ARBITRATION PROCEEDINGS
BEFORE
SHAWN P. CLOUGHESY

IN THE MATTER OF THE APPEAL OF ERIC TOOMEY, FROM TERMINATION AS A POLICE OFFICER WITH THE CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT.	PROPOSED DECISION (California State Mediation & Conciliation Service Arbitration No. Arb 21-0342.) (December 16, 2024)

Mastagni Holstedt, APC, by Joseph A. Hoffman Esq., for Sacramento Police Officers Association and Eric Toomey.

Sloan Sakai Yeung & Wong, LLP, by Timothy G. Yeung, Esq. and Arcelia Hurtado, Esq., for the City of Sacramento, Sacramento Police Department.

Before Shawn P. Cloughesy, Arbitrator.

Dates of Arbitration Hearing: April 4, 5 and 6, and June 28, 29 and 30, 2023.

INTRODUCTION

This arbitration arises from an appeal filed pursuant to the Memorandum of Understanding (MOU) between the Sacramento Police Officers Association (Association) and the City of Sacramento (City) effective between 2019 and 2021 and the Rules and Regulations of the Civil Service Board over the May 9, 2022 termination of Police Officer Eric Toomey (Toomey) from the Sacramento Police Department (Department) because of his acts or omissions committed during the February 15, 2021 vehicle pursuit and officer-involved shooting of a suspect who

was considered to have committed arson and violated a domestic violence restraining order.

PROCEDURAL HISTORY

Termination Action and Appeal

Effective May 9, 2022, Toomey was terminated from his position as a police officer with the Department when he was served with a final notice to terminate him, dated that same day. Specifically, the termination was based upon the following allegations which occurred during a February 15, 2021 vehicle pursuit and officer-involved shooting: (1) Toomey failed to immediately activate his siren until 28 seconds after the beginning of the announced vehicle pursuit in violation of Sacramento Police Department General Orders (General Orders) 521-01—Pursuit of Vehicles; (2) Toomey pursued the suspect's vehicle at an unsafe speed resulting in the collision of his police vehicle with the suspect's vehicle in violation of General Orders 420.01—Use of Police Vehicles;[1] (3) Toomey failed to tactically reposition himself or his vehicle at the termination of the vehicle pursuit during the 25 second time period of the felony stop in order to avoid discharging his firearm at the suspect in violation of General Orders 580.06—De-escalation and Planned Response; (4) Toomey failed to reposition himself or his vehicle out of the path of the suspect vehicle's anticipated direction and instead used deadly force against the suspect by discharging his firearm in violation of General Orders 580.02—Use of Force; (5) after the suspect's vehicle was not an imminent threat of danger of causing death or serious bodily harm to Toomey or other

[1] The Final Notice to Terminate, dated May 9, 2022, mistakenly numbered this general order as General Orders 421.01.

officers, Toomey discharged one final round from his firearm toward the suspect instead of repositioning himself in violation of General Orders 580.02—Use of Force and 580.06 De-Escalation and Planned Response; and (6) Toomey deactivated his body-worn camera at the conclusion of the incident without the approval of his supervisor in violation of General Orders 525.07—Body-Worn Camera. These described acts/omissions were alleged to have constituted a violation of the Rules and Regulations of the Civil Service Board, Rule 12.2[2] subdivisions (b) Incompetence . . . ; (c) Inefficiency . . . ; (d) Inexcusable neglect of duty; . . . (q) Negligence which causes damage to City or public property; . . . and (w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service.

On May 9, 2022, the Association and Toomey appealed the final notice to terminate him to the City of Sacramento Civil Service Board (Civil Service Board) and requested a formal arbitration hearing pursuant to MOU Article 21.3.

Arbitration Proceedings before Arbitrator Hoh

Arbitrator Ronald Hoh (Arbitrator Hoh) was selected by the parties of the MOU (the Association[3] and the City) to be the arbitrator from a list of names provided by the California State Mediation & Conciliation Service (CSMCS).

---

[2] All references to the Rules and Regulations of the Civil Service Board herein shall be referred to by its Rule number, such as "Rule 12.2."

[3] In these arbitration proceedings, the Association was representing its member—Toomey.

The arbitration hearing was conducted by Arbitrator Hoh on April 4, 5 and 6, 2023 in Sacramento, California in-person, and June 28, 29 and 30, 2023, by videoconference. The parties were afforded the opportunity to present opening statements, examine and cross-examine witnesses, and introduce relevant exhibits.[4]

On March 31, 2023, the Association submitted a prehearing brief to the arbitrator where the Association laid out its positions/arguments that it would be presenting at the arbitration. In the prehearing brief, the Association contended that the City must bear its burden of proof by a preponderance of the evidence and that the issue before the arbitrator was "whether ***good cause*** supported Employer's, City of Sacramento, termination of Eric Toomey's employment, and if not, what the remedy should be." (Emphasis added.)

On April 4, 2023, the first day of hearing, the parties agreed that there were no procedural issues to discuss, and that the matter was properly before the arbitrator. The parties agreed to the following statement of issue:

> "ARBITRATOR HOH: . . . It's my understanding the parties have agreed to the following issue before the Arbitrator. It's somewhere here. Here it is. Okay. It is as follows: Was there ***good cause*** to support the City of Sacramento's termination of the -- I am going to call him Grievant -- Grievant's employment, and, if not, what shall the remedy be?
>
> Is that a proper description of the issue and is it indeed joint?

---

[4] The parties submitted Joint Exhibits 1 through 12, Association Exhibits 1 through 55, and City Exhibits 1 through 3. Of these exhibits, the only exhibits which were not agreed to be admitted into the evidentiary record was Association Exhibit 16, which remained outstanding. While this agreement was not reflected in the transcript, the parties stipulated that such agreement was correct pursuant to a subsequent communication with the undersigned arbitrator.

"MR. DELLA SANTA: Yes, sir.

"MR. HOFFMANN: Yes.

"ARBITRATOR HOH: Thank you."

(Transcript, page 7:8-18; emphasis added.)

Opening statements were taken on the first day of hearing. The City narrowed one of the allegations in the case, by not disputing that Toomey was in reasonable fear of his life of being potentially injured when the suspect in question attempted to drive his minivan between Toomey's police vehicle and the zig-zagged concrete barrier.

Post-hearing briefs were submitted on November 17, 2023.

On March 4, 2024, the Association sent an email to the arbitrator and clarified that Toomey should receive backpay as a remedy augmented by 10 percent interest which was to be compounded daily.[5] The Association also contended in that email that Toomey's backpay remedy should include his field training officer differential and the retroactive salary increase which was included in the most recent MOU between the Association and the City, executed on December 12, 2023.[6] On April 21, 2024, the City objected to the Association's requests as it did not believe the issue should be

[5] The Association cited to Public Employment Relations Board (PERB) decision *El Centro Regional Medical Center* (2024) PERB Decision No. 2890-M, pp. 22-25, and attached that decision to the email.

[6] The December 12, 2023 MOU was also attached to the email.

presented months after the matter had been submitted and that the arbitration was not a proceeding under the jurisdiction of the PERB.[7]

Selection of a New Arbitrator

On July 1, 2024, Arbitrator Hoh contacted the parties and informed them that he must return the arbitration proceeding (without the issuance of a proposed decision) to them for health reasons.

On September 6, 2024, the parties notified Arbitrator Shawn P. Cloughesy (Arbitrator Cloughesy) that he had been selected by them through the CSMCS to write a proposed decision on the existing record of this case. On September 9, 2024, the arbitrator and the parties met to discuss how the evidentiary record would be provided to the arbitrator and the Association alerted the arbitrator that it desired to file a motion to reopen the evidentiary record to submit a document to be included into the evidentiary record. The arbitrator and parties then scheduled the motion, its opposition, and its reply.

Motion to Reopen the Arbitration Proceedings

On September 16, 2024, the Association filed its motion to reopen the arbitration proceedings to submit a recently obtained August 16, 2024 memo from Sacramento County District Attorney Thien Ho regarding the officer-involved shooting of Toomey and Officer Nicholas Caro (Caro) of suspect Adan Martinez (Martinez) which took place on February 15, 2021. In the memo, the district attorney's office stated that it would not be prosecuting Toomey or Caro for their use of deadly force

[7] This remedial issue was eventually rendered moot as the appeal was denied and the discipline was sustained.

and explained its reasons for its refusal to prosecute. The Association requested that the evidentiary record be reopened so that the memo would be admitted into the evidentiary record. The Association attached a copy of the nine-page memo to its motion.

On September 27, 2024, the City filed its opposition to the Association's motion to reopen the arbitration proceedings, arguing, *inter alia*, that the memo was irrelevant as: (1) the district attorney's office utilizes a different standard of proof than in this arbitration, (2) the memo would not likely impact the outcome of the proceedings, and (3) the memo would prejudice the City as it would not be able to call district attorney investigators to rebut the memo.

On October 4, 2024, the Association submitted its reply brief to the City's opposition to the motion.

On November 1, 2024, the arbitrator issued his ruling granting the motion to reopen the arbitration proceedings for the submission of the August 16, 2024 memo. The Arbitrator found that the memo was relevant to the extent of considering the harm to the public service caused by Toomey's conduct, but that the memo would not carry any preclusive effect. The arbitrator allowed the City an opportunity to call witness(es) or provide other documentary evidence to rebut or minimize the relevance of such memo, but the City did not exercise its right to request to present further evidence by the deadline set by the arbitrator—November 8, 2024.

With the passing of the November 8, 2024 deadline, the matter was submitted on that day for the issuance of a proposed decision.

STATEMENT OF THE ISSUE

Both parties agreed that the issue is as follows:

Was there good cause to support the City of Sacramento's termination of Toomey from employment, and if not, what shall the remedy be?

PERTINENT PROCEDURAL MOU PROVISION

MOU Article 21.3 sets forth the disciplinary arbitration procedures for disciplinary actions of termination and provides:

"21.3 APPEALS OF FORMAL DISCIPLINE ABOVE A LETTER OF REPRIMAND

"***Appeals of all formal discipline above letter of reprimand will be heard by a third party neutral arbitrator*** using one (1) of the two (2) following processes, at the employee's discretion. On any discipline above an eighty (80) hour suspension, if there is a disagreement between the parties regarding which process to use, the default will be formal arbitration.

"[¶ . . . ¶]

"b. Formal Arbitration Hearing

"(1) The City and the Association agree to a hearing process which utilizes a ***third party neutral arbitrator***. . . .

"[¶ . . . ¶]

"(4) The decision of the arbitrator, which shall be presented as the joint recommendation of the parties, shall be ***advisory*** to the Civil Service Board.

"c. Both the expedited and formal arbitrations will be held in accordance with the following:

"(1) The hearings will be *conducted pursuant to* ***Rule 12.1 through 12.8*** . . . The arbitrator may only ***sustain,***

modify or deny the discipline that is being appealed.

"(2) The arbitrator's decision becomes the ***jointly recommended proposed decision*** or the parties may agree to enter into a settlement agreement which adopts the arbitrator's decision."

(Emphasis added.)

PERTINENT RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD

Rules 12.1, 12.2, 12.3 and 12.7 provide in pertinent part:

"12.1 Disciplinary Power. The City Manager, or other official or Board in whom is ***vested disciplinary or removal power***, shall be allowed full freedom on such matters, it being the intent and spirit of this article to provide a ***fair and honest approach to municipal employment*** for every inhabitant of the City, but, in no sense, to handicap or curtail the responsible administrative officer in securing efficient service.

"12.2 Causes for Disciplinary Action. Any City employee may be disciplined for ***just cause, including but not limited to the following forms of conduct*** if found to exist:

"[¶ . . . ¶]

"(b) Incompetence. As used herein, the term 'incompetence' shall mean that the employee ***lacks adequate ability, knowledge or fitness to perform the duties*** which are within the scope of the employee's employment. . . . ; [8]

---

[8] "The term "incompetency" is "generally used in a variety of factual contexts to indicate an ***absence of qualification, ability or fitness to perform a prescribed duty*** *or function*." (*Pollak v. Kinder* (1978) 85 Cal.App.3d 833, 839 (*Pollak*); emphasis added.) As the court noted in *Pollak*, "[w]hile it is conceivable that a single act of misconduct under certain circumstances may be sufficient to reveal a general lack of ability to perform [an employee's] duties," one negligent act does not usually constitute incompetency. (*Id*. at p. 839.)

"(c) Inefficiency in performance of work which results in ***performance lower than that which is typically expected of a similar employee in a similar position***;[9]

"(d) Inexcusable neglect of duty;[10]

"[¶ . . . ¶]

"(q) Negligence which causes damage to City or public property;[11]

"[¶ . . . ¶]

"(w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service;

"[¶ . . . ¶]

"12.3 Definition of 'Disciplinary Action'. The term 'disciplinary action' as used in Rule 12 shall mean and include:

---

[9] "Inefficiency" generally connotes a ***continuous failure by an employee to meet a level of productivity*** set by other employees in the same or similar position. (Emphasis added.) [See *Sweeney v. State Personnel Board* (1966) 245 Cal.App.2d 246 where inefficiency was found after witnesses testified that others doing same work did more than the employee in same amount of time; *Bodenschatz v. State Personnel Board* (1971) 15 Cal.App.3d 775, where inefficiency was found when the court compared statistical data of the employee's productivity with other officers performing like duties.]

[10] "Inexcusable neglect of duty" has been defined as ". . . an intentional or grossly negligent failure to exercise due diligence in the performance of a known official duty." (*Gubser v. Department of Employment* (1969) 271 Cal.App.2d 240, 242 (*Gubser*).)

[11] The only factual allegation that this legal cause for discipline seems to apply to is that Toomey pursued the suspect Martinez's vehicle at an unsafe speed resulting in the collision of his vehicle with Martinez's vehicle at the termination of the vehicle pursuit in violation of General Orders 420-01—Use of Police Vehicles. Therefore, whether this legal cause for discipline was violated by Toomey will only be analyzed in relation to this allegation, and not the other allegations.

"[¶ . . . ¶]

"(f) dismissal;

"when any such action is taken toward an employee for misconduct pursuant to Section 12.2 of this rule.

"[¶ . . . ¶]

"12.7 Time for Appeal. Any employee against whom disciplinary action is taken shall have the right to appeal from such disciplinary action; provided, however, that the employee must deliver a written notice of appeal to the Director within fifteen (15) calendar days of the date of delivery of the written notice of disciplinary action as specified by Rule 12.5. . . ."

(Emphasis added.)

PERTINENT SUBSTANTIVE STATUTES

The following pertinent statutes in this case provide:

Vehicle Code 21055

"The driver of an authorized emergency vehicle is exempt from [various Vehicle Code laws], ***under all of the following conditions***:

"(a) If the vehicle is being driven in response to an emergency call . . . or is being used in the immediate pursuit of an actual or suspected violator of the law . . . .

"(b) If the driver of the vehicle sounds a siren ***as may be reasonably necessary*** and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

"A siren shall not be sounded by an authorized emergency vehicle except when required under this section."

(Emphasis added.)

Penal Code 835a

"(a) The Legislature finds and declares all of the following:

"(1) That the authority to use physical force, conferred on peace officers by this section, ***is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life***. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.

"(2) As set forth below, it is the intent of the Legislature that peace officers use deadly force ***only when necessary in defense of human life***. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques ***if reasonably safe and feasible to an objectively reasonable officer***.

"(3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

"(4) That the decision by a peace officer to use force shall be evaluated ***from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight***, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

"[¶ . . . ¶]

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

"(c)

"(1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer ***reasonably believes, based on the totality of the circumstances, that such force is necessary*** for either of the following reasons:

"(A) ***To defend against an imminent threat of death or serious bodily injury to the officer or to another person***.

"(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

"(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

"(d) ***A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested***. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. ***For the purposes of this subdivision, 'retreat' does not mean tactical repositioning or other deescalation tactics***.

"(e) For purposes of this section, the following definitions shall apply:

"(1) ***'Deadly force'*** means any use of force that creates a substantial risk of causing death or serious bodily injury, ***including***, but not limited to, ***the discharge of a firearm***.

"(2) ***A threat of death or serious bodily injury*** **is '*imminent'*** when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the ***present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person***. ***An imminent harm is not merely a fear of future harm***, no matter how great the fear and ***no matter how great the likelihood of the harm***, but is one that, from appearances, must be ***instantly confronted and addressed***.

"(3) 'Totality of the circumstances' means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force."

(Emphasis added.)

Government Code 7286

"(a) For the purposes of this section:

"(1) ***'Deadly force'*** means any use of force that creates a substantial risk of causing death or serious bodily injury. ***Deadly force includes***, but is not limited to, ***the discharge of a firearm***.

"(2) 'Excessive force' means a level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by this section, or any other law or statute.

"(3) ***'Feasible'*** means ***reasonably capable of being done*** or carried out under the circumstances to successfully achieve

the arrest or lawful objective ***without increasing risk to the officer or another person***.

"[¶ . . . ¶]

"(b) Each law enforcement agency shall, by no later than January 1, 2021, maintain a policy that provides a minimum standard on the use of force. Each agency's policy shall include all of the following:

"(1) ***A requirement that officers utilize deescalation techniques***, crisis intervention tactics, and other alternatives to force ***when feasible***.

"(2) A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance."

(Emphasis added.)

PERTINENT DEPARTMENTAL POLICIES

The following pertinent departmental policies provide in part:

GENERAL ORDERS 420.01—USE OF POLICE VEHICLES

"**PURPOSE**
"To establish procedures for the use of police vehicles.

"**POLICY**
"To ensure that City vehicles are used in a safe manner for official business.

"**PROCEDURE**
"[¶ . . . ¶]"

"B. GENERAL

"1. Employees shall operate Department vehicles ***with due care, caution***, and obey all traffic laws except as authorized by law."

"[¶ . . . ¶]"

(Emphasis added.)

GENERAL ORDERS 521.01—PURSUIT OF VEHICLES

"**PURPOSE**
"The purpose of this order is to establish procedures for vehicle pursuits.

"**POLICY**
"It shall be the policy of the Sacramento Police Department to closely control and monitor pursuits consistent with California law and the safety of all persons.

"**PROCEDURE**
"[¶ . . . ¶]"

"B. SAFETY RULES ABOUT PURSUITS
California Vehicle Code Section 21055 states that the driver of an emergency vehicle may disregard Division 11, 'Rules of the Road,' when in pursuit of an actual or suspected violator or when responding to an emergency. ***This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons***, nor does it protect the driver of an authorized emergency vehicle from the consequences of an arbitrary exercise of the provision.

"C. GENERAL
"1. ***Officers in a vehicle pursuit shall immediately***
"a. Activate emergency lights.
"b. ***Sound the siren continuously***."

(Emphasis added.)

GENERAL ORDERS 580.02—USE OF FORCE

"**PURPOSE**
"This policy establishes guidelines for the use and application of force, as well as the procedures for after-force medical care and for the reporting, investigation and review of incidents after an application of force.

"**POLICY**

"The Sacramento Police Department (SPD) values the ***sanctity of human life*** and the freedoms guaranteed by the United States and California constitutions. Use of force (UOF) by peace officers is of important concern to the community. ***The role of law enforcement is to safeguard life, dignity, liberty of all persons***, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

"A peace officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance and the need for apprehension prior to the utilization of force. ***A peace officer shall continually evaluate tactics when determining the appropriate UOF response***. If necessary, a peace officer shall render medical aid pursuant to GO [General Order] 522.02 (Emergency Care for Individuals Under Police Care or Control) as soon as reasonably possible.

"A peace officer shall employ ***de-escalation*** and crisis intervention ***techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person***. When making UOF decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

"Peace officers shall use deadly force only when necessary in defense of human life or to prevent serious bodily injury. The decision by a peace officer to use force shall be evaluated ***from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force***. SPD shall evaluate the UOF used by its peace officers to ensure that the use of such force is lawful and consistent with this policy.

"**PROCEDURE**

"A. DEFINITIONS

"1. ***IMMINENT THREAT*** - An imminent threat is considered to exist if a subject has demonstrated actions that would lead one to reasonably believe that, based on the totality of the circumstances, the subject will continue to pose a threat if not apprehended immediately. A person is an imminent threat if the peace officer ***reasonably believes*** that the person has the ***present intent, means, opportunity and ability to complete the threat regardless of whether the threatened action has been initiated***. Penal Code Section 835a (e)(2) states: "***An imminent harm is not merely a fear of future harm***, no matter how great the fear and ***no matter how great the likelihood of the harm***, but is one that, from appearances, ***must be instantly confronted and addressed***."[12]

"2. ***FEASIBLE*** – 'Feasible' means ***reasonably capable of being done*** or carried out under the circumstances to successfully achieve the arrest or lawful objective ***without increasing risk to the peace officer or another person***.

"3. TOTALITY OF CIRCUMSTANCES – All facts known to, or perceived by, the peace officer at the time, including the conduct of the officer and the subject leading up to the UOF.

"4. PROPORTIONALITY - When determining the appropriate level of force, a peace officer shall balance the severity of the offense committed, the threat to public safety and the level of force needed to overcome resistance based on the totality of the circumstances known to, or perceived by, the officer at the time.

"5. ***DE-ESCALATION*** - Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to

---

[12] *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is "immediate and present" and "must be instantly dealt with," it is not prospective or even in the near future].

resolve the situation without the UOF or with a reduction of the force necessary. ***De-escalation tactics include***, but are not limited to, warnings, verbal persuasion, and ***tactical repositioning***.

"[¶ . . . ¶]

"8. FORCE DEFINITIONS

"a. OBJECTIVELY REASONABLE FORCE - An objective standard of force viewed ***from the perspective of a reasonable peace officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to, or perceived by, the peace officer at the time***.[13]

"b. NECESSARY FORCE – Peace officers may use deadly force only when necessary in defense of human life or serious bodily injury. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force. (Penal Code 835a).

"[¶ . . . ¶]

"d. LESS LETHAL FORCE- Any force that is not reasonably likely to cause death. Less lethal force options include, but are not limited to, the use of the CED, baton, chemical agents, 40mm projectiles, bean bag shotgun rounds, personal body weapons, and control holds.

"e. ***DEADLY FORCE*** - Any force that poses a substantial risk of causing death or serious bodily injury is considered deadly force. ***Deadly force may include***, but is not limited to, ***the discharge of a firearm***, an intentional strike to the head with an impact weapon or an improvised impact weapon.

---

[13] See *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kisela v. Hughes* (2018) 584 U.S. 100, 103.

"9. INJURY DEFINITIONS

"[¶ . . . ¶]

"b. SERIOUS BODILY INJURY - A serious impairment of physical condition, including but not limited to loss of consciousness, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

"[¶ . . . ¶]

"E. CONSIDERATIONS GOVERNING UOF

"1. All applications of force whether deadly or less lethal are governed by this policy.

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

"3. A peace officer who makes or attempts to make an arrest ***need not retreat*** or desist from his efforts because 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 objectively reasonable force (in compliance with Penal Code section 835a) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, ***'retreat' does not mean tactical repositioning or other de-escalation tactics***.

"[¶ . . . ¶]

"6. When ***feasible*** under the totality of the circumstances and where it may be accomplished ***without increasing the risk of harm to peace officers*** or another person, ***peace officers shall attempt to de-escalate situations***.

"[¶ . . . ¶]

"G. FORCE OPTIONS

"1. Peace officers have a variety of force options available to them. Peace officers do not need to follow a continuum of force but shall select the UOF they deem appropriate for the

circumstances, ensuring their UOF complies with the law, the provisions of this policy and any specific department policies or manuals governing the type of force they select to use.

"2. Peace officers shall ***continue to assess their UOF selection*** and either transition to a different UOF option or discontinue a UOF based on their assessment, ensuring their UOF option remains reasonable for the circumstances.
"[¶ . . . ¶]

"J. POINTING A FIREARM

"1. Nothing in this policy shall preclude a peace officer from [the] drawing of a firearm when the officer reasonably believes it necessary for the safety of the officer or another.

"[¶ . . . ¶]

"K. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

"1. ***The use of a firearm*** or other deadly force ***is the most serious decision a peace officer may make***. In determining whether deadly force is necessary, peace officers ***shall evaluate each situation*** considering the circumstances of each case and shall use other available resources and techniques ***if reasonably safe and feasible to a reasonable peace officer***.

"2. A peace officer is justified in using ***deadly force*** upon another person only when the officer ***reasonably believes***, based on the totality of the circumstances, that such force is necessary against ***imminent threat of serious bodily injury or death***.

"3. Peace officers are authorized to use a deadly level of force under the following circumstances:
"a. To prevent a crime where the subject's actions are reasonably believed to place others in imminent jeopardy of serious bodily injury or death; or,
"b. To prevent the escape of a fleeing subject when the peace officer reasonably believes the escape will pose a significant threat of serious bodily injury or death to the peace officer or another person if apprehension is delayed.

"[¶ . . . ¶]

"6. A peace officer may discharge a firearm in the performance of their official duty:

"a. To ***protect themselves or another person*** from what is ***reasonably believed to be an imminent threat of serious bodily injury or death***.

"[¶ . . . ¶]

"9. The decision by a peace officer to use ***deadly force*** shall be evaluated from the ***perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight***, ***and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force***.

"[¶ . . . ¶]

"L. MOVING VEHICLES

"1. ***A peace officer shall make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants***.

"2. ***A peace officer shall make every reasonable effort to not intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer***.

"3. Peace officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

"4. Peace officers shall not discharge a firearm at or from a moving vehicle unless one of the following circumstances exists:

"a. The peace officer reasonably believes that deadly force, or the imminent threat of deadly force, is being used against a peace officer or another person by means other than the moving vehicle."

GENERAL ORDERS 580.06—DE-ESCALATION AND PLANNED RESPONSE

"**PURPOSE**

"The purpose of this order is to provide guidelines for interacting with those individuals who may be experiencing emotional or mental health crises.

"**POLICY**

"The Sacramento Police Department is committed to providing a consistently high level of service to all members of the community and recognizing that persons in crisis may benefit from intervention. It shall be the intent of the involved peace officer(s) to resolve an incident as safely as possible to protect the public and persons involved by reducing the danger through use of tactics, techniques, and force options. This is to ensure equitable and safe treatment of all involved. A peace officer shall employ ***de-escalation*** and crisis intervention ***techniques when feasible*** and when doing so ***does not increase the risk of harm to peace officers*** or another person. . . . The Sacramento Police Department (SPD) ***values the sanctity of human life and the freedoms guaranteed by the United States and California Constitutions***. Use of force (UOF) by peace officers is of important concern to the community. ***The role of law enforcement is to safeguard life, dignity, liberty of all persons***, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

"**PROCEDURE**

"A. DEFINITIONS

"1. ***DE-ESCALATION*** - Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation, to decrease the likelihood of the need to use force, decrease the severity of any force required, reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation with voluntary compliance. ***De-escalation techniques include***, but are not limited to, gathering information, assessing risks, warnings, verbal and non-verbal persuasion, crisis intervention techniques, utilizing available resources (such as personnel and equipment), and ***tactical repositioning***.

"[¶ . . . ¶]

"B. GENERAL

"1. PLANNING - Peace officers should attempt to arrive at the scene with a coordinated approach based upon initial information and any pre-existing knowledge of the subject(s) or the involved parties. As additional information or factors become known to the peace officer, responding peace officers need to remain flexible and adapt to changing circumstances. Peace officers should attempt to isolate and contain subjects who are experiencing a crisis situation.

"[¶ . . . ¶]

"3. ***ASSESSMENT***- Peace officers should ***continually assess the situation as circumstances change and additional information is received***. In the event of non-compliance demonstrated by the subject, peace officers should attempt to determine whether the lack of compliance is a deliberate attempt to resist or escape, or an inability to comprehend due to environmental, physical, cognitive, or other conditions. If the subject is unable to comprehend the situation, additional resources or tactical options may be needed to safely resolve the situation (i.e. infield mental health counselor or county clinician).

"[¶ . . . ¶]"

(Emphasis added.)

GENERAL ORDERS 525.07—BODY-WORN CAMERA

"**PURPOSE**

"This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that they may reliably record their investigations and enforcement activity in accordance with the law and ***in order to provide accountability and transparency to the public***.

