



VALLEJO POLICE DEPARTMENT

Notice of Interview

TO:

FROM: Chief Shawny Williams

DATE: January 20, 2021

RE: AR2020-01

The Vallejo Police Department has retained the services of the **OIR Group** to conduct an administrative investigation of the officer-involved shooting that occurred on June 2, 2020: Vallejo PD Case # 20-6322. OIR Group is reviewing broader tactics and decision-making in the context of that incident, as well as the use of deadly force itself. In light of your involvement in the VPD response to the Walgreens where the shooting occurred, and the potential for discipline if it is determined that Department policy was violated, the investigators intend to interview you as a subject to ensure that all relevant rights are available to you.

The Public Safety Officer's Procedural Bill of Rights allows you to have a representative attend the interview if you so desire. You may also record the interview.

You are directed to contact OIR Group's Stephen Connolly to arrange a mutually agreed upon time to be interviewed. You must contact Mr. Connolly within 3 business days of receipt of this notice to schedule the interview. The interview will be conducted remotely by Mr. Connolly and Michael Gennaco, the appointed investigators. Mr. Connolly's contact information is listed below. At the interview, you must answer all questions posed by the investigators truthfully and completely.

Thank you for your anticipated cooperation. Don't hesitate to contact me should you have any questions.

Please acknowledge receipt of this notice via email reply.

Investigators' Contact Information:

OIR Group

Stephen Connolly

stephen.connolly@oirgroup.com

(562) 922-9337



VALLEJO POLICE DEPARTMENT

Subject Notice

TO: [REDACTED]
FROM: Chief Shawny Williams
DATE: March 3, 2021
RE: AR2020-01

The Vallejo Police Department has retained the services of the **OIR Group** to conduct an administrative investigation of the officer-involved shooting that occurred on June 2, 2020: Vallejo PD Case # 20-6322. OIR Group is reviewing broader tactics and decision-making in the context of that incident, as well as your use of deadly force itself. The investigators intend to interview you as a subject to ensure that all relevant rights are available to you.

Policy sections that are potentially relevant to your status as a subject include (but are not limited to) the following:

300.4 DEADLY FORCE APPLICATIONS

321.5.6 EFFICIENCY (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

423.5 ACTIVATION OF THE PORTABLE RECORDER

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Stephen Connolly

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(562) 922-9337



VALLEJO POLICE DEPARTMENT

Subject Notice

TO: [REDACTED]

FROM: Chief Shawny Williams

DATE: February 10, 2021

RE: AR2020-01

The Vallejo Police Department has retained the services of the **OIR Group** to conduct an administrative investigation of the officer-involved shooting that occurred on June 2, 2020: Vallejo PD Case # 20-6322. OIR Group is reviewing broader tactics and decision-making in the context of that incident, as well as the use of deadly force itself. In light of your involvement in the VPD response to the Walgreens where the shooting occurred, and the potential for discipline if it is determined that Department policy was violated, the investigators intend to interview you as a subject to ensure that all relevant rights are available to you.

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Thank you for your anticipated cooperation. Don't hesitate to contact me should you have any questions.

Please acknowledge receipt of this notice via email reply all.

Investigators' Contact Information:

OIR Group

Stephen Connolly

stephen.connolly@oirgroup.com

(562) 922-9337



VALLEJO POLICE DEPARTMENT

Witness Notice

TO: [REDACTED]
FROM: Chief Shawny Williams
DATE: November 19, 2020
RE: AR2020-01

The Vallejo Police Department has retained the services of the **OIR Group** to conduct an administrative investigation of the officer-involved shooting that occurred on June 2, 2020: Vallejo PD Case # 20-6322. OIR has requested to interview you as a witness for their investigation related to your command role over the Emergency Services Unit. They are planning to ask about the overall deployment that night and the SWAT status of the officers involved in the shooting.

You are directed to contact OIR Group's Stephen Connolly to arrange a mutually agreed upon time to be interviewed. You must contact Mr. Connolly within 3 business days of receipt of this notice to schedule the interview. The interview will be conducted remotely by Mr. Connolly and his colleague Michael Gennaco. Mr. Connolly's contact information is listed below. At the interview, you must answer all questions posed by the investigators truthfully and completely. You are ordered not to discuss this matter with anyone else at this time in order to maintain the integrity of the investigation.

Thank you for your anticipated cooperation. Don't hesitate to contact me should you have any questions.

Please acknowledge receipt of this notice via email reply.

Investigator's Contact Information:
OIR Group
Stephen Connolly
stephen.connolly@oirgroup.com
(562) 922-9337



VALLEJO POLICE DEPARTMENT

Witness Notice

TO: [REDACTED]
FROM: Chief Shawny Williams
DATE: December 3, 2020
RE: AR2020-01

The Vallejo Police Department has retained the services of the **OIR Group** to conduct an administrative investigation of the officer-involved shooting that occurred on June 2, 2020: Vallejo PD Case # 20-6322. OIR has requested to interview you as a witness regarding your role as the commander of the SWAT unit and a decision-maker regarding VPD personnel deployments on the night of the shooting.

You are directed to contact OIR Group's Stephen Connolly to arrange a mutually agreed upon time to be interviewed. You must contact Mr. Connolly within 3 business days of receipt of this notice to schedule the interview. The interview will be conducted by Mr. Connolly and Michael Gennaco, the appointed investigators. Mr. Connolly's contact information is listed below. At the interview, you must answer all questions posed by the investigators truthfully and completely. You are ordered not to discuss this matter with anyone else at this time in order to maintain the integrity of the investigation.

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OIR Group
Stephen Connolly
stephen.connolly@oirgroup.com
(562) 922-9337



VALLEJO POLICE DEPARTMENT

Witness Notice

TO: [REDACTED]
FROM: Lieutenant Robert Knight
DATE: October 22, 2020
RE: AR2020-01

The Vallejo Police Department has retained the services of the **OIR Group** to conduct an administrative investigation of the officer-involved shooting that occurred on June 2, 2020: Vallejo PD Case # 20-6322. OIR has requested to interview you as a subject matter expert witness in relation to your role as the Vallejo PD primary firearms instructor and your knowledge of departmental training and tactics.

You are directed to contact OIR Group's Stephen Connolly to arrange a mutually agreed upon time to be interviewed. You must contact Mr. Connolly within 3 business days of receipt of this notice to schedule the interview. The interview will be conducted remotely by Mr. Connolly and his colleague Michael Gennaco. Mr. Connolly's contact information is listed below. At the interview, you must answer all questions posed by the investigators truthfully and completely. You are ordered not to discuss this matter with anyone else at this time in order to maintain the integrity of the investigation.

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Investigator's Contact Information:
OIR Group
Stephen Connolly
stephen.connolly@oirgroup.com
(562) 922-9337

LYBARGER ADMONISHMENT



You are about to be interviewed for an administrative investigation authorized by the Vallejo Police Department. Because you are being ordered to participate, your statements cannot be used against you in a criminal proceeding. However, you are obligated as an employee to answer the interview questions fully and truthfully, under possible penalty of discipline for insubordination and/or false statements.

Signature

Date

LYBARGER ADMONISHMENT



You are about to be interviewed for an administrative investigation authorized by the Vallejo Police Department. Because you are being ordered to participate, your statements cannot be used against you in a criminal proceeding. However, you are obligated as an employee to answer the interview questions fully and truthfully, under possible penalty of discipline for insubordination and/or false statements.

Signature

Date

LYBARGER ADMONISHMENT



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Signature

Date

INTERVIEW WITH [REDACTED]

Q=Det. Craig Long

Q1=Donald Fisch

A=[REDACTED]

A1=[REDACTED]

Q: All right I have, uh, June 2, 2020. I have, uh, 0844 hours on my watch (unintelligible). All right, uh, [REDACTED] I, uh, wanna do these interviews, uh, pretty slow, pretty elaborate. I have this - this guidelines - this checklist that I kinda go through. Um, and I'll probably write some - some notes a- as I ask you the questions.

A: Okay.

Q: Um, if you have any questions or clarification for anything, you know, just let me know.

A: 'Kay.

Q: All right, uh, sir can you, uh, tell me your name and badge number?

A: [REDACTED] Vallejo PD.

Q: And, um, you know the - the date of - of hire?

A: [REDACTED]

Q: [REDACTED]

A: Yeah.

A1: I apologize, for the record can we state everybody who's in the room...

Q: Absolutely.

A1: ...for the interview.

Q: Absolutely, um, so we have, uh, me the interview, uh, Detective Long, badge

46 # 661.
47
48 Q1: My name is Don Fisch. I'm a DA Investigator with Solano County District
49 Attorney's Office. My badge number is 10426.
50
51 A1: Uh, [REDACTED] with Mastagni Holstedt. Uh, and
52 represent, uh, [REDACTED]
53
54 Q: 'Kay.
55
56 A1: Thank you.
57
58 Q: Absolutely.
59
60 A: So Vallejo PD [REDACTED]. Before that I was in [REDACTED]
61 [REDACTED]
62
63 Q: And, uh, last night where was your unit designation?
64
65 A: [REDACTED].
66
67 Q: Mm-kay, now is that your - your typical radio call sign?
68
69 A: Yes the [REDACTED] are [REDACTED]
70
71 Q: And were you assigned to a specific beat during the shift?
72
73 A: No it was roving patrol.
74
75 Q: Okay.
76
77 A: Um, assisting with, uh, looting - trying to prevent the looting and make
78 arrests.
79
80 Q: Mm-kay, can you tell me more, um, about, um, your responsibilities for the
81 looting.
82
83 A: So sin- I didn't wanna - we didn't wanna have, um, disunity in the command
84 so Captain Potts managed the command post which was at Best Buy and he
85 was managing allied agency units that would come to assist. So I decided to
86 just get out and be in as many places as could and assist where I could.
87
88 Q: Okay.
89
90 A: And, um, so basically I just drove all over the city and tried to be 97 on calls

91 and try to catch, uh, looting - catch criminals looting and, uh, just be of
92 assistance to the patrol officers.
93

94 Q: Okay and - I g- guess a better question is, um, how long have we been, uh -
95 have you been dealing with the - with the looting problem? How many - how
96 many shifts have you worked in this - in this capacity to prevent the looting?
97

98 A: So I worked the, um, I think it was the day before yesterday when we had the
99 more static riots in town - downtown and at the PD. I worked that night.
100

101 Q: Okay.
102

103 A: And then this is the second time I worked.
104

105 Q: Okay.
106

107 A: Last night.
108

109 Q: So that would - woulda been - Sunday night woulda been the first one?
110

111 A: Was that when the - was it Sunday night or Saturday?
112

113 Q: I'm just goin' off of the ni- the night before so...
114

115 A: Yeah I think it was Saturday into Sunday
116

117 Q: Saturday into Sunday okay. And what are your normal shift hours?
118

119 A: My normal shift hours are Monday through Thursday 8:00 am to 8 - to 6:00
120 pm.
121

122 Q: I think you - you pretty much answered this in the previous question but your
123 obviously working outside of your normal work hours to deal with this, uh,
124 the looting problem...
125

126 A: Yeah.
127

128 Q: ...that - that's, um, we've had going on in the city?
129

130 A: Yes.
131

132 Q: Okay, and did you have, uh, a supervisor, um, working last night?
133

134 A: Actually yeah, um, you mean that I was answering to?
135

136 Q: Yes.
137
138 A: Chief Williams was here. He was at the command post.
139
140 Q: Okay you know how long he was at the command post?
141
142 A: Mm- I'm not really sure but I spoke to him probably 20 times throughout the
143 night.
144
145 Q: And did you, uh, receive any injuries?
146
147 A: Yes.
148
149 Q: During the shift?
150
151 A: Yes.
152
153 Q: 'Kay and what kind of injuries did you sustain?
154
155 A: I have le- I have, uh, neck pain, lower back pain and left knee pain from the
156 collision.
157
158 Q: 'Kay so you said neck pain, lower back pain and left knee pain?
159
160 A: Left knee pain yeah.
161
162 Q: 'Kay and has anyone taken any photographs of you, uh...
163
164 A: Y...
165
166 Q: Since, uh, the collision?
167
168 A: Yes.
169
170 Q: Okay.
171
172 A: Detective Corporal Scott.
173
174 Q: And can you just, uh, provide me a description of the uniform that you're
175 wearing?
176
177 A: It's a wool, um, police uniform with [REDACTED] and duty belt, boots, a
178 Vallejo p - Vallejo PD patches.
179
180 Q: Is this the same uniform you were wearing at the time of the incident?

181
182 A: Yes.
183
184 Q: Okay and, uh, you mentioned that Detective Corporal Scott took photographs
185 of you afterwards. Did he get a opportunity to document the - the uniform that
186 you're wearing?
187
188 A: Yes.
189
190 Q: Okay and you mentioned you're wearing a - a duty belt. Can you describe
191 what you have in your duty belt today
192
193 A: Um, I have, um, two magazines, a baton, a radio holder, glove pouch,
194 handcuffs and sidearm.
195
196 Q: Okay (unintelligible) baton. I'm sorry you said that you have two magazines,
197 your baton...
198
199 A: Yeah glove pouch.
200
201 Q: Okay.
202
203 A: Handcuffs and sidearm.
204
205 Q: Are you wearing any other special equipment that you don't normally wear
206 with your, um, police uniform?
207
208 A: No. Actually I was wearing a pocketknife is that what you're talking about?
209
210 Q: No I'm - I'm just, uh...
211
212 A: 'Kay, I had a pocketknife on.
213
214 Q: In your ba- is that...
215
216 A: Yeah.
217
218 Q: ...in one of your pockets?
219
220 A: Yeah.
221
222 Q: Okay did you happen to sustain any, uh, damage to your uniform during this
223 incident?
224
225 A: Um, I don't know if it's damaged or not. It's got airbag powder all over it

226 but...

227

228 Q: 'Kay.

229

230 A: No.

231

232 Q: And were you operating a vehicle tonight?

233

234 A: Yes.

235

236 Q: And, um, do you know the vehicle number?

237

238 A: 125.

239

240 Q: And what make and model is that?

241

242 A: Ford, um, SUV - patrol SUV.

243

244 Q: 'Kay, uh, does this vehicle have any distinct, uh, markings?

245

246 A: No. It does have, um, lights - flashing...

247

248 Q: I was gonna ask is it equipped...

249

250 A: Eh...

251

252 Q: ...emergency equipment?

253

254 A: Yes.

255

256 Q: Okay.

257

258 A: Siren, lights, forward red light.

259

260 A1: I assume you meant before go ahead right?

261

262 Q: Yes - yes and is this vehicle that your normally drive?

263

264 A: Yes.

265

266 Q: Mm-kay, was there anyone else in the vehicle with you

267

268 A: No.

269

270 Q: Okay earlier you, uh, you mentioned that you're, um, you have your sidearm

271 on your - on your duty belt. Uh, do you know the make and model of it?

272

273 A: Yeah it's a Glock 19.

274

275 Q: And what color is it?

276

277 A: Black.

278

279 Q: Is this your department issued pistol?

280

281 A: Uh, no that's a Glock 17. This is a personally owned.

282

283 Q: Okay what caliber is your - your Glock?

284

285 A: 9 mm.

286

287 Q: And what kinda, uh, ammunition do you have loaded in it?

288

289 A: 'Kay.

290

291 Q: You have any questions so far Don?

292

293 Q1: No.

294

295 Q: Any issues counselor? And, uh, do you know the number of live rounds - live
296 rounds with which, uh, the (unintelligible) was loaded? Including in - in the
297 chamber.

298

299 A: Uh, whatever standard load is. I didn't fire my weapon so...

300

301 Q: Okay.

302

303 A: ...15 plus 1.

304

305 Q: Okay so it was a 15 round, uh, magazines?

306

307 A: Yes.

308

309 Q: Uh, were you carrying any other firearm at the time?

310

311 A: No.

312

313 Q: Okay. And can you, um - before we go into description, um, where did the
314 incident occur? Where did the sh- shooting occur?

315

316 A: Um, on the East side of 1050 Redwood Street which is Walgreens.
317
318 Q: 'Kay.
319
320 A: Uh, near the pharmacy drive-up window.
321
322 Q: 1050 and forgive me if I ask it again I'm just trying to make sure I document.
323
324 A: It's okay.
325
326 Q: Everything - all right Walgreens. You said near the pharm- pharmacy?
327
328 A: Near the pharmacy drive-up window.
329
330 Q: Okay, and when you said near, uh, the pharmacy drive-up window, in your
331 recollection how - how close to the drive-up window do you think it was?
332
333 A: So it was just outside the drive-up lane.
334
335 Q: Okay when you say...
336
337 A: (Unintelligible) inside of the...
338
339 Q: ...outside do you mean east of?
340
341 A: Yeah east of the drive-up structure.
342
343 Q: Okay.
344
345 A: If you will.
346
347 Q: And what do you recall about the weather at that time?
348
349 A: It was clear.
350
351 Q: Okay.
352
353 A: Warm.
354
355 Q: And do you happen to recall about what time....
356
357 A: Yeah it was, um...
358
359 Q: (Unintelligible) happen...
360

361 A: ...0036 hours.

362
363 Q: Okay so 0036 hours, um, what was the lighting like at that time?

364
365 A: Um, it was well lit streetlights in that area. Good lighting around Walgreens. It
366 was dark outside but the light was good.

367
368 Q: 'Kay, um, so just to clarify, um, so there - there are streetlights there kinda
369 illuminate the area and were there also lights on - affixed to the Walgreens
370 building itself?

371
372 A: I believe there are yes.

373
374 Q: Okay - okay so this portion of the questions these are generally, um, geared
375 towards, um, the actor the - the shooter, um, in the incident. Um, so there's
376 some stuff I'm not gonna focus on but there's certain aspects about your
377 perspective, um, that I think are definitely relevant. Um, so this is specifically
378 speaking to tactical considerations. Um, obviously you've been a police
379 officer since [REDACTED] um, have you received any special training, um, with
380 regards to tactics?

381
382 A: Uh, department EOT, Police Academy.

383
384 Q: 'Kay.

385
386 A: Just the regular stuff.

387
388 Q: Okay and then year to years, um, of - of working as a police officer, um, do
389 you...

390
391 A: I was also the [REDACTED] for a few years so...

392
393 Q: Okay, do you have any, uh, unique tactical experience that you've obtained
394 over the years?

395
396 A: Just [REDACTED].

397
398 Q: Okay.

399
400 A: And I mean I've gained a lot of experience of a [REDACTED] and
401 a [REDACTED].

402
403 Q: Okay.

404
405 A: And an officer I guess yeah.

406
407 Q: Um, so, um, earlier in the interview, um, you mentioned that you were
408 working outside of your - your normal work hours, um, specif- specifically
409 because of the looting.
410
411 A: Yes.
412
413 Q: And, um - um, vandalism. Prior to this incident, um, what kind of calls were
414 you directly involved in? What kind of calls were you, um, hearing being
415 dispatched over the radio?
416
417 A: So I started at 9:00 pm.
418
419 Q: 'Kay.
420
421 A: And, um, right outta the gate there were multiple, uh, burglaries and looting.
422 There was a carjacking, um, there was a looting at the hemp somethin' or
423 other on Louis Brown. It's a dispensary where, uh, suspects fired at the
424 owners of the property who were trying to board up their property. There were
425 multiple shots fired calls and several mentions of gun play on looting calls.
426
427 Q: 'Kay.
428
429 A: I had already been to Walgreens earlier that night too for a looting. Actually
430 been to both Walgreens for looting, CVS Pharmacy multiple times.
431
432 Q: Okay.
433
434 A: I was involved in a couple of pursuits and one other pursuits, um, I flushed out
435 a couple of suspects from the bushes in an apartment complex and one of 'em
436 dropped a gun on the sidewalk. We were able to capture that guy. It was very
437 busy and very violent night.
438
439 Q: I'm just gonna go over a couple of these calls. You mentioned a carjacking,
440 um...
441
442 A: Yeah.
443
444 Q: Were you involved with that or is that something you heard on the radio?
445
446 A: No I just hear it on the radio.
447
448 Q: Okay.
449
450 A: Units were on the Eastside and s- suspects carjacked a black corvette from a

451 man I think near the Bank of America teller over by Rubio's.
452
453 Q: Okay, so B1.
454
455 A: Yes.
456
457 Q: And, um, did the suspect use a weapon or was it a strong arm?
458
459 A: Uh, I think it was handguns.
460
461 Q: 'Kay. So basically stole, uh, a Corvette at gunpoint.
462
463 A: Yeah.
464
465 Q: You mentioned, um, some suspects were, um, looting the dispensary. And y-
466 you mentioned that the owner was shot at or...
467
468 A: The owners were tryin' to board up the property and they were shot at by the
469 suspects.
470
471 Q: Okay. You know about how many times?
472
473 A: No I didn't go on that call.
474
475 Q: Okay. But this call - your - you overheard on the radio?
476
477 A: Yes.
478
479 Q: Being' dispatched and officers responding to?
480
481 A: Yes.
482
483 Q: Okay. You know if anyone was injured?
484
485 A: I don't believe so.
486
487 Q: Okay. And, uh, just to make sure I'm understanding correctly, um, were the
488 owners boarding up the business or somehow was tryin' to secure it at the
489 time that they were shot at?
490
491 A: Yes. That's what I heard on the radio.
492
493 Q: Okay. Um, you also mentioned that they were - you overheard calls for
494 service dispatched in which there were firearms mentioned?
495

496 A: Yes.
497
498 Q: Do you recall how they were mentioned?
499
500 A: Um, suspects with guns...
501
502 Q: 'Kay.
503
504 A: ...uh, 20 at a time. Um, I'm not sayin' 20 suspects with guns but 20 people
505 show up, suspects have guns, go in the store, loot, and then leave.
506
507 Q: So you have reports of suspects actively...
508
509 A: Armed.
510
511 Q: ...looting while armed...
512
513 A: Yeah.
514
515 Q: ...with firearms?
516
517 A: Yes.
518
519 Q: 'Kay.
520
521 A: We also had intel before the night began about, uh, different places the
522 suspects wanted to hit. One of 'em, one of which was the gun store, and they
523 mentioned burning down Lowe's, um, a bunch of different businesses were on
524 the list. Ulta, I don't remember all of them but...
525
526 Q: Okay.
527
528 A: And Saturday night when we were at Amador and Georgia for the riot, um,
529 suspects were firing pistols down the street off of Glenn Street, we believed it
530 was, and we were takin' bottles and rocks. I took bottles and rocks twice that
531 night. Two different locations.
532
533 Q: So on Saturday night did you actually hear th- those gunshots?
534
535 A: Yes.
536
537 Q: 'Kay. And I believe you also mentioned that you were at both Walgreen's
538 prior. Um, was that because, uh, there were people actively at those businesses
539 attempting to gain entry or...
540

541 A: Yes. So I - I was at Walgreen's. They'd entered the business and were gone
542 before we arrived but we set up a perimeter anyway and, um, sent officers
543 inside to clear and then, um, I went to the Walgreen's on Springs Road
544 because they had broken the window and made entry there. I'm not sure if
545 there was a loss there o- other than the broken window.
546
547 Q: Okay.
548
549 A: Then I was at CVS Pharmacy on Sonoma Boulevard for looters. We detained
550 a juvenile and arrested him...
551
552 Q: 'Kay.
553
554 A: And then I was back at the CVS on Admiral Callaghan and we arrested two
555 looters who were still inside the building and American Canyon helped us set
556 up around the building and then we called 'em out and arrested 'em.
557
558 Q: Okay. So it sounds like two different Walgreen's, two different CVS's?
559
560 A: Yes.
561
562 Q: That night. 'Kay. You mentioned, um, you were involved in a pursuit and - if
563 I heard you correctly. Did you locate the suspect who was hiding?
564
565 A: Yes. Two suspects.
566
567 Q: Two suspects? Where were they hiding?
568
569 A: Um, they were inside - I think it's 400 Redwood, I'm not sure of the address,
570 but if you're comin' down, um, westbound Redwood and there's, um, the
571 sushi place in there, there's a little restaurant, there's a hearing aid place and a
572 sushi place, Osaka...
573
574 Q: Yes.
575
576 A: ...Sushi or something it used to be.
577
578 Q: Is that west of Sonoma?
579
580 A: Yes.
581
582 Q: Okay.
583
584 A: Right before you get to s- like, halfway between Sonoma and Sacramento.
585

586 Q: Gotcha.
587
588 A: Down on the right.
589
590 Q: So if you're goin' westbound it'd be on the right-hand side?
591
592 A: Yeah.
593
594 Q: Okay.
595
596 A: So the apartment complex was on the right-hand side and the pursuit had just
597 crashed into another car which we believe was also involved in the looting
598 and the suspects bailed out of the car, it's the black Mercedes. I think they'd
599 come from Kohl's or somewhere. I'm not really sure where the - where it
600 originated but I was at CVS dealing with the looting there when this call came
601 out so, uh, Sergeant (Huff) and I drove over there and got involved. Suspects
602 ran, I started checking the area, I drove into that apartment complex, took a
603 look around, started going down into the complex really slow and saw two,
604 uh, black males standing behind a car. They looked at me, I popped my door
605 open, they took off runnin'. One of 'em was wearin' a green army jacket, the
606 other one was wearin' a black Adidas jump suit. And so they came out onto
607 Sacramento. One of 'em ran west, the other one ran south and Captain (Potts)
608 arrested the one who ran west and then the one who ran south got away. While
609 we were searchin' for that guy they discovered another guy that we didn't
610 even know about that was hidin' in the bushes. But there was a firearm on the
611 ground, uh, where they had jumped the fence after I flushed 'em out.
612
613 Q: C- recall what kind of firearm that was?
614
615 A: Some kind of handgun. I didn't look at it.
616
617 Q: So, um, it sound like you see the two suspects, they ran from you, go different
618 directions...
619
620 A: Yeah.
621
622 Q: As you're lookin' for the second suspect you find out that there is possibly a
623 third suspect who is hiding in that area?
624
625 A: They found the third suspect.
626
627 Q: Okay.
628
629 A: They were looking for the other suspect but he got away and they wrestled
630 this one guy out of the bushes who was just hidin' right there.

631
632 Q: Okay. So was that a pretty close vicinity to where you were?
633
634 A: Yeah - yeah.
635
636 Q: Okay. And you had no idea he was there until...
637
638 A: Uh-uh. No.
639
640 Q: ...the officers found him. You - do you know if that firearm was loaded?
641
642 A: I have no idea.
643
644 Q: Okay.
645
646 A: Yeah.
647
648 Q: And you mentioned that it was just very busy, very violent?
649
650 A: Yeah. We were very concerned about the gunplay and current climate and
651 threats against law enforcement. Uh, it's part of the reason for the curfew. We
652 wanted the community to be safe but I was more so worried about the officers
653 on the street after seeing the riot, um, couple nights before and takin' bottles
654 and rocks, and I mean literally we made a traffic stop from someone who was
655 looting from Dollar General and we got surrounded within minutes by these
656 roving bands of looters that are driving around together using some sort of
657 social media to communicate. They surrounded us and started lobbin' bottles
658 and M-80's at us. So I mean, seemed like it is increasingly getting more
659 violent and people are more agitated and so we were - we had a lot of
660 concerns.
661
662 Q: 'Kay. You said they tossed bottles and M-80's?
663
664 A: Yeah. That was Admiral Callaghan and Redwood on Saturday night.
665
666 Q: So you - just, uh, Admiral Callaghan and - what was the intersection again?
667
668 A: Redwood.
669
670 Q: Redwood? Okay. Um, you mentioned, um, a curfew. Can you tell me a little
671 bit more about the curfew?
672
673 A: So the Chief of Police instituted a curfew today, um, with the city
674 management, um, 8:00 pm 'til 5:00 am in the morning.
675

676 Q: Okay.
677
678 A: Until further notice. You were allowed to be out and about - if you were
679 comin' and goin' from work. Um, but you weren't - you're not allowed to be
680 out loitering without any purpose.
681
682 Q: 'Kay. So 8:00 pm 'til 6:00 am?
683
684 A: I think 5:00 am.
685
686 Q: 5:00 am? So you mentioned that, um, Chief of Police issued it, um, and that
687 he worked with the city management. Uh, to your understanding what was the
688 purpose for enacting the...
689
690 A: Protect...
691
692 Q: ...the curfew?
693
694 A: ...the public 'cause people are actin' with wanton disregard for property and
695 life. Wh- he was tryin' to keep our citizens safe and make it - hopefully make
696 it safer for our officers.
697
698 Q: 'Kay. Okay. I'm gonna go back to, um, the incident, um, when the shooting
699 occurred. Upon, um, or prior to arriving at Walgreens', um, did you receive
700 any, uh, tact information in regards to the call?
701
702 A: No. I was just goin' to check it again so what I was tryin' to do durin' the
703 night is wherever we had large congregations of officers dealin' with
704 somethin' I would try to go to a different part of town. 'Cause what they were
705 doin' was splitting us up and goin' from one side of town to the other and
706 hitting businesses they'd already hit, so I tried to get, uh, get across town as
707 quickly as possible and check certain areas. So I just decided to come down
708 Redwood Street and check, um, Walgreen's, um, and as I came down
709 Redwood Street to Broadway where the railroad tracks are I slowed down
710 because I saw activity. I saw vehicles pull into the pharmacy area again and
711 that's the only place you can make entry. You can't go through the front
712 'cause it's got metal gates and the back door is h- you can't get the doors
713 open.
714
715 Q: Okay.
716
717 A: So I saw activity around the pharmacy window again.
718
719 Q: I'm just confirming you're - you're coming down Redwood Street?
720

721 A: I was goin' west on Redwood.
722
723 Q: Okay.
724
725 A: At the intersection with Broadway.
726
727 Q: Stopped at the tracks just, uh, just east of Broadway?
728
729 A: Broadway, yeah.
730
731 Q: 'Kay.
732
733 A: I turned my headlights off.
734
735 Q: And what was your purpose for doin' that?
736
737 A: I wanted to be able to observe the activity while I waited for cover without
738 them knowin' that I was there.
739
740 Q: 'Kay. How long do you think you waited there, uh, before cover arrived?
741
742 A: Um, probably less than a minute because...
743
744 Q: 'Kay.
745
746 A: ...uh, [REDACTED] and [REDACTED] and [REDACTED] pulled up next to me.
747
748 Q: Okay.
749
750 A: Once I - I keyed up the mike, which I think they heard because they started
751 actin' a little bit differently once I started talkin' on the radio and mentioned
752 Walgreen's and the pharmacy window. And then right after I did that [REDACTED],
753 [REDACTED] pulled up in the Ford pickup. On my left side.
754
755 Q: And just to clarify, um, you said they were, uh, it appeared they were listening
756 to the radio. Did you mean the subjects who you were observin' at
757 Walgreen's?
758
759 A: Yeah. The suspects that were looting Walgreen's, um, I was watching 'em
760 closely and the way I would describe them, it - the w- the thought that passed
761 my mind is it looks like a professional bank robbery crew like you'd see in a
762 movie or somethin'. They were moving very quickly, they seemed to be very
763 organized and seemed to have - what they were doing they had it down very
764 well. They were running out of the vehicles. Pretty much one guy almost dove
765 through the pharmacy window and another guy pushed another guy into the

766 window and then as soon as I started talkin' th- on the radio I - I saw, um, one
767 of the suspects standing near the back of the pickup truck start - stop and start
768 lookin' left and right around the area.

769
770 Q: And it just sounds like to you, um, that was a noticeable change in his
771 behavior?

772
773 A: Yes.

774
775 Q: Okay. Um, when you mentioned, uh, [REDACTED]

776
777 A: Yes.

778
779 Q: Um, arrived, uh, next to i- basically at your location?

780
781 A: Yeah. They pulled up next to me.

782
783 Q: Okay.

784
785 A: And I said, "They're over there at the pharmacy window."

786
787 Q: Did you have an opportunity to speak with them any more than that or...

788
789 A: Yeah. I just said, "There's um, s- suspects over there looting Walgreen's again
790 with those vehicles, that silver truck and some kind of dark, uh, import sedan
791 of some sort or coupe, I - I don't know. I think it was a sedan, 4-door sedan.
792 And they were both parked facing, um, the exit onto Broadway so they were
793 facing sorta southeast...

794
795 Q: Okay.

796
797 A: ...in front of that drive-thru structure that I talked about earlier.

798
799 Q: Okay.

800
801 A: So I told, um, [REDACTED] I said, "Hey those guys are looting
802 again. Why don't you guys go up Redwood Street and then I'll hook a right on
803 Broadway and then we'll - we'll try to come in on either side of 'em.

804
805 Q: 'Kay. So southeast towards Broadway th- the vehicles were facing?

806
807 A: Yes.

808
809 Q: 'Kay. And you directed 'em down Redwood and, um, and you were gonna
810 take Broadway some - just clarify if I'm wrong, but just as a means to cut

811 them off and...

812

813 A: Yeah.

814

815 Q: Gotcha. (Unintelligible).

816

817 A: So the idea was to have - um, I'm just gonna touch your tape recorders but,

818 um...

819

820 Q: You can draw it...

821

822 A: Yeah.

823

824 Q: ...if you need to.

825

826 A: Okay. So this is Redwood.

827

828 Q: Mm-hm.

829

830 A: And Broadway. Walgreen's and the pharmacy.

831

832 Q: Okay.

833

834 A: I saw the sedan somewhere like this and the pickup truck somethin' like that.

835 Facing that way. And the suspects were all running around and going

836 underneath here and g- getting into the pharmacy so I told, uh, the [REDACTED]

837 to come in this way and then I went this way because there's a median where

838 you can do a U-turn and then there's another driveway right here.

