

**SUPPLEMENTAL REPORT**

Date Prepared: 11-08-08

1. Original File No. P08-157587		2. [Redacted]	3. Off. ID 496	4. NPC W	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date / Time Occurred 10-31-08 / 2145		9. Day 6	
10. Time Assigned		11. Date / Time Inv. Start		12. Date / Time Inv. Term.		13. Type Cir. Exc	14. Type Cont. REC	15. Additional Adults Arr.	16. Additional Juv. Arr.		
17. Address of Occurrence (Street No. - Name - City - Zip) 7800 block of Cypress Avenue, Riverside								18. Type of Place city street			
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 Jeffrey Ratkovich #1511						21. Race - Sex W - M		22. DOB		
23. Residence Address				24. Business or School Address Riverside Police Department				25. Home Phone		26. Bus. Phone (951) 353-7100	
27. ID:	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 C T	35. Last Name - First - Middle Acevedo, Marlon Oliver			36. Race - Sex H - M	37. Age 35	38. Ht. 5-7	39. Wt. 230	40. Hr. BLK	41. Eyes BRN	42. DOB or ID [Redacted]	43. Arrested Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	44. Address - Clothing - Other Marks or Identifying Characteristics 7857 Cypress Avenue, Riverside										
45. Juv. Other ( ) 2 Disp. Juris.		Juv. Ct. Prob. ( ) 5		Within Dept. ( ) 6		Detained ( ) 1		Not Detained ( ) 2			
S U S P E C T	46. Last Name - First - Middle			47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr.	52. Eyes	53. DOB or ID	54. Arrested Yes <input type="checkbox"/> No <input type="checkbox"/>
	55. Address - Clothing - Other Marks or Identifying Characteristics										
56. Juv. Other ( ) 2 Disp. Juris.		Juv. Ct. Prob. ( ) 5		Within Dept. ( ) 6		Detained ( ) 1		Not Detained ( ) 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	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime) (1) 69 P.C. (2) Officer Involved Fatal Incident					61. Original Offenses Changed to (Code - Crime) (1) (2)					58. Stolen Auto Value ASP	
										59. Recovered Auto Value A2	

62. Narrative of Supplemental Report See page two for a synopsis of the recorded interview with Officer Ratkovich. For more details refer to the transcript and the recorded interview downloaded to the server.										62a. Audio Recording Available? Yes		62b. Incident Number:	
										Reporting Officer Det Sanfilippo		Reviewed By [Signature]	
										COPIES TO			
										VCLD ( )			
										ACTIONS			
										APB Sent			
										APB Cancld.			
										APR Sent			
										APR Cancld.			
										DOJ - NCIC Entered Cancld.			
										ENTERED			
										STATS ARBK		ANI	
										AUG 31 2009			

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DATE 11-08-08	TYPE OF REPORT 69 P.C., Officer Involved Fatal Incident	REPORTING OFFICER Det Sanfilippo
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**Interview with Officer Jeffrey Ratkovich #1511 / Watch 3 / 420 Beat / Unit #3746**

On 11-01-2008 at 0458 hours I met with Officer Jeffrey Ratkovich at the Riverside Police Department Magnolia Street Station. Present during the interview was Detective Mike Medici, District Attorney Michelle Paradise, District Attorney Will Robinson, District Attorney Investigator Rick Fuentes and Attorney Saku Ethir.

Officer Ratkovich advised he was assigned to a two man unit with Officer Koehler. Officer Ratkovich stated he was driving at 2145 hours while they monitored a radio call of a 5150 W.I.C. subject in the roadway in the 7800 block of Cypress Avenue. Officer Ratkovich advised they responded to the location because of a field contact with a similarly described subject (S-1) at that location earlier in their shift. Officer Ratkovich stated at 1700 hours earlier in the evening they observed a Hispanic male subject standing on the sidewalk in the 7800 block of Cypress Ave. Officer Ratkovich stated the Hispanic male subject (S-1) was waving his arms around and he thought they were being waved down. Officer Ratkovich stated he pulled up near the Hispanic male subject (S-1) as the Hispanic male was yelling "we got to keep the streets safe, got to keep the streets safe tonight". Officer Ratkovich advised they left for their call after determining the Hispanic male subject wasn't in need of any officer help.

Officer Ratkovich stated upon arrival to the 5150 W.I.C. call he observed S-Acevedo standing in the middle of Cypress Avenue. Officer Ratkovich there were vehicles stopped and several people standing on both sides of Cypress Avenue near S-Acevedo. Officer Ratkovich said as he and Officer Koehler exited their police unit Officer Koehler was giving commands to S-Acevedo to get out of the roadway. Officer Ratkovich stated S-Acevedo keyed directly onto Officer Koehler as they approached him. Officer Ratkovich stated he was in the "cover officer position". Officer Ratkovich advised S-Acevedo took a fighting stance with his fists up. Officer Ratkovich said he and Officer Koehler both deployed their collapsible batons as they approached S-Acevedo. Officer Ratkovich added S-Acevedo immediately threw a punch at Officer Koehler.

Officer Ratkovich stated he began to deliver baton strikes to the outside of S-Acevedo's right knee area as he ordered S-Acevedo to the ground. Officer Ratkovich advised S-Acevedo wasn't responding to any of the commands he was being given. Officer Ratkovich added S-Acevedo had a "crazed look on his face", adding he looked "angry and upset". Officer Ratkovich said S-Acevedo appeared to be "boxing cars" as they first drove up to him. Officer Ratkovich stated both S-Acevedo and Officer Koehler both went to the ground as they were struggling with each other. Officer Ratkovich said S-Acevedo was punching Officer Koehler while on the ground. Officer Ratkovich described S-Acevedo as "incredibly strong". Officer Ratkovich added S-Acevedo was kicking his legs and throwing punches as they attempted to control him.

Officer Ratkovich advised during the struggle Officer Koehler asked him (Officer Ratkovich) to "tase him". Officer Ratkovich said he could only get to about a 2-3 foot distance as he deployed the taser. Officer Ratkovich added the taser darts connected to S-Acevedo's stomach area. Officer Ratkovich stated he deployed 4-5 cycles but it didn't appear to affect S-Acevedo. Officer Ratkovich advised S-Acevedo began to roll on the ground and they ended up on the north side of the roadway. Officer Ratkovich stated due to the ineffectiveness he decided to remove the cartridge of the taser and deployed a "drive stun" on the back of S-Acevedo. Officer Ratkovich said this gave him and Officer Koehler the ability to roll S-Acevedo onto his stomach and get one of his arm's behind his back. Officer Ratkovich said S-Acevedo was then handcuffed

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but he still continued to kick at both of them. Officer Ratkovich stated Officer Heiting arrived on scene and assisted in placing a hobble on the legs of S-Acevedo. Officer Ratkovich advised he grabbed the hobble and clipped it to the handcuffs. Officer Ratkovich advised S-Acevedo was then rolled onto his left side by Officer Heiting and Officer Koehler. Officer Ratkovich stated he never heard S-Acevedo say anything during the physical altercation but said he was making "grunting noises". Officer Ratkovich advised he left S-Acevedo with the officers as he searched for witnesses in the area.