"**POLICY**

"It shall be the policy of the Sacramento Police Department (SPD) to utilize a BWC in a manner that will assist in criminal investigations and prosecutions as well as civil litigation, by providing a recording of the

incident that may supplement an employee's report and help document police conduct, investigations, and enforcement activity.

"**PROCEDURE**
"[¶ . . . ¶]

"F. DEACTIVATION OF THE BODY-WORN CAMERA
"1. Once their BWC is activated, employees shall not deactivate their BWCs until the investigative or enforcement activity has concluded. If investigative or enforcement activity resumes, the employee shall re-activate the BWC and continue recording.

"[¶ . . . ¶]

"3. After a recorded public safety statement is obtained ***during an [officer-involved shooting,] the patrol sergeant will instruct involved officers to turn off their BWC*** so that they can be collected as evidence."

(Emphasis added.)

STATEMENT OF FACTS

Toomey—Employment with Department

Toomey began as a cadet with the Sacramento Police Academy (Academy) in June 2015 and graduated in December 2015. Toomey was initially hired with the Department as a community service officer while completing his instruction at the Academy.[14] He was later hired as a police officer (officer) in March 2016. During his tenure as an officer, he served as a field training officer and an acting sergeant. Toomey has no record of receiving any disciplinary action from the Department prior to the incident in question in these proceedings.

[14] The community service officer is a non-sworn position at the Department.

A. Prior Evaluations

On January 5, 2019, Toomey received his performance evaluation report for calendar year 2018. The evaluation stated that Toomey was the senior officer assigned to Department Team 31. Toomey was predominantly rated as "exceeds standards" in all rating categories.[15] Toomey was found to have a good understanding of the Department's General Orders as well as current case law as it relates to day-to-day police activities.[16] As the senior officer on the team, Toomey was considered a natural leader among the team, and was relied upon to "make sound leadership decisions and handle critical situations with a sound mind." The evaluation reflected that Toomey was to review General Orders 580.02—Use of Force and 521.01—Pursuit of Vehicles, as well as other departmental general orders.

On January 25, 2020, Toomey received his performance evaluation report for calendar year 2019. The evaluation reflected that Toomey was still assigned to Department Team 31. Toomey was predominantly rated as "exceeds standards" in all rating categories.[17] The evaluation reflects that Toomey performed the duties of an acting sergeant on a number of occasions as a result of his tenure and experience.

---

[15] The rating levels were "needs improvement," "meets standards," and "exceeds standards." Of the 11 rating categories, Toomey received eight "exceeds standards" ratings and three "meets standards" ratings.

[16] Toomey was rated as "exceeds standards" in the rating categories of "understanding of applicable orders, codes, policies, laws, and technology" and "[u]nderstanding of job duties and responsibilities."

[17] Again, of the 11 rating categories, Toomey received eight "exceeds standards" ratings and three "meets standards" ratings.

Toomey was entrusted by his supervisor to be assigned high profile calls for service. The evaluation reflected that Toomey reviewed General Orders 580.02—Use of Force and 521.01—Pursuit of Vehicles, as well as other departmental general orders by January 25, 2020.

On December 20, 2020, Toomey received his performance evaluation report for 2020.[18] The report reflects that he became a field training officer and trained officers and received good ratings from those he instructed. The report also noted that as the senior officer, Toomey was a mentor to other officers and a community service officer. Toomey also was assigned as the acting sergeant during this rating period and his supervisor could rely on him to make "smart educated decisions."

B. Commendations and Awards

1. April 2017 Bronze Medal of Valor

In April 2017, Toomey was awarded the Bronze Medal of Valor. He received the award because of his actions during an April 8, 2016 call for service where he had to discharge his firearm at a suspect who was coming forward to attack an officer with two knives. At that time, Lieutenant Steve Oliveira found Toomey's officer-involved shooting to be within departmental policy.

2. September 6, 2017 Commendation

On August 31, 2017, the Chief Executive Officer of Women Escaping a Violent Environment (WEAVE) sent the Chief of Police a letter of commendation regarding the actions of Toomey and another officer who responded to a woman who was

[18] The 2020 performance evaluation report did not consist of a format of rating categories and rating levels as much as a narrative description of Toomey's performance.

experiencing a mental health crisis. Toomey and the other officer treated the woman with compassion and were able to transport her to an area hospital where she was medically evaluated. On September 6, 2017, the Chief of Police wrote a letter to Toomey expressing his thanks for a job well done.

3. September 19, 2019 Commendation

On September 19, 2019, Toomey received a congratulatory memorandum from Captain Adam Green (Captain Green) for Toomey's quick response on September 10, 2019, in apprehending a convicted sex offender and rescuing a victim from being sexually assaulted.

4. August 27, 2020 Letter of Appreciation

On August 27, 2020, Toomey received a letter of appreciation from Captain Green regarding Toomey's assistance on a burglary investigation that led to the apprehension of the suspect.

5. January 27, 2021 Letter of Appreciation

On January 27, 2021, Grants Pass Police Detective Archie Lidey sent an email to Toomey's supervisor expressing his thanks for the assistance of Toomey and Officer Victor Stevens (Officer Stevens) on January 6, 2021, for assisting him to find the license plate number of a suspect in a homicide investigation which led to the suspect's apprehension.

6. March 12, 2021 Commendation

On March 12, 2021, Toomey received a commendation from the Chief of Police regarding an incident on February 9, 2021[19] for Toomey and other officers' timely response to a suicidal woman on a bridge railing. The three officers showed compassion to the woman and were able to persuade her not to jump off the bridge.

C. Recent Training regarding Use of Force

In November 2020, Toomey attended the training as set forth in the Perishable Skills Program.[20] The training included the department's use of force and firearms policy, which included subjects such as: the legal, moral, and ethical issues involving the use of force; ensuring that the exercise of use of force was justifiable under department policy; determining if the use of force was necessary; utilizing lethal force within the spectrum of force options; escalating and de-escalating force, and constantly evaluating force situation(s). During this training, Toomey was trained as to shooting from the crook of the door of the police vehicle,[21] such as in a felony-stop, while a back-up officer would move behind and around the officer. Toomey was

[19] This incident took place six days before the incident which led to Toomey's termination.

[20] Toomey admitted to attending this training with the department approximately five to six times prior to November 2020.

[21] The crook of the driver-side of the police vehicle door or the "V" of the driver-side police vehicle's door is that portion of the police vehicle where the driver-side door meets the pillar of the vehicle body which is found at the driver-side edge of the front windshield. If a second officer was on the passenger side of the police vehicle, the second officer could utilize the crook or "V" of the passenger-side door.

taught to constantly reevaluate changing use of force situations, and he knew that he was responsible for every round discharged from his firearm.

Prior to February 15, 2021, Toomey remembered that he last reviewed the department's use of force policy in November or December 2020, when as a field training officer he reviewed the policy with his trainee officer. This review not only included the use of force, but the de-escalation of force.

February 15, 2021 Incident

On February 15, 2021, Toomey was working the late shift (2100 hours through 0700 hours). Toomey was driving a marked police Ford Explorer sports utility vehicle, with ballistically-reinforced shields in the front doors, and the appropriate overhead emergency lights and siren. Toomey was driving without a partner that night.

A. Initial Call for Service to Occidental Drive

On or about 2153 hours, Toomey, and Officers Trevor Schwertfeger (Schwertfeger) and Benjamin Jillson (Jillson) were dispatched to respond to [redacted] Occidental Drive, Sacramento, California.[22] The call was initially a 911 hangup call where the victim, [redacted],[23] called 911, stated "I need help," and then hung up. Sacramento Dispatch contacted [redacted] and learned that her ex-boyfriend, Martinez, had come to her apartment, threatened to burn her truck parked in front of her apartment and kill her, and left. Dispatch provided a description of Martinez, his

[22] For purposes of this proposed decision, the actual apartment number will be omitted.

[23] For purposes of this proposed decision, the victim will be referred by her first name only.

vehicle (a red Toyota Sienna minivan (minivan)) and the minivan's license plate. Officer Jillson attached the active domestic violence restraining order prohibiting Martinez from being within a certain proximity of distance to [redacted] to the dispatched call. Dispatch later broadcasted a call saying that Martinez had lit the back of [redacted]'s truck on fire, and that later the fire department responded and extinguished the fire. As Toomey was in transit to the dispatched scene, Toomey was aware, at a minimum, that he would be handling a call for service regarding arson and the violation of a domestic violence restraining order.

As Toomey arrived at the dispatched scene, Officers Schwertfeger and Jillson had already arrived and were already speaking with [redacted]. [redacted] explained to Officers Schwertfeger and Jillson that Martinez had lit the back of her pickup truck on fire, threatened to kill her, been arrested the previous week for violating a domestic violence restraining order, was known to carry a firearm in the past, and had left 15 minutes earlier. One of the officers briefed Toomey as to what [redacted] had stated and included in the briefing that Martinez was known to carry a firearm. Toomey, Schwertfeger, and Jillson decided to view the burnt-out truck parked on the street, so the officers and [redacted] walked out to the location of the burnt-out truck. Toomey decided to walk further to his patrol vehicle with the intent of driving his vehicle close to the truck to utilize his overhead lights on the truck to inspect the damage caused by the fire to the truck. As Toomey started to drive his vehicle toward the burnt-out truck, he noted a red minivan pass in front of him.

Toomey pulled up to the burnt-out truck and asked Schwertfeger, "Is that him?" Schwertfeger responded that it was the suspect's vehicle[24] who was driving by and asked Toomey to stop him. Toomey's body-worn camera and in-car camera were recording during this time and forward.

B. Initial Vehicle Pursuit

Toomey, then driving on Occidental Drive, caught up with the minivan, and trailed immediately behind it. Toomey confirmed the minivan's license plate as the minivan belonging to Martinez. At this point in time, Toomey broadcasted over his radio that he was going to perform an enforcement stop related to the call for service for suspected arson. Toomey activated his overhead emergency lights to get the attention of Martinez so that he would pull over. Instead of pulling over, Martinez drove through the stop sign at the corner of Occidental and Julliard Drives and turned right on to Julliard Drive heading northbound.

Toomey, then chirped his siren twice, at which point the minivan rapidly accelerated on Julliard Drive, a residential street. Toomey then broadcasted over his radio that he was in pursuit. Martinez drove through a stop sign on Julliard Drive and turned right on Notre Dame Drive heading northbound, also a residential street. At this point, Martinez was traveling at approximately 35 miles per hour (mph) and there was, fortunately, no other traffic.

Martinez approached a four-way stop at Notre Dame Drive and Lake Forest Drive. Rather than stopping, Martinez again drove through the stop sign and turned

[24] When the minivan passed in front of Officer Schwertfeger and [redacted], [redacted] identified the minivan as belonging to Martinez, and that it was Martinez driving.

right on to Lake Forest Drive heading eastbound. When Toomey turned right on to Lake Forest Drive, he realized that he had not activated his siren as required by General Orders 521.01—Pursuit of Vehicles. Toomey drove without his siren activated for approximately 28 seconds since the time that he broadcasted the initiation of his vehicle pursuit over the radio. Toomey explained that he was busy calling out on his radio the streets they were on, the suspect's speed(s), and quickly navigating the residential streets to pursue Martinez.[25]

Martinez traveled on Lake Forest Drive at approximately 55 mph with no traffic. Martinez drove through another four-way stop at Lake Forest Drive and Occidental Drive and turned left heading northbound at speeds of 60 to 70 mph. While traveling on Occidental Drive, Martinez did not stop at any stop signs. Some of these areas were residential neighborhoods. Martinez then drove through a red light at Occidental Drive and La Riviera Drive and turned right on La Riviera Drive heading eastward where Martinez traveled between 70 and 85 mph. Toomey continued to pursue the minivan at a safe distance behind Martinez.

As Martinez approached the intersection of La Riveira Drive and Watt Avenue, he slowed down and turned right heading southbound on Watt Avenue. Martinez

---

[25] Toomey set up his patrol vehicle so that his siren had to be manually activated instead of simultaneously activated when the overhead emergency lights were activated. Under Toomey's emergency panel setup, to manually activate the siren, Toomey would reach down and turn a selector knob to activate the siren. Toomey preferred not to scare motorists on ordinary enforcement stops by activating his overhead emergency and siren simultaneously.

quickly sped up after he turned right onto the on-ramp leading to Watt Avenue.[26] Martinez was traveling 65 mph at this point, but the traffic was light. When Martinez crossed the intersection at Folsom Boulevard and Watt Avenue, specifically, at or about Manlove Road, he decreased his speed to 40 mph and activated his emergency flashers. Also at this time, Officer Caro joined Toomey in the pursuit and positioned himself behind Toomey.[27] Officers Stevens and Zachary King (King) later joined the pursuit as the third patrol vehicle behind Martinez while Martinez and Toomey were on Watt Avenue.[28] Toomey, Caro and Stevens became concerned that Martinez may have decreased his speed and activated his emergency flashers in order that he could more safely load a firearm for use, or even find a place where Martinez could pull his vehicle over and continue his escape by foot.[29] Unfortunately, Toomey was unable to

---

[26] Watt Avenue is not a residential street, but a major thoroughfare street in Sacramento.

[27] Caro's position in the pursuit, as directly behind Toomey, is referred to as the number two position.

[28] Officer Stevens was the field training officer for Officer King on this day. Officer King was driving, and Officer Stevens was instructing him from the passenger seat. Their vehicle's position in the pursuit is referred to as the number three position.

[29] When Martinez had slowed down after crossing Manlove Road on Watt Avenue, Toomey requested his supervisor to approve a PIT (pursuit immobilization technique) maneuver, and the request was approved. While there was some criticism during the hearing as to Toomey's justification for making this request, it was not one of the allegations listed in the Final Notice to Terminate. Neither the MOU nor Rules 12.1 through 12.8 provide the employer authority to amend the final notice and, even if it did, such amendment would have due process implications. (*Skelly*, *supra*, 15 Cal.3d 194, 215, *Barber v. State Personnel Board* (1976) 18 Cal.3d 395, 402-403, *Rodgers v. State Personnel Board* (2022) 83 Cal.App.5th 1, 12-13.) Therefore, unalleged violations in the Final Notice to Terminate will not be considered.

specifically discern what actions Martinez may be taking because the minivan's windows were foggy.

Martinez continued to travel southbound with his emergency flashers on at 40 mph on Watt Avenue with Toomey and Caro following. The traffic on Watt Avenue remained light. At some point, on Watt Avenue, Martinez deactivated the minivan's emergency flashers.

When Martinez came to Fruitridge Road, he turned right heading westbound. Fruitridge Road is primarily zoned as an industrial area with numerous industrial businesses. Martinez was traveling at approximately 25 to 30 mph on Fruitridge Road.

In the meantime, Officers Tony Parham (Parham) and James Summey (Summey) had parked their patrol vehicle on the westbound side of Fruitridge, closer to Florin-Perkins Road, in order to deploy a hollow spike strip to impede Martinez's escape,[30] but they were not able to deploy the spike strip in time when Martinez approached. At some point, Martinez veered the minivan to the right, in the direction of Officers Parham and Summey, and Toomey radioed, "unit watch out," to the officers. Martinez then turned left into the driveway and entrance road of 8550 Fruitridge Road (the Fruitridge Transfer Station) which Toomey understood was a place where garbage trucks would stop and refuel.[31]

---

[30] A hollow spike strip is usually laid out ahead of the pursued vehicle in order that the vehicle may run over them, puncture and slowly deflate the vehicle's tires, which hopefully causes the suspect to give up his plan to escape and therefore stop.

[31] It is difficult to tell by reviewing Toomey's in-car camera video footage whether Martinez was trying to drive at Officers Parham and Summey or just trying to drive a little right in order to successfully navigate a left-hand turn into the industrial

C. Vehicle Pursuit on the Industrial Property to the Termination of the Pursuit

When Martinez turned left into the driveway and entrance road of the Fruitridge Transfer Station, the three patrol vehicles followed Martinez in the following order: (1) Toomey; (2) Caro, and (3) King/Stevens. The one-lane entrance road[32] continued straight past a guard shack. Toomey radioed that he expected Martinez to "footbail."[33] Martinez accelerated to approximately 50 to 60 mph on this straight road until he had to decelerate as the road curved leftward almost for 180 degrees until Martinez turned right and negotiated his way between two fuel islands and then veered right again. As Toomey followed Martinez through the straight road and turns, Toomey tried to close

---

property's driveway. However, both Toomey and Caro were concerned that Martinez was trying to drive at the officers in order to avoid his tires from getting punctured and deflated by the spike strip. Toomey estimated that the minivan was approximately 50 feet from Parham and Summey at its closest in proximity.

[32] Upon entering the industrial property there is a one lane entrance road into the property and one lane exiting the property. It appeared that the same road into the industrial property was the same road out of it, which brought the driver back on to Fruitridge Road. The turns Martinez took on the property were not marked on the road and in one sense seemed to be Martinez's attempt to shake the officers from the pursuit.

[33] A "footbail" is when a suspect in a vehicle being pursued by officer(s) exits the vehicle and escapes on foot. In this situation, Toomey believed the footbail was so imminent that he announced it on the radio.

the gap between his vehicle and the minivan as he anticipated that Martinez would attempt to exit his vehicle and run.[34]

Finally, Martinez veered left and then right again into an area that seemed to proceed forward for a short distance and then downward to a drop off where a cyclone fence would prohibit Martinez from traveling further forward—Martinez's maneuvers on the industrial property were a combination of accelerations and decelerations. Martinez then slammed on his brakes which terminated the vehicle pursuit. Toomey rear-ended the minivan traveling at approximately 8 to 10 mph, but Toomey's vehicle's airbags did not deploy.[35] The front end of Toomey's vehicle and the rear end of the minivan were slightly stuck together.

---

[34] According to Toomey, Sacramento police officers are trained to close the gap between the vehicles when they expect a suspect to exit the vehicle and run. Toomey and other officers were aware that a Sacramento County deputy sheriff prior to 2010 was killed when the deputy allowed a suspect to get too much of a lead prior to a footbail and the suspect was later able to wait and ambush the deputy by shooting him. Toomey explained that the pursuing officer of a fleeing suspect always wanted to be close enough to maintain visual contact with the fleeing suspect so that one is not ambushed. The video footage from the in car-camera of Caro's vehicle showed that after the straightaway of the private industrial road, the distance between Toomey's vehicle and the minivan varied from being a half to two-car lengths distance apart.

[35] The last contact by Toomey as he rear-ended the minivan is barely noticeable from the video of Caro's in-car camera, which had a better view of the contact. However, Toomey knew he was going to be "in trouble" as a result of the collision and admitted in his September 3, 2021 internal affairs interview that he could have been a little farther back from the minivan when he stopped.

The entire vehicle pursuit from the time Toomey announced the pursuit on his radio until the time that he rear-ended the minivan was approximately 7 minutes and 58 seconds. The elapsed time of the vehicle pursuit in the industrial area lasted only approximately 31 seconds.

D. The Felony Stop

At the place where Toomey rear-ended the minivan, Caro parked his vehicle to the right of Toomey's vehicle. Caro's vehicle was parked not quite parallel to Toomey's vehicle, but at such an angle where the front of Caro's vehicle pointed more toward the minivan. Unlike Toomey, Caro had some distance between the front end of his vehicle and the minivan. King could not pull to the left of Toomey's vehicle as there was not enough room, so he pulled to the right of Caro's vehicle at an angle which was closer to being perpendicular toward the minivan.[36]

The three police vehicles had stopped in a felony vehicle stop fan pattern (like the blades of a fan) where the three vehicles created the shape of a fan behind the minivan.[37] This fan pattern allowed the officers from the three vehicles the space to be able to exit their vehicle doors, keep the vehicle doors open, and position themselves in the crook of their ballistically-reinforced vehicle doors with their guns drawn.

---

[36] The first police vehicle stopping in felony stop pattern usually is the center vehicle with subsequently arriving police vehicles parking on the right and left of that center vehicle.

[37] The three police vehicles were not in a perfectly angled felony stop pattern, especially regarding the distance of Toomey's vehicle from the minivan as Toomey was too close to the suspect's vehicle since he rear-ended it. It is preferable to have a car length and a half to two car lengths distance between the police vehicles and the suspect's vehicle. This distance generally creates greater safety for the officers. The officers admitted that it was not unusual for the pattern of the police vehicles in a felony stop to end up in a less than perfect formation.

The area where Martinez stopped needs to be described in detail. To the left of where the minivan was stopped was a zig-zagged concrete barrier[38] which was approximately the height of the minivan's headlights,[39] and had a cyclone fence attached to the top of it. There also appeared to be a cyclone fence, without a concrete barrier, a number of feet directly ahead of the minivan.[40] To the right and ahead of the minivan was an open large shed constructed of corrugated steel.[41] To the right and close to perpendicular to the minivan was Officer King/Stevens' vehicle in a felony stop formation with the other police vehicles.

After Toomey's collision with the minivan, he immediately exited his vehicle and placed himself in the crook of the driver-side vehicle door for cover and concealment. Toomey drew his firearm from his holster and held the handgun forward aimed at the minivan with his index finger on the side of the firearm (not the trigger). Toomey

---

[38] The zig-zagged concrete barrier was comprised of smaller and connected concrete barriers which were positioned at a 90-degree angles to each other.

[39] While the record does not contain a precise measurement of the height of the concrete barrier, from Toomey's in-car camera video, it appears to be as high as the minivan's headlights. In other words, the barrier was high enough to create a solid barrier to prevent most vehicles from traversing it.

[40] While it is somewhat difficult to discern from the video, it appears from the video from the body-worn camera of King that the zig-zagged concrete barrier and back cyclone fence do not meet together and there may be an opening on the left side of the downward grade leading to the cyclone fence going behind the end of the zig-zagged concrete barrier. This would be an area where a suspect could escape on foot.

[41] The large metal shed is large enough to park three garbage trucks in, however, it was empty at the time, as demonstrated by the video footage from King's body-worn camera.

directed his firearm toward the minivan as they were only a vehicle length apart. Toomey did not want Martinez to exit his minivan before him and pin him down with a firearm at close range. Toomey's positioning was consistent with how he was trained to react in felony stops.[42] Caro, King and Stevens were also outside of their vehicles in the crook of their vehicle doors in the same position as Toomey. Toomey saw that the back-up light on the rear portion of the minivan was illuminated, reflecting that Martinez had put the minivan's transmission into its' reverse gear. Martinez driver-side window remained rolled up.

Toomey was able to see Martinez looking at him through the minivan's sideview mirror. Conversely, Martinez was looking in the same sideview mirror at Toomey. As well as focusing on Martinez through his sideview mirror, Toomey was also focusing on the rear of Martinez's minivan to discern whatever clue he could discern from the minivan brake/reverse lights to determine the direction that the minivan would be next proceeding.

Immediately after Toomey exited his vehicle, Toomey yelled loudly, "Hands up!"[43] Then Steven's yelled, "If you fucking move, you will get shot!" Toomey quickly

---

[42] In addition, Toomey did not initially put his vehicle's transmission in reverse immediately after the collision to get some distance away from the minivan for these same reasons: Toomey had direct observation of Martinez in the minivan after the collision in case Martinez exited the minivan with a firearm; Toomey would possibly create a disruption in the existing fan pattern and provide Martinez with the ability to exit between Caro's and King/Stevens' vehicles; and Toomey did not want Martinez to exit the minivan first with his firearm and pin him down. Regardless shortly thereafter, Martinez drove the minivan forward to the zig-zagged concrete barrier and created the safety distance that Toomey needed.

[43] Corporal Michael Blessing, a use of force witness called by the Department, did not have an issue with Toomey immediately getting out of his vehicle in the

yelled loudly again, "Hands up!" Toomey noticed that the minivan's reverse transmission lights went off and the minivan lurched forward as if Martinez was shifting the selection of minivan's transmission from reverse to drive.

Toomey then verbally broadcasted to the other officers, "He is putting the car in drive." When Martinez started to drive the minivan off of the front of Toomey's vehicle and forward, Toomey was not sure what Martinez was planning to do. Toomey did not know whether Martinez planned to: (1) drive around the large shed structure on Martinez's right; (2) drive through the large shed structure on Martinez's right; or (3) drive the minivan farther away from the vehicles in the felony stop pattern and exit the vehicle to engage in a firefight. Instead, Martinez pulled his minivan forward and turned leftward toward the zig-zagged concrete barrier and then stopped.[44] At this point in time, Toomey, Caro and Stevens[45] did not expect Martinez to execute a three-point turn and attempt to exit through the gap between Toomey's vehicle and the concrete barrier.[46]

---

situation and shouting commands. Such actions were consistent with the training given by the Department.

[44] Martinez pulled the minivan forward approximately 16 seconds after Toomey collided with his vehicle and pulled up to the zig-zagged concrete barrier two seconds after he started to drive the car forward toward the concrete barrier.

[45] King did not testify.

[46] In Toomey's September 3, 2021 internal affairs interview, he explained that when Martinez pulled forward, he thought that Martinez may be driving forward to get away from the officers, so Toomey got a little closer to his vehicle in case he needed to get into the driver's seat and pursue Martinez in a subsequent vehicle pursuit. Toomey's statement is corroborated by the video recording from Toomey's body-worn camera which reflected Toomey making a quick movement toward the interior of his

At this point in time, Toomey did not reposition himself to the rear of his vehicle as he was in the most tactically advantageous position—this position afforded the best cover and concealment for Toomey with no possibility of crossfire among the officers and allowed Toomey to engage in a subsequent vehicle chase if Martinez was able to escape. Even if Toomey repositioned himself to the back of his vehicle, he would have an inferior view of what Martinez was doing based upon the interference of the strobing bright overheard emergency lights[47] and Toomey would not be able to observe the suspect as clearly, as he would be staring through the rear windshield of his vehicle which was a visually obstructed by those things within the interior of the cab of the vehicle.

When the minivan came to its resting spot from going forward, Toomey and the other officers were still not certain where Martinez was going to proceed. Martinez then waited two seconds and shifted the minivan's transmission into reverse which illuminated the back-up lights. Again, at this point in time, Toomey, Caro and Stevens were unaware as to which direction that Martinez was headed, whether it was: (1) towards Toomey's vehicle, (2) towards Caro's vehicle, (3) towards King/Stevens' vehicle, or (4) between these police vehicles.[48] While Stevens believed that Martinez

---

vehicle as if he was going to get into his vehicle to be prepared to pursue Martinez again. It is clear that Toomey was reacting to each one of Martinez movements, in comparison to anticipating what Martinez would be doing many seconds in advance.

[47] The officers described this light visual interference as "light blindness."

[48] According to Stevens, this trajectory would have involved clipping these vehicle(s) doors (Caro and King/Stevens' vehicles). Stevens' believed that when Caro moved his vehicle forward it prevented Martinez from accomplishing this and Toomey

was trying to back up between Caro's vehicle and King/Stevens' vehicle, he did not discharge his firearm as Martinez was not yet accelerating.[49] At this point in time, Toomey, Caro and Stevens were unaware that Martinez would be attempting to escape through the gap between Toomey's vehicle and the zig-zagged concrete barrier.

Martinez then backed up the minivan toward his right in a way which brought the minivan to an extremely brief stopping point where the minivan was positioned not quite perpendicular to Toomey's vehicle. The front end of the minivan was slightly angled more towards the direction of the gap between Toomey's vehicle and the zig-zagged concrete barrier. It took Martinez six more seconds to travel in reverse to this brief stopping point. In response to Martinez putting the minivan in reverse and starting to travel in reverse, Caro moved his patrol vehicle closer to the minivan in order to box in the minivan from traveling further in his direction.

At this brief stopping point, Toomey and other officers were able to see Martinez through the minivan's rolled-up driver-side window. Toomey and the other

---

stated that his position would have provided cover fire for his fellow officers, especially as Martinez may have had a firearm on him.