839

840 Q: Got it.

841

842 A: And there's driveways here and here.

843

844 Q1: Just for the record if I could say this - this is not to scale, correct?

845

846 A: No, not at all.

847

848 Q1: That's your best estimate of what occurred?

849

850 A: Yes.

851

852 Q1: Or where it occurred?

853

854 A: Yes.

855

856 Q: 'Kay. Okay. Um, so after, um, [REDACTED]
857 [REDACTED] uh, proceed on Redwood Street, uh, what do you recall happening
858 after that?
859

860 A: So I turned right onto - south on Broadway and I started - I was watchin' the
861 group as I went and as I got closer my attention was drawn to a subject
862 wearin' all black wearin' a black mask, somethin' over his head, and he
863 appeared to be holding a radio or a phone or somethin'. He was, like,
864 communicating somehow with it. And he was holding his right arm down to
865 the ground and it made me feel like he was armed.
866

867 Q: Okay.
868

869 A: And so I became very concerned about a armed confrontation with these
870 people as we're pulling up. So I took a long arc - arcing turn. I kinda went
871 down a little bit further and arced back so I could get a longer look at him here
872 and have a straight on - and have the front of my car to protect me as I was
873 comin' in. Instead of just turning right in I gave myself a little bit more time
874 and came in at an angle. And so my attention was fixed on him, um, and I was
875 very concerned that he was armed. I put it out over the air. I said, "He's armed
876 or possibly armed," um, 'cause I could see some kind of object in his right
877 hand and just his mannerisms. What he was doin', he was lookin' around, he
878 looked very serious and these guys were all kinda runnin' around. They all
879 started running back to the vehicles. Um, but like I said I took that long arc to
880 get a look - a good look at what he was doing.
881

882 Q: Okay. And I'm just, um, watching, um, your body movements as your - as
883 your providing me this, so.
884

885 A: Yeah.
886

887 Q: Um, and - in - in watching you I see that you had your - your left arm bent and
888 you had your hand to your mouth as if the subject was holding a radio or - or
889 something in his hand.
890

891 A: Yeah, he - he...
892

893 Q: And I saw your right arm was kinda straight down.
894

895 A: Yeah. He - he l- he literally, like, when I say they - they looked like a
896 professional bank robbery crew to me. It looked - which gave me sort of
897 ominous feeling as it wasn't some - to me it didn't seem like it was just some
898 loose looters taking an opportunity. They seemed very well organized and this
899 guy was a lookout. He was literally looking back and forth and holding his
900 arm down.

901
902 Q: Okay. Uh, and you - you gave me a description of the subject. I just want to
903 make sure I get it right. Um, as I recall you say he was wearing, uh, a black
904 mask?
905
906 A: Yes.
907
908 Q: And...
909
910 A: Black facemask.
911
912 Q: Okay. And can you describe his clothing again?
913
914 A: Dark clothing, um...
915
916 Q: Okay.
917
918 A: All black I think. And something black over his head. I don't know if it was a
919 hat or a - a hood or what it was.
920
921 Q: Now you mentioned that as you were making your approach your attention
922 was drawn to him.
923
924 A: Yes.
925
926 Q: Um, because of his mannerisms. Do you recall at what point your attention
927 was first drawn to him?
928
929 A: When I s- started coming down, um, southbound Broadway getting ready to
930 make the approach 'cause I was trying to plan my approach tactically and try
931 to get as much information I could a- about what was going on.
932
933 Q: Mm-hm.
934
935 A: The plan was to come in and set up a felony car stop in my mind. Um, but
936 then my attention was drawn to him because of the way he was acting. I kn- I
937 don't know if I - I don't know if I wasn't expecting them to be so professional
938 looking but it - it caught my attention that he was there as a lookout and
939 holding something in his hand communicating. Um, it made me, uh, in my
940 mind hesitate for a second and kinda think about what I was doing. I was
941 concerned.
942
943 Q: Okay. I just wanna make sure I'm saying this correctly. Uh, di- did it make
944 you reassess - actively reassess what you had already planned to do because of
945 his mannerisms?

946
947 A: Mmm, no I just - made me think a little bit more. Like, my attention...
948
949 Q: Okay.
950
951 A: ...was really drawn to the way this person was carrying himself.
952
953 Q: Okay. Do you recall seeing an- any other subjects in the parking...
954
955 A: I saw...
956
957 Q: ...lot?
958
959 A: ...people running around. Like, I initially saw them, like, s- scurrying around
960 back to the vehicles and when I started to move, but when I my attention got
961 drawn to the guy standing in the middle, uh, he was standing next to the car,
962 like, east of the car.
963
964 Q: And this is the - the sedan?
965
966 A: Yeah.
967
968 Q: Okay.
969
970 A: Then I kinda - I sorta just lasered in on that guy and focused on him as I made
971 my turn and came in.
972
973 Q: It's a tough question but can you approximate how many other subjects you
974 saw inside the - the parking lot?
975
976 A: Well I initially - when I first looked from Broadway and Redwood I thought
977 there was ten to twelve people. Um, they were running all over the place and
978 diving through the window. But once I came down Broadway and looked I
979 really kinda - I saw movement around but I was - my attention was focused on
980 the guy.
981
982 Q: Okay.
983
984 A: The lookout.
985
986 Q: Okay and you mentioned the, um, the subject's right arm was kinda straight
987 down.
988
989 A: Yeah.
990

991 Q: Could you see his hand?
992
993 A: I saw some kind of object in his hand but I...
994
995 Q: Okay.
996
997 A: ...couldn't identify what it was.
998
999 Man: (Unintelligible).
1000
1001 Man: Yeah.
1002
1003 Q: And at what point did you, um, see, um, this object in his hand?
1004
1005 A: Uh, when I was driving by him on, uh, Broadway and starting to make my
1006 turn.
1007
1008 Q: Okay and you mentioned that because of what you observed when you were
1009 making your approach southbound that you, uh, made a different approach
1010 than you initially intended.
1011
1012 A: Yeah.
1013
1014 Q: Because of...
1015
1016 A: I wanted to get myself a little bit more time to look at him and then come in at
1017 a good angle.
1018
1019 Q: Okay and you mentioned - with respect to that angle - this particular angle put
1020 the front of your car...
1021
1022 A: (Unintelligible).
1023
1024 Q: ...between you and - and him?
1025
1026 A: Yeah.
1027
1028 Q: And what was the purpose of doing that?
1029
1030 A: Just to give me some protection.
1031
1032 Q: Okay.
1033
1034 A: An engine block between me and him.
1035

1036 Q: And what would that engine block protect you from?
1037
1038 A: Bullets.
1039
1040 Q: Okay. And you mentioned that there were other subjects, um, inside this
1041 parking lot. Did you, um, focus your approach on protecting, um, yourself
1042 from anyone else inside this parking lot?
1043
1044 A: No. I just saw them running, like, away from the building.
1045
1046 Q: Okay. Is everyone okay now? Anyone need a break or anything or - just got
1047 water?
1048
1049 A1: Yeah.
1050
1051 Q: Okay.
1052
1053 Q1: Good.
1054
1055 Q: Anything?
1056
1057 A1: Nope.
1058
1059 Q: 'Kay.
1060
1061 A: Might need a Red Bull.
1062
1063 Q: Yeah. There's some downstairs.
1064
1065 A: Yeah. I can open the blind.
1066
1067 Q: Okay and then, uh, what happened after you - you angled your vehicle, um,
1068 such that your engine block would've provided you cover from the subject?
1069
1070 A: So as I was turning into the driveway after I had come around I noticed - I was
1071 focused on him and it sorta surprised me that - I believe it was the truck that
1072 started coming towards me. so I planned to come in this way so I - I stop and
1073 he went out around me and then I see the, uh, black vehicle moving. And so I
1074 thought - I - I continued on a little bit. I thought he would just go around me
1075 but then he came right towards me. And I think I may have my door open to
1076 get out and he ran into the front of me.
1077
1078 Q: Okay. So you were focused on the subject - this is someone that you believed,
1079 um...
1080

1081 A: I was focused on him until the vehicle started moving then I was focused on
1082 the vehicles.
1083

1084 Q: Okay. So focus shifted to the vehicles?
1085

1086 A: Yes.
1087

1088 Q: So the truck was the first one to - that you observed moving your direction?
1089

1090 A: Yes.
1091

1092 Q: Okay.
1093

1094 A: I think it was, uh, I put out a (unintelligible) I think it was a Nissan Frontier.
1095 That's what it looked like.
1096

1097 Q1: Would any of you guys get offended if I just stand?
1098

1099 A: No go ahead.
1100

1101 Q: No.
1102

1103 Q1: Excellent.
1104

1105 A: Yeah. Not at all.
1106

1107 Q: You said it was s- silver?
1108

1109 A: I thought it was silver, yeah.
1110

1111 Q: Okay. And what manner was this vehicle being driven?
1112

1113 A: Mmm, s- very quickly out of the parking lot.
1114

1115 Q: Okay.
1116

1117 A: The dark vehicle was the second to leave and, uh, I saw him coming right
1118 towards me so I put on my brakes to try to avoid a collision and thought that
1119 he would just go around me, but he ended up slamming into the front of me
1120 with his vehicle.
1121

1122 Q: Okay. And what side of your vehicle did the truck drive around?
1123

1124 A: The truck drove around my driver's side...
1125

1126 Q: Okay.
1127
1128 A: ...and out onto Broadway. I don't know which way he went on Broadway.
1129
1130 Q: And what manner was that black sedan, um, being driven when you first
1131 observed...
1132
1133 A: He...
1134
1135 Q: ...it?
1136
1137 A: ...just drove it fast right at me.
1138
1139 Q: You mentioned before that, um, when you saw the black sedan you - you
1140 applied your brakes in an...
1141
1142 A: Yes.
1143
1144 Q: ...attempt to avoid a collision.
1145
1146 A: Yes.
1147
1148 Q: And correct me if I'm wrong but you said you thought it was going to drive
1149 around you?
1150
1151 A: I thought he was going to go around me but I was surprised to see him come
1152 straight at me.
1153
1154 Q: Okay. So do you think he had, uh, plenty of room to drive around you like the
1155 - the truck did, or was your position different in that there was nowhere for
1156 him to drive around?
1157
1158 A: At the time I didn't think about it but after - after the shooting I looked and it
1159 looked to me like he could've got outta there - actually he did get outta there
1160 but...
1161
1162 Q: Okay. He coulda...
1163
1164 A: Yeah. I just wasn't...
1165
1166 Q: ...dr...
1167
1168 A: ...thinking about it at the time. I just didn't wanna have a collision
1169 (unintelligible).
1170

1171 Q: Okay. And where did the sedan impact your vehicle?
1172
1173 A: My driver's, um, front bumper - driver's side front bumper and driver's side
1174 fender - front fender.
1175
1176 Q: And this is just your perception, um, but from where you were in the driver's
1177 seat when you applied the brakes did it appear to you that the car was driving
1178 directly at you?
1179
1180 A: Um, I don't recall. I just...
1181
1182 Q: Okay.
1183
1184 A: ...saw a black mass moving towards me. I knew it was a car. I don't know
1185 what angle he was at.
1186
1187 Q: Okay. So you cannot distinguish if it was intentional but it appeared to you
1188 that he could've driven around your stopped vehicle?
1189
1190 A: Yeah I believe it was intentional. I believe he was intentionally trying to harm
1191 me to get away.
1192
1193 Q: And - and just clarifying that was supported by the fact, um - um, that your
1194 vehicle was stopped?
1195
1196 A: Yeah.
1197
1198 Q: (Unintelligible)...
1199
1200 A: I stopped my vehicle.
1201
1202 Q: Okay.
1203
1204 A: Yeah.
1205
1206 Q: You mentioned that your door may have been opened? Do you re...
1207
1208 A: Yeah. So I opened my door - I'm not sure when exactly I opened it but I know
1209 I opened my door and I heard gunshots being fired in rapid succession. I don't
1210 know if it was right before he hit me or as he was hitting me. I think it was all
1211 pretty simultaneous and, um, I thought well, yeah, the guy's shooting at us -
1212 now I'm being shot at. I've been rammed and now I'm being shot at, so I said
1213 okay well we're - we're in a gun battle is what I said. But I'm pretty sure I had
1214 my door open, uh, because my - my hand sanitizer that I always keep in the
1215 door, um, was all the way out in the street. It had been run over. And then my

1216 left knee started hurting after my adrenaline kinda went down a little bit. So
1217 I'm kinda thinking the door, like, probably flopped back on my knee or
1218 something.

1219
1220 Q: Okay.

1221
1222 A: I think I was trying to get outta the car and, uh, challenge the suspects. That
1223 was my plan anyway.

1224
1225 Q: Okay. You remember 'bout how many gunshots you remember hearing?

1226
1227 A: A lot - just a lotta gunshots.

1228
1229 Q: And you mentioned the hand sanitizer - where in the car door do you keep
1230 that?

1231
1232 A: In the little cup holder thing on the map pocket.

1233
1234 Q: Remember what brand or what...

1235
1236 A: Mm-mm. It's this...

1237
1238 Q: What (unintelligible

1239
1240 A: This stuff.

1241
1242 Q: So it looked like this bottle?

1243
1244 A: No it's a foam bottle that I ran out of a long time and I just fill it up with the
1245 free stuff that they gave us.

1246
1247 Q: Gotcha. And what - what color is that bottle?

1248
1249 A: Uh, white. It's like a cylindrical bottle with white paint or something on it. It's
1250 clear and white. It had a, uh, thumb push...

1251
1252 Q: Okay.

1253
1254 A: ...button.

1255
1256 Q: So after your adrenaline went down a little bit you started to feel some pain in
1257 the left knee and...

1258
1259 A: Yeah.

1260

1261 Q: ...it's possibly consistent with the door slamming onto...
1262
1263 A: That's what...
1264
1265 Q: ...your knee?
1266
1267 A: ...I was kinda thinking, yeah.
1268
1269 Q: Okay.
1270
1271 A: And my neck and lower back hurt really bad. I'm pretty stiff right now.
1272
1273 Q: Okay.
1274
1275 A: Airbag blew up in my face. And I don't think I had my seatbelt on anymore at
1276 that point. I think my car might've been in park too.
1277
1278 Q: Okay. I was gonna ask you that.
1279
1280 A: Yeah, I think it was in park.
1281
1282 Q: And you mentioned that, um, you believe at that point you weren't wearing
1283 your seatbelt?
1284
1285 A: Yeah, I wasn't wearing my seatbelt 'cause I got outta the car...
1286
1287 Q: Okay.
1288
1289 A: ...very quickly when the gunshots started.
1290
1291 Q: And is the reason, um, you weren't wearin' your seatbelt at the time?
1292
1293 A: Yeah, I always take my seatbelt off right before I stop.
1294
1295 Q: Okay. So you had taken your seatbelt off with the anticipation of havin' to get
1296 out of the vehicle quickly?
1297
1298 A: Yeah.
1299
1300 Q: Okay.
1301
1302 A: I got ambushed a long time ago, so I didn't wanna get caught with my seatbelt
1303 on and a radio in my hand again.
1304
1305 Q: Can you tell me more about that incident?

1306
1307 A: It was 2005. A guy opened up and hit me with a Glock 27.
1308
1309 Q: And how does your seatbelt play a factor in that?
1310
1311 A: I was stuck in my seatbelt and had my radio in my hand and he's sittin' -
1312 standin' there on the sidewalk firin' a weapon at me.
1313
1314 Q: It sounds like, especially since then, you've had it in the back of your mind
1315 that you never wanna...
1316
1317 A: Yeah, I'm ready to get out of the car quickly now.
1318
1319 Q: So it sounds like, um, you got out of your car pretty quickly.
1320
1321 A: Yes.
1322
1323 Q: Um, had the sedan - it's already collided into you.
1324
1325 A: Yes.
1326
1327 Q: Had it left the scene or was it still in your immediate vicinity?
1328
1329 A: I think it was just - I know that it went southbound Broadway in the
1330 northbound lanes - or, yeah, it went - it went across the northbound lanes and
1331 continued southbound Broadway.
1332
1333 Q: Okay.
1334
1335 A: But I didn't - I only looked at it for a second because I was - I thought we
1336 were in a gun battle. So I made it around the s- back of my car c- I got my
1337 firearm out - made it around the back of the car to confront whoever was
1338 firing the rounds.
1339
1340 Q: Okay - okay. Did - did you have some idea in your head where these gunshots
1341 were coming from?
1342
1343 A: No, I just heard - I mean, it was - it sounded like it was coming from the
1344 general direction of where the cars were and where, uh, [REDACTED]
1345 [REDACTED] were.
1346
1347 Q: But when you heard them initially...
1348
1349 A: Yeah, it sounded like it was coming from in front of my vehicle.
1350

1351 Q: Okay. You said - you mentioned that you got back in your car?
1352
1353 A: No.
1354
1355 Q: Okay...
1356
1357 A: I ran around the back of my car...
1358
1359 Q: ...ran around the back of it?
1360
1361 A: ...and pulled my firearm out so that I would have some cover and I could
1362 come around the right side of the vehicle and confront - I didn't know who
1363 was firing the rounds, so.
1364
1365 Q: Okay and what was the purpose for running to the back of the car?
1366
1367 A: So I would have some cover and the rounds were comin' this way and I just
1368 got hit over here, so I was just tryin' to get away from that area of danger and
1369 get around to the other side of the vehicle and have cover and be able to sort
1370 of slice the pie around the back of the vehicle and see what was goin' on.
1371
1372 Q: Okay. And then after you - you came around your car, um, in my mind, are
1373 you on the - now the passenger's side, towards the front...
1374
1375 A: Yes.
1376
1377 Q: ...of the vehicle - of your vehicle?
1378
1379 A: Yes.
1380
1381 Q: Then what do you recall at that point?
1382
1383 A: When I came around the corner, I saw, um, the suspect down, uh, on the
1384 ground and he was bleeding and then I saw [REDACTED] start walking from
1385 the pickup truck. I think he came from the driver's side and was walking
1386 straight towards the, uh, suspect with his rifle.
1387
1388 Woman: Yeah. What - what's wrong?
1389
1390 Woman: I don't know what's wrong with [REDACTED]
1391
1392 Woman: Well call 9-1 - go call the dispatch. She in the bathroom?
1393
1394 Woman: Who is it?
1395

1396 Woman, [REDACTED]
1397
1398 Q: Never a dull moment.
1399
1400 A: Can't make it up.
1401
1402 A1: If you don't mind, I'd like to take one minute.
1403
1404 Q: Okay.
1405
1406 A1: I'm just gonna run down and get...
1407
1408 Q1: You want me to just pause for a...
1409
1410 A1: Yeah, if you would.
1411
1412 Q: And just continuing, I have 1001 on my watch. Um, and just, uh, continuing,
1413 uh, [REDACTED] um - uh, you mentioned seeing, uh, [REDACTED] make
1414 an approach from the driver's side of the vehicle. Which - which vehicle was
1415 that?
1416
1417 A: The Ford pickup that they were in.
1418
1419 Q: Okay. And then what happened after, um, he made that approach to the
1420 suspect?
1421
1422 A: Um, we both approached - I ran - so we wouldn't have a crossfire, I ran back
1423 around the driver's side of my car and then approached 'cause he was comin'
1424 this way, so we approached the body.
1425
1426 Q: So you moved more east?
1427
1428 A: Yeah, I went...
1429
1430 Q: Okay.
1431
1432 A: ...back around the driver's - literally around the driver's side of my car and
1433 came in so we'd be comin' at a L-shape and we went and checked the suspect.
1434 Um, it was apparent to me that he was deceased but we began, uh, lifesaving
1435 efforts. But before that, um, [REDACTED] said, uh,
1436 when he got out of the car, he goes, "That's what I didn't wanna do." And, uh,
1437 I could tell that he was - he was a little distraught and, uh, he said, "I thought
1438 he had a gun, he turned."
1439
1440 Q: Okay.

1441
1442 A: Um, and then they - the three officers began lifesaving measures, um, and then
1443 (Daniel Le Chow) came from, um, I think he's S- St. Helena or one of those
1444 sheriff's departments.
1445
1446 Q: Okay.
1447
1448 A: I know who he is and then, uh, a bunch of officers converged. I gave someone
1449 my knife to cut the, uh, the - the guy had some kind of satchel or somethin', a
1450 strap across his chest and back. So they cut that off and then basically tri- I
1451 don't know what they were doin', chest seals and checkin' CPR on the guy
1452 and...
1453
1454 Q: Okay.
1455
1456 A: ...they immediately started lifesaving efforts.
1457
1458 Q: And just, uh, you don't have to remember verbatim, um, you mentioned
1459 somethin' tha [REDACTED] said, "I thought he had a gun, he turned"?
1460
1461 A: Yeah.
1462
1463 Q: Okay. Um, so from the time that, um, you separated from the pickup truck that
1464 [REDACTED] were in...
1465
1466 A: Mm-hm.
1467
1468 Q: ...did you have an opportunity to communicate any information?
1469
1470 A: Yeah, I said - I mentioned earlier, I said, uh, as I was coming around and
1471 making my turn back, I - I said, um, "They're armed - they're possibly
1472 armed."
1473
1474 Q: Okay. And how did you communicate this?
1475
1476 A: On the radio.
1477
1478 Q: Okay. And you recall at what point you were in your approach that you, uh,
1479 made that communication?
1480
1481 A: Somewhere right before I made a U-turn and came back this way.
1482
1483 Q: And this is...
1484
1485 A: 'Cause I was looking to the - to the side as I was approaching.

1486
1487 Q: Okay. So the way you described it to me before, when you're makin' that U-
1488 turn, you were already, um, deciding to change the approach that you had
1489 initially decided because...
1490
1491 A: Yeah.
1492
1493 Q: ...you were concerned that this person was armed.
1494
1495 A: Yeah.
1496
1497 Q: And you wanted to position your vehicle...
1498
1499 A: Yes.
1500
1501 Q: ...in a manner that provided you cover.
1502
1503 A: Yeah.
1504
1505 Q: Okay. Yeah, I'm sorry.
1506
1507 Q1: I just have one clarification question...
1508
1509 A: Yeah.
1510
1511 Q1: So when we're talking about the deceased, that's the individual that you
1512 originally observed with the radio or communication device in one hand and
1513 his hand down by the right?
1514
1515 A: So, I'm not sure about that because...
1516
1517 Q1: Okay.
1518
1519 A: ...I lost sight of him when I got rammed.
1520
1521 Q1: Okay.
1522
1523 A: I had the airbag that blew up in the face...
1524
1525 Q1: Sure.
1526
1527 A: ...and there was powder and I was c- sort of, I think, feeling in, like, shock that
1528 I got rammed.
1529
1530 Q1: Sure.

1531
1532 A: And then I heard the gunshot, so he disappeared amongst all that and I didn't
1533 pick up anyone again until I came back around the vehicle and saw a suspect
1534 down on the ground. But I sort of assumed that it was the same guy 'cause
1535 they - he was wearin' all black. He had a black mask on. But, then again, they
1536 were all wearin' black, so.
1537
1538 A1: Were you - were you done?
1539
1540 Q1: I am (unintelligible).
1541
1542 A1: Do you mind if I ask a couple - do you?
1543
1544 Q: No.
1545
1546 A1: Um, when you were looking, um, when you were looking at this person who
1547 had the dark mask and the - the hoodie, um, at any point were you concerned
1548 for your safety?
1549
1550 A: Yes. His mannerisms and the way this crew operated, like I said, it - I - I saw
1551 them as like a professional bank robbery crew and it raised my level of
1552 concerned great- greatly because of all the gunplay and - and this evening, the
1553 gun that was recovered and someone that we were chasing, the shots fired at
1554 the marijuana shop, and these suspects were moving all around the city hitting
1555 multiple locations, so when I saw the lookout and the way he was acting and
1556 his - holding his right arm down, I - I became fearful, like, really fearful that
1557 we were gonna be involved in a shooting.
1558
1559 A1: So that fear was for yourself...
1560
1561 A: Yes.
1562
1563 A1: ...and for your fellow officers?
1564
1565 A: Yes.
1566
1567 A1: Thank you.
1568
1569 Q: And just wanna make sure I got that down correctly, and we kind of talked
1570 about it earlier too, um, due to the earlier calls for service involving firearms,
1571 the shooting at the dispensary, um, the mannerisms of the subject that drew
1572 your attention, uh, the way he was holdin' the radio, his arm straight down,
1573 object in his hand that you couldn't see completely what it was, um, but it felt
1574 to you that it was consistent with him holding a firearm, um, the organized
1575 execution of, um, this particular looting, um, made you feel concerned for

1576 your personal safety and the safety of the other officers there...

1577

1578 A: Yeah.

1579

1580 Q: ...and, um, your concern that you're gonna be involved in a gunfight.

1581

1582 A: Yes.

1583

1584 Q: Okay. I'm just gonna go over a couple more of these. Did you have

1585 opportunity to, uh, see the suspect...

1586

1587 A: Y...

1588

1589 Q: ...without the mask?

1590

1591 A: Um, yes...

1592

1593 Q: Okay.

1594

1595 A: ...I saw his face.

1596

1597 Q: Did you recognize him?

1598

1599 A: No.

1600

1601 Q: Never had any prior contact with him before?

1602

1603 A: Not that I know of.

1604

1605 Q: Okay. Do you recall the backdrop of the shooting?

1606

1607 A: Um, I...

1608

1609 Q: If you don't, um...

1610

1611 A: Yeah, I mean...

1612

1613 Q: ...it's okay.

1614

1615 A: ...I don't know what angle.

1616

1617 A1: I'm sorry, just to clarify, are you talking about his backdrop of the background

1618 of the shooter?

1619

1620 Q: I was just getting ready to clarify, um, the, uh, of, um, the officer, um...

1621
1622 A: I don't know what - I mean, I didn't try to suppose what angle he shot at.
1623
1624 Q: No.
1625
1626 A: Yeah.
1627
1628 Q: Okay. And at the time, um, you arrived at that, uh, the driveway, when you
1629 made your approach, um, did you have any opportunity to turn the lights back
1630 on, uh, your vehicle?
1631
1632 A: Uh, I thought I had my Code 3 lights but I don't know for sure.
1633
1634 Q: Okay. When you made the approach, did you have any intention of activating
1635 your...
1636
1637 A: Yes.
1638
1639 Q: ...your Code 3 lights?
1640
1641 A: Yeah.
1642
1643 Q: And it sounds like while makin' your approach for the suspect, you had the
1644 intention of gettin' out the car quickly. You had the intention of activating
1645 your Code 3 lights but it was disrupted when...
1646
1647 A: I got rammed...
1648
1649 Q: ...yeah, the vehicle was...
1650
1651 A: ...and gunshots, yeah. You sort of have to gather yourself again when an
1652 airbag blows up in your face and you hear gunshots but it didn't take me long
1653 to get out of that car.
1654
1655 Q: And, again, a couple of these questions could be more applicable to the
1656 shooter, um, but it sounds like you didn't discharge your - your firearm...
1657
1658 A: No.
1659
1660 Q: ...and that's the same firearm you had on your during the - the incident?
1661
1662 A: Yeah.
1663
1664 Q: Um, can you think of anything that is relevant that I haven't asked you?
1665

1666 A: Um, no.
1667
1668 Q: Okay. Do you have anything further, Don?
1669
1670 Q1: So you've been employed - you've been workin' Vallejo [REDACTED]?
1671
1672 A: Yes.
1673
1674 Q1: Have you ever seen anything like this in the last, you know, your - your two
1675 separate shifts that you have done in the last...
1676
1677 A: No...
1678
1679 Q1: ...couple of days?
1680
1681 A: ...it's unprecedented. It's volatile. It feels dangerous. It feels different. It feels
1682 like the groups of people that are driving around looting and robbing and
1683 carjacking and shooting just have no care. You know, they just want - just
1684 complete wanton disregard for human life and just the way they're driving and
1685 the things they're doing, it's - I, to me, I've told several people, this whole
1686 night is unprecedented. These last two nights is unprece- I've never seen
1687 anything like it and you can see it's happening all around the country.
1688
1689 Q1: Right.
1690
1691 A: Yeah.
1692
1693 Q: [REDACTED] um, I just - I wanted to write down what you just said. It
1694 appears that they had just complete, you know, wanton disregard for...
1695
1696 A: Uh, human life.
1697
1698 Q: Okay. I did mean to ask you, um, you mentioned, uh, a deputy by name.
1699
1700 A: (Daniel Le- Lechow).
1701
1702 Q: (Lechow)?
1703
1704 A: Yeah.
1705
1706 Q: Okay, I'll write that down. And, um, what did he do during this?
1707
1708 A: I - I know he was in the military. I think he was combat medic.
1709
1710 Q: Okay.

1711
1712 A: He was giving instructions and applying a chest seal and people were giving
1713 him the materials that he needed.
1714
1715 Q: So he was assisting in, uh, applying, uh, rendering aid.
1716
1717 A: Yes.
1718
1719 Q: Okay. You have anything further counselor?
1720
1721 A1: No.
1722
1723 Q: Um, ultimately, everything's gonna be, uh, reviewed by the District
1724 Attorney's office and, um - uh, honestly, my - my job here is just to
1725 document. Um, so I'll - I'll write up, uh, a summary of this conversation and
1726 then it'll be reviewed by the District Attorney's office. Uh, do you have any
1727 qu8ess?
1728
1729 A: No.
1730
1731 Q: Okay.
1732
1733 Q1: No.
1734
1735 Q: Good, partner?
1736
1737 A1: Okay.
1738
1739
1740 The transcript has been reviewed with the audio recording submitted and it is an accurate
1741 transcription.
1742 Signed_____

INTERVIEW WITH [REDACTED]

Q=Det. Kevin Rose

Q1=Mason Mineni

A=Ofc. [REDACTED]

A1=[REDACTED]

Q: I'm Detective Kevin Rose. It is June 2 0843 hours. Uh, if those present could tell me the names.

Q1: Solano County District Attorney Investigator Mason Mineni.

A2: [REDACTED], Mistagni Hostedt, Attorney for [REDACTED].

A: [REDACTED]. I'm sorry - [REDACTED].

Q: Uh, [REDACTED] what's your badge number?

A: Uh, [REDACTED]

Q: Uh, you know your approximate hire date?

A: [REDACTED].

Q: Um, I'm sorry. You said [REDACTED]?

A: Yep.

Q: Do you have any prior law enforcement experience?

A: Yeah. [REDACTED].

Q: Um, anything prior to [REDACTED]

A: No.

Q: Uh, where'd you attend the academy?

A: Uh, [REDACTED]

1
2 Q: Do you remember what year?
3
4 A: Uh, started in [REDACTED] - no I'm sorry all [REDACTED]
5
6 Q: Uh, during last evening's shift, uh, what was your assignment call sign?
7
8 A: Uh, I X-ray 44 and we were assigned - well we were assigned - we - we were
9 out there in the SWAT capacity.
10
11 Q: Okay.
12
13 A: For, uh, you know, looting and rioting control.
14
15 Q: Um, was it - were you assigned a specific beat or section of the city?
16
17 A: No.
18
19 Q: Um, was this your normal working hours?
20
21 A: No.
22
23 Q: Uh, who was your supervisor last night?
24
25 A: Uh, Lieutenant (Knight).
26
27 Q: Okay. Is he your regular supervisor?
28
29 A: No.
30
31 Q: Is he your regular supervisor in any capacity?
32
33 A: For SWAT he is - yes.
34
35 Q: Um, did you receive any injuries during last night's incident?
36
37 A: No.
38
39 Q: Uh, can you describe, uh, what you were wearing this evening?
40
41 A: I was wearing my, uh...
42
43 Q: Last evening. Sorry.
44
45 A: ...we call 'em the SWAT blues so dark blue cargo pants, a dark blue long

1 sleeve quarter zip shirt with black and silver Vallejo PD patches on the
2 shoulders, a black external vest carrier with a cloth badge on the left chest, a
3 black and white police placard on the right chest and then a large police
4 placard on the back.

5
6 Q: And this is how you were dressed during the incident?

7
8 A: Yes.

9
10 Q: Oh, have photos been taken of you as you were dressed during the incident?

11
12 A: Yes.

13
14 Q: Um, can you talk about your duty belt?

15
16 A: Yes. Uh, so my duty belt has my, uh, handgun on my right side. I had my
17 Vallejo PD badge on my right hip and then, uh, two rifle magazines and two
18 pistol magazines on my left hip.

19
20 Q: Um, 'kay, was there any damage to your uniform or any equipment?

21
22 A: No.

23
24 Q: Uh, what vehicle were you in last night?

25
26 A: We were in [REDACTED], uh, silver F150.

27
28 Q: Do you know if it had a unit number?

29
30 A: I don't.

31
32 Q: Um, where you positioned in the vehicle?

33
34 A: Uh, right front passenger.

35
36 Q: Uh, who else was in the vehicle with you?

37
38 A: [REDACTED] was driving. [REDACTED] was in the backseat.

39
40 Q: Okay. Um, can you descri- you said it was a silver. There any other marking
41 on it?

42
43 A: Uh, no. It's a silver four door short bed F150. Um, it has red and blue visor
44 lights, blue and yellow rear lights facing the rear and then, uh, has an audible
45 siren.

