

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF: OFFICER BANEGAS**
10

11 **INTERVIEWED BY: SERGEANT CAGNEY**
12

13 **DATED: MARCH 8, 2018 TIME: 1610 HOURS**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT CAGNEY**

2 **A: OFFICER BANEGAS**

3 **YS: YORK SUDA**

4 **DN: DON NOBLES, POA ATTORNEY**

6 Q: Alright, we're actually gonna do formal introduction in a minute. I'll just start it up.

7 A: Okay, sure.

8 Q: John Cagney SFPD Homicide, star 3-4-1. Case is gonna be [REDACTED] 3/8/17. Time is
9 gonna be 1610 hours. Officer, what's your last name?

10 A: Banegas. It's spelled B-A-N-E-G-A-S.

11 Q: And your first name?

12 A: Milen, M-I-L-E-N.

13 Q: Okay, Banegas?

14 A: Banegas.

15 Q: Okay, if I screw that up, as this day goes on, don't hate me.

16 A: Okay.

17 Q: Officer Banegas, so I'll just kinda give you the format.

18 A: Sure.

19 Q: And then we'll go around the room introduce everybody.

20 A: Okay.

21 Q: So, I'm pretty straight forward with these things so what I'd like to do is maybe just start
22 out as a narrative kinda like tell your story the way you feel like it, you want to relate it to us.

23 A: Sure.

24 Q: And then we're probably gonna have more specific questions, you know, kinda break
25 things down. If there's questions to be asked. Does that make sense?

1 A: Sure, yeah.

2 Q: And of course this is kind of give and take. You're here voluntarily. If you've got
3 questions for us, if there's things you want to bring to our attention, feel free at any time. Does
4 that make sense?

5 A: Yes.

6 Q: Alright. So, again Officer Cagney. Sergeant Cagney 341 Homicide.

7 YS: Inspector York Suda with the DA's office.

8 Q: Counsel?

9 DN: Don Nobles from the POA.

10 Q: And Officer Banegas what's your star?

11 A: 963.

12 Q: 963. And your date of birth?

13 A: [REDACTED].

14 Q: [REDACTED]. And do you remember when you came in?

15 A: [REDACTED].

16 Q: So you're a OG these days, huh?

17 A: These days, yes.

18 Q: Your, your story right? and Company D, am I correct?

19 A: Company D, yes, Mission Station.

20 Q: Alright. How long you been?

21 A: I returned to Mission Station in September of 2015.

22 Q: Okay. So, 09/15.

23 A: And that was from the Plain Clothes assignment and (inaudible).

24 Q: Gotcha. And what was your watch last night, we're talking about yesterday?

25 A: Last night I worked 1600 to 02.

1 Q: Okay, so you were swing watch?
2 A: Yeah, swing watch.
3 Q: And what was your uniform of the day yesterday?
4 A: Uniform is just a some dress today.
5 Q: So Class B?
6 A: Class B.
7 Q: And you were not in plain clothes clearly as I just asked you, right?
8 A: I was not.
9 Q: Did you have a partner last night?
10 A: I did, my recruit that's Andluz, A-N-D, uh, A-N-D-L-U-Z.
11 Q: We'll figure it out.
12 A: Or A-N-D-A, Anda, A-N-D-A.
13 Q: Gotcha. And.
14 A: L-U-Z. And his star is 1851.
15 Q: 1851, how about call sign?
16 A: We were three David, 11 David.
17 Q: And department issued firearm I take it?
18 A: Yes.
19 Q: Sig 26?
20 A: Yes.
21 Q: 226? Do you carry a second weapon?
22 A: I do not.
23 Q: Nobody does these days. What were you driving?
24 A: A black and white.
25 Q: You remember the number?

1 A: We were in 095.

2 Q: And driver or passenger?

3 A: I was the passenger.

4 Q: Passenger. Alright, so what we have here, couple things, is this is just the biographical
5 information.

6 A: Gotcha.

7 Q: I have a little bit of a sematic, schematic that isn't particularly to scale or anything like
8 that. But hopefully it kinda orients us a little bit.

9 A: Of course.

10 Q: Have you had an opportunity to look at the body worn camera that you were wearing that
11 day?

12 A: Yes, I have.

13 Q: Right, and a question that one of his colleagues asked on the last interview, which is a
14 good question, have you looked at any other video through media sources, TV news, anything
15 like that?

16 A: Yes, I have.

17 Q: Alright, so you've looked at a couple things?

18 A: I have.

19 Q: Is that. So, go ahead just, you know, kind of take us through what you know about what
20 happened last night and what your role was.

21 A: Okay. Well I was on duty. I'm a trainer. Had a recruit. We were two blocks away when
22 we heard a midnight unit come over the air, our pic radio, and say that they were getting flagged
23 down by a victim whose Spanish speaking regarding a robbery - including a with a firearm. So,
24 I'm a Spanish speaking officer with the department, a qualified bi-lingual certified with the
25 department to do translations. So I respond to the scene to help with the victim. When I arrive on

1 scene, the primary unit, or actually while we were in route, the primary unit says, they have on
2 viewed a vehicle with that suspect, a robbery suspect, believed to have a firearm. When, as we
3 were arriving, there was another vehicle, another black and white, simultaneously arriving at the
4 same time. There were two black and whites already parked. One was directly behind the suspect
5 vehicle and there was one to the left of that primary patrol car. I could see that there was
6 someone sitting.

7 Q: You're talking about that-

8 A: Yeah.

9 Q: Yeah, that helps you a little bit?

10 A: Exactly.

11 Q: Yeah.

12 A: So these two cars were already there.

13 Q: Okay.

14 A: I could see that there was um, a male in the back of this car.

15 Q: Okay.

16 A: There was, there were, excuse me, there were citizens here on the sidewalk. You know,
17 some were videotaping, some were communicating. What I observed was the two Latin males in
18 the group very quiet, kinda sullen, and they started to walk away. So I asked them what their
19 involvement was. He said, the one victim that I contacted said, I was the one that was robbed. He
20 says, there was a gun pointed to my chest. He says, I gave them money. He asked me for money.
21 I gave him my money. And then he left. Talking about suspect leaving. So, the victim in my,
22 from my understanding, he was the only victim. But the guy standing next to him says, he also
23 witnessed it. I didn't know that he's also a victim, but he was with the primary victim. So, in that
24 moment, this is all within less than a minute, the, there's another Spanish speaking officer also a
25 field training officer, that arrives on scene with his recruit to assist with translation. I ask him to

1 take care of the victims because I could hear someone requesting a Spanish speaking officer to
2 give commands to the occupants inside this vehicle. So, he decide, the other FTO, that's Roman,
3 he decided to stay. My recruit and I Andaluz and I, went over to the suspect vehicle, toward the
4 suspect vehicle. So I, I at that point approach the primary patrol car on the passenger side which
5 would be this car. And the passenger door is already open. I see that there's an officer with a rifle
6 already on target. There are several officers as I'm, as I'm running toward this primary unit, I see
7 several officers with their handguns already out. My focus, at this point, is just to provide
8 instruction, in Spanish, to the occupants in this car. So I didn't remove my firearm from its
9 holster. I tap the guy that had his rifle out to tell him on the passenger side, that, that it's me. I'm
10 right here. I'm just gonna do translation. So, I was searching for the PA, get the PA. I finally
11 started giving commands. So, I could hear another office trying to provide verbal commands in
12 Spanish. I, it sounded like Officer Santana's voice to me and he was shouting similar commands
13 to the occupant.

14 Q: Without the PA?

15 A: Without the PA, to the occupant in the car. There were also officers in English trying to
16 give instruction in English. So, what I'm now observing, as I'm standing in the doorframe,
17 between you know, the car and this officer with his rifle out.

18 Q: Go ahead. Just kinda.

19 A: The passenger door is open.

20 Q: Do me a favor, just kind of mark your position, if you remember. Best you can.

21 A: I will. I sure will. The door was open here.

22 Q: Right.

23 A: The officer with his rifle was here. And this is off, you know, not to scale obviously.

24 Q: Right.

25 A: But, I was standing right next to him.

1 Q: With the PA?

2 A: With the PA.

3 Q: Do me a favor, just kind of initial it.

4 A: I sure will.

5 Q: Thank you. Alright, I'm sorry, I don't mean to break up your, your.

6 A: It's okay. Yeah, I was standing in between the officer with the rifle and the vehicle

7 instructing with the PA. I was crouched down using the door as a cover. But because everybody

8 had firearms and rifles out, including less lethal.

9 Q: You were covered pretty well.

10 A: I was covered had confidence, and I still have confidence in my, you know, colleagues'

11 skills.

12 Q: Sure.

13 A: So I didn't remove my firearm. I began to give instruction. I saw the suspect's body

14 position was angled where his feet were hanging out of the trunk. His head, his shoulders, and

15 his torso, and his upper thigh area were mainly in the rear, you know, the compartment of the

16 trunk. He was manipulating the - the hood of the trunk with his right hand. And he maintained

17 his left-hand extended. And you could see him, he would make eye contact with me, and well,

18 not necessarily with me, but in my direction. But he was looking toward us. And you could see

19 all these emotions that he was experiencing. At one point, it looked like he was crying. And this

20 is all within less than a minute. He's almost crying, then he's -- he like switched to where he's

21 like blank stare. Then I instruct him that, you know, if he doesn't show his hand, he's going to

22 get hit with the less lethal. He gets hit with the less lethal and at that point his facial expression is

23 rage. He's angry. I see that he contorts his body toward, as if he's gonna exit, but he lifts, it's like

24 a simultaneous movement where he's lifting up the trunk and he's kinda bringing out his arm. I

25 could see that he had something, but I can't tell you that it was a gun for sure. I assumed it was a

1 gun since the victim had said they saw the gun and described the gun to me. But at that point, I
2 just heard shots being fired. I didn't see the gun in the, in his hand. I only heard other officers say
3 that he had shot at us. And so, the primary unit, patrol vehicle, the front of that vehicle was less
4 than a full car length from the rear trunk of the suspect vehicle. We were in very close proximity.
5 And that's about it. Then, somebody instructed, I think it was the sergeant on scene, instructed us
6 to try to remove him from the trunk after we cleared the car and handcuff him. And the, we
7 didn't even, I didn't know that there was still somebody in the car at that point. A head pops up
8 in the rear compartment and I start giving commands in Spanish. And she's shouting, that I don't
9 understand Spanish so then I started speaking English to her. And she said she couldn't move. I
10 said, just step out of you can, just leave your hands up. And she said, I can't move. So, I thought
11 that she must have been hit, but she wasn't. I think she was just paralyzed in fear.

12 Q: And this is still on the PA?

13 A: And this still over the PA.

14 Q: Okay.

15 A: That I was instructing her.

16 Q: So I mean it's, it sounds like you played kind of a pivotal role in this Officer Banegas.

17 Let me ask you this, so, the first time you encountered the victims, you were responding to assist
18 with the translation with the victims. But the first time you encounter them was when they were
19 part of a crowd that was watching what was going on with the, with the traffic stop or the felony
20 stop, or what have you. Is that, is that fair to say?

21 A: That's fair to say.

22 Q: That you didn't interact with them prior to the, the vehicle being stopped?

23 A: Correct.

24 Q: Right, and you just noticed them because they started walking away.

25 A: At well, I think there was an officer.

1 Q: Directing them?

2 A: I don't know who, directing people to, to move away from the cars.

3 Q: I gotcha. Right. So you had a brief.

4 A: And so-

5 Q: I'm sorry.

6 A: They just started walking and I don't know, can't say who exactly it was but I think there
7 was somebody instructing people to walk so they just all started walking. And I was like, wait a
8 minute.

9 Q: Yeah, find out what's going on?

10 A: Yeah.

11 Q: Is your car depicted here if you know, if you remember?

12 A: I was right here.

13 Q: That was our radio car?

14 A: This would be 095.

15 Q: And just go ahead and just put your initials on that one as well. And about where was this
16 victim, these victims I should say?

17 A: Um, when, well, when we pulled up, there's a parking lot.

18 Q: Right.

19 A: I think the parking lot exit is here or here.

20 Q: Right.

21 A: And they were standing, they were standing one car length away from that driveway.

22 Q: Okay.

23 A: So, I, I would say probably about here, the citizens were.

24 Q: And then they started being directed to, to exit that way?

25 A: And they were getting directed to, to walk to walk North on Capp Street toward 21st.

1 Q: And I, I apologize, I know this is a little repetitious but it's a significant detail so.

2 A: Absolutely.

3 Q: Just kinda tell us one more time that you spoke to at least one of the victims, both of

4 them.

5 A: Uh-hum.

6 Q: And, kind of talk us through as to what they were experienced with, with these people

7 and, let me ask you this, did they ever indicate to you while you're talking to them, like, that's

8 the car? I mean, did they say, hey you guys got the right car? Anything like that is what I'm

9 saying. I know you mentioned something about how they'd been robbed, and they had a gun.

10 Was it clear to you that they were referring to the car that the police had stopped or what, does it,

11 didn't really get that far in terms of the conversation?

12 A: In terms of the conversation initial?

13 Q: Yeah.

14 A: No.

15 Q: Okay.

16 A: That, that wasn't, that wasn't very clear.

17 Q: Okay.

18 A: What was clear was that they flagged down the officers and pointed in the direction of

19 where the officers did this traffic stop to who robbed them, ran in that direction. So, they, they

20 were very consistent with, I flagged down the officer. I told him, you know, I got robbed at

21 gunpoint in broken English. The, the main victim that I spoke with is only Spanish speaking. His

22 friend, broken English. So I think he was the instrument with letting the officers know.

23 Q: Sure.

24 A: That this robbery just occurred. And from what I understand is, that the officers, they,

25 when they were rolling into the intersection of 21st and Capp, that it was immediately after the

1 incident. They didn't interrupt the robbery. The victims were already robbed, and they see the
2 patrol car and they run toward the patrol car, flagged the officers down and point in the direction
3 of where the suspect fled on foot.

4 Q: But that wasn't your experience with them? Your interaction was, was after the fact.
5 They didn't point out that vehicle to you.

6 A: They did not point that vehicle out to me, no.

7 Q: Did it seem pretty clear to you that this was gonna be the car that they pointed out or you
8 really weren't sure at that point when you were talking to them?

9 A: When I was talking to them, it wasn't clear.

10 Q: I gotcha. And that was the extent of your interaction was, you know, we got robbed, there
11 was a gun, and we flagged down the cops. And then you took it upon yourself, I think if I
12 understood you correctly, you kinda took a look behind you and you saw all this, somebody was
13 asking for somebody to give commands in Spanish and you took the initiative to, to walk over
14 radio car and start issuing those commands. Is that fair?

15 A: That's fair.

16 Q: Okay. And then you know with, obviously, you've seen your BWC and you've seen
17 some of the media portrayals on TV, so that's a pretty accurate portrayal of what you're the
18 commands you were giving in Spanish?

19 A: Yes.

20 Q: I mean, it sounds pretty clear you were asking all kinds of things.

21 A: Uh-hum.

22 Q: Were you aware, besides the individual in the trunk that you described, that there were
23 other occupants in the vehicle?

24 A: Not until after, not until after there were shots fired.

25 Q: Okay, so you didn't know that there was anybody else in the car at that point?

1 A: No.

2 Q: And when you first take up your position here to start issuing commands in Spanish, your
3 looking at the car. It's immediately apparent to you and again, I'm not trying to put words in
4 your mouth, it's the way I heard it.

5 A: Of course.

6 Q: That the trunk is, is ajar and there is an individual in that, that that, that vehicle.

7 A: Yes.

8 Q: Yes. And was his head pointed in, and you know, if I understand this is gonna be the west
9 side east side, was he oriented in his trunk with his head towards the east side of the street or to
10 the west side or could you even tell?

11 A: I could tell.

12 Q: Okay.

13 A: His head was here. And his feet were here.

14 Q: I got you.

15 A: So his body was kinda angled sideways.

16 Q: I got it. Actually, you describe it really well about his body movements.

17 A: And, and his left arm, he was holding the, the trunk open to where you could see his
18 entire body, his facial expressions, everything, but he wouldn't show his left hand and as he was,
19 as he's being given the commands initially, I could see just these emotional expressions on his
20 face.

21 Q: Right.

22 A: As if he's having this psychotic episode and wasn't, it's like, he was trying to decide
23 what to do.

24 Q: Cycling through.

25 A: Cycling, should I just give up? Should I do something.

1 Q: Just decision makings. I get you.

2 A: I don't know.

3 Q: What was your take, I mean, and honestly Inspector with the District Attorney's Office,
4 we actually interviewed the two individuals that came out of the car. And we're still, it's still a
5 mystery to us as to how the trunk comes into this whole scenario. So, based on your experience,
6 and you've been a police officer a long time, does it look like he had jumped himself into the
7 trunk or when you saw him he was trying to jump out of the trunk? Or I mean, could you make
8 out what exactly he had some kind of plan here, or, you know. Was it clear to you that he had
9 just gotten into the trunk or was trying to get out of the trunk when the police arrived? Or could
10 you tell?

11 A: It didn't appear to me that he was trying to get out of the trunk.

12 Q: Okay.

13 A: It appeared to me that the officers may have stopped this vehicle as he was getting into
14 the trunk.

15 Q: I see. I see.

16 A: Or, that he was already in the trunk and the car wasn't gonna take off until that trunk was
17 closed.

18 Q: So he's stuck.

19 A: So that he would fall out, right?

20 Q: Yeah.

21 A: That's how it appeared.

22 Q: Right.

23 A: I, I don't know, when I arrived, you know, before I arrived, what chain of events
24 occurred.

25 Q: Sure.

1 A: If they had stationed this vehicle away from the victims knowing that the suspect was
2 gonna run back to the trunk, leaving the trunk open or not.

3 Q: Yeah, your just, years of experience and-

4 A: But this is, yes.

5 Q: You know, dealing with these kind of crimes in the past.

6 A: Absolutely.

7 Q: Right.

8 A: So, you know in, it's not uncommon in robberies that people you know, have more than
9 one person with them when they commit these.

10 Q: Involved in a crime, sure.

11 A: Whether they're sitting in a car waiting. Or, you know, there's two people in the car
12 waiting, someone hops out. There's three or four people in the car, they all get out. But generally
13 there's someone that stays in that driver seat as somebody else will get out so that they can
14 quickly flee.

15 Q: And you weren't aware at that point, if I remember what you said, that whether there was
16 a driver in the car or any other occupants in the car at that point.

17 A: From my understanding the, the male that was in the rear compartment of the patrol car,
18 that he was the driver that they had already removed from the car.

19 Q: But you didn't see that?

20 A: I didn't see that.

21 Q: And you weren't aware of that?

22 A: No, I saw him, as I arrived on scene, I saw that he was in the back of that patrol car.

23 Q: Oh, okay. Were you able to surmise that that was the guy that had been in the car
24 previously or you had no idea what his role was?

25 A: I, I made the assumption that he must have been the driver.

1 Q: I get it. So you knew somebody had been in the car, yeah.

2 A: But I-

3 YS: Did you hear a radio broadcast that, that, you know, where they're making the felony

4 stop, hey we have one in custody and, on the truck, did you hear anything on the radio?

5 A: No because initially when I arrived on scene my focus was directed to the victims and the

6 crowd that was on the right-hand side.

7 YS: Okay.

8 A: Or, on the west side of the street. So I, I, I kinda, not that I tuned it out, but I wasn't

9 focused on the radio transmissions for the stop.

10 Q: I get ya. I get ya. So, if, again, I'm just, my memory's not that great but you never saw

11 this individual with an actual gun in his hand as far as you remember?

12 A: The?

13 Q: The guy in the trunk.

14 A: No. The guy in trunk, I didn't.

15 Q: Never saw the gun?

16 A: I never saw the gun.

17 Q: Right, but you assumed he had a gun based on the circumstances?

18 A: Correct.

19 Q: Right. Did he, could you describe him? I mean was he a young guy, old guy, I mean?

20 A: No, he was a young guy.

21 Q: Okay.

22 A: He looked, he looked like a light complected Latin male.

23 Q: Right.

24 A: Maybe 25, 26 years old. He didn't look any taller than maybe 5'6". Thin build. He was

25 wearing jeans, a black like, windbreaker style jacket. And he had dark hair. He had dark hair.

1 Q: Now you said that he kinda looked in your direction and, and you almost, the assumption
2 was maybe he was even looking directly at you. Did he say anything to you? Did you hear him
3 talking at all?

4 A: After he was struck with the less lethal beanbag, he became upset and it looked like he
5 yelled something, but I couldn't make it out. But it was, I'm sorry, it almost sounded like some
6 warrior-like, you know, when they take off in movies before they're gonna fight.

7 Q: Right.

8 A: It was almost like that. Like he was just like, ah, like angry.

9 Q: Right.

10 A: And just like made his decision like no, this is what I'm gonna do and -- and decided to I
11 guess pull a gun.

12 Q: And that was his reaction to the beanbag?

13 A: That was his reaction to the beanbag, after being struck with that.

14 Q: And how quickly after that did, did the shooting ensue? I mean, did, is, you mentioned
15 something that, he looked like he was actually trying to get out of the trunk after he was struck
16 by the beanbag. Or, had contorted his body in that situate.

17 A: He had contorted his body as if he was gonna get out.

18 Q: That's what you interpreted it to be?

19 A: And - and get into a gunfight.

20 Q: I got you.

21 A: Yeah.

22 Q: But you didn't see the gun, right?

23 A: I didn't.

24 Q: And, in, just to.

25 A: Because I had ducked down.

1 Q: Oh, fair enough. I was gonna ask if you were watching the guy. Cause it totally makes
2 sense.

3 A: Yeah. Absolutely. So.

4 Q: And you ducked down because of the beanbag?

5 A: I was already crouched down.

6 Q: Right.

7 A: I was already crouched down.

8 Q: Right.

9 A: You know, behind the, the passenger door.

10 Q: Right.

11 A: To the patrol car. And that's why in my body worn camera footage, cuz we wear it.

12 Q: Right.

13 A: To the center that.

14 Q: Sure.

15 A: You know, you're seeing.

16 Q: A door panel?

17 A: A door panel.

18 Q: I gotcha. So was.

19 A: Because I'm looking up here.

20 Q: Alright, you did a good job.

21 A: Yeah, okay.

22 Q: Was his, his physicality what he was doing is what made you duck down. You figured
23 this is gonna jump off now, is that?

24 A: Yes.

25 Q: Is that fair to say?

1 A: That is fair to say.

2 Q: So that's why you kinda took your eyes off him cuz you were seeing to your cover at that
3 point?

4 A: Yes.

5 Q: And then, kinda describe the shots if you don't mind. I mean if you can. I mean was it,
6 was there one shot and then a whole bunch of shots? Or a series of shots strung out? Or, I mean
7 just, if you have, you know.

8 A: It sounded like fireworks.

9 Q: Yeah? Was there any break in it though?

10 A: Nonstop.

11 Q: Just, it just all took off in one continuous?

12 A: In, in one continuous.

13 Q: You couldn't distinguish one particular shot?

14 A: I couldn't distinguish whether it was the suspect shooting at us or us shooting at him. I
15 couldn't distinguish.

16 Q: Right. You know I don't know if you know the crime scene.

17 A: In my mind, I was thinking, he was shooting at us.

18 Q: I don't know if you know the crime scene. We took a look at it. It looks like this radio
19 car, if I remember my recollection. This radio car it, it was struck at least by one round,
20 potentially even two or three. Any awareness of that? Did you hear anything, you know, any
21 metal strikes, anything like that? That you could, that you specifically like, whoa, something just
22 hit the car or anything like that?

23 A: No, not with the gunfire going off. I couldn't hear. It was, it's so loud.

24 Q: Is it, was the rifle guy right next to you?

25 A: The rifle guy's right next to me.

1 Q: Was he, was he firing rounds?

2 A: Uh-hum.

3 Q: Okay, so you were probably.

4 A: It was loud.

5 Q: Yeah. I can imagine. Let's see there's a lot of questions to ask I'm sure, I'm sure you will

6 have a few too. So, so afterwards, he, what do you see? You, when you finally get back and re-

7 establish a site picture on him, what's going on with him in the trunk?

8 A: At one point, his body twitches.

9 Q: Okay.

10 A: Looks as if he's moving. So I began to verbally give him commands to show his hands. It

11 becomes clearer, maybe a few seconds later, that he's not moving. Suddenly a, a head pops up in

12 the rear compartment of the car, it's a female. She's shaking. Her hands are trembling and she's

13 crying.

14 Q: Right.

15 A: She's hysterical. And, I'm yelling to her in Spanish to keep her hands up and if she can,

16 get out of the car. She says to me, she doesn't speak Spanish. So then I explained to her in

17 English to keep her hands up. I asked her to give me a thumbs up if there was anybody else in the

18 car with her. And, she shook her head, no. She gave me a thumbs up. I said, you're the only one

19 in the car. She said, yes. Gave me a thumbs up, okay. She says, she can't move. I'm thinking she

20 was struck.

21 Q: Sure.

22 A: She, she just couldn't move. I think she was just really scared.

23 Q: Understandably, yeah.

24 A: And just immobile from the fear.

25 Q: And, how about the guy in the trunk, is, there's no reaction at all?

1 A: There's no reaction at all from him.

2 Q: Could you still see him or was he had sunk further into the trunk or had been fallen out or
3 anything?

4 A: No, you could still see his body.

5 Q: Right.

6 A: In the trunk.

7 Q: Right. Did you ever get close enough to take a, a good look at him?

8 A: I did not.

9 Q: No? Did you ever see a gun or anything?

10 A: I, I didn't.

11 Q: That he may or may not have had?

12 A: I didn't.

13 Q: You did not? Was there any discussion that you could hear while all of this was unfolding
14 about a gun or he had shot at the officers, or that the, you know, anything about a firearm that
15 you could hear, or?

16 A: Not on scene.

17 Q: Not on scene?

18 A: Not on scene.

19 Q: This, this is all stuff you found out afterwards?

20 A: After the fact.

21 Q: I got you. And what other actions did you take other than giving the commands to the
22 female? I assume you didn't go up and take her out of the car yourself?

23 A: No.

24 Q: Okay.

25

1 A: There were officers that were flanking the car on the right-hand side as well as the left-
2 hand side. They moved in strategically to clear the car to make sure that there was nobody else in
3 there. They handcuffed the suspect and then other officers helped her out of the car.

4 Q: Gotcha.

5 A: And then I understood that there was also a dog in the car.

6 Q: And Officer Banegas, believe it or not, this is gonna be my final question. And I
7 apologize for taking so long. But if you can, I know times can really oscillate a little bit when
8 you're in a stressful situation, but-

9 A: Uh-hum.

10 Q: It seemed to us when we're watching, you know, the, the media play, and the body worn
11 camera that it was quite a concerted effort on your part to try to talk this guy out of the trunk.
12 That you're giving commands and it went on for quite a while. Was that your, your feeling about
13 it as well?

14 A: In that moment it felt fast.

15 Q: It did?

16 A: It felt really fast. It didn't feel long at all.

17 Q: Okay. And how quickly, if you can, and again times are difficult to estimate -- from the,
18 the beanbag or the extended range impact weapon being deployed, to, to the shots? I mean was
19 that a, you know, was there a pause in between the, the beanbag gun or whatever weapon was
20 used?

21 A: There was. I instructed him that if he didn't show his hand, that he was gonna get struck
22 again. And-

23 Q: I see. Okay, so there was a pause there and you kind of explained to him, you've been
24 struck once, if you don't comply, you're gonna be struck twice?

25 A: Absolutely. And, cause he was showing his right hand like, like you see my hand.

1 Q: Right.

2 A: And I kept telling him, no, I need to see your other hand. Show me your left hand. And,
3 in that moment, you could just see the anger on his face.

4 Q: Did it ever feel to you from your perspective and considering the role that you took here,
5 that he had complied with your commands or anyone else's commands during this incident?

6 A: He didn't comply with any commands.

7 Q: So he was not complying?

8 A: At all.

9 Q: No? That's all I have.

10 YS: Just to back track a little bit, when you were talking to the primary victim and potentially
11 secondary victim, or the person that was with him.

12 A: Yes.

13 YS: Did they ever describe the gun itself, semi-auto, revolver, color, anything?

14 A: Silver, smaller than mine is how it was described initially.

15 YS: Okay.

16 A: Later on, I did a –

17 YS: Smaller than your handgun?

18 A: Smaller than mine, yeah.

19 YS: Okay.

20 A: I -

21 Q: That's what they said?

22 A: That's what they told me. So generally I –

23 YS: As they are looking at yours?

24 A: Absolutely. So generally when I ask victims of crimes involving guns, I will often point
25 to my own firearm and ask them if it looks similar to this or something different. And I'll usually

1 describe it either as a revolver or no, it's the same or smaller but bigger. So I use it, I use it as an
2 example to help them, you know, explain and describe the weapon. And they just said, that it
3 was smaller than mine and it was silver.

4 YS: Okay. And then, when he's in the car, in the trunk, and but just before he's gotten hit by
5 the beanbag round, you said he's holding, controlling the trunk lid with his right hand.

6 A: Yes.

7 YS: And you said you can't see where his left hand, you had your left hand up like this, he's,
8 he's laying on his right side, is that correct?

9 A: That's correct.

10 YS: And he's, his, his body –

11 A: He's, he's, his body is contorted just like this.

12 YS: Pointing, is, is facing you.

13 A: You could see his face.

14 YS: But he's on his right side.

15 A: And his left hand.

16 YS: So left hand is where? Behind him?

17 A: Behind him.

18 YS: Okay.

19 A: Extended. You could see that it was extended. It wasn't like this.

20 YS: Okay, so you mean extended, point back behind him, but you couldn't see his hand from
21 the front?

22 A: I couldn't see his hand.

23 YS: Okay.

24 A: It was, it was deep in the trunk.

25 YS: Okay.

1 A: So from the, from the spotlights that were, you know, facing him.

2 YS: Okay.

3 A: He, you could see his facial expressions. You could see his body contorted. You could
4 see his hand, his right hand manipulating the, the trunk. But he wouldn't show his left hand at all.

5 YS: Did the left hand move around at all?

6 A: Yeah.

7 YS: I noticed that the officers seemed to give some more verbal commands suddenly and
8 then-

9 A: And that was because of his movement with his shoulder.

10 YS: Okay, indicating that maybe the hand was moving around.

11 A: That he was moving. Absolutely.

12 YS: And that made people, the cops uncomfortable?

13 A: Yeah.

14 YS: Alright, and then when he, at the end with the, the incident that kicks off the shooting,
15 does he push the gate up with his right hand or does he push it up with the left arm and then this
16 arm comes up?

17 A: He pushed it up with the right hand and like a simultaneous motion.

18 YS: Okay.

19 A: Like, like he had to gain momentum.

20 YS: Uh-hum.

21 A: Like, it was almost like he was resting in there and then he suddenly, he just suddenly
22 decides, you know what, alright, I'm doing this. And he like rolled up and punches out. And he
23 like, simultaneously does this.

24 YS: So punches out like he's engaging his shoulder than in-

25 A: Yeah.

1 YS: Getting into a fight, I mean, it, okay.

2 A: But I didn't see the firearm. I saw that there was something but I, I wasn't gonna stare.

3 YS: Uh-hum.

4 A: I ducked down.

5 YS: Because the potential, you're, you're registering.

6 A: I'm registering, if he has a weapon, he's now gonna point it at us and shoot.

7 Q: And you're right on top of him.

8 A: And we were less than a car length from where he was seated.

9 Q: You know, and it's a good question he brought up about the commands, and again, you
10 said there was um, I think is Officer Santana.

11 A: Yeah.

12 Q: And yourself speaking Spanish.

13 A: Yes.

14 Q: Giving Spanish commands and then, who know how many cops giving it.

15 A: Commands in English.

16 Q: Did it seem to you that it, you know, cause when we listened to it, objectively, it sounds
17 like it was pretty clear and concise. You were, there was, you know, he was getting commands
18 and they were understandable to us. Did it appear to you that he should have been able to
19 understand the commands?

20 A: Absolutely.

21 Q: Yeah, I mean it wasn't like it was so chaotic.

22 A: With the PA, with the PA is what drowns out.

23 Q: Right.

24 A: Everybody else.

25 Q: So you were kind of basically running.

1 A: That, I was very cognizant about that when-

2 Q: Perfect.

3 A: When I, when I was running in that direction, I was thinking, I was looking at the number
4 of the cars and knowing that our equipment sometimes faulty in some of the cars. I was thinking,
5 I hope this car's PA works.

6 Q: Cuz you know that sometimes people get confused if there's too many people yelling.

7 A: Absolutely.

8 Q: And you were aware of that.

9 A: And that's exactly what was happening verbally with the English and the Spanish on
10 scene. That's why I was thinking, I need a PA. I need a PA. And so, I just, I'm glad it worked.

11 Q: So you took, took it upon yourself to try to, to fix that situation?

12 A: Correct.

13 Q: Oh okay.

14 A: So that there was no confusion.

15 Q: Well done. Well done.

16 YS: Yeah.

17 Q: Counsel?

18 DN: I have nothing.

19 Q: Yeah.

20 YS: One quick question.

21 Q: Sure, please.

22 YS: Do you know who, which officer uh deployed the less lethal, the beanbag?

23 A: I believe it was Santana.

24 YS: San, okay.

25 A: Yeah.

1 YS: And he was also one that gave some other commands.
2 A: In Spanish.
3 YS: In Spanish but without a PA system, just.
4 A: Without a PA system.
5 YS: Orally?
6 A: Yes.
7 YS: And the PA system you're using is the car system. It's not a bull mic separate?
8 A: No, it's not separate. It's connected to the vehicle.
9 Q: Do me a favor, can you just write your name, just so.
10 A: Uh-hum.
11 Q: In case we get confused. And -- and Officer Banegas seriously, I mean, you were, you
12 know, what you did was, you were about the only chance this guy had so I mean, you did
13 everything you could, and you know, it was an excellent, excellent job on your part even though
14 it didn't, didn't end well. But, you know, you gave him a shot anyway, you know?
15 A: Yeah.
16 Q: I mean at least you took control of the situation and you kinda made it clear to him that
17 he had options here and, you know, he made the decisions that he did. But well done on your
18 part. Well done.
19 A: Everybody.
20 Q: Yeah, I get it.
21 A: Everybody.
22 Q: But no, it was.
23 A: It was a team effort.
24 Q: I get you.
25 A: Yeah.

1 Q: Well somebody, you know, somebody had to take charge like you said, and you know,
2 you did that so.

3 A: It was just the PA that I think helps and it also helped other people understand around us
4 what was going on.

5 Q: Sure.

6 A: Because crowds were forming.

7 Q: Sure.

8 A: People were staring out of their windows and you know it's, it's just-

9 Q: Sure.

10 A: It makes it very clear.

11 Q: Yeah, and nobody can argue that, you know, we've all been around a while. Sometimes
12 these things are a little chaotic and you could sorta see how somebody might have a hard time
13 trying to figure out exactly what to do. So, I mean it seems like that, that wasn't the situation
14 here. Well thank you very much.

15 A: Yeah, thank you.

16 YS: One more, one more last question. I'm sorry.

17 A: Sure. Sure.

18 Q: Yeah.

19 YS: This will be my last one.

20 A: That's okay.

21 YS: So as we're talking about control, you came up and you took control and gave, the PA
22 and started to give the, did somebody direct you, hey go do, the go, go do the, the
23 communication on the PA system? Or you just heard that, hey we need a Spanish talker, so you
24 just assumed that? What was, was somebody quarterbacking the action? Was there a sergeant on
25 scene that was?

1 A: No. There, there wasn't a sergeant on scene at that time. There was myself and Roman as
2 Spanish speaking officers to help translate for the victims.

3 YS: Uh-hum.

4 A: But, I could hear you know, the chaos and, and the shouting and everything coming from
5 the traffic stop area. And I heard somebody say, we need a Spanish speaker over here. And so-

6 YS: Do you recall who that was?

7 A: I don't.

8 YS: Did anybody seem to be, like as an officer, or a senior officer, or an FTO, was anybody
9 seem to be like, like where I come from, the first officer on scene kinda run the show until a, by a
10 supervisor runs the show. Was anybody here in charge of the show here?

11 A: It didn't appear to me that there was.

12 YS: Okay.

13 A: Um.

14 YS: Until you stepped up?

15 A: Well, until, until I asked Roman to just stay with our victims, so we don't lose them. I'll
16 go take care of the P-A.

17 YS: So you filled the role that needed to be filled?

18 A: In the moment. But, right as the shots were being fired, I noticed that Sergeant Caldera
19 did arrive on scene.

20 YS: Okay.

21 A: And I don't know at what point he arrived on scene. Because my back was to him. But
22 when the shots were fired, I remember when I ducked down, and I was saying, shots fired, shots
23 fired, I had the PA in my hand thinking that I had the pic radio. And I was trying to radio to
24 everybody that shots were fired here.

25 YS: Uh-hum.

1 A: But, I was saying it over the PA. I realized that and then I looked back and I could see
2 Sergeant Caldera there. So I don't know at what point he arrived on scene.

3 YS: Okay.

4 Q: From your. No, no, no, that's.

5 A: But I, but I assumed command be, you know, at that moment. But it was, it was
6 transitional. We were, it was a team effort.

7 YS: Right.

8 A: Yeah.

9 YS: Everybody knows their role.

10 A: Yeah.

11 Q: Terminate the interview. It's a let's see, make it 1650.

12 END OF INTERVIEW

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 32, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF: OFFICER BOHANNON**
9

10 **INTERVIEWED BY: SERGEANT PARKER**
11

12 **DATED: MARCH 12, 2018 TIME: 1153 HOURS**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT PARKER**
2 **A: OFFICER BOHANNON**
3 **YS: YORK SUDA**
4 **DN: ATTORNEY DON NOBLES**

5
6 Q: Okay we are on the record. My name is Sergeant Parker. Star number 462 with the
7 homicide division. If we could go around the room. Say your name.

8 YS: I'm Inspector York Suda. Star number 112 with the the DA investigators office.

9 DN: Don Nobles. POA attorney.

10 Q: Okay and you are?

11 A: Officer Bohannon. Star number 4005.

12 Q: Okay. This is involving case number [REDACTED]. A officer involved shooting that
13 happened on March the 6th 2018. Today's date is March the 12th 2018. Time is, let's make it
14 1153 hours.

15 YS: Yes.

16 Q: Okay. All right. So go ahead, what's your first name sir?

17 A: Caleb.

18 Q: Spell that.

19 A: C-A-L-E-B.

20 Q: E-B Bohannon. B-O-H-A-

21 A: B-A-H-A-N-N-O-N.

22 Q: O-N. Okay and your star number?

23 A: 4005.

24 Q: 4005. What's your date of birth sir?

25 A: [REDACTED].

1 Q: So [REDACTED]?

2 A: Yes, sir.

3 Q: [REDACTED]

4 A: [REDACTED].

5 Q: No [REDACTED].

6 A: Yeah.

7 Q: Yeah, all right.

8 YS: [REDACTED] [REDACTED] [REDACTED]

9 A: [REDACTED]

10 Q: Date of entry? When did you get, when did you start the academy? Do you remember?

11 A: [REDACTED] [REDACTED]

12 Q: Uh-huh.

13 A: [REDACTED]

14 Q: Okay. And your current assignment is?

15 A: Mission Station.

16 Q: Mission. You in FTO program?

17 A: Yes sir.

18 Q: And how long have you been there?

19 A: This is going on my third week.

20 Q: So third week? Okay. And shift you were working? Currently working now?

21 A: Now they just put me on 11 to 9s. I was on the midnight.

22 Q: You were on the midnights?

23 A: Yeah.

24 Q: Let's go with mids and now 11 to 9. Okay. Now the night of the incident, were you

25 working in plain clothes capacity or were you in full uniform?

1 A: Full uniform.

2 Q: Full uniform. And I'm assuming you had a partner? Your FTO?

3 A: I had a FTO and a classmate. We were, we were doubled up with the FTOs.

4 Q: Okay who was the FTO?

5 A: Ishida.

6 Q: Okay. And who was the other officer?

7 A: Wynkoop.

8 Q: Okay. And you remember your guys call sign that night?

9 A: Think it was 3 David 91 if I'm not mistaken.

10 Q: 3 David 91? Okay.

11 A: 91 or 41. I can't remember.

12 Q: Okay. All right and you had your duty firearm with you that night?

13 A: Yes sir.

14 Q: Okay and that is a?

15 A: Sig Sauer

16 Q: Okay.

17 Q: 226?

18 A: 226.

19 Q: Okay. Do you normally carry a secondary weapon?

20 A: No.

21 Q: Okay now were you guys the foot patrol or were you in a vehicle?

22 A: We were in a vehicle. Marked.

23 Q: A marked vehicle?

24 A: Yes sir.

25 Q: Lights and sirens and all that?

1 A: Yes sir.

2 Q: Okay. Okay. Who was the driver that night? Do you remember?

3 A: I was sir.

4 Q: Okay. And your FTO, where was he seated in the car?

5 A: He was in the backseat.

6 Q: Backseat. Then Wynkoop was in the back.

7 A: No Wynkoop-

8 Q: Front. Front seat. Okay.

9 Q: Do you remember the shop number of your vehicle?

10 A: The what?

11 Q: The number of your unit?

12 A: I don't. It was a lieutenant's car though. Uh, can't remember.

13 Q: Okay. All right. (inaudible) Let's -- do you remember what you guys were doing right

14 before you heard the call of code 33?

15 A: Yeah, we were on our traffic stop.

16 Q: You was on a traffic stop? You remember where that was?

17 A: I don't recall. I want to say on Mission. I can't even remember.

18 Q: Okay. So it was on Mission, somewhere on Mission?

19 A: Believe so sir.

20 Q: Okay. Now all right from that, from that moment on Mission, you're at the traffic stop,

21 you hear code 33 come over the radio. Kind of take me through the events.

22 A: Okay so Wynkoop was acting as a cover officer. Watching the car. I was running the

23 person's information. Sitting in the vehicle running the person's information from the

24 passenger's side. And then out FTO was standing to the side of me and he was listening. And we

25 heard the code 33. I looked at him, I said are we going- should we go to this sir? He said yes. So

1 I grabbed the people's information and ran to the car and just handed it back to them. Told them
2 have a nice day.

3 Q: Okay.

4 A: And we all jumped in the car and headed towards that way.

5 Q: Uh-hum keep going.

6 A: As we were coming up, they gave us a safe avenue of approach. We went through the
7 safe avenue of approach. There were already units on scene however, I positioned our car so we
8 could block off the street so other cars couldn't get there.

9 Q: Uh-huh.

10 A: And um that's when we arrived on scene. We walked up on scene and we see officers
11 with their guns out pointing at a suspect and in a vehicle. He was in the trunk. And then that's
12 when we all pulled out our guns and stacked up. I -- I don't even know how you call it. And
13 there was one person giving clear directions for him to you know show us his hands and whatnot.
14 And you want me to tell you the whole thing or?

15 Q: Yes. Yes just keep going.

16 A: They were saying show us your hands. We kinda, I was, I didn't want to flag anybody so
17 for a while there I was in a sul position and then we kind of stacked so we weren't all on top of
18 each other so we could have blue on blue.

19 Q: Uh-huh.

20 A: And there was one guy in front of me. I can't remember the officer's name. And then the
21 FTO I was working with, FTO Ishida. And then I was next to him kind of by the Honda vehicle.
22 The SRV or CRV whatever.

23 Q: Okay.

24 A: It's in the video. And then we were, our firearms drawn and pointed towards the vehicle.

25 Q: Uh-huh. Keep going.

1 A: We asked for, they kept asking for him to show his hands. Then a lady, one of the other
2 officers who spoke Spanish cuz she didn't know if he couldn't speak English or not, so she ran
3 over kind of in the line of fire to grab the PA. And she started talking to him in Spanish. Put your
4 hands up. Show us your hands. To get out of the car but keep your hands up. But he was, he was
5 like reaching – first he would kind of put one hand out, but he would keep one hand hidden. And
6 then he'd go back, and he was going back and forth and it was, it was kind of a weird moment.
7 That's when my FTO told me, he was like okay he's like we need to stack up better because this
8 is not normal what he's doing. Like his movements. So I'm still training so this is all learning for
9 me. So we stacked up, even in a more stack to like, I don't even know how you call it. To try to
10 get more cover, a little bit more cover behind the vehicle. They gave him more warnings and
11 then I hear a red-light and then I repeat it red light and then that's when they shot him with the
12 ERIW. And they shot him with the ERIW and he kind of seemed like dazed for a minute and he
13 was just – I think it caught him by surprise. But we kept telling, they kept telling him to show us
14 his hands. And he would never show the left hand. And then all I remember is the trunk being
15 popped open a little and him saying, yelling something like fuck it or fuck this and a shot rang
16 out. And as soon as the shot rang out, I don't know where the shot went. Something hit me in the
17 eye. Hit my left eye and that's kind of on the video you can see me fall. Like it's, we were
18 retreating to cover as I was getting hit in the eye and I went down to a knee and I think that's
19 when I lost my handcuffs cause after – after we go up to the car, they called for the shields. He's
20 asking does anybody have a shield. We went behind the shields to go take the guy out of the car.
21 We didn't know if he was alive or dead and to render aid. And they pulled him out and that's
22 when my FTO told me, he said, “cuff him” and I looked down and my handcuffs case was open.
23 I was like, I told him I think they fell when I fell, when I got hit in the eye. And then they started
24 doing – somebody else cuffed him and then they started doing compressions on him and they
25

1 started asking for like caclusive dressings to try to patch his wounds up. And they still were –
2 other officers were still going to clear the car.

3 Q: Okay. All right. I want to show you this. This is not to scale, okay? And this is probably
4 not an accurate depiction of the scene the way it looked that night. But it's just a sketch and it's
5 only for purposes of kind of finding out -- for us kind of you know finding out where, where you
6 were in relationship to the suspect vehicle. So say this is the suspect vehicle, okay? And I'm not
7 saying that it was right here. I just want you to understand that.

8 A: Okay.

9 Q: Okay? So you said you guys came the safe avenue approach and you parked in the
10 intersection right back here?

11 A: No, we fanned our car to stop it right here.

12 Q: Okay.

13 A: Just to block traffic.

14 Q: So just to block traffic, but it was in the intersection?

15 A: Yeah. Not in – I don't know if it was the quite the, it wasn't the intersection.

16 Q: Okay.

17 A: It was the street.

18 Q: Okay.

19 A: You could still I believe come in. It was just to block these people.

20 Q: Okay.

21 A: So it came in to block so nobody could come up this street cause we didn't know what we
22 were coming up onto.

23 Q: I understand.

24 A: So we didn't block all (inaudible)

25 Q: Understand. So the front end of your vehicle was facing east then?

1 A: Yes.

2 Q: So east, west. Yeah. All right. So that way, okay? And you guys exit the vehicle and you

3 guys stacked up you said?

4 A: Yeah.

5 Q: Do you remember where you stacked up at?

6 A: Yeah, we came up and-

7 Q: I'm gonna have you-

8 A: Okay.

9 Q: I'm gonna have you draw exactly where you were when this happened.

10 A: I was in a couple of places. We ended up moving.

11 Q: Okay.

12 A: Okay.

13 Q: Just go, I'll tell you what. Let's just go the first place that you went to, let's circle it and

14 then put a one inside. Can we do that? Okay that's one. Okay.

15 A: And then-

16 Q: And from there and from there at that position and that was the first position that you

17 came to, correct?

18 A: Yes.

19 Q: What was your field of, of, of-

20 A: I could see all in the trunk.

21 Q: Okay. And then at that time, had you taken your duty weapon out?

22 A: Yes.

23 Q: Okay. All right. And the reason why you took your duty weapon out?

24 A: Because they're – one we didn't, we didn't know the full facts. We just know it was a

25 wanted vehicle.

1 Q: Uh-huh.

2 A: We kind of got there fast. I don't even think we even dispat- placed yourself on the
3 scene-

4 Q: Okay.

5 A: Immediately cuz it happened so fast. And the fact that um when we walked up here, it
6 was two, two witnesses that said they just got robbed and the guy had a gun.

7 Q: Okay now so that was when you first got out of the car?

8 A: Yeah.

9 Q: Okay so, so initially you stopped right here?

10 A: No, no, we walked out, but I could hear them talking.

11 Q: Oh so you heard them talking?

12 A: Yeah.

13 Q: Okay.

14 A: I heard them talking to an officer and then the officers said like yeah these are the two
15 witnesses. They said they just got robbed and the guy has a gun.

16 Q: Okay.

17 A: And that's when we made our approach and we had – we pulled our firearms and now we
18 kinda knew what was going on.

19 Q: Okay.

20 A: At that point.

21 Q: Okay. Now then you moved again, correct? Because-

22 A: Yeah because the guy was not showing us his hands and it was kinda weird and were like
23 in the line of fire.

24 Q: In his line of fire?

25 A: In his line of fire.

1 Q: Okay.

2 A: So then I moved to right about here.

3 Q: Okay and the reason why you moved to right about there? And just put a two somewhere

4 around there so we know that's the second place you were.

5 A: There was still two people in front of me.

6 Q: Uh-huh.

7 A: We still, I still had to have eyes on the vehicle.

8 Q: Uh-huh.

9 A: We also wanted to have eyes on the vehicle. They took a kneeling position I believe.

10 Q: Uh-hum.

11 A: If I'm not mistaken and I was on the car above the car above them.

12 Q: Okay. All right. And did you stay at this position or did you (inaudible)

13 A: Well I was kinda, I guess you could put it right here. I started like right about here. I

14 ended up here because when the fire, when the first shot rang out, something hit me in the eye

15 and we all kind of retreated to cover.

16 Q: Okay.

17 A: But I fell at the same time.

18 Q: Okay.

19 A: And I ended up there. Cuz we were, I was like on the side I guess you could say.

20 Q: Okay.

21 A: It was like a big SUV.

22 Q: Okay. So let's, let's go back to right before the gunfire started. Okay you heard the term

23 red, red light, right?

24 A: Yes sir.

25 Q: Do you know who said that?

1 A: I think it was Officer Tupper.

2 Q: Okay. When you hear that that command red light, what does that mean to you?

3 A: Less lethal.

4 Q: Less lethal?

5 A: Do not fire your rounds.

6 Q: Okay.

7 A: And you're all supposed to repeat it, so you don't accidentally discharge your firearm.

8 Q: Okay but when you hear less, red light, red light and then you repeat it, what what

9 immediately follows?

10 A: The officer shot but no one else shot.

11 Q: Okay. Okay.

12 A: And then I believe they gave him commands again and then that's when I heard "fuck it"

13 and that's when all the bullets.

14 Q: Okay and how close, how close would you say you were to him? You still had a clear

15 view of the trunk, right?

16 A: I was pretty close. Um-

17 Q: Okay. And so you had a situation where you know you had two robbery victims stated

18 the guy had a gun. You had a guy in a trunk who was given numerous commands to get out of

19 the trunk. He didn't get out of the trunk. He was hit with less lethal.

20 A: Yes sir.

21 Q: Okay and you said you heard a shot?

22 A: No, that was the shot. The first shot – oh you mean from the suspect?

23 Q: Yes.

24 A: Yeah.

25 Q: I meant, I meant after the less lethal round, okay?

1 A: Yeah.

2 Q: After the less lethal round you said you heard a shot?

3 A: Yeah.

4 Q: Okay. And do you remember where that shot came from or did you even, did you see the
5 shot?

6 A: Yeah, I saw the shot it came from the trunk.

7 Q: Okay could you be more specific about what you saw?

8 A: I saw the trunk – cuz he had it kind of cracked and at that point he kind of popped it open
9 a little and I saw the muzzle of the gun and I heard “fuck it” or “fuck this” or something like that
10 he yelled. And then that’s when I saw the flash, and something hit me in the eye.

11 Q: Okay.

12 A: And then everybody, all the officers that were involved started shooting.

13 Q: Okay. But you didn’t shoot?

14 A: I didn’t shoot. I got hit in the eye and got knocked down.

15 Q: Okay. Do you remember where your gun was? Did you, was it, did you still have it in
16 your hand?

17 A: Had it in my hand. I went to sul as soon as I got cause I didn’t want to flag the other
18 officers.

19 Q: Uh-huh.

20 A: I went to sul position.

21 Q: Okay now when you say flag, be more specific.

22 A: I didn’t want to fire at another officer. Another officer at that point would have been in
23 my line of fire the way I stepped behind cover cause I kind of fell and they were to the left of me.
24 So if I would have had it pointed, I would have had it pointed at them.

25 Q: Okay. All right.

1 YS: Can you just describe what you're referring to sul position?
2 A: Sul position is when you hold your firearm kind of like this.
3 YS: Okay.
4 A: Or some people hold it like this. Just so it's not-
5 DN: All right. The record should reflect he's using his index finger and his thumb as the gun
6 pointing downward towards the ground.
7 Q: Let me jump in right quick. So that's for us old timers. That's kind of a low ready
8 position?
9 A: Low ready for us will be at this position.
10 Q: Okay. Okay. But sul is right here?
11 A: Yeah.
12 Q: Okay.
13 YS: And you're doing that for safety reasons, correct?
14 A: For safety reasons yeah.
15 YS: You don't to point the gun outward towards-
16 A: Uh at a fellow – at a fellow officer.
17 YS: Thank you.
18 DN: Okay.
19 YS: Just so, how do you guys, how do you spell that sul position?
20 A: S-U-L.
21 YS: Okay.
22 A: It's a Portuguese word.
23 YS: You had asked, started to ask, Sergeant Parker started to ask for approximate distance
24 from you to the trunk. Were you, you never got around to answer, got a chance to answer that.
25 A: Um-

1 Q: I'm the tired one.
2 YS: If you can't just – a car length?
3 A: If I want to ball -- it was maybe 20 to 30 feet I would say.
4 Q: Okay.
5 A: It was almost like the distance, felt like – it felt pretty close. It was 20 to 30 feet. I
6 couldn't tell you exactly. If I had to ballpark it, I would put it around there.
7 Q: Okay. Good?
8 YS: Yeah.
9 Q: Good.?
10 YS: Yeah.
11 Q: All right well we appreciate it. All right.
12 YS: Oh uh one last question.
13 Q: One last question.
14 Q: [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A: [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 YS: All right. Thank you.
24 Q: All right so we'll end it. Time is 1213. Cool?
25 YS: All right.

1 Q: All right.

2 END OF INTERVIEW

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF:** **OFFICER CODY**
9

10 **INTERVIEWED BY:** **SERGEANT CAGNEY**
11

12 **DATED:** **MARCH 8, 2018 TIME: 1950 HOURS**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT CAGNEY**

2 **A: OFFICER CODY**

3 **YS: YORK SUDA**

4 **DN: DON NOBLES**

5

6

7 **YS:** Spell your name, sorry.

8 **A:** That's uh, C-O-D-Y.

9 **YS:** Oh sorry.

10 **A:** Oh, S-E-A-N.

11 **Q:** That's a tough one.

12 **A:** Yeah.

13 **YS:** S- what? S-A-M?

14 **A:** Uh, E-A-N.

15 **YS:** S-E-A, oh Sean?

16 **A:** Yeah.

17 **YS:** Okay.

18 **A:** And, C-O-D-Y.

19 **YS:** Okay.

20 **Q:** So, Officer Cody, you guys are tired of hearing about it, we kinda have a little bit of a,
21 we're sorta like rolling pretty good here.

22 **A:** Uh-hum.

23 **Q:** So, this is how we'd like to do it. We're gonna probably ask you some biographical
24 information. You're gonna kinda give us a narrative, you know, in your own words, what
25 happened.

1 A: Uh-hum.

2 Q: What you did, what you think happened, what you should have done. Anything like that.

3 And then we'll probably ask like, more specific detailed questions depending on what you have

4 to say. Does that make sense?

5 A: Yep.

6 Q: And at any point, you know, if you got a question or a concern, you know, feel free. This

7 is a free-flowing thing. You are here voluntarily. You know, like I said, you know, we're here to

8 learn just as, as you are. So it's the same way.

9 YS: Do you have that, that body worn camera, paper?

10 Q: No, we don't need it, so.

11 YS: Okay.

12 Q: We'll talk about that in a second. So, the case number is [REDACTED] Time today is

13 gonna be 3-8 of 18, the time is gonna be, let's see, let's call it 19:50 hours. We're here with

14 Officer Sean Cody, right?

15 A: Correct.

16 Q: Right? and again, John Cagney, star 341 Homicide Detail.

17 YS: Inspector York Suda, DA's Office.

18 2: Don Nobles from the POA.

19 Q: And you know what, just give me your star number.

20 A: 1375.

21 Q: 1375. And your date of birth?

22 A: [REDACTED].

23 Q: And when did you come in?

24 A: [REDACTED].

25 Q: Company D?

1 A: Correct.

2 Q: How long?

3 A: So I've been back at Mission for maybe a year and a half now.

4 Q: Okay. So, a year and a half. And what watch were you working?

5 A: Midnights.

6 Q: 21?

7 A: Correct.

8 Q: Uniform, Class B?

9 A: Correct.

10 Q: In plain clothes. You working with somebody?

11 A: So I have the Two Edward, but we didn't have enough cars so I was with the 13 Edward,

12 Cassinelli and Tupper.

13 Q: Okay, so you know how to spell them?

14 A: Cassinelli's C-A-S-S-I-N-E-L-L-Y, L-L-I.

15 Q: Right?

16 A: And Tupper, T-U-P-P-E-R.

17 Q: And that's not your regular crew?

18 A: No.

19 Q: Okay, and what was the call sign for you?

20 A: So, I was the Two Edward, but I was using the 13 Edwards call sign.

21 Q: So Three David 13 Edward?

22 A: Correct.

23 Q: Alright, 221, 226?

24 A: Correct.

25 Q: You carry a second gun?

1 A: No.

2 Q: Were you carrying a second gun that night like a long rifle or-

3 A: No.

4 Q: Extended range or anything like that? And I take it wasn't your car you were driving?

5 You were driving with them?

6 A: I'm sorry, what do you mean?

7 Q: You're in your radio car or you're in, since you're running three deep so you're running

8 their radio car?

9 A: Yeah. Yeah.

10 Q: Do you know their car?

11 A: 67.

12 Q: 67? A black and, it's a radio car?

13 A: Yes.

14 Q: And your, I take it you're a passenger, right?

15 A: Correct.

16 Q: Right? Did you have a chance to look at your BWC?

17 A: I did.

18 Q: About this incident.

19 A: I did.

20 Q: Did you look at any other video, TV, news accounts, anything like that?

21 A: Um.

22 Q: It's not a trick question. If you did you did.

23 A: Yeah, I saw some on the news.

24 Q: So, so you've seen kinda different, your perspective of it with your BWC which you just

25 saw with your attorney.

1 A: Uh-hum.

2 Q: And then you seen it with the news accounts where.

3 A: Correct.

4 Q: Fair enough. I got you. So, why don't you go ahead and just tell us, you know, I mean,
5 you don't have to get into elaborate, you know, minute by minute detail. But kinda the, you
6 know, the highlights of, of what you know about what happened last night.

7 A: Okay. So it was a, myself, Officer Cassinelli, and Officer Tupper. We were, we weren't
8 on a call. We were 10-8. We were going westbound just approaching 21st and Capp. We were
9 going Westbound on 21st. I think it was between three or four individuals were in the middle of
10 the street waiving their arms at us. They were yelling at us in Spanish. I was sitting in the rear
11 driver's side and the rear passenger side door, window was up. So I couldn't really hear. But the
12 only, and Officer Tupper was trying to ask him what was going on. I heard one of the individuals
13 say, pistola and point southbound on Capp. I observed a male in a black sweatshirt. He was
14 running southbound on the west sidewalk of Capp. There was a black vehicle double parked
15 maybe 75 feet Southbound on Capp Street. A individual jumped into the back seat of the car.
16 Into or, into the trunk. Didn't fully close the trunk, kinda held it up. Officer Cassinelli was
17 driving. We maneuvered our vehicle southbound on Capp. Activated the lights and initiated a
18 felony stop on the black vehicle.

19 Q: Okay, anything beyond that or?

20 A: Yeah, and then so, so we get out. The original 909's who were flagging us down in the
21 street kinda followed us down. I maneuvered behind the, there was a parked vehicle, maybe two
22 car lengths behind the black vehicle. The 909's were approaching us. Told them to back off due
23 to the fact that they kept repeating, pistola. A couple other units showed up. And then basically I
24 took up a position, can I use this?