[49] General Orders 580.02, Procedure, section K.2. (Use of Force), states that a peace officer is justified in using deadly force upon a suspect only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary against an imminent threat of serious bodily injury or death. General Orders 580.02, Procedure, section A.1. (Use of Force), describes "imminent harm" as not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Clearly, since Stevens did not think Martinez had accelerated, he did not believe he was *yet* in "imminent harm," so he did not utilize deadly force.

officer(s) saw that Martinez seemed to be looking toward the gap between Toomey's vehicle and the zig-zagged concrete barrier and thought that Martinez was now going to drive toward the gap between Toomey's vehicle and the zig-zagged concrete barrier. For a short period of time, Martinez and Toomey made eye contact.

With little delay or stopping after the minivan changed directions from backing up to engaging the minivan in drive (shifting from reverse to drive). Toomey yelled, "You are going to get . . . ,"[50] but could not finish his sentence. Toomey observed Martinez quickly turn the minivan's front tires more toward the gap area and Toomey could see the front driver-side tire of the minivan quickly spinning as if Martinez had quickly pressed the accelerator downward.[51] Toomey testified that he saw and heard the spinning/squealing of the front minivan tire and thought Martinez was going drive into Toomey's vehicle driver-side door in an attempt to drive through the gap. At this point in time, the distance between the left front bumper of the minivan and the front of Toomey's vehicle was approximately 9.75 feet and the distance to the front bumper of the minivan to Toomey was 18 feet.[52] The distance of

---

[50] Close to the same time, Caro yelled, "Hey, stop it right there."

[51] The minivan's quick acceleration burned "acceleration scuff marks" from its front tires on to the concrete immediately after the minivan's transmission was shifted from reverse to drive. An acceleration scuff mark is made when sufficient power is applied from the minivan engine to the front-wheel drive to make at least one of tires spin on the road surface before gaining traction.

[52] An accident reconstruction expert formerly employed with the California Highway Patrol Multidisciplinary Accident Investigation Team, Robert W. Snook (Snook), opined that from the point that Martinez accelerated, it would have taken the minivan 1.7 seconds to come into contact with Toomey's vehicle. Snook also opined that it is unlikely that Martinez would have been able to steer his van through the gap

the gap between the door of Toomey's vehicle and the zig-zagged concrete barrier was approximately 10.5 feet.

Toomey knew he could not outrun the minivan and so he believed it was not feasible for him to reposition himself to the rear of his vehicle for cover. In addition, if Toomey had retreated to the rear of his vehicle and Martinez struck a part of Toomey's vehicle, Toomey's vehicle would be pushed back on to Toomey. Toomey did not retreat to the interior of his vehicle as he would have been trapped in the vehicle and become an easy and close target for Martinez if he had a firearm as Martinez drove through the gap.

E. Initial Discharge of Rounds toward Martinez

The moment in which the minivan accelerated toward the gap between Toomey's vehicle and the zig-zagged concrete barrier, Toomey discharged approximately 13 rounds from his firearm at Martinez in approximately three seconds. Within the same three seconds, Caro discharged four rounds toward Martinez from close to the vicinity of Caro's vehicle. Caro thought he heard one round discharged from another officer before he discharged any rounds from his firearm.

Toomey discharged approximately 13 rounds from his firearm as he believed Martinez was going to drive through him or, at the least, strike the driver-side door of his vehicle and Toomey had no time to retreat. Toomey did not believe that, based

---

between Toomey's vehicle and the concrete barrier and that the front bumper of the minivan would have most likely struck the concrete barrier causing the minivan to then be redirected toward Toomey. In addition, the minivan's rear tires would have traveled closer to where Toomey was positioned, striking the front end of Toomey's vehicle—a phenomenon known as "rear wheel cheat."

upon the angle of the minivan when it accelerated, that the minivan could have successfully navigated through the gap. Toomey believed that his only viable option was to discharge his firearm in the hope that it would cause Martinez to redirect the minivan's trajectory away from the gap and stop Martinez's vehicular assault.

Caro also discharged his firearm because he believed Martinez was going to drive through Toomey and kill him. Stevens did not discharge his firearm as he was not in a position to safely discharge his firearm as such a discharge would have risked rounds traveling towards the other officers. Regardless of such, Stevens believed that Martinez was driving at Toomey and was an imminent threat of harming him.

F. Final Discharge of Round toward Martinez

When Toomey and Caro discharged their collective 17 rounds at Martinez, Martinez adjusted the front-end steering of the minivan from driving through the gap to driving slightly right of the gap and straight toward the zig-zagged concrete barrier away from the officers who were shooting at him. The front bumper of the minivan was only a few feet from the zig-zagged concrete barrier with the zig-zagged concrete barrier partially blocking the minivan's front bumper so that it could not drive forward to access to the gap without the minivan first backing up.

At this point, Toomey stepped slightly to the left of his vehicle's driver-side door and backwards from the crook of his driver-side door. Toomey moved away from his door as he believed the position of the minivan had now flanked him and rendered the cover of his previous position to be ineffective. The minivan then moved slightly backwards away from the zig-zagged concrete barrier and then forwards again back

towards the zig-zagged concrete barrier,[53] but the minivan's tires were not angled toward the location of an officer or even toward the gap between Toomey's vehicle and the zig-zagged concrete barrier. Toomey discharged one final round toward Martinez as he believed Martinez was backing up again to eventually attempt to travel in the same direction (toward the gap) and continue his vehicular assault toward him.[54] Toomey believed that Martinez was going to do anything to get away, including running him over and that as the threat toward him was not "neutralized," he could engage Martinez again by discharging one last round at him. After the last shot, the minivan stopped any movement which could be interpreted as a possible threat.

Toomey completed walking backwards to the rear driver-side pillar of his vehicle for cover while keeping his eyes on the minivan. It took approximately three seconds to walk backwards from his driver-side door to the rear pillar of his vehicle, where he was met by fellow officers who guided him backwards.

Subsequent to these firearm discharges, Martinez finally exited the vehicle, surrendered, and was apprehended. Toomey radioed for medical care, which arrived and provided medical care to Martinez. Martinez was eventually transported to Kaiser Permanente in South Sacramento.

---

[53] This backwards movement on the various videos seemed very slight.

[54] This final round was discharged approximately two seconds following the three seconds where Toomey and Caro discharged their collective 17 rounds.

Martinez suffered injuries from the rounds[55] fired by Toomey and/or Caro, but it cannot be differentiated whose rounds caused the injuries or whether any injury was caused by the final discharged round.

G. Deactivation of the Body-Worn Camera by Toomey

Officer Vincent Catricala (Catricala) was on the scene of the officer-involved shooting as the K-9 officer. Catricala had been involved in an officer-involved shooting prior to this date. After Martinez had surrendered, Catricala walked up to Toomey and noticed that he had been involved in the shooting. Catricala told Toomey to turn off his body-worn camera and to make phone calls to family and tell them that he was okay. Catricala escorted Toomey back to Catricala's vehicle and had him sit in it. Toomey deactivated his body-worn camera prior to sitting in the vehicle without receiving a sergeant's approval to do so in as set forth in General Orders 525.07—Body-Worn Camera.

Toomey knew that he was to wait for a sergeant to authorize him to turn off his body-worn camera, but deactivated it prior to receiving supervisorial authorization as he just wanted to speak with family members.

Caro also deactivated his body-worn camera after the officer-involved shooting, and prior to receiving supervisorial authorization to turn it off. Caro received a documented counseling letter for his violation of the general orders.[56]

---

[55] Martinez suffered from bullet wounds to his abdominal wall, left forearm and right hand.

[56] Caro did not receive any disciplinary action for his part in the February 15, 2021 vehicle pursuit and shooting. Caro's discharge of four rounds from his firearm toward Martinez was found to be within departmental policy and reasonable.

February 17, 2021 Department Criminal Investigation

Sacramento Homicide Detective Pamela Massee conducted a criminal investigation of the February 15, 2021 officer-involved shooting. This investigation included a February 17, 2021 interview of Toomey and others. Eventually, the contents of that investigation were provided to the district attorney's office.

February 15, 2021 Traffic Investigation of Collision before Felony Stop

On or about February 15, 2021, Community Service Officer Wright was assigned to investigate the rear-end collision between Toomey's vehicle and the minivan. Wright was not able to obtain interview statements from either Toomey or Martinez.[57] Wright's inspection of the vehicles demonstrated that Toomey's vehicle sustained minor damage to the front push bar and passenger side headlight and the minivan sustained minor damage to the rear bumper. Wright submitted the report for review on February 22, 2021.

Subsequent to Wright's report, Officer M. Gunter (Gunter) was assigned to investigate the matter. Gunter reviewed Wright's investigation on March 3, 2021, and reviewed the in-car camera video/audio recordings of Toomey and Caro's vehicle. On March 4, 2021, Gunter issued his conclusion as to the cause of the accident which concluded that based upon the recordings and the location of the damage to the vehicles, the collision was caused by Toomey's improper speed. The report was reviewed by Sergeant A. Vassallo.

---

[57] Martinez was in the hospital at the time. While Toomey was not interviewed about this by Wright, Sergeant Justin Thompson (Sergeant Thompson), who conducted the internal affairs interview, interviewed Toomey about this collision on September 3, 2021.

February 23, 2021 Administrative Leave

On February 23, 2021, Toomey was placed on administrative leave pending the department's internal affairs investigation into the February 15, 2021 officer-involved shooting. This decision was made after Deputy Chief Katherine Lester (Deputy Chief Lester), and other departmental managers reviewed the in-car and body-worn camera video/audio recordings and became concerned that significant policy violation(s) had occurred.

February 24, 2021 Authorization to Conduct Internal Affairs Investigation

On February 24, 2021, Captain Dan Monk (Captain Monk) authorized the department's Internal Affairs division to conduct an internal affairs investigation into Toomey's involvement in the February 15, 2021 officer-involved shooting. Captain Monk stated that the allegations were: force, firearm discharge, improper tactics, neglect of duty and traffic. The investigation was initially assigned to Sergeant Donald Schumacher but was later reassigned to Sergeant Thompson as the lead investigator.

Internal Affairs Investigation of Toomey

Sergeant Thompson began his internal affairs investigation on or about March 4, 2021, and his last recorded event in his investigative summary log was dated September 23, 2021.[58] Sergeant Thompson interviewed Officers Summey, Parham, Catricala, Stevens, King, Caro and Toomey. Sergeant Thompson reviewed the

[58] Sergeant Thompson reviewed some crime scene investigation photographs on September 23, 2021, but that was the last investigatory event listed in his investigative summary log.

dispatch records, dispatch audio recordings and the video/audio recordings of the in-car and body-worn cameras. In addition, Sergeant Thompson met with Detective Massee regarding her criminal investigation of the officer-involved shooting, and reviewed the contents of the criminal investigation including the medical records of Martinez, crime scene investigation scans, and the unmanned aircraft system video.[59] Through departmental software programs, Sergeant Thompson was able to review the approximate distance of Toomey's vehicle to the concrete barrier and the width of Toomey and Martinez's vehicle. At the end of the investigation, all of the recorded witness interviews were transcribed and Sergeant Thompson organized all of the investigative materials in binder(s) (investigative package).[60]

On September 3, 2021, Sergeant Thompson interviewed Toomey with his representative present. Toomey denied violating General Orders 580.02—Use of Force and 580.06—De-escalation and Planned Response in relation to his use of deadly force by discharging his firearm at Martinez. During the interview, Toomey demonstrated that he had a good working knowledge of departmental general orders.

Internal Affairs Review Process and Disciplinary Decision-making Process

Sergeant Thompson is not responsible for preparing an investigative report with findings of facts and conclusion(s) as to whether there were violations of departmental policies. At the end of September 2021, Sergeant Thompson submitted the investigative package to his supervisor, Lieutenant Neil Cybulski (Lieutenant

---

[59] According to Sergeant Thompson, the criminal investigation was 450 pages.

[60] The internal affairs investigation totaled approximately 1,500 pages.

Cybulski), who reviewed the evidence and forwarded it to the Office of the Chief of Police Captain Zachary Bales (Captain Bales). Captain Bales also reviewed the investigative package and then forwarded it to Toomey's division captain, Captain Steve Oliveira (Captain Oliveira),[61] who reviewed the investigative package. Neither Lieutenant Cybulski nor Captain Bales had any concerns with the accuracy or thoroughness of Sergeant Thompson's investigation.[62]

Subsequent to Captain Oliveira's review, a Department executive committee meeting was scheduled for December 17, 2021, so that Captain Oliveira could present the evidence and allegations to the executive committee. The executive committee at that time consisted of Chief Daniel Hahn (Chief Hahn), Deputy Chief Lester, and two other deputy chiefs.

On December 17, 2021, the executive committee convened to review Toomey's investigative package. Chief Hahn, Deputy Chief Lester, two other deputy chiefs, Captain Oliveira and Lieutenant Cybulski were present.[63] Captain Oliveira went through the statements from the officers, reviewed the evidence,[64] and gave his

---

[61] Captain Oliveira later promoted to the position of Deputy Chief.

[62] Captain Oliveira did not testify.

[63] Although Chief Hahn was the Chief of Police at this meeting, Deputy Chief Lester stated that executive command understood that she would become the next Chief of Police in January 2022.

[64] Chief Lester did not recall whether the executive team had reviewed the videos, but she had seen the videos a number of times already by this meeting. Chief Lester explained that the executive team reviews officer-involved videos within 30 days of the event as the videos are released to the public within that time frame.

recommendations regarding the matter—to sustain all allegations and to recommend Toomey's termination.[65] The executive committee asked follow-up questions, and discussed the investigation, the recommendation of termination, and the training that Toomey received. The bulk of these discussions centered on whether Toomey should have moved his vehicle or repositioned himself during the 13 discharged rounds or the final discharged round. All executive team members agreed that all of the allegations should be sustained, and the penalty should be termination.[66] Ultimately, Chief Hahn made the decision as to how the department would proceed regarding the recommended allegations and the penalty, and he agreed with the other executive committee members. Chief Lester recalled the meeting lasting over an hour and that she had to leave early.

After the meeting, the Chief' Hahn's recommendation was sent to the City Labor Relations office and the City Attorney's office.

The investigation and Chief's recommendation was also forwarded to the City Office of Public Safety Accountability (OPSA), a police oversight agency, for its review.[67] OPSA takes approximately two weeks to review the Chief's

---

[65] The presenting captain at this meeting need not prepare a written analysis of the investigation but can provide a verbal analysis to the executive committee.

[66] Chief Lester admits that she did not consider Toomey's prior work history in her decision to terminate him. Based upon the significance and severity of the policy violation(s), Toomey's prior good work history would not have impacted Chief Lester's decision to recommend Toomey's termination.

[67] See Sacramento Municipal Code, section 2.22.10, et seq.

recommendations. After OPSA's review, the recommendation was returned to the Department to prepare a Notice of Intent to Terminate (Notice of Intent).

Subsequent to the December 17, 2021 executive committee meeting, Lieutenant Cybulski informed Sergeant Thompson of the results of the executive committee meeting and that Sergeant Thompson was to meet with Deputy Chief Oliveira and prepare a draft Notice of Intent for Toomey for Deputy Chief Oliveira's review and comment. At that meeting, Deputy Chief Oliveira would inform Sergeant Thompson of the facts and departmental policies which needed to be included in the Notice of Intent for Toomey. The draft of the Notice of Intent for Toomey would also be reviewed by the City Labor Relations office as well as the City Attorney's office.

February 8, 2022 Notice of Intent to Terminate Toomey

The Department's Notice of Intent for Toomey was dated, February 8, 2022. The Notice of Intent contained a chronology of the events surrounding the officer-involved shooting; the basis for discipline (a statement of what Toomey did or failed to do and how it was a violation of one or more of the departmental policies); a summary of what Toomey said during his February 17, 2021 criminal investigation interview with Detective Massee; a summary of what Toomey said during his September 3, 2021 internal affairs interview; a conclusion that Toomey's statements at his February 17 and September 3, 2021 interviews reflected violations of departmental policies and Rule 12.2; a specific listing of the Rule 12.2 subdivisions violated by Toomey; and the specific provisions of the departmental policies violated by Toomey. The Notice of Intent was signed by Chief Lester and approved by the City Manager,

the Director of Human Resources, the Labor Relations Manager and the Labor Relations Officer. Toomey received the Notice of Intent on February 10, 2022.

March 14, 2022 *Skelly* Hearing of Toomey

On March 16, 2002, Toomey exercised his right to respond to the Notice of Intent pursuant to *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194 (*Skelly*), by attending a *Skelly* hearing, with his attorney representative, before Captain Ethan Hanson (Captain Hanson). On March 22, 2022, Captain Hanson issued his recommendation to Chief Lester that no change be made to the decision to terminate Toomey. Chief Lester then decided to issue the Final Notice to Terminate (Final Notice) Toomey.

May 5, 2022 Final Notice to Terminate Toomey

On May 5, 2022, the Final Notice was prepared for signature. The substance of the Final Notice was not different than the Notice of Intent. It was signed by Deputy Chief Oliveira and approved by Chief Lester, the City Manager, the Director of Human Resources, the Labor Relations Manager and the Labor Relations Officer. Toomey received the Final Notice on May 9, 2022, and it became effective that day.

Chief Lester testified as to her justification in issuing the Final Notice, including an explanation of the allegations and the penalty assessed for such allegations.[68] The reason that Toomey was terminated, as compared to receiving a lower-level penalty, was that Toomey failed to tactically reposition himself or his vehicle during the

[68] There were other City witnesses who testified to the reasons and justifications for Toomey's termination action. Much of the testimony was duplicative. As Chief Lester was the ultimate decision-maker in this case, her testimony, as compared to other City witnesses, is set forth in this proposed decision.

movement of Martinez in driving his minivan during the felony stop and, instead, responded by unnecessarily using deadly force by discharging his firearm 13 times. Chief Lester contended that Toomey had ample time to move out of the path of the minivan's path to exit through the gap between the zig-zagged concrete barrier and his vehicle. More specifically, Lester did not credit Toomey's justification for refusing to tactically reposition himself because doing so would mean putting himself in a tactically inferior position. Chief Lester argued that an officer should attempt to avoid using deadly force, if possible.

Chief Lester explained how Toomey could have tactically repositioned himself to the rear of his vehicle at various "decision points" during the felony stop when the minivan had moved to various transition points (the minivan pulling forward and stopping and the minivan backing up and briefly stopping).

Regarding the final discharge from Toomey's firearm, Chief Lester explained that at this point Martinez was not yet an imminent threat to him or other officers, and Toomey did not need to discharge his firearm, but should have merely repositioned himself to a safer location outside of the pathway of the minivan.

Chief Lester explained that the non-repositioning allegations—the failing to timely activate the siren, colliding with the minivan, and prematurely deactivating the body-worn camera—were considered minor policy violations and, standing alone, would have only merited discipline anywhere from the range of an informal counseling to a 10-hour suspension.

Chief Lester also explained that she did not deploy the department's accident reconstruction team to investigate the officer-involved shooting as the department's

standard practice was to conduct a homicide investigation, which is reviewed by the district attorney's office, and an internal affairs investigation, which is also reviewed by OPSA.

Chief Lester contended that termination was the only proper penalty to be assessed in this case as the use of deadly force is the most important decision that a police officer can make and failure to properly use deadly force erodes the public's trust and confidence in the Department. In addition, Chief Lester could not remember a different penalty assessed for an officer-involved shooting which was found to be outside of policy, other than the termination of the employee. Chief Lester expressed her lack of confidence in Toomey's judgment regarding the use of deadly force if he returned to work and she would be concerned for the safety of the public.

Use of Force Expert Witnesses called by Toomey

A. Steve Papenfuhs

Steve Papenfuhs (Papenfuhs), a former sergeant and use of force instructor, was retained by the Association's law firm to prepare an expert witness report analyzing Toomey's actions on February 15, 2021, and whether those actions fell within departmental policy. The report was completed on March 20, 2021.

In short, after citing to United States Constitution Fourth Amendment case law, Penal Code sections, departmental policies, California Peace Officer Standard and Training (POST) Learning Domain lessons, and training provided by the department to Toomey, Papenfuhs opined that Toomey's actions fell within these legal and departmental policy parameters.

On March 14, 2023, Papenfuhs prepared a supplemental report for the Association's law firm, prior to his testimony on April 6, 2023, which specifically addressed the allegations in the notice to terminate Toomey.

Papenfuhs testified at length during the hearing. However, regarding allegations that Toomey used unnecessary deadly force when he failed to reposition himself behind his vehicle, Papenfuhs explained that there were too many rapidly changing circumstances happening before Toomey and Toomey did not have enough time to reposition himself to the rear of his vehicle. Papenfuhs opined that it was reasonable for Toomey to remain positioned in the crook of his vehicle where he had the best view of what was occurring and was best protected by the vehicle's ballistically-reinforced door. Papenfuhs also stated that it would have been unreasonable for Toomey to reposition his vehicle as Martinez could have exited his vehicle and fired upon Toomey through his windshield. If Toomey had exited into his vehicle when Martinez began driving toward the gap, Martinez would be passing within two to four feet of Toomey and could have easily fired upon Toomey and Toomey would be defenseless in his attempt to redraw his gun from the holster.

Regarding Toomey's final discharge from his firearm, Papenfuhs opined that Toomey's response in firing this last round was that of a reasonable and objective officer, as he believed Martinez was going to repeat his conduct to exit through the gap.[69]

---

[69] In Papenfuhs' justification as to the reasonableness of Toomey's action in discharging the final round, he cited to *Plumhoff v. Rickard* (2014) 572 U.S. 765 (*Plumhoff*). However, Papenfuhs qualified his opinion by stating that Toomey's response would not be the response of every Sacramento police officer, but still remained a reasonable response.

In summary, Papenfuhs believed that the department's disciplinary action against Toomey suffered from "hindsight bias"—that the department was not looking at circumstances as they unfolded before Toomey, but as to what ultimately occurred (attempting to exit through the gap).

B. Chuck Rylant, Psy.D.

Chuck Rylant, Psy.D., (Dr. Rylant) is a Doctor of Psychology and a law enforcement academy instructor at Allan Hancock College in the subject area of use of force. Dr. Rylant has qualified as an expert witness in the police's use of force in multiple federal and state courts and in criminal, civil and administrative venues. Dr. Rylant's doctoral dissertation research was on the subject of psychological and physiological factors affecting use of force decisions made under stress.

Dr. Rylant was retained by the Association's law firm to prepare a report regarding the use of force by Toomey on February 15, 2021, which was completed on October 11, 2022. Dr. Rylant's report and testimony focused on the influence of psychological and physiological factors during Toomey's use of force decision-making process in response to the actions of Martinez. In short, Dr. Rylant opined that Toomey's use of deadly force was consistent with relevant law, policy, and an objectively reasonable officer in light of the facts and circumstances known to him at the time; that Toomey's analysis and decision choices during the tense and rapidly unfolding events were consistent with the limitations of human performance while confronting a deadly threat; that an officer experiences a "fight or flight" response to use of force scenarios which negatively impact the officer's ability to evaluate options; that an officer will usually focus on the dangerous threat immediately in front of him to

the limitation or exclusion of other things around him; that in times of stressful, rapid response to use of force options, the officer will most likely default to his training; and the more options before the officer, the longer it will take for the officer to react and decide upon the proper option.

With these human performance limitations in mind, Dr. Rylant found that Toomey's use of deadly force when he discharged 13 rounds from his firearm was reasonable[70] based upon what Toomey observed: the victim's truck which had been burned by Martinez and Martinez's violation of the restraining order; Martinez's attempt to escape by driving through Toomey; and Martinez's attempt to evade arrest by means of a prolonged and dangerous car chase. Lastly, Dr. Rylant found that Toomey's final discharge of a round was reasonable as the minivan continued moving which made Toomey believe that the threat was continuing. Dr. Rylant contended that the department's conclusions found in the Final Notice suffered from hindsight bias rather than viewing changing circumstances as they unfolded moment by moment before the officer.

C. Former Sacramento County Sheriff John McGinness

John McGinness (McGinness) was the former elected Sheriff for Sacramento County Sheriff's Office (Sheriff's Office) and worked as a peace officer with the County

---

[70] Dr. Rylant utilized the three factors found in *Graham v. Connor*, *supra*, 490 U.S. 386, 396 to evaluate whether Toomey's actions were reasonable under the Fourth Amendment of the United States Constitution: (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

of Sacramento for 31 years, including four years as the Sheriff and four years as the Undersheriff.

Sheriff McGinness stated that Sacramento County's disciplinary action evaluation process differed from the Department. At the Sheriff's Office, after the internal affairs sergeant completed the investigation and prepared the findings of fact, the investigative package and findings of fact were forwarded to the employee's division commander who prepared a written report which analyzed the evidence and the findings of fact and issued conclusions as to the whether the deputy had violated sheriff office polic(ies) and recommended a penalty for the violation(s). Subsequent to the division command's review, the investigative package, findings of fact and division command's conclusions were forwarded to the chief deputy who conducted a similar review and prepared a similar written analysis. The chief deputy forwarded that analysis and prior reports to the undersheriff, who also prepared a written evaluation which was forwarded to the sheriff for the sheriff's ultimate decision. Sheriff McGinnis believed that this type of written analytical and evaluative process helped develop a healthy exchange of opinion(s) regarding the disciplinary investigation although he admitted that there was tendency to rely on the findings of fact prepared by the investigative sergeant. Sheriff McGinnis was critical of the Department's process of presentations to a group of police executives, which tended to promote more "group think," than a rigorous individual written analysis.

Sheriff McGinness's opinion as to whether Toomey violated the City's use of force and de-escalation and planned response policies also differed from the Department. Regarding whether Toomey should have repositioned himself from his

position in the crook of his vehicle, instead of discharging 13 rounds, Sheriff McGinnis opined that Toomey's decision was that of a reasonably objective officer in that: Toomey should not have to turn his back on Martinez because of Martinez's criminal history, the cover that Toomey's position (the crook of the door) provided him and his fellow officers as being superior, and the inferiority of the position behind his vehicle—a position where Toomey would experience light blindness.[71] In short, Sheriff McGinness believed that a reasonable officer would have taken the same actions as Toomey. Regarding Toomey's final discharge from his firearm, Sheriff McGinness opined that it was reasonable for Toomey to think, based upon the totality of the circumstances, that Martinez would repeat his same behavior when he saw the minivan briefly move.

Other Ramifications from the February 15, 2021 Incident

Subsequent to the February 15, 2021 officer-involved shooting, the City was sued civilly by Martinez for the harm he suffered. Chief Lester was unaware of the final outcome of the civil suit, as that was usually handled by the City Attorney's office.

As stated earlier in this proposed decision, a criminal investigation was conducted regarding the February 15, 2021 officer-involved shooting. That criminal investigation was forwarded to the Sacramento County District Attorney's Office (SCDAO) for its review and to determine whether the officer(s) (Toomey and Caro) actions were justified (criminally) regarding their use of deadly force.

[71] In addition, Sheriff McGinnis opined that for Toomey to seek refuge into his own police vehicle while Martinez drove through the gap was suicidal.

On August 16, 2024, the SCDAO issued a memorandum to Chief Lester regarding the officer-involved shootings of Toomey and Caro on February 15, 2021. The memorandum stated in part:

> "The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. ***We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Adan Herrera Martinez. For the reasons set forth, we conclude that the initial shooting by the officers was lawful. We also conclude that as to Officer Eric Toomey's final gunshot, there is no reasonable likelihood a jury would find that Officer Toomey no longer had a lawful right to self-defense.***
>
> "The District Attorney's Office received and reviewed written reports and other documentary items. These items include Sacramento Police Department report 2021-44157, body-worn camera footage, in-car camera recordings, dispatch calls, witness interviews, photographs, diagrams, Sacramento Police Department personnel records, evidence logs, medical records, and Sacramento County District Attorney Laboratory of Forensic Services reports.
>
> "[¶ . . . ¶]
>
> "**LEGAL ANALYSIS**
>
> "[¶ . . . ¶]
>
> "The police departmental internal review found these 13 shots fired by Officer Toomey to be justified actions of self-defense. The final gunshot by Officer Toomey was fired only approximately 2 seconds after the 13th shot. During this time, Martinez had given no indication, verbally or otherwise, that he was surrendering to the officers and had ceased his resistance. In fact, when the last shot was fired, the Toyota had just proceeded forward again, and Officer Toomey still remained in the vehicle's expected path of travel. It is very unlikely that a criminal jury would find that a significant change in circumstances occurred in those 2 seconds to conclude that Officer Toomey no longer had a lawful right to self-defense. Given the totality of circumstances involved in this

incident, a criminal conviction of Officer Toomey based solely on the final gunshot fired 2 seconds after the other lawfully justified gunshots is highly improbable.