1
2 Q: Uh, were the lights activated?
3
4 A: Yes.
5
6 Q: 'Bout the siren?
7
8 A: Uh, I don't remember the siren was.
9
10 Q: Okay. Um, can you tell me about your sidearm?
11
12 A: Yes. It's a, uh, SIG Sauer P226 legion single action.
13
14 Q: Uh, caliber?
15
16 A: Uh, nine millimeter.
17
18 Q: Is it personally owned or issued by the department?
19
20 A: Personally owned.
21
22 Q: Uh, is the department issued ammunition?
23
24 A: Yes.
25
26 Q: Uh, did you have any other weapons with you?
27
28 A: Uh, I had a rifle - department issued rifle in the truck. Uh, I did not deploy it
29 though.
30
31 Q: Um, did you fire your weapon at all?
32
33 A: N- no.
34
35 Q: Was your weapon fully loaded?
36
37 A: Yes.
38
39 Q: Uh, were you carrying other - any other devices?
40
41 A: Uh, I had, uh, one - I call 'em a flashbang but, uh, (unintelligible) sound
42 diversionary device or light and sound diversionary device. Uh, one in the
43 certain console of the truck and I had one more on my vest itself - my archery
44 vest.
45

1 Q: Okay. Did you deploy any devices or...

2
3 A: No.

4
5 Q: Um, can you talk to me about the location of the incident?

6
7 A: It was, I believe, is it 1050 Redwood? It's the Walgreens at the corner, uh, the
8 northwest corner of Redwood and Broadway.

9
10 Q: 'Kay, um, what were the weather conditions?

11
12 A: Uh, s- clear. It was night time. The parking was well lit, had, uh, street lights
13 and then lights with the building.

14
15 Q: Um, 'kay, why don't you, uh, tell me what happened.

16
17 A: So, uh, all right see, I mean, we were there in - in the SWAT capacity because
18 of, like, the increasing violence and hostility and the, um, the rioting and the
19 looting that had gone on the past couple days. Um, there's a bunch of calls
20 with guns, some armed robberies. Just last night there, I know, there was at
21 least one armed carjacking. Uh, the groups that were hitting, uh, all these
22 places seemed to be fairly coordinated so there was, um, a heightened sense of
23 alert from everybody. And then you combine that with the kind of stuff that
24 was going on nationwide with all the - the protests and the assaults on officers
25 and the Oakland cop getting shot. We were there because of the potential for
26 violence or for something to really, um, pop off the way it had a couple nights
27 before. So, uh, [REDACTED] and I we were driving
28 westbound on Redwood from roughly to Wollemi Street. We're actually
29 gonna go check on a couple of, uh, pending, uh, shots fired calls kind of over
30 in the, uh, Missouri, Mississippi area. I want to say somewhere right
31 nea- maybe North Camino Alto so westbound Redwood. Eh, I'm sorry. Is it
32 Camino Alto or North Camino Alto? Uh, [REDACTED]
33 [REDACTED] put out that he was on - viewing a 459 in progress at the Walgreens
34 at Broadway and, uh, Redwood. So he put out there was, uh, several people
35 that were essentially looting the, uh, the, uh, the Walgreens. It had been hit
36 previously in that night. Uh, he said that they had weapons. Um, I don't
37 remember if it - how many cars he said but, uh, we were there within about I
38 don't know - maybe 30 seconds of him putting out that information. So when
39 we rolled up [REDACTED] was...

40
41 Q: You said he said they had weapons. Who you talking about?

42
43 A: [REDACTED] said that the people that were looting the Walgreens had
44 weapons.

45

1 Q: Okay.

2
3 A: So as we pulled up we see, uh, [REDACTED] He's, uh, westbound
4 Redwood in the number two lane. He's in a silver SUV. He's west of the
5 intersection and he's looking kitty-corner from where he is - westbound
6 Redwood through the intersection kitty-corner to the Walgreens. So we had,
7 uh, we pulled up right next to him. He's putting out some information. We
8 come up with the quick game plan. We say, uh, [REDACTED] is going to,
9 uh, north on Broadway. He's going to get the north driveway and then we
10 were gonna go, uh, continue on Redwood through Broadway, go into to the
11 south parking lot and essentially, um, be able to converge on the two vehicles
12 that were sitting there. Um, so we came up with that - that game plan fairly
13 quickly. Uh, [REDACTED] and I had discussed earlier
14 in the night, uh, kind of how we were gonna deploy. So I had a flashbang and
15 since I was up front, um, I was gonna t- try to deploy a flashbang if we caught
16 somebody in the act of looting. Kind of a de-escalation technique and
17 hopefully that'll buy us a little bit of time to apprehend some people. So, uh,
18 we - we went through the intersection. We get to the south lot. Um, I can see
19 there was a silver, I think, it was a Nissan truck. I thought i- I think, it's Titan
20 so a silver Nissan Titan is parked up near the, um, what is it called? The drive-
21 through - the pharmacy drive-through. Um, I didn't see any - ever - anybody
22 or how many people were - exactly were around it. Um, directly ahead of that
23 there was, like, a small black car.

24
25 Q: Lemme ask you some questions about the...

26
27 A: Sure.

28
29 Q: ...Titan. So the Titan was parked near the drive-through you said?

30
31 A: Yeah. I think, it was - it was further south but only by maybe a car length or
32 two than the black (unintelligible).

33
34 Q: What direction was it facing?

35
36 A: Call it northeast.

37
38 Q: Okay.

39
40 Q1: Hey guys before we get too far could I just touch one thing?

41
42 Q: Yep.

43
44 Q1: Uh, [REDACTED] said - you had said that [REDACTED] said that the people that were
45 doing the, uh, breaking into the place had weapons.

1
2 A: Yes.
3
4 Q1: Do y- did he say something more specific than that?
5
6 A: No.
7
8 Q1: Okay. Did it come out on the radio?
9
10 A: It did.
11
12 Q1: Okay. I just...
13
14 A: He said - I - I - I think his exact words they were - they were armed.
15
16 Q1: Okay.
17
18 A: They were armed.
19
20 Q1: Thank you.
21
22 A: I think - I think that's his exact words.
23
24 Q1: Thank you. Sorry.
25
26 Q: When he said they were armed what did you take that to mean?
27
28 A: Uh, I suspected guns based on everything else that was going on - multiple
29 armed robberies and carjackings and shootings. And the- I mean, earlier in the
30 night, uh, a couple of looters had shot at a, um, a business owner at one of the
31 weed shops on Sonoma Boulevard. So he says weapons or they're armed. I'm
32 assuming guns based on everything that's going on.
33
34 Q: Um, okay so then the - the Titan's facing or what you think is a Titan - I'm just
35 going to call it a pick-up is facing northeast...
36
37 A: Yeah.
38
39 Q: ...approximately.
40
41 A: Yeah roughly.
42
43 Q: South of the drive-through area?
44
45 A: Yeah. Just a little bit south.

1
2 Q: And then you men- started to mention a second car.
3

4 A: Yeah. It was a - I didn't get the make. It was a black car. I want to say maybe a
5 Nissan Altima. I think, the back bumper was pop- possibly missing. And that
6 was parked at - outside of the actual drive-through. So there's the building,
7 there's the drive-through and then there's, like, the - the drive-through - the
8 parking lot area. So it was outside of the drive-through facing north, uh, but
9 basically adjacent to the drive-through overhang.
10

11 Q: And when you entered or, uh, and you said [REDACTED] was driving,
12 correct?
13

14 A: Yeah.
15

16 Q: Um, when you guys entered the parking lot you entered from Redwood Street,
17 correct?
18

19 A: Yes.
20

21 Q: Which driveway?
22

23 A: I think, we took the first right - first available.
24

25 Q: So...
26

27 A: Well actually I'm sorry. I think, there's only one. I think, it's kind of at the
28 southwest corner of the lot.
29

30 Q: So right next to the church?
31

32 A: I think.
33

34 Q: Okay.
35

36 A: There may have been - there - I think, we took the first available so if there's
37 one closer I'm fairly sure we took the first available.
38

39 Q: Okay. Um, and did you st- tell me what direction the Nissan was facing?
40

41 A: Uh, I think, the Altima was, uh, if - I'm sorry. I think, it was an Altima.
42

43 Q: You think it was an Altima.
44

45 A: Uh, it was facing north.

1
2 Q: And that was - were they next to each other? Was one in front of the other?

3
4 A: Um, so the - the - the truck was a little further south, kind of facing northwest,
5 er, sort of northeast. The Altima was ahead of it, um, a car length or two
6 maybe.

7
8 Q: Okay. Um, were doors open on the vehicle?

9
10 A: The left rear door on the Altima was open.

11
12 Q: See any people around?

13
14 A: There was one person walking from - when I picked him up he was in the
15 drive-through coming - walking west from the actual Walgreens building
16 itself.

17
18 Q: When you say when you picked him up what do you mean by that?

19
20 A: Like, when I visually recognized that he was there.

21
22 Q: Um, and I'm sorry - can you say that again? What wa- he was walking from
23 where?

24
25 A: He was walking from Walgreens - from the building, um, like, under the
26 drive-through under - overhang...

27
28 Q: Okay.

29
30 A: ...to the black Nissan.

31
32 Q: Then what happened?

33
34 A: So as we pulled into the south parking lot the, uh, the silver truck, uh, left. It
35 took off north through the parking lot. Um, I didn't see which direction it went
36 but it went out the same driveway entrance that [REDACTED] was exiti- or
37 was entering through. So it took off. I - I didn't, uh, see which way it went
38 after that. The black Altima, um, the guy that I saw - seen earlier that he was
39 walking away from Walgreens so he's wa- he's walking up to the - to the black
40 Altima. Um, [REDACTED] hits his, uh, emergency lights as we're
41 pulling up to the car. The Altima starts to take off a little bit. It drives forward.
42 It looks like the, um, the guy that was walking up to the car he kind of hustles
43 up to the car. I think, he threw something in or he was trying to get into the
44 backseat 'cause the back left door was open. The car takes off a little bit and
45 leaves him behind just a little bit - by a few feet. And then he moves back up

1 to the car - kind of runs back up to the car, um, and then the car just takes off.
2 And the - the Altima takes off. So all this is occurring over the course of
3 what? Like, two or three seconds so concurrently we're pulling in. He's, um, I
4 have my flashbang 'cause it's my job to deploy the flashbang. Uh, [REDACTED] is
5 on, uh, he has his rifle out. I heard him get his rifle out. So, um, I have the
6 flashbang. I'm opening up my doors. We're moving in. [REDACTED]
7 hits his lights. The Altima, uh, has now taken off se- for the second time,
8 right? So the Altima takes off leaving the guy that was trying to get in on foot,
9 uh, in it's, you know, kind of in its wake. Um, that guy then goes down to a
10 knee. I think, it was his right knee. He takes down to his right knee and he
11 went - he rotated to his left so he was kind of facing us. So he kind of went
12 down to, like - like, a kneeling, like, a one knee kneeling position and rotated
13 back to his left so that he was now mostly facing [REDACTED] truck.
14

15 Q: So you're doing - you were doing a motion with your arm.

16
17 A: Yeah so he was - as he was going down to that knee he had his right hand - he
18 had something in his right hand. It was something dark. It was concealed up
19 against him. He was, like, holding it up against his chest like that and as he's
20 going back he's kind of holding it, uh, similar to how you would hold a gun,
21 right? So holding something like this, rotating it back towards [REDACTED]
22 [REDACTED] truck with his entire upper body.
23

24 Q: Okay so is he - was he initially facing north and he...

25
26 A: He had - yeah so initially he was going after the car that had left him.
27

28 Q: Okay and I just want to be clear so you were holding your right hand, um,
29 against your chest.
30

31 A: Yes.
32

33 Q: And so he rotates around toward you and whatever is in the suspect's hand is
34 pointed in your direction?
35

36 A: Yeah and he's holding it in a way that looks like - like I would hold a gun,
37 right, if I was holding a gun close to my chest or something like that.
38

39 Q: Okay did you...
40

41 A: So...
42

43 Q: ...believe it was a gun?
44

45 A: I believed it was a gun. Based on everything that was going on and [REDACTED]

1 [REDACTED] - I'm sorry [REDACTED] saying that, um, they were armed. So again
2 this is over the course of, like, we'll call it three seconds. I'm exiting the
3 vehicle. Um, he's on his knee. He's making the turn towards us with that thing
4 in his hand. Um, [REDACTED] - I'm sorry [REDACTED] came up
5 between from inside the vehicle, uh, as I was stepping out and he fired - I
6 don't know, I think, it was maybe seven rounds through windshield at the
7 suspect, um, just as I was exiting the car. So I have the - the flashbang in my
8 right hand as I was prepping it. I was gonna deploy. So he gets done shooting.
9 Um, I transition now because, I think, it's gonna be a lethal force situation. I
10 transition, I put my flashbang in my left hand, I deploy my handgun. I can see
11 that the guy is on the ground. He's no longer a threat but the Nissan - the black
12 Nissan takes off the same direction as the truck. It collides with, uh, [REDACTED]
13 [REDACTED] as he's at the entrance to the, um, uh, the north entrance off of
14 Broadway. So basically takes him head-on and just hits him in the front end
15 and there's enough of a gap to where h- between, uh, [REDACTED] and the
16 planter box where it scoots out onto Broadway and it goes north on Broadway.
17 So I, uh, I run out to Broadway Street to see if I can get, you know, if they're
18 gonna be disabled or something like that. So I get out to Broadway, the car's
19 on its way out so then I, uh, I turn back - I turn my attention back to, uh,
20 [REDACTED] and [REDACTED] I can see [REDACTED] is - I'm
21 sorry they're both actually at the driver's side - the driver's door of [REDACTED]
22 [REDACTED] car. Um, [REDACTED] had his handgun out. [REDACTED]
23 [REDACTED] had his rifle out. Uh, the suspect was laying maybe 30 - 35 feet in
24 front of the car on the ground. He was - head was facing north and, I think, he
25 was on his right side. Um, he wasn't moving. There's no indication that he
26 was, um, gonna move or anything like that so they were giving him his
27 commands to hey, um, you know, show hands, show hands. And I - we - we
28 communicated. We said hey let's just make an approach and let's go, um, let's
29 go see what we got. So we make the approach. Um, I grabbed onto the guy's
30 left arm and we kind of roll him onto his back - kind of back of the side. Um,
31 and there was a large, uh, I think, it was, like, a - a framing hammer so we
32 could see the handle. It was, like, a light wood framing handle. I could see the
33 handle of it sticking out from his jacket so it was kind of - the handle was up
34 by his left shoulder and then the claw hammer part of it was down towards his
35 belly button or his waste kind of at an angle. So we roll him over. No I'm
36 sorry. I'm sorry. That's incorrect. We handcuff first. We decide we're gonna
37 handcuff him first so [REDACTED] grabs his left arm. I grab his right
38 arm. We handcuff then we roll him over. I see the hammer. I retrieve the
39 hammer. Um, I think, I re- I removed a knife from his right front pocket. Uh,
40 once we - once I was fairly certain we had all the weapons or whatever off of
41 him, um, I rolled him onto his back and I started CPR.
42

43 Q: Um, how long did you do CPR for?

44
45 A: Maybe a minute and a half. And the only reason I stopped was 'cause, uh, I

1 could see he had a gunshot wound to his head and every pump I could just see
2 more and more blood coming out of him so. I maintained for maybe a minute
3 and a half and then I kind of let off and then medics came within - within 30
4 seconds maybe a minute.

5
6 Q: Why did you initially start CPR?

7
8 A: Um, it was fairly apparent from the amount of, uh, blood and the location of
9 the gunshot wound that it was probably going to be fatal. Um, he wasn't - he
10 was nonresponsive. He was not breathing or he was doing that agonal
11 breathing where several deep and kind of like uhh type breathing, um, so I just
12 started - started CPR. I figured it was - it was probably necessary given the -
13 the nature of the wound.

14
15 Q: Yeah, uh, so you're trying to render aid?

16
17 A: Yes.

18
19 Q: Um, I want to go back to when you first got out of the car. You said that you,
20 eh, were prepared to deploy a flashbang.

21
22 A: Yes.

23
24 Q: Uh, was your firearm holstered?

25
26 A: Yes.

27
28 Q: Okay so you got out of the car and the only thing in your hands are flashbang?

29
30 A: Uh, yes.

31
32 Q: Had you pulled the pin?

33
34 A: No.

35
36 Q: Okay. Um, so you mentioned that deploying the fla- that you had discussed it
37 as a team and that your assignment was going to deploy a flashbang?

38
39 A: Yes.

40
41 Q: Did anyone else have any defined roles that you guys discussed?

42
43 A: Um, well I mean we - we all work together and so on. We have for the least
44 the past year. It was - it's kind of, uh, I don't know if we discussed specific
45 assignments but obviously with [REDACTED] driving, me with the flashbang that

1 would leave [REDACTED] with, um, some sort of, like, lethal cover for us.

2
3 Q: Okay. Um, did you, uh, did you recognize the vehicles (unintelligible)?

4
5 A: From?

6
7 Q: Anything? Like...

8
9 A: No.

10
11 Q: ...had descriptions been put out earlier in the evening of the any...

12
13 A: No.

14
15 Q: Okay. Or, um, what about the suspect?

16
17 A: No. Uh, from what I could see he was, I think, he was wearing a h- black
18 hoodie with the hood up. He had a black, like, kind of sling backpack. Um, I
19 mean, I didn't get a real strong look at his face with the hood up and, uh,
20 maybe he had a hat on or something like that.

21
22 Q: So you don't know if you've ever...

23
24 A: No I don't...

25
26 Q: ...dealt with him?

27
28 A: ...know. I don't know.

29
30 Q: Okay. Um...

31
32 A: And just to be clear, like, when he - when he came around I was fully
33 expecting we were gonna start taking rounds.

34
35 Q: Okay.

36
37 A: Like, I mean, he was...

38
39 Q: Uh...

40
41 A: ...that - that was - I recognize that as, like, a shooting position, right? It was,
42 like, a kneeling shooting position.

43
44 Q: So I understand that your weapon was holstered, uh, and that, uh, [REDACTED]
45 [REDACTED] fired.

1
2 A: Mm-hm.

3
4 Q: Do you think Officer - there was any chance to take any other action?

5
6 A: No.

7
8 Q: Okay. Um, I don't know if I asked you this and - and I know it's late and we've
9 been running a long time. But, uh, you mentioned you're a detective. What's
10 your normal assignment?

11
12 A: Uh, the [REDACTED].

13
14 Q: Okay. Um, how long you've been on - assigned to [REDACTED]

15
16 A: Uh, one week.

17
18 Q: Uh, have you done any work with the [REDACTED] in the past?

19
20 A: Yes. Uh, I work out on and off with them for the past year. Um, at my
21 previous agency I was in investigations for - [REDACTED]

22
23
24 Q: And [REDACTED] they're also part of the crime reduction
25 team?

26
27 A: Yes.

28
29 Q: Uh, do you have any either here in Vallejo or, um, in [REDACTED] any specialized
30 training?

31
32 A: Uh, yeah. Um, how much do you want? So, uh...

33
34 Q: Start going.

35
36 A: All right. [REDACTED]
37 [REDACTED]
38 [REDACTED]
39 [REDACTED]
40 [REDACTED], um, gang awareness, advanced organized middle
41 street gangs, uh, CJI cam- CGIA conference for a couple years, um, a bunch
42 of firearms training, um, defensive tactics, legal updates, that kind of stuff.

43
44 Q: It's a bunch of firearms training. Uh, you consider yourself pretty
45 knowledgeable on firearms?

1
2 A: Yes.

3
4 Q: Um, and you're familiar with the way people hold and manipulate firearms?

5
6 A: Yes.

7
8 Q: You say you're very knowledgeable?

9
10 A: Yes.

11
12 Q: Um, sorry I just had something else I wanted to ask you but I lost it.
13 (Unintelligible) one second. Um, oh you touched a little bit of before you
14 responded to the call you mentioned - you talked about the unrest and that
15 SWAT was there...

16
17 A: Mm-hm.

18
19 Q: ...in case of any violence. Um, did you respond to any calls throughout the
20 night or hear any calls broadcast on the radio, um, uh, of a violent nature or
21 that you thought there was elevated tension or a dangerous atmosphere?

22
23 A: Well yeah. The, uh, I mean, there was the armed carjacking, I think, up off of
24 Admiral Callaghan earlier in the night which I heard broadcast as, um, I was
25 on my way in. Uh, there was the shooting during a looting at the marijuana
26 shop and then not last night but during the previous night's riot protests,
27 looting. Uh, they tried to storm the police department so, I mean, there's -
28 they, uh, they had to do a - a full perimeter with gas deployments and 40
29 millimeters and, um, all that kind of stuff.

30
31 Q: Um, and you mentioned that you said something like, uh, you responded to
32 shots fired call. Was it only one shots fired call?

33
34 A: No. There was, I think, there were three pending. Well, I mean, there was one
35 on Rounds that was kind out of the area that we were going to but, I think,
36 there were at least two or three on Mississippi and Missouri which is kind of
37 generally in the same area.

38
39 Q: As you're driving around do you hear any shots?

40
41 A: No.

42
43 Q: Uh, we'll take a little break and we will come back in.
44
45

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

3 Signed _____

1
2
3
4
5
6
7 INTERVIEW WITH [REDACTED]

8 Q=Det. Kevin Rose

9 Q1=[REDACTED]

10 Q2=Mason Mineni

11 A=[REDACTED]
12
13

14 Q1: Give me a second to get my recording up. It appears to be froze.

15 A: Do you want more detail about what's on my list?
16
17

18 Q: Oh. Wait. Let me clear that up.
19

20 A: Okay.
21

22 Q: Okay. It is, uh, 0918 hours. We are back on the record. Um, so you just
23 mentioned you felt the need to give some more detail about what else is on
24 your list?
25

26 A: Yeah. I didn't know if there was (unintelligible).
27

28 Q: Let's - let's cover that while we're...
29

30 A: Um. Two rifle magazines. Three pistol magazines. Uh. One portable radio. A
31 flashlight. A flashbang. And, uh, my body camera and two sets of
32 (unintelligible). And a taser.
33

34 Q: Um. I'm glad you mentioned the body camera. Uh. Were - you were wearing a
35 body camera?
36

37 A: Yes.
38

39 Q: And did you activate your body camera?
40

41 A: Yes.
42

43 Q: Do you remember at what point you activated your body camera?
44

45 A: Um. After I ran out to Broadway...

1
2 Q: Mm-hm.
3

4 A: After the car hit, uh, [REDACTED] As I turned my attention back towards
5 [REDACTED] and [REDACTED] and the suspect, it was then when I activated it.
6

7 Q: Okay. Um. As you were arriving and you mentioned everything happened
8 very quickly...
9

10 A: Mm-hm.
11

12 Q: Two-to-three seconds, um, as they're all pulling up in a car, uh, did anyone
13 say anything?
14

15 A: No.
16

17 Q: Um. Eh - prior to the shots fired?
18

19 A: There was no time. I - I mean, my door was cracked maybe a foot or two.
20 I hadn't even put my feet on the ground. Uh, [REDACTED] was not out
21 of the car. The car was still moving. And [REDACTED] was in the backseat.
22 There was no time. There was no - we didn't have the ability to give a
23 warning.
24

25 Q: Um. Did you say anything to each other in the car?
26

27 A: No.
28

29 Q: Okay. Um. As - and you mentioned that you - you're firearm was holstered...
30

31 A: Yes.
32

33 Q: As you were exiting the vehicle.
34

35 A: Yes.
36

37 Q: And you had a flashbang. What hand was the flashbang in?
38

39 A: Uh. So, it was this - I think I was kind of holding it - it was in my left hand
40 'cause I was gonna pull the pin with my right hand. But then, as I was getting
41 out, I think I transitioned it over to my right hand as I popped the door and as
42 I was stepping out. And then, after [REDACTED] fired the shots, I'm, like,
43 well, I'm probably not gonna need the flashbang now. So, I went back to my
44 left hand, and then, as I was putting both feet on the ground outside the car,
45 I was drawing my (unintelligible).

1
2 Q: Okay. So, you were - so, it's safe to say that you were in the process of exiting
3 the vehicle.

4
5 A: Yes.

6
7 Q: As, um, uh, when - and so you felt the need as you were transitioning from the
8 flashbang to transition to the firearm?

9
10 A: Yes.

11
12 Q: And tell me why you felt that need?

13
14 A: Um. Because I thought that he had a gun. I thought he was going to start
15 shooting at us and I didn't think a flashbang was gonna particularly effective.
16 I thought it was - I needed to protect myself and [REDACTED]
17 and I didn't think that a flashbang was sufficient to do that. I needed to use my
18 handgun.

19
20 Q: Uh. How did you feel when that happened?

21
22 A: Well, I thought we were both about to - I - I thought we were going to start
23 taking rounds through the windshield and I was, like, well, you know, I could
24 bail out the side of the car but [REDACTED] stuck behind the steering
25 wheel. I thought, I mean, he was the most likely target. I - I thought we were
26 going to start getting shot at.

27
28 Q: Um. Did you view - prior to the interview, did you view your body camera?

29
30 A: Yes.

31
32 Q: Uh. Other than your attorney, have you discussed the incident with anybody?

33
34 A: No.

35
36 Q: Um. Okay. I - is there anything you feel the need to add?

37
38 A: Um. No, I don't think so.

39
40 Q1: I have no questions.

41
42 Q2: No questions.

43
44 Q: Okay. Uh. Interview is concluded at 0922 hours.
45

1
2 This transcript has been reviewed with the audio recording submitted and it is an accurate
3 transcription.
4 Signed _____

INTERVIEW WITH [REDACTED]

Q=Det. Kevin Rose

Q1=Mason Mineni

A=[REDACTED]

A1=[REDACTED]

Q: Detective Kevin Rose. It is June 2 at 0933 hours. If those present in the room could state their names, please.

Q1: Mason Mineni Solano County District Attorney Investigator.

A1: [REDACTED], Mastagni Holstedt.

A: [REDACTED] Vallejo PD.

Q: Uh, what is your rank and badge number?

A: Uh, [REDACTED]. My badge number is [REDACTED]

Q: Uh, what's your date of hire with the Vallejo Police Department?

A: Uh, [REDACTED].

Q: Um, do you have any prior law enforcement experience before that?

A: I do. [REDACTED]
[REDACTED]

Q: And where did you attend the academy?

A: Um, the [REDACTED].

Q: Uh, do you have any specialized law enforcement training?

A: I do. Um, I've been to, uh numerous, um, [REDACTED]
[REDACTED] Uh, I am a member of the [REDACTED].
Uh, I've been the [REDACTED], I've been to
numerous, um, [REDACTED]. Those

1 [REDACTED]
2 [REDACTED],
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED].

7
8 Q: Uh, what's your current assignment?

9
10 A: I'm currently assigned to the, uh, [REDACTED]. I have a
11 collateral assignment of being on the SWAT team as well.

12
13 Q: Uh, the last night the night of the incident was that your normal hours?

14
15 A: It was not.

16
17 Q: What was your assignment last night?

18
19 A: Um, in response to the ongoing, um, looting that has happened over the past
20 several days at the Vallejo Police Department including, uh, the, uh, takeover
21 of the police de- the attempted takeover of the police department that occurred
22 on Saturday I was told earlier in the day that I was on standby both in my
23 capacity as a [REDACTED] detective and also as a SWAT team member, um, that I
24 might be called in to, uh, assist with any, uh, additional criminal looting that
25 was happening similar to the night before. Um, and so around 8:00 pm on the
26 first I received a notice that, uh, both my [REDACTED] and the SWAT team was
27 being activated, uh, immediately.

28
29 Q: Um, what was your, uh, call sign last night.

30
31 A: Uh, initially when I logged on it was my, uh, [REDACTED] call sign of, uh, X-ray 43
32 and then at some point, I think, they switched us over to our badge numbers
33 for the SWAT element of that which was [REDACTED]

34
35 Q: Uh, did you have a particular - were you assigned to a particular beat or part
36 of the city?

37
38 A: Um, initially we, uh, responded to Best Buy when I got to the city after getting
39 all my equipment. Uh, I met with, uh, with the ESU commander Lieutenant
40 (Knight), uh, who gave, uh, various assignments. It was the Vallejo
41 SWAT team along with the Solano County Sheriff's Department and Napa
42 Sheriff's Department. Uh, the - the various sheriff's department were kind of
43 given a more geographical area, uh, I think, close- no- closer to the north part
44 of town since they were from the north area. And, uh, we were told to respond
45 to any sort of looting in progress especially, um at i-, uh, the gun store. We

1 were aware there'd been several attempts already to, um, for people trying to
2 break into Triple A Guns on Springs in order to access firearms. That actually
3 coincided with numerous bulletins, um, that I had read over the past several
4 days that multiple guns stores in the Bay Area had been broken into and that
5 there was a coordinated in, uh, effort on the part of, um, looters to, uh, steal
6 firearms along with other items. Um, so I was assigned to do that, um, and
7 then also just to respond to general, uh, felonies in progress.
8

9 Q: Uh, who is your normal supervisor?

10
11 A: Uh, my normal supervisor is [REDACTED]
12

13 Q: Was he your supervisor last night?
14

15 A: Uh, he was there. Uh, I was more directly re, uh, assigned under, uh, Sergeant
16 (Jacks) and Lieutenant (Knight) as a SWAT member.
17

18 Q: Uh, are they supervisors - normal supervisors in any capacity?
19

20 A: They are as, uh, they are the SWAT team leader. He is the - (Jared Jackson)'s
21 the SWAT team leader and (Bob Knight) is the ESU commander.
22

23 Q: Uh, you receive any injuries during the incident?
24

25 A: I did not.
26

27 Q: Um, is how you're dressed now what you were wearing, uh, during the
28 incident?
29

30 A: I was wearing this. I was also wearing my Vallejo Police Department tactical
31 vest which has, uh, large letter, uh, that spell police in white font on the front
32 and the back as well as an embroidered Vallejo Police badge with my badge
33 number on the front.
34

35 Q: Uh, can you describe the rest of your uniform?
36

37 A: Yeah. It's a black tactical vest. Uh, it carries different, uh, utility pouches. Uh,
38 I carry two pistol mags - magazines, uh, one AR15 rifle magazine, uh, my
39 radio, uh, handcuffs, a tourniquet. I think, that's it.
40

41 Q: That's your vest?
42

43 A: That's all on my vest.
44

45 Q: How 'bout your uniform?

1
2 A: So my - my uniform, uh, this is our SWAT uniform. It's our, uh, SWAT
3 BDU's. Uh, I have and was wearing the, uh, Vallejo Police Department, uh,
4 SWAT sh-, uh, arm patches. Also had a, uh, gun belt on including additional
5 pistol mags, um, some utility pouches, uh, and my holster and with my, uh,
6 firearm on the belt.

7
8 Q: Um, have you been photographed, uh, since the incident...

9
10 A: I have.

11
12 Q: ...as you were dressed at the time of the incident?

13
14 A: Yes.

15
16 Q: Who took those photos?

17
18 A: Detective (Jason Scott).

19
20 Q: Um, was there any damage to, uh, uniforms or equipment during this
21 incident?

22
23 A: Uh, only our vehicle, uh, and that was from me, uh, shooting through the front
24 windshield.

25
26 Q: Yeah. We will get to that. Uh, let's talk about the vehicle that you were in.

27
28 A: Uh, I was in [REDACTED] um, unmarked gray Ford F150 quad cab. It
29 is equipped with forward-facing red and blue lights as well as a siren.

30
31 Q: Um, any other markings?

32
33 A: It does not have any other markings.

34
35 Q: Uh, were the lights and sirens on?

36
37 A: Uh, they were on at the time of the contact with the suspects.

38
39 Q: Both?

40
41 A: Uh, the siren was not on. The, uh, all the, uh, steady forward red and then
42 flashing blue - red and blue lights.

43
44 Q: Um, that's - you said that's [REDACTED] vehicle?
45

1 A: Yes it is.
2
3 Q: Is this hi- that's his normal vehicle?
4
5 A: Yes.
6
7 Q: Uh, where were you seated in the vehicle?
8
9 A: Um, I was riding in the, uh, rear driver's side seat...
10
11 Q: 'Kay.
12
13 A: ...back left.
14
15 Q: And who else was in the vehicle with you?
16
17 A: Uh, [REDACTED] was driving and [REDACTED] was riding in
18 the front passenger seat.
19
20 Q: And do you regularly work with, uh, [REDACTED]?
21
22 A: Uh, [REDACTED] just started in our unit on what? I think, last Monday.
23 Uh, I have worked with him numerous times, uh, both when he helps out on
24 our unit and then also at my last agency we worked together. And then, uh, I
25 work with [REDACTED], uh, on a daily basis.
26
27 Q: Uh, and you mentioned you're on the SWAT team?
28
29 A: That's correct. A- both those guys are on the SWAT team as well.
30
31 Q: Um, uh, can you talk to me about your sidearm?
32
33 A: I carry a Glock 17 9 millimeter.
34
35 Q: Department issued or personal?
36
37 A: Uh, it was department issued.
38
39 Q: Uh, department ammunition?
40
41 A: Yes.
42
43 Q: Uh, did you fire this weapon today...
44
45 A: I didn-...

1
2 Q: ...or last...
3
4 A: I did not.
5
6 Q: You, uh, were you equipped with any other weapon?
7
8 A: I was.
9
10 Q: What else were you equipped with?
11
12 A: I was equipped with a, uh, Colt M4 Commando, uh, rifle.
13
14 Q: Is it personal or department-owned?
15
16 A: Department-owned.
17
18 Q: How many weapon, uh, how many rounds does the weapon carry?
19
20 A: Uh, the magazine carries 30, uh, to- a maximum of 30. I believe, it had a-
21 about 28 rounds in the, uh, in the magazine.
22
23 Q: Is that standard for you?
24
25 A: It is.
26
27 Q: Common practice?
28
29 A: Yes.
30
31 Q: Um, is it department ammunition?
32
33 A: It is.
34
35 Q: Uh, talk to me about the location of the incident.
36
37 A: Uh, so the location of the incident happened at, uh, Walgreens or CV-, uh,
38 Walgreens, uh, at Broadway at, uh, Redwood. It is a, um, fairly well-lit in the
39 parking lot. The streets are not very well-lit at all but fairly well-lit, uh, little
40 sh- one, um, little shopping center with one, you know, main building which
41 is the - the Walgreens.
42
43 Q: Um, what was the weather conditions?
44
45 A: Uh, it was clear and normal.

