

211 A: But I - I'm - and I'm concentrating. At this point I'm - I'm already uh, I'm
212 down. I'm covering the hallway. And it's dark. Um, and I'm kneeling so it's
213 - I - I come down and I'm kneeling. And I'm giving commands.
214

215 Q: Okay.

216

217 A: I'm yelling out commands, "Come out. Come out. Let me see your hands.
218 Uh, Riverside Police. We're at the front door." And I can hear Laura giving
219 commands. And we're - we're numerous, you know, commands to come out
220 of the hallway. And again I - there's a kit- the kit- there's the couch here and
221 then there's somethin' that's - that's to my right. So I - and again I'm - I'm
222 tryin' to get some - some cover of some type.
223

224 Q: Did you have any cover at this point at all?
225
226 A: You know, I - I'm already through the doorway. I've already - that...
227
228 Q: So the doors to the side of you?
229
230 A: ...that - oh and - the door opens in.
231
232 Q: Okay.
233
234 A: So the door's opening towards the kitchen.
235
236 Q: Right.
237
238 A: So um, couch is here so I'm - I'm - I'm kneeling and I'm, you know, I'm uh,
239 my gun's toward the hallway and I'm giving these commands. At some point
240 uh, as I'm giving the commands I can see the silhouette come out. And all I
241 can see um, at this point uh, if I can describe it uh, silhouette of a person and I
242 can what appeared to be a long gun or shot gun uh, the barrel coming down
243 like this.
244
245 Q: And the barrel's pointing down this...
246
247 A: Pointing down.
248
249 Q: Okay.
250
251 A: It was coming out of - out of the hallway.
252
253 Q: Okay.
254
255 A: So I'm thinking I'm covered and uh, you know, I come to the left and start
256 putting my firearm towards that direction. I don't remember saying uh, any -
257 giving any other commands other than that.
258
259 Q: Okay.
260
261 A: I never - either thinking of cover and then moving to left and I'm - I'm
262 shooting towards the silhouette. Uh...
263
264 Q: Did you have cover at that point? Still out in the open?
265
266 A: I'm still out in the open. And I - and I could hear - then I could hear Laura
267 with some exchange of fire. Some - and I - and I'm thinking, you know, he's
268 shooting at her.

269
270 Q: Mm-hm.
271
272 A: Um, only that she's uh, my left. She ho- to the - uh, behind the - the - the
273 couch.
274
275 Q: Okay.
276
277 A: I lost sight of him. And - the door's right here. And uh, all I could think of is
278 gettin' - gettin' Laura out.
279
280 Q: Mm-hm.
281
282 A: So I'm - I'm - I'm puttin' rounds through the door. And it - at - at that
283 direction.
284
285 Q: All right.
286
287 A: I blast on. Because I - I'm thinking he's - he's firin' at her. I - I did - I do
288 remember hearing a shotgun blast at some point. I couldn't tell you when.
289 Uh, to the best of my knowledge I heard one shotgun blast. Uh, and I'm - I'm
290 putting rounds in that direction. Um, at that point I hear uh, I - Laura said uh,
291 "He's down." And uh, I uh, come around. I could see the person uh, like the
292 - like that nook area. It's still dark. I can't see his body but I can see his - his
293 socks. But he's facing up. At that point I'm thinkin' we need to get - we need
294 to get out of here.
295
296 Q: Mm-hm.
297
298 A: Get Laura out. And uh, start moving, you know, I told them he was down.
299 Subject looked like he appeared to be down.
300
301 Q: Mm-hm.
302
303 A: But we need to get out. Circle back around. Uh, three of us uh,
304 (unintelligible) point behind uh, the patio deck there's a wall...
305
306 Q: Mm-hm.
307
308 A: ...that uh, cover behind that. And uh, Laura's like, "I - I don't have a
309 magazine. I need a fresh mag." I pull out one of my mags. Hand it to her.
310 And I'm thinking this guy's got a shotgun. This is a bad place. We- we're in
311 a bad spot. Tell (Ramaekers) we need to - we need to uh, I just need uh, some
312 better cover. He uh, directs Laura to the left or south down the walkway.
313 And I believe she was up there with - with (Rita). (Rita) at that point so we go

314 over there. I'm covering the - the slider where - and during that point at some
315 point I hear another shotgun blast. I'm thinking...

