Internal Affairs
Investigation
Original
2015-50010



Police Report # 2015-50110
October 23, 2015
Avenue, San Leandro, California



I/P's: Sergeant N. Corti #302/Officer A. Ying #358 SUSPECT: Torres, Mario

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Section 1

ADMINISTRATIVE INQUIRY

To:

Police Chief Jeff Tudor

From:

Police Lieutenant Ted Henderson

Date:

August 15, 2016

Subject:

Officer Involved Shooting Administrative Inquiry - #2015-50110

Definition:

An "Officer Involved Shooting" is defined as an incident where death or bodily injury to a person results from the discharge of a firearm by a member of the San Leandro Police Department. (SLPD Operations Directive I-5/85-07)

Authority:

The San Leandro Police Department (SLPD) has the original and primary responsibility for the investigation of officer involved shootings occurring within its jurisdiction. Pursuant to department policy (I-5/85-07), three separate investigations of the incident will be made. The first investigation will address the statutory issues of the incident. The second will be an administrative inquiry and the third investigation will be conducted by the Alameda County District Attorney's Office.

The statutory issues of this incident was investigated by Detective Sergeant Brian Anthony and documented in San Leandro Police Report #2015-50110.

This administrative inquiry into the circumstances of this incident was conducted in accordance with San Leandro Police Department Operations Directive 85-07, Section III, paragraph C, and sub-paragraph 5. The purpose of this inquiry was to determine if the actions taken by the involved members of the San Leandro Police Department met the criteria set forth in applicable San Leandro Police Departmental Orders and Directives for the use of deadly force.

The Alameda County District Attorney's Office was notified of this officer involved shooting by Detective Sgt. Brian Anthony. However, since this incident did not involve the death of a person as a result from the discharge of a firearm by a member of the San Leandro Police Department, the Alameda County District Attorney's Office elected not to conduct an independent investigation into this officer involved shooting.

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Involved Officers:

Police Sergeant Nicholas Corti #302 began his law enforcement career as a police officer with the East Bay Regional Parks Police Department. After serving approximately one and one half years with that agency, he was hired as a police officer with the San Leandro Police Department. At the time of this incident, he'd been employed with SLPD for approximately ten years. Sgt. Corti was promoted to the rank of police sergeant in 2011. He has served as a member and assistant team leader on SWAT and also a range and defensive tactics instructor.

On October 23, 2015, Sgt. Corti was the traffic division sergeant. His work schedule was Tuesday through Friday from 0630 to 1630 hours. His call sign was 7L74. Sgt. Corti was wearing his class "C" uniform, which consisted of a long sleeve polo shirt, blue BDU pants, and an outer carrier ballistic vest that he wore in accordance with SLPD Lexipol Policy 1014.3.3 (Patrol Outer Carriers). Sgt. Corti was wearing a portable video recording system, which is an on-body video camera made by Taser International (SLPD Lexipol Policy 426.3 Portable Audio/Video Recorders).

Officer Corti was armed with his department issued Glock .22 caliber handgun (serial #KTU986), which he last qualified with on 09/08/2015.

Police Officer Alex Ying #358 began his law enforcement career with the Oakland Police Department in December 2011. In 2015, Officer Ying was hired by the San Leandro Police Department and assigned to the patrol division.

On October 23, 2015, Officer Ying was assigned to the 3/12 dayshift where he worked Friday through Sunday from 0630 to 1900 hours. His immediate supervisor was Sergeant (Sgt.) Dan Sellers who was present when this incident occurred and served as the incident commander. Officer Ying wore his class "B" uniform, which consisted of a long sleeve shirt, blue pants, and an outer carrier ballistic vest that he wore in accordance with *SLPD Lexipol Policy 1014.3.3 (Patrol Outer Carriers)*. Officer Ying was wearing a portable video recording system, which is an on-body video camera made by Taser International (*SLPD Lexipol Policy 426.3 Portable Audio/Video Recorders*).

Officer Ying was armed with his department issued Smith and Wesson .223 rifle (serial #ST78416), which he received sixteen hours of firearms training on 11/05/14 through 11/06/14, and his department issued Glock .22 caliber handgun (serial #XNY298), which he last qualified with on 09/06/15.

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Witness Officers:

Police Sergeant Troy Young #252 Police Officer Jason Fletcher #304 Police Officer Kevin Hackl #309 Police Detective Timothy Perry #335 Police Detective Steven Cesaretti #347 Police Officer Marco Becerra #355 Police Officer Miguel Salazar #367

Citizen Witnesses:

(hereinafter referred to as
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(hereinafter referred to as

Suspect/Family History:

Torres, Mario Rene (herei	inafter referred to as Torn	res) was born Septemb	er 11, 1969. At
the time of this incident, h	ne'd been married to	for twenty three years	s. They had two
children together.	was twenty one years	old at the time of this	incident. Their
second daughter.	was eighteen years old	and resided	California.
Mario, and	lived at	San Leandro.	was
identified as sister.			

Suspect Criminal History (California):

Prior to this incident, Mario had not been arrested in the State of California. He did not have any criminal history.

Suspect Criminal History (Other States):

None.

Suspect/Case Status:

On the day of this incident, Mario, who was armed with a Charter Arms Revolver .38 caliber handgun, was arrested for 664/187 PC – Attempted Murder; 246.3 PC – Negligent Discharge of a Firearm; and 417 PC – Brandishing of a Firearm. He was subsequently charged with 246.3 PC and 417(C) PC by the Alameda County District Attorney's Office. After being medically cleared for a gunshot wound he sustained during this incident, he was transported

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later served seven days in the Santa Rita Jail before being released. He is currently out of custody. As of August 12, 2016, this case was still pending in the judiciary process. The next pretrial was scheduled for 8/31/2016 and no date had been scheduled for the preliminary hearing. At the time this administrative inquiry was concluded, a final disposition of this case had not been determined. **Description of Scene:** 137th Avenue, which This officer involved shooting occurred was located in the front of a single story, single family home. This area of 137th Avenue is a residential neighborhood with single family homes located on the north and south curb lines of 137th Avenue. The suspect (Mario Torres) was apprehended at the scene and transported to Eden Medical Center for emergency medical care. This shooting consisted of one crime scene, which included the aforementioned residence, a 2001 Beige Mazda Protégé (California license plate roadway in the 1500 block of 137th Avenue, and The crime scene was processed by the Alameda County Crime Lab. **Details:** On October 23, 2015, about 0842 hours, called SLPD Dispatch reporting that Mario She said Mario was upset because he'd found text was threatening to messages between her and another man. While on the phone with the SLPD Dispatcher, asked Torres where he was going, followed him outside, and watched as Torres got inside his car. After being asked to do so, reluctantly left the residence and walked towards the police. She did not want to leave Torres alone because she knew he had a gun in the car. About 0849 hours, Sgt. Corti and Officer Ying arrived on scene. At an unknown time after arriving on scene, but before walking towards the residence, Officer Ying activated his PVRS Taser camera. They contacted and as the two walked from their residence towards Bancroft Avenue. Sgt Corti and Officer Ying continued to walk towards the residence and took up a position of cover across the street behind an unoccupied vehicle that was parked along the south curb in front of Avenue. About 0851 hours, Sgt. Corti advised that Torres was inside a Mazda that was parked on the east side of the driveway at 137th Avenue. He began to position officers in tactical positions around the house in an effort to isolate the residence (establish a perimeter). Shortly after, Officer Kevin Hackl arrived on the scene and Sgt. Corti

positioned him and his marked SLPD patrol vehicle in the roadway next to parked

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vehicles east of the residence. At the direction of Sgt. Corti, Officer Hackl began trying to make verbal contact with Torres. Officer Hackl said:

"Hey Mario, this is Officer Hackl with the San Leandro Police Department (pause). We're here to help you. We just want to talk. Can you step out please?"

After about twenty seconds of waiting with no response from Torres, Officer Hackl attempted to make contact with Torres a second time. Officer Hackl said:

"Mario, Officer Hackl, San Leandro Police, Can you step out and talk to me please?"

About fifty seconds later, after still not getting any type of response from Torres, Officer Hackl attempted to make contact with Torres a third time.

"Mario, Officer Hackl, San Leandro Police, can you step out and talk to me please?"

About thirty seconds later, a single gunshot was fired from within the Mazda where Torres was seated.

Sgt. Corti, Officer Ying, and Officer Hackl did not return gunfire and remained in their respective positions of cover. Officer Ying and Sgt. Corti stayed positioned behind the black vehicle across from Torres. Officer Hackl remained in a position of cover at his marked patrol vehicle.

About twenty seconds after the single gunshot was heard, Officer Hackl attempted to verbally contact Torres a fourth time. Officer Hackl said:

"Mario put down the gun and come out were here to help you."

Torres did not respond.

About thirty seconds afterwards, Officer Hackl again shouted verbal commands in the direction of Torres telling him to step out please but Torres never responded.

Thirty seconds later, Officer Hackl apparently saw Torres and said, "There you go Mario, put the gun down and step out bud, were trying to help you."

About ten seconds later, Torres fired a second gunshot from within the vehicle and Officer Hackl again told Torres, "Mario put the gun down."

After the second gunshot was fired by Torres, none of the officers, which included the witness officers listed in this report, returned gunfire. They all remained in their respective positions of cover and continued their attempts to verbally contact Torres.

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Approximately one minute later, Sgt. Corti saw the door open on the Mazda, said "doors open – doors open," watched as Torres exited the Mazda, and immediately began to verbally engage him. Sgt. Corti said:

"Put your hands up (pause), put your hands up now (pause), we don't want to hurt you (pause), we don't want to hurt you drop the gun (pause), we don't want to hurt you Mario please come out (pause), Mario don't do this please come out (pause), we don't want to hurt you put your hands up (pause), Mario..."

Immediately after Sgt. Corti said "Mario" the final time, four gunshots were fired by Sgt. Corti and Officer Ying in the direction of Torres, which struck Torres one time in his upper back. When Torres raised his gun in the direction of the officers who were positioned to his east, he was facing away from Sgt. Corti and Officer Ying, with only his back exposed, when both officers discharged their firearms at him. Sgt. Corti fired his gun three times. Officer Ying fired his rifle one time.

After the shooting, all of the involved/witness officers remained in their respective positions of cover and, after about three minutes, attempted to reinitiate verbal contact with Torres. Sgt. Corti said:

"Mario come out we don't want to do this, come out, we don't want to hurt you please (pause), hands up come out (pause), Mario come out come on please (pause), Mario come out please we don't want to do this (pause), hands up hands up."

Within seconds, Torres exited the Mazda appearing as if he wanted to surrender. Torres' hands were up and he did not appear to be armed. Sgt. Corti continued talking to Torres and said:

"Mario please keep coming big guy come on you got it (pause), keep coming (pause), keep coming out Mario (pause), Mario keep coming (pause), Keep coming Mario please keep coming we don't want to do this (pause), slide out as best you can (pause), there you go."

About 0905 hours, Detective Steve Cesaretti began to give verbal commands to Torres to roll towards the street. With the use of a SLPD marked patrol SUV, driven by Officer Ian Fry, an arrest team, which included Officer Gary Moore, Officer Marco Becerra, Officer Alex Ying, Officer Detective Tim Perry, Sgt. Troy Young, and Sgt. Nick Corti, was formed in an effort to take Torres into custody. The SUV and arrest team approached Torres, who was lying in a prone position in the driveway of the residence. Once the team reached Torres, the dedicated arresting officers (Sgt. Young, Sgt. Corti and Detective Perry), grabbed his lower legs and dragged Torres behind the SUV where he complied with the commands being given and taken into custody without any further

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incident. Medical attention was provided to Torres and he was transported to Eden Medical Center.

About 0920 hours, after the scene was secured and a crime scene established, Criminal Investigation Division Lieutenant Bob McManus called the SLPD Evidence Response Team Supervisor, Sgt. Bob Sanchez and asked him to respond to the scene. When he arrived, Sgt. Sanchez assumed the responsibility of being a liaison to the Alameda County (ACSO) Crime Lab.

About 1120 hours, the ACSO Crime Lab arrived and processed the scene of this officer involved shooting. Refer to the ACSO Crime Laboratory Examination Report for details regarding to the documenting the crime and collecting evidence.

About 2230 hours, Detective Sergeant Brian Anthony and Detective Mike Benz went to Eden Medical Center and interviewed Torres regarding this officer involved shooting. Prior to speaking with Torres, Detective Sgt. Anthony spoke to the nurse assigned to Torres who stated that Torres was speaking fine and had no medical conditions that would prohibit obtaining a statement. Detective Sgt. Anthony read Torres the Miranda admonition. Torres waived his rights and, in summary, provided the following details:

Torres said on the morning of October 23rd that he was drunk. He said he did have a revolver but that he didn't know how to use the gun. Torres said he put one bullet in the gun and fired one shot. He said that after he fired the round, he got another round and said to himself, "this time I'm going to do it." He pulled the trigger one time and the gun did not fire. He pulled the trigger a second time and the gun did not fire. However, when he pulled the trigger on the gun the third time, a round was fired that went through the front window of the car. Torres told detectives that he never intended to hurt anyone including himself.

Torres then began to speak about why he'd been depressed. Torres said that
approximately one month prior to this officer involved shooting, he began questioning
about an extra-marital affair because he'd discovered text messages to another man,
identified as on her cell phone. Apparently, agreed to end her relationship
with and work with Torres on repairing their marriage. However, as the month
progressed, Torres and grew further apart. He started spending more of his time at
work and secretly continued her extra-marital affair with
The night of October 22, 2015, Torres and began to argue after he discovered that
was still involved in a relationship with while searching through her cell
phone. During the argument, he became frustrated and punched a wall inside the
residence with a closed fist. It was unknown how the argument ended but later in the
evening Torres went to Kaiser Hospital where he was treated and diagnosed with a
boxer's fracture. A cast was placed on his hand and was given a
while being treated. When he arrived back home, Marco began drinking alcoholic

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beverages and became intoxicated fast because he'd taken the

and he attempted to speak to each other, without success, and eventually went to sleep at her sister's house.
On October 23, 2015, shortly after midnight, Mario said he sent a text message to asking her to come home. She did and, after telling that he was disgusted with her, Marco went to sleep around 0130 hours.
Torres said he woke up around 0630 hours and began drinking alcoholic beverages. He estimated to have taken approximately ten shots of tequila before stopping at 0730 hours. Mario called his daughter, and and told her he had enough and was going away. Apparently, and heard Torres and asked him why he was saying goodbye to everyone? When Detective Sgt. Anthony asked Torres what he meant when he began to tell everyone goodbye, Torres said he wanted to end his life.
Torres told Detective Sgt. Anthony that once he was inside the car, he sat in the driver's

Torres told Detective Sgt. Anthony that once he was inside the car, he sat in the driver's seat, locked the door, and noticed that was on the phone. Torres said he then let the rear passenger seat down, which allowed access into the trunk, in order to get the gun. Torres said he tried to figure out how to open the chamber, which he was able to do so. Torres told Detective Sgt. Anthony that he loaded one round into the gun, pulled the trigger, and the gun "went off." Torres said after he fired the first shot that he grabbed another round and said to himself "I fucked up this one, I better go get another one." Torres said he grabbed another bullet and loaded the round into the gun. Torres said he pulled two times but the gun did not fire. Torres said he realized "he was a big pussy" but could not remember if he pointed the gun at his head. Torres told Detective Sgt. Anthony that he remembered hearing the cops telling him that they wanted to help and to put the gun down but he could not remember if it was before or after he fired the second round from his gun.

Torres went on to tell Detective Sgt. Anthony he remembered opening the door so he could hear what the cops were telling him before he got shot. Torres said he believed it was the police talking to him because he heard an officer say, "Mario this is the San Leandro Police Department, drop the weapon, we don't want to hurt you, we want to help you." Torres said that the officer repeated it again and remembered that it sounded like a pattern. Torres said he did not remember exiting the car with the gun and believed he was shot in the back after he fired the second round from his gun. Torres said after he was shot, he dropped the gun outside the car and held out a white shirt as if he were surrendering. Torres said officers gave him plenty of opportunity to give up before he crawled out to the street as directed by officers.

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Investigation:

On October 23, 2015, I was a Police Lieutenant and assigned to the SLPD Patrol Division as a watch commander. About 0930 hours, I was on my scheduled day off when I received a telephone call from San Leandro Police Captain Luis Torres. He advised me of this officer involved shooting and assigned me the responsibility of conducting the administrative inquiry. Captain Torres explained to me that Sergeant Corti and Officer Ying were involved in a shooting near the high school campus. He said the shooting involved a who may have fired upon the officers first. Captain Torres went on to tell me that Sergeant Corti and Officer Young had left the scene and were at the police department contacting their Legal Defense Fund Attorneys. I advised Captain Torres that I would report to the police department and assume investigative control of the Administrative Inquiry.

About 1050 hours, Officer Neil Goodman was dispatched to the SLPD Crime Suppression Unit (CSU) Office to take photographs of the involved officers to document how each officer was dressed at the time of this officer involved shooting. Officer Goodman later downloaded those photographs onto a CD, which he submitted into SLPD Property as evidence.

About 1100 hours, I arrived at the San Leandro Police Department and spoke with Detective Sgt. Brian Anthony. He told me that all involved officers had been sequestered and were waiting the arrival of their LDF attorneys. He went on to provide me with details of the investigation and explained his next steps, which were to conduct a round count of all the involved officers' firearms and conduct interviews with the civilian and officer witnesses. Detective Sgt. Anthony provided me with the following assignments:

Civilian/Officer Witness Interviews

INTERVIEWERS	INTERVIEWEES
Detective Tom Rogers	
Detective Deborah Trujillo	
	Branch Control
Detective Sgt. Anthony Morgan	Officer Kevin Hackl
Detective Jeff Walton	Detective Steve Cesaretti
Detective Sgt. Brian Anthony	Sgt. Troy Young
Detective Darin Pasut	Detective Tim Perry
Detective Mike Benz	Officer Marco Becerra
Detective Shane Nelson	Officer Miguel Salazar
	Officer Jason Fletcher

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Between 1330 hours and 1405 hours, Detective Sgt. Anthony, Detective Sgt. Morgan, and Officer Goodman conducted a "round count" on the firearms of all of the involved officers to accurately account for the number of rounds that were fired during this shooting. It should be noted that Sgt. Anthony and Officer Goodman conducted "round counts" on the firearms issued to Sgt. Corti and Officer Ying. Sergeant Morgan and Officer Goodman conducted "round counts" on the remaining involved officers. The results of the "round count" have been listed in the below chart.

Involved Officers Weapon Inspections - "Round Count"

Officer/Serial #	Weapon	Serial #	Rounds in Weapon	Add'i Rounds	Total Rounds	Rounds Fired
Nick Corti#252	Glock 22 handgun	KTU986	13	30	43	3
Alex Ying #358	S&W .223 cal Rifle	ST78416	25	0	25	1
<u> </u>	Glock 22 handgun	XNY298	16	30	46	0.
Marco Becerra #355	Glock 22 handgun	KTU971	16	30	46	0
Steve Cesaretti #347	Glock 22 handgun	KDN874	16	30	46	0
Jason Fletcher #304	Glock 22 handgun	KTU978	16	30	46	0
Kevin Hackl #309	Glock 22 handgun	XNY295	16	45	61	0
Tim Perry #335	Glock 22 handgun	KTU987	16	30	46	0
Miguel Salazar #367	. Glock 22 handgun ==	IRY595	16	30	46	Ö
Troy Young #252	Glock 23 handgun	PVP065	14.	15	29	0

After the round count was completed, Detective Sgt. Anthony collected Officer Ying's S&W .223 caliber rifle and Sgt. Corti's Glock 22 .40 caliber handgun. He submitted both firearms into evidence for examination. Sgt. Corti was issued a replacement Glock 22 .40 caliber handgun. Officer Ying was not issued a replacement rifle.

Interviews of Civilian Witnesses:

On October 23, 2015, about 0830 hours, Detective Tom Rogers interviewed at the San Leandro Police Department. In summary, she provided Detective Rogers with the following details:

told Detective Rogers she'd been married to Torres for twenty three years and had

two children with him — and and She said Torres and she had been growing apart and that he been spending more time at work. She said that on 09/12/15. Torres discovered she'd been seeing someone else. Torres gave her an ultimatum but she continued to see said." said that on 10/22/15, Torres went through her cell phone and saw that she was still communicating with "She said Torres confronted her and, during their argument, punched a hole in the wall. She said sometime later in the evening, Torres went to the hospital and returned home in a sling with a six pack of beer. said he told her to grab her belongings and leave, which she did. said she went to her sister's house in Hayward. She said around 0300 hours [on

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10/23/15] Torres called her and told her to come back home. She did. said she could tell Torres was drunk and possibly under the influence of his pain medication. She said Torres was awake until 0500 hours talking "gibberish." said when he woke up that they continued to argue about her infidelity. said Torres eventually told her that he wanted to call their daughter, to say goodbye, which he did. told Detective Rogers that after he got off the phone with she called 9-1-1 for help. said she saw Torres go into the garage and became worried because she knew that was where he kept the guns. She said she thought Torres had a gun in his hand when he left the house but was unsure because it was the same color as the car keys. said she followed Torres to the car and took the keys out of his hand. She said Torres mentioned he had a gun in the glove compartment but clarified that she never saw the gun in his possession. After taking the keys away from Torres, said she noticed a patrol vehicle and walked towards the officers as directed.
About 0930 hours, Detective Deborah Trujillo and Detective Rogers interviewed which was audio/video recorded, at the San Leandro Police Department. In summary, provided the following details:
She said on 10/22/15, about 10:00PM, she arrived home from work to her mother and father arguing. She said told her that Torres saw messages on her phone and believed she was cheating on him. told the detectives that she saw Torres come home with a six pack of beer, which he drank in a short amount of time. She said she went to sleep and, when she woke up, and Torres were again arguing. said she heard say something similar to "Mario wants to kill himself." said she helped get the keys away from Torres while he was in the driver's seat. She said the police arrived shortly thereafter and directed and her towards Bancroft Avenue.
About 1100 hours, Detective Rogers interviewed at the San Leandro Police Department. The interview was audio and video recorded. In summary, provided Detective Rogers with the following details:
stated on 10/22/15, about 8:40PM, called and told her Torres had left the house because she was cheating on him. said she immediately drove to house. About 9:20PM, arrived home and was told what happened. said about 10:00PM, Torres called home and said he was at the hospital getting his hand examined. She said that about 2330 hours, Torres returned home, with his arm in a sling and a six pack of beer, and told to leave, which she did with She said that and her went back to her house in Hayward and talked about what happened throughout the night. said, about 0230 hours, Torres called and told her to return home. said drove her car back home. said she did not know what happened after left her house and eventually came to the police department after checking local hospitals for Torres.

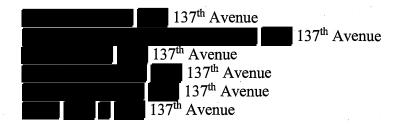
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About 1410 hours, Detective Rogers interviewed	at the San Leandro Police
Department. In summary, provided the following	wing details:
said on 10/23/15, about 0836 hours, she rece	ived a telephone call from
said she spoke with her briefly and said.	, "Your father wants to say
goodbye." said she did not know what	was talking about and asked for
clarification. said told her "your father"	wants to kill himself." said
then gave the phone to Torres. She said she plea	ided with Torres but that he only
responded with "I'm going to die tonight." At an unl	known time thereafter, their phone
conversation ended.	

Neighborhood Canvas:

Officer Joseph Kalsbeek conducted a neighborhood canvas looking for additional citizen witnesses. He contacted the following residents:



All of the aforementioned residents provided Officer Kalsbeek with a similar account of the incident. Each of the residents heard verbal commands being given by officers before hearing three to five gunshots. None of the residents visually witnessed the shooting. All of the interviews that Officer Kalsbeek conducted were recorded on his body worn Taser camera. He later submitted the video footage of those interviews into SLPD Property as evidence. Refer to the supplemental report written by Officer Kalsbeek for further details.

Interviews of Witness Officers:

On October 23, 2015, about 1543 hours, Detective Sgt. Anthony Morgan and Detective Jeff Walton interviewed Officer Kevin Hackl. The interview was audio recorded and conducted in Detective Sgt. Morgan's Office in the Criminal Investigation Division. In summary, Officer Hackl provided the following details about the officer involved shooting.

Officer Hackl said he was working as a school resource officer when he heard SLPD Dispatch broadcast a call of a male subject, whom was possibly armed, at 137th Avenue. He said that he responded to the call because it involved an armed subject and due to the call being in very close proximity to the high school [San Leandro High School – Fred T. Korematsu Campus]. Officer Hackl said he drove west on 137th Avenue from

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Wake Avenue and stopped his patrol vehicle [#369] just east of the target address. Officer Hackl said he was the third officer on scene and he knew that Sgt. Corti and Officer Ying were to his south across the street. Officer Hackl said Sgt. Corti directed him to where the suspect vehicle was parked and, after taking a position of cover behind the engine block, began giving verbal commands to Torres, who was located in the parked car. He said he was not able to see Torres, due to dark window tint, but made a series of three announcements to Torres stating that he was a police officer, advising Torres that he was here to help, and directing him to get out the vehicle with his hands in the air. Officer Hackl said that after the announcements were given, he heard a single gunshot come from within the suspect vehicle. He said initially he thought the suspect committed suicide and repositioned himself to the rear of his patrol car. Officer Hackl said he continued to give verbal commands to Torres and, at some point, was joined by Officer Jason Fletcher, Officer Miguel Salazar, and Officer Steve Cesaretti [It also was about this same time that Officer Hackl activated his body worn Taser Camera]. With the additional officers there to cover him, Officer Hackl said he decided to deploy his patrol rifle and reposition himself to a citizen's vehicle that was parked adjacent to his patrol vehicle. Shortly afterwards, Officer Hackl said he saw the rear door of the suspect vehicle open and Torres raise a black revolver in the direction of Sgt. Corti and Officer Ying. Officer Hackl said he did not have a safe shot but heard a series of three to four gunshots. Officer Hackl said he did not know who shot their guns but, after the gunfire, Torres was no longer in his line of sight. Officer Hackl went on to say that he then repositioned himself in the driveway east of where the suspect vehicle was parked. He said he could see that Torres was still inside the vehicle but that he was no longer moving. Officer Hackl said he also saw a black revolver lying on the driveway next to the suspect vehicle. He said officers continued to give Torres verbal commands and eventually Torres was able to get himself out of the vehicle. Officer Hackl said Torres dragged himself away from his vehicle and a team of officers took him into custody. Refer to the supplemental report written by Detective Sgt. Anthony and to Officer Hackl's transcribed statement for further details.

I reviewed the video footage from Officer Hackl's body worn Taser camera, which recorded a similar account of the incident as told by Officer Hackl in his statement.

About 1545 hours, Detective Mike Benz and Detective Shane Nelson interviewed Officer Marco Becerra, which was audio recorded. In summary, Officer Becerra provided the following details about the officer involved shooting.

Officer Becerra told detectives that he was assigned to the 3/12 dayshift with the work hours of 0640-1900 hours. On the day of this officer involved shooting, he was assigned to beat two and his radio designator was "2L22." Officer Becerra said he was wearing his blue outer carrier police vest and blue pants. Officer Becerra said he was dispatched to ascertain the welfare of a suicidal subject, possibly armed with a gun, on 137th Avenue. Officer Becerra said Officer Ying and he arrived on scene and contacted Sgt. Dan Sellers at the command post. Shortly thereafter, he said Sgt. Corti arrived. Officer Becerra said

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information was relayed that two females were outside the house but afraid to leave because the subject was suicidal. Officer Becerra said Sgt. Corti, Officer Ying, and he walked towards the residence on the north side of the street and, as they got closer, saw the two females. He said they waived for the females to walk towards them, which they did, and he escorted them back to the command post [It was about this time that Officer Becerra activated his body worn Taser camera]. Officer Becerra said he began to debrief the females and learned there were two guns inside the house. While speaking with the females, Officer Becerra said he heard a gunshot. He said he "handed off" the females to Detective Tom Rogers and proceeded to get his patrol rifle from his patrol vehicle. Officer Becerra said he again heard gunfire, while he was making his way to where Sgt. Corti and Officer Ying were positioned. Officer Becerra said he heard officers continue to verbally engage the suspect. Officer Becerra said he covered Sgt. Corti as they made their way to another position to gain a better view point. Officer Becerra said the subject placed his hands outside the vehicle, complied with verbal commands, and crawled on the ground towards them [officers]. Officer Becerra said he did not see or witness anyone fire a gun. He only heard the gunshots. Refer to the supplemental report by Detective Benz and to Officer Becerra's transcribed statement for further details.

I reviewed the video footage from Officer Becerra's body worn Taser camera, which recorded a similar account of the incident as told by Officer Becerra in his statement.

About 1549 hours, Detective Sgt. Brian Anthony and Detective Darin Pasut interviewed Sgt. Troy Young in the SLPD Chief's Conference Room. The interview was audio recorded. In summary, Sgt. Young provided the following details:

Sgt. Young said he was on his way to the San Leandro Police Department for a SLPOA negotiations meeting. He was dressed in plain clothes and driving his city issued vehicle, which was an Enterprise rental vehicle. Sgt. Young said he remembered hearing Sgt. Corti ask SLPD Dispatch some questions about a suicidal subject over the police radio. Sgt Young said he drove to the command post, dawned his outer carrier police vest, and contacted Sgt. Sellers who asked him to work with Sgt. Corti on the tactical side of this incident. Sgt. Young said, after hearing the first gunshot, he immediately ran east and met with Sgt. Corti behind a black vehicle. He said he directed Officer Jason Fletcher and Officer Miguel Salazar to take a position east of the residence with Officer Hackl. Sgt. Young said he formed the opinion that Torres committed suicide but continued to hear Sgt. Corti make several commands for Torres to get out of the car and surrender [It was about this time that Sgt. Young activated his body worn Taser camera]. Sgt Young said he then noticed Torres stick his head out from the car. He said that was when Sgt. Corti fired three times and Officer Ying fired one time from his rifle. Sgt. Young said from where he was positioned, he only saw small portion of Torres' head and did not see what precipitated the shooting. Sgt. Young went on to explain that they could not walk away from this incident. Because Torres was outside his home, had already fired two shots from a gun, the nearby schools, Sgt. Young said he felt Torres was a danger to the community. He further said that after Torres fired that the second gunshot, he no longer

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believed Torres was suicidal. Sgt. Young said he believed Torres was homicidal. Sgt. Young said his mission for this operation was to get Torres help and make sure his family was safe.

I reviewed the video footage from Sgt. Young's body worn Taser camera, which recorded a similar account of the incident as told by Sgt. Young in his statement.

About 1626 hours, Detective Mike Benz and Detective Shane Nelson interviewed Officer Miguel Salazar, which was audio recorded. In summary, Officer Salazar provided the following details:

Officer Salazar said he was in the field training program and assigned to his field training officer, Jason Fletcher, as this was his first day on patrol. Officer Salazar said he was driving near the southern San Leandro border with Officer Fletcher when they were dispatched to this call for service to assist with traffic control. Once on scene, Officer Salazar said Officer Fletcher and he met with Sgt. Sellers who directed them to assist Officer Hackl. He said they made their way to Officer Hackl and that he took a position behind a jeep. Officer Salazar said he remembered hearing one gunshot but was uncertain about hearing the second gunshot. Officer Salazar said he was not sure if the subject shot at officers but that he feared for his own safety. Officer Salazar went on to say that as he was providing cover for Officer Hackl and saw the subject exit the vehicle holding what appeared to be a gun. Officer Salazar said he might have told Officer Fletcher that the subject had a gun before gunshots were fired by officers south of his location. Refer to the supplemental report written by Detective Benz and to Officer Salazar's transcribed statement for further details.

At the time of this incident, Officer Salazar had not been issued a body worn Taser camera.

About 1720 hours, Detective Sgt. Brian Anthony and Detective Darin Pasut interviewed Detective Tim Perry in the SLPD Chief's Conference room, which was audio recorded. In summary, Detective Perry provided the following details:

Detective Perry said he was at the police department when he heard the initial call of a
suicidal subject. He said when he arrived on scene he met with Sgt. Sellers, and saw
Officer Becerra escorting and back to the command post. Detective Perry
said he spoke to who told him the suspect had a gun inside the car, which he relayed
to officers on scene. He said he then spoke to and learned the suspect was upset
because he found out was cheating on him. Detective Perry said, after hearing the
gunshots, he dawned his ballistic vest and went to assist Sgt. Young and Sgt. Corti. He
said when he arrived at their position that all of the gunshots had been fired. Detective
Perry said he did not see the suspect or involved officers shoot their respective firearms.
Refer to the supplemental report written by Detective Sgt. Anthony and to Detective
Perry's transcribed statement for further details.

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Detective Perry did not activate his body worn Taser camera during this incident.

About 1735 hours, Detective Mike Benz and Detective Shane Nelson interviewed Officer Jason Fletcher, which was audio recorded. In summary, Officer Fletcher provided the following details:

Officer Fletcher said Officer Salazar and he were dispatched to this call for service to assist with blocking eastbound traffic on 137th Avenue. He said when they arrived that Sgt. Sellers requested Officer Salazar and he join Officer Hackl. Officer Fletcher said that Officer Salazar and he made their way to where Sgt. Young, Sgt Corti, and Officer Ying were positioned. He said they were joined by Detective Steve Cesaretti and the three of them then joined Officer Hackl at his patrol vehicle. Officer Fletcher said he obtained the shotgun from Officer Hackl's patrol vehicle and took a position on the northeast side of a parked vehicle. He said he switched positions with Officer Hackl and could hear officers give the suspect commands to come out [It was about this time that Officer Fletcher activated his body worn Taser cameral. Minutes later, Officer Fletcher said the left rear door to the suspect vehicle opened and the suspect exited the vehicle holding a black revolver. Officer Fletcher said the suspect never raised himself up once he got of the vehicle. Officer Fletcher said the suspect appeared to crouch down and that was when he yelled at the suspect to drop the gun. Officer Fletcher said the suspect held the gun upward, brought it down in a horizontal position and pointed it in the general direction where Sgt. Young, Sgt. Corti, and Officer Ying were positioned. Officer Fletcher said he anticipated that he was going to fire his shotgun but did not have a clear shot. He further stated he was surprised to hear gunshots come from the south of his location but believed officers were left with no other option but deadly force. Refer to the supplemental report written by Detective Benz and to Officer Fletcher's transcribed statement for further details.

I reviewed the video footage from Officer Fletcher's body worn Taser camera, which recorded a similar account of the incident as told by Officer Fletcher in his statement. In addition, I noted Officer Fletcher's video footage confirmed that Officer Salazar saw the gun as well as you can hear Officer Salazar say on the video, immediately before the shooting occurred, "He's got the gun."

About 1735 hours, Detective Sergeant Anthony Morgan and Detective Jeff Walton interviewed Detective Steve Cesaretti about his involvement in this officer involved shooting, which was audio recorded. In summary, Detective Cesaretti provided the following details:

Detective Cesaretti said he was riding with Officer Alex Hidas and Detective Rogers when he overheard a police radio broadcast regarding an armed suicidal subject. He said they responded to the call due to the seriousness of the incident. Once on scene, Detective Cesaretti said he heard a single gunshot as he walked towards Sgt. Corti and

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Officer Ying. Detective Cesaretti said Sgt Corti directed him to where Officer Hackl was located because Officer Hackl was alone. Detective Cesaretti said he joined Officer Hackl at his patrol vehicle that was parked on the north side of 137th Avenue east of where the suspect vehicle was parked. Detective Cesaretti said he could see a person moving in the rear of the suspect vehicle but elaborated that his view was obstructed due to tinted windows on the vehicle and a tree [It was about this time that Detective Cesaretti activated his body worn Taser cameral. Detective Cesaretti said he heard officers giving commands for the suspect to come out of his vehicle, to show them his hands, and that they were there to help him. Detective Cesaretti said the suspect was uncooperative. At that point, Detective Cesaretti said he heard another gunshot come from the vehicle and, directly after that, was a volley of gunfire coming from his left. Detective Cesaretti said the volley of gunfire came from the area where Sgt. Corti and Officer Ying were positioned. Detective Cesaretti said the suspect got out of the car and lay on the driveway. He said he was directed to take over verbal commands with the suspect. Detective Cesaretti said he directed the suspect to place his hands over his head and to push himself away from the vehicle, which he did. Detective Cesaretti said another team of officers then approached the suspect and took him into custody. Refer to the supplemental report written by Detective Walton and to Detective Cesaretti's transcribed statement for further details.

I reviewed the video footage from Detective Cesaretti's body worn Taser camera, which recorded a similar account of the incident as told by Detective Cesaretti in his statement.

Interviews of Involved Officers:

On October 24, 2015, approximately 1417 hours, Sgt. Brian Anthony, Sgt. Anthony Morgan, and I conducted an interview, which was audio recorded, with Sgt. Nick Corti and his LDF attorney, Sarah Burdick. Sgt. Anthony read Sgt. Corti the admonishment from the voluntary statement form. Sgt. Corti agreed to provide his statement and he and his attorney signed the aforementioned form. In summary, Sgt. Corti provided the following details:

Sgt. Corti stated he was assigned as the traffic sergeant and his normal work schedule was Tuesday through Friday from 0630 to 1630 hours. On this day, his call sign was 7L74. Sgt. Corti said he was wearing his department issued class "C" uniform, which consisted of motorcycle boots, long sleeve Polo shirt and his outer carrier as listed in the "Involved Members" section of this report.

He said on October 23, 2015, approximately 0700 hours, he arrived at work and got dressed into his police uniform. Sgt. Corti stated he heard a police call for service broadcast over the police radio and he remembered it being dispatched as an "ascertain the welfare." As he monitored the radio and, while responding to the residence, he heard SLPD Dispatch broadcast that a male subject had two guns, was suicidal, and that there were two other people inside the house with the male subject. Once on scene, Sgt. Corti

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met with Officer Marco Becerra and Officer Alex Ying who were already on scene and "standing by" at the intersection of Bancroft Avenue and 137th Avenue. Sgt. Corti said he heard SLPD Dispatch inform officers on the scene that the two other people, whom were with Torres inside the residence, were exiting the residence and, at the same time, he began walking towards the residence with Officer Becerra and Officer Ying. As they walked towards the residence, Sgt. Corti said he noticed two people walking west on 137th Avenue toward their direction. Sgt. Corti said he made contact with the two people, who were confirmed to be the wife and daughter of Torres, and he asked Officer Becerra to escort them back to the command post.

Sgt. Corti said Officer Ying and he continued to walk east on 137th Avenue in order to get into a tactical position near the residence, which he identified as Once Officer Ying and he were approximately two houses east of the residence, he said he got a "weird feeling" and crossed the street because he did not want to approach the residence. Sgt. Corti said Officer Ying and he got behind a black vehicle, which was parked one house east of the residence, when he heard Sgt. Sellers inform officers that the subject was possibly inside a vehicle that was parked in the driveway of the residence. At the time, Sgt. Corti focused his attention on the two cars that were parked in the driveway and saw a subject in a Mazda, which was parked on the right side of the driveway. Sgt. Corti began to set up containment around the residence and positioned Officer Kevin Hackl, who was driving a marked SLPD patrol vehicle, one house east of the residence. Once Officer Hackl was in position, Sgt. Corti yelled to Officer Hackl and told him to make contact with the subject sitting inside the Mazda. Sgt. Corti said he heard Officer Hackl start the announcements and said it was something similar to "San Leandro Police we just want to talk to you, please come out." Sgt. Corti then said that after the initial announcements were made by Officer Hackl, he heard a single gunshot. He said he looked over at Officer Hackl and remembered seeing the debris from the round go directly through the rear driver's side window. Sgt. Corti said he thought the male committed suicide but did not want to rush in just in case he had not committed suicide. Sgt. Corti said at some point he was joined at his location by Sgt. Young, Officer Fletcher, Officer Salazar, and Detective Cesaretti. Sgt. Corti said he realized Officer Hackl was alone and sent Officer Fletcher, Officer Salazar, and Detective Cesaretti to Officer Hackl while Sgt. Young, Officer Ying, and he remained positioned behind the black vehicle. Once they were in position, Sgt. Corti said he saw and heard another gunshot that he thought came out of the same window as the first gunshot. He said he realized the subject had not committed suicide, thought the subject was now shooting at them, and requested a SWAT/HNT callout. Sgt. Corti said he feared for the safety of the community because he [Torres] was in a residential area with two schools nearby.

At that point in the incident, Sgt. Corti said he just wanted to contain the situation and negotiate with the subject. He said he moved to the front of the black car and noticed that the rear door on the suspect vehicle was open. He said he could see "Mario" sitting in the car. Sgt. Corti said he began telling him "Mario please come out, we do not want to hurt

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you, we just want to talk to you." Sgt. Corti said he saw "Mario" roll out the car and thought he was about to surrender. He said he then realized "Mario" had a black revolver in his right hand. Sgt. Corti said he had no doubt that "Mario" had a gun in his hand. Sgt. Corti said he thought Mario was going to drop the gun but watched as he stayed low against the back left driver's side of the Mazda. Sgt. Corti said he then saw Mario raise the revolver and level it with the back end of the trunk. He said it looked as if Mario was taking a position of cover and trying to see where the officers to the east of him were positioned. Sgt. Corti said he then had an "oh shit" moment and thought Mario was going to shoot those officers. He said he immediately believed those officers lives were in danger, obtained a front sight picture with his handgun, and fired one round from his handgun that he believed was high and missed Mario. He said he then heard a second gunshot that Officer Ying fired from his rifle. Sgt. Corti said he then noticed the subject was still moving, saw that he still had his revolver raised towards officers, and fired two additional rounds at Mario. He said he saw Mario dropped out of sight, no longer saw a threat, and did not fire any additional rounds. Sgt. Corti said he moved to another position of cover to get in a better position to see Mario. Sgt. Corti said he realized that he needed to see Mario before they could approach him. Sgt. Corti said he thought Mario may not have been hit and could be waiting for the officers to expose themselves and fire his gun again. Sgt. Corti said that at that point he could see that the rear driver's side door was open and could see Mario's leg. Sgt. Corti said he noticed movement and began to make several more verbal commands to Mario saying something similar to "Mario please come out, we don't want to hurt you." Sgt. Corti said he saw Mario's hands come out from the rear of the car where he was seated. He then saw Mario roll out of the car and noticed his t-shirt was bloody. Sgt. Corti said Mario had his hands up and that he no longer had the gun in his hands. He went on to say they had Mario roll all the way to the north curb line where a patrol vehicle was used as mobile cover to detain Mario.

When asked if there was an opportunity to just leave the situation, Sgt. Corti said with two schools nearby with an estimated three thousand students, the residential neighborhood, Marco having a gun that he'd already fired, he felt Mario posed a threat to the community. Sgt. Corti estimated he was twenty to thirty yards away from Mario when he fired his firearm. He further believed if he did not stop Mario when he began to raise the gun that officers to the east of him would have died. Sgt. Corti said he had no other choice other than discharging his firearm at Torres. Refer to the supplemental report written by Detective Sgt. Anthony and Sgt. Corti's transcribed statement for further details.

I reviewed the video footage from Sgt. Corti's body worn Taser camera, which recorded a similar account of the incident as told by Sgt. Corti in his statement.

On October 25, 1015, about 1556 hours, Detective Sgt. Anthony, Detective Sgt. Morgan, and I conducted an interview, which was audio recorded, with Officer Alex Ying and his LDF attorney, Sarah Burdick. Sgt. Anthony read Officer Ying the admonishment from

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the voluntary statement form. Officer Ying agreed to provide his statement and he and his attorney signed the aforementioned form. In summary, Officer Ying provided the following details:

Officer Ying stated he was assigned to the patrol division and working the 3/12 day shift. His normal work hours were Friday through Sunday from 0640 until 1900 hours. On the day of this incident, Officer Ying said he was working beat three and his call sign was 2L23. Officer Ying said he was wearing his full police department uniform as described in the "Involved Members" section of this report.

Officer Ying said about 0900 hours, Officer Becerra and he were dispatched to an ascertain the welfare call for service. Officer Ying said he was dispatched as the cover unit and Officer Becerra was dispatched as the primary officer. He said SLPD Dispatch advised that the reporting party said the father was suicidal and had firearms in his possession. He said as he drove to the scene he remembered thinking about the suspect having guns in his possession and how he could de-escalate the situation. He said when he arrived on scene that he met with Sgt. Sellers and Sgt. Corti. Officer Ying said someone on scene requested that the mother and daughter leave the house. He said as Sgt. Corti, Officer Becerra, and he approached the home, he noticed a mother and daughter walking towards them. He said Officer Becerra walked them back to the command post where it was learned that the father was inside his vehicle armed with a firearm. Officer Ying said Sgt. Corti and he went to a position of cover, which was adjacent to 137th Avenue where they took cover behind the engine block of a black vehicle. He said he remembered that Officer Hackl parked his fully marked San Leandro Police car east of the driveway and began giving verbal commands to the suspect to get out of the vehicle with his hands up. Officer Ying said he then heard a gunshot and saw smoke/debris coming out of the Mazda. Officer Ying said after hearing the gunshot, he heard Officer Hackl give even more commands by identifying himself as a San Leandro Police Officer and saying something similar to "come out with your hands up, we do not want to shoot you." Officer Ying said a few minutes went by and then he noticed another gunshot come from the vehicle. He said after the second shot, he believed the suspect was shooting at them. Officer Ying said he then saw the suspect exit the vehicle while holding a small black gun. He remembered the suspect was crouched down as if he were trying to get cover behind the vehicle. Officer Ying said he saw the suspect raise the gun directly in Officer Hackl's direction and that was when he fired one round from his rifle. Officer Ying estimated he was thirty to forty feet away from the suspect when he fired his rifle. He said he fired his rifle because he believed the suspect wanted to kill the other officers because he pointed his gun at them. Officer Ying said he believed he had no other option but to use deadly force because the subject had a firearm and was using deadly force towards them by firing two rounds out of the vehicle. Refer to the supplemental report written by Detective Sgt. Anthony and Officer Ying's transcribed statement for further details.

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I reviewed the video footage from Officer Ying's body worn Taser camera, which recorded a similar account of the incident as told by Detective Cesaretti in his statement.

Evidence Summary:

Officer Joseph Kalsbeek took photographs of the scene and of Torres at the emergency room of Eden Medical Center. Officer Kalsbeek also collected Torres' clothing, which was submitted into SLPD Property as evidence. Photographs that depicted how the officers were dressed at the time of the shooting were taken by Officer Neil Goodman. Refer to the Crime Scene Technician reports by Officer Kalsbeek and Officer Goodman for further details.

At the request of Detective Sgt. Anthony, the Alameda County Sheriff's Office Crime Laboratory processed the scene of the officer involved shooting under laboratory report number L15-2077-1. All evidence items that were recovered by the ACSO crime lab technicians were released to Sgt. Sanchez. Refer to the ACSO Crime Laboratory Examination Report for further details.

Conclusion:

As part of my Administrative Inquiry into this officer involved shooting, which involved San Leandro Police Sergeant Nick Corti and Officer Alex Ying, I conducted a thorough review of all applicable SLPD Operations Directives, body worn Taser camera footage, and of all investigative reports associated with this incident. I determined the following:

Police Sergeant Nicholas Corti #302

My investigation revealed that Sgt. Corti acted appropriately in response to the actions of suspect Marco Torres on October 23, 2015. Sgt. Corti employed excellent tactical and verbal tactics in attempting to deescalate this incident before it rapidly developed into an officer involved shooting. Sgt. Corti reasonably feared for the safety of other officers on scene when Torres raised his revolver in their direction. Faced with the threat of imminent death or great bodily harm, Sgt. Corti had no other option but to discharge his firearm three times at Torres, striking him once in his upper back. Sgt Corti's actions were not criminal in nature and found to be within department policy.

San Leandro Police Department Operations Directive M-15/Log 87-26 states the following:

"An officer in entitled to use deadly force when the officer reasonably believes it is necessary to defend himself/herself or another person from the threat of imminent death or great bodily harm."

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Warning not Given Prior to Shooting:

When Torres exited the vehicle just before the officer involved shooting occurred, Sgt. Corti believed Torres was exiting to surrender. In a matter of seconds, his belief quickly changed when Sgt. Corti realized that Torres had a black revolver in his right hand. Sgt. Corti stated he had an "oh shit moment" when he realized Torres was apparently positioning himself to shoot at the officers who were positioned east of Torres' location. In his statement, Sgt. Corti said that he thought Torres was going to drop the gun but watched as he stayed low against the back left driver side of the Mazda, raise the revolver, and level it with the trunk. This sudden change in the observations made by Sgt. Corti occurred within a matter of seconds and did not offer an opportunity to warn Torres that he was going to shoot him because he (Corti) believed officers lives were in imminent danger. Even though, Sgt. Corti did not say "Stop or I'll shoot," Sgt. Corti pleaded with and gave warnings to Torres multiple times throughout this incident. An example of such was given right before the shooting occurred:

"Put your hands up (pause), put your hands up now (pause), we don't want to hurt you (pause), we don't want to hurt you drop the gun (pause), we don't want to hurt you Mario please come out (pause), Mario don't do this please come out (pause), we don't want to hurt you put your hands up (pause), Mario..."

While Sgt. Corti was not able to give the traditional "stop or I'll shoot" warning, he gave appropriate and professional verbal commands to Torres multiple times in an attempt to de-escalate this life threatening situation before making the decision to use lethal force.

Operational Concern:

Medical attention provided to Torres was delayed: Approximately eleven minutes passed from the time officers fired their weapons at Torres until the Alameda County Fire Department arrived on scene to administer emergency medical attention. This delay in providing medical attention could have been contributed to the following factors:

1. Officers on scene were not properly equipped to provide immediate medical attention to Torres, who was believed to be in possession of two guns, which made it unreasonable for officers to approach him without some type of ballistic armor protection. Ballistic shields and/or an armored vehicle, which was not immediately available to officers, would have allowed for the option of approaching Torres in order to provide medical attention in a reasonable amount of time while being protected from gunfire and, at the same time, preventing additional injuries. The development of a tactical plan to approach Torres accounted for an approximate eight-minute delay in Torres receiving medical attention.

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2. Once Torres was in-custody, officers did not immediately ask SLPD Dispatch to direct staging medical personnel to respond to the scene. Not immediately requesting medical personnel to respond to the scene, after the subject had been taking into custody, accounted for an approximate three minute delay in Torres receiving medical treatment.

Police Officer Alex Ying #358

My investigation revealed Officer Ying acted appropriately in response to the actions of suspect Marco Torres on October 23, 2015. Officer Ying reasonably feared for the safety of other officers on scene when Torres raised his revolver in their direction. Faced with the threat of imminent death or great bodily harm, Officer Ying had no other option but to discharge his rifle one time at Torres. Officer Ying's actions were not criminal in nature and found to be within department policy.

San Leandro Police Department Operations Directive M-15/Log 87-26 states the following:

"An officer in entitled to use deadly force when the officer reasonably believes it is necessary to defend himself/herself or another person from the threat of imminent death or great bodily harm."

Training point:

Upon review of the round count of Officer Ying's department issued Smith and Wesson .223 caliber assault rifle, it was revealed that his magazine was loaded with 26 rounds of ammunition prior to this officer involved shooting. After speaking with range instructors, I learned it was standard practice to load the thirty round magazine with 28 rounds of ammunition in order to prevent spring fatigue. In this case there is no doubt as to how many rounds were fired from this weapon. However, in future cases this fact might not be known and it's important that we remain consistent in ensuring 28 rounds of ammunition had been loaded into a magazine in order to accurately account for all expended and unexpended rounds in these types of incidents.

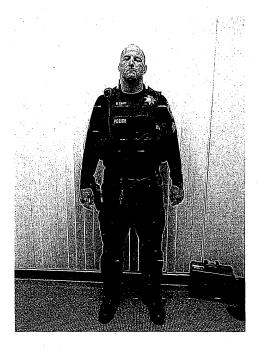
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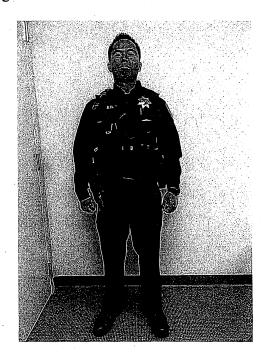
ADMINISTRATIVE INQUIRY

PHOTOGRAPHS OF INVOLVED/WITNESS OFFICERS

Police Sergeant Nicholas Corti #302



Police Officer Alex Ying # 358



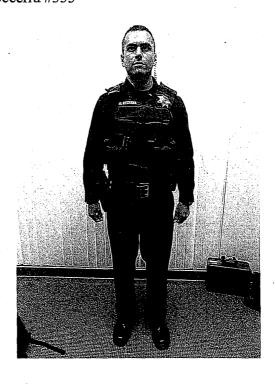
PATROL DIVISION

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Police Officer Kevin Hackl #309



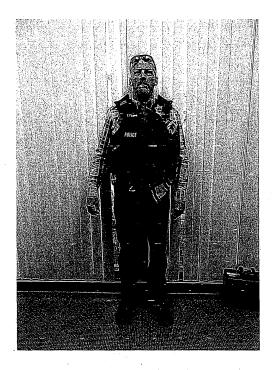
Police Officer Marco Becerra #355



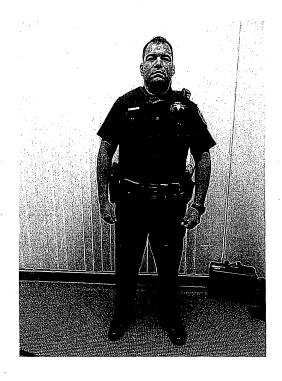
PATROL DIVISION

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Police Sergeant Troy Young #252

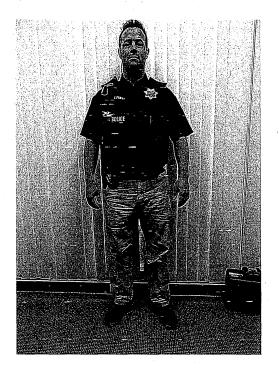


Police Officer Miguel Salazar # 367

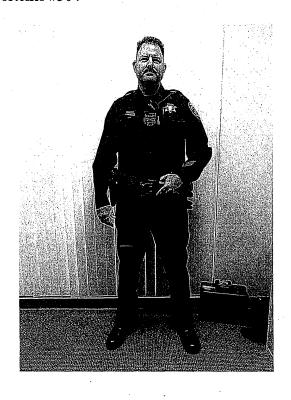


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Police Detective Tim Perry #335

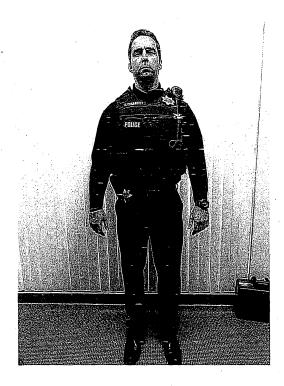


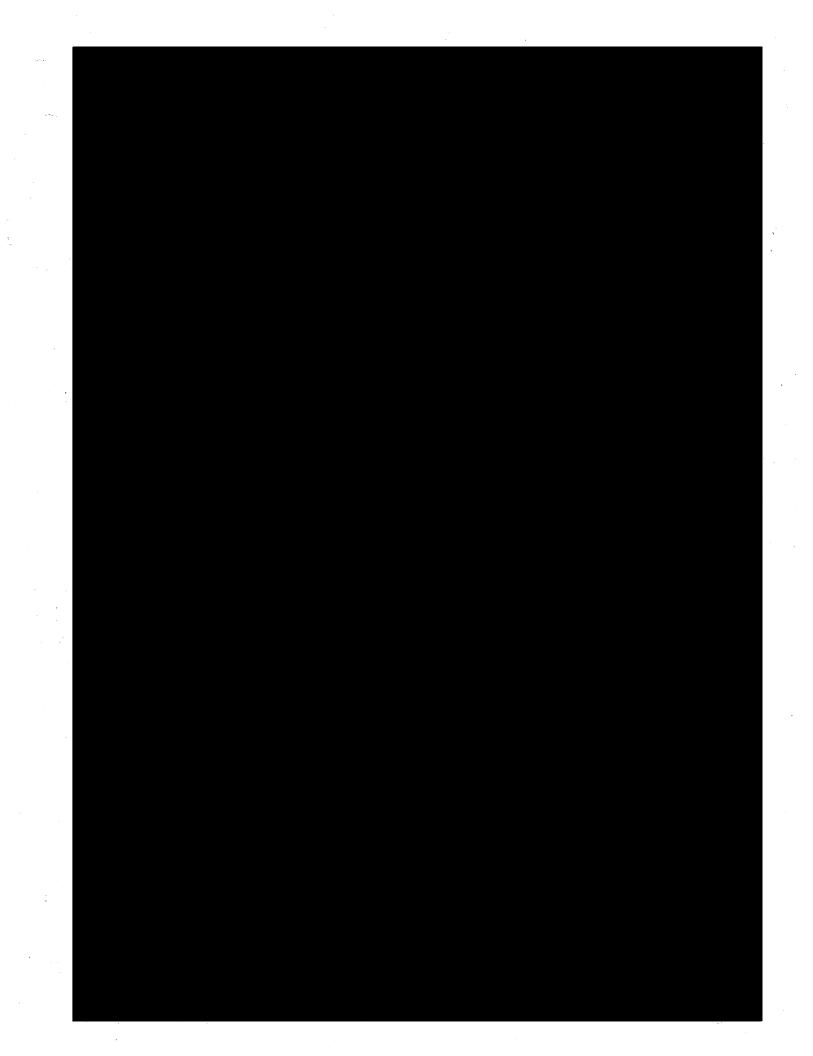
Police Officer Jason Fletcher #304



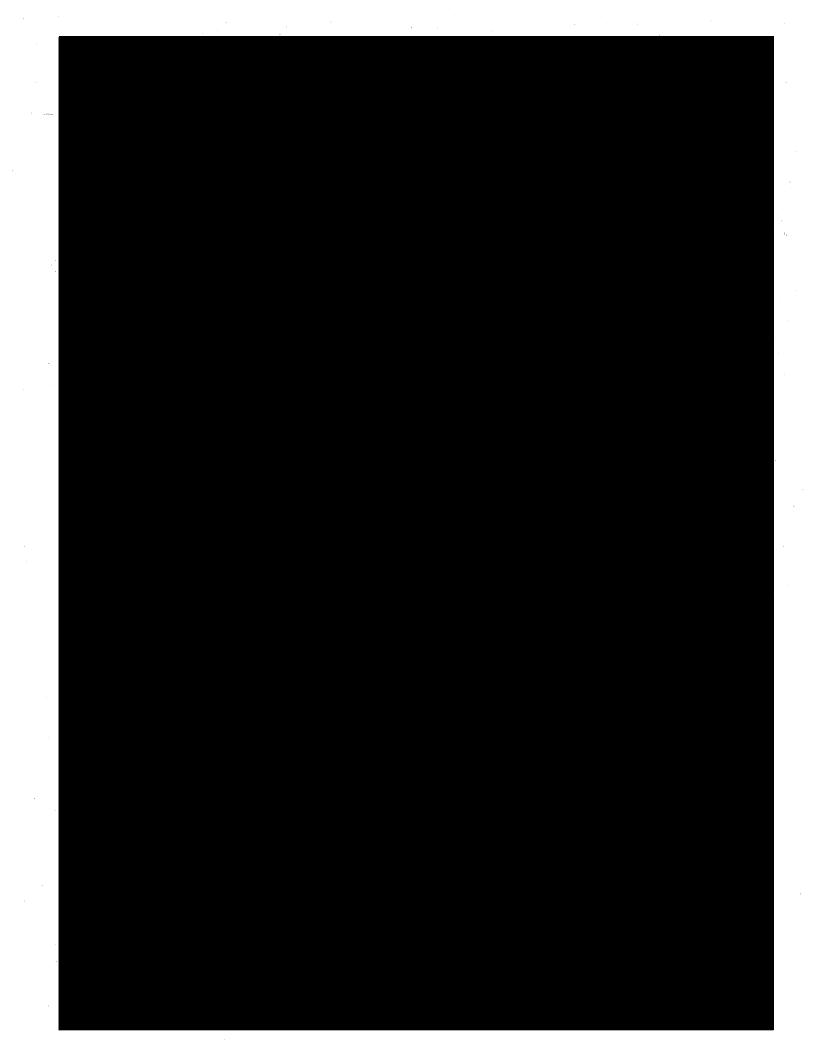
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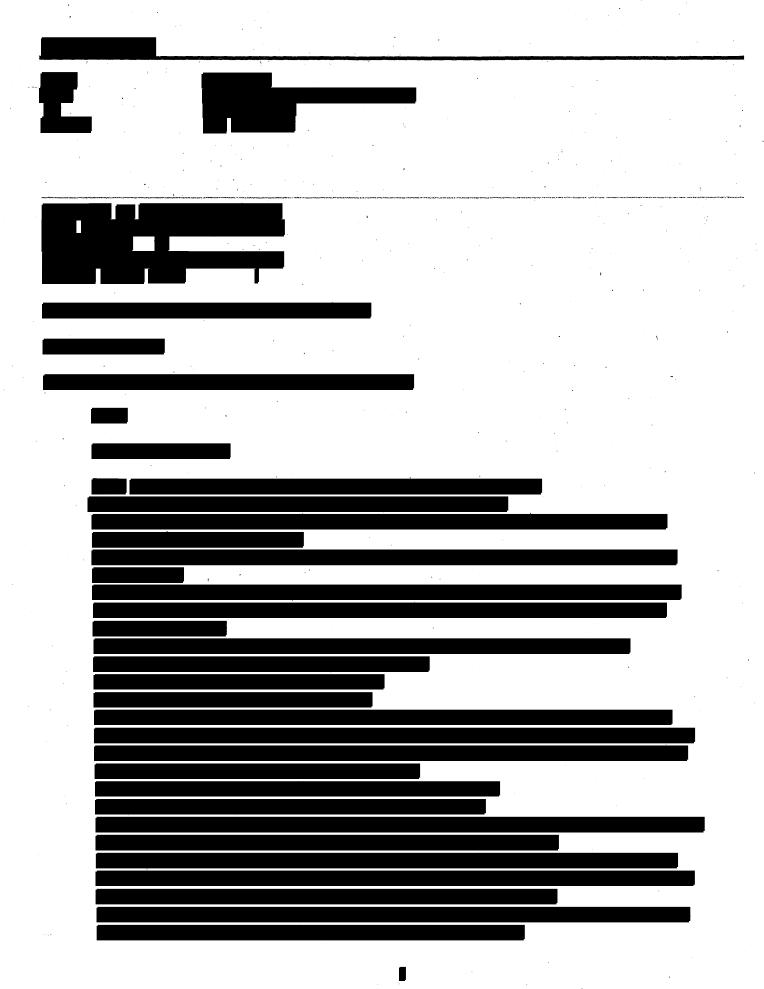
Police Detective Steven Cesaretti #347













Section 2

I-05: Officer Involved Shooting (Log #85-07)



SAN LEANDRO POLICE

OPERATIONS DIRECTIVE

log:

date:

index:

August 1, 1985

I-5

REVISED:

August 14, 1992

August 24, 2009

INDEX:

Officer-Involved Shooting

Traumatic Force

Shooting, Officer Involved

I. **DEFINITION**

"Officer-Involved Shooting" Defined:

All incidents where death or bodily injury to a person result from the discharge of a firearm by a member of the San Leandro Police Department.

II. POLICY

This Directive will provide the procedure to be followed by the involved officer(s), as well as the protocol for the Administrative Inquiry.

This Department has the original and primary responsibility for the investigation of its officer-involved shootings occurring within its jurisdiction and concurrent responsibility for those that occur outside City limits. If the incident, as defined above, occurs in another jurisdiction, this Department will conduct an administrative inquiry into the circumstances of the incident.

The procedures herein outlined may be used in any incident involving the use of deadly force that could produce great bodily injury by any officer of the Department.

Three separate but concurrent investigations of the incident will be made. The first will address the statutory issues of the incident. The second will be an administrative inquiry to determine if the circumstances of the incident met the criteria set forth in Departmental orders and Directives for the use of deadly force. The third investigation will be conducted by the Alameda County District Attorney's Office.

III. PROCEDURES: SHOOTING SCENE AND FOLLOW-UP INVESTIGATION

A. INVOLVED OFFICER RESPONSIBILITY

- 1. Immediate action shall be taken to care for the injured, to apprehend any suspects, and to protect the scene.
- 2. Involved officer(s) shall attempt to locate and identify witnesses to the incident.

- 3. Officers shall refrain from discussing the incident until the arrival of a Supervisor.
- 4. Once the Supervisor arrives, involved officer(s) shall brief him/her as to the circumstances of the incident and what action has been taken.
- 5. After arrival at the Department, a Department member will be with the officers until interviews are conducted. The Watch Commander will assign a Department member to this task. The member shall provide aid and assistance as needed, but shall avoid discussion of the facts of the incident.
- 6. Involved officers are encouraged to contact private counsel and to have counsel available throughout the investigative process.
- 7. The involved officer(s) shall answer, as best he or she is able, all questions asked by the Department Investigator or by the investigator from the District Attorney's Office. The involved officer(s) are encouraged to have private counsel present during the taking of any statement.
- 8. At the conclusion of the interview, the involved officer(s) will be required to prepare a detailed report of the incident.

B. SUPERVISORY RESPONSIBILITY

- 1. The Supervisor at the scene will ensure that the responsibilities of the officers have been carried out. He/she will assure that the Watch Commander has been notified.
- 2. The Supervisor at the scene shall arrange for the identification of all civilian witnesses.
- 3. Immediate family members of any wounded or deceased person(s), who are or may be witnesses, should be identified. If possible, considering the emotional impact of the situation, the first uninvolved officers at the scene shall obtain brief facts in order to determine the extent of their knowledge of the incident.
- 4. Negative statements should be taken from persons who are present at the scene who deny that they are witnesses.
- 5. It will be the duty of all supervisors to ensure that no one questions or interviews the involved officer(s) or witnesses until the arrival of Investigation Division personnel or the Watch Commander.

C. WATCH COMMANDER'S RESPONSIBILITY

- 1. At the reporting of an officer-involved shooting, the on-duty or on-call Watch Commander will be notified.
- 2. The Watch Commander will respond to the scene and assume command.

- 3. The Watch Commander will order the notification of appropriate personnel. The City Attorney will be briefed and advised of the location of the incident. In incidents resulting in death or bodily injury with serious risk of death, the District Attorney Homicide Unit will be notified.
- 4. The Watch Commander will assign Departmental personnel to remain with the involved officer(s) during the preliminary investigation.
- 5. The Watch Commander will be assigned the responsibility of the Administrative Inquiry. The purpose of the Administrative Inquiry is to determine if the action taken by the involved officer(s) was consistent with the requirements of applicable Department Rules and Regulations concerning the application of deadly force. The inquiry will follow the format outlined in the San Leandro Police Department Internal Affairs Procedure.

D. DEPARTMENT RESPONSIBILITY: OFFICER SHOT

- 1. If the officer is injured or requires hospitalization, he/she will be taken to the nearest medical facility in accordance with EMS protocol.
- 2. An officer will be posted at the medical facility to aid and assist the injured officer and to protect him/her from unauthorized inquiry.
- 3. Notification of the injured officer's family will be done personally by a Command Officer.
- 4. Every effort will be made to arrange or provide all necessary accommodations for family members.

E. <u>CRIMINAL INVESTIGATION DIVISION RESPONSIBILITY</u>

- 1. The Criminal Investigation Division will conduct a thorough investigation of the incident.
- 2. The Criminal Investigation Division Commander or his/her designee will conduct, or be in attendance at, the interview of the involved officer(s).
- 3. The involved officer(s) will be afforded all professional courtesies and all the protection provided for in the Peace Officers' Bill of Rights.
- 4. When it is necessary that the involved officer(s)' firearm and ammunition be taken for inspection or for any additional evidentiary processing, it will be expeditiously replaced with another Departmental weapon.
- 5. The detailed report of the criminal investigation will be submitted to the District Attorney for review and disposition.
- 6. The Investigation Division Commander will be responsible for liaison with the District Attorney's Investigators.

F. CITY ATTORNEY'S RESPONSIBILITY

The City Attorney or his/her designee should be immediately notified of any officer-involved shooting incident.

G. GENERAL DEPARTMENTAL RESPONSIBILITY

- 1. At the conclusion of the initial investigation and the completion of his/her assignments, the involved officer(s) may be placed on administrative leave, or on scheduled days off, as appropriate, for up to three days. He/she will be asked to remain available to assist with any continuing inquiry. The Watch Commander and the C.I.D. Commander will concur on the time off for involved officer(s).
- 2. Often following a shooting incident, officers suffer severe emotional impact. Involved officers shall meet with an approved psychologist as arranged for by the Watch Commander. This meeting shall be immediate or as soon as practical after the incident.
- 3. Media relations will be conducted as outlined in Operations Directive A 7.

H. DISTRICT ATTORNEY'S OFFICE RESPONSIBILITIES

- 1. Members of the San Leandro Police Department will notify the District Attorney's Homicide Unit as soon as possible whenever a death, or bodily injury with serious risk of death, results from an officer-involved shooting. The San Leandro Police Department and the District Attorney's Office will conduct separate investigations of the incident.
- 2. The District Attorney investigation will be complete and independent of the San Leandro Police Department investigation, and will include all efforts deemed necessary to decide whether or not charges are to be filed.
- 3. Notification shall include a brief description of the circumstances, the parties involved, and the San Leandro Police Department officer in charge of the investigation. The District Attorney will be responsible for notifying specific attorneys and investigators to be assigned to such investigations.
- 4. The San Leandro Police Department will retain original and primary jurisdiction of the case but will cooperate with the District Attorney's investigators.
- 5. District Attorney investigative activities will not interfere with the San Leandro Police Department's investigation.
- 6. The San Leandro Police Department will be responsible for making any initial public statements regarding the incident. The District Attorney may confirm that an investigation is being conducted, but will make no other public statements regarding the incident or investigative conclusions until the District Attorney's inquiry is completed. In most cases, that investigation will not be concluded for at least 30 days.

a.

- 7. All investigative reports, documents and statements pertaining to the investigation will be shared by the San Leandro Police Department and the District Attorney.
- 8. Upon request, the U.S. Attorney will have access to all legally available District Attorney reports produced in the investigation and other investigative reports and materials as may be appropriate.

H. <u>DISTRICT ATTORNEY'S OFFICE PROCEDURES</u>

- 1. As soon as possible and consistent with San Leandro Police Department's responsibilities, the officer in charge at the scene of an officer-involved shooting will provide District Attorney investigators with:
 - a. A summary of all available information pertinent to the investigation.
 - b. An opportunity to observe the scene and to take measurements and photographs.
 - c. An opportunity to observe and photograph all physical evidence.
 - d. An opportunity to interview all known relevant citizen witnesses.
- 2. As soon as possible and consistent with investigative requirements, the San Leandro Police Department will take formal, memorialized statements from the officer or officers involved in the shooting and will allow the assigned District Attorney personnel to be present during the taking of the statements.
 - a. At a minimum, District Attorney investigators will be allowed to submit questions in writing, to be propounded to the involved officer(s) by the person conducting the inquiry.
 - b. With the consent of the officer or officers involved in the shooting, District Attorney investigators may take formal, recorded statements from the officer(s) and from all agency personnel who are witnesses or who have information relevant to the incident.
- 3. The officer in charge of the case will review the progress of the investigation with the assigned District Attorney personnel and will conduct any follow-up investigation which, upon consultation, appears to be appropriate. The District Attorney will provide all legal and investigative support needed for such investigation.

The District Attorney will provide a written report to the San Leandro Police Department when the District Attorney investigation is completed. The report will provide:

- a. A narrative of the investigative findings as to the factual circumstances of the incident,
- b. A statement of the relevant law, and
- c. A conclusion as to whether or not charges will be filed.
- 4. All other relevant reports and investigative materials prepared or developed by District Attorney personnel will be retained by the District Attorney and will be available to the San Leandro Police Department upon request.

By Order Of

Ian R. Willis
Chief of Police

du A. Willis

M-15: Firearm Procedure (Log #87-26)



SAN LEANDRO POLICE

OPERATIONS DIRECTIVE

log:

date: March 2, 1987

index:

M-15

(RESCINDS GENERAL ORDER 67-4 DATED JULY 3, 1979)

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Firearm Procedure

Procedure When Discharging Firearms

Discharging Firearms Use of Firearms

I. PURPOSE

The purpose of this Directive is to state Department policy and regulations concerning the use of firearms.

II. <u>LEGAL LIMITATIONS</u>

- A. Police officers may use firearms only under certain restricted justifiable circumstances. Sections 196 & 197 PC delineate the California law of justifiable homicide.
 - 1. It is the law that a Police officer must not discharge his/her firearm except in limited situations. No officer has the right to extend this power, but must decide his/her action in light of the circumstances confronting him/her within the limitations of his/her authority.

III. PROTECTION OF GENERAL PUBLIC

Regardless of the nature of the crime of the legal justification for firing at a suspect, officers should remember that their basic responsibility is to protect the public. Officers should be particularly cautious when firing under conditions that may subject bystanders to possible injury or death.

IV. <u>REGULATIONS</u>

A. SELF-DEFENSE

- 1. An officer is entitled to use deadly force when the officer reasonably believes it is necessary to defend himself/herself or another person from the threat of imminent death or great bodily harm.
- 2. An officer is **not** permitted to use deadly force to defend himself/herself or another person from assaults which are **not** likely to have serious results.

B. <u>MISDEMEANANTS</u>

An officer may not use deadly force to effect the arrest or prevent the escape of a person who has committed a misdemeanor, except where the circumstances are such that the officer reasonably believes that the escape would create a threat of imminent death or great bedily harm to the officer or another person.

C. KNOWN FELONY OFFENDERS

An officer shall not discharge a firearm at persons who are running away to escape arrest, except where the circumstances are such that the officer reasonably believes that the escape would create a threat of imminent death or great bodily harm to the officer or another person.

D. <u>SUSPECTED FELONY OFFENDERS</u>

An officer shall not discharge a firearm at a person who is called upon to halt upon mere suspicion and who simply runs away to avoid arrest, unless the circumstances are such that the officer reasonably believes that the fleeing person has committed a felony of a violent variety and that the escape would create a threat of imminent death or great bodily harm to the officer or another person.

E. MOVING VEHICLES

An officer shall not discharge a firearm from a moving vehicle or at a moving vehicle unless the officer reasonably believes or knows that the person(s) in the vehicle have committed a felony of a violent variety and further, that the circumstances are such that the officer reasonably believes the person(s) in the vehicle represent a threat of imminent death or great bodily harm to the officer or another person.

F. WARNING SHOTS

An officer may discharge a firearm for purposes of a warning shot, in lieu of deadly force **only** if the circumstances are such that the officer reasonably believes that he/she or another person is in imminent danger of death or great bodily harm.

G. REPORTING AND INVESTIGATION OF FIREARMS DISCHARGING

- 1. Whenever a member discharges his/her firearm on or off duty, either accidentally or officially, except at an approved range, the officer shall notify the on-duty Commanding Officer of his/her organizational unit as soon as possible. If a Commanding Officer is not on duty in his/her organizational unit at the time, the member shall notify the Commanding Officer of the Patrol Division.
 - a. The member shall also submit a detailed written report of the circumstances through channels to the Chief of Police.
- 2. A Command Officer shall personally investigate the report of the firearm discharge. He shall submit a detailed written report of the results of the investigation through channels to the Chief of Police. The report shall contain his observations and conclusion regarding the incident.

3. If the discharge of a firearm by an officer results in a death or bodily injury to a person, an investigation will be conducted in accordance with Operations Directive 85-07.

By Order Of

Joseph W. Kitchen Chief of Police M-16: Use of Force (Log #87-39)



SAN LEANDRO POLICE

OPERATIONS DIRECTIVE

log:

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index:

M-16

REVISED:

July 3, 1995

September 13, 2000 April 23, 2001 September 29, 2004 April 23, 2007 August 24, 2009 October 15, 2010

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Use of Force

I. PURPOSE

The purpose of this Directive is to provide police officers with guidelines on the authorized use of force and the reporting procedures of such force.

II. POLICY

The San Leandro Police Department recognizes and respects the value of human life. Officers must have an understanding of, and appreciation for, the limitations on their authority, particularly with respect to overcoming resistance from those with whom they come into official contact. It is the policy of this Department that officers shall utilize only that force which is reasonable to bring an incident under control.

III. <u>DEFINITIONS</u>

- A. <u>LESS LETHAL FORCE</u>: Less lethal force is that force which is unlikely, when used properly, to result in serious physical injury or death.
- B. <u>LETHAL FORCE</u>: Lethal force is that force reasonably likely to cause death.
- C. <u>USE OF FORCE CONTINUUM</u>: The use of force continuum is an instrument, which attempts to embody the dynamics of a confrontation. It is also designed to facilitate an understanding of appropriate levels of force that are available for use by officers. The attached use of force continuum matrix (Appendix B) provides an overview and visual representation of the force options that are available to officers of this Department.

IV. AUTHORITY FOR USE OF FORCE

A. CALIFORNIA PENAL CODE SECTION 835 - METHOD OF ARREST

"An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention."

B. CALIFORNIA PENAL CODE SECTION 835a - EFFECTING ARREST; RESISTANCE

"Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance."

"A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

C. CALIFORNIA PENAL CODE SECTION 843 - WHAT FORCE MAY BE USED

An arresting officer or individual has the right to pursue an escaping prisoner and use whatever force may be necessary for his arrest and detention, and to accomplish this purpose he may use whatever reasonable means are available and may summon as many persons as he deems necessary to assist him, but he must stop short of killing or seriously injuring the fleeing criminal, unless in self-defense or there poses an imminent threat to the safety of others." People v Lathrop (1920) 49 Cal App 63, 192 P 722.

"When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest."

D. <u>CALIFORNIA PENAL CODE SECTION 196 - JUSTIFIABLE HOMICIDE BY PUBLIC OFFICERS</u>

"Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either ..."

- 1. In obedience to any judgment of a competent court; or,
- 2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
- 3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony and who are fleeing from justice or resisting such arrest.
- 4. However, an officer should refrain from using deadly force against a fleeing felony suspect unless the felony is of a violent variety. *Korrum v. Alkire* (1977) 69 Cal.App.3d 325.

E. <u>INTERPRETATION OF "USE OF FORCE" LAWS</u>

The previously cited statutory provisions regarding the use of force are conditioned by the standard of what is "reasonable." Such standard does not mean what is subjectively reasonable to the officer, but rather what is objectively reasonable to the average reasonable officer in the same or similar circumstances. To allow for review of any officer's use of force, that officer must be able to articulate the relevant factual circumstances that he/she confronted and to which a forcible response was given.

1. Simple, conclusionary descriptions by officers are frequently inadequate. Officers are cautioned against relying upon the simplistic description provided by the relevant statutes. Accordingly, the remainder of the General Order deals with a methodology used to instruct on what is "reasonable force."

V. GUIDELINES

- A. Members are authorized to use reasonable force in the performance of their duties in the following circumstances:
 - 1. To prevent the commission of a public offense;
 - 2. To prevent a person from injuring himself/herself;
 - 3. To effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention;
 - 4. In the defense of himself/herself or another person from physical injury.

B. <u>FACTORS IMPACTING AN OFFICER'S SELECTION OF THE APPROPRIATE USE OF FORCE:</u>

- 1. An officer should take a number of factors into consideration when selecting force options. These same factors are used to evaluate whether an officer has used reasonable force. The agency recognizes that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to a situation may impact the officer's decision. The Use of Force Continuum is intended to provide additional guidance to officers in making those split-second decisions.
- 2. The following are some examples of factors which may affect an officer's selection of the appropriate use of force:
 - a. Officers/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers versus number of subjects);
 - b. Influence of drugs or alcohol;
 - c. Proximity to weapons;
 - d. Availability of other options;

- e. Seriousness of the offense in question;
- f. Other exigent circumstances.
- 3. An officer need not attempt to gain control over an individual by use of the lowest level of force on the continuum when reason dictates and the officer can articulate that a higher level of force is reasonable. The amount of force the officer decides to use may be affected by the resistance encountered. An officer may go directly to any level of the continuum provided that the force selected is reasonable.

C. <u>USE OF FORCE CONTINUUM - CATEGORIES OF ACTION DISPLAYED BY THE SUBJECT</u>

An officer's reasoned judgment and perception of how a subject is acting should form the basis for his or her exercise of discretion in deciding whether to use force and how much force should be used. For purposes of illustration, the following continuum matrix, categorizes the actions of the subject into four levels that are described as follows (Also see Use of Force - Continuum Matrix.):

- 1. <u>Cooperative</u>: Subject is cooperative and complies with verbal commands or other directions.
- Passive or Low Level Resistance: Subject is passive or defensively resists an
 officer's authority and direction. This includes verbal and physical cues of noncompliance.
- 3. <u>Active Resistance or Assaultive Behavior</u>: Subject assumes a fighting stance, charges an officer or verbally or physically indicates intent to commit an assault. Subject is attempting to interfere with the officer's actions by inflicting pain or physical injury to the officer without the use of a weapon or object.
- 4. <u>Life Threatening Assault, or Assault Likely to Cause Great Bodily Harm</u>: Subject commits an attack using an object, a weapon or an empty hand assault, wherein the officer reasonably believes that the assault will result in serious physical injury and/or death.

D. OFFICER'S OPTIONS IN RESPONSE TO SUBJECT'S ACTIONS

The officer's options in response to a subject's actions depend on the totality of the circumstances at the time and place of his or her encounter with the subject. What is reasonable depends on the circumstance. The following provide illustration:

1. No Force: Includes professional presence, verbalization and non-resistant application of handcuffs, waist restraints and/or leg irons. The officer displays authority as a peace officer and uses non-verbal means of communication such as body language, demeanor and manner of approach. Verbalization involves the directions and commands given to the subject. The officer is able to restrain and/or detain the subject without resorting to levels of force. Restraining and/or detaining allows an officer to be able to escort a subject with a firm arm grip, as long as the subject does not resist. If the subject resists, a use of force report will be required

under the "compliance techniques" level listed below. The supervisor shall make the final determination as to whether or not a report shall be written.

- 2. <u>Compliance Techniques</u>: Includes an officer laying hands on a subject using restraining and detaining techniques with the intention of gaining control of the subject. Examples include the use of a firm grip, escort position or grappling designed to hold a subject down by using the weight of an officer's body (ground control techniques). Also included in this level would be the application of joint manipulations, pressure point applications, and unarmed striking and takedown type techniques.
- 3. <u>Intermediate Force</u>: Taser, a conducted energy weapon, which includes electric stunning capabilities, the application of the carotid restraint (lateral vascular neck restraint), use of K-9's, the baton/expandable baton, billie or Yawara stick (in a striking or jabbing motion), or spraying chemical agents (mace and oleoresin capsicum based products).
- 4. <u>Lethal Force</u>: Includes the use of a firearm or any force, which has a reasonable likelihood of causing death.

E. USE OF COMPLIANCE TECHNIQUES DESCRIBED:

Compliance techniques include those physical maneuvers described in the previous section of this order and in the "Use of Force-Continuum Matrix." They can be used if the subject displays passive, low level or higher resistance.

1. Compliance techniques shall be used in the manner presented and demonstrated during the Basic Academy and Advanced Officer Training and published in the applicable agency training bulletins and shown in approved videos.

F. <u>USE OF INTERMEDIATE FORCE DESCRIBED</u>

Intermediate force weapons can be used if the subject actively resists or displays assaultive behavior.

- 1. <u>Deployment of Police Canine (K-9)</u>: Refer to San Leandro Operations Directive M-14 for canine use policy.
- 2. <u>Discharge of Taser</u>: The Taser is a special less-lethal, intermediate force level weapon that may be used to control a violent or potentially violent subject. Only those devices approved by the Chief of Police may be used by agency personnel. The Taser can be discharged in situations where there are specific policies governing the particular type of device and its application. Members shall comply with all Division and Unit level policies and procedures governing use of the Taser. (See Operations Directive 07-01, M-23.)
- 3. <u>Application of the Carotid Restraint (Bi-Lateral Vascular Neck Restraint)</u>: Shall be used in the manner as presented and demonstrated during the Basic Academy and Advanced Officer Training and as published in the applicable agency training bulletins and shown in approved videos.

- a. Correct application and caution are required to ensure that the subject is not injured. No pressure is to be applied to the trachea (frontal area of the throat or neck).
- b. The carotid restrain shall not be applied for intervals longer than thirty (30) seconds. The carotid restraint shall only be applied once on a subject during any twenty-four hour period.
- c. Immediate medical attention shall be provided as soon as possible to any subject who has been the recipient of the carotid restraint.
- 4. <u>Baton/Expandable Baton, Billie & Strikes</u>: Shall be used in a manner as presented and demonstrated during the Basic Academy and Advanced Officer Training and as published in the applicable agency training bulletins and shown in approved videos. Division and Unit level policies and procedures shall be followed accordingly, with special attention to the following:
 - a. Only impact weapons approved by the Department are authorized.
 - b. The only Departmentally approved impact weapons are:
 - 1) The standard 26" Koga style straight baton.
 - 2) The standard 24" PR-style side-handle baton.
 - 3) The standard 12" Police Billy.
 - 4) Riot Batons.
 - 5) Expandable baton.
 - 6) Beanbag gun/flex baton.
 - 7) Projectile launchers (FN303, pepperball 37m weapon systems)
 - c. Officers shall not intentionally deliver baton/expandable baton or police billie blows/strikes to a person's head, neck, throat, groin, kidney, xiphoid process areas or directly into the heart.
 - <u>Exception</u>: When an officer's life is in peril and the use of lethal force is justifiable (see Lethal Force).
 - d. A baton/expandable baton or police billie may be used to strike a subject who is handcuffed or otherwise securely restrained only when the subject is using such force with his body, legs or feet as to require such force to prevent harm to the officer(s), civilians, or in order to prevent escape.
 - e. <u>Flashlights</u>: A flashlight is primarily used as an illumination device and not usually thought of as a defensive impact device. Circumstances may occur when an officer is justified in using a flashlight as a defensive

device. If such a circumstance occurs, a member may use it as an intermediate or lethal force level weapon, if used in similar fashion to the baton/expandable baton or billie.

- 5. <u>Chemical Agents/OC Spray</u>: Shall be used in accordance with manufacturer's specifications. Should be used only in the manner presented and demonstrated during the Basic Academy and Advanced Officer Training, or as published in the applicable agency training bulletins or shown in approved videos. Division and Unit level policies and procedures shall be followed, with special attention to the following:
 - a. Only Chemical agents authorized and/or issued by the agency may be used. Members should refer to the Department Rules and Regulations manual for a description of the proper equipment.
 - b. Subjects exposed to chemical agents shall be removed from the contaminated area as quickly as possible.
 - c. Avoid spraying a subject directly in the eyes with OC within a distance of three (3) feet or less.
 - d. OC sprayed subjects shall be monitored visually as frequently as physically possible during field detention, arrest and transportation to ensure that they do not experience breathing difficulty (see section on first aid).
 - e. Subjects in custody who have been sprayed with OC shall have their eyes and face thoroughly rinsed with clear water as soon as possible.

G. USE OF LETHAL FORCE

- 1. Lethal force is the highest level on the "Use of Force Continuum Matrix." Lethal force may be used under the following circumstances when all other appropriate means of defense have failed or are deemed inadequate and the officer taking action has a reasonable belief that such force is necessary:
 - a. As a means of defending oneself from death or the immediate threat of serious bodily injury.
 - b. To defend another person from death or the immediate threat of serious physical injury.
 - c. To apprehend a suspect when there exists a reasonable belief that the person has committed a felony and represents an immediate threat to another human life.
 - d. As a means of terminating dangerous or seriously injured animals when other means of disposal are impractical.

- 2. When officers are engaged in a life-threatening situation, the use of makeshift weapons or any weapon of opportunity can be justified as lethal force when reasonable alternatives have been exhausted or appear impractical.
- 3. <u>Use of Motor Vehicle</u>: The use of a motor vehicle to protect an officer or citizen from the possibility of death or great bodily injury shall be considered lethal force and may only be used when lesser levels of force have failed or have been determined to be ineffective in addressing the actions of the subject. For use of a motor vehicle as lawful intervention during a police pursuit refer to San Leandro Police Department Operations Directive M-8, Pursuit Policy.
- 4. <u>Terms Defined</u>: For the purpose of interpreting the appropriate use of lethal force, the following definitions clarify specific points:
 - a. <u>Reasonable Belief</u>: A strong suspicion based on facts that can be articulated.
 - b. <u>Serious Physical Injury</u>: A physical injury that creates a substantial risk of death, causes serious permanent disfigurement, or may result in long-term loss or impairment of the functioning of any body member or organ.

VI. AUTHORIZED RESTRAINT DEVICES

A. HANDCUFFS

- 1. Only handcuffs authorized by the Department may be carried by members.
- 2. All arrested persons being transported by police vehicle should be handcuffed.
- 3. Arrested persons should be handcuffed behind their back. After checking for tightness, handcuffs shall be double locked.
- 4. Handcuffs should be placed on the arrested person in such a manner as to not cause injury or reduce circulation.

B. <u>LEG IRONS</u>

- 1. Only departmental leg irons are authorized for use on prisoners.
- 2. Use of leg irons should be cleared with a supervisor.
- 3. Leg irons should be placed on the prisoner in such a manner as to not cause injury or reduce circulation.
- 4. Leg irons should be double locked.

C. FLEX CUFFS

1. Use of flex cuffs is authorized only for those emergency situations where standard handcuffs cannot be used.

- 2. Use of flex cuffs should be cleared with a supervisor.
- 3. Flex cuffs should be placed on a prisoner in such a manner as to not cause injury or reduce circulation.
- 4. Flex cuffs should be cut off the prisoner as soon as practical following safe transportation to jail.

D. WRAP RESTRAINT

- 1. Only the "wrap" restraint device authorized by the Department shall be used.
- 2. The "wrap" restraint shall only be used in an approved manner and by trained personnel.
- 3. The "wrap" should be placed on the arrested person to avoid injury/property damage and to gain control of the suspect.
- 4. After the "wrap" is applied, officers shall monitor the arrested person for any sign of injury or difficulty with breathing and place the person in a seated position.
- 5. The "wrap" should not be used on pregnant women.

VII. POST INCIDENT ADMINISTRATION OF FIRST AID - ALL LEVELS OF FORCE

- A. Any subject who is injured as a result of an officer using force shall be administered first aid in the field and/or transported, as soon as possible, via appropriate ambulance or police vehicle, to a medical facility for treatment. Special attention shall be paid to the following:
 - 1. Officers are prohibited from securing a subject by binding his/her hands and feet together behind the back in a "hog tying" fashion and/or transporting them on their stomach in a vehicle.
 - 2. During field detention, transportation and custodial restraint situations, subjects shall be positioned so that they do not experience breathing difficulty for a prolonged period of time. This is especially important if a subject has been sprayed with OC and/or is suspected of being under the influence of drugs or narcotics. It is critical to closely monitor subjects who are experiencing breathing difficulty and to get him/her immediate medical attention as soon as possible.

VIII. REPORTING PROCEDURES FOR USE OF FORCE

- A. When force as outlined above is used, the following steps will be followed:
 - 1. Promptly notify a Supervisor unless exigent circumstances delay the notification.
 - 2. Document the use of force in an arrest/crime report. The written report detailing the use of force incident should include the circumstances surrounding the use of force, what type of injuries were sustained by the suspect, if any, and any medical treatment required. The evidence technician should be requested to

photograph the subject, whether injuries are visible or not. The name of the Supervisor who was notified of the incident shall also be documented.

3. A copy of the report shall be reviewed by a Sergeant. The Sergeant will then forward the report to the Division Watch Commander.

By Order Of

Ian R. Willis Chief of Police

da A. Willis

APPENDIX A

SAN LEANDRO POLICE DEPARTMENT USE OF FORCE - CONTINUUM MATRIX

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THIS MATRIX SHOULD BE VIEWED AS IF IT WERE A SERIES OF ELEVATORS, AND NOT AS LADDERS OR STEPS. OFFICERS MAY GO TO ANY LEVEL OF THE CONTINUUM, PROVIDED THAT THE FORCE SELECTED IS REASONABLE IN COMPARISION WITH THE ACTIONS OF THE SUBJECT.

INTERMEDIATE FORCE LEVEL **OFFICER'S OPTIONS IN** K-9, TASER, CAROTID RESTRAINT, BATON & **RESPONSE TO:** SHORT BILLIE, MACE, O/C SPRAY & CHEMICAL AGENTS. BEANBAG GUN/FLEX **COMPLIANCE TECHNIQUE LEVEL** JOINT JOINT MANIPULATION, MANIPULATION, PRESSURE POINT PRESSURE POINT APPLICATION, APPLICATION, UNARMED STRIKING UNARMED STRIKING & TAKE DOWN & TAKE DOWN NO FORCE LEVEL **TECHNIQUES TECHNIQUES PROFESSIONAL PROFESSIONAL PROFESSIONAL** PRESENCE, PRESENCE, PRESENCE. VERBALIZATION, VERBALIZATION, VERBALIZATION, RESTRAINING, RESTRAINING. RESTRAINING, **DETAINING & DETAINING & DETAINING &** HANDCUFFING **HANDCUFFING** HANDCUFFING **ACTIONS PASSIVE OR ACTIVE** OF THE **RESISTANCE OR COOPERATIVE LOW LEVEL** SUBJECT **ASSAULTIVE RESISTANCE BEHAVIOR**

LETHAL FORCE LEVEL

FIREARMS & ANY FORCE LIKELY TO CAUSE DEATH OR SERIOUS PHYSICAL HARM

K-9, TASER, CAROTID RESTRAINT, BATON & SHORT BILLIE, MACE, O/C SPRAY & CHEMICAL AGENTS, BEANBAG GUN/FLEX BATON.

JOINT
MANIPULATION,
PRESSURE POINT
APPLICATION,
UNARMED STRIKING
& TAKE DOWN
TECHNIQUES

PROFESSIONAL PRESENCE, VERBALIZATION, RESTRAINING, DETAINING & HANDCUFFING

LIFE-THREATENING ASSAULT OR ASSAULT LIKELY TO CAUSE GREAT BODILY HARM

SLPD Lexipol Policy 426

Policy Manual

Portable Audio/Video Recorders

426.1 PURPOSE AND SCOPE

The purpose is to provide policy and procedures for the use of the Portable Video Recording System (PVRS), including both audio and video recording of field activity in the course of official police duties. The use of the portable video recording system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Personnel shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

426.2 DEFINITIONS

PERSONNEL - Any uniformed (Class "B" and "C", which includes the bicycle uniform) personnel employed with the San Leandro Police Department.

ROUTINE - During the course of one's duties.

PVRS DEVICE - The Portable Video Recording System is an on-body video camera

426.3 POLICY

Unauthorized use, duplication, and/or distribution of PVRS files are prohibited. Personnel shall not make copies of any PVRS files for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record PVRS files. All recording media, images and audio are property of the San Leandro Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

The PVRS shall not be used to record non-business related activity and shall not be activated in restrooms.

Only trained personnel shall operate PVRS equipment.

All personnel who are assigned a PVRS shall wear the device during any regular shift, any overtime shift and when the Chief of Police or their designee deem it appropriate to wear. Personnel will use only the PVRS issued by the Department. The wearing of any other personal video recorder is not authorized.

Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the PVRS.

There are many situations where the use of the PVRS is appropriate. This policy is not intended to describe every possible circumstance. Personnel may activate the system anytime they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe or impractical to do so, personnel should consider activating their PVRS cameras prior to making contact in any of the following incidents:

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Portable Audio/Video Recorders

- (a) Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This include, but is not limited to, dispatched calls as well as self-initiated activities.
- (b) Probation or parole search.
- (c) Service of search or arrest warrant.
- (d) K-9 deployments, (e.g., cover officers, perimeter officers, etc.)
- (e) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Personnel may active the PVRS before or during any other incident at their discretion. During the activation, the recording should not be intentionally terminated until the conclusion of the encounter.

Personnel shall not activate the PVRS recording functions in any of the following incidents:

- (a) To record any personal conversation of/or between another department member and employee.
- (b) Personnel taking a report or conducting a preliminary investigation who reasonably believe no criteria for activation is present.
- (c) Personnel meeting with any confidential informants.

Sworn personnel are not required to obtain consent from a private person when:

- (a) In a public place.
- (b) In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where personnel are lawfully present and engaged in the performance of official duties).

Sworn personnel are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.

SWAT personnel who are issued a PVRS and are engaged in an active SWAT entry, shall defer to the SWAT supervisor or incident commander for direction on the activation of the PVRS.

CID personnel who are issued a PVRS and who are preparing to engage in a probation or parole arrest or search warrant entry shall wear the PVRS on their outer vest carrier. They should also consider activating their PVRS cameras prior to making such entry and should continue recording until the situation becomes static. CID Personnel should also consider using a PVRS when they deem it necessary during the course of any investigation.

426.4 RESPONSIBILITIES

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:

(a) Operation and user administration of the system

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Portable Audio/Video Recorders

- (b) System evaluation
- (c) Training
- (d) Policy and procedure review and evaluation
- (e) Coordination with IT regarding system related issues.
- (f) Ensure PVRS files of evidentiary value are secured and maintained for a minimum of one year. Ensure all other routine files (routine files are any files that are not assigned a report number) are secured and maintained for 90 days.
- (g) Ensure PVRS files are reviewed and released in accordance with federal, state and local statutes and the City of San Leandro/San Leandro Police Department retention policy.

Supervisors and managers will ensure personnel utilize the PVRS according to policy guidelines and may conduct periodic audits of recordings to:

- (a) Ensure adherence to policy
- (b) Assess performance

Any audits will be conducted in a fair and impartial manner.

PVRS recordings may also be utilized for training purposes.

Personnel utilizing the PVRS are responsible for the following:

- (a) Ensuring the battery is fully charged and operating property.
- (b) Immediately report unresolved equipment malfunctions/problems to their supervisors.
- (c) Documenting the use of the PVRS on one of the following:
 - 1. On the police report/CAD
 - 2. As a notation on a citation
 - 3. On a field contact card
- (d) Once the video is captured, officers should identify the PVRS files by:
 - 1. Noting the San Leandro Police Department case number in the Case ID Field, when assigned.
 - 2. Identifying the file title with sufficient information such as, crime code, suspect name, location, event, etc.

Officers will have the ability to audit any of their videos at their discretion. Officers may contact the System Administrator if they feel videos were viewed against policy.

The POA President or his/her designee may review the audit log with reasonable notice through the Office of the Chief of Police to ensure the audits are conducted fairly. At no time will the audit log be duplicated or distributed.

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Portable Audio/Video Recorders

426.5 OPERATION

Anytime that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case; the officer shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

- (a) The officer shall further note in any related report that the recording has been placed into evidence.
- (b) Recorded modia placed into evidence shall be retained through the final disposition of their related criminal case.

426.5.1 NON-CRIMINAL MATTER

Anytime an officer reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practical. Any Recording media which has been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g. internal investigation, civil litigation).

426.6 REVIEW OF RECORDED MEDIA FILES

Although the data captured by the PVRS is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review a video according to the provisions of this policy.

Once uploaded to the server, personnel may review their own audio/video data at a department desktop computer and documenting the reason for access in the "Notes" section prior to viewing any data. Access is automatically time/date stamped and records each access by name.

An employee may review PVRS files as it relates to their involvement in:

- (a) An incident for the purpose of completing a criminal investigation and preparing official reports.
- (b) Prior to courtroom testimony or for courtroom presentations.
- (c) In the event of a critical incident.

All PVRS recordings shall be uploaded to the server as soon as practical.

During a critical incident, the initial interview of an involved officer should occur before the officer has reviewed any audio/video recordings of the incident. An involved officer will have the opportunity to review recordings after the initial statement has been taken. Should the investigators decide not to allow the officer(s) to view the recordings prior to the initial interview; the involved officer(s) attorney(s) may have the opportunity to review the recordings prior to the initial interview.

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Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by the involved officer(s). If the investigator shows any audio/video recordings to an involved officer after the initial interview, the investigator has the discretion to admonish an involved officer about the limitations of audio/video recordings.

The following is an example of an appropriate admonishment in a case involving video evidence:

In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera's ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident."

Investigators may ask an involved officer to view the incident scene during a "walkthrough." The Investigator will determine the timing of the "walkthrough", however, it should not occur prior to the initial statement of an involved officer. Only one involved officer at a time will be permitted to do a "walkthrough" of a scene.

PVRS recordings may be reviewed for training purposes.

Personnel may view all video that they are recorded in, either visually or audibly. Additionally, personnel may view other personnel's video, when they were not seen or heard in the video if they have a similar perspective or were in close proximity of the functioning PVRS's.

Personnel with investigatory responsibilities may review PVRS files under the provision of this policy for the purpose of conducting official departmental business.

426.7 PVRS FILE REQUESTS

Departmental requests, to include requests from the District Attorney's Office or City Attorney's Office, shall be in writing and contain sufficient information to assist in locating the PVRS file. Such requests shall be forwarded, via email, to the system administrator.

Non-Departmental requests:

- (a) All non-departmental requests for a PVRS file shall be accepted and processed in accordance with federal, state and local statutes and departmental policy (court cases, subpoenas, public records act, etc.) as set forth in the Department's Operations Directive.
- (b) Media inquiries and/or requests shall be received and processed in accordance with current policy.
- (c) When practical, personnel will be advised, prior to any release, of video under the CPRA (California Public Records Act) and the guidelines consistent with the Department's Operations Directive.

In the event of an accidental activation of the PVRS, the recording employee may request that the PVRS file be deleted. The recording employee shall submit an e-mail request, with sufficient

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Portable Audio/Video Recorders

information to locate the PVRS file, to the Bureau of Operations Captain. The Bureau of Operations Captain shall review the file and approve or deny the request. If the request is approved it shall be forward to the System Administrator for action.

Copying procedures require a PVRS file be requested in accordance with the provisions of the order by submitting a written request, to include the reason for the request, to the System Administrator.

When necessary, investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the associated PVRS files.

A PVRS file may be utilized as a training tool for individuals, specific units, and the department as a whole. A person recommending utilization of a PVRS file for training purposes shall submit the recommendation through the chain of command to the Bureau of Operations Captain or designee. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to staff to determine if the employee's objections outweigh the training value. The Bureau of Operations Captain or designee shall review the recommendation and determine how best to utilize the PVRS file considering:

- (a) The identity of the person(s) involved;
- (b) The sensitivity of the incident and;
- (c) The benefit of utilizing the file versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

426.8 REPAIR PROCEDURE

Personnel should immediately report any problems with the PVRS to their immediate supervisor.

Upon notification, the supervisor shall contact the System Administrator or designee stating the problem or malfunction.

SLPD Lexipol Policy 1014

Policy Manual

Body Armor

1014.1 PURPOSE AND SCOPE

The purpose of this directive is for the San Leandro Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1014.2 POLICY

It is the policy of the San Leandro Police Department that all personnel assigned to the enforcement of laws and/or codes shall wear Department-issued body armor while on duty, in police uniform.

1014.3 PROCEDURE

1014.3.1 ISSUANCE OF BODY ARMOR

- (a) The Professional Standards and Training Unit shall ensure that body armor is issued to all sworn police officers and civilian employees assigned to law and/or code enforcement roles and/or the Tactical Operations Team and that the body armor meets or exceeds the standards of the National Institute of Justice, when issued.
- (b) The Professional Standards and Training Unit will schedule appointments for employees with the vendor supplying body armor to the San Leandro Police Department. The vendor shall meet with the employee and measure him/her for fit before placing the order for the body armor. The vendor will be available to the employee during this process to answer questions related to the body armor.
- (c) The San Leandro Police Department shall issue body armor when a police officer or civilian employee (in an enforcement role) begins service with the San Leandro Police Departmentor is appointed as a member of the Tactical Operations Team. It shall be the discretion of the employee to choose either a level BII or AIIIA rated ballistic vest, certified by the National Institute of Justice standards, certified for reimbursement through the Bulletproof Vest Partnership Program. The body armor shall be replaced by the Department, pursuant to the manufacturers warranty, or if it becomes worn or damaged to the point that its effectiveness or functionality has been compromised.
- (d) All employees issued body armor shall maintain a concealable vest carrier to support the body armor panels, when worn under a uniform shirt.
- (e) Sworn personnel shall have the option of choosing to order a patrol outer carrier for their body armor panels, which if electing to do so, shall be ordered at the time that the body armor is ordered.
- (f) Sworn personnel may elect to purchase, at their own expense, a patrol outer carrier at anytime, which will be optional to wear on a daily basis.

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Body Armor

- (g) Upon the issuance of a new ballistic vest, employees shall return their previously-issued/used/damaged ballistic vest to the Professional Standards and Training Unit, who will dispose of the vest pursuant to the recommendations of the manufacturer.
- (h) Upon issuance of body armor, officers and civilian employees shall check for proper fit and shall immediately report concerns or issues to the Professional Standards Unit pursuant to the vendor's and manufacturer's warranties and policies.

1014.3.2 USE OF BODY ARMOR

- (a) Officers and civilian employees shall only wear agency-approved issued body armor.
- (b) Officers and civilian employees shall wear body armor anytime they are in a situation wherethey could reasonably be expected to take code or law enforcement action or are assigned to work at a tactical command post.
- (c) Officers and civilian employees may be excused from wearing body armor when they arefunctioning primarily in an administrative or support capacity and could not reasonably beexpected to take enforcement action.
- (d) Body armor shall be worn when an officer or civilian employee is taking part in Departmentrange training, where firearms are discharged.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercoveror plain clothes capacity, where his/her supervisor determines he/she could be compromised by wearing body armor; or when a supervisor determines that other circumstances make itinappropriate to mandate wearing body armor.

1014.3.3 PATROL OUTER CARRIERS

- (a) Sworn personnel are authorized to wear the "Tactical Advantage Patrol Outer Carrier" withadjustable, open shoulders, manufactured by Point Blank Body Armor, in the color ofmidnight navy blue. Wearing of patrol outer carriers by sworn personnel in uniformed andundercover assignments shall be optional unless purchased by the Department at time oforder pursuant to Section 1024.3.1(e) of this policy.
- (b) Sworn personnel electing to wear the patrol outer carriers shall have their issued body armorpanels inserted into the patrol outer carrier's panels designed to accommodate body armorpanels. Sworn officers are prohibited from wearing their concealable body armor under their uniform shirt and donning a patrol outer carrier without ballistic panels.
- (c) All sworn personnel, while on duty and wearing the patrol outer carrier, shall be guided bythe following directions as to the manner and conditions of wearing the patrol outer carrier:
- (a) Patrol Uniform Use:
- 1. The patrol outer carrier shall be midnight navy blue in color. TheOfficer's metal badge shall be worn on the front, left-side of the patrolouter carrier. Personnel assigned to the Canine Unit may elect to towear the cloth badge patch affixed by Velcro, in lieu of their metalbadge.

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Body Armor

- 2. A non-reflective nametag strip measuring 5" x 1" in size, shall be worn on the right-side of the front of tactical outer carrier. The nametag strip shall be affixed to the outer carrier with Velcro. The name tag shall include the first initial and last name.
- 3. A non-reflective patch measuring 3 $\frac{1}{2}$ " x 1 $\frac{1}{2}$ " in size, with word "POLICE" shall be available in the zippered pouch, below the nametag strip, on the right-front side of the carrier.
- 4. A non-reflective patch measuring 10" x 4" in size, shall be available in the zippered pouch on the back of the patrol outer carrier.
- 5. The lettering of the names for Officers, Professional Staff, and Sergeants shall be gray in color, and the ranks of Police Lieutenant, Police Captain and Police Chief shall be gold in color. All letters shall be in the font, "Impact" and shall be affixed to the name tag strip and non-reflective patches from the manufacturer, meeting their original equipment specification.
- 6. The back non-reflective patch with the word "POLICE" generally will not be displayed by uniformed sworn personnel working in a patrol capacity. The patch shall be utilized in situations where the identification of the Officer may come into question or when a Sergeant or Command Officer designates its use.
- (b) Use by Sworn Personnel assigned to the Criminal Investigation Division and/or Plain Clothes/ Undercover Operations:
- 1. The patrol outer carrier may be used by sworn personnel assigned to the Criminal Investigation Division, Crime Suppression Unit, or for any officers assigned to a plain clothes and/or undercover assignment.
- 2. Patrol outer carriers used in these assignments shall conform to all design standards as listed in this policy.
- 3. Sworn personnel, in any of these assignments, shall wear a name tag and may wear a cloth badge patch affixed with Velcro, representing their rank on the front, left side of the tactical outer carrier in lieu of the metal badge.
- 4. The back "POLICE" non-reflective patch should be displayed by personnel working in the Criminal Investigation Division, Crime Suppression Unit, or during plain clothes/undercover assignments, when immediate identification of the officer is necessary.
- (c) Equipment Storage Pouches:
- 1. Authorized equipment pouches worn with the tactical outer carrier shall be manufactured by Point Blank, and shall be from the MOLLE Midnight Navy Blue 500 model series.
- 2. The pouches shall be midnight navy blue in color and may be constructed with black, tactical nylon, outer flaps for added durability. Equipment pouches will not have any visible logos.
- 3. The pouches shall have snap or Velcro closures. With the exception of pouches for an expandable baton, flashlight, and AR-15magazines, no open pouches are allowed.

- 4. Pouches shall be maintained in good working order and free from rips, tears, or fading from aging or excessive wear.
- 5. Pouches shall be securely attached (woven) onto the tactical outercarrier through the MOLLE loop system and inspected on a regular basis by a supervisor, range master or his/her designee.
- 6. A Taser X26/P may be carried in a Department-approved Taser holster, using the Safariland MLS clip to secure the holster to the MOLLE loop system on the exterior of the outer carrier.
- 7. Outer carriers and pouches not meeting uniform specifications shall be replaced as soon as reasonably possible at the officer's expense.
- 8. Pouches manufactured by Point Blank Body Armor are the only approved equipment pouches for use on tactical outer carriers.
- (d) Authorized Equipment Affixed to the Outer Carrier:
- 1. The following equipment may be worn on the patrol carrier and shall be secured in duty pouches:
- (a) Ammunition/Handgun magazines (2minimum)
- (b) Handcuffs (1 pair minimum)(c) Oleoresin Capsicum (OC) Spray
- (d) Expandable Baton
- (e) Motorola hand-held two-way radio
- (f) Taser
- (g) Flashlight
- (h) Knives/Multi-Tools
- (i) AR-15 magazines (May only be stowed on the outer carrierprior to deployment of the AR-15 rifle)
- (i) First Aid Supplies
- 2. All equipment should be carried in a manner similar to the configuration the officer previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a Department Certified Range Master prior to wearing the patrol outercarrier.
- 3. The wearing of the Taser shall be done in accordance with the San Leandro Police Department Taser Policy. The Taser can be worn on the duty belt or on the outer carrier, on the support side (opposite sideof firearm).
- 4. Knives/Mult-Tools shall be secured in a pouch or pocket, not hanging off of a pouch or attached to a MOLLE loop.
- 5. Handguns shall NOT be carried on the patrol outer carrier.
- (e) Wearing of the Portable Video Recording System:
- 1. Officers donning a patrol outer carrier shall abide by San Leandro Police Department Policy 450: Portable Audio/Video/ Recorders.

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1014.3.4 MANDATORY TRAINING REQUIRED PRIOR TO USE OF OUTER CARRIER

- (a) Sworn personnel electing to wear the outer carrier on-duty shall:
- 1. Successfully pass the current firearms qualification course, while wearing the outer carrier.
- 2. Successfully pass an evaluation by a member of the Defensive Tactics training staff, demonstrating proficiency with their safety equipment, while wearing the outer carrier.
- (b) If the Officer is unable to qualify on the firearms course or demonstrate proficiency with any of their safety equipment, the Officer will not be authorized to wear the outer carrier until they are able to successfully meet these requirements.

1014.3.5 UNIFORM TO BE WORN WITH TACTICAL OUTER CARRIERS

- (a) Sworn personnel assigned to a uniformed position who elect to wear the outer carrier shall wear the following uniform:
- 1. Blauer, navy blue, wool-blend Amorskin, style 8471 (long sleeve) or style 8472 (shortsleeve) with a SLPD patch on the left shoulder. Sworn personnel may choose to have the San Leandro Police Department star logo badge, first initial and last name embroidered onto the front of the shirt. All uniforms worn with the outer carrier will be purchased by the employee.
- 2. Blue wool uniform pants
- 3. During inclement weather or at the discretion of the officers' immediate supervisoror a command officer, officers may wear the Class C or Class D uniform.
- (b) Sworn and civilian personnel who elect to wear the outer carrier during their assigned tour of duty where they may be required to immediately respond to a call for service shall wear their outer carrier at all times.

1014.3.6 INSPECTIONS OF BODY ARMOR AND OUTER CARRIER

Supervisors should ensure that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted for fit, cleanliness, signs of damage, abuse and wear.

1014.3.7 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR AND TACTICAL OUTER CARRIERS

- (a) Officers and civilian personnel should routinely inspect personal body armor and outer carriers for signs of damage and for general cleanliness.
- (b) Because dirt and perspiration may erode ballistic panels, each employee shall be responsible for cleaning personal body armor in accordance with the manufacturers instructions. Officers and civilian personnel are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturers instructions.
- (c) Officers and civilian personnel are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

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1014.4 RANGE SERGEANT RESPONSIBILITIES

- (a) Monitor technological advances in the body armor industry for any appropriate changes to officer and civilian-approved body armor and update the Professional Standards and Training Unit with that information.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.
- (d) Inspect outer carriers for set-up, functionality, and proper storage of equipment prior to officers donning them for duty assignments, and test officers to ensure that they can properly access equipment stored on the outer carrier.
- (e) Prepare a certification memorandum for each sworn member electing to use the outer carrier during a duty assignment and forward that memorandum to the Professional Standards and Training Unit to be included in the officer's training record.
- (f) May designate a certified range master to assist in any of the Range Sergeant's duties and responsibilities.

Section 3





Login ID; ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350 From Date: To Date:

Areas:

10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type: All

Layer: All **CFS Number:**

4350

ΑII

Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

Location:

7 137TH AVE SAN LEANDRO, CA 94578 , SL

Dispatch Time: Arrive Time:

10/23/2015 08:42:47

Additnl Loc Info:

Clear Date/Time:

10/23/2015 08:48:22

Common Name:

Phone:

ASCWEL

CA0011200

Nature Of Call:

Created By:

Fire ORI:

H SOLARI

Call Type:

Report Required:

Canceled:

No 911

Status: Police ORI:

Priority: EMS ORI: Source:

Person Information

Name

Person Type

Address

Phone

Race

Sex

DOB

SSN Age

REPORTING PARTY

VERIZON WIRELESS 800

911

UNIT THES ARE APPROXIMATE





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350

From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41 CFS Type: **Agency Type:**

ΑII

Layer: All **CFS Number:**

4350

Areas:

10/23/2015 08:41:02 Call Date/Time:

Primary Incident: 2015-00050010

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
10/23/2015 08:41:02	H SOLARI	E911 Info - Class of Service: W911 Special Response Info: SAN LEANDRO PD
		QUERY CALLER FOR LOCATION LAT
10/23/2015 08:41:34	H SOLARI	Nature Of Call: 913 THREAT
10/23/2015 08:41:43	H SOLARI	HUSBAND THREATING TO KILL HIMSELF
10/23/2015 08:42:10	H SOLARI	MALE IS TELLING THE DAUGHTER "GOODBYE"
10/23/2015 08:42:22	HSOLARI	THERE ARE 2 GUNS IN HOUSE
10/23/2015 08:42:30	H SOLARI	SAYING HE IS GOING TO GET THEM
10/23/2015 08:42:48	H SOLARI	HE'S IN THE MASTER BED ROOM
10/23/2015 08:42:49	A YING	Dispatch received by unit 2L23
10/23/2015 08:42:49	M BECERRA	Dispatch received by unit 2L22
10/23/2015 08:43:04	H SOLARI	DAUGHTER IS IN SANTA CRUZ HE IS ON THE PHONE
10/23/2015 08:43:16	H SOLARI	NEVER HAPPENED BEFORE
10/23/2015 08:43:27	CCOLON	71 COPIES
10/23/2015 08:43:33	H SOLARI	HE FOUND TEXT FROM HIS WIFE TO ANOTHER MALE
10/23/2015 08:44:18	H SOLARI	HMA 46YRS 509 190LB WHI SHIRT BLUE PANTS
)/23/2015 08:44:42	H SOLARI	X IS IN HER DAUGHTERS ROOM
10/23/2015 08:44:48	H SOLARI	DAUGHTER IS THERE ALSO AND IS 22YRS
10/23/2015 08:44:58	D SELLERS	Dispatch received by unit 2L71
10/23/2015 08:45:19	H SOLARI	TORRES, MARIO 9 11 69
10/23/2015 08:45:48	H SOLARI	RP DOES NOT KNOW WHERE THE WPNS ARE ONLY HE DOES
10/23/2015 08:46:25	H SOLARI	MALE NOW WENT IN THE GARAGE
10/23/2015 08:47:35	H SOLARI	RP IS STEPPING OUT
10/23/2015 08:47:38	CCOLON	HAVE THEM DAUGHTER AND RP STEP OUT
10/23/2015 08:47:49	H SÓLARI	RP AND DAUGHTER ARE OUTSIDE
10/23/2015 08:48:14	CCOLON	137TH/BANCROFT
10/23/2015 08:48:54	H SOLARI	MALE IS NOW SAYING SOMETHING TO HER
10/23/2015 08:48:57	H SOLARI	I CANT UNDERSTAND
10/23/2015 08:49:20	K HACKL	Dispatch received by unit 14J7
10/23/2015 08:49:21	CCOLON	71 CIT TRAINED
10/23/2015 08:49:38	H SOLARI	RP CAN SEE OFFICERS AT THE CORNER
10/23/2015 08:49:53	CCOLON	22 HAVE THE X WALK TO BANCROFT 3F
10/23/2015 08:49:59	H SOLARI	RP DOES NOT WANT TO LEAVE HIM
10/23/2015 08:50:31	H SOLARI	HE IS SITTING IN THE CAR
10/23/2015 08:50:34	H SOLARI	POSS A MAZDA
10/23/2015 08:50:47	H SOLARI	DID NOT START THE CAR
10/23/2015 08:50:53	CCOLON	22,23 AND 74 WILL BE APPROACHING TO TRY AND MAKE CONTACT W/X
10/23/2015 08:50:55	CCOLON	CD 33
10/23/2015 08:51:23	CCOLON	2D25 BLOCK TRAFFIC E OF BANCROFT 2F
10/23/2015 08:51:51	CCOLON	HAVE VISUAL OF MALE IN VEH 136/BANCROFT
10/23/2015 08:52:03	CCOLON	NEED VEH MIDBLOCK BLU TOYT IFO
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Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All 4350 4350 From Date: To Date: Areas: 10/23/2015 08:41 10/23/2015 08:41

ΑII

CFS Type: Agency Type:

CFS Number: 4350 Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
10/23/2015 08:52:16	CCOLON	71 CD 3 RESPONSE FOR UNIT 136/BANCROFT
10/23/2015 08:52:29	CCOLON	74 ETA ON VEH
10/23/2015 08:52:42	CCOLON	GRY JEEP IS RIGHT IFO HOUSE
10/23/2015 08:52:54	CCOLON	ANGLE WILL BE ON RIGHT SECOND CAR ON THE RIGHT
10/23/2015 08:53:10	CCOLON	CONTACT FRESHMAN CAMPUS LOCK IT DOWN
10/23/2015 08:53:15	CCOLON	4J7 HAS LOCKED IT DOWN 85
10/23/2015 08:53:48	CCOLON	71 HAVE 2X CONTAINED AT COMMAND POST
10/23/2015 08:54:05	CCOLON	22 2 HANDGUNS UNK MAKE OR MODEL
10/23/2015 08:54:23	CCOLON	74 NEED VEH BEFORE MAKING CONTACT
10/23/2015 08:54:38	CCOLON	74 MAKING VERBAL CONTACT SO FAR NO RESPONSE
10/23/2015 08:54:43	CCOLON	74 STAGE MED
10/23/2015 08:54:57	H SOLARI	med staging
10/23/2015 08:55:43	CCOLON	J7 WINDOWS TINTED CANT SEE
10/23/2015 08:55:49	CCOLON	SINGLE GUNSHOT
10/23/2015 08:56:03	CCOLON	REAR GOT MOVEMENT SLOUCHED OVER
0/23/2015 08:56:39	CCOLON	14I14 STATED DID NOT SEE MALE GET INTO VEH BUT MALE STATED HE HAD GUN IN VEH
10/23/2015 08:56:42	CCOLON	MED
10/23/2015 08:56:46	H SOLARI	MED GOING IN
10/23/2015 08:56:55	CCOLON	NOTHING FURTHER SINGLE GUNSHORT
10/23/2015 08:57:23	CCOLON	CONTACT INSIDE MOVEMENT
10/23/2015 08:57:35	CCOLON	SHOTS FIRED
10/23/2015 08:57:46	CCOLON	LOCKED DOWN NIXL;E
10/23/2015 08:57:50	CCOLON	LARKWAKE
10/23/2015 08:57:53	CCOLON	LOCK IT DOWN
10/23/2015 08:57:58	CCOLON	SWAT HNT ACTIV
10/23/2015 08:58:04	CCOLON	BANCROFFT/137
10/23/2015 08:58:17	CCOLON	NO OFR INJURED].
10/23/2015 08:58:30	CCOLON	NORTH SIDE FOR PERIMETER
10/23/2015 08:58:48	CCOLON	UNIT ON NORTH SIDE
10/23/2015 08:58:54	CCOLON	2.SHOTS OUT THE WINDOW
10/23/2015 08:59:29	CCOLON	N77 SHOTS ON SUSP EB RUNNING
10/23/2015 08:59:42	CCOLON	GUN IS OUTSIDE
10/23/2015 08:59:49	CCOLON	HPD NEED ARMORED VEH
10/23/2015 08:59:59	CCOLON	NO MOVEMENT INSIDE VEH
10/23/2015 09:00:52	CCOLON	FYI ON LEFT REAR DRIVERES DOOR STILL
10/23/2015 09:01:47	CCOLON	74 SAW SUBJ IN BETWEEN 2 VEH
0/23/2015 09:01:58	CCOLON	J7 SUBJ STILL INSIDE THE VEH NO MOVEMENT
10/23/2015 09:02:04	CÇOLON	SEATED LEFT REAR NO MOVEMENT
10/23/2015 09:02:17	CCOLON	36 ENRT SOFT SHIELD





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: 4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type:

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Layer: All CFS Number: 4350

Areas: All Call Date/Time: 10

10/23/2015 08:41:02 Primary Incident: 2015-00050010

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
10/23/2015 09:02:26	CCOLON	S SIDE OF THE STREET FOR APPROACH
10/23/2015 09:02:45	CCOLON	SUBJ FELL OUT IN BETWEEN
10/23/2015 09:02:57	CCOLON	DUMPING CLOTHES OUT OF THE CAR SLIGHTLY MOVING
10/23/2015 09:03:03	CCOLON	EXITING HAS A WOUND
10/23/2015 09:03:11	CCOLON	HAS HANDS UP COMING OUT
10/23/2015 09:03:26	CCOLON	MULTIPLEWOUNDS
10/23/2015 09:03:28	B ROSAS	1063 ON 914 W/ HPD
10/23/2015 09:03:31	CCOLON	HAS VISUAL OF HANDS
10/23/2015 09:03:45	H SOLARI	138TH/BANC ROAD DOWN 2T15
10/23/2015 09:04:15	CCOLON	16,74 BOTH HANDS ABOVE HEAD HAVE MULTIPLE WOUNDS TO BACK
10/23/2015 09:04:17	H SOLARI	SHELTER IN PLACE CANTACT RES
10/23/2015 09:04:47	CCOLON	HAVE 2 UNCLEARED CARS
10/23/2015 09:05:00	B ROSAS	GETTING ARRPOVAL FROM THE WC
10/23/2015 09:05:06	B ROSAS	WILL 914 RIGHT BACK
10/23/2015 09:05:06	CCOLON	25 OBEYING COMMANDS CANT SEE HANDGUN
0/23/2015 09:05:10	D SEKHON	Dispatch received by unit 2L24
10/23/2015 09:05:49	CCOLON	LEFT SIDE WILL BRING SUV AND GO BEHIND COA
10/23/2015 09:05:55	CCOLON	RIGHT SIDE UNITS STANDBY
10/23/2015 09:05:57	H SOLARI	914 137TH
10/23/2015 09:06:09	S CESARETTI	Dispatch received by unit 14l16
10/23/2015 09:07:17	CCOLON	77 BEING DETAINED
10/23/2015 09:07:41	B ROSAS	MANNING THE VEH AND IT WILL BE ON ITS WAY
10/23/2015 09:07:56	CCOLON	71 ADV WHEN MED CLR
10/23/2015 09:08:21	CCOLON	924 WITH FAMILY
10/23/2015 09:09:05	CCOLON	77 CLR'ING HOUSE
10/23/2015 09:09:09	B ROSAS	SPEACIAL TRAINED PARAMEDIC FROM PARAMEDICS PLUS STAGING AT BAN/137TH
10/23/2015 09:09:23	H SOLARI	LANG LINE
10/23/2015 09:09:32	CCOLON	71 MED COMING UP
10/23/2015 09:09:45	H SOLARI	137TH ADV OF SHELTER IN PLACE
10/23/2015 09:09:47	CCOLON	START 14/86
10/23/2015 09:10:10	CCOLON	ADMINISTERING FIRST AID STILL CLR'ING HOUSE
10/23/2015 09:10:20	CCOLON	12 137TH/WAKE
10/23/2015 09:10:28	CCOLON	36 FIRE ON SCENE
10/23/2015 09:10:36	CCOLON	938 SWAT
10/23/2015 09:10:48	CCOLON	16 TAPE OFF AREA
10/23/2015 09:10:51	CCOLON	OIS SCENE
10/23/2015 09:10:57	CCOLON	RESPOND TO P+
0/23/2015 09:11:02	H SOLARI	MCMANUS ADV AND ENRT
10/23/2015 09:11:11	CCOLON	INTERIOR AND BOTH VEH CLR
10/23/2015 09:11:53	CCOLON	M55 BACKYARD IS CLR
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Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All

4350 4350 From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41 **CFS Type:** Agency Type:

Areas: ΑII **CFS Number:** 4350 Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

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Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
10/23/2015 09:12:17	CCOLON	CONTACT SGT ANTHONY AND HAVE 914 14116
10/23/2015 09:12:28	CCOLON	36 NEED TO START DOING TECH DUTIES
10/23/2015 09:12:36	CCOLON	EVERYONE STOPPED AND FI'D
10/23/2015 09:12:42	CCOLON	SEE IF WIT
10/23/2015 09:12:52	CCOLON	SECONDARY IS CLR UNITS COMING OUT
10/23/2015 09:13:01	CCOLON	N77 TO J7 SECURE THE DOG
10/23/2015 09:13:01	H SOLARI	LEFT MESSAGE FOR SGT ANTHONY
10/23/2015 09:13:11	CCOLON	71 FAMILY IS SECURED
10/23/2015 09:13:35	E DUNKIN	Dispatch received by unit 2T15
10/23/2015 09:13:37	CCOLON	77 EVERYONE 137TH/BANCROFT MEET 74 AND N77 IFO THE RESD
10/23/2015 09:13:48	CCOLON	DOG SECURED TO THE REAR
10/23/2015 09:13:55	CCOLON	UNITS WILL BE STEPPING OUT
10/23/2015 09:15:05	CCOLON	I16 ANY AVAIL UNITS NEEDED TO RESPOND
10/23/2015 09:15:27	CCOLON	N77 TO 22 NEED YOU IFO THE RESD
10/23/2015 09:17:39	CCOLON	137TH NABORS ARE COMING OUT
)/23/2015 09:17:48	CCOLON	FI ON EVERYONE THAT LEAVES 137TH
10/23/2015 09:18:14	CCOLON	N77 FI EVERYONE IF WIT NEED TO GET TO CID
10/23/2015 09:18:25	CCOLON	26 IN AMBULANCE ENRT TO EDEN
10/23/2015 09:18:37	CCOLON	N77 938 ARMORED VEH
10/23/2015 09:18:55	BROSAS	938'D THE ARMORED VEH
10/23/2015 09:19:54	H SOLARI	914 BLANKINSHIP
10/23/2015 09:20:44	H SOLARI	NO ANSD
10/23/2015 09:21:04	H SOLARI	914 DEGUZMAN
10/23/2015 09:21:13	HSOLARI	NO ANS
10/23/2015 09:22:04	CCOLON	71 SGT MORGAN WALKING UP
10/23/2015 09:22:11	H SOLARI	914 PRIETO
10/23/2015 09:22:21	H SOLARI	NO ANS
10/23/2015 09:23:31	H SOLARI	VAN DYKE ENRT TO CITY
10/23/2015 09:24:01	CCOLON	N77 TO 71 137TH FOR INVOLVED OFFICERS 2 ASSIGNEES TO COVER OFFICER INVOLVED
10/23/2015 09:24:27	CCOLON	136TH/BANCROFT FOR WIT
10/23/2015 09:25:33	CCOLON	71 COPIES THE OFR NEEDED AT 136TH/BANCROFT FOR WIT
10/23/2015 09:26:59	N CASTRO	Dispatch received by unit 2L27
10/23/2015 09:27:56	H SOLARI	GOODMAN ENRT TO CITY
10/23/2015 09:28:07	CCOLON	71 TO 27 AFTER TRANSFER FAMILY TO CID WILL NEED TO RESPOND BACK TO SCENE TO HELP W/ WIT
10/23/2015 09:28:17	H SOLARI	914 KOVACH
10/23/2015 09:29:19	H SOLARI	NO ANS
J/23/2015 09:30:56	H SOLARI	914 SEDD
10/23/2015 09:31:02	H SOLARI	**SHEDD
10/23/2015 09:31:40	H SOLARI	NO ANS
Dens. 5 of 40		





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From CFS: To CFS:

4350 4350

From Date:
To Date:

10/23/2015 08:41 10/23/2015 08:41

10/23/2015 08:41:02

CFS Type: Agency Type: All

Layer: All
CFS Number:

4350

Areas: All

Call Date/Time:

Primary Incident: 2015-00050010

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
10/23/2015 09:32:40	CCOLON	CID CALLOUT DONE
10/23/2015 09:32:43	CCOLON	ERT CALLOUT NEEDE
10/23/2015 09:32:55	H SOLARI	914 DEGRANO
10/23/2015 09:33:41	H SOLARI	DEGRANO ENRT FOR CISM
10/23/2015 09:34:15	H SOLARI	914 ALDRED
10/23/2015 09:35:04	H SOLARI	NO ANS
10/23/2015 09:35:06	CCOLON	S 4T1
10/23/2015 09:36:08	H SOLARI	914 KYLE
10/23/2015 09:39:03	CCOLON	938 OUR ERT, COUNTY WILL BE NOTIFIED
10/23/2015 09:39:11	CCOLON	PER 14I78
10/23/2015 09:41:07	H SOLARI	ORDINARO ENRT TO CITY
10/23/2015 09:41:55	H SOLARI	PER 71 ANY UNIT THE ANS IS ORDER IN
10/23/2015 09:43:12	HSOLARI	914 DJ PASUT
10/23/2015 09:43:51	H SOLARI	PASUT ENRT
10/23/2015 09:46:23	CCOLON	KTVU 136TH/BANCROFT
0/23/2015 09:46:36	CCOLON	STAGE AT MORMON CHURCH PRESS SPOT
10/23/2015 09:47:33	CCOLON	27 AT CSU
10/23/2015 09:47:53	CCOLON	C12 TO 71 IS IT CLR TO LET RESD BACK IN NOT IN CRIME SCENE
10/23/2015 09:48:00	CCOLON	71 NEG ON LETTING RESD BACK IN
10/23/2015 09:51:21	CCOLON	74 OFFICER ENRT TO STA MEET IFO CSU
10/23/2015 09:53:24	H SOLARI	PANTOJA ENRT
10/23/2015 09:54:34	CCOLON	71 SCHOOL IS CLR TO RESUME NORMAL TRAFFIC PEDESTRIAN TRAFFIC IS CLR ON LEFT SIDE
10/23/2015 09:55:25	H SOLARI	ALDREA ENRT
10/23/2015 09:55:32	H SOLARI	**ALDRED
10/23/2015 09:57:43	CCOLON	178 OFR BUSS WILL BE HANDLING CRIME SCENE LOG

Associated Areas

Area Type Code

Description

Quadrant

Station

Beat

2

District

Police ORI

CA0011200

EMS ORI

Fire ORI

Incident Number(s)

 Icident Number
 ORI Number
 Primary Unit
 Department Name
 Agency Type

 2015-00050010
 CA0011200
 Yes
 SAN LEANDRO POLICE DEPARTMENT
 Police



(2015 09:58

Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type: All

Layer: All CFS Number:

4350

Areas:

Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

Unit(s)				
Unit	Primary Unit	Radio Number	Personnel	
14178	No	14178	303 MORGAN	
14 16	No	14 16	347 CESARETTI	
14115	No	14l15	305 BENZ	
14J7	No	14J7	309 HACKL	The second of th
13N77	No	13N77	252 YOUNG	
7L74	No	7L74	302 CORTI	
6M55	No	6M55	261 MOORE	
6C12	No	6C12	1035 HERRERA	
IB38	No	4B38	333 BUSS	N
2D25	No	2D25	304 FLETCHER	
			367 SALAZAR	
2L71	No	2L71	280 SELLERS	
2L36	No	2L36	341 KALSBEEK	
2L27	No	2L27	365 CASTRO	
2L26	No	2L26	349 FRY	
_24	No	2L24	356 SEKHON	
2L23	No	2L23	358 YING	
2L22	Yes	2L22	355 BECERRA	
14114	No	14114	335 PERRY	
1414	No	1414	322 ROGERS	
2T15	No	2T15	1115 DUNKIN	
4T13	No -	4T13	1134 PATINO	





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: 4350 4350 From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type: ΑII

Layer: All Areas: All CFS Number: 4350 Call Date/Time: 10/

Call Date/Time: 10/23/2015 08:41:02 Primary Incident: 2015-00050010

Call Log	Project I Dec	Antina	Description
Log Date/Time	Entered By	Action	Description
10/23/2015 08:41:02	H SOLARI	Call Created	New call created. Call Type: NEW CALL, Location: 655 MARINA BLVD, Phone Number: New CALL, Location: 655 MARINA BLVD, Phone Number: 100 Marina 1
10/23/2015 08:41:02	H GOLARI	Narrative Added	E911 Info - Class of Service: W911 Special Response Info: SAN LEANDRO
10/23/2015 08:41:02	H SOLARI	Person Added	Name: VERIZON WIRELESS 800
10/23/2015 08:41:23	H SOLARI	Location	Location: 137TH AVE, Venue: SL
10/23/2015 08:41:25	H SOLARI	Call Type	NewCallType: ASCWEL, Status: NEW CALL, Priority: 2
10/23/2015 08:41:29	H SOLARI	Call Updated	Progress: I/P, Priority: 2
10/23/2015 08:41:34	H SOLARI	Call Updated	Nature of Call: 913 THREAT
10/23/2015 08:41:34	H SOLARI	Narrative Added	Nature Of Call: 913 THREAT
10/23/2015 08:41:43	H SOLARI	Narrative Added	HUSBAND THREATING TO KILL HIMSELF
10/23/2015 08:42:10	H SOLARI	Narrative Added	MALE IS TELLING THE DAUGHTER "GOODBYE"
10/23/2015 08:42:22	H SOLARI	Narrative Added	THERE ARE 2 GUNS IN HOUSE
10/23/2015 08:42:25	H SOLARI	Call Updated	Priority: 1
10/23/2015 08:42:30	H SOLARI	Narrative Added	SAYING HE IS GOING TO GET THEM
0/23/2015 08:42:47	CCOLON	Incident Created	Added Incident Number, ORI: CA0011200, Number: 2015-00050010
10/23/2015 08:42:47	CCOLON	Unit Status Action	Unit 2L22 DP
10/23/2015 08:42:47	CCOLON	Unit Status Action	Unit 2L23 DP
10/23/2015 08:42:48	H SOLARI	Narrative Added	HE'S IN THE MASTER BED ROOM
10/23/2015 08:42:49	A YING	Narrative Added	Dispatch received by unit 2L23
10/23/2015 08:42:49	M BECERRA	Narrative Added	Dispatch received by unit 2L22
10/23/2015 08:43:04	H SOLARI	Narrative Added	DAUGHTER IS IN SANTA CRUZ HE IS ON THE PHONE
10/23/2015 08:43:15	CCOLON	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
10/23/2015 08:43:16	H SOLARI	Narrative Added	NEVER HAPPENED BEFORE
10/23/2015 08:43:27	CCOLON	Narrative Added	71 COPIES
10/23/2015 08:43:33	H SOLARI	Narrative Added	HE FOUND TEXT FROM HIS WIFE TO ANOTHER MALE
10/23/2015 08:44:18	H SOLARI	Narrative Added	HMA 46YRS 509 190LB WHI SHIRT BLUE PANTS
10/23/2015 08:44:42	H SOLARI	Narrative Added	X IS IN HER DAUGHTERS ROOM
10/23/2015 08:44:48	H SOLARI	Narrative Added	DAUGHTER IS THERE ALSO AND IS 22YRS
10/23/2015 08:44:57	CCOLON	Unit Status Action	Unit 2L71 DP
10/23/2015 08:44:58	D SELLERS	Narrative Added	Dispatch received by unit 2L71
10/23/2015 08:45:08	CCOLON	Unit Status Action	Unit 7L74 DP
10/23/2015 08:45:19	H SOLARI	Narrative Added	TORRES, MARIO 9 11 69
10/23/2015 08:45:25		Person Added	Name: Name: , Location:
	H SOLARI	Narrative Added	RP DOES NOT KNOW WHERE THE WPNS ARE ONLY HE DOES
10/23/2015 08:45:48	H SOLARI	l	
10/23/2015 08:46:25	H SOLARI	Narrative Added	MALE NOW WENT IN THE GARAGE
10/23/2015 08:47:35	H SOLARI	Narrative Added	RP IS STEPPING OUT
0/23/2015 08:47:38	CCOLON	Narrative Added	HAVE THEM DAUGHTER AND RP STEP OUT
10/23/2015 08:47:49	HSOLARI	Narrative Added	RP AND DAUGHTER ARE OUTSIDE
10/23/2015 08:48:14	CCOLON	Narrative Added	137TH / BANCROFT





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All

4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type:

Layer: All Areas:

CFS Number: 4350 Call Date/Time:

Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

CF3 Number:	4550 C	all Date/Time: 10/25/2015	906.41.02 Primary incident: 2019-00000010
Call Log			
Log Date/Time	Entered By	Action	Description
10/23/2015 08:48:22	CCOLON	Unit Status Action	Unit 2L22 S
10/23/2015 08:48:22	CCOLON	Unit Status Action	Unit 2L23 S
10/23/2015 08:48:22	CCOLON	Unit Status Action	Unit 2L71 S
10/23/2015 08:48:54	H SOLARI	Narrative Added	MALE IS NOW SAYING SOMETHING TO HER
10/23/2015 08:48:57	H SOLARI	Narrative Added	I CANT UNDERSTAND
10/23/2015 08:49:16	CCOLON	Unit Status Action	Unit 14J7 DP
10/23/2015 08:49:20	K HACKL	Narrative Added	Dispatch received by unit 14J7
10/23/2015 08:49:21	CCOLON	Narrative Added	71 CIT TRAINED
10/23/2015 08:49:38	H SOLARI	Narrative Added	RP CAN SEE OFFICERS AT THE CORNER
10/23/2015 08:49:53	CCOLON	Narrative Added	22 HAVE THE X WALK TO BANCROFT
10/23/2015 08:49:59	H SOLARI	Narrative Added	RP DOES NOT WANT TO LEAVE HIM
10/23/2015 08:50:31	H SOLARI	Narrative Added	HE IS SITTING IN THE CAR
10/23/2015 08:50:34	H SOLARI	Narrative Added	POSS A MAZDA
10/23/2015 08:50:47	H SOLARI	Narrative Added	DID NOT START THE CAR
10/23/2015 08:50:53	CCOLON	Narrative Added	22,23 AND 74 WILL BE APPROACHING TO TRY AND MAKE CONTACT W/X
10/23/2015 08:50:55	CCOLON	Narrative Added	CD 33
10/23/2015 08:51:23	CCOLON	Narrative Added	2D25 BLOCK TRAFFIC E OF BANCROFT
10/23/2015 08:51:51	CCOLON	Narrative Added	HAVE VISUAL OF MALE IN VEH 136/BANCROFT
10/23/2015 08:52:03	CCOLON	Narrative Added	NEED VEH MIDBLOCK BLU TOYT IFO
10/23/2015 08:52:16	CCOLON	Narrative Added	71 CD 3 RESPONSE FOR UNIT 136/BANCROFT
10/23/2015 08:52:29	CCOLON	Narrative Added	74 ETA ON VEH
10/23/2015 08:52:33	CCOLON	Unit Status Action	Unit 7L74 S
10/23/2015 08:52:35	CCOLON	Unit Status Action	Unit 2D25 DP
10/23/2015 08:52:42	CCOLON	Narrative Added	GRY JEEP IS RIGHT IFO HOUSE
10/23/2015 08:52:54	CCOLON	Narrative Added	ANGLE WILL BE ON RIGHT SECOND CAR ON THE RIGHT
10/23/2015 08:53:10	CCOLON	Narrative Added	CONTACT FRESHMAN CAMPUS LOCK IT DOWN
10/23/2015 08:53:15	CCOLON	Narrative Added	14J7 HAS LOCKED IT DOWN
10/23/2015 08:53:48	CCOLON	Narrative Added	71 HAVE 2X CONTAINED AT COMMAND POST
10/23/2015 08:54:05	CCOLON	Narrative Added	22 2 HANDGUNS UNK MAKE OR MODEL
10/23/2015 08:54:23	CCOLON	Narrative Added	74 NEED VEH BEFORE MAKING CONTACT
10/23/2015 08:54:38	CCOLON	Narrative Added	74 MAKING VERBAL CONTACT SO FAR NO RESPONSE
10/23/2015 08:54:43	CCOLON	Narrative Added	74 STAGE MED
10/23/2015 08:54:57	H SOLARI	Narrative Added	med staging
10/23/2015 08:55:43	CCOLON	Narrative Added	J7 WINDOWS TINTED CANT SEE
10/23/2015 08:55:49	CCOLON	Narrative Added	SINGLEGUNSHOT
10/23/2015 08:56:03		Narrative Added	REAR GOT MOVEMENT SLOUCHED OVER
0/23/2015 08:56:39		Narrative Added	14I14 STATED DID NOT SEE MALE GET INTO VEH BUT MALE STATED HE HAD GUN IN VEH
10/23/2015 08:56:42	2 CCOLON	Narrative Added	MED
10/23/2015 08:56:46	B H SOLARI	Narrative Added	MED GOING IN