25 Q: Oh yeah, it's for you.

1 A: Alright, got it. So, so I was basically right here.

2 Q: Okay. Do you, do you see your radio car, like the car you were with (inaudible)

3 A: Yeah, um, I, I've, I assumed we were in this, we were in this one.

4 Q: Okay.

5 A: I thought I was more kinda center, behind the car.

6 Q: Well this is hardly a good representation of the cars.

7 A: Yeah.

8 Q: But you were closer to the curb line then you were kinda in the middle of the street? If

9 you remember.

10 A: Correct. Yeah.

11 Q: Okay, I got you.

12 A: Yeah.

13 Q: Go ahead, just mark your, your car if you could.

14 A: So, I exited the vehicle, came over here. All the 909's were over in this area. I told them

15 to go behind, I think this was like a white truck, told them to go just behind there. And then I

16 took a position right here, which more like this car was over here.

17 Q: Right.

18 A: So I could, I could see the trunk.

19 Q: Right.

20 A: I had a clear view of the trunk. Individual first we, you know, we were telling him to

21 show his hands. He originally showed his hands then would put his hands back. One hand back

22 inside the car. As he was holding the door up, the trunk latch up with one hand. Officer

23 Cassinelli ordered the driver out. He complied. I know -- I, I could see out of peripheral vision

24 that two other officers came out, took him into custody. At that time, more officers were showing

25 up. I believe it was Officer Nagai took a position right behind me so I knelt down. We were

1 giving him commands. He just kind of kept looking at us. I wasn't sure if he spoke, nobody was
2 just saying anything in Spanish at this point. Weren't sure if he spoke English. So, we tried to get
3 a Spanish speaking officer. Officer Banegas showed up. Positioned herself in vehicle 67. I
4 believe she was on the front passenger seat side next to Officer Tupper. She was giving
5 commands over the PA. She was giving commands in Spanish. I heard mano's, which I know are
6 hands. I was repeating mano's in, in Spanish. Individual didn't show his hands, kept reaching
7 back. Then he would show his hands, and then he kept reaching back. And then at one point, I
8 realized or I, I observed the guy he kind of looked down at his chest and started kind of
9 muttering to himself. And I, I couldn't hear what he was saying or anything. And a short time
10 after that observed a quick movement from the subject inside the trunk. I observed a flash.
11 Roughly right, oh sorry, so if this is the, the trunk window this this car, and this is the passenger,
12 I observed like some sort of debris from right here, come toward me.

13 Q: You mean, from the suspect car or whose car?

14 A: I, well, this car so.

15 Q: So you're, you're over here, and so you see something happen to your car?

16 A: Yeah.

17 Q: Okay.

18 A: Yes, so I, I see a flash over here and then pieces of debris, I don't know what kinda hit
19 me, go by the side of my head. So, I take cover behind this car. And then heard multiple shots
20 being fired.

21 YS: This, you said trunk window so this is like an SUV or a van?

22 A: Yeah. Yeah.

23 YS: You remember the color?

24 A: I think it was either, I think, I, to be honest, I, I can't really remember.

25 YS: Okay.

1 A: But, and then after that made an approach. We got ballistic shields up. I took a position
2 behind Sergeant Perez. There was, we're then notified that there was a female in the car. She was
3 showing her hands. We were ordering her out of the car, but she wasn't exiting the car. So we
4 made an approach. I moved behind Sergeant Perez. And there's another officer with a ballistics
5 shield. And another cover officer. We went to the trunk. Those two officers removed the suspect
6 from the trunk. Started to render aid. And I assisted Sergeant Perez in ordering the female out of
7 the car. She exited from the driver's side door, and was detained after that.

8 Q: Well, there's probably gonna be more follow up questions than we thought cuz we're sort
9 of getting people kind of in a weird order.

10 A: Uh-hum.

11 Q: So you're the first guy that we've talked to actually who was with the first responding
12 unit so.

13 A: Okay yeah.

14 Q: Just, sort of just bear with us because-

15 A: Yeah.

16 Q: We're getting a lot of people kind of after the fact.

17 A: I got it.

18 Q: So you're one of the first guys we probably have some pretty sig, pretty good questions
19 for.

20 A: Yeah.

21 Q: So, and again, I'm one of these guys that talks too much so, I'm probably gonna say a lot
22 of things that you said and just tell me if I'm right or wrong.

23 A: Okay.

24 Q: Just so I, I heard it correct.

25 A: So you're working three deep?

1 A: Uh-hum.

2 Q: And, you don't a radio call, you guys, but what you see is some people in the middle of
3 the street. And is that on Capp between 20 and 19, or is it 20 and 21?

4 A: It was 21st and 22nd.

5 Q: 21st and 22nd you see people in the middle of the street?

6 A: Yeah. Correct.

7 Q: Are they in the intersection or are they like on?

8 A: So more on the northwest corner but, in the street.

9 Q: Okay, and what are they doing? Are they literally flagging you down or going about?

10 A: Yeah, I observed one, he's Latin male, wearing it was either all white or all light colors.
11 He was waving with his hands like this and pointing southbound.

12 Q: Were you guys coming up Capp? I know you told us but I don't remember.

13 A: Yeah, we were coming westbound on 21st.

14 Q: And you gotta a, a mark radio car?

15 A: Correct.

16 Q: So they see you and they're -- they think it's the cops.

17 A: Correct.

18 Q: So they're trying to flag you down. And how many guys are in the middle of the street?
19 How many people?

20 A: I'd say three or four.

21 Q: Right. And based on their demeanor, I mean, you know, you've been in a few years now
22 so, you figure something's going on?

23 A: Uh-hum. Correct.

24 Q: Is that right? So you guys drives up to him and, so you hear, pistola?

25 A: Correct.

1 Q: Is that right? And they're pointing up to a black car or they're pointing up to a guy
2 running or you see a guy running to?

3 A: They point, they pointed southbound.

4 Q: Okay.

5 A: And then, when I looked southbound just from the back seat still.

6 Q: Right.

7 A: I see an individual running on the west sidewalk.

8 Q: I gotcha. Now, so you guys are now on on Capp, a little past 21 or you're, you're?

9 A: Roughly.

10 Q: In the intersection or?

11 A: Um.

12 Q: Yeah, let's just call this the intersection even though it's not, yeah.

13 A: So if they're over here and we're coming down this way.

14 Q: Right.

15 A: By that time, we kinda, you know, cause they're all pointing Southbound.

16 Q: Right.

17 A: We start kinda slow rolling this way.

18 Q: Right.

19 A: And that's when we see him running.

20 Q: Right.

21 A: And he was about like here and I would say the parked car was about here that was
22 double parked.

23 Q: Right.

24 A: And there's parked cars here.

25

1 Q: Right. Is he actually on the west sidewalk line or is he on the west side of the street, near
2 the sidewalk running in the street?

3 A: Um.

4 Q: If you remember.

5 A: When I saw him, cuz there was a bunch of cars so I lost sight a couple times.

6 Q: Right.

7 A: But the one, when I observed him, he was on the sidewalk.

8 Q: On the sidewalk. Did it look like, from your first glance when you look up, that he's
9 heading right for this black car or there's just a black car happens to be double parked and he's
10 running in that direction? My question, this sounds a little silly, did it look like the two were
11 gonna be connected the way you were looking at it?

12 A: Yes.

13 Q: Okay, so you figured they were gonna be, there was a connection between the two of
14 them?

15 A: Yes, because I mean with the car double parked and then the I noticed the trunk was
16 open.

17 Q: Okay. Which seemed a little weird, right?

18 A: Yeah.

19 Q: Could you see, I mean, these are crazy questions that, you know, maybe you remember or
20 maybe you don't. Did it look like maybe the guy had the brake lights on? Could you tell if there
21 were any lights on the car?

22 A: I don't remember.

23 Q: Okay, fair enough. And how close is he to the car when you look you and see him
24 running and he's running towards this car?

25 A: May, I'd say about three car lengths.

1 Q: Okay. Did you ever, this is the thing, and, and the Inspector for the District Attorney's
2 Office and, we actually interviewed the suspects last night. And, and we still cannot figure out
3 how anybody would come up with a plan to jump in a trunk. Did you see this guy jump in the
4 trunk?

5 A: I did.

6 Q: You did?

7 A: Yeah.

8 Q: And how did that work? I mean was that like a complete, you know, felony jump into the
9 car and, you know, hit it or, did he climb in? I mean, how, kind of walk us through what you
10 saw.

11 A: So, he ran up, yeah kinda, jumped in but and then grabbed the, the I guess the hood latch.
12 But, and then closed it a little bit but not, not attempting to like conceal himself.

13 Q: Right.

14 A: Just, holding onto it and then at that time, I saw brake lights. And we, we realized that the
15 car was occupied.

16 Q: Right. The getaway car.

17 A: Yeah.

18 Q: Right. And, I mean again, you have to only assume on your part based on your training
19 experience, did it look like the guy was aware that there was a police car had a lock down? I
20 mean, did he look back? Was he aware? Could you tell that he knew that the police were right on
21 him or he had no idea you guys were even there? Or did these people were in the street waving
22 people down? I mean, it.

23 A: From the time he jumped in and saw the brake lights we were still, we were maybe, you
24 know, just kinda turning right here, just starting to go down.

25 Q: Right.

1 A: So maybe somewhere around here?

2 Q: Okay.

3 A: And, and that was when officer, cuz we were still kinda slow rolling it.

4 Q: Right.

5 A: Just, kinda trying to get more information from the 909s.

6 Q: Right.

7 A: But once he said, pistola, and then, we see the guy running, jump in.

8 Q: You see the guy.

9 A: Jumping in the trunk is kinda weird.

10 Q: Kind of a clue?

11 A: Yeah.

12 Q: Yeah.

13 A: So -- so when we saw that, Officer Cassinelli accelerated more.

14 Q: Punched it.

15 A: And then we were right behind it and then he activated the lights.

16 Q: Right. So, basically you guys are lighting him up right there?

17 A: Yeah, and like, like the car never.

18 Q: Even really got going?

19 A: No.

20 Q: Right. Did, did you guys even get out of the car to talk to the 909s?

21 A: No.

22 Q: Or you just, and you, they were speaking Spanish, is that correct?

23 A: Correct.

24 Q: I, and you come, all you heard was, pistola?

25 A: Correct.

1 Q: Right. Were they pointing up a dude running on the sidewalk or pointing at the car or
2 both if you know?

3 A: So from where they were right here, they were pointing kind of directly down.

4 Q: Right.

5 A: So I, I honestly couldn't tell if they were pointing at the guy running or the car just, as I
6 followed the direction they were pointing, I saw the guy running.

7 Q: Right. It, anything about, you know, again based on your training experience you have
8 people that have guns in their hands or are running. Anything about his, his running that made
9 you, suggested that he was armed?

10 A: I didn't see, like his arm, you know, like for somebody who is moving pretty quick, I
11 didn't see a full sprint with like both arms pumping.

12 Q: Did that mean anything to you? Did you start?

13 A: I mean, with the fact that the 909s were yelling, pistola, the guy was running and not
14 running in a sprinter's kind of way, like pumping your arms.

15 Q: So you drew the obvious conclusion, you thought maybe the guy had a gun?

16 A: Yes.

17 Q: Fair enough.

18 A: Yes.

19 Q: So you guys get up on him and you guys are, how, so you're gonna be this radio car right
20 here, right?

21 A: Correct.

22 Q: Right, and you guys get right on him.

23 A: Yes.

24 Q: Does he ever move forward, accelerate, move at all? Does the car stay stationary?

25 A: The vehicle?

1 Q: Yeah.

2 A: It stayed stationary.

3 Q: Stays stationary, but you know somebody is in that car other than the trunk person?

4 A: Correct.

5 Q: Correct? Could you see the driver at all or?

6 A: No.

7 Q: No? So you guys get up on him. There's three of you. I assume you have your weapons

8 out, at least you have your gun out, at this point?

9 A: Yeah, correct.

10 Q: Does anybody arm with anything other than pistols?

11 A: Officer Tupper grabbed the, the AR from the vehicle.

12 Q: Okay, grabbed the AR.

13 A: From the rack.

14 Q: And you say you take, basically take a position of cover behind, to the right of the radio

15 car?

16 A: Correct.

17 Q: Are you guys the first car there? I mean, do the other cars show up pretty quick, if you

18 know, or?

19 A: Everybody seemed to show up pretty quick.

20 Q: Pretty quick. For a minute, it was just you guys?

21 A: Yeah.

22 Q: Right, and you're already issuing, somebody's already issuing commands already.

23 A: Yeah, Officer Cassinelli is over here. They both open their doors.

24 Q: Right.

25

1 A: And he's issuing commands. Initially it was kinda, they're issuing commands kind of to
2 both people it seems.

3 Q: Yeah?

4 A: And we're, we're trying to figure out which one to bring him, bring out.

5 Q: Right.

6 A: And then more focused on the, it seems Officer Cassinelli focused more on the driver to
7 come out.

8 Q: I got you. And you're, based on your position, you probably have a better look, look at
9 what's going on in the trunk, right?

10 A: Correct.

11 Q: Right. So, somebody actually came up with a pretty good word. I don't know if it's
12 gonna work for you. But, said the guy was fidgeting in the back like, he's just, he just wasn't,
13 his, his actions didn't seem to make a lot of sense. He's opening and closing the hood, you know
14 the, the trunk and his, his hands are in or they're out. I mean-

15 A: Correct.

16 Q: Did, could you figure out what he was trying to do? I mean what did it look like to you?

17 A: No. So initially, in the first couple seconds when we first hear, you know, we yell, put
18 your hands out and he does put both his hands out and then he slowly moves one back. And if, if
19 he's, if I'm over there.

20 Q: Right.

21 A: So he's positioned this way. And I can't remember which hand, I believe it was the right.
22 He starts kind of reaching over his body to something that would be on the trunk floorboard.

23 Q: And what's going through your mind when he's doing that?

24 A: I think that he's grabbing a gun or that he still has a gun, either on his person or it's on
25 the floor.

1 Q: So his, his physical actions didn't suggest an innocent explanation in your book?

2 A: No.

3 Q: No. And he, is he complying in any way with, with the commands that you folks are

4 issuing?

5 A: No. No.

6 Q: No, nothing. Alright. Is he looking back at you folks? I mean does he look at you?

7 A: Yes.

8 Q: Okay, so, he's making eye contact with you or, the other officers?

9 A: Yeah, he's I, observed, he looks in the direction of our car, looks in the direction of, I

10 guess the east sidewalk. And then looks in the direction of myself, where we are kinda scanning.

11 Q: Right. And you guys are going back and forth or you're going, you guys are yelling at

12 him but then he's not responding and he's not complying?

13 A: No.

14 Q: And you said something interesting, you said that he started muttering. What's that about,

15 how do, when does that occur and in does he, muttering in a response to something?

16 A: So as -- as Officer Banegas is giving him commands, I just noticed he, as he's sitting

17 there, he just kinda looks down at like his chest really. And then I just, I see him, he's mouthing

18 something.

19 Q: Right.

20 A: But I, I can't hear anything and I couldn't hear anything he was saying. And he wasn't

21 saying anything inaudible like, he wasn't yelling at us or anything like that. It was within like he

22 was talking to himself or saying something. I don't know if he was, yeah.

23 Q: Is this much after the cavalry had arrived or before the cavalry gets there?

24 A: Yeah it, pretty much after the cavalry arrived.

25 Q: Okay.

1 A: Cuz there was other officers um present then too.

2 Q: I get you. Were you aware of any, you know, extended range impact weapons being
3 fired, beanbags? Or did you know that anybody had fired one?

4 A: Yeah, so, at one point so I'm still over here. I just hear, hear an officer say, red light, red
5 light, red light.

6 Q: And, what does that mean, cuz I haven't been on the street for 12 years.

7 A: So just prior to deploying the ERIW, just to kinda heads up to everybody else that they're
8 gonna deploy the ERIW and just to avoid, you know, somebody shooting off a shotgun and you
9 know, like just so everybody.

10 Q: Informs everybody, yeah.

11 A: Yeah, so everybody knows what's going on.

12 Q: Right, and did you see it deployed or you just heard it?

13 A: I did.

14 Q: Okay and what, what affect if any did he take?

15 A: I saw him, suspect in the trunk uh kinda came back after getting hit. I didn't see exactly
16 where he was struck with the beanbag. He grimaced and then kinda just went back to what he
17 was doing, he wasn't, didn't show his hands after or anything like that, like everybody was
18 commanding him.

19 Q: Right. Is this kind of before or after the muttering, if you remember?

20 A: I, I don't recall, yeah.

21 Q: I got you. So, at some point, and I don't mean to jump ahead here. So if I'm jumping too
22 far ahead of you, stop me and walk me back. But, at some point you say that you see a flash.

23 A: Uh-hum.

24

25

1 Q: Alright, so kinda walk us through so what are you doing when this flash happens and
2 where are you looking and, you know, tell us about where it's coming from and what do you
3 think it means.

4 A: So this is after the ERIW, after muttering. We're still giving commands. And then at this
5 point, all the other officers have already arrived as well. So I started kneeling. Another officer
6 was above me standing.

7 YS: Who was that officer, do you remember?

8 A: I believe it was Officer Nagai.

9 YS: Nagai?

10 A: Yeah.

11 YS: Uniform or plain clothes?

12 A: Uniform. I observe, like suspect's still in the trunk. He's, he's still not showing his hands.
13 We're giving him commands. I see him make kind of a quick movement as in like shift his body
14 weight toward us.

15 Q: Right.

16 A: Or like in my direction. Saw a flash. And then felt debris and other things come by where
17 I am here. So I took cover behind this car.

18 Q: Right. So I mean, you know, obviously, these are silly questions because anybody who
19 with experience can know exactly what happened right?

20 A: Uh-hum.

21 Q: But, just tell us in your own words, what do you think this means when you see the flash
22 and some debris kicks up at you?

23 A: I thought he was shooting directly at me.

24 Q: At, directly at you?

25 A: Yeah.

1 Q: Did you hear the pop? Do you hear the-

2 A: Yeah.

3 Q: You heard the shot too?

4 A: Yeah.

5 Q: Was it distinct like that event, the flash, the pop, and the debris that's all simultaneous

6 occurring in one continuous event?

7 A: Uh-hum.

8 Q: And you felt that you were being shot at?

9 A: Correct.

10 Q: Alright. And was this before you -- well we, you listened to the BWC. We've seen the

11 news footage as well. So obviously there was a lot of shots that occurred.

12 A: Uh-hum.

13 Q: But in your, in your mind, your recollection, that was a separate and distinct event and

14 then the gunshots all ensued afterwards?

15 A: Correct.

16 Q: Is, is that fair to say?

17 A: Correct.

18 Q: Alright. Now you had your weapon out, I mean.

19 A: Correct.

20 Q: We're not here to question tactics or anything like that. You didn't engage, why?

21 A: Just when I first saw the flash, felt the debris simultaneously, just remember and realize,

22 did a realization that I'm getting shot at. I remember from training to like cover first.

23 Q: Right.

24 A: Took cover and then right after, it didn't, you know, I'm next to the car I didn't feel any

25 other impacts on the car. So I popped out. With my weapon drawn.

1 Q: (inaudible) be over.

2 A: Correct.

3 Q: Right. So but under different circumstances, what you saw with the flash and the gunshot,
4 would you have engaged if you hadn't felt like you've been shot at?

5 A: Yes. Yeah. Yes.

6 Q: Alright, so that was, you felt it was a life threatening situation?

7 A: Yes.

8 Q: Fair enough. And obviously, you know, when you're getting shot at, the first thing you're
9 gonna do is get a, you know, look, look after yourself and your fellow officers, right? Now you
10 had an officer behind you, you said or standing over you?

11 A: I believe he was standing over me.

12 Q: Right, was he a pistol or a rifle or do you know?

13 A: I don't know.

14 Q: You don't know?

15 A: No.

16 Q: Do you know if he engaged?

17 A: I don't know.

18 Q: Okay. Fair enough.

19 A: Yeah.

20 Q: Besides the muttering, does this guy ever say anything that you heard to anybody from
21 the trunk?

22 A: Not that I can recall, yeah.

23 Q: Right. And when you look back at this, there's no doubt that the guy that was running up
24 the street, wearing black, jumps in this trunk, is one in the same as the person that was shooting
25 out of the trunk?

1 A: Correct.

2 Q: Right, not the driver, not somebody else in the car, right?

3 A: No.

4 Q: Did you see the driver being taken out?

5 A: I did.

6 Q: You did? And he came out of the driver's side I would assume?

7 A: Correct.

8 Q: And he complied with commands and that's why he was taken into custody or?

9 A: Correct.

10 Q: Is that was your impression?

11 A: Yes.

12 Q: Okay. Did you know if anybody else was in the car?

13 A: No, I didn't know about the female being in the car until, until after the shots were fired.

14 Q: Okay but did, then did you subsequently learned that there was someone else in the car?

15 A: Yes.

16 Q: Did you see that person?

17 A: Right after the shots were fired, I saw two hands come up from the back of the rear
18 windshield that was shot at, at that point.

19 Q: Okay, so you knew that somebody was in there. Now you, went up and secured the guy
20 in the trunk I understand, right?

21 A: Initially. I wasn't the primary group that removed him from the trunk.

22 Q: Okay. Did you see a gun at some point?

23 A: I did.

24 Q: And where did you see a gun?

25 A: So it would be in the back corner of the trunk.

1 Q: Okay. And, believe it or not, I'm almost done. If that helps in anyway. I'm trying to think
2 of something. I'm sure there's a few things I missed. No, I think, I think that's it. So please.

3 YS: Couple of follow ups. Um, so you were present when Officer Cannelli, Can, Cannelli?

4 A: Cassinelli.

5 YS: Cassinelli, sorry, he ordered the driver out of the car?

6 A: Yeah.

7 YS: He complied. There's no issues with that. And as he's being taken out of custody, could
8 you hear the guy in the trunk say anything at that timeframe?

9 A: As, as the driver was being taken out?

10 YS: Yeah.

11 A: No.

12 YS: Okay. Do you know what two officers, you said two officers went and took the driver
13 into custody. Do you know who, which officers those were?

14 A: No, I, I, as I saw them making their approach, or saw them pulling him back. They
15 ordered him down on his knees. And then, I just saw figures come up as the arrest team and I
16 was, I, the whole time I was focused on the guy in the trunk.

17 YS: Okay. You said there were some guys that were down range, on the east side of the street.

18 A: Correct.

19 YS: They had their hands up in your video.

20 A: Correct.

21 YS: Remember looking at that? And, it sounded like when in your video, you're telling them,
22 get back, or get back, get out of the way. They're not involved in this incident.

23 A: No.

24 YS: But they're -- they're down range so they're in a dangerous position. Is that correct?

25 A: Correct.

1 YS: Do you know if any officers ever contacted them and identified them?
2 A: I, I don't know.
3 YS: Okay.
4 A: Yeah.
5 YS: You took the female out of the car, right? Did, is that correct?
6 A: No, I, I was present when they took her out of the driver's side but I was more on the
7 passenger side with Sergeant Perez.
8 YS: Okay. Alright.
9 Q: Hey just one last question. So pistola, the guys flag you down.
10 A: Uh-hum.
11 Q: Did you ever get any info, I know you don't, probably not as, as, you know, Spanish --
12 did you get any more sense of what this whole thing was about, that you knew it was a robbery
13 or anything like that?
14 A: No.
15 Q: All you heard was gun and you don't know beyond that, what the circumstances were.
16 A: Uh-hum. Nah.
17 Q: But clearly there was a gun involved. You see the guy running, jump in the trunk, it's all
18 part of the same thing as far as, as you can tell?
19 A: Correct, yeah. I don't know what happened and-
20 Q: What the circumstances are. Who did what to who all the rest of it. I get it.
21 A: Uh-hum.
22 Q: Counsel?
23 DN: Nothing.
24 Q: No? Excellent.
25 A: Thank you.

1 Q: Thanks.
2 YS: Okay, we end at –
3 END OF INTERVIEW
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 27, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF:** **OFFICER HANSEN**
9

10 **INTERVIEWED BY:** **SERGEANT WATTS**
11

12 **DATED:** **MARCH 8, 2018 TIME: 1715 HOURS**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT WATTS**
2 **A: OFFICER HANSEN**
3 **YS: YORK SUDA, DA'S OFFICE**
4 **CS: CHRIS SHEA, POA ATTORNEY**

5
6 Q: Okay so today's date is the 7th of March 2018. The time is 17:15 hours. I'm Sergeant
7 Gary Watts, Homicide Division. With me from the DA's Office is.

8 YS: Inspector York Suda

9 Q: Present.

10 CS: Christopher Shea, attorney for the witness officer.

11 Q: And, you sir, are?

12 A: I'm Officer Hansen, 2095 Mission Station.

13 Q: Okay. So, what's your first name?

14 A: Gared.

15 Q: Gared, okay Gared so, I'm gonna ask you some personal information.

16 A: Yep.

17 Q: Then we've already done the introductions. I'm gonna read you your admonition.

18 A: Um-hum.

19 Q: But, as this doesn't apply because there's no.

20 CS: There's no body, there's no video.

21 Q: There's no body worn camera cuz you guys were 35 with no, with no body worn camera,
22 correct?

23 A: Correct.

24 Q: Okay, so yeah, so this will be.

25 CS: Easier.

1 Q: Yes, perfect. Just like the old times. How do you spell your first name?
2 A: G-A-R-E-D. And that's Hansen with an E-N.
3 Q: E-N?
4 A: Yeah.
5 Q: Got it. Star number?
6 A: 2-0-9-5.
7 Q: Date of birth?
8 A: [REDACTED].
9 Q: And date of entry?
10 A: [REDACTED].
11 Q: Current assignment is Mission?
12 A: Yeah.
13 Q: And how long have you been at Mission for?
14 A: About 11 years.
15 Q: You don't get tired of it?
16 A: No, I came here on purpose.
17 CS: We already had that conversation.
18 Q: Your shift is?
19 A: Swings, 1600 to 02.
20 Q: Now in plain clothes?
21 A: Last night I was, yes.
22 Q: On the 6th, correct?
23 A: Yes.
24 Q: And your partner?
25 A: Kerrigan.

1 Q: First name?
2 A: I, I've only met him a few times. I don't know his first name yet.
3 Q: Kerrigan?
4 A: Yeah, Kerrigan. I think it's Matthew but I don't know.
5 Q: Okay. And what was your call sign last night?
6 A: Three David 37.
7 Q: And.
8 CS: It's Robert.
9 Q: Robert Kerrigan?
10 A: Robert? I hope he doesn't listen to is.
11 Q: And your carrying your department firearm?
12 A: Yes.
13 Q: And Sig 226?
14 A: Yes.
15 Q: Any secondary firearm carried?
16 A: No.
17 Q: And what vehicle were you using last night?
18 A: We had a green Ford Taurus.
19 Q: Plain clothes, marked or unmarked?
20 A: Unmarked.
21 Q: And you're the driver or passenger?
22 A: Passenger.
23 Q: Alright. Alright Gared so, I'm gonna ask you just to relay the events of what happened
24 last night. Just, let's go back to say about the 10:00 in the evening, or even, even when you
25 started work. How about that. You came on shift, kinda what.

1 A: Um-hum.

2 Q: What kind of night it was, what kind of calls your hearing on the radio, and then building
3 up to the call you heard on Capp and 21st. Okay?

4 A: Okay. So um, they'd been wanting us to concentrate on 852 Abatement, 35 car.

5 Q: Uh-huh.

6 A: So, um generally what we were doing up until that incident was looking for people to
7 trail that we thought might break into a car, following them around. We got a call from
8 (Inaudible) about an off-duty Sheriff who was following a suspected package thief. We met up
9 with him. We followed the package thief for a while. He was definitely casing but he didn't find
10 any package. And then we lost him. So then we went back to our normal duty. We were at 16th
11 and South Van Ness when we heard this call come out. There was a guy on a bike who we were
12 gonna tail. He was there at the gas, behind the gas station. And we decided to go to the call
13 instead.

14 Q: And what was the call?

15 A: It was a code 33, someone with a gun ran into a car and they had the car at 20th and Capp.
16 While we were driving there, they updated it to 21st and Capp.

17 Q: Okay.

18 A: Said that they had the car stopped and they were pulling people out.

19 Q: Do you remember what time you heard the call?

20 A: I wasn't looking at my clock, but it was 10 something.

21 Q: Okay.

22 A: I, I haven't looked at the CAD either, so.

23 Q: No problem. Okay so then you respond to Capp and 21st when you hear that over the
24 radio?

25 A: Yes.

1 Q: Okay.

2 A: So there's several marked units already there when we get there so we park significantly
3 back. And while we walk up on foot -- while we're walking up on foot I hear something over the
4 radio about a guy in the trunk. That they have one person out and there was a second person in
5 the trunk. And then I got up to the scene and I could see everything at that point.

6 Q: Okay. And then what happened?

7 A: So I see the car. I see the guy in the trunk. He's holding the trunk open with one hand and
8 he's looking out at us. He has his other hand kind of his hip but back where you can't really see
9 his hand. He's just staring at us. Officers are giving him commands which he's ignoring. In
10 English, a few officers are yelling some few words that they know in Spanish. He's ignoring
11 that. Officer Banegas who's certified in Spanish runs up and gets on the PA. She starts giving
12 him orders in Spanish. He's ignoring. It happened several times where he takes that, his left hand
13 and he starts moving it behind him. And every time he does that, everyone starts yelling at him,
14 and then he stops. And then he waits a little bit and he starts doing it again and everyone starts
15 screaming at him again. And then he stops. I think it happened like three or four times.

16 Q: So this is when he's holding up the trunk of the car?

17 A: He's holding this trunk up with his hand.

18 Q: With his, with his right hand?

19 A: And then his left hand is here and keeps going like this. And then we all scream and he
20 stops.

21 Q: Is he horizontal?

22 A: Yeah, he's lying, he's lying on his right side.

23 Q: Okay. Okay, then what?

24 A: So it becomes clear he's not gonna obey commands so someone from the other side of
25 the car, the police car, yells, less, less lethal red light. We all echo that. Someone pops him with

1 the beanbag. It hits his hand that's holding up the trunk. He pulls his hand away and shakes it.
2 They're still giving him some more commands. It's maybe like three or four seconds, he keeps
3 staring at us and he's shaking his hand and then he, he pulls out with a gun and starts just letting
4 rounds off at us. Oh with nothing, I'm sorry, he screamed right before he pulled out the gun. He
5 screamed something at us. And I didn't understand what it was cause I think it was in Spanish or
6 either that I just wasn't hearing it. But his inflection and tone, it sounded like he was screaming,
7 fuck you. And then he pulled out his hand and started letting off rounds.

8 Q: About how many rounds did you see the guy in the trunk fire?

9 A: I saw the flash from his muzzle two or three times. I heard the, and then I started diving
10 behind a car. I heard the report from his gun. I want to say five to ten times however, the police
11 officers responsive fire mixed in with it so it's hard for me to say for sure. But it sounded like he
12 fired five to ten times.

13 Q: So you saw a flash two or three times but you heard.

14 A: I heard continuing after I turned and ducked behind a car. I heard more shots. And I heard
15 the bullets hitting all around me. One of them hit a car, the parked car right next to my head and I
16 heard them.

17 A: Continued fire ten times. Is that fair to say?

18 A: Well.

19 Q: You saw a muzzle flash two or three times.

20 A: Yes.

21 Q: And then you heard continuing fire.

22 A: Five to ten times.

23 Q: Five to ten times?

24 A: Yeah.

25 Q: And then you took cover?

1 A: Yeah, I had to jump behind a car. I heard all the bullets hitting around me and then I
2 heard the police response fire.

3 Q: Can you estimate how long you heard the return fire?

4 A: A sec and a half to two seconds of, of fire.

5 Q: And then what happened after you heard the return fire and you took cover? What
6 happened after that?

7 A: So the fire stopped. I popped up and looked um. The trunk had kind of closed and I could
8 see the suspect's legs sticking out but he wasn't moving. I, you know, kinda figured he was dead.
9 And then I see a woman's head pop out of the back window of the suspect car. She was like,
10 she's holding her hands up. And the back window shattered so I see her face through the
11 shattered back window. I yelled just, I think everyone else knew, but I yelled just in case
12 someone didn't see it that there's someone else in the car.

13 Q: Was she saying anything?

14 A: She was. I couldn't hear most of what she was saying. They were giving her commands,
15 first in Spanish and then in English cuz she was talking in English. They were trying to get her
16 out of the car and telling her to keep her hands up. Banegas was giving her the commands. She
17 was saying some stuff which I didn't hear but, she was saying something about how she can't
18 move. So eventually they'd said, well if you can't move just keep your hands up. And then so
19 she stayed there in the window with her hands up. And then uh, they got a couple shields and the
20 officers moved up with the shields.

21 Q: And then what?

22 A: And at first they went to the trunk. They pulled the guy out of the trunk put him on the
23 ground. They were dealing with him, CPR and, and handcuffs and stuff like that. The rest of
24 them went to the side of the car, pulled the woman out of the back of the car, and cleared the car.
25 As soon as I knew that the car was clear, I started walk, I walked past it and I started grabbing

1 some officers and telling people to look for bullet holes in houses and start checking if everyone
2 was safe.

3 Q: Was there a supervisor on scene?

4 A: Yes. I saw Sergeant Caldera. I think Sergeant Perez was also on scene. And I believe they
5 were both on scene before the OIC.

6 Q: Did you talk to either sergeant?

7 A: Not immediately, no.

8 Q: Okay. Let me just go back. When you arrived at 21st and Capp, where did you park?

9 A: We parked at the North East corner of the intersection.

10 Q: On 21st?

11 A: Yeah, right there.

12 Q: Okay.

13 A: We pulled up like on the corner, like actually on the sidewalk corner.

14 Q: Okay. And then again, I'm just gonna show you, it's not to scale, a diagram map of the
15 area.

16 A: Yeah.

17 Q: Just, forget the amount of patrol vehicles there are, this is just general synopsis of the
18 area.

19 A: Uh-hum.

20 Q: marked vehicles on the east sidewalk of Capp. This is the west sidewalk of Capp facing
21 south. North, this would be, see 21st. So, just roughly, when you arrived, just, if you can just
22 point your finger, just roughly where you came out.

23 A: Because we parked around about here.

24 Q: On the intersection?

25 A: Yeah.

1 Q: Okay.

2 A: And then we started walking.

3 Q: Yep.

4 A: Kerrigan walked this way somewhere and I walked to right behind this parked car.

5 Q: Okay. And this would be, I'm just gonna say for the purpose of the interview, this is the
6 lead patrol vehicle.

7 A: Right.

8 Q: And after, I think it was called 067, right?

9 A: Right. And I just, just to be clear, I don't remember a car being right here. I had, there
10 was this car, yeah.

11 Q: That's fine. That's fine.

12 A: Right.

13 Q: And then, but you were behind one of these parked vehicles?

14 A: Yep.

15 Q: Taking cover and you clearly see the vehicle?

16 A: Yep.

17 Q: Showing an unobstructed view?

18 A: Yes, sir.

19 Q: Okay.

20 CS: Gary why don't you have -- so you only recall there being one close primary police car?

21 A: I recall there, the primary vehicle being about here. The suspect vehicle being about here.
22 And I was about here.

23 CS: (Inaudible)

24 A: And these cars were like back here somewhere.

25

1 Q: (inaudible) this morning, last night. It was our interview between two but that's fine. I'll,
2 like I said, this is just more of, this is the main vehicle so if you can just put an X and just initial
3 roughly where you were. This is approximate. And just put your initials next to it. Thank you.

4 Okay. And then I had one last question. At any time since last night have you viewed any media
5 video of the incident?

6 A: Yes.

7 Q: Okay, and what was that?

8 A: I saw a report on a website about the incident and they gave a short video. Someone's cell
9 phone view from like way over, someone's cell phone view from like way over here on the third
10 floor looking towards the whole thing.

11 Q: You don't remember which channel?

12 A: No, it was a, just a website. I don't remember.

13 Q: Okay.

14 CS: Did you see a, was it just, just the one video you saw?

15 A: That actually showed the shooting, yes. I saw some other interviews and stuff though.

16 CS: The, yeah, so the video of the shooting, did you see the, there's the one that's got a close
17 up of the trunk and there's one that's kind of giving of the whole block as of it's down in the area
18 you, you indicated as being-

19 A: I saw the one of the whole block.

20 CS: Okay.

21 A: Earlier today I saw a piece of the video you're talking about where you can see the trunk.
22 Just like an hour ago.

23 CS: Okay.

24 Q: So there's two videos?

25 A: Yes. Yes.

1 Q: Okay.

2 A: I didn't watch the whole second video. I looked over someone's shoulder and let go,
3 yeah.

4 Q: Okay.

5 YS: Can we reference your, your, the rough diagram. You're taking cover here, you said, you
6 could hear rounds impacting around you.

7 A: Yeah.

8 YS: Do you, can you point out like, this is a, there's a police car, this is the, the private cars,
9 the wall.

10 A: Yeah. So, one of the rounds hit the parked car right about where my head level was.
11 Because, I was, I was standing here and then as they went off, I, I jumped over here behind a car.
12 So one of the rounds directly hit the parked car right next to me. And then, so I'm, I'm saying
13 that I think the lead vehicle was right around here.

14 YS: Okay.

15 A: And I, I heard some rounds hitting the lead vehicle. I hear a glass shatter somewhere near
16 me. I couldn't tell you what direction it was coming from, but I heard glass shattering.

17 YS: Okay.

18 A: So yeah.

19 YS: This car, what, do you remember if it was a sedan, a SUV, a wagon?

20 A: I want to say it was a station wagon looking greenish car.

21 YS: Okay.

22 A: But I'm not, not super sure about it.

23 YS: And then do you recall, you said it, the bullets struck around them. I mean, did, did at
24 some point you look at that car and see any of the bullet impacts?

25

1 A: Yes. I, I heard a thump and then later I went back, and I looked and I saw a bullet impact
2 in it.

3 YS: And is it, a quarter panel, mid-door, driver's door?

4 A: So, it's -- it was like where that bar comes up between the front window and the back
5 window.

6 YS: The B pillar?

7 A: Yeah there's a, there's a pillar. I think it was right in where that pillar was.

8 YS: Did you see any other or, or, or, were you able to identify any other impacts of bullets
9 coming in your direction on any of those cars? Or is it just, was it the one round or just?

10 A: The, I only looked at that one and then I was busy with other stuff, so I wasn't looking
11 around. I, I'm sure I would have seen other bullet impacts cause I know they were there.

12 YS: Okay.

13 A: But I didn't see them.

14 YS: So you heard multiples come around you.

15 A: Yeah.

16 YS: Multiple rounds fired. You heard what sounded like bullet impacts.

17 A: Right.

18 YS: Coming in your direction?

19 A: Yep.

20 YS: And then you dove for cover.

21 A: Yep.

22 YS: Now, I'm just asking a clarifying question. I'm, I'm not making a judgement question.

23 A: Oh no worries.

24 YS: It, is the reason or why didn't you return fire?

25 A: Right. So, I was here.

1 Q: Uh-hum.

2 A: And there was maybe three or four officers that were in front of me between me in the
3 car. They weren't directly in my line of fire but I knew if I fired that they could be diving for
4 cover in front of me and then catch that bullet.

5 YS: They're down range.

6 A: Yeah. So I did not want to risk my co-worker's by firing. And then so I chose to take
7 cover instead of returning fire.

8 CS: Can I just.

9 YS: Yes.

10 CS: Are you guys done? I'm just taking a screen shot cause this picture I think will be helpful.

11 A: Uh-hum.

12 CS: Because it shows, I think, the area where Officer Hansen was. But I gotta figure out how
13 to, I'm gonna save it so we can all have it.

14 YS: Yeah, that's great.

15 CS: Save it on my phone here. Sleep deprived, sorry. I'm just gonna put it in the somewhere.
16 Okay. So, actually, Gary I'm gonna send it to you. Okay, so it.

17 Q: Yeah, I'll print it out.

18 CS: Okay, so you have that photo now. So you see in that, in that, Gary will be able to print
19 this out for us, but you see in that photo there's appears to be the suspect vehicle.

20 A: Yeah, I can surely identify so.

21 CS: You can manipulate it too. I think you can make it bigger. There you go.

22 A: Yeah. There's the suspect vehicle.

23 Q: Uh-hum.

24 A: This is the car that I was behind, right here.

25 Q: The silver sedan.

1 CS: Looks like a Subaru, Outback or?
2 A: Yeah. It, it looks silver in this picture but I think it might be blueish.
3 Q: Okay.
4 A: Like a light blueish.
5 Q: Alright.
6 A: And then that's the lead patrol car.
7 Q: Okay, very good.
8 CS: And you were taking cover behind that car?
9 A: I dived behind this car when the shots started coming. I was right next to it.
10 CS: Right, and then there were officers not directly between you and the suspect vehicle but.
11 A: I'm kind of in the.
12 CS: Down range as, as uh.
13 A: Yep.
14 CS: The DA investigator just mentioned.
15 A: Yeah.
16 Q: Okay.
17 CS: Okay. I don't have any other questions.
18 YS: You said, (inaudible) I think you said, the suspect when he said something.
19 A: Uh-hum.
20 YS: Was it more of a, was it a feeling that he said, fuck you, or did you hear a, fuck you, or is
21 that just?
22 A: The words didn't sound like, fuck you.
23 YS: Okay.
24 A: But his inflection and tone sounded like he was saying the equivalent of, fuck you, in
25 Spanish or something like that.

1 YS: Okay.

2 CS: Wasn't a friendly tone?

3 A: No.

4 YS: Okay. Do you speak Spanish?

5 A: No. A, a couple words. Whatever words he said, I didn't understand.

6 YS: Okay, oh I was gonna ask you, you said the, the officer that was doing Spanish
7 translation was this, was it Banegas or Venegas?

8 A: Banegas with a B.

9 Q: Banegas. So you know who that is?

10 CS: Yeah, she's here.

11 YS: Okay.

12 CS B-A-N-E-G-A-S.

13 YS: Okay.

14 CS: First name is Melin.

15 Q: Six foot two.

16 A: She's tall.

17 YS: Do you know which officer took the driver in custody or was he already in custody by the
18 time you got there?

19 A: He was already in custody.

20 CS: Yeah he was, did you, you notice that there was somebody in custody in one of those
21 radio cars?

22 A: Yeah, there the guy was screaming. He wanted, was like, what the hell's going on, what
23 the hell's going on, from the back of the radio car.

24 YS: Okay. Do you know which radio car he was in?

25 A: Um, he wasn't in the lead.

1 YS: Uh-hum.

2 A: But I don't know which one he was in, one that was, that was back, back a ways.

3 YS: Okay.

4 A: Think maybe like here, or here.

5 Q: I'm good. Okay. 17:38.

6 YS: Oh can we, can we go back one question. I'm sorry.

7 Q: Yeah.

8 CS: 17:39.

9 YS: I'm sorry guys. So, you said – do you remember who the beanbag, the officer who fired
10 the beanbag?

11 A: I didn't see the officers firing the beanbag so at the time I didn't know who it was. He, he
12 was in the room with us. I don't know.

13 Q: But you did see it strike the hand?

14 A: I did see it strike the hand, yes.

15 YS: And that was my follow up

16 A: Uh-hum.

17 YS: And do you remember which hand he was using on the, on the door?

18 A: His right.

19 YS: His right? And then the gun hand, it was the left hand cause that's, that's what you seem
20 to be motioning?

21 A: Uh-hum. Yep.

22 YS: And then, did you hear or see -- observe any response from the suspect when is he gets,
23 the beanbag gets him in the, in the arm, in the right arm?

24 A: Yeah, he pulled his hand away and started shaking it.

25

1 YS: Okay, and then what's the timeframe from when that happened to when the door comes
2 up, he starts shooting?

3 A: Three or four seconds.

4 YS: Okay.

5 Q: 17:39.

6 END OF INTERVIEW

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 19, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF: OFFICER KAJASA**
9

10 **INTERVIEWED BY: SERGEANT CAGNEY**
11

12 **DATED: MARCH 8, 2018 TIME: 2030 HOURS**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT CAGNEY**
2 **A: OFFICER KAJASA**
3 **YS: YORK SUDA, DA'S OFFICE**
4 **DN: DON NOBLES, POA ATTORNEY**

5
6 Q: How do you spell your last name? I can see it.

7 YS: Let me get that spelling as well.

8 Q: Better question is how do you pronounce your last name?

9 A: Kajasa.

10 Q: Kajasa? Sonia, S-O-N-?

11 A: S-A-N-J-A.

12 YS: And then?

13 A: K-A-J-A-S-A.

14 Q: Kajasa?

15 A: Kajasa. The J is like a Y. Yeah.

16 Q: Kajasa.

17 YS: You're going to get culturally educated.

18 Q: Well it's just I'm not that bright so I'll butcher it. So Officer Kajasa, this is how we like
19 to do things. We're probably just going to get some biographical information from you. We'll go
20 around and introduce ourselves.

21 A: Okay.

22 Q: And then you'll get an opportunity – we'd like you to actually just kind of get a narrative
23 of what you did. You know what you saw, what you thought. And then we'll probably back it up
24 with more specific questions. Does that make sense?

25 A: Yes.

1 Q: Okay. This is case number [REDACTED]. Date is 3/8 of '18. The time is going to be make
2 it 2030 hours here at the homicide detail. Cagney star 341 homicide detail.

3 YS: Inspector York Suda of the District Attorney's office.

4 DN: Don Nobles POA attorney.

5 Q: And Officer Kajasa, can you give me your star number please?

6 A: 2058.

7 Q: 58. And can you give your date of birth?

8 A: [REDACTED].

9 Q: And when did you come into the police department?

10 A: Date of entry or?

11 Q: Yes.

12 A: [REDACTED].

13 Q: And Company D?

14 A: Initially Company C, A and then D. Currently Company D.

15 Q: Company D.

16 A: Yeah.

17 Q: Got you. And how long you been at Mission?

18 A: About 1 year approximately.

19 Q: 1 year? And what was your watch on yesterday when the incident occurred?

20 A: 2100-07.

21 Q: So midnights?

22 A: Yes.

23 Q: And class B?

24 A: Yes.

25 Q: And were you working with someone last night?

1 A: Yes.

2 Q: Who were you working with?

3 A: Officer Champlin.

4 Q: Like it sounds? Champlin?

5 A: Yes.

6 Q: And do you know his star by chance?

7 A: I do not.

8 Q: Fair enough. How about your call sign last night?

9 A: We were the 3 David 11 Edward.

10 Q: And you're Sig Sauer 226? Your gun?

11 A: Yes.

12 Q: Any other weapon?

13 A: No.

14 Q: Did you, and use another weapon? Extended range impact or AR or anything?

15 A: No.

16 Q: No. And were you driving a marked police vehicle?

17 A: Yes.

18 Q: Do you remember the number?

19 A: 199.

20 Q: 199. Were you driving or passenger?

21 A: Driving.

22 Q: Driving. And again Officer Kajasa, just walk us through what you know, what you saw

23 and hopefully we'll – this won't, won't be too painful for you.

24 A: Okay. Officer Champlin and I were, I believe somewhere in the one car since we were

25 the once car. And then I heard dispatch on A4 saying 13 Edward what's your 20? Code 33. I

1 didn't hear if it was a Bayview unit or a Mission unit at the time. So I hit F5 and at that time
2 which recalls where each unit in the Mission is. And then I noticed that David 13 Edward was on
3 Capp Street. And then it came out over the air, he said that they were at -- behind the -- they
4 were at 21st and Capp. He said code 33 safe avenue of approach was southbound Capp. He
5 described a black Honda, paper plates at the time that I remember what he put out. And I headed
6 in that direction. Once I got there, there were several units already on scene. I parked facing-

7 Q: Anything here?

8 A: Um-

9 Q: If you know. If this doesn't look right to you, don't worry if it's going to be the suspect
10 car.

11 A: So I parked exactly at 21st and Capp on the northwest corner.

12 Q: So you wouldn't be depicted here?

13 A: No, so I'm further down here.

14 Q: Okay. Got you.

15 A: So I parked. We walked out of the car. There were several passerby people on the
16 sidewalk. We were trying to get them out of the area. So I ended up um approaching a parked
17 vehicle on the, I want to say on the west, on the west sidewalk. It was this vehicle here and I
18 positioned myself the rear up right corner here.

19 Q: Okay.

20 A: There was another officer in front of me at the time. I believe, I sensed that there were
21 other officers behind me. I had pulled out my gun out. I saw other people with their guns out.
22 Other officers with their guns out. I had it tucked in. I was in a point, at the time I wasn't
23 pointing it at anyone. And I just, I heard officers giving commands.

24 Q: Okay.

25 A: In English. And I had a partial view of the vehicle of the rear portion of the vehicle.

1 Q: Okay.

2 A: Which was a Honda. Black Honda. I remember seeing that the trunk was slightly open.

3 Q: Okay.

4 A: And that there was a person in it. While the officers were giving commands, I saw a male
5 facing the officers. Facing us, so facing northbound.

6 Q: Okay.

7 A: From inside the trunk. I saw one of his hands out. I wasn't sure which hand was it, but
8 only one. And they were giving him commands for him to place both of his hands outside of the
9 trunk. At that time I was trying to get a better view because there was a vehicle in front of me
10 and another officer. I heard red light at some point which means the less lethal is going to be
11 deployed. So and then I heard a sound and then when I looked over to my left, I saw, I saw an
12 officer with the ERIW. I remained at the same corner, the rear right corner of the vehicle.

13 Q: Where you circled?

14 A: Yes.

15 Q: Okay.

16 A: And I had the same view as I did before. I didn't really see anything else. I didn't see
17 anything like if the person in the trunk got hit or anything like that. And shortly after, I just heard
18 gunfire. I took cover, better cover behind the car. Officers were deploying their firearms. I still
19 had mine tucked in as I was behind cover. Once the fire ceased, I went to the rear left corner of
20 the vehicle where there were officers taking cover there to get a better view of the suspect
21 vehicle. And at that point everyone stopped shooting. Someone said something to terms of does
22 anyone have a ballistic vest. And so we had like a ballistic vest in the vehicle 199. And then I ran
23 back to my car with Sergeant Perez. Handed him – sorry.

24 Q: It's been a long day for everyone.

25 A: My brain.

1 Q: Yeah, don't worry.

2 A: So we, my, Officer Champlin my partner was there as well. We took two ballistic vests
3 out of the vehicle and we-

4 YS: Do you mean ballistic shields?

5 A: Well no both. The vest and the ballistic shield.

6 YS: Okay.

7 Q: The vest are the heavy dutier type?

8 A: Yes so

9 YS: Like a TAC vest?

10 A: It's like usually they go around the vehicle. So Office Champlin and I ran, well Officer
11 Champlin actually I opened the trunk, he grabbed them. And Sergeant Perez I believe, I believe
12 grabbed – he was there, I believe he was the one who grabbed the shield. But we grabbed the
13 vest and ran to wear our car was. At that point officers were approaching the suspect vehicle
14 saying there was someone else in the vehicle. I, as they were approaching from, I want to say
15 between the police vehicle and the parked vehicle, I went around on the sidewalk and
16 approached from the – I guess the east sidewalk.

17 Q: Want you go ahead and just draw that?

18 A: Yeah. So I approached from this side.

19 Q: West sidewalk and then kind of toward the passenger side of the suspect car?

20 A: Yeah, I'm sorry. West sidewalk. Yeah and approached the vehicle there while officers
21 went to the other side. At the time I approached, they had already taken the, there was a female.
22 They were already making contact with her. Another officer was in the car getting like a dog out.
23 And that's pretty much -- after that it was just making sure that everyone else on the block was
24 okay and as far as damage to the vehicles.

25

1 Q: I got you. When you, so you kind of described the radio traffic so you knew there was a
2 gun involved in this case, right? I mean that was the radio traffic? Was it a robbery or a gun or
3 both? If you remember.

4 A: At the time I just remember, initially when it came out it was code 33. Black Honda
5 Civic, black Honda, paper plates. I just remember that at the time.

6 Q: Okay. Fair enough. So when you got there with your partner, it looks like if I heard you
7 correctly, there's already a lot of officers who were already on scene?

8 A: Yes.

9 Q: Is that fair to say? So you ran up on the west sidewalk to cover. Where was your partner,
10 do you know?

11 A: I don't know exactly, but I did see him at one point behind me.

12 Q: Okay. So you guys were close together?

13 A: Yeah.

14 Q: And you said you had a partial view of the trunk?

15 A: Yes.

16 Q: Is that correct?

17 A: Yes.

18 Q: And you could see somebody in the trunk?

19 A: Yes.

20 Q: And one hand out of the trunk?

21 A: Yes.

22 Q: Right? Could, did you ever see that person with a gun or anything like that or?

23 A: No.

24 Q: Was there any discussion that you heard about a gun or this person being armed in the
25 trunk? Or anything along those lines?

1 A: Okay so at the time when I did arrive on scene, I did hear, I'm not sure who it was.

2 Q: Sure.

3 A: An officer saying the people that flagged them down that they got robbed or something

4 with a gun. I'm not sure who said it.

5 Q: Right.

6 A: But my initial [Tape Cuts]

7 Q: Could you see anything specifically about what the guy in the trunk is doing? Is he trying

8 to get out of the trunk? Is he trying to get into the trunk? Is he waving his arms and legs, legs,

9 arms, anything? I mean what is he doing?

10 A: What I saw was he had one arm out. He kept the trunk open just slightly where his head, I

11 saw his head and the hand. And then he kept looking like – I saw him looking back and forth. To

12 inside of the trunk or in the interior of the trunk. I didn't see the other hand and I didn't see what

13 he was doing, but he was kind of fidgety and looking back and forth.

14 Q: Right. And you said that people were giving commands, could you hear a lot of

15 commands being shouted at him or?

16 A: Yes.

17 Q: Right. Did it look like he was trying to make any effort to comply with any of those

18 commands?

19 A: No. So initially we were giving commands in English.

20 Q: Right.

21 A: And I did hear, I heard Spanish and I believed it was coming from the trunk. I got on the

22 radio at one point saying hey can we get a Spanish speaking officer to assist. And then shortly

23 after, I want to say at least 5 to 10 seconds after, I looked back and I saw Officer Banegas and I

24 know she's a certified Spanish speaking officer. She was running up to the police vehicle that

25 was located right here.

1 Q: Okay.

2 A: Oh I'm sorry, right here.

3 Q: Right.

4 A: And she got on the PA system and she gave verbal commands in Spanish to the suspect.

5 Q: Well you said something kind of interesting, you said you heard the trunk person or

6 someone from the car speaking Spanish?

7 A: Yes.

8 Q: Who, who, could you tell where it was coming from?

9 A: You know at the time I only saw the person in the trunk.

10 Q: Okay.

11 A: I wasn't sure if there was, there were more people in the interior of the vehicle. So I

12 believe that it was the person in the trunk.

13 Q: Was he shouting or talking or?

14 A: Yeah, it's - I remember like loud.

15 Q: He was yelling?

16 A: Yeah. Like yelling.

17 Q: Yelling. Was he yelling at the cops or just yelling in general or could you tell?

18 A: I mean he was, it was kind of like he was responding to the commands.

19 Q: I see.

20 A: That the officers were giving him.

21 Q: So there was an exchange going on?

22 A: Yes.

23 Q: I see. I see. But he wasn't complying?

24 A: No. He was-

25 Q: With whatever they're saying?

1 A: No.

2 Q: And you said you became aware of a female at some point and a dog.

3 A: Yes.

4 Q: Did you know that there was a driver and another person being taken out of the car or
5 anything like that? That there was someone being arrested on the other side of the vehicle? Did
6 you see that or were you aware of it?

7 A: Not at that time. No.

8 Q: Not at that time. And then, and again correct me if I'm wrong cuz we've been doing this
9 for a few hours tonight so I'm a little shaky, but I think you said something about how you,
10 someone indicated red light? That they were going to deploy and extended range impact weapon,
11 correct?

12 A: Correct.

13 Q: Right and did you hear it deployed?

14 A: Yes.

15 Q: Did you see it strike anyone?

16 A: I heard it deploy. I did not see it strike anyone.

17 Q: Do you know who that person was shooting at or deploying it at?

18 A: Yes. I saw an officer. I can't really recall who the officer was, I just remember seeing a
19 uniform.

20 Q: Right.

21 A: And the ERIW. And it was being, he was deploying at the person in the trunk.

22 Q: But you didn't see it strike?

23 A: No.

24 Q: Or whether it hit anyone or what the reaction of anybody in the trunk was?

25

1 A: No. I just -- I saw him with it, pointing at the -- I saw the officer pointing the ERIW at the
2 vehicle.

3 Q: Right.

4 A: And I assumed he was deploying it at the person in the trunk. There was no one else
5 there.

6 Q: And you heard it fire?

7 A: Yes.

8 Q: Right and after it fired, if you remember and aging times are difficult to, particularly
9 when people are running around doing stressful things. I mean can you kind of, how long did the
10 gun fire ensue? You know begin after the extended range was deployed? Was there a pause or
11 was it, did it-

12 A: Yes there was a pause. Yes.

13 Q: There was a pause. Okay so they gave him a chance. It sounds like it wasn't you know-

14 A: Yes. It wasn't immediately after.

15 Q: Okay. I got you. Did you become aware that anyone had fired a gun at that point? I mean
16 did you see a flash from this trunk? Or see this person shoot a gun? Or see the officers shoot at
17 someone in the trunk?

18 A: Yes. So I, I saw officers shooting and I heard the gunfire was near me and around me.

19 Q: Right.

20 A: So and I believe it was the officers.

21 Q: Right.

22 A: I didn't see -- at that point I didn't see the person shooting from the trunk.

23 Q: Okay well that was my question. I didn't phrase it very well, so I appreciate you
24 explaining it to me. So you never saw this individual with a gun, and you didn't see them shoot,
25 but you saw the officers firing in response to something.

1 A: Yes.

2 Q: Or at least shooting is fair to say. Did you ever see a gun that night? At the scene?

3 A: No.

4 Q: No. Okay. Um do you remember anything that person in the trunk said other than the
5 Spanish that we talked about you know the exchange there?

6 A: Um I-

7 Q: You know anything clearly?

8 A: I just heard him shouting in Spanish and I don't speak Spanish so I'm not sure what he
9 was saying.

10 Q: Right. I got you. I don't have anything else.

11 YS: So by the time you and your partner arrived and got out of the car and got up there, the
12 driver was out of the picture? So you don't know that there was a driver? You weren't present
13 for that?

14 A: No.

15 YS: But you do see the guy in the car. He's fidgeting about. He's yelling in Spanish. You see
16 or you hear and know that EIRW the beanbag was deployed. There's a pause. Then the shooting.
17 You don't see the shooter. You don't see the suspect with a gun, or you don't see him shoot?

18 A: No.

19 YS: Correct. And then you see the female, after the shooting you see the female. You guys get
20 the shields. You clear the car. Female's in custody. Is that correct?

21 A: Yes.

22 YS: I'm sorry I'm getting a little tired too.

23 Q: Yeah. Counsel?

24 DN: Nothing.

25

1 Q: No? Well we appreciate your patience. I know this is kind of a long day so clearly you
2 know it's not the best situation. Somebody losing their life you know. Sounds like everybody did
3 what they could. Sometimes these things work out the way they do.

4 A: Thank you very much. Appreciate it.

5 Q: We appreciate your help. Thank you very much.

6 A: Thank you for your time.

7 END OF INTERVIEW

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 15, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August
14 2019.

15 /s/ Kathy Kay
16 KATHY KAY
17 By Electronic Mail

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF:** **OFFICER KERRIGAN**
9

10 **INTERVIEWED BY:** **SERGEANT CAGNEY**
11

12 **DATED:** **MARCH 8, 2018 TIME: 1710 HOURS**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT CAGNEY**

2 **A: OFFICER KERRIGAN**

3 **DL: DAN LUNDBERG, DA'S OFFICE**

4 **DN: DON NOBLES POA ATTORNEY**

5
6
7 Q: So, Officer Kerrigan, this is how I like to do them. Can somebody get the door? I like to
8 have basically what we're gonna do is, you know, get everything on the record. I'll get some
9 biographical information from you. And then I'll have you tell your story kind of in a, kinda of a
10 narrative fashion.

11 A: Uh-hum.

12 Q: And then we'll probably have some more specific questions. Does that make sense?

13 A: Uh-hum.

14 Q: And it's a pretty straight forward process. And if you have any questions about anything
15 just, just let us know. Okay?

16 A: Okay.

17 Q: Alright so, John Cagney, star 341 from the Homicide Detail, [REDACTED]. It's, well
18 today is 3/8 of '18, and the time is gonna be 17:10 hours and the incident we're investigating is
19 from 3-7 of 18. And Officer Kerrigan, what's your first name?

