

SUPPLEMENTAL REPORT

Date Prepared: 10-02-13

1. Original File No. P13133894	2.	3. Off ID 496	4. Dist. E	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 091313/2108	9. Day 6				
10. Time Assigned	11. Date/Time Inv. Start		12. Date/Time Inv. Term.		13. Type Clr. Exc	14. Type Cont. Rec	15. Additional Adults Arr.	16. Additional Juv. Arr.				
17. Address of Occurrence (Street No. - Name - City) 2395 10 th St., Riverside							18. Type of Place residence					
For ID USE: V = Victim, I = Informant, W = Witness, O = Other												
19. ID: V-1	20. Last Name - First - Middle (Firm Name if Business) Officer William Outlaw #1754						21. Race - Sex	22. DOB				
23. Residence Address			24. Business or School Address RPD Officer			25. Home Phone	26. Bus. Phone					
27.	28. Last Name - First - Middle (Firm Name if Business)						29. Race - Sex	30. DOB				
31. Residence Address			32. Business or School Address			33. Home Phone	34. Bus. Phone					
S C M T	35. LAST Name - First - Middle Jimenez, Hector			36. Race - Sex H-M	37. Age 50	38. Ht. 5'6	39. Wt. 220	40. Hr Gry	41. Eyes Hzi	42. DOB or ID 05-11-63	43. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No	
	44. Address - Clothing - Other Marks or Identifying Characteristics 2395 10 th St., Riverside; (Deceased)											
45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2				
S C M T	46. LAST Name - First - Middle			47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr	52. Eyes	53. DOB or ID	54. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No	
	45. Address - Clothing - Other Marks or Identifying Characteristics											
56. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2				

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

Ca	Currency Notes	B Jewelry Prec. Met.	C Clothing Furs	E Office Equip.	F T.V.-Radio Cameras	G Firearms	H Household Goods	I Consum. Goods	J Livestock	K Misc.
PS	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
57										
PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime) (1) Officer Involved Shooting (2)	61. Original Offenses Changed to (Code - Crime) (1) (2)	58. Stolen Auto Value ASP: \$ _____
62. Narrative of Supplemental Report Evidence-1RJS—one sketch drawn by Officer Outlaw		59. Recovered Auto Value A2 \$ _____

Present at interview:
Detective Mike Medici
Deputy District Attorney Michelle Paradise
Attorney Russell Perry

Interview took place on 09-14-2013 at 0255 hours in the first floor conference room at the RPD Magnolia Station. Officer William Outlaw has spent 4 months at the Riverside Police Department. Officer Outlaw is a lateral from San Bernardino Police Department where he was an officer for 16 years. Officer Outlaw was working swing shift with call sign C236. Officer Outlaw is in training with Officer Quinn and they were dr. in police unit #3148.

Reporting Officer Det. Sanfilippo
Reviewed By <i>[Signature]</i>
COPIES TO
VCLO ()
ACTIONS
APR Sent
APR Cancl.
APB Sent
APB Cancl
DOJ-NCIC
Entered Cancl.
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See page two for narrative

**RIVERSIDE POLICE DEPT.
CONTINUATION PAGES**

PAGE NO: 2

FILE NO: P13133894

DATE
3/11/2014

TYPE OF REPORT
Officer Involved Shooting

INVESTIGATING OFFICER
Det. Sanfilippo #496

Officer Outlaw advised he was dispatched to the area of Sedgwick Ave. / 10th St. reference a 5150 W.I.C. subject (S-1) cutting himself with a knife. Officer Outlaw said RPD dispatch advised S-1 was possibly in the street area. Officer Outlaw stated upon arrival he parked north of the 2395 10th St. residence on the west side of the street. Officer Outlaw said Officer Kauk pulled up at the same time and parked behind him on Sedgwick Ave. Officer Outlaw advised he immediately went to the trunk of his patrol unit, retrieved the less lethal shotgun and loaded it in the presence of Officer Kauk. Officer Outlaw stated he then proceeded on foot south on Sedgwick Ave. along with Officer Kauk and Officer Quinn. Officer Outlaw advised while searching for S-1 a civilian vehicle pulled into the driveway at 2395 10th St. (driveway is actually off of Sedgwick Ave.). Officer Outlaw said Officer Quinn walked over to the civilian vehicle while he and Officer Kauk continued to search for S-1.

Officer Outlaw advised he first observed S-1 sitting on a bench in the middle of the south yard of 2395 10th St. Officer Outlaw said at this point he was 30-40 feet away and didn't see the knife at the time. Officer Outlaw stated when the officers shined their flashlights in S-1's direction he (S-1) stood up and walked n/e to the south wall of the residence. Officer Outlaw added that S-1 had picked up the bench and took it with him to the south wall of the residence. Officer Outlaw stated S-1 then sat down on the bench as he had his back up against the back south wall of the residence. Officer Outlaw said Officer Larkin was the first officer to jump the fence into the south yard. Officer Outlaw stated he then followed into the south yard by jumping the chain link fence on the west side of the south yard. Officer Outlaw said as he got closer to S-1 he observed that his arms and legs were bleeding. Officer Outlaw advised he was approximately 15 feet from S-1 at this point. Officer Outlaw said he (Outlaw) was not moving and remained stationary as S-1 was seated on the bench. Officer Outlaw said Sgt. Toussaint was communicating with S-1 in an attempt to have him (S-1) drop the knife he had in his hand. Officer Outlaw advised Officer Larkin and Sgt. Toussaint were to his right and Officer Kauk to his left. Officer Outlaw believes that Officer Quinn may have been on the right side of Sgt. Toussaint. Officer Outlaw advised the officers were positioned in a semi-circle in front of S-1. Officer Outlaw stated the officers never advanced on S-1 maintaining their ground the entire time. Officer Outlaw stated he also told S-1 to drop the knife several times but he (S-1) didn't comply. Officer Outlaw added S-1 continually said "I want you guys to kill me".

Officer Outlaw advised S-1 appeared to be cutting his face with the knife as he (S-1) was seated on the bench. S-1 asked the officers several times "why don't you kill me". Officer Outlaw said he had his less lethal shotgun at the low ready and observed both Officers Kauk and Larkin with their weapons pointed at S-1. Officer Outlaw said he didn't see Sgt. Toussaint with his weapon out of his holster. Officer Outlaw said in his mind at this point he thought of "suicide by cop" based on S-1's behavior and statements. Officer Outlaw stated Officer Childers entered the south yard and yelled into the south residence (duplex) from the door for everyone inside to exit. Officer Outlaw said when Officer K. Feimer arrived in the south yard he positioned himself behind him (Outlaw) with his canine. Officer Outlaw stated Officer K. Feimer formulated a plan that he (Outlaw) would deploy less lethal if S-1 tried to run inside of the house. Officer Outlaw added that Officer K. Feimer would then send his canine at S-1. Officer Outlaw said it appeared to him that S-1 was "building up courage" while he sat on the bench based on his body movements. Officer Outlaw said S-1 was moving the knife from hand to hand and also kept looking around as Sgt. Toussaint spoke with him (S-1). Officer Outlaw said S-1 also pulled out several hospital wristbands from his pants pocket and threw them to the ground.

Officer Outlaw advised when S-1 stood up from the bench he (S-1) "lunged" to the right in the direction of himself and other officers. Officer Outlaw said S-1 had the knife in his right hand and had it "pointed" toward the officers as he moved towards them. Officer Outlaw stated he (Outlaw) fired the less lethal weapon at S-1 as he feared for the safety of himself and fellow officers. Officer Outlaw went on to say he thought he fired only

RIVERSIDE POLICE DEPT.
CONTINUATION PAGE

PAGE NO: 3

FILE NO: P13133894

DATE 03/11/14	TYPE OF REPORT Officer Involved Shooting	INVESTIGATING OFFICER Det. Sanfilippo #496
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two rounds but learned later after observing the spent cartridges at the scene that he had fired four rounds. Officer Outlaw said he heard other gunshots coming from

the left and right of him. Officer Outlaw stated he did see a red Taser light on the subject just prior to the shooting. Officer Outlaw advised that he didn't know who was pointing the Taser at S-1. Officer Outlaw said he observed Officer Kauk handcuff S-1 while he (S-1) was lying on the ground. Officer Outlaw stated officers on scene provided cover for Officer Kauk.

For more details refer to the recorded interview.