316

317 Q: While you guys are outside?

318

319 A: While - while we're behind that wall I can hear another shotgun blast clearly
320 coming from inside (unintelligible) clearly a shotgun blast. I'm thinkin' I
321 need to - we need to - it's a bad spot. We need to move over. Uh,
322 (Ramaekers) uh, I cover him. And he - he darts it to the right. He's uh, going
323 north. Uh, that's just another uh, patio wall...

324

325 Q: Mm-hm.

326

327 A: ...or he uses it concealment on that side. And he's got eyes on the area of the
328 walkway leading to the doorway and then the slider door. At that point I had
329 him cover me and I - I coordinated. Uh, we waited there a couple minutes.
330 Can hear uh, units start uh, calling out uh, I remember putting out uh, you
331 know, the general location of the apartment. And access into the area to the
332 apartment complex. And there - soon thereafter uh, (unintelligible) uh,
333 directed to go to the CP.

334

335 Q: Going back to the uh, upon arrival at the uh, location. Um, she's - she's
336 knocking at first...

337

338 A: Mm-hm.

339

340 Q: ...and there's no response?

341

342 A: Right.

343

344 Q: And at that point you said the lights were on.

345

346 A: Right.

347

348 Q: All right. At some point the lights go off.

349

350 A: Mm-hm.

351

352 Q: And then that's when she started knocking even louder.

353

354 A: Right. Nothing...

355

356 Q: Okay. No response again.

357

358 A: No. There was no response. Um, we did the knock and notice at that time or
359 I mean she's pounding on the door.
360
361 Q: Right.
362
363 A: Identifying ourselves as Riverside Police Department.
364
365 Q: And what - what uh, who made the determination to go ahead and do the
366 knocker? Or was it you, was it the sergeant? Or what - what made you guys
367 knock at that point?
368
369 A: Uh, at that point uh, we - it - it would seem like it was simultaneously. Uh,
370 I'm like no we need to - we need to get in there.
371
372 Q: Bang it?
373
374 A: We need to bang it.
375
376 Q: Okay.
377
378 A: And uh, I can't remember if uh, Sergeant (Ramaekers) uh, gave directions. I -
379 I mean at that point we needed to hit that door. I mean it - it's - it was critical
380 time that we needed to get in there.
381
382 Q: Right. Okay.
383
384 A: We weren't getting the response we needed.
385
386 Q: And you hit it twice you said before it would open up to the point where you
387 guys could make entry.
388
389 A: Mm-hm.
390
391 Q: Then Laura goes to the left?
392
393 A: Mm-hm.
394
395 Q: And you kinda step in. Do you go - can you go to the right or you just
396 basically step in?
397
398 A: I step in. I cross the threshold.
399
400 Q: Right.

402 A: And - and I know that I didn't want to go any further because I - I was
403 concerned about that kitchen.
404
405 Q: Did you clear the door or were you still kinda partially behind the door using
406 that as cover to a degree?
407
408 A: I was - I was - I was partially using the door as cover.
409
410 Q: Okay.
411
412 A: Because uh, again I was so concerned about - I - I remember saying the
413 kitchen's, you know, right to my right and I...
414
415 Q: Right.
416
417 A: ...it's not clear. And - and I didn't expose myself any further I just - I just...
418
419 Q: Were you and Laura communicating at that point like...
420
421 A: Um...
422
423 Q: ...verbally or was it just more just happened?
424
425 A: I - it - it was more than - uh, again I just - I mentioned that the kitchen's right
426 here and needs to be cleared.
427
428 Q: Okay.
429
430 A: Um, and we knew somebody was inside. And I just - once - once I focused
431 down the hallway I just started making uh, making the commands to come
432 out. I can hear uh, (Ramaekers) uh, giving some direction, "Let's get - let's
433 get them out of here." You know, "Call them out. Call them out." He started
434 uh, just giving the commands.
435
436 Q: Now when you went in the lights were off? Was it dark in there?
437
438 A: I would say very dark.
439
440 Q: Very dark? Okay. But did - did anybody ever turn on the lights?
441
442 A: You know, um, the lights did go on and I - I - I can't remember...
443
444 Q: Was it before the shooting or after the shooting?
445
446 A: ...I - I didn't turn 'em on.

