Internal Affairs Investigation
Original
2015-17715
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Section 1
TO: Chief Jeffrey Tudor (via chain of command)
FROM: Acting Captain R. DeCosta
DATE: April 15, 2015
SUBJECT: Officer Involved Shooting Administrative Review – UOF2015-0111

**Background:**

This incident took place on Wednesday, April 15th 2015 approximately 1630 hours. The location of the incident was on the sidewalk in the 200 and 300 blocks of 105th Avenue in the city of Oakland. This neighborhood is mixed residential and commercial, located in the Sobrante Park area of East Oakland.

**Summary:**

Members of the San Leandro Police Department’s Crime Suppression Unit (CSU) were conducting surveillance in the 300 block of 105th Avenue, in Oakland, looking for a burglary suspect(s). Detectives ran the license plate of a parked vehicle in that area, which was occupied by two individuals, a male and female. The return on that plate revealed it had been reported stolen.

Sergeant Anthony, who was at the San Leandro Police Department, heard the radio traffic and responded to 105th Avenue to assist in the detention of the occupants of the stolen vehicle. After meeting with other responding units, Sergeant Anthony helped devise a plan, utilizing his unmarked pick-up truck as a screen for other marked units.

As the officers descended on the stolen vehicle, Sergeant Anthony parked his pick-up truck along the south sidewalk of 105th Avenue, just east of the suspect vehicle’s location. As Sergeant Anthony got out of his truck and stepped onto the south sidewalk, the suspect driver of the stolen vehicle drove across the street, diagonally, from the north curb line, up onto the south sidewalk, in an attempt to flee from the police.
The suspect accelerated east on the south sidewalk, striking fences and other parked vehicles as she drove directly at Sergeant Anthony, who was standing between his truck and a wrought iron gate with no avenue of escape.

Sergeant Anthony, along with other officers on scene continued to yell at the suspect driver to stop, however she ignored their commands.

Fearing for his life as the suspect vehicle bore down on him, Sergeant Anthony drew his Department-issued firearm from its holster, pointed it at the suspect and fired several rounds attempting to stop the threat. The suspect, who was struck by some of the rounds fired by Sergeant Anthony, became incapacitated and the suspect vehicle eventually stopped, pinning Sergeant Anthony up against his truck.

Subsequent investigation on the part of the Oakland Police Department’s Patrol and Criminal Investigation Division revealed that Sergeant Anthony fired a total of four rounds during this incident. According to Oakland Police Officer Maricruz Romero, the suspect sustained three gunshot wounds as a result of this incident. She was struck near the lower portion of her left breast; the right side of her mid-section and on her right thigh.

Responding officers located the suspect slumped over while seated in the driver seat of the stolen vehicle. Officers eventually turned the suspect vehicle off and extracted the suspect from the passenger compartment, pulling her across the driver and front passenger seat, out of the front passenger door, onto the sidewalk. Officers then provided first aid to the suspect. Sergeant Anthony was able to free himself from between the vehicles and was, for the most part, unharmed.

The suspect was taken, by ambulance, to the hospital.

No other officers on scene discharged their firearms during this incident.

It should be noted that all of the witness officers were interviewed by Oakland Police Department Criminal Investigation Division personnel the day/night of the incident. Sergeant Anthony, however, was interviewed two days later per the recommendation of Oakland Homicide Sergeant Caesar Basa. This timeline is consistent with the San Leandro Police Department and Oakland Police Department protocol of Officer Involved Shooting investigations.

Investigation:

On Wednesday, April 15th 2015, I was assigned as the Commander in the Professional Standards & Training Unit. I was in my office with my police radio on. I heard members of the Crime Suppression Unit conducting surveillance on a suspected stolen vehicle, parked on 105th Avenue, in Oakland. Approximately 1630 hours, I heard one of the detectives advise over the
radio that there was a “901” (vehicle collision). That radio traffic was immediately followed by one of the officers advising “shots fired.”

I, along with Professional Standards & Training Sergeant Derrel Ramsey, left the San Leandro Police Department en route to the scene. We arrived on scene approximately 1643 hours. Initially, we met with the on scene Commander, Lieutenant Mike Sobek. By the time we arrived, there were approximately fifteen to twenty members of the San Leandro Police Department on scene.

Personnel from the Oakland Police Department (OPD) arrived not long after Sergeant Ramsey and me. The Oakland Police Department’s Criminal Investigation Division subsequently took over the investigation.

We soon learned that Sergeant Brian Anthony was identified as the lone shooter during this incident, however there were several other members of the San Leandro Police Department’s Patrol and CSU who witnessed the incident. Sergeant Anthony was driven back to the San Leandro Police Department by Detective Steve Cesaretti. Sergeant Anthony was sequestered in the South Offices of the Police Department pending his interview with OPD Investigators.

In speaking with Lieutenant Sobek, we identified the following personnel as potential witnesses to the shooting:

- Officer Kenny Shedd
- Officer Brian Buss
- Officer Alexander Ying
- Officer Dennis Mally
- Detective Jason Kritikos
- Detective Daren Pasut
- Officer Richard Kwan
- Sergeant Troy Young
- Sergeant Anthony Morgan

Sergeant Ramsey and I, along with Criminal Investigation Division Commander, Lieutenant Robert McManus, left the scene and drove back to the San Leandro Police Department. We arrived approximately 1740 hours. When we arrived, we were advised that Sergeant Anthony’s duty weapon (Glock model 22, .40 caliber semi-auto serial #KDN862) had already been collected by an OPD Technician for evidence.

I obtained one of our spare duty weapons from the Department’s range (Glock model 22, .40 caliber semi-auto serial #XNW583) and provided it to Sergeant Anthony as a replacement.

Once all the personnel from the Oakland Police Department’s Criminal Investigation Division and attorneys from Rains, Lucia & Stern were present, a determination was made that Sergeant Anthony would not be providing his statement that evening. However, the witness officers were interviewed at the San Leandro Police Department that evening.

On Thursday, April 16, 2015, approximately 1415 hours, I received a phone call from Oakland Police Department Detective Sergeant Caesar Basa. Sergeant Basa told me they’d scheduled
Sergeant Anthony’s interview for Friday, April 17th, 2015, 1000 hours at the San Leandro Police Department.

Statement of Sergeant Brian Anthony:

OPD Investigators: Lieutenant Roland Holmgren, Sergeant Caesar Basa, Sergeant Robert Rosin
Representation: Zachary A. Lopes, Rains, Lucia & Stern

This interview began at 1005 hours. Sergeant Anthony, in essence, provided the following information:

On Wednesday, April 15, 2015, Sergeant Anthony was working as the supervisor of the San Leandro Police Department’s Crime Suppression Unit (CSU). Sergeant Anthony was aware of a burglary that had occurred the day before, Tuesday, April 14, 2015, in the area of Brookside Drive in the City’s north end. During that incident, one of the suspects was apprehended in the San Leandro Creek, which happens to separate the north border of San Leandro and the Sobrante Park portion of East Oakland. A second suspect was last seen running towards 105th Avenue in Oakland.

The CSU subsequently conducted surveillance in the area of 105th Avenue and detained another subject involved in the burglary.

On the day of the shooting, Wednesday, April 15, 2015, the CSU were conducting further surveillance in the area of 105th Avenue looking for two other suspects involved in the aforementioned burglary.

Sergeant Anthony was in his office when personnel from CSU provided a license plate number to the San Leandro Police Department Communications Division. The vehicle associated to this license plate was occupied and was positively identified as a stolen vehicle. When Sergeant Anthony heard that, he left his office and immediately drove to 105th Avenue to assist his CSU personnel.

Prior to Sergeant Anthony’s arrival, Sergeants Young and Morgan formulated a tactical plan for the detention of the subjects inside the stolen vehicle. This plan included the prevention of a vehicle pursuit since there was a school nearby.

While en route to the scene, Sergeant Anthony advised the units in the area to “stand by” until he arrived with his unmarked pick-up truck. Sergeant Anthony’s plan was to utilize his truck as a “shield” or screen, blocking the marked patrol vehicles as they descended on the stolen vehicle. Simultaneously, other units were being deployed around the creek area to prevent potential escape in the event of a foot pursuit.
As Sergeant Anthony approached the west foot of 105th Avenue (location of the stolen vehicle), he drove his unmarked pick-up truck west and parked it along the south sidewalk. Sergeant Anthony had activated his Personal Video Recording System (PVRS) just prior to moving into position along the curb line.

Sergeant Anthony indicated he parked along the curb line and got out of his vehicle so everyone in the area (residents) knew that they were taking police action. He also wanted to monitor the marked patrol units’ “takedown” of the stolen vehicle, which had been initiated moments earlier.

Sergeant Anthony remembered seeing K-9 Officer Dennis Mally exit his marked patrol vehicle as he exited his own vehicle. Sergeant Anthony then remembered hearing screeching tires coming from the area of the stolen vehicle.

As Sergeant Anthony began walking towards the area of the stolen vehicle, he saw it make a south turn. At that point, Sergeant Anthony thought the driver of the stolen vehicle was going to flee eastbound on 105th, which she subsequently did.

Sergeant Anthony watched as the suspect drove the stolen vehicle up onto the south sidewalk directly towards him. Sergeant Anthony realized that he had a wrought iron gate to his left and a row of parked cars – including his – to his right. As the stolen vehicle continues in his directions approximately twenty miles an hour, Sergeant Anthony realized that he had “nowhere to go.” Sergeant Anthony remembered already having his duty weapon out of its holster at that time.

As the stolen vehicle continued bearing down on him, Sergeant Anthony assessed his backdrop and realized that it was clear – no people behind it. Fearing that the suspect was going to strike him, Sergeant Anthony fired four (4) rounds at the driver of the stolen vehicle. Sergeant Anthony said he was not sure how he didn’t get hit, however he was subsequently pinned between his truck and the stolen vehicle which subsequently stopped.

Sergeant Anthony was able to free himself from between the vehicles. One of the other officers turned the stolen vehicle off as well. When Sergeant Anthony checked on the driver of the stolen vehicle, he could see that she was slumped over. He could also see that Officers Ying and Buss were attending to the driver, providing first aid.

Sergeant Anthony remembered requesting medical assistance via police radio for the driver of the stolen vehicle.

When asked about the time frame between his exiting his truck and hearing the screeching of the tires, Sergeant Anthony indicated approximately “one second.” Sergeant Anthony felt that the driver of the stolen vehicle was going to try and “thread the needle” between Sergeant Young’s vehicle and the other parked vehicles.
Sergeant Anthony further described the stolen vehicle as being approximately twenty yards from him when it was first driven up onto the sidewalk. Sergeant Anthony estimated the stolen vehicle was approximately ten feet from him when he fired his first round.

When asked if the Oakland Police Department (OPD) was made aware of the surveillance on 105th Avenue, Sergeant Anthony said he wasn’t sure. He indicated it was protocol for San Leandro Police Department Communications to advise OPD on behalf of the field units of this type of operation.

When asked whose idea it was to block the stolen vehicle in, Sergeant Anthony didn’t remember. He indicated his goal was to prevent a pursuit because of the proximity of the school in the area. Sergeant Anthony remembered seeing kids in uniforms near Edes/105th and was cognizant of a school in the area.

When asked about the situation just prior to the shooting, Sergeant Anthony remembered retreating backwards in an attempt to create distance between the stolen vehicle and himself. He remembered the gate to his left and “bumper to bumper” parked vehicles to his right. He felt that he had nowhere to go and in his mind, he thought that the suspect was going to run him over. His decision to use deadly force was made as the “threat progressed.”

When asked what the desired effect of the shooting was, Sergeant Anthony indicated it was to stop the threat and “have her come off the gas” before he was struck (run over) by the vehicle. He did not feel the desired effect was accomplished until after the fourth round was fired.

When asked about his attire at the time of the shooting, Sergeant Anthony indicated he was wearing the following:

- Baseball cap
- Black raid vest with white block letters bearing the word “POLICE” on it
- Blue jeans
- Tan boots
- Radio
- Duty weapon (Glock Model 22 - .40 caliber)
- Handcuffs
- Pepper spray

The vehicle Sergeant Anthony was driving that day was a white Ford F-150 (unmarked).

Sergeant Anthony also indicated he’d last qualified with his duty weapon approximately three weeks to a month prior to the shooting.
Sergeant Anthony identified Detectives Nelson, Kritikos and Daren Pasut as CSU personnel assigned to that operation. He remembered approximately five uniformed officers present at the time of the “takedown” of the stolen vehicle.

When asked about his situation when he parked and exited his vehicle, Sergeant Anthony indicated he felt as though he was in a “great position” and “would do it again” if the same situation presented itself. He pointed out that the stolen vehicle was on the opposite side of the street (north side) as he approached the scene.

After his initial statement, Sergeant Anthony was provided time to view his PVRS video, as spelled out in the San Leandro Police Department’s Directive pertaining to body worn cameras. Once back in the room, approximately 1152 hours, Sergeant Anthony had nothing to add and there were no further questions.

During their subsequent, extensive criminal investigation, OPD Detectives and Patrol Officers conducted several interviews with San Leandro Police Department Officers, civilian witnesses and local residents. During their interviews, they determined that the following San Leandro Police Department personnel were on or near the scene of the O.I.S. at the time of the incident:

- Officer Brian Buss
- Officer Alex Ying
- Detective Daren Pasut
- Officer Dennis Mally
- Officer Rich Kwan
- Sergeant Troy Young
- Officer Kenny Shedd
- Detective Jason Kritikos
- Sergeant Anthony Morgan

OPD personnel subsequently determined that Officers Ying, Mally, Kwan and Sergeant Morgan did not actually witness Sergeant Anthony’s shooting, however they were on scene when it occurred and they heard the screeching tires of the suspect vehicle and the shots being discharged.

OPD personnel also conducted an extensive neighborhood canvass following the O.I.S. and were able to identify two residents who witnessed the shooting:

- [Redacted] 105th Avenue
  Oakland, Ca.

- [Redacted] 105th Avenue
  Oakland, Ca.
*Wednesday, April 15, 2015*

**Statement of Officer Brian Buss:**

**OPD Investigators:**  
*Sergeant Vass & Officer Daza-Quiroz*

This interview began at 2140 hours. Officer Buss, in essence, provided the following information:

On Wednesday, April 15, 2015, Officer Buss was on duty, in a fully marked police car, monitoring the radio traffic of the Crime Suppression Unit as they conducted surveillance of a stolen vehicle. He was not part of the original team set up on surveillance, however he drove to the area to assist. When he got to the area, he met up with Sergeant Anthony, along with other members of the San Leandro Police Department. Sergeant Anthony told Officer Buss, “Hey, I'll try and block the view of your patrol cars. Just try and get in the stack behind me.”

Officer Buss and the other officers subsequently drove west on 105th towards the dead end. He saw Sergeant Anthony drive up to the left side of the street (curb), then exit his vehicle (truck). Officer Buss then saw the suspect / stolen vehicle drive right up to Sergeant Anthony and “squish him between the green suspect vehicle......into his white Ford pickup truck.” It was at that point that Officer Buss recalled seeing Sergeant Anthony “firing shots into the windshield.”

Officer Buss then ran up to the suspect vehicle and turned the ignition off. There was no key in the ignition at that time, so Officer Buss used one of his own keys to turn it off successfully. Along with Sergeant Young, Officer Buss placed the suspect vehicle in neutral and tried unsuccessfully to roll it backwards in order to free Sergeant Anthony, who was stuck between the vehicles. Sergeant Anthony was subsequently able to free himself and climb out from between the vehicles.

With the help of other personnel, Officer Buss climbed into the passenger compartment of the suspect vehicle and pulled the female suspect out then laid her onto the ground next to the vehicle. Officer Buss could see that the suspect was suffering from a chest wound on the left side of her rib cage. He immediately retrieved his Tactical Medical Kit from his patrol vehicle. Officer Buss then assisted with first aid / life saving measures.

Officer Buss remembered hearing Sergeant Anthony fire at least two shots, but later referred to the damage to the suspect vehicle’s windshield which lead him to believe that four shots were fired.

Officer Buss also indicated that he drew his duty weapon from its holster as well thinking the suspect vehicle may continue east on 105th, however that threat was stopped during the shooting by Sergeant Anthony.
Officer Buss could hear some inaudible yelling just prior to the shooting, some of which may have included the phrase, “Stop the car.”

Officer Buss indicated that he was in full police uniform at the time of the shooting and he did not use any level of force during the incident.

**Statement of Detective Daren Pasut:**

**OPD Investigators:** Sergeant Caesar Basa, Lieutenant Roland Holmgren, Sergeant Robert Rosin  
**Representation:** Zachary A. Lopes, **Rains, Lucia & Stern**

This interview began at 2220 hours. Detective Pasut, in essence, provided the following information:

Detective Pasut was working in an undercover capacity, coupled with Detective Jason Kritikos. Kritikos was the driver and Pasut was the front passenger.

They were conducting surveillance near the west foot of 105th Avenue in Oakland, looking for a burglary suspect who lived in an apartment in the 300 block. While on this surveillance, Detective Pasut noticed an older model, green Honda Civic parked along the north curb line of 105th. Detective Kritikos told Detective Pasut that the front passenger in this vehicle resembled the burglary suspect they were looking for. Detective Pasut provided the license plate of this Honda to the San Leandro Police Department Communications via radio. Per Communications personnel, that Honda was reported stolen.

The Detectives repositioned their unmarked vehicle so that they could surveil the Honda, monitoring the occupants' movements. Other San Leandro Police Department personnel, hearing the radio traffic, respond to the 300 block of 105th to assist with the detention / apprehension of the suspects inside this stolen Honda Civic.

While units were responding, Sergeant Anthony got on the air and advised he was going to utilize his unmarked pick-up truck as a screen for other marked patrol vehicles as the group converged on the stolen Honda.

Before all of the responding units could safely approach the stolen Honda, the driver of the vehicle pulled forward, away from the curb, reversed and accelerated, going around two parked vehicles that were situated along the south curb line.

Detective Pasut watched as the suspect driving the stolen Honda maneuvered it up onto the south sidewalk between a fence and two parked vehicles, accelerating eastbound. Detective Pasut indicated the stolen Honda was “bouncing off the car” as it continued eastbound on the sidewalk.
Detective Pasut looked to his left and noticed Sergeant Anthony had parked his vehicle within 10 or 15 feet from where the suspect was driving the stolen Honda. From his vantage point, Detective Pasut felt that the suspect was driving "straight at" Sergeant Anthony. As the suspect vehicle bore down on Sergeant Anthony, Detective Pasut heard him yelling out commands to "stop." At that point, Sergeant Anthony had his duty weapon out, pointed at the suspect. As the suspect continued east, ignoring Sergeant Anthony's commands to stop, Detective Pasut heard Sergeant Anthony discharge "at least" two (2) rounds at the stolen vehicle. Detective Pasut then saw Sergeant Anthony get "pinned in" between the front left quarter panel of the stolen Honda and the driver door of his pick-up truck.

As Detective Pasut responded to assist, he saw that Sergeant Anthony was able to free himself from between the two vehicles. Detective Pasut also checked on the suspect (driver) and saw that she had been shot. Detective Pasut provided scene security while other officers provided first aid to the suspect.

When asked if he felt Sergeant Anthony could have avoided being struck by the stolen Honda without having to shoot the driver, Detective Pasut said, "No. Because it happened so fast that the reaction time if he was to turn around and run he probably would have been ran over. There was no way to go right or left. He was stuck."

Sergeant Basa asked Detective Pasut what he was he was focused on when he heard Sergeant Anthony yelling commands with his gun drawn on the suspect and he answered, "I thought that the suspect was gonna run over my Sergeant. And kill him."

Detective Pasut described Sergeant Anthony wearing his raid vest with the word "Police" on it at the time of the shooting. This vest is part of the Crime Suppression Unit uniform, used when working an undercover assignment.

From his described vantage point from the rear of his vehicle, it appears that Detective Pasut would have been northwest of Sergeant Anthony's location at the time of the shooting. In order for Detective Pasut to see Sergeant Anthony's actions as the shooting occurred, he would have been looking in a southeast direction.

**Statement of Sergeant Troy Young:**

**OPD Investigators:** Sergeant Michael Cardoza & Officer Jason Andersen

This interview began at 2303 hours. Sergeant Young, in essence, provided the following information:

At the time of this shooting, Sergeant Young was working as the Dayshift Patrol Sergeant, wearing his full Class B wool uniform. He was driving a fully marked Crown Victoria patrol vehicle when he responded to the scene to assist.
Sergeant Young was monitoring the police radio as he neared the end of his shift when he heard members of the Crime Suppression Unit run a license plate over the aid. That vehicle came back stolen and the detectives surveilling it were working in an undercover capacity in the 300 block of 105th Avenue in Oakland.

Sergeant Anthony Morgan, who was assigned as the Swingshift Patrol Sergeant, was in the Sergeant’s Office along with Sergeant Young when the aforementioned radio traffic came out. Both Sergeants left the Police Department together and got into the same marked patrol vehicle so they could respond to the scene to assist and supervise. Sergeant Young drove and Sergeant Morgan was the front passenger.

Sergeants Young and Morgan arrived moments before Sergeant Anthony, so they began to formulate a tactical plan regarding the apprehension of the suspect in the stolen vehicle.

When the two Sergeants got to the area, they met up with Officer Kenny Shedd, who was also in full uniform driving a marked patrol vehicle. They also knew that Officer Dennis Mally – a K9 Officer – was en route to assist as well.

Sergeant Young’s goal in implementing a tactical plan was to “mitigate risk here, you know, get a good plan together so that we can try to keep her (suspect) contained in that area.”

While formulating said plan, Sergeant Anthony drove up in his unmarked pick-up truck. He recommended utilizing his truck as a screen for the other marked units, saying, “Why don’t you let me lead you guys down there so that you can have a little bit of camouflage going down so they don’t see the string of police cars coming down 105th, as you guys get down there?”

As the group heads west on 105th towards the stolen vehicle, Sergeant Anthony initially leads the way, as planned, with his unmarked pick-up truck. As they get close to the stolen vehicle, Sergeant Anthony pulls up along the south curb line, creating space for the marked vehicles to continue west as they approach the suspect.

Sergeant Young’s view of the stolen vehicle is obscured because another officer in an SUV is directly in front of him. Sergeant Young can, however, see that the suspect had driven the stolen vehicle away from the north curb line and was headed diagonally across the street, where she drove up onto the south sidewalk.

As the stolen vehicle was driven onto the sidewalk, Sergeant Young could see that it struck a wooden fence and proceeded east. Sergeant Young watched as the stolen vehicle continued east, passing “two or three” parked vehicles. At that point, Sergeant Young was convinced the suspect was attempting to flee from the police on scene.

Sergeant Young looked toward the area where he last saw Sergeant Anthony and noticed he was standing on that same south sidewalk. Sergeant Young realized that the suspect was
driving directly at Sergeant Anthony. Sergeant Young told investigators that he felt the suspect was going to run Sergeant Anthony over and kill him.

As Sergeant Young begins running towards Sergeant Anthony, he could see that Sergeant Anthony had his duty weapon pointed at the front of the suspect vehicle as it bore down on him. Sergeant Young could see Sergeant Anthony firing rounds (estimated 3) in the direction of the stolen vehicle. Sergeant Young then saw the stolen vehicle collide with what he perceives as Sergeant Anthony and his unmarked pick-up truck. As he got closer, Sergeant Young feared that Sergeant Anthony was dead or at least seriously injured from the collision.

Sergeant Anthony told Sergeant Young that he was uninjured and thought he’d be able to free himself from between the stolen vehicle and his pick-up truck, which he subsequently did. Sergeant Young then focused his attention on the suspect driver, who’d been shot multiple times.

Sergeant Young directed Officers Buss and Ying to pull the suspect out of the stolen vehicle so that first aid could be rendered. Sergeant Young could hear, via police radio, Sergeant Morgan requesting medical personnel respond to the scene.

Sergeant Young also discussed a male subject that was associated to the suspect / stolen vehicle. He told investigators that he remembered Officer Shedd chasing this subject and detaining him during the incident. This male subject was not inside the stolen vehicle at the time of the shooting.

Towards the end of the interview, Sergeant Young reiterates that Sergeant Anthony was in a tough situation with no time to physically remove himself from harm’s way. Sergeant Young did not feel that the suspect provided enough time for Sergeant Anthony to safely get out of the way of that stolen vehicle due to the speed and lack of escape route.

**Statement of Officer Kenny Shedd:**

**OPD Investigators:** Officer Calonge & Officer McClain  
**Representation:** Terri Leoni, Rains, Lucia & Stern

This interview began at 2321 hours. Officer Shedd, in essence, provided the following information:

At the time of this shooting, Officer Shedd was working as a Dayshift Patrol Officer, wearing his full Class B wool uniform. He was driving a fully marked Crown Victoria patrol vehicle when he responded to the scene to assist.

Officer Shedd heard members of the Crime Suppression Unit (CSU) as they were conducting surveillance in the 300 block of 105th Avenue in Oakland. Their surveillance was focused on a burglary that happened during a previous shift. Officer Shedd indicated he was well aware of
the burglary in question because he was one of the officers who responded to handle the investigation.

Officer Shedd heard CSU personnel run a license plate of a possible suspect vehicle, which came back as a stolen vehicle. Officer Shedd responded to 105th Avenue to assist the CSU personnel. Officer Shedd heard over the air that the suspect vehicle was a green Honda.

Officer Shedd stopped his vehicle a few blocks away from the stolen vehicle and subsequently made contact with several other field units, including Sergeants Young and Morgan. Along with K9 Officer Mally, they were briefed on a tactical plan to approach the stolen vehicle and assist the CSU personnel with a detention and/or arrest.

Sergeant Anthony met with the group and planned to use his unmarked pick-up truck as the lead vehicle for the approach in the hopes of shielding the marked patrol vehicles from the suspect’s view.

As the group approached the stolen vehicle, Officer Shedd described the actions of the suspect:

“I barely even had a chance to even park my car when the - the driver, who turned out to be a female, a Hispanic female, uh, either started her car up or put it in drive. And, uh, what appeared to be a, uh, an abrupt right jerk turn of the v- of the steering wheel, she sped off and towards the sidewalk. And she - she just punched it as fast as she can go past one vehicle - it looks like a s- a white hatchback - and s- immediately smashed into that car, uh, pinned her right side up against the, uh, like a sound wall or a - a fence line.”

Officer Shedd went on to describe how the suspect drove the stolen vehicle erratically on the south sidewalk, “crashing and smashing into multiple vehicles.” The suspect drove the stolen vehicle past Officer Shedd who, at one point, was close enough to the vehicle that he thought about using his ASP baton to break out one of the windows, however he did not. It was at that point that Officer Shedd yelled at the suspect, “Hey, stop that car! Stop that car!” The suspect ignored his commands to stop, however.

The suspect continued on the sidewalk, directly towards Sergeant Anthony, who was also standing the south sidewalk. Fearing for Sergeant Anthony’s safety, Officer Shedd drew his duty gun from its holster and pointed it at the suspect. Officer Shedd heard Sergeant Anthony ordering the suspect to “Stop!” however, she continued, disregarding his order.

Officer Shedd heard Sergeant Anthony begin firing at the stolen vehicle, however it did not stop. Officer Shedd indicated he’d made the conscious decision to use deadly force as well in an attempt to stop the threat against Sergeant Anthony. However, before he could discharge his weapon, he saw Sergeant Anthony fire at least one more round. It was at that point that Officer Shedd could see the suspect became incapacitated. Officer Shedd did not fire because the suspect was no longer a threat to Sergeant Anthony.
Officer Shedd could see the stolen vehicle had pinned Sergeant Anthony up against another vehicle, however it had come to a stop. While other officers focused on the suspect and Sergeant Anthony, Officer Shedd turned his focus to a black male who was standing near the passenger door of the stolen vehicle before it fled. This black male attempted to flee on foot, however Officers Mally and Shedd were able to detain him and prevent his escape.

When asked if Sergeant Anthony had an avenue of escape prior to the shooting, Officer Shedd indicated that Sergeant Anthony was “trying to maneuver around to go”....“there was nowhere he could go.” Officer Shedd said that his “heart just sank” because, from his perspective, the suspect was going right at Sergeant Anthony. That was the point when Officer Shedd remembered drawing his gun from its holster.

Officer Shedd could see the suspect “slump over” after Sergeant Anthony fired his rounds. Officer Shedd figured that she was incapacitated at that time. When Officer Shedd got close to the stolen vehicle, he said it appeared as though Sergeant Anthony’s upper body was twisted and he thought Sergeant Anthony had been struck by the stolen vehicle, run over.

**Statement of Detective Jason Kritikos:**

**OPD Investigators:**  Sergeant Caesar Basa, Lieutenant Roland Holmgren, Sergeant Robert Rosin  
**Representation:**  Bob McFarlane, Rains, Lucia & Stern

This interview began at 2339 hours. Detective Kritikos, in essence, provided the following information:

Detective Kritikos and Detective Daren Pasut were working together in the San Leandro Police Department Crime Suppression Unit. Both Detectives were in plain clothes, driving an unmarked vehicle. They were conducting surveillance in the 300 block of 105th Avenue, in Oakland, looking for a burglary suspect from a previous case.

When the Detectives got nearly to the west foot of 105th, they saw a green Honda parked along the north sidewalk, facing eastbound. The positioning of the vehicle appeared odd to the Detectives, so they ran the license plate as they slowly passed it. While close to the vehicle, they saw that one of the occupants appeared to be a Hispanic male who looked like one of the suspects involved in the aforementioned burglary.

The Detectives turned around and drove away from the suspect vehicle, eventually parking along the south curb line, facing eastbound. Detective Kritikos was able to continue surveilling the stolen vehicle using his mirror. Other San Leandro Police Department units, who had been listening to the radio traffic, began converging on their location.

Detective Kritikos listened as responding units, including their supervisor, Sergeant Brian Anthony, were devising a plan for a detention and subsequent arrest of the driver of the stolen vehicle.
vehicle. Detective Kritikos heard Sergeant Anthony say he would be the lead vehicle, utilizing his unmarked pick-up truck, as the officers converged on the stolen vehicle.

Detective Kritikos watches as the line of the marked patrol vehicles was following Sergeant Anthony’s Ford F-150 westbound on 105th, making their way towards the stolen vehicle. The Detectives turn their vehicle around and fall into the line of police vehicles as they approach the stolen vehicle.

As they’re approaching, Detective Kritikos sees the stolen vehicle drive diagonally south across the street, up onto the south sidewalk. He can also see that the stolen vehicle is striking fences along the south portion of the sidewalk as well as parked vehicles just north of the sidewalk.

Detective Kritikos got out of his vehicle and immediately looked to his left where he saw Sergeant Anthony between a tall fence and his pick-up truck on the sidewalk. He could also see the stolen vehicle was “comin’ at him at a high rate of speed, bouncing off cars...” Detective Kritikos indicated his “heart sank” as he thought Sergeant Anthony was going to get run over by the stolen vehicle.

Detective Kritikos indicated he could see the “panic” in Sergeant Anthony’s face as the stolen vehicle was bearing down on him. He said he could hear Sergeant Anthony yelling at the stolen vehicle, then he heard shots being fired. Detective Kritikos said everything happened “in the blink of an eye.” He could see the stolen vehicle smash into Sergeant Anthony’s pick-up truck and he saw that Sergeant Anthony was pinned between the vehicles as a result. Detective Kritikos said, “...there’s no doubt in my mind, I’m thinkin’ his legs are gone.” Sergeant Anthony immediately yelled out that he was alright.

As they all approached the vehicles, their focus was getting the suspect driver out of the stolen vehicle to administer first aid, as well as check on Sergeant Anthony’s status. Detective Kritikos got on his radio and requested medical respond as soon as possible for the suspect who had been shot.

Detective Kritikos told investigators that he remembered Sergeant Anthony appearing to try and back up as the stolen vehicle drove towards him. He also indicated that, from his vantage point, Sergeant Anthony “had nowhere to go (referring to an escape route).” Detective Kritikos also indicated he could clearly hear Sergeant Anthony yelling “STOP!” as the stolen vehicle bore down on him.

When asked how far the stolen vehicle was from Sergeant Anthony when he heard the first gunshots, Detective Kritikos estimated ten to fifteen feet.

Detective Kritikos indicated the reason for the type of response of the marked police vehicles as they converged on the stolen vehicle was to prevent a high speed chase east on 105th Avenue. They had the advantage of the west dead end of the street and knew that blocking the street would increase their chances of preventing an unsafe vehicle pursuit.
While at the scene, Oakland Police Officer K. McAlindon #9825 took handwritten statements from two residents who witnessed the shooting. The resident witnesses were [REDACTED] who lived at [REDACTED] 105th Avenue. Their names were [REDACTED]. Both subjects were in their living room watching television at the time of the incident.

[REDACTED] indicated around 1630 hours, on the date of the incident, he was in his living room when he heard “tires screeching.” When he looked outside he saw police cars in front of his house, so he stepped out onto the front porch. It was at that point when he saw a green Honda Civic driving on the sidewalk in front of his house.

[REDACTED] also saw an officer who was wearing “full blue police uniform with a blue police baseball hat. [REDACTED] said the green Honda Civic was driving directly at the officer, traveling 10-15 miles per hour. He saw the officer shoot towards the Honda, approximately five rounds. [REDACTED] said the Honda stopped immediately following the shooting.

[REDACTED] stated he heard “tires screeching” around 1630 hours, on the date of the incident, while watching television in his living room at [REDACTED] 105th Avenue. When he looked outside, he saw a white male police officer standing in front of a green Honda Civic “giving commands.” After he heard this officer yelling, he heard 4-5 gunshots. Because of the positioning of some of the vehicles in the area, [REDACTED] was unable to see anything further.

Conclusion:

I have reviewed the following as part of my Administrative Inquiry into the Officer Involved Shooting involving San Leandro Police Department Sergeant Brian Anthony on April 15, 2015:

- Statements from Sergeant Anthony, the other San Leandro Police Department personnel on scene as well as residents who live in the area
- Sergeant Anthony’s P.V.R.S. (body camera) video
- Oakland Police Department criminal investigation 15-020012
- Oakland Police Department Crime Lab findings

I’ve also evaluated the actions of Sergeant Anthony alongside the San Leandro Police Department’s current Operations Directives M-15 (Firearms Procedure) and M-16 (Use of Force).

During my investigation, I consulted with San Leandro Police Department Range Master and Use of Force expert, Sergeant Troy Young.
Sergeant Anthony

It is my opinion, given the facts and rapidly evolving critical situation, Sergeant Anthony’s decision to use lethal force was reasonable and justified and consistent with department policy and training.

Sergeant Anthony responded to the 300 block of 105th Avenue in Oakland on April 15, 2015, approximately 1630 hours, with the intention of providing supervision and assistance to the Detectives assigned to him. After assisting in formulating a plan to detain and arrest the suspect in this case, Sergeant Anthony drove west on 105th Avenue and parked his unmarked pick-up truck along the south curb line, east of the suspect’s location.

Sergeant Anthony exited his vehicle with the intent of approaching the scene of the “detention” on foot, utilizing the south sidewalk. The suspect unexpectedly drove from the north side of the street, up onto the south sidewalk directly towards Sergeant Anthony. Sergeant Anthony, with a wrought iron gate on one side and tightly positioned parked vehicles, including his own, on the other, did not have a viable avenue of escape.

In an effort to create as much distance between himself and the suspect vehicle, Sergeant Anthony backed up, still facing the vehicle. With his duty weapon drawn, Sergeant Anthony yelled commands to “Stop!” however the suspect did not comply. Fearing that the suspect was going to strike him with the vehicle, Sergeant Anthony discharged his duty weapon at the he in an attempt to stop the assault. Evidence located at the scene by Oakland Police Department Technician Jean Ahuncain revealed Sergeant Anthony fired four (4) rounds during the incident. No other San Leandro Police Department personnel discharged their weapons during this incident.

In reviewing Sergeant Anthony’s P.V.R.S. video, I was able to corroborate all of the information he provided to the Oakland Police Detectives in his statement.

Sergeant Anthony’s course of action resulted in the desired effect, as the suspect was incapacitated and the suspect vehicle rolled to a stop. Although the suspect vehicle subsequently pinned him up against his own vehicle, Sergeant Anthony escaped with only minor injuries.


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.

I feel that Sergeant Anthony was acting within the guidelines of this section and was WITHIN POLICY when using deadly force in this instance.
Section 2
# Detail Call For Service Report

| From CFS: 1244 | From Date: 04/15/2015 18:20 | CFS Type: All |
| To CFS: 1244 | To Date: 04/15/2015 18:20 | Agency Type: |
| Layer: All | Areas: All | |
| CFS Number: 1244 | Call Date/Time: 04/15/2015 18:20:32 | Primary Incident: 2015-00017715 |

| Location: 105TH/CREEKSIDE CIR. | Dispatch Time: 04/15/2015 18:20:32 |
| Add'l Loc Info: | Arrive Time: 04/15/2015 18:20:32 |
| Common Name: | Clear Date/Time: |
| Phone: | Created By: M WILSKE |
| Call Type: 10851 | Cancelled: No |
| Status: I/P | Source: OFFICER |
| Police ORI: CA0011200 | Fire ORI: |

<p>| Nature Of Call: | Report Required: No |
| Priority: 1 | |
| EMS ORI: | |</p>
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<th>Created By</th>
<th>Narrative</th>
</tr>
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<tbody>
<tr>
<td>04/15/2015 16:21:01</td>
<td>M WILSKE</td>
<td>OCCUP</td>
</tr>
<tr>
<td>04/15/2015 16:21:06</td>
<td>M WILSKE</td>
<td>OUT OF OPD</td>
</tr>
<tr>
<td>04/15/2015 16:21:11</td>
<td>M WILSKE</td>
<td>C33</td>
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<tr>
<td>04/15/2015 16:21:24</td>
<td>M WILSKE</td>
<td>N11 SAME SPOT AS 459 SUSP</td>
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<td>04/15/2015 16:21:37</td>
<td>T DEGRANO</td>
<td>Dispatch received by unit 3L22</td>
</tr>
<tr>
<td>04/15/2015 16:21:42</td>
<td>D MALLY</td>
<td>Dispatch received by unit 4K35</td>
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<tr>
<td>04/15/2015 16:21:46</td>
<td>M WILSKE</td>
<td>IF THEY BAIL NEED PERM</td>
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<tr>
<td>04/15/2015 16:22:10</td>
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<td>36 DAVIS TO TRAX</td>
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<td>04/15/2015 16:22:17</td>
<td>P KYLE</td>
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<tr>
<td>04/15/2015 16:22:23</td>
<td>M WILSKE</td>
<td>3L71 AND 2L71 ENRT</td>
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<td>04/15/2015 16:23:38</td>
<td>M WILSKE</td>
<td>4L24- BLACKPINE/WHITE FIR</td>
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<tr>
<td>04/15/2015 16:24:03</td>
<td>M WILSKE</td>
<td>LIC, [redacted] 99 HOND CIV 4D GRN</td>
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<td>04/15/2015 16:24:31</td>
<td>M WILSKE</td>
<td>2L27- 105/ACCOLANES</td>
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<tr>
<td>04/15/2015 16:25:07</td>
<td>M WILSKE</td>
<td>N11 PARKED BEHIND WHI TRAILER AT DEAD END OF 105TH</td>
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<tr>
<td>04/15/2015 16:25:38</td>
<td>M WILSKE</td>
<td>NORA UNITS WILL GO AND SET UP CLOSE</td>
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<td>04/15/2015 16:25:55</td>
<td>M WILSKE</td>
<td>J8 TAKING THE CREEK</td>
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<tr>
<td>04/15/2015 16:25:55</td>
<td>M WILSKE</td>
<td>71- 105/ NATTRESS</td>
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<tr>
<td>04/15/2015 16:26:35</td>
<td>M WILSKE</td>
<td>N11- SOUTH SIDE OF STREET FACING EB ON 105TH</td>
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<td>04/15/2015 16:26:41</td>
<td>M WILSKE</td>
<td>TARGET PARKED FACING EB</td>
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<tr>
<td>04/15/2015 16:27:23</td>
<td>M WILSKE</td>
<td>N11 NO MORE VISUAL ON TARGET TRAILER BLKING</td>
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<td>04/15/2015 16:28:46</td>
<td>M WILSKE</td>
<td>N77 WILL BE MOVING IN</td>
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<td>04/15/2015 16:30:15</td>
<td>M OLIVERA</td>
<td>Dispatch received by unit 4L27</td>
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<td>04/15/2015 16:30:20</td>
<td>M WILSKE</td>
<td>4L27 IN TEH CREEK</td>
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<td>04/15/2015 16:30:25</td>
<td>M WILSKE</td>
<td>3L71 SHOTS FIRED</td>
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<td>04/15/2015 16:30:33</td>
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<td>2 SUBJ BEING DETAINED</td>
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<td>04/15/2015 16:30:39</td>
<td>M WILSKE</td>
<td>WC ENRT</td>
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<td>04/15/2015 16:30:41</td>
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<td>04/15/2015 16:30:46</td>
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<td>04/15/2015 16:31:52</td>
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<td>22 CROWD CONTROL NEEDED START OPD</td>
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<td>04/15/2015 16:32:01</td>
<td>M WILSKE</td>
<td>2ND INNER PERM NEEDED</td>
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<td>04/15/2015 16:32:33</td>
<td>M WILSKE</td>
<td>43 ASSIGNED TO INNER PERM SEC POST</td>
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<td>04/15/2015 16:32:47</td>
<td>C PRIETO</td>
<td>Dispatch received by unit 4L43</td>
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<tr>
<td>04/15/2015 16:33:13</td>
<td>M WILSKE</td>
<td>N77 IS OK</td>
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Narrative, Questionnaire Responses, TDD Text

Create Time  Created By  Narrative
04/15/2015 16:34:26  M WILSKE  4L27 UNDER FREEWAY AT 105TH
04/15/2015 16:34:56  M WILSKE  3L71 ALL SUSP IC
04/15/2015 16:35:01  M WILSKE  3L71 ADV OF DELAY IN ADV OPD
04/15/2015 16:35:20  M WILSKE  186 ADV OPD NEED 105/TOPANGA CLOSE WB
04/15/2015 16:35:37  M WILSKE  3L85 908F
04/15/2015 16:35:46  M WILSKE  SEKHON ASSIGNED TO SGT ANTHONY
04/15/2015 16:37:07  M WILSKE  3L71- 2ND MED TO PD
04/15/2015 16:37:23  M WILSKE  ARGUS UP
04/15/2015 16:38:05  M WILSKE  186 ADV OPD UNITS C2 RESPONSE
04/15/2015 16:38:33  M WILSKE  3L71- BECERRA TO INCIDNET LOG NO VEHS WEST OF INNER CRIME SCENE TAPE
04/15/2015 16:39:09  M WILSKE  3L71- DET NELSON KWAN ON CANVAS
04/15/2015 16:39:17  M WILSKE  PRIETO ON CANVAS
04/15/2015 16:39:38  M WILSKE  3L71 MED 908F
04/15/2015 16:40:25  M WILSKE  3L71 186 AND 85 TAKING OVER COMMAND
04/15/2015 16:41:11  M WILSKE  14116 HAS N77- ENRT TO STATION
04/15/2015 16:42:44  M WILSKE  3L85- ALL UNITS RUN THRU HIM FOR COORDINATES
04/15/2015 16:43:31  M WILSKE  15'S 908F
04/15/2015 16:43:40  M WILSKE  26-1 105TH CROWD CONTROL
04/15/2015 16:44:55  M WILSKE  186 TO ARGUS- NO OUTSTANDING OPD UNITS: 2 ON TC / 2 ENRT/ AND OPD WC ENRT
04/15/2015 16:45:33  M WILSKE  186 FOR DEGRANO- AMR BRINGIN ONE OUT MOVE SIL TAC CAR
04/15/2015 16:45:47  M WILSKE  186 NEED 1 UNIT TO FOLLOW AMB TO HOSPITAL 14J8 TAKING THAT
04/15/2015 16:46:36  M WILSKE  186 OPD TAKING PRIMARY ON INVEST  OPD TO FOLLOW AMBO
04/15/2015 16:46:59  M WILSKE  186- FOR SLPD RELEASE OPD UNITS AT TRAFFIC POSTS
04/15/2015 16:47:12  M WILSKE  OPD TO REPORT TO 186 FOR INVESTIGATION
04/15/2015 16:47:33  M WILSKE  186 FOR ALL SLPD UNITS TO STAY DOUBLE UP
04/15/2015 16:49:02  M WILSKE  186- CHANNEL 1 FOR OIS NO BEEPER NEEDED
04/15/2015 16:50:53  K GREEN  SGT CORTI CALLED ON HIS CELL...WILL BE 924, 1 HR ETA
04/15/2015 16:56:14  K GREEN  4L27/CANVASSED UNDER FREEWAY AND CREEK, UTL ON TRANSIENTS OR WITNESSES
04/15/2015 17:02:56  M WILSKE  3L85 IT IS OPD CRIME SCENE NOW
04/15/2015 17:05:43  M WILSKE  36 ENRT TO STATION
04/15/2015 17:29:43  M WILSKE  86 TO 85 - CHK W OPD SEE IF SLPD CAN BE RELIEVED EAST OF CREEKSIDE CIR
04/15/2015 17:29:55  M WILSKE  85 CONFIRMED FOR SLPD TO BE RELEASED
04/15/2015 17:30:17  M WILSKE  86 ANY UNITS AT WATSON OR EAST OF CAN CLEAR BK ENRT TO CITY
04/15/2015 17:32:42  M WILSKE  RESUMING NORMAL TRAFFIC ON CHANNEL 1
04/15/2015 17:43:16  D SEKHON  Dispatch received by unit 2L32
15/2015 17:47:51  A WARREN  1414 IN SOFT INTERVIEW RM SOUTH OFFICES W/ 4B38
04/15/2015 17:49:51  M WILSKE  4L21 KWAN SEQ IN CALSSROOM W/ WALTON 14118
04/15/2015 17:54:00  M WILSKE  1414 TENG IN SOFT INTERVIEW RM W/ 4B38
Detail Call For Service Report

Login ID: rdecosta
Print Date/Time: 04/15/2015 19:58

From CFS: 1244
To CFS: 1244
Layer: All
CFS Number: 1244
Call Date/Time: 04/15/2015 16:20:32
Primary Incident: 2015-00017715

CFS Type: All
Agency Type:

Narrative, Questionnaire Responses, TDD Text

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------------|------------|------------------------
04/15/2015 18:44:02 | A WARREN | PALACE
04/15/2015 18:44:26 | A WARREN | *938 LAST LINE
04/15/2015 19:51:27 | L CHRONISTER | 85 / WORK UP ON BARAJAS, JOSEFIN
04/15/2015 19:56:46 | L CHRONISTER | [redacted] AND [redacted]

Associated Areas

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<td>District</td>
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<td>EMS ORI</td>
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<td>Fire ORI</td>
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Incident Number(s)

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<th>Department Name</th>
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<td>CA0011200</td>
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<td>13N9</td>
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## Detail Call For Service Report

**Login ID:** rdecosta  
**Print Date/Time:** 04/15/2015 19:58

### Call Log

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<td>Unit 13N9 S</td>
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<td>M WILSKE</td>
<td>Narrative Added</td>
<td>OCCUP</td>
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<tr>
<td>04/15/2015 16:21:11</td>
<td>M WILSKE</td>
<td>Narrative Added</td>
<td>OUT OF OPD</td>
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Page: 6 of 17
Detail Call For Service Report

Login ID: rdecosta
Print Date/Time: 04/15/2015 19:58

From CFS: 1244
To CFS: 1244
Layer: All
Areas: All

CFS Number: 1244
Call Date/Time: 04/15/2015 16:20:32
Primary Incident: 2015-00017715

Call Log

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# Detail Call For Service Report

**Login ID:** rdecosta  
**Print Date/Time:** 04/15/2015 19:58

| From CFS: | 1244 | From Date: | 04/15/2015 16:20 | CFS Type: | All |
| To CFS: | 1244 | To Date: | 04/15/2015 16:20 | Agency Type: | |
| Layer: | All | Areas: | All | |

| CFS Number: | 1244 | Call Date/Time: | 04/15/2015 16:20:32 | Primary Incident: | 2015-00017715 |

## Call Log

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<th>Action</th>
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## Detail Call For Service Report

**Login ID:** rdecosta  
**Print Date/Time:** 04/15/2015 19:58

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| CFS Number: | 1244 | Call Date/Time: | 04/15/2015 16:20:32 |

| Primary Incident: | 2015-00017715 |

### Call Log

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### Detail Call For Service Report

**Login ID:** rdecosta  
**Print Date/Time:** 04/15/2015 19:58

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**CFS Number:** 1244  
**Call Date/Time:** 04/15/2015 16:20:32  
**Primary Incident:** 2015-00017715

#### Unit Log

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Page: 12 of 17
## Detail Call For Service Report

**Login ID:** rdecosta  
**Print Date/Time:** 04/15/2015 19:58

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| To CFS: | 1244 | To Date: | 04/15/2015 16:20 | Agency Type: |  |
| Layer: | All | Areas: | All |  |

| CFS Number: | 1244 | Call Date/Time: | 04/15/2015 16:20:32 | Primary Incident: | 2015-00017715 |

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**Detail Call For Service Report**

Login ID: rdecosta  
Print Date/Time: 04/15/2015 19:58

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| To CFS: | 1244 | To Date: | 04/15/2015 16:20 | Agency Type: | |
| Layer: | All | Areas: | All | |
| CFS Number: | 1244 | Call Date/Time: | 04/15/2015 16:20:32 | Primary Incident: | 2015-00017715 |

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Section 3
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 or 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 effect 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. Korrum 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 Assailtive 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 assaulitive
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 restraint 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. **HANDCUFFS**

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

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

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

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

B. **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

[Signature]

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, RESTRRAINING, DETAINING & HANDCUFFING

COOPERATIVE
- PASSIVE OR LOW LEVEL RESISTANCE

COMPLIANCE TECHNIQUE LEVEL
- JOINT MANIPULATION, PRESSURE POINT APPLICATION, UNARMED STRIKING & TAKE DOWN TECHNIQUES

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

ACTIVE RESISTANCE OR ASSAULTIVE BEHAVIOR
- PROFESSIONAL PRESENCE, VERBALIZATION, RESTRRAINING, 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, O/C SPRAY & CHEMICAL AGENTS, BEANBAG GUN/FLEX BATON

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

- PROFESSIONAL PRESENCE, VERBALIZATION, RESTRRAINING, DETAINING & HANDCUFFING

- LIFE-THREATENING ASSAULT OR ASSAULT LIKELY TO CAUSE GREAT BODILY HARM
Section 4
## Criminal Investigation Division – Homicide Section

### Investigative Action Report (IAR)

<table>
<thead>
<tr>
<th>RD number</th>
<th>15-020012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date and Time of Incident</td>
<td>15Apr15 / 1635 hours</td>
</tr>
<tr>
<td>Location of Incident / District / Beat</td>
<td>200 blk. 105&lt;sup&gt;th&lt;/sup&gt; Avenue/ District 5 / Beat 31</td>
</tr>
<tr>
<td>Crime Classification</td>
<td>245 (c) PC</td>
</tr>
<tr>
<td>Assigned “call-out” Investigators</td>
<td>Sgt. C. Basa / Sgt. R. Rosin</td>
</tr>
<tr>
<td>Date and Time of Activation</td>
<td>15Apr15 / 1640 hours</td>
</tr>
<tr>
<td>Commander Authorizing “call-out”</td>
<td>Lt. B. Wehrly</td>
</tr>
<tr>
<td>On scene Supervisor: (name &amp; phone number)</td>
<td>Sgt. G. Dutton</td>
</tr>
<tr>
<td>Other relevant information</td>
<td>San Leandro PD OIS</td>
</tr>
</tbody>
</table>

### Synopsis of Incident

On 15Apr15 at 1635 hours, San Leandro PD (SLPD) officers located an occupied stolen vehicle in the 200 block of 105<sup>th</sup> Avenue. The officers attempted to conduct a vehicle stop. Suspect vehicle drove towards an officer. Victim officer discharged his firearm towards suspect vehicle, striking the driver. The driver was transported to ACH and was in critical condition and expected to survive.

### Victim(s), Name/Sex/Race/DOB/PFN

<table>
<thead>
<tr>
<th>Victim(s), Name/Sex/Race/DOB/PFN</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLPD Sgt. B. Anthony</td>
</tr>
</tbody>
</table>

### Victim(s) history

- Corpus
- CII
- Other sources

### Victim Parole/Probation Status


### Suspect(s): Name/Sex/Race/DOB/PFN

<table>
<thead>
<tr>
<th>Suspect(s): Name/Sex/Race/DOB/PFN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josefina Barajas</td>
</tr>
</tbody>
</table>

### Suspect history

- Corpus
- CII
- Other sources

1. Josefina Barajas
FOLLOW UP INVESTIGATION REPORT

15 APR 15

1640 hours
Lt. Holmgren advised of an Officer Involved Shooting (OIS) that occurred in the 200 block of 105th Avenue involving San Leandro Police Department (SLPD) officers.

1720 hours
I arrived on the scene. The area was illuminated by natural lighting from the sun. The temperature was warm and dry. The incident occurred in a residential area at the dead end street of 105th Avenue. The street was cluttered with parked vehicles not related to the incident.

I met with Lt. Wehrly (scene commander), Sgt. Dutton (scene supervisor), Ofc. M. Romero (primary reporting officer) and Technician J. Ahuncain (primary scene technician). I also met with SLPD Lt. De Costa and Lt. Sobek. I was briefed by the above individuals and learned the following.

SLPD officers were in the 200 block of 105th Avenue conducting a follow up investigation on a burglary (SLPD report no. 2015-00017333) that occurred in their city just days prior. The officers located an occupied stolen vehicle parked at the end of the dead end street, facing northbound. The officers attempted to conduct a vehicle stop. Suspect vehicle fled and drove northbound on 105th Avenue. Suspect vehicle then drove on the east sidewalk, directly towards an officer. Said officer discharged his service pistol, striking the driver of suspect vehicle.
The subject officer was identified as SLPD Sgt. B. Anthony, driving a 2015 Ford, F150, white, license no. [redacted]. Sgt. Anthony suffered minor injury to his left leg and reportedly discharged four rounds.

The witness SLPD officers and their vehicles were identified as follows:

- Ofc. J. Kritikos – (driver, 2012 Mazda 6, silver, license no. [redacted])
- Ofc. D. Pasut – (passenger, 2012 Mazda 6, silver, license no. [redacted])
- Sgt. T. Young (driver, marked unit #363)
- Sgt. A. Morgan (passenger, marked unit #363)
- Ofc. K. Shedd (marked unit #352)
- Ofc. D. Mally (marked K-9 unit #230)
- Ofc. B. Buss (marked unit #395)
- Ofc. R. Kwan (marked unit #398)
- Ofc. A. Ying (marked unit #375)

The above photo is for reference only and depicts the approximate position of the involved vehicles at the time of incident.
SLPD officers that were involved in the incident were transported to San Leandro PD and their vehicles were left at the scene. Sgt. Anthony provided a public safety statement to SLPD Lt. Sobek via phone.

The suspect vehicle was a 1999 Honda, Civic, 4-door, green, license no. [redacted]. The driver was identified as Josefina Barajas and the right front passenger was identified as [redacted]. A male was taken into custody and transported to CID. Barajas suffered three gunshot wounds and was transported to Highland Hospital. Barajas was treated and subsequently released.

I inspected the scene with Tech. Ahuncain and Ofc. Hunt. They directed me to items of evidence to include four spent casings. Tech. Ahuncain advised that he marked the approximate location of each witness officer when Sgt. Anthony discharged his service pistol. Tech. Ahuncain then took photographs of the witness officers' vantage point(s) of the incident for reference.

Tech. Middle conducted an ammunition inventory on Sgt. Anthony and the witness officers. Refer to Tech. Middleton’s supplemental report for further details.

Tech. Yager performed a gunshot residue (GSR) collection on Barajas using a GSR kit.

Sgt. Milina authored a search warrant for the collection of Barajas blood and [redacted] DNA sample. Judge Brad Seligman signed and issued said warrant. Phlebotomist Kathy Nass collected Barajas blood sample and Sgt. Milina collected Buccal swab sample from [redacted] and submitted the Barajas’ blood sample for examination.

Traffic Section Ofc. Dolan responded with the Total Station to diagram the scene. Report pending.

1745 hours
Ofc. N. Calonge notified DDA T. Wagstaffe of the incident.

1818 hours
I conducted a videotaped walk through of the scene with Ofc. Daza-Quiroz. We noted items of evidence and different reference locations. Refer to the video for details.

1900 hours
Members of OPD Homicide Section and I met at SLPD. I briefed the OPD detectives on the incident. We viewed video footages of the incident from SLPD officer’s Axon body camera. I assigned team of OPD investigators to conduct interviews of the involved SLPD officers. SLPD witness officers were allowed to view the footage of the incident from their Axon body camera prior to the interview. Sgt. Morgan was allowed to view the footage of the incident from his Axon body camera after the interview.

2110 hours
Sgt. Milina and Ofc. Sanchez interviewed [redacted]. Sgt. Milina read [redacted] his Miranda Rights verbatim from a statement form. [redacted] acknowledged that he understood his rights and provided a statement. [redacted] stated that Barajas was his girlfriend and had been with her for three and a half years. He and Barajas had been smoking crystal methamphetamine. Barajas smoked the drug about an hour before the incident.
Stated that they bought [redacted] from a MB about 45 minutes prior to the incident at 105th Avenue. They paid $50 for [redacted] and knew that the car was stolen. [redacted] had no mechanical problems. [redacted] said that [redacted] was parked on 105th Avenue and Barajas was seated in driver side. He was standing outside of the vehicle talking with [redacted] who was behind a fence. The police arrived and blocked the whole street with their police vehicles. Barajas drove northbound on the east sidewalk. Barajas collided with a couple of parked cars. A police officer got out of his car and blocked the sidewalk. Barajas drove towards the police officer. The officer said, "Hey, hey, hey." [redacted] stated that he then saw the police officer shoot 5 times at Barajas. Haire said that the officer was not in danger and did not have to shoot at Barajas. [redacted] said that he was about two car lengths away when he witnessed the shooting. [redacted] said that he was arrested at the scene. Refer to the interview notes and taped statement for further details.

[redacted] was captured on Sgt. Young's Axon body camera. The video showed [redacted] driving past [redacted] on the east sidewalk and provides a perspective to [redacted] location during the OIS. See below.

Det. Kritikos spoke with [redacted] at the scene. [redacted] stated that his name was [redacted] said that he was standing at the east sidewalk and witnessed the OIS. [redacted] said that Barajas was his friend and owned [redacted] said that he was talking with [redacted] prior to the OIS and pointed to one of two individuals at the scene as being [redacted]. Det. Kritikos made contact with said individuals who advised that neither of them was [redacted]. Det. Kritikos' Axon body camera recorded the interaction. Refer to the video for further details.

2140 hours
Sgt. Vass and Ofc. Daza-Quiroz interviewed SLPD Ofc. Buss. Ofc. Buss stated that he was assigned to Patrol and learned that an SLPD Crime Suppression Unit located an occupied stolen vehicle [redacted] at the dead end street of 105th Avenue in Oakland. He responded to assist with the apprehension of the suspect(s). He was in marked SLPD unit #395. Ofc. Buss said he did not advise dispatch and the other officers might not have known that he was responding. Ofc. Buss said that the arrest was dynamic and they did not convene to develop a plan.
Ofc. Buss said that as he turned from San Leandro Street to 105th Avenue, the arrest element was already in motion and was traveling southbound 105th Avenue. He heard via radio that Sgt. Anthony was leading the police convoy to conceal the marked units. Ofc. Buss joined the convoy and was positioned at the end of the stack. Ofc. Buss could not see the activity in the front of the convoy.

Ofc. Buss said that as he proceeded, he saw Sgt. Anthony’s vehicle parked on the east curb. Sgt. Anthony was standing on the east sidewalk, near his (Sgt. Anthony) closed driver’s door. Ofc. Buss also saw someone driving northbound on the east sidewalk. Ofc. Buss said that he parked his vehicle north of Sgt. Anthony’s vehicle to block [redacted] avenue of escape. Ofc. Buss said that as he exited his vehicle, he saw [redacted] drive up and pin Sgt. Anthony against Sgt. Anthony’s vehicle. Ofc. Buss said that he then witnessed Sgt. Anthony discharge his service pistol at [redacted]. after he (Sgt. Anthony) was pinned between the vehicles. Ofc. Buss said that he provided aid to Sgt. Anthony and provided emergency medical aid to Barajas. Refer to the interview notes and taped statement for further details.

The photos below marked the approximate location of Ofc. Buss during the OIS and his visual perspective. These are not exact and used for reference only.

Ofc. Buss’ Axon body camera was activated after the OIS incident.

2144 hours
Sgt. Cardoza and Ofc. Andersen interviewed SLPD Ofc. Ying. Ofc. Ying stated that he was assigned to Patrol and learned that SLPD Crime Suppression Unit located an occupied stolen vehicle [redacted] at the dead end street of 105th Avenue in Oakland. He responded to assist with the apprehension of the suspect(s). He was in marked SLPD unit #375. He met with other officer approximately two blocks north of where [redacted] was located and formulated a plan of arrest.
Ofc. Ying stated that they then proceeded southbound on 105th Avenue and as they approached the dead end, he heard officers yelling commands. He saw [redacted] traveling northbound on the east sidewalk, at a high rate of speed. He could hear the engine of [redacted] revving and sounds of collision. Ofc. Ying stated that as he exited his vehicle, he heard 3-4 gunshots but did not see who was shooting. He then saw [redacted] pin Sgt. Anthony against Sgt. Anthony’s vehicle. Ofc. Ying said that he then assisted in pulling the driver out of [redacted] and render first aid. The driver was suffering from gunshot wounds. He then assisted with the preliminary investigation. Refer to interview notes and taped statement for further details.

The photos below marked the approximate location of Ofc. Ying during the OIS and his visual perspective. These are not exact and used for reference only.

I reviewed the footage of the incident from Ofc. Ying’s Axon body camera. The sounds of the gunshots were captured but Sgt. Anthony’s vehicle was blocking the view of the actual shooting.

2220 hours
Sgt. Rosin and I interviewed SLPD Detective Pasut. Present during the interview were Lt. Holmgren (OPD Homicide Commander) and Zachary Lopes (Pasut’s legal counsel). Det. Pasut stated that he was assigned to SLPD Crime Suppression Unit. They were conducting a follow up on a burglary that occurred two days prior. He was working with Det. Kritikos in an undercover capacity and was operating from undercover vehicle, [redacted] which Det. Kritikos drove.

Det. Pasut stated that he and Det. Kritikos were in the area of 105th Avenue searching for a burglary suspect when they spotted [redacted] at the dead end of the street. [redacted] was facing northbound and parked on the west side of the street. [redacted] caught their attention because the right front passenger possibly matched the
description of the burglary suspect that they were attempting to locate. They conducted a record check on [REDACTED] via radio and learned that [REDACTED] was reported stolen.

Det. Pasut stated that Det. Kritikos parked their vehicle north of [REDACTED] and conducted surveillance. Det. Pasut learned via radio that several SLPD officers (arrest teams) responded, developed a plan and staged in the area of 105th Avenue and Nattress Way. The plan was for Sgt. Anthony to escort the convoy of marked police vehicles behind his undercover full size pick-up truck for concealment. Sgt. Anthony was to pull over as they get close to [REDACTED] and allow marked units to conduct enforcement.

Det. Pasut stated that the arrest teams made their approach and they (Pasut and Kritikos) joined the convoy. Det. Pasut said that they were the fourth vehicle from the lead. Det. Pasut said that Sgt. Anthony pulled over and parked on the east curb line (facing southbound). As they converged on [REDACTED] Det. Pasut saw [REDACTED] drive forward and back, around two parked vehicle and unto the east sidewalk. [REDACTED] accelerated northbound on the east sidewalk of 105th Avenue.

Det. Pasut stated that he looked over to Sgt. Anthony’s location and saw [REDACTED] driving towards Sgt. Anthony from a distance of about 10-15 feet. Sgt. Anthony had his service pistol drawn and was giving commands for [REDACTED] to stop. Det. Pasut said that it was only a matter of few seconds before [REDACTED] would be right at Sgt. Anthony. Det. Pasut said that he saw Sgt. Anthony fire at least two rounds. He then saw Sgt. Anthony get pinned by [REDACTED] against Sgt. Anthony’s vehicle. Det. Pasut said that he ran around [REDACTED] and attempted to push away from Sgt. Anthony. [REDACTED] slightly moved back and Sgt. Anthony was able to free himself. He saw other officers pull the driver out of [REDACTED] and render medical aid. The driver was suffering from gunshot wounds. Det. Pasut stated that he then provided scene security. Refer to the interview notes and taped statement for further details.
2233 hours

Ofc. Calonge and Ofc. McClain interviewed SLPD Ofc. Mally with his counsel, Ms. Terri Leoni. Ofc. Mally was assigned to Patrol as a K-9 officer and was operating from marked unit #230. He learned that an SLPD Crime Suppression Unit located an occupied stolen vehicle at the dead end street of 105th Avenue in Oakland. He responded to assist with the apprehension of the suspects. Ofc. Mally stated that they were communication via radio on an arrest plan as they responded to 105th Avenue. He was assigned to follow Sgt. Anthony and be the first officer to make contact with the suspects.

Ofc. Mally said that they convened on 105th Avenue and Nattress Way and started their approach to As they proceeded to 105th Avenue, Sgt. Anthony pulled off to his left. He continued towards and saw that suspect vehicle was occupied and parked on the west side of the street, facing northbound. He parked about one car length in front of He exited his vehicle and retrieved his dog in case the occupant of flies from the vehicle.

Ofc. Mally said that as he was getting his dog out of the vehicle, started to move. He soon realized that was going to flee. started to move towards his direction but had no room to drive around his vehicle. backed up and accelerated forward towards the east sidewalk. Ofc. Mally got in his vehicle and attempted to maneuver a three point turn and drove northbound on the east sidewalk and he could hear sounds of collisions. Ofc. Mally said that shortly thereafter, he heard gunshots. Ofc. Mally stated that he could not immediately ascertain who fired the shots. He parked and exited his vehicle, and ran towards where he heard the gunshots originated As he ran, Ofc. Shedd directed his attention to a MB who was walking away from where came to rest. Ofc. Shedd directed him to detain the MB, who may be associated with He and Ofc. Shedd detained and secured the MB. Ofc. Mally then assessed the scene and assisted with scene security and preliminary investigation. Refer to interview notes and taped statement for further details.

The photos below marked the approximate location of Ofc. Mally during the OIS and his visual perspective. These are not exact and used for reference only.

Ofc. Mally’s Axon body camera was activated after the OIS.
2246 hours

Ofc. Daza-Quiroz and Sgt. Vass interviewed SLPD Ofc. Kwan. Ofc. Kwan was assigned to Patrol and was operating from a marked unit # 398. He learned that SLPD Crime Suppression Unit located an occupied stolen vehicle at the dead end street of 105th Avenue in Oakland. He responded to assist with the apprehension of the suspects.

Ofc. Kwan said that he drove down 105th Avenue and joined the convoy of police vehicles as he heard Sgt. Anthony advise that they were “moving in now.” As he proceeded to 105th Avenue, he saw Sgt. Anthony’s vehicle parked on the east curb facing southbound. He also saw traveling northbound on the east sidewalk but lost sight of it, due to Sgt. Anthony’s vehicle. Ofc. Kwan said that he then heard four gunshots as he exited his vehicle. He did not see who fired the shots. He saw a MB running down the street soon after the gunshots and he ran after him. He ran past Sgt. Anthony’s vehicle and saw Sgt. Anthony pinned between and Sgt. Anthony’s vehicle. When he reached the MB, other officers had already secured the MB. Ofc. Kwan said that he then assisted with the preliminary investigation. Refer to the interview notes and taped statement for further details.

The photos below marked the approximate location of Ofc. Kwan during the OIS and his visual perspective. These are not exact and used for reference only.

I reviewed the footage of the incident from Ofc. Kwan’s Axon body camera. The sounds of the gunshots were captured but not the actual shooting.

2303 hours

Sgt. Cardoza and Ofc. Andersen interviewed SLPD Sgt. Young. Sgt. Young stated that he was assigned as a Patrol supervisor and learned that an SLPD Crime Suppression Unit located an occupied stolen vehicle at the dead end street of 105th Avenue in Oakland. He and Sgt. Morgan responded to assist with the apprehension of
the suspect(s). They were in marked SLPD unit #363, which he drove.

Sgt. Young said that he and other officers met at 105th Avenue and Nattress Way and developed an arrest plan. Sgt. Anthony was driving an undercover vehicle and was assigned to lead the police convoy to conceal the marked police vehicles that followed. He was parked at the end of 105th Avenue, on the west side of the street, facing north. Sgt. Young stated that they proceeded south on 105th Avenue and as they got close to

Sgt. Anthony pulled over to the left in order to clear the roadway for the marked units so there was no confusion to their identity. Sgt. Young stated that Sgt. Anthony pulled over on the east curb facing south.

Sgt. Young said that Ofc. Mally pulled up in front of and activated his emergency lights. He saw movement from and realized that the suspect was going to flee. He parked behind and off set from Ofc. Mally’s vehicle. He got out and saw jump the east curb and drive northbound on the east sidewalk. Sgt. Young said that he looked to see where Sgt. Anthony was located and soon realized that was driving directly towards Sgt. Anthony, who was standing on the east sidewalk. Sgt. Young immediately thought that was going to run Sgt. Anthony over and kill him.

Sgt. Young stated that as he witnessed the incident unfold, he was running towards the direction of and Sgt. Anthony. He witnessed Sgt. Anthony discharge his firearm towards the front area of that was coming at Sgt. Anthony. then collided with Sgt. Anthony and Sgt. Anthony’s vehicle. Sgt. Young said he saw Sgt. Anthony pinned between and Sgt. Anthony’s vehicle. Sgt. Young believed that Sgt. Anthony was seriously injured but soon learned that Sgt. Anthony was fine.

Sgt. Young said that he and the other officers came to the aid of Sgt. Anthony and Barajas. Sgt. Young then directed officers to locate potential witness(es) for the preliminary investigation. Refer to the interview notes and taped statement for further details.

The photo below marked the approximate location of Sgt. Young during the OIS and his visual perspective. This is not exact and used for reference only.

I reviewed Sgt. Young’s Axon body video footage of the incident. The video captured drive past and the actual shooting incident. Refer to the videotape footage for further details.
2321 hours

Ofc. Calonge and Ofc. McClain interviewed SLPD Ofc. Shedd, with his counsel Terri Leoni. Ofc. Shedd was assigned to Patrol and was operating from a marked unit # 352. He learned that an SLPD Crime Suppression Unit located an occupied stolen vehicle at the dead end street of 105th Avenue in Oakland. He responded to assist with the apprehension of the suspects.

Ofc. Shedd stated that he parked a few blocks north of [REDACTED] and was shortly joined by supervisors and other officers. They formulated a plan to approach and arrest the occupants of [REDACTED] Sgt. Anthony advised that he will utilize his large undercover pick-up truck to conceal the marked unit on approach. Ofc. Shedd stated that K-9 was to lead the stack as a deterrent for the suspect(s) to flee and he was assigned as the third vehicle because he was equipped with less lethal. They then proceeded southbound on 105th Avenue towards [REDACTED] in a straight formation.

Ofc. Shedd stated that as they approached, he could not see [REDACTED] because a white camper was blocking his view. He saw Sgt. Anthony’s vehicle pull over to the left (east curb line, facing southbound) and Ofc. Mally stop in front of [REDACTED] Ofc. Shedd stated that he barely parked his vehicle and immediately observed [REDACTED] abruptly turned eastbound towards the sidewalk, accelerated towards the east sidewalk, colliding with a parked vehicle and a fence. Ofc. Shedd said that [REDACTED] traveled fast and reckless northbound on 105th Avenue, colliding with parked vehicles along the way.

Ofc. Shedd stated that he ran towards [REDACTED] and ordered the driver to stop the car. [REDACTED] drove past him, smashed into a parked vehicle and continued forward. He ran parallel with [REDACTED] Ofc. Shedd said that he could see [REDACTED] was driving directly towards Sgt. Anthony. He saw Sgt. Anthony try to get out of [REDACTED] way. Sgt. Anthony had his service pistol drawn and was ordering the driver of [REDACTED] to stop. [REDACTED] continued to drive towards Sgt. Anthony. Ofc. Shedd he saw Sgt. Anthony discharge his service pistol once or twice, [REDACTED] continued to drive towards Sgt. Anthony. Ofc. Shedd drew his service pistol and made a conscious decision to discharge his service pistol because he feared for Sgt. Anthony’s safety. Sgt. Anthony fired again, as he (Shedd) was about to pull the trigger. Ofc. Shedd stated that he saw that the driver appeared incapacitated and so he did not fire. [REDACTED] continue to travel forward and pinned Sgt. Anthony against another car or a structure. Ofc. Shedd said that other officers rushed towards the driver of [REDACTED] and rendered medical aid.

Ofc. Shedd turned his attention towards a MB (Haire) who he saw standing next to the passenger side of [REDACTED] earlier. He directed Ofc. Mally to stop Haire and he assisted in securing Haire. They placed Haire in a police vehicle. He then assisted with the preliminary investigation.
Ofc. Shedd’s Axon body camera was not activated during the incident.

2339 hours
Sgt. Rosin and I interviewed SLPD Detective Kritikos. Present during the interview were Lt. Holmgren (OPD Homicide Commander) and Bob McFarlane (Det. Kritikos’ counsel). Det. Kritikos stated that he was assigned to SLPD Crime Suppression Unit. They were conducting a follow up on a burglary that occurred two days prior. He was working with Det. Pasut in an undercover capacity and was driving undercover vehicle [redacted].

Det. Kritikos stated that he and Det. Pasut were in the area of 105th Avenue when they spotted [redacted] at the dead end of the street, facing northbound and parked on the west side of the street. They caught their attention because the passenger possibly matched the description of the burglary suspect that they were attempting to locate. They conducted a record check on [redacted] via radio and learned that [redacted] was reported stolen.

Det. Kritikos parked their vehicle north of [redacted] and conducted surveillance. He could hear via radio that SLPD officers were responding to their location to assist with the apprehension of the suspects. Det. Kritikos stated that he does not know if the responding officers convened and formulated a plan but their response appeared to be very organized. Sgt. Anthony advised via radio that he (Sgt. Anthony) would be leading the police convoy with his undercover vehicle to conceal the marked units.

Det. Kritikos stated that he joined the convoy as it passed them. They were positioned in the middle of the stacking order. Det. Kritikos said that when the vehicles in front of him stopped he saw [redacted] drive northbound on the east sidewalk. He exited his vehicle and saw Sgt. Anthony on the east sidewalk between a tall fence and Sgt. Anthony’s vehicle. Det. Kritikos said that his heart sunk as he believed that Sgt. Anthony was going to get run over. He saw the panic on Sgt. Anthony’s face. Det. Kritikos said that Sgt. Anthony had no avenue
of escape as [redacted]. He saw Sgt. Anthony point his service pistol at [redacted]. He heard Sgt. Anthony give commands for [redacted] to stop and was immediately followed by gunshots. While he was looking at the direction of Sgt. Anthony, he was not focused on Sgt. Anthony to ascertain whether Sgt. Anthony fired the shots. Det. Kritikos said that he then saw [redacted] collide with Sgt. Anthony's vehicle, pinning Sgt. Anthony between the vehicles. He came to the aid of Sgt. Anthony, who advised that he was fine.

Det. Kritikos said that he then made contact with a witness who advised that the witness' truck was struck by [redacted]. The witness advised that he did not see anything. Refer to the interview notes and taped statement for further details.

The photos below marked the approximate location of Det. Kritikos during the OIS and his visual perspective. These are not exact and used for reference only.

I reviewed Det. Kritikos' Axon body video footage of the incident. The video captured the actual shooting incident. Refer to the videotape footage for further details.

16 APR 15

0021 hours
Sgt. Vass and Ofc. Daza-Quiroz interviewed SLPD Sgt. A. Morgan. Present during the interview was Sgt. Morgan's counsel, Terri Leoni. Sgt. Morgan stated that he was assigned as a Patrol supervisor and learned that an SLPD Crime Suppression Unit located an occupied stolen vehicle [redacted] at the dead end street of 105th Avenue in Oakland. He and Sgt. Young responded to assist with the apprehension of the suspects. They were in marked SLPD unit #363, which Sgt. Young drove.

Sgt. Morgan stated that a contingent of arresting officers met at 105th Avenue and Nattress Way and formulated a plan to arrest the suspects. An outer perimeter was established and the arrest teams deployed. A convoy of undercover and marked police vehicles traveled southbound on 105th Avenue. Sgt. Anthony's undercover vehicle led the convoy to provide concealment to the marked police vehicles that followed.
Sgt. Anthony stated that upon their approach to the suspect vehicle, Sgt. Anthony pulled off and parked on the east curb to provide a clear avenue for the marked units to proceed. As Ofc. Mally (lead vehicle) came to a stop in the middle of the roadway, they drove off northbound diagonally from the east side of the street. Sgt. Morgan also saw an individual run southbound from where the vehicle originated. Sgt. Morgan could not ascertain exactly where the individual came from. He saw a female Hispanic driving.

Sgt. Morgan stated that he exited their vehicle once it came to a stop in the middle of the roadway. He saw someone jump the east curb line and he could hear the engine revving, followed by sounds of an impact. They drove northbound on the east sidewalk. Sgt. Morgan said that they accelerated towards where Sgt. Anthony’s vehicle was parked. Sgt. Morgan said that he partially saw a person who he believed to be Sgt. Anthony standing on the east sidewalk. They continued to drive directly towards Sgt. Anthony. Sgt. Morgan said that he heard three gunshots but did not see who fired the shots. Shortly after the gunshots, Sgt. Morgan saw the driver decelerate and come to a stop between the sidewalk and Sgt. Anthony’s vehicle.

Sgt. Morgan said that he advised radio that shots were fired. He ran towards Sgt. Anthony and saw that Sgt. Anthony was pinned between the vehicle and Sgt. Anthony’s vehicle. The other officers immediately secured and rendered first aid on the driver and assisted Sgt. Anthony. Refer to interview notes and recorded statement for further details.

I reviewed Sgt. Morgan’s Axon body video footage of the incident. The video captured the audio of the OIS but no visual reference. The video captured exiting his pick-up truck and Sgt. Anthony’s position after the collision. Refer to the video footage for further details.
1121 hours
Sgt. Milina interviewed the registered owner of [redacted] and [redacted]. Sgt. Milina determined that a cell phone recovered from [redacted] person after the OIS belonged to [redacted]. Sgt. Milina released the cell phone to [redacted]. Refer to the interview notes and recorded statement for further details.

17 APR 15
0900 hours
DDA Joseph Eichhorn charged [redacted] with 10851 (a) CVC and probation violation.

1005 hours
Sgt. Rosin and I interviewed Sgt. Anthony. Present during the interview were Lt. Holmgren (Homicide Commander), Zachary Lopes (Anthony’s counsel) and Lt. De Costa (SLPD). Sgt. Anthony stated that he was the supervisor of Crime Suppression Unit. We were working in an undercover capacity and operating from an undercover vehicle (2015 Ford, F-150 pickup, white, license no. [redacted]). Sgt. Anthony stated that his unit was conducting a follow up investigation on a burglary that occurred the day before. Sgt. Anthony explained the nature of the investigation and the subsequent follow up. They had been periodically checking the area of 105th Avenue for the suspects on the day of the incident.

Sgt. Anthony stated that he learned via radio that Det. Kritikos and Det. Pasut had located an occupied stolen vehicle [redacted] parked at the dead end of 105th Avenue. He also heard via radio that one of the occupants of [redacted] resembled the burglary suspect they were attempting to locate. Sgt. Anthony responded to the area with Patrol officers. Sgt. Young and Sgt. Morgan rode together to the scene and formulated an arrest plan. Sgt. Anthony stated that the plan was to contain [redacted] at the dead end of 105th Avenue and to prevent escape and possible car chase. Sgt. Anthony explained the dangers of a possible car chase at that time. They established a perimeter prior to executing the arrest.

Sgt. Anthony said that he advised that arrest element that he would use his pickup truck as concealment for the marked units during their approach. They briefly gathered at 105th Avenue and Nattress Way before proceeding...
Sgt. Anthony stated that his intention was to escort Patrol units for concealment and back off prior to arrest. Sgt. Anthony said that he had a clear understanding of the location based on Det. Kritikos and Det. Pasut’s description.

Sgt. Anthony stated that he drove normal while heading southbound on 105th Avenue so as not to compromise the arresting officers. He pulled over to the east curb, facing south, approximately 20-30 yards from the marked units proceeded past him. He parked in front of a red pickup truck.

Sgt. Anthony stated that when Ofc. Mally (first unit) parked in front of he exited his vehicle to provide cover (over watch) during the felony stop. He withdrew his service pistol and started to walk towards the felony stop. He looked down to check the terrain and heard tire screeching. Sgt. Anthony said that he looked up and saw the vehicle accelerating forward. He saw the vehicle turn right and he figured that would drive on the street but instead drove up on the east sidewalk. Sgt. Anthony said that he could hear the engine of ‘roaring’ as the vehicle traveled towards him.

Sgt. Anthony said that he had no avenue of escape being that there was a fence to his left and a row of parked vehicles to his right. He pointed his service pistol at the front windshield area. Sgt. Anthony figured that the driver would see him and have time to stop. He continued to drive towards him at about 15-20 MPH but sounded like it was traveling at 100 MPH. Sgt. Anthony said that he had nowhere to go and started to walk backwards. He checked his backdrop and learned that it was clear of individuals. Sgt. Anthony determined that the potential resting point of his rounds is a creek area.

continued to travel towards him and fearing of being run over, Sgt. Anthony discharged four rounds from his service pistol. He shot at the windshield area of at a distance of about 10 feet or less. Sgt. Anthony said that he stopped firing because he noticed that had slowed down and the revving of the engine had ceased.

Sgt. Anthony stated that continued to travel towards him. came to rest after colliding with his vehicle. Sgt. Anthony was pinned between the vehicles but otherwise not injured. He was not struck by . Officers came to his location to assist him and render first aid to the driver of . Sgt. Anthony said the he assisted in securing the scene before being transported to SLPD. Refer to the interview notes and taped statement for further details.

I reviewed Sgt. Anthony’s Axon body camera footage and it corroborated his statement. I used a stopwatch several times to ascertain how long it took from the time came into view of his camera and Sgt. Anthony’s first shot. I estimated it to be roughly about 4.38 seconds. Refer to the video for further details.

1239 hours

I received and reviewed Shot Spotter on the incident. The audio quality is poor because the incident occurred far from the nearest sensor. It appeared that the gunshots captured by Shot Spotter may not be related to the OIS. Refer to the Shot Spotter recording for further details.
20 Apr 15

0900 hours
I received and reviewed all of the technician reports and photos of the incident. The reports and photos were used as reference during the investigation.

1000 hours
[Redacted] was released to registered owner [Redacted].

29 Apr 15

1120 hours
Ofc. McClain and I went to [Redacted] 105th Avenue to interview [Redacted]. No one was at home and we left our contact information.

12 May 15

1000 hours
I submitted a Criminalistics Lab request to have the casings recovered from the scene compared with Sgt. Anthony's service pistol. Results pending.

1219 hours
I received and reviewed SLPD radio purge and recorded radio transmission of the incident.

13 May 15

0900 hours
I received and reviewed SLPD report no. 2105-00017333. The burglary reports indicated that members of SLPD Crime Suppression Unit were involved in the investigation of the incident from the onset.

19 May 15

1110 hours
Ofc. McClain and I went to ACH to check on Barajas. ACH ER personnel advised that Barajas was discharged on 01May15 and was scheduled for surgery on 29May15.

20 May 15

1915 hours
Ofc. McClain and I checked on Barajas listed addresses and found that she is currently staying with family at [Redacted]. We made contact with family member and scheduled for an interview with Barajas.
21 May 15

1937 hours
Ofc. McClain and I conducted an out of custody interview Josefina Barajas at her family residence. Present during the interview was Barajas’ father and sister. Ofc. McClain surreptitiously recorded the interview. Barajas said that she was in the driver seat of vehicle that was parked in the 300 block of 105th Avenue. She was the only occupant of vehicle and she knew that the vehicle was stolen. She does not know who stole vehicle. She was “shaving” a key when several police vehicles pulled up and blocked her path. A police car tried to ram her vehicle. She turned on her car and started to back up to avoid the collision. The police officers then shot at her vehicle about 10-15 times from different directions. Barajas said that she was shot as she was backing up. She saw that her only avenue of escape from the gunshots was the east sidewalk. She had already sustained gunshot wounds when she drove on the sidewalk. Barajas stated that her vehicle came to rest after colliding with another vehicle. Barajas also made allegations that the officers made insensitive comments regarding the OIS and that her purse was thrown away.

Barajas stated that was her boyfriend and was in vehicle prior to the shooting. Barajas said that she and had smoked methamphetamine about 1-2 hours prior to the incident. Barajas identified via a CRIMS photo.

Note: The tape recorder had stopped during the interview and did not record portions of the interview.

03 Jul 15

1430 hours
Ofc. Daza-Quiroz and I interviewed state that he parked his red pick-up truck in front of his house about six minutes before the incident. His wife exited the vehicle and went in the house. remained in the vehicle and waited for his wife to return. stated that he saw several police cars pursuing vehicle southbound on 105th Avenue, at a high rate of speed. When the vehicles reached the dead end of the street, made a u-turn and drove on the east sidewalk colliding with his vehicle. Meanwhile, a white pickup truck parked in front of his vehicle and blocked the east sidewalk, preventing from fleeing. Four police officers with their faces covered, immediately exited the white pickup truck. The four officers yelled commands for to stop. said that he then saw four or five officers shoot approximately ten rounds at vehicle. said that he then saw the officers pull out two people from vehicle advised that he suffered from back pain because of the incident and requested contact information for SLPD. Refer to the interview notes and taped statement for further details.

Det. Kritikos spoke to at the scene soon after the OIS. stated that he did not witness the OIS. The conversation was captured on Det. Kritikos’ Axon body camera. Refer to the video for further details.

1448 hours
Ofc. Daza-Quiroz and I interviewed wife stated that she saw the police chasing a car at a high rate of speed. She saw two officers wearing hoodies exit a white pickup truck. said that she witnessed one of the officers, a MW, short and bald, discharge his pistol. We asked how she was able to see a bald officer, if they were wearing hoodies said that only one of the two officers in the pickup truck was wearing a hoodie. statement was not consistent with evidence items and witness statements. Refer to the videotaped statement for further details.
Case will be presented to DDA Hora for review regarding Barajas.