Page: 9 of 42





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All

4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type:

25 OBEYING COMMANDS CANT SEE HANDGUN

Unit 2L24 DP

Layer: All Areas:

CFS Number: 4350 Call Date

Areas: All

Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

CFS Number:	4350 C	Call Date/Time: 10/23/2018	5 08:41:02 Primary Incident: 2015-00050010
Call Log			
Log Date/Time	Entered By	Action	Description
10/23/2015 08:56:55	CCOLON	Narrative Added	NOTHING FURTHER SINGLE GUNSHORT
10/23/2015 08:57:15	H SOLARI	Unit Status Action	Unit 2L36 DP
10/23/2015 08:57:23	CCOLON	Narrative Added	CONTACT INSIDE MOVEMENT
10/23/2015 08:57:35	CCOLON	Narrative Added	SHOTS FIRED
10/23/2015 08:57:46	CCOLON	Narrative Added	LOCKED DOWN NIXL;E
10/23/2015 08:57:50	CCOLON	Narrative Added	LARKWAKE
10/23/2015 08:57:53	CCOLON	Narrative Added	LOCK IT DOWN
10/23/2015 08:57:58	CÇOLON	Narrative Added	SWAT HNT ACTIV
10/23/2015 08:58:04	CCOLON	Narrative Added	BANCROFFT/137
10/23/2015 08:58:16	B ROSAS	Unit Status Action	Unit 2L26 DP
10/23/2015 08:58:17	CCOLON	Narrative Added	NO OFR INJURED]
10/23/2015 08:58:30	CCOLON	Narrative Added	NORTH SIDE FOR PERIMETER
10/23/2015 08:58:48	CCOLON	Narrative Added	UNIT ON NORTH SIDE
10/23/2015 08:58:54	CCOLON	Narrative Added	2 SHOTS OUT THE WINDOW
10/23/2015 08:59:29	CCOLON	Narrative Added	N77 SHOTS ON SUSP EB RUNNING
0/23/2015 08;59:42	CCOLON	Narrative Added	GUN IS OUTSIDE
10/23/2015 08:59:49	CCOLON	Narrative Added	HPD NEED ARMORED VEH
10/23/2015 08:59:59	CCOLON	Narrative Added	NO MOVEMENT INSIDE VEH
10/23/2015 09:00:52	CCOLON	Narrative Added	FYI ON LEFT REAR DRIVERES DOOR STILL
10/23/2015 09:01:47	CCOLON	Narrative Added	74 SAW SUBJ IN BETWEEN 2 VEH
10/23/2015 09:01:58	CCOLON	Narrative Added	J7 SUBJ STILL INSIDE THE VEH NO MOVEMENT
10/23/2015 09:02:04	CCOLON	Narrative Added	SEATED LEFT REAR NO MOVEMENT
10/23/2015 09:02:17	CCOLON	Narrative Added	36 ENRT SOFT SHIELD
10/23/2015 09:02:26	CCOLON	Narrative Added	S SIDE OF THE STREET FOR APPROACH
10/23/2015 09:02:45	CCOLON	Narrative Added	SUBJ FELL OUT IN BETWEEN
10/23/2015 09:02:57	CCOLON	Narrative Added	DUMPING CLOTHES OUT OF THE CAR SLIGHTLY MOVING
10/23/2015 09:03:03	CCOLON	Narrative Added	EXITING HAS A WOUND
10/23/2015 09:03:11	CCOLON	Narrative Added	HAS HANDS UP COMING OUT
10/23/2015 09:03:26	CCOLON	Narrative Added	MULTIPLE WOUNDS
10/23/2015 09:03:28	B ROSAS	Narrative Added	1063 ON 914 W/ HPD
10/23/2015 09:03:31	CCOLON	Narrative Added	HAS VISUAL OF HANDS
10/23/2015 09:03:45	H SOLARI	Narrative Added	138TH/BANC ROAD DOWN 2T15
10/23/2015 09:04:15	CCOLON	Narrative Added	16 ,74 BOTH HANDS ABOVE HEAD HAVE MULTIPLE WOUNDS TO BACK
10/23/2015 09:04:17	H SOLARI	Narrative Added	SHELTER IN PLACE CANTACT RES
10/23/2015 09:04:47	CCOLON	Narrative Added	HAVE 2 UNCLEARED CARS
10/23/2015 09:05:00	B ROSAS	Narrative Added	GETTING ARRPOVAL FROM THE WC
\0/23/2015 09:05:06	B ROSAS	Narrative Added	WILL 914 RIGHT BACK

10/23/2015 09:05:06

10/23/2015 09:05:09

CCOLON

CCOLON

Narrative Added

Unit Status Action





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All

4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type:

Areas:

CFS Number: 4350 Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

All

CFS Number:	4350 Call	Date/Time: 10/23/201	5 08:41:02 Primary Incident: 2015-00050010
Cali Log			
Log Date/Time	Entered By	Action	Description
10/23/2015 09:05:10	D SEKHON	Narrative Added	Dispatch received by unit 2L24
10/23/2015 09:05:38	CCOLON	Unit Status Action	Unit 13N77 DP
10/23/2015 09:05:49	CCOLON	Narrative Added	LEFT SIDE WILL BRING SUV AND GO BEHIND COA
10/23/2015 09:05:55	CCOLON	Narrative Added	RIGHT SIDE UNITS STANDBY
10/23/2015 09:05:57	H SOLARI	Narrative Added	914 137TH
10/23/2015 09:06:08	CCOLON	Unit Status Action	Unit 14I16 DP
10/23/2015 09:06:09	S CESARETTI	Narrative Added	Dispatch received by unit 14I16
10/23/2015 09:06:20	CCOLON	Unit Status Action	Unit 14I14 DP
10/23/2015 09:06:32	CCOLON	Unit Status Action	Unit 13N77 S
10/23/2015 09:06:32	CCOLON	Unit Status Action	Unit 14I14 S
10/23/2015 09:06:32	CCOLON	Unit Status Action	Unit 14l16 S
10/23/2015 09:07:17	CCOLON	Narrative Added	77 BEING DETAINED
10/23/2015 09:07:41	B ROSAS	Narrative Added	MANNING THE VEH AND IT WILL BE ON ITS WAY
10/23/2015 09:07:56	CCOLON	Narrative Added	71 ADV WHEN MED CLR
10/23/2015 09:08:21	CCOLOÑ	Narrative Added	924 WITH FAMILY
0/23/2015 09:09:05	CCOLON	Narrative Added	77 CLR'ING HOUSE
10/23/2015 09:09:09	B ROSAS	Narrative Added	SPEACIAL TRAINED PARAMEDIC FROM PARAMEDICS PLUS STAGING AT BAN/137TH
10/23/2015 09:09:23	H SOLARI	Narrative Added	LANG LINE
10/23/2015 09:09:32	CCOLON	Narrative Added	71 MED COMING UP
10/23/2015 09:09:45	H SOLARI	Narrative Added	137TH ADV OF SHELTER IN PLACE
10/23/2015 09:09:47	CCOLON	Narrative Added	START 14I86
10/23/2015 09:10:05	CCOLON	Unit Status Action	Unit 6C12_DP
10/23/2015 09:10:10	CCOLON	Narrative Added	ADMINISTERING FIRST AID STILL CLR'ING HOUSE
10/23/2015 09:10:20	CCOLON	Narrative Added	12 137TH/WAKE
10/23/2015 09:10:28	CCOLON	Narrative Added	36 FIRE ON SCENE
10/23/2015 09:10:36	CCOLON	Narrative Added	938 SWAT
10/23/2015 09:10:48	CCOLON	Narrative Added	16 TAPE OFF AREA
10/23/2015 09:10:51	CCOLON	Narrative Added	OIS SCENE
10/23/2015 09:10:57	CCOLON	Narrative Added	RESPOND TO P+
10/23/2015 09:11:02	H SOLARI	Narrative Added	MCMANUS ADV AND ENRT
10/23/2015 09:11:11	CCOLON	Narrative Added	INTERIOR AND BOTH VEH CLR
10/23/2015 09:11:53	CCOLON	Narrative Added	M55 BACKYARD IS CLR
10/23/2015 09:12:17	CCOLON	Narrative Added	CONTACT SGT ANTHONY AND HAVE 914 14I16
10/23/2015 09:12:28	CCOLON	Narrative Added	36 NEED TO START DOING TECH DUTIES
10/23/2015 09:12:36	CCOLON	Narrative Added	EVERYONE STOPPED AND FI'D
10/23/2015 09:12:42	CCOLON	Narrative Added	SEE IF WIT
\0/23/2015 09:12:52	CCOLON	Narrative Added	SECONDARY IS CLR UNITS COMING OUT
10/23/2015 09:13:01	CCOLON	Narrative Added	N77 TO J7 SECURE THE DOG

LEFT MESSAGE FOR SGT ANTHONY

10/23/2015 09:13:01

H SOLARI

Narrative Added





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All

4350 4350 From Date: To Date: Areas:

10/23/2015 08:41 10/23/2015 08:41

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CFS Type: Agency Type:

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CFS Number: 4350

Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

Call	La	ά

-un Log			¥
Log Date/Time	Entered By	Action	Description
10/23/2015 09:13:11	CCOLON	Narrative Added	71 FAMILY IS SECURED
10/23/2015 09:13:33	H SOLARI	Unit Status Action	Unit 2T15 DP
10/23/2015 09:13:35	E DUNKIN	Narrative Added	Dispatch received by unit 2T15
10/23/2015 09:13:37	CCOLON	Narrative Added	77 EVERYONE 137TH/BANCROFT MEET 74 AND N77 IFO THE RESD
10/23/2015 09:13:41	H SOLARI	Unit Status Action	Unit 2T15 S
10/23/2015 09:13:48	CCOLON	Narrative Added	DOG SECURED TO THE REAR
10/23/2015 09:13:55	CCOLON	Narrative Added	UNITS WILL BE STEPPING OUT
10/23/2015 09:15:05	CCOLON	Narrative Added	116 ANY AVAIL UNITS NEEDED TO RESPOND
10/23/2015 09:15:27	CCOLON	Narrative Added	N77 TO 22 NEED YOU IFO THE RESD
10/23/2015 09:16:00	H SOLARI	Unit Status Action	Unit 4B38 DP
10/23/2015 09:17:03	CCOLON	Unit Status Action	Unit 14I78 DP
10/23/2015 09:17:06	CCOLON	Unit Status Action	Unit 6M55 DP
10/23/2015 09:17:39	CCOLON	Narrative Added	137TH NABORS ARE COMING OUT
10/23/2015 09:17:48	CCOLON	Narrative Added	FI ON EVERYONE THAT LEAVES 137TH
10/23/2015 09:18:14	CCOLON	Narrative Added	N77 FI EVERYONE IF WIT NEED TO GET TO CID
0/23/2015 09:18:25	CCOLON	Narrative Added	26 IN AMBULANCE ENRT TO EDEN
10/23/2015 09:18:37	CCOLON	Narrative Added	N77 938 ARMORED VEH
10/23/2015 09:18:54	CCOLON	Unit Status Action	EDEN
10/23/2015 09:18:55	BROSAS	Narrative Added	938'D THE ARMORED VEH
10/23/2015 09:19:02	CCOLON	Unit Status Action	Unit 14J7 S
10/23/2015 09:19:02	CCOLON	Unit Status Action	Unit 2D25 S
10/23/2015 09:19:08	CCOLON	Unit Status Action	Unit 2L24 S
10/23/2015 09:19:10	CCOLON	Unit Status Action	Unit 2L36 S
10/23/2015 09:19:18	CCOLON	Unit Status Action	Unit 6C12 S
10/23/2015 09:19:18	CCOLON	Unit Status Action	Unit 6M55 S
10/23/2015 09:19:54	H SOLARI	Narrative Added	914 BLANKINSHIP
10/23/2015 09:20:44	H SOLARI	Narrative Added	NO ANSD
10/23/2015 09:21:04	H SOLARI	Narrative Added	914 DEGUZMAN
10/23/2015 09:21:13	H SOLARI	Narrative Added	NO ANS
10/23/2015 09:22:04	CCOLON	Narrative Added	71 SGT MORGAN WALKING UP
10/23/2015 09:22:07	CCOLON	Unit Status Action	Unit 14178 S
10/23/2015 09:22:11	H SOLARI	Narrative Added	914 PRIETO
10/23/2015 09:22:18	CCOLON	Unit Status Action	Unit 14I4 DP
10/23/2015 09:22:21	H SOLARI	Narrative Added	NO ANS
10/23/2015 09:23:31	H SOLARI	Narrative Added	VAN DYKE ENRT TO CITY
10/23/2015 09:24:01	CCOLON	Narrative Added	N77 TO 71 137TH FOR INVOLVED OFFICERS 2 ASSIGNEES TO COVER OFFICER INVOLVED
0/23/2015 09:24:27	CCOLON	Narrative Added	136TH/BANCROFT FOR WIT
10/23/2015 09:25:33	CCOLON	Narrative Added	71 COPIES THE OFR NEEDED AT 136TH/BANCROFT FOR WIT
10/23/2015 09:26:57	CCOLON	Unit Status Action	Unit 2L27 DP





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350 From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type:

ΑII

Layer: All **CFS Number:**

4350

Areas:

Αll Cali Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

	Lo	

Log Date/Time	Entered By	Action	Description
10/23/2015 09:26:59	N CASTRO	Narrative Added	Dispatch received by unit 2L27
10/23/2015 09:27:56	H SOLARI	Narrative Added	GOODMAN ENRT TO CITY
10/23/2015 09:28:07	CCOLON	Narrative Added	71 TO 27 AFTER TRANSFER FAMILY TO CID WILL NEED TO RESPOND BACK TO SCENE TO HELP W/ WIT
10/23/2015 09:28:17	H SOLARI	Narrative Added	914 KOVACH
10/23/2015 09:29:19	H SOLARI	Narrative Added	NO ANS
10/23/2015 09:30:56	H SOLARI	Narrative Added	914 SEDD
10/23/2015 09:31:02	H SOLARI	Narrative Added	**SHEDD
10/23/2015 09:31:40	H SOLARI	Narrative Added	NO ANS
10/23/2015 09:32:40	CCOLON	Narrative Added	CID CALLOUT DONE
10/23/2015 09:32:43	CCOLON	Narrative Added	ERT CALLOUT NEEDE
10/23/2015 09:32:55	H SOLARI	Narrative Added	914 DEGRANO
10/23/2015 09:33:41	H SOLARI	Narrative Added	DEGRANO ENRT FOR CISM
10/23/2015 09:34:15	H SOLARI	Narrative Added	914 ALDRED
10/23/2015 09:34:43	CCOLON	Unit Status Action	Unit 4T13 DP
10/23/2015 09:35:00	CCOLON	Unit Status Action	Unit 4T13 S
0/23/2015 09:35:04	H SOLARI	Narrative Added	NO ANS
10/23/2015 09:35:06	CCOLON	Call Updated	Priority: 1
10/23/2015 09:35:06	CCOLON	Narrative Added	S 4T1
10/23/2015 09:36:08	H SOLARI	Narrative Added	914 KYLE
10/23/2015 09:36:33	CCOLON	Unit Status Action	Unit 2L27 S
10/23/2015 09:36:39	CCOLON	Unit Status Action	Unit 2L26 S
10/23/2015 09:37:20	CCOLON	Unit Status Action	;CP 137/BANC
10/23/2015 09:39:03	CCOLON	Narrative Added	938 OUR ERT, COUNTY WILL BE NOTIFIED
10/23/2015 09:39:11	CCOLON	Narrative Added	PER 14I78
10/23/2015 09:41:07	H SOLARI	Narrative Added	ORDINARO ENRT TO CITY
10/23/2015 09:41:55	H SOLARI	Narrative Added	PER 71 ANY UNIT THE ANS IS ORDER IN
10/23/2015 09:43:04	CCOLON	Unit Status Action	Unit 14J7 E
10/23/2015 09:43:04	CCOLON	Unit Status Action	Unit 2L23 E
10/23/2015 09:43:04	CCOLON	Unit Status Action	Unit 14I14 E
10/23/2015 09:43:04	CCOLON	Unit Status Action	Unit 14I16 E
10/23/2015 09:43:12	H SOLARI	Narrative Added	914 DJ PASUT
10/23/2015 09:43:18	CCOLON	Unit Status Action	Unit 14I15 DP
10/23/2015 09:43:28	CCOLON	Unit Status Action	Unit 14I15 E
10/23/2015 09:43:51	H SOLARI	Narrative Added	PASUT ENRT
10/23/2015 09:45:32	CCOLON	Unit Status Action	Unit 7L74 E
10/23/2015 09:45:32	CCOLON	Unit Status Action	Unit 2L22 E
0/23/2015 09:45:46	CCOLON	Unit Status Action	Unit 7L74 S
10/23/2015 09:45:46	CCOLON	Unit Status Action	Unit 2L22 S
10/23/2015 09:46:23	CCOLON	Narrative Added	KTVU 136TH/BANCROFT





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 All CFS Type: Agency Type: All

Layer: All CFS Number: 4350

Areas:

Call Date/Time: 10/23/2015 08:41:02

Primary Incident: 2015-00050010

Call Log

Log Date/Time	Entered By	Action	Description
10/23/2015 09:46:36	CCOLON	Narrative Added	STAGE AT MORMON CHURCH PRESS SPOT
10/23/2015 09:47:33	CCOLON	Narrative Added	27 AT CSU
10/23/2015 09:47:53	CCOLON	Narrative Added	C12 TO 71 IS IT CLR TO LET RESD BACK IN NOT IN CRIME SCENE
10/23/2015 09:48:00	CCOLON	Narrative Added	71 NEG ON LETTING RESD BACK IN
10/23/2015 09:48:10	CCOLON	Unit Status Action	CSU
10/23/2015 09:50:13	B BUSS	Unit Status Action	Unit 4B38 S
10/23/2015 09:51:21	CCOLON	Narrative Added	74 OFFICER ENRT TO STA MEET IFO CSU
10/23/2015 09:53:24	H SOLARI	Narrative Added	PANTOJA ENRT
10/23/2015 09:54:34	CCOLON	Narrative Added	71 SCHOOL IS CLR TO RESUME NORMAL TRAFFIC PEDESTRIAN TRAFFIC IS CLR ON LEFT SIDE
10/23/2015 09:55:25	H SOLARI	Narrative Added	ALDREA ENRT
10/23/2015 09:55:32	H SOLARI	Narrative Added	**ALDRED
10/23/2015 09:57:43	CCOLON	Narrative Added	178 OFR BUSS WILL BE HANDLING CRIME SCENE LOG





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: 4350 4350

From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41 All CFS Type: Agency Type: All

Layer: All

,,,,,

Areas:

CFS Number:	4350	Call Date/Time:	10/23/2015	08:41:02	Primary Incident:	2015-0005001	0
Unit Log							
Log Date/Time	Entered By	Unit	Status	Action	Description		Location
10/23/2015 08:42:47	CCOLON	2L23	DP	Unit Status Change			
10/23/2015 08:42:47	CCOLON	2L22	DP	Unit Status Change			
10/23/2015 08:44:57	CCOLON	2L71	DP	Unit Status Change			
10/23/2015 08:45:08	CCOLON	7L74	DP	Unit Status Change			
10/23/2015 08:48:22	CCOLON	2L71	S	Unit Status Change			
10/23/2015 08:48:22	CCOLON	2L22	S	Unit Status Change			
10/23/2015 08:48:22	CCOLON	2L23	S	Unit Status Change			
10/23/2015 08:49:16	CCOLON	14J7	DP	Unit Status Change	•		
10/23/2015 08:52:33	CCOLON	7L74	S	Unit Status Change			
10/23/2015 08:52:35	CCOLON	2D25	DP	Unit Status Change			
0/23/2015 08:57:15	H SOLARI	2L36	DP	Unit Status Change	•		
10/23/2015 08:58:16	BROSAS	2L26	DP	Unit Status Change			
10/23/2015 09:05:09	CCOLON	2L24	DP	Unit Status Change			
10/23/2015 09:05:38	CCOLON	13N77	DP	Unit Status Change			
10/23/2015 09:06:08	CCOLON	14116	DP	Unit Status Change			
10/23/2015 09:06:20	CCOLON	14114	DP	Unit Status Change			
10/23/2015 09:06:32	CCOLON	14114	S	Unit Status Change			
10/23/2015 09:06:32	CCOLON	14116	S	Unit Status Change			
10/23/2015 09:06:32	CCOLON	13N77	S	Unit Status Change			
10/23/2015 09:10:05	CCOLON	6C12	DP	Unit Status Change			
10/23/2015 09:13:33	H SOLARI	2T15	DP .	Unit Status Change			
10/23/2015 09:13:41	H SOLARI	2T15	S	Unit Status Change			
10/23/2015 09:16:00	HSOLARI	4B38	DP	Unit Status Change			
10/23/2015 09:17:03	CCOLON	14178	DP	Unit Status Change			
10/23/2015 09:17:06	CCOLON	6M55	DP	Unit Status Change			
10/23/2015 09:18:54	CCOLON	2L26	DP	Unit Location	EDEN		EDEN

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Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350 From Date: To Date: 10/23/2015 08:41 10/23/2015 08:41 CFS Type: Agency Type:

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Layer: All Areas:
CFS Number: 4350 Call Date/

Call Date/Time: 10/23/2015 08:41:02

Αll

Primary Incident: 2015-00050010

Unit Log								
Log Date/Time	Entered By	Unit	Status		Action	Description		Location
10/23/2015 09:19:02	CCOLON	2D25	\$		Unit Status Change			
10/23/2015 09:19:02	CCOLON	14J7	S		Unit Status Change			
10/23/2015 09:19:08	CCOLON	2L24	S	r	Unit Status Change			
10/23/2015 09:19:10	CCOLON	2L36	S		Unit Status Change			
10/23/2015 09:19:18	CCOLON	6C12	S		Unit Status Change			
10/23/2015 09:19:18	CCOLON	6M55	S	,	Unit Status Change	•		
10/23/2015 09:22:07	CCOLON	14178	S		Unit Status Change			
10/23/2015 09:22:18	CCOLON	1414	DP		Unit Status Change			-
10/23/2015 09:26:57	CCOLON	2L27	DP		Unit Status Change			
10/23/2015 09:34:43	CCOLON	4T13	DP		Unit Status Change			
J/23/2015 09:35:00	CCOLON	4T13	S		Unit Status Change			
10/23/2015 09:36:33	CCOLON	2L27	s		Unit Status Change			
10/23/2015 09:36:39	CCOLON	2L26	S		Unit Status Change			
10/23/2015 09:37:20	CCOLON	2L71	S		Unit Location	;CP 137/BANC		;CP 137/BANC
10/23/2015 09:43:04	CCOLON	14116	E		Unit Status Change		5	CSU OFFICE
10/23/2015 09:43:04	CCOLON	14J7	E		Unit Status Change			CSU OFFICE
10/23/2015 09:43:04	CCOLON	14114	E.		Unit Status Change			CSU OFFICE
10/23/2015 09:43:04	CCOLON	2L23	E		Unit Status Change		<i>/</i> .	CSU OFFICE
10/23/2015 09:43:18	CCOLON	14115	DP		Unit Status Change			
10/23/2015 09:43:28	CCOLON	14115	E		Unit Status Change			CSU OFFICE
10/23/2015 09:45:32	CCOLON	7L74	E		Unit Status Change			STA
10/23/2015 09:45:32	CCOLON	2L22	E		Unit Status Change			STA
10/23/2015 09:45:46	CCOLON	2L22	S	,	Unit Status Change		•	
10/23/2015 09:45:46	CCOLON	7L74	S		Unit Status Change			
المين المين المين المين	CCOLON	2L27	S		Unit Location	CSU		CSU
10/23/2015 09:50:13	B BUSS	4B38	S		Unit Status Change			





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS: Layer: All

4350 4350 From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41 CFS Type:

Areas:

Agency Type:

CFS Number: 4350 Call Date/Time: 10/23/2015 08:41:02 Primary Incident: 2015-00050010

Αll

NCIC Messages

NCIC Message Time NCIC Message

10/23/2015 08:46

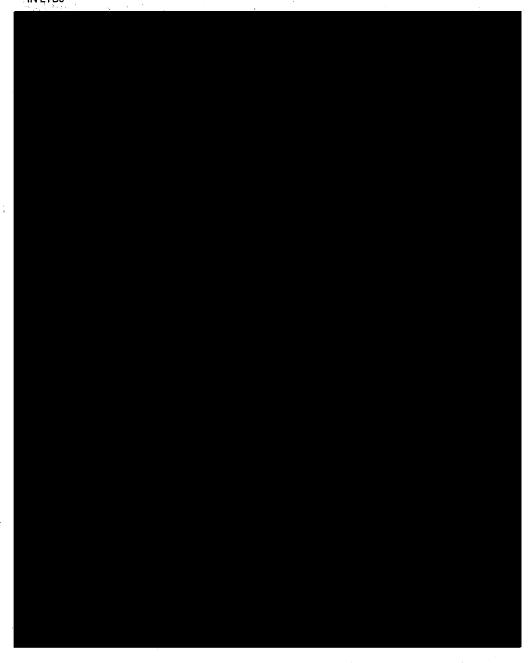
LEWI\NAME\INQWI=S\STK=F\NAME=TORRES.MARIO\DOB=09111969\SEX=M\UID=*CCOLON (Q,P) AWS: WARRANT INQUIRY 10/23/15 08:45 LEWI AWS PROD

MSG:NC INFORMATION FOUND ON AWS - REQUEST SENT TO CLETS

##END: OF AWS RESPONSE #

10/23/2015 08:46

102315 0845 IN LYB0



10/23/2015 08:46





Login ID: ccolon

Print Date/Time: 10/23/2015 09:58

From CFS: To CFS:

4350 4350 From Date: To Date:

10/23/2015 08:41 10/23/2015 08:41

CFS Type:

ΑII

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Page: 18 of 42



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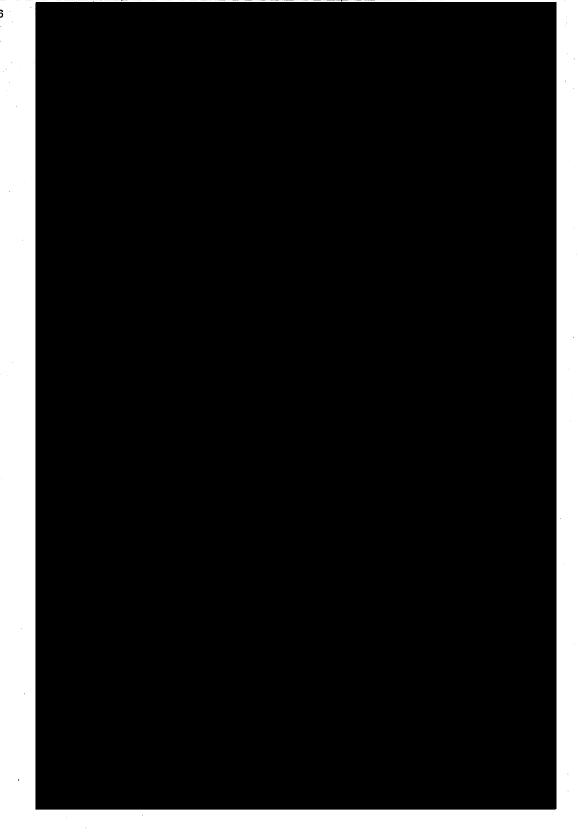
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Call Date/Time: 10/23/2015 08:41:02

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Page: 22 of 42







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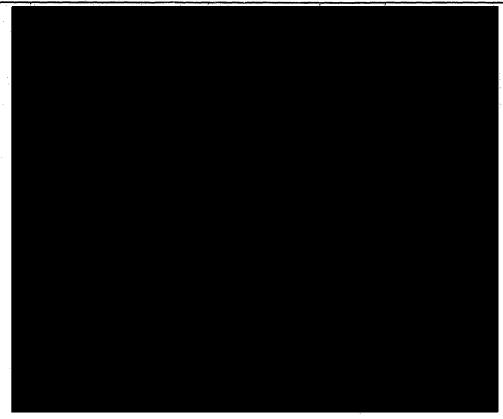
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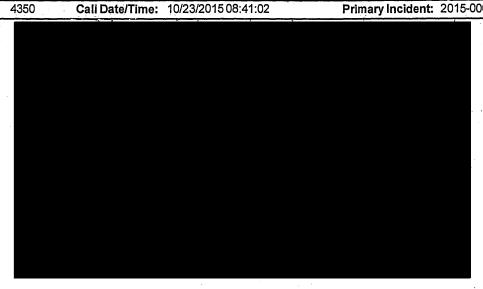
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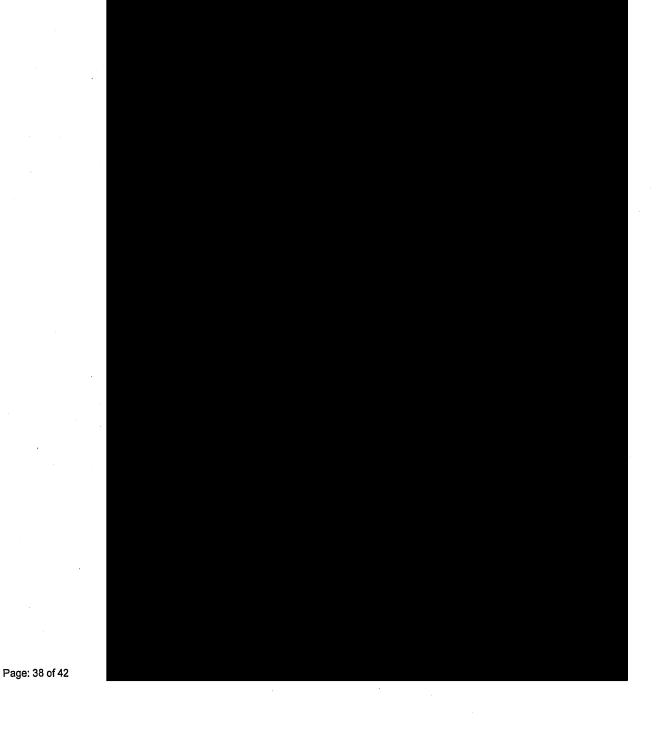
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Primary Incident: 2015-00050010

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10/23/2015 08:52

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Section 4



SAN LEANDRO POLICE DEPARTMENT D.A. CASE EVALUATION

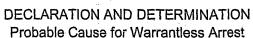


	•		
☑ IN CUSTODY	BAILED FOR:	CITED FOR:	COMPLAINT
VICTIM#L	<u>D.O.B</u>	<u>ADDRESS</u>	PHONE NUMBER
TACKEL, FLETCHER	CESARETTI, SA	LAZAR. 57	10-577-2740
VICTIM #2	DATE REPORTED	CASE NUMBER	CHARGING D.A.
	10.23.15	2015-50010	Manh
REPORTING OFFICER	FOLLOW-UP INVESTIGAT	OR DATE SUBMITTED	DATE REVIEWED
ANTHONY # 284	SAUE	10-27-15	10/27/19
SUSPECT (LAST, FIRST MI) PFN		NOT CHARGED (REASON)	FEL/
TORRES, MARIO	FEI FEI	CHARGED AS FOLLOWS:	MISD [
CHARGES REQUESTED	FE		
PC 187 (664	MIS	10 246.3 9	17(c)
SUSPECT (LAST, FIRST MI) PFN		NOT CHARGED (REASON)	FEL [
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REASON / FOLLOW-UP:			RETURNED FOR F/U
CEN-			
CEIT-			RETURNED TO D.A.
			RETURNED FOR F/U
			RETURNED TO D.A.
			T-I LACK OF CORPUS CRIME
			T-2 LACK OF CAUSE/EVIDENCE
			T-3 INADMISSABLE EVIDENCE
			T-4 VICTIM UNAVAIL / DECLINES
			T-5 WITNESS UNAVAILABLE
			T-6 CONSOLIDATE OTHER EVENT
			T-7 INTEREST OF JUSTICE
			T-8 OTHER
		:	T-9 PROSECUTION DEFERRED



County of Alameda

HOLDOVER





Arrestee/Si		DOB	CDL	PFN	Agency Report #
MAR!O		09/11/1969	CA		15-50010
Arresting A	gency	Dec	larant	Agency Phone	Agency Fax
SAN LEANDRO PI	O (CA0011200)	BRIAN A	NTHONY	(510) 577-2740	
Arrest Date	Arrest Time		A	rest Location	
10/23/2015	09:07:00	137TH A\	/ SAN LEANDRO) CA (137TH A)	VE)
Holds	5		Arres	tee Home Address	
arges/Violations	 				
187 F(Attempted)(4	Counts)				
arked on the East side	or are arreway.				
ario Torres said "good of the entire street blo is incident took place. For and over for Ar-Make car was heard. The pattering in an outward oming from the same wanshot was heard. Multiplicately as requested on the vehicle as if he is vehicle, he began to nese officers were appart to the street where I was aimed at. Ar-Make to the street where I assed on the fact that A asset on the fact that A	bye" to all of them a cked off. There are As the Officers set ito Torres to exit his round which Ar-Mar direction from the cehicle. Officers thou tiple clear verbal cohe heard in a miraned by Officers. A shi was trying to stay I raise his weapon to rox 15-20 feet from it fellow Officers we the threat of death of ario Torres was strine was rendered first ar-Mario Torres deliit	as if he was going to 2 schools which we a perimeter and made vehicle. As the Officio Torres fired exite car. Approx 3-5 minught the subject was a mands were given dized statement). A cort time later, Ar-Mario Torres. To a control to get show the state one staid.	o die today. Office ore in session a shade a tactical plan ficers were set up and the vehicle as the tate of the vehicle as the vehicle as the tate of the vehicle as the tate of the vehicle as the tate of the vehicle	irs set up a tactical planet distance away from the virtues officers and the witness officers and the witness officers and the witness officers and the witness officers at them after the secution the gun in his bill did not exit the vehill did no	an and om where vere given m within aw glass vas heard cond hand, sicle olled out d out from street. ne street irearm Torres' crawled
ifficers were concerned ario Torres said "good at the entire street blooks incident took place. Wer and over for Ar-Make car was heard. The nattering in an outward ming from the same vanishot was heard. Multiplicately as requested the vehicle as if he is vehicle, he began to nese officers were apparted to eliminate un was aimed at. Ar-Multiplicate with the street where I was a fact that A entry of opportunity to declare under penalty in the above-mentioned eclarant verified by Creater and over the control of th	bye" to all of them a cked off. There are As the Officers set rio Torres to exit his round which Ar-Mar direction from the central continuous of perjury that the applice report. Executive are of perjury that the applice report.	as if he was going to 2 schools which we a perimeter and mass vehicle. As the Officio Torres fired exite car. Approx 3-5 minught the subject was mands were givendized statement). A ort time later, Ar-Masow in a tactical postoward 4 victim official Ar-Mario Torres. The about to get shot or great bodily injury uck by at least one staid. berately aimed and violation of 664/187	o die today. Office ore in session a shade a tactical plan ficers were set up ed the vehicle as the tate of the vehicle of the ve	ars set up a tactical plant distance away from the verbal commands were a single gunshot from the witness Officers so the witness Officers so the at them after the securithout the gun in his bill did not exit the vehicle the rear door and row the East end of the son the West end of the son the West end of the rest discharged their fifficers who Ar-Mario quently complied and the these officers, after der).	an and om where vere given m within aw glass vas heard cond hand, sicle olled out d out from street. ne street irearm Torres' crawled having

Date: 10/24/2015 18:58:09 Supervisor: BRIAN ANTHONY Badge: 284 On the basis of the foregoing declaration, I hereby determine that there is probable cause to detain this arrestee.

Date: 10/24/2015 19:11:40

Judge: Willie Lott

POLICE REPORT SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

authority of the product of Notes to	V.
	DVR DRRES
2015-	☐ GANG RELATED
2015-	
2015-	CONFIDENTIAL
E010-	BAWAR INFO.

E		3/2015 FI		and the second	RED INCIDI 187 P.C	ENTTYPE - ATTEMI	NOH TS			FNCY (NICIAN DUTSIDE) 201		☐ PROVIDED ☐ VICT OF VIOLENT CRIME NOTIFIED
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T		3/2015 Fi				AVE / SA	N LEA	NDR	.					
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s	6								POINT OF ENTRY				BOLT CUTTER BRICK/ROCK	☐ PRY TOOL ☐ SAW/DRILL
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	RTING OFFICER N ANTHONY, BRIAN, , - SGT.				DATE / TIME WRITTEN 10/23/2015			1
7	INVOLVMENT NAME VICTIM CESA RACE SEX HEIGHT WEIGHT WEIGHT	ARETTI, STEVE	SLIC. NO. / STATE OTH	HER I.D. / STA		OB PRIMARY LANGU	AGE JAGE	1
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<u>)</u>		CHOOL NAME ANDRO POLICE		POLIC	E SERGEAN BUS. PHONE (510)577-324		AGE	
10		HAIR EYES DRIVER	S LIC, NO. / STATE OT	THER I.D. / ST		PRIMARY LANG		A
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12	INVOLVMENT NAME RACE SEX HEIGHT WEIGHT	HAIR EYES DRIVE	RS LIC. NO. / STATE O	THER L.D. / S		PRIMARY LANG	AGE BUAGE	
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†	EMPLOYER / SCHOOL TYPE EMPLOYER /	SCHOOL NAME		OCCUPAT	TION			
1	EMPLOYER / SCHOOL ADDRESS				BUS. PHONE			

NWS SUBJECTS 7-12 #233 05/2008

		RY OFFENSE		RO POLICE DE ITAL REPORT - SI		2015-000	50010	PAGE 2	OF 2
RE	POF	RTING OFFICER				10/23/2015	12:45		
1	ľ	NVOLVMENT WITNESS RACE SEX HEIGHT WEIGHT	LUMB LEVER T	DOWERO NO LOTATE	OTHER I.D. / S		PRIMARY LANGUA	AGE 23	A
		H F 5'06 - 132 - PEODENCE ADDRESS 137TH AVE SAN LEAND	HAIR EYES BRO BRO DRO, CA, 94578-			DRISSARY PHONE	ENGLISH		
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	}	H F 5'05 - 124 - DEFINENCE ADDRESS 107TH OAKLAND, CA	BLK BRO			PRIMARY PROME	ENGLISH		
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3	3	INVOLVMENT NAME WITNESS						AGE 44	Α
		RACE SEX HEIGHT WEIGHT H M 5'03 - 145 -	BRO BRO	DRIVERS LIC. NO /STATE	OTHER I.D. / S	PRIMARY PHONE	PRIMARY LANGU ENGLISH		
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1	6	WITNESS RACE SEX HEIGHT WEIGHT	HAIR EYES	DRIVERS LIC MO ISTATE		STATE	PRIMARY LANG	41 UAGE	<u>A</u>
		W M 5'10 - 155 - 137TH ST SAN LEAND	BLK BLU RO, CA 94578-		CA	PRIMARY PHONE			
		E-MAIL ADDRESS	SCHOOL NAME		OCCUF	OTHER PHONE			
1		EMPLOYER / SCHOOL ADDRESS			· · · · · · · · · · · · · · · · · · ·	BUS. PHONE			***************************************

· .	ARY OFFENSE 664/187	SAN LEANDRO POLICE		CASE NO. 2015 00	050010 PAGE 4 OF 5
	RTING OFFICER	CRIME SCENE TECHNICIA	M - SOBJEC 12	DATE / TIME WRITTEN	
-	1\ KALSBEEK, JOSEPH, ,			10/23/2015	13:09
1	WITNESS				21 A
	A 5'10 - WEIGHT 145 -	BLK BRO	OTHER I.D. IS	STATE	PRIMARY LANGUAGE ENGLISH
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4	WITNESS RACE SEX HEIGHT WEIGHT	HAIR EYES	OTHER I.D.	STATE	41 A
	H M 5'11 -' 187 -	BLK BRO			SPANISH
	137TH AVE SAN LEAND E-MAIL ADDRESS	DRO CA 94578-		OTHER PHONE	
	EMPLOYER/SCHOOL TYPE	SHECLNAME	OCCUF	PATION	
	EMPLOYER / SCHOOL ADDRESS			BUS. PHONE	
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5	RACE SEX HEIGHT WEIGHT	HAIR EYES COMEDE NO 15	OTHER I.D.	/ STATE	PRIMARY LANGUAGE
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, T	EMPLOYER / SCHOOL ADDRESS		· .	BUS. PHONE	

	IARY OFFENSE	SAN LEANDRO POLICE DEPARTME SUPPLEMENTAL REPORT - SUBJECTS	
	ORTING OFFICER 2\ ROGERS, THOMAS, ,		DATE / TIME WRITTEN 10/23/2015 14:02
, 1	INVOLVMENT NAME OTHER		AGE 40 A
	RACE SEX HEIGHT WEIGHT H F 5'02 - 150 -	HAIR EYES DRIVERS LIC. NO. / STATE OTH	ER LD. / STATE PRIMARY LANGUAGE ENGLISH
	137TH AVE SAN LEAN		DDIMARY BUOME
	E-MAIL ADDRESS		
	EMPLOYER SCHOOL TYPE		OCCUPATION
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2	OTHER		AGE A
	RACE SEX HEIGHT WEIGHT H F 5'02 - 95 -	HAIR EYES DRIVERS LIC. NO. / STATE OTH	ER LD. / STATE PRIMARY L'ANGUAGE ENGLISH
	137TH SAN LEANDRO	, CA 94577-	PRIMARY PHONE
	E-MAIL ADDRESS EMPLOYER / SCHOOL TYPE LEMPLOYER /	SCHOOL MAKE	OTHER PHONE OCCUPATION
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	INVOLVMENT:		AGÉ
3	OTHER		33 A
	H F 5'07 - WEIGHT 150 -	HAIR EYES BLK BRO	PRIMARY LANGUAGE ENGLISH
	JOYCE ST SAN LEAD	NDRO, CA 94577-	OTHER PHONE
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4	RACE SEX HEIGHT WEIGHT	HAIR EYES DRIVERS LIC. NO. (STATE OT	HER LD. / STATE PRIMARY LANGUAGE
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	E-MAIL ADDRESS		UTHER PHONE
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PC	ARY OFFENSE 664/187		O POLICE DEP. AL REPORT - SUB		2015-00		PAGE 2 OF 2
	RTING OFFICER IN KALSBEEK, JOSEPH, ,				10/23/2015	17:18	
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	INVOLVMENT					DOB	AGE
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NWS SUPPLEMENT SUBJECTS #233 06/2008



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SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT 664 187 PC- ATTEMPT HOMICIDE

CASE NARRATIVE

284\ ANTHONY, BRIAN, , - SGT.

DATE / TIME WRITTEN 10/23/2015 08:41 APPROVING SUPERVISOR

SEE SUPPLAMENTAL REPORTS

NWS CASE REPORT NARRATIVE #233 05/2008



Criminal Investigation Division-Crimes Against Persons Unit

INVESTIGATIVE FOLLOW-UP

Case # 15-50010

Background of Su-Mario Torres

Mario Torres is a Hispanic male born in 1969. He is married to who was born in 1975. They have been married for 23 years and they have two children together, named who is 21 years old, and lives at the house with them at 137 th avenue. Their other daughter. It lives in Santa Cruz and is 18 years old.
For the past month or so was questioned by Mario of her infidelity toward Mario. Mario found text messages to another man named who works with. Mario and somewhat worked it out and she apparently stopped talking to her co-worker. Stated that her and Mario have been growing apart and noticed Mario was working more often and working longer days.
did not want to leave Mario but she still continued to see The jealousy became worse and Mario began to change her passwords so he could check on her phone to see if she was in fact still seeing
On 10-22-2015, Mario checked her phone and noticed her conversing still with and this is when he confronted her about their relationship.



Criminal Investigation Division-Crimes Against Persons Unit

INVESTIGATIVE FOLLOW-UP

Case # 15-50010

Details/Incident

On 10/23/2015, I was assigned as a Detective Sergeant with the San Leandro Police Department. At the time of this critical incident, I was off duty on my normal day off.

Approximately 0910 hours, I received a call on my cell phone from Sgt. A. Morgan who also works as a Sergeant assigned to the Criminal Investigation Division. Sgt. Morgan told me he did not have many details of the incident, however members from the Police Department were involved in an Officer involved shooting which resulted in the suspect being struck by gunfire. He said the suspect, later identified as Mario Torres was being transported to Eden Hospital via ambulance.

After I received the call I began to head home in order to obtain my city issued vehicle. I arrived on scene approx. 1053 hours.

I walked over to the command post which was located at 137th and Bancroft. I spoke with the on duty patrol Sergeant, (Sergeant Sellers), who told me the following:

Today approx. 0841 hours, SLPD dispatch received a call from who stated her husband was suicidal and had a gun. Sgt. Sellers told me during the incident, Mario fired 2 rounds at an unknown direction. Sgt. Sellers also told me 2 officers discharged their firearms. Sgt. Sellers told me the following Officers were witnesses to the shooting or were somehow directly involved in the apprehension of Mario. These officers were as follows:

Sgt. T. Young
Sgt. N. Corti
Officer K. Hackl
Officer M. Becerra
Officer J. Fletcher
Officer M. Salazar
Detective T. Perry
Detective S. Cesaretti

Once I was briefed by Sgt. Sellers of the general scene and what transpired, I walked into the crime scene approx. 1058 hours. At this time, Officer G. Moore had a crime scene log already started from when the incident took place.



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I walked toward the house which was located in a predominantly residential neighborhood with single story residential houses on the north and south sides of the street. 137th avenue is an east/west running street.

I went to 137th avenue escorted by Sgt. Morgan who was already on scene. In the driveway to the home, I noticed 2 vehicles. One vehicle was a gold colored Toyota license plate and the other vehicle was a gold Mazda, license plate The gold Toyota was parked to the west of the gold Mazda and both parked in the driveway of avenue. I noticed the Mazda's rear driver's door was open and there was a bullet hole in the rear driver's side window as well as a bullet hole in the front driver's side window. It looked as if the only thing holding this window together was some window tint which was on all the windows of the car except for the front windshield.

Outside the same car, I noticed a pile of clothes just outside the rear driver's side door with a duffle bag near the clothes. Without touching any of the clothing, I noticed what appeared to be a gun underneath the same clothing.

It also appeared a round struck the pillar of the rear driver's side door. I also noticed the wind deflector to the sunroof seemed as if it was damaged. Lastly I noticed this vehicle's trunk was open and in plain view I could see a small white box with some rounds inside the box.





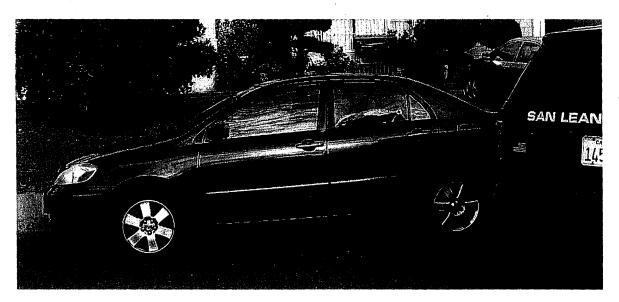
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I then noticed a blue Toyota corolla parked in front of the house facing west. The license plate to this Toyota was I noticed the driver's side rear window was shattered as well as the rear window was shattered.



I continued by canvass and noticed across the street approx. one house west of noticed 3 spent .40 caliber shell casings on the lawn. I also noticed one spent shell casing to a .223 rifle on the same lawn. When I noticed this I formed the opinion that this is the location where the officers engaged Mario.



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Once I walked the crime scene, I noticed the Alameda County Crime Lab pull up. I spoke with Deputy Overcash who was the Alameda County Crime lab team leader. I walked her through the crime scene and requested they process the crime scene including photographs, sketches to scale, as well as bullet trajectory. I told deputy Overcash we would be authoring a Search Warrant for the house as well as the aforementioned blue Toyota parked in front of the house, and the Mazda which was parked in the driveway of the home.

I assigned Sgt. Sanchez to be a liaison between us and the Alameda County Crime Lab who was processing the scene.

I assigned Det. Benz to author the Search Warrant. Approx. 1415 hours, Detective Benz met with the honorable Judge Cramer at the Hayward Hall of Justice. About 1430 hours, Judge Cramer endorsed the search warrant for the Mazda, the Toyota, and the residence at 137th Avenue.

Before we began the interviews with all the witness officers, they spoke with their attorney and gave the attorney their summary as to what they remembered of the incident. As this was going on I summoned all the avail remaining Detectives and asked them to help out on interviews with the witness officers. Prior to the interviews, I had Detective Benz make a quick sketch of the 1500 block of 137th avenue where the incident took place which will be attached to this report. It should be noted this sketch is not to scale and was just used as a brief description of the area where it occurred. See Alameda County Crime Lab report for detailed sketches and distances.

I had the following Detectives interview the following Officers/Witnesses on 10-23-2015

Det. M. Benz/Det. Nelson----Officer J. Fletcher, Officer, M. Becerra, Officer M. Salazar Det. Sgt. Morgan/Det. Walton-Det Cesaretti, Officer Hackl

Det. Sgt. Anthony/Det. Pasut—Sgt. Young, Det Cesaretti

A total of 7 Officer witness statements were obtained, and a total of 4 witness statements were taken, and 1 suspect statement.

Based on the fact that this traumatic incident was exhausting to all the Officers involved, and knowing I would not be able to interview the subject Officers (Sgt. Corti, and Officer Ying) till approx. 2100 hours, I spoke to Sarah Burdick who was the attorney from the Law offices of RLS. I advised her to speak with Sgt. Corti and Officer Ying to determine if they wanted to conduct their interviews on 10-24-2015. They both wished to be interviewed on 10-24-2015. Before they left the Police Department, they were admonished not to speak about the case.



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911 Call Detail

On 10-23-2015, SLPD dispatch received a call from the reporting party who stated the following:
called from her cell phone stating her husband is threatening to kill himself. said she was in the house with him, and she overheard her husband telling her daughter over the phone he would never see her again and he told her goodbye. said she was aware there were 2 weapons in the house, and her husband has never displayed this behavior. said her husband was in the family room. said he was upset because he found some texts between her and another man. said Mario (husband) was wearing a white shirt with blue pants. requested that we come before "he does something crazy." said she was not sure where the weapons were located within the house. You then hear ask Mario where he was going. was asked by SLPD dispatch where Mario was now. said he went to the garage. SLPD dispatch asked and her daughter to walk outside if it was safe to do so. You then here pleading with Mario to not leave the house and you hear Mario in the background. followed Mario outside while Mario went inside his car. then said she did not want to leave Mario alone because he had a gun in the car. said Mario still had the keys to the car. Officers then arrived on scene and began speaking with



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Incident Details

8 of the 9 Officers involved had their body cameras on during this incident

On 10-23-2015, approx. 0842 hours dispatch dispatched the call for service of a suicidal male inside his vehicle at 137th Avenue. The first Officers to arrive on scene were Officer Ying, Officer Becerra, Sgt. Corti, and Sgt. Sellers. As soon as officers arrived on scene their main concern after listening to all the interviews was to get and out from the house to a safe location. As they arrived on scene they were able to make contact with and as they were walking west on 137th avenue toward them. Officer Becerra stayed with them and debriefed them as Sgt. Corti, and Officer Ying began walking east on 137th in order to get a better visual of the house and car where Mario was allegedly in.

At this point Sgt. Corti took tactical command and Sgt. Sellers was the incident commander at the command post located at 137th and Bancroft. From what Sgt. Corti remembers of the initial broadcast was to "ascertain the welfare" on a subject who had called his daughter to say "goodbye." Sgt. Corti realized the house was going to be on the North side of the street which was his left side.

Sgt. Corti and Officer Ying continued east on 137th in order to get positioning on the house which was 137th Avenue. Sgt. Corti said he had a "weird" feeling and he did not want to approach the house. Once they were approx. 2 houses east of the target house, they crossed the street and used a black vehicle parked on the South side of the street and used it as concealment/cover. Once they were positioned behind the black vehicle across the street and approx. one house east of the target house, he heard Sgt. Sellers state the subject was possibly inside a vehicle parked in the driveway of the home. Sgt. Corti saw somebody in a Mazda which was on the right side (east side) of the driveway at 137th Avenue. Based on all the information received thus far ie: suicidal subject, 2 guns possibly inside the car, and Sgt. Corti seeing the subject in the car, he wanted to get containment and set a unit on the east side of the house. Sgt. Corti asked for an expedited unit to that location. Soon after is when Officer Hackl arrived in his fully marked SLPD vehicle. Officer Hackl parked near a newer jeep which almost divided the property between and the house just to the east of the target house.

Once Officer Hackl arrived, Sgt. Corti waived his hands to get Officer Hackl's attention so he was aware of where they were set up. Once officer Hackl was set, Sgt. Corti yelled at him to make verbal contact with the subject in the Mazda. At some point after Officer Hackl was set, he heard someone advise the subject in the car had the gun with him or it



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was already inside the car. Officer Hackl began to make announcements saying something to the affect, "San Leandro Police we just want to talk to you, please come out." After the initial announcements were made by Officer Hackl, Sgt. Corti and Officer Ying heard a single gunshot. Sgt. Corti looked over at Officer Hackl and Officer Hackl advised he could see the subject slumped inside the car. Sgt. Corti and Officer Ying stated when they heard the gunshot, Sgt. Corti saw the debris from the round go directly through the rear driver's side window toward the direction where Officer Ying and Sgt. Corti were. Sgt. Corti, Officer Ying and Officer Hackl all formed the opinion that the male committed suicide but still did not want to rush just in case he had not shot himself. At some point he remembers Sgt. Young and a few other Officers show up to where he and Ying were. Other units also arrived which were Officer Fletcher, Detective Cesaretti, and Officer Salazar.

Sgt. Corti realized Officer Hackl was still alone and sent them all to Officer Hackl leaving Sgt. Corti, Officer Ying, and Sgt. Young at the black vehicle across the street from 137th Avenue.

This photo depicts the positioning of Officer Hackl's patrol car and the Jeep which was also used as cover/concealment.



Once they were all set up, Sgt. Corti said he saw and heard another gunshot, and he thought it came out the same window as the first as he and Officer Ying saw debris emerge from the window. Sgt. Corti and the other interviewed Officers now realized the subject had not committed suicide and they thought the subject was shooting at them.



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Sgt. Corti got on the radio and asked for a SWAT/HNT call out. He was in fear because of the residential public area as well as 2 school's which were nearby that Mario was a continued threat to the community as he now fired 2 rounds from the car.

Sgt. Corti, and Sgt. Young spoke and decided they wanted to just hold and contain the situation and wait to negotiate the subject out. As Sgt. Corti moved to the front end of the black car which they were behind, he noticed the rear door of the subject car was open and he could see "Mario" sitting in the car. Sgt. Corti could see his left leg, part of his left thigh, and part of his left side/arm.

Sgt. Corti began to call to him saying "Mario please come out we do not want to hurt you, we want to just talk to you." Sgt. Corti saw Mario begin to roll out from the car. When he saw this he thought to himself that Mario was about to surrender to the police and Sgt. Corti was happy about that, and it would be over. Sgt. Corti and Officer Ying then realized Mario had a black revolver in his hand. Sgt. Corti stated he thought he remembers the gun being in his right hand while Officer Ying stated he was not sure what hand the subject was holding the gun. Sgt. Corti said it was "clear as day" when he saw this as he had a white "t" shirt on black sweats against the gold backdrop of the car which Mario just emerged from. Sgt. Corti said he had no doubt or question Mario had a gun in his hand/ Officer Ying also was sure the object Mario had was a black gun.

Sgt. Corti and Officer Ying said Mario stayed low against the back left drivers side of the Mazda he just got out of near the left rear wheel. Sgt. Corti and Officer Ying then saw Mario raise the revolver up and the gun began to get level with the back end of Mario's trunk. Sgt. Corti said it was almost as if Mario was taking a position of cover or advantage and trying to see where the other Officers were positioned on the east side of him. As soon as Mario raised the gun, Sgt. Corti had that moment of "oh shit" he is going to shoot them, meaning all the Officers to the East of Mario, (Officer Hackl, Officer Fletcher, Officer Salazar, and Detective Cesaretti). Sgt. Corti realized Mario had already shot twice, and Mario was now looking to see where they were at to shoot them. Sgt. Corti felt immediately those lives were in danger. He obtained a front sight picture with his handgun and fired one round which he felt went high and possibly missed Mario. At that point he heard a second gunshot which was Officer Ying's one round from his long gun. Sgt. Corti noticed the subject was still moving and still had the gun raised toward the Officers. Sgt. Corti then fired two additional rounds at Mario. After Sgt. Corti fired those 2 last rounds, he noticed Mario drop. At this time Sgt. Corti did not see a threat any longer and he did not fire any additional rounds.

Officer Ying said when he noticed Mario was out from the car, he also noticed the gun raise toward the direction of the Officers to the East of him. He also feared Mario was about to shoot those Officers. For that reason he said he had no other option than to eliminate the threat by discharging his firearm. Officer Ying fired one round from his

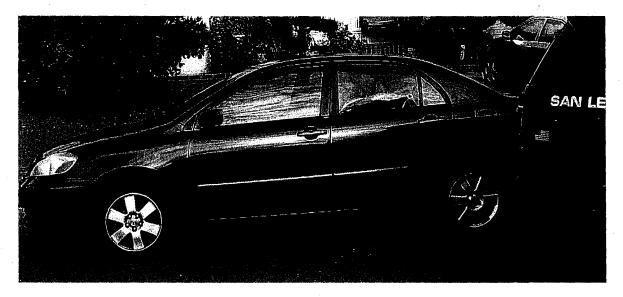


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rifle toward the direction of the suspect. It looked as if this is the round which went through the blue Toyota, but at this time it is not certain. This picture below is a photograph of the aforementioned Toyota.



From the other angle (Officer Hackl, Officer Fletcher, Officer Salazar, and Det. Perry), they said the following:

Officer Hackl said when he noticed the rear door of the suspect vehicle open he noticed Mario had a gun in his hand and it looked to him as if Mario was beginning to point the gun in the general direction of where Sgt. Young and Officer Ying were positioned.

Detective Cesaretti said he was positioned behind a tree, but he heard Officers giving commands for Mario to come out from the vehicle, to show them his hands, and that they were there to help Mario and not hurt him. Det. Cesaretti stated the suspect was not complying with any commands given. Detective Cesaretti said he heard another gunshot come from the suspect vehicle and shortly after that he heard a volley of gunshots coming from his left side where Officer Ying and Sgt. Young were positioned (See Detective Cesaretti's statement for further).

Officer Salazar who was also with the group of Officers on the East side stated the following in summary:

Officer Salazar took a position behind the jeep which was parked on the north curb line of 137th Avenue. Officer Salazar could not see into the vehicle but knew there was movement inside. While he was providing cover, he saw Mario exit the vehicle and it



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appeared to him Mario had a gun. Officer Salazar said he was in fear for his safety and everyone else involved. Officer Salazar heard a volley of gunfire from his South which was where Sgt. Corti and Officer Ying were positioned. Officer Salazar said he believed Mario had fired his gun at the Officers.

Officer Fletcher said he took a position to the rear of Officer Hackl's vehicle which was parked in the middle of the street. Officer Fletcher heard a gunshot come from the suspect vehicle, and noticed smoke come from the suspect vehicle. He heard Officers giving multiple verbal commands for the suspect to give up. Officer Fletcher then noticed the rear suspect vehicle's door open and Mario had a gun in his hand. He remembers the suspect did not raise himself up once outside the vehicle. Officer Fletcher yelled at the suspect to drop the gun. Mario held the gun in a horizontal position. Officer Fletcher said he did not have a clear shot of the suspect because the suspect was more behind the trunk of the vehicle not exposing himself.

Sgt. Corti lost visual contact with Mario and assumed he was laying between the cars. He had communication with the other team off to the East who also stated they could not see where Mario was after the shots were fired. At this point Sgt. Corti was thinking to himself, why did Mario do this, he (Sgt. Corti) did not want to be in a shooting, and he became irritated. Sgt. Corti took a breath and realized they still had a job to do, and they could not see him any longer. Sgt. Corti realized they needed to see Mario before they approached because he realized he may not be hit and may be waiting for the Officers to expose themselves and fire again.

Sgt. Corti moved to another position which was directly across the street from in order to get better positioning to see if he could see Mario. Once Sgt. Corti moved to the truck he had a good visual of the vehicle, and was able to look between the 2 cars which were parked in the driveway. At that point he heard Det. Cesaretti said he saw movement inside the car and Mario was back inside the car. Sgt. Corti noticed the left rear driver's side door open and he could see Mario's leg, and left hand. Sgt. Corti noticed movement as well so he began to make several more verbal commands from his location. Saying something to the affect, "Mario please come out, we don't want to hurt you."

A team then came over to Sgt. Corti's position, and Sgt. Corti sees Mario's two hands come out from the rear of the car where he was seated. Sgt. Corti is giving radio updates as to what he is seeing. Sgt. Corti then noticed Mario roll out from the car and noticed his white "t" shirt was bloody as he rolled out from the car. Mario had his hands up and Sgt. Corti realized he no longer had the gun in his hands.

Once Mario was out from the car, they had him scoot or roll on his back away from the car. Knowing there was still a gun nearby, they had Mario roll all the way to north curb



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almost all the way out to the street. They then had Officer Fry drive a patrol Suv from the west and used it as cover while they went to detain Mario and provide him medical care.

Once the car was parked, they moved toward Mario, and drug him out to the street and handcuffed him while another team cleared the vehicle. Sgt. Corti noticed what looked as if it was a single gunshot wound to Mario's back. He instructed Officer Fry to get a chest seal on the wound and cover it. Before they could do that, the already awaiting fire department arrived and began medical aid to Mario.

I asked Sgt. Corti if there was any other opportunity for them to just leave the situation. Sgt. Corti told me with the 2 school's nearby with an estimated 3000 students, the residential neighborhood, Mario having a gun, and already shot the gun two times he felt Mario posed a threat to the community.

I asked Sgt. Corti his thought process after he heard the first gun shot. Sgt. Corti said he originally thought the first gunshot was Mario committing suicide. However after thinking of this while he was still on scene, he realized the bullet came out the window. Sgt. Corti figured he either had a high powered gun and the bullet went through Mario then through the window or Mario was shooting at them.

I then wanted to get specific on times between the gunshots fired from Mario. Sgt. Corti estimated a minute or less between the first gunshot and the second gunshot. After the second gunshot, Sgt. Corti was now thinking "he does not want to get into a shooting right now, we do not need to go through this."

Sgt. Corti and Officer Ying said if they did not stop Mario when he began to raise the gun toward the direction of the Officers to the east of him were going to die, and they had no other choice other than discharging their firearm.

Sgt. Corti said his last shot (third shot) was when he felt comfortable the threat was either neutralized or over, and that is why he did not discharge his firearm again.

Officer Ying said after he fired his first round, he could not see the suspect any longer and that is when he felt the threat was either over or subsided.

I asked Sgt. Corti if he thought from his point of view if the Officers to the east would have seen the gun being raised toward them. Sgt. Corti said from where his positioning was when Mario was raising the gun toward the Officers to the east, he does not think the Officers to the east would have been able to see the gun being raised toward them to his knowledge. Sgt. Corti said from what it looked like only basing it on the angles is that



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the Officers to the east only would have been able to see the gun if Mario raised it above the level of the trunk.

I asked Sgt. Corti about how far he was when he discharged his firearm in order to stop the threat. Sgt. Corti and Officer Ying estimated they were approx. 20-30 yards away when they discharged their firearm. Sgt. Corti said the officers to the east of them were approx. 15 feet away from Mario, which was Officer Hackl's location.

I asked Sgt. Corti why they did not just walk away from the incident. Sgt. Corti again reiterated with the mention of 2 guns, the schools nearby, and the unknown of anyone else inside, and as they were setting up Mario firing the initial round, Mario did not give them an opportunity to walk away. Sgt. Corti said if they made contact and he was just having a bad day and there was not a mention of gun, they could have had the opportunity to walk away from the incident.

On 10-23-2015, Detective Benz and I went to Eden Hospital where we interviewed Ar-Mario Torres. Please see attachment which is titled (Mario Torres Statement).

Once Alameda County Crime Lab was completed, I had Detectives serve the Search Warrant on 137th Avenue. Approx. 1900 hours they began searching the home. During the execution of the search warrant, Det. Walton noticed a fresh bullet hole in the upper left corner of a large window which faced the front of the home. On the floor below the window, Detective Walton noticed an expended bullet on the floor (see Det. Walton and Det. Nelson's supplemental report for further. During their search of the home they recovered.

It should be noted Sgt. Morgan did the formal round count for each officer with Officer Goodman (see Sgt. Morgan's supplemental report for further).

Patrol officers conducted a neighborhood canvass and received negative statements as to them seeing anything. Most of these contacts were recorded on the Officers body cameras.

Sgt. Sanchez was the liaison between the Alameda County Crime Lab and our Police Department. I asked Sgt. Sanchez if the gun which was recovered from the ground was loaded at the time of collection. Sgt. Sanchez advised the gun was not loaded but had one expended casing in the revolver's chamber (see Sgt. Sanchez' supplemental report for further)

Officer Ying's department issued rifle was collected as evidence, as well as Sgt. Corti's handgun.



SAN LEANDRO POLICE DEPARTMENT Criminal Investigation Division-Crimes Against Persons Unit

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Sgt. Corti was provided another Glock .40 caliber gun from the administration.

I attached a copy of the map which we used for clarity during the witness Officers testimony.

I also made copies of all video and audio recordings and submitted those into evidence.

Supplemental reports and statements are also attached.



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CAD CALL TIMELINE

0841 hoursDispatch receives a call from
o847 hoursDispatch advises and Daughter to leave the house
o849 hoursUnits arrive on scene
0850 hoursOfficers Speak and make contact with and
0851 hoursUnits advise they have visual of suspect in vehicle
0853 hoursFreshman Campus at 137 and Bancroft locked down
0854 hoursSgt. Corti attempting to make verbal contact with Mario
0854 hoursMedical is asked to stage
0855 hoursOfficers hear single gunshot
o857 hoursOfficers hear second gunshot
0859 hoursOfficers engage suspect as he gets out from the car with the gun
0902 hoursMario rolls back out from the car and begins complying with
commands given by Officers
0907 hoursMario detained, and provided medical care for a gunshot wound
0910 hoursScene taped off with yellow caution tape for crime scene preservation



Criminal Investigation Division-Crimes Against Persons Unit

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Case # 15-50010

Summary of incident

On 10-23-2015, approx 0841 hours, SLPD dispatch advised of a suicidal subject at 137th Avenue. The reporting party, stated her husband, Ar-Mario Torres was in his vehicle with a gun.
Units arrived on scene and contacted the reporting party, and daughter, Once they were escorted to safety the Officers learned the subject had a gun and he was seated inside his vehicle which was parked on the east side of the driveway.
Officers were concerned for the safety of the public based on statements made by the family, who stated Ar-Mario Torres said "goodbye" to all of them as if he was going to die today. Officers set up a tactical plan and had the entire street blocked off. There are 2

As the Officers set a perimeter and made a tactical plan, verbal commands were given over and over for Ar-Mario Torres to exit his vehicle. As the Officers were set up, a single gunshot from within the car was heard. The round which Ar-Mario Torres fired exited the vehicle as the witness Officers saw glass shattering in an outward direction from the

schools which were in session a short distance away from where this incident took place.

Approx 2 minutes after that gunshot, another shot was heard coming from the same vehicle. Officers thought the subject was shooting rounds at them after the second gunshot was heard.

Multiple clear verbal commands were given for him to exit without the gun in his hand, (which the suspect said he heard in a mirandized statement). Ar-Mario Torres still did not exit the vehicle immediately as requested by Officers. A short time later, Ar-Mario Torres opened the rear door and rolled out from the vehicle as if he was trying to stay low in a tactical position to not expose himself. As he rolled out from his vehicle, he began to raise his weapon toward 4 victim officers which were on the East end of the street. These officers were approx 15-20 feet from Ar-Mario Torres. Two other officers on the west end of the street saw this and feared their fellow Officers were about to get shot. These two officers discharged their firearm attempting to eliminate the threat of death or great bodily injury to the 4 victim Officers who Ar-Mario Torres' gun was aimed at. Ar-Mario Torres was struck by at least one round and subsequently complied and crawled out to the street where he was rendered first aid.



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Based on the fact that Ar-Mario Torres deliberately aimed and pointed his gun at these officers, after having plenty of opportunity to surrender, he is in violation of 664/187 p/c (attempt murder)



901 E. 14TH STREET POLICE REPORT SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 PC

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 333\ BUSS, BRIAN, , DATE / TIME WRITTEN

10/23/2015 11:24

APPROVING SUPERVISOR SELLERS, DANIEL, C

DETAILS:

ON 10/23/15, APPROX. 0945 HRS., I RESPONDED TO THE 1500 BLOCK OF 137TH AVENUE TO ASSIST WITH A SHOOTING CRIME SCENE. UPON ARRIVAL I SPOKE TO SGT SELLERS AND HE ASKED ME TO START A LOG OF OFFICERS WHO HAVE ENTERED AND EXITED THE CRIME SCENE. THE FOLLOWING IS THE APPROXIMATE TIME (SOURCE CAD) EACH OFFICER ENTERED AND EXITED THE CRIME SCENE. EXIT TIME IS UNKNOWN AT THE TIME OF THIS REPORT FOR SOME OFFICERS.

MORGAN 0922 HRS CESARETTI 0906 HRS BENZ 1032 HRS HACKL 0849 HRS YOUNG 0906 HRS CORTI 0850 HRS MOORE 0919 HRS BUSS 1018-1103 HRS FLETCHER 0851 HRS SALAZAR 0851 HRS SELLERS 0848 HRS KALSBEEK 0910 HRS CASTRO 0936 HRS FRY 0936 HRS SEKHON 0919 HRS YING 0850 HRS BECERRA 0849 HRS PERRY 0906 HRS ROGERS 1032 HRS MCMANUS 1010-1018 HRS RAMSEY 1015 HRS

AT 1100 HRS OFFICER MOORE TOOK OVER THE LOG. SEE OFFICER MOORE'S LOG SUPPLEMENTAL REPORT FOR DETAILS.

I ALSO CANVASSED THE NEIGHBORHOOD IN ATTEMPT TO CONTACT WITNESSES. I MADE CONTACT WITH THE FOLLOWING ADDRESSES:

137TH AVE RESIDENTS NOT AT HOME (NAH)

137TH AVE RESIDENT

DID NOT SEE OR HEAR ANYTHING

137TH AVE RESIDENTS NAH

137TH AVE RESIDENT

DID NOT SEE OR HEAR ANYTHING

137TH AVE RESIDENTS NAH

137TH AVE RESIDENT

DID NOT SEE OR HEAR

ANYTHING

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137TH AVE RESIDENTS NAH

137TH AVE RESIDENTS NAH

137TH AVE RESIDENTS NAH

137TH AVE RESIDENTS NAH

137TH AVE RESIDENTS NAH

137TH AVE RESIDENT SEE OR HEAR ANYTHING

WAS SLEEPING AND DID NOT

137TH AVE RESIDENTS NAH

137TH AVE RESIDENT

DID NOT SEE OR HEAR

POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



2015-000

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 PC

SUPPLEMENTAL NARRATIVE CONTINUATION

REPORTING OFFICER 333\ BUSS, BRIAN, , DATE / TIME WRITTEN

10/23/2015 11:24

APPROVING SUPERVISOR SELLERS, DANIEL, C

ANYTHING

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137TH AVE RESIDENTS NAH

137TH AVE RESIDENT

OUTSIDE AND DID NOT SEE ANYTHING INCLUDING POLICE.

137TH AVE RESIDENTS NAH

137TH AVE RESIDENT

HEARD 3-4 SHOTS. NEIGHBOR

HEARD "THREE POPS" LOOKED

ACKOSS THE STREET TOLD HER TO GO BACK INTO THE HOUSE.

137TH AVE RESIDENTS NAH

137TH AVE RESIDENTS NAH 137TH AVE RESIDENTS NAH

137TH AVE RESIDENTS NAH

SEE THE INVESTIGATIVE REPORT FOR DETAILS.

POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-0005(

PRIMARY OFFENSE / OCCURRED INCIDENT

5150 W&I

SUPPLEMENTAL NARRATIVE

365\ CASTRO, NORBERT, ,

DATE / TIME WRITTEN 10/23/2015 12:26 APPROVING SUPERVISOR SELLERS, DANIEL, C

DETAILS:

ON 10-23-2015, ABOUT 0855 HOURS, I OVERHEARD ON MY RADIO THERE WERE SHOTS FIRED AT A SCENE OF A SUICIDAL SUBJECT AT 137TH AVE. I RESPONDED TO THE SCENE FROM OFFICE DEPOT LOCATED AT 1933 DAVIS STREET.

WHEN I ARRIVED ON SCENE ABOUT 0902 HOURS, I WAS DIRECTED BY DETECTIVE PERRY TO TAKE AND DAUGHTER OF THE SUICIDAL SUBJECT TO THE SLPD STATION. THE WIFE,

AT ABOUT, 0928 HOURS, I TURNED AND HER DAUGHTER OVER TO DETECTIVE PERRY.

ON 10-23-2015, ABOUT 0947 HOURS, I RESPONDED TO THE CRIME SUPPRESSION UNIT OFFICE AT THE SAN LEANDRO POLICE DEPARTMENT TO OVERSEE THE INVOLVED WITNESSES' FOR THIS INCIDENT.

AT 1045 HOURS, I WAS RELIEVED OF THIS DUTY BY OFFICER ROBERTSON.

NOTHING FURTHER.

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POLICE REPORT SAN LEANDRO, CA 94577

901 E. 14TH STREET (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PAGE

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 PC

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 280\ SELLERS, DANIEL, C, - SGT. DATE / TIME WRITTEN 10/23/2015 13:55

APPROVING SUPERVISOR SELLERS, DANIEL, C

ON 23 OCT 2015 AT ABOUT 0842HRS OFFICERS RESPONDED TO 137TH AVE ON A REPORT OF A MALE (LATER IDENTIFIED AS MARIO TORRES) THREATENING TO KILL HIMSELF.

SLPD DISPATCH ADVISED THAT THERE WERE TWO GUNS REGISTERED TO TORRES. THEY FURTHER ADVISED THAT THE R/P WAS TORRES' ADULT DAUGHTER CALLING FROM SANTA CRUZ. I CONFIRMED WITH DISPATCH THAT THE METHOD STATED WAS INDED WITH A GUN AND DISPATCH CONFIRMED THIS. I FURTHER LEARNED VIA SLPD RADIO THAT TORRES' WIFE AND ANOTHER ADULT DAUGHTER WERE IN THE HOUSE. I AM A HOSTAGE NEGOTIATOR AND CRISIS INTERVENTION TRAINED AND AM AQUAINTED WITH DEALING WITH PERSONS IN EMOTIONAL OR MENTAL HEALTH CRISIS.

UNITS REQUESTED VIA SLPD RADIO THAT THE WIFE AND DAUGHTER ON SCENE LEAVE THEHOUSE AND MEET WITH AN OFFICER OUTSIDE. I ARRIVED ON SCENE AND SET UP THE COMMAND POST AT THE CORNER OF 137TH AVE AND BANCROFT. ADDITIONAL UNITS ARRIVED AND UNDER THE SUPERVISION OF SGT CORTI BEGAN TO SET UP A REACTION TEAM. I SENT OFFICERS BECERRA AND AN ADDITIONAL OFFICER TO RESPONDED E/B 137TH AVE ON FOOT TO ESCORT THE SUBJS BACK FROM THE HOUSE. WE WERE LAST ADVISED THE SUSP WAS INSIDE THE GARAGE.

ONCE OFFICERS RETURNED WITH THE FEMALES, SGT CORTI, SGT, YOUNG, AND SEVERAL OFFICERS BEGAN TO MOVE ON FOOT TOWARD THE HOUSE IN QUESTION. I GLANCED AT THE COMPUTER SCREEN AND SAW A FURTHER DETAIL THAT I DID NOT HEAR OVER THE RADIO. THIS WAS THAT THE SUSP WAS NOW OUTSIDE THE RESIDENCE IN A PARKED VEH. I BECAME IMMEDIATELY CONCERNED FOR THE SAFETY OF THE RESPONDING OFFICERS AND ADVIED OVER THE RADIO THAT THE SUSP WAS IN A VEH IN FRONT OF THE HOUSE.

THE SAN LEANDRO HIGH SCHOOL FRESHMAN CAMPUS WAS LOCKED DOWN AT MY REQUEST AND I PHONED SLPD DISPATCH TO HAVE A SHELTER IN PLACE ORDER MADE FOR THE AREA OF THE 1500 BLK OF 137TH AVE. MEDICAL WAS STAGED BY SGT CORTI.

UNITS ARRIVED AND ADVISED THEY MADE CONTACT WITH THE SUSP TORRES. I HEARD OVER THE RADIO THAT SHOTS WERE FIRED FROM INSIDE THE VEH AND A GUN WAS SEEN. I HEARD SHORTLY THEREAFTER SEVERAL SHOTS FROM THE AREA AND OFFICERS ADVISING THERE WAS AN OFFICER INVOLVED SHOOTING. NO OFFICERS WERE INJURED. I GAVE THE SOFT SHIELD TO OFC KALSBEEK IN ORDER TO PROVIDE MORE COVER TO THE OFFICERS AT THE SCENE. HE RESPONDED ON FOOT TO THE SCENE AND GAVE IT TO THE OFFICERS.

I CONTINUED TO MONITOR THE INCIDENT FROM THE COMMAND POST AS IT UNFOLDED. ONCE THE SCENE WAS SECURE, I DIRECTED ALACO FIRE AND PARAMEDICS PLUS INTO THE SCENE.

I CONTINUED TO MONITOR THE INCIDENT FROM THE COMMAND POST UNTIL CAPT TUDOR ARRIVED ON SCENE AND I BRIEFED HIM.

ONCE THE SUSP WAS TRANSPORTED BY PARAMEDICS PLUS TO EDEN HOSPITAL (OFC I FRY WAS WITH THE SUSP TORRES INSIDE THE AMBULANCE) I WAS ADVISED BY OFC FRY HE WAS IN STABLE THE OFFICERS INVOLVED, OFFICERS YING AND SGT CORTI, ALONG WITH WITNESS OFFICERS HACKL, SGT YOUNG, OFC PERRY, OFC CESARETTI, OFC FLETCHER, AND OFC SALAZAR, RESPONDED TO THE COMMAND POST WHERE THEY REMAINED UNDER MY SUPERVISION UNTIL ARRANGEMENTS COULD BE MADE TO HAVE THEM ALL TRANSPORTED TO THE SAN LEANDRO POLICE DEPARTMENT FOR APPROPRIATE INTERVIEWS.

IT SHOULD BE NOTED THAT IN A PUBLIC SAFETY INTERVIEW, I WAS ADVISED BY SGT CORTI THAT HE FIRED 3 ROUNDS FROM HIS HANDGUN AT THE SINGLE SUSP (IN CUSTODY) TO THE BEST OF HIS RECOLLECTION. OFFICER YING ADVISED HE FIRED ONE ROUND FROM HIS SLPD PATROL RIFLE AT THE SINGLE SUSP (IN CUSTODY) TO THE BEST OF HIS RECOLLECTION. I DID NOT ASK ANY FURTHER QUESTIONS REGARDING THE INCIDENT.

SGTS ANTHONY AND MORGAN OF CID ARRIVED ON SCENE AND ASSUMED CONTROL OF THE CRIME SCENE.

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POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 261\ MOORE, GARY, E, DATE / TIME WRITTEN 10/23/2015 15:32 APPROVING SUPERVISOR SELLERS, DANIEL, C

DETAILS:

ON 102315 APPROX 0857 HRS I HEARD BROADCASTED VIA RADIO SHOTS FIRED FROM A CALL ON 137TH AVE. I DID NOT KNOW THE ADDRESS IN QUESTION. THEREFORE, I JUST RESPONDED TO THE AREA OF 137TH AVE AND BANCROFT AVE. TO DETERMINE IF IT WAS EAST OR WEST OF BANCROFT AVE. UPON MY ARRIVAL I OBSERVED THAT THE INCIDENT HAD OCCURRED EAST OF BANCROFT AVE. AND RESPONDED TO THAT AREA.

I OBSERVED A MALE LAYING ON THE DRIVEWAY IN BETWEEN TWO VEHICLES. HE WAS GIVEN COMMANDS BY AN OFFICER TO SLIDE HIMSELF FROM BETWEEN THE VEHICLES AND TO KEEP HIS HAND AWAY FROM THE GUN. HE COMPLIED. AT THIS POINT I TOOK HOLD OF THE SOFT ARMORED SHIELD AND ASSISTED IN WALKING UP WITH OTHER OFFICERS TO CLEAR THE VEHICLES IN THE DRIVEWAY WHILE HE WAS BEING DETAINED BY OTHER OFFICERS. I THEN ASSISTED IN CLEARING THE HOUSE FOR ANY SUSPECT(S) OR VICTIMS.

ONCE I COMPLETED ASSISTING IN THE SEARCH I STOOD GUARD SO NO ONE WOULD REMOVE THE GUN FROM THE CRIME SCENE. HOWEVER, I DID NOT PHYSICALLY SEE THE GUN SINCE IT WAS COVERED BY CLOTHING.

I WAS LATER GIVEN THE LOG SHEET TO LOG ANYONE WHO ENTERED AND EXITED THE CRIME SCENE. AT 1140 HRS I HANDED THE LOG OVER TO PST. PATINO WHO TOOK OVER THE LOG SHEET.

NFD.

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901 E. 14TH STREET POLICE REPORT SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

OFFICER INVOLVED SHOOTING

SUPPLEMENTAL NARRATIVE

343\ ROBERTSON, JOHN, ,

DATE / TIME WRITTEN 10/23/2015 15:16

APPROVING SUPERVISOR SELLERS, DANIEL, C

DETAILS:

ON 10/23/15, I WAS WORKING AT THE SAN LEANDRO POLICE DEPARTMENT AT 901 E. 14TH STREET ASSIGNED TO THE RECORDS DIVISION (MODIFIED DUTY, CLASS D UNIFORM). SEVERAL WITNESS OFFICERS FROM A SHOOTING INCIDENT WERE SEQUESTERED IN THE "SOUTH OFFICES" OF THE DEPARTMENT. ABOUT 1045 HOURS, I RELIEVED OFC. CASTRO AND REMAINED WITH THE WITNESS OFFICERS. AT NO POINT DID ANYONE IN THE SOUTH OFFICES SPEAK OF THE RECENT SHOOTING INCIDENT. AT 1530 HOURS, I WAS RELIEVED BY OFC. GOODMAN WHO REMAINED WITH THE WITNESS OFFICERS.

NO FURTHER DETAILS.

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POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

PC 664/187

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 341\ KALSBEEK, JOSEPH, , DATE / TIME WRITTEN 10/23/2015 17:18 APPROVING SUPERVISOR SELLERS, DANIEL, C

SEE MY EVIDENCE TECHNICIAN REPORT AND PRIMARY REPORT FOR FURTHER DETAILS.

END OF SUPPLEMENTAL REPORT.

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SUPPLEMENTAL NARRATIVE

POLICE REPORT SAN LEANDRO, CA 94577

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CASE NO 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

PC 664/187

REPORTING OFFICER 349\ FRY, IAIN, ,

10/23/2015 21:15

APPROVING SUPERVISOR

ON 10/23/15 AT APPROXIMATELY 0850 HOURS, I RESPONDED TO 137TH AVENUE FOR A REPORT OF A SUICIDAL MALE WHO HAD ACCESS TO SEVERAL FIREARMS. I WAS IN FULL UNIFORM 137TH AVENUE FOR A IN A MARKED PATROL VEHICLE WHEN UNITS ON SCENE ADVISED OF A SINGLE GUN SHOT FROM INSIDE OF A VEHICLE PARKED IN THE DRIVEWAY. I RESPONDED CODE 3 ACTIVATING MY OVERHEAD LIGHTS AND SIREN. WHILE EN ROUTE UNITS ON SCENE ADVISED "SHOTS FIRED," WHEN I ARRIVED ON SCENE DETECTIVE PERRY ADVISED ME THAT THEY NEEDED A VEHICLE FOR COVER. I DEPLOYED MY DEPARTMENT APPROVED AR-15 RIFLE AND I DROVE MY SUV EB ON 137TH FROM BANCROFT AND PROVIDED COVER FOR UNITS ON SCENE WHO WERE DIRECTING THE SUSPECT, WHO WAS LATER IDENTIFIED AS S-TORRES, OUT TO THE STREET.

S-TORRRES WAS TAKEN INTO CUSTODY WITHOUT INCIDENT. ONCE IT WAS DETERMINED THAT HE DID NOT HAVE ANY WEAPONS ON HIS PERSON I RETRIEVED MY MEDICAL KIT FROM THE FRONT PASSENGER COMPARTMENT OF MY VEHICLE AND CUT OFF HIS SHIRT. I LOCATED TWO GUNSHOT WOUNDS ON HIS BACK. ONE WAS ON TOP OF HIS RIGHT SHOULDER NEAR HIS NECK AND THE OTHER WAS ON THE UPPER RIGHT SIDE OF HIS BACK ON TOP OF HIS RIGHT SCAPULA. I REMOVED BANDAGES FROM MY MEDICAL KIT AND APPLIED PRESSURE TO THE GUNSHOT WOUND ON HIS BACK. ALCO FIRE ARRIVED ON SCENE SHORTLY AFTER AND PROVIDED MEDICAL AID TO S-TORRES. HE WAS LOADED INTO AN AMBULANCE AND TRANSPORTED CODE 3 TO EDEN MEDICAL CENTER. I MAINTAINED CUSTODY OF S-TORRES AND RODE IN THE AMBULANCE FOR THE TRANSPORT.

AT EDEN MEDICAL CENTER AFTER SEVERAL X-RAYS AND AN MRI IT WAS DETERMINED THAT STORRES HAD 1 GUNSHOT WOUND TO HIS BACK. THE DOCTOR DETERMINED THAT IT ENTERED HIS UPPER RIGHT SHOULDER AND EXITED ABOVE HIS RIGHT SCAPULA (SHOULDER BLADE). THE DOCTOR STATED THAT S-TORRES WAS STABLE AND ONLY HAD SOFT TISSUE DAMAGE FROM THE GUNSHOT WOUND. DUE TO S-TORRES HAVING AN ABNORMALLY HIGH HEART RATE THE DOCTOR ADVISED THAT HE WAS GOING TO ADMIT HIM FOR OBSERVATION OVERNIGHT.

DUE TO S-TORRES STATEMENT THAT HE WANTED TO KILL HIMSELF AND HIS APPARENT ATTEMPT TO SHOOT HIMSELF I DETERMINED THAT HE WAS A DANGER TO HIMSELF AND OTHERS.

WHILE I WAS SITTING WITH S-TORRES IN THE EMERGENCY ROOM AT EDEN HOSPITAL HE BEGAN TALKING ABOUT HOW HIS WIFE HAS BEEN CHEATING ON HIM. I ACTIVATED MY PVR AND RECORDED WHAT HE WAS SAYING. I DID NOT ENGAGE HIM IN CONVERSATION OR ASK ANY QUESTIONS RELATED TO THE SHOOTING. HE PROVIDED ME WITH THE FOLLOWING SPONTANEOUS STATEMENT:

THERE ARE SEVERAL RECORDINGS ON THE PVR BECAUSE S-TORRES WOULD TALK FOR A WHILE AND THEN SLEEP. WHEN HE STARTED TALKING AGAIN I RE ACTIVATED THE PVR.

S-TORRES STATED THAT HE HAS BEEN WITH HIS WIFE FOR APPROXIMATELY 25 YEARS AND THEY HAVE TWO DAUGHTERS. HE IS A BUS DRIVER FOR AND WORKS HARD SO THAT HIS WIFE CAN HAVE WHATEVER SHE WANTS. HE RECENTLY DISCOVERED THAT SHE HAS BEEN CHEATING ON HIM WITH ANOTHER MAN. SHE HAS BEEN TAKING HER PHONE WITH HER EVERY TIME SHE GOES INTO THE BATHROOM AND REFUSING TO LET HIM CHECK HER MESSAGES. HE WAS ABLE TO SEE HER PASS CODE AND CHECKED HER CELL PHONE. HE DISCOVERED A SERIES OF EMAILS BETWEEN HER AND ANOTHER MAN WHO HAVE BEEN HAVING AN ONGOING RELATIONSHIP. HE CONFRONTED HER ABOUT THE MESSAGES AND SHE TRIED TO DENY THAT SHE WAS HAVING A SEXUAL RELATIONSHIP WITH HIM. THEN SHE APOLOGIZED, STATED THAT SHE SCREWED UP AND TOLD HIM THAT SHE WOULD GO TO MARRIAGE COUNSELING WHICH SHE HAD PREVIOUSLY REFUSED TO DO.

HE ALSO STATED THAT THIS IS NOT THE FIRST TIME THAT SHE HAS CHEATED ON HIM. WHEN HE WORKED AT THE POST OFFICE SHE WAS CHEATING ON HIM WITH ONE OF HER CO WORKERS. HE ALSO STATED THAT SEVERAL MONTHS AGO HE TOOK HER TO NAPA, PAID A LOT OF MONEY TO GET THE BEST TABLE AND DINNER. HE THOUGHT THAT THEY WERE DOING GOOD AND HAVING A GREAT TIME BUT SHE KEPT TEX TING SOMEONE WHILE THEY WERE AT DINNER. SHE TOLD HIM THAT SHE WAS TEX TING THEIR DAUGHTER BUT LATER HE FOUND OUT THAT SHE WAS TEX TING ANOTHER MAN. HE STATED THAT SINCE THEN HE HAS NOT BEEN ABLE TO SLEEP AND HE HAS LOST WEIGHT. HE HAS BEEN PARANOID THAT ANOTHER MAN HAS COME OVER TO HIS HOUSE WHEN HE LEAVES TO WORK IN THE MORNING .HE STATED THAT LAST NIGHT WAS THE LAST STRAW AND HE WAS DONE WITH HER.



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CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

PC 664/187

SUPPLEMENTAL NARRATIVE CONTINUATION

349\ FRY, IAIN,

DATE / TIME WRITTEN 10/23/2015 21:15

APPROVING SUPERVISOR

AFTER S-TORRES WAS MOVED TO ROOM 2102 ON THE SECOND FLOOR OF THE HOSPITAL THE BATTERY ON MY PVR DIED. HE WENT THROUGH SEVERAL BOUTS OF UNCONTROLLABLE SOBBING AFTER THE NURSE ASKED HIM WHAT HAPPENED. SHE ASKED HIM IF HE WAS TRYING TO KILL HIMSELF AND HE STATED THAT HE WAS BUT HE NO LONGER WANTED TO DO IT. HE THEN STARTED TALKING AGAIN ABOUT WHAT HAPPENED THIS MORNING. HE STATED THAT HE HAD APPROXIMATELY 6 SWIGS OF TEQUILA FROM THE BOTTLE. HE TOLD HIS WIFE, DAUGHTERS AND HIS DOG GOODBYE AND WENT INTO HIS CAR WHERE HE KEEPS HIS GUN. HE HAS TWO GUNS THAT HIS FATHER IN LAW GAVE HIM. ONE IS A REVOLVER AND THE OTHER ONE IS FROM THE VIETNAM ERA BUT HE DID NOT SPECIFY WHAT KIND IT WAS. WHEN HE WENT INTO THE CAR HE WAS PLANNING ON SHOOTING HIMSELF.

HE HAD TO CRAWL THROUGH THE BACK SEAT INTO THE TRUNK WHERE HE KEPT THE REVOLVER WHICH WAS HARD BECAUSE HE HAD A BROKEN HAND. HE BROKE IT THE DAY BEFORE WHEN HE PUNCHED A WALL BECAUSE HE WAS ANGRY AT HIS WIFE FOR CHEATING. HE GOT THE REVOLVER OUT OF THE TRUNK AND LOADED ONE ROUND IN IT. HE WAS NOT FAMILIAR WITH THE GUN AND HAD A HARD TIME GETTING THE CYLINDER TO COME OUT. AFTER HE GOT IT LOADED THE GUN WENT OFF. HE STATED THAT HE WAS TRYING TO SCARE HIS WIFE. HE UNLOADED THE CASING AND LOADED ANOTHER ROUND INTO THE GUN BUT HE COULD NOT GET IT TO FIRE. WHEN THE GUN FINALLY WENT OFF HE SHOT OUT THE WINDOW. HE WENT THROUGH SEVERAL MORE BOUTS OF UNCONTROLLABLE SOBBING AND ASKED ME IF I WOULD TELL HIS DAUGHTERS THAT HE WAS ALL RIGHT.

AT APPROXIMATELY 1745 HOURS I WAS RELIEVED AT THE HOSPITAL BY OFFICER RENDEZ WHO TOOK CUSTODY OF S-TORRES. I UPLOADED ALL PVR VIDEO AT THE END OF MY SHIFT. (REFER TO THE VIDEO RECORDING FOR ADDITIONAL INFORMATION)

END OF REPORT.

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CONTINUATION



901 E. 14TH STREET POLICE REPORT SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

1

PRIMARY OFFENSE / OCCURRED INCIDENT

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 356\ SEKHON, DILJEET, , DATE / TIME WRITTEN 10/23/2015 12:45

APPROVING SUPERVISOR

ON 10/23/15 ABOUT 0900 HOURS, I WAS DISPATCHED TO 137TH AVENUE AND BANCROFT TO ASSIST UNITS ON A CALL REGARDING SUICIDE THREATS.

UPON ARRIVAL, I ASSISTED WITH PUTTING UP CRIME SCENE TAPE IN ORDER TO SECURE THE SCENE. I PUT THE TAPE UP ABOUT TWO HOUSED TO THE EAST AND WEST OF THE CALL LOCATION.

WHILE ON SCENE, I WAS TASKED WITH CANVASSING THE AREA FOR ANY POTENTIAL WITNESSES THAT SAW THE INCIDENT TAKE PLACE. I RECEIVED NO ANSWER FOR THE FOLLOWING ADDRESSES:

137TH AVENUE 137TH AVENUE 137TH AVENUE 137TH AVENUE 137TH AVENUE DOES HAVE CAMERA SYSTEM 137TH AVENUE 137TH AVENUE 137TH AVENUE

I CONTACTED THE LISTED WITNESSES AT THE CALL LOCATION. EACH OF THE WITNESSES THAT I CONTACTED WAS RECORDED VIA PVRS CAMERA. EACH WITNESS ADVISED THAT THEY DID NOT SEE THE INCIDENT TAKE PLACE. THEY HEARD A FEW SHOTS FIRED AND THEN A LOT OF POLICE OFFICERS AND MEDICAL STAFF.

NO FURTHER DETAILS.

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POLICE REPORT

901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 PC/HOMICIDE

SUPPLEMENTAL NARRATIVE

257\ KWAN, RICHARD, W,

DATE / TIME WRITTEN 10/23/2015 19:41

APPROVING SUPERVISOR GILL, RYAN,

ON 10/27/15, AT APPROXIMATELY 0900 HRS., I WENT TO EDEN HOSPITAL TO RELIEVE OFC. BACON OF GUARD DUTIES FOR TORRES. AT APPROXIMATELY 1648 HRS. FROM THE HOSPITAL AND APPROVED FOR INCARCERATION

WHILE TORRES WAS IN THE HOSPITAL.

AFTER BEING DISCHARGED FROM THE HOSPITAL, I TRANSPORTED TORRES TO ONCE THERE ;

TORRES WAS APPROVED FOR INCARCERATION. AT APPROXIMATELY 1633 HRS., I TRANSPORTED TORRES TO SANTA RITA JAIL FOR BOOKING. SEE POLICE REPORT FOR FURTHER DETAILS.

NO FURTHER DETAILS.

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POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 322\ ROGERS, THOMAS, , DATE / TIME WRITTEN 10/23/2015 14:02 APPROVING SUPERVISOR LEJA, DANIEL, C

DETAILS:

This report is to document the listed subjects I spoke contacted and the property this officer submitted.

Nothing further.

NARRATIVE



POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



PRIMARY OFFENSE / OCCURRED INCIDENT

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER 1134\ PATINO, ANNA, , DATE / TIME WRITTEN 10/28/2015 10:00

APPROVING SUPERVISOR TENG, EN-GUANG (ABE), A

On 10/23/2015 AT APPROXIMATELY 0935 HOURS I RESPONDED TO 137TH AND BANCROFT FOR TRAFFIC CONTROL ON 136TH AND BANCROFT. AT APPROXIMATELY 1127 HOURS I WAS RELIEVED FROM MY POST.

AT APPROXIMATELY 1127 HOURS I WAS RADIOED BY AN IDA UNIT TO RELIEVE AND TAKE OVER OFFICER MOORE'S ASSIGNMENT OF CRIME SCENE LOGGING. FROM APPROXIMATELY 1136 HOURS TO 1816 HOURS, MY DUTIES WERE TO WRITE DOWN THE TIMES AND NAMES OF OFFICERS AND ANY OTHER PERSONNEL WHO ENTERED AND EXITED THE CRIME SCENE. AT APPROXIMATELY 1816 HOURS I WAS CLEARED FROM THE CRIME SCENE BY SERGEANT SANCHEZ AND DIRECTED TO BLOCK THE ROAD AT 137TH AND BANCROFT. AT APPROXIMATELY 1831 HOURS I WAS CLEARED FROM 137TH AND BANCROFT. THE CRIME SCENE LOG WAS PLACED IN OFFICER G. MOORE'S MAILBOX PER HIS DIRECTION.

NO FURTHER DETAILS.

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PRIMARY OFFENSE / OCCURRED INCIDENT

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SUPPLEMENTAL NARRATIVE

REPORTING OFFICER

1031\ CROMWELL, BEVERLY, M,

DATE / TIME WRITTEN 12/28/2015 13:20

APPROVING SUPERVISOR

TENG, EN-GUANG (ABE), A

This report is to document the serial number on the firearm submitted and an item of evidence received from the Alameda County Sheriff's Crime Lab.

On October 26, 2015, I received from the SLPD temporary lockers a sealed gun box containing a Charter Arms .38 caliber handgun with no listed serial number. Today, December 28, 2015, I opened the box and located a serial number of 675291. Running the firearm with this serial number through the automated firearm system, shows it was last registered to an Arnold Chica. I resealed the firearm in the gun box and placed it in the vault for storage.

On December 12, 2015 at approximately 1430 hours I received one evidence envelope from the Alameda County Sheriff's Crime Lab containing another item related to this case. The description on the outside of the envelope reads "1 x dvd with photos and 1 x flash drive with LEICA TruView images from 137th Ave, San Leandro". The envelope was submitted to the SLPD Property Room for storage.

No further details.

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SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS

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2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 PC ATT MURDER

SUPPLEMENTAL NARRATIVE

292\ NELSON, SHANE, M,

10/23/2015 20:56

APPROVING SUPERVISOR

I AM CURRENTLY A DETECTIVE ASSIGNED TO THE SLPD CRIME SUPPRESSION UNIT (CSU).

ON 10/23/2015, ABOUT 0935 HOURS, I WAS OFF DUTY AND RECEIVED A TEXT MESSAGE FROM CID PERSONS CRIMES SERGEANT B. ANTHONY ASKING ME TO RESPOND TO SLPD HEADQUARTERS TO ASSIST WITH AN INVESTIGATION.

I ARRIVED AT THE POLICE DEPARTMENT AND MET WITH SERGEANT ANTHONY, WHO ADVISED ME AN OFFICER INVOLVED SHOOTING HAD OCCURRED AT 137TH AVENUE. I WAS INITIALLY PAIRED UP WITH DETECTIVE BENZ AND ASSISTED HIM WITH INTERVIEWS. BETWEEN THE HOURS OF 1545 AND ABOUT 1800 HOURS, OFFICER BENZ AND I INTERVIEWED INVOLVED WITNESS OFFICERS BECERRA, SALAZAR, AND FLETCHER. SEE DETECTIVE BENZ SUPPLEMENTAL REPORT REGARDING THESE INTERVIEWS.

ABOUT 1900 HOURS, I RESPONDED 137TH AVENUE WITH DETECTIVE SERGEANT MORGAN, DETECTIVES BENZ, WALTON, KRITIKOS, AND PASUT TO EXECUTE A SEARCH WARRANT THERE.

DURING THE EXECUTION OF THE SEARCH WARRANT, DETECTIVE WALTON NOTICED A HOLE IN ONE OF THE FRONT SOUTH FACING WINDOWS IN THE FRONT LIVING ROOM PORTION OF THE RESIDENCE. UPON MOVING THE LIVING ROOM WINDOW CURTAINS, DETECTIVE WALTON LOCATED AN EXPENDED BRASS COLORED FIREARM PROJECTILE ON THE LIVING ROOM FLOOR.

FOR FURTHER DESCRIPTION, THE AREA WHERE THE PROJECTILE WAS FOUND WAS BELOW A 4 PLATE GLASS WINDOW IN THE LIVING ROOM. I NOTED THERE TO BE A 2 INCH IN CIRCUMFERENCE HOLE IN THE UPPER MOST WINDOW. THE EXPENDED PROJECTILE WAS FOUND PRETTY CLOSE TO DIRECTLY BELOW THE WHOLE IN THE WINDOW. BASED ON MY OBSERVATIONS, IT APPEARS THE FIREARM PROJECTILE STRUCK THE FRONT LIVING ROOM WINDOW, PENETRATED THE WINDOW, STRUCK THE INTERIOR DOUBLE THICK CURTAIN, AND FELL TO THE LIVING ROOM FLOOR WHERE IT WAS FOUND.

SERGEANT MORGAN ASKED ME TO COLLECT THE EXPENDED PROJECTILE.

PRIOR TO DOING SO, DETECTIVE BENZ TOOK PHOTOGRAPHS OF BOTH THE BROKEN WINDOW AND THE LOCATION THE EXPENDED PROJECTILE WAS FOUND. USING MY SIZE TEN SHOE, AND ESTIMATION, I NOTED THE EXPENDED PROJECTILE TO BE:

- 3.5 FEET EAST OF THE RESIDENCE FRONT ENTRY DOOR AND 1 INCH NORTH OF THE SOUTH LIVING ROOM WALL/WINDOW
- I THEN COLLECTED THE EXPENDED PROJECTILE AND LATER SUBMITTED IT INTO THE SLPD PROPERTY SECTION AS EVIDENCE.

ABOUT 1936 HOURS, OFFICER BLANKENSHIP COMPLETED TWO CHP 180 TOW FORMS TO TOW THE SUSPECT VEHICLE (IN THE DRIVEWAY) AND A SECOND VEHICLE STRUCK BY GUNFIRE (PARKED IN FRONT OF THE RESIDENCE) TO THE SLPD CORPORATION YARD PER 22655.5 CVC. THE SUSPECT VEHICLE IN THE DRIVEWAY WAS A SILVER 4 DOOR MAZDA PROTEGE (CA PLATE # AND THE VEHICLE PARKED IN FRONT OF THE RESIDENCE WAS A BLUE 4 DOOR TOYOTA COROLLA (CA PLATE IN THE DUARTES TOW TRUCKS/VEHICLES TO THE YARD.

UPON ARRIVAL AT THE YARD, THERE WAS ONLY SPACE FOR ONE OF THE TWO TOWED VEHICLES TO FIT INTO THE SECURE VEHICLE EVIDENCE STORAGE AREA. DUE TO THIS, I HAD DUARTES TOW PLACE THE SUSPECT VEHICLE (SILVER MAZDA PROTEGE) IN THE SECURE AREA, AND THE SECONDARY VEHICLE (BLUE TOYOTA COROLLA) STRUCK BY GUNFIRE UNDER THE OVERHANG NEXT TO THE SECURE AREA. I THEN PLACED CRIME SCENE TAPE AROUND THE PERIMETER OF THE VEHICLE (TOYOTA COROLLA) OUTSIDE OF THE SECURE AREA.

- I THEN CONDUCTED AN INVENTORY SEARCH OF THE SILVER MAZDA PROTEGE (CA LICENSE DURING MY SEARCH, I FOUND AND RECOVERED THE FOLLOWING ITEMS:
- 1- KAISER MEDICAL PAPERWORK IN THE NAME OF MARIO R. TORRES
 2- A PAPER BAG CONTAINING ONE BOTTLE OF IBUPROFEN AND ONE BOTTLE OF |
 PILLS IN THE NAME OF MARIO R. TORRES

POLICE REPORT SAN LEANDRO, CA 94577

901 E. 14TH STREET (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 PC ATT MURDER

SUPPLEMENTAL NARRATIVE CONTINUATION

292\ NELSON, SHANE, M,

DATE / TIME WRITTEN 10/23/2015 20:56 APPROVING SUPERVISOR

UPON REVIEW OF THE MEDICAL PAPERWORK, I NOTED MARTO TORRES WAS SEEN AT I THEN DID AN INVENTORY SEARCH OF THE BLUE TOYOTA COROLLA (CA LICENSE PLATE DURING MY SEARCH I FOUND AND RECOVERED THE FOLLOWING ITEMS: - INDICIA IN THE NAME OF MARIO TORRES 2- INDICIA IN THE NAME OF I LATER SUBMITTED ALL RECOVERED ITEMS INTO THE SLPD PROPERTY SECTION. I ALSO USED MY SLPD ISSUED CANON EOS DIGITAL CAMERA AND TOOK THE FOLLOWING **PHOTOGRAPHS:** 1- SLPD PHOTOGRAPH CONTROL SHEET 2- REAR VIEW OF SILVER MAZDA DEPICTING CA LICENSE PLATE 3- OVERALL, REAR DRIVER SIDE CORNER OF THE MAZDA 4- DRIVER SIDE OF MAZDA DEPICTING TWO SUSPECTED BULLET HOLES, ONE OF THE FRONT DRIVER WINDOW, AND ONE IN THE REAR DRIVER SIDE WINDOW 5- OVERALL, FRONT DRIVER SIDE CORNER OF THE MAZDA 6- OVERALL, FRONT PASSENGER SIDE CORNER OF THE MAZDA OVERALL, REAR PASSENGER CORNER OF THE MAZDA 8- OVERALL, KAISER MEDICAL PAPERWORK IN NAME OF MARIO R. TORRES AND BROWN PAPER BAG CONTAINING MEDICATIONS IN THE NAME OF TORRES FOUND IN THE TRUNK 9- CLOSE VIEW, KAISER MEDICAL PAPER IN NAME OF MARIO R. TORRES FOUND IN THE TRUNK 10- OVERALL, REAR OF BLUE TOYOTA DEPICTING CA LICENSE PLATE 11- OVERALL, BROKEN REAR WINDOW OF TOYOTA 12- OVERALL, BROKEN REAR DRIVER SIDE WINDOW 13- OVERALL, INDICIA IN NAME OF MARIO TORRES AND FOUND IN THE GLOVE BOX OF THE TOYOTA O 14- CLOSE VIEW, SAME AS ABOVE THE ABOVE PHOTOGRAPHS WERE SAVED AT THE SCENE ON A MEMORY CARD IN MY CAMERA. I LATER DOWNLOADED THE PHOTOGRAPHS ONTO A COMPACT DISC AND SUBMITTED THE DISC INTO THE SLPD PROPERTY SECTION. U NOTHING FURTHER. 0 N



POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

1 01

664/187 PC

SUPPLEMENTAL NARRATIVE

328\ PASUT, DAREN, ,

10/24/2015 19:12

APPROVING SUPERVISOR
284 \ ANTHONY, BRIAN - SGT

ON 102315, ABOUT 0930HRS., I WAS AT HOME OFF DUTY WHEN I RECEIVED A PAGE (VIA CELL PHONE) BY SGT. DETECTIVE MORGAN REQUESTING MYSELF TO RESPOND TO WORK AND ASSIST WITH AN INCIDENT THAT OCCURRED INVOLVING TWO SAN LEANDRO POLICE OFFICERS.

I ARRIVED TO THE POLICE DEPARTMENT SHORTLY AFTER AND SPOKE WITH SGT. ANTHONY WHO BRIEFED ME ON THE INCIDENT WHICH TRANSPIRED AT 137TH AVENUE, SAN LEANDRO CA 94579. I LEARNED SGT. CORTI AND OFFICER YING HAD BEEN INVOLVED IN AN OFFICER INVOLVED SHOOTING, AND THERE WERE 7 ADDITIONAL OFFICERS WHO WITNESSED THE INCIDENT.

MY PRIMARY RESPONSIBILITY WAS TO SEQUESTER THE WITNESS OFFICERS UNTIL THEIR INTERVIEWS BEGAN.

WHEN WITNESS INTERVIEWS BEGAN, I ASSISTED SGT. ANTHONY WITH INTERVIEWING SGT. YOUNG. SEE SGT. ANTHONY'S REPORT FOR DETAILS ON THIS INTERVIEW.

SHORTLY AFTER SGT. YOUNG'S INTERVIEW, I ASSISTED SGT. ANTHONY AND DETECTIVE KRITIKOS WITH INTERVIEWING DETECTIVE PERRY. SEE SGT. ANTHONY'S REPORT FOR FURTHER DETAILS.

ABOUT 1900HRS., I RESPONDED TO 137THE AVENUE TO ASSIST IN SEARCHING THE RESIDENCE FOR EVIDENCE SUCH AS BUT NOT LIMITED TO (INDICIA, WEAPONS, MEDICATIONS). DURING OUR SEARCH, DETECTIVE BENZ LOCATED A 1911 FIREARM SECURED IN A WOODEN BOX WITH A GLASS COVER. THIS FIREARM WAS RECOVERED IN AN ATTIC CEILING ATTIC SPACE INSIDE THE RESIDENCE. SEE DETECTIVE BENZ'S REPORT FOR DETAILS ON THE ITEMS RECOVERED.

APPROX. 2000HRS., I WAS CLEARED OF MY DUTIES.

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SUPPLEMENTAL NARRATIVE

POLICE REPORT SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS

901 E. 14TH STREET



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187PC

334\ KRITIKOS, JASON, ,

DATE / TIME WRITTEN 10/24/2015 19:38

APPROVING SUPERVISOR 284 \ ANTHONY, BRIAN - SGT

ON 102315, APPROX. 0842 HOURS, SAN LEANDRO POLICE DEPARTMENT RESPONDED TO AN ASCERTAIN THE WELFARE AT 137TH AVENUE. DURING THE INVESTIGATION A POLICE OFFICER INVOLVED SHOOTING OCCURRED. I RESPONDED TO THE STATION TO ASSIST IN THE INVESTIGATION.

WHILE AT THE SAN LEANDRO POLICE DEPARTMENT, I ASSISTED SGT. BRIAN ANTHONY IN THE INTERVIEW OF WITNESS DET. PERRY. (REFER TO SGT. ANTHONY'S REPORT FOR DETAILS REGARDING THE INTERVIEW.)

AT APPROX. 1900 HOURS, I RESPONDED TO 137TH AVENUE TO ASSIST SGT. MORGAN, DET. BENZ, DET. WALTON, DET. PASUT, AND DET. NELSON IN SERVING A SEARCH WARRANT OF THE AFOREMENTIONED RESIDENCE. (REFER TO DET. BENZ' REPORT FOR FURTHER DETAILS.)

NFD

R R A T I V E

POLICE REPORT 901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS

2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187

SUPPLEMENTAL NARRATIVE

REPORTING OFFICER

320\ WALTON, JEFFREY, ,

DATE / TIME WRITTEN

10/23/2015 20:44

APPROVING SUPERVISOR

284 \ ANTHONY, BRIAN - SGT

DETAILS:

I AM CURRENTLY ASSIGNED TO THE CRIMINAL INVESTIGATIONS DIVISION AS A PROPERTY CRIMES DETECTIVE. ON 10-23-15, ABOUT 0900 HOURS, I RECEIVED NOTIFICATION THAT SLPD OFFICERS WERE INVOLVED IN A SHOOTING AT 137TH AVENUE. I RESPONDED FROM HOME TO ASSIST WITH THE INVESTIGATION.

UPON MY ARRIVAL, I RESPONDED TO THE 1500 BLOCK OF 137TH AVENUE AND MET WITH DETECTIVE SERGEANT ANTHONY. ABOUT 1115 HOURS, I ENTERED THE CRIME SCENE AND WAS GIVEN A QUICK BRIEFING ON THE DETAILS OF THE SHOOTING. AFTER RECEIVING THE WALK THROUGH, I EXITED THE CRIME SCENE AND DROVE TO THE SLPD WITH SERGEANT MORGAN.

SERGEANT MORAN AND I WERE TASKED WITH INTERVIEWING OFFICER HACKL AND DETECTIVE CESARETTI, BOTH OF WHOM WERE WITNESSES TO THE SHOOTING. ABOUT 1543 HOURS, SERGEANT MORGAN AND I BEGAN OUR INTERVIEW OF OFFICER HACKL. THIS INTERVIEW WAS CONDUCTED IN SERGEANT MORGAN'S OFFICE. OFFICER HACKL TOLD US THE FOLLOWING INFORMATION (IN SUMMARY):

ON 10-23-15, OFFICER HACKL WAS ASSIGNED AS A SCHOOL RESOURCE OFFICER AND IS PRIMARILY ASSIGNED TO THE SAN LEANDRO HIGH SCHOOL. ABOUT 0842 HOURS, OFFICER HACKL WAS DRIVING IN THE AREA OF BANCROFT AVENUE AND ESTUDILLO AVENUE WHEN HE OVERHEARD SLPD DISPATCH BROADCAST A CALL OF A MALE SUBJECT WHO WAS SUICIDAL AND POSSIBLY ARMED AT 137TH AVENUE. OFFICER HACKL RESPONDED TO THE CALL BEING THAT IT ARMED AT 137TH AVENUE. OFFICER HACKL RESPONDED TO THE CALL BEING THAT IT WAS IN VERY CLOSE PROXIMITY TO THE HIGH SCHOOL AND BECAUSE IT INVOLVED AN ARMED SUBJECT.

OFFICER HACKL DROVE WESTBOUND FROM WAKE AVENUE ONTO 137TH AVENUE AND STOPPED JUST EAST OF THE TARGET RESIDENCE. OFFICER HACKL SAID HE WAS THE THIRD OFFICER ON SCENE AND THAT HE KNEW SERGEANT CORTI AND OFFICER YING WERE ACROSS THE STREET (SOUTH) AND SLIGHTLY WEST OF HIS LOCATION. SERGEANT CORTI DIRECTED OFFICER HACKL TO WHERE THE SUSPECT VEHICLE WAS PARKED, WHICH WAS IN THE DRIVEWAY OF THE TARGET RESIDENCE.

OFFICER HACKL SAID HE TOOK A POSITION BEHIND HIS ENGINE BLOCK AND BEGAN GIVING VERBAL COMMANDS TO THE SUSPECT, WHO WAS LOCATED IN HIS PARKED CAR. OFFICER HACKL WAS UNABLE TO SEE THE SUSPECT INSIDE OF THE VEHICLE DUE TO THE DARK WINDOW TINT. OFFICER HACKL SAID HE MADE A SERIES OF THREE ANNOUNCEMENTS STATING THAT HE WAS A POLICE OFFICER, ADVISING THE SUSPECT HE WAS THERE TO HELP HIM AND DIRECTING THE SUSPECT TO GET OUT OF HIS VEHICLE WITH HIS HANDS IN THE AIR.

AFTER OFFICER HACKL'S SERIES OF COMMANDS, HE HEARD A SINGLE GUNSHOT COME FROM WITHIN OR FROM THE SUSPECT'S VEHICLE. OFFICER HACKL WAS UNABLE TO TELL WHERE THE SHOT WAS DIRECTED, BUT HIS INITIAL THOUGHT WAS THAT THE SUSPECT HAD COMMITTED SUICIDE.

OFFICER HACKL REPOSITIONED HIMSELF TO THE REAR OF HIS PATROL CAR AND CONTINUED TO GIVE VERBAL COMMANDS TO THE SUSPECT. AT THIS POINT, OFFICER HACKL WAS JOINED BY OFFICER FLETCHER. OFFICER SALAZAR, AND DETECTIVE CESARETTI. WITH ADDITIONAL OFFICERS THERE TO COVER HIM, OFFICER HACKL DECIDED TO DEPLOY HIS PATROL RIFLE AND THEN REPOSITION HIMSELF TO A CITIZENS VEHICLE PARKED ADJACENT TO HIS.

SHORTLY AFTERWARDS, OFFICER HACKL SAID HE WAS ABLE TO SEE THE REAR DOOR OF THE SUSPECT VEHICLE OPEN AND THE SUSPECT RAISE A BLACK REVOLVER IN THE DIRECTION OF SERGEANT CORTI AND OFFICER YING. OFFICER HACKL DID NOT HAVE A SAFE SHOT FROM HIS VANTAGE POINT. OFFICER HACKL HEARD A SERIES OF 3-4 GUN SHOTS BUT WAS UNABLE TO TELL WHO SHOT THEM. AFTER THE GUN FIRE, THE SUSPECT WAS OUT OF OFFICER HACKL'S LINE OF SIGHT.

OFFICER HACKL REPOSITIONED HIMSELF TO BEHIND A TRUCK PARKED IN THE DRIVEWAY EAST OF WHERE THE SUSPECT VEHICLE WAS PARKED. FROM THERE, OFFICER HACKL WAS ABLE TO SEE THAT THE SUSPECT WAS NO LONGER MOVING AND THAT HE WAS STILL INSIDE OF THE VEHICLE. OFFICER HACKL WAS ABLE TO SEE THE SUSPECT'S REVOLVER LAYING ON THE DRIVEWAY NEXT TO

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CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187

REPORTING OFFICER

320\ WALTON, JEFFREY, ,

DATE / TIME WRITTEN 10/23/2015 20:44

APPROVING SUPERVISOR

284 \ ANTHONY, BRIAN - SGT

THE SUSPECT VEHICLE.

OFFICERS CONTINUED GIVING VERBAL COMMANDS AND EVENTUALLY THE SUSPECT WAS ABLE TO GET HIMSELF OUT OF HIS VEHICLE. THE SUSPECT DRUG HIMSELF AWAY FROM HIS VEHICLE CLOSER TO THE SIDEWALK. A TEAM OF OFFICERS THEN MOVED IN AND DETAINED HIM.

OFFICER HACKL AND ANOTHER GROUP OF OFFICERS MOVED TOWARDS THE TARGET RESIDENCE. THEY MADE ENTRY INTO THE RESIDENCE AND CONDUCTED A PROTECTIVE SWEEP TO ENSURE THERE WERE NO VICTIMS INSIDE. OFFICER HACKL SAID BY THE TIME HE CAME OUT, THE SUSPECT WAS ALREADY LOADED IN AN AMBULANCE AND WAS GETTING READY TO BE TRANSPORTED TO THE HOSPITAL.

IT SHOULD BE NOTED THAT OFFICER HACKL'S INTERVIEW WAS RECORDED WITH MY DEPARTMENT ISSUED AUDIO RECORDER. I TRANSFERRED THE AUDIO FILE TO A CD AND BOOKED IT INTO SLPD PROPERTY.

ABOUT 1735 HOURS, SERGEANT MORGAN AND I BEGAN INTERVIEWING DETECTIVE CESARETTI ABOUT HIS INVOLVEMENT IN THIS INCIDENT. DETECTIVE CESARETTI TOLD US THE FOLLOWING (IN SUMMARY):

ON 10-23-15, ABOUT 0842 HOURS, DETECTIVE CESARETTI WAS WORKING AS A ROBBERY/HOMÍCIDE DETECTIVE. HE WAS RIDING IN THE BACK SEAT OF DETECTIVE ROGERS' VEHICLE WHEN HE OVERHEARD SLPD DISPATCH BROADCAST A CALL OF A SUBJECT MAKING SUICIDAL THREATS THAT WAS ARMED. DETECTIVE CESARETTI, DETECTIVE ROGERS, AND OFFICER HIDAS DECIDED TO RESPOND TO THE CALL GIVEN THE SERIOUSNESS OF THE INCIDENT.

DETECTIVE CESARETTI SAID THEY PARKED IN THE AREA OF BANCROFT AVENUE AND 136TH AVENUE AND BEGAN MOVING CLOSER TO THE INCIDENT ON FOOT. AS THEY GOT OUT OF THE CAR, DETECTIVE CESARETTI SAID HE HEARD A SINGLE GUN SHOT. THIS PROMPTED DETECTIVE CESARETTI TO RUN EAST ON 137TH AVENUE TO A GROUP OF OFFICERS (SERGEANT CORTI AND OFFICER YING) THAT WERE TAKING COVER BEHIND A VEHICLE ACROSS FROM WHERE THE SUSPECT WAS PARKED.

SERGEANT CORTI DIRECTED DETECTIVE CESARETTI TO CONTINUE EAST TO OFFICER HACKL'S LOCATION SINCE OFFICER HACKL WAS ALONE. AT THIS POINT, DETECTIVE CESARETTI AND OFFICER HACKL WERE TAKING COVER BEHIND A VEHICLE PARKED ON THE NORTH SIDE OF 137TH AVENUE JUST EAST OF WHERE THE SUSPECT VEHICLE WAS PARKED.

DETECTIVE CESARETTI SAID HE COULD SEE A PERSON MOVING IN THE REAR OF THE SUSPECT VEHICLE, BUT THE WINDOWS WERE TINTED SO HE WAS UNABLE TO SEE EXACTLY WHAT WAS DETECTIVE CESARETTI'S VIEW WAS ALSO PARTIALLY OBSTRUCTED BY A TREE.

DETECTIVE CESARETTI SAID HE HEARD OFFICERS GIVING COMMANDS FOR THE SUSPECT TO COME OUT OF HIS VEHICLE, TO SHOW THEM HIS HANDS, AND THAT THEY WERE THERE TO HELP HIM AND NOT HURT HIM. THE SUSPECT WAS UNCOOPERATIVE.

AT THIS POINT, DETECTIVE CESARETTI SAID HE HEARD ANOTHER GUN SHOT COMING FROM THE AREA OF THE SÚSPECT VEHICLE. DIRECTLY AFTER THAT THERE WAS ANOTHER VOLLEY OF GUN SHOTS COMING FROM HIS LEFT, WHICH WAS THE AREA WHERE SERGEANT CORTI AND OFFICER YING WERE.

DETECTIVE CESARETTI SAID THE SUSPECT GOT OUT OF THE CAR AND WAS LYING ON THE DRIVEWAY NEXT TO THE DRIVER SIDE OF THE SUSPECT VEHICLE. DETECTIVE CESARETTI WAS DIRECTED TO TAKE OVER VERBAL COMMANDS WITH THE SUSPECT. HE DIRECTED THE SUSPECT TO PLACE HIS HANDS OVER HIS HEAD AND PUSH HIMSELF AWAY FROM THE VEHICLE AND TOWARDS THE STREET. ANOTHER TEAM OF OFFICERS WERE THEN ABLE TO MOVE IN AND DETAIN THE SUSPECT.

AS THAT WAS HAPPENING, DETECTIVE CESARETTI PARTICIPATED IN THE PROTECTIVE SWEEP OF THE SUSPECT'S RESIDENCE. AFTER THE SCENE WAS SECURED, DETECTIVE CESARETTI RESPONDED BACK TO THE SLPD WHERE HE WAITED TO BE INTERVIEWED.

NWS SUPPLEMENTAL NARRATIVE CONT'D #233 05/2008

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CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664/187

SUPPLEMENTAL NARRATIVE CONTINUATION

320\ WALTON, JEFFREY, ,

DATE / TIME WRITTEN 10/23/2015 20:44

APPROVING SUPERVISOR 284 \ ANTHONY, BRIAN - SGT

IT SHOULD BE NOTED THAT THIS INTERVIEW WAS RECORDED USING MY DEPARTMENTALLY ISSUED AUDIO RECORDED. I TRANSFERRED THE AUDIO FILE TO A CD AND BOOKED IT INTO SLPD PROPERTY.

APPROXIMATELY 1900 HOURS, I RETURNED TO 137TH AVENUE AND ASSISTED WITH THE EXECUTION OF A SEARCH WARRANT. DURING THE SEARCH WARRANT, I NOTICED WHAT APPEARED TO BE A FRESH BULLET HOLE IN THE UPPER LEFT CORNER OF A LARGE WINDOW FACING THE FRONT OF THE HOME. ON THE FLOOR BELOW THE WINDOW, I LOCATED AN EXPENDED BULLET. DETECTIVE SHANE NELSON RECOVERED THE EXPENDED BULLET AND BOOKED IT INTO SLPD PROPERTY.

NOTHING FURTHER

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SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT SAN LEANDRO, CA 94577

901 E. 14TH STREET (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

(664)187PC

SUPPLEMENTAL NARRATIVE

303\ MORGAN, ANTHONY, , - SGT.

DATE / TIME WRITTEN 10/25/2015 11:03

KHAN, LIAQUAT (ALI), A

On October 23, 2015, I was assigned as a Detective Sergeant within the San Leandro Police Department Criminal Investigations Division. I was driving an unmarked SLPD vehicle. I was wearing a black SLPD Polo shirt, tan cargo pants, an SLPD Sergeant badge on my belt and a departmentally-issued Glock handgun.

While enroute to work, I learned of an officer-involved shooting at Avenue, San Leandro.

I drove directly to the area. Approximately 0922 hours, I arrived at Bancroft Avenue and 137th Avenue. I contacted Patrol Sergeant D. Sellers, who established a command post. Sergeant Sellers told me an officer-involved shooting occurred, the suspect was detained and transported to a local hospital, and no officers were believed to be injured. I observed crime-scene tape securing the outer perimeter at said location. I walked east on 137th Avenue, and I noticed an inner perimeter with crime-scene tape. I noticed numerous SLPD Officers on-scene.

I contacted Sergeant Young, who informed me of the following, in summary:

An officer-involved shooting occurred. The suspect was medically transported. Sergeant Corti and Officer Ying were believed to have fired their weapons during the incident. Additionally, there were seven witness Officers consisting of: Sergeant Young, Detective Cesaretti, Detective Perry, Officer Fletcher, Officer Hackl, Officer Becerra and Officer Salazar. Due to Sergeant Young's involvement as a witness, I assumed command of the investigation while Sergeant Sellers supervised the command post.

I contacted Detective Sergeant B. Anthony and Investigations Lieutenant R. McManus.

I observed the scene and noticed the following:

There were two gold colored compact sedans in the driveway at 137th Avenue. The vehicle on the right (east) had a broken front driver side window with what appeared to be a small hole in it. The trunk was open. The sunroof appeared to have damage to it. The top right portion of the windshield appeared damaged. The rear driver side door was open. A white shirt was on the ground below said door. A red substance, consistent with dried or drying blood, was smudged on the driveway and toward the sidewalk. An SLPD marked S.U.V. was parked in the street, facing northeast, in front of the listed address. I observed what appeared to be medical equipment on the asphalt near the passenger side of the SUV, along with additional suspected blood. SLPD Officer Moore was at the scene and assigned to scene security and to monitor a suspected firearm which was on the ground in the driveway, under the described white suspected firearm which was on the ground in the driveway, under the described white

I directed Officer Buss to maintain a crime-scene log. I directed Officers Kalsbeek and Officer Sekhon to attempt to contact residents at all houses along the block, to ascertain their safety (shots fired in the area) and to locate any possible witnesses or evidence. I initiated a Criminal Investigations Division call-out. I confirmed the involved Officers were responding to the SLPD to be sequestered. I located an expended rifle casing, along with three expended suspected handgun casings in the grass front yard across the street from the suspect house.

I learned the suspect was being treated at Eden Hospital, and an SLPD Officer was guarding him.

I spoke with Lieutenant McManus, who directed me to request the Alameda County Sheriff's Office process the crime scene for evidence. I contacted ACSO Captain Ditzenberger via phone and briefed her of the events. Captain Ditzenberger agreed to have ACSO process the crime scene. While I was still at the scene, SLPD Sergeant Sanchez arrived and assumed command of the evidence processing. I also spoke with Captain Ditzenberger on scene.

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SAN LEANDRO POLICE DEPARTMENT

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(664)187PC

SUPPLEMENTAL NARRATIVE CONTINUATION

303\ MORGAN, ANTHONY, , - SGT.

DATE / TIME WRITTEN 10/25/2015 11:03

APPROVING SUPERVISOR KHAN, LIAQUAT (ALI), A

Approximately 1100 hours, Sergeant B. Anthony arrived and took command of the scene. I briefed Sergeant Anthony of the events. I then responded to the SLPD. I met with Sergeant Anthony, who is this case agent. Sergeant Anthony directed me to interview Witness Officers Hackl and Cesaretti. I interviewed Officer Hackl in my office, with the assistance of Detective Walton. The interview was audio recorded, with the knowledge of everyone in the room. I interviewed Detective Cesaretti in my office, with the assistance of Detective Walton. The interview was audio recorded, with the knowledge of everyone in the room. Detective Walton submitted the audio recordings into Evidence and completed a Supplemental Report detailing Officer Hackl and Officer Cesaretti's statements.

Approximately 1405 hours, I met with Officer Goodman in the South Offices building to complete a "round count" of all the witness officers' ammunition. Officer Goodman called each Officer into the conference room individually. He then counted their ammunition and observed the condition of their firearm, in my presence. I observed the following:

- Officer Salazar: A loaded departmentally-issued Glock in his duty-belt holster. A magazine with 15 live rounds in the firearm. One live round in the chamber. Two loaded magazines, with fifteen live rounds each, on his duty belt. 46 live rounds total.
- Officer Fletcher: A loaded departmentally-issued Glock in his duty-belt holster. A magazine with 15 live rounds in the firearm. One live round in the chamber. Two loaded magazines, with fifteen live rounds each, on his duty belt. 46 live rounds total.
- Detective Perry: A loaded departmentally-issued Glock on his belt holster. A
 magazine with 15 live rounds in the firearm. One live round in the chamber. A
 departmentally-issued outter-carrier vest with two handgun magazines,
 containing 15 rounds each. A total of 46 live rounds.
- Officer Hackl: A loaded departmentally-issued Glock in his duty-belt holster. A magazine with 15 live rounds in the firearm. One live round in the chamber. Three loaded magazines, with fifteen live rounds each, on his duty belt. 61 live rounds total.
- Detective Cesaretti: A loaded departmentally-issued Glock on his belt holster. A magazine with 15 live rounds in the firearm. One live round in the chamber. A departmentally-issued outter-carrier vest with two handgun magazines, containing 15 rounds each. A total of 46 live rounds.
- Officer Becerra: A loaded departmentally-issued Glock on his belt holster. A magazine with 15 live rounds in the firearm. One live round in the chamber. A departmentally-issued outter-carrier vest with two handgun magazines, containing 15 rounds each. A total of 46 live rounds.
- Sergeant Young: A departmentally-issued Glock model 23 in his belt holster. 13 live rounds in the magazine with one live round in the chamber. A magazine loaded with 15 live rounds on his belt. A total of 29 live rounds.

On October 24, 2015, I returned to the SLPD to assist with this investigation. I then assisted Sergeant Anthony with separate interviews of Sergeant Corti and Officer Ying. Lieutenant Henderson and Sergeant Corti and Officer Ying's attorney were present during each interview. The interviews were audio recorded with the knowledge of everyone present in the room. The interviews are detailed in Sergeant Anthony's report.

No further details.



SAN LEANDRO POLICE DEPARTMENT Criminal Investigations Division

INVESTIGATION FOLLOW-UP

Case # 2015-45473

INVESTIGATION:

On 10/23/2015, I was driving my assigned vehicle (#333) with Detective Cesaretti in the left rear passenger seat. Officer Hidas was in the front passenger seat. I was working as a Special Victim's Unit Detective under the Criminal Investigation Division. I did not have my body camera on my person because it was assigned to a patrol.

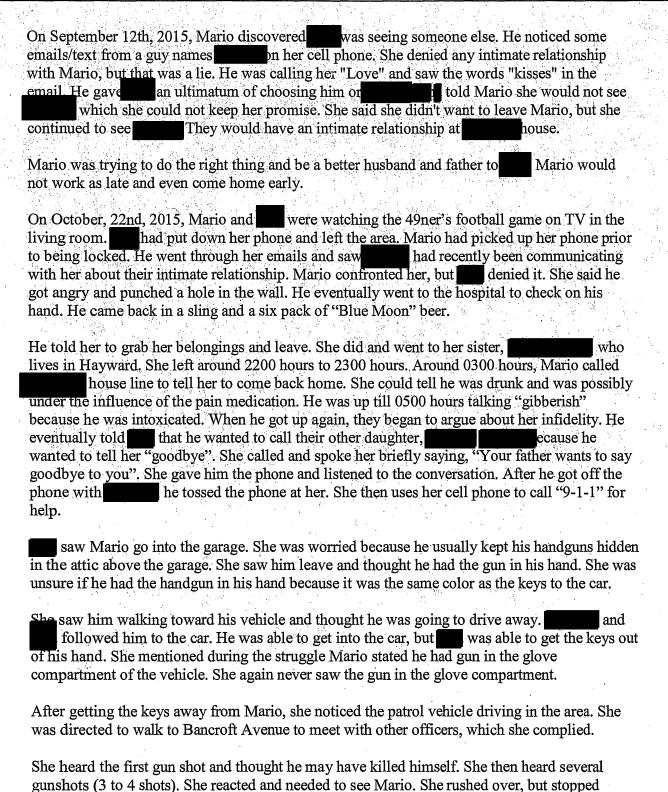
Around 0841 hours, we were driving south on Washington Blvd near 143rd Avenue when San Leandro dispatch advised of a male subject who was making threats to kill himself. The caller 137th Avenue, advised her husband, Mario Torres, and was making threats to kill himself. She mentioned there was a gun involved. Patrol responded to the area prior to our arrival. While driving the area, I saw several patrol vehicles parked on Bancroft Avenue near 137th Avenue. I parked my car near the patrol cars. While getting out of the car, I heard one gunshot east of my location. I saw Sgt. Sellers at the command post on Bancroft Avenue and 137th Avenue. Sgt. Sellers requested my assistance with the two family members, later identified as and who were with Officer Beccera. appeared distressed and about to fall on herself in tear. appeared upset and was crying. Fearing further violence, I needed to get and out of harm's way. While attempting to relocate them, 3 to 4 more shots were heard from the same area. Ana and me and ran back toward the house hysterically. I was able to safely detain feet, but I had to order at to come back to our location. Officer Beccera stopped a few houses away and brought her back to my location. Officer Castro had responded to the command post. I advised him to transport and to the station for further questioning. STATEMENT: I responded to the station and spoke with and I had Officer Hidas while I interviewed She told me the following: monitor has been married to Mario Torres for the past 23 years. They have two children in common, is currently living at home, while Torres and living in Santa Cruz. stated Mario and her have been growing apart. saw Mario working more often and longer days. She said he was escaping the house to go to work. said they were having trouble being intimate to the point Mario went to the doctors. He was prescribed to take a pill, but she did not like him taking a pill. She felt he didn't love her enough that he needed to take a pill.



SAN LEANDRO POLICE DEPARTMENT Criminal Investigations Division

INVESTIGATION FOLLOW-UP

Case # 2015-45473





SAN LEANDRO POLICE DEPARTMENT Criminal Investigations Division

INVESTIGATION FOLLOW-UP

Case # 2015-45473

because of this officer's orders. She then was placed in a patrol vehicle and driving to the police station. She did not see anything from the police. All she heard were the gunshots.

I asked if Mario suffers from any mental health issues, which she replied "no". She mentioned he was fired from a post office for stealing \$20. She said he was stressed and depressed because they wanted him arrested. She said he was never arrested. She mentioned Mario's mother did suffer from dementia, but it not to the point the family was seeking medical attention. She described the two guns he received from his step-father were two hand guns. One was a small black revolver and the other was a "collector's" item. It was a bigger gun that was gold plated or colored. It had an inscription of n Spanish. She believes the gun was hidden in the attic. During the interview, would ask about for updates on Mario's health. cell phone to show me the phone calls she made. I asked if I could look I asked to see through her phone which she agreed and provided me the passcode. (See audio/video recording for further). STATEMENT: to the interview room. After completing sinterview, I had Officer Hidas escort Detective Trujillo arrived at the station and assisted me with her interview. She told us the following: She did not notice any mental health issues from Mario. said she has been close with but not with Mario. She has noticed they were not themselves with each other, but saw recently it has gotten better. On October 22, 2015, 2200 hours, she came home from work to Mario and told her that Mario saw messages thinking that she was cheating on him. She saw him come home with a "six pack of Blue Moon" beer. He drank the beer in a short amount of time. She did not see him take any medication, but felt he may have taken the prescription medication as well. She eventually went to bed. On October 23, 2015, she woke up around 0900 hours to Mario and arguing again. She say something to the effect of: "Mario wants to kill himself". She followed Mario and to the car to prevent him from leaving. She knew he was too drunk to drive. She helped get the keys from Mario while he was in the driver's seat. The police arrived shortly and directed



SAN LEANDRO POLICE DEPARTMENT Criminal Investigations Division

INVESTIGATION FOLLOW-UP

Case # 2015-45473

them to go to Bancroft Avenue. There she met with other officers. She heard the single gunshot and then the multiple gun shots. She believed to be around three to four gunshots. She rushed to try to see Mario. She was immediately stopped by the police and was transported to the station. She did not witness anything prior to the gunshots or after. All she heard were the gunshots. (see audio/video recording) After talking with she mentioned was assaulted by Mario. She did not witness the incident, but hentioned to her that Mario grabbed her by the front of the neck during the argument. I re-contacted She minimized the assault and stated she was pushed by Mario. SANDRA'S STATEMENT: Immediately after finishing up my interview with sister, was at the front lobby. I spoke with her briefly. called her around 2040 hours. said Mario left the house because she was "cheating" on him. She immediately drove over after the call. arrived around 2120 hours and she was told about what happened. Around 2200 hours, Mario called and said he was at the hospital getting his hand checked out from him punching a wall at the house. He came back around 2330 hours with a six pack of beer and his arm was in a sling. He told to pack up her belongings and leave. She left with to her house. She talked with about what happened throughout the night. Around 0230 hours, Mario called the house line. answered and gave the phone to didn't want to go back to the house. but she insisted. took car to go back. She didn't hear anything until the next morning when called asking if she knew what happened. After talking with went to every local hospital looking for Mario. After negative results, she went to the police station. (See audio/video recording) I advised to have come to the police station for an interview. She understood. After completing my interviews, I advised Sgt. Anthony. STATEMENT: arrived at the police station. She told me the following: Around 1411 hours, 10/23/2015, around 0836 hours, received a phone call from She spoke with her briefly saying, "Your father wants to say goodbye." She didn't know what she was talking about and asked for clarification. said "your father wants to kill himself." then gave the phone



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to Mario. Mario said he loved her and wanted to say goodbye plead to Mario to get help, but he only responded with, "I'm going to die tonight". I advised Sgt. Anthony of the interview with I submitted the audio/video DVD of my interviews into evidence.					
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SUPPLEMENTAL DETAILS:

On October 23, 2015 about 1000 hours I received a voicemail from Detective Sergeant Brian Anthony regarding a Criminal Investigation Division (C.I.D.) call out. Information relayed to me was there was an Officer involved shooting and my assistance was requested. I responded to the San Leandro Police Department about 1105 hours.

I met with Detective Jeff Walton and Sergeant Bob Sanchez in the parking lot of San Leandro Police Department. They informed me that Sergeant Anthony and Sergeant Anthony Morgan were at the crime scene at 137th Avenue. Detective Walton drove Sergeant Sanchez and I to the crime scene. Upon arrival we walked into the outer crime scene about 1115 hours and walked into the inner crime scene shortly afterward.

I met with Sergeant Anthony who walked us through the scene, explaining what occurred during his limited time investigating the incident. I looked at suspect vehicle, which was a 4-door tan Mazda Protégé parked in the driveway of 137th Avenue. I noticed the rear driver side door was open and there appeared to a bullet hole in the window. The window was shattered with a hole in it. The shattered glass appeared to be held together by the tint. Outside of the rear driver side door on the ground appeared to be clothing and a duffel bag. Underneath that, there appeared to be a black revolver.

I then noticed the driver door was closed and the window was also shattered with an apparent bullet hole. Again, the shattered glass appeared to be intact by tint. I noticed the wind deflector on the sunroof of the vehicle was damaged.