20 A: Robert.

21 Q: Robert, and officer, what's your star number?

22 A: 28.

23 Q: 28? And your date of birth?

24 A: [REDACTED] [REDACTED] [REDACTED].

25 Q: And when did you come to the department if you remember?

1 A: [REDACTED] [REDACTED] [REDACTED].
2 Q: [REDACTED] And your assignment, station?
3 A: Swings.
4 Q: What station?
5 A: Mission, Mission Company.
6 Q: Company D?
7 A: Uh-hum.
8 Q: And, what was your actual assignment? You working plain clothes I understand?
9 A: Plain clothes.
10 Q: Right?
11 A: Uh-hum.
12 Q: And how long you been at Mission?
13 A: Since last June, so, around what would that be, eight months?
14 Q: June of '17?
15 A: Yeah.
16 Q: And you were working swings?
17 A: Swings.
18 Q: 16 to 02?
19 A: 16 to 02.
20 Q: And, silly question you already told me plain clothes but-
21 A: Okay.
22 Q: Just plain clothes, nothing, nothing special?
23 A: Plain clothes, yeah, yeah.
24 Q: And did you, working with someone last night?
25 A: I was, Jared Hansen. And that's S-E-N.

1 Q: You're good. What's his first name?
2 A: Jared.
3 Q: Jared, you told me that.
4 A: As far as the spelling?
5 Q: We'll figure it out.
6 A: Yeah.
7 Q: What's -- what was your call sign?
8 A: We were three David 37.
9 Q: And you had your department issued firearm?
10 A: I did.
11 Q: 226?
12 A: Yep.
13 Q: You carry a second gun?
14 A: No.
15 Q: And what were you driving last night?
16 A: We were driving a green colored Ford Taurus.
17 Q: Taurus?
18 A: Yep.
19 Q: And these are kinda silly questions, who was driving the car?
20 A: I was.
21 Q: Gotcha. So again, John Cagney, Sergeant SFPD Homicide. We'll go around the room and
22 make introductions.
23 DL: Thank you. Dan Lundberg with the D-A's Office and inspector, badge uh, or star 114.
24 DN: Don Nobles POA, attorney.
25

1 Q: And Officer Kerrigan, you already know why you're here. So obviously there was an
2 officer involved shooting last night.

3 A: Yes, uh-huh.

4 Q: Obviously this is a volunteer interview. We understand you are a witness officer. You
5 didn't fire. We don't know that for a fact but that's what we've been told. Uh, and you do not
6 have a body worn camera that we're aware of, correct?

7 A: Correct.

8 Q: Alright, so again, just kind of, just take us through the narrative fashion of you know,
9 how, what you think, you know, what you saw, what you know. And then again, we'll probably
10 have more specific questions.

11 A: Yeah. On that date, I was employed as a police officer of the City and County of San
12 Francisco.

13 Q: Sure.

14 A: I was assigned to Mission Station as plain clothes officer, three David 37 with Jared
15 Hansen. Driving in a, just a, basically a vehicle that's not equipped with lights and sirens. Our
16 objective that day was just to look for 852 suspects or basically plain clothes operations within
17 the Mission District. As we were on South Van Ness, I think, believe around 17th Street, 16th, in
18 that area, we, I heard a call come out over the air from another unit saying that they had -- they --
19 contacting a suspicious vehicle occupied with a subjects in it. And there, there was mention over
20 the air about a gun. So we drove on over to that location. I parked my car at 20th and Capp. We
21 walked, I walked to where we saw numerous patrol vehicles with lights on. And just as we get
22 there, I heard over the air that a felony stop on a particular vehicle that was parked on 20th Street.
23 Just south, sorry, parked on Capp Street just south of 20th. As I arrived, I noticed, there was a
24 black colored vehicle uh that was positioned facing Southbound on Capp Street, kind of closer
25 towards the west side of the curb line. And there was multiple vehicles, patrol vehicles, parked

1 right behind it with multiple officers with their guns drawn at the vehicle. When I was looking
2 closer at the car, I noticed that the rear trunk was, was, was partially opened and there was a
3 person in the rear trunk of the vehicle. At that time, I positioned myself of cover. Being a plain
4 clothes officer, we're trained not to be at the front line just due to safety reasons, in case
5 someone identifies us as a threat. So I position myself uh, a place of cover on the west side
6 sidewalk. I'm sorry, the east side sidewalk of Capp Street, next to an officer and, who, who was
7 right in front of me to the left. And then I remembered there was a patrol car to my right with a
8 person in the back seat of the patrol car. At that time, I remember that Officer Banegas was on
9 the intercom speaking Spanish and I believe what she was doing was trying to get compliance of
10 the subject that was in the trunk of the car. At that time, there was some people down at the end
11 of the block that basically could have been in line of fire. I remember an officer running down
12 there telling them to get out. And the car that I was standing right next to, there was a person in
13 the driver's seat of that vehicle. I told Sergeant Perez, hey there's a person in this car. I believe
14 he's not involved in this thing whatsoever. We just need to get him out of here just to safety. So,
15 got him out of the car, went to safety. I positioned myself behind a patrol car and that's when I
16 hear shots ring out. And I look towards the officer in the vehicle and I saw officers shooting
17 southbound towards the black vehicle that was, that I initially saw where the, the person was in
18 back of the car.

19 Q: Okay fair enough. So, just a couple things, it's not, it's not gonna
20 be complicated on my end.

21 A: Uh-hum.

22 Q: And you've already said this so, this will be a little bit kind of repetitious but-

23 A: Okay.

24 Q: When you and your partner are monitoring the radio traffic, so you specifically heard it
25 was a gun call, that there was a gun involved?

1 A: Yes.

2 Q: And in what sense? Was it a, was it a, some type of brandishing, was it a robbery, was it
3 a, was it a vehicle pursuit or anything?

4 A: That I don't recall.

5 Q: Just at, that it was a gun involved?

6 A: A, yeah.

7 Q: Alright, so when you responded there was already numerous patrol officers already on
8 scene, is that correct?

9 A: Yes.

10 Q: Right, and about how close did you get to the black car if you were gonna estimate by car
11 lengths? Three cars, five cars, six cars, further, even further back than that? I guess my question
12 is, how close did you get? Yeah, how close did you get?

13 A: I'm, I'm trying to, yeah, I'm trying to put in back in back in my memory. So, black was
14 here and there was multiple patrol cars here. And I was over here. I'd say one, one to three cars.

15 Q: One to three cars?

16 A: Yes.

17 Q: And you just had your, your pistol?

18 A: Had my pistol.

19 Q: I gotcha. And you could see someone, again just kind of, you know.

20 A: Uh-hum.

21 Q: repeating what you said, you could see somebody in the trunk?

22 A: Yes.

23 Q: Did you see a face or anything?

24 A: No.

25 Q: I mean what, what could you see, a hand, what kind of part, a body part?

1 A: It, it, so what I saw, was that it appeared to be a person.

2 Q: Okay.

3 A: Just due to the size of a body, of a person. I could not see a face.

4 Q: Right.

5 A: Whether it was a man, a woman, or anything like that. I just remember something about

6 dark clothing. But I, it was, it was dark out so.

7 Q: Could you see anything in this person's hands? Was there any discussion that you heard

8 specifically you, about somebody had seen a gun or knew about this person in the trunk having a

9 gun or anything like that?

10 A: No. No.

11 Q: Okay. Did that person, could you hear that person speaking or talking at all?

12 A: I don't recall that.

13 Q: Right. Right. Would, did you hear any of the officers speaking in the general area about

14 maybe the guy had a gun or they saw a gun or knew of a gun that you heard?

15 A: I don't recall that.

16 Q: No?

17 A: No.

18 Q: And nothing on the radio or anything like that?

19 A: I just remember going to the call.

20 Q: Right.

21 A: After someone had said mentioned about a gun.

22 Q: Right.

23 A: With this, with this vehicle that is stopped.

24 Q: Okay, I got you. So at some point, it sounds like you were trying to get a civilian, a driver

25 of a vehicle, out of the area?

1 A: Yes, to safety.

2 Q: So did you move from your three car lengths away from the black car to, to facilitate that
3 or you did it right where you were?

4 A: Right where I was.

5 Q: Right. And you got that person out of there, at least directed them out?

6 A: Yes.

7 Q: Were your attention diverted to this person then so could you tell us what the sequence of
8 events was in terms of the commands someone was giving commands in Spanish? Could you see
9 if this guy was complying or not complying or anything like that?

10 A: Well it, the person, so Banegas.

11 Q: Right.

12 A: She was talking on the intercom for a very long time.

13 Q: Right.

14 A: And it sounded, the words that I were, were hearing, it was repeated commands. It is, I, I
15 couldn't tell you exactly what she was saying.

16 Q: Sure.

17 A: I don't speak Spanish.

18 Q: Sure.

19 A: But it was long period of time and there was no compliance.

20 Q: Right. And did you see that or that's what was your perception?

21 A: It, no, I saw that. I saw that.

22 Q: So that individual, as far as you could tell, was not complying?

23 A: Yes. Correct.

24 Q: But you still hadn't seen a gun or anything like that?

25 A: Did not see the gun.

1 Q: Nor was there any discussion that you could overhear, about a gun? So we'll take you up
2 to, to the gunfire, right. I guess.

3 A: Okay.

4 Q: You know, kind of relay if you can step by step. I mean did you hear just a huge series of
5 shots and one continuous swing or did you hear one shot, and then.

6 A: Uh-huh.

7 Q: You know, tell, kind of, I don't want to put words in your mouth, yeah.

8 A: That, no, that's, I understand. So when I, when I heard numerous shots ring out, I looked
9 and I saw several officers muzzle's flashing.

10 Q: Okay.

11 A: So it was multiple uh, gun shots that I heard.

12 Q: Right. So its fair to say, you essentially saw the officers firing but you never saw anyone
13 from the trunk shooting or you weren't aware of any gunfire from the person from the trunk or
14 anywhere else?

15 A: At that time, no.

16 Q: No, okay. So, and you're still three car lengths away?

17 A: Yes.

18 Q: And, just for the record, you did not engage specifically yourself?

19 A: I did not.

20 Q: Right, and was there any particular reason why you didn't engage?

21 A: The reason being is because there were so many officers, officers in front of me.

22 Q: Right.

23 A: That it, I just did not have a-

24 Q: Didn't seem to be any need?
25

1 A: The, the, I think the main reason is there was no point for me to shoot. The, there was
2 numerous officers in front of me. They, what I assume that they saw a threat, I did not see that
3 threat.

4 Q: Is it, is it fair to say you were surprise by, by the gunfire?

5 A: Yes.

6 Q: Okay. Do you know where your partner was when all this was going on?

7 A: He was on the west side of the street. So, so I'm here on the east side.

8 Q: Right.

9 A: He was on the west side.

10 Q: Alright, I got you. So you were on the actually the far side of where the black car was
11 parked?

12 A: Correct.

13 Q: Alright, and your partner, did you have a line of sight with him or you just?

14 A: Yes, I did, yeah.

15 Q: Okay.

16 A: Kinda, what they call it, like triangulation.

17 Q: Right.

18 A: Cause that's my partner. I want to make sure he's okay too.

19 Q: I got you. And it's always a silly question.

20 A: Uh-hum.

21 Q: But about how many shots did you hear? Too many to count?

22 A: I can't recall how many shots.

23 Q: Fair enough. What was the immediate aftermath or at least what was your role in the
24 immediate aftermath?

25 A: I think, scene safety. That was my role.

1 Q: Okay.

2 A: Being a plain clothes officer we, we kinda just, there's other officers that are fully
3 involved. I did, I did recall seeing that somebody was rendering aid to the person that was shot in
4 the trunk of that vehicle. And then also, at that time, there was officers clearing the vehicle for
5 other outstanding subjects, from that vehicle. And then, also just making sure everybody's okay.

6 Q: Did you ever approach the car after, after the fact?

7 A: No, I did not approach the car.

8 Q: No? Were you aware of anybody else besides the person in the trunk being in custody or
9 being detained or anything like that?

10 A: There was a female that was brought out of the vehicle.

11 Q: Right, well tell us a little bit about that if you remember, how, how that worked.

12 A: It happened so quick, I, I, I don't.

13 Q: Did it happen before the shooting or after the shooting?

14 A: So that happened after the shooting.

15 Q: It happened after the shooting?

16 A: After the shooting.

17 Q: You saw a female being extracted from the car?

18 A: That I don't, I don't recall.

19 Q: You saw a female?

20 A: I saw a female that was detained.

21 Q: I see, and you're not sure where she came from or what her role was?

22 A: I do remember her in the back seat of the vehicle. I do, sorry.

23 Q: When you were, when you were seeing.

24 A: Sorry, yes.

25 Q: That's okay.

1 A: So after the, so after the shooting.

2 Q: Right.

3 A: After the shooting occurred.

4 Q: Right.

5 A: I do remember seeing her in the back seat of the vehicle.

6 Q: Okay.

7 A: As far as her description, in detail.

8 Q: Right.

9 A: I don't recall the exact detail of her description.

10 Q: Right. Did you ever see a firearm that wasn't a police firearm at the scene?

11 A: No.

12 Q: No, you never saw anything like that. And, as you again, you're not exactly sure how the

13 whole gunfire thing unfolded?

14 A: Right.

15 Q: What triggered the response at least as far as you're concerned.

16 A: Correct.

17 Q: Is that right? I don't have anything more. Inspector?

18 DL: Yeah, when you said you first came up on scene.

19 A: Uh-hum.

20 DL: Was there a suspect already in a patrol vehicle?

21 A: There was a person as far as, if he was a suspect or not.

22 DL: Somebody detained?

23 A: I just know that there was somebody in the back of a patrol car. And it was a, it was a

24 male. And as, and as the, right after the shots did ring out, I recall him, that person in the back of

25

1 the car, saying something about, that's my girl, like my girl's in the car. Something beyond those
2 lines, that's my girl in the car.

3 DL: Okay. So there was, he was a, it was a male or a female?

4 A: It was a male in the back of the car.

5 DL: Okay.

6 DL: Hey real quick there.

7 A: Yeah.

8 DL: Were we gonna have a, a schematic of the patrol vehicles.

9 Q: Yeah, you know what we, there was one. I didn't bring it in so.

10 DN: I have one.

11 Q: Yeah.

12 DL: Can I run and get that real quick?

13 Q: Yeah, that'd be great.

14 DL: I'd like him to at least point out where he was at, okay?

15 A: Uh-hum.

16 Q: Yeah, perfect.

17 DN: Want this one?

18 A: It's one of those.

19 Q: Oh, yeah, we got it.

20 DL: That's what I'm talking about right there.

21 Q: Right, perfect.

22 DL: So.

23 A: So.

24 DL: I know this isn't the, understand.

25 A: Yeah.

1 DL: This is just a rendition.

2 A: Okay, yeah.

3 DL: This, you can see it's not perfectly, the, but you can see the sidewalk.

4 A: Uh-hum.

5 DL: And there's Capp Street and 21st.

6 A: Yep.

7 DL: And, this is.

8 Q: That's the magic number.

9 A: Oh, this is Capp Street.

10 Q: Yeah.

11 DL: Okay, Capp Street and that's the.

12 A: This is 21st.

13 DL: Thank you for correcting me. There's your suspect, right, vehicle?

14 A: Right, yep. Yes.

15 DL: So I, just here's a pen. Oh you got a pen?

16 A: Uh-huh.

17 DL: Why don't you kind of put where you believe you were at.

18 A: Is that okay?

19 DN: Yeah.

20 A: Okay. So, suspect's car here. So, it's either, it's either this car or this car where I was.

21 And these cars were not facing that way. These cars were facing this way.

22 DL: Right, right.

23 A: These cars were facing this way, so this would be the trunk.

24 DL: You know you actually could change that then. I'm not gonna draw it.

25 A: Yeah.

1 DL: But see that arrow right there?

2 A: Uh-hum.

3 DL: Kinda, you know that points that the vehicles are parked that way. But they weren't?

4 A: They weren't.

5 DL: They were actually parked the opposite.

6 A: They were parked that way.

7 DL: Let me just make a quick little adjustment on that.

8 A: Yeah. So it was, it was like that.

9 DL: Uh-hum. And then just put where roughly you think you were with.

10 A: It's, it's either this car or this car where I was initially.

11 DL: Right, put your, write in there.

12 A: Where, what's that?

13 DL: Put your initials there.

14 A: Initials too.

15 DL: Sure.

16 A: And then there was the person in this car. In the, right there.

17 DL: The, so.

18 A: That that was the person, the civilian that had nothing to do with it.

19 Q: That was the civilian. I got you.

20 DN: Or this car as well?

21 A: Or, this car as well.

22 DN: Alright. Mark that one too.

23 Q: Okay, that you brought Sergeant Perez's attention to.

24 A: Yes.

25 Q: Gotcha.

1 A: Yes.

2 DL: Or so, when you got there.

3 A: Uh-hum.

4 DL: Somebody had already been detained we think. If, you said in a patrol vehicle?

5 A: Correct.

6 DL: Where was that person detained? Which patrol vehicle?

7 A: So it's either, it was either this car, this car or even this car. I-

8 DL: It's, you could, you could put your initials in the middle.

9 A: In all of them? Of what I believe?

10 DL: Uh-hum.

11 DN: Between all of them or just on, which one?

12 DL: Just in the middle. I mean it, you're not, you're not sure that's okay.

13 A: Somewhere in the middle.

14 DL: That's okay I got it.

15 A: Okay, I'm gonna, this.

16 Q: You weren't sure what his status was until after the fact?

17 A: I did not know his status until after the fact.

18 DL: Did you see who actually put him in that, that patrol vehicle?

19 A: No.

20 DL: So he was, there was already.

21 A: Do not.

22 DL: Dude in the vehicle when you got there?

23 A: Yes.

24 DL: Okay. And you said there was an officer next to you that wasn't your partner. Han,

25 Hansen was on the other side of the street?

1 A: Yeah, Hansen.

2 DL: Where was the, can you just put where Hansen was you think? Could you see him?

3 A: I could see him, yeah.

4 DL: Where was Hansen approximately?

5 A: He was right -- Okay, I, he was roughly around this vehicle, this vehicle, or this vehicle.

6 Okay, cause people were moving.

7 DL: Uh-hum.

8 A: People were moving, okay?

9 DL: Hey, were you wearing your bullet proof vest?

10 A: Yes.

11 DL: Okay.

12 A: Yes. Yes.

13 DL: Gotta have that on, okay. But there was an off, do you recall the officer that was with

14 you?

15 A: I can't remember

16 His name.

17 DL: Can you, got a rough description who he was? Was it a he or?

18 A: Tall, tall, slender, a white male. I think he's been on FTO for maybe ten days? Maybe,

19 maybe. I, I.

20 DL: Okay. Did you have your, your gun pulled out?

21 A: I did.

22 DL: Okay, and we, you already explained why you didn't shoot which was good.

23 A: Uh-hum.

24 DL: Field of fire. Some things that you were considering. The vehicle, the suspect vehicle,

25 you, you described. Explain again what you saw, what you observed from that vehicle?

1 A: So what I observed that it, it appeared to be a black colored car.

2 DL: Uh-hum.

3 A: In the, the trunk was partially open or nearly all the way open. I just can't recall if it was
4 partially open. But I was able to see inside the trunk and see what I believed was a person in the
5 back seat of that trunk. And-

6 DL: Did you hear anything from it, coming from the car?

7 A: Coming from the car? No. I, I don't recall hearing anything from that car.

8 DL: Did you see any other occupants in the vehicle?

9 A: After the shooting, yes. There was a person that appeared to be in the maybe the back
10 seat of the car. I don't know if it was the front or, she was near this back window.

11 DL: Yeah, I recall you saying that. I just was wondering before hand if you, if you'd noticed
12 anybody else in the vehicle.

13 A: At that time, no. Before the shooting, no.

14 DL: Did you.

15 A: The only, the only thing I rec, saw, observed, what I believed was a person in the back of
16 the trunk.

17 DL: Did you hear anybody talking about another occupant in the vehicle besides the one in
18 the trunk?

19 A: I don't recall prior to the shooting but after the shooting, yes.

20 DL: Oh but, thank you, but just, if you don't recall.

21 A: Okay.

22 DL: I appreciate, just say you don't recall.

23 A: Yeah.

24 DL: That's just, I'm good with that. You, you talked about the x-ray, the, the female that was
25 taken out of the vehicle.

1 A: Okay.

2 DL: Did you see where she was taken?

3 A: I don't remember, I don't recall how she was, the last time, so, saw her there and then I

4 saw her at Mission Company being detained.

5 DL: Okay, but she was, she was.

6 A: I don't know how she got there.

7 DL: Okay, you don't who transported her?

8 A: No.

9 DL: Who talked to her, who got a statement from her?

10 A: No.

11 DL: On the scene, okay that's fine. Oh, have you seen any of the video that's been released in

12 the public, in the media?

13 A: Yes.

14 DL: What did you see?

15 A: I saw a, I don't recall what news station it was. It was that scene. There was an angle that

16 came maybe from the south looking towards the north, going north. And it showed a muzzle

17 flashing from the rear of the trunk going north on Capp Street.

18 DL: When you saw that, did that change your recollection of the events?

19 A: No.

20 DL: That you're recalling now?

21 A: No.

22 DL: Did you understand the question, maybe.

23 A: I did. I did, maybe, yeah.

24 DL: So you had a recollection of it this morning.

25 A: Uh-huh.

1 DL: Well after the incident, and then you watched, then you all of a sudden see it on TV. Did
2 it change anything in your perspective or what you recall?

3 A: No, everything that I told you is what I recall from the incident.

4 DL: Okay. Good.

5 Q: Counsel?

6 DN: I have nothing.

7 Q: Questions for us?

8 DN: No.

9 A: No.

10 Q: No, alright? I'm gonna terminate the interview now, at 17:30. Officer Kerrigan, we
11 appreciate your.-

12 END OF INTERVIEW

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 22, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF: OFFICER ROTSCHI**
9

10 **INTERVIEWED BY: SERGEANT CAGNEY**
11

12 **DATED: MARCH 8, 2018 TIME: 1915 HOURS**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT CAGNEY**
2 **A: OFFICER ROTSCHI**
3 **YS: YORK SUDA, DA'S OFFICE**
4 **DN: DON NOBLES, POA ATTORNEY**
5
6 A: R-O T like Tom
7 YS: Uh-hum.
8 A: S like Sam C-H-I.
9 YS: First name?
10 A: Michael.
11 Q: Did you get the case number on one of your things?
12 YS: Yeah, I got here.
13 Q: Did you get any sleep?
14 A: Yeah, a little bit. Phone kept going off though.
15 Q: That's not going to be on it.
16 YS: I tried to get the CAD.
17 Q: No, I got it. I can get it. What do you got?
18 YS: [REDACTED].
19 Q: So this is how we're going to do it. Basically we're going to get all of this biographical
20 information from you and then we'll go around, everybody will be introduced. Does that make
21 sense?
22 A: Yup.
23 Q: And then we're just going to have you give a narrative version of what you remember,
24 what you did.
25 A: Uh-hum.

1 Q: What you saw. And then we'll probably ask you some specific questions.

2 A: Okay.

3 Q: And you know this is all free flowing, so if you've got questions or some concerns as the
4 interview goes on, just go ahead and chirp up. Does that make sense?

5 A: Yes.

6 Q: All right. And uh how do you spell your last name?

7 A: R-O T like Tom S like Sam C-H-I.

8 Q: And how do you say that?

9 A: Rotschi.

10 Q: Rotschi?

11 A: Yes.

12 Q: And it's Mike?

13 A: Yes. Michael. You can call me Mike.

14 Q: And today is the 8th. All right so we're talking 1915 hours. All right this is Sergeant John
15 Cagney of SFPD Homicide 341. It's 3/18 1915 hours with Rotschi?

16 A: Yes.

17 Q: Rotschi. Mike Rotschi. And the case number is going to be [REDACTED]. It's the officer
18 involved shooting from 3/7 of 18. Officer Rotschi what's your star?

19 A: 1514.

20 Q: 1514. And what's your date of birth?

21 A: [REDACTED].

22 Q: [REDACTED]. And when did you come into the department?

23 A: [REDACTED].

24 Q: So [REDACTED] and Company D, I would imagine?

25 A: Yes.

1 Q: And how long you been at Company D?
2 A: Two years now.
3 Q: Two years. And I take it swings or something else?
4 A: Mids.
5 Q: Mids. So 21?
6 A: Yes. 21 to 07.
7 Q: And class B?
8 A: Yes.
9 Q: Partner?
10 A: Sean O'Rourke.
11 Q: O'Rourke?
12 A: Yeah. 2214 star.
13 Q: Sean or-
14 A: Yeah Sean.
15 Q: We'll get it right. And what's your call sign?
16 A: 3 David 14 Edward.
17 Q: 3 David 14 Edward. 226 Sig?
18 A: Yes.
19 Q: Second gun?
20 A: I had a AR, but I don't have a backup.
21 Q: Oh that's a second gun. Is that what you were carrying? You were carrying your AR?
22 A: Yes.
23 Q: Okay so you had an AR and that's the department issue AR that's out of the car?
24 A: Yes.
25 Q: Was it yours? Or assigned to your vehicle?

1 A: Yes.

2 Q: Okay gotcha. And from the radio car and what was your radio car? Do you remember the
3 number?

4 A: 124.

5 Q: 124. Driver or passenger?

6 A: I was driving.

7 Q: Silly questions but we gotta ask. All right you know what, we're going to use this to kind
8 of orient ourselves so that's going to be the suspect car.

9 A: Okay.

10 Q: So Officer Rotschi just go ahead and kind of tell us in your own words. I mean you know
11 we don't need a huge long blown out things.

12 A: Uh-hum.

13 Q: But whatever it is that you, you know remember about this incident. You gotta kind of set
14 it up for us and walk us through. Maybe point it out on the diagram at some point or another.

15 A: Okay.

16 Q: And kind of just tell us you know what's the deal.

17 A: Okay. So me and my partner were out on a stop on like 16th and South Van Ness or
18 something. We heard code 33 come out over the radio. We weren't sure where it came from at
19 first, so we waited for a little bit. Then we heard it was a Mission unit, so we started going over
20 there. When we're going, I remember hearing possible 221 and they have a vehicle. When we
21 get up to the scene, they're doing a felony stop. This is our car.

22 Q: All right, do me a favor just mark your car. So that's kind of but we're going to call that
23 the primary car. That's the car that's directly more or less directly behind the suspect vehicle,
24 right?

25 A: No, this is.

1 Q: You'd say that was closer to it?

2 A: Yeah.

3 Q: Okay. Fair enough. So go ahead and mark your car. Just circle it.

4 A: Pull up, they're doing a felony stop. The driver seemed, was compliant. I get out of the

5 car. I'm initially like back here behind, this is 67. The door's open, there's a officer with a AR-

6 Q: Okay.

7 A: Facing this car. I don't have my gun out at this point. They get the pas-the driver out of

8 the car. They get him into one of the police cars. We're still commands at the guy. He's not

9 listening. They're giving him commands in English, eventually in Spanish.

10 Q: You're talking about the guy in the trunk?

11 A: The guy in the trunk, correct. You can see that he can hear us because we're like 10 feet

12 away. He keeps fidgeting around in there. Keeps, can't tell where his hands are. I go back to my

13 – either this car or this car. I can't, I'm not 100% sure which is our car.

14 Q: Hey you know what, fair enough.

15 A: I go back to my car to try to get my less lethal. Just in case we have to use it, but someone

16 else had already grabbed it. I think Santana took it.

17 Q: Okay.

18 A: So eventually I make my way over here. I get the, I grab the AR cuz my partner had it. So

19 I'm standing maybe like right here the passenger side front door. About here.

20 Q: So you're on the curb line?

21 A: Yes. I'm on the sidewalk at this point.

22 Q: Okay.

23 A: I have the AR.

24 Q: Okay.

25

1 A: They're still yelling commands. I noticed there's some people down the street which I'm
2 a little bit concerned about cause they're maybe standing like maybe like around here on Capp
3 Street. I had noticed them before cuz they were on this side and we were trying to yell at them to
4 get out of there, but all's they did was cross the street so now they're somewhat in my line of
5 fire.

6 Q: Sure.

7 A: If I was going to shoot. My, I think my view was a little bit obstructed because I don't
8 remember seeing the suspects hand from where I was standing here.

9 Q: Okay.

10 A: And I, I never saw, I never saw a gun.

11 Q: Okay.

12 A: From where I was standing.

13 Q: Sure.

14 A: And then they fired. We went back we secured the suspect from the trunk.

15 Q: Right.

16 A: I pulled the female out and secured her in my car. And-

17 Q: That's all she wrote?

18 A: That's pretty much it.

19 Q: We'll probably have to back up just a little bit on it.

20 A: Okay.

21 Q: Let me ask you this, so you're monitoring the radio traffic. It's a code 33, it's a 221 a
22 gun?

23 A: Uh-hum.

24 Q: That's your understanding of the incident, right?

25 A: Yes.

1 Q: All right so you show up, looks like I would imagine based on your car that you're
2 probably one of the first units there. Is that fair?

3 A: We were the second or third.

4 Q: Second or third unit?

5 A: Yeah.

6 Q: And were the other units you could see already deployed? I mean they were out of their
7 cars pointing guns at something?

8 A: Yes. Yes.

9 Q: All right.

10 A: It was like an active felony stop.

11 Q: Right. And why do you think everybody was concentrating on this car? Was that the
12 description that had been put out? Or you just figured everybody's point guns at it, it's gotta be
13 the situation or?

14 A: I mean-

15 Q: What brings your attention to this car other than everybody pointing guns at it? Was it a-

16 A: I mean it seemed to obviously be the center of attention. There's no other cars around
17 there.

18 Q: Right.

19 A: I mean there's not really -- there's people around but there's nobody really like where all
20 the officers are focusing their attention.

21 Q: I get you. What -- so your first impulse is to try to grab the less lethal at some point right?

22 A: I know my first impulse, my first impulse was I just wanted, cause I mean there was
23 plenty of officers on scene.

24 Q: Right.

1 A: So I was just getting ready to maybe be the arrest team when, I was expecting the
2 passenger to or the guy in the trunk to come out at some point.

3 Q: Okay.

4 A: And I was just getting ready to maybe go and put handcuffs on him or something.

5 Q: All right.

6 A: So which is why I was kind if just hanging out behind this car.

7 Q: Okay.

8 A: And yeah that didn't happen.

9 Q: And so when you're watching this, are you watching somebody already being taken out
10 of the car and taken into custody?

11 A: Yeah when we arrived the driver was-

12 Q: Already out?

13 A: He was like in the process of coming out.

14 Q: All right, but you guys didn't have any hands on with that?

15 A: No.

16 Q: Right and were you already aware that somebody was still in the trunk when they were
17 taking the driver out?

18 A: Yes.

19 Q: You could see-

20 A: That's the first thing you see.

21 Q: Yeah and what do you see? Kinda kinda walk us right through. I mean what's this guy
22 look like? What's he doing in the trunk? Is his head pointed to the east or the west? Does he got
23 you know arms, legs hanging out? I mean what's he doing exactly? You said fidgeting, which is
24 a good word, but kind of give us a little bit more in terms of description about you know what
25 he's up to.

1 A: Yeah when we pulled up, he's sitting, he's laying longwise in the trunk. His head is
2 facing the east curb line of Capp Street.

3 Q: Okay.

4 A: I remember, I remember, I could see his right hand – I could see his right hand, but his
5 left hand he kept putting it down. He kept like putting it on top like, I don't know if he was
6 trying to hold the trunk down or what he was doing, but like-

7 Q: Right.

8 A: He kept moving all arou- he kept moving his hands all around in the trunk.

9 Q: Right.

10 A: When we're giving our commands.

11 Q: But you said you couldn't see a gun?

12 A: No I never – I didn't see a gun.

13 Q: Did you think he had a gun? Or you didn't know if there was a gun on this guy, or the
14 driver or where the gun was?

15 A: I mean, the officers put out possible 221.

16 Q: Right.

17 A: So I was-

18 Q: So he could have been just as good as anybody else.

19 A: What do you mean?

20 Q: Well you already got the driver out.

21 A: Yeah.

22 Q: You don't know if there's a gun in the car. You don't know where the gun is is what I'm
23 asking you.

24 A: No, I have no idea where the gun is.

25 Q: You don't know if it's the gun in the trunk or whoever.

1 A: Yeah.

2 Q: At that point.

3 A: Yeah.

4 Q: Yeah, I get it. Does it look like people are giving this guy recognizable, understandable
5 commands to come out of the trunk and he's just not doing it?

6 A: Yes.

7 Q: All right. That's your impression?

8 A: Yes.

9 Q: Right? And it's in English and Spanish. We can hear that clearly from the audiotape.
10 Speaking of which, you've seen your BWC, correct?

11 A: Yes.

12 Q: Have you seen any of the media depictions of this? The news or anything like that?

13 A: Yeah. I saw some of it.

14 Q: You saw some of the news stuff. So that's pretty accurate right? In terms of your
15 recollection? About what people are saying?

16 A: Yeah.

17 Q: The commands and everything like that.

18 A: Yes.

19 Q: So he doesn't come out of the trunk. And like you said, you go back to get less lethal.

20 A: Uh-hum.

21 Q: But it's already gone?

22 A: Yes.

23 Q: All right. And then what prompts you to make the decision to get the AR?

24 A: Because it's, I'm trained in the AR.

25 Q: So you just figured just back everybody up on it?

1 A: Yes.

2 Q: And did you have a decision-making process to make it out to the curb line here? Was
3 that just the best position to cover the car?

4 A: Yeah, I just felt it was the best place of cover.

5 Q: Okay.

6 A: I mean I don't really remember why I specifically I did it, but it seemed like a good idea
7 to me at the time.

8 Q: I gotcha. So just kind of, we'll slow it down a little bit about how you know your
9 recollection of things. So you're deploying the AR on this westside of the sidewalk.

10 A: Uh-hum.

11 Q: And you're pointing, ostensibly I assume is the trunk, right?

12 A: Yeah.

13 Q: You're covering the guy in the trunk?

14 A: Um-hmm.

15 Q: So kind of take us just kind of step by step, what prompts you know the shooting if you
16 know. You know what was the circumstances is to you know this whole thing obviously
17 unfolded pretty quickly, but-

18 A: Uh-hum.

19 Q: You know what do you think happened in terms of why everybody ended up shooting at
20 this guy.

21 A: I mean honestly when the shots happened, I think I was looking at who was shooting the
22 less lethal cuz I remember I was looking away.

23 Q: Right.

24 A: And then I just hear a barrage of fire and I wasn't sure if we were taking fire or - I mean
25 obviously after the fact I knew that we had shot at him cuz there's so many rounds. But when I

1 first initially heard the first shot I kind backed up a little bit and kind of ducked. So I didn't – I
2 never saw the suspect, I didn't see a muzzle flash or a gun or anything.

3 Q: Well you said something significant there, so did it sound like you heard one shot which
4 caused a reaction to you and then there was all these other shots that followed in proximity?

5 A: Uh-hum.

6 Q: No, I, I-

7 A: No, I mean-

8 Q: You tell me. I mean I-

9 A: No I don't, I can't like pick out a certain shot.

10 Q: Right. So but all the shots and then you kind of, lack of a better word, kind of flinched
11 back-

12 A: Yeah.

13 Q: And then you kind of took a look and see what was going on?

14 A: Yes.

15 Q: I see. And you didn't engage anybody? You didn't fire the weapon or anything like that?

16 A: No, I didn't.

17 Q: Right. And why didn't you fire?

18 A: I didn't see the gun. I was a little worried about my back stop too. My backdrop. Cause-

19 Q: Cause of these people across the street? You didn't know where they were or anything
20 like that, right?

21 A: Yeah.

22 Q: All right. How long do you think you were here from the beginning to end of this? I mean
23 how long do you think you were on scene before this thing ended the way it did?

24 A: From when I arrived to the shooting?

25 Q: Yeah. Yeah.

1 A: 10 minutes.

2 Q: 10 minutes? Oh so you were there quite a while? Did you give any commands yourself?

3 A: I yelled at him a little bit to get out of the trunk and show us his hands.

4 Q: Yeah. Sure. Everybody else too. Let's see, was that car if you know, was that the car of

5 the description on the radio had put out? Was that, seemed pretty clear to you or you're not really

6 sure what was going on?

7 A: I can't – I don't really remember that.

8 Q: Right. I got you. So let me just get this straight. So you show up. At first, you're thinking

9 maybe you're going to be an arrest team. At some point things are kind of slowing down a little

10 bit. Driver's already out of the car. You don't know who has a gun.

11 A: Uh-hum.

12 Q: You can see a guy in the trunk. He's not complying. Is that fair to say?

13 A: Yes.

14 Q: And he's fidgeting, which again is a good word. At some point you're thinking about less

15 lethal. You go back, that's not, you know, available so you get the AR, take a position of cover.

16 Kind of cover the trunk but at the actual moment you're directed kind of towards the less lethal

17 being deployed.

18 A: Uh-hum.

19 Q: And you didn't have an eyeball on what was going on in the trunk at that point.

20 A: Correct.

21 Q: Right and then all the shots break out?

22 A: Yes.

23 Q: Right. And what was your roll after the fact?

24

25

1 A: We had a little arrest team form. We went up. Pulled the - we secured the person from the
2 trunk and then I pulled the female out from the back and put her in handcuffs and secured her in
3 our car.

4 Q: Did you ever see a gun in the trunk or on the street or on any of these people or in the
5 car?

6 A: After the fact. Yeah.

7 Q: After the fact?

8 A: Yes.

9 Q: And where was the gun?

10 A: In the trunk.

11 Q: In the trunk. And uh did the girl say anything to you?

12 A: I mean nothing of, nothing – I mean I just, I was asking her if she's okay, if she was hit.
13 Obviously, we were worried about. And I asked her how old she was just to make sure she was
14 an adult and-

15 Q: Okay. And how would you describe her demeanor?

16 A: She was frantic. At one point it seemed like she passed out. I had to like pick her, like
17 hold her up.

18 Q: Shook up?

19 A: But she was definitely shaken up.

20 Q: Did the guy in the trunk ever say anything that you could hear?

21 A: I don't remember.

22 Q: You don't remember?

23 A: No.

24 Q: Could you see him clearly enough to see a face and everything like that?
25

1 A: Hum I mean I do remember seeing a face, but I couldn't, I couldn't like give you a
2 description other than he was light skinned.

3 Q: Right.

4 A: A male.

5 Q: Could you kind of, and again this is kind of a weird question, but could you kind of get a
6 feeling for what his demeanor was like? Did he appear scared? Was he defiant? Was he angry?
7 Was he confused? If you, if you know. If you could tell. I mean it's just kind of an assessment
8 question.

9 A: That's kind of hard to say.

10 Q: Yeah? Fair enough. If you're not sure, you're not sure. But he never said anything that
11 you know of?

12 A: Not that I remember.

13 Q: Okay.

14 YS: Just -- I'm not a San Francisco PD person, so this question is, so said you're trained on
15 the AR?

16 A: Yes.

17 YS: SFPD has a rank or training for some of these. There's certain people that have certain a
18 little bit more tactical training. What's that-

19 A: Specialist.

20 YS: Are you a specialist?

21 A: No.

22 YS: You're just trained on the AR?

23 A: Correct.

24 YS: So not all patrol officers have ARs is that correct?

25 A: Correct.

1 YS: Just if you're trained on it or if you're a specialist?

2 Q: It's a voluntary thing too. You can check it out or not check it out. Right the AR?

3 A: Yes.

4 Q: So I mean if you have the training, I mean you tell me. That's how it works right?

5 A: Yes, that is how it works. Yes.

6 Q: If you get the training, you can take the gun out or not.

7 A: You can take the shotgun. You can take the AR. You can take nothing if you want, but-

8 Q: It's an elective weapon.

9 A: Yes.

10 YS: Wow. Okay. And so you came out, your less lethal was gone so you went and then you

11 got your AR because it's assigned to you from you partner? Is that correct?

12 A: Yes. My partner had taken it out of the car.

13 YS: Okay.

14 A: And I went and got it from him.

15 YS: Okay. Is your partner trained on it?

16 A: I don't believe so.

17 YS: Okay so regardless, you're better trained then he is on that.

18 A: Well that's - I mean he's former military. He's a army ranger.

19 YS: In terms of SFPD's position?

20 A: In terms of SFPD, yes, I'm technically trained on it. I don't think he is.

21 YS: Okay. All right. And you already said that you didn't hear the suspect in the trunk ever

22 say anything, right?

23 A: Not that I remember.

24 Q: Didn't see the gun. We already talked about that, right?

25 A: Not till after the fact.

1 Q: Got you.

2 YS: And you didn't shoot because you didn't see the threat that you felt would justify your
3 taking the shot, is that correct?

4 A: Correct.

5 Q: Counsel? Any questions for us?

6 A: No.

7 Q: Was that painless?

8 A: Yes.

9 END OF INTERVIEW

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 19, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF:** **SERGEANT CALDERA**
9

10 **INTERVIEWED BY:** **SERGEANT (BABBIT)**
11

12 **DATED:** **MARCH 7, 2018 TIME: UNKNOWN**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT BABBIT**

2 **A: SERGEANT CALDERA**

3 **YS: YORK SUDA**

4 **DN: ATTORNEY DON NOBLES**

5

6 Q: All right today's date is, what is it, it's uh-

7 YS: 7th.

8 Q: March 7, 2018. It's about 2103 hours. Okay, sir I'm Sergeant Caldera, I'm Sergeant
9 (Babbit) this is inspector:

10 YS: York Suda with the DA's office.

11 Q: Okay. Uh-

12 DN: Oh Don Nobles from the POA.

13 Q: Have you had a chance to review your body worn camera video?

14 A: Yes.

15 Q: Okay have you had a chance to view any other video of the incident prior to coming here
16 today?

17 A: Stuff on the news.

18 Q: Okay. Let me make sure I got, spell your last name.

19 A: C-A-L-

20 Q: Okay.

21 A: D-E-R-A.

22 Q: E-R-A. And your star number?

23 A: 498.

24 Q: And your date of birth?

25 A: [REDACTED].

1 Q: Okay. And your date of entry?

2 A: [REDACTED]

3 Q: Okay. What's your current assignment?

4 A: Mission mids.

5 Q: Okay. How long have you been in your current assignment?

6 A: Two and a half years, I think.

7 Q: Okay. And you're on midnight watch right now?

8 A: Right.

9 Q: Okay.

10 YS: What are your hours?

11 A: 21 to 07.

12 Q: And you wear uniform or plain clothes?

13 A: Uniform.

14 Q: Okay. And as a Sergeant you work as a Sam Unit or do you have a partner? Or did you

15 have a partner yesterday?

16 A: Sergeant Perez was with me when I responded to the scene.

17 Q: Okay. And what's your call sign?

18 A: 3 David 113.

19 Q: What type of firearm were you carrying yesterday?

20 A: My department issues Sig Sauer.

21 Q: Is it 226 or 228?

22 A: 226.

23 Q: Okay do you carry a secondary firearm or backup?

24 A: No.

25 Q: Did you deploy with a long gun or less lethal or shotgun yesterday?

1 A: No.

2 Q: Okay. And do you remember what your department vehicle that you used yesterday?

3 A: 142.

4 Q: 142? And is it a black and white marked radio car?

5 A: Yes.

6 Q: Were you the driver or the passenger of the radio car?

7 A: Driver.

8 Q: Okay. Okay. We'd just like you just to tell us what happened yesterday and start with

9 your response to the incident on Capp Street.

10 A: I was at the station and I heard, I believe it was the Dave 13 Edward put out a code 33

11 regarding a 221 vehicle at 21st and Capp. They -- shortly after broadcast they were doing a felony

12 stop. At which point, I left the station and responded to the scene. I parked my vehicle of the

13 northwest corner of Capp and 21st. There was a felony stop in progress about 626 Capp Street. I

14 walked up the street to the back of the patrol vehicle. They were giving commands to, there was

15 a person in the trunk of a vehicle. I could see his right hand on his left hand. They're giving

16 commands to show his hands. They're giving commands in Spanish as well as English. Officer

17 delivered a less lethal round. It was ineffective. And then there was numerous shots fired.

18 Q: What happened then?

19 A: At that point I noticed that there was a female in the back of the vehicle. She was given

20 commands to exit the vehicle. She did not comply. We were uncertain what her mobility was at

21 that point. We had some units bring up a shield. And at that point we approached the vehicle,

22 removed the person from the trunk of the vehicle. Cleared the car and called in the ambulance.

23 Q: Did they um remove the female first?

24 A: Subject in the trunk first.

25

1 Q: Okay so the female was still inside the car when they removed the subject from the
2 trunk?

3 A: Correct.

4 Q: Okay what happened after they removed the subject from the trunk?

5 A: At that point there was a female still in the car. They removed the female and officers
6 were rendering aid to the subject that was in the trunk on the ground.

7 Q: Okay. How long were you at the scene before the officer involved shooting occurred?

8 A: Maybe 30 seconds.

9 Q: 30 seconds? Were you able to do any directing while at the time that you were there?

10 A: Directing as in how?

11 Q: Directing the incident.

12 A: There was the felony stop was already in progress. The officers were doing a very good
13 job with it.

14 Q: Okay.

15 A: They were giving commands in English and Spanish. They were giving commands on the
16 PA. There wasn't, everyone was doing their job appropriately.

17 Q: Okay. Were you able to hear if the subject that was in the trunk, was he saying anything?

18 A: I couldn't hear him say anything.

19 Q: Okay.

20 YS: As your role as a supervisor on scene, did you have any contact with the driver or the
21 female? Or have any conversation with them out there in the field?

22 A: After the incident kind of calmed down, the female was in the back of a vehicle. I asked
23 her if she was injured, and I had a ambulance crew check her out to make sure that she was – you
24 know she might have been injured and didn't know it, to make sure that she was not injured.

1 YS: Okay. And what about the long-haired guy that was the driver of the car. Did you have
2 contact with him at all?

3 A: Did not have any contact with him.

4 YS: Okay. And this might, I'm just wondering, did you have any role in identifying the
5 female's shirt or something she was wearing, might have had evidence of a bullet hole? Did you
6 have any involvement in that or was that all detectives?

7 A: That was somehow, I don't know who that was.

8 Q: Okay.

9 Q: How close were you to the suspect vehicle when the shooting started?

10 A: I was at the trunk of the primary vehicle.

11 Q: Okay. Were you able to see the subject in the trunk of the suspect vehicle's actions at all?

12 A: When I got there, he was laying in the trunk. The trunk was partially opened. His head
13 was to the east. I could see his right hand. He was making some movements with his right hand.
14 His left hand was concealed. And then that's pretty much all I saw.

15 Q: His left hand was concealed in what direction or where?

16 A: It just wasn't visible at all.

17 Q: Okay. Was that cuz of the lid or cause of his body positioning?

18 A: I think all. Both.

19 Q: Okay. Did you hear any shots coming from the suspect vehicle?

20 A: I - I couldn't say.

21 Q: Okay. Can you explain to me what the shots sounded like when, when the shooting
22 actually happened? Was it, was it all at once or was there shots prior to a volley or was-

23 A: There was the initial ERIW round. And then there was, I believe there was a second
24 ERIW round. And then almost immediately after that there was numerous shots fired. It's hard to
25 say which, there was a lot of gunshots.

1 Q: Okay. Once they went back up to the car and took the subject out of the trunk, did you
2 have any interaction with the subject?

3 A: On the ground?

4 Q: Yes.

5 A: No.

6 YS: Okay. As a supervisor, I don't know SFPD's your policy on stuff like that, as a
7 supervisor do you draft like an after-action report that addresses this? Or do you do a vehicle
8 inspection of the cars there or was everything just frozen cuz of the scene?

9 A: The scene was frozen.

10 YS: Okay.

11 Q: Do you have any questions?

12 DN: None.

13 Q: Okay. If you -- do have anything else that you'd like to add or let us know. Maybe we
14 didn't ask that things that are pertinent of the-

15 A: I'm just unsure about my body camera. Some were seized and mine was not.

16 Q: Okay we'll see -- we'll take it today and book it into evidence.

17 A: Okay.

18 Q: But that's it. It's about 9:13 and I'll end the interview.

19 A: Okay.

20 END OF INTERVIEW

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF:** **DEGLADO-DUARTE FAMILY MEETING**
9

10 **INTERVIEWED BY:** **SERGEANT WATTS & SERGEANT CAGNEY**
11

12 **DATED:** **UNKNOWN**
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **SW: SERGEANT WATTS**
2 **SC: SERGEANT CAGNEY**
3 **D: DAD**
4 **UF: UNIDENTIFIED FEMALE**
5 **UM: UNIDENTIFIED MALE**

6
7
8 **SW:** HI, I'm Gary, Sergeant Watts.

9 **SC:** Sergeant Cagney

10 **SW:** Sergeant Cagney. And this young man is?

11 **OV:** Officer (Village)

12 **UM:** [REDACTED]

13 **D:** Family.

14 **SC:** What's your relationship?

15 **UF:** I'm the spokesperson for the family.

16 **SC:** Okay is the family here?

17 **UF:** Not the full family. The mom is on the way. She went to have some coffee

18 **SC:** Okay is she gonna be back soon?

19 **UF:** Yeah she's on her way

20 **D:** Si, in the corner.

21 **SW:** Sir, are you the?

22 **D:** [REDACTED]

23 **SW:** The father. Nice to meet you sir.

24 **D:** You too,, sir.
25

1 SC: Well, it probably doesn't mean a whole lot coming from us, but we're very sorry for your
2 loss.

3 D: Thank you sir.

4 SC: Everyone here is a father so to lose a loved on is a horrible thing. And that's just person,
5 people not police and the rest. This is coming from family. So we are very sorry for your loss.

6 SW: Does he have any questions for us?

7 UF: So actually we do have a question because yesterday they called us to say that they was
8 taking us to the headquarters to meet with chief and they were supposed to come get us at this
9 time. So is that what you guys are doing or is this something different?

10 SC: Well it's a couple of things. So here's the thing, we're not making any excuses for the
11 police department, but we're the actual detectives that are handling the case, the investigation. So
12 we are handling you know what happened, who did what. We don't have anything to do with the
13 Chief of Police or going downtown or going to the meeting on Monday. We don't have anything
14 to do with that. We are actually doing the work. Two separate things.

15 D: Him is my younger son

16 UF: That's the brother over there

17 SW: Oh-

18 SC: So it's a little strange because it's

19 D: No, sit down please.

20 SW: Okay sir

21 SC: The police department they're not very coordinated, but we do this. If your son lost his
22 life, and it doesn't matter how your son lost a life, we're from the homicide unit. We investigate
23 that. And it doesn't matter if a policeman shoots someone or someone kills someone else. It
24 doesn't make any difference, we investigate that no matter what. That's what our job is. And the
25 reason why we're is again we're not getting involved in all the rest of it, but as a – it's our job

1 and a courtesy for us to come out and introduce ourselves to the people who have lost someone
2 and to let them know that we will investigate the case fairly and as best we can.

3 D: Thank you so much. Thank you.

4 SC: Yes sir, please.

5 UM: Are you really gonna be fair? I mean you are investigating your own people.

6 SC: Let me just say this. I have 28 years in the police department. He has

7 SW: 23

8 SC: We've investigated I don't know how many crimes. We investigate every death exactly
9 the same way. Exactly the same. Doesn't matter if it's a cop, doesn't matter if it's a gangster,
10 doesn't matter if it's a store owner. The case is the case. We do the same steps every single way.

11 UM: Okay.

12 SC: And then we take whatever we learn in the investigation, whatever the facts are, they're
13 good facts. They're bad facts, facts that don't make any difference. Facts that are very important,
14 doesn't make any difference. We take it down to the District Attorney's office and they decide if
15 they're going to file charges against anybody. And it doesn't matter who they are. And I mean
16 that. I know you're probably like yeah you know you're the cops and all that stuff. I get it. But
17 I'm telling you, we do the same kind of case every single time. Because you know what, we're
18 professionals, that's what we do.

19 UM: Okay.

20 SC: Does that make sense. Like you're fixing your car. You fix your car the same way every
21 time, that's how we do our job.

22 SW: We've worked together for 16 years.

23 SC: 16 years.

24 UM: No, no-

25

1 SC: No I know you're not talking any – I get it. But I'm just saying if the cops did something
2 wrong and that comes out in the facts in the investigation when we talk to people, look at the
3 video, we do the science stuff, the DNA and the gun stuff and everything. And there's a problem
4 and the police did something wrong, well that's – the District attorney is going to have that
5 information. If it turns out that that's not the case, they're gonna have that information too.

6 UM: Okay.

7 SC: We don't have a position. We collect the facts. We organize it. We get it into you know a
8 situation so people can understand it and then we hand it over to the people that make the
9 decision. Does that make sense?

10 UM: Yeah, that makes sense.

11 SC: All right and I'm very sorry for your brother,

12 UM: Thank you,

13 SC: We really are. Again, we're people too and nobody, we've been in the house like this.
14 You know not the cops shooting people, but 100 of times and it's never easy for anyone so we
15 feel for you.

16 UM: Okay.

17 SC: All right. Take care very sorry to meet you under these circumstances.

18 SW: Just want to let, just let the family know, 6:00 PM on Monday at Everett Middle School,
19 18th and Sanchez –

20 UF: Church

21 SW: Church, Yeah.

22 SC: And if other police are coming to do whatever we don't know anything about that but we
23 just thought we'd come and at least let you know the face of the people that are working the
24 actual incident you know what I mean.

25 UM: This is my mom.

1 SC: Cuz all those other people they sit in an officer some place and they're not involved in
2 doing the work.

3 D: She's my wife.

4 SW: Sergeant Watts.

5 SC: I'm very sorry.

6 SW: Sorry for what happened.

7 SC: Maybe brief her and then if she has questions.

8 SC: Is there a good phone number for you guys in case we need to get a hold of you guys
9 directly?

10 UF: Yes. This is my card and it has all of my contact. And I can give you both the mom and
11 the dad.

12 SW: I have the information.

13 SC: You already do. Can I keep this?

14 UF: Yes, of course.

15 SW: And then also I think somebody called me yesterday from the Mission neighborhood
16 about trying to retrieve Jesus's property.

17 UF: Yes.

18 SW: Was that you?

19 UF: Yes.

20 SW: [REDACTED].

21 UF: [REDACTED] is my (inaudible) yeah.

22 SW: So I have no problem releasing whatever property is there, but if there is evidentiary
23 value obviously the police department is going to retain that for a period of time but that can be
24 released down the road. But if he was wearing any kind of person jewelry or-

25 UF: They were looking for a religious necklace.

1 SC: That won't be a problem.

2 UF: And a bracelet that he always wears.

3 SW: Yeah, it will be at the medical examiner's. It will take some time but that will be released

4 back to the family.

5 UF: And his earrings.

6 SC: We can give everything back. Probably, I hate to ask, a little patience only because we

7 have to sort out everything. There's so much going on in this thing that it's going to take us a

8 few day to kind of get through it. Does she have any questions, mom? Sir?

9 D: No, no okay.

10 SC: Again there's no good way to say this but we are very sorry for you.

11 D: (inaudible)

12 SW: You what?

13 D: I wait (inaudible) from this investigation.

14 SC: You know what, like I said, we've done a lot of these over the years and it's never easy

15 for anyone and we're very sorry for your loss.

16 D: Thank you sir.

17 SC: My son is just a couple years older than your son.

18 D: Oh thank you.

19 SC: I feel for you.

20 D: Thank you sir.

21 SW: Thank you.

22 D: Thank you.

23 END OF AUDIO

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 8, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 42757**
5

6
7
8 **INTERVIEW OF:** ████████████████████
9

10 **INTERVIEWED BY:** **SERGEANT PARKER**
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: INSPECTOR PARKER**
2 **YS: YORK SUDA, DA'S OFFICE**
3 **A:** [REDACTED]
4
5 **Q:** Your name is?
6 **A:** [REDACTED]
7 **Q:** [REDACTED] how you doing man? This is Inspector?
8 **YS:** York Suda with the DA's office.
9 **Q:** York Suda DA's office. All right before we start man I'm going to read you your rights.
10 **A:** All right, sir.
11 **Q:** All right.
12 **UM:** keep your face down.
13 **Q:** Okay so right now you have the right to remain silent, do you understand that?
14 **A:** Yes.
15 **Q:** Okay then. Anything you say may be used against you in court, do you understand that?
16 **A:** Yes.
17 **Q:** Okay you have the right to the presence of an attorney before and during questioning, do
18 you understand that?
19 **A:** Yes.
20 **Q:** If you cannot afford an attorney one will be appointed to you free of charge for any
21 questioning if you want. Do you understand that?
22 **A:** Uh-huh.
23 **Q:** Ok, so can we talk about tonight?
24 **A:** Yeah.
25 **Q:** We can talk about tonight?

1 A: Yeah.

2 Q: Cool, just let me get some, what are you, and you said your name was [REDACTED]?

3 A: [REDACTED].

4 Q: [REDACTED]?

5 A: Yeah.

6 Q: Ok, what's your date of birth [REDACTED]?

7 A: [REDACTED]

8 Q: [REDACTED]?

9 A: Yeah.

10 Q: Alright, what's your current address man?

11 A: [REDACTED]

12 Q: [REDACTED]?

13 A: Yeah, [REDACTED]

14 Q: [REDACTED], how long you stayed there?

15 A: I have been there for a lot of years now.

16 Q: How long?

17 A: Years with my [REDACTED].

18 Q: Years?

19 A: Yeah, but like, like eight, nine years now.

20 Q: OK, eight or nine years, ok. Alright, you got a cell phone?

21 A: Me, Yeah [REDACTED]

22 Q: [REDACTED]

23 A: [REDACTED]

24 Q: [REDACTED]

25 A: [REDACTED]

1 Q: [REDACTED]
2 A: Uh-hum.
3 Q: Ok, then. How old are you?
4 A: [REDACTED]
5 Q: [REDACTED]
6 A: [REDACTED]
7 Q: [REDACTED]?
8 A: [REDACTED]
9 A: [REDACTED]
10 Q: [REDACTED]
11 [REDACTED] [REDACTED]
12 Q: [REDACTED]
13 A: [REDACTED]
14 Q: [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 A: [REDACTED]
18 Q: [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED].
22 Q: Ok then. Ok. So, let's talk about tonight. Ok?
23 A: All right.
24 Q: A lot when on, huh?
25 A: Yeah, it was a crazy ass night. Like fuckin', so I'm like – we had just

1 dropped off my friend. And we were waiting on her, like, right there on Capp. And then I hear
2 some yelling like – I’m like what the fuck? And then I feel like the back of my car bumps. So
3 I’m thinking like, I’m sittin’ in neutral in my car waiting because I had just ran into the back to
4 my trunk because I was looking for something for, iPhone charger for my phone. But I couldn’t
5 find one so, I went back into my car and I was looking for one. And, then as soon as, what’s it
6 called. Like, I feel like the car jerked. So, I’m thinking I backed up into the car behind me. So, I
7 like put the car in drive and I started driving it forward and then I see a police officer start
8 coming behind me. And then I see him flash the lights. So I’m like alright, like what the fuck
9 like, I feel like I just hit something. And then, I pulled over and then -- and then the officer
10 comes like just bounces out hella quick and pulls out his gun. And I’m like, what the fuck is
11 going on? So I opened the door and like officer, I’m all, why are you pulling a gun? Then he’s
12 like, “get in the fucking car, get in the fucking car.” I’m all like, ok, I’m like what the fuck is
13 going on? Then he’s all like, “put your hands where I can see ‘em.” And then he just tell me to
14 get out the car and as soon as I get out the car I see somebody in my trunk. I’m like once, the
15 moment I see someone in my trunk I’m like what the fuck? Like, who the fuck is that? And then
16 I, then I’m like tripping, I’m really like tripping out. I’m like what the fuck is going on? Cuz
17 everybody has their guns out. So I’m thinking like, I’m thinking that they either about to shoot
18 me or shoot everybody in the car. So by the time they, by the time I get out the car and I’m like
19 in the cruiser I see the, I see the officers like all fully armed start to approach my car. And by the,
20 and they’re yelling at these dude to get out. They’re yelling at, they’re yelling at them like, dude
21 like get out, get out the trunk.

22 Q: Uh-huh.

23 A: And I didn’t and like, I don’t know it was just crazy because I don’t know what he was
24 doing, like he just didn’t want to get out the trunk or what? And they just opened fire on him and
25 the thing was my girlfriend was in the car with my puppy so I’m over here in the cruiser freaking

1 out. Not knowing what the hell is going on. Not knowing if my girlfriend was hit. Not knowing
2 what -- just not knowing what was going on just period, sir.