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*Note: Be specific with Date/Time Lab Requests were submitted. Document Results received (even if there are "no results"). Document anything outstanding and what the purpose of the results would be.*

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### Post Investigative Work

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Signature: [Signature]

Date: 23/06/2015

Alameda County District Attorney Case Presentation:

20
## Oakland Police Department

### Crime Report

**Occurred On or From:**
- **Date:** 15 APR 15
- **Time:** 1635
- **Day:** Wednesday

**To:**
- **Date:** 15 APR 15
- **Time:** 1635
- **Day:** Wednesday

**Reported To:**
- **Date:** 15 APR 15
- **Time:** 1643
- **Day:** Wednesday

**Address/Location:**
- 105th Ave CIR, Oakland, CA 94603

**Location Type:**
- Highway/Road/Alley/Street/Sidewalk

**Weapon Used:**
- Motor Vehicle

**Offense 1**
- **Counts:** 1
- **Statute/Code:** PC245 (C)
- **Description:** ADW ON PEACE OFFICER-OTHER DANGEROUS WEAPON

**Offense 2**
- **Counts:** 1
- **Statute/Code:** PC148 (A)
- **Description:** OBSTRUCTS/RESISTS PUBLIC OFFICER/ETC

**Offense 3**
- **Counts:** 1
- **Statute/Code:** VC10851 (A)
- **Description:** VEHICLE THEFT - AUTO

**Victim 1**
- **Last, First, Mid.:** Anthony, B
- **Sex:** M
- **Race:**
- **D.O.B.:**
- **Age:**
- **Home Address:** San Leandro PD, San Leandro, CA
- **Alias Name (Last, First):**
- **Hair:**
- **Eyes:**
- **SSN:**
- **Home Phone:**
- **Cell Phone:**
- **Pager:**
- **Height:**
- **Weight:**

**Event Association:**
- **Ethnicity:**
- **Contact Date/Time:**
- **Driver's License #:**
- **License Exp.:**
- **License State:**
- **CA:**
- **Gang Association:**

**Occupation:**
- **Employer/School:** San Leandro Police Department
- **Work Hours:**

**Victim Type:**
- Individual

**Injury Description:**

**Reported by:**
- Officer Marcruz Romero
- **Serial:** 9364
- **Beat:** 31Z
- **BFO:** 2

**Supervisor:**
- Sergeant G Dutton
- **Serial:** 7981
- **Reviewer:** SGT Caesar Basta
- **Serial:** 7818

**ORI:** 00109
**Crime Report - Continued**

**Premise Type:** Highway/Road/Alley/Street/Sidewalk  
**CAD Incident:** LOP150415005811  
**RD #:** 15-020012  

**Address / Location:** 105th Ave Cir, Oakland, CA 94603  

**Reported By:** Officer Maricruz Romero  
**Serial #:** 9384  
**Beat #:** 31Z  
**BFO #:** 2  
**Supervisor:** Sergeant G Dutton  
**Serial #:** 7981  
**Reviewer:** SGT Caesar Basa  
**Serial #:** 7818  

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Oakland Police Department
455 - 7th Street Oakland, CA 94607
Crime Report - Continued

On From 15 APR 15 1635 Wednesday
To 15 APR 15 1635 Wednesday
Reported 15 APR 15 1643 Wednesday

Address / Location
105th Ave CIR, Oakland, CA 94603

Suspect 2
Last, First Mid

Home Address

Home Phone

Cell Phone

Pager

Event Assoc
Suspect
Not of Hispanic Origin

Ethnicity

Drivers License #

License Exp.

Lic. State

Gang Association

Occupation

Employer / School

Business Address / School

Work Hours

Citation #

Court

Court Date / Time

Arrested Date / Time
15 APR 15 / 1635

Identification

Person Descriptors for Suspect 2

Desc Feature Description
Clothing
Complexion
Demeanor
Facial Hair
Hair Length
Hair Style

Witness 1
Last, First Mid

Home Address
105th Ave, Oakland, CA 94603

Home Phone

Cell Phone

Pager

Event Assoc
Witness
Hispanic Origin

OCCUPATION

EMPLOYER / SCHOOL

Business Address / School

Work Hours

Reported By
Officer Maricruz Romero

Serial Number
9384

Supervisor
Sgt. G Dutton

Serial Number
7981

Reviewer
SGT Caesar Basa

Serial Number
7818

ORI 00109
### Oakland Police Department
455 - 7th Street  Oakland, CA 94607

**Crime Report - Continued**

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**REPORTED BY**

**SERIAL** | **BEAT** | **BFO** | **SUPERVISOR**
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<td>9384</td>
<td>31Z</td>
<td>2</td>
<td>Sergeant G Dutton</td>
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**SERIAL** | **REVIEWER** | **ORI**
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<tr>
<td>7861</td>
<td>SGT Caesar Basa</td>
<td>00109</td>
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## Crime Report - Continued

**Dates and Times:**
- **Time:** 1635
- **Day:** Wednesday, 15 APR 15
- **Time:** 1643
- **Day:** Wednesday, 15 APR 15

**Address/Location:**
- **Address:** 105th Ave CIR, Oakland, CA 94603

**Witnesses:**
1. **Last Name:** [Redacted]  
   **First Name:** [Redacted]  
   **Race:** H  
   **DOB:** [Redacted]  
   **Age:** 25
2. **Last Name:** [Redacted]  
   **First Name:** [Redacted]  
   **Race:** H  
   **DOB:** [Redacted]  
   **Age:** 16

**Occupation:**
- **Employer/Location:** [Redacted]

**Vehicle 1:**
- **License No.:** [Redacted]  
- **State:** CA  
- **Expiration Date:** 26 APR 15  
- **Make:** HOND  
- **Model:** CIV  
- **Body Type:** 4D  
- **Status:** Stolen/Recovered  
- **Status Date/Time:** 15 APR 15 / 1653  
- **Identifying Marks:** [Redacted]  
- **Damage:** Front Drivers Side Damage

**Vehicle Cargo:**
- Various Personal Items And Clothing

**Vehicle as Property (Type):**
- **Towing Company:** B & B Auto Company

**Reported By:**
- **Officer:** Maricruz Romero

**Serial:** 9384  
**Beat:** 31Z  
**BFO:** 2  
**Supervisor:** Sergeant G Dutton

**Reviewer:** SGT Caesar Basa

**Serial:** 7818  
**ORI:** 00109
### Crime Report - Continued

- **Date and Time:** 15 APR 15 1635
- **Address/Location:** 105th Ave CIR, Oakland, CA 94603
- **Vehicle 1:**
  - **Owner:** [Redacted]
  - **License No.:** [Redacted]
  - **State:** CA
  - **Year:** 2014
  - **Make:** FORD
  - **Model:** F150
  - **Designation:** Towed With Hold
  - **Vehicle Status:** Front Driver Fender And Door Damage
- **Vehicle 2:**
  - **License No.:** [Redacted]
  - **State:** CA
  - **Year:** 2014
  - **Make:** FORD
  - **Model:** F150
  - **Designation:** Towed With Hold
  - **Vehicle Status:** Front Driver Fender And Door Damage

### Narrative

Original Plates on Vehicle: Both
Plates Other Than Original on Vehicle: No
VIN Physically Verified: Yes
Condition of Ignition: Forced
Outside Agency: N/A
Outside Agency Report No: N/A
Record Cleared: Yes
Hold: Yes, Homicide.
Released to Owner: No
Describe Location of Recovery: Street
Tech On Scene: Yes
Tech Tag Left: No

**Evidence**

1) Technician C. HUNT 8234 and Technician Alhuncain 4842 arrived and processed the scene. See technician report for further details.
On 15APR15 at about 1635 hours I was working as 2L31. I was wearing full OPD wool uniform and I was operating out of fully marked patrol vehicle #1460. I was dispatched to 105th Ave and Creekside Circle to investigate a report of 940A(Officer needs cover). Dispatch advised a San Leandro Police Officer was involved in a shooting that occurred at that location. Dispatch provided the following details:

15/04/15 16:35:13 - Incident Initiated By: OP/C08
15/04/15 16:35:28 - SAN LEANDRO PD JUST HAD OFC INVOLVED SHOOTING ---
15/04/15 16:35:38 - PER SAN LEANDRO THERE IS NOW A LARGE CROWD
15/04/15 16:35:49 - SAN LEANDRO PD REQ OPD ASSISTANCE
15/04/15 16:35:50 - Stat OP/4A50 ER Loc: 105TH AV&CREEKSIDE CIR
15/04/15 16:35:51 - Primary unit To: OP/4A50
15/04/15 16:38:09 - CPhone To:
15/04/15 16:38:16 - Stat OP/6A43 ER Loc: 105TH AV&CREEKSIDE CIR
15/04/15 16:38:16 - Stat OP/6A43 ER Loc: 105TH AV&CREEKSIDE CIR
15/04/15 16:38:24 - 6A43 CODE 3 RESP
15/04/15 16:38:36 - 2L23 CODE 3 RESP
15/04/15 16:38:51 - 2L75 ADV
15/04/15 16:37:18 - *** Comments ***

PER SAN LEANDRO PD ADVISING OPD IS NEEDED AT 105TH/TOPANGA TO CLOSE OFFIFIC AND OTHER OFCORS TO HELP W/CROWD CONTROL

Upon arrival, I observed there was already traffic control in place at the intersection of Creekside Circle and 105th Ave. The scene was secured with crime scene tape and there were multiple San Leandro and Oakland Police Department officers on scene.

Upon arrival I also observed multiple San Leandro Police vehicles in the 200 Blk of 105th Ave. I also observed a CA license plate Honda Civic 4 Door Green (suspect vehicle) on the east sidewalk facing north in front of 300 105th Ave (later identified through AWS as a Stolen vehicle out of Oakland). The Honda had driver's side front fender damage. I observed blood stains on the front driver's and passenger's seat of the green Honda. The Honda also had several apparent bullet holes to the windshield. The Honda appeared to have been in a collision with a CA license plate Ford F150 4 Door white that was facing south, along the east sidewalk with driver's side fender and door damage. The airbags were not deployed in either vehicle. See Ofg Richter's 9303 collision report R#15-020037 for further details on the vehicle collision.

I made contact with San Leandro Lt. M. SOBECK 263, who was on scene. Lt. M. SOBECK 263 advised that V1 (the officer involved in the shooting) was not injured and had been transported to San Leandro Police Department pending further investigation. Lt. SOBECK 263 also advised the following nine (9) San Leandro PD officers listed below were on scene and witnessed the incident:

Ofc Shedd 299, Vehicle#352
Ofc Buss 333, Vehicle#395
Ofc Ying 358, Vehicle#375
Ofc Maroyka 306, Vehicle#230
Ofc Kritikos 334, Vehicle - Under cover vehicle Mazda 6 4 Door silver Ca Plate
Ofc Pasut 328, Vehicle - Under cover vehicle Mazda 6 4 Door silver Ca Plate
Ofc Kwan 398
Sgt Young 252
Sgt Morgan 303

I then made contact with Sgt G Dutton 7981. Sgt Dutton was the scene supervisor and advised that I would be the primary reporting officer for this incident. Lt. E. Lewis 7976 was the incident commander. I was briefed on the incident by Sgt Dutton 7981 who informed me of the following events:
Oakland Police Department
455 - 7th Street Oakland, CA 94607
Crime Report - Continued

On or From: 15 APR 15 1055 Wednesday
To: 15 APR 15 1643 Wednesday
Reported: 15 APR 15 1643 Wednesday

PREMISE TYPE: Highway/Road/Alley/Street/Sidewalk
ADDRESS / LOCATION: 105th Ave Cir, Oakland, CA 94603

CAD INCIDENT: LO1(50415000811)
RD #: 15-020012

PHOTOS TAKEN [ ] PRINTS OBTAINED [ ]
TECHNICIAN: C. Hunt

Narrative (Continued)

San Leandro Police Officers were in the area of 105th Ave and Creekside Ave, when they observed a CA license plate Honda Civic 4 Door Green parked along the west sidewalk facing north bound in front of an empty lot south of 105th Ave. San Leandro Police Officers recognized the vehicle to be a known stolen vehicle and it was associated with multiple burglaries in their city. The vehicle was occupied by two individuals, a short, Hispanic driver (later identified as BARAJAS, JOSEFINA) and a male black front right passenger (later identified as [redacted]).

San Leandro police officers attempted to make a stop on the vehicle. As the officers attempted the stop, the suspect vehicle attempted to flee the area, by driving north bound on the east side walk in the 200 blk of 105th Ave. As the suspect fled it struck two uninvolved parked vehicles and a fence. The two vehicles that were struck were parked along the east curuble facing north bound in front of 105th Ave. The fence that was struck by the suspect vehicle belonged to the residence of 105th Ave.

Below is a list of vehicles that were struck by the suspect vehicle in this incident:
- CA plate [redacted] Honda 2 Door white was parked along the east curuble in front of 105th Ave, facing north bound with minor damage to the passenger right rear bumper.
- CA plate [redacted] Ford F150 2 Door red was parked along the east curuble in front of 105th Ave, facing north bound with minor scratches to the passenger’s side door.

V1 was in an undercover capacity and driving an unmarked under cover vehicle Ford F150 4 Door white in color CA plate [redacted] parked his 2014 Ford F150 4 Door white in color CA license plate [redacted] along the east sidewalk in front of 105th Ave and exited and collided with V1’s vehicle causing damage to the front driver’s side fender and door. At some point V1 discharged his firearm. V1 suffered minor injuries.

S2 were detained by San Leandro Police Officers. S2 while on scene refused to provide any identifying information to officers and was later transported by OFD Ofc E Antion 9404 and Ofc D. Smitheram 8585 to the OPD PAB, where he was placed in Homicide Section interview room #211. See their supplemental for further details.

Ofc R. Rodriguez 9232, was the first OPD officer on scene and advised that upon his arrival he observed a female Hispanic (later identified as BARAJAS, JOSEFINA(S1)) laying on the ground in front of 300 105th Ave with gunshot wounds. Ofc Rodriguez also advised that PMP #2125, OFD RIG#27, and OFD #T7 responded to the scene and rendered medical aid to S1. S1 was then transported to ACH by PMP 2125. Ofc Kirkland 8347 arrived at ACH and stood hospital guard for S1. Ofc Kirkland 8347 made contact with Dr. K. Bullard who advised S1 had a GSW near the lower portion of her left breast, a GSW on the right side of her mid-section, and a GSW to her right thigh. Dr. K. Bullard advised S1 was in stable condition. See Ofc Kirkland’s 8347 supplemental for further details.

Multiple OPD officers responded to the scene and canvassed the east and west sidewalk of 105th Ave, as well as, Creekside Circle for witnesses with the following results:

Ofc Rodriguez 9232 took statements from multiple residents in the area, who did not see or hear anything. See Ofc Rodriguez’s supplemental report for further details.

Ofc Pulsipher 8920 arrived on scene and canvassed for witnesses. Ofc Pulsipher 8920 took written statements from multiple residents in the area who did not see or hear anything. See Ofc Pulsipher’s supplemental for further details.

Ofc Shackford 9236 arrived on scene and canvassed multiple locations with the following results:

- 105th Ave: contacted [redacted] who stated that on 15 Apr 15, around 1645 hrs, [redacted] was in the rear yard of his residence. He did not hear or see anything. [redacted] advised that he had surveillance cameras on the front of the house and it would be ok for OPD to look at the video. (See statement for further details.)

Ofc Shackford 9236 took statements from other residents in the area who did not see anything. See Ofc Shackford’s 9236 supplemental for further details.

Ofcrellas 8988 arrived on scene and canvassed multiple locations with the following

Reported by

OFFICER MARCROZ ROMERO
SERIAL 9384
BEAT 31Z
SUPERVISOR SERGEANT G DUTTON

Reviewed by

SERIAL 7981
REVIEWER SGT CAESAR BASA

SERIAL 7818

ORI 00109
Narrative (Continued)

105th Ave - Ofc. Lawless took a written statement from [redacted], who stated that on 15 Apr 15, at about 1600 hrs, [redacted] was in front of her residence located at 105th Ave buying corn from a vendor. [Redacted] observed two black and white police cars traveling south bound on 105th Ave heading towards the dead end with their lights and sirens on. A short time later [redacted] heard about four gunshots. [Redacted] turned and looked towards the dead end of 105th Ave and observed officers with their guns drawn. [Redacted] did not see who was shooting and did not know if anyone was shot. (See [redacted] statement for further details.)

Ofc Lawless 8988 took written statements from residents in the area who did not see anything. See Ofc Lawless' 8988 supplemental for further details.

Ofc Hughes 9419 arrived and canvassed multiple locations with the following results:

105th Ave - Ofc Hughes 9419 took a statement from [redacted], who advised that he was at his residence at 105th Ave, when he heard a loud crash in the front of his house as well as 5 or 6 gunshots. He went to the front of his house and observed a Hispanic female laying in the driveway. He observed police officers rendering aid to the Hispanic female and speaking to her. He then observed more officers arrive and they were ordering people to get away. He then observed an ambulance arrive and take the person away. He observed blood on the Hispanic's leg and believed it was a gunshot wound. (See [redacted] statement for further details.)

Ofc Hughes 9419 took written statements from residents in the area who advised that they did not see anything else. See Ofc Hughes supplemental for further details.

Ofc PEREDA 8806 arrived and canvassed multiple locations with the following results:

105th Ave - Ofc PEREDA 8806 spoke with [redacted], who advised that he was walking outside his residence on 105th Ave when he heard 3 gunshots. He looked back and observed multiple police officers that were not in uniform. He observed the officer pull a white guy from the green car and begin pushing on his chest and helping him until the ambulance arrived. The white guy was taken into the ambulance very fast and the ambulance left. More officers arrived and [redacted] did not see anything else. See Ofc PEREDA 8806 supplemental for further details.

Ofc McALINDAN 9425 arrived and canvassed multiple locations with the following results:

105th Ave - Ofc McALINDAN 9425 took a statement from [redacted], who stated that she was inside her residence when she heard tires screeching. She then looked out her front door and observed multiple police vehicles and heard the officer give commands. She then heard about 4 or 5 gunshots. She was unable to see what the officers were doing because a white truck was blocking her view. See written statement for details.

Ofc McALINDAN 9425 also took a statement from [redacted], who stated that he was inside his residence on 105th Ave when he heard tires screeching. He then looked outside and observed a marked police vehicle driving south bound on 105th Ave and stopped along the east sidewalk. He then observed the Honda about 10 ft away when a police officer in uniform stepped out of the police vehicle. The Honda was driving directly at the officer. When the officer stepped out of his vehicle he had a gun in his hand. [Redacted] was not sure when the officer drew his gun. When the Honda was about 5 ft away driving towards the officer at about 10 to 15 mph, [Redacted] observed the officer fire 5 shots. [Redacted] then observed multiple officers arrive and take a light skinned male on a motorcycle into custody. [Redacted] was not sure how the male black was...
Narrative (Continued)

related. After the shooting, [redacted] also observed a male Hispanic exit the driver's seat of a red truck that was facing north bound along the east sidewalk. [redacted] stated the male Hispanic looked shocked and began slowly walking to 105th Ave and has lived there for a couple months. (See full supplement for further details).

Ofc McALINDAN 9425 took written statements from residents in the area who advised that they did not see anything else. See Ofc McALINDAN 9425 supplemental for further details.

There was a Homicide call out made and Homicide Investigator LT. HOLMGREN 8282 and Sgt BASA 7818 arrived on scene. There was also a call out for the Traffic Total Station Mapping.

The following OPD officers arrived on scene to supervise, canvass for witnesses/surveillance footage, maintain traffic control posts and take statements:

Capt. K Coleman 7979- CID Homicide Commander
Lt E. Lewis 7976- Watch Commander
Lt. B. Wehrly 8240- SOD Commander
Lt N Joshi 8450- Watch Commander
Lt Holmgren 8282- Homicide Lt.
Sgt. C. Johnson 8517-Supervising Canvassing officers
Sgt. G. Dutton 7981-Scene Supervisor
Sgt. R. Niven 8774-Assisting Supervisor
Lt C. Basa 7817- Primary Homicide investigator
F. Shavles 8680-
Sgt. A. Tedesco 8663-
Sgt. R. Rosin 8625-Homicide Investigator
Sgt. R. Vass 8399-Homicide Investigator
Sgt. E. Molina 8019- Homicide Investigator
Ofc. N. Calonge 8688- Homicide Investigator
Ofc. O. Daza-Quiroz 8712-Homicide Investigator
Ofc. T. Dolan 8483-Fatal Accident Team Investigator
Ofc. D. White 8707-Fatal Accident Team Investigator
Ofc. N. Windham 8658- Scene Security
Ofc. S. Liu 9369-Crime Scene Log
Ofc. D. Higgins 8856-Canvassed
Ofc. K. McAlindon 9425-Canvassed
Ofc. B. Matthews 8874-Canvassed
Ofc. A. Hughes 9419-Canvassed
Ofc. J. Pulipher 8920-Canvassed
Ofc. R. Rodriguez 9232-Canvassed
Ofc. J. Shackford 9236-Canvassed
Ofc. L. Baker 9167-Scene Security
Ofc. J. Richter 9303-Collision Report RD#15-020037
Ofc. K. Hay 9021-Scene Security
Ofc. O. Vargas 9037-Scene Security
Ofc. E. Arzino 9404-Canvassed and Transported,
Ofc. D. Smithem 8585-Canvassed and Transported
Ofc. M. Romero 9384- Primary reporting officer
Ofc. J. Douglas 9130-Canvassed
Ofc. N. Dotic 9199-Canvassed
Ofc. K. TIKKANEN 9180-Scene Security
Ofc. O. Assad 9247-Scene Security
Ofc. J. Pereda 8500-Canvassed
Ofc. J. Blueoway 9075-Scene
Narrative (Continued)

Security
Ofc. R. Gerrans 8765-Scene Security
Ofc. J. Watson 8033-Public Information Officer
Ofc. B. Christensen 8395-Scene Security
Ofc. J. Lawless 8988-Canvased
Ofc. C. Navarro 9076-Canvased
Ofc. D. Pullen 8854-Canvased
Ofc K. Razmilovic 8941-Scene Security
Technician C. Hunt 8234-Processed the scene
Technician Alhuncain 4842-Processed the scene
Technician C. Middleton 4194- Processed the Scene
Pst. S. Hicks 4779- Assisting Homicide investigators.

See their supplemental reports for further details.

I conducted a vehicle check on the CA plate [redacted] Honda Civic 4 Door Green (suspect vehicle) through MDT, DMV and AWS which confirmed that CA plate [redacted] Honda Civic 4 Door Green was stolen out of Oakland. Ofc R. MOORE 9123 took an additional statement from the registered owner, [redacted] who advised the following:

On 15APR15 at about 1430 hours [redacted] vehicle was stolen after being driven by his wife. There were no weapons, narcotics or stolen items in the vehicle, except for the items in the vehicle were cleaning supplies and his wife's jewelry. See RD# 15-019980 for further details. NOTE: On the original report [redacted] stated he did not allow anyone to take his car or use his vehicle and [redacted] does not want to press charges. See written statement for further details.

Ofc Richter 9303 recovered the stolen vehicle and removed it from SVS. Dispatch advised V2 that there was a hold placed on his vehicle for evidence. The vehicles involved in this incident (CA plate [redacted] Honda Civic 4 Door Green, and CA plate [redacted] Ford F150 4 Door white) were towed to the Technician Detail and secured for evidence. See Technician reports for further details.

Based on my preliminary investigation it appears S1 and S2 were in a reported stolen vehicle. SLPD officers attempted to make a traffic enforcement stop, S1 (driver) fled by driving on the east sidewalk north bound on 105th Ave. Suspect vehicle struck parked vehicles. S1 drove directly towards a SLPD officer. The SLPD officer discharged his service pistol striking the driver of the stolen vehicle. Suspect vehicle came to rest after colliding with the SLPD officers undercover vehicle. S2 was arrested shortly thereafter.

Ofc Richter 9303 documented all of the vehicles that were on scene. See Ofc Richter's supplemental for further details.

Ofc Dolan (Fatal Accident Team Investigator) responded to the scene to do a diagram of the scene utilizing a Total Station.

Ofc C. Hunt 8234 and Technician Alhuncain 4842 processed the scene.

S1 was not placed under arrest at this time due to her medical condition. S2 was placed under arrest for 10851(A) PC (Stolen Vehicle) due to the fact that he was an occupant of the stolen vehicle and 148(A) PC (resisting/obstructing a peace officer) for refusing to provide any identifying information.

Officers canvassed for witnesses and W1-W6 were located. A statement was taken from all witnesses on scene.

I did not use or observe force being used.

PDRD's were activated upon arrival on scene.

Note- The supplemental's in accordance with this incident are under RD#15-020012 (OIS) and RD#15-020037 (901).
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<td>ADDRESS / LOCATION</td>
<td>105th Ave CIR, Oakland, CA 94603</td>
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**C. Hunt**

**REVISED DATE**

**TIME** 1635

**PREMISE TYPE** Highway/Road/Alley/Street/Sidewalk

**CAD INCIDENT** LOP150415000811

**RD #** 15-020012

**BFO**

**BEAT** 31Z

**PHOTOS TAKEN**

**PRINTS OBTAINED**

**TECHNICIAN**

**Officer Maricruz Romero**

**Serial** 9384

**Beat** 31Z

**BFO** 2

**Supervisor** Sergeant G Dutton

**Serial** 7981

**Reviewer** SGT Caesar Basa

**Serial** 7618

**ORI 00109**
Crime Report

OCURRED DATE TIME DAY
15 APR 15 1635 Wednesday
TO REPORTED 15 APR 15 1635
PHOTOS TAKEN 15 APR 15 1638 Wednesday
PRINTS OBTAINED
PREMISE TYPE: Highway/Road/Alley/Street/Sidewalk
ADDRESS / LOCATION 105th Ave, Oakland, CA 94603
(At: Supplemental- N. Windham)

OUTSIDE REPORTING AGENCY

LOCATION TYPE:

LOCATION: Highway/Road/Alley/Street/Sidewalk
WEAPON USED: Motor Vehicle

OFFICER NAME | SERIAL NO.
1. Officer N Windham 8658
2. Sergeant G Dutton 7981
3. SGT Caesar Basa 7818
4. Officer S Liu 9369

ROLE BEAT BFO
1. RO 33X 2
2. RO 33X 2
3. REO 33X 2
4. RO 33X 2

Narrative

On 15APR15 at approximately 1658 hrs., I was working as 2J33 with Ofc. S. Liu 9369. We were both wearing our full police wool uniform and I was driving fully marked OPD patrol vehicle #1446. We responded to 105th Ave and Creekside Cir to assist with the investigation of an officer involved shooting.

The Communication's Division advised of the following:

SAN LEANDRO PD JUST HAD OFCR INVOLVED SHOOTING --
PER SAN LEANDRO THERE IS NOW A LARGE CROWD
SAN LEANDRO PD REQ OPD ASSISTANCE

PER SAN LEANDRO PD ADVISING OPD IS NEEDED AT 105TH/TOPANGA TO CLOSE OFF TRAFFIC AND OTHER OFCRS TO HELP W/CROWD CONTROL

Upon arrival to the area, we parked our patrol vehicle on 105th Ave and Knight St. We then walked to the 200 blk of 105th Ave to assist the primary reporting officer. Ofc. M. Romero 9384 was the primary reporting officer. Ofc. Liu was responsible for the Crime Scene Log. I assisted with crime scene security in the 200-300 blk of 105th Ave. We remained on scene until approximately 1935 hrs. We then relocated to the Homicide Section at the PAB to assist Ofc. Romero with collecting paperwork for this incident.

I did not use or observe a use of force.
I did not locate any witnesses.
PDRDs activated.
I did not handcuff or search anyone.
**Crime Report**

**OCCURRED**
- ON OR FROM: 15 APR 15
- TO: 15 APR 15
- REPORTED: 15 APR 15
- DATE: 1635
- TIME: 1828
- DAY: Wednesday
- PREMISE TYPE: Highway/Road/Alley/Street/Sidewalk
- ADDRESS / LOCATION: 305 T H AV & CREEKSIDE CIR CIR, Oakland, CA
- CAD INCIDENT: LOP150415000811
- RD #: 15-020012

**OUTSIDE REPORTING AGENCY**
- Weapon Used: DGO K-4 Force Reported
- Theft Type: 
- Burglary Type: 
- Method of Entry: 
- Location of P.O.E: 
- Point of Entry: 
- Location: Highway/Road/Alley/Street/Sidewalk

**WITNESS 1**
- LAST, FIRST, M.I.: [Redacted]
- HOME ADDRESS: [Redacted]
- HOME PHONE: [Redacted]
- CELL PHONE: [Redacted]
- PAGER: [Redacted]
- OCCUPATION: EMPLOYER / SCHOOL
- BUSINESS ADDRESS / SCHOOL: 
- WORK PHONE: 
- EVENT ASSOCIATION: 
- ETHNICITY: 
- Witness Hispanic Origin
- DRIVERS LICENSE #: 
- LICENSE EXP.: 
- LIC. STATE: 
- WEIGHT: 185

**WITNESS 2**
- LAST, FIRST, M.I.: [Redacted]
- HOME ADDRESS: [Redacted]
- HOME PHONE: [Redacted]
- CELL PHONE: [Redacted]
- PAGER: [Redacted]
- OCCUPATION: EMPLOYER / SCHOOL
- BUSINESS ADDRESS / SCHOOL: 
- WORK PHONE: 
- EVENT ASSOCIATION: 
- ETHNICITY: 
- Witness Hispanic Origin
- DRIVERS LICENSE #: 
- LICENSE EXP.: 
- LIC. STATE: 
- WEIGHT: 180

**OFFICER 1**
- OFFICER NAME | SERIAL NO.: Officer Robert Rodriguez | 9232
- ROLE: RO
- BEAT: BFO
- BFO: 2

**OFFICER 2**
- OFFICER NAME | SERIAL NO.: Sergeant C Johnson | 8517
- ROLE: ROSUP
- BEAT: BFO
- BFO: 2

**Sgt. Caesar Basa**
- OFFICER NAME | SERIAL NO.: Sergeant C Johnson | 8517
- ROLE: REVT
- BEAT: BFO
- BFO: 2

**REPORTED BY**
- Officer Robert Rodriguez | SERIAL: 9232
- BEAT: 2

**SUPERVISOR**
- Sergeant C Johnson | SERIAL: 8517

**REVIEWER**
- Sgt Caesar Basa | SERIAL: 7818
On today's date, 15 Apr 15, around 1635 hrs., I was working as CPD CRT 4 unit 8A43 with Ofc. J. Pulisipher 8920. We were both wearing full police uniform and Ofc. Pulisipher was driving semi-marked patrol car 1894.

At the above time, we were dispatched to the 300 block of 105th Ave. to assist San Leandro PD with a shooting.

Upon arrival, at approx. 1640 hrs., I observed that San Leandro PD had placed caution tape up and were blocking off the 300 block of 105th Ave. I looked south and could see PMP and OFD rendering aid to a conscious and breathing female Hispanic who was lying on her back IFO 105th Ave. near the front entrance. I observed that the female had two gunshot wounds; one to the center of her chest, and one to the upper right thigh. Her clothing was on the ground next to her and appeared to have been cut off. I observed that a clear piece of plastic like medical bandage was placed over the gunshot to the chest. I also observed a Multi-Cam medical kit lying on the ground near the female's clothing and it was open and appeared to have been used.

PMP then transported the female to ACH.

I then took the following statements:

[Redacted]

He was inside his residence, 105th Ave., eating with his parents when he heard 3 gunshots around 1640 hrs. He then observed one of his dogs come to the front door and was acting strange. He and his parents then went to the front door to investigate but saw nothing of the ordinary. [Redacted] stated that he did not hear any yelling or shouting prior to the gunshots. He also stated that it is a noisy area due to the close proximity of the 880 freeway.

[Redacted]

She was outside of her residence 105th Ave. when she heard 3 gunshots. She turned and looked back to the street/front gate area of her residence and saw 3 to 4 Police Officers in front of a green car. She stated that these Police Officers were different as they were not wearing a traditional uniform. She stated they were wearing a black vest with POLICE written on it. One of the Officers was pushing on the front of the green car and the other Officers were pulling a white male from the vehicle. The Officers laid the white male on the ground and began helping him by pressing on his chest until an ambulance arrived.

PDRD activated.

No use of force used or observed.

I did not speak with any other witnesses on the scene.
# Crime Report

**Occurred On**
15 APR 15 1635 Wednesday

**Premise Type**
Highway/Road/Alley/Street/Sidewalk

**Address / Location**
105th Ave, Oakland, CA 95601

**Reported On**
15 APR 15 1635 Wednesday

**Outside Reporting Agency**

**Weapon Used**

**DGK K-4 Force Reported**

**Thief Type**

**Burglary Type**

**Method of Entry**

**Location of P.O.E.**

**Point of Entry**

**Weapon Location**
Highway/Road/Alley/Street/Sidewalk

**Witness 1**

**Last, First, Middle**

**Home Address**

**Alias Name (Last, First)**

**Home Phone**

**Cell Phone**

**Pager**

**Hair**

**Eyes**

**SSN**

**Witness**

**Occupation**

**Employer / School**

**Business Address / School**

**Witness 2**

**Last, First, Middle**

**Home Address**

**Alias Name (Last, First)**

**Home Phone**

**Cell Phone**

**Pager**

**Hair**

**Eyes**

**SSN**

**Witness**

**Occupation**

**Employer / School**

**Business Address / School**

---

**Reported By**
Officer J Pulsipher

**Serial**
8920

**Beat**
2

**BFO**

**Supervisor**
Sergeant C Johnson

**Serial**
8517

**Reviewer**

**Serial**

---

**ORI 00108**
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**REPORTED BY**
Officer J Pulsipher

**SUPERVISOR**
Sergeant C Johnson
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## Narrative

**Summary:**

On 15 April 2015 at about 1635 hrs, I was working as OPD CRT-4 unit 6A43 with my partner Ofc. R. Rodriguez. We were both riding in OPD vehicle 1894 and wearing full OPD utility uniform.

During the above stated date and time we responded to the 300 block of 105th Ave to assist San Leandro PD with a shooting.

Upon arrival I observed a unknown F/H adult laying on the ground with an apparent GSW to her upper torso. She was getting loaded up onto a gurney by medical personnel on scene.

I was then directed to canvass for witnesses. I canvassed the following:

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<th>REPORTED BY</th>
<th>SERIAL</th>
<th>BEAT</th>
<th>BFO</th>
<th>SUPERVISOR</th>
<th>SERIAL</th>
<th>REVIEWER</th>
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<tr>
<td>Ofc J Pulipher</td>
<td>8920</td>
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<td>Sergeant C Johnson</td>
<td>8517</td>
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**Officer 1**

**Officer 2**

**Officer 3**

## Officer Information

<table>
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<th>OFFICER 1</th>
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**Oakland Police Department**

**455 - 7th Street  Oakland, CA 94607**

**Crime Report - Continued**

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<th>TIME</th>
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<tr>
<td>1635</td>
<td>Wednesday</td>
<td>105th Ave, Oakland, CA 95601</td>
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**Narrative (Continued)**

- Heard three to four gunshots and looked out the window and saw police cars.
- Heard three bangs that sounded like gunshots coming from the direction of the freeway.
- Heard four gunshots did not see anything.
- Heard three gunshots did not see anything.
- Heard four to five loud bangs nothing seen.
- Looked out the front window and saw police cars and then heard four to five gunshots.
- Heard four to five gun shots.

- No answer.
- Advised that I could secure from the scene.

I did not handcuff or search anyone. I did not use or observe any force while on scene. I did not locate any additional witnesses.

I activated my PDRD.
On 15 Apr 15, Ofc. J. Lawless 8988 and I were working as OPD CRT 4 unit 6A41, we were wearing full OPD utility uniform and Ofc. Lawless was driving semi-marked patrol vehicle 1002.

At around 1635 hrs we responded to the area of 105th Ave and Creekside Cir to assist San Leandro PD who advised that their officer's had just been involved in an officer involved shooting.

At around 1655 hrs we arrived on scene and contacted Sgt. C. Johnson. Sgt. Johnson advised us to canvass the area for witnesses and all residence in the area.

I canvassed the following areas with the following results:

On 15 Apr 15, At around 1645hrs [redacted] was sitting on her porch when she heard and saw multiple police vehicle's driving south bound on 105th Ave. She did not hear or see anything else. See written statement for further details.

On 15 Apr 15, At around 1645hrs [redacted] was sitting on her porch when she heard and saw multiple police vehicle's driving south bound on 105th Ave. She did not hear or see anything else. See written statement for further details.
Narrative (Continued)

On 15 Apr 15, At around 1645hrs, [redacted] had just arrived at home when he heard and saw multiple police vehicle's driving south bound on 105th Ave. [redacted] did not hear or see anything else. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

[redacted] lives at [redacted] 105th Ave. On 15 Apr 15, At around 1650 hrs [redacted] received a phone call from his neighbor who stated that there was something going on outside [redacted]. He walked over to [redacted] 105th Ave. [redacted] did not hear or see anything. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645hrs [redacted] was at home when she heard and saw multiple police vehicle's driving south bound on 105th Ave. [redacted] did not hear or see anything else. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645hrs [redacted] was at home when she heard multiple police vehicle's driving south bound on 105th Ave. [redacted] did not hear or see anything else. See written statement for further details.

[redacted] 105th Ave, locked gate and no answer.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645hrs [redacted] had just arrived at home when she saw multiple police officer's near her home. [redacted] did not hear or see anything else. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645 hrs [redacted] was in the rear yard of his residence. [redacted] did not hear or see anything. He was advised that he had surveillance cameras on the front of the house and would be ok with OPD coming back later to look at the video. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645 hrs [redacted] was in the rear yard of his residence. [redacted] did not hear or see anything. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645 hrs [redacted] was not home at the time of the incident and arrived home at 1800 hrs. [redacted] did not hear or see anything. See written statement for further details.

[redacted] 105th Ave, contacted [redacted] who stated the following:

On 15 Apr 15, At around 1645hrs [redacted] was at home and did not hear or see anything. See written statement for further details.

[redacted] 105th Ave, refused to give a statement.

[redacted] 105th Ave, No answer.

[redacted] 105th Ave, contacted [redacted] who stated the
On 15 Apr 15, [redacted] was not home at the time of the incident and arrived home at 1815 hrs. [redacted] did not hear or see anything. See written statement for further details.

105th Ave, no answer.
105th Ave, Refused to give a statement.
Creekside Cir, no answer, appeared to be 905.
Creekside Cir, no answer.
Creekside Cir, no answer.
Creekside Cir, contacted [redacted] who stated the following:

On 15 Apr 15, at around 1645 hrs, [redacted] was in the rear yard of his residence. [redacted] did not hear or see anything. See written statement for further details.

I did not use or observe any use of force.
D activated.

No known witnesses.
## Oakland Police Department

**455 - 7th Street**
Oakland, CA 94607

### Crime Report

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<tr>
<th>OCCURRED DATE</th>
<th>TIME</th>
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<th>METHOD OF ENTRY</th>
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### Other Person 1

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### Reporter

- **Officer Jesse Lawless**
- **Serial:** 8988
- **Beat:** CRT 4
- **BFO:** 2
- **Supervisor:** Sergeant C Johnson
- **Serial:** 8517
- **Reviewer:** SGT Caesar Basa
- **Serial:** 7818
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<th>Person 1</th>
<th>Person 2</th>
<th>Person 3</th>
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**Details:**
- **Home Address:**
  - Person 1: 105th Ave, Oakland, CA 94603
  - Person 2: 105th Ave, Oakland, CA 94603
  - Person 3: 105th Ave, Oakland, CA 94603

**Office Information:**
- **Police Department:** Oakland
- **Address:** 455 - 7th Street
- **City:** Oakland
- **State:** CA
- **Zip Code:** 94607

**Reported On:**
- **Date:** 15 APR 15
- **Time:** 1635
- **Day:** Wednesday

**Field Information:**
- **Address:** 105th Ave And Creekshore Cir, Oakland, CA 94603
- **Event:** Ofc J. Lawless 8988 Supplemental
- **BFO:** 2
- **Beat:** 312

**Other Details:**
- **Alias Name (Last, First):**
  - Person 1: Blank
  - Person 2: Blank
  - Person 3: Blank

**Contact Information:**
- **Home Phone:**
  - Person 1: Blank
  - Person 2: Blank
  - Person 3: Blank

**Event Information:**
- **Event Association:**
  - Person 1: Blank
  - Person 2: Blank
  - Person 3: Blank

**Occupation Information:**
- **Employer/School:**
  - Person 1: Blank
  - Person 2: Blank
  - Person 3: Blank

**Other Information:**
- **Technician:**
  - Person 3: Blank

**Serial Numbers:**
- **Serial:**
  - Person 1: 8988
  - Person 2: 8517
  - Person 3: 7818

**Reviewer:**
- **SGT Caesar Basa**
<table>
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<tr>
<th>S/N</th>
<th>REPORTED</th>
<th>BEAT</th>
<th>BFO</th>
<th>SUPERVISOR</th>
<th>SERIAL</th>
<th>REVIEWER</th>
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<tr>
<td>1</td>
<td>15 APR 15</td>
<td>31Z</td>
<td>2</td>
<td>Sergeant C Johnson</td>
<td>8517</td>
<td>SGT Caesar Basa</td>
<td>7818</td>
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<tr>
<td>2</td>
<td>15 APR 15</td>
<td>31Z</td>
<td>2</td>
<td>Sergeant C Johnson</td>
<td>8517</td>
<td>SGT Caesar Basa</td>
<td>7818</td>
</tr>
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</table>

**Oakland Police Department**
455 - 7th Street  
Oakland, CA 94607

**Crime Report - Continued**

**REPORTED FROM**
15 APR 15  
1635  
Wednesday

**REPORTED TO**
15 APR 15  
1635  
Wednesday

**ADDRESS / LOCATION**
105th Ave And Creekside Cir, Oakland, CA 94603  
(At: Ofc. J. Lawless 8988 Supplemental)

**OTHER PERSON**

<table>
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<tr>
<th>LAST, FIRST, MID.</th>
<th>SEX</th>
<th>RACE</th>
<th>D.O.B.</th>
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<td></td>
<td>F</td>
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**HOME ADDRESS**
Oakland, CA 94603

**ALIAS NAME (LAST, FIRST)**

**HOME PHONE**

**CELL PHONE**

**EVENT ASSOC**

**ETHNICITY**
Unknown

**DRIVERS LICENSE #**

**LICENSE EXP.**

**LIC. STATE**

**GANG ASSOCIATION**

**OCCUPATION**
EMPLOYER / SCHOOL

**WORK HOURS**

**BUSINESS ADDRESS / SCHOOL**

**WORK PHONE**

**OTHER PERSON**

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<th>SEX</th>
<th>RACE</th>
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<td></td>
<td>M</td>
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**HOME ADDRESS**

**ALIAS NAME (LAST, FIRST)**

**HOME PHONE**

**CELL PHONE**

**EVENT ASSOC**

**ETHNICITY**
Unknown

**DRIVERS LICENSE #**

**LICENSE EXP.**

**LIC. STATE**

**GANG ASSOCIATION**

**OCCUPATION**
EMPLOYER / SCHOOL

**WORK HOURS**

**BUSINESS ADDRESS / SCHOOL**

**WORK PHONE**

**OTHER PERSON**

<table>
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<th>LAST, FIRST, MID.</th>
<th>SEX</th>
<th>RACE</th>
<th>D.O.B.</th>
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<td>H</td>
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**HOME ADDRESS**

**ALIAS NAME (LAST, FIRST)**

**HOME PHONE**

**CELL PHONE**

**EVENT ASSOC**

**ETHNICITY**
Unknown

**DRIVERS LICENSE #**

**LICENSE EXP.**

**LIC. STATE**

**GANG ASSOCIATION**

**OCCUPATION**
EMPLOYER / SCHOOL

**WORK HOURS**

**BUSINESS ADDRESS / SCHOOL**

**WORK PHONE**

**OFFICER 1**
OFFICER NAME | SERIAL NO.
Officer Jesse Lawless 8988

**ROLE**
RO

**BEAT**
CRT 4

**BFO**
2

**OFFICER 2**
OFFICER NAME | SERIAL NO.
Sergeant C Johnson 8517

**ROLE**
ROSUP

**BEAT**
CRT 4

**BFO**
2
Narrative

Summary:

On 15 Apr 15, at about 1635 hrs, Ofc J. Shackford and I were working as OPD CRT 4 unit 6A41. We were both wearing full police utility uniforms and I was driving semi-marked patrol vehicle #1002. On the above date and time we responded to 105th Ave and Creek Side Circle to assist with an officer involved shooting involving San Leandro PD.

Upon arrival to the scene I was instructed by Sgt C. Johnson to canvass the area for possible witnesses.

I canvassed the following locations:

- 105th Ave - No answer.
- 105th Ave - I took a written statement from [redacted] in summary:
  - On 15 Apr 15, at about 1600 hrs, [redacted] was in front of her residence located at 105th Ave buying corn from a vendor. [redacted] served two black and white police cars traveling down 105th towards the dead end with their lights and sirens on. A short time later [redacted] heard about four gun shots. [redacted] turned and looked towards the dead end of 105th Ave, they did not see who was shooting and did not know if anyone was shot. [redacted]
  - [redacted] observed officers with their guns drawn.
  - [redacted] made a statement for further details.

- IFO 105th Ave - I took a written statement from [redacted] in summary:
  - On 15 Apr 15, in the evening [redacted] was inside her residence located at 105th Ave. She did not see or hear anything.

- IFO 105th Ave - I took a written statement from [redacted] in summary:
  - [redacted] speaks Spanish. I had residents from the area translate for me. [redacted] stated the following in summary:
  - [redacted] lives at 105th Ave. On 15 Apr 15, at about 630 hrs, [redacted] returned to his residence from work. [redacted] returned to his neighborhood he observed a bunch of police vehicles on his street. [redacted] did not see or hear anything. (See [redacted] statement for further details.)

- IFO 105th Ave - I took a written statement from [redacted] in summary:
  - [redacted] lives at 105th Ave. On 15 Apr 15, at about 1630 hrs, [redacted] was returning home from work when he observed a bunch of police vehicles on 105th Ave. [redacted] was not able to return home. [redacted] did not see or hear anything. (See [redacted] statement for further details.)

- IFO 105th Ave - I took a written statement from [redacted] in summary:
  - [redacted] works at [redacted] 105th Ave. On 15 Apr 15, at about 1600 hrs, [redacted] was inside at her work. [redacted] did not see anything or hear any gun shots. (See [redacted] statement for further details.)

- 1 Creekside Circle - I took a written statement from [redacted] in summary:
  - [redacted] speaks...
Narrative (Continued)

only Spanish. Ofc C. Navarro translated Spanish to English. [redacted] stated the following in summary:

On 15 Apr 15, at about 1600 hrs, she was inside her residence located at [redacted] Creekside Circle. [redacted] did not see or hear anything. [redacted] statement for further details.)

[redacted] Creekside Circle - I took a written statement from [redacted] stated the following in summary:

On 15 Apr 15, at about 1600 hrs, [redacted] was inside his residence located at [redacted] Creekside Circle. [redacted] did not see or hear anything. (See [redacted] statement for further details.)

[redacted] Creekside Circle - I took a written statement from [redacted] stated the following in summary:

On 15 Apr 15, at about 1600 hrs, [redacted] was inside his residence located at [redacted] Creekside Circle. [redacted] did not see or hear anything. (See [redacted] statement for further details.)

[redacted] Creekside Circle - No answer.

I cleared from the scene at approximately 1925 hrs.

I activated my PDRD while canvassing for witnesses.

not detain, handcuff, or search anyone during the incident.

I did not use or observe any use of force.

No known witnesses located.
On 15 April 15, I was working as OPD patrol unit 2L32. I was wearing full police uniform and driving fully marked patrol vehicle #1452.

At approximately 2240 hrs, I was dispatched to ACH to guard a suspect (OREJAS, Josephina) in an assault on a police officer. Upon arrival at ACH, I was directed by hospital staff to surgery recovery on the 5th floor, where OREJAS was being treated for gunshot wounds. I relieved Ofc. R. Kirkland, who was guarding OREJAS.

OREJAS was unconscious and unresponsive in a hospital bed and being tended to by ACH staff during the entire time I was on scene. While I was on scene, I did not speak with OREJAS or hear her speak with anyone.

I received a phone call from Sgt. Molina, who advised that a phlebotomist (NAAS) would be arriving on scene to draw legal blood samples from OREJAS. In preparation for NAAS’ arrival, I received a faxed copy of the search warrant for the legal blood draw.

NAAS arrived on scene and I provided her with the faxed copy of the search warrant. NAAS drew two (2) vials of blood from OREJAS. NAAS advised me that OREJAS had received Fentanyl and Versed during her treatment for the gunshot wounds. NAAS also advised that she had used Benzalkonium Chloride as an anti-septic skin prep on OREJAS when performing the blood draw.

NAAS sealed the vials of blood and I took possession of the vials.

At approximately 0005 hrs on 16 Apr 15, I was relieved by Ofc. C. Fuentes, who took over guard of OREJAS.

I met with Sgt. Molina and transferred custody of the vials of OREJAS’ blood to Sgt. Molina.

PDRD not activated.

No UOF, search/handcuff.

No witnesses or surveillance footage located.
Crime Report

OCURRED: 15 APR 15 1635 Wednesday
TO: 15 APR 15 1635 Wednesday
REPORTED: 15 APR 15 1658 Wednesday

PREMISE TYPE: Highway/Road/Alley/Street/Sidewalk
ADDRESS / LOCATION: 105TH AV CIR, Oakland, CA 94603

OUTSIDE REPORTING AGENCY: None
LOCATION TYPE: None

SOLVABILITY FACTORS: Unknown
SERIOUS INJURY: Yes
IDENTIFIABLE SUSPECT: None
EVIDENCE NAMED SUSPECT: None

LOCATION TYPE: None
DOMESTIC VIOLENCE: None
SENIOR INVOLVED: None
GANG RELATED: None
DRUGS INVOLVED: None

Weapon Used: Unknown
DGO K-9 Force Reported: Yes

Theft Type: None
Burglary Type: None
Method of Entry: None
Location of P.O.E.: None
Point of Entry: None

OFFICER 1: Officer Samson Liu 9389
ROLE: RO
BEAT: 33X
BFO: 2

OFFICER 2: Sergeant G. Dutton 7981
ROLE: ROSUP
BEAT: BFO

OFFICER 3: SGT Caesar Basa 7818
ROLE: REV
BEAT: BFO

OFFICER 4: Officer N Windham 8658
ROLE: RO
BEAT: 33X
BFO: 2

Narrative

Today 15 April 15, I was working with Ofc. N. Windham 8658 as 2J33. Ofc. Windham was driving fully marked patrol Police vehicle #1446. At 1635 hrs, we responded to 105th Ave and Creekside Circle, to assist with the investigation of an Officer Involved Shooting in the vicinity.

As we arrived on scene, I noticed other responding OPD Officers and San Leandro Police Officers, along with fully marked police vehicles, parked along 105th Ave. Because there were three separate security points of police caution tape, we parked our vehicle to the West side of 105th Ave, past the first check point. As we exited our vehicle, we walked South on 105th Ave to locate the Officer in charge of the scene.

We made contact with Sgt. DUTTON, G. 7981. Ofc. ROMERO, M. 9384 was beside him, and gathering names for different OPD Officers entering and leaving the scene, for the Crime Scene Log. Sgt. Dutton instructed Ofc. Romero to have another Officer take over for the Crime Scene Log.

Ofc. Windham instructed me to take over. I gathered names of OPD Officers entering and leaving the crime scene. I was relieved of this task at approximately 1900 hrs.

I did not locate any witnesses.
I did not arrest or handcuff anyone.
I did not observe or use force.
PDRDs activated.

REPORTED BY: Officer Samson Liu
SERIAL: 9389
BEAT: 33X
BFO: 2
SUPERVISOR: Sergeant G. Dutton
SERIAL: 7981
REVIEWER: SGT Caesar Basa
SERIAL: 7818

ORI 00109
**Oakland Police Department**  
455 - 7th Street  
Oakland, CA 94607  

**Crime Report**

<table>
<thead>
<tr>
<th>OCCURRED</th>
<th>DATE</th>
<th>TIME</th>
<th>DAY</th>
<th>LOCATION TYPE</th>
<th>ADDRESS / LOCATION</th>
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<th>CAD INCIDENT</th>
<th>RD #</th>
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<td>15 APR 15</td>
<td>1700</td>
<td>Wednesday</td>
<td>HIGHWAY/ROAD/ALLEY/STREET/SIDWALK</td>
<td>105th Ave And Creekside Cir., Oakland, CA 94603</td>
<td>Highway/Road/Alley/Street/Sidewalk</td>
<td>LOP150415000811</td>
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**Photos Taken**  
**Prints Obtained**  
**Technician**

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<th>Weapon Used</th>
<th>DGO K-4 Force Reported</th>
<th>Theft Type</th>
<th>Burglary Type</th>
<th>Method of Entry</th>
<th>Location of P.O.E.</th>
<th>Point of Entry</th>
<th>Location</th>
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**Witness 1**  
Last, First, Mid:  
Home Address:  
105th Ave, Oakland, CA 94603  
Home Phone:  
Cell Phone:  
Pager:  
Hair:  
Eyes:  
Height:  
Weight:  
Ethnicity:  
Hispanic Origin:  
Drivers License #:  
License Exp.:  
Lic. State:  
Occ:  
Employer / School:  
Work Hours:  
Work Phone:

**Witness 2**  
Last, First, Mid:  
Home Address:  
105th Ave, Oakland, CA 94603  
Home Phone:  
Cell Phone:  
Pager:  
Hair:  
Eyes:  
Height:  
Weight:  
Ethnicity:  
Hispanic Origin:  
Drivers License #:  
License Exp.:  
Lic. State:  
Occ:  
Employer / School:  
Work Hours:  
Work Phone:

**Reported By**  
Officer K McAlindon  
Serial: 9425  
Beat: 27X  
BFO: 2  
Supervisor: Sergeant K Staggs  
Serial: 8004  
Review: SGT Caesar Basa  
Serial: 7818  

ORI 00109
On 15Apr15, at abut 1645hrs I was working as OPD patrol unit 2J27, Ofc D. Higgins 8856P was my partner. We were both wearing full OPD uniforms and Ofc Higgins was driving fully marked OPD patrol vehicle #1498. We were dispatched to assist in an Officer involved shooting that occurred on 105th Ave and Creekside Cir.

Upon our arrival we contacted Sgt Johnson who directed Ofc. Higgins and myself to assist in canvassing the west side of 105th Ave in the 300blk.

I spoke with [redacted] (W-1) who was IFO his house at 105th Ave.

He stated that on 15Apr15 at about 1630hrs he was watching TV inside his house with his father [redacted] and brother [redacted]. He said he heard tires screeching coming from outside so he looked out his window and saw two marked police vehicles facing S/B on 105th Ave, then went out on his porch to see what was going on when he saw a 90's, green, Honda, Civic, driving N/B on the east side of the sidewalk. He then saw another police car responding S/B on 105th when he saw the driver of that car pull his vehicle towards the east curb, but was still in the middle of 105th Ave.

He then saw the officer step out of the vehicle, as the officer stepped out of the vehicle the green, Honda, Civic, was driving about 10-15 MPH at the officer, then saw the officer shoot towards the green Honda, Civic, 4dr. Ramiro said he heard about 5 shots casing the Honda to immediately stop. He said that other police officers in both marked and unmarked vehicles responded after the shots where fired and a white truck parked in a way that blocked his view. He said he saw an ambulance arrive on scene and take a light skinned male on a stretcher from the scene of the shooting and leave in the ambulance. He said there was a red Ford truck parked directly IFO the white Ford truck and inside fo the red truck was a MH who lived across from his home. He said he noticed the MH get out of the vehicle after the shooting and go stand IFO the MH's home. See signed written statement for more details.
Narrative (Continued)

Ave.

[Redacted] stated he was in his house at 05th Ave watching tv with his father and brother when he heard tires screeching outside. He looked outside his front door behind his brother after he heard the tires screeching and as he looked outside he saw marked police vehicles heading S/B on 105th Ave. After seeing all the police vehicles he saw a police officer VM about 6'0" standing in front of the green, Honda, Civic giving commands. He could not hear what the officer was saying he could just hear the officer yelling. Then he heard 4-5 gun shots. [Redacted] said additional officers and police vehicle arrived on scene blocking his view. [Redacted] said he then went back into his home. See attached signed written statement for more details.

I then took a statement from [Redacted] 105th Ave.

[Redacted] said that on 15Apr15 at about 1630hrs she was doing laundry inside of her house at 105th Ave Apt A when she heard about 3 gun shots. [Redacted] then went in her home where her grandmother [Redacted], her niece, [Redacted] and her two children [Redacted]. She said she told her family to stay in the home while she went outside to see what was happening. [Redacted] said that she saw a bunch of police officers on 105th Ave but did not see or know what had happened. See her signed written statement for details.

[Redacted] is elderly and did not provide a written statement but said she heard a single gun shot but saw nothing.

[Redacted] who is a juvenile did not provide a statement but said she heard a single gunshot but did not see anything. [Redacted] did not speak with officers due to their ages.

I then remained on scene to assist with the crime scene log until the scene was secured.

FRID activated.

I did not use or observe any uses of force.

No additional known witnesses were located.
On 15 Apr 15, at about 1636hrs, I was working as 2L23 in full police uniform and I was driving fully marked OPD patrol veh #1486.

Dispatch provided us W/ the following information:

SAN LEANDRO PD JUST HAD OFCR INVOLVED SHOOTING -- PER SAN LEANDRO THERE IS NOW A LARGE CROWD SAN LEANDRO PD REQ OPD ASSISTANCE

PER SAN LEANDRO PD ADVISING OPD IS NEEDED AT 105TH/TOPANGA TO CLOSE OFF TRAFFIC AND OTHER OFCRS TO HELP W/CROWD CONTROL

Dispatch requested units respond code 3 (lights & sirens) to the area of 105th Ave & Creekside Cir for a large crowd forming and take a perimeter post.

Prior to my arrival Ofc. J. Pulsipher and Ofc. R. Rodriguez (6A43) advised OPD dispatch the suspect was being transported to Highland hospital. I re-directed to ACH and met Paramedics Plus 2125 in the parking lot.

I observed a FH laying on the gurney and being taken in to the emergency room. The FH was placed in room #8 and emergency room personnel administered first aid. I noticed the FH had a GSW near the lower portion of her LT breast, a GSW on the RT side of her mid-section, and a GSW to her RT thigh.

FH was taken to CT scan to have a head X-ray before going to operating room #6. After surgery the FH was transferred to post-op
I contacted [redacted] and she said the FH is in stable condition, and will make a full recovery.

I stayed on scene until I was relieved.
**Crime Report**

**Occurred:** 15 APR 15 1635 Wednesday

**On Or From:** Hotel/Motel/Etc.

**To:** Hotel/Motel/Etc.

**Reported:** 15 APR 15 1923 Wednesday

**Address/Location:** 1057 HAVCREESIDE CIR CIR, Oakland, CA 94603

**Cad Incident:** LOP150415000811

**Rd #:** 2

**BFO:** 31Z

**Location Type:**
- Domestic Violence
- Senior Involved
- Gang Related
- Drugs Involved
- Solvability Factors
- Serious Injury
- Suspect In Custody
- Identifiable Suspect
- Surveillance Photo
- Evidence Named Suspect
- RIO Requests Invest.

**Weapon Used:** Handgun

**DGO K-4 Force Reported:** Yes

**Theft Type:**

**Burglary Type:**

**Method of Entry:**

**Location of P.O.E.:** None

**Point of Entry:**

**Location:*** Hotel/Motel/Etc.

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<th>Officer 1</th>
<th>Role</th>
<th>Beat</th>
<th>BFO</th>
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<tbody>
<tr>
<td>Officer Jorge Pereda</td>
<td>RO</td>
<td>23X</td>
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<th>BFO</th>
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<tr>
<td>Sergeant L Ausmus</td>
<td>ROSUP</td>
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<th>Officer 3</th>
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<td>OFF Jorge Pereda</td>
<td>REV</td>
<td>PSO4</td>
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**Narrative:**

On 15 April 15 at about 1635 hours, I was working as CRO unit 7L23. I was wearing full police uniform and driving patrol car # 1782.

I responded to the 300 block of 105th Av to assist additional units on a OS involving an Outside Agency.

On arrival, I took a perimeter post on 105th Av at Knight St. A roudy crowd had formed as they were attempting to walk thru the Crime Scene Tape. I remained in that position until I was directed by Sgt C Johnson to respond to 105th Av and take a statement from [redacted].

[Redacted] provided a written/signed statement advising that on 15 Apr 15 at about 1430 hours, she was in her house along with her family having lunch. [Redacted] heard three or four gun shots. [Redacted] looked out her window but she did not see anything until she observed several patrol cars arriving. [Redacted] was willing to assist with the investigation.

I returned to the 400 block to assist units with a perimeter post until we were advised to release traffic.

That was my total involvement during this incident.

No other witnesses located.

No use of force employed or witnessed.

PDRD was activated.

I did not handcuff anybody.
**Oakland Police Department**

455 - 7th Street
Oakland, CA 94607

**Crime Report**

<table>
<thead>
<tr>
<th>OCCURRED DATE</th>
<th>TIME</th>
<th>DAY</th>
<th>PREMISE TYPE</th>
<th>CAD INCIDENT</th>
<th>RD #</th>
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<td>15 APR 15</td>
<td>1650</td>
<td>Wednesday</td>
<td>Grocery/Supermarket - Liquor Sales</td>
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<td>15-020037</td>
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<th>ADDRESS / LOCATION</th>
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<td>105T 105th Ave &amp; Creekside Circle CIR, Oakland, CA 94603</td>
<td>15 APR 15 1650 Wednesday</td>
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**LOCATION TYPE:**

- DOMESTIC VIOLENCE
- SENIOR INVOLVED
- GANG RELATED
- DRUGS INVOLVED

**Weapon Used:**

- Yes

**DGO K-4 Force Reported:**

- Yes

**Thief Type:**

- Yes

**Method of Entry:**

- Yes

**Point of Entry:**

- Yes

**Other Person 1**

- LAST, FIRST, MIDDLE

**Home Address:**

- Phone

**Cell Phone:**

- Pager

**License Exp.:**

- LIC. STATE CA

**Event Assoc:**

- Yes

**Contact:**

- Unknown

**Event Assoc**

- Yes

**Contact:**

- Unknown

**Other Person 2**

- LAST, FIRST, MIDDLE

**Home Address:**

- Phone

**Cell Phone:**

- Pager

**License Exp.:**

- LIC. STATE CA

**Event Assoc:**

- Yes

**Contact:**

- Unknown

**Event Assoc**

- Yes

**Contact:**

- Unknown

**Reported by:**

- Officer David Pullen

**Serial:**

- 8854

**Beat:**

- 27Y

**BFO:**

- 2

**Supervisor:**

- Sergeant L Ausmus

**Serial:**

- 8432

**Reviewer:**

- SGT Caesar Basa

**Serial:**

- 7818

**ORI:**

- 001109
<table>
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<tr>
<th>PERSON 3</th>
<th>LAST, FIRST, MID.</th>
<th>HOME ADDRESS</th>
<th>ALIAS NAME (LAST, FIRST)</th>
<th>HOME PHONE</th>
<th>CELL PHONE</th>
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<th>ETHNICITY</th>
<th>CONTACT</th>
<th>Unknown</th>
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<th>LICENSE EXP.</th>
<th>LIC. STATE</th>
<th>GANG ASSOCIATION</th>
<th>OCCUPATION</th>
<th>EMPLOYER / SCHOOL</th>
<th>WORK HOURS</th>
<th>BUSINESS ADDRESS / SCHOOL</th>
<th>WORK PHONE</th>
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<tr>
<td>PERSON 4</td>
<td>LAST, FIRST, MID.</td>
<td>HOME ADDRESS</td>
<td>ALIAS NAME (LAST, FIRST)</td>
<td>HOME PHONE</td>
<td>CELL PHONE</td>
<td>PAGER</td>
<td>EVENT ASSOC</td>
<td>ETHNICITY</td>
<td>CONTACT</td>
<td>Unknown</td>
<td>DRIVERS LICENSE #</td>
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REPORTED BY
Officer David Pullen
8854 27Y 2 Supervisor Sergeant L Amsus

SERIAL 8432 REVIEWER SGT Caesar Basa
SERIAL 7818

ORI 00109
**Oakland Police Department**

**455 - 7th Street**
**Oakland, CA 94607**

**Crime Report - Continued**

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**REPORTED BY**

Officer David Pullen

**SERIAL** 8854 **BEAT** 27Y **BFO** 2

**SUPERVISOR** Sergeant L Ausmus

**SERIAL** 8632 **Reviewer** SGT Caesar Basa

**ORI** 00109
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</table>
On 15 Apr 15 at about 1650 hrs I was working as a CRO unit, call sign 7L27. I was wearing full Oakland Police Uniform and I was driving fully marked patrol vehicle 1700. I responded to 105th Ave & Creekside Circle to assist on the scene of an Officer involved shooting involving San Leandro Police Department.

I arrived on scene at 1650 hrs. I responded to the crime scene and was advised to take statements from residents and individuals along 105th Ave from Topanga St to the dead end of 105th Ave.

I contacted the following people:

105th Ave - Stated he heard sirens and saw a bunch of police vehicles on the Block. He did not witness the incident. See Statement for further details.

105th Ave - Stated she heard sirens and saw a bunch of police vehicles on the Block. She did not witness the incident. See Statement for further details.

I contacted several MB Juveniles who stated that they had heard several gunshots while playing basketball at a nearby school and came over to see what had occurred. They did not see the incident and did not want to provide me with any identifying information. See PDRD for details.

105th Ave - Stated that she did not hear or see anything. See statement for details.

105th Ave - Stated that he was going home and saw a bunch of police vehicles. He did not witness the incident. See Statement for details.

105th Ave - Stated that she did not know what was going on. She did not hear or see anything. See statement for details.

105th Ave - Stated that he had been eating dinner inside and just came outside. He did not hear or see anything. See statement for details.

Intersection of 105th Ave & Creekside Circle - She stated that she was picking up her mother at the liquor store at 105th Ave and Coves when she saw a bunch of police cars drive by her. She then drove down the street and was blocked by police when she got to the intersection of 105th Ave & Creekside Circle. She did not see or hear anything. See statement for details.

105th Ave - She was taking a nap and she woke up to the sound of police sirens. She went outside and saw a bunch of police cars but did not see or hear anything else. See statement for details.

105th Ave - He stated that he was inside when he heard about three or four gunshots. He went outside and saw a bunch of police cars drive toward the dead end of 105th Ave and then police officers began to put crime scene tape up. He did not see or hear anything else. See statement for details.

105th Ave - He said that he was inside eating lunch when he heard about three or four gunshots. He then heard some police sirens. He went outside later and observed a bunch of police cars. He did not hear or see anything else. See statement for details.

105th Ave - Stated that he was inside his house when he heard about three or four gunshots. He then went outside and saw a bunch of police cars. He did not hear or see anything else. See statement for details.
Narrative (Continued)

details.

I did not use any force or observe any use of force.

I did not contact any actual witnesses to the incident.

PDRD activated during statements. See PDRD for details.
**Oakland Police Department**

**455 - 7th Street**  
**Oakland, CA 94607**

**Supplemental**

**Crime Report**

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- PHOTOS TAKEN:  
- PRINTS OBTAINED:  
- TECHNICIAN:  
- LOCATION TYPE:  
  - DOMESTIC VIOLENCE  
  - SENIOR INVOLVED  
  - GANG RELATED  
  - DRUGS INVOLVED  

**OUTSIDE REPORTING AGENCY**  
- SOLVABILITY FACTORS  
- SERIOUS INJURY  
- SUSPECT IN CUSTODY  
- IDENTIFIABLE SUSPECT  
- SURVEILLANCE PHOTO  
- EVIDENCE  
- NAMED SUSPECT  
- R/O REQUESTS INVEST.

**Weapon Used**  
- DGO X-4 Force Reported  
- Theft Type  
- Burglarly Type  
- Method of Entry  
- Location of P.O.E.  
- Point of Entry  

**Location**  
- Highway/Road/Alley/Street/Sidewalk

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**Narrative**

On 15 Apr 15, at about 1740 hours, Ofc. Hay 9021 and I were working as OPD unit 14A58. We both were wearing full OPD uniforms and Ofc. Hay was driving fully marked OPD vehicle #1828. We responded to the 300 blk of 105th Ave, on a report of a officer involved shooting, regarding officers from San Leandro Police Department (SLPD). Upon arrival, we were directed by Lt. Wehrly to stand by with the SLPD officers involved in the incident.

We were later relieved by additional SLPD officers who took on the responsibility of sequestering the officers involved in the incident. At no point did the officers involved speak about the incident while Ofc. Hay and I were on scene with them.

I was then directed by Sgt. C. Johnson to conduct traffic control, including escorting residents to the homes.

I remained on scene providing scene security and traffic control until relieved by Sgt. Dutton.

I did not use or witness any UOF.

PDRD was activated.

No other known witnesses.

**REPORTED BY**  
- Officer O Vargas  
- 9037  
- 2  
- Sergeant R Niven  
- 8774  
- SGT Caesar Basa  
- 7818

**ORI 00109**
On 15 Apr 15 approx 1740 hours, Ofc. Vargas and I were working as OPD unit 14A58, wearing full OPD uniforms and I was driving fully marked OPD vehicle 1828. We responded to a report of a officer involved shooting concerning officers from San Leandro Police Department (SLPD). Upon arrival, we were directed by Lt. Wehrly to stand by with the SLPD officers involved in the incident.

Ofc. Vargas, Ofc. Richter and I stood by with the SLPD officers until SLPD Commanders were able to get officers from their agency to keep the officers involved sequestered. At no point did the officers involved speak about the incident while I was on scene with them.

After that assignment was complete, I was directed by Sgt. C. Johnson to conduct traffic control, including escorting residents to the homes.

I remained on scene providing scene security and traffic control until relieved by Sgt. Dutton.

I did not use or witness any UOF.

PDRD was not activated due to the fact I did not conduct any investigative stops.

No other known witnesses.
On Wed 15 Apr 16, at about 1800hrs., Ofc. R. Gerrans and I were working OPD patrol as 2K41. We were both wearing our full police uniforms and Ofc. Gerrans was driving fully marked OPD vehicle #1935. At about this time we responded to 105th Ave. and Creekside Ct. to assist with a officer involved shooting.

Upon arrival we were tasked with assisting with scene security. Ofc. Gerrans and I provided scene security by blocking off the southern dead end of 105th Ave. We stood by at this location until the scene was secure and then we cleared the scene.

We contacted no known witnesses.

No use of force.

PDRD's activated while on scene.
On Wed 15 Apr 15, at about 1800 hrs., I was working as OPD patrol unit 2K41, with Ofc. J. Blue-Lowery. We were both wearing full police uniforms and I was driving fully marked OPD vehicle #1935. We responded to the 200 blk of 105th Ave to assist with a Officer involved shooting.

Upon arrival we were tasked with assisting with scene security, Ofc. Blue-Lowery and I provided scene security by blocking off the southern dead end of 105th Ave. We stood by at this location until the scene was secure and then we cleared the scene.

We contacted no known witnesses.

No use of force.
On 15 Apr 15 at about 1745 hrs, I was working as OPD unit 14L57. I was dressed in a full OPD BDU uniform and I was driving fully marked OPD vehicle #1827. At the above time, I responded to the 200 blk of 105th Ave to assist officers on a OIS in which SLPD was involved in.

Upon arrival to the scene, I was advised by Sgt C. Johnson (6L74) to canvass the 10500 blk of Creekside Circle for any witnesses. I canvassed the following addresses with the following results:

**Creekside Cir-No answer at front door.**

**Creekside Cir-Spoke with [redacted] who stated the following in a written statement:**
On 11 Apr 15 at about 1600 hrs, [redacted] was IFO his residence sanding his car for a paint job. He did not see or hear anything and only observed several police vehicle driving down 105th Ave. See statement for further details.

**Creekside Cir-Spoke with [redacted] who stated the following in a written statement:**
On 15 Apr 15 at about 1600 hrs, [redacted] was inside her residence watching TV. [redacted] did not hear or see anything. See statement for further details.

**Creekside Cir-Spoke with [redacted] who stated the following in a written statement:**
On 15 Apr 15 at about 1600 hrs, [redacted] was inside his residence and did not hear or see anything. See statement for further details.

**Creekside Cir-Spoke with [redacted] who stated the following in a written statement:**
On 15 Apr 15 at about 1600 hrs, [redacted] did not hear or see anything. See statement for further details.
I stayed on scene and conducted a traffic control post until I was told to relieved.

I did not handcuff or search anyone.

PDRD was activated.

No force used or observed.

There are no known witnesses.
On 15 Apr 15, at approximately 1730 hrs, I was working as OPD unit 14A56 with Ofc N. Dokic 9199. We were both wearing full OPD BDU uniforms and I was driving a fully marked patrol vehicle 1730. We responded to 105th Ave and Creek Side Circle to assist officers on a report of an OIS. Upon arrival, I assisted with scene security. I was relieved from the scene at approximately 2100 hrs by Sgt G. Dutton. PDRD activated.

No known witnesses.

No force used or observed.
# Oakland Police Department

455 - 7th Street  
Oakland, CA 94607

### Crime Report

**Occurred:** 15 APR 15  
**Time:** 1635  
**Day:** Wednesday  
** Reported:** 15 APR 15  
**Time:** 2022  
**Day:** Wednesday

**Address / Location:** 105TH AV & CREEK SIDE CIR CIR, Oakland, CA 94603

**Location Type:**  
- [ ] Domestic Violence  
- [ ] Senior Involved  
- [ ] Gang Related  
- [ ] Drugs Involved  
- [ ] Solvability Factors  
- [ ] Serious Injury  
- [ ] Suspect in Custody  
- [ ] Identifiable Suspect  
- [ ] Surveillance Photo  
- [ ] Evidence  
- [ ] Named Suspect  
- [ ] RIO Requests Invest.

**Weapon Used:**  
- [ ] DGO K-4 Force Reported  
- [ ] Theft Type  
- [ ] Burglary Type  
- [ ] Method of Entry  
- [ ] Location of P.O.E.  
- [ ] Point of Entry  
- [ ] Location

**Witness 1:**  
**Last, First, Middle:** [Redacted]  
**Alias Name (Last, First):** [Redacted]  
**Home Address:** [Redacted]  
**Hair:** [Redacted]  
**Eyes:** [Redacted]  
**SSN:** [Redacted]  
**Cell Phone:** [Redacted]  
**Pager:** [Redacted]

**Witness 2:**  
**Last, First, Middle:** [Redacted]  
**Alias Name (Last, First):** [Redacted]  
**Home Address:** [Redacted]  
**Hair:** [Redacted]  
**Eyes:** [Redacted]  
**SSN:** [Redacted]  
**Cell Phone:** [Redacted]  
**Pager:** [Redacted]

**Event Associate:**  
- [ ] Ethnicity

**OCCUPATION:** EMPLOYER / SCHOOL

**Business Address / School:**

**Work Phone:**

**Reported By:** Officer N. Dokic  
**Serial:** 9199  
**Beat:** 2  
**BFO:**  
**Supervisor:** Sergeant R. Niven  
**Serial:** 8774  
**Reviewer:** SGT Caesar Basa  
**Serial:** 7818  
**ORI:** 00109
On 15 APR 15, at approximately 1712 hrs., Ofc. J. Douglass and I were working as OPD unit 14A56. We were dressed in full police uniform and operating OPD marked patrol vehicle #1730. We responded to 105th Av. and Creekside Cir. to assist with an OIS investigation.

We arrived on scene at approximately 1730 hrs. We were directed by Lt. Wehrly to take an inner perimeter security post IFOC #105th Av. In addition to providing scene security, I also canvassed the area for any possible witnesses.

I spoke with [redacted] and took a written statement from [redacted]. He advised me that today, 15 APR 15, sometimes around 1600 hrs., she heard gun shots coming from the street. She heard five (5) more gun shots. Aguilar did not see or hear anything else. Refer to her written statement for further details.

I met with [redacted]. She advised me that she just arrived home and that she did not see or hear anything related to the incident.

I also spoke with [redacted] and took a written statement from [redacted]. She advised me that today, 15 APR 15, at approximately 1630 hrs., she heard gun shots coming from 105th Av. just south of her residence. She heard three to four gunshots, but did not see or hear anything else. Refer to her written statement for further details.

I did not canvass any other locations at this time. I did not locate any other witnesses while on scene.

OPD ADMIN:
There are no known additional witnesses.
I did not use or observe any use of force.
My PDPO was activated.

I wrote this supplemental report under Ofc. Douglass FBR ACCT.
On Wednesday, 15 Apr 15, around 1645 hours, I was working as OPD PSO unit 7A24 with my partner, Ofc. L. Baker 9167. We were both wearing full OPD uniform and driving fully marked patrol vehicle #1753. We responded to 105th Ave and Knight St to assist with traffic control for an officer involved shooting.

We remained at that location blocking all southbound vehicle and foot traffic. Sgt. Niven then advised we could permit southbound foot traffic. We remained on scene until Sgt. Dutton advised we could open up 105th Ave to all SB traffic and secure our post.

PDROs activated.
No force used or observed.
No known witnesses.
On 14 Apr 15, at about 1635 hours, I was working as OPD patrol unit 2L30. I responded to 105th Ave. and Creekside Cir to assist officers with OIS.

Upon arrival, I was directed by Ofc. Romero 9384 to write down license plate and description of vehicles parked inside the scene. I observed the following vehicles:
I had the following vehicles towed per 22655.5(a) VC:

[Redacted] Honda Civic 4D Green and [Redacted] Ford F150 Pick Up Truck White. The vehicles were towed to Eastmont parking lot for tech detail at around 2110 hours.

I did not use or observe any use of force.

No known witnesses.

PDRD activated.
On 15 Apr 15 at about 1708hrs, I was working with Ofc. Arrizon as 2J28. We were in fully marked patrol car 1423 and wearing full OPD wool uniforms when OPD dispatch requested additional units to assist with a San Leandro PD officer involved shooting at 105th Av/Creekside.

We cleared our call vehicle collision at Olive St and responded to assist.

We arrived on scene at about 1719hrs and Sgt. Johnson advised us to relieve the traffic/ped post from Ofc. Mathews at the dead end of 105th Av.

Ofc. Arrizon and I relieved Ofc. Mathews and his Trainee and I assumed the traffic/ped control post while Ofc. Arrizon completed a written statement (spanish/english) on scene.

After completing the written statement, Ofc. Arrizon and I were instructed by Lt. Werethly to transport a male black suspect in a San Leandro PD marked vehicle to the OPD PAB.

Ofc. Arrizon took custody of the suspect and we transported him to OPD PAB then placed him in an interview room as instructed by Sgt. Molina.

Ofc. Arrizon checked up on the suspect about every 30 minutes until we were advised to depart at about 0018hrs.

We advised the OPD officer on scene completing the crime scene log of our arrival and departure at 105th Av/Creekside.

PDRD activated.

I did not handcuff or search anyone during this incident.

I did not use or witness any UOF.

I do not know of any witnesses to this incident.
**Oakland Police Department**

455 - 7th Street
Oakland, CA 94607

**Crime Report**

<table>
<thead>
<tr>
<th>OCCURRED</th>
<th>DATE</th>
<th>TIME</th>
<th>DAY</th>
<th>ADDRESS/LOCATION</th>
<th>CAD INCIDENT LOP150415000811</th>
<th>RD #</th>
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<tr>
<td>On Or From</td>
<td>15 APR 15</td>
<td>1635</td>
<td>Wednesday</td>
<td>Highway/Road/Alley/Street/Sidewalk</td>
<td>15-020037</td>
<td>BFO BEAT</td>
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<tr>
<td>To</td>
<td>15 APR 15</td>
<td>1635</td>
<td>Wednesday</td>
<td>05TH AV&amp;CREEKSIDE CIR CIR, Oakland, CA 94603</td>
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**Outside Reporting Agency**

<table>
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<tr>
<th>Weapon Used</th>
<th>SOLVABILITY FACTORS</th>
<th>SERIOUS INJURY</th>
<th>SUSPECT IN CUSTODY</th>
<th>IDENTIFIABLE SUSPECT</th>
<th>SURVEILLANCE PHOTO</th>
<th>EVIDENCE</th>
<th>NAMED SUSPECT</th>
<th>RIO REQUESTS INVEST.</th>
</tr>
</thead>
</table>

**Narrative**

On 15 Apr 15 at about 1708 hrs, I was working with Ofc. Smitheram as 2J28. We were in fully marked patrol car 1423 and wearing full OPD wool uniforms when we were dispatched to 105th Av/Creekside to assist with an officer involved shooting involving San Leandro PD.

Upon arrival, Sgt. Johnson told us to take Ofc. Mathews and Ofc. Hughes' post at the end of 105th Av. so they could assist with a canvass.

My FTO D. Smitheram and I relieved Ofc. Mathews and his Trainee. FTO D. Smitheram assumed the post while I completed a written statement (spanish-english) on scene at 105th Av.

After I completed the written statement, my FTO D. Smitheram and I were instructed by Lt. Werehly to transport a male black suspect who was in the backseat of a San Leandro PD vehicle. I took custody of the suspect and his belongings then escorted him to my vehicle. We then transported him to OPD PAB where we placed him in interview room #211 as instructed by Sgt. Molina. I did not search the suspect and remove his belongings.

While in the interview, I checked up on the suspect about every 30 minutes until we were advised to depart at about 2230 hours.

PDRD activated.

I searched and handcuffed the suspect prior to placing him in my patrol vehicle.

Handcuffs were double locked and checked for fit.

I did not use or witness any UOF.

I did not know of any witnesses to this incident.
Statement

My name is [Redacted]. Today around 4:45 pm I was in my backyard at home. I did not hear or see anything. I have surveillance cameras at my house and I would be ok with police coming back to look at it if they need to. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant

2. Name of Person Giving Statement

3. Offense/Crime

4. Complainant □ Suspect □ Driver □ Report By Person of Incident

5. Statement Taken By

6. Serial No. Date Time Started - Completed

7. Location Where Statement Taken

8. FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. | Make | Model | Type | Color(s) | Drivers License No. | State

9. Registered Owner

Address

City/Zip

Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ______________________ DOB __________________ Arrest Charge ______________________

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

X

Statement

MY NAME IS ______________________ I LIVE AT ________________

ON APRIL 15, 2015, AT AROUND 4:00 AM I WAS IN FRONT OF MY HOUSE BUYING CORN FROM A VENDOR ON THE SIDEWALK

WHILE I WAS BUYING THE CORN I SAW TWO POLICE CARS DRIVING DOWN 105TH AVE TOWARDS THE DEAD END. THE POLICE HAD THEIR LIGHTS AND SIRENS ON. A SHORT TIME LATER I HEARD ABOUT 4 GUNSHOTS COMING FROM NEAR THE DEAD END. ADDITIONAL POLICE SHOWED UP. I TURNED AROUND AND SAW OFFICERS IN THE STREET WITH THEIR GUNS DRAWN. I DID NOT SEE WHO WAS SHOOTING, AND I DID NOT SEE IF ANYONE WAS HIT. ADDITIONAL OFFICERS THEN SHOWED UP. THIS IS A TRUE STATEMENT.

________________________
Statement

Today April 15th at around 4:30pm I was at my house at 105th Ave. I was walking in my uncle's backyard. The address is

[Redacted]

I was walking with friends and family. I heard a crashing sound near my house. Then I heard 5 or 6 gunshots. I came out to the backyard and saw a person laying in the driveway. There were 2 or 3 police officers near the person. The person had short hair and appeared to be Hispanic in their 30's or 40's. More police continued to arrive. They appeared to be aiding the person on the ground and talking to them. One officer was instructing people to stay back. Several more officers arrived. An ambulance arrived and took the person away. They were taking the person away. I saw blood on their left pant leg which appeared to be red.
<table>
<thead>
<tr>
<th>License No.</th>
<th>State</th>
<th>Veh Yr.</th>
<th>Make</th>
<th>Model</th>
<th>Type</th>
<th>Color(s)</th>
<th>Drivers License No.</th>
<th>State</th>
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**ADMONITION:** You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

**WAIVER:** Do you understand each of these rights I have explained to you? ______________________

**CITIZEN'S ARREST:** Defendant _______________________ DOB ____________ Arrest Charge _______________________

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

X _______________________

My name is ____________ and today April 15, 2015 I was outside my house at 105th Ave. As I was walking outside my front door, I heard three gunshots. I looked back and saw about three or four police men in front of a green car. These police men were different. They were not wearing blue uniform. They were wearing normal clothing but they were wearing a black best with "POLICE" written in the front and back. One of them was pushing the green car from the front. Then I saw two other police men pulling a white guy from the green car. The white guy had blonde hair and blue pants. The white guy then was placed on the sidewalk and three women started helping the white guy. They were pushing him on his chest until an ambulance came and the guy was loaded into it very fast. The ambulance left and more patrol cars came. I didn't see anything else. I called the police if they need me. This is a true statement.
ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER: Do you understand each of these rights I have explained to you? [Signature]

CITIZEN'S ARREST: Defendant [Signature] DOB [Signature] Arrest Charge [Signature]

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

Statement
My name is [Redacted] On 15 Apr 15 at about 4:10 PM I was sitting inside my living room watching TV when I heard a loud noise outside that sounded like a car crash. My windows and doors to my home at [Redacted] were closed but I was still able to hear the sound of a collision. I stood up and opened my front door and stood in the doorway to see what was going on. I looked I saw the street in front of my home covered with police cars, and police cars were everywhere. I continued to my front door and opened the door. I then stood in the doorway and saw a lot of police cars in front of my house. I then stood outside on my porch and observed as many more police officers showed up. I observed a white truck parked next to a green Honda Civic that was on top of the sidewalk. My mom Salome Raigoza was also home at the time in the back of the house. Nobody else was in my house at the time. I did not see who was shot, or who was shooting, I did not hear any screaming or yelling. This is a true statement.

[Signature]
My name is [redacted] on 15 Apr 15 I was inside my house at 105th Ave watching television with my father and my brother. My dad's name is Romain and my brother's name is Solomon. My living room faces 105th Avenue and my front door was open and my only front window was closed with the blinds closed. I heard car tires screeching so I looked outside my window and saw two police cars facing S/B on 105th Ave. Then I stepped outside on to my front porch and my dad and brother were right behind me. When I was on my porch I saw a late 90's green Honda Civic 4dr driving S/B on the east sidewalk of 105th Ave. Then I saw another police car responding S/B on 105th Ave. I saw the driver of that police car pull his vehicle towards the east curb but still on 105th Ave, I saw the driver of that police vehicle
Step out of the driver seat. The officer was wearing full blue police uniform with a blue police baseball hat. As the officer stepped out of his police vehicle on the driver side, the green Honda Civic was driving directly at the police officer. The green car was about ten feet away from the officer as he stepped out of the driver side of his police vehicle. When the officer stepped out of the vehicle the officer had his gun in his hand, from when I was standing I could not see if the officer had drew his gun when he stepped out of the police vehicle or if he already had it in his hand. When the green car was about ten feet from the officer facing the officer traveling about 10-15 MPH (Running Speed). I saw the officer shoot towards the green Honda about twice. When the officer shot the green car stopped immediately.