1
2 Q: Um...

3
4 A: Dark.

5
6 Q: Uh...

7
8 A: There was no sunlight.

9
10 Q: Talk to me about what happened.

11
12 A: Well like I said the incident really goes back, um, a couple days ago. Um, one
13 of my - one my duties as a [REDACTED] detective is, uh, intelligence gathering. And
14 so, um, in the last week or so when, um, the protests, uh, from the George
15 Floyd, um, death, uh, started occurring one of my - one of my duties was to
16 monitor social media and, uh, and other, you know, news outlets to see if there
17 might be any, um, activity, um, in the city of Vallejo, uh, specifically, um, you
18 know, unlawful, um, riots and looting. Not peaceful protests so much but, um,
19 so i- it kind of started back then, um, and during that time, um, just kn- ya- I
20 was aware both from the news and then also from various, uh, intelligence
21 briefings that I received through email - department email, um, that the
22 situations were becoming increasingly violent across the country. There had
23 been numerous attack against law enforcement. I was aware that over the
24 weekend, um, I believe, Thursday or Friday a federal security officer was
25 killed in what appeared to be a fairly well-coordinated, um, drive-by ambush-
26 style attack with a high-powered rifle. A lot of those bulletins focused on the
27 fact that there was increasingly well-coordinated and - and - and good
28 communication between suspects who were trying to coordinate violent
29 efforts against, uh, law enforcement. That one of the groups that specifically
30 came up was Antifa members, um, in the Bay area and there had also been
31 some, uh, online social media chatter about specifically those people and
32 Antifa actually coming into Vallejo to, um, to do violence and - and - and
33 cause harm. Uh, also received multiple, um, briefings in the last two days via
34 email discussing, um, that gun stores were becoming increasingly targeted,
35 that these people, um, and - and again not the, um, not - not the protestors but
36 these people that are rioting and looting and just doing, uh, criminal behavior
37 were, um, making a more concerted effort to arm themselves and to access
38 firearms. And in fact there was, um, think I mentioned but several, I think,
39 four, um, Bay area, um, gun dealers that were broken into. And, I think, they
40 were broken into by groups of up to 20 or 30 people if not more so there were
41 large groups of these people, um, you know, trying to arm themselves and
42 break - and had armed themselves. Um, also, um, through my, um, social
43 media analysis and - and intell- intelligence gathering, um, it was clear that
44 these groups, uh, that were - had been doing crimes in other Bay Area cities
45 were, uh, targeting more Solano County cities. Uh, specifically there was talk

1 in the last couple days of, um, and this is even before the weekend - maybe
2 on, uh, Friday of coming to Vallejo, coming to Fairfield and coming to
3 Vacaville and so I really began to pay attention to that once it was, uh, Solano
4 County, um, you know, towns that were being targeted. Um, and again then
5 over the weekend on, um, I want to say Saturday, uh, we were put on standby,
6 uh, and there was attempt, uh, in the city of Vallejo to, um, take over the
7 police department. Um, there was a, uh, a riot that, um, ensued and a - and a
8 mob tried to take over the police department. And, I know, I think, dozens of,
9 uh, mobile field force officers from even the out of county had to come and
10 supplement our police forces, um, due to staffing levels. And ultimately they
11 were pushed back but I know that there had been, uh, threats and there was
12 discussion among the department about pl-, um, tactical plans and how to
13 evacuate the police department, on how to, um, evacuate dispatch, um, what
14 to do if the building caught on fire, how to respond to shooters, uh, that might
15 be shooting at the police department. And the actually that continued into
16 today with a, uh, tactical briefing, uh, by Lieutenant (Knight) and Sergeant
17 (Jacks) on - on that exact situation on how to, um, evacuate the police
18 department, what to do if it was, uh, under siege. And in fact that, uh, the
19 Vallejo Police Department, uh, METCAT Bearcat was, uh, stationed at the
20 police department as deterrent and also a- as a means of a rescue vehicle
21 should, uh, there be another, um, attack against the police department. Also
22 tonight there was several attempts, um, before I actually went, uh, in service
23 to, uh, gain access and for people - large groups of people, um, to enter Triple
24 A gun store. Um, there were several attempts made there. Um, and the owner
25 who was watchi- watching his store by, um, by security monitor called in
26 several times and had several crowds, uh, try to gain access into that. And so
27 again I was really concerned about the fact that these people are arming
28 themselves. Not only were there the bulletins but then it's happening in real-
29 time. Like, they're trying to get in and arm themselves and so. And that also
30 led into the fact that it seemed to be the same groups of people that were
31 traveling throughout the city. Uh, I personally saw, uh, as I was going to the
32 command post, a - a ca- a caravan of about ten cars in tandem, um, driving
33 into the, uh, plaza area and they pulled into a shopping center. And that
34 happened to be where the command post but, um, you could tell that they
35 were - this wasn't staggered looters. This was, you know, organized group of,
36 uh, large amounts of people in vehicles, um, that were going around the city
37 trying to do crime. And again were trying to arm themselves and possibly
38 armed and - and what we believe or what I believe to be related to all the
39 other, um, violent incidences. Um, and again it was interesting 'cause tonight
40 we didn't - we didn't have any protests in Vallejo. Like, we didn't have any
41 peaceful demonstrations. There was no one with signs. There was no one, you
42 know, protesting or marching or anything like that. Everything that was
43 happening from the second I was driving into town and listening to the radio
44 and monitoring my computer was all criminal activity, all commercial
45 burglaries, um, attempted robberies. There was, uh, tonight prior to the

1 incident, um, prior to - to my shooting there was, um, that cluster of cars had
2 been engaged in probably three, four, five vehicle pursuits. Uh, they had shot
3 at store owners and security guards at a, uh, dispensary.

4
5 Q: When you say they?

6
7 A: Uh, I mean, this group of, um, whether it's one group or multiple but this -
8 these coordinated groups of large amounts of cars seem to be targeting
9 specific people together and in - incoordination. It wasn't like I said one car
10 here, one car there. We're talking, you know, ten cars, five cars, um, going in
11 and then now shooting at people and - and it seemed to be escalating. So ini- I,
12 uh, was very apprehensive, uh, about the, um, about what we were doing out
13 there, you know. I mean, we're - we're trying to protect these businesses but
14 there's people with guns. They're shooting at store owners. There - there's no -
15 in my mind there was no, um, even question. Like, are these protestors and
16 they're, you know, misunderstood. These are just straight people committing
17 felony crimes in the city of Vallejo, um, uh, and assaulting people, fleeing,
18 um, you know, committing, uh, reckless crimes against people and putting
19 people in harm's way and - and - and shooting at people. And so, you know,
20 that - that was all in my head of that's what we're dealing with. A- again we're
21 not - we weren't dealing with, um, you know, even people throwing rocks. We
22 were dealing with people shooting at people tonight. And this was just
23 ongoing. I've - I've, you know, been a copy for again [REDACTED] going on
24 and I've never seen anything like tonight where just complete and utter, um,
25 just pervasive criminal activity sweeping through - through a city like this.
26 And - and, you know, o-, you know, units are chasing cars and - and chasing
27 'em out of town and chasing 'em to, you know, Oakland and then they're in the
28 middle pursuit and two more burglaries are happening. And - and so, you
29 know, it was, uh, definitely a, you know, something that it - it made you very
30 worried about your safety and worried about my partner's safety just even
31 going into it.

32
33 Q: Uh...

34
35 A: So...

36
37 Q: ...so going into it when you say you're worried about your partner's safety?

38
39 A: Well I - I'm worried that...

40
41 Q: General mindset?

42
43 A: Yeah. Well, I'm - I'm on edge already because, you know, we're going. We're
44 responding to these calls and these aren't just people that are breaking into
45 things or vandalizing things. These are people that are shooting at people.

1 We're going after, you know, armed dangerous felons who are - who are
2 shooting innocent people and it doesn't get more dangerous than that. Um, so,
3 you know, I'm fearful that something bad's gonna happen. Um, something's
4 gonna happen to my partners, to me. You know, it's complete, you know, it
5 was craziness. I mean, it was just - I've never seen a - a such a violent
6 pervasive, um, situation as long as I've been a cop. Um, and so that, I mean,
7 that's going into it so every call is turning into, I mean, that's the thing too. We
8 respond to hundreds of calls a day as a police department. Tonight every call
9 you're responding to pursuit, foot chase, uh, guy with a gu-, like, tonight was,
10 like, crazy. You know, and so these aren't people, um, that you can let your
11 guard around if you want to survive - if you want to live. Um, because they
12 are shooting at people and they are running from people and they're ramming
13 people. And they're - they're doing all sorts of things and so the, um, you
14 know, my safety concern is as high as it can get. Um, you know, in regards to
15 the - to the specific incident of what happened, um, I was with [REDACTED]
16 [REDACTED], um, and, uh, we - we had responded to a call
17 of guys with masks and we didn't find that. And then s-, I think, another call
18 came out and it just so happened that we were driving, um, westbound on
19 Redwood near North Camino Alto. And we heard, um, [REDACTED] put
20 out that, um, he was observing a burglary in progress of the Walgreens
21 Pharmacy drive-through. And we were literally seconds from him so we
22 continued to drive westbound. And - and [REDACTED] was parked at the,
23 um, or stopped in the middle of the street at - on the, uh, east side of the
24 intersection at, uh, westbound Redwood at Broadway so I - I told [REDACTED]
25 [REDACTED] to pull up next to him so we could talk to him. Rolled down our
26 window so he knew we were with him. Um, that's a fairly new truck so I don't
27 even know who i-, you know, realizes it's a cop and I didn't wanna some dan-
28 something bad to happen because of miscommunication or not - him not
29 knowing. So we pulled up next to him, waved him down, rolled down our
30 window, talked to him and he pointed out the - the burglary in progress. Um, I
31 looked across the street and saw, um, what looked like someone smashing the,
32 um, smashing the drive-through window. Again I'm in the back so kind of my
33 - my view's not that great 'cause it's kind of at a weird angle and I have
34 [REDACTED] And they're both kind of bigger
35 dudes so it was, um, but I could see that and [REDACTED] points out and
36 says right there. And there's a truck and a b- and a, uh, black s- black sedan.
37 Um, I can't tell you - I can't tell you the m- the make. My best guess would be
38 a Corolla but...

39
40 Q: [REDACTED] told you that?

41
42 A: He points over to - hey the - that's them right there and, uh, so we see that.
43 And he quickly comes up with a plan and he says - he goes, uh, [REDACTED] -
44 sorry [REDACTED] says, "I'll go this way," pointing to the north entrance
45 which is, uh, on the north side of the pharmacy off of, um, Broadway. And he

1 goes, "You guys take that side," pointing to the, um, south entrance that's off
2 of Redwood and we'll block 'em in. So we start moving in and s- second half
3 of sec- two seconds before coming into contact where we were gonna jump
4 out and hold 'em at gunpoint, um, [REDACTED] gets on the radio and says
5 they're armed. Uh, m- maybe he said it several times. Um...

6
7 Q: Is that - do you call exactly what he said?

8
9 A: I believe, he said, uh, "It looks they're armed."

10
11 Q: And what did you - when he said they're armed what di- what did you take
12 that to mean?

13
14 A: Yeah I took that to mean that they had firearms.

15
16 Q: 'Kay.

17
18 A: Um, and again this is - this is happening so fast. This is right before we're
19 about to make contact and, um, no he says they're - they look they're armed. I
20 - I'm pretty sure that's what he said but he said they're armed, you know, used
21 the word armed and I took that to mean firearm. And there's several people in
22 the lot and I'm kinda - I - again I can't see very well as far, like, my peripheral
23 vision 'cause, uh, I'm kinda blocked by everybody. But I could see every
24 clearly out the front windshield and I actually kind of scoot over towards the
25 middle of the seat a little bit. And I knew [REDACTED] and
26 [REDACTED] both had their rifles with 'em and [REDACTED] hit
27 his, uh, emergency red and blue lights and, uh, comes to a stop. And, I mean,
28 at the time it felt slow but I, I mean, it was, like, it's, like, it's fast and slow-mo
29 at the same time. Like, when you're looking at something it's like it stands still
30 for a second but then it happened, like, immediately if that makes sense. It's,
31 like - like, you're seeing a still frame of a movie but it - but everything else is
32 just happening, like, so fast that I don't know. I - I don't know if that makes
33 sense but, um, and it - and one of the suspects wearing a - a black hoodie runs
34 over from the drive-through area towards a black car. And my immediate
35 thought is he's gonna get in the car. This gonna be a pursuit and I even think,
36 like, uh, we can't get in a pursuit in the truck. S- what i-, like, we're both in,
37 like, not pursuit cars. I don't - yeah I didn't know where everyone else was and
38 I - I start - I start immediately thinking pursuit the second starts running over
39 there. 'Cause that's what everyone else had done in the night. Everyone else
40 that had been caught breaking into these places, like, all went pursuit. And -
41 and I don't know the number but it was probably about five pursuits by that
42 point. And I - and I had my rifle in my hand 'cause I was gonna get out of the
43 car, um, in my r- in my right hand. And then just out of nowhere the suspect
44 from running perpendicular to our car towards his car or straight toward hi-
45 car which is, you know, perpen- perpendicular to - to the line of sight of our

1 car stops, turns towards me - turns towards our vehicle and gets down in what
2 looked like a kneeling shooting position. Where he gets down and I can't tell
3 ya both of his - one of his knees were down and I - I had noticed as he was
4 running in the last few milliseconds of him running he had his hands up. Um...

5
6 Q: You're making a motion with your hands (unintelligible)...

7
8 A: Yeah so up towards, like, his center area, like, his stomach area and I
9 immediately recognize that's not how normal people run, um, that's not how
10 normal people walk. Um, it was consistent with someone that had, you know,
11 something on them at that point. Something that they're concealing or
12 something - something that they don't want to fall out. Um, I've seen that
13 numerous times. You know, just last week there was a guy walking around
14 with a gun and w- during surveillance and through binoculars I said, "That
15 guy's got a gun. He's favoring one side. He's holding his arm down." And then
16 he went put it in the car and then we stopped him. And sure enough, he had a
17 gun. Um, by - I've been a cop for a long time I haven't seen that a lot by the
18 way. That - even the last week was - I don't s- I do- haven't even said that a
19 lot. Like, hey that guy's got a gun. Like, I rarely say that. If I say that guy's got
20 a gun it's - he's, you know, got a gun, um, or a weapon or - or - or, you know,
21 and so he's got his hand, like, in this weird center position. And again he's
22 wearing - I - I - I think it was a black hoodie - dark-colored hoodie. And then
23 he takes that kneeling position and grabs something towards the stomach area.
24 Not - not super low, like, not, like, below the waist necessarily but, like, right
25 in here - right in this waistband area and...

26
27 Q: And you're describing a little bit above your belt maybe?

28
29 A: Yeah. Right in the belt area, right above. Um, and then I - I s-...

30
31 Q: Is that significant to you?

32
33 A: Well that's - to me that's where people keep guns. They're easy access. Um,
34 you know, someone's not gonna usually carry a gun in their sock 'cause they
35 can't access it to defend themselves or shoot somebody else. Um, and then he
36 - he - I see him grab something in that same area and I see what looks like the
37 handle of a pistol. Uh, it's darker - kind of brownish and all of a sudden it just
38 was, like, I li-...

39
40 Q: It's okay. Take your time.

41
42 Q1: We can take a break if you want [REDACTED]

43
44 A: No I'm good. When it happens like that you're, like, I immediately went
45 through my head. I was like, "We're getting in a shootout." 100% I was like

1 we're getting in a shootout.

2
3 Q: How did that make you feel?

4
5 A: I was - I was scared. Not - no- I was scared for me but really I was scared for
6 my partners 'cause they're getting out of the car. And I kn- I've done hundreds
7 of takedowns. Um, that's, you know, I'm on our team. That's what - we go
8 after all our fugitive, all our bad guys - done hundreds of takedowns. I know
9 when you getting out of that car you lose sight for a second. The door is huge
10 on this truck, tinted windows, you're coming around with your rifle. I know
11 your - you lose sight and I see them. They're - they're starting to get out. I
12 don't know if they see it and I'm like - I - I just was like we're getting in a
13 shootout. I'm like they are gonna - he's gonna shoot at us and we're gonna get
14 killed or they're gonna get him or somebody. And it was, like, just instinct. I -
15 I saw that. I had heard, you know, [REDACTED] say they're - he's armed
16 and I'm like that's it. I mean, why else - the turning, the - the - the kneeling
17 down, the grabbing I'm like that's it. What - I've seen hundreds of tr- I - I'm
18 one of those people that watches any shooting video online. I watch 'em all
19 and it's like if you're gonna flee you flee. And that's what everyone else has
20 done tonight. If you're gonna flee you flee. And - and when he turned and -
21 and went took that crouch position and then reached in and I saw what I -
22 well at that time what I thought was a - the handle of a gun I'm like shootout.
23 And i- he's - that's it. He's gonna start shooting at us so everyone else can get
24 away. So just without hesitation I - I was in the backseat. I could see him clear
25 out m- I could see him completely clear through the window. Um, I punched
26 forward my rifle and, uh, shot about five - five or six rounds. Prob- I'd say five
27 if I had to guess but five or six rounds through the windshield, um, at the
28 suspect. Um, at some point there was a lot of, uh, the, I - I delivered rapid
29 shots. Um, I've done a lot of shooting, lot of training in and out of vehicles.
30 It's really a crapshoot if a - if a round hits your target through a window. I
31 mean, the - that's laminated. You know, that's - if you're gonna shoot - if you
32 have to shoot at someone in our through a car that's not the time to fire one
33 round and evaluate because it's too late at that point. And it really is - maybe
34 your bullet hits 'em, maybe it doesn't. I mean, who knows with - in the - in
35 glass what it can do. I mean, I've just seen - bullets can do crazy things when
36 they hit glass. So I knew that I had to fire multiple rounds quickly and - and -
37 and with - with a hope that one of those rounds would be effective in stopping
38 someone who I believe was trying to kill us. And so I delivered about five
39 rounds. Um, there was some glass and some, uh, debris that came off the
40 windshield and so, um, I s- I did stop. I could see it looked like through the
41 windshield, like, I couldn't see details. like, kind of, you know, looking
42 underwater almost. Um, it looked like he had been hit.

43
44 Q: This after, correct?

45

1 A: After the five shots, you know, kind of the debris is clearing. It looked like he
2 had been hit. I saw him go down. Um, I - I didn't even see what happened to
3 the other cars after that. Um, I wa-, you know, so focused on him and I, you
4 know, I'm - I'm trying to get my words and, um, I - I said something to
5 him like, "Did you see the gun or he pointed the gun?" You know, I'm trying
6 to convey to him that, you know, hey he had a gun, um, but I'm just locked in
7 on him. And then, uh, then everything completely felt slow after that, like -
8 like, weirdly slow. I felt like we stood there for, like, a minute trying to figure
9 what to do. Um, and then we made a tactical plan to go up and - and detain
10 him. I could see that he was bleeding and then, um, I was looking around for
11 the gun. And then I saw, um, you know, that he had a hatchet or hammer or
12 something sticking out of his, um, front sweater pocket.

13
14 Q: Um, be- before that you said you detained him, uh, how did that happen?

15
16 A: Um, we - we went up. I held him at - I held him at - at cover, um, although I
17 could tell that he wasn't a - a threat anymore at that point. Um, [REDACTED]
18 [REDACTED] rolled him over. I believe, they handcuffed
19 him and then, um, and it was during that process I could see, like, the handle
20 sticking out.

21
22 Q: The - the handle of?

23
24 A: Of a - of the - I don't know if it was a hatchet or a hammer. Wha - some -
25 some type of handle like that.

26
27 Q: Um, after he was handcuffed did anyone communicate with him or talk to him
28 or do anything.

29
30 A: Um, I immediately, uh, ran to, um, our truck. I grabbed one of our SWAT
31 medkits. Um, [REDACTED] was there. Um, I kind of forgot a little bit. I -
32 'cause I didn't see who - I - I saw somebody ran but I didn't know if they ran
33 and got in a car or ran or so I kind of wasn't really focused on what was going
34 on (unintelligible). And - and [REDACTED] did a great job and was like
35 hey there - s- somebody still in there. We think there's somebody still in there.
36 But I went and got my medkit and then, um, uh, I took out - I couldn't tell
37 where he was hit so I took out several things. I took out a couple bandages. I
38 found a chest seal. I was trying to, you know, I asked, I think, uh, one of the
39 deputies there, you know, where is he hit. 'Cause I'm trying to figure out what
40 best, um, you know, uh, the best treatment from my med kit 'cause, uh, I've
41 taken quite a few medical classes and, you know, if he's shot in the chest I'm
42 gonna give him a chest seal or - or - or gauze or whatev- tourniquet. Um,
43 [REDACTED] was doing CPR and then I could see, um, I could see that
44 the CPR was causing a lot of blood to flow out of the back of his head. Um, in
45 my opinion making it worse so, uh, I - I didn't know if he was breathing or

1 not. But I told [REDACTED] I - I - I - "Stop doing CPR. I think, you're
2 making it worse right now," and then there seemed to be a very well medically
3 trained - I don't know if he was an EMT. But, um, one of the deputies out
4 there started, um, doing more advanced first aid. I mean, he was talking about,
5 I think, he said, "I'ma check wit' - he's got a brachial pulse," and he was
6 checking some carotid pulse. And, uh, so I kinda - he started - he started doing
7 all the, uh, first-aid treatment. Um, I know numerous people called for
8 medical. I think, I got on the radio or I yelled at someone, "Hey can we have -
9 can we have fire come in," 'cause I - I knew that he had a - a very serious, um,
10 gunshot wound. So I was trying to see if we could get, you know, fire in there.
11 I was trying to figure out if, you know, it was safe. Can we bring fire in? Um,
12 and then I went up to take and then again [REDACTED] said, "Hey, you
13 know, I think there's somebody still in there. Let's be careful," and I went to
14 take a perimeter position. And then, um, just ton a cops showed up and so
15 within seconds, I got pulled off of the, um, off the perimeter. Uh, and then I,
16 uh, yeah I - I made some com- comments on my body camera 'cause I was
17 pissed. Like, when I, like, that was my first reaction afterwards was, like,
18 when I saw the handle I was like - I was like the - what the fu-, like, honestly
19 what the fuck just happened? Like, why are you gonna do that and you have
20 an axe or ham-, you know, I was pissed. I'm like, "I - you did everything
21 consistent that I've seen with someone who's about to try to shoot me." It - it
22 made no sense and so I wa- I was pissed. You know, I was like - that was my
23 first reaction. I was like, "I just had to shoot you because you completely
24 acted like you had a gun or were gonna shoot me all for a hammer or
25 whatever." And so, you know, that - that was a frustrating part and then, um,
26 then I - I - I think, I gave my - I gave my rifle to, uh, Sergeant (Greenberg)
27 who was on scene. He ended up, uh - uh, I told him, "Hey this is what was
28 used in the, uh, in the shooting." I - I think, uh, Lieutenant (Darden) was out
29 there and said, you know, told him I was the actor. I gave it to him and I said,
30 "Hey, you know, please secure this as evidence. This is fr- this is from a
31 shooting," and then he, uh, he secured my rifle. And then fairly quickly within
32 a couple minutes I was, uh, taken back here and to the police department
33 sequestered.
34

35 Q: Um, when you fired your weapon how far do you think you were from the
36 suspect?
37

38 A: At that time I thought I was probably about 15 feet away. Um, that was kind
39 of my initial - it felt very close especially once he turned around. Um, like I
40 said I - I focused in on him and when he turned around he felt very close. Um,
41 I have been out there - obviously it was a little bit, I think, maybe a little bit
42 farther - maybe 20, 30 feet. But, um, it - it felt super close at the time and.
43

44 Q: Uh, did you aim?
45

1 A: Um, to be honest with you I don't know. I mean, I don't know if I'd point - was
2 point shooting on my front sight. I had my EO - my - I had my EO tech on.
3 Um, I think, I probably did look through my EO tech 'cause even naturally I'm
4 point shooting pretty quick and it just lines up perfectly. I think I did. I don't
5 remember if I looked at the sight or not.
6

7 Q: Do you - pretty familiar with that rifle?
8

9 A: Yeah.
10

11 Q: And you had tech sighting system?
12

13 A: Yeah.
14

15 Q: Um, can you demonstrate for me that crouch and turn? I'll - before we do that,
16 um, as you approached the suspect in the vehicle what direction's the vehicle
17 facing?
18

19 A: Um, when - so when we pulled in, um, again I - I don't know exactly where
20 the truck was once we pulled in. I don't know if it moved or not. I know the
21 black car to the best of my recollection was also facing north fairly squared up
22 with our tru- our truck - maybe off-centered a little bit but I 'member it being
23 pretty - pretty, um, lined up with it. Maybe it was a half a car length to the one
24 side - maybe to the right side but it was, um, it was pretty squared up.
25

26 Q: You said you're facing north?
27

28 A: Yeah. We were both facing north.
29

30 Q: Um, and then when you first saw the subject - suspect what direction was
31 suspect moving?
32

33 A: So the suspect was moving from west to east from the, um, a drive-through
34 window area to - towards the black vehicle. Uh, and then turned, uh, I believe,
35 it was a right, like, a right-hand turn - like, a clockwise turn, um, to face south
36 right towards us.
37

38 Q: So he f- he turned this way to the...
39

40 A: Yeah. He was running, like, if you were running this way and you turned this
41 way.
42

43 Q: 'Kay, and y- can you descr- I don't know if we have enough room but can you
44 show me what you mean by the crouch?
45

1 A: Yeah. So the suspect was running. He had his hands up here and all of a
2 sudden he just turns and comes down. I - I don't know which knee was - was
3 down but comes down low, like, in this position.
4
5 Q: Like, you're - so you're on your left knee, your right knee's in front of you,
6 your hands are...
7
8 A: I could be wrong on the knee but he's in this...
9
10 Q: Okay.
11
12 A: ...general - whether it's this or this - kind of just did that 'cause the chair was in
13 the way but, um, and he's here. And he's now facing, uh, maybe slightly at an
14 angle but he's pretty squared up with - with our - with our car. Um, and then
15 starts pulling something out, grabbing towards that, we know, what turned out
16 to be the - the handle.
17
18 Q: Started pulling something out and your hands were down at your waist.
19
20 A: At his waist. Yeah.
21
22 Q: At his waist.
23
24 A: Correct.
25
26 Q: Your waist demonstrating what he was doing.
27
28 A: Oh yes. In the demonstration yes.
29
30 Q: Um, eh, how - from the time that you pulled up can you estimate - I know you
31 sai- you talked about the time and that it was slow and fast at the same time.
32 Do you know...
33
34 A: Yeah.
35
36 Q: Can you estimate timing?
37
38 A: I would say it all happened three, four seconds - it was over. From the time we
39 stopped the car or pulled up and saw him running and yeah three, four
40 seconds.
41
42 Q: That - that motion that you just described would you describe it was slow
43 motion or fast motion?
44
45 A: His turn was fairly abrupt. I mean, he was - he was in a hurry and that's why

1 initially I thought oh he's running to the car. We're gonna have - we're gonna
2 have a car chase. And he just abruptly turned and that's - again that's, like,
3 when everything changed. That - that for me was, like, the first, like, that's not
4 good. Like, we're - what's he doing? He's not fleeing. You know, and you're
5 two options are either flee or fight. You know, it's, like, the - it's not like he
6 was hiding. There's nowhere to hide. We saw him. It's not like he hid behind
7 something, you know. You - it was - it was get down in - in - in what appeared
8 to be like a combat about- I'm about to shoot you stance. And then it went all
9 the way, I mean, to - to, you know, where I'm now pulling the trigger when I
10 saw that, you know, the handle and - and the movement of that.

11
12 Q: Uh, we talked a little bit earlier about you working with, uh, [REDACTED]
13 [REDACTED]. Um, tonight did you guys have any
14 predetermined roles or plans in the event of how you were going to contact
15 suspect?
16

17 A: Yeah so we had - we had talked about that. And I - I think, it depended on
18 what exactly we were dealing with. Um, we had talked about using a
19 flashbang and actually we had talked about it seconds before that as we were
20 kind of just driving away from Lieutenant or maybe right before. I think, [REDACTED]
21 uh, [REDACTED] said, you know, "I have a flashbang," and I was hesitant to use the
22 flashbang mainly because there's nonSWAT personnel there. And sometimes
23 a flashbang can cause more chaos, um, especially when it's people you haven't
24 worked with. We haven't worked [REDACTED] a lot. Um, you know,
25 it could cause sympathetic fire. Uh, if it was just us in our, you know, we - we
26 deploy flashbangs both in - in our [REDACTED] capacity and - and in our, um,
27 SWAT capacity so I feel completely confident when we do that all the time on
28 different sorts of - of takedowns. But I just - I wa- I 'member saying, "No.
29 Don't use - let's not use a flashbang." And that was mainly because of [REDACTED]
30 [REDACTED] and coming in at a different angle and not being with us and not
31 having told him, um, I - I felt like we should err on the side of not deploying a
32 flashbang in that case. Um, you know, I - I wanted to have - have talked to
33 somebody about that. Again if it was another - if that - [REDACTED]
34 happened to be a [REDACTED] car with, you know, with the rest of our -
35 our team then yeah that's fine in audible. We train for but I didn't - I didn't feel
36 like that would be the appropriate technique to use with someone who we
37 haven't practiced that with and who knows what - what it could cause to
38 happen especially in a rapidly evolving thing. We didn't even get a chance to
39 say, "Hey we're gonna throw the flashbang." We just saw him, he said go this
40 way, we went that way. And so I told [REDACTED] er, you know, [REDACTED] you know,
41 let's not - don't use the flashbang.
42

43 Q: 'Member when you said that?

44
45 A: I don't remember if I said it r- I don't - I don't know if [REDACTED] said it

1 right when [REDACTED] broadcast it on the radio. "Hey I see a -
2 a burglary," and then us realizing we're about, you know, we're almost there
3 and we're going to help him out. Or if it was right after we split up from him
4 to go drive in. Um, but it was, I mean, within s- either way it's within, you
5 know, 30 seconds. Um, but I - I told him, "Hey let's not - let's not use the
6 flashbang."
7

8 Q: Um, I might've just asked you this and that was answer. But do you know if
9 he was prepared to use it or if he - do you know what they wer- do you know
10 what anyone else in the car doing?
11

12 A: So, um, I believe, that they were both getting out with their rifles. Um, that -
13 that was my understanding. Uh, [REDACTED] had his, I believe, his
14 rifle next to him. I know [REDACTED] had his rifle on his lap, um, so we
15 - we were planning to hol- just hold everyone at gunpoint. Um, I - I mean, I -
16 we work fairly closely with each other. You know, we weren't planning on
17 chasing anyone. I - we - I could tell you where there wasn't gonna be any foot
18 chases. If they had run it would've been calling out a perimeter. Um, just we
19 had too much gear and our rifles and all this other stuff but again our primary
20 worry was not them running. Our primary worries were these guy breaking in
21 and now shooting at people so I felt, you know, let's a- let's get out there rifles.
22 And we had - we had all talked about doing that.
23

24 Q: Um, so going back to your gun, you mentioned that you thought you had 28 -
25 magazine holds 30 but you typically carried 38 or 28.
26

27 A: Twenty-eight.
28

29 Q: Sorry. Um, and that's your standard practice there. Any particular reason why?
30

31 A: Yeah. Sometimes on certain, uh, magazines and maybe it's more myth now
32 than anything but certain magazines if you get - if you load 'em to capacity
33 there can be a - a failure to feed, um, on that first or second round. Um, and
34 again, you know, a rifle's so high capacity that 28 to 30 to me, I mean, it's not
35 gonna be a big issue at the end of the day.
36

37 Q: Um, and then you mentioned that when you're first pulling up you could see
38 the suspect crystal clear. And then you mentioned something about water.
39 Like, it looked like you were looking through...
40

41 A: Yeah.
42

43 Q: ...water. Can you talk about...
44

45 A: Sure.

1
2 Q: ...crystal clear and then a little bit about the transition.
3

4 A: Yeah so my view was obstructed after my firing my rifle through the
5 windshield. Uh, again there was some debris. There was glass blowback. Uh,
6 there's also gas blow- blowback 'cause I run a suppressor on my rifle so there's
7 gas coming out of that and then there's, uh, debris coming out of the
8 windshield. So there were, you know, I fired my rounds shortly and rapidly.
9 Um, and I practice a lot with it so I know that that's gonna be, you know, on
10 target where I'm aiming. But, um, I stopped and then it just kind of was blurry
11 and it took me a second. And, uh, I could see, like, the movement of someone
12 going down, um, and so then I just jumped out of the truck real quick.
13

14 Q: Um, well why don't we take a quick break but before we do you have any...

15
16 Q1: Real quick...