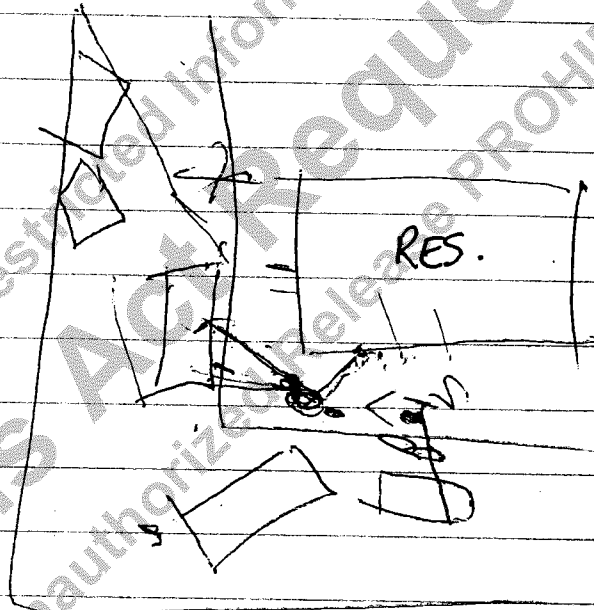
RIVERSIDE POLICE DEPT - Restricted Information
Public Records Act Request
ROZ 6/5/2015 12:15:15 PM Unauthorized Release PROHIBITED

09-14-13

0320 hrs

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both

* KWK = K

* WVKW = B

* Tassant = T

* Feimer = F

* QUMN = Q

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1RTS

RIVERSIDE POLICE DEPT - Restricted Information
Public Records Act Request
ROZ 09/15/12:15:17 PM Unauthorized Release Prohibited

Type of Complaint OIS		Address 2395 10 th St., Riv.			
Victim	DOB	Sex	Race	Address	
Arrestee / Suspect Jiminez, Hector	DOB 05-03-63	Sex M	Race H	Address 2395 10 th St., Riv.	
Arrestee / Suspect	DOB	Sex	Race	Address	
Reason Property Held:	Evidence <input checked="" type="checkbox"/>	Lost/Found <input type="checkbox"/>	Finder To Be Notified Yes <input type="checkbox"/> No <input type="checkbox"/>		Safe Keeping <input type="checkbox"/> Destruction <input type="checkbox"/> Other <input type="checkbox"/>
Finder Det Sanfilippo	DOB	Sex	Race	Address RPD	Phone No. 951-353-7105
Owner	DOB	Sex	Race	Address	Phone No.
Property taken into custody at: Mag Street Station			From investigation		Date/Time 09-14-13
By Officer(s) Last Name, First Name Det Sanfilippo		ID No. 496	DOJ RI No.		Property Clerk

Item	Owner	Itemize, Describe, List Serial Numbers... Only 1 article per line	Prop. Loc.	Rel. Dispo
1RJS		one sketch drwn by Officer Outlaw		

FIREARMS: In those cases where Riverside Police has confiscated a firearm(s) or other deadly weapon(s) into custody pursuant to Penal Code § 12028.5, a petition may be initiated in the Superior Court within 60 days of seizure. (An ex parte petition may be filed to extend the time if necessary). In those instances where a petition is filed pursuant to Penal Code § 12028.5 the Superior Court will determine whether the firearm(s) or other deadly weapon(s) should be returned. When a petition is not filed, the property Unit shall obtain a Department of Justice firearms clearance and an authorization for release of the weapon(s) from the assigned case agent. **Under no circumstances will a weapon be released before 5 business days have passed.** Upon receipt of the clearance and authorization for release, the Property Unit will notify the owner by mail to call for an appointment. Inquires regarding the status of the potential release of weapon(s) may be directed to the Police Property Unit by calling (909) 351-6021. Welfare and Institution Code § 8102 mandates police officers confiscate weapons from persons detained under the provisions of Welfare and Institution Code § 5150. Pursuant to Welfare and Institutions Code § 8102, the health care facility must notify the detained individual of the procedure for return of the weapons. See reverse side for release instructions.

RECEIPT RECEIVED BY: X _____ DATE ISSUED: _____ ISSUED BY: _____ ID#: _____
(RECIBO RECIBIDO) (FECHA EN SE EMITIO)

Person Clearing Property Report	Date	Owner Notified By	Via	Date/Time
Item(s)	Released By:	Received By:	Address	Date/Time
Item(s)	Released By:	Received By:	Address	Date/Time
(s)	Released By:	Received By:	Address	Date/Time
Item(s)	Released By:	Received By:	Address	Date/Time

INTERVIEW WITH OFC. WILLIAM OUTLAW

Q=Det. Ron Sanfilippo

Q1=Det. Mike Medici

A=Ofc. William Outlaw

A1=Atty. Russell Perry

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14 Q: Okay, I'm Detective Ron Sanfilippo with the Riverside Police Department,
15 Robbery/Homicide Unit. Um, I'm with Detective Mike Medici, who's my co-
16 case. Uh, we're in the conference room with, uh, Officer William Outlaw, his
17 attorney Russell Perry, and District Attorney - Deputy District Attorney
18 Michelle Paradise. Uh, it's about 2:55 in the morning on 9/14 of 2013. And
19 the case number for this is P13133894. Uh, there was an incident this evening
20 at 2395 10th Street in the city of Riverside. Um, at about 2120 hours there
21 was a call of a subject with a gu- a knife. Possibly 5150. Um, and I guess you
22 responded out there, William?

23
24 A: That is correct, sir.

25
26 Q: You want to say something?

27
28 A1: Yeah I wanted, um, I kind of just need to give a statement pursuant to, uh, 4.8
29 of Department Policy. And also, I - it's my understanding there's a, uh,
30 possible audio or a video that might be downloaded, uh, to the extent that if
31 there was a subsequent statement needed, um, I'd like to get the access to that,
32 uh, recording if possible?

33
34 Q: Okay, no problem.

35
36 A1: Other than that, we're good to go.

37
38 Q: Okay. William, what I'll do is I'll have you tell me basically what happened.
39 First I'll get some basic stuff from you.

40
41 A: Yes sir.

42
43 Q: Okay. Um, how long you been with the Riverside Police Department?

44
45 A: Going on I think, uh, four months sir.

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Q: Four months?

A: I was hired on - on June the 7th, sir.

Q: June 7th?

A: Yes sir.

Q: Okay and you're a lateral?

A: That is correct, sir.

Q: From?

A: Uh, San Bernardino Police Department.

Q: Okay. And when - when did you start with San Bernardino PD?

A: Uh, I started on August 25th of 1997.

Q: '97?

A: Yes sir.

Q: Okay. What's your ID number?

A: Uh, 1754, sir.

Q: Okay. And you're in training at this point?

A: That is correct, sir.

Q: And who's your training officer?

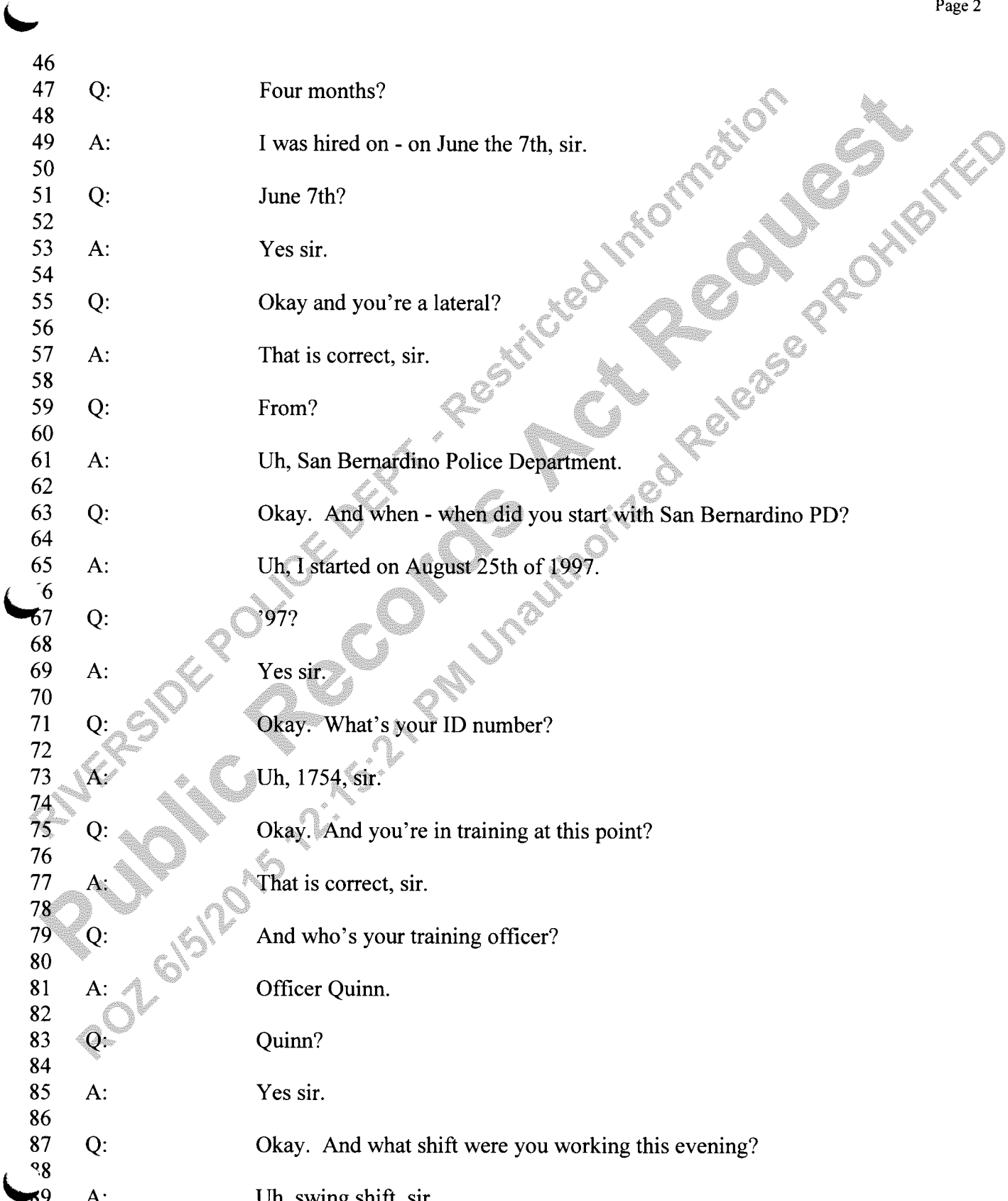
A: Officer Quinn.