Officer Ratkovich stated he advised RFD personnel of the circumstances upon their arrival. Officer Ratkovich advised during this briefing Officer Koehler was kneeling next to S-Acevedo maintain control of him as he was rolled on his left side. Officer Ratkovich said he first learned of S-Acevedo's medical distress when the female AMR Paramedic (Susan Brein) advised S-Acevedo was unresponsive. Officer Ratkovich stated the medical personnel then began to work on S-Acevedo. Officer Ratkovich said Koehler un-handcuffed S-Acevedo as he was placed on the guerny prior to being placed into the ambulance.

Officer Ratkovich was re-interviewed on 11-14-2008 at 1423 hours at the Riverside Police Department Magnolia Street Station. Present for the interview was Attorney Saku Ethir. Prior to the re-interview Officer Ratkovich viewed the "Coban" video from his own police unit ( #3746) and heard the audio from Officer Heiting's police unit (#3612). Officer Ratkovich had no new information to offer reference this investigation.

**INTERVIEW WITH OFC. JEFFREY RATKOVICH**

**Q=Detective Ron Sanfilippo**

**Q1=Detective Mike Medici**

**Q2=DA Investigator Rick Fuentes**

**Q3=DA Will Robinson**

**Q4=DA Michelle Paradise**

**A=Officer Jeffrey Ratkovich**

**A1=Saku Ethir**

17 Q1: Okay. (Unintelligible).

19 Q: Hi Jeff.

21 A: Hi.

23 Q: I'm Detective Ron Sanfilippo, Riverside PD. Detective Mike Medici,  
24 (unintelligible) case. Um, we're gonna be the investigating officers in this.  
25 And what we're gonna do is just talk to you about what happened. Uh, we'll  
26 get some basic information from you at first. There's a lot of people at the  
27 table so what I'm gonna do is let everybody introduce themselves and then  
28 we'll go into uh, discussing what happened this evening.

30 A: Okay.

32 Q: Or least evening actually.

34 A: Okay.

36 Q: Okay. We'll start (unintelligible).

38 Q2: Rick Fuentes from the DA's office.

40 Q3: Will Robinson, DA's office.

42 Q: (Unintelligible).

44 Q1: Mike Medici.

46 Q: Ron Sanfilippo.  
47  
48 Q4: Michelle Paradise, DA's office.  
49  
50 A1: Saku Ethir with Lackie, Dammeier and McGill.  
51  
52 Q1: There's an order of things here.  
53  
54 A1: I know but you guys went a different way last time. That just threw me off.  
55 After him, I went. Okay.  
56  
57 Q: Okay. It is um, about 4:58 in the morning. And it's actually November 1,  
58 2008. Um, I just got to get some information from ya. Do you want to say  
59 something?  
60  
61 A1: Yeah. Before...  
62  
63 Q: Okay.  
64  
65 A1: ...you get started I'll just...  
66  
67 Q: Okay.  
68  
69 A: I'll put on the record um, again uh, that um, we're here today um, the officer's  
70 gonna respond and provide a statement today because under the Riverside  
71 Police Department's policies and procedures manual section 4.8 I believe um,  
72 that section requires um, officers to cooperate with uh, criminal investigations  
73 that are being conducted. It's our understanding that this is a criminal  
74 investigation and that um, uh, he is required to provide a statement under the  
75 threat of uh, discipline if he fails to do that. And so he's here today, this  
76 morning um, to cooperate with this criminal investigation and in doing so,  
77 provide a statement um, under the threat of discipline should he refuse to do  
78 so. Um, and then I know we've put it on previously, the other issue is it's our  
79 understanding that there may be audio and/or video of uh, part of or the entire  
80 incident that occurred today. And uh, we just want it clear that um, we have  
81 not had an opportunity, the officer has not had an opportunity to review that  
82 audio. We may, at a later date, get that opportunity. Um, but he certainly has  
83 not had an opportunity to do that before providing this statement to you.  
84  
85 Q: Okay. All right. You go by Jeff or Jeffrey?  
86  
87 A: Jeff.  
88  
89 Q: Okay. Jeff could - do you have a middle name?  
90

91 A: No.  
92  
93 Q: Okay. And spell your last name for me.  
94  
95 A: It's R-A-T...  
96  
97 Q: Un-huh.  
98  
99 A: ...K-O-V-I-C-H.  
100  
101 Q: Okay. And what's your hire date?  
102  
103 A: Uh, my sworn date is 9/21/06. And they hired me in the academy, it was uh,  
104 April of '06. I don't even remember the exact date.  
105  
106 Q: Okay. And you've been in patrol the last two years?  
107  
108 A: Yes.  
109  
110 Q: Okay. And last evening you were working patrol. Do you remember what uh,  
111 beat assignment you were?  
112  
113 A: We were uh, Charles 4-20.  
114  
115 Q: Okay. And what unit were you driving?  
116  
117 A: 3746.  
118  
119 Q: And you had a partner last night?  
120  
121 A: Yes.  
122  
123 Q: And who was your partner?  
124  
125 A: Dan Koehler.  
126  
127 Q: Okay. And you were the driver?  
128  
129 A: Yes.  
130  
131 Q: Okay. What's your ID number?  
132  
133 A: 1511.  
134

135 Q: Okay. Um, what I'm gonna have you do is just um, from last evening I believe  
136 there was even a earlier contact than the original call when you guys got the  
137 5150 so start at the uh, original contact and when you're driving by I guess  
138 you seen this subject and just kind of go through the story and tell me what  
139 happened there and then what happened on the call when you were dispatched  
140 uh, to the best of your recollection and then what we'll do, me and Mike have  
141 some questions for you.  
142

143 A: Mm-hm.

144  
145 Q: And then you may have some questions for us. So we'll just go and just run  
146 through it one time and see if we, you know, where it takes us.  
147

148 A: Okay.

149  
150 Q: Okay?