I then saw a white Ford truck, a gray Mazda car, two more police cars, and a black Lexus, pull up to the officers vehicle who was involved in the shooting. The white Ford truck pulled up it blocked my view of the green Honda, I saw a bunch of police officers rush in and I wasn't sure what was going on. I saw an Ambulance pull up about ten minutes later and EMT's walked over to the green Honda with a stretcher. Then I saw the EMT's walking back to the ambulance with a light skinned male on the stretcher. I saw the light skinned male on the stretcher had no shirt on and was wearing dark colored jeans. EMT's put the male in the Ambulance and they left. Then I saw officers had a MB (male black) wearing a black shirt and dark jeans in his late 30's handcuffed. I am not sure where he came from or how he is involved. The officers put the Male Black in a police car. My house has no cameras on it. Aside from my dad and brother, no one else was in the house. I will assist in the investigation. This is a true statement. I just want to add that there is a red Ford truck
STATEMENT
Oakland Police Department 536-200-1 (4/15) Page 1 of 2

1. Complainant [Redacted]
2. Report No. 15-020012
   - Complainant [X]
   - Suspect [X]
   - Driver [X]
   - Reporting Person [X]
   - Witness
3. Name of Person Giving Statement
   - [Redacted]
4. Employment Address (City/Zip)
   - 105th Ave 94603
5. Employment [Name, Address, Position] or Supplemental Information if Unemployed or Transient
   - [Redacted]
6. Location Where Statement Taken
   - 105th Ave
7. Names, Addresses of Persons Present During Statement
   - [Redacted]

FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. | Make | Model | Type | Color(s) | Drivers License No. | State
9. Registered Owner
   - Address
   - City/Zip
   - Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant [Redacted] DOB [Redacted] Arrest Charge [Redacted]

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

X

Statement
I [Redacted] on 15 Apr 15 at about 4:30 was in my house at 105th Ave watching TV in my living room with my dad Ramiro and my brother Ramiro Jr. I heard tires screeching out front of my house as I was laying down on my couch. After hearing the tires screech I sat up and was behind my brother looking out the front door to see what was going on. As I looked outside I saw a bunch of police vehicles, a grey mazda, a white Ford truck, two police marked vehicles, and the lexus behind the police cars. The police vehicles were heading S/B on 105th Ave. Then I saw a police officer white male about 6'0" standing infront of the green Honda Civic giving commands. I could not understand what he was saying, but I was yelling. After I heard the police officer yelling, I heard about 4-5 gun shots. After the gun shots I saw the white male police officer in front of the green Honda looking around. After
I saw the police officer in front of the green Honda looking around. I then saw about 5 more police officers jogging S/B on 105th Ave. Three of the 5 police officers were wearing blue police uniforms and two of the officers were wearing black vests with blue jeans. Two of the two officers in black vests and blue jeans went towards the green Honda civic, the white Ford truck was in my way and I couldn't see where the officers went after this. After I saw the two officers head towards the green Honda Civic & on the east curbline facing N/B, I went back inside. It was just my dad [REDACTED] and my brother [REDACTED] inside 105th Ave when this all happened. This is a true statement.
After the shooting I was driven from my house by my car I saw a Mi (male Hispanic) in his late 40's about 5'6" with skinny build wearing a brown long sleeve shirt, brown pants, brown boots, and a brown baseball cap get out of the driver seat of the red truck. The male Hispanic looked shocked and slowly walked to the front seat. He and officers asked him to stand by to give a statement. I know the male Hispanic lives at 105 Ave and has lived here for a couple months. This is a true statement.

4.15.14
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

2. Report No. 12-020812

1. Complainant

3. Name of Person Giving Statement

Date

Offense/Crime 245(1)(c)

Complainant Suspect Driver

Reporting Person Witness

Address Oakland City/Zip 94603

Phone

6. Statement Taken By

7. Location Where Statement Taken

FOR VEHICLE COLLISIONS ONLY

8. License No. State Veh Yr. Make Model Type Color(s) Drivers License No. State

9. Registered Owner Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ___________ DOB _______ Arrest Charge _______

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

X

Statement

My name is [REDACTED] and today is April 15 around 4:40 pm I was inside my house 105th Ave. eating with my mom and dad. We all heard 3 gunshots and saw one of our dogs come to the door. The dog was outside. It did not seem out of the ordinary. We thought it came from the freeway. I did not hear any yelling or screaming prior to the 3 shots. The freeway is very busy and the dogs usually alert us to any activity outside by barking but they did not bark prior to the 3 shots. The gunshots sounded close. We went to the front door after the shots and did not see anyone outside. Some time later a white police office knocked on our gate and began asking questions. This is a true statement.

[REDACTED]

04/15/15
STATEMENT
Oakland Police Department
536-200-1 (4/13) Page 1 of 1

1. Complainant
State of CA

Date 4/20/17

3. Type of Police
City/Zip

4. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

5. Statement Taken By
J. Poe/ser

Date 4/15/15

7. Location Where Statement Taken
105TH AVE

FOR VEHICLE COLLISIONS ONLY

8. License No.
State Veh Yr. Make Model Type Color(s) Drivers License No.

9. Registered Owner
Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant DOB Arrest Charge

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

X

Statement
My name is [redacted] and I live at 105TH AVE. On today's date 4/15/15 at about 4:40 pm I was in the laundry room when I noticed two kids and a baby. I went outside where the noises were. I then knocked on the door window and said that there was a those statements.
**FOR VEHICLE COLLISIONS ONLY**

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<th>Veh Yr. Make Model Type Color(s)</th>
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**WAIVER:** Do you understand each of these rights I have explained to you?

**CITIZEN'S ARREST:** Defendant DOB Arrest Charge

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

X

Statement:

MY NAME IS [REDACTED] AND IT WAS AT 105TH AV;

ON TODAY'S DATE 4/16/15 AT ABOUT 4:40PM IT WAS WITNESSED AT
MY HOME. I LOOKED OUT THE FRONT WINDOW AND SAW SOME
PERSON WALK PAST MY HOUSE. I THEN HIRED A CAR TO FIND HIMSELF
I CAME DOWNSTAIRS AND TOLD MY FAMILY THIS IS A TRUE STATEMENT.
Statement

My Name is [redacted] and I live at 105 7th Ave. in Oakland. On today's date, 4/15/15, at about 4:40pm, I was watching an event when I heard a loud bang. This is a true statement.

X

X
STATEMENT
Oakland Police Department 538-200-1 (4/13) Page 1 of 1
1. Complainant
Name of Person Cited

15-020012

3. Offense/Crime
[Redacted]

4. Residence
Oakland
City/Zip 94603

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information: [Redacted]

6. Statement Taken By
J. PULSIPHER
Serial No. 8920
Date 4/15/15
Time Started - Completed 1720 - 1728

7. Location Where Statement Taken
1057TH AVE
Names, Addresses of Persons Present During Statement

FOR VEHICLE COLLISIONS ONLY
8. License No.
State

9. Registered Owner
Address
City/Zip
Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one. Subject's Initials

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

CITIZEN'S ARREST: Defendant ___________________________ DOB ___________________________ Arrest Charge ___________________________
I hereby arrest the above-named defendant on the charge indicated and request that a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.

Statement
My name is [Redacted] and at 2:05 PM on 4/15/15 I was setting on my house with my family when I heard gunshots. I then looked outside the window and saw all the recent. This is a true statement.
**Statement**

**Oakland Police Department**

**Complaintant:**
- Name of Person Giving Statement: [Redacted]
- Sex/Race/DOB: [Redacted]
- Residence Address: [Redacted]
- Oakland, City/Zip: [Redacted]
- Employment: [Redacted]

**Statement Taken By:**
- Serial No.: B726
- Date: 4/15/15
- Time Started: 1700 - 1800

**Location Where Statement Taken:**
- Names, Addresses of Persons Present During Statement: [Redacted]
- 1057th Ave

**For Vehicle Collisions Only**

<table>
<thead>
<tr>
<th>License No.</th>
<th>State</th>
<th>Veh Yr.</th>
<th>Make</th>
<th>Model</th>
<th>Type</th>
<th>Color(s)</th>
<th>Drivers License No.</th>
<th>State</th>
</tr>
</thead>
</table>

**Admonition:**
You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one. **Subject's Initials**

**Waiver:**
Do you understand each of these rights I have explained to you? [Redacted]

**Citizen's Arrest:**
Defendant: [Redacted]
DOB: [Redacted]
Arrest Charge: [Redacted]

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

[X]

**Statement:**

My name is [Redacted] and I live at 1057th Ave. On today's date 4/15/15 I was at home at about 4:00 p.m. I heard that there was a fire at 370 4th St. I then looked outside and saw police cars. This is a true statement.
STATEMENT
Oakland Police Department

1. Complainant
STATE OF CA

15-620017

3. Offense/Crime
24510 PC

4. Name of Person Giving Stmt.

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient
105TH AV

6. Statement Taken By
J. PULIN

7. Location Where Statement Taken
105TH AV

FOR VEHICLE COLLISIONS ONLY

8. License No.

9. Registered Owner

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant __________________________
DOB __________________________
Arrest Charge __________________________

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

X

Statement
MY NAME IS ______________ AND I LIVE AT 105TH AV.

ON TODAY'S DATE 4-15-75 AT ABOUT 9:40 PM I WAS SITTING IN MY HOUSE WITH MY SON DAVID PULIN AND MY WIFE ALMA PULIN. WE WERE EATING DINNER WHEN I HEARD THREE BOOMS. THAT SOUNDED LIKE GUN SHOTS. I THOUGHT IT WAS COMING FROM THEFreeway AFTER I HEARD THE SOUNDS, WE STAYED INSIDE. THIS IS A TRUE STATEMENT.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 2 of 1
1. Complainant


3. Officer

4. Date

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By

7. Location Where Statement Taken

FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. | Make | Model | Type | Color(s) | Drivers License No. | State

9. Registered Owner

Admonition: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

Citizen's arrest: Defendant __________________________ DOB __________ Arrest Charge __________________________

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

X

Statement:

My Name is ____________ and I live at ____________ Apt: __________

At __________, on today's date __________, at __________ a.m. or p.m.

At __________ time, when I arrived at __________ and found

Go outside, these are __________ statements.
**FOR VEHICLE COLLISIONS ONLY**

<table>
<thead>
<tr>
<th>8. License No.</th>
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<th>Veh Yr.</th>
<th>Make</th>
<th>Model</th>
<th>Type</th>
<th>Color(s)</th>
<th>Drivers License No.</th>
<th>State</th>
</tr>
</thead>
</table>

9. Registered Owner

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ________________________ DOB ________________ Arrest Charge ______________________

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

X

Statement

MY NAME IS _____________________________ and I live at _____________________________

105TH AV E 3 5 DEO 027 10 ON 55 101111-111111 5 WERE TESTING & STANDAR -- THIS IS A TRUE STATEMENT.
STATEMENT

Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant
   State of California
   246(0) PC

   15-0 20017

3. Name of Person Giving Statement
   
4. Residence Address
   ☐ Oakland
   ☐ City/Zip
   ☐ Phone

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Employee or Transient
   
6. Statement Taken By
   ☐ Serial No.
   ☐ Date
   ☐ Time Started - Completed

7. Location Where Statement Taken
   ☐ ✑ 105th Ave
   ☐ Names, Addresses of Persons Present During Statement

FOR VEHICLE COLLISIONS ONLY

8. License No.
   ☐ State
   ☐ Veh Yr.
   ☐ Make
   ☐ Model
   ☐ Type
   ☐ Color(s)
   ☐ Drivers License No.
   ☐ State

9. Registered Owner
   ☐ Address
   ☐ City/Zip
   ☐ Residence/Business Phone

ADMONITION:
You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right
to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer,
one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant ___________________________ DOB ______________________ Arrest Charge __________________

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

[Signature]

Statement

My Name is ____________________________ and I live at 105th Ave Apt B.

I was at home playing Nintendo and heard three gunshots.

I did not go outside. This is a true statement.

[Signature]
# Form: Police Report

**1. Complainant**
- State of CA
- **24501RC**

**2. Report No.**
- 15-020012

**3. Name of Person Giving Statement**
- [Redacted]

**4. Residence Address**
- 105th Ave
- Oakland

**5. Employment (Name, Address, Phone, Hours, Days Off) or Supplemental Information**
- [Redacted]

**6. Statement Taken By**
- [Redacted]

**7. Location Where Statement Taken**
- 105th Ave

## FOR VEHICLE COLLISIONS ONLY

### 8. License No.
- [Redacted]

### 9. Registered Owner
- [Redacted]

---

### ADMONITION:
You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

### WAIVER:
Do you understand each of these rights I have explained to you? [________] [________]

### CITIZEN'S ARREST:
**Defendant** [Redacted]
**DOB** [Redacted]
**Arrest Charge** [Redacted]

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

---

**Statement**
- [Redacted]

This is a true statement.
I was walking inside my house from doing laundry when I heard about 3 gun shots. I did not see anything, I went inside my house and saw a man and woman inside. I told everyone to stay inside because of the gunshots I heard, and went outside. At that point I saw a bunch of police officers standing on 105th Ave.
I was inside my residence at 105th Ave at 1:30 PM on April 15, 2015. I heard about three or four gunshots from outside. When I came outside I didn't see or hear anything else. I just saw a bunch of police cars on the street. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant
Name of Person Giving Statement:

15-020012

3. Offense/Crime
015

4. Residence Address
1054 Ave

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By
D. Pulley

7. Location Where Statement Taken
1054 Ave

FOR VEHICLE COLLISIONS ONLY

<table>
<thead>
<tr>
<th>License No.</th>
<th>State</th>
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<th>Make</th>
<th>Model</th>
<th>Type</th>
<th>Color(s)</th>
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<th>State</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Registered Owner</th>
<th>Address</th>
<th>City/Zip</th>
<th>Residence/Business Phone</th>
</tr>
</thead>
</table>

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant DOB Arrest Charge

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

Subject's Initials

Statement

I was at my residence at 1054 Ave on April 15, 2015, at about 3:00 PM. I heard a loud noise, I don't know what time it was, but I heard about three or four gunshot from outside my house. I was eating lunch inside my house. My friend told me that a bunch of police were outside so I came outside to see. I saw a bunch of police cars outside. Before I came outside, I had heard some sirens. I didn't hear or see anything else. This is a true statement.
I was at my residence located at 105th Ave on April 15, 2015 at about 4:20 PM. All of a sudden I heard about three or four gunshots coming from the direction of the dead end of 105th Ave. I came outside my house and saw a bunch of police cars drive by the house towards the dead end. The police then started to put police crime scene tape, I didn't hear or see anything else. This is a true statement.
ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant DOB Arrest Charge

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

X

Statement

I was inside my house at on April 15, 2015 at about 4:30 PM. I heard a bunch of police sirens and came out of my house. I just saw a bunch of police cars drive down the street and block off the street. I don't know what happened and didn't see anything else. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant


15-020012

3. Name of Person Charged

4. Offense/Crime

015

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information If Unemployed or Transient

6. Statement Taken By

D. Pullen

7. Location Where Statement Taken

West Cr + 105th Ave

FOR VEHICLE COLLISIONS ONLY

8. License No.

9. Registered Owner

10. State Veh Yr. Make Model Type Color(s)

11. Drivers License No. Veh Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant __________________________ DOB ___________ Arrest Charge __________________________

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

X __________________________

Statement

I __________________________ was at my residence at __________________________ on April 15, 2015 at about 4:30 PM. I heard sirens outside my house and came out. I saw a bunch of cops parking and shutting down the street. I didn't see or hear anything else. This is a true statement.
ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

CITIZEN'S ARREST: Defendant ________________________ DOB ________________________ Arrest Charge ________________________

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

X Y

Statement:

I was at 105th Ave

on April 17, 2015 at about 5:10 PM. I came outside to see why all the police were on the street. I didn't see or hear anything. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1
1. Complainant
Name
OIS
15-020012

3. Name of Person Giving Statement

4. Address
105th Ave
City/Zip
94603

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By
D. Pullen
Serial No.
9854
Date
15 April 15
Time Started - Completed
1740 - 1752

7. Location Where Statement Taken
IFO 105th Ave
Names, Addresses of Persons Present During Statement

FOR VEHICLE COLLISIONS ONLY
8. License No.
State
Veh Yr.
Make
Model
Type
Color(s)
Drivers License No.
State

9. Registered Owner
Address
City/Zip
Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER: Do you understand each of these rights I have explained to you? __________________________ ________________ Subject's Initials

CITIZEN'S ARREST: Defendant __________________________ DOB __________________________ Arrest Charge __________________________

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

X

Statement
I ____________ was coming home to my house on 105th Ave on April 15, 2015 at about 4:30 PM. I saw that there were a bunch of police. I didn't hear or see anything and I don't know why the police are here on the street. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1
1. Complainant
3. Name of Person Giving Statement
4. Witnessed Address
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient
6. Statement Taken By
7. Location Where Statement Taken
8. License No. State Veh Yr. Make Model Type Color(s) Drivers License No. State
9. Registered Owner Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject’s Initials

CITIZEN’S ARREST: Defendant ___________________________ DOB ___________________ Arrest Charge ___________________________

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

X

Statement:
I ______________________ was at my residence at 105th Ave on April 15, 2018 at about 5:50 PM. I came outside to see what was going on. I didn’t see or hear anything and I don’t know what happened. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant


3. Name of Person Giving Statement

4. Address

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transferring

6. Statement Taken By

7. Location Where Statement Taken

FOR VEHICLE COLLISIONS ONLY

8. License No. State Veh Yr. Make Model Type Color(s) Drivers License No. State

9. Registered Owner Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

CITIZEN’S ARREST: Defendant _______ DOB _______ Arrest Charge _______

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

X _______________________

Statement

I _______ was at ______ 105th Ave on April 15, 2015 at about 6:00 PM. I was inside my residence eating dinner and did not hear or see anything. I just came outside. I don’t know what happened. This is a true statement.
I was picking up my mother from the liquor store at the corner of 105th Ave & Eder St on April 15, 2013, at about 4:30 PM. All of a sudden, I saw a bunch of police cars drive by. I drove down the street towards my address at [redacted] but a police car blocked me from going further at Creekside Circle. I didn’t see or hear anything and the street was blocked by a bunch of police cars. This is a true statement.
**Statement**

Oakland Police Department

1. Complainant: [Redacted]
2. Offense/ Crime: OIS
3. Name of Person: [Redacted]
4. Address: 105th Ave, Oakland
5. City/Zip: 94603
6. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient: [Redacted]
7. Statement Taken By: [Redacted]
8. Date: 15 April 15
9. Time Started - Completed: 1822 - 1826

**FOR VEHICLE COLLISIONS ONLY**

8. License No. | State | Veh.Yr. | Make | Model | Type | Color(s) | Driver License No. | State | CA
9. Registered Owner Address | City/Zip | Residence/Business Phone | CA

**ADMONITION:** You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one. Subject's Initials

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

**CITIZEN'S ARREST:**

Defendant: [Redacted]

DOB: [Redacted]

Arrest Charge: [Redacted]

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

X

Statement: I [Redacted] was at my residence at 105th Ave on April 15, 2015. I was taking a nap at about 4:35 PM and woke up to the sound of sirens. I went outside and saw a bunch of police cars on the street. I didn't hear or see anything else. This is a true statement.
STATEMENT

Oakland Police Department 535-200-1 (4/13) Page 1 of 1

1. Complainant
   State of CA
   Date 8/15/15

   15-020012

3. Name of Person Giving Statement
   [Redacted]
   Witness

4. Residence Address
   Oakland
   City/Zip 94603

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By
   [Redacted]
   Serial No. 8258
   Date 8/15/15
   Time Started - Completed 1837 - 1842

7. Location Where Statement Taken
   [Redacted]
   Names, Addresses of Persons Present During Statement

FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. Make | Model | Type | Color(s) | Drivers License No. | State
9. Registered Owner
   Address
   City/Zip
   Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject’s Initials

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

CITIZEN’S ARREST: Defendant ___________________________ DOB ___________________________ Arrest Charge ___________________________

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

[Signature]

Statement:

MY NAME IS [Redacted]. I LIVE AT [Redacted].

[Redacted] on [Redacted] 2015, AT ABOUT 4:00 PM, I WAS INSIDE MY HOUSE. I DID NOT SEE OR HEAR ANYTHING RELATED TO WHY THE POLICE WERE ON MY STREET OR NEAR MY HOUSE. THIS IS MY TRUE STATEMENT.
## STATEMENT

**Oakland Police Department**

**538-200-1 (4/13)**

**Page** of **1**

1. **Complainant**

2. **Report No.**

   15-020012

3. **Offense/Crime**

4. **Name of Person Giving Statement**

5. **Residence Address**

   - City/Zip: 94603

6. **Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient**

7. **Statement Taken By**

   - **Serial No.**: 8979
   - **Date**: 15 Apr 15
   - **Time Started - Completed**: 15:25 - 16:32

8. **Location Where Statement Taken**

9. **Persons Present During Statement**

10. **FOR VEHICLE COLLISIONS ONLY**

11. **License No.**

12. **State**

13. **Veh Yr.**

14. **Make**

15. **Model**

16. **Type**

17. **Color(s)**

18. **Drivers License No.**

19. **State**

20. **Registered Owner**

   - **Address**

   - **City/Zip**

   - **Residence/Business Phone**

---

**ADMONITION:**

You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

**Subject's Initials**

**WAIVER:**

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

---

**CITIZEN'S ARREST:**

Defendant ___________________________ DOB _______________ Arrest Charge ___________________________

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

---

**Statement**

---

[Redacted]

---

**My Name Is**

---

[Redacted]

---

**I Live At**

---

[Redacted]

---

**On April 15, 2015 at around 4:00 PM I was inside my house. I did not see or hear anything related to why the male were on 105th. This is a true statement.**
**FOR VEHICLE COLLISIONS ONLY**

**ADMONITION:** You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

**WAIVER:** Do you understand each of these rights I have explained to you? _____________________________

**CITIZEN'S ARREST:**

Defendant __________________________

DOB __________________________

Arrest Charge __________________________

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

________________________

**Statement:**

MY NAME IS __________________________

I LIVE AT __________________________

I DID NOT SEE OR HEAR ANYTHING THAT HAPPENED ON 10TH AVE ON APRIL 15, 2015 IN THE INCIDENT. THIS IS A TRUE STATEMENT.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant
State of California

15-020012

3. Name of Person Giving Statement

4. Occupation
5. Address

6. Statement Taken By
J. Lawers

7. Location Where Incident Occurred

FOR VEHICLE COLLISIONS ONLY

8. License No.

9. Registered Owner
Address
City/Zip

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER: Do you understand each of these rights I have explained to you? ____________________________ Subject's Initials

CITIZEN'S ARREST: Defendant ____________________________ DOB ____________________________ Arrest Charge ____________________________

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

X ____________________________

Statement

My name is ____________________________ I live at ____________________________

Circle on April 15, 2015 at about 4:00 PM I was inside my house. I did not see or hear anything related to why the police were at 105th Ave. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant


3. Name of Person Giving Statement

4. Residence Address

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By

7. Location Where Statement Taken

FOR VEHICLE COLLISIONS ONLY

8. License No. State Veh Yr. Make Model Type Color(s) Drivers License No. State

9. Registered Owner Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant DOB Arrest Charge

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

X

Statement

MY NAME IS I WORK AT LOCATED AT 105TH AVE ON APRIL 15, 2015, AT ABOUT 4:00 P.M. I WAS INSIDE MY WORK, I HEARD A BUNCH OF POLICE SIRENS. I DID NOT SEE WHAT HAPPENED OR HEAR ANY GUN SHOTS. THIS IS A TRUE STATEMENT.
STATEMENT

1. Complainant: STATE OF CA

2. Report No.: 15-02-0612

3. Name of Person Giving Statement: [Redacted]

4. Sex/Race/DOB: [Redacted]

5. Residence Address: 105th AVE, Oakland, CA 94603

6. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

7. Statement Taken By: [Redacted]

8. Serial No.: 8756

9. Date: 03/08/15

10. Time Started - Completed: 17:40 - 17:51

FOR VEHICLE COLLISIONS ONLY

8. License No.: [Redacted]

9. Registered Owner: [Redacted]

10. Address: [Redacted]

11. City/Zip: [Redacted]

12. Drivers License No.: [Redacted]

13. State: [Redacted]

14. Veh Yr: [Redacted]

15. Make: [Redacted]

16. Model: [Redacted]

17. Type: [Redacted]

18. Color(s): [Redacted]

19. Drivers License No.: [Redacted]

20. State: [Redacted]

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant: [Redacted]

DOB: [Redacted]

Arrest Charge: [Redacted]

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

X

Statement

MY NAME IS [Redacted]. I LIVE AT [Redacted] 105TH AVE.

ON APRIL 15, 2015, AT ABOUT 4:30 P.M. I RETURNED HOME FROM WORK. THERE WERE A BUNCH OF POLICE CARS ON MY STREET.

I DID NOT SEE OR HEAR ANYTHING RELATED TO WHY THE POLICE WERE ON 105TH AVE. THIS IS A TRUE STATEMENT.
Statement

My name is [redacted]. I live at 105th Ave. On April 15, 2015, at about 4:30 p.m., I was walking home from work. When I got to 105th Ave., I saw a bunch of police cars, and I could not return to my house. I do not know why the police were there. I did not see or hear anything. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant:

2. Report No. 15-020012

3. Name of Person Giving Statement:

4. Offense/Crime:

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient:

6. Statement Taken By:

7. Location Where Statement Taken:

FOR VEHICLE COLLISIONS ONLY

8. License No.:

9. Registered Owner:

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

CITIZEN'S ARREST: Defendant DOB Arrest Charge

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

X

Statement: today around 4:45 pm I was sitting on my porch when I heard a bunch of police cars and saw the police cars driving southbound on 105th ave. I did not see or hear anything else. This is a true statement.
STATEMENT
Complainant

Offense/Crime
015

Report No. 15-058012

Suspect
Driver
Complainant
Witness
Reporting Person

Name of Person Giving Statement

Date of Occurrence

City/Zip

Emplpoyment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

Name of Person Giving Statement

City/Zip

Statement Taken By

Serial No.

Date

Time Started - Completed

FOR VEHICLE COLLISIONS ONLY

License No.

State

Veh Yr.

Make

Model

Type

Color(s)

Drivers License No.

State

Registered Owner

Address

City/Zip

Residence/Business Phone

ADMONITION:

Subject's Initials

You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER:

Do you understand each of these rights I have explained to you? Place your initials here: ____________________

CITIZEN'S ARREST:

Defendant ____________________

DOB ____________________

Arrest Charge ____________________

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

________________________

Statement

My name is ____________________ Today around 4:45 pm, I was sitting on my porch when I heard and saw a bunch of police cars driving south bound on 185th Ave. I did not hear or see anything else. This is a true statement.

 ____________________
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant

15-02-0012

3. Name of Person Giving Statement

4. Sex/Race/DOB

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By

J. Sheard

7. Location Where Statement Taken

I go residence

FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. | Make | Model | Type | Color(s) | Drivers License No. | State

9. Registered Owner

Address | City/Zip | Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ________________ DOB ________________ Arrest Charge ________________

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

X

Statement

my name is 今天 around 4:45 pm. I had just got home when I heard and saw a bunch of police cars driving south bound on 105th Ave. I did not see or hear anything else.

This is a true statement.

X
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant: [Redacted]
   Offense/Crime: VANDALISM

2. Report No: 15-020012
   □ Complainant □ Suspect □ Driver
   □ Reporting Person □ Witness

3. Name of Person Giving Statement: [Redacted]
   Sex/Race/DOB: [Redacted]

4. Residence Address: [Redacted] Ave
   City/Zip: Oakland 94602

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By: J. Shackford
   Serial No: 9236
   Date: 15 APR 15
   Time Started: 1726
   Time Completed: 1740

7. Location Where Statement Taken: [Redacted]
   Names, Addresses of Persons Present During Statement: [Redacted]

FOR VEHICLE COLLISIONS ONLY

8. License No.
   State

9. Registered Owner
   Address
   City/Zip
   Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER: Do you understand each of these rights I have explained to you? [Redacted]

Subject's Initials

CITIZEN'S ARREST: Defendant: [Redacted]
   DOB: [Redacted]
   Arrest Charge: [Redacted]

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

X

Statement
My name is [Redacted]. Today around 4:50 pm my neighbor called me and told me something was going on outside. I did not hear or see anything. This is a true statement.

X

[Redacted]
Statement: My name is [redacted] and today around 4:45 pm I heard and saw a bunch of police cars driving southbound on 10th Ave. I did not hear or see anything else. This is a true statement.
STATEMENT
Oakland Police Department

1. Complainant: [redacted]
   2. Offense/Crime: OCS

3. Location: Oakland
   4. City/Zip: 94605

5. Employment: [redacted]
   6. Statement Taken By: Shackford

7. Location Where Statement Taken: Residency

FOR VEHICLE COLLISIONS ONLY

8. License No.: State: Veh Yr.: Make: Model: Type: Color(s): Drivers License No.: State:

9. Registered Owner: Address: City/Zip: Residence/Business Phone:

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

CITIZEN'S ARREST: Defendant: [redacted]
   DOB: [redacted]
   Arrest Charge: [redacted]

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

X

Statement:
My name is [redacted]. Today around 4:45 pm I was in my house when I heard a bunch of cars speeding down 105th Ave. I did not hear or see anything else. This is a true statement.

X [redacted]
1. Complainant: State of CA
2. Offense/Crime: OIS
3. Name of Person Giving Statement: [redacted]
4. Residence Address: 105th Ave, Oakland 94601
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient
6. Statement Taken By: [redacted] Shanktford
7. Location Where Statement Taken: Residence

FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. | Make | Model | Type | Color(s) | Drivers License No. | State
--- | --- | --- | --- | --- | --- | --- | --- | ---

9. Registered Owner: [redacted]
Address: [redacted]
City/Zip: 94608
Residence/Business Phone: [redacted]

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER: Do you understand each of these rights I have explained to you? [Signature]

Subject’s Initials

CITIZEN’S ARREST: Defendant: [redacted]
DOB: [redacted]
Arrest Charge: [redacted]

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

[Signature]

Statement: 

my name is [redacted]. Today around 4:45 pm I saw the police near my home. I did not hear or see anything else. This is a true statement.

[Signature]

[redacted]
STATION
Oakland Police Department 535-200-1 4/13 Page 1 of 1

1. Complainant |
DTS |
15-020012 |
3. Name of Person Giving Statement |
4. Residence Address |
Oakland |
185th Ave |

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient |

6. Statement Taken By |
J. Shackford |
Serial No. |
9235 |
Date |
15 APR 15 |
Time Started - Completed |
1600 - 1605 |

7. Location Where Statement Taken |
Efo Residence |

FOR VEHICLE COLLISIONS ONLY

8. License No. | State |

9. Registered Owner |

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one. Subject’s Initials

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

CITIZEN’S ARREST: Defendant _______________ DOB _______________ Arrest Charge _______________

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

X

Statement
my name is __________ today around 4:45 pm I was at home in the back yard. I did not hear or see anything. This is a true statement.

X
Statement

My name is [redacted]. Today around 4:45 PM I was not at home. I got home at 6:00 PM, I did not hear or see anything. This is a true statement.
STATEMENT
Oakland Police Department 536-200-1 (4/13)

1. Complainant
   State of Ca
   10th Ave
   Oakland
   94607

   15-028012

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed.
   [Redacted]

6. Statement Taken By
   J. Shackford
   Serial No.
   0036
   Date
   15 APR 15
   Time Started - Completed
   1611 - 1615

7. Location Where Statement Taken
   Residence
   Names, Addresses of Persons Present During Statement

FOR VEHICLE COLLISIONS ONLY

8. License No.
   State
   Veh Yr.
   Make
   Model
   Type
   Color(s)
   Drivers License No.
   State

9. Registered Owner
   Address
   City/Zip
   Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject’s Initials

CITIZEN’S ARREST: Defendant ___________________________ DOB ___________________________ Arrest Charge ___________________________

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

X

Statement

my name is [redacted] today around 4:45 pm I was at home. I did not hear or see any thing. This is a true statement

X [redacted]
ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

CITIZEN'S ARREST: Defendant ___________________________ DOB ___________________________ Arrest Charge ___________________________

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

X ___________________________

Statement

My name is [redacted]. Today around 4:45 PM I was not at home. I did not get home until 6:15 PM. I did not hear or see anything. This is a true statement.

V ___________________________
STATEMENT

1. Complainant
   Name of Person Giving Statement
   Sex/Race/DOB

   15-020012

3. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed
   94603

4. Residential Address
   City/Zip

5. Statement Taken By
   S. Shachtford

6. Location Where Statement Taken
   Home Residence

FOR VEHICLE COLLISIONS ONLY

8. License No.
    State

9. Registered Owner
    Address
    City/Zip
    Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

CITIZEN'S ARREST: Defendant

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

X

Statement

My name is [redacted] today around 4:45 pm I was at home in my backyard working. I did not hear or see anything. I later saw the helicopters flying. This is a true statement.

X
ON APRIL 15TH, 2015 AT ABOUT 4:00 PM, I WAS INSIDE MY RESIDENCE AT 94603. I DID NOT HEAR OR SEE ANYTHING. THIS IS A TRUE STATEMENT.

X
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant
  St. A. F.

  15-020037

3. Offense/Crime
  2460WC

4. Name of Person Giving Statement
  [Redacted]
  109^{th} Ave.

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Student
  [Redacted]

6. Statement Taken By
  T. Matthews
  Serial No. 2574
  Date 15 Apr 15
  Time Started - Completed 1735 - 1740

7. Location Where Statement Taken
  [Redacted] 109^{th} Ave.

FOR VEHICLE COLLISIONS ONLY

8. License No. | State | Veh Yr. | Make | Model | Type | Color(s) | Drivers License No. | State
--- | --- | --- | --- | --- | --- | --- | --- | ---

9. Registered Owner
  [Redacted]
  Address
  City/Zip

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant ___________________ DOB ___________________ Arrest Charge ___________________

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

X

Statement

my name is [Redacted] Today at about 4:30pm I was inside my house 109^{th} Ave. I did not see anything out. I heard 4-5 gunshots outside. I stayed in my house.

YES THIS IS TRUE
### Statement

**Date:** 15-02-0003

1. Complainant: [Redacted]
2. Description of Crime: [Redacted]
3. Name of Person Giving Statement: [Redacted]
4. Relationship: [Redacted]
5. Additional Information: [Redacted]
6. Names, Addresses of Persons Present During Statement: [Redacted]
7. License No.: [Redacted]
8. Serial No.: [Redacted]
9. Time Started - Completed: 15 APR 02 1847 - 1844

**FOR VEHICLE COLLISIONS ONLY**

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**ADMONITION:** You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

**Subject's Initials**

**CITIZEN'S ARREST:** Defendant: [Redacted]  DOB: [Redacted]  Arrest Charge: [Redacted]

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

X

**Statement:**

Today (15 APR 5) at the time of the incident I was not at home, and no one in my household was home. We were not aware of the accident at that time. We did not see or hear anything.

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<th>3. Name of Person Police Officer Interviewed</th>
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<th>5. Employment (Name, Address, Phone, Occupation, Work Hours)</th>
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<th>7. Location Where Statement Taken</th>
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<th>City/Zip</th>
<th>Residence/Business Phone</th>
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**ADMONITION:** You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

**WAIVER:** Do you understand each of these rights I have explained to you? [Redacted] [Redacted]

**CITIZEN'S ARREST:** Defendant [Redacted] DOB [Redacted] Arrest Charge [Redacted]

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

X

Statement:

Today April 15, 2015, I was aware of what happened. I didn't see or hear anything. No one was at my house at the time of the incident. [Redacted]

30/04/15 [Redacted] [Redacted]: This is a true statement.
Statement:

Today April 15, 2015 at about 4:56am, I received a phone call from my wife. During the phone call, she told me that she heard gunshots. She said that she heard three muffled gunshots. I told her to be safe and to stay away from the window.
This is a police report from the Oakland Police Department, dated April 15, 2013. The form is titled "Statement," and the report number is 536-200-1 (4/13). The section titled "FOR VEHICLE COLLISIONS ONLY" contains fields for the license number, state, year, make, model, type, color, and drivers license number of the vehicles involved. The form also includes a section labeled "Admonition," explaining the defendant's rights, and a section labeled "Waiver," asking if the defendant understands these rights. The report continues with a statement section, which reads:

Today April 15, 2013, around 4:30 I was in my house when I heard about 3 gunshots, about 3 minutes later I heard what sounded like ambulance sirens, there was no one in the house with me. This is a true statement.
STATEMENT
Oakland Police Department

1. Complainant
   State of CA
   Name of Person Giving Statement
   [Redacted]

2. Reporting Person
   [Redacted]
   Phone

4. Witness
   [Redacted]
   Phone

5. Emergency Information (Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient
   [Redacted]

6. Statement Taken By
   Ahuviee
   Serial No. 4Q119
   Date 4APR15
   Time Started - Completed 1520 - 1825

7. Location Where Incident Occurred
   Names, Addresses of Persons Present During Statement
   [Redacted]

8. FOR VEHICLE COLLISIONS ONLY
   License No.
   State
   Veh Yr.
   Make
   Model
   Type
   Color(s)
   Drivers License No.
   State

9. Registered Owner
   Address
   City/Zip
   Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ____________________________ DOB __________ Arrest Charge ____________________________

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

X

Statement

Today at the time of the incident I did not see or hear anything.
1. Complainant
   - Name of Person Giving Statement

   - 15-020012

3. Complainant/Offense/Crime
   - Q1 S

4. Location
   - Oakland, CA
   - 94603

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By
   - C. NAVARRO

7. Serial No. Date Time Started - Completed
   - 9076 15 APR 15 1830 - 1833

8. Location Where Statement Taken
   - ON SCENE

9. FOR VEHICLE COLLISIONS ONLY
   - Name, Addresses of Persons Present During Statement

ADMONITION:
You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

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

CITIZEN'S ARREST: Defendant __________ DOB __________ Arrest Charge __________

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

X

Statement
ON APRIL 15TH 2015 AT AROUND 4:00 PM I WAS INSIDE MY RESIDENCE AT ______________ I DID NOT HEAR OR SEE ANYTHING THAT IS A TRUE STATEMENT.

Signature: __________________________

Date: 4-15-15
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<td>STATEMENT</td>
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<td>Oakland Police Department</td>
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<tr>
<td>536-200-1 (4/13)</td>
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<td>6. Statement Taken By</td>
<td>C. NAVARRO</td>
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<td>7. Location Where Statement Taken</td>
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<td>8. License No.</td>
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<td>9. Registered Owner</td>
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<td>ADMONITION:</td>
<td>You have the right to remain silent. Anything you say can be used</td>
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<td>against you in a court of law. You have the right to talk to a</td>
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<td>lawyer and have him present with you while you are being</td>
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<td>wish one.</td>
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<td>WAIVER:</td>
<td>Do you understand each of these rights I have explained to you?</td>
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<td>CITIZEN'S ARREST:</td>
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<td>Statement</td>
<td>ON APRIL 1ST, 2013 AT ABOUT 4:00 PM, I WAS INSIDE MY RESIDENCE AT</td>
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<td>I WAS WATCHING TV AND I DID NOT HEAR OR SEE ANYTHING</td>
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STATEMENT
Oakland Police Department  536-200-1 (4/13)  Page 1 of 1

1. Complainant


3. Offense/Crime

4. Property Damage, Date

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unknown

6. Statement Taken By

7. Location Where Statement Taken

8. License No.

9. Registered Owner

FOR VEHICLE COLLISIONS ONLY

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ___________________________ DOB ____________ Arrest Charge ___________________________

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

X

Statement

ON APRIL 15TH, 2015 AT ABOUT 5:00 PM, I WAS IN FRONT OF MY HOUSE AT ________. I WAS SANDING MY CAR AND DID NOT HEAR OR SEE ANYTHING. I ONLY SAW LOIS OF COP CAR DRIVING DOWN THE ROAD. THIS IS A TRUE STATEMENT. X
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant

2. Report No. 15-020002

3. Name of Person Giving Statement

4. Offense/Crime 24510R

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unknown

6. Statement Taken By J PEREDA

7. Location Where Statement Taken O SCENE

FOR VEHICLE COLLISIONS ONLY

8. License No. State Veh Yr. Make Model Type Color(s) Drivers License No. State

9. Registered Owner Address City/Zip Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant ______________________ DOB ______________________ Arrest Charge ______________________

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

X

Statement

My NAME IS ____________ Today April 15, 2015 at about 5:00 P.M. My FAMILY AND I WERE EATING IN MY HOUSE AT 10571 IVY. AS WE WERE EATING, I HEARD THREE REALLY LOUD EXPLOSIONS. THEY SOUNDED LIKE HEAVY FIREWORKS. I LOOKED OUTSIDE MY WINDOW BUT I DIDN'T SEE ANYTHING. A FEW SECONDS LATER, I SAW SEVERAL POLICE CARS ARRIVING IN FRONT OF MY HOUSE. I DIDN'T SEE OR HEAR ANYTHING ELSE. I CAN HELP THE POLICE IF THEY NEED ME. THIS IS A TRUE STATEMENT X
STATEMENT
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant
   State of CA
   Name of Person Giving Statement
   [Redacted]

   15-022007
   [Redacted]

3. Offense/Crime
   [Redacted]

4. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information
   If Unemployed or Transient
   [Redacted]

5. Statement Taken By
   N. Dobos
   Serial No. 9199
   Date 15 APR 15
   Time Started 1805
   Completed 1810

6. Location Where Statement Taken
   [Redacted]

7. Names, Addresses of Persons Present During Statement
   [Redacted]

FOR VEHICLE COLLISIONS ONLY

8. License No.
   State
   Veh Yr.
   Make
   Model
   Type
   Color(s)

9. Registered Owner
   Address
   City/Zip
   Residence/Business Phone

ADMONTION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right
to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one
will be appointed to represent you before any questioning if you wish one.

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

Subject's Initials

CITIZEN'S ARREST: Defendant
   DOB
   Arrest Charge

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

X

Statement

My name is Isel Quezada. I live at 105th Ave Apt D.
Today, April 15th, 2015, at about 4:30 PM I was at home
when I heard 3-4 gunshots coming from down the street
on 105th Ave. I didn't see or hear anything else. This is
true.
Statement
Oakland Police Department 536-200-1 (4/13) Page 1 of 1

1. Complainant: [Redacted]
   Offense/Crime: 245(C) PC

2. Report No.: 15-020012
   Complainant ☐ Suspect ☐ Driver ☐
   Reporting Person ☐ Witness ☐

3. Residence Address: [Redacted]
   City/Zip: [Redacted]

4. Employment Address: [Redacted]
   City/Zip: [Redacted]

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By: N. Doki
   Serial No.: 9199
   Date: 15 APR 15
   Time Started - Completed: 1700 - 1755

7. Location Where Statement Taken: [Redacted]
   Names, Addresses of Persons Present During Statement: [Redacted]

--- FOR VEHICLE COLLISIONS ONLY ---

8. License No.: [Redacted]
   State: [Redacted]
   Veh Yr: [Redacted]
   Make: [Redacted]
   Model: [Redacted]
   Type: [Redacted]
   Color(s): [Redacted]
   Drivers License No.: D5619472
   State: [Redacted]

9. Registered Owner:
   Address: [Redacted]
   City/Zip: [Redacted]
   Residence/Business Phone: [Redacted]

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials: __________________________

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

__________________________

CITIZEN'S ARREST: Defendant: __________________________
   DOB: __________________________
   Arrest Charge: __________________________

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

X

Statement:

My Name is [Redacted] and today, April 15th, 2015 at about 3pm on or so I was at home at 105th Av. Apt A. At that time I herd loud gunshots outside. First I herd two shots and seconds later I heard five rapid gunshots. I didn't look outside and I didn't see anything. This is true.

04-15-15
**Statement**

**On April 15th, 2015 at about 2:30 pm, my vehicle, a green Honda Civic was stolen after being driven by my wife. At that time, there were no weapons, narcotics, or stolen items inside the vehicle. The only objects inside the vehicle were cleaning supplies that belonged to my wife. My wife's purse was also inside. This is a true statement.**
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**STATE OF CALIFORNIA**

**TRAFFIC COLLISION REPORT**

CHP 355 Page 1 (Rev.7-03) PH C06

**LOCATION**

- COLLISION OCCURRED ON: 105th Ave.
- MILEPOST INFORMATION: AT INTERSECTION WITH 200 FEET S OF Creokale Circle

**PARTY 1**

- NAME (FIRST, MIDDLE, LAST): Joselina Barajas
- CITY, STATE/CITYSTATEZIP: Richmond CA 94806
- BIRTHDAY: 07/22/1998
- LICENSE NUMBER: [Redacted]

**PARTY 2**

- NAME (FIRST, MIDDLE, LAST): [Redacted]
- CITY, STATE/CITYSTATEZIP: [Redacted]
- SEX: [Redacted], HAIR: [Redacted], EYES: [Redacted], HEIGHT: [Redacted] WEIGHT: [Redacted]
- BIRTHDAY: [Redacted]
- LICENSE NUMBER: [Redacted]

**PARTY 3**

- NAME (FIRST, MIDDLE, LAST): [Redacted]
- CITY, STATE/CITYSTATEZIP: [Redacted]
- SEX: [Redacted], HAIR: [Redacted], EYES: [Redacted], HEIGHT: [Redacted] WEIGHT: [Redacted]
- BIRTHDAY: [Redacted]
- LICENSE NUMBER: [Redacted]

**VEHICLE IDENTIFICATION NUMBER**

- VEHICLE TYPE: [Vehicle Identification Number]
- SHADE IN DAMAGED AREA: [Redacted]

**VEHICLE IDENTIFICATION NUMBER**

- VEHICLE TYPE: [Redacted]
- SHADE IN DAMAGED AREA: [Redacted]

**DATE REVIEWED**: 04/24/2015
TRAFFIC COLLISION CODING

PROPERTY DAMAGE

SAFETY EQUIPMENT

INATTENTION CODES

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR

TRAFFIC CONTROL DEVICES

MOVEMENT PRECEDING COLLISION

NOTE: ALL ITEMS DETAILED ON FORM ARE REQUIRED EXCEPT AS NOTED.

DATE OF COLLISION NO, DAY, YEAR

REGISTERED ADDRESS

DESCRIPTION OF DAMAGE

SEATING POSITION

OCCUPANTS

SAFETY EQUIPMENT

INATTENTION CODES

CHILD RESTRAINT

IMMEDIATELY FOLLOWED BY AN Asterisk (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR

TRAFFIC CONTROL DEVICES

MOVEMENT PRECEDING COLLISION

NOTE: ALL ITEMS DETAILED ON FORM ARE REQUIRED EXCEPT AS NOTED.

DATE OF COLLISION NO, DAY, YEAR

REGISTERED ADDRESS

DESCRIPTION OF DAMAGE

SEATING POSITION

OCCUPANTS

SAFETY EQUIPMENT

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CHILD RESTRAINT

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PRIMARY COLLISION FACTOR

TRAFFIC CONTROL DEVICES

MOVEMENT PRECEDING COLLISION

NOTE: ALL ITEMS DETAILED ON FORM ARE REQUIRED EXCEPT AS NOTED.

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TRAFFIC CONTROL DEVICES

MOVEMENT PRECEDING COLLISION

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TRAFFIC CONTROL DEVICES

MOVEMENT PRECEDING COLLISION

NOTE: ALL ITEMS DETAILED ON FORM ARE REQUIRED EXCEPT AS NOTED.

DATE OF COLLISION NO, DAY, YEAR

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CHILD RESTRAINT

IMMEDIATELY FOLLOWED BY AN Asterisk (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR

TRAFFIC CONTROL DEVICES

MOVEMENT PRECEDING COLLISION

NOTE: ALL ITEMS DETAILED ON FORM ARE REQUIRED EXCEPT AS NOTED.
INVESTIGATED COLLISION FORMAT

NOTIFICATION:

I responded to a call of OIS on 18 Apr 15 at about 1635 hours (RD#15-0200037). All times, speeds and measurements in this investigation are approximate. At the scene, I was directed by Lt. B. Wehley to take a collision report of a collision that happened immediately before the OIS incident.

SCENE:

At the scene of this collision, 106th Ave. runs north-south, it has two ways of traffic, and it terminates at a creek in 200 blk 105th Ave. The roadway is straight and level. The surface is composed primarily of asphalt. There are no traffic control devices. See diagram.

PARTY #1 (Barajas, Josephina)

When I arrived on scene, P-1 was taken to ACH. Sgt. G. Dutton advised me that apparently P-1 was fleeing from San Leandro PD officers who attempted to stop V-1. V-1 fled N/E [miles] on 105th Ave., and struck curb IFOiler [Mile] on 105th Ave., and then a fence that belonged to the residence of 105th Ave. V-1 then struck V-2 (Honda Civic 2D White) that was parked on right side of rear bumper, V-1 then struck V-3 (Ford F150 2D Red) parked on right side of 105th Ave., causing minor damage to passenger side door and to front right tire. V-1 then intentionally struck an undercover San Leandro PD vehicle (See RD# 15-020012).

V-1 (Honda Civic)

V-1 was located IFO 106th Ave. on its wheels, on the east side of the street, facing NW. There was a moderate damage to driver's front side and driver's side front wheel. The front wheel was touching passenger side front door of the San Leandro vehicle. A record's check showed that V-1 was stolen on 15 Apr 15 between 1000 hours and 1415 hours. (RD# 15-019990). I removed the vehicle from the SVS and it was towed to Eastmont secure parking lot for Tech Detail.

V-2 (Honda Civic)

V-2 was located IFO 105th Ave. on its wheels, on the east side of the street facing NB. There was a minor damage to right side of rear bumper. I observed green paint possibly from V-1 on right side of rear bumper. The vehicle owner was not on scene to provide a statement.

V-3 (Ford F150)

V-3 was located IFO 105th Ave on its wheels, on the east side of the street facing NB. There was a minor scratch to the passenger side door and minor damage to front right tire. The vehicle owner was on scene and told me the following: He parked his vehicle and went inside his house at 105th Ave. About three minutes later he heard gunshots, and
when he went outside he saw his vehicle had damage to it.

WITNESSES:
I did not locate any witnesses.

PHYSICAL EVIDENCE:
I observed tire marks on the curb and a strike mark on the fence IFO 105th Ave., Tech. C. Hunt was on scene and took pictures of the four vehicles involved.

SUMMARY:
It appears V-1 was traveling N/B in 300 blk of 105th Ave. when it struck a curb and a fence IFO 105th Ave., then struck V-2, V-3, and intentionally struck an undercover San Leandro vehicle.

AREA OF IMPACT:
See diagram.

CAUSE:
P-1 was at fault for the collision. P-1 moved her vehicle right on a roadway without ensuring that such movement can be made with reasonable safety, a violation of 22107 VC.

RECOMMENDATION:
V-1 should be cited for 22107 VC.
Crime Report

OCCURRED DATE TIME DAY PREMISE TYPE CAD INCIDENT RD #
ON OR FROM 15 APR 15 1657 Wednesday Highway/Road/Alley/Street/Sidewalk LOP150415000767 15-020012
TO 15 APR 15 1657 Wednesday
REPORTED 16 APR 15 1849 Thursday 200-300 Blk Of 105th Ave, Oakland, CA (At: TECH REPORT)

☑ PHOTOS TAKEN ☐ PRINTS OBTAINED TECHNICIAN Ahuncain, Jean

LOCATION TYPE:
☐ DOMESTIC VIOLENCE ☐ SENIOR INVOLVED ☐ GANG RELATED ☐ DRUGS INVOLVED

OUTSIDE REPORTING AGENCY
☐ SOLVABILITY FACTORS ☐ SERIOUS INJURY ☐ IDENTIFIABLE SUSPECT ☐ EVIDENCE
☐ RX REQUESTS INVEST.

Weapon Used

DGO K-4 Force Reported

Thief Type

Burglary Type

Method of Entry

Location of P.O.E.

Point of Entry

Location Highway/Road/Alley/Street/Sidewalk

OFFICER 1 OFFICER NAME | SERIAL NO.
PET Jean Ahuncain 4842

ROLE RO BEAT BFO

OFFICER 2 OFFICER NAME | SERIAL NO.
Sergeant K Staggs 8504

ROLE ROSUP BEAT BFO

OFFICER 3 OFFICER NAME | SERIAL NO.
OFF C Hunt 8234

ROLE REV BEAT BFO

Narrative
All Photos were taken using a Nikon D7000 digital camera.

FINGERPRINTS:

L1) Exterior; driver side hood area
L2) Exterior; driver side hood area close to windshield
L3) Exterior; Driver side A pillar
L4) Exterior; Driver side A pillar
L5) Exterior; Windshield area next to A pillar
L6) Interior; Top of driver window

EVIDENCE:

1) Bullet Casing: "WIN 40 S&W"
LOCATION: On the ground in front of 105th Ave just west of the driver side front bumper of the red pick up truck (94 Ford F-150 2d Red license [redacted] See Total Station Measurements

2) Bullet Casing: "WIN 40 S&W"
LOCATION: On the ground in front of 300-105th Ave in between the UNMARKED Ford pickup (red license [redacted]) truck and the red pickup truck.

See Total Station Measurements

REPORTED BY SERIAL BEAT BFO SUPERVISOR SERIAL REVIEWER SERIAL
PET Jean Ahuncain 4842 2 8504 OFF C Hunt 8234
3) Bullet Casing: "WIN 40 S&W"
LOCATION: On the ground in front of 105th Ave under the red pickup truck's engine area. (94 For F150 2D Red license)
See Total Station Measurements

4) Bullet Casing: "WIN 40 S&W"
LOCATION: In front of 105th Ave on the windshield area of the suspect vehicle. (99 Hon CIV 4Dr)
See Total Station Measurements

5) Clothes: "BLOODY"
LOCATION: In the driveway area of 105th Ave.
See Total Station Measurements

6) Medical Kit
LOCATION: In the driveway area of 105th Ave.
See Total Station Measurements

7) Cardboard: "BLOODY"
LOCATION: On the side walk in front of 105th Ave just east of the passenger door of the suspect vehicle. (99 Hon CIV 4Dr)
See Total Station Measurements

8) Car door molding: Green
LOCATION: On the ground in front of 105th Ave just to the rear of the Honda CRX. (91 Hon CRX)
See Total Station Measurements

9) Shot Gun Shell: "WINCHESTER 12 GA"
LOCATION: In the truck bed of the UNMARKED Ford truck in front of 105th Ave.
See Total Station Measurements

10) US Currency: Three hundred and seventy-six dollars and sixty-four cents. "$376.64"
LOCATION: In MK Purse found in the same area as evidence item #5.
See Total Station Measurements

11) Keys
LOCATION: Driver Front seat (99 Hon CIV 4Dr gmr 45)

12) Check: From [redacted] in the amount of $100.00.
LOCATION: Center consol (99 Hon CIV 4Dr gmr 45)

13) Bullet: Deformed
LOCATION: Found in between driver seat and center consol. Lodged into the carpet. (99 Hon CIV 4Dr gmr 45)

14) Jacketing
LOCATION: Found on the rear driver side seat. (99 Hon CIV 4Dr gmr 45)

15) Bullet: Deformed
LOCATION: Found above the steering wheel directly in front of the speedometer. (99 Hon CIV 4Dr gmr 45)

16) Keys: Forty-four (44) keys
LOCATION: Found in the red box that was on the floor board to the rear of the driver seat. (99 Hon CIV 4Dr gmr 45)

7) Cell Phone: "Metro PCS"
Oakland Police Department

455 - 7th Street  Oakland, CA  94607

Crime Report - Continued

OCCURRED:

ON OR FROM: 15 APR 15 1607 Wednesday PREMISE TYPE: Highway/Road/Alley/Street/Sidewalk
TO: 15 APR 15 1607 Wednesday ADDRESS / LOCATION: 200-300 Blk Of 105th Ave, Oakland, CA
REPORTED: 16 APR 15 1649 Thursday (At: TECH REPORT)

☑ PHOTOS TAKEN  ☐ PRINTS OBTAINED  TECHNICIAN: Ahuncain, Jean

BFO: 2 BEAT: 31Z

Cad Incident: LOP150415000767
RD #: 15-020012

Narrative (Continued)

Black

LOCATION: Found inside the purple and black bag that was on the rear driver side floor board under some clothes. In the front pocket. (99 Hon Civ)

18) Cell Phone: "Alcatel One Touch" Black
LOCATION: Found inside the purple and black bag that was on the rear driver side floor board under some clothes. (99 Hon Civ)

19) Key
LOCATION: Found inside the purple and black bag that was on the rear driver side floor board under some clothes. (99 Hon Civ)

20) DNA SWABS: *FREEZE*
A) DAR Driver armrest
B) DDL Driver door lock
C) SW Steering wheel
D) PPAR Front passenger arm rest
E) FPD Front passenger door lock. (99 Hon Civ)

21) Misc Jewellery & Coins
LOCATION: Found inside the black "Bersy Johnson" bag that was on the front passenger floor board. (99 Hon Civ)

22) Mexico I.D.
LOCATION: Found inside the black "Bersy Johnson" bag that was on the front passenger floor board. (99 Hon Civ)

23) California D. I.D.
LOCATION: Found inside "Thomas the Train" bag that was on the front passenger floor board. (99 Hon Civ)

24) Sweater: Black
LOCATION: Found on the driver seat. (99 Hon Civ)

SCENE DESCRIPTION:

105th Ave was a north/south roadway with one lane of traffic in each direction and terminated into a dead end on south end of the 200 blk. Just prior to the dead end of the west side of the street was a vacant lot.

105th Ave was a residential neighborhood with fences lining the east and west side of the street. There were trees on both sides of the street.

It was daylight and approximately 70 degrees. There was little to no breeze.

SUMMARY:

On 15 APR 15 I was working as 2L64 with Ofc Hunt. At about 1640 hours we responded to the 200 blk of 105th Ave on the report of an Officer involved shooting. We arrived on scene at about 1657 hours.

Upon arrival I saw the scene was secure with OPD officers on perimeter posts and crime scene tape up. 105th Ave had been taped off in two different sections. The northernmost part of the scene had OPD officers and was about a block long. The second section that was taped off had the SLPD officers as well as their vehicles.

The SLPD officers had both marked patrol units as well as unmarked undercover units on scene. I took note of the how and where the vehicles were parked on the street.
**Oakland Police Department**  
455 - 7th Street  
Oakland, CA 94607  
Crime Report - Continued

<table>
<thead>
<tr>
<th>OCCURRED</th>
<th>DATE</th>
<th>TIME</th>
<th>DAY</th>
<th>PREMISE TYPE</th>
<th>CAD INCIDENT</th>
<th>RD #</th>
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<tbody>
<tr>
<td>ON OR FROM</td>
<td>15 APR 15</td>
<td>1637</td>
<td>Wednesday</td>
<td>Highway/Road/Alley/Street/Sidewalk</td>
<td>LOP/150415000757</td>
<td>15-020012</td>
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<tr>
<td>TO</td>
<td>15 APR 15</td>
<td>1637</td>
<td>Wednesday</td>
<td>ADDRESS / LOCATION</td>
<td>BFO</td>
<td>BEAT</td>
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<tr>
<td>REPORTED</td>
<td>16 APR 15</td>
<td>1649</td>
<td>Thursday</td>
<td>200-300 Blk Of 105th Ave , Oakland, CA</td>
<td>(At: TECH REPORT)</td>
<td>2</td>
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</tbody>
</table>

**PHOTOS TAKEN** [ ]  **PRINTS OBTAINED** [ ]  **TECHNICIAN** Ahuncain, Joan

**Narrative (Continued)**  
I listed the vehicles in order of the most north to the most south on 105th Ave at the time I arrived on scene below.

*UNMARKED UNDERCOVER UNIT Lexus [redacted] was in the middle area of 105th Ave facing in a south direction.

*MARKED PATROL UNIT #398 was in the middle area of 105th Ave facing in a south direction.

*MARKED PATROL UNIT #395 was on the east side of 105th Ave with the driver side front tire located on the sidewalk facing in a south east direction.

*MARKED PATROL UNIT #375 was on the east side of 105th Ave facing south.

*UNMARKED UNDERCOVER UNIT Ford pickup truck [redacted] was on the east side of 105th Ave facing south east direction.

*UNMARKED UNDERCOVER UNIT Mazda [redacted] was on the west side of 105th Ave facing in a south east direction.

*MARKED PATROL UNIT #352 was in the middle area of 105th Ave facing in a south east direction

*MARKED PATROL UNIT #363 was in the middle area of 105th Ave facing in a south east direction.

*MARKED PATROL UNIT #230 was in the middle area of 105th Ave facing in a southeast direction.

We contacted Sgt. Dutton who briefed us on the scene. Sgt. Dutton said that SLPD was working in the area when they on viewed a stolen vehicle on the west side of 105th Ave with two occupants. They attempted to make an enforcement stop on the vehicle.

The driver did not comply and drove northbound crossing to the east sidewalk, striking several parked cars and a fence. The driver (Later ID as Barajas) then drove along the sidewalk in the direction of a SLPD officer. The officer discharged his weapon striking the driver (Barajas) of the stolen vehicle. The vehicle came to rest against his unmarked pick up truck narrowly missing him. SLPD officers rendered first aid until medical personnel arrived.

The suspect driver (Barajas) was transported prior to our arrival. Tech Yager responded to ACH at Ofc Hunt's request and photo'd her injuries (see his report and photos).

The Officer who discharged his pistol (Sgt. B. Anthony) was not on scene. We were informed that he had been taken to Sen Leandro PD prior to our arrival.

Nine of the SLPD (witness) officers were still on scene. I requested each officer, one by one show me where they believed they were at the time Sgt B. Anthony discharged his pistol. I also asked them what vehicles they were in just prior to the shooting. I have listed the information they provided me below as well as the time I took them through the scene.

1) Sgt. A. Morgan, Badge #303 at 1718 hours. Patrol Vehicle #363 (Passenger)
2) Ofc. B. Buss, Badge #333 at 1720 hours. Patrol Vehicle #395
3) Ofc. R. Kwan, Badge #257 at 1725 hours. Patrol Vehicle #398
4) Ofc. D. Mally (k9) Badge #306 at 1728 hours. Patrol Vehicle #230
5) Ofc. J. Kristikos, Badge #334 at 1736 hours. Patrol Vehicle UNMARKED SIL MAZDA (Driver)
6) Ofc. D. Pasut, Badge #328 at 1738 hours. Patrol Vehicle UNMARKED SIL MAZDA (PASSENGER)
7) Ofc. K. Shedo, Badge #239 at 1741 hours. Patrol Vehicle
Oakland Police Department
455 - 7th Street  Oakland, CA 94607
Crime Report - Continued

OCCURRED ON OR FROM 15 APR 15 1057 Wednesday PREMISE TYPE Highway/ Road/ Alley/ Street/ Sidewalk
TO 15 APR 15 1057 Wednesday ADDRESS / LOCATION 200-300 Blk Of 105th Ave, Oakland, CA
REPORTED 16 APR 15 1049 Thursday BFO 2

☑ PHOTOS TAKEN ◯ PRINTS OBTAINED TECHNICIAN Ahuncain, Jean
BFO BEAT 31Z

Narrative (Continued)
#352

8) Ofc. A. Ying, Badge # 358 at 1746 hours. Patrol Vehicle # 375

9) Sgt. T. Young, Badge #363 at 1749 hours. Patrol Vehicle #363

Using yellow chalk I numbered the area they said they thought they were in at the time and took photos of the area and their vantage point.

During the time I did the walk through with Ofc. D. Mally, he asked if he could take his rifle from the trunk of his vehicle as well as his K9 from the scene. We said that he could. I took photos of the trunk and the rifle that he was taking.

The SLPD officers relocated to SLPD because they wanted to be in a less hostile area where they were then photographed by PET Middleton (see her report).

Sgt. Basa and Lt Holmgren arrived on scene at about 1720 hours.

I took photos of the scene and Ofc Hunt and I put down yellow numbered placards to mark evidence. During the time I was taking photos PET Middleton had notified Ofc Hunt of Sgt. B. Anthony's round count. PET Middleton said that Sgt. B. Anthony had 4 rounds missing from his weapon and the magazine in it. There were none missing from his other magazines. We had found 4 bullet casings on scene. The evidence at the scene matched the round count taken by PET Middleton. The apparent strike marks on the suspect vehicle also matched the number of bullet casings found and the number of rounds missing from Sgt Anthony's weapon.

OFD was requested by Ofc Hunt to take aerial photos. OFD fire responded with an extension ladder on the truck. Ofc Hunt took photos of the scene from the ladder as well as on the ground (see his photos).

I collected the evidence and secured it in my patrol vehicle.

I then followed the tow truck that had loaded the suspect vehicle back to the Tech Detail. While en route back to the Tech Detail we were informed that the UNMARKED Ford pick up truck would not fit at A & B secure storage. We requested that they tow the truck to the Tech Detail. I observed both vehicles being placed in the secure garage.

I packaged some of the items that were not wet with apparent blood. I then examined the contents of BARAJAS' purse and found U.S. Currency. I counted the money, photographed it, had Ofc Hunt verify it, and then I packaged it.

I uploaded the photos onto the secure server.

I stored the packaged evidence in a secure locker. The wet items were placed in a secure drying room. When I returned the following day the evidence was how I left it. I found the clothing to be dry.

I laid out the dry clothing and took photos of the apparent strike marks. I then packaged the clothing and uploaded the photos onto the secure server.

Sgt. Basa requested that we measure the UNMARKED Ford Pick Up driver door. The exterior measurements were 4' 2" from the front edge of the door to the rear edge. The widest opening width was 3' 8" from the interior panel of the door to the B post frame.

On 17 APR we received a search warrant for the suspect vehicle (99 Hon Cl 99wo) which I read before processing the vehicle. Using distilled water and DNA swabs I processed the car for suspect DNA. Please refer to Evidence Item #10 for areas that were swabbed. I packaged the swabs in individual swab boxes.

I located several evidence items in the vehicle in the areas listed above. (Evidence items 11-24)

The number of apparent bullet strike marks and ballistic evidence inside the vehicle was consistent with the number of bullet cases found.
Narrative (Continued)

on scene, and the missing rounds from Sgt Anthony's gun at the time of the round count.

Using brush and powder I dusted the vehicle for prints in the area Sgt B. Anthony was said to be at the time of the shooting. I marked the locations where lifts were found with a white china pencil. Please see above for locations as well as photos that were taken of the car. (L1-L6)

Ofc Hunt took photos of the white pick up truck's damage at my request (see his photos).

I uploaded the photos of the suspect vehicle on to the secure server and I turned the evidence into OPD property.

I asked PET HOWARD to submit my lift cards. She said that she would. I gave them to her.
REQUESTED BY: Basa
DETAIL OR AGENCY: Homicide
COMPLAINANT(s): SGT B. ANTHONY
SUSPECT(S): BARAJAS, Josefin
LOCATION OF CRIME: 300 blk 105th Ave
CRIME TYPE: 245 (C) PC
DATE OF CRIME: April 15, 2015

REQUEST FOR ANALYSIS
Request #1: Please compare the casing/slugs recovered on the scene and compare with: Sgt B. Anthony's pistol-Glock, 40 cal, model 22, S/N KDN862

EVIDENCE RECEIPT
The following was received from the Oakland Police Department Property and Evidence Unit on 11 Aug 2015:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>pg2#1</td>
<td>Glock pistol, magazine &amp; cartridges</td>
</tr>
<tr>
<td>pg4#1→#4</td>
<td>40 S&amp;W caliber cartridge cases</td>
</tr>
<tr>
<td>pg4#9</td>
<td>one fired shotgunshell</td>
</tr>
<tr>
<td>pg5#3→#5</td>
<td>bullets and bullet jacketing</td>
</tr>
</tbody>
</table>

EVIDENCE DESCRIPTION EXAMINATION RESULTS AND CONCLUSIONS
EXAMINATION OF 40 S&W CARTRIDGE CASES (pg4#1→#4)
Items pg4#1, #2, #3, #4 are four fired 40 S&W caliber cartridge cases with headstamp "W I N 40 S&W". These cartridge cases have the same class of firearm produced marks and sufficient corresponding individual marks to conclude that they were fired by the same firearm.

EXAMINATION OF GLOCK PISTOL, MAGAZINE & Cartridges (pg2#1)
Item pg2#1 consists of the following:
- one Glock, model 22, 40 S&W caliber semi-automatic pistol with serial number: KDN862.
- one empty Glock magazine with a fifteen cartridge capacity
- twelve unfired 40 S&W caliber cartridges

The pistol was test fired using the submitted magazine and laboratory ammunition. The pistol was found to be in working order. The safety mechanisms of this firearm were tested and found to be in working order. The amount of force required to pull the trigger was measured to be a minimum of 6 pounds.

One of the test fired cartridge cases was compared to one of the recovered 40 S&W cartridge cases. These cartridge cases have the same class of firearm produced marks and sufficient corresponding individual marks to conclude that the Glock pistol fired the four cartridge cases (pg4#1→#4).

EXAMINATION OF BULLETS AND BULLET JACKETING (pg5#3→#5)
Item pg5#3 is one fired 40 caliber class copper jacketed hollow point bullet. Multiple fibers were caught in the bullet jacketing and retained with the bullet. The bullet was fired from a polygonally rifled barrel rifled with six grooves and a right twist. The marks on the bullet were insufficient for comparison.
Item pg5#4 is one fired 40 caliber class copper bullet jacket. The bullet jacket was fired from a polygonally rifled barrel rifled with six grooves and a right twist. The marks on the bullet jacket were insufficient for comparison.

Item pg5#5 is one fired 40 caliber class copper jacketed bullet. The bullet had a piece of gray rubber in the nose. The bullet was fired from a polygonally rifled barrel rifled with six grooves and a right twist. The marks on the bullet were insufficient for comparison.

Types of firearm that could have fired the bullets and bullet jacketing include but is not limited to Glock pistols.

EXAMINATION OF FIRED SHOTHELL (PG4#9)
Item pg4#9 is one fired Winchester brand 12 gauge shotshell. The red plastic case of the shotshell is stapled closed.

DISPOSITION
The following was submitted to the Oakland Police Department Property and Evidence Unit on 12 Aug 2015:

<table>
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<th>Item</th>
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<tr>
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<tr>
<td>pg4#1-#4</td>
<td>40 S&amp;W caliber cartridge cases</td>
</tr>
<tr>
<td>pg4#9</td>
<td>one fired shotshell</td>
</tr>
<tr>
<td>pg5#3-#5</td>
<td>bullets and bullet jacketing</td>
</tr>
</tbody>
</table>

Examination Completed by:

Susan Molloy, Criminalist II

13 Aug 2015
Section 5
Today is April 17, 2015. I'm Sergeant Basa with Oakland Homicide. It's, uh, 10:05 - 1005 hours. We're here at the San Leandro Police Department chief's conference room in regards to an OIS that occurred a couple of days ago. Uh, before we start, uh, we're gonna do some introductions around the room. We're gonna start with the person to my left.

Sergeant (Rosen), Oakland Homicide.

Lieutenant (Homegreen), Oakland Homicide.

Zachery Lopes, Rains, Lucia, Stern.

Uh, Sergeant Brian Anthony, San Leandro.

Lieutenant (Rick DeCosta), San Leandro Police.

And for the purposes of the notes, does anybody have any issues with spelling or anything like that in regards to people's names? Everybody's okay?

Everyone's good.

All right. And before we went on tape, um, I explained, um, to you, Sergeant Anthony, the process, correct?

Correct.

Like we're gonna, uh, do introductions and then we're gonna go, uh, memorialize (unintelligible) Miranda, and we're gonna talk about what happened to follow-up questions, and then you're gonna, depending on you and your counsel whether you wanna view that PDRD. And then we're gonna
do administrative questions. Is that clear?

Correct, yeah.

And we - we, uh, talked about that before we went on tape, correct?

Yes.

And you understand this interview is being tape-recorded as evident by those tape recorders in front of you, correct?

I do.

All right. So before, uh - uh, we went on tape again, um, I gave you an opportunity to review, read this, uh, (unintelligible) Miranda, correct?

Correct.

And you and, uh, your counsel, Mr. Lopes, had signed this, correct?

I did.

All right. So I'm gonna go ahead and read this. Uh, Sergeant Anthony, you are represented here at this interview by your attorney, Zachery Lopes. 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?

I do.

And you signed it, correct?

I did.

And counsel, you signed it, correct?

I did.

Okay. So basically this is an incident that happened a couple of days ago. And I believe that's a, uh, what is that a Wednesday.

It was on, uh, Wednesday, correct.

Wednesday, okay. So, uh, go ahead and talk about what happened. Go ahead
and talk about it candidly and as much details as possible. Uh, you’re not gonna be interrupted.

Okay.

And, um, a good place to start, perhaps, is to start at either your shift or the very first, uh, time that you were made aware of this incident.

Okay.

Okay?

Do you want me to go into the day before or just...

Yeah.

...that incident today?

Whatever you’re comfortable?

Or Wednesday.

And also kinda talk a little bit about your squad and what it is that you guys do.

Okay.

Okay?

Yep. Um...

Before Sergeant Anthony starts...

Oh, I’m sorry - I’m sorry. I apologize.

That’s fine. I just wanted to make clear that there is video of the incident.

Right. Right - right.

But pursuant to PD policy, Sergeant Anthony has not seen that video. So all his statements are based on his memory and recollection.

Okay.

Okay, so, um, my unit, it’s called the Crime Suppression Unit. Um, it was
formed about, uh, 2-1/2 years ago. And our main purpose of the unit is to, um, is to provide, um, San Leandro with an active unit that goes out and does proactive police work. Part of that is going out and following up cases, uh, following up violent felonies, following up burglaries, helping the detectives, uh, doin’ what they need to do. Um, and so that’s kinda what my unit does. We drive around, uh, nonmarked police car - nonmarked, uh, cars that are rented by the city, um, and currently I was assigned to a, uh, 2000 I think ‘15 Ford F150. Um, so I’d like to go back to Tuesday. Um, we had a a burglary on Brookside Drive in San Leandro. Um, and during the course of that burglary, um, myself and the members of my, uh, CSU unit went to help patrol. Um, one of the suspect’s ran through the creek on Brookside which backs up to Oakland, and it was ultimately determined that this creek goes to the dead-end 105th, uh, 300 block of 105th. Uh, one of the suspect’s ran through the creek on Brookside, uh, was detained in the creek, and then follow-up investigation began on the other two outstanding, um, burglary suspects from that day, on Tuesday. Um, so we did a couple - we did one - or back up. Detective (Criticos), um, I sent him on Tuesday to the dead end 105th to see if he can see anybody comin’ out of the creek area. Um, right when he pulls up on 105th, he says that he sees two, um, I believe he said Hispanic males walking into the apartment complex at, uh, 300 block of - of, uh, 105th. Um, instead of Detective (Criticos) getting out and trying to apprehend or contact these guys, we decided to wait ‘til other units can get there, um, and, uh, we set up surveillance on the apartment. Uh, there was a couple guys comin’ in and out of the apartment complex on their cell phone, uh, lookin’ up and down the street on 105th, obviously, um, what - what I would describe as a lookout, um, which - which I would describe as someone who comes in and out, you know, lookin’ for the police, seeing if there’s any police presence, uh, for their friends. So the individual kept on walkin’ in and out of the apartment. Uh, Detective (Criticos) and Detective (Passoto) were, uh, doubled up in a car, and they were basically putting out the information on what they saw. Um, one of the suspects got into a, uh, a Chevy - I believe it was a Malibu. Uh, we had that car stopped once it left, uh, on 98th Avenue at 880, and it was determined that a - one of the subjects in that car was a gentleman by the name of [REDACTED]. Um, so movin’ forward with the investigation, we weren’t sure of his involvement or not. We, uh, Sergeant (Young) and Sergeant, uh, Sergeant (Young) and Officer (O’Malley) did a, um, field interview card, um, and just basically FI’ed him and released him. So once the investigation was over as far as, um, us doing what we can do, um, trying to find out the - who the outstanding subjects are, we - I went back to interview the - the gentleman, [REDACTED] about the burglary. That’s the guy who patrol caught in the creek. Um, he had identified [REDACTED] who we had stopped already and [REDACTED] as the other two that he was with, uh, during the burglary, provided good details about the burglary and what their - all their roles were. Um, and so basically that closes out, uh, Tuesday. Wednesday, which is the day of the incident, um, we were doing
what we would call probably spot checks on 105th trying to find, uh, and, uh, and/or, uh, because they were - we had PC arrest warrants on the other subject’s statements, uh, statements. So around 4:30, uh, in the afternoon - I was in my office at the time, uh, doin’ some follow-up on another case - and I heard or I n- l - I knew that Detective (Criticos) and Detective (Passport) were riding around in, uh, Detective critis- (Criticos)’s undercover car which is again a rental car, a silver Mazda I believe it is. And they had gotten on the radio and ran a license plate. And let me back up a little bit. Before they did this, uh, they did their due diligence. Basically I knew what they were doin’ throughout the day, going to Oakland to try to find the outstanding, uh, suspects. Um, so they run a license plate. I’m sittin’ at my desk. I hear it comes back stolen, the license plate, to a Honda. And they, uh, told dispatch that it’s occupied at the dead end of 105th which is where, uh, lives, and that’s why they were down there. And, um, they made mention on the radio that, uh, one of the subjects they saw resembled, um, that - one of the outstanding, uh, suspects. So I got up and started getting my gear to drive down to 105th, and patrol units were quite a bit in front of me. I would say probably a minute or two in front of me, meaning they hit off on 105th probably about a minute before I got there. Um, I got in my Ford truck, um, started driving down toward 105th, and Sergeant (Young) and, uh, Sergeant (Morgan) were doubled up, and they started settin’ up the - kinda the tactical plan of how we’re gonna, um, uh, take this car off and determine if it’s the suspects that we’re lookin’ for and also it was a stolen vehicle. Um, they set up a plan. I know Sergeant (Young) real well and both Sergeant, um, (Morgan). And they’re settin’ up this what I would consider a good plan to try to take the suspect off to avoid a vehicle pursuit. Um, we all knew that there was - there’s a school in the area. It was around 4:30 during the day. So, uh, they’re settin’ up a plan to, um, drive toward the car and take it off inside the court, so would not have an, uh, escape avenue to go down 105th and possibly, you know, injure anymore, uh, people if they fled, including children. Um, so the only thing I said on the radio, because it seemed like everything was going smooth, um, on the way down there is - Sergeant (Young) and Sergeant (Morgan), the posted up on I believe it was (Nattriss) or (Nattriss) which I would estimate maybe a quarter mile away, uh, east - our east - and, um, and they did this when - they did this because they were trying to set up basically a whole perimeter around the car, uh, before we - before we took action in goin’ down 105th. So they started settin’ up someone in the creek which would be an avenue of escape for them, meaning the suspects. And, uh, the only thing I remember saying on the radio is, uh, “Wait ‘til I get there so I can - so you guys can use my Ford truck as a shield,” um, shield meaning when we’re driving down 105th because it’s such a long street and there’s not too many avenues to come in quickly, uh, use it as a shield to block the patrol car’s presence, because they were all in black and white marked patrol cars, uh, SUVs. So they said fine. So I pull onto 105th and I stop just west of (Nattriss),
our west, and, um, I'm - I get on the radio now and make sure that we have
someone in the creek. And I forget who it was, but they said, "Yeah, we're in
the creek. We have the perimeter." So I said, "Okay, let's go." Um, my
intention again was basically just to drive down there, escort patrol down to
the dead end, backin' up a little bit. Detective (Priticos) and Detective
(Passopt) did a great job on identifying exactly where the car was parked,
exactly what way it was facing, um, at the dead end. And that description was
"the car is on the north side of the street facing San Leandro's east. So, um,
after everyone hopefully had a clear picture in their mind of what was going
on, um, it was - I left - or I started driving west. Patrol cars started funneling
funneling in behind me, and I started to go down the street just like a normal,
you know, citizen would, maybe 15, 20 miles an hour, uh, just so it wouldn't,
uh, compromise us. And I started drivin' down and, um, patrol units behind
me, and I probably about I'd say 20 or 30 yards from the actual car which I
saw when I was drivin' down there on the north side of the street, I veered off
to my left, which is our south. And the first car behind me - and - and I did
that because I wanted it to be known that it was the police department jumpin'
out on this car and not anybody else, meaning I wanted to have the marked
patrol units, um, in front of me to do the takedown so there's no question that
we're the police. I veered off to the left, parked behind a, um, I believe it was
a red, uh, red pickup truck. Actually I parked in front of a red pickup truck,
because I think it was facing - well, I don't know. I - I think it was facing east.
So I park in front of the truck. I veer off to the left. Patrol units, uh, funnel-
funnel by me, and Detective mal- I mean, sar- Officer (O'Malley) was the first
one to park his car, um, basically face-to-face with the suspect and the suspect:
car. And I get out of my car. Um, my whole purpose in this now was to
provide kind of an over watch for the patrol officers as they're gonna do this
felony stop. Um, I noticed goin' down there and doin' the investigation from
yesterday that there's usually rows of cars pretty much stacked on top of each
other, um, on the - on the south and north side of the street. So I parked on the
south side of the street, and I started walking - or I got out of my car, uh, drew
my gun, and my purpose was to basically provide over-watch for them. Um, I
see (O'Malley) park his car and Sergeant (Young) and Sergeant (Morgan)
park their car. They were doubled. And, um, I get out of my car. I remember
seeing Officer (O'Malley) already out of his car, and I'm kinda lookin' down
on the curb, um, you know, for footing and what not, and I start walkin'
forward, and I hear screeching of the tires. I look up, and I see the car, uh, the
RPMs on the car just - I mean, it seemed like it was gonna explode just how
fast and, um, loud the - the car was when she was accelerating away. When I
say she, at this time I didn't know it was a female. Um, so I start, um, continue
walking, uh, a little bit, and I notice the car makes a right turn so which would
be our south. And so now I'm figurin' she's just gonna basically blow by the
patrol cars. And what we didn't wanna happen is gonna happen. She's gonna
go down 105th fast and we're gonna have a vehicle pursuit, which - which
woulda been bad because of the people and the pedestrians and the kids that
were out. Um, so I’m thinkin’ she’s just gonna blow down 105th. I look up, and she’s basically goin’ south and turns on the curb that I’m walkin’ down. And when she makes that first turn, she crashes into a chain link fence. And then the car kinda ping-pongs off the chain link fence, and now I hear her engine just roaring. I mean, it seemed like in my mind she had this thing pinned. Um, I look - I look up and I notice that I have a fence to my left, a row of cars on the right, and basically I’m stuck there. I - I already have my gun out, because I drew it when I, uh, got out of my truck. And I come up, um, on target meaning I come up on her windshield. And I’m thinkin’ in my mind that, okay, there’s - there’s enough time for her to see me and, and basically she’s just gonna stop. She’s gonna see me. There’s nowhere to go. She can’t go through the fence. She can’t go through a row of parked cars, and she’s gonna stop. And, um, my thinking wasn’t right. She continued to, uh, gas the car. Um, I would estimate the car to be goin’ maybe 15 to 20 miles an hour, but it sounded like 100 miles an hour. I think she just couldn’t get the velocity, uh, the inertia of the car to go in a straight line, because she’s just bouncin’ off both the fence - I mean, the fence and the cars. So as she’s comin’ closer and closer, I’m thinkin’ to myself, okay, what am I gonna do? I look to my left and right. I got nowhere to go. Um, so I would say when the car - I - I think at this point - again, this is just the way I’m thinkin’ of it. Um, I wanna watch the video, but I think I start backin’ up a little bit while, um, I have my gun, uh, pointed at, uh, the windshield of the car. Um, now I’m thinkin’ my backpack, you know, who’s - who was there, who did I see there? Are the officers gonna, you know, start chasing her on foot behind the car? And I look up, and I see my backpack is basically nothing, meaning, um, I don’t see any people. I don’t see any houses in the way basically. My shooting direction which would be straight west, uh, was gonna be at the creek. So the car starts comin’ closer and closer, still revvin’ the engine and, um, at this point I’m pretty much thinkin’ that she’s gonna hit me. So I start, uh, raisin’ my gun, and I said to myself, “I have to, you know, fire my gun.” I’m in complete fear that I’m just gonna get run over. Uh, so I fire four times, um, right directly at her windshield from I would estimate maybe ten feet or less, um, away. And after I fire that fourth round, I see the car kinda startin’ to slow down and, um, kinda curving at my truck, which is pretty much where I was standing. So I stopped firing, because I had thought that, you know, the threat was, um, over, because the gas of the car came off. The RPMs weren’t as high, and so I stopped firing. Um, the car came to rest pretty much at my truck, uh, which was again parked on the south curb line. And I made myself just small as can be. I don’t know how I didn’t get hit. Um, but I fit in this little tiny pocket between her front fender and my truck. And basically I’m standing there in this little pocket. My - my left leg, um, was not trapped in the car by any means, but it was - you know, I had to use a little bit of force to get it out of, uh, between her car and my truck. So after all that happens, I still have her, um, at gunpoint, and the engine starts revving again, and I hear Sergeant (Young) come over and start, you know, screamin’ am I okay - am I okay? I
think they had thought that I got hit when I never got hit by the car. Um, I tell them that I'm fine, that, um, what - I tell them, "I'm okay - I'm okay," and I still have her at gunpoint, um, and I see her, uh, kinda slump over to the passenger side of the car. Um, Sergeant (Young) asked me can I get out of there, and I said, "Yes." Um, he had someone reach in and turn off the key or put it in neutral or something, but the RPMs went back down and then, uh, Sergeant (Young) pretty much got me out of there, and I started puttin' up, uh, tape in the area, uh, while, you know, other units responded. Um, once other units responded, I was, uh, um, assigned --Detective (Cesaretti), he brought me in the car and took me back to the PD where, um, that's where I kinda just sat there for a while.

Q: And what happened with the victim - I mean, with the suspect?

A: Um, the sus- you mean?

Q: The driver.

A: Yes. What happened with the driver at the scene?

Q: Mm-hm.

A: Um, so the driver, when she slumped over to the passenger side, um, I - after Sergeant (Young) told me get out of here - or "Are you okay? Can you get out of here?" And I said, "Yeah." So I got out. I went around and I saw, um, I think it was (Bus) and Officer (Ying), um, trying to get her out of the car. And then the last thing I heard, I heard (Brian) - oh, before that - before I got out of there, I got on my radio and called for medical for her. Um, actually I - I didn't necessarily say for the suspect, but I said send me medical. I think everyone thought that I'd meant it for myself, but I wasn't injured at all. So I called for medical on my radio. I got out of there, went to the passenger side, um, to help (Bus) and Officer (Ying), and they seemed like they had it under control. And I heard (Bus), um, say that he needed something from a med kit, and they, uh, started performing, um, emergency on her. And then that's when I walked off.

Q: Okay. Anything else?

A: Um, not as far as the details that I can remember.

Q: Okay. All right. So on an incident like this...

A: Mm-hm.

Q: Right? Um, the thing - the factors that concerned for the most part by people
that are gonna review this is time...

Mm-hm.

...speed...

Mm-hm.

...distance, all right? So let's talk about - and - and - and, of course, there's a video of this incident and, uh, there's markings out there at the scene and stuff like that. So it's very easy for somebody to measure, all right...

Mm-hm.

...to measure distance from one point A to point B.

Mm-hm.

It's very easy to look at a video and count the number of seconds as things, you know, transpires, right?

Mm-hm - mm-hm.

But what I wanna do is I wanna capture it from your point of view, because ultimately this is what we're gonna be, um, lookin' at...

Uh-huh.

...is how you were lookin' at it at the time that this - that this incident occurred. So if you may, um, speak on the incident again...

Mm-hm.

...uh, from the time that you were at (Natrisss) and you're pulling up to the scene...

Mm-hm.

...how everything went down, and think distance, time, and speed.

Okay.

So talk about like for example, hey, I'm driving down the street at about 5, 10 miles an hour. I have units behind me going about the same speed at a distance of about so and so. I saw - clearly saw the suspect's vehicle. I pulled
over. You talked about it a little bit...

Mm-hm.