3 Q: Ok.

4 A: And by the time that what's it called? By the time like we got to the station I'm sittin'
5 there just like in complete like just scared. Just like I don't know if my girlfriend was shot. I
6 don't, I don't know what happened. I don't even know if my puppy had got shot. I didn't know if
7 anybody had died or anything. But by the time that I started seeing all the yellow tape
8 I'm like yeah whoever was in my trunk just got killed. And I just hope my girlfriend just didn't
9 die.

10 Q: Ok. So, you were just, you -- you said you were just dropping your friend off?

11 A: Yeah, I had just dropped my friend off and I was looking for my charger. Because the
12 fact that my friend had took her charger that I was using.

13 Q: Ok. So this friend that you dropped off was female?

14 A: Yeah, [REDACTED].

15 Q: [REDACTED]?

16 A: Yeah, a girl named [REDACTED]

17 Q: Ok.

18 A: [REDACTED], I believe.

19 Q: Ok. [REDACTED].

20 A: Yeah. But my girl, If anything my girlfriend will have her number and everything.

21 Q: Ok, was she your friend?

22 A: Huh?

23 Q: She's your friend?

24 A: Yeah, also because of my girlfriend. So yeah I consider her my friend too.

25 Q: Ok, is she your friend, or is she your girlfriend's?

1 A: She's like a mutual friend between me and my-
2 Q: girlfriend
3 A: Yeah.
4 Q: Ok, who's your, who's your girlfriend?
5 A: [REDACTED]
6 Q: [REDACTED]?
7 A: Yeah, [REDACTED] the other person who was in the car.
8 Q: Ok, how long you guys been dating?
9 A: It's been damn near a year and a half, a year and a couple weeks now.
10 Q: So, a year and a couple a weeks?
11 A; Yeah.
12 Q: Ok. Ok. So let's go back. Let's go back to early in the day.
13 A: Uh-huh.
14 Q: Ok, whose car where you driving?
15 A: It's my car, sir.
16 Q: Your car, is it registered to you?
17 A: It's registered to me. It still has it's dealership plates. It's identification number should be
18 on the top right on the windshield.
19 Q: So you just got it?
20 A: I just got this car, sir.
21 Q: You member when you got it?
22 A: [REDACTED]
23 [REDACTED]
24 Q: So you got it in [REDACTED]?
25 A: Yeah, in [REDACTED], sometime in [REDACTED].

1 Q: Ok, in [REDACTED]. Ok, in – so at some point you, you picked [REDACTED] up?
2 A: No, she lives she stays with me.
3 Q: Today. Oh
4 A: She lives with me.
5 Q: So, you guys stay together, on [REDACTED]?
6 A: What? Yeah.
7 Q: Ok then. So, at some point you guys leave the house together?
8 A: Yeah, we left about, she got home around six or seven. So, and then we left around like
9 7:30ish, 8:00?
10 Q: Ok, that's, and did you guys leave from [REDACTED] or you guys leave from somewhere else?
11 A: We left from what's it called, my other apartment over there in [REDACTED].
12 Q: [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q: [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 A: [REDACTED]?
20 Q: [REDACTED]
21 A: [REDACTED]
22 Q: [REDACTED]? Spell that.
23 A: [REDACTED].
24 Q: [REDACTED] Ok. So, you-
25 A: [REDACTED]

1 Q: [REDACTED]?

2 A: [REDACTED]

3 Q: [REDACTED]?

4 A: Yeah.

5 Q: Ok. Alright, so you guys were over there?

6 A: Uh-huh.

7 Q: And you guys left

8 A: Approximately about 8:00-8:30ish

9 Q: About 8:00 or 8:30ish?

10 A: Yes.

11 Q: Ok.

12 A: We got to San Francisco about, umm 8:45, 8:45 to 8:50.

13 Q: So 8:45 to eight, somewhere around there?

14 A: Yeah, somewhere around 8:45 or 8:50.

15 Q: Ok. Now a, so you were driving?

16 A: Yes, I was.

17 Q: Ok and [REDACTED] your girlfriend?

18 A: She was in the backseat with my puppy.

19 Q: She was in the backseat with your puppy?

20 A: Yes.

21 Q: Ok, anybody else in the car with you guys?

22 A: Yes, [REDACTED], she was in the front. She was in the front passenger seat up into the point

23 where I dropped her off.

24 Q: Ok, now was she at the apartment as well? Was she at the apartment over in [REDACTED]?

25 A: No, she was not.

1 Q: Ok.

2 A: We picked her up basically like, I wanna say, around like 9:00-10:00 or something like
3 that.

4 Q: 9:00 or 10:00?

5 A: Yeah, like, no not 9:00-10:00, like around 9:10. Like the time. Like 9:10 PM.

6 Q: Ok. What I'm asking, when you, when you and [REDACTED] left your apartment in [REDACTED]
7 on the (inaudible)

8 A: It was just me and her.

9 Q: It was just you and her?

10 A: Me and her, Yes.

11 Q: Ok, and what did you guys drive, did you guys drive straight to the city from there?

12 A: Ya, we drove straight to the city. I has got stopped on, I had got stopped by CHP around
13 three. No, around three, around 8:30, right, right when I was on the bridge. So that would be,
14 yeah. And then from there.

15 Q: You got stopped by CHP today?

16 A: Yeah, around 8:30 and then that's why it took me an extra 14, an extra 15 minutes to get
17 to the city because the fact that I was waiting for the officer to write me my ticket and
18 everything.

19 Q: So you got a ticket today?

20 A: Yeah, I got a ticket today.

21 Q: Where is it, is the ticket in the car?

22 A: Yeah, the ticket's in the car,

23 Q: It's in the car. Do you know where it's in?

24 A: In so, center console. It should be like right here.

25 Q: Ok, cool, so in the center console?

1 A: Yeah.

2 Q: You remember what he wrote you a ticket for?

3 A: Speeding.

4 Q: Speeding?

5 A: Yes.

6 Q: Oh, Ok.

7 A: Yeah the puppy had to pee on the way back home. I mean on the way back home, on the
8 way back here to the city.

9 Q: Ok, Ok. So, you member exactly where you were when you, when he pulled you over?
10 Were you actually on the bridge?

11 A: So look. So we were like, so you know the tunnel in between, in between the new bridge
12 and the old bridge?

13 Q: Yeah, why-

14 A: So that's were they decided to pursue me and they and then I got off on the first exit
15 which was I believe Fremont?

16 Q: Fremont Street?

17 A: Yeah, Fremont Street. I proceeded, I went all the way to the left and as soon as I got, as
18 soon as we were on the off ramp, just the next left to the right, right there.

19 Q: Ok. Ok. Ok Fremont Street. Ok, so he gives you your ticket. Then were you go?

20 A: From there I drive straight down I believe. What's is, What's the first ah, what's the first
21 street so you like know how you get, go down Freemont and go down here and then you take a
22 little left. He stopped me right here. And as soon as I go up and take this street he, that's where I
23 went. I went straight down, I don't know if you could show me a map or something and I'll be
24 able to show you.

25 Q: Um-

1 A: But, do you know where I am talking about?

2 Q: I think so.

3 A: Where you take a, where you can, where you go, get off Fremont and then you take the

4 double left and then you're on that main street going straight down south, a south, south, uh

5 going south bound.

6 Q: Ok, ok, ok so where'd you go from there?

7 A: From there, I went to the Mission and I picked up her friend and then she

8 Q: So you picked up [REDACTED] in the mission?

9 A: Yeah, I picked up.

10 Q: You remember exactly where you picked her up at?

11 A: About [REDACTED] right outside her apartment. Or her parent's place.

12 Q: You know the parent's place?

13 A: Address? No, I really don't.

14 Q: Ok.

15 A: I just know what the house looks like.

16 Q: You know what the house looks like?

17 A: Yeah.

18 Q: Can you describe the house?

19 A: It's like a big like [REDACTED] house I believe.

20 Q: So [REDACTED] house?

21 A: Yeah. Like [REDACTED]

22 Q: Ok, two story, one story?

23 A: I believe it's like, I believe it's [REDACTED]. I don't know if it's like two or three or

24 more.

25 Q: Ok.

1 A: But I, but I know it was.

2 Q: So it's [REDACTED] for sure?

3 A: Yeah, [REDACTED] for sure.

4 Q: Ok. So you picked her up. Did you have to go inside or was she outside

5 waiting?

6 A: I didn't go outside, I didn't leave the car. I never stepped foot out the car.

7 Q: Ok, What about [REDACTED] did she, did she go inside? Did you stop?

8 A: No, [REDACTED] she just slid back into the back seat and let her come in cuz it was gonna be

9 a quick drop off. We were just picking her up there and then taking her to about 20th and

10 Mission, I believe.

11 Q: Ok

12 A: 20th, Yeah about 20th and 21st and Mission

13 Q: Ok so what I'm getting at was, was [REDACTED] outside standing waiting on you guys?

14 A: Ah, Yeah pretty much.

15 Q: Ok.

16 A: She was outside waiting for us and then she just hopped in the car. We took her to I

17 believe in between 20th and 21st and Mission to get some food and then we just left her there.

18 Q: Ok so, when you guys picked her up, so it's you the driver?

19 A: Uh-huh, me the driver, [REDACTED]

20 Q: [REDACTED] in the back?

21 A: Yep, right behind me.

22 Q: [REDACTED] is also in the back?

23 A: No, [REDACTED] is in the front passenger.

24 Q: [REDACTED] in the front passenger with you?

25 A: Yes sir.

1 Q: Ok, with you, and then the puppy.

2 A: And then the puppy is next to my girlfriend asleep.

3 Q: Ok, what's your puppy's name?

4 A: [REDACTED].

5 Q: [REDACTED] Ok.

6 A: [REDACTED]. I don't know where he's at or anything, but can you guys figure it
7 out? Please?

8 Q: Ok. Alright. Ok I can tell, he's, he's, [REDACTED] fine.

9 A: For real? You guys will hold 'em? Or we could give him, or

10 Q: [REDACTED] fine.

11 A: We, I could call somebody come pick him up?

12 Q: [REDACTED] fine. Alright so, you guys drive you say to take [REDACTED] to grab something to eat?

13 A: Yeah, in between 21st and 22nd one of the little burrito, not a burrito, but like a little Latin
14 spot that they have right on that street. She hopped out, she like alright thanks for the ride. I'm
15 like no problem. Cuz, what's it called, she doesn't like walking around alone and she was telling
16 us that she was gonna get an Uber back. So we didn't have to worry about her.

17 Q: So was it a, like a little you know taco joint, taqueria or?

18 A: It was like a taqueria, like taqueria, Latin - Latin food.

19 Q: Ok. And you don't know that name of the place?

20 A: Uh-uh.

21 Q: Ok. So you dropped her off there ok.

22 A: And then I go right there. I made an illegal left turn on what's it called 21st and Mission.

23 Q: Ok.

24 A: Then I, then I made a right turn on Capp and then I was like fuck, she took the charger.
25 So I stopped the car and I backed up and left the car in neutral. So I ran to the back real quick

1 looked for a charger. Found out I didn't have a charger. Went back into the car looked for a
2 charger make sure it wasn't in there before I had to run back.

3 Q: Ok, I'm gonna stop you now, you say when you, you say you needed a charger?

4 A: Yeah

5 Q: Ok, so you say you stopped the car?

6 A: Yeah.

7 Q: And then you got out?

8 A: Yeah, I stopped the car. Like put it into neutral,

9 Q: Uh-huh

10 A: What's it called, put the parking brake on and then I ran, I ran out the car. And then I
11 went into the trunk and I started looking through the trunk, looking for a charger. I couldn't find
12 a charger so I'm like fuck. I'm like it might be, I'm like it might be in the car. If not, it might be
13 in the trunk. So I come back into the car and I'm looking for it, looking for it, looking for it. And
14 then I feel something like hit the back of my car and I'm thinking like fuck I just hit the car
15 behind me.

16 Q: Had you, had you driven the car yet? Had you, had you-

17 A: The car was still in neutral that's why.

18 Q: It still in neutral?

19 A: Yeah, the car was in neutral so it's the moment that like I felt something go like -- felt the
20 car go like this I'm like what the fuck?

21 Q: Uh-huh

22 A: And then, I looked back I'm like ah shit I think I hit it. So I put it into drive and started
23 driving forward a little because like I'm like fuck I just backed into a car. I, so I got up like I got
24 up. I moved the car and then as soon as I moved the car the police pulled me over. And then -

25 Q: How far did you move the car?

1 A: Like not even five, 10 feet.

2 Q: OK.

3 A: I moved, liked literally I got the car like out of where I was parked.

4 And then as soon as I got out of where I was parked the police had had their lights on. So I'm

5 like ok then I pulled over and then he starts yelling at the person in the back like, "get out the car,

6 get out the car, get out of the trunk." I'm like who the fuck is in my trunk? And I yelled at him, I

7 yelled that to the cop on my, who the fuck is in my trunk? What are you talking about? And then

8 he's just like, "stay where you are let me see your hands, let me see your hands." We will shoot

9 da da da. I'm like what the fuck just happened?

10 Q: Hum.

11 A: And at that point just everything just like -- everything just starts happening so fast like. I

12 get pulled out the car. I see somebody in my trunk. I see all these guns out, all these officers. I

13 see everything just start happening then I hear gun shots. Automatically all I feel was my

14 girlfriend, like is she ok?

15 Q: Ok. So you, the police pulled you out of the car? Or did you get out on your own?

16 A: No, the police, no so the police like I opened my door because I'm like -- cuz I thought

17 oh this, oh my bad officer. But then he starts yelling at me like get the fuck out of the trunk and

18 I'm like, the trunk? I'm like who's in my trunk? So that's when what's it called, the cop tells me

19 oh you stay where I can see you. Put your hands up. So I'm staying like this with my hands like

20 on the door.

21 Q: Uh-hum.

22 A: And then he he's just like, "get out. Don't face me turn around and then just walk

23 towards my voice." And he just kept telling me what to do and I complied. Cuz I didn't, like I

24 have nothing.

25 Q: Ok go on.

1 A: And then from there I just, I just started freaking out because my girlfriend was in the car
2 and I see all these guns. I saw over 20 officers with their guns pointed at my car with my
3 girlfriend in the backseat. And they were talking about shooting the person in the trunk. So I'm
4 think, I'm freaking out. I'm sitting in the car just banging on the everything, anything and
5 everything. Trying to tell them to get my girlfriend out the car. Because to be honest my highest,
6 my only priority is my girlfriend and my dog. I don't care about nobody else.

7 Q: Uh-hum

8 A: Anybody else's life is irrelevant to me. The only people I care about is my girlfriend and
9 my dog because that's all I have right now.

10 Q: Ok, Ok so-

11 A: Immediately I start freaking out and then I hear then start opening fire and then I hear
12 crying so I'm in the backseat flipping out not knowing what I am doing sir.

13 Q: Uh-hum, Ok. Do you remember when you, you said you stopped because you were
14 looking for a charger right?

15 A: Yes.

16 Q: So, you stopped you put your car in neutral.

17 A: Yep, I ran, I pressed-

18 Q: Put - put depressed the parking break or act, put the parked car, I mean-

19 A: It's not even that, it's like a little button.

20 Q: Ok, so.

21 A: It's just boop. Yeah I just pressed the little button.

22 Q: Ok, put the brake on. Put the car in neutral.

23 A: Yep.

24 Q: Got out of the car, went to the trunk.
25

1 A: Looked for something in the trunk, I couldn't find it. I couldn't find the charger so I ran
2 back into the car. You know how you run in between places like damn my, I'm -

3 Q: I gotcha, I gotcha.

4 A: Yeah.

5 Q: Now, do you remember shuttin' the trunk?

6 A: Huh?

7 Q: Do you remember closing the trunk?

8 A: Yeah, there was a, there should be a, red flannel in there.

9 Q: No, listen to what I'm saying. Do you remember closing, closing, physically closing the
10 trunk of the car. After you went and opened the trunk

11 You looked in it, do you remember closing it all the way?

12 A: Like I closed it to where like not completely closed, but like it was like this much space
13 to open.

14 Q: Ok well were you just gonna just drive around with your trunk open?

15 A: No, I hopped back into my car to look, to see if that my charger was in there because I
16 didn't see it in the back so I'm like fuck is it under the seat or something? And I was planning
17 on going back to the trunk Yeah.

18 Q: Oh going back, I gotcha, I gotcha, Ok. And then just conveniently some some strange
19 person-

20 A: No.

21 Q: Jumped in your, jumped in your trunk?

22 A: To be honest sir, I really don't know about that for real for real. Like I'm really trying to
23 figure this out myself. Like I'm so scared like I would never.

24 Q: Now we're -- we're trying to figure this out.

25 A: Yes, sir, I know.

1 Q: You know this some serious event happened tonight.

2 A: I know it is. I know it is.

3 Q: (inaudible)

4 A: To be honest, no sir honestly I hear this. I hear what you talking about and I know exactly
5 what your talking about but like this no I wouldn't put my girlfriend's life at risk like this.

6 Q: Ok. Was there ever any anyone else besides you [REDACTED] and [REDACTED] inside of that car?

7 A: No there was not sir.

8 Q: At all?

9 A: Nope.

10 Q: Ok, and what was your girlfriend doing the whole time? Had you guys, shoot let me ask
11 you this, had you guys been drinking at all?

12 A: No sir, I hadn't, I hadn't, I wasn't.

13 Q: What about your girl [REDACTED]?

14 A: My girlfriend [REDACTED] she was out with her friends. I'm not sure what she was doing sir.

15 Q: Ok.

16 A: Like I said she got home around six or seven. So she could have been drinking she could
17 have not been.

18 Q: Ok, but you would know if she was drunk or not, or?

19 A: Yeah, I know if she was drunk or not, but from the signs that I was getting she wasn't
20 drunk at all.

21 Q: She wasn't drunk at all?

22 A: Nope.

23 Q: Ok. You got smoke?

24 A: Yeah, we do sir. There should have been some Marijuana in the car that you guys-

25 Q: Ok were you guys smoking tonight?

1 A: I smoked earlier today like around noon. When I was at home.

2 Q: How much did you smoke?

3 A: I smoked about a blunt or something.

4 Q: Just a blunt?

5 A: Yeah about three grams, four grams.

6 Q: What about [REDACTED]. You know she, she smokes?

7 A: [REDACTED] smokes, yes. But I don't know when was the last time she smoked.

8 Q: Ok, but you guys didn't smoke together?

9 A: No, we did not smoke together yet. We were going to, but then we did not.

10 Q: Ok, alright.

11 YS: You want to revisit this?

12 Q: Oh Yeah, oh yeah definitely, definitely. Ok, ah so let's go back to the car.

13 A: Uh-hum.

14 Q: So, there's a guy in a trunk.

15 A: Uh-hum.

16 Q: In your trunk, did you see the guy in the trunk?

17 A: I -

18 Q: After you got out of the car?

19 A: I saw like a glimpse of him.

20 Q: And he was actually in your trunk?

21 A: Yes, like he was like he like he had jumped in there and was trying to close it. Like he

22 was sitting there like this. And all I saw was like a arm

23 like just closing it. And I'm thinking like fuck like out of everybody's fucking car, mine.

24 Q: Ok, Ok. Now look were trying to help you.

25 A: I know.

1 Q: And were giving you an opportunity ok.

2 A: Yes sir.

3 Q: To tell your side of, of what happened.

4 A: Uh-hum

5 Q: Ok, I'm not judge and jury, OK?

6 A: Uh-hum, I know sir.

7 Q: Alright, it just -- it doesn't add up.

8 A: Yes sir.

9 Q: It doesn't add up. So, you know, you have a decision that you need to make ok. And were
10 not talking about you know, a speeding ticket. Talking about some serious stuff man. You know
11 some stuff that can make you sit down
12 for quite a while. So, do we need to go over this again?

13 A: No sir. We do not.

14 Q: You sure?

15 A: Yes I'm sure sir.

16 Q: Ok, now there was a, there was a phone inside of the car that was on the charger. Who's
17 phone is that? Is that yours?

18 A: Was it really cracked on the front?

19 Q: I don't-

20 A: Was it like completely cracked?

21 Q: It was in the charger though. So, but I didn't actually see the phone but I was told there
22 was a phone inside of the car that was, that was on a charger.

23 A: The phone was on a charger?

24 Q: Uh-huh.

25 A: If it was a metro phone it was most likely my girl's other phone.

1 Q: Your girl's other phone?
2 A: Yeah cuz she has two phones.
3 Q: She has two phone?
4 A: Yeah, she has an iPhone 6, I think, iPhone 8plus and an iPhone SE.
5 Q: So, I, so your girlfriend has iPhone, did you say 8plus?
6 A: I believe so, the one with the double camera on the back?
7 Q: Ok.
8 A: And then the SE the small little one that looks like the iPhone 5, 5S.
9 Q: Is that a, is that an apple phone as well?
10 A: Yes sir it is.
11 Q: Ok. You said SE?
12 A: Yeah I believe so.
13 Q: Yeah I'm not, I'm not a big techie guy so I wouldn't know.
14 A: It's like a smaller version of like a 6.
15 Q: Ok, ok, so do you have a phone?
16 A: Yeah, I do.
17 Q: What's it look like?
18 A: My phone, you guys should have it.
19 Q: But where, where was it?
20 A: My phone I, I was in my pocket.
21 Q: So it was on your person?
22 A: Yeah, it was on my person when they-
23 Q: Ok now.
24 A: I didn't even know it was on my person till they searched me.
25

1 Q: Ok, Ok, were you guys driving around listening to an app which would give you like the
2 police communications? You know it's kinda like a scanner? Are you familiar with that app?
3 A: Hum-
4 Q: No, not at all?
5 A: Yeah.
6 Q: You know sometimes people will especially -- not that I'm saying you I'm just saying
7 sometimes criminals when their out doing bad stuff.
8 A: Yeah.
9 Q: And they want to monitor police response and where the police are, they'll get this app
10 on their phone and they'll bring it up and they'll sit around and they could listen to you know
11 where we are and our response time and stuff like that. For some reason that phone had that app
12 playing. Ok on the phone.
13 A: Uh-huh.
14 Q: Can you explain that?
15 A: No, I can't.
16 Q: I mean it's in your car.
17 A: I know it's in my car and I know
18 Q: And you're driving the car
19 A: I know I'm driving the car sir.
20 Q: Uh-huh.
21 A: Honestly. I there's no way to explain that sir.
22 Q: There's no way at all?
23 A: Nope.
24 Q: You don't know nothing about that?
25 A: I don't sir.

1 Q: Ok. I tell you why I'm asking.

2 A: Uh-huh.

3 Q: I won't beat around the bush no more.

4 A: All right.

5 Q: Because it appears that you okay, and maybe another guy and maybe a girl ok, were
6 driving around possibly looking for somebody to rob? And you guys may have robbed
7 somebody? I mean just understand, you have to understand that we, we, we may know a little
8 more than what you think we, we know. So, like I said I'm just giving you an opportunity to tell
9 us exactly what happened man. You know what I mean? I mean were not here to gang up on
10 you. We just we just wanna know what happened. So we can put things in perspective. You
11 know it helps you in the long run. Ok, but if you continue you know to tell the story and you and
12 I and [REDACTED] know this is not true. I mean it kinda makes you look bad. So, like I said you gotta
13 make up your mind how you want, how you want this to play out.

14 A: I mean I wasn't going out there for looking for people to rob and-

15 Q: Let's talk about the guy in the trunk. Who, who, who was the guy in the trunk?

16 A: I don't even know bruh.

17 Q: Huh?

18 A; I don't even know.

19 Q: He was in the car. He was in the car.

20 A: He was in the trunk sir.

21 Q: He was just in the trunk?

22 A: Yes.

23 Q: Ok the entire time?

24 A: Yes, he did not he never came into the car until that moment when he jumped into the
25 back.

1 Q: Ok but you know him.

2 A: No, I don't.

3 Q: You don't know him at all?

4 A: No.

5 Q: You've never seen him before? Ok, what about your girl would she know him?

6 A: I don't know she didn't, I don't even know if she saw him.

7 Q: Hum. You gotta be truthful with me man. You gotta you-

8 A: Sir, I'm trying to help you. I'm trying to help you cuz I know how this works. If I help

9 you all, you'll help me.

10 Q: Your not helping. I mean you're not so much as helping me, I mean I'm just trying, I'm a

11 fact finder. I just trying to find the facts. You, you need to worry about trying to help yourself.

12 YS: Your digging yourself a hole right now.

13 Q: A big hole man. I mean continually, ok. You guys robbed somebody ok?

14 And I'm sure that whoever was in the trunk was out on foot, you were driving, you had the

15 scanner on cuz you were listen to us, ok. He does a lick, he runs after he gets the money or the

16 loot or whatever. He runs he jumps in the trunk, you guys try to get away. Police right behind

17 you. I mean come on man. I mean do – I may act stupid sometime but I'm not stupid. You know

18 what I mean?

19 A: Uh-huh.

20 Q: I've been doing this long enough, I've heard it all. Ok. Give me a little credit, alright?

21 What's the guy, what's, what's his name?

22 A: I don't know sir.

23 Q: You know him.

24 A: No, I don't.

25 Q: Ok. [REDACTED] knows him.

1 A: I don't know sir.

2 Q: Hum?

3 A: I don't know if she knows him sir.

4 Q: You don't know if she knows him?

5 A: No.

6 Q: Ok, if I showed you a picture of him? Or who we think this person is. You think you'd

7 know him then?

8 A: Like I said I only caught a glimpse of him.

9 Q: You only caught a glimpse of him.

10 A: Yeah. I might be able to identify him, I don't know.

11 Q: You may be able to identify him?

12 A: Yeah.

13 Q: Ok.

14 YS: We wouldn't stay on this topic. We wouldn't keep asking this question

15 If we didn't know the story doesn't add up. I mean think about your own story. Somebody jumps

16 in your trunk? How's that happen?

17 A: From my trunk being open.

18 Q: You know [REDACTED] is here right?

19 A: Yes, I do.

20 Q: Ok and you know we talked to her right?

21 A: Uh-huh.

22 Q: You guys are giving completely totally two separate stories. You realize that right? Now

23 shit, maybe you don't. But I'm just saying you guys are giving two distinct different stories.

24 A: Ok.

25

1 Q: Ok. I mean do you, is you want to stay with that story? I mean cuz you and I both know
2 that's not true. You gonna have to help yourself man.

3 A: How am I helping myself in any type of way like-

4 Q: Well, I mean be you're not helping yourself cuz you you're not telling the truth.

5 A: Wait, did you say your investigating you're the DA?

6 YS: I'm the DA investigator.

7 Q: Yeah, so let's talk about the guy in the trunk. You know him. Ok. What's his name?

8 A: I don't know.

9 Q: You don't want to give me his name?

10 A: I don't know his name.

11 Q: You don't know his name at all?

12 A: No.

13 Q: Where'd you pick him up at?

14 A: I never picked him up sir. Everything I said was true.

15 Q: No.

16 A: No sir, can you listen to me?

17 Q: I'm listening to you.

18 A: Ok, everything I said was true. Yes, it was and he called me. I don't know him by no type
19 of, no type of name whatsoever. All I know is I see him
20 everywhere around (Bartlett). Yes he has my phone number and everything. And he'd call me
21 whenever he need things. Today he called me talking about oh, can you meet me on 20, what's it
22 called, can you meet me on 21st and Capp?

23 Q: So you met him on 21st and Capp?

24 A: Huh, no I didn't meet him there on 21st and Capp.

25 Q: Ok.

1 A: The moment I saw him was the moment he jumped into the car.

2 Q: And where did he jump into the car at?

3 A: He jumped straight into the trunk. When I was, cuz I told him like look I'm on 21st in the
4 street. I'm all like, I'm sitting here. I'm waiting for you, I don't know where the fuck your at.
5 Your lagging. So I said, so he was all like ok.

6 Q: So 21st and Treat

7 A: No 21st and Treat, 21st and Capp. Right there.

8 Q: 21st and Capp, ok.

9 A: Uh-huh

10 Q: So let me ask you this, how long was he had he jumped into the car or the trunk before
11 police got behind you guys?

12 A: Two seconds.

13 Q: Two seconds?

14 A: Yes.

15 Q: And he called you-

16 A: Saying can you please pick me up there some shits going on. I'm like, I'm like alright
17 well I have to go drop somebody off. I'm like I might have to go drop somebody off and I can
18 meet you somewhere around 21st and Capp. He's like oh that's perfect I'm coming from the
19 weed club right now. He's like stay right there where your at and I'm coming.

20 Q: Uh-hum

21 A: He's -- but then I'm sitting there waiting for like 15 something minutes and he doesn't
22 come. So I'm like alright whatever like I'm about to leave. I did go into my trunk I did look for a
23 charger.

24 UM: (Inaudible)

25

1 A: I did look for all that. I did do all that. Cuz I really did need a charger. The thing was, I
2 couldn't find it. And then I guess he saw the trunk open, he hopped into the trunk and then
3 what's it called I was like what the fuck? I really did, I really didn't know who that was in the
4 trunk until they pulled me out the car and then I realized it was him. I'm like bruh.

5 YS: You're getting closer to the truth in the story. I think your trying to do some damage
6 control and trying limit your

7 Q: Uh-huh.

8 YS: Participation in it.

9 A: No.

10 YS: But your, we already know you're lying. That's why we're spending time keep talking to
11 you and you're just digging yourself further and further into the-

12 A: Sir, I'm not lying, please all I have left is-

13 YS: Listen to me, your digging yourself further into the hole because your lying.

14 A: Sir, I'm coming clean. Please bruh, I'm coming clean bruh. You don't understand bruh, I
15 have a [REDACTED].

16 YS: It's not the first time the guy got into your car. Was jump in the trunk.

17 A: Come on bruh. I'm need to go bruh I'm telling you the truth ok. The thing, I'm telling
18 you the truth of how it is because of the fact that I really need go get back to my [REDACTED] alright.
19 I need to get back to my [REDACTED] as soon as possible.

20 Q: Is that him?

21 A: Yeah, that's him?

22 Q: That's him?

23 A: Yeah.

24 Q: How long have you know him?

25 A: Not even six months.

1 Q: Not even six months?
2 A: Uh-hum.
3 Q: What's his name?
4 A: They call him Dopher?
5 Q: Dopher?
6 A: Yeah.
7 Q: Dopher. How you-
8 A: Like he he's like a tagger D-O-P-H-E-R.
9 Q: D-O-P-H-E-R?
10 A: Yeah.
11 Q: Ok, Dopher.
12 A: That's what everybody knows him by, that's what-
13 Q: And this is the guy that ran and jumped in your car?
14 A: Yes sir it is.
15 Q: Ok, ok.
16 YS: You had your cell phone on you when the cops took you into custody right?
17 A: Yes sir.
18 Q: There's a cell phone in your car and you think that's your girlfriend's
19 other phone?
20 A: Yes sir.
21 Q: So why is the police scanner app running on that phone?
22 A: I don't know sir.
23 Q: You don't know?
24 A: No, I don't.
25 Q: You don't.

1 YS: Do see what your -- listen to you own story. You say that your story is
2 A: Yes, no I hear you, I hear you yes, I hear where you're going.
3 YS: Your, your story is full of shit. I mean and you're hurting yourself because you're clearly
4 lying.
5 Q: Were, were the two people that were robbed tonight were they the only guys that you
6 guys robbed?
7 A: Wait, what?
8 Q: I said the two people that were robbed right before all this happened, is that the only that
9 you guys robbed tonight?
10 A: I would, to be honest I don't even know about a first person being robbed. Like for real
11 for real if you guys say something somebody got robbed
12 it should have been right, then right when somebody hopped into my, when somebody hopped
13 into my trunk because I had nothing to do with no, with nothing else. That was the first time I
14 had met him up sir. I have nothing to do with no other robberies sir.
15 Q: Ok again, why would you guys be listening to the police scanner? I mean it makes no
16 sense unless you guys were out to do something illegal.
17 A: No, sir. I promise you, we didn't.
18 Q: I mean it's not like you guys had rap, had jazz, you know hip hop or something. You
19 guys were listening to police scanners. I mean that's..
20 YS: SFPD scanner
21 Q: Yeah, that's - that's -- wouldn't you say that was a little unusual?
22 A: Yeah, it is unusual sir.
23 Q: If you was sitting here and I was sitting there, wouldn't you want to know that?
24 A: Yeah.
25 Q: Ok. So

1 YS: Are we going to find that this cell phone with the police scanner app running is actually
2 Dopher's phone?
3 A: No.
4 YS: You sure?
5 Q: Cuz you know we gotta check?
6 A: Yeah because he has his phone on me because that's how he got ahold of me.
7 Q: Right, but the phone in your car, running the police app.
8 A: Yep.
9 Q: Were gonna check the phone.
10 A: Ok.
11 Q: Haven't had time to do that yet.
12 A: Right
13 Q: Were gonna check the phone. Were gonna find that that's Dopher's phone.
14 That it miraculously went from the trunk.
15 A: Alright, yes it is his phone.
16 Q: Ok. Your girl already said he was in the car. I told you, two different stories. So do we
17 need to go back over this whole thing again with the truth?
18 A: To be honest I feel like I've said enough. I feel like I've really like
19 I've already dug myself in a deep ass hole. So like, I really feel like I've said enough.
20 Q: Yeah, but if you told the truth, that at least get you out that hole and get's you walking
21 this way, you know. It's still an uphill battle, but still-
22 A: To be honest I really can't function right now because I don't know if you guys found the
23 ██████ in my car. But, I really can't function that well.
24 Q: ████████████████████?
25

1 A: Sir, I just didn't want to get no DUI. You guys can search my car there should be about
2 [REDACTED] left in the car in by the driver's side seat right there under a
3 lighter.

4 YS: DUI is not even on the table. We're not even looking at that.

5 Q: Yeah.

6 A: Alright, well I was just letting you know that was-

7 YS: Appreciate that.

8 A: That I just didn't want to mention that because I would, didn't want to get no DUI.

9 Q: That's, not even tripping on that.

10 A: OK.

11 Q: Let's talk about when Dopher got in the car. Where'd you pick him up?

12 A: I picked Dopher up because he was talking about that he took four different [REDACTED] No,
13 where'd you pick him up at?

14 A: Where?

15 Q: Yeah.

16 A: Round 24th.

17 Q: 24th and?

18 A: Mission, out of the McDonalds.

19 Q: So 24th and Mission, you pick him up at that McDonald's?

20 A: Yes, sir.

21 YS: When?

22 A: I'm not even sure about the time sir. To be honest with you, I know it was – can I, can
23 you flip this real quick? It was after-

24 Q: It was after what?

25 A: It was about, nine, like 9:15, 9:20.

1 Q: So, 9:15 9:20?

2 A: Yeah.

3 Q: So, just wanna make sure is there any truth in this the first story you told me?

4 A: Which one, let me see. So this, so we did grab [REDACTED] We, we did grab Adolpho, but the
5 thing was [REDACTED] did have to go get food.

6 Q: Oh so-

7 A: So we dropped [REDACTED] off. [REDACTED] off and (inaudible)

8 Q: At the Latin restaurant around 20-

9 A: In between 20th and 21st in Mission, Yes we did.

10 Q: 20th and 21st in Mission, ok.

11 A; Uh-hum. And from there she said she had it, that she could get home. She just didn't
12 want to go walk out and then walk back in.

13 Q: Ok.

14 Q: Ok.

15 Q: Ok and then, and then so-

16 A: From there we went to the store. We got water. We went to go get, we went to go get a
17 backwoods because we were planning on smoking.

18 Q: Ok.

19 A: All the weed, the-

20 Q: Which store did you guys go to? You remember?

21 A: I believe we went to 21st and South Van Ness.

22 Q: So 21st and South Van, went to the store?

23 A: Yeah, I had to bum to go get, go get me a backwoods in the store for me.

24 Q: Ok. So, is that what you picked?

25 A: Hum?

1 Q: Is that where you picked Dopher up?

2 A: No, I picked him up on 24th and Mission by the McDonalds.

3 Q: So, did you pick him up prior to-

4 A: Prior to the store visit. Because of the fact that I didn't have money

5 And he was gonna give me some money to go, to buy the what's it called, buy the backwoods.

6 Q: Ok, you guys drop [REDACTED] off at the Latin restaurant?

7 A: Yeah.

8 Q: Ok, and then you go to

9 A: Pick up Adolpho.

10 Q: Adolpho at 24th and

11 A: Yes, 24th and Mission, right there.

12 Q: At the McDonalds?

13 A: Yeah, at the McDonalds. Then from there we, we drive down, then we go down South

14 Van Ness.

15 Q: South Van Ness ok.

16 A: And then we go to the store

17 Q: Then you go to the store. Alright and then you buy a

18 A: A backwoods.

19 Q: Backwoods.

20 A; Yeah backwoods, water, and I believe three cigarettes.

21 Q: And three cigarettes.

22 A: Yeah.

23 Q: Ok. And where do you guys go from there?

24 A: From there, we're driving around and we're thinking about a spot to somewhere to roll up

25 or anything.

1 Q: Uh-huh

2 A: And Adolpho goes, oh bruh -- what's it called, Adolpho goes bruh, let me just, let me go

3 outside real quick. Let me take a piss. I'm like ok, for sure. So he goes outside and then he -

4 when he calls me he's like hey bruh, open the trunk real quick. And I'm like ok. I opened the

5 trunk and then he goes-

6 Q: From inside of the car?

7 A: Huh?

8 Q: From the button inside of the car?

9 A: I open the trunk from the button inside of the car.

10 Q: Uh-huh.

11 A: He says can you open the trunk? I'm like yeah. I opened the trunk and then he just likes

12 goes through it real quick and then just leaves it open and then walks off. I call him like where

13 the fuck you going? He like oh no I'll be back. I'll be back, just don't close the trunk. I'm like,

14 ok. And then the moment he jumps back in and I feel the car, like rock. I'm like what the fuck?

15 Sand then he goes bruh, just go, go, go. Like I hear it, I'm like, what the fuck? And then like I

16 just like drive a little and then I get pulled over and I just stopped. And I'm just like fuck it. Like-

17 Q: Do you remember where he told you to pull over at?

18 A: Yeah, he told me to pull over like literally like ten, fifteen feet right there from where I

19 was at.

20 Q; And, but you were already on 21st and South Van Ness?

21 A: No.

22 Q: At the store?

23 A: At the store after we grabbed all that.

24 Q: Uh-huh

25

1 A: We drove up 21st because we're -- because we didn't want to go down towards 16th street.
2 So we drove up 21st and then we -- we drove up 21st and took a left on left on Capp, on 21st and
3 Capp. And that's how we ended up on Capp.

4 Q: Up 21st and then a left on Capp.

5 A: Yeah.

6 Q: Any reason why you guys didn't want to drive down?

7 A: Hum?

8 Q: You said you guys didn't want to drive down?

9 A: South Van Ness towards 16th? Yes.

10 Q: Yeah toward 16th

11 A: Yes because what's it called, we just, we don't kick it in that area. We don't kick it
12 anywhere past 20th.

13 Q: Let's. let's park it there for a second.

14 A: Uh-hum.

15 Q: Any reason why?

16 A: [REDACTED]
17 [REDACTED].

18 Q: [REDACTED]

19 A: [REDACTED]

20 Q: [REDACTED]?

21 A: [REDACTED]

22 Q: [REDACTED]

23 A: [REDACTED]

24 Q: [REDACTED]

25 A: [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q:

[REDACTED]

A:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q: [REDACTED]

A: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A: [REDACTED]

[REDACTED]

[REDACTED]

Q: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 Q: [REDACTED]

2 A: [REDACTED]

3 [REDACTED]

4 Q: Ok, ok alright. So you guys make the left on.

5 A: 21st and Capp.

6 Q: 21st and Capp .

7 A: And he tells me to pullover somewhere and then at that point we're just thinking like I
8 look for a charger and then we're all - I start telling my girl like do you just want to roll up a
9 blunt, she's like, yeah.

10 Q: And you guys are still at 21st and Capp.

11 A: Yeah, we were sitting there parked.

12 Q: Uh-hum.

13 A: Because he had stop, he told us to stop and he told us he was going to hop out the car and
14 that he was going to do something real quick. But he told me to leave the trunk open.

15 Q: Ok. When did he a, when did he turn on the app to listen to our communication our
16 broadcast, communications the scanner?

17 A: He had it in his headphones for a little bit. Like, when he got in, when we picked him up
18 he was listening to the music. Like he was listening, I don't know what the fuck he was listening
19 to. But he was listen to something
20 on his phone.

21 Q: Uh-huh.

22 A: And then, he wouldn't anything and as soon as he stepped out the car he just put his car
23 on the charger and it started playing through the, through the car. So I turned it down, like damn
24 near, turned it down damn near all the way cuz I'm like damn this is gonna sound hella suspect if
25

1 we're here. Just sitting with this. And then next thing you know he does that and I'm just like
2 fuck so that's why he was listening to that shit.

3 Q: Yeah. OK did you know he was getting ready to go rob somebody?

4 A: No, I did not sir.

5 Q: Ok. And again-

6 A: Because, if he, to be honest sir, look I'm being honest with you. If he if I knew that he
7 was gonna to go out to rob somebody, I wouldn't bring my girl or my puppy. Because, like I've
8 told you, they're everything to me sir.

9 To be honest that's all I have left. I don't have my family, they don't even have my back.

10 Q: Ok.

11 A: Sir, you said let's speak with honesty but I'm telling you all honesty, like I have nothing
12 to hide no more.

13 Q: Ok.

14 A: I really don't. I'm sorry for putting you through all that shit in the beginning just to get
15 this.

16 Q: Yeah.

17 A: But it just because like, bruh, [REDACTED]. I have my
18 girlfriend she means the world to me. My puppy, he means the world to me all that.

19 Q: Well your still here right?

20 A: Yes sir, I-

21 Q: You didn't shoot anybody right?

22 A: I didn't shoot nobody.

23 Q: Ok well, you, you still living. You still got an opportunity. Still have a chance.

24 A: But I don't know

25 Q: Nobody's perfect ok.

1 A: But I don't know what I'm gonna do. What to do with them-

2 Q: Relax, relax, relax, you, you knew he had a gun on him right?

3 A: I don't-

4 Q: You didn't, you didn't know he had a gun?

5 A: No.

6 Q: He didn't show you a gun?

7 A: I didn't see no gun, sir.

8 YS: Was it your gun?

9 A: No, it wasn't.

10 YS: [REDACTED]

11 A: [REDACTED] But that

12 wasn't my gun. I didn't even know he had a gun on him.

13 YS: Did you have a gun in the car tonight?

14 A: Did I have a gun in the car tonight? No, I did not. I, I don't have no

15 gun in my car because the fact that I look at it as - [REDACTED], the moment I get caught with a

16 unregistered fire, fire arm. [REDACTED] what

17 [REDACTED]

18 [REDACTED]

19 Q: [REDACTED]

20 A: [REDACTED]

21 Q: [REDACTED]

22 A: [REDACTED]

23 Q: [REDACTED]

24 A: The most, the only weapon I had in the car was a knife.

25 Q: Was a knife?

1 A: Yes and that was even, even that was in the glove compartment.

2 Q: That was in the glove compartment? Ok. But your prints, your DNA is not gonna show

3 up on that gun?

4 A: Uh-uh.

5 Q: Ok

6 YS: Or on the bullet?

7 A: Huh?

8 YS: Or on the bullets?

9 A: Uh-uh.

10 Q: Magazine? Trying to help you out here bruh.

11 A: Alright, it will come out on the magazine.

12 Q: It'll come out on the magazine?

13 A: Uh-huh.

14 Q: Ok, so you knew the gun was in the car?

15 A: Yes, I did because he had his own problems sir.

16 Q: Huh?

17 A: He had his own problems -- [REDACTED]

18 [REDACTED]

19 Q: [REDACTED]

20 A: [REDACTED]

21 Q: [REDACTED]

22 A: Ok, then I'm sorry sir. No I was just, you know I got to be politically correct and every

23 everywhere I go.

24 Q: Don't trip. Ok so you the gun was in the car?

25 A: Uh-huh.

1 YS: Did you get him the gun? Is that why your DNA is on it?

2 A: Hum? No.

3 YS: Do you get him the gun to protect himself?

4 A: Uh-uh, the reason that, the reason he has the gun was because of he went to go do that I

5 never got him the gun. The thing was my fingerprints are gonna be on the magazine because he

6 asked me like, like dude like look at this and he passed it to me. I wasn't even looking and then

7 then he passed it. As soon as I felt it I grabbed it. I'm like bruh, what the fuck are you handing

8 me this shit for? Now my finger prints are on that shit. You'd better wipe that shit off because if

9 you some shit I don't want to get caught up in it. Like I have a future to fuckin look towards.

10 YS: This was tonight?

11 A: Hum?

12 YS: This was tonight?

13 A: This should have been, Yeah tonight. Fuck all the things are just blending together.

14 YS: You first picked him up?

15 A: Hum?

16 YS: When you first picked him up?

17 A: Yeah.

18 YS: Or were guys already driving around for a while then?

19 A: No, when I first picked him up. Cuz he had it inside the McDonalds bag.

20 YS: Where was [REDACTED]

21 A: [REDACTED] she was in the back. She's always sitting right behind me.

22 YS: Did she touch the gun?

23 A: No, she didn't.

24 Q: Did she know the gun was in the car?

25 A: No, she didn't.

1 Q: You sure?

2 A: From what I know she, from I know she didn't see the gun.

3 Q: Ok.

4 A: I don't know if he showed it to her or what but -- or if he just, I don't know. I don't know
5 if he just happened to flash it to her or I don't know if he showed her or anything.

6 Q: Uh-hum.

7 A: But I know for sure I touched the magazine.

8 YS: So your saying he took the magazine out and he handed you the magazine?
9 Or he handed you the gun?

10 A: No, he handed me the magazine. Like the magazine was inside the McDonalds bag with
11 the gun.

12 YS: Oh, but it was not, it was with the gun but was not in the gun?

13 A: Yeah.

14 YS: So he hands you the magazine.

15 A: Yeah, he's like hey bruh, look at this.

16 YS: And then he pops it back in?

17 A: Yeah, he goes like this he's all hey bruh, look at this. I'm like so I'm driving right? And
18 I'm like on my phone so I dropped my phone, I'm like what? And then I'm like oh what the
19 fuck I'm get this shit the fuck out my face cuz this shits gonna have my prints on it. And if you
20 go down to jail for it, I'm gonna go to jail for it. So I don't want none of that shit to happen. So
21 he's like alright bruh, my bad, my bad. I didn't mean it like that.

22 Q: Hum ok.

23 YS: I didn't get a good look at it, was it a .9 or a 380?

24 A: I don't even know. Only touched the clip. From the clip when I looked at it, I don't know.
25 I think it was a 380 or something.

1 Q: You think it was a 380?
2 A: Yeah because of the, because of the bullets, the bullets looked a little bit fat.
3 Q: Ok, possible 380, Ok.
4 Q: Now, how long have you known, you know his real name?
5 A: No, I just know him by Dopher.
6 Q: Dopher?
7 A: Yeah.
8 Q: How long have you known him?
9 A: Hum.
10 Q: For real, for real.
11 A: For real like, years.
12 Q: Years?
13 A: Yeah.
14 Q: How many?
15 A: Since we're in 5th grade.
16 Q: Since you're in the 5th grade?
17 A: Yeah.
18 YS: So he's about the same age as you?
19 A: Yeah, he's older than me.
20 Q: He's older than you?
21 A: Yeah.
22 Q: How much older?
23 A: I think a year.
24 YS: Were you in the same class together though?
25 A: No, he

1 YS: 5th grade together, or was he, your 5th and he's 6th?
2 A: He was, I was 4th and he was 5th.
3 YS: Ok.
4 A: So-
5 Q: What's he listed as on in your phone?
6 A: Hum?
7 Q: Does, does it say Dopher in your phone for him?
8 A: Yeah, it should be under Dopher.
9 Q: Do you remember his number?
10 A: It's like [REDACTED] and I forgot the last three. But I
11 remember because I didn't have him saved for the longest and I kept saying who is this number.
12 YS: Are you a Facebook guy, a Twitter guy, and social media stuff?
13 A: No, I actually deleted my Instagram, deleted my Snapchat. Only thing I really have is my
14 Facebook.
15 YS: I he on your Facebook? A Facebook friend?
16 A: Yeah, he should be on there.
17 Q: He's on there.
18 A: Yeah.
19 Q: Does the name [REDACTED] mean anything to you?
20 A: [REDACTED] [REDACTED].
21 Q: [REDACTED]
22 A: [REDACTED]
23 Q: Was he with you guys tonight?
24 A: For a certain extent to, but I didn't think that was relevant because he didn't like-
25 YS: Educate us, clue us in on that one, [REDACTED] participation tonight.

1 A: Huh?

2 YS: Tell us about [REDACTED] tonight.

3 A: Like I said Hi, Like I said Adolpho was doing Xanax. [REDACTED] is a little – he’s somebody

4 from the neighborhood who just, he can’t make ends meet himself so he just does drugs with

5 Adolpho. Since Adolpho

6 Q: So when you picked up Adolpho, Dopher, was [REDACTED] with him?

7 A: Yeah, he was.

8 Q: Ok.

9 A: They’re, they’re hella fucked, [REDACTED] was really fucked up so I had to take him home.

10 Q: Ok. Where’d you take him home at? You remember?

11 A: I dropped him off on 24th and Harrison.

12 Q: 24th and Harrison.

13 A: Yes, at his house.

14 YS: What’s his real name?

15 A: Ok, now that ones a mystery. It like [REDACTED] I believe. Something like that.

16 YS: Who?

17 A: Like [REDACTED]?

18 Q: [REDACTED]

19 A: No like, [REDACTED], No [REDACTED] something like that.

20 Q: Ok.

21 YS: Is he Hispanic?

22 A: I don’t know, I don’t know if he’s Hispanic or Arab. Cuz, actually he’s Hispanic because

23 I remember him speaking Spanish before he got out the car.

24 YS: So what, how does – you know his dialect of Spanish would indicate he’s

25 A: He sounds about, maybe Mexican?

1 YS: Ok. Do you speak Spanish?
2 A: A little bit.
3 YS: What's your?
4 A: [REDACTED].
5 Q: Excuse me. So you picked him up along with?
6 A: Adolpho.
7 Q: Adolpho. Mission and 24th at a McDonalds?
8 A: Uh-huh.
9 Q: And then you immediately drove from there to-
10 A: From McDonalds straight down to Harrison-
11 Q: Straight down to Harrison.
12 A: And straight back.
13 Q: To drop him off?
14 A: Yeah, straight down 24th and Harrison and straight back up.
15 Q: Ok, did you drop him off at a house, you drop him off at an apartment?
16 A: I dropped him across the street from his house.
17 Q: Across the street from his house?
18 A: Yes.
19 Q: Ok.
20 YS: And then from there you went down to Van Ness to get your
21 A: Uh-huh.
22 YS: Your weed? Is that what you bought? No a backwood, something to roll my weed in.
23 Q: Something to roll in, yeah.
24 YS: You said, you said, Adolpho was gonna pay for the backwood
25 cuz he had money?

1 A: Yeah.

2 Q: So did he buy the, did he actually buy the, the backwoods and the cigarettes and the
3 whatever you bought there?

4 A: No, because at the last minute he said oh, I'm sorry I don't got no money. I'm like fuck,
5 I'm have to send somebody in there with my debit card.

6 Then he's all like, ok. So I sent somebody in there with my debit card to get my stuff.

7 YS: Tonight, tonight?

8 A: Yes.

9 YS: You went, you sent somebody in with your debit card? Or he sent somebody in with his
10 debit card?

11 A: No, I sent somebody with my debit card. It's the black one that I got booked with that's
12 over there.

13 YS: How come you didn't go in?

14 Q: Yeah

15 A: Because I'm not 21.

16 Q: Makes sense. Makes sense.

17 YS: It's getting early or late.

18 Q: Yeah, I know.

19 YS: So, how much did you guys spend over there?

20 A: About, I sent about like \$7.50, \$7.90.

21 YS: Ok.

22 Q: Ok.

23 A: I bought water, a backwood, a couple cigarettes, something like that. The dude came back
24 with my receipt, it ran back about \$7.90, \$7.50.

25 YS: Who came back with your receipt?

1 A: Some bum dude that's always right there outside on
2 YS: Oh, ok.
3 Q: What'd you, what'd, what'd you buy him for doing it?
4 A: Nothing. He's just a friend. I help him out whenever I can.
5 Q: Ok.
6 YS: So it's just the three of you? It's you Adolpho, [REDACTED]
7 A: Uh-huh. And the puppy.
8 YS: and the puppy in the back?
9 A: Uh-huh.
10 YS: You guys go there, you get the, you get that, you make a purchase and then your cruising
11 up 21st street?
12 A: Yeah, and then we stop on 21st and Capp in front of the little parking spot.
13 Q: Ok, now real, real important, really important. The people who were robbed tonight, did
14 you guys see them as you were driving down? Extremely important.
15 A: No, sir.
16 Q: Ok, They wasn't potential marks. You guys were listening to the radio, to the police
17 scanners. You guys see the people who are potentially are targets to be robbed? Ok, he tells you
18 to go park in the certain area and you guys end up on 20th and Capp?
19 A: No sir, that's not what happened.
20 Q: That's not how it happened?
21 A: No sir.
22 Q: Ok.
23 A: I came up from the store and I turned left on 21st and Capp and I stopped in front of the, I
24 stopped in front of the little parking spot. Little gate off place. And I, when I stopped right there I
25 did notice him

1 like just looking around and shit.

2 Q: Ok.

3 A: So I'm like what the fuck are you looking at? Do you peep something?

4 Do, do you see somebody creeping up on us? And he's all like no. He's like nah. He's like hey

5 I'll be right back. Give me a second. He's all pop the trunk. And that's when he started looking

6 through my trunk for a bit. And I'm thinking like what the fuck did he put in my trunk. But he

7 didn't find anything. So, he just left the trunk open and walked away and I called him like where

8 the fuck are you going? He's all don't worry I'm about to be back. Like, just leave the trunk

9 open. I'm like alright for sure. Cuz I didn't, I didn't think much of it.

10 Q: Ok.

11 A: I didn't think he was gonna go out and rob somebody.

12 Q: OK, we were, we were on a good roll here to where we really having a good productive

13 fruitful conversation.

14 A: Uh-hum

15 Q: Alright, let's, let's not end it off bad note

16 A: I'm not end it off on a bad note sir.

17 Q: Did you know, ok, that he was getting ready to rob somebody because he'd saw some

18 people ok?

19 A: I didn't think he was out there getting ready to rob somebody cuz that's completely out of

20 his character. Because he gets all his money legally. He works at Metro.

21 Q: He works at Metro?

22 A: Yeah, he works at Metro PCS. He gets all his money legally. So I didn't think he'd have

23 to resort to robbing people.

24 Q: Ok. But, he had a gun.

25

1 A: Yeah, and the gun was so he could protect himself from the people who are always
2 shooting at him and everything.

3 Q: [REDACTED]?

4 A: [REDACTED]

5 Q: [REDACTED]. Is he a, you say you know him since 5th, 5th grade?

6 A: Yes

7 Q: [REDACTED] [REDACTED]

8 A: [REDACTED]

9 Q: [REDACTED]

10 A: [REDACTED]

11 [REDACTED]

12 Q: [REDACTED]

13 A: [REDACTED]

14 Q: [REDACTED]

15 A: [REDACTED]

16 Q: [REDACTED]

17 A: [REDACTED]

18 Q: Ok. Ok. How you feel?

19 A: I feel like shit.

20 Q: Why?

21 A: Because of the fact that he told me that every, just, just the fact that I let him just – I'm
22 just mad at the fact that I got, that I got sucked into this shit. I let myself get this low. I'm really
23 mad at myself bruh.

24 YS: So, I appreciate that. I have a couple follow ups here. Earlier when we were not going
25 down such a good path.

1 A: Uh-huh.

2 YS: You were saying that you got out of the car, you could see and arm holding the, the trunk
3 down.

4 A: No, I didn't.

5 YS: Was that true? Or?

6 A: Yes that was true.

7 YS: Ok, so he was in the, so he's in trunk?

8 A: Uh-huh.

9 YS: Moments before the cops get there if I'm gonna get this under, if I understand this
10 correctly. He's in the trunk, he's holding-

11 A: No, so, no so, I see him holding the trunk closed. When after the

12 YS: But it's not all the way closed?

13 A: Yeah, but it's not all the way closed until after the officers pull me out of the car. They
14 didn't pull me out physically. They told me, they gave me instructions to full up, walk out of the
15 car and I did.

16 YS: Ok. And so you look back

17 A: And then I see his arm like trying to close it like this.

18 YS: Ok.

19 A: So I'm all like.

20 YS: So the cops are ordering you out.

21 A: Yeah

22 YS: you're, you get out of the car, you look back, you can still see, you can still see him arm,
23 so it's still not all the way closed?

24 A: Yeah.

25 YS: Ok, then they, the cops,

1 A: They, they point their guns at him tell him get, get, get the fuck out the trunk or we're
2 going to shoot.

3 YS: Where, where are you at this point when the cops are telling him to get out of the trunk?

4 A: I'm, I'm in the cop car handcuffed so I'm like what the fuck?

5 YS: Are you in the cop, police car right behind your car?

6 A: No, I'm two cars over. So like, I'm like one, two.

7 YS: Ok.

8 A: So I'm like facing my car like this.

9 YS: Ok. And are you behind the passenger side or behind the driver's side of the police car?

10 A: Passenger side.

11 YS: Ok. So you, is there anything between you and the back of your car?

12 A: Yeah the, yeah the police car.

13 YS: The primary police car? That's right, directly behind yours?

14 A: Yeah, the primary, the primary, the primary police car the one that first pulled me,
15 initially pulled me over.

16 YS: Ok, do you have full view of the, of the trunk?

17 A: I have about a quarter view of the trunk.

18 YS: Seeing this side, the driver's side of the trunk, or the passenger side?

19 A: Ya, the drivers side of the trunk.

20 YS: Ok. And so, does he, is he cooperating?

21 A: No, he wasn't.

22 YS: Did you, can you, from the car can you still his hand holding the trunk?

23 A: From his, I, to be honest from, I can't see his hand but I can see his
24 hand just going like this, like the trunk lid.

25 YS: moving?

1 A: Like the trunk lid going up and down, up and down, up and down, up and down. And
2 then I guess, I don't know what he did, or I don't know what happened but then that's when they
3 start to open fire. And that's when I just started freaking out because I was thinking of my
4 girlfriend.

5 YS: Alright. Did you hear, so, last, after he's telling you -- in the car telling you go, go, go.
6 The cops have stopped you, the cops are getting you out -- do you hear him saying anything to
7 you, to the cops, to himself as your transitioning from being in the car, out of the car, being
8 grabbed by the cops -- do you hear Adolpho saying anything?

9 A: I hear him say I'm sorry that I did this to you bruh, but I'm not going back to jail. He's
10 like and I'm not getting deported.

11 YS: That's as you're, where whereabouts are you when you hear that?

12 A: As I'm getting handcuffed and put into the back of the police car.

13 Q: So you hear him say that?

14 A: Yeah.

15 YS: What's the distance between you getting handcuffed and being put in the back of the
16 police car to where that

17 A: About five to seven yards.

18 YS: Ok. And you can hear him clear?

19 A: I can hear him clear.

20 YS: Was he like yelling it loud, cuz he's in the trunk?

21 A: Yeah, no he was, he was yelling out the little crack and he said, Dude I'm sorry that I'm
22 putting you through this, but I'm not going back to jail and I'm not getting deported.

23 YS: And do you think he was talking to you or is he talking to the cops?

24 A: To me.

25 YS: Did he say your name?

1 A: He just said, hey, I'm sorry. I'm sorry I put you through this so atomically I assumed it
2 was for me.

3 YS: Ok. About, if you would, about how loud? Would you demonstrate about how loud you
4 think he was speaking?

5 A: He was all like, "hey", he all "hey bruh" he's like "my bad bruh" he's all like "my bad I
6 didn't even mean to put you all through this bruh, but you know I, I can't go back bruh" He's all
7 "I can't go back to Mexico and I can't go to jail bruh, I'm done bruh, is good". I'm just like what
8 the fuck? I'm like, what the, I'm like what the fuck is about a going, about to happen. Is he like
9 about like pull out his gun and start shooting at the officers?
10 And let them shoot 'em all down or like what's going on?