The trunk of the Mazda was also open at the time I arrived.

I was then directed to a blue Toyota Corolla parked on 137th Avenue in front of the residence (Toyota Corolla had a shattered rear driver side window and shattered rear window. Both windows appeared to have a bullet hole in them.

I met with Sergeant Anthony who was speaking with Deputy Overcash from the Alameda County Sheriff's Office. Deputy Overcash was the Alameda County Crime Lab team leader and was requested to process the crime scene. Sergeant Anthony requested I write a search warrant for the Mazda Protégé, Toyota Corolla and 137th Avenue.

About 1135 hours, Sergeant Anthony and I exited the crime scene and returned to the San Leandro Police Department.

About 1415 hours, I met with the Honorable Judge Cramer at the Hayward Hall of Justice. About 1430 hours, Honorable Judge Cramer endorsed the search warrant for Mazda Protégé, Toyota Corolla and the residence at 137th Avenue.

I contacted Sergeant Sanchez via cell phone and informed him the search warrants were signed and the Alameda County Crime Lab could start their duties.

I returned to the San Leandro Police Department where I met with Sergeant Anthony. I informed him the search warrants were signed and I was informed that I would be assisting on interviews of the witnesses.

Sergeant Anthony requested I create a map of the location of the crime scene. With the assistance of Officer Gary Moore, an overview sketch of 137th Avenue and surrounding buildings was created. I placed vehicles in the sketch as directed by Sergeant Anthony. The sketch was not to scale was created to be used as a tool for Officers to help remember and describe their movements during the incident.



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I gave the sketch to Sergeant Anthony who made multiple copies. We used the sketch to be consistent with everyone who was to be interviewed. The witnesses were able to write and move placement of vehicles on sketch to better explain and tell us their accounts.

Sergeant Anthony called a meeting with several members of C.I.D. to explain what our next assignment would be. I was paired with Detective Shane Nelson and was informed we would be using the San Leandro Police classroom as our interview room. We were then informed that we would interview the following witnesses: Officer Marco Becerra, Officer Miguel Salazar and Officer Jason Fletcher.

We were given a set of questions to ask each Officer. Each set of questions were the same and in the same order. The meeting ended and we gathered note taking materials prior to our interviews.

Below are the statements from the witnesses.

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MARCO BECERRA

On October 23, 2015 about 1545 hours Detective Nelson and I met with Officer Becerra. This interview was recorded with an Olympus digital voice recorder. In summary Officer Becerra told us the following:

Officer Becerra is currently assigned to the 3-12 days shift which is Friday, Saturday and Sunday with the work hours of 0640 to 1900 hours. He is assigned to beat 2 and his call sign was 2L22. Officer Becerra stated he did not have any medical conditions that would prevent him from doing his job and that he had about six (6) hours of sleep the night before his shift.

Officer Becerra was wearing a blue outer carrier vest (which is an external vest that can hold police equipment) and blue pants. Furthermore, attached to the outer carrier vest is a badge, magazine, baton, handcuffs and radio. Officer Becerra stated photographs of him were taken.

During the incident, Officer Becerra had his department issues handgun (Glock 22) and his department issued AR-15 rifle (.223) on his person.

The location of the incident was on 137th Avenue between Bancroft Avenue and Wake Avenue. The shooting took place outside of a residence. Officer Becerra said it was mild sunny day and well lit.

Officer Becerra stated he was dispatched to an ascertain the welfare investigation of a suicidal subject on 137th Avenue. Furthermore, the subject in question maybe armed with a gun and there were two (2) females in the residence with him.

Officer Becerra stated he was with Officer Ying at Marina Square when he was detailed to the ascertain the welfare call on 137th Avenue. While driving to the residence 137th Avenue), Officer Becerra was given information (via dispatchers) that there were females in the residence and the subject had a gun. Sergeant Dan Sellers responded because he was Crisis Intervention Training (C.I.T.) certified.

Sergeant Sellers arrived first and set up a command post at Bancroft Avenue and 137th Avenue. Officer Becerra arrived with Officer Ying at Sergeant Sellers' location. As they set up, Sergeant Nicolas Corti arrived to assist.

Information relayed to Officer Becerra was that the two (2) females were outside the residence and afraid to leave the subject as he was suicidal. Sergeant Corti, Officer Becerra and Officer Ying made their way to the front of the residence on the north side of 137th Avenue (same side as the residence). As they were closer, the females saw the group of Officers. They wave them to the females to come to them so they could take them away from the residence.

Once the females reached Officer Becerra, he escorted them to the command post. Sergeant Corti and Officer Ying were left at the original location and Officer Becerra did not know at this time what they did or where they went.

Officer Becerra began to de-brief the females and learned there were two (2) guns in the house, although they were not sure where they were kept. While speaking with the females, Officer Becerra heard one (1) gunshot. Officer Becerra believes that Sergeant Corti stated over the radio that the subject in question was sitting in vehicle. Detective Tom Rogers arrived at the command post and Officer Becerra handed off the females to him.

Officer Becerra then got his rifle from his patrol vehicle and made his way toward the residence from the south side of 137th Avenue. Officer Becerra then heard gunfire. He heard Officers give verbal command



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to the subject as he made his way to Sergeant Corti and Officer Ying. Officer Becerra arrived with them and Sergeant Troy Young. They were behind a vehicle (black vehicle) on the south side of 137th Avenue almost directly across the street from 137th Avenue.

Officers were still verbally engaging the subject. Officer Becerra did not have a clear view of the subject and the vehicle. He stated the subject was in the vehicle to the right in the driveway and the rear door was open.

There was patrol vehicle east of the residence with other Officers.

There was a vehicle south of Officer Becerra's location (in a driveway) and Sergeant Corti made his way there to gain a better view point of the subject in the car. Sergeant Corti was able to provide better updates regarding the subject at this location.

Officer Becerra made his way to cover Sergeant Corti and on his way there, the subject placed his hands outside of the vehicle. One hand had a cast on it and the subject was complying with verbal commands. The subject exited the vehicle and crawled on the ground toward them.

Once the subject arrived at the sidewalk area, a tactical plan was developed to follow a patrol SUV, using it as cover (shield). Officer Becerra provided long cover on the house as other Officers detained the subject. Officer Becerra did not see a gun near or on the subject. Office Becerra did not see or witness anyone fire a gun. He only heard gunshots while he was on scene.

Officer Becerra believed the force sued was necessary and reasonable as the subject was threat. Based on the female's reactions and the threat of the subject with a gun, Officer Becerra was afraid that someone was going to be injured by the subject if not stopped. He believed it was reasonable for the Officers to perceive the type of danger that he did and believed the Officers did not violate Department policy.

This concluded our interview.

The sketch shown to Officer Becerra was signed by him and collected by me.

The audio recording was downloaded onto a CD. The sketch and CD was submitted into the San Leandro Police Property Department as evidence. Please listen to the audio recording of the interview for further details.

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MIGUEL SALAZAR

On October 23, 2015 about 1626 hours Detective Nelson and I met with Officer Salazar. This interview was recorded with an Olympus digital voice recorder. In summary Officer Salazar told us the following:

Officer Salazar is currently in the San Leandro Police Field Training Program and assigned to Officer Jason Fletcher. Officer Salazar worked for the San Jose Police Department and the Berkeley Police Department before recently joining the San Leandro Police Department.

Officer Salazar is currently assigned to the 3-12 days shift which is Friday, Saturday and Sunday with the work hours of 0640 to 1900 hours. He is assigned to beat 5 and his call sign was 2D25. Officer Salazar stated he did not have any medical conditions that would prevent him from doing his job and that he had about seven (7) hours of sleep the night before his shift.

Officer Salazar was dress in a blue uniform shirt (short sleeve) and pant. His shirt had his badge and patch on his left sleeve. He had a duty belt with his police gear attached (I.E. magazines, Taser, radio, handcuffs, gun holster, gun, etc.). He stated it was a fully marked police uniform.

The location of incident was on 137th Avenue east of Bancroft Avenue. It was a clear, day time, well-lit area.

Officer Salazar knew of the call regarding a depressed and/or suicidal man at home. He was not dispatched to the call so he and Officer Fletcher stayed available for calls because other units were detailed to 137th Avenue.

Officer Salazar was at the San Leandro Police Department receiving training from Officer Fletcher as this was his first day on patrol. They left the Police Department and were driving south, near the south border of San Leandro. Officer Salazar was dispatched for traffic control to stop traffic from driving east on 137th Avenue from Bancroft Avenue.

He drove to the scene code 3 and assumed his post. Officer Salazar and Officer Fletcher made contact with a Sergeant (Sellers). They were assigned to go assist Officer Kevin Hackl. Officer Salazar and Officer Fletcher walked east on 137th Avenue on the south side of the street when he heard the first gunshot. They ran to the other Officers (Sergeant Corti, Officer Ying) and were taking cover behind a car.

Officer Salazar, Officer Fletcher and Detective Steve Cesaretti then made their way to Officer Hackl who was alone by his patrol vehicle which was on 137th Avenue, east of the residence. Officer Salazar then took a position behind a Jeep. There may have been a second gunshot, Officer Salazar was unsure.

Officer Salazar could not see into the vehicle, but could see movement. Officer Salazar stated that he was fearful for his safety as subject had fired his gun once and was not sure if the subject was trying to shoot at the Officers.

As he provided cover for Officer Hackl by the patrol (Officer Salazar left the Jeep), he saw the subject exit the vehicle and it appeared to him that the subject was holding onto a gun. Officer Salazar stated he might have told Officer Fletcher that he had a gun. Officer Salazar was fearful for his Safety and everyone else involved in the incident, as well as the public's safety.



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Officer Salazar stated he did not have a good view for a shot at the subject. When the subject exited the vehicle and based on the gunshots he heard, Officer Salazar believed the subject had fired his gun at Officers.

At some point, Officer Salazar stated Officers fired at the subject. The shot came from the south side of 137th Avenue and not from the group of Officers that Officer Salazar was with.

After the exchange of gunfire, Officer Salazar lost sight of the subject. He believed the subject re-entered the vehicle and he heard Officers telling the subject to exit the vehicle with his hands up. The verbal commands were consistently on-going.

Officer Salazar stated he believed the subject had discarded the firearm onto the ground and then exited the vehicle. The subject was ordered to move toward the street which he complied. A contact team behind the patrol SUV made contact with the subject and detained him.

Officer Salazar assisted with clearing the residence. He did not hear the subject say anything.

Medical attention was almost immediate as they were staging during the confrontation.

Office Salazar did not have any contact with the subject.

Officer Salazar said the force was necessary and reasonable. He was fearful for his safety during the call. It was reasonable to perceive the type of danger that he was in based on the gunfire. Furthermore, he did not believe the Officers that shot violated the Department policy.

This concluded our interview.

The sketch shown to Officer Salazar was signed by him and collected by me.

The audio recording was downloaded onto a CD. The sketch and CD was submitted into the San Leandro Police Property Department as evidence. Please listen to the audio recording of the interview for further details.

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JASON FLETCHER

On October 23, 2015 about 1735 hours Detective Nelson and I met with Officer Fletcher. This interview was recorded with an Olympus digital voice recorder. In summary Officer Fletcher told us the following:

Officer Fletcher is currently a San Leandro Police Field Training Officer and assigned to oversee Officer Salazar. Officer Fletcher worked for UC Berkeley Police Department and the Fairfield Police Department before joining the San Leandro Police Department.

Officer Fletcher is currently assigned to the 3-12 days shift which is Friday, Saturday and Sunday with the work hours of 0640 to 1900 hours. He is assigned to beat 5 and his call sign was 2D25. Officer Fletcher stated he did not have any medical conditions that would prevent him from doing his job and that he had about eight (8) hours of sleep the night before his shift.

Officer Fletcher was dress in a wool blue uniform shirt and pant with black leather gear and black boots. His uniform shirt had his badge and San Leandro Police patch. He had a duty belt with his police gear attached (I.E. magazines, Taser, radio, handcuffs, gun holster, gun, etc.).

The location of incident was on 1500 block of 137th Avenue east of Bancroft Avenue. It was an overcast day with the sun breaking out, day time, and good lighting conditions.

Office Fletcher heard the original dispatch that a man was in his home with his with wife and 22 year old daughter and threatening to "913" (commit suicide) via handgun. The man had a two (2) handguns and he was on the phone with another daughter in Santa Cruz. Officer Fletcher was able to obtain his knowledge by listening to the radio traffic and he pulled up the call on his in car computer (MDT).

Officer Fletcher and Officer Salazar were southbound Hesperian Boulevard near Wal-Mart when they were dispatched to the call. Sergeant Sellers requested they respond code 3 (lights and sirens) and block off eastbound traffic at 137th Avenue.

As they arrived, Officer Fletcher met with Sergeant Sellers at the command post. He was requested to join Officer Hackl who was alone at his location. The wife and daughter had just arrived to the command post as he walked by them with Officer Salazar. Shortly afterward, he heard a gunshot and he and Officer Salazar ran toward the Officers on the south side of 137th Avenue. They joined Sergeant Young, Sergeant Corti and Officer Ying by a vehicle on the south side of 137th Avenue.

Detective Cesaretti joined the group of Officers. Detective Cesaretti, Officer Salazar and Officer Fletcher then made their way to Officer Hackl's vehicle. Officer Fletcher looked into Officer Hackl's patrol vehicle for a rifle but not see one; therefore he pulled out the shotgun and took a position on the north east side of a parked vehicle.

Officer Hackl then retrieved his rifle from the trunk of his patrol vehicle. Officer Hackl switched positons with Officer Fletcher. Officer Fletcher was by Officer Hackl's patrol vehicle with Officer Salazar. Officer Hackl was with Detective Cesaretti by the parked vehicle.

Prior to switching positions, Officer Fletcher heard a gunshot come from the suspect's vehicle. He noticed smoke that was expended from the gun that was shot from the vehicle.

The windows were dark in the subject vehicle and but he could see movement. He could hear Officers giving the suspect commands to come out.



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Minutes later, the left rear door to the suspect vehicle opened and the suspect exited with a black revolver in his hand. Officer Fletcher believed the gun was in the suspect's left hand. The suspect never raised himself up once out of the vehicle. The suspect appeared to be crouched down and Officer Fletcher yelled for him to drop the gun.

The suspect held the gun upward but was now bring in downward to a horizontal position. Officer Fletcher did not have a shot as his angle was not clear. He anticipated he was going to fire his shotgun at the suspect once he moved forward another twelve (12) inches, but was surprised to hear the gunfire come from behind him (south of his location).

The suspect fell back into the vehicle and Officer Fletcher could see the black revolver on the ground by the left rear door of the suspect vehicle. Officers continued to give the suspect verbal commands to exit the vehicle. The suspect exited the vehicle and was on the ground near the gun.

At this point Officer Fletcher's concern was that the suspect was trying to commit suicide by cop. He was not sure if the suspect was trying to re-acquire the gun as Officer Fletcher could not see the gun anymore.

The suspect began to comply with commands and scooted himself down the driveway. Officer Fletcher then noticed the cast on the suspect's arm. The patrol SUV was moved up toward the suspect and the contact team detained the suspect.

Officer Fletcher then assisted in clearing the house, back and side yard.

Officer Fletcher elaborated on the gun position the suspect had when he held the gun. Officer Fletcher stated the gun was pointed in the general direction of the Officers (Sergeant Corti, Sergeant Young, Officer Ying), but could not see if it was on or off line.

Office Fletcher felt there were no other means of force left for Officers to use before deadly force was used. The officers could not have stopped the subject by any other means. The force was necessary and reasonable in his opinion. Officer Fletcher stated that if the subject had advanced another twelve (12) inches, Officer Fletcher would have had a clear shot and would have fired his weapon at the subject.

Officer Fletcher stated "absolutely" when asked if it was reasonable for the Officers that fired their weapons to perceive the type of danger that he did. And the shooting did not violate the Department policy.

This concluded our interview.

The sketch shown to Officer Fletcher was signed by him and collected by me.

The audio recording was downloaded onto a CD. The sketch and CD was submitted into the San Leandro Police Property Department as evidence. Please listen to the audio recording of the interview for further details.

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I then met with Sergeant Anthony and several other Detectives to discuss our next assignment. While Sergeant Anthony continued with his investigation, I executed the search warrant at 137th Avenue. Sergeant Morgan and other detectives assisted in the search of the residence.

We arrived at 137th Avenue about 1900 hours. I took photographs of the exterior and interior residence. We were informed there was another handgun in the hallway crawl space in the ceiling, right before the bathroom.

A 1911 handgun was located in the ceiling. It was in a decorative case and locked. The hammer of the fire was down, suggesting the gun was unloaded. Attempts to defeat the lock met with negative results.

Further search of the residence revealed a six (6) pack of empty beer bottles by the couch in the family room. A Costco letter address to the suspect (Mario Torres) and a cell phone that belonged to the suspect (Samsung Galaxy SIII) were located inside the residence.

Additionally, we located a broken front window with a bullet hole. We then found a spent bullet on the floor under the broken window. It appeared a bullet was fired into the window, breaking the glass and the curtain stopped the bullet and the bullet dropped to the floor. The window was photographed and the bullet was collected by Detective Nelson.

The gun, Costco letter and cell phone were collected as evidence. A copy of the search warrant and a receipt of the property collected was left on the dining room table.

The following is list of the photographs taken during the search warrant:

- 1- Case sheet.
- 2- Overall of 137th Avenue (west side).
- 3- Overall of 13'
 4- Overall of 13'
- 137th Avenue (middle). 137th Avenue (east side).
- 5- Overall of address sign.
- 6- Overall of front window.
- 7- Overall of front window (closer).
- 8- Close up of broken window.
- 9- Front door leading into residence.
- 10- Front living room.
- 11- Front living room, alternate view #1.
- 12- Front living room, alternate view #2.
- 13- Overall of dining room.
- 14- Door to kitchen from dining room.
- 15- Overall of kitchen.
- 16- Overall of kitchen, alternate view #1.
- 17- Overall of kitchen, alternate view #2.
- 18- Overall of table by kitchen door to dining room.
- 19- Overall of kitchen counter.
- 20- Overall of kitchen appliances.
- 21- Overall of table by doorway.
- 22- Overall of family room.
- 23- Overall of family room, alternate view #1.



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- 24- Overall of family room, alternate view #2.
- 25- Overall of access to crawl space in family room.
- 26- Overall of door into master bedroom.
- 27- Overall of master bedroom.
- 28- Overall of master bedroom, alternate view #1.
- 29- Overall of master bedroom, alternate view #2.
- 30- Overall of master bedroom chair.
- 31- Overall of master bedroom bathroom.
- 32- Master bathroom by toilet.
- 33- Master bathroom above toilet.
- 34- Master bathroom by shower.
- 35- Bedroom #1 attached to master bathroom.
- 36- Overall of bedroom #1.
- 37- Overall of bed in bedroom #1.
- 38- Overall of bedroom #1, upper area.
- 39- Overall of bedroom #1, upper area #2.
- 40- Overall into bedroom #2.
- 41- Overall of bed in bedroom #2.
- 42- Overall of bedroom #2.
- 43- Overall of bedroom #2, alternate view #1.
- 44- Overall of bedroom #2, alternate view #2.
- 45- Overall of bedroom #2, dresser.
- 46- Overall of bedroom #2, closet.
- 47- Overall of bedroom #2, upper closet.
- 48- Overall of family room with beer bottles.
- 49- Overall of bear bottles.
- 50- Close up of beer bottles.
- 51- Overall of broken front window, interior view.
- 52- Overall of broken front window, alternate interior view #1.
- 53- Overall of spent bullet in family room.
- 54- Overall of spent bullet.
- 55- Close up of spent bullet.
- 56- Overall of gun found in hallway crawl space.
- 57- Close up of gun.
- 58- Overall of gun removed from crawl space.
- 59- Overall doorway into hallway.
- 60- Overall of hallway.
- 61- Overall of hallway, upper.
- 62- Overall of hallway crawl space access.
- 63- Overall of bathroom #1.
- 64- Overall of bathroom #1, alternate view #1.
- 65- Overall of bedroom #3.
- 66- Overall of bedroom #3, upper.
- 67- Bathroom #1.
- 68- Bathroom #1 window.
- 69- Bathroom #1 tub.



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- 70- Bathroom #1 shower curtains.
- 71- Overall of bedroom #3 shelf and television.
- 72- Overall of bedroom #3, alternate view #1.
- 73- Overall of bedroom #3, bed.
- 74- Overall of bedroom #3, alternate view of bed.
- 75- Overall of bedroom #3, alternate view #2.
- 76- Overall of bedroom #3, alternate view #3.
- 77- Overall of bedroom #3, alternate view #4.
- 78- Overall of bedroom #3, alternate view #5.
- 79- Doorway into bedroom # 1, alternate door.
- 80- Overall of bedroom #1, bed and night stand.
- 81- Overall of bedroom #1, bed and hight stand 81- Overall of bedroom #1, head board area.
- 82- Overall of bedroom #1, foot of bed.
- 83- Overall of bedroom #1, blanket.
- 84- Overall of bedroom #1, doorway.
- 85- Overall of bedroom #1, desk area.
- 86- Overall of bedroom #1, closet area.
- 87- Overall of bedroom #1, chairs.
- 88- Overall of bedroom #1, closet area #2.
- 89- Overall of bedroom #1, closet area #3.
- 90- Overall of gun, cleaned glass.
- 91- Overall of Costco letter.
- 92- Overall of Costco letter, closer.
- 93- Overall of alcohol by the master bed night stand.
- 94- Close up of alcohol and pill bottle on master bed night stand.
- 95- Close up of pill bottler for Mario Torres.
- 96- Close up of pill bottle for Mario Torres, alternate view.
- 97- Overall of interior of front window.
- 98- Overall of interior of front window, alternate view.
- 99- Close up of broken front window, interior.
- Overall of location of spent bullet in living room.
- 101- Overall of the spent bullet, interior.
- 102- Close up of spent bullet located in living room.

All digital images were taken using a Canon 18-55mm digital SLR camera. The digital images were downloaded onto a CD. The gun, Costco letter and Samsung cell phone and CD of digital images were submitted into the San Leandro Police Property Department as evidence.

See Sergeant Anthony's report for further details regarding the investigation.

End of narrative.



INVESTIGATIVE FOLLOW-UP

Case # 15-50010

Sgt. Nick Corti

On 10-24-2015, Sgt. Morgan, Lt Henderson, and I conducted an interview with Sgt. Nick Corti with his attorney present. Sgt. Corti's attorney, Sarah Burdick, was from the law offices of Rains Lucia and Stern. This interview was held in the San Leandro Police Department's Chief's interview room approximately 1417 hours, and was recorded with an Olympus digital voice recorder. Before the questing began, I ready Sgt. Corti the San Leandro admonishment form stating he is not obligated to answer any questions, and any answers he gives may be used in a court of law. This admonishment was signed by him, his attorney, and myself as the witness. In summary, Sgt. Corti stated the following:

Sgt. Corti is currently assigned as a traffic Sergeant for the City of San Leandro. His normal work schedule is Tuesday through Friday from the hours of 0630 hours to 1630 hours. His call sign during this particular shift was "7l74." Sgt. Corti has been with the San Leandro Police Department for approximately 10 years. Prior to joining the San Leandro Police Department, he worked as a Police Officer for East Bay Regional Parks Police for one and a half years.

Sgt. Corti's last day of work prior to this incident happening was on 10-22-2015. Sgt. Corti had approx. 5 hours of sleep the night before the incident, and had not drunken any alcoholic beverages within the last 24 hours of this incident taking place.

Sgt. Corti was wearing his department issued class "C" uniform, which consisted of his motorcycle boots, a long sleeve department polo. He was wearing his outer carrier ballistic vest, which included his name plate, a "Police" insignia, and department issued badge. At the time of the incident he was carrying his department issued black Glock 22 .40 caliber semi-automatic handgun. He had in his possession a total of 3 "glock" magazines with a round capacity of 15 rounds in each magazine, and one round chambered in the chamber of his weapon, for a total of 46 rounds. Sgt. Corti qualified with his department issued handgun in late September of 2015. Further Sgt. Corti is a range master for the City Of San Leandro, as well as an assistant team leader for the departments SWAT team.

I then provided Sgt. Corti with a sketch which was drawn up by Det. Benz. This sketch was not to scale and was given to all the Officers in order to be consistent with the overall generic diagram as we noticed it in the 1500 block of 137th Avenue. I asked Sgt. Corti to go through the incident from "A-Z" as he remembered it.

Sgt. Corti's recollection of the incident was as follows:



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On 10-23-2015, he got to work approx. 0700 hours. He dawned his uniform and drove around the city in his patrol vehicle for a bit. He eventually came back to the station and that is when he heard the call for service come out over the SLPD radio. From what he remembers of the initial broadcast was to "ascertain the welfare" on a subject who had called his daughter to say "goodbye." Sgt. Corti began to walk back to his vehicle, and he heard now the subject had 2 guns in his house. He also heard one of the updates that there was 2 other people in the house which was the mother and daughter of the suicidal subject. Sgt. Corti asked SLPD radio to ask the two in the house to exit. He then heard the subject was walking to the garage in the house. Sgt. Corti was now concerned because the subject is now on the move and there are still two people in the house. He felt he needed to get there a little quicker.

Sgt. Corti arrived on scene and met with Sgt. Sellers, Officer Bacerra, and Officer Ying who were already on scene at Bancroft and 137th Avenue. Sgt. Corti realized the house was going to be on the North side of the street which was his left side. He heard via SLPD dispatch that the mother and daughter were now outside the house. Sgt. Corti led Officer Bacerra, and Officer Ying East on 137th from Bancroft. As they were walking/running east on 137th they noticed what he assumed was the mother and daughter walking west toward their direction. Once they made contact with the mother and daughter, Sgt. Corti asked for Officer Bacerra to escort them both back to the command post which was at the intersection of 137th and Bancroft Avenue.

Sgt. Corti and Officer Ying continued east on 137th in order to get positioning on the house which was 137th Avenue. Sgt. Corti said he had a "weird" feeling and he did not want to approach the house. Once they were approx. 2 houses east of the target house, they crossed the street and used a black vehicle parked on the South side of the street and used it as concealment/cover. Once they were positioned behind the black vehicle across the street and approx. one house east of the target house, he heard Sgt. Sellers state the subject was possibly inside a vehicle parked in the driveway of the home. Sgt. Corti saw somebody in a Mazda which was on the right side (east side) of the driveway at 137th Avenue. Based on all the information received thus far ie: suicidal subject, 2 guns possibly inside the car, and Sgt. Corti seeing the subject in the car, he wanted to get containment and set a unit on the east side of the house. Sgt. Corti asked for an expedited unit to that location. Soon after is when Officer Hackl arrived in his fully marked SLPD vehicle. Officer Hackl parked near a newer jeep which almost divided the property between and the house just to the east of the target house.

Once Officer Hackl arrived, Sgt. Corti waived his hands to get Officer Hackl's attention so he was aware of where they were set up. Once officer Hackl was set, Sgt. Corti yelled at him to make verbal contact with the subject in the Mazda. At some point after Officer Hackl was set, he heard someone advise the subject in the car had the gun with him or it was already inside the car. Officer Hackl began to make announcements saying



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something to the affect, "San Leandro Police we just want to talk to you, please come out." After the initial announcements were made by Officer Hackl, Sgt. Corti heard a single gunshot. Sgt. Corti looked over at Officer Hackl and Officer Hackl advised he could see the subject slumped inside the car. Sgt. Corti remembers when he heard the gunshot, he saw the debris from the round go directly through the rear driver's side window toward the direction where Officer Ying and Sgt. Corti were. Sgt. Corti thought the male committed suicide but still did not want to rush just in case he had not shot himself. At some point he remembers Sgt. Young and a few other Officers show up to where he and Ying were. Other units also arrived which were Officer Fletcher, Detective Cesaretti, and Officer Salazar. Sgt. Corti realized Officer Hackl was still alone and sent them all to Officer Hackl leaving Sgt. Corti, Officer Ying, and Sgt. Young at the black vehicle across the street from 137th Avenue.

Once they were all set up, Sgt. Corti said he saw and heard another gunshot, and he thought it came out the same window as the first as he saw debris again. Sgt. Corti now realized the subject had not committed suicide and he thought the subject was shooting at them. Sgt. Corti got on the radio and asked for a SWAT/HNT call out. He was in fear because of the residential public area as well as 2 school's which were nearby that Mario was a continued threat to the community.

Sgt. Corti then wanted to just hold and contain the situation and wait to negotiate the subject out. As Sgt. Corti moved to the front end of the black car which they were behind, he noticed the rear door of the subject car was open and he could see "Mario" sitting in the car. Sgt. Corti could see his left leg, part of his left thigh, and part of his left side/arm.

Sgt. Corti began to call to him saying "Mario please come out we do not want to hurt you, we want to just talk to you." Sgt. Corti saw Mario began to roll out from the car. When he saw this he thought to himself that Mario was about to surrender to the police and Sgt. Corti was happy about that, and it would be over. Sgt. Corti then realized Mario had a black revolver in his right hand. He said it was "clear as day" when he saw this as he had a white "t" shirt on black sweats against the gold backdrop of the car which Mario just emerged from. Sgt. Corti said he had no doubt or question Mario had a gun in his hand. Sgt. Corti said to himself, "I have seen this before he is going to drop the gun, and we are going to end it safely."

Sgt. Corti then said Mario stayed low against the back left drivers side of the Mazda he just got out of near the left rear wheel. Sgt. Corti then saw Mario raise the revolver up and the gun began to get level with the back end of the trunk. Sgt. Corti said it was almost as if Mario was taking a position of cover or advantage and trying to see where the other Officers were positioned on the east side of him. As soon as Mario raised the gun, Sgt. Corti had that moment of "oh shit" he is going to shoot them, meaning all the



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Officers to the East of Mario, (Officer Hackl, Officer Fletcher, Officer Salazar, and Detective Cesaretti). Sgt. Corti realized Mario had already shot twice, and Mario was now looking to see where they were at to shoot them. Sgt. Corti felt immediately those lives were in danger. He obtained a front sight picture with his handgun and fired one round which he felt went high and possibly missed Mario. At that point he heard a second gunshot which was Officer Ying's one round from his long gun. Sgt. Corti noticed the subject was still moving and still had the gun raised toward the Officers. Sgt. Corti then fired two additional rounds at Mario. After Sgt. Corti fired those 2 last rounds, he noticed Mario drop. At this time Sgt. Corti did not see a threat any longer and he did not fire any additional rounds.

Sgt. Corti lost visual contact with Mario and assumed he was laying between the cars. He had communication with the other team off to the East who also stated they could not see where Mario was after the shots were fired. At this point Sgt. Corti was thinking to himself, why did Mario do this, he (Sgt. Corti) did not want to be in a shooting, and he became irritated. Sgt. Corti took a breath and realized they still had a job to do, and they could not see him any longer. Sgt. Corti realized they needed to see Mario before they approached because he realized he may not be hit and may be waiting for the Officers to expose themselves and fire again.

Sgt. Corti moved to another position which was directly across the street from in order to get better positioning to see if he could see Mario. Once Sgt. Corti moved to the truck he had a good visual of the vehicle, and was able to look between the 2 cars which were parked in the driveway. At that point he heard Det. Cesaretti said he saw movement inside the car and Mario was back inside the car. Sgt. Corti noticed the left rear driver's side door open and he could see Mario's leg, and left hand. Sgt. Corti noticed movement as well so he began to make several more verbal commands from his location. Saying something to the affect, "Mario please come out, we don't want to hurt you."

A team then came over to Sgt. Corti's position, and Sgt. Corti sees Mario's two hands come out from the rear of the car where he was seated. Sgt. Corti is giving radio updates as to what he is seeing. Sgt. Corti then noticed Mario roll out from the car and noticed his white "t" shirt was bloody as he rolled out from the car. Mario had his hands up and Sgt. Corti realized he no longer had the gun in his hands.

Once Mario was out from the car, they had him scoot or roll on his back away from the car. Knowing there was still a gun nearby, they had Mario roll all the way to north curb almost all the way out to the street. They then had Officer Fry drive a patrol Suv from the west and used it as cover while they went to detain Mario and provide him medical care.



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Once the car was parked, they moved toward Mario, and drug him out to the street and handcuffed him while another team cleared the vehicle. Sgt. Corti noticed what looked as if it was a single gunshot wound to Mario's back. He instructed Officer Fry to get a chest seal on the wound and cover it. Before they could do that, the already awaiting fire department arrived and began medical aid to Mario.

After Sgt. Corti went through the incident, I went back and asked him some additional questions about the incident. I also had Sgt. Corti number the car's which were drawn on the map.

I asked Sgt. Corti if there was any other opportunity for them to just leave the situation. Sgt. Corti told me with the 2 school's nearby with an estimated 3000 students, the residential neighborhood, Mario having a gun, and already shot the gun two times he felt Mario posed a threat to the community.

I asked Sgt. Corti his thought process after he heard the first gun shot. Sgt. Corti said he originally thought the first gunshot was Mario committing suicide. However after thinking of this while he was still on scene, he realized the bullet came out the window. Sgt. Corti figured he either had a high powered gun and the bullet went through Mario then through the window or Mario was shooting at them.

I then wanted to get specific on times between the gunshots fired from Mario. Sgt. Corti estimated a minute or less between the first gunshot and the second gunshot. After the second gunshot, Sgt. Corti was now thinking "he does not want to get into a shooting right now, we do not need to go through this."

Sgt. Corti said if he did not stop Mario when he began to raise the gun, he felt the Officers to the east of him were going to die, and he had no other choice other than discharging his firearm.

I then asked Sgt. Corti if he remembered what hand Mario was using to hold the gun. Sgt. Corti said he thought the gun was in Mario's right hand, and he remembers seeing his upper back area as Mario was beginning to point his gun at the Officers to the East.

Sgt. Corti said his last shot (third shot) was when he felt comfortable the threat was either neutralized or over, and that is why he did not discharge his firearm again.

I asked Sgt. Corti if he thought from his point of view if the Officers to the east would have seen the gun being raised toward them. Sgt. Corti said from where his positioning was when Mario was raising the gun toward the Officers to the east, he does not think the Officers to the east would have been able to see the gun being raised toward them to his knowledge. Sgt. Corti said from what it looked like only basing it on the angles is that



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the Officers to the east only would have been able to see the gun if Mario raised it above the level of the trunk.

I asked Sgt. Corti about how far he was when he discharged his firearm in order to stop the threat. Sgt. Corti estimated he was approx. 20-30 yards away when he discharged his firearm, and the officers to the east of him were approx. 15 feet away from Mario, which was Officer Hackl's location.

I asked Sgt. Corti why they did not just walk away from the incident. Sgt. Corti again reiterated with the mention of 2 guns, the schools nearby, and the unknown of anyone else inside, and as they were setting up Mario firing the initial round, Mario did not give them an opportunity to walk away. Sgt. Corti said if they made contact and he was just having a bad day and there was not a mention of gun, they could have had the opportunity to walk away from the incident.

Per our departments policy I then asked Sgt. Corti once he was done with his initial interview if he wanted to see his body camera video. Sgt. Corti said he would like to see the video with his attorney. After he watched the video of the actual incident he said the only thing he would like to clarify was the car which he went to was a truck and not a car. Further he remembered after the shooting (when Sgt. Corti and Officer Ying discharged their firearm), he remembers Mario yelling "Fuck" multiple times. Sgt. Corti said he perceived this as Mario did something wrong.

Nothing further.



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Detective T. Perry

On 10-23-2015, Detective Pasut and I conducted an interview with Det. Tim Perry re this incident. This interview was held in the San Leandro Police Department's Chief's interview room approximately 1720 hours, and was recorded with an Olympus digital voice recorder.

Det. Perry is currently assigned to the Criminal Investigation Unit as Detective. His normal work schedule is Tuesday through Friday from 0700 hours-1700 hours. His call sign during this particular shift was 14I14." Detective Perry has been with the San Leandro Police Department for approximately 6 years.

Detective Perry's last day of work prior to this incident happening was on 10-22-2015. Detective Perry had approx. 6 hours of sleep the night before the incident.

Detective Perry was wearing his department issued class "D" uniform at the time of the incident. Detective Perry had on his outer carrier department issued vest with the word, "Police" written on multiple locations on the vest. At the time of the incident he was carrying his department issued black Glock 22 .40 caliber semi-automatic handgun.

I then provided Detective Perry with a sketch which was drawn up by Det. Benz. This sketch was not to scale and was given to all the Officers in order to be consistent with the overall generic diagram as we noticed it in the 1500 block of 137th Avenue. I asked Detective Perry to go through the incident from "A-Z" as he remembered it.

Detective Perry's recollection of the incident was as follows:

Detective Perry heard the initial call for service as he was at the station. From what he remembers it was a call of a suicidal subject with the mention of a gun. Prior to getting there Detective Perry requested for medical to stage in the area.

When he arrived on scene he went to the command post and met with Sgt. Sellers. When he went to the command post he noticed and and walking west toward the command post with Officer Becerra. Detective Perry spoke to who told him the suspect had a gun inside the car. Detective Perry relayed that information to the units on scene.
Detective Perry asked what caused the situation for him to be so upset. told Detective Perry that Mario found out her mother was cheating on her husband. As he was at the command post he heard one shot. and began to run back to the house because it seemed as if they heard it as well. They grabbed them and escorted them back to the command post.



Unit

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Once they were at the command post, Detective Perry decided to dawn his ballistic vest and assist the Officers who were trying to help Mario. When he arrived at the position where Sgt. Young and Sgt. Corti were all shots had already been fired. He told Officer Fry to drive his patrol car up and Detective Perry was going to use the SUV as cover as he went up to the scene. As Detective Perry got closer, he joined Sgt. Corti, Sgt. Young, and Officer Ying. As he approached the Officers were making verbal commands for the suspect to surrender.

Detective Perry said he then noticed Mario rolling out to the street as he was instructed to do so. Once Mario was in a safe position, they moved closer to him and began first aid. Detective Perry was relieved by paramedics who began to administer first aid to Mario.

After the incident, Sgt. Young brought them all together and began giving assignments as to canvasing statements, etc.

After Detective Perry gave his initial statement as to what he remembered I asked him some further questions.

Detective Perry estimates it was approx. 2 minutes between Mario's first round he fired to his second round being fired. When Detective Perry arrived at the car with Sgt. Corti, all rounds had already been fired.

Detective Perry said when he heard the first shot, he initially thought Mario had shot himself. When he heard the second shot and heard over the radio that he was still in the car, he felt that Mario was firing at the Officers who were on scene.

I asked Detective Perry if he heard any commands given by Officers on scene. From where Detective Perry was which was at the command post, he heard Officers giving commands but was not sure exactly what was being said because he was about 6 houses away. As he got closer to the scene, he clearly heard Sgt. Corti giving Mario commands, and also heard Detective Cesaretti giving commands.

When Detective Perry was at the location of Sgt. Corti and Sgt. Young he heard Mario was still inside the Mazda in the driveway which was just east of another car parked in the driveway.

I asked Detective Perry what his thought process was after he heard the shots were fired. Detective Perry said when he heard the volley of shots fired he began to think Mario was



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trying to do suicide by cop. He was worried because he realized this area was a residential area with 2 schools nearby, which were in session at the time of the incident.

Detective Perry said he did not see any exchange of gunfire from Mario to the Officers and he also did not see the Officers fire at Mario

That was a summary of the interview with Detective Perry.

Nothing further.



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Officer Alex Ying

On 10-24-2015, Sgt. Morgan, Lt Henderson, and I conducted an interview with Officer Alex Ying with his attorney present. Officer Ying's attorney, Sarah Burdick, was from the law offices of Rains Lucia and Stern. This interview was held in the San Leandro Police Department's Chief's interview room approximately 1556 hours, and was recorded with an Olympus digital voice recorder. Before the questing began, I read Officer Ying the San Leandro admonishment form stating he is not obligated to answer any questions, and any answers he gives may be used in a court of law. This admonishment was signed by him, his attorney, and myself as the witness. In summary, Officer Ying stated the following:

Officer Ying is currently assigned to the Patrol division. He was hired in November of 2014, and he served two and a half years with the Oakland Police Department. His call sign on the day of the incident was 2123, and he was working beat three. His normal work hours are Friday, Saturday, and Sunday from 0640-1900 hours. The last shift which Officer Ying worked was Sunday the week before from 640 hours to 1900 hours. Officer Ying did not have any alcoholic beverages within the last 24 hours of the incident taking place. Officer Ying had 8 hours of sleep the night before this incident took place.

Officer Ying was wearing his full Police department uniform wearing his outer carrier ballistic vest. On Officer Ying's left shoulder is his San Leandro Police patch. On his outer carrier he wears his silver department issued badge. Officer Ying was driving a fully marked San Leandro Patrol car number 206 and at the time of this incident, he was not partnered with anyone else within the car.

Officer Ying had in his possession his Department issued Glock .40 caliber, as well as a Smith and Wesson Ar-15 Rifle. This rifle is department issued and is assigned to him. Officer Ying keeps the gun in his personal locker, and performs a weapons safety check prior to his shift and he in fact did this the day of the incident. Officer Ying remembers there being 28 rounds in the magazine, and there was not a round chambered inside the gun until they deploy the gun on an operation. Officer Ying said he had Hornady .223 rounds in the gun at the time of the shooting. Officer Ying last qualified with this particular weapon approx. one month ago.

At this time in the interview I advised Officer Ying I wanted to go over the incident from "A-Z." I then provided Officer Ying with a sketch which was drawn up by Det. Benz. This sketch was not to scale and was given to all the Officers in order to be consistent with the overall generic diagram as we noticed it in the 1500 block of 137th Avenue. I asked Officer Ying to go through the incident from "A-Z" as he remembered it.



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Officer Ying's recollection of the incident was as follows:

Approximately 0900 Officer Ying and Officer Becerra were dispatched to an "ascertain the welfare call." Dispatch advised the reporting party advised the father was suicidal and had firearms in his possession. Officer Ying said he was dispatched as the cover Officer and Officer Becerra was dispatched as the primary Officer. They both arrived on scene and met with Sgt. Sellers and Sgt. Corti who also arrived on scene. Someone requested SLPD dispatch to have the mother who was still inside the house and the daughter who was inside the house to exit the home to safety.

As Sgt. Corti, Officer Becerra and Officer Ying approached the home, they noticed the mother and the daughter walking west toward them. Officer Becerra walked them back to the command post and spoke to them. He discovered and advised Officer Ying that the father was walking back and forth out of the house and he was now in his vehicle armed with a firearm.

They took cover/concealment behind a black vehicle. He then remembers Officer Hackl park just east of the driveway where the suspect's car was parked. Once Officer Hackl parked his fully marked San Leandro Police car, he remembers Officer Hackl giving verbal commands for the suspect to get out of the vehicle with his hands up. Officer Ying then heard a gunshot from the Mazda. Officer Ying noticed smoke or debris coming out from the Mazda after the gunshot went off. After the initial gunshot was heard, he heard Officer Hackl give even more commands and identified himself as a San Leandro Police Officer, and said something to the affect "come out with your hands up we do not want to shoot you."

A few moments went by, he heard and noticed another gunshot come from within the vehicle. At this point Officer Ying believed the suspect was shooting at them. This is based on the fact that they gave the suspect multiple opportunities to give up and the last thing Officer Ying wanted was to shoot this suicidal subject.

Officer Ying then remembers the suspect getting out from the vehicle holding a gun and pointing it at Officer Hackl, and the other Officers on the east side of him. Officer Ying said he was afraid for his life and the other Officer's life based on what he saw at the moment he discharged his rifle. Officer Ying said to himself, if he does not take care of this threat right here and right now, he might kill one of them. He also remembers hearing Sgt. Corti's gun discharge. Once Officer Ying discharged his firearm one time in the direction the suspect was, he did not see the subject any longer and he did not discharge his firearm again.



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After that, Officer Ying remembers Officers giving commands for the suspect to roll out to the street. Officer Ying said he began to obey their commands and an arrest team was formed. Once he was detained in handcuffs, a team cleared the car and cleared the house.

Once Officer Ying had an opportunity to give his statement, I had follow up questions for him about the incident.

I first asked Officer Ying to explain what he remembers of the general area where this occurred. Officer Ying said this area was in close proximity to 2 schools which were in session. He also had a concern about the time which this occurred knowing that people are up and about and some on their way to work. Officer Ying was also concerned of the safety of the community and the Officers on scene.

I asked Officer Ying what his thought process was as he was driving to the scene: Officer Ying said he remembers thinking about the guns and the suspect having them in his possession. He also thought about how he can de-escalate the situation before he even arrived on scene. The last thing Officer Ying would want to do is take a life or use force which is unnecessary. He also wanted to help the suspect and this incident to resolve as a peaceful ending.

Officer Ying said he realized the suspect was inside the car after hearing Sgt. Corti saying he saw him in the Mazda. He also said the reason why they wanted the two females to exit was because he did not want it to turn into a hostage situation. He realized the suspect had guns and this was a suicidal subject.

Officer Ying said he went to the engine block of the Lexus because that was the best cover/concealment which he observed. Sgt. Corti took lead on the incident and attempted to call to the subject. Officer Ying said Sgt. Corti advised to Officer Ying that the vehicle the suspect was in was the Mazda. At this point Officer Ying was in fear that this suicidal subject was going to hurt or kill him because of his state of mind, and he had prior intel that the suspect had a weapon.

Officer Ying said to his best recollection, he thought Officer Hackl pulled his car up approx. one minute after Sgt. Corti and him were at the Lexus behind cover. Officer Ying said once Officer Hackl arrived he (Officer Hackl) began giving multiple commands. Officer Ying said he heard Officer Hackl clearly from where he was. Officer Ying said he estimates the first round from the suspect shooting going off approx. 1-2 minutes after they got to the Lexus. When the first round went off, he noticed the dust and debris come from the Mazda when the suspect shot. Officer Ying said he thought the suspect committed suicide at first, however he realized the round went through the window.



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After the initial gunshot, Officer Ying heard another gunshot about 1-2 minutes after the suspect fired the first round. Officer Ying said he was looking through his "e-o-tech" sight which is mounted on his rifle. Officer Ying said he had a clear unobstructed view from where he was positioned to the suspect vehicle. Once the second round was fired by the suspect he now thought the suspect was shooting at them. The suspect had now fired 2 rounds, he has been given multiple opportunities to surrender, and he has not.

Officer Ying then noticed the suspect had exited the car. Officer Ying still had a clear unobstructed view and noticed the suspect holding a gun and pointing it at the direction of the Officers.

I asked Officer Ying to explain what he remembers about the suspects positioning when he got out from the car. Officer Ying remembers the suspect was crouching down and looked as if he was trying to get cover behind the vehicle. Officer Ying does not remember what hand the suspect had the gun in. Officer Ying said he remembers the gun to be black and relatively small. Officer Ying was still positioned at the same spot behind the engine block of the Lexus when he noticed the suspect with the gun. Officer Ying the suspect raised the gun directly at Officer Hackl's direction. Officer Ying said that is when he fired one round, and also heard that Sgt. Corti fire a few rounds from his handgun. Officer Ying did not engage the suspect again because he could not see an immediate threat. I asked Officer Ying if he fired his gun because he heard Officer Corti fire his gun. Officer Ying said "no" immediately. He said he fired his round because he felt the suspect wanted to kill the other officers because he pointed his firearm at them. Further Officer Ying said the suspect had ample time to surrender and during time the suspect fired 2 rounds which he believed were at them.

Once the suspect began to comply and rolled to the street as asked by other Officers, the suspect was arrested. Officer Ying then cleared the car, and cleared the house to ensure there was nobody else hurt inside.

Officer Ying said he believes there was no other use of force options appropriate during this situation. Officer Ying said the subject had a firearm and was using deadly force toward the Officers by firing two rounds outside the vehicle.

Officer Ying said he estimates, (and admitted he is not great with distances), but he would estimate 30-40 feet was the distance when he engaged the suspect. I asked Officer Ying how far away is the longest distance when he qualifies with his rifle. Officer Ying said when he qualified with is rifle, part of the qualification was from 50 yards away.



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I then provided an opportunity for Officer Ying and his attorney to watch the body cam video from Officer Ying's camera. After reviewing the video they did not have any further statements or clarifications.

Nothing further.



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Sgt. T. Young

On 10-23-2015, Detective Pasut and I conducted an interview with Sgt. T. Young re this incident. This interview was held in the San Leandro Police Department's Chief's interview room approximately 1549 hours, and was recorded with an Olympus digital voice recorder.

Sgt. Young is currently assigned to the Criminal Investigation Unit as a Sergeant with the Crime Suppression Unit. His normal work schedule is Monday through Thursday from 1100 hours-2100 hours. His call sign during this particular shift was 13n77." Sgt. Young has been with the San Leandro Police Department for approximately 20 years.

Sgt. Young's last day of work prior to this incident happening was on 10-22-2015. Sgt. Young had approx. 7 hours of sleep the night before the incident, and had not drunken any alcoholic beverages within the last 24 hours of this incident taking place.

Sgt. Young was wearing plain clothes, and had on his outer carrier department issued vest with the word, "Police" written on multiple locations on the vest. At the time of the incident he was carrying his department issued black Glock 23 .40 caliber semiautomatic handgun.

I then provided Sgt. Young with a sketch which was drawn up by Det. Benz. This sketch was not to scale and was given to all the Officers in order to be consistent with the overall generic diagram as we noticed it in the 1500 block of 137th Avenue. I asked Sgt. Young to go through the incident from "A-Z" as he remembered it.

Sgt. Young's recollection of the incident was as follows:

Sgt. Young was on his way into the Police Department for a negotiations meeting. He was driving his city issued vehicle which was rented from Enterprise rental car. Sgt. Young also had his radio with him as he was driving his vehicle. He heard Sgt. Corti on the radio ask some questions to dispatch. He heard Sgt. Corti mention something about a suicidal subject. He initially did not know where the location was. Sgt. Young then heard Sgt. Sellers set up a command post at 137th and Bancroft. Sgt. Young began to drive toward that location. As he was driving there, he remembers hearing something about a suicidal subject who he heard his name was Mario. Sgt. Young hears that the wife and the daughter were out from the house.

Sgt. Young then hears Sgt. Corti sound like he is taking a team closer to the house. He then hears Sgt. Sellers ask dispatch to confirm if the subject is inside the car or not. Sgt. Young arrives on scene and parks his car. Sgt. Young dawned his outer carrier vest and walks approx. 75 yards to Sgt. Sellers. Sgt. Sellers asked Sgt. Young to go to Sgt. Corti



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and work the tactical side of this incident. Sgt. Young hears over the SLPD radio a single shot was fired. He was not sure if he heard the shot or if he remembers Sgt. Corti just saying it on the radio.

Sgt. Young immediately runs east and meets up with Sgt. Corti behind a position of cover/concealment which was a black vehicle which he believed was a Lexus. When Sgt. Young arrived he noticed Officer Ying had an AR-15 pointed toward the driveway at 137th Avenue. Sgt. Young said when he arrived to Sgt. Corti, he remembers Officer Fletcher and Officer Salazar behind him. Sgt. Young heard Sgt. Corti ask Officer Fletcher and Officer Salazar to take a position east with Officer Hackl who was already there.

Sgt. Young then thought this guy has already fired a single shot, and he formed the opinion he may have committed suicide, bust still did not want to rush up to the car in case he was still alive or capable of firing again. Sgt. Young then advised SLPD dispatch he was on scene and with Sgt. Corti.

Sgt. Young remembers commands were made to Mario, and soon after he heard another gunshot. Sgt. Young was worried about this guy breaking a perimeter and run to a nearby school(s). Sgt. Young made sure there was a perimeter set because of his fear Mario may get out and run out of the perimeter as he was a danger to the public.

Sgt. Young still hears Sgt. Corti make several commands for Mario to get out from the car and surrender. Sgt. Young then noticed Mario stick his head out from the car, and that is when Sgt. Corti fired 3 shots, and Officer Ying fired one round from his rifle. From where Sgt. Young was positioned all he was able to see was a small portion of Mario's head, and was not able to see what precipitated the shooting. Sgt. Young then advised dispatch there were shots fired toward the subject but was not sure of his condition. Sgt. Young then heard Sgt. Corti say the left rear door of the car was open and Mario was possibly in between the vehicles. Officer Fletcher then advises he sees the subject back in the car. Sgt. Corti then moved to another position and was able to see Mario's vehicle, and Mario inside the vehicle.

Sgt. Young said as Sgt. Corti was giving Mario additional commands he sent over arriving Officer Becerra to Sgt. Corti so they can cover each other. Sgt. Young then heard Sgt. Corti say Mario's door was opening and Mario rolled out from the car. Sgt. Young developed a tactical plan to close the distance to Mario by rolling a Police car east on 137th. As the patrol car approached Mario, Mario was complying and moved himself toward the street where they subsequently arrested Mario, and provided him medical aid.



INVESTIGATIVE FOLLOW-UP

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Once Mario was detained, Sgt. Young led a team into the house after they cleared the vehicle which Mario was in at the time of the shooting. Although Sgt. Young was told everyone was out of the house, he felt they needed to do a protective sweep in order to see if there was anyone else injured inside the house.

Sgt. Young would estimate Sgt. Corti was approx. 25-30 yards away when Sgt. Corti fired his handgun.

Sgt. Young then began making assignments in order to preserve the crime scene. Sgt. Young also pulled everyone together and explained to all the Officers involved not to talk about the shooting and they would all be sequestered.

I asked Sgt. Young what he remembered with an Officer giving commands. Sgt. Young thought it was Sgt. Corti and Officer Hackl giving the commands. They were saying something to the affect, Mario we don't want to hurt you we want to help you.

I asked Sgt. Young how many minutes would he estimate between the first round Mario shot, and the second round Mario fired. Sgt. Young estimated the time between rounds was approx. 2 minutes.

I then asked Sgt. Young if he remembered when he first noticed Mario's head before Sgt. Corti fired his gun. Sgt. Young said to the best of his knowledge, he thought Mario came out form the rear driver's side seat of the Mazda.

I asked Sgt. Young why they did not just walk away from the incident. Sgt. Young explained to me because Mario was outside the house, he had fired 2 rounds, the schools nearby, he felt there was no way they would have walked away from the incident because of the threat and danger to the community. Sgt. Young said after he heard the second shot he went from thinking the subject was not suicidal but he was homicidal. Sgt. Young said the mission for this operation was to get Mario help and make sure his family safe.

Sgt. Young then requested to see the video footage from his camera. He watched the video and wanted to add something which he forgot to tell me in his initial statement. Sgt. Young said when Sgt. Corti was at the car and giving Mario commands he remembers Sgt. Corti say something to the affect, the door is opening, then he hears Sgt. Corti say "drop the gun", and Sgt. Corti then discharges his firearm as well as Officer Ying.

Sgt. Corti explained to Sgt. Young immediately after he discharged his firearm he told Sgt. Young Mario had a gun in his hand and that is why he shot.



INVESTIGATIVE FOLLOW-UP

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This concluded the interview with Sgt. Young. Nothing further.

Nothing further.



INVESTIGATIVE FOLLOW-UP

Case # 15-50010

Mario Torres

On 10-23-2015, I went to Eden Hospital in order to interview, Ar-Mario Torres. I met with Detective M. Benz who had just gotten to the hospital prior to my arrival. I arrived at Eden approx. 2228 hours.

I met with the nurse who was assigned to Mario Torres, who identified herself as I asked f Mario was in any state to speak to us and I inquired about his intoxication and medication. Said Mario was no longer intoxicated and he had some pain medication approx. 6 hours prior to my arrival. Said he is speaking fine and has no conditions which would prohibit us getting a statement from him.

I walked into the room where Mario was assigned to. When I walked in, Mario was awake and watching T.V. He was the only person in the room besides Det. Benz and myself.

I started off the interview by asking Mario some general questions, such as name, date of birth, work status, etc. I told Mario I had some questions for him and I am sure he may have some questions for us. I asked Mario how he was feeling and asked if he was intoxicated. Mario said he was not intoxicated and he just wanted to go home. As I was speaking with Mario, he began to speak to me about his wife and the incident which happened today. This was unsolicited and I actually stopped him and explained to him that I had to read him his rights before we spoke.

I read Mario his rights per Miranda. I read this straight from the San Leandro Police Departments Miranda admonishment form. Mario said he understood his rights and said the following in summary:

Mario said he was drunk the morning of 10-23-2015. He said the revolver he had he did not even really know how to use it. He said he has never even shot a gun. Once he put a bullet in the revolver he fired one shot. After the first round was fired, Mario went to get another round. He said to himself, "this time I am going to do it." Mario "clicked" the gun and it did not fire, and he "clicked" the gun again and it did not fire. He "clicked" the gun for the third time and the gun went off out the front window of the car. When Mario shot the gun the second time, he felt that he got shot in the back, and "everything came crashing down." Mario said he did not intend to hurt anyone including himself.

Mario then began speaking about why he has been depressed. Mario said his wife of 23 years had been cheating on him with someone from her work. The night of Oct 22nd they began to argue about her cheating on him. Mario became so frustrated and punched the wall inside the house. His wife was very distraught that she got caught again. Mario said she knew he had a gun in the house. Later in the evening his hand was hurting so he



Criminal Investigation Division-Crimes Against Persons Unit

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went to Kaiser Hospital to get his hand checked out. Before he left for the hospital, he told her he was going to take the gun because he did not want her to do anything stupid with it when he left for the hospital. Mario grabbed the gun and brought it to the car and took it to the hospital with him.

Mario said once he got to the hospital the doctor diagnosed him with a "boxers fracture." As Mario came home from the hospital, he stopped by the liquor store and bought a 6 pack of beer. Mario said when he got home, he parked his car, and drank a beer before he even entered the house. He said he left the gun inside the trunk of the car in a box with the bullets that go with the gun. He also said he was so he got drunk fast. When Mario arrived home, his wife's sister was there, later identified as the left and went to speak with one another but they did not get far. Eventually his wife, the left and went to sleep at the house for the night in Hayward. Mario said he was so mad at the purposely for the last month or so he has been "treating her like a whore because it hurt him so much so every night when I fucked her, I fucked her till she begged me to stop because I want her when she goes to work to not even think about having sex with that guy."
A little past midnight Mario texted his wife's sister, He asked her to tell to come home. Mario said was home within 5 minutes. They spoke a little bit then went to bed. Fried to hug and kiss him and he told her she was discussed with her. Mario said he thought it was about 0130 hours when he went to sleep, and he woke up around 0630 hours. When he woke up he noticed was awake as if she did not sleep during the night.
Mario went out to the couch in the living room and tried to sit with Mario. They spoke about quitting her job, and he told her not to quit. Mario grabbed a tequila bottle and started drinking. Mario drank alone while went back to the bedroom to drink. Mario estimates he drank about 10 shots of tequila from the bottle. Mario said he stopped drinking about 0730 hours.
Mario remembers going downstairs and went to kiss his dog "goodbye". He also remembered talking to his younger daughter who lives in Santa Cruz, Mario does not remember exactly what he told her, he just remembers saying to her he had enough and he was "just going away". Begged him not to do this. When his wife and control of the daughter who lives there), heard him saying this they got up and they were trying to keep Mario in the house. I asked Mario what he meant by saying "goodbye to everyone." Mario said when he said this, he meant he wanted to end his life." Mario believes the alcohol was talking when he said that and he really did not want to hurt himself.



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I asked Mario if he has ever thought about hurting himself in the past. Mario said maybe he is a "pussy" but maybe he has thought of doing this in the past because he felt cheating was the worst possible thing someone can do. Mario said he never could think he would actually be able to go through with killing himself.

Mario was claiming he was very intoxicated and he did not remember details. Interestingly, I began to ask him very specific questions to see his level of intoxication as to what he remembered and what he did not remember. I asked him if he remembered how he opened his car door. Mario was very specific with how he opened the car door and seemed to remember things very well. Mario said when he opened the car, he had key fob control in his left hand. Mario said he remembers only pushing the unlock button one time because he just wanted to open the front driver's door. With his key fob, he explained if he hits the button 2 times, it will unlock all the doors, and he did not want to do that because he did not want to get in, so he purposely only pushed the button one time.

Once he got in the car he said he sat in the driver's seat. He then locked the door and noticed she was on the phone. Mario then let the rear passenger seat down from within the car. He explained in his car you can access the trunk from the rear seat folding down. Once Mario let down the seat, he reached in the trunk in order to grab the gun. Once he had the gun in his hand he was trying to figure out how to open the chamber to load one bullet into it. After he got it open, he loaded a round into the chamber. Once Mario loaded the gun he pulled the trigger and the gun went off. He said at this time he was not sure if the police were already there. Mario said he realized the bullet went through the front glass on the driver's side. After the first round went off he went to the trunk and grabbed another bullet because he said, "I fucked up this one I better go get another one". When Mario shot the first time he said he was seated in the back seat. After he grabbed the other bullet and he loaded it, he pulled the trigger 2 times and the gun did not go off. He does not remember if the gun was pointed at his face or not but he realized again "he was a big pussy." Mario then remembers hearing the cops say, "Mario we want to help you put the gun down." Mario then pulled the trigger again and the gun went off. He said he thought he aimed the gun at the top of the glass because he wanted to shoot the gun into the air and he did not want to hit his house or his daughter's car. The second round he fired went through the rear driver's side window.

I asked Mario if he fired the second round before he heard the officers giving him commands or after. Mario was now not clear and could not remember if he fired the round before or after. Mario said after he fired the second round, he felt himself get shot in the back. As soon as he felt the shot in the back, he says he opened the door and tossed the gun out from the car. Mario said he rolled out from the car and gave up. Mario said all he remembers was seeing the "cruiser" just down from him in front of the house. He said he did not see any officers but he heard officers screaming. I asked Mario



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if he knew they were the police. Mario said he was sure it was the Police because he heard an officer say, "Mario this is the San Leandro Police drop the weapon, we don't want to hurt you we want to help you." Mario said the officer repeated it again and remembers it sounded like a pattern. Mario was not sure if he heard the officer saying that before he shot the second shot or after. Mario said he was not trying to shoot at the officers when he discharged the firearm.

Mario said before he got hit with the round from the police officer, he remembers opening the door so he could hear what the Police Officers were telling him. Mario remembers he opened the door before he was struck by the round from the Police Officer.

Mario said when he closed the door that is when he thinks he fired the second shot. And after he fired the second shot that is when he thinks he got hit by the round from the Officer. Mario said "they probably thought I was going to shoot them or you know, you know, I am so glad that they shot me in the back and they did not hurt me."

I asked Mario if he remembered having the gun when he opened the door. He said he had to have the gun in his hands because he had possession of the gun the entire time but he does not remember getting out. Mario said he does not remember getting out of the car with the gun.

Mario said he felt the Officers gave him plenty of opportunity to give up. He said from the moment the police got there, he should have given up.

Mario said after he dropped the gun out from the car, he held out his white shirt as if to claim he gives up. Mario said he then crawled to the street as the Officers asked him to.

I asked Mario if when he first fired his gun, if he saw his wife nearby. Mario said when he loaded the gun and grabbed it he thinks they, and Daughter were there, however when he shot the gun he did not see them.

I then asked Mario if he wanted his wife to think that he killed himself. Mario said, "probably". Mario said when he pulled the trigger he wanted to "make noise."

Det. Benz asked Mario if he had ever tried to hurt himself in the past. Mario said he held a knife to his stomach and just could not push it in and stick himself because he "did not have the balls to do it."

Det. Benz asked Mario where he aimed his gun when he shot the rounds. Mario admitted and was aware there was a school nearby and that is why he shot the gun up.



INVESTIGATIVE FOLLOW-UP

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Det. Benz then asked what he thinks would happen to a round fired in the air. Mario said the bullet had to come down at one point.

This was a summary and conclusion of the interview with Mario.



SAN LEANDRO POLICE DEPARTMENT Criminal Investigation Division

INVESTIGATION FOLLOW-UP

Case # 15-50010

05/15/16 11:23 AM

INVESTIGATION:

I am currently assigned to the Professional Standards Unit as a Sergeant performing administrative duties. I am also in charge of the Evidence Response Team (ERT). On 10/23/15, about 0917 hrs, I received a phone call on my cell phone from Lieutenant McManus. At the time of this phone call, I was off duty and was out running personal errands. All times listed in this report is based on the watch I was wearing at the time (Casio – G-shock)

Lt McManus told me there was an officer involved shooting on 137th Ave and I was requested to respond to the San Leandro Police Station to help investigate this incident. About 1010 hrs, I arrived to SLPD and I was asked by Sergeant Anthony to be the liaison for the crime scene that the Alameda County Crime Lab was going to process for our agency.

After getting briefed on what had occurred, I arrived on scene at 137th Ave at around 1111 hrs. At 1120 hours, I met with T. Overcash and J. Otis of the Crime Lab and I advised them that I would stay on scene to answer any questions they may have. I surveyed the scene and noticed 2 vehicles in the driveway of 137th Ave and another car that was parked along the north curb-line in front of the house. This vehicle appeared to be involved as it had damage to its windows. I stayed on scene and left the perimeter crime scene to retrieve equipment at the station (out 1146 hours, back in at 1223 hrs). I also left the crime scene to get food about 1330 hours for about ½ hour. Police Service Technician Anna Patino was on scene the entire time and watched for any intruders into this area. PST Patino kept a crime scene log of any person entering/exiting the scene.

The Alameda County Crime Lab finished processing this scene about 1830 hrs. The Crime Lab handed over all evidence to me that was collected from this incident and I transported it to SLPD. I turned over the all evidence to Ofc T. Chinn and he placed all of the items into the SLPD evidence lockers. The road was opened for traffic and police crime scene tape was taken down at out 1635 hours. I also left the scene at this time. Ofc J. Blankinship stayed at 137th Ave to secure the house in anticipation of our Criminal Investigation Division performing a search warrant at this house.

End of my supplemental report.

ALAMEDA COUNTY SHERIFF'S OFFICE CRIME LABORATORY EXAMINATION REPORT

2901 Peralta Oaks Court, 3rd Floor, Oakland, CA 94605 Phone (510) 382-3300, FAX (510) 382-3344

SUBMITTING AGENCY		LABORATORY NUMBER
San Leandro Police Department		L15-2077-1
EXAMINATION REQUESTED BY	VICTIM OR SUSPECT	CASE NUMBER
Sergeant Anthony	(S): TORRES, Mario	15-50010
LABORATORY CLASSIFICATION	DATE OF REPORT	OFFENSE
Crime Scene Processing	November 16, 2015	Officer Involved Shooting

On Friday, October 23, 2015, at approximately 1000 hours, Criminalists M. Romo, J. Otis and Sheriff's Technician T. Overcash received a request from Supervising Criminalist J. Gomez to process the scene of an officer involved shooting in San Leandro. Sheriff's Technician Overcash arrived at the scene at approximately 1110 hours. Criminalists Romo and Otis arrived at approximately 1119 hours and met with Detectives Anthony and Sanchez. The scene was located at 137th Ave, San Leandro.

Crime Laboratory staff was asked to photograph and document the scene, including trajectory, to prepare Leica scans and to search for and collect items of evidentiary value.

A San Leandro Police SUV, CA license	was parked in the street, northwest of the home at	A
San Leandro Police cruiser, CA license	was parked in the street, northeast of the home at	

Front of residence at 137th Avenue

On the west side of the driveway was a beige Toyota Corolla, CA license The Toyota had all the doors and windows closed and did not appear to have any damage to it. There was a fired cartridge case (Marker #8) under the Toyota's rear driver's side tire.

On the east side of the driveway was a beige Mazda Protégé, CA license The Mazda had the trunk and rear driver's side door open. One hole was in the front driver's side window (Hole #5) and one in the rear driver's side window (Hole #4). A portion of the sunroof visor was cracked and had a piece missing. A black piece of plastic corresponding to the sunroof was located in front of the vehicle (Marker #7). This piece fit into the missing section of the sunroof and formed a hole (Hole #7). One hole was in the rear driver's side door frame (Hole #6). Dark red stains were noted on the rear driver's side door frame. Stains were noted on the rear driver's side door. A bullet (Marker #12) was found in the rear driver's side floorboard and a white styrofoam box (Marker #11), holding ammunition, in the trunk. A pile of clothing (Marker #9) and a lunch box was on the ground next to the rear driver's side door. One Charter Arms Undercover 38 SPL revolver (Marker #10), bearing serial number 675291, was under the pile of clothing. An apparent metal fragment (Marker #5) was located next to the front passenger's side tire.

A dark blue Toyota Corolla, CA license plate was parked next to the curb in front of the home. This vehicle was parked southwest of the two vehicles in the driveway. The rear driver's side door window

EXAMINER'S NAME	EXAMINER'S SIGNATURE	TITLE
Marco Romo	/////m	Criminalist III
TECHNICAL REVIEWER'S SIGNATURE	DATE	FILE NAME
James Hy	December 2, 2015	00191638.DOC
ADMINISTRATIVE REVIEWER'S SIGNATURE	DATE	
Clan M. Leeller	December 2, 2015	Page 1 of 5

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(S): TORRES, Mario

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Front of residence at 137th Avenue continued:

was blown out. The window was shattered but intact, due to the window tinting, and was on the rear driver's side seat. There was a hole at the bottom right corner of the window approximately 4 inches from the vertical edge and 3.5 inches from the horizontal edge. There was a hole at the back of the driver's side seat (Hole #1). The rear driver's side headrest had a hole in the front (Hole #2) and one in the back (Hole #3). Numerous linear-shaped tears were also noted in the front of the headrest. The headrest was detached from the seat and its cover removed to expose the foam. Another hole was noted in the same area as hole #2 and appeared to end in the metal support rod within the foam. The metal support rod had an indentation and there were metal fragments within the foam. The area was stained grey and the bullet appeared to have disintegrated after striking the metal rod. There was a hole in the rear windshield (no hole number given).

Front of residence at 137th Avenue

This home is northeast of the home at Control on the southwestern side of the home was a bullet (Marker #6) in the corner where the chimney meets the wall.

Front of residence at 137th Avenue

This home was on the other side of the street and south of the home at was parked next to the curb in front the home. The Lexus had some slight scratches on the top corner of the hood below the passenger's side windshield. On the lawn were four fired cartridge cases (Markers #1-4).

Evidence items

The two tables form a list of items collected from the scene. For the following items, measurements were taken from the north edge of the lawn, next to the driveway, and west edge of the lawn next to the sidewalk. All measurements are approximate.

Market #	Description	Location	Distance to	A CONTRACTOR OF THE PROPERTY OF THE PARTY OF
1	One "HORNADY 40 S&W" fired	On lawn in front of 37 th	18"	63"
	cartridge case	Ave		
2	One "HORNADY 40 S&W" fired	On lawn in front of 137 th	48"	81"
	cartridge case	Ave		
3	One "HORNADY 40 S&W" fired	On lawn in front of 137 th	73 ½"	72"
	cartridge case	Ave		
4	One "HORNADY 223 REM" fired	On lawn in front of 137 th	96"	70 1/2"
	cartridge case	Ave		

Marco Romo Criminalist III

 L15-2077-1 San Leandro Police Department 15-50010 Officer Involved Shooting (S): TORRES, Mario November 16, 2015 Page 3 of 5

Evidence items continued:

For the following items, measurements were taken from the north edge of the driveway and the east edge of the driveway of 137th Ave. All measurements are approximate.

Marker	Description	Location	Distance to	Distance to	
#			north edge	east edge	The state of the s
5	Apparent metal	Next to front passenger's	11 1/2"	229"	Dimensions:
<u>.</u>	fragment'	side tire of Mazda			1/4" by 1/4"
6	One bullet	In the SW corner where the	_	_	Height:
}		chimney meets wall	•		91"
7*	Black piece of	In front of the Mazda	52 ½"	317"	Dimensions:
	plastic				2 ½ " by 1 ¾"
8	One "R.P 38	Under the Toyota's rear	130"	. 109"	-
	SPL+P" fired	driver's side tire			
	cartridge case				
9	One pair pants, one	On ground next to Toyota's	89"	154"	
ł	shirt	rear driver's side door			·
10	One 5 chamber	On ground next to Toyota's	95"	166"	-
	cylinder revolver	rear driver's side door			
	with an empty				
	chamber under the				
	firing pin and one				
	fired cartridge case				
	to the right				
11	One Styrofoam box	In trunk of Mazda	-	-	-
	containing three				
	unfired "PMC 38				
	SPL" rounds				
12	One bullet	On rear driver's side	-	-	-
		floorboard of Mazda			

^{*} This item was not collected.

Holes and Impacts

All measurements are approximate.

Marco Romo

Criminalist III

Technical Reviewer's Initials:

Administrative Reviewer's Initials: Quite

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Holes and Impacts continued:

Hole#	Location	Description	Dimensions
1*	Back of driver's side seat of dark blue	Elongated hole pushed into fabric	1" by 1/4"
	Toyota		
2	Front of rear driver's side headrest of dark blue	Elongated hole slightly wider at one	3/4 " by 1/4"
	Toyota	end and slightly pushed into fabric	
3	Back of rear driver's side headrest of dark	Circular hole slightly pushed out	Diameter
	blue Toyota		1/4**
4	In rear driver's side window of Mazda	Circular hole with cracks radiating	Diameter
	•	outward around entire hole	1/4**
5	In front driver's side window of Mazda	Circular hole with cracks radiating	Diameter
		outward around entire hole	1/2"
6	At the top of the rear passenger's side door	Irregular, elongated hole pushed	1 ½" by ½"
	frame	inward towards frame	
7	In sun visor over sunroof of Mazda. This hole	Irregular, elongated hole with some	2 ½" by ¾"
	was measured after Marker #7 was put in	cracks radiating out	
8	Top corner of passenger's side front	Circular impact with cracks radiating	Diameter
(Impact)	windshield	out	2"
Not	In rear windshield of dark blue Toyota	Irregular, elongated hole with cracks	13" by 10"
numbered		radiating out	

^{*}It was later determined that this hole appeared to be the result of the metal springs in the seat pushing out against the fabric.

Trajectory

One rod was placed in the dark blue Toyota to depict possible trajectories. The rod was placed through the two holes in the rear driver's side headrest and the hole in the rear windshield. The cracked rear window that was on the rear driver's side seat was held in place in the window frame and the rod appeared to go through the hole. The rod path appears to come from a northern direction. The trajectory was documented as the vehicle was parked and did not take into account the effect of the inflation of the tires at the time of the shooting. Please see attachments 2 and 3 for the Leica trajectory snapshots.

Leica Scans

Eleven medium resolution scans were taken of the scene. The scans will be archived onto a hard drive and stored in the Crime Laboratory evidence locker.

Marco Romo Criminalist III

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Criminalists Romo and Otis and Sheriff's Technician Overcash left the scene in the control of Sergeant Sanchez on October 23, 2015 at approximately 1830 hours.

Evidence Disposition

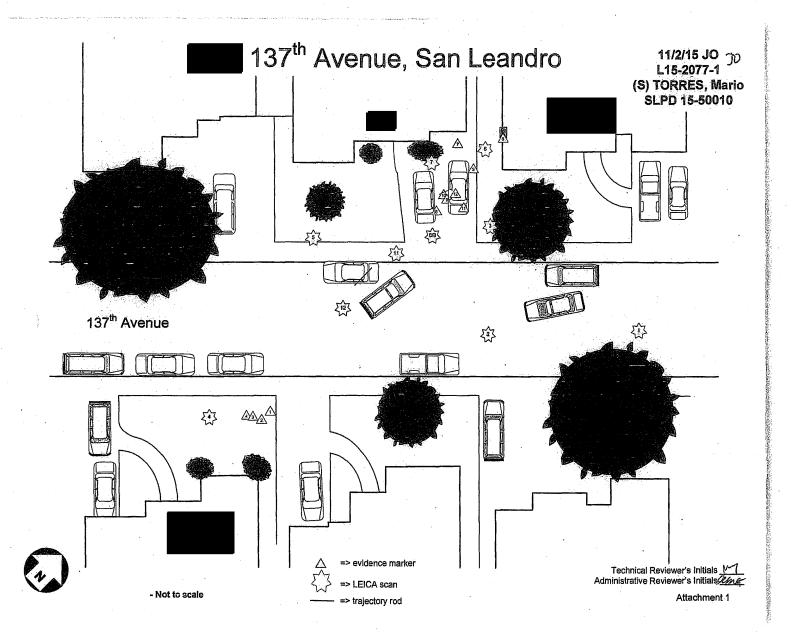
All items, except Marker #7, were packaged into sealed evidence containers and were released to Sergeant Sanchez.

The photographs taken at the scene were archived onto one compact disc (DVD-R), sealed in a Laboratory supplied evidence envelope (Item #2) and retained in the Laboratory's secured evidence locker. The scans were registered together using the Leica Cyclone software and will be archived onto an external hard drive and secured in the Laboratory's evidence locker. A copy of the TruView images saved on a flash drive and a copy of the crime scene photographs on one compact disc were sealed in a Laboratory-supplied envelope (Item #1) and will be released to the submitting agency.

Attachments – 3 pages (Visio Diagram and Leica Snapshots).

Marco Romo Criminalist III

Technical Reviewer's Initials: Administrative Reviewer's Initials:

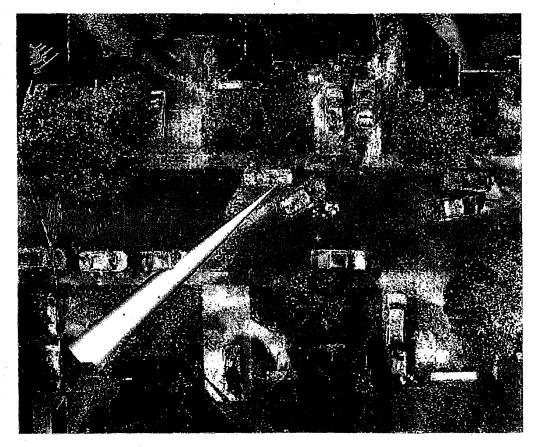




137th Avenue, San Leandro

LEICA Scanner Image with Trajectory Cone using Cyclone Software

11/2/15 JO γ^0 L15-2077-1 (S) TORRES, Mario SLPD 15-50010





The blue line is an extension of the trajectory rod in the vehicle. It represents the approximate path of the bullet to show the relationship with other bullet holes and evidence items.

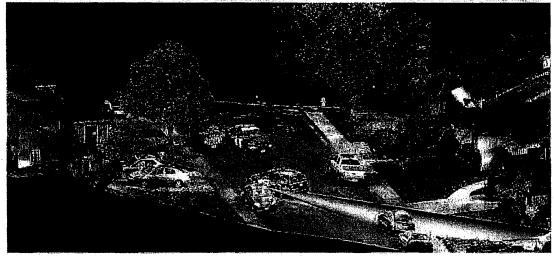
Technical Reviewer's Initials Administrative Reviewer's Initials Attachment 2

137th Avenue, San Leandro

LEICA Scanner Image with Trajectory Cone using Cyclone Software

11/2/15 JO TO L15-2077-1 (S) TORRES, Mario __SLPD 15-50010





The blue line is an extension of the trajectory rod in the vehicle. It represents the approximate path of the bullet to show the relationship with other bullet holes and evidence items.

Technical Reviewer's Initials
Administrative Reviewer's Initials

Attachment 3

PRIMARY OFFENSE		RO POLICE DE ENTAL REPORT - F			000500	1	PAGE 2 OF 2
REPORTING OFFICER 1031\ CROMWELL, BEVERL	γ, M,			12/28/		20	
CODE: B-BURNED C-COUNTERFE	SUPPL		F-FOUND K-SAFE		G-DAMAGED	L-LOST	
1 CODE QUANTITY SUB TYPE YES MED	IA- AUDIO, VIDEO	SERIAL :	#	VALUE		SPECIAL HAN	DLING
1 x DVD WITH PHOTOS				VALUE		SPECIAL HAN	DUNG
2 E 1 YES MED	IA- AUDIO, VIDEO					SPECIAL HAM	DLING
1 x FLASH DRIVE WITH	LEICA TRUVIEW IM	AGES SERIAL	#	VALUE		SPECIAL HAN	DUNG
3 DESCRIPTION		VIIII				Ci Zoinz ini	2
CODE QUANTITY SUB TYPE		SERIAL	#	VALUE		SPECIAL HAN	DLING
DESCRIPTION							
5 CODE QUANTITY SUB TYPE DESCRIPTION		SERIAL	#	VALUE		SPECIAL HAN	DLING
6 CODE QUANTITY SUB TYPE DESCRIPTION		SERIAL	#	VALUE		SPECIAL HAN	IDLING
CODE QUANTITY SUB TYPE		SERIAL	#	VALUE		SPECIAL HAN	IDLING
7 DESCRIPTION				······································			
8 CODE QUANTITY SUB TYPE DESCRIPTION		SERIAL #				SPECIAL HAN	IDLING
9 CODE QUANTITY SUB TYPE DESCRIPTION		SERIAL	P .	VALUE		SPECIAL HAN	IDLING
CODE QUANTITY SUB TYPE		SERIAL	#	. VALUE		SPECIAL HAN	IDLING
10 DESCRIPTION							
	RIIDE	PLEMENTAL - FIRE	ADME		W. W. C.	1	***************************************
4 CODE	**************************************	III - ACTION	CALIBER		VALUE		SUB
MAKE	FINISH	,	SERIAL NUMBER		OWNER APPLIE	NUMBER	
DESCRIPTION	·			:	SPECIAL HANDL	ING	
2 CODE	TYPE I - GUN TYPE TYPE	EII - ACTION	CALIBER		VALUE		SUB
MAKE	FINISH		SERIAL NUMBER		OWNER APPLIE	D NUMBER	
DESCRIPTION					SPECIAL HANDL	JNG	
	SUPI	PLEMENTAL - VEH	IICLES				

NO. LICENSE NUMBER YEAR STYLE COLOR(S) VICT 1 DESCRIPTION VEHICLES VICT 2 DESCRIPTION NO. LICENSE NUMBER
SUSP
1
DESCRIPTION YEAR MAKE MODEL STYLE COLOR(S) DESCRIPTION SUSF 2 DESCRIPTION

NWS SUPPLEMENT PROP / VEH #233 06/2008

* LYINY	KY OF	PENSE		•			NDRO PO MENTAL F			PARTMENT ROP/VEH	2015-	-000500)10	3 OF
		OFFICER OGERS, TI	HOMAS	· .		·····					DATE / TIME V		02	
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1	E	QUANTITY 1 CRIPTION		MEDIA-	AUDIO, V	IDE	0		SERIAL#		VALUE		SPECIAL H	ANDLING
	DV	<u>D OF INTI</u>	ERVIEW	/ OF		0	N 10/23/20						000000	11011110
2	DESC	RIPTION			AUDIO, V	IDE			SERIAL#		VALUE	·	SPECIAL H	ANDLING
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3	DESC	CRIPTION		·	AUDIO, V			<u> </u>						
4	CODI	D OF INTI	SUB	TYPE	AUDIO, V		<u>10/23/201</u> O		SERIAL#		VALUE		SPECIAL F	ANDLING
***	DESC	RIPTION D OF INTI	ERVIEV	v of E						÷				
5	CODI	QUANTITY CRIPTION	SUB	TYPE				,	SERIAL#		VALUE		SPECIAL)	ANDLING
:		E QUANTITY	latin I	22.72		pennanyang sanc	***************************************		SERIAL#		1222		COCCUL	MOUNG
6		CRIPTION	SUB	TYPE	·			<u> </u>	SERIAL #		VALUE	:	SPECIAL	ANULING
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7	DESC	CRIPTION	<u> </u>			·····						na an a		
	COD	E QUANTITY	SUB	TYPE					SERIAL #		VALUE		SPECIAL I	ANDLING
8	8 DESCRIPTION													
9		E QUANTITY CRIPTION	SUB	ТҮРЕ	,	/			SERIAL #		VALUE	<u> </u>	SPECIAL	IANDLING
10		E QUANTITY CRIPTION	SUB	ТҮРЕ					SERIAL #		VALUI	Ē	SPECIAL	IANDLING
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	DESC	RIPTION			,	L						SPECIAL HANDI	.ING	· .
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H	2	DESCRIPTION		<u></u>				······································	***************************************		<u> </u>			
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NWS SUPPLEMENT PROP / VEH #233 06/2008

RIMAR	/ OFFENSE	SAN LEANDRO POLICE DEP		case no. 2015-00	050010
	NG OFFICER GOODMAN, NEIL, C,	<u>.</u>		DATE / TIME WRITTEN 10/23/2015	15:39
39	: B-BURNED C-COUNTERFEIT/	FORGED D-DESTRUCTION E-EVIDENCE F	-FOUND K-SAFE	KEEPING G-DAMA	GED L-LOST
·	O-C CODE QTY SUB TYPE	DBSERVATION R-RECOVERED S-STOLEN	T-STOLEN/RECOV	VALUE	SPECIAL HANDLING
1		AUDIO, VIDEO			
	<u>CD WITH PHOTOGRAPHS O</u>	F THE INVOLVED SLPD PERSONNE	<u> </u>		
2	CODE QTY SUB TYPE E 1 YES MISCEL	LANEOUS SERIAL#		VALUE	SPECIAL HANDLING
~	DESCRIPTION SERGEANT CORTI'S WEAP	ON MAGAZINE			
_	CODE QTY SUB TYPE	LANEOUS SERIAL#		VALUE	SPECIAL HANDLING
3	DESCRIPTION				
	SERGEANT CORTI'S MAGA: CODE QTY SUB TYPE	ZINE POUCH WAGAZINES (SERIAL#		VALUE	SPECIAL HANDLING
4	E 1 YES MISCEL	LANEOUS			
	SERGEANT CORTI'S WEAP	ON MAGAZINE AMMO & CHAMBER	RDS; 13 .40 C		COECIAL HANDUNG
5	CODE QTY SUB TYPE E 1 YES MISCEL	LANEOUS SERIAL#		VALUE	SPECIAL HANDLING
•	DESCRIPTION SERGEANT CORTI'S MAGA	ZINE POUCH AMMO ; 15 .40 CAL. R	DS		
_	CODE QTY SUB TYPE	LANEOUS SERIAL #	· ·	VALUE	SPECIAL HANDLING
6	DESCRIPTION				
	CODE QTY SUB TYPE	ZINE POUCH AMMO ; 15 .40 CAL. R	US	VALUE	SPECIAL HANDLING
7	E 1 YES MISCEL	LANEOUS	·		
	<u>OFFICER YING'S WEAPON I</u>	MAGAZINE; PMAG 30 ROUND CAPA	CITY	20105	COPPOINT HANDING
8	CODE QTY SUB TYPE E 1 YES MISCEL	LANEOUS SERIAL #		VALUE	SPECIAL HANDLING
•	DESCRIPTION OFFICER YING'S WEAPON	MAGAZINE AMMO; 25 .223 CAL. RD	S		
	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
9	DESCRIPTION				
_	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
.0	DESCRIPTION				·
		SERIAL#		VALUE	SPECIAL HANDLING
11		SERIAL #		VALUE	SPECIAL HANDEING
•	DESCRIPTION				
40	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
12	DESCRIPTION				
	CODE QTY SUB TYPE	SERIAL #		VALUE	SPECIAL HANDLING
13	DESCRIPTION				
	CODE QTY SUB TYPE	SERIAL #		VALUE	SPECIAL HANDLING
14	·	JEIUIL 7		VALUE	GELGIAL HAMPLING
	DESCRIPTION				
15	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
10	DESCRIPTION				
	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
16	DESCRIPTION				
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17		GLIVAL #		1.3500	we se with a transmitted
	DESCRIPTION				
40	CODE QTY SUB TYPE	SERIAL #		VALUE	SPECIAL HANDLING
18	DESCRIPTION			h	
	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
`9	DESCRIPTION				
ر 	CODE QTY SUB TYPE	SERIAL#		VALUE	SPECIAL HANDLING
	WODE WIT JUD TIPE	SERVAL #		VALUE	OLF PIUT I MINTENIO

NWS PROPERTY CONTROL #233 03/2006

PRIM	ARY OFFENSE			RO POLICE DE W PROPERTY CO		VENT	CASÉNO. 2018	5-0005001	0
i .	RTING OFFICER 2\ GOODMAN, NEIL, C,						DATE / TIME V 10/23/	VEUTTEN 2015 15:37	
		PEL-GUN TYPE ANDGUN		TYPE II - ACTION SEMI-AUTOMA	ric	CALIBER .40 CALI	BER	VALUE	YES
	MAKE GLOCK	F	FINISH CK	.]	SERIAL NUMI	3ER		OWNER APPLIED NUMBER	
	DESCRIPTION SERGEANT CORTI'S HAN			O 1 ter Sun Sun	KIOSOC			SPECIAL HANDLING	
	CODE TY	PE1- GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
2	EVIDENCE R	IFLE		SEMI-AUTOMA		.223 CAL	IBER		YES
	MAKE Smith & Wesson US		FINISH BLACK	STEEL	SERIAL NUM ST7841			OWNER APPLIED NUMBER	
	OFFICER YING'S RIFLE;	SMITH & WES	SON M	&P-15				SPECIAL HANDLING	
3	CODE TY	PE I - GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
	MAKE		FINISH		SERIAL NUM	BER		OWNER APPLIED NUMBER	
	DESCRIPTION		<u> </u>	<u></u>				SPECIAL HANDLING	
4	CODE	PEI-GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
	MAKE		FINISH		SERIAL NUM	BER		OWNER APPLIED NUMBER	
	DESCRIPTION							SPECIAL HANDLING	
5	CODE TY	PEI-GUN TYPE		TYPE II - ACTION	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	CALIBER		VALUE	SUB
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	DESCRIPTION	<u></u>				,		SPECIAL HANDLING	
1) we		,		•,				
6	ČODE TY	PE1-GUN TYPE		TYPE II - ACTION		CALIBER		VALUE .	SUB
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	DESCRIPTION		· · · · ·					SPECIAL HANDLING	
7	CODE	/PEI-GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
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	DESCRIPTION	·			L			SPECIAL HANDLING	
8	CODE	YPE I - GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
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9	CODE	YPE I - GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
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				-					
10	CODE	YPE I GUN TYPE		TYPE II - ACTION		CALIBER		VALUE	SUB
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	DESCRIPTION	•	L		.1	,		SPECIAL HANDLING	
				•					

PRIMARY OFFENSE

187(A) PC-F

REPORTING OFFICER

305\ BENZ, MICHAEL,,

PE: B-BURNED C-COUNTERFEITIFORGED D-DESTRUCTION E-EVIDENCE F-FOUND K-SAFEKEEPING G-DAMAGED L-LOST

O-OBSERVATION R-RECOVERED S-STOLEN T-STOLEN/RECOVERED

1 CODE 17 SUB DOCUMENTS

PROPERTY CONTROL

CASE NO.

2015-00050010

DATE / TIME WRITTEN
10/23/2015 21:15

PERCENTION

SERIAL # VALUE SPECIAL HANDLING

			The state of the s	RED S-STOLEN T-STOLEN/RE		
1	CODE OTY E 1	YES	TYPE DOCUMENTS	SERIAL#	VALUE	SPECIAL HANDLING
		ETTER FO	OR MARIO TORRES.			
2	CODE QTY E 1	YES	TYPE ELECTRONICS	SERIAL #	VALUE	SPECIAL HANDLING
- 1	DESCRIPTION SAMSUNG	GALAXY	SIII VERIZON (BLUE).			
	CODE QTY E 1	SUB	TYPE ELECTRONICS	SERIAL#	VALUE	SPECIAL HANDLING
3	DESCRIPTION		ISUNG CELL PHONE.			
. 1	CODE QTY	SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
4	E 1 DESCRIPTION		DOCUMENTS			
_	CODE QTY	SUB	SHOWN TO OFFICER BECE	SERIAL#	VALUE	SPECIAL HANDLING
5	E 1 DESCRIPTION		DOCUMENTS			
_	SKETCH C	SUB	SHOWN TO OFFICER SALA	ZAR.	VALUE	SPECIAL HANDLING
6	E 1 DESCRIPTION	YES	DOCUMENTS			
	SKETCH C		SHOWN TO OFFICER FLET		Design	SPECIAL HANDLING
7	E 1		WEAPON	SERIAL#	VALUE	SPECIAL HANDLING
			COLLECTORS CASE.		·····	
8	CODE QTY E 1		MEDIA- AUDIO, VIDEO	SERIAL #	VALUE	SPECIAL HANDLING
٠.	CD OF SEA	ARCH WA	RRANT PHOTOS.			
_	CODE QTY	SUB	MEDIA- AUDIO, VIDEO	SERIAL #	VALUE	SPECIAL HANDLING
9	DESCRIPTION CD OF BE					
Ţ	CODE QTY E 1	SUB	TYPE MEDIA- AUDIO, VIDEO	SERIAL#	VALUE	SPECIAL HANDLING
.0	DESCRIPTION		AZAR INTERVIEW.			
	CODE QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
11	DESCRIPTION	······································	MEDIA- AUDIO, VIDEO			
	CODE QTY	SUB	NTERVIEW. TYPE	SERIAL#	VALUE	SPECIAL HANDLING
12	DESCRIPTION					
	CODE QTY	SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
13	DESCRIPTION					
	CODE QTY	SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
14	DESCRIPTION					
	CODE QTY	SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
15		300	11°L	SLIVE!	AHLOL	
	DESCRIPTION					
16	CODE QTY	SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
. •	DESCRIPTION					
	CODE QTY	SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
17	DESCRIPTION			2		
17		SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
	CODE QTY				<u> </u>	
	CODE QTY DESCRIPTION					
		SUB	TYPE	SERIAL#	VALUE	SPECIAL HANDLING
18	DESCRIPTION	SUB	ТҮРЕ	SERIAL#	VALUE	SPECIAL HANDLING
17 18 19	DESCRIPTION CODE QTY	SUB	ТҮРЕ	SERIAL #	VALUE	SPECIAL HANDLING

PRIMARY OFFENSE

SAN LEANDRO POLICE DEPARTMENT
SUPPLEMENTAL REPORT - PROP / VEH

CASE NO.

2015-00050010

PAGE 4 OF 4

REPORTING OFFICER 320\ WALTON, JEFFREY, , 10/23/2015 20:44										:44				
)						SUI	PPLEMEN	ITAL - P!	ROP	ERTY	,		***************************************	
COD			C-COUN	0-0				D S-STO	LEN	F-FOUND K-SAFEN T-STOLEN/RECOV		3-DAMAGED		
1	E	QUANTITY 1	YES	MEDIA-	AUDIO, V	IDE)	SE	RIAL #	¥	VALUE		SPECIA	L HANDLING
	CD	CONTAIN			ERVIEW	S								
2	E	QUANTITY 1	YES	DOCUM	ENTS			SE	RIAL #	¥ 	VALUE		SPECIA	L HANDLING
	SK	ETCH OF												
3	E	QUANTITY	YES	DOCUM	ENTS			SE	RIAL	# ·	VALUE		SPECIA	L HANDLING
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4		RIPTION	SUB	TYPE .					RIAL	H ·	VALUE		SPECIA	L HANDLING
									SPECIA	L HANDLING				
5 DESCRIPTION									_	LIMILLING				
		QUANTITY	SUB	TYPE		(4) 15 TO 18 TO		İSF	RIAL	#	VALUE		SPECIA	L HANDLING
6		RIPTION	L	L							1,1,00	-		
***************************************		QUANTITY	SUB	TYPE				Isi	RIAL	*	VALUE	:	SPECIA	L HANDLING
7	DESC	RIPTION											-	
-	CODE	QUANTITY	SUB	TYPE	,		**************************************	SI	RIAL:	#	VALUE		SPECIA	L HANDLING
8	DESC	RIPTION	<u> </u>	<u> </u>	i.						L		┨ .	
	CODI	QUANTITY	SUB	ТҮРЕ		andring dan		SI	ERIAL	#	VALUE		SPECIA	AL HANDLING
9	DESC	CRIPTION	I	<u> </u>									1	
10	CODI	QUANTITY	SUB	TYPE				SI	ERIAL	# .	VALUE	**************************************	SPECIA	AL HANDLING
10	DESC	RIPTION	1		· · · · · · · · · · · · · · · · · · ·								1	
			j.			SU	IPPLEME	NTAL - F	IRE	ARMS				
1	CODE			TYPE	- GUN TYPE	T	YPE II - ACTION	1		CALIBER		VALUE		SUB
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	DESC	RIPTION										SPECIAL HAN	LING	
	CODE	***************************************		Type	I - GUN TYPE	17	YPE II - ACTIOI			CALIBER		VALUE		SUB
2	MAKE					FINISI				SERIAL NUMBER		OWNER APPLI	ED NUMBE	
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	5200.	,		ķ.								or morning trans	22,110	
			***************************************	namen de Video Saca		SI	JPPLEME	NTAL - V	/EH	ICLES			- Wistiania de la Carta de	
	NO. VICT	LICENSE NUME	ER	YEAR	MAKE			MODEL			STYLE		CC	LOR(S)
	1	DESCRIPTION							-					1
Ā	VICT		······································	1							T		<u> </u>	
E H	2	DESCRIPTION												
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LES	NO. SUSP	E-OLIVOE NUME	/	1 mail				anoun.			91165		100	/
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PRIMARY OFFENSE CASE NO. SAN LEANDRO POLICE DEPARTMENT 2015-00050010 **NOT LISTED** PROPERTY CONTROL REPORTING OFFICER DATE / TIME WRITTEN 292\ NELSON, SHANE, M. 10/23/2015 21:53 B-BURNED C-COUNTERFEIT/FORGED D-DESTRUCTION E-EVIDENCE F-FOUND K-SAFEKEEPING G-DAMAGED L-LOST O-OBSERVATION R-RECOVERED S-STOLEN T-STOLEN/RECOVERED SERIAL # VALUE SPECIAL HANDLING YES DOCUMENTS Ε KAISER MEDICAL PAPERWORK IN NAME OF MARIO R TORRES VALUE SPECIAL HANDLING YES DRUGS E 2 BROWN PAPER BAG CONTAINING MEDICATION IN NAME OF MARIO R TORRES VALUE SPECIAL HANDLING YES DOCUMENTS 3 INDICIA IN NAME OF MARIO TORRES SPECIAL HANDLING VALUE YES DOCUMENTS INDICIA IN NAME OF SERIAL# VALUE SPECIAL HANDLING YES MISCELLANEOUS 5 EXPENDED ROUND FOUND ON LIVING ROOM FLOOR SPECIAL HANDLING SERIAL# VALUE 6 DESCRIPTION CODE QTY SUB TYPE SERIAL# VALUE SPECIAL HANDLING 7 DESCRIPTION CODE SUB TYPE SERIAL# VALUE SPECIAL HANDLING 8 DESCRIPTION CODE QTY SUB TYPE SERIAL# VALUE SPECIAL HANDLING 9 DESCRIPTION SHR SPECIAL HANDLING CODE QTY TYPE SERIAL # VALUE Ô. DESCRIPTION CODE QTY SUR TYPE SERIAL # VALUE SPECIAL HANDLING DESCRIPTION CODE QTY SUB TYPE SERIAL # VALUE SPECIAL HANDLING 12 DESCRIPTION CODE SUB TYPE SERIAL# VALUE SPECIAL HANDLING 13 DESCRIPTION SUB SERIAL# VALUE SPECIAL HANDLING QTY TYPE CODE 14 DESCRIPTION QTY SUB TYPE SERIAL# VALUE SPECIAL HANDLING CODE 15 DESCRIPTION SUB CODE QTY TYPE SERIAL# VALUE SPECIAL HANDLING 16 DESCRIPTION QTY SUB TYPE SERIAL# VALUE SPECIAL HANDLING 17 DESCRIPTION CODE QTY SUB TYPE SERIAL# VALUE SPECIAL HANDLING 18 DESCRIPTION SERIAL # SPECIAL HANDLING CODE | QTY SUB TYPE VALUE 19 DESCRIPTION

SERIAL#

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20

SUB

TYPE

SPECIAL HANDLING

VALUE

	ARY OFFENSE 1/187 P.C.	1	RO POLICE DE IE TECHNICIAN -		2015	-00050	010 PAGE 3 OF
	RTING OFFICER 5\ CHINN, TIMOTHY, ,				DATE / TIME W 10/23/2	RITTEN	
COD		SUPPL ORGED D-DESTRUCT BSERVATION R-REC		F-FOUND K-SAF		G-DAMAGED L	-LOST ·
1	CODE QUANTITY SUB TYPE E 1 YES CLOTHII	NG, FURS, ETC	SERIAL		VALUE	si	PECIAL HANDLING
•	DESCRIPTION SUSPECTS WHITE T-SHIRT						
2		NG, FURS, ETC	SERIAL	#	VALUE	s	PECIAL HANDLING
	BLACK PANTS AND WHITE	SHIRT					
3	CODE QUANTITY SUB TYPE WEAPO	N	SERIAL	#	VALUE	S	PECIAL HANDLING
******	DESCRIPTION STYROFOAM BOX WITH 1 F	ROUND FROM TR					
4	CODE QUANTITY SUB TYPE YES WEAPO	N	SERIAL	#	VALUE	s	PECIAL HANDLING
	BULLET RECOVERED FROM	M FLOOR BOARD	AND DESCRIPTION OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE PERSON NAMED IN THE				
5	CODE QUANTITY SUB TYPE YES WEAPO	N	SERIAL	#	VALUE	s	PECIAL HANDLING
	FIRED CARTARIDGE CASE	BY TIRE	SERIAL	J.	I VALUE		PECIAL HANDLING
6	E 1 YES WEAPO				VALUE		PECIAL HANDLING
***************************************	3 FIRED CARTRIDGE CASE CODE QUANTITY SUB TYPE		7TH AVENUE SERIAL	# .	VALUE	s	PECIAL HANDLING
7	E 1 YES WEAPO						
************	1 METAL FRAGMENT FROM		SERIAL		VALUE	S	PECIAL HANDLING
8	E 1 YES WEAPO DESCRIPTION 1 FIRED CARTRIDGE CASE		137TH AV	ENIIE	<u>. </u>	· .	
	CODE QUANTITY SUB TYPE E 1 YES WEAPO		SERIAI		VALUE	S	PECIAL HANDLING
9	DESCRIPTION 1 FIRED BULLET FROM DR		7TH AVENUE				
	CODE QUANTITY SUB TYPE	105-7871	SERIA	.#	VALUE	S	PECIAL HANDLING
10	DESCRIPTION						
	`	SUPPL	LEMENTAL - FIRE	ARMS			
1		- GUN TYPE NDGUN	TYPE II - ACTION REVOLVER	CALIBER .38 CA	LIBER	VALUE	SUB YES
	MAKE ** SEE DESCRIPTION	FINISH		SERIAL NUMBER		OWNER APPLIED N	IUMBER
	DESCRIPTION CHARTER ARMS REVOLVED	R				SPECIAL HANDLIN	G
		· .					
2	CODE	- GUN TYPE	TYPE II - ACTION	CALIBER		VALUE	SUB
	MAKE	FINISH		SERIAL NUMBER		OWNER APPLIED N	IUMBER
1	DESCRIPTION	······································	······································			SPECIAL HANDLIN	G

SUPPLEMENȚAL - VEHICLES NO. LICENSE NUMBER YEAR MAKE MODEL STYLE COLOR(S) DESCRIPTION EHICLES VICT 2 DESCRIPTION NO. LICENSE NUMBER COLOR(S) SUSP 1 DESCRIPTION SUSP 2 DESCRIPTION

PRIMARY OFFENSE PC 664/187

SAN LEANDRO POLICE DEPARTMENT CRIME SCENE TECHNICIAN - PROP / VEH

CASE NO.		
2015-0005001	0	

REPORTING OFFICER

DATE / TIME WRITTEN 341\ KALSBEEK, JOSEPH, 10/23/2015 13:09 **SUPPLEMENTAL - PROPERTY** CODE: B-BURNED C-COUNTERFEIT/FORGED D-DESTRUCTION E-EVIDENCE F-FOUND K-SAFEKEEPING G-DAMAGED L-LOST O-OBSERVATION R-RECOVERED S-STOLEN T-STOLEN/RECOVERED VALUE SPECIAL HANDLING YES CLOTHING, FURS, ETC DESCRIPTION BLUE SWEAT PANTS YES CLOTHING, FURS, ETC SPECIAL HANDLING SERIAL# PAIR OF WHITE/BLACK NEW BALANCE SHOES YES CLOTHING, FURS, ETC SERIAL# VALUE SPECIAL HANDLING 3 PAIR OF WHITE NIKE SOCKS SERIAL# VALUE SPECIAL HANDLING DESCRIPTION CODE QUANTITY SUB TYPE SERIAL# VALUE SPECIAL HANDLING 5 DESCRIPTION CODE QUANTITY SUB TYPE SERIAL# VALUE SPECIAL HANDLING 6 DESCRIPTION CODE QUANTITY SUB TYPE SERIAL # VALUE SPECIAL HANDLING DESCRIPTION SUB SPECIAL HANDLING CODE QUANTITY TYPE SERIAL# VALUE 8 DESCRIPTION SPECIAL HANDLING CODE | QUANTITY SUB SERIAL # VALUE TYPE 9 DESCRIPTION SPECIAL HANDLING QUANTITY SERIAL# VALUE 10 DESCRIPTION **SUPPLEMENTAL - FIREARMS** SUB CODE TYPE I - GUN TYPE TYPE II - ACTION CALIBER 1 MAKE FINISH SERIAL NUMBER OWNER APPLIED NUMBER DESCRIPTION SPECIAL HANDLING TYPE II - ACTION CALIBER CODE TYPE I - GUN TYPE VALUE SUB 2 MAKE FINISH OWNER APPLIED NUMBER SERIAL NUMBER DESCRIPTION SPECIAL HANDLING **SUPPLEMENTAL - VEHICLES** NO. LICENSE NUMBER YEAR MAKE MODEL STYLE COLOR(S) VICT 1 DESCRIPTION VICT Н 2 DESCRIPTION C YEAR MAKE MODEL STYLE COLOR(S) NO. LICENSE NUMBER SUSF E 1 DESCRIPTION SUSF 2 DESCRIPTION

NWS TECHNICIAN PROP / VEH #233 06/2008

PRIMARY OFFENSE / OCCURRED INCIDENT
664 187 PC- ATTEMPT HOMICIDE

SAN LEANDRO POLICE DEPARTMENT PROPERTY CONTROL

CASE NO.

2015-00050010

PAGE 4. OF 5

REPORTING OFFICER

284\ ANTHONY BRIAN - SGT

DATE / TIME WRITTEN

	ANTHONY,				0/23/2015 08:4	
ODE			ITERFEIT/FORGED D-DESTRUCTION E-EVID O-OBSERVATION R-RECOVERED S-S	TOLEN T-STOLEN/RECOVERE)	
1	CODE QTY E 8 DESCRIPTION		MEDIA- AUDIO, VIDEO	SERIAL#	VALUE	SPECIAL HANDLING
	8 C.D'S OF A		RECORDINGS FROM OFFICERS/SUS			COTON
2	CODE QTY E 4	YES	DOCUMENTS	SERIAL#	VALUE	SPECIAL HANDLING
	DESCRIPTION 4 MAPS FRO	M PER	RY, CESARETTI, YOUNG, AND HAC			
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901 E. 14TH STREET POLICE REPORT SAN LEANDRO, CA 94577 (519) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

CRIME SCENE TECHNICIAN NARRATIVE

REPORTING OFFICER 282\ GOODMAN, NEIL, C, DATE / TIME WRITTEN 10/23/2015 11:41 APPROVING SUPERVISOR TENG, EN-GUANG (ABE), A

ON 10-23-15 AT APPROXIMATELY 1050 HOURS, I WAS DISPATCHED TO THE SAN LEANDRO POLICE DEPARTMENT TO PERFORM CRIME SCENE EVIDENCE TECHNICIAN DUTIES. SEVERAL SLPD DEPARTMENT PERSONNEL WERE INVOLVED IN A SHOOTING WHILE AT A CALL FOR SERVICE AT 137TH AVE. THOSE OFFICERS WERE BROUGHT TO THE SLPD CRIME SUPPRESSION UNIT OFFICE AND SEQUESTERED AT THAT LOCATION. I WAS ASKED BY SERGEANT RAMSEY TO PHOTOGRAPH THOSE OFFICERS.

UPON ARRIVAL, I MET WITH THE OFFICERS INDIVIDUALLY IN SERGEANT YOUNG'S OFFICE. I USED A NIKON COOL PIX P530 DIGITAL CAMERA WITH A 4.3-180MM LENS AFFIXED TO TAKE THE PHOTOGRAPHS. THE FOLLOWING IS A SUMMARY OF THOSE PHOTOGRAPHS.

- CRIME SCENE EVIDENCE TECHNICIAN PHOTOGRAPH CONTROL SHEET.
- SERGEANT CORTI FRONT. SERGEANT CORTI RIGHT SIDE.
- SERGEANT CORTI REAR.
- SERGEANT CORTI LEFT SIDE.
- 6. OFFICER YING FRONT.
- OFFICER YING RIGHT SIDE.
- OFFICER YING REAR
- OFFICER YING LEFT SIDE.
- 10. OFFICER SALAZAR FRONT.
- 11. OFFICER SALAZAR RIGHT SIDE.
- 12. OFFICER SALAZAR REAR.
- 13. OFFICER SALAZAR LEFT SIDE.
- 14. OFFICER FLETCHER FRONT.
- 15. OFFICER FLETCHER RIGHT SIDE.
- 16. OFFICER FLETCHER REAR.

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- 17. OFFICER FLETCHER LEFT SIDE.
- 18. DETECTIVE PERRY FRONT.
- 19. DETECTIVE PERRY RIGHT SIDE.
- 20. DETECTIVE PERRY REAR.
- DETECTIVE PERRY LEFT SIDE.
- 22. OFFICER HACKL FRONT.
- 23. OFFICER HACKL RIGHT SIDE.
- 24. OFFICER HACKL REAR.
- 25. OFFICER HACKL LEFT SIDE.
- 26. DETECTIVE CESARETTI FRONT.
- 27. DETECTIVE CESARETTI RIGHT SIDE.
- 28. DETECTIVE CESARETTI REAR.
- 29. DETECTIVE CESARETTI LEFT SIDE.
- 30. DETECTIVE SERGEANT YOUNG FRONT. 31. DETECTIVE SERGEANT YOUNG RIGHT SIDE.
- 32. DETECTIVE SERGEANT YOUNG REAR.
- 33. DETECTIVE SERGEANT YOUNG LEFT SIDE.
- 34. OFFICER BECERRA FRONT.
- 35. OFFICER BECERRA RIGHT SIDE.
- 36. OFFICER BECERRA REAR.
- 37. OFFICER BECERRA LEFT SIDE.

ON 10-23-15 AT APPROXIMATELY 1330 HOURS, DETECTIVE SERGEANT ANTHONY AND I MET WITH SERGEANT CORTI AT THE CRIME SUPPRESSION UNIT OFFICE.

NWS TECHNICIAN NARRATIVE #233 06/2008

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SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT SAN LEANDRO, CA 94577

(510) 577-3217 RECORDS



CASE NO. 2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

CRIME SCENE TECH NARRATIVE CONTINUED

282\ GOODMAN, NEIL, C,

DATE / TIME WRITTEN 10/23/2015 11:41 APPROVING SUPERVISOR TENG, EN-GUANG (ABE), A

I COLLECTED SERGEANT CORTI'S DEPARTMENT ISSUED HANDGUN, MAGAZINES, AND AMMUNITION SERGEANT CORTI WAS CARRYING A GLOCK 22 .40 CALIBER SEMI-AUTOMATIC HANDGUN (KTU986) IN HIS HOLSTER. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 12 ROUNDS IN IT. SERGEANT CORTI WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH HIM. EACH OF THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. SERGEANT CORTI WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

ON 10-23-15 AT APPROXIMATELY 1345 HOURS, DETECTIVE SERGEANT ANTHONY AND I MET WITH OFFICER YING AT THE CRIME SUPPRESSION UNIT OFFICE.

I COLLECTED OFFICER YING'S DEPARTMENT ISSUED SMITH & WESSON .223 CALIBER M&P-15 RIFLE (ST78416) AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE RIFLE'S CHAMBER. THERE WAS A PMAG 30 ROUND MAGAZINE IN THE MAGAZINE WELL OF THE RIFLE. THERE WERE 24 UNFIRED ROUNDS IN IT.

DETECTIVE SERGEANT ANTHONY AND I INSPECTED OFFICER YING'S DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUNS, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. OFFICER YING WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH HIM. EACH OF THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. OFFICER YING WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

ON 10-23-15 AT APPROXIMATELY 1400 HOURS, DETECTIVE SERGEANT MORGAN AND I INSPECTED WEAPONS, MAGAZINES, AND AMMUNITION OF THE FOLLOWING PERSONNEL.

OFFICER SALAZAR WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. OFFICER SALAZAR WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH HIM. EACH OF THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. OFFICER SALAZAR WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

OFFICER FLETCHER WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. OFFICER FLETCHER WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH HIM. THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. OFFICER FLETCHER WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

DETECTIVE PERRY WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. DETECTIVE PERRY WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH HIM. THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. DETECTIVE PERRY WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

OFFICER HACKL WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. OFFICER HACKL WAS CARRYING THREE ADDITIONAL 15 ROUND MAGAZINES WITH HIM. THESE THREE MAGAZINES HAD 15 ROUNDS IN THEM. OFFICER HACKL WAS NOT CARRYING ANY

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CRIME SCENE TECH NARRATIVE CONTINUED

REPORTING OFFICER 282\ GOODMAN, NEIL, C, DATE / TIME WRITTEN 10/23/2015 11:41

APPROVING SUPERVISOR TENG, EN-GUANG (ABE), A

OTHER GUNS OR MAGAZINES WITH HIM.

DETECTIVE CESARETTI WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. DETECTIVE CESARETTI WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH EACH OF THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. DETECTIVE CESARETTI WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM

DETECTIVE SERGEANT YOUNG WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 23 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 13 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 13 ROUNDS IN IT. DETECTIVE SERGEANT YOUNG WAS CARRYING ONE ADDITIONAL 15 ROUND MAGAZINE WITH HIM. THIS MAGAZINE HAD 15 ROUNDS IN IT. DETECTIVE SERGEANT YOUNG WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

OFFICER BECERRA WAS CARRYING HIS DEPARTMENT ISSUED GLOCK 22 .40 CALIBER HANDGUN, MAGAZINES, AND AMMUNITION. THERE WAS ONE UNFIRED ROUND IN THE HANDGUN'S CHAMBER. THERE WAS A 15 ROUND MAGAZINE LOADED IN THE MAGAZINE WELL WITH 15 ROUNDS IN IT. OFFICER BECERRA WAS CARRYING TWO ADDITIONAL 15 ROUND MAGAZINES WITH HIM. EACH OF THESE TWO MAGAZINES HAD 15 ROUNDS IN THEM. OFFICER BECERRA WAS NOT CARRYING ANY OTHER GUNS OR MAGAZINES WITH HIM.

- I LOADED THE PHOTOGRAPHS I TOOK OF THE INVOLVED PERSONNEL ONTO A CD AND SUBMITTED THAT ITEM INTO EVIDENCE AT THE SLPD.
- I LOGGED SERGEANT CORTI'S HANDGUN, MAGAZINES, AND AMMUNITION INTO EVIDENCE AT THE SLPD.
- I LOGGED OFFICER YING'S RIFLE, MAGAZINES, AND AMMUNITION INTO EVIDENCE AT THE SLPD.
- ALL AMMUNITION MENTIONED IN THIS REPORT WERE JACKETED-HOLLOW-POINT ROUNDS.

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NWS TECHNICIAN NARRATIVE CONT'D #233 06/2008



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PRIMARY OFFENSE / OCCURRED INCIDENT

664/187 P.C.

CRIME SCENE TECHNICIAN NARRATIVE

REPORTING OFFICER 326\ CHINN, TIMOTHY,, DATE / TIME WRITTEN 10/23/2015 23:41 APPROVING SUPERVISOR KHAN, LIAQUAT (ALI), A

DETAILS:

ON 10/23/15, AT 1523 HOURS, I WAS CONTACTED BY SERGEANT SANCHEZ REGARDING EVIDENCE THAT WAS COLLECTED BY THE ALAMEDA COUNTY SHERIFF'S OFFICE CRIME LAB. SERGEANT SANCHEZ REQUESTED THAT I SUBMIT THE EVIDENCE INTO SLPD PROPERTY. SERGEANT SANCHEZ ADVISED ME THAT THE EVIDENCE WOULD BE SECURIED IN THE SERGEANTS OFFICE AT THE SAN LEANDRO POLICE DEPARTMENT.

AT 2000 HOURS, I ARRIVED AT THE SAN LEANDRO POLICE DEPARTMENT AND STARTED MY SHIFT AS THE EVIDENCE TECHNICIAN. I CONTACTED SERGEANT KHAN TO OBTAIN THE EVIDENCE THAT WAS SECURED IN THE SERGEANT'S OFFICE.

- I COLLECTED THE FOLLOWING ITEMS:
- CHARTER ARMS REVOLVER
- SUSPECT'S WHITE T-SHIRT
- BLACK PANTS AND WHITE SHIRT
- STYROFOAM BOX WITH 1 ROUND FROM TRUNK OF MAZDA
- BULLET RECOVERED FROM FLOOR BOARD OF MAZDA
- FIRED CARTRIDGE CASE BY TIRE
- 3 FIRED CARTRIDGE CASING FROM 137TH AVENUE
- 1 METAL FRAGMENT FROM DRIVEWAY OF 137TH AVENUE
- 1 FIRED CARTRIDGE CSE FROM LAWN OF

137TH AVENUE

1 FIRED BULLET FROM DRIVEWAY OF

137TH AVENUE

I THEN SUBMITTED THE ABOVE LISTED ITEMS INTO SLPD PROPERTY AS EVIDENCE.

NO FURTHER DETAILS.

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PRIMARY OFFENSE / OCCURRED INCIDENT

PC 664/187

CRIME SCENE TECHNICIAN NARRATIVE

THE WITTHA OF S	M: 7	
341\ KALS	BEEK,	JOSEPH,

DATE / TIME WRITTEN 10/23/2015 13:09 APPROVING SUPERVISOR SELLERS, DANIEL, C

ON 10-23-2015 ABOUT 0856 HOURS, I RESPONDED TO AN_ASCERTAIN THE WELFARE, WHICH WAS LATER DETERMINED TO BE AN ATTEMPTED HOMICIDE, AT 137TH AVENUE. I RESPONDED CODE 3 WHEN I HEARD SERGEANT SELLERS SAY "11-99" ON THE RADIO. ABOUT 0901 HOURS, ARRIVED ON SCENE. I ASSISTED OTHER OFFICERS AS THEY TOOK THE SUSPECT INTO CUSTODY AND CLEARED THE VEHICLES PARKED IN THE DRIVEWAY.

I WAS WORKING AS EVIDENCE TECHNICIAN AND TOOK THE FOLLOWING PHOTOGRAPHS WITH A DEPARTMENT CAMERA (CANON EOS REBEL T3):

- COVER SHEET

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- 5 OVERALLS 137TH
- OVERALL
- 137TH FROM BEHIND GRAY JEEP LICENSE 137TH WITH MEDICAL ITEMS AND SUSPECT'S SHIRT IN THE STREET OVERALL
- 3 INTERMEDIATES MEDICAL ITEMS AND SUSPECT'S SHIRT
 2 OVERALLS DRIVEWAY OF 137TH
 INTERMEDIATE DRIVEWAY OF 137TH
 2 OVERALLS FIREARM UNDER CLOTHING

- INTERMEDIATE OF OPEN DOOR AND POSSIBLE BULLET HOLE IN REAR DRIVER SIDE WINDOW OF MAZDA LICENSE
- CLOSE UP FIREARM UNDER CLOTHING
- CLOSE UP FIREARM UNDER CLOTHING
- INTERMEDIATE OF POSSIBLE BULLET HOLE IN REAR DRIVER SIDE WINDOW OF MAZDA LICENSE
- 3 INTERMEDIATES INTERIOR OF MAZDA LICENSE
- INTERMEDIATE INTERIOR DRIVER SIDE DOOR OF MAZDA LICENSE
- OVERALL REAR OF MAZDA LICENSE
 OVERALL REAR/PASSENGER SIDE OF MAZDA LICENSE 4 OVERALLS PASSENGER SIDE OF MAZDA LICENSE
- INTERMEDIATE POSSIBLE BULLET STRIKE TO FRONT/PASSENGER WINDSHIELD OF MAZDA LICENSE
 - 2 CLOSE UPS POSSIBLE BULLET STRIKE TO FRONT/PASSENGER WINDSHIELD OF MAZDA LICENSE
- 3 CLOSE UPS DAMAGE TO WINDSCREE<u>N ON RO</u>OF OF MAZDA LICENSE
- OVERALL FRONT OF MAZDA LICENSE
- OVERALL FRONT/PASSENGER SIDE OF MAZDA LICENSE
- 2 OVERALLS PASSENGER SIDE OF MAZDA LICENSE

SERGEANT YOUNG THEN DIRECTED ME TO TAKE WITNESS STATEMENTS.

I CONTACTED WITNESS SUMMARY OF HIS STATEMENT: WAS IN HIS LIVING ROOM ABOUT 0845-0905 HOURS. HE HEARD OFFICERS SAY "MARIO WE'RE HERE TO HELP YOU" A MINIMUM OF 8 TIMES. GARY HEARD AN OFFICER SAY "COME OUT WITH YOUR HANDS UP". HEARD A "POP", WHICH HE WAS PRETTY SURE WAS A GUN SHOT. HE THEN HEARD 3-4 MORE GUNSHOTS.

WHO LIVED AT 137TH AVENUE. THE FOLLOWI GOT OUT OF THE SHOWER AND HEARD A GUNSHOT. I CONTACTED WITNESS 137TH AVENUE. THE FOLLOWING IS A SUMMARY OF HER STATEMENT: SHE LOOKED OUT THE WINDOW IN LIVING ROOM. SHE HEARD "MARIO PUT YOUR GUN DOWN. COME OUT", "WE DON'T WANT TO SHOOT YOU". "COME OUT WITH YOUR HANDS UP". A FEW MINUTES LATER MARCY HEARD 3 OTHER SHOTS.

I CONTACTED WITNESS WHO LIVED AT 137TH AVENUE. HE HEARD "HELP. HELP. ME". HEARD 3-5 "POPS" THAT SOUNDED LIKE TWO DIFFERENT WEAPONS BECAUSE HELP ME" THE "POP" NOISES SOUNDED DIFFERENT.

I CONTACTED WITNESS WELLING, BUT HE WAS NOT SURE WHAT WAS BEING SAID. HEARD A GUNSHOT SO HE WENT OUTSIDE THE FRONT OF HIS HOUSE. HE WAS TOLD BY AN OFFICER TO GO INSIDE HIS HOUSE. HE THEN HEARD 2 MORE GUNSHOTS. I ALSO CONTACTED WITNESS L WHO ALSO LIVED AT SHE WAS IN THE BACKYARD OF HER HOUSE AND HEARD ABOUT 3 GUNSHOTS. 137TH.

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CRIME SCENE TECH NARRATIVE CONTINUED

REPORTING OFFICER 341\ KALSBEEK, JOSEPH, ,

10/23/2015 13:09

SELLERS, DANIEL, C

I CONTACTED WITNESS WHO LIVED AT 137TH AVENUE. WAS IN BED HALF ASLEEP WHEN HE HEARD YELLING. HE COULD NOT UNDERSTAND WHAT WAS BEING SAID. HE HEARD 3-5 GUNSHOTS AND HEARD "MARIO PUT YOUR HANDS UP" AFTER HE HEARD THE GUNSHOTS.

I CONTACTED WITNESS WHO LIVED AT 137TH. WAS IN BED AND HEARD 4 GUNSHOTS. HEARD "MARIO HANDS ON TOP OF YOUR HEAD" AND "PUSH YOURSELF WITH YOUR FEET'

I RECORDED THE INCIDENT AND THE INTERVIEWS WITH A DEPARTMENT ISSUED BODY MOUNTED DIGITAL CAMERA (PVRS). I UPLOADED THE VIDEOS AS EVIDENCE AT THE END OF MY SHIFT.

AFTER FINISHING THE CANVASS FOR WITNESSES I SPOKE TO SERGEANT MORGAN WHO ADVISED ME ALAMEDA COUNTY SHERIFF'S DEPARTMENT WERE RESPONDING TO TAKE OVER THE PROCESSING OF THE CRIME SCENE. SERGEANT MORGAN DIRECTED ME TO EDEN HOSPITAL. I RESPONDED TO EDEN HOSPITAL AND TOOK THE FOLLOWING PHOTOGRAPHS:

- OVERALL SUSPECT'S BACK
- CLOSE UP POSSIBLE GUNSHOT WOUND TO TOP OF SUSPECT'S UPPER RIGHT SHOULDER
- CLOSE UP POSSIBLE GUNSHOT WOUND TO MID OF SUSPECT'S BACK
- INTERMEDIATE POSSIBLE GUNSHOT WOUND TO TOP OF SUSPECT'S UPPER RIGHT SHOULDER
- CLOSE UP POSSIBLE GUNSHOT WOUND TO MID OF SUSPECT'S BACK WITH MEASUREMENT
- CLOSE UP POSSIBLE GUNSHOT WOUND TO TOP OF SUSPECT'S UPPER RIGHT SHOULDER WITH **MEASUREMENT** R
 - OVERALL SUSPECT
- R
- INTERMEDIATE SUSPECT INTERMEDIATE SUSPECT'S FACE
 - INTERMEDIATE SUSPECT'S UPPER BODY
- OVERALL SUSPECT'S RIGHT SIDE
- INTERMEDIATE SUSPECT'S RIGHT SIDE E
- INTERMEDIATE SUSPECT'S RIGHT ARM IN CAST
- INTERMEDIATE RIGHT FACE OF SUSPECT'S FACE CLOSE UP SUSPECT'S RIGHT HAND
- INTERMEDIATE SUSPECT'S FACE
- INTERMEDIATE SUSPECT'S UPPER BODY
- CLOSE UP SUSPECT'S UPPER BODY
- INTERMEDIATE LEFT SIDE OF SUSPECT'S FACE 2 OVERALLS SUSPECT'S BACK
- u
- INTERMEDIATE BACK OF SUSPECT'S HEAD
- OVERALL RIGHT SIDE OF SUSPECT'S LEGS
- OVERALL SUSPECT'S LEGS
- O OVERALL LEFT SIDE OF SUSPECT'S LEGS
 - INTERMEDIATE SUSPECT'S LEFT ARM
 - CLOSE UP SUSPECT'S LEFT HAND

I COLLECTED THE SUSPECT'S SWEAT PANTS, SHOES, AND SOCKS FROM AN EMERGENCY ROOM I TOOK THE FOLLOWING PHOTOGRAPHS:

- OVERALL TOP OF SHOES
- OVERALL FRONT OF SHOES
- OVERALL RIGHT SIDE OF RIGHT SHOE
- OVERALL LEFT SIDE OF RIGHT SHOE
- OVERALL BACK OF SHOES
- OVERALL LEFT SIDE OF LEFT SHOE
- OVERALL RIGHT SIDE OF LEFT SHOE OVERALL FRONT SWEATS
- OVERALL BACK OF SWEATS
- OVERALL RIGHT SIDE OF SOCKS
- OVERALL LEFT SIDE OF SOCKS

I BOOKED THE SUSPECT'S BLUE SWEAT PANTS, PAIR OF WHITE/BLACK NEW BALANCE SHOES, AND WHITE NIKE SOCKS AS EVIDENCE INTO A SLPD PROPERTY LOCKER.

NWS TECHNICIAN NARRATIVE CONT'D #233 06/2008

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CRIME SCENE TECH NARRATIVE CONTINUED

341\ KALSBEEK, JOSEPH, ,

DATE / TIME WRITTEN 10/23/2015 13:09 APPROVING SUPERVISOR SELLERS, DANIEL, C

I UPLOADED THE ABOVE DESCRIBED PHOTOGRAPHS TO A DISC. I BOOKED THE DISC AS EVIDENCE INTO A SLPD PROPERTY LOCKER.

SEE PRIMARY REPORT FOR FURTHER DETAILS.

END OF REPORT.

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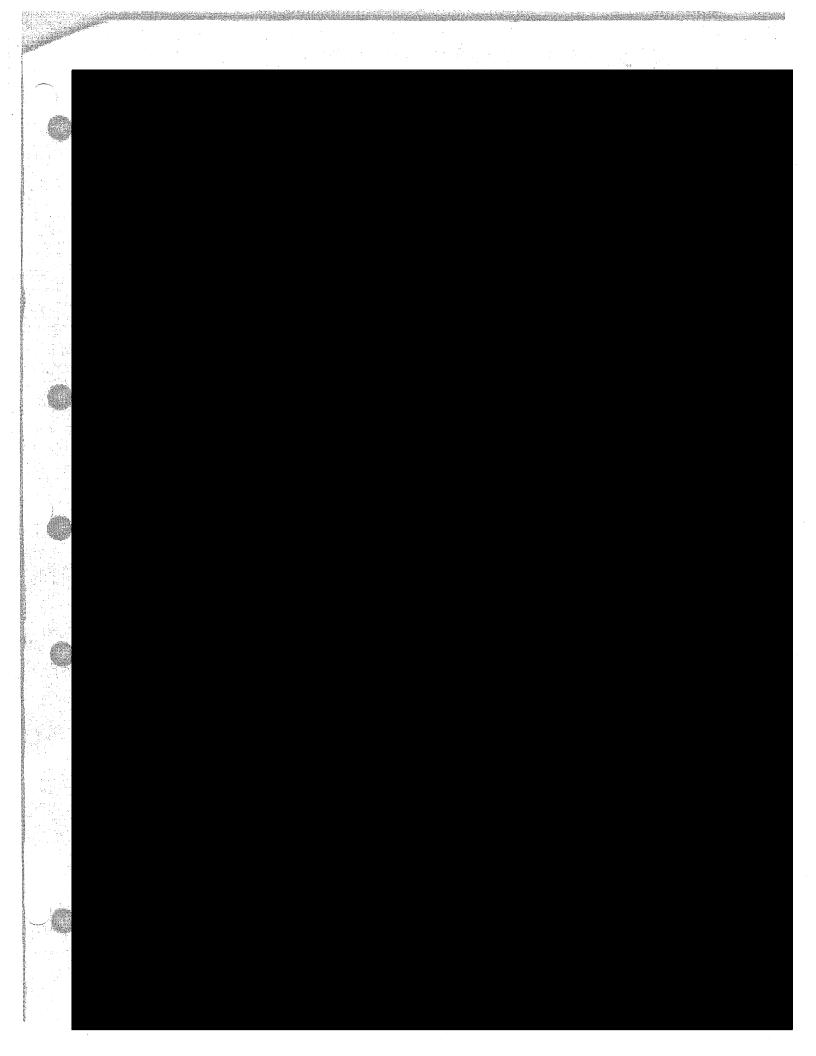
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ASSOCIATED SLPD CASE #(S

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		ig officer RY, IAIN, ,		TIME WRITTEN 23/2015 FRI 19:1	APPROVING SUPERVISOR 5 SELLERS, DANII	EL, C		





Spagnoli, Chief of Police 901 East 14th Street, San Leandro CA 94577

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Patient Name:					
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To release/dise	close health i	nformation to:	Criminal Invest 901 E. 14 th Stre	lice Department igations Division et, San Leandro, CA 94577 2015 - SOOIO	
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Call	Mura 3	MILA	11-25-	17	
Patient/Spouse	/Guardian/Le	gal Representative	Date	Telephone Numb	er

18. 19. 20. 21.

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REPORTING OFFICER

Andhung

SAN LEANDRO POLICE DEPARTMENT

901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-8217 RECORDS



CASE NO.

15-50010

PRIMARY OFFEISE / OCCURRED BYCKDENT

PAGE

	Siaiemeni/Ciiize	v amhes i	N		664	1187	
ENDANTS NAME			008		RACE / SEX	PREST CHARGE	
IZEN ARREST:	I hereby arrest the above defendant on the a Peace Officer take him/her into custody. sign a complaint against the person I have	charge indicated a I will appear wher arrested.	and request n notified to X				
	I want to achies you; (1) You have the right (3) You have the right to talk to a lawyer an one will be appointed to represent you, free and each of these rights I have explained to		(2) Anything you are bel while you are bel any questioning, it seems 27.7	sey, can and ving questioned you wish one.	will be used of the control of the c		court of law; ire a lawyer,
itness Officer:			I have been ad	vised of my r	Service .	nderstand wha	they are
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7.							***************************************

10-29-15 / 1020 734 STATEMENT/CITIZEN ARREST 09/2010 #233

SERIAL NUMBER

Case# 15-50019

Date 10.24.15

Investigator B. Anthony

Statement to Involved Officer:

Officer ALEY VING, you are represented here at this interview by your attorney SARAH BURDECK. You are not in custody and you are free to conclude the interview at any time. You are not obligated to answer any questions. Any answers you do give may be used in a court of law.

Having this in mind, do you wish to voluntarily proceed with this interview?

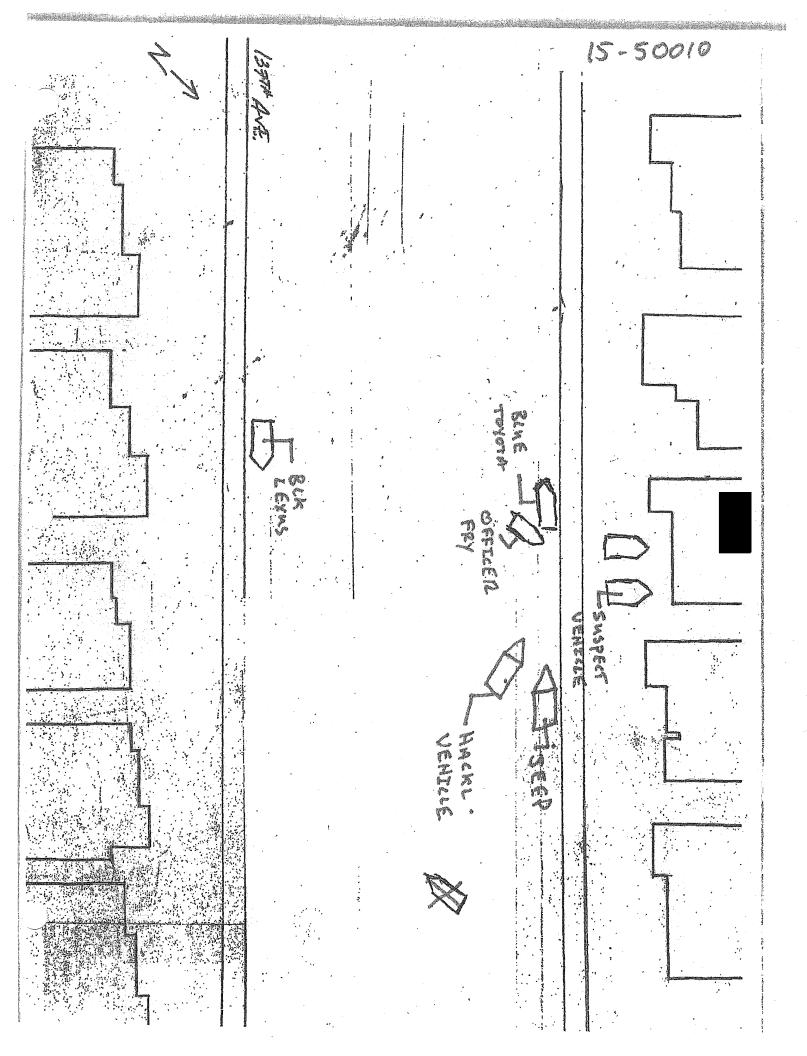
Signature of Officer

TALES WET I

Signature of Attorney

Investigator

Case # 15-50010		
Date 10.24.15	•	
Investigator B. Anthony		
Statement to Involved Officer: SGT. Officer Court , you are 1	represented here at	this interview by
your attorney SARAH BARDICK . You	are not in custody a	nd you are free to
conclude the interview at any time.	You are not obligat	ed to answer any
questions. Any answers you do give ma	ay be used in a court	of law.
Having this in mind, do you wish to vo	luntarily proceed w	ith this interview?
Monte #302	•	
Signature of Officer		
STES 10/24/15		•
Signature of Attorney		
You sold		
Investigator	.*	



POLICE REPORT SAN LEANDRO, CA 94577 TOWED VEHICLE (510) 577-3217 RECORDS



2015-00050010

PAGE 1 OF 2

SSOCIATI	ED SLPD CASE
	2015-
	2015-
	2015-

E	DATE REPORTED DAY TIME OCCURRED INCIDENT TYPE CRIME SCENE TECHNI									
٧	10/23/2015 FRI 08:41 664 187 PC- ATTEMPT HOMICIDE \AGENCY, O	JUISIDE, , SIGNIFICANT EVENT								
E N	10/23/2015 FRI 08:41 TO DAY TIME LOCATION OF OCCURRENCE									
Т	10/23/2015 FRI 18:45 137TH AVE / SAN LEANDRO									
	1 INVOLVMENT NAME		DOB	AGE	***************************************					
S	RACE SEX HEIGHT WEIGHT HAIR EYES DRIVERS LIC. NO. / STATE	PRIMARY PHONE	L							
U B	RESIDENCE ADDRESS	OTHER PHONE								
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	RESIDENCE ADDRESS	OTHER PHONE								
	NO. LICENSE NUMBER YEAR MAKE MODEL	STYLE		COLOR(S)						
ν	1 CA 2001 MAZDA PROTEGE	4 DOOR		GLD/GI	LD					
Ε	SEE CHP180 AND TECH REPORTS FOR DETAILS.									
H	REGISTERED OWNER TORRES, MARIO		DOB	AGE	Α					
Ç		PRIMARY PHONE								
Ë	INVOLVMENT NAME TORRES, MARIO		DOB	AGE	Δ					
	PECINEMICE ADDRESS	PRIMARY PHONE	J							
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Ž										
	VEHICLE:									
N	CAL PLATE 2001 MAZDA PROTEGE, 4-DOOR, GOLD.									
A R	DECECTEDED OWNED.									
R A	REGISTERED OWNER:									
T	MARIO TORRES, BANCROFT AVENUE, SAN LEANDRO 94578.	BANCROFT AVENUE, SAN LEANDRO 94578.								
٧	DETAILS			• ,						
E	DETAILS:									
	ON 23OCT15, SLPD UNITS WERE DISPATCHED TO 137TH AVENU WELFARE OF A POSSIBLE SUICIDAL INDIVIDUAL. DURING THE COU	E, TO ASCI	ERTAIN T	HE						
	INVESTIGATION, A SUSPECT INSIDE THE ABOVE LISTED VEHICLE,	EXCHANGED	GUNFIRE	WITH						
I	SLPD OFFICERS.									
	THE ABOVE LISTED VEHICLE BECAME PART OF THE ACTIVE SCENE A PERTAINING TO THIS INVESTIGATION. PER TOW AUTHORITY 22655									
	INVESTIGATION DIVISION, REQUESTED THAT THE VEHICLE BE TOWE	D AND STO	RED IN T	HE						
I	SECURE EVIDENCE BAY, AT THE CITY CORP YARD.									
		I COMPLETED A DETAILED CHP180 FORM AND REQUESTED A TOW, VIA SLPD DISPATCH.								
	DUARTE'S TOWING RESPONDED TO THE SCENE, RECOVERED THE VEHI IT TO THE YARD. OFFICER S. NELSON, SECURED THE VEHICLE WI									
DO	TECH REPORT ARREST REPORT FST / 11550 FORM	X CHP	180	_ 5150 W	ı					
C	PHOTO REPORT OFFICER SUPPLEMENT STATEMENT FORM	CHP	555							
	ORTING OFFICER DATE / TIME WRITTEN APPROVING SUPER	VISOR								
	1\ BLANKINSHIP, JUSTIN, , 10/23/2015 FRI 18:45 KHAN, LIAC		4							



POLICE REPORT S

901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



2015-00050010

PRIMARY OFFENSE / OCCURRED INCIDENT

664 187 PC- ATTEMPT HOMICIDE

TOW NARRATIVE CONTINUATION

REPORTING OFFICER
351\ BLANKINSHIP, JUSTIN, ,

DATE / TIME WRITTEN

10/23/2015 18:45

KHAN, LIAQUAT (ALI), A

POTENTIAL EVIDENCE.

SLPD DISPATCH ENTERED THE VEHICLE INTO SVS AS A TOWED VEHICLE.

SERGEANT A. MORGAN WAS ADVISED OF THE DETAILS.

END OF REPORT.

