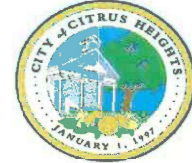




CITRUS HEIGHTS POLICE DEPARTMENT



MEMORANDUM

CONFIDENTIAL

DATE: October 7, 2014
TO: Joseph Rangel, Police Officer
FROM: Christopher W. Boyd, Chief of Police
Via: Christine Ford, Lieutenant
SUBJECT: Notice of Intent to Discipline

This is to advise you that I am proposing to impose a disciplinary payroll deduction in the amount of 160 hours (to be deducted from your accrued Annual Leave) effective at the completion of the pre-disciplinary process, based upon your disobedience and insubordination involving an active shooter incident.

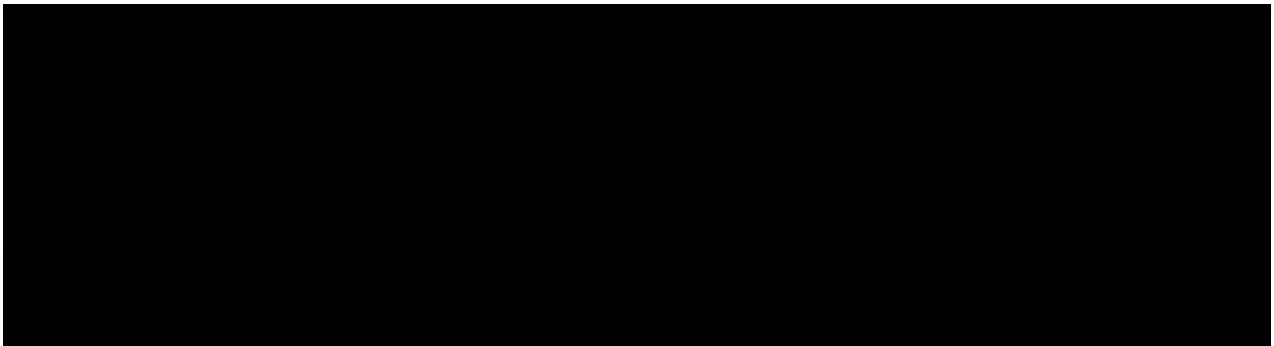
RULES, GROUNDS FOR DISCIPLINE, AND ANALYSIS

1. 340.3.5 PERFORMANCE – DISOBEDIENCE

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

- On October 25, 2013, Sergeant Lewis directed you to stand by at the Tactical Command post. You went to the Tactical Command post and checked in with Lieutenant Russo, who ordered you to stand down and wait for additional orders. Subsequently, you walked away from the Tactical Command post to the Command post that was several blocks away, without notifying the chain of command.
- On October 25, 2013, you received a verbal directive not to speak to anyone (other than your representative) about your involvement in the active shooter incident that occurred that day. On or about October 29, 2013, you signed a Notice of Internal Affairs Investigation I/A 13-008 form ordering you not to discuss the subject matter of the investigation. You also received the order to contact Sergeant Courtney if you were questioned about the investigation by anyone. You were advised that failure to comply with these orders could be considered insubordination, resulting in discipline. You violated this directive in late 2013, when you discussed the shooting incident with CHPD Explorer [REDACTED] and when you failed to inform Sergeant Courtney of the conversation. You further violated the directive when you spoke to members of the Special Investigations Unit about the shooting incident, stating, among other things, that you fired your weapon because you were afraid for your

life. You also violated the directive by failing to inform Sergeant Courtney of your conversations with members of the Special Investigations Unit about the shooting incident.



LEVEL OF DISCIPLINE

Despite being ordered to stand down at the Tactical Command post and wait for additional orders, you left and walked several blocks away to a Command post while an active shooter was at large. Given the significant risk of danger in the active shooter incident, it was imperative that all officers closely follow the directions of their supervisors. Your refusal to follow directives, and deliberate disobedience by leaving the location assigned, created serious risk of injury to yourself, your fellow officers, and the general public at risk from the shooter.

Additionally, despite being ordered not to discuss the active shooter incident or investigation with others and to inform Sergeant Courtney if you were questioned about the incident, you engaged in several conversations with individuals about the incident, and failed to report the conversations to Sergeant Courtney as required. These discussions had a potential to impair the successful completion of the Department's investigation, and risked exposure of sensitive facts in the case against the shooting suspect.

The above incidents demonstrate a pattern of your refusal to follow orders as directed, and repeated disregard for the importance of those orders. For these reasons, I have decided to propose a disciplinary payroll deduction of 160 hours to be deducted from your accrued Annual Leave.


RIGHT TO RESPOND

Within seven days after receiving this Notice, you have a right to respond to Chief of Police Christopher W. Boyd in writing and/or to request an informal pre-disciplinary conference to present any new or mitigating information and/or show cause why disciplinary action should not be imposed as recommended. Your timely response will be considered before final action is taken. You have the right to have an attorney or representative present with you during this conference. The pre-disciplinary conference has been scheduled with the Chief for 3:00PM on October 20, 2014 and will be recorded. Upon request, you shall be provided a copy of that recording.

If you fail to respond to this notice of intent by October 14, 2014 you will be deemed to have accepted this proposed action as a fair imposition of disciplinary action considering the alleged violation(s).

Should you have any questions, please contact me. A copy of this memorandum will be placed in your personnel file.

I acknowledge receipt of this document.



Joseph Rangel

10/7/14

Dated

DOCUMENTATION

The documents listed below support this disciplinary action and are attached to this Notice. In addition, I have considered your personnel file in making this disciplinary recommendation. Your personnel file is not attached but may be examined as per CHPD procedures.

1. CHPD Policy 340 regarding "Disciplinary Policy"
2. Complete Copy of IA 13-008, with exhibits

cc: Personnel File



**CITRUS HEIGHTS
POLICE DEPARTMENT**



Administrative & Shooting Review

**Incident # 13-09351
Internal Affairs # 13-008**





CITRUS HEIGHTS POLICE DEPARTMENT



FAX COVER

Date: October 29, 2014

To: [REDACTED]

From: Lieutenant C. Ford

Fax: [REDACTED]

Phone: 916-727-5577

Phone: [REDACTED]

Pages: 2 (including cover sheet)

Re: Updated Skelly conference date for Officer Rangel

Urgent For Review Please Comment Please Reply Please Recycle



CITRUS HEIGHTS POLICE DEPARTMENT



Christopher W. Boyd
Chief of Police

October 29, 2014

VIA FACSIMILE

[REDACTED]
Mastagni, Holstedt, Amick, Miller & Johnsen
1912 I Street
Sacramento, CA 95811

Re: Officer Joseph Rangel updated scheduled Skelly Conference Date

[REDACTED]

Per our conversation and mutual agreement on October 28, 2014, Officer Joseph's Rangel Skelly conference that was scheduled for November 3, 2014, has been postponed to Monday, December 1, 2014 at 2:00 P.M. The hearing will take place inside the Community Room at the Citrus Heights Police Department.

If you have any further questions, please feel free to contact me.

Sincerely,

Christine Ford, Lieutenant
Citrus Heights Police Department

cc: Officer Joseph Rangel

October 22, 2014

VIA FACSIMILE

[REDACTED]
Mastagni, Holstedt, Amick, Miller & Johnsen
1912 I St.
Sacramento, CA 95811

Re: Officer Joseph Rangel Notice of Intent to Discipline

[REDACTED]

Citrus Heights Police Chief Christopher Boyd forwarded your October 10, 2014, letter regarding Officer Joseph Rangel to me for response regarding your request for pre-Skelly discovery. The California Court of Appeal has unequivocally found that constitutional principles of due process do not create general rights of discovery for peace officers. *Gilbert v. Sunnyvale* (2005) 130 Cal.App.4th 1264, 1280. The Notice of Intent already included all of the information that the Department relied on for Officer Rangel's proposed discipline, and that included many of the items listed in your letter. As for his personnel file, Officer Rangel can make an appointment with the City to review that at a mutually convenient time.

Lieutenant Ford will be in touch with you to re-schedule the Skelly conference.

Sincerely,

LIEBERT CASSIDY WHITMORE

[REDACTED]

SS:bk

cc: Lt. Christine Ford

--00000--

FACSIMILE TRANSMISSION COVER SHEET

--00000--

DATE: October 10, 2014

TO: Chief Christopher Boyd

FAX NUMBER: (916) 727-5977

FROM: [REDACTED]

FAX NUMBER: [REDACTED]

RE: Officer Joseph Rangel: Request for Pre-disciplinary Hearing
and Request for Discovery

TRANSMISSION CONTAINS TOTAL OF 4 PAGES, INCLUDING THIS COVER SHEET
IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT ME @ (916) 446-4279

.....

This facsimile transmission is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original fax to this office at the above address by the U.S. Postal Service. I thank you in advance for your anticipated cooperation.

DAVID F. MASTAGNI
 JOHN R. HOLSTEDT
 MICHAEL G. AMICK
 CRAIG E. JOHNSON
 BRIAN A. DIXON
 TEVEN W. WELTY
 STUART C. WOO
 DAVID E. MASTAGNI
 RICHARD J. ROMANSKI
 PHILLIP R.A. MASTAGNI
 KATHLEEN N. MASTAGNI STORM
 SEAN D. HOWELL
 ISAAC S. STEVENS
 PAUL T. DOLBERG
 ANTHONY S. FRANCESCHI
 IAN M. ROCHE
 JEFFREY R.A. EDWARDS
 DANIEL L. OSIER
 JUDITH A. ODBERT
 CHRISTINA J. PETRICCA
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 ERICH A. KNORR
 MANUEL NIETO
 IAN B. SANGSTER
 COSIMO G. AIELLO
 JAYA MARK
 JOSHUA A. GLANDER

October 10, 2014

Via Facsimile & U.S. Mail

Chief Christopher Boyd
 Citrus Heights Police Department
 6315 Fountain Square Drive
 Citrus Heights, California 95621
 Fax: (916) 727-5977

**Re: Officer Joseph Rangel: Request for Pre-disciplinary Hearing
 and Request for Discovery.**

Dear Chief Boyd:

Please accept this letter as a written request for an oral pre-disciplinary hearing. As you are aware, prior to any disciplinary proceeding, Officer Rangel is entitled to any relevant information related to the proposed discipline. Relevant information includes the evidence that has any tendency within reason to prove or disprove any disputed fact that is of consequence to the determination of the action or the truthfulness of a witness's testimony or of a declarant's hearsay statement. (See Evidence Code §§ 210, 780, 1202).

Relevant evidence also includes evidence which may assist in mitigation of discipline, and information that must be provided pursuant to the case of *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194. While some information may not be relevant to the appointing authority in order to make a decision on discipline, it would be relevant to my client to disprove the allegations or mitigate the facts or level of discipline. Therefore, I have provided a list of information we consider relevant to defending our client from the allegations alleged in the proposed notice of discipline. Please bear in mind the information we are requesting is in addition to that information that must be provided pursuant to the case of *Skelly v. State Personnel Board*.

While some information may not be relevant to the appointing authority in order to make a decision on discipline of a public safety officer, it would be relevant to my client to disprove the allegations or mitigate the facts or level of discipline. Therefore, I have provided a list of information we consider relevant to defending our client from the allegations alleged in the proposed notice of discipline. Please bear in mind the information we are requesting is in addition to that information that must be provided pursuant to the case of *Skelly v. State Personnel Board*.

Chief Christopher Boyd
October 10, 2014
Page 2

Please provide a complete copy of Officer Rangel's Internal Affairs files relating to the above case, as well as any related documents in the County's possession. Please provide a privilege log of any and all unprovided documents relating to this matter in the County's and/or the Department's possession. Please include the privilege claimed, the basis for the claim of privilege, and the location of the document.

I have received the documents upon which the proposed discipline is based, and sincerely appreciate that the Department organized and provided the majority of relevant documents. However, in addition to documents already provided, I request the following information:

1. A complete copy of Officer Rangel's Personnel file, including performance evaluations, all written or recorded accolades awarded or presented to my client, and disciplinary actions.
2. Any notes, reports or complaints made by investigators or other persons, including any "raw notes" made during any interview. (Pursuant to Gov. Code § 3303(g); *SDPOA v. City of San Diego*, (2002) 98 Cal.App.4th 779.)
3. Tape recorded copies of all witness statements.
4. A copy of all emails regarding these allegations, including those from or to the investigating officer or Officer Rangel.
5. All information that could lead to or tends to mitigate the conclusions as set forth in the proposed notice of discipline. Information includes any information known to members of your agency whether in a written form or merely within the knowledge of members of your staff.
6. All statements or utterances by our client, oral or written, however, recorded or preserved, whether or not signed or acknowledged by our client.
7. The names, addresses, and contact information of any witness who may have knowledge of the events that caused the discipline to be proposed, and any information relevant to the credibility of any witness.
8. An opportunity to examine all physical evidence, photographs, motion pictures, or videotapes obtained in the investigation.
9. Any exculpatory, rebuttal, or mitigating evidence in the possession of your agency.
10. Any or all relevant evidence known to, or in the possession of, your agency.

Chief Christopher Boyd
October 10, 2014
Page 3

Please treat this as a continuing request until this matter has been settled or adjudicated.

Based on a current scheduling conflict, the volume of documentation provided, and in anticipation of receiving additional documentation, it will not be possible to review the evidence and prepare for an appeal by October 20, 2014. Therefore, I would like to set a new date for the administrative review hearing once the additional information has been received. Please feel free to call with any questions or concerns. I can be reached at [REDACTED] Thank you for your anticipated cooperation.

Sincerely,

MASTAGNI HOLSTEDT, A.P.C.
[REDACTED]

BPP/jec

cc: Joseph Rangel

Christopher Boyd: Okay, so it is December 1st. Uh, it's about 10 minutes after 2 p.m. Uh, this is Christopher Boyd, I'm the police chief at the Citrus Heights Police Department. We are here at the police department in my office, uh, and in the room, uh, with me, uh, are?

Gina Anderson: Gina Anderson of the Division Commander for Invest, Investigative Services with the Citrus Heights Police Department.

Christine Ford: Christine Ford, Lieutenant for Professional Standards and Training.

██████████ with Mastagni Law Firm on behalf of Officer Joe Rangel.

Christopher Boyd: Okay. So the purpose of, uh, this meeting today is to conduct an informal pre-disciplinary, uh, conference, uh, regarding allegations against Officer, uh, Joseph Rangel, and again, the purpose of this conference is, uh, for, uh, ██████████ on behalf of Officer Rangel to present any new or mitigating information and/or show cause why disciplinary action should not be imposed as recommended. Uh, so specifically, um, the notice that we sent Officer Rangel on October 7th really highlights a, uh, completed and really an extensive Internal Affairs investigation. Uh, specifically, um, the department alleges violation of Citrus Heights Police Policy 340.3.5, uh, performance-disobedience, uh, small (e) subsection, uh, disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority, so there are really two violations. Uh, No. 1, on October 25th, 2013 Sergeant Lewis directed you, we're talking about Officer Rangel, to stand by at the tactical command post. You went to the tactical command post and checked in with Lieutenant Russo who ordered you to stand down and wait for additional orders. Subsequently you walked away from the tactical command post to the command post that was several blocks away without notifying the chain of command. Secondly, on October 25, 2013 you received a verbal directive not to speak to anyone other than your representative about your involvement in the active shooter incident that occurred that day. On or about October 29th, 2013 you signed a notice of Internal Affairs investigation, IA No. 13-008 form ordering you not to discuss the subject matter of the investigation. You also received the order to contact Sergeant Courtney if you are questioned about the investigation by anyone. You were advised that failure to comply with these orders could be considered insubordination resulting in discipline. You violated this directive in late 2013 when you discussed the shooting incident with CHPD Explorer ██████████ and when you failed to inform Sergeant Courtney of the conversation. You further violated the directive when you spoke to members of the Special Investigations Unit about the shooting itself stating, among other things, that you fired your weapon because you were afraid for your life. You also violated the directive by failing to inform Sergeant Courtney of your conversations with members of the Special Investigations Unit about the shooting. Uh, of course we reviewed your prior personnel history, and the level of discipline proposed at this time is 160 hours, um, to be deducted from your leave. So at this point, as I said, I am here with an open mind and, um, and certainly want to listen, uh, if there is any mitigating information or other cause, uh, for me to consider before a final implementation of the discipline. So at this time I'll turn it over to ██████████ and, um, I'm here to listen. Thank you.

██████████ Thank you, Chief Boyd. Um, so we'll just go in order of the way that they're listed starting first of all with the allegation that he was disobedient or insubordinate in leaving the tactical command post. Um, as a preliminary matter I'd like to note that Lieutenant Russo states that he doesn't recall ever giving Officer Rangel any sort of order that he cannot leave the tactical command post. He was unaware if any order was ever given to Officer Rangel that he couldn't leave the tactical command post or that he was to stay there. Um, Sergeant Lewis likewise, um, stated that he never gave Joe an order that he was not to leave, um, in any of the transcribed interviews provided. Uh, at one point there is a reference by Sergeant Lewis, um, that he had informed Officer Rangel that he was going to remain at the tactical command post, but that was when they were just preparing to, um, deliver I believe pizza or water at some point and it was more of informational as Joe understood it that you won't be deploying with us, not that you are required to stay here until further notice. Um, based on all that, Joe was never under the impression that he was ordered to remain at the tactical command post. Um, he had entered the restroom at one point, and when he came back out he no longer saw his team. Uh, as I'm sure you guys are aware and it is in there, thoroughly he was not wearing his glasses at this point in time. Joe has very poor vision, um, when he does not have his glasses. The tactical command post was a small church at this point in time full of a number of different teams. Um, one of the S.W.A.T. operators states that they were at some point asleep and laying down up in the very front, and it's possible that Joe would not have seen them. Um, further, they were all facing away from the direction that Joe would have been coming out of, so all he would have seen were backs of heads. Um, at several

points throughout the incident while at the tactical command post the team was initially given orders to recover, or to deliver pizza. Those orders were later rescinded, um, but Joe was not aware of that when he left to go back to the, uh, main command post. Uh, it was Joe's belief based on everything he'd been through that when he came out that his team had left. Um, I know there several statements there that a reasonable person or somebody could have or should have searched the whole building and found out. I think it's quite clear from the statements of everybody involved that Joe was not exactly in the right frame of mind. Um, they state that he appeared bewildered or depressed, he had a glazed over or numb look, that he appeared to be in shock, um, that he was agitated. All these are signs that Joe experienced a traumatic event, a psychological event at the scene of that shooting that is at this point related, resulted in [REDACTED] Um, because of all these factors were occurring for Joe while on the scene, he wasn't able to properly, um, maybe assess the situation as a normal clear-headed person would have. Um, with all this in mind, Joe believed that his team had left him. He attempted to raise his team via radio, but the radio he had on him I believe was, was gone or dead, so then his next option was to go to his vehicle. When he got to his vehicle the battery had run out and that radio was also dead. Um, so his only option at that point as he believed it was to walk back to the main command post. Uh, as I'm sure you guys are aware, for insubordination charges there must be a lawful order given and it must be deliberately, uh, disobeyed. Joe never received an order he wasn't to leave, and even assuming that there had been one Joe did not understand it to be an order. Um, he was not functioning properly or not in the right frame of mind at that point in time due to the traumatic incident he exper, early in the, experience earlier in the day, and that caused him to walk back to the command post. Um, at no point did Joe intend to be insubordinate or disobedient. That was never his intention or his plan, and had he realized that he was under orders to remain at the tactical command post, he would have remained there. I think the evidence in here clearly demonstrates that given Joe's mental state, the lack of glasses and the lack of orders to remain there with the fluid movements of his teams and constantly changing orders, it was reasonable for him to believe that he could return to the main command post, um, when he believed that his team had left to run a, an errand I believe as delivering pizza. Um, based on that, the sustained violation for insubordination and disobedience for leaving the tactical command post I believe should be not sustained, exonerated or unfounded. The next incident, um, addressing them in order, would be the violation of the verbal and written directives not to discuss the subject of the investigation and to report any incident of being questioned about it to either Sergeant Courtney or Lieutenant Ford. Um, both conversations both with I believe it's [REDACTED] and with the SIU Unit are more or less identical. In both of 'em he admits to stating that he was involved in a shooting Um, that information was I believe printed in the event log for the day by the department and everyone in the department was well aware that he had been involved in a shooting. Um, beyond that Joe only stated that he shot because he was afraid for his life. He didn't get any sorta details about the shooting, he didn't discuss what he saw, what he didn't see, actions he took. All he stated was the frame of mind that he had and the very slight justification he had for shooting. He didn't, his statements would in no way affect any sort of investigation. Him telling someone that he was afraid for his life at the time he shot cannot negatively or positively affect any sort of Internal Affairs investigation, it wouldn't cause anyone to change their story, and in his mind it didn't violate the directive. Joe was under the impression that he could speak generally about events, um, without ever getting into the details of it, which is what he attempted to do when numerous people were kinda talking to him about it. Um, his intention was never to violate any sort of directive. It was merely just to do what he was ordered to do and not discuss the subject of the investigation, pawning it off and pushing off the conversation as best he could be merely addressing the fact that people have different perspectives. He never said what his perspective was, he didn't say what, um, Officer Kissam's perspective was. He just indicated that various people involved in the same incident could have a different perspective and that would affect their views and outcomes. This is not a discussion of the subject matter of the investigation. The investigation was not regarding whether or not people have perspectives that are different. It was about this shooting. His statement was nothing more than a scientific explanation that people would view things differently even if they're out in the same location. Again, that statement would not affect anyone's statement to IA, it would not affect negatively or positively any sort of internal investigation or external, and it, and it was his mind that it would not even relate to the shooting let alone violate the directive that he was to, um, not discuss the subject matter. Um, and then finally the directive that he needed to report any incident and being questioned about the officer-involved shooting to either Lieutenant Ford or Sergeant Courtney, in Joe's mine, um, being questioned is more than just a conversation. Being questioned has the connotation of an official type of questioning more leveling on an interrogation or somebody at least repeatedly asking questions with some sort of official purpose. Um, at no point was anyone ever questioning him about the shooting. People approached him and discussed what Kane had said to them. They weren't grilling him, he wasn't being interrogated. He was just listening to their side of the story and then he would just respond with, again, perspectives can be different and I fired 'cause I was in fear for my life. That's all he said, that's all the transcript or any of the interviews show that he ever said to anyone. He doesn't get into the details, he in no way negatively

affects any sort of investigation, nor does he intentionally attempt to disobey any directive or order. Um, finally, Rangel took several steps to avoid discussing the shooting. He did everything he could not to violate this order. Um, and lastly, based on all this not only should those two allegations be overturned and reduced to non-sustained, um, but even if they were to be maintained, the discipline imposed against him is excessive considering the events. A 160-hour suspension is what this equates to as a one-month removal from duty for someone who is currently going through [REDACTED]. He has attempted to [REDACTED]. 160 hours is a lot [REDACTED] cause at this point, as you mentioned earlier, it's not clear how long [REDACTED] may take, if he will ever be able to return, and 160 hours is quite frankly too much for him to absorb at this point in time. Um, furthermore, prior to this incident the [REDACTED] [REDACTED] 160 hours is disproportionate to the types of actions he took here, especially considering at no point did he intentionally or deliberately attempt to disobey or disrespect any authority. And based on that, I would ask that you overturn the sustained findings or in the alternative substantially reduce any discipline imposed.

Christopher Boyd: Okay. Lieutenant, clarifying questions?

Christine Ford : I do not.

Christopher Boyd: All right. I understand. So, uh, we appreciate it so we'll, uh, we'll go back and review your points. Uh, we'll go through the investigation and, um, and then we'll come to a final decision from there.

[REDACTED] Thank you.

Christopher Boyd: All right. So the time is about, uh, 2:22 and, uh, this hearing is completed. Thank you.