447
448 Q: Do you know?
449
450 A: Uh, no it was - it was before, before the shooting. So yeah they did go on but
451 I - I didn't turn 'em on. And I - I - yeah.
452
453
454 Q: You had some - only thing you had was the door. You're kinda like peeking
455 around it to see down the hall or do you have a clear shot right? Or you had to
456 peek around to see down the hall?
457
458 A: No I - I had - I had no - 'cause it was offset.
459
460 Q: Right.
461
462 A: Uh, so I - I - I could- and then he had - there was furniture. Furniture
463 appeared that to be in that living room. So there was an obstruction waist high
464 um, you know, that was next to - going in - before you get into the - the
465 hallway there.
466
467 Q: Okay.
468
469 A: Uh, again it was dark and - and then when he popped out I mean I was able to
470 see the silhouette and then just him holding what appeared to be the shotgun.
471
472 Q: And I know it's tough but when - when you were in there how long do you
473 guys think you guys were positioned in there before made his entry to where
474 you - long time? Was it short?
475
476 A: It was - it was uh, I think it was a minute.
477
478 Q: Okay.
479
480 A: That fast.
481
482 Q: And then you saw a silhouette you said coming down the hall.
483
484 A: Yeah.
485
486 Q: Describing it as him holding the shot- a shotgun using two hands.
487
488 A: Two hands.
489
490 Q: But it was pointed somewhat downward at the time...
491

492 A: Right. Right.
493
494 Q: ...as he's walkin'. Was he walking or running or...
495
496 A: No. Looked like he was uh, just walking.
497
498 Q: But he was moving in your direction.
499
500 A: He was moving at my direction.
501
502 Q: Okay. What were you thinking?
503
504 A: And I'm thinkin' - I'm thinking I need to get cover and I need to - I need to
505 fire some rounds down where he's at because at this point I see a weapon.
506
507 Q: Did Laura see it too? Do you know? Did you verbalize it or did...
508
509 A: Um, I don't remember saying - if I dropped, you know, or anything about a
510 weapon.
511
512 Q: Okay.
513
514 A: I uh, now I need to get cover.
515
516 Q: Okay.
517
518 A: And I know that - I know - I was gonna transition because of that - the
519 doorway as in 'cause I'm right handed.
520
521 Q: Mm-hm.
522
523 A: And uh, the way it was offset, you know, and the transition and I don't - I
524 don't - I don't believe I did. But I remember thinking that if I need to - I need
525 to get a clear shot because I - I - I remember moving to the left so I can keep
526 an eye on him. Because once - once he passed me to the - once he cleared the
527 threshold in the hallway I lost sight of him. I don't know if he went in that
528 little nook or not.
529
530 Q: Okay.
531
532 A: But uh, once I could hear Laura and then the exchange of gunfire I thinking I
533 need to set - I need to uh, get her out of there and I'm shootin' at the direction
534 where I saw him.

536 Q: Now when he was coming down the hall when did - who's - did you say you
537 fired first? Do you remember? Or when do you remember firing when you
538 lost sight of him or when you saw...
539

540 A: When I - no when I - when he's coming up to the - when I see him I'm trying
541 to come up and get a - a visual on him and I'm - at that point I discharged
542 my...
543

544 Q: Did you see - was he giving a reaction to that or were you...
545

546 A: I couldn't see. At - at that point I...
547

548 Q: Okay.
549

550 A: ...I didn't see what - what happened to him.
551

552 Q: Okay.
553

554 A: And - and again I was concerned 'cause I know that I could hear Laura and I
555 can hear the uh...

556 Q: Was she firing at that time also?
557

558 A: I - it appeared that she - she was uh, discharging her firearm at the same time.
559 Um, I'll tell you I - I uh, was scared for her life and the only thing I could
560 think of is cover - just send a cover uh, fire.
561

562 Q: Was she in a line of fire then basically in her direction?
563

564 A: Yeah. There was no doubt in my mind. I mean that - the way he was
565 positioned or could have been in position the way she was at. I feared for her
566 safety. And I - I - and I - the only thing I could think of was just cover fire
567 and just get - even if it was going to that door and I - 'cause I - I remember
568 hittin'...
569