ARRATIVE CONTINUATI

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NWS CASE REPORT NARRATIVE CONT'D #233 05/2008

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

VEHICLE REPORT

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

HP 180 (Rev. 7-13) OPI 0)61	*		**						
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G. / TRANS. STRIP		TAPE DECK	DIFFERENTI	AL	OTHER			RIGHT REAR		
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STOLEN VEHIC	LE / COMP	ONENT	☐ EMBEZ	ZLED VEHIC	LE		☐ PI	.ATE(S) F	REPORT	
ATE / TIME OF OCCURRENCE	***************************************	DATE / TIN	IE REPORTED	NAME	OF REPORT	ING PARTY (R/P)			DRIVER LIC	ENSE NO. / STA
AST DRIVER OF VEHICLE	-	DATE / TIM	1E	ADDR	ESS OF R/P				TELEPHON	E OF R/P
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OSP 13 131741			An Internat	ionally Acc	redited A	gency		-		Chp180_08

C.UA

15-50010

SVS ENTRY

IMPOUNDED VEHICLE

LIC/ LIS/CA LIY/2016 LIT/PC

2001 MAZD PRO 4D GLD VIN

ORI/CA0011200 OCA/15-50010 FCN/1161529603987

DOT/20151023

MIS/22655/5 DUARTES 5105693200 1127 087

NOA/N

ENT/ON CALIF FILE ONLY

102315 1911 IN TACO

DATE: 10/23/15 TIME: 19:12

INSURANCE INFORMATION ON FILE

POSSIBLE FILE CODES: A

REG VALID EROM: 04/08/15 TO 04/08/16
LIC#: YRMD:01 MAKE:MAZD BTM :4D VIN
R/O:TORRES MARIO RENE/,
CITY:SAN LEANDRO C.C.:01 ZIP#:94578

SOLD:00/00/01 RCID:04/24/15 OCID:03/29/14 LOCD:3

TYPE:11 POWR:G VEH :12 BODY:0 CLAS:BE *-YR:07

REC STATUS:

04/21/15 SMOG DUE 04/08/17

CLEARANCI	E INFORMATION	RECORDS:				
OFFICE	WORK DATE	TECH/ID	SEQ #	VALUE	FICHE DATE	TTC
RIO	02/19/08	71	7033	00081.00	02/19/08	POT
RIO	03/02/09	70	7226	00093.00	03/02/09	POT
RIO	02/22/10	40	7409	00107.00	02/22/10	POT
RIO	02/25/11	41	7150	00102.00	02/25/11	POT
RIO	02/22/12	70	7153	00106.00	02/22/12	POT
RIO	03/19/13	70	7209	00102.00	03/19/13	POT
604	03/17/14	18	0012	00115.00	03/21/14	F00
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04/10/20 END	07-ODOMETER:	4,710	MILES	ACTUAL MII	EAGE	

VEHICLE IMPOUND NOTIFICATION

Date: 10/26/2015

License Number:

Case Number: 15-50010
Odometer Reading:

This is to advise you that the San Leandro Police Department has impounded the above vehicle. To obtain a release for the vehicle, you must show proof of ownership and the vehicle registration must be current. You must present a valid CA driver's license. If you have already picked up a release for your vehicle, please disregard this notice.

The following applies to your vehicle:

A \$200.00 fee payable to the San Leandro Police Department will be required to obtain a vehicle release before claiming your vehicle.

San Leandro Police Department Records Division

901 E. 14th Street San Leandro, CA. 94577 Hours: 9:00 am - 5:00 pm Monday - Friday

For vehicle release information, contact the Records Division at (510) 577-3217.

M.CORTEZ 1109
Police Service Aide/Records Division
San Leandro Police Department

POLICE REPORT SAN LEANDRO, CA 94577
TOWED VEHICLE (510) 577-3217 RECORDS



2015-00050010

PAGE 1 OF 2

ASSOCIATED SLPD CASE #(S) 2015-2015-2015-

E		RED INCIDENT TYPE	OT LIORAICIDE	CRIME SCENE TECHNIC						
V	10/23/2015 FRI 08:41 664 187 PC- ATTEMPT HOMICIDE \AGENCY, OUTSIDE, , OCCURRED FROM DAY TIME DOMESTIC RELATIONSHIP WEAPON SIGNIFICANT EVENT									
E N	10/23/2015 FRI 08:41 TO DAY TIME LOCATI	ION OF OCCURRENCE								
T	10/23/2015 FRI 18:45		AN LEANDRO			l see	4 AP			
	1 INVOLVMENT N	IAME				DOB .	AGE			
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В	RESIDENCE ADDRESS	OTHER PHONE								
Omc	2 INVOLVMENT N		DOB	AGE						
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S	RESIDENCE ADDRESS				OTHER PHONE					
	NO. LICENSE NUMBER YEAR	MAKE	MODEL		STYLE		COLOR(S)			
	1 / CA 2007	TOYOTA	COROLLA		4 DOOR		BLU / BLU			
V E	SEE CHP180 AND TECH	I REPORTS FOR	DETAILS.				•			
H		TORRES, MARIO				DOB	AGE A			
Ċ	RESIDENCE ADDRESS				PRIMARY PHONE					
Ë	INVOLVMENT N LEGAL OWNER	YAME TORRES, MARIO		······································		DOB	AGE			
	RESIDENCE ADDRESS				PRIMARY PHONE					
ì		<u> </u>	OW REPORT*	· · · · · · · · · · · · · · · · · · ·	·					
}	VEHICLE:									
N A	CAL PLATE	2007 TOTOTA C	OKULLA, 4-DUUI	C, BLUE.						
R R	REGISTERED OWNER:		4, 4	•		٠				
Α	MARIO TORRES, 1	37TH AVENUE	SAN LEANDRO 94	1577						
T	PORTO TORRES,	Jill AVENUE,	SAN ELANDRO S	73771						
V E	DETAILS:									
	ON 230CT15, SLPD UNI	TS WERE DISPA	ATCHED TO	137TH AVENUE	, TO ASC	ERTAIN T	HE			
	WELFARE OF A POSSIBLE INVESTIGATION, A SUS	PECT HIDING B	BEHIND THE ABO	VE LISTED VEH	ICLE, EX	E CHANGED				
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	THE ABOVE LISTED VEH	ICLE BECAME P	PART OF THE ACT	TIVE SCENE AN	D CONTAI	NED EVID	DENCE			
	INVESTIGATION DIVISION SECURE EVIDENCE BAY,	ON, REQUESTED	THAT THE VEH	ICLE BE TOWER	AND STO	RED IN T	HE			
	I COMPLETED A DETAIL	ED CHP180 FOR	RM AND REQUEST	ED A TOW. VIA	SLPD DI	SPATCH.				
	DUARTE'S TOWING RESP	ONDED TO THE	SCENE, RECOVE	RED THE VEHIC	CLE, AND	TRANSPOR				
	TI TO THE TAILOR OFF	TOLK OF HELSE	511). SECORES 711	- VIII-CLL WII						
D 0	TECH REPORT	ARREST REPOR	RT FS	Γ / 11550 FORM	X CHP	180	5150 WI			
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POLICE REPORT 5

901 E. 14TH STREET SAN LEANDRO, CA 94577 (510) 577-3217 RECORDS



CASE NO. 2015-00050010

PAGE 2 OF 2

PRIMARY OFFENSE / OCCURRED INCIDENT

TOW NARRATIVE CONTINUATION 664 187 PC- ATTEMPT HOMICIDE

REPORTING OFFICER

351\ BLANKINSHIP, JUSTIN, ,

DATE / TIME WRITTEN

10/23/2015 18:45

APPROVING SUPÉRVISOR
KHAN, LIAQUAT (ALI), A

POTENTIAL EVIDENCE.

SLPD DISPATCH ENTERED THE VEHICLE INTO SVS AS A TOWED VEHICLE.

SERGEANT A. MORGAN WAS ADVISED OF THE DETAILS.

END OF REPORT.

E CONTINUAT

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NWS CASE REPORT NARRATIVE CONT'D #233 05/2008

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

VEHICLE REPORT

P 180 (Rev. 7-13) OPI 061

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NAME OF PERSON / AGENCY AUTHO	ODIZING DELEVE	≣ (1.D. NO.		DATE	<u> </u>			414	K.L				
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DATE / TIME OF OCCURRENCE	fei in de de de de de de de de de de de de de	DATE / TIME	REPOR	TED	NAME	OFF	REPORTING PARTY (R/F	2)		Arte Miles	DRIVER	ICENSE N	O. / STATE
	• . •		1.5			10	versus of			4.11.12		11.	
LAST DRIVER OF VEHICLE		DATE / TIME			ADDR	ESS	OF RIP		***************************************		TELEPHO	NE OF RIP	Š
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15 50010

SVS ENTRY

IMPOUNDED VEHICLE

LIC LIS/CA LIY/2016 LIT/PC

2007 TOYT COA 4D BLU VIN

ORI/CA0011200 OCA/15-50010 FCN/1161529603986

DOT/20151023

MIS/22655/5 DUARTES 5105693200 1127 / 109

NOA/N

ENT/ON CALIF FILE ONLY

19-50010

102315 1912 IV LYCO

DATE: 10/23/15 TIME: 19:12

INSURANCE INFORMATION ON FILE

POSSIBLE FILE CODES:
REG WALLD FROM: 05/02/15 TO 05/02/16

LICH YRMD:07 MAKE:TOYT BTM :4D VIN R/O E, OR TORRES MARIO R, 137TH AVE CITY:SAN LEANDRO C.C.:01 ZIP#:94578 LIC R/O

SOLD:00/00/07 RCID:06/03/15 OCID:06/07/07 LOCD:8

L/O :TOYOTA MTR CRDT CORP, PO BX 105386, ATLANTA CITY:GA ZIP :30348

TYPE:11 POWR:G VEH :12 BODY:0 CLAS:DT

REC STATUS:

05/26/15 SMOG DUE 05/02/17

CLEARAN	CE INFORMATION	RECORDS:				
OFFICE	WORK DATE	TECH/ID	SEQ #	VALUE	FICHE DATE	TTC
RI4	04/01/08	70	7329	00158.00	00/00/00	POT
RI4	04/27/09	70	7379	00171.00	00/00/00	POT
RD1	03/22/10	80	0326	00217.00	00/00/00	POT
RI4	03/14/11	44	7314	00209.00	00/00/00	POT
RI4	03/26/12	43	7070	00162.00	00/00/00	POT
RI4	04/11/13	42	7055	00131.00	00/00/00	POT
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04/28/2 END	007-ODOMETER:	15	MILES	ACTUAL MII	EAGE	

VEHICLE IMPOUND NOTIFICATION

Date: 10/26/2015 License Number: Case Number: 15-50010
Odometer Reading:

This is to advise you that the San Leandro Police Department has impounded the above vehicle. To obtain a release for the vehicle, you must show proof of ownership and the vehicle registration must be current. You must present a valid CA driver's license. If you have already picked up a release for your vehicle, please disregard this notice.

The following applies to your vehicle:

A \$200.00 fee payable to the San Leandro Police Department will be required to obtain a vehicle release before claiming your vehicle.

San Leandro Police Department Records Division

901 E. 14th Street San Leandro, CA. 94577 Hours: 9:00 am - 5:00 pm Monday - Friday

For vehicle release information, contact the Records Division at (510) 577-3217.

M.CORTEZ 1109
Police Service Aide/Records Division
San Leandro Police Department

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Police Service Aide/Records Division
San Leandro Police Department

Section 5

1	•	
2		
3		
4		
5		
6		
7		INTERVIEW WITH SGT. NICK CORTI
8	. G	Q=Sgt. Brian Anthony
9		Q1=Sgt. Anthony Morgan
10	•	Q2=Lt. Ted Henderson
11		A=Sgt. Nick Corti
12		A1=Sarah Burdick
13		
14		
15	Q:	Let's see (unintelligible). All right. So this is Sergeant Anthony, uh, with the
16	-	San Leandro Police Department. Um, we're here doin' the officer-involved
17		shooting interview. Uh, with me is, um, actually, if you could just state your
18		name, Anthony?
19		
20	Q1:	Uh, Sergeant Anthony Morgan.
21		
?2	Q:	And then, uh, Lieutenant Henderson's off to my left?
23		
24	Q2:	Lieutenant Ted Henderson.
25		
26	Q:	And then, uh, from Rains & Lucia?
27		
28	A1:	Sarah Burdick.
29		
30	Q:	And then, uh, Sergeant Corti.
31	ζ.	,,
32	A:	Sergeant Corti.
33	12.	Sold Sold Sold Sold Sold Sold Sold Sold
34	Q:	And, um, so we're here to (unintelligible) the officer-involved shooting. Um,
35	٧.	we're - we're gonna basically do it concurrently with the internal
36		investigation. That's why, uh, Lieutenant Henderson is here. Is that okay?
37		investigation. That is wift, any Endatement Heridesison is field. Is that only.
38	A1:	Yes.
39	AII.	103.
40	Q:	Okay.
41	Q.	Okay.
42	A1:	No problem with that.
	AI.	tro prootent with that.
43	0.	All might I Im go hafara was started I gave your I gave Careh 41:
44	Q:	All right. Um, so before we started, I gave, um, I gave Sarah this
		admonishment that - did you go over this with - with Nick?

46		
40 47	A1:	Yes, we were able to go over that.
48	* * .	4
49	Q:	Okay.
50		
51	A1:	And he signed it already. I can sign it here on the (unintelligible).
52		
53	Q:	Okay. Good, thank you.
54		
55	A1:	Do you want me to sign and date?
56 57	0.	Yes, please.
58	Q:	i es, piease.
59	A1:	Okay. 24th?
60	211.	Ordy. 2-till:
61	Q:	Mmm, yes.
62	•	· · · · · · · · · · · · · · · · · · ·
63	A1:	Okay.
64	•	
65	Q:	Thank you. All right. So basically, Sergeant Corti, um, you went over this
66		with your attorney but, uh, you're represented here at this interview by your
67		attorney, Sarah Burdick. You're not in custody and you're free to conclude the
68		interview at any time. You're not obligated to answer any questions. Any
69		answers you do give may be used against you in a court of law. You
70		understand those?
71	λ.	Voc
72 73	A:	Yes.
73 74	Q:	Okay. All right. So what I plan on doin' is just kinda go over some general
75	Q •	questions, um, of, you know, some stuff that, obviously, we already know but
76		for the record, I wanna ask you. And then once that's done, we can take a
77		break if you want, um, or we can just go in from A to Z exactly what
78		happened. Um, so I'll ask all the questions. Anthony's probably gonna have
79		his head down most of the time 'cause he's gonna be scribin' a lot of if and,
80		um, and then we'll go from there. All right. So for the record, can you please
81		tell me your full name and serial number?
82		
83	A:	
84		Nicholas, N-I-C-H-O-L-A-S, Corti, C-O-R-T-I, 302.
٠.		
85	Q:	Okay, and then, uh, Sergeant Corti, do you remember what date you were
85 86	Q:	
85 86 87		Okay, and then, uh, Sergeant Corti, do you remember what date you were hired at San Leandro?
85 86 87 88	Q: A:	Okay, and then, uh, Sergeant Corti, do you remember what date you were
85 86 87		Okay, and then, uh, Sergeant Corti, do you remember what date you were hired at San Leandro?

91 92		another department, correct?
93 94 95	A:	Yes. East Bay Regional Park Police Department and that was for about a year and a half.
96 97 98	Q:	Okay, and then, um, so yesterday, which is when the incident took place, which is the 23rd of October, uh, do you remember what your call sign was during that shift?
99		during that shift:
100 101	A:	It was 7L74.
102	Q:	Okay, and then what was your, uh, beat assignment?
103 104	A:	Uh, I didn't have one. I was just the traffic supervisor.
105 106	Q:	Okay. Um, and then what are your normal shift hours day to day?
107 108	A:	Tuesday through Friday, 6:30 to 4:30.
109 110	Q:	Okay, and then did you have a direct supervisor during this incident?
111 12	A:	No.
.13 114 115	Q:	Okay, and who is your direct supervisor.
116 117	A:	Uh, Lieutenant (Muliterry).
118 119 120	Q:	Okay, and then when was the last shift you worked prior to the shift which this incishi- incident took place?
121	A:	The day before.
122 123	Q:	Mm-kay, so
124 125	A:	Uh, so the 22nd
126 127	Q:	22nd?
128 129	A :	uh, which was Wednesday.
130 131	Q:	Okay, and then, uh, what were you
132 133	A:	Thursday - Wednesday. (Unintelligible), shit, whatever it was.
134	A1:	Thursday.
5	411.	I Harbady.

126			
136 137	A:	Thursday.	*
138	11.	Thursday.	
139	Q:	Thursday, yeah. It - It all kin	
140	` .		
141	A:	It's - it's all	e e e
142			
143	Q:	it (unintelligible).	
144			
145	A:	a mess right now.	
146	0.	Work I got it I'm and then are your exponently teleing any mani mad	ications
147 148	Q:	Yeah, I get it. Um, and then are you currently taking any meni- med either prescription or nonprescription? If so, um, what amounts?	ications
149		ettier prescription of nonprescription: 11 so, uni, what amounts:	
150	A:	Yes. Uh, Zoloft, uh, 150 mg a day. I take that at night.	
151	11.	100. On, 2010th, and 100 mg a day, I take that at high.	
152	Q:	Okay, and have you consumed any alcoholic beverage wis- within the	he past 24
153		hours of the actual incident?	· •
154			
155	A:	No.	
156			
57	Q:	'Kay. Uh, do you have any medical conditions that might impact yo	ur
158		judgments or physical abilities?	
159	<i>x</i> .		•
160	A:	No.	
161	_		1
162	Q:	'Kay. Before this incident, which was on the 23rd, um, when was the	ie last time
163		you slept and about for how many hours?	
164 165	A:	The previous night and five hours.	
166	Α.	The previous night and five hours.	
167	Q:	'Kay, and then during this incident, did you receive any injuries?	
168	Q.	itay, and their during this incident, and you receive unly injuries.	
169	A:	No.	
170			
171	Q:	Do you wear contacts or glasses?	
172			
173	A:	No.	
174			
175	Q:	Do you have any vision problems?	
176			
177	A:	No.	
178			
179	Q:	'Kay. Uh, can you describe, uh, in detail what your uniform was the	e day of the
ار		incident? So, on Friday?	

181			
182	A:		It's our Class C motorcycle, uh, enforcement uniform. So that consists of, um,
183		•	uh, normal ankle-high boots. I had on, uh, blue BDU pants. I had on a, uh,
184	:	and the state of	blue long-sleeve polo shirt with one patch, uh, San Leandro patch on the left
185			side, two sergeant, uh, s- s- chevrons, one on each arm, and then an outer
186	٠.		carrier vest which on the front has police, uh, my badge and my name plate,
187			and then, uh, gear, radio, magazines, taser, all that and then a handgun on my
188			hip.
189	1		
190	Ο.		Ol The -1
	Q:		Okay. The, uh, all that stuff that you just mentioned, is that department issued
191			stuff?
192			
193	A:	* *	Yes.
194			
195	Q:		Okay. So the - the raid vest that you were describing, that has the words police
196			on it?
197			
198	A:		Yes.
199			
200	Q:		C- do you know about how big those letters are?
201	Q.		C to you know about now org those follors are:
201	A:		The marks like who 1" to 2" to 4" notch
	A.		Uh, maybe like, uh, 1" to 2" x 2" to 4" patch
203	_		01
204	Q:		Okay.
205			
206	A :		on my right chest.
207			
208	Q:		Okay, and then on the rear, does it say police at all?
209			
210	A:		It does, but that's tucked in normally.
211			
212	Q:		Okay. Um, and then was there any damage to your uniform or any of your
213	`		equipment during the incident?
214			
215	A:		No.
216	4 4.		110.
217	٥.	•	Okay. Do you remember what vehicle you were drivin'? Were you on your
	Q:		
218			motorcycle or were you drivin' a
219			
220	A:		No.
221			
222	Q:		a car?
223			
`4 _25	A:		Uh, my motorcycle's in the shop so I took, uh, the back-up sergeant's vehicle,
5			which is 360.

226	•	
227	Q:	Okay. Uh, is the vehicle you're drivin' the same vehicle you use each day? So
228	~ •	you kinda answered that already.
229		you kinda answered that aneady.
230	A:	Yeah, no.
231		
232	Q:	Okay. You usually drive what?
233		
234	A:	Motorcycle.
235		
236	Q:	'Kay. Um, and then were you a single unit inside the car or was there
237		someone else partnered with you?
238		50-12-0-12-0-12-0-17-12-17-0-17-18-18-18-18-18-18-18-18-18-18-18-18-18-
239	A:	Single.
240	Λ.	Single.
	0.	677 1 Th. do 1
241	Q:	'Kay. Uh, do you know the make and model and color of the weapon that you
242		used?
243		
244	A:	Oh, yeah. It's a, uh, black GLOCK 22.40 caliber. Um, serial #KTU987.
245		
246	Q:	Okay, and then is that department issued?
.7		
248	A:	Yes.
249		
250	Q:	All right. Uh, do you have any special modifications on the gun that y- that
251		you're aware of?
252	•	
253	A:	No.
254	11.	
255	Q:	All right. Do you know what kinda ammunition that you had loaded in the
256	Q.	weapon at the time of the shooting?
		weapon at the time of the shooting?
257	Α.	No. 10. 1 II. 1. C. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
258	A:	Yes. It's, uh, Hornady Critical Duty. Uh, which is 175 grain .40 caliber round.
259	•	
260	Q:	'Kay, and then how many rounds were loaded, including your chambered
261		round in the gun?
262		
263	A:	46.
264		
265	Q:	Mm-kay. Um, so total mags was for- total rounds was 46?
266	,	
267	A:	Yes.
268		
- <u>-</u> 9	· •••	All right, and then how many, um, in - in that mag that you have loaded in
	Q:	
-/ 0		your gun, how many was in the magazine itself?

271			
272	A:		Fifteen.
	A.		ringen.
273			
274	Q:		Okay. How many was in the chamber?
275			
276	A :		One.
277			
278	Q:		'Kay. Uh, do you know the last time you qualified with your GLOCK?
279			
280	A:	•	Late September of this year.
281	41.		Date September of and year.
282	Ο.		Olray, I Importh on them assolifying in them any other year againments that year
	Q:		Okay. Um, other than qualifying, is there any other, um, assignments that you
283			have that you shoot quite often?
284			
285	A :		Yeah, SWAT, uh, qualifications.
286			
287	Q:		Okay.
288			
289	A:		And that was, uh, in early October.
290	11.		This man was, and in early concern.
291	O. 1		All right, and then are you, um, do you - do you teach or instruct the
	Q:		
2			Department in - in range training or anything or DTAC or anything like that?
293			
294	A:		Yeah, I'm a firearms and DTAC instructor.
295			
296	Q:		Okay. At the time of the incident on Thursday, were you carrying any other
297			gun besides your GLOCK?
298			
299	A:		No.
300			
301	Q:		Okay. Um, getting to that f- incident, do you - did you have any prior contacts
302	Q.		or did you know anything about the, uh, the suspect from yesterday?
			of the you know anything about the, thi, the suspect from yesterday?
303			NT.
304	A:		No.
305			
306	Q:		All right. So you've never been to that house even?
307			
308	A:	•	N- not to my knowledge, no.
309			
310	Q:		Okay. Um, and then what brought - okay, so I'll - I'm gonna skip that
311	۸.		question. Um, now what I'd like to do is give you this map, which we've
312			- · · · · · · · · · · · · · · · · · · ·
			given kinda all the witnesses. And this - you can cross out whatever you want.
313			If you don't think these cars are in - in the correct places, you can cross
1			'em out. Um, do you remember what hundred block this happened in?
S-15			

316 317	A:	Yeah, 15.
318	Q:	Okay, of - of what street?
319 320	A:	137.
321 322	Q:	All right. So this kinda depicts, uh, what we remember of the incident. Again,
323	•	if - if somethin's different in your mind, that's totally fine. Um, but - so this is
324		gonna be your map. You can draw on it. Um - um, w- whatever you wanna
325 326		do, but now what I wanna do is basically take me back from when you got here, uh, when you first heard the call and then exactly what you did from A
327		to Z. You're probably gonna think that you're ramblin' on, you know, 'cause
328		i- it's a - it's a long
329		
330	A:	Yeah.
331		
332 333	Q:	process, but - and again if during it, you want to take a break, that's fine.
334	A:	Yeah.
335	11.	1 out.
336	Q:	If somethin' gets emotional, we can take a break. That's fine. Um, so just
7		from A to Z, can you tell me everything that happened on the 23rd?
ىئ8 339	A:	Yeah. Um, I got to work at about 7 o'clock. Came in about a half-hour late
340		because of SWAT the night before running long and went to my office
341		normal. Started to try to get ready for my daily duties, you know, kinda admin
342		sergeant work. Um, my computer wasn't working. Um, it - it was a - it was
343		kind of a city-wide problem, I guess, so I decided I would go drive around for
344		a little bit. Uh, did some miscellaneous things in - in the station and then, um,
345 346		took the back-up sergeant's car and I drove around for a little bit. Came back to the station to see if my computer was fixed. It wasn't. So I was just kinda
340 347		millin' around, lookin' for somethin' to do, um, and then I heard on the radio
348		dispatch had broadcast - I didn't hear the initial broadcast, but it was
349		something to the effect of, uh - uh, ascertain the welfare on a - on a subject. I
350	•	didn't hear the address. Um, he had talked to his daughter and was saying
351		goodbye. So it sparked my interest. Um, I figured I had really nothin' to do at
352		the station so, um, I started walking, uh, on the exterior of the building down
353	•	towards our - our vehicle lot, uh, and then I heard something mentioned about
354 355		he has two guns in the house and then they confirmed again, you know, he had said goodbye to his daughter over the phone. So I thought well, okay, I
356		better - s- sounds like it could be something. I'll - I'll go. So I got in the
357		car, uh, and made sure, you know, everything worked really quick and then
358	•	started driving. The computer wasn't working in the interior. Um, I told
^ < 9		dispatch I'd be en route, just confirm the address. She told me 137th, so
) 		I started driving. Uh, at this point some updates came over the radio about the

fact that the daughter was in Santa Cruz. The father had said goodbye twice. He had two guns in the house. An officer asked, um, to keep her on the phone or if she was still on the phone and if so, to keep her on. Um, then it was broadcast that there was a mother and another adult's daughter in the house. So I got on the radio and asked if we could get them to exit. Uh, Sergeant Sellers asked a question kinda in follow up to mine and then concurred with having them exit. Um, as I was en route, I took the east 14th corridor, so southbound 14th, um, direction. I heard something about him now moving into the garage. So now I'm thinking he's on the move. We haven't had the two people out. I - I need to get there a little bit quicker just in case. Uh, Sergeant Sellers hit off at 137th and Bancroft and set up there and I - I started kinda blowin' through some lights to get there. So I made a turn on 136th and then southbound to 137. I saw Sergeant Sellers blockin' the roadway and there were two other officers on scene. It was Officer Ying and Officer Becerra. So I was the third, fourth one there. At this point, I started lookin' at the numbers on the street and realized we're quite a distance away, um, and at this point also, they had mentioned that the mother and daughter had come out. So I looked down the street. I didn't see 'em. And then I noticed damn, we're really far away so we need to get down there. So, um, I orientated myself with what side of the street the house would be on. I know it's - now it's gonna be on the left side of the street or, excuse me, the north side of the street. So myself, uh, in front, Ying behind me who had a rifle and Becerra behind him started walking, at which point I - I looked down a quarter mile or - or so and could see a - a female on the phone with another female, which I assumed was the mother and daughter. Um, so I picked up the pace, started runnin', called them to us. W- we were about three houses away at this point. Um, I asked, um, Officer Becerra if he could take the mother and daughter back and myself and Ying would set up on the house until we could kinda figure out what we have a little bit more. I just had a - a weird feeling and I didn't wanna approach the house, um, so we went to the south side of the street and I'll, um, kinda mark it on - on this map here and I will - some of these cars, I'll draw on 'em. Uh...

394

'Kay.

395 396 A:

...so Officer Ying and I were on the north side of the street about here, so about three - two houses away. Um, I couldn't tell exactly where the house was, so I wanted to get across the street...

397 398

399

Mm-hm.

400 Q: 401

A:

...to the s- to the south. So we walked, um, in f- you know, number, on the south side of the street. There was a black sedan four-door parked kinda kitty-corner to the house, just a little bit, um, to the west. So we positioned on the, uh, passenger side towards the engine block. So I was right

403

402

-105

406			here
407	*.		
408	Q:		Mm-hm.
409	χ.	•	
410	A:		and, uh, Ying was right here. At this point, Ying had his rifle and I told him,
411			hey - at - at f- first I kinda went to the left of him and I said, "Don't stand up
412			'cause I'm gonna be right there." And then I said, "You know, I want a better
413		y3-	view." So I came off to Ying's right. Um, at this point, Sergeant Sellers said
414	.*		that the subject was seen in the vehicle, um, which nobody knew at the time.
415	,*		Um, so I started looking and I could actually see movement in the vehicle and
416			I confirmed, you know, which vehicle is it? There's two vehicles in the
417			driveway. They're both gold. I think the one on the left was a Toyota
418			direction and it is the state of the one of the left was a royota
419	Q:		Mm-hm.
420	Q.		TVIIII.
421	A:		and the one on the right was a Mazda.
422	л.	•	alid the one on the right was a mazda.
423	Q:		Mm-hm.
424	Q.		TVIIII-IIIII.
425	A:		So I said, "Okay, I have a - a Mazda in the driveway. I - I can see some
426	Δ.		movement." I asked earlier for a unit to come, uh, and post up on the east side
720			and it's - you know, it seemed like it was taking forever, so at this point now
428		•	subject in the car, uh, with everything mentioned, two guns, suicidal. Uh, I - I
429			asked for an expedited unit to come over and, uh, kinda get us a mock
430			perimeter, but at least have some cover over here on the, uh, east side. There
431		•	was a Jeep, a newer Jeep that was parked one house to the east, almost kinda
432			dividing the property line.
433		•	dividing the property fine.
434	Q:		'Kay.
435	Q.		Ixay.
436	A:		So as the unit's comin' down, it ends up bein', uh, Officer Hackl. I - at this
437	71.		point, I go to the back of the black vehicle where I'm at and kinda wave my
438			hand like, here's where we are
439			nana fike, note s where we are
440	Q:		Mm-hm.
441	Q.		IVIIII-IIIII.
442	A:		you're gonna see a silver Jeep on your right as you're comin' west. I want
443	Δ.		you to park by that Jeep, but angle the front of your car. He's gonna be in this,
444			uh, Mazda.
445			dii, Mazda.
446	٥٠		Mm-hm.
447	Q:		141111-11111
447 448	A:		So Hackl puts his patrol car something like this.
44 6 '9	л.		so Hacki pais ins panoi cai somening like ins.
	0.		Wax
0	Q:		'Kay

451 And, uh, has his door open and he's standing there. So at this point, I see 452 A: 453 movement from the - the left side of the Mazda. Uh, Hacki says, "Do you want me," I said, "Hackl, can you," and I'm just yelling at this point, "Can 454 455 you, um, try to make contact with him?" And he says, "PA or yell?" And I said, "PA." And my thought is I don't wanna hink up the whole 456 neighborhood. Hopefully we can kinda just slow talk him out of the car. At 457 some point it comes across the radio that, um, he had a gun in the car or he 458 459 was seen bringing a gun in the car or that's where he kept it or something to that effect. So Hackl starts the commands, "Hey, you know, San Leandro 460 Police. We just wanna talk to ya. Please come out." Nothin'. Shortly - I mean, 461 I couldn't tell va the seconds, but a single gunshot comes out. So my first 462 thought is suicidal man, single gunshot in the car, that he - he just committed 463 464 suicide. I look at Hackl. He kinda makes mention - or he makes a motion with his hand across his throat like it's done. Like it's over, you know, like quit. 465 You know, he - he's committed suicide and he radios that he can see him 466 467 slumped. I didn't put two and two together at the time but, um, I saw that round come out of a window. Um, that round came out the left rear driver's 468 side window, which was in the direction that Ying and I were at and I didn't 469 put it together at first. I - I just assumed he killed himself. At some point, um, 470 Sergeant Young and some other people showed up and I don't remember if it 471 12 was after the first or second gunshot, um, but I made mention of, "Hey, I think he committed suicide. There's no rush for us to go up." Sergeant Young, um, 473 474 concurred and we just kinda held for a minute, kinda get a game plan and, uh, 475 some other units came up behind me. I wanna say it was Cesaretti, Fletcher and his trainee and - and I don't know Fletcher's trainee's name, 476 unfortunately, and then, um, somebody else. So we were heavy on this black 477 478 sedan. 479 Mm-hm. 480 Q: 481 482 So I asked a team to go around with Hackl 'cause he was still alone. A: 483 484 Q: Mm-hm. 485 486 A: So multiple - so Fletcher's trainee, Cesaretti and somebody else I think went over with Hackl and I don't know if they brought in another car. I don't 487 remember that. So there's at least, you know, three other officers over here. At 488 489 some point after that, another gunshot and now I'm like okay, shit, this - he's 490 not dead. 491 492 Mm-hm. Q: 493 14 And not it came out the same window in the same style and I'm like, "He's A: actively shooting at us." So immediately, um, I asked for SWAT H&T call -195

496 497 498 499 500 501 502 503 504 505 506		out, lock the neighborhood down. Hackl had already mentioned he had locked the schools at that point, um, and now I figured okay, let's just - we're just gonna hold. Um, you know, hopefully this doesn't turn into anything more. We can get SWAT, uh, Sergeant Young asked for an armored car. We can just contain it and - and hopefully negotiate him out. At some point, I moved to the back left of the black vehicle and at - I don't know why I did. I don't know if I was tryin' to get a different angle. I moved back there. That's when I asked for SWAT H&T and then I came back to my original position at the front right of the car next to Ying on Ying's right side. I looked down and now I can see the left rear door open on the Mazda and I would almost put this car actually back over here
507 508	0.	Way
509	Q:	'Kay.
510	A:	hoogyga
511	Α.	because
512	Q:	G- go 'head and cross it off. Whatever
512	Q.	G- go head and cross it off. Whatever
514	A:	um, this is a representation here showing, um, where the SUV was put
515	A.	during the rescue, of
516		during the rescue, or
17	Q:	After, correct?
518	٧٠	71101, 0011001.
519	A :	of Mario.
520	1 k.	01 1/10110.
521	Q:	Yeah, yeah.
522	Ψ.	1 out, your.
523 524 525	A :	Yeah, or this, uh, I'll just call him Mario, but I felt like that our car was - at least my angle
	0.	Mm hm
526 527	Q:	Mm-hm.
528	A:	was such that I had a hard time seeing, um, Mario in the car here
529	Λ.	was such that I had a hard time seeing, tim, warlo in the car here
530	Q:	Mm-hm.
531	Q.	141111-111111.
532	A:	because if it - if it was represented here, I would have a clear visual of him.
533	11.	because if it - if it was represented here, I would have a crear visual of limit.
534	Q:	Mm-hm.
535	~·	AT ADDR A ADDRAS
536	A:	So I had to look over this gold vehicle. I think it was a Toyota and I could
537		barely see the interior of the car with the door open.
538		cantaly and anterior of the one tilling and about opens
39	Q:	Mm-hm.
ر 40د	~.	

35

What I could see was a subject, you know, later that w- we identified by a first name as Mario sitting there and I could see part of his left leg, the lower part of his leg, part of his left thigh and part of his, uh, left side or arm and he was sitting there and I thought well, shit, you know, this would be a good idea - a good time to try to call out to him. I have the best visual. Um, I didn't think anyone on the other side could see him. Somebody made mention of tinted windows. So I started callin' out to Mario, "Hey, police, come out." You know, "We don't wanna hurt you." I - I distinctly remember saying, "Please," you know, "Please don't do this. Come out. We don't wanna hurt you." Um, "Uh, we just wanna talk." Something to that effect. And then, um, I saw a little bit more movement and I saw him start to roll outta the car and my first thought was okay, good, he's gonna come out and this'll be over. Um, and then I saw, uh, clear as day a black revolver. He had a white T-shirt on, um, black sweats against the gold backdrop of a car. I mean, I couldn't - it couldn't have been more clear as to what I was seeing. He rolls out. I see the black revolver in his right hand and I'm thinkin' okay, um, I've seen this before. He's gonna drop the gun. We're gonna end it. Um, but he doesn't. Um, he cr- he stayed low along the back left driver's side near the - the left rear wheel and then I saw that black revolver raise up and it started to get level with the back of the trunk. So I could see it clear. A black revolver against a gold trunk and that weapon - it's almost like he was takin' a position of cover or concealment or advantage in tryin' to ID where the other officers were where Hackl and Fletcher were and as that gun came up I just had that moment of oh shit, he - he's gonna shoot 'em. You know, he's already shot twice. Um, now he's tryin' to locate where they're at and, um, you know, I felt immediately that Officer Hackl and Fletcher and Cesaretti and the other lives were in danger, um, so I took a front side picture on my, uh, handgun, uh, fired one round, uh, which I felt went high, I didn't feel that it, uh, that it hit him. Um, and then at that point, I heard a secondary gunshot which wasn't a handgun next to me and then I fired two more rounds as he was still there. uh, with the gun up. At that point, um, he dropped. Um, I didn't see anymore threat. I didn't see him anymore. I didn't see a handgun anymore. Therefore. you know, we didn't - I didn't fire anymore. I didn't hear any other gunshots at that point. So I'd lost visual. I got on the radio and said, uh, "Shots fired." You know, "Suspect's down, uh, in between the two cars." Um, I heard some chatter on the radio at this point from the - the other group, uh, the Cesaretti-Hackl group that they can't see him either. So kinda simultaneously I'm thinkin' fuck, man, you know, why did he do this. I don't wanna - I didn't wanna be here. I didn't wanna be in a shooting, you know. I just - I'm just getting irritated, like, this fuckin' guy, like, just come out. We didn't need to go through all this. So I kinda take a breath and I'm like okay, we s- you know, still have a job to do here. We still can't see him. He's still potentially armed. So Troy and I have a conversation as to - and I - I don't remember what we said, but I told him, "Hey, I can't see him and we need to be able to see him and nobody can see him." So there's a - the house directly across the

608 Q: 609

A:

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street, there was a truck parked in the driveway. I think it was backed in. So I said, "Troy, that's the best angle we're gonna have. I'm gonna go." And I think I just got up and ran, but he's like, "Go." You know, and I - I didn't care if I had anyone with me. So I went over to that truck and now I had a - just a dead-on visual of, um, the car and the space in between the cars and I didn't see Mario there anymore, at which point I heard Cesaretti, I think, say that, "He's back in the car." Uh, he sees him - movement in the car. So I didn't, uh, I didn't see him get in. So I look down the - the driveway, you know, in between the two cars. The door is still open. I can see Mario s- sitting in that left rear again and I can see the left side of his leg and I see his left hand. So I'm putting out, "I can see him. He's in the car. I can see movement." So I start yellin' at him again, "Mario, come out. Please don't. We don't wanna do this. Please, you know, just come out. Come out, come out. Hands up." Uh, I think I yelled, "Drop the gun," you know, a couple times in there as well. So a team comes up over with me, uh, which was Troy and I - I couldn't remember who else. At this point, I see Mario - I see two hands come out. So I'm - I'm radioin' the updates as they come out. I say, "Okay, I see two hands." I see him start to fall out of the car and he's wearing that white T-shirt and there's blood all over his back." So I radio, "He's been hit. He has a wound, um, bleeding." Whatever, you know, to the back. Um, and to go way back, earlier on as soon as I got there, I asked for medical to stage...

Okay.

...'cause just in case. So I'm - I could see this. Um, he falls out of the car in between the two cars. Hands are up, you know, plain as day, um, and he's just laying on his back. So I'm, "Mario, keep crawlin'. Keep crawlin'." You know, felt like it took forever. He gets to about mid driveway and I tell Troy, "Okay, let's go get him. Let's put a - bring up a car. We'll go get him." And he says, "No, I want him more away from the cars 'cause we hadn't cleared it." I'm like, "Okay, no problem." Um, Cesaretti gets on the radio and says, "Hey, we can grab him right now." And - and I kind of ignored it 'cause I knew what Troy was thinking. You know, it was like, we're gonna pull - he's gonna get more away to give us more room and then we'll get him, so I just le- I didn't acknowledge the traffic. So I said, "Troy, there's a SUV." Which was parked over here about one house west. A SUV, you know, has the armor in the doors or whatever. So I said, "Let's get the SUV. We'll get a team. We'll move up. We'll, you know - kinda like an officer down style rescue and we'll pull him back behind the SUV and then we can clear from there." S- so we, uh, formulate a quick play. It's gonna be me, Troy, Ying. I think (Moore) was in it. Becerra and, um, (Ian Frye) ended up bein' the driver. So (Frye) gets in the driver's seat. We all get behind the, uh, the right side of the car, you know, give him the nod. He slow rolls up to where the car is now in relation to the diagram. Parks it. Um, myself and (Perry) don't have long guns. We just have our handguns so we're designated as the two to grab Mario and the other team

631 is gonna clear the cars and then - and then clear the house. So, the people with 632 long guns move forward, step over Mario, clear the cars. Uh, (Perry) and I 633 grab Mario by the ankles. Um, I w- I didn't wanna do it that way, but I - I 634 didn't - we didn't wanna leave him there and I wanted to get medical on as 635 fast as I could. I - I - I just felt bad grabbin' him by the ankles and pullin' him 636 but I - I i- that was the quickest way to get him to - to safety. So I grabbed his 637 left ankle, I think (Perry) grabbed his right. We pulled him back behind the 638 SUV. I immediately handcuffed his left hand and then noticed that his right 639 hand had a cast and we couldn't get the handcuff on so I'm yellin' for zip ties. 640 No one has any z-zip ties, so I - so I - I think said something to the effect of, 641 "Fuck it. Just search him. Strip his clothes. Make sure he doesn't have a weapon. We'll look for wounds and then we'll let fire take him." So I - I took 642 643 the handcuffs off, put 'em back, (Frve) told he me he had some gloves in the 644 SUV. I grabbed some gloves, came back. We started strippin' him to make 645 sure he didn't have any weapons, which we didn't find. Then I'm starting then I tell them, "Okay, administer first aid." So (Frye) comes over with a 646 647 medical pack. We look him over. Um, they do the initial assessment. I see one 648 wound to the back, the right back, kinda lat - lat area and I said, "Okay, get a chest seal on it. Uh, you know, let's - let's go. Let's hook it up." Kinda some 649 650 standin' around and then I - I'm like, "Fuck, get a chest seal on him, you 651 know. Let's go." Um, and then by that time fire rolled up and, uh, they took 52 over from there. Um, I moved back and just waited for the house to be 653 cleared. They cleared the house, the cars. A secondary came out. Um, 654 Sergeant (Yoon) started kinda coordinating who - you know, at this point I - I don't - I'm kind of in a daze like fuck, should I be doing things or, you know, 655 am I supposed to remove myself or what. Um, it obviously helped with Troy 656 657 being there 'cause he kinda started doin' things that, you know, I would've done but I was just like whatever. So I m- I grab Ying and I say, "Come with 658 659 me. We're gonna stand on the other corner and just wait and we'll isolate 660 ourselves and we'll just wait here." Um, and then once they were all secured, I turned off my camera and then just - Troy kinda gave me direction from there. 661 662 663 Q: Mm-kay. Um, did - so you weren't part of clearin' the house? 664 No. 665 A: 666 667 Okay. Do you know if they cleared the house? Q: 668 669 A: They did. 670 671 Okay. All right. Good. So, um, you wanna take a break or you good? Q: 672 673 No, I'm good. A:

All right. So, what I wanna do is just - I wrote down some follow-up

74 2/5

Q:

676	•	questions. Uh, you did a great job explainin' it. Can we do - can we do
677		somethin' here? Can you just
678		
679	A :	Yeah.
	Α.	i can.
680	_	
681	Q:	number these cars. Uh, we'll start with that. That'll be number 1, which was
682		what you described as the black four-door?
683	5 - 5	
684	A:	Yeah.
685		
686	Q:	Okay, and then we'll do this number 2, which I think you described as the
687	Q.	
		truck maybe backed in?
688		
689	A :	Yeah into the driveway.
690		
691	Q:	Okay, and then, um, we'll do number 3, which I think you described as
692	`	Hackl's car?
693		
694	A:	Yes.
	л.	1 65.
695	•	CTZ 1.4 111 1 4 1 1 T 1 1 1 1 T O
696	Q:	'Kay, and then we'll go number 4, which I think you described is a Jeep?
7		
098	A:	Yep.
699		
700	Q:	And then we'll go five, which I think you described as (Frye)'s car
701		
702	A:	Mm-hm.
703		
704	0.	comin' up and then we'll do six, which was - do you remember that car? I
	Q:	
705	,	don't think we described that car.
706		
707	A :	No, it was a - a dark-colored sedan.
708		
709	Q:	Okay, and it was parked right about there?
710		
711	A:	Yeah, because I remember
	71.	Touri, booldase i Terrientioor
712	_	
713	Q:	Approx- or approximately
714		
715	A:	I just remember that thinking, you know, I had, like, 30 yards or so with a
716		handgun and I was like f- you know, that's a tight, um, shot over the - over
717		that car, over this other gold car to where he was
718		The stand of the same of the second stands and the same second se
9	0.	'Kay
_	Q:	'Kay.
. 40		

721 722	A:	um, so yeah, I - I would say that's probably a good spot.
723 724	Q:	Okay, and then, uh, so that's six and then seven, two cars in the driveway you said, right?
725 726 727	A:	Yes.
728	Q:	So seven would be the car to the east of the subject ca
729 730 731	A:	West.
732 733	Q:	or west, I'm sorry.
734 735	A:	(Unintelligible).
736 737	Q:	Thanks. West of the subject car.
738 739	A:	And that was a gold, I think, Toyota.
740 741	Q:	Okay, and then that's the subject car.
\2 /43	A:	Yeah, a Mazda, gold (unintelligible).
744 745	Q:	All right, and I just wanna clear this up. Um, on - on this map right here we - we already pencilled in (Frye)'s car here
746 747 748	A:	Mm-hm.
749 750	Q:	but when you actually took those shots
751 752	A:	Mm-hm.
753 754	Q:	this car wasn't there?
755 756	A:	No. (Frye)'s
757 758	Q:	So you had a clear view of
759 760	A: •	Yes.
761 762 763	Q:	When we're lookin' at this, someone would think well how did he even see him with this car in the way, so I just want to
-54 -5	A:	Yes.

766 767	Q: 4 0	clear up, that car was not there until after your shots were fired?
768 769	A:	That's right.
770 771	Q:	All right.
771 772 773	A:	That - that was where the rescue was initiated.
774 775	Q:	Okay.
776 777	A1:	And just for the tape, we're talking about car labeled as five on the diagram.
778 779	Q1:	Yes.
780 781	Q:	Four, five. Yes. Okay. All right, good. All right. So, um, I'm gonna go back and y- you're probably gonna feel like you're tellin' the whole story again
782 783 784	A:	No.
785 786 77 788 789 790	Q:	and I mighta missed some things and you might said some things, but I wanna touch some key points. Um, you said that, um, that someone was talkin' to a daughter. When you first arrived on scene, you knew that someone was talkin' to a daughter. Can you explain more? Do you know what daughter that he was talkin' to or that you were talkin' about?
791 792	A:	Um, I had heard via radio that the subject, uh, later, Mario, was talking to an adult daughter
793 794 795	Q:	Mm-hm.
796 797 798	A:	over the phone. There - then there was some question as to where she was and she was in Santa Cruz
799 800	Q:	Okay.
801 802	A:	uh, per the dispatch.
803 804 805	Q:	Okay. All right. So the - d- do you know who the original RP was, reporting party? Do you think it was the daughter that was
806 807	A:	I don't know.
808	Q:	up in Santa Cruz?
3	A:	That's what I assumed.

811			
812	Q:		Okay. All right.
813	•		
814	A:	resident of the second of the	Yeah.
815			
816	Q:		That's fine. And, then, um, you had mentioned - you said they mentioned that
817			there was two guns in the house.
818			
819	A:		Yes.
820			
821	Q:		When you said they, did you mean - who - who did you mean?
822			
823	A:		I don't know if that came, uh, I - it came from dispatch
824			
825	Q:		Okay.
826			\mathbf{r}
827	A:		so I don't know if that, you know - I - I'm, uh, it's - again assuming that the
828			daughter or family
829			
830	Q:		Mm-hm.
831			
2	A:		had told dispatch there were two guns in the house.
833			
834	Q:	•	Okay. So right now, you're thinkin' there's two guns in the house, there's
835		•	people in the house.
836			
837	A :		Yes.
838			
839	Q:		And then you'd mention that during your interview, you mention that when
840			you were comin' up, your first concern was that you wanted the family to
841			exit?
842			
843	A:		Yes.
844	_		
845	Q:		Can you explain why you wanted the family to exit?
846		•	
847	A:		Um, so based on his comments to the daughter over the phone, "Goodbye,
848			goodbye," um, I felt, you know, this is pretty credible. Now, uh, there's
849			mention of guns. Um, I don't know if he wants to just kill himself or if he
850			wants to kill his family. So my concern now is let's get everyone out of the
851			house except Mario. You know, let's try to isolate him alone so he can't hurt
852			anyone else. So, um, you know, it was relayed that a mother and adult
853			daughter are in the house.
1	٠,		
ر <i>کوت</i>	Q:		Mm-hm.

856			
857	A:		Um, let's get 'em out.
858			
859	Q:		Okay. So once - once they were removed from the scene and you knew they
860			were safe
861			
862	A:	. · · · · ·	Mm-hm.
863	71.	·	
864	· O·		can you describe, um, what is in the area that you may have been concerned
865	Q:		
			about besides, you know, the two people inside the house?
866			77 1 11 11 11 1 1 C C11 11 1 1 1 1 1 1 1
867	A:		Yeah, there - there was a multitude of - of things on the street. It's a
868			residential roadway. Um, I could see doors - you know, it's 8 o'clock or so in
869		,	the morning. People are goin' to work, school, whatever. Um, I could see a
870			couple people milling in around their houses, doors opening up and not to
871			mention that, um, to the west there's a 9th grade campus with a 1,000 students
872			and then one street to the north there's the main high school, which has, you
873			know, 3,000 kids. So, um, just wanna lock everything down. Keep the
874		•	students in, which Hackl had already done and then as I saw people kinda
875			milling around, I was just yellin' out, "Get back in your house. Get back in
876			your house."
77			
J/8,	Q:		Okay. So from what you're sayin', you were concerned because there's
879	ν.		residents outside the house, you have two schools nearby, 1,000-plus
880			students
881			Students
882	A:		Mm-hm.
	Λ.		WIIII-IIIII.
883	Ο.		1 41 is assessment in the 1 constant assessment 1 in 9
884	Q:		and this guy possibly had a couple guns on him?
885			**
886	A:		Yes.
887	_		
888	Q:		All right, and then, um, you - you'd also mentioned, Sergeant Corti, that - that
889			you - that you didn't wanna approach the house and you wanted the family to
890			come back to you. Can you explain why you wanted that?
891			
892	A:		Uh, not knowing where he is. Not knowing what type of weapons. You know,
893			he coulda had a high-powered rifle. Uh, not knowing his intentions. I didn't
894			wanna walk up near the house to where I could be, you know, shot or - or
895			Officer Ying or anyone else. So we were two, three houses to the west. Um, I
896			called to them to come to us, which they did immediately. I mean, they ran
897			right towards us. Um, I didn't even ask 'em anything. I just told Officer
898			Becerra to take them and get 'em out of the area and then he could bring them
609	•		over to Sergeant Sellers and they could debrief 'em from there.
·2			or at the sort sortions and they could desire the Holli thele.

901 902	Q:	Mm-hm.
903 904 905 906	A:	So I didn't wanna move any- I didn't wanna be near the house now knowing and - and in hindsight, um, he was in the car armed with a weapon the entire time, uh, which we didn't know until we were across the street.
907 908	Q:	So you didn't debrief the mother and the daughter there because why?
909 910	A:	I just wanted 'em out of the area.
911 912	Q:	All right.
913 914 915 916	A:	My - my goal is to - to secure that neighborhood, to, you know, put us as kind of a block for any citizens and get them to safety first before we start talkin' to 'em.
917 918 919	Q:	Okay, and then, uh, you had mentioned after they were, um, sent to the command post to get debriefed and you said you had a weird feeling. Can you - can you explain what that weird feeling was?
920 921 12 923 924 925 926 927 928 929 930 931 932 933	A:	I - I think it was after the point that he was in the car. I- it was right around there. I just - you know, on most of these, you know, nine or a hundred - 99 times out of 100, they - they're - turn out fine and it was all a big misunderstanding, but just something in the back of my mind was saying two guns. He - he's called one daughter that's out of the area and said goodbye. The family ran towards us, which they don't normally do. You know, they normally stay in and be like, no, he's sitting right here. He's fine. Um, I - I don't know. I just had this feeling like I don't wanna go near this house. I don't wanna be picked off. You know, I started thinkin' 'kay, I - you know, I have kids. I have little kids, you know, a wife. I don't - I don't - I don't wanna get shot. I'm just gonna give myself just some cover and - and slow it down and hopefully we can just talk him out.
934 935 936	Q:	So were you in - were you in fear that if you went toward the house that you would press him maybe? Press the situation?
937 938 939 940 941 942 943 '4	A:	Yeah, I mean, it - it - it - it's just not worth it for me. I don't wanna make him do anything. You know, I - I wanna get him on the phone or let, you know, our CIT people or H&T people talk him out. You know, um, I - I don't - I don't know what is going on with him and what - and what his situation is or - or how he's feeling mentally and the sight of a uniform and guns out might agitate him and, um, I just wanted to get to a safe distance that we could put a call in, hopefully get some dialogue and then just have him walk out at some point.

946 947	Q:		Mm-kay, and then you said put a call in. Do you know if, um, anyone there was CIT trained er
948			
949	A:		Yeah
950			
951	Q:		if that was asked?
952			
953	A:		uh - uh, Sergeant s- uh, dispatch asked it initially
954			
955	Q:		Mm-hm.
956			
957	A:		when there was a break and then Sergeant Sellers said he was. So he was at
958			the - where he had put the command post. He's also on H&T, um, and then I
959			don't know - yeah, he's - he's CIT.
960			don't know - yean, he's - he's Crr.
	Ο.		Olsan and there was after your est to the black contlations. that an this
961	Q:		Okay, and then, um, after you got to the black car that you - that - on this
962			picture number 1, um, you said that you saw movement from the left side.
963			
964	A:		Mm-hm.
965	_		
966	Q:		Can you point or just explain to me exactly - like, was that movement - did
7		•	you see that movement through the window? Did you see the movement -
968			where exactly did you see and what did you see?
969			
970	A:	1	So once it came it out that he was, um, potentially in a - a Mazda in the
971			driveway, I looked in the driveway and the first car I naturally looked at is the
972			left side and that wasn't a Mazda.
973			
974	Q:		Left side meaning
975			
976	A:		The left
977			
978	Q:		driver's side?
979	ζ.		
980	A:		the left s- no, the left s- the left car, sorry.
981	21.		
982	Q:		Oh, okay. Okay, okay.
983	Q.		On, oray. Oray.
984	Λ.		The left side of the driveway, the first car there.
	A :		The left side of the driveway, the first car there.
985	Ο.		01
986	Q:		Okay.
987			
988	A:		I was like 'kay, that's not a Mazda. So I looked to the right. I'm like okay,
7			that's a Mazda.
0			

991	Q:	Mm-hm.
992	• •	
993	A:	So that matches up. So the windows, to my recollection, were tinted and
994		because of the angle I had, I - I couldn't get a clear view.
995		
996	Q:	Mm-hm.
997		
998	A:	But I definitely saw m- some sort of movement, you know, that is consistent
999		with a human being
1000		With a name of the second
1001	Q:	Mm-hm.
1001	Q.	1V1111-11111.
1002	A:	you know, in the car and I saw that coming from the driver's side and it
	A.	seemed like it was in the driver's seat at first.
1004		seemed like it was in the driver's seat at lirst.
1005	0	N 1 A11 A2
1006	Q:	Mm-kay. All right. Can you explain, like, the lighting conditions? Was it light
1007		outside? Was there sun out to where you can see shadows in the car? Was it
1008		foggy?
1009		
1010	A:	It was daylight, you know, 8:00 or 9:00 in the morning. It wasn't foggy. Clear,
1011		you know, no overcast. Um, the only the- the angle and the - the tint was the
2		restriction I couldn't clearly see into the car.
1013		
1014	Q:	Okay. Um, but you saw movement in the car?
1015		
1016	A :	Yeah.
1017		
1018	Q:	So you knew someone was in there?
1019		
1020	A:	Yes.
1021	٠.	
1022	Q:	All right. So I know it's hard to estimate time, um, and just do the best you
1023	_	can and if - and if you just don't wanna go there, just let me know, but from
1024		the time that you, um, got behind that black car, car number 1, how long after
1025		you were sittin' there did you hear that first gunshot?
1026		year in the broad data year hear than and building
1027	A:	Four, five minutes.
1028	4	1 Odly 11 o millionos.
1028	Q:	Okay. So it was a while?
1029	٧.	Okay. Do it was a winter
	۸.	Yeah.
1031	A:	i caii.
1032		A. A. A. A
1033	Q:	And then were you guys making contact - verbal contact or any other contact
4		before that shot was fired
1.555		

1036	A:	Uh
1037		
1038	Q:	or were you still setting up?
1039		
1040	A:	my, uh, I wasn't and Officer Ying wasn't. Um, I didn't feel we were in a
1041		good place to make contact
1042		Sood Plane to Mario Collinson.
1043	Q:	Mm-hm.
1044	٧.	
1045	A:	because of our angle. Um, the east side of the house, the street, had not
1046	11.	been, um, taken yet by any of our officers
1047		occii, uni, takcii yet by any of our officers
1047	0.	Mm-hm.
	Q:	171111-111111.
1049	· A .	T 72
1050	A:	so my primary focus was I - I'm gonna watch the car
1051		
1052	Q:	Mm-hm.
1053		
1054	A:	and see if - if there's anything I can put out, but I want the right side taken
1055		care of in case he bails or
1056		
7	Q:	Mm-hm.
1058		
1059	A :	or, you know, runs or does something. So, uh, and that's when asked,
1060		"Okay, let's get a unit there. Let's expedite it there." You know, "Code 3.
1061		Let's go."
1062		
1063	Q:	Mm-hm.
1064	` .	
1065	A:	Um, that's when Officer Hackl pulled down the street and stopped. Um, that's
1066		when the communication between - verbally between Officer Hackl and I
1067		happened about, um, where to park
1068		implement acoust, and, where to partitude
1069	Q:	Mm-hm.
1070	Q.	141111-11111.
1070	A:	uh, PA or not
	л.	uli, I A of not
1072	0.	Mars Iran
1073	Q:	Mm-hm.
1074		17 11 DA 17 1 111 / 1 Od 1 1 1
1075	A:	and I said no PA and I asked him to - because of the - how close he was
1076	_	
1077	Q:	Mm-hm.
1078		
10-0	A:	because he could pote- uh, Mario could potentially see a black-and-white
îJ		police car

1081		
1082	Q:	Mm-hm.
1083		
1084	A:	identifying that we're the police, um, he would do the contact. Where we
1085		were, we were, you know, basically taking cover
1086		
1087	Q:	Mm-hm.
1088	Q.	141111-111111.
1088	۸.	and he couldn't synloge I steed up he wouldn't know me as a natice officer
	A :	and he couldn't - unless I stood up, he wouldn't know me as a police officer.
1090	•	
1091	Q:	Mm-hm.
1092		
1093	A:	I didn't have a police hat on or anything.
1094		
1095	Q:	Mm-hm.
1096		
1097	A:	So I didn't wanna just involuntarily y- yell at this guy to come out
1098		guy or comment
1099	Q:	Mm-kay.
1100	Q٠	ivini kay.
1101	A:	and then he may think you knexy who is this
	A.	and then he may think, you know, who is this.
72	· •	No. 1 C
1104	Q:	Mm-kay. So you waited, um, until basically the inner perimeter was kinda
1104		established before you started to make contact
1105		
1106	A:	Yeah.
1107		
1108	Q:	with this guy? All right. Um, and then when - when you heard that first
1109		round go off, you unexplained that you saw, um, somethin' about the window.
1110		I didn't catch exactly what you said but the - the window break or somethin'
1111		like that. Can you get into - to detail what you saw?
1112		
1113	A:	So I heard a - a gunshot. I saw, you know, kinda flash from inside the car and
1114		I saw the left rear driver's side window
1115		I but all felt felt differ b blac williant.
1116	0.	Mm-hm.
	Q:	171111-11111.
1117	A .	1 1 1 1 1 1 1 1 1 1 1 1 1 1
1118	A :	uh, basically explode outward.
1119	_	
1120	Q:	Okay.
1121		
1122	A:	Uh, it's the kinda glass that doesn't break
1123		
1124	Q:	Mm-hm.
,5	`,	
, ,0		

1126	A :	so the whole thing didn't break, but I saw a hole
1127		
1128	Q:	Mm-hm.
1129		
1130	A :	and I saw glass being shot outwards.
1131		
1132	Q:	Mm-l·ay.
1133		
1134	A:	And again, my first thought was he just committed suicide
1135		
1136	Q:	Okay.
1137		
1138	A:	based on everything, he just committed suicide
1139		
1140	Q:	Mm-hm.
1141		
1142	A:	and, uh, Officer Hackl's saying he sees him slumped. I'm like okay.
1143		Committed suicide. We'll hold. And it wasn't until shortly thereafter that I
1144		had this doubt and I started thinkin' well, if he committed suicide that bullet
1145		might still be in him and unless he shot himself through the arm or he has
1146		some sorta high-powered weapon, that - that round wouldn't have come out.
7		So I started doubting that he actually committed suicide
1148		
1149	Q:	Mm-hm.
1150		
1151	A:	and that maybe he just shot at us.
1152		
1153	Q:	Okay. All right. So, um, after you kinda doubted yourself, did - did that - were
1154		you at another level right now of man, this guy's still in there with a gun, that
1155		he just fired a round?
1156		
1157	A:	Um, mentally, I just kept the same preparation that
1158	_	
1159	Q:	Mm-hm.
1160		
1161	A:	I was gonna act whether he w- had killed himself or alive, I was gonna act
1162		the same way
1163		
1164	Q:	Mm-kay.
1165		
1166	A:	and we were gonna clear this, uh, we were gonna respond the same. We
1167		were gonna go up to the car the same. We were gonna, um, you know, speak
1168		the same to - to him, make the same commands. Everything was the same
117	_	
1	Q:	Mm-hm.
and the second second		

11771		
1171		
1172	A:	in my mind. It wasn't oh, he killed himself, we're good. We can just walk
1173		up to it or oh shit, he - he shot at us. Now we need to do X, Y and Z. No, I was
1174		just very
1175		
1176	Q:	Mm-hm.
1177		
1178	A:	we're goin' by the playbook on this one.
1179		
1180	Q:	Mm-hm.
1181		
1182	A:	Um, no one's rushin' up. No one's gonna do anything stupid. We're just
1183		gonna take it safe and slow.
1184		Some take it bare and brown.
1185	Q:	Mm-kay. So after you heard that gunshot, why didn't you just go up to the car
1186	Q.	and get him?
1187		and get min.
	۸.	There's no reason to I'm not come and reason my life on an envisor alse's
1188	A:	There's no reason to. I'm not gonna endanger my life or - or anyone else's
1189		life. Um, because again, I didn't know. I didn't know if he had committed
1190		suicide. There wasn't anyone that could visually see him and see a bullet hole
1191		in him, so it was just an unknown variable and - and too dangerous.
2		
1193	Q:	Okay. Um
1194	•	
1195	A:	When you get a minute, can I use the restroom? I'm sorry.
1196		
1197	Q:	Uh, we can stop right now.
1198		
1199	A:	I don't wanna blow
1200		
1201	Q:	Absolutely.
1202	-	
1203	A:	your, uh, whole (unintelligible).
1204		
1205	Q:	Yeah. No. No, no, no. Uh, we're gonna stop the recording at 2:57, October
1206	ζ.	24th, uh, and take a break.
1207	*	m ton, only one of the or
1208	A:	All right. All right. (Unintelligible).
1209		7 th fight. Thi fight. (Clinicolligible).
1210	0,	You guys need anything?
	Q:	1 ou guys need anything:
1211	A 1.	No. the way
1212	A1:	No, thank you.
1213		
1~~1	Q:	Lieutenant, you want anything?

1216 1217	Q1:	No. No.
1218	A1:	Clock's throwin' me off. It's two hours early.
1219 1220	Q:	Is it?
1221 1222	A1:	Uh, two hours
1223 1224	Q1:	Late?
1225 1226	A1:	Later, yeah.
1227 1228 1229	Q1:	Towards the end, could you just ask about, uh, the SWAT training the night before?
1230 1231	Q:	Yeah.
1232 1233	Q1:	Okay. Let's go into that a little bit.
1234 1235 1236	A1:	That's right. They were here 'til, like, 11:30 or somethin'?
`.7	Q1:	Yeah.
1239 1240	Q2:	I have to pee when he gets back.
1240 1241 1242	Q1:	You can't pee, like, right now?
1242 1243 1244	Q2:	Uh, my bladder is proportionate to my body so (unintelligible).
1245 1246 1247	Q:	Uh, do you wanna specifically hit the - the training that they had? Like what kinda training it was or just the time that it was?
1247 1248 1249	Q1:	I guess we can go ahead - I mean
1250 1251	Q:	Like, 'cause I knew
1252	Q1:	(unintelligible)
1253 1254	Q:	it was like a mentally disturbed guy. Yeah, no.
1255 1256	Q1:	Yeah.
1257 1258	Q:	Okay. All right.
, g	A1:	Oh, was it? Oh, that's very timely.

1261		
1262	Q1:	Yeah.
1263		
1264	A1:	Geez.
1265		er with the Market of the control of the control of the control of the control of the control of the control o The control of the control of
1266	Q:	Anything else you wantin' hit? I mean, I still got a lot more questions, but
1267		
1268	Q1:	Yeah, SWAT training
1269	~ 21	Taring to the comments of the
1270	A1:	And I can step out if you guys wanna chat.
1271	111.	Thia I can stop out II you gays wanta onat.
1272	Q:	No.
1273	Q.	110.
1273	O1.	No no no no
	Q1:	No - no - no - no - no.
1275	0	(T)
1276	Q:	There's no secrets.
1277	~ .	
1278	Q1:	Not at all. No - no s- uh, you know (unintelligible).
1279		
1280	Q:	So, uh, after the questions that I have about what he said, then
1281		
`2	A:	Yeah.
3كەيد		
1284	Q:	it's just gonna be a few other general questions and
1285		
1286	A:	Yeah.
1287		
1288	Q1:	Yeah, that's it.
1289		
1290	Q:	Okay.
1291		
1292	Q1:	That's it. (Unintelligible).
1293	ζ	
1294	A:	Ooh, all right.
1295	2 1.	
1296	Q:	Morgan has to go, too.
1297	Q.	Worgan has to go, too.
1297	Α1.	Better?
	A1:	Detter?
1299		O1 T
1300	A :	Oh. I am not gonna ever wear this shirt anymore. I'm tellin' you, it's - if I sit -
1301		if I pass out, just unbutton this top button and I'll be sh- I'll be okay.
1302		
1303	Q1:	You'll be all right?
1504		
1.	A:	God.

1306	
1307	
1308	The transcript has been reviewed with the audio recording submitted and it is an accurate
1309	transcription.
1310	Signed

1 2 3 4 5 6 7 INTERVIEW WITH SGT. NICK CORTI 8 Q=Sgt. Brian Anthony 9 Q1=Man 10 A=Sgt. Nick Corti 11 A1=Sarah Burdick 12 13 14 All right. So, ah, we just took a small break. We're gonna go back on record Q: 15 October 24 at 3 o'clock. Okay. Ah, Sergeant Corti, so, um, I want to get to you explained the first gunshot, what was going through your head. I want to 16 17 get to - first of all, the time. Again, it may be hard, the time lapse from the 18 first gunshot to the second gunshot. 19 20 Um, just replay it in my head for a second but... A: 21 2 No problem. Q: 23 24 First gunshot goes off. I radio a single gunshot. Looked to Hackl. You know, A: 25 he makes the motion of he thinks he's, you know, committed suicide. I radio that. God, I want to say it was just a matter a minute or less that the second 26 27 gunshot comes. 28 29 Q: Okay. 30 31 A: Yeah. That's my best guess. 32 33 Okay. And then I know you've explained it and I appreciate it, but if you Q: 34 could do it again exactly - that second gunshot, what was going through your 35 head then? 36 37 A: So the second one goes off and I'm not - and just, like, damn it. He's n- you 38 know, not damn it that's he's not dead, but damn it, you know, why is he 39 firing at us? Um, this one was for sure validated that that first one came out of 40 the window because it was the exact same glass break. It was the exact same 41 flash, came out the left rear again. And I'm like, "Fuck. Now, he's firing at 42 us." So Ying and I hunker down a little bit more. I just take a quick peek 43 behind me, and I see Sergeant Young start to run up, and I may be off on when that occurred, but, ah, I - I know he's running up. And I see other people behind him. I hear on the radio that the family has broken the perimeter, and

46 47 48 49 50		they're running. But my mind is, "I'm not even gonna look to see where the family is." I'm - I'm just hoping somebody's grabbin' 'em. Um, a- and now I'm just, like, even more mad in my mind. Like, fuck. I don't wanna - I don't wanna be doing this. I don't want to get into shooting right now. Just come out.
51 52 53	Q:	Mm-hm.
54	A:	You know, like, dude, we don't need to go through this.
55	4	Tou know, fixe, dude, we don't freed to go through this.
56	Q:	Mmm.
57	۷٠	141111111.
58	A:	Um, I immediately started thinkin', "Okay. This is beyond patrol's capability
59		right now." Um, you know, and no disrespect to them, but this needs to be
60		ramped up to a SWAT agent team call out. So I moved to the back of that
61	- 	black car just to peek at a - the different visual. I didn't get any better
62		advantage point. Came back around. Saw the door open, that left rear. And
63		that's when I'm like, you know, giving it a second in my mind. Like, "Does
64		anyone else see this? Does it - is anyone else gonna yell in? Nothing." I'm like
65		maybe I have that vantage point that no one else has. So I - I radio it out. And
66		then I'm like, "Oh, shit. Let me just call at him. Maybe he'll just come out,
57		and we can just end it." And that's when I started the - my dialogue
68		
69	Q:	Mm-hm.
70		
71 72	A:	with trying to get him to come out.
73 74	Q:	Mm-hm. All right. So and then, um, get into detail exactly what you saw when he rolled out?
75 76	۸.	Co you all walno at the front might of that black one. Vince is to may left with
70 77	A:	So, um, ah, we're at the front right of that black car. Ying is to my left with his rifle.
78		ins inte.
78 79	0:	Mm-hm.
80	Q:	1/1111-11111.
81	A:	You know, and I'm, like, ear to m- ear to barrel with it, and I'm below kind of
82	$\mathbf{A}_{\mathbf{A}}}}}}}}}}$	peeking around the front of the car.
83		pecking around the front of the car.
84	Q:	Mm-hm.
85	٧٠	14111-11111.
86	A:	And I'm trying to get the best visual I can just to give me anything.
87	***	wynig vo gev are o ebt troud i our jast to give ino unything.
88	Q:	Mm-hm.
39		
90	A:	I think I radioed, "What's his name?"

Ω1			
91 92	Q:		Mm-hm.
93	~·	•	
94	A:		'Cause I didn't want to be like, "Hey," I wanted at least make some sort of,
95	11.		like, personal contact with him. Came back as Mario. I could see the left leg
96			kind of calf area, knee-ish, left side, and then a little bit of the left side of his
97			
98			body. And I'm just - the angle I had - Mario, you know, the police came out.
90 99			But, uh, the - what I described earlier. The police come out. You know, "We
100			don't want to do this. We don't want to hurt you." And, you know, from, like,
			hearing other shootings how they say, "It was in slow motion," it wasn't. It
101			was, like, I saw him roll out of the car like you would normally get out of a
102			car.
103	0		
104	Q:		Mm-hm.
105			
106	A:		And because of the angle, I couldn't see how he fully came out.
107			
108	Q:	•	Mm-hm.
109			
110	A :		Because the other car was blocking me.
111	_		
2	Q:		Mm-hm.
113			
114	A :		I just know I saw him turn to get out. And the next thing I saw was a revolver,
115			a black revolver and that gun was coming up, and he was crouched low.
116	O .		01
117	Q:		Okay.
118 119	A:		And it woon? tilra ha come out 'course I thought on I gave him start to will I
120	A.	•	And it wasn't like he came out 'cause I thought - as I saw him start to roll, I was like, "Sweet."
120			was like, Sweet.
121	0.		Mm-hm.
123	Q:		IVIIII-IIIII.
123	۸.		"Ho's coming out. This is conne and great?"
	A:		"He's coming out. This is gonna end great."
125 126	0.		Mm-hm.
120	Q:		171111-11111.
	۸.		And then the next thing I corre that block next level and I was 111-2 "Caldenia
128 129	A:		And then the next thing, I saw that black revolver and I was like, "Goddamn
			it."
130	0.		None from
131	Q:		Mm-hm.
132	۸.		Liles "Why why is this hamoning wisht now?"
133	A:	•	Like, "Why - why is this happening right now?"
+	0.	•	Mm hm
5-25	Q:		Mm-hm.

126			
136			
137	A:		"Don't do this." And, um, he wasn't standing up, you know? He wasn't
138	•		making himself a big target like, "Hey, this is me." He was crouching like he
139	÷		was trying to pick somebody off. That's exactly what I thought. That this guy
140			is gonna kill H- H- Hack! or Fletcher or whoever. He's gonna shot at 'em.
141	**		He's gonna try to pinpoint where they are, and he's gonna shoot 'em. And I
142			knew that if - if I didn't try to stop him, that someone may die.
143			
144	Q:		Okay.
145			
146	A:		And I felt absolutely fearful for those officer's lives that were on the right
147			side.
148			
149	Q:		Okay.
150			
151	A:		Um, and then I saw that gun come up. The backdrop of the gold, ah, Mazda. It
152			came level with the trunk, and then that's when I fired.
153			
154	Q:		Okay. The - when - when you're saying, ah, he rolled out of the - out of the
155			car, was he in the front seat or backseat?
156			
7	A:		Nah. He was in the rear - the rear left side of the driver's side.
158			
159	Q:		Okay. So behind the driver's side?
160	٧.		oney, so define the driver a state.
161	A:		Behind the driver.
162	11.		Definite the criver.
163	Q:		Right. So he rolls out. Do you remember, um, you described the gun as a
164	٧.		black revolver, um, and it was against a gold trunk?
165			older 10 volver, unit, und it via against a gold traine.
166	A:	•	Yeah.
167	11.		1 cuit.
168	Q:		And there was no doubt in your mind that that was a gun?
169	Q.		And there was no doubt in your innice that that was a guin.
170	A:		No doubt.
171	л.		140 doubt.
172	0.		Okay. And then even further, you see a gun and prior him shooting two
	Q:		
173			rounds, he comes out of the car with the gun. Do you remember what hand he had the gun in?
174			nau me gun m:
175	۸.		Work Co on he come out oh the own was in his right hand and I law and the
176	A :		Yeah. So as he came out, ah, the gun was in his right hand, and I know this
177			because he had a white T-shirt on.
178	•		n.c. 1.
6.	Q:		Mm-hm.

- 20

181 182	A:	And I could see, ah, based upon the angle and where the other car was, I could see the - the right side of his back or, like, your lat
183		
184	Q:	Mm-hm.
185		
	· · · À -	
186	A:	muscle is.
187		
188	Q:	Mm-hm.
189	- P.	
190	A:	I could see that with his arm extended. He had put out the arm s- pretty
191	2.8.	
		straight like he was lookin' and kind of sight someone in.
192		
193	Q:	Mm-hm.
194		
195	A:	And then he had a short sleeved white shirt on and that's what I could see.
196		The - just - the kind of I guess you call it the front or the side of his lat.
		The - just - the kind of I guess you can it the none of the side of his fat.
197		
198	Q:	Mm-hm.
199		
200	A:	In the back.
201	•	
2	Q:	Mm-hm.
	Q.	171111-11111.
203		
204	A:	It wasn't a very big target.
205		
206	Q:	Mm-hm.
207	-	
208	A:	Um, but I had, you know, I took into account - okay. The gun's up. I'm in fear
209		for those officer's lives. He's already shot at us. My backdrop is his car and a
210		chimney, um, which was behind him in case I missed.
211	•	
212	Q:	Mm-hm.
213		
214	A:	And within that second I said, "Okay. I - I have to, ah, take that shot."
215	***	This within the booting bare, Olas, 1 That of the take that bilot
	•	
216	Q:	Mm-hm.
217		
218	A:	So I tried to sight in just the front sight. It - 'cause it wasn't like I had time to
219		really, you know, line up the two sights. It was shit. I have to do this now.
220		
	0.	Mm-hm.
221	Q:	141111-11111.
222		
223	A:	He's not giving me any other chose. And, um, I squeezed the first round,
`4		which I estimated went high.
_25		

226 227	Q:	Mm-hm.
	Α.	A1 ' 11 . 1 1 0 1 1 1 1 1 1 1 1 1 1 CO A . 1
228	A:	Ah, just based on where my front sight was when the round went off. And
229		then all simultaneously I heard not a handgun go off next to me, which I
230		assumed was (Yoon) takin' a rifle shot.
231		
232	Q:	Mm-hm.
233		
234	A:	Um, I still saw a target, and then I fired two more. And this, you know,
235		obviously felt like a - an hour long in my head, but it was very quick.
236		obviously lost like a "all float folig in my fload, out it was very quien."
237	0.	Mm-hm.
	Q:	IVIIII-IIIII.
238	A	
239	A:	And then after my final two shots, ah, I estimated that he dropped.
240		
241	Q:	Mm-hm.
242		
243	A:	And that he went down.
244		
245	Q:	Mm-hm.
246	. `	
17	A:	'Cause he just immediately was gone.
∠48		Cause no Just miniodiately was gone.
249	Q:	Mm-hm. So when you stopped shooting, did you think the threat was over at
250	Q.	
		that point?
251		
252	A:	No. I
253		
254	Q:	What - what - what rounds did you think the threat was at least subsided and,
255		if not neutralized, that you felt okay not shooting anymore?
256		
257	A:	Um, after the - after my last shot. Um, he was still up and presentable or in a -
258		in the, ah, position I described.
259		
260	Q:	Mm-hm.
261	۷.	IVIIII IIIII.
262	A:	With the handgun up after my first round, after what I estimated to be a rifle
	A.	
263		shot. Still up on my third - my second.
264		
265	Q:	Mm-hm.
266		
267	A:	I'm sorry. Um, and then immediately after the fourth was when he
268		disappeared.
^<9		andre programme de la 111 0 de la companya de la companya de la companya de la companya de la companya de la comp La companya de la co
J	Q:	Okay. The fourth meaning from?
	~	

071			
271	A		
272	A:		The fourth total round that I heard.
273 274	Q:		Okay. And you shot how many rounds do you think?
275 276	A:		Um, I'm almost positive three.
277			
278 279	Q:		Okay. And then, um, do you know how many rounds Ying shot?
280 281	A:		I heard one, ah, distinctive rifle
282	Q:		Okay.
283 284	A:		from my left.
285			
286	Q:		All right. So from - from where the guys were at - at Car Number 3, ah,
287			Hackl, Fletcher, and Fletcher's trainee, Salazar, and Cesaretti, were - were -
288 289			do you think from - I don't want you to answer this if you're assuming it, but
			do you think from your - from their angle they would be able to see him raise
290			the gun at them or start raising the gun at all?
291	A .		NT 770 - 1 4 - 4 - 4 111 1 ' - ' - ' C1' - 4 - 1 1 1
2	A:	:	No. The only way that they would have seen him is if he stood up and came
∠93			over the top of the car, which he didn't.
294	•		01
295	Q:		Okay.
296		A Property of the Control of the Con	
297	A:		So to my knowledge, um, and what I saw, is that gun was level with the trunk
298			still rising.
299	_		
300	Q:		Okay.
301			
302	A:		And they had no view of him.
303			
304	Q:		Okay. So when it was - when it was rising, um, could it have raised over the
305			trunk a little bit to where the - they may seen the gun?
306			
307	A:		They - they - they may have. I don't know what - what angle they had, but I
308			mean, you know, within a - a matter of, you know, milliseconds
309			
310	Q:		Yeah.
311	-		
312	A:		that gun could have been over the top of the trunk
313			•
7.1	Q:		Okay.
	-		

316 317	A:		and he could have been actively firing at them.
318 319	Q:		Good. And that's
320 321	A:		That's why I shot.
322 323 324 325	Q:	* <u>*</u>	Okay. Um, where was I going with this? Oh, do you think that he knew, um, first of all, let me - let me go back. The announcements that were given, in your opinion, were they loud enough that he would be able to hear 'em with a closed door inside the car?
326 327 328 329	A:		I think so. Um, you, know Hackl can yell pretty loud. Based upon his position in Vehicle 3
330 331	Q:		Mm-hm.
332 333	A:	-	as - as to where it's represented to - to Vehicle 8
334 335	Q:		Mm-hm.
336 37	A:		I would estimate 10, 12 feet.
338 339	Q:	•	Okay.
340 341	A :		Maybe 15.
342 343	Q:		All right.
344 345	A:		Um, I could clearly hear Hackl, and I was triple that distance.
346 347	Q:		Yeah.
348 349	A:		So.
350 351 352 353	Q:		When - when he got out of the car - when you described him, he rolled out of the car, did he, um, look around at all, or did he go straight for that off- for - for Car Number 3 where Hackl was?
354 355	A:		He didn't - I don't even think he knew Ying and I were there.
356 357	Q:		Okay.
358 779	A:		Um, in - in hindsight, you know, those rounds came towards us, so I don't know if he had peeked and saw us there or if he just indiscriminately fired out

361		•	
362	Q:	S	Mm-hm.
363			
364	A:		in that direction, and we happen to be there.
365			respective for the control of the co
366	Q:		Mm-hm.
367		*	
368	A:		But I know when - when he came out, I saw, you know, he rolled out, and the
369			next thing I saw that gun was pointed right where Hackl was.
370			
371	Q:		Mm-hm.
372	7.		
373	A:		So m- my thought in originally why I wanted Hackl there was to present the
374			black and white.
375			
376	Q:		Mm-hm.
377			
378	A:		So say, "We're the police."
379			
380	Q:		Mm-hm.
381			
32	A:		Um, because we didn't have that on the left side.
583		* * * * * * * *	
384	Q:		Mm-hm.
385			
386	A:		So what I think and what I viewed was him taking dead aim at a police
387			officer.
388			
389	Q:		Mm-hm.
390			
391	A:		And trying to kill him.
392	_		
393	Q:		Okay. Um, when - when those two rounds were fired out of the window and
394			you said you saw the window explode, um, did you at - at ei- either of those
395	•	•	rounds did you feel like those rounds may have been coming near your
396			direction?
397			
398	A:	•	I didn't hear, you know, like, you hear, like, the zip or the - the whish or
399			whatever it goes past.
400	_		
401	Q:		Mm-hm.
402	, ·		T 111 M 1
403	A:		I didn't hear that. Um, I could have just been so focused on what I was doing.
· ^4			Hindsight looking at it, those could have come at us.
. J 5			

406	Q:		Mm-hm.
407	A		A 11
408 409	A:		And because of where we were.
410 411	Q:		Mm-hm.
412 413	A:		We're to the left of him.
414 415	Q:		Mm-hm.
416 417	A:		And - and out that window.
418	Q:		Mm-hm.
419 420	A:	·	You know, those - I didn't see glass break to the car next to me.
421 422	Q:		Mm-hm.
423 424	A:		I didn't see, um, and it - it was weird as I - as I saw that glass come out.
425 426	Q:		Mm-hm.
7 428 429	A:	•	And it wasn't like it went towards the house. It wasn't like it just went to the gold car next to him. It came back and out.
430 431 432	Q:		Mm-hm.
433 434	A:		So it came towards our direction, um, but I didn't - I didn't hear any impacts or, you know, the car we were behind wasn't impacted.
435 436 437	Q:		Okay. So per our policy from what you just described, technically, when you felt that, those two rounds, were you authorized to use force then?
438 439	A:		Yes.
440 441	Q:		Okay. And did you?
442 443	A:		No.
444 445	Q:		Okay. And why didn't you?
446 447 448 '9	A:		Ah, I didn't have a clear target. I didn't have a clear visual of what I'd be shooting at. Um, I didn't feel comfortable with the distance I had of about 30 yards with a handgun.
0			

451 452	Q:	•	Mm-hm.
453 454	A:		Um, indiscriminately firing into this vehicle. Um, so therefore, you know, I didn't take any - any shots.
455		•	
456	Q:		All right. Um, and then I know there's a lot of commotion, a lot of chatter
457		11111	going on as far as verbal commands. You know how many times that you may
458	•		have eng- engaged him, meaning verbally, given him orders?
459			Control of the contro
460 461	A:		So it was once while I was with - next to Ying at the black vehicle.
462	٥.		Mm-hm.
463	Q:		ivini-inii.
464	A:		Um, after the second shot, after I saw the door open. And that probably went
465	л.		on ten seconds or so. Um, after the shooting, I don't remember if I made
466			commands after the shooting.
467			commands after the shooting.
468	Q:		Okay.
469	۷٠		Only.
470	A:		I know I made commands when I moved to Vehicle Number 2
471			Time is a made of the state of
12	Q:		Mm-hm.
→ 73			
474	A:	•	on the diagram.
475			
476	Q:		Mm-hm.
477		•	
478	A:		When I could physically see him.
479			
480	Q:	•	Mm-hm.
481		•	
482	A:		Or visually see him. That's when I made commands again.
483			
484	Q:		Okay. All right. And then, um, l-let's talk about distances real quick. I think
485			you've mentioned it, but do you - what would you estimate the distance from,
486			ah, his car from where he was to where you were behind the black car?
487			
488	A:		I would say between 20, 30 yards away.
489			
490	Q:		Okay. And then how far away was Hackl you think?
491			
492	A:		I would say 15 feet.
493		•	
ຳ4 <i>:</i>	Q:	¥	Okay. And the backdrop, you talked about the backdrop good. D- did - did
, . 5			you - were you lookin' at that backdrop - backdrop prior to when you even

496		fired the rounds, or was it kinda simultaneously you looking at your backdrop,
497		and then you firing the rounds?
498		and from you mang the rounds:
499	A:	It was simultaneously. I - because again, I - I didn't anticipate being in a
500	, 7 L.	shooting. I didn't want to be in a shouting. I didn't think that I would have to
501		shoot him. Um, you know, we're always taught, you know, watch your
502		background and all that and that's probably somethin' I should have
		considered first.
503		considered first.
504	0.	N. C
505	Q:	Mm-hm.
506		
507	A:	But I just didn't think that I was gonna be put in that spot. And so it was right
508		as I started to squeeze the trigger that I just - it just sounds weird, but just all
509		in that second I went, "Kay. I'm good with the backdrop."
510		
511	Q:	Okay.
512		
513	A:	"There's no one standing behind him. There's no pedestrians behind him.
514		There's - there's no glass or anything like that. I'm - I'm okay."
515		
516	Q:	Okay. And then, um, is there - why didn't you guys just walk away from this?
7		I mean you have these two people out of the house. Um, why not just walk
518		away?
519		
520	A:	Well, ideally, you know, if he's not a threat to anyone, um, if he's not, um,
521	4 TT	endangering anyone's lives and, you know, we can ascertain that he's okay, or
522		even if he doesn't answer the door, whatever he's inside. We're gonna walk
523		away. We're not gonna press something and force an issue or force a shooting
524		or anyone to get hurt. So I set up on all these the same every time until I have
525		all the facts. So my, ah, big picture thought on this was: We're gonna set up
526		on it just anything else. We're gonna determine that everyone is out of the
527		house. You know, maybe there's an elder grandma or maybe there's a child
528		still in there, so let's talk to the mom and daughter. Once they're all out, we'll
529	•	try to call in. "Hey, Mario, are you okay?" You know, hopefully he says,
530		"Yeah. I'm just having a bad day. Go away." Once we deem that there's no
531		other issues in the house, there's no other problems we'd walk away.
532		
533	Q:	Mm-hm.
534		
535	A:	The reason, um, w- we were there was because, you know, Mar- Mario said
536		he wanted to kill - or potentially kill himself. He said, "Goodbye." He has two
537	:	guns. He's in the car, ah, out front. So we're gonna set up on the car just as -
538		as he is in the house.
`9		
10	Q:	Mm-hm.

541		
542	A:	Call in, "Mario, are you okay?" "I'm fine. Just leave me alone." You know,
543		"Is there anyone else in there?" Whether you confirmed the mom, the
544		daughters or anyone else in the car. "No." Did he have a gun in the car? You
545		know, try to get all the big picture and if it's he's in the car by himself and
546		there's no threats to anyone
547	•	thore is no amount to anyone
548	0	Mm-hm.
4	Q:	191111-11111.
549	A -	41
550	A:	then we'll walk.
551		
552	Q:	Mm-hm.
553		
554	A:	Um, but we didn't have that opportunity because within that minute or two, he
555		s- started f- firing out of that car.
556		
557	Q:	Okay. All right. And then al- also, um, were you aware of, um, I know you
558		didn't, but there was a team that cleared the house?
559	•	
560	A:	Yes.
561		
2	Q:	Usually when you clear a house, w- why do you clear that house?
J03	~·	— — — — — — — — — — — — — — — — — — —
564	A:	To make sure that there's no other suspects. To make sure there's no one
565		killed inside and - and, you know, once you do that, you do - you're just doing
566		it for public safety and for the safety of everyone.
567	•	it for public safety and for the safety of everyone.
568	٥.	Okay. So I'm - I'm - I don't want to assume, but because you cleared that
	Q:	
569		house, you - you don't know if it's a cleared house until it's cleared, correct?
570	A .	
571	A:	Yes.
572		
573	Q:	All right. So essentially people - other people could have been in there?
574		
575	A:	Yes.
576		
577	Q:	You don't know that? All right. Okay. Um, any other questions?
578		
579	Q1:	Ah, yeah. Just a couple of - of follow-up. You started to touch on it, um, that,
580	•	ah, typically if he's alone, or if he's alone in the car that you'd - you could
581		walk away. Um, further you talked about the proximity to school and people
582		out in the neighborhood. Ah, did you feel obligated to stay for the public and
583		community's safety?
505 574		community obuicty:
۴ ز	۸.	I'm wash I maan wa'ra - wa'ra ganna traat this as any other call And wa're
ر ک	A:	Um, yeah. I mean we're - we're gonna treat this as any other call. And we're

586 587 588 589 590			gonna make sure he's okay, and make sure there's no threat to anyone around, you know, the schools are close, so we want to make sure there's no threat to the school. And if we deem that he was fine and just having a bad day and there's no threats, we're gonna walk. Um, but he didn't give us that opportunity.
591 592 593 594	Q1:		Um, prior to, um, the shots being fired, um, from, your shots being fired, did he do anything that - that led you to believe he was gonna comply or surrender?
595			
596 597	A:		No. Um, you know, Officer Hackle initiated the, ah, verbal contact shortly thereafter the first round came out. Um, I don't remember the order, if there
598	e .		was more verbal contact. A second round came out. Um, when I was finally
599			able to see him and ask him to come out, "Hey, don't do this." He didn't, and
600			he didn't comply. And I was yelling at the top of my lungs, and he could have
601			easily heard me to come out. "We don't want to hurt you," you know,
602			"Please." Ah, and he ignored all that and pointed the gun at those other
603			officers.
604			
605	Q1:		Ah, I know there was a delay from when, ah, you fired your - your rounds to
606	(when he was given medical aid. Um, based upon your training experience and
7			your experience as a firearm's instructor, um, is it possible that a subject
008			who's been shot can still pose a threat with firearm nearby?
609			Will b book bild bill pobe a till but Will intuit intuity.
610	A:	•	Yeah. Um, so after he was shot and - and went down and then went in that car,
611	1 X.		um, we didn't know where the gun was. We couldn't visually see where the
612			gun was. Um, we didn't know if he had any access to any other weapons. Um,
613			you know, in my training experience, you can be shot multiple times and still
614			be a very, um, deadly threat. Um, so we didn't know his condition. And it
615			wasn't until he finally came out and complied with his hands up and we could
616		•	see that there wasn't a weapon and he was further enough - he was fur- I can't
617			even think. Far enough.
618			
619	Q:		Far enough?
620			
621	A:		Jesus. Thank you. Far enough away from the car where he couldn't physically
622			grab a weapon. That's when we went up, and then pulled him to safety and
623			then rendered aid.
624			
625	Q1:		And I heard you say, um, you instructed an officer to put a chest seal on him?
626	-		
627	A:		Yup.
628			
· 1	Q1:		Ah, what - what was your intention in that?
J	L	•	
-			

631 632	A:	Um, obviously, you know, I didn't want to be here to begin with. I didn't want to be in a shooting, and I - I don't want to - I didn't want to kill Mario, um, I
633		wanted to the help him. So after he was shot, my first thought is let, you
634		know, I wanted to rush up and just grab him and let's get him some aid. Um,
635	•	but it wasn't safe at the time. And, you know, Sergeant Young directed me to
636		that, which in hindsight was the best idea. So once we were able to pull him to
637		safety, it's - let's check him for wounds, and then let's start administering first
638		aid. And so a chest seal, you know, is just to - to put a seal over the wound, so
639		that no air gets in. So he doesn't have that, um, tension hemothorax or
640		whatever it's called. So his - his lung doesn't collapse. Um, and by the time
641		we were starting to do that is when the fire department rolled up. They
642	State of the state	obviously have much more training, so we let them take over.
643	•	oo flower mare manning, so the returning the return the second
644	Q1:	That's all I have.
645	Q1.	That's an I have.
646	0.	Um, I just want to get into the night before, did you have training of any type?
647	Q:	Oni, I just want to get into the night before, did you have training of any type:
	A .	V II. 9WAT to in a the might hefe or from 4.00 mm to 11.20 mm
648	A:	Yes. Um, SWAT training the night before from 4:00 pm to 11:30 pm.
649	•	
650	Q:	Can - can you kind of go over what that training was about and kind of what
651		the scenario was?
2 ·		
o53	A:	Ah, we went over active, ah, shooter training and hostage, ah, training with
654	•	shots being fired inside a city council, um, chamber. Um, two officers were in
655		the - in the scenario two officers were shot. Um, there was a subject inside
656		holding people hostages. Unknown amount of weapons. Unknown reason. A
657		SWAT team, um, arrived, which I led. And then, um, ah, negotiations
658		happened with our - our HNT and CIT people. Um, it had resolved by the end
659		of the night.
660		
661	Q:	Okay. And then the - the suspect in that case, what was - what was he - what
662		was the scenario? Like, was he stable? Was he not stable? Was he
663		The title beginning that he blocked that he he he he
664	A:	Ah, I - I'm - it was based upon a mentally unstable person, um, that, um, had
665	л.	some issues with the city council or mayor and went in there and just started,
666		
		ah, shooting people. So we had our crisis negotiation or our hostage
667		negotiation, crisis intervention team try to talk to him and negotiate him out.
668		
669	Q:	All right. And then when you said you - you led that team, wha- what does
670		that mean?
671		
672	A:	Um, assistant team leader on the SWAT team, um, with a departure of a
673	•	former SWAT team leader. Um, Sergeant Young was our - our commander,
74	,	and then I became the team leader for that scenario.
5		

676	Q:	Okay. Um, and then you did the times already? Sorry. From what to what?
677		
678	• A:	Ah, 4:00 pm to 11:30 pm.
679		
680	Q:	All right. Lieutenant, anything? No? Okay. So what we can do, um, per our
681		policy we have, ah, your body cam footage. Um, if you wanted to look at it,
682		I'll let you and your attorney look at it. And then if you wanted to come back
683		and add some things, you can. If you come back and say, "I'm good," then we
684	•	can do that. Then we're good.
685		
686	A:	Okay.
687		
688	Q:	All right.
689		
690	A1:	And just before we go off tape
691		
692	Q:	Sure.
693	•	
694	A1:	I just have a few follow-up questions I'd like to do if that's okay.
695	•	
696	Q:	Mm-hm. I'm sorry. I should have asked.
7	•	
J38	A1:	Um, you were specifically asked if you thought that Mario could hear your
699		commands as he was coming out of the car, um, to drop the weapon and
700		things like that. And I think your answer was, "Yes. He could hear me. I was
701		shouting very loudly."
702		
703	A:	Yes.
704		
705	A1:	More specifically, i- i- in that interaction did he have time to drop that weapon
706		should he have chosen to do so?
707		•
708	A:	Yes.
709	A 1	
710	A1:	Did he have time to obey commands and surrender to authorities?
711	A .	37
712	A:	Yes.
713		
714	A1:	Okay. And so in your mind, he affirmatively chose not to?
715		
716	A:	Yes.
717		
718	A1: ·	Okay. And now, you have given us some estimations of the time things
719		happened or kind of how quickly the situation evolved, are those all your best
J		approximations?

721		
722	A:	Yes.
723		
724	A1:	And then we also looked at the diagram here, and you placed the - the vehicles
725		for us as you recalled them. Are those also your best approximations?
726		
727	A:	Yes.
728		
729	A1:	Okay. And as you mentioned, um, we have not yet viewed the footage. I just
730		want to say on tape. You haven't watched your body camera footage before
731		this interview, right?
732		
733	A:	No, ma'am.
734		
735	A1:	Okay. Thank you. That's it for me.
73.6	_	
737	Q:	Okay? So we're gonna go, ah, off record and let you guys review the tape.
738		
739	reed	
740	•	as been reviewed with the audio recording submitted and it is an accurate
741	transcription.	
12	Signed	

Section 6

· 1		
2		
3	•	
4		
5		
6		
7		INTERVIEW WITH OFC. ALEX YING
8		Q=Sgt. Brian Anthony
9		Q=Sgt. Anthony Morgan
10		Q2=Lt. (Ted Henderson)
11		Q2=21: (Ted Henderson) Q3=Sarah Burdick
12		
		A=Ofc. Alex Ying
13		
14		
15	Q:	All right, we are on record at San Leandro Police Department. It is 3:56.
16		We're here with, uh, Officer Ying, uh, regarding the incident that took place
17		yesterday. Um, for the record we'll go around and introduce ourselves. We
18		have, uh, go ahead Anthony.
19	*	
20	Q1:	Sergeant Anthony Morgan.
21		
2	Q:	And, Sergeant Brian Anthony.
23		
24	Q2:	Lieutenant (Ted Henderson).
25		
26	Q3:	Sarah Burdick from Rains Lucia Stern.
27		
28	A:	Officer Ying.
29		
30	Q:	Okay, um, so, uh, Officer Ying, so what we're gonna do is, we're gonna go
31	~·	over a series of questions. They're gonna, um, you know, the - the -
32		questions you're gonna - a lot of them you're gonna think well I already know
33		that, such as your name, badge number, and what assignment you have and all
34		that stuff. But, uh, we're gonna go through a series - series of questions, um,
35		after those series of questions are done, uh, what we'll do is, we'll ask if you
36		
		need a break, if you don't need a break then we're gonna go through, um, the whole incident from A to Z.
37		whole incident from A to Z.
38		01
39	A:	Okay.
40		
41	Q:	And it's gonna probably - back again to A. If I follow the questions I have,
42	•	okay?
43		
1	A:	Yes, sir.
5		•

46	Q:	Okay, so, uh, before we came in here, um, I gave your attorney, uh, this
47	•	admonishment. Which - which you have read and gone over with, uh, with
48		Sarah?
49		
50	A:	Yes.
51		그리는 어느 있는 사람이 나를 내려가 하는 것 같아. 그는 데 이 병원들의 그렇지 않다.
52	Q:	Your attorney? Okay. So, just says, uh, Officer Alex Ying you are represented
53		here at this interview by your attorney Sarah Burdick. You're not in custody
54		and you are free to conclude the interview at any time, you're not obligated to
55		answer any questions. Any answers that, uh, you do give may be used against
56		you in the court of law. Having these rights in mind, do you wish to
57		voluntarily proceed in the interview?
58		voluntarity proceed in the interview?
59	Α.	Voq cir
60	A:	Yes sir.
61	Q:	Okay, so, I'll have you sign, uh, on record that and then your attorney can sign
62	a kanada kan Kanada kanada it and I'll sign it. Thank you. Okay, um, kinda already did it, but, uh, can you	
63		please tell me for the record, uh, your full name and your police department
64		serial number.
65		borrur riumbor.
66	A:	Uh, Alexander Ying, serial 358.
57	11.	On, Moxander Thig, Serial 336.
. 68	Q:	Okay. And then, uh, what was your day of hire here at San Leandro?
69	Q •	Okay. And then, thi, what was your day of the hole at San Leandro.
70	A:	Uh, November, in 2014 sir.
71	A.	On, November, in 2014 sir.
72	0.	Okay. Have you ever worked, uh, at any other law enforcement agencies
73	Q:	before you were hired with San Leandro?
73 74		before you were fifted with San Leandro!
7 4 75	۸.	Voq ain
	A:	Yes sir.
76	0.	01 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
77	Q:	Okay, and where was that?
78		
79	A:	Out of Delton Police Department sir.
80		
81	Q:	Okay, and, uh, for how long? Do you remember the dates approximately?
82		the first of the control of the cont
83	A:	For about two and a half years sir.
84		
85	Q:	Okay, um, what was the call sign during the shift of wh- when the incident
86		took place? Which was the 23rd, yesterday.
.87	•	
88	A:	I was working as 2L23.
9		
-90	Q:	Okay. Um, and, uh, so your - your call sign was 2L23 and then what was your
	~ '	January Control of the Control of th

91 92		beat assignment?
93 94	A:	I was assigned to cover B3 in the City of San Leandro sir.
95 96 97	Q:	Okay, and then, um, what are your normal shift hours? Like, what - what days do you normally work? And, uh, what hours do you normally work?
98 99	A:	I normally work, uh, 3-12 days which is Friday, Saturday, Sunday, from 0640 to 1900 hours.
100 101 102	Q:	Okay, and then, uh, who was your direct supervisor?
103 104	A:	Uh, my direct supervisor that day was Officer (Dan Sellers). I mean, S-Sergeant (Dell)- (Dan Sellers).
105 106 107	Q:	That's okay. And then, uh, is he the same supervisor during this incident?
108 109	A:	Yes sir.
110 111 12	Q:	Okay, so you work mostly on weekends and Sergeant (Sellers) is your supervisor, just for most of the weekends unless he on vacation, per say. Um, was the shift you worked prior to the shift on which the incident took place?
113 114 115	A:	Yes.
116 117	Q:	Or, what was - what was the shift you worked prior to the shift?
118 119	A:	Uh, it was Sunday - I was, uh, working on, uh, Sunday.
120 121	Q:	Okay.
122 123	A:	Same hours.
124 125	Q:	Same hours can you just tell me those hours again?
126 127	A:	Uh, 0640 to 1900 hours.
128 129 130	Q:	Okay. Um, are you currently taking any medications, either prescription or non-prescription?
131 132	A:	No sir.
133 4 35	Q:	Okay. Have you consumed any alcoholic beverages within the last 24 hours of the incident taken place?

INTERVIEW WITH OFC. ALEX YING Interviewer: Sgt. Brian Anthony 10-24/3:56 pm Case # 2015-50010 Page 4

136	A :		No sir.
137			
138	Q:		Okay. Do you have any medical conditions that may impact, uh, your
139			judgements or physical abilities?
140		-	
141	A:		No sir.
142	•		
143	Q:		'Kay, so before this incident, um, when was the last time you slept?
144			
145	A:		I - probably eight hours prior, I mean, probably eight hours the night before
146			sir.
147			
148	Q:		Okay, so that was Thursday night?
149			
150	A:		Uh, yes sir.
151			
152	Q:		Thursday night into Friday morning, got it. And then, uh, did you receive any
153			injuries during the incident?
154			
155	A:		No sir.
156	2		TTO DIL.
7	Q:		'Kay. Do you wear contacts or glasses, or have any vision problems?
158	Q.		ixay. Do you wear contacts of glasses, of have any vision problems.
159	A:		Contacts sir.
160	A.		Contacts Sir.
161			
	\sim		Olrary Con year decambe in detail executly what you were recommon when the
	Q:		Okay. Can you describe in detail exactly what you were wearing when the
162	Q:		Okay. Can you describe in detail exactly what you were wearing when the incident took place?
162 163			incident took place?
162 163 164	Q: A:		
162 163 164 165	A:		incident took place? I was wearing my full police uniform, uh, outer carrier.
162 163 164 165 166			I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the
162 163 164 165 166 167	A:		incident took place? I was wearing my full police uniform, uh, outer carrier.
162 163 164 165 166 167 168	A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it?
162 163 164 165 166 167	A:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has
162 163 164 165 166 167 168	A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it?
162 163 164 165 166 167 168 169	A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has
162 163 164 165 166 167 168 169 170	A: Q: A:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has
162 163 164 165 166 167 168 169 170	A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch.
162 163 164 165 166 167 168 169 170 171	A: Q: A:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch. Okay.
162 163 164 165 166 167 168 169 170 171 172 173 174	A: Q: A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch.
162 163 164 165 166 167 168 169 170 171 172 173 174 175	A: Q: A: Q: A:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch. Okay. And, uh, all my department gear.
162 163 164 165 166 167 168 169 170 171 172 173 174 175 176	A: Q: A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch. Okay. And, uh, all my department gear. Okay. And then, did it - does it have any, um, any letters on it that say police
162 163 164 165 166 167 168 169 170 171 172 173 174 175 176	A: Q: A: Q: A:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch. Okay. And, uh, all my department gear.
162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177	A: Q: A: Q: A: Q:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch. Okay. And, uh, all my department gear. Okay. And then, did it - does it have any, um, any letters on it that say police or anything like that?
162 163 164 165 166 167 168 169 170 171 172 173 174 175 176	A: Q: A: Q: A:		I was wearing my full police uniform, uh, outer carrier. Okay, can you describe more in detail, like, what was on your belt, or the outer carrier, or does it have any patches or police insignia's on it? Yes, it is, uh, it has a San Leandro police patch on my left shoulder. And has my - has my department issued, uh, patch. Okay. And, uh, all my department gear. Okay. And then, did it - does it have any, um, any letters on it that say police

181	Q:	Okay. I'm sorry, did - are you w	earing the outer carrier?
182			
183	A:	Yes sir.	
184	, ,		
185	Q:	Okay. All right. Um, was there a	any damage to your uniform or your
186		equipment during the incident?	
187			
188	A:	No sir.	
189			
190	Q:	'Kay, do you remember what ve	hicle you were driving when the incident
191	•	occurred?	
192	-		
193	A:	I was driving a fully marked Sa	n Leandro vehicle number 206 sir.
194		- // ···	
195	Q:	Okay. Is that the vehicle that yo	u drive every day?
196	٧.	onay. Is that the vehicle that yo	a drive every day.
197	A:	No sir.	
198	2	TVO DII.	
199	Q:	Okay IIh were the single - wer	e you a single officer at the time, or were you
200	Q.	partnered with someone else?	e you a single officer at the time, or were you
201		partnered with someone cise:	
201	A:	I was	
∠03	A.	i was	
203	0.	When the call came out.	
	Q:	when the can came out.	
205	A .	I was a simula who affice at 44	
206	A:	I was a single, uh, officer at the	181
207	0.	01	
208	Q:	Okay.	
209		4	
210	A:	time sir.	
211			1 1 0.1
212	Q:	•	and color of the weapon you used in the
213		incident?	
214			
215	A:	Yes sir.	
216			
217	Q:	'Kay. What was that?	
218			
219	A:	I believe it was a Smith and We	eston, uh, piston assault, uh, AR15 rifle sir.
220			
221	Q:	Okay, um, and is - is that a dep	artment issued gun? Or was that your personal
222		gun?	· · · · · · · · · · · · · · · ·
223			
1,	A:	Department issued sir.	•
فديد			

226 227 228	Q:	Okay, so, explain to me that process, um, when you come in in the morning, how do you check that particular gun out?
229 230 231 232	A:	Uh, we insure that, uh, w- we do a full function check on the - on the rifle. Uh, ensure that - the function check is to ensure that the firing pin works, uh, and make sure all the gear is, uh, the rifle is able to fire.
232 233 234	Q:	Okay, and did you do that?
235 236	A:	Yes sir.
237 238	Q:	All right and then, uh, was that gun already in the car that you were driving, or do you have to go in the locker and get that gun?
239 240 241	A:	I - you have to go into - it was in my possession, in my locker, which I got in the morning during the pre-shift duties and loaded into my vehicle sir.
242 243 244	Q:	Okay, so did you - the - the gun that you used that was in your personal locker, or in - or in the gun locker?
245 246 47	A:	Uh, personal locker sir.
248 249	Q:	Okay. Um, is - are there any special modifications that you're aware of?
250 251	A:	No sir.
252 253 254 255	Q:	Okay. Before you took the gun and before you - when you - when you said you did your, um, weapons check, how many rounds were loaded, uh, in the magazine?
256 257	A:	Twenty-eight rounds sir.
258 259	Q:	Twenty-eight rounds in the magazine?
260 261	A:	Yes sir.
262 263 264	Q:	And then how many were - did - did you chamber one around, or do you not chamber a round 'til your - it's - 'til the guns out to deploy?
265 266	A:	Uh, we do not chamber it around until the gun is actually deployed sir.
267 268	Q:	Okay. Um, do you know what kind of ammunition you have loaded in the weapon at the time of the shooting?
59 -270	A:	Yes sir.

0.71		
271		01
272	Q:	Okay, can you explain?
273		
274	A:	It was, uh, Corlin Brand, uh, 223 Remington, uh, I mean, 223 round sir.
275		
276	Q:	Okay. Um, and then when was the last time you qualified?
277	Α.	Olay. Olly allo alon who in the last allo you qualified.
,	A •	Dallana alamba amanda ara ain
278	A:	Believe about a month ago sir.
279		
280	Q:	With - with the handgun, or the long gun, or both?
281		
282	A:	Uh, with the long gun, and
283		
284	Q:	Okay. Did you qualify with the one that, uh, was issued to you? Or did you
	Q.	
285		just qualify with a random long gun?
286		
287	A:	Uh, I qualified with the one that was issued to me that day, sir.
288		
289	Q:	The one that you had yesterday?
290	~ .	The one man year and year and year.
	۸.	Yes sir.
291	A:	i es sii.
2		
<i>2</i> 93	Q:	Okay. At the time of the incident were you carrying any other firearms?
294		
295	A:	Yes sir.
296	•	
297	Q:	What were you carrying?
298	, ~ .	What word you our ying.
	۸.	TTI: demants out immed Classes 20 aim
299	A:	Uh, my department issued Glock 22 sir.
300		
301	Q:	Okay. Any other a- firearms?
302		
303	A:	No sir.
304		
305	0.	Okay, um, did you have any prior contacts with the suspect or witnesses?
	Q:	Okay, um, and you have any prior contacts with the suspect of witnesses?
306		
307	A:	No sir.
308		
309	Q:	Okay. Do you have any prior knowledge of, uh, this subject that we - that you,
310		uh, dealt with yesterday?
		was ween traval geoverwegt
311	A .	NT
312	A:	No sir.
313		
14	Q:	All right. How you doin'?
_ <u>_</u> 5		

INTERVIEW WITH OFC. ALEX YING Interviewer; Sgt. Brian Anthony 10-24/3:56 pm Case # 2015-50010 Page 8

316	A:	ϵ_{i}	Good sir.
317			01-01-01-01-01-01-01-01-01-01-01-01-01-0
318	Q:	•	Okay. So, um, we're at the point now where we'll go do the - the, um, A to Z,
319	4		um, about what exactly happened. If I could find my map I can give it to ya.
320			There is it. Right under - okay, so, this - this map I'm gonna give you, it's -
321	*		you can move anything you want. If you, um, recall something else being
322			somewhere else, uh, there's a pen right there you can have. Just cross it off
323	4 ·		and - and, you know, move whatever you wanna move. Okay, we just wanted
324		*	to give you kind of a rough layout of what was remember of it.
325			
326	A:		Yes sir.
327			
328	Q:		Okay? Uh, first of all, do you remember where this incident took place?
329	₹.		orange orange of the property
330	A:		Yes sir.
331	2 X.		10001.
332	Q:		And where was that?
333	Q.		And where was that:
334	A:		It was in the 1500 block of 137th Avenue sir.
335	A.	•	it was in the 1300 block of 137th Avenue sit.
	0.		Okay, um, and then from everything you remember from the beginning, the
² 36 7	Q:		
			call comin' out to the very end. And then, so what you'll do is, you'll go
338		,	through the whole thing - if you want, take a break during it, you can do that.
339			Um, if you wanna go back, you can do that. You're gonna feel like you're
340	•		rambling on a lot. Believe me, you're not. We're gonna be listening to
341		2	everything you're gonna say. And then after that's done, I'll just at - in, uh,
342			ask you some follow up questions and then, uh, we'll go from there.
343			
344	A:		Yes.
345			
346	Q:		'Kay, do you wanna take a break, or you good?
347			
348	A:		I'm good sir.
349		•	
350	Q:		Okay. Okay, so, uh, what - what brought you to this situation at the very
351			beginning?
352			
353	A:		Uh, about, uh, 0900 hours, um, myself and Officer Becerra were dispatched to
354			ascertain a welfare call. Uh, it was a dispatch call. Uh, dispatch advised that,
355		* -	um, reporting party - I believe was the - involved the subject, uh, suspect and
356			mom, and a daughter. Uh, dispatch advised that the reporting party, either the
357			mom or daughter, advised that the dad was suicidal - wanted to commit
357 358			suicide, and had firearms in possession. Uh, me and Officer Becerra
) 000			· · · · · · · · · · · · · · · · · · ·
•			responded, I believe, uh, Sergeant (Sellers) responded as well. Uh, we - we
500			made, uh, got a plan to meet at, uh, 137th and Bancroft. Uh, Sergeant Corti in

- on-scene to assist. Uh, we had a CIT officer on scene, uh, we had a CIT officer on scene and we did a call into the house to get, uh, the daughter and - the daughter and, uh, mother into safety. To have them come out to, uh, meet officers. Uh, we - Officer Corti, myself, and Officer Becerra, uh, walked up to the residence. I believe it was, uh, we walked eastbound on - from Bancroft on 137th Avenue. Uh, the mom and, uh, daughter came outta the house. And Officer Becerra escorted them, uh, s- into safety. Uh, they advised that - they - I saw Officer Becerra looked at, um, that the dad had enter exit the house and into the vehicle, and that possibly he was armed with a firearm. Uh, myself and Sergeant Corti took a position of cover, uh, adjacent to the house, and - at which point Officer Hackl came to assist us. Uh, Officer Hackl parked on the near the east side - the east side - remember the east side of the residence...

Mm-hm.

375 376 A:

Q:

374

377

378379

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381 82

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385 386

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390

391

392 393

394

395

396

397

398 399

400

...and the suspect was in, uh, blue Mazda, I mean, uh, gold Mazda which was parked in the driveway of 137th Avenue. Uh, Officer Hackl gave him identified himself as a police officer for San - he was in a fully marked patrol car and fully marked, uh, fully marked, uh, wearing fully marked uniform. Uh, San Leandro Police uniform. He get up - identify - identify himself as a police officer to the subject in the vehicle and advised him, "Hey just come out the vehicle. Hold your hands up." Uh, a few - he gave repeated commands identifying himself, giving him orders, just saying, "Come out with your hands up." Then we heard, uh, what sounds like the shots a - the sounds of a gunfire coming from the vehicle, and I saw a pile of smoke coming, uh, from where, you know, the suspect was. Um, again, they gave orders to him, then, uh, few moment elapsed. I also - I heard Officer Hackl again give him, uh, more orders to have him come out with his, uh, hands up and, "Hey, this is San Leandro Police, we don't wanna shoot you, uh, just come out and surrender," uh, which point we heard another gunshot. Uh, at that point I - I believe he was shooting at us, and you gave so much opportunity for him to give up, uh, last thing we wanna do is shoot him, 'cause we really want to help this suicidal subject. He - he came out the vehicle, and then, from what I saw, I - I saw him, uh, holding a gun and he was pointing in the direction of Officer Hackl and other officers. At that point I'm just afraid that he might shoot, uh, shoot Officer Hackl or the officers near his, uh, where he was. I mean, he - again, he has multiple opportunities to surrender at that time, and I'm just - I was just afraid for my life, afraid for other officers life that, you know, he if I - if we don't address this threat right here, uh, right now wh- he might kill one of us. Uh, fearin' that I discharged my rifle and - in the direction of where he was. Uh, he - I - I believe Sergeant Corti, uh, other officer also fired their firearm as well. Um, at that point he went down and I no longer had a clear and obstructed view, because he was in between two vehicles. I disengaged and I no longer fired.

401 402

403

405

406 407	Q:		Okay.
408 409 410 411 412 413 414	A:		Uh, after that incident, uh, I think other officers told him to roll on - roll onto the street. So that we take him into custody. Uh, when he started opening our commands, uh, to roll onto the streets a reacting, or, uh, arrest team was formed and we had detained him, uh, we cleared the veh- we took him into, uh, detained him, put him handcuffs, cleared the car, cleared the house, and then I was back on site.
415 416 417 418 419 420 421	Q:		Okay. Okay, um, good, thank you. So, is - is that - is that all from A to Z and then now we'll go back to the very beginning and I'll kinda - we'll walk you through step by step. I know it's gonna seem like you're goin' over it again but that's what we're gonna do. Um, all right so can you, um, just describe this area, um, what- what concerned you, what - what is around the area that you had, or if you had any concerns?
422 423 424 425 '26 27	A:		I was concerned about - we were located near two, uh, in close proximity to schools which were in session at the time. Uh, think San Leandra High School just like 2000 kids there. This is a residential neighborhood and 09 A.M., people were waking up, going to work. Uh, usually, uh, I was afraid - those were my main concerns, the community and our officers.
428 429 430 431 432	Q:		Okay. And then how close are those schools - does this map kinda r- reflect what you remember, or let's - let's - let's get the cars straight first of all, how you remember them being. Um, so, just for a center point, this is the house where the suspect, uh, lives, um, so you can take that pen and draw more or less, or if you think this car was a different position, or if you think this car
433 434 435	÷ .	·	was at a different position. Um, let's - let's do that so we know exactly what cars we're talkin' about. You don't mind.
436 437	A :		Think, uh, there's, uh, like a Jeep Wrangler here
438 439	Q:		Go ahead and draw it in there, that's - this is for you right here. 'Kay.
440 441	A :		Uh, and I believe Hackl's car was parked right here.
442 443	Q:		'Kay.
444 445	A:		Yes sir.
446	Q:		All right and what would this car be right here?
447 448	A:		Uh, I think it was a black Lexus.
.9 450	Q:		Okay.

451		
452	A:	It was a four-door vehicle of some sort.
453	л.	it was a four-door vehicle of some sort.
454	· ·	Olrow
	Q:	Okay.
455		
456	A:	Uh
457		
458	Q:	W- were you near that car at all?
459		
460	A:	Yes sir.
461		
462	Q:	Okay, and then, how 'bout, uh, these two cars here?
463		
464	A:	Think one was a Mazda, I forget what the other vehicle was, but - but the
465	•	Mazda was the one that we - I - I believe that the suspect was in.
466		2 2 0 0 2 1 2 0 1 2 1 2 0 1 2 1 2 0 0 2 1 2 1
467	Q:	Okay, can you mark what car that was? Okay. And then, uh, this was another
468	٧.	car that was in their driveway? Is that right?
469		car that was in their driveway. Is that right:
470	A :	Yes sir.
	A.	1 68 811.
.71		
,2	Q:	Okay, and then, this car right here, do you recognize this car being
473	A	mi 1 1/4 11 0 11
474	A:	Think it's a blue Corolla.
475		
476	Q:	Okay. All right, and then, this is kinda confusing, this is our fault. This - do -
477		do you recognize this at all?
478		
479	A:	Yes sir.
480		
481	Q:	Okay, what do you think that might be?
482	-	
483	A:	I think that was the San Leandro SUV sir.
484		
485	Q:	Okay, but, did that come up right away - was that there when you guys were
486	χ.	makin' contact with him, or - or did that come up after?
487		marin contact with min, or or and mar contact ap arter.
488	A:	That came up after.
	A.	That came up after.
489	0.	Olean All right and other source to the driver and
490	Q:	Okay. All right, any other cars in the driveways? Is there anything that you
491		remember that you wanna write down?
492		
493	A:	Not that I recall sir.
;		
495	Q:	Okay. So, let's just do this Alex, if - if - if you think that that's - we can add it

496 497		later, so this isn't final. If you think that's all, let's label these cars, if you can, so
498		
499 500	A:	Yes sir.
501 502 503 504	Q :	we'll label this number 1, and then we'll label this number 2, and then the Jeep three, and, uh, the Fry's car 4, and then the blue Toyota you described five. We'll do this car six. That was in the driveway too, correct?
505	A:	Yes sir.
506		
507 508	Q:	And then this - you're describing as where you thought that the - where you knew the suspect was, correct?
509		
510 511	A:	Yes sir.
512 513 514	Q:	Okay, so we'll label that 7. All right, and again, if you think of any other cars that's fine.
515 516	A:	Yes sir.
7 518 519 520	Q:	Um, so when you were dispatched to the call were you, um, how did they dispatch it? Did they dispatch you as the primary unit, or did they dispatch you as the cover officer?
521	A:	I was the cover officer sir.
522		
523	Q:	Okay, so what does that usually mean? Does that usually mean that - that -
524		just tell me what cover officer kinda means in your mind.
525		
526	A:	Usually means that we take a secondary role and to provide assistance to the
527 528		primary officer which is supposed to run the scene, uh, talk to witnesses,
528		direct us on what to do. Uh, we're to ensure that the primary officer is safe,
529		there's no additional threats which, uh, can pose to 'em.
530		01
531	Q:	Okay. And then, um, so you were dispatched as the cover officer. Were you
532		there first, or did you get there after the primary officer?
533	A	T
534 535	A:	I got there second.
536	0.	Okay, did you say - who was the primary?
537	Q:	Okay, did you say - who was the primary!
538	A:	Uh
9		
40د	Q:	Do you remember?

541			
542	A:		2L22 Officer Becerra sir.
543			
544	Q:		Becerra, okay. Um, so Becerra was the primary, you were secondary, and then
545	ζ.		you got there after he did?
546	4.4		
547	A:		Yes sir.
548			
549	Q:	e di	Okay.
550	×.		
551	A:		Or - or about the same time, I mean
552			
553	Q:		Yeah.
554	ζ.		
555	A:	* *	SO.
556			
557	Q:		Okay that's fine, and then, what were you thinking when you were goin' to
558	ζ.		the call? When you're hearin' all this transpire, you - you - you'd already said
559			that, um, that the reporting party said that there's a suicidal, uh, male. What
560			was your thought process as you were drivin' to this scene?
51			was your man again process as you was an amount of a same
رد 32	A:		I'm thinking about ways to - I'm thinkin' about - first of all I'm thinkin' 'bout
563			the guns
564			
565	Q:		Mm-hm.
566			
567	A:		and that he has them in his possession. Um, so officer safety is always first.
568			I'm thinkin' about the escalating situation, the last thing I wanna do is to take
569			a life, uh, or - or to use force unnecessarily. Uh, in this case I wanted it to be a
570			peaceful ending, I wanted him to actually get help, uh, for his, uh, for the way
571		•	he's feeling. The - they're - other - other assistance that's, you know, probably
572			deaf, or whatever he's thinking about committing suicide. Uh, it's not the only
573			choice that he has, uh, my primary responsibility is just to make sure - I - I
574			wanted to, uh, provide him with assistance - the help that he needs.
575			
576	Q:		Okay, um, and then, di- did you hear wh- at what point did you hear the
577		1	mentions of - of the gun, or guns?
578			
579	A:		Believe that came out with the call, uh, that was dispatched to us.
580			
581	Q:		Okay. And then, were you at - on scene when that came out? Did that came
582			out - come out right away?
583			•
4	A:		It came out the - I think the came - I came out the minute it was dispatched to
585			us.

586		
587	Q:	Okay. Did dispatch tell you at all, uh, where the subject was before you got
588		there? Did you have any intelligence on where he was, or if he had those guns
589		with him?
590	1 1	
591	Λ.	There were graving that he might be in the harre
the second second	A:	They were saying that he might be in the house.
592	_	
593	Q:	Mm-hm.
594		
595	A:	After arriving on scene they gave an updated saying, "Hey, he might be in the
596	-	vehicle now." And, I believe Sergeant Corti, uh, was the one that alerted us,
597		said, "Hey, there's movement in the vehicle." Uh, that the individual was in
598		fact in the vehicle now.
599		
600	Q:	Okay. You had mentioned that, um, that someone called into of the house. Do
601	-	you remember - was it one of you guys that called into the house, or did you
602		have dispatch call into the house?
603		en en en en en en en en en en en en en e
604	A:	Yes, dispatch, uh, established communications with the reporting party to, uh,
605		try to get them to exit and evacuate the house.
06		try to got aroun to that and or abdute the notice.
J07	Q:	Okay. And then did - did you guys request that? Or did the dispatcher just
608	Q.	Okay. And then did - did you guys request that: Of did the dispatcher just
609	A:	Police officers requested that
	A.	Police officers requested that.
610	Ġ.	01
611	Q:	Okay, why - why would you tell them to come outta the house?
612		YY 414 A
613	A:	Um, we didn't want - I believe we didn't want to turn that into a, uh, hostage
614		situation, we're not leaving a suicidal subject with his family armed with two
615		firearms, uh, we just want them to separate.
616		
617	Q:	Mm-hm.
618		
619	A:	So that we can - we didn't want the situation escalating.
620		
621	Q:	Is that how you're trained to try and get people outta the house?
622	_	
623	A:	Yes sir.
624		
625	Q:	Okay. Um, tell me your interaction - when you arrived on scene, what did you
626	Q.	first see or do? Did you meet - scratch that, just - when you arrived on scene,
627		take me through on this piece of paper on this map, kinda where you were
528		first, where you ended up, things of that nature.
29		
630	A :	Um, myself, Sergeant (Sellers), uh, Sergeant Salazar on scene - myself,

631 632 633 634			Officer Becerra, and Sergeant Corti arrived in front of the high school 137th and Bancroft. Sergeant, uh, Corti walked up to the, uh, house on the northern sidewalk, uh
635	· · · ·		What is that - this sidewalk here?
636	Q:		what is that - this sidewark here?
637	A :	1 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	Yes.
638	Λ.		
639	0.		Okay.
640	Q:		Oray.
641	A.		That northern sidewalk, uh, near to go up to make con- to try to make contact
642	л.		with the mother and daughter.
643			with the motion and daugmer.
644	Q:		Mm-hm.
645	Q.		IVIIII-1IIII.
646	A:		To escort them to safety.
647	11.		To escort them to safety.
648	Q:	•	Okay. Was your initial plan to kinda hang outside and wait, or were you
649	٧.		actually gonna go up to the house and knock on the door?
650			detaily gointa go up to the house and known on the door.
51	A:		Uh, no we - 'cause this is the individual that basically barricaded subject now
32			that's suicidal. Uh, that's one of the worst things we can do - to kinda barge in
653			there, 'cause there's so much unknowns, we don't know if there's boobie
654	`		traps, we don't know if there's firearms, or, uh, and in, or we don't know what
655			his intentions are.
656			
657	Q:		Mm-hm.
658			
659	A:		We wanted to, uh, wanted do in a safe manner. Actually have him come out,
660			call him out to us so that we can safely, like, detain him and evaluate him.
661			
662	Q:		Okay, um, when was the first contact you had with, um, the - actually who did
663			you make contact with, other than Sergeant Corti - what citizens did you make
664			contact with?
665			
666	A:		With the mom and dad, I mean, with the mother and daughter.
667			
668	Q:		Okay, now the mother and daughter did - now was one of those the reporting
669		•	party?
670		•	
671	A:		Yes sir.
672	4		
673	Q:		Okay, do you know what one?
1			
675	A:		I'm not really sure

676		
677	Q:	That's fine. Did you, um, did you speak to them? Or, did - tell - tell me what
678		happened after you contacted them.
679		
680	A:	I contacted 'em, I was focused on them and also, the - they're - they're back
681		drop, the vehicle, and also the house. Then Officer Becerra debriefed 'em. Uh,
682		while me and Sergeant Corti, uh, kept our eyes on the house and also the
683		subject.
684		Surject.
685	0.	Okay. So, once they were secure, um, and being debriefed did you have - were
686	Q:	
687		- were you in fear that, uh, there was possibly someone else in the house? Or,
	*.	what was going through your head, um, to still act on this situation?
688	A -	TT. 1.12 15 15 14 14 14 14 14 14 14 14 14 14 15 15 15 15 14
689	A:	Um, believe dispatch said there was only two people - I believe we evacuated
690	•	the house at the time, but, uh, they said there's no one else in the house except
691		for, the mom and daughter. Which we got them out, and also the subject now.
692		So, at that point, uh, I was just more afraid for the suicidal subject.
693		
694	Q :	Okay. And then, um, did you have any other fears goin' through your head,
695		um, you know, about the houses nearby or the schools that you had
796		mentioned?
7ر		
698	A:	Yes.
699		
700	Q:	Tell me about those.
701		
702	A:	Uh, there's a school, there's a residential neighborhood just down on Hawk -
703		people are goin' to work - people are goin' to school.
704		
705	Q:	Okay.
706	•	
707	A:	Uh, this individual could come out and start shooting indiscriminately and
708		randomly at us, uh, at the - the com- at the residence, and the school, and ch-
709		children.
710		
711	Q:	Okay. So it's not normal that - just because someone comes out and they're in
712	٧.	safety that you guys walk away from it?
713		Safety that you gays wank away nom it.
714	A:	Uh, yes, I - that's not normal.
	Λ.	On, yes, 1 - that's not normal.
715 716	0.	Olray I'm hory long your contact with the mathemand and the describer
716	Q:	Okay. Um, how long was your contact with the mother and - and the daughter,
717		was it very brief?
718	A .	77 1 0 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
9	A:	Very brief, I don't think I even spoke to them.
/20		

INTERVIEW WITH OFC. ALEX YING Interviewer: Sgt. Brian Anthony 10-24/3:56 pm Case # 2015-50010 Page 17

721	Q:	•	Okay.
722		•	
723	A:		Not that much.
724			
725	Q:		Okay. After that happened - after they're handed off being debriefed, um, on
726			the map, or just explain to me exactly what you did after that?
727		1.4	
728	A :		Uh, myself, I went to the engine block of the Lexus.
729			
730	Q:		Okay. And then did
731			
732	A:	•	And that
733	_		
734	Q:		you - did you - where did you cross the street? Did you come up to the
735			house and then go across? Did you cross from back here?
736			
737	A:	•	Believe it was about two houses west of the target house, uh, is where I, uh, I
738			crossed the street.
739	Ο.		01
740	Q:		Okay.
11 +2	A:		Two or three houses.
743	Α.		I wo of tiffee flouses.
743 744	Q:		Okay, so you didn't - you didn't walk up to the house
745	Q.		Okay, so you didn't - you didn't waik up to the house
746	A:		No.
747	41.		110.
748	Q:		and then cross it?
749	٧.		
750	A:		No - no.
751			
752	Q:	•	How come you didn't walk up to the house?
753			
754	A:		It's a dangerous situation.
755			
756	Q:		Okay, I - all right and then, so you crossed the street two or three houses west
757	•		of, and then can you tell me, um, who was here with you? If you remember.
758			
759	A:		I believe Sergeant - Sergeant (Cardie), uh, Corti was next to me.
760		•	
761	Q:		Okay, and then, did you guys have a plan of, um, of what you were gonna do.
762	7		Were you taking lead on it, or was Sergeant Corti taking lead on it at that
763			time?
4			
765	A :		Sergeant Corti was taking lead.

766		
767	Q:	Okay and what was he - what was he doin'?
768	. `	
769	A:	Uh, we were tryin' to call the subject out. Uh, to get him to position where we
770		know that he doesn't have any firearms or weapons on him which can
771		potentially use to hurt us, before we lose contact.
		potentially use to fluit us, before we lose confact.
772		
773	Q:	Okay. When you got to the car, um, did you see anything? Did you think the
774		suspect was still inside? Did you think he was outside? Where did you think
775		the suspect was when you go to that
776		
777	A:	Believe the suspect
778		
779	Q:	this - what color car did you s
780	ζ.	The second secon
781	A:	Huh?
782	л.	11011:
	Ο.	-1. 14 dans 24 martin 1.1 ali 1. ali
783	Q:	oh, it doesn't matter - so black - okay, so the car number 1 on here, what,
784		um, where do you think the suspect was when you got to that car? Did you
785		know?
്6		
ა7	A:	I heard, uh, I heard Sergeant Corti t- uh, advise us that the subject was in the
788		vehicle and that he in fact have saw - seen the subject in the vehicle.
789		
790	Q:	Okay, did he communicate to you at all, um, there's - there's a few vehicles
791	~.	here - did he communicate to you at all what vehicle he was talkin' about, or
792		did you know what vehicle he was talkin' about?
793		did you know what vehicle he was talkin about:
	۸.	Man dimental adviced that he were in a Manda
794	A:	Yes, dispatch advised that he was in a Mazda.
795		
796	Q:	Mmm-kay.
797		
798	A:	Which is car number 7, Sergeant Corti also communicate with us that he has
799		seen the veh- uh, subject vehicle number 7
800		
801	Q:	Okay.
802	ζ.	
803	A:	that was him.
804	73.	tiat was iniii.
	0	A11 * 1
805	Q:	All right and then where were you when he was advised - you said you were
806		behind - I think you said the engine block?
807		
808	A:	Of vehicle number 5.
)		
810	Q:	Okay, why - why by the engine block and not just

811		
812	A:	Uh, that is the only part of the vehicle, I mean, that is the safest part of the
813	2	vehicle as the engine block has a lot of mechanical it has very thick steal
814		which can stop bullets and lessen the possibility that we will get - or if shot at
815		which can stop buncts and ressent the possiority that we will get - or it shot at we sustain injury.
816		we sustain injury.
	O .	0.00
817	Q:	Okay, so were you standing up? Where you kinda crunching down?
818	· · · · ·	
819	A:	Crunching down sir.
820		
821	Q:	And why were you crunchin' down?
822		
823	A :	Uh, to expose the upper half of, uh, my body sir.
824		
825	Q:	Okay, so - so you were crunchin' down - where you - where you in fear that,
826		or where you in fear of anything at that time?
827		
828	A:	Yes, I was in fear that this individual might shoot and kill me.
829		
830	Q:	Okay, because of - because of what? Why would you think that?
31	•	
J32	A:	He's a suicidal subject - I know from my training experience that individuals
833		sometimes, you know, can be suicide by cop, uh, where they come out of the
834		vehicle and point the firearms at police officers, discharge their firearms,
835		striking us.
836	1.00	
837	Q:	Okay, and then - and then you had Intel - did you have a- any Intel of him
838	٧.	having weapons?
839		naving weapons:
840	A:	Yes sir.
841	Δ.	1 05 511.
842	0.	Okay, and did you think maybe he could have a weapon too?
	Q:	Okay, and did you timk maybe he could have a weapon too?
843	۸.	You sin
844	A:	Yes sir.
845	0	
846	Q:	Okay. Which I think you already mentioned. Um, okay, so you and Sergeant
847		Corti are on the south side of the street behind car number 1, which is a Lexus,
848		um, do you remember when, um, I believe you said car number 2 is Hackl?
849		
850	A:	Yes sir.
851	4	
852	Q:	Do you remember when he pulled up?
253		
4	A:	I think, uh, a couple moments. Maybe a minute or two, um, after s- Sergeant
855		Corti advised that he was in the Mazda.

856		
857	Q:	Okay, um, and then, once he pulled up, um, do you remember how was
858		making the - the verbal commands?
859		
860	A:	Uh, Officer Hackl is.
861	4 1.	Oil, Officor Hacki is.
	0.	01.34 2.44 3.44 3.44 3.4 3.4 3.4 3.4 3.4 3.4 3.
862	Q:	Okay, and you remember exactly what he was sayin'?
863		
864	A:	I believe it was to identify himself as a police officer, uh, told Mr. Torres to
865		exit the vehicle, or Mario, uh, to exit the vehicle with his hands up.
866	:	
867	Q:	Okay. Um, about how many times did he say that?
868		
869	A:	I don't know the exact number but, I know it's multiple times.
870		
871	Q:	Okay.
872	۷٠	ondy.
873	A:	Multiple times.
	A.	wurdpie times.
874	_	D'1 1 1 00° II 110
875	Q:	Did you hear, uh, Officer Hackl?
⁷ 76		
/7	A:	Yes sir.
878	• '	
879	Q:	From where you were?
880		
881	A:	Yes sir.
882		
883	•	·
	():	And the distance that you were - were you further away from the suspect
	Q:	And the distance that you were - were you further away from the suspect vehicle then Officer Hacklor was?
884	Q:	And the distance that you were - were you further away from the suspect vehicle then Officer Hackl, or was?
884 885		vehicle then Officer Hackl, or was?
884 885 886	Q: A:	
884 885 886 887	A:	vehicle then Officer Hackl, or was? Uh, yes.
884 885 886 887 888		vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The
884 885 886 887 888 889	A:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance
884 885 886 887 888 889	A:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The
884 885 886 887 888 889 890	A: Q:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance between Officer Hackl and the suspect car?
884 885 886 887 888 889 890 891 892	A:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance
884 885 886 887 888 889 890	A: Q:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance between Officer Hackl and the suspect car?
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884 885 886 887 888 889 890 891 892 893	A: Q:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance between Officer Hackl and the suspect car? I was further away.
884 885 886 887 888 889 890 891 892 893 894 895	A: Q: A: Q:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance between Officer Hackl and the suspect car? I was further away. You were further away?
884 885 886 887 888 889 890 891 892 893 894 895 896	A: Q: A:	vehicle then Officer Hackl, or was? Uh, yes. A- and - let me - let me rephrase that - that was a horrible question. The distance from you and Officer Hackl, was it longer or shorter than the distance between Officer Hackl and the suspect car? I was further away.
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901		
902	Q:	Okay, um, about how many times was he makin' those commands, do you
903	Q.	know?
904		KIIOW:
905	A:	I wanna say five or six, but I know it's multiple - multiple times, I mean, I
906	4.	think he - he fired off, like, he fired a round, uh, Mario fired a round and then
907		Officer Hackl still continued saying it.
908		Officer tracks still continuou saying it.
909	Q:	Okay. Um, let's - let's talk about that round - the one that he fired, um, again,
910	Q.	I'm just askin' for an estimation, if you don't wanna go there, that's fine too.
911		When you got to the Lexus had that round that you're talkin' about from the
912		suspect at - already been fired?
913		suspect at - arready occir fried:
914	A:	No sir.
915	A.	INO SIL.
916	Q:	Okay, so, at the time that you got to the Lexus, do you know about how long it
917	Q.	was before he fired that first round? He meaning Mario.
918		was before he fired that first round: The incaming Mario.
919	A:	Yes sir, about a minute, or I believe about a minute or two when we were at
920	T.	the Lexus is when
721		the beats is when
22	Q:	Okay.
923	Q.	Okay.
924	A:	we heard the rounds being fired.
925		, o neare and rounds being mea.
926	Q:	Okay, you said rounds. So
927	₹.	
928	A:	A - a single gunshots, I heard
929		
930	Q:	Okay
931		
932	A:	a single shot and
933		
934	Q:	perfect. And then, had you already been - you - you described that you
935		were kneeling behind the Lexus.
936		
937	A:	Yes sir.
938		
939	Q:	Had you already been like that before the round was fired, or did you get like
940	_	that after the round was fired?
941		
942	A:	I was already like that in a - in a crouching position.
943		
14	Q:	Okay.
945		

946 947	A:		When he fired the round.
948	0.	•	All right. So one minute annuarimetals. The substitution de often that round
	Q:		All right. So one minute approximately. Um, what did you do after that round,
949	·		or exactly what - sc- scratch that - what did you see, or if anything, or did you
950			just hear it?
951			
952	A:		I heard it and looking in the direction of the vehicle I saw what appeared to
953			be, uh, dust, uh, and debris emerging from, uh, the - to where, uh, I heard the
954	-	•	rounds - same to where my hostile was.
955			
956	Q:		Okay.
957	ζ.		
958	A:		Uh, vehicle number 7.
959	11.		on, voincie number 7.
9.60	0.		Olroxy And then when your when you gave that dreat comin? out d word it
	Q:	•	Okay. And then, when you - when you saw that dust comin' out d- was it
961			comin' out any certain direction, or?
962			
963	A:		It was just comin' up and - into the air.
964			
965	Q:		Okay, so was your thought that, um, what was your thought when you saw
56			that?
56 267			
968	A:		My initial thought was that he might have committed suicide.
969			
970	Q:		Okay.
971	₹.		
972	A:		But, then I realized that if all the windows were rolled up, is he shooting at us
973			now? 'Cause normally you - if it's a enclosed space then the dust wouldn't fly
974			out like that unless he's shooting out the window or something.
975			out like that unless he's shooting out the window of something.
	Ο.		01
976	Q:		Okay, good. Um, and then - and then take me through what happened after
977			you, uh, fired that round - I'm - not after you did, I'm sorry, after Mario fired
978			that round
979	•		
980	A:		Mario
981			
982	Q:		take me through what happened.
983			
984	A:		uh, he fired that round and, I heard on the radio that the advised us that it's a
985		ı	single gunshot heard office- heard - heard over the radio an officer advised
986			that the subject is slouched over
987		·	that the subject is stouched over
	0.		Man han
188	Q:		Mm-hm.
39			4 , 14,4 ,44 , 1 , 4 ,4 ,4 ,4 ,4 ,4 ,4 ,4 ,4 ,4 ,4 ,4 ,4
990	A:		but might be still moving. And, then I heard, I think, H- Hackl again, told

991			him, "Hey," told this individual, "Hey, we don't wanna shoot you Mario, we
992 993	٠		don't wanna shoot you. Just come out and surrender with your hands up." Uh, and then we heard - I heard - another single gunshot
994			
995	Q:		Okay.
996	ν.		
997	A:		right after - a few minutes after that.
998	11.		might unor a for inflator after than
999	Q:		Okay, so now we're talkin' about two gunshots from Mario 'bout one minute
1000	Q.		after you got to the car, approximately. And then about how long after that
1000			first gunshot did you hear the second gunshot?
			inst guishot did you hear the second guishot:
1002	۸.		Marks a without an time
1003	A:		Maybe a minute or two.
1004	_		
1005	Q:		'Kay. Um, the car that Mario had - that he was seated in, um, can you tell
1006			where he was seated? Or did you see him in the car at all?
1007			
1008	A:		I didn't see, uh, him in a car 'cause it was sorta tinted
1009			
1010	Q:		Mm-hm.
1011			
12	A:		it was only when he emerged from the vehicle
1J13			
1014	Q:		Okay.
1015			
1016	A :		is when I saw.
1017			
1018	Q:	•	All right, and then your line of sight from the Lexus when you were, um,
1019			when you were crouched behind the Lexus with you - with your long gun
1020			, and year near the second of
1021	A:		Yes sir.
1022			
1023	Q:		um, tell me exactly what you were looking at - what you were looking
1023	Q.		through, tell me exactly what you saw.
1024			through, ton the exactly what you saw.
	۸.		Lyran looking through my viold took Loovy him holding a gap who mainting in
1026	A:		I was looking through my yield tech, I saw him holding a gun, uh, pointing in
1027			that direction of Officer Hackl and those other officers on the east side of the
1028			street.
1029	_		
1030	Q:		Okay, um, so we're gonna get to that for sure. But, when - when you were -
1031			when - after that second round went off, um, when you were crouched behind
1032			the Lexus, were you looking straight at his car, or did you have to look f-
1033			through something el- did you have a clear unobstructed view between where
1^24			you were and his car?
5			

1036	A:		Yes sir.
1037			
1038	Q:		Okay.
1039			
1040	A:	1.00	Clear and unobstructed view.
1041			
1042	Q:		Okay, that was a easier way to ask it I guess. Sorry. Um, all right, so, let's get
1042	Q.	$= \frac{1}{2} \left(\frac{1}{2} - \frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} - \frac{1}{2} - \frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} - \frac{1}{2} - \frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} - \frac{1}{2} - \frac{1}{2} - \frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} - \frac$	
	* *		back - second round goes off, do you see - what you described at the first
1044			round - as dust anywhere, or what did you see the second round after it went
1045			off?
1046			
1047	A:		The second round, I heard it but this time I didn't see, uh, I didn't see any - I
1048			didn't, or I don't recall seeing any dust or anything on the second round.
1049			
1050	Q:		Okay. What was going through your head after you fired the second round?
1051	٧.		Onay. What was going infought your nead alter you med the books found.
1052	A:		At that point, I - what's going through my head? I believed he was shooting at
	A.		
1053			us.
1054	_		01
1055	Q:		Okay.
56			
. 57	A:		I mean, he - first round I thought he committed, you know, suicide or
1058			something like that
1059			
1060	Q:		Mm-hm.
1061	. `		
1062	A:		it's the same gunshot, and I'm hearing multiple rounds, I - I don't think he's
1063	11.		giving up, uh, I mean, he has multiple opportunities to surrender at that point.
1064			I mean, I've heard - I heard Officer Hackl give him very clear instructions to
1065			surrender, uh, he had ample opportunity to surrender, he could of just gave up,
1066			put the down the gun, put his hands up, uh, instead he's discharging rounds,
1067			like, at this point I had to realize I - I mean, for me, is he just shooting rounds
1068			indiscriminat- indiscriminately - it's just a very busy neighborhood where
1069	•		children and people are going to work at 9 o'clock am? Or, is he now
1070			targeting police officers? So my - I - I was - I was afraid for my life and the
1071			lives of everyone else in that community in the street.
1072			
1073	Q:		Okay, after you fired the second round you had said that you - you had now
1074	٧.		thought that you guys were being fired on.
1074			mought that you guys word boing mou on.
	A .		Voquin
1076	A:		Yes sir.
1077			
1 778	Q:		Um, did you fire after - right after he, um, fired that second round?
/9			
1080	A:		No sir, I did not fire immediately.