151  
152 A: Um, last night I don't or yesterday evening I know it was fairly early in the  
153 shift. I - I know we were en route to a 911 hang-up call on Cypress.  
154

155 Q: Okay.

156  
157 A: Um, I - I want to say maybe 5:00 pm, somewhere around there. Uh, we were  
158 coming from uh, Van Buren and uh, Cypress and we were westbound on  
159 Cypress and we passed - as we were driving we had our windows down. Uh,  
160 there was a Hispanic male uh, on the south side of Cypress on the sidewalk  
161 and he was kind of I guess waving his arms and he yelled at - and it appeared  
162 to Dan and I both that we weren't sure if he was trying to flag us down. We  
163 didn't know. Obviously it was a 911 hang-up call. We didn't know if it was  
164 possibly related to that. Um, so we both, you know, Dan says, "Let's flip  
165 around and, you know, see - see what that guys needs." We made a U-turn. I  
166 pulled up to the curb and uh, just on - as an officer safety thing I always just  
167 kind of - I don't like being in the car contacting people.  
168

169 Q: Mm-hm.

170  
171 A: So I - I just opened the door and stepped out and just said it, you know,  
172 "What's up, dude?" And he was just, you know, you could see he just kind of  
173 had a, you know, odd look on his face. But he - he just said, "We got to keep  
174 the streets safe tonight, got to keep the streets safe tonight." I'm like, "Okay."  
175 And, "You know, hey if you need us, you know, call us."  
176

177 Q: Mm-hm.  
178

179 A: And that was it. Got back in the car and we went en route to our 911 hang-up  
180 call which ended up not being anything. And we went the rest of the evening.  
181  
182 Q: Okay. And then you got dispatched to a call. Do you remember what time that  
183 you got dispatched?  
184  
185 A: Um, I...  
186  
187 Q: The one I'm talking about, this case.  
188  
189 A: Yeah it was - I wanted to say it was probably around 10 o'clock uh, in the  
190 evening. I'm not exactly sure.  
191  
192 Q: And do you remember what kind of call it was?  
193  
194 A: Yeah, what it - what it was is um, Dan and I were actually en route to a  
195 subject bothering call...  
196  
197 Q: Mm-hm.  
198  
199 A: at Copper Lantern and uh, Arlington at the 7-Eleven. Um, we were just going  
200 on scene uh, to that when we heard dispatch putting out a 5150 um, and they  
201 dispatched Charles 4-10 and 4-16 uh, to that call on Cypress. And I think they  
202 put it out at Cypress and Van Buren um, a 5150 subject in - in the middle of  
203 the street. Um, and we were just pulling into the 7-Eleven parking lot on this  
204 uh, unrelated subject bothering. And uh, Air One, I heard them overhead. And  
205 they got on the radio, put it out that it was further west down Cypress and that  
206 the subject was standing in the middle of the street. And when they described  
207 him, that made me recall that earlier contact that we had with the gentleman.  
208 And I - I told Dan, I said, "You know what? I think that's that guy from  
209 earlier." And I said, "We should probably head over." Because one, I knew  
210 that um, 4-10 and 4-16 were coming probably from down this way and so  
211 they're gonna have a longer response time. And the fact that Air One was  
212 already overhead and have this guy and that he's in the middle of the road. So  
213 uh, we just went en route. We told dispatch that we were gonna go there prior  
214 to our other call 'cause we hadn't made any contact there. Um, I went down  
215 Arlington to uh, Harold I think it is. Um, went down to Cypress and uh, turned  
216 on Cypress. Um, I could see that uh, 'cause like I said, the call text said that it  
217 was at Van Buren and - and uh, Cypress. But then I could see Air One had lit  
218 up, you know, to the west of Harold there. So uh, we pulled up. The  
219 gentleman was in the middle of the roadway. And we stood. I didn't know if it  
220 was a 415 physical. There was a lot of people on both sides of the road from  
221 what I recall. There's people on foot. Um, vehicles were stopped in the middle  
222 of the roadway and uh, Air One had 'em lit up with the uh, night sun. And uh,  
223 pulled up. Uh, Dan and I both exited the car. And Dan started telling him,

224 from what I recall it was he was telling him to get out of the road. And uh, so  
225 immediately he keyed in - in on Dan and his focus was on Dan. And so I took  
226 more of a cover officer position um, behind him. And uh, he immediately uh,  
227 took a fighting stance with - with Dan, with his fists up and, you know,  
228 bladed. And uh, at that point Dan was telling him, you know, I - I don't  
229 remember exactly what Dan was telling him but uh, when he bladed himself  
230 like that uh, Dan and I both uh, deployed our ASPs and extended 'em. And  
231 uh, almost immediately I saw him punch towards Dan. I - I wasn't sure if he  
232 made contact or not.  
233

234 Q: Mm-hm.  
235

236 A: And then I started delivering uh, uh, baton strikes to his uh, his um, right knee,  
237 on the outside of his knee and ordering him to, you know, get on the ground.  
238 And the baton strikes weren't having...  
239

240 Q: Was he standing at that point?  
241

242 A: He was.  
243

244 Q: Okay.  
245

246 A: And uh, he was uh, not responding to the commands or to the - the baton  
247 strikes. It seemed to have no effect on him whatsoever.  
248

249 Q: What type of commands were being given?  
250

251 A: Um, I recall saying, "Get down, get down." And I don't - I don't remember  
252 what Dan was saying. I know we were both giving him commands, you know,  
253 and he wasn't complying with getting - getting on the ground. And uh, just  
254 continuing to fight with us, fight with Dan. He was still focused on Dan. And  
255 that's...  
256

257 Q: And then so you're - you're standing and you - you're to the left of Dan then?  
258

259 A: Yes.  
260

261 Q: Okay.  
262

263 A: I'm on his (unintelligible)...  
264

265 Q: How far are you away from the suspect at that point?  
266

267 A: Just probably maybe four feet, five feet. It wasn't very far away.  
268

269 Q: Okay. And then how close was Dan to the suspect? Was he about the same?  
270  
271 A: He was about the same distance on the - on the other side. Um, from what I  
272 recall. It - it was hard. I didn't really have a good view of Dan...  
273  
274 Q: Mm-hm.  
275  
276 A: ...because this guy's fairly big and we were on opposite sides.  
277  
278 Q: Was this guy saying anything to you guys when you guys rolled up on him?  
279  
280 A: Uh, he - I don't recall what he was saying. Um, he had a - like that, you know,  
281 crazed look on his face. There - there was like, you know, like he wasn't  
282 registering what was going on as far as, you know, he was just angry and  
283 upset and...  
284  
285 Q: What - what did that look look like when you're saying crazed face?  
286  
287 A: Just uh, I mean he - like - like he was looking through us and just had a - a  
288 wild, like a wild look on his face. I don't know how to describe it, just big  
289 eyes and - and...  
290  
291 Q: Okay.  
292  
293 A: ...you know, like he was - and so honestly, we didn't - I didn't know if he had  
294 just been in a fight. I mean it looked like he was wanting to box cars as we  
295 were pulling up. There was - the cars were stopping and he was, you know,  
296 spinning and - and looking in all different directions. And so I didn't know if  
297 he had just been in a fight and like I said, there was all these other people in  
298 the periphery, you know, of the scene.  
299  
300 Q: Mm-hm.  
301  
302 A: And so I honestly - but he was - apparently either he appeared to be our main  
303 threat when we got there. And he wasn't responding to anything that we were  
304 telling him. And he - I don't recall anything that he was saying was making  
305 any kind of sense.  
306  
307 Q: Okay. Did he have any - anything in his hands, any weapons or anything like  
308 that?  
309  
310 A: No.  
311  
312 Q: You remember what he's wearing?  
313