Q: Quinn?

A: Yes sir.

Q: Okay. And what shift were you working this evening?

A: Uh, swing shift, sir.



91 Q: Swings? And what was your call sign?
92
93 A: We are Charlie 230 - Charlie, uh, (unintelligible), uh, 236.
94
95 Q: 236?
96
97 A: I believe so.
98
99 Q: Okay. Okay, William, um, why don't you go ahead and tell me basically what
100 you - what you know about the call tonight? Were you driving or were you
101 passenger?
102
103 A: I was driving, sir.
104
105 Q: Okay. Do you remember what unit you were driving?
106
107 A: We were driving, um, 3148.
108
109 Q: Okay. So just run it down to me basically.
110
111 A: Sure.
112
113 Q: What you know about.
114
115 A: Um, we got a call, um, we're dispatched to a call, uh, I'm not sure who made
116 the call, of a subject that was, um, had cut himself with a knife, possibly 5150.
117 So as we're driving to the location, um, dispatch, uh, gave an update that the
118 subject was possibly in the street, um, with the knife. In the area was
119 Sedgwick and 10th Street.
120
121 Q: Okay.
122
123 A: Um, as we, uh, arrived to the location, um, I parked probably - I think that's
124 north/south right there - I think I was, um, I think Sedgwick is a north/south
125 street I believe it is?
126
127 Q: Mm-hm.
128
129 A: So we parked...
130
131 Q: It is.
132
133 A: ...so we parked, um, just north of the location.
134
135 Q: Mm-hm.

136
137 A: As we're getting out the car, Officer Kauk parked behind us, um, in his
138 vehicle. I, uh, told Officer Quinn I was looking for less lethal, less lethal
139 shotgun out of the car.
140
141 Q: Mm-hm.
142
143 A: I went to the trunk. I popped it open. And as we're doing that, a vehicle came
144 southbound on Sedgwick, uh, and began pulling into the driveway of the
145 residence we're going to. Um, at that time Officer Quinn, uh, walked over to
146 the vehicle and the young lady was an older - older Hispanic woman, uh, said
147 that she lived there.
148
149 Q: Mm-hm.
150
151 A: Officer - I heard Officer Quinn telling her, "Listen, you can't go there 'ca-
152 because there's a guy with a knife."
153
154 Q: Okay.
155
156 A: "And you need to back up." And so he continued to kind of speak with her
157 and she became kind of upset that she couldn't be at that address. As that was
158 happening I saw another unit coming northbound on Sedgwick and we began
159 looking for the subject because initially, uh, said he was in the streets. So,
160 um, as Officer Quinn was talking to the car, Officer Kauk and I - there was a
161 vehicle parked directly in front of the residence. Um, I think it was a grey
162 Jeep I believe.
163
164 Q: Okay.
165
166 A: Uh, we, um, thought he was poss- possibly on the side of the sidewalk so we
167 kind of pied that. He wasn't there and as we did that I saw the subject in the
168 yard, um, of the residence there. It appeared as though he was - he had, uh,
169 sitting on a bench or a stool or something at the time.
170
171 Q: Mm-hm.
172
173 A: Uh, we shined our lights on him and as we did that he immediately picked up
174 that bench or stool and walked to the side of the house. Um, another unit
175 pulled up, um, I'm not sure what unit it was, but that unit pulled up. And then
176 then it was a time that we walked over towards the fence. Um, one of the
177 officers, um, the bald-headed officer? I said his name earlier.
178
179 A1: Uh, Larkin?
180

181 A: Larkin. Officer Larkin jumped the fence.
182
183 Q: And when he - when you first saw him, was he to the front, facing Sedgwick
184 then? And then moved around and took a bench over toward...
185
186 A: Well if...
187
188 Q: ...10th Street?
189
190 A: No, uh, he was actually, uh, on 10th Street.
191
192 Q: Okay.
193
194 A: He was - he was in the yard.
195
196 Q: Okay.
197
198 A: Kind of like on the corner of the house.
199
200 Q: Okay.
201
202 A: And just sitting there. Um, and so as soon as our lights hit him...
203
204 Q: Right.
205
206 A: ...our flashlights he immediately grabbed the bench or whatever it was, uh, a
207 chair...
208
209 Q: Okay.
210
211 A: ...and moved directly out of our view. So, uh, we walked on the side of the,
212 uh, sidewalk. Saw him sitting, uh, saw him sitting down.
213
214 Q: Okay.
215
216 A: Up against the wall. And then Larkin, uh, jumped the fence. Um, I jumped
217 the fence as well. And then, um, Officer Kauk came in I think through the,
218 um, the gate.
219
220 Q: Okay.
221
222 A: I think it was open, but he came through the gate. Um, we, um, illuminating
223 him with our lights. Sergeant Toussaint was to my right. Um, uh, then Larkin
224 was to my right. I was standing, uh, there and then, uh, left of me was Officer
225 Kauk. Um, Sergeant Toussaint started talking to him, basically telling him,

226 "Hey sir, you know we're here to help you. Put the knife down, put the knife
227 down." Uh, I immediately noticed that he was bleeding from his - like his left
228 leg and his right knee. Uh, there's blood on his jeans, pants.
229

230 Q: Okay.

231

232 A: And he had the knife and he just kept cutting his - cutting his arm. And, uh...

233

234 Q: Was he seated at the time?

235

236 A: He was seated and he kept cutting - he just kept cutting his arm. And Sergeant
237 Toussaint was like, "Hey sir, you know, uh, put the knife down, put the knife
238 down." And I even said a couple times, "Sir, put the knife down. You know,
239 you don't want to do this." Um, he had the knife in his hand and he pops it in
240 the grass and he kind of stabbed the grass. I'm thinking, okay, you know,
241 maybe he's listening. So he picked the knife up again and he goes, um, "This
242 knife isn't for you. I don't want to hurt you. I want you guys to kill me."
243 And I said, "No sir, we're not here - we're not going to kill you. You can put
244 the knife down." And then Sergeant Toussaint started talking again saying,
245 "Sir, you know, don't - don't leave this here with your family. Your family is
246 here." You know, and he goes, "I want to show you guys something." And
247 then he reaches in his pocket and he grabbed out a whole bunch of looks like,
248 uh, um, bands if you go to the hospital.
249

250 Q: Okay.

251

252 A: He said he'd been in the hospital a long time.

253

254 Q: Like wristbands?

255

256 A: Wristbands from the hospital. And he pulls those out. And he, uh, out of his
257 hand, looks at those. He's got the knife and he starts cutting his - hey, he
258 starts just cutting his face. I mean cutting on his arm, you know, cutting his
259 left side of his face, his jaw, and his head.
260

261 Q: You can tell he's bleeding at that point from the...

262

263 A: Well yeah he's still cutting it.

264

265 Q: Okay.

266

267 A: And I'm going, you know, so uh, then Officer Kauk - we're probably about
268 within 15 feet from him at the time and then Officer Kauk says, yeah well
269 goes, um, he goes, he goes, "Oh well I'll just, you know, you're pretty close
270 so if he jumps out, make sure you, you know, you get out of the way." The