SpeakWrite
www.speakwrite.com
Job Number: 14335-001
Custom Filename: Rangel Skelly conference
Date: 12/01/2014
Billed Word Count: 2422
FINAL WORD COUNT: 2442



CITRUS HEIGHTS POLICE DEPARTMENT



MEMORANDUM

Date: December 8, 2014
To: Chief Boyd
From: Lieutenant Ford
Subject: Follow-up to Skelly conference – Officer Joe Rangel

After the conclusion of the Officer Rangel's Skelly conference on December 1, 2014, and review of internal affairs investigation and transcripts, the following two points brought forward by attorney [REDACTED] are addressed below:

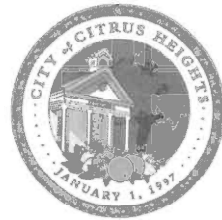
1. Officer Rangel states he left the tactical command post, because he was not provided specific orders to remain at that location. He said at one point after using the restroom, he came back out and could not locate his team inside the church. Officer Rangel did not have his glasses on due to losing them during the incident, and he all he could see were the backs of heads. Due to Officer Rangel's state of mind, he believed the team had left him, so he made the decision to walk back to the command post.

During the interview of Sergeant Lewis, he specifically states he pulled Officer Rangel off the line and sent him to the tactical command post. He instructed Officer Rangel to stay at the tactical command post. Although Officer Rangel stated he was not given a "direct order", when a supervisor instructs a person to do something that in essence is an order given to that person by a supervisor. During Officer Rangel's interview he stated "he did not believe he was given a direct order to remain at the tactical command post, but he admitted that Sergeant Lewis had told him not to leave and to stay there".

Lieutenant Russo stated he saw Officer Rangel in the church, along with the rest of the team. The team was located near the front of the church. Lieutenant Russo said about 20 minutes later, he was informed by Lieutenant Fletcher that Officer Rangel was at the command post. Lieutenant Russo was unaware that Officer Rangel had left the tactical command post, and found it unreasonable for him not to see us at the front of the church.



CITRUS HEIGHTS POLICE DEPARTMENT



Interview Procedure

IA/CC # _____

Employee Interview

The name/rank of the person in charge of the investigation is COURTNEY / SGT.

The date and time of this interview is 10/29/13 3:45pm

The location is ROSEVILLE PD 15D SGT OFFICE

Present in the room is LT. FORD, SGT. COURTNEY, JOE RANGEL,

The person conducting the interview is SGT. COURTNEY

The general allegations are:

NONE

The general allegations and scope of interview WAS WAS NOT provided in writing prior to this interview.

This interview IS IS NOT being recorded.

At this time, I will advise you of your rights under the Peace Officer Bill of Rights.

1. You have the right to a representative of your choice to be present during this interview. The representative can be an attorney, an association member, or anyone else not connected with this investigation.

Do you understand? YES NO

Do you want a representative? YES NO If so, who _____

2. You have the right to make your own tape recording of the interview.
3. You will have access to the department's tape recording of your interview if further proceedings are contemplated or prior to any further interrogation at a subsequent time.
4. After the interview, you are entitled to any transcribed copy of any notes, or to any reports or complaints, except those that are deemed confidential.
5. You will be questioned by no more than two interrogators at one time during the interview.
6. If this interrogation is occurring during your off-duty time, you will be compensated in accordance with the regular department procedures and you will not be released from employment for any time missed.
7. This interview session will be for a reasonable period of time based on all the circumstances and you will be allowed to attend to your own personal necessities. If you need to take care of a personal necessity, please advise me orally during the interview.

8. If prior to or during the interrogation it is determined you may be charged with a criminal offense, you will be read your constitutional rights.

Do you Understand these rights? YES NO

Employee Initial 

Miranda Advisement

1. You have the right to remain silent.
2. Anything you say may be used against you in court.
3. You have the right to an attorney before and during questioning.
4. If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.

Do you understand each of these rights I have explained to you?

Having these rights in mind do you want to talk?

NO 

Lybarger Warning

1. While you have the right to remain silent with regard to any criminal investigation, you do not have the right to not answer my administrative questions.
2. This is an administrative investigation. I am therefore now ordering you to discuss this matter with me.
3. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
4. Any statement you make under compulsion of this threat of such discipline cannot be used against you in a later criminal proceeding.

Do you understand the nature and scope of this investigation? YES NO

You are being ordered to answer any and all questions asked of you, failure to do so may be deemed insubordination and result in administrative discipline up to and including termination of your employment with the City of Citrus Heights.

You are admonished you are to answer all questions asked of you completely. While being interviewed, you shall not provide misleading, untruthful, inaccurate, or partially misleading, untruthful, or inaccurate information to me or any investigator in regards to this investigation, nor shall you fail to disclose any pertinent facts or information within your knowledge to me or any investigator.

At the conclusion of this interview you are ordered to not discuss this interview or investigation with anyone other than your attorney, representative, or myself.

Do you understand this admonishment? YES NO

Employee Initial 

Employee 

Investigator  152

Administrative Interview: Joseph Rangel on 10/29/2013

Sergeant Courtney: Um, Sergeant Courtney, uh, sergeant with, uh, Professional Standards of Training, the person in charge of this investigation. Uh, the date is.

Lieutenant Ford: October 29, 2013.

Sergeant Courtney: Time?

Lieutenant Ford: 3:45.

Sergeant Courtney: Okay, 3:45 p.m. We're at the Roseville Police Department, ISD section, sergeant's room, and this room is not being videotaped. Present in the room is,

Lieutenant Ford: Lieutenant Ford.

Sergeant Courtney: Sergeant Courtney.

Joc Rangel: Joe Rangel.

Other Speaker: I'm [REDACTED] representative of Joe Rangel.

Sergeant Courtney: Okay. And the person conducting the interview is myself, Sergeant Courtney. There are no general allegations to this as I read to you the form. It says the general allegations, the scope of the interview, again there are not, the scope of the interview is just the questions we're going to ask you mainly pertaining to some questions that we want cleared up at the scene, but also, are you okay?

Joe Rangel: I, Sergeant, I respect the hell out of you, but we couldn't have done this outside of IA? Apparently, apparently not. I'm sorry, go ahead. I apologize. Please carry on.

Sergeant Courtney: Okay. Uh, can we continue?

Joe Rangel: Yeah.

Sergeant Courtney: Okay. So anyway, there are no general allegations, but we want some questions cleared up, okay?

Joc Rangrl: Okay.

Sergeant Courtney: Okay, at this time I'll advise you of your rights under the Peace Officer Bill of Rights. You have the right to a representative of your choice to be present during this interview. A representative can be an attorney, an association member, or anyone else not connected with this investigation. Do you understand?

Joe Rangrl: I do.

Sergeant Courtney: Do you want a representative at this time?

Joe Rangcl: Yes.

Sergeant Courtney: You do. That representative is present. You have the right to make your own tape recording of this interview. You will have access to the department's tape recording for your interview if further proceedings are contemplated or prior to any further interrogation at a subsequent time. After the interview you are entitled to any transcribed copy of any notes or to any reports or complaints except those that are deemed confidential. You will be questioned by no more than two interrogators at one time during the interview. If this interrogation is occurring during your off-duty time, you will be compensated in accordance with the regular department procedures and you will not be released from employment for any time missed.

Joe Rangcl: So I'm making overtime right now?

Lieutenant Ford: Yes.

Sergeant Courtney: At this time, this interview session will be for a reasonable period of time based upon all the circumstances, and you will be allowed to attend to your own personal necessities. If you need to take care of a personal necessity, please advise me orally during the interview.

Joe Rangcl: Yes, sir.

Sergeant Courtney: If prior to or during the interrogation it is determined you may be charged with a criminal offense, you will, you will be read your constitutional rights. Do you understand?

Joe Rangcl: Yes.

Sergeant Courtney: Okay, we need your signature and initial here. Great. I'm gonna give you your Miranda advisement.

Joe Rangcl: Okay.

Sergeant Courtney: You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and during questioning. If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. Do you understand each of these rights as I've explained them to you?

Joe Rangcl: I do.

Sergeant Courtney: Having these rights in mind, do you wanna talk?

Joe Rangcl: No.

Sergeant Courtney: Okay. Sign this. initial that. Okay, Lybarger warning. While you have the right to remain silent with regard to any criminal investigation, you do not have the right to not answer my administrative questions. This is an administrative investigation. I'm therefore now ordering you to discuss this matter with me. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of this threat of such discipline can be used against you in later criminal proceeding. You understand ****.

Lieutenant Ford: Cannot. Cannot.

Sergeant Courtney: I'm sorry, cannot. Cannot be used against you in a later criminal proceeding.

Joe Rangel: I'm, I'm familiar with the Lybarger. Yes, I understand.

Sergeant Courtney: Okay, next section. You're being ordered to answer any and all questions asked of you. Failure to do so may be deemed insubordination and result in administrative discipline up to and including termination of your employment with the City of Citrus Heights. You are admonished. You are to answer all question asked of you completely. While being interviewed, you shall not provide misleading, untruthful, inaccurate, or partially misleading, untruthful or inaccurate information to me or any investigator in regards to this investigation. Nor shall you fail to disclose any pertinent facts or information within your knowledge to me or any investigator. At the conclusion of this interview, you are ordered to not discuss this interview or investigation with anyone other than your attorney, representative or myself. Do you understand?

Joe Rangel: Yes.

Sergeant Courtney: Okay. Questions, um, that I just need cleared up. While you were on the scene, you were in the prone position. We understand that you got a very small portion of that fence line in your view. You were facing the No. 3 side of the house, is that correct?

Joe Rangel: That's correct.

Sergeant Courtney: Okay. Did you see anyone that had a better view of the 3 side or 4 side at that time?

Joe Rangel: Than me?

Sergeant Courtney: Yeah. Or was there anybody staying in a higher position. Sniper's on the roof, anything like that?

Joe Rangel: I, I don't know who had, may have had a better position. I was, Kane and I were right there where we were, and to my knowledge, we were the only guys on that side.

Sergeant Courtney: Okay. Didn't you mention SSD was behind you?

Joe Rangel: They were off to our left, to our rear, watching the 4 side.

Sergeant Courtney: Were they on the street, street level or were they higher?

Joe Rangel: Correct.

Sergeant Courtney: Okay. Um, you mentioned at the scene, I know you told me or one of the commanders, actually you told me that you'd had lost your glasses. Do you remember when you lost your glasses?

Joe Rangel: After the MRAP arrived.

Sergeant Courtney: Okay. And were you able to recover your glasses?

Joe Rangel: I was.

Sergeant Courtney: Where were they?

Joe Rangel: I don't know. Kyle Tedford found them and brought them to me.

Sergeant Courtney: Okay, and then we were just not clear of the sequence of events when you were pulled off line. You were behind the MRAP at one point, on the safe side. You had mentioned you had talked to EJ. He provided you some armor.

Joe Rangel: Correct.

Sergeant Courtney: Is that correct? What happened after that?

Joe Rangel: Um, I, I sat out there for, uh, I don't, I don't know the exact period of time, but it was light when the MRAP showed up and it was a dark, uh, and I finally got relieved. Um, I sat out there for a while, it felt like a couple hours. I don't really know, to be honest with you. I wasn't wearing a watch. Then uh, I heard after a long period of time, I heard, uh, somebody say that, uh, Citrus Heights was sending a five man squad element up to the MRAP to deliver supplies. Um, and then I saw a team come up on the, uh, of course on the safe side of the MRAP, and they showed up with some water, and they passed water all around, and, uh,

Sergeant Courtney: Was that Citrus Heights too?

Joe Rangel: Yeah, it was us. It was led by Sergeant Lewis. I don't know who all was in the team. I just, excuse me, remember Kyle Tedford was there. And then they said, uh, do you wanna, um, Kyle asked me, do you wanna go back? And I didn't know what I was supposed to do at this point, because this is like one of those constantly evolving situations. It wasn't, uh, a patrol stop shooting. It's just like, you know, ongoing combat. So, um, Kyle told Sergeant Lewis, I think, Kyle told Sergeant Lewis that I could go back and he would stay for me, and

Sergeant Lewis said no. I'm gonna stay. Me, Rangel, I'm gonna stay. Kyle's coming back, and Kyle said, well do you want, do you want to leave him with a buddy, and Kyle would stay with me. And Sergeant Lewis said, no you're coming back with us. And then, uh, Kyle and Sergeant Lewis had some conversation. I didn't hear it. And then Lewis said, okay Kyle, you stay and Rangel you're back with us. So, I got behind the shields and we went back to the tactical command, the midpoint, which was no longer where we had set it up earlier. It was, uh, it was, uh, a church parking lot. I don't know the address, it was a ways down in the church parking lot. We had, uh, for lack of a better term, we had a little camp set up there. There was, uh, a bunch of different swat teams there from different places, and we had our own little spot, and that's where everyone sat.

Sergeant Courtney: Okay, um, did you at any time tell Sergeant Lewis that you've been involved in a shooting? Or do you remember which supervisor you told first?

Joe Rangel: First notification I made was to dispatch. Then I spoke to Sergeant Dias on the phone. Sergeant Perez called me at one point while I was, uh, had cover behind the MRAP. I asked her for water, and she asked me how I, how I was doing, and I think, I think I made the offhand comment, well, I've been in a shooting, so. But other than, I hadn't really made an official notification to her. Back at the, back at the TOC, tactical command, um, I asked Lieutenant Russo who was also there, in his greens. Am I supposed to be sequestered or something. Those were my words. Am I supposed to be sequestered or something? And he said no, it's not like you hit anybody or anything, did you? And I said I, I really don't know. And he said, well just get some rest right now, and kinda worry about it later, or something to that effect. So we sat there. To be honest with you, I fell asleep out there. Uh, I racked out on the ground. I have no idea how long we were there. It was starting to get really cold and eventually Lieutenant Russo came up to us and said, uh, let's go into the church and get warm. So, we all got up, walked into the church, went in, used the restroom, came out, the team wasn't there, so I fixed my gear, I readjusted the armor because EJ's armor doesn't fit me. So I was readjusting the armor and waiting for the team. Didn't see anybody show up. I thought maybe I was missing something, 'cause I didn't, I, I had left my radio behind. So I kinda went out, went out back to where our camp had been. They were gone. And the radio was gone and nobody was there, and I sat there for not too long, maybe five minutes or so, and I was like, okay, well, uh, they're, they're gone. They've left me behind. I, I failed to mention one thing. I'm sorry. When, when they brought me back to the command, the tactical command, at some point the team got a, a pizza delivery assignment to go take food to the troops, so, um, everyone stood up. I went to put my armor on, and Lewis told me, no, you, you're offline. Go take your armor off and go sit down. So, so flash forward to where I was. I'm like, okay, I'm offline. I can't, I'm not allowed to engage. I'm not sequestered apparently, but I'm not allowed to engage, and the team has left. I don't know if they, they were deployed or if they got called back or anything, but I'm, as far, as near as I could tell, I'm the only Citrus guy, Heights guy at the tactical operations command, and they're apparently not going to let me do anything anyway, so I figured I'd better go find somebody who knows what the hell's going on, and I walked back to the incident command to try and get some orders.

Sergeant Courtney: Okay. Um, did you go back to your vehicle at all? Did you check, how'd, how'd you, you,

Joe Rangel: Yeah, actually I did. When I walked by. Well, I wanted to drive back, but, but, uh, I got out and I, I made the right, and I was walking by and I saw my vehicle had the hood up, and I thought that was probably not a good thing. And then I, uh, I went in and I saw that the radio was dead and I figured that the battery was probably dead, so I just left it and walked back.

Sergeant Courtney: When you came back to the CP, did you, who, who'd you speak to first?

Joe Rangel: It was Dias actually, because I went in, there was quite a bit, uh, more command staff and different agencies than there was the first time I saw the CP, so it was, it was kind of a, kind of a mess out there. I was wandering around, and I saw Dias and, uh, I said, hey where's our CP and he pointed at it, and I walked over that way. To be honest with you, my intent at this point was to change EJ's gear for my gear, um, and get on gear that fit and then somehow try and get EJ's gear back to him and get a new radio, so I walked back and that's when I saw, uh, all the command staff and I believe yourself, Sergeant, sitting a, around, one central spot. You guys saw me and to be honest with you, I, I, and this sounds really stupid, but I, I kinda thought that somehow this was being treated differently than a regular OIS because of the nature, because nobody had sequestered me, pulled me offline, or anything, so I was really intending for one of your guys to say, okay, here's your armor, go back out there, they need you on the 3/4 corner or something, but that's not what happened of course 'cause I got sat down and [REDACTED] came up. And you were there for the rest of it.

Sergeant Courtney: Okay. So, uh, just to clear up again with your glasses, you're positive that you were wearing your glasses at the time of the shooting, right?

Joe Rangel: I had my glasses on when I shot. And I'll tell you how I know. 'Cause the helmet I was wearing kept coming down and hitting on the top of them, and I hurt the bridge of my nose. And I was prone.

Sergeant Courtney: Okay, I don't have any other questions.

Lieutenant Ford: Um, when you had contact with Lieutenant Russo, did he ask you any questions at all?

Joe Rangel: He asked me if I was okay. Um, he asked me did, did you hit anybody? Did you hit any civilians or anything? Any civilians hurt? And I said, no, no, no. I don't know if I hit anybody. And then, uh, and then he walked away. One of the, uh, one of the operators out there, I don't know who it was, looked at me, he goes. I just put it together. Operator looked at me and said I think that was a half-assed safety statement. And I went, huh, okay.

Lieutenant Ford: Was your, was your first thought to call dispatch? I mean, was,

Joe Rangel: No. My first thought was to call my [REDACTED]

Lieutenant Ford: Okay.

Joe Rangel: Which is what I did, as soon as I got to cover and, and wasn't gonna get shot anymore. Then I, uh, there was no way I was gettin' on the radio. Uh, there was just way too much conversation going on between people who were in a lot more danger than I was once I got behind the MRAP. Um, I thought about switching to Channel 1 and doing it on the radio there, but then I, I just didn't want to freak out patrol, so I just, after I called my [REDACTED] and I told [REDACTED] I'm safe, it's okay, I know you can see it on the news. I'm hiding behind three tons of steel, um, then I called dispatch and I had no idea who I was talking to. It was very, very loud on there, and I said, uh, hey, two things. One, um, whoever, I, I don't think our swat team has arrived yet and the, obviously they'll be reporting. I said I don't think our swat team has arrived yet, but whenever they get here, I need them to bring me my armor. And two, I've been in a shooting, and I need you to let whoever needs to know, know that. And they said okay. It was a female, and they said okay. Then after a few minutes, I heard SAC PD get pulled off the line, the, the command was to get the SAC PD shooters off the line and get them replaced, and I waited, and I was kinda like expecting something like that maybe to happen with me, didn't happen. Thought perhaps dispatch got busy, so I, then I called dispatch and I said, send me through to someone. I tried to call Shannon King? Parks? [REDACTED] I don't, I tried to call Shannon 'cause she was the scribe, 'cause I didn't wanna bother the Lieutenants. Um, she didn't answer her phone, so I had dispatch put me through to, I said put me through to, I said, put me through to any supervisor, uh, preferably not the chief. Well, I said, please don't put me through to a commander or the chief, 'cause they're busy commanding and chiefing, but put me through to some supervisor at the tactical operations command or the incident command so I can let them know. So they put me through. It was Dias, I think. Um, I had the person say his name twice. I mean it was so loud out there, LT, I could not understand who it was, and I said, I've been in a shooting. I need you to know that. And that person said, I know. And I said, okay.

Lieutenant Ford: Okay.

Joe Rangel: That's, that's all I got.

Lieutenant Ford: Okay. And when you got back to the command post, I know at some point during, uh, the whole process, you were probably told by someone that, hey, you shouldn't talk about the incident.

Joe Rangel: Mm hmm.

Lieutenant Ford: Since this is now a shooting review. Whatever the phrase was. Do you remember who told you that?

Joe Rangel: It was him.

Lieutenant Ford: Okay, and do you, so it was, so at that point, were you sent home, or is that what happened after?

Joe Rangel: So Sergeant Courtney told me, um, I, I'm not trying to be a jerk here. It was, it was a real, uh, cluster in my head at that point. Um, I'm starting to come down from the adrenalin and stuff and this is all new to me, so I don't remember the exact order things happened

in. I remember I got taken in. An official safety statement was taken from me. Did the round count, took my rifle. Sergeant Courtney was there with me the whole time. Um, and my rep, um, Deb Bayer, was with me and also Chris Miller followed me around. Um, right around, right after we did round counts, on the way to do round counts, you told me, Sergeant, um, so, I'm adv, I'm admonishing you right now. We're not putting you on admin leave, but, you know, this gonna be, this is an investigation so don't con, don't discuss with anybody. You said your, your representative is not protect, or not, uh, privileged, so don't, don't share with her either. You can talk about general stuff, but not details, and I said, yes, understood. Did the round count, came back, I sat there, I ate a togos sandwich, um, and, uh, after a minute, uh, people kept coming up to me and talking to me and walking away, and then I looked at, uh, I'm pretty sure it was you, Sarge, and [REDACTED] was there, and I said, uh, so what do I do now? Am I done? Do I go? And I believe, I believe it was you, Sergeant, who said yep, you're done. Go back to the station. Do you need anything? And I said, uh, no, I'm, I'm good, and so we went, [REDACTED] and I drove back to the station. She actually parked my car for me, 'cause at that point I had no glasses and couldn't drive. Uh, I signed, I had Baldwin mark all my reports as gonna be late and approve that they're gonna be late because I had no intention of staying and completing those. Saw Sergeant Perez. She gave me a hug. Um, what? Actually, I went and got a beer, and then I went home.

Lieutenant Ford: And you haven't been at work since, correct?

Joe Rangel: No, I went back. I went back, uh, I made a horrible mistake. I thought it would make me feel a bit more normal to go back. It was last night, I would have been on duty. I went back in last night just to see how everybody was doing and, you know, see how the aftermath was going. Nobody was really in the station, just, uh, Kyle, Dunning and the dispatchers and, uh, it, it did more hell than good, so I just kinda like said, okay, well you guys have a good night and left. But I haven't been on duty since.

Lieutenant Ford: Okay. Have you talked to anybody after you were advised that you shouldn't talk about the case at all?

Joc Rangel: In details? Not in details, no. I mean, um,

Lieutenant Ford: I'm not sure what details means.

Joc Rangel: Well, like for instance, um, well the stuff you guys know now about, you know, shooting through the fence at the, at the, at the suspect and those things. I mean, I was talking with the swat team last night, and we had, we were, uh, talking about the debrief, 'cause they had a debrief on their part of it, and they wanted to know what, you know, what the mechanics of my part had been, but we, we didn't go into like my OIS. We just talkcd about, you know, like when, when did you guys get the call? Well right after the main exchange of gun fire and this is what was going on and, and that kinda stuff. Um, they were all aware I've been in a shooting. Um, I mean, it was all over. I guess, I guess they put it on the watch log, so.

Lieutenant Ford: Hmm. I think I only have just one more question. Um, this is just for my own clar, uh, clarification. Um, when you saw, and I did view the, um, interview with the

detective from Roseville. Um, when you saw what, when you saw his head and shoulder area and, and you shot at, uh, were there any other officers in that close proximity that fired also? Or that you could see or hear?

Joe Rangel: Kane Kissam was directly to my left, also prone next to me. I don't believe he fired. Um, I, I, I don't know if he saw, I don't if he didn't see, I don't, I don't have any idea what his perception of the event was. Um, my belief was is that he had ducked his head into the ground, uh, to protect himself, so I don't know what he may or may not have seen. As to who else may have seen what I saw, I don't know. We had Joe Davis up on a roof. We had SSD all the way around, but this little cubicle that I was looking through, the reason they put us there is because there was an intact fence and a mostly intact fence, and nobody had eyes into this little lot. So my belief is that it was just me and Kane who could see into this. I could be totally wrong. I,

Lieutenant Ford: But you're not aware of having any visual with any other officer that was on a different side. Like, could you see any other officer other than yourself or Kane? And, and,

Joe Rangel: Not where I was I was looking.

Lieutenant Ford: Okay.

Joe Rangel: Not where I was looking, no. I could turn my head over my shoulder and see other cops,

Lieutenant Ford: Mm hmm.