1081	•	
1081		Okay. Per our department policy, could you have?
1082	Q:	Okay. Fer our department policy, could you have:
and the second	A .	TTL
1084	A:	Uh, no sir.
1085		
1086	Q:	Okay. Um, what was goin' through your mind after that second round was
1087	*	fired?
1088		
1089	A:	Um, wanted to see if I can see him first and if any threats he - he poses.
1090		
1091	Q:	Okay.
1092		
1093	A:	Yes sir.
1094		
1095	Q:	Okay, and then that second round goes off, and then take me - what happened
1096	ζ.	after that?
1097		
1098	A:	Then I saw him, like, through the - through the middle two vehicles - vehicles
1099	11.	number 6 and seven
1100		number o and seven
1100	· O•	Mm-hm.
	Q:	ivini-nun.
)2	۸.	1 in 1 11 in a complete wind the discretion of other officers
1103	A:	saw him holding a gun. Saw him pointing in the direction of other officers
1104		on the east side of the street.
1105		
1106	Q:	Okay. So let's back up a little bit. So, you still had a clear unobstructed view,
1107		again, this car is not here, or was this car here or no?
1108		
1109	A :	Uh, no sir.
1110		
1111	Q:	Okay, so that car came in after?
1112		
1113	Q3:	For the record, we're talkin' about number 4?
1114		
1115	Q:	Four, which was Officer Fry's car.
1116		
1117	A:	Yes sir.
1118		
1119	Q:	Is that right?
1120	٧٠	10 titul Hait.
1121	A:	Yes sir.
	Λ.	1 00 011.
1122	0.	Otrary So after thut good of did you are your on have -11
1123	Q:	Okay. So, after that second round goes off did you see, um, or hear, uh, where
4		the suspect was seated in the car at all?
25		

1126 1127	A:	Uh, no I don't recall.
1127	Q:	Okay. All right. You said that he got outta the car and pointed a gun?
1129	<i>,</i>	
1130	A :	Yes sir.
1131		
1132	Q:	I wanna get to did you see or hear of anyone saying the cars door opening, or
1133		did you just all the sudden see him?
1134		
1135	A:	I heard - I recall hearing someone say that he's coming out - he's coming out,
1136		over the radio, and then I saw him holding a gun pointing at directions of
1137		other officers.
1138		
1139	Q:	Mmm-kay. All right. So you didn't see the car door open, from where you
1140		were?
1141		
1142	A:	I - no I really call- recall that. Um
1143		
1144	Q:	That's fine.
1145		
1146	A:	You know, it just happened so fast
17		
1148	Q:	Mm-hm.
1149		
1150	A:	'cause it's, like, I - I - just happened so fast, I just - I can't really recall what
1151		happened right there, like, I know for sure what I saw, and he - he was - he
1152		was holding, you know, a gun and pointing it at direction of other officers
1153		there
1154	_	
1155	Q:	Okay.
1156	A .	T T 11:0 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
1157	A:	I - I just can't recall if, you know, the door was already open, or if he
1158		opened the door.
1159	0.	Have long after that second round went off did he did you see him some
1160	Q:	How long after that second round went off did he - did you see him come
1161 1162		outta the car with a gun?
1162	A:	Want to say a minute, I
1164	л.	want to say a minute, i
1165	Q:	Okay, so there's still - there's still amount of time - it's not, like, he fired the
1165	Q.	round and then immediately got out?
1167		round and mon miniculatory got out:
1168	A:	Yes sir.
· 100	л.	1 05 511.
/0	Q:	It was, he fired the round - you're sayin' about a minute went by and then he
¥ -4 U	٧.	it was, no mod the round - you to sayin about a minute went by and men ne

1171		got out?
1172		
1173	A:	Yes sir.
1174		
1175	Q:	Okay. When he got outta the car can you describe exactly what you saw as far
1176		as how he was, either standing, kneeling, prone position - can you - what you
1177		remember about that?
1178		
1179	A:	He was, like, crouching down tryin' to get cover behind the vehicle, I - I
1180		think. And, that's - that's when I engaged and - other off- that's when we
1181		engaged him and then he went down and, uh, then he started, like, duckin'
1182	·	down
1183		
1184	Q:	Mm-hm.
1185		
1186	A:	and that's when I stopped.
1187		
1188	Q:	Okay. Do you remember, um, what hand the subject had the gun in?
1189	•	
1190	A:	Hm, I wanna say, you know, I don't wanna say the wrong thing it just
1191		happened really fast, I - I don't wanna say, uh, I mean, I really can't recall
2		
1193	Q:	Okay.
1194		
1195	A:	I mean, it just happened really fast.
1196		
1197	Q:	All right.
1198		
1199	A :	'Kay. I - I just - I just can't recall that.
1200		
1201	Q:	Okay. What about, um, did you see what the gun looked like at all?
1202	•	
1203	A:	It was a black handgun.
1204		
1205	Q:	Okay, um, did you see if it was, uh, was it a long gun was it a revolver? Was it
1206		a semi-automatic, like we carry?
1207		
1208	A:	I
1209		
1210	Q:	To your - to your best recollection.
1211	•	
1212	A:	It appeared to me, like, it was a semiautomatic - it was a small gun - it was a
1213		small gun.
1213		
5	0.	Okay. Um, was he - when he came outta the car, you said to your best
J	Q:	Oxay. Oni, was no - when no came out a mo car, you said to your best

1216		recollection, he was kinda crouched down. Is that right?
1217		
1218	A:	Yes sir.
1219		
1220	Q:	All right. So when he came, um, outta the car, you said, pointed it at - first of
1221		all - let me back up, who else was here on car number 2? Do you remember?
1222		
1223	A:	I wanna say I was
1224		
1225	Q:	Just Officer Hackl? Or was there other officers there?
1226	. `	
1227	A:	There was, like, two or three other officers at that area.
1228		
1229	Q:	Okay.
1230	۷.	Chay.
1231	A:	But my attention at that point was focused on that Mazda.
1232	11.	Dut my attornion at that point was rootsod on that wazda.
1232	Q:	Okay.
1234	Q.	Oray.
1234	A:	'Cause that was where the threat was coming and - there was other officers
1233	A.	there but I can't recall which ones.
37		there but I can t recan which ones.
1238	0.	No machion No machion
	Q:	No problem. No problem.
1239	۸.	Dut I know for aug that Officer Hook! was in that area facus I remember
1240	A :	But I know for sure that Officer Hackl was in that area 'cause I remember
1241		sho- remember him pull up. O- other officers I can't recall.
1242		
1243	Q:	Okay. So that - where were you positioned on the Lexus when that guy came
1244		out and, um, you saw him with the gun? Where were you positioned - where
1245		you positioned still at the same spot where you described, behind the engine
1246		block?
1247		
1248	A:	Yes sir, same spot.
1249		
1250	Q:	Okay. When he came out did he break the apex of the truck of this - of the
1251		suspect vehicle? Meaning did he break the plane of this? Or did he just - was
1252		he laying right alongside of the vehicle?
1253		
1254	A:	He was on the side.
1255		
1256	Q:	Okay. And then, um, tell me exactly, again, what you saw as far as how much
1257	•	did he bring it up? Um, did he bring it up a little bit, did he just have it in his
1258		hand? I think you said that, uh, he had pointed it at Officer Hackl.
79		
1260	A:	Yes sir, he had pointed it.
		*•

1261		
1262	Q:	Go - go ahead and go through that whole thing of what exactly you saw.
1263		
1264	A:	I saw the gun, he pointed it in direction and kinda raised it a little bit, and the
1265		fire round was pointed directly at their direction.
1266		
1267	Q:	Okay.
1268	χ.	Ondy.
1269	A:	And that's when I fired one round. Uh, or that's when officer - another officer
1270	A.	fired a round - some rounds and I fired one round and then he went down, or
1270		somethin', and then he - that's when I stopped. 'Cause
1271		somethin, and then he - that's when I stopped. Cause
	0.	01
1273	Q:	Okay.
1274		T 11 1 4
1275	A:	I could no longer see 'em.
1276	_	
1277	Q:	Okay. And again, you had a clear unobstructed view from when - when you
1278	•	shot that round, you had a clear unobstructed view, or did you not have a clear
1279		unobstructed view of his car and the suspect?
1280		
31	A:	Yes sir, I had a clear unobstructed view of the subsect
82		
1283	Q:	Okay.
1284		
1285	A:	subject holding the firearm.
1286		
1287	Q:	When - when you fired your round, um, did - did you think it - it hit 'em?
1288		
1289	A:	I think it did. I wanna sa- I think it did.
1290	·	
1291	Q:	Okay.
1292	χ.	ondy.
1293	A:	I - I
1294	1 X. .	1 - 1
1295	0.	I mean, were - were you - were - when you fired that round, did you have a
	Q:	
1296		feeling, "I just neutralized a threat?" Or did you have a feeling, "He's still
1297		moving?"
1298	A .	TALLITE OF A CONTROL OF A CONTR
1299	A:	I think I fired one round and then he was outta my view at that point, so he
1300	. *	could've been hit, uh, or he could be crouching down to re-engage us.
1301	•	
1302	Q:	Okay. So, um, again and I just wanna confirm, how many rounds did you fire?
1203		
	A:	Just one.
1305		

1306 1307	Q:	Okay, after you fired that first and last round you didn't engage because why? You didn't engage him anymore because why?
1308 1309	A:	I didn't engage after the first round 'cause I could no longer see the threat.
1310 1311	Q:	Okay, what was your backdrop?
1312 1313	A:	Uh, think it's the vehicle, uh, the Mazda.
1314 1315	0.	Okay.
1315	Q:	Okay.
1317	A:	The vehicle he was behind.
1318		
1319	Q:	Okay. Um, how many rounds do you think were fired before you fired your
1320		round? Or do you remember?
1321 1322	۸.	Maybe, two - three?
1323	A:	Maybe, two - unee!
1323	Q:	Okay. Did you fire your gun at all because Officer Corti fired his gun?
1325	۷.	Onay. Dia you mo your gair at an occasio omeor cora moa mo gair.
1226	A:	No.
.7		
1328	Q:	Okay. Why did you fire your gun?
1329		
1330	A:	Uh, 'cause I felt that this individual wanted to hurt, uh, wanted to kill other
1331	•	officers.
1332	^	01 1 1 0
1333	Q:	Okay, because why?
1334	۸.	Decoying he pointed the firecome at the hospings he made he had at the time
1335 1336	A:	Because he pointed the firearm at the - because he made - he had - at the time of surrender instead he chose to not surrender and fire additional rounds,
1337		which I preserved to be firing at us.
1338		winds I prosorved to be firing at as.
1339	Q:	Okay. Okay, so you fired one round and then after you fired that round take
1340	ζ,	me through, um, what had happened after that.
1341		
1342	A:	After I fired the round, uh, other officers - think I saw some - the sub-trippin
1343		down the driveway and then, other officers gave him orders to surrender, or
1344		go onto the streets - roll onto the streets.
1345		
1346	Q:	Mm-hm.
1347		
1348	A:	Uh, at this point
1550	Q:	No you go ahead, I'm sorry.

1351		
1352	A:	At this point, he complied. I think he gave up and he began to roll down onto
1353		the streets. Uh, and then, after he rolled down onto the streets and he was
1354		complying, uh, an arrest team was formed, uh, I think officer - vehicle number
1355		4 was brought in to use - utilize that vehicle as a potential cover and the arrest
1356		team arrested him.
1357		team arested min.
1358	Ο.	Many least and then what hamonad?
1359	Q:	Mmm-kay, and then what happened?
1360	A:	I cleared the vehicle with Officer (Kowzwick) and we cleared the rest of it -
1361	Λ.	that house, uh, 137th Avenue.
1362		that house, this is a 137th Avenue.
1363	0.	Olean new visited did your along the made and
	Q:	Okay, um, w- why did you clear the residence?
1364		
1365	A:	To ensure that no one else was in there, to locate possible additional victims,
1366		uh, to make sure no one else was hurt.
1367		
1368	Q:	Okay, did you find anyone else in the house?
1369		
1370	A:	No, no one else was in the house sir.
1371		
`2	Q:	Okay. Um, do you think that there was any other means of force that could've
10/3		been used, uh, to stop this suspect from what you thought he was gonna do?
1374		
1375	A:	No sir, there is no other use of force which is appropriate for this type of
1376		situation.
1377		
1378	Q:	Okay, and why is that?
1379		
1380	A:	He has a firearm, he's using deadly force, and to use any other force to
1381		address a deadly force situation would be inappropriate.
1382		
1383	Q:	'Kay. Can you - can you estimate how, um, how far you were from where you
1384		took the shot, from the Lexus to where you engaged the suspect?
1385		
1386	A:	I wanna say, 30 - 35 feet, 30 - 40 feet maybe?
1387		
1388	Q:	Okay.
1389		
1390	A:	I'm not really good with these things
1391		
1392	Q:	That's okay.
1393	Α٠	· · · · · · · · · · · · · · · · · · ·
1393	A:	I - I'm sorry.
1 4	л.	1 - 1 III 5011 y.

1396	Q:	All right, and then, um, with - with your long gun, wh- what do you - do - do
1397		you know what - when you qualified, do you know, um, how - how far you go
1398		out, to qualify?
1399		
1400	A:	Yes sir.
1401		
1402	Q:	How many yards?
1403		
1404	A:	Uh, the longest is 50 yard line.
1405		on, mo longest is of fara line.
1406	Q:	Okay.
1407	ζ.	Onay.
1408	A:	And then two that's language and then the alongest muchably like 7.7
	A.	And then we - that's longest and then, uh, the closest probably, like, 7 - 7
1409	•	yards.
1410		
1411	Q:	Okay. So you said you were lookin' through a, um
1412		
1413	A:	Yield tech sir.
1414	•	
1415	Q:	yield tech, can you explain to me what a yield tech is?
1416	-	
7	A:	Uh, yield tech uses, uh, lasers and light to, uh, put, uh, so that you may fire -
1418		to put a dot on the subject so you can firing accurately. At the
1419		to part a dor on the swojetroo jour than many account of the mitter.
1420	Q:	Okay. And then did - have you, um, did I already ask you if you qualified with
1421	٧.	that gun?
1422		that guilt
	A	X7
1423	A:	Yes sir.
1424		
1425	Q:	I did? Okay, do you remember when that was? I think you said it already.
1426		
1427	A :	'Bout a month ago sir.
1428		
1429	Q:	Okay. And with that gun?
1430		
1431	A:	Yes sir.
1432		
1433	Q:	And during that qualification, do you, uh, do you mess with the sights at all,
1434	Q. ,	that yield tech? Like, do you adjust it at all?
		that yield teem? Like, do you adjust it at an?
1435	,	TT C (1 1: 1:)
1436	A: ,	Uh, for the lighting, sir?
1437		
1438	Q:	No the yield tech, so the - the scope that's on it?
´ `9		
, r0	A:	Yes sir.

1441		
1442	0.	Do you adjust it up and down at all to get a perfect
1443	Q:	Do you adjust it up and down at an to get a persect
1444	A:	Yes sir.
1445	A.	1 68 811.
1446	0.	shot on target?
1447	Q:	snot on target?
1448	A:	Yes sir.
1449	Λ.	1 68 811.
1450	Q:	Okay, did you do that the last training?
1451	Q.	Okay, and you do that the last training:
1452	A:	Yes sir.
1453	Α.	1 03 511.
1454	0.	Okay. And did y- did you do that or did someone else?
1455	Q:	Okay. And did y- did you do that of did someone else!
1456	A:	Uh, the range master re- did that for
1457	Λ.	On, the range master re- did that for
1458	Q:	But it's your gun?
1459	Q.	But it's your guin:
1460	A:	Yes sir.
51	A.	1 65 811.
	Q:	And you've had your gun ever since?
1463	Q.	And you ve had your gair ever smoc.
1464	A:	Yes sir.
1465	11.	1 65 511.
1466	Q:	No one's messed with it?
1467	~ ·	To one b messed with it.
1468	A:	No one has messed with mine
1469		
1470	Q:	All right.
1471		
1472	A:	gun.
1473		······································
1474	Q:	All right, let me go through. Is there - I think it already asked you this but,
1475		could you guys of just walked away from the situation?
1476		estata y e a gaye e - yaar waamea a way — e
1477	A:	No sir.
1478		
1479	Q:	Tell me why.
1480		
1481	A:	This individual is now suicidal, he has a firearm in his possession, uh, if
1482		anything, we would not be doing our jobs if individuals who are
1483		contemplating suicide, uh, who has firearms in their possession, uh, and we
4		simply walk away. What if this individual kills himself? What if this
1485		individual decides to walk into San Leandro High School and shoot a whole
1 100		man range sources to make title but beniate ringle betteen und situat a wildle

1486		bunch of kids? I don't think it would be the appropriate, or the right response -
1487		it's our responsibility to insure that this individual is safe and our community
1488		is safe.
1489		
1490	Q:	'Kay. Sergeant Morgan you have any questions?
1491	A.	
1492	Q1:	Uh, yeah just a couple - Thank you Al, um, prior to the shots being - prior to
1493		your shot being fired, uh, can you describe officers giving series or different
1494		series of commands, um, did the suspect, uh, respond to any of those
1495	•	commands?
1496		
1497	A:	No sir.
1498	• .	
1499	Q1:	Uh, did the suspect do anything that made you think he was going to comply
1500		or surrender?
1501		
1502	A:	No sir.
1503		
1504	Q1:	Um, do you know if medical attention was ever requested for the suspect?
1505	4	on, to you have will introduce anomalous was a value of the basic of t
6	A:	Yes sir.
	2 k.	1 65 511.
1508	Q1:	Okay, um, and how was that done?
1509	QI.	Okay, um, and now was that done:
1510	A:	It was done immediately. After, uh, (Hugh) shot, then - no it was done as soon
1510	Λ.	as was practical and safe. As soon as it was safe enough for medical to run
1511		onto the scene, uh, they were ordered.
1512		onto the scene, an, they were ordered.
	01.	Olean So when we we shot was fixed and the shot of the other officers were I
1514	Q1:	Okay. So, when your shot was fired and the shot of the other officers, um, I
1515		understand that medical aid was not immediately given. Meaning, you didn't
1516		walk right up and give medical aid, correct?
1517	• · · · · · · · · · · · · · · · · · · ·	
1518	A:	Yes sir.
1519		
1520	Q1:	And, um, so in your training experience as an officer, is it reasonable to think
1521		that a suspect who was potentially shot, um, could've still posed a threat to
1522		yourself and other officers?
1523		
1524	A:	Yes sir.
1525		
1526	Q1:	Okay. Uh, is that a reason why medical aid wasn't immediately given?
1527		
1578	A:	Yes sir.
• }		
1530	Q1:	Okay. Um, do you think it would've been safe to bring medical personnel up

1531 1532		to him at that time?
1532	Α.	
1534	A:	No sir.
1534	01.	
1536	Q1:	Okay. Um, that's all I have.
1537	0.	
1537	Q:	Lieutenant (Henderson)?
1538	02.	
1540	Q2:	No sir.
1541	Q:	01.1
1542		Sarah do you have any questions?
1543	Q3:	
1544	Q5.	Yeah, just a few, um, you were asked if you wear glasses or contacts and I
1545		think your answer was contacts, did you have your contacts in at the time of
1546		the incident?
1547	A:	
1548	A,	Yes sir - yes ma'am.
1549	O2.	
1550	Q3:	Okay. And, you were describing what you were wearing at the incident
1550		yesterday were you photographed vesterday before being allowed to go home
	•	in what you had been wearing at the time?
1553	A:	**
1554	A.	Yes ma'am.
1555		
1556	Q3:	Okay. And just to be clear, prior to the interview today you haven't gotten to
1557		review your body camera footage or any of the footage of the incident?
1558	۸.	
1559	A:	No ma'am.
1560	02.	
1561	Q3:	Okay, so, is everything today to the best of your recollection?
1562	Α.	
	A:	Yes ma'am.
1563 1564	021	
1565	Q3:	And you gave us kind of approximations about time and distances and kind of
1566	·	some of the other officers on the scene, um, are those approximations?
1567	۸.	
1568	A:	Yes ma'am.
1569	02.	
	Q3:	Okay. Now you were describing what you could see when, um, Mario is out
1570		of the car right before you see the gun pointed at the direction of Hackland
1571	•	the other officers that are with him, right?
1572	·	
1573	A:	Yes ma'am.
† 1 <i>575</i>	02	
1575	Q3:	Would it be fair to say you were more focused on this gun and - and where it
		Some wind which of

1576		was pointed more than the suspect and what he was doing?
1577	4	
1578	A:	Yes ma'am.
1579		
1580	Q3:	Okay, and so do you think that's why you have kind of reduced recollection
1581		about whether he got outta the car and things like that?
1582		
1583	A:	Yes ma'am.
1584	11.	1 05 ina ani.
	02.	Oleans and many late 1 at a large let design a 1:41 a late Way and design and this area
1585	Q3:	Okay, um, now let's - let's break it down a little bit. You said you see this gun
1586		pointed in the direction of Hackl and the other officers in his area right?
1587		
1588	A :	Yes ma'am.
1589		
1590	Q3:	Was this gun, like, right at the top of the truck, if you recall or was it raised up
1591		from the trunk, was it below of the tr- trunk? What - what do you recall seeing
1592		about its position?
1593		about its position:
	۸.	I The same health as all exist the atmosphere area
1594	A:	Uh, probably about the trunk area.
1595		
96	Q3:	Okay. Like, right, like, above the trunk line-ish?
97د ـ		
1598	A :	Yes that's fine.
1599		
1600	Q3:	Okay. Okay. That is it for me.
1601		
1602	Q:	Okay, any follow ups?
1603	٧٠	Oray, any tonow apo:
	02.	No sin
1604	Q2:	No sir.
1605	_	
1606	Q:	Okay. So, um, what were gonna do - this is your choice if you wanna do it -
1607		we have your body cam video, um, that we'll take a break here, I'll take you
1608		guys into my office, I'll set it up on my computer, you and your attorney can
1609		look at it and you can watch the whole thing. Uh, take as long as you want, if
1610		you wanna add anything after you watch it just come back and then we'll add
1611		it.
1612		
		Was air
1613	A:	Yes sir.
1614	_	
1615	Q:	Okay? Any other questions?
1616		
1617	A:	No sir.
1<18		
29	Q:	Okay, so we're gonna go, uh, off record while they review the video at 4:50
1620	٧.	pm on the 24th.
1020		րու on me 24m.

INTERVIEW WITH OFC. ALEX YING Interviewer: Sgt. Brian Anthony 10-24/3:56 pm Case # 2015-50010 Page 37

1621	•				1.0			*	
1622							•. •		
1623	The transcript	has been	reviewed v	with the au	idio record	ing submi	tted and	it is an a	ccurate
1624	transcription.								
1625	Signed							4	

.1		
2 3		
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6		
7		INTERVIEW WITH OFC. ALEX YING
8		Q=Sgt. Brian Anthony
9	,	Q1=Sgt. Anthony Morgan
10 11		Q2=Lt. (Ted Henderson) Q3=Sarah Burdick
12		A=Ofc. Alex Ying
13	•	11 Ole Mex Ting
14		
15	Q:	Okay. We're gonna go back on record. It's still, uh, the 24th of October. It's
16		5:05. Um, Alex, you've had an opportunity to review your body cam video
17		
18	A:	Yes, sir.
19 20	Q:	with your attorney?
21	Q.	with your attorney.
2	A:-	Yes, sir.
23		
24	Q:	Okay. After reviewin' the video, is there anything else that you feel like you
25		wanna add?
26	•	
27 28	A:	No, sir.
29	Q:	Okay. Uh, Anthony, have you thought of anymore follow-up questions?
30	٧٠	Okay. On, Intitiony, have you mought of anymore follow up questions.
31	Q1:	No.
32		
33	Q:	Lieutenant (Henderson), anything?
34		
35 36	Q2:	No, sir.
36 37	Q:	Okay. Uh, Sarah, anything to add?
38	Q •	Okay. On, Baran, anything to add:
39	Q3:	None for me.
40		
41	Q:	Okay.
42		
43	Q3:	No.
4	O	So that'll conclude the interview um at 5.05 nm
- ≠5	Q:	So that'll conclude the interview, um, at 5:05 pm.

INTERVIEW WITH OFC. ALEX YING Interviewer: Sgt. Brian Anthony 10-24/5:05 pm Case # 2015-50010 Page 2

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47		•				1.5			
48	The transcript has	been review	wed wit	h the audio re	ecording submitte	d and it is a	n accura	ite	
49	transcription.				<u>-</u>	**			
50	Signed		. •						

Section 7

Page 1

1 2 3 4 5 6 7 INTERVIEW WITH OFC. KEVIN HACKL 8 Q=Sgt. Anthony Morgan 9 Q1=Det, Jeff Walton 10 A=Ofc. Kevin Hackl 11 12 13 This is Sergeant Anthony Morgan. Ah, today is Friday, October 23, 2015. It's Q: 14 1543 hours. I'm in, ah, Sergeant Morgan's office with, ah, if you could... 15 Detective Jeff Walton. 16 Q1: 17 And? 18 Q: 19 Police Officer Kevin Hackl. 20 A: 21 22 Okay. Um, so we're going to, ah, begin a witness interview of Officer Hackl. Q: 23 So, um, if at any point, as - as we said, if any point you wanna take a break or 24 let us know. 25 26 Understood. A: 27 Um, so can you, ah, tell us your name and serial number? 28 Q: 29 30 Kevin Hackl, last name H-A-C-K-L, Serial 309. A: 31 32 And the date you were hired? Q: 33 34 August, ah, I don't remember the exact day, but August of 2006. A: 35 36 Okay. And how long have you been a police officer? Q: 37 Ah, I'm currently in my 16th year as a police officer. 38 A: 39 40 Okay, and you worked at, or where did you work before? Q: 41 42 Ah, prior to San Leandro Police Department I was with the Twin Cities Police A: 43 Authority, now Central Marin Police. Prior to that I was with the Hayward Police Department and prior to that I was an Alameda County Sheriff's deputy 14 and prior to that I was a reserve police officer with the City of Hayward. 45

INTERVIEW WITH OFC. KEVIN HACKL Interviewer: Sgt. Anthony Morgan 10-23-15/3:43 pm Case # 2015-50010 Page 2

16		
46	0.	TV., 4
47	Q:	Um, during today's, ah, shift what was your call sign?
48	A .	A1. 14 T 7
49	A:	Ah, 14-J-7.
50		
51	Q:	Fourteen, okay. And, ah, were you assigned to a beat or a specific shift or a
52		pac- a specific assignment?
53		
54	A:	Um, my current assignment is I am a school resource officer for the City of
- 55		San Leandro covering the San Leandro Unified School District.
56		
57	Q:	And, ah, what's your normal schedule, your normal work hours?
58		
59	A :	Ah, my current work schedule is Tuesday through Friday, 6:30 am to 4:30 pm.
60		,,,,
61	Q:	Okay, so, um, today was part of your normal work shift?
62	~·	Onay, bo, am, today was part of your normal work smit.
63	A:	Yes, sir.
64	A.	1 63, 311.
65	0.	Olean IIm any medical conditions that might impact your judgment or
	Q:	Okay. Um, any medical conditions that might impact your judgment or
66		physical ability?
57		
68	A:	None.
69		
70	Q:	Okay, ah, last time you slept prior to your shift?
71		
72	A:	Ah, I woke up approximately 5:00 am this morning.
.73		
74	Q:	Okay, and about how long did you sleep?
75		
76	A:	Um, approximately seven hours.
77		
78	Q:	Okay. Um, were you injured at all during this incident?
79		
80	A:	No, sir.
81	2 4.	110, 511.
82	Q:	Okay. Ah, can you describe for us, ah, your, the uniform you were wearing,
83	Q.	um, at the time of the incident?
		um, at the time of the merdener
84	۸.	I was a second at the standard of I halfare it? the Class D was a swife was
85	A :	I was wearing the standard, ah, I believe it's the Class B wool uniform.
86	0	
87	Q:	Okay.
88		
9	A:	Ah, short sleeves, ah, complete with my SLPD shoulder patch on the left
90		shoulder, my San Leandro Police Officer badge on my left chest, complete

INTERVIEW WITH OFC. KEVIN HACKL Interviewer: Sgt. Anthony Morgan 10-23-15/3:43 pm Case # 2015-50010 Page 3

91 92 93			duty belt including my sidearm, Taser, duty radio and I also had a handheld school portable radio on my person.
93 94 95	Q:		Okay. Ah, were you carrying any other firearm?
96 97	A:		Ah, I had my department issued, ah, patrol rifle in the rear of my patrol car.
98	Q:		Okay. Ah, any backup, ah, handgun or anything?
99	Α.		NT- win
100 101	A :		No, sir.
102	Q:		Okay. Um, were fo- did you get photographs taken of you at any time, ah,
103	Ψ.		following the incident or?
104			
105	A:		Yes, sir.
106			
107	Q:		Okay.
108			
109	A:		I was photographed by Officer (Goodman)
110			
111	Q:		Okay.
12			
113	A:		after the incident.
114			
115	Q:		Um, prior to, and we'll get into the actual incident, but prior to it, um, besides
116		•	a radio call or however it was initiated, do you have any prior knowledge of
117		•	this incident or just any background information prior to today on the
118			incident?
119			
120	A:		No.
121			
122	Q:		Okay. Um, lighting conditions and location, can, anything, wa- was it
123			daylight, nighttime?
124			
125	A:		Ah, today's incident? Daylight.
126			
127	Q:		Okay. Um, and, ah, location is, ah, residential, business, um
128			
129	A:		Residential neighborhood and it, as it related to my assignment, it was
130			approximately a half a block away from the ninth grade school campus.
131	_		
132	Q:		Okay. Ah, did, um, and when we get into it, ah, but did you use any force
133		•	prior to, um, the actual, ah, officer involved shooting?
4			
135	A:		Any force today?

136		
137	Q:	Yeah, did you during this incident?
138		
139	A :	No.
140		
141	Q:	Okay. Um, okay, so, ah, now what I'm gonna do is, ah, give you a sketch.
142		Um, this is a sketch that was provided by one of the members of our staff, ah,
143		I, it's likely not to scale.
144	à .	
145	A :	Okay.
146		
147	Q:	Um, it may or may not be factually collect - correct to your recollection. So
148	~ •	what I've done is given you a pen and if you could write your name on it and
149		then as you, um, describe the incident, you can either go along as you describe
150		it and tell us where you were
151		it and ten as whole you were
152	A:	Okay.
153	A.	Okay.
154	0.	or you could tell us what happened and then come back and show us so we
155	Q:	have a - a good understanding of where you were at, so okay?
155 156		nave a - a good understanding of where you were at, so okay:
	Α.	Olyany Anymyleona in mantiavilan tyay yyant may nam a?
57 159	A:	Okay. Anywhere in particular you want my name?
158	<u> </u>	A1
159	Q:	Ah, upper right corner's fine, yeah.
160		O1 A 172 1 4 1 1
161	A:	Okay. And I'm okay to make changes to it?
162	^	
163	Q:	Yes.
164		
165	A:	So this is my patrol car.
166		
167	Q:	Okay.
168		
169	A :	This is a parked grey Jeep.
170		
171	Q:	Okay.
172		
173	A :	That's parked facing west.
174		
175	Q:	Okay.
176		
177	A:	This is the house directly east of the suspect's or the - the victim's house,
178		whatever we're calling him.
79		
180	Q:	Okay.

181		
182	A:	And then these are the two involved vehicles that were parked in the
183		driveway. This is the one the suspect was in.
184		
185	/ Q:	Okay.
186		
187	A:	This, based on the drawing, was one of the patrol vehicles that was brought up
188		during the ins- incident.
189		
190	Q:	Okay.
191		
192	A:	And this was another parked vehicle that was, ah, out in front of the residence.
193		<u> </u>
194	Q:	Okay.
195	ζ.	
196	A:	And then this is another parked vehicle that, ah, two of our officers were
197		behind at one point.
198		
199	Q:	Okay. Um, do you mind just labeling, just writing next to it, just so we have
200	٧.	a
າ01		
.52	A:	Mm-hm.
203		
204	Q:	So we can refer to it, however you wanna call it.
205		
206	A:	I'm gonna put my call sign here.
207		
208	Q:	Okay.
209	`	
210	A:	So 14-J-7, that's my vehicle.
211		
212	Q:	Okay.
213	•	
214	A:	This is, um, grey Jeep. And there's actually a pickup truck in this driveway
215		that I actually get behind at one point.
216		
217	Q:	Okay.
218	. 7	
219	A:	Ah, so this is not the correct position for my vehicle.
220		
221	Q:	Okay. Um, and then the, ah, you said the suspect vehicle is in the driveway?
222	-	
223	A:	Yeah, the suspect vehicle is here.
24		
225	Q:	Okay.
	-	-

226		
227	A :	This is another police vehicle that was brought up at a later point.
228		
229	Q:	Okay.
230	. `	
231	A:	And then our guys were behind that one at one point.
232		This their our gays were confine that one at one point.
233	Q:	Okay. Um, so
234	Q.	Okay. Om, se
235	A:	And then just ninth grade campus is over here. That's kind of critical from
236	A.	why I was involved.
		why I was involved.
237		
238	Q:	Okay. Ah, what, so what - what time did you start your shift?
239		
240	A :	My shift started at 6:30 this morning.
241		
242	Q:	Okay, um, and is it, so did you re-responded to the ninth grade campus, you
243		said, you just went about your SRO duties or
244		
245	A:	Um.,.
16		
.7	Q:	school resource officer duties?
248		
0.40	4	C'addition diameter The form the first transfer to the Committee of the Co
249	A:	Six thirty this morning, I'm also the department range master, so I took one of
	A:	Six thirty this morning, I'm also the department range master, so I took one of the officers who wanted to get some practice in into the range this morning.
250	A:	the officers who wanted to get some practice in into the range this morning.
250 251		the officers who wanted to get some practice in into the range this morning.
250 251 252	A: Q:	•
250 251 252 253	Q:	the officers who wanted to get some practice in into the range this morning. Okay.
250 251 252 253 254		the officers who wanted to get some practice in into the range this morning.
250 251 252 253 254 255	Q: A:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30.
250 251 252 253 254 255 256	Q:	the officers who wanted to get some practice in into the range this morning. Okay.
250 251 252 253 254 255 256 257	Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay.
250 251 252 253 254 255 256 257 258	Q: A:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30.
250 251 252 253 254 255 256 257 258 259	Q: A: Q: A:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center.
250 251 252 253 254 255 256 257 258 259 260	Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay.
250 251 252 253 254 255 256 257 258 259 260 261	Q: A: Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay.
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250 251 252 253 254 255 256 257 258 259 260 261 262 263	Q: A: Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30,
250 251 252 253 254 255 256 257 258 259 260 261 262 263 264	Q: A: Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30, somewhere in there, maybe a little after 8:30, 8:45, somewhere after that. And
250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265	Q: A: Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30,
250 251 252 253 254 255 256 257 258 259 260 261 262 263 264	Q: A: Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30, somewhere in there, maybe a little after 8:30, 8:45, somewhere after that. And
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250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266	Q: A: Q: A: A:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30, somewhere in there, maybe a little after 8:30, 8:45, somewhere after that. And then after I cleared that area, I
250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267	Q: A: Q: A: A:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30, somewhere in there, maybe a little after 8:30, 8:45, somewhere after that. And then after I cleared that area, I
250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268	Q: A: Q: A: Q: A: Q:	the officers who wanted to get some practice in into the range this morning. Okay. Um, I finished that at approximately 7:30. Okay. And then proceeded down to the, ah, Palma Plaza shopping center. Okay. Ah, to monitor students in the school safety zone, which is approximately 1000 feet from each school campus. I was there until roughly 8:30, somewhere in there, maybe a little after 8:30, 8:45, somewhere after that. And then after I cleared that area, I So, I'm - I'm sorry, I just

271 272	Q:	realized that the my, you know my phone's not - it's not recording it.
273 274	A:	It's okay.
275	Q:	It's just sitting there, I didn't want you to think it was
276 277	A:	That's okay.
278 279	Q:	connected, so you won't
280 281	A:	No, no problem at all.
282 283	Q:	Okay, so yeah.
284 285 286	A:	Um, so after I finished that security check, um, I was making my way to the main campus.
287 288	Q:	Okay.
289 290 291	A:	And I had to use the restroom, so I started heading, ah, northbound on Bancroft to head back towards the station and this call came out.
.92 293 294	Q:	Okay.
295 296	A:	At which point I decided to turn around and come back
297 298	Q:	Okay.
299 300 301	A:	because of its close proximity to the ninth grade campus, knowing that there were units responding to this call and hearing that it was developing.
302 303	Q:	Okay.
304 305	A:	And the seriousness of it, I felt that I should come and assist.
306 307 308 309	Q:	Okay. So, um, can you, ah, basically just from either, you know, from beginning to end or A to Z, um, aside from your normal duties when this specific call we're talking about, can you just, ah, tell us what happened?
310 311 312 313 4 315	A:	Okay, um, I start hearing, ah, bits and pieces of radio traffic that the dispatchers had a, I believe a female on the phone that said that her father was at the home, he was distraught, upset and was talking about possibly killing himself with a firearm. Ah, units were starting to respond, ah, Sergeant (Sellers) was getting on the radio and asking questions. Other officers were responding asking questions, um, I didn't say anything and just started turning

360

around from where I was at and started coming. And as I started, headed back towards the high school campus and making my way south on Bancroft, I got on my handheld school radio and I, um, basically told the on duty, ah, campus supervisors to get in contact with the freshman campus and so that the main campus could hear me as well, to not allow any students to traverse back and forth between the two campuses because the students are literally a block away from each other and since this incident was a half a block from the ninth grade campus I said, "We need to halt all student movement until further notice because of a police activity on 137th." At which point, the vice principals responded back, "We got that, do you want us to lock down?" "No, I don't need you to lock down, I just need you to limit, um, restrict movement until you hear back from me." They said, "Well, what's the ETA?" I said, "Right now, I can only give you 15 to 30 minutes, it may be longer, but just wait until you hear from me." They all said they understood and then their radio traffic continued and they started making their arrangements. As I got closer to the scene I could hear that Sergeant Corti was on scene, Sergeant (Sellers), I believe was close to on scene if not already on scene, actually, he was, and then I hear him say, "Unit that's at 136th, take that." And what he meant was, ah, Sergeant Corti was requesting a unit mid-block from the opposite direction. Um, so basically approaching from this side, ah, Wake to come westbound on 136th, so I answered up for it and said I'd take it. I came around, once I made my way on, I wasn't sure what my role was expected at that point, but I, it was clear to me that they wanted an officer to approach from that direction so I killed my lights and, ah, my overhead emergency lights and I started coming, ah, westbound. As I was coming westbound, Sergeant Corti was in this position over here behind, ah, a vehicle with Officer Ying and they were on the south side of the street and I heard him say there's a grey Jeep on your right hand side as you approach. And he said, "Our - our subject is inside a Mazda," and he said a four door, I think, and, um, he said, "I need you to come up and position your vehicle near there." So I did and then I canted my vehicle off to the left to keep my engine block because there was a mention of a firearm, to keep my engine block between me and the, um. vehicle that was parked in the driveway. So I did that, I got out of my vehicle and Sergeant Corti was dir- and I were exchanging radio traffic back and forth. I wanted clarification on who I was gonna be speaking to and then I was directed to start trying to get him to come out of the vehicle 'cause they had eyes on him. I didn't have eyes on him at first when I got there because since his vehicle was parked in the driveway and the two rear, ah, windows were tinted and the back window was tinted, I couldn't see from my angle, ah, clear movement inside. But they said he was in there, so I believed them. So I started to, um, use the subject's name and start telling him hey, this is Officer Hackl with the San Leandro Police Department, we're here to help you, I need you to step out of the vehicle with your hands up, we need you to come out and talk to us. So I tried that at least three times, um, with no luck. And as the situation started to develop and more information and radio traffic's going

INTERVIEW WITH OFC, KEVIN HACKL Interviewer: Sgt. Anthony Morgan 10-23-15/3:43 pm Case # 2015-50010 Page 9

back and forth, um, I heard what sounded like a shot be fired either from or in the vehicle. And my mindset at that point was this guy actually shot himself. I did not know if he had shot out or if he, it was a self-inflicted gunshot, but it clearly did not come from any of our folks, it was inside that vehicle.

Okay.

That being said, I repositioned myself from behind my engine compartment, moved over to the rear of my patrol vehicle to give myself a little bit more reaction time and keep myself in a position where I can see the vehicle still. But I had two options for cover at that point. And then I held there and I continued to try and talk, try and encourage him to come out, tell him we, put the gun down, we want you to come out, we're here to help you and Sergeant Corti said that he was going to - he was asking for more units to come up, more resources started arriving and then some officers were sent over to be with me 'cause nobody was with me at that point, I was by myself. Officer Fletcher, Detective Cesaretti and one other officer, I believe, ah, Officer Fletcher's trainee, ah, Salazar.

Mm-hm.

Ah, came over with me. And Officer Fletcher went into my patrol car, removed my shotgun from the rack, pulled the shotgun out, came around and took a position behind this grey Jeep. Detective Cesaretti was with him and Officer Salazar was, um, on top of one of the vehicles also looking down. So we had two handguns present and a shotgun present, my patrol rifle was in the back of my patrol car because it does not fit in the rack. So they said, "Hey, do you have your rifle?" I said, "Yeah, if you guys cover me, I'll grab it." So I holstered my pistol, went to my, ah, trunk of my patrol car and deployed my patrol rifle. I put the magazine inside the mag well, chambered a round and then I relieved Officer Fletcher because of the distance between the grey Jeep and the, um, suspect's vehicle. Ah, it was in a better position if I got here, which gave me a better vantage point, and we moved Officer Fletcher back to my patrol car, so he and I traded positions. Once I got to this position here, um, a short time later, um, they were still trying to - we were still trying to communicate with the subject and, ah, gunfire. Ah, gunfire came out of the vehicle and from across the street. But prior to that gunfire, we saw at the suspect's left rear driver's side door opened and from my vantage point when I was right here, I saw the, um, suspect's arm start to come out and he had what appeared at the time to be a black revolver. And the revolver was coming out, it was not up in the air, it was in the general direction of the police officers that were across the street who were out of my line of sight. which was Sergeant Corti and Officer Ying. So from that position, I was not in a position to shoot because I still had the backdrop of the residence, the house had not been cleared, I had no idea if there was anybody else inside that

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house and I did not wanna shoot with innocent bystanders in my line of sight or in my backdrop. So like I said, when the gun came out, um, shots were fired and I can't say for sure whether the shots started from here or there but I definitely saw a gun and then there was, ah, gunshots afterwards and I counted approximately three to four shots fired and they were close together and I can't say exactly, you know, what the timeframe was or whatnot, but they were close together. Um, heard what sounded like, ah, glass shatter. Um, the suspect went down out of my line of sight and a short time thereafter I repositioned myself from here to the pickup truck in the next door neighbor's yard, ah, so that I had a better line of sight and a better backdrop. And my better backdrop was the vehicle here and a brick wall that was protruding from the neighbor's, or I'm sorry, not a brick wall, a stucco wall that was protruding from the house just west. I gave some radio traffic back and forth to the officers over here and I believe at that point Sergeant Corti and, ah, Officer Ying were joined by Sergeant Young, ah, and I'm telling them, hey, I - I've got a good vantage point, I can actually see into the car now. And the suspect was down, and by down, I mean, he was out of my line of sight but he was still inside the vehicle. I was overhearing radio traffic from the officers over here that they were saying he was in between the two vehicles and from my vantage point he was not out of the vehicle. He looked like he was still in it but that door was still open, the, ah, driver's side rear door. Short time later after that I was updating, there's no movement. Detective Cesaretti was here behind the grey Jeep. He and I were communicating back and forth with each other, um, verbally. Um, and at one point I got on the radio when I saw the black revolver down on the ground outside the vehicle. I relayed that information to the officers across the street via two-way radio. Um, I don't remember off the top of my head how it transpired after that, but the commands were continuing. I can't tell you who, I know Sergeant Corti took over a significant amount of the commands after the shots were fired and at one point the suspect actually came out of the vehicle onto the ground and his head was facing the street. His hands were extended up over his head and I believe his right side was wrapped in a soft cast, so like his right arm and hand was partially wrapped in what looked like a soft cast or that bandage, ah, Ace bandage material. So he was moving, um, he had a white t-shirt on, dark colored jeans and Detective Cesaretti had made comments that, ah, it appeared he was shot in the back. And when he was laying on his back he started to move around and that was when I could see blood on - on the back of his shirt. Detective Cesaretti, Sergeant Corti trading off on commands, directed, um, the suspect to start moving out towards the street. I was relaying to them that he's still close to the gun, by the time he was laying in between the two vehicles when he came out of the vehicle he was still within arm's reach of the firearm that came out. We didn't know if he was still armed, we didn't know if there were other people in the house, so the thought process was to keep him moving away from the vehicle and get him further away from the house and from that gun that was in between the two. So they continued to give him

451 verbal commands, he's slow to respond but he starts responding. He's push-452 using his legs to push him out and at one point he used his legs and turned his 453 whole body 180 degrees to where his feet are now facing out towards the 454 street, arms are still back, they're still telling him to keep his hands above his 455 head and, um, as they tell him to keep going, keep moving, the suspect starts 456 to roll over to his left and he starts doing rolls to get out closer to the street. A 457 short time after that he gets closer to the sidewalk area, ah, they're putting a 458 team together, if that's if short time later this patrol vehicle comes into play, 459 which ends up being one of the police utility vehicles. That vehicle ends up getting brought up, um, they put a, um, an arrest team together to come up this 460 461 way and if I haven't already mentioned so, ah, they already had medical 462 staged. And I believe they were close distance away, they were not 137th but they were close by. Um. the officers move up to this position. Um. Officer 463 464 Fletcher and his partner are holding down on the - on the, um, vehicle. I'm 465 holding down on the suspect with Detective Cesaretti. The officers, ah, that are part of the arrest team move up and as they move up to that point, part of 466 that arrest team breaks off, goes to the vehicle. Detective Cesaretti and I move 467 from our position of cover by the grey Jeep and as they're moving up on the 468 vehicle we're moving up towards the house. I'm covering down on the house 469 470 with Detective Cesaretti, the other officers come up, extract the suspect out. 71 Medical comes in a short time later, we put a, um, search team together for the . 2 residence and then once we have our team together, we go in and we clear the 473 residence room by room. Once the residence was cleared, we end up going 474 back and we do a secondary clearance and then after we clear it a second time, 475 ah, their dog got out through the front door, it was, ah, like a yellow lab or a 476 golden retriever, friendly. Um, we ended up gathering the dog back up and 477 putting the dog back outside. And then, ah, Sergeant Young kind of tasked me 478 with making sure we finished that secondary clearance, making sure the dog was secure and then I announced when the officers were coming out and the 479 480 search was complete. 481 482 Q: Okay. 483 484 After that, I came back out and by that time, you were there. A: 485 486 Okay. Q: 487 488 A: And you guys were already starting to talk to people. 489 490 Okay. Um, and then after, um, I showed up and additional officers showed up Q: what - what did you do next? 491 492 493 Ah, Sergeant Young gathered us all up, got us e- essentially sequestered, A: 4 determined who was, ah, witnesses to the incident, um, and then we were, um,

advised that we were gonna go back to the police station. Um, before going

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496 497 498 499 500 501 502 503 504 505 506 507			back to the police station I made contact with, ah, one of the school principals from San Leandro High and one of the vice principals of, um, the ninth grade campus, told them that our situation was stable, that they, we'd - I did not want students traversing back and forth on Bancroft of making any efforts to come up 137th. I told them that I was already in contact with my partner, Officer (Watson), who was on his day off. Officer (Watson) was then, ah, fielding phone calls from the school district office and I instructed principal for the, um, main campus and the minth grade campus to let all of his staff know that this is not a school related incident, everybody's fine, we just need to make sure nobody comes and interferes with the police activity. They said they understood, that was fine. Then I got in, ah, Sergeant Young's vehicle and he drove us back to the police station
508			
509	Q:		Okay.
510			
511	A:		where we awaited, ah, debrief and giving our statements.
512			
513	Q:	* .	Okay. Um, have - have you discussed this incident or details of the incident
514	. *		with anyone or?
515	*		
16	A:		No.
.7			
518 519 520	Q:		Okay. Um, have you had an opportunity, ah, you said your - your, I heard you mention your personal video recording device, have you had an opportunity to view it?
521			
522 523	A:		I did look it over.
524	Q:		Okay.
525	Q.		Okay.
526	A:		With, ah, one of the attorneys present.
527	21.		With, an, one of the attorney's present.
528	Q:		Okay. So, um, thank you, now, um, what I'll do is just, ah, kind of go through
529	χ.		and, um, piece by piece just ask for clarification and just, um, so, ah,
530			Detective Walton and I can kind of further understand it. Um
531			
532	A:		Understood.
533		•	
534	Q:		So, um, what I - when the call was first, um, you said you heard, um, some of
535	ζ.		the details, um, what - what about it or why - why did you pay specific
536			attention to this patrol call?
537			
538	A:		Close proximity to the school.
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540	Q:		Okay.
	ζ.		•

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541		
542	A :	When I heard the address I immediately looked down at my board, saw the
543		initial units that were dispatched and I clicked on, um, the call just to see close
544		proximity. I saw it was between Bancro- the address on 137th was between
545		Bancroft and Wake.
546		
547	Q:	Mm-hm.
548	· • •	
549	A:	And knowing that 137th is directly in front of the ninth grade campus, I felt
550	- 7.	that it was my responsibility to go back and assist and I also felt it was my
551		responsibility to get on the school radio and because there was gonna be some
552		
	27	type of police activity, notify the administrators to keep their students away.
553		01
554	Q:	Okay.
555		
556	A:	And - and limit their ability to get involved.
557		
558	Q:	Okay. Um, so is it, it's safe to say that the proximity to the school had some
559		significance to you?
560		
561	A:	Yes, sir.
2		
563	Q:	Okay. Um
564	⋖.	
565	A:	Major, major significance, that and the mention of a firearm and a distraught
566	Α.	
and the second pre-		person.
567	<u> </u>	Olema II.m. I has and all many social that more it all the all the second and at an all the second and at an all the second and at an all the second and at a
568	Q:	Okay. Um, I heard, ah, you said that medical, ah, had been staged, what - what
569		do you mean by that?
570		
571	A:	Somebody had got on the air, and I don't remember when.
572		
573	Q:	Okay.
574		
575	A:	But somebody had got on the air and requested medical at some point as this
576		situation was unfolding.
577		
578	Q:	Okay.
579	۷.	Oldy!
	۸.	So they had the fire department stage. I can't, I don't remember where.
580	A:	so may had me the department stage. I can i, I don i remember where.
581	<u> </u>	01
582	Q:	Okay.
583		
•	A:	But I know it was close proximity.
ან5		

586 587	Q:	Ah, do you know why somebody would do that?
588 589 590 591	A :	We have a mention of a firearm, you have the mention of a distraught person that's threatening to kill themselves or commit suicide, so as a procedural, um, as a procedural issue, medical was requested to stage so that we can go in and render aid at, once the scene's safe.
592 593 594	Q ;	Um, did, ah - ah, at, did you see right, ah, aid being rendered to anyone at any time?
595 596 597	A:	When I came back outside of the residence
598 599	Q:	Uh-huh.
600 601	A:	after the, um, primary search and the secondary search, ah, there were fire departments, excuse me, there were fire officials on scene.
602 603 604	Q:	Mm-hm.
605 36 37	A:	Um, not too far behind the police utility vehicle, there was an ambulance behind that, ah - ah, fire engine and the suspect had already been loaded.
608 609	Q:	Okay.
610 611 612	A:	So I didn't see the actual rendering of any aid but all of their gear was on the ground where the suspect was moved to.
613 614	Q:	Okay.
615 616	A:	And clearly all the EMS personnel were present.
617 618 619 620	Q:	Okay. Um, and so the - the initial nature of the call, if I understand it right, ah, a distraught male and was there a - he - he was said to have been armed with a firearm? Is that
621 622 623 624	A:	The information that was being relayed was the subject's daughter was calling from another location, ah, she said that her father was distraught and that, um, he was making statements that were either suggesting or specific that he was going to commit suicide.
625 626 627	Q:	Okay.
628 9	A:	And that a fir- and that he had a firearm.
630	Q:	Okay. And when you, um - um, when you first parked, ah, I don't recall, did

631		you - did you see, ah, any additional subjects at the house or?
632 633 634 635 636 637 638	A:	No, when I arrived on scene and I canted my vehicle and I got out, um, the only information I had at the time is that our suspect was inside the, um, Mazda that was parked in the driveway, I believe it was a Mazda. It was parked in the driveway and I did not see anybody else out. So there were no innocent bystanders that I saw, there were no other involved parties that I saw, um, at that time.
639 640	0.	Olean
641	Q:	Okay.
642 643	A:	And again, from my initial vantage point, I couldn't see the suspect in the vehicle, but clearly Sergeant Corti saw him.
644 645 646 647	Q:	Okay. Um, is - is there any reason that, um, or why - why not just, um, walk up and contact him or why not just walk up to talk to him?
648 649 650	A:	Ah, because there was mention of a firearm, because, ah, we were being advised that he was distraught, possibly suicidal, um, our efforts were to try and stabilize the situation and not create any sense of urgency so there was no need to rush in. We were trying to slow things down.
<i>5</i> 2 653	Q:	Okay.
654 655 656	A:	And establish some level of communication with him.
657 658	Q:	Okay. Um, and along - on that, did, ah, did you attempt, you, I heard you say something about attempting to communicate with him.
659 660 661	A:	Yes, Sergeant Corti
662 663	Q:	Ah
664 665 666	A:	directed me, ah, via our two-way radio traffic, ah, to try and talk to him to get him to come
667 668	Q:	Okay.
669 670	A:	out of the car.
671 672	Q:	Okay.
673 4	A:	Ah, which I began doing.
675	Q:	Okay. Um, do you think this is a - a situation we could have walked away

676			from?
677			
678	A:		Not under the circumstances, no.
679			
680	Q:		Okay.
681			
682	A:		And the reason I say that is because we're in a residential neighborhood,
683			we're in close proximity to a school, um, the fact that he was in his car, um,
684			we don't know if he was - had the - had or was intending to go mobile.
685			
686	Q:	*.	Okay.
687	Ψ.		
688	A:		And since there was a possibility that he had a firearm I felt that we had a - a
689	4 4 4		responsibility to the general public and the immediate area, ah, to do
690			everything we can to convince him that we were there to help.
691			everything we can to convince that we were there to help.
692	٥٠		Okay. Um, do - do you know if any, ah, less lethal, ah, munitions or - or, um,
693	Q:		less lethal force options were ever attempted?
694			less lemai force options were ever attempted?
	۸.	-	I do novy lmovy
695	A:		I do now know.
596		•	Olyana Than do soon think in that situation loss bathol forms recorded presented boxes
97	Q:		Okay. Um, do you think in that situation less lethal force would - would have
698			been reasonable?
699	A		TT - 1 - 1 - 1
700	A:		Having it present, my opinion would be yes.
701			
702	Q:		Okay.
703			
704	A:		Because you never know when you, but at the time of my arrival, I can tell
705			you that we had very limited resources in front of this gentleman.
706			
707	Q:		Okay.
708			
709	A:		So we had myself and Sergeant Corti and, ah, Officer Ying upon my arrival.
710			
711	Q:		You, ah, I heard you say that you - you sus- you thought he might have, the
712			suspect fired a shot, so
713			
714	A:		Yes.
715			
716	Q:		Um, how did you know that was or what made you think that was a gunshot?
717	ζ.		, , , , , , , , , , , , , , , , , , ,
718	A:		I've been around guns since I was a young child.
19			2 , 7 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
/20	Q:		Okay.
120	٧٠		- Cimy.

	,		transfer in the contract of th
721			
722	A:	Δh I	'm a firearms instructor, both here at the police department and away
	Π .		
723		rom	the department and I've been exposed to gunfire on multiple occasions
724			
725	Q:	Okay	
726		:	
	Α.		1. TC1/d-/
727	A:		based on my training and experience, ah, I felt that when I heard what
728		soun	ded like a gunshot was in fact a gunshot coming from that
729			
730	Q:	Okay	
	Q.	Okaj	
731		٠,٠	
732	A:	vel	nicle.
733			
734	Q:	With	, um, that information, ah, do you think, um, confronting a suspect who's
	٧.		
735		nrea	a shot, you think it's reasonable to attempt to use less lethal force?
736			
737	A:	Not i	f he's firing at officers or innocent bystanders, no.
738			
739	0.	Olcor	v. Um, why, ah, is there - how, ah, about how long from, um, the officer's
	Q;	-	
740			to, um, him being rendered medical aid do you think? What - what
41		woul	d you estimate that time?
, 42			
743	A:	T T	- I honestly don't know. I - I
	A.	1-1	- I holiestly doll t know. I - I
744			
745	Q:	Oka	y.
746			
747	A:	· · Ic	an tell you it was not immediate.
	11.		air ton you it was not ininioalate.
748	_	0.1	
749	Q:	Oka	у.
750			
751	A:	But	I - I honestly couldn't tell you what timeframe. Um
752	11.	Duc	Thomostry couldn't ton you what amonaine. On
	_		
753	Q:	And	is there a reason it wasn't immediate?
754			
755	A:	Bec	ause there was still potential, ah, threat to officers, ah, the subject may
756			e still had access to other guns including the one that he initially had. Um,
757			there was unknowns inside the residence, we didn't know if there was
758		anyt	oody else there.
759		·	
760	0.	With	en, um, the - the shots were fired by the officers, um, was the suspect still
	Q:		
761		able	to move and mobile afterward?
762			
,			
	A :	Yes	he was able to move but once the shots were fired um, he went down
763	A:		he was able to move but once the shots were fired, um, he went down
⁷ 63 54	A:	and	out of my line of sight and I didn't see any movement for a short period of
763	A:	and	

766			
767	Q:	÷	Okay.
768			
769	A:		And it wasn't until I relocated from the grey Jeep, ah, to the pickup truck
770			before I saw him start to move again.
771			
772	Q:		Okay.
773			
774	A:		And if it's all right, I'd like to use the restroom real quick.
775			
776	Q:		Yeah.
777			
778	A:		Is that okay?
779			
780	Q:		Yeah, we can take a break.
781			
782	A:		I'm back.
783			
784	Q:		Okay. Okay, so, um, when we left off, um, I'd asked if, ah, he was still
785			mobile, um, so, ah, is it safe to say that, ah, after the officers' shots were fired
786		•	that the suspect could have still accessed his firearm?
87		*	
788	A:		Yes.
789		•	
790	Q:		Okay. Um, is, wa- is that a consideration to delay rendering medical aid?
791		1.5	and the state of the state of the state of the state of the state of the state of the state of the state of the
792	A:		Yes.
793			
794	Q:		Okay. Um, when you went into the house did you gu- did you guys contact
795			anyone else or see anyone else?
796			
797	A:		No.
798			
799	Q:		Okay, um, was there anything significant inside the house that, anything
800			remarkable or significant with the house that - that I'm not asking that would
801			help us?
802			· · · · · · · · · · · · · · · · · · ·
803	A:		Nothing that I saw that stood out in my mind.
804			
805	Q:		Okay.
806	٧.		
807	A:		Ah, small house.
८०४	4 3.		a ang waawaa aav wuwi
)9	Q:		Okay.
810	Ų.		Onuy.
010			

811	A:	Ah, a couple of bedrooms, open doors.
812	The second secon	
813	Q:	Okay.
814		
815	A:	Um, obviously the dog in the backyard. But no, nothing that stood out in my
816		mind as we went through. But again, I wasn't there searching, I was
817		conducting a protective sweep and making sure there was nobody hiding or in
818		need of, ah, medical attention or, ah, assistance from police.
819		
820	Q:	Um, the, ah, y- you talked about, ah, seeing blood on his back, ah
821		
822	A:	Yes.
823		
824	Q:	Do you - do you think, would, do you know if he was shot in the back or if he
825		was, or if that was just blood that pooled on his back, do you know?
826		
827	A:	I do not know.
828		
829	Q:	Okay.
830		
९31	A:	Ah, I can tell you that the white t-shirt that he had on, the backside had blood
32		on it.
833		
834	Q:	Okay.
835		
836	A:	A significant amount.
83.7		
838	Q:	Okay. Um, did, when - when you heard the - the initial shot
839		
840	A:	Mm-hm.
841		
842	Q:	from, ah, that you believe was from his vehicle
843		
844	A:	Mm-hm.
845	•	
846	Q:	did, ah, you hear - did anyone relay any information about that on the radio?
847		
848	A:	Ah, I don't remember.
849	_	
850	Q:	Okay.
851		
852	A:	And that, and I don't know if that's auditory exclusion or not.
853	; -	
4	Q:	Okay.
055		

856 857	A:		Um, 'cause I changed my position from behind my engine block to the rear of my, ah, patrol vehicle near the trunk.
858			
859	Q:		Okay.
860	~		
861	A:		Give myself a few more feet distance and to change my vantage point a little
	A.	and the	
862			bit.
863			
864	Q:		Okay.
865			
866	A:		As a displacement
867			
868	Q:		Okay.
869	Ψ.	,	
870	A:		in the event that the subject may have been firing towards us, I don't - I
	A.	•	
871			don't know.
872	_		
873	Q:		Okay, um, the, ah - ah, attempted verbal contact you had with him, what, um,
874			what - what was your intention or what did - what were you saying to him?
875			
ີ 76	A :		My intent was to identify myself, who I was representing and why I was there.
17			Then once that was done, my intent was to get him to exit the vehicle,
878			hopefully without any firearms or - or any intentions to harm anyone or
879			himself. And then to give him verbal commands so that we could, um, safely
880			detain him.
			detain inin.
881	_		
882	Q:		Okay.
883			
884	A:		And conduct our investigation.
885			
886	Q:		Okay. And did he, um, did he engage you in dialogue?
887			
888	A:		He did not.
	Д.		116 did fiot.
889	0		01 1111 1 1 11
890	Q:		Okay, did he, ah, comply with your commands?
891			
892	A:		He did not.
893			
894	Q:		Okay, um, do you feel the force, ah, used by the officers was reasonable or
895	•		nec- and necessary?
896			nee- and needstary:
	Α.		Donal on man charactions from many residence and interest
897	A :		Based on my observations from my vantage point, yes.
१98			
19	Q:		Okay. Um, what, ah, do- do you believe it was within, ah, departmental
900			policy?

901			
902	A:		Yes.
903			
904	Q:		Okay. Um, did the suspect do anything prior to the, um, officer involved
905	`		shooting, ah, that led you to believe he was going to comply?
906			site of the first team of the second of the
907	A:		Comply with our, ah, directions to get out of the vehicle?
	Δ.		Compry with our, an, directions to get out of the venicle?
908			
909	Q:	• *	Or - or, um, surrender, I should say.
910			
911	A:		Ah, other than the door opening, no, because, ah, my understanding is that
912			when the door opened, ah, some radio traffic came out that the door was
913			opening and then after that I don't remember what else was said, um, but what
914			was emerging from that vehicle was a gun in his hand.
915			
916	Q:		Okay.
917	٧.		Ondy.
918	A:		And that, in my opinion, from my vantage point, that was not the directions
919	л.		
			that were being given.
920	_		
^? <u>1</u>	Q:		Okay.
.2			
923	A:		The directions that were being given was put the gun down, step out.
924			
925	Q:		Um, when you saw the gun in his hand, um, you said it was pointed in the
926			direction of, I believe you said the officers across
927			
928	A:		The officers that were on the south side of the street.
929			
930	Q:		And what was, ah, going through your mind at that time?
931	٧.		Tille Wilde Was, all, going through your mille at that tille.
932	A:		That he might shoot.
	A.		That he might shoot.
933	Ο.		01 1:61 4:1 11 4: :: 6:
934	Q:		Okay, and if he did, um, okay, and, um, what about that is significant?
935			
936	A :		Rephrase your question or help me understand
937		•	
938	Q:		Okay.
939			
940	A:	•	what your question is.
941			
942	Q:		Um, w- what about him possibly shooting is significant?
943	Κ.		Table Table
4	A:		Well, with him coming out of the car with the gun in his hand and not
	<i>[</i> 1.		
945			adhering to our commands to drop the gun or leave the gun, put the gun down

946 947	,	r .	and get out, coming out with the barrel pointed out and it - it wasn't pointed straight up in the air.
948	* *		bridgitt up in the til.
949	Q:		Okay.
950	Q.		Okay.
	A -		Tr
951	A:		It was pointed at an angle as such as it was directed towards Sergeant Corti
952	•		and Officer Ying. And again, the only reason I didn't shoot in his direction is
953		Nova	because my backdrop was not good and there was unknowns in that house and
954			I - I'm not comfortable with taking a shot, um, having there being unknowns,
955			not knowing if there's, you know, innocent bystanders in my line of fire
956			'cause as you know, I need to know my backstop and I need to know what's
957			beyond it. And if it's an unknown as to what's beyond it, it's not safe. And at
958			the time, they had a different vantage point than I did.
959			
960	Q:	•	Do - do you think, ah, the suspect being armed with a gun pointed at the
961			officers put them in, um
962			
963	A:		It presented an officer safety risk, yes, sir.
964			
965	Q:		Okay, did - do you think a gunshot from a suspect could cause death or great
256			bodily injury to officers or the public?
7			The state of the property of t
968	A:		Yes, sir, it could.
969			2 00, 022, 27 00 020
970	Q:		Okay.
971	٧.		GRay.
972	A:		Yeah.
973	11.		1 cmi.
974	Q:		Um, do you, okay. Um, do you think there's anything else the officers on
975	Q.		scene could have - could have done or is there anything else that we need to
976			know?
970 977			Allow!
			Not that most that I am think of and associative association at the fact that the
978	A:		Not that - not that I can think of and especially considering the fact that the,
979			ah, situation was evolving right there in front of us. That's - that's one of the
980			biggest things. I mean, I, you know, I know from experience that situations
981	•		can evolve even though we're trying to slow it down, the suspect is kind of
982			dictating our actions and our reaction. Um, and, you know, at least from my
983			vantage point, we were doing everything we could to slow it down and
984			reassure him that we were there to help and his actions changed that for us.
985			
986	Q:		And, um, having the medical, ah, come to, um, render aid to him, what's the
987			intention of that?
988			
•	A:		To try and increase his survivability, increase, um, the ability to render aid
990			faster

991			
992	0.		Okay.
993	Q:		Okay.
994	A:		versus delayed medical aid.
995	А.		versus delayed intedical aid.
995 996	O	•	Olzotz
990 997	Q:		Okay.
997 998	Λ.	*	So by having them staged reasons having them was and from the fire station
999	A:	:	So by having them staged versus having them respond from the fire station,
1000			we've cut the response time down.
1000	0.		Olean
	Q:		Okay.
1002	Α.		And
1003	A:		And we've increase our ability to go in and render any aid, not only to the
1004			suspect, but to any officers if they would have been hit.
1005			Ol D 1 'C 1 'C' 1 'C' 1 'C' 1 'C' 1 'C' 1 'C' 1 'C' 1 'C' 1 'C' 1 'C'
1006	Q:		Okay. Do you know if any, ah, officers or, ah, citizens a- aside from the
1007			suspect were injured during this?
1008			m 1 1 1 C 1 1 1
1009	A:		To the best of my knowledge, no.
1010	0.		01
1011	Q:		Okay.
1012	A .		
1013	A:		No one else was injured.
1014	0.		75
1015	Q:		Do you know what happened with the suspect after he was, ah, loaded I
1016	• • • • • • • • • • • • • • • • • • • •	: .	believe on a, was it a gurney or an ambulance?
1017	A .		T1
1018	A:		I have no idea what he was loaded on, but I know that, ah, he was driven away
1019			in an ambulance.
1020	0		01
1021	Q:		Okay.
1022			T 1 N 1 (1 1 1
1023	A:		I don't know anything else.
1024	0.		
1025	Q:		Okay. Um, off- ah, Detective Walton, any questions?
1026	01		A1 12 (Cd A1 d 1) 7 1
1027	Q1:	•	Ah, no, you hit most of them. Ah, the only two I was gonna ask were, um,
1028			where were you when the call came out?
1029			
1030	A :		Northbound Bancroft Avenue from the high school.
1031		•	
1032	Q1:		Okay.
1033			
1	A:		Ah, approximately
1035			

INTERVIEW WITH OFC. KEVIN HACKL Interviewer: Sgt. Anthony Morgan 10-23-15/3:43 pm Case # 2015-50010

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1036	Q1:	So just passing it?
1037		
1038	A:	I made it as far as, ah, Bancroft and just about Estudillo.
1039		
1040	Q1:	Okay.
1041		
1042	A :	And then I turned around and came back.
1043	4 1.	This that I turned around that came blok.
1043	01.	Okay. And, ah, when you came back, correct me if I'm wrong, but you made
	Q1:	
1045	1.2	the eastbound turn onto 136th to Wake?
1046		
1047	A:	Southbound Bancroft.
1048	*.	
1049	Q1:	Mm-hm.
1050		
1051	A:	East on 136, south on Wake and then west on 137 and I slowly drove in until,
1052		um, Sergeant Corti gave me directions over the radio on where I needed to be.
1053		
1054	Q1:	Okay, um, and then in, ah, your own estimation, how long from the time that
1055	(you arrived on scene 'til say the time that you came out of the house? What,
1056		how many minutes was that?
57	* '	now many minutes was that:
1058	A:	If I'm avaging?
	A.	If I'm guessing?
1059	01	
1060	Q1:	Just an estimation, yeah.
1061		
1062	A :	Um, 10, 15 minutes, tops.
1063		
1064	Q1:	Okay.
1065		
1066	A :	Tops.
1067		
1068	Q1:	Um, Sergeant Morgan might have asked, but when you engaged the suspect
1069	C	verbally did he ever respond and say anything?
1070		verbally and no ever respond and say any anning.
1071	A:	He never responded to me verbally and to the best of my knowledge he never
	Δ.	responded to any of my commands.
1072		responded to any of my commands.
1073	01	
1074	Q1:	Okay, did you hear him say anything throughout the entire incident?
1075	_	
1076	A:	I did not.
1077		
1078	Q1:	That was all I had.
. 3	=	
1000	Q:	Ah, do you have anything you'd like to add?
	-	

INTERVIEW WITH OFC. KEVIN HACKL Interviewer: Sgt. Anthony Morgan 10-23-15/3:43 pm Case # 2015-50010 Page 25

1081					
1082	A:	Um, no.			
1083					
1084	Q:	Okay, it is, ah, 1630, al	n, and that concludes o	our interview.	
1085					
1086					
1087	The transcript ha	s been reviewed with the	audio recording subm	nitted and it is an a	ccurate
1088	transcription.				
1089	Signed				

Section 8

1		
2		
3		
4		
5		
6		
7	• .	INTERVIEW WITH OFC. MARCO BECERRA
8		Q=Det. Mike Benz
9		Q1=Det. Shane Nelson
10		A=Ofc. Marco Bacerra
11		
12	•	
13 14 15 16	Q:	Okay. Today's date is, uh, October 23, 2015. It's about, uh, 1545 hours. We are in the San Leandro Police classroom. Uh, this is Detective Mike Benz. I'm with Detective Shane Nelson and Marco Bacerra. Is that correct?
17	A:	Yeah.
18	FX.	i can.
19 20 21	Q:	Um, this is regarding Case 2015-50010. Um, this is, uh, just kind of a interview of what happened. Uh, first can you state your first and last name and serial
2 ∠3		
	A:	Mar- Marco Bacerra.
24		
25	Q:	And
26		
~ 27	A:	Serial 355.
28		
29	Q:	Thank you. And what was your date of hire for you here at San Leandro PD?
30		
31	A:	July 7, 2014.
32		
33	Q:	7-7-14.
34		
35	A:	If I remember correctly.
36		
37	Q:	No it's all 7's, I'm just saying 7-7.
38		
39	A:	Oh that's right, yeah.
40		
41	Q:	Got (unintelligible) those things. Um, have you had any other law
42		enforcement experience prior?
43		
14	A:	Yes. I worked for the, uh, Contra Costa County Sheriff's Office as a deputy.

	_	
46 47	Q:	Okay. And how long did you work there for?
47 48	A:	Just over a year.
49	A.	sust over a year.
50	Q:	Okay. Anywhere before that?
51		
52	A:	No.
53 54		Olan III1-4-1:0
54 55	Q:	Okay. Uh, what shift are you assigned to right now?
56	A:	3-12, day shift.
57	1.	5 12, aug 3.22.
58	Q:	And then what days are those?
59		
60	A:	Friday through Sunday.
61	Ŏ.	Olvery And wheet one the heaves that was sweeted
62 63	Q:	Okay. And what are the hours that you work?
64	A:	0640 to 1900 hours.
65		
66	Q:	Okay. Um, what was your, uh, call-sign for today or beat responsibilities?
57		
68	A:	I was 2-0-22 in charge of Beat 2.
69 70	0.	Okay. Um, and your normal shift hours is the 0640?
70	Q:	Okay. Oni, and your normal sint nodes is the 0040?
72	A:	0640 to 1900.
73		
74	Q:	All right. Um, do you have any medical conditions that might impact the way
75		you do your job, the way you think or anything like that?
76		NT NT
77 78	A:	No.
79	Q:	Okay. Um, when was the last time you slept?
80	٧.	Oray. Only when was the last time you stept.
81	A:	Last night.
82		
83	Q:	Okay. And how many hours do you think you slept?
84	۸.	A 1
85 86	A:	About six.
87	Q:	Okay. Um, did you receive any injuries during today's incident?
88	ν.	one, one for tool to mily injected assume water of indicate.
9	A:	No.
0ريد		

91 92	Q:	No. Okay. Um, all right. Uh, tell me, uh, what type of uniform were you wearing today?
93 94 95	A:	I was wearing the full outer-carrier uniform. I guess that would be Class B.
96 97	Q:	I have no idea what they
98 99	A:	I'm not sure what class it is but it's a full uniform.
100 101	Q:	I don't - okay. So, uh, outer-carrier vest, what is that? Explain it to me.
102 103 104 105	A:	It's - it's the same as a, uh, regular duty uniform except for carrying everything on the waist you carry, um, some of your items on the, uh, on the vest itself.
106 107 108	Q:	Okay. So, um, an example would be, uh, on this vest it's - it's exterior, correct? It's on the outside of the uniform?
108 109 110	A:	Yes.
111	Q:	And it has a badge on it, correct?
113 114	A:	It does.
115 116 117	Q:	Okay. And - and then what do - you carry on your vest is - what do you carry on it? What's
118 119	A:	Magazines, baton, handcuffs.
120 121	Q:	Okay. Uh, radio?
122 123	A: 4	Radio.
124 125	Q:	Okay. It just takes the weight off your hips and all that, right?
126 127	A :	Yes.
128 129	Q:	Cool. Um, pants are normal color?
130 131	A:	Pants are normal.
132 133	Q:	Okay. Boots are the same?
`4 :5	A:	Yes.

136	Q:	Just - okay. Um, were photos taken of you at all in uniform?
137		
138	A:	Yes.
139		
140	Q:	Okay. So we have that. Perfect. Um, were you carrying any other firearms
141		other than your duty issued firearm?
142		ontor than your daty issued intention.
143	۸.	My rifle.
	A:	My Title.
144		
145	Q:	Your rifle. And, uh, your rifle, is that your personal rifle or is that the
146		Department issued
147		
148	A:	Department issued rifle.
149		
150	Q:	Okay. Issued to you or issued to the vehicle that you're in?
151		
152	A:	Issued to me.
153	11.	ibbaca to me.
154	Q:	Okay. Um, and you had that during the incident?
155	Q.	Okay. Om, and you had that during the moldent:
	A .	V
156	A:	Yes.
57		
158	Q:	Okay. And what kind of weapon wa- (unintelligible) what kind of rifle was it?
159		Do you know?
160		
161	A:	AR-15 I believe.
162		
163	Q:	Okay. Do you know what kind of caliber it contains or shoots?
164		
165	A:	223.
166		
167	Q:	Uh, can, um, your duty guns, .40 cal?
168	Ψ.	on, our, one, your daily gains, 110 our.
169	· A:	40 cal.
	A.	40 Cai.
170	•	01 777 11 1 0 1 10
171	Q:	Okay. What kind of gun is it?
172		
173	A:	A Glock.
174		
175	Q:	Okay. Do you know what Glock it is?
176		
177	A:	Twenty- 22.
178	•	
79	Q:	All right. Um, location of, uh, the incident today, do you know where it was
ر ن	٧٠	at?
30		uc:

181			
182	A:		something on 137th Ave.
183			
184	Q:		Okay. Do you know the streets in between by chance?
185	٧.		Okay. Do you know the breets in octwood by chance.
186	۸.		Vosh Danger ond Post 14th
	A:		Yeah, Bancroft and East 14th.
187			
188	Q:	1.5	Okay. Um, do you know if the residence at that
189			
190	A:		I'm sorry, it was Bancroft and I think Wake.
191			
192	Q:		Okay. Uh, the residence - do you know if it was on the north side or south side
193	•		of the street?
194			
195	A:		North side of the street.
196	1 1.		Tions side of the buses.
197	٥.		Okay. It was regular residence or an apartment building?
	Q:		Okay. It was regular residence of an apartment building:
198	۸.	•	D1
199	A:		Regular residence.
200	_		
201	Q:		Okay. Um, did the shooting of this incident take place inside the residence or
02			outside the residence?
203	1		
204	A :		Outside.
205			
206	Q:		Okay. And where about outside the residence?
207	7 :	44	
208	A:		In the driveway.
209			——————————————————————————————————————
210	Q:		Okay. Um, at the time of the incident, um, do you remember what the weather
211	Q.		was like?
			was like:
212			C1
213	A:		Clear.
214	_		
215	Q:		Clear. Okay. Was it, um, hot, warm, mild? What - do you remember
216			anything
217			
218	A:		Very mild today and sunny.
219			
220	Q:		Okay. Um, lighting conditions during the incident, um, a lot of shadows, does
221	•		it
222	•		
223	A:		Everything was well lit.
223 24	л.	6	Livery mining was won in.
	Ο.		Example in a ryan ryal 1 lit?
25	Q:		Everything was well lit?

226	4.	
226		77. 1
227	A:	Yeah.
228	. 1	
229	Q:	Perfect. Okay. Um, going into this - to this incident that took place, um, did
230		you have any prior knowledge of the situation before the shooting took place?
231		
232	A:	Only what I was provided by dispatch.
233		
234	Q:	Okay. And what do they provide you with?
235	Q.	Oray. That what do may provide you with.
236	A:	I was initially dispatched to an ascertain the welfare of a, uh, suicidal subject
	Α.	I was initially dispatched to an ascertant the welfare of a, till, surcidal subject
237	^	
238	Q:	Mm-hm.
239		
240	A :	to the address on 137th.
241	2	
242	Q:	Mm-hm.
243		
244	A:	They gave details that, uh, he may be armed with a gun and that there were
245		two people inside - two females. And, uh, the arguments - or what led to him
246		being suicidal was something about, uh, text messages and an argument.
17		being suicidal was something about, an, text messages and an argument.
∠48	0.	Okay. And prior to that did you speak to any other officers on the radio about
	Q:	
249		what was going on or this - you just responding?
250		
251	A :	Uh, I didn't talk to - directly to any officers but, um, some officers had
252		questions like how many people are inside and
253		
254	Q:	Okay. That - was that
255		
256	A:	things of that nature.
257		
258	Q:	Were the answers the same things provided by dispatch like
259	ν.	The state of the s
260	A:	Yes.
	Α.,	1 65.
261		4 4 6 1 11 11 11 11
262	Q:	the two females were inside with the person and
263		
264	A:	Yes.
265		
266	Q:	Okay. So nothing they were asking wasn't any different than what was
267	-	already provided.
268		
2 50	A:	Exactly.
Ó	4 2.	without,
~ U		

271 272	Q:	Okay. Um, let's see, where am I at now? Uh, were there any other means of force left by the officers before the use of deadly force?
273		
274 275	A:	Any other means left?
276 277 278	Q:	Yeah like - like did they exhaust all measures before going to it or did they just jump into the shooting or was it - you know what I mean?
279	A:	Yeah.
280 281 282	Q:	Is - is that question clear?
283 284	A:	Yeah. Um
285 286	Q:	Okay. (Unintelligible) clear with that.
287 288 289 290	A:	I mean technically we could've tried pepper-spraying him from 50 yards away but that would not have been effective. So theoretically like all of our use of forces were, you know
291	Q:	Okay.
2 ∠93 294 295 296 297	A:	But, uh, as far as practical measures, uh, we used our commands. I clearly heard the officers on scene giving verbal commands. Um, I think there was a, um, yeah we used as many verbal commands as we could and all the practical measures were - were attempted.
298 299	Q:	Okay. So there's nothing left but deadly force.
300 301	A:	Nothing left, yeah.
302 303	Q:	There's nothing they could've done.
304 305	A:	Yeah.
306 307	Q:	Okay. Um, could they have stopped this person or his threat by any other means?
308 309 310	A:	Not to my knowledge.
311 312	Q:	Okay. Um, was the force they used, um, reasonable and necessary?
313	A:	Absolutely.
<u>_</u> 5	Q:	Um, when this unfolded, um, what were you thinking when you were there?

316		Like what were you - I don't know where you were on
317		
318	A:	Yeah.
319		
320	Q:	the scene but whereabouts were you? I'm sorry.
321	ζ.	
322	A:	Uh, well I mean I was in we'll call it three different locations
323		
324	Q:	Okay.
325	Q.	Okuy.
326	A:	at the time of the incident. Um, how I felt at each one it was pretty much the
327	A .	
		same. Um, would you want to clarify where?
328	<u> </u>	X7 -1 XX71 1 1 - C 0
329	Q:	Yeah. Where - where were you the first - the first scene?
330		
331	A :	So initially I arrived on scene and, uh, I asked dispatch to tell the two females
332		to exit the house and come to the Bancroft side of the street.
333		
334	Q:	Mm-hm.
335		
336	A:	So, uh, dispatch told me that the two females were standing in front of the
∤7 _		house and they were afraid to leave him. So, uh, myself, Corti and Ying
338		approached the females and I - I waved them over when we got close to them,
339		you know, to come to us because he was armed with a handgun at the time.
340		
341	Q:	Mm-hm.
342	.~	
343	A:	So of course, you know, I'm afraid for my safety, I'm afraid for the females
344		· · · · · · · · · · · · · · · · · · ·
345	Q:	Oh yeah.
346	٧.	
347	A:	safety so we want to get them out of there. So I mean basically the whole
348	2 3.	time, you know - you know, afraid of anybody getting hurt
349		time, you know - you know, and or any oody gotting natu
350	0.	Okay.
	Q:	Okay.
351	۸.	1 41
352	A:	by the subject with the gun.
353	0	
354	Q:	Okay. Um, all three - the two females and the suspect, they were both outside
355		- all three were outside the house when you got there?
356		
357	A:	Uh, no. When we approached the only thing you could see were the two
358		females standing in front of the house.
.9		
JU0	Q:	Okay.
358 '9		females standing in front of the house.

361			
362	A:		And they were on the phone with Dispatch.
363			
364	Q:		Okay. And when you told them to come over they came over to you guys?
365			
366	A:		Yes.
367		2	
368	Q:		Okay. Um, but your mindset during the entire time, even when the officers
369			fired was the same thing, was this guy was - you're - I mean you're afraid for
370		**	your safety and you're afraid for your
371			
372	A:		I mean at the time based on the details we had and how hysterical the females
373		**	were
374			
375	Q:	•	Mm-hm.
376			
377	A:		obviously the threat was imminent, you know.
37.8			
379	Q:		Okay.
380			
381	A:		We were so close to it.
32 ·		•	
383	Q:		Okay. And I think you kind of probably already answer this but it was pretty
384			much reasonable for an officer to perceive that threat and that type of danger
385			as being
386			and the control of th
387	A:		Yes.
388	•		1'0-1
389	Q:		life threatening?
390	۸.		Mart Jafritaly Wook
391	A:		Most definitely. Yeah.
392	Ο.		Observition do year lengue if this shooting rejulated Dangeten and maligreet all?
393	Q:		Okay. Um, do you know if this shooting violated Department policy at all?
394	۸.		No
395 396	A:		No.
397	٥.		Okay. Is there anything you think of, uh, before we kind of start talking about
398	Q:	•	everything else, um, that we need to know that we didn't ask?
399	. /		everything cise, uni, that we need to know that we didn't ask:
400	A:		Uh, no. If it comes to me at a later time we'll go over it.
400	л.		on, no. if it comes to me at a fator time we if go over it.
402	· O:		Perfect. Okay. So I'm gonna bring out a map. I'm gonna show it to you but
402	Q:		it's, uh, it's not to scale
403 14			it 5, an, it 5 not w scale
U5	A:		Yeah.
103	A.		1 can.

406		
407	Q:	just so you know. Obviously this is 137th Ave. This is kind of the north
408	Q.	bound
	200	ooma
409		
410	A:	Mm-hm.
411	_	
412	Q:	vehicles going that way but we kind of look at that as north anyways.
413	wie .	
414	A :	Mm-hm.
415		
416	Q:	Um, just so you have clarification of this map, that's obviously - that's gonna
417		be the address
418		
419	A:	Yep.
420		
421	Q:	um, if that makes sense. We have the two vehicles that are parked in the
422		driveway.
423		
424	A:	Yeah.
425		
426	Q:	Um, this is the other vehicle that's parked in front.
27	٧.	on, this is the other voltage that s parked in hold.
428	A:	Mm-hm.
429		
430	Q:	Uh, this - this is one of the police cars. This is a sketch of as what I saw it
431	Q.	when I was there. Okay?
432		when I was there. Okay!
433	۸.	Yes.
	A:	1 CS.
434	Ο.	Co this is the notice webiste that due we
435	Q:	So this is the police vehicle that drove up.
436	۸.	M. 1
437	A :	Mm-hm.
438		TT 41 1 4 1 1 1 T 1 1 1 1 1 1 1 1 1 1 1
439	Q:	Um, this is another police vehicle I think was blocking the street if I'm not
440		mistaken. Um, and being - but I don't know if that was moved up
441		
442	A:	Is that on the Wake side or
443		
444	Q:	Yeah.
445		
446	A:	Got it - I got it, yeah.
447		
448	Q:	Yeah. So this is - East 14th is over here.
19	-	
-45 0	A:	Got it, yeah.
		· ·

451			
452	Q:		Yeah. So this is - this could've been way after the whole thing. I don't know. I
453	₹.		don't - I don't know why that car was there. Um, and then this is another
454			
	1		vehicle that was parked across the street so
455			선거 가지 한 경기 가는 그 그 사람들은 사람들은 그리고 있다.
456	A :		Yes.
457			
458	Q:	*	That all look
459		*	
460	A:		Yeah.
461			
462	Q:		familiar to you?
463		-	
464	A:		Yeah.
465	21.		1 Can.
	0.		Olean III. as as Cross and IVII since you the new teams are start durantees.
466	Q:		Okay. Um, so go from and I'll give you the pen 'cause you start drawing
467			this whenever you want, um, go from when you got the call to where you
468			went and kind of everything that you did.
469			
470	A:		Okay.
471		•	
12	Q:		You know, just go from where like where you responded from and all that
473			kind of stuff.
474		•	
475	A:		Okay. So, uh, I was the primary unit for the call
476			
477	Q:		Okay.
478	Q.		Okay.
	۸.		and who I loft I was Stanburger with Wing gotting a commat Stanburger I was
479	A:		and, uh, I left - I was Starbucks with Ying getting a - er, not Starbucks. I was
480			at the Marina Square parking lot
481	_		
482	Q:		Mm-hm.
483			
484	A:		next to Starbucks with Ying. I was dispatched primary, he was dispatched
485	-		secondary. Uh, we make our way down to 137th Ave. And as we're in
486		•	route there were being given details that there's, uh, females inside of the
487			residence. He's armed with a gun and, uh, I'm asking dispatch if there's
488		•	history there which I believe there was none. Just, uh, basic questions were
489			asking. Uh, Sergeant (Sellers) responds because he's CIT - he's CIT certified.
490			usking. On, sergeant (seriers) responds because he s orrane s orracination.
	0.		Olray
491	Q:		Okay.
492	•		
493	A:		Uh, Sergeant (Sellers) gets there first and sets up the command post at the
`4			intersection of Bancroft and, uh, 137th.
-35			

496	Q:	Okay.
497		
498	A:	So he's standing by there and, uh, I park my vehicle at the intersection of
499		137th and Bancroft.
500	٠.	
501	Q:	Okay.
502		
503	A:	Uh, Ying gets there immediately after me. Uh, we start setting up and
504	•	Sergeant Corti arrives. Uh, that's when I'm asking, uh, dispatch to tell the two
505	,	females to step outside
506		
507	Q:	Mm-hm.
508		
509	A:	and walk to us. So we're told that the females are standing in front of the
510		house and that they're afraid to leave him because, uh, he may or may not
511		have the gun on him and he's suicidal. And at this point we know that he's
512		suicidal and he's, uh, may or may not be armed with a gun. And, uh, myself,
513		Corti and Ying start making our way to the front of the residence. So we take
514		the north side of the street, just the most direct route
515		
516	Q:	Okay.
17		
518	A :	to the two females
519		
520	Q:	Mm-hm.
521		
522	A:	to extract them 'cause at this point, um, based on the information we have
523		he is a threat to himself and then the two females then.
524	_	
525	Q:	Mm-hm.
526		
527	A:	So we want to extract them and
528	_	
529	Q:	Yeah.
530		
531	A :	get them out of there as soon as possible. So they're standing in the
532		driveway or just - that's north of the driveway - just north of the driveway
533		and, uh
534		
535	Q:	Mm-hm.
536		
537	A:	we stop about half way on the second house
538		
39	Q:	Okay.
40 ک		

541	A:	•	or the house adjacent to it.
542			
543	Q:		Mm-hm.
544			
545	A:		And I start waving them over and, um, they make their way to us.
546	. (**		a course of the course of the transfer of the course of th
547	Q:		They see you, right? They are
548	٧.		11109 500 903, 11511. 11109 610
549	A:		They see us but we don't make it that far where I can see clearly into the
550	71.	•	driveway. I remember
551			driveway. I fornemoci
	0.		(Course viewline
552	Q:		'Cause you're
553			11 1
554	A:		stopping well short of it.
555			
556	Q:		Okay.
557			
558	A:		Um, once the females make their way to me I start, um, escorting them back
559			to the control er, to the CP
560			
561	Q:		Mm-hm.
2			
63د	A:		and, uh, I don't remember what Ying and Corti did, my back was turned to
564			them
565			
566	Q:		Yeah.
567			
568	A:		as I pull them out of there. So we go back to the CP and I'm asking them
569			questions about, you know, how many firearms does he have, are they loaded,
570			um
571			
572	Q:		What do they say?
573	Q.		What do they say.
574	A:		They said I believe it was two firearms he had. They weren't sure where they
575	л.		were at and that, uh, he was upset because he had caught the wife cheating on
576			him via text messages.
577	0		1. Co. 1
578	Q:		Mm-hm.
579			
580	A:		So he was very upset. She was hysterical. She was crying.
581			
582	Q:		The wife?
583			
ີ 4	A:		The wife was very hysterical.
5			

586	Q:		Okay. How old was the dau - the daughter?
587			
588	A :		Uh, the one that was there with me was about 22.
589			
590	Q:		Okay. An adult.
591			
592	A:		An adult.
593			
594	Q:		Okay.
595			
596	A:		Yes.
597			
598	Q:		Okay.
599	•		
600	A:		And she was obviously upset too. Uh, there was a third daughter who wasn't
601		\	there. And so while I'm talking to them getting information, uh, we hear a
602			single gunshot
603	,		
604	Q:	• '	Okay.
605			
606	A:		at this time. And, uh, I believe maybe Corti or Ying had - I believe it was
)7			Corti who had said that he was, uh, sitting in the car at that time.
608			
609	Q:		That the suspect
610			
611	A:	•	The suspect was sitting in the vehicle
612	7,		
613	Q:		Okay.
614	ν.		
615	A:		in the driveway - a - a beige vehicle
616			<u>.</u>
617	Q:		Okay.
618	ζ.		,
619	A:		with tinted windows. And so the single gunshot comes out at that point, um,
620			I kind of hand off the two females to, uh, Detective (Rogers)
621			1 111110 01 1111110 011 1110 1110 1110 101, 111, 2 000011 0 (110 8010)
622	Q:		Mm-hm.
623	٧٠		Trans.
624	A:		who shows up. And I start getting my rifle from the truck for - so I can try
625	л.		provide long cover
626			provide long cover
	0.		Mm-hm.
627	Q:		will-ini.
628	۸.		'annua I'm a I'm accoming that the two other officers Conti and Vincenses
`9	A:		'cause I'm a- I'm assuming that the two other officers Corti and Ying are on
<i>⊸</i> 30			the opposite side of the house just from what I could hear on the radio traffic

631 632		that they're obviously not right in front of the house, next to the
633	0:	And 'cause the last time you saw them they were just right where you were
634	Q:	and that was right on the north side.
635		and that was right on the horth side.
	۸.	Week That were the last time I gave them. The agreeming that they were on the
636	A:	Yeah. That was the last time I saw them. I'm assuming that they were on the
637		other side of the street
638	^	Man Land
639	Q:	Mm-hm.
640	A .	
641	A:	just because, you know, tactically it wouldn't make sense to be right next to
642		the house.
643		
644	Q:	Mm-hm.
645	i	
646	A:	Um, so I hear the single gunshot comes out and they start saying information
647		that he may - you know, it may be a self-inflicted gunshot wound, they're not
648		sure.
649		
650	Q:	Mm-hm.
651		
12	A:	And, uh, I get my rifle and, uh, I hand off the two females to (Rogers) and
653	•	then I start making, uh, an approach to the residence but from the opposite
654		side of the street.
655		
656	Q:	So from the
657		
658	A:	So from the south side of the Control
659	•	
660	Q:	Okay.
661		
662	A:	at the, um, CP
663		
664	Q:	Mm-hm.
665		
666	A:	I start making my way over on the south side of the street
667		
668	Q:	Mm-hm.
669		
670	A:	just bouncing from cover to cover.
671		
672	Q:	Yeah.
673		
4	A:	Ad as I'm bouncing cover to cover that's when I hear another two, uh,
<u>~,</u> 5		gunshots. Something about, um, maybe about half way

676		. 5	
677	Q:		Mm-hm.
678			
679	A:		I hear another two gunshots. And the whole time, you know, you're hearing
680			radio traffic, I can't recollect exactly what was said
681 682	Ο.	•	Yeah.
683	Q:	1.4	
684	A:		but I am hoor. I man algority from the CD I am hoor than giving worked
685	Α.		but I can hear - I mean clearly from the CP I can hear them giving verbal commands and screaming at him.
686			commands and screaming at min.
687	Q:		Okay. So you can hear
688	Q.		Okay. 50 you can near
689	A:		I can clearly hear while I'm running across (unintelligible)
690	, Л.		real clearly hear while I in running across (difficulting fore)
691	Q:		You can hear the officers talking, trying to engage verbally with him?
692	٧.		Tou our near the officers taking, trying to onguge verbarry with min.
693	A:		Yes. The whole time I'm running across to try to get to them
694			Test the whole time I'm thinking develop to dif to get to distinct
695	Q:	1	Mm-hm.
696	ζ.		
)7	A:	•	I can hear the verbal commands and then there's two gunshots as I'm about
698			half way.
699			
700	Q:		Okay.
701			The first of the second of the second of the second of the second of the second of the second of the second of
702	A:		And so once that happens I - I just try to hurry up and get there as soon as I
703			can. And by the time I get to where they're at - which is here with, uh,
704			Sergeant Young, Sergeant Corti and Ying on the, uh, south side of this street
705			by a black car I think it was.
706			
707	Q:		Yeah.
708			
709	A :		Um, they're here and we have another couple officers on the, uh, east side by
710			the parked patrol car. I think there was maybe one or two patrol cars there.
711	_		
712	Q:		Okay.
713	Α.		
714	A:		They're still verbally, you know, engaging him after the two gunshots, you
715			know, giving him clear commands.
716 717	0.		Mm-hm.
717	Q:		171111-11111.
718 .9	A:		And, uh, at that point, um, they can't see him. He's in the vehicle to the right
20	A.		with the tinted windows and the rear door is a- ajar. And the rear door's ajar, I
740			with the times windows and the real door is a- ajai. And the real door 8 ajai, 1

721			can't clearly see into it
722			
723	Q:		Mm-hm.
724 725			
725	A:		from where I was at. I'm sure that the three officers there had a better view
726			than I did.
727			
728	Q:		You were behind them?
729	,		T. 1.1.1.1. 1.0.00, it 11.
730	A:		I was behind them and kind of off to the side
731	<u>.</u>	. :	
732	Q:	* * *	Got it.
733			
734	A :		uh, with my rifle just tryin' to get 'em more cover but from where I was at it
735			was a little harder to see. I'm sure where they were at they could see better
736			than I could.
737	· O.	•	Mars 1
738	Q:	•	Mm-hm.
739 740	A:		And who that naint there is another reships in a driveryour who inst south of
	A.		And, uh, that point there is another vehicle in a driveway, uh, just south of
741 .2			us
743	٥٠		Mm-hm.
743 744	Q:	•	141111-111111.
745	A:		and, uh, Corti makes his way over there. So, uh, he makes his way over
746	A.	· ·	there and he has a better line of sight into the, um
747	+ + + + + + + + + + + + + + + + + + + +		there and he has a vetter fine of sight into the, tim
748	Q:		Got it. Okay.
749	Q.		Got It. Okay.
750	A:		into the driveway, so - from where we were at. So Corti makes his way over
751	11.		there and he's like giving us updates that, you know, he can see him slouched
752		4	over in the back seat, um, couldn't see his hands at the time. I'm not sure what
753			- what - wherever the firearm was at at that time. And, uh, he's giving
754			updates. I make my way across to - to cover him.
755			apament radius my may were so to to the radius
756	Q:		Mm-hm.
757	ζ.		
758	A:		And as I make my way across he puts his hands out so we can clearly see his
759			hands.
760			
761	Q:		Both hands?
762			
763	A:		Both hands. I think one of them had a case on it. And so at that time - then
4			he's, uh, he's starting to obey the commands that Corti was giving out and
~05			somebody else on this side was giving him verbal commands.

766	-		
767	Q:	i	Okay.
768 769	A:		So at that point he started obeying the commands, he sticks his hands out, he
770	Α.	\$	collapses to the - to the driveway and he starts, uh, I guess crawling on his
771		. 1.	back toward us. And so it was a little odd the way he was crawling but
772			
773	Q:		Yeah.
774			
775	A :		uh, he falls out of the vehicle, lands on his back and starts crawling or
776			shimmying his way to us.
777 778	0.		Yeah pushing his legs or something.
779	Q:		rean pushing his legs of something.
780	A:		Exactly, pushing with his legs to us. Uh, once he gets to about - I don't know,
781	-		just on the sidewalk or just off of the sidewalk, uh, myself and Corti make our
782			way back to the rest of the units behind the black car.
783			
784	Q:		Mm-hm.
785			
786	A:		Another officer - we make a tactical plan, another officer, uh, grabs the SUV
7 788			and then, um, we follow the SUV as he pulls in front of - yeah. Exactly yeah.
789			And so, um, the other officer grabs the SUV and pulls, uh, right by
790	Q:		Okay.
791	٧.	100	
792	A:		the suspect.
793			
794	Q:		You just - you're using the vehicle as like cover.
795			
796	A :		Using the vehicle as cover because, uh, he may or may not have another gun
797			on him. We weren't sure at the time
798 799	Q:		Okay.
800	Q.		Okay.
801	A:		and from where I was at kind of behind Corti - er, I may have been in front
802			of Corti, um, I was just looking at him. I co- couldn't remember where the gun
803			was at, you know.
804			
805	Q:		Yeah.
806			
807	A :		So anyway he crawls out, um, from in between the cars, gets to the sidewalk.
808			We make a tactical approach using the SUV as cover. Uh, they detain him
•			while I just keep long cover on the house and just that general area.

811	Q:		Mm-hm.	
812 813	A:		I just - I didn't really look down at any particular area because they were	
814	•		detaining him and I just wanted to keep long cover	
815 816	Q:	ا المراجعة المراجعة ا	Mm-hm.	
817	Q.		Tylin-tilli.	•
818	A:		for the rest of whatever was unknown.	
819 820	Q:		Okay.	
821	ν.		Chay.	
822	A:		So.	
823 824	Q:		All right.	
825 826 827	A:		Yeah.	
828 829	Q:		That pretty much it?	
830 831	A:		Yeah.	
)2 033	Q:		Once he was detained	
834 835	A :		They detained him, we cleared the house. And, uh	
836 837	Q:		Okay.	
838 839	A:	•	I stowed away my rifle in the trunk since I never used it so	
840 841	Q:		Okay. So just kind of going back, the - the gunshots that you heard, the - t first one when you were at the CP you don't know who fired a shot?	he
842			T.1	
843 844	A :		I do not.	
845	Q: .		'Cause you weren't there.	
846	Λ.		I did not and	
847 848	A:		I did not see	
849	Q:		I mean you were down the block, that's what I'm saying	,
850	Λ.		Voch	
851 852	A:		Yeah.	
853	Q:		with - with the	
3	A:		I didn't see it.	

856			
857	Q:		with the, uh, the, uh, wife and the daughter.
858	•		
859	A:		Mm-hm.
860			
861	Q:		And then as you were moving up, um, after you heard a single gunshot you
862	٠.	*	moved up to help and support them.
863		S	
864	A:		Yes.
865			
866	Q:		Um, as you move up you're half way there and you hear like two more shots.
867			
868	A:		Yeah.
869			
870	Q:		Right? Do you know who shot at that point?
871	`		
872	A:		I do not.
873			
874	Q:		Okay. Um, so you don't know if it wa - do you know - do you know if it was -
875			what it sounded like? Did it sound local like I mean - and obviously it was
876			coming from this area but do you know was it coming from the south side of
77	·		the street, north side of the street or
გ 78			
879	A:		I could not determine that.
880			
881	Q:		Okay. And at that point you just had no idea who shot, you don't know if he
882		•	shot again or if
883			
884	A:		Yeah.
885			
886	Q:		our officers fired? Okay. Um, based on what - what you saw, uh, and so
887	٧.		forth did you - did you see any guns anywhere afterwards? Like once you
888			cleared the house and cleared it
889			
890	A:		That- that's the thing. Um, I was just - I was so, um, focused on keeping long
891	11.		cover on the house and the garage and all that stuff that I just didn't look
892			down to where he had initially fallen out of the - out of the vehicle so I just - I
893			didn't really
894			didir t really
	٥٠		Okay. Did you clear the vehicle at all or no?
895 896	Q:		Okay. Did you olear the vehicle at all of ho:
	Α.		I did not
897	A:		I did not.
898	_		Ol Did other officers along the section 2
79	Q:		Okay. Did other officers clear the vehicle?
J0			

901	A:	Other officers cleared the vehicle.
902 903	Q:	Okay. And you cleared the house, yes?
904 905	A:	Yes.
906 907	Q:	Okay. Um, they have a dog don't they?
908 909	A :	They do.
910 911	Q:	Was it in the back yard or was it
912 913 914	A:	A golden retriever.
914 915 916	Q:	Oh was it a golden retriever?
917 918	A:	I think so, I don't know.
919 920	Q:	Was it in the house or in the back yard?
920 921 12	A:	It was in the back yard.
923 924	Q:	Okay.
925 926	A:	And then it made its way inside.
927 928	Q:	It made its way - friendly?
929 930	A:	It made its way inside - yeah very friendly.
931 932 933	Q:	Okay. Um, all right. Is there anything you can think of that could help us further with this, um, painting the picture of what happened
934 935	A:	Um
936 937	Q:	that you can think of? Something that we didn't ask? Just
938 939 940	A:	I'm trying to think right now. I mean even my mindset not being directly there
940 941 942	Q:	Mm-hm.
942 943 4 45	A:	I was afraid that, um, lives were in danger, you know, the threat was very imminent from him. And me not even being directly there I thought that way so

946		
947	Q:	Okay. Um, when you heard the first gunshot you're with the wife and the
948	Q.	daughter.
949		daughter.
2.1	۸.	77.24
950	A:	Yeah.
951		
952	Q:	Did they freak out - 'cause did they hear too?
953		
954	A :	Yeah. Oh yeah. Abs- um, absolutely they heard it
955		
956	Q:	Okay.
957		
958	A:	and they were screaming, they wanted to know what was going on, what's
959		happening.
960		
961	Q:	Okay. So they had no idea either.
962		
963	A:	And I was just trying to reassure them.
964	•	
965	Q:	From - from where the CP was to where the, uh, incident took place you
966		couldn't really see that well? I mean you couldn't see any engagement
7		whatsoever. Is that correct?
968		
969	A:	My back was turned to 'em.
970	2 1.	1719 buok 1745 turned to eni.
971	Q:	Okay.
972	Q.	Okay.
973	A:	I'm sure that if I was facing 'em I could've seen something better.
973 974	Α.	I in sure that it I was facing that I could be seen something better.
975	0.	But the CP wasn't like a block - it wasn't like a - like two houses away?
976	Q:	But the CF wash tinke a block - it wash tinke a - like two houses away?
	Α.	No no no no
977	A:	No - no - no - no.
978	0.	T1
979	Q:	It was
980		T
981	A:	It was a few houses away.
982		
983	Q:	it was much further down. Right?
984	,	
985	A:	Yeah.
986		
987	Q:	Okay. So it wasn't like you're like one house away. It's
988		
`9	A:	No, exactly.
- ±10		

991 992	Q:	So even if you saw something it was gonna be from a long distance.
993	A:	Yes.
994 995	Q:	Is that correct?
996 997	A:	Yeah.
998		
999	Q:	And what - that- that's fair. Right?
1000		
1001	A:	Yeah it was maybe six or seven houses away.
1002		
1003	Q:	Okay. All right. So there was still a little bit of time to get to it.
1004		
1005	A:	Yeah.
1006	_	
1007	Q:	Okay.
1008		
1009	Q1:	When you were providing long cover, um, did you do any quick peeks when
1010		they were detaining him? Did they - did you see anybody, did you hear
1011		anybody ask for Medical and
12		
1013	A:	Oh yeah, multiple times they asked Medical to stage and, uh, once they were
1014	•	detaining him, (unintelligible) down for a second but there was maybe four
1015		body - three or four officers detaining him. Um, yeah so
1016	:	
1017	Q1:	Okay. 1990 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991 - 1991
1018		
1019	Q:	Medical was pretty quick when they got there
1020		
1021	A:	Yeah. Absolutely yeah.
1022		
1023	Q:	'cause they were staging - okay. Um, did you see where he was struck with
1024	٧.	gunfire if he was?
1025		Boiling if he was.
1025	A:	I didn't see where he was struck. I only saw a little bit of blood he had on his,
1027	Α.	uh, upper back
		un, upper vack
1028	0.	01
1029	Q:	Okay.
1030		
1031	A:	just below the neck.
1032		
1033	Q:	Okay. Um, did you - did you - did he - did you hear him say anything?
74		
5ديــ	A:	No actually I didn't hear him say anything.

1036		
1037	Q:	Okay. Um, all right. Um, I don't think I have anything else. Do you have
1038		anything else? You have anything else to add?
1039		
1040	A:	Uh, no.
1041		
1042	Q:	Okay. All right. And this is gonna conclude our interview. And the time is
1043		going to be 1411 hours - no, I'm sorry. I'm gonna say it's 16
1044		
1045	A:	Sixteen.
1046		
1047	Q:	11 hours. Sorry.
1048		
1049		
1050	-	as been reviewed with the audio recording submitted and it is an accurate
1051	transcription.	
1052	Signed	

Section 9

1 2 3 4 5 6 7 INTERVIEW WITH SGT. TROY YOUNG 8 Q=Sgt. Brian Anthony 9 Q1=Det. Daren Pasut 10 A=Sgt. Troy Young 11 12 13 Okay. This is Sergeant Anthony. Uh, we're here with Sergeant Young and Q: 14 Detective Daren Pasut. And the date is October 23rd. The time is 3:49 in the 15 afternoon. Um, we are here to discuss, uh, Troy wa- Sergeant Young was a 16 witness in the officer involved shooting that occurred today. Um, and, uh, here 17 by himself and we're about to ask him some questions about the whole officer 18 involved shooting. Troy do you know you're being tape recorded right now? 19 20 I do. A: 21 22 Q: All right. Okay so just some preliminary questions Troy, um, uh, obviously 23 we know your name, uh, and your badge number. What's your badge number 24 again, 2? 25 26 A: 252. 27 28 252. All right. And then what date were you hired here at San Leandro? Q: 29 30 A: January 9, 1995. 31 32 Q: And then, um, during the shift today were you - what was your designated call 33 sign? 34 35 13 Nora 77. A: 36 37 Q: And then did you have a beat assignment today? 38 39 A: No. 40 Okay. And then what are your normal shift hours? 41 Q: 42 43 Monday through Thursday, 11:00 am to 9:00 pm. A: 4 45 Okay. Uh, do you have any medical conditions or anything that might impact Q:

46	:	your judgment or physical abilities of doin' the job?	
47 48	A:	No.	
49	1 1.		
50 51	Q:	Okay. And when's the last time you slept?	
52 53	A:	Last night.	
54 55	Q:	Okay.	
56	A:	 Went to bed about 12:30. Woke up 7:00, 7:30.	
57 58	Q:	Okay. Uh, so you got s- seven hours of sleep about?	
59 60	A:	Give or take.	
61 62	Q:	Roughly? Okay. Um, did you receive any injuries from today's inci-	dent at all?
63	A:	No.	
65 66 57	Q:	Okay. Um, and then can you just describe exactly what you were we	earing
68		today, um, when you arrived on the scene?	
69 70	A:	Sure. Um, my normal duties are plain clothes. Um, today I was com a meeting so I was also in plain clothes. Um, I'm wearing a long sle	_
71		and blue and white plaid shirt and blue jeans and brown leather shoo	es.
72 · 73		Additionally I had an outer carrier vest on that I was wearing. Uh, n uh, got markings all over it, the Police on the front, there's a badge	•
74	*	front, uh, it's a cloth style badge says Police Sergeant San Leandro.	
75		the back is a wide placard probably 21/2", 3" tall by about I don't k	•
76		10" long that says Police. Think of any other distinct markings that	are on
77		there. Oh as well as there's a name strip that has T. Young on it.	
78	•		
79	Q:	Okay. And that's Department issued correct?	
80	A:	Vos	
81 82	А.	Yes.	
83 84	Q:	Okay. Um, and then did - did, uh, (Neil) take photos of you? Did so take photos of you?	meone
85 86 87	A:	Yes.	
88 9	Q:	Okay. Was that (Neil)?	
90	A:	Wearing everything. Yeah.	

					•
91	_				
92	Q:			Wearing everything?	
93	i				A control of the cont
94	A:			Yes.	
95					
96	Q:	•		Okay.	
97	in the second	•			
98	A:	. '		Wearing everything I described to you.	
99	• • • •				
100	Q:			Okay. Thank you.	
101					•
102	A:			I guess the only thing I should clarify too as far as that goes,	l wear a - a
103	•			concealed gun.	
104		,			
105	Q:	•	*.	Uh-huh.	•
106					(1) (1) (1)
107	A:			So the gun was, uh, in a - inside the waistband holster, badge	in front of it,
108				which is an actual police sergeant's badge, metallic silver, an	d then, uh, when
109				I donned the other carrier I'm pretty sure that I tucked my shi	
110				so it was easier access.	
1	,				1
_12	Q:			Okay. And that - the gun that you carry, is that a Department	issued gun or
113	ζ.			your off duty gun?	
114				your our own gam.	
115	Á:			Department issued.	•
116	71.			Department issued.	
117	Q:			Okay.	et in the second
118	Q.			Okuy.	
119	A:			Glock .23.	
120	A.			GIOCK .23.	•
121	0.			Okay. Um, and the next question was were you carrying other	er - any other
121	Q:	,		firearms?	n - any onter
				incams:	
123	۸.			N-	
124	A:			No.	
125	_			D 11 C1 1 222	
126	Q:			Besides your Glock .23?	
127					
128	A:			No.	
129			•		
130	Q:	*		Okay. Um, can you describe, um, we'll get into, you know,	
131				happened A to Z, but can you just generally describe the sce	
132				what you remember of it? You know the - the - about what t	ime it happened,
133				um, the day light, was it day light, was there good lighting, v	vas it foggy?
4					-
135	A:			I didn't think about the time. I'll have to work backwards on	that. So I had a

136 137			9:30 meeting here and I want to say I le- uh, left the house just before 9.
138 139	Q:		Okay.
140 141	A:		Give or take. Um, the scene itself was on 137th Avenue, uh, between Bancroft and the next major street to the east, Wake or?
142			The state of the s
143	Q:	* * * * * * * * * * * * * * * * * * * *	Okay.
144			
145 146	A:		That first block, uh, long block east of Bancroft.
147 148	Q:		Okay. Do you remember - do you remember what 100 block the incident occurred?
149			occurred.
150	A:	•	Yeah, 1500.
151			
152	Q:	•	Okay. Um, did you have any, uh, prior knowledge of the situation before the
153			shooting?
154			
155	A:		Yes.
156			
7ذ	Q:		Okay. And, uh, we'll - we'll probably get into that when I go through
158			A to Z.
159			
160	A:		Sure.
161			
162	Q:		Um, okay so let's - let's do that now actually Sergeant Young. Let's - let's go
163		•	from, um, you know, when you got up this morning, how you heard about it,
164			uh, just everything that you remember and I - I provided you a - a - kind of a
165			map of, uh, the 100 block that it happened. And that's our recollection of
166			where the cars were placed. Um, you may have a different recollection. And if
167			- if you do that's fine. So what - what we had is a patrol car here, a SUV here,
168			which was ours, s- you know, suspect vehicle here, and another car in the
169			driveway here. And this is the primary house,
170			
171	A:		Okay. Yeah, uh
172			
173	Q:		Does that kind of make sense?
174			
175	A:		Yeah. Things are obviously not to scale.
176	_	•	
177	Q:		Sure.
178			
9	A:		Uh, this - so this SUV that you've drawn, uh, facing kind of a northeast
180			direction

181								•
182	Q:		Mm-hm.			•		
183	War to							
184	A:		pointing to	wards the susp	ect residence			
185							¥	
186	Q:		Mm-hm.			nav	•	
187		4.					4	
188	A :		uh, that wa	s a patrol SUV	, black and whith	te marked.	1	
189								
190	Q:		Yup.			·		
191				<i>i</i> .	• •			
192	A:			explain how the	nat got there 'cau	use that was	put there	at my
193			direction.					
194								· .
195	Q:		Okay.					
196								
197	A:		And then thi	s, I don't reme	mber the vehicle	e number, b	ut this was	Kevin
198			Hackl's vehi	cle, the vehicle	e you have draw	n on here to	the east.	
199								•
200	Q:		Mm-hm.		4 - 4 - 4			
71			•					
_J2	A:		Uh, kind of	facing at a sou	thwest direction.	As I recall	it was faci	ng more of a
203			due west dir					
204								
205	Q:		Okay.				,	
206	~ .			the second second		1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		
207	A:	•	In the correct	et lane facing t	ne correct direct	ion		
208				or raise successing to				
209	Q:		Okay.	•				
210	٧.		ORuj.					
211	A:		ITh and clos	er IIn meaning	; it was more in	front of the	house imm	ediately to
212	11.		the east	ser up meaning	, it was more in	nont of the	nouse mini	iculately to
213			inc casi					
213	Q:		Mm-hm.					
215	Q.		141111-11111.					
215	۸.		of the gues	and oddwaga as		· of	•	
	A:		or the susp	bect address, so	next house eas	1 01		
217	Ο.		01			•		
218	Q:		Okay.		•			3
219			. 1.1			.1.		4
220	A:		-	•	not to scale beca	iuse this str	eet seems a	little wider
221			than it proba	ably is.				
222	_							
ა23	Q:		Okay. All ri	ght so let's - le	et's start at the ve	ery beginni	ng, if you	•
4								
225	A:		Okay.					

226 227 ...don't mind... Q: 228 229 A: Yeah sure. 230 231 Q: 232 233 234 A: 235 236 237 Okay. Q: 238 239 A: 240 241 242 243 244 245 16 _+7 248 SWAT team, um, if somethin' were to happen I'd get called out so I thought just turn on my radio. I would hate to be pullin' into town and have somethin' 249 250 happen and be unaware. 251 252 Sure. Q: 253 254 A: 255 256 257 258 259 260 261 262 263 264 265 266 267 ²⁶⁸

9

270

...exactly what happened, what you - w- where you heard it from, where you're coming from, all that good stuff. Sure. Uh, so kind of take you back to the beginning. Uh, again I had a meeting today to come in for contract negotiations with the POA. And I was - we were supposed to have a 9:30 meeting before we had like a 10 or 10:30 meeting with the City. So I left I want to say just before 9. Uh, due to the fact that I have a take home car my thought process was that if something were to happen, called out, um, I'm gonna end up needing my, uh, plain clothes ride. So it's a Ford full-sized pickup, F150, four door, extra-cab kind of pickup. So I brought that just in case for some reason we were to get called out for something I'd have my car here. And knowing that I was coming into town, I was in my work car, I thought, you know, let's just turn on my radio and make sure somethin' is goin' on. Uh, being one of the team leaders on the

So I turn the radio on and, uh, one of the first voices I heard was Sergeant Nick Corti's voice, uh, askin' some questions. And I'm - obviously I come into the middle of a call when I turn on the radio 'cause I don't know what's led up. But they're s- starting to shape up something like there's somebody who's suicidal at a house. And initially I don't know where the location is. And almost picked up the phone to call in and say, "Hey where is that and what's kind of the background." And then I heard Sergeant (Dan Sellers) setup some sort of a c- command post at 137th and Bancroft. I said, "Okay well this is startin' to ramp up. It has the potential with a suicidal subject, um, Nick's already on scene," so I'm thinkin', "It's obviously got his attention or he wouldn't have shown up. I'm gonna start headin' in that direction in case I'm need - needed." So as I'm continuing to drive in there's a discussion about firearms, are there firearms. Um, supposedly there's some firearms but he doesn't have access to them. And then there's a mention of a wife and a daughter. I'm sor- yeah, a wife and a daughter that are, uh, there at the same time. They're trying to g- separate them from him, meaning him being the suicidal subject. Um, later learned his name is Mario. I don't initially catch

that in the initial broadcast. So they're trying to separate him and find out if he has access to weapons, that kind of thing. Um, I don't know if I recall initially hearing that they get the wife and daughter out - actually I do. I do recall that they get them out. Uh, it's a question I later confirmed with Nick Corti when I get up in front of the house with him. So it's startin' to shape up sort of strange. And like it's - it's a call that I probably should go to. I haven't heard a lieutenant yet so being one of the senior sergeants the other thought that's in my mind is there's not a watch commander, probably a good idea that I also show up in addition to being a team leader on the SWAT team. There's not a watch commander, help out any way I can. I hear Sergeant Corti trying to setup moving down the street to make contact. Um, as he's moving down the street with a group, Sergeant (Seller) says, "Hey I'm reading a line in the call that says the guy's in a car. Can we confirm that?" And Nick's - Sergeant Corti catches that and so they stop short of and he asks for a car to come up to provide some level of cover to make contact with a car. And I remember him describing kind of calling that car in. I didn't at that time know which vehicle was the suspect vehicle, if you will, meaning that the vehicle that Mario is in. So I'm continuing to go. I pull - I stop short of 137th, um, mid-block I pull into some apartments there, park. Um, at that time I've only got my shirt, my jeans on. So I put on my outer carrier so I've got that. Uh, get all - get that all together and I walk 75 yards to the corner where Sergeant (Sellers) is and see that he's got the back of the SUV open, he's startin' to put together a board to keep track of the whole scene. And in - in my head I'm like want to know if he's got the scene under control so I - I walk up. I say, "Hey," and he immediately says to me, "I - I got - I got this part covered. Why don't you move up the block?" At that time I - based on the radio transmissions from Sergeant Corti I thought he probably had sufficient numbers but for whatever reason (Dan) directs me in that direction, points to the east where I know Sergeant Corti should be somewhere between Bancroft and unfortunately I don't remember if it's Wake or, uh, what's the other one? Street to the east?

301 302

303

306

307 308 Lark?

304 A: 305

Q:

Lark. I don't know if it's Wake or Lark but I - I know it's within that first block. Before I can say or ask anything else a shot's fired. Single shot's fired, uh, at - at that location. I hear Nick put it out. Honestly I can't recall if I also heard it or if I just heard it from his transmission. Uh, I take off running eastbound south sidewalk of 137th and keep running the whole way to Sergeant Corti. And when I get up there, um, this is kind of back to your map here.

309 310 311

Mm-hm.

312 Q: 313

Your drawing. Um, when I get there there's a four door black import vehicle. I want to say Lexus, Toyota, um, larger size so probably a Lexus and we - I

4 A:

316 find Sergeant Corti takin' a position of cover facing in almost a north- almost 317 a due north direction towards G- his handgun is drawn and Alex - Ser-318 Officer Alex Ying is got a rifle out, AR-15 style rifle, um, pointed also in the 319 direction of 137th. So it becomes pretty obvious to me where the 320 location is. As I get there, there are two more officers in front of me right 321 behind Ying and Corti. I want to say that would've been Fletcher and Salazar, 322 Officer Salazar and Officer Fletcher. They get directed by Sergeant Corti to 323 move towards Hackl. Um, Hackl is behind a Crown Victoria, marked black 324 and white, light bar. Um, on your map it's, uh, this vehicle that's east of the 325 target house. So I see them run to join Officer Hackl who's to the east facing 326 137th. Um, I've been talkin' really - is that all good? 327 328 Q:

This is perfect. Go ahead.

329 330

331

332

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360

A:

All right. Um, so at that point it's, uh, it's startin' to make sense that this guy has fired a single shot. Uh, my initial reaction is he's in some way attempted suicide. Um, whether he's alive or not is - is - we have no idea. But based on everything that I've got at that point, it's startin' to shape up like okay this guy gone out, got in the car, somehow had access to firearms 'cause originally I was hearing that there was - it was almost being described like he didn't have access to firearms in the car. Doesn't matter, as a cop we never trust that. But in my mind he's now got access to some gun. Uh, unknown handgun, long gun. And I know now, uh, I know I get directed to the second car in the driveway, meaning you have two cars drawn here facing o- one to the west, one to the east. He was, uh, the - in the vehicle to the east. The one parked on the far right hand side of the driveway. So commands are being made. Um, there's a brief exchange between Sergeant Corti and I as it relates to how important it is to get up to him. I ask again, this is where I ask again, "Where's the daughter and the wife?" He said, "They're out of the area." So for me the situation is not static by any means but it's not a scene that I feel compelled to rush up to that car because if he's takin' his life or if he's attempting to take his life there's no need for us to get up there because he's the only one that's in danger. And at that point, um, if we're gonna make that approach it's only after it's safe to do so and we're not gonna put any of our cops or the public at harm, or in harm's way. Um, kind of back-up some things that I've skipped over that are kind of - come back here. Um, as I'm driving I actually get close to getting on the air because the one piece that I hear that hasn't been done is staging medical. Based on the call we're gonna want medical there prepared to deal with him. So I almost get on and I hear Corti say, "We just staged medical." So I'm like okay good. Um, as I get up to the car I put out on the air at some point in this period that I'm on scene and I'm with Corti. While we're there at the car commands are being made, uh, to try and get his attention, get him to respond to us, get him to surrender to us. And another shot is fired. Uh, it's from him. Where, I can't particularly tell. I can't see. All I can tell you is I hear a gunshot coming from somewhere near

405

the front of the house, assumingly that car again. Uh, there was never - that being said, I can't locate the shot. There was never any indication to me that it was anywhere other than that car. Uh, I start worrying about a perimeter. Um, this guy's obviously not dead. Um, if he decides that he wants to go on the run I have some great concern about the high school. Uh, it's a school day. School's in session. Over 1000 kids at the high school. You got the ninth grade campus to the west. I'd already known that that was locked down. I put out that I want people to pick up the backside, which would be at the high school. When I say pick up the backside I mean set up a perimeter so that we can set up officers in position that if he runs he can't get into the high school, that we do our best to protect them. Officer Hackl at some point says that he's already put them also on lockdown so that makes me feel a little more comfortable but I still want that position covered. Uh. again I hear Sergeant Corti making several verbal commands to him to get him to surrender, to come out of the car. Uh, and then at some point, uh, Sergeant Corti fires in the direction of the car. Um, I recall seeing from my position, and I should probably on your map explain this a little better. Um, you have Sergeant Corti, uh, and Officer Ying over the front hood of this black Lexus that's on the side curb line, pointing in the direction of this car that we described over here, the car on the right to the east in front of They're pointing in his direction and I see his head poked out. And when I say his I mean Mario. And Sergeant Corti fires what I think is three shots and then a short period thereafter meaning maybe a second later, uh, Officer Ying fires one from his rifle. Unfortunately all I could see is his head poke out so I can't tell you what precipitated that shooting. Um, I then put out that we have shots fired on the suspect with an unknown status. Um, I re-kind of after then you hear Officer Hackl describe fields of fire, which made me feel good that all of our guys were thinking about fields of fire so we don't have to worry about any sort of crossfire issue, as well as backdrop. And he specifically addresses, "I've got a good field of fire towards it and I got a good backdrop." Um, in my mind he's preparing for this guy for whatever reason, if this guy does get up and get out of the car and move in our direction, or away from us, that he's got a good field of fire, uh, on him. Corti then says that the left rear door of the car is open and he thinks he's between the vehicles. Um, to me that indicates to me he's on the ground somehow. Um, and then I hear Corti. Corti says, uh, asks Officer Fletcher who's mind you to the east again, uh, if he could - has a better view. So with what Corti I - I get that he can kind of see but he can't see well enough to make himself feel comfortable nor really describe the scene. Uh, Fletcher describes him as actually in the car. So, um, I don't know if he gets back into the car but that's the way he describes it. If you go, what's missing from here is a Honda Civic, Accord, I can't tell you, but four door, is parked almost directly across the street facing a house on the Southside of 137th with a much more straight in view to where we think this guy is. So I tell Sergeant Corti to move to that car so that he can clearly see, or hopefully get a better view and see this guy. Uh, Sergeant Corti moves, starts giving

commands, um, and says that the guy's seated in the left rear. Um, I decide now I've got - at some point Officer Marco Becerra shows up on scene with a long gun, AR-15. Um, and wants - a- and now I've got two rifles at this Lexus and Nick Corti by himself over here. So I go ahead and send Officer Becerra over to Sergeant Corti so that there's a rifle and a handgun here. I know notice that Sergeant Corti's giving a lot of verbal commands and trying to talk on the radio. I want to make sure he can do that and protect himself so I give him Officer Becerra, who's also got a long gun, much more suited for a shot of this distance. Um, at this point the suspect exits the car, in what fashion I don't know. Um, based on the way he crawled to the curb he probably almost rolled out of the car is my guess but I didn't see that. Um, I move to Sergeant Corti over here at this Honda that's directly across. Um, and now I'm startin' to try and figure out how we're gonna get this guy. He's obviously, and when I say get this guy detain him because he's wearing a white t-shirt. I can see quite a bit of blood on it. So seemingly he's got several gunshot wounds. Officer (Fry) comes up in an SUV w- um, and my thought on that is our SUV's have armor in the doors so it gives us a little ballistic protection. Um, he had initially pulled up and I had him turn his car sideways in the street at some point. Um, create a little bit of a crossfire with Officer Hackl. Uh, we fixed that. He backed up a little bit. And now it was sitting in the street somewhere between this black Lexus and So my thought was that could be our approach vehicle to get up there and detain Mario. I put together a small team. Um, we move from the Honda where Sergeant Corti originally was, back to the Lexus, gather some of the officers that are there, move up to the middle of the street where Officer (Fry) is. I tell Officer (Fry) where I want him to drive. I said, "I want you to drive a little bit farther forward. In the end I want you to point the nose of your car right where Mario is." Um, and pretty accurate what you've drawn here, uh, where it puts him where the nose of his car's pretty much pointed at the car that Mario was in. And then when he comes to a stop we're using his vehicle for a position of cover. We have - we've continued to give commands to Mario and he's crawled all the way out onto the almost sidewalk gutter area. I quickly put together a plan at that time. We have Sergeant Corti, Officer Becerra, Officer (Calsby), Officer (Moore), Officer (Perry), and Officer Cesaretti all up at the car. And I want to make sure that I've designated people to actually go hands on, people lethal, and then once I've done that we move up. So what I'd originally - and I - the guys with long guns are the ones that I purposely didn't designate to go hands on. So I designated Sergeant Corti, myself and Officer (Perry) to go hands on. Plan being that we would go up, we would grab him by the ankles 'cause at this point his feet are pointing into the street, and then drag him back to our position of cover to detain him. You with me so far?

447

448 Q:

,9

450 A:

Mm-hm.

Too quick?

451 452 Q:

No. Doin' good.

453

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'71

.72

473

482 483 484

486 487

485

488 489 490

491 492

493 4

495 Q: Mm-hm.

Um, and then I also designated Officer (Calsby), due to the angles, to take the what I'll say is the far right position, which put him to the far - he was the farthest officer to the east pointing back in a northwest direction at the suspect. I designated him as lethal, meaning that if for some reason it turned into a lethal confrontation again, Officer (Calsby) would be the one to deal with that. There were other rifles pointed at him but I wanted him to be that one that was pushed out, had a clean angle of fire. So we go up, we pull Mario back. Um, at that point it's Sergeant Corti, Officer (Fry), myself and Officer (Perry) deal with him as we pull him back to the position of cover on the other side of Officer (Fry)'s SUV. The rest of the officer's move up. Um, I believe I direct them to clear the cars real quick. And I notice that there are some people, uh, they've appeared to clear that, and then I yell at, uh, Detective -I'm sorry, I said officer, it's actually Detective (Perry) and Detective Cesaretti. Uh, I yell at Detective Cesaretti to get us stacked together to get ready to clear the house. So although I know - although I've been told that the wife and the daughter are out of the area, um, I don't know if there are any other family members. I don't know if there are other people injured. Um, to me, um, doing a protective sweep is absolutely necessary. We - we don't know who else is in that house. We don't know if anybody else is in danger. Um, there's a bit of a balance to this. At this point we don't feel that there's anybody else that's suicidal or homicidal against us in there, but my biggest concern is if there's anybody else injured in that house, anybody else needs aide. So I tell Detective Cesaretti to set that up. Uh, he goes ahead with the group that he's got and starts clearing the house. One Sergeant Corti seems to have the detention of Mario under control I leave him. Uh, that was a bit problematic. Mario had some sort of combination Ace bandage cast on his right arm. So they cuffed his left arm, bring it behind his back. When his right arm comes behind his back, we don't have anything big enough to go around that. So they had to kind of struggle - they had to struggle with what they were gonna do with that. I move into the house. The house has got the front room and part of the - the kitchen, call it dining room cleared. I step in. Continue to supervise that as they clear the house. Uh, once - once I feel like the house is about half to three-quarters cleared I go ahead and clear medical in because I want to get medical aide to Mario as soon as we can. I feel like we've got a pretty good wall between us and the street. So my thought process was by the time we're done with this, they should be able to get out safely because it's a pretty good run from 137 and Bancroft. Um, kind of going back, some of the things that kick back up, I know at one point after Nick fires his shots I consult with him and say, "Hey did you - do you get good rounds on him? Meaning did...

106		
496		
497	A:	the rounds that you shot him with, do you believe they were incapacitating
498		rounds?"
499		
500	O:	Mm-hm.
	Q:	171111-111111.
501		
502	A :	Uh, you know, to get a sense of the status of the guy. Uh, at that point, you
503		know, Nick replied yeah he thought he got good rounds and he indicated
504		somewhere, um, if I recall, somewhere upper chest to neck, head area that he
505		thought the
		mought die
506		
507	Q:	Okay.
508		
509	A:	rounds had landed. Um
510	4 1.	outdo ma initiata. Otti
	_	D 1 1 C 1 (1 C N' 1 1 1 C 11
511	Q:	Do you know how far, um, about how far Nick was or how - how far would
512		you estimate Nick was when he took those shots to the car?
513		
514	A:	Goll.
515		
16	0.	You can do yards or feet or whatever you're most comfortable with.
	Q:	Tou can do yards of feet of whatever you re most conflortable with.
17		
518	A:	Yeah I'm just terrible at estimating distance. Um, I'm thinkin' in my head 25
519	•	yards.
520		
521	Q:	Okay.
522	. ~ •	and the second of the second o
		·
523	A:	Is my guess.
524		
525	Q:	Okay.
526		
527	A:	From where he was at the black - he and Ying for that - the distance would be
	A.	
528		the same.
529		
530	Q:	Mm-hm.
531		
532	A :	Uh, give or take, at the black Lexus to that car. 25
533	4.4.	on, bit or take, at the older bortes to that take as
	0.	OI -
534	Q:	Okay.
535		
536	A:	yards, maybe 30 at the most.
537		
538	Q:	Okay. And then when he fired his rounds they - when Nick fired his rounds,
_	ν.	·
) io		Sergeant Corti, sorry, he was behind that Lexus the whole time? Or was he at
540		this car that's more straight at the, uh, target?
		· · · · · · · · · · · · · · · · · · ·

6.45		•	
541			
542	A:		Ye- yes.
543		•	
544	Q:		So - so when they
545			
546	A:		When - when he fired
547			
548	Q:		he fired
549			
550	A:		were - were his rounds
551	•		
552	Q:		his rounds - where were his rounds fired from?
553			
554	A:		From the, uh, black Lexus.
555	•		1.011 1.10, 0.11, 0.1001
556	Q:		From the Lexus, all of 'em?
557	٧.		Trom the Beauty, the or one.
558	A:		Yes.
559	л.		1 C3.
560	0.		All three rounds?
561	Q:		All unce founds?
52	۸.		Vac
	A:		Yes.
563	Ο.		O1 A-141 1-4 1+ OCC XY
564	Q:		Okay. And then, um, what about Officer Ying, same thing?
565			
566	A:		Same for Officer Ying.
567	:	•	
568	Q:		Okay.
569			
570	A:		From the black Lexus.
571			
572	Q:		All right. Um, is there anything else you can think of before I take you back a
573			little bit that you want to add?
574			
575	A :		Ye- just kind of explain a little bit more on the - the s- if you will the
576			surrender phase of this.
577			
578	Q:		Mm-hm.
579			
580	A:		Um, when Mario came out he was between the cars and he's already fired at
581			least two if not three - er, I'm sorry, at least - at least two rounds. So my
582			concern is the safety of first the public and second us as police officers. There
583			
			was kind of a move to go get him. And I said, "Hold on. I wa-" I literally said,
34			"I want more of a surrender." And what I meant with that is I didn't want us to
585			move up into a h- place where he still had a position of advantage. Although

586		he needs medical attention and I want to get that to him as soon as I can, um, I
587		don't want to put us in a position where we don't have cover and we can't do
588		it safely. So I tell them, "I want more of a surrender. Keep callin' him." So
589	A Company of the Comp	that literally forces him to pull himself. Um, he wasn't doin' real well but he
590		was makin' movement and so he went from between the two cars out to the
591		gutter, sidewalk area. And that's where I felt more comfortable. And at one
592		point he even rolls, lays on his side and barrel rolls out to us.
593	en Geografie	
594	Q:	Mm-hm.
595	ν.	
596	A:	And I wanted to get him out in a position where we can cleanly see him and
597	23.0	we can see both his hands. So that's kind of a little further explanation on it.
598		we can see both his hands. So that 8 kind of a fittle further explanation of it.
599	0.	Okay. Have you had - have you had any training via tactics or maybe dog
600	Q:	training that you were taught for the suspect to come to you, that it's more
601		
602		advantageous for the suspect to come to you rather than you go to the suspect?
	A .	A 1 1 1
603	A:	Absolutely.
604	0.	01
605	Q:	Okay.
606	A =	A1-1-4-11141-: : ::(c21-:1-:1-:1-:1-:1-:1
)7	A :	Absolutely and - and the reason being is if we've got good - couple of things.
608	*	First I want to give us good positions of cover so the - if he does still have the
609		gun, at this point we don't know what he's done with it, and he starts to shoot
610		that the - all the officers are behind positions of cover. As well as where we're
611		set now, we have set fields of fire and everyone is very clear where - where
612		each other is. Where if we were to run up and it might get a little confusing
613		and he starts shooting, I don't want to worry about a crossfire situation. Um,
614		so if he's able to physically move, yeah bringing him to us is safer for us and
615		safer for the public.
616		
617	Q:	Mm-hm.
618		
619	A:	If he has to physically crawl, he's not gonna probably be able to shoot really
620		well.
621	,	
622	Q:	Mm-hm. And then as far as the house, you - you still were - w- you still
623		weren't sure if anyone was in the house, them being either another suspect or,
624		uh, victims inside the house right?
625		
626	A:	Correct.
627	,	
628	Q:	Okay. Was the - do you remember if the door was open to the house when you
29		made your approach? I guess what I'm saying is were - were you - were you
-√30		hinked up on the house at all as well, or pretty much just on the suspect?

