# TABLE OF CONTENTS

**SECTION 1:** ADMINISTRATIVE INQUIRY & CONCLUSION

- Authority
- Background
- Investigation
- Conclusion

**SECTION 2:** SAN LEANDRO POLICE CAD CALL OF INCIDENT

**SECTION 3:** SLPD OPERATIONS DIRECTIVES

- M-8 / Pursuit Policy / #84-17
- I-5/ Officer Involved Shooting/ Log # 85-07
- M-15/ Firearm Procedure/ Log # 87-26
- M-16 / Use of Force / 87-39

**SECTION 4:** OFFICER GOODMAN'S RANGE TRAINING RECORDS

**SECTION 5:** SLPD REPORT 14-46732 / INCIDENT REPORT & SUPPLEMENTALS

**SECTION 6:** CRIMINAL INVESTIGATIONS DOCUMENTS

**SECTION 7:** STATEMENT OF OFFICER NEIL GOODMAN
SECTION 8: CRIME SCENE REPORT

SECTION 9: WEATHER REPORT FOR OCTOBER 18TH, 2015

SECTION 10: GOOGLE EARTH SATELLITE IMAGE OF LOCATION
Section 1
SAN LEANDRO POLICE DEPARTMENT
PATROL DIVISION
ADMINISTRATIVE INQUIRY

To: Chief Sandra Spagnoli (via chain of command)
From: Lieutenant. R. Brandt # 262
Date: August 30, 2015
Subject: Officer Involved Shooting- SLPD 2014-46732

Authority:

Administrative investigation of Officer Neil Goodman #282 as reflected in San Leandro Police Department Report 14-46732. This incident was investigated by me in accordance with San Leandro Police Department Operations Directive 85-07, Section III; paragraph C, sub paragraph 5.

Background:

This incident took place on Sunday, October 05, 2014 approximately 4:27 AM. The location of the incident was on Woodland Avenue at Woodland Park in San Leandro. The responsibility of the criminal investigation was handled by the San Leandro Police Department’s Criminal Investigations Division.

Investigation:

On October 05, 2014 I was assigned as the Patrol Division Watch Commander. I had just gone off duty at 0230 hours. I received a cell phone call from Sergeant Dan Leja and he advised me that Officer Neil Goodman was involved in a shooting. Sergeant Leja stated the shooting occurred when the suspect rammed Officer Goodman’s vehicle. Officer Goodman was removed from the scene and accompanied by Officer Woods to the station. I called Captain Greg Lemmon while driving back into San Leandro and provided him with the details that I had received.
I responded to the station and contacted Officer Goodman in the lineup room. Officer Goodman appeared to be fine and I informed him that I would be responsible for conducting the Administrative Inquiry. Officer Goodman appeared in good spirits and I suggested he and Officer Woods move to another location since dayshift was about to start arriving. Officer Woods was chosen to stay with him because she did not have any direct involvement in the incident. Goodman and Woods went into the classroom and waited for investigators. I contacted Police Officer Association President, Sergeant Isaac Benabou, and I advised him of the situation. The POA contacted LDF (Rains Lucia Stern) and requested they respond to our police department.

I drove to the scene and contacted Sergeant Leja. Sergeant Leja had the scene secure and a log was started to document any investigators who entered the scene. He walked me through the scene and Sergeant Henderson arrived. Sergeant Leja stated patrol vehicles had left the scene to pursue the suspect and they had returned to the crime scene after the suspect had evaded capture. The officers parked near the evidence, south of Woodland Park on Woodland Avenue. I saw several pieces of evidence along the roadway including broken glass and bullet casings.

Captain Greg Lemmon and Lieutenant Robert McManus also responded and viewed the scene.

I went back to the station to wait for LDF and obtain an update from detectives. LDF Attorney Doug Foley responded to the station and met with Officer Goodman and Investigators. They decided to conduct their interview in the Chief’s Conference room at 0930 hours. They also stated I could attend the interview since I was conducting the Administrative Inquiry. The following people were in the room when the interview was conducted:

Sergeant Ted Henderson (Lead Detective)
Sergeant Isaac Benabou (Assisting Henderson)
LDF Attorney Doug Foley
Officer Neil Goodman

**Statement of Officer Goodman**
Officer Goodman stated he was working patrol and driving marked patrol vehicle #361 throughout the shift. He attempted to stop the suspect vehicle (2000 Chevy Monte Carlo, Ca license plate **redacted** for speeding. Officer Goodman was driving N/B in the 2300 block of E. 14th Street, and observed the suspect vehicle pass him traveling S/B near blossom. Officer Goodman estimated the vehicle was traveling 40 mph. in a posted 25 mph. zone. The suspect turned W/B onto San Leandro Blvd. and made an illegal U-Turn back toward E. 14th Street. Officer Goodman followed the vehicle and he advised dispatch he was in pursuit of it since the
driver was making evasive actions to avoid contact with him. He turned on his lights and siren and pursued the vehicle traveling N/B on E. 14th Street. He continued to pursue the vehicle when it made an E/B turn onto Haas Avenue. The vehicle made another turn onto S/B Woodland Avenue. The vehicle continued to the end of Woodland Avenue and turned W/B toward the dead end. The driver backed the vehicle up and Officer Goodman started to park because he suspected the vehicle was going to stop. Officer Goodman was preparing to perform a high risk stop on the driver. The vehicle was facing his direction and he could hear the suspect’s vehicle engine accelerating and he thought the suspect was going to strike him. Officer Goodman feared he would be killed from the force of the impact. Officer Goodman feared the suspect was going to “sandwich” between his vehicle and his driver side door.

Officer Goodman pulled out his service weapon and discharged it several times towards the vehicle. He was confident that he struck the vehicle because he saw glass shatter. He also saw the drivers face as he passed. Officer Goodman was standing in the “V” of the door when the front of the suspect vehicle struck the front of his vehicle. The force caused his vehicle and door to push him backwards and off balance. The suspect vehicle drove passed him at a high rate of speed and fled toward Haas Avenue. Officer Goodman attempted to follow it and he was not successful, he lost sight of the vehicle.

**Officer Goodman’s Related Training:**

**Range Training**- Professional Standards was unable to find range records for Officer Goodman in 2014. They only found a record that was post incident. We were able to locate the range roster and it showed he completed the 1st quarter qualification with Range Master Marchetti earlier in the year.

**Officer Safety / Force Encounters Analysis training**- 05/15/13

**Defensive Tactics Instructor Course**- 09/21/12

**Emergency Vehicle Operations Course**- 09/15/14

**Physical Evidence:**

**Scene**- San Leandro Police Department’s Evidence Response Team responded to the scene and processed it. Officer Shane Nelson was the team leader. They recovered 3 shell casings and 1 spent round from the roadway. They also found broken glass near the spent round.
**Goodman’s Vehicle:** Vehicle #361 had moderate damage to the front left bumper. Goodman’s statement about the incident and how it transpired was consistent with the damage. The damage was photographed by the ERT team. (See attached)

**Goodman’s Physical Appearance and condition:** Officer Goodman stated his left knee was sore. He thinks the soreness was caused by the suspect vehicle pushing his patrol vehicle into him and against his knee. He was wearing an authorized uniform and gun belt during this incident.

**Goodman’s Duty Weapon** - The weapon was collected by the evidence response team after his interview and submitted by Officer Ordinario. His issued Glock 22, along with the 12 remaining live rounds was submitted into evidence.

**Conclusion:**

Officer Goodman was initiated a traffic stop on the vehicle to enforce several traffic violations which transitioned into a pursuit that was within policy covered in *Operations Directive 84-17, Section III. A paragraph A, sub-paragraph 1.*

Officer Goodman fired his service weapon in the line of duty, in conformity with *SLPD Operations Directive 87-26, Section IV, paragraph A, Sub-paragraph 1*:

**IV: REGULATIONS**

**A. SELF-DEFENSE**

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

Officer Goodman was on duty, in a full police uniform and driving a marked police vehicle that was fully equipped with emergency lights and siren. He initiated a pursuit of the vehicle and pursued the vehicle within policy. He followed the vehicle Southbound onto Woodland Avenue, toward Woodland Park. Officer Goodman started to initiate a high risk stop on the vehicle when he saw it turn around and felt it was going to stop.

The driver had room to navigate around Officer Goodman’s vehicle to avoid capture but instead accelerated and drove toward the front of Officer Goodman’s vehicle. Officer Goodman feared for his life and knew the force of his vehicle getting struck could have seriously hurt or killed...
him. He discharged his service weapon 3 times at the driver to end the threat. The rounds were discharged as the vehicle was rapidly approaching him and still posing a threat. He suspected his rounds struck the vehicle based on the broken glass left at the scene and what he saw as it passed.

Based on my review of the incident, supplemental reports and the evidence at the scene, Officer Goodman was in imminent danger of death or great bodily injury if he did not interrupt the suspect’s actions. Officer Goodman made the appropriate use of force decision given the set of circumstances during the incident.

RECOMMENDATIONS:
Through my investigation, Officer Goodman did not violate any policies or procedures however the following observations were made.

After viewing the scene and reviewing this incident and associated documents, I don’t feel abandoning his vehicle and retreating for another position of cover was realistic. We have also not trained officers to do this. This occurred in the center of the intersection and it would have been difficult for him to acquire a position of cover during darkness and get to it.

After he discharged his weapon, Officer Goodman failed to broadcast he was involved in a shooting. There was some unrecognizable transmissions and it may have been him trying to update his status. Officer Goodman also could have stayed and preserved the crime scene until relieved instead of leaving to pursue the vehicle. When he returned to the scene along with other officers, they could have contaminated the scene. However, he may not have known how close his cover officers were and allowing the vehicle to escape could have allowed a potential threat (the unknown suspect) to get away. Leaving the scene increases the chances of the evidence getting contaminated.

Officer Goodman was wearing his TASER body camera during the incident. He thought he had turned it on but the incident was not captured. The system was new when this incident occurred and I believe he had not developed the muscle memory yet to activate the camera. Incident footage would have helped illustrate his actions and provided us with a better understanding of what transpired during this incident.
Section 2
Detail Call For Service Report

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Print Date/Time: 08/22/2015 19:45

From CFS: 199
To CFS: 199
Layer: All
Areas: All
CFS Number: 199
Call Date/Time: 10/05/2014 04:27:33
Primary Incident: 2014-00046732

Location: E 14TH ST / 136TH AVE SAN LEANDRO, CA 94578 , SL
AddItln Loc Info:
Common Name:
Phone:
Call Type: P
Status: J/O
Police ORI: CA0011200
Nature Of Call:
Report Required: No
Priority: 4
EMS ORI:

Dispatch Time: 10/05/2014 04:27:49
Arrive Time: 10/05/2014 04:29:29
Clear Date/Time: 10/05/2014 14:35:19
Created By: DFOWLER
Canceled: No
Source: TELEPHONE
Fire ORI:

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**Print Date/Time:** 08/22/2015 19:45

**From CFS:** 199  
**To CFS:** 199  
**Layer:** All

**CFS Number:** 199  
**Call Date/Time:** 10/05/2014 04:27:33

**CFS Type:** All  
**Agency Type:**

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<td>ERT TEAM - NELSON, RODGERS, TRUJILLO, ORDINARIO ENRT TO WOODLAND</td>
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<td>10/05/2014 07:57:31</td>
<td>A THOMPSON</td>
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<td>10/05/2014 09:03:38</td>
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## Dispositions

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### Detail Call For Service Report

**Login ID:** colon  
**Print Date/Time:** 08/22/2015 19:45

**From CFS:** 199  
**To CFS:** 199  
**Layer:** All  
**CFS Number:** 199  
**Call Date/Time:** 10/05/2014 04:27:33  
**Primary Incident:** 2014-00046732

### Associated Areas

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<td>Beat</td>
<td>3</td>
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<tr>
<td>District</td>
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<td>Police ORI</td>
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<td>EMS ORI</td>
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<td>Fire ORI</td>
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<th>Primary Unit</th>
<th>Department Name</th>
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<td>CA0011200</td>
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<td>Police</td>
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<td>292 NELSON</td>
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<td>No</td>
<td>2L36</td>
<td>267 ROSENBLIN</td>
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<tr>
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<td>No</td>
<td>2L27</td>
<td>345 WATSON</td>
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<td>271 LEJA</td>
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<td>No</td>
<td>1L36</td>
<td>326 CHINN</td>
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<td>336 WOODS</td>
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<td>282 GOODMAN</td>
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<td>1L21</td>
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<td>351 BLANKINSHIP</td>
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## Detail Call For Service Report

**Login ID:** cccolon  
**Print Date/Time:** 08/22/2015 19:45

| From CFS: | 199 | From Date: | 10/05/2014 04:27 | CFS Type: | All |
| To CFS: | 199 | To Date: | 10/05/2014 04:27 | Agency Type: |  |
| Layer: | All | Areas: | All |
| CFS Number: | 199 | Call Date/Time: | 10/05/2014 04:27:33 | Primary Incident: | 2014-00046732 |

### Call Log

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<th>Description</th>
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**To Date:** 10/05/2014 04:27  
**CFS Type:** All  
**Agency Type:**  
**Areas:** All  
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**Call Date/Time:** 10/05/2014 04:27:33  
**Primary Incident:** 2014-00046732

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## Detail Call For Service Report

**Login ID:** ccolon  
**Print Date/Time:** 08/22/2015 19:45  
**From CFS:** 199  
**From Date:** 10/05/2014 04:27  
**CFS Type:** All  
**To CFS:** 199  
**To Date:** 10/05/2014 04:27  
**Agency Type:**  
**Layer:** All  
**Areas:** All  
**CFS Number:** 199  
**Call Date/Time:** 10/05/2014 04:27:33  
**Primary Incident:** 2014-00046732

### Unit Log

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<th>Log Date/Time</th>
<th>Entered By</th>
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<th>Status</th>
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## Detail Call For Service Report

**Login ID:** colon  
**Print Date/Time:** 08/22/2015 19:45

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**Primary Incident:** 2014-00046732
NCIC Message Time  
10/05/2014 04:28
LEVIVLNLNVGL=TVST=CAUID=DFOWLER LEVI AWS PROD (P) AWS:
VEHICLE INQUIRY 10/05/14 04:28
MSG:NO INFORMATION FOUND ON AWS - WAITING FOR DOJ RESPONSE
##END: OF AWS RESPONSE #

10/05/2014 04:28
100514 0428
LVLYC0
DATE: 10/05/14 TIME: 04:28
INSURANCE INFORMATION ON FILE
POSSIBLE FILE CODES
REG VALID FROM: 08/28/14 TO 08/28/15
LIC#: [REDACTED], YEAR: 08 MAKE: TOYOTA TRAVELER, VIN: 4D41V14BXXV036398
R/O: [REDACTED]
ZIP: [REDACTED]
SOLD: 00/00/05 RCID: 09/04/14 OCID: 02/29/14 LCOD: 8
LOC: UNITED AUTO CREDIT CORP, PO BX 277536 CITY: SACRAMENTO ZIP: 95827
LPT: BBQ140339
TYPE: 11 POWER: G VEH: 12 BODY: 0 CLAS: CM ** YR: 14
REC STATUS:
03/29/14 SMOG DUE 08/28/15
PAPERLESS TITLE
05/30/14 PREV LIC
CLEARANCE INFORMATION RECORDS:
OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC
N78 12/08/10 BA 0000 0000.00 00/00/00 Z04
V35 01/25/11 B5 0008 00049.00 00/00/00 F00
K44 09/22/11 10 0002 00170.00 09/22/11 POT
CN0 11/22/12 02 0347 00182.00 11/22/12 POT
R11 09/05/12 41 0356 00182.00 PRIOR SUSPENSE
P91 11/20/12 BA 0000 0000.00 00/00/00 Z04
536 03/26/14 11 0042 00181.00 03/29/14 F00
536 05/30/14 30 0014 00020.00 00/00/00 H00
536 06/04/14 19 0002 00163.00 09/06/14 H05
03/07/2014-ODOMETER: 102,369 MILES ACTUAL MILEAGE
END

10/05/2014 04:28
100514 0428
LA LYC0
QV.CA001120.LIC [REDACTED]
NO HITS
NO NEAR MISS

10/05/2014 04:29
LEVIVLNLNVGL=TVST=CAUID=DFOWLER LEVI AWS PROD (P) AWS:
VEHICLE INQUIRY 10/05/14 04:28
MSG:NO INFORMATION FOUND ON AWS - WAITING FOR DOJ RESPONSE
##END: OF AWS RESPONSE #
**Detail Call For Service Report**

**Login ID:** ccolon  
**Print Date/Time:** 08/22/2015 19:45

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| CFS Number: | 199 | Call Date/Time: | 10/05/2014 04:27:33 | Primary Incident: | 2014-00046732 |

---

10/06/2014 05:29

C.UA

SVS ENTRY

FELONY VEHICLE

LIC: [redacted] LVS/CALY/2015 LIT/PC

2000 CHEV MOC 2D BLK: [redacted]

ORI/CA0011200 OCA/14-45732 FCN/1161427800947

DOT/20141005

MIS/INVOLVED IN A 245 W/J A VEH ON AN OFFICER SUSP B.BHAT WHI SHIRT TC

DAMAGE TO THE RIGHT FRONT PASSENGER WINDOW SHATTERED AND POSS BULLET

HOLES 1087

NOA/N

ENT/JON CALIF FILE ONLY

*** ENTRY MESSAGE SENT TO NCIC ***

---

5/2014 05:49

LEW!10LNINOW!W=S/STK=DIO/LN [redacted] >>>DFOWLER

LEW! AWS PROD (Q,P) AWS:

WARRANT INQUIRY 10/05/14 05:49

MSG: NO INFORMATION FOUND ON AWS - REQUEST SENT TO CLETS

#END: OF AWS RESPONSE #
DATE: 10-05-14*TIME: 05:49*
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DN/N: [REDACTED]
B/D: 10-18-1994*NAME:
MAIL ADDR AS OF 10-29-13:
OTH/ADDR AS OF 12-03-12:
IDENTIFYING INFORMATION:
SEX: MALE*HAIR: BLACK*EYES: BRN*HT: 5'10"WT: 180*
ID CARD M/LD: 12-13-12*EXPIRES: 10-18-18*
PENDING APP: PENDING AUTOMATED APP*
ORGAN AND TISSUE DONOR: NO*UPDATED: 10-29-13
LICENSE STATUS:
SUSPENDED BY COURT
DEPARTMENTAL ACTIONS:
PROOF REQ: 10-18-12*TERM: 10-18-15*
OPERATOR COVERAGE PROOF ON FILE*
DRV LIC SUSPENDED *EFF: 12-06-10*ORDER MAILED: 11-06-10*AUTH: 13388 , 133532, 133860
REASON: EXCESSIVE BLOOD ALCOHOL P/N: STATE: CALIFORNIA*SERVICE: J/11-06-10*
WRITTEN NOTICE SERVED BY OFFICER*PRIVILEGE REINSTATED: 01-06-14*
DRV LIC REVOKED *EFF: 02-09-11*ORDER MAILED: 03-01-11*AUTH: 133523A*
REASON: DUI OR DRUGS (JUV)*STATE: CALIFORNIA*SERVICE: M/06-12-12*
VERBAL NOTICE-COURT, LAW ENFORCEMENT AGENCY, OR DMV*PRIVILEGE REINSTATED: 01-06-14*
CONVICTIONS:
VIOL/DT CONV/DT SEC/VOL DKT/NO DISP COURT VEH/LIC
11-06-10 02-09-11 23152A VC 81015 G 41200
*COURT PROB, TERM NOT REPT'D
DMV POINT COUNT 2
05-24-13 12-09-13 12500A VC T147207 C 24450 4MLN534
22348A VC
DMV POINT COUNT 1
COURT PROBATION TERMS THROUGH 02-08-14
VIOLATION DATE 11-06-10, DOCKET NUMBER
SHALL NOT COMMIT CRIMINAL OFFENSE, REFUSE BAC TEST, OR DRIVE VEHICLE WITH ALCOHOL IN BLOOD.
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END
Detail Call For Service Report

From CFS: 199  From Date: 10/05/2014 04:27  CFS Type: All
To CFS: 199  To Date: 10/05/2014 04:27  Agency Type: All
Layer: All  Areas: All
CFS Number: 199  Call Date/Time: 10/05/2014 04:27:33  Primary Incident: 2014-00046732

10/05/2014 04:49
100514 0549
IX LYCO
CA0011200 RE: QSA.CA0011200.OLN: **
OLN FIELD SEARCH REVEALS:
** NO HITS ON SEX/ARSON REGISTRATION **
****************************** END OF CSAR MESSAGE ****************************

10/05/2014 04:49
100514 0549
IW LYCO
CA0011200 RE: QW.CA0011200.OLN: **
WPS/NO MATCH OLN FIELD NOWANTS
******** END OF WPS MESSAGE ********

10/05/2014 04:49
100514 0549
IW LYCO
CA0011200 RE: QVC.CA0011200.OLN: **
NO MATCH OLN FIELD
NO SUPERVISED RELEASE RECORDS
INSUFFICIENT DATA FOR CARPOS CHECK
INSUFFICIENT DATA FOR NCIC CHECK
******** END OF SUPERVISED RELEASE FILE MESSAGE ********

5/2014 04:49
LEWINAME: **************WIUMID="DFOWLER"
REJECTED, SEE ERROR MESSAGE(S)
"ERR=INVALID DATE FORMAT DOB = "

10/05/2014 04:49
LEWINAMES: **************WIUMID="DFOWLER"
REJECTED, SEE ERROR MESSAGE(S)
"ERR=INVALID DATE FORMAT DOB = "

10/05/2014 04:49
LEWINAMES: **************1081994WIUMID="DFOWLER"
REJECTED, SEE ERROR MESSAGE(S)
"ERR=INVALID DATE FORMAT DOB = "

10/05/2014 04:50
LEWINAMESINQWL=85STK=ENAME=**************DOB=**************SEX=MIUMID="DFOWLER" LEWI AWS
PROD (Q) AWS: WARRANT INQUIRY 10/05/14 05:49
MSG: NO INFORMATION FOUND ON AWS - REQUEST SENT TO CLETS
## END OF AWS RESPONSE #

10/05/2014 04:50
100514 0549
IN LYCO
DATE: 10-05-14 TIME: 05-50
L:
NO RECORD FOR CRITERIA GIVEN
ANI END

10/05/2014 05:50
100514 0549
IM LYCO
MPS INQUIRY
MISSING PERSON
DATE: 2014-10-05 TIME: 05:50:02
RE: QM.CA0011200:
*** NO MATCH ON NAM FIELD ***
*** CHECKING NCIC ***
******** END OF MPS MESSAGE ********
Detail Call For Service Report

Login ID: ccolon  Print Date/Time: 08/22/2015 19:45

From CFS: 199  From Date: 10/05/2014 04:27  CFS Type: All
To CFS: 199  To Date: 10/05/2014 04:27  Agency Type: 
Layer: All  Areas: All

CFS Number: 199  Call Date/Time: 10/05/2014 04:27:33  Primary Incident: 2014-00046732

10/05/2014 05:50 100514 0549  
I/LYCO  
1/LLOI1LMLC06LFX6L  
CA0011200  
NO NCIC WANT NAME:  
**MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

10/05/2014 05:50 100514 0549  
I/LYCO  
1/LLOI1LMLC06LFX6L  
CA0011200  
NO NCIC WANT NAME:  
**MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

10/05/2014 05:50 100514 0549  
I/WLYCO  
CA0011200 RE: QWA.CA0011200.NAME:  
NO MATCH NAME FIELD  
NO WANTS  
******* END OF WPS MESSAGE**********

10/05/2014 05:50 100514 0549  
I/XLYCO  
CA0011200 RE: QSA.CA0011200.NAME:  
NAME FIELD SEARCH REVEALS:  
** NO HITS ON SEX/ARSON REGISTRATION **  
*************** END OF CSAR MESSAGE ***********

10/05/2014 05:50 100514 0549  
I/XLYCO  
CA0011200 RE: QSA.CA0011200.NAME:  
NAME FIELD SEARCH REVEALS:  
** NO HITS ON SEX/ARSON REGISTRATION **  
*************** END OF CSAR MESSAGE ***********

10/05/2014 05:50 100514 0549  
I/RLYCO  
CA0011200 RE: QVC.CA0011200.NAME:  
NO MATCH NAME FIELD  
NO SUPERVISED RELEASE RECORDS CHECKING NCIC  
******* END OF SUPERVISED RELEASE FILE MESSAGE**********

10/05/2014 05:50 100514 0549  
I/BLYCO  
BA0011200 RE:QRR.CA0011200.NAME:  
NO MATCH NAME FIELD  
NO RESTRAINING ORDERS  
******* END OF CARPOS MESSAGE**********

10/05/2014 05:50 100514 0549  
1/0YX.CA0011200  
RE: QRR.CA0011200.NAME:  
NO MATCH NAME FIELD  
NO RESTRAINING ORDERS  
******* END OF CARPOS MESSAGE**********

10/05/2014 05:50 100514 0549  
LEW/LNAME=INQWI=5ISTK=FINAME=1SEX=MUID=DFowler  
LEW/ AWS PROD (Q.P)  AWS: WARRANT INQUIRY 10/05/14 05:49  
MSG: NO INFORMATION FOUND ON AWS - REQUEST SENT TO CLETS  
##END OF AWS RESPONSE#
DATE: 10-05-14 TIME: 05:50
MATCHED ON: *LN*/FN/* BD
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DLNO: **********
MAIL ADDR AS OF 10-29-13: ********
OTH ADDR AS OF 12-03-13:
AKA: ********
IDENTIFYING INFORMATION:
SEX: MALE
HAIR: BLACK
EYES: BRN
HT: 5'-10'
WT: 180
ID CARD/MID: 12-13-12
EXPIRES: 10-18-18
PENDING: APP
PEND/APP: PENDING
AUTOMATED APP:
ORGAN AND TISSUE DONOR: NO
UPD CU: 10-29-13
LICENSE STATUS:
SUSPENDED BY COURT
DEPARTMENTAL ACTIONS:
PROOF REQ:
VOL-10-18-12
TERM: 10-18-15
OPERATOR COVERAGE PROOF ON FILE
DRV LIC SUSPENDED *EFF: 12-05-10* ORDER MAILED: 11-06-10 AUTH: 13388
133532, 13380
REASON: EXCESSIVE BLOOD ALCOHOL
PAS: STATE: CALIFORNIA
SERVICE: J/11-06-10
WRITTEN NOTICE SERVED BY OFFICER *PRIVILEGE REINSTATED: 01-06-14*
DRV LIC REVOKED *EFF: 02-09-11* ORDER MAILED: 03-01-11 AUTH: 133523A
REASON: DUI OR DRUGS (JUV) *STATE: CALIFORNIA SERVICE: M/08-12-12*
VERBAL NOTICE: COURT, LAW ENFORCEMENT AGENCY, OR DMV *PRIVILEGE REINSTATED:
01-06-14
CONVICTIONS:
VIOL/DT CONVD/T SEC/VIO/1 DK/T NO DISP COURT VEH/LIC
11-06-10 02-09-11 23152A VC 81015 G 41200
*COURT PROB, TERM NOT REPT*D
DMV POINT COUNT 2
05-24-13 12-09-13 12500A VC T147207 C 24450 4MLN534
22349A VC
DMV POINT COUNT 1
COURT PROBATION TERMS THROUGH 02-08-14,
VIOLATION DATE 11-06-10, DOCKET NUMBER 81015
SHALL NOT COMMIT CRIMINAL OFFENSE, REFUSE BAC TEST, OR DRIVE VEHICLE WITH ALCOHOL IN BLOOD.
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END
From CFS: 199 To CFS: 199 Layer: All
From Date: 10/05/2014 04:27 To Date: 10/05/2014 04:27 Areas: All
CFS Number: 199 Call Date/Time: 10/05/2014 04:27:33

10/05/2014 05:50 100514 0549
I/J LYC0
1L:01/ALMQLYC06FX6L3
CA0011200 NO NCIC WANT NAM 1018 SEXM
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

10/05/2014 05:50 100514 0549
IX LYC0
CA0011200 RE: QSA.CA0011200 NAME FIELD SEARCH REVEALS:
** NO HITS ON SEX/MARSON REGISTRATION **
****************************************************************************** END OF CSAR MESSAGE

10/05/2014 05:50 100514 0549
IW LYC0
CA0011200 RE: QW.CA0011200.NAM NO MATCH NAM FIELD NO WANTS
****************************************************************************** END OF WPS MESSAGE

10/05/2014 05:50 100514 0549
IX LYC0
CA0011200 RE: QSA.CA0011200 NAME FIELD SEARCH REVEALS:
** NO HITS ON SEX/MARSON REGISTRATION **
****************************************************************************** END OF CSAR MESSAGE

10/05/2014 05:50 100514 0549
IR LYC0
CA0011200 RE: QVC.CA0011200.NAM NO MATCH NAM FIELD NO SUPERVISED RELEASE RECORDS
CHECKING NCIC
****************************************************************************** END OF SUPERVISED RELEASE FILE MESSAGE

10/05/2014 05:50 100514 0549
IB LYC0
BYYX.CA0011200 RE: QRR.CA0011200.NAM NO MATCH NAM FIELD NO RESTRAINING ORDERS
****************************************************************************** END OF CARPOS MESSAGE

10/05/2014 05:50 100514 0549
LEW!NAME=INQWQ=ISI!K=AINAME=-B!SEX=MUID=DFOWLER LEW! AWS
PROD (Q) AWS: WARRANT INQUIRY 10/05/14 05:50
MSG:NO INFORMATION FOUND ON AWS - REQUEST SENT TO CLETS
****************************************************************************** END: OF AWS RESPONSE #
DATE: 10-05-14 TIME: 05:50
MATCHED ON: J/V/F/F/N BD
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
IDENTIFICATION INFORMATION:
SEX: MALE* HAIR: BLACK* EYES: BRN* HT: 5’10” WT: 180*
ID CARD MLD: 12-13-12 * EXPIRES: 10-18-18*
PEND APP: PENDING AUTOMATED APP*
ORGAN AND TISSUE DONOR: NO UPDATED: 10-29-13
LICENSE STATUS:
SUSPENDED BY COURT
DEPARTMENTAL ACTIONS:
PROOF REQ: V10-18-12 TERM: 10-18-15*
OPERATOR COVERAGE PROOF ON FILE*
DRL LIC SUSPENDED * EFF: 12-06-10 ORDER MAILED: 11-06-10 AUTH: 13388, 133532, 13380*
REASON: EXCESSIVE BLOOD ALCOHOL CONCENTRATION STATE: CALIFORNIA SERVICE: J/11-06-10*
WRITTEN NOTICE SERVED BY OFFICER PRIVILEGE REINSTATED: 01-06-14*
DRL LIC REVOKED * EFF: 02-09-11 ORDER MAILED: 03-01-11 AUTH: 133523A*
REASON: DUI OR DRUGS (JUV) STATE: CALIFORNIA SERVICE: M/06-12-12*
VERBAL NOTICE - COURT, LAW ENFORCEMENT AGENCY, OR DMV PRIVILEGE REINSTATED:
01-06-14*
CONVICTIONS:
VIOL/DV CONV/DV SECVIOL DKT/NO DISP COURT VEH LIC
11-06-10 02-09-11 23152A VC 81015 G 41200
*COURT PROB, TERM NOT REPT*D
DMV POINT COUNT 2
05-24-13 12-09-13 12500A VC T147207 C 24450 4MLN534
22348A VC
DMV POINT COUNT 1
COURT PROBATION TERMS THROUGH 02-08-14,
VIOLATION DATE 11-06-10, DOCKET NUMBER 81015
SHALL NOT COMMIT CRIMINAL OFFENSE, REFUSE BAC TEST, OR DRIVE VEHICLE WITH ALCOHOL IN BLOOD.
FAILURE TO APPEAR:
NONE
ACCIDENTS:
NONE
END