Joe Rangel: But, but in my field of fire, so to speak, no, it was just me and Kane. Well, Kane wasn't in my field of fire either, but, it came out wrong.

Lieutenant Ford: Okay. Um, I think that's all I have.

Joe Rangel's Representative: Okay. Just got one quick thing real quick.

Joe Rangel: Sure, sure.

Joe Rangel's Representative: Earlier you discussed there were two splits in the fence, like two openings?

Joe Rangel: Mm hmm.

Joe Rangel's Representative: Um, were you and Kane looking at different openings in the fence?

Joe Rangel: Yes.

Sergeant Courtney: Do, uh, Joe, one last thing, too, uh, Kane, uh, provided a description of, of the scene, and I just wanna see if this is somewhat accurate. On this old binder paper. We have, uh, you listed here. I'm gonna circle where you were, and K for Kane.

Joe Rangel: Mm hmm.

Sergeant Courtney: Fence, which was down, um,

Joe Rangel: Partially, yeah.

Sergeant Courtney: Yep, and there's a fence line that ran all the way between the two yards.

Joe Rangel: Correct.

Sergeant Courtney: The break in the fence was here. This section was down, so you, you had visual between these two points which the dash line goes between your location and the back wall.

Joe Rangel: Well, um,

Sergeant Courtney: Is that correct?

Joe Rangel: The fence wasn't down. The break in the fence that he's describing here, the fence was leaning, so if you saw what I described to, uh, Roseville, you saw that I described two V's that it created? That's because the fence was leaning down, and it created this gap. So it wasn't all the way flat down. We didn't have a gigantic rectangular hole to look through. We had both sides of the leaning portion of the fence to look through.

Sergeant Courtney: Would you say it's down about a 45 degree angle or so, or a little less? More?

Joe Rangel: I don't know, uh, maybe, that, sure, that sounds about right.

Sergeant Courtney: How much of that wall, could you see anything from the roofline? Could you see all the way down to the ground, or?

Joe Rangel: No, not all the way to the ground. Not all the way to the ground.

Sergeant Courtney: And you couldn't, you couldn't see the full wall, from your point of view,

Joe Rangel: That's correct.

Sergeant Courtney: Just a small section of the wall?

Joe Rangel: That's correct.

Sergeant Courtney: Okay.

Joe Rangel: You're talking about the, the house the suspect was in?

Sergeant Courtney: Mm? Yes, that,

Joe Rangel: Yeah.

Sergeant Courtney: That No. 3. Number 3 side.

Joe Rangel: Yes, so yeah, I had a, yeah, I had a very limited field of fire.

Sergeant Courtney: Okay. Could, at any time, could you see the holes in the wall after you fired?

Joe Rangel: Yeah.

Sergeant Courtney: Okay.

Joe Rangel: Yeah, in fact, uh, I think Kane even asked me, this didn't come up in the main interview, but he came and asked me, uh, did you hit the fence? And I said, no, see the hole in the wall? So there's, there's a hole in the wall right in the center of the V.

Sergeant Courtney: Okay.

Joe Rangel: I fired.

Sergeant Courtney: Okay, and then this portion here that says SSD, would this be somewhat accurate of where SSD was located by,

Joe Rangel: Yeah, their, their car was canted in a little bit, but yeah, I mean, it, it's, for, for rough enough. They, uh, part, the reason they, these guys had directed us to go here is because they couldn't see into here and what they didn't want was him coming out through here and surprising everybody out here.

Sergeant Courtney: Okay. And they, they would have had a full view of the street, all the way down, and possibly Kane, too? Where he was at? Would that be accurate?

Joe Rangel: I don't know if they could've seen Kane, because they were on the other side of the vehicle, right?

Sergeant Courtney: Okay.

Joe Rangel: So I don't know if they could've seen down that low, but they certainly, they certainly had a view of between these two fingers here, if that makes sense.

Sergeant Courtney: Okay. Then that's all, all I have for questions.

Lieutenant Ford: Okay.

Sergeant Courtney: And time is,

O Lieutenant Ford: 4:15.

Sergeant Courtney: 4:15.

Revised word count after audio review and corrections: 5047

SpeakWrite

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Job Number: 13305-002

Custom Filename: Rangel admin interview

Date: 11/01/2013

Billed Word Count: 4981



CITRUS HEIGHTS POLICE DEPARTMENT



Interview Procedure

IA/CC # 13-008

Employee Interview

The name/rank of the person in charge of the investigation is SGT. COURTNEY

The date and time of this interview is 12/13/13 1350

The location is TRELLIS HALL

Present in the room is LT FORO, SGT COURTNEY, JOE RANBER,

The person conducting the interview is LT. FORO

The general allegations are:
(GENERAL SCOPE OF INTERVIEW IS TO CLARIFY FACTS IN OFFICER INVOLVED STOPPING THAT OCCURRED ON OCT. 25, 2013.)

The general allegations and scope of interview WAS WAS NOT provided in writing prior to this interview.

This interview IS / IS NOT being recorded.

At this time, I will advise you of your rights under the Peace Officer Bill of Rights.

1. You have the right to a representative of your choice to be present during this interview. The representative can be an attorney, an association member, or anyone else not connected with this investigation.

Do you understand? YES ~~NO~~

Do you want a representative? YES NO If so, who _____

2. You have the right to make your own tape recording of the interview.
3. You will have access to the department's tape recording of your interview if further proceedings are contemplated or prior to any further interrogation at a subsequent time.
4. After the interview, you are entitled to any transcribed copy of any notes, or to any reports or complaints, except those that are deemed confidential.
5. You will be questioned by no more than two interrogators at one time during the interview.
6. If this interrogation is occurring during your off-duty time, you will be compensated in accordance with the regular department procedures and you will not be released from employment for any time missed.
7. This interview session will be for a reasonable period of time based on all the circumstances and you will be allowed to attend to your own personal necessities. If you need to take care of a personal necessity, please advise me orally during the interview.

8. If prior to or during the interrogation it is determined you may be charged with a criminal offense, you will be read your constitutional rights.

Do you Understand these rights? **YES** NO

Employee Initial _____

Miranda Advisement

- 1. You have the right to remain silent.
- 2. Anything you say may be used against you in court.
- 3. You have the right to an attorney before and during questioning.
- 4. If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.

Do you understand each of these rights I have explained to you?

Having these rights in mind do you want to talk?

Lybarger Warning

- 1. While you have the right to remain silent with regard to any criminal investigation, you do not have the right to not answer my administrative questions.
- 2. This is an administrative investigation. I am therefore now ordering you to discuss this matter with me.
- 3. If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
- 4. Any statement you make under compulsion of this threat of such discipline cannot be used against you in a later criminal proceeding.

Do you understand the nature and scope of this investigation? **YES** NO

You are being ordered to answer any and all questions asked of you, failure to do so may be deemed insubordination and result in administrative discipline up to and including termination of your employment with the City of Citrus Heights.

You are admonished you are to answer all questions asked of you completely. While being interviewed, you shall not provide misleading, untruthful, inaccurate, or partially misleading, untruthful, or inaccurate information to me or any investigator in regards to this investigation, nor shall you fail to disclose any pertinent facts or information within your knowledge to me or any investigator.

At the conclusion of this interview you are ordered to not discuss this interview or investigation with anyone other than your attorney, representative, or myself.

Do you understand this admonishment? **YES** NO

Employee Initial _____

Employee

Investigator

Interview with Officer Joseph Rangel- 12/13/13 at 1350 hours

[REDACTED] For the good.

Sergeant Courtney: Okay, we're good here?

Lieutenant Christine Ford: Okay, this is in regards to IA No. 13-007. Uh, the person of, in charge of the investigation is Sergeant Courtney. Today is December 13, 2013 at approximately 1350 hours. We are inside Trellis Hall and present is myself Lieutenant Christine Ford, Sergeant Chad Courtney, Officer Joe Rangel and his attorney [REDACTED]

[REDACTED] Yes ma'am.

Lieutenant Christine Ford: Uh, I will be conducting the interview today and it's uh, essentially, there is no allegation, it's general scope investigation is to clarify facts in the officer involved shooting that occurred originally on October 25 of 2013 in Roseville.

Officer Joe Rangel: Yes ma'am.

Lieutenant Christine Ford: Uh, so I will say that the general scope interview was provided in writing uh, previously and this interview is being recorded. At this time I will advise you of your rights under the peace officer bill of rights. You have the right to a representative of your choice to be present during this interview. The representative can be an attorney, association member or anyone else not connected with this investigation. Do you understand?

Officer Joe Rangel: I do.

Lieutenant Christine Ford: Do you want an attorney?

Officer Joe Rangel: I do.

Lieutenant Christine Ford: Who is present.

Officer Joe Rangel: He's here.

Lieutenant Christine Ford: You have the right to make your own tape recording of the interview. You have access to department's tape recording of your interview. If further proceedings are contemplated or prior to any further interrogation at a subsequent time. After the interview you are entitled to any transcribed copy of any notes or to any reports or complaints except those that are deemed confidential. You will, you will be questioned by no more than two interrogators at one time during the interview. If this interrogation is occurring during your off duty time you will be compensated in accordance with the regular department procedures and you will not be released from employment for any time missed. This interview session will be for a reasonable period of time based on all the circumstances and you will be allowed to attend to your own personal necessities. If you need to take care of a personal necessity please advise me orally during the interview. If prior to or during the interrogation it is

determined you may be charged with, with a criminal offense you will be read your constitutional rights. Do you understand these rights?

Officer Joe Rangel: I do.

Lieutenant Christine Ford: Okay. You have the right to remain silent. Anything you say may be used against you in the court. You have the right to an attorney before and during questioning. If you can't afford an attorney one will appointed for you before any questioning if you wish. Do you understand each of these rights I explained to you?

Officer Joe Rangel: I do.

Lieutenant Christine Ford: Having these rights in mind do you want to talk?

Officer Joe Rangel: No.

Lieutenant Christine Ford: Okay. While you have the right to remain silent with regard to any criminal investigation, you do not have the right to not answer my administrative questions. This is an administrative investigation I am therefore now ordering you to discuss this matter with me. If you refuse to discuss this matter your silence can be deemed insubordination and result in administrative discipline up to and including termination. Any statement you make under compulsion of this threat of such discipline cannot be used against you in a later criminal proceeding. Do you understand the nature and scope of this investigation?

Officer Joe Rangel: I do.

Lieutenant Christine Ford: You are now being ordered to answer any and all questions asked of you. Failure to do so may be deemed insubordination and result in administrative discipline up to and including termination of your employment with the City of Citrus Heights. You are admonished you are to answer all, answer all questions asked of you completely. While being interviewed you shall not provide misleading, untruthful, inaccurate or partially misleading, untruthful or inaccurate information to me or any investigator in regards to this investigation nor shall you fail to disclose any pertinent facts or information within your knowledge to me or any investigator. At the conclusion of this interview you will be ordered not to discuss this interview or investigation with anyone other than your attorney, representative or myself. Do you understand this admonishment?

Officer Joe Rangel: I do. Could we have gotten a table.

Lieutenant Christine Ford: I know. Well then it would have been too close.

[REDACTED]: Then it would have been awkward.

Lieutenant Christine Ford: Yeah.

Officer Joe Rangel: Do you want me to sign here as well as initial?

Lieutenant Christine Ford: Um.

Officer Joe Rangel: It says employee and that's me.

Lieutenant Christine Ford: Yes, yes, yes. Okay. Thank you. Okay, Joe, I know you were provided an interview with the Roseville PD on October 29th where you answered questions in regards to initial incident. I have follow-up questions so um, if you want to refer to this transcribed copies of the interview please do so or if you don't have a copy I can have you look at mine.

Officer Joe Rangel: Okay. Before we begin Lt I'll say this much, and I did read the SpeakWrite transcription. It's not entirely accurate. There are mistakes.

Lieutenant Christine Ford: Correct, yeah.

Officer Joe Rangel: There are some mistakes.

Lieutenant Christine Ford: Okay. And we can definitely go through those if you identified anything that was incorrect.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: 'Kay, so I know you were working patrol and on that particular day one of your ancillary assignments is with our department SWAT team. Um, I know you've answered this but how long have you been with the SWAT team?

Officer Joe Rangel: Uh, I think we're coming up on five years now. Oh no, we're over five years now.

Lieutenant Christine Ford: Five years plus. And what is your assignment with the SWAT team?

Officer Joe Rangel: I'm um, an [REDACTED] which is kind of the general SWAT guy, and I have a special assignment which is [REDACTED]. Need me to explain that?

Lieutenant Christine Ford: Um, can you explain what [REDACTED] is. What the.

Officer Joe Rangel: Yeah, absolutely. Um, we are all trained as [REDACTED]. Everyone, that's the base SWAT training, so we all have basic tactical operator training. And what, what that is is to function in a team as part of a unit. Um, uh, to overcome tactical obstacles whatever those may be. Um, I'm trained in the use of the uh, the department's chosen tactical long weapon which is an M4, um, my side arm, um various other SWAT related devices like flash bags and those sorts of things. And so being an [REDACTED] means uh, functioning in the unit and doing whatever the SWAT mission's gonna be. I think that's boiled down.

Lieutenant Christine Ford: And so then when you say that you have a specialty in a [REDACTED] would that be um, specific, I mean, not everybody can do that.

Officer Joe Rangel: [REDACTED] not everybody is allowed to do it. I've got special training to do it, but yeah, [REDACTED] the, the goal for [REDACTED] is to be able to remove actual physical obstacles [REDACTED] uh, or, or whatever, [REDACTED] or whatever. My job is to clear the way for the team to get in.

Lieutenant Christine Ford: And how did you get selected for that?

Officer Joe Rangel: Um, when I got onto the team we were short one [REDACTED]
[REDACTED]

Lieutenant Christine Ford: Oh

Officer Joe Rangel: You have to carry a lot of stuff and it helps to be strong.

Lieutenant Christine Ford: But there's skill to it also obviously.

Officer Joe Rangel: I think so. [REDACTED]
[REDACTED]

Lieutenant Christine Ford: Um, how many call outs have you been on with our SWAT team?

Officer Joe Rangel: Oh man. Uh, I'm, I'm totally ballparking here.

Lieutenant Christine Ford: Sure.

Officer Joe Rangel: Um, if I'm including, because the term using call out means um, it means we're all sitting around, the phone goes off and it's getting here right now versus a planned mission [REDACTED] so if I take in in totality everything that we've done I'm gonna say 30 or more. Um, as far as emergency, emergency call outs uh, including October 25th I think three.

Lieutenant Christine Ford: And did any of those 30 or 3 include an active shooter of any sorts?

Officer Joe Rangel: No, well, the October 25th.

Lieutenant Christine Ford: Okay. So that would be the first one that you were aware of right that you can recall right now.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: And um, kinda give me an idea of what type of training you've received while you've been here at this department and for SWAT. Give me a nice uh, ballpark estimate of, whether it be days, weeks, year, I mean, if you have to equate it.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: How many hours of training you've received.

Officer Joe Rangel: In, in general as far as tactical operations or towards one specific thing.

Lieutenant Christine Ford: Um, we can go through SWAT.

Officer Joe Rangel: General?

Lieutenant Christine Ford: And then as a general.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: Officer for the police department.

Officer Joe Rangel: Okay. Um, basic SWAT school is a two-week, so 80-hour uh, intensive course that uh, that all SWAT operators in California attend, um, so I, I went through that course um, in ██████████. And uh, ██████████ school is a 40-hour course. I went through that in ██████████. Um, it's a week long. And then uh, twice a month, uh, every month, with the exception of December, we move things around for the holidays a little bit. But twice a month every month, uh, we have a ten-hour training day uh, where the whole team gets together. And that ten-hour day can be um, focused on anything from basic team movement, you know, how to walk through a door without tripping while you're wearing all the gear to firearms, marksmanship to uh, working with our tactical dispatch and negotiators, so whatever needs fit the team at the time. There's a guarantee though that the first training of that of the month is going to be focusing on some type of skill set. The second training is going to be range training. So, our, we, we qualify with our firearms every single month, second training of the month. Um, then uh, beyond that um, with, with the department as far as tactical training goes, we've, you know, we have our ongoing monthly, uh, monthly trainings that we do. Sometimes that training has focused on things like active shooter, um, officer down drills, those things. Generally to be honest with you um, I'm usually putting on the training, or helping to put on those types of trainings with the SWAT team 'cause we're a train the trainer kind of agency, so, I participated in the last active shooter patrol training as a proctor and teacher so um, in the last five years I've had department training every single month. I've had range training every single month um, and I've had skill set training every single months, um, with the rare exception maybe one month or two, well of course these last two months I haven't had any training so.

Lieutenant Christine Ford: So would it be accurate to say that you're well trained?

Officer Joe Rangel: Uh, I think so. That's my, I mean, I'm not as good as some and better than others.

Lieutenant Christine Ford: And at, at your previous agency at [REDACTED] were you also a SWAT operator?

Officer Joe Rangel: No, no, I was a, a patrol officer and detective.

Lieutenant Christine Ford: So, would you consider yourself one of the senior operators on the team right now?

Officer Joe Rangel: Probably uh, high middle if that makes sense. We have some guys on the team who've been not only on our team since conception but also uh, have been on SWAT teams previous to this so they have a lot more tactical training experience. Uh, guys like [REDACTED] and you know, they've been in SWAT forever. Um, as far as the, the current crop of, of uh, cops that we have on the team, I'm, I'm probably high middle. I mean I, I, I could run down the list in my head but I, I think we actually just brought some more people on while I've been away, so, yeah, I definitely would be up a little higher.

Lieutenant Christine Ford: Okay, so going back, going to the Roseville incident, um, I know in the first interview we, I kinda went through the notes and, I'll get to the point where at some point you get there and you are with Ferguson and James Garing.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Or you're instructed to provide security for the tactical command post.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Do you recall that?

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Okay. And do you remember in the first interview with Roseville you talked about Garing being um, a junior officer, a junior SWAT member.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Kind of a junior cop. Just being somebody who's relatively.

Officer Joe Rangel: He's a rookie.

Lieutenant Christine Ford: Inexperienced.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Um.

Officer Joe Rangel: Nice guy.

Lieutenant Christine Ford: Tell me what, tell me, did that affect anything that day at that point when you were thinking about it?

Officer Joe Rangel: Um, at the point that I was securing the, the TOC or the tactical command post with Ferg, Ferguson and uh, and Garing, it really wasn't that much of a factor. What, what the factor was at that point was I was, I was assessing everyone's gear and what they had and what, and so it was actually more Ferguson that was my, my big concern at that point 'cause he was, he had no helmet, he had no rifle, um, but our initial assignment was kind of a uh, uh, go sit on a perimeter assignment and I felt perfectly confident that Garing was capable of, you know, handling that, um, I felt that my job at that point was to kind of, you know, guide him if I saw him making a mistake or doing something wrong. It certainly would uh, would be in everyone's best interest for me to take the role of the senior officer but he didn't do anything in, in that particular situation that necessitated that, 'cause, you know, jogged to where we were supposed to go and we stood there.

Lieutenant Christine Ford: Okay. And at some point uh, Lieutenant Turcotte tells you to get a rifle team together and that's where it involves yourself, Garing, Kissam and Davis.

Officer Joe Rangel: Yeah, he told me to get a rifle team together and then he handed me a rifle team so I didn't actually get to put together a rifle team, he just kind of put one together for me.

Lieutenant Christine Ford: Okay. And based on those names, would you say um, you were the senior person there.

Officer Joe Rangel: Senior tactical? Yes. There's, there uh, like Kissam's been at this agency longer than I have. Davis has been at this agency longer than I have um, but, I'm the, I was the senior tactical member there, yeah.

Lieutenant Christine Ford: Okay. So would you say that you were the informal leader at that point or they would be listening to you or.

Officer Joe Rangel: I, I believed that to be accurate at the time and uh, yeah, and I still do. I mean that's, that's actually how the team works when, when some, the person in front goes down the next person who's in charge is in charge, so in that group, yeah.

Lieutenant Christine Ford: And at the time our Command Post was not set up, do you know?

Officer Joe Rangel: You, you mean the Citrus Heights Command Post?

Lieutenant Christine Ford: Citrus Heights Command Post.

Officer Joe Rangel: I have no I, I, Shannon King was there writing on a white board, Turcotte was talking to people, I don't know if that was set up or not, I, I was never there long enough to really get a feel for what was going on on at our Command Post.

Lieutenant Christine Ford: Okay. Okay, so let's jump ahead where there is a volley of gun fire and during that you state in your first interview you notice that Garing's kinda standing there. Um.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: I think in your first interview you say you're actually at that point, you know, you, you pull him down to the ground and, and you tell him, you know, get down.

Officer Joe Rangel: Mm hmm.

Lieutenant Christine Ford: And so forth and he, what is, what's going through your mind at that point?

Officer Joe Rangel:

[REDACTED] I don't want James to get hurt. Uh, I don't want anybody to get hurt but you know, it's, it's different when you know somebody and you're, [REDACTED] Um, in that situation when the gun fire went off uh, the first, the first volley of gun fire, uh, I was scared because uh, it was very close and very real and when I looked up and I saw James just kinda standing there in front of this, he was in front of the passenger window of the uh, the Suburban, I mean he was just, all, all I could see in my, it sounds really dramatic, all I could see in mind was James getting blown away by gunfire and I uh, I reached up and I grabbed him and I jerked him to the ground and I told him to get down because I uh, was deeply concerned that he was going to get shot. And incidentally that's not a reflection on James. If I made a mistake, if I walked into a [REDACTED] room or walked into a threat area and James is be, behind me, I expect him to reach out and grab me by the collar do the same thing. [REDACTED]

and my job as a good partner is to keep him alive.

Lieutenant Christine Ford: Were there other officers other than Citrus Heights there in close proximity at the same time?

Officer Joe Rangel: We were in a, we were in a um, line, uh, there was a Sac County guy in front, there was James and then there was me. I, I know Davis and Kissam were behind me. I don't know where they were or what order they were in because I was trying to watch the threat, um, which at that point believed to be [REDACTED] Mayfair. Um, but there was some movement that happened with the Sac County guys. They were rotating people in and out, they were calling people back to have a conversation and do the, I think, and I, and I could be wrong, I think at the exact time that I pulled him down, I think James was point. I think the Sac County guy had been pulled away by another Sac County guy and they were having some conversation. I could be wrong. Um, but that's, just sitting here, sitting here two months later trying to remember it, I

think James was the guy in front. Um, I mean they were all still around us, they were all still, you know, in our proximity, but James was the guy I was looking at, so.

Lieutenant Christine Ford: So what would you say if I told you that James Garing said that that's not what happened.

Officer Joe Rangel: I'd say okay. What did he say happen?

Lieutenant Christine Ford: Well he said he's saying that that's not what happened, that you never pulled him down, that's not how the events that he recalls, so.

Officer Joe Rangel: Um, I, I don't know what to tell you. I, I remember reaching up, grabbing uh, grabbing the uniform. I remember pressing hard because he wasn't wearing his SWAT gear which has a handle on the back so I had to press hard getting through the uh, vest and grab the shirt and jerk him down uh, by the shirt and the belt so um.

Sergeant Courtney: Are you sure it was him?

Officer Joe Rangel: Yeah, yes, yes I am. I, I.

Lieutenant Christine Ford: Well, stressful situation. It could, I mean, um, do you recall directing Davis to grab his rifle or his [REDACTED] rifle?

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: To go to a rooftop.

Officer Joe Rangel: I remember uh, Davis, the whole time Davis had been telling me, do you want me to get my [REDACTED] gun, do you want me to get my [REDACTED] gun. Should I go get my [REDACTED] gun, um, 'cause his primary role is [REDACTED] and he was, you know, it was pretty clear he was itching to get to you know where, where he feels he'd be most functional. And, and that up to that point it was like okay, Turcotte told us to come over here, let's, let's hang off on that, let's hold off on that, and then we got there and then the shots went off and then I looked at him and he's like do you want me to get my [REDACTED] gun now and I'm like yeah go get your [REDACTED] gun and go get on, go get on the roof. So yeah.

Lieutenant Christine Ford: And that's the last time you saw him.