...in some portions. You mentioned the fact that, uh, the vehicle was comin’ at you at 15, 20 miles an hour. You articulated how it looked - appeared to be about 100 miles an hour very well. So what I wanna do is start from the beginning...

Okay.

...and just think distance, time, and speed.

Okay.

All right?

Mm-hm.

And then talk about it in that manner. And use that blank piece of paper in front of you...

Okay.

...to draw maps. And if you have to make references as to where you were, how - how far you were from another, you know, uh, object or whatever...

Mm-hm.

...right, and write it down.

Okay.

And then speak on it.

Okay.

So what we wanna do - so I wanted to capture it the way you’re lookin’ at it from the beginning up until the point of, you know, the OIS.

Okay.

Okay?

Yeah, could I refer to this map?
Q: Yeah.

A: Is that all right?

Q: So he - we have a pre-drawn map, as well, because that scene had so many vehicles, and there's no possible way that you're gonna be able to ascertain which vehicle is where.

A: Mm-hm.

Q: So we took the liberty of, uh, um, drawing a rough diagram of the scene with the vehicle markings. Now if you notice, uh, and when I say rough, I mean rough. That - that street there is really wide, and I know it's not that wide, so the - this basically is in reference to where the vehicles were positioned at the time when we showed up at the scene. You're lookin' at the map, the diagram with a little bit of confused look.

A: Yeah, well, I'm - I'm not that smart of a guy, so.

Q: Well, I can tell you, because...

A: Yeah, here I am.

Q: ...you guys...

A: Uh, you know, what threw me off is I saw the Ford F150 here, but I didn't see red, and I thought - just thought that was mine. So I'm right here. Yeah.

A: I got it.

Q: No, that's the one with the trailer.

A: Yeah - yeah. I just saw the Ford F150 and - yeah, I know, I'm good.

Q: This is your - this is your east, I guess, goin' that way.

A: This is our east. This is a creek.

Q: So you wanna mark the north, east, because, you know, our north and east is different than yours.

Q: So, um, sergeant, this, um, shouldn't substitute for your memory, but if it is roughly (unintelligible)...

Q: Yeah.
A: Yeah, it’ll help.

Q: And the - yeah, what this is, is not again to substitute your memory but to kind of see...

A: Yeah.

Q: ...remind you of, you know, where things were at the time.

A: No problem. All right. So I’ll start at (Natriss). Um, that’s where you want me to start at (Natriss)?

Q: Yeah.

A: Okay. So when we’re at (Natriss), um, I was parked on, um, 105th at the north - our northwest corner of (Natriss).

Q: Mm-hm.

A: And the patrol cars when I passed (Natriss) were parked on the - our west side of (Natriss) at 105th.

Q: Do you want to draw a diagram of that (unintelligible)?

A: Sure. So, uh, here’s 105th. Here’s (Natriss). So patrol was right here. This is our west creek. So patrol was right here. And basically I pulled up, and I parked pretty much right on this corner here. And I sat...

Q: And you marked it with an X.

A: Yeah, I marked it with an X.

Q: Okay.

A: Um, so I sat there for a second, um, and I would estimate that (Natriss) to the dead end of 105th is approximately 1/4 mile in my estimation. You good?

Q: Yeah.

A: Oh. Um, so I’d parked at that corner, knowing that I’m in a nonmarked car that no one should really hink up on me. And, uh, my purpose of parking there was so I can kinda get a vision of, you know, what I’m gonna escort the patrol officers to. Um, so, you know, what way I’m gonna go, um, what I’m gonna pass, where I’m gonna pretty much peel off, because I knew in my mind that I’m not gonna go up to the car with an unmarked car, because we had marked
cars. So, um, I stop there. I get on the radio. I asked, you know, is the
perimeter set? Is someone in the creek? Yes, there is. So I said, “Okay, let’s
move.” So I start pullin’ off. Patrol’s right behind me. Again, I’m goin’
normal speed of traffic - I mean, normal citizen, maybe 15 miles an hour
down there, maybe 20. Um, and I start movin’ west on 105th with patrol
officers right behind me. I’m tryin’ to keep my car at a speed where it’s not
gonna draw attention to ourselves, although there’s black and whites behind
me, I know. So I’m goin’ down 105th, um, and the point that I peel off at in
front of the - I believe it was a red truck - and from where the suspect car was,
I would estimate maybe 30 yards, 30 to - probably 30 to 40 yards. Yeah, I
would say probably 30, not 40. I think 40 would be too much. So when I was
drivin’ back up - when I’m drivin’ down there, patrol is pretty much right
behind me, uh, maybe a car distance away. The first car behind me was
probably a car distance away from the back of my truck. So as I’m pullin’
down there, um, I pull - peel off to the left maybe 30 yards east of where the
su- where I saw the suspect car. And then, um, the patrol units pass me at a
normal speed, as well. Um, they picked it up a little bit when I moved off to
the left. When they passed me, they picked it up a little bit, meaning
accelerated a little bit and stopped before her car.

Q: Okay. How long did it take from the time you pulled out, uh, what - on that
carry...

A: Mm-hm.

Q: From the time that started to the time that you pulled off, veered to the right,
and parked.

A: To the left?

Q: How long did that process take?

A: To the left and parked? Um, I would say maybe 30 - 30 seconds.

Q: Okay. And then when you pulled off...

A: And I started - I think I started my camera, um, I think I started it before I
even left.

Q: Mm-hm.

A: We have a, I think a 30-second buffer, so...

Q: And where did you have that camera at?
A: I had it positioned...

Q: Mounted or positioned?

A: Yeah, I had it pretty much right at the center of my chest.

Q: Okay.

A: It was - I have a Velcro, um, police patch that's on there, and I put it right on the center. So it's chest level - my chest level.

Q: Okay. So when you pulled off, from the time you guys started to the time you pull off is about 30 seconds?

A: I would estimate 30 seconds.

Q: And then when you pulled off, you're at a distance of about 30 to 40 yards?

A: I would - I would cut that down.

Q: Thirty yards - 30 yards?

A: Yeah, I would probably say 30 yards.

Q: Okay. So, um, so you're tellin' me that the very first time that the marked vehicle was exposed was about 30 yards away?

A: Correct.

Q: All right. And - and about approach of 30 seconds?

A: Correct.

Q: Okay. And was there any movement as far as the suspect vehicle is concerned at that point?

A: No.

Q: All right. Go ahead.

A: Not that I saw.

Q: All right. So you guys - you pulled off and what happens?

A: So I park my car, um, in front of or in back of - I forget where it was faced, a
red truck - and, um, I see, uh, Officer (O'Malley) pretty much, uh, here's the suspect car facing this way, and from my vantage point, I'm over here. X, (O'Malley). Uh, we'll put the suspect car right here. So this is kinda how it was offset. And I think Sergeant (Young) pulled off kind of at this angle here. And here's the street. So when I get out of my car, um, I see - when I get out of my car, I see, um, Officer (O'Malley) - Officer (O'Malley)'s door open and he gets out of his car. And after I saw that, I put my head down to get out, pulled my gun, and then the next thing I hear is screeching of the tires. So I start - there's a row of cars here and a fence line here, and so I start walking this way. And when I hear the screeching of the tires, again I'm thinking that she's just basically gonna try to run into Sergeant (Young)'s car or try to thread the needle between Sergeant (Young)'s car and the parked cars.

Q: Let me ask you something. So how long did it take from the time you parked, right, they pulled up, and you heard screeching?

A: Oh, a second. I mean, it was instantaneous.

Q: Were they already parked when you heard - I'm trying to ascertain at which point did you realize that there's any kind of reaction from the suspect, the vehicle.

A: Yeah, and - and I - and I remember that. It was when - it was - I already saw Officer (O'Malley) out of his car when I first heard the screeching. Screeching. Now the engine might've been roaring before that. I'm not - I can't remember that. But when I heard the screeching, I know that, um, Officer (O'Malley) was already out of his car.

Q: So no movement, suspect vehicle, when you parked, when you're looking down? No movement?

A: Correct.

Q: You don't know - you can't hear whether they started the engine or not.

A: Mm-hm.

Q: The very first time you heard any reaction from the suspect's vehicle is when (O'Malley)'s car is already parked?

A: Correct.

Q: Okay.

A: Yeah.
Q: Were they out of the vehicle already or not?

A: Uh, Officer (O’Malley) was, and I didn’t see Sergeant (Young) and Sergeant (Morgan), if they were out of the car or not.

Q: Okay. And then what happened next?

A: So once I hear the screeching, again I’m thinking in my mind she’s gonna try to thread the needle and get around Sergeant Young and Sergeant Morgan. So I start walking up using these cars as cover. And when I say start walkin’ up, I didn’t make it too far. I would estimate - I would estimate maybe I walked up 10 to 15 feet in front of my car. And I’m lookin’ to - to my right, which is north. And then I see the car jet over south, uh, thinkin’ that she’s gonna go just down the street. And then I see her come up on the curb. Um, the distance from - the - the timing of that was probably one or two seconds, meaning her getting onto the curb. Um, and the distance that I first saw her come to the curb I would - I would say - I mean, it was - if I was 30 yards away, ‘cause she pretty much almost made a straight right turn, I would say maybe 20 yards is when I saw her get onto the curb, 20 yards away from where I was. Um, so she starts comin’ down. And again this is - this is maybe a second or two that I’m thinkin’ that I’m in kind of a shit spot, because she’s now up on the curb. And then that’s when I draw my gun and make that split second decision of if I don’t do something, I’m gonna get run over. So, you know, fearin’ for my life, I, um, engaged her from what I would estimate about 10 feet away.

Q: Okay. And how long did it take from the time that you first heard any kind of reaction from the suspect vehicle to the time that you discharged your service pistol? How long did that take?

A: I - I would say five to ten seconds.

Q: So at a distance of 20 yards right?

A: Mm-hm - mm-hm.

Q: And the vehicle was coming at you?

A: Mm-hm.

Q: How long did that take? From the time that you first saw the car coming down to the time that it actually collided with your vehicle?

A: Um, two seconds.
Q: So it was that quick?
A: It was quick.
Q: The way you’re lookin’ at it.
A: Yeah, it was quick. The way that I was lookin’ at it, it was - I remember thinkin’ in my mind my backdrop, thinkin’ in my mind where I can go to get out of here, and, um, and - and that was all that I could think about. And it was then where, um, I shot four rounds.
Q: So when you say two seconds, two seconds is something like this, right, 1001, 1002, that quick.
A: About that quick, yeah.
Q: Okay. All right. Uh, so let’s go back. (Unintelligible) do you have anything else to add to the rest of that?
A: No - no - no. No.
Q: All right. Let’s go back to the very beginning. All right? So you was at 459, right? And it looks like you guys arrested somebody. You guys identified suspects or what not living in the area of 105th, correct?
A: Yes, yeah.
Q: And the names that I got were, uh, [redacted]
A: The outstanding suspects, correct.
Q: Outstanding suspects.
A: Yeah.
Q: And you guys did some kind of a follow-up on Tuesday in regards to trying to locate these suspects?
A: Correct.
Q: And you, uh, sent (Criticos), correct?
A: Um, yeah. Actually - yeah, something I forgot to mention. We actually went back to, uh, [redacted] house...
Q: Uh-huh.

A: ...that day on 105th after, uh, we talked to the suspect that we arrested and, um, spoke to - spoke to [redacted] mother who said that he does live at that house.

Q: Okay. And your unit, um, how often do you guys work - operate outside of your city to apprehend, uh, suspects that commits crime within the City of San Leandro?

A: Um, like in hours or days or - I mean, quite a bit, but, uh, I don’t know what...

Q: How often do you guys do? Like how many times...

A: So I would say every day we are in, uh, the City of Oakland for, um, uh, it just depends. It depends on what we have goin’ on. I mean, it - but I would say consistently every day we are in Oakland for, eh, probably at least...

Q: Not just Oakland. I’m talkin’ about any city at all.

A: Yes - yes.

Q: How often do you guys operate outside of your jurisdiction just to apprehend suspects?

A: I would say two to three times a week.

Q: All right. So this is not something that you guys, uh...

A: Not - not abnormal for us to be out of the city, absolutely not.

Q: Okay. All right. And, um, during your surveillance, um, you guys, um, document this? This is all documented, the number of times, people that you look for? Is that something that you guys do, uh, here in the City of San Leandro?

A: Uh, we - we - I mean, if we make an arrest...

Q: Uh-huh.

A: ...we do. But we don’t document, uh, like surveillance days outside of the city.

Q: I’m talkin’ about like follow-up steps that you guys do during the investigation. Is that something that you guys...
Correct, yeah.

Okay. When you guys do, uh, operations like that - and I don’t even know if that’s a operation in your department, but is that something that you guys need an ops plan?

Um, so what I tell my guys is if we’re goin’ out and we have time - if - if we’re gonna do a takedown, um, we know that we’re gonna do a takedown or. if we’re gonna breech a door, then we do an ops plan. If it’s something that we’re gonna do a knock and talk and we’re gonna walk away from it and we don’t expect, um, to force any issues...

Mm-hm.

...then, um, I make the decision if there’s gonna be an ops plan. But something like this where it happened so quick, absolutely not. I wouldn’t expect an ops plan for it.

Okay. And you said on Tuesday two suspects were seen. You guys did a stop, right. On 98th and 880?

Correct.

And same scenario kinda, right? They were driving. You guys did a stop.

Yeah - ye- correct. Well, uh, Detective (Criticós) noticed that the gentleman that got in the car looked like the guy who was walking, um, down toward the apartments after the burglary.

Mm-hm.

So that’s why we had a car stop on that car, he, eh, which was ...

Mm-hm.

...which was the guy ultimately responsible for it, but at that time...

Mm-hm.

...we didn’t know that.

Tell me how the takedown, or that car stop, how did that go down?

Um, that was a - so, yeah, we followed the car out of the area...
Q: Mm-hm.

A: ...um, and then I had said, “Don’t stop the car right away,” just because we weren’t sure it was the or not. I didn’t wanna heat up the area.

Q: Mm-hm.

A: So, um, I waited until 98th and Edes before I told patrol, “Okay, go ahead and take it over. Do the car stop.” So patrol comes in. They do the car stop. Uh, they do a felony stop, thinking that it’s a suspect based on what Detective (Criticos) said and, um, and basically I - I was, uh, blockin’ traffic westbound on 98th at 880 so they can do the felony stop. So I put on my police raid vest, did traffic control. Uh, once the two, uh, were detained in the car, and bein’ one of ‘em, um, Detective (Layha) was still at the house on - in the 300 block doing surveillance. And he had said that, um, he thought he saw another suspect matchin’ the description come out of the apartment. So we broke the traffic stop and commenced surveillance again on 105th.

Q: So essentially what you just said is that you guys spotted a car, suspect, called patrol, marked units. They did a traffic stop, correct?

A: Yes.

Q: On 98th and 880?

A: Yes.

Q: Was there any force used at that time?

A: No.

Q: Why not?

A: Uh, the - the suspects complied. Um, the suspect - I mean, the driver pulled right over and, um, they - they didn’t offer any resistance to us at all.

Q: Okay. So then, uh, the following day, right, you send your units out there...

A: Uh - uh, actually I’d like to add something, too, regarding, uh, at that time during the traffic stop, [redacted] who we didn’t know at the time was a suspect, he didn’t offer any resistance at all. Um, after the interview and when we went back to 105th, um, I called [redacted] on his phone, and I told him that, uh, we needed to talk to him about something. Um, and he said what? He goes, “You can talk to my attorney.” And I said, “We need to talk to you about a burglary that happened.” And he go - and he said, “Well, you can talk
to my attorney.” I said, “Well, that’s fine. We still need to talk to you, though, so can you come back to your house?” Um, he was getting kinda mouthy on the phone as far as, you know, “No, I’m not gonna come,” and then we gave the phone to his mother, and he agreed to his mother that he was gonna come back, um, to the house to talk to us. We waited - Detective (Criticos) and I waited for probably 45 minutes to see if he would come back to the house, and he never showed up.

Okay, so...

So at this time, now he went from being non-resistance on the traffic stop to, uh, in my mind man I know they want me now.

So you gave him a chance or you offered him a chance to surrender?

Um, a chance to surrender correct.

Let me ask you this. How many times have you guys done high risk traffic stops? High risk take-down or however you wanna call it?

Um, my unit or just since I’ve been an employee?

Your unit in particular. Let’s start with that.

Yeah. Um, the four years that I’ve been here, probably 50.

So quite a bit?

Yes.

Okay. And in those 50 times, uh, and they offer resistance, you guys use force?

Y- correct yes.

And if they don’t offer resistance, you guys don’t use force.

Correct.

Am I getting that right?

You’re getting that absolutely right.

All right. So, um, the following day, um, you sent the same guys out right? (Criticos) and (Pursuit).
946
947 A: Mm-hm.
948
949 Q: And, uh, spotting 105. And, uh, they were, uh, they spotted or they located a stolen vehicle.
950
951
952 A: Mm-hm.
953
954 Q: Correct?
955
956 A: Mm-hm.
957
958 Q: And they advised over the air and what not. And then you guys decided that you guys were gonna go do s- some kind of an enforcement in the City of Oakland. Did you guys notify the City of Oakland of this, uh, stop that you guys were gonna make?
959
960
961 A: Um, you know, I - I’m not sure if we did or not. Um, usually our dispatch will - I’d never asked for that. Usually I do ask for that. Um, but if - if we’re on a surveillance in Oakland...
962
963
964 Q: Mm-hm.
965
966 A: ...and we’re posted at a spot, um, me and my guys I have a rule with them if they’re doing it alone and they’re gonna sit on surveillance, spot checks, uh, we generally don’t call Oakland if we’re just gonna go spot check the place. If we’re sitting doing surveillance, um, if they’re doing it alone, they are told to call our dispatch and Oakland. Uh, they also know that if I’m with them during it, that I’ll take care of that and they deal with the surveillance. So on this particular day, um, it was all put out on channel one radio and, um, I would imagine through our normal - normal protocol that dispatch, uh, called Oakland and told them but I can’t answer that for sure if they did or not.
967
968
969 Q: Okay. So would you say it’s normal if it’s dispatch through a main channel, that it was incumbent upon communications to notify outside agencies?
970
971 A: Correct. Especially something where it’s, um, a developing situation that’s quick.
972
973 Q: Okay.
974
975 A: Um, if it’s something that we’re gonna do a surveillance on, or be there for an extended period of time, even though we may do a takedown that may happen quick, then usually I’m the one who called, um, or my guys would call the other city that we’re in.
Q: All right. And, um, (unintelligible) is 459, correct?
A: Correct. And - and vehicle theft because...
Q: Mm-hm.
A: ...he ran the plate and, uh, knew it was stolen.
Q: Okay.
A: That being said though, he also said on the radio that he had thought that one of the persons inside could have been serving, uh, or he said one of the subjects outstanding for the 459.
Q: Okay. On the 459, was there any information that the suspects were armed or anything? Anything information?
A: No.
Q: Okay. And as far as identifying suspects, what kind of records check did you guys do in regards to those two individuals? What kind of background? What - what is it that you guys know about this individual besides what they look like in regards to their background and what they're capable of. Or...
A: Yeah so, um, I did a DMV photo of both and then, um, I did a records check, um, on I - I forget what one. But one of 'em had a small Juvis record, juvenile. But, um, it didn't seem like they had extensive history.
Q: Okay.
A: As far as I remember.
Q: Is there any violence in, uh, their history?
A: I don't - I don't remember.
Q: Okay. Is there any indication that they're, uh, potentially violent?
A: Uh, we - no but that being said, we'll treat everybody as, um, as a threat whether they have violence in the history or not. We - we're - we're ready for anybody to act on us even if they have no history.
Q: Okay. In regards to that 459, was there any female suspect identified?
A: No.

Q: Okay. As far as, uh, involving marked units, uh, in your operation, what’s your policy on them? I mean how did - how does - how do you guys go about involving unmarked units in your operations?

A: So, um, we - we don’t - we don’t have a set policy that, um, that we meaning my unit can’t jump out on a car. Um, in - in our normal, uh, vehicles. Meaning unmarked vehicles. Um, but you know being a supervisor if ones available and we can show that, um, marked units in the area, if we have time. Then I always try to call in marked units for that reason just so there’s no question that we’re police officers, um, in anybody’s minds. The suspects, uh, other officers in the area, meaning if we’re working outside the city. Um, or, um, citizens in the rea. So as far as policy, we don’t have a set policy that we cannot jump out on a car. Meaning in undercover. But, um, we do have a policy if we were to do that that we’re always gonna have our raid vests on clearly marking us as police officers.

Q: Okay. So as undercover officers you guys are allowed to do enforcement...

A: Correct.

Q: ...am I getting that right?

A: Correct.

Q: Uh, only if you have identifier - identifiable attire I suppose?

A: Correct. Uh, c- what we could call a raid vest.

Q: Raid vest okay. All right. So when you guys, uh, when you were notified of that 10 and 51 by your crew and then you called in patrol, right? Um, did you do that over the air, how did that come about and who did you notify?

A: Yeah so, um, I - I didn’t really notify anybody. It was, um, patrol units and Sergeant (Young) and Sergeant (Morgan), um, pretty much, I don’t know if they were in the area of what. But they kind of took control of the situation pretty quick. Um, knowing them and knowing their tactical background, I pretty much stayed off the radio. The only thing I really said after I got there was, “Hey I’m here.” Um, on the way there, I think the only thing I said was, “One of you guys wait for me so you can use my car as a, uh, cover when we pull up on 105.”

Q: Mm-hm. And so essentially who’s the, uh, I suppose the incident commander
or who’s in charge of that operation? Because it became an operation at that point.

Correct.

So who’s in charge of that whole operation?

Uh, I - I would be in charge of it because it’s my guys that are primary.

Mm-hm.

So I would be in charge of it and then Sergeant (Young) and Sergeant (Moore) would be in charge of the whole patrol side. But over the whole incident, I would be in charge of the whole incident. So if I wanted to call off that incident because it’s my guys working it, it would fall on me whether I say that we’re gonna pursue it or not. So...

And I’m not familiar with the - your department’s policy, I’m just figuring my question of what I know of our policy. But on an operation like this, is there an incident commander and a tactical commander? Or do you guys go above, uh, a sergeant to notify a lieutenant? How does that work? I don’t know.

On something like this, um, on channel one it’s - we would have a tactical side, um, only at this time. We wouldn’t bring in an incident commander ‘cause it’s such a fast evolving situation. If it’s something where this person foot tail out of a car, you’d have your tactical commander and then a lieutenant would, uh, come down and act as the incident commander. If the incident commander wasn’t available, or there wasn’t a commander on scene, um, Sergeant (Young) or myself would take that role as the incident commander and then the other person would be a tactical commander because of both of our backgrounds in - in tactics.

Okay. So let me get this straight. At this point, uh, it’s just a sergeant level?

Correct.

Because it’s just a tactical operation...

Correct.

...not so much an incident.

Correct.

Okay. All right. And, um, who made the decision, um, I guess on this
particular incident, is that a maneuver that you guys practice or you guys like, um, blocking avenues of escape of a potential, uh, 10 and 5 - or a - or a 10 and 51, that's part in - I mean that's kind of a tact- is that something that you guys normally do and, uh, who made the decision to, uh...

Um, I don't know if it was said on the radio exactly that, "Hey we're gonna block her in," but I know in my mindset, um, preventing that avenue of escape to - to avoid that vehicle pursuit, um, in my mind would have been the best case scenario to avoid the pursuit. To block, uh, basically block her in. Um, you know our policy says that we cannot block roadways, uh, but that blocking in roadways in my mind is you know if a cars already in a pursuit going 100 miles an hour, we're not gonna put our patrol cars across the road. To trap someone in and do a tactical take down of the person, um, that's okay within our policy.

Okay. And whose decision was it to do that?

Um, I don't remember who - who said it on the radio, whether it was Sergeant (Young) or Sergeant, uh, (Morgan). Or it might have been mine. I mean I - I knew in my mind that there was no question of how we're gonna do it. I don't even know if it was said, "Hey we're gonna - we're gonna go down there and block her in." Um, I'd have to review the tape. But I - I could've maybe even said, "Use my car as a shield," uh, I don't know. I don't know whose actual decision it was. I think it was just all kind of, uh, we all kind of knew that that was probably the best practice to do at that time.

Okay. And, uh, did you guys meet and was this planning done over the radio or did you guys like you know how everybody parks, gets out, uh, kin- have their little briefing.

Yeah.

Their con...

No we didn't do that. It was - because the involvement situation, um, and us wanting to get there before she took off, or the car took off, uh, and again when I say she, it was never mentioned it was a she. Um, until all came to rest. But, um, yeah we didn't - we didn't - if - if we had time and, uh, we didn't think this car would flea in a residential neighborhood, and you know maybe someone was out of the car and not in the car yet, it's normal for us to all get out of the car, make sure everyone's on the same page, and go for it. Because this was such an evolving situation and then we wanted to get that car pinned before it can flea, to avoid a pursuit.

Mm-hm.
A: That’s why we did have it go...

Q: Okay. When you guys were down there on (Atriss) looking down to 105.

A: Mm-hm.

Q: What was the condition of the - the scene? Uh, in regards to pedestrian traffic and vehicular traffic?

A: Um, I distinctively remember two kids being on when I passed 105 and (Eads), I saw two kids in uniform, um, on the corner of 105 and (Eads). And - and I knew there was a school down there. And in my mind now I’m thinking okay, this - there may be - and I looked at my clock seeing 4:30 and I was like, “Yeah, school should be out, but there may be kids around still.” So, um, there - there - there’s always a lot of pedestrian traffic on the eastern side of 105 in - in my experience from going up there a lot. But on the west side of 105 toward the dead end, usually it’s just a bunch of parked cars. Um, they look half abandoned - abandoned all the time. So on the very west side of 105, where the incident took place, um, there’s usually not a lot of people out there at all. Which is where this was concentrated. On the eastern po- portion of it, there was people outside.

Q: Did you guys get an Intel from a pursuit or critical in regards to the condition of that in regards to traffic and pedestrian, uh, traffic...

A: Yeah I - I...

Q: ...in the area?

A: I don’t remember. I - I don’t remember that specifically. I do remember them describing the car where it was parked, which way it was faced very well. Painted a picture in my mind where when I went up there, there was absolutely no clue where the car was. Um, and you know after thinking about it, there was I don’t t- I’m not gonna talk for them, but I don’t think there was any, um, question, uh, where the car was parked to anyone else either because when I peeled off to the left, I said in the back of my mind, “Man I hope they don’t follow me to the left. I hope they know what I’m doing?” Basically to bypass me and go to the car. And there wasn’t a pause at all. When I peeled off to the left, I look in my rearview mirror, I’m thinking I hope they don’t follow me thinking - and they bypassed me and it was because of that picture that Detective (Criticós) and - and Detective (Pursuit) painted for all of us.

Q: Mm-hm.
Um, that i- I think everyone knew where that car was.

I guess my question would be did they, (Criticos) and (Pursuit) say anything about hey man there’s a lot of kids out here, there’s people to the left, people to the right, moving traffic, any of that conversation took place?

No. N- n- not that I remember. And if they said that, it would have (hinked) me up. So I’m gonna say - I’m gonna say no because if they said something like that, I would think in my mind unless I flat out didn’t hear it, that I’d probably put a timeout on it.

Okay.

Knowing the risk for the reward is not gonna be there.

Was the traffic condition and the pedestrian, uh, condition at the scene at the time a factor or consideration in regards to somebody’s decision ‘cause we don’t know who did it right?

It’s p- it’s- as what?

As far as that being the - the traffic condition...

Uh-huh.

...and the pedestrian condition at the time of the incident, was that considered, was that part of the consideration as to why, uh, a decision was made to block the vehicle?

Absolutely. Like I said before to avoid that pursuit.

Okay. And what would - what would be the f- um, what would be the concern?

If there’s people out there?

Mm-hm.

Um, obviously you know the will to get away for these suspects is great. Um, so the concern would be exactly what happened. If she goes up on a sidewalk, if there’s people on that sidewalk, they’re all gonna get mowed over. Um, ran over.

Mm-hm.
So, um, the obvious concern would have been you know if there is a lot of people on that western end that the will to get away is gonna outweigh their thinking. And you know they're probably gonna hit cars, they're gonna hit possibly people. Again the children that I saw on the very, uh, west side when I came in, I remember that. So there's a school right nearby. This was all you know part of my concerns. But on the west end is very non-populated compared to the eastern side at (Eads). There's always people on the eastern side of (Eads). But on the west end like I said, usually it's just parked cars.

Did you guys anticipate the suspect driving on the sidewalk?

Absolutely not.

To escape?

Absolutely not.

'Cause the question would have been, then why got - why - why did you guys block that? Did you guys anticipate a suspect driving on the sidewalk?

No. Absolutely not.

Okay.

No.

And correct me if I'm wrong, but did I hear you right when you said that, uh, um, the fear was that they were gonna escape and it's gonna be, uh, in another words, the suspect did exactly what you guys were feeling they were gonna do.

Uh, yeah I don't think - if I came across that, I don't think I meant that. That the suspect, uh, I'm sorry. I - I think I'm not clear on is this like a question or...

No - no, if I'm getting this right.

Correct.

That the suspect did exactly what you guys thought that they were gonna do, that's why you guys did that block and take, or that blocking...

Correct.

Okay.
A: Yes. All but or...
Q: But of course you didn’t...
A: ...all but her jumping on the curb and coming...
Q: Right.
A: ...ping ponging between the fence...
Q: But of course you didn’t even...
A: ...and the truck.
Q: ...saying you - you - you guys weren’t anticipating that.
A: Correct.
Q: How much you guys made this decision right?
A: Correct - correct.
Q: Okay. All right. So let’s go down to now, they park, cars taking off.
A: Mm-hm.
Q: Right? And you - you articulated distance, time, uh, really well.
A: Mm-hm.
Q: I appreciate that. So, um, uh, when you first saw the car coming in your
direction, what was the very first thing that’s running through your mind?
A: Um, where am I gonna go. How am I gonna get out of here.
Q: And what did you think then? What was the answer to that?
A: That I had nowhere to go. Nowhere to - nowhere to escape from. That- that I
can see at that time.
Q: Okay. When you first saw the - the very first time you saw the vehicle coming
your direction, where were you located ‘cause you said you...
A: Come - coming to the curb off - once on the curb or...
Once on the curb. ‘Cause you said you got out, you started to go up...

Yeah I - you know the - that’s kind of a, um, this is - this is where I’d really like to see the vehicle. I - I’m - but what I’m gonna say is where I think I was. And I think I was probably about ten feet in front of my truck.

Mm-hm.

And then when I saw the cur- when I saw the car coming up the curb, I - I remember or thinking that I was kind of retreating. And then it got closer thinking okay she’s gonna stop. She’s gonna see me and just stop. And then hearing the acceleration even more louder, the thrashing of the fence and the cars, she’s coming at me, and then you know that’s when I said, “She’s not gonna stop.”

Okay.

Unless, you know, unless I engaged.

Right. So when you first saw the vehicle, uh, get on the curb that, uh, sidewalk.

Mm-hm.

Right? And, uh, can you describe what your surroundings as far as what you remember at this time? Like what was your surrounding? What was - to your left, in front of you, behind you?

So to my left...

Because - because...

...uh...

...because the people that are gonna look at this...

Correct.

...are gonna say, you know what? You should just have got out the way.

Mm-hm. Mm-hm.

So I’m trying to ascertain like the moment you saw that car...
Mm-hm.

...what was your surroundings first with how you saw it?

Left the fence, a chain-link fence, probably six, seven feet high. And right are railroad cars and from what I remember about the railroad cars, they’re pretty much w- bumper to bumper.

Okay.

And, uh, if I can use this is my water bottle, you know, bumper to bumper, you know what I mean, by bumper to bumper. Meaning the cars on the Southside of the street are you know their bumpers are pretty much touching at a parallel parking position.

Okay. So, uh, when you say bumper to bumper how about this? How far away was the bumper? The front bumper one vehicle to the rear bumper of the other vehicle, about how far?

From - from what I remember, maybe touching to a foot maybe.

Okay. So, uh, ‘cause we can’t use the bottle and the phone for purpose of...

Yeah I know, I...

...the tape.

...know. I get it.

So - so when you first saw it, your surroundings were what again? A fence to your left?

A - a fence to the left and then...

And...

...a row of cars to my right.

Okay.

Would be the south side of the street.

All right. And then as it approached, right, and, uh, when you decided to, uh, discharge your firearm, what was your surrounding at that time? ‘Cause you said you moved forward and then you moved back.
Mm-hm. So it was the same thing. Nothing had moved, um, my thought process was, you know, pretty much the same, I have nowhere to go. Um, meaning I'm looking down and I'm seeing the same thing, a fence to my left and a row of cars to the right. Um, so my thought process was, uh, that she's gonna run me over. And I have nowhere to go meaning jumping over cars or you know and - and I don't even think that's tactically sound because if I try to jump over a car and I trip, and I'm laying on - in the middle of the sidewalk.

Okay. And the time you discharged your first round, what was your surrounding?

Uh, same thing. Which was a fence on the left, um, I believe at that point I was more back toward my truck 'cause I was retreating. And, um, I was - what I remember I was kind of at the front, uh, left fender, driver's side fender of my truck when the car came to rest.

Okay. How about your second shot, what was your surrounding?

Same thing.

How about the third shot? What was your surrounding?

Same thing.

And your fourth?

Same thing.

Okay. 'Cause I wanna make sure that, you know, you didn’t have an avenue and escape between shots.

Correct. Uh...

As crazy as that might sound.

It doesn’t sound crazy. I - I - I get it and, um, believe me, if I could have got out of the way, I would have rather got out of the way than - than do what I did.

Okay. So let's talk about when that car was coming down your direction, what was the threat?

Uh, the threat was the 3,000 pound vehicle coming at me.
Q: Okay. And at the time you decided to discharge your firearm, what was the threat?

A: Uh, the same thing. That the car coming at me.

Q: And the first round?

A: Same thing, car coming at me.

Q: Second round?

A: The car coming at me.

Q: Third round?

A: The threat was the car coming at me.

Q: And the final round?

A: The threat was still the car coming at me.

Q: Why did you stop shooting?

A: Because I noticed that that threat started to slow down. And, um, make that slight left turn, got pinned in my car and I was now in that little pocket to where, um, I was pretty much on the side of her and then I - then I heard the engine slow down. So at my - from my - remembering it - the threat was over after that fourth round because everything started coming to a rest. So I still had my finger on the trigger but I didn’t press the trigger because I had figured that that threat was over.

Q: Okay. How long did it take from the time you first saw - and I believe you already answered this question. But I’m gonna ask it again. As far as time.

A: Mm-hm.

Q: The time the first - when you first saw that vehicle right, on that sidewalk in your direction, how long did it take from the time you first saw it to the time you decided you’re gonna discharge, how long?

A: Let’s see. Uh, probably about two seconds.

Q: And how about the time that you decided to f- uh, discharge the first round, how long did that take from the time you first saw it to the time you actually
**INTERVIEW WITH SGT. BRIAN ANTHONY**

Interviewer: Sgt. Caesar Basa
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1531 1532 1533 A: shot?
1534 1535 Maybe another - got I - I even think that’s too long. I mean just seemed like it
1536 1537 happened so darn fast but, um, to answer the question, maybe another two
1538 1539 seconds at the most because I remember thinking to myself that she’s gonna
1540 1541 stop. I remember having my gun up thinking okay, she’s gonna stop while I’m
1542 1543 on target. And then she wasn’t stopping.
1544 1545 Q: Was there a linear line that you drew like hey man if she crosses this line I’m
1546 1547 gonna shoot? Or was that decision it’s just as it progressed?
1548 1549 A: That was a decision that as it progressed. I think, um, because of the quickness
1550 1551 that it happened, I, uh, I didn’t wanna be too late because I knew in my mind
1552 1553 that she wasn’t stopping and I also knew in my mind that I had nowhere to go.
1554 1555 1556 Q: So shooting the driver, what was the desired effect? I mean you saw the threat,
1557 1558 you shot at the driver or you decided to shoot the driver. So what would be the
1559 1560 desired effect on that? ‘Cause some people would say hey that’s not gonna
1561 1562 stop anything.
1563 1564 A: Shooting.
1565 1566 Q: The cars in motion.
1567 1568 A: Mm-hm.
1569 1570 Q: Right?
1571 1572 A: Mm-hm.
1573 1574 Q: Um, the cars coming in your direction.
1575 1576 A: So the desired effect was, um, to stop that threat of her come off the gas, and
1577 1578 basically get that car to slow down. Like I said that cars - the engine was
1579 1580 revving, um, that’s thing I can imagine most just that how fast it was revving
1581 1582 and RPM’s. Um, and it going probably 15 to 20 miles an hour. Uh, the desired
1583 1584 effect was to stop the threat before I got, uh, hit by the car or run over.
1585 1586 Q: Okay. So...
1587 1588 A: Further, um, seeing that what I passed coming up 105, the two kids, if she
1589 1590 passes me, and starts going down 105, maybe continuing on the sidewalk, I
1591 1592 don’t know what was in her mindset. Uh, her hitting other pedestrians or
1593 1594 people on the roadway as well.
Okay. So when you discharged that first round, did it have the desired effect?

No.

How about the second round?

I would say between the third and fourth round, is when I felt comfortable that, um, she came off the gas ‘cause the car was coming to a slower position and then stopped. So I would say that desired effect didn’t happen in my mind till a- till after I shot the fourth round.

Okay. Did you have an avenue of escape at all?

No.

During this whole incident?

No.

Let me ask you this. People that are gonna look at this and even say man the - that person probably didn’t even see you. What would you say to that?

Um, I would say I don’t know how, um, the person had eyesight in the car, no matter if it’s bad eyesight or good eyesight, I don’t see anyone not seeing me. And I say that because, um, we all talk about tunnel vision that we have. And that tunnel vision was tunnel vision because there’s a fence on the left, cars on the right, and I’m in the middle. So I - I don’t see how anyone wouldn’t see me. Even if you’re in a panic, even if you’re have tunnel vision. That tunnel vision is looking straight ahead, um, I don’t see how you wouldn’t see me.

How tall are you?

Six foot three.

How much do you weigh?

Two hundred thirty five pounds.

What size shirt do you wear?

Uh, XXL.

Okay. You said it’s, um, you were - when you stepped out of the car, you took a few steps forward. And then you said you started backing up. Why is that?
A: Because that's when I saw the car come up onto the curb. And I was trying to create distance between excuse me, I was trying to create distance between, um, myself, um, and the car coming at me.

Q: Were you injured?

A: No.

Q: Did, uh, suspect vehicle strike you at all?

A: No.

Q: You have any, um, anything physically that would prevent you from jumping out of the way?

A: No.

Q: Or should you choose to or should there be a place to jump out of the way? Is there anything in your physical abilities that would prevent you from doing that?

A: No sir.

Q: How were you dressed?

A: Uh, I had on, um, dark pairs of - a dark pair of jeans, tan boots, um, and then I had my police issued raid vest. Which, um, basically goes over our shoulders and goes down to the stomach. And in, uh, it's black and in white lettering and probably three to four inch block letting, it says, "Police," on the front and back.

Q: Did you give any commands?

A: I don't remember giving commands. Um, and I don't think based on the totality of everything, um, usually you know it's - it's my training that I do give commands. Um, this happened so fast and the revving of the engine, I - I don't think commands would have been an effect at all. Um, I don't think anyone would have heard 'em. Because of the roaring of the engine and you know it bouncing off the fence and the cars off to the left, her left, my right. But - but I don't remember giving 'em. I - I may have. But I don't - I don't remember specifically saying, "Police stop the car."

Q: When you stepped out of the car, you saw that car and, uh, or when you stepped out of your vehicle, you see the suspect vehicle on the sidewalk. Was there anybody in your immediate area?
Um, besides, um...

I'm talking about another person in your immediate area. Was there anybody in there?

Officer, I'm sorry, officer or...

Officer, pedestrian...

...I - I didn't see anybody...

...civilian. Anybody?

I didn't see any- uh, well no I'm sorry. I saw officers correct. I saw officers, um, (Mally) get out of his car and that's the last, uh, person I saw. But I also remember thinking do I see anyone in my backdrop before I start firing my gun.

What about those...

And I - and I did not to answer your question.

Okay. And in those vehicles that were parked bumper to bumper next to you.

Mm-hm.

Did you see if any of those, uh, vehicles were occupied?

I didn't. I didn't - I didn't...

Do you know?

...see them occupied.

Okay.

But I also didn't clear every of them.

Okay. That's all I have for now. Sergeant (Rosen)?

Thank you. Sergeant Anthony, can you cover, um, the members, um, of the officers assigned to your squad on Wednesday?

Sure. Um, the officers assigned to my unit on Wednesday were Detective, um,
N- (Nelson), Detective, uh, (Criticos), and Detective (Pursuit).

Q1: And is that all the people assigned to your squad?

A: Uh, no I have one more. It’s Detective (Brass) but he was, uh, sick that day.

Q1: And besides (Criticos) and (Pursuit), um, was Detective (Nelson) on scene when this incident took place?

A: I - I - he came up at - he was there at the end. But I - I don’t think he was there, um, he - he was actually coming from another part of the town I think in San Leandro. So to answer your question, no he wasn’t there during the incident.

Q1: Okay.

A: That I remember.

Q1: Thank you. Sergeant, then how long have you been a sworn officer in San Leandro?


Q1: Okay. And in your career, can you estimate how many auto pedestrian accidents you investigated?

A: Um, primary investigating?

Q1: In any capacity, cover unit.

A: Um, probably ten to 20.

Q1: And in those accidents, can you describe the injuries you observed ranging from minor to major?

A: Yeah I, um, I mean I’ve - from minor to major, um, there’s been, um, you know an ankle that I remember seeing pretty much, um, twisted the wrong way on an auto ped. Um, let me - let me - give me a minute to think about other ones that I’ve had. Yeah I - I can think of specific ones. But I - I know that, um, you know that I have heard of incidents and seen incidents that when a car faces a person if it isn’t directly, uh, one being one of our officers a few months ago, um, that it can hurt someone pretty badly.

Q1: So if I understand you correctly, um, would you say that you took those factors into consideration, um, in those few seconds before?
A: I did.

Q1: Okay. Uh, similarly along those lines, I wanna talk about stolen vehicles and stolen vehicle pursuits. How many have you been involved with in your tenure as an officer?

A: Um, occupied stolen vehicles and pursuits, I would say I’ve been involved in probably 75 to 100.

Q1: And out of those 75 to 100, um, how many of those have been actual pursuits?

A: Um, I would say probably 80%, 90%.

Q1: And out of those 90%, can you tell me if you know how many have resulted in a suspect using the sidewalk as avenue to escape? Is that common from your experience?

A: No.

Q1: And can you describe to us what would have happened, um, from your perspective if the suspect had complied with the boxing in and take down that you guys had planned for?

A: Sure. Um, what - what would have happened and what we all wish would have happened was, um, them meaning I’m saying them meaning the marked patrol guys, uh, do a felony car stop, um, detain the driver that’s inside, um, and - and handcuff her and continue investigating, um, what’s going on.

Q1: Can you over...

A: And in - in...

Q1: I’m sorry, go head.

A: Yeah I’m sorry. So, um, and I’ll go to my main purpose of, um, why I was out of the car. I think I said before was basically to walk up on the side of cars that were to the suspect’s right. And the officer’s left and just kind of provide a flanking position for the officers as they’re doing their felony car stop using those cars that were all lined up bumper to bumper as cover.

Q1: Thank you. That actually raised it to my next question and my last question here. Um, after the patrol cars, (conwood) cars passed your undercover vehicle, did you at any point, um, reposition your undercover vehicle in an attempt to take enforcement action, um, during the stop?
No, not that I remember. Basically, uh, like I said, I - I liked to, um, if - if there's enough patrol officers there and everything's covered, just like a perfect scenario on the stop on 98, um, as an undercover capacity, what my main goal is, um, like on that 98 stop, I saw they had enough officers, the guy was complying, so what I did was I posted up on the traffic control.

And if I understand you correctly, um, the actions that you would have taken, um, during the shooting incident, would they have been similar to those as a over watch...

Correct.

...and that, uh, kind of...

Yes.

...general scene security as opposed to an initial or an act of on the enforcement stop?

Yes. That's correct.

And then lastly, can you just tell me the total time the incident took place from the time you heard (Criticos) and (Pursuit) put out that they were observing an occupied 1051 until, uh, the first shot was fired? Just approximately?

Yeah so I was at - here at the office, um, when I first heard them put it out, let me just add it up if I can - I'm more of a visual guy. But so I would say it took me, uh, three to five minutes to get down there. And then, uh, after I was down there, probably another 45 seconds. So I would say between from when I left here to when the shots were fired, I would say between six and eight minutes.

Thank you. That's all I have.

Thank you.

Lieutenant?

Just a few more and thank you, I appreciate it. Um, do you know how many uniform officers there were?

At the initial takedown?

Mm-hm.
A: Um, so, uh, Sergeant (Young), uh, Sergeant (Morgan), Officer (Mally), Officer (Ying), Officer (Buss). Five from what I remember at least five completely uniformed officers in marked patrol cars and then, uh, my unit there was, uh, three but we weren't fully uniformed although we had our police raid vest on.

Q2: Okay. Um, do you know how long that plan took for them to develop? I think you may have said it. I mean it was...

A: Yeah so, uh, it - it didn't take long, um, they had that plan happening as I was, um, en route there from the station. Um, but the - the plan, you know like I said Sergeant (Young) is tactically sound and, um, you know, the perimeter and the creek that he was already establishing, um, I - I would say took a minute or two. And then before we moved, we made sure that everyone was in place specifically the creek guy in case their avenue of escape was to run through the creek.

Q2: As a supervisor, did you ever think about placing - were there enough resources to place officers in the position that were you in and you could have more maybe of a - a - more of a global perspective?

A: Um, always could have been my main point of being involved in it, um, as the supervisor was to use that truck as cover for the officers going down. I think that did two things. It - it - it hid the officer's cars as they were going down there. Um, I figured that if she saw us or the car saw us that was occupied as we were going down there, uh, if it saw us, it would have left before we even got there. And that element of surprise wouldn't have been there. So, um, does it always cross my mind to do that? Absolutely. But in this case, the reason why I was involved in it so much is because of that shield car.

Q2: Okay. And just a couple more here. You talked about, you know the - the suspect's will to get away, right? That's what you guys were in fearful?

A: Correct.

Q2: Right? So when you see the vehicle on the sidewalk, and you were saying you mentioned that you thought that she's - she's gotta stop. Why would you think she would stop?

A: Uh, I - I would have hoped and I would have wished that she would have stopped just because, um, me being right in front of her, uh, another police officer, I would think maybe at that point she'd be like, "Man I got nowhere to go." And, uh, I think she actually thought the opposite at that time.
Q2: Okay.

Because I do think no doubt in my mind that she saw me standing there.

Q2: And lastly, and maybe some people who - who will say, “Hey you know what? Sergeant Anthony put himself in this position.” What would you say to that?

A: Um, when I got out of my truck, I remember thinking to myself, “I’m in a great position.” Because I’m flanking, there was - didn’t think that she would get on that sidewalk. Um, so to be in the position that I was in, um, if I did it all over again, I probably would have done the exact same thing because in my mind at that time, I’m thinking that, um, she’s not gonna come up on the curb and come toward me. This whole incident is on the whole other side of the street. For her to make a right turn like she did and get up on that curb, uh, it happened so quick. It’s almost like she had it preplanned.

Q2: Okay.

Q: So just to clarify something real quick. You said you used your vehicle as cover. Is it cover from potential danger or is it more for a concealment so that...

A: Um...

Q: ...the vehicles behind you won’t be seen by the suspect?

A: Yeah so, um, concealment to answer your question yeah.

Q: Okay. All right.

A: Cover and concealment in my mind are two different things. And this was for concealment.

Q: Concealment.

A: Correct.

Q: Okay.

A: Thanks.

Q: Just to clarify.

A1: Yeah just a few things.
Q: All right counsel?

A1: Um, you gave various estimates of time and speed. Those are in fact estimates based on your best recollection right?

A: Correct.

A1: You didn’t measure anything obviously at the scene or after correct?

A: Correct.

A1: Um, and you said this to be clear. The threat did not stop until your fourth round was fired, correct?

A: Yes correct. That’s correct.

A1: Okay.

Q: Lieutenant (Decosis)?

A: Nothing.

Q: All right. Uh, do you have anything at this point...

A: I do...

Q: ...that you wanna add any c- uh, okay. So, um, is - are you guys - do you guys wanna take a break to watch the - the video or do you wanna go ahead and f- continue and finish up for this interview? It’s up to you.

A1: No let’s take a break and...

Q: Okay.

A1: ...look at the video.

Q: All right. So let’s go ahead and do that. We’re gonna take a break. It is now 11:31, um, taking a break.

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

Signed
INTERVIEW WITH SGT. BRIAN ANTHONY

Q1: Okay. It’s, uh, same date. Uh, 5-17-2015. It’s 1152 hours. Coming back from break. Interview with Sergeant Anthony. Uh, same cast of characters, uh, myself Sergeant Basa, Sergeant (Rosen), Lieutenant (Holmgren), Lieutenant (Decosta) with San Leandro Police Department. Um, uh, Mr. Lopes with Rains Lucia and Sergeant Anthony. And, uh, Mr. Lopes you have anything?

Q2: Yeah. Sergeant Anthony, uh, reviewed the video and he has no further statements to make.

Q3: Okay. With that does anybody in the room have anything in regards to the incident before I move into the administrative questions? No? All right. So I’m gonna ask the question. If you don’t mind, uh, Sergeant (Rosen) just write the answers in that form while I read it on this form. Okay? That cool?

Q4: Yes, sir.

Q5: All right. Okay, uh, Sergeant Anthony your full name and serial number, sir.

Q6: Uh, full name is Brian - last - or first - middle name (Thomas) and my last name is Anthony. Serial 284.

Q7: And your age?

Q8: Uh, 41 years old.

Q9: And the date you were sworn in?

Q10: Uh, two - Ja- uh, January 1, 2009 - or one, sorry.

Q11: And did you have any other law enforcement experience prior to San Leandro PD?
A: No, sir.

Q: And what is your current assignment?

A: I'm currently assigned as a sergeant, uh, in the crime suppression unit. Assigned to criminal investigations.

Q: And what are your normal days off?

A: Uh, normal days off are Friday, Saturday, and Sunday.

Q: And your normal shift?

A: Uh, Monday through Thursday, 11:00 am to 9:00 pm.

Q: And are you designate a beat or you just operate the whole city?

A: Uh, we operate the whole city.

Q: Okay. And at the - at the time of this incident what were your duty hours?

A: Um, my normal duty hours which were 11:00 am to 9:00 pm.

Q: Uh, what’d about last - when’d this happen? Wednesday?

A: Yes.

Q: What was your shift?

A: 11:00 am to 9:00 pm.

Q: Okay. And who was your supervisor at the time?

A: Uh, Lieutenant, uh, (Bob McManus).

Q: And was this an overtime shift or was it a regular shift?

A: A regular shift.

Q: And is (McManus) your regular supervisor?

A: Yes.

Q: And can you tell me any relevant or special training or expertise that you might have in regards to, uh - uh, what happened?
Like firearms training?

Anything.

Um, so, uh, normal police academy, uh, firearms training at Alameda County Sheriff’s Department. Um, in 2000 - I believe it was 2005 I went to an Alameda County two week range masters course, uh, which was a two week course. Um, I, uh, member of our tactical team - our SWAT team, uh, for the past 11 years. Uhm, currently assigned as a assistant team leader. Um, uh, every - monthly or weekly, um, we qualify with the - with the SWAT team. And, um, d- during those qualifications I use the gun that I discharged that day, for qualification. And, uh, I’m - I just got done instructing, um, our ranger course at the Heyward Range. Um, it was - I instructed, uh, I think two of the five days it was there and part of that instruction was shooting into a moving vehicle, um, and, uh, tactics. I’ve instructed the department on, um, vehicle takedowns, uh, pinning cars in, uh, how to take off a vehicle tactically. Um, that’s - that’s all I can think of right now.

Okay. Uh, was there anything, uh, significant - was there any significant events that occurred during your shift prior to this incident?

No.

And when was the last shift that you worked prior to this incident?

Uh, Tuesday night.

And what hours were those?

I worked from, uh, 11:00 am and, uh, we were on a case late so I worked till I believe it was 11:30 Tuesday night instead of my normal 9 o’clock time to get off.

Okay. And did you take any, uh, medication within the last 24 hours of that incident?

No.

Did you consume any alcoholic beverages within the past 24 hours of - prior to that incident?

No.

Did you h- do you have any medical condition that might impact your ability,
your judgment, or physical abilities?

A: No.

Q: And when was the last time you slept prior to this incident?

A: Um, I went to sleep around 12:15 on Wednesday morning.

Q: And how many hours did you sleep?

A: I woke up at 7:00 am Wednesday morning so seven hours.

Q: And were you injured during this incident?

A: No.

Q: And were photographs taken of you?

A: Yes.

Q: And did any, um, medical professional examine you?

A: Uh, yes the fire department did in the pit.

Q: Okay.

A: Which is our sally port.

Q: Okay. Do you wear any corrective lenses?

A: No.

Q: So at the time of this incident can you describe what you were wearing starting from top to bottom?

A: Top to bottom.

Q: Mm-hm.

A: So I was wearing, um, a hat, um, then I was wearing...

Q: What kind of hat?

A: Uh, it's a - it's just a ball cap. It says Quality Pool Service on it. Um, then I was wearing my police raid vest which is black which covers my shoulders
and goes down to my stomach, my waistline. Um, and in the top third of the vest it has the - the letters, uh, P-O-L-C-P-O-L-I-C-E, uh, in white block letters. Um, and, uh, they’re about four inch block letters.

And, uh, were you wearing a gun belt?

Um, I was - I was wearing a, um, not a full duty belt but a holster that carries my, uh, sidearm. And that was weaved in my belt line on my hip. And then continuing down I was wearing blue jeans and, uh, tan boots.

Describe the safety equipments that you had on your person at the time of the incident.

I had, um, my police raid vest. I had, uh, my portable radio. Um, I had, um, my gun which is a Glock 22. Um, I had handcuffs. And I had, uh, a bottle of pepper spray. Um, and I believe that’s it.

Okay. And, uh, were there any damage to your clothing or equipment during the incident?

Uh, just equipment wise just my - the truck that the city rents.

Okay. Which side of your body do you wear your - do you carry your holster?

On my right side.

And, uh, besides the digi- the - what do you guys call that? The body - the digital recorder?

Uh, I just call it digital recorder.

Okay. Besides the one...

PBR I think people call it.

PBR? Okay. Besides that recorder that you had on your person - personal body recorder did have any other type of recorder activated at the time of the incident?

No. No.

And we covered the fact that you reviewed your - your footage. Correct?

Correct.
Q: During break? And in regards to a vehicle, uh, what vehicle were you driving that time?


Q: Would you happen to know - okay. Would you happen to know the license plate number?

A: I don’t.

Q: Okay. Did your vehicle have any markings that would, uh - uh, any police markings?

A: No.

Q: Did it have any emergency equipment like, uh, lights, siren, or anything?

A: No.

Q: Uh, did - was your vehicle equipped with a video camera?

A: No.

Q: Do you normally drive this vehicle?

A: Yes.

Q: In regards to your weapon, uh, what is the make, model, and color of your gun?

A: Uh, it’s a black 40 caliber Glock 22.

Q: Was it issued by the department?

A: Yes.

Q: Was this the firearm that you, uh, discharged?

A: Yes.

Q: And what position did you, uh, discharge your firearm from? Was it, uh, point, shoulder, hip, prone, kneeling?

A: Uh, I was standing up, uh, and I had my - my strong hand which is my right hand with left hand support.
Q: And what caliber is your weapon again?
A: Forty caliber.
Q: Did your weapon have any special modification?
A: No.
Q: And what ammunition did you use?
A: Um, duty ammo which I believe is Winchester, um, 180 grain I think it is. Forty caliber.
Q: Okay. And was this, uh, departmental issued?
A: Yes.
Q: And what is the number of live rounds in which the - your weapon was loaded? Including the chamber?
A: Sixteen.
Q: So that’s 15 in the magazine and one in the chamber?
A: Yes.
Q: Were you trained in the use of an automatic pistol at the academy or by transitional training?
A: Correct but, yes.
Q: Do you have any - do you have training in o- any other weapon? Like a shotgun, rifle?
A: Yes.
Q: What kind?
A: Um, a 223 long gun. And, um, a 308 sniper rifle. And also, uh, a shotgun. Twelve gauge shotgun.
Q: And when was your last transitional training with an automatic pistol?
A: Um, I’d say three weeks to a month ago.
Okay. And when was the last time you qualified for this, uh, firearm?

Um, about the same. About a month ago.

Okay. Were you carrying any other firearm besides the one that was just mentioned?

No.

So you don’t have a backup gun?

No.

And did you have a cellular phone at the time of this incident?

Yes.

And will you provide us the number for that phone off tape?

Sure.

Did you discuss this incident with any other individual?

No.

Besides counsel?

Um, my wife.

Did you discuss the, uh - uh, what was the context of that conversation?

Just that I was safe. Everything was okay.

No details?

Um, no.

Did you provide a public safety statement?

I did.

To who?

Uh, Lieutenant (Sobek).
Q: Was that done on the scene?

A: It was done in my office.

Q: Okay. Is there anything that we didn’t ask, we failed to ask, or anything else we need to know?

A: No.

Q: And do you have any questions or concerns at this point?

A: I do not.

Q: Does anybody else in the room have anything?

A: No.

Q: No? We good? All right. So we’re gonna go ahead and go off tape. It’s 12:06. Off tape.

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

Signed
Section 6
Q: Okay. Today is April 15, 2015, and the time is - what do you got there?

Q1: 2302, 2303.

Q: 2303?

Q1: Yeah, you could say 3.

Q: Okay. And, uh, I’m Sergeant Michael Cardoza, here with Officer (Jason Anderson). We’re from OPD, Oakland Police Department, and also present with us is Sergeant, uh...

A: Troy.

Q: ...Troy Young, and he’s a sergeant with San Leandro PD, and for the record if you could give me your badge #?

A: 252.

Q: 252? Okay. And we’re currently located - can you describe where we’re at?

A: One of the offices in what we call the south city office.

Q: South city office?

A: It’s the building immediately adjacent, south of our police department.

Q: Okay.

A: It’s kind of a - we’ve annexed it, soon to take it over as extra room for the police department.

Q: All right. Well, this actually makes a pretty good interview room for this kind
of thing. So, uh, we’re here today because there was an officer-involved
shooting earlier, involving one of your officers, and so we’re here to, uh, talk
about that. Before we interview - or before we started this interview, uh, I
know you had a chance to meet with and LDF representative, um, and he’s not
here present with us, and then you also had a chance to look at your body
camera video?

Q: Is that - everything correct with that?

A: Yes.

Q: Okay. So, what - what we’re gonna do is we’re gonna basically - let me get
some housekeeping things out of the - out of the way as far as, uh, and then,
you know, your uniform, vehicle, things like that, and then after that I’m just
gonna ask you to go through exactly what happened, uh, and then after that
I’ll probably have some follow up questions with you and, um, and we’ll go
from there.

A: Okay.

Q: Okay. So, uh, the uniform you’re wearing today, it’s a wool uniform, you’ve
got sergeant’s stripes. Uh, is this the same uniform that you were wearing
earlier today?

A: Yes, sir.

Q: Okay. So full police uniform?

A: Yes, full, uh, wool Class B, long sleeve.

Q: Class B, long sleeve. Man, it was hot out there today too.

A: I’m always long sleeve.

Q: Is that right? Okay. And today, were you driving, uh, what type of vehicle?

A: Uh, just real quick, full duty belt, leather.

Q: Okay.

A: Uh, metallic badge, sterling silver. Uh, I happened to be wearing a shroud, a
blue - blue and black shroud.
Okay.

Uh, wearing leather boots. Nametag, AXON Taser, body cam.

Very professional looking.

Thank you.

Yes. Okay. And - and then let's talk about your vehicle. What kind of vehicle did you have today?

We were driving a Crown Victoria.

Okay.

Black and white, fully marked, light bar. Vehicle number 363.

363?

Mm-hm.

Okay. And, uh, what time did you start your shift today?

I'm on the clock at 610.

Okay. And what time does your shift end?

It ends at 1630.

1630, so this all went down...

Real close to that time...

Yeah.

...at 1630.

Okay. And prior to the shift, uh, how much sleep would you estimate that you got last night?

Between six and seven...

Okay.

...hours.
Okay. And did - last night, prior to your shift, did you have any alcoholic drinks or anything that...

I don’t drink.

Okay, no drinks at all. Nothing that would affect your judgment for today?

No, sir.

Okay. Okay. So, uh, with that said, why don’t you take me to what kind of led up to this? Um, the time this incident came out, how you were made aware of the incident and then...

Sure.

...then just, um, I’m gonna take some notes while you’re - while you’re talking, so if you could just kind of moderate pace for me, that’d be great.

Okay. Um, so you’d asked about my shift - I’m actually the day shift sergeant.

Okay.

So I work Monday through Thursday.

Mm-hm.

Um, 06 - actually it’s technically 610 ‘til 1630.

Okay.

Um, I was in the office reading reports, uh, pretty close to going home...

Mm-hm.

...when I heard, uh, some guys from our CSU Unit. So for us that’s Crime Suppression Unit and the unit consists of Sergeant (Brian Anthony) and four detectives, uh, Detective (Shane Nelson), Detective (Matt) Barajas, uh, Detective (Darren) Pasut, P-A-S-U-T, and (Jason) Kritkos, who’s also a detective.

Okay. And - and I don’t plan on interrupting you too much, but just those four detectives.

Sure.
181 Q: Uh, Kritkos, spell his name for me.

182 A: K-R-I-T-K-O-S.

184 Q: And I got Kritkos, Pasut, Sergeant (Anthony) and who else? Was...

186 A: Uh, two more detectives.

187 Q: Okay.

188 A: (Nelson).

190 Q: (Nelson)?

191 A: Yes.

192 Q: Okay. And who else?

193 A: And Barajas.

196 Q: Barajas?


199 Q: Okay, got it.

202 A: So, for today Barajas isn’t here, he’s sick. Um, I heard - I think it was a combination of Pasut and Kritkos on the air, I can’t - I remember the transmissions of what was said, but I don’t remember the exact...

207 A: ...voices who started, and I think they might have traded the radio back and forth at some point too, independently put different pieces out. But what I heard was them run a plate. It came back 9390 Adam, which for us means that it’s a stolen vehicle.

212 Q: Mm-hm.

213 A: ...and they said they were at the far west end of 105th, and for you Oakland guys...

219 Q: Okay.

221 A: And they said they were at the far west end of 105th, and for you Oakland guys...

225 Q: Okay.
...105 runs east and west for us.

Mm-hm.

So what you would consider the south end of 105th...

Right.

...is our west end of 105th.

Okay.

And they went on to say that it was a possible match on some - on a 459 suspect vehicle.

Okay.

Sergeant (Anthony) Morgan, M-O-R-G-A-N, was in the office at the time. He is the swing shift sergeant, just coming on at 1500, and he gathered his stuff to head out. I got up to, uh, do the same. Um, we both left, jumped in one car together, which was the car I described to you, vehicle 363.

You said (Anthony)?

(Anthony) Morgan, so...

Oh, okay.

So - so not to confuse things, we have a (Brian Anthony), the sergeant of CSU.

Right.

And we have (Anthony) Morgan...

Right.

...who's also a sergeant, who happens to be the swing shift patrol sergeant.

I'm glad you explained that.

Sorry.

Um, just for the purpose of this interview, if you don't mind, could you just refer to him as Sergeant Morgan?
A: Sure.

Q: That would be - that’d be easier for us.

A: Okay. I promise not to screw that up for you. Um, so Sergeant Morgan and I jumped in vehicle 363. I drive, he’s front right passenger. Uh, we head down there. Um, at this point what we do know is that Kritkos, Detective Kritkos, Detective Pasut, are down there. Don’t know if there’s a supervisor on scene yet, so we start heading that way, see if they’re gonna need any help, to see he’s getting supervised. Uh, as it turns out Sergeant (Anthony) is also driving down there. We’re ahead of him, we beat him down there. They’re technically Sergeant (Anthony)’s guys, but we’re the first sergeants on scene, so we just start building a plan. Um, we get down to 105th and Nattress, and make what we would call a northbound turn on Nattress.


A: E-S-S.

Q: Okay.

A: Um...

Q: All right.

A: ...as we get to Nattress, we see that Officer Shedd’s already there. He’s driving also a Crown Vic, fully marked, light bar.

Q: Okay.

A: Two D’s.

Q: Got it.

A: So, we pull in, make a u-turn, pull back up alongside Officer Shedd and start to getting a plan. We know that Officer (Malley)...

Q: Mm-hm.

A: ...is on his way, he’s one of our K9 handlers, and we want to set up how this is gonna go. I hear that Detective Kritkos and Detective Pasut have already asked somebody to go to the far west end of 105th, down in the creek, in from the San Leandro side because that particular area backs up to San Leandro. To get to the creek, the best way to do it without rolling past this car that we’re
looking for, is to go to the San Leandro side and get in the creek.

Q: Just real quick, are those two - are they UC officers?
A: No. What - I use the term plainclothes. They're not working...
Q: Okay.
A: ...undercover, they're working in plainclothes.
Q: Plainclothes? Kritkos and (Pasut)?
A: Kritkos, Pasut.
Q: Uh, (Pasut).
A: And that's fine.
Q: Got it.
A: And Sergeant (Anthony). Additionally, uh, Detective (Nelson) is also in plainclothes.
Q: Got it.
A: And he'll come to the scene after the incident.
Q: Okay.
A: So, Sergeant Morgan and I start putting together a hasty plan, doing what we can to mitigate risk here, you know, get a good plan together so that we can try to keep her contained in that area. We know she's in a car. There's a lot of pedestrians on that street, we're trying to avoid a - a pursuit. And, um, we were also planning on the possibility that she may flee on foot. Hence the reason we put somebody in the creek...
Q: Mm-hm.
A: ...on what would be pretty much one of her only avenues to escape into if she were to run.
Q: Okay.
A: So, as we're doing that, Sergeant (Anthony) comes on the air and says, "I've got" - he drives a white Ford F150 - I don't know if they call it an extra - it's
an extra cab I guess. It’s got four doors on it. And he says, “Why don’t you let me lead you guys down there so that you can have a little bit of camouflage going down so they don’t see the string of police cars coming down 105th, as you guys go down there?” No problem. “I’m almost there,” he says. So we decide that it’ll be Sergeant (Anthony), followed by Officer (Malley), who’s in a fully marked Ford Interceptor SUV, followed by myself and Sergeant Morgan in vehicle 363, followed by Officer - I’m sorry, go ahead. Did you have a question?

Q: Uh, yeah, real quick. Um, so it’s - it’s the Ford F150 in the lead?
A: Yeah.

Q: Then Officer (Malley), who’s driving what, like an SUV?
A: The newer Ford SUV’s...

Q: Okay.
A: ...the Interceptor.

Q: Okay.
A: Yep.

Q: And then take me after (Malley)?
A: And that’s a fully marked vehicle.

Q: Yep. And...
A: And then (Malley) will be followed by us in vehicle 363, and when I say us, I mean Sergeant Morgan and I.

Q: Yeah, okay.
A: Followed by Officer Shedd.

Q: Okay.
A: Followed by Officer Ying, Y-I-N-G.

Q: Mm-hm.
A: Both Shedd and Ying are in fully marked Crown Vics.
Okay.

So, I see Sergeant (Anthony) pull up. He hits the curb and stops for just a second right there at Nattress and 105th, facing what I call west.

Mm-hm.

Towards the dead end of 105th, your south end.

Thank you.

Um, then a couple cars come, so there's a little bit of a delay. He lets those cars go. He confirms, "Hey, we've got the backside covered with the creek. Yep, we're good. All right." And, uh, at some point there's an exchange of, "Yes, it's a green Honda Civic," the 939 Adam, the suspect vehicle on the 459, 10851, however you want to refer to it.

Okay.

All of the above, and it's parked facing the wrong way. So it's parked on what we would call the north side of the street, facing east. Or in your case, the west side of the street, facing north.

Okay, okay, I gotcha. Okay, so it's facing you guys as you're driving down?

Yes.

Okay.

Parked on the wrong side of the street.

Okay.

He kind of clued us in as to where it was. There was a trailer that was in the roadway down there that was stopped. I don't know why it was in the roadway. Um, it was a white trailer - it was out past that he said. When he said out past, that was to mean out farther towards the dead end, farther on the - our west end, your south end.

Yeah.

So we all head down, led out by Sergeant (Anthony). As we get close, Sergeant (Anthony) immediately veers to the right and hits the curb on the - and I shouldn't say hit - pulls to the curb on what we would call the south side
of the street. Wasn’t a planned move. Beyond the fact that I’ve worked with
him a lot and I know - I know what he’s doing, he’s clearing the area so the
two marked cars can get to the front, there’s no confusion of identification.
It’s very clear that the cars she sees are police cars. In doing so, he pulls to the
curb probably several car lengths to the east and opposite side of the street of
the suspect vehicle, the green Civic.

Okay.

Now this puts Officer (Malley) in the lead. He pulls up, (unintelligible) lights,
and stops - if you’ll bear with me on my hand motions here. He’s here, she’s
over here on the curb, so he’s kind of if you will, just ahead of her and
staggered a car width or so off of her. I see some movement in the car, and I -
I want to say it was a forward, back movement, meaning she backed up,
pulled forward - pulled forward, pulled back, I don’t recall which, but my
immediate thought was okay, she’s decided she’s not gonna stay for us, and
she’s gonna try and drive out of here. As I’m seeing that, I stagger one car
over in kind of a standard felony car stop position, one car over from Officer
(Malley), so that there’s room to get between our two cars for the cops to
move.

Mm-hm.

And stagger just behind him. With that movement that I’d seen over here at
the curb, I was expecting her to come across the front of him. I can’t really see
through him ‘cause he’s got an SUV, I’m in a Crown Vic. I can’t see what’s
going on on the other side of him. I’m expecting to see her car. I don’t see her
car so I think wow, maybe she’s gonna stay. Um, put the car in park, go to get
out and as I get out, car’s on the move, and she goes from what I call the north
side of the street...

Mm-hm.

...to the south side of the street, from your west side of the street to your east
side of the street, and in doing so she hops the sidewalk, and kind of - on an
angle strikes a wooden fence and proceeds to drive down the sidewalk. I
believe she passes two or three parked cars on the sidewalk, and is showing us
- and appears that she wants to flee from us. Um, at this point I’m looking for
where Sergeant (Anthony) went. I’m realizing he’s probably over here, and as
I turned I realized she’s headed towards him as he’s gotten out of his car,
which puts him on that same sidewalk.

Okay.

Um, my immediate thought is she’s gonna - she’s gonna kill him, she’s gonna
run him over. Um, you know, she's moving along a pretty good clip, showing no signs of wanting to stop. And as I pulled I'm - as I'm panning this I'm also running in the direction of this. Um, and when I say "this," I mean where - somewhere in the direction of where she's driving to and where Sergeant (Anthony) is. Um, as I pan back and see Sergeant (Anthony), I see his gun's out. I see his gun's extended and he's beginning to fire at the front end, front area of the Civic that's coming at him. Um, fires multiple shots and then the car collides into a combination of him and his white Ford pickup.

Okay.

I go running up. I'm sure that - I'm not sure he's not dead, um, but I minimally know that he's gonna be seriously injured based on what I just saw. I get up there and I asked him if he's okay, and he says he's okay. And at that point, um, truthfully just don't believe him. He's pinned - from what I can see he's pinned between the front corner of her car and the left side of his truck. Um, from somewhere in the mid-thigh, mid to upper thigh down. Even though he tells me he's okay, um, even truthfully he sounds pretty calm, my fear is when we get those two cars separated, he's probably gonna have mangled legs, seriously injured legs, and will he walk again, I don't know kind of thing. He tells me he's okay, he's able to get out. I start talking, directing officers who are coming up. We start getting additional offers - officers beyond what were part of the initial group that pulled into the end of 105th, and one of which is Officer (Brian Bus). And I'm trying to get him to back the car down and off of Sergeant (Anthony). And he's telling me, "I'm okay, I'm okay, I can get out. Just shut the car off." So, Officer (Bus) reaches in, she's got an automatic transmission in the car. He puts the car into park, tries to turn the car off. There's some difficulty there. I don't know if that was because the car had a punched ignition from being stolen, or if it was just caused by the crash or a difficulty on his part. I now - I - at this same time - I shouldn't say now - at the same time I've seen him, I've also noticed that there's a female driver that he's shot. Seemingly it's multiple times. I see she's bleeding from a couple of different places. At that time it doesn't really register where. I later find out that she's, uh, shot in one of her thighs that I notice, and a - a gunshot wound to the chest. So I - I have two immediate concerns, um, which are first, Sergeant (Anthony) and is he okay, and what kind of medical attention is he gonna need, and this woman who's been shot and she needs medical attention with no doubt. So I direct the officers to pull her out of the driver's side - I'm sorry. I direct them to pull her out of the passenger's side. Uh, Officer (Bus) and Officer (Ying) I believe are the ones that do that. Uh, they had to physically pull her out of the car, towards the passenger side. They start doing medical aid on her. We get Sergeant (Anthony) out between the two cars, and I can't tell you why, but he's okay. Um, because based on what I saw, he should have been dead or seriously mangled. Um, she plowed into him. So from there, uh, I made sure that we're - we got Officer (Bus) and Officer (Ying) giving
medical attention to her. I notice that I can hear Sergeant Morgan in my ear, meaning over the radio, uh, requesting the things we need. Um, he’s gonna need some more units there, shots were fired, um, get medical en route. Get Oakland en route. I think I even hear him ask for the watch commander. At that point I let him handle the radio communications, um, because I know what I’ve got in front of me and that it’s all a pretty much self contained scene. At some point and I don’t chronologically know where it fits in this right now, but I know that I find out that there was another male detained, running from the car as we go to pull in at the very beginning. Beyond that, um, Officer (Bus) had asked - had said that he needed to - he actually said he needed a sucking chest wound, is really what he chest seal, and he was telling me what he had. Um, I went, uh, tried to direct him with my med kit. He had a little difficulty finding it and I got my med kit out, gave it to him, and he and Officer (Ying) went to work on medical attention for the woman, who’s unfortunately I don’t know her name, I’m sorry. Um, I then made sure we were providing scene security because I didn’t know what these people’s relations to the neighborhood were, whether they had connections in the neighborhood, whether - we had to worry about other people that were friendly to them, and therefore possibly unfriendly to us in one fashion or another. Um, I noticed that crime scene tape was getting put up by officers, good wide crime scene, so I was good with that. I didn’t need to give any direction there. Um, and then my next concern was witnesses, so I started redirecting officers to start identifying witnesses. At this point I knew it was your guys’ case, I knew where I was, but my concern was if I waited for you guys to get there, we were gonna lose any critical witnesses. So I started directing them to get those people identified, and when I mean identified I want California driver’s licenses and the ability to get back to them, um, for an interview down the road if for some reason we were to lose them then, and I wanted it on video, so we could really get those people locked in to get statements. Started giving that direction. Uh, went back, checked on a couple other things, conferred with Sergeant Morgan. Uh, sometime in there, Lieutenant Mike Sobek showed up, he’s our watch commander - actually he’s the swing shift watch commander. My watch commander with Lieutenant (Tutor). Um, he did not make it to the scene, I think that was because he got stuck here doing, uh, dealing with the people that were coming to the station.

Q: Who was the lieutenant that showed up?

A: Sobek.

Q: Sobek.

A: Mike S-O-B-E-K. Um, and then I had to kind of re-find the order I gave on statements 'cause I - there was probably some confusion there, um, that I ended up pairing up two of the guys that were initially there with two
detectives that had showed up, and told them to work both sides of the street, starting at the far - what I call west end, you call south end 105th, and sweeping towards the hill, east for me, north for you.

Mm-hm.

Uh, and that was Officer (Kwan), Detective (Benz), Detective (Nelson), and Sergeant (Laja), and I don’t know how they ended up getting paired. From there, when medical arrived, I directed them in to the female. Uh, I made sure we had medical attention going for Sergeant (Anthony) because I knew he had been pulled out of the scene. At one point I had directed him to, uh, the Lexus that was parked - it was one of their undercover rides. He ended up walking to the far end of the street, and somebody else got him a ride out of the area, I don’t know who, but I was really concerned that we had medical attention on him, that he had injuries that maybe he didn’t know about. Once we got, uh, paramedics bus directed into her, that’s when the scene really started slowing down, and shortly thereafter you guys start showing up, and we start handing a lot of it off.

Mm-hm. Good?

Well, before I forget - at some point - you’re probably gonna have plenty more questions. Uh, before your people could take photos and ask me, I had to grab my rifle mag out of the back of 363.

Mm-hm.

Knowing the car was gonna be there for a long period of time, I didn’t want to leave a rifle in it. So I took my rifle out before you could (unintelligible) - green rifle bag if it ever becomes a question.

Okay.

I think it was, you know, PDRD anyway in your trunk, so...

So...

Yeah, yeah.

...the green rifle bag was removed from trunk?

Yeah, and I took that with me. Oh, no, you know what, that’s me - on - on video it’s me getting in to get my med kit.

Right.
631 A: Yeah.
632
633  Q1: But it shows that it was in the trunk, it’s...
634
635 A: Yeah. My rifle was never deployed. It’s just - I took it out for security reasons before we left.
636
637  Q: Okay. You did a great job slowing that down, I appreciate that. Uh, um, a great narrative, great explanation. Um, okay. So, we’re gonna back up to the point where you guys are briefing. Uh, at that point you’re briefing, you come up with a plan. Now, when the - is it, um, I know I’m gonna keep messing this up, um...
638
639 A: It’s okay.
640
641  Q: ...the two - the two detectives that are in the - I think you described or what - what type of vehicle were they in down there?
642
643 A: I think they’re in a gray Mazda.
644
645 Q: Gray Mazda? Okay. And that is Pasut and...
646
647 A: Kritkos.
648
649  Q: ...Kritkos? Okay. So those two officers, you - you - you refer to them as plainclothes, correct?
650
651 A: Plainclothes.
652
653  Q: Okay. So they’re observing this green Honda? Now - oh, yeah, we’re gonna - we’re gonna give you a map here.
654
655 A: I’m gonna take, uh, I want to stretch - I don’t want to cut you off but that’s, uh...
656
657 Q1: Here.
658
659  Q: Oh, you want some paper?
660
661 A: Just one sheet. Go ahead.
662
663  Q: Okay. So, in front of you here I put this, uh, I put a map here. This is the same map that we’re showing everybody.
A: Okay.

Q: Basically - and I’m gonna put just for our purposes, I’m gonna put south. I know this is not your south.

A: Mm-hm.

Q: This is north.

A: I can work off your compass.

Q: Yeah, and then this is west and then east. I wish we were all on the same page of this but we’re not. So, okay. The north is up here where you said you’re briefing, up at 105th and...

A: Nattress.

Q: ...Nattress? Um, how far approximately is that location from this scene down here where - where the shooting took place, approximately?

A: Three-quarters to a mile is my guess. It’s quite a distance, it’s a lot closer to Eads.

Q: Okay. Uh, about three-quarters of a mile?

A: Maybe even a mile.

Q: Okay. Briefing location. And then, uh, and then down - down here at the - at the scene, as far as the information that you were given, it was just the two officers that were in this gray or silver Mazda, that was watching the, uh, the stolen vehicle or that you said it came back either stolen or 459?

A: Both actually. It came...

Q: Oh, okay.

A: ...uh, we had a hit that it was stolen when they ran the plate.

Q: Okay.

A: So they ran the plate over the air.

Q: Mm-hm.

A: Came back meaning a stolen car for us.
Okay.

They acknowledged that, said it was occupied, and then went on to say that it's also a match, um, on some burglaries or burglary.

Okay. So they got eyeballs on that. What...

It's wanted for both if you - or it's - it's wanted for a 1008, but it's also a possible on the 459 so...

Got it.

Go ahead.

Okay. And the way you've originally described that, you said that that the - the green Honda was actually parked, um, I know we don't have video, so I'm just pointing to the west sidewalk, but it was on the west sidewalk, somewhere over here, uh, facing, uh, northbound, which would be facing towards you guys, as you would drive down the street towards a dead end, it was facing towards you, correct?

Yeah, on your compass west curb line, facing north.

Okay. Uh, what did they tell you about the occupants of that vehicle?

I don't recall.

Okay. Did you know that it was a male or a female, or did you know who was inside that vehicle? Did you have any of that information?

I don't recall that it was a female.

Okay.

Or if - I'm sorry, I don't recall if it was a female.

Okay.

I knew it was occupied. Beyond that I don't recall race.

Okay. Did you - did they say if it was occupied more than once?

I don't recall.
Q: Okay. So we know at least there’s one person in the car?

A: Yes.

Q: Okay. And then - and then you came up with your, uh, you described earlier very well your stacking order up at this location, and Sergeant (Anthony) led the stack with the Ford, uh, F150, and then from there it was, um, Officer (Malley), the K9, and then you were third in line?

A: Yes.

Q: Third behind him?

A: Yes.

Q: Okay. And then behind - behind you, um, was, um, Officer Shedd and then Officer Ying...

A: Yes.

Q: ...as far as I remember?

A: Yes.

Q: Okay. And then you’re - you’re driving a fully marked Crown Vic. Uh, and your plan was to - was it to go down and essentially, uh, make a felony stop on this green Honda and then arrest the driver at that point? Is that what the plan was when you’re driving down?

A: Absolutely.

Q: Okay.

A: Absolutely, and - and I do need to say and I think you - you get it, but this was a hasty plan. We knew she was in there, uh, we wanted to move quickly.

Q: Mm-hm.

A: But we wanted to move with a plan. We wanted to move quickly to avoid her being out on the road.

Q: Sure.

A: And next thing you know we got a pursuit at a time that it’s not gonna be ideal.
Q: Okay.
A: As well as to be prepared for a foot bail if she decides to get out and run. Um, which we thought there was a good chance knowing where the dead end here - she’s only got one way out.
Q: Right.
A: Um, so, yes.
Q: Okay.
A: But - but knowing that it was a hasty plan and to prevent that, we had to make a plan and move in a fairly short period of time.
Q: Okay. The way that these vehicles are listed on this map, uh, which - which one of these vehicles is your vehicle?
A: This one here, vehicle 363.
Q: Okay, 363. So, looking at the map, that is almost the last vehicle towards the - the dead end of the street here. Um, there’s another vehicle in front of you, vehicle 230. Do you recall whose vehicle that was?
A: That’s the SUV that Officer (Malley) was driving.
Q: Okay. So that’s the K9 vehicle right in front of you?
A: Yeah.
Q: And when you got to this location - so, according to this map, uh, your - your marked vehicle is to the rear driver’s side of, um, (O’Ma) - or (Malley)’s vehicle. Um, does this look how it was positioned?
A: No, actually it doesn’t. So what I think happened because when I came to a stop, we - and when I say “we,” meaning myself and Sergeant Morgan - our vehicle was almost parallel to Officer (Malley)’s. So my guess is that at some point as she leaves this curb and goes to the correct side of the roadway, he...
Q: Why don’t - why don’t you take your pen and go ahead and actually show me where - where her - do you see, um, the stolen vehicle on the west curb when you first pull up?
A: Yes.
856  Q: Okay. Why don’t you mark like an X and indicate - or make a box where the vehicle was at when you first see the stolen vehicle. Okay. And then mark the - the direction, in other words, see how these have little arrows on it facing the direction that they’re pointing?

857  A: Sure.

858  Q: You could do the same.

859  A: Okay.

860  Q: Okay. So that’s where you first see the stolen vehicle, which is on the west curb there?

861  A: Yes.

862  Q: And then as you’re pulling up, what - where do you see this vehicle go?

863  A: So, one other thing I do want to point out, and I know you know this, but I want to be clear, this is not to scale.

864  Q: Sure.

865  A: There’s a huge gap between...

866  Q: You’re...

867  A: ...vehicle 230 and - and this curb that didn’t exist.

868  Q: You’re absolutely right.

869  Q1: No, that street’s very narrow.

870  Q: Yes.

871  Q1: Correct.

872  A: So the...

873  Q: The - the way the map appears, it appears that there’s much more room and...

874  A: Much more road width than there is.

875  Q: Right.
Exactly. So when we first - when I first see her...

Mm-hm.

...there's a - a forward back or a back forward movement here.

Okay.

That causes me to realize she's thinking about leaving and it's probably a good chance she's gonna try and leave.

Okay.

As I see that, we're pulling up and now we're pulling up, if you will, into the shadow of Officer (Malley)'s car. Due to it's size and our height, I don't see it again, but I'm expecting it to come from your west side of the roadway, to the east side of the roadway. The - where (Malley)'s positioned, she's got nowhere she can go between vehicle 230 and whatever cars are in front of her on the west curb line.

Sure.

So her only choice would be to come from the west curb line towards the east curb line. I positioned myself on the outside. That was done two reasons - - so that I'm out there in a position where I can also see...

Uh-huh.

...as well as to set ourselves up in a good position for a felony car stop. When I do that, I re- remember Officer (Malley) being parallel to this car.

Okay.

And now - and the drawing you've got, which is consistent with what I recall seeing at the scene, after the shooting...

Sure - this is all post...

...is (Malley) - (Malley)'s car is now -- vehicle 230 -- is now pointing off at about a 45 degree angle across the roadway, pointing in a southeast direction as opposed to a due south direction.

Right.
A: Make sense?

Q: Yes.

A: So the path goes unclear for me, because I know she was here, but I know she - she comes from here and then suddenly appears on the other side of 230. Okay? That’s the first time I see her when she w- comes across the front of 230, because my vision is blocked. She goes from there to the east curb line...

Q: Mm-hm.

A: ...hops the curb onto the sidewalk, careens off a wooden fence. I see that you’ve drawn, uh, house number 296, and indicated a wooden fence. Based on the way this map lays out, I - I think it was the fence of 296. I remember seeing strike marks on a wooden fence out there after the shooting.

Q: Okay.

A: And she continues to drive in a northbound direction, on the east sidewalk of 105th, and squeezing between the fence and the parked cars, scratching - best I could tell, the - from my vantage point, she’s actually scraping both. I never went back to examine them to tell you if she did or didn’t, but so...

Q: But you hear the sound of, uh, of metal to metal?

A: Yeah, and I can physically see the car working it’s way through. It’s not a clean movement...

Q: Okay.

A: ...there’s a...

Q: Okay, so there’s not enough width on this sidewalk for this car to drive?

A: No.

Q: Okay.

A: And then she continues north, at - and that’s when I start to pan to look for Sergeant (Anthony), and realize that she’s on a course to hit him, where he’s outside his white Ford pickup, which is right here, parked, pretty much splitting, on your map, address 300 and 302.

Q: Okay, now earlier when you were first given, uh, the whole rundown, I was a little confused. I thought you said that Sergeant (Anthony) first pulled his
vehicle out of his way to the right?

He did, and I'll - and I'll back up for that. So as we come down in this line of cars, we're being led by Sergeant (Anthony). Um, he's driving a Ford F150 pickup. There's nothing to indicate it's a police vehicle.

Right.

I've worked with him and I know that one of the things we've trained our guys a lot on is identification. And if you can't be easily identified, then we put ourselves in a position of risk of the suspect thinking that they are being robbed, assaulted...

Exactly.

...whatever, by someone who's not the police.

Okay.