17
18 Q: ...questions?
19

20 Q1: ...just when, uh, when the subject was walking toward the black car were the -
21 any doors open in that vehicle that you recall?
22

23 A: Well he was more running but, um, I - I don't recall. I - I just remember
24 honing on him - honing in on - on him quickly. I couldn't really see again
25 angles that well because, you know, I got two big guys in the front of me and
26 so my - my view is basically straight through the windshield. And so I just
27 initially, uh, saw him 'cause I wanted to focus on - on the people. Um, so I - I
28 don't reca- I don't remember if the doors were open.
29

30 Q: Uh, were you wearing a body-worn camera?

31
32 A: I was.
33

34 Q: Did you activate it?

35
36 A: I did.
37

38 Q: Uh, have you viewed, uh, your video?

39
40 A: I have.
41

42 Q: Okay, um, and then other than your attorney have you discussed this incident
43 with anybody?
44

45 A: No.

1
2 Q: Okay. Um, why don't we take a quick break and then it is, uh, 10:21 and we
3 will reconvene shortly.
4

5
6 This transcript has been reviewed with the audio recording submitted and it is an accurate
7 transcription.
8

Signed _____

INTERVIEW WITH [REDACTED]
Q=Det. Kevin Rose
A=[REDACTED]

Q: Uh, we are back on record at 1042 hours. Uh, I briefly touched on this before about your body worn camera. You said you were wearing it. Uh, I believe I asked you if you activated it?

A: Uh, I did. I activated it. Uh, it was in buffer mode, um, and as soon as the, uh, as soon as they fired the shots - I think even before getting out of my car I, uh, activated it which went back, you know, 30 seconds or whatever.

Q: What side did you exit the vehicle?

A: I exited on the driver's side.

Q: Um, you - you talked about and you demonstrated for me and you described the suspect's motions and indicated that you knew it was a gun.

A: Mm-hm.

Q: Um, can you talk a little bit more about that and what led you to believe?

A: Yeah. Um, it - it wa- again it was a f- a number of factors, um, primarily, um, in - in the moment was, uh, you know, [REDACTED] issuing - saying that there was an armed person. Um, and then his movement, um, going back on it now - now that I - he has a hammer that still to me is the most confusing thing in the world. Being that you don't do that. That's something you do with a firearm. That is a movement that you do when you're about to pull out a gun and shoot someone, um, and for the life of me I don't know what he was thinking. Everything he did was consistent with having a gun and you're getting ready to start shooting at - at the police.

Q: So you say everything he did, can you break that down...

A: Yeah.

Q: ...a little bit.

46
47 A: And so f- from not fleeing was number - my number one indicator - did not
48 flee. You know, ap- apart from, you know, hearing that someone's armed
49 from [REDACTED] not fleeing. Again if someone doesn't flee - that
50 means flee, fight or hide - can't hide he's right there - fighting is the other
51 option. And so him not fleeing was my first indicator of - the - something's
52 not right. He's getting down. I - I thought you were going to take off in a car.
53 You're getting down now. The position he took was, you know, a kneeling,
54 uh, perfect position for - for combat kneeling shooting. Crouching down,
55 becoming a low target, um, makes it harder for law enforcement to hit you.
56 Smaller target, aim better. Um, you also have to ability to distract the police
57 because, you know, when you drop down like that maybe they don't see you
58 get the gun out. Everything said, you know, he's dropping down to access a
59 weapon coupled with then seeing what at that time looked like a handle of a -
60 of a pistol - a - a - wood handle. A (unintelligible) dark colored handle, um,
61 and him - him going from his hands were already al- again also concealing
62 what I thought was probably weapon based on his, you know, not - his
63 running movement, his hands being high. And then a- going to access what
64 looked like the handle of a firearm.

65
66 Q: Uh, so you - you just mentioned wood handle. Did you recognize it was wood
67 in the moment prior to the shots?
68

69 A: You know, that's a - that's a good point. I - I didn't recognize it as wood at
70 that time. It was a dark colored, looked like the handle, um, of a - of a pistol.
71 So I - I - I think I - when I say wood I am remembering what I saw up closer
72 afterwards. But it was - it was, uh, you know, a dark, solid object h-, uh, that I
73 believe was the - the butt - the - the grip of a pistol.
74

75 Q: Um, because of it's location?
76

77 A: 'Cause it's location, 'cause of it's size, looked exactly the size that a - a pistol,
78 uh, would be, uh, of the grip of a pistol, where it was being carried. Um, I - I
79 didn't see anything that could indicate it was anything else at the time either.
80

81 Q: Okay. Um, you said everything happened very quickly. Did you or anyone in
82 the vehicle say anything, um, from the time the lights went on?
83

84 A: Um, I - I - I made some statements when I - right after shooting, um, at the
85 suspect. Um...
86

87 Q: Remember what you said?
88

89 A: Yeah. I think my first question - I was trying to convey did you guys see that?
90 Did you see that gun? And I think - oh I think what I said specifically was,

91 um, something to the effect of, uh, "He had a gun, right?" Um, and I th- I
92 think honestly you're just, um, you're freaked out. This is not something
93 anyone wants to do. Honestly this is not something anyone wants to do given
94 our climate. This is not anything some, you know, that I want to do at all
95 especially now with what's going on, um, and so, I think, you freak out. Like,
96 I just used deadly force. I saw what I saw. I know he had a gun. I know I -
97 what I saw. And I'm trying to convey that or ask that and I'm also - and I'm
98 not being articulate after a shooting. I'm not getting a nuance. I was trying to
99 also convey to them he had a firearm and I think I said, "You guys saw that,"
100 or "Did he have a gun?" And then I go, "No. He pointed a gun at us," and,
101 um, and again I'm not trying to get into the nuance of point versus grab versus
102 tried to access. I'm just trying to get the point across he's got a gun and that's
103 kind of what came out. But, you know, I was certain of what I saw. I think - I
104 think, even as being train - a trained cop you - you - when you do that you
105 par- for a second you, like, you freaking out. Like, I just did the highest level
106 of force, the, you know, the most serious thing we could ever do in this job
107 and you're freaking out. And you're - you're, you know, for a second you're
108 like, "Oh - oh God I saw tha- that." Like, and - and there is that moment
109 where you're like, okay no. And then, you know, you start to think again. You
110 just were involved in this crazy situation. You're like and - and I - I think I s-
111 the way I say it is like, "No. He had a gun. He pointed a gun at us." And, um,
112 actually lick- listening back to it I said it actually, like, confidently. I re- I -
113 I didn't realize at that time but - 'cause I know what I saw and whe- what I
114 saw I fully believed to be, you know, the handle of a pistol. Um, and so I was
115 trying to convey that and warn them and do all tho- those kind of things and
116 again I'm not - wasn't getting into techni- technicalities. I just - that's what it -
117 that's how it came out to try to convey to them this is what happened. And
118 that to me was the best way to sum up in - in the heat of the moment hey he
119 tried to pull a gun out on us, you know, pointed a gun at us.

120
121 Q: Uh, do you feel like you had any other options?

122
123 A: No. None whatsoever. Um...

124
125 Q: Uh, were the suspect's immediate actions prior to your firing your weapon
126 indicative of any other action to you?

127
128 A: The only thing and again this is why I say I'm - now that I know after the fact
129 I'm 100% baffled of what could have happened. Everything he did at that time
130 and still in my mind I go that was the actions of someone who is gonna take,
131 you know, um, you know, attack us and - and try to kill us. I - I've, you know,
132 in the - in the short amount of time I've tried to think about it. Was he gonna
133 pull out - that out now and try to charge us? I don't - I don't know. Um, but
134 everything that he did could only have meant one thing. Um, and I wasn't - I
135 was scared of enough that I'm not going to risk or my partner's life.

136 Especially my partner's life getting out of the car. Um, it just was at that
137 threshold or it can't be anything else and I can't risk thinking it's something
138 else. It's - it's happening now. It's absolutely gonna happen instantaneously.
139 Um, this is my only choice. Especially from inside a vehicle I have no way to
140 grab him or do anything else. Not - not that I would with a gun but, I mean,
141 that's - that's it. It's - it's now or someone gets shot.
142

143 Q: Um, two more questions. Um, did you recognize the suspect?
144

145 A: I did not.
146

147 Q: Do you know who the suspect is?
148

149 A: I do not.
150

151 Q: Um, so you don't know - to your knowledge you have no interaction with the
152 suspect?
153

154 A: I, uh, not the - to my knowledge at all.
155

156 Q: Uh, other than what [REDACTED] told you any prior intelligence about
157 that specific group of people other than what you've already said about the
158 eluding and the coordinates?
159

160 A: No.
161

162 Q: Okay. Um, when's the last time you slept?
163

164 A: Um, I took a several hour nap from maybe, hm, 1:00 to 3:00 in the afternoon,
165 uh, and then before that I s- went to bed at maybe 10 o'clock at night as was
166 up at 7:30 in the morning - 7 o'clock in the morning.
167

168 Q: Uh, do you have anything you want to add?
169

170 A: No.
171

172 Q: Any questions?
173

174 A: No.
175

176 Q: Okay. Uh, this interview is concluded at 1050 hours.
177
178

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

181 Signed _____

INTERVIEW WITH [REDACTED]

Q=Det. Craig Long

Q1=Donald Fisch

A=[REDACTED]

A1=[REDACTED]

Q: We have, ah, June 2, 2020. I have approximately 1031 hours. I'm interviewing [REDACTED] I'm Detective Craig Long, Badge Number 661. Ah, with us is...

Q1: My name is Donald Fisch. I'm a DA investigator with the Solano County DA's Office. My badge number is 10426.

A1: I'm [REDACTED] with Mastagni Holstedt and I represent [REDACTED]

A: [REDACTED]

Q: I know we just said it, um, but can you provide me your name and badge number?

A: Yes it is, ah, [REDACTED] and my badge is [REDACTED]

Q: Okay. Ah, do you recall your date of hire here at Vallejo?

A: Um, [REDACTED]

Q: Okay. Do you have any other law enforcement experience before here?

A: No.

Q: Okay. Ah, what was your unit designation? Your - your call sign during the shift?

A: Um, X-ray 41.

Q: Okay.

A: And then I think that switched over to my badge number later on - [REDACTED]

46
47 Q: Was X-ray 41 your, um, typical call sign?
48
49 A: Yeah.
50
51 Q: And, um, were you assigned a beat during the shift?
52
53 A: Um, kinda like the plaza area. I mean, there's a lot going on so we're kinda
54 floating to, ah, all the in-progress calls.
55
56 Q: You said there was a lot going on. Can you just tell me a little bit more about
57 that?
58
59 A: Ah, all the looting and burglaries.
60
61 Q: Okay.
62
63 A: Going on at multiple locations at the same time is pretty chaotic.
64
65 Q: Okay. So it sounds like you're assigned to the plaza area to prevent any
66 looting activity but you still responded to other areas in the city, ah, for in
67 progress calls?
68
69 A: Correct.
70
71 Q: Okay. And what are your normal shift hours?
72
73 A: Ah, we're supposed to start, um, [REDACTED],
74 um, this week.
75
76 Q: Okay. Um, so it doesn't - doesn't appear to be on your scheduled work shift -
77 scheduled work hours?
78
79 A: No. I'm on the SWAT Team so a, ah, there was a, ah, SWAT call out due to
80 the looting and burglaries.
81
82 Q: So SWAT Team members were called in to assist, um?
83
84 A: Yeah, so I'm on the SWAT and [REDACTED] so we were, ah, we were both. I got
85 double called out.
86
87 Q: Double called. And who is your, ah, supervisor?
88
89 A: Ah, my immediate supervisor is, ah, [REDACTED]
90

91 Q: Okay. And was he your supervisor, ah, at the time of this incident?
92
93 A: Um, no. It was, ah, Lieutenant (Knight).
94
95 Q: Is this because you're in the capacity of a SWAT Team member? Okay.
96
97 A: Yeah, we transition from come- coming in and meeting at [REDACTED] and then, um,
98 then ultimately we transition to a SWAT priority and, um, met Lieutenant
99 (Knight) at the command post at a Best Buy up in the plaza area.
100
101 Q: Okay. All right. Did you, um, receive any injuries during this incident?
102
103 A: No.
104
105 Q: Ah, can you, um, describe the uniform that you're wearing?
106
107 A: Yeah. I'm basically wearing a, ah, all blue, um, SWAT uniform. Kind of have,
108 ah, (unintelligible) patch on my shoulder. That's the Vallejo Police SWAT
109 patch. Um, and then I'm wearing a, ah, tactical vest that has "Police" in, ah,
110 bright white letters on the front as well as embroidered badge on my left
111 breast that says Vallejo Police as well as my badge number. And then on the
112 back of my uniform, um, it says "Police" on the back.
113
114 Q: Okay. It looks like you have some equipment on, ah, your vest.
115
116 A: I do.
117
118 Q: And is there equipment, ah, on a belt on your waist?
119
120 A: Yes.
121
122 Q: Can you just describe the equipment that you have on your, ah, on your vest?
123
124 A: On my vest I have, um, a handcuff pouch with handcuffs.
125
126 Q: Okay.
127
128 A: Um, my body camera is docked right now but I had, um, my body - body
129 camera on.
130
131 Q: Okay.
132
133 A: As well as have a flash bang pouch holder with a flash bang unit. Um, a taser
134 holder with my taser in it and then, ah, two pistol magazines as well as a rifle
135 magazine, flashlight and radio. And I have a tourniquet on there as well.

136
137 Q: Okay. Um, you mentioned that at the time of the incident you were wearing
138 your, ah, your body camera?
139
140 A: Yes.
141
142 Q: Absent that is that pretty much - is this, um, what you were wearing when the
143 incident occurred?
144
145 A: Yes.
146
147 Q: And have you had the opportunity, um, to be photographed?
148
149 A: I was.
150
151 Q: You were photographed?
152
153 A: Wearing this exact uniform. I - I have not changed.
154
155 Q: Okay. Do you recall who took those photographs?
156
157 A: Um, Corporal (Stock).
158
159 Q: Okay. Do you know the VOP number of the vehicle that, ah, you were
160 operating today?
161
162 A: Um, it is 118.
163
164 Q: 118? And what's the make and model of that?
165
166 A: It's a 2020 Ford F150. It's a four door. It's charcoal gray.
167
168 Q: Um, are there any distinctive markings on that vehicle?
169
170 A: There's not.
171
172 Q: Okay. Is it equipped with a Code 3 equipment lights and sirens?
173
174 A: There is.
175
176 Q: And is this the vehicle you normally drive?
177
178 A: Yes.
179
180 Q: Okay. And who were the occupants in your vehicle?

181
182 A: Um, I was the driver. The front right passenger was [REDACTED]
183 [REDACTED] and then the, ah, left rear seated behind me was [REDACTED]
184
185 Q: I'm sorry. What was [REDACTED] positioning in the rear?
186
187 A: Um, he was seated behind me.
188
189 Q: Okay. Ah, did you have any specific assignments inside the vehicle?
190
191 A: I mean, I was - I was the driver. Um, so I was focused on maneuvering the
192 vehicle and then, ah, yeah.
193
194 Q: Okay. Okay. I'm assuming you were carrying a firearm at the time?
195
196 A: I was.
197
198 Q: Okay. And is this the firearm here?
199
200 A: Yes.
201
202 Q: And what kind of firearm is that?
203
204 A: It's a - a six-hour Legion, ah, P226 9-millimeter.
205
206 Q: Was this issued to you?
207
208 A: No.
209
210 Q: It's personally owned?
211
212 A: Yes.
213
214 Q: And what kind of ammunition, um, do you have loaded in it?
215
216 A: Nine-millimeter.
217
218 Q: Is that department issued or is it?
219
220 A: Yes, department.
221
222 Q: Any questions anyone has so far?
223
224 Q1: No
225

226 A: Do you know, um, how many live rounds are loaded into your pistol including
227 the one in the chamber?
228
229 A: 21.
230
231 Q: So is that a 20-round magazine...
232
233 A: Yes.
234
235 Q: ...the one in the chamber? And for your, um, additional magazines are those
236 also 20-round magazines?
237
238 A: They are 20 round yes.
239
240 Q: Okay. You were carrying, ah, any other firearms at the time?
241
242 A: Um, I had my, ah, SWAT rifle in the, ah, backseat of the truck.
243
244 Q: And was it, ah, secured in a bag or was - was it on the backseat?
245
246 A: No. It was just leaning, um, on the backseat.
247
248 Q: Okay. And, um, do you recall where the shooting occurred?
249
250 A: Yes.
251
252 Q: Just generally the area or the business that you recall.
253
254 A: Um, yeah. I think it's a Walgreen's there.
255
256 Q: Okay. You remember what street it's on?
257
258 A: Yeah. It's at the, um, northwest corner of Broadway and Redwood.
259
260 Q: You don't have to remember specifically but do you remember about when -
261 about what time the shooting occurred?
262
263 A: Um...
264
265 Q: You can say late in the evening.
266
267 A: ...around -- yeah. Midnight or 1 o'clock I think.
268
269 Q: Okay.
270

271 A: I don't recall the specific time.
272
273 Q: Okay. At that time, um, what - what were the weather conditions like that you
274 recall?
275
276 A: Ah, clear, dark out. Um, it's an ambient street lighting from streetlights and.
277
278 Q: I was gonna ask you that next. What - can you describe what the lighting
279 appeared to be to you?
280
281 A: Um, it was, I mean, it was at the business. It was in the - it's a parking lot so
282 there's, um, you know, light fixtures throughout the parking lot where it will
283 highlight certain areas that are bright and then others that are dark.
284
285 Q: Okay. Um, with respect to tactics, have - have you received any, um, special
286 tactical training?
287
288 A: Yeah. I've, ah, I went to the being on the SWAT Team...
289
290 Q: Okay.
291
292 A: ...I went through, ah, SWAT school.
293
294 Q: And how long is SWAT school?
295
296 A: Ah, two weeks.
297
298 Q: And how long have you been a member of, ah, the SWAT Team?
299
300 A: I think it's been almost [REDACTED].
301
302 Q: And how long have you been a member of the [REDACTED]?
303
304 A: Ah, I think at least - I think it's coming up on [REDACTED].
305
306 Q: Um, do you recall about what time you started your shift?
307
308 A: I think we got the text page for SWAT around 5 o'clock maybe. I was - I was
309 at home when it happened. So I think it was around like 5 o'clock.
310
311 Q: Okay. And, ah, what time do you think you - you were suited up?
312
313 A: I think it took me like 45 minutes to -- well, initially I thought I was coming
314 into - for the on the [REDACTED] side because it was a co-SWAT [REDACTED] page.
315

316 Q: Mm-hm.

317
318 A: So typically when I'm working [REDACTED] we wear blue jeans and a ve-, you know,
319 this vest with a like a black dry-fit shirt underneath that has our patches on.
320 But, um, so from the page to get to [REDACTED] was probably about 35 - 45 minutes I
321 believe.

322
323 Q: Okay. So it's fair to say roughly around 6 pm, um, you were available for
324 service?

325
326 A: I believe so.

327
328 Q: Okay. Um, from 6 pm until the shooting occurred, ah, what kind of calls did
329 you personally handle and what kind of calls did you hear being dispatched or
330 other officers responded to?

331
332 A: So there at first we were, um, [REDACTED] was trying to figure out if we
333 were gonna stay [REDACTED] or the SWAT guys were gonna branch off to SWAT so
334 we spent, um, quite a bit of time at [REDACTED] getting our gear together, getting gas,
335 um, and while I was doing that, there was dozens of calls for service, um,
336 regarding burglaries, looting, um, 1075s for shootings, ah, where gunshots
337 heard. And it sounded like there was dozens of different groups of people
338 going store to store. And it sounded like on the radio once officers would clear
339 one spot and go to the next then a new crew of people were going back to that,
340 you know, same place that was previously burglarized or looted and, ah, just
341 kind of this chaotic we're having cycle of, ah, all of our businesses in Vallejo
342 being looted.

343
344 Q: Okay. So it is safe to say that even while you were at [REDACTED] getting your
345 equipment together, you were monitoring the radio?

346
347 A: Correct.

348
349 Q: Okay.

350
351 A: Ah, there were also several vehicle pursuits - people fleeing from the police.

352
353 Q: Can you tell me more about, ah, the gunshot calls that you heard over the
354 radio?

355
356 A: Yeah. I think later on, um, you know, I heard over the radio reports of, you
357 know, there's business owners trying to secure their property. Ah, and while
358 they're doing so, there was I think it was at least more than one, ah, group of
359 people, ah, firing - shooting at the owners to intimidate them or to get them
360 out of their way so they can, you know, do their thing to burglarize the

361 businesses. And I also heard that there was, um, you know, armed business
362 owners as well, you know, defending their property. It seemed pretty
363 dangerous and a chaotic time. There was a lot of different moving parts, you
364 know. Two different priority one calls for service while one pursuit is going.
365 Then there's, you know, I have a computer in - in the truck. And, um, there
366 was at least over a dozen priority one where it's like 459 in progress, 459 in
367 progress, you know 10-75. Um, just to clarify a little bit more about this
368 computer, um, this - is this a computer that was provided to you by the police
369 department?

370
371 A: Yes.

372
373 Q: And do you have any d- would this have access to a computer aided dispatch
374 software?

375
376 A: Yes, it's a - a RIMS.

377
378 Q: Okay so you have - you have access to, uh, mobile RIMS like we would...

379
380 A: Yeah.

381
382 Q: ...in our patrol vehicle?

383
384 A: Absolutely.

385
386 Q: Anything come to mind (unintelligible)?

387
388 Q1: Y- prior to being called out yesterday at 5 o'clock, what was the last time you
389 had, uh, worked?

390
391 A: Uh, the night before. Uh, same time. I worked, uh, I was at - met at- I worked
392 under the [REDACTED] capacity...

393
394 Q1: Right.

395
396 A: ...um, from 5:00 to about midnight the night - the night before.

397
398 Q1: Okay.

399
400 A: Um...

401
402 Q1: So you secured at midnight and you started the next day at 5:00 or s...

403
404 A: At 5:00, yeah.
405

406 Q1: Okay.
407
408 A: Yeah. Which that first night it seemed more of like kinda the protestor more
409 side of it and last night was just mere - no protesting it was just criminals
410 looting, burglarizing, shooting, masked people, several reports of, you know,
411 guys all armed, uh, with masks.
412
413 Q: And it was on a weekday following the weekend right? W- was it the weekend
414 the first...
415
416 A: Yeah.
417
418 Q: ...Sunday...
419
420 A: Uh, yeah I think that was s- Saturday? Today's Tuesday?
421
422 Q: Today's now is Tuesday so...
423
424 A: Yeah I misheard. It's Monday.
425
426 Q1: It's my understanding....
427
428 Q: But last night was Monday night.
429
430 ((Crosstalk))
431
432 Q1: ...on Sunday.
433
434 A: Yeah Sunday night.
435
436 Q1: Sunday night at midnight and then you came back yesterday at 5:00.
437
438 A: Yes.
439
440 Q1: Okay.
441
442 A: Yeah.
443
444 Q: So you're - you're saying that Sunday was more of protest activity, people
445 demonstrating, and last night was just more criminal activity?
446
447 A: Yeah that's what it seemed like to me.
448
449 Man: The ones on Sunday's have jobs. Sorry that (unintelligible) folks.
450

451 Q: And did you assist on, uh, the activity that was happening on Saturday night?
452 Were you here for that?
453
454 A: Is that when they came to the PD?
455
456 Q: That's when they came to the PD...
457
458 A: Nah, no...
459
460 Q: ...and tried to overtake it.
461
462 A: ...no I didn't - I did not get called out for that.
463
464 Q: Okay. So your first experience was Sunday, which I think by all accounts was
465 a bit more milder than Saturday or last night.
466
467 A: Yes definitely. It was still super stressful 'cause [REDACTED]
468 [REDACTED] ...
469
470 Q: Did - did you have a conversation with [REDACTED] about what happened?
471
472 A: Yeah and she's just, you know, she's pretty shook up because, uh, I mean
473 there's a Bearcat here and I think they had a plan to exit, but it seemed like for
474 a minute there - there it was, uh, pretty close to people trying to make their
475 way in here so.
476
477 Q: So she - sound like she's pretty upset and distraught...
478
479 A: Yes.
480
481 Q: ...over that experience?
482
483 A: Yeah. You know, it's one thing for it to be my work but [REDACTED],
484 you know, [REDACTED] too it's, uh, becomes, you know.
485
486 Q: Was she working last night?
487
488 A: I don't think so.
489
490 Q: Okay.
491
492 A: I think she's working right now but not - not last night.
493
494 Q: Um, and just a recap, um, you got to [REDACTED] probably sometime around 1800 -
495 6:00 pm. There was a little bit of confusion as to how you guys were going to

496 be assigned but in the meantime you're getting your equipment together...

497

498 A: Mm-hm.

499

500 Q: ...during that time you s- monitoring the radio, there's burglary, there's

501 looting, there's gunshots heard. Um, dozens - it appears dozens of di- different

502 groups are - are moving a- about the city and...

503

504 A: Mm-hm.

505

506 Q: ...once the officers clear they go back to that same location...

507

508 A: Mm-hm.

509

510 Q: ...um, sounds like you heard a call for service in regards to suspects were

511 shooting at business owners possibly in an - in an attempt to intimidate them...

512

513 A: Yes.

514

515 Q: ...um, you - did you hear a call for service or did you hear that they were

516 possibly...

517

518 Man: 'Scuse me.

519

520 Q: ...owners who were armed?

521

522 A: Um, no I heard it on - over the radio that that's, um, there's other officers

523 advising that, uh, there was, uh, one of the - I think it was a (unintelligible)

524 know that there's - there, uh, people were...

525

526 Q1: Owners were arming...

527

528 A: ...the owners were arming themselves to - to protect their property. But I also

529 heard calls where they, um, there was people dr- basically doing a drive by

530 shooting and shooting at, um, civilians or business owners to stop them from -

531 which I believe that was why you would do that to stop 'em from boarding up

532 their store so they can go steal their stuff.

533

534 Q: 'Kay. So prior to, um, the shooting, um, prior to arriving at the scene, uh, were

535 you able to obtain any information about what was happening at Walgreens?

536

537 A: Um, we - I was driving near, um, I think it was, like, Tuolumne and

538 Redwood...

539

540 Q: Okay.

541
542 A: ...or, uh, Fairgrounds and Redwood area and, uh, you know just hearing
543 everything over the radio, Walgreens and kinda that area along Broadway and
544 Redwood some of those businesses were getting hit pretty hard where officers
545 were coming and going and clearing on the other side of town. And then so,
546 um, we - we - myself, um, [REDACTED] decided to just, uh, we'll cruise
547 down Redwood towards Broadway. Um, once we got towards Tuolumne
548 that's when, um, I heard [REDACTED], uh, get on the radio and advise he
549 had two - I think he said he had two vehicles with, uh...

550
551 Man: (Unintelligible).

552
553 A: ...several subjects going in and out of the business, like, removing...

554
555 Woman: (Unintelligible).

556
557 A: ...um, items from like the pharm - I think it was the pharmac- the pharmacy
558 side of the business, um.

559
560 Q: So several subjects going in and out of the - the pharmacy side of the
561 business?

562
563 A: Yes.

564
565 Man: Do you want coffee with your creamer?

566
567 Woman: I (unintelligible).

568
569 Man: Or (unintelligible).

570
571 Woman: (Unintelligible).

572
573 Man: All right (unintelligible).

574
575 Q: Would you mind excusing me for just one moment? And continuing I have,
576 uh, 1057 hours on my watch. Sorry about that.

577
578 A: No worries.

579
580 Q: Okay so i-, um, just picking up, um, you were driving, uh, westbound
581 Redwood towards, uh, area of Redwood, Broadway, just because there's
582 several, um, businesses that have been hit in that area. When you're around -
583 somewhere around Tuolumne and Redwood is when you heard [REDACTED]
584 [REDACTED] advise that he saw two vehicles at the Walgreens and there were
585 several - several subjects going in and out of the business on the pharmacy

586 side?

587

588 A: Yeah (unintelligible) behind on the - from the business.

589

590 Q: Okay. And then what happened?

591

592 A: As we approached the intersection we saw [REDACTED] sitting, um, if
593 you're parked just - he was sitting at a, uh, at the light - traffic light there just
594 east of Broadway...

595

596 Q: 'Kay.

597

598 A: ...um, in the number two lane. And we pulled up next to him in the number
599 one lane. We rolled down our window, there was a lot going on, you know,
600 we're in a unmarked car so we waved to him saying hey we're here with ya,
601 um...

602

603 Q: Okay.

604

605 A: ...and then from there I could see there was a, um, it's like a silver white, um,
606 looked like a Nissan truck I believe, uh, parked and then it was a, uh, a black
607 sedan parked and I myself saw several people going in and out of the, uh,
608 business. Basically what [REDACTED] said over the radio. I saw sitting
609 there at the light and then, uh, I think it was of- I could hear a little bit what
610 [REDACTED] was saying but, um, uh, [REDACTED] or, uh, [REDACTED]
611 basically was talking to him and, uh, we basically said - he basically was like,
612 "Hey I'm gonna go north around there. You guys go around." Although there
613 was confusion. I was waiting for him to go and then finally he - he went north
614 and then we went, um, continued west on Redwood and we entered the
615 parking lot from the, uh, the southeast corner, if you will, while, um, [REDACTED]
616 [REDACTED] entered from the northeast corner.

617

618 Q: Okay. And so I'm sorry you - you entered through the south...

619

620 A: Southeast.

621

622 Q: Southeast corner.

623

624 A: Uh-huh.

625

626 Q: And then kept...

627

628 A: It's that - that first, uh, entrance to the parking lot.

629

630 Q: Gotcha.

631
632 A: Yeah and then [REDACTED], uh, went to the, uh, the northeast corner.
633
634 Q: So it sounded like, um, when you guys were stopped, uh, [REDACTED]
635 doing most of the communication and there's even like a little bit of
636 miscommunication because you're - were waiting for him to go, then he
637 finally went...
638
639 A: Yeah.
640
641 Q: ...was that kinda like your cue?
642
643 A: Yes.
644
645 Q: Okay. Um, and then can you describe what happened, um, what you recall
646 happening after, um, you left the, um, the area which you met with [REDACTED]
647 [REDACTED]
648
649 A: I just, uh, as I saw him go north and then I came into the parking lot, my
650 attention was, you know, fixed driving and looking at the, uh, the subjects
651 going back and forth. And about when I got into the parking lot, I'd say I felt
652 like it was almost halfway in between where they were parked, like where the
653 pharmacy drive-thru is...
654
655 Q: Mm-hm.
656
657 A: ...and Redwood, about halfway there. I could, uh, still see subjects kinda
658 going in and out. I mean we are in a unmarked vehicle so...
659
660 Q: Mm-hm.
661
662 A: ...you know maybe they thought we were additional looters at first. Um,
663 'cause I saw the driver of the Nissan - of the truck kinda look at us but then he
664 kinda looked back. Kinda like he didn't think we were who we were and then
665 at the same time, um, I heard [REDACTED] I think he said it three - two or
666 three times. He's like, "Hey guys they're armed. They're armed with - they're
667 armed." Um, as we approached closer I could see subjects like carrying
668 things. I couldn't really - they were moving pretty quick and I think at that
669 point they saw [REDACTED] SUV looks more like a...
670
671 Q: Police.
672
673 A: ...police car then our - our truck does. Um, and then at that - it all kinda
674 happened pretty quick but, um, I turned on, um, my vehicles lights and siren.
675 Um, as we got closer, um, and then once my siren and lights went off, I mean

676 obviously we're the - the police, and I saw at least three people get into the
677 truck...

678
679 Q: Okay.

680
681 A: ...um, and all these people came from the window area of the drive-thru
682 pharmacy.

683
684 Q: Okay.

685
686 A: Um, there was, like I mentioned before, the driver who I tho- who I think is
687 the driver, um, think he was wearing a white t-shirt maybe, um, kinda
688 standing at the truck. He was kinda just like the getaway driver it seemed like.
689 He, um, he was just kinda standing there kinda looking around. So I saw - I
690 saw him get in and then I saw, you know, one to two other subjects run around
691 to the passenger side of the truck...

692
693 Q: Okay.

694
695 A: ...and then it seemed at least, uh, two guys run to the passenger side of the
696 black vehicle. The black four door sedan.

697
698 Q: So it sounds like two, probably two subjects on passenger side of the truck?

699
700 A: It seemed like it. I mean there was a lot of people going back and forth. I - like
701 I remember seeing the driver and then it was at least three or four people
702 kinda ran in between the truck and the black car...

703
704 Q: Mm-hm.

705
706 A: ...if you will. And I remember someone - at least one person getting in the
707 truck, passenger side as well as the driver got in. And then to me it seemed
708 like there was two other people that kinda cut in between the truck, um, and
709 they went outta my sight as they kinda went in front of the truck so I - and I
710 didn't see 'em on the passenger side of the truck.

711
712 Q: Mm-hm.

713
714 A: So I thought they got into the, uh, the passenger side of the black sedan in the
715 front.

716
717 Q: Did it feel like they were working together?

718
719 A: Yeah absolutely.

720

721 Q: 'Kay. Right and it appeared at least two people went in the black sedan?

722
723 A: Yes.

724
725 Man: (Unintelligible).

726
727 Q: And then, uh, what do you recall?

728
729 A: So I - and then I also recall, um, there was one other subject. He was wearing
730 all black, um, he was like the last - he was the last one to run from that
731 window area. Um, as he was running towards the driver's side of the black car
732 I could see him kinda holding his waistband, running towards, um, the driver
733 door was open, I believe, of the black car.

734
735 Q: Okay.