314 A: Uh, for some reason I want to say he's wearing a - like a brown or a gray shirt  
315 but I - I - I don't recall. I just remember he had a shaved head, short hair.  
316  
317 Q: Okay.  
318  
319 A: And that was...  
320  
321 Q: So then you - you hit him with the strikes in the right kneecap area and...  
322  
323 A: On the outside.  
324  
325 Q: ...doesn't (unintelligible) or the outside, doesn't make no effect. He doesn't  
326 appear that he even feels 'em?  
327  
328 A: No.  
329  
330 Q: Okay. And at this point he's still pretty much dealing with Dan?  
331  
332 A: He's engaging Dan.  
333  
334 Q: Is he even looking at you at all or...  
335  
336 A: Nope.  
337  
338 Q: Okay. So what happens after that then? What happens after you apply the  
339 strikes and then he's dealing with Dan? What - what's the next thing that you  
340 see or - or take part in?  
341  
342 A: The - I remember delivering several baton strikes with no effect to his legs.  
343 And the - the - this part I - I - I don't remember exactly how he and Dan, they  
344 were on the ground. Um, and at this point I was like off of I guess I - to Dan's  
345 right. Dan and - and the subject were on the ground and Dan's trying to get his  
346 arms um, I still had my ASP out. And I didn't have any more targets. I was  
347 afraid I was gonna hit Dan or, you know, I wasn't gonna be effective with the  
348 uh, ASP. Um, I don't remember setting the ASP down on the ground but at  
349 some point I did get rid of it. And I'm trying to help Dan to get this guy's arms  
350 out and he was fighting. I - at one point I remember he was on his back and  
351 um, he was punching Dan. And Dan was, you know, obviously fighting back  
352 and trying to - we were trying to get his hands. And he was just, you know,  
353 incredibly strong.  
354  
355 Q: Where was - where was his hands? If he was on his back, where was his hands  
356 at that point?  
357  
358 A: He was still swinging and punching...

359  
360 Q: Okay.  
361  
362 A: ...while he was on - on the ground on his back. He was punching...  
363  
364 Q: Okay.  
365  
366 A: ...Dan and I was down more like almost by his legs.  
367  
368 Q: Mm-hm.  
369  
370 A: And we were trying to get him over onto his stomach. And uh, at that point  
371 um, he was kicking his legs, punching and we were kind of like uh, what I  
372 recall is kind of like moving in a circle in the street still pretty much directly  
373 in front of our unit. And at that point, you know, Dan said, "You know, Rat,  
374 you know, tase him." And I pulled out my taser. And I didn't want to let go of  
375 - I want to say I had his - his uh, pants or his belt line um, with my left hand. I  
376 leaned back to get as much distance as I could to try and get a good dart  
377 spread on the taser but it - I was still just, you know, maybe only two, three  
378 feet distance. Um, deployed the taser. The darts made contact. I remember  
379 trying to see, you know, how good of a spread I had. And the first five second  
380 cycle went and there was still no effect. He was still fighting with Dan. Um,  
381 Dan's trying to roll him over. And I'm trying to assist but at the same time,  
382 you know, maintain control of the - of the uh, taser. And we're trying to get  
383 him over onto his stomach. And then he started rolling towards me. And what  
384 to me was that he was trying to roll to break the - the wires of the - of the  
385 taser. Um, gave him several more cycles of the taser. And he was still fighting  
386 the entire time.  
387  
388 Q: Mm-hm.  
389  
390 A: Um, we ended up on the north side of the side of the street um, near some -  
391 there was some trashcans out on the street from what I recall. And uh, at that  
392 point he was - he kind of had his back to me and he was on his side. He still  
393 had his hands in front of him and he's still struggling with Dan. And I  
394 remember cycling the taser. And I had my hand on him. And I - I ended up  
395 getting a shock. I - I got my hand off of him and then I realized he's got these  
396 wires wrapped around him and I'm either gonna, you know, tase Dan or  
397 myself again. So I disconnected the cartridge and did it drive stun on his back  
398 so that way I wasn't uh, gonna tase Dan or I. And uh, center of the - between  
399 his shoulder blades is where I placed it and cycled it. And that was somewhat  
400 effective to the point where we were able to get one arm and start to get it  
401 back behind him. And then we were able to get him at - I believe it would  
402 have been his left arm. And then we got him onto his stomach and still

403 fighting, we finally got his right arm out. Um, we got him handcuffed. He was  
404 still kicking and...

405  
406 Q: Who - he - who - you remember who handcuffed him?

407  
408 A: I think it was - I think it was Dan that handcuffed him 'cause I still have my  
409 cuffs.

410  
411 Q: Mm-hm.

412  
413 A: Um, I remember assisting by having his right wrist and bringing it behind  
414 him. And I remember we got the cuffs on him. Other units were starting to  
415 arrive. I think it was Lim was there. I remember 'cause I remember I - we -  
416 Dan had - once we got him, his hands behind his back, Dan had gotten on his  
417 HT and said, "You know, the next unit bring the tarp. Um, bring a tarp." Um,  
418 I was holding his, you know, trying to control his feet as best as possibly by,  
419 you know, bringing one leg up and then the other and trying to hold it. And he  
420 kicked me back probably three times uh, while he was on his stomach um,  
421 where I would go backwards, lose my balance and I wasn't able to hold his  
422 feet. Um, still trying to hold his feet. I remember I pulled his shoes off  
423 because he kept, you know, kicking me with - with his uh, feet. And I pulled  
424 his shoes off. Still trying to hold his pant legs. I called for Lim 'cause I could  
425 see Heiting was in his trunk. And I knew exactly where my - my hobble was  
426 in the trunk. Um, so I - I yelled at Lim to come over and try and, you know,  
427 hold his legs while Dan was holding his upper body down. And I got a um,  
428 and went and got the - I went to the trunk, opened it or I just got to my trunk  
429 when Heiting came around the corner and said, "Oh, you know, I got mine."  
430 And then we went back um, to the subject. Heiting put the - the hobble around  
431 his ankles and he was kind of - I don't know if it - I don't recall if he had it all  
432 set up right away. I'm - I'm not sure. He was kind of - he was kind of - he was  
433 still kicking and the hobble wasn't tightened. So then I grabbed the, you  
434 know, the end where the - where the uh, clip is and I got it tight. And then uh,  
435 on his ankles and then clipped it to the handcuffs. Um, there was a point  
436 before that and I'm - I - I recall this where right before the other units got  
437 there, Dan's concern was for his glasses, which had gotten knocked off at  
438 some point during the right.

439  
440 Q: Mm-hm.

441  
442 A: And he had said, "You know, Rat, get my glasses before these guys run 'em  
443 over." And I got up and at that point, you know, I asked Dan, I was like, "Are  
444 you - are you all right?" And he said, "Yeah." And the subject was still  
445 kicking his feet but I got up, went and grabbed Dan's glasses and I noticed  
446 both of our ASPs were laying in the middle of the roadway and there was a  
447 big crowd that was, you know, starting to form. So I grabbed our batons and

448 his glasses, threw 'em in our unit on the passenger seat. Um, and that's when I  
449 was calling for additional units over the - my HT for crowd control. Um, I did  
450 notice that there was somebody out there, you know, saying that was their son.

451  
452 Q: Mm-hm.