570 Q: (Unintelligible).
571

572 A: ...hittin' the doorway uh, a couple times in that direction.
573

574 Q: Mm-hm. How many rounds you fired through the door?
575

576 A: Maybe three.
577

578 Q: Do you know how many...
579

580

581 A: Three or four.
582
583 Q: ...rounds you fired overall?
584
585 A: Well after the - the - being charted I do but at that - not at that time no.
586
587 Q: Not at that time. Okay. So you know 'cause you were there when they
588 charted it...
589
590 A: Right.
591
592 Q: ...back here at the station?
593
594 A: And I did - I do - I did do a combat load because when I went outside I
595 wanted to make sure I had a fresh - fresh magazine in my uh, my handgun. So
596 I - I switched that out and I had the uh, uh, four left in it.
597
598 Q: Four left.
599
600 A: I gave my other one to uh...
601
602 Q: Now at this point when you're shooting through the door and everything did
603 you - you said you were on your knees. Did you get back up off your knees or
604 were you still on your knees this whole time?
605
606 A: No I'm still kneeling.
607
608 Q: Okay.
609
610 A: Um, and I'm still coming down. And I'm thinking I just want to keep my low
611 profile uh, I thinking if - if this is the best opportunity I had is to keep a low
612 profile. And I'm down. And I'm - I'm discharging my firearm in that
613 direction.
614
615 Q: Do you hear or did you see him go to the ground?
616
617 A: No. I - I uh, to the point that uh, Laura says uh, something to the effect that I
618 think he's down. I peeked around. At some point I can - I can see his feet.
619
620 Q: Okay.
621
622 A: That he's down. And I could see he's wearing white socks. At that point I'm
623 thinking we need to get out. Covering and uh, had Laura get out so that we
624 get uh, another position of cover.
625

- 626 Q: He was - when there was an exchange could you tell the difference in the
627 rounds that were being fired like from the .9 I mean like from the .40 shotgun
628 at the time or now you're lookin' back you could but at the time could you tell
629 he was firing the shotgun?
630
- 631 A: Yeah. The - during the exchange of gun firing I clearly hear - heard one gun -
632 uh, shotgun blast.
633
- 634 Q: Mm-hm.
635
- 636 A: But I could clearly hear our - our gunfire. Yeah. But not - but there was
637 definitely uh, one blast at least that I heard...
638
- 639 Q: Okay.
640
- 641 A: ...coming uh, from that direction. I - I couldn't tell where - where the impact
642 or which - which direction it's coming from. I didn't see any muzzle fire.
643
- 644 Q: Mm-hm.
645
- 646 A: I do uh, I do remember hearing a shotgun blast.
647
- 648 Q: Okay. Laura was - was he - she pretty much bunkered down behind the couch
649 at that point?
650
- 651 A: She was. Yeah.
652
- 653 Q: Returning rounds so she (unintelligible)?
654
- 655 A: I can hear her. Yeah, I can hear her. I can't see her. I can hear her.
656
- 657 Q: Mm-hm.
658
- 659 A: Um, and again my - my concern was that she was right - right in - right in the
660 open.
661
- 662 Q: Mm-hm.
663
- 664 A: Um, and that we need to get out of there.
665
- 666 Q: So that's going through your mind. The whole time you're involved and this
667 guy's trying to shoot at both you and your partner your mind says basically I
668 gotta get her out of there.
669
- 670 A: I need to get her out.

671
672 Q: She's gonna - when it turns out she says he - I think he's down. So you guys
673 get out of there.
674
675 A: Right.
676
677 Q: Uh, up front you give her a mag.
678
679 A: Right.
680
681 Q: Goes down by (Rita).
682
683 A: Right.
684
685 Q: And then um, (Wayne)'s covering the front while you're covering the patio...
686
687 A: Right. Definitely.
688
689 Q: ...till you guys get - um, ever see his face?
690
691 A: No.
692
693 Q: Never saw his face?
694
695 A: I mean I was clearly focused on that shotgun barrel.
696
697 Q: Mm-hm.
698
699 A: I mean it - I'm back on training where they talked about that. Focus right on
700 that - that gun barrel.
701
702 Q: Did you ever see him raise that shotgun, the barrel? How far - how close do
703 you think you got to him? Was he - or how close did he get to you?
704
705 A: Um, this end of the doorway. Um, by the end of the table was where I last -
706 where I could see him coming out of the hallway.
707
708 Q1: End of the table?
709
710 A: Yeah. Approximate. Um, again - again it's offset.
711
712 Q: Right.
713
714 A: This is the doorway and then the hallway is right here so.
715