Now I know that when he jumps out, he's going to be wearing his vest.

Mm-hm.

And when I say, "Vest", they wear a vest that is, uh, kind of like the tach outer carriers. It's got markings that say, "Police." It's black nylon with Velcro and all that good stuff, so he will be marked as a police officer. And he was, when he got out of his car, marked with that, wearing that vest as well as Detective (Basuit) and Detective (Criticos) as well as Detective (Nelson) when he showed up after the shooting.

They all have the same type of...

...outer carrier marked with "Police."

Okay.

So knowing that, I know what he's done is he's pulled over here to get out of our way so that we can lead in with the marked vehicles...

So when you say, "Pulled over," is that the location that he's at now?

Yes.

So he's actually pulling to the left?
A: Yes. He pulls - he’s got nowhere to go to the right, I assume, is why he went to the left. I’d have to go back and see the scene, but the way this looks, that makes sense because you’ve drawn cars directly across...

Q: Right.

A: ...this roadway, and this puts him out of our way so that we can pull down that roadway and the first thing she sees are marked police cars, so there’s no questions about that.

Q: Okay. That’s - I just - I wanted to clear that up because earlier, um, you had stated that he pulled the vehicle to the right - to the right curb.

A: I think he said left.

Q: Okay. That could be just an error on my part, but one sec...

A: I probably said south. But I don’t know. This is correct. He pulled - as we were traveling your south on 105th...

Q: And that’s - well that’s what Sergeant (Anthony) pulls to the right curb to allow marked cars to pass?

A: Uh, no, he doesn’t pull to the right. That’s - that’s...

Q: Okay.

A: ...an incorrect statement.

Q: Okay, so, um, that’s how I understood it, so I just want to clear that up. According to a map, does this look like the location that he pulled?

A: Absolutely, which is pulling to the left...

Q: Pulling to the left?

A: Your...

Q: ...east curb line?

A: Exactly.

Q: Okay. So we’re good with that. And then - and he does that so that he can allow marked vehicles to pass, which it looks like, um, because of the narrow street, it looks like, uh, vehicles, uh, 352, your vehicle, 363 and the canine
vehicle, 230, were allowed to pass.

Mm-hm. Correct. I would agree.

Okay? So then - so then when you get - when you pull up there, do you hear - what do you hear, coming from the Honda? Do you hear, like, revving of the engine? Do you hear, um, uh, like, I mean, the - the throttle, you know? Vroom, vroom, you know? I mean, or do you hear something specific going on with this vehicle? I know you stated that...

I don’t think I...

Yeah, I see that.

But before back movement as we’re approaching, I don’t recall sound until she crosses over the front of 230, drives in front of the vehicle 230, and heads to the curb. I remember hearing that noise as the - the curb gets hit and then the - the strike on the fence, and then the noise as she works her way down. That’s the first recollection of sound I have.

Okay. What kind of speed would you estimate this vehicle’s traveling as it - as the suspect’s trying to, um, as - as the vehicle is driving towards the, uh, Sergeant (Anthony) in the Ford F150?

It’d be hard to guess speed. I do- I would say that she is moving with a purpose to get out of there, uh...

So does it look like the vehicle is accelerating? Like - like she’s trying to accelerate at a high rate to get away?

Absolutely.

Okay. And the way you describe the vehicle, the vehicle is literally sandwiched between a parked car and this wooden fence and so, um, would you - would you say that it’s a fair statement that - that the driver of this vehicle is accelerating, um, at a - at a high rate to try to push the vehicle - to squeeze the vehicle, I should say, north, um, through this gap, like at a velocity to get the vehicle through that gap?

Uh, I don’t know if that’s a fair statement in so much as I don’t know - I could go to mindset that she was even thinking that. It just looked like someone working very hard to get through there and get away.
Q: Okay.

A: At a - and no - no signs of slowing down, um, and in doing so, she's just piloting it through and squeaking both - you know, and scrapping parked cars and fences as she goes.

Q: Now where are you after - and - in - in according to the map, after you park here...

A: Mm-hm.

Q: ...you're - you're kind of parked, um, where your vehicle is left, um, is - is this where it's - it's at on the map, where you get out of the vehicle? Does that look somewhat accurate?

A: Say that one to me one more time?

Q: Where you- where the vehicle is at on the map right now...

A: Yes.

Q: Does that look like the location that you parked the vehicle when you got out?

A: Yes. It looks approximat- looks where I left it, yeah.

Q: Okay, and at what point did you get out, um, to see - to - in other words, were you outside the vehicle when the Honda crossed in front of 230?

A: I believe so.

Q: Okay, and at what point did you recognize that the suspect was a female? Or did you - 'cause I know you keep referring to her as a female. At what point did you realize that the suspect's a female?

A: I think when I get up to the door, meaning the driver's door of the Honda, after the crash and the shooting.

Q: Okay, so you could just tell that there was a driver, not really sure, specifically who the - who the actual person is driving until it ends up crashing into Sergeant (Anthony)'s pickup truck?

A: Correct.

Q: Okay. And then as you're at - as your outside the vehicle, I know you said earlier in your statement, that you were concerned about Sergeant (Anthony).
Tell - explain where you go according to this map, um, where you go and what you see? And this is at the point where the Honda is up on the sidewalk.

So as I peel out of the car, I see her - she's moving north on the sidewalk. And like I say, she's squishing between the cars, and I start running in that direction. And I suppose that my thought was she was really not going to be able to get through there...

Mm-hm.

...that it's going to wedge her, and so I'm moving in her direction, thinking that the car's going to come to a stop by getting wedged between the cars that are on the curb. And as I'm running in this direction, from vehicle 363 to what you've marked "Ford F150, Red," um, which is a pickup, I realize I'm panning up - panning in the direction she's moving, and I realize that - that direction she's moving is Sergeant (Anthony), because he's out of his Ford F150 - white pickup - and...

Okay.

...standing on that sidewalk.

Okay.

I don't think I answered all your question. I'm sorry.

No, I guess what I'm saying is you - you have, at this point, you have a clear view of Sergeant (Anthony), where his location's at?

At the point I get to about where this red Ford F150 is?

Mm-hm.

Yeah, that - I would say that's correct.

So did you see Sergeant (Anthony) before the Honda got to him?

Yes.

Okay. And what did you see is going on? Did you see, um, did you see or hear him giving any announcements? Did you hear anybody yelling anything?

I remember hearing, "Stop," which I think was him.

Okay.
That’s what sticks in my head. Um, and then what else did I see?

Yes, tell me.

So the Honda’s continuing to travel on the sidewalk. I panned to try and find him. I find him and I see him, gun extended, pointing down and towards the front of the Honda. He’s a taller guy. He’s 6’3”...

Mm-hm.

...so he’s pointing at a downward angle, towards the hood, windshield, somewhere based on the angle...

Sure.

...probably the windshield from what I could see. And as I see that, he is shooting.

Okay. Uh, does he - can you tell which hand he’s got his gun in?

I know the guy really well. I know he’s right-handed, so in my head, he’s - it’s in his right hand.

Okay. And then you see him shoot?

Yes.

And how many times do you see him shoot?

Approximately three rounds.

Okay. And - and that would be your estimate based off what you’re seeing him. That’s towards the drivers - the - the hood or the driver’s window area of the green Honda?

I would say the hood’s in (unintelligible). I said that, and now that I think through, it’s - it’s more towards the windshield.

Okay, um, did you see anybody else shoot?

I did not.

What did you see after he fired these, approximately three rounds?
The Honda continued and struck him. Front end of the Honda, front left of the Honda, struck him and pinned - and continued and then pinned him up against the driver's door, left side front area of his white Ford F1- pic- 150 pickup.

'Kay. And did you think at that point, that something serious had happened to Sergeant (Anthony)?

I thought he was going to be dead. I really did. I was extremely thankful to see him still vertical, and then he was pinned, and I thought his legs - there's no way this guy's walking away from this one.

So you spoke to him? You - you - you got yourself to a position then where you're right there, um, I would - I - where would you say? At the front of the Ford, near the driver's door of the green Honda?

Yes.

Okay. And you spoke to Sergeant (Anthony) to see if he was okay?

Yes.

And he told you that he was fine?

He said he was okay.

He said he was okay? But you don't believe him?

No. I didn't.

Okay.

Here's a guy pinned between two cars at the thigh. That's just - that's not okay. But you know, I've seen people pinched between cars before, and that just doesn't result in okay.

Okay. And then at that point, once he said he was okay, um, you - I think you said before you had him try to remove himself. At - at some point, you had him remove himself so you could be assured that he was, indeed, okay?

Yes.

And he did that?

Y- that was after I was going to have the car moved away...
...to open up the gap to get him out. And he said, “No, just shut it off.” Then I had him get out, ‘cause he told me he could get out, several times and I, again, didn’t believe it.

So he’s - squeezed out from between the vehicles?

Yeah.

Okay. And then at that point, this when you noticed that the driver is a female?

I - I wouldn’t say it’s sequential. I mean I - this is all happening in front of me...

Right. And of course, this is all super fast. I realize that.

Yes. Yeah, I would say, because, as much as he’s a concern for me, I’m - I look at her early on, because I want to know if she’s a threat to him. You know, I don’t know if she has a gun. I don’t know if she has a knife. I don’t know - I don’t know if she’s willing to fight. I don’t know what her mindset is.

Mm-hm.

And I have great concern right now, based on what she’s just done that if there’s - that she could potentially want to do more harm to him.

Okay. So, she - at this point, you don’t know what’s going on with her? She’s still...

I look at her, and she’s, uh, head, I believe down, and I see her - as I said before, blood coming from different places. Um, which I assume to be gunshot wounds. I later find out, once they get her out and start treating her, I assumed they are gunshot wounds, and she appears to be succumbing, I guess is the best way to put it, to the gunshot wounds.

Okay. What - what - when you say “succumbing” um, explain that?

So her head is down. Her eyelids are dro- or - are down or low, um, her body appears to have gone limp. There’s still a little movement in her.

Mm-hm.
But she’s not fully animated.

So her reaction is consistent with being shot?

Yes.

And injured?

Yes.

Okay. And then - and then after, you know Sergeant (Anthony)’s okay, you have her medically treated and you - I think you said you have Officers (Bus) and (Ying) pull her out of the vehicle and start applying medical attention, and - and then we go from there.

Correct.

Um, was there anybody else that you - while you’re, um, supervising on scene - well let me ask you, did you yourself - did you pull your gun out?

Yes.

Okay. Okay. And at what point do you remember pulling your gun out?

I thought we were doing a felony car stop, so as I’m getting out, my gun is coming out, as I get out of the car, so it’s in my hand as I get out of the car.

So this was before any of this stuff even goes down, you’re - you’re kind of prepared to deal with felony car stop.

I don’t know if I could say I - I was prepared to do a felony car stop. I don’t know that I could say that I got my gun out before this thing starts.

Okay.

I’d say it’s all happening at the - it’s - it’s happening - it’s unfolding as I get out of the car.

Okay. So - so you have your gun out. Do you ever - do you ever shoot?

No.

Okay. How about, uh, your partner, Sergeant (Morgan)? Do you see him with his gun out?
A: I don’t know that I saw that his gun was out.

Q: Okay.

A: Um, I - I would assume it was, because we were doing a felony car stop but I - I don’t know if I recall...

Q: Yeah. Yeah...

A: ...seeing him...

Q: ...and you didn’t - you didn’t see him shoot or fire?

A: No sir.

Q: How about any - and I know I asked you this before. Any other officers, again, that you s- saw with a gun out that could have fired any other shots besides Sergeant (Anthony)? Or - or was it just Sergeant (Anthony) that you saw shoot?

A: I think those are two question - two different...

Q: Yeah. I probably.

Q1: Did you see anyone shoot - else shoot besides Sergeant (Anthony)?

A: Yeah. No.

Q: No, so I just wanted to make sure I understood you.

A: No. I did not.

Q: Okay. Okay. And then, um, was there, besides - besides this shooting by Sergeant (Anthony) was there any other use of force issues that - that you’re aware of by any other officers?

A: When you say issues do you mean as in something like, or do you mean, did I see other force utilized?

Q: Yes.

A: I did not see any other force utilized.

Q: Okay.
A: Other than the physical force to remove her from the car, there wasn’t a use of force.

Q: Right. Okay. Thank you. At some point, uh, there was another person detained you said.

A: Yes.

Q: And did you - do you know if this person was in this vehicle or associated with this vehicle or how - how does this other person detained tie into this?

A: I was told, so I don’t know it firsthand, meaning I didn’t see it.

Q: Okay.

A: But, um, I - I believe Sergeant (Morgan), and maybe Officer (Malley) had noted that this male who was detained, who’s name I don’t know -- he was refusing to give his name out there, uh, was seen talking to - actually, I think Officer (Shut) also, uh, talking to, or conversing with the female in the car. So he was just outside the car. As we pulled up, I was told that he ran and that, I believe it was Officer (Shed) chased him down, uh, and detained him. I didn’t see any of that. I was told about it after the shooting.

Q: Okay. As a result of this entire incident, did you, yourself, get hurt? Did you have any injuries?

A: Uh, yes, actually, I did.

Q: Okay.

A: I - at some point, as I was - I think it’s around the time that we’re at the car, um, I cut my hand, the inside of my left palm, and then found blood in it. I don’t know if that was her blood or if it was my blood.

Q: Did you have pictures of your palm taken?

A: I don’t know that photos were taken of it.

Q: Okay. Can I just take a...

A: Yeah.

Q: ...look? Yeah, and, um, for the record there is a small, little cut to the inside of your, uh, left palm, below what would be your ring finger. Okay. And - and you don’t know how you got that? You just notice at some point, you’re
bleeding, and...

Well, I - I - I don’t know how it got cut.

Okay.

And then I found blood there, and I also know I touched her and there were blood all over her, so I had asked your investigators to, um, make sure we got a sample from her for me personally, so that I know if I have any issues to be concerned about as far as, um, blood borne pathogen...

Yup.

...type stuff -- full gamut, you know.

Mm-hm.

Hepatitis, HIV, so, hopefully, that can get tested as soon as possible.

And we’re going to follow up on that.

Please. And I - I think, I’m sure the department’s going to want to do a baseline on me tomorrow.

Yeah, they’ll - they’ll need to - I think they’ll need to get blood from you too as - to compare.

Yeah.

I obviously washed it out, but I tried - yeah, but you can see on my video, I ended up going to the paramedics and getting one of their wipes, and wiping it out...

Mm-hm.

...and I washed it real good when I got here, but, the...

Mm-hm, can never - I know. I - I understand completely - never be too much. Okay, um, uh, Officer (Anderson) may have some questions, follow up question for...

Just - just this is just to clarify, this was not a pre-planned operation, correct?

It was not a preplanned operation.
Q1: No ops planned, nothing like this. This was more of you hear them broadcast over the radio that they had located a vehicle, they put out a license plate, came back stolen, as a stolen vehicle, and they also indicated that it may be involved in some 459’s - possible 459 vehicle.

A: Yup, and I would even - I would even say so much as to a certain extent, we as a group of sergeants and, you know, the three of us each have kind of played a role in it, did a bit to slow it down, to make sure that we did have a good plan before we rolled in.

Q1: Mmm. Right.

A: We, obviously didn’t have a ton of time to plan...

Q: Mm-hm.

A: You pull the radio tape, you’ll hear that. And we co- we were doing everything we could to minimize liability, to minimize risk to the public, to minimize risk to our officers, and minimize risk to this woman and the man that we’re talking to as well as the people who lived there. So, in doing so, we put together kind of a hasty plan to do everything we could to, uh, cover all our bases.

Q1: Right and that - that and that occurred once everybody met up at the 105 and (Mattress) location?

A: Well, part of - part of it was done verbally there.

Q1: Mm-hm.

A: But the - that was broadcast over the air too on our main channel, so we had said, “Hey this is it. Want to make sure that the creek was covered,” “Yes, it’s covered,” confirm where - you know, confirm where she was. We confirmed how it was going to go that we were going to roll in and that it was going to go in this order.

Q1: Okay.

A: So it wasn’t just verbally at (Mattress). It was also done on the radio.

Q1: It was verbally at (Mattress) was everyone I know is going to be involved. You guys had a little pow wow briefing, developed the order which you guys were going to go down and a game plan on how you were going to approach
this, and - and handle this situation, to get them into custody with the least possible problems.

Absolutely. The only thing I would correct you on is when you say pow wow, we didn’t all get out of our cars and stand around. It was a little bit of yelling back and forth between cars.

Mm-hm.

(Unintelligible) cleaned up over the radio act, whatever couldn’t be done...

Right.

...car to car was said over the radio.

Okay, um, let’s see, uh, and so when you first - when you - when you first see the cars parked on the we- for us, it would be the west curb, was it all the way down to almost like the very end of the dead-end down there?

It was just a couple car lengths from the far end.

Okay.

Um, your west curb line, facing your north. So, parked along side the roadway.

Okay, and, uh, and you actually, when you pulled up next to the canine unit, and I guess it was vehicle 230?

Yes.

Uh, you actually kind of - you lose sight of the car. You see it doing some sort of movements of going forward and back, probably at that point, trying to make a decision of which direction she’s going to go, right?

Mm-hm.

The - the suspect vehicle?

Yeah.

And then, next time you see it, it’s passing the canine vehicle, in front of your vehicle, and heading to the curb and jumps up onto the curb.

Yes.
Q1: Okay.
A: Yes.

Q1: Now, at any time, uh, as the vehicle - could you hear any - any - see or hear any type of, um, of things being said by the - the driver of the suspect vehicle? Was - was she saying anything? Was she, um, was there any - any indication that she - you know, was trying to comply with any orders given or could you hear her putting out any kind of communication at all?
A: No.

Q1: No?
A: No. Um, we got very little communication from her and that was post shooting, when she was on the ground being given medical treatment. Um, she made comments about not being able to breath, and...

Q1: Right.
A: ...I even tried to ask her her name and I didn’t get an answer there.

Q1: Okay. Um, in order to clarify, that the only one that shot was Sergeant (Anthony)? Um, canine wasn’t deployed?
A: No.

Q1: Um, and obviously, you mentioned that you had mo- removed your rifle and rifle and case after, ‘cause you didn’t want to leave it there for security purposes, but that was not deployed during the incident in anyway? Alls that was used for was - and which was on your PDR - you know, your body camera - was when you went and got the medical kit to attend to the victim, correct?
A: Correct. That’s us- that came out of my rifle case. It’s carried in the same case.

Q1: Yeah. To the point that you even had to cut it off to get it out, because you didn’t want your rifle laying out.
A: Was actually specifically, I carry a, uh, chest rig that’s got multiple magazines, and flash bangs. I’m a SWAT team member so I carry flash bangs. Um, I didn’t want that out on the sidewalk and unsecured. So I just cut my med kit off, and gave it to...
Okay. Um.

...Officer (Bus) and Officer (Ying).

Is the - anything that we haven’t talked about that is - would be pertinent or anything that you can think of that wasn’t brought up or that would be - other than you - you reviewed your body camera video before this...

Yes.

...correct? And that is per your policy that non-involved - ones that are not actively involved as in the shooter is able to review their body cameras prior to, you know, giving it any form of - kind of a statement or anything like that correct?

Yes.

Okay. Um, I think that’s all I have. If you...

You know - you know - you - you didn’t ask, um, and I - you know, I - I look and I - in my recollection is that everything happened very quickly as well as when I watched the video, things happened very quickly. And she jumped that curb and ran down that sidewalk - drove down that sidewalk in - in a very short order, very quickly, and as I’m panning that and see Sergeant (Anthony) there, there’s - there’s no where for him to - he’s - he’s - he’s stuck in place.

Right.

Because he’s got his truck there. He’s got the other, uh, the driver right there and he’s just - there she is.

Yeah.

So his...

If - if - that - that bring up a - I think what you’re saying, that brings up a - brings up a good question. From your point of view, did Sergeant (Anthony) have any - any option? Any out? Any place to go, um, from where he was at?

There may have been places to go but the problem was, was the time to get there.

Right.
So all I can tell you is I see her car moving at a - at a high rate of speed and accelerating to get out of there, and I suddenly realize she’s heading in the direction of where (Brian) should be. I look. There he is. His gun’s pointed at her, and there’s the shooting, meaning that happened in such a compressed time frame...

Mm-hm.

...that even if there was some place to go, he didn’t have time to go there. As well as, I know for sure, he’s boxed in on his right side because his car is there and then you’ve got her barreling down on him. He’s got no where to go and no time to - I’m sorry. He’s got no time to - to move and it’s - it happens so fast that she’s on top of him.

But you - basically by the time he formulates this - the decision on where to go, its too late.

‘Cause she’s...

By the time - if he’d have moved, she still would have hit him.

Right.

There was - no matter where he would have moved, forward, back, or sideways, meaning left, she would have hit him at the speed she was going is my perception. You know, she didn’t - didn’t move out of the way. If he moved out to his left, if he moved backwards or he moved at her, she was going to hit him.

Right.

Does that make sense in how I say that?

Yes.

Yes.

And obviously, moving to the right wasn’t an option, ‘cause he couldn’t move through the truck.

Okay, uh, I think I’m good.

Mm-hm. Did any - Sergeant Young, I know we’ve covered a lot of stuff, talked about different things.
Q: No, I don’t have anything further.

A: You know, the one - the one other thing is, um, thinking back, we - we moved, again as I said, it was a hasty plan, real quickly. Unfortunately, we didn’t have the opportunity to call you folks in advance, um, but that was just a time issue.

Q: Mm-hm. Why?

A: And when I say you folks, I mean the Oakland Police Department.

Q: Correct.

A: Um, but that’s it.

Q: Okay. All right. I got 0013.

Q: Yup.

Q: I’m going to go ahead and go off the tape.

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

Signed
Section 7
INTERVIEW WITH SGT. ANTHONY MORGAN

Q=Sgt. Richard Vass
Q1=Terry Leoni
Q2=Ofc. (Dozay Quiroz)
A=Sgt. Anthony Morgan

Q: All right. My name is Sergeant Vass. Police Department. Gonna be conducting, uh, an interview for Oakland Police Report # 15-020012. Um, today the 15th of April 2015. We're at San Leandro PD's soft interview room. And the time is...

Q1: 12:23.

Q: Yeah. 12:23. So technically I guess we're in the wee hours of the morning of the 16th of April to be accurate. So 16 April, 0023, I guess. All right. So, we'll just go around the room and identify ourselves. Um, to my right...

Q2: Officer (Dozay Quiroz), serial number 871 - 8712, from the Oakland Police Department.

A: Uh, Sergeant Anthony Morgan, serial 303, San Leandro Police Department.

Q1: Terry Leoni from Rains Lucia Stern.

Q: All right. And so we're here due to an inci- critical incident earlier in the day, uh, of an officer involved shooting.

Man: 'Kay.

Q: Okay. So ready to go into it?

Q1: Oh yes. Uh, Anthony, you did have a body worn camera today while you were on duty?

A: Yes.

Q1: And you activated it during this incident?
INTerview with Sgt. Anthony Morgan
Interviewer: Sgt. Richard Vass
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Q1: And prior to starting this interview you have not watched the video, correct?
A: Yes.

Q1: So this statement is purely from your recollection?
A: Correct.

Q1: Okay. Thank you.
Q: All right. Um, so if we're ready, um, what happened?
A: Um, today at about - well today I started my shift at 3 pm, so 1500 hours. I was workin' as a Patrol Sergeant. Uh, held a briefing and, uh, I was at the station, uh, some time in the vicinity of 4 o'clock. I don't know if it was right before or right after. Uh, I heard, uh, one of our crime suppression units -- I believe it was Detective (Kritikos) -- uh, run a license plate on our radio on our main channel. Uh, the dispatcher said that the plate, uh, came back as, uh, for us it's a 939A Adam, which is a stolen vehicle. Uh, he acknowledged and stated that - that the vehicle was occupied. So, uh, he gave a location of, uh, 105th Avenue.

Q: Mm-hm.
A: Um, I - I don't recall exactly where he first put it out as. Uh, so our dispatch, uh, dispatched, uh, I believe two units to be en route to him. Um, there was some, uh, radio communication back from Detective (Kritikos) and at some point during those initial, uh, transmissions he said that the vehicle matched, uh, I believe, a burglary vehicle from earlier. I believe it was today. But it matched this suspect's or the suspect vehicle also matched, uh, suspects in a burglary. Uh, so at that time, uh, I walked out to go to the - go to my vehicle. Um, Sergeant (Young) and I walked out at the same time. Sergeant (Young) was the day shift Patrol Sergeant. Uh, I got in the passenger seat of, uh, vehicle 363 which is a marked, uh, fully marked black and white SLPD vehicle. Uh, Sergeant (Young) was driving and we started to drive to the area. Uh, while we were en route to the area the, uh, I heard via transmissions, uh, the officers, uh, start setting up, uh, units to go to the area above - of the perimeter...

Q: Mm-hm.
A: ...of their location. Um, we, uh, got to the area of 105th Avenue and, uh, (Natras). Um, Officer (Shed) was in front of us. He pulled off, um, kind of
turned out of the way onto (Natras). Uh, at that time, I, somewhere in there, I learned that they were at the east end of or the west end of, uh, 105th -- the dead end.

Okay.

So, uh, Sergeant (Young) and I thought (Natras) would be a good place to kinda tuck in while we formulated a plan. Um, went on to (Natras). Uh, positioned our car back out toward 105th Avenue. Uh, and we s-started conversing, uh, about a plan...

Mm-hm.

...to, uh, to detain the people in the vehicle. Uh, I heard Officer (Malley), who's one of our K9 officers, en route. Um, I communicated back and forth on the radio and we started coming up with a plan of, uh, how we were gonna approach. A couple of units were, uh, sent to the area of the San Leandro Creek which borders the west and south of that area. Uh, Sergeant (Anthony) came on the radio, who is, uh, a Detective Sergeant, who is, uh, the Sergeant of the Crime Suppression Unit, so the, uh, Detective (Kritikos)'s Sergeant, um, and said he was en route. And, um, we, uh, just discussed how we were gonna approach. Uh, our thought process at the time was, um, was set up for as many contingencies as possible, um, give - give the suspects, uh, every opportunity possible to comply and surrender, um, but plan for any contingencies. Uh, that being said, Sergeant (Anthony) said that, uh, he would - he would use his vehicle to approach first -- he's in an unmarked vehicle -- to kind of provide us a little bit of concealment...

Mm-hm.

...until we approached the suspect vehicle. Uh, Sergeant (Young) and I determined that we would have Sergeant (Anthony)'s vehicle first, uh, the K9 vehicle second. The K9 vehicle is fully marked black and white. Also has, uh, K9 decals on it. Um, we wanted, uh, the marked K9 vehicle as a - as another deterrent to keep anybody from fleeing, uh, to hopefully, uh, up their likelihood of complying and we wanted it as another force option should someone flee. Uh, behind that vehicle - determined Sergeant (Young) and I would, uh, be behind them and then I believe it was Officer (Shed) that would come behind us. Um, we made sure that the perimeter units were set in place before we approached, um, and once that was done, uh, I let Sergeant (Anthony) know on the radio that we would move on his - on his call or his movement. Um, Sergeant (Anthony) drove west on 105th. Um, K9 vehicle followed behind and we followed behind the K9 vehicle. Um, at some point in there I confirmed with Detective (Kritikos) the - the location of the suspect vehicle and confirmed it was on the north side of the street facing eastbound.
So, um, the wrong way, parked eastbound. Um, it - the - the streets there are kinda narrow so, uh, as we, um, as we approached we got, um, close to the dead end past the last intersection. There's one street to the s-south. I don't know what street it is. Um, once we got past that street, um, we approached the dead end. I still couldn't see the actual suspect vehicle. I knew it was a green Honda based upon some of the, uh, radio transmissions. Um, I saw Sergeant (Anthony) veer (Anthony)'s vehicle veer to the left, to the curb line, so to the south. Um, and I assumed that, uh, he was doing so to give us clear avenue and, uh, to provide some free space on the roadway. At about the time he veered to the south, I could see his vehicle slowing or stopping off to the side. It was now in my peripheral kinda behind me.

Mm-hm.

Um, so, uh, Officer (Malley)'s vehicle, uh, approached still kinda in the middle of the roadway and I saw, uh, as he was coming to a stop, a green Honda start to drive off from the north curb line facing east, um, diagonally. So across - it came into my field of view across Officer (Malley)'s car so it was going southeast it would be...

'Kay.

...uh, toward the middle of the roadway...

Mm-hm.

...from the north side. About the same time I saw the vehicle start moving I saw someone run from the area of the vehicle. Uh, could not tell exactly where they ran from. Couldn't tell if they had, uh, exited the vehicle and ran or if they just ran from the immediate area, but they were in the immediate area of the car. That person took off to the south curb line and then started running, uh, it would be west. Uh, about the same time, uh, we're - our vehicle is, uh, Sergeant (Young)'s positioning our vehicle to stop, um, I can still see there - there looks like what - what I can see is, uh, enough room in the roadway on the left side of the roadway for a vehicle to get by. So we're not barricading the roadway. We're not blocking the roadway. Um, there's still ample room for a vehicle to get in or out. Um, and I see - and I see the suspect vehicle start to, uh, accelerate diagonally across the road. Uh, I can see what at that time looks like a His- Hispanic female to me, uh, in the driver's seat. Couldn't see anyone else in the vehicle. Um, at that - that's about the same time our vehicle's comin' to a stop and I'm exiting the passenger side, uh, in the middle of the roadway. I can hear the engine loudly rev and I can see, uh, the vehicle start to accelerate or launch toward the south curb line. Uh, kinda - well passing what - what I thought was an area, if it wanted to drive away, passing what I thought was, uh, an avenue for it to - to drive eastbound. Uh, it goes up onto
the curb and I can hear an impact. I can hear the engine revving. I can hear an impact. I can see the vehicle reposition or jolt. Um, I thought it was from striking a - there was a wooden fence. I thought it struck the wooden fence along the sidewalk but it bounces off whatever the initial impact is, uh, and it starts accelerating eastbound. Uh, it - I can hear the - I can hear the constant rev of the engine as if the accelerator is just depressed. Uh, I - it's - the vehicle is still moving and it, uh, s- starts accelerating east on the sidewalk, uh, and I could see Sergeant (Anthony)'s white truck in the immediate area where the vehicle was, uh, accelerating. So it's starting to accelerate toward Sergeant (Anthony)'s truck, uh, between fences and on the sidewalk. Uh, through - through logic and through my peripheral vision I - I know Sergeant (Anthony) is on that sidewalk.

Mmm.

Um, and I know that, uh, he has nowhere to go. And I know the vehicle is accelerating directly at him. Uh, I'm - I'm in the middle of the street. I can see, uh, a person - what - what looks like Sergeant (Anthony) in the area of the sidewalk but there's cars - there's a - there's parked cars between us so I don't - I don't have a really clear view. Uh, I'm movin' at the same time. Still hearing the engine rev. Still hearing impacts. I could see some of the parked cars, uh, getting jolted. Uh, and I can see the car now has moved directly to where, uh, Sergeant (Anthony) had - had been standing or would have been standing when he exited his, uh, driver door. Uh, through the impact and through the movement I hear, uh, what I recognize as about three gunshots. Um, I can't see who's shooting or what is shot. Uh, short- shortly after, uh, the gunshots, uh, I see the vehicle starting to decelerate, come to a stop, and it looks like it's wedged between the sidewalk and Sergeant (Anthony)'s vehicle. Uh, I'm in the street now moving east toward Sergeant (Anthony)'s vehicle, trying to assess, uh, what happened. I br- broadcast shots were fired. Um, I go over to s- the area Sergeant (Anthony) and I can see him standing near the - the driver's side mirror, in that general area, uh, up against the car. I can't really see his whole body at the time and I ask, uh, "Who shot?" Or "Any officers shot?" I hear that no officers are shot. Um, I do hear something that leads me to believe the suspect is shot so I made - I request medical. Um, I then come back around the back of Sergeant (Anthony)'s vehicle and I can see that he's, uh, stuck. His lower body is pinned between the suspect vehicle and his unmarked vehicle. Uh, he says - he says somethin' to the effect of, "I'm - I'm stuck between the cars" or "I need to get these cars moved" and I can see his body is physically stuck between the vehicles. I could see a Hispanic female in the driver's seat, um, and there are other officers in the immediate area that appear to be attending to, you know, giving commands or attending to - their attention is focused on the driver. Uh, I let radio know that we're gonna need two, uh, two ambulances because it looked like he was - he was gonna be injured pinned between the vehicles. Um, and I could see somebody moving
to try to get the vehicles separated. Uh, Sergeant (Young) is - is dealing with that as it's unfolding. Um, I can see that officers are detaining or contacting or going hands on what the s- what looks like the person that had ran...

Q: Mm-hm.

A: ...westbound. They're on the south curb and they're dealing with that person up west of my location. Uh, at that point, um, being that there are two Sergeants dealing with the suspect and the - the injured Sergeant, uh, I directed my attention el- outward, uh, and started, uh, kinda handling the - the administrative side of it. Um, uh, direct- ing incoming units, where to post, uh, crime scene tape, uh, routes for medical. Um, as I'm broadcasting that I can see now, uh, I move back toward the curb line and I can see, uh, that officers have taken what looked like the driver out of the vehicle and she was now, uh, laying on the - the curb line. I can see them attending to her. I can see her legs are moving and she's...

Q: Mm-hm.

A: ...conscious and they're a- they're attending to her medically. At some point I see them, uh, at some point her clothing is - is stripped down and I can see them trying to render aid to her. Um, and then, again, I put my attention outward on - on now preserving the crime scene and setting up a command post and getting resources in. Uh, and a few moments later, uh, medical arrives. Uh, they - they come straight to her, start attending to her. Um, she still looks conscious at that time. Um, I could - I - I talk to Sergeant (Anthony), ask if he's okay. He seems okay. Uh, he - he doesn't really want medical at the scene so I redirect, uh, medical to go to the station to meet him there since he's gonna be sequestered anyways. Uh, assign an officer to be, uh, sequestered with him. And, uh, from there command staff started arriving and kinda took command of the scene, so...

Q: So, um, I'm just gonna kinda go through a couple key points.

A: Sure.

Q: All right? So, I think you mentioned this happened somewhere around 4 o'clock this afternoon?

A: Yeah. N...

Q: All right. What was the weather like outside?

A: Um, it was a little windy but other than that, nothing remarkable. Mild.
Q: D- Daylight?

A: Yeah, daylight.

Q: Sunny?

A: Sunny.

Q: Uh, so when you were out at the scene, um, you didn't need a flashlight or anything like that? You cou- sun, uh, illuminated everything?

A: Correct.

Q: Um, the police - what were you wearing today?

A: I was wearing a, uh, class B uniform, so a, uh, wool uniform. Um, our - our San Leandro PD blue. Um, a, uh, silver badge, nametag, duty gear, um, so full police uniform.

Q: All right. And the car that you were in, what kind of car was that?

A: It's a, uh, Ford Crown Victoria. It's black and white with, uh, large San Leandro PD decals on it. It's, uh, has, uh, full emergency equipment.

Q: All right. Um...

Q1: What number was your car?

A: 363.

Q: Right. So I know you said that when you arrived on the scene the car, uh, was acceler- the car was parked on the north side of the street and it was accelerating across the street.

A: Correct.

Q: Um, so I guess going from the north to the south side of the street?

A: Yes. It was - it was making, uh, it - it was a kind - a right turning maneuver for the vehicle was - was going southeast across the street.

Q: All right. And I know you s- you mentioned that you heard the car accelerate and you also heard constant revving of the engine...

A: Correct.
...right? Did you ever see the car, uh, stop at any point (of) there?

No. Uh, from the time I - from the time I saw the motion start, um, until after the shots were fired I didn't see it stop at all.

Okay. Um, and so is it fair to say that from the time that it started going from the north as it crossed the street and went up, I guess it was accelerating in speed as opposed to slowing down?

Correct.

Okay. Um, did you maintain focus on the car the whole - the entire time once it hit the sidewalk?

Um, I - my - my attention was split. Uh, I saw that there were two people fleeing. The car was fleeing. Uh, the other suspect was fleeing. I was trying to keep, uh, that person in my peripheral view, um, and I was getting out of the car turnin' my body so, uh, it - it was within my field of view the entire time but I wasn't intently focused on it.

And I know you said that you heard several gunshots go off. "Maybe three," I think is what I thought I heard you say?

Yeah, about three. Yeah.

Um, and at the time you didn't know who shot?

I did not know.

Okay. Uh, did you see any other - after you spoke with, I guess, Sergeant (Anthony) he told you that he fired his gun, is that how you determined that it was him or how did that all come about?

Um, no. I - I, uh, I don't recall him saying that to me. Uh, based upon where the - I saw what looked like, uh, bullet impacts in the windshield and based upon where they were firing where Sergeant (Anthony) was that's - that's what I inferred.

Okay. Um, did it come to your attention that any other person had shot their service weapon?

No.

Or shot a weapon at all?
No.

How 'bout any other force used?

Uh, none that I was aware of.

Okay. Um, and about - I - we have a map here and I - what car number were you again? 363?

Yes.

So it kinda looks like that you actually pulled past to where the - the sidewalk or the car maybe entered the sidewalk and started driving, I guess, eastbound? Is that accurate?

Uh, yes, we - we were - that's pretty accurate.

Right.

We were either - there was a vehicle - we were pretty close to even with this if not just slightly past it.

All right. And so about how far were you from when you first saw the car start to drive, um, where it was parked to then where it started to go across the street? About how - how - what was your distance, you think?

Um, the - this - the one- the tough part about this map is it - so this - this really should just kinda be shifted to right here because street's kinda narrow so, uh...

And when you say shifted basically you're just referring to the scale of the map, right? From page to page basically it just needs to be - show that it's (no more) narrower?

The - the width, yeah. Just the width is. So the vehicle was on this, this meaning the north curb line, uh, so we were in the middle of the street and it was northeast of me so I - I - I don't know...

Mm-hm.

...uh, tw- twenty yards' estimate -- rough estimate.

Okay.

As it started moving it - it was obscured from - I could see the movement of
the vehicle. I could see the front -- the hood -- as it started moving and then, uh, Officer (Malley)'s K9 car, just based upon where I was sitting, obscured my vision for - fr- from actually having a clear view. But I could see the constant movement of the vehicle and it didn't fully come back into my view until it had cleared Officer (Malley)'s car and was now going back toward the curb line.

Were you still in the car or possi- where were you at, I guess, as the car then went on the sidewalk? Were you in the car, out of the car, or driving too?

At - at about the time the car was getting to the sidewalk is, uh, about the time I was startin' to step out of the car.

Okay. And then so at that point the car then drove past you? Is that accurate? Continued east?

I was getting out just about at the time it was passing and - and getting to the cross- to the sidewalk, yeah.

All right. Uh, about how fast do you think the car - just an approximate - about how, if you were, uh, to give an approximate, how fast was the car going?

Uh...

And maybe we should break it down. Let's say on - on the street, about how fast ya think the car was going there?

I - I don't know. Um, whate- whatever - however fast a Honda can accelerate from one side of the road to the other.

Okay.

It was...

So you thought it was movin' pretty...

...full acceleration. Yeah.

Full acceleration. And then once it hit the sidewalk, um, and it started traveling eastbound, about how fast do ya think it was goin' there?

A- again, I don't know. Um, the - I could - I could still tell the motor was...

Mm-hm.
...being revved at full acceleration. Uh, some of this impact slowed it but it was still accelerating through so, um, I - I honestly don't know.

Okay. Um, were you - I know you knew that Sergeant (Anthony) was east of where the car was, correct? Or I'm sorry...

Correct.

...east - in the direction the car was going, correct?

Correct.

Um, did you have any thoughts of where Sergeant (Anthony) was in relationship to the car as it was driving in its - in its direction?

When it got to the sidewalk, uh, and I saw the fence line...

Mm-hm.

...uh, and I saw that the - the - the fence line and the row of parked cars were basically providing a track for the vehicle to stay on...

Mm-hm.

...I knew it had nowhere else to go. And I knew it was still accelerating and I knew Sergeant (Anthony) had to be on the sidewalk so I - I feared and, uh, believed that he was gonna be struck by the vehicle.

All right. Uh, not that you can predict, right, uh, but what are some of the outcomes possibly of him being struck with the car of going the speed that you thought the car was going?

Uh, obviously great bodily injury or death. Uh, he - so...

Um, do you know if anybody, and this is a slight backtrack, as the car was either going across the street or driving, uh, on the sidewalk there, do you know if anybody was giving commands to the - do you remember hearing commands or anyone giving commands to the occupant of the car?

I don't. I - I don't know either way.

Okay. I think that's all I have. Do you have any other questions?

Yeah just a couple clearing up some stuff. Um, sorry.
Mm-hm.

Uh, just for per- uh, people who aren't police officers just to explain, uh, you said that as your - you and everybody else are driving down 105th Ave., uh, at some point you guys tried to set up some contingency plans, right?

Mm-hm.

Why - why do - why do you set contingency plans? What are contingency plans, specifically for this incident?

Uh, in - in this incident the - the safest possible outcome for - for the community, for the suspect, for the officers are, uh, to prevent that vehicle from driving away or striking anybody and to prevent anybody from fleeing into the community, posing a threat. So, uh, we tried to take away all the available means for them to escape ahead of time and give them every opportunity to comply.

'Kay. Um, you said that when you saw the vehicle, specifically the suspect vehicle, um, you said it - you could see some of the parked cars getting jolted. What do you mean by jolted?

I could see, uh, what - just from what - what looked like unoccupied cars or parked cars, I could see that - through the suspect vehicle accelerating I could see the parked cars looked like they were moving so it looked like they were being struck by the suspect vehicle as it was wedged between them and the sidewalk or the fence line.

Okay. Um...

Specifically, uh, I believe it struck - I - I know it struck one of these vehicles but I believe it struck this white Honda as it was, uh, heading toward the fence. I saw initial impact somewhere over here.

Okay.

And then just in reference since we're just doing audio tape, you're talking about the white Honda that's parked behind the Ford F-150, gray color, and parked in front of, uh, what is that, 296?

Correct.

Correct? Okay.
And then you said that you saw Sergeant (Anthony) stuck or wedged in between the suspect vehicle and it - was it his F-150?

Yes.

And he says, "I'm stuck between cars." Something to that...

Yes.

...effect.

I - I...

It doesn't have to be verbatim but...

I asked, uh, if - if any officers were hit and he, uh, said something to the effect of, "I - I just need to - I'm - I'm stuck" or "I just need to get out from between these cars." And I could see him physically stuck.

Got it. Uh, we reviewed the - all the videos and everything, um, I know you said you haven't reviewed it.

(Mm-hm).

So...

No problem.

...I couldn't see any type of facial expression or any- or his or anything about him. Can you just describe Sergeant (Anthony) to me?

Yeah.

As far as...

What his demeanor at that point?

Demeanor.

Uh...

How he looked.

...he, uh, I could tell, uh, he was in physical distress but, uh, his - his demeanor was, uh, he was composed. He - he appeared to have presence of
mind. Um, and he - he was composed enough to communicate that he needed
to get that vehicle off of him. So I could tell that he was in fear for his safety
or his physical jeopardy but he was - he was thinkin' with a clear head.

Got it.

Uh...

Did he look injured at all?

I couldn't tell.

Okay. And then, I - I don't know if Sergeant Vass asked - if I - if - if I
oversaw, but did you use any force or anything?

No.

Okay. Uh, did you shoot your firearm at all?

No.

Okay. Um, and then did you use - did you contact anybody outside of this like
a canvas or anything?

No, I, uh, directed officers to, but I didn't.

Okay. I think that's it for me.

I'm sorry, just one more. Sergeant (Anthony): do you recall what he was
wearing?

Uh, yes, he was in, uh, plain clothes of blue jeans, I believe, and a hat, uh, and
a black, uh, vest with a bold white font that said Police in capital letters across
the chest and back.

So there's - reasonable that there's no doubt that he's the police?

Correct.

All right. That's all I have.

I don't have any questions.

Do you have anything you'd like to add?
A: Uh, no.
Q: Okay.
Man: Cool.
Q: Okay, this will conclude the interview at...
Man: 0053.
Q: Yeah, 0053 hours.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.
Signed
Section 8
Okay. Today is April 15, 2015. It’s, uh, 2339 hours. I’m Sergeant Basa, Oakland Homicide. I’m here at the San Leandro Police Department’s chief conference room and, uh, we’re gonna do introductions, starting with, uh, officers to my left.

Sergeant Rosin, Oakland Homicide.

Lieutenant (Holgren), Oakland Homicide.

(Bob) McFarlane, Rains Lucia Stern.

Detective Kritikos, San Leandro Police Department.

And, uh, Detective Kritikos, can you spell your, uh, w-what’s your first name?

It’s Jason. J-A-S-O-N.

And how do you spell...


And what is your badge #?

334.

Okay. And, uh, you understand this interview’s being tape recorded, correct?

Yes, sir.

And it’s evident by all these tape recordings in front of you, correct?
A: Yes, sir.

Q: All right. Before we went on tape, uh, I explained to you a little bit about the process of this interview, right?

A: Yes, sir.

Q: And I told you we’re gonna do introductions and then, uh, for now, just tell us what happened, and, but give us a little bit of background about your unit, about what you guys do and how today’s operation came about, and then go into (unintelligible), correct?

A: Yes, sir.

Q: And I said that after that, we’re gonna ask you some follow-up questions and then, um, some administrative questions, like, your state of being at the time of this incident, like, whether you, you know, how much sleep have you gotten, all that stuff, correct?

A: Yes, sir.

Q: All right. So, um, why don’t you go ahead and, uh, go ahead and start.

A: All right. So, uh, Crime Suppression Unit is basically what our vice team and our tact team, which is our street team, combined, um, I believe it was last year. And now we handle all narcotics and any cases for suppression - burglaries, robberies, if there’s a homicide, whatever we can help out with, any cases, along with all the narcotics, we will, uh, we will do.

A: Okay.

Q: Search warrants, all that stuff.

A: All right. All right. Tell us about today, then. Got a lot of information - you guys were running and then.

A: So on, if we - to do a little background - on Monday, we had a - a residential burglary, and that’s on the north end of San Leandro in the back of that house was a creek. Uh, the creek bed, uh, separates San Leandro and Oakland border. So, the burglary happened, uh, in custody was a stop there on scene and taken into custody after a brief, uh, foot pursuit. And, uh, outstanding suspects were seen in the creek bed, running.

Q: Mm-hm.
A: Uh, I heard this - we were just - I think we were on another call. Armed robbery just occurred, so I heard this call come out and I headed, uh, to Oakland, to see if I can’t, uh, set up on, uh, Catron, is that the street’s name?

Q1: Catron.

A: Catron to see if, uh, I could set up an area if they come out that way. Um, information received on scene that the suspects may be headed toward the 105th area.

Q: Mm-hm.

A: Uh, the dead end where the creek meets. That would be all the way west on 105th, our west. I know you guys are different. So, uh, I take off, head to 105th and set up. I’m in plain clothes, I’m in my undercover car, and I set up in front of, uh, there’s an apartment that’s, uh, 300 105th - apartment complex. I think it’s got a red gate, it’s yellow, uh, complex. It has, uh, several numbers in it, 320, uh, 324, somethin’ like that. So, I set up in that area. Uh, suspects were described in the call Hispanic males and one was wearing a light colored, uh, sweatshirt, I believe it was a blue - a light blue, or some-somethin’ to that effect. So I see a Hispanic male matching the description, with a blue shirt in his hand, he’s wearing all black clothing, uh, there’s two of ‘em. One’s walkin’ on the west side of the complex, and one’s walkin’ on the, uh, east side. They’re kind of in a hurry, they’re lookin’ back at each other, and I say, “Hey, I might have a possible suspect, uh, at this location.” So, I just performed surveillance from there on out. Um, immediately after, two other males come out and they’re, uh, doing counter-surveillance. There on the phone, they’re lookin’ back and forth on 105th, lookin’ for police to come in the area. They musta got a phone call, is what I’m assuming. So, I keep doing surveillance, and a short time later, the male who I believed was seen in all of the black clothing comes out in a red shirt, camo pants, Hispanic male gets into a car. I put out the information, uh, San Leandro performs a, uh, traffic stop on, uh, 98th after a plan was, uh, formulated. Stop, do a high risk, take him into, uh, or we detain him. One guy ends up being our other suspect that at the time, the officers on scene didn’t know that and they fined him and released him. So, after the high risk was performed, I went back to 105th and set back up on the house for the other suspect, if that wasn’t the correct one. To fast forward with the in-custody we had on scene, we did a interview with - he gave up his two accomplices, the two guys that were with him. Names, where they lived, and they lived in that same, uh, complex and, uh, who they were. One of ‘em was the guy we had stopped. Do you need names?

Q: Sure.
Um...his name was, uh, [redacted] - I have it in my...my phone...I think. And the other one was [redacted]...Both Hispanic males. So, he - he tells us it's them. We end up, that day, detaining two others out in front of the complex. We, uh, we, uh, take one down who we believe is involved in the residential burglary. Once we get here, he goes, "Hey, you know, enough's enough. That was my brother. He came home wearin' all black clothing. He was, uh, those were his pants that were, uh, wet and muddy that we found." He gave us consent to go through his phone and his, uh, house. One of the text messages was, "Hey come with us. We're gonna go do somethin', like surveillance on a house to burglarize," whatever it was. So, uh, he goes, "Hey, you know, I'm not goin' down for him. It's my brother. This is his name. He came in, he left wearin' a red shirt and camo pants." So, with that and then the other guy we interviewed, we knew who we had. So, that's the background. We know they live there. We know what they look like. We have their, uh, DMV photos printed out, so we've been spot checking that area since Monday night when we tried to get him to turn himself in. Um, so, we would go through that area, just hop- you know, hopin' to see them either driving or walking in the area, or hangin' out in front of the complex. So, today, that's - fast forward, that's what gets us into the area. Uh, my partner, Detective (Tsu) was in the passenger, I was driving a silver Mazda 6, which is my undercover car. And, uh, we were both in plain clothes, with what I'm wearin' now. Black T-shirt and blue jeans. And so we're drivin' down on 105th, you know, nice and, uh, slow, tryin' to look at all the, uh, people in the area. Tryin' to see if there's - any of 'em matchin' our suspect's description. We get to the, uh, end of 105th and I notice a green Honda backed in. It's backed in facing eastbound, but it's on the north side of the street. So, uh, (Darren) and I go, "Hey, look at that car." And I go, "Hey, is that a Hispanic male, uh, in the - in the vehicle?" And, uh, everything happened so fast, 'cause as we're tr- traveling down, it's like a fluid motion, you know, we're not tryin' to get made, and everyone's lookin' in your car, so we just do a kind of U-turn and I get the plate, uh, off the rearview mirror and, uh, my partner runs it out over the air. So, we're drivin' away and I told Detective (Tsu), "Man, that - was that a Hispanic male that kinda matched our descri- our, uh, suspect's description?" He put it - runs it out as we're drivin' away, just nice fluid movement. We're- we're drivin' down the street and, uh, comes back, it's a stolen vehicle. So, what we do is we continue down 105th and we pull on the, uh, south curb line facing east as well. So, I'm watching, now, down the street in my rearview mirror and my side mirror. Now, on 105th, in front of this stolen car, was a white trailer, parked in the middle of the street, which obstructed my view now of the car at all, but I could see if any foot traffic was coming around the area across the street in a southern, uh, direction. So, I'm watching, uh, watching the vehicle. W- we put out information of where the vehicle was and where it was facing and, uh, and it was occupied, and immediately, San Leandro units start dispatching themselves, come in into the area. We were just there on Monday with this,
uh, day shift crew, so everyone was familiar with that st- well, I shouldn’t say everybody. People that were responding that were there Monday, knew that this was a long narrow street, all the way down and there was a dead end. And if you came on the street at all, you would be made. So, I never saw a black and white unit, um, come onto the street until they actually made their entrance to come down to - for, uh, the, uh, felony stop. So, I continued surveillance, uh, I hear a plan being formulated on the, uh, radio. Um, I don’t know if there’s any meetings, uh, around the corner on a (court) to, uh, formulate a plan further. I recall Sergeant (Anthony) get on the radio and say that he’s gonna be the lead car, in his U.C. Truck, which is a white, uh, Ford F-150 four-door, and he says that he’s going to be, uh, the way in, for units to - to fall behind so they don’t get made. I’m assuming that’s so this car doesn’t take off at 80 miles an hour and hit another car, ‘cause that’s a long stretch. He’s cover, there’s a conga line of cars behind him as they make their, uh, entrance in. I know Sergeant (Young) was in, uh, on his way. Uh, and they’re makin’ their way in, they pass Detective (Tsu) and I, and we jump in, uh, mid-mid-stack in - in this long line of cars. You know, I estimate there’s maybe eight patrol cars. So, we’re - we’re kinda in the - the middle. We’re makin’ our way towards the, uh, toward - goin’, uh, west on 105th, we get towards the, uh, dead end where the vehicle’s parked and, uh, we get our car parked and all I see is now this green Honda shoot past to the south side of the - of the sidewalk at a high rate of speed, just takes off. To kinda paint a picture, it’s, uh, big fence all the way down on the, uh, south side of the street, and then there’s cars parked on the south side of the curb line. So, it gives you the sidewalk, uh, th- that’s free. Uh, I guess free space. The car shoots onto the sidewalk, launches, it starts, like, a ping-pong goin’ off the cars and the fence. You hear the - the - the accelerator all the way down. The engine’s revving, it’s takin’ off, and I, uh, I could just hear, um, just commotion. You know, things are gettin’ hit. Everything’s loud, I get out of my car immediately. I - I’m lookin’ to my left I see Sergeant (Anthony)’s white Ford F-150 parked to my left, which is south. He’s standing between a tall fence and his truck, in the middle and this car is comin’ at him at a high rate of speed, bouncing off cars, and I’m thinkin’ in my head, my heart sank. I - I literally was, like, “Oh, my God. My sergeant’s gonna - gonna get ran over and killed right here.” This car is takin’ off directly at him. He’s yellin’, I can see the panic in his face. I’m panicking ‘cause I’m, like, it’s all happening so fast, he’s right in front of me, and I know he’s caught in between that fence and his truck with nowhere to go. So, this - this car is comin’ on the sidewalk right at him. He’s yellin’ at the car, and then there’s shots fired. Um, it happened all like that, in a blink of an eye. The car smashes into Sergeant Anthony’s truck, and it - now I see him pinned. And, uh, between his truck and the suspect car and there’s no doubt in my mind, I’m thinkin’ his legs are gone. It - it - literally, it’s on his legs. So, you know, we’re yellin’, you know, “B.A.” The shots were already fired, the car’s now at a rest. Um, B.A. Lets us know, “Hey, I’m all right.” He - he lets us know after everything’s stopped
moving. The car’s done, the shots have been fired. To us, because we’re
yelling at him to try to get him out, that, uh, he’s okay, uh, to calm us down,
‘cause, uh, I was thinkin’ the worst, that his legs were gone. He was stuck in
between these two cars, and, uh, we started helpin’ him, or, Sergeant (Young)
starts, uh, assisting him and providing medical, askin’ for medical for the - for
the driver and, uh, helpin’ B.A. Out. After, uh... I’m sorry, Sergeant
(Anthony). Once Sergeant (Anthony), uh, gets out, I know Sergeant (Young)
was askin’, uh, for somebody to get the driver outta the car, and, uh, to start
medical. I got on my radio and asked for medical and, uh, then I knew made
contact with a witness and asked him if he seen anything, he was standing on
the, uh, curb right next to his truck and he just asked about, he’s all, “Man,
like, they hit my truck.” And that’s what his concern was. So, I asked him if
he saw anything. He said, “No.” I went and got a, um, crime scene tape, set up
tape in the area and, uh, tried to make contact with, uh, anybody in the area to
see if they saw anything.

What happened after that?

Uh, the - the, uh, driver, which, uh, was a female, was taken outta the car and,
Uh, laid on the, uh, sidewalk, and we started performing medical on her. Um, I
walked and did the - the crime scene tape. I, uh, made my way, eventually
back to the, uh, the suspect who was on the ground getting medical, and I
assisted paramedics, plus I, uh, helped them get her onto the, uh...

Gurney?

Gurney. And, uh, carried - carried her onto the stretcher. Took her to the, uh,
Paramedics Plus vehicle and then I backed up the Paramedics Plus vehicle
until they could get all the way out through the cop cars and out of the crime
scene tape and get on their way to the hospital.

‘Kay. All right. Um, Sergeant (Rosin) with the follow up questions, sir?

Sure. Um, goin’ back to the beginning of the operation. Um, had you guys
been to 105th Ave. Earlier this day?

Yes, sir.

And if so, how many times and when?

Well, our shift starts at 11, and I think we’ve, uh, gone maybe twice earlier
that day.

Okay. And then, just for time’s sake, let’s narrow down a time on this to - to
the two times you were actually there before hand.
A: You know what? I - I can’t - I just know it was probably between, um, 1 and the time of the (OIS).

Q1: Okay. And do you remember approximately what time the (OIS) happened?

A: Was it around, uh, 1600? A little bit before?

Q1: And that’s from your recollection?

A: That’s just, yeah, that’s what I recall.

Q1: Okay.

A: I don’t have a watch anymore, it broke.

Q1: Prior to the shots being fired by Sergeant (Anthony), how long had you and your partner, Detective (Tsu) been out on scene there on 105th Avenue?

A: Before, uh, Sergeant...

'91

Q1: Shots were fired, correct.

A: I know, uh, the CAD call would be able to determine that, but I’d estimate, possibly five minutes, maybe?

Q1: So, you guys, just so I understand, in my mind the time line - you guys went out there approximately twice.

A: Yes, sir.

Q1: And on the third time that you were there is when you saw the - what ended up being the suspect vehicle - the stolen car? Or was it on the second - second trip down 105th Avenue is when you saw the car?

A: Second or third. I think, uh, now - I’m sorry - we either went, um, one or two times that day. I believe it was two, and it would’ve been the third time we went down there.

Q1: Gotcha. Okay. So, it’s safe to say that you guys had been checkin’ that area earlier in the day.

A: Uh, yes, sir.

Q1: And the purpose of you checkin’ the area was...
Lookin’ for our residential burglary suspects.

Okay. Thanks, I just wanted to get it squared away in my mind. So, your third approach, from my understanding, you’re driving, um, and your vehicle, can you describe it in a little bit more detail? Does it have police markings on it? Does it say “police” anywhere? Police lights? Or is it strictly undercover?

There’s, uh, no police lights. It’s a silver four-door Mazda 6 with tinted windows. There’s no police marking or anything. But if I can add something about the marking that you - you brought up. When I and my partner tripped the vehicle and it came back stolen, we went up the street and parked, as I mentioned, and at that time, I donned my outer carrier police vest, which, uh, has large black writing in police in the front and the back. And, uh, it’s equipped with a, uh, body worn camera.

Okay. Thanks for clarifying. So, you drive the undercover vehicle, southbound or, I guess that’s your eastbound or westbound.

That’s my westbound, yes, sir.

You’re westbound.

Are you talkin’ approachin’ towards the dead end?

Yeah, I mean, on the third - on the third time.

Yes, sir.

Visiting, drivin’ down 105th to the dead end, you see the car off to your - what side was the car on? The left side or the right side?

It would have been the right side, which is our north.

Okay. So, our west, I guess. So you see the car. Which way is the car - the front of the car pointing?

Eastbound.

So, up towards San Leandro Street?

Yes. Away from the water, towards the hills.

Gotcha. And, it was parked on your...
Right side.

I'm driving right on it.

All right. And, as you're drivin' to the dead end, did - did you make eye contact then of the occupants in the car?

In the, uh, Honda?

Mm-hm.

Yes, sir.

Did you think that they knew you guys were cops?

No, sir.

So, describe to me in a little bit more detail, how you guys positioned yourself to conduct the five minute surveillance, or so. How did you guys get in position? Did you - was it obvious that you were backin' up, or was it pretty smooth?

No, yeah. We do a lot of surveillance in our unit. So, uh, we kinda try - try to act natural. We go into the area to do a U-turn, nice and smooth, no rush, don't - you know, screech the tires, we don't try to get outta there. We just did a nice, fluid, uh, movement. That's why I try to read it off in the, uh, rear view mirror, so I didn't have to stare at the vehicle, or, you know, make it awkward to, uh, make them (unintelligible). So, we take off, back down to, uh, down 105th goin' eastbound. And we parked on our south side of the street, and then, I watched, uh, the street from my rearview mirrors.

So, give us an estimate - how - approximately how far away were you fr- like, was your vehicle from their vehicle, as you set up on 105th to do your surveillance?

I know I said the street, or - or - or my partner did on the radio where are we at, is Creekside? Is there a Creekside Circle? I believe that was it, and we were parked just west of that. So, it woulda been, right there.

Cool. Um, can you draw us just a rough sketch of the layout?

Yeah, absolutely.
Q1: Where you guys were parked in relationship to the dead end and the suspect vehicle? Thank you.

A: I don't know all the streets in between, but I'm just - for a rough estimate. We were parked here, suspects here. Do you want me to label 'em?

Q1: Um, label the - label 105th. And then you mentioned one street was - was Creekside?

A: Yeah. I think it's Circle. I think that's it.

Q1: And then, so...

A: So, this is west, north.

Q1: Okay, perfect. That's great. So, you're sayin' that this is between those two is approximately how long? Between where your car was parked at and where the suspect was parked at.

A: It's quite a, uh, do you want that trailer that was blockin' my view in here, too, or now?

Q1: We can - we can - it doesn't - no, for - for this, just tell me the distance.

A: Aw, man. It was quite a ways, uh, 200 yards?

Q1: And from your vantage point...

A: Maybe more.

Q1: ...from where you were seated in your - in your undercover vehicle, did you ever, at any time, feel that the people in the suspect vehicle knew you were the police? At any time?

A: Not at all.

Q1: So, tell me what happens next? After you guys park there, what's your role? What are you - what do you see unfolding in front of you?

A: I'm gonna draw an arrow to show the direction that I'm facing and the suspect vehicle's facing. My - my role now, as I'm looking in my rearview mirrors, okay, to get the angle to see if I could see anybody coming and going from that direction. I want - I wanna know if that car's on the move so I could update units that's comin' out. So, I'm payin' attention to if that vehicle's
gonna move at all, or if there's anybody comin' and goin' from that direction.

Q1: And, so what's goin' on with the rest of your team?

A: The rest of the team is on the radio, and I could hear units saying, "I'm in route." "I'm parked here." "I'm off of this side street," uh, so I know units are coming and I know a plan's coming.

Q1: Um, I'm sorry, go ahead and finish.

A: So, I know units are comin', I know, uh, they're parked in the area. I hear other people in - en route, and then I hear, um, Sergeant, uh, (Young) and (Morgan) I believe were on their way. And then, uh, I don't recall the rest of the traffic during - during that. Um, during the middle of that, but then I recall - recall Sergeant (Anthony) he did on the radio also mention, saying that he's gonna be the lead vehicle and the other units are gonna be behind him.

Q1: So, what was the plan Sergeant (Anthony) developed between you guys putting out your information and then, ultimately, the arrest team's comin' in. What's the plan you guys had?

A: Uh, do you want a draw or just (unintelligible).

Q1: Just - you can just talk about it.

A: So, uh, Sergeant (Anthony) was gonna be - he - in that truck, the F150, you know. It's a bigger vehicle, you can conceal, um, these police vehicles behind it. This is a long, narrow stretched road. The plan was he's gonna come in, uh, other units were gonna be behind him, they were gonna approach the suspect vehicle for a take-down. Uh, you know, we know from our training and experience, stolen vehicles, a pursuit can ensue and now, this - that's when people get injured with an innocent bystander, a kid crossing the street, uh, husband wife, anybody, any pedestrian in the street or in a vehicle, is liable to get hurt if, uh, pursuit starts. So, I know that with - with them comin' in, you know, we wanna - we wanna control the situation. We wanna keep the car from moving. We wanna keep it, um, controlled, at the end of this court where they can't get into a pursuit.

Q1: So, how was the plan? Was it - were you - did you call in this swoop? We call it, like, a - an arrest swoop. Did you have everyone come in right away? Like, or is it whoever got there first goes racing in?

A: No. It was very organized, how they did it. I - I don't know if they met off the air, uh, and did this, uh, plan. I don't know if there's more radio traffic that I just don't - didn't hear, 'cause I was paying attention to the car. Um, but when
they came in, it was a very slow, controlled speed. Sergeant (Anthony)'s truck
was in front and then there was a very tight, organized line of police vehicles
behind him. There - I don't recall any gaps, nobody was rushing to catch up. It
appeared that they call came off together.

Q1: And - and do you - did you see where this convoy of police vehicles came
from as you were sittin' there on surveillance?

A: My attention's behind me, 'cause that's where my job is, but it came from in
front of me - the line. And, uh, 'cause I know I did a U-turn right here, but
they came from the east direction, heading west.

Q1: Okay. And then, how far away was the first marked police car in the convoy,
when you saw it from where you were at? When - when did you first notice
that, hey, oh, there's police cars behind this train?

A: They were on his bumper.

Q1: So, I guess the better way for me to phrase my question is this. How far east
on 105th was the marked car when you first saw it coming west on 105th
towards you and ultimately the suspect? How far away was the police car
from you?

A: I don't know if I understand the question, but as they pass me, I could see all
the cars behind Sergeant (Anthony)'s, uh, vehicle. They were all, they passed,
you know, couple feet away from us.

Q1: So, did you ever look, I guess, east in front of you and see the line of cars
comin' down the street, say, "Oh, the police is approximately 100 yards
away," or was it, no, "Here's the white truck, and then the white cars were
right by - the police cars were right behind it."

A: They pulled out onto 105th in a controlled speed, and they were all in a very
tight line with the black and white right behind, and then the, uh, truck, the
undercover truck, and then the rest of the cars were right behind it.

Q1: Do you think the plan to have Sergeant (Anthony)'s truck block the view from
the suspects worked?

A: Uh, yes sir. And I think if that car woulda had wind that the police were
anywhere in the area, that car woulda been takin' off at 100 miles an hour
down 105th. Straight out all those police vehicles.

Q1: You said that your partner, Detective (Tsu) had ran out the license plate for
the car?
A: Yes, sir.

Q1: Prior to...

A: Yes, sir.

Q1: And then what information did you have about it?

A: That it was a stolen vehicle.

Q1: Anything more?

A: I - I don't recall if there was anything more. I - I believe it was a, outta Oakland. And another thing that kinda, sorry to backtrack again, but it just popped into my head, uh, when we passed the car, I mentioned that, hey, well, you know, that kinda had the same description, right? Was that a light-skinned Hispanic male in there? And, uh, you know, it was quick, and when it came back stolen, I'm thinkin', "Hey, in our interview, we learned that these two guys don't have a car." They don't drive and one of 'em for sure knows he's hot. We spoke with him on the phone. We tried to get him to turn himself in and he was uncooperative to this. So, I figured, "Hey, maybe that's him in a stolen car." He knows he's hot, he's in a stolen car, and you know, he didn't turn himself in already, so. We didn't want - we didn't want a pursuit to start.

Q1: Okay. So, moving forward, the white truck driven by Sergeant (Anthony) passes you, westbound 105th. And you mention that at some point you made a U-turn and got into the stack, is that correct?

A: Yes, sir.

Q1: Describe to me how many police cars were in front of you before you joined in the caravan.

A: Approximately four.

Q1: Do you remember who the officers from San Leandro PD Were operating those cars, or in those cars?

A: No, sir.

Q1: And you're saying your position is number 4, or there were four people, including Sergeant (Anthony) in front of you?

A: I believe there was, uh, Sergeant (Anthony)'s vehicle and then four marked
patrol units, then our vehicle.

Okay.

I believe that’s how it was.

So, for purposes of this interview, I wanna show you a sketch, and it’s just free hand, not to scale, something we came up with at the crime scene, I just want you to take a look at it. It’s marked with some police car numbers, and that’s the dead end down here, 105th Ave., uh, that’s our northbound, going this way, your eastbound. Tell me if that sketch kind of resembles how the cars were left at the crime scene, um, when you guys left. Does that make sense?

Uh, yeah. I mean, I - I could, uh, I know the green Honda smashed into the white truck. I know I - I was parked over here, that’s my silver Mazda. And, uh, I couldn’t tell you the numbers on these patrol cars.

No problem.

I - I know they were patrol cars in front of me.

Sure. So, take the pen right there and go ahead and circle for me, your undercover vehicle. And draw a line and then just put your initial next to it. So, if we look in front of that car, I see one, two, three what - what appear to be San Leandro police cars. Is that correct? Is that what you’re lookin’ at too?

Yes, sir.

And is it safe to say that those were the cars that you jumped into the stack with prior to, um, the attempted stop being made?

Yes, sir.

Okay. And how - as - as your car is kinda canted in that - in that angle, um, do you remember leaving it that way, or do you think it coulda been moved, or do you not know?

I remember leaving it that way.

You remember leaving it that way?

Yes, sir.

Okay. So, using that - that map for reference, go ahead and fill in, with a
rectangle, uh, where the suspect vehicle was as you and the other San Leandro officers drove into the dead end to make the stop. Indicate with an arrow for me, which way the front of the vehicle was pointing. At that point, when you guys drove into the dead end to make the stop, did you have an opportunity to look into the suspect vehicle?

No, sir.

Prior to driving down there to make the stop, did you know how many occupants or suspects were in the vehicle?

No, sir.

Did you know there was anybody in the vehicle?

They quite possibly could’ve got out, absolutely. As I mentioned, there was a white trailer parked right here, concealing the, uh, vehicle from my surveillance position.

But, prior to the stop, did you ever see anybody come or go from the vehicle after you had made the U-turn down there in the dead end?

Not that I saw, sir.

So, you bel- what did you believe about the car being occupied or not, prior to the - the swoop call.

Are you asking if I knew it was - yeah, I didn’t know if it was still occupied or not at that time.

Okay. And at what point did you realize that the vehicle was in fact, occupied?

When I saw it shoot across the - the street.

So, using a dotted line, go ahead and show me the direction of travel of that vehicle from its place of park, I guess.

(Unintelligible).

Yeah.

Always in the d- uh, sorry.

Perfect. And, just for the purposes of the tape, you drew a dotted line from the
- that's the...

This is our northwest corner.

Northwest corner of the map to...

South sidewalk of your map.

And where that, for, our map, our sketch, shows the green Honda, is that correct?

Yes, sir.

And then, at - on the map, it shows the green Honda touching the white Ford F-150 that was Sergeant (Anthony)’s vehicle, is that correct?

Yes, sir.

Okay, and is that a safe reconstruction of that scene from your - from what your memory?

Yes, sir.

So, tell me about the movements of that green Honda, um, prior to the shooting. What did you see in here?

Happened so fast. I remember the green Honda shoot across, like a blur it was movin’ so fast, and I see it hitting the sidewalk and goin’ off the fence and cars, heading, you know, eastbound. It went, from what I’m - what I’m seeing, is there’s police vehicles in front of it and the vehicle went as fast as it could to try to get out and it went, I guess the only avenue for the escape was to go straight on the sidewalk, um, between the fence and the - the parked cars.

Okay. And what was your vantage point? Were you inside your U.C. Vehicle looking through the windshield, or did you get out? Or...

Yeah, I was in my vehicle, uh, as these patrol vehicles stopped in front of me, which are kind of obstructing my view. I see the - the green Honda shoot passed, I exit my vehicle and, uh, at that time, the Honda is - you could hear the engine just throttle held all the way down. The engine is revvin’ extremely high, and, uh, you could hear it continue to rev, uh, higher and higher. It - it wasn’t coming down at all. I just remember thinkin’, this car’s not gonna stop.

Drawing your attention back to the sketch that’s in front of you, can you place an X on the map indicating to us where you were standing after you exited
your car, prior to, um, any gunshots being fired. So, for the purposes of the recording, you indicated with an X what looks like to be the front left corner of your silver Mazda.

Somewhere in that area, yeah.

Okay.

(Unintelligible).

But certainly on the left side.

Yeah. In that area.

And where was your attention? Wh- wh- where were you looking at the point where you initially step out of the car?

Well, I could see the suspect vehicle comin’ at a high rate of speed on the sidewalk, hitting off the cars, and like I said, between the fence. And quite honest, I couldn’t believe it could fit through that tight space, heading straight on, uh, or heading east on the sidewalk. As I looked, so if you - if you’re sitting in the map, as I looked to the left, I can see Sergeant (Anthony) on the sidewalk, his firearm is now drawn at the suspect vehicle, yelling at the suspect vehicle, um, to stop, and I - I just, you know, everything happened, again, in the blink of an eye, but you could see the fear in his face, um, and he’s yelling and he’s - he’s trying - I think he’s trying to back up, and, uh, the vehicle’s engine is still goin’ high revver right at him, he had nowhere to go, like I said, he was in the middle of the sidewalk between his truck and the fence, and then that’s when the shots were fired.

Okay. I’m gonna back up just a second, and I wanna start you from where you - when you stepped outta the vehicle. You said you directed your attention to the suspect vehicle which was, at this point, was now on the sidewalk, am I correct?

Yes, sir.

Did you see any of the police cars down there with their emergency lights activated?

I don’t recall any of that.

Did you hear any sirens goin’ off?

No, I don’t recall any of that.
Q1: Any air horns get warped or...
A: I don’t recall any of that.
Q1: Anybody give any commands over any P.A.s prior to the vehicle taking off?
A: I don’t think they even had time if they did.
Q1: Is it safe to say that...
A: (Unintelligible).
Q1: Is it safe to say that once the suspects in the green Honda observed the police presence, that they instantly took off...
A: Absolutely, 100%, that’s what I believe. I believe the second they got wind of the police in that area, that’s when they accelerated as fast as they could to try to get out of there.
Q1: Okay. At the time you’re standing to the left front corner of your car, looking towards the sidewalk where the suspect vehicle is now driving, describe to me in feet, how far away the front of the suspect vehicle was to the front of Sergeant (Anthony)’s pick-up truck. In your best guess estimate.
A: I’m sorry, can you... I know the front of the front, but when?
Q1: The f-like, when the time you were standing out there, looking at the suspect vehicle, when you first saw it on the sidewalk, say it was accelerating towards...
A: The image in my head, the car is right here, coming at him. There’s this separation, and just came straight in and collided sup- you know, extremely hard right into his - his truck.
Q1: So, when you first saw it on the sidewalk, how far away was it from the front of Sergeant (Anthony)’s truck? Before any collision, before any gunshots. When you first saw it on the sidewalk?
A: Approximately 10 to 15 feet.
Q1: And describe to me, I know, it probably won’t be easy, but it’ll be an estimate on your behalf, how fast do you think the Honda was traveling as it’s driving up the sidewalk towards Sergeant (Anthony)’s vehicle? How fast was it going?
In my head, that car was full throttle accelerating, as fast as a Honda could accelerate, that car was accelerating. Um, I think the only thing that could slowed that car down is it ping-pongin' off other cars and the fence, and then, it struck Sergeant (Anthony) - (Anthony)'s car coming to a - a stop at that time, but it wasn't gonna stop before that, until it hit his car.

Did it appear that the collisions involving the other parked vehicles and fence had any effect on the driver or the vehicle? Meaning, do you think that that would have caused the person to stop?

Absolutely not.

Drawing your attention to the commands given by Sergeant (Anthony) prior to the gunshots. Can you tell me in detail what you heard him say?

I believe he was yelling, "Stop," at the - at the, uh, at the car. And, you know, if you could take a - a snapshot of, uh, what I saw, was him standing on the sidewalk, drawing down on the suspect vehicle, yelling at it, and just, like I said, absolute fear in his face. And, uh, then the shots were fired.

Could you hear the commands clearly and loudly?

I could hear him, yelling, yeah, "Stop."

And, do you remember, besides, "Stop," what he said, if anything?

I can't remember.

Did anybody else present on scene, give any commands?

I'm sure they did, I just - I don't recall.

Did you give any commands?

I don't recall if I did. I believe - I don't believe I did. Um, but I don't know.

Okay. What was Sergeant (Anthony) wearing from what you remember being out there?

His, uh, hat, which is just a - a baseball cap style hat, and a, uh, the same vest that I'm wearing, a black outer carrier police vest, with large white police writing on the front and the back.

How much of his body was exposed from your vantage point prior to the
gunshots being fired?

A: Everything.

Q1: And can you indicate with a circle, on the map in front of you, where you could see Sergeant (Anthony) standing right before the gunshots went off.

A: Well, even if the car's there now?

Q1: Yep.

A: Um, I'd say, maybe in this area. Circle it.

Q1: So, with with that circle, draw a line and then just write...

A: Sergeant?

Q1: B.A. So, for the purpose of the recording, you - you circled an area, um, to the left or Oakland east of...

A: Or, even extend it more, I mean, it was, like, there.

Q1: So, towards the edge of the sidewalk, to the left of his - his truck?

A: Yeah, I don't recall the gap between the sidewalk and his truck.

Q1: That's rough, it's not to scale. It's the best we could do. Free hand. Um, and then it's your recollection that you could see his entire body from where you stood right there?

A: Uh, yeah. Yes, sir. Are you - I know his truck may have, uh, nah, I think I saw his whole body, yeah.

Q1: Okay.

A: Yeah, I just 'cause that view I can't remember if - if looking at him I was obstructed at all from his, like, lower leg area from his truck, but I - I think I recall seeing all of him. Yeah.

Q1: Okay. So, it's possible that he, Sergeant (Anthony) was standing in front of his truck prior to the collision? Or...

A: Nah, meaning he - he was going this way, and my view from the truck, this way, um, I just can't recall. I - in my head, the image I see - I see his whole body.
Q1: Okay. No problem.
A: I’m - maybe I’m being confused.
Q1: We can move passed it. I think I understand. Thank you. How long did it take the Honda to travel up the sidewalk and eventually come to rest against Sergeant (Anthony)’s truck? From when - from the point you stepped out of your car and saw it on the sidewalk.
A: I literally felt like I blinked my eyes and it was happening like that. Like I said, the still image...
Q1: In seconds?
A: Yeah, seconds. Very fast.
Q1: How many seconds would you describe it as?
A: It felt, like, two seconds.
Q1: So, one, two...
A: It felt - in my head, it felt like that.
Q1: Slower or faster or...
A: I’ll have a image of that car comin’ and then I thought B.A. Lost his life and then I saw him trapped in the car and I thought his legs were gone.
Q1: So, in that - in those couple seconds, describe what’s taking place from the point that Honda’s drivin’ down the sidewalk and it almost collides with Sergeant (Anthony). What - what are you lookin’ at? Where is your attention drawn to?
A: I was tryin’ to get it all real quick, so I looked to my left, I see the car comin’, I see Sergeant (Anthony) draw down, I see it’s not stoppin’, it’s comin’ fast, then it hits the truck. And the shots are fired is all simultaneous. Boom, boom, boom. Right into his car.
Q1: And when the shots were fired, where were you looking?
A: Same area. All this.
Q1: Could you see Sergeant (Anthony) discharge his firearm?
I saw his firearm out. I don’t recall seeing any recoil on his firearm, but I did hear shots fired.

And so you, is it safe to say that you were looking at Sergeant (Anthony) while - while he was shooting or were you looking at the suspect vehicle while he was shooting?

I think, uh, I was goin’ - tryin’ to decipher what was gonna happen there, ‘cause I knew he was stuck, and I knew that car was comin’ at him, and as I’m tryin’ to get, you know, I guess understand what’s goin’ on, processing it, it’s over. So...

Could you see any muzzle flash or the casings being ejected from the firearm?

I don’t recall any of that, no.

Okay. How many gunshots did you see or hear?

I don’t recall how many I heard. Maybe I heard two. I don’t - it was very loud. A lot of people are yellin’, there’s a lot of commotion, there’s the car hitting, the damage, the engine’s still revving, so...

What happened next? After the gunshots were fired, what happened next?

We - we were, like, yellin’ at, “B.A.,” in a concerned fashion that, “Oh, my God,” you know, he’s gonna be hurt really, really bad, and, uh, we’re tryin’ to get our attention to him, get this car from keepin’ him wedged in between that car and his car. And, uh, we, he - he after a while he, you know, couple, you know, some seconds go by and he tells us, “Hey, I’m okay. I’m okay,” to let us know ‘cause we’re - we’re freakin’ out over him. And, uh, he ultimately is able to climb out of the area where he’s pinned between the cars.

Do you remember who all was present when the gunshots were fired by Sergeant (Anthony)?

I remember, uh, Sergeant (Young) being in front of me and having dialog with him. I remember him, I remember I, like I said, asked for medical. Uh, I remember, uh, Officer (Buss) bein’ there, on the other side of the vehicle. I - I guess I’m thinkin’ now, a-a- after the car’s been crashed, he was there. So...

You want me to say who I remember even bein’ there?
Q1: Mm-hm.

A: Uh, Officer (Shed) was there. I know my partner was there, Detective (Tsu). Uh, I remember seeing Sergeant (Morgan) there. Uh, Officer (Malley) - canine (Malley). Uh, Officer (Quon) was there.

Q1: Who was in charge of the operation?

A: Sergeant (Young) took, uh, charge of the operation at - at that point. Um, Sergeant (Anthony) being involved in an officer involved shooting.

Q1: Prior to the shooting, let's say when the plan was formulated, who was in charge then?

A: Uh, Sergeant (Young) and Sergeant (Anthony).

Q1: And then, which one of those people are your supervisor?

A: Sergeant (Anthony)'s my direct supervisor.

Q1: Okay.

A: They're both my supervisors.

Q1: So, after the gunshots are heard, you call for medical, you approach the suspect vehicle, what do you see?

A: I saw, uh, the driver, the angle that I was at, I couldn't really see too much into the vehicle. Um, I remember seeing an occupant, one occupant in there. Sergeant (Young) gave direction to get the, uh, it was later identified as a female out of the vehicle and, uh, start medical on her. I heard someone yelling for the med kit right away, and, uh, I believe later I saw, I think they needled her, which means to, uh, get her oxygen. And, uh, they just performed medical as best they could.

Q1: What happened to the passenger who was in the vehicle?

A: Well, I didn't ever see a - the passenger in the vehicle on the scene, I learned that, and I don't know if this is accurate, but a male, maybe a foot bailed out of the car, um, I know they detained a male subject there on the scene. I - I (unintelligible) didn't see a passenger in the car.

Q1: So you never had an opportunity to identify whether or not that was the suspect you guys were looking for.
Yeah. Yeah, I did. I did speak with the, uh, subject they had detained, and, uh, talked to him in the back of the patrol vehicle and asked him, "Hey, were you in the car? Where were you? Why were you here?" Just trying to figure out what his involvement was. He said he met with a, uh, a gentleman who was looking over the fence, he said a name. I said, uh, "What’d you guys talk about?" And you could tell his answers were, uh, misleading, they weren’t truthful. I went over there and verified with the, uh, Hispanic male that he didn’t know him. He wasn’t there talking to him, and he didn’t, uh, know that subject.

Could you determine whether or not that person you were speaking with was, in fact, the suspect you guys were down there doin’ surveillance for?

No, sir. It was not the same subject.

Okay. Let me ask you a question. Why do you think Sergeant (Anthony) just didn’t get back in his truck prior to the gunshots being fired.

He can’t speculate on what somebody else is thinking.

Well, for purposes of the - of the operation. Would it be feasible for somebody to just get back in the car or drive away from the area?

It’d be impossible to get out of the way in the amount of time that he had. From what I’m perceiving, what I’m seeing, where he’s positioned, the vehicle accelerating at a high speed coming straight at him, he didn’t have the choice to get back in the car.

Why didn’t he just move forward and get out of the way. From your - just speaking from your opinion only from what you saw.

Moving forward would bring him closer to the - the threat that’s coming straight at him, and there was no way of escaping, um, anywhere. Um, he was between the fence and his truck. There’s no way out.

How ‘bout backing up?

He’s at the - towards, uh, the middle of the front middle of his vehicle, to back pedal, by the time he got back to his truck, he woulda been ran over.

What was your plan, let’s say, just for conversation purposes, the suspects in that vehicle just gave up, or didn’t attempt to flee. What was - what would have happened to them?

We train high risk traffic stops all the time. We woulda went in there, set up
around the vehicle, performed a high risk stop. That’s why we had the canine. I believe the canine was the lead in the stack, which is our less - you know, less lethal. We woulda done a high risk stop. Ordered the occupants out of the vehicle, and try to safely detain ‘em without anybody getting hurt.

Is it safe to say everyone’s intention, from your opinion, was to conduct a safe detention slash arrest of the suspects causing minimal amount of...

Absolutely.

...pursuit, force, etcetera?

Absolutely, 100%.

Sergeant Basa?

Um, yeah, just a few, man. Um, you okay to go?

Yeah, yes sir.

All right. The, um, who’s, uh, in your squad, or unit, right? Who was workin’ today?

Uh, Sergeant (Anthony), Detective (Tsu), Detective (Nelson), and myself. The four people today. One more member of our unit has, uh, been off.

And (Nelson). He’s a sergeant or a detective?

Just detective.

And what vehicle is he operating in today?

He was, uh, they were later on the scene, but he was in a, uh, a gray, dark gray Lexus with tinted windows.

And where was he at the time of the incident?

I have no idea. He was, uh, he was there on scene eventually, but I have no idea where he was, uh, or what he was workin’ on during the time when we were there.

All right. ‘Cause we were wonderin’ where that gray Lexus came from. So that’s, like, after the fact, right?

Yeah. He’s...
Q: He showed up after the fact.

A: He showed up on scene, uh, well, I can’t say when he showed up on scene, but, I know he wasn’t there. I didn’t see him there when I was there.

Q: Okay. And then as far as marked units, are those patrol or are those specialized units?

A: I’m sorry?

Q: The mic units? Is that a specialized unit, similar to yours, or are those patrol units?

A: Those are patrol units, yes, sir.

Q: Okay. So, my understanding is that you guys spotted the car, called it in. Sergeant (Anthony) gathered up patrol units together with your units and you guys were gonna do a high risk stop, correct?

A: Yes, sir.

Q: Okay. And, um, were you part of the planning of this or anything like that?

A: I, uh, laid the format on the radio of how it was set up, and, uh, and surveillance and undercover, there’s a point man.

Q: Mm-hm.

A: Point, your - your eyes.

Q: Mm-hm.

A: You’re the info, that - that was me. I was point, I was in - I had eyes on the car, and I was gonna update if there was any change in anything, and just give them a, uh, picture of how the scene looks, so when they arrive their plan, they know what’s goin’ on.

Q: Okay. And did they meet somewhere else and...

A: I have no idea.

Q: Okay. Or is that a coordinated, all of a sudden everybody shows up at the same time, or...
I - I don’t know. I - I would assume they planned up, ‘cause as I mentioned the stack was very tight and organized and neat in the - I just kinda answered that.

B- because as coordinate the stack was, I think you said you made a U-turn and you got into - in the middle of that stack?

Yeah, I...

Was that planned or was it something that just...

No. I kinda forced my way into...

Okay.

Uh, to the stack so I could be there to help. Um, I - I, yeah, I just - I just remember I was traveling in - near the...

Okay.

...middle of the pack. I’m not saying I was perfectly in line with the - the cars, you know, but I was in there - that area.

Mm-hm. And what is your policy in regards to undercover officers doing enforcement? Uh, when marked units are present?

Have your vest on. Be identifiable as police officer. Identify yourself as a police officer and, uh, whatever we can, we will take action in, uh, with our raid vest that says, police.

Mm-hm.

We will apprehend suspects, but, it’s officer safety that have a marked unit when you can, especially if you’re gonna try to stop a car, get a marked unit.