631		
632	A:	Uh, I wouldn't say - I wouldn't use the word hinked up 'cause there was
633		nothing that drew our attention to the house.
634		
635	Q:	Mm-hm.
636		- [[[[[[[[[[[[[[[[[[[[[
637	A:	But it was definitely a concern of mine because it was absolutely unclear who
638	- 	or what was in that house.
639		
640	Q:	Mm-hm.
641	~•	
642	A:	And whether we had people that were injured, whether we had people that
643		were suspects, whether, you know, there's always the chance that you get a
644		sympathetic family member. And that actually stirs my memory a little bit. At
645		some point after Sergeant Corti and Officer Ying fired their rounds, I hear
646		screaming and something over the air about somebody running eastbound.
647	•	And I physically get up, knowing they've got that cover, and move to the east
648		and start looking, trying to figure out what, and that was Sergeant (Sellers)
649		that said it, was talkin' about - and there's a little bit of radio traffic and I can't
650		remember exactly what was said but I was able to piece together that probably
⁻ 51		what had happened was the female was trying to run to the scene. So I don't
2		know if we've got a sympathetic family member still in the house, whether
653		we've got a wife who tried to run into a - a shooting scene. At least that's
654		what I believe happened. Uh, I don't know what's in the house.
655		what I believe happened. On, I don't know what sin the house.
656	Q:	Okay. Good.
657	Q •	Okay, Good.
658	A: /	So I've got to - I've got to keep all - as well as the other car and the car he was
659	11.	in.
660		
661	Q:	Okay. Um, did you notice at all did the car - when - when you were making
662	Q •	contact at the Lexus, you were behind the L- uh, actually can you just mark on
663	•	the piece of paper where - just put names, so who was there. I know that, um,
664	•	(Ya)- er, Becerra and Corti moved to this Honda in the driveway you said. But
665		your initial, when you got up who was where?
666	•	your minar, when you got up who was where:
667	A:	So when I first got here, um, do you want me to mark this or tag it?
668	A.	so when I mist got here, uni, do you want me to mark this of tag it?
	0.	No you could write their names on it. So
669	Q:	No you could write their names on it. So
670	, A .	Olravi
671	A:	Okay.
672	0.	as that was the I arms that was 200 to 11-20 a -1
673	Q:	so that was the Lexus that you're talking about?
4		
075	A :	Yes.

676		
677	Q:	Okay.
678		
679	A:	And Corti, um, Salazar, sorry his name's tough for me. It was his first day.
680		And Fletcher. And of course me.
681		
682	Q:	Okay. So that's right when you got on scene?
683		
684	A:	Yup.
685		
686	Q:	And then - go ahead, I know what you're
687	A.	And then thete with on the Couting to and Health is even house
688 689	A:	And then that's when, uh, Corti - oh, and Hackl is over here.
690	O	Okay.
691	Q:	Okay.
692	A:	And I would just - I'm gonna make
693	A.	And I would just - I in goina make
694	. Q:	Yeah that's
695	χ.	1 out that 5
76	A:	(unintelligible) on here if you don't mind?
7د		(
698	Q:	Yeah.
699	`	
700	A:	It's more like this.
701	Andrew State (1997)	en ligger om ekkeren i de sterke en sterke in de kommente en er grække har i film en kommente en en komme. De film en film grække i film en en en en ekkeren en en en ekkeren en en en ekkeren en en ekkeren en en ekkere
702	Q:	Mm-hm.
703		
704	A:	Um, and then Fletcher, Salazar get directed - how do you want me to do this?
705		
706	Q:	So you could just tell me now. So I was more concernot concerned but I was -
707		I didn't -'I wasn't clear on when you first arrived on scene who was behind
708	• .	this Lexus. So from what you were saying earlier, Ying and Corti stayed here.
709		You stayed here. Fletcher and Salazar went over to Hackl.
710	· · · · · · · · · · · · · · · · · · ·	
711	A:	Yes.
712	0.	And I would involve that December we in the material and I December 2011.
713	Q:	And I would imagine that Becerra was in there too or did Becerra come in last
714		'cause he came over here?
715 716	۸.	He comes in later abrane, as few as the abranele are all that area. I I I le-
716 717	A:	He comes in later chrono- as far as the chronology, all that goes, I - I know he was a witness to the shooting but I don't know - when I say shooting, I'm
		referring to Corti and Ying. Um, but I don't know which point he comes on
718 9	•	the scene.
720		the scene.
120		

721 Q: Okay. 722

723 A: Sorry. 724

725 Q: All right. No that's fine. Okay so I'm clear on that. Just, um, the A to Z part, is that pretty much to Z? So he's loaded in - can - just describe to finish it off...

728 A: Oh sure.

727

729

732

733

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760

761

762

763

4 765 A:

730 Q: ...the medical part of it.

Sorry. And then I - I call - of course called medical. Um, by the time I come out Fire is there. I don't know if Paramedics Plus is. Uh, I of course, uh, I - I want to make sure - he's in custody so I want to make sure somebody stays with him. Uh, he's minimally under arrest for some sort of assault on Sergeant Corti, uh, based on his response too. Now I haven't had a chance to ask Corti exactly what he did but at this point he's fired at least one round so we got a 246 of some sort that he fired while we were on scene, in addition to the one that we thought was originally at himself. And then he at some - some sort of 245 on Corti and Ying and myself, although I wasn't able to see it. Um, so I look at Officer (Fry) and I say, "Hey I want you to stay with him. Do not leave him. Go to the hospital with him." Officer (Fry) goes over, gets in his SUV, starts to backup. And he backs up maybe a foot and I'm like, "No, no, no. That stays on the scene. I want you to go in the ambulance." So I tell him to go in the ambulance. And somebody draws, I don't remember who, draws my attention to a pile of clothing and other items that are just to the left of the car that Mario was in. And they tell me they think the gun's in there. I said, "You know what? Leave it in place. It's a crime scene. We won't clear it now. We don't need to render it's safe." I grab Officer (Morin). I say, "Hey you're assigned to watching this until you're relieved." So I leave Officer (Morin) on that 'cause I don't want anybody to get near the gun. Uh, the next thing I do is I get on the air and I say, "Anybody who's witnessed, who is a direct witness to the shooting meet me out front." And that's when I gather, here wrote down on an (FI), I gather all the folks that I knew witnessed the shooting and then of course I asked them, "Is there anybody else that was there that you know of that would've witnessed Ying and Corti shoot?" And we didn't get anybody. That, uh, you know, it was one of those I - I was pretty sure but I confirmed. And that ended up being Officer Hackl, Detective Cesaretti, Officer Becerra, Officer Ying, obviously was a witness as well as a shooter, Detective (Perry), uh, Officer Salazar, uh, Sergeant Corti was there because he was one of the other officers that shot, uh, Officer Fletcher and myself. So I pulled everybody together real quick. Um, I witnessed the whole thing so there's no need for a public safety statement. I witnessed the shooting. I didn't need to get something like that. I made sure everybody knew that because it was a shooting we're gonna get sequestered, that you couldn't talk about the

766 767 768		shooting. Um, that, uh, if they need to make calls home that was fine. Don't get into details, that kind of thing. And, uh, kind of started working out the logistics for that. Um, became tough because there was a total of nine of us.
769		Uh, I kind of paired some people up and some people went by themselves and
770		some people rode with me. So what I ended up doin' is I grabbed Hackl,
771		Cesaretti, Ying and (Perry) because their cars were at some point parked
772	18 C	within the crime scene, so I gave them all ride in my pickup back. And then
773	•	anybody else that went, uh, and I ran video on the way in so there was no
774 775	· ·	question as to what we talked about on the way in. And then, uh, Corti and
776		(Se)- I'm sorry, Fletcher and Salazar rode together so I told them to run video
777		on their way in. Uh, Corti was by himself, drove himself in. And I'm not sure, I think Becerra drove himself.
778		I tillik becerra drove littiseri.
779	Q:	Okay.
780	Q.	Okay.
781	A:	We all met at CSU and of course we've been
782	2 1.	We diffried the CBC third of course we ve been
783	Q:	Okay. Um, before we go unfortunately back to the beginning
784	ν.	one, one of the go university outsite the organisms
785	A:	No that's fine.
786		
,87	Q:	do you want to take a break or you good?
788		
789	A:	No I'm good. Let's go.
790		
791	Q:	Okay. Um - um, okay so you - you had mentioned that you heard, uh, that
792	•	there was a discussion about firearms. Did you hear that over the radio or right
793		when you got on scene you heard that the guy had a gun?
794		
795	A:	I'm sorry. Yeah it was on - it was on the radio that - that I heard the, uh, them
796		askin' about weapons and now that you say it I remember (Sellers) saying,
797		"Does he want it - did he," kind of clarifying the details on the call, "Did he
798		say he wanted to commit suicide or did he want to say he wanted to commit
799		suicide by a gun?"
800		01
801	Q:	Okay.
802	۸.	And I recent to say that it was was to the he recented to semantic spicife her says
803	A:	And I want to say that it was yes to the he wanted to commit suicide by gun.
804 805	O:	Okay. S- so that was all over the radio?
806	Q:	Okay. 5- 50 that was all over the factor
807	A:	It was over the radio.
२०४	Λ.	it was over the ratio.
99	Q:	Okay.
810	٧٠	Onuj.
010		

811 812 813 814	A:	•	Uh, I got almost no initial informa- I got - other than I got this, "Go help them," when I first got on scene and saw (Sellers). He didn't give me any information.
815	Q:		Okay.
816			
817	A:		It was too - too quick.
818	· .		01
819 820	Q:		Okay.
821	A:		He didn't have time.
822	Δ.		The didn't have time.
823	Q:		All right. Um, and then when you park your truck, um, you put your issued
824	χ.		vest on, um, and you start walkin' up. About where were you when you heard
825			that first round being fired by what we're thinkin' was the suspect?
826			
827	A:		I was on the southeast corner of 137th and Bancroft.
828			
829	Q:		Okay. So back where the command post was? Command post already set-up
830			at that point?
31	,		
632	A:		Yes.
833 834	٥.		Olray, All might. And then did you began on the medie at all did did your thousa
835	Q:		Okay. All right. And then did you hear on the radio at all, did - did - was there any radio traffic about that shot?
836			any radio traffic about that shot:
837	A:	•	Yes.
838			
839	Q:		Do you remember?
840	`		
841	A:		Sergeant Corti put it out, "One shot fired."
842			
843	Q:		Okay. Did - did you remember him sayin' at who or if it was at them or
844			anything?
845			
846	A:		God, I can't remember how he said it but there was never a ques- I never had
847			the sense that it was at them. It was, um, I - God I wish I knew how he said it
848			but however he said it I had the sense that it was the suspect shooting himself.
849	•		And I can't tell you how I knew that.
850 851	٠.		Okay. Um, and then - and then you had also mentioned that when you got to
852	Q:		the Lexus, or at some point, you were directed to what you said the car. Do
953			you remember who directed you to the car? Like as far as who told you the
54			suspect's in this car or h- h- no?
No comme			Suppose Similar out of H. H. Ho.
855			

	5	
856	A:	No.
857		
858	Q:	Okay. That's fine.
859		
860	A:	Sorry.
861		
862	0.	No. And then I'm a little confused of the development the mam. When you
	Q :	No. And then I'm a little confused of the daughter and the mom. When you
863		ran up to the Lexus were the daughter and the mom already at Mario's car or
864		were they already gone? Like did you ever see the daughter and the mom
865		anywhere on the property when you came up?
866		
867	A:	I've never seen them.
868		
869	Q:	Okay. So they were already all gone?
870	٧.	Okay. Bo may word arroady air gond.
	A .	37 - 1 1 7 1 72
871	A:	Yeah and I remember as I'm responding over the radio hearing that they've
872		got mom and the daughter out. But then after - where did I - I - I remember
873		that I confirmed that when I got up to the car with Sergeant Corti, like the
874		wife - 'cause now my only concern is, well not my only concern, I have a lot
875		of concerns, but one of my greatest concerns is them, meaning the wife and
976		daughter, are they in danger?
77	•	
878	Q:	Mm-hm.
879	ζ.	171111 11111.
880	A:	So I agk "Confirm that the wife and deventor are out of the area" And Niels
	A.	So I ask, "Confirm that the wife and daughter are out of the area." And Nick
881		says, "They're out of the area."
882		
883	Q:	Okay. All right.
884		
885	A:	I don't know where that even ends up being.
886		
887	Q:	Yeah. Okay. And then, um, you'd mentioned that - well first let's get back to
888		you said there was one round fired and then, uh, someone was giving
889		commands. Was that - who was that giving commands? And do you
890		remember what they were saying?
891		
892	A:	There were times there were multiple people giving commands. I did hear, uh,
893		at various times Officer Hackl, Detective Cesaretti, and Sergeant Corti. But
894		going back to the point where the first shot was fired, um, I remember specific
895		- it was both Hackl and Corti.
896		
897	Q:	Okay.
	٧٠	Onay.
898	A .	To a to a 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
99	A:	It started with Hackl and then, uh, Sergeant Corti was also giving some
- 9 00		commands. And it was more of a, "Hey, Mario come out. We're not here to

901 902		hurt you. Come outside. We, you know, we - we need you to come out."
902	Q:	Okay.
904	Q.	Chay.
905	A:	And meaning come outside, out of the car.
906		
907	Q:	Sure.
908		
909	A:	Um, "We're not here to hurt you. We're here to help you," kind of thing.
910	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
911	Q:	Okay. All right. And that was when you said after the first round, that was the
912		first round by the - Mario?
913	•	
914	A:	Uh, the first round that Mario fired.
915		
916	Q:	Got it. All right and then about how long was it between the first round Mario
917		fired and then that - did you hear that second round go off?
918	A .	X7 1 7 44 7 1 4 1 1 4 C 1
919	A:	Yeah. I was at the Lexus when the second round got fired.
920	0.	O1 II
1 -22	Q:	Okay. Um
923	A:	By Mario.
923 924	A.	By Mano.
925	Q:	Correct. And then how - about how long was it between the first round that,
926	· ·	um, Mario fired and the second round? So you're running up. You hear the
927	<i>‡</i>	fir- er, no, you're at - you're at 137 and Bancroft. You hear the first round.
928		
929	A:	Yes.
930	•	
931	Q:	You - are you at the car when the second round goes off?
932		
933	A:	Yes and I have been for a little bit.
934		
935	Q:	Okay. So
936		
937	A:	'Cause there's - 'cause there's a - there's enough time that it goes through my
938		head and I go, "If he shot himself then we can slow this thing down a little
939		bit." And then I want to say maybe 90 seconds, 2 minutes that's when the - the
940		second round by Mario was fired.
941		10 11 0 10
942	Q:	After you heard the first round go off
^13		3.6 1
045	A:	Mm-hm.
945		

946 947 948	Q:	did you see Mario in the car movin' around at all for you to know that this guy hasn't shot himself?
949	A:	No.
950	71.	
951	Q:	Okay.
952		
953	A:	But - but I have to say too that I didn't have the best view.
954	· · · · · · · · · · · · · · · · · · ·	
955	Q:	Uh-huh.
956		
957	A:	I was just behind Ying and Corti, more towards the - the B pillar on the Lexus.
958		So I'm about mid car on the Lexus.
959		
960	Q:	Okay.
961		
962	A:	In a position of cover. Startin' in my head getting plan where this is gonna go
963		next and what I need to do. In my head, um, yet and kind of from a
964		supervisory standpoint, I'm letting Sergeant Corti make a lot of the decisions
965		although I'm the senior sergeant, um, team leader on the team. If it's - and at
56		some point I need to mention too, uh, Sergeant Corti, after that second round
√67 068	. •	is fired, uh, asked for SWAT callout.
968	0.	01
969 970	Q:	Okay.
970 971	A:	Which totally made sense to me. This is - this is changing. This isn't what we
972	Λ.	thought it was and just some guy fired a shot on himself and he's dead. Um,
973		but a lot of what Sergeant Corti is saying or - or doing or requesting or
974		directing are things that are - he and I are thinking the exact same thing. With
975		him being the first, um, think with him being the first sergeant on scene, I'm
976		goin' with a lot of wh- he has more information than I do so I'm letting him
977		make a lot of the decisions knowing that, um, being the senior sergeant I need
978		to make su- I need to be comfortable with everything he's doing. I was totally
979		comfortable with everything he was doing, addin' a few things to it. That's
980		what I was talkin' about, uh, setting up a perimeter towards the high school.
981		Had a concern about that.
982		
983	Q:	Mm-hm.
984		
985	A:	He asked for a SWAT callout. At some point shortly thereafter I say, "Call
986		
700		(ACSO) or Hayward and get us an armored car. Send it to 137th and
987		(ACSO) or Hayward and get us an armored car. Send it to 137th and Bancroft."
987 988		Bancroft."
987	Q:	• • • • • • • • • • • • • • • • • • • •

991		the correct positions, takin' the supervisor role of, you know, getting this guy
992		into custody.
993		
994	A:	Absolutely.
995	•	
996	Q:	Okay. All right. Um, and then do you remember, uh, I - I know that we've
997 998	4	talked about Hackl and Cesaretti and, um, Sergeant Corti giving commands.
998	•	Do you remember - you - not what each of them said every time but do you remember the general what commands the guy was given? Was it kind of
1000	•	consistent commands or were they all over the place, like one guy's sayin'
1000	*	somethin' different than the other officer?
1001		sometimi different than the other officer:
1003	A:	No and surprisingly for there being a shooting, um, multiple rounds fired not
1004		only by him and us, the - the commands are clear and concise. I was, you
1005		know, the - you can hear cleanly that people are trying to say, "Hey we're not
1006		here to hurt you. We need you to come out so we can get you some help.
1007		Come out with your hands up." And, you know, those - those are varying back
1008		and forth because they all need to be said but there's never a - I don't recall a
1009		point where you hear people talking over each other and it's not clear.
1010		
1	Q:	Mm-hm.
1012		
1013	A:	It's very clear what we want from him.
1014	*	
1015	Q:	Mm-hm.
1016		
1017	A:	And that we want him to surrender and that we're not there to hurt him.
1018	•	
1019	Q:	Okay. When, um, I might've already asked you this but, um, do you
1020 1021		remember if the car had tinted windows or not?
1021	A:	I believe that it did.
1022	A.	i delieve that it that.
1023	Q:	Okay. Um, and then when you first saw - I think you said that you only saw
1025	Q.	Mario's head. You didn't see his hands or anything like that, is that right?
1026		171dilo 5 fiedd. 10d didir t 500 filo fidiaes of diffaning fixe that, is that right.
1027	A:	Yeah I didn't even see a full head.
1028		
1029	Q:	Okay.
1030		
1031	A:	I'd say probably nose
1032		
1023	Q:	That was because
4	•	
1035	A :	upper lip, almost to a diagonal because what I'm - I'm looking past these

1036		two cars that are in the driveway. Again, he's in the one to the east. And
1037		there's one to the west. And then between us is this blue, uh, Tercel that's
1038		parked in the street. Another four door blue import. It's parked in the street so
1039		I'm - I'm obscured not only by the car parked in the driveway but the par park
1040		- car parked in the street.
1041		
1042	Q:	Okay. Uh, I want to get to this Toyota before I forget. Do you remember at all
1043	₹•	this Toyota havin' any damage to the window or rear window when you got
1043		on scene?
1044		on scene:
1045	۸.	No
	A:	No.
1047	0	01
1048	Q:	Okay.
1049		
1050	A:	Pretty sure that that was, uh, I - I - I was watching. Sergeant Corti fired
1051		probably three rounds is my guess.
1052		
1053	Q:	Mm-hm.
1054	•	
1055	A:	And then Officer Ying fires one round. And I - pretty sure that that was his
`6		strike on that - his bullet strike hit that - hit that rear left window.
1 J J 7		
1058	Q:	On the
1059		
1060	A:	Of the - of the blue
1061	1 1.	
1062	Q:	the blue Toyota?
1063	ζ.	are olde 10 your.
1064	A:	Toyota that's parked
1065	A.	Toyota tilat s parkot
	0.	Olean
1066	Q:	Okay.
1067		
1068	A:	in the street.
1069		
1070	Q:	All right.
1071		
1072	A:	In front of
1073		
1074	Q:	Okay. All right. Um, okay so the suspect, when you first saw his head I think
1075	•	you already said it but was he in the driver's seat or at that rear passenger
1076		seat?
1077		
1 ^78	A:	It - to me he came from the rear left - left rear area of that car.
9		TO THE THE CHARGE THE STATE STATE AND ACTUAL AND ACTUAL WAVE OF SAME WAS AND ACTUAL AND
1080	Q:	Okay. Um, would - did you hear anyone say, when he got out - let - let me
1000	٧٠	Okay. Oni, would - the you near anyone say, when he got out - let me

1114

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1125

back up. When he was in the car and he got out, did you hear anyone say, "Gun," or mention of a gun or anything? Okay.

No.

All right. Um, all right. So go through again your concerns about this whole situation as to why we would not have just left the scene.

Um, so...

You've already mentioned him a little bit.

Well it - it - honestly there was never - based on what happened from the moment I hit the corner, 137 and Bancroft, from as far as the public safety goes there's no way we're walking away from this guy. Um, it's, you know, the - the current thought process doctrine in law enforcement is if human being wants to take a human being's li-their life and they're in their own home, then we're not gonna go in after 'em. As long as no one else is in danger, the - we hope that it doesn't happen and it's very unfortunate, we wouldn't want it to happen, but at the same time we're not gonna go rushin' in there as law enforcement to try and intervene. There's just too much danger involved. Um, as well as there's a certain bit of belief that us doing that may precipitate that. Uh, in this case you've got two people that live there in addition to Mario that we know of at that point by the radio call. There may be other people that live there. I don't know. But I know there's at least a wife and a daughter that are so concerned that they've called the police. Now I don't know who the original RP is. Maybe they didn't call but they're concerned. Um, they - they are now out of the ho- they are now out of the house. So one could say they're out of danger. Um, which is good but we've got a guy in a car who's fired a single gunshot wound. So one of two things has happened, he's either taken or attempted to take his own life, or he's fired a single shot and he's still in the car with a gun and has already shown a propensity to shoot rounds. At that point, uh, with the pack - the back fence of this place right up against 136th Avenue, one more block and you're at the high school, one block to the west you have a h- a ninth grade campus full of students, all the surrounding neighbors, there's no way we can walk away because if this guy steps out and he's got this gun, he's already shown that he's willing to shoot it once. Based on everything I had, I kind of thought he'd shot himself. I really thought at that point he'd shot himself. Single gunshot wound. I've been there enough times that it usually results in the guy taking it's - it's usually the result of a guy taking his life. When he fires the second shot, now I'm really concerned because he may not be suicidal. He may be homicidal. He may be trying - he may be mentally disturbed and armed. I don't know where this is going next but I know he's got a gun and he's fired two shots. Uh, the fact that the first one went off and he didn't take his life

1126 1127 1128 1129		and another one went off, uh, I had every belief that he's still alive and that he presents a threat not only to the public at large but the police who are sittin' out in front of his house trying to get him out to get him some help.
1130 1131	Q:	Okay. Thanks. And then, um
1132 1133 1134 1135 1136 1137	A:	And I guess I should say from the beginning this - this whole thing, the whole, if you will, if we had a mission, um, was that we were there to get this guy help. He was suicidal. We weren't there to arrest him. We were there to get him the help that he needed and to evaluate whether he needed to be put on a 5150 hold so that he could get help. Um, we were there truly to help him and make sure his family was safe.
1138 1139 1140 1141	Q:	Okay. Um, when - another question I have, the second shot when it was fired was Nick's or Officer Ying's shot right after that fir- second shot? Or was it - can you give me maybe a timeframe of
1142 1143 1144 1145	A:	I believe Nick fired his three and then just after that, uh, Officer Ying fired his round.
16 47 1148	Q:	Okay. How long after that second shot? Was it like you heard the second shot and then Nick boom, boom?
1149 1150	A:	Oh I'm sorry. Scratch what I said. Let's clarify. So the second shot by Mario?
1151 1152	Q :	Yes.
1153 1154	A:	Then there was a period of time where it was nothing.
1155 1156	Q:	Mm-hm.
1157 1158 1159 1160	A:	And then nothing. And then that's - and then I - un- unfortunately I can't - I can only tell you that Sergeant Corti fired his handgun. I can't tell you what he saw that precipitated that.
1161 1162	Q:	Mm-hm.
1163 1164	A:	Um, and then Officer Ying shot.
1165 1166	Q:	Okay.
1167 1168	A:	With his rifle.
59 1170	Q:	Mm-hm.

1171	A:	Um, I can't, oh, I don't know how long after the second shot until Sergeant
1172		Corti shot.
1173	14.0	
1174	Q:	And was that
1175		
1176	A:	Mmm. Somewhere in the one to two minute range.
1177		
1178	Q:	Okay. W- the second shot by the suspect, did that sound like it was from
1179	ν.	inside the car or did it sound like it was an outside shot?
1180		hiside the car of the it sound fixe it was an ottiside shot:
1181	A:	It sounded more exterior.
	A.	it sounded more exterior.
1182	0	
1183	Q:	Okay. All right. Um, do you remember if the trunk on Mario's car was open
1184		or closed?
1185		
1186	A :	Closed.
1187		
1188	Q:	It was closed?
1189		
1190	A:	I believe.
91		
- 192	Q:	Okay. And then when you cleared the car, or who - who cleared the car?
1193	₹.	
1194	A:	I don't know.
1195	1 1.	1 don't know.
1196	0.	Okay. There's a team
1197	Q:	Okay. There's a team
	۸.	A . A A
1198	A:	And - and as soon as we - as soon as we grab Mario to pull him out of the
1199		street
1200	_	
1201	Q:	Yeah.
1202	-	A
1203	A:	that's when the rest of the guys, and that's why I was - I was trying to make
1204		that clear, I'm sorry if I didn't, uh, Detective (Perry), Sergeant Corti, Officer
1205		(Fry) and myself, as we pull Mario back to cover behind Officer (Fry)'s SUV,
1206		the rest of those guys that I previously told you about are now moving forward
1207		to include Officers Salazar and Officer Hackl. They're all converging on the
1208		cars and the house.
1209		AMED MATER TOTAL
1210	0.	Mm-hm. Okay. And then he's - and then I'm sorry, another question. The
_	Q:	· · · · · · · · · · · · · · · · · · ·
1211		medical, did they come in and get him or did they - how - how did medical
1212		come in?
1213	,	
4	A:	They came to s- to where we pulled him to.
1215		

1216	Q:	Mm-hm.
1217		
1218	A:	And treated him right there in the street.
1219		
1220	Q:	Okay. With their rig or did they - do you remember?
1221		
1222	A:	I don't remember
1223		
1224	Q:	Okay.
1225		
1226	A:	where their rig ends up.
1227		
1228	Q:	Okay.
1229		
1230	A:	I think it ends - you know what? It's on the street. When I walk out it's on the
1231		street west of where - west of
1232		
1233	Q:	Okay.
1234		
1235	¹ A:	So somewhere in the 1500 block.
1 1 36		
7د	Q:	Okay. Any questions Detective?
1238		
1239	Q1:	Yeah I just have a couple questions. Um, to your knowledge or when you
1240		were on scene or arriving on scene, did you hear about any prior history or
1241		calls for service at this residence as far as that this subject had prior history of
1242		mental illness or patrol had gone out and dealt with this subject or family
1243		before?
1244		
1245	A:	No.
1246		
1247	Q1:	And while the commands were given by Sergeant Corti and the other officers,
1248		did the subject engage back in conversation?
1249		
1250	A:	I don't remember anything from him verbal to respond to us. I don't - I don't
1251		think I ever - I don't ever heard - sorry, I didn't hear anything from him. So it
1252		seemed - I guess I would say he was non-responsive verbally.
1253		
1254	Q1:	From f
1255	~	
1256	A:	Now there was - now there was points of giving him commands towards the
1257	± 4.1	end where in the surrender phase of this where we would tell him to keep
1257		comin', keep comin' in the street, keep pullin' yourself, he would respond,
9		meaning he did what we asked. There was - I don't remember any verbal
1260		responses from him.
1200		responses from finn.

1261		
1262	Q:	So in - in your opinion the commands that were given, "We don't want to hurt
1263		you. We don't want to hurt you," whatever you said, you think those were
1264		plenty loud enough for him to hear?
1265		
1266	A:	Oh absolutely.
1267		
1268	Q:	Okay. All right. Any other questions? Is there anything I'm not asking you
1269	en en en en en en en en en en en en en e	you think I should know Sergeant Young?
1270		
1271	A:	Um, no I can't think of anything.
1272		
1273	Q:	Okay. Just let me go through my notes real quick. Okay. I don't think I have
1274		any other questions. Do you Daren?
1275		
1276	Q1:	I'm good.
1277		
1278	Q:	All right. Uh, we're gonna go off recording at 4:47, October 23rd.
1279		
1280		
1781	-	s been reviewed with the audio recording submitted and it is an accurate
32	transcription.	
1283	Signed	

1 2 3 4 5 6 7 INTERVIEW WITH SGT. TROY YOUNG 8 Q=Sgt. Brian Anthony 9 Q1=Det. Daren Pasut 10 A=Sgt. Troy Young 11 12 13 Q: All right. This is Sergeant Anthony with, uh, Detective Pasut and, uh, here 14 with me is still Sergeant Troy Young. And per our policy, um, Troy you know 15 you're allowed to go back and look at the video if you want and if there's anything else you want to add you can come back and add it. So that's why 16 17 we took that break. Um, did you just go look at the video? 18 19 A: Yeah. 20 21 Okay. Is there anything... Q: 22 23 Just for clarification, the attorney showed me a video before but... A: 24 25 Q: Okay. 26 27 ...this kind of helped re-refresh my recollection. A: 28 29 Okay. Is there anything else that you saw in the video that - that you think you Q: 30 wanted to add? 31 Yeah a couple of things that, uh, you know, I was watching the video and it 32 A: kind of jars my - my memory that as I first get there, um, that the dri- the -33 34 that Sergeant Corti describes the, uh, driver's window exploding. So that was 35 how I remember - I remember recalling that it was somehow towards himself, 36 a self-inflicted gun wound, meaning towards Mario. And that's kind of where that kind of came from is the - the phrase that, uh, Sergeant Corti said he saw 37 38 the driver's window explode. So to me he's sitting in the front seat, shoots himself and hits the window. Um, and then I remember now that as I get up 39 40 with Sergeant Corti and Officer Ying, him saying he could see movement in 41 the car. So from his position he was actually able to see in the car and see 42 Mario moving. Um, and then, um, kind of more specifically at the point that Sergeant Corti shoots and Officer Ying shoots, are you can hear Officer Corti 43 14 saying, uh, "The door's being opened." Um, and he says, um, that he could see the - he says, "Drop the gun." So there's part of his commands are, "Don't 45

46 47 48 49 50 51 52 53 54 55		do it. Don't do it. Don't make us do this." And then I hear him, uh, you can hear, "Drop the gun," and of course then shots are fired by Sergeant Corti and Officer Ying and kind of sequentially it's one, and then there's a s- just a momentary pause, on- two, three, and four kind of occur right re- right in line behind each other. There's kind of a momentary pause between one and two but then two, three and four kind of occur one right after another. Uh, and again best of my recollection the fourth shot fired was by Officer Ying. And then after the shooting, uh, Sergeant Corti had explained to me that he'd seen a gun in his hand, uh, and that was why he had shot him.
56 57 58	Q:	Okay. When you say after the shooting, when - like right on scene after it happened?
59 60	A:	Right.
61 62	Q:	Like he was basically kind of giving you a warning, "I just saw a gun in his hand?"
63 64 65	A:	Yes.
56 57	Q:	You're not talking like after, after?
68 69	A:	No right after.
70 71	Q:	Okay.
72 73	A:	After the shooting. Right after he shot.
74 75	Q:	Okay. Anything else you want to add?
76 77	A :	No. Is there anything
78 79	Q:	No and again
80 81	A:	I need to clarify?
82 83 84 85	Q:	if - if, um, you know, if you look at the video and you want to come back and add somethin' just let me know and we can get you in here and add it. So Daren do you have anything?
86 87	Q1:	I do not.
88 ,9 90	Q:	Okay. That's, uh, gonna conclude, um, unless you need to talk to us again at 5:05 on October 23rd. Thank you.

91		•			and the second second
92	The transcript has	s been reviewed	with the audio	o recording submitted	l and it is an accurate
93	transcription.				
94	Signed				

Section 10

2 3 4 5 6 7 INTERVIEW WITH OFC. MIGUEL SALAZAR 8 Q=Det. Mike Benz 9 Q1=Det. Shane Nelson 10 A=Ofc. Miguel Salazar 11 12 13 Q: This is Detective Benz. I'm with Detective Shane Nelson and Miguel Salazar 14 regarding case 2015-50010. Today is October 23, 2015, time is 1626 hours. 15 We (are currently in) a police classroom. Um, so Miguel, we're just gonna 16 start with your interview real quick. Um, can you say your first and last name? 17 18 A: Miguel Salazar. 19 20 Okay, and your badge number? Q: 21 22 A: 3-6-7. 23 24 Q: Okay. Um, and when were you hired by the San Leandro Police Department? 25 26 A: October 3 of this year. 27 28 Q: And, uh, do you have any other law enforcement experience? 29 30 A: I do. I worked for the San Jose Police Department from June of 2 th- started 31 the academy in January of 2009, graduated June 2009, uh, was on patrol from 32 June 2009 to June 2011 when I was laid off. I was hired by, uh, City of 33 Berkeley in August of 2011. I worked there until the end of September of this 34 year. I started here at San Leandro. 35 36 Okay. So you just, basically, lateralled from Berkeley over here? Q: 37 38 A: Correct. 39 40 Q: Okay. And then, uh, just - and I know this, just because of the previous guy 41 from San Jose, they had a huge lay-off. They laid off a ton of cops, right? 42 43 A: Correct. 14 +5 Q: And then were you able to get a job fairly quickly with...

1

46			
47	A:		Yes.
48			
49	Q:	and the second second	Berkeley? Okay.
50	•;		
51	A:		Yes.
52		en en en en en en en en en en en en en e	
53	Q:		Okay. Good. Good. You weren't off too long were ya?
54	•		
55	A:		No. I was in the process at Berkeley when I got laid off because I knew it was
56			- had - gonna happen.
57 50	0		T
58 50	Q:		It - it was imminent? Okay.
59 60	Α.	* * *	So I made thinking them made about a month and a half If are with the
60 61	A:	•	So I was thinkin' there was about a month and a half. If even that.
62	0.		Oh, about a month and a half. Little vacation?
63	Q:		On, about a month and a nam. Little vacation?
64	A:	*	Yes.
65	r.		1 63.
66	Q:		That's how you do it. Um, currently what, uh, what shift or assignment are
57	₹.		you on right now?
68			, 0 or 0 = 1 = 2 = 0 or 0
69	A:		I'm on patrol. Uh, in field training with, uh, FTO, uh, Fletcher.
70			
71	Q:		Okay. Um, and what days do you work right now? Or assigned to?
72			and Marie and Communication of the Communication of
73	A:		Uh, Friday, Saturday, Sunday, day shift.
74			
75	Q:	•	Okay. And, what are your hours of work?
76			
77	A:		Uh, 0640 to 1900. As far as Saturday - Sunday?
78	•		77 77 1 1 1 1 1 0 D 1 0 77 11 0
79	Q:	Ÿ	Yes. Um, what was your radio call today? Do you know? Your call sign?
80	۸.		T D1 05
81	A:		Two - David - 25.
82	0.		I m and than today while you ware on ETO you were you uh and I don't
83 84	Q:		Um, and then today while you were on FTO, um, were you, uh, and I don't know how Officer Fletcher does it, um, were you the lead today?
85			know now officer recener does it, diff, were you me read today?
86	A:		Yes.
87	11.		100.
88	Q:		Driving and all that stuff?
, 9	Κ٠	•	
0	A:		Yes, I was driving and I was using the radio.

91		
92	Q:	Okay. Some FTOs have people wait a week or two is why I'm askin'. Um, do
93		you know what beat you were assigned to?
94		
95	A:	Beat 5.
96		
97	Q:	Okay. And, obviously your being new, you're just getting used to Beat 5?
98	•	
99	A:	Yes.
100		
101	Q:	Or ya - okay. D- do you know the area very well in San Leandro?
102	~·	
103	A:	Not very well.
104	2 x.	THOU POLY WOLL
105	Q:	Okay. So it wasn't a place you'd come hang out during your off time.
106	ζ.	Oray. So it wash ta place you a come hang out during your on time.
107	A:	No.
108	<i>1</i> 1.	110.
109	Q:	Okay. Um, as of right now, you don't have a normal shift, right? You're
110	Q.	gonna go from FTO to FTO, that correct?
111		goinia go nom 110 to 110 to 110, that contest:
12	A:	Correct.
113	A.	Concet.
114	Q:	Okay. So you don't even have a permanent shift yet?
115	Q.	Okay. So you don't even have a permanent sinit yet:
116	A:	I do not.
117	7. •	
118	Q:	Okay. All right. Any, um, do you suffer from any type of medical condition
119	Q •	that might impact the way, uh, you physically do your job, your judgement or
120	•	anything like that?
121		ary timing time time.
122	A:	Uh, no. I mean I wear contact lenses, but that's it.
123	11.	On, no. I mount would contact tembos, out that s it.
124	Q:	Okay. Um, when was the last time you slept?
125	Q •	Okay. Oni, whom was the last time you slept.
126	A:	Uh, last night.
127	A.	On, last inght.
128	. 0.	Okay. And how many hours did you sleep? You think?
129	Q:	Okay. And now many hours did you steep: Tou mink:
130	Λ.	I was in bed by 9:00. Probably fell asleep around 9:30 and I woke up around
	A:	4:45.
131		4.43.
132	0.	Olsov
133	Q:	Okay.
34	Á .	Co. it was govern houses
-∡35	A:	So it was seven hours.

136	•		
137	Q:		Seven hours.
138			
139	A:		Yeah.
140	11.		i can.
	<u> </u>		G
141	Q:		Seven - seven and a half hours probably?
142			
143	A:		Yes.
144			
145	Q:		Good. Um, did you receive any injuries from today's incident?
146	`	· •	
147	A:		No.
148	11.		1100
	Ο.		NT - NT-4 141
149	Q:		No. Not hurt physically or anything like that?
150			
151	A:		No.
152			
153	Q:		Okay. Good. Um, now, uh, kind of describe to me, what was your uniform?
154			What was your uniform of the day?
155			What was jour difficult of the day.
156	۸.		I The about alcored uniform about
•	A:		Uh, short sleeve uniform shirt.
57	_		
158	Q:		Mm-hm.
159			
160	A:		Um, and regular pants. Just the, uh, (just like these).
161			
162	Q:		Okay. And on your - and on your shirt, what - what do ya have on your shirt?
163	٧.		Only I had on your and on your shirt, while will do you have on your shirt.
164	A:		I have my department iggreed had as IIm notch on the left arm
	A.		I have my department issued badge. Um, patch on the left arm.
165			
166	Q:		Mm-hm.
167			
168	A:		Uh, my name plate.
169			
170	Q:		Okay.
171	۷.		Olay.
	۸.		Ad 41-042-0 i4
172	A:		And that's it.
173	_		
174	Q:		Okay. And, you're not - you're not one of the offices that has an outer carry
175			vest, right? You're using the regular blue uniform?
176			
177	A:		Correct. I do not have an outer carrier.
178	~		
79	0.		Olean So than um do you come all your striff whom?
	Q:		Okay. So then, um, do you carry all your stuff, where?
-180			

181	A:	On my belt.
182		
183	Q:	And then what'd you have on your belt?
184		
185	A:	Um, from starting - or?
186	+ 1	
187	Q:	Yeah. However.
188		
189	A:	Yeah, just to the left of my belt buckle I have my magazine carrier. Um, a
190		baton ring, my taser, my radio, uh, um, key holder, handcuff case and
191		handcuffs, my holster for my firearm and my firearm. And, then, um, another
192		handcuff case.
193		
194	Q:	Okay. Um, and you're familiar - you probably wore your - Imma - since
195	۷.	you've done the job before that's probably how your belt's always set up?
196		you vo don's the job before that's probably now your bolt's arways set up:
197	A:	Yes.
198	A.	1 G5.
	0.	Okay. So you're familiar with it. All right. Um, all right. And then, uh, you're
199	Q:	
200		just wearing - were you wearing typical police boots?
201		*7
02	A:	Yes.
203	0	
204	Q:	I'm assuming. Same pants. So y-y- your uniform you're identified as a police
205		officer, there's no one's gonna mistaken you for somebody else?
206		
207	A :	Correct. It's a fully marked, uh, patrol uniform.
208	_	
209	Q:	All right. Were you carrying any other firearms other than your duty issued
210		firearm?
211		
212	A:	No.
213		
214	Q:	Okay. Um, the location of today's incident, um, do you know where - what
215		the location was?
216		
217	A:	I don't know the - the home address, but I know it was, uh, 137th, east of
218		Bancroft.
219		
220	Q:	Okay. And, uh, um, the weather, uh, you remember what the weather was
221	ν.	like?
222		me.
223	A:	It was clear. It was daytime, so it was bright. It was well lit.
~?.4	<i>F</i> x .	it was order it was daymino, so it was origin. It was well lit.
	0.	Well lit, okay. Um, so no long shadows or anything like that?
	Q:	won in, okay. Oni, so no long shadows of anything like that?

226		
226		
227	A:	No. Not - not that I recall.
228		
229	Q:	No? So it's just - it wasn't like an overcast day? Were you - I mean, not
230		overcast, let's take it back. There weren't - it would have been spots of (let's
231		say) darkness, it was well lit. You could see pretty
232		say) darkness, it was well lit. I ou could see protty
	A	
233	A:	Correct.
234		
235	Q:	You wouldn't need a flashlight out there?
236		
237	A:	No.
238		
239	O.	All right. Um, while coming - while approaching the scene or - or showing up,
	Q:	
240		um, did you have any prior knowledge of the situation before the shooting
241		took place?
242		
243	A:	Um, well I - we're in - I was in my patrol car, um, my FTO and I were
244		discussing geography and our beat, um, when the call came out. We stayed,
245	•	um, we stayed, uh - uh, we were available for calls because a lot of - I know a
246	•	lot of officers wer- were on that call and I knew - I had heard I'm still
47		
		getting used to the radio traffic
248	_	
249	Q:	Mm-hm.
250		
251	A:	but, um, I believe it was, like, uh - uh, depressed or suicidal subject at home.
252	**	
253	Q:	Okay. So you weren't one of the - the units detailed to the scene, correct?
254	٧.	Only. So you weren to no or the third units detailed to the books, voltoot.
255	A .	No Iwas
	A:	No. I was
256		
257	Q:	Initially the
258		
259	A :	No. I, uh, like I said, we were staying available and then they a- I was
260		dispatched for traffic control at ban- to stop east, uh, eastbound traffic at 137th
261		and Bancroft.
262		wild Excitation
	0.	Ober IIm I dank buran if this is some be annited to the same at a second
263	Q:	Okay. Um, I don't know if this is gonna be applicable to you, um, did you - so
264		when you responded you responded to shut off a s- specific location, correct?
265		To stop traffic?
266		
267	A:	Correct. I was bis- dispatched as that.
268		
`69	0.	Okay. When you stopped and you - when you got there, to your destination
	Q:	
-270		and y- you did what - your duty of stopping traffic, was that the post that you

271 272			stayed at the entire time or did you walk into the scene? Or, you know what I mean?
273 274 275 276 277	A:		Yeah. No, um, we arrived on scene and, um, m- my FTO and I exited the vehicle and my FTO made contact with the sergeant and he directed us to go eastbound to assist Hackl bec- Officer Hackl because, I believe at that point he was alone near the house.
278 279 280 281 282	Q:		Okay. All right. That makes sense. Okay. So we kinda - this kinda jumps into another question, uh, that's kinda w- not weird, but kinda - it's gonna segue a little different. Um, with everything that you saw when you got there, I mean how - how close were you and Fletcher and Hackl to the actual incident?
283 284 285	A:		Initially? Or?
286 287	Q:		Well, so
288 289	A :		Should I just go chronologic? So initially
290 291	Q:		Yeah.
)2 293	A:		we start - we were at - we were on Bancroft.
294 295	Q:		Mm-hm.
296 297 298	A :		And I don't know how, I mean, it was a good distance away, the - the target location - the home.
299 300	Q:		Yeah.
301 302 303	A:		Um, so we started walking on the south sidewalk, east towards where Hackl was.
304 305	Q:		Uh-huh.
306 307	A:		I think that's where a couple officers were s- crouched behind a car.
308 309	Q:		Mm-hm.
310 311	A:		As we were walking, I heard what I believe to be a gunshot.
312 313	Q:		Mm-hm.
4 ت15	A:	•	So at that point, myself and Officer Fletcher ran to cover to join the o-the other officers.

316		
317	Q:	Mm-hm.
318		
319	A:	And then we were directed by someone, uh, to move to Officer Hackl's
320		location.
321		
322	Q:	Okay.
323	, v .	Okay.
324	A •	Co at that waint was marred from who hadring and come on the growth side of the
	A:	So at that point we moved from, uh, behind one car on the south side of the
325		street, I guess, just west of the home.
326		
327	Q:	Mm-hm.
328	to a constant	
329	A:	Uh, to Officer Hackl's vehicle, which was east of the residence.
330		
331	Q:	Was that vehicle parked on the street?
332		
333	A:	Yes.
334		
335	Q:	Okay. I'm tryin' to put two and two together, too. So, perfect. Um, knowing
336		what you know and knowing what you saw and knowing what you heard,
7		whether via radio or via the officers you're around
338		Whother via radio or via the orrivers you to around
339	A:	Mm-hm.
340	Α.	TVIIII-IIIII.
341	0.	year do year think there were enve other moons of forms left for the officers
	Q:	um, do you think there were any other means of force left for the officers
342		other than deadly force to be used?
343		3.7
344	A:	No.
345		
346	Q:	Okay. Could the officers - could - could the officers have stopped the threat
347		by any other means, ya think?
348		
349	A:	No.
350	•	
351	Q:	Okay. Um, the force used, was it necessary and reasonable?
352	-	
353	A:	Yes.
354		
355	Q:	Okay. Um, how many shots did you hear when you showed up?
356	**	
357	A:	As we were walking from our original post
358	11.	115 We were wanting nom on original post
	0.	Mm hm
9	Q:	Mm-hm.
⊃60		

361	A:	towards the first set of officers
362		
363	Q:	Mm-hm.
364		
365	A:	on the south side, we heard one. And that's when we ran into cover.
	Δ.	on the south side, we heard one. And that's when we ran into cover.
366		
367	Q:	Mm-hm.
368		
369	A:	And then I believe - so after we moved to the second location where Officer
370	:	Hackl was
371		THORI Was
	_	
372	Q:	Mm-hm.
373		
374	A:	myself and officer - or Detective Cesaretti, we moved to - I think there was
375	*.	a Jeep that was on the north sidewalk.
376		a soop that was on the north statewark.
	_	
377	Q:	Mm-hm.
378		
379	A:	It was some short of vehicle and I believe as we were standing behind that, I
380		believe there was a second one.
381		
	Ο.	O1 TI 4 41141114
32	Q:	Okay. Um, during the shooting, uh, what was your mindset? What were you
383		thinking?
384		
385	A:	Well, this subject had shot - fired two times on
386		
387	Q:	Mm-hm.
	Q.	IVIIII-IIIII.
388		
389	A:	and, so, um, I was standing behind the Jeep and then I moved to cover
390		Officer Hackl.
391		
392	Q:	Mm-hm.
	۷.	ATARAA ABAAD
393	A .	(01 1 -1 -1 -1 -1 -1 1 1 1 1 1
394	A:	'Cause he was removing, uh - uh, r- he was, uh, he was, uh, he was getting his
395		rifle out of the trunk of the vehicle so I was covering him as he did that.
396		
397	Q:	Mm-hm.
398	₹.	
	۸.	And the Tanana this or as be seen dealering this off the county to the
399	A :	And, um, I covered him as - as he was deploying his rifle. He moved back to
400		the Jeep, at which point, um, I believe it was my FTO moved back towards
401		me, towards the patrol car.
402		
403	Q:	Mmm.
403 14	٧.	17344144
		T (1) 1
-d5	A:	I was at the patrol car.

406		
407 408	Q:	Okay.
409 410	• A:	And I saw - we could - I could see movement. I don't know what he was doing - the subject was doing inside the car.
411 412 413	Q:	Mm-hm.
414 415	A :	Um, but I was certainly fearing for my safety. I - he - I had heard two gunshots, so I knew he was armed.
416 417 418	Q:	Mm-hm.
419 420 421	A:	I heard multiple officers, ya know, telling him to come out with his hands up and he wasn't doing it. I certainly feared for my safety.
422 423	Q:	Oh
424 425 426	A:	Um, I was standing at the trunk. I felt like I was kind of in a bad position 'cause I didn't have cover.
.20 }7 +28	Q:	Mm-hm.
429 430 431	A:	So I was moving a little bit - I was kind of behind the passenger side - rear passenger door, looking through the patrol vehicle.
432 433	Q: 1	Yeah.
434 435	A:	When I saw him exit the vehicle.
436 437 438	Q:	Okay. Um, and I think you probably, kinda already answered this, but it - was it reasonable for the officer to perceive that type of danger?
439 440	A:	Yes.
441 442 443 444	Q:	Okay. Um, and I don't know if you'll even know this answer, but do you know if the shooting violated the police, uh, the department policy or anything like that? Y
445 446	A:	N- no I don't know - I don't - I don't think it did.
447 448 19 0	Q:	Okay. Um, and then before I move into, kind of everything else here, (unintelligible) is there anything you can think of that we - that we didn't ask yet that may help us right now? We're gonna go - kinda go through the whole thing

451		
452	A:	All right.
453		
454	Q:	but is there anything that sets the table before we get into the whole
455		
456	A:	Ya know
457		
458	Q:	with (Razini)?
459		
460	A:	Uh, I don't think so.
461		
462	Q:	Okay. You good? Want a break? Water? Anything?
463		
464	A:	I'm good. No, I
465		
466	Q:	Okay, here's a map.
467		,
468	A:	Mm-hm.
469		
470	Q:	And I'm gonna explain things to you here. Um, so, obviously this is - it's not
471	~·	to scale. I'm not that good. So - so this is 137th Ave.
<u>'2</u>	•	10 55000 1 11 100 0100 50 00 00 010 15 15 / 11111 10.
473	A:	Mm-hm.
474	* *.	Trans.
475	Q:	Right here. Um, I think Bancroft is gonna be right there. I think the other
476	ν.	street here is Lark. Um, this is true north, per Google, (like that), but we - we -
477		we just call that the north side, we call that the south side. Um, this is gonna
478		be the l- the house in question.
479		oo mo i mo nouse in question.
480	A:	Mmm.
481	11.	IVIIIIII.
482	Q:	These are the two cars that are parked in the driveway. And this is as I saw the
483	۷٠	scene.
484		Scoric.
485	A:	Yes.
486	A.	1 65.
487	0:	So this is what - when I showed up after everything was said and done, this is
488	Q:	where it is. And you're gonna be able to draw on this and show me.
489		where it is. And you le goinia de able to draw on this and show me.
	۸.	01
490	A:	Okay.
491	0.	Whatever were I I at this is a blue and the desired in Court Col. 1
492	Q:	Whatever you want. Um, this is a blue car that's parked in front of the house.
493	A .	N 6 m 1 m
74 .5	A:	Mm-hm.

496 497	Q:		Um, this is actually, uh, police officer's car that was moved up there, apparently.
498			
499	A :		Mmm.
500			
501	Q:		Um, this is going to be a dark colored sedan that was across the street. That -
502	٧.		does that ring a bell?
503		•	does that ring a ben:
	Α.	•	V
504	A:		Yes.
505	_		
506	Q:		Okay. And then, this is another police car that's right here blocking this street.
507			Again, not to scale. I'm believing this is gonna be Officer Hackl's vehicle.
508			
509	A:		Yes.
510			
511	Q:		If I'm - if I'm not mistaken. Okay. Um, so that's just kind of how it sets up
512	٧.		there, uh, again, not true to scale, but, ya know, this is gonna be Bancroft on
513		•	this side and that'll be Lark. So I'll leave the pen there, you draw what you
514			need to draw.
515			
516	A:		Okay.
17		,	
518	Q:		Um, so go from the beginning. So you and Officer Fletcher are - are - you're
519			on FTO with Officer Fletcher. What were you guys when you guys were -
520			before - when this call came out, what were you guys - were you on another
521			call? Were you guys just talkin' geography? What were you guys doing?
522			
523	A:		We were just talkin' geography. Um
524	11.		We wore just tankin geography. Ont
525	0.		Do way Image where way ware? When this gall
	Q:		Do you know where you were? When this call
526			77 1 T.d. 1 T
527	A :		Ya know, I think we were - we were going southbound on East 14th. We were
528			pretty close to, ya know, the border, the south border of the city.
529			
530	Q:		Okay.
531			
532	· A:		Um, and
533			
534	Q:		So you guys are just driving, you
535	٧.		so you gays are just arrying, you
536	۸.		We were just
	A :		We were just
537	_		1 1 1 1 3 77
538	Q:		guys are just drivin'. You guys weren't parked anywhere?
\ 9			
540	A:		Correct. We were just drving.

541			
542	0.		You're patrolling.
543	Q:		Tou le patronnig.
	۸.		V-a
544	A:		Yes.
545		•	
546	Q:	• .	Okay.
547			
548	A:	r _e ti.	Um, we were driving. Um, we're - I was dispatched for traffic control.
549			
550	Q:		Mm-hm.
551			
552	A:		So I made a u-turn. I'm not sure - exactly sure where. I started driving
553			northbound. As, um, I started driving
554			
555	Q:		So, um, I'll make a (draw)
556	Q.		50, um, 1 m maxo a (draw)
557	۸.		Vanh
	A:		Yeah.
558			
559	Q:		So when they - when they send you for traffic control, um, people were
560			already dispatched this, apparently then, right?
561		*	
52	A:		Yes.
J63			
564	Q:		Okay. Okay.
565			
566	Q:		So you were not one of the people, like, they didn't say, "Hey 2-0 - 2-David-
567			25 come assist right away." Was after they dispatched everyone and someone
568			requested for
569			
570	A:		Correct.
571	1 2.		
572	Q:		Okay.
573	Q.		Onay.
	۸.		Compat
574	A :		Correct.
575	_		
576	Q:		All right, perfect. Go ahead.
577			
578	A:		Yeah, so I made the u-turn to drive northbound. Um, at that point, I'm - I'm
579			assumin' the on-site supervisor advised, um, requested the unit to do traffic
580			control myself, uh, respond code 3.
581			
582	Q:		Okay.
583	`		
⁻ 84	A:		So I activated my, uh, overhead lights and sirens, uh, dro- drove to the area,
35			shut down, um, assumed a traffic control post. Uh, there was already two
			Direction of the distribution of the control pools of the distribution of the control of the con

586 587	1 (1) (2)		vehicles parked on Bancroft.
588	Q:		Okay.
589			
590	A:		So I just plugged my vehicle into the, uh, ya know, the most northern part and
591			we exited. At that point we made contact, my - my f- my field training officer
592	en en e	•	made contact with the sergeant.
593	×		
594	Q:		Mm-hm.
595			
596	A:		And we were assigned to go assist Hackl.
597			
598	Q:		All right.
599			
600	A:		Officer Hackl.
601			
602	Q:		Okay.
603			
604	A:		Excuse me. And so - just go through it?
605			X71.
606	Q:		Yeah.
)7 608	A:		Olean
609	A.		Okay.
610	Q:	*	(Unintelligible).
611	٧.		(Cimitolingible).
612	A:		So we were walking eastbound on the south side of Lark.
613			
614	Q:		You can draw on there, too, if you want.
615			
616	A:		Okay. I'm not exactly sure where we were. We were walking eastbound. We
617			were probably around here. We were somewhere - a good distance away from
618			this vehicle when - when I heard the first gunshot.
619			
620	Q:		And that's the south side, right?
621			
622	A:		Yes, we were on the south side
623			
624	Q:		Okay.
625			
626	A:		of 137th walking eastbound. Heard the first gunshot, un-holstered my fire -
627			firearm. I wasn't sure if officers were being shot at. Um, and we ran to this
628			vehicle here.
9	_		
-030	Q:		Was there anybody by that vehicle when you

631		
632 633	A:	Yes. Um
634	Q:	You may not know their names, I don't think.
635 636	A:	Yeah, I - I - I don't know. Um, one officer had a rifle deployed.
637 638	Q:	Okay.
639 640	A:	I was crouched at the front of the vehicle near the, uh, engine block.
641 642	Q:	Okay.
643 644 645	A:	So we - we crouched down here. Again, I wasn't sure if anyone had been shot. I just heard a gunshot.
646 647 648	Q:	Mm-hm.
649 650 651	A:	Um, and at that point, we're - we were, uh, directed to assist Officer Hackl who was at his vehicle here and he was by himself.
52 o53	Q:	Okay. And that's the west side of where that vehicle was?
654 655	A:	East side.
656 657	Q:	East side.
658 659	A :	Yes.
660 661	Q:	East side. East of where you were originally. Okay.
662 663 664	A:	So, um, I believe Detective Cesaretti was in front of me and I don't know if I was in front or behind, um, my FTO, Officer, uh, Fletcher. But we - we, uh, we went to this vehicle, took cover
665 666	Q:	So you three go to that side?
667 668	A:	Correct.
669 670	Q:	Okay.
671 672	A:	And there was, I believe, it was, like, a little Jeep Wrangler.
673 74 /5	Q:	Dr- uh, draw it in there. Draw it in there.
	•	

(7)	A .	
676 677	A:	Like, right about here.
678	0.	Just put - write, 'Jeep' on there so I know.
679	Q :	Just put - write, Jeep on there so I know.
680	A:	Jeep.
681	A.	
682	Q :	Thank you.
683	ν.	Thank you.
684	A:	I believe that's what it was.
685	4.	1 octions that it was.
686	Q:	Okay.
687	Χ.	Only.
688	A:	It may have - actually it was probably a little further back here.
689		is may have accounty to man productly a little retrieved countries.
690	Q:	That's all right.
691	•	
692	A:	Um, and because it - we were all at the trunk and, ya know, there wasn't a
693		whole lot of cover and one shot had been fired, Cesaretti and myself moved
694		up behind the Jeep. So the east - so the rear part of the Jeep - to the east side
695		of the Jeep
696	•	
97	Q:	Mm-hm.
098		
699	A:	um, and fle- Officer Fletcher was also with me. Uh, Officer Hackl remained
700		here I believe. Someone asked if anyone had a rifle and Officer Hackl stated
701		that he did. So he went to his trunk to deploy his - his rifle because he was by
702		himself at his trunk and I was worried for his safety because we had already
703		had - heard one gunshot. At that point there may have been a second gunshot,
704		I - I don't remember.
705		
706	Q:	Mm-hm.
707		
708	A:	Um, I ran and stood by here, covering officer - Officer Hackl as he deployed
709	•	his rifle from - from his trunk.
710	_	
711	Q:	Mm-hm.
712		
713	A:	Uh, he deployed it and I believe he moved - I was focused on the vehicle like I
714		said, I saw movement. I couldn't quite see into the vehicle. And then I'm - I -
715		I guess he moved back up here, I'm not sure. But, Officer Fletcher was with
716		me here.
717		01
718	Q:	Okay.
119		
20	A:	At some point. I - I don't know, ya know, I wasn't

721			
722	Q:		You were
723			
724	A:		focused on that.
725			
726	Q:		kinda
727	₹.		
728	A:	14. 14.	In fact
729	21.		
730	0.		you were just
731	Q:	•	you were just
732	Α.		I was leading at where where
	A:		I was looking at where - where
733	•		
734	Q:		The threat.
735			
736	A:		the threat was. Um, and so, again, like I said, I kinda felt exposed because I
737			was standing at the trunk, um, there had already been one if not two gunshots.
738			I know that, ya know, through my training and experience, I know that bullets
739			can easily go right through a vehicle. If you're not near the engine block or
740			not, ya know, near your door, so I kinda crouched down and I was debating
741			going towards the front of the vehicle. Um, and so that's when I crouched
42			down and I was kind of moving forward and as I was looking I saw someone
743			come out of the vehicle and as I was looking through, I believe I saw a firearm
1-13			Total out of the following with the result of the result o
744	•		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I
	•		
744	•		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I
744 745			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers
744 745 746			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well,
744 745 746 747	Q:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well,
744 745 746 747 748 749	Q:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work.
744 745 746 747 748 749 750			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm.
744 745 746 747 748 749 750 751	Q: A:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the
744 745 746 747 748 749 750 751 752			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I
744 745 746 747 748 749 750 751 752 753			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if
744 745 746 747 748 749 750 751 752 753 754			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a
744 745 746 747 748 749 750 751 752 753 754 755			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into
744 745 746 747 748 749 750 751 752 753 754 755 756			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a
744 745 746 747 748 749 750 751 752 753 754 755 756 757	A:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758			in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759	A: Q:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered Yeah.
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760	A:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761	A: Q: A:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered Yeah. by mu- much of his vehicle.
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762	A: Q:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered Yeah.
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763	A: Q: A: Q:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered Yeah. by mu- much of his vehicle. So there's a bunch of concealment.
744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762	A: Q: A:		in his hand. And I may have said to Officer Fletcher, "He's got a gun." And I was certainly fearing for my safety, fearing for the safety of the other officers there. I know there was even, um, ya know, why did - I don't recall - well, morning time, I know people were leaving for work. Mm-hm. Ya know? It - it was - it was a dangerous situation for the - the officers, for the family members, even for the reporting party, for all the - all the residents. I immediately feared for my safety. Um, but, uh, I wasn't sure if he had any - if there was anyone else in the vehicle with the subject, so I didn't really have a good shot because I would've been shooting through a patrol vehicle and into because he came out here so my line of sight was covered Yeah. by mu- much of his vehicle.

766 767	Q:		Okay.
768 769	A:		So I just saw a hand, I saw a person, but I didn't feel - I - I felt like it was a threat because he had fired two shots
770 771 772	Q:		Mm-hm.
773 774 775 776 777	A:		Um, ya know, initially we didn't know if he had shot himself, but when he exited the vehicle, that made me think he was shooting at us, he was shooting at officers, because I heard shots and he exited. He wasn't, uh, didn't seem to be gravely injured 'cause he - he stood up out of the vehicle. Um
778	Q:		So he stood up?
779 780 781	A:		He stood up.
782 783	Q:	•	Oh, okay.
784 785	A:		So as - that's as I recall- that's
786 37	Q:		Yeah, no.
788 789 790	A:		my point of view. Um, he exited the vehicle so, um, and then at some point officers fired. I believe it was from kinda this area from south from my - to my southwest.
791 792 793	Q:		Mm-hm.
794 795 796	A:		Um, he fired. Officers fired. I don't how many. Um, and the subject - I lost sight of the subject. I looked, kinda, down under the patrol vehicle at that point and I didn't see him. Um, I think - I think I asked Officer Fletcher if he
797 798 799			had eyes on - and we kind of assumed that he went back into the vehicle because we didn't see him on the ground.
800 801	Q:		Mm-hm.
802 803 804 805 806 807	A:		Um, so he was in the vehicle for a little - for some time. I - I don't know how long. I heard officers, ya know, ordering him to come out with his hands up. He - the - before he exited, officers were te- I believe officers were telling him to come out with his hands up. Ya know, they were trying to establish contact with him.
808 \9	Q:		So verbal contact, was
च 10	A:		Verbal contact.

811	•		
812	Q:		was it consistently going?
813	۷.		The state of the s
814	A:		Yeah.
815	4.4.		
816	Q:		Okay.
817	٧.		Okay.
818	A:		Consistently. The entire time.
819	13.		Consistently, The vittle time.
820	Q:	*	Okay.
821	Q.		omy.
822	A:		Um, and so lost sight of him, he went back in, he came - I don't know if he - I
823			- I didn't have good vis- visual. At some point I saw him on the ground. Um,
824			before that there was - he dropped what I believe to be the firearm on the
825			ground in between these two vehicles. So somewhere around here.
826			ground in between these two vernetes, so somewhere around here.
827	Q:		Mm-hm.
828	Q.		171111-11111
829	A:		At some point he exited the vehicle, was on the ground here, and he was
830	11.		directed to move towards the street which he did. Um, which he did, so, uh, I
831			think at that point this vehicle was moved up.
32			timik at that point this voincie was moved up.
833	Q:		The police had (unintelligible).
834	Q.		The ponce had (dimiteringlese).
835	A:		Yeah. I think it was - it was an SUV. Uh, it was moved up here and, ya know,
836	41.		contact - he made contact with him. At that point, um, Detective Cesaretti, uh,
837			Officer Hackl, Officer Fletcher, myself, we moved westbound, um, and
838			assisted in clearing the - the residence.
839			assisted in oldaring the thic residence.
840	Q:		Okay. And then when you guys cleared the residence, you didn't deal with
841	Q.		him at all?
842		*	min at an:
843	Δ.		No.
844	A:		140.
845	Q:		The other - the other group of officers were detaining him?
846	Q.	•	The other - the other group of officers were detaining infin:
847	A:		Correct.
848	л.		Contest.
849	٥٠		Okay. Um, during your, uh, clearing of the house and so forth, do you recall
850	Q:		anyone asking for medical attention for this person?
			anyone asking for medical authuon for this person?
851	۸.		Thelians that was as onto the liment that was called for an the madia and
852	A:		I believe that was es- esta- ya know that was asked for on the radio pretty -
853			pretty quickly.
⁻ 4	,		01
<u>_</u> 5	Q:		Okay.

A:	So.
Q:	And then when you exited the house after the search, um, did you see anyotending to this suspect?
A:	I think by the time I exited, uh, medical was already there tending to him.
Q:	Okay. So he was already being seen?
A:	Yes.
Q:	He's being treated, right?
A:	Yes.
Q:	Immediately then? That's pretty fast then?
A:	Yes.
Q:	Okay. So there - there was no real delay, right?
A:	No.
Q:	Do you know if medical was staging for this?
A:	I believe so.
Q:	Okay. So they were already there?
A:	Yes.
Q:	Ah, perfect. Um, Officer Hack- was - was Hackl in an SUV or a patrol car
A:	Uh, I don't know if this was his vehicle, but
Q:	Okay.
A:	this was, uh, a Crown Victoria.
Q:	It was a Crown Vic?
A:	Yeah.
Q:	Okay.

901		
902	A:	It was a Crown Vic.
903		
904	Q:	I was - I know that you were talking about the trunk and I was thinking, "Oh
905		he's behind it." I was thinking it was an SUV, that's why.
906		
907	A:	Yeah.
908		
909	Q:	Okay.
910		na night ann aig agus tha na an Tallachaill ann an t-aireann agus ann an t-aireann an t-aireann an t-aireann a Bailteann an Aireann an t-aireann an t-aireann an t-aireann aireann agus an t-aireann an t-aireann an t-airean
911	A:	This was a Crown Vic.
912	* .	
913	Q:	That was a Crown Vic.
914		
915	A:	And this was an Explorer.
916	0.1	
917	Q1:	Okay. Um, how long - when you moved up to clear the house, how long do
918		you think it took you to clear the house when you came back out and already
919 920		saw medical there?
920	A:	Um, a few minutes 'cause we did the, ya know, he was - there's a fair amount
2	A.	of rooms and then I assisted in clearing the backyard.
ے 23ء		of rooms and then I assisted in creating the backyard.
924	Q1:	Okay.
925	· · ·	oray.
926	A:	So it took a few minutes.
927	773.	
928	Q1:	All right. You think five minutes? How long?
929	`	
930	A:	Um, probably at least five minutes.
931		
932	Q1:	Okay.
933		
934	Q:	Okay. Uh, they have an animal at the house, do you know?
935		
936	A:	Yes.
937		
938	Q:	And what kind of dog, or animal was it?
939		
940	A:	Uh, it was a dog. It was a, like, Golden Retriever. Or, no it's, um, no it wasn't
941		a Golden Retriever, it was probably - it was, uh, Lab and gold, like, uh - uh,
942		yellow Lab.
943		
'4	Q:	Okay.
-5		

A:	I think.
Q:	Friendly dog?
A:	Yes,
Q:	Aggressive dog?
A:	Friendly.
O:	Okay. Um, did you have any contacts with, um, well it sounds like you had no
	contact with the suspect, is that correct?
Δ.	Correct.
71.	Corroct
0.	Okay. Did you have any contact with anybody related to the suspect?
Q.	Okay. Did you have any contact with anybody related to the suspect?
* A.	NT.
Α.	No.
	NI ONI OTI 1 1 1 1 1 1 000
Q:	No? None? Um, when you got - when you showed up on scene with Officer
	Fletcher and you went and spoke to the sergeant at the command post, I'm
	assuming that's where it was, um, were there any other officers or people
	there?
A:	Uh, I believe there was one other officer there. I didn't speak to the sergeant.
e e e e e e e e e e e e e e e e e e e	is described and the control of the control of the control of the control of the control of the control of the The control of the c
Q:	Oh.
•	
A:	Officer Fletcher did.
O:	Okay.
	and a const er
A :	And then that's when we directed to move up.
	This will have by the the discount to move up.
0.	Okay. So you didn't - you just kinda stood your ground and was told, "Let's
٧٠	go"?
	go :
۸.	Commont
A:	Correct.
	A 1 1 01 TT 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Q:	And you moved. Okay. Um, do you remember how many officers were by
	this f- this first car which I'm pointing to is on the south side, um, do you
	know how many officers were there when you and Officer Fletcher were
	going up there to assist?
A:	Uh, at least two, I believe.
	Q: A: Q: A: Q: A: Q: A: Q: A: Q: A: Q: A: Q: A: Q: A: Q:

991		
	Ο.	A4144 D 1 11
992	Q:	At least two. Do you r- you mentioned one had a - a rifle out.
993	1	
994	A:	Yes.
995		
996	Q:	Do know which one that was?
997		
998	A:	I believe it was Officer Ying.
999	5.5	
1000	Q:	Okay.
1001	₹.	
1002	A:	Was the one in there. I think it was Officer Ying, Sergeant Corti
1002	71.	was the one in there. I think it was officer Thig, bergeant coru
	Ċ.	01
1004	Q:	Okay.
1005		
1006	A:	There may - I - I - and then I'm not sure about the third. There may have been
1007		a third.
1008		
1009	Q:	There may have been? Okay. And then, uh, the rifle was Officer Ying, yes?
1010		
1011	A :	Yes.
!2		
1013	Q:	Okay. And then, uh, Sergeant Corti didn't - he had his firearm. His d-d-
1014		sidearm?
1015		
1016	A:	From what I recall, yes.
1017	-,	
1018	Q:	Okay. And then, um, you said there may have been a third, you're not
1019	ν.	Oray. Tille then, am, you bald there may have been a tille, you le nou
1020	A:	No.
	A.	110.
1021	Ο.	
1022	Q:	sure.
1023		
1024	A:	Correct.
1025	_	
1026	Q:	Okay. And then from, uh, obviously Detective Cesaretti was there, too?
1027		
1028	A:	Yes.
1029		
1030	Q:	Was he there before you or after you?
1031	•	
1032	A:	Um
1033		
34	Q:	Do you recall?
ار 5د	ν.	Do you toodit.
00		

1036 1037	A:	·	I don't recall.
1038 1039	Q:		Okay. And then when you, Cesaretti, Fletcher move from that first car to Hackl
1040 1041 1042	A:		Mm-hm.
1043 1044	Q:	•	the guys here, were they just providing cover for you guys?
1045	A:		Yes.
1046 1047	Q:		'Cause I mean, it's kind of a bit of a - a haul.
1048 1049	A:		Yes. It was - it was a wide open haul. So it was, uh
1050 1051	Q:	•	Yeah, exactly.
1052 1053	A:	* *.	Again, ya know, fearing for my safety.
1054 1055	Q:		Okay.
1956 57	A:		And of others.
1058 1059 1060	Q:	•	Okay. Um, how many shots do you know you heard? That you know, like, "I heard these for sure."
1061 1062 1063	A :		I know I heard one as we were approaching this first vehicle - this first set of officers.
1064 1065 1066	Q:		Okay. And after that?
1067 1068	A:		I
1069 1070	Q:		You were just - were you just in the moment?
1071 1072 1073	A :		Yeah. I was kinda, I mean, I was closer but I believe there was a second one here.
1073 1074 1075	Q:		Okay. Wh- you're - second one that you heard while you were there?
1075 1076 1077	A:	•	Correct.
1077 1078 79	Q:		Do you know where that - where those shots were coming from?
1080	A:		They sounded like it was coming from the general direction of - of the house

1081		and - or the vehicle. The - the driveway area.
1082	_	
1083	Q:	Okay. So it didn't sound like they were coming elsewhere?
1084		
1085	A:	No.
1086		
1087	Q:	You - you know, standin' there, did - did it appear they were coming from the
1088		south side of the street or the north side of the street?
1089		
1090	A:	North side of the street.
1091		
1092	Q:	Okay. Um, and you've heard gunshots before, yes?
1092	Ψ.	Okay. Oni, and you ve heard ganshots belofe, yes:
1093	A:	Yes.
	A.	I es.
1095		T
1096	Q:	I mean, you've been to range training and you've had to qualify with your ri-
1097		or your gun, so you know what a gunshot is, right?
1098		
1099	A:	Yes.
1100		
1101	Q:	It did - it sounded like gunshots, not fireworks, right?
)2		
1103	A:	Correct.
1104		
1105	Q:	Okay. Um, when - this is kinda goin' back. When you were - I think you were
1106		over here by the - by - which we believe is Kevin Hackl's car - Officer
1107	•	Hackl's car.
1108		
1109	A:	Yes.
1110	11.	105.
	0.	Where the space is, that's where he was - that Crown Vic. You mentioned that
1111	Q:	<u>.</u>
1112		you saw the suspect come out with a gun in his hand, that correct?
1113		
1114	A:	Yes.
1115		
1116	Q:	Okay. Do you remember what that gun looked like? Or, I mean, you were
1117		kind of far away, I know, but
1118		
1119	A:	I was pretty far away, I just saw what I believed to be a firearm in his hand.
1120		
1121	Q:	Okay. And then, um, when he was being detained and after you cleared the
1122		house, did you ever look down and see if there was a gun there or anything?
1123	·	Or?
4	•	
1125	۸.	I did not.
1123	A:	1 did not.

1126		
1127	Q:	Okay. Did you hear anyone in - else mention anything about a gun?
1128		
1129	A:	Yes.
1130		
1131	Q:	Oh, you did.
1132	•	
1133	A:	Yes.
1134	11.	
1135	0.	Okay. And what did you - what did you hear?
1136	Q:	Okay. And what did you - what did you hear!
	A .	William and a said of the said
1137	A:	When we exited the, uh, the residence after clearing it, um, and he was being
1138		attended to, someone said, "Someone stand by with the firearm."
1139		
1140	Q:	Okay. Okay.
1141		
1142	Q1:	Um, can you describe the, uh, the - the suspect's vehicle? You talked about,
1143		uh, your field of view.
1144		
1145	A:	Mm-hm.
1146		
7	Q1:	And, um, ya know, obstructive, ya know, obstruction, things of that nature.
1148		
1149	A:	Yes.
1150		
1151	Q1:	Can you describe, like, further how that was obstructing you, or, like, what
1152	~- ·	you could and couldn't see, or?
1153		you oould use ooulds t soo, or.
1154	A:	Um, well, we couldn't see into the vehicle so I don't know if the windows
1155	Λ.	were tinted or if it was just, kinda, glare from my angle. Um, I don't - I don't
1156		really know. Um, but it was, uh, it was like a compact sedan type thing. Um
1157	01.	01
1158	Q1:	Okay.
1159		
1160	A:	so when he - and just because of, kind of, my - my s- I guess, kinda, severe,
1161		steep angle from, like, here to here, when he exited, ya know, this kind of, like
1162	·	the rear window area, door frame kind of obstructed him from my view.
1163	•	
1164	Q1:	Okay. Um, and then when you saw the - the subject exit the target vehicle,
1165		um, like, where was he?
1166		
1167	A:	He was in between. He was next to the target vehicle in between these two
1168		vehicles. The - r- I believe he exited out of the rear passenger.
6.		
1 = 10	Q1:	The rear passenger?
	×	The raw Landaw Par.

1171	•		
1172	A:		The rear driver side, excuse me.
1173	4 5,0	•	The real arriver blac, excuse me.
1174	Q1:		Oh, rear driver's side. Okay. So you think it's from the backseat?
1175	Qı.		On, rear driver's side. Okay. So you timik it's from the backseat:
	Α.	4.5	
1176	A:		Yes.
1177	0.1		
1178	Q1:		Okay. And then, uh, when you saw the firearm, could you see, like, where -
1179			where - was it - where was it pointed?
1180		:	
1181	A:		I just saw it in his hand. I don't - I didn't - I couldn't quite tell.
1182			
1183	Q1:		Okay. Okay.
1184			
1185	Q:		Did - could you tell, like, if it was, like, when he got out, was it just pointed
1186	•		up? Y- y- you know - you know what I mean, like
1187			
1188	A:		Yeah. I couldn't tell it - how
1189			
1190	Q:		(Unintelligible).
1191			
)2	A:		he was holding. I saw - I saw something in his hand and I couldn't honestly
1193			say which way it was pointing.
1194			
1195	Q:		Okay. Okay. 'Kay.
1196	٧.		only. Only. They.
1197	Q1:		Um, I'm okay.
1198	Q1.		om, i mokuy.
1199	Q:		Is there anything you can think of that we didn't ask that might help us with
1200	Q.		this investigation? After we kinda went A through Z
1200			uns mvestigation? After we kinda went A unough 2
1201	A:		Manage
	A.		Mmm.
1203	Ο.		1
1204	Q:		ya know.
1205			
1206	A:	+ .	Uh, no. I think - I think that's everything I recall.
1207	_		
1208	Q:		Okay. Um, just, uh, I - I'll go back just a little bit. I'm sorry. Um, so once you
1209			guys cleared the house, someone stays with the gun, suspect's already being
1210			tended to by medical and he gets transported, um, what did you and Officer
1211			Fletcher do at that point? What - what did you guys end up doing?
1212			
1213	A:		After we exited, uh, again, I don't know, um, it may have been - I'm not sure
4			who, but we were all told, everyone who witness it, we all waited here and
1215			then we walked westbound to Bancroft.

1216		
1217	Q:	Okay.
1218		
1219	A:	And we just waited there until we responded back to the station.
1220		
1221	Q:	Okay. All right. And then, uh, just kind of be clarified, and it is - I mean, I
1222		may have asked this, um, did you fire your off - your gun at all at anybody?
1223		
1224	A:	No.
1225		
1226	Q:	Okay. Uh, did - do you know if, uh, anybody, uh, fired your gun?
1227		
1228	A:	No one fired my gun.
1229		
1230	Q:	You had it on tight.
1231	* .	
1232	A:	I had it on, yeah.
1233		
1234	Q:	Okay. And then, um, the sitch- the - w- when you came out did you hear the
1235		suspect say anything?
1736		
37	A:	No.
1238		
1239	Q:	Like, you - when you were clearing the house, I'm sayin', when you guys
1240	•	went up to go clear house, do you remember hearing him say anything?
1241		
1242	A:	No, I don't.
1243		
1244	Q:	Okay. When you guys exited he's being tended to, did you hear - you didn't
1245	V	hear if he said anything?
1246		
1247	A:	I did not.
1248		
1249	Q:	Okay. And then when you guys were, kind of, brought back to the south side,
1250		then moved back over to see- scene so, ya know, kind of a waiting period, um,
1251		was the - the other people related to the suspect, were they still there? Or were
1252		they gone already? Or you don't even
1253		
1254	A:	I never saw them.
1255		
1256	Q:	Never saw them.
1257		
1258	A:	No.
9		
1260	Q:	Okay. Okay. Do you have any questions for us for anything?

1261		
1262	A:	No.
1263	#	
1264	Q:	No? Got ya, All right. And that'll conclude our interview and the time is going
1265		to be 1655 hours.
1266		
1267		
1268	The transcript ha	as been reviewed with the audio recording submitted and it is an accurate
1269	transcription.	
1270	Signed	

Section 11

2		
3		
4	to see	
5		
7	agrando agrado en de cargodos de en en de	INTERVIEW WITH DET. TIMOTHY PERRY
8		Q=Sgt. Brian Anthony
9		Q1=Det. Daren Pasut
10		Q2=Det. Jason Kritikos
11		A=Det. Timothy Perry
12		11 Det. Hinding Letty
13		
14	Q:	Okay. This is Sergeant Anthony. I'm in the, uh, Chief's conference room with
15	٧٠	Detective Kritikos and Detective Pasut and as well as Detective Perry. Uh, the
16		time is 5:20 and it's October 23. Uh, we're here to interview about the officer-
17		involved shooting. Um, Tim was a witness, uh, in this - in - in this, uh, case,
18		so we'll be asking him some questions. And then, uh, Detective Perry, what
19	• •	I'll do is I'll have you go through - after these general questions, I'll have you
20		go through what happened from A to Z what you remember, and then I'll go
7,1		back and ask some further questions if I have any. Okay, so first question, um,
2 2		you name and serial number?
23	•	y
24	A:	Timothy Perry, badge number 335.
25		
26	Q:	All right. And then what, uh, date were you hired for San Leandro?
27		
28	A:	November of 2009.
29		
30	Q:	Okay. And then have you worked at any other police departments before?
31		
32	A:	No.
33		
34	Q:	Okay. Um, what's your, uh, call sign during the shift today?
35	-	
36	A:	14 Ida 14.
37		
38	Q:	Okay. And then were you assigned a specific beat, or tell me your duties
39	-	today. What - what are your duties every day and what are your duties today?
40		
41	A:	I'm a detective, uh, responsible for crimes against person cases, so today I was
42		working at, um, the station as a detective.
43		
4	Q:	Okay. Um, and then what are your normal shift hours?
15	-	

46 47	A:	7:00 am to 1700 hours.
48 49	Q:	Okay. And then, uh, today did you work from 7:00 am? Did you start at 7:00 or a little bit later, little bit earlier?
50 51 52	A:	I started a little later.
53 54	Q:	Okay.
55 56	A:	Because of the training last night.
57 58 59	Q:	Okay. Um, is there any medical conditions that might impact your judgment or physical abilities?
60 61	A:	No.
62 63 64	Q:	Okay. Uh, and when's the last time you slept? You said you had training last night.
65 66	A:	Went to bed about, uh, 12:30 this morning and got up about 6:30 am.
67 68	Q:	Okay. So you got six hours of sleep?
69	A:	Yes.
70 71	Q:	 Is that okay for you?
72 ⁻ 73	A:	Yes.
74 75	Q:	All right. Uh, did you receive any injuries today
76 77	A:	No.
78 79	Q:	from the incident?
80 81	A:	No.
82 83 84	Q:	Um, and then can you describe what you were wearing today when this, uh, officer-involved shooting went down?
85 86 87 88 39 90	A:	I had my department-issued Class III uniform, which is a black polo, my first initial, last name on the right side of my chest and then the badge on my left side. Uh, black, uh, belt with my, uh, department-issued badge on my right front hip and my department-issued firearm on my right hip, and then the khaki pants.

	and the second second	
91		
92	Q:	Okay. Do you carry any magazines besides the one that's in your gun?
93		
94	A:	On my, uh, vest, outer carrier.
95		
96	Q:	Okay. Were you - were you wearing that outer carrier today?
97	ζ.	cany, in the year in the same court cannot be and
98	A:	Yes.
99		
100	Q:	All right. Can you describe that?
101	٧٠	Till light. Cuit you describe that.
102	A:	It's a outer carrier, blue, um, has two additional magazines in the front, a radio
103	A.	holster on the left side, um, body camera in the middle and then half handcuff
103		pouch and another pouch for gloves.
105		pouch and another pouch for groves.
105	0.	Okay. Does it have any insignias on it that say police or
107	Q:	Okay. Does it have any misigmas on it that say police of
107	A:	Yeah, on the left shoulder has a patch identifying as a San Leandro police
108	Α.	officer.
110		Officer.
110	Q:	All right. And then what about the rear?
.12	Q.	All light. And then what about the real?
113	A:	Uh, it says police and then it also says police in the front above the right chest.
114	A.	on, it says police and then it also says police in the front above the right effect.
115	Q:	All right. How - how big is the lettering, would you estimate?
116	· Q •	Thi fight. How - how org is the fettering, would you estimate.
117	A:	The front is probably about an inch, inch-and-a-half, and the back is I'd say
118	11.	five to six inches.
119		TIVE to BIX Inches.
120	Q:	All right. Uh, and then you said you had magazines on your - in your vest,
121	~ ·	too?
122		
123	A:	Yes.
124	11.	1 05.
125	Q:	How many magazines were there?
126	٧٠	110 W Harry Hagazines Wele there.
127	A:	Two.
128		
129	Q:	All right. Were you carrying any other firearms?
130	₹'	· · · · · · · · · · · · · · · · · · ·
131	A:	No.
132	- 	
133	Q:	Besides the one that you just mentioned?
34	Κ.	with out and a descriptions
135	A:	No.
133	4.3.4	110,

136		•	
137	Q:		Okay. Um, so what we have here is a map of, um, kinda what we depicted
138	Q.		where everything was. Um, the - the street that it was on, do you remember
139			what street it was?
			what street it was?
140			
141	A:		One thirty-seven.
142			그렇다는 원론이 돌통은 회사이다고 있는 경우 사람이 나오고 되어 먹다고
143	·Q:		All right. One hundred block. What hundred
144			
145	A:	· · · · · · · · · · · · · · · · · · ·	(Unintelligible).
146			
147	Q:		What hundred block was the shooting at, like, was it between Bancroft and -
148			do you remember exactly where
149		• "	as you follows of what one
150	A:		Bancroft and - it was that school.
151	A.		Dancion and - it was that school.
	Ο.		A 11 1.2
152	Q:		All right.
153			
154	A:		
155			
156	Q:	•	That was
₋ 57			
158	A :		One thirty-seven.
159		* .	
160			That was where the hour suspect house was?
	():		Lual was where the non-suspect nonse was?
	Q:		That was where the hou- suspect house was?
161	+		en langer en verske fan de foart de fan De reger en de gereke de gereke fan de foart en de foart de foart fan De kaar de fan de foart de fan de foart de foart de foart de foart de foart de foart de foart op de foart de f
161 162	Q: A:		Right.
161 162 163	A :		Right.
161 162 163 164	+		Right. All right. And then what was the weather conditions and lighting conditions
161 162 163 164 165	A :		Right.
161 162 163 164 165 166	A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember?
161 162 163 164 165 166 167	A :		Right. All right. And then what was the weather conditions and lighting conditions
161 162 163 164 165 166	A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember?
161 162 163 164 165 166 167	A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember?
161 162 163 164 165 166 167 168	A: Q: A:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny.
161 162 163 164 165 166 167 168 169 170	A: Q: A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all?
161 162 163 164 165 166 167 168 169 170 171	A: Q: A:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny.
161 162 163 164 165 166 167 168 169 170 171 172	A: Q: A: Q: A:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No.
161 162 163 164 165 166 167 168 169 170 171 172 173	A: Q: A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all?
161 162 163 164 165 166 167 168 169 170 171 172 173 174	A: Q: A: Q: A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No. What - what time did it happen, you remember, about?
161 162 163 164 165 166 167 168 169 170 171 172 173 174 175	A: Q: A: Q: A:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No.
161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176	A: Q: A: Q: A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No. What - what time did it happen, you remember, about? Probably about 9:00, 9:00 am.
161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176	A: Q: A: Q: A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No. What - what time did it happen, you remember, about?
161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177	A: Q: A: Q: A: Q: A:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No. What - what time did it happen, you remember, about? Probably about 9:00, 9:00 am. All right. So you were here for about an hour before everything went down?
161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178	A: Q: A: Q: A: Q:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No. What - what time did it happen, you remember, about? Probably about 9:00, 9:00 am.
161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177	A: Q: A: Q: A: Q: A:		Right. All right. And then what was the weather conditions and lighting conditions that you remember? It was light outside and sunny. Okay. So it wasn't dark at all? No. What - what time did it happen, you remember, about? Probably about 9:00, 9:00 am. All right. So you were here for about an hour before everything went down?

Okay. Maybe a little bit longer. Um, did you have any prior knowledge of the 181 Q: 182 situation before the shooting took place? 183 184 Yeah, I was at the station talking with, uh, (Dennis Neal), who's DA liaison, A: 185 that does our DA runs about a case. And I was monitoring the radio. I heard the call, the 913, and then continued talking to him about the case. And then I 186 heard mention of a gun, and then that's when I grabbed my radic and I started 187 188 heading down to the CP, which was at Bancroft and 137. 189 190 Okay. All right. So now we'll get into that whole exactly your thought Q: 191 process, what you were thinking when you were doing down there, uh, what 192 exactly you heard on the radio. Um, so here's a map that is the same map that 193 we're giving everyone. If you need to refer to it, this is kinda what we 194 remembered of it. It may not be what you remember of it, so if there's anything you want to change just let us know. Um, so from A to Z, what -195 196 what - what do you remember about this whole incident? 197 198 A: So I came down east 14th... 199 200 Q: Well let- let's start with the call. You - you went into it a little bit, but tell me **`01** exactly everything you remember about the call. _02 I just - before I took off here. I remember the call coming out as 913, uh, still 203 A: talking to (Dennis). I heard mention of a gun so I immediately grabbed my 204 radio, got in my car and drove to this, uh, command post, which is at 137 and 205 Bancroft. Uh, I believe prior to getting there, uh, I requested medical 'cause I -206 207 I don't remember ever hearing medical and fire staging, so I requested that over the radio. And then stayed off the radio just because they were dealing 208 with it already on scene. Um, went westbound - eastbound on 136 and then 209 southbound on Bancroft, arrived at the command post. I drove eastbound on 210 137 about two houses east of Bancroft on the south curb line, um, double-211 parked, left my CID car there, went into my car to get my vest and realized it 212 213 wasn't there, it was at the - left it here at the station. Uh, at that time, I contacted (Dennis), told him to bring it down. I began helping Sellers, uh, at 214 the command post. Um, there was the com- the street was blocked by patrol 215 cars, so I moved the car out of the way because if we need to get medical in 216 and out, uh, so I moved that, repositioned the - the sergeant's SUV. At that 217 time, um, I went over, I seen a wife, suspect's wife, and, uh, I assumed it was 218 219 the daughter, um, coming westbound on 137th with Becerra. Uh, I pulled into a safe zone, began questioning the wife, um, where the gun's at, how many 220 guns, you know, the questions we want to ask. Um... 221 222 Tell me all the questions you remember. 223 Q: 24

So I - I remember asking, um, where he - he was and she stated that he was in

225

A:

the car. Um, I asked if he - when was the last time she seen him and, uh, it was at the house, um, on 137. And he walked out. I asked her if he, uh, did did she see him with a gun when he left the house this morning? She did - she said she did not, um, however she did say that last night when he came home, uh, he - he had a gun in the car. So I immediately got on my radio and communicated that over the radio, that the suspect was in a car, according to wife, that the, uh, husband stated to the wife last night that the gun - there was a gun in the car. Um, asked her - I believe I asked, "How many guns does he have?" And she says she remembered him having two. Um, then I started asking her, "What caused the situation, um, that he's in the state of mind he's - he's in right now?" And that's when she became, uh, very upset, um, started crying even more. They were both, you know, crying and really upset already. Um, then who I believe was the daughter told me that, uh, she - the husband had seen text messages on her phone, the wife's phone, um, involving another man. And I just put two and two together and assumed that the, you know, wife was cheating on the husband. Uh, at that point, um, I believe - I know at one point, um, I left them with Becerra and I started making my way down towards, um, the rest of the officers that were at the house, um, and Young pulled me back because I didn't have my body armor on. Um, and then I went back and I had - I think that's when the shot came out, the one shot. And the, uh, family - the wife and the daughter started running towards the street, down the street. Uh, they were pulled back, 'cause at this time I was on Bancroft waiting for my vest to come in. And, uh, so, uh, when we got the wife and the daughter pulled back, uh, I secured them in, uh, an officer that - that was arriving on scene, I don't remember who it was, it was a newer officer, uh, had them put in - in the back of the car to secure them so they couldn't get out. And at that time, Paramedics Plus was coming southbound on Bancroft passing the high school Code 3, fire was coming, Code 3, eastbound 136 to Bancroft. Um, I made with contact with the f- the f- uh, the female firefighter and advised her it's a - active shooter right now, shots have been fired, just to prepare them for the what was going, um, so they could prepare for the situation. Uh, did the same thing with Paramedics Plus. And at that time I seen (Dennis) pull up, grabbed my vest, put it on and I ran straight towards, um, the officers that were in front of the house. By this time, the - the additional shots have already been fired. Uh, and then I came up onto the car with Ying and Sergeant Young that was parked on the south side of 137 facing east. Uh, and then at that time I already had, uh, my department-issued firearm and, um, I was taking cover behind the engine, um, this car right here. And then, uh, Corti I remember was up the driveway behind cover, giving commands to the, uh, suspect. Corti was behind cover on a car as well. Um, at that time - oh let me back up.

Q:

Mm-hm.

.69 270 A:

267268

I forgot to mention one thing. So before I ran up, um, I asked - because we

315

had no, um, cover, we just had that one patrol car down here and I believe it was Hackl - Officer Hackl's. Uh, I got on the radio, um, and asked if they wanted the SUV because I know they have the ballistic panels. Uh, Corti wanted that. So, uh, at that time, uh, Fry was coming up on scene, so since his car was already in motion, I told him to kill his lights 'cause he had his Code 3 lights going. And then, um, I basically we ran - he drove and I ran parallel along 137, and that's where this car ended up right here. So Fry came up, um, at the same time I arrived at this location right here. Once Fry got on scene, um, to the hot - hot zone, or the suspect's house, Young, uh, gave him instructions on how to position the car. And at that time I was already positioned, you know, onto the suspect while Corti was giving commands. Um, I seen the car that is parked in front of their house facing west. It was a blue four-door small compact car that had a bullet hole through the, um, passenger window on the driver's side. And then, um, at that time, Detective Cesaretti was also giving commands. I believe he was over by - I couldn't see him, I could just hear his voice. He was giving commands from where Hack-Officer Hackl and I believe Officer Fletcher were at, which is on the east side of the suspect's house. And I can slowly see - we had a few things in our way, but I can slowly see a little bit of movement, not much 'cause of our - our point. Um, eventually the suspect, uh, crawled out or rolled out to the point of where he got to the sidewalk. Uh, at that point, um, Sergeant Young put us - a team together and we, uh, advanced on Fry's SUV. And Officer, uh, myself, Young and Sergeant Corti were, uh, directed to control the suspect as the other officers pushed by and controlled the front of the house and the car. Um, I walked up on the suspect, grab-initially grabbed his left, uh, ankle. He was face down, he was moving, still conscience - conscious, whatever. And, um, grabbed his left ankle initially, then transitioned to his right ankle. Corti grabbed his - I believe that was Corti that grabbed his left ankle. We just drug him back in the street behind cover. Um, and then I, um, Corti tried to handcuff, uh, put one handcuff on his left wrist, but he had a cast on his right arm so we couldn't handcuff him so we just stayed on him until, um, well we patted him down, searched him, no weapons. And then Fry left to get a - a - a first aid kit out of the car. Came back, uh, Fry and I cut his shirt off, um, we started administering first aid to him. Uh, he had one (unintelligible) bullet hole back right, um, near his right shoulder blade. And we wanted his, like, right trap (muscle) area. Um, rolled him over, looked for anything else, nothing else. Um, at that time fire was already on scene and I was relieved at scene was by a fireman. They asked us what calibers and I told 'em it was either a .40 caliber or 223 that hit him. And then from there, um, I told Corti I was gonna go and, uh, check this house to make sure that there's no - no one injured at the neighbor's house on the east side of the suspect's house. Went there to make contact with a female, she was the only one home, she was fine. No one was injured there. And I came back, I told Sergeant Corti, "I'm gonna start putting up crime scene tape to secure the crime scene." And I started securing the crime scene on the, uh, with the caution tape on the west side of

316 317 318 319 320			the houses - probably two houses west of the suspect house. And at that time, everything was checked, everything was secured. Young pulled every together, um, and then we were all advised to walk down to 137 and Bancroft until further notice.
321 322 323	Q:		Okay. All right. Um, before I go back and ask you questions, you want to take a break or are you good?
324 325	A:		No, I'm good.
326 327 328 329 330	Q:		All right. So what I want to do is basically go back to the beginning. Um, here is a pen right here. If you could cir- from what you're saying, you get on scene, um, when you ran up to the car can you - to this car - what kind of car was this, do you remember?
331	A:		No.
332			
333	Q:		What color it was?
334 335	A:		Um, I don't remember.
335	Λ.		oni, i don t ichichioci.
7د	Q:		All right. No big deal. Um, can you just - do you remember who was behind
338			this car when you were running up?
339		,	
340	A:	•	Uh, Sergeant Young.
341			en de la composition br>La gazante de la composition de la composition de la composition de la composition de la composition de la comp
342	Q:		You can go ahead and write it.
343 344	A:		Oh.
345	л.		On.
346	Q:		And then do you remember where, um, Nick was - Sergeant Corti?
347	₹.		This will be job remember where, sail, river was a suggestive court
348	A:		Yeah, he was, like - is there - are these the driveways?
349			
350	Q:		Yeah.
351			
352	A:	1	'Cause this is
353	_		
354	Q:		So this is - this is where the car was parked where you guys were behind and
355			then, uh, there was a Honda parked right here right across from the suspect
356 357			house.
357 358	A:		Because I know he was, like, right - I don't know if he was - so there was a
ס <i>כ</i> י 9	A.		car here.
13 13/20			our more.

360

361 362	Q:	Yep.
363 364	A:	And Sergeant Corti - well, yeah.
365 366 367	Q:	All right. So you got Sergeant Young, Officer Ying here, Sergeant Corti. When you arrived was there
368	A :	Yeah, and - and you know what? I think, uh, Officer Becerra was here, too.
369		
370	Q:	All right.
371	•	
372	A:	And then when I arrived here
373 374	0.	Mm-hm.
375	Q:	Willi-IIII.
376	A:	Uh, Sergeant Young pushed Becerra to Corti.
377		on, sugame roung publica boots.
378	Q:	Okay.
379		
380	A:	And - 'cause Corti was by himself so
31		
ئ2 200	Q:	Okay.
383		D
384	A:	Becerra eventually went over here.
		•
385 386	0.	Perfect
386	Q:	Perfect.
386 387		
386	Q: A:	Perfect, Um
386 387 388		
386 387 388 389 390 391	A:	Um
386 387 388 389 390 391 392	A: Q:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different.
386 387 388 389 390 391 392 393	A:	Um All right. And then, um, whose car was this? And - and again, you could move
386 387 388 389 390 391 392 393 394	A: Q: A:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay.
386 387 388 389 390 391 392 393 394 395	A: Q:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different.
386 387 388 389 390 391 392 393 394 395 396	A: Q: A: Q:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car.
386 387 388 389 390 391 392 393 394 395 396 397	A: Q: A:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay.
386 387 388 389 390 391 392 393 394 395 396 397 398	A: Q: A: Q: A:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car. Yeah, that was Fry's.
386 387 388 389 390 391 392 393 394 395 396 397 398 399	A: Q: A: Q:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car.
386 387 388 389 390 391 392 393 394 395 396 397 398 399 400	A: Q: A: Q: A: Q:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car. Yeah, that was Fry's. That pulled up, okay?
386 387 388 389 390 391 392 393 394 395 396 397 398 399	A: Q: A: Q: A:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car. Yeah, that was Fry's.
386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401	A: Q: A: Q: A: Q:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car. Yeah, that was Fry's. That pulled up, okay?
386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402	A: Q: A: Q: A: Q: A:	Um All right. And then, um, whose car was this? And - and again, you could move this is you think it's somewhere different. Okay. Um, what we drew it as is patrol car. Yeah, that was Fry's. That pulled up, okay? That (unintelligible).

		•	
406			
407	Q:		And what kind of car was - was that a patrol car or CID car?
408		ı.	
409	A:	يان و ا	That was a - no, that was, uh, Officer Fry was a fully marked black and white
410			patrol car SUV.
411			
412	Q:		Mm-hm.
413			
414	A:		And Officer Hackl's was the Ford Crown Vic, uh, fully marked.
415			
416	Q:		Okay. All right. Perfect. All right. So when you arrive on scene, you're
417	~.		debriefing, um, from what I understand, the mother and the daughter - or what
418			you think is the daughter?
419		~	you mink is the daughter.
420	A:		Right.
421	Λ.		Right.
422	0.		Is that right?
423	Q:		is that right:
424	A:		She's, like, maybe 13, 14.
425	A.		Sile 8, fike, mayoe 13, 14.
42 <i>5</i> 426	Ο.		Okay. Did they - did they come after the shot was fired? Did they come before
	Q:		
7.			the shot was fired?
428	۸.		V1- 41
429	A:		Yeah, they came after.
430	· ·		01 12
431	Q:		Okay. I'm talking about - did you hear a shot that came from the suspect car
432			or did you hear a shot at the very beginning?
433			71 1 1 1
434	A:		I heard one shot.
435	_		
436	Q:		Okay.
437			
438	A:		And that was - I was already with the, uh, wife and the daughter.
439	_		
440	Q:	•	Okay. So the shot that went - the round that went off, the first round that you
441			heard, you were already talking to the wife and the daughter?
442			
443	A:		Right.
444			
445	Q:		Okay. Go ahead.
446			
447	A:		So right before that shot went off, that's when I had told that, uh, over the
448			radio
19			
0د	Q:		Mm-hm.

451			
452	A:		that, uh, the husband had told the wife that there was a gun in the car, uh, the
453			- the - last night.
454	46.4		
455	Q:		Okay. Did - did the wife say at all that she was at the car with him at all?
456	Χ.		
457	A:		Yeah.
458			
459	Q:	e de la companya de la companya de la companya de la companya de la companya de la companya de la companya de La companya de la co	Okay. And then so you relayed over the radio that the wife said that the
460	Ψ.		suspect had a gun in the car?
461			buspoot had a guir in the our;
462	A:		Yeah.
463	11.		1 Cuit.
464	Q:		Okay.
465	Q.	e.	Okdy.
466	A:		That's what he told her last night.
467	11.		That is what he told her last hight.
468	Q:		Okay. Perfect. Um, all right. So you - you debrief the wife
469	Q.		Okay. 1 circui. Oili, all right. 50 you - you debrief the write
470	A:		Yeah.
71	Λ.		i can.
ر /2	Q:		and the daughter, um, you give them to
473	Q.		and the daughter, uni, you give them to
474	A:		Uh, Becerra stayed with them.
475	11.		on, become stayed with them.
476	Q:		Okay. Becerra stays with him. Officer Fry pulls up?
477	Q.	•	Okay. Docorta stays with mini. Officer 113 pans ap.
478	A:		Yeah, I first go, uh, then, uh, I go out and I - can't remember if I moved the
479	11.		SUV before or after - and then I seen Paramedics Plus and fire coming. And
480			then that's when I, uh, went up to them, told 'em, uh, it's a active scene, uh,
481			active shooter. That's when, uh, (Neal), um, (Dennis Neal) came up. I got my
482			vest, put it on. Before I headed down, um, I know they requested the armor
483			vehicle. Um, I knew that was gonna be a while, um, so that's when I asked
484			Corti - Sergeant Corti if he wanted a SRV 'cause of ballistic panels.
485			Cotti Seigeant Cotti ii ne wanted a Sit v Cause of Samstie panels.
486	Q:		Mm-hm.
487	Ψ.		ivitii-iiiii.
488	A:		And, uh, he responded "Yes" at that time. That's - it was perfect timing for I
489	41.		was pulling up in the SUV so we just - I ran down paralleling with him. And
490			then that's how his car ended up there.
491			men that show his car ended up there.
492	٥.		Okay. So first round goes off. About how long after the first round went off
492 193	Q:		
			were you in back of this car?
)4 105	۸.	•	The Took to this compflow was 12d sources to the desired and 1
495	A:		Um, I got to this car after, um, I'd say maybe two - two minutes maybe.

496		
497	Q:	Okay. So when you
498	Q.	Okay. So witch you
		71.1.1.1
499	A:	'Cause I hadn't had my vest at that time.
500		
501	Q:	Okay. So when you got to this car, had the shots by the officers already been
502		fired?
503		
504	A:	Yes.
505		
506	Q:	All right. So did you hear any other shots from the suspect?
507	, X	The region of the state of the
508	A:	No.
509	A.	110.
	0.	A C - 1 - 1 C - 1 - 1 C
510	Q:	After that first round?
511		
512	A:	No.
513	•	
514	Q:	So you only heard one round? Did you hear on the radio, um, anybody say
515		additional rounds were fired?
516		
7	A:	Yes.
518		
519	Q:	And what- what'd you hear?
520	٧٠	And what what a you hear:
521	Λ.	Thought "Chota being fixed" and I think it was "Chota being fixed at us?"
	A :	I heard, "Shots being fired," and I think it was, "Shots being fired at us."
522		
523	Q :	Okay.
524		
525	A:	Um, and I don't know - I couldn't re- really hear whose voice that was.
526		
527	Q:	Okay. That's fine. And then so that was when you were still at the command
528		post?
529		
530	A:	Yes.
531		
532	Q:	All right. So - so you hear one shot fired, um, you already - you were already
533	Q.	debriefing the wife and the daughter. When you debrief them you hear
534		(unintelligible) off. Um, (Dennis Neal) comes up with your vest after that
535		round goes off, and then you start putting on your vest. Did - were - when did
536		these officers fire their rounds, like
537		
538	A:	It was pretty fast.
9		
⊸ 40	Q:	Was it - was it they shot, you ran up? Or do you remember?
		, , , , , , , , , , , , , , , , , , ,

541		
542	A:	Yeah, they had already shot and I was - I was running up, um, after.
543		
544	Q:	Okay. All right. So they shoot their rounds and you only hear one shot but you
545 546		hear on the radio that - that someone said, "They're shooting at us"?
547	A:	Yes.
548		
549	Q:	Okay. Um, but you didn't hear that - that second shot, right?
550		
551	A:	No.
552	,	
553	Q:	Okay. That's fine. Um, all right. So Fry give - do- does Fry drive this car up?
554 555	۸.	Yes.
556	A:	i es.
557	Q:	All right. And that's after the whole scene is secure?
558	· · · · · · · · · · · · · · · · · · ·	Third indicate and whole been as seede.
559	A:	Yes.
560		
51	Q:	All right. When he drove the
J62		
563	A:	Not secure.
564 565	0.	Olzav
566	Q:	Okay.
567	A:	The guy's still in the car.
568	- 	2.11 8.11 2 2.11 1.11 1.11
569	Q:	Okay. So was - did Fry pull up this car when the guy was still in the car, or do
570		you remember?
571		
572	A:	Yeah, 'cause initially it was more back here. And then, um, when - I believe
573	•	once, uh, because the initial fire, everyone maybe thought it was self-inflicted
574		but then, uh, I remember there was movement in the car still. Um, and then
575 576	•	once we put the team together, that's when, um, Ser- uh, Officer Fry repositioned the vehicle closer right here.
577		repositioned the vehicle closer right here.
578	Q:	Okay. Um, you said that you remembered movement in the car still?
579		2
580	A:	Yes.
581		
582	Q:	So did you see that movement or did you hear it on the radio?
583	•	
84ر	A:	No, it was on the radio.
585		

	."		
586 587	Q:		Okay. What exactly did you hear?
588 589	A:		Uh, "There's still movement in the car."
590 591	Q:		And that's after the officers (fired)?
592 593	A :		That was after the single shot that I heard.
594 595 596	Q:		After the single shots? Okay. So after the single shot, um, you hear the officers say, "There's still movement in the car"?
597 598	A:		Right.
599 600	Q:		So now what's going through your head now?
601 602 603	A:	• *	Either, uh, he's firing at us for officer, uh, suicide-by-cop-type thing. Uh, so initially once I heard that one shot I thought it was over.
604 605	Q:		Okay.
606 7	A:		Uh, but then I heard on the radio that, "There's movement in the car," and that's when I'm still waiting for my vest over here.
608 609 610	Q:	•	Mm-hm.
611 612 613	A:		'Cause I - I wanted to get up there and Sergeant Young told me, "No." But, uh, once I got my vest and started going up, the - the rounds were already fired
614 615 616	Q:	٠.,	Okay.
617 618	A:		at the officers.
619 620 621	Q:		Okay. But - but your thought process after you heard, "That someone's still in the car" was - was what?
622 623	A:		(Unintelligible). Wait, say that again.
624 625 626	Q:		So your thought process after the single sh- gunshot and you had said that you had kinda made the opinion maybe that he
627 628	A:		Nine thirteen, killed himself.
`9 ~30	Q:	•	he killed himself?

J		
631	A:	Right.
632		
633	Q:	Okay. So that was kinda what was going through your head at that point?
634		
63.5	A:	Right.
636		
637	Q:	And then when you heard over the radio that he's still moving in the car?
638		
639	A:	Right.
640		
641	Q:	So that made you think what?
642		
643	A:	That's he, uh, firing at officers, wanting them to - i- initiate gunfire to him to
644		end his life.
645		
646	Q:	Okay. All right. Um, and then did you say - did you say that the - the mom
647		had said he had two guns?
648		
649	A:	Yes.
650		
551	Q:	Okay. Did - did she
52		
653	A:	The wife.
654		
655	Q:	The wife said
656		
657	A:	She remembers him having two guns.
658		
659	Q:	Two guns? Okay. And did he say that those were both in the car?
660		
661	A:	No, she said, uh, she didn't where the other at - was at.
662		- 10, 0220 2 123, 0220 3 12 12 0 1 1 2 1 2 1 2 1 2 1 1 1 1 1 1 1
663	Q:	Mm-hm.
664	~ ·	
665	A:	But she said last night, uh, he did tell her, uh, there was a gun in the car.
666		Dut the said last inging and he did tell her, and and a gair in the sai.
667	Q:	Okay.
668	٧٠	Okuy.
669	A:	And then I asked her, did - when - when he left this morning
670	л.	And then I asked her, did - when - when he left this morning
671	0.	Mm-hm.
672	Q:	1/1111-11111.
673	۸.	did she see him leave the house with a gun? And she said, "No."
	A:	did she see him leave the house with a guil! And she said, 110.
'4	0.	All wight Did the gave at all to you that he had been definition on an array
· 075	Q:	All right. Did she say at all to you that he had been drinking or on any

677 678 679 680 Q: 681 G: 682 683 A: No. 684 685 Q: All right. Um, all right. So tell me exactly - did you hear any commands from any of these officers or any officers, um, after or before or any time when you were at the command post or even when you were running up, did you hear anyone saying anything? 689 690 A: I can hear, um, I - I couldn't make it out 691 692 Q: Mm-hm. 693 694 A:what was being said, but I could hear a loud voice yelling to the car. 695 96 Q: Okay. 97 698 A: But I couldn't hear what it was. I was pretty far and this is kind of probably six houses maybe.
679 680 Q: Okay. Um, did you ask her if he's ever been, like, um, evaluated for psychiatric help or was he on any psychiatric meds or anything like that? 682 683 A: No. 684 685 Q: All right. Um, all right. So tell me exactly - did you hear any commands from any of these officers or any officers, um, after or before or any time when you were at the command post or even when you were running up, did you hear anyone saying anything? 689 690 A: I can hear, um, I - I couldn't make it out 691 692 Q: Mm-hm. 693 694 A:what was being said, but I could hear a loud voice yelling to the car. 695 796 Q: Okay. 97 698 A: But I couldn't hear what it was. I was pretty far and this is kind of probably six houses maybe.
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698 A: But I couldn't hear what it was. I was pretty far and this is kind of probably six houses maybe.
six houses maybe.
700
701 Q: Okay. So when - when you heard yelling but you couldn't make out what the
were saying, about how far down the block were you?
703
704 A: I was
705
706 Q: Were you at the command post?
707
708 A: Yeah, I was almost - I was on 137, but I mean just at 137 Bancroft.
709
Okay. And then when you came up to the scene, all the shots had been fired
711 already?
712
713 A: Yes.
714 715 O. There were no other shots when you get up to this con might home?
715 Q: There was no other shots when you got up to this car right here?
716
717 A: Right.
718 9 Q: All right. Was there any commands being yelled or anybody saying anything
9 Q: All right. Was there any commands being yelled or anybody saying anything that you remember?
120 mai you fomemoor:

721		•		
721 722	A:		Some	
723	71.			
724	Q:		Like	
725	. X.			
726	A:		Corti was giving, uh, all the verbal commands.	
727				
728	Q:		Okay.	
729				
730	A:		Asking the guy to come out of the car, uh, "Let's see your hands. C	ome out of
731			the car. Come out of the car." Um, and at one point, um, we couldn	't see him
732			come out because he was in the back seat I believe. And, um, I thin	
733			- Detective Cesaretti took over the commands 'cau- 'cause he could	l see him.
734	9	. "		
735	Q:	•	Mm-hm.	•
736		•		
737	A:	1	And started giving him commands to, "Roll out, come on. Keep pu	shing your
738			way. Keep pushing our way, uh, towards us."	
739				
740	Q:		Mm-hm.	
41				
.42	A :		Um, so the only ones that were giving the commands was Sergeant	Corti and
743			Detective Cesaretti.	* * *
744	0		A11 1 1 A 1 A 1 A 1 A 1 A 1 A 1 A 1 A 1	;
745	Q:		All right. And then when you got up there, did you kinda hear what	t they were
746			saying after?	
747 748	A:		Vools that? a reliest there recens goving	
749	A.		Yeah, that's what they were saying.	
7 4 9	Q:		Okay. So, "Get out of the car"?	
751	Q.		Okay. So, Get out of the car ?	
752	A:		Yeah, "Show us your hands."	
753	1 1.		Tour, Show as your mands.	
754	Q:	•	Okay.	
755	ν.		Olay.	
756	A:		Um	
757				
758	Q:		Did you hear any mention of a gun?	
759	. `			
760	A:		By the suspect?	
761			•	
762	Q:		No, by any of these officers?	•
⁷ 63				
4ر	A:		No.	
765				
			·	•

766 Q: That he had a gun or anything? Well obviously he had a gun 767 Yeah. 768 A: Yeah. 769 Q:but, like, in his hands? 770 Q:but, like, in his hands? 771 No. 772 A: No. 773 Okay. Um - um, hold on, let me think. I - I want to ask you something else. 775 Um, you said that you saw movement in the car. So when you got up to this car, when the shooting's already done, where or did you even see this guy? 776 Was he outside of the car already or is he inside of the car still? 778 No, he's still in the car. 780 Okay. All right. 781 Q: Okay. All right. 782 So I'm up there for a couple minutes and he's still in the car. 784 A: I don't think they were tinted. 785 Q: All right. He's still in the car - tinted windows or not tinted windows? 786 I don't think they were tinted. 787 Q: Okay. And do you remember seeing him at all inside the car through the windows? All right. All right. So you come up here, um, he's still in the car? 791 Yes. 792 A: Yes. 793 And then do you see him roll out? Or how does that all go down? 795 A: No, he - that - he comes out - I believe that was the back passenger door on driver's side. 798 Q: Okay. 799 Q: Okay. 790 A: And then I didn't see him until he got closer down the driveway. 791 A: Because our view was blocked by this car. To me this was a little bit back further. 798 Q: Okay. That's fine.		12	
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806 further. 807 °08 Q: Okay. That's fine.			w.
807 °08 Q: Okay. That's fine.	805	A:	Because our view was blocked by this car. To me this was a little bit back
908 Q: Okay. That's fine.	806		further.
	807		•
	808	Q:	Okay. That's fine.
9	9		
810 A: So	810	A:	So

17			
811			
812	Q:	So what - what car was back further?	: -
813			
814	A:	The car we were taking cover behind.	
815	11.	The out we were taking cover comme.	
816	0.	Okay. All right. Draw - draw where you think it might be.	
	Q:	Okay. Ali right. Draw - draw where you think it might be.	
817			1 17
818	A:	So to me it was probably, like	
819	<u>-</u> -		
820	Q:	Just X that out.	
821	÷		
822	Q1:	Label people P1, P2, P3.	
823			
824	Q:	Yeah, so - so this - this - this you're gonna - here, cross that out. And then	nut
825	χ.	wherever you think it is. And then just put a one in the middle of it. We'll	P
826		make that one, we'll make this two. Is that where you remember that? That	+° a
827			LO
		Fry's SUV there?	
828			
829	A:	That's Fry's, yes.	
830			
831	Q:	All right. And then is that where that car was?	
}2			
ر 33	A:	Yes.	
834			
835	Q:	And then these are the two cars in the driveway? So let's go four, five, and	1
836		then Hackl six. Is Hackl about where	
837			
838	A:	Yeah, he may be in a little bit closer, but that's about right.	
839	71.	rean, he may be in a nitive bit closer, but that's about right.	
	O:	Mart - 11/4 - 1 - 100	
840	Q:	Maybe a little closer?	
841			
842	A:	Yeah.	
843			
844	Q:	Okay. All right. That's fine. Okay. Um, when you peeled off and you were	е
845		running by Fry's car, how - how fast was he going? Like, was he - were ye	ou
846		right near the engine when you were running?	
847			
848	A:	So - so Fry pulls up, he comes in on, um, northbound on Bancroft	
849	1 2.	50 50 117 pails up, no comes in on, and, normound on Bancrott	
	0.	Mars have	
850	Q:	Mm-hm.	
851			_
852	A:	to 137. And it - I mean it was, like, immediately that's when I got a yes	from
853		Sergeant Corti to bring a SUV.	
54 _35			
5د_	Q:	Okay.	
	`		

856			
857	A:		So, um, that's when I seen Fry pulling up. Um, I told him to kill the lights.
858	÷.		
859	Q:		Mm-hm.
860		•	
861	A:	•	And then I ran along the sidewalk while he, uh, paralleled me.
862			
863	Q:		Mm-hm.
864			
865	A:		And
866			
867	Q:		And then he broke off?
868	χ.		2 224 7222 224 72022 0222
869	A:		Couple miles an hour. And then, uh, he just, you know, pulled in, like, right
870			here.
871			
872	Q:		Mm-hm.
873	Q.		141111-11111.
874	A:		And then
875	л.		And men
76	0.		And the suspect's still in the car?
. 17	Q:		And the suspect's still in the car.
878	A:		Yes.
879	A.		1 CS.
880	0.		Okay. When you were running up along Fry, wh- his engine was running
881	Q:		obviously?
882			ODVIOUSIY!
	٠ ٨.		T? a0
883	A :		Fry's?
884	ο.		V
885	Q:		Yes.
886	A .		37
887	A:		Yes.
888	_	•	
889	Q:		Do you remember if his windows were down or up?
890			
891	A:	•	They were down 'cause I was talking to him.
892			
893	Q:		Okay, you were talking to him?
894			
895	A:		Mm-hm.
896			
897	Q:		Were you guys yelling at each other trying to communicate?
२98	*		
)9	A:	•	Yeah, I was yelling at him 'cause he had his lights on.
900			
-			

901	Q:	Okay.
902 903 904	A:	So that's obviously gonna bring more attention to him. So I told him to shut his lights down. He did and then I said, "Just pull - keep pulling up," 'cause he
905		didn't know exactly where
906 907 908	Q:	Mm-hm.
909 910	A:	the scene was.
911 912	Q:	Mm-hm.
913 914	A:	So I just said, "Keep going, keep going." I was giving him direction how how far to go.
915 916 917	Q:	Mm-hm.
918 919	A:	And then once he got close enough
920 921	Q:	Mm-hm.
923	A:	then Sergeant Young took over.
924 925 926	Q:	Okay. So when you're running alongside of him, you guys are yelling at each other - you're probably pretty amped up, right?
927 928	A:	Yeah.
929 930 931	Q:	You're yelling at each other? So maybe you didn't hear everything that they're saying in the commands?
932 933	A:	Yes.
934 935	Q:	Would that be
936 937	A:	Fair to say, yes.
938 939	Q:	Fair to say?
940 941	A:	Absolutely.
942 943 \4	Q:	Okay. And then when you get up here then you can - that's when you said you can start hearing what they're saying?
45	A:	Yes.

946	0	YY 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
947 948	Q:	Which is what you describe, "Hey, roll out."	
949	A:	Yeah.	
950			
951	Q:	His - Sergeant Corti saying, "Let me see your hands"?	
952 953	A:	Yeah, and I - and I could, um, I believe he was, like - Sergeant C	lorti was like
954	л.	"Please come out," you know, "Please come out."	orn was, nice,
955	٠.		2
956	Q:	Okay.	
957	۸.	TT	
958 959	A:	Um	
960	. Q:	So back here was a little muffled because you probably were tall	king to one
961		another?	.
962			
963 964	A:	Right.	
90 4 965	Q:	And the engine?	
56	٧.	That the origina.	
57	A:	Yes.	
968		A . 1 (1	
969 970	Q:	And then right here you can hear it clear as day?	
971	A:	Yes.	The second secon
972			
973	Q:	Okay. Was he saying it loud enough to where you think the susp	ect could hear
974 975		it?	
975 976	A:	Absolutely.	
977		12050161013	
978	Q:	All right. Um, and you - were you - were you pretty much the la	
979		tactically on the scene? So did anyone come up behind you after	
980 981		'Cause you got Becerra there already, Corti, Hackle - do you rea anyone else who was over here?	nember
982		arryone cise who was over note.	:
983	A:	Uh, Fletcher.	
984	_		
985	Q:	Okay.	
986 987	A:	I couldn't see Detective Cesaretti, but I think he was over at this	s area 'cause
988	11.	that's where his voice was coming from.	aroa oaaso
9			
990	Q:	Okay.	

991		
992 993	A:	In this area. And then I know, uh, Officer Fletcher had a - a new - new trainee.
994 995 996	Q:	Okay. All right. So tel! me your thought process. What was going through your mind when you hear those shots being fired, you have a house that is probably not secure yet, right?
997 998 999	A:	Right.
1000 1001 1002 1003 1004	Q:	So tell me what's going through your mind after all that happens. Are you - are you - are you still a little bit -not scared, but I mean you could be scared. Are you - are you kinda wondering what's going on if we're being fired at? Did you feel, like, you had to take cover still?
1005	A:	Absolutely had to take cover.
1006 1007	Q:	All right.
1008 1009	A:	Um, it was good - it was - it was comforting to see exactly where they were at.
$\begin{array}{c} 1010 \\ 11 \\ 12 \end{array}$	Q:	Mm-hm.
1013 1014 1015	A:	Um, what - what was uncomfortable is exactly where the suspect was at. Um, 'cause in my mind, the one shot what I initially heard, I thought it was gonna be done with, but then when shots were going back and forth, I knew he's - he
1016 1017 1018		wants to probably do suicide by cop. Um, so in my mind it, was still a very active scene. Um, and at any point, um, he's gonna continue firing at us.
1019 1020 1021	Q:	Okay. All right. Um, that first round that you heard when you s- I think you said this already, Tim, so sorry, but when you start running up, have all the rounds been fired or you running up kinda as they just fired the rounds, do you
1022 1023		remember?
1024 1025	A:	I want to say that the initial sh- sh- first shot
1026 1027	Q:	Mm-hm.
1028 1029	A:	That's when I took off there.
1030	Q:	Took off running to the car?
1031 1032	A:	Yeah.
1033 34 1035	Q:	Okay.

1036	A:	And Sergeant Young, um, told me to stop.
1037		
1038	Q:	And then you went back?
1039		
1040	A:	Mm-hm.
1041	**	
1042	Q:	All right. And then how long was it before you went back again?
1043		
1044	A:	Maybe two minutes.
1045	. ; ;	
1046	Q:	Okay. So when you went back again is when
1047	ζ.	
1048	A:	The second time.
1049		
1050	Q:	The second time - were these officers engaging as you were coming up?
1051	Α.	The second time was different anguisms as you were coming up.
1052	A:	No.
1053		
1054	Q:	Or did they already engage?
1055	Q.	of the moy amount ongugo.
1056	A:	They already engaged.
57	73.	They already engaged.
1058	Q:	Okay. Like, give me a timeframe kinda that they already engage and you
1058	Q.	come running up, how long after?
1060		come rumming up, now long arter:
1061	A:	Maybe two minutes.
1061	Λ.	wayoe two minutes.
1062	0.	Okay. So two minutes after they engage then you came up?
1063	Q:	Okay. So two influtes after they engage then you came up?
1065	A:	Yeah.
1065	A.	i can.
	Ο.	All might. The and then year gold, was gold gamething about games
1067	Q:	All right. Um, and then you said - you said something about someone
1068		requested armor?
1069	۸.	Vech I I haliove that it was Comment Continuous at 1 the -1
1070	A:	Yeah, I - I believe that it was Sergeant Corti requested the, uh, armored
1071		vehicle.
1072		
1073	Q:	Okay. And - and is that before the shots were fired, or do you remember?
1074		T1 11 1, 0, 11 1, 1 1, 1 1, 1 1, 1 1, 1
1075	A:	I believe it was after the, um, at least one shot was fired.
1076	_	
1077	Q:	After that first round was fired by the suspect?
1078		
19	A:	Yes, I think it was.
ro80		

1081 1082	Q:		Okay. Um, do you remember hearing on the radio at all, um, anything about that first round, like, if someone said, you know, "We think we're being fired
1083			on," or if it sounded like it was outside the car or inside the car, do you
1084			remember any of that?
1085			
1086	A:		No.
1087	0.		NI_O A11_d_1A_TII
1088 1089	Q:		No? All right. Uh, when you guys
1099	A:		It might've been something, like, "He-he's firing at us," maybe.
1090	A.		it might ve been something, like, Tie- he s ming at us, maybe.
1091	Q:		Okay. Go ahead and think about that.
1093	Q.		Okay. Go anead and timik about that.
1094	A:		Maybe I heard something like that, "He's firing at us."
1095			They be I field believing the that, 110 b firmg at 35.
1096	Q:	• *	Okay.
1097			
1098	A:		"Shots fired. He's firing at us." Something like that.
1099	• .		
1100	Q:		Okay. All right. Who was doing most of the radio traffic, was it Sergeant
1101			Corti?
)2			
1103	A:	•	Yes.
1104			
1105	Q:		Okay. Um, and then
1106			
1107	A:		And, uh, Sergeant Sellers.
1108	_		
1109	Q:		Okay. All right. Once all the shots are fired, the guy rolls out of the car or
1110			however he gets out
1111 1112	A:		Mm-hm.
1112	A.		Willi-IIIII.
1114	Q:		Tell me exactly what you saw. Did he roll out? Did he kneel out? Did you see
1115	Q.		blood on him?
1116			order of milit.
1117	A:		So I didn't see - I still could - we still didn't' a - a view of him because maybe
1118			this car was back offset a little bit.
1119			
1120	Q:		Uh-huh.
1121			
1122	A:		Covering our viewpoint. So, uh, once he got maybe a little bit down the
1123			driveway, like, right here, that's when we initially seen him - or I did. Um, he
4		·	had a white T-shirt on. Uh, I think they were blue sweatpants, and he had a - a
1125			- like, a soft case on his right arm. And I could see blood, uh, pretty much all
•			

1126			over his back. And then, um, at times he was - he would roll to us and then at
1127			times he would be on his back, like, using his feet to push towards us.
1128			
1129	Q:		Uh-huh.
1130	ν.	•	
1131	A:		Towards the street. But, uh, our primary goal, because this is still an unknown
1132			threat in here, was to bring him to us for our safety. Um, and then once he got
1133			to the sidewalk, that's when, uh, Officer Fry's car was moved forward closer.
1134			And we were already here. I think Kal- Officer Kalsbeek was there also. And,
1135			um, they pushed - everybody was basically brought this way, pushed forward.
1136			And then Sergeant Corti, I, uh, grabbed his legs and then pulled him back.
1137			And then Officer Fry and I started first aid.
1137		•	And then Officer Try and I started first aid.
1139	0.		Okay. What - what'd you do as far as first aid?
1140	Q:		Okay. What - what d you do as far as first aid?
1140	A:		First aid, uh, first we searched him. Tried to handcuff him but we couldn't.
1141	л.		And then, uh, first aid, we cut off his shirt and then, uh, applied pressure on
1143			his wounds. But we examined him to see where - how many he had, where
1144			they were at. Um, like I said, I seen the one in the right shoulder, um, area.
1145			they were at. Only fixe I said, I seen the one in the right shoulder, this, area.
1143	Q:		Okay.
47	Q.		Okay.
1148	A:		And then, uh, one, like, in his ri- right trap muscle, top of the shoulder. And I
1149	11.		didn't see anywhere else. I looked at his head, face, chest area, nothing. Corti
1150			examined the lower half of the body, um, and then, um, I went through.
1151	•		Officer Fry's looking for, like, a - a chest (seal) or something like that. And
1152	*		then we just - in the meantime, it wasn't bleeding, like, very bad all, uh, but
1153			enough to - it - I mean a lot of the shirt had blood on it, but he was in the car
1154			for a while still after he was shot. And then
1155			
1156	Q:		About how long do you think he was in the car after those shots went off?
1157		•	
1158	A:		Five minutes maybe.
1159		•	
1160	Q:		Okay. Um, and then after those shots went off, did you see him still moving in
1161			the car?
1162			
1163	A:		I couldn't see him in the car.
1164			
1165	Q:		Okay. So shots go off, you're up there, you don't see him the car?
1166	~		
1167	A:		Mm-mm.
1168			
,9	Q:		You don't see any movement or anything like that, right? Um, once he does
1170	-		roll out and you guys call him back to you, is there a reason why that - is there

1171 1172		a reason why you didn't' go up and initiate, um, uh, medical aid right at the car?
1173	.* •	77 1 1 1 1 1 1 1 TTT 1 N.1 1Cd
1174	A:	Yeah, because we had to clear the car. We don't know if there was more than
1175	**	one suspect. Uh, there could be additional threats in the other car that was in
1176	•	the driveway.
1177		
1178	Q:	Mm-hm.
1179	:	
1180	A:	Or, um, a suspect or additional threats inside the house.
1181		
1182	Q:	Okay. So that's why you moved him - you had him come back to you?
1183	•	
1184	A:	Right.
1185		
1186	Q:	All right. Good. Um, is there anything else that you guys think you could've
1187	Α.	done as far as when - when you know that these two people are at your car
1188	•	and this guy has fired a round already, is there a reason why you guys just
1189		didn't walk away from it?
1190		didii t waik away nom it:
1191	A:	We couldn't. He's still a threat. Uh, we don't if he - that - initially we didn't
)2	Α.	know if it was a self-inflicted gunshot wound, um, and I wasn't totally up on
1193		the scene. But, um, I mean one - one gunshot
1193		the seeme. But, uni, I mean one - one guishot
	0.	Man lan
1195	Q:	Mm-hm.
1196		1. 1. 1
1197	A:	uh, already confirmed. Uh, don't know if - where that exact - I didn't know
1198		where exactly it came from.
1199		01
1200	Q:	Okay.
1201		
1202	A:	Um, I assumed it was just self-inflicted and he's dead.
1203		
1204	Q:	Okay.
1205		
1206	A:	Um, and it happened fast. From the initial call to where he went from, you
1207		know, the initial call to pulling the trigger, it was pretty fast.
1208	,	
1209	Q:	Okay.
1210		
1211	A:	So, um
1212	•	
1213	Q:	Describe - describe the area to me. What's around the area?
4	~ .	THE THE PERSON OF THE PERSON O
1 - 215	A:	It's all residential.
1417	4 1.	IL D GILL TOOLUGILLIGH.

nior high. Um, ool over at, uh, San Leandro High le coming and the morning. Um, e police cars and this, he can
ool over at, uh, San Leandro High le coming and the morning. Um, e police cars and
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1261	Q1:	At any point in time during your conversation did - did she tell you the name
1262		of the suspect? And if so, what was it?
1263		
1264	A:	I believe his name was Mario.
1265	71.	Toolioyo ino hamo wab iviano.
1266	Q1:	Mario? Um, did she say - she said he had two guns. Did she give a description
1267	Q1.	of what kind of weapons they were?
		of what kind of weapons they were:
1268		
1269	A:	Just handguns.
1270	0.1	THE THE TAX TO THE TAX
1271	Q1:	Uh, did she also say if he was by himself or he had additional family with him
1272		in the car?
1273	4	
1274	A:	I don't recall if that was said.
1275		
1276	Q1:	And how many rounds do you remember hearing, uh, the officers, if at all, the
1277		officers shoot?
1278		
1279	A:	I couldn't say because I don't know what
1280	1 1.	1 Couldn't Say Couldso't don't know what
	01.	What - you wouldn't know?
31	Q1:	what - you wouldn't know!
1202	A .	1
1283	A:	whose was - whose was whose.
1284	_	
1285	Q:	You good?
1286		
1287	Q1:	Yeah.
1288		
1289	Q:	Detective Kritikos, you have any questions?
1290		
1291	Q2:	So, uh, Detective Perry, did you see any of the fire exchange between the
1292		officers and the suspect?
1293		
1294	A:	No.
1295		140.
	02.	I'm when the granest was removed from the vehicle did you see where the
1296	Q2:	Um, when the suspect was removed from the vehicle, did you see where the
1297		firearm was left, his firearm? Did he bring it outside the vehicle? Did you ever
1298		see the - the firearm?
1299		
1300	A:	I never seen it. I never went up on the car. So as we administer first aid, we
1301		were relieved by medical. Uh, other officers had pretty much cleared and
1302		secured the two cars and the house. And then that's when I immediately went
1203	*	over to the other house, just because of the close range of gunfire right here,
4ر		uh, to make sure they were okay.
1305		

1306	Q2:	Okay. And then was there fully marked police vehicles in the area?
1307		
1308	A:	Yes, there was, um, Officer Fry's, which was right up on scene.
1309		
1310	Q2:	Right up on scene?
1311	X	The state of the s
1312	A:	Right in front of the suspect's house.
	A.	Right in front of the suspect's house.
1313	*********	
1314	K Right at t	he suspect's? Vehicle and house? You're pointing to?
1315	•	
1316	A:	Yes, both.
1317		
1318	Q2:	Okay.
1319	~- ·	
1320	A:	And then I thought it - I thought it was Officer Hackl's, uh, fully marked
	Α. ,	
1321		police car, uh, was in front of the neighbor's house.
1322		
1323	Q2:	So it's easy - it's safe to say that it's, uh, the police were in the area?
1324		
1325	A :	Right.
7.6		
27	Q2:	You could easily identify the police in the area?
1328	Q2.	Tou could easily identity the police in the area:
	Α.	
1329	A :	Yes.
1330		
1331	K:	Okay. Was there officers in full uniform?
1332		en de la grande de la grande de la Marie de la Marie de la final de la companya de la companya de la companya La companya de la co
1333	A:	Yes.
1334		
1335	Q2:	And they were easily identifiable?
1336	Q2.	This they were cashly reconstitutions:
	Α.	77
1337	A:	Yes.
1338		
1339	Q2:	Do you remember who?
1340		
1341	A:	Uh, Officer Fry's in his, uh, full wool uniform. Uh, Officer Hackl, Officer
1342		Fletcher, his trainee, uh, Detective Cesaretti was wearing a black polo with
1343		gray slacks, along with his outer carrier. Sergeant Young was in plain clothes
1344		with his, uh, department-issued outer carrier, blue, same as mine. Officer Ying
1345		was in his patrol uniform with outer carrier. Same with Officer B- Becerra,
1346		same with Sergeant Corti.
1347		
1348	Q2:	Great. So did the suspect make any statements to you?
9	•	
1350	A:	Uh, all he said was, uh, when we were trying to handcuff him, uh, his arm,
1330	41.	on, an no said was, an, when we word trying to nandour min, an, ms ann,

1351		which I had was cast, uh, as I was bringing it to his back, uh, he did say,
1352		"Ow," you know, stuff like that. But, um, you know, nothing. "I want to die"
1353		or anything like that. He just laid there quiet.
1354		
1355	Q2:	Now one question that Detective Pasut asked you about the - when you were
1356		speaking to the wife, did she - I might've missed it - did he make any threats
1357		to PD or his family that she told you, like, he's gonna have - have a shooting
1358		with the police if they arrive or anyth- he's gonna have a shootout with us or
1359		he's gonna - on his way to hurt somebody? Did he - did she tell you any of
1360		that?
1361		
1362	A:	No.
1363	* .	
1364	Q2:	That's all I have.
1365		
1366	Q:	Okay. Is there anything else that we're not asking you that you think we
1367		should know?
1368	•	
1369	A:	No.
1370		
771	Q:	All right. So what we're gonna do is I'm gonna pause this, um, give you a
.2	~·	chance to look at your video if you want to look at your video. And if, uh, you
1373		have anything else to add, we'll come back to it. If not, we're good.
1374	•	nave any ming close to acce, we is come outer to it. If not, we to good.
1375	A:	Okay.
1376	1 .	and Okuy.
1377	Q:	All right. Thanks. That'll conclude the interview on October 23 at 6:07 pm.
1377	٧٠	Thi fight. Thanks. That if continue the interview on October 25 at 0.07 pm.
1379		
1379	The transprint h	as been reviewed with the audie recording submitted and it is an account
	-	as been reviewed with the audio recording submitted and it is an accurate
1381	transcription.	
1382	Signed	·

Section 12

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2			
3			
4			•
5			
6			
7	•	INTERVIEW WITH OFC. JASON FLETCHER	
8		Q=Det. Mike Benz	
9		Q1=Det. Shane Nelson	
10		A=Ofc. Jason Fletcher	
11			
12			
13	Q:	Okay. It is now, uh, 1735 hours. It is October 23, 2015. I am Detective Mike	
14		Benz. I'm with Detective Shane Nelson and Officer Jason Fletcher. We're at	
15		the San Leandro Police Department in the upstairs classroom. And this	
16		interview is regarding Case 2015-50010. And (unintelligible) can you state	
17		your first and last name?	
18	•		
19	A:	Jason Fletcher.	
20			
21	Q:	And your badge number?	
22			
23	A:	304.	
24			
25	Q:	Okay. And what was your date of hire here at San Leandro?	
26			
27	A:	April 20, 2006.	
28			
29	Q:	Okay. And then, uh, prior to working here did you have previous law	
30		enforcement	
31			
32	A:	Yes I did.	
33			
34	Q:	And where was that at?	
35			
36	A :	At Fairfield Police Department and the University of California Berkeley	
37			
38	Q:	Okay.	
39			
40	A:	Police Department.	
41			
42	Q:	Okay. And how long were you there for - er, in that - those positions?	
43	•		
14	A:	I was at Fairfield for about two and a half years. And I was at UC Berkeley	foi
15		almost eight and a half vegra	

46		
47	Q:	Okay. Um, today what was your call sign on the radio?
48	ν.	Chay, Chay was your war bight on the radio.
49	A:	2-David-25.
50		
51	Q:	Okay. Um, and you were doubled up with who?
52		
53	A :	Officer Salazar.
54		
55	Q:	Okay. Um, and what, uh, beat assignment, uh, during the shift did you guys
56		have?
57		
58	A:	Beat 5.
59		
60	Q:	Okay. Um, and what is your knowledge of the area of Beat 5?
61		
62	A:	Extensive.
63		1 1 1 0 0
64	Q:	How long have you worked Beat 5 for?
65	A	T) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
66	A:	I've been here nine and a half years. I've worked Beat 5 for nine and a half
57		years.
68 69	· O•	Okay. All right. And what is your normal shift hours right now?
70	·Q:	Okay. All light. And what is your normal sint hours light how?
71	A:	Shift hours is 0640 to 1900.
72	71.	Billit flotils is 6040 to 1900.
73	Q:	And those days are
74	~·	Tille tilose days die
75	A:	Friday, Saturday and Sunday.
76		111auj, Salatauj alia Salauj.
77	Q:	And that's considered three full days?
78	. 🕻	
79	A:	Yes.
80		
81	Q:	Um, is there any medical conditions that you might - that might impact, uh,
82	•	your judgment or physical ability to do this job?
83		
84	A:	No.
85		
86	Q:	Uh, when was the last time you slept?
87	-	
88	A:	Last night.
9'		
····30	Q:	And how many hours did you get?

91 92	A:		About eight.
93 94	Q:		Um, did you receive any injuries during this incident?
95 96	A:		No.
97 98	Q:		All right. Um, describe the uniform you were wearing today.
99 100 101	A:		I was in full duty uniform, blue wool uniform with black leather gear, black boots.
102 103 104	Q:		Okay. And you were not wearing, uh - 'cause we talked to one other person, they wore an outer-carrier vest, were you wearing one of those or no?
105 106	A:		No.
107 108	Q:		Okay. And on your uniform you have a badge. Is that correct?
109 110	A:		Badge, San Leandro PD patch.
111 12	Q:		Okay. Uh, very distinct uniform that says that you're a cop.
113 114 115	A:		Yes.
115 116 117	Q:		Is that correct? And then your, uh, belt has a bunch of stuff. Right?
118 119	A:		Yes.
120 121	Q:		Okay. And what wou - what would it carry on your belt?
122 123	A:	*	Uh, my handgun, magazines, two set of handcuffs, radio and radio carrier, uh, rubber glove case, Taser, ASP baton.
124 125 126	Q:		Okay. Um, all right. Um, were you carrying any other firearms other than your duty-issued firearm?
127 128	A :		No.
129 130	Q:	· · · · · · · · · · · · · · · · · · ·	Okay. Um, are you familiar with the location of today's incident?
131 132	A:		The exact address?
133 34 -135	Q:		Yeah.