736
737 A: He was running holding his waistband. Then as he - I saw him run in and get
738 into the driver's side of the car and as he was doing that I could see something
739 sticking out, like his, uh, sweatshirt was pr- protruding out, um, it seemed like
740 a handle or almost like a - a pistol magazine, um, but I - at the time, um,
741 running through my head I was thinking it was a pistol magazine. But then,
742 you know, (unintelligible) time to thinking about it, it was like - it was like a
743 lighter color, um, then, you know, most pistol magazines are black, um, and I
744 just saw like the butt of something. So I didn't know if it was, you know, like
745 a revolver handle. I just remember being it kinda like a lighter color, um, as
746 the dude sat down in the car, um, and then as he sat down my attention
747 diverted back towards the, um, the truck 'cause there's, you know, with all the
748 calls, you know, multiple guys being armed, um, I know there's three guys
749 with me but there was at least, you know, six guys there all together and, you
750 know, I didn't know who's armed and who's not armed. And then I'm seeing
751 this guy that has, um, at the time which I thought was some type of like butt of
752 a firearm or like a magazine hanging out, so my foc- my attention is focused
753 on him at first, but then as he's seating - sitting in there I'm thinking okay he's
754 gonna get in and drive away and I'm - I'm the driver so at the same time I'm -
755 I mean there's a lot of stuff going on. Multiple people running, um, my
756 attentions diverted at that car and then also at the truck 'cause I'm thinking
757 these, um, we're gonna go pursuit basically. So as the - the truc- I see the
758 truck pull off, 'cause as the truck pulls off my attention diverts back to the
759 black car and that's when I see the driver, which he, uh, got out holding his
760 waistband and tu- and made a - a quick turn, um, and faced right at us. Um,
761 and that's when, uh, [REDACTED] - I, uh, I was so focused on him I didn't
762 see him put his rifle between us but he, you know, he leaned forward and then,
763 uh, I think he fired, like, three or four rounds through the front of the
764 windshield. Um...

765

766 Q: Okay.
767
768 A: And then that, uh, subject that was out of the, uh, came out of the driver seat
769 to face us, um, fell down face first.
770
771 Q: Okay, um, I just, uh, wanted to clarify.
772
773 A: Yeah.
774
775 Q: Um, so this particular subject wearin' all black.
776
777 A: Mm-hm.
778
779 Q: From your perspective, he was the last one to leave the window area...
780
781 A: Yes.
782
783 Q: ...of the, uh, of the walk rain swamps area?
784
785 A: Yeah.
786
787 Q: When you first, uh, observed him, when you - when you were givin' me your
788 description just now...
789
790 A: Mm-hm.
791
792 Q: ...you're makin' a gesture with your hand such that you were kinda like
793 bunchin' your hands towards your waist band area.
794
795 A: Yeah.
796
797 Q: Is that similar to what you saw him doing?
798
799 A: Yeah, I - I couldn't see his hands as he was running, they were tucked, like, as
800 if he was grabbin' his belt or retreating or holding onto a firearm.
801
802 Q: Okay and then, uh, he enters the driver door...
803
804 A: Correct.
805
806 Q: ...of the - the black sedan?
807
808 A: Yes.
809
810 Q: And you said after he enters the driver door, um, and during this time you

811 seen something that appears to be possibly the butt-end of some type of
812 handgun?
813
814 A: That's what I believed, yes.
815
816 Q: Okay, and...
817
818 A: That's what I thought it was.
819
820 Q: Okay and then your attention was then diverted to this truck 'cause in your
821 mind these cars are gonna take off and there's...
822
823 A: Right.
824
825 Q: ...and it's gonna be a pursuit.
826
827 A: Yeah, the - the silver truck took off first.
828
829 Q: Mm-hm.
830
831 A: And, you know, when after it took off I have a clear view of the black four-
832 door, the doors open and kinda as I'm panning back to the, um, black car, I'm,
833 like, "Oh, this guy's the driver, you know, that we're gonna - we'll go after
834 this guy." 'Cause the - the silver truck already took off.
835
836 Q: It's gone.
837
838 A: You know.
839
840 Q: So you focused on this car?
841
842 A: Yeah and so as that person got in the car they put, I think he put his right foot
843 in and went to sit down and he had - he kinda, like, leaned in towards the
844 center of the car where, to me, it looked like his - his - his head, you know,
845 he's wearing all black but, like, he kinda leaned into the car and then he, uh,
846 spun around and faced us, like, pretty quick, which I thought, I mean, I've
847 been in dozens of police chases where, you know, where we've taken down,
848 um, people that are wanted and I've seen them or body cam videos where
849 people usually, you know, when they're running from the police and they get
850 into a car they take off. Um, so I was scared that the dude was gonna - I've
851 hadn't - I've never had someone turn around and - and basically face me, um,
852 with that quick of action, if you will, you know what I mean? 'Cause the - the
853 guy in the truck he got in and took off and that's what this, uh, pa- the driver
854 of the black car looked like he was doing at first.
855

856 Q: And that's what you expected him to do.

857
858 A: That's what I expected him to do.

859
860 Q: Um and just to clarify in - in the capacity work on - on the [REDACTED]
861 [REDACTED]

862
863 A: Yeah.

864
865 Q: ...you've, uh, uh, pursued a quite a few, um, dangerous targets.

866
867 A: Correct.

868
869 Q: And you've been in quite a few car chases?

870
871 A: Yes.

872
873 Q: You've been in quite a few foot chases?

874
875 A: Yes.

876
877 Q: And based upon your experience in that capacity when you saw this guy get
878 into the car you would expect him to drive away 'cause why else would you
879 get in a car.

880
881 A: Correct.

882
883 Q: Okay, um, and just to touch on that real quick, um, so for the [REDACTED]
884 [REDACTED] what is, um, what kind of commission, what - what do you - what do
885 you - what's your primary, um, focus?

886
887 A: So, we do, um, we do a number, uh, numerous of things but, um, some of our
888 sole functions are goin' after, uh, [REDACTED] uh, we go
889 after, um, basically, like, [REDACTED], we work [REDACTED]
890 [REDACTED]
891 [REDACTED], we
892 get tasked with multiple - multiple, uh, [REDACTED]
893 [REDACTED] to
894 [REDACTED]. But, uh, I'd say right now our primary, um, operation
895 is when, you know, [REDACTED]
896 [REDACTED].

897
898 Q: So, it's not uncommon for you to target someone that you know to be armed
899 or suspect to be armed?

900

901 A: Uh, yeah, pretty much most of I'd say 90% of the people we go after are
902 typically armed or known to be armed.
903
904 Q: Okay, so when you're describin' this subject, uh, holdin' his hands in a
905 manner that to you felt was as though as consistent with him possibly carrying
906 or retrieving a firearm that's based upon, uh, your experience as a [REDACTED]
907 [REDACTED]?
908
909 A: That's correct.
910
911 Q: Okay, um, I just wanted to, um, clarify this so when you see the subject sitting
912 down in - sitting down in the vehicle, does he have both feet in the vehicle or
913 just one?
914
915 A: I thought he just had one foot in.
916
917 Q: Okay. When he turned towards you, um, do you recall which direction he
918 made a pivot motion?
919
920 A: Yeah, so if you're seated in the driver seat, if you will.
921
922 Q: Mm-hm.
923
924 A: He, I believe he pivoted to his left.
925
926 Q: Okay, so it's almost, like, someone would be steppin' out of the vehicle and
927 then facing you?
928
929 A: Yes.
930
931 Q: Did he complete that motion?
932
933 A: Yeah, I remember seeing his, uh, fa- basically fa- facing us with his hands on
934 his waistband.
935
936 Q: And so given your prior ob- observation of seeing somethin' that you believed
937 to be the butt of - of some type of handgun.
938
939 A: Yeah.
940
941 Q: Uh, the fact that you saw him getting into the vehicle and then suddenly get
942 out and make a pivot motion and now he's facing you in your vehicle, what
943 was goin' through your mind?
944
945 A: I thought I was gonna be shot. I mean, I've never had someone turn so

946 aggressively towards us in a ma- in a manner holdin' their waistband. Um, I
947 mean, it was, like, within seconds that as soon as he spun around [REDACTED] fired,
948 um, the shots at him.

949
950 Q: Okay.

951
952 A: Yeah.

953
954 Q: Did you have any questions?

955
956 Q1: Uh, yeah. Uh, in addition to the, um, the movements, you had already heard
957 multiple -- just tyin' it up a little bit -- you had already heard multiple reports
958 about shootings, right?

959
960 A: Yes.

961
962 Q1: And you had already seen, uh, or excuse me, you already heard from, uh, the
963 [REDACTED] about the specific report that he thought that they were armed,
964 correct?

965
966 A: Yes.

967
968 Q1: And at - at this time did you think that he was armed?

969
970 A: I did.

971
972 Q1: Okay and, uh, considering your experience and, um, uh, multiple encounters,
973 uh, you were concerned for your safety at this time?

974
975 A: I was.

976
977 Q1: And were you concerned for the safety of your fellow officers and detectives?

978
979 A: Yes.

980
981 Q1: 'Kay, that's it for me.

982
983 Q: 'Kay. After the shooting occurred, what do you recall happening?

984
985 A: Um, I saw the - after the shooting I saw the subject go down. Um, I - I just
986 remember seeing the - the white truck leaving. Um, I know - I know they
987 kinda left at the same time. It felt li- I - I know the truck - I thought the - the
988 truck left first, um, but I think as I saw that person go down my, you know,
989 my heart was pumpin', my chest, you know, everything's racing. Um, I think I
990 just got tunnel vision and just kinda focused on - on that person, um, because

991 the other people were already in cars and didn't seem - they weren't as a
992 immediate threat as that person was. Um, and, you know, that - the truck was
993 leaving and then, um, you know, the black car eventually left. Um, I didn't see
994 which way they went I just know the - the, uh, driver door shut of the black
995 car, which I think someone inside the car jumped in the driver seat and - and
996 took off and left there - there guy there. Um, then I, you know, 'cause during
997 that whole time I was , you know, I - I didn't know if the guy's gonna jump in
998 the car and leave so I kinda froze there for a minute with my hands on the
999 steering wheel 'cause I didn't know, you know, if I'm gonna chase after this
1000 guy or, I mean, draw my gun and then kinda as all that happening, you know,
1001 the shots go off and then he's - the guy's down so I - I come out of my driver -
1002 driver door and, um, right at the v of - of my door with my firearm and then,
1003 um, I think I'm just - I pause there for a minute just to reassess to see where
1004 everyone's at and then at that point I saw [REDACTED] across the way, he
1005 kinda, um, moved out of, uh, crossfire 'cause we were kinda at a, not at a
1006 crossfire, basically across from each other. Um, so he moved to the east, um,
1007 and then me, [REDACTED] kinda pie'd our way, uh, to the - the
1008 adjacent side to [REDACTED]. Uh, the person was down, we gave him
1009 commands to see our - to see his hands and they were - he was unresponsive.
1010 Um, I could always - I could already see blood, um, so I thought that he was
1011 wounded and couldn't respond to our command so we, um, decided to make
1012 contact with, um, the person. I, uh, grabbed I think, uh, [REDACTED] gave me cover
1013 as I grabbed his arm and, uh, rolled him over and hand - handcuffed him. Um,
1014 at that point, um, I think it was - I think it was [REDACTED] or - it was either [REDACTED] or
1015 [REDACTED] um, asked if I had, uh, a med kit and then [REDACTED] ran - I think [REDACTED]
1016 started doin' CPR on him, um, and then [REDACTED] ran to the truck to get the med
1017 kit and he was havin' a problem find it - finding it so I - I ran and got the med
1018 kit and, uh, gave it to them. You know, there's multiple people that had left
1019 the business and our focus - our attention was kinda focused on the - the
1020 subject down. And I - I diverted my attention to the open window of the
1021 business, um, 'cause I didn't know how many people there, you know, if there
1022 anyone else was - was left so, um, after the shooting I basically posted myself
1023 in front of that window to block, um, you know, [REDACTED] and
1024 the [REDACTED] um, and if there's additional threats in - in the, uh, in the business
1025 just 'cause all the prior calls - cars had - had left and they're, like, honkin'
1026 their horns for their buddies to come out. There's been, I mean, dozens of
1027 people, multiple cars, um, so I didn't know if there's other people inside
1028 possibly armed. So, um, and then I just posted up there until everyone came
1029 and, um, I basically myself and, uh, Officer (Jackson) we kinda led the - the
1030 building search, we organized what the - I think there was some American
1031 (unintelligible) units, as well, Solano County, um, we climbed through the
1032 window and cleared the pharmacy area, it was all ransacked, there was bottles
1033 everywhere. I remember there's a, like, a promethazine bottle in the parking
1034 lot where that person went - went down, um, it was clearly burglarized and
1035 then we cleared that whole area and then that as I walked out that's when I

1036 noticed, uh, uh, 'cause I didn't see [REDACTED] car get ran at - at all, um, after I
1037 saw that it was, you know, messed up and I went over and make sure he was
1038 okay and that was kinda that.

1039

1040 Q: 'Kay. Did you got - get the opportunity to see the suspect's face?

1041

1042 A: Uh, I don't remember it, uh, I mean, I rolled hi- I rolled him over, um, I
1043 remember him havin' I think some tattoos on his neck.

1044

1045 Q: Did you recognize him?

1046

1047 A: No, I've never seen him before.

1048

1049 Q: Anything else?

1050

1051 Q1: No, I think...

1052

1053 Q: An- anything else?

1054

1055 Q1: Uh, if you weren't driving and you, uh, were in, uh, [REDACTED]
1056 [REDACTED] position, do you believe that you would've shot given a
1057 similar circumstances?

1058

1059 A: Yes.

1060

1061 Q1: Uh, is there anything that you believe was out of policy, uh, for the
1062 department on - on - on this matter?

1063

1064 A: No.

1065

1066 Q1: No further questions.

1067

1068 Q: Okay. Um, is there anything else, uh, you think is relevant that we haven't
1069 asked you?

1070

1071 A: No, I just, uh, no, I just, uh, I've had - never had anyone turn around like so
1072 quick, um, kinda like in that aggressive manner so, um, it was scary for it to
1073 happen. Um, I think the other guys, like, I remember the other guys running
1074 and they weren't car- I think the other guys were armed, as well. Um, as I was
1075 comin' into the lot, I was still far away but they were running, um, with their
1076 kinda hands, like, they had somethin' in their hand, like, at least one or two of
1077 'em had somethin' in their hand, like, they were carrying, I couldn't tell
1078 exactly what it was but it was almost, like, as if they were carrying a weapon
1079 in their hand because I'm thinkin', you know, if you're burglarizing a place,
1080 you know, you're gonna be carrying a bunch a stuff, that's the only other

1081 thing that I was - I was thinkin' that, you know, mult- multiple guys are gonna
1082 be armed here. Especially with the [REDACTED] kinda had the closer view and as
1083 we were comin' in the lot he kept saying, you know, "Hey, they're armed,
1084 they're armed."

1085
1086 Q: So, it sounds like that - the - the [REDACTED] sayin' that coupled with the fact that
1087 your expectation would if someone's ransacking business the still property
1088 then why aren't they carrying more property, why aren't holding the property
1089 in a manner that would be conducive for them to be carrying more?
1090

1091 A: Correct.

1092
1093 Q: Okay.

1094
1095 Q1: One more. Is it safe to say that, uh, uh, this is one of the only times that
1096 you've seen somebody who appeared to be a fleeing felon - a feeling felon,
1097 excuse me turn and, uh, face up with you?
1098

1099 A: Yes.

1100
1101 Q1: Okay.

1102
1103 Q: Okay, I think that, um, that does it for me. Um, obviously, I'm gonna, um,
1104 document this statement and then, um, everything's gonna be reviewed by the
1105 District Attorney's Office. So, do you have any questions?
1106

1107 A: No.

1108
1109 Q: I think I covered - do I need to...
1110
1111

1112 The transcript has been reviewed with the audio recording submitted and it is an accurate
1113 transcription.

1114 Signed _____

ATTACHMENT B1: Witness
Interview of [REDACTED]
(Transcript)

VALLEJO POLICE DEPARTMENT

ZOOM INTERVIEW OF:

[REDACTED]

INTERVIEWED BY:

**STEPHEN CONNOLLY, OIR GROUP
MICHAEL GENNACO, OIR GROUP**

CASE NO.:

AR2020-01

TIME:

1:06 PM

DATE:

11-02-20

LOCATION:

THREE SEPARATE LOCATIONS

AUDIO NAME:

211102_140551_00

TRANSCRIBED BY:

PAM COLBY/12-7-20

FILE NO.:

AR2020-01 [REDACTED] 110220

**CRON & ASSOCIATES
TRANSCRIPTION, INC.**

**10352 MIRALAGO PLACE
SANTA ANA, CALIFORNIA 92705
(714) 573-7172**

1 CONNOLLY: Good afternoon everybody. My name is
2 Stephen Connolly, with OIR Group. It is 1:06 PM on Monday,
3 November 2nd, 2020, and we are interviewing [REDACTED]
4 [REDACTED] of the Vallejo Police Department in connection with
5 an investigation that we are performing on behalf of the
6 department.

7 So, [REDACTED] I just want to walk you through on
8 the -- while we are recording -- I want to walk you through
9 some of the things that we've talked about previously in
10 terms of the parameters of the investigation and your role
11 in it.

12 Mike Gennaco, my colleague, and I are conducting this
13 investigation on behalf of the Vallejo Police Department.
14 We're acting under the authority of the chief in that
15 regard.

16 You are only a witness in this investigation, and we
17 are looking to get some insight to you into some of the
18 tactical issues and firearms aspects of this case that
19 we're investigating, kind of by way of background and then
20 we'll talk in general terms about some of the circumstances
21 of the actual officer involved shooting itself.

22 Your only obligation in this is to provide complete
23 and truthful testimony to the best of your ability and
24 we're also asking that you keep the contents of this
25 interview and of your knowledge of the investigation

1 confidential in order to preserve the integrity of the
2 investigation. So, does that all make sense?

3 [REDACTED] Absolutely.

4 CONNOLLY: Do you have any questions?

5 [REDACTED] No.

6 CONNOLLY: Okay. So, operating under that
7 understanding, if you could just briefly introduce yourself
8 for the audio tape, please, and obviously, the camera helps
9 for Zoom but the audio would be helpful.

10 [REDACTED] Okay. Well, my name is [REDACTED] as
11 previously stated. I'm a sergeant with Vallejo Police
12 Department. I've been employed here about -- just over [REDACTED]

[REDACTED], in fact, that anniversary was on [REDACTED]

14 Prior to that I worked for the [REDACTED]
[REDACTED] for about [REDACTED], as a

16 [REDACTED], and leading into that I was a [REDACTED] for
17 the City of [REDACTED] for about [REDACTED], after I
18 graduated the [REDACTED], and as a [REDACTED]
19 while I was in the [REDACTED]. So, my total law

20 enforcement experience, actually, is [REDACTED] as of

21 [REDACTED] That's when I started with the City of

22 [REDACTED].

23 So, I've worked a variety of assignments. I don't
24 know if you want me to get into all that?

25 CONNOLLY: Yeah. We --

1 [REDACTED] -- just one time or --

2 CONNOLLY: We absolutely will kind of get through that
3 and, specifically, with regard to your work in Vallejo.

4 So, thank you very much, and we appreciate your being here
5 with us today and then, again, obviously, we are -- to the
6 extent that we've done these investigations we're,
7 obviously, used to interviewing folks in person so we
8 appreciate the flexibility with COVID and everything else
9 for you to be doing this by Zoom.

10 The third party on this call is my partner. And if
11 you could just introduce yourself, sir, so that we have
12 your voice for the audio.

13 GENNACO: Michael Gennaco, OIR Group.

14 CONNOLLY: All right. So, with that, as all
15 established, Shane, you were talking to us seconds ago
16 about some of the particulars of your career and if you
17 could just kind of walk us through the different
18 assignments that you've had in Vallejo and bring us up to
19 the current point and some of the responsibilities that you
20 now have.

21 [REDACTED] I started off here working patrol and then, in
22 [REDACTED] I was actually [REDACTED]
[REDACTED] for a
24 total of [REDACTED] so that was [REDACTED] that I was away from
25 the City of Vallejo.

1 I came back, worked patrol [REDACTED], and then I
2 was assigned to our [REDACTED], which was part
3 of our [REDACTED], depending on
4 how -- with what piece of paper you were looking at, but I
5 focused primarily on [REDACTED]
6 [REDACTED].

7 There's, pretty much, a long laundry list of things that we
8 were responsible for, to include [REDACTED]

9 [REDACTED] I was in that assignment for over [REDACTED]

10 I came back out to patrol and then I was assigned to
11 the [REDACTED]. I

12 [REDACTED] went back to patrol
13 for [REDACTED], and then

14 [REDACTED]
15 [REDACTED] and that's where
16 I'm still working today.

17 And as far as ancillary duties, I've been a field
18 training officer, a field training supervisor, I've been on
19 the firearms training team since [REDACTED]. [REDACTED] I

20 was named [REDACTED]. I held that position for about [REDACTED]

21 [REDACTED] then it was reassigned to a lieutenant's spot and
22 then that -- well, yes, technically, I'm been the [REDACTED]

23 [REDACTED], since some where in maybe [REDACTED]

24 [REDACTED] I don't recall exactly what date but when that
25 lieutenant went out on [REDACTED] I, pretty much, resumed

1 those -- that role, as well. I was on the [REDACTED]
2 [REDACTED]. I was the
3 [REDACTED], until I
4 resigned. I've been on [REDACTED]. I feel like there's
5 a couple other things I might be leaving out here but it's
6 a lot of different assignments and in this department it's
7 kind of hard to avoid doing more than what your primary
8 assignment is.

9 CONNOLLY: Okay. So, thank you for that. And, just
10 for example, when you're talking about, you know, wearing
11 multiple hats. So, the [REDACTED] role would be a
12 collateral duty for you at this point?

13 [REDACTED] Correct.

14 CONNOLLY: And what does it entail?

15 [REDACTED] It's managing the entire [REDACTED],
16 [REDACTED] So, if you break it down in different
17 components, it's managing the personnel, as far as the
18 instructors, the Armor, the range safety officers, and for
19 all of our staff they, pretty much, work all of those roles
20 on the range team, unless they've not been properly trained
21 to do something. So, for example, right now we have four
22 new members on the team that have not been able -- we
23 haven't been able to get them to the basic instructor
24 school. So, when they're on the range, wearing the red
25 shirt, they are solely as a helper or a range safety

1 officer. There's no requirement for them to have any
2 formal training there but they are not allowed to instruct.
3 It also comes down to management of -- management and
4 maintenance of the equipment. So, when it comes down to
5 the range, we have a Range Conex box that's in a
6 neighboring agency's range. Targets, supplies, such as
7 targets, target stands, I mean, everything from staple guns
8 all the way up to ammunition, maintaining the firearms. We
9 manage -- the Range Master manages the Armors group so
10 several of us are trained Armors. We have an Armory at the
11 police department which we have to manage that, and we have
12 the Ammo Conex box. So, it's -- there's a lot of different
13 responsibilities that fall under that but the majority of
14 that time is managing the actual instructors, the range
15 staff, and seeing to it that training -- well, range
16 scheduling is completed, that instructors are assigned in
17 their various roles on the range and range -- all range
18 training aspects, and that they also form -- or create a
19 training outline.

20 And I can go further into the training outline, like
21 the format. When I first came on as the [REDACTED],
22 about [REDACTED] -- and I want to clarify -- it was not a
23 position I actually -- I didn't ask for that position. I
24 was assigned that position. I didn't have a problem with
25 that because I did feel that there was a lot of things that

1 could be improved upon and not really for any reason other
2 than -- and you've probably heard this before -- but when
3 we went through bankruptcy every single aspect of this
4 department suffered. And one of those areas and,
5 specifically, was our training, as it was, you know, when
6 you don't have money you certainly can't justify spending
7 it on training, when you're trying to staff the streets.
8 But when I came in as the [REDACTED], one of the first
9 things I directed our training staff to do was on our
10 outlines, we included some things that, historically, were
11 not always there, and that is, you know, the obvious of
12 date and time of training, who the instructors are going to
13 be, and then going over the safety rules of the range.
14 Historically, we did cover policy review but that's
15 mandatory on our training outlines. And I added
16 de-escalation, so they had to add some form of training
17 topic as it pertains to the POST de-escalation training
18 points of case law. So, I mean, the easiest one is Graham
19 v. Connor, but it could be any case law as it pertained to
20 use of force issues.

21 And then, furthermore, to pull up and discuss some hot
22 topic as it pertains to use of force somewhere in the
23 United States at that particular time. So, it was
24 incumbent upon the range staff to find something. It could
25 be something as sensational as the George Floyd case or it

1 could be something that, you know, unless you lived in the
2 jurisdiction that it happened in, you wouldn't have any
3 idea that it happened. Typically, we wanted to gear that
4 towards use of firearms though, so that it was more, you
5 know, relevant to what we were doing at the range.

6 And then, after all of that, would be the actual
7 course of fire. Whatever the course of fire was going to
8 be for that day or should I say "courses of fire." And it
9 could be, at any give time, rifle, pistol, and shotgun. We
10 incorporated a lot of less lethal training into that, as
11 well, so the .40 millimeter, not -- and when I say "less
12 lethal" I don't mean taser or baton or anything like that
13 but, specifically, as a weapon you would fire, so what we
14 have is the .40 millimeter launcher, I think, is the proper
15 term now. So, we incorporate as much as that in, as we
16 can, and I try to stay relevant on different topics, as
17 well.

18 So, for example, when COVID hit, one of the things
19 that -- through another training meeting, somebody brought
20 up that officers aren't really trained on use of -- or
21 working while wearing PPE. So, we were able to put in some
22 in-service training. Now, we weren't able to train all
23 officers but in-service means it's training that we're
24 conducting at the range and while officers are working
25 their regular shift they come out to the range for an hour

1 or whatever amount of time is, so we did in-service
2 training and have officer come out and actually manipulate
3 the pistol, shotgun, if they were assigned a rifle, a
4 rifle, while wearing PPE, to see what the challenges are
5 there. So, we try to stay relevant on current topics and
6 that's just one example that I'm putting out there, as far
7 as that goes.

8 But it's -- it's a challenge from the standpoint of
9 with our staffing levels being what they are, it's
10 difficult to even staff the range sometimes. I might be
11 going a little off-topic here but, for example, we have a
12 training day coming up on November 5th, and to give you a
13 little bit more insight on the challenges, our last two
14 training days a year were supposed to be November 23rd and
15 December 17th, and that was supposed to be the range
16 training days. And coming into October, those dates were
17 changed so we're going to be doing a different type of
18 training for those last two sessions but what did happen
19 was the range training days were changed to October 5th and
20 November 5th, so before we were supposed to actually do
21 that, which cut our time short in preparation of that.
22 Historically, the last training session of the year, we do
23 a full Armor's inspection of the weapons. So, whatever
24 issued weapons -- well, going back -- issued pistols is
25 what we had done before. So, we issue everyone in this

1 department a Glock .9 millimeter and a Glock .45 and at the
2 last session of the year, our trained Armors would be at
3 the range, all the officers are required to bring those
4 weapons. We do a full Armor's breakdown, full inspection,
5 sign-off on a sheet, have them test fire the weapon and
6 then we put it back into service.

7 Well, this year, I expanded that to department issued
8 rifles and any handguns that -- because in our department
9 we issue you a handgun but there is a list of firearms that
10 officers are allowed to purchase and put into service with
11 the Range Master's approval. So, they have to train with
12 it and they have to qualify with it, and it has to be
13 signed-off by the Range Master for them to carry it, which
14 would come in the form and the sign-off would be on a Qual
15 sheet or a Range Staff, so I shouldn't just say Range
16 Master. So, to clarify, it's not necessarily one person
17 that's signature is going to be all those Qual sheets, but
18 it will be a range staff that's inspected it. The
19 officer's trained with it, the officer's qualified with it,
20 and now they're allowed to carry it. So, this year, I
21 expanded that inspection -- the Armors inspection -- to
22 include the privately owned that are in-service, the
23 department issued rifles, and the department issued
24 pistols. And because of that training being bumped up
25 early it's presented a challenge.

1 We were able to do the first session relatively easily
2 because I had enough staff. This upcoming Thursday, we
3 have a training day, and I'm struggling to staff it. We're
4 going to have to slow everything down, is what's going to
5 have to happen, because between injuries, vacations, I'm
6 away for training, I'm going to have a skeleton crew of
7 instructors there and when it comes to range stuff, you
8 know, you can't -- you can't run at the same pace if you
9 don't have the property safety measures in place and
10 everything's going to be slowed down.

11 I mean, I may have went off topic there a little bit,
12 as it pertains to the Range Program, but it's -- the Range
13 Master job, it's a lot. Realistically, in a department
14 like ours, it should probably be more of a full-time
15 position, from the standpoint that we're going to be
16 responsible for managing all aspects of the range stuff.
17 But I don't see that happening and it's never been the case
18 here as long as I've worked here. But I recently,
19 actually, just in this last week, [REDACTED]

20 [REDACTED]
21 [REDACTED], which covers
22 all aspects of range operations. Everything from building
23 a range, running the range, to the OSHA standards, NIOSH
24 standards, the -- even -- all the way down to keeping your
25 material safety data sheets for every item you have on the

1 range. And so, having completed that [REDACTED]
2 [REDACTED] there are a number of issues that need to be
3 addressed, and I don't mean from a standpoint of the
4 training issues. I do believe our training we provide to
5 our officers is good training, it's relevant training.

6 I network with other agencies when I go to training
7 and what I found is even when we were not training as much,
8 we were still far exceeding the POST standard and we were,
9 for the most part, exceeding what a lot of the neighboring
10 agencies were doing as far as range related training but
11 it's never -- it's never truly enough. Right? We always
12 want more but it's still -- it's actually good to go to
13 these things and find out that -- and we haven't done this
14 in a while -- but when I was [REDACTED]

15 [REDACTED] I implemented instructor development days, and
16 that's something we haven't done for a while. For probably
17 over a year now. But that's -- that's relevant stuff.
18 That needs to happen. And the only reason we haven't is
19 two reasons; staffing and myself, being in the [REDACTED]
20 [REDACTED], and I just discussed this with
21 the captain on Saturday, is we need a little more
22 clarification on exactly what authority I have at this
23 point, being the [REDACTED] as opposed to being
24 the [REDACTED]. Because I, personally, feel like I'm a
25 little more limited than I was before, when I was in charge

1 of that program. And I'm not saying that from the
2 standpoint of I'm trying to take the program over again,
3 but if I am going to be assigned this, it needs to be a
4 little -- it's needs to be all or nothing, I guess, or, at
5 least, clarified guidelines as to what I have authority to
6 do and what I don't have authority to do. Because
7 oftentimes, these things, it comes down to money. If I'm
8 going to provide additional training, if we're going to do
9 inventory, if we're going to weapons maintenance, things
10 like that, we're so strapped for staffing right now that
11 that's a difficult task to do during your normal work.

12 CONNOLLY: And is that -- for the instructors, is that
13 collateral also? Do you have civilian staff up there, at
14 all? Or who -- who is actually doing the instructing and
15 serving as staff out there?

16 [REDACTED] It's all sworn staff that are currently full-
17 time employees and, of that, it's all collateral duties.
18 There's no full-time -- the closest thing we have to full-
19 time is our training sergeant but that -- that's more, I
20 mean, even -- even for the training sergeant, it's,
21 technically the administrative sergeant, and he's doing a
22 number of different things, as well as managing the
23 training program.

24 CONNOLLY: So, you're in the [REDACTED] as a
25 [REDACTED] and apart from this, what other -- apart from

1 the [REDACTED] what other collateral duties do you have right
2 now that are related to firearms tactics, training, use of
3 force, assessment, etc.?

4 [REDACTED] Just -- just the [REDACTED] side.

5 CONNOLLY: Okay.

6 [REDACTED] (INAUDIBLE.)

7 CONNOLLY: Is it -- just in looking through some of
8 the materials from past cases, I saw your name a couple
9 times as a "panelist on the Critical Incident Review
10 Board." Is that correct?

11 [REDACTED] Correct.

12 CONNOLLY: So, what was the -- what are the
13 circumstances -- what -- what capacity were you serving in
14 there and what was the background that put you in that
15 role?

16 [REDACTED] Well, so I sat on the panel. We had -- we
17 held a panel for two different cases and there was a
18 sergeant who was assigned to write a report for each
19 incident. So, I sat on that panel for two but I wrote --
20 which we had discussion on both but I was assigned to write
21 a report on one of those particular incidents and that was
22 an officer involved shooting that occurred in another
23 jurisdiction, the City of Martinez, and so, given all the
24 facts I was to formulate an opinion -- and the Critical
25 Incident Review Board is more along the lines of "Are we in

1 policy? Are there areas we can improve? Are there
2 training points?" Things along those lines. And so, on
3 that panel, it involved the City Attorney's Office, arrest
4 and control staff, and range staff, so I fell under the
5 range side of that and, I believe, in that panel, there was
6 also a captain in there. It's been a while.

7 Now, I've been asked to sit on a couple of other
8 Critical Incident Review Panels but due to being away for
9 training, or other obligations, I was not able to do that.

10 CONNOLLY: So, the expertise that you were providing
11 is in terms of your knowledge of firearms and their
12 appropriate use, in conjunction with your role as the [REDACTED]

13 [REDACTED] Would that be accurate?

14 [REDACTED] Yeah. And the tactics involved around using
15 the firearm. I guess that would further describe it.

16 CONNOLLY: Okay. And tell -- tell us a little bit
17 about your tactical background and what kind of training
18 have you gone through yourself in terms of putting you in
19 that role where the department sort of recognizes you as an
20 appropriate panelist for these sort of reviews.

21 [REDACTED] Well, prior to becoming a police officer I --
22 well, I actually had [REDACTED] when I
23 was [REDACTED] and I served
24 [REDACTED]. I worked a variety of jobs
25 there. I had a [REDACTED] came back in

1 for another [REDACTED], for a total of [REDACTED] -- and I'm
2 sorry -- [REDACTED]. And in that time, I served in
3 [REDACTED]. I
4 was also a [REDACTED] for my
5 [REDACTED], which falls under the [REDACTED]
6 [REDACTED]. I came back into the
7 [REDACTED] I had a break in the [REDACTED] for
8 [REDACTED], went to a [REDACTED], came back into
9 the [REDACTED], [REDACTED],
10 came back, and finished out my [REDACTED]
11 there, had that [REDACTED], [REDACTED],
12 and was assigned to a [REDACTED], where I was
13 both an [REDACTED] and [REDACTED]
14 [REDACTED] and, in that unit, I also took on the role as the
15 [REDACTED], [REDACTED]
16 [REDACTED], for that unit.