"**CONCLUSION**

"Based on the circumstances of this incident, Officers Caro and Toomey were justified in using deadly force. As to Officer Toomey's final gunshot, there is no reasonable likelihood that a jury would convict Officer Toomey for firing his last shot at Martinez to prevent him from hitting Officer Toomey with his minivan as Martinez attempted to escape.[72] Accordingly, we will take no further action in this matter."

(Emphasis added.)

DISCUSSION OF THE STATEMENT OF ISSUE

Legal Standard

1. Burden of Proof

Both the Association and the City agree that the City has the burden of proof, by a preponderance of the evidence, that the City proves its allegations and that the City justify its assessment of the penalty of termination. Such burden is consistent with Rule 12.10, subdivision (c)(5). The MOU is silent as to the level of the burden of proof to be applied and therefore does not set forth a burden of proof which contradicts Rule 12.10, subdivision (c)(5). Rule 1.6 states that when the MOU conflicts with the civil service rule, the MOU will prevail. As there is no conflict stated in the MOU with this agreed burden of proof, the arbitrator will apply the

[72] See Government Code section 26500 regarding the prosecutorial discretion of the district attorney and Penal Code section 1096 as to the presumption of innocence and the definition of "reasonable doubt."

preponderance of the evidence as the burden of proof in this matter, whether as to the allegations or the justification for the penalty assessment.[73]

2. "Good Cause" Standard to Support the Termination

On the first day of hearing, both parties agreed that the statement of the issue was whether the City had "good cause" to support its termination of Toomey from employment. The "good cause" standard is not set forth in the parties' MOU or in the civil service rules. Rather, Rule 12.2, which is explicitly referenced in MOU Article 21.3, subdivision (c)(1), states that "Any City employee may be disciplined for *just cause*, including but not limited to the following forms of conduct if found to exist: . . ." Both parties have argued implicitly that *good cause* and *just cause* are synonymous, which on its face sounds plausible, but it does not strictly conform to the specific language of MOU Article 21.3. Therefore, in order to strictly conform with MOU Article 21.3, good cause shall refer to the standard of "just cause" as set forth in Rule 12.2.

The traditional principles of "just cause" discipline have been referenced by arbitrators as the standard for evaluating discipline taken by employers against its employees and has often been reduced to seven tests.[74] As specifically applied and

---

[73] Even if a greater burden of proof, such as clear and convincing evidence, were to be applied, the statement of facts would not be affected. The evidentiary record of what occurred on February 15, 2021, was on whole not disputed, but rather was established by the video/audio recordings transmitted from the in-car and body-worn cameras. The testimonies of Toomey, Caro and Stephens supplemented and explained the video/audio recordings.

[74] See Norman Brand & Melissa Biren, *Discipline & Discharge in Arbitration*, Third Edition (2015) at pp. 2.5 to 2.6, for a description of the seven tests.

tailored to the MOU, the City's civil service rules, and the allegations in the Final Notice, the tests of just cause for this case will be summarized as:[75]

(1) Was Toomey aware or should have been aware of the policies he was alleged to have violated?

(2) Were the policies in question reasonably related to the orderly, safe and efficient operation of the department?

(3) Did the Department establish that Toomey violated such policies by a preponderance of the evidence?

(4) For those violations of policy established by a preponderance of the evidence, was the internal affairs investigation of Toomey fair and objective?

(5) For those violations of policy established by a preponderance of the evidence, do the totality of circumstances, including Toomey's past work history, justify that the penalty of termination assessed by the employer is just and proper?

In addition to the traditional principles of just cause discipline, Rule 12.2 also states that "just cause" is satisfied by a determination that Toomey's conduct violated one or more of the legal causes for discipline as set forth in Rule 12.2, subdivisions (a) through (x).[76] Therefore, the just cause analysis will also include a determination of

---

[75] The seven tests have been simplified and consolidated into five tests for the ease of application and analysis in this proposed decision.

[76] See also Rule 12.4, subdivision (c), where the Notice of Disciplinary Action is to include a statement indicating the "cause for the disciplinary action pursuant to Rule 12.2." In addition, Rule 12.10, subdivision (b)(3)(i), states that the hearing officer in Civil Service Board hearings is required to make a "determination of issues" as to whether the employee's conduct constitutes "just cause for discipline under Rule 12.2." Clearly, the determination of just cause as set in the context of Rule 12.2 is interwoven with the finding that the employee's conduct also constitutes a legal cause for discipline under Rule 12.2, subdivisions (a) through (x).

whether the individual allegation, if established by a preponderance of the evidence, also constitutes a legal cause for discipline under the Rule 12 subdivisions plead in the allegations set forth in the Final Notice.

Just Cause Analysis

A. Test 1: Awareness of the Policies Violated

The answer to Test 1 will not be analyzed by the Final Notice's individual allegations, but as the allegations grouped together, as it was clear that Toomey was very familiar with the policies set forth in the Final Notice as to all six of the allegations. This familiarity was not only independently established by his training record and his role as a field training officer, but also based upon his knowledgeable answers given at his September 3, 2021 internal affairs interview related to those policies. Therefore, the City has demonstrated, by a preponderance of the evidence, that Toomey was aware of the policies that he was accused of violating and the City therefore satisfied Test 1 of the five just cause tests.

B. Test 2: Reasonable Relationship of the Policies to the Operation of the Department

The answer to Test 2 will also not be analyzed by the Final Notice's individual allegations, but as the allegations grouped together. It is clear that all of the policies set forth in the Final Notice allegations—General Orders 521.01—Pursuit of Vehicles; General Orders 420.01—Use of Police Vehicles; General Orders 580.02—Use of Force; General Orders 580.06—De-Escalation and Planned Response; and General Orders 525.07—Body-Worn Camera—govern how police officers are to consistently perform their job duties regarding: apprehending suspects; maintaining the safety of officers, suspects and the public; utilizing force and the de-escalation of force; and

ensuring that the video/audio recordings of such incidents are preserved in their entirety. Clearly, these policies are reasonably related to the orderly, safe and efficient operation of the Department in its relationship to its law enforcement function. Therefore, the City has demonstrated by a preponderance of the evidence that its policies are reasonably related to the orderly, safe and efficient operation of the Department and the City has satisfied Test 2 of the five just cause tests.

C. Test 3: Violation of Policies by Preponderance of the Evidence

The answer to Test 3 of the five just cause tests will need to be addressed individually, as set forth in the six individual allegations in the Final Notice.

1. Allegation 1: Delaying the Activation of the Siren in Violation of General Orders 521.01

It is not disputed that Toomey failed to activate the siren until approximately 28 seconds after he announced on his radio that he was in pursuit of the minivan. He explained that he forgot to activate his vehicle's siren as he was busy performing the other duties of the pursuit: announcing over the radio the status of the pursuit by speed, location, and density of traffic; and navigating the stops and turns of the residential streets. Toomey also explained that he had set up his siren so that it had to be manually activated separate from the emergency overhead lights.

General Orders 521.01, Procedure, section C.1. (Pursuit of Vehicles), requires Toomey to activate his vehicle's siren immediately when a vehicle pursuit is initiated. Such activation not only serves as a notice to the suspect to pull over, but also alerts the motoring public to be aware and to give the officer/pursuit the right of way and the residential public to stay off of the street.

While Toomey may have been busy during the pursuit and set up his siren to activate manually, he is still required to activate the siren immediately. The time period of 28 seconds is too long of a time period to not activate the siren for the purposes of maintaining the safety of the motoring and residential public and constitutes gross negligence of his known duty.

As Toomey's conduct constituted a grossly negligent failure to exercise due diligence in the performance of a known official duty, his conduct constitutes a violation of Rule 12.2, subdivisions (d) Inexcusable neglect of duty, and (w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service. (*Gubser*, *supra*, 271 Cal.App.2d 240, 242.) However, as Toomey's conduct did not establish that he lacked the adequate ability, knowledge or fitness to perform his duties or that he performed at a lower level of production than another employee, his conduct does not constitute a violation of Rule 12.2, subdivisions (b) Incompetence or (c) Inefficiency, and therefore these specific legal causes for discipline are dismissed. The City established this allegation by a preponderance of the evidence.

2. Allegation 2: Collision with Martinez's Minivan in violation of General Orders 420.01

It is undisputed that Toomey's vehicle collided with the minivan in the industrial area after Martinez had slammed on his brakes. The damage to both vehicles was minor and Toomey was traveling at approximately 8 to 10 mph when the collision occurred. Toomey was attempting to close the gap between the two vehicles in case Martinez intended to quickly exit his vehicle and escape on foot. It was clear from the video that at some points during the pursuit in the industrial area that Toomey was

traveling too close to the minivan (a half of a car length to a car length) and Martinez's escalation and de-escalation of his speed was erratic. Toomey admitted at his September 3, 2021 internal affairs interview that he could have followed Martinez a little further back.

General Orders 420.01, Procedure, section B.1. (Use of Police Vehicles), requires Toomey to exercise "due care" and "caution" when operating his vehicle. This also applies when Toomey is engaged in a vehicle pursuit. Based upon the minimal damage of the impact of Toomey's vehicle to the minivan and the low speed of the impact to the minivan, it is determined that Toomey was negligent, but not grossly negligent, in his operation of his vehicle when he collided with the minivan. Toomey knew that Martinez was driving unpredictably and should have compensated for Martinez's actions by giving Martinez a little more space.

Toomey's ordinary negligence constitutes a violation of Rule 12.2, subdivisions (q) Negligence which causes damage to City or public property, and (w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service. As Toomey's conduct did not constitute gross negligence, and the City did not establish that Toomey lacked the adequate ability, knowledge or fitness to perform his duties or that he performed at a lower level of production than another employee, Toomey's conduct did not constitute a violation of Rule 12.2, subdivisions (b) Incompetence, (c) Inefficiency or (d) Inexcusable neglect of duty, and therefore those specific legal causes for discipline are dismissed. The City established this allegation by a preponderance of the evidence.

3. Allegation 3: Toomey failed to Tactically Reposition himself or his Vehicle at the Termination of the Vehicle Pursuit in violation of General Orders 580.06

In both Allegations 3 and 4, the City does not dispute that Toomey reasonably believed that Martinez's actions in attempting to drive his minivan toward the gap between Toomey's vehicle and the zig-zagged concrete barrier constituted an imminent threat of death or serious bodily injury toward Toomey. Rather, the City contends that Toomey should have tactically repositioned himself so that he did not have to utilize deadly force toward Martinez.

General Orders 580.06—De-Escalation and Planned Response, specifically requires police officers to employ de-escalation techniques such as tactical repositioning when feasible, and when doing so does not increase the harm to peace officers or others. A tactical repositioning is considered "feasible" when the repositioning is reasonably capable of being carried out without increasing the risk to the peace officer or to another person.[77]

The City contends, overall, that a reasonable officer in the same location as Toomey would have repositioned himself or his vehicle anytime between the time of

[77] While these general orders do not have a definition for "feasible," General Orders 580.02—Use of Force, defines feasible as "reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the peace officer or another person." (General Orders 580.02, Procedure, section A.2, (Use of Force).) This definition is identical to that found in Government Code section 7286, subdivision (a)(3). For purposes of interpreting and applying General Orders 580.06—De-Escalation and Planned Response, the same definition of "feasible" will be applied in these general orders as found in General Orders 580.02, Procedure, section A.2. (Use of Force), and Government Code section 7286, subdivision (a)(3).

the collision of the vehicles (Toomey's vehicle and the minivan) and the time where Martinez accelerated the minivan, creating acceleration scuffs on the concrete, and turning the minivan's tires toward the gap. The City argues that tactical repositioning during this time period was feasible and posed no risk to Toomey or to another person.

Toomey, on the other hand, overall, contends that he was focused on Martinez's individual movements and driving as they unfolded and that his actions were that of a reasonable officer. Once Toomey exited his vehicle, he was not aware that Martinez was heading to the gap until Martinez drove forward while accelerating his vehicle, spinning his tires, at which time it was too late for him to reposition himself, as the vehicle was upon him and an imminent threat of serious bodily injury to him, forcing him to discharge his firearm rather than reposition himself.

The first contention of the City is that once Toomey collided with the minivan, Toomey should have shifted his vehicle in reverse and provided himself with one and a half to two car lengths distance between his vehicle and the minivan. However, doing so would have put Toomey in immediate danger of Martinez quickly exiting the minivan and shooting at Toomey at close range through his windshield. Because of this jeopardy to Toomey and the other officers' safety, it was safer for Toomey not to stay in his vehicle and back up, but to immediately exit his vehicle, and draw his firearm to prevent Martinez from getting an advantage over him. Therefore, it was not feasible for Toomey to reposition his vehicle immediately after he collided with the minivan without risking harm to himself or others.

Whether Toomey should have repositioned himself after Martinez drove the minivan forward after the collision, but prior to Martinez's acceleration toward the gap, can only be resolved by how Toomey perceived the direction of Martinez and whether that perception was that of a reasonable officer in the same situation based upon what Toomey perceived at the time without the benefit of hindsight. (*Graham v. Connor*, *supra*, 490 U.S. 386, 396; Penal Code section 835a, subdivision (a)(4); General Orders 580.02, Procedure, section K.9 (Use of Force).)

Toomey, as well as Caro and Stevens, all watched Martinez and his driving of the minivan as it unfolded, movement by movement.[78] It does not appear that any of these officers were anticipating that Martinez was going to drive into the gap between Toomey's vehicle and the zig-zagged concrete barrier until Martinez turned the minivan's tires toward the gap. Based upon Martinez's erratic/unpredictable driving, they all watched Martinez's driving as it unfolded rather than predict some location of minivan's exit in the very near future. All of the officers prepared as if Martinez was going to drive in some alternate location other than the gap. Each of those alternate locations, required preparation by all three officers that Martinez would drive in those direction(s) and to provide cover for the other officer(s) in case Martinez drove in those directions. It is therefore concluded that Toomey's actions were that of reasonable officer when he stayed in the location of the crook of his vehicle door until he first concluded, with any certainty, that Martinez was going to drive toward the gap when he saw the acceleration of the minivan with the minivan's tires pointed toward the gap.

---

[78] The fact that all three officers reacted similarly (responding to Martinez's movement by movement) strengthens Toomey's argument that his decision to stay in the crook of the vehicle door was that of a reasonable officer.

At the point when Martinez turned the minivan's front tires toward the gap, Toomey had no time to reposition himself to the rear of his vehicle as the minivan would be imminently upon him (1.7 seconds). As such, Toomey did not violate General Orders 820.06—De-Escalation and Planned Response, when he did not reposition himself from the crook of his vehicle door as such relocation was not feasible without risking harm to himself or others. As the City did not prove this allegation, that he violated this departmental policy by a preponderance of the evidence, it is therefore dismissed.

4. Allegation 4: Toomey failed to Move himself out of the Path of Martinez's Minivan in violation of General Order 580.02

General Orders 580.02, Procedure, sections L.1. and L.2., require a peace officer to make every reasonable effort to move out of the path of a vehicle instead of discharging round(s) from their firearm at the driver and to make every reasonable effort not to intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer. As stated in Allegation 3, whether Toomey complied with these policy sections depend upon how and when Toomey perceived the direction of Martinez as heading toward the gap and whether that perception was that of a reasonable officer in the same situation based upon what Toomey perceived at the time without the benefit of hindsight. Indeed, as stated earlier, Toomey was not aware that he was in the pathway of the minivan, until he saw the minivan's front tires pointed toward the gap. At that point, Toomey had no time to extricate himself from the anticipated trajectory of the minivan. Therefore, it cannot be found that Toomey violated General Orders 580.02, Procedure, sections L.1. and L.2. (Use of Force), by

not making every reasonable effort to move out of or place himself in the pathway of the minivan's anticipated trajectory.

As the City did not prove this allegation, that he violated this departmental policy by a preponderance of the evidence, it is therefore dismissed.

5. Allegation 5: Toomey Discharged One Final Round from his Firearm at Martinez instead of Repositioning himself when Martinez was not an Imminent Threat/Harm to him in violation of General Orders 580.02 and 580.06

Before some of the facts of this allegation are analyzed, some of the pertinent general orders will be reviewed again. General Orders 580.02, Policy, and Procedure, section K.2. (Use of Force), provides:

> "**POLICY**
> ". . . Peace officers shall use deadly force ***only when necessary*** in defense of human life or to prevent serious bodily injury.
>
> "**PROCEDURE**
>
> "[¶ . . . ¶]
>
> "K. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE
>
> "[¶ . . . ¶]
>
> "2. A peace officer is justified in using ***deadly force*** upon another person only when the officer ***reasonably believes***, based on the totality of the circumstances, that such force is necessary against ***imminent threat of serious bodily injury or death***."

(Emphasis added.)

General Orders 580.02, Procedure, section A.1. (Use of Force), defines "imminent harm" as:

> "***An imminent harm is not merely a fear of future harm***, no matter how great the fear and ***no matter how great the likelihood of the harm***, but is one that, from appearances, ***must be instantly confronted and addressed***."

(Emphasis added.)

Lastly, General Orders 580.02, Policy, and Procedure, section A.5. (Use of Force), mandates:

> "**POLICY**
>
> "A peace officer ***shall employ de-escalation*** . . . ***techniques*** when feasible and when doing so does not increase the risk of harm to peace officers or another person."
>
> "**PROCEDURE**
> "A. DEFINITIONS
>
> "[¶ . . . ¶]
>
> "5. ***DE-ESCALATION*** - . . . ***De-escalation tactics include***, but are not limited to, . . . ***tactical repositioning***."[79]

(Emphasis added.)

After Toomey discharged 13 rounds from his firearm toward Martinez, the minivan's trajectory changed as reflected by the direction of its front tires. The minivan and its tires were now pointing toward the zig-zagged concrete barrier and not toward the gap. In addition, the zig-zagged concrete barrier partially blocked the

---

[79] See also General Orders 580.06, Policy, and Procedure, section A.1. (De-Escalation and Planned Response) for a similar mandate.

minivan's access to the gap. The front bumper of the minivan was only a couple of feet from the zig-zagged wall, at most. For Martinez to resume his quest to drive through the gap, he would have to back up a sufficient distance, and then turn the minivan's tires to the left and drive forward to the gap. Such a maneuver would have given Toomey time to reposition himself to the rear of his vehicle.

Based upon the changed circumstance of the location of the minivan and the time it would have taken Martinez to position the minivan to drive toward the gap, as stated earlier, Toomey now had time to reposition himself to the rear of his vehicle. However, instead of immediately repositioning himself, when Toomey saw the minivan start a short backing movement, he discharged a final round, and then he walked backwards to the rear of his vehicle for cover—where other officers were located to guide him.

Toomey claims that when he saw the backward movement he reasonably believed that Martinez was going to resume his attempt to exit through the gap and run over anybody that was in the way. He believed the backing movement gave him the right to neutralize and engage the threat of the vehicle.

Both General Orders 580.02—Use of Force and 580.06 De-Escalation and Planned Response, require peace officers to continually assess the scene as circumstances change and additional information is received. (General Orders 580.02, Procedure, section G.2. and 580.06, Procedure, section B.3.) At the time of the short backing movement of the minivan, a reasonable officer would believe that Martinez had not *yet* become an imminent threat of death or serious bodily harm to either Toomey, Caro or Stevens, and that deadly force was not *yet* necessary as

there was not an imminent threat of serious bodily injury. As stated earlier, deadly force is only authorized when one reasonably believes, based upon the totality of the circumstances, that such force is necessary against an imminent threat of serious bodily injury or death. (General Orders 580.02, Procedure section K.2. (Use of Force).) While there was the possibility of an imminent threat of serious bodily harm resuming, it had not happened *yet*. Additionally, no officers were the subject of imminent harm *yet*. A reasonable officer would not believe that the officer needed to address Martinez at the point of this short backing movement. A reasonable officer would also believe that the officer had time to safely reposition themselves out of the path of what he anticipated to be the resumed trajectory of the minivan toward the gap.

Toomey contends, through his expert, that the discharge of this final round is justified by the United States Supreme Court decision in *Plumhoff*. In *Plumhoff*, the United States Supreme Court stated, "[I]f police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." (*Plumhoff*, *supra*, 572 U.S. 765, 777.) However, the Ninth Circuit Court of Appeal later clarified this sentence in *Plumhoff* in *Zion v. County of Orange,* 874 F.3d 1072, 1076 (9th Cir. 2017) (*Zion*), by stating "[b]ut terminating a threat doesn't necessarily mean terminating the suspect. If the suspect is on the ground and appears wounded, he may no longer pose a threat; a reasonable officer would reassess the situation rather than continue shooting." Recently, in *Estate of Hernandez v. City of Los Angeles*, 96 F.4th 1209 (9th Cir. 2024) (*Hernandez*), the Ninth Circuit Court of Appeal, in citing *Zion* with approval, analyzed

each volley of shots from the officer separately, stating that if the threat had been sufficiently halted, it warranted reassessing the situation rather than continuing shooting. (*Id*. at p. 1218.) In light of these subsequent Ninth Circuit Court of Appeals precedents in *Zion* and *Hernandez* which interpreted *Plumhoff*, Toomey's attempt to seek cover for his final discharge from his firearm under the auspices of *Plumhoff* is not justified. After the 13 discharged rounds, Martinez's imminent threat had sufficiently halted which merited that Toomey reassess the scene and tactically reposition himself rather than utilize deadly force immediately upon the minivan's first backing movement.

Therefore, it is determined that the City established by a preponderance of the evidence that Toomey violated General Orders 580.02—Use of Force and 580.06 De-Escalation and Planned Response, when he utilized deadly force to discharge a final round from his firearm instead of repositioning himself. Toomey's discharge of the final round and failure to reposition himself without discharging this final round constituted a grossly negligent failure to exercise due diligence in the performance of a known official duty, and therefore constitutes a violation of Rule 12.2, subdivisions (d) Inexcusable neglect of duty, and (w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service. (*Gubser*, *supra*, 271 Cal.App.2d 240, 242.) However, as Toomey's conduct did not establish that he lacked the adequate ability, knowledge or fitness to perform his duties or that he performed at a lower level of production than another employee, his conduct does not constitute a violation of Rule 12.2, subdivisions (b) Incompetence or (c) Inefficiency, and therefore those specific legal causes for

discipline are dismissed. The City established this allegation by a preponderance of the evidence.

6. Allegation 6: Toomey Deactivated his Body-Worn Camera without Supervisory Approval in violation of General Orders 525.07

Toomey admitted that he was familiar with General Orders 525.07, Procedure, section F.3. (Body-Worn Camera), that required him to have supervisory approval before he deactivated his body-worn camera during an officer-involved shooting. He intentionally deactivated the body-worn camera prior to receiving supervisorial approval because he wanted to speak to his family. Although Toomey had not deactivated his body-worn camera anytime during the actual officer-involved shooting itself, to deactivate his body-worn camera before receiving authorization violated the general orders and circumvented the department's supervisorial control over maintaining a complete recording of the incident. A breach in the department's supervisorial control in this matter can bring the department under adverse scrutiny as the recording must eventually be disclosed to the public. (Penal Code, § 832.7, subd. (b)(1)(A)(i).) As Toomey's conduct was an intentional violation of General Orders 525.07—Body-Worn Camera, his action therefore constitutes a violation of Rule 12.2 subdivisions (d) Inexcusable neglect of duty, and (w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service. However, as Toomey's conduct did not establish that Toomey lacked the adequate ability, knowledge or fitness to perform his duties or that he performed at a lower level of production than another employee, his conduct does not constitute a violation of Rule 12.2, subdivisions (b) Incompetence or

(c) Inefficiency, and therefore those specific legal causes for discipline are dismissed. The City established this allegation by a preponderance of the evidence.

The City established, by a preponderance of the evidence, that Toomey violated the policies found in Allegations 1, 2, 5 and 6 and the City has therefore satisfied Test 3 of the five just cause tests for those four allegations.

D. Test 4: Fair and Objective Investigation

The City established by a preponderance of the evidence that Toomey violated the policies set forth in Allegations 1, 2, 5 and 6. Therefore, Test 4 will concern whether the City's internal affairs investigation regarding these allegations was fair and objective.

The City's internal affairs investigation was conducted by departmental employees who were not part of the investigation. That investigation included interviewing every witness to the vehicle pursuit and officer-involved shooting; reviewing all pertinent video/audio recordings; reviewing the prior criminal investigation; and, finally extensively interviewing Toomey, with his legal representative present, to obtain his explanation as to what occurred on February 15, 2021.

Toomey objected to investigation and contended that an accident reconstruction expert should have been deployed to also investigate the officer-involved shooting as that investigation would have yielded further information as to Allegations 3 and 4 (which have already been dismissed). While such investigation would have revealed more details as to certain distances and the minivan expected travel time to contact with Toomey, that type of investigation was not ordinarily

ordered in officer-involved shooting investigations.[80] In addition, based upon the extensive nature breadth of the existing internal affairs investigation (covering 1,500 pages), the Department's failure to order such accident reconstruction investigation did not render the Department's investigation as unfair or nonobjective.

Toomey also objected to the process of review by the Department's executive committee. Toomey contended that the Department should have conducted a review similar to the Sheriff's Office where a separate written analysis was performed at each level of managerial and executive review, rather than the investigation and recommendations being presented to the executive committee at a singular meeting where those present could be prejudiced by "group think." However, managers and executives reviewing each other's analysis could likewise produce a tendency for one manager to be lazy and adopt another's analysis. Both processes (the Department and the Sheriff's Office) may have their process defects, but those defects are based more on whether the character of the reviewer in the process, more than the process itself. No evidence was presented that the individual executives participating in the Department's executive committee review process abdicated their review responsibility or were not able to express their opinion—especially since the length of the meeting was at least an hour long and focused on the issues which led to Toomey's termination. Therefore, the City established by a preponderance of the evidence that it conducted a fair and objective investigation as to Allegations 1, 2, 5

---

[80] In the Department's investigation, it was able to obtain some of the same, but not all of the distances provided by Toomey's accident reconstruction expert. Admittedly, Toomey's accident reconstruction expert was very helpful in the presentation of evidence in this matter during the arbitration hearing, but that does not render the department's investigation as unfair or non-objective.

and 6, and the City has satisfied Test 4 of the five just cause tests for those allegations.

E. Test 5: Just and Proper Penalty

The last test is whether the City's assessed penalty of termination was just and proper in light of all the sustained allegations, under the totality of circumstances, including Toomey's past work history.

While the violation regarding the siren, the collision and the body-worn camera would have only merited minor discipline, the focus of the penalty assessment of termination was based upon the unauthorized use of deadly force, as set forth in departmental policies. That violation was that Toomey discharged the final round at Martinez when Martinez was not *yet* an imminent threat and no officers were in jeopardy of imminent harm of serious bodily injury when Toomey could have just repositioned himself to the back of his vehicle and avoided discharging the final round.

In *Skelly*, the California Supreme Court noted the relevant factors in determining the appropriateness of the penalty assessed upon a public sector employee who received a disciplinary action of termination, and stated:

> "[W]e note that the ***overriding consideration*** in these cases is the extent to which the employee's conduct resulted in, or if repeated is likely to result in [h]arm to the public service. (Citations omitted.) Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence."

(*Skelly*, *supra*, 15 Cal.3d 194, 217-218; emphasis added.)

These relevant *Skelly* factors present a good basis for analysis as to whether the penalty assessed was just and proper under the totality of the circumstances.