453  
454 A: And there's some family members uh, apparently close by and so I wanted to  
455 get, you know, as many bodies as we could there to, you know, keep scene  
456 security at that point. Um, so now back to the - after the tarp was in place um,  
457 he was still making a lot of grunting, you know, and his - the - the same  
458 demeanor that he had the entire time. Um, but Lim and Heiting and Dan were  
459 all there. I stood up 'cause we still didn't know who this guy was or anything.  
460 And the family was right there and they, I didn't want them obviously to uh,  
461 uh, you know, cause any problems with the officers. You know, they - they  
462 had their backs to the family. I stepped over and started asking the family  
463 what his name was, trying to get his birth date and all that information. I  
464 radioed uh, just before that that Fire was clear to roll in. Um, started talking to  
465 the mom and I think it was a sister and trying to get his name and birth date so  
466 that we could one, know who he was and then two, give that to the Fire guys.  
467 Um...

468  
469 Q: But now he was on the ground still?

470  
471 A: Yeah, he was on the ground.

472  
473 Q: Was he laying flat on his stomach or on his back or do you remember?

474  
475 A: I don't recall when I stepped over, when I went over to talk to the family. But  
476 when I turned back around while I was - 'cause they were asking, you know,  
477 "Is he okay? Is he okay?" And when I turned back around, he was on his uh,  
478 left side um, so the guys had rolled him onto his left side.

479  
480 Q: Okay.

481  
482 A: And uh, Fire got there. Um, the family was obviously distraught and so I  
483 wasn't able to get anything but his first name. Uh, I walked back over when  
484 the Fire guys rolled up and told 'em 'cause they're like, well, you know, what  
485 - they didn't have no idea what was going on. So I - I told 'em that we had a  
486 use of force and that we uh, used, you know, baton strikes to his legs and that  
487 uh, we had a taser deployment. And - and they went to doing their job.

488  
489 Q: Okay. And at the point when you stood up, was um, Dan still down with the  
490 subject or did he stand up with you or when you stepped over him.

491  
492 A: When I went to?

493  
494 Q: Yeah when you...  
495  
496 A: When I went to...  
497  
498 Q: ...(unintelligible) over?  
499  
500 A: When I went to talk to the family?  
501  
502 Q: Right.  
503  
504 A: No, he - Dan was still maintaining control of his upper body. He was still  
505 kneeling down with him on the ground.  
506  
507 Q: Was he kneeling like - like a knee on the shoulder or something? Or was he  
508 just kneeling on the concrete next to him? Do you remember?  
509  
510 A: That I - I don't know. I don't.  
511  
512 Q: All right. So was he - was he the only one down there with the - the suspect at  
513 the time then?  
514  
515 A: No 'cause Heiting and Lim were still right around there.  
516  
517 Q: Okay. You don't know - were they touching him in any way or having...  
518  
519 A: I don't...  
520  
521 Q: ...any kind of control on him was he was laying (unintelligible)?  
522  
523 A: I - I would have to - I - I'd speculate if I was to say. I - I know they were  
524 down there. And I remember Heiting stood by his feet.  
525  
526 Q: Mm-hm.  
527  
528 A: But I don't...  
529  
530 Q: Okay.  
531  
532 A: I don't know if they were touching him or anything.  
533  
534 Q: Was this guy still making noises at that point, grunting or was he totally quiet  
535 at that point?  
536

537 A: I recall he was still - he was still making noise but it was - he wasn't, you  
538 know, violent like he was...

539

540 Q: Mm-hm.

541

542 A: ...up until that point.

543

544 Q: And then when A - AMR, is it RFD came up first or AMR? Do you  
545 remember?

546

547 A: RFD.

548

549 Q: RFD? And they start checking him out.

550

551 A: Mm-hm.

552

553 Q: Was there any concern on their part that he - this subject was in distress or any  
554 kind of medical need that he needed to be rushed to the hospital right away or  
555 - or they just checking him because he was involved in an incident with you  
556 guys?

557

558 A: I - I just - I explained to them...

559

560 Q: Mm-hm.

561

562 A: ...what had happened uh, you know, why we had called 'em out. And um, told  
563 'em, you know, hey, we had a use of force and uh, I remember the ambulance  
564 was there. And I remember I think it was one of the - the girls from the  
565 ambulance had said - she had said something and pointed to the - to him.

566

567 Q: Mm-hm.

568

569 A: And so there - there was something there that, you know, it - to me indicated  
570 that they were concerned, you know, that he was unresponsive and they went  
571 to work on him.

572

573 Q: Now that - at that point that the first time you recognized that? What was the  
574 situation? Was uh, Dan still down there holding control of him or do you guys  
575 already back off and - and the medical personnel was actually started working  
576 on him when they realized?

577

578 A: I remember Dan - I think that I'm - I'm not too sure on. I do remember that  
579 immediately Dan started removing, you know, he - I saw him taking the, you  
580 know, he was like, "Hey, we got to get him out of here, you know, get him out  
581 of the cuffs." And - and, you know, so he immediately removed - and I don't

582 remember if he did or who did but I - I do remember Dan un- unlocking the  
583 handcuffs 'cause I remember he had his keys out and he was removing the  
584 handcuffs. And they got the hobble off and they got the - the uh, cuffs off of  
585 him and then the, you know, RFD and the paramedics uh, took over uh, with  
586 him at that point.

587

588 Q: Did the uh, suspect ever punch you or - or grab you or hit you at all or...

589

590 A: When we were on the - when Dan was on the ground with him, he was  
591 throwing punches and nothing that hit me that I recall of...

592

593 Q: Hm.

594

595 A: ...you know, where uh, you know, where it jolted me to, you know, the point  
596 that I recall it. He was kicking and - and, you know, flailing his arms and I  
597 don't know. I (unintelligible).

598

599 Q: Did you see Dan get - ever get hit by him?

600

601 A: The - the initial punch I was - I didn't see the, you know, fist connect with  
602 Dan.

603

604 Q: Mm-hm.

605

606 A: But I was fairly certain that he had punched Dan. And, you know, but he had  
607 obviously, you know, he swung at Dan and I didn't actually see his fist...

608

609 Q: Mm-hm.

610

611 A: ...land on Dan's face or where it hit him but I was fairly certain that he had,  
612 you know, just hit Dan. And then Dan and I immediately, you know,  
613 attempted to stop his attack. And that was - and then on the ground I do  
614 remember Dan, 'cause he was up by his upper body, when he was on his back  
615 and still flailing his arms and - and punching.

616

617 Q: Mm-hm.

618

619 A: Um, I know Dan was right there and I'm - imagine that he got hit again while  
620 we were - while this sub, you know, the guy was on the - on his back.