Officer Joe Rangel: He ran off to go get his gun, I mean, I heard him on the radio, [REDACTED] um, yeah, I remember uh, I don't remember running into him again. I don't know if he was in the group that eventually came up and got me. I don't really know who all was in that group, but.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: I'm pretty sure that's the last time I saw him.

Lieutenant Christine Ford: So I just want to make sure that I have the order correctly. That, that first volley of gunfire is when multiple officers got shot.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: Okay. So then we move to um, the female and the baby um, coming out of the house and um, once you guys secured them safely, you and Kissam are told to try to get over to the [REDACTED] of the, of the home. Does that sound correct?

Officer Joe Rangel: Yeah, they, they didn't use the term [REDACTED] they just said can you get eyes into that yard.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: Um, I just uh, I, I have now come to understand that that is the [REDACTED]

Lieutenant Christine Ford: So that is correct that if we, I refer to a [REDACTED] that would be that you're understanding of the side you're reviewing.

Officer Joe Rangel: Yeah, absolutely.

Lieutenant Christine Ford: And, at that point um, pretty close in proximity we, we hear that they give a [REDACTED] What, what was you, what would be your understanding of, of a [REDACTED] even though I know that, that's not something our SWAT team uh, uses.

Officer Joe Rangel: Yeah, it's um, it's interesting because we actually do use a command shot, um, that is, that is uh, part of our protocol. And we've discussed this a lot in SWAT training, um, the concept of the [REDACTED] and the [REDACTED] shot. Um, my understanding of where our SWAT teams comes from on the [REDACTED] on the topic of the [REDACTED] is we don't use the terminology for green light mainly because of all its dramatic Hollywood connotations. We will uh, and we have uh, in, in, um, scenario training, we have issued orders saying uh, attention team, next opportunity, you know, neutralize the suspect. But we use that type of plain text. So we, we will do what is effectively a [REDACTED] but we don't use that term the [REDACTED]s on because it, um, it, it, it's just, it's too, and it's ambiguous you know, what does that mean. So my understanding of what Roseville means when they say a [REDACTED] and other teams mean when they say a green light, is essentially what we mean when we say it, it's to make a [REDACTED] shot which is, the suspect has reached a level of um, danger to the public and, and everybody that, the next opportunity somebody sees him, we need to neutralize him right now, um for everyone's safety. That's, that's my understanding.

Lieutenant Christine Ford: 'Kay. Okay, so you and Kissam get [REDACTED] and you get in a position and another set of gunfire go, volley of gunfire goes off.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: Um, where to your best recollection does this volley of gunfire come from? What side of the house?

Officer Joe Rangel: Um, where I'm at, the gunfire is coming from, let me orient myself here. It's all coming from the, generally the [REDACTED] of the house, I don't know if that's east or west. Let me try and, it'll be the [REDACTED]. So the gunfire is generally coming from the [REDACTED]. I can't pinpoint whether it's coming from the northeast, the, the southeast or, or what, what section but it's coming from that side of me. And I know it's not very helpful 'cause obviously the gunfire's coming from over there, that's where he was. But um, I mean there's sound bouncing off walls and, and stuff so, I mean, it's all coming from there. And there's a lot of it in which I'm sure some of it is uh Roseville and other officers returning fire so I mean it's just kind of a arc of sound.

Lieutenant Christine Ford: So would it be accurate to say if you were on the [REDACTED] and you're saying from the [REDACTED] it would be opp, complete, the opposite direction, I mean the opposite of you of the house.

Officer Joe Rangel: Yeah, but let me be very clear, I'm not saying that it was coming out of the opposite side of the house from me, I'm saying that the sound is coming from somewhere in front of me which is toward the [REDACTED]. I could not tell you if it was coming out the, the [REDACTED] the [REDACTED] itself, I, it's just coming from east of me, east, yeah.

Lieutenant Christine Ford: So when that second volley of gunfire occurs are you, you and Kane already in position [REDACTED] um, where you're at?

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Okay. And, being in the [REDACTED] give me an idea of how you were [REDACTED] in proximity to Kane Kissam.

Officer Joe Rangel: I was to his right, um, uh, I believe I was to his right and maybe a little bit forward of him, um, I was still shooting [REDACTED]. I hadn't switched [REDACTED] was, I was still on my [REDACTED]. I had rolled to either side although I was kind of scrunched up a little bit. Um.

Lieutenant Christine Ford: Are you right handed or left handed.

Officer Joe Rangel: [REDACTED] Um, we, [REDACTED] just in case the situation dictates um, I hadn't gotten so far behind concealment that I needed to switch to a left hand shot to, because there was a, there was a fence board that I was trying to hide behind. Um, but I was kind of scrunched up and tilted um, but I wasn't all the way over on my side, um, when you, when you talk about were you [REDACTED] were you, I was, I was on the ground, I mean it was um, there was nothing pretty about how I was laying down there. I wasn't uh, I didn't adopt one of the uh, classic shooting positions I just, you know, kind of got down and tried to make myself small. Which is hard for me.

Lieutenant Christine Ford: How close uh, do you, would you estimate you were with Kane.

Officer Joe Rangel: I don't know. Um, I was close enough to talk to him because it was very, very loud out there. There was a lot of screaming, a lot of yelling and the occasional gunfire so if, if you weren't, I was close enough I wasn't screaming to be heard um, and we were both looking through a gap in the fence. I truly don't know if I could have touched him or not um, without, without giving up my gun. The problem is, and I've um, you know, I've looked at the scene on, in Google maps and stuff, I've looked at the aerial. It's all a lot bigger than I remember it. In my mind, when I think about it, the, the, everything was like right here. It was all very tight, very close like we are right now. And I go back and look at it, I'm like, really it was that far? It was that so, I don't know. I, I really don't. He was to my right, I was able to talk to him.

Lieutenant Christine Ford: To your right or.

Officer Joe Rangel: No he was to my left, I was to his right.

Lieutenant Christine Ford: Okay. And, um, when you shot your rifle, would you say it was close enough to where obviously it could affect, like I know that at some point he said his, his hearing, his ears started to hurt. Do you recall him making any statement like that?

Officer Joe Rangel: No. I don't recall him saying anything like that.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: Um. I, it makes total sense. I mean, the rifles are loud. I don't remember hearing anything because I had gone into auditory exclusion. Um, I remember it being behind the MRAP thinking to myself my ears aren't even ringing, but um, but uh, sure, I mean, anyone uh, anyone within the sound of range of the rifle that doesn't have hearing protection on, that makes sense.

Lieutenant Christine Ford: Okay. Um, but you're close enough to him where you obviously could communicate.

Officer Joe Rangel: Yes. Yeah, absolutely.

Lieutenant Christine Ford: Do you think, well, this could be, and I could ask it a different way if you'd like. Um, if there wasn't all this loud gunfire and all this other, helicopter and all this other stuff, would you be able, would, do you think you were close enough to where you would have a conversation or would you have to yell.

Officer Joe Rangel: Um, I, I'm, I'm guessing now. I'd be totally speculating.

Lieutenant Christine Ford: Don't guess. Um, do you remember having a conversation with him about him talking to you about your breathing?

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Okay tell me what that, tell me what that conversation was about.

Officer Joe Rangel: After or before. I don't know if it was after, it was after the shooting. After the shooting he told me dude, control your breathing. I said, and I said no, this is killing breathing. And um, 'cause I was doing combat breathing, you know this, you know, demonstrate combat breathing it sounds pretty ridiculous, but, but it's, it's a type of breathing into the diaphragm to try and steady the rifle and you know, keep myself from freaking out to be honest with you. Um, does that answer your question?

Lieutenant Christine Ford: So did he take it obviously, I mean, did he take it a different way that maybe.

Officer Joe Rangel: I don't know how he took it. I never talked to him about it. I haven't, I haven't talked to Kane since this incident happened. He, I uh, I reached out to him after his incident a week later um, I got one text message. I tried to reach out again, I haven't heard back from him, so I, I don't know how he took it. I mean I guess now thinking about it um, since Kane doesn't know what I was talking about I suppose he could have taken it any number of ways but um, I could tell you what I meant, it was just, you know, this is combat breathing.

Sergeant Courtney: How long were you in that position um before he said that? Had you been laying there 20 minutes or had you just, just got there from running from some place?

Officer Joe Rangel: No, it was right after the shooting, I, I believe.

Lieutenant Christine Ford: Are you talking about the second volley of gunfire.

Officer Joe Rangel: It was right after I squeezed the trigger is what I am saying.

Lieutenant Christine Ford: No, after the shooting.

Officer Joe Rangel: Yeah, it was right after I fired.

Lieutenant Christine Ford: Your shooting.

Officer Joe Rangel: Yeah. I, that's when I.

Sergeant Courtney: Would there be any reason why you were out of breath or anything?

Officer Joe Rangel: Well, it's not, there's plenty of reasons for me to have been out of breath out there. I mean we had, we had um, you know, we'd gone from, we jogged all the way to the TOC, we'd come back, we, you know, we had been jogging everywhere, and then at that, right in that particular situation, we had had, I had run out and grabbed the lady and the kid and run back and we got down and my heart was racing at 90 miles an hour so yeah, I mean there's plenty of reason for me to have been out of breath but what I was trying to do with my breathing was again, combat breathing, get control of my breath and my mind and also my sight picture

because when you're, when you're breathing hard in and out and all of a sudden your gun moves up and down you can't lock onto your target and so I was trying to bring myself back to center. Um, I've never shot at anybody before and that was uh.

Lieutenant Christine Ford: How, how confident are you that you made that statement to Kane after you shot?

Officer Joe Rangel: Well, I haven't even thought about that statement until you just asked the question. Um, so, I, I feel confident that I, that I, that's how it happened. I don't, it's, it's entirely possible that I would have employed combat breathing before I fired too to try and bring my, to try and bring myself under control too. I mean, that all makes very, very much sense. It's reasonable and rational that I would do that but I don't, my, my recollection is that it was almost immediately after the shooting.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: Um.

Lieutenant Christine Ford: Okay. Um, so for you, dealing with like stressful situations, how do you, how do deal with stressful situ, like for me it may be different, that it could be the combat breathing like you were mentioning.

Officer Joe Rangel: Depends on the stress. Depends what's going on. Um, in a uh, in a combat situation I um, I try really hard to, all right, if you, if you'll let me blabber for second here. Um, the threat in my mind in that situation is that I'm gonna not get to see my [REDACTED] again. And so that keeps coming back into the mind and keeps, in any situation we go to, we're gonna go serve a fricken warrant, we're gonna go, you know, the threat is I'm gonna open the door, the dude inside is gonna blow me away and my [REDACTED] aren't gonna have a [REDACTED]. So the goal for me, uh, when I'm dealing with that type of hyped up stress is to be able to separate myself from that and make this not scary and just do it and get it done, it's a job. So, um, on the uh, you know, on the SWAT truck and stuff, uh, you know, I pop off with jokes and you know, we laugh and joke about what's happening and where we're, you know, maybe some inappropriate jokes, inappropriate humor and stuff to try and, um, make the gravity of the situation, make it less dangerous, um, but in the middle of a fight, when I'm actually in the middle of a fight, whether it be a fist fight or a gun fight, um, I, I try my very best to be as calm and uh, and focused as possible. You won't hear me um, doing a lot of talking or popping off if I'm, you know, fist fighting with somebody or something, um, again, I've never been in a shooting before but in this situation the whole time I was telling myself stay in the fight, stay in the fight, stay in the fight, stay in the fight in my head. I was literal, literally telling myself that, stay in the fight, stay in the fight, stay in the fight because my mind kept wandering to one or two, how very dangerous this is and how very bad for your health this particular scenario is and um, and then after the second volley of gunfire and I fired it was both um, stay in the fight and if I, if you'll forgive me, holy shit, I can't believe that just happened. And so I, you run into the risk of losing control out there, of hiding, of ducking, of, of not engaging, of not doing a good job as a SWAT operator, and so the combat breathing becomes, becomes important. The focus becomes important. The,

the banishing the tunnel vision becomes important because these things will kill you and your partners. That was a really long answer to your question. I'm sorry.

Lieutenant Christine Ford: Okay. Okay, so in your first interview you, you heard the exchange of gunfire which is obviously much briefer than the first one, um, and this is essentially a quote from the interview. You, you hear more screaming on the radio then you see the suspect's head and shoulder pop into your line of view.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: Okay, so from the time you heard the exchange of gunfire to the saw, to the time you saw the head and shoulder, how much time had passed?

Officer Joe Rangel: I was afraid you'd, I, I have no clue. It was after um, that doesn't help. It was soon after, um, but I, as I remember it, it was almost right after, um, but it's been two months and my brain, and I've gone back and I've tried to revisit this thing in my mind and I, I, I really don't know. I couldn't tell you if it was two seconds or two minutes and that's um, I'm sorry.

Lieutenant Christine Ford: So you can't distinguish between seconds and minutes.

Officer Joe Rangel: That is not what I said. I can distinguish between seconds and minutes. I, I, it was soon after, in, in, in my, in my, in my recollection it was a few moments after so there's this exchange of gun fire, there's this, there had been some conversation about he's coming out the slider and then a few heartbeats pass and then there he is.

Lieutenant Christine Ford: Okay. Um, gunfire, you hear the gunfire, you see him, um, how much time before you shoot, or is it as soon as you see him, see him immediate.

Officer Joe Rangel: It was immediate.

Lieutenant Christine Ford: Okay. So tell me more about what you saw.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: Um, specifically the head and shoulder area.

Officer Joe Rangel: Okay. Um, we were uh, I was looking through my EOtech site, which is a little square window, um, I was trying to, I, I remember at that point I was actually adjusting, I was, I was busy trying to adjust where I was um, frankly to try and get comfortable. Um, the gunfire went off, I kinda froze and tried to get small, um, and then from the um, so it'd be my left, um, it was just like this flash of uh, skin, curve of a head and what I believed to be the upper part of his shoulder like a profile, just um, real brief. Um, and uh, that's, that's really it. I fired on it.

Lieutenant Christine Ford: Could you tell based on, and I know you said it's a split second, which way the head was facing.

Officer Joe Rangel: No., no I couldn't. I, no.

Lieutenant Christine Ford: 'Okay. Could you tell um, how much of it, the head you could see? Was it a profile shot? Was it a front? Was it a back? Could you.

Officer Joe Rangel: I, I believed that my, my impression at the time that I was shooting was that I was looking at the uh, curve, the rear curve of, or part, a small portion of the rear curve of uh, his head. Um, it, my, my impression was that he was, was that he had come out and he was backing up towards me from where he had come from and that I was sh, that I had seen this portion of his head. I could be completely wrong. It could have been his forehead. It could have been, um.

Lieutenant Christine Ford: And then how much, if you can just give an idea of his shoulder did you see.

Officer Joe Rangel: Again, we're just talking about the barest part of curvature of the, of the outside of the, of the upper shoulder back area just a, just a curve. I mean, it was, I, I'd been staring at the staring but uh, and watching the fence and wall, waiting for something to break the plane of my vision between the two of those and uh, and I didn't, I didn't give him a lot of time. I didn't uh, I mean, I knew there was nobody else in the house and I didn't give him a lot of time to uh, stand there, so.

Sergeant Courtney: How'd you know it wasn't an officer.

Officer Joe Rangel: There were no cops there. There, there were no, there were no cops there and we, we'd been all around that, that particular side of the house, run up and grabbed the kid and the lady and um, there's, the whole point of me being there, the whole point of me being where I was was to address any threat that appeared there because nobody else could see it. Um, it didn't have a helmet on, didn't have a uniform on, it wasn't a dark blue or green or tan or urban camo anything, it, you know, it.

Lieutenant Christine Ford: What, what, what was he doing um, from what you best could see from that split second. Running? Standing? Uh, looking out a window, what.

Officer Joe Rangel: No, no, no, no, no. He, he was um, my, my belief was again like I said that if you're shooting from my perspective was that he had come out and was backing up the fence line 'cause there's still a portion of solid fence here. He's backing up the fence line and was beginning to cross across the back. I don't know whether, I have no idea what his mind set was, whether he was gonna enter the backyard that we were not in but the one we were right at, whether he was gonna run across the back or uh, suicide by cop, I don't know what he was gonna do. Um, I uh, I mean I, I don't know what his intention was. It wasn't good I know that.

Lieutenant Christine Ford: So from what you could see you couldn't tell where he came from, what side of the house he must have came, come from.

Officer Joe Rangel: I don't think so.

Lieutenant Christine Ford: Okay, but so, if that split second you didn't see him with a gun or anything.

Officer Joe Rangel: No, and I don't.

Lieutenant Christine Ford: Where there would be indications that he fired at you.

Officer Joe Rangel: No.

Lieutenant Christine Ford: Okay. Um, do you recall how many rounds you fired?

Officer Joe Rangel: I, I said this during the Roseville interview. I, I've done the round count and it showed six missing from the, from the mag. Um, I don't recall pulling the trigger six times, um, I recall squeezing it twice, so, I mean I have to say that I fired between two to six rounds.

Lieutenant Christine Ford: Okay. Um, do you remember Kane asking you why you shot?

Officer Joe Rangel: No I don't remember him asking me that.

Lieutenant Christine Ford: Do you remember.

Officer Joe Rangel: I'm not saying he didn't. I'm not trying to call him a liar.

Lieutenant Christine Ford: No, no.

Officer Joe Rangel: I'm just saying.

Lieutenant Christine Ford: Um, do you remember uh, asking or talking to him about being able to see the bullet holes on the wall?

Officer Joe Rangel: Yeah, absolutely.

Lieutenant Christine Ford: Okay, talk, talk to me about how that conversation went.

Officer Joe Rangel: Uh, he said uh, see, and now, this, this makes the, the other statement not make sense 'cause I thought what he said was did you miss him, did you hit the fence. He said, he said did, where'd you hit, or did you hit the fence or did you hit him or something to that effect, and I said do you see my bullet hole in the wall there, that's me. Does that answer the question?

Lieutenant Christine Ford: Okay, and now in the interview, the first interview, you talked about how you normally set your rifle at semi-auto.

Officer Joe Rangel: I couldn't see uh, him exit the house so I guess, I guess that's true, but from what I was looking at he, he most certainly, uh, he, he kinda popped in from my left, so that would be the [REDACTED] side of the house.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: But that, that's just using some deduction.

Lieutenant Christine Ford: Okay, so in the interview you say you open fire and you have no idea at that point if you hit him or not.

Officer Joe Rangel: Yeah, at that point I had no clue whether I, I, my rounds had struck true or not. Um, I fired, um, the, I fired the gun, you know, popped up, brought it back down and that's, that's you know, the, the kind of aperture I was looking through because when I fired and the gun popped up, I lost sight, I tried to bring it back down and he was gone. And my belief was that he was now running south along the fence line. That doesn't mean I didn't hit him. I know, I know one of us hit him, um, um, but I didn't think that I hit him. I don't, I don't know. I, I, right now, sitting in front of you, I don't know if I'm the per, if I'm the guy who hit him in the hand or not. I think he got hit in the hand.

Other Speaker: Had, had you seen the suspect prior to this point?

Officer Joe Rangel: Never in person. Um, I'd seen uh, a photo of him on a WebKPF . Um.

Other Speaker: Okay.

Officer Joe Rangel: I, I can't see a picture of him. And I asked is that photo kind of what he looks like now 'cause people grow mullets and stuff.

Lieutenant Christine Ford: Okay, so tell me um, why you fired.

Officer Joe Rangel: Okay, um, I've, I've done these interviews with people before, talking to the officer, and they all say the same thing. But I'm gonna tell you right now, um, my belief when I heard the, he's coming up the slider and all that was that we are in an absolutely F'd up position where we're at. We're sitting ducks, we have no visual of the, the house proper, we have no cover, we have no uh, we, we got nothing. We are basically turrets. And um, if he sees us, one of us two is probably gonna take a round before we're able to get rounds on him because you know, he's not being very discriminate with his shooting, and so my belief was that um, neutralizing him immediately meant living and hesitating meant dying. Um, and I know that people always say I was afraid for my safety and the safety of those around me, but I'm gonna tell you right now what I was afraid of was that he was gonna shoot me in the face and um, and then after he shot me in the face he was gonna go ahead and start killing other people. So that's why I fired.

Lieutenant Christine Ford: But was there any indication, so you made the decision to fire, but did he shoot at you?

Officer Joe Rangel: No I said I prefer to fire on semi-auto. We actually are trained to fire semi and full depending on the situation. Um, uh, I uh, I just like semi-auto better, but I don't, I don't normally set it on semi-auto. It all depends on what the situation is, that's all.

Lieutenant Christine Ford: But it is possible that it could have gotten switched to full.

Officer Joe Rangel: Oh, absolutely. I uh, well, this isn't the time for me to be speculating and offering opinions, but um, if it had been in semi before I got down to [REDACTED] and then when I got down to prone I hit the safety over before I fired I would take it right over to full auto if I had scrunched up and accidentally hit the trigger I coulda, I mean the switch, I coulda. There's a ton of ways I could have accidentally knocked it over to full auto. Um, especially only remembering pulling the trigger twice that would seem to make more logical sense that it was two quick three round bursts as opposed to.

Lieutenant Christine Ford: Do you see that as a concern at all Joe?

Officer Joe Rangel: What?

Lieutenant Christine Ford: Well.

Officer Joe Rangel: Switching to full auto?

Lieutenant Christine Ford: Fully trained SWAT operator, numerous training, well trained, I mean, when critical incidents occur we want our SWAT team fair and you can't account whether it went to semi or full or if it was an accident, and you pull up the trigger maybe anticipating you fire one round and you fire three. So, do you think that's it, do you think that could be a concern to, to someone where, where you can't tell me how four to six rounds get fired and you only remember shooting twice and you thought you were on semi-auto.

Officer Joe Rangel: Do I think it's a concern? I, I don't know. I mean, that's really a decision that, that the people who uh, who are in charge of me would have to make. Uh, I, I think it's an F'd up situation and stuff happens personally. Um, but uh, I mean it, I guess at worst it's a training issue.

Sergeant Courtney: Does it happen in training?

Officer Joe Rangel: I don't know. I've never had it happen in training.

Sergeant Courtney: Okay.

Lieutenant Christine Ford: Okay, so you broadcast at some point um, after you fired your rifle, you broadcast that suspect's running southbound.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Um, did you see the suspect at any time after that.

Officer Joe Rangel: Not until I saw him on the news.

Lieutenant Christine Ford: Okay. Do we need a break or are we okay.

Officer Joe Rangel: I'm good, are we, are we almost done or are we.

Lieutenant Christine Ford: No.

Officer Joe Rangel: Oh, okay.

Lieutenant Christine Ford: Um, I wanna show a piece of a, a video and get your comments on it.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: Okay, and we can um move forward from there.

VIDEO PRESENTED

██████████ Do you know what point this is starting from?

Lieutenant Christine Ford: Um, this is right before the second volley.

██████████ Okay.

Sergeant Courtney: Do you recognize that as the ██████████

Lieutenant Christine Ford: Okay, did you hear your voice on that tape?

Officer Joe Rangel: Yes.

END OF VIDEO

Lieutenant Christine Ford: Okay. Do you um, do you wanna play it again.

Officer Joe Rangel: No.

Lieutenant Christine Ford: So, tell me what you saw on that tape.

Officer Joe Rangel: Um, that appeared to be a helicopter, uh, sounds like CHP going around the uh, the uh, crime scene at the house, 6 ██████████ Hampton, um, and then uh, at one point there are some shots fired on what I'm assuming is the ██████████ of the house, I don't know if that was him shooting or them shooting. And then um, you hear uh me, Citrus Heights on the ██████████ he is

running south. You only hear it once because I stepped on somebody the first time I said it. Then somebody checks me and said negative he went back in. And then that's it.

Lieutenant Christine Ford: Do you ever see the, did you ever see the suspect on that video?

Officer Joe Rangel: No.

Lieutenant Christine Ford: Is it possible that he never came out when you thought you saw him?

██████████ Are you asking if it's possible that the guy never came out of the house. I mean, it's not whether or not he believed he came out of the house.