271 distance that was there. Um, at that time the K9 officer, um, - what's the K9
272 officer's name?
273
274 A1: Feimer.
275
276 A: Was it Feimer?
277
278 Q: Feimer?
279
280 A: Feimer. He shows up.
281
282 Q: Feimer.
283
284 A: Where he shows up and I hear his dog there uh, and then also I see that
285 Officer, um, Childers shows up. So Feimer K9 goes around they said trying
286 to figure out how to get in. I see a, um, I hear, uh, a guy speaking with
287 Childers - or Childers outside the fence, so I turned to see him. And the guy
288 said something, "That's my dad, that's my dad."
289
290 Q: Now - now whereabouts is this taking place? By the...
291
292 A: Direct, uh...
293
294 Q: ...front of the house?
295
296 A: No this is right behind me...
297
298 Q: On 10th?
299
300 A: ...on - on 10th Street.
301
302 Q: Okay.
303
304 A: So I turned and I tell Childers or Childers, I said, "Get that guy out of here.
305 Whoever he is, tell him to move." So he moves. The K9 comes around,
306 comes to the fence. Um, comes behind us. And the K9 officer says, "Who
307 has less lethal?" I said, "I have less lethal. He said okay." And then he says,
308 "Okay, well if the guy gets up and tries to run inside the house, then I want
309 you to deploy less lethal and I'll send the dog." I said, "Okay, got it." So,
310 um, the guy's still sitting there. He's cutting his face still and I tell, um, Kauk,
311 I said, "You know what," I says, I said, "He's building up courage to - to do
312 something."
313
314 Q: Mm-hm.
315

316 A: And he's sitting there and he's got the knife in his hand. He's cutting himself.
317 And he's sitting there and he's looking, he's looking, he's looking and
318 Sergeant, uh, Toussaint keeps telling him, "Sir, you don't want to do this.
319 You don't want to do this here." He goes, "Yes, yes I do, yes I do." He goes,
320 "I want you guys to kill me." He's sitting there for a minute and we're all
321 looking at him and the dog's barking and probably like I don't know after a
322 minute, his hand - he's looking at his hand for a couple minutes, he just jumps
323 up like this and I start shooting with the bean bag round and then the other
324 officers shot.

325
326 Q: Okay.

327
328 A: And he hit the ground and then his family starts yelling. Other family
329 members showed up. Um, and then Officer Kauk and another officer, um, uh,
330 rendered the weapon from him.

331
332 Q: Mm-hm.

333
334 A: They handcuffed him and, um, that was it.

335
336 Q: Okay. All right, let me just go back a little bit.

337
338 A: Sure.

339
340 Q: When you, uh, so you roll up, um, and you park a little north to the location?

341
342 A: Yes sir.

343
344 Q: So you guys start walking up the driveway?

345
346 A: Well up the street...

347
348 Q: I mean up the sidewalk.

349
350 A: ...yes sir.

351
352 Q: Is it the street or the sidewalk?

353
354 A: We walk - we're initially on the street.

355
356 Q: Okay.

357
358 A: We are - we parked across the street.

359
360 Q: Okay.

361
362 A: And as we - we get walking up towards the front of the house, that's when the
363 vehicle came up.
364
365 Q: Okay.
366
367 A: Came southbound. And she's, um, started to turn into the driveway and then
368 Officer Quinn - Quinn contacted the driver and said, "You can't go in that
369 house."
370
371 Q: Was that person related to your residence or the front residence? Do you
372 know if she had...
373
374 A: I'm not...
375
376 Q: ...something to do with that family?
377
378 A: ...I'm not sure. I'm not sure which one. Because after it was all said and did,
379 it looked like there is two houses there.
380
381 Q: Right.
382
383 A: But I believe she was pulled into - she was pulled into the house that we went
384 into.
385
386 Q: Okay.
387
388 A: That driveway there.
389
390 Q: Okay. So then you guys go around the - the vehicle, I guess you said it was a
391 Jeep?
392
393 A: I think it was a Jeep. It was a grey vehicle, an SUV that was right there and
394 we couldn't see around it, so we kind of pied it.
395
396 Q: Okay, so as you come around that's when you first notice him?
397
398 A: Right.
399
400 Q: Now where exactly is he in the yard? Is he in the - the - on the 10th Street
401 side is that where you saw him?
402
403 A: Yes sir.
404
405 Q: Okay and what - is he like in the middle of the yard or was...

406
407 A: He was just sitting in the middle of the yard.
408
409 Q: So he was sitting in the middle of the yard on - on some object?
410
411 A: Yes sir.
412
413 Q: Okay. Did he see you immediately or it's when the lights hit him that he...
414
415 A: When the lights hit him that's when he saw us and he immediately picked up,
416 um, whatever he was sitting on.
417
418 Q: Okay.
419
420 A: And moved towards the, uh, on the side of the house out of our view.
421
422 Q: Okay. Was there anything said at that point from either you or him? Like you
423 guys give him any commands at that point? Or did he make...
424
425 A: Someone did, but I didn't. 'Cause I - I hadn't seen him. I - I believe, uh, one
426 of the officers said, "Sir, come over here. Come over this way."
427
428 Q: Mm-hm.
429
430 A: But I was trying to make my way over to where he was at 'cause he had left
431 my sight of view.
432
433 Q: Okay. Did he he - did you see any weapon in his hands at that point?
434
435 A: Initially no because the distance when we first shined our light to where he
436 was was probably a good, uh, 30-40 feet away. And so we just shined our
437 light and once he moved - our lights were probably on him for ten seconds
438 and...
439
440 Q: Okay.
441
442 A: ...once he realized that I guess it was the police, he immediately picked up
443 what he was sitting on and moved over. And we just kind of moved towards
444 him to close the distance to see exactly what was going on.
445
446 Q: Okay. And at that point who was with you while you're approaching at first?
447
448 A: Initially just me and, uh, Officer Kauk behind me.
449
450 Q: Kauk?

451
452 A: That was - I was in the front. I just heard Officer Kauk behind me.
453
454 Q: Okay.
455
456 A: And I knew that prior to me jumping the fence that, uh, Officer Quinn was
457 speaking with the car, the lady in the vehicle.
458
459 Q: All right.
460
461 A: Um, I'm not sure if he, you know, I assumed he left from once we made
462 contact, I assumed he walked over...
463
464 Q: Okay.
465
466 A: ...and - and (unintelligible) but I wasn't looking around at him, I was paying
467 attention to the - to the guy here.
468
469 Q: So you guys were on the Sedgwick and you - and you continued around to
470 10th Street?
471
472 A: No sir. We - I - I - actually we jumped the fence...
473
474 Q: On...
475
476 A: ...on Sedgwick because that's...
477
478 Q: Sedgwick? Okay.
479
480 A: Where's a pad at? Um...
481
482 Man: (Unintelligible).
483
484 A: Sure. If, uh, if uh, let me get this right. If this is the residence here.
485
486 Q: Okay.
487
488 A: And the vehicle is parked right here. Um, as we - we parked our units, like I
489 said before, um, south - north of the location. Um, once we got out of the
490 vehicle, uh, once we got out of our vehicles, started walking this - this
491 (unintelligible) south, that's when the other vehicle showed up.
492
493 Q: Okay.
494
495 A: Uh, Officer Quinn made contact with the lady in the vehicle.

496
497 Q: Mm-hm.
498
499 A: Um, Officer Kauk and I, we pried - came around this vehicle, expecting the
500 subject to be hiding here because we didn't see him in the intersection.
501
502 Q: Okay.
503
504 A: As soon as we got here we shined our light, he was actually sitting on the
505 object in the yard.
506
507 Q: Okay.
508
509 A: Um, he then moves towards the house where we didn't see him. So at that
510 time, uh, the other officer I mentioned earlier, uh, um, uh, Kauk in or...
511
512 Q1: Larkin?
513
514 A: Larkin, um, I noticed that he was there. And when he jumped the fence I went
515 and jumped the fence myself, so I just, um, slung the shotgun and jumped the
516 fence with him.
517
518 Q: Mm-hm.
519
520 A: and then - and so we came over to the side of the house. That's when I saw,
521 um, Sergeant Toussaint standing there. Sergeant Toussaint was here. Uh,
522 Larkin was there. I was in the middle here. And then, uh, Kauk was on the
523 side.
524
525 Q: Okay so - so when you guys came to the fence and he saw you and he
526 moved...
527
528 A: Right.
529
530 Q: ...so when you jumped the fence did you lose sight of him for a second?
531
532 A: Did not.
533
534 Q: You saw him while you're jumping the fence?
535
536 A: Yeah I - I saw him.
537
538 Q: You could still see him?
539