621

622 Q: And uh, so how many times did you end up cycling the uh, the taser do you  
623 believe?

624

- 625 A: I don't - I don't recall a total number. I was - I wasn't counting 'em off in my  
626 head. Um, I would say it was at least four cycles, maybe five but I - that's  
627 just...
- 628
- 629 Q: And you - and the reason you kept cycling is because you thought he was  
630 gonna respond to it one of those times but he just never responded to any of  
631 the cycles? He was remaining the same pretty much? Um, didn't really do  
632 anything to him? He was just continuing his actions and - and his behavior?  
633
- 634 A: Yeah he was continuing to - to - to fight um, with very little reaction. I - I  
635 could - I remember when I would cycle it he would maybe like kind of a  
636 grunting sound which I was taking as - was the effect of the taser but he was  
637 still able to - to throw punches and kick and so it wasn't immobilizing him  
638 like...
- 639
- 640 Q: Mm-hm.
- 641
- 642 A: ...you know uh, uh, a typical, you know, taser deployment I guess you would  
643 say. Um, he was still fighting through it. And my concern was I had the taser  
644 out at that point and I didn't want to discard it and, you know, I was trying to  
645 help Dan with one hand and still maintain control of the taser. I didn't - in that  
646 environment I didn't want to set it down and then have that loose on the  
647 ground, especially with it was only Dan and I there in the middle of the street  
648 at that point. And so I was trying to help Dan as best as I could with one hand  
649 and hoping that the taser would, you know, be effective and - and it wasn't.  
650
- 651 Q: It was only effective when you actually had contact?
- 652
- 653 A: When I - when I did the drive stun, after I removed the cartridge.
- 654
- 655 Q: Right.
- 656
- 657 A: And drive stunned, that was enough that he - and I remember he was on his -  
658 like I said, he was on his side and he kind of had his arms in front of him still  
659 and Dan was on this side of him. And we were trying to get him onto his  
660 stomach and get his hands out from in front of him. And when I did the drive  
661 stun between his shoulder blades, that was enough that he kind of arched, you  
662 know, his - his arms came back a little bit. And that was enough for us to get  
663 leverage to get that left arm uh, behind his back. And then roll him onto his -  
664 onto his stomach. And uh, finally get that right arm behind his back.  
665
- 666 Q: So that's what got you and uh, Dan to get - cuff him was the - the drive stun  
667 then?
- 668
- 669 A: Yes.

670  
671 Q: And then after that you took with - basically had him in custody but he was  
672 still flailing away with his legs?  
673  
674 A: Correct.  
675  
676 Q: So he wasn't totally under control?  
677  
678 A: No.  
679  
680 Q: Um, but there was no more tasing after the point where he was handcuffed?  
681  
682 A: No.  
683  
684 Q: Okay. No more uh, baton blows?  
685  
686 A: No.  
687  
688 Q: Okay. It was just more of a control thing, waiting for - you didn't - was  
689 medical called in right away then at that point or just was it...  
690  
691 A: Once we had him - once Heiting came back with the - with the hobble and we  
692 got it and we - we did the tarp with the, you know, once it was connected to  
693 the handcuffs...  
694  
695 Q: Mm-hm.  
696  
697 A: ...I remember I stood up. And I was, you know, looking to see where Fire was  
698 um, because I know units were - were arriving on scene, you know, other PD  
699 units were arriving on scene. And I saw RFD was to the west of us um, in the  
700 road, you know, with their overheads on. And that's when I got on the radio  
701 and - and said, you know, "RFD is clear to roll in." Or, you know, "Medical is  
702 clear to roll in." And uh, it - I - and I want to say it was at the point where -  
703 because we were. - during the fight Air One, I - I'm imagining was putting it  
704 out. But initially, you know, neither Dan and I had the chance to get on our  
705 HTs and put anything out. But uh, um, when I went to get Dan's glasses and  
706 the uh, and our batons out of the street is when I requested um, you know,  
707 medical aid and a supervisor uh, at that point. So RFD was already there um,  
708 staging at the point before we even, you know, had the - the hobble...  
709  
710 Q: Okay.  
711  
712 A: ...uh, in place.  
713  
714 Q: And did you have your recorder on, your digital recorder?

715  
716 A: No I didn't.  
717  
718 Q: Okay. And do you know if the uh, the video recorder was working on your  
719 vehicle? Was it activated that you - do you know or...  
720  
721 A: No, it wasn't activated. Um, when we pulled up I had to - I straddled the - the  
722 center line of the roadway 'cause there was a - there was a - I want to say it  
723 was a brown van or there was a van uh, in the um, to our right. And there was  
724 another vehicle that was stopped to our left. And I just kind of came up in  
725 between 'em and I turned on the takedown lights.  
726  
727 Q: Mm-hm.  
728  
729 A: To hopefully it - one, light up the scene for us and two, he was just kind of  
730 like looking around as - as we pulled up, you know, and it was already, you  
731 know, had his fists up and - and so I didn't know what the situation was so I  
732 was trying to, you know, hopefully draw attention to us to, you know, if he  
733 was fighting with somebody else or whatever the case was because there was  
734 all, you know, there was other people around. Um, I turned on the overheads  
735 or the - the takedowns and I did turn - put the switch to the first position for  
736 the rear flashers, being that we were just in the middle of the roadway and,  
737 you know, for other units hopefully, you know, if they were coming that, you  
738 know, they'd, you know, be able to see our lights and, you know, we're in the  
739 middle of the road like that. So um, but in order to activate it by the switch  
740 obviously it has to be in the number two spot. I didn't have the front red on so  
741 the camera wouldn't turn on that way. And as soon as we got out of the car it  
742 was, you know, turn it on to (unintelligible) my belt or the remote for the  
743 camera was - didn't cross my mind at that point.  
744  
745 Q: Okay. Michael, you got anything? Anything uh, else you want to add or  
746 anything that we haven't asked you or anything uh, I know it's - I know going  
747 through something like that um, especially when you're doing the taser and  
748 you're - and you're uh, five different times you're sending a charge and  
749 nothing's happening uh, I don't know if your mindset is but I mean obviously  
750 you're thinking what's going on here. Have you dealt with a guy like this  
751 before that totally has been ineffective or is this the first time that you've dealt  
752 with somebody that just hasn't responded at all when you've had contact with  
753 the...  
754  
755 A: This is the first - this is the first time I've had a taser deployment where both  
756 darts stuck...  
757  
758 Q: Mm-hm.  
759

760 A: ...and there was little to no effect. Um...

761

762 Q: Do you remember where they stuck to? What part of his body?

763

764 A: It was - it would've been - it was somewhere right in like his stomach area or...

765

766 Q: Okay.

767

768 A: ...right in here. But I do remember when I saw it, I was like man that's not,

769 you know, I mean it - it registered in my head that, you know, that's not a very

770 good spread. So I think that might've been part of it. But his - his demeanor

771 from five hours earlier when we - when we saw him, you know, he wasn't

772 threatening anybody, he wasn't out in the middle of the roadway, he wasn't -

773 he was, you know, he didn't appear to be all there but he didn't, you know,

774 appear to be a threat to anybody else or um, and then to the point where we

775 got there and he was in the middle of the roadway there was, you know,

776 obviously I don't - I don't know if you, you know, if he was - if it was a drug-

777 induced or...