The harm that can be caused to the public service by an unauthorized use of deadly force is obvious: a suspect could needlessly die or be seriously injured. Along with the loss of life or serious injury, comes liability issues and the loss of the Department's enforcement credibility with the public. While such unauthorized use of force did not result in a criminal prosecution in this case, such a decision not to prosecute regarding the final discharge was a discretionary decision based upon the SCDAO assessment of obtaining a jury conviction. In this case, the Department also has discretion to pursue enforcement of its use of force policies through disciplinary action and to hold its peace officers accountable, especially when the outcome of such deviations of these policies has such grave repercussions. In addition, according to Chief Lester's testimony, the Department has consistently assessed termination as the proper penalty for all officers who use deadly force outside of departmental policy because of the potential of great harm to the public service.

The circumstances surrounding the misconduct do not mitigate matters for Toomey, especially regarding the discharge of the final round. Toomey seemed to believe that he could engage Martinez at this point in time as he was a threat that was not neutralized. Toomey's interpretation of what he was allowed to do runs contrary to the explicit language found in General Orders 580.02—Use of Force and 580.06—De-Escalation and Planned Response, which overall seeks to promote the preservation of life, if possible, especially when the threat or harm is not imminent.

The last *Skelly* factor is the likelihood that such conduct would recur. Assessing this factor with Toomey's employment history favors Toomey. Prior to February 15, 2021, for all intents and purposes, Toomey had an exemplary work

record and a promising career ahead of him. He did not have a disciplinary record, had advanced to a field training officer, and even was relied upon to fill in as an acting sergeant. If anything, his good record would merit towards an argument that he could be trained to learn from this offense and the offense would likely not recur.

In assessing all of the *Skelly* factors together, as stated in *Skelly*, the "overriding consideration" is the harm to the public service. The unauthorized and intentional use of deadly force is a serious offense which causes grave repercussions not only to the Department, but to the public. While Toomey had an exemplary work record, his offense is of such a magnitude that the Department should not have to risk a recurrence. As such, the City has established by a preponderance of the evidence, under the totality of circumstances, that the assessed penalty of termination of Toomey was a just and proper penalty, and the City has therefore satisfied Test 5 of the five just cause tests for Allegations 1, 2, 5 and 6.

PROPOSED ORDER

Based upon the above foregoing Statement of Facts and Discussion of the Statement of Issue, and having received and considered all of the evidence and arguments relevant to this matter, the arbitrator issues the following proposed order:

1. There was good cause established for the termination of Eric Toomey pursuant to Rule 12.2 of the Rules and Regulation of the Civil Service and MOU Article 21.3. Therefore, the appeal of Toomey from termination is hereby denied and the discipline is sustained.

2. This proposed decision will be provided to the Association and the City for them to discuss their options pursuant to MOU Article 21.3, subdivision (c)(2).

Shawn P. Cloughesy
Arbitrator

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Yolo, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Cloughesy Arbitration Services, P.O. Box 301, Davis, 95616.

On December 16, 2024, I served the Proposed Decision regarding CSMCS Case No. Arb-21-0342 on the parties listed below by

____Personal delivery.
_X_Electronic service (e-mail).

Joseph A. Hoffmann
Senior Associate Attorney
Mastagni Holstedt
1912 I Street
Sacramento, CA 95811
Email: jhoffmann@mastagni.com

Timothy G. Yeung
Managing Partner
Arcelia Hurtado
Of Counsel
Sloan Sakai
555 Capitol Mall, Suite 600
Sacramento, CA 95814
Email: tyeung@sloansakai.com ; ahurtado@sloansakai.com

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 16, 2024, at Davis, California.

Shawn P. Cloughesy
(Type or print name)

(Signature)

Sacramento Police Department
Internal Affairs Division

Summary

IAD2021-033

Allegation: Force, Firearm Discharge, Improper Tactics, Neglect of Duty, Traffic

Complainant: Sacramento Police Department

Report Prepared by: Sergeant Justin Thompson #3143

Investigating Officer: Sergeant Justin Thompson #3143

Accused Employee: Officer Eric Toomey and Officer Nicholas Caro

On February 15th, 2021 Sacramento Police Department Officers responded to an Arson-Less than 15 ago at [redacted] Occidental Dr #[redacted] On-scene officers observed the suspect drive past in a red Toyota mini-van. Officer Toomey attempted a traffic stop on the suspect vehicle which instead fled from officers. The pursuit of the suspect vehicle terminated at 8550 Fruitridge Rd with a felony stop. During the felony stop, Officer Toomey and Officer Caro discharged their firearms striking the suspect.

Sacramento Police Department

Personnel Complaint Form

- DEPARTMENT USE ONLY - IAD CASE NUMBER
IAD2021-033

Complainant:

**You have the right to remain anonymous. Consider providing some information for an investigator to contact you for follow-up questions.*

NAME	DOB	AGE	GENDER	RACE
SPD				

HOME ADDRESS	CITY	STATE	ZIP

BUSINESS ADDRESS	CITY	STATE	ZIP

TELEPHONE NUMBER #1	EMAIL ADDRESS	DATE COMPLAINT RECEIVED
		02/15/2021

Involved Employee:

**Provide as much information as possible.*

NAME	RANK	BADGE	GENDER	RACE
SPD	OFFICERS			

UNIFORM TYPE	VEHICLE DESCRIPTION	VEHICLE NUMBER
POLICE UNIFORM		

Incident Details:

INCIDENT DATE	INCIDENT TIME	LOCATION (ADDRESS OR INTERSECTION)
02/15/2021	22:25	8550 FRUITRIDGE ROAD, SACRAMENTO CA 95826

SUMMARY OF INCIDENT: *Provide witnesses, locations, address, businesses, available photos and video, etc.*

OIS of Adan Martinez that occurred in the 8500 block of Fruitridge Road involving officers Eric Toomey and Nicholas Caro.

Officer Nicholas Caro - #0561 - Male - Hispanic
Officer Eric Toomey - #0894 - Male - White

Allegation(s): Force, Firearm Discharge, Improper Tactics, Neglect of Duty, Traffic

☐ I have attached _____ more pages to this form.

Your Rights:

You have the right to make a complaint against an employee for improper conduct. California law requires this agency to have a procedure to investigate personnel complaint, provide written description of this procedure, and retain complaints for at least five years.

I have read and understand these rights. Signature: _____

DEPARTMENT USE ONLY:		
ACCEPTING EMPLOYEE NAME AND BADGE NUMBER	ACCEPTING SUPERVISOR NAME AND BADGE NUMBER	DATE AND TIME
DESIREE SAYLES #6643	GREG HALSTEAD #4063	

Clear Form Print Form

Sacramento Police Department

Personnel Complaint Disposition Form

- CONFIDENTIAL AND FOR DEPARTMENT USE ONLY -

DEPARTMENT USE ONLY - IAD CASE NUMBER
IAD2021-033

Internal Investigation Details:

DATE REPORTED	TIME REPORT	INCIDENT DATE	INCIDENT TIME	REPORT NUMBER
2/15/2021	2225	2/15/2021	2225	21-44157

INCIDENT LOCATION (INTERSECTION OR FULL ADDRESS)	DISTRICT/BEAT	HOW REPORTED	INVESTIGATION TYPE
[redacted] Occidental Dr	6E	Internal	Internal Affairs Division

ASSIGNED DATE	ACTIVE DATE	SUSPENDED DATE	RESUME DATE	FOLLOW-UP DATE	COMPLETED DATE
2/15/21	2/24/21				

Involved Employee:

NAME	RANK	BADGE	GENDER	RACE
Nicholas Caro	Officer	561	M	H

Allegations:

☐ Conduct Unbecoming	☑ Firearm Discharge	☐ Missing Property
☐ Discourtesy	☐ Harassment	☑ Neglect of Duty
☐ Discrimination	☐ Improper Search and Seizure	☐ Profiling
☐ Dishonesty	☑ Improper Tactics	☐ Service
☑ Force	☐ Insubordination	☐ Traffic
☐ False Arrest	☐ Intoxication	☐ Wage Garnishment
	☐ In Custody Death	☐ Officer Involved Shooting

Disposition:

ALLEGATION	FINDING	DISCIPLINE / ACTIONS TAKEN
Force	EXONERATED	
Firearm Discharge	EXONERATED	
Improper Tactics	UNFOUNDED	
Neglect of Duty	SUSTAINED	DOCUMENTED COUNSELING

APPROVED BY: _____ Date: 12/17/21

Skelly or Discipline Settlement:

ALLEGATION	FINDING	DISCIPLINE

APPROVED BY: _____ Date: _____

INVESTIGATOR NAME AND BADGE NUMBER	INVESTIGATOR SUPERVISOR AND BADGE NUMBER	DATE AND TIME
J. Thompson #3143	Lt. Cybulski #4087	9/7/21 1100

Sacramento Police Department

Personnel Complaint Disposition Form

- CONFIDENTIAL AND FOR DEPARTMENT USE ONLY -

DEPARTMENT USE ONLY - IAD CASE NUMBER
IAD2021-033

Internal Investigation Details:

DATE REPORTED	TIME REPORT	INCIDENT DATE	INCIDENT TIME	REPORT NUMBER
2/15/2021	2225	2/15/2021	2225	21-44157

INCIDENT LOCATION (INTERSECTION OR FULL ADDRESS)	DISTRICT/BEAT	HOW REPORTED	INVESTIGATION TYPE
[redacted] Occidental Dr	6E	Internal	Internal Affairs Division

ASSIGNED DATE	ACTIVE DATE	SUSPENDED DATE	RESUME DATE	FOLLOW-UP DATE	COMPLETED DATE
2/15/21	2/24/21				

Involved Employee:

NAME	RANK	BADGE	GENDER	RACE
Eric Toomey	Officer	0894	M	W

Allegations:

☐ Conduct Unbecoming	☑ Firearm Discharge	☐ Missing Property
☐ Discourtesy	☐ Harassment	☑ Neglect of Duty
☐ Discrimination	☐ Improper Search and Seizure	☐ Profiling
☐ Dishonesty	☑ Improper Tactics	☐ Service
☑ Force	☐ Insubordination	☑ Traffic
☐ False Arrest	☐ Intoxication	☐ Wage Garnishment
	☐ In Custody Death	☐ Officer Involved Shooting

Disposition:

ALLEGATION	FINDING	DISCIPLINE / ACTIONS TAKEN
Force	SUSTAINED	
Firearm Discharge	SUSTAINED	TERMINATION
Improper Tactics	SUSTAINED	
Neglect of Duty	SUSTAINED	
Traffic	SUSTAINED	

APPROVED BY: _____ Date: 12/17/21

Skelly or Discipline Settlement:

ALLEGATION	FINDING	DISCIPLINE

APPROVED BY: _____ Date: _____

INVESTIGATOR NAME AND BADGE NUMBER	INVESTIGATOR SUPERVISOR AND BADGE NUMBER	DATE AND TIME
J. Thompson #3143	Lt. Cybulski #4087	9/7/21 1100

City of SACRAMENTO
Office of Public Safety Accountability

Request for Review Form

Date of Request:	March 10, 2021
IA Case #:	IAD2021-033
OPSA Case #:	OPSA2021-0053
Complainant's Name:	SPD
Employee(s):	
	Officer N Caro [0561]
	Officer E Toomey [0894]

OPSA:

☒ **WILL** REVIEW

☐ **WILL NOT** REVIEW*

** Send DISPOSITION form(s) to OPSA upon completion of case.*

INTERVIEW WITH Officer James Summey

Interviewer #1:	Justin Thompson
Interviewer #2:	Don Schumacher
Interviewee #1:	James Summey
Interviewee #2:	Mick Boyd
Point of Contact:	jthompson@pd.cityofsacramento.org
Notes:	

RUSH REQUESTS:
Notify Vice President Camcy Holt of the uploaded filename.
camcy@docuscript.com

SCHUMACHER The date is June 10, 2021. The time is 2119 hours. Present in the Internal Affairs office is Ofc. James Summey; his representative, Mick Boyd; Sgt. Justin Thompson; and myself, Sgt. Don Schumacher. The purpose of this investigation is to conduct an interview of James Summey, who is an employee with the Sacramento Police Department in the capacity of officer. This is an administrative investigation on the charges against Eric Toomey and Nicholas Caro for force, firearm discharge, improper tactics, and neglect of duty in which you may be a witness. Do you understand this is only an administrative investigation?

SUMMEY Yes, sir.

SCHUMACHER The results of this investigation could lead to disciplinary action up to and including termination of the employees allegedly responsible. Do you understand this?

SUMMEY Yes, sir.

SCHUMACHER Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide, at this time, all information you may know regarding this incident. Failure to answer a question, or failure to answer it truthfully and fully, will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

SUMMEY Yes, sir.

THOMPSON Can you please say and spell your name for the record?

SUMMEY My name is James Summey, J-A-M-E-S, S-U-M-M-E-Y.

THOMPSON Prior to this interview, we provided you and your representative with the following items: SPD CAD call 21-44157; your body-worn camera video from that report; your in-car camera video from that report; your observations from that report. Have you had enough time to review all of this material?

SUMMEY Yes, sir.

THOMPSON Do you have any questions before we begin?

SUMMEY No, sir.

THOMPSON What is your current rank and assignment?

SUMMEY My current rank is officer trainee. I'm currently assigned to the Field Training Unit in Sector 1, graves.

THOMPSON And how long have you been a police officer?

SUMMEY I've been a sworn police officer for approximately six months now.

THOMPSON And which academy did you graduate from?

SUMMEY I graduated from 20-BR2.

THOMPSON Do you have any prior law enforcement experience?

SUMMEY Military law enforcement experience.

THOMPSON Okay. And what branch of the military?

SUMMEY I was in the United States Navy.

THOMPSON Okay. And how long did you serve as military?

SUMMEY Four years.

THOMPSON Do you have any other prior assignments in the police department?

SUMMEY In the Sacramento Police Department?

THOMPSON Yes.

SUMMEY No, sir.

THOMPSON Okay. Any specialized training in the police department?

SUMMEY No, sir.

THOMPSON Okay. Were you working on February 15, 2021, as a Sacramento Police Officer?

SUMMEY Yes, sir.

THOMPSON And what was your unit identifier that day?

SUMMEY My unit identifier was 1-Charles-88.

THOMPSON Were you working with anyone?

SUMMEY I was working with my field training officer, Ofc. Parham.

THOMPSON And do you recall what phase of field training you were in?

SUMMEY Phase 1.

THOMPSON Phase 1? How long had you been on at that point?

SUMMEY Approximately two weeks.

THOMPSON Okay. And during that two weeks, you had been with Ofc. Parham that whole time?

SUMMEY Yes, sir.

THOMPSON Okay. What were your typical hours for that shift?

SUMMEY My typical hours were 1430 to 12:30, or 2:30 to -

THOMPSON Okay. Anything unusual about that shift on February 15th from a personal standpoint? Extra tired?

SUMMEY No, sir.

THOMPSON What type of patrol car were you driving?

SUMMEY We were driving a UV.

THOMPSON Okay. And is that UV equipped with any kind of special equipment in the back?

SUMMEY Spike strips and a shield.

THOMPSON Okay. Does it also have ballistic doors?

SUMMEY Yes, sir.

THOMPSON Okay. And what kind of uniform were you wearing that day?

SUMMEY I was wearing a full patrol — fully-marked Sac PD patrol uniform.

THOMPSON Were you wearing your department-issued body-worn camera?

SUMMEY Yes, sir.

THOMPSON And to your knowledge was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift?

SUMMEY At the beginning of my shift, yes.

THOMPSON Okay. At about 2217 hours, were you dispatched to assist officers in pursuit of a suspect vehicle?

SUMMEY Yes, sir.

THOMPSON And what were the details of that pursuit call?

SUMMEY From what I was aware, there was a pursuit and the want was arson. And I heard the pursuit was ongoing in 6E, and we were coming from the Comm Center.

THOMPSON Okay. Did you respond Code 3?

SUMMEY Yes, sir.

THOMPSON Who was the driver of your patrol vehicle, and who was passenger?

SUMMEY I was the driver, and my field training officer was the passenger.

THOMPSON As you guys were headed towards that pursuit, do you remember any updated information about the suspect or the nature of the pursuit?

SUMMEY Nothing specific, just the directions in which the vehicle was headed.

THOMPSON Do you remember anything about the suspect's driving behavior at all?

SUMMEY No, sir, nothing that stood out.

THOMPSON Do you recall any mentions of weapons related to the suspect?

SUMMEY No, I do not, sir.

THOMPSON Do you recall any mentions of weapons related to the suspect?

SUMMEY No, I do not, sir.

THOMPSON So, as you were — go ahead.

SCHUMACHER No.

THOMPSON As you were headed to this pursuit, what kind of things are going through your mind while you're in route?

SUMMEY My field training officer was speaking to me regarding catching up to the pursuit to try to get into the pursuit, but once we heard that there was three officers and a K9, our goal at that point was to try to deploy spike strips because we knew we were possibly in front of the pursuit.

THOMPSON So, were you ever directly in the pursuit?

SUMMEY No, sir.

THOMPSON And at some point in the pursuit did officers request assistance with a spike strip deployment?

SUMMEY I believe so. I'm not 100 percent if I can remember a specific request from an officer in the pursuit requesting the spike strips, but as far as I can remember. I think they were trying to get us to deploy them at Watt and Fruitridge, but I can't remember if that was my field training officer asking me or if it was a unit over the radio.

THOMPSON Okay. And have you received training in hollow spike strip deployment?

SUMMEY Yes, sir.

THOMPSON And when was that?

SUMMEY That was during my time in the academy.

THOMPSON Okay. And are hollow spike strips also referred to as stop sticks?

SUMMEY Yes, sir.

THOMPSON Can you kind of explain what spike strips are and how they're utilized?

SUMMEY They're a tool that we have to help disable a vehicle that's in pursuit, and it contains small, hollow straws that puncture the suspect's tires and deflate them slowly.

THOMPSON Okay. And when it comes to actually deploying those spike strips, what kind of techniques have you been taught to do?

SUMMEY We've been taught to throw them into the roadway as far as we possibly can and then reel them back in to a more practical location, wherever we think the vehicle is going to cross over, and then stand behind cover.

THOMPSON And where are the spike strips kept in your patrol vehicle?

SUMMEY They were kept in the back compartment, the back trunk.

THOMPSON And were they there that night that you deployed them?

SUMMEY Yes, sir.

THOMPSON Prior to this incident, have you ever deployed stop sticks, either successfully or unsuccessfully, in the field?

SUMMEY In the field? No.

THOMPSON At some point did you and Ofc. Parham attempt to deploy spike strips in this incident?

SUMMEY Yes, we did.

THOMPSON Can you please walk us through what led up to your decision to attempt to deploy spike strips?

SUMMEY As we were approaching Watt and Fruitridge, we saw the pursuit turn westbound onto Fruitridge, and we were far in front of that. And so, we made a U-turn and

started driving westbound to try to get as much distance as we could between us and the pursuit. We pulled off to the north side of the street, in the best area, I guess, we could, and I grabbed the spike strips out of the back of the vehicle and went to the front of the vehicle to try to deploy them.

THOMPSON Okay. So, your vehicle was essentially parked on the side of the road. Correct?

SUMMEY Yes.

THOMPSON And were you facing westbound?

SUMMEY We were facing westbound.

THOMPSON And were you guys — was there a sidewalk, a bike lane, or anything like that?

SUMMEY A sidewalk, as far as I can remember.

THOMPSON And you guys were tight to the curb?

SUMMEY Yes, sir.

THOMPSON Do you recall if your emergency lights were on?

SUMMEY Yes, they were.

THOMPSON And then you said that you moved to the front of the vehicle. Is that where you were standing when you deployed the spike strips?

SUMMEY Yes. I was at the front of our vehicle.

THOMPSON Okay. And why do you use that patrol vehicle — why did you move to the front of the patrol vehicle?

SUMMEY To obtain as best cover as possible because a motor vehicle is coming our way.

THOMPSON Okay. And were you successful in that attempt to deploy spike strips?

SUMMEY No, we were not.

THOMPSON Did you ever actually even throw the spike strips out into the roadway?

SUMMEY No, I did not.

THOMPSON Okay. Can you describe what actions the suspect vehicle took as it relates to your attempt at deployment for spike strips?

SUMMEY When I looked at the suspect vehicle, I noticed it driving kind of, I thought, erratic, erratically. It was kind of making several turns in the road, not specifically going any direction, but it just kind of looked like it was fishtailing in a way. And then the vehicle just took a sharp southbound turn into a parking lot.

THOMPSON Okay. What lane of traffic was the suspect vehicle in as it approached?

SUMMEY I believe it was in the first lane, the number one lane of westbound traffic.

THOMPSON And so, you said as it was approaching it was kind of weaving. Do you recall about how fast it was going?

SUMMEY I couldn't specifically say. I'd say approximately 30 to 40 miles per hour.

THOMPSON Okay. And then you stated that it made kind of a southbound turn. Would that be essentially like a left turn?

SUMMEY It made, yeah, a sharp left turn, southbound, into a parking lot.

THOMPSON Prior to it making that left turn, do you recall if it made any actions on the roadway?

SUMMEY No, just a little swerving moment. It kind of looked like they were trying to turn somewhere and just couldn't figure it out. That's kind of what I thought.

THOMPSON And at the moment he made that swerving moment, how far away do you think the suspect vehicle was from your patrol vehicle?

SUMMEY I'd say approximately 200 feet.

THOMPSON Okay. In that moment when it kind of swerved a little bit, before it made the left-hand turn, did you fear for yourself or Ofc. Parham's safety in any way?

SUMMEY I feared that it could have possibly hit our car, but not necessarily my safety because I was well behind our patrol vehicle and easily got up on the sidewalk at that point.

THOMPSON Do you recall what you and Ofc. Parham were saying during that attempted deployment?

SUMMEY Ofc. Parham was instructing me to get back on — get behind the patrol vehicle. I was a little more into the street than directly in front of the patrol vehicle, because the roadway was pretty wide and I wanted to try to get the spike strips out as far as possible, and he was just directing me to get a little bit further in front of the patrol vehicle.

THOMPSON Okay. In your training and experience, do suspects sometimes swerve to avoid spike strips?

SUMMEY In my experience, yes. That's just, I feel, a common way to get away from spike strips, swerve around them.

THOMPSON Do you believe that the suspect was swerving towards you in an attempt to hit you?

SUMMEY No, I did not.

THOMPSON Had the suspect vehicle not turned into the industrial complex, do you believe that it could have struck your patrol vehicle?

SUMMEY I don't believe — it's hard to say what that person's intent was, the suspect's intent. I didn't believe that they were aiming for our vehicle. I think they were just trying to find a way out.

THOMPSON So, when he first kind of made that swerving movement before he made the left-hand turn, did he — was his vehicle pointed towards your patrol vehicle?

SUMMEY No, it was not. It was just randomly swerving. There was no direction it was going towards.

THOMPSON Okay. In your mind, did the suspect commit any crimes by taking the action of kind of swerving before he made that left?

SUMMEY I don't think so.

THOMPSON Okay. Do you recall if anyone voiced over the radio that the suspect had swerved at that point?

SUMMEY I do remember hearing something. It's a little vague in my memory exactly what was said, but something along the lines of "Watch out. He's swerving," or "Watch out. Officers on the side of the road, watch out."

THOMPSON Okay. And do you think that was a warning for you?

SUMMEY Yes.

THOMPSON Okay. Why do you think they felt the need to give you that warning?

SUMMEY I mean, I understand that the swerving movement may have looked, in their perspective, like it was — like we were in danger, because we were ahead of the pursuit and we were the only things in front of the pursuit. It was just an open roadway and us. So, I can see their intent to try to just warn us, "Hey, he's swerving around," if we didn't see that, because they might have thought we were behind the patrol vehicle and couldn't see it.

THOMPSON Okay. Had he swerved in a manner that you felt was essentially an assault or could have been an assault on you and Ofc. Parham, would you have voiced that information?

SUMMEY Yes.

THOMPSON In reviewing this, it appears that your body-worn camera is not activated during your attempted deployment of the stop sticks. Can you walk us through why that did not occur?

SUMMEY When we activated our lights, neither mine or Ofc. Parham's body-worn cameras activated at that time, just during that simultaneous activation, and we just both didn't look down and notice that our body cams were not activated.

THOMPSON Okay. Has that ever happened before, where a patrol car — in your experience or have you heard from other officers that sometimes a patrol car will not activate a body-worn camera?

SUMMEY Yes.

THOMPSON Okay. At some point did you activate your body-worn camera?

SUMMEY Yes, I did.

THOMPSON After that vehicle swerved into the industrial complex, what did you and Ofc. Parham do next?

SUMMEY After it swerved into the industrial complex, Ofc. Parham and I continued westbound on Fruitridge, as it was voiced that the street Unsworth was south of that location and, possibly, if that was — the pursuit was to go to a foot bail, to have a loose perimeter set up down on Unsworth. So, that's the direction we went.

THOMPSON Okay. Were you on scene at the time of the officer-involved shooting?

SUMMEY No, I was not.

THOMPSON What actions did you take to assist in taking the suspect into custody?

SUMMEY Upon my arrival onto the scene, I grabbed our shield from the back of the patrol vehicle and joined one of the contact teams at the patrol vehicles.

THOMPSON Did you ultimately assist with the crime scene, conducting follow-up, neighborhood canvases and whatnot?

SUMMEY Yes, sir.

THOMPSON While you were on scene that evening, did you have any conversations about the shooting with Ofc. Toomey or Ofc. Caro?

SUMMEY No, I did not.

THOMPSON Did you observe anyone else talking about the shooting with Ofc. Toomey or Ofc. Caro?

SUMMEY I remember one of the K9 handlers talking with him. I think he helped him get back to his patrol car and sat him down. It looked like he was kind of worried about him, comforting him more so.

THOMPSON Okay. But nothing specific conversation-wise?

SUMMEY No, I did not overhear any conversations.

THOMPSON Okay.

BOYD First pursuit?

SUMMEY I was not actually in the pursuit, -

BOYD Okay.

SUMMEY - but it was my first -

BOYD First response to a pursuit?

SUMMEY First response, yes.

BOYD First Code 3 drive?

SUMMEY Yes, sir.

BOYD Okay. You had a lot going on, huh?

SUMMEY Yeah [*laughs*].

BOYD I have no more questions.

SCHUMACHER Is there anything else relating to this matter that we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

SUMMEY No, sir.

SCHUMACHER After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I am ordering you to contact Sgt. Thompson immediately. I am also ordering you to not discuss this matter with any other department employee other than your appointed representative. Do you understand these orders?

SUMMEY Yes, sir.

SCHUMACHER We're concluding the interview at 2136 hours.

End of recording.

Transcribed by: DocuScript, LLC/mw

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed Justin Thompson #3143
Justin Thompson

INTERVIEW WITH Officer Vincent Catricala

Interviewer #1:	Justin Thompson
Interviewer #2:	Don Schumacher
Interviewee #1:	Vincent Catricala
Interviewee #2:	Mick Boyd
Point of Contact:	jthompson@pd.cityofsacramento.org
Notes:	

RUSH REQUESTS:
Notify Vice President Camcy Holt of the uploaded filename.
camcy@docuscript.com

SCHUMACHER The date is June 8, 2021. The time is 1816 hours. Present in the Internal Affairs office is Vincent Catricala; his representative, Mick Boyd; Sgt. Justin Thompson; and myself, Sgt. Don Schumacher. The purpose of this investigation is to conduct an interview of Vincent Catricala, who is an employee with the Sacramento Police Department in the capacity of officer. This is an administrative investigation on the charges against Ofc. Toomey and Ofc. Caro for excessive force, firearm discharge, improper tactics, and neglect of duty in which you may be a witness. Do you understand this is an administrative investigation only?

CATRICALA I do.

SCHUMACHER The results of this investigation could lead to disciplinary action up to and including termination of the employees allegedly responsible. Do you understand this?

CATRICALA I do.

SCHUMACHER Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide, at this time, all information you may know regarding this incident. Failure to answer a question, or failure to answer it truthfully and fully, will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

CATRICALA I do.

THOMPSON Officer, can you please say and spell your name for the record?

CATRICALA My name is Vincent Catricala, V-I-N-C-E-N-T, and my last name is Catricala, C-A-T-R-I-C-A-L-A.