10/05/2014 05:50
100514 0550
IM LYCO
MPS INQUIRY
MISSING PERSON
DATE: 2014-10-05 TIME: 05:50:12
RE: QM.CA0011200
*** NO MATCH ON NAME FIELD ***
*** CHECKING NCIC ***
******** END OF MPS MESSAGE ********

10/05/2014 05:50
100514 0550
IM LYCO
1L01ALMLY0C6FX6NK
CA0011200
NO NCIC WANT NAME
*** MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS. 
Detail Call For Service Report

Login ID: ccolon
Print Date/Time: 08/22/2015 19:45

From CFS: 199
To CFS: 199
From Date: 10/05/2014 04:27
To Date: 10/05/2014 04:27
CFS Type: All
Agency Type: 

Layer: All
Areas: All

CFS Number: 199
Call Date/Time: 10/05/2014 04:27:33
Primary Incident: 2014-00046732

10/05/2014 05:50
100514 0650
IJ Lyc0
1L01/ALMQLYC06FX6NH
CA0011200
NO NCIC WANT NAME
*******MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

10/05/2014 05:50
100514 0550
IX Lyc0
CA0011200 RE: QSA.CA0011200
NAME FIELD SEARCH REVEALS:
** NO HITS ON SEX/ARSON REGISTRATION **
*************** END OF CSAR MESSAGE **************

10/05/2014 05:50
********

10/05/2014 05:50
100514 0550
IW Lyc0
CA0011200 RE: QW.CA0011200.NAM
NO MATCH NAM FIELD
NO WANTS
******** END OF WPS MESSAGE ********

10/05/2014 05:50
100514 0550
IX Lyc0
CA0011200 RE: QSA.CA0011200
NAME FIELD SEARCH REVEALS:
** NO HITS ON SEX/ARSON REGISTRATION **
*************** END OF CSAR MESSAGE **************

10/05/2014 05:50
********

10/05/2014 05:50
100514 0550
IR Lyc0
CA0011200 RE: QVC.CA0011200.NAM
NO MATCH NAM FIELD
NO SUPERVISED RELEASE RECORDS
CHECKING NCIC
******** END OF SUPERVISED RELEASE FILE MESSAGE ********

10/05/2014 05:50
100514 0550
IB Lyc0
8YX.CA0011200
RE: QRR.CA0011200.NAM
NO MATCH NAM FIELD
NO RESTRAINING ORDERS
******** END OF CARPOS MESSAGE ********

10/05/2014 05:50

Page: 22 of 26
Detail Call For Service Report

Login ID: ccolon  Print Date/Time: 08/22/2015 19:45

From CFS: 199  From Date: 10/05/2014 04:27  CFS Type: All
To CFS: 199  To Date: 10/05/2014 04:27  Agency Type: All
Layer: All  Areas: All

CFS Number: 199  Call Date/Time: 10/05/2014 04:27:33  Primary Incident: 2014-00046732

10/05/2014 06:19

C:IH

RE:QHA.CA0011200.NAM: [REDACTED] DATE:20141005 TIME:06:19:08
RE:QHA.CA0011200.NAM: [REDACTED] DATE:20141005 TIME:06:19:08

ATTN:347 1087 14-46732 HISTORY

RECORD # NAM DOB S R HGT EYE HAI TYP

MH 509 BRO BLK

* * * * * END OF MESSAGE * * * * *

RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES

ATTN:347 1087 14-46732 HISTORY

--------------------------------------------------------------------------------
DNA SAMPLE NOT VERIFIED BY FINGERPRINT HAS BEEN RECEIVED, TYPED, AND
UPLOADED INTO THE CAL-DNA DATA BANK. FOR INFO OR

--------------------------------------------------------------------------------

** PALM PRINTS AVAILABLE AT DOJ FOR PALM PRINTS CONTACT
PALM.PRINT@DOJ.CA.GOV

III CALIFORNIA ONLY SOURCE RECORD

SEX/RACE/ETHNICITY

HGT/WT/AGE EYE/SURV/HAI/BLK POB/CA

--------------------------------------------------------------------------------

Page: 24 of 26
** THE ENTRIES PROVIDED BELOW ARE BASED UPON AN ARREST OR COURT **

** DISPOSITION REPORT. THE SUBJECT OF THE ENTRY HAS BEEN IDENTIFIED *

** WITH THIS RECORD BASED UPON SOFT CRITERIA CONSISTING OF A NAME **

** OR NUMBER MATCH. POSITIVE IDENTIFICATION HAS NOT BEEN MADE **

** BECAUSE FINGERPRINTS WERE NOT RECEIVED FOR THE ENTRIES. USE OF **

** THIS INFORMATION IS THE RECEIVERS RESPONSIBILITY. **

**

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<th>199</th>
<th>To CFS:</th>
<th>199</th>
<th>Layer:</th>
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<th>From Date:</th>
<th>10/05/2014 04:27</th>
<th>To Date:</th>
<th>10/05/2014 04:27</th>
<th>Areas:</th>
<th>All</th>
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<tr>
<td>CFS Number:</td>
<td>199</td>
<td>Call Date/Time:</td>
<td>10/05/2014 04:27:33</td>
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<td>2014-00045732</td>
<td></td>
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</tr>
</tbody>
</table>
Section 3
SAN LEANDRO POLICE

OPERATIONS DIRECTIVE

log: 84-17  date: July 16, 1984  index: M-8

REVISED: March 1, 1993
May 1, 1994
September 2, 1997

INDEX:
Pursuit Policy
Interjurisdictional Pursuit Policy

I. BACKGROUND

A. A police vehicle pursuit exposes the officers, fleeing violators, pedestrians and occupants of motor vehicles to the potential risk of death, serious injury or damage to personal property. Pursuits should not be initiated or continued without due consideration. As soon as possible, field officers should initiate radio contact with the Communications Center and supervising officers shall monitor pursuits in progress.

B. Before initiating and when engaged in a pursuit, officers should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the pursuit is continued. Frequently, termination of a pursuit in the interest of safety is most appropriate.

C. Officers should not assume all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.

D. Officers may be subject to administrative action when pursuits are initiated without compliance with this policy and for negligent emergency vehicle operation in the course of a pursuit. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution.

II. DEFINITION

A. A police pursuit is an active attempt by a police officer, operating an authorized emergency vehicle, to stop a motor vehicle whose driver is aware of the attempt and is resisting apprehension by maintaining or increasing speed or by ignoring the officer's attempt to stop the vehicle.

III. PROCEDURES

A. INITIATING A PURSUIT

1. An officer may initiate a pursuit only if a vehicle fails to yield to a police vehicle with emergency equipment activated and the officer has reason to believe the driver is aware of the attempt to stop the vehicle and is resisting or ignoring the attempt. At such time, the officer must have reasonable cause to detain or
believe the driver or occupants of the vehicle have committed a misdemeanor in
his or her presence, or have probable cause to believe a felony has been
committed or is in progress.

2. Any officer making a decision to initiate a pursuit and any supervising officer
shall take into consideration:

   a. that emergency equipment must be fully activated to a Code 3 status (as
      outlined in Operations Directive M-10);

   b. the seriousness of the offense for which the stop was originally being
      attempted;

   c. the safety of the public in the area of the pursuit, and of the pursuing
      officer(s);

   d. the pedestrian and vehicular traffic patterns and volume;

   e. the location of the pursuit;

   f. the speeds involved in the pursuit;

   g. the time of day;

   h. the weather conditions and visibility;

   i. the road conditions;

   j. the capabilities and limitations of the police vehicle(s) and the driver
      officer(s);

   k. the familiarity of the pursuing officer(s) and Supervisor(s) with the area
      of pursuit;

   l. the quality of radio communications between the pursuing officer(s) and
      dispatch/the Supervisor(s).

3. Generally, when an unmarked unit or motorcycle unit has initiated a pursuit, it
shall abandon the pursuit when the first marked four-wheel vehicle can assume
the pursuit.

4. The initiating officer shall be the primary pursuit vehicle until relieved or
disabled. The total number of four-wheel marked police vehicles normally will
not exceed three (3), or two (2) if a Supervisor is not involved: the initiating
officer; one cover or backup unit; and a Supervisor.

If deemed necessary, the initiating officer may request and the Supervisor may
authorize additional four-wheel marked police vehicles to participate in the
pursuit.
B. RADIO PROCEDURES

1. As soon as reasonably possible, the initiating pursuit unit shall establish radio contact with the Communications Center and provide the information set forth in Section IV, A, below.

2. Upon notification of the initiation of a pursuit, the Station Supervisor shall insure implementation of the following measures:
   a. Initiate a Code 33.
   b. Advise a Field Supervisor of the pursuit. Any Field Supervisor may cancel unnecessary Code 3 cover units, or may terminate the pursuit, when circumstances require it.
   c. Notify the on-duty Watch Commander who will monitor the pursuit and may terminate it.
   d. The pursuing officer(s) shall remain on the original radio channel, unless directed otherwise. The primary assisting unit behind the primary lead unit should “call the pursuit.”
   e. Once the pursued vehicle is overtaken by a law enforcement helicopter, the aircraft becomes an assisting unit responsible for broadcasting ongoing radio updates on the route of travel.

IV. PURSUING OFFICER’S RESPONSIBILITY

A. The initiating pursuit unit shall state on the radio specific information identifying the suspect(s), involved vehicle, and any other factors necessary to ensure officer safety and effective pursuit tactics including:
   1. location;
   2. reason for the pursuit;
   3. direction of travel;
   4. speed involved.

B. Officers involved in a pursuit have the responsibility to terminate the pursuit when the driving conditions (such as traffic congestion, weather, and road design) and/or the reason for the pursuit do not support the driving requirements of a pursuit.

C. No Officer shall pursue suspects the wrong way on interstate or other controlled access highways. Officers may drive on the wrong side of other divided roads only when absolutely necessary. Emergency vehicle operators would not be immune from prosecution if involved in a wrong-way collision, which results in injury or death.

D. Officers ordered to terminate the pursuit will discontinue IMMEDIATELY.
V. ASSISTING UNITS

A. There shall be ONLY TWO PRIMARY ASSISTING UNITS (one of which will be the Supervisor) following the pursuit unit and they are responsible for backup and immediate cover for the lead vehicle. The primary assisting units shall use red light and siren in compliance with Section 21055 CVC and 21056 CVC.

B. When appropriate, a better positioned unit may become the primary assisting unit. When the primary pursuit and primary assisting units are in position, all others shall drop out of the pursuit and cease Code 3 operation, unless directed otherwise by a Supervisor.

C. Assisting units should be prepared to:
   1. Provide adequate cover for a pursuing unit for purposes of officer safety;
   2. Become the primary unit if the original pursuing unit loses the suspect vehicle or becomes disabled, and notify Communications that they are the primary pursuing unit;
   3. Attempt to station themselves at strategic points when the suspect is stopped.
   4. The primary pursuit unit should not be passed by other units unless the primary unit or Supervisor authorizes the maneuver.

VI. TERMINATING THE PURSUIT

A. The primary pursuit unit may continue a pursuit if it is reasonably safe to do so or until directed to terminate the pursuit by a Supervisor. WHEN ORDERED TO TERMINATE A PURSUIT, THE PURSUING OFFICERS SHALL DO SO IMMEDIATELY AND ACKNOWLEDGE THE DIRECTIVE ON THE RADIO.

B. Officers involved in a pursuit and any supervising officers should constantly evaluate whether the seriousness of the offense outweighs the risk to public safety in continuing the pursuit. The following factors shall be considered and, when present, indicate that a pursuit should be discontinued:
   1. When an unreasonable danger exists to the officer or others. An unreasonable danger exists when speeds dangerously exceed the normal flow of traffic or when vehicular or pedestrian traffic necessitates dangerous maneuvering exceeding the performance capabilities of the vehicle or driver, or when the reason for apprehending the pursued vehicle clearly is outweighed by the risk of harm imposed on the person or property of the officers or others if the pursuit is continued;
   2. When the location of the suspect is no longer definitely known;
   3. When identification of the suspect vehicle and/or suspects is so established that later apprehension is possible, unless public safety demands immediate apprehension;
   4. When a Supervisory or Command Officer directs that the pursuit be discontinued.
5. When the pursuing unit’s emergency or radio equipment ceases to properly function.

VII. SUPERVISORY RESPONSIBILITY

A. In addition to the responsibility to participate in the decision to initiate or continue a pursuit when possible and the other responsibilities set forth above, upon notification of a pursuit in progress, the Field Supervisor and/or Watch Commander shall verify the following:

1. No more units than necessary are involved.

2. Factors in deciding whether to add units include the number and type of vehicles being pursued, the seriousness of the offense reasonably believed to underlie the pursuit, and the danger which the occupants of the vehicle(s) being pursued continue to pose to others.

3. When more than three units (primary, assisting and Supervisor) are permitted to participate in a pursuit, the Supervisor shall direct the additional units to discontinue the pursuit as soon as reasonably possible, based upon tactical requirements and safety aspects.

B. ALL FIELD SUPERVISORS, AS WELL AS THE WATCH COMMANDER, SHOULD CONSTANTLY EVALUATE WHETHER THE PURSUIT SHOULD BE CONTINUED IN LIGHT OF THE SERIOUSNESS OF THE OFFENSE AND THE RISK TO PUBLIC SAFETY IF THE PURSUIT IS CONTINUED AND HAVE THE AUTHORITY TO CANCEL A PURSUIT WHEN THE POTENTIAL SAFETY RISKS OUTWEIGH THE NEED FOR APPREHENSION.

VIII. JOINT AGENCY PURSUITS

A. The initiating agency will generally retain jurisdiction and remain responsible for a pursuit in progress, even though it enters another agency’s boundaries.

B. San Leandro Police Department units SHOULD NOT join in an active pursuit initiated by another agency unless specifically requested and then only with the approval of a Field Supervisor or as authorized by Communications.

C. Other agencies’ Communications Centers shall be promptly notified of any pursuit entering their jurisdiction, but such notification does not constitute a request for assistance. The primary unit or the Field Supervisor shall be responsible for determining if assistance is needed from another agency and shall specify the extent, location, etc.

D. The Communications Dispatch Supervisor shall promptly direct pursuit assistance requests to the respective agency. Pursuing units and Supervisors shall consider relinquishing the pursuit to that agency when its units are in position.

1. If the primary pursuit unit wishes to relinquish the pursuit to another agency, that agency must be willing to accept it. Such acknowledgment shall be announced on the radio frequency in use.

2. If the pursuit is actually turned over to another agency, the initiating officer shall abandon the chase totally, but must remain available to coordinate with the arresting units if the suspect is arrested.
E. When a pursuit enters another law enforcement jurisdiction, personnel of this Department SHALL IMMEDIATELY ABANDON THE PURSUIT WHEN THAT AGENCY REQUESTS TERMINATION. This includes pursuits on the freeway that are assumed by the California Highway Patrol.

F. In joint agency pursuits, there shall be no more than three primary units directly involved, including vehicles from other agencies.

1. A Field Supervisor of this Department shall assume command of such pursuits to assess the safety considerations, ensure compliance with Department policy and coordinate with Supervisors or other involved agencies.

2. The Field Supervisor shall direct operations for all officers involved, or transfer that responsibility to the Supervisor of the agency taking over the pursuit.

3. Whenever possible, communications between the different agencies should be established car to car on C.L.E.M.A.R.S. or any mutually established frequency.

IX. AIRCRAFT ASSISTANCE

A. Units involved in pursuits should request aircraft assistance from one of the allied agencies (CHP, East Bay Park Police, Alameda County Sheriff, Oakland Police, etc.) when warranted.

B. Aircraft can provide valuable information to ground units concerning upcoming traffic congestion, hazards or other factors which might endanger the safety of the officer(s) or the public.

X. BARRICADING ROADWAYS

A. Barricading a roadway must be considered to be a force likely to result in death or serious bodily injury. This method may be used only as a last resort in felony cases where the violator constitutes an immediate major threat to the safety of the public.

B. Under no circumstances will a roadway be barricaded by occupied vehicles or vehicles belonging to private citizens. If barricading is deemed necessary to apprehend a DANGEROUS, KNOWN FELON, police vehicles may be used if more suitable equipment is unavailable. The Communications Dispatcher must notify all officers of the barricaded location.

C. Barricading a roadway is strictly prohibited unless approved by a Field Supervisor or the Watch Commander. In the case of joint agency pursuit, barricading a roadway is prohibited unless specifically authorized by the agency having jurisdiction.

XI. GENERAL PRECAUTIONS

A. Officers shall not attempt to halt fleeing vehicles in pursuits, by striking or ramming the suspect vehicle, except as follows:

1. When the Officers have reason to believe that continued movement of the pursued vehicle would place others in imminent danger of great bodily harm or death, AND
2. When the apparent risk of harm, to other than the occupants of the pursued vehicle, is great and outweighs the apparent risk of harm involved in making the forcible stop.

3. The Field Supervisor should be advised **BEFORE** a forcible stop is attempted.

B. When a police vehicle is bottomed out, driven over a curb, or off the roadway, during a pursuit, the driver shall inspect it for possible damage and notify a Supervisor. If damage occurred, the Supervisor shall direct the preparation of the appropriate documentation. The Supervisor should consider having a damage and safety inspection conducted at the City garage prior to allowing the vehicle to return to the field.

**XII. PURSUIT REPORTING REQUIREMENTS**

A. Effective January 1, 1992, California Vehicle Code Section 14602.1 requires that all police pursuits, including non-collision pursuits, be reported on a California Highway Patrol Pursuit Report (CHP-187). The form shall be prepared on all pursuits initiated or assumed by officers of this Department. Other allied agencies are also required to report pursuits in which their personnel are involved.

1. The driver of the unit which initiated the pursuit or assumed the pursuit from another agency is responsible for filling out form CHP-187. The form shall be submitted to the reporting officer’s immediate Supervisor for approval within 24 hours of the incident.

   a. Only the top half of form CHP-187 will be completed since the bottom portion is used exclusively by the California Highway Patrol. Identification numbers of San Leandro Police Department personnel involved in the pursuit shall be included on the form (Line H). Officers' names shall not be used. Information on officers of other law enforcement agencies shall not be listed, since other involved agencies will submit their own forms.

   b. The reporting officer shall only list the most serious charges (Line Q) for which the suspect/driver was arrested or cited. In multiple agency pursuits, this may require contacting the agency which made the actual apprehension to obtain the charge information.

2. The respective Supervisor of the reporting officer is responsible for reviewing the form for completeness and accuracy.

   By Order Of

   [Signature]

   Joseph W. Kitchen
   Chief of Police
INDEX:
- Officer-Involved Shooting
- Traumatic Force
- Shooting, Officer Involved

I. DEFINITION

"Officer-Involved Shooting" Defined:

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

II. POLICY

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

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

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

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

III. PROCEDURES: SHOOTING SCENE AND FOLLOW-UP INVESTIGATION

A. INVOLVED OFFICER RESPONSIBILITY

1. Immediate action shall be taken to care for the injured, to apprehend any suspects, and to protect the scene.

2. Involved officer(s) shall attempt to locate and identify witnesses to the incident.
3. Officers shall refrain from discussing the incident until the arrival of a Supervisor.

4. Once the Supervisor arrives, involved officer(s) shall brief him/her as to the circumstances of the incident and what action has been taken.

5. After arrival at the Department, a Department member will be with the officers until interviews are conducted. The Watch Commander will assign a Department member to this task. The member shall provide aid and assistance as needed, but shall avoid discussion of the facts of the incident.

6. Involved officers are encouraged to contact private counsel and to have counsel available throughout the investigative process.

7. The involved officer(s) shall answer, as best he or she is able, all questions asked by the Department Investigator or by the investigator from the District Attorney's Office. The involved officer(s) are encouraged to have private counsel present during the taking of any statement.

8. At the conclusion of the interview, the involved officer(s) will be required to prepare a detailed report of the incident.

B. SUPERVISORY RESPONSIBILITY

1. The Supervisor at the scene will ensure that the responsibilities of the officers have been carried out. He/she will assure that the Watch Commander has been notified.

2. The Supervisor at the scene shall arrange for the identification of all civilian witnesses.

3. Immediate family members of any wounded or deceased person(s), who are or may be witnesses, should be identified. If possible, considering the emotional impact of the situation, the first uninvolved officers at the scene shall obtain brief facts in order to determine the extent of their knowledge of the incident.

4. Negative statements should be taken from persons who are present at the scene who deny that they are witnesses.

5. It will be the duty of all supervisors to ensure that no one questions or interviews the involved officer(s) or witnesses until the arrival of Investigation Division personnel or the Watch Commander.

C. WATCH COMMANDER'S RESPONSIBILITY

1. At the reporting of an officer-involved shooting, the on-duty or on-call Watch Commander will be notified.

2. The Watch Commander will respond to the scene and assume command.
3. The Watch Commander will order the notification of appropriate personnel. The City Attorney will be briefed and advised of the location of the incident. In incidents resulting in death or bodily injury with serious risk of death, the District Attorney Homicide Unit will be notified.

4. The Watch Commander will assign Departmental personnel to remain with the involved officer(s) during the preliminary investigation.

5. The Watch Commander will be assigned the responsibility of the Administrative Inquiry. The purpose of the Administrative Inquiry is to determine if the action taken by the involved officer(s) was consistent with the requirements of applicable Department Rules and Regulations concerning the application of deadly force. The inquiry will follow the format outlined in the San Leandro Police Department Internal Affairs Procedure.

D. DEPARTMENT RESPONSIBILITY: OFFICER SHOT

1. If the officer is injured or requires hospitalization, he/she will be taken to the nearest medical facility in accordance with EMS protocol.

2. An officer will be posted at the medical facility to aid and assist the injured officer and to protect him/her from unauthorized inquiry.

3. Notification of the injured officer's family will be done personally by a Command Officer.

4. Every effort will be made to arrange or provide all necessary accommodations for family members.

E. CRIMINAL INVESTIGATION DIVISION RESPONSIBILITY

1. The Criminal Investigation Division will conduct a thorough investigation of the incident.

2. The Criminal Investigation Division Commander or his/her designee will conduct, or be in attendance at, the interview of the involved officer(s).

3. The involved officer(s) will be afforded all professional courtesies and all the protection provided for in the Peace Officers' Bill of Rights.

4. When it is necessary that the involved officer(s)' firearm and ammunition be taken for inspection or for any additional evidentiary processing, it will be expeditiously replaced with another Departmental weapon.

5. The detailed report of the criminal investigation will be submitted to the District Attorney for review and disposition.

6. The Investigation Division Commander will be responsible for liaison with the District Attorney's Investigators.
F. CITY ATTORNEY'S RESPONSIBILITY

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

G. GENERAL DEPARTMENTAL RESPONSIBILITY

1. At the conclusion of the initial investigation and the completion of his/her assignments, the involved officer(s) may be placed on administrative leave, or on scheduled days off, as appropriate, for up to three days. He/she will be asked to remain available to assist with any continuing inquiry. The Watch Commander and the C.I.D. Commander will concur on the time off for involved officer(s).

2. Often following a shooting incident, officers suffer severe emotional impact. Involved officers shall meet with an approved psychologist as arranged for by the Watch Commander. This meeting shall be immediate or as soon as practical after the incident.

3. Media relations will be conducted as outlined in Operations Directive A 7.

H. DISTRICT ATTORNEY'S OFFICE RESPONSIBILITIES

1. Members of the San Leandro Police Department will notify the District Attorney’s Homicide Unit as soon as possible whenever a death, or bodily injury with serious risk of death, results from an officer-involved shooting. The San Leandro Police Department and the District Attorney’s Office will conduct separate investigations of the incident.

2. The District Attorney investigation will be complete and independent of the San Leandro Police Department investigation, and will include all efforts deemed necessary to decide whether or not charges are to be filed.

3. Notification shall include a brief description of the circumstances, the parties involved, and the San Leandro Police Department officer in charge of the investigation. The District Attorney will be responsible for notifying specific attorneys and investigators to be assigned to such investigations.

4. The San Leandro Police Department will retain original and primary jurisdiction of the case but will cooperate with the District Attorney’s investigators.

5. District Attorney investigative activities will not interfere with the San Leandro Police Department’s investigation.

6. The San Leandro Police Department will be responsible for making any initial public statements regarding the incident. The District Attorney may confirm that an investigation is being conducted, but will make no other public statements regarding the incident or investigative conclusions until the District Attorney’s inquiry is completed. In most cases, that investigation will not be concluded for at least 30 days.
7. All investigative reports, documents and statements pertaining to the investigation will be shared by the San Leandro Police Department and the District Attorney.

8. Upon request, the U.S. Attorney will have access to all legally available District Attorney reports produced in the investigation and other investigative reports and materials as may be appropriate.

H. DISTRICT ATTORNEY'S OFFICE PROCEDURES

1. As soon as possible and consistent with San Leandro Police Department's responsibilities, the officer in charge at the scene of an officer-involved shooting will provide District Attorney investigators with:
   a. A summary of all available information pertinent to the investigation.
   b. An opportunity to observe the scene and to take measurements and photographs.
   c. An opportunity to observe and photograph all physical evidence.
   d. An opportunity to interview all known relevant citizen witnesses.

2. As soon as possible and consistent with investigative requirements, the San Leandro Police Department will take formal, memorialized statements from the officer or officers involved in the shooting and will allow the assigned District Attorney personnel to be present during the taking of the statements.
   a. At a minimum, District Attorney investigators will be allowed to submit questions in writing, to be propounded to the involved officer(s) by the person conducting the inquiry.
   b. With the consent of the officer or officers involved in the shooting, District Attorney investigators may take formal, recorded statements from the officer(s) and from all agency personnel who are witnesses or who have information relevant to the incident.

3. The officer in charge of the case will review the progress of the investigation with the assigned District Attorney personnel and will conduct any follow-up investigation which, upon consultation, appears to be appropriate. The District Attorney will provide all legal and investigative support needed for such investigation.

The District Attorney will provide a written report to the San Leandro Police Department when the District Attorney investigation is completed. The report will provide:
a. A narrative of the investigative findings as to the factual circumstances of the incident,

b. A statement of the relevant law, and

c. A conclusion as to whether or not charges will be filed.

4. All other relevant reports and investigative materials prepared or developed by District Attorney personnel will be retained by the District Attorney and will be available to the San Leandro Police Department upon request.

By Order Of

[Signature]

Ian R. Willis
Chief of Police
SAN LEANDRO POLICE

OPERATIONS DIRECTIVE

log: 87-26  date: March 2, 1987  index: M-15

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

INDEX:
- Firearm Procedure
- Procedure When Discharging Firearms
- Discharging Firearms
- Use of Firearms

I. PURPOSE

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

II. LEGAL LIMITATIONS

A. Police officers may use firearms only under certain restricted justifiable circumstances. Sections 196 & 197 PC delineate the California law of justifiable homicide.

1. It is the law that a Police officer must not discharge his/her firearm except in limited situations. No officer has the right to extend this power, but must decide his/her action in light of the circumstances confronting him/her within the limitations of his/her authority.

III. PROTECTION OF GENERAL PUBLIC

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

IV. REGULATIONS

A. SELF-DEFENSE

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

2. An officer is not permitted to use deadly force to defend himself/herself or another person from assaults which are not likely to have serious results.
B. MISDEMEANANTS

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

C. KNOWN FELONY OFFENDERS

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

D. SUSPECTED FELONY OFFENDERS

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

E. MOVING VEHICLES

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

F. WARNING SHOTS

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

G. REPORTING AND INVESTIGATION OF FIREARMS DISCHARGING

1. Whenever a member discharges his/her firearm on or off duty, either accidentally or officially, except at an approved range, the officer shall notify the on-duty Commanding Officer of his/her organizational unit as soon as possible. If a Commanding Officer is not on duty in his/her organizational unit at the time, the member shall notify the Commanding Officer of the Patrol Division.

   a. The member shall also submit a detailed written report of the circumstances through channels to the Chief of Police.

2. A Command Officer shall personally investigate the report of the firearm discharge. He shall submit a detailed written report of the results of the investigation through channels to the Chief of Police. The report shall contain his observations and conclusion regarding the incident.
3. If the discharge of a firearm by an officer results in a death or bodily injury to a person, an investigation will be conducted in accordance with Operations Directive 85-07.

By Order Of

[Signature]

Joseph W. Kitchen
Chief of Police
INDEX: Use of Force

I. PURPOSE

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

II. POLICY

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

III. DEFINITIONS

A. LESS LETHAL FORCE: Less lethal force is that force which is unlikely, when used properly, to result in serious physical injury or death.

B. LETHAL FORCE: Lethal force is that force reasonably likely to cause death.

C. USE OF FORCE CONTINUUM: The use of force continuum is an instrument, which attempts to embody the dynamics of a confrontation. It is also designed to facilitate an understanding of appropriate levels of force that are available for use by officers. The attached use of force continuum matrix (Appendix B) provides an overview and visual representation of the force options that are available to officers of this Department.
IV.  AUTHORITY FOR USE OF FORCE

A.  CALIFORNIA PENAL CODE SECTION 835 - METHOD OF ARREST

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

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

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

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

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

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

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

D.  CALIFORNIA PENAL CODE SECTION 196 - JUSTIFIABLE HOMICIDE BY PUBLIC OFFICERS

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

1.  In obedience to any judgment of a competent court; or,

2.  When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,

3.  When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony and who are fleeing from justice or resisting such arrest.

4.  However, an officer should refrain from using deadly force against a fleeing felony suspect unless the felony is of a violent variety. Korrump v. Alkire (1977) 69 Cal.App.3d 325.
E. INTERPRETATION OF "USE OF FORCE" LAWS

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

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

V. GUIDELINES

A. Members are authorized to use reasonable force in the performance of their duties in the following circumstances:

1. To prevent the commission of a public offense;
2. To prevent a person from injuring himself/herself;
3. To effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention;
4. In the defense of himself/herself or another person from physical injury.

B. FACTORS IMPACTING AN OFFICER'S SELECTION OF THE APPROPRIATE USE OF FORCE:

1. An officer should take a number of factors into consideration when selecting force options. These same factors are used to evaluate whether an officer has used reasonable force. The agency recognizes that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to a situation may impact the officer's decision. The Use of Force Continuum is intended to provide additional guidance to officers in making those split-second decisions.

2. The following are some examples of factors which may affect an officer's selection of the appropriate use of force:
   a. Officers/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers versus number of subjects);
   b. Influence of drugs or alcohol;
   c. Proximity to weapons;
   d. Availability of other options;
e. Seriousness of the offense in question;

f. Other exigent circumstances.

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

C. USE OF FORCE CONTINUUM - CATEGORIES OF ACTION DISPLAYED BY THE SUBJECT

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

1. **Cooperative**: Subject is cooperative and complies with verbal commands or other directions.

2. **Passive or Low Level Resistance**: Subject is passive or defensively resists an officer's authority and direction. This includes verbal and physical cues of non-compliance.

3. **Active Resistance or Assaultive Behavior**: Subject assumes a fighting stance, charges an officer or verbally or physically indicates intent to commit an assault. Subject is attempting to interfere with the officer's actions by inflicting pain or physical injury to the officer without the use of a weapon or object.

4. **Life Threatening Assault, or Assault Likely to Cause Great Bodily Harm**: Subject commits an attack using an object, a weapon or an empty hand assault, wherein the officer reasonably believes that the assault will result in serious physical injury and/or death.

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

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

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

2. **Compliance Techniques:** Includes an officer laying hands on a subject using restraining and detaining techniques with the intention of gaining control of the subject. Examples include the use of a firm grip, escort position or grappling designed to hold a subject down by using the weight of an officer's body (ground control techniques). Also included in this level would be the application of joint manipulations, pressure point applications, and unarmed striking and takedown type techniques.