778

779 Q: Mm-hm.

780

781 A: ...some, you know, a mental health issue but it was definitely and - and the

782 strength to lift - I mean, you know, to kick me off of him, I'm, you know, 200

783 and, you know, 25 pounds.

784

785 Q: Mm-hm.

786

787 A: And Dan's 200 and I'll say, I'll be nice and say 250 pounds. But uh, you know,

788 and this - this guy's...

789

790 A1: He carries it well.

791

792 A: ...he was - yeah. He was a big guy but, you know, Dan and I both were

793 struggling...

794

795 Q: Mm-hm.

796

797 A: ...to - to get this guy under control. And uh, so that was - I mean it was uh, it

798 was scary to see somebody lift, you know, both of us off the ground and - and

799 Dan off the ground.

800

801 Q: Mm-hm.

802

803 A: And then to have no effect, it was - that was uh...

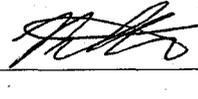
804

805 Q: Right.  
806  
807 A: ...that was something that really concerned, you know, obviously both Dan  
808 and I.  
809  
810 Q: Mm-hm.  
811  
812 A: And so...  
813  
814 Q: From the time that you made contact getting out of the car and from the time  
815 this whole thing ended when you guys finally had him handcuffed, how long  
816 did that act - that last? Do you know or I know it probably seemed a lot longer  
817 than it was.  
818  
819 A: Oh yeah, it seemed like forever.  
820  
821 Q: Yeah.  
822  
823 A: Uh, it was - I would have to say probably five minutes, the - the entire, you  
824 know, before we got him, you know...  
825  
826 Q: Mm-hm.  
827  
828 A: ...uh, tarped and, you know, and yeah I'd say it was - it was a while. It - 'cause  
829 it was a fight. I mean it was - but yeah I'd say probably a - the whole incident  
830 was probably maybe five minutes or that's a guess. I mean the best I can recall  
831 it - with all that going on.  
832  
833 Q: Okay. We're gonna take a quick break.  
834  
835 A: Okay.  
836  
837 Q: If there's something you remember during this break you want to ask us or  
838 have a question or you want to add...  
839  
840 A: Mm-hm.  
841  
842 Q: ...feel free to do so. And we'll be back in - in just a few minutes.  
843  
844 A: Okay.  
845  
846 Q: Okay?  
847  
848 A: Mm-hm.  
849

850 Q: It is 5:35 in the morning. We'll take a break.  
851  
852 A1: (Unintelligible).  
853  
854 A: (Unintelligible).  
855  
856 Q1: All right, we're back on.  
857  
858 Q: Okay. It is 5:38 in the morning and we're back on tape. And the only thing we  
859 really have uh, ask you is that you're uh, willing to voluntarily give a blood  
860 sample?  
861  
862 A: No.  
863  
864 Q: Okay. Um, anything else you want to ask us or anything else that uh, you want  
865 to add before we uh, finish up?  
866  
867 A: No.  
868  
869 Q: Okay. If you - if you remember something in the next couple weeks or  
870 whatever um, get a hold of your attorney. She'll get a hold of me and be more  
871 than happy to sit back down with you if anything else pops up. 'Cause  
872 sometimes it does. You, you know, you go through something like that.  
873  
874 A: Yeah sure.  
875  
876 Q: But don't - don't hesitate. Just give me a call and we'll go through that.  
877  
878 A: Okay.  
879  
880 Q: Okay?  
881  
882 A: Absolutely.  
883  
884 Q: I appreciate it.  
885  
886 A: Yep.  
887  
888 A1: Thank you guys.  
889  
890 Q: It's 5:39.  
891  
892 A: Okay.  
893  
894

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

897 Signed

  12-04-08

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INTERVIEW OF      Officer Jeffrey RATKOVICH  
P08-157587          69 PC/Officer Involved Fatal Incident

DATE:              11-14-08, 1423 hours

PRESENT:    Det. R. Sanfilippo              =SANFILIPPO  
                 Officer Jeffrey Ratkovich      =RATKOVICH  
                 Attorney Saku Ethir              =ETHIR

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(11-14-08 / 1423 hours)

SANFILIPPO: OK, I'm Det. Ron Sanfilippo, the Riverside Police Department, Magnolia station on November 14<sup>th</sup>, 2008. Approximately 1423 hours and I'm in the interview room with Officer Jeffrey Ratkovich, and his Attorney Saku Ethir.

ETHIR:            Yes.

SANFILIPPO: OK, and I'm gonna just, uuh, go over some stuff with you. We just viewed the Coban, which we originally told you we'd do that to allow, I mean let you see after we got it. It just took a while to download it and stuff.

RATKOVICH: Right.

SANFILIPPO: And then setting up various appointments and stuff. So we just viewed the Coban and then I'm gonna ask if there's any questions you have. And I may have a few questions for you, but I think your attorney wants to make a statement prior to that.

ETHIR:            Thank you. I do, uuh, and as I indicated before in, uuh, Officer Ratkovich's first interview, uuh, under, uuh, uuh, the police department's Policy and Procedures Manual, Section 4.8, ..... understanding in a criminal investigation he is, uuh, uuh, obligated to require to cooperate, uuh, with such an investigation. It's our understanding and belief that this is a criminal investigation and that's, uuh, under the

threat of discipline he's here today to answer any questions you have regarding, uuh, the incident.

SANFILIPPO: OK. OK, Jeff, uuh, after viewing the Coban, the video, the two different videos, in the two different vehicles, police vehicles, uuh, and from the time I last talked to you, is there anything you wanna add or anything you may have remembered, uuh, and neglected to, to say in your first interview that you wanna get out or anything, or you feel pretty comfortable about your first statement ?

RATKOVICH: No, I feel comfortable with my first statement.

SANFILIPPO: OK. The only questions I have for you then, uuh, when you, when you guys first pulled up and made contact, we saw in the video, uuh, the, the physical altercation. Then obviously it rolled out to the, uuh, the tasers were applied, he rolled out of the view of the vehicle.

RATKOVICH: Yes.

SANFILIPPO: The Coban video. We have that on audio, on Officer Heiting's vehicle. We can hear some audio and a little bit to the side of one of the officers.

RATKOVICH: Uh-hu (affirmative)

SANFILIPPO: Uuh, the, part of the taser thing that's a question, uuh, you dry stunned him on the last time.

RATKOVICH: Uh-hu (affirmative)

SANFILIPPO: One question came up was, do you know is there something, some knowledge that, that you had prior from training reference knowing how to dry stun, cause I'm, you took the battery pack or some kind of pack out with the, with the, uuh, actual, uuh, the barbs

and everything and you did just with the gun, that's how you do that? Is that actually how you do that or can you do it also with the wires still attached?

RATKOVICH: You can do it with the wires still attached. And initially that's what I was, he was, I had my hand on him and because the taser wasn't effective with the probes—

SANFILIPPO: Right.

RATKOVICH: --with the wires, what I did was, I went to dry, uuh, you know dry stun with the wires still attached.

SANFILIPPO: OK.

RATKOVICH: Or the cartridge still attached.