17 From the police department standpoint, I've been to
18 the [REDACTED],
19 [REDACTED]
20 [REDACTED]. In
21 additional to that, I've been to some [REDACTED], way
22 of the [REDACTED].
23 He's both a [REDACTED]
24 [REDACTED] which is
25 also put on by a former [REDACTED] and another --

1 another officer that works for a nearby agency that has
2 military service, as well.

3 In addition to that, though, and I feel like I'm
4 leaving a few of these courses out. I have a list of
5 different courses I've attended. I've been to a few [REDACTED]
6 courses, as well, as far as the [REDACTED]
7 so the [REDACTED], which is
8 supposed to be a [REDACTED] on several
9 [REDACTED] [REDACTED]
10 [REDACTED] as well as the [REDACTED]. But one of the
11 aspects, when I became [REDACTED], was an
12 emphasis on having our instructors attend non-shooting use
13 of force type of schools. So, the two in particular that I
14 wanted all of our instructors to attend was the Force
15 Encounters Analysis and the Human Factors Course, so one is
16 a three-day course and one is a two-day course and then,
17 the other course we looked into and [REDACTED], I did
18 attend and test in the past, is the [REDACTED]
19 [REDACTED]. That's a little more lengthy and a little more
20 expensive of a course and so I wasn't really trying to get
21 all of our instructors through [REDACTED], I mean, in a
22 perfect world I would be able to, but I know that we have,
23 at least, to on the firearm staff now that are Force
24 Science certified, as well.

25 A couple of the classes that I wanted to implement, as

1 well, is the eight-hour de-escalation training and the
2 40-hour Crisis Intervention Training, as well, which most
3 -- or a lot of agencies are doing for all of their
4 officers. They're doing some type of CIT training and some
5 type of de-escalation training, but I specifically wanted
6 all of the range staff to have that under their belt
7 because it's not, you know, the emphasis is when we go to
8 the range, we don't train that every time you draw your
9 weapon, you fire it. Or every time you point it, you fire
10 it.

11 That there's decision making involved here, as well,
12 and then the factors, like for example, with Force
13 Encounters Analysis, you're looking at different cases that
14 are from around the country and should this officer have
15 shot? Should this officer have not shot? What were the
16 circumstances behind it? What are the hidden things that
17 we're not, you know, we're not seeing and we're not picking
18 up on?

19 And then, the Human Factors goes even more in-depth
20 into what the individual's training and experience is, what
21 that particular day was for them, as far as everything from
22 how much, you know, sleep they've had, like human and sleep
23 loss, time on the department, you know, prior experience,
24 things like that. So, those are courses that, you know,
25 Human Factors, Force Encounter Analysis, Force Science, are

1 other courses that I have completed, as well.

2 CONNOLLY: Okay. Thank you. Did you serve on the
3 SWAT team, at any point in your --

4 [REDACTED] No.

5 CONNOLLY: No? And do you have familiarity with -- in
6 a basic sense or in conjunction with some of the specific
7 roles that you have, do you have familiarity with the way
8 that the SWAT officers for Vallejo PD are trained
9 differently than kind of the regular patrol officers in
10 terms of tactics, equipment, etc.? How much -- how well
11 versed are you in that?

12 [REDACTED] So, as a member of the [REDACTED]
13 [REDACTED] I got on there in [REDACTED] and I [REDACTED] from that
14 [REDACTED], after about a [REDACTED] as the

15 [REDACTED] So, we do joint training with SWAT several
16 times a year. In better years, maybe more. On the years
17 where staffing was an issue, it was usually about three to
18 four times, minimum, that we'd do joint training.

19 In additional to that, as far as their range training
20 goes, on a few occasions, and what we were gearing towards
21 is that we would have range staff provide the range
22 training for the SWAT team so that all SWAT members could
23 do the actual range training because we have several range
24 -- or firearms instructors who are also on the SWAT team.
25 So, when they -- when they conduct their range training,

1 members of their own team provide the training, range
2 safety officer, etc., but the issue there being is that
3 you're taking away from their overall training so you have
4 a SWAT operator that now has to go in the role of being an
5 instructor and is not necessarily getting the benefit of
6 doing the range training itself. So, on a few occasions,
7 I've been out to the SWAT training, as an instructor, and
8 as a range safety officer, so I have seen how they train on
9 the range. I am familiar with how they train and, I think,
10 you were saying is it different from regular training?
11 It's theirs, typically, is at a higher tempo. There is --
12 although our standard training is, typically, we provide
13 stress induced training to every officer that goes to the
14 range, whether they're SWAT or not. I can say that a lot
15 of other agencies do not do that. There's kind of a
16 standardized training that the rank and file officers
17 receive and then the SWAT training is more intense than
18 what the patrol officers receive. The gap between those
19 two in our department is not very great. So, our rank and
20 file officers are -- they are, I mean, on this topic alone
21 every -- well, can't say everyone because we could have
22 newer officers but in our curriculum, for our rank and file
23 officers, we do drills where we shoot from vehicles and
24 from around vehicles, in unconventional shooting positions,
25 and shooting in austere conditions. Shoot/Don't Shot

1 drills are incorporated into all of our trainings. But
2 when I say SWAT training is at a higher tempo, they do, and
3 they have to be more unconventional in how they deploy
4 their weapons or how they approach suspects and, what I
5 will say is, they're also given more tools to deal with
6 those particular situations than the average patrol officer
7 responding to a call.

8 If you look at the majority of our officer involved
9 shootings in the city, it's not during SWAT incidents.
10 It's, typically, patrol officers responding to calls or
11 doing a self-initiated activity.

12 CONNOLLY: Okay. Thank you. I think you said to me,
13 when we were on the phone, that you had some familiarity
14 with the events of the officer involved shooting with Sean
15 Monterrosa, that we're talking about, that occurred on
16 June 1st. Did you respond to -- I think you said you
17 responded to that scene. What kind of level of familiarity
18 and in what capacity are you knowledgeable about it today?

19 [REDACTED] So, the night that occurred -- and so, in the
20 Traffic Division, one of the responsibilities that we have
21 is forensic mapping. So, it started with major injury
22 collisions and fatal collisions, and we would map a scene
23 using Leica Total Station. And one of the common practices
24 now is to also map crime scenes. So, typically, for us,
25 homicides, officer involved shootings, things along those

1 lines, so it's not -- we don't go map a burglary, per se,
2 but if it's an officer involved shooting, we're almost
3 guaranteed to respond and map the scene. And so, on that
4 particular night, we were called out for the officer
5 involved shooting. We arrived on scene well after the
6 shooting and my team mapped the scene. So, we do a walk-
7 through of the scene and we've got to figure out what we're
8 going to diagram and what we're not going to diagram. And
9 then we setup, you know, the best location to shoot from
10 and then we provide a finished product of overview map, to
11 scale, to the investigations committee.

12 So, that's -- and then, obviously, limited discussion
13 about the incident that led up to it and then, obviously,
14 everything that's been in the media since then. I try not
15 to dive into that too much but it's kind of hard to avoid,
16 at least, for the first couple of months after -- after the
17 incident, particularly, it's kind of hard to avoid,
18 especially working for the agency that was involved in it.

19 CONNOLLY: So, you were out there and have, it sounds
20 like, a fairly detailed familiarity with the scene itself
21 and the circumstances and you've gotten a basic sense of
22 the elements that led up to the shooting, if I'm hearing
23 you correct.

24 [REDACTED] Correct.

25 CONNOLLY: Okay. Okay. So, it's our understanding

1 that Officers [REDACTED], who were the three
2 officers in the pickup truck that night, they were working
3 in their SWAT capacity. They're [REDACTED] assigned and they were
4 working in their SWAT capacity. So, I have a couple
5 questions. One is, you talked about being part of a [REDACTED]
6 [REDACTED], is that the same thing as what they're now
7 calling the [REDACTED]

8 [REDACTED] Yeah.

9 CONNOLLY: Okay.

10 [REDACTED] So, it was the [REDACTED] and a
11 few years ago, it was relabeled the [REDACTED].

12 CONNOLLY: Okay.

13 [REDACTED] But, essentially, the same -- the same type of
14 team, the same -- in fact, I would say [REDACTED] seems to be a
15 little less of a street team and it seems like they've
16 geared more towards more [REDACTED] type of operations
17 -- [REDACTED]. And I'm speaking as a non-
18 member of that particular team. I'm just telling you how
19 it would appear from being an outsider looking in.

20 The [REDACTED], although we did do a lot
21 of [REDACTED], a lot of [REDACTED],
22 [REDACTED], we just created a [REDACTED]
23 [REDACTED] things like that, we -- I feel like we were a
24 larger team, for one, so we were able to go out and address
25 street level crime. We wore a different uniform, which is

1 similar to what they wear now and we did drive unmarked
2 vehicles but, for the most part, we drove -- when we were
3 doing street enforcement we drove unmarked Crown Victoria's
4 that had emergency lighting and siren capabilities, police
5 radio and, for one car, we always had a transport vehicle
6 that also had a prisoner transport cage, as well. So, from
7 the outside looking in, it -- yes, it is generally the same
8 team but it seems as though they do a little more of the
9 [REDACTED] type, less on the streets, type of enforcement than
10 we did as a [REDACTED].

11 CONNOLLY: Okay. Okay. And this may not be your
12 bailiwick, at all, and if it isn't, then certainly feel
13 free to say yeah, I wouldn't be able to speak to that but,
14 I guess, the question is, if they were working in their
15 SWAT capacity, as a three-person team, and sort of
16 responding to the rioting and looting activity that was
17 occurring throughout the city, in those few days, what is
18 -- is that -- what does that mean to you in terms of their
19 -- what their particular responsibilities would be as a
20 SWAT team -- acting as a SWAT team in responding to some of
21 this stuff? How does -- how would that be different than a
22 patrol officer or [REDACTED] or what have you?

23 [REDACTED] Well, they're going to, typically, from the
24 get, if you're deploying as a SWAT team, you're going to be
25 maybe geared up, you're going to have -- you're going to

1 probably have long guns deployed, you're going to have
2 additional equipment.

3 So, for example, a patrol officer is not going to wear
4 a heavy vest and carry a flash-bang. Or be prepared to
5 deploy gas or respond to an area where maybe tear gas or
6 something has been deployed. That's going to fall into
7 more of the SWAT capacity or mobile field force capacity.
8 So, driving in an unmarked emergency vehicle, fully geared
9 up, in the SWAT capacity, is if something is really going
10 sideways, for example, it's, you know, something above and
11 beyond -- and I hate to say the word -- average patrol call
12 because we all know that any call can turn into a critical
13 incident but they're going to probably be on the leading
14 edge of responding to such incidents, even if, initially,
15 it's to get a long eye and assess the situation and then
16 formulate a plan of approach from there. Or, in some
17 circumstances, just flat-out deploying into that particular
18 area and taking action. So, in the SWAT capacity, they
19 should -- and could be -- available to respond to those
20 incidents before a patrol officer.

21 CONNOLLY: Okay. Okay. I want to talk in some
22 general terms, again, without getting too far into the
23 weeds of the particulars in this case, just kind of your
24 general knowledge and background on some of the elements of
25 this, that were relevant to what happened that night.

1 So, in terms of the department and training and
2 tactics, let's -- I want to talk about the Colt M4 Commando
3 rifle, which is, my understanding, is the weapon that
4 Officer [REDACTED] used. So, can you -- what can you tell me
5 about that in terms of is it issued by the department? Who
6 gets those issued? And what are the -- sort of the
7 features that distinguish that weapon in relation to other
8 rifles or handguns or what have you? Sorry, there's a lot
9 there, so we can break it down, if you'd like.

10 [REDACTED] Well, so the Colt M4, there's -- well, the M4
11 Commando, in particular, is not -- that is a weapon that is
12 issued to SWAT operators and the patrol rifle course is
13 Colt M4. The difference being is, the Colt Commando that
14 the SWAT officers use, typically, have the full-auto switch
15 so you can do semi-auto or full-auto with those and it's
16 equipped with a suppressor. So, those being the big
17 difference between what a patrol rifle operator would have
18 is a Colt M4 without the suppressor on it and also without
19 the full-auto switch on it. So, we have semi-autos only.
20 But, as far as barrel length and -- and rate of fire from
21 the semi-auto standpoint, and all the other features on the
22 rifle it's, essentially, the same thing.

23 CONNOLLY: And a regular street patrol officer, do
24 they have those? The M4s that are not the Commando
25 version, do they have those in their radio cars or is that

1 something that is only in special circumstances that they
2 would be equipped with those?

3 [REDACTED] So, in our -- in our agency, you have to
4 express interest in becoming a patrol rifle operator and
5 then we hold an in-house 24-hour training course. So, once
6 you're selected to be on that, you have to complete --
7 successfully complete the 24-hour training and then you're
8 issued a rifle. So, you're issued the rifle at the
9 beginning of the training, you complete the 24-hour
10 training. If you successfully complete, successfully
11 qualified with it, you are now a patrol rifle operator or
12 officer that's authorized to carry a patrol rifle. And
13 then, it's really the officer's discretion as to when they
14 deploy it in the field. But, understanding that they're
15 going to a, you know, a vandalism call at the elementary
16 school, they're not going to get to the call for service
17 and pull out their rifle. So, the rifle is, generally, for
18 critical incident type of events, if you're responding to
19 an armed subject, if you're responding certainly to an
20 active shooter scenario, or something along those lines,
21 where you need to have -- the general rule is to have fire
22 power that will exceed what the suspect may have and that's
23 not always the case. But if you have that opportunity to
24 deploy the patrol rifle, it's encouraged, and an officer
25 would use it.

1 CONNOLLY: Can you talk a little bit more about that
2 in terms of fire power that would exceed what the suspect
3 would have. Explain a little bit more to us lay people
4 about what that means and how the rifle would provide that.
5 What advantages, I guess?

6 [REDACTED] I'm sorry. I didn't catch the very last part.

7 CONNOLLY: Yeah. Sorry to interrupt you. I guess
8 another way to be putting it would be, what advantages do
9 you have if you're holding an M4 Commando rifle as opposed
10 to somebody who just has a handgun?

11 [REDACTED] Right off the bat, you're going to have
12 accuracy, you're going to have -- distance will be your
13 advantage, the actual -- for lack of a better term --
14 stopping power with a rifle -- rifle caliber as opposed to
15 a pistol caliber. So, you gain a lot of advantages there.
16 A shoulder fired weapon can be deployed way more accurately
17 than a handgun. And just -- just for the stable shooting
18 platform alone, that it creates, you have it shoulder fired
19 so your body mechanics are going to provide that more
20 stable platform. And that's not to say that there aren't
21 people that are very accurate with handguns, and they are,
22 and we have a lot of those working in this department, but
23 that rifle will give you the advantage for accuracy,
24 distance, and shot or stopping power as far as the caliber
25 goes.

1 CONNOLLY: Okay.

2 [REDACTED] And you have the advantage of capacity, as
3 well, I mean, we typically run 30-round magazines as
4 opposed to, in the industry -- well, the Glock 17 has a 17
5 plus one capacity. The Glock 21, which is our .45 caliber,
6 is a 12 plus one -- or, I'm sorry -- 13 plus one. Some of
7 the firearms that officers -- that are personally owned
8 that only have capacities of maybe up to 22 rounds of
9 .9 millimeter. And a .9 millimeter round is going to -- is
10 significantly less powerful than a .223 or a 5.56 round,
11 which is what the rifle is going to be shooting.

12 CONNOLLY: Okay. I want to talk about flash-bangs a
13 little bit, as a munitions option. How much familiarity do
14 you have with those?

15 [REDACTED] Not a ton. I've been around plenty of them.
16 Part of the thing when I was on the [REDACTED],
17 we did a significant amount of [REDACTED] and
18 [REDACTED], so I'm not an expert on
19 flash-bangs, I'm not a trained flash-bang person or
20 anything along those lines but I'm somewhat familiar with
21 them. I have -- I have used them in training environment,
22 as well, so, I mean, I'll speak to -- to the knowledge that
23 I have.

24 CONNOLLY: Okay. Fair enough. And do you -- so, who
25 is -- who gets issued those? I could probably work on the

1 grammar of that question but what -- when does the
2 department distribute those and what qualifications does
3 somebody have to have to carry them?

4 [REDACTED] Well, my understanding is currently it's the
5 SWAT team. I don't know to what extent of training they
6 receive before being issued them or deploying them. Now,
7 I'm not 100 percent sure but, I believe, Mobile Field
8 Course may also fall under that umbrella, as well, as far
9 as being able to possess and deploy flash-bangs, but I'm
10 not 100 percent sure on that one or if that's something --
11 I know it has been discussed. I've been a part of those
12 discussions as far as the handheld flash-bangs that you
13 would deploy, the way you deploy say a hand grenade, and
14 then there's also aerial flash-bangs that are available for
15 the .40 millimeter launchers that we have. I do not know
16 if we have any of those being used at this time but I know
17 it is an option, as well, and I'm not 100 percent sure if
18 the SWAT team is currently using those are not. I do know
19 they have the .40 millimeters for less lethal options but I
20 don't know if they were using the flash-bang projectiles
21 yet or if they're even going to, at this point.

22 CONNOLLY: Okay. And to the extent you have
23 familiarity with them, and I understand the qualifications
24 that you gave us, what is your understanding of why they
25 would be used and what the point of them is?

1 [REDACTED] It's, essentially, to stop whoever you're
2 deploying it against. So, the -- it provides a very, I
3 mean, it kind of goes with the name, a bright flash which
4 disorients a person's vision and there's a loud explosion
5 which further disorients a person and it's to gain a
6 tactical advantage to, for example, in an entry, if you're
7 going to deploy a flash-bang on entry, you have that
8 element of surprise that it's supposed to give you the
9 tactical advantage so that you can go in and effectively
10 apprehend who you are there to apprehend and then carry out
11 your search or whatever else it is that you're going to do.

12 CONNOLLY: Would you categorize it as a de-escalation
13 technique?

14 [REDACTED] Well, it -- I would say yes. De-escalation,
15 it's kind of in the eye of the beholder, I mean, I would
16 argue that you can say de-escalation is everything from
17 using verbal tactics to stop a combative subject down, all
18 the way to, I mean, you could almost argue that using a
19 handgun is de-escalation to stop a school shooter. So, I
20 would put it into a category of being potentially a
21 de-escalation tool, you know, I've seen a lot of them being
22 deployed on arrest and in search warrants and the fact that
23 -- well, some people, once it's deployed, it stuns them to
24 the degree that we don't even have to go hands-on to effect
25 arrest, where they surrender because they're so disoriented

1 and it's outside the norm for most human beings to have a
2 loud flashing device explode near by them. But I would
3 also say you could use it as a de-escalation tactic from
4 the standpoint of you deploy it and it may buy you that
5 little bit of time to actually apply handcuffs or use some
6 other type of force, control hold, or whatever, to gain the
7 upper hand. So, I -- I -- personally, I would argue that
8 yes, it can be used as a de-escalation tool.

9 CONNOLLY: So, what I want to talk a little bit about
10 the -- the circumstances of the actual incident that we're
11 investigation here and you may have some background
12 regarding this but just to put it in very simple terms, the
13 officers were responding to a report of "criminal activity
14 in progress in and outside of this Walgreens drug store,"
15 and, I believe, they were notified about that by [REDACTED]
16 [REDACTED]. They met with him and had a conversation -- a
17 brief conversation with him while everybody was still in
18 their own respective vehicles and then devised a plan for
19 apprehending the suspects by kind of coming in from
20 different entrances to converge on the individuals that
21 were there.

22 So, I wanted to get a sense from you about the, you
23 know, do you have an opinion or any sense of that from your
24 perspective -- tactical perspective or what have you, in
25 terms of the -- how that initial plan struck you as being

1 sound tactically or otherwise?

2 [REDACTED] Well, any time you have the opportunity to
3 stage prior to going in, to formulate a plan, you take
4 advantage of that. So -- and this can be from responding
5 to a call for service and going in as more than one
6 officer, you gain an advantage there, and you're able to
7 formulate a plan. So, I would say -- and I was not aware
8 of the fact that they had physically met up prior to going
9 into the Walgreens. If that is the case, I would say that
10 was a smart plan. And to come in from different angles, I
11 mean, there's always the issue of potential cross-fire, if
12 it becomes one of those type of incidents, which this
13 clearly did, but to approach in more than one direction can
14 also work to your advantage, as well, because if you're
15 going to try to capture a fleeing suspect or something
16 along those lines, you can gain the upper hand by having
17 more sectors covered, avenues of escape covered, things
18 along those lines. And then, if it does, in fact, turn
19 into a use of force incident, like it did, an officer
20 involved shooting or deadly force scenario, if you're
21 triangulating on something like that, that would also work
22 in your advantage, as well, where the opposite of that
23 would be if you're coming in, exactly 180 degrees from each
24 other, and now you create a potential cross-fire issue.

25 I mean if we're doing a search warrant on a house, or

1 we're even responding to a house, one of the first things
2 we do is we setup a perimeter. So, you have a perimeter
3 for containment and then you're arrest team either goes in
4 or you surround and call-out and -- and for a call like
5 this, which is maybe more dynamic than a standard call for
6 service, you have civil unrest, you have looting, there --
7 you know, I do know that having worked during that period
8 of time here in the city, hearing gunfire throughout the
9 town was not an uncommon thing. So, we know there are
10 armed subjects out there. We know they're willing to pull
11 the trigger, I mean, by just the sheer nature of the amount
12 of shootings we go to in this city, we know people out here
13 possess guns, carry guns, and use guns on one another.

14 So, if you have that ability to rally up, stage,
15 formulate a plan, and approach it in more than one
16 direction, you should definitely take advantage of that.
17 To me, that's smart planning.

18 CONNOLLY: And if the officer's got a specific sense,
19 I think, what actually happened is they met briefly, kind
20 of devised the plan that we just talked about, and then as
21 the officers in the truck were kind of driving around, to
22 go to their entry point, they heard [REDACTED] over the
23 radio, talking about the idea "that the subjects were
24 armed."

25 [REDACTED] Correct.

1 CONNOLLY: So, all three of them, in the truck,
2 basically, said they heard [REDACTED] talk about them
3 being armed, as they were kind of rolling in. So, with
4 that in mind, how would that change -- how does that -- or
5 should it -- would it or should it change when you have
6 that kind of new piece of information as you're making
7 entry into this thing?

8 [REDACTED] Well, yeah. You would definitely be -- your
9 senses would be heightened at that point in time. So,
10 there's a term that's out there, called, "Priming" and I'm
11 sure you've heard of this before. "Dispatch priming."
12 "Priming?"

13 CONNOLLY: Okay.

14 [REDACTED] Where something, an element, is introduced to
15 responding units that prepares them for potentially a
16 greater threat than what's really there or possibly exactly
17 what it's there for, so this can be something that works to
18 your advantage. It could be something that works to your
19 disadvantage. But, the point being, into that, and having
20 -- because I have heard is the captain did respond in, did
21 put out over the radio that the subject is potentially
22 armed. I mean as far as their response coming in, you have
23 three SWAT operators with heavy gear, a long gun, in a
24 police vehicle, I mean, that's exactly who we would send to
25 that, if you have that luxury, and they did, in fact, have

1 that luxury. As opposed to going well, let's wait and have
2 a patrol officer arrive to this, I mean, we do have patrol
3 officers that do respond to things like that, on a fairly
4 regularly basis. Not necessarily rioting and looting but
5 our officers respond to armed subjects in this city or, at
6 least, calls of armed subjects, almost on a daily basis.
7 So, the fact that they had three SWAT operators, with their
8 gear, highly trained, in their vehicle, and were able to
9 approach in that way, I would say that's almost ideal. If
10 we could have that on a daily basis, going to some of these
11 calls for service, that would be a good thing.

12 CONNOLLY: And in terms of -- and some of it is just a
13 timing thing and when they actually hear that as opposed to
14 where they are in the parking lot, or anything, but if I
15 said to you -- would it, at all, suggest well, hey, let's
16 slow this down or regroup or keep some additional distance?
17 Are those options that you would recommend or how would you
18 respond to that?

19 [REDACTED] You can explore those options, I mean, and I
20 don't know where they were in their response when that came
21 over the radio. So, if they're further away, but the
22 difference is this. They're still going to be responding
23 to it. And so, you don't necessarily go well, I'm not
24 going to respond to this because now there's potentially an
25 armed subject. I would argue that the opposite, that you

1 need to respond to this because there's potentially an
2 armed subject out here that's in the middle of committing
3 crimes and by apprehending this person we're potentially
4 reducing the fact that this person's going to use this
5 weapon on another civilian that night or an officer or who
6 knows what circumstance that's going to happen.

7 So, I would say you could definitely slow it down or
8 you could formulate your approach with the people you're
9 working with and still come in fast, you know, these guys
10 are trained, they know what they're doing, and I don't -- I
11 wasn't in the vehicle, I don't know how the conversation
12 went, but knowing all three of those guys, and knowing how
13 they train, I'm fairly certain in saying that they
14 formulated a plan as they were approaching.

15 And, I would say, part of that plan or if I was one of
16 those three, would be to have a long gun ready. That would
17 be one of the aspects of that, if I was responding to that,
18 is to have a long gun ready so the driver is going to be
19 occupied with driving. The passenger is going to be
20 occupied in a position that's going to make it harder to
21 deploy a long gun. The rear passenger is in a position
22 where they can have a long gun ready. And they have
23 trained to deploy it from inside a vehicle so, I would say,
24 that they were putting themselves at a tactical advantage,
25 responding in the way that they did.

1 CONNOLLY: So, you touched on this briefly, but I want
2 to follow-up on it a little bit more. If there is a
3 tension between officer safety and, you know, creating
4 distance and cover and concealment, and hey, let's make an
5 announcement and see how that goes over versus coming in
6 and maybe taking advantage of the element of surprise, or
7 what have you, in terms of the effort to apprehend him, how
8 would you -- how do you recommend officers balance that
9 tension between, you know, safety and caution versus
10 preventing escape and just having everybody scatter on
11 them?

12 [REDACTED] Well, in my understanding of this particular
13 incident, is it possible -- is he was fleeing to a vehicle
14 that was going to flee the scene. So, at that point in
15 time, once a person gets behind the wheel or into a
16 vehicle, now you have a couple -- a significantly more
17 dynamic situation going on where you're potentially
18 allowing an armed subject to get into a vehicle and flee,
19 which can create a significantly more dangerous situations
20 for the public, for the officers that are involved in that
21 particular situation. So, if I were to balance the two, of
22 a subject walking around the parking lot without the means
23 to get into a vehicle and flee, then by all means keep a
24 stand-off, keep a distance a little bit more, or maybe
25 significantly more, take a corner of a building, have

1 somebody calling it out.

2 Now, the other thing that needs to be factored in here
3 is -- and only having been to the scene after all of this
4 and, I mean, I can't say it enough -- after all of the
5 dynamic stuff was over with -- but seeing the position of
6 where the [REDACTED] vehicle was compared to where the
7 subject was ultimately shot, that -- that [REDACTED] vehicle
8 is almost in a position where he's in harms way if, in
9 fact, this person was armed with a handgun and decides to
10 open fire.

11 So, that have -- and I'm only speculating -- could
12 have sped up the response of the three officers that were
13 -- that were responding -- the three SWAT operators that
14 were responding, as well.

15 Now, if the approach was such that you knew a little
16 bit, you had more intel of what was going on on the scene,
17 you could slow it down, get a long eye without maybe
18 exposing yourself and then, at that point in time, you
19 could probably slow it down.

20 But the dynamics of this one is -- and I don't know
21 that, you know, what -- what the [REDACTED] thought process
22 was, when entering the parking lot. I can personally say
23 that I have been responding to different things over the
24 years and it's a lot quicker and a lot closer than you had
25 planned on when you're arriving on scene and you're forced

1 to act.

2 So -- and I do know [REDACTED] and I've worked
3 with him, you know, for over [REDACTED] now and I've worked
4 with him on the streets as a patrol officer and I know him
5 to be somebody that makes sound decisions and good
6 decisions on the street, both tactically and whatnot, and I
7 know the other officers, as well.

8 So -- and I also know that in that particular
9 incident, one of the fleeing vehicles crashed into the
10 [REDACTED] car. I don't know if that was -- my timelines on
11 that, I'm not 100 percent clear on, if that vehicle was
12 fleeing after the shots were fired and hit him or if it was
13 fleeing and hit him before the shots but that is something
14 I'm not aware of, but that could factor in, as well, as far
15 as if vehicle is fleeing, him hit him and then you still
16 have the subject in the lot, getting it into another
17 vehicle. It's my understanding there was at least two
18 vehicles in the lot. And, in the ensuing pursuit and, once
19 again, just my understanding was, the vehicle that was not
20 associated with Mr. Monterrosa but, once again, that's just
21 something that was related to me, I think, the day after
22 the incident occurred.

23 CONNOLLY: Not first-hand knowledge?

24 [REDACTED] Exactly.

25 CONNOLLY: Right. You mentioned this briefly, before,

1 but I did want to talk to you a little bit and get your
2 thoughts more formally about the whole concept of firing
3 through the windshield and what is taught and the
4 advantages and disadvantages of that.

5 [REDACTED] Well, we've taught it here several times over
6 the years. I know SWAT has done it more frequently than
7 the rank and file.

8 The advantages and disadvantages? Well, the
9 advantages can be that you're able to deploy your weapon
10 from within the vehicle without having to get out of the
11 vehicle, delaying your response and being able to shoot.
12 So, if -- you know, one of the reasons we -- the main
13 reason we've taught to shoot from within a vehicle is that
14 if an officer is ambushed, if they're inside the vehicle.
15 We're talking about incidents when you're in an officer
16 involved shooting and I can say from first-hand knowledge,
17 I have been in an officer involved shooting, and I have
18 shot from within a vehicle, at an armed subject who was
19 pointing a firearm at me. So, if I were to take the time
20 to get, you know, get out of the vehicle, draw my weapon,
21 and take up a stable shooting platform, there's a good
22 chance that the other subject could have laid down quite a
23 bit of fire on me before I even have the luxury of doing
24 all those things. So, it's to expedite the response to an
25 armed subject or a dangerous situation.

1 The disadvantages, obviously, are you may not have the
2 stable shooting platform that you want. You may be in a
3 moving vehicle, which can further complicate things. It
4 has been demonstrated that you can lay down accurate fire
5 from a moving vehicle but it does reduce your chances of
6 doing that, as it is a challenge.

7 Shooting through a window or windshield? Now, if
8 you're shooting through a windshield as opposed to one of
9 the side windows, there's two different react -- or
10 responses to that. Safety glass will shatter, it'll fall
11 down, it'll create a clear pathway once that window is
12 gone. A windshield, however, is going to remain intact.
13 So, specifically, when you're shooting in and out of a
14 windshield, it's going to affect the projectile minimally
15 -- minimally at closer ranges.

16 Shooting out of a windshield? Now, typically, what
17 happens is when you shoot out of a windshield, the
18 projectile will go slightly upward. And by "slightly
19 upward," I mean very slightly upward and in particular with
20 a rifle round, which is going to be smaller and at a higher
21 velocity and that's going to be, generally speaking, less
22 effective as opposed to a handgun round.

23 When you're shooting into a vehicle it's the opposite.
24 Typically, the round will go downwards slightly, which is
25 not -- not, obviously, the situation here but just talking

1 about disadvantages of shooting through say a windshield,
2 that could be one of the things where accuracy can be
3 affected.

4 The other thing, too, is your vision -- your
5 visibility. So, once the first round or couple rounds go
6 through the windshield, it is, typically, going to get that
7 frosted look that you see in a shattered windshield.
8 You're going to have the cracks, you're going to have the
9 safety -- the plastic layers that are in there are going to
10 have that white frosted look which could limit your view.
11 However, in our training, we train officers to try to get
12 as many rounds through that initial hole that's created so,
13 one, you're not having any hindrance on the projectile from
14 the actual glass and you (INAUDIBLE/TAPE CUT-OFF) and might
15 actually be able to see through that shots on parting.

16 CONNOLLY: Okay. And what about in terms of the noise
17 disorientation to yourself or other passengers? What do
18 you teach, if anything, about that?

19 [REDACTED] Well, that is a factor. So, I can tell you
20 from experience -- so, let me backup here to my [REDACTED]
21 experience. One of the things that we trained extensively
22 on was "cowboy" live fire tactics. So, shooting from
23 vehicles, not just the turret position but from the window
24 positions and whatnot, not through windshields because we
25 had ballistic glass and that wasn't going to be a

1 possibility. But there is a factor of noise and disorient
2 -- just being disoriented by that noise.

3 With suppressed weapons though, that is minimal. And
4 the other thing I can tell you, from experience, shooting
5 from a vehicle, hearing my own gunfire was -- was minimal.
6 There was an officer that was in the back seat that fired a
7 shot, through a side window, in the incident that I was
8 involved in, and I actually thought we were being shot at
9 by a couple of the other subjects at the armed subject we
10 were engaging was involved with. So, that did, in fact,
11 disorient me so I can speak from experience there.

12 But I can also say, in other incidents that I have
13 had, in combat, where your adrenalin dump there, you may
14 not even hear the gunfire. So, it's hard to say what those
15 particular officers were experiencing at that time.