540 A: Right. 'Cause, uh, Sarg- I'm sorry, uh, Larkin jumped the fence first. And as
541 I jumped the fence - at least it was a four foot fence so I just leaped over it -
542 um, and immediately - I never lost sight of where he was at. He was still
543 sitting - standing in the same place as sitting right there in front of - in front of
544 the, uh, the window. But there were people inside the house at the time. And,
545 um, one of the officers said, "Hey, make sure everyone's out of there." Um,
546 and so that's when, um, we started yelling, "Hey, whoever's in the house,
547 leave the house." And they left out of the room and came outside the - the
548 door of the residence there.
549

550 Q: Mm-hm.
551

552 A: Um, they kind of stood there and was talking about something so we're like,
553 "Okay, just leave. Get out of here for right now." And they left, I'm not sure
554 where they went to.
555

556 Q: Okay so you know that the first one in the yard was who then? You or
557 Larkin?
558

559 A: Uh, Larkin was the first one who...
560

561 Q: And then...
562

563 A: Larkin, uh, was the first one I saw in the yard first.
564

565 Q: Okay.
566

567 A: And then, uh, I jumped the fence. And as I came - as I came up this way here,
568 I saw Sergeant Toussaint here.
569

570 Q: Was Toussaint already over the fence?
571

572 A: Um...
573

574 Q: Was he behind the fence still out...
575

576 A: No I think - I think Larkin was first in the yard and then I came over and I saw
577 Sergeant Toussaint - I'm not sure where he jumped the fence at. It - he just
578 showed up on this side of the fence. He did - he just showed up here.
579

580 Q: So he was in the yard though?
581

582 A: He was in the yard as well, yes. A unit pulled up and parked right there.
583

584 Q: Uh-huh.

585
586 A: Um, Childers showed up and pulled his vehicle here as well. He had the ride-
587 along.
588
589 Q: Mm-hm.
590
591 A: And that's when I saw a person speaking coming up being concerned and
592 Childers was talking to them right then. I told Childers, "Get that person
593 away from here. Just tell them to leave. Put them somewhere." And he
594 continued to speak with the guy.
595
596 Q: Mm-hm.
597
598 A: And somewhere after that, um, Childers came in the yard and that's it. By
599 that time I was paying more attention to him because once I realized he had a
600 knife and my attention just stayed on him the whole time.
601
602 Q: Okay. And then - and then when he moved - when did you first see him in
603 possession of the knife?
604
605 A: Uh, I...
606
607 Q: At what point?
608
609 A: ...didn't see him to - I didn't see that he had a knife until, uh, he moved over
610 to the window.
611
612 Q: Okay.
613
614 A: And once I jumped the fence and I shined my light on him, then I was - I
615 could see that, uh, his pant legs was bloody and he had a knife in his hand.
616
617 Q: Okay.
618
619 A: I didn't - initially when I was, uh, was walking up I didn't see the knife. Nor
620 did I see that his pants were bloody.
621
622 Q: Okay.
623
624 A: Until we closed the distance and jumped the fence and we're about 15 feet
625 away, that's when I saw that the knife was in his right hand. And he was
626 bleeding from his - both his legs.
627
628 Q: And then he was sitting at the time when...
629

630 A: He was sitting at the time, yes.
631
632 Q: Okay. And then so you guys came over and you walked over like in front of
633 him? Or you stayed over here toward the corner of 10th and Sedgwick?
634
635 A: Um, well after I jumped the fence he was sitting - if - if the, uh, window is
636 there...
637
638 Q: Right.
639
640 A: ...once we jumped the fence and I saw him there, there's a tree located - like a
641 small little tree located right here across...
642
643 Q: Across the corner.
644
645 A: ...the corner. On the corner.
646
647 Q: 10th and Sedgwick.
648
649 A: Right, right. So, we walked - I walked kind of in front of the tree. And - and
650 just kind of pied it and kept my eyes on him with the shotgun the whole time.
651
652 Q: Okay.
653
654 A: So.
655
656 Q: And so - and basically you - you were here. And then who was to your right?
657 Do you remember?
658
659 A: Larkin was to my right. This is inside the yard, right?
660
661 Q: Yes.
662
663 A: Yeah, um...
664
665 Q: And it was Larkin to your right and then...
666
667 A: Larkin - Sergeant Toussaint.
668
669 Q: And Toussaint.
670
671 A: And on the left side was, uh, Kauk.
672
673 Q: Okay.
674

675 A: Kauk. And then I do - I believe, um, I saw someone on this side. Unless I -
676 I...
677
678 Q: From the other side of?
679
680 A: Of Lieutenant - I mean of, uh...
681
682 Q: Toussaint?
683
684 A: ...of Toussaint. It might have been Quinn? But once again, I didn't - I just
685 know that I saw a body - another officer in the yard over there.
686
687 Q: Mm-hm.
688
689 A: I don't know who it was though because I was kind of more paying attention
690 to (unintelligible).
691
692 Q: Okay and that was farther east from...
693
694 A: It was - right.
695
696 Q: ...the location?
697
698 A: Right. In the yard though.
699
700 Q: Right.
701
702 A: But I don't know who it was.
703
704 Q: Okay. In the yard?
705
706 A: Yes sir.
707
708 Q: Um, and you said you're approximately how far away? You said 15 feet?
709
710 A: About 15 feet from him.
711
712 Q: Okay. And were you guys standing still the whole time? Were you - were
713 you advancing?
714
715 A: No we just - we sit there and talked to him. Uh, Sergeant Toussaint was
716 speaking with him and then I said a couple words, um, you know, when he
717 said, you know, um, about he wants to use the knife. He goes, "The knife is
718 not for you. Why don't you guys kill me?" and I said, "Sir, you don't - we
719 don't want to do that. Let's put the knife down."

720
721 Q: Right.
722
723 A: "Put the knife down." Um, we never advanced on him. We just stood our
724 ground the whole time. Um, and eventually he - he was just sitting there just
725 kind of thinking, thinking, and...
726
727 Q: Who was doing the talking for the - for the officers? Was everybody talking
728 to him?
729
730 A: No.
731
732 Q: Or was it...
733
734 A: Sergeant Toussaint was talking to him.
735
736 Q: Mm-hm.
737
738 A: And then when Sergeant Toussaint would say something, he'd speak and then
739 I said something.
740
741 Q: Okay.
742
743 A: The reason that is, is I was telling coming from San Bernardino, I've been, uh,
744 involved in a lot of stuff and then - not in general, but we just kind of, um, it's
745 just natural that...
746
747 Q: Mm-hm.
748
749 A: ...to have a conversation with this - with a person at the time.
750
751 Q: Mm-hm.
752
753 A: Um, and I was telling him, you know, when he said - he was looking at
754 directly at me and I'm coming that way when he pointed towards where I was
755 standing at. Because he was standing there and he was pointing right towards
756 where I was standing at and that's when Kauk said, "Hey, if comes this way
757 Outlaw, you know, you need to move."
758
759 Q: So he's basically pointing to go toward the right?
760
761 A: Towards the door.
762
763 Q: Which is going to be toward the front portion of his residence?
764

765 A: Residence, right. Which is where...

766

767 Q: Which is off Sedgwick?

768

769 A: Which is off Sedgwick, right.

770

771 Q: Okay. And that's where your direction is basically?

772

773 A: That's where I'm stan- I'm - I'm standing right there. And Kauk is standing
774 right to the right of me.

775

776 Q: So at this...

777

778 A: Behind me.

779

780 Q: ...point when you're talking to him, are you - are you pointing the less lethal
781 at him? Or you're pointing your handgun at him?

782

783 A: No I never had my - I never had my handgun out...

784

785 Q: Okay.

786

787 A: ...the whole time. I'm - I just had the shotgun. My shotgun was at the low
788 ready.

789

790 Q: Okay.

791

792 A: And I was waiting. Um, and the officers had the - their weapons out. But I
793 just - I didn't transition.

794

795 Q: Did you see their weapons out?

796

797 A: I saw, um, I saw, um, Kauk's weapon out.

798

799 Q: Okay.

800

801 A: And I saw, um, um, God - Larkin's weapon out.

802

803 Q: Okay.

804

805 A: And - and those are the two immediately beside me. I didn't see Sergeant
806 Toussaint's weapon out. I don't know if he did or not. I don't know if he
807 fired or not.