SANFILIPPO: Right.

RATKOVICH: And when I did so, I had my hand on him and I got, uuh, shocked as well.

SANFILIPPO: OK.

RATKOVICH: So at that point I disengaged because of getting shocked—

SANFILIPPO: Right.

RATKOVICH: --and I realized because he was, he had rolled on the wires he was kind of wrapped up in the wires that if I was to try and reapply it with both my partner and I in close proximity I knew that if I disconnected the cartridge I could then dry stun in between the shoulder blades, it would be effective and without risking, you know, shocking myself and my partner.

SANFILIPPO: OK.

RATKOVICH: That's why I did that.

SANFILIPPO: OK, good. When they were, uuh, on the audio we heard asking for a hobble.

RATKOVICH: Uh-hu (affirmative)

SANFILIPPO: Do you remember who asked for the hobble? Was it you or was it, uuh--

RATKOVICH: It was Dan.

SANFILIPPO: OK, Dan.....

RATKOVICH: Uh-hu (affirmative), Officer Koehler.

SANFILIPPO: OK, at that point when you asked, do you remember positioning of the suspect? You guys on the ground at that time when Heiting rolled up, cause I think Heiting was asked, they asked him to use the hobble. Were you guys still on the ground with him at that point?

RATKOVICH: Yeah. Yes, we were. He was still, we handcuffed him at that point--

SANFILIPPO: OK.

RATKOVICH: --from what I recall, and he was still, he was in the prone position, and I was trying to control his legs cause he was still kicking. And so I had, uuh, kind of crossed his legs and was trying to, you know, keep his legs up, you know, near his buttocks when he kept kicking me off, and that's when Dan, you know, Heiting to bring, you know, or Heiting was in the process of getting him hobbled. And then Heiting brought the hobb.. and the hobble out, but Dan--

SANFILIPPO: Do you go back with him at one point too look for the hobble, and didn't you leave?

RATKOVICH: I did.

SANFILIPPO: OK.

RATKOVICH: Uuh, because Heiting was, uuh, I didn't know if he knew exactly where his hobble was cause it seemed like it was taking him a little while at, uuh, the trunk of his car.

SANFILIPPO: Right.

RATKOVICH: And at that point Officer Lim was on scene and I asked Lim to come over and try and help control his legs while I went to the car to get, uuh, and I, I think I even asked Dan, I'm like, "You want me to go get ours?" Cause I knew where it was in the trunk.

SANFILIPPO: Uh-hu (affirmative)

RATKOVICH: And he said "Yeah." And so I had Lim come over to try and control his legs while I went over to get ours. And right as I got to the trunk of our police car, is when I heard Heiting slam his trunk and I said, "You got yours?" and he said "Yeah." And then we both went back over.

SANFILIPPO: OK. And when the restraints were applied, both the hobble and the handcuffs, together with the clip—

RATKOVICH: Uh-hu (affirmative)

SANFILIPPO: --do you remember the positioning that the suspect was in at that point?

RATKOVICH: Mmm

SANFILIPPO: Until RFD arrived. I mean it, from the time that they were applied—

RATKOVICH: Uh-hu (affirmative)

SANFILIPPO: --there was a short timeframe until RFD arrived. Do you remember the timeframe, what that was?

RATKOVICH: To the best of my recollection when, while, when, when, cause I clipped the clip to the handcuffs—

SANFILIPPO: OK.

RATKOVICH: --he was still in the prone position.

SANFILIPPO: OK.

RATKOVICH: At that point I stood up and was verifying that RFD was rolling in because I knew that they were staging down the street. I had seen them with, you know, their lights down the street. So I stood up and my attention was taken off of the suspect at that point. Uuh, once RFD rolled up, I was talking to Dan and explaining to him, cause they got off the truck and they were saying, you know, "What do we got?"

SANFILIPPO: Right.

RATKOVICH: And I explained to them that we had a use of force with baton strikes and taser ..... And in, and in the mix of that I do recall AMR rolling up on scene and the female paramedics saying, you know, saying something about, you know, "he doesn't seem, is he alright" or whatever the case. I don't remember what she said.

SANFILIPPO: Mmm

RATKOVICH: But that drew my attention to the, the suspect. And at that point he was on his left side, his head was, uuh, his mouth was slightly open and there was some saliva coming out of his mouth. And that's what I recall.

SANFILIPPO: On his left side? Was anybody holding him on his left side or is, do you remember?

RATKOVICH: I, I know Dan was still there with him, so I'm, the best of my recollection is I remember Dan being on, like on one knee and, you know, still maintaining control of his upper body but he was on his left side.

SANFILIPPO: OK. Do you remember, and this is my last question unless anybody else has anything, do you remember during the time after he was restrained with the clip being applied and RFD rolling up, was he talking or making any sounds that you remember at that point or did he stop making sounds?

RATKOVICH: At the time that the clip was applied to the handcuffs he was still kicking his legs, that's why we went with the full, with the tarp position—

SANFILIPPO: OK.

RATKOVICH: --with the, connected the handcuffs, because he was still kicking his legs. And at that point, that's when I stood up and I was making sure that RFD was rolling in.

SANFILIPPO: Uh-hu (affirmative)

RATKOVICH: I was also trying to assess where we needed other officers because I called for other officers for crowd control. And the family, or whoever it was, was on the sidewalk there and just kind of causing a distraction. I was trying to focus my attention on them, and getting them back so that they weren't, you know, getting in the way of anything. And, uuh, so, uuh, there was a, a couple, you know, uuh, whatever from the time that RFD rolled up and they got off the rig, where I was, you know, my attention was elsewhere other than on him.

SANFILIPPO: And from the time RFD and AMR rolled up—

RATKOVICH: Mmm

SANFILIPPO: --it looks like they're a few seconds—

RATKOVICH: OK.

SANFILIPPO: --how long did it take them, AMR or RFD, to approach the, uuh, suspect and make contact with him and assess him? Do you know how long that was?

RATKOVICH: I was still, I was, like I said, the RFD guys rolled up, they got off the rig and I immediately was telling them what, you know, why they were there basically.

SANFILIPPO: OK.

RATKOVICH: Uuh, and at that point there was, uuh, they were listening to what I was telling them. And during that interval I remember AMR rolling up and then it was somebody, I believe it was the female paramedic, noticed that, you know, they were concerned about his, you know, condition. And that's when I do remember, uuh, one of the, uuh, I think it was one of the firefighters was checking his pulse.

SANFILIPPO: OK. So .....

RATKOVICH: And, and then they--

SANFILIPPO: You think it was within a minute then that they made contact?

RATKOVICH: Oh, yeah. Yeah. Oh, yeah it was, it was quick. It wasn't--

SANFILIPPO: OK. Uuh, I don't have any further questions. Anything to, from you, before we close this out?

RATKOVICH: No.

SANFILIPPO: Saku?

ETHIR: No. I think you covered it.

SANFILIPPO: OK. It's 1432 and that will conclude this interview.

(end of interview)

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

Signed

 12-04-08

938R

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