11 YS: And then how, how, how long after-

12 A: They were arguing with him for about thirty seconds and then they opened fire.

13 Q: Was the trunk, you said the trunk was, it was-

14 A: I don't honestly – when they opened fire I ducked and I didn't

15 Q: No, no, no prior to, prior to them opening fire was the trunk, you said the trunk were
16 opening

17 A: The trunk was opening and closing like he wanted to peak out like if he was undecided.

18 Q: Ok. And you saw just, just the one hand?

19 A: Huh, Yeah all I saw was one arm.

20 YS: What?

21 Q: Did you see the other hand?

22 A: No I could not see the other arm.

23 Q: Ok.

24 YS: What side of the trunk did you see, it was it on the, was his hand on the driver's side.

25 A: So like-

1 YS: Or on the passenger side?

2 A: It was like this right, so, this, the car is facing that way right?

3 YS: The front of the car is that way?

4 A: He's like this right, there's the driver's side.

5 YS: So his head is on the driver's, behind the driver's side?

6 A: Yeah, He's like this.

7 YS: Ok. Do you know if he's right handed or left handed when he writes, throws, kicks a
8 soccer ball?

9 A: No. He smokes with his right hand so, I think he should be right handed.

10 YS: Did you see what he did like when you, you, you kinda got mad at him in the car. Do we
11 see what he did with that gun? Did he put it in his waist, did he put it in,

12 A: Honestly-

13 YS: Was he wearing a jacket?

14 A: I don't even, I don't – When he hopped in the car I didn't know what, what happened like
15 for real like-

16 YS: No, no, I'm -- back, back up a little bit.

17 A: Uh-huh.

18 YS: He takes, he takes a magazine, takes a gun out of the McDonalds bag and he hands you
19 the magazine.

20 A: Uh-huh.

21 YS: You say dude, you know you have a fit, you don't want any part of that.

22 A: Yeah.

23 YS: So, what did he do with the gun? Did he put it back in the McDonalds bag? Did he put it
24 in his waist. He put it behind the small of his back? In a jacket?

25 A: I don't, I don't know, I think he had a, he has a fanny pack that he usually carries around.

1 YS: Ok. Did he have it on tonight, last tonight?

2 A: I don't know, I didn't see his-

3 YS: What color is the fanny pack?

4 A: I don't know, I think it's black. But-

5 YS: Does he usually wear it here or do he wear it in the small of his back or on the side?

6 A: He wears it like, I don't even know how he wears it. He – I think he wears it over his

7 shoulder.

8 YS: Left or right shoulder? Typically.

9 A: Hold on, right here, just right here.

10 YS: So across?

11 A: Yeah.

12 YS: Across his body?

13 A: Yeah.

14 YS: Kinda like a messenger bag kind of carry?

15 A: Yeah.

16 YS: What else does he keep in that? Does he carry his dope in there, weed in there?

17 A: I don't know.

18 Q: Hum.

19 A: I really don't know.

20 YS: And how big is it?

21 A: Like this big, the bag.

22 YS: Ok. And did you, did you remember seeing it tonight?

23 A: I didn't see it at all tonight.

24 YS: Ok.

25 A: The only, the only-

1 YS: So you're saying typically he has that?

2 A: Yeah, typically he has, he has a fanny pack.

3 YS: But you're not sure about tonight?

4 A: Yeah, tonight he pulled it out of the McDonalds bag.

5 YS: Ok, and then you don't know what he did with the gun afterwards?

6 A: Uh-huh.

7 YS: Can – what color was the gun?

8 A: I think it was all black.

9 YS: Ok. You said you touched the magazine.

10 A: Yeah.

11 YS: So I'm guessing you saying it's a semiautomatic,

12 A: Yeah.

13 YS: You think maybe it was a 380.

14 A: Yeah.

15 YS: Cuz it was a-

16 A: Yeah, it looked like a

17 YS: Bullet size?

18 A: Yeah, the bullets looked pretty thick so I, it looked like a 380's. What's it called, the gun

19 was all black so it could have been 380 special but, I'm really wouldn't know.

20 YS: I'm not jamming you up on stuff. I just want to find out what you know about guns. In

21 the past. Have you handled a .9 mil? Have you seen a 9 millimeter?

22 A: Yes, I go to with my friends to go to the range a lot.

23 YS: What have you shot in the past?

24 A: I've shot Glock 21s, Glock 20's, 19's, 18's , 36's, 42's,

25 YS: All the Glocks?

1 A: Yeah.

2 YS: What other guns have you shot?

3 A: I've shot AR15's, AR15, FN's, bull-

4 YS: FN Rifles?

5 A: Yeah, the rifle, semi-auto's.

6 YS: Revolvers?

7 A: Revolvers, probably I've shot a Deringa, Deringer, a 357, 44, a 38.

8 YS: Smith 44, 44's and 38's and or-

9 A: I believe, I don't even remember, Magnum, 44 Magnum.

10 YS: Colt, Smith?

11 A: Colt.

12 YS: So your kinda familiar with guns?

13 A: Yeah, kind of.

14 YS: Alright. Bout how big was the gun you saw tonight?

15 A: The-

16 YS: What would you, what would you compare it size wise to a Glock?

17 A: Usually what I, use, so last time.

18 YS: You sound like you handle a lot of Glock's.

19 A: Yeah.

20 YS: So what would you, what would be a comparable size gun to a Glock?

21 A: It'd be, probably, it probably be about the size of a Glock 40, maybe a little bit smaller.

22 YS: 40 Cal or?

23 A: A 4, like, Glock 40. The one they carries a 9 in 'em.

24 Q: Uh-huh.

25

1 A: Something about that big, but a little bit smaller, so, it's probably like about. I don't
2 know like-

3 YS: So are you talking like, when you say Glock 40, you talking about 40 caliber or a Glock
4 40 the model?

5 A: The model.

6 YS: Ok.

7 A: Glock 40 the model. And then it was like about, this big, about like this long. Like
8 somewhere around like this long and like somewhere around like this tall.

9 YS: So would you say that's about-

10 A: That's like subcompact, something like that.

11 YS: Ok. Looks like a subcomp, not a full size, but a subcompact?

12 A: Yeah, Yeah.

13 YS: Ok.

14 Q: Hum.

15 YS: When the police were telling him to get his hands up.

16 A: Hum

17 YS: Can come out of the car, try talking to you or talk, did you hear it in English? Or was it
18 English or Spanish, English, the officers commands?

19 A: I heard the officers commands in both English and Spanish.

20 YS: And were they, was it-

21 A: To me or to him?

22 YS: To you first?

23 A: To me they spoke in English. Cuz I came out like, sir! Like I came out speaking English.

24 YS: Ok, so they spoke English.

25 A: They spoke English to me.

1 YS: Alight, and to him?

2 A: To him they spoke English and then when he didn't respond in English they started
3 speaking Spanish.

4 YS: And did you hear it just from their mouth cuz they're speaking loud or did you hear it
5 over a PA system?

6 A: Over a PA Yeah.

7 YS: You know what a PA System is right? So you saying with a PA?

8 A: Yeah, I hear it. No, I hear it in person and over a PA.

9 YS: Ok. And when you're in the car, did you, could you, were you able to ever hear [REDACTED]
10 in the car saying anything? Like talking to the cops?

11 A: Yes. Yes.

12 YS: What was she saying?

13 A: She was just saying, "please don't shoot us, please don't shoot us" like

14 YS: And you were in the police car now?

15 A: Yes, and I was yelling once they pulled out their -

16 YS: And you could hear her-

17 A: Yelling.

18 YS: And she still in your car in the backseat?

19 A: Yes, yes with my puppy.

20 YS: And you're in the police car?

21 A: Yep and then

22 YS: Were the police car windows open?

23 A: One of them but, drivers.

24 YS: Drivers windows open?

25 A: Yeah, and I'm

1 YS: So, through the driver, open drivers window you can hear what's happening?
2 A: Yes.
3 YS: You could hear [REDACTED]
4 A: Yelling and screaming and crying because she does not know what's going on and she
5 doesn't know whether she's about to die or anything.
6 YS: And that's the same avenue to hear that you heard Adolpho talking?
7 A: No, I heard him like
8 YS: through the-
9 A: I heard him in person.
10 YS: talking to you.
11 A: I was walking back and then put me in handcuffs and that's when I heard him say that.
12 YS: Ok.
13 Q: Ok.
14 YS: Cuz I thought you earlier you said heard it when you were, you heard him when you were
15 in the car.
16 A: No, I heard the gun shots when I was in the car
17 YS: Ok.
18 A: And that's when I started freaking out and talking about-
19 YS: You hear Adolpho say, bro, sorry dude I'm not going back.
20 A: Yeah.
21 YS: And I'm not getting deported.
22 A: Yeah.
23 YS: Cuz you were walking transition from surrendering to being taken physically to custody
24 by the cops?
25 A: Yeah.

1 YS: But, you're outside.

2 A: Yeah, hearing him say this. So as soon as I heard him say that, my heart dropped and I
3 was only worried about my girlfriend. That's when I started yelling like can you guys get her out
4 the car, can you guys out the car because he's gonna make you guys shoot him.

5 YS: Ok. And that phone in the car with the scanner is his phone?

6 A: Yes, it is.

7 YS: Not your girl's second phone?

8 A: No, it's not.

9 Q: Ok.

10 YS: Alright, sit tight for a minute, let's go, see if-

11 Q: Ook. You a, you want some water something to drink?

12 A: Can you guys just refill my water sir?

13 Q: Huh?

14 A: Sir, can you guys at least tell me what kinda charges I'm looking at?

15 YS: You've got some water here.

16 A: I know but I'm saying can you refill it? Like

17 Q: Yeah we can do that.

18 A: But can you guys let me know at least what at least what I'm looking at? I'm looking at
19 cool like five to 10, huh?

20 YS: Oh, I don't know that stuff. So, we don't know yet.

21 A: Sir, can you please, can you do me one favor, can I please just hug my girlfriend and kiss
22 her please? I just need to.

23 YS: Ok, hold on, we'll be back in a minute.

24 A: Please sir please.

25 END OF INTERVIEW

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED] **(Through Interpreter)**
10

11 **INTERVIEWED BY:** **SERGEANT WATTS**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT WATTS**
2 **I: INTERPETER (SERGEANT ROMAN)**
3 **A: [REDACTED] (In English Responses)**
4 **YS: YORK SUDA**
5 **AC: ANGIE CHOW**

6
7 **Q:** Okay if you could tell the gentleman we are going to introduce ourselves and then I'm
8 going to ask him for his personal details and then I can ask him to tell us what happened this
9 evening.

10 **I:** [REDACTED]

11 **Q:** Can you ask him to spell that?

12 **I:** [REDACTED]

13 **Q:** [REDACTED]

14 **I:** Yes.

15 **Q:** Last name?

16 **I:** [REDACTED] - That's [REDACTED]

17 **Q:** Oh sorry yeah

18 **I:** [REDACTED]

19 **Q:** Date of birth?

20 **A:** [REDACTED]

21 **I:** [REDACTED]

22 **Q:** Address and phone number

23 **A:** [REDACTED]

24 **I:** [REDACTED]

25 **Q:** Apartment or?

1 A: [REDACTED] yeah.

2 I: He speaks a little bit of English.

3 Q: Yeah. Are you guys okay if we, if he's able to understand the English we're good. And if
4 not, then officer –

5 I: Well when I talked to him in the field, I just asked the limited in English, the basic
6 address, name and address. The whole story was in Spanish.

7 Q: Okay then why don't we do that. We'll do the basics. Phone number?

8 A: [REDACTED]

9 Q: [REDACTED]

10 A: Yeah.

11 Q: Okay so why don't you ask [REDACTED] where he was coming from tonight. Who he was with -
12 Oh sorry I am Sergeant Gary Watts San Francisco police homicide. Officer Roman.

13 YS: Inspector Suda with the DA's Office.

14 AC: Angie Chow, I'm an assistant district attorney.

15 Q: Okay. Just tell him to relax, he's okay. He's done nothing wrong. And then if you could
16 just ask him to, where he was coming from tonight. Who he was with and what street and what
17 happened?

18 I: [REDACTED]

19 Q: From where?

20 I: From Mission Street.

21 Q: And he was on 21st?

22 I: 22nd and Mission got off the bus. Yes, got off 22nd and Mission, walked down Mission
23 towards 21st Street.

24 Q: Uh-huh okay.

25 I: Walked towards 21st towards Capp.

1 Q: Okay and then what happened?

2 I: Okay so he's walking towards 21st. The friend had his car parked on 21st and Capp.

3 Q: He was with his friend on the bus right?

4 I: No off the bus he was walking by himself.

5 Q: Where did he meet his friend?

6 I: He was parked on 21st and Capp.

7 Q: He was gonna meet his friend, is that correct?

8 I: He was walking towards his house and he saw the other person on 21st and Capp. He's

9 trying to tell the story exactly how the incident happened but I'm asking again the question if the

10 other person is with – So starting to go back to start about the actual incident happened but I'm

11 trying to ask him the other person he was with. Got it. So I guess the other guy, so the other guy

12 was on 21st and Capp near his vehicle. He was walking northbound on Capp – he was by himself.

13 Q: Uh-huh.

14 I: Just to clarify, the other person they are not friends. They just happened to be there at the

15 same time. The other guy was parked at 21st and Capp outside his vehicle. He was walking on

16 Capp past 21st going towards 20th.

17 Q: Yep.

18 I: The other person who is here also was approximately 12 feet from near his vehicle. Okay.

19 Q: Yeah.

20 I: So he's walking by himself just to clarify that.

21 Q: Okay.

22 I: Okay so he's walking right, northbound on the westbound side of Capp Street.

23 Q: Uh-huh.

24 I: He observes a Hispanic male walks past him, he walks past him. So this Hispanic male

25

1 walks past him, maybe this is the door, so we figure about ten feet.

2 Q: Yeah.

3 I: He turned, he turns around. What happens then?

4 I: Got it. So Hispanic male turns around. He continues walking. He walks in his path. Just
5 to clarify, he turns around. The male starts walking towards him. It's like ten feet, right, when he
6 turns around and immediately walks towards him.

7 Q: Towards [REDACTED]?

8 I: Yes. So then again he turns around, walks towards him. He sees he's walking towards
9 him and he starts slowly walking backwards. Again turns around, walks up towards him. He
10 starts walking back. He walks right in front of them and he's holding a silver handgun.

11 Q: Silver handgun.

12 I: Silver handgun, silver in color, grey in color he's not really sure. Says to him in Spanish,
13 he tells me (Dame tu feria, primo) which translates "give me your money cousin."

14 Q: Can you just say that in Spanish again?

15 I: Yeah, Dame tu feria

16 Q: Spell it?

17 I: D-a-m-e t-u f-e-r-i-a. And then primo which is cousin, p-r-i-m-o

18 Q: Give me your money, cousin.

19 I: Give me your money, cousin. Just backtracking, he had the handgun in his right jacket
20 pocket when he pulled it out. So he puts, he takes the handgun and presses the handgun against
21 the stomach area when he tells him the statement of dame tu feria, primo. He tells him I don't
22 have money. That's what he tells him I don't have no money. He tells him, yo no estoy
23 juegondo, I am not playing. Yo no estoy juegondo. Saying again dame tu feria one more time.
24 And then he took out the money. So his right rear pocket. It was in his wallet. So then he takes
25 his wallet out again, I'm sorry he takes his wallet out. He takes the cash out and gives it to him

1 and tells him I don't have anything else. About \$50-60 dollars. They give him the money and –
2 so once he gives him the money, the suspect immediately runs southbound on Capp passed 21st
3 Street towards 22nd.

4 Q: What was he wearing?

5 I: He said maybe it's a baseball hat, but maybe black in color or dark in color, but it was a
6 baseball hat. A black jacket.

7 Q: Black hoodie?

8 I: Black hoodie. The hoodie was not over his head just the baseball hat and the black
9 hoodie? Black pants. Tennis shoes. Black and white tennis shoes.

10 Q: Any facial hair?

11 I: No. Possibly long hair but he's not really sure because of the jacket and the hat. Like his
12 height. 5'4" maybe 5'5" he said about his height. About 20-25 years of age. I asked him the
13 color of his skin, Hispanic lighter skinned than me. Lighter skin color than him. Skinny. Like
14 150 pounds.

15 I: Would you recognize him again?

16 A: No.

17 I: I asked him the question would you recognize him if you seen him again, he goes most
18 likely yes.

19 YS: Could he tell national origin from the Spanish?

20 I: Do you think he's an American born Hispanic male or foreign-born Hispanic male from a
21 different country?

22 I: He believes it could be American born Hispanic.

23 YS: And where is he, what's his?

24 I: [REDACTED]

25 YS: Only asking about language.

1 I: Yes.

2 Q: And then what happened. So he runs off southbound on Capp.

3 I: Yes, I saw the male running. What did you do? He said he observed the police come on
4 scene. The other person who was there on scene was waving to the police. The other person that
5 was here – police came on scene. The other person starts waving to the police saying in Spanish
6 they robbed him. They robbed you, they robbed you, they robbed him.

7 Q: How soon did the police arrive after the robbery?

8 I: Less than a minute he said.

9 Q: Okay. They were flagged down by the other gentleman right? Is that what I heard?

10 I: Yes. Just asked him the question, when the police came on scene when this other party
11 was waving the flag – waving to the police to how far was he from him. He says about five feet.

12 Q: Okay.

13 I: He observes the other guy waving the police down.

14 Q: Okay and then what happened?

15 I: So the police come on scene. He observes the male running on Capp Street and enters
16 into a vehicle.

17 Q: Uh-huh what kind of car?

18 I: Black vehicle. I asked him if it was a two door or four door, he thinks it's a two door.

19 Q: Did he see him get into the car or did he see him get into another part of the car?

20 I: Just to clarify, so he sees him, there's vehicles parked, multiple cars on Capp Street. He
21 goes towards the vehicles. He's not sure if he went between the vehicles or in the vehicle, he's
22 not sure

23 Q: Okay but he saw him towards a black vehicle.

24 I: Correct.

25

1 Q: And then what happened?

2 I: The car didn't move. When he observed going towards the vehicle and then the police
3 arrived on scene that's all he has. He didn't see what happened then after that.

4 Q: Were the brake lights on on the vehicle?

5 I: No lights, cars not on.

6 Q: No lights on the vehicle?

7 I: Correct.

8 YS: And the police are on, they're already there when the suspect is running and getting
9 towards this black car?

10 I: Correct, yes. So when the police arrived on scene – they're near the vehicle, he didn't see
11 anything else after that.

12 Q: Okay and then what happened, when he sees him get into the car.

13 I: He saw him going towards the vehicle, he saw police arrive on scene. I guess he says
14 then – he just stood there. Arrived on, police arrived on scene. He stays near the southwest
15 corner of Capp and 21st.

16 Q: Uh-huh. Did he talk to the police?

17 I: Yes, so when he's there at the corner police come up and try to talk to him. Tells them I
18 don't speak English. That's when Officer Banegas came and translated and spoke with him.

19 Q: How long did he wait for Banegas to show up?

20 I: Like two, three minutes.

21 Q: Okay and was the vehicle that was down the block was still parked?

22 I: Yeah, it was still there.

23 Q: And then after he spoke to Banegas then what?

24 I: After Banegas started to be with him, he explained he got robbed and told him the story.

25 Q: And then what did the police do next?

1 I: He told them, Banegas told him, stay with me. Stand by me for further interview.

2 Q: How long was he talking to Banegas for?

3 I: Like 10-15 minutes.

4 Q: And all this time this black car is still stationary?

5 I: Yes.

6 Q: Wow. And after you spoke to Banegas and the car is still there then what happened? Did
7 he see the police approach the vehicle?

8 I: Yes he said earlier saw the police came on scene and approach the vehicle.

9 Q: Okay I'm sorry I missed that. Did he hear the police talk to the car?

10 I: No.

11 Q: Did he hear any communication at all? Any yelling, any shouting?

12 I: No, I don't know.

13 Q: What did [REDACTED] observe?

14 I: No, I didn't see anything while I was standing by with Officer Banegas.

15 Q: Did he see gunfire? Did he see or hear gunfire?

16 I: Yeah, just heard the shots.

17 Q: Where was he standing when he heard the shots? Was he on Capp or was he on 21st?

18 I: I was there, when I came on scene they were on the southwest corner of 21st and Capp.

19 Q: But was he more on 21st

20 I: More on 21st.

21 Q: And he heard but he didn't see?

22 I: Correct.

23 Q: How many shots?

24 I: About 10 shots.

25 Q: And then what happened?

1 I: I just stood there waiting in the cold.

2 Q: Then when was he transported to Mission Station?

3 I: Yes, after transport to Mission Station.

4 Q: And if you could just ask him, when he was on 21st and Capp and when the gunfire was
5 going on, was there a police officer standing with him at any time?

6 I: Uh-huh which was myself and Banegas.

7 Q: There you go.

8 YS: Can you ask him was, did he have a line of sight on the car or was he around the corner
9 so he couldn't see it?

10 I: No. I wasn't able to see the car from there.

11 Q: Okay.

12 YS: Just to clarify on the, back to the robbery thing. Did the suspect with the gun up to the
13 suspect's stomach or up to his stomach?

14 I: the suspect put the gun on the victim's stomach. Pressed it against his stomach.

15 AC: Did he ever see anybody with the suspect?

16 I: Just by himself.

17 YS: Just to clarify, did he ever -- did he say he saw a suspect get in the car or just walk in the
18 direction of that car?

19 I: So he's not sure if he got in between cars or inside of a car. He's not sure.

20 Q: I'm good.

21 YS: And when he's saying the car are we talking about the black two door Honda or he
22 doesn't know which car was involved the suspect ran to?

23 I: He just knows towards a black vehicle that's all he knows, that's it.

24 YS: Had he ever seen this guy in the neighborhood before?

25 I: Never seen him before.

1 YS: And he only handled over cash bills?
2 I: Yes, just money.
3 YS: And the other guy who is now a witness, we thought a victim too, he's actually now a
4 witness, he doesn't know him. That guy just saw it happen and flagged down the cops?
5 I: Yes.
6 YS: Does he know the other guy, not know him but does he recognize the other guy from the
7 neighborhood or is he just a complete stranger?
8 I: No, I don't know him.
9 Q: We're good. Tell [REDACTED] Thank you. He's a very brave man. And if there's anything that
10 the police department can do, or the district attorney's office, victims of crime people can do to
11 help [REDACTED] and ask him not to hesitate and get in touch.
12 I: Okay.
13 Q: Tell him somebody from the victim's – what's that unit?
14 YS: Victim Assistance Unit
15 Q: Victim Assistance Unit is going to reach out to [REDACTED].
16 I: Okay.
17 YS: Phone number again, is that cell?
18 I: Yeah cell.
19 Q: Perfect.
20 YS: [REDACTED]
21 I: [REDACTED]
22 YS: [REDACTED]?
23 I: [REDACTED]
24 YS: [REDACTED]
25 [REDACTED]

1 Q: [REDACTED]

2 I: [REDACTED]

3 YS: [REDACTED]

4 I: [REDACTED]

5 YS: [REDACTED]

6 I: [REDACTED]

7 Q: Thank you.

8 END OF INTERVIEW

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 13, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of
14 September 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **SERGEANT HUTCHINS & SERGEANT GRAVES**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT HUTCHINS**
2 **SG: SERGEANT GRAVES**
3 **A:** [REDACTED]
4
5 **Q:** Okay so we're hot again. Congratulations [REDACTED] I heard you got a [REDACTED] is that
6 right?
7 **A:** Yeah thanks.
8 **Q:** I'm Sergeant Hutchins.
9 **A:** Nice to meet you.
10 **SG:** I'm Sergeant Graves.
11 **A:** Nice to meet you.
12 **SG:** Nice to meet you too. So did you hear or see anything?
13 **A:** I mean I was asleep already and I woke up to the gunshots. And I just like heard a bunch
14 of gunshots basically.
15 **Q:** Okay.
16 **SG:** Did you look out and?
17 **A:** Not immediately because we're like, we sleep on the other side.
18 **SG:** Okay.
19 **Q:** So you're in the [REDACTED] ?
20 **A:** Uh yeah away [REDACTED] [REDACTED]
21 **Q:** Okay.
22 **A:** And then like after it sort of died down, I like came out and I have video cameras so like I
23 just oh I'll get the footage ready. Cause I figured that-
24 **Q:** Right. Okay.
25 **A:** Ya'll would come by.

1 SG: Okay. The video cameras, where do they point exactly?
2 A: I have, well I have one that faces this way.
3 Q: Southbound Capp?
4 A: South and Capp.
5 Q: Uh-hum.
6 A: One west.
7 Q: West on 21st.
8 A: And the other east on 21st.
9 Q: East on 21st.
10 SG: West on 21st and-
11 A: East on 21st.
12 SG: East. Okay.
13 A: Yeah.
14 Q: So likely somebody from CSI will probably come out and get the footage from you.
15 A: I already gave it to [REDACTED].
16 Q: Did you?
17 A: Yeah.
18 SG: Okay.
19 Q: It's gotta be [REDACTED].
20 SG: All right perfect.
21 A: Yeah.
22 SG: All right.
23 Q: Could we get a good phone number for you?
24 A: Sure. [REDACTED]
25 SG: Uh-hum.

1 A: [REDACTED]

2 SG: [REDACTED]. Got it. And your date of birth?

3 A: [REDACTED].

4 Q: Did the other officer leave his calling card with you?

5 A: Yeah.

6 Q: Okay so, all right I'm all out of cards. I'm going to write mine down here.

7 A: Okay.

8 Q: And we're with the San Francisco Police Department.

9 A: Okay.

10 Q: And thank you for talking to us.

11 A: Oh yeah, no problem.

12 Q: You know.

13 A: Yeah, it's pretty crazy. Like you could definitely see on the footage like what happened.

14 Not about the shooting really but about like what was going on with the guys trying to do some

15 weird stuff.

16 Q: Okay so that's my name Hutchins and that's my phone number. I'm going to leave that

17 with you.

18 A: All right.

19 Q: So what do you mean by that when you say on the footage the guy's trying to do weird

20 stuff? What guy?

21 A: Well you could see there is a car that comes down, and like they back sort of in front of

22 the parking lot there.

23 Q: Uh-hum.

24 SG: Uh-hum.

25 A: And then one guys gets out, walks down the street here.

1 Q: Uh-hum.

2 A: Like either, I don't where basically but like either you know towards Mission or up Capp.

3 The other dude gets out of the car, opens the trunk, gets back in and is waiting. And then like a

4 minute later, the guy comes back running. Just like jumps in the trunk but then like other cop

5 cars, like there's a cop car that comes up right away.

6 Q: You could see people get in the trunk of the car?

7 A: Yeah like oh yeah cuz the trunk is open, and you could see he just hopped in. He was

8 running down the street and just hopped in the trunk and they were gonna like go away. It's

9 crazy.

10 Q: Huh. And did you see what happened after that or no?

11 A: I'm, you can't uh not with like, like the cop car comes up and like you can't really see the

12 flashing lights and stuff.

13 Q: Right.

14 A: Yeah.

15 Q: Huh. Interesting.

16 A: But I mean those guys were like prepared to do something basically.

17 Q: Yeah. Huh. Okay.

18 SG: All right. Thank you so much [REDACTED].

19 Q: Yeah thank you. All right you too.

20 END OF INTERVIEW

21

22

23

24

25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **SERGEANT HUTCHINS & SERGEANT GRAVES**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 Q: SERGEANT HUTCHINS

2 SG: SERGEANT GRAVES

3 A: [REDACTED]

4

5 Q: Okay this is Sergeant Hutchins and Sergeant Graves. We're inside [REDACTED]. And we just
6 finished interviewing [REDACTED].

7 Q: From [REDACTED].

8 Q: [REDACTED]. Yeah hopefully the audio came up. We're hot right now.

9 A: Hello.

10 Q: I'm sorry to-

11 A: No.

12 SG: How are you?

13 Q: To bother you. I'm Sergeant Hutchins.

14 A: Yeah. That's okay.

15 SG: Hi.

16 Q: Okay so this is Sergeant Graves. Okay so the reason why we wanted to talk to your sister
17 was so that-

18 A: I've heard.

19 Q: Yeah, the two of you couldn't confuse each other with what you both saw.

20 A: I didn't see anything.

21 Q: Okay did you hear-

22 A: I was in the back.

23 Q: Okay.

24 A: I just hear the million shots.

25 Q: You saw them or heard them?

1 A: No, I heard them. Cause I was in the back.

2 Q: Okay. So-

3 A: No way you could miss that.

4 Q: Okay.

5 A: Million of them.

6 Q: So when you say you're in the back, you're on the 3rd floor of this building?

7 A: Yes.

8 Q: And you would be in the furthest?

9 A: And I was in the-

10 Q: So you're motioning to the east.

11 A: In the bathroom with my [REDACTED].

12 Q: Okay and your [REDACTED] is [REDACTED]?

13 A: Yes.

14 Q: Okay.

15 A: So see the (inaudible) this way.

16 Q: Right. You're motioning east.

17 A: Yeah. So east. This way.

18 Q: Right.

19 A: So that's-

20 Q: So the next alley over is that Shotwell?

21 A: Sorry?

22 Q: The next al-

23 A: South Van Ness.

24 Q: South Van Ness. [REDACTED]

25 [REDACTED]

1 A: Uh-hum.

2 Q: And all you did; all you could say is you heard the shots?

3 A: A whole bunch at the same time.

4 Q: Okay.

5 A: Like fireworks.

6 Q: Okay.

7 A: Because I was by, I had my [REDACTED] in the bathroom.

8 Q: Okay.

9 A: We were just stepping out of the bathroom and I had to hold her.

10 Q: Ooh.

11 A: You know because it was, it just went crazy. Ba ba ba ba ba ba. I says really?

12 Q: Right.

13 A: It was (inaudible) do that? Like how many people shot guns there. I was feeling you

14 know saying "oh my god, oh my god." But I was over there. I didn't see anything. I just heard so

15 then I took my [REDACTED] to the further back to the bedroom.

16 Q: Right. Okay.

17 A: And I put [REDACTED] to bed.

18 Q: Okay. What's your first name?

19 A: [REDACTED].

20 Q: [REDACTED]? Okay and you're [REDACTED]

21 A: Yes.

22 Q: Okay. Um-

23 SG: What's your last name?

24 A [REDACTED]

25 Q: Uh-huh.

1 A: [REDACTED].

2 Q: [REDACTED]?

3 A: [REDACTED].

4 Q: [REDACTED] Okay. What's your date of birth [REDACTED]

5 A: [REDACTED]

6 Q: [REDACTED].

7 SG: [REDACTED]

8 A: Uh-hum.

9 SG: And do you have a cell phone that we can contact if needed? Or no? Any kind of cell
10 phone or home phone?

11 A: [REDACTED]

12 SG: Okay.

13 A: [REDACTED]

14 SG: Uh-huh

15 A: [REDACTED]

16 SG: Thank you. Thank you for talking with us.

17 Q: Do you thin there's anybody else upstairs that saw anything other than your [REDACTED]? Was
18 your, was your [REDACTED]? Is she still there upstairs? If you could ask her to come down, we can't
19 make you have her come down. But if you could ask her to come down, we'd just like to get her
20 information and what she saw.

21 A: Uh-huh.

22 Q: You know and if she's unwilling or doesn't want to then we understand. Okay. Thank
23 you very much. I'm sorry about this.

24 A: (inaudible)

25

1 Q: You know what, I don't know. I do, I honestly don't know. So what happens is there's
2 lead investigators outside right now and they're controlling the crime scene.

3 A: (inaudible) what were they shooting at?

4 Q: Again, I don't – I'm not the lead investigator on this. So what they asked us to do is just
5 canvas the area and get statements. So I, I'm relying on what you heard and what you saw. I
6 don't know what happened out there. I'm gonna, what I would like to do is write down my
7 information because I don't have a business card. And if something comes up, if somebody
8 heard something or does want to talk to us, I'm all out of business cards unfortunately. But I'm
9 gonna leave it.

10 SG: Yes. Sergeant Graves.

11 A: So are you detectives?

12 Q: Yes. Yeah, my business card actually isn't much nicer than, than this. But – so I just want
13 to make sure that you and [REDACTED] have that.

14 A: (inaudible)

15 Q: Yeah. What's your [REDACTED] first name? Okay. Thank you. Yeah, we'll wait.

16 SG: No problem.

17 Q: Thank you. Okay that was [REDACTED]. Is that right? [REDACTED]?

18 Q: Yeah [REDACTED].

19 Q: Okay so [REDACTED] interview's done.

20 END OF INTERVIEW
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **SERGEANT HUTCHINS & SERGEANT GRAVES**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT HUTCHINS**
2 **SG: SERGEANT GRAVES**
3 **A:** [REDACTED]
4
5 **Q:** Okay we're live. So we're at [REDACTED]. It's Hutchins and Graves.
6 **SG:** [REDACTED] as well. [REDACTED].
7 **Q:** It's already been done apparently.
8 **SG:** Hi. Did you see or hear anything?
9 **A:** Uh yeah. Yes. Just the, I saw one shot, heard one and then a whole bunch.
10 **Q:** Can we, can we step inside and talk to you?
11 **A:** Yes. I just saw, heard that they were talking to the people inside in Spanish like "put your
12 hands up" and that. Repeatedly like with the loudspeaker.
13 **SG:** Uh-hum.
14 **A:** They were telling them to put their hands up in Spanish.
15 **SG:** Okay who was telling them? The police?
16 **A:** Yeah.
17 **Q:** Okay.
18 **A:** Uh-huh. A woman's voice.
19 **Q:** Okay.
20 **A:** And then it went on for a while and then somebody from I'm assuming from inside the
21 car screamed and said we don't speak Spanish or something like that.
22 **SG:** Uh-hum.
23 **A:** And then so they gave them the instructions in English.
24 **Q:** Could you hear the instructions?
25 **A:** Well "keep your hands up, keep your hands up."

1 Q: Uh-hum.

2 A: "Show your hands." That's basically what. "Don't put your hands down."

3 Q: That's what you heard?

4 A: Right.

5 Q: I'm sorry ma'am, would you mind stepping upstairs. We'll talk to you in a minute. Is that
6 okay?

7 UF: (inaudible)

8 SG: (inaudible) talking to her right now.

9 A: And-

10 Q: Thank you.

11 A: What I could see a little bit is like a pair of hands like this.

12 Q: Uh-Hum.

13 A: But I don't, I can't say how many people in the car.

14 Q: So a pair of hands raised up?

15 A: Raised up. Yeah.

16 Q: Okay. And did you see anything in the hands?

17 A: No.

18 Q: Okay. And that was from inside the vehicle?

19 A: Yes.

20 Q: Okay.

21 A: Because you know the lights of all the cars were shining into these other car.

22 Q: Okay.

23 A: And but before that, there was this I think the guy they took earlier, that was before this
24 whole thing by the time I – my [REDACTED] is the one that was looking at. And she said something-

25 Q: Was that your [REDACTED] that just walked away?

1 A: No, that's my [REDACTED] My [REDACTED] is upstairs. They were shining the lights in -- the police
2 was shining the lights in a silver SUV.

3 Q: Uh-Hum.

4 A: Over there. So she was asking me if it was my car.

5 Q: Uh-Hum.

6 A: But I said I'm not parked on Capp. I'm parked on 21st. But I didn't pay attention, so I
7 didn't hear the commotion originally. And then I looked and then I saw the guy with the white
8 pants.

9 SG: Uh-Hum.

10 A: This is before the shooting and everything. So he was handcuffed and then they walked
11 him to this side and then I lost track of him.

12 Q: Uh-Hum.

13 Q: Of the white pants guy?

14 A: Right.

15 Q: Okay.

16 A: And then, and then the rest of it like "put your hands up" in Spanish, English. And then I
17 did hear like one shot.

18 Q: Uh-Hum.

19 A: And I couldn't tell from where and I was looking.

20 Q: Okay.

21 A: I turned around and I told my [REDACTED] "oh my god" you know what happened. And then I
22 can't think about how long after that-

23 Q: Uh-Hum.

24 A: Then I heard all this. And-

25 Q: What do you mean when you say heard all this-

1 A: A whole bunch of guns going on at one time.

2 Q: Uh-Hum.

3 A: Right and then I was there. I didn't even duck or anything cuz it felt like it was all going
4 that way.

5 Q: Uh-Hum.

6 Q: Uh-Hum.

7 A: And but some of the officers that were not as close to where the shooting was going on,
8 they started running this way.

9 Q: Uh-Hum.

10 A: Yeah like out of the way but-

11 Q: Uh-Hum.

12 Q: Okay.

13 A: And then after, I don't remember how long after that, then this girl was screaming. Going
14 crazy, crying. And then they, I couldn't even see which side of the car she got out of. They got
15 her out or something.

16 Q: Uh-Hum.

17 A: And then so they walked her to the patrol car, but she was hysterical. Just screaming and
18 screaming and screaming. And then eventually of course they took her away, but not too long
19 ago.

20 Q: So when you say you heard one shot, did that one shot sound the same noise level as the
21 big volley of shots going afterwards? Does that question make sense?

22 A: Yeah. I was trying to think about that, but-

23 Q: Too hard to say?

24 A: Yeah.

25 Q: Okay.

1 A: Yeah because there's too many, too many-

2 Q: Uh-Hum.

3 Q: So just so you know, I'm Sergeant Hutchins.

4 A: Uh-Hum.

5 Q: I'm with the San Francisco Police Department. This is Sergeant Graves.

6 SG: Sergeant Graves.

7 A: Hi.

8 SG: Hi.

9 Q: What's your first name?

10 A: [REDACTED]

11 Q: [REDACTED]

12 Q: [REDACTED]? And what's your last name?

13 A: [REDACTED]

14 Q: Is that [REDACTED]

15 A: [REDACTED].

16 Q: [REDACTED]?

17 A: Uh-Hum.

18 Q: Okay.

19 Q: [REDACTED]

20 A: [REDACTED].

21 Q: Do you have a good phone number? We can keep in touch.

22 A: Yeah. I have my cell and then I have my home, but I usually do better with my cell. So

23 that's [REDACTED]

24 Q: Uh-huh.

25 A: [REDACTED]

1 Q: Okay.

2 A: [REDACTED].

3 Q: [REDACTED]

4 A: Yes.

5 Q: Are you at [REDACTED] or [REDACTED]?

6 A: [REDACTED].

7 Q: Okay.

8 A: The guys in [REDACTED], I think somebody talked to them through the window earlier.

9 Q: Uh-Hum.

10 Q: Okay.

11 A: But-

12 Q: How are you doing?

13 A: They're probably sleeping.

14 Q: How are you doing right now? Are you okay?

15 A: Well, I called my [REDACTED] and I was oh my god.

16 Q: Right.

17 A: [REDACTED] was already in bed cause he works at 6.

18 Q: Uh-Hum.

19 A: My [REDACTED] in law has to leave by 5 cause [REDACTED] works in San Jose. So but yeah, I think

20 I'm okay. I just don't know because it sounded like there were more than 2 people in the car.

21 Q: Uh-Hum.

22 SG: Uh-Hum.

23 A: Right. So because they got the guy first. And then the girl said we don't speak Spanish.

24 Right? So there was more than one and then only her came out so.

25 Q: Okay.

1 A: There's gotta be somebody else in the car. (inaudible)

2 Q: Let, let me ask you something now, just so I, I want to repeat what you told me and if I

3 make any mistakes, correct me. Okay?

4 A: Uh-Hum.

5 Q: So you hear loudspeakers out on the street.

6 A: Uh-Hum.

7 Q: And you're inside your house.

8 A: Right.

9 Q: Okay. And are you on the second floor or third floor?

10 A: [REDACTED] but by that time we had the windows open.

11 Q: Okay.

12 A: Uh-Hum.

13 Q: So you're on the [REDACTED] floor of this building. You hear loudspeakers and you look outside

14 and, and you hear Spanish.

15 A: Spanish.

16 Q: A female voice-

17 A: I did not hear; my cousin says they said it first in English.

18 Q: Uh-Hum.

19 A: But doesn't seem like anyone was doing whatever it is that they were being told.

20 Q: How many police cars did you see initially?

21 A: Wow. My god. All of the ones here, plus here and I don't know. I didn't count but-

22 Q: That's okay. Did you hear sirens before?

23 A: No.

24 Q: Okay. Just loudspeakers?

25 A: Yes. I did not hear the sirens.

1 Q: Do you speak Spanish?

2 A: Si.

3 Q: When you heard it in Spanish, did it make sense to you in Spanish what you heard?

4 A: Yes. Uh-huh.

5 Q: Okay I-

6 A: They were saying just uh "put your hands up" "keep it up." Same thing that they were
7 saying.

8 Q: Could you, could you repeat it in Spanish what you heard?

9 A: Yeah. (Levante los manos. Levante los manos. Mantena los manos par libra).

10 Q: Okay. And that was coming from a load speaker?

11 A: Yes. It sounded yeah like a horn or.

12 Q: Right. And that was at, was that confusing to you or did it make perfect sense?

13 A: No, because I'd already seen the car.

14 Q: Okay. When you said you'd seen the car-

15 A: It was already where it is right now.

16 Q: Okay. I haven't looked at it.

17 A: Uh-huh.

18 Q: Okay I'm just, I'm here-

19 A: Close to a dumpster.

20 Q: Okay is it a sport utility vehicle? It is a-

21 A: It's a small car. It's dark so I couldn't exactly see what it was, and it was confusing with
22 the big dumpster right in front.

23 Q: Right.

24 A: And I didn't see it, but my cousin said that she did see the car when it came. But you can
25 ask her.

1 Q: Okay.

2 A: And, and so she saw like three people running on the street but not clear.

3 Q: Let's not talk about what she saw.

4 A: Right.

5 Q: Let's-

6 A: I, I didn't see any of that because by the time I looked.

7 Q: And again I just want to know what you know.

8 A: Right and then so all the lights.

9 Q: Okay. When you say all the lights, you're waving your hands. Is it the red and blue
10 flashing police lights?

11 A: Yes.

12 Q: Okay did you see any spotlights coming from the police cars?

13 A: No.

14 Q: Okay.

15 A: Just the-

16 Q: When you heard the Spanish (levante la manos, levante la manos) you told me that you
17 heard a female voice yelling "we don't speak Spanish."

18 A: Right.

19 Q: Is that right?

20 A: Right. Right.

21 Q: When you heard that voice, do you think it was coming from inside the car?

22 A: Sounded like it was.

23 Q: And the car we're talking is the little black car by the dumpster?

24 A: Yes. It's in the dark. Whatever. The dark car. Yeah. Uh-Hum.

25

1 Q: So then you told me that one person got out of the vehicle and it was a man in white
2 pants?

3 A: That was before.

4 Q: Before-

5 A: Before the. Right.

6 Q: Okay.

7 A: Earlier on he he, they got him out.

8 Q: Okay.

9 A: And so I don't know how. If he, and I can't say that he came out of the car.

10 Q: Okay.

11 A: When I saw him, he was cuffed, and they were walking him this way.

12 Q: Okay.

13 A: But the door was open. So he couldn't be -

14 Q: Okay. Which door?

15 A: Didn't see it.

16 Q: Which door was open?

17 A: The driver's side door.

18 Q: Was it the driver's side door where the driver's seat would be?

19 A: Yes.

20 Q: Or the rear driver's side?

21 A: No. The, the front.

22 Q: Okay so where the driver would be.

23 A: Yes. Yes.

24 Q: Okay so you saw, you saw this guy get out of that door?

25 A: No. No.

1 Q: You just saw him out of the vehicle?

2 A: I just saw him-

3 Q: And that door was open?

4 A: When he was out, and they were walking him this way. I don't know. Or maybe he was

5 just closest. I don't know where he came from.

6 Q: Okay.

7 A: But yeah.

8 Q: Okay.

9 A: But they did take him out in a patrol car so-

10 Q: Then you heard a female voice on the loudspeaker give instructions in English?

11 A: Yes. No. Spanish.

12 Q: Spanish first.

13 A: Spanish.

14 Q: And then the lady says I don't speak Spanish.

15 A: They may have said it in English before.

16 Q: Okay.

17 A: But I don't know.

18 Q: Okay.

19 A: But when I heard it, repeatedly in Spanish.

20 Q: Okay. Did you hear it at all in English?

21 A: Not before that.

22 Q: Okay. That's okay.

23 A: Uh-Hum.

24 Q: So then you said that you heard one shot and then a volley of shots. Essentially.

25 A: Yes. Yes.

1 Q: Okay. Did you see who was shooting at who?

2 A: With the one, no.

3 Q: The first shot.

4 A: Right.

5 Q: Okay. Did you see anybody shoot at anybody?

6 A: Yes. It was the policemen. The officers were standing by the patrol car that was closer to

7 the and they were kind of lined up. Some of them were kneeling and some of them were

8 standing. But I couldn't say-

9 Q: Okay.

10 A: Who was doing what. It's just a whole bunch of them. And then I heard this all.

11 Q: But you know, you know they were officers?

12 A: Yes.

13 Q: And how did you know they were officers.

14 A: They had their uniforms.

15 Q: And you could clearly see that?

16 A: And they wear, I mean there was nobody. I saw some neighbors, but they were way over

17 there. Nobody, no civilians were in this section over here because it was clearly the police was –

18 there was a presence-

19 Q: Uh-Hum.

20 SG: Uh-Hum.

21 A: So the police – a lot of them. So people, I think they just got inside their house. I don't

22 know why, but there was nobody on the street except them.

23 Q: Okay.

24 A: So I can't say.

25 Q: That's okay. What's your birthday?

1 A: [REDACTED].

2 Q: Okay. Okay. I see the cat running around here, what's the cats name?

3 A: [REDACTED].

4 Q: [REDACTED]

5 A: [REDACTED]

6 Q: That's funny.

7 A: [REDACTED] named her.

8 Q: That's a good one.

9 A: [REDACTED].

10 Q: Oh geez.

11 A: [REDACTED].

12 Q: Yeah, it's a feline.

13 A: Uh-huh.

14 Q: Right. That is funny.

15 SG: Any video cameras um on the building at all?

16 A: There are some, that's because the guy, the people that live in the first, those are the

17 owners.

18 Q: [REDACTED]?

19 A: [REDACTED]. Yeah.

20 SG: Okay. I saw them looking out.

21 A: Yeah. They have on the side I know by the garage.

22 Q: Okay.

23 A: My [REDACTED] car was – she was parked there and-

24 Q: Okay.

25

1 A: A crazy drunk person came and crashed her car, but I don't know. There's something
2 here but I don't know what it is. If it's a camera you know?

3 Q: No it looks like a light.

4 A: Or of it's a light.

5 Q: It looks like a light.

6 A: Right.

7 Q: Yeah.

8 A: So I don't know but they do have the video of the guy crashing on my [REDACTED] car. I know
9 that for sure so but its on the 21st side.

10 SG: Okay.

11 Q: How, how many people were in your house?

12 A: There is [REDACTED] [REDACTED] was asleep.

13 Q: Okay.

14 A: The one that's [REDACTED] is the one that was, cuz she was ironing, and [REDACTED] was looking
15 out. I was watching tv, so I didn't see how the whole thing-

16 Q: What were you watching?

17 A: A novella in Spanish.

18 Q: Oh yeah? Telenovela?

19 A: Si.

20 Q: Yeah.

21 A: And it just started like two weeks ago, so I didn't move until she said, "oh look at that,
22 maybe it's your car."

23 Q: Do you think, the lady that came down and went back upstairs, that's your [REDACTED]

24 A: Yes. I don't know how much she saw but you can ask [REDACTED] She was trying to put [REDACTED]
25 to bed. But she said-

1 Q: You understand why we wanted to talk to you by yourself? Cuz I didn't want [REDACTED] to tell
2 you what to tell us.

3 A: Uh-Hum.

4 Q: You know and vice versa so we would like to speak to her. Do you think you can-

5 A: Yeah, I'll get her. I'll ask my [REDACTED], but she's a little not-

6 Q: [REDACTED]?

7 A: [REDACTED]

8 Q: What do you mean she's a little not?

9 A: Because she says, "get out of the window. They're going to try talk to you. Stop making
10 noise" Oh you know. It's like-

11 Q: Right.

12 A: Why?

13 Q: Yeah.

14 SG: Yeah. No worries. If any of them want to talk us they could come down.

15 Q: Do you have a card?

16 SG: No, I don't have my card.

17 Q: No I don't have my card on me.

18 A: So let me go get [REDACTED] that she came down and said that she-

19 Q: Please. That would be a big help.

20 SG: She's right here.

21 A: Oh yeah cause she's scared usually. She doesn't actually-

22 SG: She wants to know what's going on.

23 Q: Yeah, all my cards are gone.

24 A: Well let me go.

25 SG: Okay.

1 Q: Okay. Well thank you. Yeah, we'll wait down here if you don't mind.
2 SG: Well it was nice to meet you.
3 A: It was nice talking to you. There's always something going on here and I'm always
4 calling to somebody there.
5 Q: Well hopefully we're helping.
6 A: But then this girl that got stabbed over there about at least 2 months ago.
7 Q: Uh-Hum.
8 A: And I guess they found her dead the next day. It's a lot of stuff going on on this corner.
9 Q: Uh-Hum.
10 A: Let me check.
11 Q: What was her name? Her first name?
12 SG: ██████████
13 Q: ██████████ that's right. ██████████. Okay so interview with ██████████ is finished.

14 END OF INTERVIEW
15
16
17
18
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:**

████████████████████

10
11 **INTERVIEWED BY:**

MATT STONECIHPER, DPA

12
13 **DATED:**

MARCH 15, 2019 TIME: 9:15 AM
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: MATT STONECIPHER**

2 **A:** [REDACTED]

3
4
5 **Q:** This interview is regards to DPA Case Number 0097-18. This is investigator Matt

6 Stonecipher with the department of police accountability, I'm on the phone with [REDACTED].

7 [REDACTED] can you please spell your name for the record?

8 **A:** [REDACTED]

9 **Q:** [REDACTED] do you understand that I am recording our conversation?

10 **A:** I do.

11 **Q:** And do I have your permission to record this conversation?

12 **A:** You do.

13 **Q:** This interview is taking place on March 15, 2019 at 9:15 am and is about an incident that
14 took place on March 6, 2018 at 21st and Capp street. So [REDACTED], yeah, why don't you just tell me
15 start to finish what you recall about the incident.

16 **A:** I was in the backside of my house and noticed that there were a lot of police lights I could
17 see through the window. So I walked into the front rooms that overlook Capp Street and I saw a
18 car, just to the left side and beneath my, my bay windows. And then a number of police cars and
19 policemen in a semicircle around the car. I can't remember if initially the guns were drawn. I
20 believe that they were. But there was some shouting and talking going on in English. And then
21 over some kind of speaker system in both English and Spanish. I saw an individual get out of the
22 car, and the police took that individual away. And that went on for, the speaker with the English
23 and the Spanish went on for I would say several minutes longer. And then there was some
24 movement in the car. And then a lot of shooting from the policemen.
25

1 Q: Okay. So [REDACTED] I've got some follow-up for you. So how, if you had to approximate, how
2 close you were, how close were you to this incident?

3 A: [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 [REDACTED] so I was essentially one floor above it, looking down
7 on it.

8 Q: Okay. And just to clarify again, [REDACTED] what was your, where were you residing at the
9 time of this incident? What's your address?

10 A: [REDACTED].

11 Q: Okay. Now [REDACTED] when you were viewing this incident you were viewing it out of your
12 window. Is that correct?

13 A: Correct.

14 Q: Okay. Now was there anything obstructing your view of the incident at all? Like a tree or
15 anything in the way?

16 A: No, nothing.

17 Q: Okay. Okay. And [REDACTED] can you describe the lighting conditions of, during the incident,
18 what were the lighting conditions like?

19 A: Well it was dark outside, and they had the normal streetlights on. I was in a dark room, so
20 I had I guess a pretty good view of normal night view from a, you know from an interior
21 window.

22 Q: Uh-huh, Okay. And do you remember what the what commands they were giving the
23 person in the trunk?

24 A: Get out of the car I remember. We will shoot I think, it's - it's been a year so I can't
25 remember exactly what was being said. I mean it, and there was, you know, it initially started

1 with people, policeman, talking or yelling it generally and then it was coming over a speaker. So
2 to be honest I think, it was hard to know exactly what was being said.

3 Q: Okay.

4 A: And it's hard to remember now.

5 Q: Right.

6 A: It was definitely warnings to get out, or you know, or there might, they might have to
7 shoot.

8 Q: Okay. So [REDACTED] could you describe your view of the trunk of the vehicle. Could you see
9 into the trunk?

10 A: I could not. So the nose of the car was facing my window so the trunk was the furthest
11 away so I couldn't, and it was parked sort of perpendicular to my window so I could not see the
12 trunk.

13 Q: Okay. Alright. Okay, and how would you describe the formation of how the officers were
14 standing in relation to that vehicle?

15 A: I remember it being, you know, loosely a semi-circle.

16 Q: Okay. Okay and [REDACTED], what caused those officers to shoot?

17 A: I don't know. I heard a noise. I heard a sound, you know one sound and then, then a lot
18 more sounds. So, that, I know that orally I heard that, but I, I didn't see what caused them to
19 shoot.

20 Q: Okay. Can you describe what that first sound sounded like?

21 A: It's really so long I can't – I mean, once gun fire starts it all just sort of sounds like
22 popping, so-

23 Q: Right. Got it. Okay and talk to me, alright so, when the officers were shooting, could you
24 tell if they officers were moving while they were shooting? Any of them?

1 A: I, yeah, if they were it was not extensively but, it -- it you know happened so fast I can't
2 say that I saw them all or could tell you whether they moved at all. I don't have a recollection of
3 them moving in a substantial way.

4 Q: Uh-huh. Okay, so [REDACTED] talk to me about, what did you see after it? So the shooting, after
5 the shooting stopped, what happened next? What did you see happen next?

6 A: Oh gosh, I will be honest, I can't remember. I mean it was, to be -- to be really frank with
7 you when you see something like that your kind of so shocked that I think after the shooting I
8 probably for a few minutes just kinda ducked and got very nervous about what I just saw.

9 Q: Uh-Huh, right. What about this [REDACTED] when you were watching the incident, when the
10 gun fire started, what, did you, were you looking still at the vehicle, at the incident or at any time
11 did you turn away? Once the firing-

12 A: I definite, yeah, I definitely ducked. I don't know if I turned away, but I realized at the
13 moment that I was standing in floor to ceiling bay windows with shooting going on so I
14 definitely moved and ducked. My dog was with me and so, I definitely made a movement. And I
15 would say that I probably lost sight of the car while I did that.

16 Q: Okay. And [REDACTED], was, are you aware, were any people in your apartment building
17 affected by any of the gun fire? Did any rounds go into their apartments?

18 A: I don't live in an apartment. I live in a house.

19 Q: I'm sorry, in your house, my apologies. So let me ask you this, did
20 did any rounds go into your house at all?

21 A: We have one bullet hole in our house.

22 Q: Okay. Okay did you speak to any officers about that?

23 A: The bullet hole? I think I spoke to your colleagues about that.

24 Q: Okay. But did you talk to any SFPD officers on the day of the incident or like a day after?
25

1 A: You know I talked to SFPD officers that night, but that was because my, my partner was
2 trying to get home and they wouldn't let him home. So, I didn't see the bullet hole until your
3 colleagues came the next day. That night it was all about wanting to get my partner home and
4 they were would not let him come home.

5 Q: Okay and [REDACTED] who was, who was your partner?

6 A: [REDACTED].

7 Q: Okay. Okay and where was this bullet hole located?

8 A: It is on the, if your facing my house it's on the right side of the house. [REDACTED]
9 [REDACTED]

10 [REDACTED] But it's on right side probably I don't know, six feet from the front of the house on the
11 right-hand side.

12 Q: Okay. Okay and did any SFPD officers give you like any like follow-up forms or
13 anything like that, a case number or anything?

14 A: Someone gave me a case I think. I don't remember if it was your colleagues, I had, there
15 were people in and out of our door all night.

16 Q: Uh-huh.

17 A: And there were definitely some detectives who spoke to me that night. I can't remember
18 if they gave me the case number or if your colleagues gave me a case number or card.

19 Q: Okay. Other than the detectives and our agency DPA did you speak to anyone from any
20 other outside agencies?

21 A: No, I spoke to some of the patrol men who were there. But, then again that was mostly
22 about figuring about whether my partner could come home.

23 Q: Okay. And [REDACTED] do you any other, did you speak to any other neighbors who, who saw
24 the incident?
25

1 A: Not at length about the, not at length, no. I mean some of my neighbors across the street
2 were outside watching it. So I think in passing, but nothing in length. I may have seen some of
3 them at the, at the town hall that happened a week or so, or a few weeks later and but, but
4 certainly did not have a conversation about exactly what we saw.

5 Q: Okay so you went to the town hall then that followed the incident?

6 A: I did, part of it.

7 Q: Okay. Do you remember which neighbors that you spoke to about that?

8 A: Yeah. I can't remember who was there that night. So my neighbor across the street, I not
9 going to remember his name, I have it in my phone and I could look and try to get it for you if I
10 could remember where it is.

11 Q: Uh-huh.

12 A: But he, he basically directly across the street. I think he's in [REDACTED]. I spoke with him
13 and then my neighbor [REDACTED] to the right of me. I spoke to him. I don't know if he saw the incident.
14 I'm not sure he was home. I spoke to him later when there was a memorial or something on the
15 street.

16 Q: Yeah, [REDACTED] do you happened to remember when you spoke to that neighbor who lives in
17 [REDACTED], do you remember what they said they saw?

18 A: I don't.

19 Q: Okay.

20 A: He, he was definitely out on his steps that night though.

21 Q: Okay. Okay. Alright [REDACTED], I don't have any other questions, but before I wrap it up, is
22 there anything else relevant to this incident you feel like you should add?

23 A: No, I don't think so.
24
25

1 Q: Okay. Alrighty, well this interview is concluded. The official time is, let see here, the
2 official time it 9:26 am.

3 END OF INTERVIEW
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **SERGEANT HUTCHINS & SERGEANT GRAVES**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 Q: SERGEANT HUTCHINS
2 SG: SERGEANT GRAVES
3 A: [REDACTED]
4 GV: [REDACTED]
5
6 SG: Sergeant Graves. My partner Sergeant Hutchins.
7 A: Hey, how are you?
8 Q: Sorry to bother you.
9 A: No it's okay.
10 Q: Okay. Yeah so again I'm Sergeant Hutchins.
11 A: Yeah. [REDACTED]. [REDACTED].
12 SG: How do you spell that? Sorry.
13 A: [REDACTED]
14 SG: Uh-huh.
15 A: [REDACTED].
16 SG: [REDACTED]?
17 A: [REDACTED].
18 SG: [REDACTED]. Uh-huh.
19 A: [REDACTED].
20 Q: Do you live in [REDACTED]
21 A: [REDACTED]
22 Q: [REDACTED].
23 SG: Okay.
24 A: Actually, I'm just visiting my [REDACTED].
25 Q: Oh good for you.

1 A: I'm from [REDACTED].

2 SG: Okay.

3 Q: Getting out of the bad weather?

4 A: I just got out.

5 Q: What do you think about this weather?

6 A: It's fantastic.

7 SG: Yeah.

8 Q: Yeah.

9 SG: So we need to know if you heard or saw anything?

10 A: We, we were all going to bed.

11 Q: If we, if we can just interview your [REDACTED] briefly and then we'll interview you after. If

12 that's okay?

13 GV: Yeah. Yeah.

14 SG: Thank you.

15 Q: I'm sorry to be officious like that. It's just-

16 GV: Okay, that's okay.

17 Q: Part of the-

18 A: So yeah, we were all going to bed and I heard what I thought was a car crash you know?

19 Just a loud noise.

20 Q: Okay.

21 A: And then I guess in 5 minutes I got out of bed and went out. And I saw a awful lot of

22 police cars. So that's basically all I could – yeah. And the policeman did come up already.

23 Q: Okay did they talk to you?

24 A: Yeah.

25 Q: Okay.

1 A: Yeah but he didn't interview us like you did. He wanted my [REDACTED] video.

2 Q: Okay. Does your [REDACTED] have video?

3 A: Yeah.

4 Q: Okay.

5 A: Of the street.

6 Q: Okay.

7 A: Cause he's got a security camera.

8 Q: Okay good.

9 A: Yeah. Yeah. So he, his name was [REDACTED] and he took the -

10 Q: Okay.

11 A: Flash drive. Yeah.

12 Q: Just to backtrack, you said you heard a car crash when you were in bed.

13 A: Well I thought I just heard some noise. Subsequently, I heard it was a pistol or something

14 like that.