THOMPSON Prior to this interview, I provided you and your representative with the following items: SPD CAD call 21-44157; your body-worn camera video from 21-44157; your in-car camera video from 21-44157; your observations from SPD report 21-44157; a UAS aerial photograph of the OIS scene at 8550 Fruitridge Road. Have you had enough time to review all of this material?

CATRICALA I have.

THOMPSON Do you have any questions before we begin?

CATRICALA I don't.

THOMPSON What is your current rank and assignment?

CATRICALA Police officer. I'm a K9 handler.

THOMPSON How long have you been a police officer?

CATRICALA Almost seven years.

THOMPSON And what academy did you graduate from?

CATRICALA The Sacramento Police Academy.

THOMPSON Do you remember BR -

CATRICALA 14-BR1.

THOMPSON 14-BR1? Do you have any prior law enforcement experience?

CATRICALA No.

THOMPSON And what have been some of the prior assignments in the police department?

CATRICALA Prior to — I worked patrol, I worked GET, and then came over to K9 coming up on about a year ago.

THOMPSON Do you have any other specialized training?

CATRICALA No, not that I can recall.

THOMPSON Do you have any past experience with officer-involved shootings?

CATRICALA Yes.

THOMPSON Can you talk a little bit about your past experience?

CATRICALA I was involved in an officer-involved shooting in September of 2020.

THOMPSON Okay.

SCHUMACHER How so?

CATRICALA I was the only, I guess, officer that shot that day during that incident.

SCHUMACHER Okay. Sorry. You said, yeah, you've been involved in one. I just wanted to know to what extent, -

CATRICALA Gotcha.

SCHUMACHER - what role you had in that incident. That's fine.

THOMPSON Were you working on February 15, 2021, as a Sacramento Police Officer?

CATRICALA I was.

THOMPSON And what was your unit identifier that day?

CATRICALA K9-10.

THOMPSON Were you working with anyone else that day?

CATRICALA I was by myself.

THOMPSON What were your hours, typically, for that shift?

CATRICALA I worked 5 p.m. to 3 a.m. During that shift, I was working 5 p.m. to 3 a.m.

THOMPSON And what were your days off for that shift?

CATRICALA I have Thursday, Friday, Saturday off.

THOMPSON Anything else unusual about that shift from a personal standpoint? Tired? Hungry?

CATRICALA No.

THOMPSON No? And what type of patrol vehicle were you driving that day?

CATRICALA An Explorer.

THOMPSON And were you wearing the typical Sac PD uniform?

CATRICALA Yes.

THOMPSON Were you wearing your department-issued body-worn camera?

CATRICALA Yes.

THOMPSON To your knowledge, was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift on February 15, 2021?

CATRICALA Yes.

THOMPSON On February 15, 2021, at about 2217 hours, were you dispatched to assist officers in pursuit of a suspect vehicle?

CATRICALA Yes.

THOMPSON And what were the details of that pursuit call?

CATRICALA As I recall, it was a male Hispanic adult, kind of a DV type of situation where the female's car was lit on fire or had been lit on fire, and there was kind of a vandalism-type scenario, and officers had gone on scene to contact her and get her statement.

THOMPSON Did you know, at that point, what had led to their pursuit?

CATRICALA I believe the suspect drove by or back by the scene or the area where the officers were, and officers saw him and followed after him to initiate a traffic stop.

THOMPSON Okay. And in regards to the pursuit, where did you respond from?

CATRICALA I don't even remember where I responded from. I just remember it took a long time to get there.

THOMPSON Okay. Did you respond Code 3?

CATRICALA I did.

THOMPSON And while you were in route to assist in the pursuit, did you get any updated information about the suspect?

CATRICALA I did. It was to my knowledge, or my understanding, that after the vehicle had come to a stop at the termination of the pursuit, I was under the impression, or I heard, that he had shot himself or there was a self-inflicted gunshot type of scenario.

BOYD I think he might be talking about on the way to the call. Is that correct?

THOMPSON Yeah.

CATRICALA Okay.

THOMPSON So, let's hold off on that. In route to the pursuit, prior to the termination of the pursuit, do you remember getting kind of updated information at all while the pursuit was going on?

CATRICALA I remember that the female half — there had been a history of firearms, but no firearm had been seen that day. But other than that, no, I don't know any other information.

THOMPSON And regarding the weapons, or the possible weapons, do you recall if that was a CAD call attachment or if it was voiced on the radio?

CATRICALA I believe it was voiced over the radio.

THOMPSON Okay. While you were in route to this pursuit to assist, what kind of things are going through your mind?

CATRICALA Well, I mean, I'm thinking he — there's a history of violence and vandalism between these two, the victim and the male Hispanic adult suspect. He lit her car on fire. So, clearly, it's kind of a different kind of a mindset that somebody is going to have, the fact that he's fleeing from officers in his vehicle, showing a high degree of resistance. I didn't think, when I was responding, that he was driving awfully fast and was just blowing stop signs and stop lights and just completely out of control, but, I mean, he didn't want to stop. So, I was thinking that this person was desperate and wanted to get away and wasn't of his right mind.

THOMPSON Do you recall how much of the pursuit you were able to hear? Did you switch over pretty quickly, or was there a portion you weren't able to hear?

CATRICALA I didn't hear the initial…I guess the start of it or the initiating radio traffic of the pursuit, but I scan, so I picked up a little bit of it and I switched over. It sounded like Ofc. Toomey was calling it fine. He was calm and everything was — I knew exactly where he was going and where he was headed, and he was thinking about getting officers to the southern portion of the industrial district that they pulled into. So, there was some thought process going on during this. But as far as the initial radio traffic, I didn't hear that.

THOMPSON Okay. So, were you ever directly involved in the pursuit?

CATRICALA No, I was only responding Code 3. I never was in the pursuit.

THOMPSON Do you recall any radio communications during the pursuit regarding the suspect driving recklessly or swerving towards a police vehicle?

CATRICALA I don't recall that.

THOMPSON Were you on scene at the time of the officer-involved shooting?

CATRICALA No.

THOMPSON When you did arrive on scene, what did you observe?

CATRICALA I observed the van basically facing a chain-link fence, kind of a little concrete barrier wall. There was kind of a felony stop situation going on with a lot of officers there. I was probably there 30 seconds after the broadcast of shots fired. So, I was just getting there, and it just appeared to be a standard felony stop on a car that didn't really have anywhere to go.

THOMPSON Did you take any actions to assist in taking the suspect into custody?

CATRICALA I was not part of a contact team or anything like that. I did move a patrol vehicle into a better position so that the suspect couldn't back out, away from where they had him or where the termination was.

THOMPSON Prior to this interview, I provided you a UAS aerial photograph. Do you recall which car it was that you moved into position?

CATRICALA Yeah. I believe it was this far outside one right here.

THOMPSON Okay. And just for the record, the vehicle number on that is?

CATRICALA 13415.

THOMPSON Okay. And that's the one you recall kind of positioning?

CATRICALA That's the one I recall positioning in kind of that — the goal on that was to prevent him from backing out of that area.

THOMPSON Okay. Did you contact Ofc. Toomey or Ofc. Caro after the shooting occurred?

CATRICALA I contacted Ofc. Toomey.

THOMPSON Okay. Where were you when that happened, and how did you come about contacting him?

CATRICALA I was up at the van. The driver's door and the sliding left passenger door was open. They were tending to the subject in this area over here. I figured I would go up and see what I could see, or just kind of see what was going on, just because I was kind of confused while we were going there. I walked up to the van, and I saw Ofc. Toomey there, and that's kind of the initial contact that happened was up at the van.

THOMPSON Okay. You referred to that you were kind of confused early on. What were you referencing there?

CATRICALA I was confused as far as…because there was a "shots fired" put out. And then, like I said earlier, I was under the assumption or I thought I had heard that it was a self-inflicted type of gunshot. So, the officers broadcasted that shots had been fired, but it wasn't necessarily clear that Sac PD officers had done the shooting. So, when I got there and I got up to the van, I kind of — the doors were open and I saw some blood. And I was just kind of like, "Okay. Well, if this is a self-inflected type of gunshot, there's probably a gun in plain view somewhere or physical evidence that would be consistent with a self-inflicted gunshot wound." And when I got up there — and that's what I had asked Ofc. Toomey. I was like, "Did he shoot himself? Is the gun still in there?" And he didn't say anything. He just said, "We'll talk later," and I didn't know what that meant at the time. But then when I looked, I saw bullet holes in the driver's door window. And that's kind of when I was like, "Well, if this was a self-inflicted gunshot, why are there numerous bullet holes in the driver's window?" And so, that's kind of when I was like — and I turned to him, and I was kind of like, "Hey, did you shoot?" And he's like, "Yeah." And I was like, "Oh, so that's what this is. Okay. This makes sense now." And that's when I had him come with me, and I just said, "Hey, come sit in my car."

THOMPSON Okay. So, Toomey said something to the effect of, "Yes, I shot"? Or you asked him, "Did you shoot?"

CATRICALA Yeah. It was like -

THOMPSON Was it verbalized, or was it -

CATRICALA Yeah, I was trying to listen to it on the body cam, but it was — I understood that he had shot. I don't remember if it was verbalized, or if it was kind of like a head nod, because I don't even think I even finished what I said. I think he was just kind of like, "Yeah." And I was like, "Oh, okay," because it was apparent that officers had shot. I didn't know that he had shot. It was just kind of the vibe that I got from talking to him, seeing him, and then him saying "yeah."

THOMPSON And what did you do to assist Ofc. Toomey at that point?

CATRICALA So, I had him walk back to my car. My car wasn't in the initial kind of fanning out of the felony stop, it was back a little ways, because I was not on scene at the initial part of this. I created a little area for him to sit in my car. I told him to chill out, relax. I instructed him to turn his body cam off. In my OIS, that's what I did. The first person I came into contact with on my OIS was a sergeant. So, my sergeant told me turn my body cam off. I turned my body cam off. I got here on this one and was just like, "Hey, man, turn your body cam off. If you need to call somebody important to you, go ahead and do it." And he sat in my car, and I turned my body cam off. I'm like, "You good?" And he's like, "Yeah, yeah." I was like, "Okay." And I shut the door, turned my body cam back on, and started figuring out how are we going to get Fire here and just the rest of the scene type of stuff.

THOMPSON Okay. So, you mentioned that your patrol car was kind of farther back. Can you describe, distance-wise, how much further back you think it was?

CATRICALA In regards to the van, or where the individual was getting aid rendered to him?

THOMPSON Let's go -

CATRICALA Because I can show you in the picture exactly kind of where it was.

THOMPSON Yeah, that's fine.

CATRICALA So, if he — this is the area where he was getting medical attention. My car was kind of back in this area, so I'd say probably about 30 or 40 feet -

THOMPSON Three or four -

CATRICALA - north of where he was getting aid.

THOMPSON Kind of like three or four vehicle lengths back?

CATRICALA About three or four vehicle lengths. And it was facing this whole area, so it was facing south.

THOMPSON So, one of the questions I had was: How was your car positioned?

CATRICALA Yeah, it was about a south direction because it was — when I pulled up, I just kind of pulled straight in to where I thought everything was.

THOMPSON All right. So, you kind of mentioned this. So, do you recall exactly what Ofc. Toomey said to you in regards to the body cam? Did he ask you if he could turn it off?

CATRICALA No. He didn't say anything about wanting to turn it off or anything. Like I said, from my prior experience, I was told right after, boom, turn your body cam off. It was told to me by a sergeant. So, it didn't click at the time that I told him to do that. I was just like, "Hey, in my past experience, this is what I did." Boom, turn it — I was like, "Just turn it off." And then he did, and he sat there. And he closed the door, made a phone call, and…

BOYD So, your OIS was pretty fresh in your mind still because it was only about four months prior.

CATRICALA Yeah, absolutely. It was about…yeah, it was about…it was still fresh in my mind.

THOMPSON So, when you did have him turn off his body camera, he was removed from kind of that immediate scene, though, and moved back to your patrol vehicle.

CATRICALA Yeah. So, it wasn't until I got back to my patrol vehicle, that three or four car lengths back, that I was like, "Hey, turn your body cam off."

THOMPSON Okay. And from that point he was pretty much secluded inside your vehicle?

CATRICALA He was secluded inside my vehicle pretty much that entire time.

THOMPSON And Mick kind of already referenced it, but your prior experience in an officer-involved shooting, would you say that played a part in your decision to advise him to turn off his body-worn camera?

CATRICALA One hundred percent.

THOMPSON Do you recall deactivating your in-car camera?

CATRICALA Yeah, for him to make his phone call, just the privacy of it, yeah. And again, that was just from prior experience, from mine.

THOMPSON Do you recall if there were any other vehicles that would essentially have captured the same camera view as your in-car camera?

CATRICALA I'm sure there were some out there because a lot of officers were showing up on scene, even after me. So, yeah, I would assume that there were in-car cameras that were facing — that would have captured him getting into my car, me doing all this stuff, absolutely.

THOMPSON Okay. Do you recall if Ofc. Toomey placed any phone calls while he was sitting in your patrol vehicle?

CATRICALA Yeah. I believe he called his mom and his wife. That's what he told me.

THOMPSON Okay. Did you overhear any parts of those conversations?

CATRICALA No.

THOMPSON In reviewing your body-worn camera from that evening, you deactivated, like you said, and then you reactivated. There's a time period of maybe six seconds. Do you recall what, if anything, Ofc. Toomey might have said to you during that six seconds?

CATRICALA No.

THOMPSON Do you recall asking any other officers if they had discharged their firearms?

CATRICALA Yeah, I asked a fair amount of officers on scene once I realized what had happened, or what this was, and the amount of shots into the van. I was like, "Okay." So, I went over to the group of officers that was rendering aid to the individual, and they all said that they didn't shoot. One officer said he shot his less-lethal shotgun. But just firearms? They just said, "No. No, nobody else shot." I went over to another couple of groups of officers, same thing. So, I was under the impression that Ofc. Toomey was the only officer that fired his firearm.

THOMPSON And did you relay that information to Sgt. Schwartz at some point?

CATRICALA Yes.

THOMPSON When did you first learn that Ofc. Caro had discharged his firearm?

CATRICALA The next day.

THOMPSON Okay. Do you recall, on scene, ever asking Ofc. Caro if he, specifically, had discharged his firearm?

CATRICALA No, I did not ask him if he discharged his firearm.

THOMPSON After the shooting, did Ofc. Toomey or Ofc. Caro discuss the details of the shooting with you while on scene?

CATRICALA No.

THOMPSON Did you observe anyone else discussing the details of the shooting with Ofc. Toomey or Ofc. Caro while you were on scene?

CATRICALA No.

THOMPSON Did you assist with any other part of the investigation prior to clearing the scene?

CATRICALA No.

SCHUMACHER Is there anything else related to this matter that we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

CATRICALA No. I mean, other than I do remember, after watching my — I remember, after watching my body cam, that Ofc. Caro was standing near my car after Ofc. Toomey was in the car. And I didn't know why he was doing — it was odd to me that he was doing that, but I never was like, "What are you doing?" I just assumed that he was Ofc. Toomey's friend, or there to console him, or something along those lines. Like I was telling Mick, I didn't know until the next day. I was like, "Oh, maybe that's why he was standing near me, or near my car or Ofc. Toomey, because he didn't really know where to go." So, I saw that. I noticed that, after watching the body cam, that he was around my car.

SCHUMACHER After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I am ordering you to contact Sgt. Thompson immediately. I am also ordering you to not discuss this matter with any other department employee other than your appointed representative. Do you understand these orders?

CATRICALA Yes.

SCHUMACHER Okay. Concluding the interview at 1837 hours.

End of recording.

Transcribed by: DocuScript, LLC/mw

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed Justin Thompson #3143

Justin Thompson

INTERVIEW WITH Officer Tony Parham

THOMPSON = Sgt. Justin Thompson
TRUJILLO = Det. Christina Trujillo
PARHAM = Officer Tony Parham
BOYD = Mick Boyd

TRUJILLO The date is July 2, 2021. The time is 0907 hours. Present in the Internal Affairs office are Tony Parham; Sgt. Justin Thompson; and myself, Det. Trujillo; and SPOA rep Mick Boyd.

THOMPSON Sorry.

TRUJILLO That's okay. All right. The purpose of this investigation is to conduct an interview of Tony Parham, who is an employee with the Sacramento Police Department in the capacity of police officer. This is an administrative investigation on the charges against Eric Toomey and Nicholas Caro for force, firearm discharge, improper tactics, and neglect of duty, in which you may be a witness. Do you understand that this is an administrative investigation only?

PARHAM Yes, I do.

TRUJILLO Okay. The results of this investigation could lead to disciplinary action up to and including termination of the employees allegedly responsible. Do you understand this?

PARHAM Yes.

TRUJILLO Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide, at this time, all information you may know regarding this incident. Failure to answer a question, or failure to answer it truthfully and fully, will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

PARHAM Yes.

THOMPSON Can you please say and spell your name for the record?

PARHAM Tony Parham, T-O-N-Y, Parham, P-A-R-H-A-M.

THOMPSON Prior to this interview, I provided you and your representative with the following items: SPD CAD call 21-44157, your body-worn camera videos from that incident, your in-car camera video from that incident, and your observations that you wrote in regards to that incident. Have you had enough time to review all of this material?

PARHAM Yes.

THOMPSON Do you have any questions before we begin?

PARHAM No.

THOMPSON What is your current rank and assignment?

PARHAM I'm a corporal field training officer -

THOMPSON And how long -

PARHAM - and assigned to the Patrol Division.

THOMPSON And how long have you been with the police department?

PARHAM With the Sacramento Police Department? For, I believe, about 16 years.

THOMPSON And do you have any -

PARHAM Fifteen and a half to 16 years.

THOMPSON Do you have any prior law enforcement experience?

PARHAM The Yuba City Police Department for approximately five years.

THOMPSON And which police academy did you graduate from?

PARHAM From the Sacramento Police Academy.

THOMPSON Do you remember your class number?

PARHAM 04-BR2.

THOMPSON What are some other prior assignments that you've had in the police department?

PARHAM Patrol, school resource officer, Juvenile POP team, and most currently as a field training officer and an acting sergeant.

THOMPSON Do you have any specialized training other than field training officer?

PARHAM I'm a firearms instructor, a rifle instructor. I was a taser instructor as well.

THOMPSON Were you working on February 15th of 2021 as a Sacramento Police officer?

PARHAM Yes, I was.

THOMPSON What was your unit identifier that day?

PARHAM 1-Charles-88.

THOMPSON Were you working with anyone that day?

PARHAM With Officer Summey.

THOMPSON And was Officer Summey your trainee?

PARHAM Yes, he was.

THOMPSON Do you recall what phase of training Officer Summey was in?

PARHAM I think it was Phase 1 or Phase 2, but I believe Phase 1.

THOMPSON So, how long had you and Officer Summey been training together?

PARHAM At that point it was mid-month, so it was maybe a couple of weeks.

THOMPSON And what shift were you guys working?

PARHAM Swing shift.

THOMPSON What were the typical hours for that shift?

PARHAM From 1430 to 0030.

THOMPSON And what were your days off for that shift?

PARHAM Friday, Saturday, Sunday.

THOMPSON Anything unusual about that shift on February 15th from a personal standpoint that you recall?

PARHAM No.

THOMPSON What type of patrol car were you guys driving on that shift?

PARHAM It was one of the older police UV's.

THOMPSON Was your UV equipped with any kind of special equipment?

PARHAM It had the in-car camera system, the Panasonic in-car camera system. And other than that, no other specific equipment.

THOMPSON Do you recall if it had spike strips or ballistic doors? Anything like that?

PARHAM Yeah, all the basic equipment that's in all the patrol vehicles. It did have a shield. It did have spike strips.

THOMPSON And what type of uniform were you wearing that day?

PARHAM Full police uniform, just your standard short-sleeved shirt, blue with patches, badge, nametag.

THOMPSON Were you wearing your department-issued body-worn camera?

PARHAM Yes, I was.

THOMPSON And to your knowledge, was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift?

PARHAM Yes.

THOMPSON At about 2217 hours, were you dispatched to assist officers in pursuit of a suspect vehicle?

PARHAM Yes, we were.

THOMPSON What were the details of that pursuit call?

PARHAM It was a — by the time we were dispatched to it, it had came out as a felony vehicle or felony suspect that was seen leaving the scene by Officer Toomey. The original call was, I believe, an arson that had already occurred or possibly a domestic violence. There were probably about two or three calls to it. I think a 911 hang-up, and then, later, the arson call.

THOMPSON Do you recall when you first heard the name of the suspect?

PARHAM I don't know that I heard it. I think I pulled the call up and looked the call up because I recognized the address and the caller.

THOMPSON Did you have any prior knowledge of the suspect or the address?

PARHAM Yeah. I think the previous year I had gone out to that address several times and served a restraining order and then made one prior arrest for a restraining order violation on Adan Martinez. And I think his girlfriend is [redacted] [redacted] or something. Pretty unique names, especially hers. That's kind of what drew my attention to it.

THOMPSON When you guys did respond to assist, where did you respond from?

PARHAM We came from the Communications Center.

THOMPSON Did you respond Code 3?

PARHAM Yes, we did.

THOMPSON Who was the driver, and who was passenger?

PARHAM Summey was the driver. I was the passenger.

THOMPSON Do you recall at that point in training if Officer Summey had been involved in any kind of pursuits or had done any Code 3 driving?

PARHAM I don't know if he had, not at that point.

THOMPSON Is it safe to say with only a few weeks on he was probably pretty new to that?

PARHAM Yeah.

THOMPSON While you guys were in route to assist the pursuit, do you remember any other updated information coming in about the suspect?

PARHAM So, I believe the information we got, he was a named suspect, Adan Martinez. Reading on the call — and I don't know if it was broadcast, but I believe that his girlfriend, Ms. [redacted] had said that he was known to carry weapons or guns, that he had threatened to kill her and burn her Ford-150. And then, I think there was later information that he had actually burned it. And I believe Fire had gone out there, or they were in route to it. While they were in route, Officer Toomey stated that he saw the vehicle. I think it was eastbound on La Riviera or something like that, and he got behind it.

THOMPSON So, what kind of things were going through your mind as you were in route to this call regarding officer safety or maybe what crimes you were dealing with?

PARHAM One, knowing — being somewhat familiar with him and arresting him before, I knew that there was a restraining order that was in place. I think he had used several different vehicles at different times. And normally when we would make contact with him, it would be outside of the vehicle. I know when we served him with the restraining order, he was very hesitant to — we told him he needed to leave the property. He was very hesitant to get in his vehicle because we were trying to identify what vehicle it was because it was just such a chronic problem with him violating this restraining order. And the premise history, we had gotten a lot of calls there. I never had any personal knowledge of him having weapons, but I know every time that we had talked with his ex, she had mentioned threats or weapons or something of that nature, that she was afraid of him. Other than that, that was pretty much about it.

THOMPSON Do you recall if you and Officer Summey had any discussions about the call regarding tactics or officer safety while you were in route?

PARHAM It was fairly dynamic from the time that we got it. With us responding Code 3, I was more concerned with his driving and getting ahead of it. So, about the only conversation that we had was — initially, he was going to drive northbound on Power Inn to go to the scene. I believe, at about that time, Officer Toomey put out that they were southbound on South Watt or on Watt. So, I directed him to go southbound on Power Inn so that we could parallel it. And then we did have some discussions about trying to get ahead of it to either put spike strips — because at that point, by the time we got close, I think there was already three officers involved in the pursuit.

THOMPSON Were you ever directly involved in the pursuit?

PARHAM No.

THOMPSON Do you recall at some point officers requesting assistance with a spike strip deployment?

PARHAM Yeah, I believe as we were on Fruitridge. I think we had just turned eastbound on Fruitridge from Power Inn, and I believe officers requested a spike strip around maybe Watt and Fruitridge, somewhere in that area. At that point we weren't responding Code 3 anymore, so we weren't able to get there early enough. But as we were approaching Watt, we could see the pursuit coming southbound, and I directed Summey to pull over and turn around so that hopefully if it turned on

Fruitridge, which it ended up doing, that we could deploy the spike strips on Fruitridge.

THOMPSON Have you received training in hollow spike strip deployment?

PARHAM Yes.

THOMPSON When did you last receive that training?

PARHAM I think I had EVOC. It would have been probably about two years now because I think I'm due this year.

THOMPSON Are hollow spike strips also referred to as stop sticks?

PARHAM Yes, they are.

THOMPSON Can you explain for us what spike strips are and how they're utilized?

PARHAM Normally, you'll deploy the stop sticks, and they have, basically, a spike that's hollowed out that will slowly deflate the tire when deployed successfully. So, normally if you're ahead of it, you'll place them on the other side of the street. As the vehicle approaches, you deploy them or pull them out straight. The vehicle will go over them, and the tires should go flat.

THOMPSON Where are spike strips kept in a patrol vehicle?

PARHAM In the rear equipment area. Normally, they're either going to be hanging in the back or placed somewhere in the trunk area.

THOMPSON Was that where the spike strips were that evening?

PARHAM Yes, they were.

THOMPSON Prior to this incident, have you ever deployed stop sticks, either successfully or unsuccessfully, in the field?

PARHAM I've attempted unsuccessfully. I've never had a successful deployment.

THOMPSON Can you please walk us through what led up — what kind of happened with your attempted deployment of the spike strips?

PARHAM So, as we saw the pursuit southbound on Watt, and then ultimately turning westbound on Fruitridge, we turned around, continued westbound down Fruitridge. Basically, we were looking for a safe location to deploy them.

Ideally, you'll look for something that has some type of cover or at least concealment that you can stand behind. So, as we continued to try to get enough distance ahead of it that we could safely deploy it and look for a location, we went over the train tracks, which provided a little bit of concealment. We really couldn't find any place with any cover. So, as we went over the railroad tracks, I told him to pull to the shoulder of the road. We parked there. It was just east of Power Inn. And then I told him to grab the stop sticks and attempt to deploy them.

THOMPSON So, are you essentially parked on the north curb line of Fruitridge Road?

PARHAM Yeah. We're on the north curb line facing westbound.

THOMPSON Was there any kind of bike lane, shoulder, or sidewalk kind of in that area?

PARHAM Honestly, I can't remember. I know there was a shoulder. There was enough that we could completely get off the road, but I can't remember if there was a bike lane or anything.

THOMPSON So, when you set up to actually attempt to deploy the spike strips, are you at the front of the vehicle at this point?

PARHAM So, yeah. I went to the front passenger side of the vehicle, so the north side of it, and Summey got the spike strips. And then he came around to the front of the vehicle, probably about 10 to 12 feet off the front of the vehicle. And I stood there and monitored the pursuit as Officer Summey attempted to deploy them from the front of the vehicle.

THOMPSON Why do you use a patrol vehicle as cover when you're deploying spike strips?

PARHAM There have been instances where people have either tried to — suspects have tried to veer off the road and hit officers. You want to — it affords you a little bit of concealment. It also affords you a little bit of cover if the vehicle is struck or anything like that.

THOMPSON Did Officer Summey ever actually deploy the stop sticks into the roadway?

PARHAM No. As he came around to the front of the vehicle — it took him a little bit longer to get them out, so the vehicle was approaching us. As he went to the front of the vehicle, I was watching him, watching the vehicle, and I noticed that he went somewhat out into the roadway from the front of the vehicle. My concern was that he could be seen by the suspect and that he was kind of giving up his cover. So, at that point I could see the vehicle approaching. It was maybe 75 to 150 feet away from us, and the driver or the vehicle started kind of driving erratically, so

swerving to the left, swerving to the right, real pronounced, weird movements. And at that point I thought it was unsafe to deploy the spike strips. And I was concerned about Summey being out in the road, so I waived him off and said, "Hey, get behind the vehicle."

THOMPSON Do you think Officer Summey — where he was standing at the front of the vehicle getting ready to deploy, do you think he was in a position where the suspect or the suspect vehicle could have seen him in the roadway?

PARHAM Yeah.

THOMPSON Do you think that you saw those swerving movements around the time Officer Summey would have been in the roadway?

PARHAM Yes.