3. **Intermediate Force:** Taser, a conducted energy weapon, which includes electric stunning capabilities, the application of the carotid restraint (lateral vascular neck restraint), use of K-9's, the baton/expandable baton, billie or Yawara stick (in a striking or jabbing motion), or spraying chemical agents (mace and oleoresin capsicum based products).

4. **Lethal Force:** Includes the use of a firearm or any force, which has a reasonable likelihood of causing death.

**E. USE OF COMPLIANCE TECHNIQUES DESCRIBED:**

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

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

**F. USE OF INTERMEDIATE FORCE DESCRIBED**

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

1. **Deployment of Police Canine (K-9):** Refer to San Leandro Operations Directive M-14 for canine use policy.

2. **Discharge of Taser:** The Taser is a special less-lethal, intermediate force level weapon that may be used to control a violent or potentially violent subject. Only those devices approved by the Chief of Police may be used by agency personnel. The Taser can be discharged in situations where there are specific policies governing the particular type of device and its application. Members shall comply with all Division and Unit level policies and procedures governing use of the Taser. (See Operations Directive 07-01, M-23.)

3. **Application of the Carotid Restraint (Bi-Lateral Vascular Neck Restraint):** Shall be used in the manner as presented and demonstrated during the Basic Academy and Advanced Officer Training and as published in the applicable agency training bulletins and shown in approved videos.
a. Correct application and caution are required to ensure that the subject is not injured. No pressure is to be applied to the trachea (frontal area of the throat or neck).

b. The carotid restrain shall not be applied for intervals longer than thirty (30) seconds. The carotid restraint shall only be applied once on a subject during any twenty-four hour period.

c. Immediate medical attention shall be provided as soon as possible to any subject who has been the recipient of the carotid restraint.

4. **Baton/Expandable Baton, Billie & Strikes:** Shall be used in a manner as presented and demonstrated during the Basic Academy and Advanced Officer Training and as published in the applicable agency training bulletins and shown in approved videos. Division and Unit level policies and procedures shall be followed accordingly, with special attention to the following:

a. Only impact weapons approved by the Department are authorized.

b. The only Departmentally approved impact weapons are:

1) The standard 26" Koga style straight baton.

2) The standard 24" PR-style side-handle baton.

3) The standard 12" Police Billy.

4) Riot Batons.

5) Expandable baton.

6) Beanbag gun/flex baton.

7) Projectile launchers (FN303, pepperball 37m weapon systems)

c. Officers shall not intentionally deliver baton/expandable baton or police billie blows/strikes to a person's head, neck, throat, groin, kidney, xiphoid process areas or directly into the heart.

**Exception:** When an officer's life is in peril and the use of lethal force is justifiable (see Lethal Force).

d. A baton/expandable baton or police billie may be used to strike a subject who is handcuffed or otherwise securely restrained only when the subject is using such force with his body, legs or feet as to require such force to prevent harm to the officer(s), civilians, or in order to prevent escape.

e. **Flashlights:** A flashlight is primarily used as an illumination device and not usually thought of as a defensive impact device. Circumstances may occur when an officer is justified in using a flashlight as a defensive
device. If such a circumstance occurs, a member may use it as an intermediate or lethal force level weapon, if used in similar fashion to the baton/expandable baton or billie.

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

G. **USE OF LETHAL FORCE**

1. Lethal force is the highest level on the "Use of Force Continuum Matrix." Lethal force may be used under the following circumstances when all other appropriate means of defense have failed or are deemed inadequate and the officer taking action has a reasonable belief that such force is necessary:
   
a. As a means of defending oneself from death or the immediate threat of serious bodily injury.
   
b. To defend another person from death or the immediate threat of serious physical injury.
   
c. To apprehend a suspect when there exists a reasonable belief that the person has committed a felony and represents an immediate threat to another human life.
   
d. As a means of terminating dangerous or seriously injured animals when other means of disposal are impractical.
2. When officers are engaged in a life-threatening situation, the use of makeshift weapons or any weapon of opportunity can be justified as lethal force when reasonable alternatives have been exhausted or appear impractical.

3. **Use of Motor Vehicle:** The use of a motor vehicle to protect an officer or citizen from the possibility of death or great bodily injury shall be considered lethal force and may only be used when lesser levels of force have failed or have been determined to be ineffective in addressing the actions of the subject. For use of a motor vehicle as lawful intervention during a police pursuit refer to San Leandro Police Department Operations Directive M-8, Pursuit Policy.

4. **Terms Defined:** For the purpose of interpreting the appropriate use of lethal force, the following definitions clarify specific points:
   
a. **Reasonable Belief:** A strong suspicion based on facts that can be articulated.

   b. **Serious Physical Injury:** A physical injury that creates a substantial risk of death, causes serious permanent disfigurement, or may result in long-term loss or impairment of the functioning of any body member or organ.

VI. **AUTHORIZED RESTRAINT DEVICES**

A. **HANDBUFFS**

   1. Only handcuffs authorized by the Department may be carried by members.

   2. All arrested persons being transported by police vehicle should be handcuffed.

   3. Arrested persons should be handcuffed behind their back. After checking for tightness, handcuffs shall be double locked.

   4. Handcuffs should be placed on the arrested person in such a manner as to not cause injury or reduce circulation.

B. **LEG IRONS**

   1. Only departmental leg irons are authorized for use on prisoners.

   2. Use of leg irons should be cleared with a supervisor.

   3. Leg irons should be placed on the prisoner in such a manner as to not cause injury or reduce circulation.

   4. Leg irons should be double locked.

C. **FLEX CUFFS**

   1. Use of flex cuffs is authorized only for those emergency situations where standard handcuffs cannot be used.
2. Use of flex cuffs should be cleared with a supervisor.

3. Flex cuffs should be placed on a prisoner in such a manner as to not cause injury or reduce circulation.

4. Flex cuffs should be cut off the prisoner as soon as practical following safe transportation to jail.

D. WRAP RESTRAINT

1. Only the “wrap” restraint device authorized by the Department shall be used.

2. The “wrap” restraint shall only be used in an approved manner and by trained personnel.

3. The “wrap” should be placed on the arrested person to avoid injury/property damage and to gain control of the suspect.

4. After the “wrap” is applied, officers shall monitor the arrested person for any sign of injury or difficulty with breathing and place the person in a seated position.

5. The “wrap” should not be used on pregnant women.

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

A. Any subject who is injured as a result of an officer using force shall be administered first aid in the field and/or transported, as soon as possible, via appropriate ambulance or police vehicle, to a medical facility for treatment. Special attention shall be paid to the following:

1. Officers are prohibited from securing a subject by binding his/her hands and feet together behind the back in a "hog tying" fashion and/or transporting them on their stomach in a vehicle.

2. During field detention, transportation and custodial restraint situations, subjects shall be positioned so that they do not experience breathing difficulty for a prolonged period of time. This is especially important if a subject has been sprayed with OC and/or is suspected of being under the influence of drugs or narcotics. It is critical to closely monitor subjects who are experiencing breathing difficulty and to get him/her immediate medical attention as soon as possible.

VIII. REPORTING PROCEDURES FOR USE OF FORCE

A. When force as outlined above is used, the following steps will be followed:

1. Promptly notify a Supervisor unless exigent circumstances delay the notification.

2. Document the use of force in an arrest/crime report. The written report detailing the use of force incident should include the circumstances surrounding the use of force, what type of injuries were sustained by the suspect, if any, and any medical treatment required. The evidence technician should be requested to
photograph the subject, whether injuries are visible or not. The name of the Supervisor who was notified of the incident shall also be documented.

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

By Order Of

Ian R. Willis
Chief of Police
SAN LEANDRO POLICE DEPARTMENT
USE OF FORCE - CONTINUUM MATRIX

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

OFFICER'S OPTIONS IN RESPONSE TO:

NO FORCE LEVEL
- PROFESSIONAL PRESENCE, VERBALIZATION, RESTRAINING, DETAINING & HANDCUFFING

COOPERATIVE

PASSIVE OR LOW LEVEL RESISTANCE
- PROFESSIONAL PRESENCE, VERBALIZATION, RESTRAINING, DETAINING & HANDCUFFING

ACTIVE RESISTANCE OR ASSAULTIVE BEHAVIOR
- PROFESSIONAL PRESENCE, VERBALIZATION, RESTRAINING, DETAINING & HANDCUFFING

LETHAL FORCE LEVEL
- FIREARMS & ANY FORCE LIKELY TO CAUSE DEATH OR SERIOUS PHYSICAL HARM
- K-9, TASER, CAROTID RESTRAINT, BATON & SHORT BILLIE, MACE, OC SPRAY & CHEMICAL AGENTS, BEANBAG GUN/FLEX BATON

INTERMEDIATE FORCE LEVEL
- K-9, TASER, CAROTID RESTRAINT, BATON & SHORT BILLIE, MACE, OC SPRAY & CHEMICAL AGENTS, BEANBAG GUN/FLEX BATON
- JOINT MANIPULATION, PRESSURE POINT APPLICATION, UNARMED STRIKING & TAKE DOWN TECHNIQUES
- PROFESSIONAL PRESENCE, VERBALIZATION, RESTRAINING, DETAINING & HANDCUFFING
- JOINT MANIPULATION, PRESSURE POINT APPLICATION, UNARMED STRIKING & TAKE DOWN TECHNIQUES
Section 4
1st Quarter Qualification 2014

ALBERT 250
ALDRED 250
ANTHONY 250
ATZENI 250
BALLARD 250
BARAJAS 250
BENABDALLAH 250
BENZ 250
BLANKENSHIP 250
BOERS 250
BRANDT 250
B. BRENNER 250
BRYAN 250
BUSS 250
CALCAGNO 250
CAURAUGH 250
CASAVENTI 250
CHINN 250
CLARK 250
D. COFFORD 250
DORTI 250
DOWNS 250
EGRANOV 250
EGUZMAN 250

FERNANDEZ 250
FLETCHER 250
FRY 250
GILL 250
GOODMAN 250
HAESE 250
HENDERSON 250
HIDAS 250
KALSPEEK 250
KHAN 250
KOVAICH 250
KRAKOW 250
KRAKOW 250
KRETIKOV 250
LEJA 250
LEMMON, G 250
MALLY 250
MANN 250
MARCHETTI 250
MC MANUS 250
MENDENHALL 250
MORGAN 250
MOLETHORP 250
MOORE 250

MOSS 250
MUND 250
NELSON 250
N-DELGADO 250
O'CALLAGHAN 250
OLIVERA 250
ORDINARIO 250
PANTONI 250
PASUT, Dam 250
PASUT, Dario 250
PERRY 250
PICKARD 250
PRIETO 250
RAMSEY 250
REMYLLA 250
RENDBERG 250
ROBERTSON 250
ROCHA 250
ROGERS 250
ROSENLIND 250
SANCHEZ 250
SELLERS 250
SHEPHERD 250
SOBER 250
SOMMER 250
SPAGNOLO 250

TANERI 250
TORRES 250
TRACEY 250
TRUJILLO 250
TUDOR 250
VALENTYKE 250
VINCENT 250
WALTON 250
WATSON 250
WOODS 250

4th Quarter Qualification 2013

ALBERT 280
ALNDRE 253
ANTHONY 280
BACon 233
BALLARD-GEIGER 250
BARAJAS 257
BENABOU BA 267
BOUILLIERCE
BRANDT 280
BRANDER 289
BRIAN 272
BRAIN 272
BUSS 259
CAHALL WC
CALCAGNO WC
CAGRAGH 257
CESARETTI
CHINN 280
CLARK 250
CLIFFORD 280
CORTI 289
CORNIN 253
DA STA
DEGRADO
DEGUTMAN COV

FERNANDEZ 256
FISCHER 213
FLETCHER 280
FRY 280
GILL 254
GOODMAN COV
GUILLEN 213
HAECHL 280
HENDerson 280
HILL 272
HANAL 280
HAVAN 258
KALSBEEK COV
KAN 272
KOVACH 280
KWAN 280
KUPF 283

KELLAM COV
KLEIN 284
LAMONTE, G BA 287
LEJA
LEMONE, G RETIRED
LIREY COV
MANN 280
MARCHETTI 289
MYCOVINCI 252
MENDENHALL 280
MORGAN
MOLETTHER 259
MOORE 249
Moss 245
MUND 280
NEILL 280
N-DELGADO 283
O'CALLAGHAN
OLIVERA 285
ORDINARIO 280
PASUT, Daryl
PASUT, Domen COV
PERCY 280
PICKARE 289
RAMSEY 280
REMILLAS 280
RINEHART 259
ROBERTSON COV
ROCHA 280
ROGERS 280
ROSENBLUM 280
SANCHEZ 280
SELLERS 280
SHEPP 289
SOMMER
SPAGNOLO BD 287
TENG 282
TRACY 285
TRUJILLO 280
VANDYKE COV
VINCENT
WALTON 287
WATSON COV
WOODS 280
YOUNG 280
ZELLER 280
Section 5
**Case No.** 2014-00046732  
**Page 1 OF 5**

**DATE REPORTED** 10/05/2014  
**DAY** SUN  
**TIME** 04:27

**OCCURRED INCIDENT TYPE** 245 PC- ADW

**DATE OCCURRED** 10/05/2014  
**DAY** SUN  
**TIME** 04:26

**LOCATION OF OCCURRENCE** E 14TH ST / 136TH AVE, SAN LEANDRO

**NO.** 1  
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**COMMITTED** 1  
**ATTEMPT / COMMIT**  

**NO.** 2  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NO.** 3  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NO.** 4  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NO.** 5  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NO.** 6  
**SECTION - TYPE**  
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**ATTEMPT / COMMIT**

**NO.** 7  
**SECTION - TYPE**  
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**SECTION - TYPE**  
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**NO.** 9  
**SECTION - TYPE**  
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**ATTEMPT / COMMIT**

**NO.** 10  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NO.** 11  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NO.** 12  
**SECTION - TYPE**  
**COMMITTED**  
**ATTEMPT / COMMIT**

**NAME (LAST, FIRST, MIDDLE, SUFFIX)** GOODMAN, NEAL  
**DATE OF BIRTH** /  
**AGE** /  
**RACE/SEX** /  
**HAIR/EYES** /  
**HT/WT** /

**LICENSE NUMBER** /  
**YEAR** /  
**MAKE** /  
**MODEL** /  
**STYLE** /  
**COLOR(S)** /

**LICENSE NUMBER** /  
**YEAR** /  
**MAKE** /  
**MODEL** /  
**STYLE** /  
**COLOR(S)** /

**LICENSE NUMBER** / CA  
**YEAR** 2000  
**MAKE** CHEVROLET  
**MODEL** MONTE CARLO  
**STYLE** 2 DOOR  
**COLOR(S)** /

**DESCRIPTION** DARK COLORED MONTE CARLO

**TECH REPORT**  
**ARREST REPORT**  
**FST / 11550 FORM**  
**CHP180**  
**PHOTO REPORT**  
**OFFICER SUPPLEMENT**  
**STATEMENT FORM**  
**CHP555**
REPORTING OFFICER: CHINN, TIMOTHY

INVOLVEMENT: VICTIM
NAME: GOODMAN, NEAL
DOB: - AGE: 0

INVOLVEMENT: REGISTERED OWNER
NAME: [Redacted]
DOB: - AGE: A

INVOLVEMENT: [Additional entries follow similar format]

INNIVOLVEMENT: [Additional entries follow similar format]

INNIVOLVEMENT: [Additional entries follow similar format]

INNIVOLVEMENT: [Additional entries follow similar format]
DETAILS:

ON 10/05/14, AT 0426 HOURS, I WAS WEARING A CLASS C SLPD UNIFORM AND DRIVING A FULLY MARKED SLPD VEHICLE (#394). I WAS ASSIGNED TO THE 3/12 MIDNIGHT SHIFT AND WAS THE SHIFTS EVIDENCE TECHNICIAN. I WAS PARKED AT 794 DAVIS STREET, WHEN I HEARD OFFICER NEAL GOODMAN ADVISE SLPD DISPATCH THAT HE WAS IN A VEHICLE PURSUIT VIA POLICE RADIO.

AT 0427:39 HOURS, OFFICER GOODMAN PROVIDED A LICENSE PLATE FOR THE SUSPECT VEHICLE, WHICH WAS [REDACTED]. OFFICER GOODMAN ADVISED THAT HE WAS DRIVING NORTHBOUND ON EAST 14TH STREET FROM 136TH AVENUE AND IN PURSUIT OF THE SUSPECT VEHICLE FOR RECKLESS DRIVING (23103 CVC).

AT 0428:08 HOURS, OFFICER GOODMAN ADVISED HE WAS IN PURSUIT OF THE SUSPECT VEHICLE NORTHBOUND ON EAST 14TH STREET AND WAS PASSING WARREN AVENUE. OFFICER GOODMAN ADVISED HIS VEHICLE SPEED WAS 60 MPH.

AT 0428:34 HOURS, OFFICER GOODMAN AGAIN ADVISED THAT HE WAS STILL IN PURSUIT OF THE SUSPECT VEHICLE NORTHBOUND ON EAST 14TH STREET PASSING DAVIS STREET. OFFICER GOODMAN ADVISED THAT HIS VEHICLE'S SPEED WAS 50 MPH.

AT 0428:39 HOURS, OFFICER GOODMAN ADVISED THAT THE SUSPECT VEHICLE HAD SLOWED AND HAD MADE A EASTBOUND TURN ONTO HAAS AVENUE FROM EAST 14TH STREET.

AT 0428:55 HOURS, OFFICER GOODMAN ADVISED THAT HE WAS STILL IN PURSUIT OF THE VEHICLE EASTBOUND ON HAAS AND HAD PASSED CAROL WAY.


AT 0429:18 HOURS, OFFICER GOODMAN ADVISED THAT THE SUSPECT VEHICLE HAD TURNED ONTO WOODLAND AVENUE TOWARDS THE DEAD END.

AT 0429:49 HOURS, OFFICER MALLY ADVISED THAT THE SUSPECT VEHICLE WAS DRIVING NORTHBOUND ON WOODLAND AVENUE AND THEN MADE A EASTBOUND TURN ONTO OAKS BOULEVARD (SEE OFFICER MALLY'S SUPPLEMENTAL FOR FURTHER).

AT 0430:38 HOURS, OFFICER BLANKINSHIP ADVISED THAT THE SUSPECT VEHICLE WAS FLEEING SOUTHBOUND ON BANCROFT AT ESTUDILLO AVENUE.

AT 0430:55 HOURS, OFFICER BLANKINSHIP ADVISED THAT HE HAD LOST THE SUSPECT VEHICLE NEAR BANCROFT AVENUE AND DOLORAS AVENUE.

AT 0435:15 HOURS, OFFICER BLANKINSHIP ADVISED THAT A CITIZEN LAST SAW THE SUSPECT VEHICLE FLEEING SOUTHBOUND ON BANCROFT AVENUE NEAR 142ND AVENUE.

AT 0436:05 HOURS, OFFICER MALLY ADVISED THAT THE SUSPECT VEHICLE WAS A DARK COLORED CHEVROLET MONTE CARLO.

I WAS IN THE AREA WHEN OFFICER BLANKINSHIP ADVISED THAT THE SUSPECT VEHICLE WAS SOUTHBOUND BANCROFT AVENUE NEAR ESTUDILLO AVENUE. I HAD MADE A SOUTHBOUND TURN ON EAST 14TH STREET FROM DUTTON AVENUE, IN AN ATTEMPT TO LOCATE THE SUSPECT VEHICLE. I WAS UNABLE TO LOCATE THE VEHICLE, AND BEGAN TO RESPOND TO ANOTHER CALL.

AT 0442 HOURS, I WAS DISPATCHED TO THE AREA OF WOODLAND AVENUE AND WOODLAND PARK REGARDING TECHNICIAN DUTIES FOR AN ASSAULT WITH A DEADLY WEAPON ON AN SLPD OFFICER.

I ARRIVED AT THE SCENE AND WAS CONTACTED BY SERGEANT LEJA. SERGEANT LEJA ADVISED ME THAT THE SUSPECT VEHICLE A DARK CHEVROLET MONTE CARLO (CLP# [REDACTED]) HAD STRUCK
OFFICER GOODMAN'S VEHICLE DURING THE PURSUIT. SERGEANT LEJA ADVISED ME THAT OFFICER GOODMAN HAD DISCHARGED HIS FIREARM APPROXIMATELY 3 TIMES.

SERGEANT LEJA ADVISED ME THAT THREE SHELL CASINGS HAD BEEN LOCATED AT THE INTERSECTION OF WOODLAND AVENUE AND WOODLAND PARK. SERGEANT LEJA REQUESTED THAT I TAKE PRELIMINARY PHOTOGRAPHS OF THE SCENE AND OFFICER GOODMAN'S PATROL VEHICLE (SLPD VEHICLE #361 CLF:______).

OFFICER GOODMAN WAS SEQUESTERED AND TRANSPORTED TO THE SAN LEANDRO POLICE DEPARTMENT BY OFFICER WOODS (SEE OFFICER WOODS' SUPPLEMENTAL REPORT FOR FURTHER).

THE SCENE WAS A PRESIDENTIAL AREA WITH A DEVELOPED PAVED ROADWAY AND SIDEWALK. BOTH SIDES OF THE STREET AREA LINED WITH SINGLE FAMILY TYPE HOMES. WOODLAND AVENUE RUNS NORTH AND SOUTH THAT DEAD ENDS IN A CUL-DE-SAC (WOODLAND PARK). OFFICER GOODMAN'S SLPD VEHICLE (#361) WAS PARKED FACING SOUTH ON WOODLAND AVENUE NEAR THE WEST CURVE LINE OF WOODLAND AVENUE. THERE WERE THREE SHELL CASING AND BROKEN GLASS IN THE MIDDLE OF THE INTERSECTION OF WOODLAND AVENUE AND WOODLAND PARK. YELLOW CRIME SCENE TAPE WAS PUT UP AROUND THE INTERSECTION OF WOODLAND AVENUE AND WOODLAND PARK. YELLOW CRIME SCENE TAPE WAS ALSO PUT JUST NORTH OF WOODLAND PARK TO CONTAIN THE CRIME SCENE.

I PLACED PLACARDS ON THE FOLLOWING PIECES OF EVIDENCE:

#1 SLPD PATROL VEHICLE #361
#2 SHELL CASING
#3 SHELL CASING
#4 SHELL CASING
#5 BROKEN GLASS ON STREET

I TOOK THE FOLLOWING PHOTOGRAPHS AS EVIDENCE:

1) CASE SHEET
2) OVERALL OF INTERSECTION ON WOODLAND AVENUE AND WOODLAND PARK
3) OVERALL OF INTERSECTION OF WOODLAND AVENUE AND WOODLAND PARK
4) CLOSE UP OF CITY SIGN OF WOODLAND PARK
5) OVERALL OF INTERSECTION OF WOODLAND AVENUE AND WOODLAND PARK
6) OVERALL OF LEFT SIDE OF SLPD VEHICLE #361
7) OVERALL OF REAR OF SLPD VEHICLE #361
8) OVERALL OF RIGHT SIDE OF SLPD VEHICLE #361
9) OVERALL OF FRONT RIGHT CORNER PANEL OF SLPD VEHICLE #361
10) CLOSE UP OF PUSH BAR OF SLPD VEHICLE #361
11) CLOSE UP OF PUSH BAR OF SLPD VEHICLE #361
12) CLOSE UP OF PUSH BAR OF SLPD VEHICLE #361
13) OVERALL OF FRONT OF SLPD VEHICLE #361
14) OVERALL OF HOOD OF SLPD VEHICLE #361
15) OVERALL OF DRIVER'S DOOR OF SLPD VEHICLE #361
16) OVERALL OF HOOD OF SLPD VEHICLE OF SLPD VEHICLE #361
17) OVERALL OF HOOD OF SLPD VEHICLE OF SLPD VEHICLE #361
18) OVERALL OF INTERSECTION OF WOODLAND AVENUE AND WOODLAND PARK
19) OVERALL OF PLACARD #2 AND SHELL CASING
20) CLOSE UP OF PLACARD #2 AND SHELL CASING
21) OVERALL OF PLACARD #3, #4, AND #5
22) OVERALL OF PLACARD #3 AND SHELL CASING
23) CLOSE UP OF PLACARD #3 AND SHELL CASING
24) OVERALL OF PLACARD #4 AND PLACARD #5
25) OVERALL OF PLACARD #4 AND SHELL CASING
26) CLOSE UP OF PLACARD #4 AND SHELL CASING
27) OVERALL OF PLACARD #5 AND GLASS ON STREET
28) OVERALL OF PLACARD #5 AND GLASS ON STREET
29) OVERALL OF PLACARD #5 AND GLASS ON STREET
I conducted another quick canvas of the area for any other evidence. Just east of the other placards I located a piece of metal that had black paint on it. I marked the object with placard #6 and took the following photographs as evidence:

30) Overall of placard #6
31) Overall of placard #6 and piece of metal
32) Close up of placard #6 and piece of metal

Officer Blankship and Officer Vincent conducted a neighborhood canvas for any witnesses or security camera systems (see Officer Vincent's and Officer Blankship's supplemental report for further).

At 0515 hours, Officer Mally provided a description of the suspect that was driving the 2000 Chevrolet. The suspect description was a Hispanic male adult wearing a baseball hat.

I was then contacted by Sergeant Leja to began a crime scene log.

At 0633 hours, Officer Nelson arrived at the scene and I advised him regarding my technician duties that I had preformed. I did not collect any of the evidence that I had marked with placards or photographed.

I maintained the crime scene log until I was relieved by Officer Sellers at 0720 hours (see Officer Seller's supplemental for further).

I then responded to the San Leandro Police Department to complete my report and download all of the photographs.

All photographs were taken using a Canon 18-55mm digital SLR camera. All photographs were later downloaded onto a CD and submitted into SLPD Property as evidence.

See the Criminal Investigation Division's report for further.
SUPPLEMENTAL REPORT:

ON 05OCT14, I WAS WORKING SLPD PATROL UNIT 2L21. I WAS DRESSED IN FULL POLICE, WOOL UNIFORM, AND WAS IN POSSESSION OF MY DEPARTMENTAL ISSUED EQUIPMENT. I WAS OPERATING FULLY MARKED POLICE VEHICLE #386.

AT APPROXIMATELY 0427 HOURS, I WAS DISPATCHED TO COVER OFFICER N. GOODMAN (1L22) WHO WAS IN PURSUIT OF A WANTED VEHICLE. WHILE ENROUTE TO COVER OFFICER GOODMAN, I WAS ADVISED THAT THE SUSPECT VEHICLE WAS LAST SEEN EASTBOUND OAKES BOULEVARD TOWARD BANCROFT AVENUE.

I WAS DRIVING MY PATROL VEHICLE EASTBOUND ESTUDILLO AVENUE WHEN I OBSERVED THE SUSPECT VEHICLE TRAVELING SOUTHBOUND BANCROFT AVENUE AT A HIGH RATE OF SPEED. I ATTEMPTED TO MANEUVER BEHIND THE VEHICLE WITH MY OVERHEAD, EMERGENCY LIGHTS/SIREN ACTIVATED; HOWEVER, DUE TO THE SPEED OF THE SUSPECT VEHICLE, ESTIMATED AT OVER 100MPH, I WAS UNABLE TO CATCH THE FLEEING VEHICLE. I LOST SIGHT OF THE VEHICLE AS IT CONTINUED SOUTHBOUND ON BANCROFT PAST DOLORES AND SYBIL AVENUES. I SHUT MY EMERGENCY LIGHTS/SIREN OFF AND CAVASSED THE AREA.

DURING MY CANVASS, I MADE CONTACT WITH A MOTORIST IN THE 2100 BLOCK OF BANCROFT AVENUE. THE MOTORIST STATED THAT THE FLEEING SUSPECT VEHICLE CONTINUED SOUTHBOUND PAST TOYON PARK. I CONTINUED MY CANVASS TO HESPERIAN BOULEVARD WITH NEGATIVE RESULTS.

I RETURNED TO OFFICER GOODMAN'S POSITION AT WOODLAND AVENUE AND WOODLAND PARK. I THEN LEARNED THAT DURING THE PURSUIT, OFFICER GOODMAN INTENTIONALLY DEPLOYED HIS FIREARM AND ENGAGED THE SUSPECT. I OBSERVED THREE SPENT SHELL CASINGS IN THE ROADWAY NEAR A PILE OF FRESHLY SHATTERED BROKEN GLASS. BASED ON THE UPDATED DETAILS, I CONDUCTED A CANVASS OF THE AREA WITH THE FOLLOWING RESULTS:

WOODLAND PARK - NO ANSWER. NO DAMAGE OR FIRED SLUGS LOCATED AT THIS PROPERTY.

WOODLAND PARK - CONTACTED _________________ WHO HEARD SIRENS AND THREE GUNSHOTS; NOTHING SEEN. NO DAMAGE OR FIRED SLUGS LOCATED AT THIS PROPERTY.

WOODLAND PARK - NO ANSWER. NO DAMAGE OR FIRED SLUGS LOCATED AT THIS PROPERTY.

WOODLAND PARK - CONTACTED _________________ WHO HEARD SIRENS/PURSUIT FOLLOWED BY THREE TO FIVE GUNSHOTS; NOTHING SEEN. NO DAMAGE OR FIRED SLUGS LOCATED AT THIS PROPERTY.

THE FOLLOWING PARKED VEHICLE WERE OBSERVED AND INSPECTED FOR DAMAGE WITH NEGATIVE RESULTS:

WOODLAND PARK.
WOODLAND PARK.
WOODLAND PARK.
WOODLAND PARK.

FOLLOWING MY CANVASS AT THE SCENE, I RESPONDED BACK TO THE AREA WHERE THE SUSPECT WAS LAST SEEN. THERE I CONDUCTED A CANVASS OF THE BELOW LISTED NEIGHBORHOOD STREETS FOR THE SUSPECT/SUSPECT VEHICLE WITH NEGATIVE RESULTS.

AREA CANVASSED:

BANCROFT AVENUE FROM SYBIL TO HESPERIAN, WEST SIDE OF THE STREET.
148TH AVENUE FROM BANCROFT TO E. 14TH STREET.
WYMAN AVENUE FROM 146TH TO 148TH AVENUES.
141ST AND 142ND AVENUES FROM BANCROFT TO E. 14TH STREET.
136TH AND 138TH AVENUES FROM BANCROFT TO E. 14TH STREET.
BLOSSOM WAY, MCKINLEY CT, AND WARREN AVE FROM BANCROFT TO E. 14TH STREET.

I WAS CLEARED FROM THE SCENE WITHOUT FURTHER ASSIGNMENT.

END OF REPORT.
DETAILS:

ON 10/05/14, ABOUT 0519 HOURS, I WAS DISPATCHED TO THE AREA OF BANCROFT AVENUE AND HALSEY AVENUE REGARDING A SEARCH FOR A 245PC SUSPECT VEHICLE, A DARK COLORED, 2000, CHEVROLET MALIBU. DISPATCH INFORMED SLPD UNITS THAT THE SUSPECT VEHICLE WAS LAST SEEN SOUTHBOUND ON BANCROFT AVENUE AND DOLORES AVENUE. I CONDUCTED AN AREA CHECK FOR THE SUSPECT VEHICLE IN THE AREA OF BANCROFT AVENUE AND HALSEY AVENUE WITH NEGATIVE RESULTS.

NOTHING FURTHER.
ON 10/5/14, APPROXIMATELY 0430 HOURS, I RESPONDED TO THE AREA OF WOODLAND PARK TO ASSIST WITH THE INVESTIGATION OF AN ASSAULT ON A POLICE OFFICER WITH A DEADLY WEAPON. I WAS DETAILED TO ASSIST WITH A CANVASS OF RESIDENCES IN THE AREA.