808

809 Q: So at this point, from the time you jumped the fence to the time that of the
810 shooting, how long do you think that took?
811

812 A: I want to say - I want to say about four or five minutes.
813

814 Q: So it was...
815

816 A: It seemed like a long time.
817

818 Q: A long time?
819

820 A: Because, um, we first got there and, you know, um, Sergeant Toussaint got
821 there. I saw, um, K-9 get there. Childers get there. Family members showing
822 up. Uh, the house was empty. So I'm thinking about four or five minutes. It
823 was it seemed like a long time.
824

825 Q: Okay.
826

827 A: I'm not sure, but I, you know, when I - it seemed like a long time.
828

829 Q: So - so what were you thinking during this time? What was going through
830 your mind at this point?
831

832 A: Well when we first saw him he first cut himself and I thought it was kind of,
833 you know, unusual but definitely 5150 person. Um, when he starts cutting his
834 arm, you know, I'm like, okay. And then started cutting his face, that's when
835 I - I kind of turned my (unintelligible) and it seemed like he was - once the
836 dog showed up, it's like he was just kind of building up - building up...
837

838 Q: Mm-hm.
839

840 A: ...courage to, you know, and immediately came into the fact when he says -
841 when he told - when he said that, "The knife is for, uh, he don't want to hurt
842 us, it's for us to kill him." I'm thinking, you know, suicide by cop.
843

844 Q: Mm-hm.
845

846 A: Uh, and then he started mumbling something about the medication and his
847 wife. And - and he's sitting there doing his hand. I'm thinking this guy is
848 building up courage to just to take the last step for us to...
849

850 Q: Mm-hm.
851

852 A: ...for, you know, something to happen. And - and that's when I kind of
853 turned to my left and - and mentioned, I said, "Hey, you know, he's building

854 up courage to - to - to act out.” And he did. He jumped up and - with the
855 knife in his hand and that...
856
857 Q: Did he give any indication before he jumped up he was going to jump up?
858 Or...
859
860 A: He - he didn't. He was, you know, sitting there kind of nervous and kind of
861 just anxious for a minute. Had the knife in his hand. And all he just - he just
862 lunged up.
863
864 Q: And you - and to the right though, right?
865
866 A: Well yeah to the right. 'Cause he - he - he's here. They're - I'm over here.
867 I'm kind of like (unintelligible) I'm right there.
868
869 Q: Right.
870
871 A: And he just lunged up.
872
873 Q: Okay.
874
875 A: With the knife. And I - I fired, uh, I thought I fired two, but I fired all four of
876 my less lethal rounds. Uh, um, at him. And then I heard other rounds coming
877 in at him.
878
879 Q: Now when he started coming - when he got up, do you - do you feel he's
880 coming right at you? Or was he...
881
882 A: It was - it was...
883
884 Q: ...coming...
885
886 A: He was coming right towards, uh...
887
888 Q: Your direction?
889
890 A: ...my direction and directly left of me was, uh, Kauk.
891
892 Q: Okay.
893
894 A: Um, and I could - the distance was I would say about 15 feet, maybe 14 feet.
895
896 Q: Right.
897
898 A: It's pretty close.

899
900 Q: Okay. And you said there was some talk of what somebody told you that if he
901 gets up to...
902
903 A: The K9 officer, um, when he...
904
905 Q: And where was he - now I got people - you got Toussaint, Larkin, Kauk, and
906 you. Where was Feimer at?
907
908 A: Uh, is it Crimer?
909
910 Q: Feimer.
911
912 A: Feimer. Uh, Feimer, uh, he came - I head him on the outside of the fence.
913
914 Q: Okay.
915
916 A: He came in the yard with the dog.
917
918 Q: Okay in the driveway?
919
920 A: And came in through the driveway.
921
922 Q: Okay.
923
924 A: Because he didn't jump the dog with the fence. Um, I heard the dog barking
925 as he - the dog walked up here. Uh, walked in the yard.
926
927 Q: So he walked to the front of the residence.
928
929 A: Right, came through...
930
931 Q: (Unintelligible).
932
933 A: ...the residence on Sedgwick. Came in the yard. And then I heard him, uh,
934 he asked who had the sh- uh, less lethal and Kauk's and I said, "I did."
935
936 Q: Okay.
937
938 A: And then I heard the dog bark. He kept telling him some commands I guess
939 to stop bark (unintelligible). And then I heard him and I looked to my right,
940 or directly behind me.
941
942 Q: Okay.
943

944 A: But I didn't want to take my eye off...

945

946 Q: Right.

947

948 A: ...this guy. I just heard him talking, he goes - and that's when he said, uh, "If
949 the - if he jumps up and tries to make this at the house, um, I'm going to - I
950 want you to deploy less lethal and I will deploy my dog."

951

952 Q: Okay.

953

954 A: Um, and that was the plan.

955

956 Q: Okay.

957

958 A: And his prospective.

959

960 Q: Okay. Did anybody have a taser or anything out there?

961

962 A: There was an officer who I don't know who. I saw, um, a taser light, uh,
963 shined on him.

964

965 Q: Mm-hm.

966

967 A: But I don't know who had it out.

968

969 Q: Okay.

970

971 A: I just know that on the right side, whoever that person was on that side over
972 there, ha- I just saw the taser light shining towards the - on - on his body.

973

974 Q: Was it on the whole time he was talking to him or was it...

975

976 A: It was on, um, I just saw it probably, um, I don't know if a minute or two, I
977 just saw he came out and officer showed up that I - whoever it was, I saw the
978 taser of the taser light on the guy.

979

980 Q: Mm-hm.

981

982 A: And after that I don't know if he still had it the whole time because I just kind
983 of was just more focused on him and then I...

984

985 Q: Mmm.

986

987 A: ...the conversation that was it.

988

989 Q: Okay.

990

991 A: But like I said, I don't know who the other person was on that side.

992

993 Q: So then you started fir- you fired yours and did you - you said you heard the

994 other guys fire...

995

996 A: Right.

997

998 Q: ...somebody else fire?

999

1000 A: Right I - when I - when he jumped up, um, I immediately, um, start firing, uh,

1001 my - the shotgun at him, the less lethal rounds at him. Um, and then I heard,

1002 uh, rounds coming from my left and my right.

1003

1004 Q: Okay.

1005

1006 A: Who fired I don't know. I just know I heard rounds coming - coming at him

1007 and then he, uh, dropped, uh, still had the knife like on his hand when he fell.

1008

1009 Q: Mm-hm.

1010

1011 A: And then the plan, um, Kauk (unintelligible) Sergeant Toussaint instead he

1012 goes, "Okay," he goes, "once he's down, um, okay someone want to cover

1013 him so we can take the weapon out of his hand or from his location." I think

1014 it was from his hand. And they walked up, while he was covered, took the

1015 weapon or the knife and put it to the side, and they handcuffed him.

1016

1017 Q: Okay. Do you know who handcuffed him?

1018

1019 A: I saw Sergeant - I mean I saw, uh, Kauk put gloves on and I'm not sure who

1020 the other people were. 'Cause, uh, it was probably (unintelligible) more

1021 officers who showed up and they were in the yard. And I'm still learning

1022 people's faces (unintelligible) here.

1023

1024 Q: Mm-hm, yeah.

1025

1026 A: I just know Kauk because I work with him. And today was my first day

1027 meeting Larkin as well.

1028

1029 Q: Oh okay. You have some questions?

1030

1031 Q1: Uh, William, I don't have a whole lot. I - you've...

1032

1033 A: Yes sir.

1034
1035 Q1: ...done a great job explaining things. Um, you ever been in that house
1036 before?
1037
1038 A: I have not sir.
1039
1040 Q1: Is that beat - is that - is that a normal beat for you? Do you guys change since
1041 you're in training to go...
1042
1043 A: Uh, that - that's, uh, our normal beat, sir.
1044
1045 Q1: When you - I guess at any time that you had this discussion or conversation
1046 back and forth, he's saying stuff you, you trying to calm him down, any
1047 alcohol there? Beer? Um, you know, alcohol bottles? Does he smell of
1048 alcohol? Can you...
1049
1050 A: No sir, I wasn't - I wasn't close enough for that. It just seemed like a - he
1051 seemed to be a person that just was, you know, he's just saying, "I'm tired."
1052 Um, didn't smell any alcohol. Didn't see any beer cans or anything out of the
1053 ordinary. Just a person that was kind of confused probably.
1054
1055 Q1: You mentioned his wife and medication and he kept mumbling something
1056 about unrelated things to you guys, not about you, it's about the wife and the
1057 medication?
1058
1059 A: Right, he mentioned about the - when he went in his pocket, "Let me show
1060 you something," and he went in his pocket and pulled out like all these
1061 wristbands. Um, and that, you know, and he goes, you know, and he mixed
1062 them with the knife saying that, "This isn't for you, I know, I want you guys
1063 to kill me." And that's when I said, "Sir, that's not what we're here to do."
1064 And Sergeant Toussaint told him, "No, you don't want this memory left to
1065 your kids. No, we're here to help you. And your family loves you. Um, just
1066 put the knife down." And he went - he, "No, no, no." And...
1067
1068 Q1: You mentioned shotgun and less lethal, uh, several times. We're talking about
1069 the same weapon here? We're talking about a less lethal shotgun?
1070
1071 A: Yes sir, a less lethal shotgun, sir. That's what I deployed.
1072
1073 Q1: The taser light is the beam, we're talking about the - the red beam?
1074
1075 A: That is correct, sir. I saw the - the red beam, uh, uh, on the, uh, subject, um,
1076 prior to him being engaged.
1077