15 Q: Okay.

16 A: Yeah. Just a very loud noise.

17 Q: Did you see anything?

18 A: No nothing. We were, I'm in the backroom and so is my son.

19 Q: Would your room be on the second floor or the third floor?

20 A: [REDACTED]. Yeah.

21 Q: And so when you say the backroom it would be the room furthest from Capp Street.

22 A: (inaudible) yeah, it's not anywhere near the front of Capp.

23 Q: Okay. When you went to the window, what was the first thing you did see if you

24 remember?

25 A: Actually, I saw a whole bunch of police cars coming and police coming up.

1 Q: Okay.

2 A: Yeah.

3 Q: Okay. And do you have a contact phone number?

4 A: Yeah. [REDACTED] -

5 SG: [REDACTED]

6 A: [REDACTED] Yeah.

7 Q: Okay.

8 SG: And what's your date of birth?

9 A: [REDACTED] [REDACTED] [REDACTED]

10 Q: How long are you out from [REDACTED]?

11 A: Just for a week.

12 Q: Yeah. You got any big plans or no?

13 A: We're just hanging out. My [REDACTED] [REDACTED] [REDACTED].

14 Q: Oh congratulations.

15 A: Yeah. Yeah. It's fun.

16 SG: Okay. Your [REDACTED] is [REDACTED], right?

17 A: No, no [REDACTED] was the policeman.

18 SG: Oh [REDACTED] I'm sorry.

19 A: My [REDACTED].

20 SG: [REDACTED]. Okay.

21 A: Yeah. My [REDACTED] has security cameras out there on both streets. And there was something on

22 the security camera.

23 Q: Uh-hum.

24 SG: Okay. Thank you so much.

25 A: You're very welcome.

1 Q: Well enjoy your stay, otherwise right?

2 A: We will. Thank you.

3 Q: All right.

4 SG: Yeah.

5 END OF INTERVIEW

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **MATT STONECIHPER, DPA**
12

13 **DATED:** **MARCH 2, 2019 TIME: 10:00 AM**
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q: MATT STONECIPHER

A: [REDACTED] (THROUGH INTERPETER)

I: INTERPETER

A: I need to talk right now, or what?

Q: Oh no, I'll speak right now. This interview is in regards to DPA case number 0097-18.

This is investigator Matt Stonecipher, with the Department of Police Accountability. I'm on the phone with [REDACTED]. [REDACTED], will you please spell your first and last name?

A: Yes, my name is [REDACTED].

Q: Okay. Could you please spell it?

A: [REDACTED]

Q: [REDACTED], do you understand that I'm recording our conversation?

A: Yes.

Q: And do I have your permission to record this conversation?

A: Yes, that's fine.

Q: This interview is taking place on March 2nd, 2019 at 10 am.

A: Well, the incident was on March 6th.

Q: Right. I understand. But for the record, I have to say, say the date and time that this interview's being recorded.

A: Okay.

Q: This, this interview is in regards to an incident that took place at between 21st and Capp on March 6th of 2018.

A: It's perfect.

1 Q: Okay. So, [REDACTED], why don't you tell me from start to finish what happened and what
2 you saw.

3 A: Well, I live in, in front of the incident happens and I hear it like the sound from the police
4 car. Well, there, there was three guys in the car and the police stop the car. And, and told them
5 that they need to get out of the car with their hands up, but they refused to do that. And I don't
6 know how, but one of the guys went to the trunk. When the police officer gave him the warning
7 and say that they need to get out of the car, if they, if he doesn't get out of the car they will shoot.
8 He refused to get out of the car. So they shoot one bullet and after that when they opened the
9 trunk, this guy shoot, shoot to the police officer first.

10 Q: Okay. So [REDACTED], where were you standing when you viewed this incident, where were
11 you?

12 A: No. I was in, in my apartment and where I live. And I was watching everything over my
13 window.

14 Q: Okay. Okay. [REDACTED], if you had to approximate, how far away do you think you were
15 from the incident?

16 A: I was like around 30 meters.

17 Q: Okay. And could you, [REDACTED], can you describe the lighting conditions that day of the
18 incident? What were the lighting conditions like?

19 A: Well, it was not too lighted, but it was not too dark. I can see perfectly because the police
20 office, officer, he use, use own flashlight. We, we can see perfectly. When the police officer
21 shoot, the bullets went to my house also and I receive a bullet on my, one on my car. One of the
22 bullets on my car.

23 Q: Okay. So [REDACTED] I just want to make sure I'm understanding you correctly. You said one
24 of the bullets entered your house, is that correct?

25 A: Yes. And the door of the main entrance.

1 Q: Okay. The door of the main entrance to your, to your apartment?

2 A: Yes. Yes. And then, there was another bullet that hit my car, also.

3 Q: Okay. Where was your car parked, [REDACTED]?

4 A: Well, when the police officers shoot, one of the bullets hit my car. I, I think that maybe

5 they, it was like a rebound. And the other bullet hit my door.

6 Q: Okay. But again, where was your car parked in relation to the incident? I'm sorry, let me

7 clarify that. So, how far away was your car from the car that the police officer stopped, if that

8 makes sense?

9 A: Well, the car was parked in my driveway. In the front of the house. The police was in the

10 front like, 30 meters away where the car was parked.

11 Q: Okay. And [REDACTED], where, where were you currently residing when this incident

12 happened, your address?

13 A: I was living in [REDACTED].

14 Q: Okay. Do you still live there now?

15 A: Yes.

16 Q: Okay. I'm just taking notes right now, so if you hear any pauses that's why.

17 M: Okay.

18 Q: Okay. Now [REDACTED], when you were, could you just describe for me your apartment. Are

19 you on like the, like ground level, are you on the 2nd floor? How would you describe where your

20 apartments located?

21 A: Well, the building where I live it's unit [REDACTED], and I live in the first

22 apartment.

23 Q: Okay. But again, is that on the ground level, is that on the 2nd floor, the 3rd floor? If, if

24 that, you know, gotta be more specific.

25

1 A: Well, let me make that correction. I live in a building that [REDACTED] apartment [REDACTED]
2 [REDACTED] I live in the first floor.

3 Q: Okay. Okay. So, you said a bullet came into your apartment, how did it enter your
4 apartment? Did it go through, I'm sorry, just how did it enter your apartment, what did it enter in
5 before hitting the door, if that makes sense?

6 A: Well, let me tell you the, the bullet was like stuck in the main, in the door in front of the
7 main entrance from the building. It's not like go, going inside the apartment, it was that bullet hit
8 the door.

9 Q: Okay. So, oh, I get it. I under, so the main entrance to your apartment building? Not your,
10 not your individual apartment, is, is that correct?

11 A: No. The, the other one, it hit my car also.

12 Q: Okay. Okay. So, your view of this whole incident, was it ever impeded at any point?

13 I: This is the interpreter; may I have a repetition again?

14 Q: Yeah. So, I'm asking him, his view of the incident if it was ever impeded at any point.
15 So, if it was ever obstructed or how clear of a view did he have, does that make sense?

16 A: Well, I, I don't understand what you mean. If that incident (inaudible).

17 Q: Okay. So, let me try to be more specific here. So, when you're looking at the incident,
18 was there like a, like anything that would've been in the way of you looking at I guess, the, the
19 vehicle involved? So, like a tree, or a bush, or maybe another car, something like that. Does that
20 make sense?

21 A: Well, no, I, yes, I, I was able to see the car. After the incident happened, the police officer
22 went to my apartment and knocked the door and they gave me the report. And, and also [REDACTED]
23 was really scared because he was sleeping on the bedroom with me also.

24 Q: Okay. So, could you talk to me about that exchange you had with the officers, what did
25 the officers say and what'd you say to them?

1 A: Well, they, they only knock my door and they gave me the report about what happened,
2 and they noticed that my car was damaged.

3 Q: Okay. Okay. So, let's go back to the incident. As, as the, the, the car that got stopped by
4 the officers, can you describe, did they give any warnings to the person in the trunk of the car?
5 What were they, what were, what were they, what were the commands they were giving him?

6 A: Well, they say, get out of the car with the hands up, please. They gave the command
7 within like a few moments waiting that he was getting out. He say in English and in Spanish.
8 They say the, if he doesn't get out of the car they will shoot the car. After that, they wait for, a
9 moment and the police officer shoot one time to the car. And after a while this guy open the
10 trunk and start shooting. And that was when the officer shoot him back and he was done.

11 Q: Okay. So [REDACTED], that first shot that the officers fired at the person in the trunk, can you
12 describe that for me, what did it sound like?

13 A: Well, I didn't see who was the officer who shoot the gun. But I, I hear everything because
14 I, I see the car and they were talking with the speaker, giving the command. But in my point of
15 view -- well, the officer and me was in the same direction, one of the officer, and my point of
16 view the officer do the right job.

17 Q: Okay. But again, I, I'm asking, describe, can you just describe the sounds you heard
18 when you saw that, when the officers fired that first shot? Again, before, before he opened the
19 trunk.

20 I: This is the interpreter; may I have a repetition what you said?

21 Q: Yeah. Yeah. Just, I'm trying to ask him to describe the sound of the shot he heard. How
22 would he describe it? If that makes any sense. This is the shot before the individual in the trunk
23 opened the trunk.

24 A: Well, it was like a regular shot, the sound of the shot.
25

1 Q: Okay. All right. Now, let's go back to the commands that was given to the person in the
2 trunk. [REDACTED], were you able to understand, granted you're witnessing the incident, but were you
3 able to understand those commands that were being said in Spanish?

4 A: Yes. Perfectly.

5 Q: Okay. Did you find, was there, did you find any issue with how the commands in Spanish
6 were being said to the individual?

7 A: Well, it was a clear command. I can hear it, perfectly. I hear that, that was like a, a female
8 voice.

9 Q: Okay. Okay. [REDACTED], can you describe how the office -- the formation of the officers
10 were standing in relation to the car? Was it, so, being more specific, would you describe it as like
11 a straight line, or how would you describe how all the officers were positioned?

12 A: Well, as I mentioned before, I was able to see the car from those guy, but I was unable to
13 see perfectly the officers. And the, I, I see the police car, the patrol, patrol -- the police car was
14 like 20 meters away from the, from this car.

15 Q: Okay. Okay. [REDACTED], if you had to approximate, how long do you think they were giving
16 the individual in the trunk commands for?

17 A: Well, that, that happen and take like four or five minutes.

18 Q: Okay. And how long would you approximate the whole incident lasted for?

19 I: This is the interpreter; may I have a repetition of the last question again?

20 Q: Yeah. How long do you think this whole incident lasted for, approximately? Start to
21 finish?

22 A: Well, the incident until they shoot to the guy and finish him, I would say like 15 minutes.
23 But after that they close the street and some investigator came. Well, I, I wasn't able to take my
24 son to the school because they didn't let me go out until they finish the investigation.

1 Q: Okay. So, I know you said earlier you spoke to an officer about your car being struck
2 with, with gunfire. But other than that officer were you interviewed by anyone else regarding this
3 incident?

4 A: No. Never.

5 Q: Okay. And [REDACTED], do you know anyone else that may have witnessed this incident?

6 A: No. To be honest, no.

7 Q: Okay. Okay. [REDACTED], finally, just wrapping up here. Do you think, is there anything else
8 you think should be noted regarding this incident?

9 A: No. Well, I only want to add that [REDACTED] was like really affected for days. And I was
10 asking for help, help to, because he, he was really scared. To treat [REDACTED]. But well, they say that
11 he, he doesn't need any therapy or anything because was good.

12 Q: Okay. I understand. And one, one final question and I'll let you go. I appreciate you
13 taking the time and speaking with me. As soon as the gunfire started, what did you do, what was
14 your response?

15 I: I wasn't able to register, may I have a repetition, please?

16 Q: Yeah. So, as soon as he saw and heard the gunfire, what did, what did you do, how did
17 you respond to that?

18 A: Well, the shoot was too fast. That happened like in ten seconds and the all the officers
19 shoot again. This guy, well, I was asking what, what's going on, but that was really fast.

20 Q: Okay. But I guess I should probably clarify. So, when, were you still watching the entire
21 incident when the gunfire happened? Or did you turn away at any point?

22 A: Yes.

23 Q: Okay. All right. So, again, just clarify that. So, did you see the entire incident? I mean,
24 when, I'm sorry, let's clarify that. So, when the gunfire started, you're saying, again, you're
25

1 saying that you saw the entire incident? You did not turn away? I just want to make sure I'm
2 understanding you correctly.

3 A: Well, no, I was watching. I, I watch everything. But I, I didn't consider that they were
4 going to make so many shots. I keep watching.

5 Q: Okay. All right. Well, I don't have anymore questions. This interviews concluded; the
6 official time is 1028 am.

7 END OF INTERVIEW

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 10, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of
14 September 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF: OFFICER SANTANA**
10

11 **INTERVIEWED BY: SERGEANT PARKER**
12

13 **DATED: MARCH 7, 2018 TIME: 1940 HOURS**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT PARKER**
2 **A: OFFICER SANTANA**
3 **DL: DAN LUNDBERG, DA'S OFFICE**
4 **CS: CHRISTOPHER SHEA, ATTORNEY**

5
6
7 Q: All right. Officer Santana, I am Sgt. Parker, homicide division. This is-

8 DL: Dan Lunberg, inspector with the DA's office. Star 114.

9 Q: And also, for the record, your attorney-

10 CS: Christopher Shea, attorney for the witness officer.

11 Q: Okay. This is regarding an officer involved shooting that occurred on 3-6-2018. Today's
12 date is the 7th. Case number [REDACTED]. Time now let's make it 1940. Just, what's your full
13 name?

14 A: Bryan Michael Santana.

15 Q: So, Brian-

16 A: Bryan.

17 Q: Michael?

18 A: Yes.

19 Q: Okay. And your star number is?

20 A: 2097.

21 Q: 2097?

22 A: Yes.

23 Q: Okay. And your date of birth?

24 A: [REDACTED]

25 Q: And what was your date of entry into the department?

1 A: [REDACTED].

2 Q: Okay. And what's your current assignment?

3 A: Mission station.

4 Q: And how long were, have you been in Mission?

5 A: Since May of 2017.

6 Q: So-

7 A: Slowly approaching a year.

8 Q: Yeah. So about 10 months, pretty much.

9 A: Uh-huh. Yes.

10 Q: Okay. And what shift do you work?

11 A: Swing watch.

12 Q: And were you in full uniform?

13 A: Yes. Full uniform.

14 Q: Full uniform. Okay. And you were not in plain clothes. Okay then. You work with a

15 partner yesterday?

16 A: Yes. Nicholas Nagai.

17 Q: N-I-C-H-O-L-A-S?

18 A: Yes. Nagai, N-A-G-A-I. His star is 2017.

19 Q: And what, what call sign were you guys yesterday?

20 A: 3 David 41 David.

21 Q: Okay. Do you have your duty weapon on you?

22 A: I do.

23 Q: Okay. But yesterday, did you have your-

24 A: I did.

25 Q: Okay. All right. Do you carry a secondary weapon?

1 A: Not on duty, no.

2 Q: No. Okay. Okay. Were you on a foot beat yesterday, or were you-

3 A: Correct.

4 Q: So, you had a little foot beat?

5 A: Yes.

6 Q: So, no vehicle?

7 A: We did have a vehicle. Wagon, 599. So, we had the wagon, but we are foot beat.

8 Q: Okay. Was the wagon parked-

9 A: It was just, it was on 20th Street. And then the middle of the intersection, 20th and Capp.

10 Q: Okay. So, when you guys left the station, did you guys leave in the, in the wagon?

11 A: Yes.

12 Q: Okay then, and, and the wagon was at the scene?

13 A: Yes.

14 Q: Okay. Okay. And that's wagon?

15 A: 599.

16 Q: 599?

17 A: Yes.

18 Q: Okay. Okay. And who was the driver of that do you remember?

19 A: I was.

20 Q: So, you were the driver. And then, Nagai was the passenger?

21 A: Yes.

22 Q: Okay. Now, I just want to, just clear up something. So, is 3 David, where we at, 3 David

23 41 David, that's, is that a certain area, a foot beat that you guys go out there?

24 A: Castro and Market.

25 Q: So, Castro and Market?

1 A: Yes.

2 Q: So, is that why you guys took, took out the wagon?

3 A: It's just a far walk from the station.

4 Q: I got ya. All right. We, we all good on that one?

5 DL: Yeah.

6 Q: Okay. All right.

7 CS: It's not that far.

8 A: Well, we have separate duties. We also have to go up to 24th and Castro, cuz we have to
9 go up to both the-

10 Q: Trust me.

11 A: Yeah. That, that's a very far walk.

12 DL: With 25 pounds on your shoulder-

13 CS: Yeah. (inaudible) duty belt, yeah. Up those hills.

14 Q: And they done that, yeah. All right. So, let's talk about yesterday.

15 A: Yes.

16 Q: When, initially when this call came out it was regarding a robbery, correct?

17 A: Yes. I didn't hear it as that. I, we were at the station and I just heard code 33 on the radio.

18 Q: Okay. So, let's just take it from there. So, you were at the station?

19 A: Yes.

20 Q: All right. Code 33 comes on.

21 A: Yes.

22 Q: Okay. All right. Take us from there.

23 A: I was sitting in the report writing room, I heard code 33. I didn't know who had said it
24 and so I was sitting on the radio to listen. I heard the dispatcher ask for David, either 12 Edward
25

1 or 13 Edward. So, at that point I knew it was a Mission unit and not a Bayview unit. So, I started
2 running to the car in the parking lot.

3 Q: Uh-huh.

4 A: I heard a, someone broadcast that there was a 221 or a firearm involved and there was a
5 vehicle stopped at Capp. Around Capp and 20th or 21st. And they said they had two people
6 aboard the vehicle. It was a black Honda with paper plates.

7 Q: Uh-huh.

8 A: And the safe avenue of approach was southbound on Capp Street. So, I hit the lights and
9 siren on and off. I didn't have the siren on the whole time, but I had the lights on the whole time,
10 and we drove straight there. Came 97, on scene. I saw a bunch of patrol cars with their lights on
11 in the middle of Capp Street, just south of 20th Street. I saw vehicles still trying to drive by, so I
12 parked the wagon in the middle of the intersection trying to stop vehicle traffic from making
13 their way into the scene.

14 Q: Okay.

15 A: And that's when I ran up to closer, to get closer to the, the incident.

16 Q: Okay.

17 A: At that point, I saw that several officers were behind the, one patrol car. There's a black
18 Honda in front of them. It was illuminated with spotlights, there's numerous officers with
19 handguns and rifles pointed at that car. It looked like there's a lot of people stacked behind the
20 cars, so I didn't want to get right up there and start getting too many people in one place. So, I
21 kind of moved to this east sidewalk, behind a vehicle to take cover.

22 Q: And so, and I, I don't mean to stop you. So, east, so that would be-

23 A: So, facing southbound, to my left.

24 Q: To your left, okay. Got ya.
25

1 A: So, I heard dispatch asking for an update and no one was saying anything the radio, so I
2 was going to start handling the radio traffic to let dispatch know what was happening. I got on
3 the radio and I saw them taking a person into custody, they're putting him in handcuffs. So, I let
4 them know that we had a felony stop. We had guns pointed at the car. One person was in
5 handcuffs in custody and from my vantage point, I could see that the trunk of the Honda was
6 open. And there was a person lying down on his back with his hands holding the trunk door. And
7 so I let dispatch know that we, I saw someone in the trunk and that he was still in the car.

8 Q: Uh-huh.

9 A: So, people were yelling commands. He wasn't doing anything, wasn't moving, just
10 sitting there. At some point, I realize that a lot of people had guns and I wanted to provide a
11 different option, so I was asking if anyone had an ERIW, the beanbag shotgun. No one was
12 responding, so I just ran to the closest patrol car looking for one. And I grabbed one from a
13 patrol car, removed it from the rack. Started, moved back to my position, started watching again
14 to, other officers were giving commands to the guy in the trunk trying to get him to come out
15 with his hands up. I be, because I didn't, it was not my ERIW, I had not taken it out from the
16 armory, I didn't load it myself. In order to make sure there was not a live round I racked it down,
17 looked at it and made sure it was a bean bag round as opposed to a live 12-gauge round. Racked
18 it-

19 Q: Okay.

20 A: And at some point, people started screaming, they needed a Spanish speaker. And I speak
21 Spanish, so I ran up to the, the first patrol car that was there, up to the door and I started
22 screaming, "open the trunk, open the trunk, let me see your hands, show your, put your hands up
23 in the air."

24 CS: In Spanish?

25 A: In Spanish. In Spanish.

1 Q: What does that sound like in Spanish?

2 A: (Spanish). And the (Spanish). Like show me your hands.

3 Q: Okay.

4 A: He, he was just kind of sitting there on his back. And I could see, so he was looking up
5 with his hands kind of on the, the trunk door. And wasn't really moving his left hand was out of
6 sight. And he was not responding to anything, wasn't looking around, was just kind of lying
7 there. So, I moved up, kept screaming at him. At that point, Officer Milen Banegas, I heard her
8 on the loudspeaker in the car. I saw her near the passenger door of the patrol car, and she was on
9 the loudspeaker and she began giving him commands in Spanish. I could hear telling him, let me
10 see your hands, show me your hands, show me your left hand. We're going, and I heard say,
11 we're going to shoot you. At that point, you know, they had said he had a gun. I didn't know
12 what the, who had a gun, but I, he was acting strange. He wasn't responding to anything. I, we
13 had been giving plenty of commands. The driver had responded and listened to us and was very
14 cooperative. And the fact that he was just sitting there not responding in any way whatsoever
15 was kind of worrying me. And he was hiding his left hand from my view, so I was concerned
16 that he had a gun in his left hand. So, I challenged him with the ERIW and screamed that, show
17 me your hands, we're going to shoot you in Spanish. I screamed, red light, red light, red light to
18 let the other officers know that I had a less lethal weapon and didn't have a firearm. But and so, I
19 heard other officers echoing red light, red light, red light, so they knew that if I did discharge it
20 that it wasn't a lethal firearm.

21 Q: And that's the part of just-

22 A: That's part of the training. yes.

23 Q: Yes. Okay.

24 A: And he, he kept not doing anything. And he was kind of, you could, I could see him
25 fidgeting. He was kind of like rocking back and forth. He's moving his left hand. So, I told him,

1 I'm going to shoot you and he didn't do anything. So, because I wanted to see his hand, I didn't
2 want him to pull a gun out, I shot the ERIW at him. I saw the round hit him like on his wrist,
3 right wrist, right arm. He kind of moved back like that and then he continued not moving again.
4 Officer Banegas was continuing to give him commands. And I started screaming again that I was
5 going to shoot him again, and he wasn't responding. And then kind of out of nowhere, he very
6 quickly just turned over and his left hand came out and he punched it out like that, out of the
7 trunk. I saw something black in his hands and I knew it was a gun when the muzzle flashed, and
8 I heard a gunshot. And at that point, the officers around they began firing. I moved out of the
9 way cuz I was kind of in a bad spot. I didn't have anything protecting me other than the door and
10 a window. So, I moved back to where I had originally been, on the sidewalk. And at that point,
11 he had kind of retreated back into the trunk and stopped moving. And I saw two people directly
12 in front of me on that sidewalk just standing there. I didn't know who they were, what they're
13 doing, but they were standing there frozen with their hands up.

14 Q: That was directly behind you?

15 A: That was directly, so, when I moved back to the sidewalk where I'd originally been the
16 left side on the east sidewalk. I had moved back there and was facing southbound, kind of-

17 Q: Uh-huh.

18 A: And directly in front of me, maybe 100 so feet there's two people just standing there.
19 And you know I, because there had been shots just fired at us and that way, I didn't want them to
20 be in harm's way if they had remained there and we fired more shots that way. So, I was
21 screaming at them to get out of the way. They're kind of frozen. I yelled at them in English, they
22 didn't respond. So, I started screaming Spanish and he began kind of acknowledging me. I had
23 another officer, I don't know who it was, I told him to come with me. You know, I wasn't sure if
24 they're with the car, if they had been involved. So, we, I told them to get up to a door, the garage
25 door that was closest there. We padded him down just to make sure they didn't have any guns or

1 anything. They told me that they were just trying to go home. And so, I kind of yelled at them,
2 just get out of the way and go that way. And just kind of pointed at the closest intersection in
3 front of us and just turned left and get away, it's not safe. And at that point, by the time I'd made
4 my way back, I saw a group of officers approaching the car. Pulled the person from the trunk out
5 to the ground and start performing CPR. And there was another person that I had not originally
6 seen that was in the cab of the car. And they were addressing her. And I heard this officer, or a
7 Sergeant get on the radio and say that it was clear to bring an ambulance in, get the ambulance
8 there. So, I ran back cuz I saw the ambulance coming down the road and they had parked it far
9 away a ways. So, I ran like two blocks, a block and a half up to get them and point them to where
10 they needed to go because at that point there's so many other people that responded that weren't
11 there, didn't know what was going on. I just wanted to make sure they knew the correct way to
12 go. And then, from there I met with the other officers and the Lieutenant that had started to
13 arrive. And started gathering people to kind of make a plan of action of what we were doing
14 from there.

15 Q: Okay. Those, those people who, who, who were like on the east side with their, with their
16 hands up kind of walking to, did you ever see them again?

17 A: I had never saw them again. I don't know who they were, what they were doing. And I
18 just knew that they were down range of people pointing guns and I had no details on who was
19 involved and whatever gun crime was involved. So, I just knew they were in a area where a gun
20 was involved, and I didn't know how they got there.

21 Q: Okay. So, I appreciate that. I want to take you back-

22 A: Yeah.

23 Q: A little bit to when you, when you first got to the scene.

24 A: Yes.

25 Q: Okay. And what I'm going to do, is I'm kinda, this is a, a, a not to scale kind of a-

1 A: Sketch?

2 Q: Yes. A extremely rough draft. An extremely rough draft.

3 DL: We've had problems before with it, just work with-

4 Q: Yeah. Okay.

5 CS: It's okay.

6 A: I understand.

7 Q: Okay. So, suspect vehicle.

8 A: Uh-huh.

9 Q: All right. Lead car.

10 A: Okay.

11 Q: I'm not sure if were all in agreement that we should probably-

12 CS: Just-

13 DL: We'll let him figure it out.

14 CS: Yeah. You just-

15 DL: You just direct it.

16 Q: Okay. So, we're going to give you-

17 A: Uh-huh.

18 Q: All right.

19 DL: His viewpoint.

20 Q: There you go.

21 A: Uh-huh.

22 Q: There you go. So, suspect vehicle. Lead car.

23 A: Okay.

24 Q: Roughly where were you, where did you park that van when you, when you got-

25 A: Do you want me to just point, don't draw on this?

1 CS: You can draw on it, but the van is not, is the van in that picture?

2 A: It's not. It's right around here. So, this is the next intersection and I parked it like right
3 here blocking this traffic so no one could turn in.

4 Q: Okay. So, when you guys got there.

5 A: Uh-huh.

6 Q: There was a felony stop, basically.

7 A: Yeah. It was already started.

8 Q: All right. A, a robbery vehicle, followed a 221.

9 A: Uh-huh.

10 Q: And people inside the car?

11 A: Correct.

12 Q: Okay. So, where did you run up to and where, what did you first come to, what'd you
13 take cover at, initially?

14 A: I ran, so I stayed on this side. I went up this way and moved my way to this sidewalk and
15 was around these cars right here. And then I was, I kind of planted there and I saw everyone,
16 other officers around here behind the cars and on this side. And it just looked bunched up, so I
17 didn't want to bunch up with them in case something had happened, there's too many people in
18 one small spot. So, that's, this is where I was giving the radio, communications from and
19 watching.

20 Q: Okay. Let's, and it's okay for the (inaudible)?

21 DL: Well, I want him to mark where he first went.

22 Q: Mark where you first went.

23 DL: Put your initial by it.

24 A: Around, around this area.

25 Q: And again, this is just, just a rough estimate, yeah so-

1 A: Yes.

2 DL: Do you recall a, a description of the vehicle, sir?

3 A: No. I do not.

4 DL: Do you recall any of the officers that might've been there?

5 A: I know Ari Smith-Russack was either at, with one of these vehicles with a rifle and he
6 was facing almost perpendicular to the cars.

7 DL: Okay. Was, what was his last name?

8 A: Smith-Russack.

9 DL: Smith-Russack. Let me right that down there. And again, it's just-

10 A: Yeah. Yeah.

11 DL: Basic recollection. It's not.

12 A: Yeah.

13 Q: Okay.

14 CS: And why don't you just put your initials on that one.

15 A: Yeah.

16 CS: That's you.

17 A: Yeah.

18 CS: And the number 1 is where you first, that's where you first stopped on scene.

19 A: Okay.

20 CS: Is that right?

21 A: Yeah.

22 CS: That's where you first were.

23 A: Yeah.

24 DL: Just cuz we, there, you know, we're not, we saw the camera. So there, we'll be able to
25 eventually figure out which car placements.

1 A: Yeah.

2 DL: But can you recall which, what the description of the vehicle that you might've initially
3 walked up to?

4 A: Maybe like a red sedan, or van or something like that.

5 DL: Just what you recall only.

6 A: Yeah.

7 DL: Red sedan. Okay.

8 Q: (Inaudible)

9 DL: Uh-huh.

10 Q: Okay. So, you're here-

11 A: Uh-huh.

12 Q: And you believe Smith-Russack is here.

13 A: Yeah.

14 Q: Where is your attention right now? Where, where you looking right now?

15 A: Looking right there at the trunk. Cuz as I was walking up, I had seen officers right here
16 placing, like in this area placing someone in handcuffs.

17 Q: Uh-huh.

18 A: And they began walking him back to one of these patrol cars right here. So, that's when I
19 was saying, we have one in custody. And I, I had a clear view of the trunk right here.

20 Q: Uh-huh.

21 A: You could see, I was looking at the guy in the trunk cuz he was acting strange.

22 Q: So, you physically saw a guy in the trunk?

23 A: Yes.

24 Q: Okay. And then, this was a felony stop so you already know someone else had been taken
25 out?

1 A: Yes.

2 Q: Okay. The other officers, I'm sure you've seen that were taking cover or whatnot, did you
3 see any of them with their, with their guns drawn?

4 A: Yeah.

5 Q: Okay. Did you take your gun out as well?

6 A: I had taken it out, but I ended up putting it back in the holster just because there was,
7 there was so many, there's maybe like ten officers from around this whole side that had already
8 had their handguns drawn. They had their rifles drawn-

9 Q: Okay.

10 A: And me that was behind them and had I been pointing my gun, there would've been
11 people in front of me and I didn't want to point my firearm.

12 Q: Because just to have a good line of sight.

13 A: Exactly.

14 Q: Okay. When you were initially coming up on, on the east side of this-

15 A: Yes-

16 Q: Sidewalk. I just want to know when, when did you initially go unholster, (inaudible) at
17 the time?

18 A: As far as I remember, as I was running up, I had it out and just had it pointed down.

19 Q: Okay.

20 A: And just-

21 Q: Okay.

22 A: In case I saw something or did have a clear line of sight of something, but I don't
23 remember pointing it at anything just because there had been so many officers there, I just put it
24 back and started dealing with the radio. With that.

25 Q: Okay. And do you remember the calls that you, that you answered?

1 A: I remember a dispatcher was asking for an update on scene. I don't remember if she used
2 the radio code 10-13 or asked for an update.

3 Q: Uh-huh.

4 A: But I got on the radio and said, we have one in custody. There's still someone in the
5 trunk.

6 Q: Uh-huh.

7 A: We're doing a felony stop. Something to that extent. And then, I could hear officers here
8 yelling at the person in the trunk and yelling at the car giving commands.

9 Q: Okay. Okay. And then what?

10 A: As I was sitting there the guy wasn't responding. And I just knew that there was so many
11 officers that had already had lethal cover pointing towards the car, I was, wanted to provide
12 something different and was looking around to see if anyone had a ERIW or something less
13 lethal or something other than a gun.

14 Q: Okay.

15 A: To try and, a different approach. So, I saw none of that. I started yelling, does anyone
16 have an ERIW, no one said anything. So, I went looking for one myself.

17 Q: Okay. Now, you started speaking to, at some point, you started speaking to the suspect.

18 A: Yes.

19 Q: In Spanish?

20 A: Yes.

21 Q: Okay. Was Officer Banegas, was she already there-

22 A: I had not seen where she was. And I didn't hear her at that point.

23 Q: Okay. Were you using a microphone, or you were just screaming?

24 A: Yelling and screaming.

25 Q: Were you still at this position right here?

1 A: I was around there when I had started yelling at him, yeah.

2 Q: Okay. Do you remember exactly how many times you, you, you know, how many times
3 you spoke to him and exactly what you spoke to him?

4 A: I don't remember exactly how many times, but I remember I said numerous times,
5 (Spanish) which is open the trunk, cuz he had been holding the door of the trunk. (Spanish),
6 show me your hands. Show me your hands. And, and he just wasn't responding, wasn't doing
7 anything. I, I knew I said it numerous times.

8 Q: Okay.

9 A: And don't remember how many.

10 Q: Okay. Did, could you hear from where you were, other officers who may have been
11 saying the same things maybe in Spanish as well as English?

12 A: I only heard English. And someone had yelled, and I heard on the radio and someone
13 over here said, we need a Spanish speaker.

14 Q: Okay.

15 A: They, they did vocalized that.

16 Q: Okay. But you had already been speaking in Spanish to him at that time?

17 A: I don't think so. No. I don't, I-

18 Q: Okay-

19 A: I had let other -- I didn't want to get jumbled up with so many people yelling at him.

20 Q: Understand.

21 A: I wasn't speaking English at him. And once someone said, we need a Spanish speaker, I
22 was right there and that's when, I believe that's when I start speaking Spanish at him.

23 Q: Okay. So, initially you were speaking in English?

24 A: I wasn't even yelling. I wasn't saying anything-

25 Q: Oh, you just weren't saying nothing?

1 A: Because there was already so many people.

2 Q: I got ya. I got ya-

3 A: I didn't want to muddy the waters.

4 Q: I got ya. Okay. Okay. So, you said, at some point you decided because there was so many
5 other officers with their guns pointed at him.

6 A: Uh-huh.

7 Q: Because it's a, you know, robbery call, they had 221, was also broadcasted.

8 A: Yeah-

9 Q: Even though you did not see one in there, but still, you know, you, you want to be
10 cautious.

11 A: Correct.

12 Q: And any movements.

13 A: Correct.

14 Q: So, at some point, you decided that you would, you would go and seek out less lethal?

15 A: Correct.

16 Q: Okay. Were you, or did somebody tell you or direct you to go look for less than lethal, to
17 deploy it at all?

18 A: I did that on my own.

19 Q: Okay.

20 A: And it's just one of those things because it had almost become stagnant, he wasn't doing
21 anything. People were yelling at him. I had kind of felt that I had a moment to try something
22 different and that, you know, we could try yelling at him, try a different dialogue as opposed to
23 just screaming the same thing over and over and over and not getting response. So, there was a
24 lull, so that's when I started looking for the ERIW.

25 Q: Okay. How much time had elapsed between the time when you first got to the scene here-

1 A: Uh-huh.

2 Q: And then the time you decided to, to move from cover.

3 A: Uh-huh.

4 Q: To go locate the ERIW, you remember?

5 A: Maybe a minute, two minutes.

6 Q: So, a minute, two minutes?

7 A: Some, somewhere around then.

8 Q: Okay. Okay. Okay. Do you remember where, where you found the ERIW?

9 A: It would've been one of these cars. I remember I looked, started looking in -- I, I, I think
10 this car was more directly behind here. One of these cars was more directly behind here and I ran
11 and grabbed it from somewhere in this vicinity.

12 Q: Okay. Do you remember your movements?

13 A: I remember I was kinda went this way, looked in the car and the next car that I looked at,
14 it had an ERIW in it and so I-

15 Q: Okay-

16 A: Went to open it and get it from the car.

17 Q: So, you got, so you got the, the ERIW-

18 A: Uh-huh.

19 Q: And I think earlier you said you, you checked it?

20 A: Yeah.

21 Q: All right, just to make sure that it wasn't a live round.

22 A: Correct.

23 Q: Make sure that it was correct, a round in there.

24 A: Correct.

25 Q: Okay. Where did you go after you, you had it in your hands?

1 A: I believe I; I remember going back this way and then, at, it was at this point that people, I
2 think started yelling that we need a Spanish speaker. So, I, I got the ERIW before they asked for
3 a Spanish speaker.

4 Q: Okay. So, you got the ERIW from, okay, so you started speaking to him in Spanish?

5 A: Yeah.

6 Q: Okay. And you already had the ER and that, okay.

7 A: Yeah.

8 Q: And you spoke to him, you said, several-

9 A: Several times and I was screaming it. And I was just screaming it cuz I didn't have a PA
10 near me. I was just kind of out in the open.

11 Q: Okay. And then, the decision was made, that you made, you decided to, to deploy it?

12 A: Yeah. So, I thought I, this was a kind of a far distance and a weird angle to point towards
13 the trunk. So, I had moved back to this front car, the driver door.

14 Q: Okay.

15 A: And there was several officers. So, this door was like open. Kind of like that.

16 Q: Okay.

17 A: And then there was several officers in this area, kind of using the doors as cover and not
18 using doors as covers out in the open.

19 Q: I got ya.

20 A: So, I moved closer so I had a better line of sight to the trunk and so I could be closer to
21 yell the Spanish at him. So, I wasn't yelling from a further distance.

22 Q: Okay. Was, now, when you were there, in that position there, let's just put a circle
23 exactly where you were.

24 A: I was right around there.

25 Q: Okay. And then put a 2, there you go. You could closely, you, you had a closer look.

1 A: Yeah.

2 Q: At him. Okay. You remember what he was wearing in there, could you tell?

3 A: He looked like he was wearing a hoodie or something kind of over his head and just kind
4 of sitting there. I, I just remember a, like a hoodie.

5 Q: Okay.

6 A: Like a dark colored hoodie.

7 Q: Okay. So, you're, you let a, you're yelling commands at him.

8 A: Yes.

9 Q: Giving him directives.

10 A: Uh-huh.

11 Q: All right. Put his hands up.

12 A: Yeah.

13 Q: All right. Is he, does he respond at all?

14 A: No. He's not saying anything, not looking out. He's just kind of looking down, looking
15 up and just, he, the only thing that I did see him doing, he was kind of just rolling. Kind of
16 rocking back and forth and his left hand would just kind of move out of sight and I couldn't see
17 what he was doing with it.

18 Q: Uh-huh.

19 A: And it, it had gotten to the point where he had, was, would do nothing and then he started
20 kind of rocking again and all the officers start screaming at him. Cuz it, from what I saw, it, it
21 looked like he was going to do something with his hand, but he wasn't doing it. You know, but
22 every time they would scream at him, he would stop and just kind of freeze again. Yeah.

23 Q: You think he looked confused at all?

24 A: Maybe. I, I don't know. He, he just wasn't, he's almost like catatonic. He just was not
25 responding to anything around him. He was just kind of in his own.

1 Q: Okay.

2 A: Mind or something.

3 Q: Okay. Was there a, was there a supervisor at, on the scene at that time?

4 A: I didn't see one at that point. I do remember Sergeant Leonard Caldera being there at
5 some point. And getting on the radio with, speaking on the radio. I don't remember at what point
6 he was there though.

7 Q: Okay. Okay. So, you gave him, you've given him repeated commands.

8 A: Uh-huh.

9 Q: He's not following.

10 A: Correct.

11 Q: All right. So, you decide to, to deploy less than lethal?

12 A: Yes.

13 Q: Okay. ERIW.

14 A: Yes.

15 Q: How many times did you deploy it?

16 A: I remember, I remember shooting him once with it.

17 Q: Okay. You remember where you hit him?

18 A: It, about his right arm, wrist, hand area, somewhere in this vicinity.

19 Q: Okay. What effect did that have on him?

20 A: He, he kind of jumped back and like almost winced and then kind of went back to the
21 same position he had been in and just stopped moving again. And just wasn't doing anything.

22 Q: Okay. What'd you do after that?

23 A: I started screaming louder that we're going to shoot you again and giving him commands.
24 You know, to the extent of, show me your hands, we're going to shoot you again. And he hadn't
25 moved and was just sitting there and doing, rocking back and forth again.

1 Q: Okay. And then, Officer Banegas was at that time was also speaking to him.

2 A: Yeah. She was, I could hear her on the loudspeaker giving an, she kept saying, (Spanish)

3 which is like show me your left hand, show me your left hands and wasn't doing anything.

4 Q: Did he say anything, I mean, you said, it, he kind of winced, he did, did he say anything

5 after he was hit?

6 A: I don't remember, no.

7 Q: Okay. Okay. And then-

8 A: And I, you know I remember screaming, I'm going to shoot you again in Spanish, like

9 (Spanish) and just kind of out of nowhere he just rolled over to his right. And punched his left

10 hand out and that's when I saw something black in his hand. I didn't know what it was, and I saw

11 a muzzle flash and heard a gunshot and now I'd knew we were getting shot at by him.

12 Q: Okay. Now where were you, were you still in this position here?

13 A: Yes.

14 Q: Could you tell, was, when he shot his, you said the left hand out?

15 A: Yeah.

16 Q: Was it in your direction, or do you know which direction it was at?

17 A: It looked more to this side. Kind of-

18 Q: Okay. So, to the-

19 A: Passenger side.

20 Q: Passenger side of the-

21 A: Of this first car. Cuz this, this car was open too.

22 Q: Okay.

23 A: And like Officer Banegas was somewhere hovering in between the front, the door and the

24 seat.

25 Q: Okay.

1 A: And he kind of went that way. Like he was shooting in that direction.

2 Q: Okay. And at that time, you still had less lethal in your hand?

3 A: Yes.

4 Q: ERIW. Did you ever, I mean, sling it and then go to unholster your duty weapon?

5 A: I did not.

6 Q: You did not. Okay.

7 A: It's one of those things that happened so quickly that I saw it and then by the time he had

8 started firing the shot, these other officers reacted and fired. Started firing that way. And I

9 realized I was standing a little out of cover and just in the middle of nowhere. And I didn't have

10 a gun on me, I'd had the less lethal and moved my way back around here.

11 Q: Okay.

12 A: Get out of the way so I could get out of the way.

13 Q: Now you saw, you said you saw the, the suspect roll over-

14 A: Yeah.

15 Q: Punch his left arm out. You could see something black in his hand and you saw the

16 muzzle flash-

17 A: Yeah.

18 Q: And you heard a shot?

19 A: Yeah.

20 Q: How many shots do you think he shot, or did you hear him shoot?

21 A: I, I heard one distinct shot myself.

22 Q: Okay.

23 A: And I'd saw one distinct flash and then at that point there's return fire all around me that

24 I had-

25 Q: (inaudible) yeah.

1 A: Yeah. It got kind of muddied.

2 Q: Okay.

3 A: And I just got out of the way.

4 Q: About how long was he, about how long in your estimation was the gunfire?

5 A: A few seconds. Maybe five seconds of just continuous fire.

6 Q: Okay. So, while the shooting is going on you, you retreat?

7 A: Yeah. I start moving back and out of the way. Cuz there, I, I mean, there was about three

8 or four officers directly around me, whether they were kneeling, standing next to me, it, I think

9 someone was lying down in front of me. I, I just didn't want to be in that area cuz it was so many

10 people combined, I just worried I was going to trip or someone else was going to trip, or

11 something like that.

12 Q: Okay. So, you retreat back to the sidewalk.

13 A: Uh-huh.

14 Q: How many -- how many officers, and I know this is probably a hard question, but how

15 many officers did you see with their guns out? Do you remember?

16 A: I wouldn't be able to put an exact number, but I, I had just seen, you know, these officers.

17 Officer Smith-Russack right there and a couple officers right here, I knew people were in the

18 general vicinity of this sidewalk and this car. I -- around ten or so I had seen.

19 Q: Uh-huh

20 A: But I mean most of my attention was drawn here so I had not stopped to look around at

21 who was around me or what they were doing.

22 DL: Which one of the officers that were next to you?

23 A: I remember Officer Carroll being somewhere right around here and Officer Smets was

24 somewhere in this area. But I don't remember exactly where they were.

25 Q: Okay. Okay officer Smets, okay.

1 A: If you want me to write that down somewhere, or?

2 Q: You know what, I mean, it's, if you remember, you know what I mean?

3 A: Yeah. I-

4 CS: So, it sounds like there was a half circle, kind of less than half circle, but they had the-

5 A: Yeah.

6 Q: Uh-huh.

7 CS: Sort of a, it was, the car was surrounded?

8 A: Correct.

9 CS: Well, not surrounded, but comp, completely covered-

10 A: Yes. Every-

11 CS: From the north facing south?

12 A: Yeah.

13 Q: So, is it, is it fair to say that just because of, of how this, this call came about and the

14 number of, of officers arriving on the scene the way they did that some officers may have been

15 exposed. You know, in terms of cover-

16 A: Yes-

17 Q: Or whatnot. And the fact that you witnessed the suspect unresponsive to commands.

18 A: Uh-huh.

19 Q: He's in the trunk of a car. A robbery has occurred. You, you already have, I mean there's

20 two victims that have been located, a gun was used. And then, you observed, after you've given

21 him several, several commands, and then deployed a less lethal on him that he would come out

22 and shoot.

23 A: Uh-huh.

24 Q: There's a possibility that one of those officers possibly could've gotten shot?

25 A: One million percent the case.

1 Q: Yeah. Okay. So, you guys, you retreat to the east side of the street.

2 A: Yeah.

3 Q: Okay. And then, you said your attention was, was drawn to-

4 A: Directly this way, somewhere in this area out of the drawing. And there was two people

5 that I had never seen just standing there with their hands just up not moving.

6 Q: Is it a possibility that those two people may have saw, seen what, what had happened?

7 A: Absolutely.

8 Q: Okay. Okay. All right. And then what happened?

9 A: At that point, you know, I heard people yelling towards the car again. I saw the person

10 that had been in the trunk was back in the trunk, was not moving. I saw someone from inside the

11 car that I had not seen before kind of looking out the window. And you know I was just worried

12 about them because in case this person started moving and shooting again, there would've been

13 more people firing and almost all directions down this way. So, I wanted them to get out of the

14 way.

15 Q: Okay.

16 A: So, there was another officer here in this area that I'd said, come with me in removing

17 them.

18 Q: Okay. So, which way did you initially move, did you turn them back around and go-

19 A: I, I turned back around this way. And I was looking for somebody to come with me. And

20 then when I saw the closest officer that was there, I turned back and started moving directly

21 down this side of the sidewalk towards the people that were standing there.

22 Q: Okay. All right.

23 DL: Just for some clarification.

24 A: Uh-huh.

25 DL: What's a code 33?

1 A: Code 33 is emergency radio traffic.

2 DL: Okay. And you heard the, the call was a code 33?

3 A: The, initially came out as a code 33.

4 DL: And what was the other code that you put out there, was it-

5 A: 221, 221, which means a firearm.

6 DL: And in relate, how was that related to this, did they put 221 on the radio?

7 A: They put 221 on the radio.

8 DL: What specifically did you hear then, you recall?

9 A: What I, I just remember hearing code 33 and everything kind of, and the station stopped
10 and everyone's listening to see who, cuz we share a radio station with Bayview station. So
11 sometimes you know, you just hear a code 33 and you're waiting cuz you don't know if it's
12 happening at your station or another station. So, once I heard the dispatcher asking David, which
13 is the call sign for Mission, I knew it was happening somewhere in the area, so I started running
14 to the car so I can get in and go. And then, I, I don't remember exactly in what order what was
15 transmitted, but I heard 221, we have a vehicle stopped, there's two occupants. It's a black
16 Honda Civic with paper plates and we're, the safe avenue approach is southbound, either 20th or
17 21st and Capp.

18 DL: Great. Okay. Got that. So, you're associating a weapon with this vehicle?

19 A: Correct.

20 DL: That's what you were, okay. When you got the, let's talk about the verbal commands cuz
21 I know you said it many different times in many different ways just to make it simple. You gave
22 multiple verbal commands. Could you say the commands in English and then repeat them how
23 you, you said them in Spanish?

24 A: Uh-huh. Open the trunk, is (Spanish).

25 DL: Okay.

1 A: (Spanish) show me your hands. (Spanish), put your hands in the air. I remember saying,
2 (Spanish), we're going to shoot you.

3 DL: That's, okay.

4 A: And, show me, I remember saying, show me your left hand, (Spanish).

5 DL: Okay. Good. And I know you periodically you were using those, and I just want to have
6 a-

7 A: Yeah-

8 DL: Clarification for the Spanish with the English-

9 A: Yeah-

10 DL: On it. You went and got out the ERIB, the ERIW.

11 A: Yeah.

12 DL: And you, you said that you shouted, red light?

13 A: Red light.

14 DL: And what does that mean?

15 A: So, in our training with the, the range, red light is a signal to the other officers that if I
16 deploy this, it's not going to be my lethal firearm. It's some, it's less lethal so that, you know
17 there's no accidental sympathetic fire. They hear a gunshot and think it's coming from the
18 suspect or hear a gunshot and think I'm shooting him for some reason. So, I screamed that a
19 couple times and I heard other officers around me echoing, red light, red light, red light. So, I
20 knew that they were aware.

21 DL: Was it ever broadcast on the radio?

22 A: I don't believe so. I didn't do that. I don't know if anyone did.

23 DL: Okay. What hand are you?

24 A: Left hand, oh well, I shoot left-handed.

25 DL: That's, okay. So, you shoot left-handed.

1 DL: Person that was taken out of the vehicle, before the, your ERIW was deployed.

2 A: Yes.

3 DL: Did you see where that person was placed?

4 A: He was in one of these patrol cars, like right here.

5 DL: Okay. Did you see him actually get co, commanded out of the vehicle?

6 A: No. That was, he, when I was getting on scene and running up, he was on the ground face

7 first and people were placing him in handcuffs already.

8 DL: Do you know which officers placed him in handcuffs?

9 A: I don't.

10 DL: Okay. You decided after you, you came around to the, the I guess it'd be the driver's side

11 of the patrol vehicle right here-

12 A: Yeah-

13 DL: And you deployed the ERIW.

14 A: Uh-huh.

15 DL: Why did you decide to shoot, I just want some clarification on that?

16 A: It's because he, he wasn't listening to commands in English and Spanish. People had

17 asked for a Spanish speaker, specifically, so I was thinking that he didn't speak English. So, I

18 was trying to give him options in Spanish to respond to what we were saying, to comply to get

19 out of the car without any issues. He, you know he kept moving his left hand out of sight and I'd

20 thought he had a gun. I hadn't seen a gun yet. And I hadn't, I didn't know if anyone recovered a

21 gun. And because his, he was ignoring everything going on around me, it kind of made me think

22 he did have a gun and that's why he kept moving it out of sight. So, I shot the ERIW because I

23 wanted him, if he had something in his hand, to drop it and so I could see his hand.

24 DL: So, what did you actually shoot, what was your aim, what were you aiming at?

25

1 A: So, he was lying on his side. So, I shot towards his upper body cuz that's the only thing I
2 really had a clear shots of. So, his, I aimed towards his right side, upper body like chest, arm
3 area. And I saw the round go out and hit him around here in the right wrist or hand.

4 DL: How many times did you shoot, I know you already said it but-

5 A: I, I remember shooting one time.

6 DL: Why did you not continue to shoot the less lethal at him?

7 A: Just because I wanted to see how he would react whether if he was hit with it, he would
8 start listening to commands, give, just to reassess. And just kind of give him an option again to
9 realize that we had just shot him, and he again had a chance to come out without doing anything.
10 Without getting hurt.

11 DL: Okay. Let's talk about -- and after the, the shooting that occurred and you had the two
12 officers there next to you.

13 A: Uh-huh.

14 DL: You, you went back, and you said you re-assessed, and you went, did, who did you, you
15 go back and talk with? You said, you said you, you went back to talk or-

16 A: I, I had moved back to the sidewalk.

17 DL: You sought cover with some officers?

18 A: Yeah. And then I, that's when I saw people down further, down range on the sidewalk in
19 front of me standing there frozen with their hands up. And whoever was the closest officer, I did
20 not recognize who that was, was standing there, I turned back and said, come with me, we're, we
21 need to, essentially come with me, we need to move them out of the way and check them to see
22 if they have guns.

23 DL: Okay. So, when, even just in, in following this, did, was there ever a time though after the
24 OIS that you actually sat down and talked with the other officers about what occurred and the
25 shooting?

1 A: No.

2 DL: Okay. Your partner?

3 A: Yes.

4 DL: What was your partners name again?

5 A: Nick Nagai, Nicholas Nagai.

6 DL: Where was Nick?

7 A: When I had exited the car, he was coming out the passenger side this way and I went this
8 way and I do not remember seeing him again, once I left that wagon.

9 DL: Okay. That's fair enough. Did you happen to, I know you, we watched the BWC, your
10 own personal body worn camera.

11 A: Yeah.

12 DL: How many times did you watch it?

13 A: One and a half. It froze the first time I tried to watch it, so I had to restart it.

14 DL: Okay. Did you see any other media after the shooting?

15 A: On the news. Yeah. There was a couple news sites that had video, different vantage
16 points of what had happened.

17 DL: Did you view those?

18 A: Yeah.

19 DL: So, in, in viewing the body worn camera, we'll start with that one first. Did that change
20 your recollection of what occurred, the account that you gave?

21 A: No. The only thing that changed was who I remember seeing. Cuz I, I was not focused on
22 the officers around me. It, it provided more clarity on the officers that were in the area. Cuz I
23 don't remember looking at them. I just remember mainly focusing on the trunk.

24 DL: And then I would ask the same question about the actual media video that was-

25

1 A: The media video, I could not see anything. The vantage points were, one was like way
2 back here looking this way, you couldn't see anything. And there was like one or two from this
3 way that didn't show anything other than the car right here.

4 DL: Okay. Those two witnesses that were, probably witnessed the whole thing, did we ever
5 find out about them?

6 A: I don't know what happened or where they went. I know that they, you could see them on
7 my body camera, but I, they said they were going home. And they asked me if they could get to
8 South Van Ness which is over off this way a block.

9 DL: So, no officer, you're not certain if any officer ever contacted them to get their
10 information?

11 A: Not certain at all.

12 CS: The ERIW.

13 A: Yes.

14 CS: That's extended range impact weapon, is that what that stands for?

15 A: Yes, sir.

16 CS: How do you tell, and that's a 12-gauge shotgun?

17 A: Yes.

18 CS: And how do you distinguish the ERIW from a regular 12-gauge shotgun?

19 A: So, San Francisco PD has a different model for our lethal weapon shot, like the lethal
20 shotgun verses the ERIW shotgun. The ERIW shotgun is a Remington 870 shotgun and it has
21 orange, it, it's a what do you call it.

22 CS: Pump action.

23 A: Pump action. So, the, the foregrip is orange, bright orange. And the buttstock is bright
24 orange as well for the less lethal. The lethal shotgun is a semi-automatic shotgun, it's a Beretta
25 and it has a pistol grip and it's all black.

1 CS: Okay. So, when you went to the car to get the less lethal, it's easily distinguishable from
2 a lethal shotgun?

3 A: Correct.

4 CS: Okay. And then you mentioned that that was not the shotgun, the less lethal that you
5 carry in your van?

6 A: I, there's no rack to put it in the van and there's no safe place to secure it in the van, so I
7 can't carry it in the van, I-

8 CS: So, you don't carry it in the van. Okay. But you're trained with it?

9 A: Yes.

10 CS: Okay. So, there's a procedure that you follow when you check the less lethal out of the
11 armory, right?

12 A: Correct.

13 CS: And everybody follows that procedure as far as you know?

14 A: Yes.

15 CS: Okay. But you assured yourself that that less lethal was properly loaded with beanbag
16 rounds?

17 A: Correct. On top of-

18 CS: How did you, and how did you do that?

19 A: So, with the pump action shotgun, when you rack down, the ammo moves from a
20 magazine tube into the chamber and you could see into it.

21 CS: Right.

22 A: So, when I racked it down I paused for a second, looked at it and I saw it was white and it
23 had black stripes and it had writing on it and it had like a white or yellow tint. It, as opposed to
24 the lethal rounds which are red.

25 CS: All red?

1 A: All red.
2 CS: So, it's got a brass bottom?
3 A: Yeah.
4 CS: And a red-
5 A: Red-
6 CS: Housing around-
7 A: Housing, yeah-
8 CS: Around the-
9 A: The super sock rounds which are the beanbag rounds are like a clear plastic with black
10 stripes and writing and like a yellow tint where you can see-
11 CS: Okay. So, you assured yourself that you were using a, a beanbag round?
12 A: Yes.
13 CS: And that, that gun had not been misloaded somehow?
14 A: Correct.
15 CS: Okay.
16 Q: Okay.
17 CS: All right.
18 Q: All right. All right. So, it is, let's make it 2023.

19 END OF INTERVIEW
20
21
22
23
24
25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 36, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
By Electronic Mail

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF: OFFICER WYNKOOP**
10

11 **INTERVIEWED BY: SERGEANT PARKER**
12

13 **DATED: MARCH 7, 2018 TIME: 2044 HOURS**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT PARKER**
2 **A: OFFICER WYNKOOP**
3 **DL: DAN LUNDBERG, DA'S OFFICE**
4 **CS: CHRISTOPHER SHEA, ATTORNEY**

5
6 Q: Alright. So, I'm Sergeant Parker with the homicide unit. This here is the DA.

7 DL: Dan Lundberg Inspector with the DA's Office, 114.

8 CS: Christopher Shea, attorney for the witness officer.

9 Q: Okay, and we're here regarding an officer involved shooting that happened yesterday
10 case number [REDACTED] and it occurred on the 6th of March. Today's date is the 7th of March.
11 The time is, let's go 8:44.

12 DL: That's sounds what I got. 2044.

13 Q: Okay. Had to go, I already set my watch. Alright, what's your, what's your first name?

14 A: It's Christopher.

15 Q: W-Y-N-

16 A: Y-N-K-O-O-P.

17 Q: K-O-O-P. What's your star?

18 A: It's 6-0-8.

19 Q: 6-0-8?

20 A: Uh-hum.

21 Q: Date of birth?

22 A: It's [REDACTED].

23 Q: And what was your, the entry date to the department?

24 A: That was the start of the Academy, sir?

25 Q: Yes.

1 A: I think it was [REDACTED] [REDACTED].
2 Q: [REDACTED]
3 A: [REDACTED]
4 Q: [REDACTED]?
5 A: Yes, sir.
6 Q: What's your current assignment?
7 A: It's Mission Station.
8 Q: FTO?
9 A: Yes, sir.
10 Q: And how long have you been at, when did you guys graduate?
11 A: It was February 8th, sir.
12 Q: So February 8th, so.
13 A: And then we had about a week of not doing anything so it's-
14 Q: So you, you've literally been there maybe a week and a half, two weeks?
15 A: About two weeks, yeah.
16 Q: Two weeks?
17 A: Yes.
18 Q: Okay. Okay, and shift is?
19 A: Midnights.
20 Q: Mids?
21 A: Uh-hum.
22 Q: Okay. Were you in plain clothes yesterday or were you in full uniform?
23 A: Full uniform.
24 Q: Okay. Do you work with a partner, your FTO?
25 A: My FTO, is Ishida.

1 Q: O'Shida?
2 A: Ishida.
3 Q: Spell that?
4 A: It's I-S-H-I-D-A. And we had another recruit with us, new recruit officer or FTO, or I
5 don't know, Bohannon, that's his name, B-O-H-A-N-N-O-N.
6 Q: Alright, he's also a recruit?
7 A: He's a recruit, yeah.
8 Q: Ishida, was he a substitute or sub FTO? Is he your-
9 A: He's the sub for Bohannon.
10 Q: Oh.
11 A: Cuz Bohannon did not have an FTO.
12 Q: Okay. So what's his, what's Ishida's star number?
13 A: It's 2035.
14 Q: Okay, and what call sign were you guys?
15 A: We were the David 91, Three David 91.
16 Q: And were you carrying your department issued firearm?
17 A: I was, yes sir.
18 Q: Were you carrying a secondary?
19 A: No.
20 Q: Okay. And were you guys foot patrol or did you, were you guys in.
21 A: We were in a vehicle.
22 Q: Vehicle? Was it a marked, unmarked?
23 A: It was marked.
24 Q: Marked vehicle, lights and sirens and all that?
25 A: Yes.