THOMPSON Okay. Do you think those two are related in any way, his swerving movement with seeing the officer in the roadway? As far as timeframe is concerned, not just —

PARHAM Yeah. I don't know, but, yeah, it happened around the same time.

THOMPSON Okay. So, in regards to that swerving kind of movement — well, let's start. What lane of traffic was the suspect vehicle in as it approached your patrol vehicle?

PARHAM So, I believe there was only — on that area of Fruitridge, I believe there's only one lane of eastbound and westbound traffic with a center turn lane or suicide lane. The vehicle was in the westbound lane. And as it started to swerve, it started moving into the center lane, so the suicide lane.

THOMPSON How close would you estimate the suspect vehicle ultimately came to your patrol vehicle?

PARHAM It's hard to tell, but I would think probably about 75 to 150 feet is what I recall.

BOYD From your position where you were standing, you could see the suspect vehicle and the pursuit coming towards you. Correct?

PARHAM Yeah.

BOYD Could you see anything in the roadway that would have caused the suspect to start driving erratically like that? There was no medians, no other vehicles, no other pedestrians?

PARHAM No.

BOYD You had a clear shot of that suspect vehicle. Correct?

PARHAM Yeah, yeah.

THOMPSON And again, we do — you said earlier that Officer Summey was probably out in the roadway at about the same time that the officer — I'm sorry, the suspect vehicle — starts swerving.

PARHAM Yes.

THOMPSON How fast would you estimate the suspect vehicle was traveling at this time?

PARHAM It's hard to tell, but maybe 35-40 miles per hour.

THOMPSON Did you fear for your own or Officer Summey's safety while deploying the spike strips?

PARHAM Yeah. I definitely didn't think it was safe at that point.

THOMPSON For yourself, or for Officer Summey?

PARHAM Definitely for Officer Summey, but obviously the vehicle could have been hit as well. So, more for his safety, but there was definitely a concern for my safety as well.

THOMPSON You've kind of talked about this a little bit, but what, if any, actions did you take to protect your safety and Officer Summey's?

PARHAM So, where I was standing would have been off the passenger front bumper, probably about 12 feet west of the vehicle, to give a little standoff distance. So, I was trying to use it as cover. And then at the same time have Officer Summey — ideally, he would have been behind the vehicle as well. So, once he stepped out in the roadway, he was kind of giving up that cover, and I was definitely concerned at that point that he didn't have any protection.

TRUJILLO Do you recall how far out into the roadway he stepped out from the vehicle? You're saying that the vehicle was facing westbound?

PARHAM Westbound.

TRUJILLO Okay. And he's in front of the vehicle on the west side of the vehicle?

PARHAM Yeah.

TRUJILLO And then he steps out into the roadway, which would have been south, in the south direction. Right?

PARHAM Yeah. So, I would say probably about three to — maybe three to six feet south of the front bumper.

TRUJILLO Okay.

THOMPSON Why is it dangerous for an officer to step out in the roadway like that?

PARHAM Again, one, you're projecting where your position is. Two, at those — two, you just have no protection at all. There's nothing between you and the other vehicle.

THOMPSON In your experience, do suspects sometimes swerve to avoid spike strips?

PARHAM Yeah.

THOMPSON Do suspects sometimes swerve to hit officers?

PARHAM Yes.

THOMPSON Did you advise Officer Summey to not deploy spike strips based on the suspect's actions with his vehicle?

PARHAM Yeah.

THOMPSON Had the suspect vehicle not turned into the industrial complex, do you believe it would have or could have struck your vehicle based on the direction it was driving?

PARHAM Based on the direction, I mean, I can't say what he would have done. I will say that the swerving wasn't as much towards our vehicle as it was more towards the center of the roadway, but, again, it was very pronounced and erratic, jerky movements. So, I mean, it's hard to say what they would have done or what he would have done.

THOMPSON In your mind, did the suspect commit any crimes by taking the action of swerving in the roadway and somewhat towards your patrol vehicle?

PARHAM You mean as far as like -

THOMPSON Like a 245.

PARHAM - assault with a deadly weapon?

THOMPSON Yeah.

PARHAM In my opinion, at that distance, I really don't think it was.

THOMPSON Do you believe the suspect was swerving towards you in an attempt to hit you?

PARHAM My perception at the time was that he was swerving to try to avoid either the spike strips or saw our vehicle in some way. I don't know, again, what his intentions were.

THOMPSON Is the suspect arrestable for 245 on an officer at this point based on the actions he took to swerve?

PARHAM I wouldn’t feel comfortable making that.

THOMPSON Did anyone voice over the radio that the suspect had swerved erratically toward a patrol car?

PARHAM No. Well, I don't know. We didn't. I don't know if there was another officer that put something like that out. To be honest with you, I'm not sure.

THOMPSON Do you recall if you were going to attempt to voice some information?

PARHAM I was. I actually, I believe, reached up to say over the radio that — unsuccessful and that he had turned southbound prior to reaching us, but I don't think I broadcast anything out. And that might have been — there may have been another officer at that time. I vaguely remember hearing something about it, but I can't recall.

THOMPSON Why was your body-worn camera not activated during your attempted deployment of the stop sticks?

PARHAM So, we were — both me and Officer Summey were unaware until we got to the scene. We had just left the Comm Center, and normally the body-worn cameras will activate as soon as you turn the lights on. Our in-car camera had activated. And honestly, just trying to catch up with it, I never took the time to look down and see if my body-worn camera had been activated. My assumption was that the vehicle in-car camera would have activated the body-worn camera.

THOMPSON Are you aware of that technical issue across the department? Is that common that occasionally -

PARHAM I didn't know that prior, but I did speak with some other officers afterwards, and I believe that I advised Officer — sorry — Schwartz that my body-worn camera had not been activated. I spoke with Summey also and told him that neither of ours had activated. And at that point they told me there was a problem with the older Panasonic in-car camera systems.

BOYD So, you both had your cameras powered on, it just never activated?

PARHAM Yeah.

THOMPSON At some point did you activate your body-worn camera?

PARHAM Yeah. Once we arrived on scene, and I believe he had already been taken into custody, we started walking around the area to make sure there were no weapons discarded. And at that point, once things had settled down, I realized, "Hey, this thing is not vibrating every once in a while." I looked down at it and saw that it wasn't activated.

THOMPSON So, after the vehicle swerved into the industrial complex, away from you guys on the side of the road, what did you guys do next?

PARHAM Put the spike strips back in the back. We got in the vehicle. Around the time that we got in the vehicle, I believe Officer Mota broadcast that they turned into the industrial complex and that he needed a unit on Unsworth, which is just south of Fruitridge and that industrial complex. It's kind of an open field to Unsworth. So, I direct Officer Summey that we would go southbound on Power Inn, down to Unsworth, in case the suspect foot bailed.

THOMPSON Were you on scene during the officer-involved shooting?

PARHAM Yes, we were — no, not during the actual shooting, but we did ultimately respond to the scene.

THOMPSON What, if any, actions did you take to assist in taking the suspect into custody?

PARHAM I did not physically — so, once we got there, I saw that there were two arrest teams, at least two arrest teams set up. I deployed my less-than-lethal shotgun. I talked with some of the officers on the arrest team and asked them if they needed a shield. I don't remember which officer it was, but they said yeah, they'd take a shield. So, I direct Officer Summey to grab our shield. He set up at the back of the stack, so it was probably about four officers back on the driver's side of the far-left car, so that would have been the one to the far southeast. I set up at the passenger side rear corner of that same vehicle, and I believe Officer Mota was

on the passenger side. I asked them, basically, what they needed. Officer Mota asked if I had a 40 mm because they needed to shoot the windshield or one of the windows out because they couldn't see inside the vehicle. I told him we didn't have — I didn't have a 40. And then, at that point, I believe they continued to give him commands, and the driver ended up stepping out of the vehicle. As the driver stepped out of the vehicle, that was the first time that I could actually see him, and I saw at least one gunshot wound. It appeared to be to the abdomen. As officers directed him and started taking him into custody, my thought was that there was possibly a weapon inside the vehicle. So, I directed a couple officers to search the vehicle to make sure that there wasn't any weapons in there. And then, after that, kind of coordinated the neighborhood canvas and re-walking the path that the vehicles had traveled to make sure no weapons had been discarded.

THOMPSON To your knowledge, were any weapons located?

PARHAM No.

THOMPSON Did you have any conversations about the shooting with Officer Toomey or Officer Caro after the suspect was taken into custody?

PARHAM No, I didn't.

THOMPSON Did you observe anyone else talking about the shooting with Officer Toomey or Officer Caro after the suspect was taken into custody?

PARHAM I think once we came back from the neighborhood canvas, the first time that I actually saw them — because I didn't know which officers were actually even involved in it — I think they were all sequestered over at Sergeant Schwartz's vehicle. So, I didn't see anybody else talking with them, and I didn't, personally, talk with them.

TRUJILLO All right. Is there anything else relating to this matter that we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

PARHAM No.

TRUJILLO No? Okay. After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I am ordering you to contact Sergeant Thompson immediately. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

PARHAM Yes.

TRUJILLO Okay. Concluding the interview at 0939 hours.

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed #3143

Justin Thompson

INTERVIEW WITH Officer Victor Stevens

THOMPSON = Sgt. Justin Thompson
SCHUMACHER = Sgt. Don Schumacher
STEVENS = Ofc. Victor Stevens
BOYD = Mick Boyd

SCHUMACHER The date is June 16, 2021. The time is 2030 hours. Present in the Internal Affairs office is Victor Stevens; his representative, Mick Boyd; Sgt. Justin Thompson; and myself, Sgt. Don Schumacher. The purpose of this investigation is to conduct an interview of Victor Stevens, who is an employee with the Sacramento Police Department in the capacity of officer. This is an administrative investigation on the charges against Eric Toomey and Nicholas Caro for force, firearm discharge, improper tactics, and neglect of duty, in which you may be a witness. Do you understand this is an administrative investigation only?

STEVENS Yes.

SCHUMACHER The results of this investigation could lead to disciplinary action up to and including termination of the employees allegedly responsible. Do you understand this?

STEVENS Yes.

SCHUMACHER Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide, at this time, all information you may know regarding this incident. Failure to answer a question, or failure to answer it truthfully and fully, will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

STEVENS Yes.

THOMPSON Can you please say and spell your name for the record?

STEVENS Victor Stevens, V-I-C-T-O-R, Stevens, S-T-E-V-E-N-S.

THOMPSON And prior to this interview, I provided you and your representative with the following items: SPD CAD call 21-44157, a written transcription of the statement you provided on February 16th of 2021, your body-worn camera video, your in-car camera video, and a screenshot taken by a UAS of the OIS scene from

		the night of February 15, 2021. Have you had enough time to review all of these materials?
	STEVENS	Yes.
	THOMPSON	Do you have any other questions before we begin?
	STEVENS	No.
	THOMPSON	What is your current rank and assignment?
	STEVENS	Police officer with the Sacramento Police Department.
	THOMPSON	And how long have you been a police officer?
	STEVENS	I was sworn five years ago today.
	THOMPSON	All right. And what academy did you graduate from?
	STEVENS	16-BR1.
	THOMPSON	Do you have any prior law enforcement experience?
	STEVENS	No, I do not.
	THOMPSON	And do you have any other prior assignments in the police department?
	STEVENS	Other than TDY's, no.
	THOMPSON	Okay. And what kind of TDY's have you had?
	STEVENS	NCU for a couple of months when I was hurt, and then I did two weeks to South GET.
	THOMPSON	Okay. Do you have any specialized training like FTO?
	STEVENS	Yeah. I'm currently a full-time FTO.
	THOMPSON	Okay.
	STEVENS	Rifle training.
	THOMPSON	How long have you been an FTO?

STEVENS About a year.

THOMPSON Do you have any past experience being involved in officer-involved shootings?

STEVENS On scene? No.

THOMPSON No? Okay. Were you working on February 15, 2021 as a Sacramento Police Officer?

STEVENS Yes.

THOMPSON And what was your unit identifier that day?

STEVENS 1-Alpha-69.

THOMPSON What were your hours, typically, for that shift?

STEVENS 2100 to 0700.

THOMPSON And your days off?

STEVENS Thursday, Friday, Saturday.

THOMPSON Anything unusual about that shift from a personal standpoint?

STEVENS No, a normal day.

THOMPSON Were you working solo, or with a partner?

STEVENS I had a trainee.

THOMPSON And who was that?

STEVENS Ofc. King.

THOMPSON Is that Zachary King?

STEVENS Yes.

THOMPSON Do you recall what phase of training Ofc. King was in?

STEVENS Phase 1. I was his first FTO. I think it was his fourth week.

THOMPSON Fourth week?

STEVENS Yeah.

THOMPSON Okay. And what type of patrol car were you guys driving that evening?

STEVENS The patrol SUV, the Ford Explorer.

THOMPSON Who was the driver, and who was passenger?

STEVENS King was driving. I was passenger.

THOMPSON Do you know how many times Ofc. King had been driving at that point?

STEVENS Not a whole lot.

THOMPSON Not a whole lot?

STEVENS It was only his fourth week. The first week, he didn't drive at all. After that, he drove about once a week the first week and maybe the second week. So, definitely the single digits.

THOMPSON Do you know if that was his first pursuit?

STEVENS Yes.

THOMPSON And do you think that was his first Code 3 run?

STEVENS I can't remember if we had one before that. If we did, it wouldn't have been a very long one. So, it might have been his first one. I can't remember specifically.

THOMPSON Was your UV equipped with any specialized equipment?

STEVENS As far as like…?

THOMPSON Ballistic doors?

STEVENS Yeah, they have ballistic doors on them.

THOMPSON Spike strips?

STEVENS We had spikes, a shield. I had my patrol rifle, and I had a beanbag as well.

THOMPSON Okay. What part of the vehicle contains the ballistic shields?

STEVENS The doors. To my knowledge, that's it.

THOMPSON And is there any parts of the UV that you can use as cover?

STEVENS The engine block.

THOMPSON Okay. And from your experience, how do you know if a car has been equipped with the ballistic shield in the doors and whatnot?

STEVENS They put a white B on the trunk of the cars. And also, to my knowledge, all the new UV's we get come standard with them.

THOMPSON Okay. What type of uniform were you wearing on February 15th?

STEVENS The same thing I have on today, except I think I had long sleeves.

THOMPSON So, your typical patrol uniform?

STEVENS Yeah, a typical patrol uniform.

THOMPSON Do you wear one of the vests?

STEVENS Yeah, the load-bearing vests. Yeah.

THOMPSON Can you list the type of equipment you were carrying that day as part of your uniform, your standard uniform that you wear?

STEVENS On my belt, I keep a gun, tourniquet, spare magazines for my handgun, a taser, and an extra rifle magazine. I carry a backup handgun in my pocket. It's a .38 Special, like a Smith and Wesson J-frame. And then, on my vest I keep my radio, my handcuffs, a flashlight, OC. I think I have a multitool in there and another flashlight. I've got trauma sheers in case I have to cut something off clothes-wise.

THOMPSON Okay. Were you wearing your department-issued body-worn camera?

STEVENS I was, yes.

THOMPSON And to your knowledge, was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift on February 15th?

STEVENS I thought it was, yes, but obviously my body cam never activated. It was the old still, and it was in the hard off position with the switch on top, which I didn't realize until later.

THOMPSON So, you're saying your body cam was in the hard off position?

STEVENS Yes.

THOMPSON Did you have a body cam block on? Do you recall?

STEVENS I don't recall, no. I don't think I did. I think it broke, and they don't have those anymore.

BOYD I think your phone and the door just rang.

THOMPSON Do you want to pause briefly?

SCHUMACHER We're going to pause at 2036 hours.

We're back on the record at 2039 hours.

THOMPSON Do you recall if your body-worn camera had a body-cam block?

STEVENS I don't think it did. I think it broke. I was supposed to have gotten the new one by then, but they canceled me twice because of COVID for some reason. Apparently, you can't get a new body cam because of that. But I was told that there were no more because they were going away from those, so I didn't have one on there.

THOMPSON At some point in this incident, did you turn on your body-worn camera?

STEVENS Yeah. When I looked down after the fact and saw that it was off, I turned it on.

THOMPSON Okay.

STEVENS By that time, I think I was just putting up crime-scene tape and everything was already kind of resolved.

THOMPSON At about 2217 hours, were you dispatched to assist with officers involved in a pursuit?

STEVENS 2217 hours?

THOMPSON Ish.

STEVENS It sounds about right, yeah. I didn't get dispatched. I heard the pursuit. We were on a different call at the time. We were going to a 5150 call, so I just cleared off that call and hit "assist unit." So, I put myself on the call.

THOMPSON Okay. And that was kind of my next question. Can you kind of walk us through from being dispatched to where you actually joined into the pursuit, kind of what happened there?

STEVENS Yeah. So, we were going to a 5150 call that was in the area of 65th Expressway and Elder Creek. So, we were getting off Highway 50 at 65th to go to the call when we heard Toomey say that he was in pursuit of the car out there off of Occidental, that area. So, I hit "F12" to clear off the call that we were on, and then I went to Toomey's call and hit "assist unit" to get put on his call to avoid that delay with dispatch because, obviously, they're dealing with air and all this stuff in the pursuit and everyone else sending a message saying that they're in route.

So, I did that. We hopped back on the freeway, on Highway 50, going eastbound. I was hearing the updates. I knew that he was heading eastbound towards kind of the South Watt area. So, there was two options: either get off at Power Inn, or go all the way up to Watt, but I didn't want to have King go all the way to Watt in case the guy doubled back and now we're stuck on the freeway. So, we get off at Power Inn, southbound Power Inn, and make an eastbound turn, left, onto Folsom Boulevard, going towards Watt. We get up to — I can see Caro in front of us because he was kind of in the same area. I can see, in the distance, the pursuit go on southbound Watt from Folsom. We make the turn onto South Watt, going southbound, and catch up to the pursuit around Jackson.

THOMPSON Okay. Do you recall the initial details of that pursuit when you jumped on it, what details you had at that point?

STEVENS I knew it was stemming from an arson call that Toomey was on, along with Ofc. Schwertfeger and his trainee. Toomey was just their cover unit because it was in Trevor's beat, and so that was his. They were taking a report for that. The full details I didn't know because we had logged on — not logged on a little late. I think we had to book something. We were doing something that we didn't get out there right away. We were burning video or something. So, I know it was an arson call. I know that. So, they were out there for that. I heard Toomey say the suspect vehicle description, like a Toyota Sienna minivan. I remember him giving a plate, but I can't remember that off the top of my head. And I remember him saying one on board and the want was arson.

THOMPSON Okay. And you responded Code 3 to assist in the pursuit?

STEVENS We did, yes.

THOMPSON Do you recall any information about the suspect being possibly armed or having access to weapons?

STEVENS I did not know that at the time, no.

THOMPSON Okay. So, what kind of things are going through your mind while you're on your way to join in this pursuit?

STEVENS Other responding vehicles, obviously, making sure we're not going to come through an intersection and hit somebody else, the direction of travel, like I said, which way he's possibly going to go, it might put us in a position where we can't really get to the pursuit to help out, which is why we got off at Power Inn there. I remember at first the speeds were pretty high. I remember him saying 60. I think at one point he said 80 and he was running stop signs. By the time we caught up to the pursuit, it had slowed down significantly. The guy was only going about 40 miles an hour and had his hazards on, which I thought was a little weird because you're on South Watt. If there's a time to go, I mean, it's a straightaway. It's basically a racetrack out there. There's only a couple lights and not a lot of traffic, so it was weird that he was going that slow.

THOMPSON Okay. You kind of mentioned this earlier, but just to clarify, you mentioned that he had an arson want. Were you aware of any other crimes that he might have committed at that point?

STEVENS At that point, no, I was not.

THOMPSON Did you know if there was probable cause to arrest the suspect at this time on any of those charges?

STEVENS I didn't know the full details of the call, no. I just came into it after the fact.

THOMPSON And once you did join the pursuit, what number in the order of patrol vehicles were you in the pursuit?

STEVENS We were number three.

THOMPSON Do you recall who was number one and number two?

STEVENS Toomey was number one and Ofc. Caro was number two.

THOMPSON All right. Once you joined into that number three position in the pursuit, can you kind of just walk us through from the point you joined the pursuit until the vehicle kind of comes to a stop in the industrial park?

STEVENS Yeah. So, we get in the pursuit, catch up to it. We're number three at South Watt and Jackson. Like I said, he has his hazards on. He was going a little slow. We're continuing southbound Watt. We get to Fruitridge. He makes a westbound turn, so he turns right onto Fruitridge. I heard a unit say they were in the area and trying to get ahead to put out spike strips. We were coming up towards — so, on Fruitridge there, you have a lot industrial stuff to one side. And to the north, it's a lot of fencing and bushes and stuff because there's the city dumps and other dumps there. And there's a point where there are some train tracks, and I remember we were coming up to that area. I can see a patrol car off to the shoulder on the right-hand side because I was passenger, so I could see that side.

He's still only going about 40. I can see the car. I can't see officers because it's too dark and the lights are on and everything at night and dark uniforms. It's hard to tell. So, I don't know if they were out of the car or if the car was just pulled over to the side. To my knowledge, I think that was the unit that was saying they were going to put out spike strips. I think it was 88, Charles-88. And I see the suspect car. It looked like it accelerated and it swerved out, off towards the shoulder, kind of towards where the car was. How close it was, I couldn't tell you just from where my vantage point was and how far back I was.

At first, it looked like once they had started to make the turn that they were going to make a U-turn to go back eastbound Fruitridge, but then he accelerated and drove southbound into that industrial complex. And it's kind of a long driveway there, and it comes down southbound and curves back eastbound. And there are some gas pumps, and he drove in between the gas pumps, and Toomey and Caro followed him. We were number three, and we slowed and kind of stopped. He didn't completely stop, but kind of slow rolled it a little bit. It looked like the guy was going to try to go through the gas pumps and make a U-turn and come back out, but we were there. So, then he continued into the parking lot a little bit south-ish-bound into there. There's a drainage ditch. It's not in the picture, but it's kind of over here, so he had to drive around it to get into this area of the parking lot. He comes in here, stops abruptly. Toomey was close, because I think he was anticipating a foot bail like I was as well, — it seemed like one of the few things that was going to maybe happen was a foot bail — and I saw that he rear-ended the car.

THOMPSON Okay. So, I'm going to go through some of that again.

STEVENS Yeah.

THOMPSON So, during the pursuit, at least the portion that you're aware of, you kind of touched on this a little earlier, but can you just describe his driving habits? You said high speeds earlier, and then he slowed down.

STEVENS Yeah. So, I didn't see — obviously, I didn't see the high-speed stuff, but I remember hearing the radio broadcast of the higher speeds, 60, I think at one point 80 miles an hour, running stop signs and lights, those sorts of things. Once we got up to it, it was very slow, 40 miles an hour, almost at a point where we could PIT, but on South Watt it's not really wide enough with the shoulders there. And he had his hazards on, so it was just very strange. Is this guy — because I was brand new, Phase 4, when the Wolfe and Martin thing happened, and I remember responding to that. I was on day shift, so I was there for that. The guy kind of slow rolls, knows units are behind him, pulls over to stop, hops out and starts shooting. So, that's something that was kind of in my mind like that's a possibility, especially in today's day and age of policing with how encounters have been going. So, that was a thought that crossed my mind.

THOMPSON Okay.

STEVENS So, it's either this guy is going to foot bail or he's going to do something kind of rash like that.

THOMPSON The pursuit aspect, did that add any crimes to the suspect at this point?

STEVENS As far -

THOMPSON The way he was driving. Did he commit any crimes by going pursuit like that?

STEVENS Well, yeah, the pursuit crime.

THOMPSON Would it have been a felony pursuit, or a misdemeanor pursuit in your opinion?

STEVENS To my knowledge, based off the previous updates that I had heard, we probably had enough for felony pursuit as far as the traffic violations for the speed and the running the light and running the stop sign.

THOMPSON Are you trained to continuously evaluate whether you, as an officer, should continue a pursuit or terminate based on the facts that are presented to you?

STEVENS Yes.

THOMPSON And what things do you consider when determining whether to continue or discontinue the pursuit?

STEVENS The want, is the suspect identified, can they be apprehended at a later time, the condition of your vehicle, condition of the person's vehicle, roadway conditions, traffic, speeds, and those sorts of things.

THOMPSON Okay. At any time during this pursuit did you think it should be discontinued?

STEVENS No.

THOMPSON Okay. So, let's talk about the patrol car parked on the side of the road. You mentioned previously that you thought it was Charles-88.

STEVENS I think so, yeah.

THOMPSON Do you recall which officers that was?

STEVENS I think that's normally Parham. I don't know. It was the beginning of the year, and this is my first year in six, so at that point I was still learning who all these people were.

THOMPSON How many lanes across Fruitridge is it at this point?

STEVENS It's just one in each direction.

THOMPSON One in each direction?

STEVENS Yeah.

THOMPSON Okay. And what lane — okay. So, he's essentially in the only lane?

STEVENS Their car wasn't in the roadway. It was on the dirt shoulder.

THOMPSON Okay. Do you recall if there's a bike lane? Were they on the sidewalk, anything like that, or just kind of -

STEVENS There's not really a sidewalk there. It just kind of goes off and it's like a gravel and dirt area.

THOMPSON Okay.

STEVENS Nothing paved like a sidewalk -

THOMPSON And then -

STEVENS - on that side that I can remember.

THOMPSON You kind of described it for us, but can you just do it one more time. As it relates to that patrol vehicle, when he kind of swerved a little bit, can you describe if he sped up?

STEVENS It looked like he did accelerate, yes, a little bit out and swerved to — it would have been the right and towards the shoulder, where the car was parked. How close he got I can't tell you exactly.

THOMPSON Do you know about how fast he would have been — in relation to him speeding up, do you think you could estimate how fast he got up to?

STEVENS So, we were going 40, so he accelerated a little bit, maybe 45 or 50 miles an hour to my best knowledge at the time.

THOMPSON And in that moment, what did you think the suspect was doing by making that turning movement?

STEVENS Well, I remember them saying that they were going to try to get spikes out. So, I don't know if he was trying to swerve around the spikes, if they had already had them out. They hadn't said anything about spikes being in the roadway, but people were talking, giving updates. Sometimes it's hard to get information out. So, I don't know if he was swerving around spikes or swerving towards them. And then, initially, once he swerved back to make the turn, I thought, at first, he was going to make a U-turn and double-back on us, but then he just continued into the industrial complex.

THOMPSON And from the time you kind of saw him swerve out and then make that turn into the industrial -

STEVENS Mm-hmm?

THOMPSON - how much time is passing in those moments there?

STEVENS It was quick. It was a few seconds.

THOMPSON Okay. In your training and experience, do suspects sometimes swerve to avoid spike strips?

STEVENS Yes.

THOMPSON And are officers trained to take cover when deploying spike strips in case a suspect swerves?

STEVENS Yes.

THOMPSON And you stated earlier that you could not see the officers that were deploying or were attempting to deploy the spike strip?

STEVENS No, I couldn't see any officers out.

THOMPSON And just to confirm, you can't estimate how close the suspect vehicle came to their patrol car?

STEVENS No, I could not.

THOMPSON Okay.

STEVENS We were number three in the pursuit, so I couldn't give you a distance there.

THOMPSON Okay. It's safe to say you have the suspect car, Ofc. Toomey's car, Ofc. Caro's car, and then you.

STEVENS Our car, yes.

THOMPSON So, at least three vehicle lengths?

STEVENS Yeah, and then some because we're spread out a little bit and you don't want to be right up on the bumper in case something happens.

THOMPSON Okay. So, you're pretty far back?

STEVENS Yeah.

THOMPSON Okay.

BOYD And in your training and experience, suspects have also swerved to run over officers. Correct?

STEVENS Yes, absolutely.

THOMPSON In your mind, did the suspect commit any crimes by taking the action of moving towards that patrol vehicle?

STEVENS I couldn't give you a definite answer. Are you asking like a 245 on an officer?

THOMPSON Yes.

STEVENS Without being able to tell the distance, no, but it definitely added a level of, I guess, officer safety in my mind, like "Okay, this guy is now starting to swerve towards the patrol car." How close he was I don't know, but it's obviously a consideration.