I ATTEMPTED CONTACT AT [REDACTED] WOODLAND PARK WITH NO ANSWER AS WELL AS [REDACTED] WOODLAND PARK WITH NO ANSWER. I WAS THEN DETAILED TO ASSIST WITH AN AREA SEARCH FOR THE SUSPECT VEHICLE NEAR THE AREA OF IT'S LAST SIGHTING NEAR BANCROFT AVENUE AND 142ND AVENUE. I CONDUCTED MY AREA CHECK ON THE SIDE STREETS BETWEEN THE AREA OF WAKE AND LARK SOUTH FROM 142ND AVENUE TO 150TH AVENUE WITH NEGATIVE RESULTS.

NO FURTHER DETAILS
ON 05 OCT 2014 AT ABOUT 00720HRS I ARRIVED AT THE 900 BLK OF WOODLAND TO RELIEVE OFFICER T CHINN OF CRIME SCENE LOG DUTIES. THE LOG IS AS FOLLOWS:

T CHINN DOCUMENTED THE FOLLOWING:

LT BRANDT 0600HRS ENTERED THE SCENE

CAPT LEMMON 0613HRS ENTERED THE SCENE AND EXITED AT 0640HRS

LT MCMANNUS ENTERED THE SCENE AT 0617HRS AND EXITED AT 0640HRS

SGT T HENDERSON ENTERED THE SCENE AT 0633HRS

OFC S NELSON ENTERED THE SCENE AT 0633HRS.

I ARRIVED AT 0720HRS AND ASSUMED CRIME SCENE SECURITY AND LOG RESPONSIBILITY. I EXITED THE SCENE AT 0852HRS AND WAS RELIEVED BY OFC C WATSON. I AGAIN RELIEVED OFC WATSON AT 1030HRS.

DET M BENZ ARRIVED ON SCENE AT 0805HRS AND EXITED AT 1045HRS.

OFC ROSEN Lind ARRIVED AT 0830HRS AND EXITED AT 0831HRS.

THE EVIDENCE RESPONSE TEAM ARRIVED AT 0859HRS AND CONCLUDED AT 1140HRS. THE TEAM CONSISTED OF THE FOLLOWING MEMBERS, OFC D TRUJILLO, OFC S NELSON, OFC T RODGERS, OFC I ORDINARIO.

DET KHAN ARRIVED ON SCENE AT 1002HRS AND EXITED THE SCENE AT 1045HRS.
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**DESCRIPTION**

**ONE (1) SPENT SHELL CASING, WIN 40 S&W**

**ONE (1) SPENT SHELL CASING, WIN 40 S&W**

**ONE (1) SPENT SHELL CASING, WIN 40 S&W**

**GLASS SHARD FOUND IN ROADWAY**

**GLASS MIRROR SHARDS FOUND IN ROADWAY**

**GLASS SHARDS FOUND IN ROADWAY**

**BLACK SUSPECTED FIBERGLASS/VEHICLE DEBRIS**

**SCREW IN ROADWAY**

**BLACK PLASTIC, SUSPECTED PIECE OF SUSPECT VEHICLE MIRROR**

**THREE (3) PIECES OF BROKEN PLASTIC FOUND IN ROADWAY**

**PIECE OF SUSPECTED VEHICLE MIRROR FOUND IN ROADWAY**

**BLACK PIECE OF PLASTIC FOUND IN ROADWAY**

**BLACK SUSPECTED PIECE OF PLASTIC FOUND IN ROADWAY**

**SUSPECTED EXPENDED BULLET/ROUND FOUND IN ROADWAY**

**BLACK PIECE OF PLASTIC**

**BLACK PIECES OF SUSPECTED FOAM**

**SMALL PAPER CUP W/UNK RED SUBSTANCE AND PLASTIC FORK**

**ERT NOTES**

**TWELVE (12) LIVE Rounds Of .40 FROM OFFICER GOODMAN'S GLOCK 22**

**MEDIA- AUDIO, VIDEO**

**ERT VIDEO**
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<td>ORDINARIO, IAN,</td>
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NWS TECHNICIAN NARRATIVE #233 06/2008
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**NWS Technician Subjects 2233 06/2008**
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### SUPPLEMENTAL - FIREARMS

1. **EVIDENCE**: GLOCK 22 .40 HANDGUN
   - **MAKE**: GLOCK
   - **FINISH**: BLACK STEEL
   - **SERIAL NUMBER**: KNU920
   - **CALIBER**: .40 CALIBER
   - **OWNER APPLIED NUMBER**: SPECIAL HANDLING

### SUPPLEMENTAL - VEHICLES

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On Sunday (100514), at 0427 hours, I was the patrol sergeant for the midnight shift.

At this time I was in the patrol sergeant's office performing some administrative duties when I heard over the radio advise he was in pursuit and provided the suspect vehicle license plate [redacted]. During this first radio transmission I couldn't hear an audible police siren in the background, but I could hear the revving of the patrol vehicle engine. Officer Goodman provided a second radio transmission and advised he was pursuing a reckless driver and he was traveling northbound E 14th Street from 136th Avenue. During the second radio transmission I could hear an audible police siren sounding in the background.

I immediately went to my patrol vehicle and monitored the radio as Officer Goodman advised the pursuit speed was 60 MPH and they were passing Warren Avenue. By this time I was leaving the secure police parking lot area and I heard Officer Goodman advise the speed of the pursuit was approaching 75 MPH as they were approaching Davis Street. Officer Goodman then updated the speed reduced to 55 MPH and the suspect vehicle was turning onto east bound Haas Avenue.

I immediately drove onto E 14th Street and could see Officer Mally's patrol vehicle make an east bound turn onto Haas Avenue. At the time I suspected the suspect vehicle was going to proceed north bound Bancroft Avenue once it reached that street so I began to drive north bound E 14th Street to Dutton Avenue in order to parallel the vehicle. I heard either Officer Goodman or Officer Mally advise the suspect vehicle was at the dead end of Woodland Avenue so I immediately made a u-turn and drove back to Haas Avenue.

As I was driving northbound Haas Avenue I heard Officer Mally advise the suspect vehicle was now traveling northbound Woodland Avenue. I could see a police patrol vehicle drive northbound Woodland Avenue with full emergency lights and sirens activated.

When I reached Woodland Avenue I heard either Officer Mally or Officer Goodman advise the suspect vehicle turned east bound on a side street which is the direction of Bancroft Avenue. I quickly drove towards Bancroft Avenue and made a south bound turn. I couldn't see the suspect vehicle as I drove. It was about this time that Officer Blankenship advised he last saw the suspect vehicle from a distance traveling south bound Bancroft Avenue at a speed of approximately 100 MPH. Officer Blankenship further advised he lost sight of the suspect vehicle in the area of Bancroft Avenue and Dolores Street. Myself and several other patrol units were in the area checking for the suspect vehicle.

Officer Mally and Officer Goodman were able to provide a description of the suspect vehicle, a dark colored (possibly dark green) Chevy Monte Carlo; and an updated description of the suspect, a HMA, 20's who was last seen wearing a baseball cap and a white t-shirt.

As I was checking the area of Sybil Avenue to Grand Avenue for a couple of minutes I heard Officer Goodman ask me to meet him at the dead end of Woodland Avenue.

I drove to the south end of Woodland Avenue and Woodland Park. I could see a four patrol cars at the location and at the time didn't know why the officers were there. After I parked my patrol car I met with Officer Goodman. Officer Goodman appeared to be very stressed and told me that he shot at the suspect vehicle. I was very shocked at this development since it was never broadcast over the radio. Officer Goodman immediately stated he tried to put out that he shot at the suspect vehicle, but his radio transmission didn't go through.

I looked over towards the intersection and could see some make shift evidence placards on the roadway along with some shattered glass debris. I asked Officer Goodman what happened. Officer Goodman explained that once he pursued the suspect vehicle to this location front his patrol vehicle came to face the front of the
suspect vehicle. Officer Goodman stated the suspect vehicle was stopped so he stopped his patrol vehicle and quickly stood in the open "V" of his door, while drawing his handgun in order to begin a felony car stop. Officer Goodman said at this time the suspect vehicle quickly accelerated towards him and collided into his patrol vehicle as he was standing in the road. Officer Goodman said he feared for his life and to stop the threat he fired three rounds from his handgun into the suspect vehicle. I asked officer Goodman if he remembered where each round went. Officer Goodman said he was pretty sure all three bullets impacted into the suspect vehicle which caused the front passenger window to shatter.

With Officer Goodman's explanation of how the shooting occurred I told him to stay near a patrol vehicle and wait until I could get an officer to escort him to the police department.

I then advised SLPD Dispatch the suspect vehicle in question was now wanted on an assault with a deadly weapon on a police officer and the vehicle had a shattered right front passenger door window from being shot out by an officer. I then asked SLPD Dispatch to send the shift evidence tech, Officer Chinn, and another officer, Officer Woods.

Upon Officer Woods arriving on scene I advised her to transport Officer Goodman to the police department so he could be interviewed by a detective from CID.

Officer Chinn arrived on scene as I was directing Officer Mally, Officer Blankinship and Officer Vincent to canvass the area for any possible bullet impact locations and or witnesses. I described the evidence at the crime scene so officer Chinn so he could begin his initial crime scene processing.

As I was coordinating the crime scene investigation I had SLPD Dispatch contact the Watch Commander, Lt. Brandt, so he could call me. A short time later Lt. Brandt called me on my cell phone. I briefed Lt. Brandt on the details of the investigation thus far. Lt. Brandt asked me to call Det. Sgt. Henderson, while he made phone calls to the CID Commander, Lt. McManus, and Capt. Lemmon.

I had SLPD Dispatch call Det. Sgt. Henderson in order to call me at the scene, while I coordinated the investigation at the crime scene. A short time later Det. Sgt. Henderson called me on my cell phone. I briefed Det. Sgt. Henderson on the details of the investigation thus far. Det. Sgt. Henderson advised that he would responding to the scene along with some other investigators. Det. Sgt. Henderson requested I have SLPD Dispatch enter the suspect vehicle into SVS as a wanted vehicle.

After officer Chinn took photographs of the crime scene he assumed a positron at the north end of the crime scene for crime scene security.

Lt. Brandt, Captain Lemmon, Lt. McManus and Det. Sgt. Henderson began to arrive at the crime scene. I briefed each one of them as to the known facts of the investigation thus far and walked them through the area of the crime scene. Everyone except Det. Sgt. Henderson and Det. Nelson left the scene after they were briefed. Det. Sgt. Henderson advised that I was no longer needed at the crime scene and could leave.

Approximately 0630 hours I left the crime scene and returned to SLPD.

No further details.
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RJ5CA TO C12P 05OCT2014 17:51:26

NO HIT IN CAFIS. BOOK ON NEW PFN [redacted] BY C0997
C.UA

SVS ENTRY

FELONY VEHICLE

Lic. [REDACTED] LIS/CA LIY/2015 LIT/PC

2000 CHEV MOC 2D BLK VIN. [REDACTED]

Ori/CA0011200 OCA/14-46732 FCN/1161427800947

Dot/20141005

MIS/INVOLVED IN A 245 W/ A VEH ON AN OFFICER SUSP HMA BBHAT WHI SHRT TC

DAMAGE TO THE RIGHT FRONT PASSENGER WINDOW SHATTERED AND POSS BULLET

Holes 1087/1097

Noa/N

Ent/On Calif File Only

*** Entry Message Sent to NCIC ***
DATE: 10/05/14 TIME: 04:29
INSURANCE INFORMATION UNKNOWN
POSSIBLE FILE CODES: A (UNKNOWN)
REG VALID FROM: 01/12/14 TO 01/12/15
LCID: 11 OCID: 05/24/14 RCID: 05/14/14 LOCID: 3
R/0 "..." C.C.: 24
RCID: 05/14/14 OCID: 05/24/14 LOCID: 3
TYPE: 11 POWR: G VEH: 12 BODY: 0 CLAS: AC "-"-YR: 14
REC STATUS:
05/16/14 SMOG DUE 01/12/16
03/16/06 SALVAGED
05/14/14 PREV LIC
CLEARANCE INFORMATION RECORDS:
OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC
644 04/30/07 A1 6021 00000.00 05/02/07 F00
142 11/14/07 22 0273 00054.00 00/00/00 PCT
142 11/24/08 07 6793 00069.00 00/00/00 PCT
140 11/05/09 02 9415 00070.00 00/00/00 PCT
581 08/31/10 JL 0054 00079.00 00/00/00 F00
1N2 02/15/11 40 7387 00014.00 02/15/11 FR3
V91 02/24/11 BL 0008 00135.00 02/25/11 H00
536 05/14/14 06 0005 00710.00 00/00/00 F00
536 05/07/14 31 0015 00690.00 PRIOR SUSPENSE
04/27/2007-ODOMETER: 67,661 MILES ACTUAL MILEAGE
SAN LEANDRO PD
POLICE DEPARTMENT
CERTIFICATE of RELEASE

As required by the provisions of the Penal Code Section 856.1 (as amended by stats. 1970, ch. 1603), I hereby certify that the taking into custody of

[Redacted]

by the City of SAN LEANDRO PD was a detention only, not an arrest.

[Redacted]  

was released on _ _ _ _ _ _ _ _ by the City of SAN LEANDRO PD

Department pursuant to the provisions of: paragraph (1) of subdivision (b) of Penal Code Section 849 / paragraph (3) of subdivision (b) of Penal Code Section 849, pertinent portions of which appear on the bottom of this certificate.

Signed

Title: arresting officer

Releasing officer/CSO

Supervising officer

Penal Code Section 849 provides in part:

(a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

(3) The person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

(c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

(Stats. 1971, Chapter 438)
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Note: The document contains sensitive information and has been redacted accordingly.
TO MEET THE NCIC CRITERIA FOR ENTRY AS A FELONY VEHICLE, THIS VEHICLE MUST HAVE BEEN USED DURING THE COMMISSION OF A FELONY CRIME. YOU MUST STATE THE TITLE OF THE CRIME IN PLAIN ENGLISH IN THE MIS FIELD. CALIFORNIA PC/VC CODES MAY BE UNKNOWN TO OUT-OF-STATE AGENCIES. PLEASE MAKE ANY NECESSARY CORRECTIONS.

REFER TO THE CJIS MANUAL PAGE 1-27 FOR FELONY VEHICLE ENTRY REQUIREMENTS.

THANK YOU.

REFER: MICHELLE

PHONE: (916) 227-3686

DOJ STOLEN VEHICLE UNIT MNE/ATU0
INQUIRY MATCH ON FCN/1161427800947

FE RONY VEHICLE
LIC/______ LIS/CA L/205 LIT/PC
2000 CHEV MOC 2D BLK VIN/_________
ORI/CA0011200 OCA/14-46732 FCN/1161427800947
DOT/20141005
NIC/V587068817

MIS/VEH INVOLVED IN ASSAULT WITH DEADLY WEAPON ON OFFICER SUSP HMA
BBHAT WHI SHRT DAMAGE TO RIGHT FRONT PASS WINDOW SHATTERED AND POSS
BULLET HOLES
NCA/N

ENT/ON CALIF AND NCIC FILES
IMMEDIATELY CONFIRM WITH ORI/CA0011200 SAN LEANDRO PD MNE/SLDO

TELEPHONE 510 577-2740
ON SUNDAY 100514 AT ABOUT 0427 HRS., I WAS EMPLOYED BY THE CITY OF SAN LEANDRO AS A POLICE OFFICER. I WAS ASSIGNED TO THE PATROL DIVISION AS PATROL UNIT 1K35. I WAS WEARING A FULL POLICE CLASS 'C' UTILITY UNIFORM AND WAS DRIVING A FULLY MARKED BLACK AND WHITE SAN LEANDRO POLICE PATROL CAR (VEHICLE 362). THIS VEHICLE IS EQUIPPED WITH AN OVERHEAD EMERGENCY LIGHTBAR WHICH CONTAINS A SOLID FORWARD FACING RED LIGHT WHICH IS VISIBLE FOR AT LEAST 1000 FEET, A SOLID FORWARD FACING BLUE LIGHT, AND RED AND BLUE FLASHING STROBE LIGHTS. THIS VEHICLE IS ALSO EQUIPPED WITH A SIREN.

AT THIS TIME, OFC. GOODMAN ADVISED VIA POLICE RADIO HE WAS ATTEMPTING TO STOP A RECKLESS DRIVER NORTHBOUND ON EAST 14TH STREET NEAR 136TH AVENUE. WHEN HE BROADCAST THIS RADIO TRAFFIC, I WAS ON ALVARADO STREET NORTH OF DAVIS STREET, WHICH WAS NORTH OF OFC. GOODMAN'S LOCATION, AND I STARTED DRIVING TOWARDS EAST 14TH STREET. OFC. GOODMAN ADVISED THEY WERE CONTINUING NORTHBOUND ON EAST 14TH STREET APPROACHING DAVIS STREET AT ABOUT 75 MPH AND DURING HIS RADIO TRANSMISSION, I COULD HEAR HIS SIREN IN THE BACKGROUND.

AS I WAS DRIVING EAST ON DAVIS STREET PASSING SAN LEANDRO BOULEVARD, I SAW A VEHICLE TRAVELING NORTHBOUND ON EAST 14TH STREET PASSING DAVIS STREET AT A HIGH RATE OF SPEED. SHORTLY AFTER THAT, I SAW OFC. GOODMAN'S FULLY MARKED BLACK AND WHITE SLPD PATROL CAR DRIVING NORTHBOUND ON EAST 14TH STREET PASSING DAVIS STREET. THE CODE 3 EMERGENCY LIGHTS AND SIREN WERE ALL ACTIVATED ON OFC. GOODMAN'S PATROL CAR AS HE PURSUED THE SUSPECT VEHICLE.

AS I APPROACHED EAST 14TH STREET, OFC. GOODMAN ADVISED THEY WERE TURNING EASTBOUND ONTO HAAS AVENUE. I MADE A LEFT (NORTHBOUND) TURN ONTO EAST 14TH STREET AND AS I BEGAN TO TRAVEL NORTH, I SAW OFC. GOODMAN'S VEHICLE MAKE THE EASTBOUND TURN ONTO HAAS. I TURNED EASTBOUND ONTO HAAS AND OFC. GOODMAN ADVISED THEY WERE PASSING KAROL WAY AT ABOUT 50 MPH. I CONTINUED EAST ON HAAS AND AS I REACHED KAROL WAY, OFC. GOODMAN ADVISED THEY TURNED INTO THE DEAD END (SOUTHBOUND) OF WOODLAND AVENUE.

I MADE THE SOUTHBOUND TURN INTO WOODLAND AVENUE AND SAW OFC. GOODMAN'S PATROL CAR PARKED FACING A SOUTHERN DIRECTION ON WOODLAND AVENUE AT WOODLAND PARK. THE EMERGENCY LIGHTS ON HIS VEHICLE WERE STILL ACTIVATED. I PULLED UP APPROX. 10-15 FEET BEHIND OFC. GOODMAN'S VEHICLE AND I DID NOT SEE THE SUSPECT VEHICLE AS I PULLED UP. I DID NOT IMMEDIATELY SEE OFC. GOODMAN AS I PARKED MY CAR.


AFTER THE SUSPECT VEHICLE PASSED ME, I GOT BACK IN MY CAR AND ACTIVATED MY CAR'S EMERGENCY LIGHTS AND SIREN. I BEGAN TO TURN MY CAR AROUND AND WATCHED THE SUSPECT VEHICLE AS IT FLEED NORTH ON WOODLAND AVENUE. OFC. GOODMAN WAS BACK IN HIS PATROL CAR AND HE DROVE AFTER THE SUSPECT VEHICLE. I LOST SIGHT OF THE SUSPECT VEHICLE AS IT MADE A RIGHT (EASTBOUND) TURN ONTO OAKES BOULEVARD TOWARDS BANCROFT AVENUE. I BROADCAST THIS UPDATE OVER SLPD POLICE RADIO.

AFTER I TURNED MY CAR AROUND, I TURNED RIGHT ONTO HAAS TOWARDS BANCROFT HOPEING TO CATCH BACK UP TO THE SUSPECT VEHICLE. WHEN I REACHED BANCROFT, I DID NOT SEE THE SUSPECT VEHICLE. OFC. BLANKINSHIP ADVISED THE SUSPECT VEHICLE WAS SOUTHBOUND ON BANCROFT PASSING ESTUDILLO AVENUE, BUT THEN HE LOST SIGHT OF THE VEHICLE AS IT APPROACHED DOLORES AVENUE.

SEVERAL SLPD PATROL UNITS RESPONDED TO THE AREA TO LOOK FOR THE SUSPECT VEHICLE, BUT WE WERE UNABLE TO LOCATE IT.
I drove back to Woodland Avenue at Woodland Park and Ofc. Goodman was already there. I heard Ofc. Goodman tell Sgt. Leja that he fired his weapon at the suspect vehicle while they were on Woodland. I began looking for evidence and located three shell casings on the ground at the intersection of Woodland Avenue and Woodland Park. I also saw broken glass on the ground in the intersection.

Ofc. Chinn responded and marked the evidence with numbers evidence markers. Refer to his tech report for further details.

I stayed on scene until detectives arrived and I drove to SLPD.

This concludes my involvement with this incident.

No further details.
STATEMENT / CITIZEN ARREST

CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.

MIRANDA WARNING:

I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.

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

Date/Time:

Witness Officer: ____________________________  I have been advised of my rights and understand what they are.

________________________

NAME: [Redacted]

ADDRESS: Woodland Place, San Leandro, CA

EMPLOYER NAME/ADDRESS

LICENSE NO.  [Redacted]

STATE  [Redacted]

YEAR  [Redacted]

MAKE  [Redacted]

MODEL  [Redacted]

STYLE  [Redacted]

COLOR  [Redacted]

DESCRIPTION

1. On 10/05/2014 around 4:30 pm I was at the
2. Store of a store. The store was loud and busy
3. While closer, a few seconds later I heard 4 gun
4. Shots. The first three were loud and the fourth
5. Was a second later. Then I heard the sound
6. Leave. It sounded like more than one shot
7. Leaving the area. I did not hear any voices

9. This statement is true and correct.

________________________

REPORTING OFFICER  BENDZ

SERIAL NUMBER  805

DATE/TIME WRITTEN  10/05/2014  7:00 PM

STATEMENT/CITIZEN ARREST 06/03/10 10:33
1. On 10/05/2014, someone asked me to come up to-check out some

2. We police officers in the area. They said someone

3. I went closer. I heard them screaming, but I didn't

4. A man of me while I was trying to

5. Shots. It was a loud sound. I looked out the back

6. window (front window) and did not see anything. I

7. looked out the front door and did not see anyone.

8. I did not hear a person entering or any voices. My

9. windows in my room were open at the time of the

10. incident.

11.

12. This statement is true and correct. (X)

13.

14.

15.

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21.

22.

23.

24.

REPORTING OFFICER

DATE/TIME WRITTEN

STATEMENT/CITIZEN ARREST 08/2010 (233)
CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.

MIRANDA ADMONITION: I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.

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

Witness Officer: ___________________________________________________________________________

I have been advised of my rights and understand what they are.

Date/Time: _____________________________________________________________________________

1. ON 10/25/2018 I WENT UP TO THE SOUND OF SIRENS.
2. I HEARD THE SIREN THROUGH MY SWEET AND TRM
3. I HEARD 35 EXPLS IIN A FIRST ORDER. THE
4. FIRST SIREN WAS A SOUND LIKE "BLEEP, BLEEP, BLEEP." THE
5. OTHER SIREN WAS MORE CONSISTENT, I THOUGHT.
6. BREATH WENT UP ON THE ORCH ID.
7. STAIRS WENT SLOWLY DOWN THE ORCH INTO.
8. SIRENS STOPPED LIVING TO THE ORCH. MY
9. BEDROOM WINDOW WERE THE OPEN AT THIS TIME. I LISTEN
10. MY SISTERS MADE THE SIRENS REPEATA THE POLICE.
11. I DID NOT USE MY PHONE UNTIL MUCH LATER, UTILITY
12. EVERYTHING TROUBLED SIGHT.

This statement is true and __________________________________________________________________

Reporting Officer: _______________________________________________________________________

Serial Number: _______ Date/Time Written: 10/25/2018 10:17 Hrs.
**SAN LEANDRO POLICE DEPARTMENT**  
**POLICE REPORT**  
901 E. 14TH STREET  
SAN LEANDRO, CA 94577  
(510) 577-3217 RECORDS  

**STATEMENT / CITIZEN ARREST**  

**CASE NO.**  
2014 - 46732  
**PRIMARY OFFENSE / OCCURRED INCIDENT**  
245(C) PC  

**DEFENDANTS NAME**  

**DOB**  

**RACE / SEX**  

**ARREST CHARGE**  

---

**CITIZEN ARREST:** I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.  

**MIRANDA ADMONITION:** I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.  

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

Date/Time:  

---

**Witness Officer:**  

**I have been advised of my rights and understand what they are.**  

---

**EMPLOYER NAME / ADDRESS**  

**LICENSE NO.**  

**STATE / YEAR / MAKE / MODEL / STYLE / COLOR / DESCRIPTION**  

---

1. On 10/05/2014 I woke up to the sounds of scanner.  
2. Shortly after, I heard 3 gunshots. I then heard more alarms.  
3. More officers arriving. I noticed the units of the police cars were up to my window which I saw from my window. I did not look out of the window.  
4. Until just before 6:00 AM. I then saw 6 police cars in various position. I did not hear a vehicle leaves or enters. The sounds of other loud cars were heard.  

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11. This statement is true and correct.  

---

**REPORTING OFFICER**  

**SERIAL NUMBER**  

**DATE / TIME WRITTEN**  

---

STATEMENT / CITIZEN ARREST 163010.0233
STATEMENT / CITIZEN ARREST

CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request
a Peace Officer take him/her into custody. I will appear when notified to
sign a complaint against the person I have arrested.

MIRANDA
ADMONITION: I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law;
(3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer;
will be appointed to represent you, free of charge, before any questioning, if you wish one.

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

Witness Officer: X
I have been advised of my rights and understand what they are. X

1. On 10/05/2014 I went to bed after 11:00 pm. I'm not
2. Sure what time it was, but I woke up to the sound
3. Of five "pops". The "pops" I heard were possible gunshots.
4. There was nothing else I could think they were. I then
5. Heard the sound of vehicle actions. I heard the sound
6. And the engine of a vehicle drive away in the distance.
7. My bedroom was in the center of my house and I did
8. Not look at the window. I thought the sounds were
9. From another nearby street, not so far from my house.
10. I did not hear anything else and went back to sleep.

12. This statement is true and complete.

REPORTING OFFICER: GEBER

DATE/TIME WRITTEN: 10/05/2014 08:20 AM

STATEMENT/CITIZEN ARREST 06-2010 #223
STATEMENT / CITIZEN ARREST

CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.

MIRANDA ADMONITION: I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.

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

Witness Officer:

I have been advised of my rights and understand what they are.

Date/Time: ________________________

Woodland Pkwy, San Leandro, CA ________________________

STATEMENT:

1. This morning (10/31/11) I woke up to the sounds of drums and yells from the front of my house.
2. I live about 1 km. SW from the front of my house. I also have stairs. The curtains were not down too long.
3. I did not look out the window until later in the morning. I do not know any vehicles leave this area.

4. ________________________

5. ________________________

6. ________________________

7. ________________________

8. ________________________

9. ________________________

10. ________________________

11. ________________________

12. ________________________

13. ________________________

14. ________________________

15. ________________________

16. ________________________

17. ________________________

18. ________________________

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20. ________________________

21. ________________________

22. ________________________

23. ________________________

24. ________________________
Section 6
I am currently assigned as a Persons Crimes Detective in the Criminal Investigations Division of the San Leandro Police Department.

On 10/5/14 at 0520 hours, I received a phone call from Sgt Henderson concerning an officer involved shooting (OIS hereafter). I responded to SLPD and met with Sgt Henderson who subsequently briefed me as to the following (in summary): On 10/5/2014 at 0427 hours, San Leandro Police Officer Goodman was in full police uniform and driving a fully marked SLPD patrol vehicle. He was driving south on E. 14th St when he observed a vehicle driving north on E. 14th St, near the intersection at San Leandro Bl. The vehicle was a dark green/blue Chevrolet Monte Carlo. He conducted a u-turn and drove north on E. 14th St, positioning his vehicle directly behind the Monte Carlo. He observed the vehicle’s license plate, CA# [redacted] and provided it to SLPD dispatch. While driving behind the vehicle, Ofc Goodman observed the vehicle engage in reckless and evasive driving. Ofc Goodman activated his vehicle’s emergency equipment to affect a traffic stop of the Monte Carlo. The Monte Carlo failed to yield to Ofc Goodman and a vehicle pursuit was initiated. Ofc Goodman pursued the Monte Carlo north on E. 14th St, ultimately driving to intersection of Woodland Ave at Woodland Park.

The area of Woodland Ave is a north/south street that intersects with Woodland Park. Woodland Park is a small east/west street with no avenues of egress. Once you enter Woodland Park from Woodland Ave, the only available path of regress is to drive back onto Woodland Ave.

Ofc Goodman pursued the Monte Carlo as it drove south on Woodland Ave, entering the area of Woodland Park. The Monte Carlo quickly made a u-turn after entering Woodland Park, facing Ofc Goodman’s vehicle, and came to a stop. Ofc Goodman parked his vehicle, exited and aimed his departmentally issued Glock pistol at the Monte Carlo to conduct a felony car stop.

The Monte Carlo drove towards Ofc Goodman at a high rate of speed. Fearing for his life, Ofc Goodman fired his Glock at the Monte Carlo, striking it 2-3 times, and shooting out a passenger side window. The front of the suspect vehicle collided with the front end and driver’s side of Ofc Goodman’s vehicle. It collided with the open driver’s side door of the vehicle, hitting Ofc Goodman and forcing him into the vehicle. The vehicle fled from the area at a high rate of speed, again pursued by
SAN LEANDRO POLICE DEPARTMENT
Criminal Investigation Division – Crimes Against Persons Unit

INVESTIGATION FOLLOW-UP

Case # 2014-46732

Ofc Goodman. The vehicle and its driver were not located. Ofc Goodman described the driver of the vehicle as a Hispanic male.

I conducted records checks of the listed suspect vehicle's license plate and found its' registered owner was listed as being associated with an addressed of [redacted]. I located his CDL, which revealed another associated address of [redacted], CA as of 2012. I contacted the San Mateo Sheriff's Office and the Merced County Sheriff's office concerning both addresses.

As Lopez was listed as the registered owner of the vehicle and matched the description provided by Ofc Goodman (HMA) for the involved suspect, I created a photo line-up using his DMV photo. Sgt Henderson and Sgt Benabou later showed the line-up to Ofc Goodman, but he was unable to identify Lopez as the driver of the vehicle.

As Lopez was listed as the registered owner of the vehicle, we conducted further records checks in order to locate him and speak with him about this incident and the involvement of the Monte Carlo.

I spoke with Dep Mark Taylor of the Merced County Sheriff's Office and he advised he was known to him recently moved out of the residence located at [redacted]. He provided me with an associated phone number [redacted]. Records checks showed this was a Sprint cell phone.

I contacted Det Alfredo Gudino of the San Mateo Sheriff's Office Gang Intelligence Unit and he advised [redacted] was known to reside at [redacted]. He stated this residence belongs to [redacted] another, but has been seen there within the last 10 days.