Okay. So, it’s clear in my mind the plan was that everybody’s gonna stack up behind Sergeant (Anthony)’s car, right? For concealment.

Yes, sir.

And then, they’re gonna pull up and, were they gonna intentionally block the the avenue of escape for the suspect? As far as 105th is concerned?

As far as I heard, uh, yes, sir. To pin the - the vehicle down to where it doesn’t have a chance to ever accelerate and get into a pursuit and to cause a threat
Okay. So, in other words, block the vehicle's path.

Yes, sir.

Correct? Okay. When you guys rolled through that area, right? You said this is the third time that you rolled through when that incident occurred.

Yes, sir.

But the two prior times, when you rolled through the area, did you see that green Civic out there at all, whether occupied or unoccupied parked anywhere on 105th?

No, sir.

So, that was the very first time you saw that suspect vehicle.

Yes, sir.

And it was occupied.

Yes, sir.

And based on the suspect's description on the right front passenger seat, you had reason to believe that that was your 459 suspect.

Yes, sir.

Okay. Did you guys do any other attempts to make a determination whether that is in fact the suspect?

No, sir. I wanted to get out of the area, so I didn’t heat up that car and look for it to take off and get out of the area and a pursuit would start or anything like that. I knew units were comin’ in the area, but, uh, I wanted to make it as fluid as I could to get it - to get outta there, get the plate. If it came back, uh, clear, we woulda just gone on our way and set up down the street and done the surveillance.

And the 459 suspect, um, any information - them being armed or anything like that?

Um, no, sir.
Okay. Any information, uh...
I mean, I don’t wanna say they’re not armed, ‘cause we never know.
Right.
We don’t wanna say anybody’s not armed, if, you know, but - not that I had any direct information that they were carrying a weapon.
You were part of that investigation of that 459, correct?
Yes, sir.
And then you guys have some named suspect and correct?
Yes, sir.
And having been an investigator, you - I would assume that you guys ran background or, you know rap sheet on these guys, right?
Uh, yes, sir.
Any history on these two individuals in regards to, like, you know, 140, you know, like, like, uh, assault on police officers or any of that sort, or...
Yeah, I don’t recall any history on either of them.
How about them being armed and dangerous?
I don’t recall any of that history.
How about them being in any type of a pursuit or anything?
To back up on the 148, they did run from the police when they saw ‘em after they were doin’ the residential burglary, which would be a 148 violation.
Okay, yeah. Okay, yeah, so that’s - how about, like, prior to that? Any - any documented...
Not that I know, sir. Not that I recall, rather.
How ‘bout, um, any documented information about them being involved in any car chase?
A: Not that I know, sir.

Q: Oh, like, a - what is a car chase?

A: 2800?

Q: Yeah.

A: Yeah, no - no history of 2800 that I knew.

Q: Okay. All right. How 'bout any females involved in that 459?

A: Uh, no, sir, not that I know of, no.

Q: Okay. You said that, um, you were certain that, um, the second that they, I wrote it down - that the second that the suspect get wind of you guys, they’ll take off, right?

A: Uh, that they did take off or in...

Q: No, no. You said earlier that, uh, you had reason to believe that, you were sure that the second that the suspects sees - if - if they sees you guys coming, right.

A: Yeah, that was the thought in my head that if this, uh, vehicle, that’s from prior training and experience, sees police presence, that vehicle is gonna take off. Or, if that’s our suspect in the car, he’s takin’ off, either on foot into the creek, or he’s takin’ off in that car.

Q: Okay, was that information relayed to the - the sergeant that’s, uh, formulating this plan?

A: No, sir, I did not get on the air and say he - he might take off.

Q: Okay. ‘Cause I want to - I was just prior - I’m wondering whether that’s part of the decision making, like, for concealment, whether the thought of the minute they’re gonna see the police, they’re gonna take off, but you guys were sure that that’s part of the consideration when they made the decision to conceal marked units behind a - a, uh, a undercover car.

A: I just think that was, uh, forward thinking on the sergeant’s part, that, uh, he knew if the saw - he believed - I’m guessing he believed - I can’t say what he believed and what he didn’t believe, but I’m - I’m guessing that he believed that once those, uh, once the subject - subjects saw the, uh, police, that they may take off.
1351 Q: Because, as you know, people are gonna be critical about the - the tactics behind this, right?
1353 A: Mm-hm.
1355 Q: Okay. So, we wanna cover all of that.
1358 A: Yes, sir. Absolutely.
1360 Q: Okay. All right. How far were you, um, when the suspect vehicle first made any type of movement? How - how far would you say you were?
1363 A: Uh, where I - when I got on scene, I just recall the flash of the car driving onto the sidewalk.
1366 Q: Okay.
1369 A: So, whatever that distance out there measures, like, five car lengths.
1370 Q: Okay.
1371 A: Something like that.
1374 Q: How far - how far would that be? Estimate. I know it’s hard. It’s hard to estimate.
1377 A: Maybe, like, 60 feet.
1379 Q: Sixty feet? Okay. When the car first...
1381 A: I’m sorry. That’s - that’s an estimate, I don’t know.
1383 Q: Okay. Five car lengths.
1385 A: Yeah, somethin’ like that.
1387 Q: All right. Um, were you inside the car or outside the car when you first saw movement of the suspect vehicle? Were you already parked, out of the car? Were you, like, parking?
1389 A: I think I was parking, yeah. I think I was just pullin’ him and I see (shoop), and then that’s when I’m opening the car door, gettin’ out.
1393 Q: Okay. Did the suspect vehicle make any other evasive moves before he drove
onto the sidewalk? In other words, did he try to go any other direction before he went to the sidewalk?

A: I didn’t see that, if they did. All I saw was straight to the sidewalk.

Q: Yeah, but you know what I’m sayin’, like, did it drive, like, forward, back, side...

A: I didn’t see that, sir. Um, that trailer was in, uh, in the way and then the marked units in front of me blocked that view as well.

Q: Okay, so as far as you saw...

A: Right, yeah.

Q: Just from the parked position, it drove straight to the sidewalk.

A: I didn’t see it when we pulled up still parked, all I saw was the car take off, uh, cross the - across southbound towards - so as I’m pullin’ up, I see (shoo) comin’ straight on the curb, I’m gettin’ out of my car, and that’s comin’ down the curb right at Sergeant (Anthony).

Q: Okay. Um, at the time that the vehicle took off to the sidewalk, was there any other avenue of escape available to the suspect in any direction?

A: If you mean, if - could they have got out and ran somewhere?

Q: No, talkin’ about the car. Could the car have driven up in any other direction where it could make its escape - anywhere on 105th?

A: I don’t believe so. I believe, uh, I didn’t think that was gonna be an option, but, they went straight to the sidewalk.

Q: Like, avenue of escape, that is available.

A: Not that I saw.

Q: Not unavailable. Something that’s available.

A: Not that I saw, sir.

Q: Okay. So, for them to escape, they would have to, like, drive on that sidewalk.

A: Yes, sir.
1441 Q: Okay. People that are gonna look at this are gonna say, “Hey, man, you guys created this. You guys blocked that avenue of escape and made that person drive on the sidewalk,” you know. What would you say to that?

1445 A: We didn’t - we didn’t create any - any threat. We tried to keep a threat from happening. We tried to keep that vehicle from goin’ on a public road with a bunch of kids, innocent bystanders, pedestrians, families in vehicles, loved ones in vehicles and hitting and killing somebody. Even if we - say we didn’t even pursue ‘em, say they just saw us and took off. Hundred miles an hour down the street trying to get away from the police. They coulda hit somebody and killed ‘em before the pursuit would even start. So, I - I would say our plan was to keep anything like that from happening. We wanted to keep that vehicle there. Control the situation and not let that person take that car, as we know, can be used as a weapon, out onto the streets. I don’t know if that’s what you just asked me. Does that make sense?

1447 Q: Think I’m tryin’ to understand what you just said. I think you’re tryin’ to say that you’re tryin’ to limit that avenue of escape on a suspect on fear, like, what they’re gonna do afterwards could be dangerous as opposed to limiting their options with intentions that they’re not gonna do anything stupid.

1448 A: Yes, sir.

1449 Q: For lack of a better word.

1453 A: Yes, sir.

1455 Q: Am I getting that right?

1457 A: Absolutely, sir.

1459 Q: Okay. In other words, you’re not controlling the actions of the suspect.

1461 A: Yes, sir.

1463 Q: Okay. You know my partner touched up on this really well. But I kinda just wanna ask you, um, based on what you saw, during, before, even after, all right? The Sergeant (Anthony) have any avenues of escape?

1465 A: In my mind, absolutely not.

1467 Q: Why is that?

1469 A: I’m right next to him. I’m looking right at him, I could see the car accelerating straight at him. I know he has a fence to his left and a big truck to his right. He
had nowhere to go.

Okay. In your mind, or people are gonna say, right, like, hey, shooting at a car ain’t gonna stop it from moving forward. What would you say to that?

I would say, “What controls a car?” It’s the person, right? Foot’s on the gas, the hands are on the steering wheel. In that, time and time again, we’ve seen training videos where that car has been used as a deadly weapon. Just like a gun could kill people, right? The hands of the suspects using the gun kill people.

In other words, you’re saying people kill people.

Yes, sir.

Am I getting that right?

Yes, sir.

Okay. Have anything else, uh, Lieutenant (Holgren), sir?

Just a few. Um, you’re there a couple of times and on your third time during the day that you were on 105th Ave. At any time during that point of day, did you contact the Oakland Police Department and let ‘em know that you guys had undercover officers in the area.

Uh, we were doin’ - only doin’ spot checks, so we weren’t setting up and, uh, sitting on the street. If we do sit on the street, we absolutely do. We call, uh, Oakland (unintelligible) and let ‘em know we’re spot checkin’ the area.

So, on the third time, while you guys were there, and it’s probably about five, six, maybe seven (unintelligible) do you know if anybody contacted the Oakland Police Department to let ‘em know you guys were there?

I personally don’t know, but I know that it’s practice that dispatch will call immediately and let ‘em know, that - when - when they’re able to.

Um, you said, uh, you just made a comment you were right next to Sergeant (Anthony), uh, when he fired. Where, directly, were you?

I was, uh, I guess right next to can be, uh, misconstrued. I wasn’t standing directly next to him. I was next to my car, which was lookin’ straight at Sergeant (Anthony), which I said I think was about 15 feet away. If I said that, I might - I felt like I was right next to him. I wasn’t down the street, I was there on scene.
Q2: When you saw him fire, did you see his, when he actually fired, did you see his weapon, or did you see - you just knew he was in that area and you know that's where the gunshots were coming from - or did you actually see him firing his weapon?

A: Uh, I actually had a clear view of him and his firearm. His firearm pointed at the suspect vehicle and, uh, I heard the - the, uh, the shots fired. I just don’t recall seeing any muzzle flash or rounds eject or anything.

Q2: Did you have your weapon out?

A: Um. I don’t remember if I had my weapon in my hand or out. I - I think it was just in my hand, it’s a side holster for, uh, concealment, and, uh, like, I said, by the time I got out and looked, everything happened in the blink of an eye.

Q2: Did anybody else have their weapons out?

A: I don’t know.

Q2: That’s all.

Q1: I just have one or two, if you don’t mind.

Q: No, go ahead.

Q1: Um, how long have you been a police officer for?

A: I just started my seventh year.

Q1: In your seven years, how many times have you been involved in a stolen vehicle arrest?

A: Several. I cannot estimate how many, but several.

Q1: And how often do they turn into pursuits?

A: Quite often.

Q1: And in your experience, being an officer here in San Leandro, um, have you ever seen a suspect driving a vehicle on the sidewalk in an attempt to get away in that fashion?

A: I’ve seen vehicles do some, uh, crazy things to try to get away from the police, as far as directly traveling on the sidewalk, I can’t recall.
Q1: Do you think that's, uh, reasonable for a suspect to do is drive on a sidewalk?

A: It's, uh, is it reasonable? I don't believe that's reasonable at all. They shouldn't do that, but do they do that? Yeah. They will do that - they'll do anything they can to get away.

Q: And then, lastly, you know, I don't have anything else. That's it.

A: Counsel? Anything?

A1: Just, uh, follow up. Obviously, this, what you've been marking on, says it's not to scale. If we did try to put some scale to it, uh, this road would probably be a 120 feet wide, uh, based on your recollection, how many cars can park, for example across this road if you were to align cars to go from one curb to the next?

A: I have no idea.

A1: Is it - is it wide - is it wide as depicted in here? Is it this wide?

A: Well, no, 'cause this makes it look to where the suspect could just drive straight out.


A: It's - it's very - to me it's very short and narrow, congested. There's a bunch of cars on that street. This - this map shows, uh, a lot of avenues for escape.

A1: Right. And you were asked earlier if you gave any commands. Do you think you were in a position to give commands when you pulled out of your car and you saw the car moving?

A: No, sir.

A1: Just a second. (Unintelligible). The plan. Have you worked operations like this in the past?

A: Yes, sir.

A1: And, when you guys are spotting a vehicle, uh, and you notify a team that they need to take action and then arrest a suspect, it's incumbent upon them to create the plan.

A: Yes, sir.
A: And you trust that they know what they’re doing.

A: Yes, sir. I know Sergeant (Anthony)’s our SWAT team leader, so is Sergeant (Young).

A: And, when you’re undercover and there’s radio traffic, do you hear it all?

A: No, sir.

A: Why is that?

A: Well, as I’m sitting in my car, you know, we’re trying to be under cover so the radio’s down in your lap or it’s under your leg sometimes if somebody’s walkin’ by you, and, uh, the volume’s often sometimes turned down. So, if there’s people standing around me that can hear the radio, and you’re obviously paying attention to civil threats in the area, or you’re just watching your six and watching around the car, and paying attention to, right now, I was paying attention to a stolen vehicle.

A: That’s all I got.

Q: Okay, so, uh, I have a few administrative questions, to kind of get a state of being at the time of this incident. Um, when was the last shift that you worked prior to this incident?

A: Yesterday.

Q: Uh, what are the hours?

A: Last - our hours are 11 to 9.

Q: Mm-hm. So, what hours did you work yesterday?

A: 11 to midnight.

Q: Okay. And how many hours of sleep did you get prior to this shift?

A: Seven.

Q: And did you take any medication?

A: No, sir.

Q: Over the last 24 hours prior to this?
No, sir.

Did you consume any alcoholic beverages in the past 24 hours prior to this shift?

No, sir.

Do you have any medical condition, uh, that might impact your judgment or physical abilities?

No, sir.

And, um, do you wear any corrective lenses?

No, sir.

And, did you have a recording device on your person at the time of this incident?

Yes, sir.

What did you have?

Body-worn camera, Taser issue.

Did you have that activated at the time?

Yes, sir.

And, uh, did you have a chance to view, um, that PDID or the video footage?

Yes, sir.

Prior to providing a statement?

Yes, sir.

And did you watch that with counsel?

Yes, sir.

Okay. Uh, did you have any other recording device?

No, sir.
Q: Did you have any conversations with anybody besides counsel regarding this incident?
A: No, sir.

Q: Did you make any phone calls?
A: No, sir.

Q: That's all I have. Does anybody else have anything?
A: No.

Q2: No, I don't. Thank you.

Q: Do you have any, uh, anything that you wanna - is there any questions that we failed to ask anything that you wanna add or...
A1: Maybe the yellow paper there - put your name on there somewhere.

Q: Yeah, both of those can you initial it please? Put your s-star number. Do you have any questions or concerns or anything like that that you wanna ask at this time?
A: No, sir.

Q: So, we're gonna go ahead and go off tape. It's 12:55, it's the 16th of April. We're gonna go ahead and go off tape.

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

Signed
Section 9
INTERVIEW WITH DET. DAREN PASUT
Q=Sgt. Caesar Basa
Q1=Sgt. (Rosin)
Q2=Lt. (Holmgren)
A=Det. Daren Pasut
A1=Atty. (Zachary Lochs)

Q: All right. All right, today is, ah, 15 of April, 2015. It’s, ah, 1020 hours. Sergeant Basa with Oakland homicide. I’m here, in, ah, San Leandro Police Department Chief Conference room. And, ah, we’re here in regards to an OIS that occurred today involving San Leandro PD officers. Um, before we start, ah, we’re gonna have introductions around the room. We’re gonna start with, ah, officer on my left.

Q1: Sergeant (Robert Rosin), Oakland Police homicide.

Q2: Lieutenant (Roland Holmgren) Oakland Police homicide.

A: Ah, Detective Pasut with San Leandro Police department.

A1: (Zachary Lochs) from Rains Lucia Stern for Detective Pasut.

Q: And Detective Pasut, you understand that this interview’s being tape recorded, correct?

A: I do.

Q: And that’s evident with the several tape recorders in front of you, right? And, ah, what’s your first name?

A: Daren.

Q: Daren.

A: D-A-R-E-N.

Q: And what is your, um, badge # or serial number?
A: 328.

Q: Okay. And before we went on tape I explained to you the process of this interview?

A: Yes.

Q: Ah, we’re gonna introduction, ah, I wanted you to talk in candid and as much detail as you can, in regards to your assignment what you guys do, and what happened today basically? Then we’re gonna do follow-up questions and some administrative questions is that clear?

A: Clear.

Q: All right, so. Go ahead.

A: Ah, so I work in, ah, what we call our crimes suppression unit. Ah, we’re working undercover, ah, undercover capacity. So we wear plain clothes, ah, we drive civilian style vehicles, um, we do follow up work, um, on crimes that been committed in San Leandro, if we identify a suspect. Ah, we go ahead and go out to the location where he may or she may be in the area, or if we have a vehicle license plate, we do follow up work, we do surveillance. Um, so we follow up crimes along with, ah, narcotics as well. Um, as far as what happened today, I was, um, doubled with my partner Detective Kritikos. He was driving his vehicle, I was front right passenger. Ah, we went - we went to the 300 block of 105th to see if a, ah, burglary suspect that we have identified as involved in the burg, ah, burglary in our city on Monday, the 13. Um, so we know what this sus- ah, suspect looks like. He was resides in the apartment complex, ah, on the 300 block of 105th. So we drove down to, ah, see if he was standing outside of his apartment complex or in the - in the other - it’s common for this, ah, subjects to hang out in front of the apartment complex. So we drove down to the dead end area to see if we could possibly catch him, ah, in the area. So as we drove down, um, we -- when I looked to my left to see where the apartment complex was, didn’t see anybody. Ah, we did notice before we made the tur- u-turn there was, ah - ah, a gr- an older model green Honda Civic, ah, parked on the north curbline facing eastbound, close to the dead end. Ah, me and my partner -- and before we made the u-turn I noticed that there was, ah - ah, a pass- a front right passenger, but where the vehicle was parked it was parked underneath a tree that was heavily sha- made it was heavily shaded so it made it difficult to see exactly who was inside the vehicle. Um, but I did notice that there was a possible light skinned, um, subject in the front right passenger seat with dark hair. And as we were making the u-turn Detective Kritikos told me, “Hey that subject matches the description of the su- of the burglary suspect that we were looking for, inten- intended to look for.” That’s why we were in the area. At that point, um, we,
ah, we backed up. We ran the license plate, the front license plate of that, ah, Honda, and I - I ran it over our, um, my radio to dispatch. It came back that it was stolen out of Oakland. So at that point, ah, we pulled forward, now travelling eastbound away from the vehicle, about we pulled about, I’d say roughly 100 yards away and parked on the, ah - ah, south curbline. Ah, Detective Kritikos took over the radio traffic because in his side rear view mirror, he could see if the vehicle, any occupants were gonna be getting out. Or if the vehicle was gonna leave. Um, there was another vehicle that had came down and blocked our view of the vehicle, but we knew because there was multiple vehicles on each side of the roadway that there was nowhere else for that vehicle to go other than eastbound. Um, and he would be able to see through his side of the mirror that if somebody were to get out we would be able to - to tell. Um, while that’s going on he’s getting over the air, and he’s tellin’, ah, units, ah, we have a potential - our potential burglary suspect inside this stolen vehicle. So, Sergeant Anthony, Sergeant Young, Sergeant Morgan and, ah, several other San Leandro units set up in the area. Detective Kritikos, um, sets up a perimeter, a loose perimeter around our target vehicle. Um, Sergeant Anthony and, ah, the other two sergeants and several other officers, ah, show up in the area they stage down, I believe it was Nattress, Nattress and 105. And all this is being put out over the radio. Um, Sergeant Anthony formulates a plan says over the radio, “I’m gonna drive my vehicle,” he drives unmarked vehicle as well, he’s my sergeant and, ah - ah, street team. So he drives a white F150. The plan was that we were going to, he was gonna drive down and be the lead g- lead car while there was marked units behind. With the purpose of trying to block the - the view of the suspect in the vehicle that there was units coming down. Um, and then at, before they got to the suspect vehicle the plan was the sergeant was gonna peel off, and then the marked units were gonna merge on the suspect vehicle and take it on. Um, that plan took appr- about five minutes to kinda formulate while me and detective Kritikos was sittin’ there. Ah, we chose to not let the vehicle leave in the event that if we did now we are gonna potentially get in a pursuit. Ah, we felt that the fact that it was in an area that was confined, ah, parked, not a lot of people around, that if marked units came down to that court dead end area, probably be the safest way to take that vehicle on. So, Sergeant Anthony advised that our movement, we saw them come down the street they were down a little ways, ah, but as they got closer Detective Kritikos made a u-turn and, ah, we fell on the stack about the fourth car I’d say, third or fourth car. So Sergeant Anthony, I wanna say it was Sergeant Young, another marked unit or - or- or two more mark- two more marked units and then, um, Detective Kritikos and I got about three or four in the stack. Came down Sergeant Anthony peeled off because there was so many cars on the roadway, he peeled off basically and the only spot that was available on the - on the curbline on the south curbline, leaving enough space for the marked units to pull forward and safely take off on the car. So as they converge on the car we’re facing the same direction in the stack, I see that the suspect vehicle has now, um, pulled
forward, reversed, pulled forward right in front of the vehicles that the few
cars that were (unintelligible). Pulled forward, reversed and accelerated and
went around two parked cars that were on the south curbline, drove up on the
sidewalk between a fence and two parked cars. And was accelerating as fast, it
seemed like, as fast as it could go, wedged, it was bouncing off the car. Ah,
two cars that it went around. At that point I look over and I see to my left
where Sergeant or Anthony had parked his vehicle, he’s within about 10 or 15
feet from where this vehicle is now coming straight at him. Um, and as the
vehicle got closer Sergeant Anthony was - had his vest on that said, “Police,”
was giving verbal commands with his handgun out to stop, and within it - it
was only a matter of few seconds before the vehicle continued right at him
and I saw Sergeant Anthony fire to, ah, or at least I say, ah, heard him fire at
least two rounds. And got pinned in. The suspect vehicle, ah, collided into his
driver’s side door, which pinched him into the driver, th- his driver side door
and, ah, I’d say the front left corner panel of the suspect vehicle. So at that
point he was stuck, I ran around to the front of the suspect vehicle and I was
attempting to push the, ah, the suspect vehicle just ever so slightly back so
Sergeant Anthony could get out from being wedged inside. While there was
two other officers attempting to, um, make contact with the driver who was,
ah, I could tell had been shot. And eventually, I - I wasn’t able to push the car
it was just too heavy. Sergeant Anthony was able to get himself out of the V,
after a couple minutes. Two officers removed the female from the, ah, driver’s
seat. Applied, ah, moved her over to the sidewalk, were applying CPR while,
un, while I, ah, provided security, scene security.

Q: What happened next?

A: Ah, after providing scene security while the two officers were, ah, I saw apply
a chest seal on the - on the chest - on the chest wound and one of the officers
applied a, ah, a chest needle that we’ve been trained on...

Q: Mm-hm.

A: …to allow, ah, air to escape the lungs. Ah, so they were applying CPR.

Q: All right.

A: And the paramedics (unintelligible), you know, the medical staff arrived on
scene. I don’t know how many minutes later, but, ah, and they transported her.

Q: Okay. All right, let’s go back to, ah, you being part of this team, ah, violent or
crime suppression team?

A: Correct.
Q: Okay. How many people, how many officers is on that unit?
A: It's a, four detectives and a sergeant.
Q: Okay and the sergeant being Sergeant Anthony?
A: Sergeant Anthony.
Q: And yourself? Right?
A: Correct?
Q: And your partner? Ah.
A: Detective Kritikos.
Q: You know how to spell that?
A: K-R-I-C-I-K-O-S.
Q: Kritikos? And who else?
A: Ah, Detective Nelson. And Detective Barajas.
Q: Okay. And, ah, was Nelson, Barajas, part of this, ah, operation?
A: Barajas is out on, ah, he's sick. And, ah, detective Nelson is (unintelligible).
Q: And as part of your unit, um, you guys are normally undercover?
A: Correct.
Q: And, ah, are you and, ah - ah, Detective Kritikos, are you normally paired up?
A: No, ah, we each have ow- our own vehicle assigned to us. There are times if, ah, we're gonna go do a detail out in Oakland or do surveillance, we choose to ride double, it's just kind of a day-to-day basis whatever we decide to do. If we wanna ride double we do, but it is common for us to ride double.
Q: Okay. So depending - so depending what you gonna?
A: Just depending on what we're gonna do, ah, we'll ride double.
Q: Okay. And, ah, today you guys were riding in the vehicle?
A: Correct.

Q: What kind - what kind of car were you guys in?

A: It was a silver Mazda 6, I believe.

Q: Is this a fully undercover vehicle? There's no lights? No.

A: There's no lights, no siren, no.

Q: No markings or anything?

A: No marks.

Q: Okay. And as part of this operation, ah, you guys were with other officers? Am I right? With...

A: Yes.

Q: ...uniformed officers?

A: It was, oh wait, it involved -- when the shooting took place?

Q: No.

A: I'm sorry.

Q: When you guys were doin' this, ah?

A: No it was just us two.

Q: Okay.

A: There was one vehicle and just two.

Q: So just one vehicle, you and your partner, and then Sergeant Anthony? And you guys were looking for a 459 suspect?

A: Just me and Detective Kritikos went down in this area looking for this 459 suspect.

Q: Uh-huh.

A: Ah, it wasn't until we advised that we had a potential target...
Q: I see.
A: ...inside the stolen vehicle, did Sergeant Anthony respond with a team of, ah, marked units.
Q: Okay. So it wasn’t like planned operation...
A: No.
Q: ...is what I’m getting at. Where you need an office plan...
A: No.
Q: ...or anything like that? Okay. So you guys just, I guess freelancing?
A: Exactly, we had a few different, ah, plans for the day...
Q: Mm-hm.
A: ...and we were in the area of, ah, 105th, so we decided to -- we’ve been spot checking that area the last couple days.
Q: Mm-hm.
A: And today we decided to go down there at that time.
Q: Okay.
A: So no, it was not a planned.
Q: And this, um, suspect it’s a 459 suspect? Right?
A: Correct.
Q: Do you have the name?
A: It is - I - I don’t have the name at this point, right now, no. I know we have the name, I just can’t think of it...
Q: Right.
A: ...right now.
Q: Okay. And, ah, as far as how you got this information, did you get this information through, ah, like a, “Be on the lookout,” or is it directly from the
A: I was involved with the investigation.

Q: Okay. Is there any kind of flyers or any document that show, you know, like in our department when we're looking for somebody we have, ah, track flyers...

A: Right.

Q: ...or little flyers that we put out with the suspect pictures or anything like that? Did you guys have that with you at the time of this incident?

A: At the time of this incident?

Q: Or did you guys even have one?

A: Well we, ah, I personally, ah, me and Detective Kritikos were, we both physically saw the suspect that we were, um, looking for...

Q: Mm-hm.

A: ...on Monday.

Q: Mm-hm.

A: Ah, we both know exactly what he looks like.

Q: Mm-hm.

A: Ah, but we didn’t have a flyer on us.

Q: M-kay. Was there one put out any chance?

A: Ah, you know what, I - I don’t remember. I know that there was information put out, I just don’t know if there was a flyer.

Q: Okay. And who's, are you guys the lead, ah, investigators in that, or somebody from?

A: Ah, Detective Kritikos and Sergeant Anthony are - are lead I would say, um, I’m just involved 'cause it's kind of our unit that took it over.

Q: Okay. And I guess school me on this, so, um, on a certain case 'cause we kind of operate a little different...
A: Right.

Q: ...so I'm trying to school myself on how - how you guys do it? So as a street team you guys do also the follow up investigation, or do you have a detective in property crimes, that does and then give you guys the information to go looking for it?

A: Both, but because we were directly involved with - when this incident took down on...

Q: I see.

A: ...Monday and we were so involved we just continued to run with it.

Q: So you had first-hand knowledge?

A: First.

Q: Okay. And, ah - ah, what time did you guys start today?

A: At 11:00.

Q: 11:00?

A: 11:00 am.

Q: Okay. And then, um, what time did you guys go down to 300 block of, ah, 105th?

A: Um, I couldn't - I couldn't tell you exact time.

Q: Okay.

A: Ah, 3 o'clock. Maybe.

Q: All right. So when you guys went down there during this incident, was it the very first time today that you guys...

A: No.

Q: ...went down there sp- spying on this car?

A: I know Sergeant Anthony had gone down there.
Okay.

And, ah, actually had made contact with the brother of our suspect.

Mm-hm.

That was the first time Detective Kritikos and I -- I'm sorry that was the second time...

Okay.

...that we went down there.

When was the first time?

About an hour and a half prior approximately.

So the first time you went around hour and a half prior to this incident?

We went down there, nothing.

Nothing? What about the green car, was the green car there?

Yeah.

Huh? Okay. And then the second time you guys came around is when this incident occurred?

Correct.

How long by the time that you guys got there to when you spotted that vehicle? In other words did you guys do any follow up, like knock on doors...

No.

...or what not?

By chance the entire time and it was, we had noticed it just as we passed the apartment complex entrance, and we were just about to make a u-turn when we looked to our right and we see this Honda Civic parked.

Mm-hm.

Um, and, ah, we actually kind of both just we're like, ah, it looks like a stolen car, ah, as we common, kinda, common - commonly do. Ah, and, ah, and then
as we, I noticed there, like, being a subject inside the car, and as we made the u-turn, Detective Kritikos was looking at the car harder and then at that point he was, like, “Hey that looks like our, ah, our matched description of our suspect we’re looking for.”

Mm-hm.

So then as he backed up, he gave me the license plate and I ran it and it came back stolen.

Mm-hm. Did you guys have any interaction with that...

No.

...occupants of that vehicle, whether just looking at each other or you know, how like you past by they’re looking at you, you know they’re...

No.

...looking at you? Any acknowledgement...

No.

...of you guys...

No.

...passing by or anything like that? At that time were one or two occupants in that vehicle?

From what I could see it was a passenger. I couldn’t see ‘cause the - the way that the park was, ah, the vehicle was parked it was heavily shaded I could not tell if, ah, there was anybody in the driver’s seat I just could tell there was a passenger.

Would there by any indication at this point that they would know that you guys were the police?

No.

Okay. So you drove off, made a u-turn?

Made a u-turn,

Kritikos ran the plate, come’s back stolen?
Right.

And then you guys parked?

Correct.

All right. So I’m gonna give you a black piece of paper and draw a diagram, kind of give me idea how far of where you guys were in relation to the vehicle where you guys parked. And did this vehicle move at any time? From the time you spotted it, to the time this incident, this, ah...

No.

...shooting happened? So it stayed parked the whole time?

Um, if it did move it was such, ever so slightly, um, because there was a vehicle blocking it.

Mm-hm.

But it didn’t move so much to where, um, if it did we would have been able to see.

Okay. Did you see anybody get in and out of that vehicle the whole time that you guys were watching?

I - I - I could not see it, Detective Kritikos maintained visual of the vehicle from his rear view mirror and said that...

Uh-huh.

...he would be able to tell if somebody got out or got in.

Okay. So, um, I’ll give you this - this pencil so.

All right.

So 105th is pretty straight forward. Is this - this straight line coming down, right?

Yup. Let’s just say this is the, ah, apartment complex in question, where our target suspect lives.

Mm-hm.
(Unintelligible) block.

Is that driveway? That little (unintelligible).

Actually yes, yeah. And it’s a security gate that’s closed.

Okay.

There’s a little man door here. The green Honda was parked about right here. We pulled up, we pulled down, looked down didn’t see anything. Just before we made the u-turn, we saw this vehicle.

Okay.

Okay? Detective Kritikos backed up. Pulled back forward, stopped, in his rear view read off the license the front license plate...

Mm-hm.

...to the Honda. I got on my radio and I ran it to dispatch.

((Crosstalk))

Is it (unintelligible)?

Go ahead.

Sorry. So where you stopped can you mark that as number 1? And then on the side, put 1, “Stopped looked at the plate.” Okay and then you guys pulled forward.

So we pulled forward, find out it’s stolen, pull forward and just where Creekside Circle, I believe that’s the street, Creekside Circle.

Mm-hm.

Just before the driveway we pulled to the, ah, our south curbline.

Okay.

And the distance from here to here? 150 yards, maybe.

Okay.
586 A: Approximate.
587
588 Q: For the purposes of the tape you’re referring to your vehicle in relation to suspect vehicle where you parked?
589
590
591 A: Yes, correct.
592
593 Q: Okay.
594
595 A: Right.
596
597 Q: About 100 yar- 150 yards?
598
599 A: I’d say approximately.
600
601 Q: Okay.
602
603 A: So we, um, you know, as passenger, Detective Kritikos was the driver, he maintained visual through the side view mirror. Um, at some point a vehicle came down and - and blocked our vision of the, ah, target vehicle...
604
605 Q: Uh-huh.
606
607 A: ...but meanwhile there’s multiple vehicles parked on the side of the street. But Detective Kritikos relays saying that, because there’s such a narrow area here, that if anybody were to exit or come into the vehicle, you’d be able to tell.
608
609 Q: Okay. And at which point did he advise that the vehicle was stolen? To other units?
610
611 A: As soon as ran it.
612
613 Q: Okay.
614
615 A: ‘Cause it, it came back stolen, so it came over the air...
616
617 Q: Mm-hm.
618
619 A: ...that is as, ah... that’s our...
620
621 Q: Mm-hm.
622
623 A: ...our 9 code. We told ‘em it was occupied and our location. And then we pulled forward and parked.
Q: Okay, is that when Sergeant Anthony and the rest of the squad...

A: Started responding...

Q: ...started responding.

A: ...general area as we were formulating our plan.

Q: Okay. And, um, when they responded, at that point, who's in charge of that operation? 'Cause it became like a mini operation, so to speak, right?

A: Yeah.

Q: The minute that it was, ah, relayed that the vehicle was 10-8, and in our way, right?

A: Right.

Q: And then somebody took charge which is going to be Sergeant Anthony. And so, um, ah, how many - how many units, and how - how is that thing formu-

A: So Detective Kritikos, ah, got on the air and said, "We need a unit, um, to set up, ah, across the creek, all residential areas, the Black Pine and - and, ah, another street, I think it's White Fur."

Q: Mm-hm.

A: It's a neighboring residence that backs up just (unintelligible) Park and that...

Q: Mm-hm.

A: L..that would kind of be, maybe like, ah - ah, passage of escape if we were to, ah, go hard west or south...

Q: Mm-hm.

A: ...um, and, ah, Sergeant Anthony, Sergeant Young, Sergeant Morgan, and a co- several other marked units were spotted to Nattress...

Q: Mm-hm.

A: ...that was saying and that there, and, ah..

Q: Okay.
...and then they formulated the plan.

Okay.

Sergeant Anthony got on the air and advised what the plan was gonna be.

So they actually met, like they ah, I guess you guys call it, right? They met, and then they actually formulated plan? Or was it done over the air?

Over the air, Sergeant Anthony said, “This is gonna, this is what we’re gonna do.”

Okay.

“We’re gonna be parked here on Nattress.”

Right.

Sergeant Anthony came over there and said, “I’m gonna drive my vehicle down...

Uh-huh

...hoping to block the marked, you know, the, ah, the suspects vision down the road...

Mm-hm.

...of road marked units...

The marked units? Okay.

...come down, right. So then as - as they - as he formulated that plan, then they started.

So they paused and met at, ah, Na?

Nattress.

Okay.

Or I don’t know how you pronounce.
721 Q: So where they met, is that a place where you can see it? From where you were sitting?

722 A: Ah, it's pretty far down. We - we couldn't see them, ah, actua- it's pretty straight, yeah you can see them, but it's a - it's a way's down.

727 Q: But it's, like, 105th, so it's off 105th, it wasn't like right on 105th, right? Where they met?

730 A: It was off.

732 Q: So they possible momentarily to meet up, so they can respond together? Am I getting that right?

735 A: Yeah.

737 Q: Okay. So it wasn't, like, "Hey you know, he's giving directions over the air, and they're just showing up?"

740 A: No.

742 Q: So there's a momentary pause?

744 A: Correct.

746 Q: And now where they met, what I'm getting at, is that in view from 105th? In other words can you see where they were meeting at? You understand what I'm saying? Before they move towards... 

750 A: Right.

752 Q: ...your direction where they met, is that a location where you can see from where you were seated?

755 A: I believe I can see that, ah, I can see where they would be coming on 105th, but once they made that turn onto Nattress, you can't see. I cannot see.

758 Q: Did they have to cross 105th to me- to meet at Nattress?

760 A: They have to c- travel on 105th hit Nattress.

762 Q: Okay. And, ah, let me ask you this. You're 150 yards away from where the suspect vehicle was located.

765 A: Correct.
Q: Can the occupants, could they possibly see vehicles travelling on 105th from where they were seated?

A: No because there was a vehicle parked in front of them.

Q: Okay. So they couldn’t of possibly seen patrol cars moving on 105th? Okay. So while they were meeting and - and - and formulating that little plan, and you guys are watching the cars, any reaction to that cars? I mean any reaction on suspect vehicle, in regards to what’s going on in front of them?

A: No, because we couldn’t see the vehicle, ah, shortly after we parked ‘cause the vehicle was parked...

Q: Was blocked.

A: ...in front of the truck.

Q: But not activity?

A: No activity, from what we - from what we could see.

Q: I guess what I’m asking you is that. Is there any way that the suspects in their vehicle, could have been alerted by the presence of marked units at that time, when they were trying to meet and formulate a plan?

A: No.

Q: Okay. So then they meet, they formulated a plan, right? Everything’s chill?

A: Mm-hm.

Q: And then they start drive up, like, what is it? West for you guys, or? It’s south for us.

A: Yeah, west.

Q: So Oakland’s south, right? They’re coming down, west for you guys, they’re coming down. All right. That’s, they came -- oh, when was the - where were they in relation to 105th, when you first saw the marked unit? Coming down 105th?

A: Wher- where was, like, the cross street (unintelligible)?

Q: Like where, yeah, like how close were they before you actually saw a marked
unit coming down 105th from your - your location?
Like a couple hundred, couple few hundred yards.

Few hundred yards? Okay. What about in regards to the suspect? Is that --
with the car blocking their vision is that something that they can see or? Okay.
Is there any activities, thus far?

No.

Ha-ha- happening with the suspect vehicle? Is, all these marks or - or all these
police cars coming down? Mind you I understand, it was Sergeant Anthony
first, right? Followed by marked units, right? So Sergeant Anthony, let me ask
you this, why did Sergeant Anthony again decided to be point of that convoy?

‘Cause if marked units were to come down, and just so happened this vehicle
‘cause it, o- I -- from the time we turned around, I can’t recall if this vehicle
had left or not, um, but, ah, if at some point this vehicle were to leave, then the
suspect vehicle would have visual of the units coming down if there wasn’t, if
Sergeant Anthony did put his vehicle first.

Mm-hm.

So want to try to have the element of surprise.

Okay.

And if they were to have seen the units down here, and there was a gap of
about three, four hundred yards, and they take off, we wanted to avoid that. So
we wanted to try to get convert on them and the, ah, convert about have good
tactics.

M-kay.

That was, that’s what I gathered from that plan was - was try to converge on
them with..

Mm-hm.

...them not knowing.

So Sergeant Anthony’s providing concealment for the marked units...

Right.
...basically. Am I getting that right? And the fear is that if they’re seen coming
down 105th, suspect’s potentially gonna do something.

Right.

Either flee, run, whatever.

Right.

Am I getting that right?

We want to avoid that.

And you guys wanted to avoid that? Okay. And, ah - ah, let me ask you this.
There’s three sergeants on the scene, right? There was Sergeant Anthony,
Sergeant, ah...

Young.

Young.

And Sergeant.

Morgan.

Morgan. Okay between the three Sergeants, ah, whose, ah, I guess, the in
charge? Who’s in charge of that operation?

Sergeant Anthony took lead because he was gonna the point guy.

Okay.

Ah, Sergeant Young was second.

Okay.

Um, for that specific (unintelligible).

Okay, but as far as formulating the plan to put this thing together, who was in
charge?

It sounded like Sergeant Anthony, ‘cause he was on the air advising
everybody what the plan was gonna be, so that everybody was on the same
page.
Right, right, right. And, so, um, as they proceed down 105th going southbound, right? With Sergeant Anthony, right? And at some point they passed you, am I getting that right?

Correct.

Okay and then did you fall in stack or you waited until the last vehicle?

We fell in stack. Sergeant Anthony passed. As they were - as they were approaching us, we started to move our vehicle to get prepared to make a u-turn.

Mm-hm.

Sergeant Anthony had passed, a marked unit or two had passed. At that point we were making our u-turn, and we fell in like three or four in the stack.

Mm-hm. And how many is behind you?

Say three.

Marked units or unmarked ones?

Marked units.

Okay. So you have Sergeant Anthony? Do you know two marked units that was behind him?

I know Sergeant Young.

Young, okay. Who’s behind Young?

And I believe Sergeant Morgan.

Morgan. And then you guys.

And they had to have another SOP marked unit in front of us, between us and Sergeant Morgan.

A marked unit?

A marked unit.

Okay. And who’s behi- behind you, do you know?
I - I don’t know who was behind me. Uh...

Okay.

I know I saw Officer Shedd. And I can’t remember if he was the one in front of us or was directly behind as we - as we fell in the stack.

But there’s still marked units, right? Any other undercover guys?

No. Just, uh, my, uh, the vehicle I was in and Sergeant Anthony’s truck.

Mm-hm. Okay. So then when they pulled up, right?

Mm-hm.

And, uh, you’re s- you’re in the stack now? You’re drivin’ down 105th in the stack and you lookin’ right down the street, right?

Right.

At which point - I mean, let me see. Where were you, right, were your vehicle, right, when you first saw any activity with the suspect vehicle?

I was at least third or fourth in the stack.

Uh-huh. And how close were you to the suspects? In other words, how far along are you?

I’d say at least - we were within 20 yards...

Okay.

...25 yards at most.

So, okay. Let me show you somethin’. This - this is a map. ‘Cause, you know, with so many cars in there it’s gonna be kind of hard, difficult for you to est- on exactly where your vehicle was.

Mm-hm.

You know what I mean? At the time of the incident. So we took the liberty of dr- drawin’ a map, uh, to depict where the vehicles were. Now this is not gonna be, uh, exact to scale. This is gonna be approximately.

Okay.
Q: And if you can see it’s - it’s kinda - it’s just a sketch kind of. So these are the vehicles as it - as it was parked at the time of the incident when you guys left it, right. And, um, your vehicle is, uh...

A: Like...

Q: ...right here the silver marker. So can you mark that and, uh, just - yeah, just mark that as you - yeah, just put like your name or your initials next to it. Um...

A1: Does that look correct to you? That’s where you parked the car?

A: Yeah.

A1: Okay.

Q: Okay. So lookin’ at that map, right?

A: Mm-hm.

Q: And the vehicles that - we placed the vehicles they’re exactly like it was parked when we came out there.

A: Correct.

Q: Uh, can you tell me like, uh, what, um, how far along- how many - where were you on that stack?

A: I was right here.

Q: Okay. So who’s in front of you? Sergeant Anthony which is where?

A: Sergeant Anthony peeled off.

Q: Does that help you recollect and as to how many people were in front of you as far as the stack is concerned? Is it...

A: One, two, three.

Q: Okay. Is that about right? There’s three cars in front of you?

A: That’s about right.

Q: Okay. So Sergeant (Morbe)- I mean Sergeant Anthony being the white pickup
truck. And then you got three marked units in front of your car. Were the three marked units that you were referring to?

Correct.

Okay. Cool. So then in regards to 105th, right. What I'm getting' at is how close were you - well, uh, on this map right here where was the suspect parked initially?

This is 105th?

Mm-hm, 105th.

He was initially parked here.

Okay. Go ahead and draw a box, or a rectangle. Okay. So see where your car was parked? All right. Is that, uh, is that where your - your vehicle was when you first seen any activity on this vehicle? Or is it before?

Before.

Okay. About how far from the suspect vehicle, right, you follow me? Like how far were you from the suspect vehicle when you saw activity as far as the...

When I saw movement?

Yeah, when you saw movement.

About 20, 25 yards.

About 20, 25 yards.

Twenty yards.

Okay. So would that be approximately where that vehicle was parked - your vehicle was parked?

Correct.

Okay. So in other words, let me get this straight in my - in my mind. As you were pullin' up about to park -- am I getting that right -- you s- you saw...

Yeah - yeah we had to park 'cause there was just - it was a stack of cars.
Right - right. No I'm talkin' about the very first time you saw activity, right. What I'm tryin' to get at is at which point did those guys realize that you guys were comin'? The suspect realize when you guys were comin' down 105th? So I'm basing it on what you saw, right? In other words how close were you to the suspect when you first saw any movement in that suspect vehicle? Does that make sense?

Yeah.

Okay.

From the time I s- as we pulled up.

Uh-huh.

As we were about third or fourth in the stack they converged on - I was within about 20 or so yards.

Mm-hm.

Okay? And that's when I saw the movement of the suspect vehicle.

Okay. And the movement being what? It drove forward?

It drove s- forward to the right.

Uh-huh.

Backed up.

Uh-huh.

And accelerated and went up on the curb. Struck this white Honda.

Uh-huh.

And this Ford F-150. Uh, this was white.

Mm-hm.

Yeah, white and red. And ended here.

Okay. When you guys converged down 105th, right, when that car drove up. Is there any room for the car to drive on the street? Northbound on 105th. Was there an avenue of escape?
A: No.

Q: Okay. Why?

A: 'Cause there were so many vehicles.

Q: Right.

A: Um, on the roadway.

Q: Okay.

A: That were parked.

Q: All right. So the two marked vehicles that was in front of, uh, in front of your car did they block?

A: They converged in.

Q: They converged, right, meaning that they blocked the, uh, exit -- for lack of a better word -- on a 105th?

A: Correct.

Q: So that the car wouldn't drive anywhere.

A: Correct.

Q: Okay. Um, was that done on purpose?

A: Correct.

Q: And why is that again?

A: To avoid the, uh, suspect from, uh, fleeing.

Q: Uh-huh.

A: Uh, in the vehicle to cause a pursuit or any other injuries to citizens or themselves or any other officers.

Q: Mm-hm.

A: 'Cause we would rather not get in a vehicle pursuit.
Right.

Um, and the fact that it was in a dead end court. No, uh, this just was the best plan to converge on them in the - in the location they were at.

Okay. So when the suspect vehicle drove forward, right, was it clear that there was no avenue to take to, uh, on 105th?

Yes.

And so it backed up?

It pulled forward to back up. And it went around this white - it went around a patrol car.

Uh-huh.

This front patrol car. And chose its avenue of escape to be the sidewalk.

Okay. And, uh, what - what kind of car was that suspect vehicle again?

A Honda Civic or an older Honda Accord. Sometimes those...

And it was green you said, right?

Green.

Okay. All right. And so, um, at which point did you exit your vehicle?

As, uh, it accelerated it was startin’ to accelerate towards the sidewalk.

Okay.

I stepped out.

All right. Can you draw an X as to where you were standing as that vehicle was drivin’ down the sidewalk? Okay.

Want me to circle that?

Yes, please. All right. So that’s where you were standin’ when you saw, right?

Correct.
Q: And, uh, guns drawn?
A: No.
Q: No? Okay. Um, and then you saw the car dive on the sidewalk?
A: Correct.
Q: All right. When this car drove off in what matter did it drive off? Did it drive off casually?
A: Accelerated.
Q: In other words, did it drive off casually...
A: Accelerated in a - in a manner that it was, uh, very apparent they were tryin’ to escape.
Q: Okay. Like, uh, when you say that, I mean, what’s some of the observation that you saw in regards to the vehicle?
A: Uh...
Q: I mean was there like a squealing tire, was there like...
A: S- screeching of the tires, erratic movement, uh, s- uh, striking vehicles in its path.
Q: Uh-huh. Mm-hm.
A: Around the side.
Q: Mm-hm.
A: Um...
Q: Now I know speed is a hard thing to ascertain especially during incidents like this, right. But how fast do you think that car was goin’? Suspect vehicle was goin’ as he tried to drive up, uh, the sidewalk?
A: From here to here was a s- s- somewhat of a short distance.
Q: Mm-hm.
A: But it was at least I’d say upwards of five to ten miles an hour.
Q: Mm-hm.
A: Uh, and it was tryin’ to accelerate faster.
Q: Mm-hm.
A: But because of the collisions with the - these two vehicles and eventually Sergeant Anthony’s pickup.
Q: Mm-hm.
A: That prevented its momentum goin’ faster. But it was continuing to accelerate.
Q: Okay. And, uh, did you see the actual collision? Uh, did you see the actual...
A: (Unintelligible).
Q: Okay. Did you see the - did you see that suspect vehicle actually hitting that first vehicle?
A: Yes.
Q: That, uh, white, uh...
A: Mm-hm.
Q: What is that a Honda?
A: Yep.
Q: You actually see, uh, saw the vehicle strike that?
A: Correct.
Q: Suspect vehicle strike that car? And then did you actually see that suspect vehicle strike the Ford pickup?
A: Correct.
Q: Okay. And then - and as it approached, uh, Sergeant, uh, the, uh, well did you see where Sergeant Anthony was at the time before this - before the shooting?
A: Sergeant Anthony had peeled his car off.
1306 Q: Uh-huh.
1307
1308 A: To the left.
1309
1310 Q: Uh-huh.
1311
1312 A: And it was, uh, the safest spot to - to park his vehicle against the curb line.
1313
1314 Q: Mm-hm.
1315
1316 A: Because of the - the amount of vehicles that were on the road.
1317
1318 Q: Mm-hm.
1319
1320 A: And it was within a reasonable distance for the patrol cars to be visible and for them to approach the suspect vehicle.
1321
1322
1323 Q: Mm-hm.
1324
1325 A: Um, so he cho- that’s what it appeared to why he chose to park there.
1326
1327 Q: Right.
1328
1329 A: Um, and then I saw him as - as the vehicle was approaching or, uh, traveling on the sidewalk and accelerating I scanned over and I heard Sergeant Anthony.
1330
1331 Q: Mm-hm.
1332
1333 A: Uh, who was outside of his driver, uh, outside the driver side of his vehicle.
1334
1335 Q: Mm-hm.
1336
1337 A: Giving verbal commands, uh, with his duty weapon out.
1338
1339 Q: Mm-hm.
1340
1341 A: Uh, his raid vest was on...
1342
1343 Q: Mm-hm.
1344
1345 A: ...that had the police lettering on front. And he was giving verbal commands, "Police stop." Uh, something to that effect. But it was loud. I - I remember it, um, he was giving verbal commands.
Q: Mm-hm.

A: With his duty weapon drawn.

Q: Okay. Uh, this vehicle right here.

A: Mm-hm.

Q: The Ford. Uh, did that obstruct your vision of, uh, Sergeant Anthony at any time?

A: No.

Q: Okay. What about his, uh, his pickup truck?

A: His work pickup?

Q: Mm-hm. Did that obstruct your vision of Sergeant Anthony at any time?

A: Nope. Um, 'cause I...

Q: 'Cause, you know, you're lookin' across...

A: Right - right. Um...

Q: ...the truck. And it's a pretty big truck. So I'm tryin' to ask if there was any...

A: I remember that I could see visual the entire incident. And I wanna say, uh, at some point I may have retreated to the rear of my vehicle to get that vantage point as it was continuing. Uh, because I know I remember seeing the actual shots being fired and Sergeant Anthony being pinned into the vehicle.

Q: How much of Sergeant Anthony could you see?

A: I could see his upper area. And, uh, I could tell that the vehicle was traveling directly at 'em.

Q: Mm-hm.

A: And he was pinned up against the - up against his vehicle.

Q: When you saw - when you first saw Sergeant Anthony with, uh, his gun, uh, drawn, uh, where was he standing in relation to his vehicle?

A: He was standing, uh, just to his driver's door. Just off...
How ‘bout do me a favor? Uh, draw a rectangle here just off the bottom right corner.

I’m sorry. Right here?

That’s fine, yeah, that’s fine. All right. So saying that that’s, uh, Sergeant Anthony’s vehicle, right?

Mm-hm.

Can you draw an X as to whereabouts he was standing when you first saw him? Okay. And then - and then, um, as far as the vehicle’s concerned can you describe, like, tell me where there’s - that - was that the pillar? Was that the front hood? Was that the bed of the truck? Because I’m tryin’ to get a visual exactly as to how much of...

Right.

‘Cause people are gonna say, “Man hey, you couldn’t have possibly seen that because...

No I - I get it and I - I’m tryin’ to, uh...

...the vehicle’s on the way.”

I’m tryin’ to recall if where I was s- standing.

Mm-hm.

And exactly where, um, he was at. Uh, I know he was on the driver’s side. Uh...

Like a little bit towards the - the hood of the car? Or right - right next door to the car by the side mirror?

Yeah maybe, uh, towards - towards the front then. It - it - I - I mean I’m - I’m just tryin’ to think back. It had to be towards the front then if, uh, if I saw him being, uh, sandwiched between the car.

Okay.

So he more towards the front.

Okay. So, um, did you move backwards or move forward towards your car?
Because you got to exit towards (unintelligible)...

A: I know - I know - I know I was in this general area.

Q: Uh-huh.

A: Um, and from just where I was standing I know I was able to see Sergeant Anthony...

Q: Mm-hm.

A: ...fire...

Q: Mm-hm.

A: ...and being struck by the vehicle.

Q: Okay.

A: So I was in such a way that wherever I saw standing here or here.

Q: Okay.

A: I was in such a way where I was able to see.

Q: For the purposes of the tape seems like you were marking more towards the front of your vehicle.

A: Okay.

Q: Is that correct?

A: Yes.

Q: Okay. All right. So you towards - a little bit more towards the front of your car and you can see Sergeant Anthony, which you said he's in a little bit in front of his.

A: Correct.

Q: Towards the - the - the driver's door, correct? Okay. And you can see the top portion of his body?

A: Correct.
Q: Okay. Um, as you looked at Sergeant, um, Anthony you said you saw him fire, right?
A: Mm-hm.
Q: And again time - the time is kinda hard to ascertain, right. How long from the time he made - that vehicle made it to the sidewalk from the time that - that Sergeant Anthony fired his, uh, service pistol?
A: I’d say...
Q: A- again time is...
A: Right.
Q: ...kinda hard so...
A: Seconds. I’d say three seconds, four seconds.
Q: Okay.
A: It happened so fast.
Q: All right. So with the vehicle traveling at about what did you say five, ten, fifteen miles an hour? How fast do you think the car was traveling at Southbound - I mean, uh, on the sidewalk?
A: I’d say upwards of ten miles an hour.
Q: Ten miles an hour. Okay. So with the vehicle traveling about ten miles an hour the minute it hit the sidewalk we’re talkin’ three seconds. Three seconds is like one, two, three. It was that quick?
A: Absolutely.
Q: Okay. All right. And, uh, let me ask you somethin’ ‘Cause after everything settled in and everything else, right, uh, you were able to kind of take a look where Sergeant Anthony was ‘cause you walked up didn’t you? Took, you know, you saw him pinned, right? So you saw the general area where he was at, right? Based on what you saw was there an avenue of escape for, uh, Sergeant Anthony?
A: No, because there was a fence here.
Q: Okay.
A: Um, where he was and between him and his vehicle.

Q: Mm-hm.

A: In the amount of time it took for ‘em - this vehicle to get on the sidewalk and approach him was - it was just seconds. There was no, um, when I looked there was no avenue of escape.

Q: You know what man? For people that are gonna look at this they can say, “Hey man, why didn’t he just got back in his car - his truck?” Or, “Why didn’t he run backwards to the back of his truck?” Or even, “Run between his truck and the - and the pickup truck in front of him...

A: Right.

Q: ...between those two cars?” What ya think? Could he have done that?

A: Uh - uh, no.

Q: Why not?

A: Because it happened so fast that the reaction time if he was to turn around and run he probably would have been ran over. Um, it was - there was no way to go right or left. He was - he was stuck.

Q: You know some people could also say that shooting at a car is really not gonna stop it from moving forward towards you. What do ya think?

A: Well there was a threat comin’ at him and he had to, uh, stop the threat.

Q: Okay. All right. And how many times did he fire?

A: Four.

Q: Okay. So then - so that’s, uh, clear in my mind let me get this straight. So you’re lookin’ at this car driving down the sidewalk. You looked over to Sergeant (Ant)- um, Sergeant Anthony and you saw him with his gun making - saying commands. And then a car comin’ in his direction. All right. Where was your focus on? What was the thing that you were focused on when you - when you saw the gun? When you saw ‘em shooting?

A: I thought that he, uh, the suspect was gonna run over my sergeant.

Q: Okay.
And, uh, kill 'em.

It's not what you thought, um, but what exactly were you lookin' at as far as what were those...

I was lookin' at the vehicle travel down the sidewalk.

Okay.

And I saw...

Okay.

...my (unintelligible).

So you could see...

I could see Sergeant Anthony, I could see the vehicle.

Okay.

I can the vehicle closing the distance.

Okay. All right. And - and again that took a good what?

Seconds.

All right. Okay. So then afterwards, right, you walked up, Sergeant, uh, Anthony was pinned.

Sergeant Anthony was pinned between the suspect vehicle and his own vehicle.

Can you -- I mean to the best that you can -- can you describe in a manner in which - how he was pinned or how...

His left leg appear- and his hip appeared to be pinned, uh, pinned against the, uh, left front quarter panel of the suspect vehicle.

Mm-hm.

And the driver's side - driver's door of his vehicle.

Mm-hm.
The lower panel of his driver door vehicle.

Well did he say anything like, you know, “Hey I’m hurt,” or...

We stopped the, uh, we asked him if he was all right. He said, “I’m all right - I’m all right.” Uh, I can tell he had that look of shock in his - in his face. And, um, figured probably had a little pain to ‘em. Uh, but we kept tryin’ to - for - it took us - it felt like a couple of minutes but it could have been, uh, 30 seconds or so. But we were tryin’ to find a way to get the vehicle off, uh, you know, get him out of the (unintelligible) of the door.

Mm-hm.

Get that pressure off his leg and so he can get out.

Fine. Was he pinned in the matter that vehicles have to be moved so he can get out?

He was pinned in a way that I looked at potentially could have cracked his pelvic or his femur. And, uh, and so we needed to determine that. In order to do that we were tryin’ to figure out a way to get him out.

Okay. And, uh, for s- you guys moved the vehicle somewhat? Or something happened that he was able to unpin himself?

Right.

For lack of a better word.

Right.

He was able to get out of that predicament?

Correct.

Okay. And then you guys, uh, took the suspect out or?

Two officers that were on scene, uh, in full uniform were able to remove the driver...

Mm-hm.

...out of the front passenger across the, uh...
Q: Mm-hm.

A: ...front - I'm sorry - from the driver's seat over the front passenger seat and out the front passenger door. And, uh, we were able to provide CPR for her.

Q: Render first aid?

A: Render first aid.

Q: Okay.

A: Uh...

Q: What about the right front passenger? What - what became of him?

A: Uh, to be honest with you I - I don't, uh, I don't know. Um, that was the - there was somebody in the front passenger seat. Uh, actu- you know what, can I go back on that?

Q: Yeah, sure.

A: Um, shortly after this incident took place and I was goin' around to the front of the vehicle to assist Sergeant Anthony there was, uh, officers that were detaining a, uh, a black male that had - was walking away from the incident.

Q: Mm-hm.

A: And they eventually detained him. Uh, believing that they were - he was a passenger inside the vehicle.

Q: You had an opportunity to do a - see that - that individual that was detained?

A: I did - I did not make an ID whether or not he was inside the car.

Q: But was that the suspect - 4-5-9 suspect that you guys were lookin' for?

A: No - no.

Q: Okay. All right. Um, I don't have anything else for now. Sergeant (Rosin)?

Q1: Yeah just one or two follow-up questions. Um, directing your attention to the map that we provided you with the cars kinda sketched out. Um, just so I'm clear. Which way was the suspect vehicle pointing on 105th Ave when you guys initially observed it? Was it pointed Southbound or Westbound for you? Or was it pointed Northbound for us or Eastbound for you?
A: It was pointed, uh, Eastbound for us.

Q1: So that's how you guys were able to observe the front license plate of the vehicle?

A: Correct.

Q1: Okay. And for the purposes of the recording how you sketched out this rectangle it - it appears to be a little bit offset to the north I guess for you. Um, is that how it was or was it parked like right along the curb line?

A: It was parked somewhat close to the curb line. Uh, yeah this may not be as accurate but it was parked close - closer to the curb line.

Q1: Okay. And then in your experience from being a police officer, um, how many stolen vehicle stops or arrests have you been involved with?

A: I'd say, uh, no less than a hundred.

Q1: Okay. And in those a hundred, um, how many of them -- when I say them I mean suspects -- drove on the sidewalk in an attempt to escape from your arrest? If any, if you can remember.

A: I can't put a number to it but it has happened in the past.

Q1: And then lastly, um, after Sergeant Anthony parked his truck, uh, along our east curb line, your north curb line. Did he ever move it forward to where the vehicle was in an attempt to use his car as a - a barricade or?

A: No.

Q1: Did he ever take any enforcement action...

A: No.

Q1: ...from the point where you parked?

A: No.

Q1: I don't think I have anything else. Lieutenant?

Q2: Just a few more. Uh, how many commands did you hear Sergeant Anthony give?
A: At least five.

Q2: At least five. Um, and you said he fired four rounds. Did you see all the four rounds being fired?

A: I did not.

Q2: How many did you see?

A: Um, I, uh, I heard at least two but I saw there was four holes in the - in the - in the windshield when I was assisting.

Q2: So did you see - did you see him actually firing?

A: I did - I did.

Q2: Okay. Thank you. How many was that?

A: Two is what - what I recall.

Q2: Two. Okay. Did you see anybody else fire?

A: No.

Q2: Obviously you didn’t have your (unintelligible) at all?

A: No.

Q2: Okay. That’s it.

A1: I have nothing.

Q: Uh, just a couple of more. Um, as undercover officers what is your policy in - in regards to undercover enforcement? Any type of enforcement. Because you, uh...

A: When we...

Q: In our department we have a policy as to enforcements with - in come - when it comes to undercover officers.

A: If we’re gonna make contact with a - a subject we have to have our duty vest on that says - or that reads police.

Q: Mm-hm.
In bold white lettering on the front and back.

Okay. With marked units present what is your, um, what is your role as - as far as enforcement is concerned? I mean - in regards to your policy. I don’t know what your policy is.

I can take the roles of an, uh - uh - uh, a uniformed officer. Uh, we don’t transport subjects in our, um, UC cars. I’d say that’s real limitations we have.

Okay.

Um, but (unintelligible).

I guess what I’m tryin’ to get at is in our department, and I don’t know if it’s similar to yours, this is just what our department our policy is done. When marked units are present we don’t take any enforcement. Is that similar to your policy?

No.

What is - what - again what is your policy?

We’re allowed to engage with marked units. Um, we prefer not to be in the front.

Mm-hm.

We like to have visual, uh, marked units be visible but we can be present and show up and enter, you know, engage if needed.

Okay. And, uh, just a few, uh, um, administrative questions, right. And I’m gonna go off this list, uh, that I gave you just to - I’m not gonna get into a lot of ‘em. Now we don’t need to - just your state of being at the time of this incident. Um, when was your last shift that you worked?

Yesterday.

What are the hours?

11:00 am to 9:00 pm.

And how much sleep did you get prior to this, uh, today’s shift?

We got off at, uh, 11:00 so I slept for eight hours - approximately eight hours.
Q: Did you take any medication in the last 24 hours?
A: Uh-uh.

Q: Did you consume any alcoholic beverages in the last 24 hours?
A: No.

Q: And, um, do you wear any kind of corrective lens? Vision?
A: No.

Q: Did you have any recording devise on your person...
A: I did not.

Q: ...at the time of this incident? Even a little camera thing?
A: I did not.

Q: No? Um, did you talk to anybody else, um, regarding this incident?
A: No.

Q: Any phone calls made or anything like that?
A: No. Phone calls to a family member not regarding the incident.

Q: And, uh, what was the context context of that phone? Just to say that you're okay kinda thing?
A: Exactly.

Q: Okay. Um, that's all I have. Do you have any - go ahead.

Q1: I have one more. Um, I was thinking about how you were describing the suspect vehicle driving on the sidewalk. And how you described it as you said bouncing off the parked car. Could you tell me like what you were hearing, uh, coming from the suspect vehicle? Uh, what - what did it sound like to you? Like describe the noise.
A: The engine was rev- uh, revving. I could hear the engine. Uh, it was colliding, uh, into vehicles. What you hear as in a collision. Uh, and again I, uh, I just visually remember it accelerating. Continuously tryin’ to accelerate even
though it was striking the vehicles that were parked along that south curb line. Uh, continuing its forward movement.

So a high revving engine sound along with crashing, crunching of metal.

Crashing, crunching, screeching tires.

And that started from the point where the subject moved onto the sidewalk? Or did that start as it was making its (unintelligible)?

Screeching tires, uh, from when it initially started. And continued around. And when it struck this white, uh, Honda that’s when it first made the collision. But it continued to accelerate as it was striking these vehicles. And I could hear the engine running, you know, accelerating, uh.

So not only did you see it but you also heard it?

Correct.

Okay. That’s it for me.

Last question I promise. Had the suspect complied what would you guys have done?

I’m sorry.

Had the suspect complied, right, what would you guys have done? Had they not done what they did and you guys went up and made your (unintelligible). What would you guys have done?

We have done a - conducted a high risk stop. Uh, gave verbal commands for them to step out.

Mm-hm.

We would of gave them commands to walk backwards towards our vehicle. We would have detained them in handcuffs, uh, driver and any passengers. Uh, we would of contacted Oakland Police Department to (unintelligible) vehicle was stolen.

Okay.

And continue our investigation from there.

All right. Anybody else got anything?
Q1: No.
Q: Counsel?
A: No.
Q: Um, you have anything you want to add? Any questions we failed to ask? Any questions or concerns?
A: No.
Q: All right. So we’re gonna go ahead and go off the tape. It’s, uh, 11:22 pm, 2322 hours. Off tape.

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

Signed
Section 10
INTERVIEW WITH BRIAN BUSS
Q=Sgt. Richard Vass
Q1=Ofc. (Dozakeetos)
A=Ofc. Brian Buss

All right. My name is, ah, Richard Vass. I'm at the Oakland Police Department. Today is the 15 of April, 2015. I'm looking at 2140 hours for the time. We're gonna be here with police report number - Oakland police report number 15-020012. I'm with, ah, my partner at the time.

Q1: Officer (Dozakeetos) from the Oakland Police Department 0 number 8712.

Q: And I'm with, ah, witness officer. An officer involved in the shooting incident. Please identify yourself.

A: Officer Brian Buss, and badge # 333.

Q: All right. Just give me one minute to get, um, your first name, sir?

A: Brian with an I.

Q: And you can - can your last name, please?

A: B-U-S-S.

Q: And your badge #, please?

A: Is number 333.

Q: 333. And I would love to say that I know we're here at the police, ah, San Leandro Police Department, but can you - what kind of room is - I know we're in an interview room but...

A: It's considered a soft interview room.

Q: All right. And you are aware that this is being recorded?

A: Yes, I am.
All right. And at the same time, so we go in this you’re also have denied repre-
legal representation?

That’s correct.

Okay. Um, you have any other further questions before we start?

Nope.

Okay. Um, so basically just what happened?

Um, we are - are undercover guys were in the neighborhood of, ah, 105th at
the dead end looking for a, ah, burglary suspect that fled from - residential
burglary - burglary suspect that fled from a previous day, yesterday. And, ah,
that suspect went from our jurisdiction through the creek and into (Saprone)
Park.

Gotcha. Okay.

Um, so today while were they were on surveillance over there in an unmarked
car, they saw a, an, ah, they ran a plate over the radio. It came back, um,
10851, stolen out of some agency I didn’t catch it. And, ah, they said it was
occupied and the passenger, um, vaguely fit this - this description of the
suspect that fled from ‘em yesterday. So, ah, multiple units responded. Some
some people on the air, some people off the air. I was off the air. I just self-
initiated a, ah, you know, I didn’t want to use up air time, so I just self-
dispatched myself. And, um, we got over to about a 105th and, ah, I think it’s
San Leandro Boulevard. Right there where it kind of meets at the overpass.

Okay.

Um, and we were making a westbound turn, which is probably your south.

Trying to figure it out, but, ah, yeah.

We turned left onto a 105th.

Okay.

‘Kay. And, ah, we were driving towards the dead end of 105th, and, um,
Sergeant (Brian) (Anthony) w- was driving a big white Ford...

Mm-hm.
...ah, pickup truck, and he said, “Hey, I’ll try and block the view of your patrol cars. Just try and get in the stack behind me,” because the car was facing us, suspect car. So, ah, there was multiple police cars marked, and then also a couple unmarked cars in that area, and we're all driving towards the same direction. And, um, ah, we got towards the end of 105th Avenue. I was the very last car in the stack, and, ah, I see, um, ah, Sergeant (Anthony) pull to the left of the street. And then the next thing I saw, um, was, ah, he was out of his truck, um, and I - he was kind of standing near the door or, ah, near the door of his truck, but it was closed. And, um, I saw a car literally just come right up to him and squish him between the - the s- the green suspect vehicle squished him into his, um, into his white Ford pickup truck.

And then what’d you see?

Ah, and then and when he was pinned, um, is when, ah, he started firing shots into the windshield. So.

All right. And then what happened?

And then, ah, the car was still running, and she - I mean she was trying to drive off ‘cause I heard the engine, and I thought, you know, this could only make further damage to him. But, ah, sorry. Prior to that, um, I positioned my patrol car to kind of block off her avenue of escape. There was a fence, and then the back of, ah, (Brian) (Anthony)’s truck.

Mm-hm.

So my patrol car was parked there, so I actually had a very good visual of the shooting. Um, and, ah, and so I ran up. I turned the ignition off, and then, um, trough - Sergeant (Trey) (Young) said, “Hey, we got to get - we got do a roll back. We got to get it off (Brian) (Anthony).” And...

Mm-hm.

...so we tried that several times. I turned the car off. Put it in neutral, and, um, ah, actually there was no key in the ignition. I had to use one of my own keys stick it in there, and turn the key, and turn the car off.

Okay.

And I couldn’t - we couldn’t get the car to move. And - and finally, um, ah, s- (Brian) (Anthony) said, “Hey, ah,” he said, “I can get out of this guys. Just, you know, help me out,” or something like that. And at that same time, um, I was on the passenger side of the car, and there was nobody in the passenger seat. So we opened - we opened the door. The door is open or somethin’ one
of the other officers opened it. And, um, then, ah, we pulled the - the female
driver out. And, um, I saw that she had a, ah, a chest wound on her left side of
her rib cage. And she was complaining that she - we laid her down right next
to the car, and she's complaining that she couldn't breathe, so, um, I ran and
got, ah, Sergeant (Young)'s, um, medical - tac medical kit.

Mm-hm.

And I put a chest seal on, the, ah, chest wound. And then I, um, I don't know
what the term is, but you know that needle that decompresses the air that's in
your lungs?

Right.

I actually used that on her chest, um, and, ah, it seemed, like, that she could
breathe better after that, but, um, so, um, and then I just kind of rendered aid
to her until a medical got there. Helped her lo- help load up on the gurney, and
got her out of there.

All right. Um, do you have any - I have some few questions. Do you want me
to, ah...

Yeah. Go ahead.

So I know you kind of - you mentioned this was an area, ah, where burglary
occurred, like, a residential burglary possibly related to that mostly fit the
description. Um, beyond that did you guys brief prior to this, or were you all
just kind of driving there? How did that - how did the logistics of that work
out?

Ah, it was just over the radio broadcast of an occupied 10851.

Mm-hm.

And, um, it, and, you know, any time that happens, and especially if it's
related - possibly related to a crime that occurred in our city...

Right.

...you know, um, we're gonna try and respond...

Mmm.

...um, you know, with multiple units.
Q: Right.
A: Not just for that, but also to provide scene security for the San Leandro units that are in Oakland ‘cause I know you mentioned that, um, I guess (Brian) (Anthony) put over the radio about him going first, right?
Q: All right. Did you guys kind of - ‘cause I know you mentioned that, um, I guess (Brian) (Anthony) put over the radio about him going first, right?
A: Yeah. Mm-hm.
Q: So was that all discussed over the radio, or were...
A: Yeah. It was...
Q: ...you guys actually...
A: No. It was on the radio.
Q: Okay.
A: Nobody made any stops, and there was no rally point.
Q: Okay.
A: It was just all kind of dynamic as we were going there so.
Q: As you were going there? Okay. Um, so you mentioned it being dynamic did you know - did they assign you a certain role...
A: No.
Q: ...in this? So...
A: They didn’t even know I was there to be honest.
Q: Okay.
A: Other than the radio cad call that showed me attached to the call.
Q: So you were somewhat from your stand point utility in going there to help out...
A: Exactly.
Q: ...whatever's needed?
A: Yup.

Q: All right. Um, were you aware if someone had eyes on the vehicle the entire sounds like someone was putting out the information of where this car was?
A: Right.

Q: All right. Do you remember what they said where the car was?
A: Um, they said it was on the north side of the street facing us, so it would be facing my - our east.

Q: But it would - facing out of the dead end towards...
A: Yeah. Exactly.

Q: ...towards let's say (Eves) or away from the street?
A: Mm-hm. Yeah. (Eves).

Q: Okay. Um, and as you started it sounds like I assume you got there maybe last.
A: Mm-hm.

Q: I guess what it sounds like.
A: Mm-hm.

Q: 'Cause you’re at the end of the stack. Cars are driving, and you apparently you start seeing (Brian) (Anthony) drive right when you got there?
A: Well, I saw him - actually I saw - I didn’t see him park. I saw his truck there, and I saw all the patrol cars pass him.

Q: Okay. So at that what point did you start seein’, like, (Brian) (Anthony) driving on 105th Avenue?
A: I really did- I was way back in the stack.

Q: Okay. So...
A: I just - I heard it.
Q: Okay. So you mainly are hearing...
A: Mm-hm.
Q: ...hearing this go down, um, and were you behind another police car, or were you pretty far back?
A: I was directly behind Officer (Quan).
Q: (Quan)?
A: Yeah.
Q: Okay. Um, and so you’re driving I guess on 105th Avenue...
A: Mm-hm.
Q: ...there’s other police cars in front of you?
A: Mm-hm.
Q: Um, did you ever see (Brian) (Anthony)’s car at that point? Driving I guess.
A: No, I didn’t.
Q: Okay. So as you got there you saw his car parked off to the left?
A: That’s right.
Q: Did - were you able to, ah, see - observe the suspect, the other car, the green car, suspect car?
A: Ah, it was all at the same time. Soon as I saw his truck I saw the green car driving up the sidewalk.
Q: All right.
A: And he was right there.
Q: So you never saw it parked? You never...
A: No.
Q: ...saw it leave from...
A: Mm-mm.

Q: ...from a parked position?

A: No.

Q: Drive?

A: Mm-mm.

Q: Okay. Um, so just to slow it down a little bit, um, as you’re driving there you see (Brian) (Anthony)’s, Sergeant (Anthony)’s, ah, vehicle parked, right?

A: That’s correct.

Q: It’s on the - I don’t know. It would be your left. I guess we’ll try to use directions. Ah...

A: Yeah. It’d be...

Q: ...a true direction is the south, right?

A: Yeah. That’s right.

Q: Okay. So and it’s parked?

A: Yes.

Q: And is he out of the car at that point?

A: He is. Yeah.

Q: Okay.

A: Mm-hm.

Q: And at what point do you start seein’ the green car going that direction? ‘Cause it sounds like that’s when you start picking it up.

A: Yeah. Um, it was probably, um, so let’s see where are we at.

Q: So we have - just for the rec-reference here we have a map.

A: Okay. I was this car, 395.
Q: All right.
Q1: See no this is the dead end.
A: Oh, okay. Yeah.
Q1: This is the dead end.
A: Mm-hm.
Q1: Ah...
A: I was...
Q1: ...and then that’s, like, towards International.
A: So as soon as I...
Q1: You’re coming down.
A: ...come down this way...
Q: When you say down that way, you’re coming down 105th Avenue?
A: 105th Avenue, yup. Exactly. I see a green car kind of bouncing off the fence or something along the sidewalk, and I thought - there was a lot going on. A lot of radio traffic, and I thought, green car that’s a...
Q: Mm-hm.
A: ...same car we’re after. So I pulled my car in to kind of block off the - the avenue of escape.
Q: Mm-hm.
A: And - and as soon as I do that I’m gettin’ out I see, um, ah, (Brian) (Anthony) pinned between the Ford and the green Honda. And at that time, you know, it was shots fired into the vehicle ‘cause she was still tryin’ to go forward.
Q: Okay. So just to slow this down you’re driving - just for the sake of the tape. Ah, you’re driving I guess that would be west true directions.
A: Mm-hm.

Q: On 105th Avenue towards the dead end.

A: Yup.

Q: You’re driving vehicle number 395. Ah, (Brian) (Anthony) is also in front of you off to the left. I - and you see the car, the green Honda driving east on 105th Avenue on the sidewalk slowing bouncing across the cars. Um, did you - at some point I guess you took your eyes off the car somewhat or?

A: Yeah. I think to get - get out of my own vehicle I think.

Q: Okay.

A: Probably.

Q: About how far do you think you were, um, when you first saw the car starting to come up?

A: Gosh, maybe...

Q: And just - this is an approximate.

A: Maybe 20 feet.

Q: Okay.

A: And it didn’t travel much further than that when I first - I mean from the time I first spotted it to where it...

Q: Mm-hm.

A: ...came to - came to rest it was probably 20 feet when I first spotted it, and then maybe it moved another five, six feet.

Q: All right. So if I was to guess you probably saw her start hitting cars somewhere around this Ford red truck maybe two more?

A: That’s probably about right.

Q: All right. Um, if you can, can you guess maybe how f- are you able to give an approximate speed of what the Honda’s car was?

A: Oh, gosh. It’s hard to say. I want to say maybe 10, 15 miles an hour, but
violent, though. Not just rolling along, but just violently. I just remember seeing the front end of the car going like this, and I don’t know if it would - the wheels were falling off the curb, or if it was actually hittin’ the fence and parked cars. Or I just saw the front of the end of the car shaking.

Q: Okay.

A: And I’m thinking is that car really driving up the sidewalk trying to make it through there? ‘Cause it was a tight fit as it was, you know.

Q: Di- um, I don’t know if you know this, but from when you started seeing the car hit, um, hit this fence area and - and the other cars here on the sidewalk area, ah, when it’s driving here prior to, um, getting the area making contact with, ah, Sergeant, um, (Anthony), did you see the Honda make any attempt to slow down?

A: No.

Q: Did you see it stop at all maybe prior to?

A: Nah. Mm-mm.

Q: So would you say it maintained the whatever speed it was doing?

A: Absolutely.

Q: All right. And you may have mentioned this, but what speed did you think it was going?

A: M- maybe 10, 15 miles an hour.

Q: Okay. So maintained that speed the entire time?

A: Mm-hm.

Q: Okay. Ah...

A: It all happened really fast. I can’t really tell.

Q: And what were you focused on?

A: I, ah, I think I would - I - I was focused on n-not letting that car get past me.

Q: Mm-hm.
And then once - that my first initial thought was block it in.

Right.

And then I look up, and I see (Brian) (Anthony) getting pinned between this truck, so I got out withdrew my firearm, and I saw that - I had - I saw and heard that he was shooting into the car. I didn't see anybody else, and I saw that the driver do this. So I - I, ah, which was leaning over into the passenger seat. So I holstered my, ah, firearm, and then I went to the passenger door, and that's when I tried to turn the car off and get it off of (Brian) (Anthony).

Okay. Um, you mentioned that you pulled out your firearm, right?

Mm-hm.

Um, and why was that?

I thought maybe I was gonna have to shoot into the car. I didn't...

Right.

Honestly, I didn’t know who was shooting.

Right.

I didn’t know if the bullet holes were com- or bullets were coming out of the windshield or into the windshield. I knew that (Brian) (Anthony) had his gun out, and I - I, you know, I figured that he was probably shooting into the vehicle as well. I didn’t know if anything had came out.

Um, could you hear anything distant about the car other than the simple fact of it hitting the, ah, hitting the street or the hit- hitting the fence line maybe, or hitting the cars? Could you hear anything else?

I don’t know. I just heard the engine revving.

So you did hear the engine revving?

Yeah. Yeah.

Okay.

I don’t remember anything else. I...

Okay.
...didn’t hear. I just remember again he turned his car off.

Q: All right.

A: ‘Cause she’s gonna hurt him further so.

Q: All right. And when you say...

A: Or she or the person I couldn’t really see through the windshield.

Q: And when you say engine revving kind of indicative of someone, um, putting their foot on the accelerator?

A: Exactly.

Q: All right. Um...

A: And in fact I think somebody there was saying, “She’s trying to get it away. She’s trying to drive away. Put - turn the car off.” So it was very evident, you know, that we could all hear the engine revving on it.

Q: All right. Um, and what were you - I know you mentioned that you were in vehicle 395.

A: That’s correct.

Q: What were you wearing today when this was occurring?

A: I was wearing a, ah, a distinct San Leandro Police bicycle uniform with, ah, patches and a badge.

Q: Okay. And your patches are on?

A: On both shoulders for this bicycle uniform.

Q: Okay. Um, and that’s a authorized uniform with San Leandro PD I’m assuming?

A: That’s correct.

Q: Um, do you know if any prior to, ah, Sergeant (Anthony) shooting did you hear any commands, or did you hear anything?

A: I heard a lot of shouting. I just - I don’t know if it was on radio - oh, I heard
somebody yell, [redacted] on the radio, and that was when I was getting out of the - out of the car.

Mm-hm.

Ah, other than that I just heard a lot of shouting and yelling.

Okay.

I'm not sure what was being said.

Okay. It was inaudible?

Stop the car.

Would you say that?

Yeah. Something along those lines.

And [redacted] means what?

[redacted] means, ah, accident.

Okay.

The suspect usu- crashed or.

All right.

Subject crashed.

You have any?

Ah, yeah. I just - just a couple follow up. Not- nothing too much.

Okay.

Ah, you were driving a police car, right?

That's correct.

Well, can you describe the police car?

Ah, black - mostly black, white doors with the San Leandro, um, ah, sticker attached to the white of the doors.
Q1: Okay. And then how many police cars were there?
A: Mmm. I’d say there’s probably, like, four or five.
Q1: Four or five? Ah, how many UC were there any UC cars or undercover cars?
A: There was.
Q1: How many undercover cars were there?
A: At least two...
Q1: Two?
A: From what I remember.
Q1: Cars. Ah, so it was obvious to any person out there that obviously there was police officers out there in police cars?
A: Absolutely.
Q1: Okay. Um, when and I don’t know if - if you remember this. If you do, that’s fine. If you don’t, that’s okay. Do you know what Sergeant - is it Sergeant - what’s his name? Ah, the one in the - in the truck?
Q1: (Anthony). Do you know what he was wearing?
A: I don’t. I just remember he was wearing his vest, ah, his police vest that said...
Q1: Can you describe that police vest?
A: Ah, black, ah, outer carrier, ah, vest with pouches in the, um - um, a police Velcro, um, and white letters that says police across his chest and, um, back.
Q1: Okay. So on the front and back it says police?
A: That’s correct.
Q1: Okay. Ah, and then you said you drew your firearm, right?
A: That’s correct.
Q1: Did you use your firearm?
A: No, I did not.

Q1: Okay. Did you use any other type of force?
A: No, I did not.

Q1: Or any force? Sorry.
A: No. Other than extracting her from the car, but that’s it.

Q1: Okay. But you were just obviously trying to re- what were you trying to do?
A: Render - just render - yeah. Keep her alive.

Q1: Render aid.
A: Yeah.

Q1: Okay. So no use of force? Nothing on your tool belt?
A: Nope.

Q1: Um, do you have any medical training?
A: Not really other than that tactical medicine class I took.

Q1: Okay. Then how long have you been a police officer?
A: Um, since 2008.

Q1: Since 2008? Okay. Ah, what academy did you attend?
A: Ah, Coco.

Q1: Coco County?
A: Yeah.

Q1: In Coco County did they treat - did they teach you any type of medical training or?
A: Mmm.
Q1: Basic or?
A: First aid.
((Crosstalk))
Q1: First aid?
A: Yeah. Mm-hm.
Q1: Okay.
A: Yup.
Q1: Ah, and is that the type of aid that you're providing to this person?
A: Um, it was probably, well, just general life saving skills, and, um, that, you know, the - the chest suction seal, um, that was probably more advanced than the training I received at Coco...
Q1: Okay.
A: ...County.
Q1: Ah, the only other questions I have - you mentioned and because we're only audio taping this we don't have a visual...
A: Yeah.
Q1: ...or, ah, a video recorder. You said that you saw the vehicle - the suspect vehicle driving approximately 10 to 15 - correct me if I'm wrong, about 10 to 15 miles but violently towards the se- sergeant, correct?
A: That's correct.
Q1: And then you used your hand in a motion you said, "I saw the car go like this," and you made a motion. Can you describe the motion obviously because we don't have a visuals of?
A: Y- yeah. It was going, um, to the left and to the right back and forth on the sidewalk...
Q1: Okay.
...as it - as it progressed my way.

Got it. Ah, what else? I don’t have much more. I’m fine. How about you?

Um...

You can go through a couple of those if you want. I know there’s a lot of admin stuff that we.

Just if you could describe the time of day?

Um, gosh. It was probably about 4:30, 5 o’clock.

‘Kay. Um...

Pm.

What was the lighting conditions?

Ah, it was daylight still.

Daylight?

Mm-hm. Sun was still in the sky.

So you didn’t need any, like, flashlights or anything?

No.

No illumination?

Mm-mm.

All right. Um, do you know how many shots, ah, Sergeant (Anthony) fired?

Ah, I recall hearing at least two.

Okay.

But just based on the holes in the windshield I think four.

Okay. Did you see anyone else shoot their - use their firearm?

No, I did not.
Q: Use any - any other use of force?
A: No, I did not.

Q: All right. Um, and I guess just the one I just wanted to touch on was you said that you drew your firearm, right?
A: Mm-hm.

Q: Um, you also mentioned you didn’t fire. The point I guess I’m trying to make is when you drew your firearm, why did you feel that a car coming maybe at that speed or whatever in your path did you feel that as a threat?
A: Absolutely.

Q: Okay. And why was that?
A: Ah, a moving vehicle can kill somebody easily. Um, and, ah, you know, here’s a, um, fully marked police car and if the, you know, someone’s trying to, um, continue to drive towards you then they’re, you know, their will to escape is, you know, endless what they could do to get - get out of that situation.