Lieutenant Christine Ford: Well, I'd like him to answer, I'd like him to say that then if that's what his feeling was.

Officer Joe Rangel: When I fired I, I believed I was shooting at Samuel Duran. Um, I did not see Samuel Duran come out of the house on that video.

Lieutenant Christine Ford: After you shot um, in the first interview you said that you looked over to Kane and it looked, you were, it looked like he had taken his hands off his rifle and, and had his head down. Uh, you thought for a second that he might have been hit.

Officer Joe Rangel: Mm hmm.

Lieutenant Christine Ford: Um, tell me what, tell me what your thoughts were on that.

Officer Joe Rangel: Uh, his head was down, his gun was on its side, um, he had one hand out, sort of like that, and um, I, I was just concerned that in the exchange of gun fire that we had heard that rounds had struck him, um, so I checked on him real quick. I think I said dude, are you okay? And he uh, he looked up at me, and he said yeah. Does that answer the question?

Lieutenant Christine Ford: Were you thinking that he should go offline at that point?

Officer Joe Rangel: I thought that um, I thought that the suspect had crossed in front of us and that he had uh, ██████████

██████████ I just didn't know if he was in the same place, the right place for this, but, in all fairness I also didn't think it was a good spot for me to be in because the spot itself just plane sucked tactically, so soon after uh, telling Kane to move back I thought it's probably best if I get out of here too. So that was a decision you made on your own. So you hadn't been relieved by somebody didn't call you back or you hadn't been relieved by somebody from SWAT command. I looked at um, no, no, no, no, no, I had looked at Sac County guy, in fact the one that had asked me, hey can you get an eye in the backyard, I looked back at him and say hey, can you cover me, I'm in a bad spot, and he said yeah, or sure, or you know, whatever.

Then um, he covered me and I got up and ran back. If I run back, I mean, I ran like, I don't know, 100 feet back around the truck where they were at.

Lieutenant Christine Ford: And then how long from that time did the MRAP show up, ours?

Officer Joe Rangel: Not long. Um, less than an hour.

Lieutenant Christine Ford: Okay. And then that's when you take cover behind there, um, and you eventually meet up with, or you see EJ Miller.

Officer Joe Rangel: EJ's the [REDACTED]

Lieutenant Christine Ford: Um, prior to meeting up with EJ Miller, is that the point where you made the two phone calls?

Officer Joe Rangel: No, no, no, no. When the MRAP showed up, um, I got from behind the pickup truck to the MRAP and um, there's some guys on the one side, I don't know what agency that is, um, and they wanted the MRAP over there and then some people wanted MRAP back on the [REDACTED] and so it was jockeying back and forth and so I um, it was my cover and it kept moving around, so I had to kind of follow it and then once it had uh, finally come to rest once they decided okay, this is where we're gonna keep it, on the [REDACTED] um, I asked EJ if I could come in. He said no because they're full. I asked him if there was armor and he said yeah. He gave me his armor so I had armor and I had cover and then I started making notifications.

Lieutenant Christine Ford: Okay, tell me, tell me what, tell me who you called. Actually, strike that 'cause I know who you called. Um, did you make the phone calls prior to having any conversation with EJ Miller?

Officer Joe Rangel: About having been in a shooting? 'Cause no, no, 'cause I mean, I at least asked him hey dude, let me in, so I believe that, that had at least, at the very least had transpired. I don't know if I had told, if I had told him I, um, I'd been in a shooting yet, um, but I did tell him that I need some armor and then, uh, he told me I couldn't come in. And then I, uh, I held behind the MRAP and made the phone calls. I, uh, I talked with EJ a dozen times throughout the rest of the night and, you know, I sat there behind the tire and then opened the door and hang beside the tire and talked to him until shots would be fired and then I would hang on behind the tire so I could keep going up and down all night long. I talked to him about whatever. Sergeant, uh, Evans was in there too in the passenger seat.

Lieutenant Christine Ford: Do you remember having a conversation at least initially with EJ Miller saying that the suspect shot at you?

Officer Joe Rangel: No, I said he's shooting cops.

Lieutenant Christine Ford: That's what you recall telling him?

Officer Joe Rangel: Yeah. I don't recall saying he shot at me. I said he shot at us, he's shooting cops, something like that.

Lieutenant Christine Ford: Okay. And then you mentioned, uh, Sergeant Evans being there. Do you remember what conversations you had with him?

Officer Joe Rangel: Evans was trying to work the radio. I guess they only had one functioning radio in there at the time. Um, it was stuff like, uh, you know, hey, they're saying this or hey, they're saying that, they want you here, they want you there and at some, at one point I was like yeah I, I've been in a shooting, yeah he's shooting at us, and he's like oh he shot at, shot at you guys? Yeah, *** okay. Made fun of him because he was safe inside the MRAP and I wasn't, um, kinda bustin' their chops a little bit for that, you know, you guys comfortable in here, you feel safe. Um.

Lieutenant Christine Ford: So he asked you, so your conversation with Sergeant Evans was that he was shooting at us as referring to the officers out in the field.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: Versus specifically saying that Sammy Duran shot at you.

Officer Joe Rangel: At me personally?

Lieutenant Christine Ford: Yes.

Officer Joe Rangel: I was, um, I don't, I don't recall saying that Samuel Duran shot at me personally, no. I.

Lieutenant Christine Ford: So you didn't say that to EJ Miller and you did not say that to Sergeant Evans.

Officer Joe Rangel: I don't, I don't think so, no.

Lieutenant Christine Ford: You don't recall saying to Sergeant Evans that he shot at you, and then he asked you did you shoot back at him and you said yes?

Officer Joe Rangel: What I recall was he shot at us, did you shoot at him, or did you get to shoot at him, and I said yes.

Lieutenant Christine Ford: Well, who's us? Who is he referring to when he says us?

Officer Joe Rangel: No, I said us.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: I didn't.

Lieutenant Christine Ford: Who were you referring to as us?

Officer Joe Rangel: The cops.

Lieutenant Christine Ford: Everybody.

Officer Joe Rangel: Yes.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: Yeah, and I distinctly remember when they came up I opened up the door and I looked in and I said hey, this guy's shooting cops, we've got four officers down, are you aware of that. So.

Lieutenant Christine Ford: So if Miller and Evans' statements are completely different to that, they would be incorrect.

Officer Joe Rangel: I would have to know what they were saying. I, I, my recollection is that I said hey, I need some armor, can I come in, this guy's shooting at us, you know. Oh, did you return fire? Yeah. Oh, you were in a shooting? Yeah.

Lieutenant Christine Ford: We'll come back to that if you want their exact statements.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: So at some point you make two phone calls.

Officer Joe Rangel: Correct.

Lieutenant Christine Ford: Um, I'm assuming from the area of the MRAP.

Officer Joe Rangel: Correct.

Lieutenant Christine Ford: One to your [REDACTED] and one to dispatch.

Officer Joe Rangel: Correct.

Lieutenant Christine Ford: And your phone call to dispatch you request that you get transferred to a supervisor 'cause you had been involved in a shooting.

Officer Joe Rangel: I made, uh, I made actually four phone calls out there. One was to my wife, one was to dispatch saying I need you to let somebody know that I've been in a shooting, and then another one was requesting to get transferred to a supervisor to let them know I've been in a shooting, and then another one was, uh, to Perez, Sergeant Perez.

Lieutenant Christine Ford: Okay. And you didn't get through to, did you get through to a supervisor and/or Perez immediately when you made the phone call?

Officer Joe Rangel: When I called dispatch the first time, I did not ask to be transferred to a supervisor as I just made notification to them. The second time I was put through to Dias and I spoke to Dias, um, and then I spoke to Perez directly on the phone. She and I talked directly. I, wait, or did I ask them to have Perez call me? I don't remember.

Lieutenant Christine Ford: What is your understanding of our policy when you get involved in a shooting?

Officer Joe Rangel: Um, advise, uh, as soon as practical, um, who was shot, what was shot, the nature of the shooting.

Lieutenant Christine Ford: To who?

Officer Joe Rangel: Um, well, a supervisor.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: Dispatch. I mean, if I were in a patrol shooting I'd say Adam 1 shots fired, so that would be to dispatch technically I guess.

Lieutenant Christine Ford: So I'm just wondering why you wouldn't, I mean, you knew all the Command Staff and all the sergeants and all the, and lieutenants were working there. Why would you just not call one of 'em and/or use your portable radio to call dispatch?

Officer Joe Rangel: Oh, I, oh, no, no, no. I, I tried to call into the command center. I couldn't get through to Shannon King. I tried to call Turcotte. I, I didn't get him on the phone. Um, I didn't know any of the other supervisors that were at the command center, um, 'cause Turcotte and I had been on the phone throughout, before the shooting we'd been on the phone back and forth anyway. Um, so I didn't wanna get on the portable and say I've got shots fired, um, because the, Roseville had the channel and they were, they had the priority traffic. I had already gotten on the radio and said hey he's running south and they, you know, they said I was wrong, so I didn't wanna, I didn't wanna, it just didn't seem prudent to get on the radio at that point and take up their air time. So then I went to, uh, I thought about switching over to our primary, and saying it on our channel, and that really seemed like a bad idea, um, it would freak out everyone on patrol, so I called into dispatch and asked them to notify a supervisor. I, I fully expected within a couple of seconds I was gonna get a call back from a sergeant, a patrol sergeant or somebody who was gonna say, you know, okay, let's start the process. When that didn't happen I made the second phone call.

Lieutenant Christine Ford: And then did you eventually talk to a supervisor?

Officer Joe Rangel: Yeah. I, the first one I spoke to was Dias. The first real supervisor I spoke to was Dias, and I told him, um, I've been in a shooting and he said I know, so my

understanding was is that the, the chain of information had been completed. He said are you okay and I'm like yeah, I'm fine, and, excuse me, um, and then, you know, we sat out there some more and I spoke to Perez, and again, I'm sorry, I can't remember if she called me or I called her or, um, I spoke to Perez, I told her. I asked her, I said are you aware I've been in a shooting? She's like yeah, I know. I'm like okay. So it seemed pretty clear that everybody knew, to me.

Lieutenant Christine Ford: Okay. So what happens next after, I mean, you're at, you're at the MRAP and at some point you end up at the tactical command post. How does that happen?

[REDACTED] You can check that if you need to.

Officer Joe Rangel: I mean, this is Roseville's, I think we, we didn't talk about how we got to command post until Sergeant Courtney and Lieutenant Ford showed up, showed up.

[REDACTED] Here it is.

Officer Joe Rangel: Okay. Um, well, if you're questioned about how I got back to the TOC when, um, the Citrus Heights SWAT team or a portion of it came up to the MRAP to deliver water, um, I asked 'em at that point if they had my gear, they said no. I asked Sergeant Lewis if when he, uh, when they go back if somebody could get my gear and bring it to me. He said that's not gonna happen, it's a long walk. Or something, I don't.

Lieutenant Christine Ford: Okay, so eventually you end up at the TOC.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: And then you run into Lieutenant Russo.

Officer Joe Rangel: Yeah, he was there. He was in his greens.

Lieutenant Christine Ford: Okay. So then tell me um, at that point I think he asked you some public safety questions or some.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: Basic things.

Officer Joe Rangel: Yeah, he, I asked him, 'cause I asked him should I be sequestered, should I sequester myself, and he said, he said nah. He's all did you hit anybody? I said no. He's all anybody hurt? I said no. He's all yeah, just get some rest.

Lieutenant Christine Ford: Okay.

Officer Joe Rangel: Something, something to that effect.

Lieutenant Christine Ford: So then what happens after that?

Officer Joe Rangel: We sit there for a while, um, then they get a, uh, pizza delivery assignment so everyone stands up to grab their pizza, I mean to grab their armor and the pizza I guess, and uh, I stand up and Lewis says no not you, you stay here. And I said oh, okay, and so I sat down. And then I don't know, I guess their assignment got canceled so they didn't deliver their pizza, and then, uh, we just hung out there for awhile until finally it got really cold and Russo said hey let's go in the church where it's warm. So we all went in the church. Uh, Sal Lombardo was there. I, um, I went into the bathroom, came back out. Sal was there for a minute and he walked away. I fiddled with my gear trying to make EJ's armor fit me. Um, I looked around the church and there was cops from all these agencies but, um, I didn't see my SWAT team so I figured that they all must of gotten another assignment. So we walked back out going back to where we were and they weren't there either.

Lieutenant Christine Ford: So you're saying from the time he used the restroom, um, to walking outside they were gone.

Officer Joe Rangel: I had walked in first, um, so my, my assumption was that they had just never come in, so when I, when I walked back out I was like, I was walking out to where we were to say hey, are we, are we going in here or not, and they were there. So, um, I looked around for a little bit. I didn't have my radio anymore. Um, I kinda waited. I figured they must have gotten an assignment and Lewis said I was offline, so um, I was really cold and not wanting to be there and I needed orders and I needed some armor, so I walked back to, uh, the incident command post. I stopped at my car on the way. My radio was dead in the car too. And then I got back to the IC.

Lieutenant Christine Ford: So explain to me what offline would mean. Would that mean that you're never gonna go back out there, does that mean just temporary? Tell me what that term would mean for SWAT?

Officer Joe Rangel: It could mean any number of things. It could mean now, it could mean, it could mean all night, it could mean for months. Um, it just means you're not, you're not deploying. We got an assignment, he said no take off your armor and sit down, so um, he said you're offline and Russo said, no one of 'em said you're offline, and so I was like okay. It's not like an official SWAT term, it's just a phrase.

Lieutenant Christine Ford: But in 30 minutes you could be online and sent out to do something.

Officer Joe Rangel: Yeah, that's true.

Lieutenant Christine Ford: Um, so when you made the decision to leave, would that be normal procedure for SWAT, for somebody to leave the TOC without being directed to do so? I mean, I.

Officer Joe Rangel: Well, none of this is normal so no, but my goal in going back to the IC, and I think I did say this in the first interview too, was my real goal was to go back, find some

arm, find my armor and get some orders to figure out what it is I'm supposed to be doing. I wasn't going back to turn myself in to, to, you know, have my gun go through this whole thing. At this point I thought the shooting was being treated, I don't know, not like a typical shooting because I wasn't, wasn't sequestered or any of that kinda stuff, so I just walked back to try and find some armor. I asked Dias where the, where the CP was, I went to the CP, I was walking up to the CP, and that's when, um, Sergeant Courtney and the team kinda saw me walking by and they kinda came up to me. I didn't walk up to them and say hey I'm here to hand over my rifle. I, I was trying to get some gear so I could go be useful so, or some orders.

Sergeant Courtney: How much effort did you make at the tactical command post to try to find your team?

Officer Joe Rangel: I walked around the parking lot, I checked with all the SWAT teams that were out there. They, um.

Sergeant Courtney: Did you look inside the church where you had used the restroom?

Officer Joe Rangel: I was inside the church. I'm sorry, what do you mean? I apologize.

Sergeant Courtney: You used the restroom inside the church, correct?

Officer Joe Rangel: Correct. There were.

Sergeant Courtney: Did you look inside your church for your team?

Officer Joe Rangel: There were like other, we were, we were in the worship area of the church where all the pews are, so I mean, there were, you know, teams sitting around there. I didn't, I didn't like walk back up into the offices and stuff 'cause we didn't have access to that stuff, I mean, at least I don't think we did. I didn't, I didn't like go behind closed doors and stuff. I just, all the SWAT teams were sitting in the worship area so that's kinda where I thought we would be.

Lieutenant Christine Ford: Okay, so you already mentioned that, uh, Sal Lombardo was there. Um, do you remember having a conversation with him?

Officer Joe Rangel: Yeah, I had a lotta conversations with Sal.

Lieutenant Christine Ford: Okay. Can you tell me, I mean, basically, I mean, did you tell him what the gist, I mean, tell me what the basic conversation was about. Was it about the shooting and so forth?

Officer Joe Rangel: We talked a little bit about the shooting and we talked about what his function was out there and the fact that he, uh, the fact that, you know, he wasn't even supposed to really, I wanna phrase this right, he wasn't necessarily called out but he was close and so he showed up. How he got there, we talked about how he got there and what his function was, and he kinda said actually I don't really have a function out here, they're not gonna let me do

anything. So he was just kinda sittin' there and then he saw some, uh, he tried to help me get my gear on, um, but again, it's a losing battle, EJ's armor on my body wasn't workin'. And then, uh, he saw some K-9 guys he knew from whatever and wandered off with them.

Lieutenant Christine Ford: Tell me what you remember telling him about the shooting.

Officer Joe Rangel: To be honest with ya, I don't, I don't remember exactly what I said to Sal about the shooting. I remember talking to him about the shooting. I remember telling him that, uh, I fired rounds. My conversation, my conversations with Sal were kind of on the side. I, I don't have any quotes for you, I'm sorry.

Lieutenant Christine Ford: Okay. Um, do you recall telling him that you saw the suspect poke his head from a window or sliding door and then shoot in your direction?

Officer Joe Rangel: No. I recall, uh, I recall saying that, uh, he came out a slider, and I don't even know if that was to Sal. Um.

Lieutenant Christine Ford: The suspect came out of a slider?

Officer Joe Rangel: Yeah. I said that to somebody. I know I said that to Roseville. Um.

Sergeant Courtney: You told Roseville you saw the suspect come out a slider?

Officer Joe Rangel: No. No, no, no, I said he came out a slider. I didn't, I didn't see him come out the slider. Um, I, I'm really sorry, I didn't really, uh, hold on to my conversation with Sal.

Lieutenant Christine Ford: Uh, so you don't, so you, do you recall telling him that the suspect shot at you?

Officer Joe Rangel: I don't recall saying that to Sal, no.

Lieutenant Christine Ford: Okay. Um, so let's go back a little bit. So we already talked about your conversation with Miller, your conversation with Sergeant Evans, and now your conversation with Sal Lombardo.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: All three tell us.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: That you said the suspect shot at you and that's the reason why you shot back.

Officer Joe Rangel: Okay.

Lieutenant Christine Ford: In your initial interview and in this interview earlier, that wasn't the case. You never said that the suspect shot at you. You said you saw the suspect come out.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: You saw his head and shoulder and you took the shot.

Officer Joe Rangel: Correct.

Lieutenant Christine Ford: So why is there these multiple discrepancies?

Officer Joe Rangel: I don't know. I don't, I, I told you in this interview that the suspect did not shoot at me. I, I, I think Roseville asked me, I don't really remember. I don't, if I said that I, I don't remember saying that to any one of those three guys. Those are all three good guys. Um, I am not in any way accusing any of those three guys of lying, they're all friends of mine. Um, I don't know. The whole thing, the whole thing is like spotty. I don't remember a whole lot. I'm doing my very best right now. Um.

Lieutenant Christine Ford: Is it possible that you wanted the, you wanted to be the one to take this guy down? You wanted to be the one to shoot him and neutralize that suspect? I mean, and then in your mind that's what happened. I mean, you, you wanted to be the guy to take the guy down.

Officer Joe Rangel: No. No, I don't wanna be the guy that has to kill anybody to be honest with you. Um, if it was, um, circumstances dictate that I have to be the guy that has to do it, then that's fine. If the situation is such that, that I'm the guy, I'm religious, forgive me, if I'm the guy that God chooses that is gonna have to take the suspect down, then that's fine and I'm willing to accept that. I accept that with the job. I didn't go out there hopin' to kill anybody or hopin' to shoot anybody.

Sergeant Courtney: Joe, we have newer statements from officers, sergeants, that say that you told them that you saw the suspect. You told us you saw, think you saw the suspect at the fence. We looked at the video and no one there on that perimeter saw the suspect outside in that area on the 3-4 corner. So we have questions. How, can you explain any of that?

[REDACTED] I believe he stated that he believed he saw him. I don't know what question's gonna change the fact that's what he believed he saw.

Officer Joe Rangel: Sergeant, I'm, I'm lookin' back at it right, I still believe, I still, when I, when I think about it. I've, I've had dreams about it. I've, I've, I've relived it over and over and over and over again, and every time at that moment, at that critical instant, I believe he was there. And I saw the video and I gotta be honest with you, um, I'm sick lookin' at the video. I'm upset lookin' at the video. But even looking at the video, I still, I remember seeing the curve of a head and the upper part of his shoulder. I wouldn't have fired if I didn't think that he was there. I've had.

Lieutenant Christine Ford: Joe, but that, I guess what, the point that we're trying to clarify at least, and we've already talked about it and I don't wanna beat a dead horse, but we have all these individual statements that say you making statements that said that he shot at you, and so that's a concern to me because now I have to find out why all these multiple people are telling me this and in your statement you've quite honestly in Roseville, this one, you've said no, that's never ever been, uh, what the case was.

Officer Joe Rangel: I've never, I have never proposed in any investigation at all that he shot at me or that we traded gunfire. I never, ever have said that. These conversations that you're talking about are conversations that there are snippets in my mind that I remember. I don't know if, if, Lieutenant, you, um, recognize or believe or understand just how freaked out I was after this happened. I was doing everything I could to try and do the right thing. I do, I remember when I heard the gunfire grabbing ground thinking oh shit, he's shootin' at us, but when he popped into my line of view I never saw a gun in his hand. I never, I never, and he certainly never pointed a gun at me.

Lieutenant Christine Ford: Is it possible that at the time it was an embellishment then?

██████████ I think he's already stated he doesn't recall making those statements. I don't know how he could say it was possible if he doesn't recall doing something. I mean, his official statement has always been to you and to Roseville that he was never shot at. Now, whether he did or did not make those statements I don't think changes the fact that his official word is he was never shot at.

Lieutenant Christine Ford: Okay. Joe, you said that, you know, this incident, you know, obviously still I can tell upsets you and freaks you out. Um, would you say that that feeling, um, occurred after you shot where at least in your mind when you went to that MRAP, you were trying to get inside, you wanted to, you wanted it to be done?

Officer Joe Rangel: Um, I, uh, I was freaked out when the first round of gunfire went off, and this had a lot to do with my, this was a lot was my fault, it was my mindset. We talked a lot about combat mindset and those types of things, and I gotta be honest with ya, I got caught flatfooted when the first round of gunfire went off because I've been on 1,000 perimeters with 1,000 suspects and it always ends the same way. They either get away or somebody catches 'em. And when the first volley of gunfire went off all of a sudden things got real, real real real quick, and um, I was really scared. Um, I don't like admitting this, but I was very scared, um, and uh, I was scared enough that when I ran up and grabbed the woman that I almost didn't do it for fear that I was gonna get shot through the open window. But I did it and then I got back, and then after the shooting, after my shooting, it was like I can't, I can't believe we are, I can't believe I'm here, I can't believe this is really what's happening. And even though all that's going on in my mind, I'm still trying to physically perform properly, do the things I'm supposed to do, stay in the fight, those things, but in my mind I know I'm gonna be dealing with this later. So yeah, did I wanna get in the MRAP? Yeah, I wanted to get in the MRAP. I was scared. I was terrified. I wanted that 6 inches of steel between me and the guy who had a high-powered assault rifle. Um, I wanted some armor, I wanted some ammo. Up until, uh, the end of the night I thought that all the exchanges of gunfire that I heard coming from the MRAP, I thought that was him shooting at

us. I thought that was, I thought that was him firing on us. I later learned that that is not the case. Um, but every time that happened I, you know, dove behind the tire of the MRAP thinking that we were coming under fire.

Sergeant Courtney: Did you ever see anything that freaked you out, did you see any of the officers that got hit?

Officer Joe Rangel: When the first, uh, when the first exchange happened, um, I heard screaming from the BearCat and I saw Roosevelt runnin' by, uh, some poor SWAT cop. I don't know if he had stripped his vest or not so he could run fast or not, uh, runnin' by tryin' to do the rescue operations. Um, no, I did not wanna be there. That's, that's, that's God's truth. I did not wanna be there, um, but I also knew that I had to be there, that that was my job and I did, I did my job until it was time for me not to be there anymore. When I was, I was very grateful to be, to be let go. I didn't argue with anybody and say oh, send me back out to the line. I didn't wanna go back out to the line, but I was willing to do my job as long as I had to. I rambling on, I'm sorry.