1 Q: Okay. Okay were you driving or?
2 A: No, that was Bohannon was driving.
3 Q: So Bohannon was driving?
4 A: Uh-hum.
5 Q: Where were you in the vehicle?
6 A: I was passenger. We had the FTO was in the back seat.
7 Q: Okay, so. Alright. Do you remember where you were prior to this, this incident going
8 down?
9 A: We were at a traffic stop on Mission Street. I think it was, I'm not sure the exact cross
10 street but it was, it was around probably 22nd and Mission.
11 Q: Approximate?
12 A: Yeah.
13 Q: And you had to write a ticket during that stop?
14 A: We were in, in the middle of it and then we, we gave the guy his ID back when we got
15 the-
16 Q: Okay.
17 A: Dispatch.
18 Q: You remember how this call came out or?
19 A: I remember a, we heard the 30, code 33, kinda go out.
20 Q: Uh-huh.
21 A: And then we heard the, or at least I heard the location. So I was like, okay, this is
22 definitely Mission. And then, I was aware there was 221 vehicle. But that, that was about my
23 knowledge of it.
24 Q: Okay. And you, took this?
25 A: Uh-hum.

1 Q: Just tell me, just.

2 A: Uh-hum.

3 Q: You know and then we'll, we'll go from there.

4 A: Okay the whole, kinda how it went down?

5 Q: Yeah. Yeah.

6 A: Okay, so we, we came with a safe avenue approach. And we ended up where all the other
7 cars were. I think it was Capp and to 20th.

8 Q: Okay.

9 A: Or something, something wherever all the cars were around there. And we parked it, got
10 out. My FTO and Bohannon went kinda to the right side of the kinda 180 around that vehicle.
11 And I went to the left side. And I got cover behind a black Honda, or some sort of black sedan
12 car. And when we got, when we got on scene, there, they were, there was a team already taking
13 out the first suspect, he was in handcuffs.

14 Q: Uh-hum.

15 A: And that's when everybody's attention went to the gentleman in the trunk.

16 Q: Okay.

17 A: And they say, I stayed pretty much behind that vehicle or at least right to the, you know,
18 right next to it for the whole incident. I was -- what I noticed is the gentleman in the trunk, was,
19 we were giving him all the commands, or they were given over the loudspeaker.

20 Q: Uh-hum.

21 A: I noticed, the one thing that he was not doing, we could see his right hand the whole time
22 pretty much, but we couldn't see his left hand. I couldn't see his left hand. He was, he was
23 making weird movements. He was very, just kinda, non-deliberate, he just kinda, shifted his arm
24 around, doing weird stuff. And he was told multiple times to show his hands.

25 Q: Okay.

1 A: Just not doing it.

2 Q: And then?

3 A: And then, they did, they, I heard red light, red light. I saw him get hit with the, with the
4 ERIW, with one round. And he, you know, he kinda flinched. He didn't have too much of a
5 reaction behind that after that.

6 Q: Uh-hum.

7 A: And it was at that point that I, I looked at the vehicle that I was behind, because there had
8 been a passenger in it, or there had been a, there was someone inside of it for a little while.

9 Q: Uh-hum.

10 A: Just a pedestrian inside the vehicle. And so I looked to check and make sure nothing
11 weird was going on there. And that's when all the shots, that's when I started hearing gun shots
12 go off.

13 Q: Okay.

14 A: So it was literally the second I turned my head. Boom boom boom boom boom. I redirect
15 my attention to the vehicle, and it was just kind of a blur.

16 Q: From there?

17 A: Yeah, I, I couldn't specifically say who was shooting but you know, I heard all the gun
18 shots going off and I just, I didn't shoot because there were at least two officers in front of me.
19 And I didn't see the gentleman in the trunk, I didn't see what instigated the, the gunshots.

20 Q: Okay.

21 A: The last time I saw him, he was just kind of moving about a little bit, but-

22 Q: Uh-hum. Okay.

23 A: I didn't see him specifically.

24 Q: Okay so after the gun shot, after the gun fire stopped.

25 A: Uh-hum.

1 Q: Then what happened or what did you do?

2 A: They ended up, I, I ended up, there were a couple of pedestrians down the block on Capp.
3 South on the block. And so the gentleman I believe who had an ERIW, I'm not sure if it was the
4 same guy who used, deployed earlier.

5 Q: Uh-hum.

6 A: But he grabbed me, and we went to uh make sure the pedestrians weren't hurt and that
7 they weren't suspects, pretty much.

8 Q: Okay.

9 A: Cause they were, they were pretty close to the whole scene. And so we went, we went up
10 to them and we searched them real quick, and then said you guys, be safe, you know, move down
11 the block pretty much.

12 Q: Okay.

13 A: And then we came back to the scene and I saw them pretty, pretty close to a couple
14 people who had the riot shield and they went up to the trunk and they, they pulled the, the guy,
15 the suspect out at that point.

16 Q: And you were, you were watching this, cause you?

17 A: I was, yeah, I was observing that.

18 Q: Okay.

19 A: And then I went around to the passenger side of the suspect vehicle. And I just assisted
20 with I like lit it up and helped them get the, the lady was taken out of the vehicle. I didn't put my
21 hands on her at all. I was just had the flashlight on her from the other side and then there's a dog
22 in the car.

23 Q: Okay. Well let's do this right now. So, so, this is our attempt to kind of recreate the, the
24 scene. This is east sidewalk, south sidewalk.

25 A: Uh-hum.

1 Q: 20th that way, 21st that way, and that's -- You guys arrived in, in your vehicle?
2 A: Uh-hum.
3 Q: Do you remember exactly where you parked?
4 A: I believe we parked at, at kind of the corner of the intersection over here. I think, so it
5 could have been maybe that vehicle.
6 Q: So, was it in, but this is just, just so you know, it's not to scale. This is not a, a-
7 A: Okay, oh.
8 Q: A exact depiction of the scene that night. This is just kind of.
9 CS: It's kind of an estimation of the-
10 A: Okay.
11 Q: Yeah.
12 CS: There appears to be a lot more radio cars in that diagram than there actually were on
13 scene.
14 A: Okay.
15 Q: Yeah, so.
16 CS: Like, there's an extra three cars I think in there, so.
17 Q: Yeah, so.
18 A: Okay.
19 CS: But you guys parked.
20 A: We weren't in the direct, we were probably right at that intersection, right here.
21 CS: Was it between 20th and 21st?
22 A: Yes.
23 CS: Okay, so you guys were.
24 A: At 21st and Capp I believe.
25 CS: Okay.

1 A: Or at 20th and Capp.
2 Q: 20th and Capp.
3 A: Yeah.
4 Q: Okay, so you guys are here. So, you, I'm assuming you guys walked down or you ran
5 down or?
6 A: Yeah, so when we got out of the vehicle right at that intersection, my FTO and Bohannon
7 kind of walked that way. And I didn't see anybody over here, so I went that way, kinda make
8 sure we had some coverage. And I was probably behind like that car. I mean if, it's not to scale
9 but, there's a passenger car right around here.
10 Q: Right around where?
11 A: I think it was this one.
12 Q: Okay.
13 A: And then there was a guy with a rifle right here, right next to me.
14 Q: Okay, and just so you know, this is not to scale so.
15 A: Okay.
16 Q: This is to give us kind of an idea of where you were there.
17 A: Okay.
18 Q: So you mind putting --
19 A: Yeah. What should I do?
20 Q: I think just draw a circle.
21 A: Okay, a circle probably right around that wheel well or that bumper.
22 Q: Okay. Alright.
23 A: And the car was actually, it was faced the other way but, it's just a sketch.
24 Q: Okay, so you were right here.
25 CS: But these cars are facing, north bound, north bound.

1 A: Oh yeah. Yes.

2 CS: And these cars are facing south bound?

3 A: Yes.

4 Q: Gary Watts.

5 CS: Thank you Gary. Well he is English, right.

6 Q: Yes. Okay so, your attention was where, initially?

7 A: It was, it was on the trunk. Oh initially, when we walked up, pretty much while I was
8 making my approach right around this area to that area, they were bringing that gentleman, the
9 first suspect back.

10 Q: Okay. Now, you said, you guys walk, if you said your, your FTO.

11 A: My FTO and the other recruit.

12 Q: And the other recruit went.

13 A: I think ended up right around here.

14 Q: Your FTO, right?

15 A: Yeah, and I think they were in a stack of some sort.

16 Q: Okay, is there any reason why you didn't follow your FTO?

17 A: I don't know. I, I just think that I, I thought the scene needed more coverage and there
18 was at one point, there was ERIW around here, so I was, I ended up being his lethal cover.

19 Q: Okay.

20 A: But, I don't know. I, I didn't, I didn't, I did not follow him.

21 Q: Okay, alright so. You ended up over here?

22 A: Yes.

23 Q: Okay did you immediately go take this path along the sidewalk near your car?

24 A: No, we, we, we kinda all kinda walked up through the middle and I probably went like
25 this. And then probably walked kinda around there.

1 Q: Okay. Okay based on the, the nature of the call okay.

2 A: Uh-hum.

3 Q: When you walked up did you, did you take your, your duty weapon out?

4 A: Yes.

5 Q: Okay, you remember exactly where you took it out at?

6 A: Probably somewhere in the middle of the street. When, when we realized the, there was

7 still suspects in the vehicle.

8 Q: Okay, okay.

9 A: When it wasn't, you know, wasn't code four at all.

10 Q: Okay, and then you took cover over?

11 A: We're right around there, yes.

12 Q: Right around here?

13 A: Yes.

14 Q: Okay. And you still had your, your duty weapon out?

15 A: I did, wasn't, wasn't pointed anywhere cause there were probably two officers like right

16 here.

17 Q: Okay, alright.

18 A: Yeah.

19 Q: Could you see the trunk of the suspect vehicle?

20 A: Yeah, uh-hum. I, I could see the suspect in the trunk.

21 Q: So you could see the suspect in the trunk?

22 A: The whole time, yeah.

23 Q: Okay. While you were here uh, were you standing, were you kneeling, were you taking a

24 inaudible.

25 A: Mostly kneeling.

1 Q: Okay.

2 A: Kinda had like my shoulder this kind of part.

3 Q: Uh-huh.

4 A: Also I had my, probably the top half of my body and my, my head was visible.

5 Q: Okay.

6 A: But kind of, yeah it was kind of blocked off right around here. Sort of a kneel.

7 Q: Okay, and, and your attention was right here?

8 A: Yes.

9 Q: Okay, and what do you remember while you were, while you were standing, or while you
10 were kneeling in that position there?

11 A: There was, one, there were a lot of police officers in the, the middle. And I didn't want to
12 get involved -- I didn't want to step in front of anybody's line.

13 Q: Uh-huh.

14 A: Because we were just on scene and there was quite a few and I was like, oh I'm not
15 walking in front of them. And so there weren't many people over here covering the east side so, I
16 went over here. It was just kind of an empty space. And I saw the, I saw the view in the car.

17 Q: Okay. What did you see the, cuz you said you had, you had video on the suspect?

18 A: Yes.

19 Q: What, what could you see him doing inside of there?

20 A: He was the, the trunk would kind of, every once in a while kind of lift up and down. I'm
21 not sure if he was doing that. I think it was just kind of who knows, maybe he was shifting
22 around in there. But his left hand would kind of go like this and, it just kept going back and forth
23 and like, visible, not visible.

24 Q: Uh-hum.

25 A: Visible, not visible. And he wasn't listening to any of the commands.

1 Q: Those people were shouting commands at him?
2 A: Yes. Yes, in Spanish and English.
3 Q: About how long did that, how long did that, that go on? Do you, do you remember?
4 A: I would estimate like, from when the point they took the other guy out, and then we had
5 our focus on the guy in the trunks, probably like two, three minutes.
6 Q: Two, three minutes?
7 A: Probably.
8 Q: Okay. Did you yell any commands at him?
9 A: No.
10 Q: Could you tell how many people were yelling at him?
11 A: Uh – probably like seven or eight.
12 Q: Seven or eight.
13 A: Probably. They were, I mean there were some commands obviously on the loudspeaker
14 that were pretty loud and clear.
15 Q: Uh-huh.
16 A: But every once in a while someone would yell you know show me your hands, stuff like
17 that.
18 Q: Okay and it was both Spanish and English?
19 A: Uh-huh, uh-huh.
20 Q: And you heard ‘em both.
21 A: Yes.
22 Q: Okay.
23 A: The lady on the intercom she was doing it all in Spanish I believe.
24 Q: Okay.
25

1 A: After a certain point.

2 Q: Okay what about in Spanish, what about in English, was that over the intercom as well
3 or?

4 A: It may have been on the intercom initially

5 Q: Uh-huh.

6 A: Uh and then the lady was across the, cuz she was a Spanish speaker I suppose. And then
7 they brought her in and that's when the Spanish over the intercom began.

8 Q: Okay.

9 A: But people, people on the street who weren't on the intercom, they were speaking English
10 and Spanish it was a mix.

11 Q: Okay and were you still at this location right here when less lethal was deployed?

12 A: Yes.

13 Q: Okay. And what can you tell me about that?

14 A: This gentleman was right around this area. And he said less lethal, or red light, red light a
15 couple of times.

16 Q: What does that mean to you?

17 A: That mean to me that he was going to deploy the less lethal. Like don't nobody shoot.
18 You know, to avoid everybody going off. And then he gave it a second and then he shot. I
19 couldn't necessarily see where he hit him. I thought it may have been the leg, but I can't say for
20 sure.

21 Q: Okay.

22 A: And he flinched and just kind of like shook it off and maybe mumbled something.

23 Q: Okay. Now when he gave the red light, red light did officers respond to him?

24 A: I think it was echoed yeah. I think some people echoed less lethal maybe. I can't say for
25 sure but-

1 Q: Did you respond at all when he gave out the
2 A: No, I didn't say anything.
3 Q: Okay, okay. and from where you were your position was right here, was the less lethal
4 deployed- was he in front of you or was he kind of behind you?
5 A: Just a little, he was probably you know these two cars maybe confuse me a little bit he's
6 probably right around here.
7 Q: Okay.
8 A: Right near the front of that, probably the first car.
9 Q: Uh-huh.
10 A: So he was a little to the right of me. He didn't obscure my view.
11 Q: Okay then. So he wasn't in your line of fire.
12 A: No.
13 Q: Okay. All right so after less lethal was deployed you still had visual on the suspect.
14 A: I did.
15 Q: Okay and what did you observe?
16 A: He flinched. Mumbled something to himself I think. He was making some sort of a noise.
17 I couldn't understand what he was saying.
18 Q: Was it an audible noise?
19 A: I don't think so. Maybe if somebody was closer they heard it.
20 Q: Uh-huh.
21 A: But for me where I was I couldn't hear it.
22 Q: Okay.
23 A: But he kinda said something and then he just kind of shifted his body a little bit.
24 Q: Now during the entire time that you were here, and officers were giving, the suspect was
25 given commands over the loudspeaker.

1 A: Uh-huh.

2 Q: And by other officers yelling at him. Do you remember or do you recall, or had you, did
3 you hear him respond to any of those requests at all?

4 A: No, I don't remember him saying anything.

5 Q: Okay at all?

6 A: Maybe at some point after he was shot with the ERIW he said something, but before then
7 I don't think he said anything. Nothing that I heard.

8 Q: Okay what makes you think he may have said something. After he was shot?

9 A: I heard some noise coming from the trunk. Not like a movement noise but a voice, a low
10 voice.

11 Q: Is it possible that it was the, just the sheer shock or maybe the pain of being hit, being
12 struck by that round?

13 A: It could've been like agony. Yeah, it could've been like ah, you know.

14 Q: Okay so take me from when he was, when ERIW was deployed okay. He was still non-
15 compliant, and he was still here.

16 A: Uh-huh.

17 Q: Okay take me from that moment there.

18 A: So at that point yeah he was non-compliant and at some point I think someone took the
19 pedestrian out of this vehicle.

20 Q: Uh-huh.

21 A: Took him out, get him to safety pretty much because it was a pretty dangerous situation.
22 And so I kinda was like okay what's going on over there. Like making sure it was going well.
23 And at that point I looked to my right to see if the guy was still in the car and then I just heard
24 the gunshots go off.

25

1 Q: Okay. Do you remember how the sequence of the gunshots going off, how they initially
2 started? Was it, you know was it a one shot or was it a bunch of shots all at one time or?

3 A: It was a bunch at one time. It wasn't – I don't think that there was any single shot
4 followed by shots. It seemed like it was all at the same time.

5 Q: Okay. And I know it would be silly of me to ask you how many shots you heard, the
6 duration of shots?

7 A: Maybe three to five seconds.

8 Q: Three to five seconds.

9 A: Maybe yeah.

10 Q: Okay, okay.

11 A: If I could, you know, guess approximately.

12 Q: Okay so after the gunshots, gunfire stopped.

13 A: Uh-huh.

14 Q: All right what did you observe? And you were still in this position huh?

15 A: Still right there, yes.

16 Q: Okay.

17 A: I observed a little bit of movement from the suspect. Just a little bit. And then at some
18 point not any movement from the suspect. He was not moving.

19 Q: Uh-huh.

20 A: At all. And then that's when pretty soon after that I believe they – the gentleman with the
21 ERIW and me, we went up the block to make sure those guys didn't get it and that they weren't
22 outstanding suspects or something.

23 Q: Okay. Did the two people, were they males, females?

24 A: Two, yeah two males right here. Right around here probably.
25

1 Q: Did they say anything at all?

2 A: They were speaking in Spanish. The gentleman who I was with was speaking in Spanish,
3 but I don't know that much.

4 Q: Okay.

5 A: But they were like, you know, they consented to the search. Said oh yeah I don't have
6 any weapons and they went on their merry way pretty much. I think they were neighbors
7 somewhere down the block.

8 Q: Okay. Okay so they leave and then you come back here. And then what?

9 A: I came yeah we came right back around here. And then people were approaching the car
10 with riot shield at that time.

11 Q: Uh-huh.

12 A: Or approaching the car with the riot shield at that time. Kind of an extraction team so to
13 speak. And I went up and came probably around here when they pulled the body or the suspect
14 number 2's body out.

15 Q: Uh-huh.

16 A: And just kinda, he did put him on the ground. I believe handcuffed him and I saw them
17 begin CPR.

18 Q: Okay anything else?

19 A: No, I just ended up going around this vehicle to just shine some light from that side on
20 the female suspect who they took out as well. And the dog

21 Q: Okay. Did you ever approach the back, the back the trunk of that car?

22 A: I just walked by it.

23 Q: Okay When you walked by it did you look in?

24 A: No, I did not. I didn't see anything inside the trunk.

25 Q: Okay all right.

1 DL: I'm sorry I might've missed it, but I never got any clarification if do you understand Eng-
2 - Spanish?

3 A: English ha, I've taken Spanish. I understand a little.

4 DL: So you can converse in Spanish to a degree and you can understand what was being said?

5 A: Yeah a little bit yeah. Depends on the subject right? As long as it's basic probably.

6 DL: And you said it was unintelligible what was coming from the trunk of the car, the suspect
7 in the car?

8 A: Yes.

9 DL: But was it, do you know what language?

10 A: I don't think, I don't think it was – it was so unintelligible that I couldn't define the
11 language.

12 DL: Fine okay. Also, you said when you arrived on scene that was about the time the suspect
13 was being detained from inside the vehicle.

14 A: Yes, the driver.

15 DL: Explain. Did you actually see the driver come out of the vehicle?

16 A: So we saw – when we came on scene a gentleman was coming from right around the
17 back of the car like maybe around this area. And he was in handcuffs and he was being escorted
18 back. And the fact that there was no driver just led me to believe he was the driver of the vehicle.

19 DL: Okay good deduction. And where did that gentleman as you described him get placed?

20 A: He got placed in, I didn't ever have a, I would assume it was one of these cars. In the
21 middle. Because he was yelling the whole time.

22 DL: Can you kind of mark that. I'm not gonna hold you to that and just where you kind of
23 think.

24 A: Usually one of these two I would say suspect.
25

1 DL: Okay driver?
2 A: Yeah driver, yeah.
3 DL: Actually, you don't know people as they're not, you were making a deduction and that's
4 okay.
5 AL Uh-huh.
6 DL: Do you know which officers actually detained him or walked him back?
7 A: No, I do not.
8 DL: The officers that were – you said you were in position here and there were officers here.
9 Is this where the ERIW was?
10 A: Yes.
11 DL: Can you mark where you think that was, the less lethal was.
12 A: I would say.
13 DL: Cuz everything kind of revolves around that.
14 A: Yeah I would say around that.
15 DL: Were any of the vehicles of this – doors of this patrol vehicle open?
16 A: I don't – not to my knowledge no.
17 DL: Okay.
18 A: And this could've been, I'm a little confused by both of these cars but he was to the left
19 of one of these vehicles and it could've been this one to be honest.
20 DL: How many officers were on this side of (inaudible) that patrol vehicle?
21 A: I know there was two definitely right around here in front of me.
22 DL: Can you just kind of mark them there. I know it's, again-
23 A: Closer. About two right there.
24 DL: How did that have a bearing on what your positioning in regards to this here? What was
25 that creating?

1 A: It was creating an officer and officer, so I really didn't have a shot at all. Otherwise I
2 would've been putting them in danger.

3 DL: Okay. The ERIW-

4 A: Uh-huh.

5 DL: You heard the red light, red light.

6 A: Uh-huh.

7 DL: And it went off.

8 A: Uh-huh.

9 DL: The sequence was after, you said how many rounds of the ERIW?

10 A: It was just one to my knowledge.

11 DL: And then roughly how long before the next gunfire.

12 A: How long before the next gunfire? Probably somewhere under ten – I don't, probably
13 under 30 seconds probably. Definitely under a minute I would say.

14 DL: And where do you think that next round of gunfire or that first initial round of gunfire, do
15 you know where that came from?

16 A: No. It was multiple so I couldn't say-

17 DL: Which is fine. I'm gonna ask you about your body worn camera. You viewed it, how
18 many times did you view it?

19 A: Probably twice.

20 DL: Twice.

21 A: Yes.

22 DL: Did that help in your recollection or change your recollection of what you recall?

23 A: Part of the issue was how I was positioned on that vehicle with a (inaudible) chest, I
24 couldn't see anything. I couldn't see the suspect in my camera at all although I could see him
25 during the whole incident. But it did help me recollect the sequence of events from when we

1 went up the street to deal with the other gentlemen, pedestrians, because I wasn't exactly sure
2 when that happened. I wasn't sure if that was when something happened. Just helped me
3 pinpoint that timeline in the later on yeah.

4 DL: Did you see or view or hear any media associated with this officer involved shooting,
5 after the shooting?

6 A: Uh-uh no.

7 DL: Okay and when this was done, and you contacted some witnesses on street.

8 A: Yes.

9 DL: All right can you kind of put where you contacted some witnesses?

10 A: The witnesses that I personally contacted were in the apartments probably around here.
11 Oh or are you talking about the pedestrians over here.

12 DL: Correct.

13 A: Okay that was later. Pedestrians. Probably around here.

14 DL: And you were with?

15 A: I was with the gentleman with the ERIW, so I was his lethal cover.

16 DL: All right did anybody get any information from those witnesses?

17 A: I did not and the gentleman with the ERIW did not.

18 DL: Did you see anybody else?

19 A: No, I didn't see anything about that no-

20 DL: You said that you actually did contact some other witnesses?

21 A: Just, we had to get into the garage because there was, we were concerned that there may
22 have been a shot fired through the garage. So we just – I talked to people and they helped us get
23 through the garage. But to my knowledge from my little interview they didn't see anything they
24 just heard it.

25 DL: You got their information and-

1 A: I didn't. They were probably contacted by somebody else.
2 DL: Okay and when this was done did you get back together with your field training officer?
3 A: No.
4 DL: Where-
5 A: He was separated.
6 CS: I think, your FTO was a shooter.
7 A: He was a shooter yes. So they were taken from the scene yeah.
8 DL: Did you talk to anybody about the incident?
9 A: No. Not, no.
10 DL: Did you hear anybody talking about the officer involved shooting?
11 A: Nothing specifically – just like whether they had been shooters had been determined or
12 whether they were witnesses pretty much.
13 DL: Okay. I'm good-
14 CS: I don't think I have any questions.
15 Q: Just one thing, just put your initials right there that this is where you were. Then if I could
16 get you to sign down here, sign your name.
17 CS: Put your star number.
18 Q: Yeah. All right then we'll end this, let's make 2114.
19 CS: Good.
20 Q: We're done okay.
21 END OF INTERVIEW
22
23
24
25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 25, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **MATT STONECIHPER, DPA**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 Q: MATT STONECIPHER

2 A: [REDACTED]

3
4 A: And you say you have a script your need to read?

5 Q: Yes sir.

6 A: Okay.

7 Q: This interview is in regards to DPA Case number 0097-18. This is investigator Matt
8 Stonecipher with Department of Police Accountability. I am on the phone with [REDACTED]
9 [REDACTED]. Did I pronounce your last name correctly?

10 A: That's correct.

11 Q: [REDACTED] can you please spell your first and last name for the record?

12 A: Sure, it's [REDACTED]

13 Q: [REDACTED], do you understand that I am recording our conversation?

14 A: Yes, I do.

15 Q: Do I have your permission to record this conversation?

16 A: Yes, you do.

17 Q: Okay. Alright [REDACTED], so why don't you just tell me from a beginning to end just what you
18 can recall about the incident that took place on March 6, 2018 at 21st and Capp.

19 A: Sure, I was sitting in my living room at the front of the house at [REDACTED] and the
20 blinds were closed. But I recall hearing some commotion outside, and I went to the front door.

21 Opened the front door and saw two men in the street in front of my house with their hands up.

22 And the police were telling them to get out of the way, get out of the way, get out of the street.

23 At first I had thought that they were the reason that the police were there. But then saw turning to
24 my right, looking across the street to the north, I saw the, a car, a car pulled over and with it
25 several police cars behind it with the lights flashing. And – and so I was standing there watching

1 it for a little bit and could tell from the nature of and the timber of the voice of the police telling
2 the somebody to get their hands, up show us your hands, both in English and in Spanish. It was
3 getting a little more anxious and so I went back into my house and got my cell phone and started
4 recording. And within a minute heard what sounded like to me one shot. And I was wondering
5 why would that happen? And then, yeah, about ten seconds later I heard another shot and then, a
6 whole, you know, I can't, can't count how many shots, you know, the police I guess fired on the
7 car and, you know, there was a whole lot of shooting. But, and then, you know, it was over pretty
8 much. And I recorded that all on video and then later that night when the police came by to do
9 wellness check at the front door. They asked if I was okay and did I, if I saw something and
10 that's when I volunteered that I had a video of the incident and showed that to several police
11 officers that night. Then went down to the police station later that night, early morning to give a
12 statement.

13 Q: Okay. Okay. I'm just taking notes right now. Okay. Let's back up here. Could you just
14 describe the vehicle that was involved in this situation, what did it look like?

15 A: Quite frankly it was dark and hard to tell because it was back lit from the searchlights on
16 it. But it was a, you know a path, a sedan I guess you would call it. You know a smaller compact
17 sedan.

18 Q: Uh-huh. Okay. Were, were any, any doors opens during this on the vehicle?

19 A: I believe I saw the driver's side, front door open.

20 Q: Okay.

21 A: And if the passenger side was open I couldn't see it from my vantage.

22 Q: Okay, did you see anything else that was open on the vehicle?

23 A: No, but later I learned the apparently the suspect was in the trunk of the vehicle with the,
24 with the trunk halfway opened.

25 Q: Okay.

1 A: But again, I, you know it was parked facing toward me, so it wasn't clear.

2 Q: Gotcha.

3 A: You know, the trunk.

4 Q: Okay. So, so let's, so again, just to clarify, could you see into the trunk of that vehicle?

5 A: No, not from where I was standing.

6 Q: Okay. Okay. And where you were standing was your view obstructed by anything?

7 A: Nope, pretty much unobstructed yeah.

8 Q: Okay. Okay. So [REDACTED], how long, if you had to approximate, how long until you got

9 your, how long had this scene been going on, or incident been going on, until you grabbed your

10 phone and started recording?

11 A: I couldn't say for certain, maybe a few minutes at most. At first I heard, you know the,

12 the siren, just like a quick chirp.

13 Q: Uh-huh.

14 A: And, you know, quite frankly on Capp Street that's not an uncommon thing to hear.

15 Q: Uh-huh.

16 A: So I really didn't really pay it any mind. But then, within a minute or so I would say, you

17 know I could kind of hear what I heard, you know yelling outside and was wondering, Oh,

18 maybe those two, maybe the siren and the yelling are related. That's when I went to the front

19 door and the front steps and saw you know that there was something going on in the street with

20 the guys with their hands up. And then turned and saw the car parking with the police behind it

21 and that's when I went back. So, you know, all told, you know maybe two minutes.

22 Q: Okay. Do you know why the officers starting shooting?

23 A: I subsequently seen the body cam footage and learned more about the incident and saw

24 that, you know, it appears that the fellow in the back of the car took a shot at the cops and they

25 returned fire.

1 Q: Okay, where did you, where did you see body cam footage?

2 A: It's posted to the SFPD website.

3 Q: Okay.

4 A: And I also saw it during subsequent community, you know, engagement that they did. A
5 few meetings and they showed it at that as well.

6 Q: Okay. Alright, so [REDACTED] could you describe the formation of the officers that were on
7 scene? How were they positioned? How would you describe their positioning during this?

8 A: From what I could see, you know, there were all the police seemed to be behind the
9 suspect vehicle. So further away from me there had been, you know, wasn't like they were
10 encircling it. It seemed like they were let's say a semi-circle behind it and to the sides.

11 Q: Uh-huh. Okay. And did you notice, did any officers, where they, were any officers
12 moving as they were shooting?

13 A: That I couldn't say.

14 Q: Okay.

15 A: I mean quite frankly when I, when the fuselage started I just ducked behind the side of
16 the, the building and continued to video. So some of my memory of this of course is, now I've
17 watched that video several times, so, you know, but I wouldn't, I couldn't really say if people
18 were moving.

19 Q: Okay. So, talk to me more about that. Describe that when the, talk about your reaction
20 when the shots started being fired. How did you react?

21 A: Well the first, like I said, the first I heard a single shot which I later found out was the
22 beanbag round that was shot. And – and you know my initial reaction was, wow that sounded
23 like a shot, but I would expect if there, you know, somebody shot once they would be shooting a
24 lot more than once you know given how many police were back there. And then, you know, I
25 think it was about 15 seconds after that single shot that's when I heard, you know, that's when all

1 the shots happened. You know almost instantaneously, you know it was little jarring to hear it,
2 you know happen. I kind of stepped back from, you know, to get a little shelter from the wall
3 but kept videoing.

4 Q: Okay.

5 A: And then it was, you know over. You know seconds later, and then you know you could
6 hear screaming and you know, shots fired, shots fired and-

7 Q: Okay. But you were, so you said you took a step back. Did you go behind anything? I'm
8 trying to-

9 A: Yeah, the there a, my front porch has a, you know, it's a little recessed area.

10 Q: Uh-huh.

11 A: Sheltered behind the wall so.

12 Q: Okay. But I just want to make sure I understanding you correctly. But your phone, it, like
13 was phone pointed, still pointed at the incident that was happening?

14 A: Yeah. Yeah. I was kind half behind it, you know, already though based on the line of
15 sight you know, leaning up against it and then you know, kinda just startled a little bit. But like I
16 said it was over so quickly. And then I looked out and can see all the police you know
17 responding.

18 Q: Okay, alright. So you said you spoke with some police officers after the incident, when
19 they did a wellness check?

20 A: Uh-huh.

21 Q: Do you remember who-

22 A: Yeah.

23 Q: Do you remember who those officers were?

24 A: No, I mean there was, there was a number of people that came, came and went. You
25 know it, it seemed like they sent the you know bunch of people down the street checking on all

1 the buildings. You know, on both sides of the street and then, I was basically sitting on my front
2 porch you know watching this happen you know the aftermath. And somebody came up and
3 asked if I was okay. And I said yes. And they asked if anyone else was in the house? Checked on
4 my roommate who was sleeping in the back of the house. He didn't even hear anything. And
5 then later on somebody came by asking for, if anybody you know was a witness and that's when
6 I mentioned I had it. I do have a business card of Captain Gitano – no, no that was after that fact,
7 I'm sorry, that's a, I met him at a recent event. No, then I met, then there was some people who
8 took me to, like I said, downtown and took my statement that night and drove me back. But I
9 don't have, I don't know their names.

10 Q: Okay.

11 A: I'm sure somebody, I'm sure they've got the names.

12 Q: Right. Okay, [REDACTED] do you know, did your apartment get hit with gunfire?

13 A: No, it didn't.

14 Q: Okay. Did the, did the building get hit with gunfire that you live in?

15 A: No, it didn't.

16 Q: Okay. Okay you said some officers picked you up and took you to a police station? Did I
17 hear you correctly?

18 A: Yeah.

19 Q: What, I'm sorry – go ahead.

20 A: I was going to say that we went to the, or downtown were the C-Jail was, or whatever
21 that building is.

22 Q: Okay. Was is 850 Bryant? Do you know if it was 850 Bryant?

23 A: That's probably right, I believe it's on Bryant, yeah.

24 Q: Okay. Do you remember which officers took you down there?

25 A: Can't say, I don't recall.

1 Q: Okay. Okay, so you went down to 850 Bryant and you gave a statement, is that correct?

2 A: Yeah. I was put in a room with one or two guys and a tape recorder and they just asked
3 me, you know, maybe an hour's worth -- not even an hour's worth of questions. And took me
4 and then somebody took me home

5 Q: Okay. Do you remember, do you remember what those two guys looked like?

6 A: The only thing I can think of was one of them I think was you know the head or the lead,
7 gosh, I can't -- I wanna say a foreign accent like maybe English or French. I don't recall you
8 know, you know, maybe if you told me the name it might ring a bell. But I don't really recall.

9 Q: Okay. And how long was that whole, I guess, interview with them?

10 A: Like I said, I think it was less than an a hour.

11 Q: Okay. Alright. Okay. So did I hear you, I hear you correctly, you said you went to a town
12 hall regarding this shortly after?

13 A: Yeah. So, after the, the shooting there was a lot of protests on the street. You know and
14 then there was a Mission Neighborhood town hall or meeting with you know, put on with the
15 police and they came up and showed some video that'd been taken from the you know an
16 adjacent building which showed the whole, you know, everything going on from the guy
17 stopping the car, getting out, going out around the corner, jumping back in, getting pulled over,
18 and then the shooting all you know. That was from one you know a neighbor's security video
19 that just happened to be on the corner. And then they showed and released a number of a
20 different police body cam footage.

21 Q: Okay. So, to the best of my knowledge, they was a portion at Town Hall where they, the
22 way like a public comment. If I remember correctly.

23 A: Uh-huh.

24 Q: Did you get up and speak during the public comment?

25 A: No, quite frankly I was a bit fearful.

1 Q: Uh-huh.

2 A: You know, quite frankly. From what I saw and what I learned subsequently, you know, I
3 felt that while it was an unfortunate event, you know, when somebody goes and robs people on
4 the street with a gun and then subsequently pulls a gun on the police and shoots at them, you
5 know, they pretty much sign their own death warrant. And I think it, you know, you know that
6 that was not a sentiment that would be readily accepted by the crowd at that night. You know,
7 they were very angry, you know, they were screaming and calling the police assassins and you
8 know, I did not share their viewpoint.

9 Q: Yeah. Okay. So, right after the incident happened, did you speak to any of your, any of
10 you neighbors?

11 A: Yeah. I've talked to a number of my neighbors.

12 Q: Okay, did you, did anything kind of stick out regarding anything, I'm sorry. Let me
13 backtrack that. Did any of the neighbors you speak to say they witnessed the incident?

14 A: Yes, they did.

15 Q: Okay. Which, do you remember which neighbors that you spoke to about that that said
16 they saw it?

17 A: My, there was a gentleman named [REDACTED], I don't know his last name, that was almost,
18 you know, his house looked out almost directly onto the events unfolding. I talked to him. And
19 there was my neighbor next door, [REDACTED], who said she heard the shots and saw – there
20 were a number of neighbors you know that I've seen in passing, but don't know their names, but-

21 Q: Okay. Did they say, did they say anything that, did they anything to you that you thought
22 was maybe important or needed to be noted?

23 A: Not particularly. I mean we were just sharing their, our reactions to the, you know, the
24 event. It's kinda traumatic just witnessing it. I'm sure anybody actually involved in it, you know,
25 but, I don't know, that's what, that's what I find really hard to understand with the neighborhood.

1 I'm a white guy in this neighborhood and it's a lot of brown people who, you know, and I have
2 not shared their experience with police, but, you know, they seem to, you know, immediately
3 jump to the conclusion that it was the police fault. I'm like ahh, what about the guy who shot at
4 the cops? You know, I mean, I literally heard you know somebody say, oh, well you guys have
5 body armor and he only took one shot why did you have shoot him so many time? It's like. I
6 don't know, somebody takes one shot at me I'm going to shoot back as soon as I can. I think
7 that's what happened.

8 Q: Alright, I gotta back up here a second. Right before I guess the shots started firing, did
9 you hear anything being yelled or anything being said before shots, the shots started ringing out?

10 A: Yeah. I heard what I believe is a woman on the loudspeaker speaking in both English and
11 Spanish saying "Show us your hands, show us your hands" (Spanish words) to that effect. Yeah.
12 My Spanish isn't great, but you know, I definitely understood you know that they wanted to see
13 both hands. And that's all I can recall.

14 Q: Okay. Other than the comment about asking the person to see their hands, do you
15 remember what the other commands in Spanish that were being said?

16 A: No, I don't, I mean, if I looked at my video, you know I could see it and recall it. But off
17 the top of my head, no.

18 Q: Okay. Do you consider yourself fluent in Spanish?

19 A: No.

20 Q: Okay, alright. So, [REDACTED] I know you had mentioned you had given the video to the police
21 officers who took the statement from you. Is that correct?

22 A: Yeah.

23 Q: Other than those officers, did you give the video, your cell phone video to anyone else?

24 A: Yeah. I gave it to, what is it, channel 2 news. And that night and then the next day to all
25 to the various news media that were down, down at the end of the street covering it.

1 Q: Okay, so explain to me that process. Did they reach out to you? Or did you reach out to
2 them?

3 A: When, that night, I sent it into whatever it is, channel 2, eye-witness news, or you know, I
4 forget their name. I know it's FOX. Because they subsequently asked if FOX national could use
5 it and I said no, but I gave it to the local media. And then the next day when I was at the end of
6 the street walking by and people knew that I lived, you know, they -- sorry, the newscaster
7 asked if I lived there and seen the event. And I said and I actually had the video and they asked if
8 I could share it and I said yes. So I shared it with them at that point.

9 Q: Okay. Alright, [REDACTED], I think that those are all the questions I have. But before we wrap it
10 up here, is there anything else here, that you'd like to input, that you feel should be noted about
11 this incident?

12 A: Yeah. Like I said, you know, if my opinion matters for anything, like I said, it was an
13 unfortunate thing. I don't want to see anybody die. You know, but I really think that a, you
14 know, the police officers are in a very tough situation and when somebody, you know, shoots at
15 them I think they're justified in shooting back. You know I'm glad that it was only one person
16 that you know lost their life that night because it could have been a lot worse. It could have been
17 the people on the street that he was robbing. Could have been that they you know ran into people
18 trying to get away from the police. You know, any number of things and -- the reason I started
19 video taping was because I know a lot of the time police get accused of misconduct and I
20 figured, well I will have a recording for it, you know, no matter what happens and that's why,
21 you know, I gave it to the news. Because I wanted it to get out. You know I didn't realize that
22 there was going to be all the body camera footage and all the other video. But I'm glad there was
23 because I think it makes a pretty clear case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q: Okay. Alright, I don't have any additional questions. So this interview is concluded the official time is 1:31 PM.

END OF INTERVIEW

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 13, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of
14 September 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **SERGEANT HUTCHINS & SERGEANT GRAVES**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT HUTCHINS**
2 **SG: SERGEANT GRAVES**
3 **A:** ██████████
4
5 **Q:** We are waiting for ██████ to come downstairs. Sergeant Hutchings. Sergeant Graves.
6 We're at █████ and ██████████.
7 **A:** Hello.
8 **Q:** Hello, how are you?
9 **A:** Good. I supposed to be sleeping right now.
10 **SG:** I know.
11 **Q:** So am I.
12 **SG:** I'm Sergeant Graves.
13 **Q:** I'm Sergeant Hutchins this is Sergeant Graves.
14 **A:** ██████. Nice to meet you.
15 **SG:** So we want to just talk to you ask you like what you heard or if you saw anything.
16 **A:** I was ironing.
17 **Q:** Okay.
18 **SG:** Okay.
19 **A:** I was idling and then I noticed like you know police around, so I just went, and I said oh
20 okay something's going on.
21 **SG:** Right.
22 **A:** (inaudible) but then I heard gunshots.
23 **SG:** Okay.
24 **A:** And then I said oh my god. So I peeked a little bit because I don't know what's going on.
25 And all right so I saw all police in front of the car like all with their guns (went up).

1 SG: Okay.

2 A: And uh well not seen but I heard before that, just before that, that they were talking to
3 someone. I figure inside the car.

4 SG: Uh-hum.

5 A: Like saying like “put your hands up” or do this or do that. What they normally say, but I
6 heard someone was saying it in Spanish. You know.

7 SG: Uh-hum.

8 A: So then-

9 Q: Could you repeat what you heard in Spanish?

10 A: In Spanish something like uh (donde sus manos arriba)

11 Q: Uh-huh..

12 A: (Donde sus manos arriba). And-

13 Q: When you heard that-

14 A: When I heard that, I kind of, I went – because I was thinking (inaudible) myself and then
15 I go outside.

16 Q: Uh-hum.

17 A: So when I heard that and of course that was before the gunshots. When I heard that they
18 were talking in Spanish saying something, I kind of peeked in the lights of the car. I was able to
19 see the car in front of the police car and I saw hands.

20 SG: Okay.

21 A: I saw hands.

22 Q: Up. So you’re motioning your two hands up.

23 A: Yeah, I saw hands. You know whatever.

24 Q: Okay.

25

1 A: So I said oh, so I saw hands, but they kept saying that, they kept saying, but I saw the
2 hands.

3 Q: Uh-hum.

4 A: And they keep saying the same thing. Like put your hands up. And I saw hands.

5 Q: Uh-hum.

6 A: From here. I saw hands. And so I go back and do my (inaudible)

7 Q: U-hum.

8 SG: Right.

9 A: And then the gunshots.

10 SG: Okay.

11 A: And then I go, and I see all these police like-

12 Q: Mm-hmm.

13 A: On this side pointing to the car.

14 Q: Uh-hum.

15 A: And that was it and that was oh my god. If this was really serious and that was it.

16 SG: Right.

17 A: That's what I heard, and I saw.

18 Q: Okay.

19 SG: What did that car look like? Did you see what the car looked like?

20 A: You know it's hard to see. I, before, the one in front, it's hard to see. Blue-black.
21 Something like that.

22 Q: Okay.

23 A: It's kind of hard from the angle.

24 Q: So let's talk about your angle. Would you be on the third floor of this building?

25 A: Yes.

1 Q: Okay so you're on the [REDACTED] floor and you're looking-

2 A: I was on the right side.

3 Q: On the 21st Street side of the building?

4 A: Well yeah, it, cause it's the (inaudible)

5 Q: Right. The one close-

6 A: I was in the dining room.

7 Q: The dining room to be closer to 21st?

8 A: Yes.

9 Q: Okay. And when you looked outside, you could hear a voice in Spanish giving
10 instructions.

11 A: Yes.

12 Q: Essentially raise the hands.

13 A: Yeah.

14 Q: Could you tell if the voice was male or female.

15 A: It was a female.

16 Q: A female voice?

17 A: A female voice.

18 Q: Could you hear any voices coming from the car?

19 A: Hum from the car? Not really. No.

20 Q: Okay.

21 A: No. But I did, I definitely saw hands.

22 Q: When you say you saw hands; were they hands coming outside of the car?

23 A: No. They were inside and they appeared to be in the back of the car. Not the driver but in
24 back (outside of) (Inaudible).

25 Q: Right.

1 A: So I saw hands.
2 Q: Okay.
3 A: I definitely did.
4 SG: Okay.
5 A: And then I went back ironing and then gunshots.
6 SG: Right.
7 Q: Okay.
8 SG: [REDACTED], what's your last name?
9 A: [REDACTED]
10 SG: How do you spell that?
11 A: [REDACTED].
12 SG: Your, your date of birth?
13 A: [REDACTED]
14 Q: [REDACTED]
15 SG: [REDACTED]
16 Q: [REDACTED]
17 A: [REDACTED].
18 SG: Uh-hum. Your phone number?
19 A: [REDACTED]
20 SG: Uh-hum.
21 A: [REDACTED]. That's my cell phone.
22 SG: [REDACTED]?
23 A: Yeah [REDACTED].
24 SG: [REDACTED], thank you for talking with us.
25 A: Sure. I really hope that-

1 Q: Yeah sorry to bother to you.

2 SG: Yeah.

3 Q: So I wrote down my contact information and I gave it to your [REDACTED]

4 A: Yeah.

5 Q: [REDACTED].

6 A: [REDACTED] yeah.

7 Q: So if something pops into your head and you think you need to tell us, call.

8 A: Okay.

9 Q: Okay? And we work for the San Francisco Police Department.

10 A: Okay. Do you have a card by the way?

11 Q: I don't that's why I wrote it down.

12 A: Oh it's alright.

13 Q: Yeah, I'm sorry.

14 A: Okay. And your names?

15 SG: Sergeant Graves.

16 Q: And Hutchins.

17 SG: Thank you.

18 A: I hope it gets resolved.

19 SG: Yeah thank you.

20 Q: Thank you.

21 A: And you know, it's been a lot of crime lately.

22 Q: Yeah.

23 A: What's going on? I've been, I have lived [REDACTED] years in this area since I came to this

24 country.

25 Q: Right.

1 A: 30 something years. Always here.

2 Q: Uh-hum.

3 A: (inaudible) Never ever had witnessed any crime. I swear to god.

4 Q: Uh-hum.

5 A: And I used to work at 10, at 11. Going to school, going this, coming back at 11.

6 SG: Right.

7 A: I don't understand. But lately, we see exactly this kind of thing.

8 Q: Uh-hum.

9 SG: Right.

10 A: Right there another killing. Right there in exactly the same place.

11 Q: Wow.

12 A: (inaudible)

13 Q: Yeah. Your [REDACTED] was telling us about that. Yeah.

14 A: What's going on? Now it's kind of scary now.

15 SG: Yeah.

16 A: Now I'm scared.

17 SG: Right. Right.

18 A: Before with the gangs and this and that, I never witnessed or saw anything. Ever.

19 SG: Right.

20 A: [REDACTED] something years I've been here.

21 SG: I'm sorry.

22 A: But it's why? It's kind of scary.

23 Q: It's very scary.

24 A: To see this right in front of your house?

25 SG: Yeah.

1 Q: It's very scary.
2 A: It's very unsafe.
3 SG: Yeah.
4 Q: Very scary.
5 A: Sorry about this but it's unsafe. Anyway I know you do your job, I'm just saying.
6 Q: Well it was nice meeting you.
7 SG: Thank you so much.
8 A: Ok nice meeting you. Thank you.
9 Q: All right. Uh yeah.

10 END OF INTERVIEW
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 10, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of
14 September 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**

4
5 **CASE NUMBER: 42757**
6

7
8
9 **INTERVIEW OF:** [REDACTED] **(Through Interpreter)**
10

11 **INTERVIEWED BY:** **SERGEANT WATTS**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: SERGEANT WATTS**
2 **I: [REDACTED] THROUGH INTERPRETER**
3 **YS: YORK SUDA DA'S OFFICE**
4 **AC: ANGIE CHOW DA'S OFFICE**

5
6 *[Interview conducted in Spanish with unknown officer as interpreter]*

7 Q: Just again explain who we are, we'll introduce ourselves and then we'll ask him his
8 personal details. I am Inspector Gary Watts, San Francisco Police.

9 YC: Inspector Suda from the DA's Office.

10 AC: Angie Chow, I'm an assistant district attorney.

11 I: He has a common spelling name.

12 Q: Sounds good.

13 I: [REDACTED], it's spelled [REDACTED], so he has two hyphenated last names.

14 Q: First one?

15 I: [REDACTED] and the second last name is [REDACTED].

16 Q: His address?

17 I: [REDACTED] in the City of San Francisco

18 YS: [REDACTED]?

19 I: [REDACTED]. Telephone [REDACTED]

20 Q: Where does he work?

21 I: [REDACTED]

22 Q: Which business?

23 I: Okay [REDACTED]

24 Q: Is that a restaurant?

25 I: [REDACTED]

1 Q: Fish company okay. So, why don't you just ask [REDACTED] to tell us if he was walking, if he
2 was driving. Where he was tonight when everything happened?

3 I: He had parked his car on 21st and Capp Street. He parked his vehicle. It's gonna be on
4 21st Street and Capp. But on 21st and that's gonna be on the northwest corner of 21st and Capp on
5 21st.

6 Q: Facing which way?

7 I: Facing west. He parks his car and gets out of his vehicle. He says he's jumping ahead,
8 saw the suspect came and pointed the gun at him. So he gets out of his vehicle. The other person
9 that's here, is walking too and he struck up a conversation. This guy was like a friendly hi, how
10 you doing, where you headed.

11 A: Uh-huh.

12 I: What's up friend, what are you doing, where are you going. He told him he was walking
13 home. So once they exchanged hellos that's when the person came up to them.

14 Q: Came up to them or came up to him? (inaudible)

15 I: He believes that the male came at both of them. So again he gets out of the car. Strikes up
16 conversation, hello. He observes Hispanic male that's maybe in front of them. On Capp. Again a
17 conversation. He observes a Hispanic male in front of them. [REDACTED].

18 You were on the corner with the person he just met. So again Hispanic male is in front of them.

19 He walks towards them with a handgun. So again he walks towards him and the other person he
20 just met. Walking towards them as he got closer to them, he pulls out the handgun.

21 I: How far you think?

22 I: So again approaches him within maybe five feet, five or six feet we're walking up, this is
23 where you're out is where the male pulled the handgun out.

24 A: Uh-huh
25

1 I: Takes the handgun out. I think the right hand is what he pulled the handgun out. He had it
2 like toward the waist area. Had the, pulled the handgun right hand. Had the handgun towards the
3 waist area, pointed in their direction. I got scared. I tried to walk back.

4 Q: Back to his car?

5 I: Yeah towards his vehicle. To plead for help or to escape. Yeah at that point I was scared
6 for my life. Due to the fact that they were together, but the Hispanic male was pointing at both of
7 them the handgun in the direction, but he immediately pointed and pressed the handgun against
8 the other person on the stomach area. So they're both standing side by side. The handgun is
9 pulled out pressed against the other victim's stomach area. He sees the other victim give him
10 money. So he observes the other person take the wallet out. Observes him giving the suspect
11 cash.

12 Q: Uh-huh.

13 I: So then once that happens, exchange cash, the suspect immediately runs. So he's trying
14 to say going to Cesar Chavez should be southbound, runs on Capp towards southbound on, I'm
15 sorry, southbound on Capp towards Cesar Chavez.

16 I: He's saying that, but we know it's going to be 22nd, that direction so.

17 Q: Uh-huh

18 A: He runs towards his vehicle and he's crying, he's yelling for help. Saying in Spanish, he's
19 got a gun, he's got a gun. So he said all that in the air so anyone in the area can hear him crying
20 for help. Right so he sees police arrived on scene. He immediately tells them. So officers come
21 on scene.

22 Q: How soon?

23 I: When you were screaming for help did the police arrive?

24 I: Less than a minute. Right, they came immediately right there, less than a minute for sure.
25 Okay so when the police come on scene they were actually coming southbound on Capp

1 approaching 21st Street. That's when they came and that's when you told them in Spanish, he
2 has a gun, he has a gun.

3 Q: So the cops are coming southbound on Capp toward 21st.

4 I: Correct. He observed the male running on Capp Street. Yes, on Capp Street.

5 Q: Then what?

6 I: When the police arrived, so he observed the police come on scene. He told them in
7 Spanish about the gun. So he saw (inaudible) The vehicle. So all he saw was the male running on
8 Capp Street again. He did not see him enter a vehicle, but he did observe the police officers
9 coming on scene and drawing their handguns and having their doors open towards Capp Street.
10 So again back to, he didn't see the suspect run into a vehicle. He observed officers getting out of
11 their vehicle and pointing in a direction of a vehicle that was parked.

12 Q: Okay so just once more – so after you told the cops about the gun. Then he sees the
13 police.

14 I: Officers opened their doors and are out of the vehicle. Yes he observed them exit their
15 vehicles with the doors open.

16 Q: Okay and that's because the police car as facing southbound and the crook car was also
17 south.

18 I: Yes.

19 Q: Okay all right.

20 I: Backtracking again about the male running. Again didn't see him get in the vehicle just
21 saw the police get out of the car looking towards the vehicle.

22 Q: He didn't see what vehicle the guy got into?

23 I: No, he did not. So again like I said he didn't see someone get into a vehicle, but he did
24 observe – so like again he didn't see him go into the vehicle, but he did see a dark colored
25 vehicle. And what he saw was when the officers got out of the vehicle he saw that the rear trunk

1 of the vehicle was moving. He observed the rear trunk of the vehicle was moving as if it was
2 open, closed, going up and down. Unable to determine what model he just knows a dark colored
3 vehicle.

4 Q: Okay let's just say that, just repeat that. About the trunk, how he got to the trunk part.

5 I: Again he didn't observe the male going to the vehicle, but he observed a vehicle with the
6 rear trunk open and it was moving up and down. So the officers were looking at that vehicle. So
7 the vehicle – the patrol goes on Capp Street. Went to pass 21st Street and drive 20 feet, 30 feet
8 and that's when you see the lights come on. Doors come on, officers getting out. Observed the
9 vehicle with the rear trunk door going up and down. The police were telling him to move, to go.
10 The officers were very desperate. They were scared, you know making sure the scene was safe.

11 I: I asked him were you standing when I came on scene? Yes, so that would be the same as
12 the other person which would be on the southwest corner, right of 21st and Capp, on the 21st
13 street side. Is when I came on scene that's where he was standing.

14 Q: Okay. And did he hear the cop give commands?

15 I: Yes. What he heard – so he heard in English. With his limited English said hands up,
16 keep your hands up, get out of the car.

17 Q: Did he hear it in Spanish?

18 I: English he said. I understand. Get out of the car something like that.

19 Q: But did he hear the commands in Spanish?

20 I: English. Everything English

21 Q: And then what happened?

22 I: A lot of police came on scene. So he heard like, he heard the police gave orders in
23 English. He couldn't understand what was being said other than hands up type of thing. After
24 that he heard the gunshots. I asked him how many. He goes a lot. I asked him again how many
25 do you think. He goes I have no idea it was a lot.

1 Q: Did he see or just hear?

2 I: Heard the shots. Yes, I didn't see it because they no let me, I just heard the shots.

3 Q: Okay and then after the shots had finished what did he see or hear after that?

4 I: I didn't see anything. Yeah he didn't see anything after that. Because what he is saying is

5 that we came on scene. They were moving people around, moving out.

6 Q: Okay and he was moved.

7 A: Yes.

8 Q: By yourself?

9 I: By myself, yes. I moved him, yes.

10 Q: Can he describe the suspect with the gun, what he was wearing?

11 I: Had a hoodie over his head. The baseball – looked like a black hat over his head.

12 Something like that, black baseball hat, dark colored baseball hat. Black hoodie.

13 Q: Uh-huh.

14 I: Yeah, so some type of baseball hat, dark colored. With a black hoodie and the hoodie was

15 over the hat. Over his head. I didn't see the pants. Unsure about the shoes. Black jacket.

16 (inaudible)

17 Q: Any facial hair?

18 I: Moustache. Maybe some I'm not sure.

19 Q: Maybe-

20 I: I think if I saw the person then I would recognize him but maybe a mustache I'm not

21 exactly sure.

22 Q: Light skinned, dark skinned?

23 I: Light skinned Hispanic male. Not white, but not dark skinned. Like his height. Yes. He

24 does centimeters over inches but about 5'6". About 26-27 years of age, again I'm not sure of the

25 age wise. Thin.

1 I: Your opinion how much he weights you think? Like 100 pounds?
2 I: About 140 pounds. I asked him if he would recognize him if he saw him again. Yes, I
3 would recognize him if I saw him again. Silver handgun.
4 YS: Pistol or revolver?
5 I: Yeah, like a handgun not a pistol. Never saw him before.
6 YS: What national origin did this gentleman speak and could he tell what origin the suspect
7 was?
8 I: He spoke like he was from Peru. Mexico. (feria) is the terminology which I know, and he
9 knows is a Mexican slang word for cash (feria).
10 I: All right so most Peruvians, I'm [REDACTED] we don't use (feria) it's more of a Mexican
11 slang word for money (feria), so in his opinion it could be Mexican not exactly sure.
12 Q: Okay.
13 YS: Did he ever give the officers directions of pointing out a car?
14 I: Just the male no car. When officers arrived on scene he was only pointing to the officers
15 of a male going in that direction, nothing about a car.
16 Q: Okay.
17 YS: Did he hear if the other gentleman, the victim, said anything about a car?
18 I: No, but at that time, at that moment, the other person never mentioned to him about a car.
19 AC: Did he see anyone with the suspect?
20 I: No. He was by himself.
21 AC: And as the suspect was running away did the suspect say anything?
22 I: Nothing. Nothing at all. Real quiet
23 YS: What's the time frame would he say from when the robbery happened to when the
24 shooting happened?
25 I: Like four to five minutes.

1 YS: So the robbery. Then the police are less than a minute the police are on scene. And then a
2 few minutes after that is the shooting, is that correct?

3 I: Yes. So again, robbery, within a minute. Two to three minutes gunshots he hears.

4 Q: Two to three minutes.

5 I: Yes, from the time the police arrived.

6 Q: So four minutes in total.

7 I: Yes, he stated earlier four to five minutes.

8 Q: I'm good. York? Tell [REDACTED] thank you. Tell him he's very brave. Tell him that you know
9 the police department and the district attorney's office are here to help. Tell him that somebody
10 from the district attorney victim of crime advocate will be in touch with him to assist him, to
11 help him. Does he have any questions for us?

12 I: No.

13 YS: Just verifying he was not robbed. Nothing was taken from him or surrendered by him?

14 I: No. No never nothing.

15 YS: Okay.

16 Q: Thank you.

17 END OF INTERVIEW

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 10, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of September
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF:** [REDACTED]
10

11 **INTERVIEWED BY:** **SERGEANT WATTS**
12

13 **DATED:** **UNKNOWN**
14
15
16
17
18
19
20
21
22
23
24
25

1 Q: SERGEANT WATTS
2 YS: YORK SUDA
3 A: [REDACTED]
4
5
6 Q: So we met before, but I'm Sergeant Gary Watts.
7 A: Okay.
8 Q: SFPD Homicide. This is-
9 YS: York Suda. I'm an inspector with the San Francisco District Attorney's Office.
10 A: Okay.
11 Q: And this is gonna be about case number [REDACTED]. And [REDACTED], what's your full name?
12 A: [REDACTED]. Middle name [REDACTED] Last name [REDACTED].
13 Q: Where's that from?
14 A: What's that?
15 Q: [REDACTED]?
16 A: [REDACTED]
17 Q: Austrian. That's right.
18 A: [REDACTED]
19 Q: Yeah. Date of birth please?
20 A: [REDACTED].
21 Q: Oh. And address is?
22 A: [REDACTED].
23 Q: [REDACTED]?
24 A: [REDACTED]
25 Q: [REDACTED]. And a good phone number?

1 A: Only phone number, [REDACTED]. Cell phone.

2 Q: Beautiful. Okay [REDACTED] so, let's go back to maybe, were you asleep?

3 A: No.

4 Q: Okay so let's start around 6:00 tonight. You were home or were you doing something or
5 or when you got home.

6 A: So I was -- got home. I don't know, I went to Costco, got home 5/6ish.

7 Q: Okay.

8 A: Did some work on the computer.

9 Q: Uh-hum.

10 A: Had a bowl of soup. And then uh was watching tv. And pretty much was watching tv for
11 the evening. When I heard the commotion outside and that's when I went outside. Initially was I-

12 Q: What caught your attention?

13 A: Um some people yelling outside and that's not an uncommon occurrence in the
14 neighborhood, but I kind of you know, seemed like it was you know they kept yelling and it was
15 right outside my door.