On 10/5/14 at 1100 hours, I contacted Sprint Corporate Security and requested an exigent “ping” based on the circumstances of this incident. It was granted immediately showed the phone number pinging in the area of [redacted].
Det Morgan, Det Barajas, Det Nelson, Det Benz and Det Khan all responded to the area of the residence located at [Redacted] They conducted a surveillance of the residence and at approximately 1400 hours, [Redacted] was observed standing in front of the residence. He was contacted and detained without incident. I arrived on scene at 1410 hours, and verified his identity based on his California ID card.

I spoke with the owner of the residence, [Redacted] mother, and she identified herself as [Redacted] Det Gudino translated as her primary language was Spanish. She provided consent to search her residence which was conducted with negative results.

As [Redacted] was the listed owner of the vehicle and matched the description of the driver, he was arrested and transported to SLPD.

On 10/5/14 at 1440 hours, Sgt Henderson and I met with [Redacted] inside CID interview room #1 and obtained a video recorded statement. I Mirandized [Redacted] per a departmentally issued statement form, which he stated he understood. He provided me with the following statement: [Redacted] admitted he was the owner of the Monte Carlo. He denied any involvement in this incident. He stated he previously lived at the residence located at [Redacted] While living there, he met and befriended another subject he identified as [Redacted] a 19 year old HMA, who lived directly next door to him in [Redacted] stated he let [Redacted] use the vehicle indefinitely for the past 3-4 months. [Redacted] wanted to purchase the vehicle from [Redacted] but as he did not have any money, [Redacted] stated he gave the vehicle to [Redacted] with the understanding [Redacted] would pay him back when he had the money.

[Redacted] stated he moved out of the residence located at [Redacted] approximately 1-2 months ago. He stated he is currently transient but also lives at his mother’s residence, [Redacted] stated he contacted him approximately 10 days prior to 10/5/14. He was unable to provide me with an exact time but stated it was less than two weeks prior. [Redacted] requested the pink slip for the vehicle as he was going to sell it to another subject. [Redacted] met with [Redacted] and provided him with the requested documents for the vehicle. [Redacted] advised he was going to
exchange the Monte Carlo for a truck. I did not identify the person who would be taking possession of the Monte Carlo but advised he lived in

Based on the identifying information provide by, I located a DMV photo of As he was known to, I showed him a single photo of DMV photo. positively identified as the person he gave the Monte Carlo to and signed the photo. advised did not have a cell phone but provided me with his current address directly next door to prior residence of

On 10/6/14, SLPD Criminal Investigations Division and SLPD Crime Suppression Unit drove to to contact We drove to the area of where I ultimately contacted at the residence. I showed him the located photo of and he identified the pictured subject as his son, He gave us consent to search his residence for his son which was conducted with negative results.

I spoke with and explained why I was looking to speak with his son. stated his son did recently have a dark green Monte Carlo and had been driving it for 3-4 months. He advised recently sold it or traded it for a white truck within the last 2-3 weeks.

stated he had not seen his son in approximately 3-4 days. He stated his son worked at a nearby field in tending to roosters and chickens. He volunteered to show us where the field was located. He directed us to an acre sized dirt lot with an unknown physical address. It was directly adjacent to

We conducted a surveillance of the property with negative results. was not located.

On 10/6/14 at 1700 hours, Det Benz was releasing from the San Leandro Jail, pursuant to 849(b) PC. engaged Det Benz in a conversation and disclosed he had withheld information concerning the location of the vehicle. He told Det Benz sold the vehicle to a subject who currently resides in
East Palo Alto stated the subject that purchased the vehicle was the father of a large family. He refused to identify the subject but stated he was recently arrested by East Palo Alto Police for an animal cruelty case involving roosters in his backyard. Advised the father of the family would not harm a Police Officer, but he stated he has several adult sons who are constantly engaged in violent crime and would be capable of attempting to harm a Police Officer. was released from custody.

Det Benz immediately contacted East Palo Alto Police and was advised a subject named was recently arrested for a similarly described crime. He had several roosters illegally housed in his backyard. He was arrested for animal cruelty. His address was listed as Det Benz conducted several other records checks and found several felony warrants issued for Records checks of showed he had several prior criminal violations of 2800 VC. also had another identity as, with a DOB of and a CDL #.

On 10/7/14, I contacted EPAPD Ofc Nguyen and spoke with him about the residence located at He advised he was familiar with both inquiries. He stated has multiple prior violations of 2800 VC. I sent Ofc Nguyen a photo of and he positively identified him. Ofc Nguyen advised stated he saw a vehicle consistent with the involved Monte Carlo parked on the street in front of the residence located at 10/6/14 at 1500 hours. He stated several HMA’s were standing around it and appeared to be working on it. He was not able to identify any other males as

Det Nelson conducted a records check with EPAPD’s license plate reader (LPR) database. He located information the suspect vehicle was parked on the street, approximately 500’ away from on 10/2/14 at 2130 hours.

On 10/7/14 at 1332 hours, Det Khan conducted sequential photo line-ups with both Ofc Mally and Ofc Goodman containing a photo of Ofc Mally was unable to identify any involved suspects. Ofc Goodman identified the photo of
stating, “I saw him from a profile view and as he was coming head on. The shape of his face, his features, nose, cheeks and jaw line matches the guy I shot at”.

Based on the aforementioned information, I believed probable cause existed for the arrest of [redacted]. Det Benz created a TRAKs flyer containing this information which was sent to other local law enforcement agencies.

I received information from official police channels that [redacted]’s current cellular phone number was [redacted]. Records checks showed this was a Metro PCS phone number and active to a subscriber named [redacted]. Due to the circumstances of this incident, I contacted Metro PCS and requested an exigent “ping” of his cell phone and his previous 48 hours phone records. It was granted and his cell phone was pinging in city of [redacted] CSU responded there for a surveillance.

On 10/8/14 at approximately 1400 hours, I contacted [redacted] via phone and again spoke with him. [redacted] advised me he had located a phone number for [redacted], the subject who purchased the vehicle from [redacted]. He stated he placed a phone call to [redacted] and was told the vehicle had been purchased for his adult daughter who lives in [redacted]. [redacted] directed [redacted] to contact his daughter and to have her contact me.

On 10/8/14 at 1420 hours, Det Teng was conducting records checks of [redacted]’s family members and discovered he had a sister, [redacted] with an address of [redacted]. I immediately contacted Modesto PD and spoke with Sgt Applegate [redacted]. He advised he would conduct a drive-by of the residence to look for the Monte Carlo.

On 10/8/14 at 1500 hours, I received a phone call from [redacted]. She stated she was currently in possession of the vehicle, [redacted]. She stated she was at work at a Safeway grocery store in [redacted], but she was unable to provide me with the address. As I was speaking with [redacted] on the phone, she stated she was being stopped by several police officers. She handed her phone off to one of the police officers, Sgt Applegate, and I spoke with him.
Sgt Applegate advised [REDACTED] was actually parked in the parking lot of her apartment complex on [REDACTED] and lied about being at Safeway. She was detained without incident. He further advised he had conducted a drive-by of the residence, located the vehicle and conducted a surveillance of it. He observed [REDACTED] and an unknown male, later identified as [REDACTED] approach the vehicle as it was parked. [REDACTED] entered the driver’s side door and sat in the driver’s seat. He observed [REDACTED] wiping down the windows and doors of the vehicle. He then observed [REDACTED] walk away from the vehicle and saw [REDACTED] start the vehicle’s engine, as if to drive away. Sgt Applegate and his team then conducted a takedown of the vehicle and successfully detained [REDACTED] was not located.

CSU Sgt Anthony, Det Morgan, Det Barajas and Det Nelson responded to [REDACTED] where they were conducting surveillance. They arrived on scene and took custody of the vehicle. It was discovered [REDACTED] boyfriend, [REDACTED] was active to probation with full search conditions and lived at the [REDACTED] residence. CSU and Modesto PD conducted a probation search of the residence with negative results. Det Morgan located a black laptop computer and several items of indicia which he collected for evidence.

Sgt Anthony unhandcuffed [REDACTED] and explained this incident to her. She agreed to speak with me and Sgt Henderson at SLPD. Sgt Anthony drove her to SLPD from [REDACTED] on her consent.

On 10/8/14, Sgt Henderson and I spoke with [REDACTED] in CID interview room #2 and obtained a recorded statement. I provided her with a Behele admonishment which she stated she understood. [REDACTED] admitted she lied about being at Safeway as she has two small children and did not want them scared by the police. She stated [REDACTED] is the father of her two children and he was at the residence with her prior to the police arriving. She was unable to tell me where he went when he left the vehicle.

[REDACTED] stated she received the Monte Carlo approximately two weeks prior from her father, [REDACTED] stated she had a secret boyfriend that no one knew named [REDACTED]. She met [REDACTED] at a bar while her boyfriend [REDACTED] was incarcerated for an unrelated incident. She identified [REDACTED] as an HMA, 25 years.
thin build with dark skin. She stated he was from Castro Valley and worked at

She was unable to provide me with any further information

stated on 10/4/14, she drove the Monte Carlo from her residence in

her parents' home in [redacted] located on [redacted]. She stated she

prearranged for him to borrow the vehicle. She stated she

parked her vehicle near her parent’s house, with the doors unlocked and the car
ke вес under the driver’s seat. She stated she later left the residence in a family
member’s vehicle and drove to [redacted] for a family party. As they drove away,
she observed the Monte Carlo was gone and she assumed [redacted] had taken it, as
they arranged. She was unable to tell me why [redacted] was in EPA.

stated she spent the night of 10/4/14 at her brother’s residence in

arrived at the residence and parked the vehicle on the street near
her brother’s residence. [redacted] exited the residence and walked to her vehicle.
When she neared, she observed the windshield and both door windows had been
broken out. She stated [redacted] explained he had been in a fight and the vehicle was
damaged. He then left with the vehicle in order to repair the windows. He returned
at 1200 hours, and the vehicle had been repaired. [redacted] then left and was not seen
again.

stated [redacted] communicated with her via a texting application and did not
have a cell phone.

Sgt Henderson, Det Benz and I conducted several records checks, contacted Tracy
PD, ACSO, and [redacted] but were unable to locate any [redacted]

In order to see if [redacted] was lying, I showed her a CRIMS photo of an
uninvolved subject [redacted], and told her I located
a photo of [redacted] looked at the photo for a few moments and then told me
it was not [redacted]

The interview was concluded and [redacted] left SL PD.
On 10/9/14, Det Khan conducted sequential photo line-ups with Ofc Mally and Ofc Goodman containing a photo of [REDACTED]. Neither were able to identify [REDACTED] as a suspect.

I contacted [REDACTED] probation officer out of Merced County, Sarah Fowles [REDACTED]. I advised her of this incident and requested she set up a meeting with [REDACTED] so we could interview him. She contacted [REDACTED] via phone and told him he was required to be at her office on 10/14/14 at 0900 hours. [REDACTED] failed to show up and Fowles issued a probation violation warrant for his arrest.

On 10/9/14, Det Benz authored a search warrant for the located vehicle. On 10/10/14, ACSO Criminalists Romo and Salazar responded to San Leandro Corpyard where the vehicle was being stored. They executed the search warrant and located several items of evidence. They provided me with the evidence which I later booked into SLPD. Refer to property control supplemental report.

10/14/14 [REDACTED] and Roberto came to SLPD and were both interviewed in CID interview room #2. No further information was obtained. I provided the laptop back to [REDACTED].

I later booked the original line-ups, and disc containing the recorded interviews of [REDACTED] and [REDACTED] into evidence at SLPD.

Nothing further.
I AM CURRENTLY ASSIGNED AS A PERSONS CRIMES DETECTIVE IN THE CRIMINAL INVESTIGATIONS DIVISION OF THE SAN LEANDRO POLICE DEPARTMENT.

ON 10/10/14 AT 0900 HOURS, I MET WITH ACSO CRIMINOLOGISTS SALAZAR AND ROMO AT THE SAN LEANDRO CORPORATION YARD. THEY ARRIVED TO CONDUCT TECH DUTIES OF THE LOCATED SUSPECT VEHICLE. DET BENZ PREVIOUSLY AUTHORED A SEARCH WARRANT FOR THE VEHICLE.

THE SUSPECT VEHICLE HAD PREVIOUSLY BEEN SECURED IN A LOCKED VEHICLE EVIDENCE STORAGE CAGE WITHIN THE CORPYARD. I UNLOCKED THE CAGE, DONNED RUBBER GLOVES AND DROVE THE SUSPECT VEHICLE OUT OF THE CAGE, APPROXIMATELY 20' TO AN ADJACENT, OPEN AREA.

SALAZAR AND ROMO THEY CONDUCTED A SEARCH OF THE VEHICLE FOR TRACE AND OTHER PHYSICAL EVIDENCE. I LEFT SALAZAR AND ROMO WITH THE VEHICLE AT 0930 HOURS.

I RETURNED TO THE CORPYARD AT 1230 HOURS. I WAS PROVIDED THE LISTED ITEMS FROM SALAZAR AND ROMO AND SIGNED EACH EVIDENCE ENVELOPE FOR CHAIN OF CUSTODY.

I LATER BOOKED ALL ITEMS INTO EVIDENCE AT SLPD. REFER TO ACSO’S TECH REPORT FOR DETAILS CONCERNING THE LOCATION AND COLLECTION OF THE LISTED EVIDENCE.

UPON THEIR COMPLETION, SGT HENDERSON DROVE THE SUSPECT VEHICLE BACK INTO THE STORAGE CAGE AND SECURED IT.

NFD.
### SUPPLEMENTAL - PROPERTY

<table>
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<tr>
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<tr>
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### SUPPLEMENTAL - FIREARMS

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<th>Type II - Action</th>
<th>Caliber</th>
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### SUPPLEMENTAL - VEHICLES

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</table>
SUPERIOR COURT OF CALIFORNIA
County of Alameda

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

to any peace officer in Alameda County

The affidavit below, sworn to and subscribed before me, has established probable cause for this search warrant which you
are ordered to execute as follows:

Place(s) to be searched: Described in Exhibit 1A, attached hereto and incorporated by reference.

Property to be seized: Described in Exhibit 1B, attached hereto and incorporated by reference.

Night service: [If initialed by judge] For good cause, as set forth in the Statement of Probable Cause, night service
is authorized:

Disposition of property: All property seized pursuant to this search warrant shall be retained in the affiant's custody
pending further court order pursuant to Penal Code §§ 1528(a), 1536.

10-9-14 at 11:42 a.m.

Date and time warrant issued

Judge of the Superior Court

AFFIDAVIT

Affiant's name and agency: Detective Michael Benz, San Leandro Police Department

Incorporation: The facts in support of this warrant are contained in the Statement of Probable Cause which is incorporated
by reference. Incorporated by reference and attached hereto are Exhibit 1A, describing the place(s) to be searched; and
Exhibit 1B, describing the evidence to be seized.

Evidence type: (Penal Code § 1524)

☒ Stolen or embezzled property.
☒ Property or things used as a means of committing a felony.
☒ Property or things in the possession of any person with the intent to use it as a means of committing a public offense,
or in the possession of another to whom he or she may have delivered it for the purpose of concealing it or
preventing its being discovered.
☒ Property or things that are evidence that tends to show a felony has been committed, or tends to show that a
particular person has committed a felony.
☐ Property or things consisting of evidence that tends to show that sexual exploitation of a child, in violation of Penal
Code § 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of
Penal Code § 311.11 has occurred or is occurring.
☐ Firearms, deadly weapons: The warrant authorizes a search for a deadly weapon in the following premises:
5150: The premises are occupied or controlled by a person who is in custody on a 5150 W&I hold.
Domestic violence: The premises are occupied by a person arrested for a domestic violence incident involving
threatened harm.
No firearms order: The premises are owned or controlled by a person who is prohibited from possessing firearms
pursuant to Family Code § 6389.
☐ Night Service: [If checked] Authorization for night service is requested based on information contained in the Statement
of Probable Cause, filed herewith.

Declaration: I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit,
including all incorporated documents, is true.

10.09.2014

Date

Affiant

#805
Exhibit 1A

THE VEHICLE described as a 2000 Chevrolet Monte Carlo, blue in color bearing California license [redacted] including containers of any kind within the vehicle.

Exhibit 1B

1. Items of personal property tending to establish the identity of persons in control of the vehicle and tending to show the relationship between persons involved in this criminal act. The items may include, but are not limited to, ignition keys, car door and trunk keys, vehicle ownership certificates or “pink slips”, and/or vehicle registration slips, utility company receipts, identification cards, canceled mail envelopes, credit card bills and receipts, canceled bank checks, handwritten notes, photographs, address books, video tapes. Any examples of handwriting including letters, address books, business records, canceled checks, notes, and/or lists.

2. Trace evidence including but not limited to suspected blood, hair, DNA, sampling, and latent fingerprint collection.

3. Any weapons that may have been used in the commission of this assault.

4. Any items, property, or articles of clothing that through DNA testing may establish the identity of person(s) present at the time of the assault.

5. Peace Officers or assigned representatives are authorized, during the execution of this Search Warrant, to video tape, photograph, and/or take digital images of the scene and surrounding area(s), take measurements and make sketches of the scene and adjacent areas; and to seize weapons, bludgeons, and guns; suspected blood and other physiological fluids; hair and fibers; fingerprints, footprints, and other impressions left at the homicide scene; gunshot residue; any and all instruments used to aid and abet in the commission of homicide, clothing of the suspects(s) and/or victims(s); photos and film, developed and undeveloped; samples of paint, glass, and other fluids and solids that may have stained or adhered to the clothing and person of the victim(s) and/or suspect(s).
Your Affiant says that the facts in support of the search warrant are as follows:

Your affiant is Detective Michael Benz #305, a Police Officer for the San Leandro Police Department. Your affiant is currently assigned to the Crimes against Persons Unit of the Criminal Investigations Division. Your affiant has been with the San Leandro Police Department (SLPD) since May of 2006. Your affiant attended a six-month "police academy" at the Alameda County Sheriff's Office. After graduation, your affiant became a full-time police officer.

As an officer with the SLPD, your affiant completed a 16-week California Peace Officer Standard and Training (P.O.S.T.) Commission approved Field Training Program. Your affiant’s responsibilities include investigating crimes, such as robberies, carjackings, and assaults, committed in San Leandro.

During your affiant’s employment as an officer, your affiant gained training and experience with respect to investigating homicides, robberies and assaults from several different sources. These sources consist of formal and informal training as well as conversations and interviews with crime victims and witnesses as well as criminal suspects and their associates. Your affiant’s formal and informal training comes from officers and detectives employed by the San Leandro Police Department.

Your affiant had also completed a 60 hour Evidence Technician Course where I obtained training regarding how to process a crime scene. At the conclusion of the training, your affiant was added to the San Leandro Police Department’s Evidence Response Team. Your affiant's duties involved; collection of physical evidence, photography and videographer, custodian of evidence and sketching of a crime scene. As a member of the Evidence Response Team I have responded to over 10 homicides or violent assaults investigations.

Your affiant also recently completed an electronic surveillance (wiretap) course. This course was presented on the behalf of the Department of Justice and after an exam, certified your affiant until February 2018.

In my capacity as a detective, I am currently assisting Detective Steve Cesaretti on SLPD case #2014-46732, which is an investigation into an assault on an Officer that occurred on October 05, 2014. The following is based on police reports, witness statements and detective investigations.

On October 05, 2014 about 0427 hours. Officer Neil Goodman was on duty in a full San Leandro Police uniform, with a police badge, police patch and full duty belt. He was driving a fully marked black and white patrol vehicle equipped with emergency lights and sirens.

Officer Goodman was traveling north bound East 14th Street near 136th Avenue when he noticed a blue Chevrolet Monte Carlo (CA license plate [# redacted]) driving recklessly. Officer Goodman activated his emergency lights to conduct a traffic stop on the vehicle for 23103 VC on the 2300 block of East 14th Street. The suspect vehicle then fled and led Officer Goodman on a pursuit north on East 14th Street.

During the pursuit, the suspect vehicle had ran several stop signs, red lights and reached speeds of 75 mph on city streets (typical speed limits of 25-35 mph). The suspect vehicle turned east onto Haas Avenue and then south on Woodland Avenue. Officer Goodman continued to pursue the vehicle when the suspect vehicle made a u-turn at Woodland Avenue and Woodland Park.

Officer Goodman stopped his vehicle (emergency lights still on, siren automatically turned off once vehicle is in park), exited his vehicle, stood in the A-frame of the door, duty weapon drawn and pointed at the suspect vehicle and ordered the driver to stop the vehicle. The suspect vehicle then quickly accelerated directly toward the front of Officer Goodman’s patrol vehicle. There was room for the suspect vehicle to pass on either side of the patrol vehicle.

As the suspect vehicle continued to accelerate toward Officer Goodman and his vehicle, fearing for his life, Officer Goodman fired two rounds into the suspect vehicle. The suspect vehicle rammed the front of Officer Goodman’s patrol vehicle and then passed him and the vehicle on the passenger side. Officer Goodman fired one more round at the vehicle, striking the windows. The suspect vehicle fled and Officer Goodman gave chase again. The suspect vehicle was last seen southbound Bancroft Avenue passing Dolores Avenue at a high rate of speed. The vehicle and suspect(s) were not located.
The vehicle information was entered into SVS as a felony want. I created a Critical Reach flyer regarding the vehicle during the investigation and distributed it throughout the Bay Area.

On October 08, 2014 about 1550 hours, Detective Cesaretti received information from Modesto Police Department that they have the suspect vehicle stopped with a female driver detained. The vehicle stopped was a 2000 Chevrolet Monte Carlo, blue in color with the license plate of [redacted].

San Leandro Police detectives arrived and took custody of the vehicle and towed it to the San Leandro Corporation Yard for 22655.5 VC – investigation.

The detained female agreed to accompany the detectives back to the San Leandro Police Department for a statement. The female stated the windshield, the driver and passenger side window was shattered as of October 05, 2014 about 0500 hours. All of the windows have been replaced as of October 05, 2014. She was subsequently released after her statement.

At this particular junction in our investigation, it is still unknown who was in the vehicle at the time of the assault on Officer Goodman. It is also unknown if the suspect(s) were struck by the rounds fired by Officer Goodman.

Based on my training and experience, as well as information obtained during this investigation, I believe that the vehicle (2000 blue Chevrolet Monte Carlo, [redacted]) contains items of evidentiary value related to the assault on Officer Goodman, as well as possible evidence that could confirm the identity of the suspect(s). Some of these items may include personal property or indicia for person(s) who were inside the vehicle, trace evidence including blood, latent fingerprints, possible DNA evidence and cell phones. In addition, but not limited to clothing of the suspects(s) and or victims(s); photos and film, developed and undeveloped; samples of paint, glass, and other fluids and solids that may have stained or adhered to the clothing and person of the victim(s) and/or suspect(s) need to be located and seized from the scene. I also know that these items of evidentiary value should be photographed by a police evidence technician before being collected as evidence.

This is an active assault on an officer investigation in which it is necessary for police personnel to enter the aforementioned vehicle to examine and gather evidence, which includes all evidence that may be located on or near the vehicle in order to develop leads that may confirm if a crime had been committed and the identity of the suspect(s) in this case.

WHEREFORE, I pray that a search warrant be issued, based upon the above facts, for the seizure of said property; I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

[Signature]

Subscribed and sworn to before me

at 11:42 AM on 10-9-14

in Alameda County, California.

Magistrate of the County of Alameda,

State of California
Search Warrant No.

Address of place searched: Chevrolet Monte Carlo (blue), CA license plate [redacted]

Issuing Magistrate: Judge Hashimoto

Name of affiant: Michael Benz

Date warrant issued: 10/09/2014

Date warrant executed: 10/10/2014

Person served and title: None available

Manner of warrant service: ☑ Personal service  ☐ Mail  ☐ Fax

I, the affiant for this search warrant, state the following:

(1) The information listed above is correct.

(2) During the execution of the search warrant, the following property was seized:

*Please see attached property control sheet.

I declare under penalty of perjury that the foregoing is true.

Date: 10/14/2014

Penal Code § 1537
In a moment, I am going to show you a series of six individual photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different in photographs. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

Do you understand these instructions?

(WITNESS RESPONSE) (WITNESS INITIALS)

Signature of Witness Viewing Lineup

Date Time

In a moment, I am going to show you a series of six people. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the people in the lineup. The investigation will continue whether or not you make an identification.

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Do not discuss your case with other witnesses.

The people will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a person again, you will be shown all of the people.

The individuals you will be shown will not be named; they will be assigned numbers. If the suspect in your case is in the lineup, remember their number.

If you wish to have a certain person in the lineup speak, wear a hat, walk rapidly, etc., make this request to the investigator conducting the lineup, and all of the people in the lineup will be asked to do the same thing. No person in the lineup will be singled out to speak or perform.

Do you understand these instructions?

(WITNESS RESPONSE) (WITNESS INITIALS)

Signature of Witness Viewing Lineup

Date Time
<table>
<thead>
<tr>
<th>Witness Name</th>
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<tbody>
<tr>
<td>Witness Signature</td>
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</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>Time</td>
<td></td>
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</tbody>
</table>
Witness Initials: NG Date: 10/7/14


Witness Statement

<table>
<thead>
<tr>
<th>Witness Name</th>
<th>Neil Goodman</th>
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<tbody>
<tr>
<td>Witness Signature</td>
<td>[Signature]</td>
</tr>
<tr>
<td>Date</td>
<td>10/7/14</td>
</tr>
<tr>
<td>Time</td>
<td>8:28</td>
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In a moment, I am going to show you a series of six individual photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different in photographs. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

Do you understand these instructions? [Signature]

Signature of Witness Viewing Lineup

Date

Time

In a moment, I am going to show you a series of six people. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the people in the lineup. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

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If you wish to have a certain person in the lineup speak, wear a hat, walk rapidly, etc., make this request to the investigator conducting the lineup, and all of the people in the lineup will be asked to do the same thing. No person in the lineup will be singled out to speak or perform.

Do you understand these instructions? [Signature]

Signature of Witness Viewing Lineup

Date

Time
**Witness Statement**

This picture closely represents the suspect I remember who was driving the suspect vehicle. The suspect/driver was wearing a hat at the time of this incident, but looks like the suspect.

<table>
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</tr>
<tr>
<td>Time</td>
<td>1239</td>
</tr>
</tbody>
</table>
Witness Initials: [Redacted] Date: 10/07/14
EXIGENT CIRCUMSTANCE REQUEST FORM

MUST BE SUBMITTED WITH AGENCY FAX COVER SHEET WITH LOGO TO FAX (972) 860-2635 – weekdays from 8am - 5pm CST only
AFTER HOURS AND WEEKENDS – FAX (434) 773-3265

PLEASE PRINT OR TYPE

AGENCY NAME: SAN LEANDRO POLICE DEPARTMENT
AGENCY ADDRESS: 901 E 14TH SAN LEANDRO CA 94577
AGENCY PHONE #: 972-879-7400
REQUESTING AGENT’S NAME: DETECTIVE STEVE CESARE
REQUESTING AGENT’S TITLE: INVESTIGATION DET
AGENT’S CALLBACK #: 510-461-2187
SUPERVISOR’S NAME: LEO HENDRICKSON
AGENCY FAX #: 972-860-2635
AGENT’S E-MAIL: scsaree@sanleandro.org
SUPERVISOR’S PHONE #: 972-860-2635

METROPCS LER CONTACT:

If PSAP calling on behalf of a Law Enforcement Agent declaring exigent circumstances, please complete below in addition:

PSAP AGENCY NAME
PSAP OPERATOR NAME & ID #
PSAP OPERATOR CALLBACK #
PSAP SUPERVISOR’S NAME
OPERATOR’S E-MAIL
PSAP SUPERVISOR’S PHONE #

I hereby certify that I am a member of the above named government agency and have been granted authority by that agency (or as a 911 operator, am acting on behalf of someone granted that authority) to determine and declare an exigent circumstance involving:

a) immediate danger of death or serious physical injury to any person,
b) conspiratorial activities threatening the national security interest, or
c) conspiratorial activities characteristic of organized crime

I understand that the decision to provide MetroPCS information or services is at the discretion of MetroPCS. I understand that MetroPCS may receive cost recovery for certain services. If it is later determined that one or more of the above conditions does not exist and my request is not covered by an appropriate legal demand, I understand that I may be held liable for civil and/or criminal penalties either as an individual, as an organization or both. By signing this form, I certify the Information herein is true and correct.

The emergency which exists is as follows:

SUSPECT ATTEMPTED TO KILL A POLICE OFFICER BY RUNNING HIM OVER WITH HIS VEHICLE AND COLLIDING WITH THE OFFICER’S POLICE VEHICLE

MetroPCS Phone Number(s):

The urgency of the situation (and/or other factors) renders it unfeasible to obtain a search warrant or probable cause court order. I am requesting that MetroPCS provide the following records and/or service(s) [Please mark all that apply]:

\[\text{Checkboxes for services, e.g., Call Detail Records, Real-Time Location, etc.}\]

Other, please specify:

\[\text{Specify other services, if any.}\]

CURRENT SUBSCRIBER INFORMATION
Call Detail Records without tower location (within the past 48 hours)
Call Detail Records with tower location or AMA report (within the past 48 hours)
Real-Time Location of the Mobile Device - E911 Locator Tool (maximum 48 hours – government email required)

* You must have access to CALEA delivery equipment currently established with MetroPCS to receive CALEA based services.
** Pursuant to 18 U.S.C. §§ 2518, 2701, 2702, 3125 and any other applicable Federal or State statute, all lawful interception and location information assistance will terminate if the applicable legal demand or customer consent is not received within 48 hours. The valid legal demand or customer consent should reference the existence of your completed exigent circumstance request form. Use beyond 48 hours may also incur fees.

SIGNATURE OF REQUESTING AGENT

DATE

10/8/14 @ 1215

Legal Affairs – Law Enforcement Relations

Tel: 888-828-0473
FAX TRANSMISSION

TO:  SPRINT

ATTENTION:  CORPORATE SECURITY

FAX:  [Redacted]

FROM:  CRIMINAL INVESTIGATION DIVISION,
        SAN LEANDRO POLICE DEPT.

SENDER:  DET. STEVE CESARETTI

COMMENTS:

SEE ATTACHED

Number of pages transmitted (including cover):  2

Date/Time sent:  09/14/2019  by:  CESARETTI

Civic Center    901 East 14th Street    San Leandro, California  94577
SAN LEANDRO POLICE DEPARTMENT
Sandra R. Spagnoli  Chief of Police

Fax Transmission

To: METRO PCS

ATTENTION: LAW ENFORCEMENT RELATIONS

Fax: 

FROM: CRIMINAL INVESTIGATION DIVISION,
SAN LEANDRO POLICE DEPT.

Sender: DET. STEVE CESARETT

Comments:

EMAIL BACK TO

SCESARETT@SANLEANDRO.ORG
FAX TRANSMISSION

TO: METRO PCS
ATTENTION: LAW ENFORCEMENT RELATIONS

FAX: [BLACKED OUT]

FROM: CRIMINAL INVESTIGATION DIVISION,
SAN LEANDRO POLICE DEPT.

SENDER: DET. STEVE CESARETTI

COMMENTS:

EMAIL BACK TO

CESARETTI @ SAN LEANDRO. ORG

Number of pages transmitted (including cover): 2
Date/Time sent: 10/08/14 08:12:15 by: CZT

Civic Center 901 East 14th Street San Leandro, California 94577
SAN LEANDRO POLICE DEPARTMENT

Sandra R. Spagnoli
Chief of Police

FAX TRANSMISSION

TO: METRO PCS

ATTENTION: LAW ENFORCEMENT RELATIONS

FAX: [Redacted]

FROM: CRIMINAL INVESTIGATION DIVISION,
SAN LEANDRO POLICE DEPT.