Sergeant Courtney: You mentioned the saving the, uh, the woman and the baby? Um.

Officer Joe Rangel: I didn't say save. Did I say save? I didn't, I'm sorry, I apologize, did I say save?

Sergeant Courtney: Yeah, I grabbed 'em.

Officer Joe Rangel: I grabbed 'em.

Sergeant Courtney: Okay.

Officer Joe Rangel: What about it?

Sergeant Courtney: Can you walk us through that? I've got some photos here that maybe you can explain where you were at, what position you left from to go do that.

Officer Joe Rangel: Okay.

Sergeant Courtney: Um, you wanna walk, talk us through it first then I can provide you some pictures?

Officer Joe Rangel: Yeah. I, uh, we had been over by the, the Suburban by (██████) Mayfair and we had moved out a little bit around the corner. I don't know if we had gotten all the way behind the truck yet or not, um, when I'm thinkin' about it now. There was some yelling, screaming. I looked up, I saw the woman and the baby, um, kinda standing there by the (██████) nobody's movin'. They're just kinda standin' there frozen. I don't blame 'em when there's like, you know, 30 SWAT cops yelling at 'em and they're all just kinda freaked out. Um, I think somebody else tried to help her too. I'm not sure who that was or how far he got her. I ran up, I took her, um,

put my arm around her shoulder and said come with me, and I ran her back to Sergeant Dan Blair, who was back over by, um, Mayfair and Sixth.

Sergeant Courtney: There's a picture of the No. 4 side with the fence down. Does that look accurate?

Officer Joe Rangel: Yeah.

Sergeant Courtney: Anywhere in that picture you would have made initial contact with the, uh, the female and the child? Is it in the yard or was it on the street?

Officer Joe Rangel: Oh, no, no, no, no, no. I don't think we, no, I never went into the actual house itself.

Sergeant Courtney: Okay.

Officer Joe Rangel: Excuse me, I never went into the house's property. It was, it might have been on the grass in front of the fence.

Sergeant Courtney: Okay.

Officer Joe Rangel: But I didn't cross into the, uh, end of the house. I, I can't even tell you right now how far up I was. I can't even, I, I, I don't know. It was, uh, I thought there were more fence boards knocked out.

Sergeant Courtney: Okay, so that you would have been on Sixth Street when you made contact with her and.

Officer Joe Rangel: Yes sir.

Sergeant Courtney: And grabbed her as you said, right?

Officer Joe Rangel: That's correct.

Sergeant Courtney: Okay. I don't have any questions or any more questions about that.

Lieutenant Christine Ford: Wanna take a quick five, ten-minute break? Use the restroom?

Officer Joe Rangel: Great, thank you.

Revised word count: 15288

SpeakWrite

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Job Number: 13347-001

Date: 12/14/2013

Billed Word Count: 15209

Interview with Officer Joseph Rangel on 12/13/13 at 1535 hours

Sergeant Courtney: Um, okay; uh, starting the interview again. It's 3:35 p.m., December 13. Joe, here's some photos of the scene. You've seen a couple of 'em right now, but, um, start out with the No. 1 side here. You know, basically go from the [REDACTED] to the [REDACTED] and around to where your position was that we believe. That's, actually, this is gonna be [REDACTED] here on both sides if you take a look at that. And this will be from the [REDACTED] to the [REDACTED]. This photo's the fence line that was down between the backyard at Mayfair and the backyard at Hampton, uh, the area that we believe you were looking through, and then your, your position and wanna know if this is actual, from your memory, what you could see from your location. That's the fence line there with the fence, uh, approximately three-quarters down. Again, this would be your position; that accurate with where Kane, you and Kane were?

Officer Rangel: Um, uh.

Sergeant Courtney: Take your time.

Officer Rangel: Pa, pause a second.

Sergeant Courtney: Take your time.

Officer Rangel: I'm startin' to get, I'm gettin' photo overload here.

Sergeant Courtney: And if you have any questions, go ahead and ask as you go through each one.

Officer Rangel: Uh.

Sergeant Courtney: The photo you're looking at right now, this is, uh, a backup view, so little bit of a distance.

Officer Rangel: Yeah; I, I gotcha, boss. Okay; um, the coffee cup was not there.

Sergeant Courtney: Okay.

Officer Rangel: All right, boss. What do you, uh, what do you wanna know about the photos?

Sergeant Courtney: Uh, this, with the picture of that fence line there, were you and Kane side by side right there at the hole in the fence?

Officer Rangel: Okay; so we were, this, this is the patch of grass that we were on.

Sergeant Courtney: Okay.

Officer Rangel: Um, these aren't numbered, so I don't, uh, I can't refer to which one we're talkin' about here, but this is the patch of grass that we were on, and this, if you, this photo here, again, I don't know if these are numbered or not, but this photo here, if you were to move it, um, right a little bit.

Sergeant Courtney: Okay; so that'd be the picture from the [REDACTED] position at the downed fence line where you were laying.

Officer Rangel: Right; so if you were, if you were to scooch over maybe just a little bit more to the right.

Sergeant Courtney: Okay.

Officer Rangel: And I'm, I'm tryin' to move this like it's a frickin' iPhone right now, but, but if you're to move this over just a bit more to the right, um, and close this gap a little bit with this fallen fence, you, you've heard me describe several times the V that I was.

Sergeant Courtney: Mm hmm.

Officer Rangel: Shooting through. This is what I mean by the V here.

Sergeant Courtney: Okay.

Officer Rangel: It was just a little bit tighter, uh, than that.

Sergeant Courtney: So you could almost see, uh, a person's legs, full torso, would you say, through that gap?

Officer Rangel: Well, through this gap? I, I don't see any.

Sergeant Courtney: Uh.

Officer Rangel: I'm sorry, are you askin' me if I can see somebody there right now?

Sergeant Courtney: Yeah; do you remember if the, the gap that you had to look through, would you have been able to see the person's full torso, maybe legs?

Officer Rangel: No; again, remember, like, like I said, this would've been tighter, so I would've been farther this way.

Sergeant Courtney: Okay.

Officer Rangel: 'Cause I was tryin' to hide behind this, this fence line right here. Um, again, this is the, this is the fence we're shooting from.

Sergeant Courtney: Okay.

Officer Rangel: Uh, this is, this is the area, and the area where I, um, if you have a pen, I can point to it. I won't draw on your photo, but, but this is the, uh, general area where I believed, um, him to be, and then, you know, if you draw a box there for the EOTech.

Sergeant Courtney: Okay; gotcha.

Officer Rangel: Which is, which is what I was actually looking through. Like, uh, I had no, no perception of this. This is, all, all this stuff down here, so, so we're probably talkin' about here.

Sergeant Courtney: Okay; so your, your, uh, field of view was limited by the EOTech.

Officer Rangel: Uh, yeah.

Sergeant Courtney: Within that V.

Officer Rangel: Correct.

Sergeant Courtney: Here's another picture of the fence that's down, again, the V here on, on this side, and then the back wall there, the [REDACTED]

Officer Rangel: Okay; um, so, uh, just for, I don't have any, uh, I, I don't know what I'm lookin' at here. This, this is not a part of the house I was ever involved with, this photo here. Um, this may be the [REDACTED], but it's not the side of the [REDACTED] side I was on.

Sergeant Courtney: Okay.

Officer Rangel: If that makes any sense at all.

Sergeant Courtney: Yeah; that'd be the [REDACTED] and to the [REDACTED] and that's [REDACTED] where the slider is.

Officer Rangel: Okay; what am I lookin' at here?

Brendan Parenti: So this is that corner.

Sergeant Courtney: That'd be the [REDACTED]

Officer Rangel: Okay; all right, whereas I was on the [REDACTED]

Brendan Parenti: Yeah, so you were looking at this wall. This woulda been to your right.

Officer Rangel: Hey, look, another slider.

Sergeant Courtney: So from your view, um, you had no view of any window or any door?

Officer Rangel: No, no; again, that, that little box that I approximated with my finger and this pen, that was my field of view.

Sergeant Courtney: Okay.

Officer Rangel: And one of the chief reasons that I decided to get up and move because I realized that there's no, there's no tactical advantage to being where we were. I, I didn't have enough time to respond to threats. Um, there's not enough.

Sergeant Courtney: Hopefully, that clears things up a little bit for you as far as the scene since you only had video to look at before.

Officer Rangel: Oh, you probably want this back. Sorry, this is actually the first time I've actually looked, uh, at that since it all happened.

Sergeant Courtney: Okay.

Officer Rangel: We are back on the record, right?

Sergeant Courtney: Yes.

Lieutenant Ford: Yes.

Officer Rangel: Okay; I was just.

[REDACTED] yes

Officer Rangel: I'm just.

[REDACTED] Just thought I'd double-check.

Officer Rangel: Kinda floatin' along right now. I'm sorry.

Lieutenant Ford: Okay; so, um, you get back to the command, incident command. You, at some point, run into Sergeant Courtney, and he, in, no short term, advises you obviously not to talk to anybody about what happened.

Officer Rangel: Correct.

Lieutenant Ford: That sound correct?

Officer Rangel: Yeah.

Lieutenant Ford: And, um, at some point, uh, you have a conversation with Commander Christianson. Was that after Sergeant Courtney advised you not to talk about the incident or before?

Officer Rangel: Um, I don't know, actually, to be honest with you. Uh, if we're talkin' about the conversation where he put his arm around my shoulder and walked me off, um, I think rationally I'd have to say it was, uh, after because I think that advisement probably came during the safety statement stuff that was going on. Um, yeah, because Commander Christianson, Commander Anderson, um, they both said something to me before I left, so yeah, it would be after; yeah.

Lieutenant Ford: Okay; and did you talk about anything with either of the two commanders about the shooting?

Officer Rangel: Do, do you want me to tell you what the commander said or, I mean, he kinda made it seem like he wanted it to be a private conversation 'cause he put his arm around me and walked me away from everybody, so I don't wanna make the commander mad.

Lieutenant Ford: Well, were you under direction not to speak about the shooting?

Officer Rangel: Yes.

Lieutenant Ford: And so, uh, if somebody asked you about the shooting, whether it be a commander or, or, uh, a CSO, what, what's your understanding of being told not to talk about the shooting?

Officer Rangel: That I shouldn't talk about the shooting.

Lieutenant Ford: So did you talk about the shooting with one of the commanders?

Officer Rangel: Um, not any, no; not in any detail. I mean, he was aware I'd been in a shooting. I talked about being in the shooting. I talked about we were pinned down when the guy had automatic, automatic gunfire. I, I never; no. I mean, he put, I'll just tell you what he said, fine. He put his arm around my shoulder. He walked me away. He said you're all good here, kid, and I said I'm, I'm really, really scared, and he said don't worry, I know you're afraid this is gonna mess up everything with [REDACTED]

[REDACTED] He said this is not, I promise you, you're all good here. He rubbed my hair, uh, uh, like you would a little kid, and he said you really seem freaked out. And I said I'm freaked out, sir, because, you know, we were pinned down there under automatic gunfire for awhile. He says I understand, but you did a good job, you did good, you'll be fine, and then he sent me away, and then Commander Anderson said something much less verbose but similar.

Lieutenant Ford: So when you said you were scared, was that because of the incident, not because you were gonna get in trouble or some sort of perception that you may get in trouble?

Officer Rangel: I had no, I got, I have to be honest with you. I had no, it never even crossed my mind that I would maybe be in trouble for anything that happened out there. Um, all the way up until you noticed me for this second interview, I thought everything was as clean as clean could be and, um, yeah.

Lieutenant Ford: Do you understand why you got noticed?

Officer Rangel: Oh.

Lieutenant Ford: Based on what we've already talked the last couple hours?

Officer Rangel: I don't wanna, I don't wanna shoot myself in the foot here during this conversation, but I've, I've now had the opportunity to review the Roseville report, so even based upon that, I would understand why there would be notice and questions, um, and I'm happy to answer them. I, I'm not, I'm not in any way tryin' to be combative or argumentative. I just, no, I, I do understand. Your job is to, I, I've done what you're doing. Your job is to get to the truth.

Lieutenant Ford: Mm hmm.

Sergeant Courtney: So.

Officer Rangel: You just.

Sergeant Courtney: You just said you're, you told the commander you were pinned down by automatic gunfire?

Officer Rangel: Here we go again. I did not say I was. I said we were pinned down for four hours under automatic gunfire.

Sergeant Courtney: We were, so what, what do you mean by we were pinned down?

Officer Rangel: We, the cops, but again, in, in, in that particular instance, I will tell you I do, I do remember that whole conversation because I found it, um, uncomfortable, um, and I'm not in any way asserting the commander did anything wrong, just wanna get that out, but I, I did find it, uh, find it a little bit strange. Um, at that point, I did believe that every exchange of gunfire I was hearing was coming from the MRAP or some of them were him shooting at us, so.

Sergeant Courtney: You, you, you're not talkin' about being at the fence? Where you took your shots is, were you at the MRAP?

Officer Rangel: No.

Sergeant Courtney: Okay.

Officer Rangel: Uh, no; I was not talkin' about being at the fence.

Sergeant Courtney: Okay.

Officer Rangel: But again, I'm, that statement was a general statement about the situation, not me.

Sergeant Courtney: Okay.

Officer Rangel: I was not tryin' to make myself out to be any kinda hero. Fact, I felt like a coward by the end of the night.

Sergeant Courtney: Well, yeah, uh, the mindset when you're on SWAT team, uh, during these kinda incidents, um, uh, you're prepared to be shot, to be involved in a shooting. That's what all your SWAT training prepares you for. Um, do you think once you're shot, you're, uh, kinda out of the game, uh, and wanted to be somewhere else? Is that what you're talking about being a coward?

Officer Rangel: No, it was, um.

Officer Rangel: We're cops. We walk around. We talk like we're big and bad. We, you know, we're invincible, and, um, I'm, I'm fond of tellin' people you never know how somebody's gonna react. I don't care how big they are. I don't care how tough they are. You never know how they're gonna react until they're in it, and you see them in it. Um, I, uh, for getting into my feelings, I'll tell ya, at the end of the night, I felt proud of my actions and ashamed of my feelings. I had always hoped that, given that situation, I would approach it with a calm, cool, collected SWAT guy attitude, um, but inside what I really felt like doing was puking. I was happy with my performance. I felt like I worked through it. I did what I was supposed to do. I overcame fear. I, you know, um, I made the right decisions to keep my little team alive. I, I, I thought I had done a good job, but, uh, I felt personally that I had, uh, I was surprised at how scared I was. I was surprised at how much it rattled me on the inside.

Sergeant Courtney: You going to any of these last three questions?

Lieutenant Ford: Yeah; so, um, so after leaving the command, the incident command, and you went home, since then, have you talked to anybody about the shooting, which would violate your directive?

Officer Rangel: Um, I've spoken with my [REDACTED] at length about it. Um, there are portions of the shooting that other officers have asked me about. Um, I've tried very hard not to get in details. I've used phrases like look, I can't get into details, but, I can't really say too much, but, and the thing that people keep coming up to me and askin' me about is how come Kane didn't see it. I've had a lotta people come up to me and say that.

Lieutenant Ford: How do you, I don't understand how, what, how, what does that mean?

Officer Rangel: Okay; I'll give you an example. Um, I teach a class at Sierra College. I had a 17 year-old or 18-year-old student of mine, who's also a volunteer here, come up to me and say, um, hey, I went on a ride-along with Kane Kissam, and he told me, sh-, she went into detail about the shooting, and he didn't see it, and then he said he didn't know what you were shooting at, and, um, and I, I found myself saying things like well, you know, what one person sees, what another person sees and talkin' about reasonableness of perception and those things. Um, I've gone as far as to say look, you know, we may have been looking at two different places. I'm good with that, that kinda stuff. I had one of our officers come up to me and say, uh, hey, uh, you know, I, I talked with Kane, and, uh, he said some things that weren't really in your best interest, and yeah, that freaked me out. I said well, what, what did he say, and he's, like, well, you know, he came up to me and said, you know, blah, blah, blah, and that's actually what his words are. I'm not covering. He said, he said blah, blah, blah, and I said.

Lieutenant Ford: So he didn't tell you anything?

Officer Rangel: Well, I said what does blah, blah, blah mean, and he said, well, he said, you know, that you were, uh, that he was there, and you were, you know, that he was on the side, and you were on the side, and he, he had, he had some details about the shooting, and then I had another, uh.

Lieutenant Ford: Let me ask you this question. Would I make a good assumption that this is [REDACTED]

Officer Rangel: I have no idea if you guys were, I'm, I'm assuming, I'm making an assumption that if you guys [REDACTED]

Lieutenant Ford: Well, when would these instances would've happened? Were they weeks later, days, with the [REDACTED] and with the officer's conversation?

Officer Rangel: This has been kinda continuous over the last two months, so, uh, one of them I know was immediately after the incident before anybody could have been told not to talk. One of them was, uh, Nate Ferguson, who had apparently relayed to his SIU team or a portion of his SIU team that, you know, Kane saw this or didn't see that, and, and, you know, blah, uh, there I go with the blah, blah, blah again.

Lieutenant Ford: Mm hmm.

Officer Rangel: Um, and so, you know, portions of the SIU team had come to me and said hey, what's, you know, what's up? Are you, are you whole, are you good? And, and, uh, we had conversations again about perception and, and reasonableness and those things, but no, uh, no, you know, I haven't, I have not tried to violate any order. Um, I, I don't, I don't know if I'm.

Sergeant Courtney: Could you explain, uh?

Lieutenant Ford: Trying, trying and doing are two different things.

Officer Rangel: Yes, yes.

Lieutenant Ford: So have you violated the directive?

Officer Rangel: I don't think so. Not

Lieutenant Ford: You don't think so?

Officer Rangel: If not that any of the stuff I tell ya counts as violating it. I, I've, I've had, uh, plenty of cops come up to me and talk to me about it, and I've tried to say things like, hey, look, I can't get into details but, you know, I fired because I was afraid for my life. Um, I've said things like that. I don't think that violates the directive.

Sergeant Courtney: In response to the [REDACTED] and the officer that was talking about, you know, that [REDACTED] told them something. Did you correct them?

Officer Rangel: That's what they said. I don't, I don't know.

Sergeant Courtney: Did you correct them on what really happened?

Officer Rangel: I didn't tell them the whole story; no. I said I, I, what I told them was listen; one [REDACTED] shouldn't be talkin'. And it hurts, you know, and it, it offends me that he's goin' around sayin' this kinda stuff 'cause that can have a negative impact on me. And two, um, perception in general and, you know, I fired because I felt that I was in danger. And so that's, that's it. But I have not sat down and told the story to any, anybody. I haven't, my [REDACTED] told her. [REDACTED] Well, actually, no; that's, that's not true. I told it to, uh, pretty much everyone who was, who was there but this is before you ordered me not to. Um, I did, I did talk to the, the SWAT unit that had come, come got me after they told me I wasn't sequestered. I did talk to them, um.

Lieutenant Ford: But you didn't discuss it at this, um, SWAT debrief that they had probably what? Within a week after the shooting?

Officer Rangel: I wasn't there.

Lieutenant Ford: Or days?

Officer Rangel: You mean the thing that Perez put on? Or the thing that, uh, SWAT put on?

Lieutenant Ford: SWAT put on something. I, I wanna say it was within a couple days, and I know, um, you actually ended up showing up at the end.

Officer Rangel: Uh uh

Lieutenant Ford: And you.

Officer Rangel: I'm sorry.

Lieutenant Ford: And you may've gone out with the SWAT, some SWAT team members afterwards.

Officer Rangel: I did not show up at the end. I didn't go into any debrief. The only debrief I've been a part of was, uh, think it was the, forgot what day it was after the incident. I really don't remember how many days it was after the incident. It was before the next shooting this agency had. Um, Sergeant Perez had a patrol team level debrief and she called and asked me to be there. Um, so I showed up, um, Lieutenant Russo was there. I didn't say anything. I, uh, I watched the video. When everyone had their turn to talk, they came to me. I said, uh, I said my only advice to you guys is always have your gear and always be ready, uh, because you never know when it, you know, it can happen. And that's it; that's all I said there. Um, I was not part of a SWAT brief, debrief. I asked to be part of a SWAT debrief. I sent an email to Lieutenant Russo and was told I could not. Or a text message to Lieutenant Russo and was told he would check with Fletcher and then I was told later I could not. Um, and then I spoke with the SWAT team. We went, we went out, uh, one day after training. It could've been the day after their debrief. We went out. I was never there for the debrief. We went out and we talked about what the SWAT team's response to the incident had been, what the debrief had contained. It appears that they were angry that I didn't have my armor and those kinds of things. Um, and then what, uh, in, in general terms what my function had been out there. Well, you know, I was on patrol and I responded and I kinda got put over here and then the MRAP showed up and, you know, and there's nothing like what we've gotten into here; nothing at all.

Lieutenant Ford: So when you're assigned to patrol and you're SWAT, is it an expectation that you carry all your gear in the, in the patrol car?

Officer Rangel: Um, it's an, no. It's something that, uh, [REDACTED] I saw him do back when he was Officer [REDACTED]. And he, he used to load his entire war bag or SWAT armor bag up in the car. And I thought that sounds like a pretty good idea 'cause it [REDACTED] has all the stuff I could possibly need and more. Um, so I started doing. It was a good idea. What we are required to carry on patrol is what patrol is required to carry. Um, but I, I certainly 'cause I think most of us do it actually, but there's no, there's no SOP or GO that says we have to. Um, again, not without shooting myself in the foot but I found myself not in my vehicle this day. My vehicle had to go in for repairs, and I thought oh well, my car will be back soon and I'm not gonna load this heavy stuff into there and unload it and reload it, so this'll be fine. It was not fine.

Lieutenant Ford: So your stuff was in the SWAT, SWAT locker?

Officer Rangel: Mm hmm; correct.

Lieutenant Ford: Do you have anything else?

Sergeant Courtney: No; I think I'm pretty good.

Lieutenant Ford: I have a few questions

Sergeant Courtney: Well, would it surprise you if, uh, Officer Garing said he was never jerked to the ground?

Officer Rangel: Um, objection; asked and answered. But, um, we actually went over that the first time, and that would surprise me quite a bit. Um, there's a few things about this incident, I, I remember the incident kinda like a comic book. I remember this scene. I remember this scene. I remember this scene. I remember this scene, and that is something I remember very, very explicitly. I didn't pull him all the way to a prone position and drop his face on the ground. I pulled him from a standing position to a squatting position. I said get down and I pulled him down. But, um, talk about over-explaining the answer; yes.

Officer Rangel: The, the answer is yes; it would surprise me.

Sergeant Courtney: Okay; it's all yours.

Lieutenant Ford: I do have uh, um, I did make a mistake on the number, but I want that corrected on, on tape. So it is No. 8.

Lieutenant Ford: So.

[REDACTED] It's IA 13-008?

Lieutenant Ford: Correct; so I was incorrect on that notice that you initially got when you started the question.

Officer Rangel: And on the video where it says seven? So I've got one that says seven. I've got one that says nine.

Lieutenant Ford: Yeah, yeah.

Officer Rangel: It's really eight.

Lieutenant Ford: It's eight.

Officer Rangel: Okay; so let's find it..

Lieutenant Ford: I want to make sure it is on tape it's corrected and we're all on the same page.

[REDACTED] Okay.

Lieutenant Ford: So on the transcription, um, wanna make sure that it's reflects the correct IA number.

[REDACTED] Okay.

Lieutenant Ford: Go ahead.

[REDACTED] All right; just a few for ya.

Officer Rangel: Oh, sure; why not.

[REDACTED] You, uh you mentioned combat breathing, um, can you kind of explain to me real quickly what that is or what the purpose of it is?

Officer Rangel: Yeah; um, combat breathing is kind of a, it's diaphragm breathing. It's breathing down into the diaphragm and back out. Um, and the whole point is to slow your heart rate, slow your, uh, just kinda slow everything down. Release the tunnel vision. Um, get the adrenaline to settle and, uh, you know, allow you to focus on the task at hand. It also, uh, because it's breathing into the diaphragm, it also helps with things like quick bursts of speed and, and that kinda stuff because it's, you know, it's that, that sports-type breathing. So, um, as opposed to that shallow hyperventilating that's up here. It's, it's down there.