136	A:	No. I can tell you the street and the block.
137 138	· O:	What street was that on?
139	Q:	what street was that on?
140	۸.	1274
	A:	137th.
141		
142	Q:	Okay. Um, do you know what block it was on?
143		
144	A :	1500.
145	**.	
146	Q:	Okay. Um, and that - what beat is that typ - is that?
147		
148	A:	Beat 2.
149		
150	Q:	Okay. Um, what was the weather, uh, conditions at the time of the incident?
151		
152	A:	Overcast but clear. The sun was breaking out I believe.
153		G (Graduational Principles Control of Contro
154	Q:	It was breaking out, okay. Was it, uh, lighting conditions?
155	Q.	it was broaking out, okty. Was it, an, ngitting conditions.
156	A:	Good.
	л.	Good.
;7 150	0.	Cool
158	Q:	Good.
159		D 1/ 1/
160	A:	Daylight.
161	_	
162	Q:	No need for a flashlight?
163		
164	A:	No.
165		
166	Q:	All right. Um, going in today's in- incident, um, did you have any prior
167		knowledge of the situation before the shooting took place?
168		
169	A:	Yes.
170		
171	Q:	Okay. What did you know?
172	۷.	Shay. What did you know.
173	A:	I knew that, uh, in the initial call on the radio it was - started out as an
	Λ.	
174		ascertain to welfare, that a man was in his home with his wife and 22-year-old
175		daughter that he was threatening to 913 via handgun. And he had two
176		handguns that were registered to him and he had been on the phone with
177		another daughter who I believe was in Santa Cruz.
178		
.9	Q:	Okay. And how did you get about all this knowledge?
700		

181 182	A:	Over the police radio.
183	Q:	Okay. So you're just listening to the call.
184		
185	A :	Listening to the call, then the - I pulled up the call on the MDT.
186		
187	Q:	Okay. Um, at this point you were not dispatched to - you and your part - er,
188		your field training officer were not dispatched at this time. Correct?
189		
190	A :	My trainee - correct.
191		
192	Q:	Okay. And your trainee, was he, um, and he's on FTO, uh, which is Field
193		Training Off, uh, training and some FTO's like to drive first and then have
194		their trainee do it later. Was he driving or were you driving?
195		men dames do la later. The he driving of There you driving.
196	A:	He was driving.
197	2 1.	Tie was driving.
198	Q:	Okay. But he was actually - you were evaluating him for today?
199	Q.	Okay. But he was actually - you were evaluating that for today.
200	A:	Yes.
200	Α.	165.
	0.	Olean IIm at the seems of whom avon thing lind of tool place are obviously
)2 203	Q:	Okay. Um, at the scene of where everything kind of took place, um, obviously
		we know that force was used. Um, and we're gonna get into the A through Z
204		later but I'm just gonna ask you this now, um, were there any means of force
205	•	left for the officers to use before deadly force was used?
206		and grade the second of the second was also been also been also been also been also been also been also been a The second of the second of
207	A:	No.
208		
209	Q:	Okay. Do you think the officers could've stopped this threat by any other
210		means?
211		
212	A:	No.
213		
214	Q:	Okay. Um, was the force necessary and reasonable?
215		
216	A :	In my opinion yes.
217		
218	Q:	Okay. Um, during the incident what was your state of mind? Like what were
219		you - what was going through your - your head during the - the shooting? Or
220		during the gun - whatever you heard.
221		
222	A:	Dur - while everything was happening, the position that I was in and I had a
223		shotgun, um, had he moved forward another 12 inches I would have had a
4		clear shot and I would have taken that shot.
_25		THE PARTY OF THE P
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226 227 228	Q:	Okay. Um, was it reasonable for the officer, uh, who fired, uh, to perceive the type of danger that he did?
229 230	A:	Absolutely.
231 232 233	Q:	Okay. Um, and you may - you'll know this answer but did the shooting violate the department policy?
234 235	A:	No.
236 237 238 239	Q:	All right. Um, at this time is there anything pre A through Z that we're gonna talk about that we need to know before? Like just, you know, the stuff that going - leading up to the incident?
240 241	A:	Not that I know of.
242	Q:	Okay. All right. So, Officer Fletcher this a - a map, um, sorry it's not to scale,
243	Ψ.	um, so this is gonna be a hundred I'm gonna talk about the legend here so
244	,	this is 137th Ave. Uh, I mean Bancroft is gonna be there, Lark I believe is
245		there. This is true north, but you know how we call this north. Um, this is
²⁴³		gonna be the target house of 137th. These are the two cars that are
17		
248	÷	parked in the driveway if you're familiar with that.
	A -	M. 1
249	A:	Mm-hm.
250	•	
251	Q:	Uh, this is the one vehicle that's parked in front of the house. This is the patrol
252		vehicle that drove - this is as all I saw it when I got to the scene
253	•	
254	A:	This is when Officer Fry drove in.
255		
256	Q:	Yes that's a police officer vehicle. Um, this is another vehicle on the south
257		side of the street.
258	•	
259	A:	Silver, uh, truck?
260		
261	Q:	Um, I forget. I think it was actually a dark Lexus that the officers were behind.
262		
263	A:	(Unintelligible) what it is. Yeah if it's one the officers were behind yeah.
264		
265	Q:	Yes.
266		
267 268	A:	We stopped there first.
208 9 ~/0	Q:	And then this is going to be another SLPD vehicle. And I believe it's Officer Hackl's vehicle.

271		
272	A:	Hackl's vehicle.
273		
274	Q:	So that's kind of how it's set right there so
275		
276	A;	Okay.
277		
278	Q:	just, you know, this is your pen, you can draw what you want to draw,
279	•	whatever. So how- however you wanna - yeah draw what you need to draw
280		there and just label whatever you think it wa - what kind of vehicle was that?
281	•	
282	A: .	That, uh, was a van. I believe it was a silver van that
283		
284	Q:	Okay.
285		
286	A:	Officer Cesaretti - it was these two vehicles were very close to one another.
287		
288	Q:	Oh okay. Okay.
289		
290	A:	Within about three feet of each other.
291		
2	Q:	Oh the real tight spot.
293		
294	A:	Yeah.
295	_	
296	Q:	Okay.
297		
298	A:	And then you had a large tree here.
299	•	01
300	Q:	Okay.
301	Α.	TT
302	A:	Here - somewhere in there.
303	\ \ \	Olsovi II.m. so tolso me from from the years heading in a from yellow years
304	Q:	Okay. Um, so take me from - from the very beginning from when you guys -
305 306		what'd you guys - where were you guys when you guys got that detail to the call?
307		Call?
307	A:	Okay. So we started out when we were detailed to call we were southbound
309	Λ.	on Hesperian headed towards Walmart. Uh, we were dispatched to the call,
310		Officer - er, I'm sorry, Sergeant (Sellers) advised us to respond Code-3 and
311		we were to block off eastbound traffic on 137th. So he went Code-3. We came
312		around, uh, east on 136th and circled back around 'cause he had never been to
313		this location before. And he finished blocking off at the intersection, uh, on
4		the west side of the street. He and I exited the vehicle. I immediately made
515		contact with Sergeant (Sellers) at the Command Center and he advised us that
212		contract with perpentit (penetal) at the continuant center and no advised as man

316 he wanted us to go up and join Officer Hackl who was by himself at the time. 317 The suspect's wife and I believe daughter were just - they had just come down 318 to the corner, they were being walked down the corner at the time. So we 319 walked past them on the south side of the street and we were walking 320 eastbound when the first shot rang out. And as soon as that rang out we both 321 broke into a run and we took cover with Sergeant Young, Sergeant Corti and I 322 believe Officer Ying at this vehicle here. So we ran up here. The distance 323 between the two is considerable less than what it appears to be on this sketch. 324 So, uh, so we were joined by Officer Cesaretti who came in I believe right 325 behind me and Officer Ces- Cesaretti - leading the way was Officer Cesaretti 326 then Officer Salazar then myself. Uh, we made our way up to Officer Hackl's 327 vehicle. Officer Hackl was at the backside of his vehicle. He informed us that 328 the suspect - as I was running up and took cover here I could see that the 329 window appeared to be shattered - left rear window on, uh, the target vehicle 330 which was the second one in the driveway, the one on the east side of the 331 driveway. Three of us ended up here. Uh, I immediately went into Officer Hackl's vehicle, there was no rifle. That's what I was looking for. So I took 332 333 the shotgun instead and I took a position with Officer Cesaretti on the 334 northeast corner of this vehicle here that I've drawn. 335 336 Q: Okay. 7 338 Officer Hackl, now that he had somebody there, took the opportunity to get A: 339 his rifle and as he did that I had eyes on the vehicle. And Detective Cesaretti told Officer Hackl to switch with me... 340 341 Mm-hm. 342 Q: 343 344 ...since he'd have a better, uh, position of advantage there. And it worked out A: 345 well for me as well. So we switched. Officer Salazar was here at Officer 346 Hackl's car the entire time. I joined the at the, uh, left rear corner of that 347 vehicle and I had a fairly good view. The windows in the vehicle were dark so I could see inside very well. I could see some movement. Uh, I should 348 349 mention -- I should go back a little bit -- while I was at this other vehicle with Officer Cesaretti there was a gunshot and although I could not see inside the 350 351 vehicle, I could see - you could see where the shot came from. And it was - I don't know if he had it just inside the car, but you could see the smoke... 352 353 Mm-hm. 354 Q: 355 ...uh, from the - the round being expelled. 356 A: 357 358 Oh. O: .9 J00 And it appeared to be going up in the air like it was aimed up. **A**:

261			
361	•		
362	Q:		Okay.
363			
364	A :		So that would've been the second shot. And I switched back over, they were
365	i		giving commands behind me and to my left which I assumed was the area
366	** .*		where, uh, Sergeant Corti and Sergeant Young were, uh, telling him to come
367			out of the car. We had it locked down pretty well. After I want to say maybe
368			four or five minutes the left rear door, I could see that open and I could see
369			first thing he led with was a gun, a small black revolved and that came out
370			first. And then a hand, I believe it was - I think it was in his left hand now that
371			I think about it. It comes up and he never raised himself up, um, past the car at
372			that point but I yelled, "Drop the gun." Other people were yelling, "Drop the
373			gun." And as he kind of came out of the car - again I don't know if he was a
374			short guy or not but he wasn't coming up like a normal - you would expect a
375			normal person
376			normal potation.
377	Q:	•	Mm-hm.
378	Q.		141111-111111.
379	A:		to be standing above that see that whe size of a core Dut the sun started
380	A.		to be standing above that - so that, uh, size of a car. But the gun started
281			coming down and it was at - past a 45 degree angle coming down. I did not
			have a clear shot at that point but I fully anticipated that I was going to be
2			pulling the trigger within a second or two. And I was surprised when the
383			rounds went off behind me because I was already in the mindset 12 inches
384			more
385	_		
386	Q:		Mm-hm.
387			
388	A:		and he's going to be out from behind that vehicle and I'll have a clear shot.
389			
390	Q:		Okay.
391			
392	A:		So, uh, I believe three shots were fired. It might've been two but I believe it
393			was three. Officer Hackl said that he fell back inside the vehicle. I could see
394			the small black revolver, it looked to be a 38, uh, right at the left rear door on
395			the vehicle.
396			
397	Q:		Mm-hm.
398	≺.		
399	A:		I could see that under the vehicle.
400	41.		1 Coura see that ander the ventore.
	0.	•	There was no movement in the car for at least three or form minutes. There
401	Q:		There was no movement in the car for at least three or four minutes. They
402			were giving him commands to come out. And at one point he kind of - he got
403			out of the car and he was lying right there. And I put that out on the radio as
1			well, I put out that I saw the ve - that I saw the gun, the gun was outside. My
40 5			concern is at this point is he's trying to commit suicide by cop and I didn't

406		know if he was getting the gun 'cause once he came out and he's on the
407		ground, I couldn't see the gun.
408	•	0.1.1.1.4.64
409 410	Q:	So he - he came out of the car and just laid on the ground? Or
411	A:	I couldn't tell if he was on the ground or if he was sitting up. I initially
412	Α.	thought
413		
414	Q:	But he's low.
415		
416	A:	I was looking in the reflection of the car next to him
417		
418	Q:	Mm-hm.
419		
420	A:	and it looked like - I swear to God it looked like he was opening up a
421		newspaper like this. And then it occurred to me it might've been like a screen
422		for your window.
423		
424	Q:	Mm-hm.
425		
12.6	A :	And I'm thinking oh my God what is he doing? And so he starts moving and
7		he's got something on his hand like covering up part of his arm. And my
428		concern was that he had taken whatever that was and he had a gun in his hand
429		and he had this over his hand and he was gonna do suicide cop that way.
430	_	
431	Q:	Mm-hm.
432		
433	A:	And Officer Cesaretti started giving him commands and he was on his back
434	•	with his feet facing towards the street and he scooted himself down towards
435		the street and that's when I realized he had a big cast on his arm. I don't
436		remember if it was right arm or left arm. I think it might've been his right arm
437		but I'm not sure, I don't recall exactly.
438	0.	Wash
439	Q:	Yeah.
440	۸.	The best he was charing commands. He did not have a sum in either hand. I
441	A:	Uh, but he was obeying commands. He did not have a gun in either hand. I didn't know if he had it in his waistband or not 'cause I could not see the gun
442	;	
443 444		anymore underneath the car so I don't know what happened to the gun.
	0.	Mm-hm.
445 446	Q:	171111-11111.
440 447	۸.	IIIh ha listened to the commands from Officer Coccuetti. Us started relies
	A:	Uh, he listened to the commands from Officer Cesaretti. He started rolling
448		himself towar- towards the street, uh, which was encouraged. And at that
		point when he stopped, Officer Fry came up with the SUV and the contact
450		team was crouched down coming up on the other side of the SUV. And I

451 452			remember that was Sergeant Young, I believe Sergeant Corti, Officer Ying and I believe Officer (Saycon), and Officer Fry drove it. They made contact
453			there. I moved up between the two vehicles and when they went to clear the
454			
			house Officer Salazar and I joined that party. We cleared the house, we
455	4.		cleared the side yard, the back yard, uh, before we came out.
456	1	* *	
457	Q:		Okay. And the car that Officer Hackl drove, was - was it an SUV or a sedan -
458			or the Crown Vic? Do you remember?
459			
460	A:		Uh, the Crown Vic.
461			
462	Q:		Okay. Um, during your time from when you're on scene to when you fir the
463			hearst - the first - or just on scene I should say, did you hear the officers that
464			were already, um, trying to make contact with, uh, the suspect? Were they
465			verbally trying to communicate with him? Could you - could you hear them?
466			volodity trying to communicate with him: Countryou - country ou hear them:
467	A:	. *	By the time I got up to them
** .	A.		By the time I got up to them
468			V -1
469	Q:	•	Yeah.
470			
471	A:		we had just had the first shot
2			
473	Q:		Yeah.
474			
475	A:		and so I don't recall we - specifically them giving him commands because
476			we didn't know if he had shot himself
477			
478	Q:		Okay.
479			
480	A:		or what the deal was. The window was shattered but we didn't know if it
481			had gone through 'cause we didn't have contact with him at that point.
482			had gone through cause we didn't have contact with him at that point.
483	0.		Okay. Do you - did he ever say anything during this? Did you ever hear the
	Q:		
484			suspect say anything when
485			AT T 414 A.4
486	A:		No I didn't hear him say anything.
487			
488	Q:		Okay. So when like Detective Cesaretti - when he was giving commands he
489			just complied at that point.
490		• •	
491	A:		Yeah once he got out of the vehicle
492			
493	Q:		Yeah.
1	Α.		
	A:		yeah he was just complying.
J	7 7.) care tro 14 an 1 ann corrections.

496			
497	Q:		Okay.
498	Α.		
499	A:		He wasn't saying anything.
500	11.		The wash t saying anything.
501	٥.		Dut he never said enviling
	Q:	•	But he never said anything.
502	A .		
503	A:		Right.
504	_		
505	Q:		Um, when he was in the car and you had the positions that you guys had over
506			on the other side or, uh, on Officer Hackl's side I'll just call it, that's the
507			east side, um, when he got out of the car and he was crouching, you - that you
508			mentioned, you know, 12 more inches and you would've - you would've
509			taken the shot, were there verbal commands coming from the other side?
510			
511	A:		Yes.
512			
513	Q:	•	Okay. Was he complying or was he - do you - do you even know if he was
514	. `		complying? I mean I don't know if you had a good view of him.
515			
516	A:		No I had a real good view of his arm
7			210 2 200 4 200 4 200 6 2
518	Q:		Okay.
519	ν.		Okaj.
520	A:		and the gun.
521	л.		and the guil.
522	Ó٠	•	Yeah. Was he
523	Q:		1 can. was ne
	Λ.		And the compressed coming degree to a legal modifier
524 525	A:		And the gun was coming down to a level position.
525			
526	Q:		Okay. And was he coming level towards the officers?
527		,	
528	A:		That I don't know.
529	_		
530	Q:		Okay. All right. But from your viewpoint I mean he was going - it wasn't
531			pointed straight in the air. It was coming
532			
533	A:		No - no. It was
534			
535	Q:		down
536			
537	A:		coming down the opposite side of the street but I don't know if it was
538			pointed at the other officers or if it was offline because of the angle I was at I
9		•	don't know where they were at exactly behind me.
			don tanow whole mey were at exactly bening ine.
⊸ +0			

INTERVIEW WITH OFC. JASON FLETCHER Interviewer: Det. Mike Benz 10-23-15/5:35 pm Case # 2015-50010 Page 13

541 542 543 544	Q:		Okay. But was it - do you think - do you think - I mean this is - I mean I know it's kind of guess and guess but did it look like he was in a general vicinity of those officers?
545 546	A:		Yes. Oh yes.
547 548 549	Q:		Okay. So would the - obviously the angle you were at you really can't say if it was or wasn't but it wasn't like he was not trying to - like he was pointing it completely off the direction of these officers?
550 551 552	A:		No absolutely not.
553 554	Q:		Like he wasn't pointed towards his house, you know, he was pointing it away
555 556	A:		Right.
557 558 559 560 561	Q:		towards other people. Okay. Um, this person - obviously you know what the call was like, um, I mean you - you mentioned that, you know, ascertain the welfare, g- guns, maybe suicide by cop as you mentioned earlier, um, this person - do you believe he was a threat?
52 563 564	A:	•	Absolutely.
565 566	Q:		Okay. Um, did at any point, um, you fire your gun at him?
567 568	A:		No.
569 570	Q:		At any point did your trainee fire his gun?
571 572	A:		No.
573 574 575	Q:		Okay. Um, when you guys cleared the house and you guys came back out, did you see the gun at all at that point?
576 577	A:	÷	No. I didn't see it after he got out of the car.
578 579	Q:		Okay. Um, did he - did you hear him say anything when he was being, uh, when he was being detained?
580 581 582	A:	."	No.
583 34	Q:		No. Medical, uh, did they arrive pretty quick?
∠d5	A:		As I recall - I mean he was in and out quick. I don't know when they picked

INTERVIEW WITH OFC. JASON FLETCHER Interviewer: Det. Mike Benz 10-23-15/5:35 pm Case # 2015-50010 Page 14

586 587		him up but by the time I got out of the car - out of the house they were gone.
588	Q:	Okay. So he was - so do you know if Medical was staged?
589 590.	A:	Yes they were staged.
591 592 593	Q:	Okay. So they were on scene pretty quick then once
594 595	A:	Yes.
596 597	Q:	Okay.
598 599	A:	Actually I remember when Medical left because we had to move a car and it was before we had set up the tape.
600 601	Q:	Okay. So
602 603 604	A:	So he must've been in the ambulance
605 606	Q:	Pretty quick then.
)7 608	A:	Right.
609 610	Q:	Okay. So he got treatment fairly fast?
611 612	A:	Yes.
613 614	Q:	Okay. Did you see him, his injuries at all?
615 616	A:	I saw blood on his back on his tee-shirt
617 618	Q:	Mm-hm.
619 620	A:	but I didn't see any actual visible injuries on him.
621 622	Q:	Okay. Uh, did you notice if any officers were injured?
623 624	A:	No I think everybody was fine.
625 626	Q:	Okay. All right.
627 628	Q1:	No I think I'm good.
\ \ _30	Q:	No? Okay. Is there anything that you can think of that we need to know that would help out with this investigation or is that pretty much it? Is it - is there

631		anything else that we
632 633	A:	That's pretty much - like I said it's - it was just simply an issue of angle
634		
635	Q:	Mm-hm.
636		
637	A:	um, another foot and I would have had a clear shot. As it was I had arm and
638		it was about at shoulder level, I was again surprised when I heard that because
639		I was already in that mode and about to fire
640		
641	Q:	Mm-hm.
642		
643	A:	and I knew that he hadn't fired the shots.
644		
645	Q:	Yeah.
646		
647	A:	So it occurred to me okay it was coming that direction.
648	_	
649	Q:	Um, how far from where your positioned to where he was when you had him,
650		uh, in your line of sight? How far do think that was?
651		
[2	A:	Maybe 40 feet.
υ 53	•	
654	Q:	All right. Not very far then.
655	A .	
656	A:	Hm-mm.
657	0.	O1 W
658	Q:	Okay. You were pretty close then. Okay. Um, all right. Anything else you can
659		add?
660	Α.	NT.
661	A:	No.
662	0.	No Olean And that is saint to construit anniatemism. And the time is saint
663	Q:	No. Okay. And that is going to conclude our interview. And the time is going
664		to be 1755 hours.
665		
666	The tues series 1	and home warriarrad writh the andia macanding arrhanited and it is an accurate
667	_	has been reviewed with the audio recording submitted and it is an accurate
668	transcription.	
669	Signed	

Section 13

	1			
	2			
	3			
			•	
	4			
	5			
	6			
				TAITED VIEW VIEW TART COUNTY COUNTY COUNTY
	7			INTERVIEW WITH DET. STEVE CESARETTI
	8			Q=Sgt. Anthony Morgan
	9			Q1=Det. Jeff Walton
	10			A=Det. Steve Cesaretti
				11 Dett Steve Cestifetti
	11			
	12			
	13	Q:		Sergeant Anthony Morgan. Uh, today is Friday, October 23, at 1735 hours.
	14			And I'm in my office in Criminal Investigations Division and I'm with two
				· · · · · · · · · · · · · · · · · · ·
	15			additional people.
	16			
	17	Q1:		Detective Jeff Walton.
	18			
		۸.		Datastina Stana Carantti
	19	A:		Detective Steve Cesaretti.
	20			
	21	Q:		Uh, and this, uh, the statement of witness, uh, Officer Detective Cesaretti. Uh,
	22	~		so, uh, we're gonna be, uh, asking you a series of questions. Uh, if at any time
	23			
				you need to take a break, use the restroom, anything like that, uh, stop us. If
	24			you get tired, need water, uh, attend to anything.
	25			
	26	A:		Okay.
	27			
		0-		O = 1 =
	28	Q:		So, uh, we are going to start with some, uh, preliminary questions. And - and
	29			if at any time there's a question you, uh, need clarification on or you want to
	30			expand upon or anything like that comes up, just let us know. Uh, can you
	31			state your name and serial number?
				state your name and sorial number.
	32	_		
	33	A:		Uh, my name is Steve Cesaretti, and my badge is 347.
	34			
	35	Q:		Uh, and the date you were hired at SLPD?
		Q.		on, and the date you were inted at SDI D.
	36			
	37	A:		Oh man, uh
	38			
	39	Q:		Approximate.
		٧٠		The proximate.
	40			T.11.1.1. T.1. (2004)
	41	A:		I think it was July of 2012.
	42		•	
	43	Q:		Okay. Um, and do you have any law enforcement experience prior to San
		٧.		
	14		•	Leandro Police Department?
****	45			

46	A:	I do. I was hired, uh, at the Union City Police Department in 2005 and worked
47		there until I left to lateral here.
48 49	0.	Olsay III your arment againment?
49 50	Q:	Okay. Uh, your current assignment?
51	A:	A robbery homicide detective.
52	4.2.	11 100001y Resimond doloctive.
53	Q:	Okay. Um, your normal shift - your normal work hours?
54		
55	A:	My normal shift is Tuesday through Friday, 7:00 am to 5:00 pm.
56		
57	Q:	Okay. Uh, was today part of your normal shift?
58		
59	A:	It was.
60	0.	Olean And mann and a sell sign 9
61 62	Q:	Okay. And your radio call sign?
63	A:	14I16.
64	Α.	17110.
65	Q:	Okay. Um, any medical conditions that might impact your judgment or
66		physical abilities?
57		
68	A:	None.
69	•	
70	Q:	Uh, the last time you slept?
71		
72	. A:	Last night.
73		
74 75	Q:	Okay. Uh, for approximately how long?
75 76	A:	Uh, seven hours.
70 77	A.	On, seven nours.
78	Q:	Okay. Um, we're going to talk about a, uh, incident that happened today at,
79	٧.	uh, were you injured at all today during any incident?
80		
81	A:	I was not.
82		
83	Q:	Okay. Um, were you photographed afterward?
84		
85	A:	I was.
86		
87	Q:	Okay. Uh, can you describe your uniform today?
88	A -	
39	A:	Today I was wearing a, uh, departmentally issued black long sleeved polo
90		shirt with a badge on the left chest that's a star, it says police officer on it, my

91			name on the right chest - S. Cesaretti.
92			
93	Q:	, ;	Okay. Um, were you wearing any body armor during the incident today?
94	Α.		rianda de la companya r>Tambana de la companya
95	A :		I was. I was wearing a de-departmentally issued blue outer carrier vest with,
96			uh, miscellaneous equipment, two pistol magazines, a radio pouch, police on
97 98			the front chest, police on the back.
99	0.		Okay,
100	Q:		Okay,
101	A:		In large letters.
102	71.		in large letters.
102	Q:		Okay. Uh, were you - were you photographed, um, in the same, uh, clothing
103	Q.		or uniform that you were wearing at the scene?
105	•		of uniform that you were wearing at the seeme!
106	A:		I was.
107	21.	•	T W dS.
108	Q:		Okay. Um, were you carrying a firearm today?
109	٧.		onay. on, word you ourlying a mount today.
110	A:		I was.
111			
12	Q:		Okay. Can you describe it?
113			
114	A :		It's a, uh, black in color Glock 22.40 caliber pistol issued by the department.
115			
116	Q:		Okay. Um, was, uh, your weapon, uh, examined by anybody?
117		•	
118	A:		Uh, my pistol itself was not. Uh, we did do a, um, round check in our
119			magazines.
120			
121	Q:		Okay. Uh, did you fire any rounds today?
122			
123	A:		I did not.
124			
125	Q:	•	Okay. On - did you have any prior - do you have any prior knowledge or
126	Q:		background knowledge of, um, the nature of the incident or the, uh, people
126 127	Q:		
126 127 128	Q:		background knowledge of, um, the nature of the incident or the, uh, people involved in today's incident?
126 127 128 129	Q: A:		background knowledge of, um, the nature of the incident or the, uh, people
126 127 128 129 130			background knowledge of, um, the nature of the incident or the, uh, people involved in today's incident? Just what I heard on the radio this morning.
126 127 128 129 130 131			background knowledge of, um, the nature of the incident or the, uh, people involved in today's incident?
126 127 128 129 130 131 132	A: Q:		background knowledge of, um, the nature of the incident or the, uh, people involved in today's incident? Just what I heard on the radio this morning. Okay. And do you know the, uh, location of today's incident?
126 127 128 129 130 131 132 133	A:		background knowledge of, um, the nature of the incident or the, uh, people involved in today's incident? Just what I heard on the radio this morning. Okay. And do you know the, uh, location of today's incident? I don't know the physical address. I believe it was on 136th, uh, near
126 127 128 129 130 131 132	A: Q:		background knowledge of, um, the nature of the incident or the, uh, people involved in today's incident? Just what I heard on the radio this morning. Okay. And do you know the, uh, location of today's incident?

126	0	01
136	Q:	Okay.
137	Α.	A - C
138	A:	As far as the actual resident's ad- address, I do not know the numbers.
139		
140	Q:	Okay. Um, and so how did you learn of this, uh, incident?
141		antina di Mariante del Maria di Maria del Maria del Maria del Maria del Maria del Maria del Maria del Maria de Maria del Maria del M
142	A:	Uh, monitoring the radio this morning. Uh, I started hearing Sergeant
143		(Sellers), uh, Sergeant Corti, and few other officers that were either
144		responding or on scene at this call talking about a, uh, subject who is, uh,
145		discussing, uh, suicidal ideologies, suicidal threats.
146	•	
147	Q:	Okay.
148		
149	A:	And there was mention of a firearm.
150		
151	Q:	Okay. So, uh, what I have is a, uh, standardized map that we created for this
152		investigation. Uh, I'm gonna give it to you here, uh
153		
154	A:	Sure.
155		
156	Q: .	It's lo- I - I'm not positive as far as a scale. It's likely not to scale. Um, and it
57		may or may not be factually correct based upon your recollection so. Um,
158		what I do ask is that, um, you write your name on it so we know that, um, this
159		is the actual map that we are discussing.
160	•	
161	A:	Okay.
162		
163	Q:	Um, and then, uh, if there are any changes that are to be made or if you want
164		to refer to it while we speak about the incident, we have it.
165		
166	A:	Sure. Any particular area to - to sign my name on it?
167	_	
168	Q:	Uh, just upper right's fine.
169		
170	A:	Yeah - yeah.
171	· · ·	
172	Q:	Okay. Um, what time did you start your shift t- today or about?
173		
174	A:	Um, we had training last night. I came in about an hour late today. I think just
175		after 8:00 am.
176		
177	Q:	Okay. Um, and anything, uh, prior to the, uh, incident that we're gonna speak
178		about, anything significant about your day?
19		
180	A:	Nothing.

INTERVIEW WITH DET. STEVE CESARETTI

Interviewer: Sgt. Anthony Morgan 10-23/5:35 pm Case # 2015-50010

Page 5

181 182 183	Q:	Okay. Uh, where - where were you,	, uh, when you first learned of this?
184	A:	Uh, I was in a vehicle with Detective	ve (Rogers).
185			
186	Q:	Okay.	
187			
188	A:	And Officer (Hydes).	
189			
190	Q:	Okay.	
191			
192	A:	And I was in the backseat. Uh, we	were driving south on Washington.
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Q:

A:

Okay. Um, so, uh, unless you have anything, uh, now what we'd like to do is just, uh, ask you to kind of take us from beginning to end. Uh, the best that you can recall, uh, today's incident. And then, uh, af- after that we'll ask you any clarify questions or, uh, ask you to expand on anything. Um, so, you know, on you whenever you're ready.

Sure. Uh, we were in, uh, this morning I was in the backseat of Detective (Rogers)'s vehicle. He was driving. Office (Hydes) was in the front seat. And as we were driving south on Washington, um, I believe we were maybe, uh, near the intersection of SLV and Washington. I'm not sure specifically as I was in the backseat not payin' attention to where we were going. Uh, we started hearing the radio traffic concerning this - this situation that was developing. Uh, we made the decision to respond based on, uh, the information playin' out over the radio. Uh, it sounded like there was a firearm if not - if not two firearms involved. I had my, uh, outer carrier vest in the backseat of Officer (Rogers)' car. I donned it, um, secured it, and, uh, we made our way to, uh, I think Bancroft - in the area of Bancroft and 136, um, when, uh, Officer (Rogers) stopped his car. We exited and, uh, there was a gunshot that rang out. Uh, traffic over the air was - there was a shot that had been fired consistent with what I'd heard. Uh, we were currently, uh, Bancroft and the area of 136ish. Um, I ran - I saw a - looking - looking eastbound down the street, uh, I saw a vehicle in front of a resident's south curb of the, uh, if you're looking at the - the target house itself, was it - it was looking on the north curb of that street. South of that - on the south curb there was a group officers behind the vehicle taking cover. Uh, I ran to that group of officers and I'm not sure exactly who was in that group, but I did speak with Sergeant Corti. Um, Sergeant Corti directed me to bypass the house, continue east, and meet up with Officer Kevin Hackl. As he was looking at the house - as we number it for SWAT training, the front being the 1 side and then clockwise 2. 3 and 4. Um, Sergeant Corti's team was po-positioned in the direction of the 1 -2 corner. Officer Hackl was at the 1 - 4 corner, uh, by himself. I bypass the team, continued east, met with up with, uh, Officer Hackl. Um, there was a

270

vehicle on the north curb line that Officer Hackl and I took cover behind. And if you're looking at the target house, the house that was directly east of that adjacent to it just east of it, um, there was a vehicle parked at that curb line. Uh, we took cover behind that. Um, we, uh, covered down on the su-the suspect vehicle as it was described. There was - at the target residence, there was two gold cars in the driveway parked nose in. Um, initially upon looking at the - both cars I didn't see which car they were discussing 'cause they were - the car was - the actual target vehicle, they were both very similar in color and make and model and the size and shape. But after watching for just a few moments, uh, there was movement in the rear seat of the vehicle. And again if you're lookin' at the target house, two cars parked nose in - in the driveway, uh, the one on the right or the eastern most portion of the driveway. Uh, couldn't see spec- s- specifically what was happening in the backseat, but I could see a person, uh, moving back there. The windows were somewhat tinted so I could not get a clear - a clear picture of exactly what was occurring at that time. Um, I believe Officer Fletcher and his recruit, Officer Salazar, were also with us at that 1 - 4 corner area. Um, at some point I asked if anybody had a rifle based on the, uh, the suspect being inside of the vehicle. Uh, I only had a handgun at that time. Um, nope, I don't believe anybody had a rifle. So Officer Hackl went to his trunk, retrieved his rifle, which was directly behind - I mean within a few feet of where we were at the 1 - 4 corner behind a citizen's vehicle. Retrieved his rifle, he came back. Uh, he, uh, had long cover down on the vehicle on the passenger side. Um, at some point he discovered that - if you're looking again at the target residence, the target - the target house, uh, the house that's to the east of it - adjacent east, had a truck in the driveway. He took cover behind that truck to get a better vantage point on the vehicle, uh, passenger side. Um, and again as I'm looking I'm - I'm still on the north curb line at the 1 - 4 corner looking at the passenger side of the vehicle. Uh, you can see movement in the back. Uh, there was a tree in that residence's front lawn. And the residence that I'm talkin' about specifically is again the target residence - residence to the east. Uh, there was a tree in that, um, front lawn. It kinda blocked a little bit of my view of the, uh, backseat. Uh, at some point there was, um, it sounded like somethin' had hit the ground. I couldn't tell what the object was, um, specifically. You know, it kinda sounded like somethin' hard hit the concrete. I know there was some talk of, you know, the - the guns on the ground. I - I couldn't see it myself. Um, and then at some point I heard pretty clear verbal commands coming from the team that was over towards the 1 - 2 corner. Uh, one person giving very clear commands and I forget the person's name. I - I wanna say it was Mario and, um, that's probably not accurate. But, you know, "Show us your hands. We don't want to hurt you. Come out. You know, put your hands up. Um, come out of the car." And, uh, there was a- another gun ra- another gunshot that rang out. Uh, but again I couldn't see specifically where it was coming from. Uh, it - it sounded like it came from the area of the fr- the driveway of the target residence. There was a single gunshot and then I could hear kind of a

Page 7

volley - and I wouldn't be able to tell ya how many rounds, but a volley of rounds that sounded - sounded like it was coming, uh, to my left. And, uh, I didn't - didn't see who was responsible but the sound indicated to me that it came from my left. Um, the next thing I know there was, uh, whoever was in that backseat of that car ended up on the payement, uh, and if you're looking at the target residence - two cars in the driveway, that area in between those two cars, uh, driver's side of the vehicle. The suspect was in - in the passenger side of the second vehicle that was not occupied. He fell out onto the ground. He was laving on the ground that way, uh, in between the two cars. Verbal commands kept coming from the team from the 1 - 2 corner. I was approximately, um, probably 25 feet from the, um, the suspect at that point. I took over verbal commands. Uh, again gaving him - giving him real clear commands and I - I recall someone saying, you know, from the 1 - from the team at the 1 -2 corner, "Steve, you got verbal commands." Just because I was closer. Um, ended up kinda getting a line of communication with, uh, the suspect. Had him just put his hands over his head. At that point he was laying on his - on his, uh, left side and he was rolling from his back to his stomach. Um, told him just to lay on his back and put his hands up above his head. At this point - so he would be positioned with his head towards the street, uh, his head facing southbound. Um, he tried to kinda wiggle himself out from between the cars. I gave him verbal commands to just continue to push himself away from the vehicles down towards the street. Um, at one point he rolled to his side and then kinda was doin' an alligator roll where he was just kinda rolling, um, as - as - as his body length was head to toe kind of rolling. And I just told him to keep rolling to the street. Keep your hands above your head, uh, we're gonna get some help. Um, at some point an SUV - a patrol SUV was used to drive up to the house and to successfully remove him from the driveway. He was detained. That team moved up to the suspect vehicle. Uh, my team moved up to the residence - the door - the front door of the house was ajar. Um, immediately saw it as - as kind of an issue as far as, uh. officer safety. Um, Sergeant Young directed me to, uh, create an entry team, uh, to clear the house. Uh, we, uh, I believe it was Officer (Moore) had a shield. Uh, he was our - he was our point guy for the entry team. A few other officers around me - I think it was Officer (Hackwell), um, and Officer Fletcher made entry in the house, searched it for other victims - other suspects. Uh, nothing else located inside the house. Uh, and at the point the scene had been secured. Crime scene tape was goin' up. Um, and I was directed to respond back to the station.

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Q:

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312 Q1: 313

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A: 315

Okay.

Uh, can you approximate, uh, on the map where, uh, you were positioned.

Sure. Uh, initially I started out on the south curb line with, uh, the team that was at the 1 -2 corner. And I made my way - is it okay if I draw on this?

316		
317	Q1:	Yeah.
318		
319	A:	Uh, I wanna say there was a vehicle similar in this range, uh, Officer
320	11.	(Hackwell)'s car was something like that. And I'll label these for you. I think
321		
		this was a - I think it was a Jeep Wrangler of some kind but I'll just write
322		Jeep. And the tree was, like, somewhere, like, right here. Um, so I held the
323		position, uh, like, I'll do a number 1 for myself, uh, to the, uh, rear end of the
324		Jeep and essentially held that.
325		
326	Q1:	Okay.
327		
328	A:	Uh, the tree is probably gonna be a little more over here but - held that
329		position until, uh, we approached the driveway and made entry.
330		
331	Q1:	Okay.
332	4	Okuj.
333	Q:	Um, so just for, uh, clarification, um, initially you said, uh, a couple times
334	Q.	136th. Did, uh, do you know if it was?
335	•	130th. Did, thi, do you know it it was?
		III was been a substituted by such ables and a sain I was in the best weet of (Decemb)?
⁷ 36	A:	Uh, you know what, it probably - and again I was in the backseat of (Rogers)'
.7 220	4.0	vehicle. Um, as we were - as we were driving to the scene I was tryin' to call
338		dispatch to get more information, uh, to see 'cause as a detective they may
339	·	have wanted us to respond to a certain location or respond to the CP. Um, in
340	•	hindsight it may have been south of 136th maybe 137th.
341		
342	Q:	Okay.
343		
344	Q1:	Uh, the incident itself was on 137th?
345		
346	A:	I think so. I believe so.
347		
348	Q1:	Okay.
349	(y -
350	Q:	Um, I know you weren't driving, uh - uh, did you discuss why or for, uh, in
351	٧.	your own mind why you would go to that call? Uh, I know you weren't
352		dispatched but what - what was significant about it that would make you go?
		dispatched but what - what was significant about it that would make you go?
353	A .	
354	A:	Um, at - at some point I believe that - I mean it - there's lots of reasons. Uh,
355		number 1, bein' robbery homicide detective, um, bein' on the SWAT team,
356		you know, there's certain things that I wanna make sure are being done the
357		right way. And not knowing who else was on scene, um, just wanted to be
358		there to support the guys on patrol. Um, but, uh, I believe Officer (Seller) or -
9		sorry, Sergeant (Sellers) asked for Code 3 cover or Code 3 response at some
360		point. Um, which is typically reserved for, you know, situations that are pretty

361 362		serious that require a lot of personnel. So, uh, we responded to assist - not just patrol but, um, I, you know, this - this situation was potentially becoming a
363 364		tactical situation. So as being part of the SWAT team, I wanted to - to be there.
365		그 아무는 일본 사고 하는 일이 그 아이들까지, 그린 스로인 하는 아이들을 했다.
366 367	Q:	Okay. Um, and you describe, uh, pretty quickly hearing that first shot when you or hearing what you thought was a gunshot.
368	A Section Control	
369	A:	Correct.
370		
371	Q:	When - when you first got there. Um, what was goin' through your mind
372		then?
373		
374	۸.	The at that when I when you when we landed and when I gave landed we
375	A :	Uh, at that - when I - when we - when we landed and when I say landed we actually - we pulled up, parked, we jumped out, uh, kind of simultaneously in
376		there that first - that first sound rang out. Um, I - and I immediately believe it
377		to be a gunshot, uh, based on ten years of doin' this job, uh, bein' around
378	- -	firearms. Um, and then I believe it was put out over the radio that it was a - a
379		gunshot that had been fired. Um, there was no - there was no traffic as far as,
380		like, other shots after that. I think it was just that one shot. Um, and I'm sorry,
³⁸⁰		can you repeat the question?
1		can you repeat the question:
ے 202		37 1 1
383	Q:	Yeah, so what, um, you talked about hearing the shot and then taking cover,
384		um, so what was going through your mind during that time?
385		
386	A:	So when I heard the initial gunshot it was from a distance away. Uh, initially
387		my first was thought was I need to get to where the rest of the patrol guys are
388		and, uh, and help them out with - whatever they needed at that point. Um, and
389	•	once I got down to the area where everyone was behind cover, my - my fear
390		was that, uh, these officers were being shot at.
391		
392	Q:	Okay. Um, and did you definitively know at that point if any - if any officers
393	Q.	had been shot or were being shot at?
		had been shot of were being shot at:
394		A (1) (1) 1) 1) 1) 1) 1) 1) (T) 1) 1) 1) 1) 1) T)
395	A:	At that time, I didn't - I didn't know of - I didn't know definitively. I knew
396		that someone had mentioned glass had been blown out.
397		
398	Q:	Okay.
399	:	
400	A:	Um, I surveyed the scene and I - I couldn't - I couldn't find where that was at
401		- at that point in time, um, so no.
402	•	THE VALUE POSAGE AND VARRAY OF RACE
	01.	Do you think we could have, uh, walked away from this as a department?
403	Q1:	Do you unitk we could have, un, walked away from this as a department?
4		TT TOTAL 11 TOTAL 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
405	A:	Uh, I'll tell - I'll tell ya what, based on my training experience, I don't believe

406 407 408		so. This - this location is, uh, directly adjacent to a high school - actually several schools, um, a high school that's broken up in two different areas. Uh, right where the command post was is, uh, one campus. Um, at Bancroft and
409		136 or 137 - that's one campus. The other campus is north of us, um, there's
410		no way we can let someone who's shooting, uh, continue to have, you know,
411		more potential victims or any victims for that matter. No we could not walk -
412	· • ·	walk away from this.
413		waik away nom uns.
414	01.	Okay.
	Q1:	Okay.
415		TT 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
416	Q:	Um, when you, uh, are behind cover, you - you, uh, then heard another shot
417		from you said what you believe was the direction of the suspect's car?
418		
419	A:	That's correct.
420		
421	Q:	Um, what was goin' through your mind then?
422	•	
423	A:	Uh, at that point, um, to be honest with ya, I was pretty frustrated. I had a
424		really vantage point of the vehicle except for the tree and that yard. Um, I
425		wish I'd - I wish if that tree wasn't there, I would've been able to see a whole
426		lot better in that backseat. Um, when I heard that second gunshot, it was after
27		verbal announcements, uh, communication was being made with, uh, the
428		
		subject in the vehicle. Um, our presence had been made known obviously at
429		that point. So my concern was the first gunshot occurred. More officers get on
430		scene. The second gunshot happens when we're on scene. Uh, again my
431		concern was that this gentleman was, uh, trying to shoot at police officers.
432		
433	Q:	Okay. Um, and you, uh, said you gave him some commands. Did he ex-did -
434		did he have any reaction or exchange any dialogue with you?
435	· · · · · · · · · · · · · · · · · · ·	
436	A:	He never, uh, it was - it was a one-way street communication wise. He never
437		verbally communicated back with me. However, when I did give him
438	A	commands after he - after he was already out of the vehicle, uh, he did listen.
439		Uh, he did exactly what I told him to do.
440		
441	Q:	Okay. Uh, did you - did you see him, uh, with any - did you see a gun or see
442	٧.	any weapons?
443		arry woapons:
		I marrow had a change to see who see any owns. They have the discrete
444	A:	I never had a chance to see, uh, see any guns. Um, by the time the contact
445		team had detained him and was clearin' the vehicle, again, my team
446	•	immediately went through the open door of the residence. That was - that was
447		the threat we were assigned to deal with at that point. So I never actually saw
448		any - any guns.
19		
- 450	Q:	Okay. Uh, the volley, uh, the gunfire that you heard, uh, do you know, um,

451 452		who fired or where that was coming from?
453 454 455	A:	Uh, it came - it came from - I want - it came from left of me. Um, I couldn't tell ya exactly how far away. My - I mean, yeah, I, yeah, I wouldn't even be able to guess distance wise.
456 457 458	Q:	Okay.
459 460	A:	Um, I think you asked me, "Do I know who?"
461 462	Q:	Yeah.
463 464 465 466 467	A:	Um, yes, uh, so while on scene I made sure everyone was okay. Uh, like I said, I'm a robbery homicide detective. Uh, I wanna make sure the scene was gonna be secure. Um, so it was identified that, uh, Sergeant Corti and Officer, uh, Ying were the shooters.
468 469 470	Q:	Okay. Um, did, uh, do you know if, uh, medical aid was ever rendered or requested for?
471 72 473 474 475	A:	Yes on - yes on both. Uh, while we were on scene actually the A- um, fire AMR arrived. Uh, they attended to, uh, the suspect, um, and then he was transported. I'm not sure which hospital but, uh, he was transported to a hospital.
476 477 478 479	Q:	Okay. Um, do you know why, uh, I - my understanding is there was a little bit of a - there was some time lapse between when the volley of gunfire happened to when the suspect actually received medical aid. Do you know, uh, the reason for that?
480 481 482 483 484 485 486 487 488 489 490 491	A:	Uh, he - so, um, my - from my vantage point obviously I couldn't - I couldn't see him fully until he was out of the vehicle. Um, the time that transpired from that - the second gunshot fired from what I believe to be the direction of the suspect's residence, followed by the volley of shots coming from my left side, um, he was still in the vehicle. He remained inside the vehicle. He didn't exit the vehicle immediately even though he was being told to, uh, he remained inside the vehicle for quite for some time. Exactly how much time I wouldn't be able to estimate. Um, but he did not immediately exit and re- you know, scream that he was in pain or request medical aid, or request help. He stayed inside the vehicle.
492 493	Q:	Do - do you think it would've been safe for medical personnel or officers to approach and to render medical aid at that time?
74 495	A:	As he was inside the vehicle?

10.6			
496			
497	Q:		Up until the point when it was rendered then.
498			
499	A:		No I don't.
500			
501	Q:		Okay.
502	1		
503	A:		Um, there was all these safety risks, um, for - for what I could see, there was
504	- 2.		limited visibility inside that vehicle. Uh, we weren't sure if there was maybe a
505			second suspect, if he was just armed with a bunch of firearms. Uh, there was
506			too many unknowns, too many - too many unknowns to safely approach that
507			· · · · · · · · · · · · · · · · · · ·
			vehicle, to extract him and get him medical aid.
508			
509	Q:		Okay. Um, do you think there were any reasonable, uh, force options, uh, less
510			lethal force op- options?
511			
512	A:		I don't believe less lethal would have been applicable in this situation. Not
513		*	with, um, I - I personally, uh, I don't think so. I think you have shots fired
514	*		coming from a suspect vehicle. Um, if a suspect's armed with a firearm, I
515			don't think that anything other than lethal force would be applicable.
5 16			
17	Q:		Okay. Um, did, uh, at any point did the suspect do anything that led you to
518	` .		believe he was going to comply?
519			
520	A:		Um, up until the point that I took over verbal commands and he literally did
521			exactly what I was telling him to do - no.
522			oxactly what I was tenning inin to do no.
523	Q:		Okay.
524	Q.		Okay.
525	A:		Prior to that - no.
	A.		Filor to that - no.
526	0.		TTL 1:1
527	Q:		Uh, did you use, uh, other than your verbal commands, did you use, uh, any
528			means of force?
529			
530	A:		No I did not.
531			
532	Q:		Okay. Uh, did you, uh, do you know if you activated or had your, uh,
533			departmental personal video recording device?
534			
535	A:		I did. I activated it once I was behind - I believe it was a Jeep, but the vehicle
536			that I took cover behind on the north curb.
537			
538	Q:		Okay. Um, have you had - did, you, uh, view or have you had the opportunity
19	۷,		to view the footage?
540			00 11011 M10 1000M201
J TU			

INTERVIEW WITH DET. STEVE CESARETTI

Interviewer: Sgt. Anthony Morgan 10-23/5:35 pm Case # 2015-50010 Page 13

541	A:	I have not viewed it.
542		
543	Q:	Okay.
544	· · · · · · · · · · · · · · · · · · ·	
545	A ;	I was given the opportunity. Um, my recollection I believe was - was, uh,
546	•	clear enough to not need it.
547		
548	Q:	Okay. Um, do you think there's anything that the personnel on scene could
549		have done, uh, to, uh, resolve this prior to - or anything reasonable prior to,
55 0		uh, shots being fired?
551		
552	A:	Everything that we could have done, uh, I believe we did. I believe we
553		actively tried to communicate with the suspect. Uh, we made it known we
554		weren't there to hurt me. We made it known that, uh, we - what we wanted
555		him to do. Specifically, show us his hands, exit the vehicle, drop the firearm.
556		Uh, I believe we did everything we could have done in the situation to avoid
557		any use of force even, uh, even lethal - lethal - lethal force, excuse me. Um, it
558		was - it was, uh, not our first option, uh, but it was - it was the last thing
559		anybody wanted to do in my opinion.
560		
561	Q:	Okay. Uh, any questions Detective Walton?
52		
563	Q1:	Mm-mm. Nope.
564		
565	Q:	Uh, anything that we have not, uh, asked you that you think would help us or
566	•	that we need to know.
567		
568	A:	I can't think of anything. No.
569	***	1 our taining of any anning. 140.
570	Q:	Okay. Uh, the time is, uh, 1805 and then that concludes our interview with,
571	۷٠	uh, Detective Cesaretti. Thank you.
572		un, Detective Cesaretti. Thank you.
573		
574	The transprint he	as been reviewed with the audio recording submitted and it is an accurate
575	•	is been reviewed with the audio recording sublituted and it is an accurate
576	transcription.	
3/0	Signed	

Section 14

INTERVIEW WITH MARIO TORRES O=Brian Anthony

Q=Brian Anthony Q1=Mike Benz A=Mario Torres

·			
Q:	Hello.	Q:	Hello.
A:	Hello.	A:	Hello.
Q:	How you feelin', man?	Q:	How you feelin', man?
A:	'Kay, how are you?	A:	'Kay, how are you?
Q:	You okay?	Q:	You okay?
A:	Yeah.	A:	Yeah.
Q:	You feelin' okay?	Q:	You feelin' okay?
A:	(Unintelligible) the same.	A:	(Unintelligible) the same.
Q:	Yeah? Can I turn this down, do you mind?	Q:	Yeah? Can I turn this down, do you mind?
A:	Yeah, yeah, you can turn it off.	A:	Yeah, yeah, you can turn it off.
Q:	Okay.	Q:	Okay.
Q1:	How you doin' man?	Q1:	How you doin' man?
Q:	I'm, uh, my name is Brian, uh, this is Mike. And we just have a few questions, I'm sure you have some questions for us. We're - we're the detectives.	Q:	I'm, uh, my name is Brian, uh, this is Mike. And we just have a few questions, I'm sure you have some questions for us. We're - we're the detectives.
A:	Okay.	A:	Okay.
Q:	So, we're gonna basically go over everything, and if you have some questions for us, we'd be happy to answer those questions, and we have some questions for you, okay? How you feelin'?	Q:	So, we're gonna basically go over everything, and if you have some questions for us, we'd be happy to answer those questions, and we have some questions for you, okay? How you feelin'?
A:	Like shit.	A:	Like shit.
Q:	Yeah?	Q:	Yeah?
A:	Yeah.	A:	Yeah.
Q:	Okay, but, like, you feel, um, awake, alert. Are you still intoxicated at all?	Q:	Okay, but, like, you feel, um, awake, alert. Are you still intoxicated at all?
A:	No, I'm not intoxicated.	A:	No, I'm not intoxicated.
Q:	Okay.	Q:	Okay.

A:	I just need, I just wanna go home.	A:	I just need, I just wanna go home.
Q:	I'm sorry?	Q:	I'm sorry?
A:	I just wanna go home.	A:	I just wanna go home.
Q:	Okay, all right.	Q:	Okay, all right.
A:	You know (unintelligible).	A:	You know (unintelligible).
Q:	Do you mind if we sit down?	Q:	Do you mind if we sit down?
A:	Yeah.	A:	Yeah.
Q:	Okay. Go ahead, feelin' all right though?	Q:	Okay. Go ahead, feelin' all right though?
A:	Yeah, I'm okay. (Unintelligible) for what it is, you know?	A:	Yeah, I'm okay. (Unintelligible) for what it is, you know?
Q:	Okay. All right. I'm just gonna jot down some - just basic information that - that, um, that you may think we know, but we need to get your name	Q:	Okay. All right. I'm just gonna jot down some - just basic information that - that, um, that you may think we know, but we need to get your name
	and date of birth and all that good stuff. I'm sure you've said that a hundred times today, but, uh, we're gonna ask you a couple more, okay?		and date of birth and all that good stuff. I'm sure you've said that a hundred times today, but, uh, we're gonna ask you a couple more, okay?
A:	Okay.	A:	Okay.
Q:	Is that all right? All right. And your first name is Mario, is that correct? All right, what's your last name, Mario?	Q:	Is that all right? All right. And your first name is Mario, is that correct? All right, what's your last name, Mario?
A:	Torres, T-O-R-R-E-S.	A:	Torres, T-O-R-R-E-S.
Q:	T-O.	Q:	T-O.
A:	R-R-E-S.	A:	R-R-E-S.
Q:	All right, and what's your date of birth?	Q:	All right, and what's your date of birth?
A:	9-11-69.	A:	9-11-69.
Q:	9-11-69. And what's your height and weight, Mario?	Q:	9-11-69. And what's your height and weight, Mario?
A:	5'10", 190.	A:	5'10", 190.
Q:	And how 'bout your home address?	Q:	And how 'bout your home address?
A:		A:	•
Q:	Okay.	Q:	Okay.
A:	137th Avenue, San Leandro.	A:	137th Avenue, San Leandro.
Q:	And how long you been livin' there?	Q:	And how long you been livin' there?
A:	Uh, since 2000.	A:	Uh, since 2000.
Q:	All right. And how 'bout, uh, your home telephone number?	Q:	All right. And how 'bout, uh, your home telephone number?
A:	I have a cell phone.	A:	I have a cell phone.
Q:	Okay, that's fine.	Q:	Okay, that's fine.
A:	Only, much into.	Q. A:	onuj, um o mio.
Q:	Do you know if you have a driver's	Q:	Do you know if you have a driver's
٦٧.	Do you know it you have a utivet 8	1 7 .	Do you know it you have a utivel 8

license number, or do you know your ID card number? A: I have a - I know my driver's license number. Q: Okay, what's that? Q: Okay, what's that? Q: Okay, what's that? A: A: A: A: A: A: A: A: A: A: A: A: A: A				
A: I have a - I know my driver's license number. Q: Okay, what's that? Q: Okay, what's that? Q: Okay. A: Q: Okay. A: Q: Okay. A: Q: All right. And are you working right now, Mario? A: Yeah, (unintelligible) A: Yeah, (unintelligible) A: Eight years. Q: Eight years. Q: Eight years? A: Eight years. Q: What route do you usually do? A: Wat route do you usually do? A: What route do you usually do? A: You know, four walls and this is much better. Q: Yeah. A: You know, so before (unintelligible). P'm okay with it, it pays my bills. Q: How many, uh, miles you think you drive a day? A: I'd say, well, if, for example you drive, uh, like, drive 7 hours and 40 minutes, that's makin' it all the way to probably the border. Q: Yeah. A: Pou know, sou know, sou know, you - you A: Weah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you A: Yeah, you get, you know, you - you		license number, or do you know your		license number, or do you know your
Q: Okay, what's that? Q: Okay, what's that? Q: Okay A: Q: Okay A: A: Q: Okay A: A: A: Q: Okay A: A: A: A: A: Q: Okay A: A: A: A: A: A: A: A: A: A: A: A: A: A				
A: Q: Okay. Q: Okay. A: The control of them? A: Yeah, (unintelligible) A: Yeah, (unintelligible) Q: All right. And are you working right now, Mario? A: Yeah, (unintelligible) Q: Oh, okay, how long you been working for them? A: Eight years. Q: Eight years? A: Yeah. Q: What route do you usually do? A: You know, four walls and this is much better. Q: Yeah. A: You know, so before (unintelligible). Prn okay with it, it pays my bills. Q: How many, uh, miles you think you drive a day? A: P'd say, well, if, for example you drive, uh, like, drive 7 hours and 40 minutes, that's makin' it all the way to probably the border. Q: Yeah. Q: Yeah. Q: Yeah. A: Prom here to Tijuana. Q: Yeah, overy day. A: Paslly A: Pow restoppin' all the time, and Q: Yeah, you get, you know, you - you A: Pasly, was poul and thom, wou drive and and the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and Q: You're stoppin' all the time, and	A :		A:	
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	platform time, meaning on the wheel. It's, uh		platform time, meaning on the wheel. It's, uh
Q:	What's that called? Platform time?	Q:	What's that called? Platform time?
A:	Yeah, platform.	A:	Yeah, platform.
Q:	Oh, okay.	Q:	Oh, okay.
A:	So, that's, uh, about 7-40.	A:	So, that's, uh, about 7-40.
Q:	Do you drive the buses that have, like, those double.	Q:	Do you drive the buses that have, like, those double.
A:	I drive all the buses that you see for	A:	I drive all the buses that you see for
<u> </u>	(A.C.).	0.	(A.C.).
Q:	All of 'em, huh?	Q:	All of 'em, huh?
<u>A:</u>	The green ones, the new ones.	A:	The green ones, the new ones.
Q:	Uh-huh.	Q:	Uh-huh.
<u>A:</u>	The ones that look like tour buses.	A:	The ones that look like tour buses.
Q:	Yeah.	Q:	Yeah.
A:	The double - the double - (unintelligible).	A:	The double - the double - (unintelligible).
Q:	Yeah.	Q:	Yeah.
A:	We recently got ones that look like for	A:	We recently got ones that look like for
	the handicapped, kinda?		the handicapped, kinda?
Q:	Uh-huh.	Q:	Uh-huh.
A:	Yeah, we drive those too.	A:	Yeah, we drive those too.
Q:	Do you have to deal with a lot of stuff	Q:	Do you have to deal with a lot of stuff
	on the bus? Like, is there a lot of		on the bus? Like, is there a lot of
	riffraff on the bus a lot?		riffraff on the bus a lot?
A:	There's a rif- a what?	A:	There's a rif- a what?
Q:	Like riffraff, like people giving you a bad time or anything like that?	Q:	Like riffraff, like people giving you a bad time or anything like that?
A:	Of course.	A:	Of course.
Q:	All the time, huh?	Q:	All the time, huh?
A:	Yeah. I mean, and shootings, at least	A:	Yeah. I mean, and shootings, at least
·	14 people spitting - I got spit 3 times.	. }	14 people spitting - I got spit 3 times.
	One time they threw a full cup of cold		One time they threw a full cup of cold
}	water at me in the morning.		water at me in the morning.
Q:	Really?	Q:	Really?
A:	Yeah, some crazy lady. She had a	A:	Yeah, some crazy lady. She had a
}	warrant and she went to jail. I didn't		warrant and she went to jail. I didn't
	press charges, she was just nuts.		press charges, she was just nuts.
Q:	Yeah.	Q:	Yeah.
A:	It took nine officers from	A:	It took nine officers from
	(unintelligible).		(unintelligible).
Q:	Really?	Q:	Really?
A:	To get her down.	A:	To get her down.
Q:	Now what do you do? Do you have -	Q:	Now what do you do? Do you have -
, Y •	110W What do you do; Do you have -	1 4.	11011 William do you do: Do you llave

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	do you call the police, or is there, like,		do you call the police, or is there, like,
	do they see it on - there's - there's		do they see it on - there's - there's
	video, right?		video, right?
A:	Well, at the time - at the time when -	A:	Well, at the time - at the time when -
	when she's threat- when she throw the		when she's threat- when she throw the
	cup of water, uh, there's video on all		cup of water, uh, there's video on all
	the buses, so, um, when she did that,		the buses, so, um, when she did that,
	she got the, the whole, you know, area		she got the, the whole, you know, area
	where I drive, she got it all wet.		where I drive, she got it all wet.
Q:	Yeah.	Q:	Yeah.
A:	So, I had to call it in, 'cause we might	A:	So, I had to call it in, 'cause we might
	have a short or something.		have a short or something.
Q:	Yeah, yeah.	Q:	Yeah, yeah.
A:	But what hurted more was that splash	A:	But what hurted more was that splash
	of water in my face.		of water in my face.
Q:	Yeah, I bet.	Q:	Yeah, I bet.
A:	Luckily I had my sunglasses on, so I	A:	Luckily I had my sunglasses on, so I
	didn't get it in my eyes.		didn't get it in my eyes.
Q:	Didn't get in your eyes, yeah. 'Cause	Q:	Didn't get in your eyes, yeah. 'Cause
,	who knows? Maybe she had		who knows? Maybe she had
	somethin'.		somethin'.
A:	Yeah, she got me all wet and you	A:	Yeah, she got me all wet and you
	know. They gave me three days for		know. They gave me three days for
	trauma.		trauma.
Q:	Oh, really?	Q:	Oh, really?
Q: A:	Yeah, because I felt like beating the	A:	Yeah, because I felt like beating the
	hell outta her, you know? Because		hell outta her, you know? Because
Q:	Yeah.	Q:	Yeah.
A:	That's - you're - you're human, you	A:	That's - you're - you're human, you
	know. You're - you're a human being,		know. You're - you're a human being,
	and I - and I, uh, and when I saw her,		and I - and I, uh, and when I saw her,
	uh, just walking away, I was, like		uh, just walking away, I was, like
Q:	You were mad.	Q:	You were mad.
A:	Wow, I was, yeah, I was smokin', but	A:	Wow, I was, yeah, I was smokin', but
	you know, you can't touch her or		you know, you can't touch her or
	anything.		anything.
Q:	Yeah, yeah. That makes sense. That's	Q:	Yeah, yeah. That makes sense. That's
`	understandable. All right, well, we're	`	understandable. All right, well, we're
	going to, um, we're gonna get into	1	going to, um, we're gonna get into
	some questions. Again, we have some		some questions. Again, we have some
	questions for you, you probably have		questions for you, you probably have
	some questions for us, okay? We		some questions for us, okay? We
	appreciate		appreciate
A:	I'm kinda nervous, okay?	A:	I'm kinda nervous, okay?
L	I III IIIIII IIVI Y OUD, OILUY i	1 4 1.	1 111 KINGU HOL YOUD, OKUY:

Q:	Yeah, don't be nervous. I mean, it's -	Q:	Yeah, don't be nervous. I mean, it's -
	it's okay. Like I said, I think, um, you		it's okay. Like I said, I think, um, you
	know, you being nervous is normal,		know, you being nervous is normal,
	um, so don't worry about that. If you		um, so don't worry about that. If you
	have any questions for us, you can -		have any questions for us, you can -
	you know, we're two guys that will		you know, we're two guys that will
	answer any questions you might have,	1	answer any questions you might have,
	all right? So, um, if you wanna take a	ì	all right? So, um, if you wanna take a
	break, you can take a break. Um, but		break, you can take a break. Um, but
A:	I - I just want to tell you, straight	A:	I - I just want to tell you, straight
	forward, man, I - I was drunk. I had		forward, man, I - I was drunk. I had
	had about, I don't know how many	-	had about, I don't know how many
	drinks of tequila this morning.		drinks of tequila this morning.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And, I lost - I lost	A:	And, I lost - I lost
Q:	Okay.	Q:	Okay.
A:	kinda conscious - conscious because	A:	kinda conscious - conscious because
	I - I remember my wife. The only		I - I remember my wife. The only
	thing I remember is seeing her on the		thing I remember is seeing her on the
	phone and my daughter next to her.	1	phone and my daughter next to her.
Q:	Yeah.	Q:	Yeah.
A:	And then - then the police showed up,	A:	And then - then the police showed up,
	but I didn't even see them when they		but I didn't even see them when they
	were there until I heard somebody		were there until I heard somebody
	screaming, "Mario. Mario, put your		screaming, "Mario. Mario, put your
	weapon down."	ĺ	weapon down."
Q:	Okay. Hey, take a couple deep	Q:	Okay. Hey, take a couple deep
	breaths, okay? Before - before we talk,		breaths, okay? Before - before we talk,
	I'm - I'm gonna read - have you ever	}	I'm - I'm gonna read - have you ever
	been arrested before?		been arrested before?
A:	No, sir.	A:	No, sir.
Q:	You watch TV?	Q:	You watch TV?
A:		A:	
Q:		Q:	
A:		A:	
Q:	Okay.	Q:	Okay.
A:	For - for	A:	For - for
Q:	Something silly? All right. Um, so,	Q:	Something silly? All right. Um, so,
	when you get arrested, we have to		when you get arrested, we have to
	read you your rights, okay? Um, it's	1	read you your rights, okay? Um, it's
	kind of a formal thing. They sound		kind of a formal thing. They sound
	intimidating, but again, if you have		intimidating, but again, if you have
	questions for us, we have questions for		questions for us, we have questions for
	you. After those are read, then we can		you. After those are read, then we can
	get to those questions, is that all right?	}	get to those questions, is that all right?

A:	Mm-hm.	A:	Mm-hm.
Q:	Okay. So, on - I wanna advise you you	Q:	Okay. So, on - I wanna advise you you
	have the right to remain silent.		have the right to remain silent.
. 64	Anything you say can and will be used		Anything you say can and will be used
4	against you in a court of law. You		against you in a court of law. You
	have the right to talk to a lawyer and		have the right to talk to a lawyer and
1	have them present while you're being		have them present while you're being
	questioned. If you cannot afford to		questioned. If you cannot afford to
	hire a lawyer, one'll be appointed to		hire a lawyer, one'll be appointed to
	represent you before any questioning		represent you before any questioning
	if you wish one? Do you understand		if you wish one? Do you understand
	the rights I explained to you, Mario?		the rights I explained to you, Mario?
A:	Yes.	A:	Yes.
Q:	Okay. All right. So, go ahead. You -	Q:	Okay. All right. So, go ahead. You -
	you - you were talkin' a little bit, go		you - you were talkin' a little bit, go
	ahead and, you know, if you have any		ahead and, you know, if you have any
	specific questions for me.		specific questions for me.
A:	I - you know, like I said, I was drunk	A:	I - you know, like I said, I was drunk
	and		and
Q:	Mm-hm.	Q:	Mm-hm.
A:	And, you know, that weapon, that	A:	And, you know, that weapon, that
	revolver that I had was, you know, I		revolver that I had was, you know, I
	had never shot a gun.		had never shot a gun.
Q:	Yeah.	Q:	Yeah.
A:	And it took me a while to even open it	A:	And it took me a while to even open it
<u> </u>	up to put a - a bullet in it.		up to put a - a bullet in it.
Q:	Mm-hm.	Q:	Mm-hm.
A:	Then when I put a bullet in it, I	A:	Then when I put a bullet in it, I
	(unintelligible) fired one shot.		(unintelligible) fired one shot.
Q:	Okay.	Q:	Okay.
A:	And then.	A:	And then.
Wom	an: Hi.	Won	nan: Hi.
A:	And then, and then	A:	And then, and then
Wom	an: (Unintelligible).	Wor	nan: (Unintelligible).
A:	I went to get another one and this time	A:	I went to get another one and this time
l	I said, I'm gonna do it.		I said, I'm gonna do it.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And I clicked it in and didn't shoot,	A:	And I clicked it in and didn't shoot,
	and I clicked it again, and it didn't		and I clicked it again, and it didn't
	shoot and that was, at that point, I		shoot and that was, at that point, I
	gave up. I don't wanna do it, not in		gave up. I don't wanna do it, not in
[front of my daughter.		front of my daughter.
1			
Q:	Okay.	Q:	Okay.

	the window again and - and that's when I felt that I got shot in the back.		the window again and - and that's when I felt that I got shot in the back.
Q:	Okay. Now, w- w	Q:	Okay. Now, w- w
À:	And when I got shot in the back, everything came crashing in, like	A:	And when I got shot in the back, everything came crashing in, like
Q:	Uh-huh.	Q:	Uh-huh.
A:	I really didn't wanna hurt anybody, or even me, I respect you guys, what you do?	A:	I really didn't wanna hurt anybody, or even me, I respect you guys, what you do?
Q:	Thank you.	Q:	Thank you.
A:	(Unintelligible) I'm not - I was in - my wife, she (unintelligible).	A:	(Unintelligible) I'm not - I was in - my wife, she (unintelligible).
Q:	That must be hard, huh?	Q:	That must be hard, huh?
A:	25 years.	A:	25 years.
Q:	Yeah.	Q:	Yeah.
A:	And she - and I - and I have all kinds of proof because - because the - the cell phones are your devil, man. They're the devil.	A:	And she - and I - and I have all kinds of proof because - because the - the cell phones are your devil, man. They're the devil.
Q:	Yeah.	Q:	Yeah.
A:	And I found out everything. She - a month ago, I found out and - and she - said she was gonna change and she didn't.	A:	And I found out everything. She - a month ago, I found out and - and she - said she was gonna change and she didn't.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And if she did - and she started changing. And then she took me for stupid 'cause she wasn't changing. She opened a Yahoo account and she was emailing the mother fucker every day.	A:	And if she did - and she started changing. And then she took me for stupid 'cause she wasn't changing. She opened a Yahoo account and she was emailing the mother fucker every day.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And - and today, no, yesterday night, she - she - she bought some wine and she - she made a - a shrimp cocktail.	A:	And - and today, no, yesterday night, she - she - she bought some wine and she - she made a - a shrimp cocktail.
Q:	Uh-huh.	Q:	Uh-huh.
A:	Then she cut some fruit and said, and - and we were eating and we were having a good time.	A:	Then she cut some fruit and said, and - and we were eating and we were having a good time.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And then my daughter called, she said, "Ma, can you make me that sauce that you always make for my pasta?"	A:	And then my daughter called, she said, "Ma, can you make me that sauce that you always make for my pasta?"
Q:	Uh-huh.	Q:	Uh-huh.

A: Then she was laughing, she got up and went to the kitchen and I picked up her phone - I picked up her phone and immediately, when I opened it up, the message was there, that she had been text-she had been emailing the guy. Q: Mm-hm. A: And that's when I lost it, man. I went to her and I confronted her and I said, "T'm gonna leave. I'm gonna leave." And she said, "No, I'm leaving," And I said, "No, I'm leaving," And I said, "No, this is your house," because I don't care for material shit. I don't care for nothing, I just - she - she - she cheated on me so badly. And w- when she was there and she didn't wanna let me go, I punched the wall, broke my hand. Q: When was that? Q: Okay. So, what b- A: I don't wanna touch her, I said, "I'm stronger than you. Please don't - don't get in my way, I wanna go." Q: Mm-hm. A: And I punched the wall and - and I didn't cry. And I didn't cry, I told her, I said, "(Unintelligible), why do you do that to me?" Q: Uh-huh. A: And the only - not the first time. She used to work at (unintelligible). She kinda had a thing going with somebody over there and I stopped that one, too. When they, later on, you know, I'm talkin' about years later, she was goin' to 24 Hour Fitness and she met another guy. She was talkin' to that guy, too, and then I check her FastTrack because it can tell you, it depends on the computer, it tells on your phone. Q: Yeah. A: It let me check the account and she had gone to San Francisco				
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A: It let me check the account and she A: It let me check the account and she	Q:	Yeah.	Q:	Yeah.
had gone to San Francisco had gone to San Francisco	A:	It let me check the account and she	A:	It let me check the account and she
		had gone to San Francisco		had gone to San Francisco

	(unintelligible).		(unintelligible).
Q:	Mm-hm.	Q:	Mm-hm.
A:	And I confronted her and she's - she	A:	And I confronted her and she's - she
	told me, "No, that's - that's not me.		told me, "No, that's - that's not me.
	How can I - it's to your license plate,	•	How can I - it's to your license plate,
	man, I mean your - your reader. It's		man, I mean your - your reader. It's
	reading that you're crossing the		reading that you're crossing the
	bridge."		bridge."
Q:	Yes, yeah.	Q:	Yes, yeah.
A:	And she lied to me then. But this time,	A:	And she lied to me then. But this time,
	was the worst because I took her to		was the worst because I took her to
	Napa for the train for the wine train,		Napa for the train for the wine train,
	and in front of me, man, she looked so		and in front of me, man, she looked so
	pretty and she looked - she looked like		pretty and she looked - she looked like
	she was in Heaven with me and she		she was in Heaven with me and she
	loved me and everything, and when I		loved me and everything, and when I
	check the account, three days later,		check the account, three days later, she
	she had been texting him every single		had been texting him every single
1	fucking second that we were on that		fucking second that we were on that
	train, and she was giving me two		train, and she was giving me two
	faces. One was that she loved me and		faces. One was that she loved me and
	the other one was telling him, I don't		the other one was telling him, I don't
	know what kind of fucking shit she's		know what kind of fucking shit she's
	telling him, but what do you think	İ .	telling him, but what do you think
İ	she's gonna tell him? What do you		she's gonna tell him? What do you
	think she's telling him?		think she's telling him?
Q:	And how long ago was that, Mario?	Q:	And how long ago was that, Mario?
A:	This was my birthday, 9-11.	A:	This was my birthday, 9-11.
Q:	Okay.	Q:	Okay.
A:	Exactly, man. On my birthday.	A:	Exactly, man. On my birthday.
Q:	Okay.	Q:	Okay.
A :	We went for dinner, too, that night and	A:	We went for dinner, too, that night and
	she's still calling him.	<u> </u>	she's still calling him.
Q:	Was it just	Q:	Was it just
A:	I mean we co- we probably were in	A:	I mean we co- we probably were in
	bed fucking and sh- and I heard a text,		bed fucking and sh- and I heard a text,
	and that - that - that was him, too.		and that - that - that was him, too.
Q:	Okay.	Q:	Okay.
A:	And I went, I showed up to work at	A:	And I went, I showed up to work at
	4:54- 4:45 the next morning, on		4:54- 4:45 the next morning, on
	Monday morning, and guess who		Monday morning, and guess who
	she's texting at that time in the		she's texting at that time in the
	morning when the guy works the night		morning when the guy works the night
	shift. He works the night shift. He's		shift. He works the night shift. He's
L	not - he's - he probably just went to	}	not - he's - he probably just went to

·	had like two hours before that and		had like two house hefere that and
	bed, like, two hours before that, and		bed, like, two hours before that, and
0:	she's calling him. Does he work with you?	0:	she's calling him. Does he work with you?
Q: A:	She work with - he works with her.	Q: A:	She work with - he works with her.
	What does she do?		What does she do?
Q: A:		Q:	
A.	She's a payroll clerk for a	A:	She's a payroll clerk for a
	that builds doors and windows.		that builds doors and windows.
	that builds doors and whidows.		that builds doors and windows.
Q:	Okay.	Q:	Okay.
A:	And she's, uh, she's over there in	A:	And she's, uh, she's over there in
	Oakland. But, I - I just wanted to - I	}	Oakland. But, I - I just wanted to - I
	didn't want - I just wanted to go away.	Ì.	didn't want - I just wanted to go away.
	I told her, I said, "You can keep him -		I told her, I said, "You can keep him -
	tell him he won. Tell him he won, go,		tell him he won. Tell him he won, go,
	I don't care." I said, "But, I'm gonna		I don't care." I said, "But, I'm gonna
	tell you somethin', my girls are		tell you somethin', my girls are
	coming with me," and I have a 22-		coming with me," and I have a 22-
	year-old girl and a 18-year-old.		year-old girl and a 18-year-old.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And I love 'em like hell, like, crazy.	A:	And I love 'em like hell, like, crazy.
	And she didn't wanna let me go. She		And she didn't wanna let me go. She
	said. I only like the guy. I said, "Fuck		said. I only like the guy. I said, "Fuck
	you - you tell me you do like the guy."	ļ	you - you tell me you do like the guy."
Q:	Did your daughters know about it?	Q:	Did your daughters know about it?
	No?	<u> </u>	No?
A:	She - she lied to everybody. She said I	A:	She - she lied to everybody. She said I
}	was texting this guy and I don't wanna		was texting this guy and I don't wanna
ļ	do it because I love your dad and I	1	do it because I love your dad and I
1	don't wanna do it, and I'm not doin'		don't wanna do it, and I'm not doin'
	it. She lied to everybody, even her best		it. She lied to everybody, even her best
	friend. Her best friend took her to		friend. Her best friend took her to
	church and she said, "Please, don't go		church and she said, "Please, don't go
	to bed with him, because you're gonna		to bed with him, because you're gonna
1	break your marriage." And she - and		break your marriage." And she - and
	she promised her on the text, because I saw her text, and she promised her		she promised her on the text, because I saw her text, and she promised her
	best friend that she wasn't gonna do it.	1	
	And then we went - then we went to		best friend that she wasn't gonna do it. And then we went - then we went to
	Dallas two weeks ago to be		Dallas two weeks ago to be
	Godfathers to her nephew and I told		Godfathers to her nephew and I told
	her I didn't wanna go because I felt		her I didn't wanna go because I felt
	that inside of me, man, I felt my heart,		that inside of me, man, I felt my heart,
	every time I see her - she's, like,		every time I see her - she's, like,
	somewhere else. Every night that she		somewhere else. Every night that she
	Somewhere clac. Every hight that she		somewhere else. Every hight that she

goes to sleep, she - she collapses, man. She collapses when she never used to do that, that means that her life is so complicated, that she's just trying to cover everything, so when - when you complicated and, you just fucking so tired because every morning, she calls the guy or texts the guy or emails the guy. She gets off from work late because I know they get together. I found a - I found a, on-line, I found out that she had used my credit card to go drinkin' on a Friday, and she had promised me that same Friday that we were gonna go out. 'Cause I got off late that day, when I got home, she was there and she lied to me, she told me, "Mario, I've been waiting. I've been waiting so long that I don't wanna go out," you know why? 'Cause she had already had her drinks and her little bites or whatever that she had with the guy at the bar. So, of course, you don't wanna go out with me, she already had the guy and the drinks and everything. Why would she wanna go out with me? And I convinced her that night, I convinced her and I went and bought wine and we had a good time and the house, but she always - she always two-faced. Two-faced. And - and - and I call my dad last night and told and he said, "Just stay in the house. Don't go away." And that's why I got so drunk, I got drunk last night, and I drank six beer like in a second and then, this morning I woke up because I can't sleep. I lost 16 pounds, in a matter of a month because I knew that she was lying to me. I knew it. And she - I said, "I'm gonna track your phone," and she said, "If you do that, that means you don't love me. If you do that, I'm gonna leave you because

goes to sleep, she - she collapses, man. She collapses when she never used to do that, that means that her life is so complicated, that she's just trying to cover everything, so when - when you' complicated and, you just fucking so tired because every morning, she calls the guy or texts the guy or emails the guy. She gets off from work late because I know they get together. I found a - I found a, on-line, I found out that she had used my credit card to go drinkin' on a Friday, and she had promised me that same Friday that we were gonna go out. 'Cause I got off late that day, when I got home, she was there and she lied to me, she told me, "Mario, I've been waiting. I've been waiting so long that I don't wanna go out," you know why? 'Cause she had already had her drinks and her little bites or whatever that she had with the guy at the bar. So, of course, you don't wanna go out with me, she already had the guy and the drinks and everything. Why would she wanna go out with me? And I convinced her that night, I convinced her and I went and bought wine and we had a good time and the house, but she always - she always two-faced. Two-faced. And - and I call my dad last night and told and he said, "Just stay in the house. Don't go away." And that's why I got so drunk, I got drunk last night, and I drank six beer like in a second and then, this morning I woke up because I can't sleep. I lost 16 pounds, in a matter of a month because I knew that she was lying to me. I knew it. And she - I said, "I'm gonna track your phone," and she said, "If you do that, that means you don't love me. If you do that, I'm gonna leave you because

	nobody does that to anybody." Yeah,		nobody does that to anybody." Yeah,
	nobody does that to any- anybody		nobody does that to any- anybody
1	because she knows that she's cheating		because she knows that she's cheating
	on me. 25 years. Two brain surgeries,		on me. 25 years. Two brain surgeries,
	three lost kids and two - and two that		three lost kids and two - and two that
	are alive.		are alive.
Q:	What do you mean, three lost kids?	Q:	What do you mean, three lost kids?
A:	She lost three because of her problem	A:	She lost three because of her problem
	in her brain.		in her brain.
Q	: Mm-hm.	Q:	Mm-hm.
A	Okay, she had a aneurysm and she had	A:	Okay, she had a aneurysm and she had
	other issues. We've been through a		other issues. We've been through a
1	lot, man. We've been through a lot.		lot, man. We've been through a lot.
1	And I supported her all the time, and		And I supported her all the time, and
	she supported me all the time. But,		she supported me all the time. But,
	when it come to cheatin', she - she		when it come to cheatin', she - she
İ	was number 1, man. And - and - and		was number 1, man. And - and - and
1	I'm 46 and it's such a shame that it	İ	I'm 46 and it's such a shame that it
	comes to this, man.		comes to this, man.
Q	: Yeah.	Q:	Yeah.
A		A:	Such a shame, and I don't wanna hurt
	- I don't wanna hurt anybody. Tellin'		- I don't wanna hurt anybody. Tellin'
	you, straight up. I don't - that gun was	İ	you, straight up. I don't - that gun was
	left because my - my stepdad passed		left because my - my stepdad passed
	away, he left it. And I was trying to		away, he left it. And I was trying to
	find my friend who - who was a	·	find my friend who - who was a
-	Vietnam veteran at work to - to get it,	}	Vietnam veteran at work to - to get it,
-	but I search on line and that gun only		but I search on line and that gun only
ŀ	cost, like, at that time, \$66 or		cost, like, at that time, \$66 or
	something. You know, so it's - it's not		something. You know, so it's - it's not
	like I'm gonna make money and I just		like I'm gonna make money and I just
	held it. I just held it, and then I		held it. I just held it, and then I
	thought that maybe she could use it,		thought that maybe she could use it,
	that's why I took it and put it in my		that's why I took it and put it in my
	car. Because when I found out - when		car. Because when I found out - when
	she found out that - when I saw the -		she found out that - when I saw the -
1	the emails last night, I grabbed the gun		the emails last night, I grabbed the gun
	and I said, I'm gonna put it in the car,		and I said, I'm gonna put it in the car,
	because - 'cause she was devastated,		because - 'cause she was devastated,
	but it's just a lie. She - she things		but it's just a lie. She - she things
	everything - always, all you do is cry		everything - always, all you do is cry
	and say, "I'm sorry. I'm sorry. I only		and say, "I'm sorry. I'm sorry. I only
	like the guy, I didn't - I didn't have		like the guy, I didn't - I didn't have
	sex with him. You know I didn't have		sex with him. You know I didn't have
	sex with him," because for a whole		sex with him," because for a whole
	· <u></u>		

	month, man, I been treating her like a		month, man, I been treating her like a
	whore because it hurted me so much,		whore because it hurted me so much,
	so every night when I fucked her, I		so every night when I fucked her, I
	fuck her until she - she begs me to		fuck her until she - she begs me to
	stop because I - I want her - when she		stop because I - I want her - when she
	goes to work, to not even think about		goes to work, to not even think about
	it. Not even to think about it that she		it. Not even to think about it that she
	wanna have sex with that guy. I	• .	wanna have sex with that guy. I
	treated her like that, and yet - and yet,		treated her like that, and yet - and yet,
	she still, I asked her one time, I don't		she still, I asked her one time, I don't
	know if you guys hear this word,		know if you guys hear this word,
	"Papi," when - Latino lady calls you		"Daddy," when - Latino lady calls you
	"Papi," that means you're - you're the		"Daddy," that means you're - you're
	daddy, right? Call you - call me		the daddy, right? Call you - call me
	Daddy, call me Daddy, right? And I		Daddy, call me Daddy, right? And I
	asked her one time, I said, 'cause I call		asked her one time, I said, 'cause I call
	her Mommy. I said, "Mommy, what -		her Mommy. I said, "Mommy, what -
	why don't you call me Papi?" She		why don't you call me Daddy?" She
	said, "Only my dad is my Papi. You're		said, "Only my dad is my Daddy.
	not my Papi," like that, like		You're not my Daddy," like that, like
	straightforward, you know. No		straightforward, you know. No
	emotions, nothing, right. And the		emotions, nothing, right. And the
	email last night had Papi. Hola papi,		email last night had Daddy. Hi daddy,
	¿cómo estas?		how are you?
Q:	To the other guy?	Q:	To the other guy?
A:	Yeah, she called him Papi.	A:	Yeah, she called him Daddy.
Q:	Wow.	Q:	Wow.
A:	So, it	A:	So, it
Q:	That musta made you mad, huh?	Q:	That musta made you mad, huh?
A:	So, yeah.	A:	So, yeah.
Q:	Okay.	Q:	Okay.
A:	So, man, I'm tellin' you. I'm gonna go	A:	So, man, I'm tellin' you. I'm gonna go
	back home - we - we're breaking up.		back home - we - we're breaking up.
Q:	Uh-huh.	Q:	Uh-huh.
A:	We're breaking up. She can do	A:	We're breaking up. She can do
	whatever the hell she wants to do. She		whatever the hell she wants to do. She
	can make her money and she can rent		can make her money and she can rent
	an apartment somewhere. And I don't		an apartment somewhere. And I don't
	want the house, I can't afford to keep		want the house, I can't afford to keep
	the house. I'll probably sell the house,		the house. I'll probably sell the house,
	you know, and then we'll see what I		you know, and then we'll see what I
	do with my daughters. My mom lives		do with my daughters. My mom lives
	in a condominium. Most likely, if I		in a condominium. Most likely, if I
	1 1 T911	1	1 1
1	buy a house or something, I'll	1	buy a house or something, I'll
	probably move, you know, to the		probably move, you know, to the

	Valley or something, 'cause I don't		Valley or something, 'cause I don't
	wanna be close to her anymore.		wanna be close to her anymore.
Q:	Yeah. So, tell me about, um, the night	Q:	Yeah. So, tell me about, um, the night
· .	that you guys got in the fight. You got	· .	that you guys got in the fight. You got
	in an argument, which was last night.		in an argument, which was last night.
A:	Yeah.	A:	Yeah.
Q:	Um, after your - you punched the wall,	Q:	Um, after your - you punched the wall,
	w- what did you do after that? Did you		w- what did you do after that? Did you
	go to the doctor's? I see you have a		go to the doctor's? I see you have a
:	cast on.		cast on.
A:	Yeah, when - when, uh, when I	A :	Yeah, when - when, uh, when I
	punched the wall, she still didn't		punched the wall, she still didn't
	wanna let me go, right?		wanna let me go, right?
Q:	Uh-huh.	Q:	Uh-huh.
A:	But I felt my hand was hurting	A:	But I felt my hand was hurting
	already, and so I was only using my		already, and so I was only using my
	left hand to push her away, 'cause she		left hand to push her away, 'cause she
	wanted to hug me and kissed me, and I		wanted to hug me and kissed me, and I
•	felt disgusted and I just pushed her		felt disgusted and I just pushed her
	away.	i 	away.
Q: A:	Okay.	Q:	Okay.
A :	You know, and then finally I said, you	A:	You know, and then finally I said, you
	know, "Don't worry about it. I'm just		know, "Don't worry about it. I'm just
	gonna - I'm just gonna go." And I		gonna - I'm just gonna go." And I
	went, I - I hadn't shaved in a while		went, I - I hadn't shaved in a while
	and she - she likes me when I have my		and she - she likes me when I have my
	mustache, all the time, for 25 years.		mustache, all the time, for 25 years.
Q:	Uh-huh.	Q:	Uh-huh.
A:	She never liked me when I shaved	A :	She never liked me when I shaved
	everything, and last night, you know, I		everything, and last night, you know, I
	said, "Okay, fuck you." I shaved		said, "Okay, fuck you." I shaved
	everything off, you know, and - and I		everything off, you know, and - and I
	went and took a shower and when I		went and took a shower and when I
	came out, her sister was there.		came out, her sister was there.
Q:	Okay.	Q:	Okay.
A:	And - and they were both trying to	A:	And - and they were both trying to
	convince me, "No, let's talk."		convince me, "No, let's talk."
Q:	Yeah.	Q:	Yeah.
A:	You know. There's - there's a solution	A:	You know. There's - there's a solution
	for this and - and		for this and - and
Q:	You didn't wanna talk right then?	Q:	You didn't wanna talk right then?
A:	No. I told her - I told her, "No," and I	A:	No. I told her - I told her, "No," and I
	grabbed my uniform, you know,		grabbed my uniform, you know,
	because I had to go to work today.		because I had to go to work today.

Q:	Uh-huh.	Q:	Uh-huh.
A:	And I grabbed my uniform and I - I	A:	And I grabbed my uniform and I - I
	went in the car and I felt so relieved		went in the car and I felt so relieved
	that I was, like I said, I didn't even		that I was, like I said, I didn't even
	cry, man. I didn't cry.		cry, man. I didn't cry.
Q:	Yeah.	Q:	Yeah.
A:	And then, but my hand was hurting, so	A:	And then, but my hand was hurting, so
	I went to Kaiser.		I went to Kaiser.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And - and right away, they saw it, they	A:	And - and right away, they saw it, they
	said, "Oh, that's called, uh, boxer's."		said, "Oh, that's called, uh, boxer's."
	Boxer's punch or somethin'.		Boxer's punch or somethin'.
Q1:	Boxer's break or somethin'?	Q1:	Boxer's break or somethin'?
A:	Yeah, boxer's break. Already. Oh,	A:	Yeah, boxer's break. Already. Oh,
	there you go. And - and they said, you		there you go. And - and they said, you
	know, "Well take the x-ray, and right		know, "Well take the x-ray, and right
-	away, they had me out - in 50 minutes,		away, they had me out - in 50 minutes,
	I was already out and they had already	1	I was already out and they had already
	told me that they were gonna use this	}	told me that they were gonna use this
	and - and it's gonna hurt and all this.		and - and it's gonna hurt and all this.
	Man, nothing hurts right now.		Man, nothing hurts right now.
Q:	Yeah.	Q:	Yeah.
A:	Nothing.	A:	Nothing.
Q:	Your heart hurts, huh? Um, all right,	Q:	Your heart hurts, huh? Um, all right,
ļ	so, when you got back from the		so, when you got back from the
	hospital, was your wife at home or		hospital, was your wife at home or
	was she not at home?		was she not at home?
A:	No, she was - she was waiting. My	A:	No, she was - she was waiting. My
	daughter had already come home,		daughter had already come home,
	'cause she was - she had gone to	}	'cause she was - she had gone to
ł	school, my 22-year-old. And she was		school, my 22-year-old. And she was
	crying. And then I went through the		crying. And then I went through the
	whole motion again, how I felt bad		whole motion again, how I felt bad
	about this and that, you know.	ļ	about this and that, you know.
<u>Q:</u>	Mm-hm.	Q:	Mm-hm.
A:	And she's - she didn't wanna show me	A:	And she's - she didn't wanna show me
	her email because I couldn't open it.	<u> </u>	her email because I couldn't open it.
Q:	Uh-huh.	Q:	Uh-huh.
A:	But I saw the part that I saw, and I	A:	But I saw the part that I saw, and I
	said, "Please log in, I wanna see the		said, "Please log in, I wanna see the
	rest." And she only has history for two	}.	rest." And she only has history for two
	days.	<u> </u>	days.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And on my phone I have one night	A:	And on my phone I have one night

	her.		her.
	don't wanna forget it," and I believed		don't wanna forget it," and I believed
	so I put it there because I wanted - I		so I put it there because I wanted - I
	work's whatever, on my computer and		work's whatever, on my computer and
A:	And you know what she told me? She said, "It's for my job - it's for my	A.	said, "It's for my job - it's for my
Q: A:		Q. A:	And you know what she told me? She
0.	Mm-hm.	Q:	Mm-hm.
	said, "What is this grant and 29 for?		said, "What is this (29 for?
A:	And I said - and I - and I asked her, I	A:	And I said - and I - and I asked her, I
Q:	Uh-huh. Uh-huh.	Q:	Uh-huh. Uh-huh.
	29 years old.	0:	29 years old.
A:	So I know 29 is for him, because he's	A:	So I know 29 is for him, because he's
Q:	Mm-hm.	Q:	Mm-hm.
	our stuff.		our stuff.
	know the 29th doesn't fit with all of		know the 29th doesn't fit with all of
	years old when she met him and I		years old when she met him and I
) 29." The guy - the guy was $\overline{28}$) 29." The guy - the guy was $\overline{28}$
	added a new note. That said, "		added a new note. That said, "and a
A:	September 18 - she had - she had	A:	September 18 - she had - she had
Q:	Uh-huh.	Q:	Uh-huh.
	September 16.		September 16.
	on, remember I talked to her on		on, remember I talked to her on
	had already one (a) account, but		had already one account, but
	Facebook. She uses , so she		Facebook. She uses (), so she
	as my last name on my - on my		as my last name on my - on my
	quite a few times. Like, I use		quite a few times. Like, I use
	Torres, right? She had - she has used it		Torres, right? She had - she has used it
	, the last name. And ours is		, the last name. And ours is
	her - her - her dad's last name is		her - her - her dad's last name is
]	passwords and (unintelligible) I seen		passwords and (unintelligible) I seen
	know where you put your, hide your		know where you put your, hide your
A:	But, on her notes on her iPhone, you	A:	But, on her notes on her iPhone, you
Q:	Uh-huh.	Q:	Uh-huh.
}	thank you for, you know, doing that."		thank you for, you know, doing that."
}	couple of days later, I said, "Wow,		couple of days later, I said, "Wow,
	went and - and I told her that, like,		went and - and I told her that, like,
	- and, uh, you know, he came and he		- and, uh, you know, he came and he
	sins or something like that, right. And		sins or something like that, right. And
	gonna, like, clear you from all your		gonna, like, clear you from all your
	said, by October 16, I'm gonna - I'm		said, by October 16, I'm gonna - I'm
	said, we're gonna have a new start, September 16 was a new start, and I		September 16 was a new start, and I
			said, we're gonna have a new start,
1	when we were in bed, I told her, I		when we were in bed, I told her, I

A:	And I believed her, and last night	A:	And I believed her, and last night
	when she opened her email, that was		when she opened her email, that was
	the - that was her new email address		the - that was her new email address
. :	of her (unintelligible).		of her (unintelligible).
Q:	Okay.	Q:	Okay.
A:	So	A:	So
Q:	So, so, I'm - I'm tryin' to get this	Q:	So, so, I'm - I'm tryin' to get this
	straight. So, when you came home		straight. So, when you came home
	from Kaiser, um, who was at the		from Kaiser, um, who was at the
	house? Was it		house? Was it
A:	The three of them. My sister-in-law,	A:	The three of them. My sister-in-law,
	my wife		my wife
Q:	And your daughter.	Q:	And your daughter.
A:	They were - they were, I - I guess they	A:	They were - they were, I - I guess they
	were expecting		were expecting
Q:	Okay.	Q:	Okay.
A:	all of them to stay.	A:	all of them to stay.
Q:	So what - what time did you get back	Q:	So what - what time did you get back
	from the hospital?		from the hospital?
A:	Uh, maybe 10, 10:30.	A:	Uh, maybe 10, 10:30.
Q:	Okay, and what daughter was there?	Q:	Okay, and what daughter was there?
	You have two daughters, right?)	You have two daughters, right?
A:	Yeah, (my oldest one.	A:	Yeah, (my oldest one.
Q:	And then, where does your	Q:	And then, where does your
	other one live?	`	other one live?
A:	She's at	A:	She's at least least least
Q:	Santa Cruz. And what's her name?	Q:	Santa Cruz. And what's her name?
A:		A:	
Q:	and your wife's name is	Q:	and your wife's name is
Ψ.	(()
A:		A:	
Q:	Okay. So, you get home around 10	Q:	Okay. So, you get home around 10
ν.	o'clock, 10:30.	Α.	o'clock, 10:30.
A:	Yeah.	A:	Yeah.
Q:	And, um, you have the cast and it's	Q:	And, um, you have the cast and it's
∠.	those three that are there. Did you	1 4.	those three that are there. Did you
	guys talk about it again, and then they		guys talk about it again, and then they
	left, or tell me how that happened.		left, or tell me how that happened.
A:	No, when I got there, uh, her sis- she -	A:	No, when I got there, uh, her sis- she -
1 1.	she just - she had her face down,	11.	she just - she had her face down,
	'cause she was crying.		'cause she was crying.
0.	Okay.	Q:	Okay.
Q: ^ ·			
A:	And then my sister-in-law was telling	A:	And then my sister-in-law was telling
	me, "You guys need to talk."		me, "You guys need to talk."

Q:	Need to talk, okay.	Q:	Need to talk, okay.
A:	Yeah. And - and I said, "No," you	A:	Yeah. And - and I said, "No," you
	know, I said, this - and this is what		know, I said, this - and this is what
	happened, and I started explaining		happened, and I started explaining
	again, and I have gone by - by 7-11		again, and I have gone by - by 7-11
	and bought me a six-pack of beer.		and bought me a six-pack of beer.
Q:	Uh-huh. What time was that, about?	Q:	Uh-huh. What time was that, about?
A:	Before I got to the house.	A:	Before I got to the house.
Q:	Oh, before you got there.	Q:	Oh, before you got there.
Q1:	This is on the way back?	Q1:	This is on the way back?
A:	Yeah, I had already my cast, and I	A:	Yeah, I had already my cast, and I
	have a stick shift, the car that I - that I		have a stick shift, the car that I - that I
	shot at, that's a stick shift, but I - I		shot at, that's a stick shift, but I - I
}	could drive. Driving is my living, so, I		could drive. Driving is my living, so, I
	don't care.		don't care.
Q1:	Easy for you.	Q1:	Easy for you.
A:	I drove with my left hand, you know,	A:	I drove with my left hand, you know,
1	it's no big deal. You know, of course,		it's no big deal. You know, of course,
	I didn't open no beers, I put the beer		I didn't open no beers, I put the beer
1	in the car two blocks away from my		in the car two blocks away from my
	house. Went to the house, parked my	· ·	house. Went to the house, parked my
	car, open one beer with my mouth		car, open one beer with my mouth
	then - and then I swallow one real	ļ	then - and then I swallow one real
	quick like that outside before I go -		quick like that outside before I go -
	went in. And I had already taken my	ļ.	went in. And I had already taken my
	for the pain, 'cause I		for the pain, 'cause I
	(unintelligible) was hurting. So, of		(unintelligible) was hurting. So, of
	course, that kind of made it, you		course, that kind of made it, you
	know, faster. I was, like, you know,		know, faster. I was, like, you know,
	but I came in and I - and we were		but I came in and I - and we were
Ì	talking and when she opened her		talking and when she opened her
	mouth, I shut her - I shut her up. I		mouth, I shut her - I shut her up. I
	said, "Please don' say nothing. I don't		said, "Please don' say nothing. I don't
	wanna hear - I don't wanna see your		wanna hear - I don't wanna see your
	face." And then her sister kept		face." And then her sister kept
	insisting, "Please talk to her Mario.	1	insisting, "Please talk to her Mario.
	Don't finish like this. You guys have		Don't finish like this. You guys have to talk, there's always - you can fix
	to talk, there's always - you can fix this." And then when she said that I		this." And then when she said that I
	said, "Do me a favor. Take - take your	1	said, "Do me a favor. Take - take your
	sister to your house and go - go sleep		sister to your house and go - go sleep
	over there. Don't sleep here."		over there. Don't sleep here."
Q:	Uh-huh.	Q:	Uh-huh.
<u>Q.</u> A:	And she got up right away and she -	Q. A:	And she got up right away and she -
A.	and she turned around at me and she	A.	and she turned around at me and she
	and she turned around at the and she		and she turned around at me and she

	said, "It's not all my fault. You're at		said, "It's not all my fault. You're at
	fault too because you didn't take care		fault too because you didn't take care
	of me," and blah, blah, blah. You		of me," and blah, blah, blah. You
•	know, and I - and I said, "That's what		know, and I - and I said, "That's what
	I wanna hear. A strong woman, so get		I wanna hear. A strong woman, so get
	the fuck outta here. You're very	*	the fuck outta here. You're very
	strong, so see how fast you show your		strong, so see how fast you show your
	colors?" Because this - she - she -		colors?" Because this - she - she -
	promised me she's not gonna talk to		promised me she's not gonna talk to
	the guy, only business, and she - every		the guy, only business, and she - every
,	time she would call him because he's		time she would call him because he's
	a manager. Every time she'd call him		a manager. Every time she'd call him
	she'd - she'd call me first to tell me		she'd - she'd call me first to tell me
	that she's calling him and not to get		that she's calling him and not to get
	mad. And one time she called him in		mad. And one time she called him in
	front of me and she said, "Hi, how you		front of me and she said, "Hi, how you
	doin'?" And then the guy is, like, you		doin'?" And then the guy is, like, you
	know, maybe he said, "Is he there?"		know, maybe he said, "Is he there?"
	And then, she said, "Hi, how you		And then, she said, "Hi, how you
	doin'? I'm talking to you. Hello? Can		doin'? I'm talking to you. Hello? Can
	you hear me?" And I - I think that		you hear me?" And I - I think that
	there's - there's, like that little thing		there's - there's, like that little thing
	where they, like, code, like this, "He's	[where they, like, code, like this, "He's
		í	
	here."		here."
Q:	here." Yeah.	Q:	here." Yeah.
Q: A:	here." Yeah. You know? "Oh, I just wanna call you	Q: A:	here." Yeah. You know? "Oh, I just wanna call you
A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible).	A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible).
A: Q:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay.	A: Q:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay.
A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him	A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him
A: Q: A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him on my birthday.	A: Q: A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him on my birthday.
A: Q: A: Q:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him on my birthday. Mm-hm.	A: Q: A: Q:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him on my birthday. Mm-hm.
A: Q: A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him on my birthday. Mm-hm. She - we came - we came home from	A: Q: A:	here." Yeah. You know? "Oh, I just wanna call you and tell you (unintelligible). Okay. She called him - she even called him on my birthday. Mm-hm. She - we came - we came home from
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Q:	Okay.	Q:	Okay.
A:	And - and - and I had the gun inside	A:	And - and - and I had the gun inside
	the car when I went to Kaiser.		the car when I went to Kaiser.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And they asked me if I wanted to hurt	A:	And they asked me if I wanted to hurt
	her and I said, "No."		her and I said, "No."
Q:	Okay.	Q:	Okay.
A:	And - and - and the doctor was so	A:	And - and - and the doctor was so
4.	busy, that I was gonna tell him. I was		busy, that I was gonna tell him. I was
	gonna tell him, "I have a gun in the		gonna tell him, "I have a gun in the
	car, can you send the cops to get it?"		car, can you send the cops to get it?"
Q:	Mm-hm.	Q:	Mm-hm.
A:	To get rid of it because	A:	To get rid of it because
Q:	So, did you - when you, um, when you	Q:	So, did you - when you, um, when you
	left the house, did you bring the gun		left the house, did you bring the gun
	from the house to the car before you]	from the house to the car before you
	went to Kaiser?		went to Kaiser?
A:	Yeah, remember when I - when I -	A:	Yeah, remember when I - when I -
	when she was crying and all that, and		when she was crying and all that, and
	my sister-in-law was in there, I - I		my sister-in-law was in there, I - I
	went and I grabbed the gun and I said		went and I grabbed the gun and I said
	I'm gonna put it in the car.	<u> </u>	I'm gonna put it in the car.
Q:	Before you went to Kaiser.	Q:	Before you went to Kaiser.
A:	Yeah, because - because if I go to Kai-	A:	Yeah, because - because if I go to Kai-
	if - if I go to - no, this is even before I		if - if I go to - no, this is even before I
	went to Kaiser. This is earlier.	:	went to Kaiser. This is earlier.
Q1:	This was before you broke your hand.	Q1:	This was before you broke your hand.
A:	Yeah, before I broke - no - I already	A:	Yeah, before I broke - no - I already
	broken my hand.		broken my hand.
Q1:	Okay.	Q1:	Okay.
A:	Yeah, and they were - only her and I	A :	Yeah, and they were - only her and I
	were in the house.		were in the house.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And we - and we were arguing, and it	A:	And we - and we were arguing, and it
	was really bad, and she wouldn't let		was really bad, and she wouldn't let
	me go, but I - I - I said I'm going to		me go, but I - I - I said I'm going to
	the bathroom and I went and got the		the bathroom and I went and got the
	gun and I said, "I'm gonna take it		gun and I said, "I'm gonna take it
	because it's," I said, "It's not to hurt		because it's," I said, "It's not to hurt
	anybody, it's because I'm gonna go		anybody, it's because I'm gonna go
}	tonight and I don't wanna have you -		tonight and I don't wanna have you -
	that you have this here because if you		that you have this here because if you
	truly say that you're hurting and - and		truly say that you're hurting and - and
1	don't leave and everything, I'm afraid	1	don't leave and everything, I'm afraid

	that she could use it." 'Cause she said - she said, "Don't leave me. Just shoot		that she could use it." 'Cause she said - she said, "Don't leave me. Just shoot
	me. Just shoot me instead. Just shoot		me. Just shoot me instead. Just shoot
	me." So, when she was saying that,		me." So, when she was saying that,
	that's why I took it because she was		that's why I took it because she was
	telling me, "Don't leave me. Just		telling me, "Don't leave me. Just
	shoot me."		shoot me."
<u>Q:</u> A:	How long have you had that gun?	Q:	How long have you had that gun?
A :	For two years, because my stepfather	A :	For two years, because my stepfather
	passed away.		passed away.
<u>Q:</u>	Okay.	Q:	Okay.
A:	And my mom - and my mom lives	A:	And my mom - and my mom lives
	around the corner and she had it for a		around the corner and she had it for a
	minute, but then my mom kinda		minute, but then my mom kinda
	started losing it a little bit.		started losing it a little bit.
<u>Q:</u>	Uh-huh.	Q:	Uh-huh.
A:	And I was afraid that - because she's	A:	And I was afraid that - because she's
	an older lady.		an older lady.
<u>Q:</u>	Uh-huh.	Q:	Uh-huh.
A:	She might want the end of her life, she	A:	She might want the end of her life, she
	might want to end her life because		might want to end her life because
Q:	Did your - did () know where the	Q:	Did your - did know where the
	gun is? Where the gun was?	ļ. <u>. </u>	gun is? Where the gun was?
<u>A:</u>	No.	A:	No.
Q:	No?	Q:	No?
<u>A:</u>	No. She didn't know, I hid it.	A:	No. She didn't know, I hid it.
Q:	Whe- whe- where did you have it in	Q:	Whe- whe- where did you have it in
	the house?	ļ	the house?
A:	You know how you have the	A:	You know how you have the
	nightstand?	ļ. <u>.</u>	nightstand?
<u>Q:</u>	Uh-huh.	Q:	Uh-huh.
A:	I had a nightstand, she has a	A :	I had a nightstand, she has a
	nightstand. Under the nightstand.	 	nightstand. Under the nightstand.
<u>Q:</u>	Uh-huh.	Q:	Uh-huh.
A:	In a white box, uh, that's f- uh,	A:	In a white box, uh, that's f- uh,
	Styrofoam.		Styrofoam.
Q:	Yeah.	Q:	Yeah.
A:	Yeah,	A:	Yeah,
Q:	Did she know you had a gun? Did she	Q:	Did she know you had a gun? Did she
	know you owned a gun?	ļ	know you owned a gun?
A:	No, she - she knew, but the gun was	A:	No, she - she knew, but the gun was
	up in the attic. It was up in the attic		up in the attic. It was up in the attic
	but I took it down, because there's a		but I took it down, because there's a
	receipt to it and - and - and I wanted to		receipt to it and - and - and I wanted to

Rell it to my friend. His name is, un, and he's the number 1 in seniority on the job. Q: Mm-hm. A: And I wanted to sell it to him, because I show him - I show him - I show him a picture and he said, I'm gonna go get, in Arizona, and in case I wanna kill some, you know, animals over there, or what, "I like those guns." And he said, "I'll buy it from you," and I'm such a slow when it comes to processing everything, like, you know, I'm always late for my DMV, I'm always rushing trying to get it through, and so, I never did. Q: Okay. A: And that's why I had it under my thing. Q: Okay. A: I don't know how to use a gun. It wasn't loaded. The - the bullets areare in the box, but they're not inside the chamber. Q: Okay. So, when you - when you left the house that - are the - are the bullets completely separate from the gun? A: Yes. Q: Or are the gun and the bullet in the same box? A: In the same box. A: In the same box. A: In the same box. A: In the same box. A: In the same box. A: I didn't want-you know, I didn't wanna put it in the front or anything. Q: Okay. A: I didn't want - you know, I didn't wanna put it in the front or anything. Q: Yeah. A: I had A: I lad A: I lad A: I like those guns." And he said, 'I'm gonna go get, in Arizona, and in case I wanna kill some, you know, animals over there, or what, "I like those guns." And he said, 'I'll buy it from you," and I'm such a slow when it comes to processing everything, like, you know, I'm always tale for my DMV, I'm always rushing trying to get it through, and so, I never did. Q: Okay. Q: Okay. Q: Okay. Q: Okay. A: I don't know how to use a gun. It wasn't loaded. The - the bullets are are in the box, but they're not inside the chamber. Q: Okay. So, when you - when you left the house that - are the bullets completely separate from the gun? A: Yes. Q: Or are the gun and the bullet in the same box? A: In the same box. A: In the same box. A: In the same box. A: In the same box. A: I didn't want - you know, I didn't wanna put it in the front or anything. A:		11 ', , C' 1 TT' ' 1		11 '
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Q: All right, so, let's - I'd like to ask you Q: All right, so, let's - I'd like to ask you				
some questions. So, you come back some questions. So, you come back	Q:		Q:	
		some questions. So, you come back		some questions. So, you come back

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	home, um, the three are there, and	•	home, um, the three are there, and
	then the wife leaves, and then take me		then the wife leaves, and then take me
	to when she comes back. What time		to when she comes back. What time
:	does she come back? So, it's just you		does she come back? So, it's just you
	and your daughter at the house, right?	ÿ.	and your daughter at the house, right?
A:	So, yeah. Just my daughter. And I told	A:	So, yeah. Just my daughter. And I told
	her the whole story because she didn't		her the whole story because she didn't
	have the whole story.		have the whole story.
Q:	Okay.	Q:	Okay.
A:	And she says, "Yeah," you know, "I	A:	And she says, "Yeah," you know, "I
11.	wanted to tell you," because she said	Α.	wanted to tell you," because she said
}			that she also saw it, because she never
ŀ	that she also saw it, because she never	i	1
	told my daughter, 'cause she doesn't	1	told my daughter, 'cause she doesn't
	trust her as she trusts the little one. So,		trust her as she trusts the little one. So,
	she didn't - my - my - my wife never	Ì	she didn't - my - my - my wife never
1	told (But, so		told (But, so (But, so,
	home, right? And we're talking and		home, right? And we're talking and
	they left and they went. And then I	1	they left and they went. And then I
	finished my six-pack when she was		finished my six-pack when she was
	sitting with me and then - and then		sitting with me and then - and then
	after that I said, "Okay, Baby, you go		after that I said, "Okay, Baby, you go
	to sleep, 'cause you have to - you have	ŀ	to sleep, 'cause you have to - you have
	to get up early." And I was crying, I		to get up early." And I was crying, I
ļ !	couldn't stop crying, and she would	}	couldn't stop crying, and she would
	hug me and I said, "This is really bad.		hug me and I said, "This is really bad.
	I'm really hurting, But I'm	} .	I'm really hurting, (But I'm
	gonna stay with you, and I love you,		gonna stay with you, and I love you,
	(unintelligible) gonna happen." And		(unintelligible) gonna happen." And
] .	she's, "Okay, Daddy, don't do		she's, "Okay, Daddy, don't do
	anything crazy." I said, "Okay." And I		anything crazy." I said, "Okay." And I
	went to bed. And her sister, my wife's		went to bed. And her sister, my wife's
1	sister kept texting me, "When you	,	sister kept texting me, "When you
	have a chance tomorrow, please talk to	Ì	have a chance tomorrow, please talk to
-	your - talk to	1	your - talk to (And I never- I
	didn't answer her. I didn't answer her	İ	didn't answer her. I didn't answer her
	nothing, and then when I was in bed,		nothing, and then when I was in bed,
	and I was looking at the ceiling, I said,		and I was looking at the ceiling, I said,
1	"She has - she has to explain to me -		"She has - she has to explain to me -
	she," I let her talk, so I wanna - I	1	she," I let her talk, so I wanna - I
	wanna see what she says, because, I'm		wanna see what she says, because, I'm
1	so stupid, I wanted her to come back.		so stupid, I wanted her to come back.
	- ·		_ · · · · · · · · · · · · · · · · · · ·
	And, so I texted her, just text, because		And, so I texted her, just text, because
	I disconnected my wife phone. When I		I disconnected my wife phone. When I
	went to Kaiser, I created all new		went to Kaiser, I created all new
<u> </u>	passwords and everything and I		passwords and everything and I

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	disconnected her phone, but it looked		disconnected her phone, but it looked
	like her phone's still working. I don't		like her phone's still working. I don't
	know how that happened, but, 'cause		know how that happened, but, 'cause
	when - when she showed me her		when - when she showed me her
	phone, her phone was still working.		phone, her phone was still working.
	But, anyway, I texted my sister-in-law		But, anyway, I texted my sister-in-law
	and I said, "Tell her to come home."		and I said, "Tell her to come home."
	And she said, "Are you sure?" I said,		And she said, "Are you sure?" I said,
	"Yeah." And she said, "Don't do		"Yeah." And she said, "Don't do
	anything to her." And I said, "No, I		anything to her." And I said, "No, I
-	won't do anything to her. Just tell her		won't do anything to her. Just tell her
	to come home, please." And she - she		to come home, please." And she - she
	flew, man, she was there, like, in five		flew, man, she was there, like, in five
	minutes.		minutes.
Q:	Was that this morning or was that last	Q:	Was that this morning or was that last
	night?		night?
A:	No, last night.	A:	No, last night.
Q:	About what time?	Q:	About what time?
A:	She came home about, past midnight.	A:	She came home about, past midnight.
	You know, and then, I was already		You know, and then, I was already
	drunk and then we were talking and		drunk and then we were talking and
į	she kept telling me that she only likes	 	she kept telling me that she only likes
	the guy and I - and I - again I		the guy and I - and I - again I
	explained to her, I said, "Remember I	i	explained to her, I said, "Remember I
ļ	was talking to you about that	ļ	was talking to you about that
	password that you have on your notes,		password that you have on your notes,
1	and you lied in my face and you told		and you lied in my face and you told
1	me that's for your job. How dare you		me that's for your job. How dare you
,	do that to me, after I love you all that		do that to me, after I love you all that
	much that I love you." Anyway, we		much that I love you." Anyway, we
	went to bed, 'cause I - I had my - I had		went to bed, 'cause I - I had my - I had
	drank my for the pain and the		drank my for the pain and the
	six-pack, I was knocked out. And she		six-pack, I was knocked out. And she
	tried to hug me and kiss me and I said,		tried to hug me and kiss me and I said,
	"No, please, I feel disgusted with you.		"No, please, I feel disgusted with you.
	Don't do that." She - she said, "Okay.		Don't do that." She - she said, "Okay.
	If you decide you want it, I'll be right		If you decide you want it, I'll be right
	next to you." And she didn't sleep.		next to you." And she didn't sleep.
	She didn't sleep because at four, 6:30		She didn't sleep because at four, 6:30
	in the morning, I woke up. 6:30 in the		in the morning, I woke up. 6:30 in the
	morning, I woke up.		morning, I woke up.
Q:	What time do you think you fell	Q:	What time do you think you fell
1	aglaan?		asleep?
	asleep?		
A:	I was (unintelligible). It must've been	A:	I was (unintelligible). It must've been

Q:	Okay.	Q:	Okay.
A:	Because she came home and	A:	Because she came home and
+ 49	(unintelligible).		(unintelligible).
Q:	Uh-huh.	Q:	Uh-huh.
A:	So, 1:30 to 6:30, I woke up. And she	A:	So, 1:30 to 6:30, I woke up. And she
j. 1	was awake.		was awake.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And I said, 'cause I was gassy and -	A:	And I said, 'cause I was gassy and -
	and - and I must've farted or		and - and I must've farted or
	something, 'cause I noticed that she		something, 'cause I noticed that she
·	was blowing her blanket, but - but, I	ľ	was blowing her blanket, but - but, I
	said I'm gonna go outside, and she		said I'm gonna go outside, and she
·	said, "Why?" And I said, 'cause I'm -		said, "Why?" And I said, 'cause I'm -
	I'm gassy I don't wanna stink up the		I'm gassy I don't wanna stink up the
	room. And she said, "No, Baby. I love	}	room. And she said, "No, Baby. I love
	you, just stay at home, don't worry		you, just stay at home, don't worry
	about it. I'll open the window." And I		about it. I'll open the window." And I
	said - and I said, "No, Baby, I don't - I		said - and I said, "No, Baby, I don't - I
	- I feel disgusted doin' that, so," so I	1	- I feel disgusted doin' that, so," so I
	went and sat down in - in the living		went and sat down in - in the living
	area of the house. And then she came		area of the house. And then she came
}	out and she was, like, "Okay, I'll be	1	out and she was, like, "Okay, I'll be
	with you here, 'cause I haven't slept. I		with you here, 'cause I haven't slept. I
	haven't slept." And she said, "I'm		haven't slept." And she said, "I'm
	gonna call my job. At 6:30 I'm gonna		gonna call my job. At 6:30 I'm gonna
1	call my job and I'm gonna quit today."		call my job and I'm gonna quit today."
	And I said, "No, don't quit, because if		And I said, "No, don't quit, because if
	you quit you won't have any money,		you quit you won't have any money,
	because you're not staying with me		because you're not staying with me
	anymore." And she said, "I thought		anymore." And she said, "I thought
	you called me last night because you		you called me last night because you
	wanna come back to me." And I said,		wanna come back to me." And I said,
	"No, I just wanna - I wanna hear your		"No, I just wanna - I wanna hear your
	story." And finally, man, I grabbed the		story." And finally, man, I grabbed the
	tequila bottle and I started drinking.	}	tequila bottle and I started drinking.
	And she said, "Don't," she said,		And she said, "Don't," she said,
	"Don't drink too much, okay? 'Cause		"Don't drink too much, okay? 'Cause
	it's gonna hurt you." And I said, "No,		it's gonna hurt you." And I said, "No,
	I just wanna go to bed again and I		I just wanna go to bed again and I
1	think if I drink a couple more, I'm -		think if I drink a couple more, I'm -
	I'm gonna be sleepy and I'm gonna go	}	I'm gonna be sleepy and I'm gonna go
	to bed." And she went to the other		to bed." And she went to the other
	bedroom to sleep and then I kept on		bedroom to sleep and then I kept on
	drinkin' and - and I took it, like, you		drinkin' and - and I took it, like, you
L	know, I was lookin' at the outside of	<u></u>	know, I was lookin' at the outside of

Ì	the house, and I said, "This will be the		the house, and I said, "This will be the
1	last time I get fucked up here," 'cause		last time I get fucked up here," 'cause
	I don't drink that often, 'cause, I		I don't drink that often, 'cause, I
	mean, I drink wine, but I don't drink		mean, I drink wine, but I don't drink
	hard liquor or anything because of my		hard liquor or anything because of my
· .	job.		job.
Q:	Mm-hm.	Q:	Mm-hm.
A:	I gotta be clean and sober, you know?	A:	I gotta be clean and sober, you know?
Α.	You know. And, but I took that bottle	A.	You know. And, but I took that bottle
	and I musta drank about 10 shots from		and I musta drank about 10 shots from
İ	the bottle like this, chugging it, you		the bottle like this, chugging it, you
	know. No lemon, no nothin', just		know. No lemon, no nothin', just
	straight, at 7:30 in the morning, I'm		straight, at 7:30 in the morning, I'm
	getting really messed up. And she had		getting really messed up. And she had
	already cal- called her job and she told	ļ	already cal- called her job and she told
	'em she's not goin', but she didn't say,		'em she's not goin', but she didn't say,
	"I'm quitting."		"I'm quitting."
Q:	Uh-huh.	Q:	Uh-huh.
A :	She only said, "I'm not going today, I	A:	She only said, "I'm not going today, I
	have some problems." And she left a		have some problems." And she left a
	message on the machine.	<u> </u>	message on the machine.
Q:	Uh-huh.	Q:	Uh-huh.
A:	Or she - I don't know if she talked to	A:	Or she - I don't know if she talked to
	somebody, at - at that point, my brain		somebody, at - at that point, my brain
1	was not there anymore. At that point, I		was not there anymore. At that point, I
	was so mad and I was so mad at		was so mad and I was so mad at
	myself because I gave her the other		myself because I gave her the other
	chance that night - last night for her to	ļ	chance that night - last night for her to
	come back and instead of telling me -		come back and instead of telling me -
	instead of her telling me that - that she	Ì	instead of her telling me that - that she
1	was really sorry, you know, we kept		was really sorry, you know, we kept
	arguing and arguing about the same		arguing and arguing about the same
	thing over and over. And then after		thing over and over. And then after
}	that, after that - the - the gun thing, I		that, after that - the - the gun thing, I
	don't know how that happened, but I	{	don't know how that happened, but I
	remember kissing - kissing my dog		remember kissing - kissing my dog
	good-bye, and I went downstairs and I		good-bye, and I went downstairs and I
-	kissed her good-bye.	1	kissed her good-bye.
Q:	Did you say your dog or your	Q:	Did you say your dog or your
A.	daughter?	1	daughter?
A:	My dog.	A:	My dog.
Q:	What time was that at, you think,	Q:	What time was that at, you think,
 	Mario?	1	Mario?
A:			
	You know, I lost, I lost track of time after I got drunk.	A:	You know, I lost, I lost track of time after I got drunk.

Q:	Okay.	Q:	Okay.
A:	Because I think I over did it with the -	A:	Because I think I over did it with the -
	with the tequila, that - that I blacked		with the tequila, that - that I blacked
~	out.		out.
Q:	Okay.	Q:	Okay.
A:	This is what I remember. I remember	A:	This is what I remember. I remember
	talking to my youngest daughter on		talking to my youngest daughter on
¥	the phone.	İ	the phone.
Q:	Uh-huh.	Q:	Uh-huh.
A:	But my phone is locked because I was	A:	But my phone is locked because I was
	trying to change so many passwords		trying to change so many passwords
	last night.		last night.
Q:	Oh, you didn't, yeah.	Q:	Oh, you didn't, yeah.
A:	That I - that I locked it.	A:	That I - that I locked it.
Q:	Did you end up calling her?	Q:	Did you end up calling her?
A:	I called my daughter, I don't know	A:	I called my daughter, I don't know
	what phone I used.	}	what phone I used.
Q:	Okay.	Q:	Okay.
A:	I think I did. I don't even know if I	A:	I think I did. I don't even know if I
	really did.		really did.
Q:	Okay.	Q:	Okay.
A:	But I remember her crying and she	A:	But I remember her crying and she
ľ	said, "Daddy, don't do anything."	1.	said, "Daddy, don't do anything."
Q:	What - what did you tell her?	Q:	What - what did you tell her?
A:	I - I'm - I'm - I can't remember	A:	I - I'm - I'm - I can't remember
	exactly what I said, but I couldn't - I		exactly what I said, but I couldn't - I
	didn't let her talk.		didn't let her talk.
Q:	Mm-hm.	Q:	Mm-hm.
A:	She kept telling me, "Daddy, don't do	A:	She kept telling me, "Daddy, don't do
	it. Don't do it, please, Papi, don't do		it. Don't do it, please, Daddy, don't do
	it." She keep telling me. And I don't		it." She keep telling me. And I don't
	know what I said. I just said that I had		know what I said. I just said that I had
	enough, (unintelligible), and I'm	1	enough, (unintelligible), and I'm
	gonna go away. (Unintelligible) tell		gonna go away. (Unintelligible) tell
	my wife and my other daughter that I		my wife and my other daughter that I
	(unintelligible) tryin' to keep me in	1	(unintelligible) tryin' to keep me in
	the house.		the house.
Q:	Was the gun at this time, still in the	Q:	Was the gun at this time, still in the
	car?		car?
A:	It was in the car, yeah, it was still in	A:	It was in the car, yeah, it was still in
L	the car.		the car.
Q:	So, when you got home from Kaiser,	Q:	So, when you got home from Kaiser,
	you just left it in the car?		you just left it in the car?
A:	Yeah.	A:	Yeah.

Q:	In the trunk?	Q:	In the trunk?
A:	Yeah.	A:	Yeah.
Q:	Okay. And when	Q:	Okay. And when
A:	And then	A:	And then
Q:	When you went to go, you said you	Q:	When you went to go, you said you
	kissed your dog good-bye.		kissed your dog good-bye.
A:	Yeah, so, I think that - I don't know if	A:	Yeah, so, I think that - I don't know if
	I called my daughter first.		I called my daughter first.
Q:	Okay.	Q:	Okay.
A:	Or second, but I remember talking to	A:	Or second, but I remember talking to
	her and then I remember hugging the		her and then I remember hugging the
	dog and kissing the dog good-bye, and		dog and kissing the dog good-bye, and
	when they saw that, I think they - I	<u> </u>	when they saw that, I think they - I
	don't know if they called at that point,		don't know if they called at that point,
	the cops.		the cops.
Q:	Okay.	Q:	Okay.
A:	I don't know - I don't know, really,	A:	I don't know - I don't know, really,
	what happened.		what happened.
Q:	Okay.	Q:	Okay.
A:	But I think they must have because I	A:	But I think they must have because I
	was saying good-bye.		was saying good-bye.
Q:	Mm-hm. What did you mean - what	Q:	Mm-hm. What did you mean - what
	did you mean when you were saying		did you mean when you were saying
	good-bye.		good-bye.
A:	I wanted to end my life. Because -	A:	I wanted to end my life. Because -
	because the drug was at that - at that		because the drug was at that - at that
	level that drug just took over.		level that drug just took over.
Q:	Uh-huh.	Q:	Uh-huh.
A:	You know? It took over, because I	A:	You know? It took over, because I
	didn't wanna do that. Because I love		didn't wanna do that. Because I love
	my daughters. And, like, I even told	}	my daughters. And, like, I even told
ł 	her, the night prior, I told her, I said,		her, the night prior, I told her, I said,
	"Don't - don't - don't worry. I'm not	1	"Don't - don't - don't worry. I'm not
	gonna shoot myself." I said, "No,		gonna shoot myself." I said, "No,
	because you're the one that fucked up,		because you're the one that fucked up,
	and I'm not gonna take it for you. I'm	1.	and I'm not gonna take it for you. I'm
	not gonna take the bullet for you."		not gonna take the bullet for you."
Q:	How - how - how did that come up?	Q:	How - how - how did that come up?
	I'm not gonna shoot myself, did you -		I'm not gonna shoot myself, did you -
	did - did she say, "Are you gonna		did - did she say, "Are you gonna
	shoot yourself," or anything? Or		shoot yourself," or anything? Or
A:	No. She - she always tell me, "I'm	A:	No. She - she always tell me, "I'm
}	afraid that you might do something to		afraid that you might do something to
1.	yourself, Mario." Because when I		yourself, Mario." Because when I

	was		was
Q:	Have you ever had thoughts like that before?	Q:	Have you ever had thoughts like that before?
A:	I, you know, I'm gonna tell you	A:	I, you know, I'm gonna tell you
	straight, maybe I'm a pussy or		straight, maybe I'm a pussy or
	whatever, but it's - you know, maybe I	:	whatever, but it's - you know, maybe I
1.00	have thought about it because cheating	,	have thought about it because cheating
	is the worst thing that happens to me, I	1	is the worst thing that happens to me, I
	mean, what has happened now.		mean, what has happened now.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And I may have thought about it, but I	A:	And I may have thought about it, but I
	don't think I can go through with it.		don't think I can go through with it.
Q:	Okay.	Q:	Okay.
A:	I don't think I could do it. But, last	A:	I don't think I could do it. But, last
	night, I mean this morning, I'm telling		night, I mean this morning, I'm telling
	you that I don't remember who I		you that I don't remember who I
	talked to first and what I said to my		talked to first and what I said to my
	daughter, the - the one in Santa Cruz.		daughter, the - the one in Santa Cruz.
Q:	Okay. That's fine.	Q:	Okay. That's fine.
A:	But I remember that, once I finished	A:	But I remember that, once I finished
	saying good-bye to everybody, I think		saying good-bye to everybody, I think
	I even said good-bye to them, too.		I even said good-bye to them, too.
	You know? I don't remember.		You know? I don't remember.
Q:	All right.	Q:	All right.
A:	But - but they were both crying, and	A:	But - but they were both crying, and
	then I pushed them away, because		then I pushed them away, because
	they didn't want me to open the door.	ļ	they didn't want me to open the door.
Q:	Okay.	Q:	Okay.
A:	And - and then, when I got to my car,	A:	And - and then, when I got to my car,
	and opened it with the key, they were		and opened it with the key, they were
	both trying to stop me.		both trying to stop me.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And my daughter's only, like, 90	A:	And my daughter's only, like, 90
	pounds, so all I had to do is just		pounds, so all I had to do is just
Q:	Yeah.	Q:	Yeah.
A:	One hand, and move here, and then	A:	One hand, and move here, and then
	my wife, she was really getting on me.	 	my wife, she was really getting on me.
Q:	Mm-hm. Did you open the door with	Q:	Mm-hm. Did you open the door with
	your left hand or right hand? Meaning		your left hand or right hand? Meaning
<u></u>	the key. Was - was the door locked?	 	the key. Was - was the door locked?
A:	Yeah, the door was locked. And I have	A :	Yeah, the door was locked. And I have
	a control, so it opens up.	<u> </u>	a control, so it opens up.
Q:	Okay. Did you have that control in	Q:	Okay. Did you have that control in
	your right hand or left hand?		your right hand or left hand?

A:	Left hand.	A :	Left hand.
Q:	Okay.	Q:	Okay.
A:	But - but see, that control, when you	A: "	But - but see, that control, when you
	click it one time, it opens one door.		click it one time, it opens one door.
Q:	Oh.	Q:	Oh.
A:	(Unintelligible) I was already clicking two.	A:	(Unintelligible) I was already clicking two.
Q:	Okay.	Q:	Okay.
A:	Opens all the doors, so I op- I knew that I was opening one door (unintelligible) back door.	A:	Opens all the doors, so I op- I knew that I was opening one door (unintelligible) back door.
Q:	Oh, what - what - what seat did you sit in?	Q:	Oh, what - what - what seat did you sit in?
A:	At first, I sat in the driver's seat.	A:	At first, I sat in the driver's seat.
Q:	Okay. Did you still have the keys with you?	Q:	Okay. Did you still have the keys with you?
A:	Yeah, I put the key down and, like, I don't know.	A:	Yeah, I put the key down and, like, I don't know.
Q:	Okay.	Q:	Okay.
A:	I don't know if I put the key down, but I locked the door.	A:	I don't know if I put the key down, but I locked the door.
Q:	Okay.	Q:	Okay.
A:	And I don't remember if she tried to open it. I don't think so.	A:	And I don't remember if she tried to open it. I don't think so.
Q:	Uh-huh.	Q:	Uh-huh.
A:	But at that point, I saw her on the	A:	But at that point, I saw her on the
	phone. And - and then, you know how my car, you can reach through the back, so I - I let the passenger seat down so that I could get to the back of the trunk.		phone. And - and then, you know how my car, you can reach through the back, so I - I let the passenger seat down so that I could get to the back of the trunk.
Q:	Mm-hm.	Q:	Mm-hm.
	relax, and then I was reaching for it, and I had a hard time because I couldn't move this hand and everything, it was so hard. Every- I was just, like, trying to think that I'm that I'm so good at, you know, playing with guns and all, and I couldn't get the chamber to open, 'cause it's got		relax, and then I was reaching for it, and I had a hard time because I couldn't move this hand and everything, it was so hard. Every- I was just, like, trying to think that I'm - that I'm so good at, you know, playing with guns and all, and I couldn't get the chamber to open, 'cause it's got
	this lever that I don't even - I think that lever stay and it never moves, but I don't know how to open it. But,		this lever that I don't even - I think that lever stay and it never moves, but I don't know how to open it. But,

	eventually, it opened up, and - and -		eventually, it opened up, and - and -
	and when I closed it, I went like this	٠	and when I closed it, I went like this
	and the chamber went like that and I		and the chamber went like that and I
	lost where the bullet was. So, I was,		lost where the bullet was. So, I was,
	like, where did it go? And then I		like, where did it go? And then I
,	barely went like - like a - like a little		barely went like - like a - like a little
	bit right, and boom, and then my - my		bit right, and boom, and then my - my
	- my ears kinda popped, you know,		- my ears kinda popped, you know,
1	like, that noise. And I don't know if at		like, that noise. And I don't know if at
	that point I was already - the cops		that point I was already - the cops
	were already there.		were already there.
Q:	Okay.	Q:	Okay.
A:	I don't know. I really lost - I really	A:	I don't know. I really lost - I really
	lost track.		lost track.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And then I had to go all the way in the	A:	And then I had to go all the way in the
	back again and get another bullet	ĺ	back again and get another bullet
	because I said, "Okay, I fucked up this		because I said, "Okay, I fucked up this
	one, I gotta go get another one."		one, I gotta go get another one."
Q:	Okay.	Q:	Okay.
<u>A:</u>	And then.	A:	And then.
Q:	And you're still seated in the driver's	Q:	And you're still seated in the driver's
	seat.	<u> </u>	seat.
A:	No, I'm - I'm laying on the other seats	A:	No, I'm - I'm laying on the other seats
	because	ļ	because
Q:	Okay.	Q:	Okay.
A:	I have to go, so, when - when I'm -	A:	I have to go, so, when - when I'm -
	when I shot the first time, I was		when I shot the first time, I was
	already in the back seat.		already in the back seat.
Q:	Olzari		
	Okay.	Q:	Okay.
A:	And - and - and because I barely	Q: A:	And - and - and because I barely
A:	And - and - and because I barely touched it, I - I don't know if I was		And - and - and because I barely touched it, I - I don't know if I was
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion,		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion,
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I
A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another		And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another
	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another bullet.	A:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another bullet.
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Q:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another bullet. Uh-huh. And then, I remember clicking it two times, but I don't remember if I had it	A: Q:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another bullet. Uh-huh. And then, I remember clicking it two times, but I don't remember if I had it
Q:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another bullet. Uh-huh. And then, I remember clicking it two	A: Q:	And - and - and because I barely touched it, I - I don't know if I was going for my head or something, but I barely touched it, because the - the bullet went through the glass and I saw it and it was, like, in slow motion, and it kinda woke me up and it shook me up, but I didn't care. I went - I went again and tried to grab another bullet. Uh-huh. And then, I remember clicking it two

<u>A:</u>	But it clicked two times.	A:	But it clicked two times.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And then I could tell you, I'm a pussy,	A :	And then I could tell you, I'm a pussy,
	and then when - when that happened,		and then when - when that happened,
	when that happened, I can hear the		when that happened, I can hear the
	cops say, "Mario, we wanna help you.		cops say, "Mario, we wanna help you.
•	Put the gun down." And I don't know	1	Put the gun down." And I don't know
	if they were - I - I'm telling you that -		if they were - I - I'm telling you that -
	how - (unintelligible), but I don't		how - (unintelligible), but I don't
	really know if they were already there		really know if they were already there
	or, but I remember shooting the		or, but I remember shooting the
	second shot because two clicks and		second shot because two clicks and
	then the last one, I shot the other		then the last one, I shot the other
	window, you know, because I		window, you know, because I
	probably wasn't even aiming at me. I		probably wasn't even aiming at me. I
	wasn't aiming at any- I was aiming	}	wasn't aiming at any- I was aiming
	sorta like the window, the top of the		sorta like the window, the top of the
	window going up to the sky, because I		window going up to the sky, because I
	didn't wanna hit my house, I didn't		didn't wanna hit my house, I didn't
	wanna hit my daughter's car. I don't		wanna hit my daughter's car. I don't
	know if I did.		know if I did.
Q:	So, the first - the first round that you -	Q:	So, the first - the first round that you -
	that you fired was that out the front		that you fired was that out the front
	window or the rear window?		window or the rear window?
A:	The front window.	A:	The front window.
Q:	Okay, but you were seated in the	Q:	Okay, but you were seated in the
	back?		back?
A:	I was sitting in the back with the seat	A: .	I was sitting in the back with the seat
	collapsed.		collapsed.
Q:	Got it.	Q:	Got it.
A:	So, I was sitting, uh, essentially, on	A:	So, I was sitting, uh, essentially, on
	the passenger seat.	<u> </u>	the passenger seat.
Q:	In the back.	Q:	In the back.
A:	In the back.	A:	In the back.
Q1:	The rear seats.	Q1:	The rear seats.
A:	They're - no, no, no. The seat	A:	They're - no, no, no, no. The seat
L	collapses. The - the - the - the		collapses. The - the - the - the
Q1:	Lays down.	Q1:	Lays down.
Q:	Oh, so you were still in the front seat,	Q:	Oh, so you were still in the front seat,
	but you were just way back.		but you were just way back.
A:	All the way back, because I had just	A:	All the way back, because I had just
	opened everything so that I could		opened everything so that I could
1	reach through the trunk. So, I'm		reach through the trunk. So, I'm
1	sitting and I'm - I'm not the type,	}	sitting and I'm - I'm not the type,
	especially with a broken hand, I don't	-	especially with a broken hand, I don't
		_J	

			
	know how in the hell I was fitting in		know how in the hell I was fitting in
	that car, which I never do. I never		that car, which I never do. I never
	collapse any seats to go get anything. I		collapse any seats to go get anything. I
	always have to get off the car, because		always have to get off the car, because
	I'm a lazy bum and I feel like I'm too		I'm a lazy bum and I feel like I'm too
	big to be doin' that kinda shit and it's		big to be doin' that kinda shit and it's
	my daughters, because they're little,		my daughters, because they're little,
-	they always jump in the back of the		they always jump in the back of the
	seats and they do whatever they		seats and they do whatever they
	wanna do, but I never done it. And so,		wanna do, but I never done it. And so,
	but - but - but this morning I did that, I		but - but - but this morning I did that, I
	collapsed the seat and did the whole		collapsed the seat and did the whole
	thing, and, like I'm telling you, I - I		thing, and, like I'm telling you, I - I
	barely touched - what do you call the	ĺ	barely touched - what do you call the
	thing?		thing?
Q1:	Trigger?	Q1:	Trigger?
A:	The trigger. I barely touched it and it	A :	The trigger. I barely touched it and it
	fired and it - and I - I was, like, damn,		fired and it - and I - I was, like, damn,
	that was		that was
Q:	I just wanna - I just wanna confirm	Q:	I just wanna - I just wanna confirm
	that the front seat that you actually		that the front seat that you actually
	drive in.		drive in.
A:	Yeah.	A:	Yeah.
Q:	Okay, that's where you were initially	Q:	Okay, that's where you were initially
	seated, correct?		seated, correct?
A:	When I first got in the car.	A:	When I first got in the car.
Q:	When you first got in the car.	Q:	When you first got in the car.
Q: A:	When you first got in the car. And I collapsed the passenger seat.	Q: A:	When you first got in the car. And I collapsed the passenger seat.
Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right?	Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right?
Q: A: Q: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah.	Q: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah.
Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where	Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where
Q: A: Q: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah.	Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah.
Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right.	Q: A: Q: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right.
Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back.	Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back.
Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to	Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to
Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And	Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And
Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to	Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so
Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats.	Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats.
Q: A: Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so	Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so
Q: A: Q: A: Q: A: Q: A: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats.	Q: A: Q: A: Q: A: Q: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay. So they can collapse forward.
Q: A: Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay.	Q: A: Q: A: Q: A: Q: A: Q:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay.
Q: A: Q: A: Q: A: Q: A: Q: A: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay. So they can collapse forward.	Q: A: Q: A: Q: A: Q: A: Q: A: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay. So they can collapse forward.
Q: A: Q: A: Q: A: Q: A: Q: A: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay. So they can collapse forward. Okay. All right. So, you get the gun	Q: A: Q: A: Q: A: Q: A: Q: A: A:	When you first got in the car. And I collapsed the passenger seat. The passenger seat to your right? Yeah. 'Kay, so you collapsed that seat where usually your passenger would sit. Right. Okay, you collapsed that back. And then after that, I jumped on it to reach the back to go to the back. And then, you have to pull a little lever, so the seats. Yeah, okay. So they can collapse forward. Okay. All right. So, you get the gun

	seated when you accidentally fired		seated when you accidentally fired
 	that first round?		that first round?
A:	I kept telling you, I was sitting on the	A:	I kept telling you, I was sitting on the
	passenger seat, but in the back, like on	ļ	passenger seat, but in the back, like on
	the - on the		the - on the
Q1:	The (unintelligible) head rest.	Q1:	The (unintelligible) head rest.
A :	Yeah, on the head rest.	A:	Yeah, on the head rest.
Q1:	So, you were sitting upright, but on	Q1:	So, you were sitting upright, but on
	the - the - the back portion of the seat.		the - the - the back portion of the seat.
A:	Right, right. I'm not sitting, I'm not	A:	Right, right. I'm not sitting, I'm not
	sitting, like, in the - in the actual	1	sitting, like, in the - in the actual
	passenger - my right side passenger		passenger - my right side passenger
	seat. I'm not sitting on the seat, I'm		seat. I'm not sitting on the seat, I'm
	actually sitting essentially in the back		actually sitting essentially in the back
	seat because I'm sitting on top of the		seat because I'm sitting on top of the
	cha- the seat that's collapsed.		cha- the seat that's collapsed.
Q:	Got it. Yeah, I got it. Okay. And then,	Q:	Got it. Yeah, I got it. Okay. And then,
	that first round went through the front		that first round went through the front
	windshield you said.		windshield you said.
A:	Yeah.	A:	Yeah.
Q:	So you were kinda	Q:	So you were kinda
A:	Yeah. Driver's side.	A:	Yeah. Driver's side.
Q:	Driver's side front windshield.	Q:	Driver's side front windshield.
A:	Yeah.	A:	Yeah.
Q:	Okay. Uh, after that round gets fired,	Q:	Okay. Uh, after that round gets fired,
	then you go back and get another		then you go back and get another
	round?		round?
A:	Yeah.	A:	Yeah.
Q:	Correct?	Q:	Correct?
A:	And, um, and - and at that time, I'm	A:	And, um, and - and at that time, I'm
	already crying and, you know, and I		already crying and, you know, and I
	just - I didn't - I didn't wanna do		just - I didn't - I didn't wanna do
	another one because, like, I have said,		another one because, like, I have said
	all right, like I said, I - I don't know	}	all right, like I said, I - I don't know
	when they started screaming at me. I	1.	when they started screaming at me. I
	don't know.		don't know.
Q:	Mm-hm. What did you - and then so	Q:	Mm-hm. What did you - and then so
	you loaded the second round.		you loaded the second round.
A:	Yeah.	A:	Yeah.
Q:	And then.	Q:	And then.
A:	I clicked it two times.	A:	I clicked it two times.
Q:	Okay.	Q:	Okay.
A:	And it didn't fire.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	And it didn't fire.
	A ALLA IL CHULL L'ILLV.	1 4 1.	4 1114 16 GIGII 6 111 V.

	or your left hand?		or your left hand?
A:	(Unintelligible).	A:	(Unintelligible).
Q:	Okay. Um, the - did you hear the	Q:	Okay. Um, the - did you hear the
`	officers yelling at you after you fired		officers yelling at you after you fired
	the second round, or before you fired		the second round, or before you fired
	the second round?	,	the second round?
A:	Okay, this is - this is the part that I	A:	Okay, this is - this is the part that I
	don't remember.		don't remember.
Q:	Okay.	Q:	Okay.
A:	Where - where - (unintelligible) is, uh,	A:	Where - where - (unintelligible) is, uh,
	screaming for me to come out and to		screaming for me to come out and to
	drop the weapon because this is what		drop the weapon because this is what
ĺ	happened. When I - what - I'm		happened. When I - what - I'm
	thinkin' that what happened was that -		thinkin' that what happened was that -
	that - that shot was fired when he was		that - that shot was fired when he was
ĺ	talking and - and when I fired that		talking and - and when I fired that
	shot, not even the second later, I feel		shot, not even the second later, I feel
	the pain in my back.		the pain in my back.
Q:	Uh-huh.	Q:	Uh-huh.
A:	That I had been shot.	A:	That I had been shot.
Q:	Okay.	Q:	Okay.
A:	Okay, so, it's, like, simul- at the same	A:	Okay, so, it's, like, simul- at the same
ļ	time.		time.
Q:	Uh-huh.	Q:	Uh-huh.
A:	Okay? But, I'm not 100% of that	A:	Okay? But, I'm not 100% of that
	either.		either.
Q:	Okay.	Q:	Okay.
A:	This is what I think happened, because	A:	This is what I think happened, because
	why would they fire at me if I'm not	760 - · ·	why would they fire at me if I'm not
	shooting anymore?		shooting anymore?
Q:	Mm-hm.	Q:	Mm-hm.
A:	Okay? But, as soon as I felt the shot in	A:	Okay? But, as soon as I felt the shot in
	the back, I felt, like, hot, you know, in		the back, I felt, like, hot, you know, in
	the ba- in the back of my head, I felt		the ba- in the back of my head, I felt
	hot, and then I opened the door, and I	,	hot, and then I opened the door, and I
	just threw the gun out, like, I tossed it		just threw the gun out, like, I tossed it
	out and then they told me to put my		out and then they told me to put my
	hands up and I did, and then, you		hands up and I did, and then, you
	know, like, I come from a - a country	1	know, like, I come from a - a country
	where there was war and stuff, I took		where there was war and stuff, I took
	my white shirt from work and I pull it		my white shirt from work and I pull it
	out, so it's, like, "Peace," you know?	<u> </u>	out, so it's, like, "Peace," you know?
Q:	Mm-hm.	Q:	Mm-hm.
A:	I'm not - I'm not loaded anymore, and	A :	I'm not - I'm not loaded anymore, and

	15		
	I - and - and then I just slumped on the		I - and - and then I just slumped on the
	floor because I was in pain, 'cause you		floor because I was in pain, 'cause you
	know, I been shot and I don't even		know, I been shot and I don't even
,	know where the shot came from. I		know where the shot came from. I
	don't know.		don't know.
Q:	Okay.	Q:	Okay.
A:	I couldn't tell you.	A:	I couldn't tell you.
Q: A:	Okay.	Q:	Okay.
A :	I don't know if they were in front of	A:	I don't know if they were in front of
	my face because I never saw an actual		my face because I never saw an actual
	police officer. I only saw the cruiser.		police officer. I only saw the cruiser.
Q:	Mm-hm.	Q:	Mm-hm.
A:	In front of my house, but I never saw	A:	In front of my house, but I never saw
	them. Never. I never did.	j .	them. Never. I never did.
Q:	Where did you see the cruiser in front	Q:	Where did you see the cruiser in front
	of your house?		of your house?
A:	In front of the house. Like, just a little	A:	In front of the house. Like, just a little
	bit further down, like it was, like,		bit further down, like it was, like,
	kinda crooked.		kinda crooked.
Q:	Mm-hm.	Q:	Mm-hm.
A:	In a way, because it was, I guess, like	A:	In a way, because it was, I guess, like
	I said, the cruiser was there, but I		I said, the cruiser was there, but I
	didn't see anybody, and I can hear		didn't see anybody, and I can hear
:	somebody talk- screaming, but I don't		somebody talk-screaming, but I don't
	know where they - where they were		know where they - where they were
	or		or
Q:	Were you pretty sure they were police	Q:	Were you pretty sure they were police
	officers?		officers?
A:	Yes.	A:	Yes.
Q:	Okay. And why - why do you say that	Q:	Okay. And why - why do you say that
	you're sure? Did they say, "Police		you're sure? Did they say, "Police
	department?"		department?"
A:	Yes, they - they - they	A:	Yes, they - they - they
Q:	Can you remember exactly what they	Q:	Can you remember exactly what they
	said?		said?
A:	They said, uh, "Mario, this is San	A:	They said, uh, "Mario, this is San
	Leandro Police."		Leandro Police."
Q:	Uh-huh.	Q:	Uh-huh.
A:	Uh, "Drop your weapon. We won't	A:	Uh, "Drop your weapon. We won't
	hurt you. We wanna help you."		hurt you. We wanna help you."
Q:	Mm-hm.	Q:	Mm-hm.
A:	And then he repeated it again.	A:	And then he repeated it again.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And - and it was, like, a pattern.	A:	And - and it was, like, a pattern.