SENDER: DET STEVE CESARETTI

TELEPHONE #: [Redacted]

COMMENTS:

EMAIL BACK TO

CESARETTI @ SAN LEANDRO. ORG
STORED COMMUNICATION, GPS/PING EMERGENCY REQUEST FORM

Agency Coversheet or Letterhead MUST be faxed with this completed form to:

Call Electronic Surveillance BEFORE faxing this form: [Redacted] Option 1

Dwayne White, 2014-251156

***PLEASE PRINT CLEARLY***

LAW ENFORCEMENT AGENCY (LEA) SAN LEANDRO POLICE DEPT
LEA Street Address, City, State, Zip 2640 4TH ST. SAN LEANDRO CA 94578
LEA PHONE NUMBER [Redacted] LEA FAX [Redacted]
LEA NAME STEVE CESARETTI
LEA TITLE DETECTIVE
LEA E-MAIL (Official, Secure) [Redacted] SURESLEAD@SANCLEANORD.ORG
SUPERVISOR NAME TED HENDERSON
SUPERVISOR TITLE SERGEANT
SUPERVISOR PHONE [Redacted]

I hereby certify on behalf of the above-mentioned LEA that an emergency involving danger of death or serious physical injury to any person exists and requires disclosure without delay of communications relating to the emergency.

Below is my description of the emergency situation (please indicate the Sprint phone number or any other relevant information):

SPRINT PHONE NUMBER or CUSTOMER NAME: 6506732581

EMERGENCY DESCRIPTION:
ASSAULT WITH A DANGEROUS WEAPON / OFFICER INVOLVED
SHOOTING - SUSPECT FLED SCENE AND IS OUTSTANDING

Request Sprint provide the following service(s) (mark all that apply):

[X] Subscriber Information

[ ] Call Detail Records with NO Cell Sites(last 7 days)

[ ] Call Detail Records WITH Cell Sites (last 7 days)

[X] GPS (Location)*

[ ] Tower Dump (all calls hitting on a specific tower)

[ ] Other, please specify: 

*All location information assistance will terminate if the valid legal demand or customer consent form is not provided to Sprint within 48 hours. The valid legal process or customer consent should be faxed to 816-600-3100.

SIGNATURE: [Signature] DATE: 10/5/14
SUBSCRIBER INFORMATION

10/05/2014

Detective Steve Cesarti
San Leandro Police
Unknown,
Unknown, XX 00001

Your Case Number:
Sprint Case Number: 2014-251156
Target Number(s): [redacted]

Dear Detective Steve Cesarti,

Enclosed is subscriber information for the authorized date range(s) on the above-listed target number(s).

If you have questions or concerns, please contact the Sprint Electronic Surveillance Unit at

Sincerely,

Dwayne White
Electronic Surveillance Technician

Enclosures

*Notice: If the records contained in the attached package are utilized in trial proceedings, and if you require a records custodian for authentication, be advised Sprint does not have local representatives. Sprint's Trial Team is located at our Corporate Headquarters in Overland Park, Kansas. You will need to contact the Trial Team at [redacted] or call our office at [redacted]. Our office requires at least two-weeks notice in addition to pre-paid travel arrangements by your office.
ATTENTION: CORPORATE SECURITY

FROM: CRIMINAL INVESTIGATION DIVISION, SAN LEANDRO POLICE DEPT.

SENDER: DET STEVE CESARETTI

COMMENTS: SEE ATTACHED

Number of pages transmitted (including cover): 2

Date/Time sent: 10/5/14 00:09:19

Civic Center 901 East 14th Street San Leandro, California 94577

***************
*** TX REPORT ***
***************
Sprint Subscriber Information
Sprint Case #: 2014-251156
Reference Case #: 

Request Type: Subscription Info (Basic)
Date Range: 10/05/2014 12:00:00 AM to 19/07/2014 11:59:59 PM
Subject Number: 

******************* ACCOUNT DETAILS *******************
Billing Account Number (BAN) [Redacted]
Account Establish Date: 6/5/2014
Account Expiration (Cancel) Date: Active through Date Searched

Account Billing Address(es):  
Effective: 6/5/2014

Account Contact Numbers:  
Phone: 0000000000 Active Date: 9/15/2014  
Phone: 0000000000 Active Date: 9/15/2014  
Phone: 0000000000 Active Date: 9/15/2014

******************* SUBSCRIBER DETAILS *******************
SubscriberID: 53167292121
Personal Telephone Number (PTN / MDN)  
Status Date: 6/6/2014 11:40:18 AM Status: A
Status Date: 6/6/2014 11:40:18 AM Status: A
Status Date: 6/6/2014 11:40:18 AM Status: A

Media Access Control Identifier (MAC_ID) Effective
NO DATA FOUND

Urban Fleet Mobile Identifier (UFMI) Effective
NO DATA FOUND

Non IDEN Direct Connect / Push to Talk Effective
NO DATA FOUND

Internet Protocol Address (IP) Effective
NO DATA FOUND

Network Access Identifier (NAI)  

*******************EQUIPMENT*******************

International Mobile Subscriber Identity (IMSI) [Redacted]
### Universal Integrated Circuit Card(s) (UICC)
NO DATA FOUND

### Mobile Station Identification Number(s) (MSISDN)
Status: A

### Subscriber Identity Module(s) (SIM)
NO DATA FOUND

### Electronic Serial Number (ESN/MSN)

### International Mobile Station Equipment Identity (IMEI)
NO DATA FOUND

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<td>Effective: 6/6/2014</td>
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<td>Effective: 6/6/2014</td>
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<td>Effective: 6/6/2014</td>
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<td>Sprint 3G Data Services</td>
<td>Effective: 6/6/2014</td>
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<td>Video Mail</td>
<td>Effective: 6/6/2014</td>
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<tr>
<td>VMU LTE Provisioning Feature</td>
<td>Effective: 6/6/2014</td>
<td>Expiration: Active through Date Searched</td>
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</table>
In a moment, I am going to show you a series of six individual photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different in photographs. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

Do you understand these instructions? [Witness Response] I do [Witness Initials]

Signature of Witness Viewing Lineup

Date: 10/09/14
Time: 1200

In a moment, I am going to show you a series of six people. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the people in the lineup. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The people will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a person again, you will be shown all of the people.

The individuals you will be shown will not be named; they will be assigned numbers. If the suspect in your case is in the lineup, remember their number.

If you wish to have a certain person in the lineup speak, wear a hat, walk rapidly, etc., make this request to the investigator conducting the lineup, and all of the people in the lineup will be asked to do the same thing. No person in the lineup will be singled out to speak or perform.

Do you understand these instructions? [Witness Response] [Witness Initials]

Post lineup identification procedure:
If the suspect is present, place an “X” in the box below that matches the number of the suspect. If the suspect is not present, do not mark any box. If you believe a person who was present is the suspect, but you are not sure, place a “??” in the box below that matches the number of that person.

#1 #2 #3 #4 #5 #6

Signature of Witness Viewing Lineup

Date
Time
Witness Statement

Witness Initials: [illegible]  Date: 10/09/14
Select the appropriate witness admonition below. The admonition should be read verbatim prior to conducting the lineup.

In a moment, I am going to show you a series of six individual photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different in photographs. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

Do you understand these instructions?

(WITNESS RESPONSE)  (WITNESS INITIALS)

Signature of Witness Viewing Lineup Date Time

Post lineup identification procedure:
If the suspect is present, place an "X" in the box below that matches the number of the suspect. If the suspect is not present, do not mark any box. If you believe a person who was present is the suspect, but you are not sure, place a "?" in the box below that matches the number of that person.

#1 #2 #3 #4 #5 #6

Signature of Witness Viewing Lineup Date Time
**Witness Statement**

The face looks similar to the suspect.

**Witness Name:** Neil Crocker
**Date:** 10/09/14
**Time:** 8:48 AM
<table>
<thead>
<tr>
<th>Witness Name</th>
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</tr>
<tr>
<td>Date</td>
<td>10/09/14</td>
</tr>
<tr>
<td>Time</td>
<td></td>
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</tbody>
</table>

**Witness Initials:** NG

**Date:** 10/09/14
In a moment, I am going to show you a series of six individual photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion color may look slightly different in photographs. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

Do you understand these instructions? [Witness Response: Yes I Do] [Witness Initials: 1006]

Signature of Witness Viewing Lineup: 
Date: 10-07-14, Time: 12:32
Witness Initials: 24/306  Date: 10/07/14
**Witness Statement**

This picture closely represents the suspect I remember who was driving the suspect vehicle. The suspect/driver was wearing a hat at the time of this incident, but looks like the suspect.

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<th>DENNIS MALLEY</th>
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<td>#866</td>
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<tr>
<td>Date</td>
<td>10/10/14</td>
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<tr>
<td>Time</td>
<td>12:39</td>
</tr>
<tr>
<td>Witness Name</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>---</td>
</tr>
<tr>
<td>Witness Signature</td>
<td></td>
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<td>Date</td>
<td></td>
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<tr>
<td>Date</td>
<td></td>
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<tr>
<td>Time</td>
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Witness Initials: #30X
Date: 10/1/14
In a moment, I am going to show you a series of six individual photos. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion, color may look slightly different in photographs. You should not feel you have to make an identification. It is just as important to exclude innocent persons as it is to identify the perpetrator.

Do not discuss your case with other witnesses.

The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

Do you understand these instructions?

(Witness Response)  (Witness Initials)

Signature of Witness Viewing Lineup

Date  Time

In a moment, I am going to show you a series of six people. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the people in the lineup. The investigation will continue whether or not you make an identification.

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Do not discuss your case with other witnesses.

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Do you understand these instructions?

(Witness Response)  (Witness Initials)

Post lineup identification procedure:
If the suspect is present, place an "X" in the box below that matches the number of the suspect. If the suspect is not present, do not mark any box. If you believe a person who was present is the suspect, but you are not sure, place a "?" in the box below that matches the number of that person.

Signature of Witness Viewing Lineup

Date  Time
### Witness Statement

<table>
<thead>
<tr>
<th>Witness Name</th>
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<tr>
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<tr>
<td>Date</td>
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<tr>
<td>Time</td>
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</tbody>
</table>
Witness Statement

THE FACE. THE SHAPE. THE JAW LINE. THE CHEEKS.

Witness Name: NG
Witness Signature: [Signature]
Date: 10/07/14
Time: 3:59
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**10/9/14 PHOTO LINEUP PRESENTATION TO OFC. GOODMAN**

Property Control 2014-00046732 Page 1 OF 1
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<tr>
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**Description:**
1 SPENT S+W .40 CAL CASE.

**Photo's of Spent Case.
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<th>VALUE</th>
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SUPERIOR COURT OF CALIFORNIA  
County of Alameda

SEARCH WARRANT  
Electronic Communication Records  
Phone • Email • Internet

THE PEOPLE OF THE STATE OF CALIFORNIA

An affidavit, sworn to and subscribed before me on this date, has established probable cause for this search warrant which you are ordered to execute as follows:

PLACE TO BE SEARCHED: Verizon Wireless, It is unknown
Re customer:  
Type of service provided: ☒ Telephone ☐ Email ☐ Internet

RECORDS TO BE SEIZED [if checked]

Specific records
☒ Subscriber's name and address  ☒ Types of services utilized
☒ Telephone number, e-mail address, IP address  ☒ Length of service, including start date
☒ Means and source of payment, including credit card and bank account numbers

Connection records

Telephone
☒ Local and long distance connection records from Friday, October 3, 2014 thru Wednesday, October 8, 2014.
☒ Local and long distance text messages from Friday, October 3, 2014 thru Wednesday, October 8, 2014.
☒ Locations, dates, and times of GPS signals and cell tower contacts from Friday, October 3, 2014 thru Wednesday, October 8, 2014.
☒ Last outgoing phone number  ☒ Last incoming phone number

Email and Internet
☐ Email or IP address of the person or computer contacted, session times, and duration of sessions from to

COMPLIANCE DATE: Provider shall furnish the listed records to the affiant on or before Monday, May 19, 2013.

FINDINGS
(1) Provider is a California corporation or a foreign corporation doing business in California, and is a provider of electronic communication service as defined in 18 USC § 2510(15) and Penal Code § 1524.2(a)(1).
(2) Pursuant to 18 USC §§ 2703(c)(1)(A) and Penal Code § 1524.2(b), 1524.3, upon a showing of probable cause this court is authorized to issue this search warrant for the records listed below.
(3) The affidavit filed herewith, which was sworn to and subscribed before me on this date, has established probable cause to believe the records listed below are in the possession of Provider and that they [check one or both]
☒ Tend to show a felony has been committed or tend to show that a particular person has committed a felony.
☒ Tend to show that sexual exploitation of a child (Penal Code § 311.3), or possession of matter depicting sexual conduct of a person under the age of 18 years (Penal Code § 311.11) has occurred or is occurring.

SEALING ORDER: Pending further order of this court, this search warrant and all accompanying documents shall not become a public record and shall be sealed and delivered into the custody of the Clerk of the Superior Court.

Grounds for sealing: ☐ Informant protection (Evid. Code § 1041) ☐ Official information (Evid. Code § 1040)

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this search warrant pending further order of this court.

October 29, 2014

Date

Judge of the Superior Court

18 USC § 2703(c)(1)(A) and Penal Code § 1524.3(a)
THE PEOPLE OF THE STATE OF CALIFORNIA

An affidavit, sworn to and subscribed before me on this date, has established probable cause for this search warrant which you are ordered to execute as follows:

PLACE TO BE SEARCHED: Sprint PCS

Re customer: [Redacted]

Type of service provided: ☑ Telephone  ☐ Email  ☐ Internet

RECORDS TO BE SEIZED [if checked]

Specific records

☒ Subscriber’s name and address

☒ Telephone number, e-mail address, IP address

☒ Means and source of payment, including credit card and bank account numbers

Connection records

Telephone

☒ Local and long distance connection records from Friday, October 3, 2014 thru Wednesday, October 8, 2014.

☒ Local and long distance text messages from Friday, October 3, 2014 thru Wednesday, October 8, 2014.

☒ Locations, dates, and times of GPS signals and cell tower contacts from Friday, October 3, 2014 thru Wednesday, October 8, 2014.

☒ Last outgoing phone number  ☑ Last incoming phone number

Email and Internet

☐ Email or IP address of the person or computer contacted, session times, and duration of sessions from

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(3) The affidavit filed herewith, which was sworn to and subscribed before me on this date, has established probable cause to believe the records listed below are in the possession of Provider and that they [check one or both]

☒ Tend to show a felony has been committed or tend to show that a particular person has committed a felony.

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NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this search warrant pending further order of this court.

[Signature of Judge]

October 29, 2014

18 USC § 2703(c)(1)(A) and Penal Code § 1524.3(a)
Your Affiant says that the facts in support of the search warrant are as follows:

Your affiant is Detective Michael Benz #305, a Police Officer for the San Leandro Police Department. Your affiant is currently assigned to the Crimes against Persons Unit of the Criminal Investigations Division. Your affiant has been with the San Leandro Police Department (SLPD) since May of 2006. Your affiant attended a six-month “police academy” at the Alameda County Sheriff’s Office. After graduation, your affiant became a full-time police officer.

As an officer with the SLPD, your affiant completed a 16-week California Peace Officer Standard and Training (P.O.S.T.) Commission approved Field Training Program. Your affiant’s responsibilities include investigating crimes, such as homicides, robberies, carjackings, and assaults, committed in San Leandro.

During your affiant’s employment as an officer, your affiant gained training and experience with respect to investigating homicides, robberies and assaults from several different sources. These sources consist of formal and informal training as well as conversations and interviews with crime victims and witnesses as well as criminal suspects and their associates. Your affiant’s formal and informal training comes from officers and detectives employed by the San Leandro Police Department.

Your affiant had also completed a 60 hour Evidence Technician Course where I obtained training regarding how to process a crime scene. At the conclusion of the training, your affiant was added to the San Leandro Police Department’s Evidence Response Team. Your affiant’s duties involved; collection of physical evidence, photography and videography, custodian of evidence and sketching of a crime scene. As a member of the Evidence Response Team I have responded to over 10 homicides or violent assaults investigations.

Additionally, your affiant had attended and completed a 40 hour Homicide Investigation Course. Your affiant learned the basics to investigate a homicide and how to interpret evidence. Your affiant was also instructed how to write, obtain and execute warrants regarding an investigation.

Your affiant also recently completed an electronic surveillance (wiretap) course. This course was presented on the behalf of the Department of Justice and after an exam, certified your affiant until February 2018.

In my capacity as a detective, I am currently assisting Detective Steve Cesaretti on SLPD case #2014-46732, which is an investigation into an assault on an Officer that occurred on October 05, 2014. The following is based on police reports, witness statements and detective investigations.

On October 05, 2014 about 0427 hours. Officer Neil Goodman was on duty in a full San Leandro Police uniform, with a police badge, police patch and full duty belt. He was driving a fully marked black and white patrol vehicle equipped with emergency lights and sirens.

Officer Goodman was traveling north bound East 14th Street near 136th Avenue when he noticed a blue Chevrolet Monte Carlo (CA license plate #______) driving recklessly. Officer Goodman activated his emergency lights to conduct a traffic stop on the vehicle for 23103 VC on the 2300 block of East 14th Street. The suspect vehicle then fled and led Officer Goodman on a pursuit north on East 14th Street.

During the pursuit, the suspect vehicle ran several stop signs, red lights and reached speeds of 75 mph on city streets (typical speed limits of 25-35 mph). The suspect vehicle turned east onto Haas Avenue and then south on Woodland Avenue. Officer Goodman continued to pursue the vehicle when the suspect vehicle made a u-turn at Woodland Avenue and Woodland Park.

Officer Goodman stopped his vehicle (emergency lights still on, siren automatically turned off once vehicle is in park), exited his vehicle, stood in the A-frame of the door, duty weapon drawn and pointed at the suspect vehicle and ordered the driver to stop the vehicle. The suspect vehicle then quickly accelerated directly toward the front of Officer Goodman’s patrol vehicle. There was room for the suspect vehicle to pass on either side of the patrol vehicle.

As the suspect vehicle continued to accelerate toward Officer Goodman and his vehicle, fearing for his life, Officer Goodman fired two rounds into the suspect vehicle. The suspect vehicle rammed the front of Officer Goodman’s patrol vehicle and then passed him and the vehicle on the passenger side. Officer Goodman fired one more round at the vehicle, striking the windows. The suspect vehicle fled and Officer Goodman gave chase.
again. The suspect vehicle was last seen southbound Bancroft Avenue passing Dolores Avenue at a high rate of speed. The vehicle and suspect(s) were not located.

The vehicle information was entered into SVS as a felony want. I created a Critical Reach flyer regarding the vehicle during the investigation and distributed it throughout the Bay Area.

On October 08, 2014 about 1550 hours, Detective Cesaretti received information from Modesto Police Department that they have the suspect vehicle stopped with a female driver detained. The vehicle stopped was a 2000 Chevrolet Monte Carlo, blue in color with the license plate of which was around the corner from her residence. The father of was seen running into an apartment once drove away in the suspect vehicle prior to the stop. Modesto Police tried to contact but he fled the apartment prior to police contact.

San Leandro Police detectives arrived and took custody of the vehicle and towed it to the San Leandro Corporation Yard for 22655.5 VC - investigation.

agreed to accompany the detectives back to the San Leandro Police Department for a statement. agreed that she allowed her unknown second boyfriend to borrow the vehicle. When returned on October 05, 2014 about 0500 hours, the windshield, the driver and passenger side window was shattered out. to have the windows replaces immediately. Later in that afternoon, the vehicle was returned to with the windows replaced.

During her interview, gave detectives consent to search through her cell phone (Apple iPhone 4S). I extracted the data from her cell phone using a UFED device. I learned the cell phone provider was Sprint PCS and the cell phone was returned to her prior to her release.

During the investigation, it appeared there was no one named All efforts to locate the identity of a met with negative results. even stated no one she knew had any idea about as she kept him and the relationship a secret.

I examined the extraction from cell phone. I notice an outgoing text message to a particular telephone number of on October 05, 2014 at 0518 hours. This text message read “There's a cop that just passed on mission”. had told Detective Cesaretti that particular text message was sent to an app on his smart phone. This telephone number of is the only link we have to Through law enforcement channels, I was able to identify the phone carrier for this particular telephone number to be Verizon Wireless via prepaid cell phone.

Furthermore, had stated was in possession of her vehicle at the time of the assault. However, there was only the one text message and one outgoing phone call to telephone number (October 05, 2014 at 0523 hours).

Additionally, I located large amount of text messages (outgoing and incoming) to a cell phone number of A lot of the contents of the text messages were romantic relationship related. I then located an outgoing text message from cell phone to the cell phone number listed above that read “Then don't be fucking crying that u wanna come over here I'm tire of dealing with ur bipolar ass fuck u because of everything fucking happens THANK YOU FOR LEAVING YOUR DAUGHTERS STRANDED WITH NOOO FUCKING CAR”. Based on the contents of the text messages and the one listed above. I believed the cell phone number of A previous outgoing text message from “Look ida where the fuck u are this the shit I hate bout u my car u always have it and I'm sick of that shit, I need it I left to a party”. This particular text message was sent on October 04, 2014 at 1837 hours, about ten (10) hours prior to the assault. had told detectives that she did not have possession of the vehicle all night, but that did. Because was unable to provide detectives with evidence of the existence of (I.E. photos, address, person history, etc.) and the text message sent to it was believed did not exist and that may have been the driver of the Monte Carlo on the morning of the assault. At this point in the investigation, cooperation had been less than cooperative.
Based on this evidence, I believe that [redacted] was in control of the vehicle the entire night and might have been the driver during the assault on Officer Goodman.

With the previous mentioned text messages and the times they were sent, I believe [redacted] cell phone (Sprint) and the cell phone number of [redacted] (Verizon), may have vital information to help identify the suspect and their whereabouts.

Based on training and experience, I know that cell phone providers including Verizon Wireless & Sprint PCS maintain specific records for cell phones including, but not limited to: IMEI numbers, the subscriber’s name and address, the phone number assigned to a SIM card and/or cellular telephone, e-mail addresses, IP addresses, means and source of payment, including credit card and bank account numbers, types and length of services utilized, records of incoming and outgoing phone calls, text, SMS, MMS, picture and video messages, instant messages, and other forms of electronic communication, as well as cell phone tower locations.

I know that obtaining subscriber, billing, method of payment and usage information for the cell phones and SIM cards will identify the owners of those said phones, including any and all phone calls and electronic communication between those said parties. I also know that the owners of those cell phones may have pertinent information or may be able to identify the suspect(s) in this assault investigation. I know that the subscriber, billing, payment and usage information may lead to the identity of a witness or suspect which may further this investigation.

I know from training and experience that cell phone tower locations will reveal the general area in which cellular telephone calls were made from and received, as cellular telephones are transferred to the antennas on the nearest cell tower to maintain signal strength, while in use. With this information, I may develop further suspect information, as the cell towers will provide general locations of a person’s cellular telephone, while in use. Although this information will not specifically identify a suspect in this crime, it may provide additional leads in this on-going assault investigation.

Through experience and training, I also know that the cellular service provider maintains records that include cell site information and GPS location. Cell site information shows which cell site a particular cellular telephone was within at the time of the cellular phone’s usage. Some model cellular telephones are GPS enabled which allows the provider and user to determine the exact geographic position of the phone. Further, the cellular service provider maintains cell site maps that show the geographical location of all cell sites within its service area. Using the cell site geographical information or GPS information, officers would be able to determine the physical location of the individual using the cell phone numbers [redacted] which was in use by [redacted]. That information is necessary to the investigating officers in order to assist investigating officers in locating the subscriber and in aiding in the identification of the suspect who committed the assault.

It is further ordered that cellular service provider not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this order in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, or flee or continue his flight from prosecution.

WHEREFORE, I pray that a search warrant be issued, based upon the above facts, for the seizure of said property; I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

[Signature]
Detective Michael Benz, #305

Subscribed and sworn to before me
at 3:00 AM PM on 10/29/14
in Alameda County, California.

Magistrate of the County of Alameda,
State of California
SUPERIOR COURT OF CALIFORNIA  
County of Alameda

SEARCH WARRANT  
Electronic Communication Records  
Phone • Email • Internet

THE PEOPLE OF THE STATE OF CALIFORNIA  
to any peace officer in Alameda County

An affidavit, sworn to and subscribed before me on this date, has established probable cause for this search warrant which you are ordered to execute as follows:

PLACE TO BE SEARCHED: Mosaic Network [Redacted] hereinafter “Provider.”

Re: Customer: [Redacted]

Type of service provided: ☑ Telephone  ☐ Email  ☐ Internet  ☑ Text Message (SMS)

RECORDS TO BE SEIZED [if checked]

Specific records

☑ Subscriber’s name and address
☑ Telephone number, e-mail address, IP address
☑ Data usage
☐ Cloud Data
☑ Wi-Fi Network History  ☑ Means and source of payment, including credit card and bank account numbers
☑ Legend information from carrier (e.g.: definitions of terms and descriptions of tower layouts)
☑ Subscriber/Account information (including account number, party financially responsible for billing (phone, address, email, and phone numbers), payment type, and user information)
☑ Additional account holder information (lost phones reported to account, additional phone numbers assigned to account, service start date & location purchased from)

Connection records

Telephone

☑ Local and long distance connection records (including last outgoing and incoming number) from Friday October 03, 2014 thru October 08, 2014.
☑ Local and long distance text messages from Friday October 03, 2014 thru October 08, 2014.
☑ Locations, dates, and times of GPS signals and cell tower contacts (including beginning and terminating cell sites) from: Friday October 03, 2014 thru October 08, 2014

Email and Internet

☑ Email or IP address of the person or computer contacted, session times, and duration of sessions from: Friday, October 3, 2014 to Wednesday, October 8, 2014

COMPLIANCE DATE: Provider shall furnish the listed records to the affiant on or before Monday, May 19, 2013.

FINDINGS

(1) Provider is a California corporation or a foreign corporation doing business in California, and is a provider of electronic communication service as defined in 18 USC § 2510(15) and Penal Code § 1524.2(a)(1).

(2) Pursuant to 18 USC §§ 2703(c)(1)(A) and Penal Code § 1524.2(b), 1524.3, upon a showing of probable cause this court is authorized to issue this search warrant for the records listed below.

(3) The affidavit filed herewith, which was sworn to and subscribed before me on this date, has established probable cause to believe the records listed below are in the possession of Provider and that they [check one or both]

☑ Tend to show a felony that has been committed or tend to show that a particular person has committed a felony.
☐ Tend to show that sexual exploitation of a child (Penal Code § 311.3), or possession of matter depicting sexual conduct of a person under the age of 18 years (Penal Code § 311.11) has occurred or is occurring.

SEALING ORDER: Pending further order of this court, this search warrant and all accompanying documents shall not become a public record and shall be sealed and delivered into the custody of the Clerk of the Superior Court.
Grounds for sealing: □ Informant protection (Evid. Code § 1041) □ Official information (Evid. Code § 1040)

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this search warrant pending further order of this court.

Date: October 29, 2014

Judge of the Superior Court

18 USC § 2703(c)(1)(A) and Penal Code § 1524.3(a)
Your Affiant says that the facts in support of the search warrant are as follows:

Your affiant is Denise Joseph, Crime Analyst Technician for the San Leandro Police Department. Your affiant is currently assigned to the Criminal Investigations Division. Your affiant has been employed with the San Leandro Police Department (SLPD) since October of 2005. Your affiant attended a Crime and Intelligence Analysis Certification Courses through Sacramento State University, and obtained DOJ Certification as a Crime and Intelligence Analyst in December 2013.

As an Analyst with the SLPD, your affiant’s responsibilities include assisting with investigating crimes; such as homicides, robberies, carjackings, burglaries, thefts, child abduction, sex crimes, domestic violence, gangs, weapons offenses, and assault; committed in and around San Leandro, by supporting investigations with research and analysis of criminal activity, and suspects, associated to San Leandro; and by providing analytical products to assist with investigations.

During your affiant’s employment as an Analyst, your affiant has gained training and experience with respect to investigating homicides, robberies, carjackings, burglaries, thefts, child abduction, sex crimes, domestic violence, gangs, weapons offenses, and assault from several different sources. These sources consist of formal and informal trainings, as well as, conversations and interviews with Detectives and other members of Law Enforcement. In addition, I have observed multiple formal and informal interviews of suspects and informants, and de briefs on significant cases. Formal training for your affiant includes conferences, meetings, and instruction on topics and issues that are pertinent to criminal investigations and analysis. The following are formal trainings I have attended that are pertinent to my position as a Crime Analyst that assists with the above listed investigations.

- 12/16/2005 – Domestic Violence Update – 2 hours
- 12/16/2005 - Juvenile Justice Update – 2 hours
- 12/10/2007 – Domestic Violence Update – 2 hours
- 10/2011 – IACA Crime Analysis with Crime Mapping – 12 week course
- 10/19/2012 – California Crime & Intelligence Analysts Association Conference – 40 hours
  - Cell phone mapping & cell phone data
- 10/27/2012 – Criminal Investigative Analysis/ Violent Crimes – 24 hours
- 11/17/2012 – Criminal Investigative Analysis/ Suspects – 16 hours
- 01/12/2013 – Crime Analysis – Implementation and Evaluation – 16 hours
- 01/22/2013 – California Sex and Arson Registry Training – 8 hours
- 02/16/2013 – Crime Analysis – Expanded Applications – 20 hours
- 03/02/2013 – Law Enforcement Research & Statistics – Forecasting – 20 hours
- 03/16/2013 – Law Enforcement Research & Statistics – Sampling – 16 hours
- 04/17/2013 – Criminal Intelligence Sharing – Protecting Privacy & Civil Rights – 8 hours
- 09/21/2013 – Criminal Intelligence – Basic Elements – 20 hours
- 10/05/2013 – Criminal Intelligence Data Analysis- 20 hours
- 09/2/2014 – California Crime & Intelligence Analysts Association Conference – 40 hours
  - Cell Phone Investigations
  - Financial Investigations
  - Interview & Interrogation: the analysts contribution
  - Social Media Investigations
- 10/08/2014 – Social Media Training- Fremont PD – 3 hours

In addition I hold the following certificates relevant to my position as a Crime Analyst Technician with SLPD.


05/28/2013 - POST – PSD Advance Certificate

12/2013- California Crime & Intelligence Analysis Certificate - DOJ

12/12/2013- Crime & Intelligence Analysis Training – FBI
In my capacity as an Analyst, I am currently assisting the lead investigators Detective Steve Cesaretti & Detective Michael Benz on SLPD case #2014-46732, which is an investigation into an assault with a deadly weapon that occurred on October 05, 2014 in San Leandro, California. The following is based on statements from involved parties and witnesses, as well as, police investigations.

On October 05, 2014 about 0426 hours, San Leandro Police Officers were dispatched to a vehicle pursuit of a blue **Chevy Monte Carlo, California license plate [redacted]** located in the area of East 14th Street and 136th Avenue as an SLPD officer attempted to stop a vehicle for reckless driving. The suspect fled in the vehicle running several stop signs and red lights, and driving at dangerous speeds of approximately 75 MPH in areas zoned for speeds of 25-35 MPH. During the course of the vehicle pursuit the driver of the suspect vehicle pulled into a dead end street at Woodland Avenue and Woodland Park and attempted to hit the pursuing officer with his vehicle as the officer attempted to make contact. The officer was in fear for his life and shot at the vehicle as it came towards him and passed him, ultimately fleeing the scene with several shattered windows. The suspect and vehicle were unable to be located and the vehicle was entered into SVS with a felony want. A Critical Reach Flyer was written and distributed through APB Net to the Bay Area.