[REDACTED] Okay.

Officer Rangel: It really looks stupid and please don't ask me to demonstrate it.

[REDACTED] All right; I won't.

Lieutenant Ford: You might have to.

Officer Rangel: I'm really concerned that I may at some point.

Lieutenant Ford: Well, would somebody, when you're doing that would somebody think that you could be hyperventilating?

Officer Rangel: Yes; if they don't know what they're talking about. Let me rephrase that; I apologize. It was rude. If they'd never encountered it before they might think that that odd pattern of breathing was indicative of a medical emergency or something else. Um, I, you mean, just, just YouTube combat breathing. You'll see plenty of, you know, **** and other, you know, tactical training things It, it does look and sound weird.

Lieutenant Ford: Have you ever done that before, um, like, maybe in a scenario-type base training where other SWAT members would've seen you do it?

Officer Rangel: I've done it live. Um, uh, oh; where other SWAT members would've seen me do it. Um, I don't know. Uh, I don't think so because we've never really been under that

much stress in a SWAT scenario. We, we talk about it. E.J. talks about it a lot. We talk about that combat breathing, you know, during, uh, tac medicine days when we focus on medicine. You know, we talk about you're injured, you're down, you know, get to your combat breathing. Focus so you can, you know, get yourself fixed, get back in the fight. We all talk about it. Um, the last time I actually had to do it other than this was when I was in, uh, that fight out at Antelope and Daley with, uh, that five-minute fight, because it also helps spare some of your cardio too. Um, that fight was draggin' on and getting' ugly and, uh, I was startin' to get a little concerned, so that's the last time I did it.

[REDACTED] Okay; that's somethin' you guys are instructed about in SWAT? You kind of mentioned it.

Officer Rangel: Um, I, I don't, I don't know that we've ever had formal instruction in it from our SWAT leaders. It's something we all know about. You know, you can talk to any of the more tactically minded guys. It's just, it's just kind of a thing we all do.

[REDACTED] Okay; is Kane on SWAT?

Officer Rangel: No.

[REDACTED] Um, as far as you know is he aware of combat breathing?

Officer Rangel: No.

[REDACTED] Okay; um, earlier when you mentioned that you, you saw what you believed to be Mr. Duran, I'm seeing you didn't have a lot of time once you saw him. Now, what was it that made you believe that once you saw him you wouldn't have a whole lotta time to react?

Officer Rangel: Um, we try, we try and respond as opposed to reacting. Um, but my response time was cut down by the window, the aperture, the sight picture. We've used all the terms.

[REDACTED] Mm hmm.

Officer Rangel: That V that I was shooting through was very narrow. So, the, the, the distance and the time that I would've been afforded to process, um, him was very small. The presence of his potential weapon; the, uh, the fully automatic rifle and my lack of cover also presented that because truthfully he didn't even have to see me to be a serious threat at that point. All he had to do was lay on the trigger and turn.

[REDACTED] Mm hmm.

Officer Rangel: And it would just cut right through the boards. Um, so his, the threat that he posed versus the, the small aperture that I had to look through, um, is what cut down on the response time.

██████████ Okay; um, earlier we discussed whether or not your weapon was on semi-auto or fully automatic. Is it possible that you, that your weapon was on semi-automatic and you fired the weapon six times and you just don't recall pulling the trigger that many?

Officer Rangel: Yeah; absolutely.

Lieutenant Ford: But do you remember doing it?

Officer Rangel: Pulling the trigger six times?

Lieutenant Ford: Yeah.

Officer Rangel: No, no; he asked if it was possible.

Lieutenant Ford: Uh.

Officer Rangel: I'm learning that.

██████████ Earlier you had mentioned that Kane, when you asked him to move up to the back of the fence in the side yard, that Kane had stated you go first. Did, did he say why he wanted you to go first?

Officer Rangel: Yeah.

██████████ And what, what did he say?

Officer Rangel: He said you're better at this.

██████████ What did you take that to mean?

Officer Rangel: Um, I, I took that as kind of a deference to my training as opposed to his level of training. And I, I don't think, I don't think in any way he was trying to downplay himself.

██████████ Mm hmm.

Officer Rangel: I think, but I think he was basically saying hey look, you know you kinda know what you're doing here and I kinda think he thought that meant we were going into the backyard which under no circumstances was that happening.

██████████ Okay. Um, now when you call Nate and reported any of the four phone calls, did those take place before your, or part of your SWAT team came out to you?

Officer Rangel: All of them happened before my team arrived.

[REDACTED] Okay. So as far as you're aware supervisors were aware that you had fired your weapon when your SWAT team element came out to you with water?

Officer Rangel: Multiple supervisors, yes.

[REDACTED] Did the leader of that SWAT team want to remove you from the scene?

Officer Rangel: No.

[REDACTED] Did he want to leave you there in your current position after your supervisors knew that you had fired your weapon?

Officer Rangel: Yes.

[REDACTED] What transpired before he allowed you to leave the scene?

Officer Rangel: Another SWAT operator, Officer Tedford, Kyle, Detective Tedford, I'm sorry, said maybe Joe should go back. I'll stay for him. Sergeant Lewis said no, he stays. Um, they went off to the side and had a conversation that I was not privy to and I don't know what transpired and they came back and Sergeant Lewis looked at me and said all right you're with us. Kyle stays.

[REDACTED] Okay.

Sergeant Courtney: Do you know if Sergeant Lewis knew you didn't have your equipment at that point?

Officer Rangel: I was, we, well yes because I had asked Sergeant Lewis when he came up, um, when they rolled up to me, um, forgive the narrative. It'll be brief. They rolled up to me, um, and I only have a, they rolled up to me and, uh, Kyle said are you okay and I said I'm fine. Um, I'm a little rattled or some, something to that effect. Um, and then, and then I, I, uh, he asked Sergeant Lewis if I could go back. Sergeant Lewis said no, you stay and I said Sarge if I have to stay could I, uh, could you guys at least bring me my armor and my ammo when you come back 'cause this shit don't fit is what I said and he said ain't gonna happen bud. It's about a half a mile back there so you're gonna have to make do with what you got and I said certain and then the aforementioned conversation occurred.

Lieutenant Ford: Are you personal friends with [REDACTED]

Officer Rangel: I am.

Lieutenant Ford: And he would know if you maybe needed a break per se? And maybe that's what the conversation was with [REDACTED]

Officer Rangel: Possible. I don't, anything's possible.

Lieutenant Ford: Yeah. Probable?

Officer Rangel: He never told me what he said to Sergeant Lewis. I never asked him.

Lieutenant Ford: Would [REDACTED] know when you were upset about something because you [REDACTED]

Officer Rangel: Yeah. Yeah.

Lieutenant Ford: [REDACTED] may have said, given a little bit more insight to Sergeant Lewis as to your demeanor at that moment in time?

Officer Rangel: Yeah, it's possible.

Lieutenant Ford: Okay.

Officer Rangel: Possible, probable even.

Lieutenant Ford: Okay. Um, he, your attorney mentions the four phone calls., um, prior to your team getting there. Would that be something that would be normally allowed during a SWAT operation of this nature?

Officer Rangel: Phone calls?

Lieutenant Ford: Yeah, during.

Officer Rangel: Uh.

Lieutenant Ford: I mean right in the.

Officer Rangel: Yeah, actually.

Lieutenant Ford: Middle of an active shooter incident and you're making four phone calls.

Officer Rangel: Yeah, actually we are, uh, we are all to carry our phones on us at all times during operations for the purpose of relaying tactical information should it be, 'cause this is not an active shooter scenario. Uh.

Lieutenant Ford: But you weren't relaying tactical information. Unless.

Officer Rangel: Uh.

Lieutenant Ford: You were giving it to your [REDACTED] and she was relaying it to the PD.

Officer Rangel: No. Um, but I was relaying the fact that I'd be in a shooting to the PD and supervisors so no we, we, we carry our Nextels, um, and actually we've even encouraged to

carry out Smartphones so they can send updated photos of suspects and stuff to us. Um, I, I keep hearing this referred to as active shooters. This is not an active shooter.

Lieutenant Ford: Well critical incident.

Officer Rangel: Okay.

[REDACTED]: Were you put together with your SWAT team and sent out there at the time when you were positioned at the back of the fence? Was your SWAT team leader out there with you? Were you with the rest of the SWAT team?

Officer Rangel: No.

[REDACTED]: Did, what does your SWAT gear entad, entail?

Officer Rangel: [REDACTED]

[REDACTED]: How much.

Officer Rangel: [REDACTED]

[REDACTED]: How much of that gear did you have with you?

Officer Rangel: I had my rifle and two mags for it.

[REDACTED]: Was it your belief at that point in time that you were detached as part of the SWAT element?

Officer Rangel: No. I believed that I was, I was a individual SWAT operator. I was a SWAT guy but I wasn't with my SWAT team.

[REDACTED]: Does your department as far as you're aware have an order, a standing operating procedure to sequester a shooter after he fires his weapon?

Officer Rangel: I believe so.

[REDACTED]: Okay. And did, your SWAT leader attempt to sequester you at any point when he came out there?

Officer Rangel: No.

[REDACTED] Okay. And did he tell you you weren't sequestered after you told him you fired your weapon?

Officer Rangel: Uh, yes. A different supervisor.

[REDACTED] A different.

Officer Rangel: Said that yeah.

[REDACTED] Okay. Did you hear at any point over the radio other officers from different departments who'd fired their weapons being pulled from the scene?

Officer Rangel: Yes.

[REDACTED] Okay.

Lieutenant Ford: Were you aware of officers that did shoot that were left out there?

Officer Rangel: No. I, I don't know. They didn't **** say it.

Lieutenant Ford: Well were you aware at some point that West Sac PD was in MRAP?

Officer Rangel: Oh yes. Yes. Uh, they, uh, they were in the, uh, turret. Actually they were in the whole thing but they had West Sac guy in the turret who was shooting.

Sergeant Courtney: And as far as you know they were never pulled out until after the incident?

Officer Rangel: I have no idea. I, after I got pulled out, um.

Sergeant Courtney: So you were pulled out before them?

Officer Rangel: I was pulled out before them.

[REDACTED] You were pulled out before the SWAT officers that were in the bulletproof MRAP vehicle were removed from the scene?

Officer Rangel: Correct.

[REDACTED] Okay. Do you know if the same officer was up in the turret firing the entire time?

Officer Rangel: I don't have any clue who was in the turret firing.

[REDACTED] Okay. Let's see. As far as, earlier you mentioned, um, As far as you're aware do any SWAT officers want to be engaged in a fire fight?

Officer Rangel: No.

[REDACTED] Hmm. Is it your opinion that most officers would be afraid in some way, shape or form if they are in a fire fight?

Officer Rangel: Sure.

[REDACTED] When you, so when the hostage came out, um, where were you when you first saw her? Do you recall?

Officer Rangel: Yeah, around the [REDACTED] somewhere floating around that area.

[REDACTED] Were you behind cover that you recall?"

Officer Rangel: When I first saw her I, I believe I was behind the pickup truck so yes.

[REDACTED] Were you wearing a ballistic vest at this point in time?

Officer Rangel: A patrol vest. Uh, that's soft armor.

[REDACTED] And at that point were you aware what kind of weapon Duran reportedly had?

Officer Rangel: Yeah. Yeah.

[REDACTED] And what was that?

Officer Rangel: A high-powered, uh, fully automatic assault rifle.

[REDACTED] Would your patrol vest stop that rifle round?

Officer Rangel: No.

[REDACTED] So when you saw her you were wearing just your patrol vest and you broke cover to go to her?

Officer Rangel: Correct.

[REDACTED] Would that have put you in line of sight of the house?

Officer Rangel: Potentially yes.

[REDACTED] And at that point had he already shot officers?

Officer Rangel: Yes.

[REDACTED] As far as you're aware had he shot an entire SWAT team they were preparing to make entry into the house?

Officer Rangel: I don't know what they were preparing to do but he'd, he'd shot at a whole SWAT team yes.

[REDACTED] And he injured them?

Officer Rangel: Yeah. Shot one of 'em in the face.

[REDACTED] Okay.

[REDACTED] And earlier you stated you understood while there's a follow-up interview here after reviewing the Roseville report. What did you mean by that? Or at least the SWAT lieutenant's report.

Officer Rangel: The shootings are, are serious business and the Roseville report doesn't contain a lot of detail as to my specific actions and this agency and this review and these two supervisors who I respect very much need to know what I did and that report only vaguely alludes to the fact I was even possibly there so I can totally understand why they need these questions answered.

[REDACTED] Okay. So when you said you understood there was a need for a follow up just based on your belief that this report didn't really cover your actions at all?

Officer Rangel: Yeah. I, I don't wanna speak disparagingly about the guy who wrote that report.

[REDACTED] No, I just.

Officer Rangel: But I'm just.

[REDACTED] It just didn't mention your role.

Officer Rangel: No, it didn't. It did not cover what, what the supervisors need to know.

[REDACTED] Okay. Those are it for me.

Lieutenant Ford: Just a couple of follow ups then because I, I must follow up the follow up.
Um.

Officer Rangel: Awesome.

Lieutenant Ford: [REDACTED] And when as far as, I know you said there was immediate conversation with Ferguson which could in fact be before he was served with any form of directive but.

Officer Rangel: Correct.

Lieutenant Ford: The indication with the [REDACTED]

Officer Rangel: Do I have any ability to not answer this question? And that's not out of disrespect to you ma'am. I just.

Lieutenant Ford: Lybarger.

[REDACTED] Yeah. I could tell you not to and then they'd order you to. There's no privilege between you and them.

Officer Rangel: All right. Um, and if I don't answer this question I'm gonna be in trouble right?

Lieutenant Ford: Well it'd be a sign of insubordination.

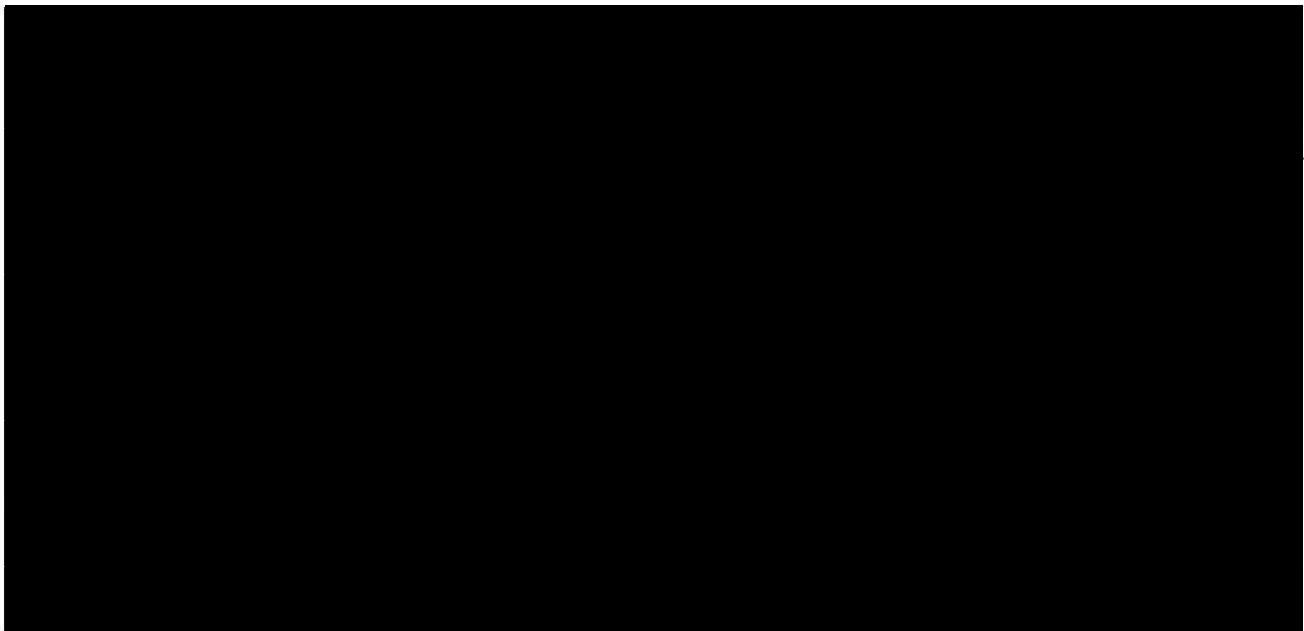
Officer Rangel: Well we would not want me to be insubordinate. Um, I don't know exactly when, uh, off, these officers were told as far as precise dates. I just know that, um, I was told about what these people were told within the last two weeks. So I had conversations with these people within the last two weeks. Um.

Lieutenant Ford: Did they initiate conversation with you first?

Officer Rangel: Yes, both of them did.

Lieutenant Ford: Okay. Um, one was Officer [REDACTED]

[REDACTED]



Officer Rangel: Yeah. Yeah, it was.

Lieutenant Ford: Okay.

Officer Rangel: Uh, that's all that's coming to mind right now. Um.

Lieutenant Ford: Okay.

Officer Rangel: It was just very apparent to me that it was all over.

Lieutenant Ford: Chad, do you have anything else?

Sergeant Courtney: No.

Lieutenant Ford: Do you have anything?

Brendon Parenti: Nope.

Lieutenant Ford: Okay. We'll conclude at, uh, 4:24 p.m.

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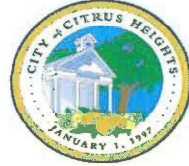
Job Number: 13347-002

Date: 12/14/2013

Billed Word Count: 8058



CITRUS HEIGHTS POLICE DEPARTMENT



MEMORANDUM

CONFIDENTIAL

DATE: January 9, 2015

TO: Joseph Rangel, Police Officer

FROM: Christopher W. Boyd, Chief of Police
Via Lieutenant Christine Ford

SUBJECT: Notice of Intent to Discipline

On October 7, 2014, the CHPD issued you a Notice of Intent to Discipline proposing to impose a disciplinary payroll deduction in the amount of 160 hours (to be deducted from your accrued Annual Leave) based upon sustained findings in IA 13-008. You requested a pre-disciplinary Skelly conference, which occurred on December 1, 2014. Your attorney, [REDACTED] appeared at that conference. I have now fully considered and reviewed all information received in regard to the proposed discipline and I have decided to impose the 160-hour deduction from your accrued Annual Leave, based upon all of the charges, reasons, and documentation provided in the October 7, 2014 Notice of Intent to Discipline.

NOTICE OF APPEAL RIGHTS

Policy 340.8 gives you a right to an evidentiary appeal of this discipline pursuant to the City of Citrus Heights Personnel Rules and Regulations. Personnel Rules and Regulations, Rule 6.5, Right of Appeal, which describes the evidentiary appeal, is attached.

I acknowledge receipt of this document.


Joseph Rangel

1/9/15
Dated

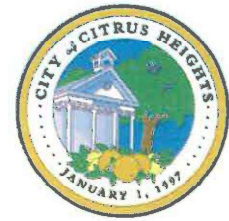
DOCUMENTATION

1. October 7, 2014 Notice of Intent to Discipline
2. Policy 340
3. City of Citrus Heights Personnel Rules and Regulations 6.5 – Right of Appeal