16 Now, in a completely controlled environment, if the
17 three of us were to sit in a car with the windows up, and I
18 were to fire a gun, all three of us would significantly --
19 we would hear that in a way it would probably damage our
20 hearing, we would be affected by it.

21 But in a combat situation, or a critical incident
22 situation, that's not always the case. You may, in fact,
23 be damaging your hearing but you may not, in fact, be
24 disoriented by the noise that's created.

25 CONNOLLY: All right. That is all I have. Thank you.

1 Mike, I'm going to turn it over to you in case you had any
2 follow ups.

3 GENNACO: Thanks. Sergeant, I think, just to follow
4 on some of the things you talked about, just to drill a
5 little bit -- a little bit further.

6 I think you talked about -- or one of the [REDACTED]
7 [REDACTED], being the Human Factors class and, if I
8 understood correctly, that focuses on individual factors of
9 involved and sort of focuses on the individual as opposed
10 to -- as opposed to the science and the like. Is that an
11 accurate or fair characterization?

12 [REDACTED] Yes. That's fair to say, yes.

13 GENNACO: And one of the things, I think, you
14 mentioned when you ticked off some of the factors was the
15 experience of the individual officer, the time on, and
16 prior experience. Is that right?

17 [REDACTED] Correct.

18 GENNACO: Would that also include whether or not the
19 individual officer had prior deadly force encounters?

20 [REDACTED] It does.

21 GENNACO: And how does that factor into any analysis?

22 [REDACTED] So, there's different schools of thought on
23 that but one of them is, and I don't know if this is still
24 true today, but I know that up until recently,
25 statistically speaking, if an officer was involved in a

1 shooting, they were more likely to be involved in another
2 shooting during their career.

3 Now, if you work in an active area, that can be --
4 those situations present themselves more prevalent than
5 other areas, depending on a variety of things, but once
6 you've been involved in an incident like that, and that
7 incident presents it or a similar incident presents itself,
8 it can work in a couple of different ways.

9 One, you've been through this before. You're trained
10 to do this. Your instincts are more in-tune with the
11 scenario that's before you and you're going to react
12 quicker to stop the threat.

13 The flip-side to that is, you have that experience,
14 and you may be able to assess the situation better and
15 determine that you don't have to use deadly force.

16 GENNACO: Okay. And does that change exponentially if
17 you've been in multiple deadly force incidents? Or not?
18 Based on this class or on what you have been taught?

19 [REDACTED] They didn't touch on multiple necessarily but
20 more along the lines if you have prior -- meaning prior
21 with a deadly force incident.

22 I would say, in fairness, you'd have to factor in
23 assignments that a person's working and the environment
24 that they're working, as well. So, for example, if you're
25 working in a relatively low crime city, where there's a

1 population that's not typically armed and doing violent
2 things, and you engage in a deadly force incident, and you
3 go back into that community, the chances of you being
4 involved in another incident like that might be, you know,
5 extremely low or should be extremely low, and may never
6 happen again.

7 But, if you work in a city where you're dealing with a
8 violent population, on any, you know, and under violent
9 circumstances, and you work in a climate where your job is
10 to go after higher profile criminals or more -- or
11 criminals with more violent history, then that, in and of
12 itself, could increase your chances of using deadly force,
13 whether you've been in a shooting before or not.

14 GENNACO: Okay. You indicated -- you used the term, I
15 think, a couple times, "you can put the long eye on things"
16 and for people who may not understand that term, what does
17 that term mean to you? And how are you using it? Saying,
18 "with a long eye"?

19 [REDACTED] Yeah. Getting a visual from a distance. So,
20 as opposed to rolling right up to the scene, getting out,
21 and in your typical -- so, for example, if a patrol officer
22 is responding to a call for service, it's generally taught
23 that you would pull up and park maybe one house down from
24 the call for service, get out of the vehicle, assess the
25 scene, and then approach on foot.

1 A "long eye" would be something more along the lines
2 if you're responding to an incident like this or maybe an
3 alarm at a bank or a robbery alarm at the business, you may
4 want to take a position that's further out and have that
5 distance, look and assess the scene from further out, and
6 then determine what your approach is going to be.

7 GENNACO: Under ideal circumstances, if the initial
8 information is you have one or several suspects who may be
9 armed, or are potentially armed, or possibly armed, or
10 likely armed, in that situation, is it helpful or
11 advisable, if possible, to call-out for additional
12 resources to respond?

13 [REDACTED] Right. I mean it's always to your advantage
14 -- well, usually it's always to your advantage to have more
15 respond. Now, take that same argument to an active shooter
16 scenario. So, for many years, long before any of us were
17 born, an officer would respond to an active shooter as a
18 solo officer and what had happened, time and time again, is
19 the officer usually lost that gun battle. Then it went
20 into after the Columbine incident, and leading up to that,
21 and after that, was you wait, you formulate a team and then
22 you're responding in teams.

23 And then, it came to -- it came very -- or that as you
24 try to formulate that plan, that as fast as that suspect
25 can pull the trigger, more and more people are dying and

1 so, the current -- and this is actually one of the things I
2 failed to mention earlier.

3 I'm also an [REDACTED]. I
4 went to the [REDACTED], in
5 [REDACTED] and was [REDACTED] as an
6 [REDACTED] on that. And that's why I bring this particular
7 thing up is that the standard now is the solo officer
8 responds to an active shooter. So, you know that
9 somebody's inside a school or a business, or whatever, you
10 are, in fact, expected to grab the most fire power you have
11 in respond into that situation alone, knowing that it's
12 significantly more risky than waiting for backup and having
13 them come in, but it's for the greater good of stopping
14 that person, stopping that threat as quick as possible.

15 So, yes, having more people there to respond is better
16 but you don't always have the luxury of doing that.

17 Now, I would say, in this particular incident, you
18 have a [REDACTED] that's on scene and you have three SWAT
19 operators responding with -- with heavy gear, essentially,
20 the same gear they would use to make a tactical entry on a
21 building. I think that should have more weight than saying
22 a couple patrol vehicles are pulling into that parking lot
23 at that particular incident.

24 GENNACO: Okay. And, I think, you've talked about
25 qualifications and every situation is different. And is it

1 fair to say though, that the active shooter is still the
2 exception to the general idea or principle that if you can
3 get more assets rolling to a location, it's preferable to
4 get those assets there?

5 [REDACTED] Oh, yeah. Definitely get it started.

6 GENNACO: Okay. When you were going over the training
7 that is provided at Vallejo Police Department, I thought I
8 heard this but I just wanted to target the question a
9 little bit on this. In addition to, you know, shooting at
10 targets and doing other aspects and the case law on Graham
11 v. Connor, etc., is there a time and ability to do any
12 scenario-based training on firearms?

13 [REDACTED] We do scenario-based training.

14 GENNACO: Okay.

15 [REDACTED] We do scenario-based training, we do force on
16 force training, with Simunitions.

17 GENNACO: Okay.

18 [REDACTED] Now, the rank and file has not done that for
19 probably two years now. My understanding is that SWAT has
20 done that in -- they do it more frequently than patrol has
21 done it. Now, scenario-based training, and also at our
22 actual range, we will have scenario-based trained of having
23 officers responding in -- in a vehicle, having radio
24 traffic that pertains to an armed subject or a shooting in
25 progress, and then have to get out and we have a -- a

1 mobile target so we can put a target on it and drive it
2 around the range, have the officers get out, engage,
3 communicate with each other, and communicate with a target,
4 and then present a threat -- a shoot/don't shoot type of
5 scenario and we expect them to respond appropriately with
6 either deadly force or -- or less lethal force or verbal,
7 whatever the appropriate decision-making is; the use of
8 force or non-use of force.

9 So, we do present that and then, we also have a
10 firearm -- well, it's a simulator, the Virtual simulator
11 which officers are trained on, as well. I don't -- I won't
12 explain what a Virtual is if you're both aware of what it
13 is. I'll save you the time. But that's actually a very
14 useful tool as far as decision making and responding to
15 different types of scenarios and what level of force you're
16 going to use.

17 GENNACO: Okay. You indicated, I believe, that the
18 [REDACTED] transitioned into the [REDACTED]
19 [REDACTED] and it may have gotten smaller and the
20 mission may have changed a bit. Is that a fair
21 characterization?

22 [REDACTED] Yes. That is my assessment of it. And I'll
23 tell you, the reason being is when I was in the [REDACTED]
24 [REDACTED], it was already on the shrinking -- it was
25 beginning to shrink. But, at that point in time, we had a

1 dedicated Narcotics Unit so we had a narcotics officers
2 that was assigned to Vallejo Police Narcotics and we had a
3 supervisor working that unit, we had a task force officer
4 assigned to the DEA Office out of Sacramento and one out of
5 the Oakland Office, as well, and, I think, we had two at
6 one point in time. So, we had other resources available to
7 work the more in-depth, covert investigations side and then
8 the [REDACTED] would work as a s [REDACTED]
9 [REDACTED], or all
10 of the above, but we had more bodies back then and now, the
11 [REDACTED] team, and my assessment of it, is kind of working all
12 of those angles now. They're working that undercover side
13 of it, as well. We do have the FBI Violent Gang Task Force
14 officer but we don't have nearly the undercover element
15 that we had before, working special investigations, so it
16 would seem, from my standpoint, that they're not as visible
17 on the streets that they were before and are working more
18 of the covert, long-term type of investigations.

19 GENNACO: And how is -- what's the process? If you
20 were interested in becoming a member of the [REDACTED]
21 [REDACTED] how would you -- how would you do so? How would you
22 become under consideration? Is a memo circulated, you
23 know, to personnel patrol officer saying hey, we have an
24 opening in the [REDACTED] Are you interested? Or how does that
25 work, if you know?

1 [REDACTED] So, there's -- so, for all of our specialized
2 assignments in the police department, there will be an
3 announcement. They're supposed to actually formulate a
4 list for eligible every year, for all bureau assignments,
5 and an email will, typically, go out and officers are given
6 a deadline to put in an application. So, that application
7 puts down why they want to do it, what their qualifications
8 are, what's prepared them for that assignment. It goes to
9 their first-line supervisor, which is a sergeant who gives
10 an approval or -- either the recommendation or -- as to why
11 they should be assigned to that unit or not assigned to
12 that unit. Then it goes to their lieutenant and the same
13 process there. It's either signed off as a recommendation
14 for or against it. And then, at some point after that,
15 they have an interview with the -- with a panel and it's
16 typically a supervisor so, for example, in the Traffic
17 Division, the last panels we had was -- was a lieutenant
18 and the sergeant, which was my lieutenant and myself. When
19 I interviewed for the [REDACTED], I interviewed
20 with the [REDACTED]
21 [REDACTED]. So, it was
22 three sergeants that worked kind of in that realm. So, I
23 don't know what their panel consists of now but there is an
24 interview process and then a list -- a ranked list comes
25 out after that and as openings become available, usually it

1 goes from one to however many, down the list, gets assigned
2 to that particular unit.

3 GENNACO: Do you know whether there is a document that
4 sets out the Mission, Duties, Operational Parameters of the
5 [REDACTED]? Is there a -- is there a document
6 like that?

7 [REDACTED] I'm not aware of there being a document like
8 that but if you're saying for the -- leading up to the
9 application process, typically, in the email that goes --
10 well, let me backup here. If you work in the Vallejo
11 Police Department you, typically, have an understanding of
12 what each bureau or unit does and that is, typically, what
13 wets your appetite to put in for that, along with then
14 working with whoever is in that particular unit.

15 Now, I can tell you, from my experience, seeing emails
16 that have come out, there's usually a generalized
17 description of what that job entails or it will say, "If
18 you're interested and you want to know about it, reach out
19 to one of the members of the team or the supervisor that's
20 putting the email out."

21 Now, as far as a breakdown of responsibilities for
22 different assignments, yeah, in our General Orders, there
23 is a breakdown of responsibilities for different units and
24 everything from Patrol to Traffic Division to
25 Investigations.

1 GENNACO: Going back to my questions about, you know,
2 in an ideal situation, and getting additional assets on
3 scene to assist, I would assume that if there is time, one
4 of the advantages -- and tell me if I'm wrong -- but one of
5 the advantages, if you had more assets, and you are facing
6 multiple suspects, those additional assets can provide a
7 perimeter and assist in the apprehension process with
8 multiple suspects. Is that one of the reasons you'd want
9 to get other units rolling?

10 [REDACTED] Absolutely.

11 GENNACO: And, in this case, as we understand the
12 scenario, the two vehicles on scene fled the scene. One of
13 them got in a foot pursuit and there was an apprehension
14 for the others but I understand the suspects who were
15 affiliated with Monterrosa were never apprehended. So, is
16 that one of the reasons that you'd want more assets so that
17 you could get full apprehension or your likelihood of
18 apprehension of fleeing suspects would improve?

19 [REDACTED] Yeah. I would say, in a perfect or near
20 perfect situation, you would have enough assets respond on
21 scene to minimally prevent any vehicles from escaping that
22 parking lot, which is easier said than done but, I mean, if
23 nothing else, the driveways in and out of that particular
24 shopping complex, if you could, at least, block those.

25 Now, that's not the say they couldn't jump a curb and

1 take off but then you would still have those other vehicles
2 there, they could give pursuit, and maybe have a different
3 outcome as far as that goes.

4 So, I mean, once again, it comes down to, in most
5 scenarios, yeah, more -- more is better, I mean, in a
6 situation like this, if you could have more police officers
7 there, yeah, I think it would work to your advantage.

8 GENNACO: I wanted to ask you, since I am certainly
9 not a weapons expert, about -- enough, just a follow-up
10 question on Colt M4 Commando rifle. You indicated that one
11 of the differences is that it has suppression capabilities.
12 Is that right?

13 [REDACTED] Right.

14 GENNACO: Is that operable at all times or is that
15 suppression capability, can you -- can you turn that on or
16 off?

17 [REDACTED] So, it's a device that you actually -- you
18 have a threaded barrel and it threads on -- it screws onto
19 the end of the barrel. And, realistically speaking, there
20 has been a movement in law enforcement towards equipping
21 patrol rifles that are issued, in many agencies, to have --
22 to have everyone suppressed for the simple fact of reducing
23 the hearing loss when they're deployed. So, I mean, it's
24 -- it's definitely if you can have suppression, you should
25 definitely take advantage of having the suppressed fire.

1 It doesn't really affect the accuracy of the weapon or
2 anything like that. It makes it safer for the people that
3 are around the weapon when it's being fired, from the
4 standpoint of noise reduction. But, yeah, so it's -- it's
5 -- or, you know, the Hollywood thing would be called a
6 "silencer" you've seen in movies. Somebody screws the
7 silencer onto the end of a -- of a gun. It's the same
8 concept there except the proper term is "suppressor"
9 because it's not silencing the noise, just reducing it to a
10 decibel level that is acceptable without wearing hearing
11 protection and it can just be threaded onto the end of the
12 barrel.

13 But to be clear, a standard barrel is, for the patrol
14 rifles that are issued here, are not threaded barrels.
15 That's only for the SWAT operators.

16 GENNACO: Okay. I believe you were asked about if
17 there is time, the advantage and importance of formulating
18 a plan about how you are going to respond to a situation
19 and there's indication and, in this case, that did happen.
20 Could you just go over the advantages of why you would want
21 to formulate a plan for responding officers?

22 [REDACTED] Well, you're not going in blind. Now, I mean,
23 to some degree though. So, what they're working with is a
24 call for service. So, you don't necessarily have eyes on
25 what's happening and able to formulate a plan because you

1 see what's happening but you have a general idea of what's
2 happening via radio broadcasts of what you're going into.
3 So, if you have that time, you can -- if nothing else --
4 cover the geography of the location. Escape routes, size
5 of the building, backdrop, things like that, what might
6 obscure your vision, what might put you at a disadvantage
7 as you approach, what may put you at an advantage as you
8 approach. So, there's a number of things, I mean, it would
9 kind of go with -- with planning for anything. Right? If
10 you were able to sit down or meet up and have that little
11 bit of time or maybe even more time to formulate a plan,
12 it's going to work to your advantage.

13 Now, the downside is when you have a tense and
14 uncertain, rapidly developing situation like this, is you
15 don't have necessarily enough time and you don't have all
16 the information you need going in it. So, that's the thing
17 that works to your disadvantage, regardless of whether you
18 have planning or not.

19 GENNACO: And if, in fact, you have a chance to
20 huddle, you know, the three officers plus the [REDACTED] and
21 talk things out, is it important that all members are
22 informed of the plan, are on the same page with regard to
23 that before they approach?

24 [REDACTED] Yes.

25 GENNACO: So if, for example, the plan was going to be

1 to intentionally use a flash-bang, would it be important
2 for everyone to understand that that's a likely force
3 option so that every -- so that the officers are not
4 surprised when it's -- when it's used?

5 [REDACTED] Yeah. I mean anytime a flash-bang is going to
6 be deployed, it should definitely be communicated to
7 whoever the officers are that are going to be on scene
8 because if you're that officer, and I have been flash-
9 banged, it now creates a significant amount more risk
10 because you're not only potentially stunned, but you're
11 stunning the other officers that aren't prepared for that
12 incident to occur -- that device to be used.

13 So, and the flipside, just to dig even further into
14 that is people react differently to flash-bangs. It
15 affects some people more than others. So, if you're not
16 communicating to the officers that are arriving on scene,
17 you deploy that flash-bang, and it does not debilitate the
18 suspect, but it does debilitate the officers, you have now
19 just worked against your own team. So, it's my opinion,
20 and I think most would agree with me, it's critically
21 important that all parties involved know that a flash-bang
22 is going to be deployed or, minimally, understand it and,
23 typically, the terminology used, unless something's changed
24 in the last couple years, if you're going to deploy a
25 flash-bang you yell the word "device." And, generally

1 speaking, officers are supposed to understand that that
2 means a flash-bang is about to be deployed. So, if you
3 don't formulate the plan going in, but you arrive on scene
4 and you make that split second decision to use a flash-
5 bang, minimally, you would yell out the word "[REDACTED]
6 hoping that everyone hears you and understands what that
7 means and to prepare for a flash-bang to be deployed.

8 GENNACO: I wanted to -- thank you. I wanted to ask
9 you about, also, when there is time, whether it's
10 advantageous, when you have multiple officers in a vehicle,
11 like this one, to have one of the officers designated as --
12 as the lethal force operator, if you will, and have a long
13 gun or a gun trained on -- on the suspect. Is that kind of
14 delegation helpful to any plan?

15 [REDACTED] There's different schools of thoughts on this.
16 So, to designate a person that's going to be lethal force
17 and then, let's say, worse case scenario, that person takes
18 a round right when they come in, and they are now out of
19 the game and nobody else is necessarily prepared to use
20 deadly force, and this is one of those situations that's
21 criticized a lot because when multiple officers are
22 involved in shootings, they want to know why more than one
23 officer fired. It's because you could work against the
24 plan if you're designated lethal force is the first one to
25 have lethal force used against them or something changes in

1 the, you know, scenario that puts them in a position where
2 they cannot use deadly force and that could be anything
3 from the suspect moving to you not being able to get a
4 clear shot to stepping out of the vehicle and twisting your
5 ankle and now you're out of the fight. I mean so there's
6 different schools of thought there, I mean, you should
7 always, on a planned operation, or if you have time to
8 respond, take into consideration what your less lethal
9 options might be. That should be definitely in -- in your
10 planning process of this and, I think, we do a pretty good
11 job at that.

12 Now, designating one person for lethal force? You
13 run, I mean, generally speaking, it's okay. Generally
14 speaking we -- it works. There's always that room for
15 something going sideways, like I had already mentioned.

16 Now, designating somebody with a long run though,
17 that's definitely an advantage and because everyone there
18 is still arriving with the potential ability to use lethal
19 force. These things happen extremely fast.

20 Now, the example I just gave of, you know, the
21 designated lethal force person being debilitated in some
22 way where they can't, doesn't mean that the other people
23 can't transition to lethal force. You've got to take a
24 couple things into consideration here, as are they with it
25 enough to realize that they're designated lethal force is

1 now out of the game and now they have to take lethal force
2 or maybe to a less experienced officer you're going to be
3 able -- that guy was designated lethal force and he's not
4 using lethal force, but he's designated and I'm not, I
5 mean, you would hope that they would overcome that but
6 there's still a delay in that reaction, in that response.

7 So, it's argued both ways in this industry, that you
8 should do it, that you shouldn't do it, and it's kind of if
9 a situation dictates when, you know, how you would go about
10 that, I mean, it's -- it's -- you can look at the plusses
11 and minuses of that, in both ways, I mean, I like to know
12 that if I have somebody with a long gun, that I'm minimally
13 going to have somebody deploy a long gun, understanding
14 that everybody there is capable of using lethal force.

15 GENNACO: Would you also like to know, as you're
16 approaching suspects, if somebody in the -- if one of the
17 officers in the vehicle has decided to train his long gun
18 on -- on site?

19 [REDACTED] Would I like to know that they're going to do
20 that? Absolutely.

21 GENNACO: Yes.

22 [REDACTED] Yes.

23 GENNACO: And why is that?

24 [REDACTED] Well, I mean, for the obvious reason is you
25 know who has it, you know that you have that option

1 available to you. So, it's generally communicated so when
2 people are responding to these things, whether it's over
3 the radio or whether it's as people are arriving on scene.
4 If you don't see that that person has a long gun deployed,
5 it's generally communicated, "I have a long gun or I have a
6 rifle," whatever the terminology is used so that people
7 understand. But, yes, you should know that. You already
8 know that everybody responding there is, minimally, going
9 to have a handgun. Just as you should know that if
10 somebody has less lethal capability.

11 GENNACO: Is it also -- is one of the other
12 considerations for communicating that, to ensure that if --
13 if it's the occupant of the backseat, is on-site, with a
14 long gun, to make sure that either of the occupants in the
15 front seat don't get in his way, you know, as a result of
16 the moving vehicle; right?

17 [REDACTED] Well, so two things on that. If you're in
18 that vehicle, I would hope that you would communicate that
19 to the others in the vehicle, that you have the long gun.
20 I would assume and hope that they're aware that you have
21 that long gun and that they would actually see that you
22 were deploying it and stay clear of the muzzle of that gun,
23 I mean, that, to me, those are all obvious things. But, to
24 put it in words, yeah, I -- I would hope that would be
25 communicated and understood amongst all his people and

1 then, also understand that these are three guys that work
2 together on a regular basis, you know, they do SWAT
3 training, the [REDACTED] stuff, along those lines, and I know from
4 personal experience, when you work in that tight-knit,
5 close, cohesive unit, you kind of understand how people are
6 going to operate, not necessarily with communicating
7 verbally but you just understand that's how things are
8 going to go and you're going to see it, hear it, know it,
9 and maybe indicate it verbally. As opposed to throwing
10 three different officers in that vehicle that maybe one
11 works the weekend shift, one works Traffic Division, and
12 one, you know, you're going to have -- you're not going to
13 be as fluid and you're going to communicate or understand,
14 as well. At that point in time, I think, there should be
15 additional precautions communicated so like, "Hey, I have a
16 long gun. I'm going to have it and I'm going to take my
17 position from the backseat" and communicate it and make
18 sure that the other two people in that vehicle, 100
19 percent, understand that's what I'm doing as opposed to
20 guys I work with every day and this is we've done, we've
21 trained this way together, I see it here, and know it. So,
22 that would be the different scenarios.

23 GENNACO: And what about when a decision is made to --
24 to pull the trigger. If there is time, is it advisable to
25 inform partner officers, "Hey, I'm going lethal?"

1 [REDACTED] The key word there is "when there's time."
2 One of the things that I've been taught many times over the
3 years and I have taught this before, is you shouldn't be
4 communicating when you should be putting down fire because
5 you run the risk of delaying. You run the risk of distract
6 -- having divided attention, when you really need to be
7 focused on what you're doing. If you can -- if you can
8 communicate that, then by all means, yes, you should
9 communicate that. But if it's going to work against your
10 ability to lay down effect fire and defend yourself and
11 other people around you, then they're going to know what's
12 happening when the gun goes off.

13 GENNACO: You would hope.

14 [REDACTED] Yes.

15 GENNACO: Except that you indicated in some scenario,
16 sometimes, an officer may mistake -- mistakenly believe
17 that they are taking fire as opposed to delivering fire.
18 Isn't that right?

19 [REDACTED] That is true. That is true. Yes.

20 GENNACO: Is one of the -- is one of the reasons -- in
21 this -- in a scenario where you're in a confined space,
22 like a vehicle, is it another reason to communicate that
23 you are intending to fire, or about to fire, helpful with
24 regard to the -- a distraction that we had talked about
25 before? The sound? The hearing loss, potentially? And --

1 and is it also important to communicate that -- assume that
2 the officer has decided to use or deliver force because the
3 threat has been presented. Right? So, to the degree
4 possible, is it also helpful to communicate to partner
5 officers, "Hey, this person is armed or this person is
6 threatening us," if possible?

7 [REDACTED] Yes. So, in a scenario where you're going to
8 fire a gun, once again, backing up originally. If you have
9 the time and the ability to communicate that you're going
10 to use deadly force and fire a gun, by all means, you
11 should, in fact, communicate that. We know that's not
12 always the situation. If you were inside of a vehicle and
13 you're planning on using a firearm, and you have the
14 ability to communicate that, it's not just about sound,
15 it's about the distraction of the gun being fired, the
16 potential from the wave.

17 GENNACO: Windshield being blown out?

18 [REDACTED] Well, the glass that could present itself, the
19 gasses that are going to be expelled from -- from it.
20 There's going to be -- there's a compression that comes out
21 of the firearm and even, I mean, you can be in a room which
22 is significantly larger than a cab of a vehicle, and suffer
23 from hearing damage and it's been proven that there are
24 actually shock waves from the firing of the gun that does
25 send a slight shock wave through your brain, as well.

1 So, these are all factors that could disorient you or,
2 over time, could cause some neurological issues and, I
3 think, that's one of the things we covered in the class I
4 just [REDACTED]. So, if you have the ability
5 to communicate that, and you have the ability to prepare
6 for certain things, they can mitigate their response to it,
7 as well, but going back to what I said earlier is, when
8 adrenalin's pumping, you may hear a gunshot in one incident
9 and you may not even hear it the next time. You may
10 actually hear the click of the trigger or the series that
11 the gun, and the spring -- the buffer spring cycling, but
12 not actually hear the gunshot go off, but yes, if you could
13 communicate that, now I'm -- I don't know, so I can only
14 assume, that these are things that they have been trained
15 on, that they have discussed at some point in time,
16 especially if you're -- you're geared up the way you are
17 and you're rolling in that vehicle, that all occupants of
18 that vehicle being SWAT operators, having the equipment
19 they have, and working the assignment they were working,
20 that they would all understand there's potential for
21 gunfire to happen.

22 Now, as far as announcing, "The subject's armed."
23 Absolutely, if you have the ability to do that, by all
24 means do it. And there have been different arguments in
25 this for -- before, as far as if one person announces that

1 a person has a gun, or tells an officer to shoot a person,
2 should the officer that's going to pull the trigger wait to
3 verify that person's armed? I argue that no, you should
4 not. That I trust that other officer, I trust what they
5 see, and if I hesitate, I run the risk of somebody being
6 hurt or killed. So, it's a matter of trusting what they're
7 seeing, what they're communicating, and that they're
8 relying on you to do -- to react appropriately, which is
9 using deadly force or whatever the force is going to be, or
10 whatever the response is going to be.

11 So -- and there are people that would argue otherwise.
12 I think it's, you know, amongst most officers I've talked
13 to, I've had people say it one way, like, "Well, no. If he
14 tells me to shoot him, I'm not going to shoot him until I
15 see the gun." It's like, well, studies have shown and
16 videos have shown that -- that you're significantly
17 reducing your reaction time and it doesn't take much for a
18 suspect to raise a firearm and send a round down range and
19 hit one of us because there's plenty of examples of them
20 getting that lucky shot. So, yeah. But if you can
21 communicate that somebody has a gun, absolutely, I mean,
22 that's -- that's -- we train that way. We've trained that
23 way for as long as I've been a police officer, that's one
24 of the things, "Gun, gun, gun." Yeah, you know, he has a
25 gun, he has a gun. Gun here, gun there. But, typically,

1 how it comes out and I've been in these situations, the
2 word, "Gun" is screamed and everyone knows that subject is
3 armed.

4 GENNACO: Got it. I'm going to switch gears just to
5 see if you -- if you have any training or experience in
6 another aspect of -- of OIS, and that is POST Officer
7 Involved Shooting Scene Management? Have you been involved
8 in -- in running a scene? Have you been trained on POST
9 Scene Management with regard to what steps should be taken
10 to secure the scene, etc., etc., or is that something that
11 you haven't had much experience in?

12 [REDACTED] Well, we all receive generalized training in
13 this because, as a supervisor on a patrol team, or anywhere
14 else, I mean, typically, what -- the very first and
15 foremost thing is render first aid to any -- well, scene
16 safety. If you cannot -- and you have to make sure that
17 all shots are done being fired and you can safely approach
18 and render first aid, disarm the subject, if they still are
19 armed, and then, I mean, it's kind of in the hierarchy of
20 making the scene safe, providing first aid, if possible,
21 getting first aid in there, and then -- and then
22 preservation of the evidence would come after that.

23 Clearly, in this particular incident, I showed up
24 hours after the fact so I don't know what -- what kind of,
25 you know, what the event consisted of. I have been on

1 scene for officer involved shootings, where there were
2 large crowds and other things like that, and you have
3 almost no control over the scene, whatsoever, and it takes
4 a while to actually gain control of that and by now
5 evidence has been trampled, things have been taken, people
6 have, you know, maybe died where it maybe could have been
7 preventable because first aid was delayed. So, yeah, I
8 mean, we do all have generalized training on it. Now, as
9 far as being an investigations supervisor in scene
10 management? From that aspect? No. That's not something
11 that I've done or that I have received any additional
12 training to do.

13 GENNACO: And your general training, as a supervisor,
14 who may be first on scene, I think, you've gone over the
15 priorities. Is one of the priorities -- I think you
16 mentioned this. I just want to focus a little bit on
17 checking on the care and well-being of the involved officer
18 or officers. Is that an important aspect of the first
19 level supervisor, who first arrived?

20 [REDACTED] A very important aspect of it. Yes.
21 (INAUDIBLE).

22 GENNACO: And how do you -- go ahead. I'm sorry, sir.

23 [REDACTED] And that should be throughout the process, as
24 well, to include -- even days and weeks after the -- after
25 the fact, but immediately on scene, yes. Absolutely. One

1 of the, I mean, the involved officers on scene, one of the
2 first things you're going to see is they're going to come
3 up and they're going to ask, "Are you okay?" You're going
4 to hear that and you're going to see it and we're talking
5 not even from the supervisor standpoint but once the
6 supervisor's on scene, "Everybody okay? Are you good? Are
7 you okay?" I mean you're going to hear that. They're
8 going to get the generic, "Yes, I'm okay." I mean,
9 typically, that's whether they are or not, that's what
10 you're going to hear and then they're going to go into
11 working the scene, stabilizing everything, and all that,
12 and then, at some point, they're going to bring the officer
13 back, I mean, you guys are familiar with that process. But
14 somebody should still be checking on the well-being of that
15 particular officer.

16 GENNACO: And -- and if it's an involved officer and
17 presuming that there are other resources available to
18 perform any other tactical responsibilities, is it
19 advisable to remove the involved officer from any other
20 tactical responsibilities or other duties?

21 [REDACTED] When you can? Yes.

22 GENNACO: And why is that? Why is that, [REDACTED]?

23 [REDACTED] Oh. Well, they've just been involved in a
24 critical incident. So, you're talking about, I mean, if
25 you look at the effects of these type of incidents, most

1 human beings go through their entire life never causing
2 severe injury or death to another human being, regardless
3 of what the circumstances are. So, you put them in an
4 extremely, I mean, extremely -- one of the most stressful
5 situations you can possibly put somebody into, and then
6 they take another -- another person's life or they cause
7 great bodily injury that may result in death, I mean, yeah.
8 You should remove them from that as much as you can.

9 We've seen this in law enforcement, over the years,
10 the effects of some of these things. You never truly know
11 what the extent of that is going to be with that
12 individual. But what we do know, is it does affect the
13 individual in some way, shape, or form.

14 Now, soldiers in combat is a lot different. And now
15 what do we see? We have the Post Traumatic Stress and
16 stuff along those lines. They don't have the luxury that
17 law enforcement typically has. They go out, get into a
18 fire fight, do a (INAUDIBLE), go get in another fire fight.
19 And it's not -- they're not getting that post-incident care
20 that a lot of officers get but -- but back to the folks on
21 the law enforcement side of it. Yeah, I mean, it's not
22 just about preserving the investigation or -- or not having
23 them on scene. It's along the lines of the actual well-
24 being of that particular officer and we remove them from
25 the scene, putting them in a comfortable environment, and

1 then starting the process of investigating. And -- and
2 they know that there's an investigative process, as well,
3 so they, you know, I mean, everyone I've been around that's
4 been involved in an officer involved shooting, understands
5 there is a process and that they have to go through it. I
6 would say that our department has improved dramatically
7 than what it had, historically, done for officers that were
8 involved in shootings, I mean, even from the standpoint of
9 having peer support and critical incident debriefs
10 involving trained mental health professionals and stuff,
11 after the fact.

12 GENNACO: Okay. That's all I had, [REDACTED] Steve,
13 do you have anything else?

14 CONNOLLY: I am all set. Thank you very much. So, I
15 am, first of all, going to end the recording. It is now
16 2:49 PM, so I'm going to stop both the recordings.

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25 (END OF ZOOM INTERVIEW.)