A records check was conducted on the registered owner of the vehicle and finally the listed owner to be with an address of **[redacted]** with associated address of **[redacted]**, CA as of 2012. Detective Cesaretti contacted San Mateo County Sheriff's Office and Merced County Sheriff's Office, who are the responsible agencies for the addresses associated to the registered owner of the vehicle. Detective Cesaretti also created a photo line-up of the registered owner, using his Driver's License photo as he possibly matched the suspect from the pursuit as he was a Hispanic male who matched the description provided by Officer Goodman during the pursuit. The photo line-up was shown to Officer Goodman for identification by Sgt. Henderson and Sgt. Benabou, but he was unable to identify [redacted] as the driver of the suspect vehicle.

As [redacted] was listed as the registered owner of the vehicle, further records checks were conducted in order to locate him and speak with him about this incident and the involvement of the Monte Carlo. Detective Cesaretti spoke with Deputy Mark Taylor of the Merced County Sheriff's Office and he advised [redacted] was known to him and he had recently moved out of the residence located at **[redacted]**, CA. He provided Det. Cesaretti with an associated phone number for [redacted]. Records checks showed this was a Sprint cell phone. Detective Cesaretti contacted Detective Alfredo Gudino of the San Mateo Sheriff's Office and Gang Intelligence Unit and he advised [redacted] was known to reside at [redacted] and conduct a surveillance of the residence in question. He stated this residence belongs to [redacted] mother, but [redacted] has been seen there within the last 10 days.

On October 05, 2014 at 1100 hours, Detective Cesaretti contacted Sprint Corporate Security and requested an exigent “ping” of the cell phone based on the circumstances of this incident. It was granted immediately and the phone number pinging in the area of **[redacted]**, [redacted], Detective Morgan, Detective Barajas, Detective Nelson, Detective Benz, and Detective Khan all responded to the area of the residence located at **[redacted]** and conducted a surveillance of the residence in an attempt to locate [redacted]. At approximately 1400 hours, [redacted] was observed standing in front of the residence. He was contacted and detained without incident. Detective Cesaretti arrived on scene at 1410 hours, and verified his identity based on his California ID card and spoke with the owner of the residence, [redacted] mother, and she identified herself as [redacted]. Det. Gudino translated as her primary language was Spanish. She provided consent to search her residence which was conducted with negative results.

As [redacted] was the listed owner of the vehicle and matched the description of the driver, he was arrested and transported to SLPD.

On October 05, 2014 [redacted] was Mirandized and interviewed at San Leandro Police Department by Detective Cesaretti & Sgt. Henderson, and he admitted to being the registered owner of the Monte Carlo, but denied any involvement in the incident. He stated he sold the vehicle to a former neighbor named [redacted] under the premise that he would pay [redacted] for the vehicle when he had money to do so, and met with approximately 2 weeks after selling the vehicle to give him the pink slip to the vehicle. At that time, he advised he was going to exchange the Monte Carlo for a truck to another subject who lived in East Palo Alto.
On October 06, 2014 at 1700 hours Detective Benz was releasing [redacted] from San Leandro Jail pursuant to 849(b) and [redacted] advised him he had withheld information during the previous interview on October 05, 2014, concerning the location of the vehicle. [redacted] stated he knew [redacted] sold the vehicle to a subject who currently resides in East Palo Alto and that the buyer had recently been arrested in East Palo Alto for animal cruelty concerning roosters in his backyard. He stated that male had several adult sons who were also involved in criminal activity and violent crime. [redacted] was released and Detective Benz called East Palo Alto Police and was recently arrested for a similarly described crime and listed his several record checks were conducted and Detective Benz found who also had another identity as [redacted].

Detective Nelson conducted a records check of East Palo Alto PD's license plate reader database and located information that the suspect vehicle was parked on the street approximately 500 feet from [redacted] at 2130 hours.

On October 08, 2014 at approximately 1400 Detective Cesaretti spoke with [redacted] and [redacted] advised he had located a phone number for [redacted] (the subject who purchased the Monte Carlo from [redacted] and had placed a phone call to [redacted] who told him that he had purchased the vehicle for his adult daughter who lived in Modesto and told him to contact his daughter and have her call Detective Cesaretti.

On October 08, 2014 at 1420 hours, Detective Teng was conducting records checks of [redacted] family members and discovered he had a sister, [redacted] with an address of [redacted]. Detective Cesaretti immediately contacted Modesto PD and spoke with Sgt. Applegate. He advised he would conduct a drive-by of the residence to look for the Monte Carlo.

On October 08, 2014 at about 1500 hours Detective Cesaretti received a call from [redacted] who stated she was currently in possession of the blue Chevy Monte Carlo [redacted] (suspicious vehicle from pursuit) and she was at work at a Safeway grocery store in Modesto and was unable to provide him with an address for her workplace. As [redacted] was speaking with Detective Cesaretti she stated she was being stopped by Modesto Police Officers and handed the phone to him so that he could speak with Sgt. Applegate from Modesto PD. Sgt. Applegate advised that [redacted] was parked in the parking lot of her apartment complex on [redacted] and had lied about being at work at Safeway. Sgt. Applegate further stated he had conducted surveillance on the vehicle and had seen a male, who was later identified as [redacted] approach the vehicle as it was parked and enter it. While he was in the vehicle he wiped down the windows and doors of the vehicle then walk away, leaving in the vehicle where she started the vehicle as if she were going to drive away. Modesto PD Officers advised this is when they detained her and called Detective Cesaretti. The vehicle was towed for investigations to the San Leandro Corp Yard under 22655.5 VC for investigation and technician duties were performed on the vehicle.

[redacted], driver & passenger side windows were shattered as of October 05, 2014 at approximately 0500 hours and they were replaced the same day per the female. She stated she had a “secret boyfriend” that no one knew about named [redacted] whom she met while [redacted] was incarcerated for an unrelated incident. She stated she thought he may have taken it since they had prearranged for him to take the vehicle on October 04, 2014 from her parent’s home in East Palo Alto on [redacted] She stated she left the vehicle parked in front of her parents’ house unlocked with the keys under the driver’s seat and left with a family member to attend a party in Hayward at a family member’s house. She stated that when she left her parents address the vehicle was already gone and she assumed [redacted] had taken it, as they had arranged. She was unable to provide much more information about her except that he was a Hispanic Male 25 years old, with a thin build and dark skin, and that he worked in Castro Valley and worked at [redacted].

[redacted] stated she spent the night of October 04, 2014 at her brother’s house in Hayward and [redacted] arrived and parked her vehicle near her brothers residence and she walked out to her vehicle and noticed that the windshield and both door windows had been broken out and [redacted] explaining to her that he had been in a fight and the vehicle was damaged, he then left with the vehicle to repair the windows. He returned to her brother’s house at [redacted]
and the windows were repaired. She left and was not seen again. She stated she communicated with him via a texting application and did not have a cell phone. During the investigation, she gave Detectives permission to search through her cell phone and data was extracted from her Apple iPhone 4S by Detective Benz using a UFED device and returned to her. She was released after her statement.

Sgt. Henderson, Detective Benz, and Detective Cesaretti conducted several records checks with Tracy PD, Alameda County Sheriff’s Office and Home Depot in Tracy and were unable to locate anyone with the name of Uriel Medina.

Probation Officer from Merced County was contacted and she was advised of the incident and Detective Cesaretti requested to set up a meeting with so that he could be interviewed, and she set up a meeting with via phone call requiring him to be at her office on October 14, 2014 at 0900 hours. Failed to show up and his Probation Officer issued a probation violation warrant for his arrest.

Detective Benz examined the extraction from the cell phone and noticed multiple outgoing and incoming text messages to a particular telephone number of, one of which specifically is addressed to. This message was sent on 09/26/2014 at 01:23 (GMT) which states “where are u I was at ur job for more than an hour waiting for u”. Another text message sent from that is of particular importance to our investigation and sent approximately 10 hours prior to the incident on 10/05/14 at 01:37 (GMT) “Look ids where the fuck u are this the shit I hate bout u my car u always have it and I’m sick of that shit. I need it I left to a party”. Based on this evidence, I believe that was in control of the vehicle the entire night and might have been the driver during the assault on Officer Goodman.

Research was done on the phone number through open source data searches and was found to come back to a texting app by the name of text.me which is developed and sold to consumers by Mosaic Networx. This app uses Wi-Fi data and cell phone tower data to transmit messages. We believe that this phone number is how communicates with and obtaining the requested data from this app would provide us with information essential to our investigation.

Because was unable to provide detectives with evidence of the existence of I.E. photos, address, contact information, etc.), it was believed that her true boyfriend may have been the driver of the Monte Carlo on the night of the assault. At this point in the investigation, cooperation has been less than cooperative.

Based on training and experience, I know that cell phone app providers including Mosaic Networx maintain specific records for cell phone apps including, but not limited to: subscriber name, email home and business addresses, billing information, passwords, and phone numbers. Including profile information such as subscriber location, website data, pictures or other similar information to customize account, cell phone number associated to account, and any other additional information associated to account including both public and non-public personal information. “Usage Data” or non-personally identifiable information about usage of app and services regarding subscriber use of application, websites, or any medium used to access app services. This includes, but is not limited to: click patterns data, IP addresses, device identifier, domain servers, referring/exit pages, operating system information, date/time stamp, messages sent and received using TextMe’s services, and information about those messages, type of device, location information, any demographics information, any kind of web-browser-generated information, including cookies, and telecommunications carrier information.

I know that obtaining subscriber, billing, method of payment and usage information for the cell phones apps and will identify the owners of those phone app accounts, including any and all phone calls and electronic communication between those said parties. I also know that the owners of those cell phone apps may have pertinent information or may be able to identify the suspect(s) in this assault with a deadly weapon investigation. I know that the subscriber, billing, payment and usage information may lead to the identity of a witness or suspect which may further this investigation.

I know from training and experience that Wi-Fi locations will reveal the general area in which cellular telephone apps were using to transmit text messages and phone calls. With this information, I may develop further suspect information, as the Wi-Fi locations will provide general locations of a person’s cellular
telephone, while in use. Although this information will not specifically identify a suspect in this crime, it may provide additional leads in this on-going assault with a deadly weapon investigation.

Through experience and training, I also know that the cellular app providers maintain records that include cell site information, Wi-Fi connections, and GPS location. Cell site information shows which cell site a particular cellular telephone was within at the time of the cellular phone's usage. Some model cellular telephone apps are GPS enabled which allows the provider and user to determine the exact geographic position of the phone. Using the cell site or Wi-Fi geographical information, including GPS information, officers would be able to determine the physical location of the individual using the cell phone numbers [redacted] which I believe was in use by [redacted]. That information is necessary to the investigating officers in order to assist investigating officers in locating the subscriber and in aiding in the identification of the suspect who committed the assault with a deadly weapon.

It is further ordered that cellular service app provider not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this order in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, or flee or continue his flight from prosecution.

WHEREFORE. I pray that a search warrant be issued, based upon the above facts, for the seizure of said property; I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

[Signature]
Crime Analyst Denise Joseph #1074

Subscribed and sworn to before me

at 7:12 AM on 1/29/4

in Alameda County, California.

[Signature]
Magistrate of the County of Alameda.

State of California
INQUIRY MATCH ON FCN/1161427800947
FELONY VEHICLE

2000 CHEV MOC 2D BLK VIN: [REDACTED]
ORI/CA0011200 OCA/14-46732 FCN/1161427800947
DOT/20141005
NIC/V587068817

MIS/VEH INVOLVED IN ASSAULT WITH DEADLY WEAPON ON OFFICER SUSP HMA
BBHAT WHI SHRT DAMAGE TO RIGHT FRONT PASS WINDOW SHATTERED AND POSS
BULLET HOLES
NOA/N

ENT/ON CALIF AND NCIC FILES
IMMEDIATELY CONFIRM WITH ORI/CA0011200 SAN LEANDRO PD MNS/SLD0
TELEPHONE 510 577-2740
TO: SAN LEANDRO PD
FOR OFFICIAL USE ONLY
FELONY VEHICLE
RE: 2000 CHEV MOC 2D

TO MEET THE NCIC CRITERIA FOR ENTRY AS A FELONY VEHICLE, THIS VEHICLE
MUST HAVE BEEN USED DURING THE COMMISSION OF A FELONY CRIME.
YOU MUST STATE THE TITLE OF THE CRIME IN PLAIN ENGLISH IN THE MIS FIELD.
CALIFORNIA PC/VC CODES MAY BE UNKNOWN TO OUT-OF-STATE AGENCIES.
PLEASE MAKE ANY NECESSARY CORRECTIONS.
REFER TO THE CJIS MANUAL PAGE 1-27 FOR FELONY VEHICLE ENTRY REQUIREMENTS.
THANK YOU.
REFER: MICHELLE

PHONE: 
DOJ STOLEN VEHICLE UNIT MNE/ATU0
INVESTIGATION:

On October 5, 2014 around 0545 hours, I was called to respond to the police department in relation to this investigation. After other auxiliary duties, I responded to the area of the shooting to assist with canvassing the area for any potential witnesses. I used my Taser Axon body camera to capture the area resident’s statements. Listed below are the following contacts:

Woodland Park

Did not hear anything.

Woodland Park

Heard car speeding, sirens entering Woodland Park, and then heard a car crash. Then hard 4 gun shots. Then heard car speeding off and sirens leaving the area.

Woodland Park

Heard a lot of sirens, and noises, but did not hear anything other than commotion.

Woodland Park

Around 0430 hours, heard what sounded like a lot of sirens. Heard what sounded like a car crash, shortly followed by what was 3 gun shots. Did not see what happened, until an officer knocked on her door to check on her and her family.

Woodland Avenue

Heard sirens around 0430 hours. Heard what sounded like car racing and sirens following. She said she looked outside and saw a police car. She wasn’t looking when she heard what sounded like two gun shots. She said she then heard the siren leaving the area.

I was unable to locate any additional witnesses.

On October 7, 2014 Detective Cesaretti requested I assist him in the presentation of a double blind sequential line up for both Officer Mally and Officer Goodman. I was not aware of the intimate investigative details thus far, nor whom the possible suspect was being investigated.
Around 1232 hours, Detective Teng and I met Officer Mally near the intersection of Parrott and Clarke Street in San Leandro. The lineup presentation was captured on the Axon body camera. I read Ofc. Mally the lineup admonition form and presented the lineup to him. Officer Mally said subject in picture 2 looked the most similar to the suspect. See video for further details.

Around 1332 hours, Detective Teng and I met Officer Goodman at Street in Walnut Creek. The presentation was also recorded in Axon body camera. I read him the admonition form and showed him the lineup. Officer Goodman said he had seen the suspect’s profile first, but then saw him head on as the suspect drove directly towards him. Officer Goodman said he could identify the suspect. After the lineup was presented, Officer Goodman identified subject in picture 4 as the person that matched that of the suspect. Officer Goodman said the subject in picture four’s jaw line; nose, cheeks, and the shape of his face matched that of the suspect. Refer to the video for additional details.

On October 9, 2014 around 1200 hours, I drove out to Livermore to meet with Officer Mally for another lineup presentation. This was at the request of Detective Cesaretti. I presented the lineup and Officer Mally was unable to identify anyone as the suspect. The lineup presentation was video recorded via the Axon body camera.

Around 1540 hours, I met with Officer Goodman in the Investigation Division Interview room. I again read him the lineup from admonition verbatim and showed him the second lineup. Officer Goodman identified picture #4 as the person that looked similar to the suspect. The lineup presentation was video recorded. Refer to the DVD for additional details.

Nothing further.
On Thursday, October 9, 2014 at approximately 1000 hours Sergeant Henderson of the San Leandro Police Department contacted the Laboratory for assistance in processing a vehicle tied to an officer involved shooting. On Friday, October 10, 2014, Criminalists M. Romo and E. Salazar responded to the San Leandro Public Works Corp Yard located at 14200 Chapman Road, San Leandro at approximately 0848 hours. Criminalists Romo and Salazar were met by Sergeant Henderson and Detective Cesaretti.

Detective Cesaretti indicated he wanted the suspect vehicle photographed, searched for indicia/bullet(s), processed for latent prints, trace DNA, the trajectory documented and the damage to the officer’s patrol vehicle photographed.

**Overview of The Suspect Vehicle**

The vehicle was a two door, dark blue Chevrolet Monte Carlo with CA license plate [redacted] and VIN [redacted]. Detective Cesaretti indicated the windshield, the driver’s side window and passenger’s side window were shot out by the officer. However, the vehicle had all windows intact and closed. The doors were unlocked. The exterior of the vehicle was in poor condition, with paint fading and multiple scratches throughout. There was damage to the front driver’s side bumper area, the driver’s side headlight was smashed, the driver’s side area around the wheel well was dented and the driver’s side view mirror was broken. The damage to the front bumper included scrapes and cracks, and the license plate was bent. There was an apparent repair patch on the driver’s side door however, it could not be determined when this was done. Next to the repair patch was a small area of chipped paint. All four tires were in good condition.

The interior of the vehicle was grey and in poor condition. There were miscellaneous items strewn throughout the vehicle. There was a can of Red Bull (Marker #2) in the cup holder near the center console area. There was a pile of paperwork (Marker #1) addressed to [redacted] from Merced County Superior Court on the front passenger’s side seat. Pieces of broken glass were noted on the floorboard of the driver’s side (Marker #5) and the rear passenger’s side floorboard (Marker #4). There was a pile of miscellaneous paperwork (Marker #6) from the rear seat of the vehicle. The driver’s side window control knob was shattered. The right side of the steering wheel was damaged. There was damage along the center part of the dash, two distinct linear tears were noted. Criminalists Romo and Salazar attempted to insert trajectory rods into the holes but were unable to determine the path of the projectile from either hole.

The trunk of the vehicle had miscellaneous items strewn throughout. Miscellaneous paperwork was located in the spare wheel compartment (Marker #3).
Trace DNA

The following areas were swabbed for trace DNA, one swab was prepared for each area:

- Steering wheel
- Gear shift
- Exterior driver’s side door handle
- Interior driver’s side door handle

In addition to the swabs indicated above, one water control was taken.

Latent Print Processing

The following areas were processed for latent prints:

- Interior front passenger’s side window and frame area, exterior window frame. One lift card was prepared from the interior window and one from the exterior window frame.
- Interior front driver’s side window and frame area, exterior window frame. Two latent print lift cards were prepared, one from the interior window and one from the interior window frame area.
- The rear view mirror, one lift card was prepared.
- The stereo face, no latent prints developed.
- Interior portion of the windshield, no latent prints developed.
- The metal interior portion of the driver and passenger side doors near the bottom of the window frame, after the removal of the panels, were also dusted. No latent prints were developed.

Overview of The Officer’s Patrol Vehicle

The patrol vehicle was #361, CA exempt license plate. The damage to the vehicle was confined to the front passenger’s side. The front bumper rail was dented on the passenger’s side. It was also at an angle and not flush with the bumper. There were some scrapes on the bumper rail and the bumper itself. There was apparent blue paint transfer bumper. Above the passenger’s side headlight, there was a crack. There was no other apparent damage to the vehicle.

Evidence Items

The following table is a list of items recovered from the vehicle:

<table>
<thead>
<tr>
<th>Marker #</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Indicia</td>
<td>Front passenger’s seat</td>
</tr>
</tbody>
</table>

Signed: [Signature]

arco Romo
Criminalist III

Technical Reviewer’s Initials: [Signature]
Administrative Reviewer’s Initials: [Signature]
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>One can of Red Bull</td>
<td>Center console cup holder</td>
</tr>
<tr>
<td>3</td>
<td>Indicia</td>
<td>Trunk</td>
</tr>
<tr>
<td>4</td>
<td>Pieces of glass</td>
<td>Rear passenger's floorboard</td>
</tr>
<tr>
<td>5</td>
<td>Pieces of glass</td>
<td>Front driver’s side floorboard</td>
</tr>
<tr>
<td>6</td>
<td>Miscellaneous Indicia</td>
<td>Rear seat</td>
</tr>
<tr>
<td>N/A</td>
<td>Five trace DNA swabs</td>
<td>Vehicle</td>
</tr>
<tr>
<td>N/A</td>
<td>Five latent print lift cards</td>
<td>Vehicle</td>
</tr>
</tbody>
</table>

Criminalists Romo and Salazar left the San Leandro Public Works Corp Yard at approximately 1330.

**Evidence Disposition**

The evidence items listed above were packaged and tape-sealed into eight evidence containers and released to Detective Cesaretti.

Photographs taken of the vehicles were archived onto one DVD-R, sealed into and evidence envelope (Item #1) and will be retained in the Laboratory’s secured evidence locker.

_Marco Romo_
Criminalist III
Section 7
INTERVIEW WITH N. GOODMAN

Q= T. Henderson
Q1= Man
Q2= Sgt. (Isaac) Benabou
Q3= Man
A= Ofc. (Neil) Goodman

We are recording. So today is October 5th. It's Sunday. It's 9:30 in the morning. Uh, I'm in the chief's conference room. Uh, present in the room is Sergeant (Isaac) Benabou, Lieutenant (Randy) Brandt, Officer (Neil) Goodman, and is LDF attorney (Doug) Folley. Uh, we are here conducting an interview in an officer involved shooting, uh, case number 2014-46732. Uh, before we start with any questioning, uh, (Neil) I just wanna read you, uh, this statement.

Sure.

Okay. Uh, Officer Goodman you are represented here at this interview by your attorney Doug Folley. You are not in custody and you are free to conclude the interview at any time. You are not obligated to answer any questions. Any answers you do give may be used in a court of law. Having this in mind do you wish to voluntarily proceed with this interview?

Yes.

Okay. I'm gonna have you, uh, sign. Mr. Folley you'll sign under - and I will sign. All right (Neil) so, uh, if you would start with, uh, just, uh, providing us with your name and serial number.

(Neil) Goodman, serial number 282.

And how old are you?

43.

And do you remember the date of hire here at San Leandro PD?

November 2, 2000 - 2000 I think. I'm not exactly sure.
Q: Okay. And approximate about how many years do you have employed with San Leandro?

A: Fourteen.

Q: Fourteen years. And prior to San Leandro do you have any other law enforcement experience?

A: Yes.

Q: And what was that?

A: Uh, Mountain View police officer full time. Uh, for two years.

Q: For two years. And your current assignment now here at San Leandro.

A: Police officer - patrol.

Q: What are your normal days off?

A: Friday, Saturday, Sunday.

Q: And what shift do you currently work?

A: 410 midnights Monday through Thursday 2100 to 0700.

Q: And on your normal shift what is your, uh, beat assignment?

A: Beat one.

Q: Beat one. Uh, last night was it an overtime shift?

A: Overtime.

Q: Okay. What was your, um, hours of operation for last night's shift?

A: 1840 to 0700.

Q: And what was your call designation?

A: 1L22.

Q: So that means that you were working or assigned to beat two.
A: Yes.

Q: Uh, your supervisor at the time of this, uh, incident tonight?

A: Sergeant (Leha).

Q: And prior to tonight, um, what other, uh, training, expertise, or anything else do you have? I know you’re a ho-hostage negotiation team member. Uh...

A: Yes. Use of force instructor.

Q: Anything else?

A: Not that I can think of offhand.

Q: Okay. Use of force is that just for weaponless defense or does that involve, uh, firearms as well?

A: Weaponless defense.

Q: Okay. Prior to tonight’s overtime shift what was the last shift that you worked?

A: Wednesday. I took Thursday night off.

Q: So that would’ve been...

A: I think it’s, uh, the 30th.

Q: Okay.

A: If I’m not mistaken.

Q: Let me just confirm that.

A: Tuesday was the 30th and, uh, the 1st was Wednesday.

A: Wednesday it is - the 1st.

Q: So Wednesday the 1st was your last day of work. Thursday you had off?

A: Yes.

Q: And then Friday was your regular day off.
And you came and worked Saturday at 1840 hours.

Correct.

Okay. Uh, before the shift today and within the last 24 hour have you taken any type of medication?

No.

Okay. Have you had any alcoholic beverages to drink?

No.

Um, do you remember the last time you slept and about how many hours you slept before this shift?

Um, I went to bed at 8:00 am. And I woke up at 5:00 pm.

So went to bed at 8:00 am Saturday morning?

Mm-hm.

And woke up 5:00 pm Saturday afternoon.

Yes.

Wish I could sleep like that. Do you have any, uh, medical conditions that, uh, impacted your judgment of physical abilities tonight?

No.

No. Any injuries as a result of the incident tonight?

I have some soreness in my knee. I don’t know exactly how I got it. I think it - it happened during this whole thing but I’m not exactly sure.

Okay.

I - I - I have an estimate but - I’m gonna turn this off.

Which knee is sore?

Uh, left knee.
Q: Left knee. You said you had estimate on how it happened. Why don't you tell me about it.

A: Uh, I think, uh, part of the car, uh, struck me, uh, during this incident. Part of my own car.

Q: Okay.

A: Yeah. The left, uh, door.

Q: And, uh, would it - would that have been a result of the - I mean how would the car have struck you?

A: The car being pushed towards me.

Q: Okay.

A: The suspect's car pushing my car into me.

Q: Okay. Any visible injuries on your knee? Any scratches? Nothing like that?

A: No I looked. No.

Q: Okay. So we're - I'm gonna start with your uniform and what you were wearing tonight. So why don't you describe, uh, your uniform.

A: I was wearing the, uh, San Leandro, uh, utility uniform.

Q: So that's a cloth uniform, cloth badge over the chest says police officer.

A: Correct. Yes.

Q: Um, uh, was blue in color?

A: Blue in color.

Q: 511?

A: It's made by 511. It's got a - a San Leandro police patch on the, uh, left upper arm. It's long sleeve. Uh, it, uh, has my name N. Goodman embroidered on
the patch on my right lapel. The cloth patch is white. Uh, it’s a seven point
star on my left lapel. Um, I was wearing my, uh, duty gear, uh, nylon. Um,
duty belt, uh, s-, uh, department issued pistol. And, uh, department issued, uh,
holster - (crew) holster on my, uh, on my right side. Uh, working towards, uh -
uh, counterclockwise towards the front of my waist was a double handcuff,
uh, case. A, uh, pepper spray I believe. Um, Baton, Taser, and radio.

Q: Okay. And you were wearing your vest?

A: Wearing my bulletproof vest underneath this uniform.

Q: Okay. Um, any other equipment? Any secondary guns? Backup guns?

A: I had no backup guns. I had this flashlight in my, uh, in my, uh, cargo, uh,
thigh - left thigh pocket.

Q: Did you say Taser?

A: Did have a Taser, yes.

Q: Okay. Cargo left thigh pocket was the flashlight. Any damage done to your
uniform or to the flashlight?

A: My flashlight was damaged. Um, I think it was run over. It’s got some scuff
marks ‘cause it’s brand new. Uh, I think - I think it still works.

Q: Do know if it fell off your pocket - fell out of your pocket? Did you drop it?
How did that...?

A: Um, I’m not sure. I - I believe it might’ve been, uh, it’s unlikely that it fell out
of my pocket..Uh, I think it just got knocked loose.

Q: Okay. When you say it was in your - the thigh of your pocket...

A: Mm-hm.

Q: ...it was just - it’s not strapped in there.

A: No.

Q: It’s just in the pocket.

A: It’s not strapped in. It’s just in...

Q: And the side pocket of your pants has Velcro straps.
INTERVIEW WITH N. GOODMAN
Interviewer: T. Henderson, I. Benabou, R. Brandt, D. Folley
10-05-14/9:30 am
Case # 2014-46732
Page 7

271  A: Just has a pocket with Velcro flap.
273
274  Q: Flap, right.
275
276  A: Right.
277
278  Q: So that would be the only thing that’ll be securing the flashlight in there.
279
280  A: Yeah.
281
282  Q: Okay. In addition to, um, uh, all the other equipment you had a, um, police, uh, or Taser camera?
283
284  A: Yes.
285
286  Q: Okay. And was that activated?
287
288  A: No.
289
290  Q: Okay.
291
292  A: I did attempt to activate that. But we were just issued these cameras two weeks ago. Uh, I tried to activate it, uh, on (Haas), uh, during the pursuit. Um, and I thought I pressed it twice. Um, uh, but I checked later, uh, to see if I’d, uh, captured the incident. I was looking for the license plate of the car. And, um, I - I t- it wasn’t turned on.
293
294  Q: Okay. And, um, let’s see. Um, do you remember the, uh, the vehicle you were driving last night?
300
301  A: 361.
302
303  Q: And that’s a, uh, marked patrol unit?
304
305  A: Yes.
306
307  Q: Can you describe it for me?
308
309  A: It’s, uh, black, uh, Ford Crown Victoria with, uh, white, uh, front doors. Um, it has an overhead LED light bar, a siren in the grill. It has spotlights on the left and right A pillars. The door emblem says San Leandro Police. It’s a standard - standard police door emblem. It says San Leandro Police on the back of the vehicle. Along the trunk lid.
Q: And the door emblem for San Leandro Police that's the same as our patch.

A: Correct.

Q: Okay. Prior to starting the, uh, your shift tonight did you, um, ensure that the emergency equipment was operational?

A: Yes.

Q: Okay. And was it?

A: Yes.

Q: Okay. And that include cut on the emergency lights, making sure, uh, the lights were properly...

A: I turned on the emergency lights, I turned on the headlights. I turned on the signals. I got out of my car and I checked all that equipment forward and reverse, all were working.

Q: Okay. And our cars are not equipped with video cameras.

A: No.

Q: Okay. Um, I'm gonna switch to your, uh, your gun.

A: Sure.

Q: Um, do you know the make and model and color of the gun?

A: It's a black, uh, Glock 22.

Q: Okay. And is it issued by the department?

A: Yes.

Q: And it's a 40 caliber?

A: Yes it is.

Q: And was this the gun that was fired tonight?

A: Yes.
Q: Okay. Um, from what position, uh, was the gun fired? Was it fired form shoulder, hip, prone, kneeling - how did you fire it?

A: Uh, standing. Uh, somewhere between waist and shoulder level.

Q: Okay. So...

A: I’d say in the mi- somewhere in the middle of that range.

Q: So maybe, uh, up by the chest?

A: Oh my arm was fully extended.

Q: Fully extended? Okay.

A: Yes.

Q: So arm’s fully extended. Pointed in the direction of the suspect vehicle.

A: Yes.

Q: Okay. Any, uh, special modifications to the gun? Any - any different, uh, handgrips or anything like that?

A: No. It does have a light. It has a department issued light.

Q: Right. Okay. Um, and it was the departmental issued ammunition that was used in the gun?

A: Yes. Yes.

Q: Okay. Um, do you know how many rounds were in, uh, in the gun?

A: And were you trained in the use of firearms at the police academy?

A: Yes.

Q: And in the 14 plus years you’ve been with the police department you’ve received, uh, regular training in firearms?

A: Yes.

Q: Um, and, uh, when was the last time that you qualified with your firearm?
A: A few weeks ago.

Q: Do you remember the, um, the range master who qualified you?

A: (Vince Markay).

Q: And you’re up to date on the qualifications? You haven’t missed one prior?

A: Nope.

Q: Okay. So now I’m gonna have you just take a few minutes and now I’m gonna have you, uh, kind of sketch out the area where the shooting occurred.

A: Okay.

Q: And, uh, take your time. And then we’ll talk about it from there.

A: All right.

Q1: You want vehicle positions on there?

Q: Yes please.

Q1: At what point?

Q: Uh, when the shooting occurred.

Q1: Okay.

Q: If that makes sense.

Q1: Yes.

Q: Okay.

Q1: Well that makes sense to me. That make sense to you?

A: Yes.

Q1: Okay.

A: Actually not. It’s hard to put - I - I drew this too small. Um, our car was somewhere in this area here.
That’s at the intersection of Woodland...

This is north right here. So my car’s facing south on a south direction on Woodland Avenue toward Wood - I think it’s Woodland Park...

Right.