16 Q: Uh-huh.

17 A: So I wanted to see what was going on. See if my neighbors needed help. And that's when
18 I went outside, and I could see the police talking to two people in the street um that had their
19 hands up. And I thought they were the focus of this the yelling.

20 Q: Uh-huh.

21 A: Or I thought they were doing the yelling, but then - then I turned and saw you know all
22 the police vehicles and lights and I realized something else was happening. Went back inside, got
23 my cellphone and turned on the video-

24 Q: Uh-huh.

25

1 A: Cause I figured you know if something's gonna happen then you'd probably want to have
2 video of it. And so I was standing at the, under my porchlight there videotaping. And that's
3 where I caught you know the whole video for about seven minutes.

4 Q: So, so you're videoing-

5 A: Uh-huh.

6 Q: But what did you hear? Could you make out voices? Commands? Stuff like that?

7 A: Yeah and you can hear it on the video too. They had a bullhorn or a speaker whatever.

8 Q: Right.

9 A: And I could hear the woman telling the, in Spanish and in English "get your hands up"
10 you know "don't move." But at first, they were yelling at the people in the street to I guess get
11 them out of downrange. And they crossed Capp and came to my side of the sidewalk.

12 Q: Get them, get them out of downrange?

13 A: Well they were, where they were-

14 Q: Yeah.

15 A: Would have been you know where the police were you know-

16 Q: But was that a command?

17 A: No. I mean I heard them ask them to move. I didn't-

18 Q: Okay. Got it.

19 A: It wasn't like you're going to get shot.

20 Q: Okay so "get your hands up" in English and Spanish.

21 A: And then they asked those two people, two men to get off the street and they crossed onto
22 to the sidewalk in front of my house.

23 Q: Okay. And then what happened?

24 A: And then I saw you know saw that the focus was on the car.

25 Q: Uh-huh.

1 A: In front of the dumpster there. And I just videotaped it. And I heard what at first sound-
2 to me sounded like a shot, a single shot. And I was surprised that there was no reaction.
3 Everything seemed calm, but then I could hear you know the instructions, you know seemed
4 more intense. And then shortly after that, I'm talking 5-10 seconds maybe, that's when the police
5 seemed to open fire. But I don't know if the first shot was a beanbag or a taser or some- I don't
6 know. You know couldn't say where it came from. It came from that general direction. And to be
7 clear, I did not have a good visual. I never saw the person in the car. I never saw a shot fired
8 from the car. Didn't really see you know it just seemed like all of a sudden there was just a lot of
9 you know action. So there very well could have been a shot fired but given the way that the
10 police had the lights focusing you know in my general direction, it was hard to make out
11 anything.

12 Q: When you heard that single shot-

13 A: Uh-huh.

14 Q: Was it, did you see anybody at the vehicle?

15 A: No. I never saw anybody in the vehicle.

16 Q: How about standing around the vehicle?

17 A: I couldn't see anybody at that point.

18 Q: So there's a single shot and then there's a five or ten second gap.

19 A: Yeah.

20 Q: Of nothing and then all of a sudden there's a melee of fire?

21 A: Yeah. Lots of fire.

22 Q: Okay.

23 A: And it, as far as I, you know I don't know you know who started it or what you know
24 initiated that.

25 Q: Okay.

1 A: I just saw –
2 Q: About how many rounds did you hear?
3 A: More than I could count.
4 Q: Okay. How long do you think it lasted for?
5 A: Maybe five seconds or so. It seemed pretty quickly it was over. And then I could hear her
6 say “shots fired; shots fired.” And then start to give more commands. Saying stuff like “if you
7 can hear me, if you can still move” You know “put your hands out of the vehicle.” Um-
8 Q: Okay.
9 A: And then they were asking is there anybody else in the vehicle. I didn’t, my recollection
10 of this was kind of you know standing back, trying not to get shot. You know in ricochet, taking
11 a video. The video pretty much I think speaks, you know, you know records it better than I can
12 remember it.
13 YS: What side of the street is your house on?
14 A: I am on the [REDACTED] side of the street.
15 YS: Okay and you’re down, further down range from-
16 A: I’m south of where it happened. Yeah. Like if they were here pointing this way at the car,
17 I’m over here.
18 Q: Were you at street level or-
19 A: I was up.
20 Q: You were up. It’s ground first-
21 A: Top of the stairs. I was at the top of the stairs so 10 feet off street level.
22 Q: 10 feet. Okay. What floor is your apartment on? Yeah what floor is your apartment on
23 yeah?
24 A: [REDACTED]
25 [REDACTED].

1 A: [REDACTED]

2 Q: [REDACTED]

3 [REDACTED]

4 YS: I'm sorry. It's the DA.

5 Q: No it's fine.

6 YS: He never called shortly.

7 Q: Had you been drinking tonight?

8 A: I had one drink.

9 Q: What was it, beer?

10 A: I made a gin and tonic. Or no, a vodka tonic rather.

11 Q: What time was that at?

12 A: That was probably around 6. 6 or 7.

13 Q: Right.

14 YS: The two, you said when you came out you saw two people in the street that the cops were

15 telling to get their hands up. Did you see them walk over towards the police officers? Or were

16 they still present when the shooting happened?

17 A: They were still present. You can see -- they're actually in frame in the video that I've got.

18 You know still with their hands up and then hands up even higher when the shooting started.

19 You know I don't know; you know they might have been neighbors. I don't know if they were

20 involved or anything or just happened to be walking down the street.

21 Q: Did you see them - did you ever see them come out of the car?

22 A: Who?

23 Q: The male and female with their hands up.

24 A: I never saw anybody get out of the car.

25 Q: Okay.

1 YS: So by the time you came down, they were already, they're standing in the car?

2 A: Who's that?

3 Q: I mean there's the two people you saw, the man and the woman, by the time you came

4 down-

5 A: Oh no, no, no, hold on you're putting words in my mouth.

6 Q: Okay.

7 A: I just saw 2 people. I believe they were both men. Standing pretty much outside in the

8 street outside my building.

9 YS: Okay.

10 A: Okay so this is a good 40 feet away from the car. The suspect vehicle. These people were

11 just standing there.

12 Q: Okay.

13 A: And those are the people I thought originally were yelling or being yelled at. And that's

14 when you know, when I saw that you know there was all these police, that's when I realized it

15 was serious and went back inside. They had come off the street and onto the sidewalk towards

16 me. But apparently on the video I actually have you know after the incident, two police officers

17 came over, frisked them in front of my building and sent them away. So I assume they weren't

18 involved.

19 Q: And how about the people who had their hands up?

20 A: Those are the people I'm talking about.

21 Q: Oh they they had their hands up?

22 A: Yeah.

23 Q: Okay.

24 A: I, again as far as the vehicle was concerned, the suspect vehicle, I never saw anybody in it

25 or get their hands up or get out of the vehicle.

1 Q: Okay. All right.

2 A: Yeah.

3 Q: Okay.

4 YS: What type, what kind of phone did you have that you were using to videotape?

5 A: Still have it. It's a iPhone 6 plus I think.

6 YS: Okay. Were you-

7 Q: We can view it if you want. You and I can view it.

8 YS: Okay. Were you able to, was anybody else able to get a copy of the video?

9 Q: It's a long video, I think.

10 A: It's about 7 minutes.

11 YS: Can you airdrop it?

12 A: What's that?

13 YS: Can you airdrop it? Do you know how to airdrop?

14 A: Yeah sure if you can – yeah. Have that.

15 YS: Do you have an iPhone?

16 A: Okay.

17 YS: Cause I think an airdrop will work more than email will.

18 A: Yeah cuz the email would probably compress it.

19 YS: Yeah.

20 A: Airdrop may give me that option. Let's see. Excuse me. Airdrop so you have to turn on

21 airdrop. Have you got it on? Cuz I don't see.

22 Q: How do you turn it on?

23 A: Cuz I should see the name, your name there if you turned it on. Let me just double check

24 that Apple is not stupid, and it's turned me off. Okay, I think.

25 Q: Okay. Let's try that.

1 YS: Let's see if I can (inaudible)

2 A: Here we go. I see somebody's iPhone.

3 Q: Yup.

4 A: Okay so it's waiting. I guess you're gonna say yes. There we go.

5 Q: Yup. There you go.

6 A: All right cool. Isn't technology great?

7 Q: Isn't it. Just review, let me just recap [REDACTED] basically-

8 A: Yeah. Sure.

9 Q: Got home at 6:00. You had a vodka tonic around 6. You're watching tv this evening. You
10 heard yelling from outside.

11 A: Uh-huh.

12 Q: You heard "get your hands up" in English and Spanish. When you heard that command,
13 were you already looking out your window or did you-?

14 A: That's when I was, I heard some sort of indistinct shouting while I was sitting inside
15 watching tv. That's when I went outside. Saw the two gentlemen. Could hear more distinctly
16 what was going on. That's when I heard them telling them to get their hands up. Um then and get
17 out of the way or get out of the street, or what you know couldn't quite figure out why they were
18 so insistent on that. But that's when I saw that they had this vehicle pulled over.

19 Q: Okay. So get your hands up, you heard them yelling that-

20 A: Yeah.

21 Q: And you were looking out at the same time.

22 A: Uh-huh.

23 Q: Then you heard a single shot. Then five or ten seconds later, you saw the cops open fire.
24 And there were more rounds than you can count. There were a lot of rounds.

25 A: Right.

1 Q: Maybe five seconds of fire, gunfire and then after the gunfire I presume it ceased. And
2 then you heard more commands after the fire saying-

3 A: Oh continuing to say you know "get your hands up" you know "don't move, can you hear
4 me?" You know ask - they were asking you know is there anybody else in the car. Heard a
5 woman screaming. That was the awful sound, you know, I can imagine if-

6 Q: Did you see the cops go toward the vehicle?

7 A: I was still videoing and so I could see, you know see them approaching it. But you know
8 once after I realized you know it seemed like everything was calmed down and that's when I
9 stopped recording.

10 Q: Okay.

11 A: Yeah and then-

12 Q: And then-

13 A: Yeah.

14 Q: Once you stopped recording, you went back inside your place?

15 A: Yeah.

16 Q: Okay. I think that's it. Yeah?

17 YS: Okay.

18 A: Okay.

19 Q: Thank you.

20 A: All right well so done done or is there gonna be another-

21 Q: Done done.

22 A: Okay. Cool.

23 Q: If there's any questions, maybe I'll have you answer them down the line.

24 A: Yeah. No problem.
25

1 Q: So yeah thank you for your help.

2 END OF INTERVIEW

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**
3 **DEPARTMENT OF POLICE ACCOUNTABILITY**
4

5 **CASE NUMBER: 42757**
6
7

8
9 **INTERVIEW OF: OFFICER NAGAI**
10

11 **INTERVIEWED BY: MATT STONECIHPER & TINETTA THOMPSON, DPA**
12

13 **DATED: AUGUST 30, 2019 TIME: 2:31 PM**
14
15
16
17
18
19
20
21
22
23
24
25

1 **Q: MATT STONCIPHER**

2 **TT: TINETTA THOMPSON**

3 **A: OFFICER NAGAI**

4 **TB: TONY BRASS, ATTORNEY**

5
6
7 Q: This interview is in regard to DPA case number 0097-18 and is taking place at
8 Department of Police Accountability on, August is it 28th or 29th, we just talked about it. August
9 30, 2019 at 2:31 PM. Conducting this interview is Investigator Matt Stonecipher, from the
10 Department of Police Accountability. I've been designated by the Police Commission to conduct
11 this investigation. Also present is?

12 TT: Tinetta Thompson attorney assigned to this matter from the Department of Police
13 Accountability.

14 Q: The member being interviewed is Officer Nicholas Nagai, star number 217 who is a
15 named officer in this matter. Representing Officer Nagai is?

16 TB: Tony Brass of 3223 Webster Street San Francisco 94123.

17 Q: Officer Nagai, have you read the DPA form 293 and the allegation form regarding the
18 allegations of misconduct?

19 A: Yes.

20 Q: Officer Nagai, because there may be criminal culpability on your part, I want to be
21 certain that you understand the following rights. You have the right to remain silent. Anything
22 you say may be used against you in court. You have the right to an attorney before and after
23 questioning. Do you understand each of these rights that I've explained to you?

24 A: Yes.
25

1 Q: With these rights in mind would you like to answer my questions now?

2 A: No.

3 Q: Officer Nagai, while you have the right to remain silent criminally, it is a condition of
4 your employment that you answer my questions in this administrative investigation. I work for
5 the Department of Police Accountability of the San Francisco Police Commission. I've been
6 designated by the Police Commission to conduct this investigation. I'm therefore ordering you,
7 on behalf of the Commission to answer my questions in this administrative investigation. If you
8 refuse to answer my questions, your silence may be deemed insubordination and result in
9 administrative discipline including and up to termination of employment. Any statement that you
10 make under threat of such discipline will only be used for administrative purposes only. It cannot
11 be used against you criminally unless you choose to testify in such a criminal case. Do you
12 understand this order?

13 A: Yes.

14 Q: Officer Nagai, will you answer my questions as ordered at this time?

15 A: Yes.

16 Q: Officer Nagai, earlier I provided you with the DPA administrative interview advisements
17 form which you have signed and returned to me. I will be placing this back into the DPA file.
18 With these advisements in mind is there any reason you can't go forward with the interview at
19 this time?

20 A: No.

21 Q: Tony is there anything you want to add before we start?

22 TB: No, thank you.

23 Q: So this interview is regarding an incident regarding a person with a gun that occurred on
24 March 6, 2018 starting around 10:36 PM at 20th and Capp Street. The subjects involved in the
25 incident are Mr. Jesus Delgado, who is the decedent. Mr. [REDACTED], who was the

1 driver of the Honda Civic and the suspect vehicle, and [REDACTED] who was in the
2 backseat of the civic. Officer Nagai why don't you just tell me from start to finish what
3 happened from the very beginning until – up until the shooting and maybe what even happened
4 after that. In a narrative fashion please.

5 A: So my partner and I, Officer Santana, were at the Mission Station around that time
6 because midnights usually takes over and we were doing administrative paperwork and checking
7 emails and stuff of that nature. We heard kind of, well I heard kind of excited radio traffic from
8 the 13 Edward, a midnight unit. Just the tone of their voice and the in fluctuation of their voice
9 just made my ears perk up. I did remember hearing them say something about getting waved
10 down about a 211 regarding a possible 221, meaning a robbery involving a person with a gun.
11 And then he called for a code 33. And then, when he called for a code 33, it's a police code
12 meaning give me the air or meaning, no one else talk, I want talk over the air. And then at that
13 point Officer Santana and I sprinted to our department vehicle and activated lights and sirens to
14 where they were at the intersection of 20th and Capp. By the time we got there we parked our
15 vehicle I believe near the intersection of 21st and Capp. Activated our – I activated my BWC. By
16 that time I noticed several officers on scene already with their department issued firearm already
17 drawn out to the point meaning pointing to the possible threat conducting what looked like a
18 pretty standard felony stop. I did notice [REDACTED] I believe it was, the driver of the Honda
19 Civic already getting placed into handcuffs and getting put back into a patrol vehicle. And then I
20 did notice that the trunk of the vehicle was already ajar. That there was a suspect inside the
21 vehicle and that's who we were pointing our firearms at. When we were pointing our firearms, I
22 could see, I couldn't see Delgado's face, but you could definitely see his profile of the face and
23 his body. You can also see him holding the latch down or the hood of, hood of the vehicle down
24 with this right arm. And then also his left arm intermittently fishing for something we thought
25 could've been, which in fact was a firearm. The scene was illuminated by streetlamps. I'm

1 assuming spotlights and headlights of different patrol vehicles on the scene. There were several
2 officers on scene including myself asking and really yelling at him to show us both of his hands
3 cuz obviously we can see the right hand we couldn't see the left, to no avail. Because the stop
4 was in the Mission four car, which is heavily Hispanic populated, we asked for, someone asked
5 for a Spanish interpreter. Officer Banegas who is a certified Spanish interpreter got on the
6 loudspeaker or the PA and began giving the same commands of "show us your left hand, show
7 us your left hand, show us your hands," to which he was not responding. During that time he was
8 still intermittently fiddling with something with his left hand, which made me feel extremely
9 uneasy because a lot of times when we go to 221 calls they're actually no merit, no gun was seen
10 or there is actually no gun. However, because he's not following commands and the nature of the
11 call I think it made everyone on scene feel super uneasy that there was a imminent danger that
12 could be inside that trunk. So from my independent recollection because he wasn't showing us
13 his hands, there was a beanbag ERIW round that was deployed once that hit the suspect, I think
14 in the right arm region. And then maybe I want to say maybe ten seconds maybe elapsed and the
15 suspect punched out and then fired at least one round to mine and the officers, our direction, to
16 which we returned fire. And then after I think all of us reassessed the situation and saw that the
17 initial threat was over, there was a female – we noticed a female in the backseat of the vehicle
18 who popped her head up. who was hysterically crying and a lot of unintelligible – I couldn't
19 decipher what she was saying. We ordered her out. And then we, I think it was O'Rourke that
20 got a ballistic shield and then I followed behind him. We cleared the trunk. There was no one
21 else in the trunk. And then someone handcuffed the female in the backseat. And then there was
22 also a Pitbull puppy in the backseat as well. But prior to the actual exchange of gunfire, we had
23 no idea that there was a female occupant in the backseat. And then after that I'd say – I noticed
24 that 3 David 113 and the David 105, Sergeants Caldera and Perez were also on scene. And then
25 the David, I believe it was the 203 retired Lieutenant Banta also took charge of the situation.

1 TB: What was the first name you said before Banta?

2 A: Caldera.

3 Q: Caldera. Earlier you used the term punched out, what does punched out mean?

4 A: Meaning it's, it was almost like he – I mean I guess without a better way of describing it

5 like he punched out his arm while holding the gun and then simultaneously firing a round at us.

6 Q: Okay.

7 A: All I remember was hearing gunfire coming toward me and that's why I returned fire.

8 Q: Okay. So we're gonna backtrack a little bit. Ask about your background and get more

9 specific questions okay.

10 A: Sure.

11 Q: So did you review any documents for this interview today?

12 A: Yes.

13 Q: What was that?

14 A: My homicide interview and my IA interview.

15 Q: Have you reviewed any videos related to this incident?

16 A: Not recently since a year a half ago.

17 Q: And what was that?

18 A: BWC Footage and different local news clips of the actual incident.

19 TT: Your own body worn camera footage?

20 A: Yes.

21 Q: Did you look at anyone else's BWC?

22 A: Yeah. I don't have really recollection of different angles of other people's BWC.

23 Q: Okay you said you were interviewed by homicide and IAD, so I guess how many times

24 have you been interviewed regarding this incident other than that?

25 A: Those are the only times.

1 Q: Okay now as time has passed have you remembered details of the incident that you were
2 unable to recall shortly after the incident?

3 A: Not necessarily, no.

4 Q: Was there anything that was covered in either your homicide or IAD interviews that
5 you'd like to add or clarify on at this time?

6 A: No.

7 Q: Other than your attorney have you spoken to anyone else about this case?

8 A: No.

9 Q: How long have you been employed with SFPD for?

10 A: A little over four years.

11 Q: And were you stationed at the time of this incident?

12 A: Mission Station.

13 Q: How long were you assigned to that station up until the time of this incident?

14 A: Probably a year and a half. Yeah probably about that.

15 Q: What was your assigned sector that day?

16 A: We were the 3 David 41 David

17 Q: We are you currently stationed now?

18 A: Mission.

19 Q: Okay. have you worked at any other law enforcement agencies during your career?

20 A: No.

21 Q: Have you had any previous involvement with any of the three parties prior to this
22 incident? So Jesus Delgado, Mr. [REDACTED] -

23 A: We have had different police calls regarding [REDACTED]. However, I didn't really have any
24 extensive interactions with him.

25 Q: Can you talk to me about that?

1 A: I mean I have heard of his name about [REDACTED]

2 [REDACTED] But other, prior to that no, not really.

3 Q: You were on duty on March 6, 2018 is that correct?

4 A: Yes.

5 Q: What was your shift that day?

6 A: Swings.

7 TT: What are those hours?

8 A: 3 PM to 1 AM.

9 Q: How many hours of sleep had you had before your shift?

10 A: I don't know.

11 Q: What time did you arrive at work that day?

12 A: I usually arrive maybe half hour before work. So 2:30-2:45 maybe.

13 Q: Did you make lineup that day?

14 A: Yes.

15 Q: You touched on it earlier, but did you have a partner that day?

16 A: Yes.

17 Q: Who was that again?

18 A: Bryan Santana.

19 Q: Between you and your partner who is the senior officer?

20 A: In our department, me. Overall, him.

21 Q: How long have you worked with Officer Santana for?

22 A: Probably a good – to this day?

23 Q: I'm talking about until the time of the incident? How about that.

24 A: I'd say year, year and a half maybe.

25

1 Q: Okay. Do you wear glasses?

2 A: Yes.

3 Q: Near sighted or far sighted?

4 A: Near. Near is when you – near is when you

5 Q: It's the opposite right, it's far away

6 TT: Yeah.

7 A: So I can't see, I can see close up. I can't see far away without corrective lenses.

8 TT: Is that far sighted or is that near sighted?

9 Q: It's the opposite right. That's what I thought.

10 TT: I have no clue.

11 Q: It's been a while so. Do you wear prescription contact lenses?

12 A: Yes.

13 Q: Now were you wearing your glasses on the day of the incident?

14 A: No, I was wearing contacts.

15 Q: Can you describe the uniform you were wearing that day?

16 A: Full police uniform that you see.

17 Q: Do you wear patches on your uniform?

18 A: Yes.

19 Q: Name tag?

20 A: Yes.

21 TT: Is Officer Santana still your partner?

22 A: Yes.

23 Q: Can you just do a break down for me what equipment you had on your person that day?

24 A: Pants, shirt, vest, gun belt, which has department issued firearm, two magazines, two

25 pairs of cuffs, my department baton, department OC and flashlight.

1 Q: What was your primary firearm?
2 A: The one I fired with?
3 Q: Yeah.
4 A: The Sig 226
5 TT: That's Sig Sauer?
6 A: Yeah, correct.
7 Q: Do you carry a backup weapon?
8 A: No.
9 Q: Was your gun full loaded?
10 A: Yes.
11 Q: How many bullets did you have on you when you started your shift?
12 A: So there's three magazines, 12 rounds each. And then one in the chamber so 37.
13 Q: Okay and were you carrying any extra magazines.
14 A: No.
15 Q: Were you in a vehicle that day of the incident?
16 A: Yes.
17 Q: What was that type of vehicle?
18 A: It's a police wagon number 599.
19 Q: Now were you the driver or the passenger of that vehicle?
20 A: Passenger.
21 Q: And where was Officer Santana's position in that vehicle?
22 A: Driver.
23 Q: What equipment did you have in that vehicle?
24 A: Just us really.
25 TT: Any department issued shotguns or anything that you or Officer Santana-

1 A: No, there's no racks for that in a police wagon.

2 Q: Okay and other than what we just talked about the ERIW, were there any other less lethal
3 options in that vehicle?

4 A: No.

5 Q: Who was your supervisor during this incident?

6 A: The PC that night was Lieutenant Banta.

7 TT: What does that mean, PC?

8 A: Platoon Commander

9 Q: In regards to your training and experience, what type of training have you received
10 regarding felony traffic stops?

11 A: Training in the SF Police Academy.

12 Q: What training have you received regarding barricaded suspects?

13 A: Same kind of training in the police academy

14 Q: Have you received any training regarding suspects in trunks?

15 A: Uh-

16 Q: Like any scenarios at any point. Maybe in Academy anything like that?

17 A: I mean when we are told to deal with routine traffic stops we always kind of -- well we're
18 taught to touch and then kind of tug on the trunk prior to making contact with the driver.

19 Q: Again, what is the purpose of doing that?

20 A: One, it puts our fingerprints on the actual car itself. In case, you know, things go array
21 and they take off, or if I get injured because of that car, or if they shoot at me as I'm at the
22 window, my fingerprints are on that car and again to make sure that no one else is gonna pop out
23 and-

24 TB: I never heard that.

25 TT: I know.

1 Q: Again, what type of training have you received regarding armed suspects?
2 A: Whatever they teach us in the police academy.
3 Q: And what type of training have you received regarding tactical considerations and patrol
4 techniques?
5 A: Police academy.
6 Q: And what type of training had you received regarding tactical considerations in crimes
7 involving several subjects that may require multiple contact officers and cover officers.
8 A: Police academy.
9 Q: Do you speak any other languages?
10 A: Yeah.
11 Q: What do you speak?
12 A: Spanish
13 Q: Are you DHR certified?
14 A: Yes.
15 Q: Now at the range what firearms are you certified to use?
16 A: My department issued firearm, shotgun and ERIW.
17 Q: What about the rifle?
18 A: No.
19 Q: Okay. And have you received CIT training?
20 A: Yes.
21 Q: Do you remember when that was?
22 A: Critical Incident Training?
23 Q: Yeah. Oh do you remember when that was?
24 A: Oh I think when we – it was either before or after FTO, but it was shortly after we either
25

1 graduated or fully completed our training process after graduating the academy. So that was
2 either late 2015 or early 2016.

3 TT: But before this incident?

4 A: Before the incident, correct.

5 Q: Have you received advanced officer training?

6 A: Yes.

7 Q: Do you remember when that was?

8 A: No.

9 Q: Have you received de-escalation training?

10 A: Not to my recollection. If that was a part of CIT which it could've been maybe, but I
11 don't know.

12 Q: Okay have you received any training on crisis negotiation?

13 A: Uh, no.

14 Q: Okay so I'm gonna show you a couple of pictures here. So first I want to show this to you
15 so if you could do me a favor and put your today's date, which is the 30th, your name and star
16 number in the lower left-hand corner. That might be easier. So if you can with this, I just want
17 you to show me and I'm not sure if it's going to be indicated on here, but could you show me I
18 guess where your vehicle was during this incident that you arrived on scene in.

19 TT: So just circle-

20 Q: If it's on there just circle it.

21 A: I mean I think we were more – I think we kind of blocked traffic.

22 Q: Uh-huh.

23 A: So I would say it's probably somewhere over here.

24 Q: Okay could you indicate that with a circle where you estimate it could be and then put
25 your initials by it.

1 TT: And your star number too.

2 Q: Yeah. And where, if you had to approximate where was officer Santana I guess during
3 this incident, where was he positioned on there?

4 A: I think he was somewhere over here.

5 Q: Okay could you indicate that with an X and put your initials and star number next to it.
6 Okay and then could you show me where you were positioned. Do like a circle I guess in relation
7 to where you were.

8 A: Probably somewhere over here.

9 Q: Okay initials and star number please.

10 TT: Now with the X can you just put Santana. And if you know his star number. So you got
11 out of your car and went to that location?

12 A: Yeah.

13 Q: Okay. So this is a different image. 20th and Capp. So if you could again, do the same
14 thing as before in the lower left-hand corner put your name, today's date and your star number.
15 Okay and we're gonna do the exact same thing we did with the other one. If you can see your
16 vehicle on there again indicate it with some sort of circle.

17 A: Yeah, it's not on here.

18 Q: Okay so let's just do the positioning now, can you show me, mark and show where
19 Officer Santana was. Initial and star number next it.

20 A: Probably somewhere over here.

21 Q: Indicate Santana. Show your position. Okay now if you had to approximate how far was
22 your position from the suspect vehicle?

23 A: Probably 15-20 feet.

24 Q: And then if you had to approximate how far as Officer Santana from the suspect vehicle?

25 A: I don't know.

1 Q: All right thank you very much. Do you need to snap a picture?

2 TB: Oh yeah I guess I can.

3 Q: For consistency.

4 TB: Thanks.

5 Q: Officer Nagai, you were talking about earlier but again just to clarify, what were you
6 doing prior to your response to the area of 20th and Capp Street?

7 A: Administration paperwork.

8 Q: And again why did you respond to 20th and Capp Street?

9 A: Just because another unit pretty much on-viewed, or someone waved them down
10 regarding a robbery regarding a possible gun. And the fact that they called a code 33 kind of
11 alerted me that something emergent was unfolding pretty rapidly.

12 Q: Okay and what information did you receive prior to responding to that call?

13 A: Whatever dispatch was putting out. I didn't get on there – we didn't get on the air just
14 because we wanted to leave the air open for the unit that pretty much on-viewed what was going
15 on.

16 Q: Did you guys discuss any tactics or plans with any other officers before you got on
17 scene?

18 A: No.

19 Q: So were you one of the first officers to arrive on scene?

20 A: No. Well, I mean, there was plenty of officers there. I mean there wasn't any other
21 districts coming but I mean after the shooting there was a ton of cops that obviously came. So in
22 that sense yeah, but there was, from Mission we were one of the last people.

23 Q: Okay so when you rolled up on scene, do you remember who was there?

24 A: Not everyone, no.

25 Q: Okay.

1 TT: To the best of your recollection what officers did you recognize upon your arrival at the
2 scene.

3 A: Ishida was to my right. I believe Cody was to his right. And then I did see Tupper at the
4 vehicle, the one, then Banegas who was giving commands. But other than that I wasn't really my
5 focus at the time.

6 Q: Now who was the highest-ranking officer on scene at the time?

7 A: Probably, I mean either, both of the sergeants Caldera or Perez.

8 TT: Prior to the shooting?

9 A: I'd say Perez or Caldera. I'm not sure when they actually got to the scene, if it was before
10 or after the shooting.

11 TT: Okay.

12 Q: Not when you arrived on scene were you concerned about cover or lack of cover?

13 A: At that time no. In retrospect, yes.

14 Q: And who was providing lethal cover at that time?

15 A: Pretty much every officer that was, had their firearms pointing at the suspect.

16 Q: Can you recall which officers specifically?

17 A: No.

18 Q: And how would you describe your role during this whole incident?

19 A: Just as any, everyone else that had their firearms drawn. Just making sure I don't die, or
20 my co-workers die.

21 TT: Okay and going back you said in retrospect you would be concerned about the lack of
22 cover. Can you explain that a little bit?

23 A: I mean looking back on things I didn't have -- I was the cover I guess you could say.

24 Which is not a really good feeling to have I guess but I think my -- my train of thought with that

25 is where I set up is where I set up and I didn't wanna turn my attention away from that trunk with

1 a possible gun because my luck I'm gonna look for a new spot and that's when he's sending
2 rounds downrange and I'm gonna catch one in the head and there goes that. So I set up in my, all
3 my attention was what that person was doing in the trunk with the potential gun. But yeah let's,
4 that's what my train of thought was. Cuz I didn't wanna be possibly walking in front of another
5 officer with the gun already drawn out if stuff, you know, it's either I'm gonna get shot by
6 another cop or I'm gonna possibly catch a round from the suspect. So I pretty much set up where
7 I set up. And cuz I knew there were already cops to my left. I knew there was Ishida and Cody
8 to my right. I wasn't really allotted with too much other playroom and I didn't wanna like turn
9 around, keep turning around to see what was behind me. So yeah that was my thought process
10 about that.

11 Q: Okay now your role was a cover officer were you assigned that role?

12 A: No.

13 Q: And why did you decide to take on that role?

14 A: As what?

15 Q: As the cover officer. Or as a cover officer on scene I should say.

16 A: I mean I didn't imagine myself as a cover officer. I – there had to have been, I wanted to
17 let Banegas and whoever else was taking lead to give out commands, so it wasn't just everyone,
18 too many chefs in the kitchen type situation where everyone is just yelling. It just would get
19 overwhelming. I just wanted Banegas to be the one giving commands in English and in Spanish.
20 So it would be very clear, very concise and that was that.

21 Q: Now at what point did you draw your handgun?

22 A: Pretty much when I got on scene and then realized that everyone else had their firearms
23 already drawn or drawn out. And that, when I noticed that this was being conducted like a felony
24 stop.

25 Q: Okay. Now where was Mr. [REDACTED] when you arrived on scene?

1 A: He was already getting walked back to a patrol car.

2 Q: Now where was Mr. Duarte?

3 A: Is that Adolfo?

4 Q: That's the decedent, yeah.

5 A: Okay he was in the trunk.

6 Q: And what's he doing during, at this point?

7 A: Holding the trunk lid down with his right arm and then fishing for something with his left
8 that he was not revealing to everyone on scene.

9 Q: Now can you just describe how his body was positioned in that trunk?

10 A: He was in a, kind of like a hunched position on his back to where the right side of his
11 body was closest to us.

12 Q: What direction is his head pointing? If you 're looking at -

13 A: Eastbound.

14 Q: Okay.

15 TT: If we can go back, what does it mean to be a cover officer?

16 A: So I guess when you know we go deal with I guess let's say a person with a knife, they
17 will be less lethal cover hopefully with the beanbag round. And then a lethal cover officer. We
18 want to send I guess the less lethal first and then always have a lethal cover in case the person, if
19 we deploy a ERIW round and that person still charges at the officer with the less lethal round
20 already drawn up and is about to you know cause great bodily injury to one of my co-workers,
21 then that lethal cover will have to use a higher gravity of force.

22 TT: So what are you covering and who are you covering basically?

23 A: I wasn't really considering myself as like – I wasn't really playing, that wasn't really like
24 my thought process when I was on scene. My thought process was this guy is making everyone
25 on scene nervous. We got called on scene regarding someone with a gun. And it is being treated

1 as such. I don't have anything else on my body. I'm not gonna throw my baton at someone with
2 someone possibly having a gun. So my firearm is pointed at him because he in fact had a gun.

3 TT: And what is a felony stop?

4 A: Just a term that we use I guess in the department but it's a widely I guess known police
5 term used. If -- let's say we run a vehicle and the computer return turns up that the vehicle is
6 wanted or involved in "felony" they will conduct a traffic stop but we'll probably also ask for
7 back up. And we will treat it as if that person is armed and dangerous. So we will routinely point
8 our firearms at the individuals inside the vehicle and take everyone into custody until we could
9 deem either it's no merit or if indeed there's actually contraband weapons or paraphernalia in the
10 car that person shouldn't be having.

11 Q: Okay could you describe the lighting conditions during this incident?

12 A: Yeah it was nighttime. So it was streetlamps, headlights from the patrol vehicles and
13 spotlights.

14 TT: Weather conditions if you recall?

15 A: Not raining. There's no fog. It was pretty unobstructed.

16 Q: What about any lighting in the suspect vehicle. I'm not sure what the correct term -- is it
17 dome light. It's the light inside your car, was that on?

18 A: In our vehicle?

19 Q: No, in the suspect's vehicle

20 A: I don't know.

21 Q: What about any lighting inside the trunk of the vehicle? Other than the artificial light.

22 A: I don't recall.

23 Q: Okay. And how was your visibility of this vehicle?

24 A: Unobstructed.
25

1 Q: Were you able to see the color make and the model of the vehicle?
2 A: Black Honda Civic.
3 Q: Mr. Duarte, how would you describe his attitude or demeanor during this incident?
4 A: I couldn't see his face so I can't really, I can't speak on that.
5 Q: Did he speak at any point during this incident?
6 A: I mean after I watched the video you can hear him as he's punching out he says, "fuck
7 you" and then lets off a round, at least one.
8 TT: And to you what was the tone of his voice when he said, "fuck you"?
9 A: Like angry. That he wanted to kill or cause anyone harm that was dealing with him.
10 Q: Okay and you touched on his before looking at those exhibits but again, just want to
11 make sure that we are clear. Approximately how far away were you from Mr. Duarte?
12 A: I'd say 15 to 20 feet.
13 Q: Now can you just describe the environment for me where this whole incident happened?
14 What's going on in the background, where are you? Things like that.
15 A: Parked cars on either side of the street. Capp Street is a pretty narrow residential street.
16 Heavily Hispanic populated. So I did notice that you know if you lived on that street and if you
17 live on a second story apartment building and if your window faces the street, you have a pretty
18 unobstructed front row seat of what was occurring,
19 Q: Okay what about, was there any, what about pedestrian foot traffic during that area that
20 night?
21 A: I do remember like people walking up to the scene and then officers yelling at them like
22 get out of here. This is not – this is not a good situation.
23 Q: And do you remember how many units were on scene during this incident?
24 A: No.
25

1 Q: Had you been in that type of situation before?

2 A: On a felony top many times. In a shooting, no.

3 Q: How about this – how about a guy who is in a trunk of a vehicle?

4 A: No.

5 TT: How about a suspect refusing to get out of a car?

6 A: Maybe a handful of times but -

7 TT: Handful of times.

8 A: But never someone in the trunk.

9 TT: Never in the trunk okay. and those handful of times how would it usually resolve or what

10 usually played out?

11 A: Us having to use some sort of physical force to lawfully get them into custody. Usually if

12 we're forceful taking someone out it's for a lawful reason. Or if they're unlawfully disobeying

13 our commands and we have to use some sort of usually physical force to extract that person.

14 Q: Okay now you'll hear I guess within this kind of type of work the phrases time and

15 distance right?

16 A: Uh-huh.

17 Q: Could you just explain the purpose of creating time and distance within your profession?

18 A: Uh, so, I guess shootings don't happen or situations like these don't happen. I mean I

19 don't think anyone on scene technically wanted to shoot the person in the trunk. We wanted to

20 take him into custody without incident. And he didn't provide us with a lot of extenuating time

21 and being the nature of the call. Being the fact that he was not obeying our orders in English and

22 in Spanish. And after deploying a less lethal force and then him retaliating with a lethal type

23 force only allotted us to use to match his force with again lethal force.

24 Q: Okay and what are you trained to do with non-compliant individuals?

25 A: There's various defensive tactics I guess that we learn in the police academy.

1 Q: Okay and what are some of those for example?

2 A: To take people out of vehicles.

3 Q: Yeah non-compliant vehicles.

4 A: We don't, it's usually not that kind of a scenario but it's usually kind of, if we're face to
5 face type combat but not particularly extracting people in vehicles.

6 Q: Okay now what are you trained to do when you're at a location of disadvantage in
7 relation to the suspect?

8 A: Sorry, can you repeat that?

9 Q: Yeah what are you trained to do when you are at a location of disadvantage in relation to
10 the suspect?

11 A: Usually, find a better place of cover.

12 Q: What are you trained to do when a suspect is in a trunk or more general a confined space?

13 A: I would say we didn't receive training on per se people in trunks. However, we're dealt
14 with, we're trained on how to deal with suspects during felony stops and to go through our
15 escalation of the use of force scale. And I think everyone on scene, we attempted to use verbal
16 commands and that didn't get us anywhere. We're too out of range for OC spray to reach
17 anything. Because the nature of the call was someone with a gun we created some sort of ample
18 distance or bubble between us and the vehicle. And we're not gonna send someone up with a
19 baton to try and use physical blows to try and get this guy into custody. So in a sense we're
20 trained to handle each situation as the same situation, however this guy just ended up being in a
21 trunk. So I guess to weirdly answer your question, we don't receive training regarding people in
22 trunks. However, we're – we just have to, it's like dealing with someone in a narrow hallway in
23 the SRO or something and you gotta deal with what you're dealt with so –

1 Q: Right. Now again before the shooting happens, when you arrived on scene, what were
2 you primary concerns at that point? Once you've kind of assessed the situation right? So you've
3 seen that there's a suspect vehicle. There's someone in the trunk.

4 A: Uh-huh.

5 Q: What are your primary concerns, what's going through your head?

6 A: That there could actually be a gun in that vehicle. Usually, like I said before, a lot of
7 these gun calls are – they get called in because the person says they have a gun, but no gun was
8 actually seen. I didn't personally speak to the 911 callers but the fact that I saw him fishing for
9 something with his left hand and the fact that he didn't show us his left hand during the whole
10 thing until he shot at us. I'm not sure what hand he shot at us with but yeah.

11 Q: Now did you discuss any tactics or plans with other officers when Mr. Duarte is refusing
12 to exit the trunk?

13 A: No. I mean other than someone asking for a Spanish interpreter.

14 Q: And were you told how many individuals were in that vehicle?

15 A: No.

16 Q: Were you given the location of the occupants in that vehicle?

17 A: Was I told?

18 Q: Yeah.

19 A: No.

20 Q: When you were on scene were you given instructions by any other officers?

21 A: No.

22 Q: Did you discuss any tactics and plans with other officers when Mr. Duarte was giving
23 commands in Spanish and refused to exit the trunk.

24 A: I'm sorry, say that one more time?

25 Q: Yeah, so did you discuss any tactics or plans with other offices when Mr. Duarte was

1 given commands in Spanish and refused to exit the trunk?

2 A: No.

3 Q: Okay. Again you touched on it earlier but again just want to make sure we're clear. Were
4 verbal commands given to Mr. Duarte?

5 A: Yes.

6 Q: Who gave those commands?

7 A: Many officers on scene including myself.

8 Q: Okay. Do you remember what those specific commands were?

9 A: Show us your hands. Stop reaching. And then, excuse me, I could hear Santana on the
10 other side saying like "open the trunk, open the trunk. Show us your hands. Show us your left
11 hand." Then that was the same with Officer Banegas.

12 TT: Are you giving your commands in English or Spanish?

13 A: English.

14 Q: Now as these commands are being given to Mr. Duarte, how is he responding?

15 A: I mean I couldn't see facial expressions but-

16 TB: You couldn't see facial?

17 A: No.

18 TB: Okay.

19 A: I, other than him not showing us his left hand that was I guess the only response I could
20 see.

21 TT: Now how much time has passed from when you first arrived to when you started giving
22 commands Mr. Duarte in the trunk, if you recall?

23 A: I don't recall. I mean as soon as I – as soon as I saw that right hand I'm like okay well
24 that's one safe because in the academy we're taught that hands can kill. Because when people
25 are, you know got their hands in their waistband or their hoodie pocket. Like they could possibly

1 have something that they won't show then they're usually is a reason for that. So when he wasn't
2 showing us that left hand that was, that's when it was making us feel uneasy and I was yelling at
3 him "Stop reaching, Stop reaching." And it was probably two or three times that that at least
4 happened

5 TT: So would you say it was like less than 15 minutes you were on scene? Less than 10? Five
6 minutes just if you can recall?

7 A: I mean it's probably less than 15 minutes.

8 Q: Where were you positioned when you gave Mr. Duarte verbal commands?

9 A: Where was I positioned?

10 Q: Yeah where were you positioned?

11 A: Where I marked on the paper.

12 Q: And did you know that there was someone in the backseat of that vehicle?

13 A: No.

14 Q: When did you become aware that someone was in the backseat of that vehicle?

15 A: After the initial firing.

16 Q: And did someone inform you of that?

17 A: No, I saw her head pop up from the backseat.

18 Q: Now how long into the incident until you realized there was a person in the backseat of
19 that vehicle?

20 A: After the threat was eliminated.

21 Q: And if you can approximate in regards to time.

22 A: I'd say less than a minute.

23 Q: Did you inform any other officers that there was female in the backseat of the vehicle?

24 A: No.
25

1 Q: Were verbal commands given to Ms. [REDACTED]?

2 A: Yes.

3 Q: What were they?

4 A: I think they were given in both English and in Spanish and then I think she ended up
5 finally saying I don't speak Spanish. So then she was given commands in English to just always
6 – show us your hands. I think she came up like this and she was crying. I couldn't understand
7 what she was saying but yeah.

8 Q: When were those commands given?

9 A: as soon as we, I think, I don't think anyone on scene realized that there was a female in
10 the backseat. So when she popped up that was – put us on edge again like does she have a gun
11 too. So we just wanted to make sure that she was brought out in compliance.

12 Q: Were those specific commands as they're related to her, were they given before shots
13 were fired or were they given after shots were fired?

14 A: After.

15 Q: Okay and did you specifically give any commands to her?

16 A: No.

17 Q: Now you touched on it earlier, now you said if I'm understanding correctly that many of
18 the officers on scene didn't realize that she was in the back of the vehicle. Did I understand you
19 correctly?

20 A: From what it seemed like I don't think anyone realized that – I mean I don't want to
21 speak on behalf of my co-workers.

22 Q: Right, right.

23 A: But I don't think anyone was allotted an angle to visually see the backseat.

24 Q: Okay and why is that?

25 A: That just wouldn't be tactically sound.

1 Q: Okay.

2 A: Yeah.

3 TT: Why?

4 A: Just because the initial threat that we could see that was alerting all of us on scene was in
5 that trunk. So if you're further up on the vehicle you're not able to see what is actually
6 happening in the trunk.

7 Q: Now you touched on it earlier but again just to clarify, when you're providing cover how
8 close are you to the suspect vehicle?

9 A: 15-20 feet away I guess.

10 Q: And who was next to you, anyone?

11 A: Officer Ishida.

12 Q: And where are they, on your left on your right?

13 A: I believe it was on my right.

14 Q: Okay. Anyone else you can recall to your direct left or right?

15 A: Retrospect it was Cody, I think.

16 Q: Where are they positioned? Where are they located at?

17 A: I think he was to the right of Ishida.

18 Q: Okay now when Officer Banegas is on the bullhorn giving commands, how did Mr.
19 Duarte respond to that?

20 A: I don't know. Other than not showing us both of his hands.

21 Q: Now at any point during this incident did you change position?

22 A: After I shot I think I went to a knee for some reason. I don't -- I don't -- tactically I don't
23 know why but I think it was more instinctually.

24

25

1 Q: Now again as commands are giving are being given in Spanish is your firearm drawn at
2 that point?

3 A: Yes.

4 Q: And did you retrieve an ERIW from your vehicle?

5 A: No.

6 Q: And why is that?

7 A: We didn't have one.

8 TT: How is your firearm positioned when you had it drawn?

9 A: Pointed directly at the trunk.

10 Q: How close were you to Mr. Duarte when Officer Santana fired the ERIW?

11 A: I didn't move position from where I shot from.

12 Q: Were any warnings given by Officer Santana before he fired the ERIW?

13 A: I don't remember.

14 Q: Did any other officers give Mr. Duarte a warning that they were going to use the ERIW?

15 A: I mean I did hear Santana yell out red light, red light less lethal. But it's a standard
16 command that we were trained to use when the ERIW is about to be deployed

17 Q: What is the purpose of doing that? What is the purpose of saying that?

18 A: That it's out and ready so let's exhaust this type of force before anything else goes
19 further.

20 TT: Now as you're pointing your gun at the suspect in the trunk, who you believe to be the
21 suspect, is your finger on the trigger and then when you hear the ERIW commands does your
22 position of your weapon change as well?

23 A: I don't know if my finger was already on the trigger the whole time. It was probably on
24 the frame of the pistol.

1 TT: And is that how you're trained?

2 A: Yeah. I mean it's – it's cuz I mean you know you could hear backfire of a car and a loud
3 noise and just kinda get excited and pull the trigger if your trigger is already behind the trigger
4 guard. I'm not sure when I actually – if it was before that my finger was already -

5 Q: Now how many ERIW rounds did Officer Santana fire at Mr. Duarte?

6 A: I believe it was just one.

7 Q: How did Mr. Duarte respond after being shot with the ERIW?

8 A: From his response I don't think he liked it very much. I did see it make contact. I think it
9 was his right upper arm region, but it only took maybe I would say 10 to 20 seconds after that for
10 him to fire at us. So –

11 Q: Okay now did he communicate verbally after being shot with the ERIW?

12 A: The only-- the fuck you was what I could distinguish.

13 TT: Did you see Mr. Duarte's body move in any way when he was shot with the ERIW?

14 A: I, I mean any natural response of getting hit with something like that was kind of like, his
15 body just took it. And-

16 TB: Flinch or twitch or something?

17 A: Yeah like, I mean a big flinch because those things they don't feel good.

18 TT: And did you hear him make a sound or anything like that?

19 A: Not to, I can't recall.

20 TT: Okay.

21 Q: Now from what you recall of the officers that were on scene, who was closer to Mr.,
22 Duarte?

23 A: From the officers on scene?

24 Q: Yeah from you can remember which of the officers on scene?

25 A: I don't. I don't know.

1 Q: Did you move prior to Mr. Duarte being shot with the ERIW?
2 A: No. Where I set up I didn't move from that location.
3 Q: Okay. And did you view Mr. Duarte prior to and after he was shot with the ERIW?
4 A: Uh -- Did I view him?
5 Q: Yeah, so like are your eyes on him the entire time?
6 A: Yeah, yeah.
7 Q: You know what I'm saying?
8 A: Yes.
9 Q: Okay. Can you just describe what you saw when verbal commands were given to Mr.
10 Duarte?
11 A: I mean same things I described earlier. I didn't see, I couldn't see his face. So I couldn't
12 can't expand if he was going through different emotions but he was moving his left -- left arm
13 like he was fiddling with something on his left side or in the trunk somewhere.
14 Q: Okay and when did you realize that Mr. Duarte had a gun?
15 A: When he fired at us.
16 Q: Now what did you see and perceive prior to firing your weapon?
17 A: Like when he actually shot or?
18 Q: Yeah.
19 A: For me personally, I heard, I only heard the gun shot coming at us. I didn't -- my
20 independent recollection I don't remember seeing like a muzzle flash or anything.
21 TT: What made you believe that the gun was being pointed in your direction?
22 A: I mean I didn't think that it was pointed at me, but I mean being in something like that I
23 know that it was coming toward, it wasn't coming from, to my left or my right. It was coming
24 from downrange coming at us so-

25

1 TT: And who do you mean by us?

2 A: The police.

3 TT: And the ones that were in the front with you or the ones that you know to be next to you?

4 A: Correct yeah correct.

5 Q: Now was your handgun double action mode?

6 A: Yes.

7 Q: Was your firearm in the cocked position?

8 A: No.

9 Q: Okay do you remember which officers fired their handguns?

10 A: No.

11 TT: What is double action mode?

12 A: So there's a -- our pistols are double to single action. So the first shot it is a harder trigger

13 pull just to -- in a sense I think it's manufactured that way to make sure you want to shoot

14 whatever your about to shoot. And then every other round after that the trigger pull is single

15 action, meaning that the trigger pull is going to be a lot lighter. And to then give you easier

16 access to eliminate whatever threat you're trying to terminate.

17 Q: Did you see any other officers fire their handguns?

18 A: I wasn't paying attention to that but yes there were other officers that fired.

19 TT: So at the time that you're firing your weapon, your focus is on?

20 A: The trunk.

21 TT: The trunk. So you don't actually -- do you see anyone else at that time firing their gun?

22 A: No.

23 TT: Do you know hear gunshots though as you're firing your weapon?

24 A: Yes.

25

1 Q: Now was your view ever obstructed when you fired your handgun?
2 A: No.
3 Q: Now, did you hear gunfire prior to seeing gunfire?
4 A: Yeah his firing at us.
5 Q: Okay and how did you respond when you heard the gun fire?
6 A: Immediately returned fire.
7 Q: And when did you stop firing your weapon?
8 A: When I noticed that there was no more firing coming from the trunk and it appeared that
9 the threat was over.
10 TT: How long did you hear gunfire?
11 A: Probably only a couple of seconds.
12 Q: Were you ordered to stop firing?
13 A: No.
14 Q: Again what were you aiming at? What were iron sights on?
15 A: At the suspect in the trunk.
16 Q: Did you move while firing your weapon?
17 A: I'm sorry.
18 Q: Did you move while firing your weapon?
19 A: I think I took a couple of – I was firing. I'm not sure if I took the step back during or
20 after. But I did move back a couple of steps and I went to a knee for whatever – I don't know
21 why but yeah.
22 Q: Do you know how many rounds you fired.
23 A: No.
24 Q: Do you know how many magazines you used?
25 A: Whatever was in the round in the firearm.

1 Q: How close were you to Mr. Duarte when you opened fire?
2 A: The same spot that I was at-
3 TT: And that would be 15 to 20 feet away approximately?
4 A: Approximately yeah.
5 Q: How would you describe your sequence of fire? Was it pairs, bursts, rapid succession,
6 how would you describe it?
7 A: I don't recall.
8 Q: Did you use a spare weapon?
9 A: No.
10 Q: Did you notice if any other officers when they fired their handguns were moving while
11 they were firing at Mr. Duarte?
12 A: No.
13 Q: Now where there any pedestrians nearby when gunshots were fired?
14 A: I don't know.
15 Q: And again how close were you to Mr. Duarte when Officers fired their handguns?
16 A: How close was I?
17 Q: Yeah approximately how close were you?
18 A: Same spot.
19 Q: And again you said that was 15-20 feet?
20 A: Approximately yeah.
21 Q: And again talk about when you fired your handgun, who was next to you?
22 A: I believe Officer Ishida.
23 Q: Okay anyone else other than Officer Ishida?
24 A: I think Tupper was to my left, but I believe he was using a rifle that day.
25

1 TT: Do you know if, did you hear any gunshots from behind you?

2 A: No and that's kind of why I didn't wanna move because I didn't know if people were
3 behind me. That's why I -- where I set up is where I set up and I didn't wanna turn my head or
4 my gaze elsewhere I mean.

5 Q: Okay and what did you do after you stopped firing?

6 A: Assessed the trunk to see if there was still movement coming from the trunk which their
7 wasn't. So I didn't fire anymore.

8 TT: Are you still in your same position 15 to 20 feet away approximately?

9 A: Maybe a couple of steps back after that.

10 Q: Okay.

11 A: Actually, I might've moved a little bit more to the right but -

12 Q: And when the gunshots stopped from other officers what did you do? So you stopped
13 firing, but after the other officers stopped firing what did you do?

14 A: Kind of just checked ourselves, meaning I checked our bodies to make sure that ourselves
15 and our co-workers weren't actually hit because we have so much adrenaline pumping.

16 TT: So you're touching yourself. And do you go and touch other officers or?

17 A: Yeah, I mean I did hear O'Rourke yelling out "Check yourself, check yourself." He's an
18 army ranger so he's -- kind of his training kicked in. But yeah so you know just clicked, you
19 good, you good. Make sure no one was injured.

20 Q: Tinetta was talking about hearing gunshots coming from behind. But other than, you
21 know, addressing that do you know where any other gunshots were coming from during this
22 incident?

23 A: Other than us that fired and the trunk, no.
24
25

1 Q: Now how long is this incident from when you arrived on scene till when the shooting
2 happened?

3 A: I don't know.

4 Q: Now how would you describe Mr. Duarte's body positioning after the shooting?

5 A: I believe he was still on his back. Don't remember

6 Q: Now was a 408 requested?

7 A: Yes.

8 Q: Do you know who requested it?

9 A: No.

10 TT: What is a 408?

11 A: An ambulance.

12 Q: And did you speak to anyone at the scene after the shooting?

13 A: Yeah. Notified sergeants on scene and then also Lieutenant Banta.

14 Q: What was the conversation between you and Lieutenant Banta?

15 A: He was just asking who shot so we all kind of huddled around him. And then he said, he
16 was coordinating people to give us rides back to the station and telling us to spread out and don't
17 talk.

18 Q: Again, so what happened after Lieutenant Banta arrived on scene?

19 A: I got driven back to Mission Station. I sat down in the report writing room and waited for
20 further instruction.

21 Q: Who took you back to Mission Station?

22 A: That I don't remember.

23 Q: Okay. Do you remember was there anyone else with you when you were taken back to
24 Mission Station, any other officers involved in this?

25 A: Yeah.

1 Q: Who was that?

2 A: I don't remember.

3 TT: What's going through your mind as you're on that ride back to Mission station?

4 A: That lucky to be alive and it was a pretty traumatic experience I'd say. Yeah, I mean it

5 was the first time in, at least and the only time since that incident that I've had to be involved in

6 something like that. So I guess it's not a normal experience for anyone to be in and I was just

7 thankful to leave that scene safe.

8 Q: Did you provide a public safety statement?

9 A: I believe I did at Mission Station. With who, I don't remember.

10 Q: What happened to your weapon?

11 A: It was taken by one of the armorers from the range.

12 Q: What happened to your magazines?

13 A: I believe they were seized as well.

14 Q: Do you know how many bullets you fired?

15 A: No.

16 Q: Were you given a replacement for your Sig Sauer?

17 A: Yes.

18 TT: When?

19 Q: When? Go ahead.

20 A: I think right after.

21 Q: Do you remember who gave it to you?

22 A: I want to say it was Officer Lee who was one of the two armorers for our police range.

23 Q: Now when you were at Mission Station were you separated and monitored?

24 A: Yes.

25

1 Q: And when you were at Mission Station were you still in possession of your BWC?

2 A: Yes.

3 Q: Did anyone retrieve that from you at any point?

4 A: I think we -- I think we docked 'em, meaning that we put 'em back to upload.

5 Q: Did someone advise you to do that?

6 A: I don't remember. I don't know if someone took it and then docked it or I don't
7 remember.

8 TT: And when you're at Mission Station where were you placed or where did they tell you to
9 wait?

10 A: They told us all to, if you see someone go to a different spot. I chose the report writing
11 room and that was that.

12 TT: Is that one the first or second floor?

13 A: First floor.

14 Q: Were you injured as a result of this incident?

15 A: No.

16 Q: Did you experience any perceptual distortion such as loss of site, sound, time, memory
17 loss, disassociation any of that kind of stuff?

18 A: I mean there's a big ringing in our ears for quite a while but nothing permanent.

19 TT: As you're at Mission Station and you're waiting, how long are you waiting, do you
20 recall?

21 A: Before we get briefed by someone?

22 TT: Yes.

23 A: I'd say, I mean I don't know exactly maybe a half hour or something.

24 TT: And what's going through your mind as you're waiting?

25 A: Like my parents are going to freak out.

1 Q: Okay so do you remember what time you went home that night?
2 A: I want to say around 4ish, 5ish I don't know I forget.
3 Q: AM, PM?
4 A: AM.
5 Q: And when did you first provide a statement regarding this incident?
6 A: I want to say it was a couple of days after.
7 Q: Okay who did you provide that to?
8 A: I believe the first one was a homicide interview. I think the next one after that was a few
9 days after that. I believe that was the IA interview.
10 Q: Do you remember when you first viewed your BWC footage?
11 A: I believe that was right before the homicide interview.
12 Q: Again did you speak to anyone about the incident?
13 A: No.
14 Q: Did you speak to your POA rep after the incident?
15 A: Yes.
16 Q: Do you remember who that was?
17 A: Mr. Brass.
18 Q: Do you remember how soon that was after the incident?
19 A: He and another rep showed up to the station that night.
20 Q: Did you prepare a brief written statement about the incident?
21 A: No.
22 Q: Tinetta, do you have anything else?
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

TT: And how about today, how do you feel?

A: I felt like we did what we had to do. Looking back I'm proud of all my co-workers for doing what they did. And I would do it again if I had to because at the end of the day we all want to go home safe. We all have friends, family, pets, loved ones that we want to go home to and continue life. And this is stuff that we have to deal with. So it's part of what we're called to do, so.

Q: Tony, do you have anything?

TB: Just a couple of quick questions. When you first got there, and were there times that you could see Mr. Delgado's two hands?

A: No.

TB: When you saw him, I think you said fiddle around with his left hand, what did you guys do in response if you remember?

A: We were just pleading, yelling with him to show us, like stop reaching, stop reaching, show us your hands.

TB: Were you pleading and yelling in a different way then you were normally during this incident?

A: It was more of a like – I don't want to use the word freaked out but it's kinda how it sounded cuz it's not more of like do it now or else I'm gonna shoot you. It's like please do this so we don't have to use this kind of force.

1 TB: So during this incident there were times that you guys were more freaked out?

2 A: Yeah, especially when we saw kind of, like he was driving a stick shift with his left-hand
3 kind of a thing.

4 TB: Okay that's all I have.

5 Q: Okay. Officer Nagai is there any other statement relevant to his incident you wish to
6 make at this time?

7 A: No.

8 Q: Are there any witnesses or other evidence relevant to this case you intend to submit on
9 your behalf?

10 A: No.

11 Q: You may submit material to DPA, IAD and the Chief of Police before an initial decision
12 is made about whether or not to sustain any allegations in this case and discipline to impose if
13 any. DPA requests that you submit any further material within two weeks of this interview if
14 possible. Is there anything else that you'd like the chief to consider in that regard?

15 A: No.

16 Q: Okay this interview is concluded, and the time is 3:46 PM

17 END OF INTERVIEW
18
19
20
21
22
23
24
25

1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --o0o--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 41, to the best of my
5 knowledge and belief is a full, complete and true transcription of certain tape recordings as
6 described below to the best of my ability to hear, understand, identify speakers and transcribe
7 said recordings, with the exception of any portion indicated as (inaudible), and words contained
8 in parentheses, which indicate the best guess. (Any errors, changes or omissions should be
9 brought to my attention for correction.)

10 That said tape recordings were furnished to CTI Transcription Services, 79
11 Pizarro Avenue, Novato, CA 94949, by The San Francisco Department of Police Accountability,
12 and requested to be transcribed.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of
14 September 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
19
20
21
22
23
24
25