Q:	Yeah.	Q:	Yeah.
A:	You know, and - and I don't know if -	A:	You know, and - and I don't know if -
	if that happened before I shot that		if that happened before I shot that
	second shot, or after, all I remember		second shot, or after, all I remember
	was that it - that I shot two times.		was that it - that I shot two times.
<u>Q:</u>	Mm-hm.	Q:	Mm-hm.
A:	And - and that I clicked it twice and it	A:	And - and that I clicked it twice and it
	didn't go and the third time, when I		didn't go and the third time, when I
•	clicked it, it fired, and then I'm		clicked it, it fired, and then I'm
	thinkin' that when I fired the second	٠	thinkin' that when I fired the second
	shot, that's when they fired back		shot, that's when they fired back
	because I guess they felt, like,		because I guess they felt, like,
	threatened that I - that I was shooting.		threatened that I - that I was shooting.
	I wasn't shooting at them. I - I		I wasn't shooting at them. I - I
	couldn't even see (unintelligible).		couldn't even see (unintelligible).
Q:	Were - were your windows in your car	Q:	Were - were your windows in your car
	up or down? Do you remember?		up or down? Do you remember?
<u>A:</u>	No, they were rolled up.	A:	No, they were rolled up.
Q:	Okay. Is there tint on your window?	Q:	Okay. Is there tint on your window?
<u>A:</u>	All the windows are tinted.	A:	All the windows are tinted.
Q:	Are you able to see out of the car	Q:	Are you able to see out of the car
	through the tint?		through the tint?
A:	Yeah.	A:	Yeah.
Q:	Okay. Um, and then after you fired	Q:	Okay. Um, and then after you fired
	that second round, were you - did you		that second round, were you - did you
	ever get outside the car? Or were you		ever get outside the car? Or were you
	always		always
A:	I opened the door like a crazy because	A:	I opened the door like a crazy because
	I was shot. I opened the door like		I was shot. I opened the door like
	crazy and I just tossed the weapon on		crazy and I just tossed the weapon on
	the floor immediately.		the floor immediately.
Q:	Okay, well, I'm talkin' before - before	Q:	Okay, well, I'm talkin' before - before
	you actually felt that you got hit, were		you actually felt that you got hit, were
	you still inside the car?		you still inside the car?
A:	Yeah.	A:	Yeah.
Q:	Okay, did you open the door at all	Q:	Okay, did you open the door at all
	before you got hit?		before you got hit?
A:	Yes.	A:	Yes.
Q:	You - okay, go ahead.	Q:	You - okay, go ahead.
A:	Yes, I did because that's the only way	A:	Yes, I did because that's the only way
	to hear them, because inside the car,		to hear them, because inside the car,
1	everything's shut.		everything's shut.
Q:	Okay.	Q:	Okay.
A:	And - and when I opened the door,	A:	And - and when I opened the door,

	that's when I heard.		that's when I heard.
Q:	Okay, and that was before you got.	Q:	Okay, and that was before you got.
A:	Yes.	A:	Yes.
Q:	You got hit.	Q:	You got hit.
A:	Yeah, yeah. See, you know, like I'm sayin', I'm - I'm tryin' to tell you	A:	Yeah, yeah. See, you know, like I'm sayin', I'm - I'm tryin' to tell you
Q:	Chronological.	Q:	Chronological.
A:	I couldn't even do that, because	A:	I couldn't even do that, because
Q:	Okay.	Q:	Okay.
A:	I'm - I'm just - I heard the screams	A:	I'm - I'm just - I heard the screams
	twice.		twice.
Q:	Yeah.	Q:	Yeah.
A:	And - and I know that in order for me	A:	And - and I know that in order for me
	to hear it, I would have to have the		to hear it, I would have to have the
	door open, 'cause I could hear some-		door open, 'cause I could hear some-
	something like screams at first, but I	1	something like screams at first, but I
	couldn't tell what they were saying.		couldn't tell what they were saying.
Q:	Okay.	Q:	Okay.
A:	But when I opened the door, like,	A:	But when I opened the door, like,
	you're saying, when I opened the door		you're saying, when I opened the door
	and heard it.		and heard it.
Q:	Mm-hm.	Q:	Mm-hm.
A:	Then I was, like, oh, yeah, that's -	A:	Then I was, like, oh, yeah, that's -
	that's for me.		that's for me.
Q:	Okay.	Q:	Okay.
A:	They're tryin' to get my attention.	A:	They're tryin' to get my attention.
Q:	And that was before you got hit.	Q:	And that was before you got hit.
A:	Before I	A:	Before I
Q:	Before the round.	Q:	Before the round.
A:	Then I shut the door again.	A:	Then I shut the door again.
Q:	Okay.	Q:	Okay.
A:	I shut the door and I think that's when	A:	I shut the door and I think that's when
	- when I fired the second shot and I -		- when I fired the second shot and I -
	cops, you know, like I said, I		cops, you know, like I said, I
	respected 'em. They probably thought		respected 'em. They probably thought
	that I was gonna shot them or, you		that I was gonna shot them or, you
·	know, and I'm - and I'm so glad that		know, and I'm - and I'm so glad that
	they shot me. I'm so glad that they		they shot me. I'm so glad that they
	shot me in the back and didn't hurt me	{	shot me in the back and didn't hurt me
	'cause, they were only this much		'cause, they were only this much
	(unintelligible) getting to my leg.		(unintelligible) getting to my leg.
	They coulda hit me in my heart on the		They coulda hit me in my heart on the
	other side, and because the bullet	<u> </u>	other side, and because the bullet
Q:	Do you remember when you opened	Q:	Do you remember when you opened

	the door, do you remember if you had the gun in your hand when you opened		the door, do you remember if you had the gun in your hand when you opened
	the door?		the door?
A:	The first time?	<u>A:</u>	The first time?
Q:	Did you open the door more than once?	Q:	Did you open the door more than once?
A:	When I - when I'm tellin' you that I opened the door and I heard them talking.	A:	When I - when I'm tellin' you that I opened the door and I heard them talking.
Q:	Yeah.	Q:	Yeah.
A:	That's why - that's why I'm thinkin' that I closed the door again and then that I had - I had the - they didn't - they didn't see the gun the first time when I opened the door the first time.	A:	That's why - that's why I'm thinkin' that I closed the door again and then that I had - I had the - they didn't - they didn't see the gun the first time when I opened the door the first time.
Q:	Okay.	Q:	Okay.
A:	But I musta had it in my hand. I must have because I never put the gun down.	A:	But I musta had it in my hand. I must have because I never put the gun down.
Q:	Okay. But you're sayin', "When I opened the door the first time." Did you open the door more than once?	Q:	Okay. But you're sayin', "When I opened the door the first time." Did you open the door more than once?
A:	One time to hear what they were saying.	A:	One time to hear what they were saying.
Q:	Sure.	Q:	Sure.
A:	Close - close the door again. And that's when I - the - I don't know exactly how long it took me to shoot it, because like I said, I - I just remember clicking two times, and - and when I - when that happened, like I said, I don't even know if I was pointin' it at myself. I musta been a pussy and I was - I was just aiming at the window again.	A:	Close - close the door again. And that's when I - the - I don't know exactly how long it took me to shoot it, because like I said, I - I just remember clicking two times, and - and when I - when that happened, like I said, I don't even know if I was pointin' it at myself. I musta been a pussy and I was - I was just aiming at the window again.
Q:	Okay.	Q:	Okay.
A:	I musta.	A:	I musta.
Q:	All right.	Q:	All right.
A:	I - all I remember was seeing the hole and everything shattered, you know?	A:	I - all I remember was seeing the hole and everything shattered, you know?
Q:	Okay.	Q:	Okay.
A:	I - truly, and like I said, I - I - I'm not trying to aim at my daughter's car, I'm trying to aim sorta like at the sky, you	A:	I - truly, and like I said, I - I - I'm not trying to aim at my daughter's car, I'm trying to aim sorta like at the sky, you

	know?		know?
Q:	Mm-hm.	Q:	Mm-hm.
A:	I'm not - truly, I'm not - I'm not going	A:	I'm not - truly, I'm not - I'm not going
	to lie.		to lie.
Q:	All right.	Q:	All right.
<u>A:</u>	But you know what? When I - I was	A:	But you know what? When I - I was
	stupid because when they were		stupid because when they were
	screaming at me, it - I don't know if I		screaming at me, it - I don't know if I
	shot it before or - I don't really know		shot it before or - I don't really know
	exactly the way - how it happened.	1	exactly the way - how it happened.
	But what they were telling me, I		But what they were telling me, I
	should've thrown the gun out already.	ļ	should've thrown the gun out already.
Q:	Do you feel like they gave you plenty	Q:	Do you feel like they gave you plenty
	of opportunity to do that?		of opportunity to do that?
A:	Yeah, of course, it's from the moment	A:	Yeah, of course, it's from the moment
	they got there, man, from the moment	1	they got there, man, from the moment
	they got there, I shoulda		they got there, I shoulda
	(unintelligible). Because I didn't		(unintelligible). Because I didn't
	wanna shoot myself.		wanna shoot myself.
Q:	Yeah. So, it - I wanna get back to, um,	Q:	Yeah. So, it - I wanna get back to, um,
	so you shut the door. Or, you opened		so you shut the door. Or, you opened
	the door, you heard them yelling and		the door, you heard them yelling and
	then you shut the door, and that's		then you shut the door, and that's
	when you think you fired your second		when you think you fired your second
	round?		round?
A:	That's what I think.	A:	That's what I think.
Q:	Okay, and then after that second	Q:	Okay, and then after that second
	round, um, that was fired, did you		round, um, that was fired, did you
<u></u>	open the door after that?	_	open the door after that?
A:	When I got shot, yeah, I opened the	A :	When I got shot, yeah, I opened the
	door.	 	door.
Q:	After you got shot?	Q:	After you got shot?
A:	Yeah.	A:	Yeah.
<u>Q:</u>	Okay.	Q:	Okay.
A:	See, because it's - it's - it's so dark,	A :	See, because it's - it's - it's so dark,
	that I don't exactly remember how it		that I don't exactly remember how it
	happened, because I thought that they		happened, because I thought that they
	were firing from - from when I opened		were firing from - from when I opened
	the door, I thought that they fired at		the door, I thought that they fired at
	me when I had the door open, because		me when I had the door open, because
	I never heard any windows, like, you		I never heard any windows, like, you
	know, if they would shot for me from		know, if they would shot for me from
}	the one of the other windows, I didn't		the one of the other windows, I didn't
	feel it. I don't know where it came. I		feel it. I don't know where it came. I
	don't know where the shot came.		don't know where the shot came.

Q:	Okay.	Q:	Okay.
A:	I really - I couldn't even tell you,	A:	I really - I couldn't even tell you,
	maybe there was a officer on top of	1	maybe there was a officer on top of
	the car, I couldn't tell you, because all		the car, I couldn't tell you, because all
4	I - all I remember was feeling the pain.	100	I - all I remember was feeling the pain.
Q:	Uh-huh.	Q:	Uh-huh.
A:	And - and, like I said, I don't exactly	A:	And - and, like I said, I don't exactly
	know if I had already shot the second	:	know if I had already shot the second
	shot or I don't know.		shot or I don't know.
Q:	Okay.	Q:	Okay.
A:	Or maybe I shot the - or maybe I shot	A:	Or maybe I shot the - or maybe I shot
	the window and then seconds later		the window and then seconds later
*	they shot at me. I don't know.		they shot at me. I don't know.
Q:	Okay. Could it have been possible that	Q:	Okay. Could it have been possible that
.~	you fired that second round, then you	`	you fired that second round, then you
	opened the door?		opened the door?
A:	No.	A:	No.
Q:	Okay.	Q:	Okay.
A:	I - I was hit when - when I tossed -	A:	I - I was hit when - when I tossed -
	when I opened the door and tossed the		when I opened the door and tossed the
	gun on the floor. I was already hit, and		gun on the floor. I was already hit, and
	opened the door and tossed it out. I -		opened the door and tossed it out. I -
	that's - that's for sure because I didn't		that's - that's for sure because I didn't
	want you guys to - I didn't want - I		want you guys to - I didn't want - I
	felt that I was still alive and - and if		felt that I was still alive and - and if
·.	you - if the same officer would shoot		you - if the same officer would shoot
	me again because I still had the gun,		me again because I still had the gun,
	they woulda killed me. I didn't want		they woulda killed me. I didn't want
	you guys to - have to go through all	1	you guys to - have to go through all
į	that, because you shooting some		that, because you shooting some
	stupid ass.		stupid ass.
Q:	Okay. Um.	Q:	Okay. Um.
A:	And then the night, that, too, man. I'm	A:	And then the night, that, too, man. I'm
	- I thought that maybe, you know, I'm		- I thought that maybe, you know, I'm
	not gonna shoot myself and then if the		not gonna shoot myself and then if the
	cops get there, I was just gonna walk		cops get there, I was just gonna walk
	out and be, like, "I'm sorry," you		out and be, like, "I'm sorry," you
	know? I didn't mean to do it.		know? I didn't mean to do it.
Q:	Did you have - did you have, um,	Q:	Did you have - did you have, um,
	were you thinkin' in your head at all,		were you thinkin' in your head at all,
	you keep on callin' yourself a pussy		you keep on callin' yourself a pussy
	for not doin' it yourself. Did you think		for not doin' it yourself. Did you think
	in your head at all, it's - it's okay if I		in your head at all, it's - it's okay if I
	come out so the cops can shoot me?		come out so the cops can shoot me?
A:	No, never. Never. Never, I'm -	A:	No, never. Never. Never. Never, I'm -

I'm, before I'm stupid and a pussy, I'm human and - and you think if I - if I - if you shoot me, you - everyone will forget it. You'd never forget it. Q: Correct. A: You'd never forget it. You're gonna say, "I killed the fucking Mexican," he - he was gonna kill himself or hurt somebody. I never thought about that, I was even thinkin' about that, you know, in the - in the blackout stage, I was just, like, I wanted my wife to know - I want her to know, she fucked me. Q: So, after - after you felt your shoulder get shot, did you open the door again and then get out? A: Well, when I toss - when I toss the gun? Of course, I open the door, toss the gun out, and then I searched for the white shirt from my job, and I pull it out because I didn't want them to shoot me again, 'cause if they shoot - like I said, if they shoot me again, 'cause if they shoot - like I said, if they shoot me again, 'cause if they shoot or like I said, if they shoot me again, 'cause if they shoot me gain, 'cause if they shoot he again, 'cause if they shoot or like I said, if they shoot me again, 'cause if they shoot or the white shirt from my job, and I pull it out because I didn't want them to shoot me again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot me again, 'cause if they shoot me again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot me again, 'cause if they shoot me again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause if they shoot he again, 'cause i	_			
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point, I knew that I - that I was safe, point, I knew that I - that I was safe,				
		point, I knew that I - that I was safe,		point, I knew that I - that I was safe,

	that, you know, they weren't gonna shoot me again.		that, you know, they weren't gonna shoot me again.
Q:	Okay.	Q:	Okay.
A:	And then they pull me and they did	A:	And then they pull me and they did
-	the whole thing and everybody, you		the whole thing and everybody, you
	know, everybody help me, even - even		know, everybody help me, even - even
	the cop that came here this morning,		the cop that came here this morning,
	he - he said he was the one pressure -		he - he said he was the one pressure -
	putting pressure on my wound. I kinda		putting pressure on my wound. I kinda
	glanced a little bit at the shirt, and the		glanced a little bit at the shirt, and the
	shirt was, like, filled with blood, and		shirt was, like, filled with blood, and
Q:	Mm-hm. What - what side of the car	Q:	Mm-hm. What - what side of the car
	did you get out of, Mario?	`	did you get out of, Mario?
A:	Behind the driver.	A:	Behind the driver.
Q:	Behind the driver's side?	Q:	Behind the driver's side?
A:	Yeah.	A:	Yeah.
Q:	So, you kinda had to scoot yourself,	Q:	So, you kinda had to scoot yourself,
`	feet first, or were you		feet first, or were you
A:	No, uh, at that point, I was - I was no	A:	No, uh, at that point, I was - I was no
	longer sitting on top of the seat, like I		longer sitting on top of the seat, like I
1	was telling you. I was already sitting		was telling you. I was already sitting
	like a passenger on that seat.		like a passenger on that seat.
Q:	Passenger on what seat?	Q:	Passenger on what seat?
A:	The left rear.	A:	The left rear.
Q1:	Right behind the driver?	Q1:	Right behind the driver?
A:	Behind the driver. I was sitting like a	A:	Behind the driver. I was sitting like a
	normal person.		normal person.
Q:	Okay. When did you move to that	Q:	Okay. When did you move to that
	position?		position?
A:	Um, I was shot, you know. Then when	A:	Um, I was shot, you know. Then when
	I went to look for the second shot.		I went to look for the second shot.
Q:	You mean the second round?	Q:	You mean the second round?
A:	The second round, I - I sat - I went	A:	The second round, I - I sat - I went
L	directly and I sat on that seat.		directly and I sat on that seat.
Q:	Okay.	Q:	Okay.
A:	And then I was - and then I had - I had	A:	And then I was - and then I had - I had
	trouble opening the chamber again.		trouble opening the chamber again.
Q:	Okay.	Q:	Okay.
A:	'Cause I didn't know how to open it.	A:	'Cause I didn't know how to open it.
Q:	Mm-hm.	Q:	Mm-hm.
A:	And I'm playing with it and that's the	A:	And I'm playing with it and that's the
	part that I think that - that the cops	1	part that I think that - that the cops
	were there and they were screaming at		were there and they were screaming at
	me. And - and I wanted to open it - to		me. And - and I wanted to open it - to

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Q:	When you fired your first round, did	Q:	When you fired your first round, did
	you see where your wife was?		you see where your wife was?
A:	No. I - I com- I completely - I - I only	A:	No. I - I com- I completely - I - I only
:	remember that when I got in the car,		remember that when I got in the car,
	and maybe I was loading the - the gun		and maybe I was loading the - the gun
	or something, I remember seeing her		or something, I remember seeing her
	and my daughter over there by the		and my daughter over there by the
	driveway, almost on the street.		driveway, almost on the street.
Q:	Almost on the street, so behind you?	Q:	Almost on the street, so behind you?
A:	Yes. Behind, almost on the street.	A:	Yes. Behind, almost on the street.
	They moved away from me when -		They moved away from me when -
	they probably, they saw that I was		they probably, they saw that I was
	trying to reach for the gun, they		trying to reach for the gun, they
	moved away.		moved away.
Q:	Okay.	Q:	Okay.
A:	'Cause they, you know.	A:	'Cause they, you know.
Q:	Did they ever go back toward the	Q:	Did they ever go back toward the
-	house at all, do you know?		house at all, do you know?
A:	I don't know.	A:	I don't know.
Q:	Okay. And then, when this - this	Q:	Okay. And then, when this - this
	second round that you shot, you said]	second round that you shot, you said
	you pulled the trigger twice and the		you pulled the trigger twice and the
	gun didn't go off. And then, the third		gun didn't go off. And then, the third
	time, it went off.		time, it went off.
A:	(Unintelligible).	A:	(Unintelligible).
Q:	And it went through the back window.	Q:	And it went through the back window.
A:	The - the rear passenger on the left	A:	The - the rear passenger on the left
	side.		side.
Q:	Yeah. Yeah. Driver's side rear.	Q:	Yeah. Yeah. Driver's side rear.
A:	Yeah, so, so basically, my two left.	A:	Yeah, so, so basically, my two left.
Q:	Sure.	Q:	Sure.
A:	Windows are cracked.	A:	Windows are cracked.
Q:	Yeah. Yeah. So, that time, when you	Q:	Yeah. Yeah. So, that time, when you
	pulled the trigger twice and then you	`	pulled the trigger twice and then you
	fired the third round - the second		fired the third round - the second
	round.		round.
A:	Yeah, yeah, yeah, yeah, okay. I	A:	Yeah, yeah, yeah, yeah, okay. I
	understand.		understand.
Q:	So, after you fired that round, was it,	Q:	So, after you fired that round, was it,
ζ.	like, did you pull the trigger fast or did		like, did you pull the trigger fast or did
	you pull it once then wait, then pull		you pull it once then wait, then pull
	again and then wait, and then		again and then wait, and then
A:	All I remember is that it clicked twice.	A:	All I remember is that it clicked twice.
11.	I don't remember if I paused, I don't	***	I don't remember if I paused, I don't
L	i don tromomoor ii i pausou, i don t		i don i romomoor ii i pausou, i don i

	remember if it - if I went three times.		remember if it - if I went three times.
Q:	What was goin' through your head?	Q:	What was goin' through your head?
A:	Huh?	A:	Huh?
Q:	What was goin' through your head	Q:	What was goin' through your head
	when you're pullin' the trigger?		when you're pullin' the trigger?
A:	I just wanna - I just wanted to make	A:	I just wanna - I just wanted to make
	noise. I didn't want - I didn't want - I -		noise. I didn't want - I didn't want - I -
F.	I truly think that I wasn't even		I truly think that I wasn't even
	pointing it at myself.		pointing it at myself.
Q:	What do you mean, make noise?	Q:	What do you mean, make noise?
A:	You know, like, I just wanted, I	A:	You know, like, I just wanted, I
	wanted my wife to know that I'm -		wanted my wife to know that I'm -
	that I'm - that I was hurting.	}	that I'm - that I was hurting.
Q:	Okay. Did you want your wife to think	Q:	Okay. Did you want your wife to think
	that you killed yourself?		that you killed yourself?
A:	Probably. That - that she has to carry	A:	Probably. That - that she has to carry
	that for- forever.		that for- forever.
Q:	Did you think in your mind when you	Q:	Did you think in your mind when you
	got in the car, "I'm gonna kill myself."		got in the car, "I'm gonna kill myself."
A:	I don't think so. I don't know. Like,	A:	I don't think so. I don't know. Like,
	why would I go in the car and get the		why would I go in the car and get the
	gun? I don't know. I just, I know - I		gun? I don't know. I just, I know - I
	know that probably I'm thinking that		know that probably I'm thinking that
	maybe she was gonna hit the door	}	maybe she was gonna hit the door
	with a brick or something.		with a brick or something.
Q:	Yeah.	Q:	Yeah.
A:	You know? And save me or	A:	You know? And save me or
	something, I don't know.		something, I don't know.
Q:	About how many minutes went by	Q:	About how many minutes went by
`	between the first round and the	` .	between the first round and the
	second?		second?
A:	I don't know. I just remember having	A:	I don't know. I just remember having
	a hard time getting back there to get		a hard time getting back there to get
	(unintelligible).		(unintelligible).
Q:	And then, Mario, do you remember	Q:	And then, Mario, do you remember
`	what you did when you opened the		what you did when you opened the
	chamber? Did you do anything with		chamber? Did you do anything with
	the shell casing that was inside the		the shell casing that was inside the
	chamber?		chamber?
A:	Oh, I don't know. I remember - I	A:	Oh, I don't know. I remember - I
•	remember seeing, you know, like the		remember seeing, you know, like the
	smoke, that - and I remember that	1	smoke, that - and I remember that
	there's the - the waste or whatever you		there's the - the waste or whatever you
	TARES OF THE TRANSPORT OF TRANSPORT OF A LONDON TO THE PARTY OF THE PA	3	mand build the truste of william of you

Q:	Yeah.	Q:	Yeah.
A:	I don't remember what I did. Maybe	A:	I don't remember what I did. Maybe
	that's what confused me, 'cause - but I		that's what confused me, 'cause - but I
	don't remember. I - I couldn't tell you.		don't remember. I - I couldn't tell you.
	I don't wanna - I don't wanna tell		I don't wanna - I don't wanna tell
, The	you		you
Q:	No, that's fine. I appreciate it, did you	Q:	No, that's fine. I appreciate it, did you
	open the door?		open the door?
A:	No	A:	No.
Q:	After you opened that chamber?	Q:	After you opened that chamber?
A:	I opened the door one time.	A:	I opened the door one time.
Q:	Okay.	Q:	Okay.
_A:	To hear the - the second time because	A:	To hear the - the second time because
	I've been shot.		I've been shot.
Q:	Okay.	Q:	Okay.
A:	And that's only two times that I	A:	And that's only two times that I
	opened that door.		opened that door.
Q:	All right. So, the thing that you're	Q:	All right. So, the thing that you're
	calling the waste, which is the shell		calling the waste, which is the shell
	casing that was inside the chamber.		casing that was inside the chamber.
A:	I don't know.	A:	I don't know.
Q:	Okay. Did you take it out, do you	Q:	Okay. Did you take it out, do you
	know?	1	know?
A:	I don't know.	A:	I don't know.
Q:	Okay.	Q:	Okay.
A:	I don't know. I don't - I have never	A:	I don't know. I don't - I have never
	worked a gun, and I don't know if - if		worked a gun, and I don't know if - if
	- if it - if there was, like, "Oh, this is	į	- if it - if there was, like, "Oh, this is
	here. I - I forgot that they stay here."		here. I - I forgot that they stay here."
Q:	Uh-huh.	Q:	Uh-huh.
A:	I don't - I don't remember that. I don't	A:	I don't - I don't remember that. I don't
	remember seein' it. I don't remember.	1	remember seein' it. I don't remember.
	Maybe I saw it in - in that moment,		Maybe I saw it in - in that moment,
	but like I said, I'm - I'm stupid drunk,		but like I said, I'm - I'm stupid drunk,
	and - and I'm a pussy. I just, you		and - and I'm a pussy. I just, you
-	know, you - I just wanna make her		know, you - I just wanna make her
	believe me that she's all I got and that		believe me that she's all I got and that
	I care for her.		I care for her.
Q:	Okay.	Q:	Okay.
Q1:	Mario, (unintelligible) I'm gonna back	Q1:	Mario, (unintelligible) I'm gonna back
l	up a little bit, so you mentioned earlier		up a little bit, so you mentioned earlier
ļ			
	that before you went into the vehicle,		that before you went into the vehicle,
	that before you went into the vehicle, that you spoke to your daughter in		that before you went into the vehicle, that you spoke to your daughter in

A:	Yeah.	A :	Yeah.
Q1:	And you were telling her good-bye, is that correct?	Q1:	And you were telling her good-bye, is that correct?
A:	I think it's so, like, I'm telling you, I'm	A:	I think it's so, like, I'm telling you, I'm
Q1:	From what you remember, then.	Q1:	From what you remember, then.
$\frac{\mathbf{Q}_{1}}{\mathbf{A}}$:	I remem- I remember her crying. But I	A:	I remem- I remember her crying. But I
A.	don't remember at what point.	Α.	don't remember at what point.
Q1:	You remember you mentioned she kept saying, "Don't do it. Don't do it," is that right?	Q1:	You remember you mentioned she kept saying, "Don't do it. Don't do it," is that right?
A:	Yes. Yes.	A:	Yes. Yes.
Q1:	Okay. Um, and then, either before that or after that, you said good-bye to your dog, correct? And your intent of saying good-bye to your dog was why again? Because what were you - what were you going to do?	Q1:	Okay. Um, and then, either before that or after that, you said good-bye to your dog, correct? And your intent of saying good-bye to your dog was why again? Because what were you - what were you going to do?
A:	You know, like I said, maybe because my wife was there. You know, I was just trying - again, I'm just tryin' to make - make her - make her think that I - that I - that if she's not with me, I'd rather die.	A:	You know, like I said, maybe because my wife was there. You know, I was just trying - again, I'm just tryin' to make - make her - make her think that I - that I - that if she's not with me, I'd rather die.
Q1:	So, you're - so, just correct me if I'm wrong. That you were saying goodbye to them for them to possibly believe that you were going to end your life, is that correct?	Q1:	So, you're - so, just correct me if I'm wrong. That you were saying goodbye to them for them to possibly believe that you were going to end your life, is that correct?
A:	Yeah.	A:	Yeah.
Q1:	So, you go to the vehicle, correct? You get in the car, you lock the vehicle. Purposely pushing one time on the button, to only let yourself in the vehicle.	Q1:	So, you go to the vehicle, correct? You get in the car, you lock the vehicle. Purposely pushing one time on the button, to only let yourself in the vehicle.
A:	No, because when I got in the car, I don't know if - where I put the keys, so I didn't lock it with the control. I locked it with my hand.	A:	No, because when I got in the car, I don't know if - where I put the keys, so I didn't lock it with the control. I locked it with my hand.
Q1:	Yeah, but you - you opened - you made sure	Q1:	Yeah, but you - you opened - you made sure
A:	One.	A:	One.
Q1:	One time, so no one else could	Q1:	One time, so no one else could
	To get in. To get in the first time.	A:	To get in. To get in the first time.

Q1:	Yeah, but you didn't push it twice so	Q1:	Yeah, but you didn't push it twice so
	the other doors wouldn't open.	,,~	the other doors wouldn't open.
A:	Right.	A:	Right.
Q1:	That's what - that's what I'm saying,	Q1:	That's what - that's what I'm saying,
	so.		SO.
A:	Yeah.	A:	Yeah.
Q1:	So, only you can get into the driver's	Q1:	So, only you can get into the driver's
\\ \frac{1}{2}.	side. No one can get in the other	ζ	side. No one can get in the other
	doors. So, once you get in		doors. So, once you get in
A:	You know, I know - I - I don't know	A:	You know, I know - I - I don't know
	where you're tryin' to go with it, but	11.	where you're tryin' to go with it, but
Q1:	No, I'm trying to be clear, that's all.	Q1:	No, I'm trying to be clear, that's all.
A:	No, because, um, you know, I'm just,	A:	No, because, um, you know, I'm just,
11.	like I said, I'm trying to create	A.	like I said, I'm trying to create
	something that's not there, okay? I'm		something that's not there, okay? I'm
	trying to make, like - like you're		trying to make, like - like you're
	saying, believe- make them believe		saying, believe- make them believe
-	that I was gonna do something, when		that I was gonna do something, when
۸.	I'm - when I'm - when I'm not		I'm - when I'm - when I'm not
	capable of doing it.		capable of doing it.
Q1:	Okay, but	Q1:	Okay, but
	sstalk))		
		A:	sstalk))
A :	I'm, no, because, um, you know, truly,	A.	I'm, no, because, um, you know, truly,
	I just, you know, I never wanna hurt		I just, you know, I never wanna hurt
1	them, and, you know, going back		them, and, you know, going back
	again, I'm - I did it thinkin' that		again, I'm - I did it thinkin' that
	maybe somebody was gonna save me,		maybe somebody was gonna save me,
01.	maybe.	01.	maybe.
Q1:	Okay.	Q1:	Okay.
A :	But I know if I had a gun in my hand	A:	But I know if I had a gun in my hand
٠	and an officer would never ever go to		and an officer would never ever go to
-	my window and knock on my		my window and knock on my
	window, of course, you know, that		window, of course, you know, that
	would be stupid, so, I wasn't		would be stupid, so, I wasn't
	expecting one of you guys to come		expecting one of you guys to come
01	and help me inside the car.	01	and help me inside the car.
Q1:	Okay.	Q1:	Okay.
A:	Plus, I got tinted windows.	A:	Plus, I got tinted windows.
Q1:	Yeah.	Q1:	Yeah.
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A:	Yeah, so, and I don't know exactly	A:	Yeah, so, and I don't know exactly
	how the - how the - how a little thing	A:	how the - how the - how a little thing
	how the - how the - how a little thing happened, but I remember seeing her,	A:	how the - how the - how a little thing happened, but I remember seeing her,
	how the - how the - how a little thing happened, but I remember seeing her, my wife, on the phone, and my	A:	how the - how the - how a little thing happened, but I remember seeing her, my wife, on the phone, and my
	how the - how the - how a little thing happened, but I remember seeing her,	A:	how the - how the - how a little thing happened, but I remember seeing her,

Q1:	Mm-hm.	Q1:	Mm-hm.
A:	But I don't see their faces, all I know	A:	But I don't see their faces, all I know
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	is that my wife is, like, you know,		is that my wife is, like, you know,
	like, one hand in the air, and one hand	,	like, one hand in the air, and one hand
	- one hand with her phone, like, she's		- one hand with her phone, like, she's
	- like, if she was crying, and you		- like, if she was crying, and you
	know, I don't know exactly what -		know, I don't know exactly what -
	what she was doing.	L	what she was doing.
Q1:	So, let me just, okay. Um, while you	Q1:	So, let me just, okay. Um, while you
	were in the car, obviously, you laid		were in the car, obviously, you laid
	down in the front passenger seat, the		down in the front passenger seat, the
	front passenger seat.	Ì	front passenger seat.
A:	Mm-hm.	A:	Mm-hm.
Q1:	You - you roll over, which is a think	Q1:	You - you roll over, which is a think
	you never do before, right?	,	you never do before, right?
A:	Yeah.	A:	Yeah.
Q1:	You're - you're a bigger guy anyways.	Q1:	You're - you're a bigger guy anyways.
	So, you go back, you're able to		So, you go back, you're able to
	retrieve the gun from the rear of the		retrieve the gun from the rear of the
	trunk.		trunk.
A:	Yeah.	A:	Yeah.
Q1:	Um, get one round, load it while	Q1:	Um, get one round, load it while
7	you're sittin' on that - that seat.		you're sittin' on that - that seat.
A:	Yeah.	A:	Yeah.
Q1:	And you're saying you sit there, um,	Q1:	And you're saying you sit there, um,
	you just touch the trigger?		you just touch the trigger?
A:	I barely touched the trigger, that's	A:	I barely touched the trigger, that's
	how	1	how
Q1:	And this is the first time you've	Q1:	And this is the first time you've
	handled a gun?		handled a gun?
A:	Yes.	A:	Yes.
Q1:	You never shot a gun before?	Q1:	You never shot a gun before?
A:	No.	A:	No.
Q1:	You don't know how to operate a	Q1:	You don't know how to operate a
	gun?		gun?
A:	I mean, I, uh, you know, I was in	A:	I mean, I, uh, you know, I was in
	JROTC.		JROTC.
Q1:	Yeah.	Q1:	Yeah.
A:	And I did - I did B.B. guns, and stuff	A:	And I did - I did B.B. guns, and stuff
	like that, but never a real gun.		like that, but never a real gun.
Q1:	But not a real, okay.	Q1:	But not a real, okay.
A:	Yeah.	A:	Yeah.
1 4 1.			
Q1:	So then, um, so that's the first time it	Q1:	So then, um, so that's the first time it

A:	Correct.	A:	Correct.
Q1:	And it goes out the driver side	Q1:	And it goes out the driver side
	window.		window.
A:	Yeah.	A:	Yeah.
Q1:	Okay. And then, um, at that	Q1:	Okay. And then, um, at that
A:	That - that noise kind of - it was so	A:	That - that noise kind of - it was so
,	loud that it was, like, (unintelligible)		loud that it was, like, (unintelligible)
	you know? What did I do, and then,		you know? What did I do, and then,
	I'm not thinking - I'm not thinking		I'm not thinking - I'm not thinking
	you better stop right there and get out,		you better stop right there and get out,
	you know?		you know?
Q1:	But at that point, you didn't grab	Q1:	But at that point, you didn't grab
L	another round.		another round.
A :	Yeah, it took me forever again to go	A:	Yeah, it took me forever again to go
	back all the way over there and crawl		back all the way over there and crawl
	and - and take another, uh		and - and take another, uh
Q:	Round.	Q:	Round.
A:	Round.	A:	Round.
Q1:	And then somehow you - I say	Q1:	And then somehow you - I say
	somehow, 'cause you don't know how		somehow, 'cause you don't know how
	to operate the - the gun to say - you're		to operate the - the gun to say - you're
	able to open up the cylinder, place		able to open up the cylinder, place
	another round in, and it closes.		another round in, and it closes.
A:	And it close.	A:	And it close.
Q1:	You know the	Q1:	You know the
A:	Yeah.	A:	Yeah.
Q1:	Closes, okay. So it looks like it's	Q1:	Closes, okay. So it looks like it's
ļ	together again.	<u> </u>	together again.
A:	Yeah.	A:	Yeah.
Q1:	As Brian mentioned, um, you pull the	Q1:	As Brian mentioned, um, you pull the
1	trigger twice, correct? And then you		trigger twice, correct? And then you
	hear clicks.	 	hear clicks.
A:	I hear two clicks.	A:	I hear two clicks.
Q1:	Okay. Do you know what - do you	Q1:	Okay. Do you know what - do you
	know where you're pointing, or no?	 	know where you're pointing, or no?
A:	I'm not pointing at me, most	A:	I'm not pointing at me, most
	definitely, but I'm not pointing out the		definitely, but I'm not pointing out the
	car, because there's a car right next to		car, because there's a car right next to
01	her	101	her
Q1:	But you mentioned that you pulled the	Q1:	But you mentioned that you pulled the
	two triggers to hear - to hear - to make		two triggers to hear - to hear - to make
	noise, is that correct?		noise, is that correct?
A:	Yeah, but, you know, I started by	A:	Yeah, but, you know, I started by
<u> </u>	telling you, I don't know if I had it in	1	telling you, I don't know if I had it in

	my head.		my head.
Q1:	Mm-hm.	Q1:	Mm-hm.
A:	I don't know if I had it because -	A:	I don't know if I had it because -
	because - because when I was		because - because when I was
	drinking tequila and - and my wife		drinking tequila and - and my wife
	went back to bed and she told me that		went back to bed and she told me that
	she would meet me out over here,		she would meet me out over here,
	'cause her door was open for the		'cause her door was open for the
	bedroom, "If you need me, I'm over		bedroom, "If you need me, I'm over
	here," and I said, "Okay." And I		here," and I said, "Okay." And I
	opened the - the back door to the yard.		opened the - the back door to the yard.
Q1:	Mm-hm.	Q1:	Mm-hm.
A:	And we had - I had left a - a knife	A:	And we had - I had left a - a knife
	back there and I was thinking how can	[back there and I was thinking how can
	people cut themselves, right?		people cut themselves, right?
Q1:	Mm-hm.	Q1:	Mm-hm.
A:	And I grabbed it and I hit my stomach	A:	And I grabbed it and I hit my stomach
	with it and I didn't have the balls to		with it and I didn't have the balls to
	push it all the way in. And I just put it	}	push it all the way in. And I just put it
	back and I was, like, what the fuck are	ľ	back and I was, like, what the fuck are
	you doing? You know? And I got back		you doing? You know? And I got back
	in the house, I was just, like, I'm so		in the house, I was just, like, I'm so
	stupid - why you do that? And that		stupid - why you do that? And that
	was just, you know, like, I was in a		was just, you know, like, I was in a
	roller coaster, just going down, like		roller coaster, just going down, like
Q1:	Well, I appreciate you sharing that	Q1:	Well, I appreciate you sharing that
	with me. I do. So, I just wanna kinda		with me. I do. So, I just wanna kinda
	get back to where we were. So, we're		get back to where we were. So, we're
	back in the car, you pull the trigger		back in the car, you pull the trigger
	twice and it clicks, because you - as		twice and it clicks, because you - as
	you mentioned earlier, you lost where		you mentioned earlier, you lost where
· · · · · · · · · · · · · · · · · · ·	- with the cylinder, right?		- with the cylinder, right?
<u>A:</u>	Yeah.	A:	Yeah.
Q1:	The third time you pull the trigger, it	Q1:	The third time you pull the trigger, it
	goes off. And as you mentioned		goes off. And as you mentioned
	numerous times to Brian and I, that,		numerous times to Brian and I, that,
	um, you didn't feel like you had it in	ł	um, you didn't feel like you had it in
	yourself to hurt yourself, is that		yourself to hurt yourself, is that
	correct?		correct?
A:	Mmm.	A:	Mmm.
Q1:	But, when you - when that second	Q1:	But, when you - when that second
	round fired, right? Prior to that, you		round fired, right? Prior to that, you
	had opened the door and you heard the		had opened the door and you heard the
	command from the officers, right?		command from the officers, right?
	And they - what'd they tell you again?		And they - what'd they tell you again?

1	You remember what they told you?		You remember what they told you?
A:	They told - they were saying, "Mario,	A:	They told - they were saying, "Mario,
	this is San Leandro Police. We wanna		this is San Leandro Police. We wanna
	help you."		help you."
Q1:	Okay.	Q1:	Okay.
<u>A:</u>	"Come out."	A:	"Come out."
Q1:	Okay.	Q1:	Okay.
A:	"Come out. Put your hands up and come out."	A:	"Come out. Put your hands up and come out."
Q1:	Okay. So, when they say that, you obviously know that they're there to help you, correct?	Q1:	Okay. So, when they say that, you obviously know that they're there to help you, correct?
A:	Yeah.	A:	Yeah.
Q1:	Uh, therefore, then afterwards, you close the door, and then I think that's when you pulled the trigger twice.	Q1:	Uh, therefore, then afterwards, you close the door, and then I think that's when you pulled the trigger twice.
A:	Yeah.	A:	Yeah.
<u>A.</u> Q1:	Right.	Q1:	Right.
<u>Q1.</u> A:	I mean, exactly, I - I	A:	I mean, exactly, I - I
<u>A.</u> Q1:	That - that's from what - what we	Q1:	That - that's from what - what we
QI.	gather.	\ \Q_1.	gather.
A:	And I, you know, if that - yeah, I - I	A:	And I, you know, if that - yeah, I - I
	truly exactly don't know how.	11.	truly exactly don't know how.
Q1:	Okay. So, 1- let's - at this point,	Q1:	Okay. So, 1- let's - at this point,
ζ	though, we have - you know the	\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \	though, we have - you know the
	officers are there.	and the	officers are there.
A:	Yeah.	A:	Yeah.
Q1:	You know they're there to help you, correct? For you to come out with your hands up. You still have the gun in your hand, you pull the trigger twice, nothing goes off, 'cause you don't know where they are in the cylinder.	Q1:	You know they're there to help you, correct? For you to come out with your hands up. You still have the gun in your hand, you pull the trigger twice, nothing goes off, 'cause you don't know where they are in the cylinder.
<u>A:</u>	Yeah.	A:	Yeah.
Q1:	And the third time, it does go off.	Q1:	And the third time, it does go off.
<u>A:</u>	Yeah.	A:	Yeah.
Q1:	And then afterwards, you know, you come out, correct?	Q1:	And then afterwards, you know, you come out, correct?
A:	Yeah, after I got shot.	A:	Yeah, after I got shot.
Q1:	After you got shot, you came out?	Q1:	After you got shot, you came out?
A:	And I throw it down on the ground.	A:	And I throw it down on the ground.
((Cro	osstalk))		osstalk))
À:	Because, like - like I'm saying, I don't		Because, like - like I'm saying, I don

Q1:	know if, you know, what it is, what it is about, you know, how - how you guys do your, you know, when you come up on this situation. But, I never thought that you guys were gonna fire at me. Okay.	Q1:	know if, you know, what it is, what it is about, you know, how - how you guys do your, you know, when you come up on this situation. But, I never thought that you guys were gonna fire at me. Okay.
A:	After shooting at the window, because	A:	After shooting at the window, because
	if I shot at the window again, for the	2.00	if I shot at the window again, for the
	second time, why would they fire at		second time, why would they fire at
	me right away? Is it because I could		me right away? Is it because I could
	have more rounds in the gun, or, were,		have more rounds in the gun, or, were,
	like, they feel threatened? I don't		like, they feel threatened? I don't
<u></u>	know.		know.
Q1:	Tho- those are all possibilities.	Q1:	Tho- those are all possibilities.
A:	Yeah, so, I'm just	A:	Yeah, so, I'm just
Q1:	I'm - I'm - I'm gonna kinda go on this	Q1:	I'm - I'm - I'm gonna kinda go on this
	possibility, though, that - that you		possibility, though, that - that you
	mentioned earlier about the knife, and		mentioned earlier about the knife, and
	you mentioned earlier about the gun		you mentioned earlier about the gun
	that you didn't feel like you could hurt		that you didn't feel like you could hurt
	yourself, although with the knife, you	}	yourself, although with the knife, you
	came to your stomach with it, but you		came to your stomach with it, but you
	just couldn't push it through. And, at	Ì	just couldn't push it through. And, at
1	that point, when someone does that, I		that point, when someone does that, I
	believe that they wanna - they wanna	*	believe that they wanna - they wanna
A .	hurt themselves. Yeah.	۸.	hurt themselves. Yeah.
A:		A:	
Q1:	Even though you don't push all the	Q1:	Even though you don't push all the
	way, through, I believe that person, at		way, through, I believe that person, at
	that time, wants to hurt themselves, is that correct?		that time, wants to hurt themselves, is that correct?
A:	Yeah.	A:	Yeah.
Q1:	Okay, so with everything going on, all	Q1:	Okay, so with everything going on, all
1 4	the stress and everything, with the	۸,,	the stress and everything, with the
	alcohol, the mixture of the		alcohol, the mixture of the
	so forth, and here we are in the car,		so forth, and here we are in the car,
	and that second round goes off. And -		and that second round goes off. And -
	and you said you don't believe you		and you said you don't believe you
	pointed it at yourself, 'cause you don't		pointed it at yourself, 'cause you don't
	believe you can do it.		believe you can do it.
A:	No. (Unintelligible).	A:	No. (Unintelligible).
Q1:	Is it possible that you were thinking	Q1:	Is it possible that you were thinking
1 4	that if I do this, that the officers are	\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \	that if I do this, that the officers are
	gonna shoot me and end my life for		gonna shoot me and end my life for
	Somia shoot me and ond my me for		Postura priori mo ana ona my mo ioi

	me?	. 1	me?
A:	No, never. Same thing I told him.	A:	No, never. Same thing I told him.
Q1:	Are you sure?	Q1:	Are you sure?
A:	Of course.	A:	Of course.
Q1:	Okay.	Q1:	Okay.
A:	I - I always thought that they were gonna wait and - and - and - wait for me to kill myself rather than shoot me.	A:	I - I always thought that they were gonna wait and - and - and - wait for me to kill myself rather than shoot me.
Q1:	Mm-hm.	Q1:	Mm-hm.
A:	They wouldn't shoot me, they would wait for me to end my life, and that would be it. Because they're screaming, they're trying to help me, but they're not gonna get close to me or shoot at me.	A:	They wouldn't shoot me, they would wait for me to end my life, and that would be it. Because they're screaming, they're trying to help me, but they're not gonna get close to me or shoot at me.
Q1:	You're very, very (unintelligible) on that. I just think that when two bullets are being shot out of a car, right? That's a public safety hazard, yes? I mean, let me ask you this. Your driver's side door? Where you're sitting? 'Cause I think your house - I think the car's facing north at this point?	Q1:	You're very, very (unintelligible) on that. I just think that when two bullets are being shot out of a car, right? That's a public safety hazard, yes? I mean, let me ask you this. Your driver's side door? Where you're sitting? 'Cause I think your house - I think the car's facing north at this point?
A:	Mm-hm.	A:	Mm-hm.
Q1:	All the way down the left, I think it's Bancroft?	Q1:	All the way down the left, I think it's Bancroft?
A:	Yeah.	A:	Yeah.
Q1:	What's over on Bancroft?	Q1:	What's over on Bancroft?
A:	The high school - (unintelligible) High School.	A:	The high school - (unintelligible) High School.
Q1:	Okay.	Q1:	Okay.
A:	Yeah, so I was shooting - I was shooting up to the sky. I'm not shooting straight, or any, like, to my neighbor's house or to my own house. I'm trying to shoot - I don't wanna hit the car.	A:	Yeah, so I was shooting - I was shooting up to the sky. I'm not shooting straight, or any, like, to my neighbor's house or to my own house. I'm trying to shoot - I don't wanna hit the car.
Q1:	Yeah.	Q1:	Yeah.
A:	I don't wanna hit anything. I know that the pol- that if I shoot up, it's gonna go up.	A:	I don't wanna hit anything. I know that the pol- that if I shoot up, it's gonna go up.
Q1:	Mm-hm. But what goes up, must come	Q1:	Mm-hm. But what goes up, must come

A:	Yeah.	A:	Yeah.
Q1:	Right?	Q1:	Right?
A:	Yeah, but, you know. I know, yeah, I	A:	Yeah, but, you know. I know, yeah, I
	know. You know, I unde- I - I, like, I		know. You know, I unde- I - I, like, I
	said, I know where you're goin' with		said, I know where you're goin' with
	that because you're tellin' me that		that because you're tellin' me that
	because I had already shot one time		because I had already shot one time
	the window, and they probably		the window, and they probably
	already saw it, or they heard it and		already saw it, or they heard it and
	saw it, whatever. They were already		saw it, whatever. They were already
	prepared to do - if I do the same again,		prepared to do - if I do the same again,
	they gonna shoot.		they gonna shoot.
Q:	Not necessarily.	Q:	Not necessarily.
Q1:	No, no, because.	Q1:	No, no, because.
A:	You just said, I'm putting people in	A:	You just said, I'm putting people in
	danger by shooting from outside, from		danger by shooting from outside, from
	a car, outside.		a car, outside.
Q:	You are.	Q:	You are.
A:	So they - so they were ready.	A:	So they - so they were ready.
Q:	Oh, they were there.	Q:	Oh, they were there.
A:	Yeah, they were ready.	A:	Yeah, they were ready.
Q:	They - they were ready to give you the	Q:	They - they were ready to give you the
	help that you needed.		help that you needed.
A:	No, they're ready to - to make me	A:	No, they're ready to - to make me
	stop, because if I shoot again outside,		stop, because if I shoot again outside,
	from inside to the outside, I can hurt	.}	from inside to the outside, I can hurt
	him or I can hurt somebody.		him or I can hurt somebody.
Q:	That's true.	Q:	That's true.
A:	So.	A:	So.
Q:	That is true.	Q:	That is true.
A:	You know, I have - I have	A:	You know, I have - I have
Q:	I don't doubt your respect	Q:	I don't doubt your respect
	(unintelligible).		(unintelligible).
A:	And I don't - and I don't - and, like I	A:	And I don't - and I don't - and, like I
	said, and I - I thank them because they		said, and I - I thank them because they
	- they stopped me because if they - if		- they stopped me because if they - if
	they woulda just stayed still and kept		they woulda just stayed still and kept
	screaming and stuff, who knows if I		screaming and stuff, who knows if I
	woulda gone, I doubted that I woulda		woulda gone, I doubted that I woulda
	gone back there again.		gone back there again.
Q:	Goin' back?	Q:	Goin' back?
A:	To grab another round.	A:	To grab another round.
Q:	Oh, okay.	Q:	Oh, okay.
A:	I really doubt it. I really doubt it. I	A:	I really doubt it. I really doubt it. I

	woulda just jumped out and be, like,		woulda just jumped out and be, like,
·	"Okay. I'm through. I'm done."		"Okay. I'm through. I'm done."
Q:	Okay.	Q:	Okay.
A:	But, like, you were saying, if - he shot	A:	But, like, you were saying, if - he shot
	me because he thought maybe I was		me because he thought maybe I was
	gonna hurt someone.		gonna hurt someone.
Q1:	Now, could it be, and - and just - I - I	Q1:	Now, could it be, and - and just - I - I
	don't know the answer to this, only		don't know the answer to this, only
	you would. Um, and maybe you don't		you would. Um, and maybe you don't
1	have answers, could it be possible, in		have answers, could it be possible, in
	the state of mind that you were in,		the state of mind that you were in,
	right? That it's possible that you were		right? That it's possible that you were
	thinking a number of different things.	·	thinking a number of different things.
ļ	Whether it's, A. I am pointing at		Whether it's, A. I am pointing at
	myself or you're not. You know what		myself or you're not. You know what
	I mean? Like, like, you talked about		I mean? Like, like, you talked about
	the knife.		the knife.
A:	Mm-hm.	A:	Mm-hm.
Q1:	You're very conscious of where it	Q1:	You're very conscious of where it
	went and you knew, kinda, snapped		went and you knew, kinda, snapped
<u></u>	out of it, does that make sense?	ļ	out of it, does that make sense?
A:	Yeah.	A:	Yeah.
Q1:	Like, I can't, I'm not gonna do this,	Q1:	Like, I can't, I'm not gonna do this,
	right?	ļ	right?
A:	Yeah.	A:	Yeah.
Q1:	(Unintelligible). Um, is it possible	Q1:	(Unintelligible). Um, is it possible
	while you were in the car, that you		while you were in the car, that you
	were thinking, you know, "Yeah, I		were thinking, you know, "Yeah, I
	wanna - I wanna end my life," but for		wanna - I wanna end my life," but for
	some reason, not pulling the trigger?		some reason, not pulling the trigger?
	You know what I mean? Like, not -	ļ ·	You know what I mean? Like, not -
	not pulling it and it just goes the other		not pulling it and it just goes the other
	way and then you pull it? Is that		way and then you pull it? Is that
<u> </u>	possible?	+	possible?
A:	It's possible.	A:	It's possible.
Q1:	That's what I'm	Q1:	That's what I'm
A:	Because when I hear it, when I heard	A:	Because when I hear it, when I heard
	it click two times, I don't even know		it click two times, I don't even know
01:	which way it was facing.	01:	which way it was facing.
Q1:	Was that - if it's loud?	Q1:	Was that - if it's loud?
A:	Huh?	A:	Huh?
Q1:	Were the clicks loud?	Q1:	Were the clicks loud?
A:	No, like, click-click, click-click.	A:	No, like, click-click, click-click.
Q1:	Was it loud, like, up, up here, or the	Q1:	Was it loud, like, up, up here, or the

A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: Uh-huh. A: It's louder here and now it's loud ri here. A: I heard the clicks, but I don't know how loud they were. A: I heard the clicks, but I don't know how loud they were. A: I fit was super loud or just clicks, I don't know. A: If it was super loud or just clicks, I don't know. A: Yeah, And - and again, I - I, you know, I don't know if I was pointing it at me. A: Yeah, And - and again, I - I, you know, I don't know if I was pointing it at me. A: I couldn't tell you. But I - but I knew but I knew that - that was gonna be the - the last time I - I shot. This morning, that would - that would be the last time I did that. A: And that after that, I would come out, no matter what. QI: Okay. A: And that after that, I would come out, no matter what. QI: And then you came out right afterwards. A: Yeah, I came out, but A: Yeah, I came out, but QI: Just afterwards. A: Unfortunately, I - I got shot. That kinda scared me, because I - I thought that one shot was not gonna be enough. QI: Mm-hm. A: From the cop to shoot me one time, I was thinking he's gonna shoot again, and so I immediately opened the door and threw the gun out. QI: When you threw the gun out - how did you - how did - how did you discard the gun out? Did you ((Crosstalk)) A: I grabbed it from the, you know, from		sound was down low? You know, you		sound was down low? You know, you			
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Q1: Okay. A: And that after that, I would come out, no matter what. A: And that after that, I would come on no matter what. Q1: And then you came out right afterwards. Q1: And then you came out right afterwards. A: Yeah, I came out, but Q1: Just afterwards. A: Unfortunately, I - I got shot. That kinda scared me, because I - I thought that one shot was not gonna be enough. A: Unfortunately, I - I got shot. That kinda scared me, because I - I thought that one shot was not gonna be enough. Q1: Mm-hm. Q1: Mm-hm. A: From the cop to shoot me one time, I was thinking he's gonna shoot - he's gonna shoot again, and so I immediately opened the door and threw the gun out. A: From the cop to shoot me one time was thinking he's gonna shoot again, and so I immediately opened the door and threw the gun out. Q: When you threw the gun out - how did you - how did - how did you discard the gun out? Did you Q: When you threw the gun out - how you - how did - how did you discard the gun out? Did you Q: When you know, from A: I grabbed it from the, you know, from A: I grabbed it from the, you know, from	A:	but I knew that - that was gonna be the - the last time I - I shot. This morning, that would - that would be the last	A:				
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Q1:Just afterwards.Q1:Just afterwards.A:Unfortunately, I - I got shot. That kinda scared me, because I - I thought that one shot was not gonna be enough.A:Unfortunately, I - I got shot. That kinda scared me, because I - I thou that one shot was not gonna be enough.Q1:Mm-hm.Q1:Mm-hm.A:From the cop to shoot me one time, I was thinking he's gonna shoot - he's gonna shoot again, and so I immediately opened the door and threw the gun out.A:From the cop to shoot me one time was thinking he's gonna shoot - he gonna shoot again, and so I immediately opened the door and threw the gun out.Q:When you threw the gun out - how did you - how did - how did you discard the gun out? Did youQ:When you threw the gun out - how did you discard the gun out? Did you((Crosstalk))((Crosstalk))A:I grabbed it from the, you know, fromA:I grabbed it from the, you know, from	A:	Yeah, I came out, but	A:	Yeah, I came out, but			
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Q: When you threw the gun out - how did you - how did - how did you discard the gun out? Did you ((Crosstalk)) A: I grabbed it from the, you know, from Q: When you threw the gun out - how you - how did - how did you discard the gun out? Did you ((Crosstalk)) A: I grabbed it from the, you know, from A: I grabbed it from the, you know, from		was thinking he's gonna shoot - he's gonna shoot again, and so I immediately opened the door and		immediately opened the door and			
((Crosstalk)) ((Crosstalk)) A: I grabbed it from the, you know, from A: I grabbed it from the, you know, from	Q:	When you threw the gun out - how did you - how did - how did you discard	Q:	When you threw the gun out - how did you - how did - how did you discard			
A: I grabbed it from the, you know, from A: I grabbed it from the, you know, fr	((()		((()				
the, what do you call that manual part? the, what do you call that manual part?		I grabbed it from the, you know, from		I grabbed it from the, you know, from the, what do you call that manual part?			

	And I just tossed it, like people do it in		And I just tossed it, like people do it in
	the movies.		the movies.
<u> </u>	(Unintelligible).	<u> </u>	(Unintelligible).
<u>Q:</u> A:	I toss it. Toss it.	Q: A:	I toss it. Toss it.
Q:	You never - you never did the whole,	Q:	You never - you never did the whole,
Λ.	like, slowly get outta the car.	A:	like, slowly get outta the car.
A:	No, no, no, no, no.		No, no, no, no, no. Did you toss it while you're sitting
Q:	Did you toss it while you're sitting down?	Q:	down?
A:	No, I - I didn't even - I didn't even - I	A:	No, I - I didn't even - I didn't even - I
	didn't even - I knew that I was shot		didn't even - I knew that I was shot
	and that I knew that if I only show the		and that I knew that if I only show the
	gun outside of the car, like, this, I felt		gun outside of the car, like, this, I felt
	that I was gonna be shot again.		that I was gonna be shot again.
Q: A:	Okay.	Q:	Okay.
A :	In the head. So, instead of doing all	A:	In the head. So, instead of doing all
	that, uh, you know, kinda pattern or		that, uh, you know, kinda pattern or
!	whatever. I just, from opening the		whatever. I just, from opening the
	door, and I just went (choop), so they		door, and I just went (choop), so they
	wouldn't even see my hands or my		wouldn't even see my hands or my
	face or my head or nothing.		face or my head or nothing.
Q:	Yeah, so you were, like, in the car and	Q:	Yeah, so you were, like, in the car and
	just tossed it.		just tossed it.
A:	Yeah, yeah. I went - I went like this	A:	Yeah, yeah. I went - I went like this
ļ	and I was		and I was
Q:	You know where the gun fell?	Q:	You know where the gun fell?
A:	Uh.	A:	Uh.
Q:	Like, whereabouts?	Q:	Like, whereabouts?
A:	You know, it musta been within two	A:	You know, it musta been within two
	feet, three feet.		feet, three feet.
Q:	Okay.	Q:	Okay.
A:	Yeah, it's not too far.	A:	Yeah, it's not too far.
Q:	Not too far.	Q:	Not too far.
((Cro	osstalk))	((Cro	sstalk))
Q:	You didn't extend your arm to throw it	Q:	You didn't extend your arm to throw it
	out the window.		out the window.
A:	No, no, no, right next to my	A:	No, no, no, right next to my
	daughter's car. I saw it drop on the		daughter's car. I saw it drop on the
İ	floor, and then I lost - then I lost track		floor, and then I lost - then I lost track
	of it, then - then my concern was,		of it, then - then my concern was,
1	"Please don't shoot me again. I wanna		"Please don't shoot me again. I wanna
	get out. I wanna be alive." And - and,		get out. I wanna be alive." And - and,
1	you know (unintelligible). So, what?		you know (unintelligible). So, what?
1			

Q:	Yeah.	Q:	Yeah.
A:	Yeah, and	_ A:	Yeah, and
Q:	So, what - what	Q:	So, what - what
A:	I mean, I will be there for a while?	A:	I mean, I will be there for a while?
Q:	Well, see - what - what we do, Mario,	Q:	Well, see - what - what we do, Mario,
	is we - we write up the case, and that's		is we - we write up the case, and that's
	why it's good that you're tellin' us		why it's good that you're tellin' us
	your whole side of the story. And then		your whole side of the story. And then
·.	all we do is write up all the facts, and		all we do is write up all the facts, and
	then the - and then the District		then the - and then the District
	Attorney decides ultimately what		Attorney decides ultimately what
	they're gonna do with it. Whether		they're gonna do with it. Whether
	they're gonna, you know, charge any -		they're gonna, you know, charge any -
ł	charge you anything with it or not	}	charge you anything with it or not
	charge you. Um, and so forth. Okay?		charge you. Um, and so forth. Okay?
Q1:	First thing, just know that, um, our -	Q1:	First thing, just know that, um, our -
	our first priority is that you get healthy		our first priority is that you get healthy
	and you get help. Okay? So, I'm glad		and you get help. Okay? So, I'm glad
	that we're here talkin'. I'm glad, you		that we're here talkin'. I'm glad, you
	know, we got to hear your side of the		know, we got to hear your side of the
	story. Um, I'm glad you're gonna -		story. Um, I'm glad you're gonna -
	you're gonna recover, I'm glad you're	1	you're gonna recover, I'm glad you're
	gonna heal and move on from this, but		gonna heal and move on from this, but
	you sound - hear me out. When you	-	you sound - hear me out. When you
	talk about your situation at home, you	}	talk about your situation at home, you
	have a plan, and that's the first thing	Ì .	have a plan, and that's the first thing
	you do, you have a plan. And, I think	1	you do, you have a plan. And, I think
	that's good for you, I think that's		that's good for you, I think that's
A:	strong.	A:	Strong.
A.	Yeah, but, now my girls are gonna see me goin' to jail.	A.	Yeah, but, now my girls are gonna see me goin' to jail.
Q1:	I'm sorry?	Q1:	I'm sorry?
A:	Now my girls are gonna see me goin'	A:	Now my girls are gonna see me goin'
11.	to jail, and that	1	to jail, and that
Q1:	Well, you're in a hospital right now,	Q1:	Well, you're in a hospital right now,
1 ~	so, I don't know how long you're	1 <	so, I don't know how long you're
	gonna be here. You know? I don't		gonna be here. You know? I don't
	know what the District Attorney's	{	know what the District Attorney's
	gonna say. Okay? But, we can't allow		gonna say. Okay? But, we can't allow
	people just fire weapons. You know	1	people just fire weapons. You know
	that, right?		that, right?
A:	Yeah.	A:	Yeah.
Q1:	It's an unfortunate thing. It's a tragic	Q1:	It's an unfortunate thing. It's a tragic
	thing.		thing.
Q:	Mario, do you mind if I ask you a	Q:	Mario, do you mind if I ask you a

	couple other questions?		couple other questions?
A:	Okay.	A:	Okay.
Q:	Um, when - when you felt yourself get shot, do you remember exactly where in the car you were?	Q:	Um, when - when you felt yourself get shot, do you remember exactly where in the car you were?
A:	In the back seat, behind the driver.	A:	In the back seat, behind the driver.
Q:	Behind the driver, okay. And then after - do you think - do you know the time frame you got shot from after your second round went off to when you got shot?	Q:	Behind the driver, okay. And then after - do you think - do you know the time frame you got shot from after your second round went off to when you got shot?
A:	No. I don't remember if it - I don't remember if, you know, like I said, I don't remember if it took a minute for them to shoot me or - or if I shot and then they shot me right after or at the same time. I kinda think that they shot me, that I went boom, and then boom to my back.	A:	No. I don't remember if it - I don't remember if, you know, like I said, I don't remember if it took a minute for them to shoot me or - or if I shot and then they shot me right after or at the same time. I kinda think that they shot me, that I went boom, and then boom to my back.
Q:	Okay.	Q:	Okay.
A:	You know, like, reaction to reaction. Boom boom.	A:	You know, like, reaction to reaction. Boom boom.
Q:	Mm-hm.	Q:	Mm-hm.
A:	Yeah, so.	A:	Yeah, so.
Q:	Okay. Do you have any other questions for us, Mario?	Q:	Okay. Do you have any other questions for us, Mario?
A :	(Unintelligible).	A:	(Unintelligible).
Q:	Did they take, um, blood from you today?	Q:	Did they take, um, blood from you today?
A:	(Unintelligible).	A:	(Unintelligible).
Q1:	Talk to your wife? I have not spoken to your wife.	Q1:	Talk to your wife? I have not spoken to your wife.
A:	Did you talk to her at all?	A:	Did you talk to her at all?
Q:	I talked to your wife, yeah. I didn't interview your wife, but I - I talked to her. And told her that you were gonna be okay.	Q:	I talked to your wife, yeah. I didn't interview your wife, but I - I talked to her. And told her that you were gonna be okay.
A:	Huh?	A:	Huh?
Q:	And I told her you were gonna be okay. She was asking if you were gonna be okay or not. As was your	Q:	And I told her you were gonna be okay. She was asking if you were gonna be okay or not. As was your
	daughter.]	daughter.
A:	daughter. Thank you.	A:	Thank you.

	your - they - they probably did take		your - they - they probably did take
	blood from you, just to do tests. You		blood from you, just to do tests. You
7	might now know it, 'cause you have		might now know it, 'cause you have
	all this fancy stuff on. Um, if they did		all this fancy stuff on. Um, if they did
	take blood from you, do you mind if		take blood from you, do you mind if
	we have that blood tested to see how,		we have that blood tested to see how,
	um, how much alcohol and	-	um, how much alcohol and
	were in your system? Would you mind		were in your system? Would you mind
	if we did that?		if we did that?
A:	No, I don't mind, because I don't	A:	No, I don't mind, because I don't
	mind because maybe that helps me		mind because maybe that helps me
	because I don't wanna go to jail.		because I don't wanna go to jail.
Q:	Okay.	Q:	Okay.
A:	And if - if I woulda been clean and	A:	And if - if I woulda been clean and
	sober, then that stuff (unintelligible).		sober, then that stuff (unintelligible).
Q:	Okay. I think the most important thing	Q:	Okay. I think the most important thing
	for you now, as hard as it may be, is to		for you now, as hard as it may be, is to
	get some rest. Okay? Do you need any	1	get some rest. Okay? Do you need any
	water or anything?	<u> </u>	water or anything?
A:	No, I got it.	A:	No, I got it.
Q:	Okay. Do you have any other	Q:	Okay. Do you have any other
	questions for us?		questions for us?
A:	No. Thanks - thanks for coming in.	A:	No. Thanks - thanks for coming in.
ļ	You know, again, I - I truly	ļ <u>. </u>	You know, again, I - I truly
Q:	Hey, Mario. Mario, we don't think	Q:	Hey, Mario. Mario, we don't think
	you're a bad person. We think you're		you're a bad person. We think you're
	goin' through some tough times.	ļ	goin' through some tough times.
A:	You know (unintelligible) the thing is	A:	You know (unintelligible) the thing is
<u> </u>	that jealousy is a bitch, man.	· 	that jealousy is a bitch, man.
Q:	Yep.	Q:	Yep.
A:	I shoulda - I shoulda just taken off. I	A:	I shoulda - I shoulda just taken off. I
	had already talked to my dad, he's in		had already talked to my dad, he's in
	Canada. After - after I saw the		Canada. After - after I saw the
	message, I talked to him and I talked		message, I talked to him and I talked
	to my best friend, and they told me -		to my best friend, and they told me -
1	my best friend told me, "Come to		my best friend told me, "Come to
	, stay with me."		, stay with me."
Q:	Yeah.	Q:	Yeah.
A:	My dad called - my dad talked to me	A:	My dad called - my dad talked to me
	and he said, he said, (Unintelligible).		and he said, he said, (Unintelligible).
	"Come to Canada, and you'll get		"Come to Canada, and you'll get
	better. You'll get better. You can		better. You'll get better. You can
	probably come back and work it out."		probably come back and work it out."
Q:	Okay.	Q:	Okay.
A:	I didn't listen to them, and they were	A:	I didn't listen to them, and they were
L	2 Gran Chibben to moni, and moj word	<u> </u>	

	my best friends, my best friend		my best friends, my best friend
	(unintelligible) my best friend. I		(unintelligible) my best friend. I
	should've listened to them, I shouldn't		should've listened to them, I shouldn't
	have gone back.		have gone back.
Q: **	Well, we all learn from things, and	Q:	Well, we all learn from things, and
	like I said, I think the best thing for		like I said, I think the best thing for
	you now is to get some rest and, um,		you now is to get some rest and, um,
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	hopefully the - obviously the nurses		hopefully the - obviously the nurses
	and doctors will take care of you here,		and doctors will take care of you here,
	and get some rest and then, you know,		and get some rest and then, you know,
	we'll figure out - things - I think		we'll figure out - things - I think
	things will work themselves out,		things will work themselves out,
	okay? All right, Mario, thank you, sir.	Ì	okay? All right, Mario, thank you, sir.
	I appreciate it.		I appreciate it.
Q1:	Thank you, Mario. Best of luck to	Q1:	Thank you, Mario. Best of luck to
	you.		you.
A:	Thank you.	A:	Thank you.

The transcript h	nas been reviewed	with the a	udio recording	submitted a	and it is an	accurate
transcription.						
Signed						

Section 15

113015 1925 IN LYJ0

DATE: 11-30-15*TIME: 19:26* MATCHED ON:*L/N*F/N* BD DMV RECORD FOR LAW ENFORCEMENT USE ONLY D:09-11-1969*NAME:TORRES MARIO R* DL/NO: MAIL ADDR AS OF 08-08-11 OTH/ADDR AS OF 09-27-04: AKA: TORRES MARIO RENE SILVA* IDENTIFYING INFORMATION: SEX; MALE*HAIR: BLACK*EYES: BRN*HT: 5-09*WT: 201* LIC/ISS:08-08-11*EXPIRES:09-11-16*RBM1*CLASS:B COMMERCIAL* ENDORSEMENTS: PASSENGER TRANS* MEDICAL EXAM EXP:01-22-16** MEDICAL CERTIFICATE INFORMATION: ISSUE DATE: 01-22-15 EXPIRATION DATE: 01-22-16 STATUS CODE: C

MED EXAMINER NUMBER: CA A60470

SPECIALTY: MD MED EXAMINER PHONE NUMBER:

MED EXAMINER NAME:

LAST NAME: FIRST NAME:

SELF CERTIFICATION CODE: NA

LATEST APP:

DL TYPE:RBM WITH NEW PHOTO*ISS/DATE: 08-08-11*OFFICE: HWD*BATES:LIS* CERTIFICATES: VERI OF TRNST TRNG DOC EXP:09-11-16*

RESTR: MUST WEAR CORRECTIVE LENSES WHEN DRIVING, E-CLASS A/B-LIMITED TO VEHICLE WITH AUTOMATIC TRANSMISSION,

ORGAN AND TISSUE DONOR: NO UPDATED:08-08-11

LICENSE STATUS:

VALID*

COMMERCIAL LICENSE STATUS:

VALID*

DEPARTMENTAL ACTIONS:

NONE

CONVICTIONS:

NONE

FAILURES TO APPEAR:

NONE

ACCIDENTS:

NONE

END

CPAR:

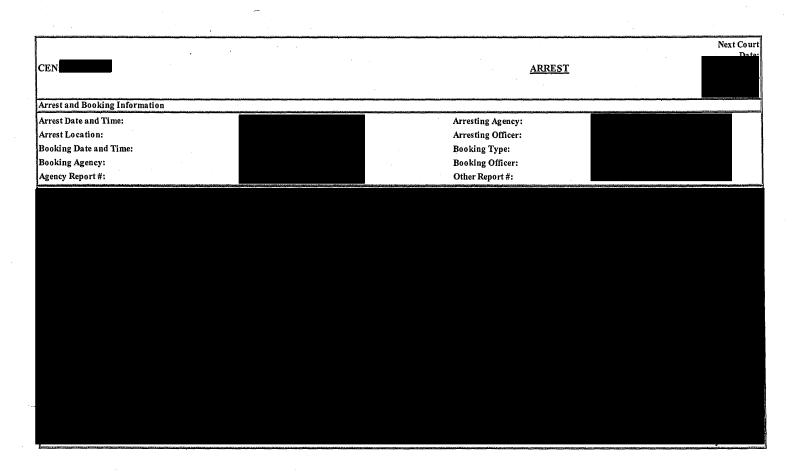
User: LCH1081 - SAN LEANDRO POLICE DEPARTMENT

Reason: INCFS 4306

NAME OF TAXABLE PROPERTY.						MATERIAL PROPERTY AND ADDRESS OF THE PARTY O	E-THEORY IN THE RESERVE OF THE PERSON NAMED IN
		PERSONAL CHAR	ACTERISTICS				
Name: Salient Chars: MT: Custody Status Jail: Date Booked: Probation: DPO: DPO Phone: Counsel: Birth Place: Address: Citizen:		PFN: DOB: CII No: FBI No: DLN: SSN: CDC No: Occupation: Employer: Year in CA: Year in County: Phone: Interpreter:	BUS DRIVER		Photo taken: Ht:5' 10" Eyes:BR Build:	Wt:191 Race:H	Hair:BK Sex:M Cmpx:
		ADDITIONAL IDENTIFY	YING INFORMATION	1			
Name(s): Address(es): DLN(s):	STANS CALLED AN STANS SECULAR TO THE WATER AND AREA OF THE PROPERTY OF THE SECULAR TO THE SECULAR TO THE SECULAR THE SECURAR THE SECULAR T			SSN(s): Phone(s): SMT(s):			
		SUMMARY S	FATISTICS	<u> Andrewski der der State der State der State der State der State der State der State der State der State der S</u>			
Events Held: Failure(s) to Ap Felony Events State Prison:		0 0 0 (0) 0	Bench Warrants: Revocations: MISD Events (cnts):	ingani traggeri and de a per 30 de la	ginklute Accessive Volume com transport Section (Accessive Accessi	ne-Malacana (Marana and Marana)	0 0 0 (0)

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	PENDING CASES									
CEN	Court	II Jocket	Associated Docket	Def Attorney	Report Number	Charges	Next Court Date	Next Court Time	Next Court Dept	Next Court Proc

County Jail:



----- End of Report

RE: QHY.CA0011200.27212233 .CFS 43 DATE:20151130 TIME:19:30:18

RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES

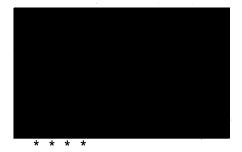
ATTN:CFS 4306 1081 FOR 250

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III CALIFORNIA ONLY SOURCE RECORD



NAM/01 TORRES, MARIO RENE

- 02 SILVA TORRES, MARIO RENE
- 03 TORRES, MARIO
- 04 TORRES, MARIO R











Section 16

ALAMEDA COUNTY SHERIFF'S OFFICE CRIME LABORATORY EXAMINATION REPORT

2901 Peralta Oaks Court, 3rd Floor, Oakland, CA 94605 Phone (510) 382-3300, FAX (510) 382-3344

SUBMITTING AGENCY			LABORATORY NUMBER
San Leandro Police Departmen	t in the second second		L15-2077-1
EXAMINATION REQUESTED BY	VICTIM OR SUSPECT		CASE NUMBER
Sergeant Anthony	(S): TORRES, Mario	Nag.	15-50010
LABORATORY CLASSIFICATION	DATE OF REPORT		OFFENSE
Crime Scene Processing	November 16, 2015		Officer Involved Shooting
V.			

On Friday, October 23, 2015, at approximately 1000 hours, Criminalists M. Romo, J. Otis and Sheriff's Technician T. Overcash received a request from Supervising Criminalist J. Gomez to process the scene of an officer involved shooting in San Leandro. Sheriff's Technician Overcash arrived at the scene at approximately 1110 hours. Criminalists Romo and Otis arrived at approximately 1119 hours and met with Detectives Anthony and Sanchez. The scene was located at 137th Ave, San Leandro.

Crime Laboratory staff was asked to photograph and document the scene, including trajectory, to prepare Leica scans and to search for and collect items of evidentiary value.

A San Leandro Police SUV, CA license San Leandro Police cruiser, CA license ,	was parked in the street, northwest of the home at was parked in the street, northeast of the home at
Front of residence at 137th Avenue	
On the west side of the driveway was a beige Toy doors and windows closed and did not appear to (Marker #8) under the Toyota's rear driver's side	have any damage to it. There was a fired cartridge case

On the east side of the driveway was a beige Mazda Protégé, CA license The Mazda had the trunk and rear driver's side door open. One hole was in the front driver's side window (Hole #5) and one in the rear driver's side window (Hole #4). A portion of the sunroof visor was cracked and had a piece missing. A black piece of plastic corresponding to the sunroof was located in front of the vehicle (Marker #7). This piece fit into the missing section of the sunroof and formed a hole (Hole #7). One hole was in the rear driver's side door frame (Hole #6). Dark red stains were noted on the rear driver's side door frame. Stains were noted on the ground leading away from the rear driver's side door. A bullet (Marker #12) was found in the rear driver's side floorboard and a white styrofoam box (Marker #11), holding ammunition, in the trunk. A pile of clothing (Marker #9) and a lunch box was on the ground next to the rear driver's side door. One Charter Arms Undercover 38 SPL revolver (Marker #10), bearing serial number 675291, was under the pile of clothing. An apparent metal fragment (Marker #5) was located next to the front passenger's side tire.

A dark blue Toyota Corolla, CA license plate was parked next to the curb in front of the home. This vehicle was parked southwest of the two vehicles in the driveway. The rear driver's side door window

EXAMINER'S NAME	EXAMINER'S SIGNATURE	TITLE
Marco Romo	/////m	Criminalist III
TECHNICAL REVIEWER'S SIGNATURE	DATE	FILE NAME
Palel H	December 2, 2015	00191638.DOC
John M. Lecler	December 2, 2015	Page 1 of 5

November 16, 2015 Page 2 of 5

Front of residence at 137th Avenue continued:

was blown out. The window was shattered but intact, due to the window tinting, and was on the rear driver's side seat. There was a hole at the bottom right corner of the window approximately 4 inches from the vertical edge and 3.5 inches from the horizontal edge. There was a hole at the back of the driver's side seat (Hole #1). The rear driver's side headrest had a hole in the front (Hole #2) and one in the back (Hole #3). Numerous linear-shaped tears were also noted in the front of the headrest. The headrest was detached from the seat and its cover removed to expose the foam. Another hole was noted in the same area as hole #2 and appeared to end in the metal support rod within the foam. The metal support rod had an indentation and there were metal fragments within the foam. The area was stained grey and the bullet appeared to have disintegrated after striking the metal rod. There was a hole in the rear windshield (no hole number given).

Front of residence at 137th Avenue

This home is northeast of the home at Continuous On the southwestern side of the home was a bullet (Marker #6) in the corner where the chimney meets the wall.

Front of residence at 137th Avenue

This home was on the other side of the street and south of the home at A black Lexus, CA license plate was parked next to the curb in front the home. The Lexus had some slight scratches on the top corner of the hood below the passenger's side windshield. On the lawn were four fired cartridge cases (Markers #1-4).

Evidence items

The two tables form a list of items collected from the scene. For the following items, measurements were taken from the north edge of the lawn, next to the driveway, and west edge of the lawn next to the sidewalk. All measurements are approximate.

	Description	Laceton			
1	One "HORNADY 40 S&W" fired	On lawn in front of	137 th	18"	63"
	cartridge case	Ave	*		
2	One "HORNADY 40 S&W" fired	On lawn in front of	137 th	48"	81"
	cartridge case	Ave			
3	One "HORNADY 40 S&W" fired	On lawn in front of	137 th	73 ½"	72"
	cartridge case	Ave	•		
4	One "HORNADY 223 REM" fired	On lawn in front of	137 th	96"	70 ½"
	cartridge case	Ave		*	

Marco Romo Criminalist III

November 16, 2015 Page 3 of 5

Evidence items continued:

For the following items, measurements were taken from the north edge of the driveway and the east edge of the driveway of 137th Ave. All measurements are approximate.

Marker #	Description .	Location	aligence (c. Mosinsoleck	Distance to east-disc	
5	Apparent metal fragment	Next to front passenger's side tire of Mazda	11 ½"	229"	Dimensions: 1/4" by 1/4"
6	One bullet	In the SW corner where the chimney meets wall		-	Height: 91"
7*	Black piece of plastic	In front of the Mazda	52 ½"	317"	Dimensions: 2 ½ " by 1 ¾"
8	One "R.P 38 SPL+P" fired cartridge case	Under the Toyota's rear driver's side tire	130"	109"	-
9	One pair pants, one shirt	On ground next to Toyota's rear driver's side door	89"	154"	-
10	One 5 chamber cylinder revolver with an empty chamber under the firing pin and one fired cartridge case to the right	On ground next to Toyota's rear driver's side door	95"	166"	-
11	One Styrofoam box containing three unfired "PMC 38 SPL" rounds	In trunk of Mazda	-	-	-
12	One bullet	On rear driver's side floorboard of Mazda	-	_	-

^{*} This item was not collected.

Holes and Impacts

All measurements are approximate.

Marco Romo Criminalist III

Technical Reviewer's Initials: MI

November 16, 2015 Page 4 of 5

Holes and Impacts continued:

Helek	Location	Description	Shinishiyani (6
1*	Back of driver's side seat of dark blue	Elongated hole pushed into fabric	1" by ¼"
	Toyota		
2	Front of rear driver's side headrest of dark blue	Elongated hole slightly wider at one	3/4" by 1/4"
	Toyota	end and slightly pushed into fabric	
3	Back of rear driver's side headrest of dark	Circular hole slightly pushed out	Diameter
	blue Toyota	· · ·	1/4"
4	In rear driver's side window of Mazda	Circular hole with cracks radiating	Diameter
		outward around entire hole	1/4"
5	In front driver's side window of Mazda	Circular hole with cracks radiating	Diameter
		outward around entire hole	1/2"
6	At the top of the rear passenger's side door	Irregular, elongated hole pushed	1 ½" by ½"
	frame	inward towards frame	
7	In sun visor over sunroof of Mazda. This hole	Irregular, elongated hole with some	2 ½" by ¾"
	was measured after Marker #7 was put in	cracks radiating out	
8	Top corner of passenger's side front	Circular impact with cracks radiating	Diameter
(Impact)	windshield	out	2"
Not	In rear windshield of dark blue Toyota	Irregular, elongated hole with cracks	13" by 10"
numbered		radiating out	

^{*}It was later determined that this hole appeared to be the result of the metal springs in the seat pushing out against the fabric.

Trajectory

One rod was placed in the dark blue Toyota to depict possible trajectories. The rod was placed through the two holes in the rear driver's side headrest and the hole in the rear windshield. The cracked rear window that was on the rear driver's side seat was held in place in the window frame and the rod appeared to go through the hole. The rod path appears to come from a northern direction. The trajectory was documented as the vehicle was parked and did not take into account the effect of the inflation of the tires at the time of the shooting. Please see attachments 2 and 3 for the Leica trajectory snapshots.

Leica Scans

Eleven medium resolution scans were taken of the scene. The scans will be archived onto a hard drive and stored in the Crime Laboratory evidence locker.

Marco Romo Criminalist III

Technical Reviewer's Initials:

Administrative Reviewer's Initials:

November 16, 2015 Page 5 of 5

Criminalists Romo and Otis and Sheriff's Technician Overcash left the scene in the control of Sergeant Sanchez on October 23, 2015 at approximately 1830 hours.

Evidence Disposition

All items, except Marker #7, were packaged into sealed evidence containers and were released to Sergeant Sanchez.

The photographs taken at the scene were archived onto one compact disc (DVD-R), sealed in a Laboratory supplied evidence envelope (Item #2) and retained in the Laboratory's secured evidence locker. The scans were registered together using the Leica Cyclone software and will be archived onto an external hard drive and secured in the Laboratory's evidence locker. A copy of the TruView images saved on a flash drive and a copy of the crime scene photographs on one compact disc were sealed in a Laboratory-supplied envelope (Item #1) and will be released to the submitting agency.

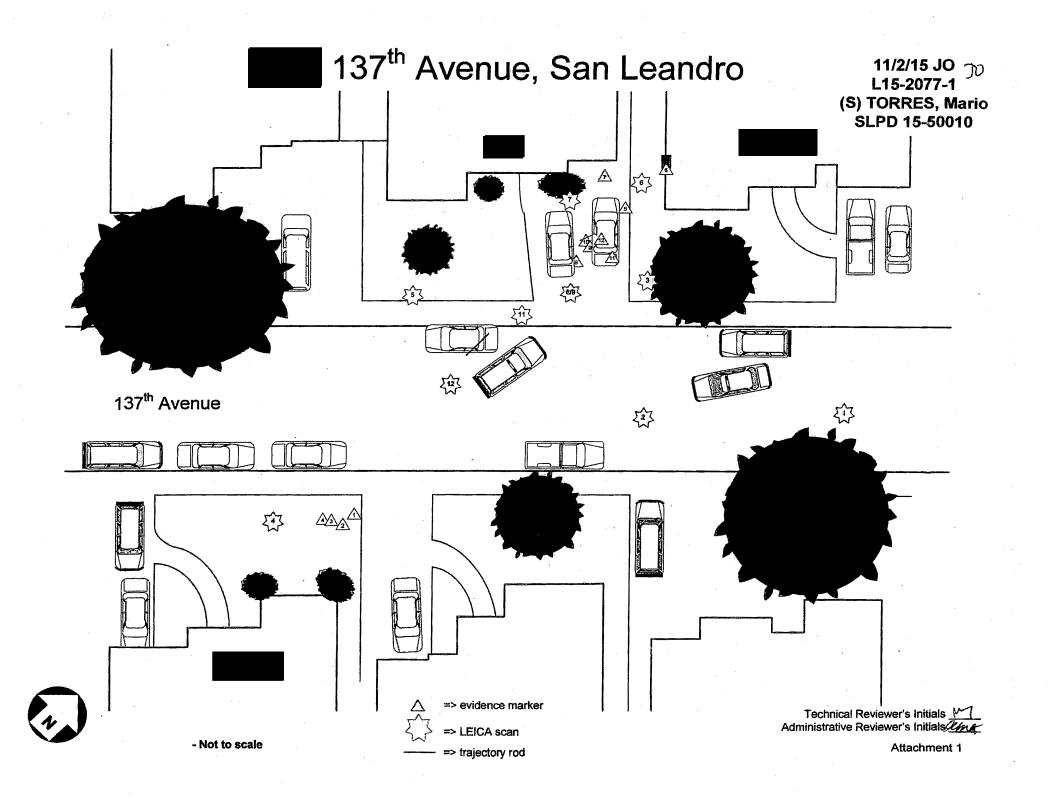
Attachments – 3 pages (Visio Diagram and Leica Snapshots).

Marco Romo

Criminalist III

Technical Reviewer's Initials:

Administrative Reviewer's Initials:

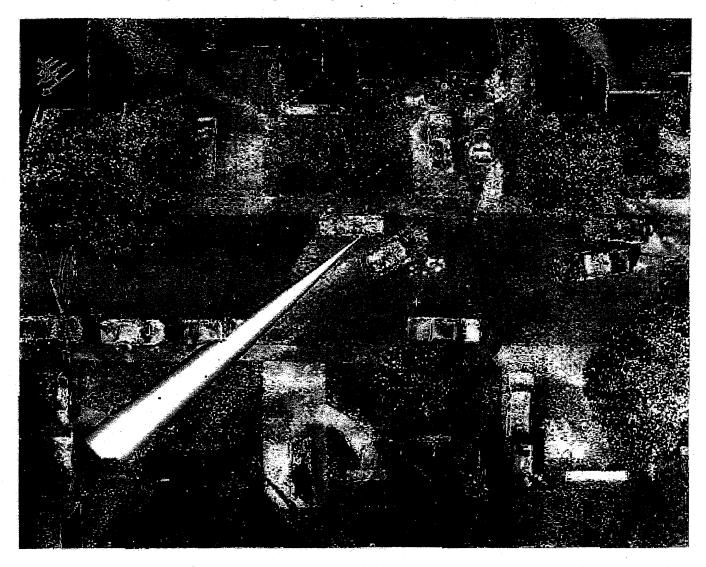




137th Avenue, San Leandro

11/2/15 JO √ L15-2077-1 (S) TORRES, Mario SLPD 15-50010

LEICA Scanner Image with Trajectory Cone using Cyclone Software





The blue line is an extension of the trajectory rod in the vehicle. It represents the approximate path of the bullet to show the relationship with other bullet holes and evidence items.

Technical Reviewer's Initials Administrative Reviewer's Initials

137th Avenue, San Leandro

LEICA Scanner Image with Trajectory Cone using Cyclone Software

11/2/15 JO TO L15-2077-1 (S) TORRES, Mario __ SLPD 15-50010





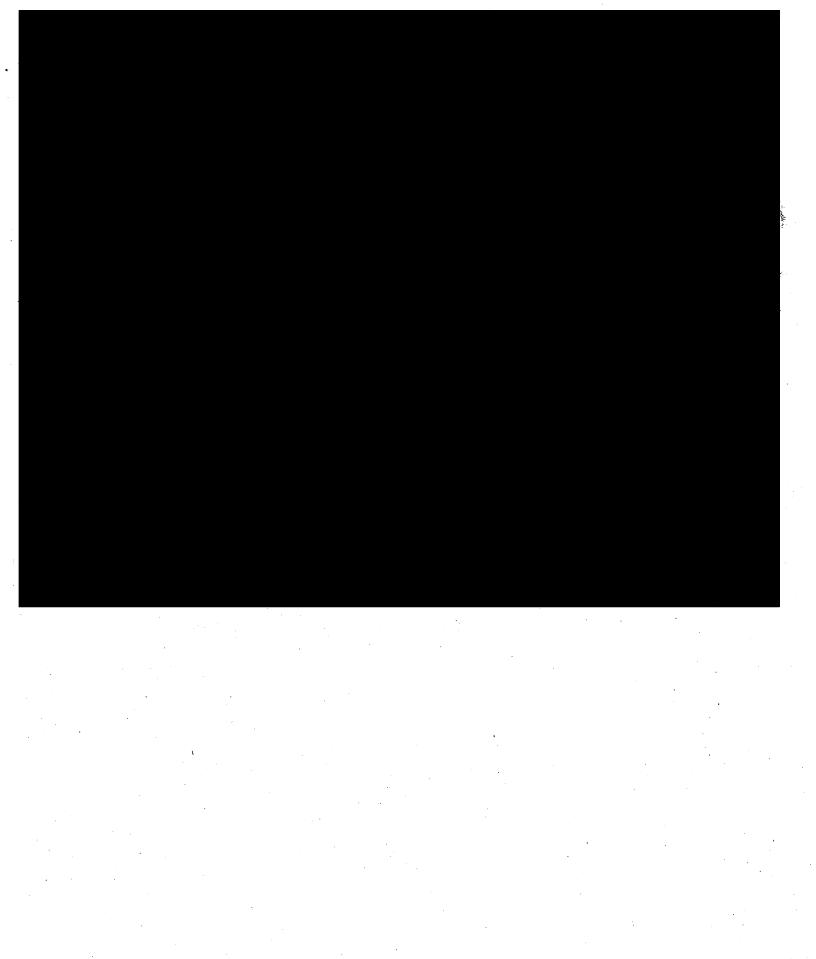
The blue line is an extension of the trajectory rod in the vehicle. It represents the approximate path of the bullet to show the relationship with other bullet holes and evidence items.

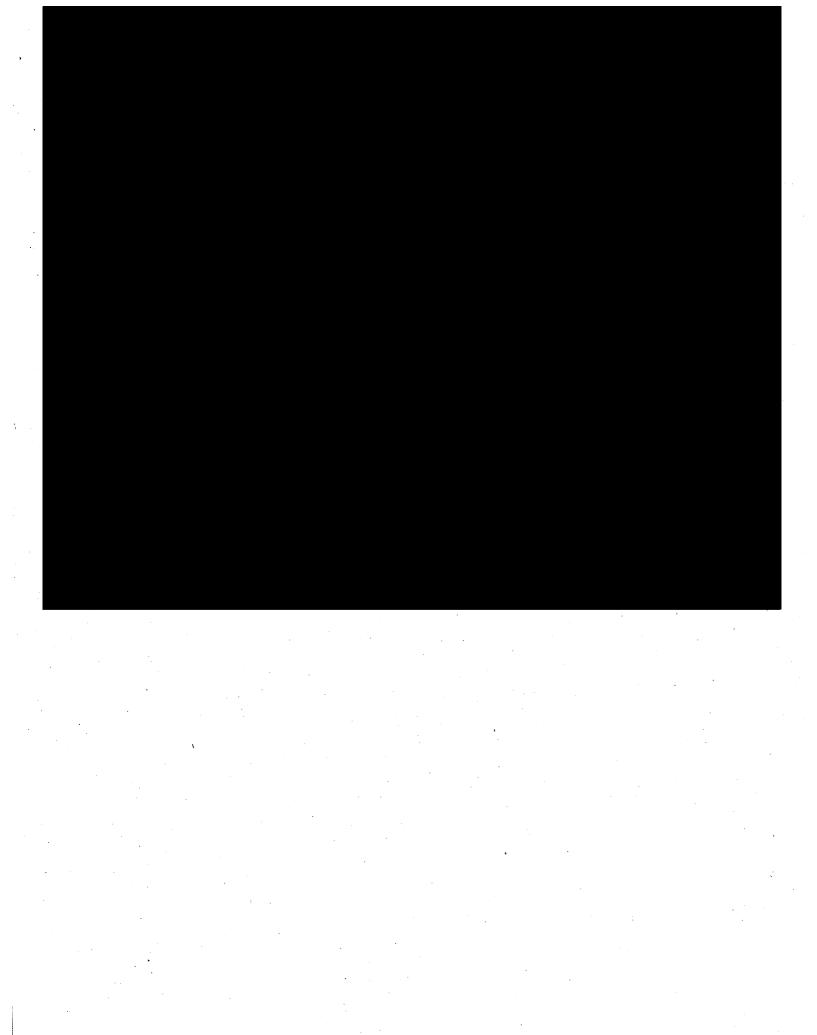
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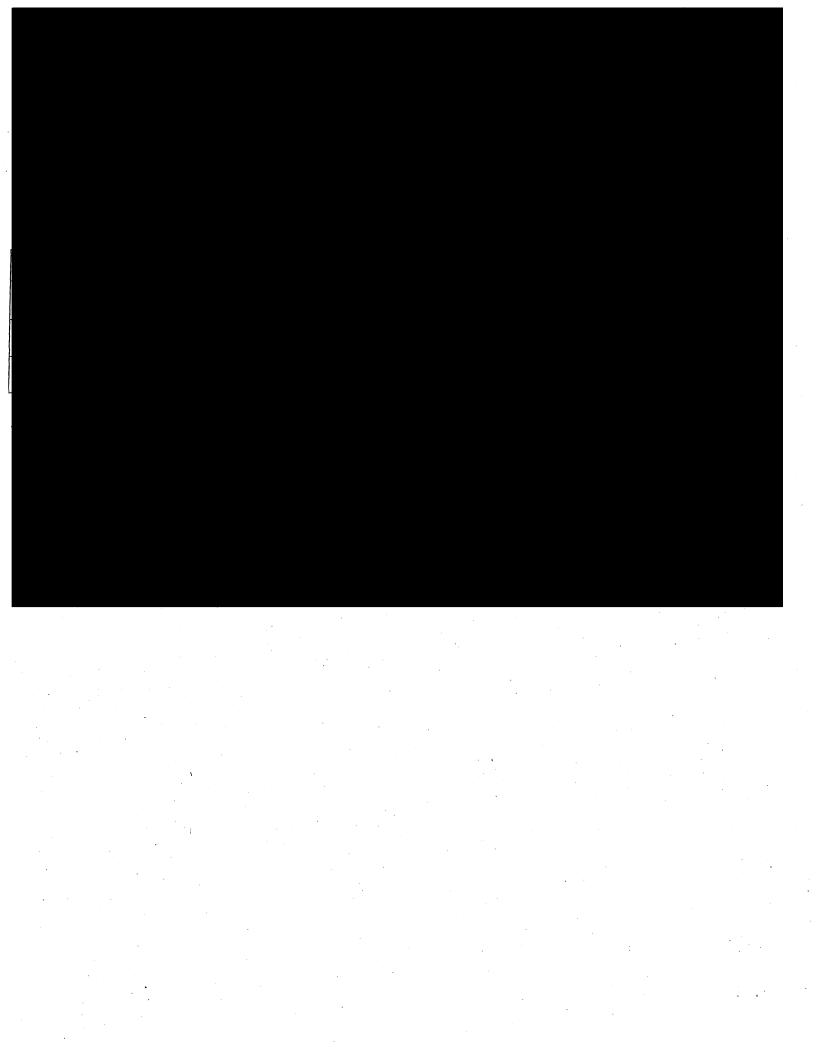
Administrative Reviewer's Initials

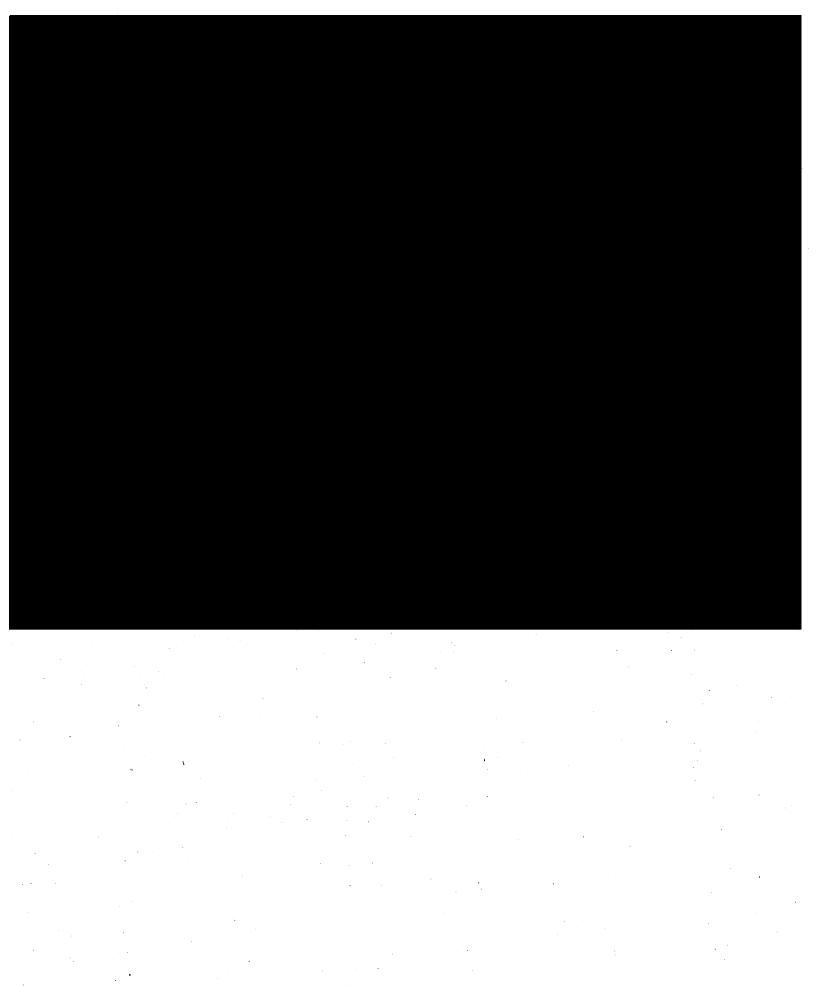
Attachment 3

Section 17

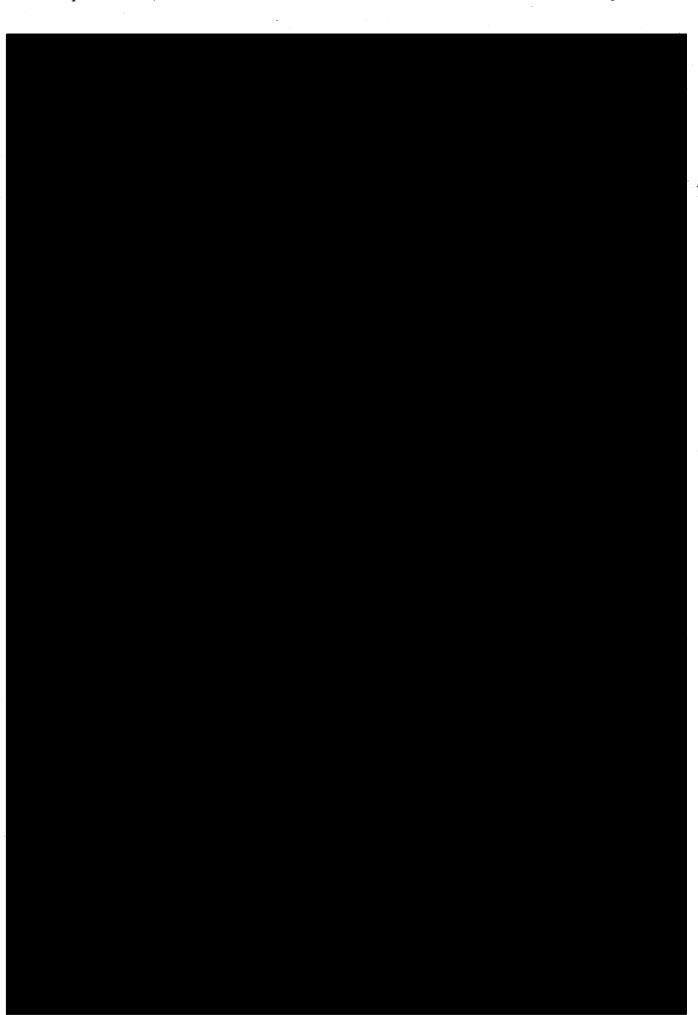








COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING Report generated on 11/3/2015 CONFIDENTIAL



Individual Training Activity

Page 1 of 5 page 11/03/2015 Corti, Nicholas O Person:

Individual Training Activity

11/03/2015 Page 2 of 5 pages

Person: Conti, Nicholas O (Continued)

Individual Training Activity

11/03/2015 Page 3 of 5 pages

	11/03/2015	Page 3 01 5 pages
	Person: Conti, Nicholas O	(Continued)
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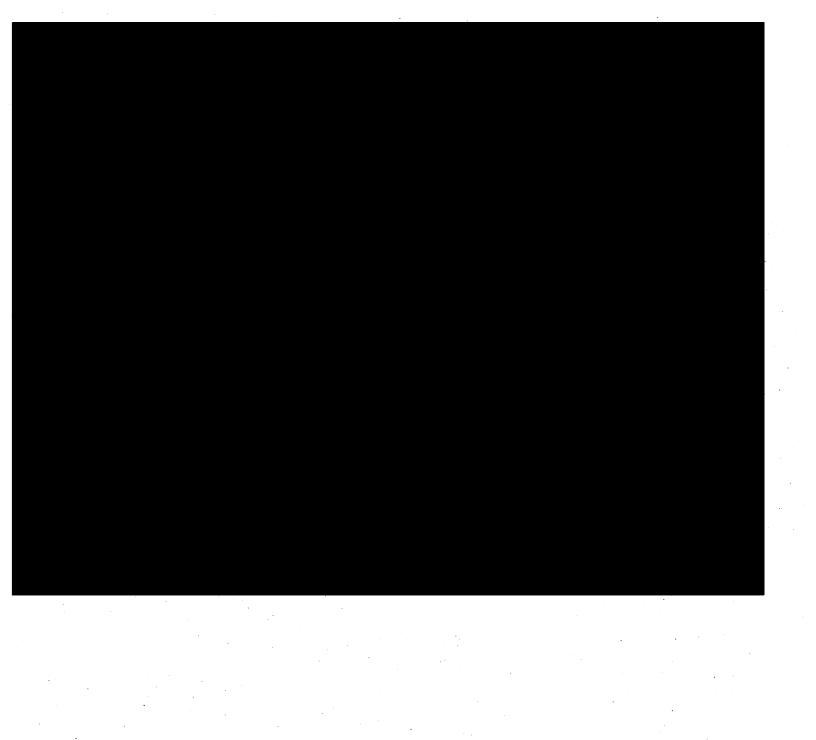
Individual Training Activity

Page 4 of 5 pages 11/03/2015 Corti, Nicholas O _ (Continued) Person:

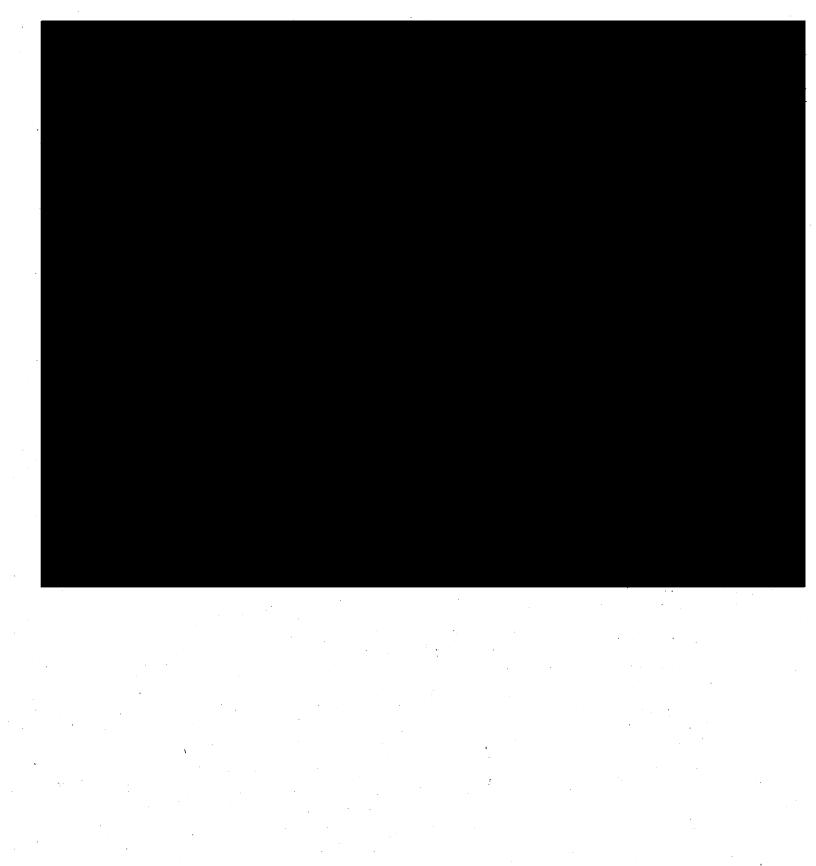
Individual Training Activity

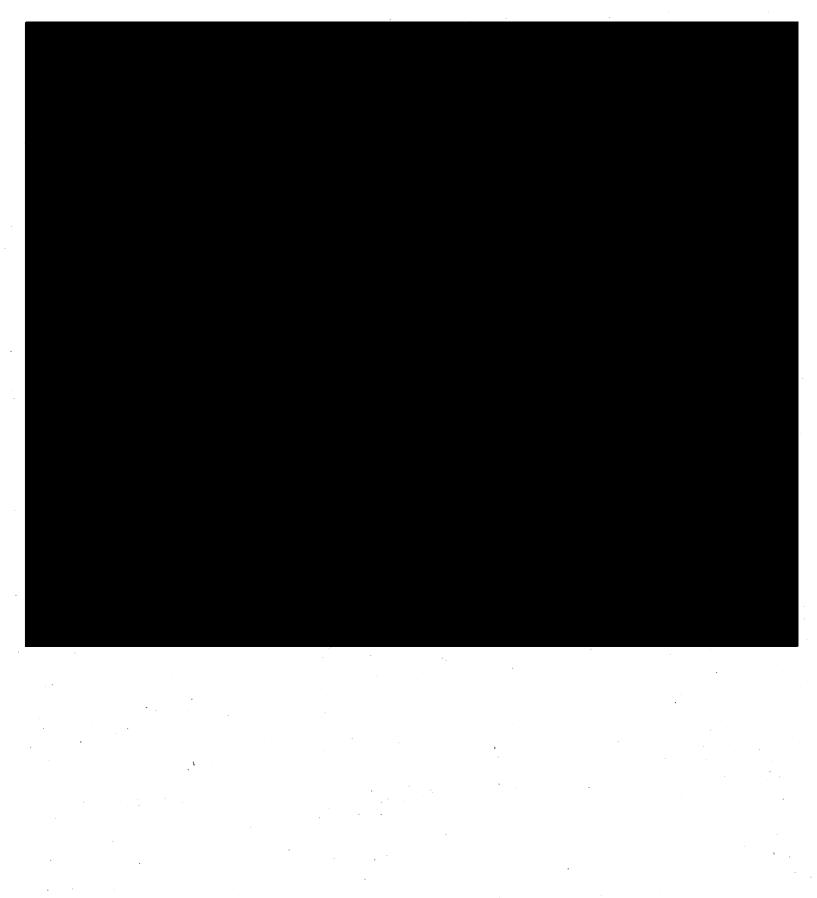
Page 5 of 5 pages
Person: Corfi. Nicholas (O. (Continued))

Section 18



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SAN LEANDRO POLICE DEPARTMENT MEMORANDUM

TO:

Sergeant Leja

FROM:

Officer(s) Hackl and Mund

DATE:

11/08/14

SUBJECT:

Firearms Training for Officer(s) KAMBIC, YING, MOSCHETTI

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 11/3/2015

Course Report

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 11/3/2015

Course Report

Individual Training Activity

Page 1 of 1 pag 11/04/2015 Ying, Alexander Person:

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 11/3/2015

CONFIDENTIAL



Individual Training Activity

	11/03/2015	Page 1 c	of 1 pag	
_	Person: Ying, Alexander			
				4
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Section 19

report this ad

San Leandro, CA 🖍

Roosevelt Elementary

© 11:33 AM PDT on October 23, 2015 [GMT -0700]

Report

Elev 66 ft 37.74 °N, 122.15 °W | Updated 1 min ago



Partly Cloudy 73.8 °F

Feels Like **77** °F Wind from **SSW**

51.8

Today is forecast to be COOLER than yesterday.

Today

High **76** | Low **55** °F

 ${f 0}\%$ Chance of Precip.

Yesterday

High 81 | Low 51.3 °F

Precip. 0 in

Sun & Moon

7:24 am 6:20 pm

Waxing Gibbous, 81% visible

Pressure

30.04 in

Visibility

10.0 miles

Clouds

Scattered Clouds 18000 ft

Mostly Cloudy 20000 ft

Heat Index

77 ° F

Dew Point

60 °F

Humidity

61%

Rainfall

0.00 in

Snow Depth

Not available.

U٧

2 out of 12

Pollen

3.30 out of 12

Air Quality

Not available.

Flu Activity

Not available.

METAR KOAK 231753Z 30010KT 10SM SCT180 BKN200 18/13 A3004 RMK A02 SLP172 T01780133 10183 20117 51016 More Conditions Fewer Conditions

Pressure

30.04 in

Visibility

10.0 miles

Clouds

Scattered Clouds 18000 ft

Mostly Cloudy 20000 ft

Heat Index

77 °F

Dew Point

60 °F

Humidity

61%

Rainfall

0.00 in

Snow Depth

Not available.

UV

2 out of 12

Pollen

3.30 out of 12

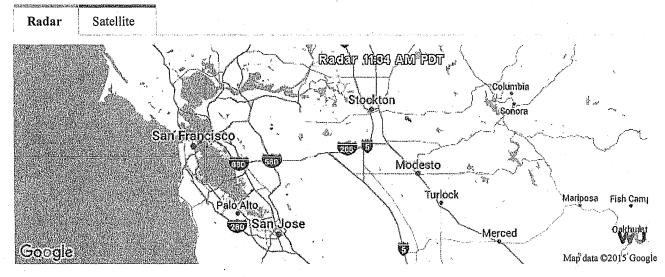
Air Quality

Not available.

Flu Activity

Not available.

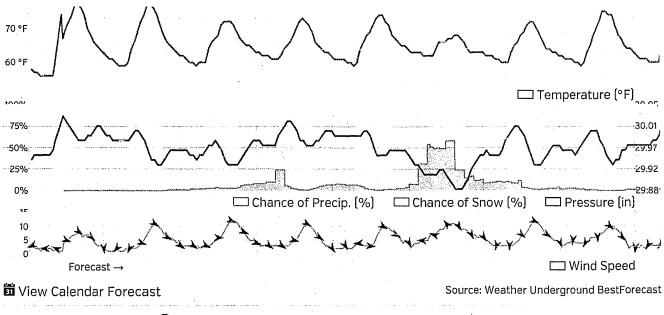
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Show Webcams

10-Day Weather Forecast

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Daily Hourly													
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• Scientific Forecaster Discussion | MOS Weather Graph

report this ad | why ads?

Almanac

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Snow	0 in	in	to in	÷ .
Dew Point				
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High	- Control of the Cont	55 °F	47 to 59 °F	
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Visit Astronomy

Yesterday's Extremes

State Highs	State Lows
90 °F Imperial	24 °F MCMWTC BRIDGEPORT, CA
89 °F Redding	26 °F Truckee-Tahoe
88 °F Palm Springs	30 °F South Lake Tahoe
88 °F Thermal	30 °F Big Bear City
88 °F Fl Centro	31 ºF Alturac

Record Extremes

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Community

WunderPhotos

1,865,931 photos uploaded!

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Nearby

Air Quality

Air Quality AQ Index Pollutant

Not available.

- Pollen Forecast
- · Current Air Quality Map
- · Yesterday's Peak

Health Maps

Snow Depth.

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Section 20



SAN LEANDRO POLICE DEPARTMENT

901 East 14th Street San Leandro, CA 94577



TO:

Officer Alex Ying

FROM:

Captain Jeff Tudor

DATE:

October 23, 2015

SUBJECT:

Officer Involved Shooting Case #2015-50010

Effective October 23, 2015, you are being placed on paid administrative leave due to your involvement in a critical incident. You will remain on paid administrative leave until notified by the Chief of Police or designee. Per Operations Directive 85-07, an internal affairs investigation is currently being conducted into the incident.

While on paid administrative leave, you are required to obey the following orders:

- 1) You are not to engage in any activity as a Police Officer in any capacity, including court appearances, training courses, off-duty employment or public appearances without first obtaining specific authorization from the Chief of Police or a designee. All training assignments will be suspended at this time.
- 2) You will inform the Office of the Chief as to the address and telephone number at which you can be contacted during the period of Paid Administrative Leave. When the Chief of Police or a designee considers the location to be unreasonably distant from the City or to otherwise interfere with an investigation, you must remain at a location determined to be reasonable by the Chief of Police.
- You will be available to Department personnel for investigative and/or administrative interviews, pending the completion of the investigation.
- 4) Excluding holidays, you will be available Monday-Friday from 0900 hours to 1700 hours, until advised differently by the Chief of Police or a designee.
- 5) You are ordered not to discuss this incident or the internal affairs investigation, with anyone other than myself, the City Attorney and investigators, or your chosen representative, unless authorized to do so by the Chief of Police. If your chosen representative is anyone other than an attorney, you must identify that person prior to discussing the case with them. This is to ensure that the selected representative is not a party to the investigation.
- 6) You are not required to honor any subpoenas that you now have or may receive in the future. Please advise Captain Jeff Tudor, or Lieutenant Ted Henderson of any current subpoenas. No overtime will be accrued during your leave without prior approval from the Chief of Police.
- 7) Per Operations Directive 10-04, prior to returning to full duty you are required to attend a debriefing that will be conducted within 72 hours of the traumatic event. This will be coordinated by the Critical Incident Response Team Coordinator.



An interview will be conducted to answer questions related to this investigation.

All questions during the interrogation shall be asked by and through no more than two interrogators at one time.

The entire interrogation will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interrogation.

You have the right to be represented by a representative of your choice who may be present at all times during the interrogation. This representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose any information received from you while under investigation in non-criminal matters.

You will not be subjected to the press or news media without your expressed consent. Neither your home address nor photograph will be given to the press or news media without your expressed consent. If this interrogation occurs during off-duty time, you shall be compensated for your off-duty time in accordance with regular department procedures.

If prior to, or during the interrogation, it is deemed that you may be charged with a criminal offense, you shall be immediately informed of your constitutional rights. You are advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300-3311.

You are further ordered not to discuss this investigation or the allegations with anyone other than your attorney, your chosen representative or myself. This includes, but is not limited to, any conversation, either in person or by telephone, or any written communication, either on or off duty.

You shall not retaliate against anyone as a result of this investigation.

Your failure to abide by these orders will be deemed insubordination and may result in discipline up to and including termination of employment.

If you have any questions, please do not hesitate to call. My telephone number is 510-577-3211.

ACKNOWLEDGEMENT OF RECEIPT:

// 23/15

Officer Alex Ying

Date

// 23-/5

Captain Jeff Tudor

Date



SAN LEANDRO POLICE DEPARTMENT

901 East 14th Street San Leandro, CA 94577



TO:

Sergeant Nick Corti

FROM:

Captain Jeff Tudor

DATE:

October 23, 2015

SUBJECT:

Officer Involved Shooting Case #2015-50010

Effective October 23, 2015, you are being placed on paid administrative leave due to your involvement in a critical incident. You will remain on paid administrative leave until notified by the Chief of Police or designee. Per Operations Directive 85-07, an internal affairs investigation is currently being conducted into the incident.

While on paid administrative leave, you are required to obey the following orders:

- You are not to engage in any activity as a Police Sergeant in any capacity, including court appearances, training courses, off-duty employment or public appearances without first obtaining specific authorization from the Chief of Police or a designee. All training assignments will be suspended at this time.
- 2) You will inform the Office of the Chief as to the address and telephone number at which you can be contacted during the period of Paid Administrative Leave. When the Chief of Police or a designee considers the location to be unreasonably distant from the City or to otherwise interfere with an investigation, you must remain at a location determined to be reasonable by the Chief of Police.
- 3) You will be available to Department personnel for investigative and/or administrative interviews, pending the completion of the investigation.
- 4) Excluding holidays, you will be available Monday-Friday from 0900 hours to 1700 hours, until advised differently by the Chief of Police or a designee.
- 5) You are ordered not to discuss this incident or the internal affairs investigation, with anyone other than myself, the City Attorney and investigators, or your chosen representative, unless authorized to do so by the Chief of Police. If your chosen representative is anyone other than an attorney, you must identify that person prior to discussing the case with them. This is to ensure that the selected representative is not a party to the investigation.
- 6) You are not required to honor any subpoenas that you now have or may receive in the future. Please advise Captain Jeff Tudor, or Lieutenant Ted Henderson of any current subpoenas. No overtime will be accrued during your leave without prior approval from the Chief of Police.
- 7) Per Operations Directive 10-04, prior to returning to full duty you are required to attend a debriefing that will be conducted within 72 hours of the traumatic event. This will be coordinated by the Critical Incident Response Team Coordinator.

An interview will be conducted to answer questions related to this investigation.

All questions during the interrogation shall be asked by and through no more than two interrogators at one time.

The entire interrogation will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interrogation.

You have the right to be represented by a representative of your choice who may be present at all times during the interrogation. This representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose any information received from you while under investigation in non-criminal matters.

You will not be subjected to the press or news media without your expressed consent. Neither your home address nor photograph will be given to the press or news media without your expressed consent. If this interrogation occurs during off-duty time, you shall be compensated for your off-duty time in accordance with regular department procedures.

If prior to, or during the interrogation, it is deemed that you may be charged with a criminal offense, you shall be immediately informed of your constitutional rights. You are advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300-3311.

You are further ordered not to discuss this investigation or the allegations with anyone other than your attorney, your chosen representative or myself. This includes, but is not limited to, any conversation, either in person or by telephone, or any written communication, either on or off duty.

You shall not retaliate against anyone as a result of this investigation.

Your failure to abide by these orders will be deemed insubordination and may result in discipline up to and including termination of employment.

If you have any questions, please do not hesitate to call. My telephone number is 510-577-3211.

ACKNOWLEDGEMENT OF RECEIPT:

Sergeant Nick Corti

Captain Jeff

Date

16.23-15

doł Date

Section 21

Report Documents Original 2015-50010

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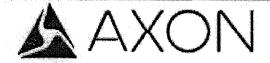
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PRIMARY OFFENSE PC 664/187 SAN LEANDRO POLICE DEPARTMENT CRIME SCENE TECHNICIAN - SUBJECTS		2015-00		PAGE 4 OF 5	
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Dept.

SAN LEANDRO POLICE Dept-

Name

Park, Judy (976)

Case ID

CA 2015-50010

Username

jpark

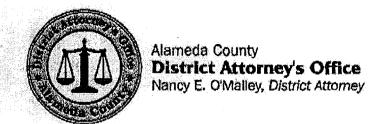
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#	Date	Time	User	Activity
1	16 Jul 2018	10:12:21 (-07:00)	Park, Judy (Badge ID: 976) Usernäme: jpark User ID: e1455782d8db49b28400be4922c65d97	Created
2	16 Jul 2018	10:13:46 (-07:00)	Park, Judy (Badge ID: 976) Username: jpark User ID: e1455782080b49b28400be4922c65d97	Evidence 'incident Report' Added to Case
3	16 Júl 2018	10:13:46 (-07:00)	Park, Judy (Badge ID: 976) Username: jpark User ID: e1455782d8db49b28400be4922c85d97	Evidence 'Radio' Added to Case
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.	16 Jul 2018	10:13:58 (-07:00)	Park, Judy (Badge ID: 976) Username: jpark User ID: e1455782d8db49b28400be4922c65d97	Case or Case Related Record Accessed
•	16 Jul 2018	10:15:05 (-07:00)	Park, Judy (Badge ID: 976) Username: jpark User ID: e1455782d8db49b28400be4922c65d97	Case copy sent to: Karsseboom, Eric (Badge ID: 330, Agency: Alarneda County Prosecutor's Office)
7	16 Jul 2018	10:15:05 (-07:00)	Park, Judy (Badge ID: 976) Username: ipark User ID: e1455782d8db49b28400be4922c65d97	Case copy created at agency Alameda County Prosecutor's Office



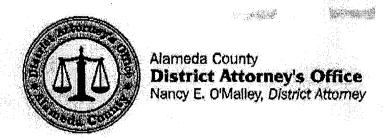
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SAN LEANDRO POLICE DEPARTMENT

AGENO	. Yı	San Leandro Police Depart	ment		
FAX/ EMAIL: REQUEST DATE: REPORT NO.:		(510) 577-3296 Friday, July 13, 2018			
		DOCKE	T No.:	465914/DA: Camille Ching	
DEFEN	DANT(S):	Torres, Mario			
CHARG	GE(S):	664/187(a) PC	processis in the first and approximately and approximately process of the Mile Administration (Mile Administration)		
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	E: (925) 479-88	328			
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Reason fo	r request: co	urt/prosecution			
☐ The 911		CAD Printout	☑ Dispatch Audio Too old		
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Date:	08:41				
Date: Time:	OWNER.	Ave, San Leandro	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
		and pail feativia	المالات		
Time:		***For CHP Request On	VILY*** 7/16/		
Time:	<i>*************************************</i>	-	T114		
Time: Location: Driver Licen	<i>*************************************</i>	-	VI.Y***		

Note: Please include a copy of this request and return to my attention by QIC code, email, fax, or evidence.com.



RECEIVED

JUL 13 2018

SAN LEANDRO POLICE DEPARTMENT

AGENCY:

ATTN: RECORDS

San Leandro Police Department

FAX:

(510) 577-3296

REQUEST DATE:

Friday, July 13, 2018

DOCKET NO.:

465914/DA: Camile Ching

DEFENDANT(S):

Torres, Mario

NEXT COURT DATE:

Monday, July 23, 2018

FROM:

NAME: Eric Karsseboom #330 (East County Hall of Justice D.A.'S Office, Dublin)

TITLE:

Inspector II

PHONE: (925) 479-8828

FAX:

(925) 828-1002

EMAIL: eric.karsseboom@acgov.org

QIC:

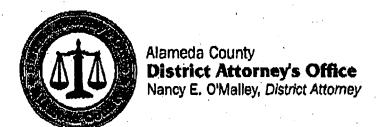
80305

Please fax to my attention or email a copy of the following:

Copy of the crime, any supplemental and follow up reports for SLPD case # emailed 1/10/18 AW 1/38 2015-00050010.

Thank you

1/13/18



19258281002

5-5000

ATTN: PROPERTY EVIDENCE

AGENCY:

5an Leandro Police Department

FAX:

(510) 577-3289

REQUEST DATE:

Friday, July 13, 2018

REPORT NO.:

2015-0050010

DOCKET NO.:

465914/DA: Camille Ching

DEFENDANT(S):

Torres, Mario

CHARGE(5):

664/187(a) PC

NEXT COURT DATE:

Monday, July 23, 2018

FROM:

NAME: Eric Karsseboom #330 (East County Hall of Justice D.A.'S Office, Dublin))

Inspector Ii

PHONE: (925) 479-8828

FAX:

(925) 828-1002

EMAIL: eric.karsseboom@acgov.org

QIC:

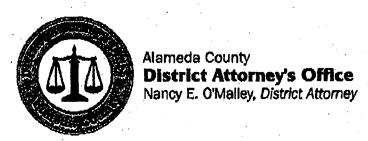
80305

Requesting:

LOne copy of the Property Unit's evidence log.

2. One copy of the CD containing the photographs taken by Officer Neil Goodman #282. The CD is evidence item #1 on page 1/1 in Officer Goodman's property control report.

3. One copy of the CD containing the photographs taken by Officer Shane Nelson #292. The CD is not listed on Nelson's property control report but is listed on page 2/2 of his supplemental narrative continuation report.



19258281002

4/One color photo copies of the four maps used during officers's interview. They are listed as evidence item #2 on page 4/5 in sergeant Brian Anthony's report.

5. One color photo copies of the two maps used during officers's interview. They are listed as evidence item #3 on page 4/5 in sergeant Brian Anthony's report.

6. One copy of the sketch of scene shown to Officer Hackl. This is evidence item #2 on page 4/4 in Officer Jeffrey Walton's supplemental report.

7 One copy of the sketch of scene shown to Officer Becerra. This is evidence item #4 on page 1/1 in Officer Michael Benz' property control report.

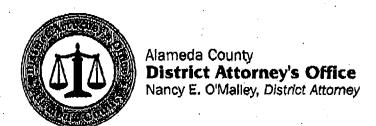
18. One copy of the sketch of scene shown to Officer Salazar. This is evidence item #5 on page 1/1 in Officer Michael Benz' property control report.

9. One copy of the sketch of scene shown to Officer Fletcher. This is evidence item #6 on page 1/1 in Officer Michael Benz' property control report.

10 Copy of all BWC associated with this incident.

Thank you

18 BWC Videos Shared



15 -50010

ATTN: PROPERTY EVIDENCE

AGENCY:

San Leandro Police

FAX:

510-577-3289

REQUEST DATE:

9/24/18

REPORT NO.:

15-50010

DOCKET NO.:

465914

DEFENDANT(S):

Mario Torres

CHARGE(S):

246.3 (a) PC (Officer Involved Shooting)

NEXT COURT DATE:

Monday, October 01, 2018

FROM:

NAME: Peter'J. Carlson #258

TITLE: Inspector III

PHONE: 925-479-8816

FAX:

925-828-1002

EMAIL: peter.carlson@acgov.org

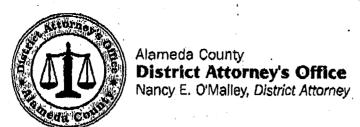
QIC:

80305

Requesting:

DDA Clark is requesting the PVR footage from Officer lain Fry. He mentions uploading the footage on page 1 and 2 of his supplemental report.

Thank you.



15-50010

ATTN: PROPERTY/ EVIDENCE

AGENCY:

San Leandro PD

FAX:

(510) 577-3289

REQUEST DATE:

Monday, October 01, 2018

REPORT NO .:

2015-50010

DOCKET NO.:

465914

DEFENDANT(S):

Mario Torres

CHARGE(5):

246.3, 417

NEXT COURT DATE:

Tuesday, October 02, 2018

FROM:

NAME: Colleen Clark

Deputy District Attorney

PHONE: (925) 479-8844

FAX:

(925) 828-7815

EMAIL: colleen.clark@acgov.org

QIC:

80305

Requesting:

1) I just learned that we may be missing body-worn camera footage from Officer Miguel Salazar. Would you mind checking for me? I have reviewed all discs provided to date as well as all the links on evidence.com and do not see anything specifically from Officer Salazar.

Please let me know if you have any questions.

Thank you, Colleen Clark Collegno) L

10 BW (10201)
50 Sulazur (1012/18

Gordoa, Norma

From:

Gordoa, Norma

Sent:

Tuesday, October 02, 2018 7:31 AM

To:

'colleen.clark@acgov.org'

Subject:

SLPD 215-50010 DOCKET # 465914

Good Morning Colleen,

I double checked and I do not have any BWC footage for Officer Salazar in regards SLPD Case 2015-50010 (Defendant-Mario Torres). If there was BWC footage at the time of the incident it would be purged by now if it wasn't properly tagged.

The only video I have that pertains to directly to Officer Salazar is the DVD of his Interview.

Norma-

Norma A. Gordoa Supervisor #1063 Evidence/Property Division

San Leandro Police Department 901 E. 14th St. San Leandro, CA 94577 510-577- 3214 Office ngordoa@sanleandro.org

*Teamwork*Integrity*Professionalism*Service*
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SAN LEANDRO POLICE DEPARTMENT

Property & Evidence

Case Number	15-50010
Barcode (Tag #)	78478
Offense	OIS
Date	10-23-15

FIREARM TRANSACTION LOG

Brand Name Snith & Wessen Model MP 15 Caliber 556 Serial Number 5778416				
Pistol Rifle Shotgun Type Barrel	Length	LengthCountry Mfg		
Name (from whom taken)		DOB		
DLAddress	52PD	Loc	Occurrence	
RECEIVED DATE 10-26-15				
FIREARM SECUREDNO	DATE 10-26-15		COMMENTS ごろ	
STOLEN ☐NO YES ☐ (Agency & Case #)				
REGISTERED OWNER YES 🄀 NO 🗆				
SLPD				
LETTER TO REGISTERED OWNER			·	
RESPONSE FROM LETTER				
AFS ENTRY Per 11108.9PC EVIDENCE FOUND SAFEKEEPING CRIME GUN Entered	EVID/FOUND/ SAFEKEEPING CRIME GUN	FCN#	See Print out	
EMERGENCY PROTECTIVE ORDER or TRO	<u></u>			
DV WeaponsHold contact Det. Teng Review				
5150H&S Hold contact Det. Benz Review				
FIREARM SENT TO LATENT PRINTS				
FIREARM SENT TO LAB FOR NIBIN TESTING				
RESULTS FROM ATF TRACE	- Carrier - Carr			
RELEASED PER (Authority) LEGR Notification Letter (Approval)	See Prut	aut		
DESTROY PER 34000 (180 Days After Adjudication)			Destroy Date	
DESTROY (Other) PER (Authority) DESTROYED BY	<u></u>		Destroy Date	
CLETS ENTRY REMOVED				
THIS RECORD SCANNED TO CASE	V	L		

C.UG

CA0011200 RE: SER/ST78416 OCA/15-50010 -ENTERED-FCN/1161530902845 EVIDENCE

MATCHES IN AFS
* INSTITUTIONAL REG
SER/ST78416 MAK/SW SMITH AND WESSON CAL/556
TYP/R RIFLE MOD/V TAC II
DOT/20141117
ORI/CA0011200 - SAN LEANDRO PD OCA/14-53617
MIS/M AND P 15 V TAC II RIFLE
FCN/1161432101449

END AFS RESPONSE

C.UG

CA0011200.RE: SER/ST78416 CANCEL MESSAGE PROCESSED. END AFS RESPONSE.

SAN LEANDRO POLICE DEPARTMENT

Property & Evidence

Case Number_	15-50010
Barcode (Tag #)	78477
Offense_	OIS
Date_	10-23-15

FIREARM TRANSACTION LOG

Brand Name //ock Mode	ei <i>22.</i>	Calibe	er <u>40</u> Serial Number <u>KTU986</u>	
Pistol Rifle Shotgun Type Barrel Length Country Mfg				
Name (from whom taken) Sal. Cort	-i	DOB		
DLAddress	SLPD Loc Occurrence			
RECEIVED DATE 10-26-15				
FIREARM SECUREDNO	DATE	INITIAL	COMMENTS	
STOLEN NO YES (Agency & Case #)				
registered owner Yes Ø no□ 5∠PD				
LETTER TO REGISTERED OWNER				
RESPONSE FROM LETTER				
AFS ENTRY Per 11108.9PC EVIDENCE FOUND □ SAFEKEEPING □ CRIME GUN Entered □	EVID/FOUND/ SAFEKEEPING CRIME GUN	FCN#	See Print out	
EMERGENCY PROTECTIVE ORDER or TRO	A. 3444	-		
DV WeaponsHold contact Det. Teng Review				
5150H&S Hold contact Det. Benz Review				
FIREARM SENT TO LATENT PRINTS				
FIREARM SENT TO LAB FOR NIBIN TESTING				
RESULTS FROM ATF TRACE		·		
RELEASED [] PER (Authority) LEGR Notification Letter (Approval)	see Pri	boot		
DESTROY PER 34000 (180 Days After Adjudication)			Destroy Date	
DESTROY (Other) PER (Authority) DESTROYED BY			Destroy Date	
CLETS ENTRY REMOVED	V			
THIS RECORD SCANNED TO CASE			·	

Ç.UG

CA0011200 RE: SER/KTU986 OCA/15-50010 -ENTERED-FCN/1161530902767 EVIDENCE

MATCHES IN AFS
* INSTITUTIONAL REG
SER/KTU986 MAK/GLC GLOCK, INC CAL/40
TYP/P PISTOL MOD/22
DOT/20070129
ORI/CA0011200 - SAN LEANDRO PD OCA/075075
MIS/SAN LEANDRO PD
FCN/1160703600035

END AFS RESPONSE

C.UG

CA0011200.RE: SER/KTU986 CANCEL MESSAGE PROCESSED. END AFS RESPONSE.

Section 22