Q: All right. And cause serious bodily injury as well?
A: Absolutely. Yup.

Q: Huh?
A: Or death.

Q: Or death.

Q: I’m good.

Q: That’s it. All right.

Q1: You have anything that we didn’t ask you that you thought was important.
A: Ah, no I don’t think so. Mm-mm.

Q1: Okay.
A: That’s it.
Q: All right. Time is, ah, 2202 I guess.
Q1: 2202 hours.

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

Signed
Section 11
INTERVIEW WITH OFC. RICHARD KWAN
Q=Ofc. Daza-Quiroz
Q1=Sgt. (Bass)
A=Ofc. Richard Kwan

((Crosstalk))

Q: Mm-hm, so today is April 15, 2015. The time is 2246 hours. I'm Officer Daza-Quiroz from the Oakland Police Department, serial number 8712. Uh, we are here at the San Leandro Police Department in room 207, uh, discussion - let's see what Report Number it is - sorry...

A: It's 15 - go ahead.

Q: ...15-020012. Uh, we are using an Olympus Digital recorder just to audio record this interview. And if we can just, uh, just state everybody's name just for the record. So to the right is...

Q1: Sergeant (Bass) - uh, 8399 - with the Oakland Police Homicide.

Q: Okay and then your name?

A: Officer Richard Kwan - San Leandro Police Department - serial number 257.

Q: How do you spell your first name?

A: Richard -- R-I-C-H-A-R-D.

Q: And your last name?

A: K-W-A-N.

Q: K-W-A-N -- and your serial number?

A: 257.

Q: 257 - okay so, uh, before going on tape I asked you - I guess you've already spoken to, uh - uh, (LDF) but they don't need to be present with you - is that
correct?

Yes that is correct.

Okay cool - so we’re here to discuss an incident that occurred in the city of Oakland today. Uh, specifically an officer involved shooting. Uh, I understand that you were present or somehow affiliated with this. So can you just tell us what happened today - what happened pretty much.

Yes I, uh, heard out crime suppression unit, uh, find a, uh, stolen vehicle at the end of 105th Avenue. Uh, they were surveying the vehicle as units were coming in to assist. Uh, I was one of those units. Uh, the were setting the perimeter as I - as I was in route to Oakland. So, uh, as - as - as - will on route there down - 100- going down 105th Avenue toward the end, uh, I’m driving behind, uh, a police car and anoth- another unit was behind me. That was Officer, uh, (Brian Bus). So as we, uh, as - as I - as we - as we approach the in- 105th, uh, I hear Sergeant (Anthony) s- uh, say in effect that, “We’re moving in now.” So as I got to the sc- to the end of 105th I noticed, uh, Sergeant Anthony’s pickup truck was to my left. And a little bit in front of me. And it - it appeared to me like everybody had exited their vehicles to converge on the suspect vehicle. So, uh, when I exited my car I heard, uh, four gunshots. So the same time I saw a - what appeared to be a black male subject - it’s actually our west down toward in- 105th. So a- a- I noticed that, uh, hold on let’s back up here. As I’m going - as I’m approached at 105th the most important thing I saw was I saw a big - a suspect vehicle drive from the north side of the street to the south side of the street and onto the sidewalk between the fence line and, uh, Sergeant anth- (Anthony)’s, uh, pickup truck. And that’s - I and hear- I heard the gunfire after that.

Okay.

So, uh, I exited my vehicle. So I noticed a - a - a bunch of officers were around the, uh, suspect vehicle. As a - it was a wedge between, uh, Sergeant (Anthony) and his truck. So I couldn’t get in there but I saw the suspect ran so I went to assist the other officers. Came back around and after that did a neighborhood canvas.

Okay, uh, let me just ask a couple clarifying questions.

Uh-huh.

So, uh, today what is your current assignment?

Uh, patrol.
Patrol - okay and then what's your call sign?

Today - at that time it was 4 Lincoln 21 - 4L21.

4L21 - and you heard - correct me if I'm wrong - but you said you heard some suppression units. That were in route to Oakland?

Uh, they already there.

They're already there.

Yeah they had located a stolen vehicle.

Okay.

And they were watching it.

Got it - so did you hear them on the radio and you responded to assist?

Yes.

Okay now whe- what was your role when you responded to assist - like what was your intention?

My intention was to, uh, just provide assistance in case the suspects flea.

Okay, um, at what point - I'm sorry are you driving - what are you driving in?

I'm driving a marked police cs- police vehicle number 398.

Number 398?

Yeah.

Can you describe this vehicle?

It's a, uh, Ford Police Interceptor - black and white.

A...

With the, uh, San Leandro, uh, patch emblem on the, uh, pa- front passenger doors.

Okay, uh, and what are you wearing?
I'm wearing a, uh, a blue distinctive police uniform.

Okay - now when you are driving to 105 - at what point - now is there - I guess so to speak in police terms - like a caravan that you guys are driving in to go down to 105th? Is there a point where you kind of meet everybody - do you sto- I mean how - how - how do you guys get down to 105th?

Uh, it - at one point it - it merged into caravan.

Okay do you remember at what time?

Uh...

If you do.

I don’t remember what time. I think as soon as we passed, uh, as soon as I got we got passed, uh, around the area of (Sabrone) Park - where the actual parks at.

Okay.

That's when I got behind another police vehicle and, uh, and Officer (Bus) was behind me.

Okay now the police - the - the - the person who was driving in front of you and the person who was driving behind you - what are they driving in?

More police vehicles - same - similar to mine.

Marked - marked police vehicles - similar to yours. Okay so you continue going down 105th towards the dead end?

Mm-hm.

Okay now as you get to that area can you just tell me what happened again?

As I got to the area - as we got closer, uh, I remember seeing a lot of cars on either side of the street in front of me.

Now these cars - are they police cars - car are they, civilian cars?

There - there some civilian cars.

Okay.
Uh, but distinctly I remember seeing Sergeant (Anthony)’s pickup truck - he’s parked on the wrong side of the street. And he - he’s facing west.

Okay.

Uh, and that’s what I remember seeing.

Okay now where are you in relation to Sergeant (Anthony)’s car? You, uh...

I - I - I’ll...

...I guess we can refer to the map.

...uh, referring to the map I am, uh, right here.

Okay so you’re pointing to vehicle number 398 in the map.

That’s mi- yes.

Okay now you’re in the vehicle - at what point when you are in that vehicle do you see - you said a suspect vehicle?

Yes.

Can you describe this suspect vehicle?

It was a, uh, it was a green Honda Civic.

Okay.

Matching that in the, uh, radio broadcast that was made...

Okay.

...by, uh, our CSU unit.

Okay now wha- where you do see this green Honda Civic?

Yeah i- it happened really fast - it - it - it appeared to be driving from the north side of the street - or our north.

Okay.

To the south side of the street and it appeared to go around some vehicles onto the sidewalk.
Q: So it actually drove onto the sidewalk?
A: Yeah onto the sidewalk.
Q: Okay and was it driving - w- w- how - how - how can you describe the way the vehicle was driving?
A: Uh, I would say at a high rate of speed.
Q: Okay can you estimate - if you can?
A: Mmm, i- if I knew a high rate of speed for that condition of that street - it was - it was about - yeah - I would say 25 to 30.
Q: Okay now did it actually drive onto the sidewalk?
A: Yes i...
Q: Okay when - when it got onto the sidewalk what did the vehicle do?
A: I - well I lost site of it ‘cause the pickup truck was in the way.
Q: Okay got it - so then what do you s...
A: It blocked my view.
Q: ...what do you see after that - or what do you hear?
A: After that I hear - I hear a gunshot.
Q: Okay now when you hear the - gunshots - or gunshot?
A: Gunshots.
Q: Gunshots - where are you?
A: I am about - outside my, uh, drivers side door.
Q: Okay outside your drivers side door.
A: Yeah I just got out.
Q: Okay now did you see where the shots were coming from?
A: No.
Q: Or - okay did you see who was shooting?
A: No.
Q: Okay did you hear anything on the radio?
A: Uh, no.
Q: Did you hear anything outside in the street where you’re at as far as verbal?
A: I don’t remember.
Q: Okay now after you hear - how many shots did you hear?
A: I heard approximately four.
Q: Four shots - after you heard those four shots what did you do?
A: I - I ran down the street - actually I - I ran past the truck and I saw that, uh, I saw the s- the, uh, the driver of the Honda Civic...
Q: Mm-hm.
A: ...they were leaned over and I think, uh, Sergeant (Young) was, uh, trying to render aid to the driver of the Honda Civic.
Q: Okay.
A: And Sergeant (Anthony) was i- in a very awkward position - he was wedged between the - the suspect vehicle and his own vehicle.
Q: Okay and then what do you do after that?
A: After that - well I saw that they were busy - that I ha- I saw that they had enough help there - so I couldn’t get in there anyways - it was a very tight, uh, tight quarters.
Q: Mm-hm.
A: And it made sense - no sense of me being there. So bas- a- at the same time I saw a glimpse of the - of another suspect running down the street. So I went to go help the other officers who were pursuing that - that person.
Q: Okay and then when you got to that point what did you do?
A: When I got to that point they had already had him in handcuffs so I walked back to where the, uh, collision site was.
Q: Okay the person that was being handcuffed at the very end...
A: Mm-hm.
Q: ...can you describe that person?
A: It was a, uh, black male.
Q: Okay do you know - if you can - it's fine - I mean was he - age - race, uh...
A: Uh...
Q: ...uh, clothing if you can?
A: ...I don't remember the clothing - he - a probably black male I would guess - I would sa- I would guess maybe a - le- late 30's. Uh, maybe like a medium, to dark complexion.
Q: Okay, um, going back - sorry just retracting - when you heard those gunshots.
A: Mm-hm.
Q: Did you hear anything prior to those gunshots?
A: I don't remember hearing anything.
Q: Okay, did you - as far as any - obviously there was gunshots fired by - did you find out who - who - who the shots were fired by after or no?
A: No.
Q: Okay, um, did you use any force or did you use - shoot your gun?
A: No.
Q: Okay did you use anything on your belt?
A: No.
Q: Okay and did you make contact with any person as far as touching anybody,
A: No.

Q: Okay, uh, you said you conducted a canvas after?

A: Yes.

Q: Okay what - were you directed to do that?

A: Yes.

Q: By who?

A: Sergeant (Young)>

Q: Okay and then whe- where’d you canvas?

A: I, uh, there was a, uh, there was some - there was a resident standing directly across the street from where the collision site was that I talked to him.

Q: Okay, uh, do you remember what that person said?

A: They said they, uh, they said, “They just heard some gunshot and they came out but they didn’t see anything.”

Q: Okay can you - do you know what the address was?

A: Uh, yes I do.

Q: What was the address?

A: I got to go look in my, uh...

Q: Okay.

A: ...I actually got - I have the - I wrote their information down.

Q: Oh, you wrote it...

A: Yeah.

Q: ...did you write a - a supplemental report or...

A: No it - it - it was just a - basically jot their name down.
Q: Okay can you describe that person?
A: A Hispanic male.
Q: Um, I think that’s about it - do you have anything specific?
Q1: Um, supos- d- do you know, uh, I know you mentioned it happened around maybe 4:00 or 4:30.
A: Uh, roughly - yes - approximately.
Q: Okay what was the weather like outside?
A: Uh, it - it was clear - sunny.
Q1: All right.
Q: Uh, s- a little bit of a breeze.
Q1: Okay not need for a flashlight to see what...
A: No.
Q1: Okay, um, and I know that you mentioned the car was on the north - did you actually see the car par- as you driving down 105th did you see the car parked on 105th?
A: No I just saw it come across real fast.
Q1: Okay so you basically saw it come across the street to the other side of the street?
A: Come a- to the other side of the street. And it wa- struck me as odd - I - I - it jumped the sidewalk and I thought to myself it’s not gonna make it through there.
Q1: About how far were you distance wise when you first saw - when you made that observation of seeing that car - not - not hitting the side- uh, sidewalk by it - yeah - just driving on s...
A: Ooh, I would - I would say 25 to 30 feet maybe.
Q1: And you were still in your car at that point?
A: Yes.

Q1: Okay and were you still - were you driving to the location at that point still?
A: I was starting to slow down.

Q1: Okay.
A: Yeah.

Q1: Um...
A: I actually basically was crawling I just - I just got there and I’m trying to figure out what’s going on.

Q1: All right and then the car that went on the, uh, the sidewalk.
A: Yes.

Q1: All right did the Honda - did it stop at all? At that point when you saw it go on the sidewalk did it stop?
A: I - I couldn’t tell because the, uh, pickup truck was blocking my view.

Q1: Okay so you lost sight of it?
A: Yeah I lost sight of it yeah.

Q1: Okay could you hear anything from the car?
A: No.

Q1: Okay could you heard - you didn’t hear any kind of noise - maybe engine noise - car noise - break noise - any of those kind of noises - did that stand out to you?
A: Uh, I don’t know - I don’t recall anything like that.

Q1: Okay, um, actually and you may have mentioned it but the person that - the male that was - you detained or that was detained.
A: Uh-huh.

Q1: Did you see him come from that car?
I saw him running along the, uh, south sidewalk there from - fr- a - a-
approximately from the area where I s- wh- when I lost sight of the - the
Honda.

Okay - all right, um, I don’t have any other questions.

Okay and do you have anything that you want to add that we didn’t ask that
you might thinks important or...

Mmm, no.

No.

All right how long you been a police officer?

About 20 years.

About 20 years. Uh, that’s it.

That’s it - all right - it is - the time is 2301 hours and we’re going off tape.

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

Signed
Section 12
INTERVIEW WITH OFC. DENNIS MALLY
Q=Ofc. Calonge
Q1=Ofc. (Kris McLean)
A=Ofc. Dennis Mally
A1=(Terri Leone)

Q: This is Officer Calonge. I’m presently at San Leandro Police Department, um, with the Homicide Section of the Oakland Police Department. Ah, also present with me is Officer (Kris McLean). What’s your serial number?

Q1: 7788.

Q: Um, and also present are Officer Dennis Mally. Ah, Dennis what’s your star number?

A: 306.

Q: Okay. And you are an employee of which agency?

A: San Leandro Police Department.

Q: Okay. And also present with Dennis is...

A1: (Terri Leoni) from (Renso Chester).

Q: Thank you. Today’s date is Wednesday, April 15. It’s 2233 hours. Ah, we’re going to be discussing events, ah, surrounding an officer involved shooting at the San Leandro Police Department, um, engaged in earlier today in Oakland. Ah, the Oakland Police Department Report Number is 15-020012. Ah, to begin with, ah, Officer Mally would you please just tell us your recollection of the event as it occurred today?

A1: And just for the record, um, Officer Mally did have a body worn camera running during this incident. The - we have not viewed that video prior to this interview so, everything he’s saying today is just from his recollection.

Q: Very good.
A: Okay. Ah, today I was on patrol and I overheard on our police radio, ah, a couple of our detectives were down at the dead end of 105th Avenue in Oakland. Ah, they were down there doing some follow-up looking for some burglary suspects who lived down in the area. And while they were down there they spotted a vehicle had a records check of it showed it was stolen and it was occupied stolen at the dead end of 105th Avenue. Ah, patrol units started headed that way and we were communicating on the radio while we were driving there. Ah, our game plan as far as how we’re going to do the approach on the car, ah, the stolen car to contact the d-it was occupied to contact the driver of the car. As we’re driving down 105th Avenue is when we started to get our game plan in order. And I was on patrol with my dog, my canine. So, the plan was for me to follow in Sergeant (Anthony) who was in an unmarked car. Ah, I was going to be the first person headed down and we were going to have other patrol units come in behind me in the black and white cars. Ah, I got behind Sergeant (Anthony) on 105th somewhere around Nattress and that’s when we started to line up our cars and make our approach to the suspect car parked down at the dead end. Ah, is we got down towards the dead, ah, Sergeant (Anthony) pulled off to our left and I continued toward the suspect car which I saw occupied, um, I guess compass direction north side of the street for us but, my right-hand side as we’re driving down there. I parked about one car length in front of the stolen car which was facing us. It was parked facing the wrong way. There was a parked car in front of that stolen cars so, I pulled up pretty parallel to the parked car which was in front of it kind of canted my vehicle a little bit out just to put that engine block in-between me and the, ah, driver. Um, at that moment where I parked the car I looked at the driver, she looked at me. Ah, that’s when I saw her moving her hands around the steering wheel the - you know where the keys go. And my immediate thought was she’s either going to start the car or she’s putting it into drive. Something happens to this car is going to start moving pretty soon. Ah, that’s when I got out of my - started to get a car. I was going to get the dog out and in case she ran or fled or d- at this - in case she ran from the car I was going to have my dog as an option in case she fled. Um, as I’m getting the dog out I can see the car start to move so, I knew then well, I’m not going to send the dog on a moving car, started putting him back in. She - the car comes towards me - sorry towards my car and there wasn’t enough clearance for her to go around me so, she backed her car up and turn it again to the right. And that’s when she accelerated hard towards the sidewalk. Um, once she got towards the sidewalk I got back into my car and she was - she had already passed me on the sidewalk. She was now behind me. Ah, that’s when I started to make my three-point turn. I was going to turn around and chase after her. But, ah, she was right on the sidewalk. I heard bang bang sounds which sounded like her hitting a parked car. Ah, there were a couple parked cars on that side of the street which she collided into, ah, in-between the fence line.
and the, ah, where the parked car she was hitting those cars as she went along.
Right after that I heard a bunch of popping sounds which, you know, I can - I
knew was gunshots. And when I heard those gunshots, ah, I didn’t know right
away if we were being shot at. They didn’t know if we had shot somebody. I
put my car in park, got out and ran towards, ah, where I heard the sounds from
which were just our compass-wise east of me on that sidewalk. Um, as I’m
running towards that car I see a bunch of our officers running towards the car
also. And that’s when, ah, Officer (Shed) and I were close proximity to each
other. Ah, he starts pointing at a black male who’s walking away from where
the car had now come to rest. And he’s yelling at, ah, something like, “Hey
we need to stop him, we need to detain him, he’s associated.” And so, h-
Officer (Shed) and I start going towards that guy. And we get him detained in
handcuffs, put him in the backseat of the patrol car and that’s when I went
back over towards, um, the stolen car, saw there were gunshots in the
windshield. Ah, the driver was now out of the car. She was lying a- on the - on
the sidewalk on what was now the passenger side of the suspect car. And, ah, I
could that Officer (Buss) was providing first aid for her and that’s pretty much
where my involvement for the most part stopped.

Q: Okay. Did you assist with first aid while you were out there?

A: I did not.

Q: Okay.

A: When Officer (Buss) and Officer (Ying) were on the ground with her and I
asked if there was anything I could do and they said, “No, we’re okay.”

Q: Okay. And then and what did you do at that point?

A: Ah, I stood asked if there was anything else I could do? Ah, at one point I held
was some crime scene tape but, on the other side of my car to get the crime
scene locked down. Um, I kind of provided scene security by just standing
where the - where the suspect was lying down on the ground. I was standing
in-between her and the houses that were on I guess what I consider the south
side of the street just giving her a little privacy while they were doing first aid
for her.

Q: Okay. At a certain point you left the scene?

A: Yes.

Q: How did you leave the scene?

A: I left the scene once I was told to. Um, the technician, the open PD crime
scene technician took pictures of my patrol car where it was. And once I showed the technician where everything was, ah, Detective (Ben)'s got me in his, ah, detective car and we drove back to the station.

Q: Okay. And you've been here since?
A: I've been here since.

Q1: Sequestered correct?
A: Sequestered.

Q: Okay.

Q: Very good, thank you. I'm glad you're okay technically?
A: Yes.

Q: Okay. Um, and I'm going to start back at the sort of beginning.
A: Sure.

Q: Ah, you were on patrol you said?
A: Yes.

Q: And you heard over the patrol radio a call for a stolen vehicle on 105th Avenue?
A: Yes.

Q: Is that correct?
A: Yes.

Q: Who - do remember who it was or did you - did you know at that time who the officers were that were asking for assistance for that?
A: It was Detective (Kritikos).

Q: (Kritikos), okay. And are they patrol officers as well?
A: No. They are detectives...

Q: Okay.
A: ...under - considered I guess like on our narcotics undercover team?

Q: Okay. Um, and so, you are aware that it was a stolen vehicle and that there may have been a 459 aspects to it somehow?

A: Yes.

Q: Okay. And you respond. Are you in Oakland at that point or you in San Leandro and you respond to Oakland?

A: I was still in San Leandro.

Q: Okay, and you started heading that direction as assistance...

A: Yes.

Q: ...cover?

A: Yes.

Q: Okay. Um, you ride by yourself in the car with the dog?

A: Yes.

Q: No, ah, partner, human partner?

A: No. No, human partner.

Q: Okay. Ah, which vehicle were you in?

A: Ah, I was in Patrol Vehicle 230.

Q: Okay. Can you describe that vehicle to me?

A: It's a Ford sport or police utility vehicle. It's the SUV version of the car. It's fully marked, ah, black with white doors white roof, big San Leandro police emblem on the door. Ah, it says San Leandro Police across the back, Caution K-9 unit on both rear doors and the hatchback. Ah, it's equipped with an overhead emergency light bar that's got - well, it's got sirens. It's a fully warrant police car.

Q: Okay. From the front of the vehicle of this is a recognizable police vehicle?

A: Yes.
Q: Okay. Um, you respond to was it 105th Avenue?

A: Yes.

Q: Ah, let’s talk directions for a second because I know our two agencies may speak differently...

A: Come across.

Q: ...when it comes to that right? What direction does 105th Avenue run from your perspective?

A: For me it runs East, West.

Q: Okay. And so, you said that whe- I guess how did you get to 105th Avenue?

A: I went north on San Leandro Street and then left onto your guy’s South or West.

Q: I got it - I got a...

A: 105th Avenue.

Q: West 105th Avenue from San Leandro Street?

A: Yes.

Q: Okay. Ah, you mention that along the way you are coordinating or people were coordinating over the radio the game plan.

A: Yes.

Q: Um, as far as you know was this a planned operation that was previously occurring that you were joining in on or was this sort of a spur of the moment proactive type...

A: Spur of the moment.

Q: Okay. Um, d- are you aware of any written ops plan about this?

A: No.

Q: Okay. So, along the way this game plan involves can you tell me about that? What does that involve?
Ah, the game plan for us just involved, um, our best approach to get down there without being seen. 105th Avenue is a long straight stretch of street. And, ah, you know, we like to go in as far the dead end as we can to get this person in custody without them seeing us potentially creating a pursuit in a dangerous spot. So, we will figure we could go down there behind a truck that was in a police car and get as close as we can without being seen.

Okay. And this truck was whose?

Sergeant (Yanni)’s.

Okay Sergeant and who was driving the truck? Can you describe the truck to me a little bit more?

Ah, white Ford four-door pickup.

Okay. Um, the thought was - and this is all via radio, we’re going to coordinate our approach to the suspect vehicle. Where was the suspect vehicle as far as you knew at that point?

They kept saying the dead end of 105th Avenue.

Okay.

When I say they the Detective (Kritikos) and I believe it was Detective (Pasuit) who had eyes on the car.

Okay. Um, what is your understanding of Detective (Pasuit) and (Kritikos)’s daily uniform or activities or do they have any special assignments?

Detective - I’m sorry their daily uniform I don’t - they don’t have uniform they are...

All right.

...plain clothes. Um, when they - when they’re going out and doing surveillance or, ah, helping us out with patrol stuff they have a I guess we considered it a raid vest where it’s a, ah, ballistic vest outer carrier. It is Police written on the front Police in big letters written on the back also.

So, during coordination of this game plan is it your understanding that you are going to be the first visibly uniformed police presence at the end of that block...
A: Yes.

Q: ...for the arrest I guess or the takedown or whatever you want to call it?

A: Yes.

Q: Okay. And the thought was to mask your approach via the white truck and then was your understanding that the truck would do something to then allow you to get by?

A: Yes. And eventually I don’t know if we discussed it on the radio but, there - the truck was going to move out of the way as we got close.

Q: Okay. And this is Sergeant (Anthony)’s truck. And he’s part of the same team as Detectives (Kritikos) and (Pasuit)?

A: Yes.

Q: Okay. Um, at that time before you yourself put eyes on the suspect vehicle are you updated as to how many suspects or temperament of suspects or type -- anything like that?

A: Ah, one that we knew of which was the driver. And if they describe the driver or not on the radio I don’t remember if they did or not. They - I knew it was occupied by at least one.

Q: Okay. How was the vehicle described to you?

A: Ah, green Honda Civic. I forget the year but, the plate - the return on the play showed it was stolen.

Q: Okay. And you - you - you were made aware of that en route to the scene?

A: Yes.

Q: Okay. Before, ah, the progression Westbound on 105th Avenue was there a stop meeting amongst you and your colleagues or was it just sort of a rolling coordination?

A: As I was driving down 105th Avenue towards that dead end, ah, right at about Nattress - hope I’m saying the right - Nattress - Nattress, um, Sergeant (Anthony) had pulled over to the right so, I could get in behind him before we started our approach. Um, he was stopped as I came down 105th Avenue he was there and he was stopped in his pickup truck. I pulled up behind him for it seemed like just a few seconds. As he started to pull away I followed.
Q: Okay.

Q1: Why were you second? Do you know why you - were selected to be second?

A: Yes. I was selected to be at the front because of the use of my canine. Um, we like to have the dog out front as an option in case a person runs. Um, the dog is obviously faster than most humans are (unintelligible) and we like to have the dog out front just in case that scenario happens where the person runs we can catch them faster.

Q: Okay. Ah, would you mind describing 105th Avenue and especially the dead end in terms of is it residential? Is it business district? Is there parking? What's the situation then?

A: Ah, as you get close to that dead end of 105th Avenue, ah, on the left-hand side there's a mixture of houses, apartment complexes. And as you go - as you get close to the dead and I think there's just an open field. I don't know that there's anything in it, ah, with a chain-link fence in front of it. Um, and before prior to that open field it's residential. I believe it was just all, um, single - single family homes it looked like.

Q: Okay. Is the first time that you saw this - the stolen vehicle, the green Honda Civic, ah, is the first time you personally saw as Sergeant (Anthony) moved out of the way?

A: Yes.

Q: Okay. And you mentioned that I believe you mentioned as you were driving westbound on 105th Avenue, Sergeant (Anthony) pulled off to the left which would be what side of the street for you?

A: Our south side.

Q: Okay. Um, you were able to continue straight past him at that point?

A: Yes.

Q: Okay. And is that when you first see the suspect vehicle?

A: Yes.

Q: Okay. Does it appear as you expected it to appear?

A: Yes.
Okay. Who, ah, is in the vehicle at that point?

Um, I can see that it was a looked like a Hispanic female driver. That's really all that I got a look at.

Okay. You mention the vehicle was I believe facing you is that correct?

Yes.

Okay. Um, did it look like it was parked or it was driving towards you or what was its action at that point?

Ah, as I was driving towards it it was parked.

Okay. Ah, you mentioned that you looked at her and she looked at you.

Mm-hm.

Can you describe that a little bit to me?

Ah, I was - my eyes were on the driver and I noticed that we - there was definite eye contact. She looked at me and I looked at her.

Did she react to seeing you?

Her - she just - from what I remember just stared at me like, you know, that shock and awe that the police are here now. It was - I assume what was going through her head.

Okay.

Um, just that kind of look of oh wow, the police are here.

Did you have your overhead lights activated at that point?

I did.

Siren?

Not the siren, just the lights.

Okay, the - the red and blue lights?

Red and blue lights.
Q: Okay. Um, the eyes meet, she facial reaction or shocked reaction? What happens next?

A: I, ah, I parked my- I parked my car and just canted it out to my left a little bit like I mentioned just to put that engine block in-between me and her to get some coverage.

Q: Okay. So, you...

A: Don’t know - I don’t know what her thought is. I don’t know what she’s going to do.

Q: She is parked on which side of the street at the...

A: My right-hand side.

Q: Your right side.

A: ...which is considered...

Q: Is that North side?

A: ...which is considered the North side yes.

Q: North side of 105th Avenue?

A: Yes.

Q: She’s like up against the curb line?

A: Yes.

Q: Okay. But, you said she’s facing the wrong direction right?

A: Yes.

Q: Okay. So, she’s facing East...

A: Yeah, she’s facing International.

Q: Eastbound right. Ah, you can’t your vehicle to the last so, the nose of your car is now Southwest-ish?

A: Yes.
Q: Okay.

A: What's that?

A1: How about your little map?

A: Yeah, I got it.

A1: Oh.

Q: Um, and you are the first marked patrol vehicle down the line?

A: Yes.

Q: That work? Okay. Um, we have a rudimentary map which I'll let you - you look at and you can object to anything if you feel like it's inaccurate but, it might help us with positioning certain things here. So, we presented a map, ah, to Officer Mally. And let's see I'm trying to think here. This is 105th Avenue...

A: Okay.

Q: ...right, laterally. Um, this is open lot right here so, this would be I guess you're on North Side?

A: Mm-hm, yes.

Q: Um, these are houses and apartment mixtures as you mentioned. This will be the south side?

A: Yes.

Q: Ah, eastbound 105th Avenue, Westbound 105th Avenue...

A: Yes.

Q: ...that's the dead end on this end year?

A: Yes.

Q: Um, this is not to scale.

A: Okay.
I understand there will be some objection but, generally does this look familiar to you? Are you able to - some of these boxes that indicate vehicles are labeled. Um, does this look familiar and something we can work with to indicate locations?

Yes it does.

Okay. What was the, ah, number vehicle you were driving?

230.

Okay. So, I'll indicate here this vehicle, this box indicating a vehicle here is labeled Number 230. Does this more or less appear, ah, that it could be your vehicle?

Yes.

Okay. Would you mind indicating just a general location where you first see the green Honda Civic?

Yeah, I won't draw it. I'll just indicate...

Okay.

...with my pen.

Okay.

Ah, we're on where it says Nissan no plate...

Mm-hm.

...and it's pointed towards where it says, "Cars parked facing..."

Mm-hm.

...ah, the green Honda was parked in front of the Nissan where it says, "No, plate."

Okay. And it was facing sort of...

It was facing...

...nose to nose...
...it was facing the Nissan.

Okay. Ah, after the shocked reaction let’s say you’re canted and you’re coming to a stop you said you were getting your dog odor preparing to get the dog ready to go?

Yes.

Is that like a you have to get out of the car to do that?

Yes.

Okay. So, you’ve parked and you’re out of the vehicle ready to get the K-9 officer prepared to do whatever it has to do?

Yes.

At that - is it at that point that the green car then starts to make movement?

Yes.

What does it do exactly?

Ah, I could see her - like I could see her shifting, starting it. I don’t know if it was running or not. I can see her hands moving around the steering column. Um, and right about there is when she started to pull forward and out to her right and into the street.

Okay. So, coming from this north sidewalk further into the middle of 105th Avenue...

Yes.

...around there?

Yes.

Um, and what does it do at that point?

Comes towards my car. Ah, there wasn’t enough clearance for her to go around my car at that point otherwise she would’ve hit my car. And stops the car, backs it up and turns and then goes around my car and passes my driver’s side and she drives up onto the sidewalk which is on what we’ll call the south side of the street.
Q: South sidewalk okay. So, she - your car is canted in such a manner that...
A: Yeah - yeah, this - this was to scale...
Q: Yeah, it would cover...
A: Ah, my car with the right about here. If we could just move my car it would be about here.
Q: Almost directly next to the Nissan no plate vehicle?
A: Yeah.
Q: And was it canted in such a manner that it entirely blocked 105th Avenue?
A: No.
Q: Okay. Was it just the how would you say it the geometry of her and the vehicle moving that she was not allowed to get around you so, she had to reverse then?
A: Yeah, she - from where she was and from where I had parked my car sh- she just - she didn’t have enough room to go around so, she would have hit the driver’s I mean, the passenger front side of my car. So, she had to back up towards the sidewalk and then go around my car.
Q: Okay. So, she circumnavigates your car after doing a reverse movement?
A: Yes.
Q: And are there other vehicles with you that are pulling up at the same time or near the same time as you?
A: Yeah. They were all pulling up behind me. I don’t know how fast they got - I don’t know how fast these cars got here but, at one point they were all behind me.
Q: Okay. Did you notice the green Honda or the driver make any attempts to go around your vehicle but, remain an actual city street rather than the sidewalk before going onto the sidewalk?
A: No. No, I didn’t.
Q: Didn’t look like a straight shot from okay here you are blocking I’m going to go straight onto the sidewalk at that point?
Yeah. I don’t know if she was maybe attempting to go around me. My door was open so, I don’t know if that she thought she didn’t have enough room but, she went straight to that sidewalk and made the left turn and then just traveled down the sidewalk.

Okay. During this timeframe did you see anybody else in the green Honda Civic?

No, I didn’t.

Okay. Did you see the green Honda Civic driving along the sidewalk?

Yes.

Okay. And you mentioned you heard banging and that you realized it was the green Honda striking parked vehicles?

Yes.

Did you see the green Honda striking parked vehicles?

No, I didn’t.

Um, where - where were you looking when the green Honda was striking parked vehicles?

After it passed me is when I got back into my car. And that’s when I was trying to make my - my turn to turn my car around so, I was focused on not hitting the cars in front of me and in back of me as I made my, ah, turn on the street.

Okay. How fast do you think the green Honda was traveling on the sidewalk?

Speed-wise I don’t know.

Okay.

I don’t know how fast she was going.

Um, can you describe the loud banging that w- what did it sound like? Talk to me more about that.

Ah, sounded like it sounds like that I’ve heard in the past of cars colliding into each other.
Q: Okay. Ah, was it loud?
A: It was loud.

Q: Okay. Was it more than a scrape, metal on metal? Was it like an impact noise?
A: Yes. It was an impact like a collision sound.

Q: Okay. Did you see anybody else, ah, whether Officer or - or citizen or whoever on the sidewalk in the path of this green Honda Civic?
A: No. No, these cars that were the Ford F-150 the other Ford red and the white Honda blocked my view of any part of the sidewalk.

Q: Okay. You mentioned that you’re as the green Honda Civic is traveling on the south side walk - is that right yeah, South sidewalk you are now attempting to sort of make a three-point turn or a U-turn on 105th Avenue. What was your thought process in doing that?
A: My thought process in making the U-turn was if - is if she makes it down the sidewalk and gets back on the street I know that the cars coming behind me are coming towards the dead. And I’d like to be able to get out, um, and at least, you know, follow after if she gets back onto the street and drives away.

Q: Okay. Ah, were you able to pursue the green Honda?
A: No.

Q: What was it that stopped you?
A: What stopped me was the popping sounds which sounded like gunshots to me.

Q: Okay.
A: Um, and that’s when I put my car in park got out and, you know, started to run walk I guess back towards where I heard sounds from which was where the Honda had come to rest.

Q: Did you know at that point that you’re hearing the popping sounds that the Honda was stopped where it ended up being stopped?
A: No.

Q: Do you remember if your windows were up or down on your patrol vehicle?
Ah, my windows were down.

Okay. Um, as a police officer you’re familiar with gunshots so, these popping noises you heard were they instantly recognizable as gunshots?

Yes.

Okay. And you said you weren’t sure who was shooting whether it was officers or suspects or somebody else?

Right.

Okay. Um, you got out of your vehicle. You ran or walked or quickly moved, ah, what Eastbound 105th Avenue...

Yes.

...towards what you what...

Towards where I thought I heard it from.

Okay. What’s the first thing you see when you get over there?

Ah, first thing I see, ah, I saw Sergeant (Anthony)’s Ford pickup truck parked there.

Mm-hm.

Um, right away I didn’t see the green Honda until I got obviously closer past the Ford F150 red. And right as I got past that I saw the Honda was now stopped, you know, canted out sidewalk towards the street. And that’s the - that’s the first thing that I saw.

Okay. And from your recollection is did the, ah, when Sergeant (Anthony) sort of pulled the Ford F150 to the left as you guys were approaching the suspect vehicle on first approach does that appear to be the same location where he pulled the vehicle initially?

Yes.

Okay. Um, the Ford F-150 red which is labeled here as well, as Ford F-150 white which is also labeled are what type of vehicle, sedan, coupe?

F-150 is trucks.
Q: Trucks.

A: Pickup trucks.

Q: Pickup trucks? And you mentioned that they were blocking the view of the green Honda?

A: Yes, from where I was at my vehicle.

Q: Okay. You saw Sergeant (Anthony) where?

A: Ah, at first I didn’t see him.

Q: Okay. What did you - okay you got closer?

A: I got closer. Um, before really had time to do anything is when Officer (Shed) was yelling at me, “We need to stop that guy, we need to stop that guy,” pointing at the guy who we later detained.

Q: Okay. So, did you ever - how close did you ever get to the scene of the know the sort of the resting scene of where the green Honda had collided with the Ford F-150?

A: I got about even with the Ford F-150 red was when he started yelling at me.

Q: Okay, stop the guy and where was this guy?

A: He was on the sidewalk, um, right near where the white Honda, ah, is indicated which will be on the south side of the street. He was right in that general area of the white Honda walking further west towards the dead end of 105th.

Q: Okay. What was his - what was he doing?

A: Ah, he was quickly walking away just from where the Honda had come to rest. He was walking away from it, um, kind of just kept looking around just looking back over his shoulder. And once Officer (Shed) told me that hey, we needed to go stop him is when we started walking after him. And he started to walk away a little bit quicker so, we had to pick up our pace in order to stop them.

Q: And you were able to successfully detain this person?

A: Yes.
Q: Did you learn their identity?
A: Ah, I did not.
Q: Can you describe them for me?
A: He was a black male. I believe he was wearing sunglasses. Ah, and the clothing, it was dark clothing. I don’t specifically remember what it was.
Q: Okay. Once he was detained you mentioned you put him in a patrol vehicle?
A: Yes.
Q: Was it your vehicle?
A: No. It was Vehicle Humber 352.
Q: Okay. Whose vehicle is that?
A: Which was Officer (Shed)’s car.
Q: Okay. Did you have any further interaction with that subject?
A: Ah, no. Ah, we just told him he was being detained, not under arrest or anything like that. “You’re being detained, you’re being back up - or put in the back of a car and if you can just relax calm down,” because he got pretty agitated at one point. So, I told him, “Just relax, calm down, you’re being detained right now.” And that was pretty much my only interaction with him.
Q: Okay. What did you do from there?
A: From there, ah, I went over to - I went back to where Sergeant (Anthony)’s pickup truck were and where the green Honda were. Um, and that’s when I saw the suspect, the driver of the green Honda start lying down on the ground on the passenger side of it and Officer (Buss) and Officer (Ying) had started providing first aid. So, that’s - that’s - that was my first observation.
Q: And she was bleeding?
A: Sh- ah, there was blood. I don’t know where she was bleeding from but, there was - I saw some blood.
Q: Okay. What was your understanding of what had occurred at that point?
Ah, no one really said anything to me so, I didn’t - I didn’t have any understanding from anybody. In my mind I kind of figured out what had happened.

Okay. At any point did you see Sergeant (Anthony), ah, discharge his firearm?

No.

Did you yourself deploy a firearm at any point?

No.

Okay. Any other weapons utilized?

No.

Okay, less lethal options or...

No.

...control for whatever okay.

No.

Um, you heard popping? Do you remember how many gunshots you heard?

I don’t. It was if I had to guess I would say between three and five somewhere. It was - it was a couple.

Okay. Ah, was it a, ah, a set of volleys or shots or was it fairly consistent?

Fairly consistent.

Okay. Um, did you see the green Honda actually impact the white Ford F-150?

No.

Um, did you see any injuries to the mail that you detained?

No.

Did you yourself suffer any injuries?

I did not.
Q: Did you see any injuries to Sergeant (Anthony)?
A: No.

Q: And you saw some injury to the female but, you were unsure of the nature of those injuries?
A: Yes.

Q: Okay. And then I think you mentioned you saw gunshots to the windshield or something?
A: Yes.

Q: Okay. And when did that happen...
A: Ah...

Q: ...that you observed those?
A: ...it was I think my first observation of it is when I finally made it back to where the Honda came to rest. Ah, I w- went to the car for a second and I saw there were, ah, a series of bullet holes in the front windshield on the driver side.

Q: And you mention you sort of pieced together what had occurred?
A: Yes.

Q: Okay. How would you describe the manner in which the female Hispanic was operating the green Honda?
A: Ah, she - the way she was driving was she - in my opinion she was determined to get away. She wasn’t casually driving away. She was accelerating towards the sidewalk. And I could hear the engine. I could hear the engine at a high RPM. It wasn’t like she was just cruising along. She was that car was accelerating like she was determined to get away.

Q: Okay. Go ahead.

Q1: Yeah. Okay, well, you said you were in the car (unintelligible). Um, how long do you think - and I know it all happen relatively quickly. I can appreciate that. But, from the time you saw, um, the young lady in the green Honda parked and then you parked and canted your car how long would you say it
took when she started moving until she hit Sergeant (Anthony)’s car?

A: Ah, within seconds. Specifically how long I don’t know. It was - it was fast. Ah, second-wise I couldn’t - I couldn’t give you a number. It was within a few seconds it was...

Q1: So, basically she looked at you. You guys made e- eye contact she fiddle faddled with the keys, took off accelerated at a high, you said high RPMs and then boom...

A: Yes.

Q1: ...hit the car?

A: Yeah.

Q1: Okay. Now the very, very beginning of this when you guys are talking over your radio do you guys do this on a TAC channel or are you guys doing it via telephone?

A: This was all on Channel 1 our main - our main radio channel.

Q1: Okay. And you guys record those, um, communications?

A: Yes.

Q1: So, Channel 1 is your main channel? Do you remember about what time this all started?

A: It was in the afternoon. Ah, I don’t know what time it started.

Q1: Okay, but, daylight?

A: It was daylight in the afternoon.

Q1: Okay. The car...

Q: What was the weather like there?

A: Clear, sunny and warm, very warm.

Q1: Um, when you first got up there a- and - and I know you knew which you were going to. They told you there was a 10-8-51 these guys were involved in some other stuff?
E- to my understanding they were down there looking for suspects from a burglary that occurred Monday. Um, we know they live down at the dead end of 105th.

Mm-hm.

Ah, to my understanding they were down there during some surveillance looking for these suspects.

Mm-hm.

And happened to see this car, ran the plate and it came back stolen. And whether - I didn’t know at that point, I wasn’t really paying attention to everything on their radio. Um, I didn’t know if it was associated to the burglary suspects. If it wasn’t - I don’t - I don’t know.

Did they give you a description of anybody?

Ah, just, ah, the driver was a female. The may have said she was Hispanic female over the radio. A- that part I don’t - I don’t really remember if they did or not.

Mm-hm, okay. So, then when you - you’re are behind Sergeant (Anthony) and his white pickup truck and then there’s you. When you got up there were you focused on anything? What were you paying attention to?

I was paying attention to the car and the driver...

Okay so, you saw it immediately?

...of the car. Yes.

Okay. And you basically kept your focus on that?

Yes.

Okay. Okay. Did you, um, happen to have your gun out at any time?

No.

Okay. And but, you were going to - you got out and you were open - going to let your, um, ah, (Brohan)?

(Rohan).
Q1: (Rohan). You’re going to let (Rohan) on out?

A: Yeah. I was going to get him out...

Q1: Okay.

A: ...of the car.

Q1: Okay. Okay but, you kept your pistol strapped in and everything?

A: Yes.

Q1: Okay. Okay that’s all.

Q: Do you recall getting any verbal commands?

A: I did. Ah, she drove past me. W- right before she hit the sidewalk I’m yelling at her, “Stop stop stop.”

Q: Okay.

Q1: Did you hear anyone else giving commands or did you hear other yelling?

A: At that - I heard a lot of yelling coming from behind me, um, where the cars - were on the map it shows where the cars are parked I heard a lot of yelling coming from back there. I don’t know what was said but, I heard a lot of voices.

Q: Is this prior to gunshots?

A: Yes.

Q: Okay. After gunshots you hear yelling as well?

A: Ah, not that I remember.

Q: Okay.

Q1: Did we go over your, ah, uniform that you have a fully marked...

A: We did not. We haven’t yet. We just got the car part. We can do...

Q: Yeah, I got you.

Q: Please describe your uniform...
A: Ah...

Q: ...that you were today during this incident?

A: ...my uniform is what we call, ah, a Class C utility uniform. It’s a navy blue shirt. My name, ah, is embroidered above my right pocket. K9 is embroidered above my name. On the left side chest there’s a sewn on cloth patch that says Police Officer and inside of that it says San Leandro California. It’s a silver patch. Um, I have a shoulder patch on my left arm that says San Leandro Police. I’ve a full duty belt, dark navy blue pants and black boots.

Q: Um, okay very good. Um, were you wearing a hat the time or any other markings that you don’t have on right now?

A: I was wearing a hat...

Q: All right.

A: ...a dark navy blue hat.

Q: Okay.

A: It says San Leandro Police Canine on the front.

Q: Okay. Ah...

A: If you need I could - it’s the one right here. Is that...

Q: Okay so, presented, um, like you described Navy blue hat with some silver letterings and San Leandro K-9 police?

A: Yes.

Q: Okay. Um, we covered at the beginning but, you have the body one camera...

A: Yes.

Q: ...which you- did you activate? Do you remember activating or attempting to activate?

A: Ah, not at the time of this no.

Q: Okay no you don’t remember it or no, you didn’t do it?
I didn’t do it.

Okay. Um, we’re going to get into some admin type questions. Um, these are written intended for involved officers so, excuse me if there’s some pauses between my questions.

Okay.

I’m just going to go over some stuff. Can you just spell your full name for me?

D-E-N-N-I-S and the last name is spelled M-A-L-L-Y.

Okay. And then I know you - you, ah, your agency uses star numbers as identifiers or badge #s?

Badge #.

Okay. What’s your badge # again?

306.

Okay. Ah, how long have you worked for the San Leandro Police Department?

Ah, just almost 9 years now. I’ve been with the department from also 11. I’ve been an officer for just that 9 years.

Okay. Were you an officer anywhere else prior to San Leandro?

No.

Okay. And, ah, what is your current assignment?

Ah, police officer assigned to patrol.

MH.

And I - I’m a canine officer.

Ah, is today a regular workday for you?

Yes.

Were you on overtime at this point or was this during the regular shift hours?
1216 A: Regular shift hours.
1218 Q: Okay, as a K-9 officer are you assigned to Beat or vocational geographic type space?
1220 A: No. I had the luxury of being citywide today.
1223 Q: Okay. Ah, what's your call sign today?
1225 A: My call sign was 4King35.
1227 Q: Um, who's your supervisor today?
1229 A: Sergeant (Young) and then at 3 o'clock, ah, Sergeant An- Sergeant (Morgan) was on. So, I work - I work 9:00 am to 9:20 at night so, the day shift sergeant is Sergeant (Young) and at 3 o'clock swing shift sergeant is Sergeant (Morgan) so, I kind of work for two sergeants.
1235 Q: Oh okay. So, you sort of bridge the gap between...
1236 A: Yes.
1238 Q: ...there are two separate shifts?
1240 A: Yes.
1242 Q: Okay. Um...
1244 Q: I'm sorry you work 9:00 to 9:20?
1246 A: Yes, 9:00 to 2120.
1248 Q: Were there any issues with the windshield in your vehicle that would've altered your perceptions about what you've observed?
1250 A: No.
1252 Q: And I should've asked this. As you're approaching the green Honda Civic Westbound 105 Avenue are you making these observations you described those today through the windshield of your patrol vehicle?
1256 A: Yes.
1258 Q: Okay. Um, have you taken him medications prior to the incident or within the
A: No.

Q: Um, the last time you slept?

A: Last night.

Q: Okay.

A: Tuesday night.

Q: Was it...

A: Into Wednesday morning.

Q: ...into Wednesday morning okay, last night. Um, injuries you mentioned you were not physically injured?

A: Correct.

Q: Okay. Did anyone take pictures of you at the scene or since then?

A: Yes.

Q: Okay. Who - who was that?

A: Ah, wherever the Oakland PD crime scene technician was.

Q: Okay. Um, do you wear glasses?

A: No.

Q: And since the leaving the scene you mentioned you were sequestered?

A: Yes.

Q: Um, have you discussed this incident with any other officers following?

A: No.

Q: Are you aware of any outstanding suspects or investigative leads and need to be followed up on regarding this case?

A: No.
Ah, is there anything that we haven’t covered that you think we should know?

No.

Do you have any questions?

I do not.

Anything else? Officer...

((Crosstalk))

No, thank you.

Okay. Um, all right. We will end the interview here at 2315 Hours on Wednesday, April 15.

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

Signed
Section 13
INTERVIEW WITH OFC. KENDRICK SHEDD
Q=Ofc. Calonge
Q1=Ofc. (Chris McLane)
A=Ofc. Kendrick Shedd
A1=Terry Leoni

Good evening. This is Officer Calonge. Today’s date is 15 April of 2015. The time is 2321 hours. Um, I’m present at the San Leandro Police Department, um, in a conference room. This is gonna be regarding Oakland Police Department Case Number 15-020012, uh, revolving around a San Leandro Police Department officer-involved shooting event that occurred on today’s date in our city. Um, also present is...

Q1: Officer (Chris McLane).

Q: What’s your serial number?

Q1: 7788.

Q: Also present is...

A: Officer (Kenny) Shedd, uh, badge # 299, San Leandro Police Department.

A1: And Terry Leoni from Rains Lucia Stern.

Q: Um, and before we get into this, do you wanna go over the camera thing?

Q1: Oh, yes, um, Kenny, you did have a body-worn camera on during this incident?

A: That’s correct.

Q1: And you had it activated?

A: That’s correct.

Q1: And you - before, uh, starting the interview, we did not watch the video, so this statement is entirely from your recollection of the events?
A: Mm-hm.

Q1: Correct?

A: That is correct.

Q1: Okay thank you.

Q: Officer Shedd, can you spell your full name for me, please?

A: First name of Kenny, K-E-N-N-Y. Last name is Shedd, S-H-E-D-D.

Q: And I know you said it, but I missed it. What is your star or badge #?

A: Uh, 299.

Q: Two ninety-nine.

A: Mm-hm.

Q: Okay, um, Officer Shedd, please tell me what happened today.

A: Um, approximately, uh, it was t- towards the end of my regular workday. Um, and the b- uh, so about, uh, 4:30 or so, uh, I heard on our radio, um, a transmission, uh, that I recognized to be from one of our, um, CSU units. I believe it was Officer (Kritikose), um, who advised our dispatch center that - of a plate. Um, once - once a plate was, uh - uh, run through the system through our dispatch, shortly after that the dispatch advised them that it was - advise, uh, when I say them, I - I knew that - that - that - that he was have - he was partnered with one of his other CSU units. So it - the dispatch advised them that it was a - a stolen vehicle. Um, the, uh, shortly after that, the - they advised, uh, I think it was either one of the criticals advised that the vehicle was occupied and where it was located. Uh, upon, uh, when - when he stated that the vehicle was occupied, uh, he all - at the same time, he s- he said that - that - that the vehicle was located, um, in the dead end area of 105th, um, which was - it was, you know, through him, which was in the, uh, eh, immediate area where, uh, the suspects were, uh, located from a 459 or 460, uh, P - PC, a burglary that occurred, um, two days prior, uh, directly across the, um, the irrigation to canal. Um, uh, um, just over the - irrigation canal in our city of, uh, San Leandro. Um, I immediately knew all the details of that 'cause I was one of the, uh, the first officers on scene. And I was the primary officer on scene for that, uh, 459, um, burglary. Um, and - and so I knew all the details. I knew that the suspects were, uh, described as - all involved were described as Hispanic males. Um, eh, uh, Officer (Kritikose)
advised us that - that the suspect inside the, uh, stolen vehicle, which was a - I believe a green, uh, it was either a Honda or a - a - a vehicle similar, um, was a - a - a match to one of the outstanding 459 auto, um, or 459 residential suspects. Um, myself, I was immediately, um - um, raised - raised up for, um, the, you know, officer safety reasons because I knew that where - that where that car was parked, um, uh, it’s - it’s - it’s - it’s - it’s in the area of, uh, of - of Oakland where it’s - it’s - it’s a known, um, suspect, um, haven, actually. Um, all the suspe- most of the suspects from, um, the - the f- uh, 459s that we’ve had, uh, just over the irrigation canal have - the suspects have been traced back to that apartment complex that’s in, um, a cul-de-sac, um, dead end of 105th. So, uh, myself and other units, as well, were immediately heading that way, um, expecting that the suspects were going to, um, be a problem to deal with. So, um, I, um, proceeded northbound on East 14th Street d- uh, turn into International. So when I got to 105th, I made a westbound turn and continued until I got to approximately five blocks away from the area where Officer (Kritikos) said the vehicle was located. Um, uh, once I got - I can’t remember the name of the street. It was - it’s just a couple streets past Acalanes. Um, I pulled, uh, pulled to one of the side streets and posted up there and waited for further instruction. Shortly after that, um, my, uh, my sergeant, Sergeant (Young), who was, uh, riding with, uh, Sergeant (Morgan), uh, arrived in their marked patrol vehicle. I was in my marked patrol vehicle. Um, and so we briefly, uh, exchange, uh, our - our strategy, which would be to - to, uh, post up for here and wait for word to, um - um, you know, approach the vehicle. Our K9 unit, uh, (Dennis Malley) showed up, uh - uh, shortly after that. And, um, and Officer, um, (Alex Ying) showed up in his patrol vehicle - marked patrol unit, too. So we all posted up on the same side street. Um, our car is either parked next to each other or behind each other. And we waited. Uh, shortly after that, um, the CSU, Officer (Kritikos) or Detective (Kritikos) and, um, uh, (Darren Pasute)’s a sergeant - Sergeant (Anthony), um, Sergeant (Anthony) advised us on the radio that, uh, he was almost, um, he, uh, he was almost in the area. And he advised us that he was going to use his, um, unmarked vehicle, which is like a large SUV-style truck, um, a white truck. He was, uh, he was go - what he was going to do was he was going to proceed first down 105th. And, uh, he - he - the, uh, he’s - he basically said that it would be, uh, to our advantage to follow him. And his truck would be able to conceal us. So we - we, uh, you know, through our sergeant, basically said, “Okay we’re gonna have the K9 unit go first,” um, for, uh, you know, for reasons that the K9 unit is, eh, the - they’re there - they’re designed and, um, the - the - to - to either - through bark, through their loud barking cause people to, uh, you know, wanna surrender. Or if someone runs, that’s - it’s the K9 are - are trained to chase after, eh, any sus- spa- suspect who may try to flee. Um, so, uh, s- w- it was that - it was designated that the K9 unit would go first. Um, our sergeants’, uh, vehicle, um, Sergeant (Young) and Sergeant, um, (Anthony), uh, (Morgan), I’m sorry, would - would go second. And I would be the third vehicle, um - um, primarily
because, um, uh, I had a - a less - a less-than-lethal, um, uh, FN with me. And, uh, so I would go third. And then, uh, Officer (Ying) would follow in as far as like marked patrol cars. He would go fourth. So, um, once Sergeant (Anthony) arrived in the area, we, um, uh, after a brief pause, we - we - we con- uh, Sergeant (Anthony) confirmed with, uh, Sergeant Kriti- or Detective (Kritikose) if it was - if it was, uh, clear for us to go down. And he basically said, “Yes, it’s - it’s good to move in.” So Sergeant (Anthony) drove down first. It’s, uh, down the s- the long str- it’s the straight-stretch road, um, no lines or anything like that. It’s a straight, uh, line, uh, street. So once, uh, Sergeant (Anthony), um, started, uh, Officer (Malley) pulled in behind - directly behind him. Sergeant - like we declared, Sergeant (Young) pulled in next. I pulled in after Sergeant (Young). And, um, Officer (Ying) pulled in after me. I could see that it was perfect concealment, has - they could not - anybody directly in front of us wouldn’t be able to see us. Um, we - we made our approach at about maybe 25 miles per hour and not fast or anything like that. Um, it was about maybe, in my estimation, maybe four to five blocks away. Um, uh, as we got closer, uh, I - I wou- I was only able to see the white motorhome, uh, vehicle that, uh, Officer (Kritikose) said was dir- was in front of the, uh, or that would be before the, uh, the stolen vehicle. So I couldn’t see the stolen vehicle. But I could see the white camper. So I knew once, um, we had passed that, that we were pretty close. Um, immediately upon, um, uh, Sergeant (Anthony)’s vehicle getting into the cul-de-sac area, I saw him pull to the left. The, uh, Sergeant, um, or (Malley)’s vehicle pulled in front of the, uh, the, um, stolen vehicle, uh, and I believe, uh, Sergeant (Young). And they positioned them self in the front of the vehicle, as well. I barely - I barely even had a chance to even park my car when the - the driver, who turned out to be a female, a Hispanic female, uh, either started her car up or put it in drive. And, uh, what appeared to be a, uh, an abrupt right jerk of the v- of the steering wheel, she sped off and towards the sidewalk. And she - she just punched it as fast as she can go past one vehicle - it looks like a s- a white hatchback - and s- immediately smashed into that car, uh, pinned her right side up against the, uh, like a sound wall or a - a fence line, uh, for the ne- for the residents there. She pinned the car, the right side of the car up against that. Um, you can immediately hear that there was crashing and, uh, smashing involved of vehicles, um, multiple vehicles. And - but I can see her with the - with the - the look of a racecar driver, as well as - as fast as steering vehicle and flooring it to go past those vehicles, those parked cars, as - as fast as she could in a very reckless manner. And she continued crunch her way through the side - through the sa- on the sidewalk in the mil- in between the cars and the fence. And, um, uh, what I did was, uh, I can only say what I did. Uh, I was close enough to where, as she was going forward, I ran towards the vehicle. And I yelled out at her, “Stop the car.” I don’t have - I don’t believe I had my gun out. Um, part of me was thinking that, um, you know, if anything’s, you know, maybe, you know, try to - try to, you know, uh, either yell at her, “Stop the car,” “If that don’t work, maybe use my ASP to - to, uh, you know, to tr-
to break the window to get her to stop because there were people in the area, um, anyway. And so what I - but it happened so fast that she - she drove by me, smashed into another car and then continued forward. Um, I - I could see that she was ha- she - the way she was driving, she was driving directly where, uh, Sergeant (Anthony) was - was standing. Uh, but I - I could see him try, in my - in my perception, to kinda get out the way. But he was unable to get out the way. Uh, she continued forward. And at that point, I remove my gun and wa- I had a direct angle at her. Um, as I was removing my gun, Sergeant - I saw Sergeant (Anthony) pull - remove his g- oh his gun was already out. And he was ordering her to stop. She continued forward. Um, and I remember him, seeing him fire. He, uh, from how I saw it was he fired maybe once or twice and stopped for a minute. And she kept going towards him. And at that point, I was making decision that I was going to fire because I - I was fearing for his safety. I just knew he was about to get run over. He was in a very compromising position. And, um, prior to me squeezing the trigger to stop her from running over or, you know, Sergeant (Anthony), he fired again. And I could see that one of his rounds might a - may have hit. And I could see her slump over. And I could see that e- either her eyes were closed and she was, um, incapacitated in a way that prevented me from, you know, that made me feel okay, that the threat had - had - had ceased. And, um, I - I did not fire. Uh, after looking again, I could see that the - that the car had Sergeant (Anthony) pinned up against another vehicle or another structure or something on this side. And I thought that - I - I knew he had - he had to have gotten hit 'cause there - there was just very little room for him to - his body to be. And, um, but, um, he was - she - the - the - the vehicle had stopped. Um, immediately after e- immediately after that, I could see officers rush over to where - like the - the passenger side. They couldn’t get to her, I don’t believe, on the driver’s side ‘cause it - that part was smashed up against another car. Um, and - and no one could kinda get to her. So I just remember, uh, the officers r- hurrying over to the passenger side and open the door. And I, um, they remo- they got her out of the vehicle. And as they were - as - I couldn’t really kinda see them lay her down. But I can - knew that they were trying to administer aid or get her out of the vehicle. At that time I turned my retu- I turned my attention again to a black male that I had ar- I had seen, uh, standing, um, approximately a foot cl- uh, away from the passenger side of the vehicle, um, the stolen vehicle. And once he saw our cars, he tried to hur- run off, um, towards our direction first. But I think either he got cut off by her vehicle so he had to stop. And so once all this had, uh, once the car had come to a rest, he - he tried to, uh, change direction and run off the other way. I yelled at, um, and I saw him try to run. So I yelled at, um, Officer (Malley) to stop - to stop him. I don’t think Officer (Malley) knew that he was involved. And he turned around. And he saw the guy. And the guy, uh, still tried to hurry off. But, uh, you know, mal- Officer (Malley) went over there and grabbed him. And I was able to go down there and assist officer (Malley) and get him handcuffed. And, um, we handcuffed him and placed him in the back.
of my vehicle. Um, that, uh, upon that, I - I could see that the - the f- that the
female was being tended to. Um, the suspect was handcuffed in the back one
of - one of the cars. And I, uh, and - and a couple other officers then begin to
try to ask other people who were bystanders if they had seen anything. I ka- I
think I got three statements, uh, spoke with another person who just hap- who
I knew wasn’t there and happened to show up. So I - I didn’t get a statement
from her. But, uh, that was my - that was it that I can recall.

Q: Okay when you completed the statements, uh, you made your way back here.
Did you do anything else before coming back here?

A: No, uh, not - not other than just speaking with the Oak- Oakland officers right
there as far as like, uh, you know, them just listen and telling us what they
wanted us to do.

Q: All right.

A: And - and that was it. And then once...

Q1: Then you were sequestered, correct?

A: Then I was sequestered.

Q: Okay, um, thank you.

A: Mm-hm. Okay.

Q: Physically, you seem okay. Are you injured in any way?

A: No.

Q: Okay.

A: I’m fine.

Q: Okay. I’m glad you’re all right.

A: Thank you.

Q: I’m gonna take it back to the beginning. We’re gonna go through it one more
time. I’m ask some specific questions about some things. And, uh, we’ll move
in to some admin questions, okay?

A: Okay.
So first let me just point out this little map we have here, rudimentary map, not drawn to scale whatsoever. But it is sort of generally the scene as, uh, Oakland Police officers found it. This is 105th Avenue, the only road depicted on the map. Uh, this would be s- San Leandro south side of the street over here.

Mm-hm.

San Leandro north side of the street. Over here is open lot, sort of a dead end of 105th on this end.

Mm-hm.

Uh, apartments and houses along the south side. Um, you'll notice the vehicles are labeled, if not with a full license plate, then at least with like a number, which generally indicates a patrol vehicle or, uh, other vehicles are listed as simply silver Mazda, Ford F-150 white, Ford F-150 red, things like that. Um, over here there's a Ford F-150 red with a trailer attached to it.

Mm-hm.

Um, does this look, eh, aside from the scale issues, does it look familiar to you?

Yes, it does.

Okay do you feel comfortable in referring to things on this map as we go forward?

Yes, I do.

Okay what was the vehicle you were driving today?

I was driving vehicle 352.

Three five two, which on this map appears to be the one to third listed patrol vehicle moving from west to east along 105th Avenue, is that fair?

That's correct.

Okay, um, what type of a vehicle is 352?

It's a marked patrol vehicle with, uh, San Leandro emblems on both doors, front doors. Um, it's a - it's also a plate-reader. So it's, uh, equipped with the cameras up top, at least four.
Q: Uh, is it a Ford Explorer? Is it a Ford Crown Victoria? Is it a Chevy Impala? What type of a vehicle is it?
A: You know, I - it's - it's not the Explorer. It's - it's just a regular patrol car. Um, and I think that was - those - it's a Ford maybe Crown - I don't think it was a Crown Vic. But it might be. It doesn't look like a...
Q: Okay is that...
A: It doesn't look like a Crown Vic.
Q: ...a newer car?
A: Yeah.
Q: Okay, um, Taurus?
A: No.
Q: Okay.
A: I don't think it's a Taurus.
Q: Oh.
A: Then it has to be a Crown Vic. I'm thinkin’.
Q: Fully marked patrol vehicle?
A: Fully marked.
Q: San Leandro Police emblems on the doors?
A: Yeah.
Q: Does it have a light bar on top?
A: It has the light bar.
Q: Okay and you said it has license plate readers which are for - I know what they look like. But can you describe what they look like?
A: They, um, the regular cameras, uh, at least four mounted cameras, um, two on each side, uh, approximately, um, uh, if you - division of - of a oblong fog
light, um, black in color and...

And these are fixed to the roof of the vehicle...

Fixed to the roof of the vehicle.

...next to the light bar area?

Yeah. And the - the standard light bar.

In your opinion, is there any way this car is mistaken for a regular civilian vehicle?

No.

Okay you are on duty today. And you...

That’s correct.

...are patrol normally?

(Unintelligible) group.

You’re, uh, and you said you’re almost done with your shift.

Yes.

You’re, eh, within the San Leandro city limits?

Yes.

You hear a radio dispatch call for assistance, I guess. Or - or you heard a plate being run out?

Yes.

Okay you said you had some firsthand knowledge of 459. It was burglary issues, uh, in the San Leandro city limits that are often directly linked to this particular neighborhood in Oakland...

That is correct.

...which is sort of the dead-end area of 105th Avenue?

That’s correct.
Q: Okay, um, were these 459s or you said you had some - some knowledge of
details. But recent 459s, residential burglary, did any of it involved violence in
any way?

A: Um - um, like to the victim? Well, I - at one particular case, um, I had to tase
one of the suspects because when - when I was chasing after him, he turned
around and he looked like he's ch- gonna try to attack me. So, uh, I call that,
um...

Q: And is that suspect...

A: That's...

Q: ...related to this neighborhood?

A: Yes.

Q: Okay so you - not only do you have firsthand knowledge of recent burglary
activities, but you have firsthand knowledge of suspects from this
neighborhood, as well?

A: Yes.

Q: In fact, you've had to tase one in the recent past?

A: That is correct.

Q: Okay.

A: They're all, uh, the - gang-affiliated. Um, and they - they're - they're - they're
- they're known to run, fight and - and fight the police. And, um, it's, eh, not
only my - my burglary on Mond- on Monday, I believe, or Tuesday, but, um,
the - the week before that, uh, there was a house, uh, in the same s- on the
same street, a couple houses down that had their - that - that was burglarized
the same - in the same manner in which the suspects, uh, took their time and
methodically unscrewed the - the - both victims' uh, security s- doors off. So,
um, with those similar MOs, we - we knew - we suspected that these were the
same suspect - group of sa- uh, suspects.

Q: Okay so you responded to cover, I assume, assist - assist officer?

A: Yes.

Q: Okay, um, you made your way to 105th Avenue. You said you met up with
your sergeants, (Young) and (Morgan).

(Morgan). Yes.

And they - were they riding together?

Yes, they were.

Um, also present was Officer (Malley)?

That’s correct.

K9 officer. And Officer (Ying).

That’s correct.

Um, are - all of those officers were sergeants also in marked patrol vehicles?

That’s correct.

Okay Sergeant (Anthony) arrives.

Sergeant (Anthony) arrives.

He is in a what type of vehicle?

I - I - I see it every now and again. So I just know of it to be - to me, it looks like a big truck. It might be a SUV. But, um, I think it’s more of a - a - to me, it looks more like a truck. But it’s white. It’s big sa- it’s big-size, uh, heavy-duty type of a - a - a SUV, truck-style vehicle.

Okay he shows up. Is - is this a - is this white truck, SUV-type vehicle, is this a marked patrol vehicle?

No.

This is a undercover vehicle?

That’s correct.

Okay he shows up. Um, as you’re driving from San Leandro to Oakland or as you’re responding to the scene, are you aware of or are you participating in coordination via the radio or cell phones with other units?

Uh, just, yeah, um, over the radio just, um, to try to - to - trying to acquire
more information as far as like where - where is a safe place to park because, um, we all knew that - that these suspects in that area, uh, strong chance that they were going to run. And, uh, upon - we didn’t wanna - I didn’t want - know exactly where the car was, so I didn’t wanna get too close ‘cause I was the first one marked unit in that area. So, um, I - I asked them, uh, “Hey, is Acalanes too, uh, is too close?” Um, and I kinda go the - the impression that I was too far down. So I went down a couple more blocks, uh, through as- all-listening to the radio traffic. Um, and I, uh, I was just kinda gauging through what I was hearing and what I was feeling to kinda close the gap without being seen.

There’s a moment where you, the sergeants, Officer (Ying) and perhaps, uh, s- uh, Sergeant (Anthony) pause. And you mentioned that there was some coordination. Is that verbal, in-person coordination at that point?

It’s verbal and signs as we...

Okay.

...you know, as we, eh, pretty much, uh, mostly verbal through our - through the sergeants how we - how they wanted to make their approach.

Okay you mentioned that Sergeant (Anthony) would lead the way in the white truck vehicle. Um, and the thought there was to block view of yourself and the other uniformed vehicles, is that correct?

The - that’s correct because we were...

Okay.

E- uh, Sergeant (Anthony) felt we were too far out.

Um...

Too far away from the - where the park - where the stolen vehicle was parked.

Okay so the thought was to get closer before revealing your presence?

That’s correct.

Is that correct? Okay, um, first marked - so (Anthony) would be first in the undercover-type vehicle?

That’s correct.
First marked unit you mentioned was K9 Officer (Malley)?

That’s correct.

Sergeants (Young) and (Morgan) would be second?

Yep.

Um, you, yourself, would be third. And you mentioned you have less-lethal training?

Yeah, yeah.

And you said FN. Can you explain what FN is?

Um, F - FN 303 is, um, it’s - it’s - it’s similar to, um, uh, it’s a - it’s, um, C2-based, um, uh, projectile-shooting-type device where, um, it - it’s - it’s not designed to kill. It’s - it’s designed to, uh, stop a threat and make - make them believe that they’re being, um, you know, uh, that - make them feel that they’re being hit with a projectile. Um, uh, the - it’s ball-bearing-based rounds, um, that - that just - they call it s- red spots. But, um, it’s - it’s - it’s designed to make the person want to give up without, um, fatally wounding them. So, um, you know, I mean, we - we - we have four - three to four of ‘em, uh, out there. And - and we - we’re all trained in ‘em. And, um, uh - uh, they’re very effective in, um, getting people to surrender. Uh, so...

Did you deploy any less-lethal devices during this...

I did not.

...operation? Okay, um, Officer (Ying) would be fourth after you?

That’s correct.

Okay, um, you mentioned a white motorhome/camper-type vehicle. Um, on this map, do you see anything that would resemble generally the vehicle you’re talking about?

Yes, I do.

Which one is it?

It would be this trailer.

Okay so this is a Ford F-150. You’ve indicated Ford F-150, red truck with a -
a line connecting to another box that's labeled trailer. And you mentioned that
this maybe blocked your view as you were making approach?

Yes, that's correct.

Okay, um...

And that was noted by Officer (Kritikose) that that would be there to add more
concealment as we made our approach to - into the cul-de-sac.

Okay, um, you have some familiarity with this neighborhood. Do you know of
any es- escape routes or not even escape routes, other routes away from this
specific location rather than eastbound back up 105th Avenue?

The - I'm not familiar with anything north of this location. But I do know that,
um, if the su- we - and we'd purposely had, uh, units, um, on the - which
would be the south or San Leandro, south side of this apartment complex, um,
because it's a - from my - from what I've seen, it's a straight line, um, avenue,
uh, it - running through the apartment complex back towards the irrigation
canal, um, where anybody could - could hide or escape easily, uh, with the ve-
with the type of vegetation that there is. So, um, that - that would have w- our
thoughts were that that would be the place that the - that they would run.

Okay as you make approach to the suspect vehicle, which is a green Honda
you mentioned...

Yes.

...um, you said Sergeant (Anthony) pulls to the left?

It appeared like he po- like he peeled off to the left.

Okay.

Um...

Did he turn down a different street, pull to the side of the road, pull into a
driveway?

I - I can't recall, uh, where...

Okay.

...where exactly he pulled.
Q: Where was your focus at the time?
A: Once I got my - my focus were - was the two patrol - marked patrol cars, uh, in front of me. And once I saw them, uh, do a standard approach like they’re about to do a high-risk stop, I could see that that was taking place. They parked the cars in front of the, um, green Honda, um, effectively blocking it. I could see that that occurred. And my ba- what I was going to do was to kinda pull up next to them and get out and, uh, you know, or- you know, the - as long - as well as the other officer ordered the occupants out at gunpoint. But I did not even get, uh, I’m sorry. I di- didn’t wanna ramble on. Was that...

Q: You’re not rambling.

A: Answer the...

Q: Go.

A: ...your question?

Q: You’re good, man, yeah.

A: But as part - even before I even got a chance to even stop or park, I saw the - that’s when I saw the vehicle speed, uh, speed off to the right and, um, tear into the, uh, that - that ro- that fence line on the right.

Q: When you say the right, whose right are you talking about?

A: The - if - if it’s the be - if it - if - if it would be the vehicle coming towards us, it would be her - her right.

Q: Okay.

A: But our left.

Q: Gotcha. So based on that, correct me if I’m wrong, the suspect in the green Honda is coming eastbound towards you as you approach westbound?

A: That’s correct.

Q: And the suspect vehicle jerks to the right, which would be southbound?

A: That’s correct.

Q: Okay, um, what did appear like the vehicle was trying to do when it jerked to the right?
A: It - it appeared, first off, like it was fleeing from us. Um, and - but things got very scary very quickly 'cause she immediately ran into the fence line over there where there were houses and there were people. Um, uh, we - and then there was a parked car that she, uh, very clearly smashed into. Um, I can see damage on the Honda, uh, right off the - right away. And, uh, she continued forward. She - she put the, you know, like I couldn't see her push her foot down on the gas. But, uh, it - it - I knew she was accelerating.

Q: How did you know?

A: Uh, just from the sound. Um, and I could - I could see the way she had the steering wheel. And she was looking forward, eh, driving forward. Um, and she, you know, the - it's amazing how her vehicle was able to push the parked cars out of the way. Um, and she continued forward, accelerating even as the vehicles were being crashed and crunched as she was continuing forward. You can hear the crunch of the - of the - of the vehicles being broken up. And you can hear the - the - the - like the revving of the - of the car. And it continue - and she continued forward.

Q: And you said you gave some verbal commands to her?

A: Yeah. Uh, see, once she kinda, um, broke away from the first vehicle, it looked like if there was no other parked car there, she - it looked like she was - was gonna kinda keep going 'cause she was able to pick up speed and, uh, continue forward. And that's when she kinda - kinda came up to where I was. I hurried over to the side of the car. And I could see her at a clear visual of her. And I was yelling at her, "Hey, stop that car. Stop that car." And she ignored me. And she continue - I - I think at that - shortly after that, she smash in another car and continued f- going forward, uh, even still.

Q: Is this eastbound on the south sidewalk still at this point?

A: Eastbound on the south sidewalks.

Q: Okay you said that you saw - did you see her car strike Sergeant (Anthony)'s vehicle?

A: I - I didn't - I wouldn't know if that was his vehicle or not.

Q: Okay.

A: But I - I knew she had hit another car. Uh, the...

Q: And...
A: She hit at least several cars.

Q: At some point did the green Honda come to a stop?

A: That is correct.

Q: Okay you mentioned that you, um, heard Sergeant (Anthony), uh, no, you saw Sergeant (Anthony) try to get out of the way?

A: Yeah, it look - it looked like he was trying to maneuver around to go. And he was able to see like - like to kinda get out the way. But he was able to see that he - there was nowhere he could go. So it - it looked like he tried to reposition himself. And no matter where he went, the car was still coming right at him. And at that - at that point, that's when I knew my verbal commands for her to stop had failed. And she had kept forward. And that's when I got - my heart just sank 'cause I could see her - the speed she was going, she was going right at Sergeant (Anthony). That's when I - I removed my - my handgun and was aiming at her. And, I mean, I - I can't remember if I was aiming at that point. But my - my thought was to - I was going to - I was going to fire my weapon to prevent her from running over Sergeant An- uh, 'cause I knew - it just looked like that was imminent. So...

Q: You mentioned s- uh, Sergeant (Anthony) fa- actually, on the first telling, you mentioned you removed your gun. Does that mean you drew your weapon from your holster?

A: I drew my weapon...

Q: Okay.

A: ...from the holster, yeah.

Q: Um, you saw Sergeant (Anthony) fire one to two times and then maybe a pause?

A: Yeah, I - I distinctly remember hearing, uh, he's - hearing a pause...

Q: Mm-hm.

A: ...although it had to been real quick. But - and it - as strange as this sounds, it looked like he fired and then he paused to - to see, "Okay did that stop the threat?" And, um, it - and, um, and she just kept going. And then I think he fired again. And then I was able to see, um, just very clearly as I was right there, I was able to see her slump over to the - either the left or the right. I
can’t remember which way she slumped over. But eyes were closed. And she was - and no longer was holding onto the steering wheel. It didn’t look - it didn’t look - she might a been. But she was definitely slumped over. Um...

Q: You could see her face?

A: I could see her face that...

Q: And her eyes were closed?

A: Yeah.

Q: Okay which - do you remember which window you were looking through when you saw her face and...

A: Driver’s side.

Q: Up on the driver’s side window?

A: Mm-hm.

Q: Okay, um, did you believe that Sergeant (Anthony) had been struck by a vehicle?

A: Yes.

Q: Okay did you see him at the moment where you - like how did he look? How why did you think he was hit by a car?

A: He looked f- he looked frantic. He looked scared to death, actually.

Q: Was his...

A: Uh, um...

Q: ...body positioned in such a way that it - it appeared as though he had been struck by a vehicle?

A: It looked - his body was kinda, uh, kinda twisted in a way that - that has - he’s a tall guy anyway. And it looked like his upper body was still had been - was - was mashed on. And his upper body was kinda twisted in a way that - that, you know, he - that I’m really not used to seeing him. But, uh - uh, I thought he had been - I thought he had been hit. I thought - I thought he had been run over.
Q: Okay, um, on the map here or for you - you said you're in vehicle 352?

A: That's correct.

Q: Um, were you the only occupant of that vehicle?

A: That's correct.

Q: You exited the - I assume you were driving, right, if you're the only occupant. You got out of the driver's side. Um, where are you making the observations of the green Honda from?

A: When it initially takes off?

Q: Mm-hm.

A: As soon as I pulled up here, I immediately see the vehicle. It was kinda parked in this area.

Q: Okay.

A: It le- it...

Q: So it's parked farther westbound from you...

A: Yes.

Q: ...at the end of 105th Avenue. Where are you? Are you still with your vehicle?

A: Yes.

Q: Okay.

A: And it just - I don't know what vehicle this is. I don't know if it's a unmarked, uh, or not but...

Q: Okay.

A: Um, it - whatever vehicle that was right here, she immediately sped to the right, passed it.

Q: So went around the first numbered vehicle here, which is 230...

A: Uh-huh.
...and went around to the south side onto the sidewalk?

Onto the sidewalk and that was...

Okay and did you remain on the driver side of your vehicle throughout this incident?

Yes.

Okay and then did you - when you see, uh, the female driver, did you know it was a female dra- occupant?

Yeah, I did.

Okay.

I could see she was a female. I see that.

You could see she was a female? Um, when you see her slumped over, where are you when you see that observation?

Um, you know, she had smashed this car, came out this way.

Right.

Uh, the - the - probably as she passed like right here, I could see that she, you know, and I'm only estimating.

Of course. This, um, this is not to scale, so...

Uh, and so...

You're making observations. And - and you are generally still next to your vehicle. Is that fair?

Yeah. And, um...

Okay.

I just remember running or sprinting along this way. I don't know how far I ran. But I could see she was still going. And I was really close to her. Like I said, I was ba- about ready to use my (ass) to smash the window and then either try to grab her or something.

Right.
 Um, so I just went...

So you were running parallel eastbound...

Parallel to, uh...

...as the vehicle is travelling on the sidewalk...

That's correct.

...tracking along with parallel?

Yes.

Okay and you, at some point, notice it's approaching Sergeant (Anthony). You then draw your firearm. You are prepared to shoot.

I am prepared to shoot.

And but for Sergeant (Anthony) firing his own firearm, you may have shot 'cause you were...

I...

...in fear for his safety?

Yeah. And I - I - I believe I would have had a - a - I think I would have had the best opportunity to stop the threat because of m- because of my angle and how close I was. Um, it was that - that scary of a moment, uh, where ar- where if she had continued, she was going to run him o- she was gonna kill him.

Okay.

And...

From the first minute you see the green Honda to the final crash and the officer-involved shooting, how long - how much time elapsed?

I would say about ten seconds.

That's fairly quick.

Yeah.
Okay. Anything else, Officer (McLane)?

No.

Okay could you tell if the female, aside from operating a large vehic- or a vehicle, motor vehicle, did you see any weapons and what the female possessed?

I did not.

Okay, um, could you hear anything the female may or may not have been saying?

No, I did not.

Um, anything from you?

Uh, Kenny, did you hear other officers yelling commands?

Yes.

Do you recall who or what was said?

I remember distinctly, um, Officer (Anthony), um, with his gun out, uh - uh, telling her to stop the vehicle and telling, you know, ordering her to stop.

Okay that’s all I have right now.

Okay I’m gonna move in to some, um, sort of administrative questions. Um, please forgive me if there’s a pause with any questions. I have to parse through these ‘cause some of them are for involved officers, whereas you’re a witness officer, okay?

Okay.

Um, mmm, mmm, um, you mentioned somebody was doing s- uh, assisting or rendering aid to the female?

That’s correct.

Did you see her injuries?

I - I - to me, I remember s- it looked like she had been shot in the stomach. I said I thought I saw a gunshot wound to her stomach, uh, at least. But, um,
Q: Do you remember what she looked like?
A: What color she - what...
Q: Can you - can you describe her to me?
A: Eh, um, uh, light-skinned his- either light-skinned Hispanic, um, approximately 150 pounds, uh, long black hair. It was kinda thick. Uh, she - that's - I don't - I can't recall what she was wearing.
Q: You said she looked like a racecar driver at one point.
A: Yes.
Q: What did you mean by that?
A: It was shocking. I, you know, it - she knew exactly how - how - how she had to drive that car to get away, um, and instantaneously. And, um, she - she was very focused even when she made that abrupt right turn. She looked like she knew she had to cut it and to the left. And, uh, down the sidewalk was the only way that she was gonna be able to go. And even when she hit cra- hit the ca- hit the cars, I remember her going like this. But she still regained her focus and was like holding onto steering wheel and hitting the gas and still going forward as she's trying to steer around these cars.
Q: Uh, your police vehicle, did you activate your overhead red and blue lights?
A: I can't remember. But I believe - I don't bel- I don't - I can't recall if I did or not, uh...
Q: Did you notice any other vehicles with activated emergency lights?
A: Um, I - from - I - I knew that Sergeant (Young), from being behind him, had his - had his, um, lights on.
Q: Okay.
A: So...
Q: At least one then?
A: Yeah.
1036 Q: Okay, um, this incident occurred today, April 15th. Or maybe we’re past it and, uh, might be yesterday, April 15th. Um, you mentioned the time. Can you describe the weather today?

1040 A: Very clear, sunny.

1042 Q: Did you, uh, assist with rendering aid to the - to, um, the female?

1044 A: I did not.

1046 Q: Mm-hm. Um, did you fire any rounds from your gun?

1048 A: I did not.

1050 Q: What were you wearing?

1052 A: My standard police uniform, um, that’s, uh, equipped with, uh, well, that’s - that, um, it wa- actually equipped with, uh, my, uh, duty belt, um, uh, the duty belt that’s, uh, consists of my, um, my firearm, uh, my - it’s - I’m right-handed, so it’s on my right hip. On the - behind that is - is my, um, my, uh, one handcuff pouch. Uh, both - I have two ca- handcuff pouches that are to the rear. Um, on the - on the left of my handcuff pouch, I keep my radio. And then, uh, the - on the side of that is my, um, my Taser. And then on the front side, which would be on the right side of my Taser, is my, uh, um, magazine pouch. Uh, by my uniform is, um, uh, you know, dark - dark blue, uh, police uniform, uh, with my silver star badge, um, and our San Leandro Police patch on our, um, right sleeve.

1064 Q: The markings on your uniform, uh, let me ask you what - is it a class of uniform you had on today, A, B, C, something like that?

1067 A: It’s, uh, Class B.

1069 Q: Okay not full funeral-type attire?

1071 A: No.

1073 Q: And not the BDU style...

1075 A: That’s correct.

1077 Q: ...but in between. So you have a silver badge, shiny badge and then patches and markings?

1080 A: That’s correct.
Q: Okay, um, it was not a undercover or plainclothes assigned you’re working today, correct?

A: That’s correct.

Q: Okay, uh, how long you worked for San Leandro PD?

A: Approximately 13 years.

Q: And were you a police officer before that anywhere?

A: No.

Q: Um, you were working patrol? Is today a normal day of work?

A: Yes, it is.

Q: What beat are you assigned to?

A: Beat 7, which is the north end of our city.

Q: Okay would that be close to Oakland?

A: Yes.

Q: Okay, uh, what is your call sign today?

A: Two L or two Lincoln twenty-seven.

Q: Okay, um, your supervisor at the time of the incident?

A: Sergeant (Troy Young).

Q: Is he your regular supervisor?

A: Yes, he is.

Q: Okay this is not an overtime assignment for you today?

A: No.

Q: Um, have you taken any medications prior to the incident or within the last 24 hours that would affect your ability to operate as a police officer?
No.

Um, I should mention that. So from your patrol vehicle, you made some observations as you approached the suspect vehicle at the dead end of 105th Avenue. Are you making these observations through a windshield of your patrol vehicle...

Yes.

...or a window of your patrol vehicle?

Yes.

Is it, in fact, the windshield?

Yes, it is.

Is there any - any issue with the windshield that would otherwise impair or obstruct or alter your vision of the event?

No.

Okay and at a certain point, you do exit the vehicle. So then from there, do you - are you prescribed glasses or contacts?

No, I’m not.

Okay. Uh, last time you slept, sir?

Last night approximately 7, uh, 7 o’clock or so.

Full night’s sleep?

Yes.

Um, has someone taken pictures of you since the incident?

Uh, yes.

Was it...

In - in uniform, right?

Right.
A: Yes, in uniform. Um, that, uh, did you ask who or no?

Q: Uh, do you remember who it was?

A: Well, no. But it was, uh, a OPD, um, technician.

Q: Okay and I think we covered at the beginning. But you had a - a body-worn camera on?

A: That’s correct.

Q: And did you activate it as far...

A: I...

...as you know?

Q: Okay and you have not - we’ll - we’ll hit it again. You have not reviewed the video at this point?

A: I have not.

Q: We covered your vehicle. Um, what type of gun do you carry on duty?

A: A GLOCK, uh, 22,.40.

Q: Okay.40 cal?

A: Forty cal, yeah.

Q: Is that the firearm that you drew?

A: That is correct.

Q: Okay. Um, since being sequestered, have you discussed this case with any of the other involved parties?

A: No.

Q: Okay. Ms. Leoni?

A1: I just have one final question.
Q: All right.

A1: I just wanna clarify. You didn’t fire your weapon because you felt at that point, uh, the threat had ended?

A: Yes.

A1: Okay.

Q: Okay I think that concludes the interview. We’ll go off tape at 1210 hours.

A1: All right.

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

Signed
Section 14
Q: All right, today is April 15. It's tax day. It's, uh, 2015 and the time now is 2144 hours by my watch. And we are in s- we're at San Leandro PD and we're - what - what, uh...

A: South station s...

Q: South station?

A: S- uh, south offices.