...is the street. And the suspect - the other car was started off back here. Uh, the other car, um, started moving around like it was trying to get - I’m not sure what it was doing. Um, but I tried to keep my car kind of square up to the guy. Um, I didn’t want him coming past and hitting me in the door. At some point I pulled - I kind of got the sense that this guy, uh, was looking for a way out. And he kept backing up. Um, and we wound up closer this direction and he wound up closer this direction. So the pursuit wound up like this as he came in and took up position here and was moving his car around and was trying to stay square to his car as he’s trying to maneuver his car into a point where he can do something to come back northbound.

Okay.

Do you want me to take it from there?

Yeah you can continue, yeah. Just continue.

Okay. So at some point he backed up and stopped. And I thought he was gonna surrender at that point. I didn’t feel comfortable from the position of my car, felt like there was too much space in between us where if he changed his mind my concern if he changed his mind he could accelerate and there was enough room to where he could hit my car and knock it back into me. I felt - I knew I was going to go into a high risk position based on the circumstances. I felt this guy was a threat. And unpredictable. Um, I knew that his car could be used a weapon. So as it terminated and as I prepared to get out on foot I closed forward - he backed up - he kept backing up like as - as I was moving forward. Finally he stopped and I thought he and no more room to back up. So I pulled my car, um, as close as I could. His car I believe it was a little bit more of an angle than it was here. As best I can remember. And, um, so then I - I pulled forward to, uh, close the distance between us. Um, I can see his hands on the wheel. He stopped. I thought okay now is a good time to give him commands. Stepped out, drew my pistol. His car seemed like it was rolling back a little bit. And I noticed once I was out on foot that he’d actually - I think he’d used, um, he backed it up even further behind him and he had more room, um, than I’d perceived at the time when - when I got out. Uh, he came across, um, he accelerated. I was standing in the V. It happened so fast I didn’t have time to say anything to him. I heard his engine rev. I saw his headlights lined up towards my car. And I thought he was gonna run right past
me. It's very narrow here. And, um, the way that he was lined up it wasn't like he was trying to go that way and make it obvious that he was gonna try and hit me. It looked - appeared that he was gonna drive right towards my car. And he did. As soon as I thought that he's already moving. And his engine was about as loud as I've ever heard an engine. And his lights, um, telegraphed his path. And he came forward. Um, at that point, uh, I feared for my life. I thought one of two things is gonna happen. Um, the first thing is he's gonna run over me here. He's gonna just sandwich me in between - he's gonna hit my door. He's gonna sandwich me in between my - my door and, uh, and, uh, the rest of my vehicle. And kill me or seriously injure me. Or I know we've had a situation, uh, in the past, um, where that's what I thought. Um, where that was my first thought where he's just gonna drive right over me. And those things happened in - in a blink. Those things just flashed into my mind. I was afraid. Um, there - there wasn't any place to run. There wasn't any place to retreat to. Um, and as I'm thinking, uh, that, uh, this is all happening in - in a fraction of a second. Um, I fire my weapon, um, at the driver, uh, to stop him from doing what he's doing. Um, as it turns out, um, I - I saw glass shatter. Um, I saw his face as he approached. Uh, my car is now getting pushed off to the, uh, left. I knew there was another police car - or to my - to my right. To - to his left. And - and backwards towards me. He drove, um, he kind of bounced off my car and went to the right. There's another police car somewhere behind me and he took off. I - I got, um, back in my car. I looked in my rearview mirror - or side view mirror. I could see his headlights continuing northbound. Looked like he was going up towards Dutton. I made a turn. And so I think someone had told me on the radio, uh, he - he went up to Dutton and he went eastbound. I believe that's what I heard. And so I went up to Dutton eastbound. Um, at - just prior to that there's a lot of radio traffic. I thought I had transmitted. I thought - I say I thought I transmitted shots fired but it turned out later, uh, that that transmission didn't come out. And I know that after the fact because the officer behind me came back to the scene and told me. He said, "Did you fire shots?" And I said yeah. He goes, "Um, I don't think," I said, "I transmitted it." He goes, "I don't think it came out." Um, so anyway so I - I drove up here. I went to Bancroft. I couldn't find the other - I heard other units saying that it was southbound I think on Bancroft (unintelligible) highway speed. I went back to the scene. Uh, looked at it. Um, tried to preserve the scene, telephoned the sergeant and told him what happened.

Okay. Uh, for the purposes of the sketch and then we're gonna go back to kind of what you talked about, I just want you to - could you just write in there, um...

Me?

Yeah like that's you where the line is.
Okay.

Um, you can write police vehicle here.

Okay.

And then this is the suspect vehicle.

Suspect vehicle.

And then this line that’s, uh, driving away this is the direction of travel of the suspect vehicle?

That’s the suspect vehicle path.

Okay. Um, so, uh, Woodland Avenue is a north/south street.

Correct.

Woodland Park is a, uh, east/west running street. It’s a small street.

Yes.

Cull de sac on both ends or - or turnaround on both ends?

Yes.

It’s probably about a - what maybe a block in length - that street? Maybe...?

The l- the length of Woodland Park?

Yeah. Block and a half? Oh if that - if that?

There’s a couple houses on the south side.

Yeah.

And maybe a couple houses on the...

Right.

...I mean on the southwest side of that intersection and a couple houses on the southeast. So whatever that is.
Q: Right. Um, lot of trees in the area. Um, how’s the lighting at that time of night?

A: Dark. Very dark, very quiet.

Q: Okay. Um, so with the exception of, uh, your headlights, your emergency lights on, the vehicle’s lights on, uh, any other lights in the area that you know of?

A: I wanna say - I’m not 100% that there’s a - there was a street light off to my left somewhere. But I’m not 100%.

Q: Okay.

A: I don’t know.

Q: But it was dark.

A: It was very dark.

Q: Okay. Um, during what you’re telling us you say you wanted to stop the suspect from doing what he was gonna do? I just want you to clarify that for me just a little bit.

A: What - what I meant was I felt the suspect was trying to ram me with his vehicle and I knew that that would kill me. And I fired my weapon to stop him from doing that.

Q: Okay. And, um, did he ram you - in fact ram the car?

A: Yes.

Q: Okay. Uh, how many times?

A: Um, I know it was at least once and it pushed my car forward and to my right. I pu- it pushed my car away from him and into me as I’m standing in the V. And as he turned to his left it took my vehicle to my right. I believe because that - I - I believe when my vehicle came backwards I was standing in a shooting stance with my left foot forward and my right foot back. And that’s part of my door is what struck my knee. And I - had a pretty good amount of adrenaline and I felt that back at the station once the adrenaline wore off. At least an hour later. I didn’t look at the clock at that point.

Q: Okay. All right. Um, did you fall down during the...?
A: No.

Q: Okay. And you didn’t feel the door hit you?

A: No.

Q: Immediately?

A: No.

Q: Okay.

A: But I know that nothing else hit me.

Q: Right.

A: Before that or after that.

Q: Okay. All right. Uh, when you fired the three shots what was your backdrop?

A: Um, the shooting backdrop is this was moving. And this car was coming towards me and then coming, uh, pushing towards the right.

Q: Okay.

A: My right. The suspect’s left.

Q: Your - okay.

A: Yeah.

Q: And do you know where the bullets impacted?

A: Uh, I believe the, uh, front right - somewhere between the, uh, um, I was aiming for the suspect but it was a moving target. Um, I was aiming for him. My best estimate would be somewhere between the middle of the front windshield area and, um, the, uh, passenger window.

Q: Okay. So as he was, uh...

A: Hi- his car swept from his, uh, right to left. And from my left to right. So as I’m facing you it’s coming across this way and it’s pulling my car - it’s pushing it backwards and like this.

Q: Okay. And when did you, uh, fire first?
A: As the car was coming after me.

Q: And then, um, would you say it rammed you next and you fired the second shot or you fired the second shot and it rammed you or how did that transpire?

A: No. I believe I fired all my shots before he rammed me.

Q: Okay. But he was going at an angle.

A: He ended up going at an angle and initially he was straight on.

Q: Okay. All right. So as he was approaching you you believe he fired all three shots before he rammed you.

A: Yes.

Q: He did ram you, pushed your car backwards.

A: Mm-hm.

Q: And then he went around to your, uh, you went around the passenger side of the vehicle.

A: To my left, right.

Q: And fled the scene.

A: And that's what surprised me 'cause I thought he was gonna - based on where he was 'cause he was more here I thought he would just come straight. And I don't know why. Part of me wonders if it had something to do with the officer behind me. I don't know.

Q: Do you know which officer was behind you?

A: I do now. And I learned at the scene that it was Officer (Malley) because we both came back here to where - to - to the area I'm pointing at.

Q: Okay.

A: And then he asked me, "Did you fire?" And I said yes. And then I said, uh, "Was that you behind me?" And he said yes.

Q: Okay. And prior to this, uh, there were no other officers with you?
A: No.

Q: You were by yourself?

A: Yes.

Q: You were a solo unit - no partner?

A: That's correct.

Q: Okay. Um, okay. Any questions so far (Isaac) about, uh, anything?

Q2: You want, uh, I have questions earlier on. Can we go back there?

Q: Uh, save it to the end. Okay.

Q2: Okay.

Q: Oh. Okay. Um, so what situation took place to get us to this?

A: Okay. This was a culmination of - of a pursuit. Uh, a pursuit's what led up to this.

Q: Okay. And, um, how - how was that initiated? What started - what'd you - what'd you see?

A: I was driving northbound on East 14th Street. Somewhere between the one 3600 and the 2300 block where it changes there. Um, between San Leandro Boulevard and (unintelligible) streets, uh, Blossom. I'm driving northbound. I see this vehicle coming at a - a fairly high rate of speed. Um, through the 25 mile an hour zone downtown. Uh, which is just north at, uh, Blossom. It's 40 south of Blossom. Uh, as the vehicle passed me I noticed the driver gave a, uh, a long stare at me. And then he quickly noticed me with locked eyes and then he looked away. And, um, continued at his speed. And then he was leaning forward as if to get a good angle to keep me in view to see if I was watching him. And I noticed that 'cause I was doing the same thing. Um, I wa- I was curious as to why he was looking at me drawing my attention just by his hard stare. There was - he was the only car on the road. This is after 4:00 in the morning I believe. And I was the only car - just him and I. So I, uh, made a U-turn. He slowed down, um, and sped up. He put on his signal to signal a right hand turn onto 135th and instead of taking the right turn he continued to San Leandro Boulevard. He took the Channel Lane to go right onto San Leandro Boulevard and quickly made a U-turn going the wrong direction on San Leandro Boulevard, made a left turn. And then I had not quite, uh, caught up to him, um, and I had not committed to the Channel Lane.
So I saw that happening and he was already committed to his U-turn. So he just sped away and I made a U-turn. Um, I told radio hey show me in pursuit. I knew he was gonna run at that point. He'd already taken evasive maneuver. And he continued northbound. I turned on my lights and siren. Um, uh, soon as I, uh, said I was in pursuit. I tried to grab a plate. The plate I later learned was wrong because they told me it came back I think to a Toyota and I knew I was, um, in pursuit of a Chevy Malibu two door. Um, we continued northbound, um, until we got to (Haas). We made a right eastbound turn onto (Haas). And that's when I believe I got the update on the plate and I could see him slowing down as we were continuing on (Haas). Uh, as if he was looking for a place to turn off. Um, I advised radio hang on I think I can get you a better plate. I caught up to him as he was leaving the stop sign to make a right southbound turn onto Woodland, put out the plate, and that's what led us here.

Q: Okay. Um, lights and siren were activated?

A: Running all night. I'd made several traffic stops. I didn't have a problem all night. Uh, I checked the beginning of my shift. I'd made traffic stops, um, within an hour or two before that. No problems.

Q: Okay. So the, uh, the PC for the stop was reckless driving or...?

A: Um, it was reckless dri- it was wrong way on the highway. Um, at that point I'd just spun around. Um, because he'd drawn my attention and he looked suspicious at that point based on his look. It wasn't your normal look. But once he, um, made that right turn and then made a U-turn and came the wrong way, um, he was driving the wrong way on divided highway.

Q: Right. And that was at San Leandro Boulevard and East 14th Street.

A: East 14th Street. So if - we'll call San Leandro Boulevard north/south at that point even though it's kind of east/west.

Q: Mm-hm.

A: He was going, um, south in the north lanes. He took the Channel Lane to go northbound and then made a U-turn and around the Channel Lane and came back, um, southbound and northbound lane.

Q: Gotcha. Um, during the pursuit, um, how fast was he going? How fast do you estimate the speeds?

A: Um, somewhere around 60.

Q: Okay. Um, did he do any obvious violations during the pursuit?
Um, we had the - I believe we had green lights all the way east but his, um, his speed was reckless. Uh, 60 in a - in a 25 and 30 zone on East 14th Street. Um, he did run the stop sign at, uh - uh, (Haas) and, uh, Woodland.

Uh, any other moving violations that you...?

Not that I recall at this point.

Okay. All right.

I tried to turn on my body cam like I said on (Haas). I don’t know if I mentioned that. I know I mentioned I turned it on but I don’t know if I told you.

Right.

That I t- tried to turn on, uh, after I turned off East 14th Street.

Okay. And you thought it was on but you later...

Well I had no idea of knowing. I know that you gotta push it twice. Um, and it’s gotta be a certain timing. And, um, I mean I couldn’t look down at that point to see if the light was blinking, uh, red or green.

Okay.

To tell me when I was recording.

Okay. Um, at the time of the shooting did you have any other or any opportunity, um, to, um, provide or give any warnings, tell the suspect to stop, uh, did you give any directions to stop or I’ll shoot? Was there any time for that?

As soon as I stepped out that’s when he began the situation that unfolded here. And it happened so fast that I could not get a warning out.

Okay.

It happened faster than I could talk.

Okay.

Fraction of a second.
Right. And with that being said there was no opportunity for you - for you to use any other, um, type of less than lethal or...

The Taser would not work against a car. The baton would not work against the car. Um, pepper spray is only - I had pepper spray canister and that would not work against a car. None of these things would have stopped his attack.

Okay. Um, have you ever seen the suspect before?

I don’t know this suspect and I’ve never seen him before.

Okay. No previous contacts?

I’ve never seen this guy before ever.

Okay. Have you ever recognized the car before?

I know what a Chevy Malibu is. Um, uh, there was a gentleman that lived on 147th had that exact same car. Um, and that’s how I know it was a Chevy Malibu.

Okay. But not that specific car.

That wasn’t him.

Okay. Um...

L- it was not his car - the one that I’m referring to. That was on 147th.

Right. Okay. Gotcha. Uh, do you think you can identify the suspect?

I think it’s possible.

Okay. Um...

Looked like a white or Hispanic male, dark hair. Uh, late teens to twenties.

Okay.

Short hair - short dark hair. Fair complexion.

Uh - fair complexion?

Mm-hm.
Q: Okay. Is there anything that, uh, um, or anything else that you wanna add that I may have missed?

A: Not that I can think of now.

A: Yes.

Q2: Um, so, uh, early, um, in the questions that Sergeant Henderson asked you, um, in regards to your, um, qualifications, special training, uh, you’d mentioned, um, your use of force instructor HNT.

A: Yes.

Q2: Uh, do you have any investigations experience?

A: Yes.

Q2: Can you tell us about that?

A: I spent, uh, four and a half years investigations as a, um, for- in the former juvenile division as a general crimes investigator. I - I’ve inve- in that assignment I invest everything from - investigate everything from, uh - uh, vandalism - sorry draw a blank - to shootings and homicides.

Q2: Four and a half years in that assignment.

A: Yes.

Q2: And then, um, do you have any other specialized training, um, uh, in the department, uh, I remember maybe you were a canine officer?

A: I was a canine officer for...

Q2: Tell us about hat - your training and what that involves.

A: I was a canine officer from, uh, 2002 to 2006. I handled, um, department’s, uh, um, canine. Um, attended, uh, canine handler school, patrol and narcotics classes.

Q2: And then, um, recently, uh, selected as a crime scene technician?
A: Yes.

Q2: Can you tell us about that? Some of the training that you’ve had?

A: Uh, I was recently selected to, um, in the last year to - to be a field evidence technician. Um, I received on the job training and I went to a, uh, 60 hour course at the, uh, Sacramento County Sheriff's Academy.

Q2: Okay. So just to recap some of your qualifications. Uh, um, crime scene technician, former canine officer, uh, criminal investigation detective for four and a half years.

A: Yeah.

Q2: Investigating a wide variety of cases.

A: Yes.

Q2: Use of force instructor, HNT member, um, patrol.

A: Yes.

Q2: That sums it up pretty good?

A: Sure.

Q2: Okay. Very good. Um, and then, uh, back to the uniform that you were wearing, um, you, um, when you referred it to as the, um - um, tech uniform or how did you - what did you call it? The...

A: Utility uniform?

Q2: Utility.

A: Made by, uh, 511.

Q2: Um, would that be the same as our department class C uniform?

A: Yes.

Q2: Okay. And then, uh, you had, um, mentioned the location of your badge and your name and you had mentioned they were on your lapel. Were they, uh, just to clarify...

A: I should say - I should say...
Q2: Over your left and right breast?

A: Yes.

Q2: Okay. So your nametag was over your, um, we’ll call this your left breast.

A: Sure.

You, um, or your - I’m sorry your badge over your left breast, your name embroidered over your right. Okay. Good. Um, and then, uh, moving to the shooting. Uh, were you - just to clarify, you might have said this already. Were you standing in the V of the door?

A: My door was open and the V of the door is the distance - the area between the open door and the remainder of the car.

Q2: Where you were standing when...

A: Yes. On the driver’s side.

Q2: Okay. Um, and then, uh, do you remember if a code 33 was initiated at any point during this?

A: I don’t.

Q2: Okay. Um, and then, um, you had stated that, uh, um, when you first saw the car, uh, it was at - it was traveling at a high rate of speed.

A: Yes.

Q2: Okay. Uh, do you know - and you had mentioned at that stretch of East 14th Street was it the 25 mile an hour area?

A: It was the 25 mile an hour.

Q2: Definitely the vehicle was going faster than that. So you had PC to stop the car immediately upon noticing it.

A: I - well I knew it was going faster than 25. But, um, based on our angle and the headlights, um, it’s not something that a - that I - that I would, uh, be able to say exactly how fast it was going. But I believe it was in excess - significant a- amount of speed over the posted speed limit. Um...

Q2: A - a violation of the posted speed limit.
A: Yes.

Q2: Enough to make you turn around and pursue the vehicle or inquire about the vehicle.

A: I thought it was definitely suspicious based at that point.

Q2: Excellent. And then, um, m- my last question, uh, y- you might’ve said this again but just to clarify this. Your - you - you went through the options of, um, different u- tools. But it’s - it - it appeared that the only one in your mind at the time and it appears that your - your firearm was the - the right tool and the only tool that was gonna stop the threat from harming you or killing you.

A: In that instant I knew there was only one tool. I didn’t have time to think about - it happened within a fraction of a second. As quickly as he could stamp on the accelerator as any human being could that’s how quickly it happened. That was a powerful car. I knew that it could function properly. I knew that it could do significant damage. There was no question in my mind that that thing could kill me - no problem. And I felt that if I was only injured I’d be lucky. I feel lucky now. I did not go through if I pull a Taser, if I do that. My training it happened so fast, I knew - I felt my life was in danger, I reached for my firearm. I put the front site, aimed it at the driver and pulled the trigger until that c- into I knew that car was no longer a threat. And I perceived that when that car was behind me. It was advancing. It had already struck my car. And I we shooting as I was - as it was approaching.

Q2: Okay. All right I don’t have any other questions.

A: You want me to just hand them to - to him or ask him directly?

Q3: I have no objection to that.

A: Just as far as the - the rounds you said that the car was already moving. And it was mo- I just - was it moving towards your car when you fired the rounds?

Q3: Moving towards me and my car. And, um, I know now that it changed path based on what happened. But when I saw that car it was coming directly at me. And that’s when I decided to fire.

A: So once it struck did it change path from that - towards your car or just continue the same way?

Q3: Uh, it swept or veered to the left. I presume because he saw me with a firearm. And I was firing.
Q3: That's it.

Q: Okay. Any other questions for you?

Q1: Just very minor. Um, going back to your, uh, the equipment on your car.

A: Yes.

Q1: Can you describe what lights you turned on?

A: There was number 2 position which is rear flashing. There's number, uh, that's the number 1 position. Number 2 is steady burning red and blue. And there's a number 3 position which activates the steady burning, uh, the flashing rears, the steady burning forward facing red and blue lights, and the flashing, um, red and blue lights.

Q1: And which position?

A: And that's number 3. And it activates the front strobes and the headlights and it activates the (unintelligible) headlights.

Q1: And what position were you in?

A: Three.

Q1: So you had alternating and the forward facing red.

A: And, um, my siren was in the up - I - I don't know the difference - I couldn't tell you the difference between wail and yelp. But I know that I pushed the red siren button up to whatever p- siren sound that makes.

Q1: That's all.

Q: Any other questions? All right. So it is 1020 hours and we are concluding, uh, this interview.

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

Signed
Section 8
Investigation: CRIME SCENE INVESTIGATION

The Evidence Response Team (ERT) is a group of Police Officers who are assembled to process major crime scenes. Each team member specializes in an area of evidence collection and/or documentation of the given crime scene. A total of four members of ERT responded to today’s crime scene. Those Officers and their given assignments are as follows:

Detective Nelson #292 – Team Leader, Evidence Identification, Evidence Collection
Officer Trujillo #297 – Crime Scene Photography, Evidence Identification, Evidence Collection
Officer Rogers #322 – Crime Scene Sketch, Evidence Identification, Evidence Collection
Officer Ordinario #330 – Crime Scene Videographer, Evidence Identification, Primary Evidence Collection

The description of each team member’s responsibilities is as follows.

The Team Leader assigns tasks to each member of the team. The Team Leader helps team members who are in need of additional assistance with their given assignment. The Team Leader also memorializes each team member’s responsibilities in a detailed report.

The photographer memorializes the scene using a department issued Canon Rebel E0S digital camera taking overall still photographs of the scene. Pictures are normally taken without numbered evidence placards and then more photographs are taken when evidence items are identified and placards are placed near these items. In today’s case, several numbered evidence placards were in position upon our arrival. Based on this, we decided to leave them in place, identify other evidence items with placards, and then photographed all of them. Overall, mid range, and close up photographs were taken of all identified evidence items. These photographs are saved at the scene on a digital memory card inside of the camera. The photographer later transfers these photos to a compact disc, which is submitted into the SLPD Property section.

Evidence identification is typically a task shared by the entire team in an effort to not overlook items that could be of evidentiary value. In today’s case Officer Ordinario was the primary evidence collector. As mentioned, we identified items of evidentiary value as a team but Officer Ordinario placed numbered evidence placards near these items.

Officer Ordinario also took upon the task of taking video of the crime scene. This included an initial entry into the scene video. As mentioned, there were already some numbered evidence placards in place upon our arrival. These were included in the initial crime scene entry video. Officer Ordinario then took additional video of the scene after the team had identified more evidence items. At the conclusion of our processing of the scene, Officer Ordinario took “exit video” of the scene.
Lastly, Officer Rogers took upon the task of completing a sketch of the crime scene. Officer Rogers assignment was to memorialize the entire scene in a factual not to scale diagram. Officer Rogers also included identified evidence items in his diagram, which are typically identified with an evidence placard. Rogers, with the assistance of Officer Ordinario, took applicable measurements of the crime scene to assist him in the placement of said located evidence items. In today’s case, Officer Rogers completed a hand drawn sketch of the scene. This was approved by Sergeant Henderson.

Refer to each Officers report for further.

**Victim:** State of California / SLPD Officer Goodman #282

**Location:** Intersection of Woodland Avenue and Woodland Park in the City of San Leandro

**Date / Time of call:** Sunday, October 05, 2014, about 0427 hours

**Details:**

On Sunday, October 05, 2014, about 0524 hours, I was contacted via telephone by Sergeant Sanchez. I was informed an Officer Involved Shooting (OIS) had occurred in the City of San Leandro and the Evidence Response Team was asked to respond to SLPD Headquarters to meet with Detective Sergeant Henderson. Sergeant Sanchez also told me Officers Trujillo, Ordinario, and Rogers would be responding to assist me with the processing of the scene.

Upon my arrival, I met with Sergeant Henderson and we drove to the crime scene to do a walk through (before other team members had arrived). Upon my arrival, I was advised that Officer Goodman’s Patrol cars (Vehicle #361, California Exempt plates [redacted]) current position was not where it was when the shooting occurred. This was due to the fact that after the shooting occurred, Officer Goodman attempted to chase the suspect vehicle. Due to this, it was decided measurements of the vehicle were not needed. Sergeant Henderson did request that our team take photographs of Officer Goodman’s vehicle to include the damage to the front bumper.

I noted the crime scene to be in a residential area consisting of single and two story family homes, most of which had fairly large yards. At this time, it was still pretty dark out and there were a few street lights in the area that provided illumination. The crime scene was situated in the intersection of Woodland Avenue and Woodland Park and predominately in front of [redacted] Woodland Park. Woodland Avenue dead ends into Woodland Park, which is a cul-de-sac with a one way round about in and out of it. I noted there was crime scene tape in place which spanned from [redacted] Woodland Avenue, from the S/E corner of Woodland Avenue/Woodland Park, to and along the front of [redacted] Woodland Park to [redacted] Woodland Park, to the N/E corner of [redacted] Woodland Avenue. At this time, Officer Chinn was on scene and had started a crime scene log documenting who had come into and out of the crime scene. During my time in the crime scene,
Officer Watson and finally, Officer Sellers took the position of monitoring the crime scene log. At my request, Officer Sellers ultimately wrote a supplemental report documenting the crime scene log. See his report for further.

After the scene walk through I responded to SLPD Headquarters and met with Officers Trujillo, Ordinario, and Rogers. I briefed them on the crime scene and we also organized the equipment we would need to process the scene.

About 0859 hours, the Evidence Response Team arrived at the crime scene and we started to process it.

This began with Officer Ordinario taking video of the scene as we had found it upon our arrival. I instructed Officer Ordinario on the areas within the scene I wanted memorialized, which caused some starting and stopping of the video as he took it. The video captured the identified evidence items, some marks in the roadway that were consistent with a skid marks in front of Woodland Park, as well as the damage to Officer Goodman’s vehicle. I noted the suspected skid marks in the roadway were consistent with information (as to what had occurred) provided to me by on duty Sergeant Leja during my initial walk through of the scene.

Members of our team then walked the crime scene identifying and marking (with numbered evidence placards) additional evidence items. Our walk through included walking the neighborhood in an effort to locate any possible rounds that may have struck surrounding homes. We also looked for any homes with surveillance video. We did not locate either of the above.

During our walk through, we located a small white paper cup with bee and flower designs and a yellow plastic fork in the middle of the roadway along the south side of Woodland Avenue. The cup contained a red substance which we suspected was BBQ sauce. We determined an area resident had a party at their home last night, and that this particular cup was not consistent with items used at the party. Based on this, and not knowing the suspect vehicles path into and out of the area, we felt this item could have fallen out of or been discarded from the suspect vehicle. Due to this it was identified and collected as evidence.

Officer Trujillo then used a department issued digital camera to take photographs of the placard marked evidence items as well as the overall scene. Special attention was given to the damage to Officer Goodman’s patrol car. This included taking photographs with measurement device showing the violence of the suspect vehicles impact with Officer Goodman’s front bumper, memorializing the distance Officer Goodman’s front bumper was pushed inward by the suspect vehicle.

I instructed Officer Rogers and Officer Ordinario on different ways to measure the evidence items found in the crime scene. The primary points of measurement used was the south curb line of Woodland Park, and a created “baseline” of measurement by placing a roll out measuring tape
creating a line from the S/W corner of Woodland Avenue to the south curb line of Woodland Avenue. Officers Rogers and Ordinario obtained north/south measurements from the south curb line of Woodland Park, and east/west measurements from the baseline they had made. This baseline was photographed by Officer Trujillo to document its location.

We located the following items of interest within the crime scene:

- Black or dark gray foam we suspected had come from the suspect vehicle bumper when it rammed Officer Goodman’s vehicle
- Suspected black rubber and plastic pieces we suspected fell off of the suspect vehicle during the incident
- A black u-shaped piece of what we believed was fiberglass or similar material we also believed fell off of the suspect vehicle during the incident
- Suspected vehicle and mirror type glass we suspected had come from the suspect vehicle
- A total of three (3) shell casings
- One (1) expended round in the middle of the suspected vehicle glass/vehicle mirror type glass
- One (1) black screw similar to the type of screws found within vehicles

All of the above items were located in the roadway at the intersection of Woodland Park and Woodland Avenue, and all items were situated within close proximity to the front of Woodland Park.

The team then filled out evidence envelopes and collected all identified evidence items within the scene. Officer Ordinario was identified as the primary collector of located evidence items. All evidence items were collected with the exception of the suspected skid marks in the roadway. These marks were captured on video, in photographs, and were accurately measured by Officers Rogers and Ordinario.

Once evidence items were collected, Officer Ordinario did an exit video of the scene. His video included turning on Officer Goodman’s patrol car overhead lights, depicting the fact all lighting equipment was fully functional. All of Officer Ordinario’s video was saved at the scene on a digital memory card inside of the video camera. Officer Ordinario later transferred the video from the video camera to a compact disc and submitted the disc into the SLPD Property Section.

For safety reasons, I instructed Officers Ordinario and Rogers to sweep the remnants of suspected suspect vehicle glass and mirror glass out of the roadway. Once this was done, crime scene tape was taken down and the roadway was opened back up for normal vehicular and pedestrian traffic.

The Evidence Response Team cleared the crime scene at 1140 hours and took all collected evidence items to the station. Officer Ordinario sealed and marked the items and they were submitted into the SLPD Property Section as evidence.
Nothing further.
Section 9
Weather History for KOAK - October, 2014

October

5

2014

View
Sunday, October 5, 2014

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Since 1 July precipitation

Sea Level Pressure

Sea Level Pressure

Wind

Wind Speed

Max Wind Speed

Max Gust Speed

Visibility

Events

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

Daily Weather History Graph

Temperature, Dew Point, Normal High/Low

Barometric Pressure

Wind Speed, Wind Gust

Wind Dir (deg)

Search for Another Location

Airport or City:

KOAK

Submit

Trip Planner

Search our weather history database for the weather conditions in past years. The results will help you decide how hot, cold, wet, or windy it might be!

Date:
October
5
Submit

Astronomy

Oct. 05, 2014

Actual Time
Rise
Set
7:08 AM PDT
6:45 PM PDT
6:41 AM PDT
7:11 PM PDT
6:11 AM PDT
7:42 PM PDT
5:41 AM PDT
8:12 PM PDT
5:04 PM PDT [10/5]
3:54 AM PDT [10/5]

Civil Twilight
Nautical Twilight
Astronomical Twilight
Moon
Length of Visible Light
Length of Day

Waxing Gibbous, 90% of the Moon is Illuminated

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report this ad
Section 10
Section 11
Report Documents
Original
2014-46732
On Monday, October 19, 2015, I received from the Alameda County Sheriff's Office Crime Lab one DVD-R. The DVD-R is a copy of photographs taken of the vehicles mentioned in the ACSO Crime Lab Report. (see report for more details)

The DVD-R has been submitted as evidence to the SLPD Property Room for storage.

No further details.
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**DESCRIPTION:**

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SLPD EVIDENCE RELEASE FORM
FOR CRIMINAL INVESTIGATIONS OR COURT PURPOSES

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CHAIN OF CUSTODY

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<td>Troy Young #252</td>
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PROPERTY AND EVIDENCE SECTION USE ONLY.

- Evidence items returned: 7/16/17 14:00 by #1063
- NWS return updated: 7/16/17 14:00 by #1063
- Evidence items returned: 7/16/17 14:00 by #1063