1078 Q1: And you're clearly in police uniform right now, um, you were at the time of
1079 this incident? Obviously you had full police uniform?
1080
1081 A: Yes sir.
1082
1083 Q1: Same one you're wearing now?
1084
1085 A: Yes sir.
1086
1087 Q1: The officers with you in the yard all uniformed?
1088
1089 A: Yes sir.
1090
1091 Q1: Okay. So obviously no question you're the police?
1092
1093 A: Right, yes sir.
1094
1095 Q1: In your mind at least?
1096
1097 A: Yes sir.
1098
1099 Q1: Um, I don't - I can't really think of anything, Ron, any.
1100
1101 Q: Okay. So you, basically just to go back a little way. So you thought you fired
1102 like two rounds...
1103
1104 A: I...
1105
1106 Q: ...of the less lethal but you end up...
1107
1108 A: Firing...
1109
1110 Q: ...realizing you fi - fired four?
1111
1112 A: Yes sir. Yes sir, I thought I initially, um, I thought I fired two rounds but then
1113 it happened so fast.
1114
1115 Q: Mm-hm.
1116
1117 A: And I just - and it just - I looked and my - I saw four, four of my casings and
1118 my shotgun was empty. So my gun went off pretty fast. I got - I mentioned to
1119 Quinn, "Well that went pretty (unintelligible) I thought I fired two rounds, but
1120 there's four casings beside me."
1121
1122 Q: Yeah.

1123
1124 A: And he goes, "Yeah it sometime happened so fast that you don't, you know,
1125 you don't remember yourself...
1126
1127 Q: Right.
1128
1129 A: ...going through that motion." So.
1130
1131 Q: When - when, uh, the communication was going on between the officers and,
1132 uh, the subject was he - did it appear to you that he was actually listening?
1133 Was he - was he like looking at you guys at any point? Or is it totally just he
1134 was zoned out, he wasn't listening? Or...
1135
1136 A: That - I (unintelligible) well he - there were conversations that, you know,
1137 when Sergeant Toussaint was telling him, you know, "Put the knife down, sir.
1138 We want you to put it down." And then after he just stabbed it in - in the
1139 ground. So then he picked it up again. And then he goes, "No, no, no." And
1140 then he's ramble something on about his wife, um, about the medication, uh,
1141 so it seemed like he was - he was - he had a - he had already decided what was
1142 - what he wanted to do. Uh, even though we kept saying, "Put the knife
1143 down, sir. It's not worth it." It - he didn't, you know, 'cause there was - in
1144 my opinion ample amount of time to do it that family might know the reasons,
1145 but he just didn't want to take that - that - that choice to say, "I'm done."
1146 When he puts the knife down I thought it was over.
1147
1148 Q: Mm-hm.
1149
1150 A: Initially. But when he picked it up again and, um, started cutting his face, you
1151 know, um, he was kind of more determined than anything.
1152
1153 Q: Mm-hm. Did - did he just say what kind of medication or anything? Or he
1154 just mentioned med...
1155
1156 A: He mentioned it. Uh, once he was, um, handcuffed and, uh, the scene was
1157 secure. I think officers went - went - uh, officers went in his pockets it was in
1158 there. And he had like, I don't know, four pill bottles of medication. Not sure
1159 what they were 'cause paramedics wanted to know as well.
1160
1161 Q: Mm-hm.
1162
1163 A: And, um, they were able to look at it and get the information. We didn't
1164 know his name. And I just told him, "Well look on the medication bottle and
1165 tell - tell you his name and whatnot." And the medication he was on.
1166

- 1167 Q: Okay. And did he mention anything about his - any other conditions or
1168 anything he had, or he was going through anything with marriage or did he
1169 really get into...
- 1170
- 1171 A: He - well he didn't get into that. He just was...
- 1172
- 1173 Q: Was he actually having a dialogue with like you guys or Toussaint? Or is - or
1174 is this like one way and he was throwing stuff out there?
- 1175
- 1176 A: Right it was, you know, Sergeant Toussaint was - was telling him, "Sir, it's
1177 not worth it. Put the knife down," and he would say, "No." And then, um, I
1178 would tell him, "Sir, you know, put it - put the knife down. We're here to
1179 help you." And then, you know, after - I think after I - I probably said, uh,
1180 probably spoke like three times. And I figured out that Sergeant Toussaint
1181 was going to do all the speaking. I'm just used to being on the scene as a
1182 senior officer in San Bernardino and - and, uh, taking over and doing
1183 whatever, but here it's a little different. So I kind of figured out Sergeant
1184 Toussaint should do all the talking so I kind of shut up after that.
- 1185
- 1186 Q: Mm-hm. But he did mention at some point that, uh, he wasn't there to hurt
1187 you guys, is that what you said?
- 1188
- 1189 A: Right. He - he mentioned he wasn't - he goes the knife isn't for us he goes, he
1190 goes, "I want you guys to kill me." And that's when, um, I said, "Sir, we're
1191 not here for that."
- 1192
- 1193 Q: Mm-hm.
- 1194
- 1195 A: "We're here to help you." And Sergeant Toussaint said, "You know, you got
1196 your family here. You don't want this to be your, you know, a memory for
1197 them. You know, there's - they love you," and what not.
- 1198
- 1199 Q: Okay.
- 1200
- 1201 Q1: I - I just have one other thing, if you could clear up, can you elaborate just a
1202 little bit to the best of your ability, um, the sequence of the shots? Your less
1203 lethal appears to have been the first...
- 1204
- 1205 A: Yes sir.
- 1206
- 1207 Q1: ...weapon fired?
- 1208
- 1209 A: To my knowledge.
- 1210
- 1211 Q1: To your knowledge?

1212
1213 A: Yes sir.
1214
1215 Q1: Um, can you kind of put in perspective how close after that the rounds were
1216 fired? Was it a volley and then end? Was it some shots and then a pause and
1217 additional shots? What - what do you remember?
1218
1219 A: Um, as soon as I - as soon as he stood up with the knife in his hand, I, um, I
1220 immediately just start firing my - I fired my, uh, less lethal.
1221
1222 Q1: What was the effect, do you remember?
1223
1224 A: Uh, well the rounds appeared - if my memory is correct - the rounds kind of
1225 hit him in this - in this area. And cuz he was kind of kneeled, uh, seated, bent
1226 over.
1227
1228 Q1: Okay. And we have a tape going, uh, so you're talking - you're pointing to
1229 like torso area?
1230
1231 A: Right. I fired directly at his torso because that's all I had. It's, uh, besides his
1232 head the only thing I had was his torso and this area. Where a knife was at in
1233 his hand. So as soon as he stood up with the knife, I immediately started
1234 firing the, um, less lethal shotgun at him. And that's when I started hearing
1235 rounds from my left and my right. Kind of almost sounded continuously. So
1236 it's kind of a volley and then it was over.
1237
1238 Q1: And at that point you guesstimate about 15 feet you were? Or were you closer
1239 or further?
1240
1241 A: Well we never advanced on him. Uh, we - we maintained our distance the
1242 whole time. Um, I'm saying about 15 feet, sir.
1243
1244 Q1: Okay.
1245
1246 A: Yeah we never advanced. We just stayed where we were at the whole time.
1247
1248 Q1: And you hear shots left and right, was it one volley or was it more than one
1249 volley?
1250
1251 A: It was just one volley.
1252
1253 Q1: Okay.
1254
1255 Q: Why don't we take a quick break and then, uh...
1256

1257 A: Okay.
1258
1259 Q: Real quick and then we'll be back in a second.
1260
1261 A: Okay. You want me to leave the room or...
1262
1263 Q: No, we'll leave the room.
1264
1265 A: Okay, okay. Sure.
1266
1267 Q: Okay.
1268
1269 Q: Okay, we're back on. It's 25 of 4:00 on 9/14/13. Just a couple more things
1270 just to clarify.
1271
1272 A: Sure, sir.
1273
1274 Q: Um, at the time when he was still seated, uh, before the shots were fired what
1275 was the positioning of the knife at that point, right before he got up, what was
1276 he doing with the knife? Do you remember where he - where it was?
1277
1278 A: Um, it was in his right hand still.
1279
1280 Q: Okay.
1281
1282 A: Uh, he had previously been - it was in his right hand and he was kind of, uh,
1283 had it kind of hitting his left hand.
1284
1285 Q: Tapping it in his left?
1286
1287 A: Tapping his left hand with it and that's...
1288
1289 Q: Okay.
1290
1291 A: ...when to me it was like he was kind of just debating on what - what's the
1292 next - next step going to be. Uh, and that's when I looked over and turned my
1293 head and told, um, Kauk, um, "You know, he's - he's building up courage.
1294 You know, he's...
1295
1296 Q: So you told Kauk that?
1297
1298 A: I turned to my left, said, "He's building up courage. He's trying to decide."
1299
1300 Q: Okay.
1301