716 Q: Mm-hm.
717
718 A: The only thing I had again was just that - the couch. And then there's
719 something to my right and I can't remember what it was.
720
721 Q: Well the couch is more to your left though right?
722
723 A: I'm sorry to the left. Right.
724
725 Q: Was there any - was the couch in front of you at any point? Was it before -
726 was it over to your left?
727
728 A: Just - just to my left.
729
730 Q: It was to your left?
731
732 A: Right.
733
734 Q: So you were...
735
736 A: Yeah. I mean we had to move it away from the - gettin' in...
737
738 Q: Okay.
739
740 A: ...I remember it being right there.
741
742 Q: Right.
743
744 A: And then something to my right. It was like...
745
746 Q: You were definitely exposed then. You were...
747
748 A: Oh there was no doubt. I mean I was right in the funnel.
749
750 Q: Were you afraid they were gonna shoot through the - the door? He was gonna
751 fire the shotgun through the door?
752
753 A: I was - yeah, I was worried that he's gonna start firing rounds at the doorway.
754 And - and it was my concern that uh, he's gonna start - and again the shotgun
755 blast - I - I think it was a shotgun blast. Uh...
756
757 Q: Did you see where he shot? Could you tell us where it was...
758
759 A: I couldn't tell. Again I - I didn't see any muzzle fire.
760

761 Q: Mm-hm.
762
763 A: Um...
764
765 Q: Do you know if your - the uh, the sergeant or (Rita) made entry into the
766 apartment behind you? Or do you know where they were at when this was
767 going on?
768
769 A: They were uh...
770
771 Q: Pretty...
772
773 A: ...(Wayne) - (Ramaekers) directly behind me. He was - I don't remember
774 seein' (Rita) but I know that uh, I can hear her.
775
776 Q: Right.
777
778 A: Sergeant (Ramaekers) uh, I can hear him giving his commands or he can - I
779 can hear him, you know, saying things so.
780
781 Q: Do you know if any of them fired?
782
783 A: No I don't - I don't uh, I don't believe uh, anybody fired above me or I didn't
784 - at this point I - I know I'm firing.
785
786 Q: Right.
787
788 A: Uh, but no nobody - me and Laura. Nobody - I didn't hear any, you know,
789 gunshot above my heard or - again I - I was - I kept my low profile down and
790 just figured that was the only position advantage I had then to move out of
791 that - that doorway.
792
793 Q: Yeah.
794
795 A: Or somewhere, you know, get some cover. That was - that was my thing.
796
797 Q: (Unintelligible). Sounds like you guys were in a bad position. And you guys
798 got stuck in this apartment and you didn't - especially Laura gettin' stuck
799 behind that couch that was...
800
801 A: And she was my number one concern. I mean I - I knew that we needed to get
802 her out of there.
803
804 Q: Mm-hm.
805

806 A: And I know that I - I had to deflect whatever he's doing. If he was doing
807 anything that wou- uh, Laura I'm gonna - I'm gonna provide some cover fire.
808
809 Q: Mm-hm.
810
811 Q1: Phil do you know if all your rounds were fired through the door?
812
813 A: Um, not all of 'em. I know there was a few in fact that - that hit the door
814 again.
815
816 Q1: Okay. So your position was pretty consistent by the doorway...
817
818 A: Right.
819
820 Q1: ...um, either partial cover or at - at the door?
821
822 A: Right.
823
824 Q1: Had raid gear on I assume?
825
826 A: Yes.
827
828 Q1: Which is marked in some way shape or form...
829
830 A: Right.
831
832 Q1: ...with Police?
833
834 A: Yes.
835
836 Q1: Anybody looking at you...
837
838 A: Yes.
839
840 Q1: Do you remember when you first saw the silhouette appear with the shotgun
841 barrel giving commands to drop the gun or anything like - or you don't
842 remember one way or another whether you did or you didn't?
843
844 A: Yeah. The best to my recollection that I can - I don't remember giving
845 commands to drop. I know in my mind I'm thinking cover and he's got a
846 weapon. I need to address that - that situation and - and uh...
847
848 Q1: Do you remember the suspect saying anything?
849
850 A: No. I didn't hear - I never hear him say...