cc: Personnel File



CITRUS HEIGHTS POLICE DEPARTMENT



IA Report

DATE: March 26, 2014

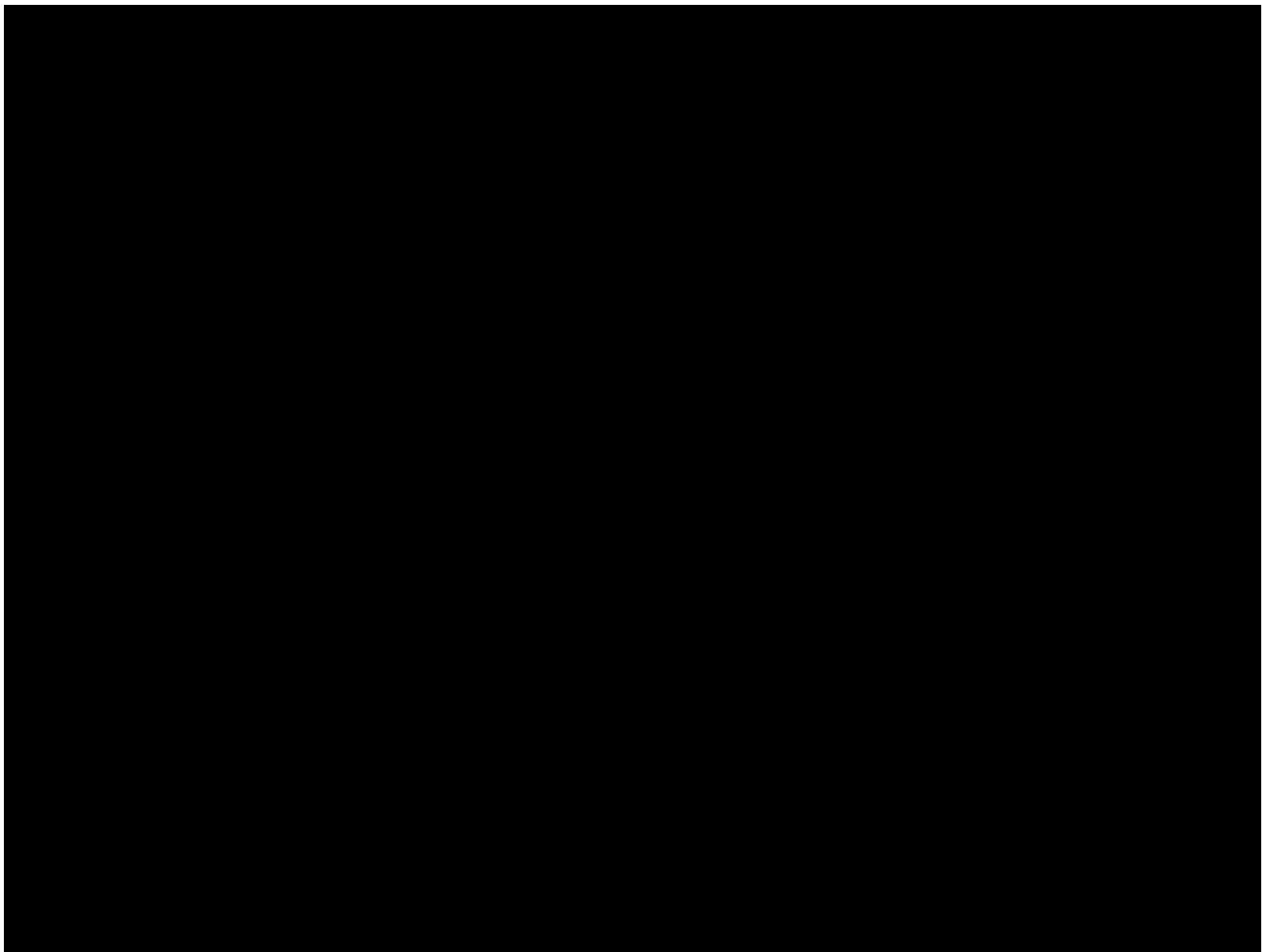
TO: Case File

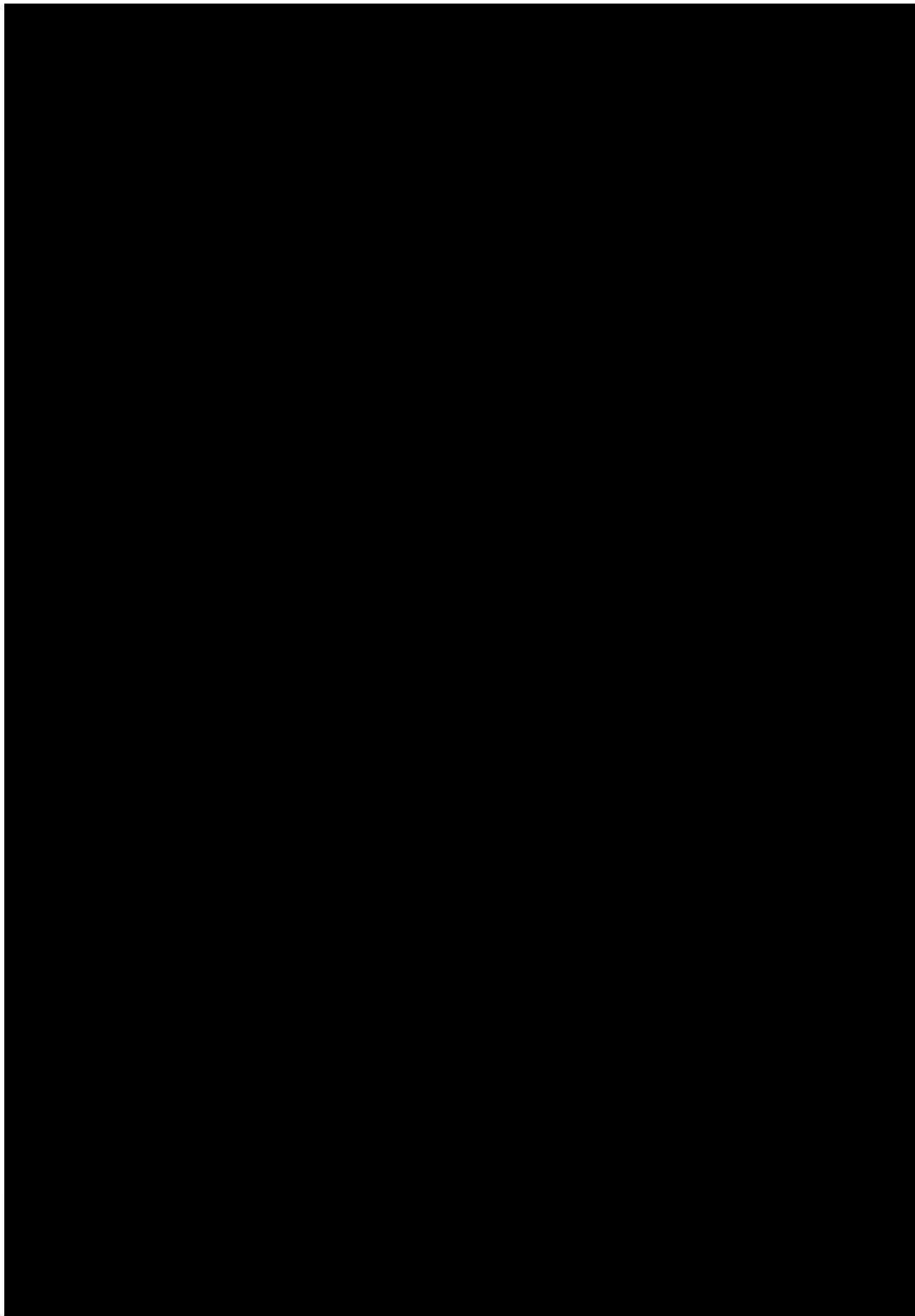
FROM: Chad Courtney, Sergeant

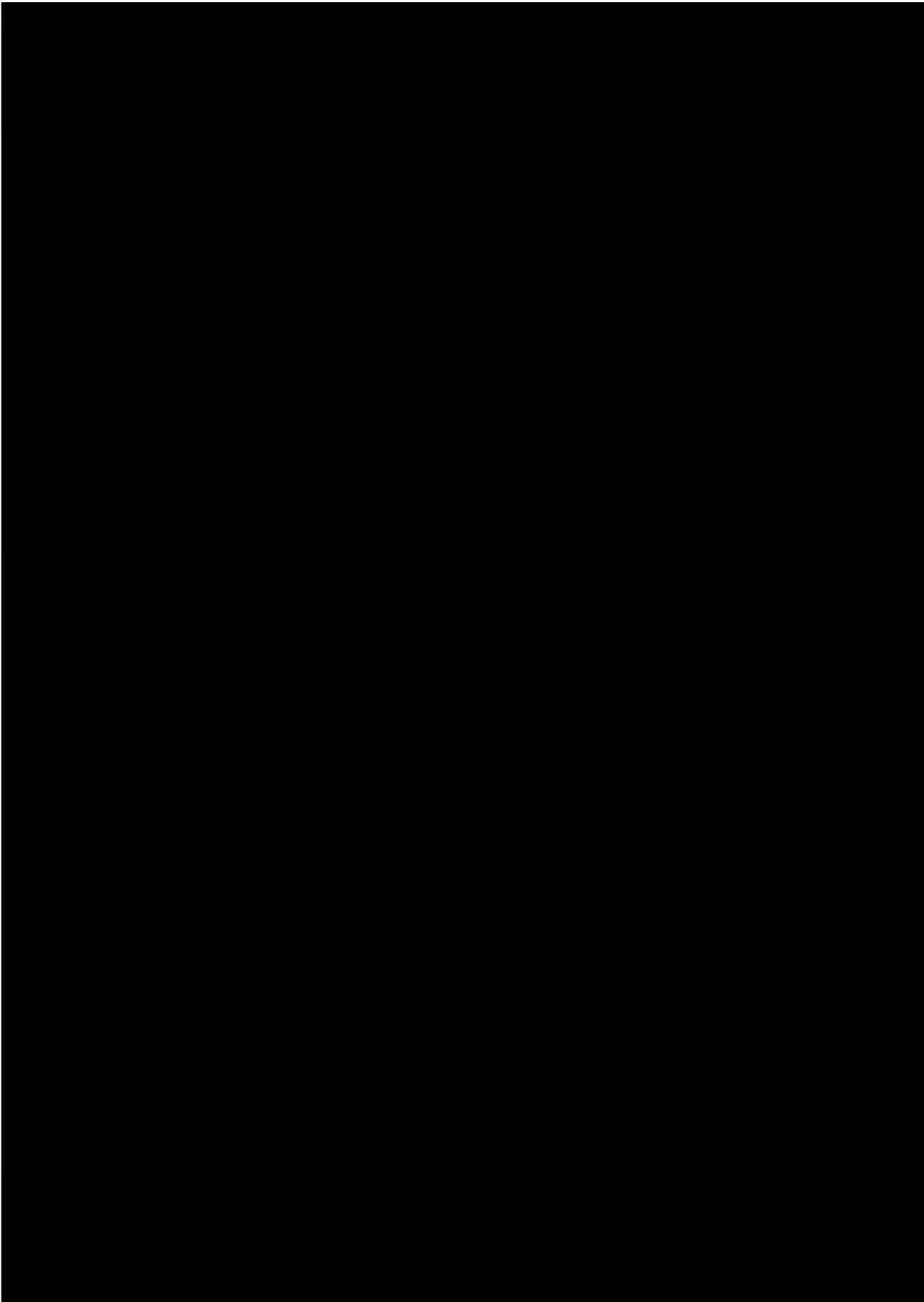
SUBJECT: I/A 13-008: Allegations and Findings – Officer Joseph Rangel

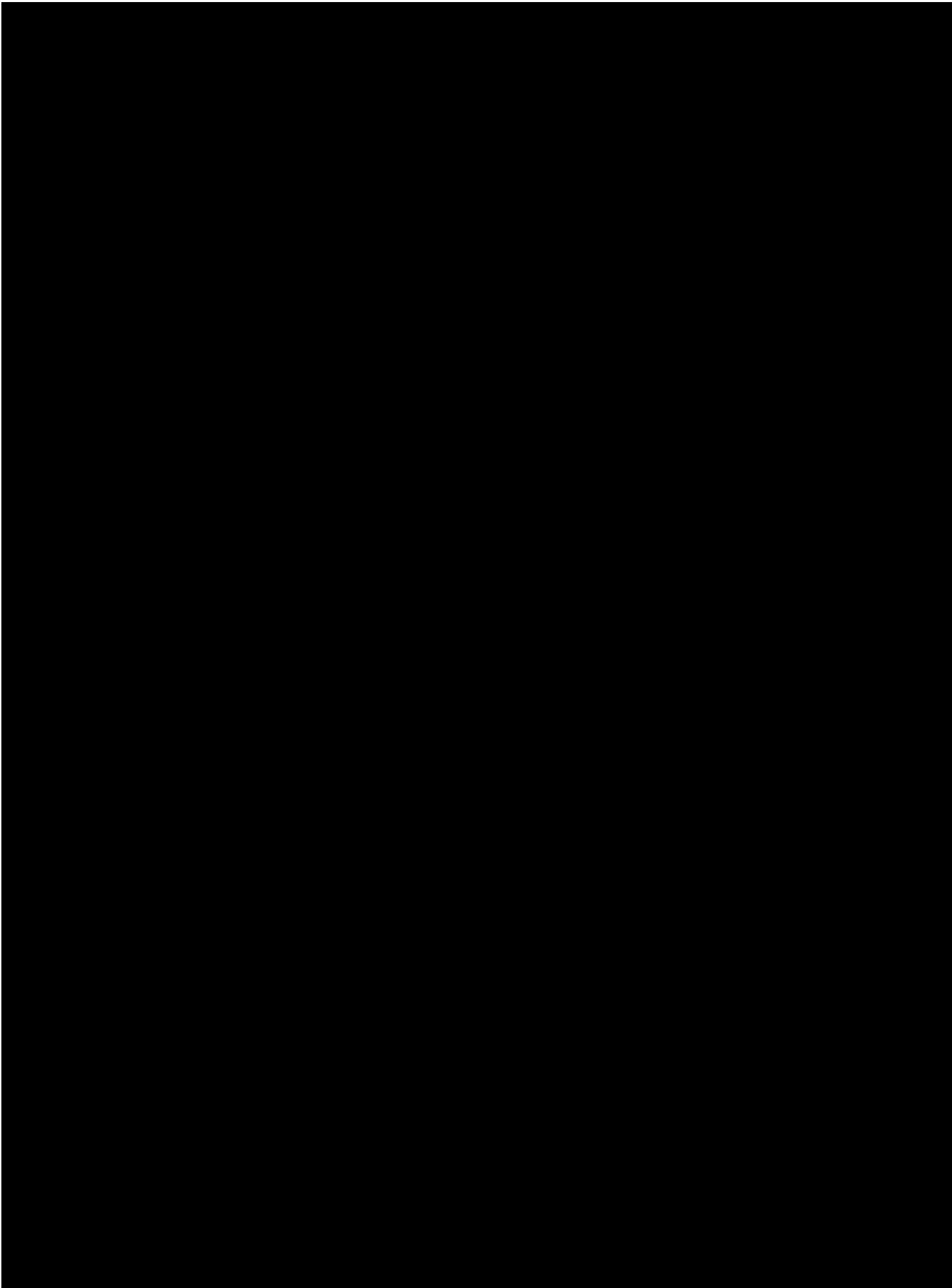
Allegations and Findings:

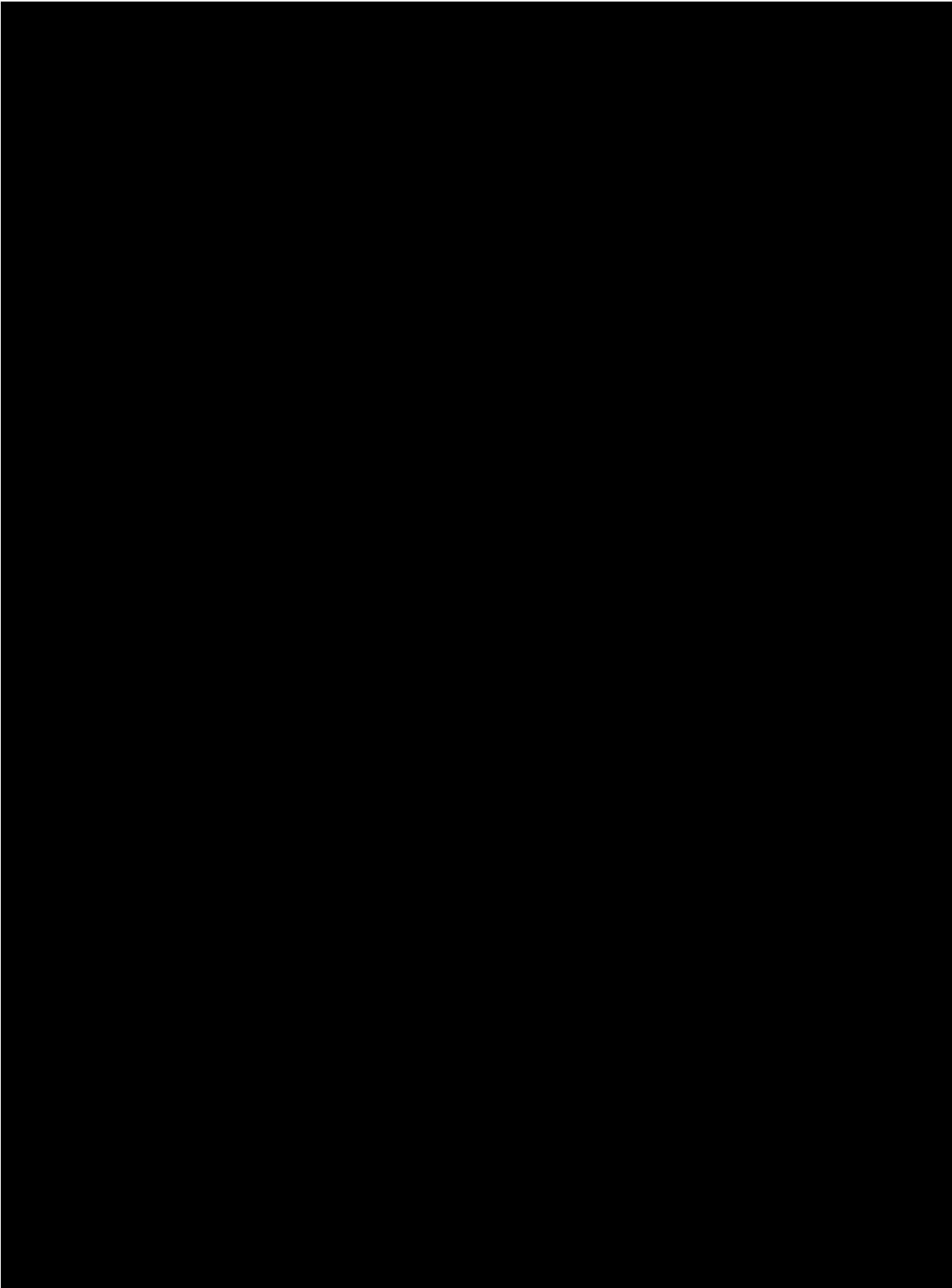
Allegation #1:











Finding: Not Sustained

Count 2:

Officer Rangel misrepresented the material facts and made false and misleading statements during his interviews when he told investigators he did not tell Sergeant Evans or Officer Miller he was shot at by the suspect.

During Sergeant Evan's interview, Sergeant Evans described a conversation he had with Officer Rangel during the incident. Sergeant Evans stated,

"I think pretty early on, Joe is, is talking and I hear him oversay, he said, "That guy tried to shoot me. He was shootin' at me", and, and then he mentioned something to the fact that he shot back at him, but he doesn't know if he hit him, so I think I confirmed with him, I go, "He shot at you?" and he said, "Yeah, he was trying to shoot me", and I go, "Okay", and I go, "and then you shot back at him", and he said, "Yes", and then I just, I kinda stopped right there 'cause we were kind of in the middle of action, but I did, um, give Lieutenant Kinnan a call and I told him that Rangel just told me that he was shot at and that he fired at the suspect and he was a little bit, um, I could see he was worried."

During Officer Rangel's interview, he described telling Sergeant Evans the suspect was shooting at officers and not specifically him. The following was recorded from the second administrative interview with Officer Rangel:

Lieutenant Christine Ford: So he asked you, so your conversation with Sergeant Evans was that he was shooting at us as referring to the officers out in the field.

Officer Joe Rangel: Yeah.

Lieutenant Christine Ford: Versus specifically saying that Sammy Duran shot at you.

Officer Joe Rangel: At me personally?

Lieutenant Christine Ford: Yes.

Officer Joe Rangel: I was, um, I don't, I don't recall saying that Samuel Duran shot at me personally, no. I.

Lieutenant Christine Ford: So you didn't say that to EJ Miller and you did not say that to Sergeant Evans.

Officer Joe Rangel: I don't, I don't think so, no.

Lieutenant Christine Ford: You don't recall saying to Sergeant Evans that he shot at you, and then he asked you did you shoot back at him and you said yes?

Officer Joe Rangel: What I recall was he shot at us, did you shoot at him, or did you get to shoot at him, and I said yes.

Lieutenant Christine Ford: Well, who's us? Who is he referring to when he says us?

Officer Joe Rangel: No, I said us.

Officer Miller, who was seated next to Sergeant Evans inside the MRAP vehicle, explained that Officer Rangel told him the suspect had shot at them prior to Officer Rangel discharging his rifle. Officer Miller stated,

“Um, as far as him talking about the shooting, uh, he told me that he had exchanged gunfire I think in, in the backyard or, or in, in a yard before we got there. Uh, I think he told me that Kane was with him and, uh, that, that the suspect had shot at them first.”

Officer Miller also stated,

“But he really didn’t give me any more details other than the fact that he had shot, he and Kane had been shot at and that he returned fire and that it was crazy.”

Officer Rangel’s memory of his conversation with Officer Miller is summarized in the following questions during an interview on 12/13/13:

Lieutenant Christine Ford: Do you remember having a conversation at least initially with EJ Miller saying that the suspect shot at you?

Officer Joe Rangel: No, I said he's shooting cops.

Lieutenant Christine Ford: That's what you recall telling him?

Officer Joe Rangel: Yeah. I don't recall saying he shot at me. I said he shot at us, he's shooting cops, something like that.

When questioned why there were multiple discrepancies related to what he had told a sergeant and other officers about being shot at by the suspect, Officer Rangel stated,

“I don't know. I don't, I, I told you in this interview that the suspect did not shoot at me. I, I, I think Roseville asked me, I don't really remember. I don't, if I said that I, I don't remember saying that to any one of those three guys. Those are all three good guys. Um, I'm not in any way accusing any of those three guys of lying, they're all friends of mine. Um, I don't know. The whole thing, the whole thing is like spotty. I don't remember a whole lot. I'm doing my very best right now. Um.”

Finding: Sustained

Count 3:

Officer Rangel misrepresented the material facts and made false and misleading statements when he told investigators he did not tell Officer Lombardo he was shot at by the suspect.

During Officer Lombardo's interview, he explained that Officer Rangel told him he saw the suspect poke his head out of a window and fire in his direction. The following was recorded during Officer Lombardo's interview:

Officer Lombardo: He stated that he saw suspect poke his head from either a window or a sliding door and shoot in the direction that he was in um he shot back. I don't know, I'm assuming he shot at the suspect, but he didn't –

Sergeant Courtney: He didn't say.

Officer Lombardo: – say.

Sergeant Courtney: And, and are you for certain he said he saw the suspects um poke his head out of a window or a door?

Officer Lombardo: Yes.

Sergeant Courtney: Okay. At the time he shot?

Officer Lombardo: Yes.

During Officer Rangel's interview, he described telling Officer Lombardo the suspect was shooting at officers and not specifically him. Specific statements made by Officer Rangel were not witnessed by third parties at the time they were made.

Finding: Sustained

Count 4:

Officer Rangel misrepresented the material facts and made false and misleading statements when he described his interactions with Officer Garing to investigators.

During Officer Rangel's interview with Roseville PD, he told investigators he was positioned near a Tactical Suburban with Officer Garing and other officers when he heard gunfire. Officer Rangel made reference to Officer Garing being new and inexperienced by stating,

“James Garing who, uh, is a junior officer, uh, junior SWAT member, junior, junior cop. He's only be a cop for a couple years, um, and he's on the SWAT team.”

During the same interview with Roseville PD, Officer Rangel told investigators he pulled Officer Garing to the ground to prevent him from being injured by potential gunfire. Officer Rangel stated,

“Still, whether the bullets are from our guys or not, they're still dangerous so, um, I got down and James Garing, he was still standing straight up. He didn't really, he's never been in a situation before. So I, I actually reaching up and grabbing him and saying get down, idiot. And I pulled him down on the ground.”

Other officers interviewed did not remember seeing Officer Garing standing upright when the shots were heard and they did not remember seeing Officer Rangel pull Officer Garing to the ground. Officer Garing's description of what occurred also differed greatly from Officer Rangel's version of the event.

The following was recorded during Officer Garing's interview:

Sergeant Courtney: Okay. Okay, um, anything else that you can think of? Um, during that time? I know a lot, lot was going on, but you were ever, uh, yanked down to the ground by Joe at all? Um, never told to get down on the ground, idiot, anything like that?

Officer James Garing: No, uh, no, 'cause we, from the time we linked up, we, we were in, you know, constant communication, like hey, I'll take this spot, you take that spot. That was the majority of our communication, and then um, I know that when we had the, the first, the very first volley, I mean, everybody was shouting get down, get down.

Sergeant Courtney: Mm hmm.

Officer James Garing: Um, I don't remember being pulled down.

Finding: Sustained

Count 5:

Officer Rangel misrepresented the material facts and made false and misleading statements to investigators when describing his interactions with Detective Kissam during the incident.

During Officer Rangel's interview with Roseville PD he stated,

"I got on the radio and I said he's running south. Somebody got on the radio and said neg, said negative, he went back in the slider. So, um, I don't, I, I don't know. Um, but right after that, after I engaged, I looked over at Kane and he's got his face down and his hands out to the side and he's let go of his gun and I think he's been hit. So I look at him and I scream at him dude, are you okay? And he looks up at me and he goes I'm fine. And, um, I, I just kinda made the decision that this probably wasn't the best place for him to be and I asked Sac County to cover him and I told him to get the fuck outa there. And he took off."

During an interview on 12/13/13, Officer Rangel described seeing Officer Kissam's head down and hands off his rifle when he stated,

"Uh, his head was down, his gun was on its side, um, he had one hand out, sort of like that, and um, I, I was just concerned that in the exchange of gun fire that we had heard that rounds had struck him, um, so I checked on him real quick. I think I said dude, are

you okay? And he uh, he looked up at me, and he said yeah. Does that answer the question?"

During Officer Kissam's interview, he described what happened immediately before and after Officer Rangel fired his rifle differently than Officer Rangel. Detective Kissam stated,

"Officer Rangel, uh, shoots off, I, I'm, I heard four rounds. It could be more. Um, but I reme, I recall four, four rounds being fired off. After the first round I flinched. He fired off the three rounds. I turned to him and I said whatta you shooting at?"

Deputy Murphy was interviewed and he said he was positioned one side walk distance behind Detective Kissam and Officer Rangel at the time Officer Rangel discharged his rifle. Deputy Murphy's recorded interview related the following:

Deputy Steve Murphy: So, uh, definitely coming our direction. So at that point, uh, the only rounds that went off on our side were Deputy Rangel.

Sergeant Courtney: Okay.

Deputy Steve Murphy: And it was, uh, probably I'd say four to five shots, so.

Sergeant Courtney: Okay. Did, uh, when he fired the shots, um, did you glance over there? Did you see anything?

Deputy Steve Murphy: Glanced over there, I actually saw Kissam looking at Rangel and then, uh, it was kind of a, an amazement thing to me, I looked back over my shoulder, just kind of reconfirming to see if anybody else had seen any kind of threat or what, what are we shooting at over here, was kind of my thing. I'm like looking around, doing a little self-assessment of.

Sergeant Courtney: Mm hmm.

Deputy Steve Murphy: Who else is firing? Is anybody firing? Did anybody else see a threat? Looked at Shane, or, yeah, Shane Gregory, the K-9 officer, and he kind of did the wide eyes look like, what, what's going on? What's he shooting at thing? And for us it, for mc, it's, it was, it was concerning only in the sense that if he's firing, does he have a target? Or is there.

Deputy Murphy and Detective Kissam's description of the event conflict with what Officer Rangel described to investigators.

Finding: Sustained



Finding: Not Sustained