1302 A: And while he's doing that and then that's when he kind of jumped up.
1303
1304 Q: Okay so when he got up, when did you actually fire your less lethal?
1305
1306 A: As soon as he stood up with the knife like this, I started - I started firing the
1307 weapon, firing my less lethal.
1308
1309 Q: Okay.
1310
1311 A: As soon as stood up I started firing.
1312
1313 Q: So he stood up and - and basically how - how did he have the knife?
1314
1315 A: The knife was in his hand, in his right hand.
1316
1317 Q: And it...
1318
1319 A: I'd say it's just like that. Kind of...
1320
1321 Q: Okay.
1322
1323 A: ...basically towards where Kauk and I were at. (Unintelligible) and I start...
1324
1325 Q: Okay.
1326
1327 A: ...shooting.
1328
1329 Q: Okay so he sat up...
1330
1331 A: (Unintelligible).
1332
1333 Q: ...and he had the knife you're showing in his right hand...
1334
1335 A: Right, yes sir.
1336
1337 Q: ...pointing out towards you guys?
1338
1339 A: When - like this here.
1340
1341 Q: And you said he took a step or two?
1342
1343 A: He took like one step and then just start shooting.
1344
1345 Q: And that's when you started shooting? And what - at that point you started
1346 shooting because?

1347
1348 A: Because I - he comes - and, you know, towards my location.
1349
1350 Q: Okay.
1351
1352 A: Also, I know that (unintelligible) within 15 feet if a person's running toward
1353 you with a knife...
1354
1355 Q: Mm-hm.
1356
1357 A: ...uh, your chance of getting 'em off you and protecting yourself is limited.
1358
1359 Q: Okay.
1360
1361 A: Uh, unless you retreat, uh, at that time so, uh, um, 15 feet is actually more
1362 than dangerously close. And we were within that, uh, that parameter of being
1363 injured, uh, by a subject that's - who's - who had displayed to me that...
1364
1365 Q: Mm-hm.
1366
1367 A: ...he didn't care for himself and he wasn't really in fear of a knife for himself
1368 and we were just kind of a, uh, an avenue to what he wanted done.
1369
1370 Q: Okay. So in your own mind from what you saw, he was - he actually was
1371 doing more than just standing up and like standing?
1372
1373 A: No.
1374
1375 Q: He was definitely making a movement towards you guys?
1376
1377 A: He was making a movement directly towards the location of Kauk and I, and
1378 whoever else was behind us. And that's when I started...
1379
1380 Q: The weapon wasn't down by his side?
1381
1382 A: No it was in his hand. Because he was previously tapping it in the right hand,
1383 uh, in his left hand with his right hand.
1384
1385 Q: Mm-hm. Okay. Okay. Anything else Mike?
1386
1387 Q1: No.
1388
1389 Q: Okay, do you have any questions for us?
1390
1391 A: No.

1392
1393 Q: Anything at all?
1394
1395 A: I know that I had the Coban working. Um, I'm a little - when I - I since I just
1396 started here (unintelligible) Coban so...
1397
1398 Q: Right.
1399
1400 A: ...when I got out of the car I pushed it and I assumed it should be ready or it
1401 should - or at least I thought it recorded.
1402
1403 Q: Okay.
1404
1405 A: Um, so what normally happens with that? The Coban if they were able to
1406 recover it?
1407
1408 Q: Okay, you were parked on the west side north of the location of the residence,
1409 correct?
1410
1411 A: Yes, sir.
1412
1413 Q: You're on the west side of, uh, Sedgwick?
1414
1415 A: We were on Sedgwick and the house was on the corner of Sedgwick and...
1416
1417 Q: Right, but you were parked on the west side of the street?
1418
1419 A: Yes sir.
1420
1421 Q: Up - up the road. Um, it would - do you know if your audio was - was
1422 rolling?
1423
1424 A: Um, uh, the light was green the whole time.
1425
1426 Q: Okay.
1427
1428 A: And it continued to roll the whole time.
1429
1430 Q: Okay.
1431
1432 A: After, um, the shooting and everyone - after while he was secured other
1433 officers showed up, um, that's when I - I hit it and I guess when you - it
1434 vibrates when it's on pause?
1435
1436 Q: Mm-hm.

1437
1438 A: So it paused.
1439
1440 Q: Mmm.
1441
1442 A: So that's why I assumed it worked. And that's normally what happens
1443 when...
1444
1445 Q: Okay.
1446
1447 A: I do traffic stops we contact people. I hit it and we go back to the car and I - it
1448 records it so I assume it - I assumed it recorded today because my
1449 understanding is that the way the record- record - the way Coban works if
1450 you're sometime 100 - 100 feet away it doesn't work and it normally tell you
1451 that it will tell you that - tell you by you can tell it doesn't work. This time it
1452 recorded. Uh, because there had been times in the past where I have, uh, been
1453 with an - outside of I guess the range and...
1454
1455 Q: Mm-hm.
1456
1457 A: ...just automatically kind of vibrates by itself and cuts off. This time the
1458 whole thing never vibrated until I pushed the - I guess the small button to
1459 pause it.
1460
1461 Q: Okay.
1462
1463 A: And then it vibrates. So I assumed because it did that, it was actually working
1464 the whole time.
1465
1466 Q: Okay. Well we'll check into that, your unit, and that was 3148?
1467
1468 A: Yes sir.
1469
1470 Q: Okay, we'll check that unit and check that then. Make sure they check that
1471 Coban also in case there's audio located on that also.
1472
1473 A: All right.
1474
1475 Q: This is that little note you had?
1476
1477 A: Yes sir.
1478
1479 Q: That a little diagram. And - and you can look at it real quick and I'm just
1480 going to hang onto it and...
1481

1482 A: Sure.

1483

1484 Q: ...(unintelligible), uh, basically it's kind of lays out a little bit. And where

1485 you guys were standing. So it helps out a little bit. And that - it - it - if it's

1486 not correct let me know. But this is Kauk?

1487

1488 A: This is - is- that's Kauk, myself, uh, um...

1489

1490 Q: Larkin?

1491

1492 A: Larkin.

1493

1494 Q1: Toussaint.

1495

1496 A: Toussaint. I'm not sure who was over here. And that's the K9 behind me.

1497

1498 Q: Feimer.

1499

1500 A: Feimer. And there are other officers that I heard - and I heard...

1501

1502 Q: Okay.

1503

1504 A: I saw the - the lights from the taser from whoever this officer was here.

1505

1506 Q: Okay.

1507

1508 A: I know there's K9 here, but I - and maybe another voice but I'm not sure who

1509 that person was.

1510

1511 Q: Okay and again, the guy with the taser was to your left or your right?

1512

1513 A: He was to my right.

1514

1515 Q: Okay.

1516

1517 A: On the other side of Sergeant Toussaint. But I saw - I saw, um, from my, uh,

1518 peripheral vision when I saw the figure of an officer show up and then I saw

1519 the light from the taser, um, uh, illuminating on the suspect - on the subject.

1520

1521 Q: Okay.

1522

1523 A: Initially. I'm not sure if it was on the whole time, but I know, I just remember

1524 seeing it, uh, um, uh, illuminating on him.

1525

1526 Q: Okay. Okay, and then I marked Sedgwick here, 10th here, and then this is the
1527 residence where you put the cars and everything out?

1528
1529 A: That's correct, sir.

1530
1531 Q: Okay. If you'd just sign that for me?

1532
1533 A: Sure.

1534
1535 Q: And just basically shows that you reviewed it and that's basically it. Since
1536 you wrote it all out I'll hang onto it and it'll be helpful tool. Thank you. Um,
1537 anything else? You have any more questions for us? Michael?

1538
1539 Q1: I do not.

1540
1541 Q: Okay. I don't have any either at this point. If there's any questions later on,
1542 uh, for us or if we have questions we'll get ahold of your attorney.

1543
1544 A: All right, sir.

1545
1546 Q: And then we'll go - we'll - we'll take care of it that way.

1547
1548 A: Okay, sir.

1549
1550 Q: Okay?

1551
1552 A: All right, sounds good, sir.

1553
1554 Q: Thank you.

1555
1556 A1: Thanks.

1557
1558 This transcript has been reviewed with the audio recording submitted and it is an accurate
1559 transcription.

1560
1561 Signed: _____ 10.17.13

1562