851
852 Q1: Um, and I think you briefly talked about the shotgun blast you heard. And
853 you don't uh, in sequential order of what happened whether you guys fired
854 first or the shotgun blast came first.
855
856 A: Right.
857
858 Q1: And you hear - you guys were outside - out of the apartment. I guess at some
859 point you said Laura - you gave Laura a magazine?
860
861 A: Right.
862
863 Q1: Was it at that position when you guys were out of the apartment so you gave
864 her an extra magazine?
865
866 A: Yeah.
867
868 Q1: Did you hear any additional gun blasts outside when you guys had freed
869 yourself from the apartment?
870
871 A: I did. Uh, once we to- once we uh, came out of the apartment the three of us
872 were at that block wall. Fire's right there. Uh, took my mag out, handing it to
873 Laura uh, covering the slider. Boom I hear a uh, a shotgun blast. It was in my
874 mind as a shotgun blast coming from inside that apartment. I just told
875 (Ramaekers) we - this is not a good spot for us. We need to get better cover.
876 And that's when we started to...
877
878 Q1: I think Ron might have touched on this too but strikes or impacts around you
879 or on any object near you? Did you feel any incoming impacts at all?
880
881 A: I did not. I did not.
882
883 Q1: Um, do you know who if anyone got on the radio at all was shots fired that -
884 did you?
885
886 A: I did not. I was still coverin' uh, Laura was puttin' that info out.
887
888 Q1: Okay.
889
890 A: I was - 'cause I remember as we're coming out I'm still covering down
891 exiting. I can hear (Ramaekers) uh, give direction. I - guys put out the info I
892 can't - I can't put out the info. He had his radio uh, some issues with HT.
893 Laura's puttin' out the info at the time.
894
895 Q1: All right. Did you have a HT with you or a radio or anything?

896
897 A: Yeah I had an HT. And I - I did use it at the point where it was uh, I was
898 already off to the side with Sergeant (Ramaekers) had already uh, keeping an
899 eye on the slider and the front doorway or the walkway.
900
901 Q: (Unintelligible).
902
903 Q1: Other than Laura did you hear anyone else put out shots fired or anything like
904 that?
905
906 A: No.
907
908 Q: Was no - there was no doubt that that uh, door was barricaded then on
909 purpose. That...
910
911 A: It was barricaded. It was - it was intentionally put there to - to block that
912 door.
913
914 Q: Mm-hm.
915
916 A: There was no doubt in my mind. And I think that's what prevented it from
917 popping open the first time 'cause I - I hit that door hard.
918
919 Q: Mm-hm.
920
921 A: And um, 'cause it had - that - that knocker was gonna go through that door
922 and then when I pull it out it hit it again we moved it clearly it was uh,
923 affecting that door.
924
925 Q1: In your mind there was no doubt that he knew you guys were cops?
926
927 A: Officers with the Riverside Police Department.
928
929 Q1: 'Cause you knocked numerous times.
930
931 A: Numerous.
932
933 Q1: You said we're RPD Search Warrant.
934
935 A: Yeah.
936
937 Q1: Even when you got in - were - were you asking to see his hands at any point
or anything like that? Was that you, Laura or who - you guys (unintelligible).

940 A: I'm giving commands uh, at the doorway 'cause again I'm concerned on that
941 hallway now. And uh, it's dark. I'm thinking the kitchen's to my right. And
942 I'm giving commands, "Come out. Let me see your hands. Come out. Let
943 me see your hands. Riverside Police Department. Come out." And (Rita)
944 and I can hear uh...

945
946 Q1: Laura.

947
948 A: ...Laura just giving out uh, commands, numerous commands.

949
950 Q: Okay.

951
952 Q1: Okay. (Unintelligible) break.

953
954 Q: Do you have anything for us before we go on our break? Anything else you
955 want to add or anything that...

956
957 A: No.

958
959 Q: We'll take a quick break. It's about 3:35 and we'll go back on in a few
960 minutes.

961
962
963 This transcript has been reviewed with the audio recording submitted and it is an accurate
964 transcription.

965 Signed  12-30-11

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INTERVIEW WITH DET. PHIL FERNANDEZ

Q=Det. Ron Sanfilippo

A=Det. Phil Fernandez

Q: Okay. It is 3:45 in the afternoon on 11-16-2011. And Phil um, unless you have something for us anything you want to add I don't think we have any further questions for you.

A: Okay. Nothin' to add.

Q: Nothing else?

A: No.

Q: Okay. It is 3:45. Concludes the interview.

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

Signed Phil Fernandez 12-30-11

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