Q: South offices. We're in a - a - an office in the south office area here. Um, and pres- I'm Sergeant Michael Cardoza and present with me is Officer (Jason Anderson) and then with Officer (Jason Anderson) is San Leandro Police Officer Alex Ying. And, uh, just for the record, Alex, if you could do me a favor and just state what badge number you have.

A: Uh, badge is 358.

Q: 358, okay. So what we're here to do today is just talk about this officer involved shooting that happened earlier this afternoon, uh, over on 105th Avenue. And so, uh, before this interview, um, uh, I know you had a chance talk to your, uh, your LDF representative that came here today. And, uh, you're just a witness in this case. Um, and so we're here to just find out what - what happened, you know? That's all we're here to do. So, uh, what I like you to do is I'd like you to, in your own words, just talk about what happened today. And one - what I mean s- start from, you know, why you guys went out there. Um, just kinda nice e- nice and easy go through, um, the events that led up to this.

A: 'Kay, at about, uh, 1620 hours today, um, I heard on the radio that, uh, some officers, um, two u- undercover officers, uh, we're spotting a occupied, uh, 10-8. I (unintelligible) occupy 10-8, uh, stolen vehicle, uh, near 105th and Creekside. Uh, so, uh, I, uh, drove to - I was, uh, drove to the
location to assist. Uh, when I got out - got on scene I met with, uh, Sergeant (Young) and, uh, Sergeant (Morgan) and I believe Officer (Shed) was there as well. We were like two blocks away from where the vehicle was -- the stolen vehicle is. Um, we formulated a plan and waited for a K9 officer to show up and, uh, one more additional unit. Uh, believe Sergeant (Anthony) came in as in a - under- undercover vehicle and believe, uh, Officer (Criacose) e was in his undercover vehicle as well. I think Sergeant (Anthony), uh, f- I mean we all fora- Sergeant, uh, (Young) formulated a plan that we'll go in wu- where Sergeant (Anthony) would be the first in line, then the K9 officer, then Officer (Shed), then their vehicle, then Officer (Criacose) vehicles then I was last in the stack for the vehicle to deployed to a high-risk car stop. And then so we went over there. Uh, when we got over to the end of the cul-de-sac at 105th, um, I saw arv- o- officers, you know, giving a - I heard them giving orders to, uh, the people in the car. Uh, and as I exited my vehicle I saw the green Civic, which was the stolen vehicle, uh, driving on the sidewalk, uh, coming towards, uh, to a c- come down the sidewalk. Um, at that time I (unintelligible) hear their engine revving. Uh, and then I sh- heard shots fired and then I went over to the other side and I saw the vehicle pitting down, uh, Sergeant (Anthony). Uh, at that point, uh, (unintelligible) before they - I heard shots and I went over to other side and I saw, uh, the car pitting down Sergeant (Anthony). And we took the suspect out of vehicled and rendered aid.

Q: M'kay.

A: And that's it.

Q: Okay, all right. So we're gonna back up.

A: Okay.

Q: All right? And, uh, okay you said this whole thing went off today which is - again it's, uh, April 15, 2015 at about 1620 hours, right?

A: Yes when I heard the...

Q: Um...

A: ...radio call.

Q: ...when you heard the radio call? And you y- you were, um, t- how were you dressed today?

A: In full police uniform.
Q: Okay such as you are in front of me right now? You've got, uh, your full wool uniform. Um, ye- you haven't changed clothes? Just how you are right now?
A: Yes, sir.
Q: Okay and you were in what marked vehicle?
A: Was...
Q: Or if y- was it a marked vehicle?
A: Yes.
Q: Okay and what marked vehicle was that?
A: In vehicle 375.
Q: 375?
Q1: You were driving?
A: Yes, sir.
Q: Were you by yourself?
A: Yes.
Q: M'kay, so you were (Lincoln Unit)?
A: Yes.
Q: Okay, what was your call sign today?
A: It would be 3 - 2L23.
Q: I'm s- one more time?
A: 2L (unintelligible).
Q: 2L23?
A: Yes.
Q: Okay, so, uh, y- you responded to, uh, where about this 10-8? You heard that -
that two you- undercover officers were spotting a 10-8, right?
136  A: Yes.
137  
138  Q: And responded to assist. And where did you go?
139  
140  A: Uh, to 105th and Creekside area.
141  
142  Q: Okay, 105th and Creekside. So when you turn -- just so I have a good understanding -- when you’re comin’ from like say 105th and (Eads), right? And then you turn like the direction where the shooting occurred...
143  
144  A: Yes.
145  
146  Q: ...where’s Creekside from there? Or is it the other s...
147  
148  A: I would be...
149  
150  Q: ...opposite direction?
151  
152  A: I would think it’s at the end of the - the dead-end of 105th from my understanding. I - I’m not sure if it’s Creekside...
153  
154  
155  Q: We...
156  
157  A: ...or not.
158  
159  Q: We- you - you went to assist, right?
160  
161  A: Yes.
162  
163  Q: But where are you f- where are you meeting? Where are you meeting the-
164  
165  A: Two blocks away. It’s over, uh, two - about two blocks away. I wasn’t sure. I couldn’t recall the street name. They were already there so...
166  
167  
168  Q: Okay but you didn’t go to 105th and Creekside?
169  
170  A: No.
171  
172  Q: Okay that’s why I’m confused.
173  
174  A: O...
175  
176  Q: I’m askin’ where you met up to brief.
Okay, two blocks away from there.

Two blocks away from that location? And 105th and Creekside is that the dead end of 105th?

I believe so, sir.

Okay, so y- who - who all - when you met up with them who all was there?

Uh, Sergeant (Young) and Sergeant (Morgan) and Officer (Shed).

M’kay Sergeant (Young) and Sergeant (Morgan). Who else?

Officer (Shed).

Officer (Shed). Okay, anybody else there at the briefing?

Uh - uh, d- I just spoke with, uh, Sergeant (Young). But also, uh, Officer (Malley) was there.

Officer (Malley)?

That’s the K9 officer.

Okay, okay K9, okay.

And Sergeant (Anthony)...

Sergeant (Anthony).

...was in his unmarked vehicle.

H- uh, so Sergeant (Anthony) was in a unmarked - a UC vehicle?

Yes.

What kinda UC vehicle?

Uh, a white truck.

White truck. What kinda white k- truck?

I don’t recall.
Q: Okay, pickup truck?
A: Pick truck yeah.
Q: Okay and was there any other unmarked vehicles or UC vehicles at this briefing?
A: Mmm, no. But w...
Q: U...
A: ...when we were driving over there I guess Officer (Criacose) in his, uh, silver Mazda met us up the rear.
Q: Who?
A: Officer (Criacose).
Q: Officer (Criacose)? And I have no idea how to spell that but I’ll just take a guess. Okay so he was in a silver Mazda?
A: Yeah.
Q: Anybody else with him?
A: Uh, I think it was just him.
Q: So UC vehicle, silver Mazda. So to your understanding who - okay you said Sergeant (Young) gave the briefing, right?
A: He just spoke to me. He just basically told me, you know, h- he just spoke to me. I don’t know if it was like a formal briefing, but he spoke to me.
Q: He just briefed you?
A: Yeah.
Q: Okay. And then what did he tell you?
A: That the stack would be Sergeant (Anthony).
Q: Sergeant (Anthony) - okay so (Anthony) who’s drivin’ the UC vehicle was gonna go first?
A: Mm-hm.
Q: M'kay so this is the stack. Okay, then it...
A: Then the K9.
Q: M'kay, then the K9. So that (Malley), right?
A: Yes.
Q: M'kay, then who?
A: Then (Shed).
Q: Then Officer (Shed). I- what's vehicle is Officer (Shed) in?
A: I don't recall.
Q: Was he in a marked vehicle?
A: Yes.
Q: Okay so a fully marked police vehicle?
A: Yes.
Q: 'Kay. Okay and then, uh, then who's next?
A: Uh, Sergeant (Young) and Sergeant (Morgan). Are they together?
A: Yes.
Q: Sergeant (Young) and Sergeant (Morgan). And what are they drivin'?
A: A fully mark car.
Q: Fully mark car?
A: Mm-hm.
Q: A police car?
A: Yes.
Q: Are these all f-c Crown Vic police cars?

A: Uh, some were. I - yeah some of 'em s...

Q: Were they all the same unmar- I mean w- were they all the same police cars -- the Fords?

A: Uh, I think...

Q: Or d...

A: ...Sergeant (Malley) has the SUV - I mean - I mean Officer (Malley) has the SUV.

Q: Okay, for the K9?

A: Yeah.

Q: He has a SUV? Okay and then Sergeant (Young) and Sergeant (Morgan), they had a marked - marked police car. And then that - they were drivin' the same type of car as you, right?

A: Mm-hm.

Q: And then - okay so who - in the stack you’ve got, uh, Sergeant (Anthony) drivin’ the truck, Officer (Malley) drivin’ the marked K9...

A: Mm-hm.

Q: ...then Officer (Shed). Officer (Shed) was drivin’ the f- a fully marked, 'kay, um, police vehicle.

A: Mm-hm.

Q: And then - and then Sergeant (Young) and (Morgan) fully marked police vehicle. Okay, who was after that?

A: A- s- sposed to be me.

Q: And then you were the last? You were the tail?

A: Yes.

Q: And you were in a fully marked police vehicle. Okay, and what did you know about what was goin’ on? You said someone was spotting a 10...
361 A: Yeah undercover officers in the area were spo- fo- located at - occupied a 10-8 car.
362 Q: Okay, do you know who the undercover officers that were spottin’ the - the vehicle were?
363 A: I’m not r- I don’t recall. I’m not really sure.
364 Q: You had no idea what - were they from San Leandro?
365 A: They’re from San Leandro, yeah.
366 Q: So it was two or one? How many?
367 A: I’m not sure. I just heard over the air. (Unintelligible) wanna say the wrong person.
368 Q: Okay, no I get it. Bu- but - so there was, uh, there was some undercover police officers from your department spotting a - a stolen vehicle?
369 A: Un- think they f- yeah g- he- yeah, right in the area. Not spotting but then I j- I guess they just ran the plate and it comes back stolen. So...
370 Q: Did they - do you know if they had eyes on it? They’re watching?
371 A: Yeah I do, they’re watching, yeah.
372 Q: Okay, so they’re spotting.
373 A: Okay.
374 Q: Okay, so, um, do you know what type of vehicle that was?
375 A: The green Honda Civic?
376 Q: Yeah.
377 A: Yeah.
378 Q: Okay did you know a- ahead before you went down there?
379 A: Yeah they put it on the radio.
380 Q: Okay, a green Honda Civic. Anything else distinctive about that? They gave
you a plate number?

Yeah but I don’t recall...

Yeah...

...(unintelligible).

...I - okay, you don’t remember right now. Okay, and did they tell you anything else about that, um, uh, that vehicle? Like did it have any other distinctive marks or anything like that?

D- I don’t recall.

Okay. Um, what’d they tell you about the occupants of this vehicle?

Say there’s two occupants.

Two occupants? Did they say what the race was?

I don’t recall.

So two suspects inside?

Yes.

And di- did the information that you get that they were inside the vehicle?

Yes.

Okay, so as far as you knew the way it sounds is, um, you have some UCs watching two suspects sittin’ inside a stolen vehicle, which is a green Honda Civic?

Yes.

Okay, and that’s at the - pretty much the dead-end of 105th?

Yes.

Okay, so when you guys put - when Sergeant (Young) put the stack order together and did he give the - did he give an, uh, announcement like, “Hey we’re gonna go move in and gro- go grab ‘em?”

Yeah, some point we did move in. But I...
451  Q: Right.
452  A: ...can’t recall.
453  Q: But I mean did he - what - what was your understand when you guys started
goin’ down there? Was it to make the - effect the arrest?
456  A: Yeah to effec an arrest and...
458  Q: Okay, okay so you pretty much had the - the - the go to go arrest - the green
light to go arrest ‘em?
459  A: Yes.
460  Q: That’s why you initially were drivin’ down there?
461  A: Yes.
462  Q: Okay, ‘kay. And - and - so when you get - when you get down there, um,
you’re at the back of the stack. So tell me - tell me what happens when - when
you - when you pull up.
470  A: Think when I pulled up I saw the green Civic ra- I - I heard the d- su- I heard
the car r- revving like really, really loud. And I saw the green Civic like
coming towards like on the southern sidewalk like driving towards us.
474  Q: So you u- as soon as you pulled up are - are you hearin’ this vehicle...
478  A: Yeah.
480  Q: ...revving before you’re out of the car?
482  A: Yeah I think so.
483  Q: Um, now at that time I know - I noticed w- well you have a device on your
uniform. It looks like a holder where you’d have your body camera at. Um,
did you - did you have a body camera with you earlier?
488  A: Yes.
489  Q: Okay, and did you ha- when did you activate that body camera i- if you did?
493  A: Um, when we were staging...
Q: Okay.
A: ...at the...
Q: So bef- as you’re drivin’ down to the spot...
A: Yes.
Q: ...to effect the arrest...
A: Yes.
Q: ...you turned on your body camera?
A: Yes.
Q: Okay, so - so that’s goin’. And before you - while you’re drivin’ down there do you - do you do anything else? Do you pull out your gun? Do you do anything like that?
A: Not yet, no.
Q: Okay. So the first thing you do when you get down there you d- w- the vehicle’s in front of you, ‘kay? Did they park in any particular order or...
A: I not - can’t recall how they parked.
Q: Okay. Where did you park your vehicle?
A: Uh, parked it behind - next to - next to the truck -- next to the white truck.
Q: Okay, so i- here’s a - here’s where we - we drew a map. It’s a handwritten map, m’Kay? And, um, this is - this is 105th Ave. Right here is the, um, the dead-end, okay?
A: Mm-hm.
Q: And what vehicle number are you?
A: 375.
Q: 375, do you see that on this map?
A: Yes.
Q: Okay. So right here where 375 is, does this - and then you could see to the left of 375 there's a Ford F150 truck, right?

A: Yes.

Q: And then on the driver's side of the Ford F150 there's a green Honda Civic, okay? And then to the right of your vehicle there's a vehicle marked as a ho- as a silver Mazda. Lookin' at this map, does this look accurate to what you remember?

A: Yeah.

Q: Okay, where your vehicle is parked, the little arrow, that's - that's showin' the direction that the vehicle was facing. Does this look accurate to you?

A: Yeah.

Q: Okay. So accordin' to this map it looks like you're facing the dead-end of the street and you're parked on the passenger's side of the white Ford F150 towards the rear of the vehicle. Is that correct?

A: Mm-hm.

Q: Okay. So when you get - when you pull up, all right, talk me through - you ha- you said you have your body camera on as you're driving up. So it was o- or is already activated at this point. What happens a second you pull up and you park this vehicle?

A: I think I got out ch- uh, I saw the vu- I heard de- I heard a engine revving, like coming down really fast.

Q: Okay.

A: Then I saw the green Honda Civic -- I don't know, Honda, what ever it is -- the green Honda come down on the sidewalk like pretty fast. And the next thing you know I heard shots. And then so I came up t- came running out of vehicle, uh, see what's going on, went on the other side. And I saw s- Sergeant (Anthony) was pinned against the green Honda and the Ford, uh, white Ford truck.

Q: Okay. W- when you first saw this Hyundai were you still inside the vehicle?

A: I think once I saw it like driving here a- I can't recall. I think I s- I came out, uh, after it came to a halt.
Q: After the vehicle - but you said you saw the - the - your heard a vehicle revving?

A: Yes.

Q: Right? And then you said you saw the green Honda somewhere o- on the s- uh, somewhere on the sidewalk. Um, e- w- whereabouts on this map did you first see this green Honda at?

A: Like about right here.

Q: Okay. And - and was - when you saw this green Honda was it already traveling?

A: Yes it was already traveling.

Q: Okay, and it looked - how fast would you estimate that this vehicle cau- you’re pointin’ t- you’re pointin’ basically to the - what we would call the east sidewalk, ’kay, on 105th Ave...

A: Okay.

Q: ...in front of, uh, I mean you’re pointin’ in front of the address of 296, which, um, is a house with a wooden fence.

A: Mm-hm.

Q: Uh, how fa- is that look l- about where I’m pointing right here? In fact I’m gonna put a little X. Where I put the X is that look about right where you first saw this green Honda Civic?

A: Yeah about right there.

Q: Okay; and when you saw this you said it was traveling which direction?

A: Uh, it was traveling east.

Q: Okay, it was traveling...

Q1: For us...

Q: ...east...

Q1: ...it’s north.
Q: For us it would be north. ‘Kay so you - you used to work for OPD, right?
A: Yes.
Q: Okay, so - so by our standards would be north and then the dead end of the 105th Ave would be south.
A: Okay.
Q: M’kay? So by our directions it would be travelin’ northbound. How fast would you estimate that this green Honda Civic was travelin’?
A: Wanna say maybe 20 to 30 or 20, 25.
Q: Okay, 20, 25 miles an hour. And it was travelin’ on the - on the sidewalk? In your opinion was this, uh, what was your thoughts of this green Honda Civic? I mean did it look like they’re tryin’ to get away or...
A: It looked...
Q: ...what - what...
A: ...like...
Q: ...what did you think was goin’ on?
A: It looked like he was tryin’ get away by driving on the sidewalk.
Q: ‘Kay. And when you saw that do you recall if you were outside your - the vehicle or still inside the vehicle?
A: I think I was still inside the car.
Q: Okay, so you’re kinda looking from - from your driver’s windshield. So you would have to be lookin’ through your windshield.
A: Mm-hm.
Q: And so you be looking kind of, um, a southbound direction almost like a southeast direction over a couple vehicles to see the green Honda on the sidewalk. Is that...
A: Yes.
Q: ...correct? Okay, and then as this vehicle’s travelin’ at looks like a pretty high
rate of speed on the sidewalk northbound, um, did you h- did you hear something? Uh, what did you hear next?

A: I heard a lot of, uh, heard officers giving, uh, orders.

Q: Okay.

A: Uh, I can’t recall what they said, but they were shouting orders t- for her to stop I think.

Q: M’kay. ‘Kay so you heard orders and then what else did you hear?

A: Then I heard gunshots.

Q: M’kay.

A: Uh, probably three, four gunshots.

Q: Did y- did you hear anything with the vehicle itself? Did you hear like the - like - like scraping of metal or crashing or...

A: I heard scraping of metal and revving of the engines.

Q: Okay. Um, the - the scraping of the metal, did you hear that before the gunshots?

A: Before the gunshots.

Q: And then e- when you heard the scraping of the metal, um, was that about the same time that you heard orders bein’ given?

A: I think it was t- heard orders given when we just arrived on - when I first got - came - when we came to a halt I heard orders already.

Q: Okay, and then y- you said you heard gunshots.

A: Yes.

Q: About how many gunshots did you hear?

A: Uh, maybe three or four.

Q: At what point did you hear the gunshots?

A: The - when...
Q: Did you...
A: ...the vehicle...
Q: ...hi- did you...
A: ...(unintelligible)...
Q: ...hear it - so you - did you - did you hear the gunshots after the - after the order is given?
A: Yeah.
Q: And then did you hear the gunshots after the scraping of the metal?
A: Yeah.
Q: So was the gunshots the last thing that you heard?
A: Yes.
Q: Okay, as you’re gettin’ out of the vehicle?
A: Yes.
Q: Okay. When you heard the gunshots, where exa- where were you at when you heard the gunshots? Were you still sittin’ inside Vehicle 375 or were you outside of Vehicle 375?
A: I think once I heard, uh, I exited the vehicle.
Q: Okay. So is it possible that you could’ve been gettin’ out or you pretty certain you were inside? Or you just don’t know?
A: I don’t recall. I might’ve be...
Q: Okay.
A: ...yeah.
Q: Did you know who was shooting?
A: No, I did not.
Q: So you did not see who fired these shots?
A: No.
Q: At this point did you know whether it was an officer or whether it was a suspect shooting?
A: No.
Q: Okay. And did you un-holster your gun?
A: Yes.
Q: As soon as you heard the gunshots you o-un-holstered your gun?
A: Yes.
Q: Okay and then where did you go at that point?
A: I went to the driver’s side of the - where the shots were coming from, through...
Q: E...
A: ...the driver’s side the white Ford.
Q: Did you run towards the back of the white Ford or did you run towards the front of the white Ford?
A: Ran towards the back the Ford.
Q: Okay, so you ran across the back of the white Ford and you came around the corner. And then what did you see?
A: I saw officer - I mean Sergeant (Anthony) being pinned between the green Honda and the white Ford truck.
Q: That’s s-s- um, Sergeant (Anthony)?
A: Yes.
Q: You saw ‘em pinned?
A: Yes.
And he was pinned between where?

The green Honda and the white Ford truck.

'Kay what did you see? I mean - I mean you saw him pinned but what else did you see?

Uh, I saw a female black - I mean a black female inside the driver's seat of the vehicle. Uh, it looked like she sustained, uh, some gunshots. And I saw like there's bullet holes in the front windshield in her driver's side of the green Honda Civic.

Do you recall how many bullet holes you saw?

I don't.

Where were the bullet holes placed in the windshield?

Near the driver's side.

So you come around the corner. You see, uh, you see a female black sittin' in the driver's seat of the green Honda.

Yes.

You also see, um, u- was a - is it multiple bullet holes in the windshield?

Yes.

Okay, but you're unsure how many and they're near the driver's side. And you said it look like the - the driver, the female black had sustained a gunshot wound?

Yeah she was bleeding.

Okay, she was bleeding. And then, um, did you see anybody else in the vehicle -- in the s- in the green Honda Civic?

No.

What's goin' on with, uh, Sergeant (Anthony)? Does he have his gun out? Can you see his hand? Did you see what was goin' on with him?

I wasn't - I (unintelligible) I don't recall.
Okay well he was pinned there, right? Is he shouting for help? What's - what's goin' on?

Um, I - I don't - I really don't recall what happened right there.

Okay you don't know how he got free from the vehicle?

Uh, no I think w- yeah I don't recall.

Okay. But you saw 'em pinned?

Yes.

Okay, did you see, um - um, so what - where do you go? Like what - what do you see - what do you see? What happens after you see this f- female shot?

Well I go to the passenger's side f- front door area with, uh, Officer (Bus) and we took, uh, the black female out of the vehicle and rendered aid to her.

So you go to the pass side with Officer (Bus)?

Yes.

And, um, you pull her from the vehicle?

Yes.

So you pull her from the driver's seat?

Yes.

'Kay. And then, uh, you pull her out onto the sidewalk?

Yes.

Okay, and then you said you render first - you render aid to her, right?

Yeah we checked for weapons first and then rendered aid.

'Kay. Okay and then, uh, um, did you, um, did you talk to her? Did you - I mean did you have a conversation with her? Was she responsive? What was her condition?

She was, uh, okay. I mean I try ask for her name. She didn't wanna say anything. I just try to stay - keep her awake, that's all.
Q: Okay did she - she i- so she was alert?
A: She appeared alert.
Q: She was conscious?
A: She was talking...
Q: Al...
A: ...conscious...
Q: Okay...
A: ...breathing.
Q: ...- conscious, breathing, alert? Um, you asked for her name and she won’t give it to you?
A: Yeah.
Q: Okay what did you u- what did you do? Did you - did you call for an ambulance? Or did someone call for an ambulance? Or what...
A: Someone called for ambulance.
Q: Okay, m’kay, one of the other officers called for...
A: S...
Q: ...for an ambulance? And then what kinda aid did you give her?
A: Um, first I applying direct pressure to the gunshot wound...
Q: ‘Kay.
A: ...to stop the bleeding.
Q: M’kay so you, um - um, you applied direct pressure?
A: Mm-hm.
Q: And - and did you do that until the ambulance got there?
A: Yes.

Q: What kinda ambulance arrived?

A: Paramedics plus.

Q: Okay. And you applied pressure where at? Which w- like where - what area were you treating?

A: His stomach - her stomach.

Q: Her stomach? So you’re drivin’ u- applyin’ direct pressure on stomach?

A: Mm-hm, stomach chest area, mmm.

Q: Okay, until paramedics plus arrived. Okay, and then, uh, after they arrived what did you do after that?

A: Scene security.

Q: Scene security? ‘Kay, at any time - now you said when you first got out of your car you - you pulled your gun out, right? So, um, uh, at what point did you - did you ever fire your weapon?

A: No.

Q: Okay. Um, so you just held it - you - you pulled it out for officer safety?

A: Yes.

Q: And then - and then, um, and then at some point you put your weapon away to render first aid?

A: Yes.

Q: Okay, did you ever see any other suspects that were associated with this vehicle?

A: No.

Q: Okay. So as far as you - you were concerned there was only one suspect?

A: That I observed.

Q: That you observed. Okay, um, all right let me - let me just ask couple, uh, um,
the night before - before your shift what time - well let's talk about your shift.
What time did you start your shift that day?


Q: 6:30 in the morning?

A: Mm-hm.

Q: 'Kay, and then how long does your shift go 'til?

A: 'Til 4:30.

Q: 'Til 1630?

A: Mm-hm.

Q: Okay so they essentially called you over right at the end of your shift.

A: Uh, yeah.

Q: M'kay. And, uh, and then the night before that how much sleep did you get?

A: Mmm, probably like six, seven hours.

Q: Six, seven hours? And (unintelligible) let me just check couple things here. We're almost done then (unintelligible) probably a few questions follow up on. Um, did you see - did you actually see when the - when your - after you pulled up on scene did you actually see anybody inside the Honda wu- the - the f- the female that you're talkin' about? Yi- did you know she was a female before you actually saw her?

A: No.

Q: So - so as far as pullin' up to the scene, hearin' the shots and all that you had no idea the race of the occupants inside that green Honda Civic?

A: No.

Q: But you had information that there was at least two in that vehicle, right?

A: Yes, um, yes.

Q: Okay. W- when you saw the car - you said you heard a car revving up. Did you believe that that - the revving of the engine was coming from that green
Honda Civic?

I looked around and yeah.

Okay, so it look like that was - that was the one revving? And then you said it came down bu- anywhere between - what - what - what speed did you say?

(Unintelligible) 20, 25.

Twenty, 25 miles an hour, um, and it was traveling towards, um, accordin’ to the map you’re showin’ me it - it was traveling north towards the, um, the driver’s side of the ford F150 pickup truck...

Yes.

...correct?

Yes.

Okay, and could you see the suspect doin’ anything inside the vehicle? Like could you see the - the driver’s hands? D- could you see like if anything...

No.

...was bein’ said or heard or anything like that?

No.

What about the other officers that were on scene? Could you h- see what they were doin’, um, in - in relation to this green Honda Civic?

No.

Okay. Um, did you get hurt at all?

No.

Okay, you weren’t injured? And, uh, did you make any arrests on scene besides...

N...

...dealin’ with this woman?

No.
Okay. All right, um, Officer (Anderson).

Well first off, uh, just for clarification -- 'cause obviously this isn't video recorded, uh, there's a map in front of you, correct, that's pre-drawn? It's on a white piece of paper showin' the address: [redacted], 105th Ave, correct?

Yes.

And those were on the top edge of the - the paper. There's a drawn in sidewalk and there's numerous vehicles, uh, e- hand drawn boxes that depicting vehicles, correct?

Yes.

And then it shows I think [redacted] a vacant lot or some sort of lot on the, uh, s- lower end of that piece of paper was some park cars in front of those addresses as well, correct?

Yes.

M'kay. And, uh, you had indicated - and I actually - what I want you to do is just use your pen and just draw where you first saw the suspect vehicle and the direction it was traveling right where - where you...

Right here?

Yeah. You know like we - like on a map y- how you would draw a box for a car?

Okay.

Yeah just draw that way, you know, where you first saw, where you first remember seein' the vehicle.

Right here?

And the dr- which direction it was goin' with the little - m'kay. And then obviously that's when you first saw it. And you said you hear - you heard the engine revving loud, correct

Mm-hm.

Did you see how the vehicle got onto the sidewalk?
A: No.
Q1: You didn’t see that part?
A: No.
Q1: And you were - you were the last one in the stack, right?
A: Yes.
Q1: Corre- i- comin’ down? And you guys were comin’ down 105th Ave from, you know, a couple blocks north.
A: Yes.
Q1: M’kay, so by the time you pull up that car is already on the sidewalk, you’re hearin’ the engine rev.
A: Yes.
Q1: And it’s traveling back in a northbound - for Oakland purposes north, which would also be east if you were to go by true north, south, east and west, correct?
A: Yes.
Q1: On the sidewalk. Um, could you see at that point as the car’s coming up the street where officer - or Sergeant (Alexander) was?
A: Uh...
Q1: Could you see him?
A: S- Sergeant (Alexander)?
Q: A...
Q1: Is that...
Q: ...you mean (Anthony).
Q1: (Anthony) -- Sergeant (Anthony), I’m sorry.
A: Uh, no I c- I’d couldn’t see him. Uh, I divuh know he was on the side right...
Q1: M’kay, so you you never saw him as that car was drivin’ northbound?
A: No.
Q1: So in your mind you - you just u- well maybe this car was just gettin’ away...
A: Yes.
Q1: ...or tryin’ to get away? Obviously havin’ a bit of a difficulty doin’ that seein’ how it was squished between cars and fences.
A: Yes.
Q1: Um, at - when you first saw that and you hear y- you - could you see the driver at that point at all or could you just see the car?
A: I could see the car. I - yeah I can’t really see the driver.
Q1: Can’t really see the driver? Um, could you - I know you said, uh, officers on the scene were yelling as that car’s coming up the sidewalk -- yellin’ to stop. Could you tell exu- you couldn’t tell exactly what they were sayin’? Or could you just tell that they were yellin’?
A: I think they were saying, “Stop.”
Q1: Stop?
A: So...
Q1: How many times do you think you heard it?
A: Uh, I’m not sure. I think it’s throughout the incident, “Stop, stop, stop,” or s...
Q1: So you continuously heard ‘em...
A: Yeah.
Q1: ...yelling, “Stop, stop, stop.” M’kay, at the - and it’s at that point as you’re hearin’ all that you’re hearin’ there’s noise of the engine revving, metal scraping. And then you hear the gunshots, three to four, correct?
A: Yes.
Q1: Um, and it's at that point that you exit your ve- or you're in the process probably of exiting your vehicle, correct?

A: Yes.

Q1: Not sure if you exited before you heard 'em or after but you're out of the vehicle. You're goin' around. You come around to the - from the back side of the white truck. And the first thing you see is what? When you come around the side of the truck what was the first thing you saw?

A: I saw Sergeant (Anthony) being pinned between the two cars.

Q1: Right, was the car still moving into him or was that - was the green car stop and you just saw him pinned there?

A: I think it was stop.

Q1: It was stop?

A: U- I think...

Q1: M'kay.

A: ...the engine was still revving. So I'm...

Q1: S...

A: ...not sure.

Q1: ...yeah, okay. Um, the, um, do you recall who, uh, requested medical to the scene (unintelligible).

A: I don't recall.

Q1: You don't recall? Um, so back at the - so you started your shift at, uh, 6:30 this morning?

A: Yes.

Q1: Um, then night before i- any drinks or any alcohol or anything like that? Nu- anything to that nature at all?

A: No.

Q1: Nothing that would impair your ability to u- of what you saw today, correct?
A: Yes.

Q1: M'kay. Um, when you heard the UC officers say they were s- they had located or were spottin' or observing a stolen vehicle, um, was it - did you know of any other crimes that the vehicle was associated with? Or - or was it just the fact that it was a stolen car?

A: I think it was just a stolen car at that...

Q1: So...

A: ...point.

Q1: Okay. So you respond to assist. And you meet up with Sergeant (Young). And you're not sure where it was but you met on 105th somewhere?

A: I think two blocks east or no- Oakland north from...

Q1: From - from where the incident occurred?

A: Yeah I believe so.

Q1: Now where - in association to that where was the UCs watchin' the green car?

A: I’m not sure.

Q1: You’re not sure?

A: I’m not sure.

Q1: But you were directed over there to 105th, you know, near the Creekside area...

A: Yeah.

Q1: ...right? You meet up with Sergeant (Young). And does he give you - other than the fact that there was - it was put out, what, two occupants in the car? Um, they were spottin' a 10-8. They put out the d- vehicle description, correct? Li- they said the license plate but o- you don’t recall what it was? M'kay, did Sergeant (Young) provide any other detailed information other than puttin' together the stacking order, how you guys were gonna go down and stuff. Was there any other information given at this - ‘cause this wasn't a planned operation, right? This is all of a sudden, hey, I spotted a car. Let's meet up, get a - formulate a plan...
...and respond, right? This wasn’t like a - was this a pre-planned operation where you guys had a, uh, some kind of operations plan and all that type of stuff?

Not that I was aware of.

Not that - okay. Um, and then, uh, m- let me just, uh, go back over these notes here. Um, uh, m’kay, and specif- were you given like a specific role as far as what you were supposed to do when you got - when - when the takedown went down or when you guys tried to stop the car?

Rear car responsibilities.

Okay, um, let’s see here. Was - did you review your PD - your - your body camera video before...

No.

You did not? Um, and it was you and, uh, Officer (Bus) who provided first aid...

Yes.

...to the - to the driver or to the female?

Yes to the (unintelligible).

Um, she wouldn’t provide her - she sh- you guys tried to get her name, she wouldn’t provide it at all?

Yeah, she wouldn’t provide it.

Um, is there anything that you can think of that we haven’t asked you...

No.

...that would be important or anything that you think you know e- is there anything that you think of that you forgot to tell us or anything like that?

No.

M’kay, um, let’s see. I think - I think that’s it. I don’t think I have anything
Q: And what was your badge # again -- five what?
A: 358.
Q1: 358?
A: It is a probationary badge.
Q: Oh I was lu- like that's definitely not a three - okay 358. Okay, um, all right that's all I got, man. Um...
Q1: What time...
Q: ...right...
Q1: ...you got for...
Q: ...right now I've got exactly 2230 hours. And we're gonna go ahead and go off camera.

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

Signed
Section 15
**Name:** BARAJAS, JOSEFINA  
**Aliases:**  

**Salient Char: SMT:**  
**Custody Stat:** COMMITMENT COUNTY JAIL  
**Jail:** 00500  
**Date Booked:** 01/12/2016  
**Formal Prob:**  
**DPO:**  
**DPO Phone:**  
**Counsel:** Yes  
**Last Address:**  
**Phone:**  
**Birth Place:** NM  
**Citizen:** No  

**Personal Data:**  
**PFN:**  
**DOB:** 07/27/1968  
**Clt No:**  
**FBI No:**  
**DNL:**  
**SSN:**  
**COC No:** LEADS  
**Marital Status:** NEVER MARRIED  
**Occupation:**  
**Employer:**  
**Map Owner:**  
**More Addresses:**  
**Yr Moved In:** 2018  
**Year in CA:**  
**Deceased Date:**  
**Photo was taken on:** 11/24/2015  

**DNA Test Date:** 11/13/2013  
May Have Search Cause  
Court Orders In Effect  

**CEN color key:** Convicted  Pending  Not filed  Miscellaneous  Other  

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**ALAMEDA COUNTY CRIMINAL EVENTS - DETAIL**

**PERSONAL CHARACTERISTICS**

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<td>Citizenship:</td>
<td>No</td>
</tr>
<tr>
<td>Photo taken:</td>
<td>11/24/2015</td>
</tr>
<tr>
<td>Ht: 5'06&quot;</td>
<td>Wt: 150</td>
</tr>
<tr>
<td>Race:</td>
<td>Ssn: F</td>
</tr>
<tr>
<td>Build:</td>
<td></td>
</tr>
<tr>
<td>Hair:</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL IDENTIFYING INFORMATION**

| Name(s):       | BARAJAS, JOSEFINA
                | GIL, JOSEFINA   |
|----------------|-----------------|
| Alias:         | TRUE CI NAME   |
| SSN(s):        | Phone(s):       |
| SMT(s):        |                 |
| Address(es):   |                 |

**SUMMARY STATISTICS**

| Events Held: | 3               |
| Failure(s) to Appear: | 9               |
| Felony Event(s) (cnt): | 2 (2)          |
| State Prison: | 0               |

**COURT ORDERS IN EFFECT**

<table>
<thead>
<tr>
<th>Docket</th>
<th>Issue Date</th>
<th>From Date</th>
<th>To Date</th>
<th>Effective</th>
</tr>
</thead>
</table>

**PROBATION DETAIL**

**FELONY CONVICTIONS**

**MISDEMEANOR CONVICTIONS**

**CONVICTION**

<table>
<thead>
<tr>
<th>CEN: 5337224</th>
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<tbody>
<tr>
<td>CONVICTION</td>
</tr>
<tr>
<td>Next Court Date: 01/12/2021 09:00 D-000 SACD</td>
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</table>

**Criminal Record and Booking Information**

---

https://crims.acgov.org/crims app/CRIMSServlet

3/24/2016
Section 16
San Leandro Police Department

Individual Training Activity

04/17/2015 Page 1 of 6 page

Person:

Anthony, Brian T
<table>
<thead>
<tr>
<th>Person:</th>
<th>Anthony, Brian T</th>
</tr>
</thead>
</table>

(Continued)
Section 17
<table>
<thead>
<tr>
<th>Person</th>
<th>Young, Troy A</th>
</tr>
</thead>
</table>

(Continued)
<table>
<thead>
<tr>
<th>Person:</th>
<th>Young, Troy A</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Continued)</td>
<td></td>
</tr>
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</table>
Section 18
San Leandro Police Department

Individual Training Activity

<table>
<thead>
<tr>
<th>Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morgan, Anthony R</td>
</tr>
</tbody>
</table>
San Leandro Police Department

Individual Training Activity

Person: Morgan, Anthony R
Section 19
| Person:         | Kritikos, Jason James |
Section 20
San Leandro Police Department

Individual Training Activity

04/17/2015

<table>
<thead>
<tr>
<th>Person:</th>
<th>Pasut, Daren</th>
</tr>
</thead>
</table>

(Continued)
Section 21
| Person: | Buss, Brian Lee |
San Leandro Police Department

Individual Training Activity

<table>
<thead>
<tr>
<th>Person:</th>
<th>Buss, Brian Lee</th>
</tr>
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</table>

(Continued)
Section 22
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Location</th>
<th>Duration</th>
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<tbody>
<tr>
<td>04/17/2015</td>
<td>Kwan, Richard W</td>
<td></td>
<td></td>
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</tbody>
</table>
San Leandro Police Department

Individual Training Activity

04/17/2015

Person: Kwan, Richard W

(Continued)
<table>
<thead>
<tr>
<th>Person:</th>
<th>Kwan, Richard W</th>
</tr>
</thead>
</table>

(Continued)
<table>
<thead>
<tr>
<th>Person:</th>
<th>Kwan, Richard W</th>
</tr>
</thead>
</table>

(Continued)
Section 23
San Leandro Police Department

Individual Training Activity

Mally, Dennis J
Section 24
Section 25
<table>
<thead>
<tr>
<th>Person:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ying, Alexander</td>
</tr>
</tbody>
</table>
Section 26
Oakland, CA
High St Bridge

© 6:43 PM PDT on April 15, 2015 [GMT -0700]

Elev 16 ft 37.76°F, 122.29°W | Updated 4 min ago

NO

Tomorrow is forecast to be WARMER than today.

Today
High 73 | Low 54 °F
0% Chance of Precip.

Yesterday
High 70 | Low 48.1°F
Precip. 0.0

Sun & Moon
6:33 am 7:44 pm
Waning Crescent, 11% visible

| Pressure  | 30.04 in |
| Visibility| 10.0 miles |
| Clouds    | Scattered Clouds 20000 ft |
| Dew Point | 43 °F |
| Humidity  | 39% |
| Rainfall  | 0.00 in |
| Snow Depth| Not available |
| UV        | 1 out of 12 |
| Pollen    | 9.30 out of 12 |
| Air Quality| Not available |
| Flu Activity| Local Activity |

More Conditions

Radar  Satellite  Webcams

### Almanac

<table>
<thead>
<tr>
<th>History</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Almanac for April 15, 2015</td>
<td>KOA Forecast</td>
<td>Average *</td>
<td>Range *</td>
</tr>
<tr>
<td></td>
<td>Temperature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>73 °F</td>
<td>67 °F</td>
<td>59 to 87 °F</td>
</tr>
<tr>
<td>Low</td>
<td>54 °F</td>
<td>48 °F</td>
<td>39 to 52 °F</td>
</tr>
<tr>
<td>Precipitation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rain</td>
<td>0 in</td>
<td>0.00 in</td>
<td>0.00 to 0.06 in</td>
</tr>
<tr>
<td>Snow</td>
<td>0 in</td>
<td>in</td>
<td>to in</td>
</tr>
<tr>
<td>Dew Point</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>-</td>
<td>39 °F</td>
<td>30 to 50 °F</td>
</tr>
<tr>
<td>High</td>
<td>-</td>
<td>47 °F</td>
<td>40 to 54 °F</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Almanac for Yesterday April 14, 2015</th>
<th>Actual</th>
<th>Average *</th>
<th>Record</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temperature</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>65 °F</td>
<td>67 °F</td>
<td>82 °F [1956]</td>
</tr>
<tr>
<td>Low</td>
<td>48 °F</td>
<td>48 °F</td>
<td>40 °F [2001]</td>
</tr>
</tbody>
</table>

* Based on data from 1999-present

### Astronomy

<table>
<thead>
<tr>
<th>Apr. 15, 2015</th>
<th>Rise</th>
<th>Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Time</td>
<td>6:33 AM PDT</td>
<td>7:44 PM PDT</td>
</tr>
<tr>
<td>Civil Twilight</td>
<td>6:06 AM PDT</td>
<td>8:11 PM PDT</td>
</tr>
<tr>
<td>Nautical Twilight</td>
<td>5:34 AM PDT</td>
<td>8:44 PM PDT</td>
</tr>
<tr>
<td>Astronomical Twilight</td>
<td>5:00 AM PDT</td>
<td>9:17 PM PDT</td>
</tr>
</tbody>
</table>

### Today’s Extremes

<table>
<thead>
<tr>
<th>State Highs</th>
<th>State Lows</th>
</tr>
</thead>
<tbody>
<tr>
<td>86 °F Fullerton</td>
<td>14 °F NCMWTC BRIDGEPORT, CA</td>
</tr>
<tr>
<td>84 °F Santee</td>
<td>19 °F Truckee-Tahoe</td>
</tr>
<tr>
<td>84 °F Chino</td>
<td>18 °F Alturas</td>
</tr>
<tr>
<td>82 °F Santa Maria</td>
<td>23 °F South Lake Tahoe</td>
</tr>
<tr>
<td>82 °F Long Beach</td>
<td>26 °F Tehachapi</td>
</tr>
</tbody>
</table>

### Community

1 of 5

The Great California Storm of April 19-23, 1880
By Christopher C. Burt
Weather Historian, Weather Underground

More Blogs
- To Dump Over a Foot of Snow in Parts of the Rockies [FORECAST]
- Not Tornadoes, But Still Scary and Ominous [PHOTOS]
- The South: 4 Dead in Floodwaters; Massive Boulder Closes Kentucky Road

More News

Nearby

<table>
<thead>
<tr>
<th>Air Quality</th>
<th>Air Quality</th>
<th>AQ Index</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yesterday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
<tr>
<td>Yesterday</td>
<td>Good</td>
<td></td>
<td>PM2.5</td>
</tr>
<tr>
<td>Current</td>
<td>Good</td>
<td></td>
<td>PM2.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Day</th>
<th>Air Quality</th>
<th>AQ Index</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>Good</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wednesday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
<tr>
<td>Thursday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
<tr>
<td>Friday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
<tr>
<td>Saturday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
<tr>
<td>Sunday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
<tr>
<td>Monday</td>
<td>Good</td>
<td></td>
<td>OZONE</td>
</tr>
</tbody>
</table>

- Pollen Forecast
- Current Air Quality Map
- Yesterday's Peak

### Snow Depth

<table>
<thead>
<tr>
<th>Station</th>
<th>Depth</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carson Pass</td>
<td>3 in</td>
<td>8500 ft</td>
</tr>
<tr>
<td>Blue Lakes</td>
<td>0 in</td>
<td>8000 ft</td>
</tr>
<tr>
<td>Forestlake Creek</td>
<td>0 in</td>
<td>8029 ft</td>
</tr>
<tr>
<td>Echo Peak</td>
<td>0 in</td>
<td>7800 ft</td>
</tr>
<tr>
<td>Rubicon #2</td>
<td>1 in</td>
<td>7500 ft</td>
</tr>
</tbody>
</table>

Snow Depth Reports | Snow Depth Map

### Earthquake Activity

<table>
<thead>
<tr>
<th>City</th>
<th>Distance</th>
<th>Mag.</th>
<th>Time &amp; Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crockett, California</td>
<td>17 mi</td>
<td>2.7</td>
<td>11:32 AM PDT 2015-04-14</td>
</tr>
</tbody>
</table>

Minimum magnitude displayed is 2.5.

More Information at USGS.gov

### Coastal Water Temperatures

- No Stations Reporting

### Stations

Nearby Weather Stations

<table>
<thead>
<tr>
<th>Station Location</th>
<th>Temp.</th>
<th>Heat Index</th>
<th>Dew Point</th>
<th>Humidity</th>
<th>Wind</th>
<th>Precip.</th>
<th>Elev</th>
</tr>
</thead>
<tbody>
<tr>
<td>High St Bridge, Alameda, CA</td>
<td>69 °F</td>
<td>69 °F</td>
<td>43 °F</td>
<td>39%</td>
<td>WNW at 1.0 mph</td>
<td>0.00 in/hr</td>
<td>16 ft</td>
</tr>
<tr>
<td>Highland Terrace, Oakland, CA</td>
<td>69.5 °F</td>
<td>70 °F</td>
<td>42.1 °F</td>
<td>37%</td>
<td>W at 3.0 mph</td>
<td>0.00 in/hr</td>
<td>150 ft</td>
</tr>
<tr>
<td>Maxwell Park, Oakland, CA</td>
<td>68.6 °F</td>
<td>69 °F</td>
<td>41 °F</td>
<td>37%</td>
<td>WNW at 2.0 mph</td>
<td>0.00 in/hr</td>
<td>210 ft</td>
</tr>
<tr>
<td>Alameda Fornsido, Alameda, CA</td>
<td>73.5 °F</td>
<td>74 °F</td>
<td>43 °F</td>
<td>33%</td>
<td>SW at 0.0 mph</td>
<td>0.00 in/hr</td>
<td>32 ft</td>
</tr>
<tr>
<td>Laurel-Dondheim, Oakland, CA</td>
<td>72.1 °F</td>
<td>72 °F</td>
<td>14.7 °F</td>
<td>11%</td>
<td>SW at 0.0 mph</td>
<td>0.00 in/hr</td>
<td>213 ft</td>
</tr>
<tr>
<td>Upper Laurel, Oakland, CA</td>
<td>71.2 °F</td>
<td>71 °F</td>
<td>19.6 °F</td>
<td>14%</td>
<td>NW at 7.6 mph</td>
<td>0.00 in/hr</td>
<td>276 ft</td>
</tr>
<tr>
<td>Glenview, Oakland, CA</td>
<td>71.2 °F</td>
<td>71 °F</td>
<td>34.7 °F</td>
<td>26%</td>
<td>W at 1.3 mph</td>
<td>0.00 in/hr</td>
<td>213 ft</td>
</tr>
<tr>
<td>Encinal Avenue, Alameda, CA</td>
<td>69.1 °F</td>
<td>69 °F</td>
<td>44.7 °F</td>
<td>41%</td>
<td>N at -- mph</td>
<td>0.00 in/hr</td>
<td>13 ft</td>
</tr>
<tr>
<td>East End, Alameda, CA</td>
<td>68.1 °F</td>
<td>68 °F</td>
<td>42.2 °F</td>
<td>39%</td>
<td>NW at 2.0 mph</td>
<td>0.00 in/hr</td>
<td>16 ft</td>
</tr>
</tbody>
</table>


4/15/2015
<table>
<thead>
<tr>
<th>Station Location</th>
<th>Temp</th>
<th>Heat Index</th>
<th>Dew Point</th>
<th>Humidity</th>
<th>Wind</th>
<th>Precip.</th>
<th>Elev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trestle Glen/Crocker Highlands, Oakland, CA</td>
<td>70.8 °F</td>
<td>71 °F</td>
<td>42.5 °F</td>
<td>36%</td>
<td>WNW at 0.0 mph</td>
<td>0.00 in/hr</td>
<td>164 ft</td>
</tr>
<tr>
<td>Oakland, CA</td>
<td>70 °F</td>
<td>70 °F</td>
<td>42 °F</td>
<td>36%</td>
<td>W at 0.0 mph</td>
<td>-- in/hr</td>
<td>49 ft</td>
</tr>
<tr>
<td>Shoreline, Alameda, CA</td>
<td>69.4 °F</td>
<td>69 °F</td>
<td>41.4 °F</td>
<td>36%</td>
<td>SSE at 2.0 mph</td>
<td>0.00 in/hr</td>
<td>10 ft</td>
</tr>
<tr>
<td>Calmar Ave, Oakland, CA</td>
<td>70.7 °F</td>
<td>71 °F</td>
<td>37.8 °F</td>
<td>30%</td>
<td>NE at 0.0 mph</td>
<td>0.00 in/hr</td>
<td>187 ft</td>
</tr>
<tr>
<td>Pacific Marine, Alameda, CA</td>
<td>68.5 °F</td>
<td>69 °F</td>
<td>44.8 °F</td>
<td>42%</td>
<td>N at -- mph</td>
<td>-- in/hr</td>
<td>9 ft</td>
</tr>
<tr>
<td>Oakmore, Oakland, CA</td>
<td>69.3 °F</td>
<td>69 °F</td>
<td>40.5 °F</td>
<td>35%</td>
<td>SSW at 0.0 mph</td>
<td>-- in/hr</td>
<td>571 ft</td>
</tr>
<tr>
<td>Leona Heights, Oakland, CA</td>
<td>68.9 °F</td>
<td>69 °F</td>
<td>36.3 °F</td>
<td>31%</td>
<td>W at 5.7 mph</td>
<td>0.00 in/hr</td>
<td>338 ft</td>
</tr>
<tr>
<td>Oakland, CA</td>
<td>69 °F</td>
<td>69 °F</td>
<td>-- °F</td>
<td>--%</td>
<td>N at -- mph</td>
<td>-- in/hr</td>
<td>29 ft</td>
</tr>
<tr>
<td>Bay Farm Island, Alameda, CA</td>
<td>67.7 °F</td>
<td>68 °F</td>
<td>45 °F</td>
<td>45%</td>
<td>NW at 4.0 mph</td>
<td>0.00 in/hr</td>
<td>20 ft</td>
</tr>
<tr>
<td>Glen Alpine Road, Piedmont, CA</td>
<td>68.8 °F</td>
<td>68 °F</td>
<td>40.2 °F</td>
<td>36%</td>
<td>N at -- mph</td>
<td>-- in/hr</td>
<td>501 ft</td>
</tr>
<tr>
<td>Hilcrest Highlands, Oakland, CA</td>
<td>72.3 °F</td>
<td>72 °F</td>
<td>37.4 °F</td>
<td>28%</td>
<td>SW at 2.7 mph</td>
<td>-- in/hr</td>
<td>1132 ft</td>
</tr>
<tr>
<td>Adams Point, Oakland, CA</td>
<td>70.7 °F</td>
<td>71 °F</td>
<td>44.5 °F</td>
<td>39%</td>
<td>WSW at 2.2 mph</td>
<td>-- in/hr</td>
<td>102 ft</td>
</tr>
<tr>
<td>Oldcastle Lane, Alameda, CA</td>
<td>67.6 °F</td>
<td>68 °F</td>
<td>52.6 °F</td>
<td>59%</td>
<td>N at -- mph</td>
<td>-- in/hr</td>
<td>0 ft</td>
</tr>
<tr>
<td>Produce and Waterfront, Oakland, CA</td>
<td>66.6 °F</td>
<td>67 °F</td>
<td>44.1 °F</td>
<td>44%</td>
<td>SW at 2.0 mph</td>
<td>0.00 in/hr</td>
<td>40 ft</td>
</tr>
<tr>
<td>Chebot Space &amp; Science Center, Oakland, CA</td>
<td>65.2 °F</td>
<td>65 °F</td>
<td>37.6 °F</td>
<td>36%</td>
<td>WNW at 0.0 mph</td>
<td>0.00 in/hr</td>
<td>1532 ft</td>
</tr>
<tr>
<td>Downtown Oakland, Oakland, CA</td>
<td>70.6 °F</td>
<td>71 °F</td>
<td>42.3 °F</td>
<td>36%</td>
<td>WSW at 3.0 mph</td>
<td>0.00 in/hr</td>
<td>16 ft</td>
</tr>
<tr>
<td>Oakland Ave - Harrison St, Oakland, CA</td>
<td>72.9 °F</td>
<td>73 °F</td>
<td>40.8 °F</td>
<td>31%</td>
<td>'N at -- mph</td>
<td>-- in/hr</td>
<td>98 ft</td>
</tr>
<tr>
<td>Red Sox Nation - Oakland, CA, Oakland, CA</td>
<td>66.6 °F</td>
<td>67 °F</td>
<td>35 °F</td>
<td>31%</td>
<td>ENE at 5.0 mph</td>
<td>0.00 in/hr</td>
<td>1200 ft</td>
</tr>
<tr>
<td>Hillcrest Estates, Oakland, CA</td>
<td>66.4 °F</td>
<td>66 °F</td>
<td>43.2 °F</td>
<td>43%</td>
<td>E at 3.0 mph</td>
<td>0.00 in/hr</td>
<td>1148 ft</td>
</tr>
<tr>
<td>Downtown Oakland, Oakland, CA</td>
<td>70.2 °F</td>
<td>70 °F</td>
<td>42.3 °F</td>
<td>36%</td>
<td>N at -- mph</td>
<td>-- in/hr</td>
<td>19 ft</td>
</tr>
<tr>
<td>Alameda, Alameda, CA</td>
<td>67.1 °F</td>
<td>67 °F</td>
<td>41.4 °F</td>
<td>39%</td>
<td>NE at 0.0 mph</td>
<td>-- in/hr</td>
<td>13 ft</td>
</tr>
</tbody>
</table>
Section 27
Section 28
Report Documents
Original
2015-17715
CONFIDENTIAL

THIS REPORT HAS BEEN CLASSIFIED AS CONFIDENTIAL. PUBLIC DISSEMINATION IS PROHIBITED.
<table>
<thead>
<tr>
<th>NO.</th>
<th>INVOLVEMENT</th>
<th>NAME (LAST, FIRST, MIDDLE, SUFFIX)</th>
<th>DATE OF BIRTH</th>
<th>AGE</th>
<th>RACE/SEX</th>
<th>HAIR/EYES</th>
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**TECH REPORT**

**ARREST REPORT**

**FST / 11550 FORM**

**CHP180**

**PHOTO REPORT**

**OFFICER SUPPLEMENT**

**STATEMENT FORM**

**CHP555**

**REPORTING OFFICER**

2711 LEJA, DANIEL, C, - SGT.

04/16/2015 THU 15:10

LEJA, DANIEL, C

04/15/2015 WED 16:20

MISCELLANEOUS INCIDENT

WEAPON

2371 KYLE, PATRICK, PJ,

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**EMPLOYER/SCHOOL NAME:**
- SAN LEANDRO PD

**OCCUPATION:**
- POLICE SERGEANT
- POLICE OFFICER
- POLICE OFFICER
- POLICE OFFICER

**ADDRESS:**
- 901 E 14TH ST SAN LEANDRO, CA 94577-
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On Wednesday (041515), approximately 1620 hours, CSU Detectives including Det. Sgt. Brian Anthony, Det. Jason Kritikos and Det. Daren Pasut were conducting investigative follow up in the 300 block of 105th Avenue regarding a residential burglary which occurred on 041215 (SLPD case 2015-17333). During their investigation they located an occupied stolen vehicle parked in the 100 block of the street which is at the west dead end of 105th Avenue. The detectives began surveillance on the suspect vehicle as the suspects left it parked.

While the detectives were conducting surveillance several SLPD patrol officers responded to assist. Amongst those officers were the day shift patrol sergeant, Sgt. Troy Young, the swing shift patrol sergeant, Sgt. Anthony Morgan, and the following patrol officers: Officer Kenny Shedd, Officer Dennis Mally, Officer Brian Buss, Officer Alex Ying and Officer Rich Kwan.

The three sergeants on scene coordinated the involved detectives and officers in the surveillance and eventual contact when the suspects returned to the suspect vehicle so an arrest could be made.

When the suspects returned to the suspect vehicle the officers attempted to stop and detain the driver and passenger. The suspect vehicle driver recklessly attempted to flee the scene colliding into several vehicles including Det. Sgt. Anthony's undercover vehicle. As the suspect vehicle driver was colliding into Det. Sgt. Anthony's vehicle it struck him as he stood near the driver door of his vehicle.

In order for Det. Sgt. Anthony to prevent the suspect from causing any great bodily injury and or death to him as well any other officers and or citizens Det. Sgt. Anthony fired his department issued handgun at the suspect vehicle driver in order to stop the violent assault. The suspect vehicle driver was shot and injured during this process.

After the suspect vehicle came to a stop the driver was safely detained, provided emergency medical attention and transported to a local hospital for further medical treatment. The suspect vehicle passenger fled the scene on foot and was detained a short time later by Officer Mally and Officer Shedd.

The criminal investigation was taken over by investigators of the Oakland Police Department.

The purpose of this incident report is to document the actions of the involved officers and the actions of those officers that responded to the scene to assist.

See supplemental reports of non-involved party officers for further details.

No further details.
(PVRS CAMERA WAS RECORDING WHILE I WAS ON SCENE)

ON 04/15/15 ABOUT 1630 HOURS, I WAS TASKED TO STAND AT THE INNER PERIMETER OF THE CRIME SCENE. I STOOD ON THE SOUTH CURBLINE OF 105TH IN FRONT ADDRESS 314 105TH AVENUE.

WHILE AT THE LOCATION, WITNESS-ALEX GAVE ME THE FOLLOWING STATEMENT:

ALEX WAS INSIDE HIS APARTMENT WHEN HE HEARD THREE GUN SHOTS. ALEX CAME OUTSIDE TO SEE WHAT HAPPENED BUT DID NOT SEE ANYTHING.

I WAS RELIEVED FROM MY LOCATION BY OAKLAND POLICE DEPARTMENT AND RETURNED TO PATROL.

NO FURTHER DETAILS.
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**Residence Address:**
- 105TH AVE A, OAKLAND, CA, 94601-
Details: On 04-15-15 approx 1630 hrs, I was in full police uniform wearing my body vest camera and driving a marked SLPD patrol vehicle #367.

At that time, I was at the SLPD (901 East 14th St) monitoring my police radio when I heard other police units were investigating a stolen vehicle in the area of 105th ave/Creekside Circle. Shortly thereafter, I heard Sgt Morgan advise dispatch that there were shots fired and police units were detaining 2 subjects.

I responded in my patrol vehicle to the 400 block of 105th ave to assist with crowd control (while activating my body vest camera) and protecting the crime scene. I noticed crime scene tape had already been placed across 105th ave to protect the crime scene which was just west of my location. I remained on scene until 1730 hrs when I was relieved by Oakland police officers. I then drove to the SLFD and ended my shift.

No further details.
I AM CURRENTLY ASSIGNED TO THE CRIMINAL INVESTIGATIONS DIVISION. ON 04-15-15, ABOUT 1630 HOURS, I RESPONDED TO THE 300 BLOCK OF 105TH AVENUE AFTER HEARING SLPD OFFICERS ADVISE OVER POLICE RADIO THEY WERE INVOLVED IN A SHOOTING.

UPON MY ARRIVAL, THE SCENE HAD ALREADY BEEN STABILIZED. I ARRIVED AT THE EDGE OF THE INNER PERIMETER AROUND THE CRIME SCENE AND MET WITH DETECTIVE SERGEANT LEJA FOR DIRECTION. DETECTIVE SERGEANT LEJA ASKED ME TO ESCORT OFFICER KWAN BACK TO THE SLPD FOR SEQUESTERING.

I TRANSPORTED OFFICER KWAN BACK TO THE SLPD AND SEQUESTERED HIM IN THE CRIME ANALYSTS OFFICE. I STAYED WITH OFFICER KWAN UNTIL HIS INTERVIEW WAS COMPLETE.

I DID NOT USE MY BODY CAMERA DURING THIS INCIDENT. I DID NOT ENTER THE CRIME SCENE.

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

ON 4/15/15 AT 1640 HOURS, I RESPONDED TO THE SCENE AND WAS DIRECTED TO TRANSPORT SGT ANTHONY TO SLPD. I DROVE SGT ANTHONY TO SLPD WHERE HE WAS EXAMINED FOR INJURIES BY ALCO FIRE.

SGT ANTHONY AND I REMAINED IN THE SOUTH OFFICES OF SLPD UNTIL THE ARRIVAL OF HIS LDF ATTORNEY.

NOTHING FURTHER.
ON 04/15/15 AT 1630 HOURS, I RESPONDED TO THE 300 BLOCK OF 105TH AVENUE IN OAKLAND AFTER UNITS WERE ADVISED OF AN OFFICER INVOLVED SHOOTING.

UPON ARRIVAL, I ACTIVATED MY PVR AND BEGAN ASSISTING WITH THE CAUTION TAPE TO CORDON OFF THE EAST INNER PERIMETER. I BRIEFLY SPOKE WITH SOME RESIDENTS WHO WERE GATHERING IN THE AREA THEN I ASSISTED TECHNICIAN KYLE IN CANVASSING AND PHOTOGRAPHING THE AREA.

I WAS THEN ASSIGNED TO DRIVE SGT. MORGAN BACK TO THE SAN LEANDRO POLICE STATION WHERE I SAT WITH HIM UNTIL 2300 HOURS.

NOTHING FURTHER.
ON 04/15/2015, ABOUT 1620 HOURS, I WAS WORKING AS A DETECTIVE ASSIGNED TO THE SLPD CRIME SUPPRESSION UNIT (CSU). I WORK IN A PLAIN CLOTHS UNDERCOVER CAPACITY AND DRIVE AN UNDERCOVER CAR.

I WAS AT 1239 MARINA BLVD (THE MEN'S WAREHOUSE) CONDUCTING FOLLOW UP INVESTIGATION REGARDING A GRAND THEFT CASE. WHILE SPEAKING WITH A WITNESS, I HEARD CSU DETECTIVE KRITIKOS RUN A LICENSE PLATE WITH SLPD RADIO. SLPD RADIO ADVISED DETECTIVE KRITIKOS THAT THE VEHICLE WAS STOLEN. KRITIKOS ADVISED SLPD RADIO THAT THE VEHICLE WAS OCCUPIED AND AT THE FAR WESTERN END (THE 300 BLOCK) OF 105TH AVE. BASED ON THIS INFORMATION, I LEFT THE MEN'S WAREHOUSE AND STARTING DRIVING TO THEIR LOCATION TO ASSIST THEM.

AS I DROVE TO THEIR LOCATION CSU SGT ANTHONY, SGT YOUNG, AND KRITIKOS WERE MAKING A PLAN TO ARREST THE OCCUPANT OF THE STOLEN VEHICLE. AS I STARTED TO GET CLOSER TO THEIR LOCATION I HEARD THEM ADVISE THEY WERE GOING TO START MOVING IN TO ARREST THE OCCUPANT OF THE STOLEN CAR.

AS I REACHED THE INTERSECTION OF KNIGHT ST AND 105TH AVE, I HEARD ONE OF THE UNITS WHO WAS ALREADY ON SCENE ADVISE THAT SHOTS HAD BEEN FIRED. I ARRIVED AT THE LOCATION OF THE INCIDENT LESS THAN ONE MINUTE AFTER THIS BROADCAST.


AT THIS POINT, I ADVISED SGT YOUNG THAT I HAD MY DEPARTMENT ISSUED CAMERA AND HE ASKED ME TO START TAKING PHOTOGRAPHS OF THE CRIME SCENE. I USED MY CANON EOS DIGITAL CAMERA AND TOOK THE FOLLOWING PHOTOS:

1- OVERALL, FRONT OF SUSPECT VEHICLE AND DRIVER SIDE OF SGT ANTHONY'S VEHICLE
2- OVERALL, CRIME SCENE STANDING TO THE EAST OF IT AND FACING WEST
3- SAME AS ABOVE, FACING S/E
4- CLOSER VIEW, SAME AS ABOVE
5- OVERALL FACING SOUTH, FRONT OF SGT ANTHONY'S VEHICLE AND REAR OF SUSPECT VEHICLE
6- OVERALL, STANDING TO EAST OF CRIME SCENE AND FACING W/B 105TH AVE
7- SAME AS ABOVE, FACING S/W
8- OVERALL, STANDING TO THE NORTH OF CRIME SCENE AND FACING SOUTH
9- OVERALL, STANDING ON THE NORTH SIDE OF 105TH AVE AND FACING S/E
10- OVERALL, STANDING TO THE WEST OF CRIME SCENE AND FACING E/B 105TH AVE
11- OVERALL, STANDING ON THE SOUTH SIDEWALK OF 105TH AVE, TO THE WEST OF THE CRIME SCENE AND FACING E/B
12- CLOSER VIEW, FRONT OF SGT ANTHONY'S VEHICLE AND FACING S/E
13- OVERALL, STANDING ON THE SOUTH SIDEWALK OF 105TH AVE, EAST OF THE CRIME SCENE AND FACING WEST
14- CLOSER VIEW OF SUSPECT VEHICLE AGAINST SGT ANTHONY'S VEHICLE, STANDING ON THE SOUTH SIDEWALK OF 105TH AVE AND FACING WEST

AS I WAS TAKING THE ABOVE PHOTOGRAPHS, SGT YOUNG RE-DIRECTED SGT LE3A AND I TO START WALKING HOUSE TO HOUSE ALONG THE SOUTH SIDE OF 105TH AVE IN AN EFFORT TO IDENTIFY ANY WITNESSES.

THE ABOVE PHOTOGRAPHS WERE SAVED ON A DIGITAL MEMORY CARD INSIDE OF MY CAMERA AND I LATER DOWNLOADED THE PHOTOS ONTO A COMPACT DISC. I SUBMITTED THE DISC INTO THE SLPD PROPERTY SECTION.

WE FIRST WENT TO 1200 105TH AVE, WHERE WE SPOKE WITH [REDACTED]. INITIALLY, HE TOLD ME I WAS STANDING AT HIS FRONT GATE, INSIDE OF HIS ENCLOSED FRONT YARD, AND HE SAID HE HAD NO VIEW BASED ON HIS "VANTAGE POINT." HE DID SAY HE HEARD 4 TO 5 SHOTS, BUT SAW NOTHING.
THEN [REDACTED] SAID, "SHE WAS ACROSS THE STREET," IN A CAR. [REDACTED] COULD NOT TELL ME WHAT KIND OF CAR IT WAS AND WOULD NOT FURTHER ELABORATE.

BASED ON THIS COMMENT, I BELIEVED [REDACTED] SAW MORE THAN HE WAS TELLING ME AND I ASKED HIM TO TELL ME EVERYTHING HE SAW. [REDACTED] THEN SAID, "THIS IS LIKE HELPING YOU GUYS." I TOLD [REDACTED] THAT IT WAS NOT ABOUT HELPING ANYONE AND THAT I JUST NEEDED TO KNOW WHAT HE SAW.

[REDACTED] THEN SUMMARIZED THAT HE WAS STANDING AT HIS FRONT GATE (INSIDE OF HIS YARD), HEARD A CRASH, AND THEN HEARD 5 TO 5 SHOTS.

WE THEN WALKED TO [REDACTED] 105TH AVE. THERE WERE NO CARS IN THE DRIVEWAY AND NO ONE WAS HOME. AT THIS POINT SGT LEJA, MOVED ON TO OTHER SCENE RESPONSIBILITIES AND CONTINUED MY CANVAS FOR WITNESSES.

I WALKED TO [REDACTED] 105TH AVE, WHERE I SAW AN OLDER HISPANIC FEMALE ADULT [REDACTED], AND TWO FEMALE JUVENILES WHO WERE 14 AND 12 YEARS OLD. I SPOKE WITH [REDACTED], WHO TOLD ME [REDACTED] DID NOT SPEAK ENGLISH.

[REDACTED] TOLD ME THEY WERE ALL INSIDE OF THE HOUSE WHEN THE INCIDENT HAPPENED. SHE STATED THEY HEARD 3 OR 4 SHOTS AND DID NOT COME OUTSIDE BECAUSE THEY WERE SCARED. SHE SAYS THEY NOTICED POLICE CARS OUTSIDE AND THEN WAITED ABOUT 10 MINUTES LATER TO COME OUTSIDE. [REDACTED] STATED THEY DID NOT HEAR OR SEE ANYTHING ELSE.

I WALKED TO [REDACTED] 105TH AVE AND CONTACTED A HISPANIC MALE IN HIS 30'S, A HISPANIC MALE IN HIS 50'S OR 60'S, AND A HISPANIC FEMALE AROUND THE SAME AGE. BASED ON INITIAL CONVERSATION, I COULD TELL THAT THE OLDER SUBJECTS DID NOT SPEAK ENGLISH. I ASKED THE YOUNGER HISPANIC MALE FOR HIS NAME AND HE SAID, "WHY?" I EXPLAINED THAT AN INCIDENT HAD OCCURRED AND THAT I WAS LOOKING FOR WITNESSES.

THE SUBJECT STATED THAT THEY WERE ALL INSIDE EATING AND WATCHING TV. HE SAID THAT HE HEARD 3 SHOTS BUT STILL DID NOT GO OUTSIDE.

AS I WAS SPEAKING WITH THIS SUBJECT, A UNIFORMED OAKLAND PD OFFICER WALKED UP TO ME AND TOLD ME HE WAS GOING TO TAKE CARE OF THE NEIGHBORHOOD CANVAS.

BASED ON THIS, I STOPPED MY CANVAS AND WAS DIRECTED TO LEAVE THE CRIME SCENE BY LT SOBEK.

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NVR SUPPLEMENT SUBJECTS #233 06/2008
ON 04-15-15 AT APPROXIMATELY 1630 HOURS, I RESPONDED TO A REPORT OF SHOTS FIRED IN THE 300 BLOCK OF 105TH AVE. UPON ARRIVAL, I PARKED MY VEHICLE ON 105TH AVE. ABOUT 75-100 YARDS EAST CREEK SIDE ST. AND PREVENTED A LARGE CROWD OF JUVENILES FROM ENTERING THE SCENE. I LEFT THE SCENE AT APPROXIMATELY 1729 HOURS. MY PERSONAL BODY CAMERA WAS ACTIVATED DURING THIS TIME. I LOADED THE VIDEO CAMERA FOOTAGE ON THE SLPD SERVER AT THE END OF MY SHIFT.
ON 04/15/2015 APPROX. 1622 HRS. I WAS WORKING IN THE PATROL DIVISION AND WAS DRESSED IN A COMPLETE SAN LEANDRO POLICE UNIFORM. I RESPONDED TO THE WEST END OF 105TH AVENUE, OAKLAND, TO ASSIST THE SLPD CRIME SUPPRESSION UNIT. CSU HAD BROADCAST THAT THEY WERE SURVEILLING AN OCCUPIED STOLEN VEHICLE.

WHILE ENROUTE I HEARD ONE OF THE SLPD UNITS ON SCENE ANNOUNCE VIA SLPD RADIO, "SHOTS FIRED". I RESPONDED CODE 3 TO THE AFOREMENTIONED AREA. UPON ARRIVAL I IMMEDIATELY NOTED THAT SLPD UNITS WERE AT THE DEAD END (WEST) OF 105TH AVENUE. I POSITIONED MY VEHICLE TO BLOCK ALL W/B VEHICLE AND FOOT TRAFFIC AT CREEK SIDE DRIVE. I SUBSEQUENTLY PLACED "CRIME SCENE" TAPE ACROSS THE INTERSECTION. I HAD ALSO ACTIVATED MY PVR UPON ARRIVAL.

WHILE ON SCENE I DID NOT INTERVIEW ANY WITNESSES OR OFFICERS. I REMAINED AT THE AFOREMENTIONED POST UNTIL I WAS RELIEVED BY OPD OFFICERS APPROX. 1730 HOURS.

NFD.
BACKGROUND INFORMATION:

I am currently assigned as a Crimes Against Persons Detective within the San Leandro Police Department's Criminal Investigations Division. I'm assigned an unmarked Ford Taurus (#321). Vehicle #321 has a solid red and a flashing blue light affixed to the front passenger side visor. Vehicle #321 is also equipped with covert red, blue emergency lights and a siren.

DETAILS:

On 04-15-2015 at 1620 hours, I was summoned to testify in an unrelated case at the Superior Court at the Hayward Hall of Justice. I arrived at the Hayward Hall of Justice approximately 1400 hours.

I was requested to wait outside courtroom 518. While waiting to be called in to testify, while monitoring the San Leandro Police two-way radio, I was listening to the San Leandro Police Crime Suppression Unit conducting a surveillance on 105th and Creek side Circle in Oakland.

During the surveillance, Detectives from the Crime Suppression Unit located an occupied stolen vehicle at the dead-end of 105th. I continued to monitor the two-way radio while the detectives and uniformed San Leandro Police officers organized a plan to safely and effectively make an arrest on the subjects sitting inside the occupied stolen vehicle.

Shortly after the units advised San Leandro Dispatch, they were approaching the occupants inside the stolen vehicle, I heard Sergeant Morgan advised over his two-way radio, "shots fired."

I immediately entered the court room that was not in session and advised the District Attorney, I needed to leave. I quickly made my way to my vehicle and responded "code 3/" to 105th in Oakland.

I drove northbound on Interstate 880 and exited 98th Avenue. I arrived on scene and made my way to the crime scene location. I stood in the area of where the suspects Green Honda had collided into Sgt. Anthony's white pick-up truck.

I remained in this area with San Leandro Police K-9 Officer Hally and Detective Pasut. We were conducting scene security while the scene was still being secured.

After this location, I made my way to Detective Benz and assisted him in documenting a female who resided in the area of 105th. I obtained her information on a yellow Field Identification Card and presented it to San Leandro Police Officer Kwan.

The Hispanic Female Adult I spoke to was very cooperative and stated she did not witness anything. At the time I wrote this supplemental statement, I do not recall her name.

I was then assigned to San Leandro Police Detective Kritikos. Do to the fact Detective Kritikos was on scene during the actual incident, I remained in his presents and was instructed to drive him back to the San Leandro Police Department.

I drove my assigned San Leandro Police Vehicle while Detective Kritikos sat in the front passenger seat.

Once Detective Kritikos and I arrived at the San Leandro Police Department, we made our way to the south office's where we waited.

I did not have my body camera on.
NFD.
ON 04/16/15, ABOUT 1632 HOURS, I WAS WORKING A SECURITY DETAIL AT NIKE AT 1275 MARINA BOULEVARD. I RESPONDED TO THE DEAD END OF 105TH AVENUE IN OAKLAND REGARDING AN OFFICER INVOLVED SHOOTING. UPON ARRIVAL, I WAS ASSIGNED TO SECURITY DETAIL WITHIN THE PERIMETER WHERE THE INCIDENT TOOK PLACE. I DID NOT INTERVIEW ANYONE, NOR DID I COLLECT ANY EVIDENCE (MY TASER BODY CAMERA DOCUMENTED THIS INCIDENT). I ASSISTED SGT. LEJA BY TRANSPORTING OFFICER SHELDD TO THE SAN LEANDRO POLICE DEPARTMENT. OFFICER GOODMAN WAS AT THE SLPD AND TOOK SHELDD TO THE BREAK ROOM. I CLEARED THE SLPD AND RESPONDED TO CALLS FOR SERVICE FOR THE REST OF MY SHIFT.

NOTHING FURTHER.

THIS IS A SUPPLEMENTAL REPORT TO 2015-17715.
DETAILS:

ON 04/15/2015, AROUND 1640 HOURS, I RESPONDED TO THE AREA OF 105TH & CREEK SIDE CIRCLE TO ASSIST WITH AN OFFICER INVOLVED SHOOTING INCIDENT. UPON ARRIVAL, LIEUTENANT MCMANUS INSTRUCTED ME TO TAKE A CROWD CONTROL POST AT THE INTERSECTION OF 105TH AND EAST COURT IN OAKLAND. I REMAINED AT THE INTERSECTION UNTIL ALL OUTER PERIMETER UNITS WERE CLEARED.

ONCE CLEARED FROM MY POST, SERGEANT LEJA INSTRUCTED ME TO SEQUESTER OFFICER DARREN PASUT. I DROVE OFFICER DARREN PASUT FROM THE SCENE (105TH/CREEK SIDE CIRCLE) TO SLPD. I SEQUESTERED HIM INSIDE HIS OFFICE IN THE SOUTH OFFICE OF SLPD. MYSELF NOR ANYONE ELSE DISCUSSED THE SHOOTING WITH OFFICER DARREN PASUT.

I REMAINED WITH OFFICER DARREN PASUT UNTIL HE WAS TAKEN BY THE LDF ATTORNEY TO BE INTERVIEWED AT 2230 HOURS. OFFICER SHANE NELSON ALSO HAD A SEQUESTERED OFFICER THAT HAD BEEN INTERVIEWED AND RELEASED. OFFICER SHANE NELSON TOOK MY POSITION AND WAITED FOR OFFICER DARREN PASUT TO BE FINISHED WITH HIS INTERVIEW.

NO FURTHER DETAILS.
DETAILS:
On 04/15/2015, around 1621 hours, I heard Detective Kritikos advising of an occupied stolen vehicle near the dead end of 105th Street in Oakland. He requested units to set up a perimeter; one of the locations he requested was the area of Black Pine Drive and White Fur Drive. Officer Brum was already in the area. I was in the area of Davis Street and Douglas Avenue to cover him in case other subjects feld toward him.

As I was responding, it was advised shots were fired. Once they said all subjects were accounted for at the scene, I responded to the area of 105th Avenue and Creekside Circle to assist Officer Degranio in securing the crime scene. Around 1800 hours, Officer Degranio and I were released from the scene and Oakland PD units took over our positions.

No further details.
***THIS IS A SUPPLEMENTAL REPORT ONLY***

DETAILS:

ON 04/15/2015 AROUND 1630 HOURS, I WAS DISPATCHED TO THE AREA OF 105TH AVENUE AND CREEKSIDE CIRCLE IN OAKLAND TO ASSIST WITH A POSSIBLE OFFICER INVOLVED SHOOTING. I ARRIVED ON SCENE AROUND 1640 HOURS.

UPON ARRIVAL I TOOK A POST AT THE INTERSECTION OF 105TH AVENUE AND TOPANGA DRIVE. MY DUTIES CONSISTED OF MONITORING THE LARGE GROUPS OF PEDESTRIANS THAT WERE GATHERING IN THE AREA ALONG WITH DIRECTING VEHICULAR TRAFFIC.

I MAINTAINED THIS POST UNTIL APPROXIMATELY 1730 HOURS. AT THAT TIME I WAS ADVISED BY SLPD COMMAND STAFF THAT THE ENTIRE SCENE WAS TO BE HANDED OVER TO OAKLAND POLICE FOR THE REMAINDER OF THE INVESTIGATION.

MY PVRS DEVICE WAS NOT ACTIVATED DURING THIS INCIDENT.

REFER TO THE PRIMARY REPORT FOR ANY FURTHER DETAILS.

NFD
*** Oakland Police Case #15-020612 ***

*** Oakland Police Incident #811 ***

On Wednesday, 15 April 2015, about 1640 hours, I responded to 105th Avenue to assist with this Officer Involved Shooting (OIS). Upon arrival, Lieutenant M. Sobek told me this would Oakland Police Department's investigation but asked me to take overall photographs of the scene.

Using a digital, Canon Rebel EOS T3, single lens reflex camera, equipped with an 18-55mm zoom lens, I took the aforementioned photographs. Brief descriptions of each photograph are as follows:

All directions described herein are "San Leandro directions". (105th Avenue is an east/west street)... 

1) Looking toward the dead-end of 105th. Facing westerly.
2) Scene. Facing southerly.
3) 105th (complex) south side of street
4) Same as #3. Shows crowd behind crime scene tape.
5) 105th Avenue (300 block) facing easterly.
6) Same as #5. Different angle.
7) Photos of crowd/onlookers in 300 block.
8) Same as #7. Different angle.
9) Same as #7 and #8. Different angle.
10) South sidewalk. Looking toward scene.
11) Suspsect vehicle (passenger side) and Detective's truck (driver's side).
12) Both vehicles at rest.
14) Both vehicles at rest. Looking westerly.
15) Front of Detective's white Ford pick-up
16) Passenger side of Detective's truck.
17) Overall of Detective's truck.
18) Marked SLDP police car next to (to the north) of Detective's truck.
19) Red pick-up truck to the west of Detective's truck.
20) South sidewalk. Looking toward suspect vehicle (easterly).
21) Front of suspect vehicle. California license.
22) Red pick-up, suspect vehicle, and Detective's truck. South sidewalk.
23) Suspect vehicle and Detective's truck at rest
24) Clothing and medical debris on south sidewalk.
25) Same as #24. Different angle.
26) Interior of suspect vehicle taken from passenger window.
27) Same as #26. Different angle.
28) Same as #26 and #27. Different angle.
29) Driver's side of Detective's truck.
30) Driver's window of Detective's truck.
31) Suspect vehicle embedded into Detective's truck.
32) Bullet holes in suspect's vehicle windshield.
33) Space / relationship of Detective's truck and suspect vehicle.
34) Marked SLDP police car #395. Behind Detective's truck
35) SLDP police cars behind Detective's truck.
36) Marked SLDP unit #398 (driver's side).
37) South sidewalk. Looking westerly. Vehicle #398
38) Same as #37. Closer.
39) Driver's side vehicle #398
40) Vehicle #398 and #395 in relation.
41) Scene east of Detective's truck. White trailer on North side
42) Same as #41. Closer.
43) Same as #42. Closer. Detective's car: California
Scene from behind Detective's car
Same as #44. Several steps west.
Same as #45. Several steps west.
Same as #46. Several steps west.
Same as #47. Several steps west.
Same as #48. Several steps west.
Same as #49. Several steps west.
Same as #50. Several steps west.
Same as #51. Several steps west.
Same as #52. Several steps west.
Scene. Looking easterly from where #53 had been taken.
Block of cement on ground in front of Detective's truck.
Cement on ground. Shows relation to Detective's truck.
Scene. Looking easterly.
105th Avenue. Several steps west from #53 above.
Same as #58. Several steps west.
Same as #59. Several steps west.
Dead-end of 105th. Several steps west of #60.
Dead end of 105th. North sidewalk.
Onlooker at the dead-end of 105th South sidewalk. Taken from dead-end facing easterly.
Looking easterly toward scene. Marked SLPD vehicle #230 (K9 car)
Looking back toward scene. K9 car in foreground
Looking toward north sidewalk from dead-end.
Scene from dead-end.
Marked SLPD vehicle #363
Same as #69. Several steps east.
Same as #70. Several steps east.
Same as #71. Several steps east.
Same as #72. Several steps east. SLPD vehicle #352
Red pick-up. Same as #72. Several steps east.
Same as #74. Several steps east.
Same as #75. Several steps east. Silver under cover detective's car.
Trailer attached to red pick-up truck in street
North sidewalk. Trailer with red pick-up truck.
Same as #78. Several steps west along north sidewalk.
Same as #79. Several steps west along north sidewalk.
Front of pick-up truck 105th (yellow house, north side)
Same as #80. Several steps west along north sidewalk.
Same as #82. Several steps west along north sidewalk.
Silver undercover detective's car.
Same as #83. Pick-up truck parked along north curb facing east California
Same as #85. Several steps west along north sidewalk.
Front of pick-up truck parked along north curb facing east (wrong way)
Looking from north sidewalk toward scene (southerly)
Same as #86. Several steps west along north sidewalk.
Same as #89. Several steps west along north sidewalk.
Same as #91. Looking toward dead-end.
Same as #92. Different angle.
Same as #93. Looking toward dead-end.
Dead-end of 105th. Vehicle #230.
Looking back toward scene from dead-end (north sidewalk).
Looking east down north sidewalk from dead-end.
Looking east down south sidewalk from dead-end.
Same as #98. Several steps east.
Same as #99. Several steps east.
Same as #100. Suspect vehicle on south sidewalk.
Same as #101. Several steps east.
As I was completing my overall photographs of the scene, Lieutenant M. Sobek asked me to return to San Leandro Police Headquarters to take photographs of Sergeant B. Anthony.

About 1715 hours, I arrived and took the aforementioned photographs of Sergeant Anthony.

103) Overall of Sergeant B. Anthony. Raid vest "POLICE" visible.
104) Close-up of Anthony's upper torso. Vest "POLICE" visible.
105) Sergeant Anthony's right profile; standing.
106) Sergeant Anthony's back. Vest "POLICE" visible.
107) Close-up of Anthony's back. Vest "POLICE" visible.
108) Sergeant Anthony's back/left side.
109) Sergeant Anthony's left profile.
110) Sergeant Anthony's legs. Left leg shows dirt and scrapes.
111) Sergeant Anthony's left leg. Pants show dirt and scrapes.
112) Both legs.
113) Back of Sergeant Anthony's legs.
114) Same as #113. Different angle.
115) Abrasion on Sergeant Anthony's left shin.
116) Close-up of abrasion.
117) Close-up of abrasion. Flash deactivated for lighting.
118) Both legs for comparison.
119) Right leg for comparison.
120) Right leg for comparison. Flash deactivated for lighting.

My photographs were burned to a data disc and given to Oakland Police Crime Scene Technician Middleton. I did this about 1750 hours.

Nothing further.
INVESTIGATION:

On 041515, around 1700 hours, I responded to the west end of 105th Avenue in Oakland to provide assistance in an officer involved shooting. Upon arrival, I remained outside of the immediate crime scene where the involved officers and evidence were located. I was given instruction to act as a chaperone for Officer B. Buss and bring him back to the police station.

Around 1730 hours, I drove Officer Buss to the station and we sequestered ourselves in the “soft” interview room of the Criminal Investigations Division to avoid contact with any other involved officers.

I left the room when Officer Buss spoke with his legal representative, and later when he was interviewed by Oakland Police investigators.

I concluded my duties after Officer Buss completed his interview and left around 2230 hours. Since I did not have my police raid vest on during this assignment, and was dressed in a class D uniform (SLPD polo shirt and tac pants), my body camera was not activated.

No further details.
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 ADHERATION: 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:

X

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

Witness Officer:

NAME: [Redacted]

ADDRESS: 10571 Av. Oakland

EMPLOYER NAME/ADDRESS:

LICENSE NO.: [Redacted]

STATE: [Redacted]

YEAR: [Redacted]

MAKE: [Redacted]

MODEL: [Redacted]

STYLE: [Redacted]

COLOR: [Redacted]

DESCRIPTION: [Redacted]

1. I was inside my house and heard shooting.
2. I came outside and saw a lot of police officers. I did not see anything.
3. I thought and don't know what happened.

Reporting Officer: [Redacted]

Date/Time Written: 09/15/75
[Handwritten text]

I was out in the yard, and I heard a bunch of shots. I came running out to see what was happening. There were crashed cars and people. I didn't know whose. I didn't see anything before the shots so I don't know what happened.

[Signature]

[Date/Time]
I was in the house and cleaned the room because I was going to a meeting.

I saw a bunch of cops with their guns out and aiming at a black car. I didn't really look at the car and scanned the room, which I meant the shots.

The door when I mean the shots I opened the door from when it was far and saw the guy putting a fire on fire on the ground. They looked like they were drinking CPA.