THOMPSON Okay. So, that played into your mindset at that point, -

STEVENS Yeah.

THOMPSON - regardless of whether or not you knew if you had a crime -

STEVENS Yeah.

THOMPSON - that could be investigated at a later date, but you did know -

STEVENS Potentially a crime, yeah.

THOMPSON - that the swerve occurred?

STEVENS Yeah.

THOMPSON Okay. So, in your mindset, the officer — I'm sorry, the suspect — is not necessarily arrestable for 245 at this point?

STEVENS One hundred percent arrestable? No, but it definitely would be something that you need to look at once this is concluded, whether it's review ICC from the lead car or talk to those officers, but things kind of changed.

THOMPSON Do you recall anyone voicing over the radio that the suspect had done that swerving maneuver?

STEVENS No. I think Toomey started giving updates about where we were going, just because the guy was driving in that industrial complex and he accelerated pretty quickly into there. So, I remember hearing updates, "Hey, we're heading southbound into this industrial complex."

THOMPSON Do you think voicing that information would have been important to other officers or the responding officers?

STEVENS Yeah. I mean, it definitely could have helped out, but you can only deal with so many things at a time and things happened pretty quick there.

THOMPSON Did the vehicle speed up when it entered the industrial complex?

STEVENS It looked like it did, yes.

THOMPSON And why do you think the suspect did that?

STEVENS I don't know if he was trying to get away. That's really the only thing that I could think of. Maybe he was trying to get a spot where he could turn around and come back towards us or get to a spot where he could foot bail and get away from us.

THOMPSON In this incident, Ofc. Toomey voiced that the suspect appeared like he was going to foot bail, and I think you kind of touched on this earlier. Did you think the suspect was going to foot bail?

STEVENS I thought it was definitely a possibility, yeah.

THOMPSON And what kind of overall facts led you to believe that?

STEVENS Just the fact that it's an industrial complex with, to my knowledge, one way in and one way out. If you're going to go somewhere to run or to continue to flee, you would stay on the main road. If you start driving into a closed business or an industrial complex, you're probably going to either try to get away or do something else other than continue to flee in your vehicle.

THOMPSON Okay.

STEVENS That was my thought.

THOMPSON In this case, did you ever see the suspect attempt to foot bail?

STEVENS No, I did not.

THOMPSON Did the suspect's door ever open in any way that would suggest he was going to foot bail?

STEVENS I couldn't see the driver's side of the car.

THOMPSON When it comes to whether or not a suspect is attempting to foot bail, or at least you believe that he could foot bail, does that change the distance of your vehicle in relationship to the suspect vehicle when you're engaged in this kind of pursuit?

STEVENS You mean like how close I want to be to them?

THOMPSON Mm-hmm.

STEVENS You definitely want to be closer, right, especially if you only know it's one person on board, and that's confirmed, and you feel like it's safe to chase based off the circumstances. You don't have to engage in a foot pursuit, per the policy, but it's up to the officer.

THOMPSON So, at the time the suspect vehicle comes to a stop in the industrial complex, what crimes are you aware of that have been committed at this point?

STEVENS The pursuit and the arson.

THOMPSON And then, what other factors related to officer safety are also in your mind?

STEVENS Is the suspect armed? Where are we in this — it's a pretty isolated area. That would be hard to get to, even if you had the address. It's that one gate in and one gate out. So, if you go in there, if you miss that driveway, you're going to have to turn back around. You have to find it. That area could get pretty confusing as far as the addresses with the size of those lots and where everything is.

THOMPSON Okay. Are you also considering the swerving thing that -

STEVENS Yeah.

THOMPSON Okay. At the conclusion of this pursuit, did the suspect vehicle come to a — I already asked that. Did you observe any collision between Ofc. Toomey's patrol vehicle and the suspect vehicle?

STEVENS I did. I did see him rear-end the suspect vehicle.

THOMPSON Can you explain, just briefly, about just the vehicle collision, what you saw?

STEVENS It looked like the suspect car stopped pretty abruptly, and Toomey was close, anticipating a foot bail, and he rear-ended it. It didn't look like a severe accident or anything like that. It was pretty minor, but he did rear-end the car.

THOMPSON So, in that case, do you think the suspect stopped the pursuit on his own?

STEVENS Like stopped on his own volition? Yeah. I mean, he stopped. I think he initially thought this area went around, that you could drive back there, but it dead-ends. You can't drive back around. So, I think that's probably why he stopped.

THOMPSON Okay. Would you agree at the conclusion of this pursuit a felony stop was conducted?

STEVENS Yes.

THOMPSON And can you describe what a felony stop is?

STEVENS So, a felony stop is ideally at least three cars, and you're spread out behind the suspect vehicle to have coverage on different angles of the car. And then officers

are out of the car, having their guns out and giving verbal commands. The ideal goal is to get them to exit the vehicle, walk back towards you, away from the vehicle, where any potential threats could be — any weapons or any other suspects — detain them, put them in the car, and then go from there. If there are more passengers, call them out, K9 admonishments, and then go up with a contact team and clear the car.

THOMPSON And is conducting felony stops part of your normal duties as a patrol officer?

STEVENS Yes.

THOMPSON And you kind of mentioned it as angles. Is there a pattern to a felony stop? And what's the purpose of that pattern or angles that you take on the car?

STEVENS So, like I said, they kind of fan out. So, you want to have — it's kind of hard to tell from this picture because the car is a different way, but if the car were facing that way, you have off towards the driver's side, kind of more towards the center, and then more towards the passenger side, that way you're having coverage on all sides of the car and you kind of can see in. And also having the cars close enough to where you can get the doors open, but close enough to where everyone is able to maintain cover and have some sort of at least concealment. But now with the ballistic doors, cover and having the engine blocks, you can have people stack up at the rear of the car as more officers show up. It's just beneficial to have kind of a wall of cars to allow cover for yourself.

THOMPSON Give me one second.

BOYD Okay. Go ahead. Sorry.

THOMPSON So, is the purpose of a felony stop to block someone in?

STEVENS No.

THOMPSON But in the nature of the fan pattern, is the suspect in some ways blocked in by a felony stop?

STEVENS Given a certain location, it could be. It's not necessarily the goal. The goal of it is to provide cover and safety for the officers.

THOMPSON So, when you create that fan pattern as part of a felony stop, are you setting up in such a way that the suspect vehicle could drive between your vehicles?

STEVENS It's possible, yeah, given the location. It's not a perfect situation every time, and there's human error in where people park and experience level too. King was a

		little too far back, I think, when we first stopped, but it can happen where they can drive in between or try to drive in between.
THOMPSON		But when we set up that felony stop, are you we trying to set up in such a way that they cannot drive through us?
STEVENS		Well, you want to so that way the officers have some cover, right, because you don't want to get run over by a car.
THOMPSON		Okay.
BOYD		I think what he's asking is if you remember back in EVOC, when they taught felony stops, the positioning of the cars was far enough apart so you could open the doors, -
STEVENS		Yeah.
BOYD		- but close enough so a vehicle couldn't pass between the cars and escape.
STEVENS		Yeah, you don't want a whole space for a car to drive in between, but you need enough room for the officers to be able to open the doors and maneuver.
THOMPSON		Okay. Could the environment, essentially on the roadway, where a suspect vehicle chooses to stop, and we then do that felony pattern behind them, could that create a situation where a suspect could be blocked in?
STEVENS		Yeah.
THOMPSON		And what kind of situation would have to be present for that all to occur?
STEVENS		As far as for them to be blocked in?
THOMPSON		Yeah.
STEVENS		Either natural barriers like a concrete wall, dead-end roads, dead-end streets, buildings.
THOMPSON		And in this situation, were there dead-end roads or buildings in play that came into play in this situation?
STEVENS		Yes. You have this. It's kind of like a storage thing here. You had fencing over here where the road ended, and then, obviously, this concrete kind of zig-zag retaining wall with the fencing here.

THOMPSON Okay.

BOYD So, not ideal?

STEVENS Not ideal, no.

BOYD But not of your choosing or …

STEVENS No. That's where he drove, and that's where he stopped. "He" being the suspect.

THOMPSON Was there any direction the suspect could have driven away that did not include driving towards officers?

STEVENS No, not to my knowledge.

THOMPSON From your vantage point, your patrol vehicle, were you in a position that the suspect could have driven around or past you?

STEVENS Yeah, he probably could have came this way, but I don't know if he would have because our car was not initially here. Someone moved it. You've got — there's like some metal pillars here, and obviously that structure here. So, whether he would have clipped my door or not, I don't know.

THOMPSON Okay.

BOYD Before the actual — everybody came to a stop, was there a point where you thought, "Oh, he could blast through us"?

STEVENS It looked like initially, yes, he could have came in between our car and Caro's car. He might have clipped the cars, but he definitely could have tried to ram in between those cars.

THOMPSON So, on the initial felony stop, you're saying there was -

STEVENS The initial felony stop before this was moved.

THOMPSON - there was enough space between your car and Caro's car that he could have potentially moved through that felony stop pattern?

STEVENS There would have been some contact with the cars, but he probably could have forced it, yeah.

THOMPSON Okay.

BOYD Was anything done to — do you think anything was done to prevent that?

STEVENS So, we're getting a little ahead. He did initially pull forward, the car, after the felony stop. Once we're on it, he pulled forward, put it in reverse. You could see the reverse lights on. And he was lined up pretty much at the gap that was in between Caro's car, who was the middle car, and our car over here. And it looked like, at that time — in my mind, I thought he was going to try to reverse through that. That's when Caro pulled forward and blocked his path a little bit to stop that. And I think that's what made him start to make the U-turn.

THOMPSON Okay. Do our general orders allow for us to barricade a roadway or intentionally block the path of a suspect vehicle?

STEVENS To intentionally block the path?

THOMPSON To intentionally block the path.

STEVENS I'd have to look at it exactly. I can't remember off the top of my head, but I don't think so. I mean, every situation is different, right, but if it's an officer safety issue where potentially one of us is going to get hit, then you have to do what you have to do to protect yourself and your other officers.

THOMPSON To your knowledge, did you or any other officer in this pursuit intentionally block the path of the suspect vehicle at the conclusion of this pursuit?

STEVENS No.

THOMPSON Do officers ever have to reposition their patrol vehicles to properly set up a felony stop?

STEVENS Yes, all the time.

THOMPSON In what ways do they have to reposition sometimes?

STEVENS Either pull forward because, say, someone's too far back and you do have that gap, or the cars are too close together and you can't get the doors open. You kind of have to maybe readjust it from there.

THOMPSON And what's the distance you're trained to sit back from the suspect vehicle when you conduct a felony stop?

STEVENS Every situation is different, but I typically like to go at least a car length, maybe two.

THOMPSON And why do we train to have that distance?

STEVENS It increases your angles on the car a little bit better, and it gives yourself a little time and distance in case something does happen.

THOMPSON In what ways should officers verbally communicate with one another during a felony stop?

STEVENS Are you talking about just officer to officer?

THOMPSON Sure.

STEVENS Just talk. I mean, if you need to, you can use the radio, but typically you're close enough that you can just talk.

THOMPSON Does one person, say, take voice, one person -

STEVENS Oh, yeah. You come up with a plan like, "Hey, I'll take voice," or sometimes people will just do it, and you can hear that person on voice and you can "Okay. They're on voice, so I'll let them take voice." We don't need to have five different people trying to talk to this guy.

THOMPSON During this felony stop, what kind of communication took place between you and the other officers?

STEVENS King, I remember he asked if he should pull forward when the car was starting to back up, but that's when the car made the U-turn, so he never — and that's when — when he started driving, that's when the shots started, so we didn't really have a chance to communicate there. I could already hear Toomey giving commands, so I knew he was on voice. And it happened pretty quick, so there wasn't a whole lot of time to get a tactical plan together or establish a contact team or anything like that. And I don't even think there was any other officers there yet.

THOMPSON During a felony stop, in what ways have you been trained to utilize less-lethal force options?

STEVENS Get a K9 on scene. Obviously, that's a big thing you want to be able to have and it's a nice tool to have. It's not always going to happen because sometimes they're coming from pretty far away. Other than that, the options we have is to get a beanbag or a 40 mm out, or sometimes a pepper ball if they're going to sit in there and be barricaded, but that's usually more of a little bit later thing you get out. An initial thing would be the beanbag round — or a beanbag shotgun, sorry.

THOMPSON To your knowledge, did any officer present a less-lethal force option prior to the discharge of firearms?

STEVENS To my knowledge, no.

THOMPSON To your knowledge, were any less-lethal force options used prior to the discharge of firearms.

STEVENS No.

THOMPSON In your mind, would less-lethal force options have been applicable at any time in this incident prior to the discharge of firearms?

STEVENS No. A beanbag is not going to stop a car, so…

THOMPSON Can you just expand on that? Why?

STEVENS It's meant to be less lethal against a person. I mean, it's not going to do anything to a car other than maybe cause a small dent. It's not going to stop it from driving at anybody.

THOMPSON From the start of the felony stop to the discharge of firearms, did you ever consider repositioning your patrol vehicle?

STEVENS Had we had more time, yes, but when the suspect started driving and the shots were fired, that kind of went out the window.

THOMPSON Can you please describe for us what you could see of the interior of the suspect vehicle around the time the suspect vehicle initially came to a stop, so kind of like the first time you got up close to the car.

STEVENS On the felony stop?

THOMPSON Yeah. So, right as you guys pulled up and the suspect vehicle stopped there, what could you see?

STEVENS I couldn't see anything with the lights and how dark it was because the overhead lights on the car is going off, and then it cast some kind of reflections off the windows. And then it was nighttime, so I couldn't see in the car.

THOMPSON Were you able to confirm at that point — I know you mentioned earlier that Toomey had broadcasted there was only one person on board. Were you able to confirm that at that point? Do you recall being able to see anything like that?

STEVENS No, I couldn't get a good enough look at that.

THOMPSON Can you please walk us through the start of the felony stop until the end of officers discharging their firearms and that vehicle ultimately comes to a stop?

STEVENS So, the initial felony stop?

THOMPSON Yeah, from the start of the felony stop to the conclusion of the discharge of firearms.

STEVENS Okay. So, the initial felony stop happens. The guy pulls forward, puts it in reverse. That's when I thought he was going to go in between Caro's car and our car. Caro pulls forward. The car then accelerates to make this U-turn here. Sorry. Prior to that, King was here in the doorway, asking if he should pull forward too. That's when he started to make the U-turn. So, I was going to tell him no. I was going to say, "Hey, just back off a little bit. Get out of the car in case you need to move." The guys makes the U-turn, starts driving towards Toomey's car. That's when the shots come out. I was over in our car here, on the passenger side, but our car was initially further back. So, my line of sight was going, basically, through the two patrol cars to where the suspect car was driving. So, I already knew I was out of position based off where I was. So, that's when I ran around the back of the car, of my patrol car, and ran around the back of the other two patrol cars towards the trunk of Toomey's car.

STEVENS As I was running, I put out "shots fired" over the radio. I got back here. Toomey was walking backwards, towards the back of his car, but still wasn't behind cover yet. He still had his gun up and was obviously focused on the suspect because he didn't want to turn around in case — I don't know what he saw at that time, when that was going on, but his focus was on the threat. So, I grabbed him and pulled him back behind the car to get to cover, just to help him get back there a little bit quicker. He wasn't still by his door or anything. He was back towards the rear of the passenger door area, almost towards the trunk. So, he was almost to cover, but he wasn't there yet, so I grabbed him by his vest and just pulled him back behind the car.

THOMPSON Okay. I'm going to go through it again and just ask you some questions about it. Okay?

STEVENS Sure.

THOMPSON So, at the beginning of the felony stop, it appears that you yelled something similar to -

STEVENS Yeah, "Don't get out. Don't move or you're going to get shot," or "fucking shot."

THOMPSON - "If you fucking move, you're going to get shot." Why did you give that order?

STEVENS I probably could have verbalized it better. Because I thought he was going to drive back, because I could see the reverse lights were on in the car.

THOMPSON And the reverse lights being on right at the beginning of the felony stop?

STEVENS The white lights, yeah.

THOMPSON Okay.

STEVENS So, I didn't know if he was going to try to ram there. And then he pulled forward, and the reverse lights were on again. It didn't seem like he was ready to just stop and comply. So, I was -

BOYD Was your fear — I'm sorry. Go ahead.

STEVENS What was your -

BOYD I don't mean to interrupt you. I said, was your fear that he was going to ram you, or that he was going to escape around you?

STEVENS Well, in that position there wasn't a whole lot of room to go, so the escape might have meant getting rammed, and I can't outrun a Toyota Sienna. And I know if I'm in the doorframe of a car and I get rammed, chances are I'm probably going to get pretty severely injured.

THOMPSON At this moment, in your mind, based on what your statement was, "If you move, you're going to get shot," is lethal force justified if the suspect simply moves, as described by your -

STEVENS No, it's not. Simply movement is not, no.

THOMPSON What would it take? And we kind of started to touch on it. What would it take for that to move to a lethal force situation?

STEVENS An intentional act to drive towards an officer, or present a weapon, or something like that.

THOMPSON What kind of training have you received on how to conduct a — like what you're actually supposed to say on a felony stop?

STEVENS As far as like -

THOMPSON What kind of orders are you supposed to give verbally on a felony stop?

STEVENS Roll the windows down, throw the keys out the window, park, hands up.

THOMPSON Do you recall any other orders issued by other officers on scene during the felony stop?

STEVENS I remember someone saying, "Show us your hands." There was a few other things that I couldn't tell exactly what it was.

THOMPSON Did you see the driver comply with any of those orders in any way?

STEVENS That I could see? No.

THOMPSON So, when the suspect first put the car in drive to pull forward, away from Ofc. Toomey's car, as he's pulling forward, was the suspect and his vehicle an imminent threat of deadly force to yourself or the other officers on scene?

STEVENS Pulling forward? No.

THOMPSON And why do you think he's not at that point?

STEVENS Well, he's pulling away from us at that point.

THOMPSON Okay.

STEVENS Are you saying just when he's pulling forward?

THOMPSON Yeah.

STEVENS Yeah.

THOMPSON What did you think the suspect was doing by pulling forward?

STEVENS Well, like I said, when he pulled forward and got here, then he put it in reverse. So, I thought he was going to try to back up between our cars.

THOMPSON In that first kind of moment when he's pulling forward, are you thinking he could be setting up to ram you?

STEVENS It's possible, yeah.

THOMPSON Okay. Do you think -

STEVENS That's a consideration that I have to have in that situation to be able to respond to it. Right? I can't not think that.

THOMPSON After pulling the vehicle forward, the suspect puts the vehicle in reverse -

STEVENS Yes.

THOMPSON - and begins backing. What did you think the suspect was doing at that point?

STEVENS I thought he was going to try to go between our cars initially, when he started to back up, and then that's when Caro pulled forward.

THOMPSON And between your cars, you mean your car and Ofc. Caro's car?

STEVENS Yes, the middle car and then our car.

THOMPSON So, with the direction he was backing, could he have rammed your vehicle or the other officers on scene?

STEVENS Yes.

THOMPSON Did he ram any patrol vehicles at that point?

STEVENS No.

THOMPSON When he put the car in reverse and began backing towards your patrol vehicles, was the suspect and his vehicle an imminent threat of deadly force to yourself or the other officers on scene?

STEVENS Had he continued, yeah, he possibly could have been.

THOMPSON Okay. But did he reach that imminent threat?

STEVENS No. That's why I didn't shoot or anything.

THOMPSON In your opinion, do you think that suspect's vehicle backing was an attempt to ram your patrol vehicle?

STEVENS In my mind at the time, with how quick things were going and what I saw, I thought he was going to initially try to back up and try to ram our car. That was my initial thought when we were there. I think Caro pulling forward stopped that.

THOMPSON How would you describe the suspect's forward and backing in terms of speed? Was it fast, slow, reckless in any way?

STEVENS It looked jerky. It wasn't smooth. He was on the gas and brake kind of hard, but it's a Toyota Sienna minivan, so it's not going to go like a Mustang or anything like that.

THOMPSON Could you see the driver during these movements?

STEVENS No, I couldn't see into the car.

THOMPSON After backing, the suspect vehicle begins to pull forward and there is a discharge of firearms by officers on scene. Do you recall at that time if you knew which officers had fired?

STEVENS Well, I knew it wasn't me and I knew it wasn't King. I thought it was just Toomey. I couldn't see where Caro was. I didn't know that he had shot at first.

THOMPSON At the time of the shooting, where was the suspect's vehicle pointed?

STEVENS So, he had pulled forward and began to make the U-turn to drive towards Toomey's car, this gap that's in between him and the retaining wall.

THOMPSON At that point, at the time of the shooting, could you see what the suspect was doing in the driver's seat?

STEVENS No.

THOMPSON From your perspective, at the time of the discharge of firearms, could you tell if the suspect vehicle was an imminent threat of deadly force to any officers on scene?

STEVENS I thought it was, yeah. I thought he was driving right at Toomey.

THOMPSON And in what ways was he an imminent threat?

STEVENS To hit him with his vehicle.

THOMPSON Did you consider using deadly force on the suspect?

STEVENS So, I was not in a position to do that. I know we talked about it earlier. My patrol car was moved. It was initially further back here, and I was on the passenger side. So, I would have had to almost shoot through the patrol cars. And to avoid any kind of crossfire or anything like that, it just wasn't an option for me. And that's

why the second I heard the shots, I wasn't going to just shoot too. That's reckless. I mean, I don't know where they are. I don't want to hit one of them. They're there. They're dealing with the threat. So, I just ran around to the car.

THOMPSON Do you recall — and we're dealing in split seconds here.

STEVENS Yeah.

THOMPSON Do you recall if you had considered a decision to shoot at or right around the same time Ofc. Toomey also made that decision? I mean, were you already in that mindset that you were going to have to use lethal force?

STEVENS No, because of my position, where I was.

THOMPSON Okay.

STEVENS I would have had to shoot right at where he was, or in the area where I thought maybe Eric was.

THOMPSON So, if you hadn't had the crossfire issue — and I realize that you did have a crossfire, but had you not had a crossfire issue, with the direction he was going to be driving his car, would you have used lethal force?

STEVENS Yeah. If I was in a position to where I could see that he was going to run over another officer, and if I needed to use deadly force, I would have, but safety-wise, it would have been reckless.

THOMPSON And we've kind of covered this in generalities, but just be specific. At the time of the shooting, what did you think had happened that caused the other officers to use lethal force? What did you think they had seen?

STEVENS So, I didn't know, obviously, about the weapons on the initial call. Toomey was on that, so that's his knowledge of the situation. But my interpretation was the car was driving towards him. And from over here, it looked like there wasn't a whole lot of space from the retaining wall to Toomey's car. The way that the wall kind of zig-zags and juts out, it made it look like it was a lot closer to where his car was.

THOMPSON So, my next question, then, is: Prior to the shooting, or at the time of the shooting, were you able to observe what that distance between the driver's side of Toomey's car was and the concrete fence? Essentially, before or at the time of the shooting, from your angle, could you see what that distance was at all?

STEVENS Like an approximate? No, but it looked close. It looked like it would have been tight to get a car through there from where I was.

SCHUMACHER Were you even aware there was a gap there between Ofc. Toomey's car and the concrete?

STEVENS A gap large enough to fit a car through, or just a gap at all?

SCHUMACHER A gap at all.

STEVENS I would assume there would be a gap. It'd be kind of bad officer safety to put yourself right up against a concrete wall as far as getting your door open and having some room to maneuver. And I've worked with Eric for over three years now, and normally we ride together, so I know him pretty well. I wouldn't think that he would do that.

THOMPSON And we've been using this aerial photograph. Can you just read off the vehicle number that was your car that evening?

STEVENS 13415.

THOMPSON And the other vehicles on scene there, if you want to, read their numbers and say whose is whose there.

STEVENS Yeah. 13414, that's Ofc. Caro's car right in the middle. And then Ofc. Toomey's car is 12404.

SCHUMACHER Have you been back in that parking lot before?

STEVENS In this parking lot before?

SCHUMACHER Yes.

STEVENS Have I ever been there before? No.

SCHUMACHER Okay. Do you know if Ofc. Toomey had before this night?

STEVENS To my knowledge, no, but, I mean, we've worked — like I said, he's been my partner for the last three years. This is our fourth year that we signed up together. The first year was just kind of by happenstance. We didn't know each other before that. We were down in Sector 5, in Meadowview, the last three years, so this is our first year in six. Before that, his work, I don't know if he had been back there. But as far as us during that year, I don't think we'd ever been there, and I know I had never been there.

SCHUMACHER Okay.

BOYD And I'm sorry, maybe you covered it earlier. When the pursuit originally ended up in this spot, could you see that there was a dead-end? So, you knew it was a dead-end?

STEVENS Yeah.

BOYD Okay.

STEVENS You could see that there was nothing that was going to go back there because you can see — I think there's like a — there's almost kind of a canal sort of thing because it's industrial. And then there's another fencing, and it's like the Atlas Disposal garbage trucks on the other side of it, which backs up to Unsworth, and it looks like the canal kind of ran back around there.

THOMPSON Can you please walk us through from essentially the last discharge of firearms, when you join up with Ofc. Toomey, to ultimately clearing the suspect vehicle, contacting the suspect and clearing the vehicle?

STEVENS Yeah. So, I came around. I was here at the back of the car. I told my trainee, King, to go get the shield and a beanbag. He ran, grabbed a beanbag. Someone else already grabbed a shield, so we didn't have to worry about that. He comes back. I came to the front hood, engine block area of Toomey's car. I was holding there with my handgun. Ofc. Mota, I think, showed up, and he was off to my right. We were both there behind the engine block. He had a rifle. So, Toomey, Caro, and King were still back here. I remember King deployed the beanbag so that we could try to — we were trying to break the window out because the windshield and the driver window were all shattered out and you couldn't see in. It just made a bigger hole. I think it helped with at least communication. I could hear the suspect better after that happened. You couldn't really make out what he was saying. It just sounded like he was moaning in pain. I held here at the front of the car. The car rocked a little bit, like it was still moving. I think he was having trouble putting it in park. Once I saw him get out of the car and saw that his arms were shot, it made sense. Right?

He gets out to the front of the car. They direct him to the east, over kind of towards this retaining wall area. They get him cuffed. A group clears the car. I don't know who cleared the car. It wasn't me. They say it's clear. I came around. You can see the medical equipment on the ground over here in the photo. They dragged the suspect over here, and I started helping with medical aid. I cut his shirt, took his belt off. I was going to cut the pants, but someone else started doing it. I saw that he had some gunshot wounds to his abdomen and his arms. I

put chest seals on his abdomen area, and then someone else was already working on putting a tourniquet on and some other chest seals too.

THOMPSON Okay. Let's go through it, and I'll just kind of ask you a few questions. So, you did instruct Ofc. King to get a less-lethal shotgun?

STEVENS Yes.

THOMPSON And what was the purpose of that?

STEVENS One, if it was going to be needed, to use less-lethal if this continued, and also to try to maybe break a window out to see in the car because we couldn't see the suspect at all. We couldn't see his hands. We couldn't see if he was armed. We knew he was awake and talking and alive, but as far as being armed and seeing him, for officer safety-wise, we couldn't see him.

THOMPSON Do you know who instructed Ofc. King to deploy a less-lethal round into the driver's side window?

STEVENS I don't know who.

THOMPSON And what was the purpose of you guys doing that, again?

STEVENS To try to get a visual inside of the car.

THOMPSON And, ultimately, what did that round do to the window?

STEVENS It just made a larger-sized hole. It didn't break it out. The window was already spiderwebbed. Those newer-vehicle windows, they kind of do that to stay intact.

THOMPSON After Fire arrived on scene and transported the suspect, what else did you do to assist in the investigation?

STEVENS I started putting crime-scene tape up.

THOMPSON When did you first learn that Ofc. Caro had also discharged his firearm?

STEVENS I don't remember time-wise, but I remember seeing him sitting over at the sergeant's car. And I was like, "Hey, did he shoot?" I don't remember who said it, but someone said yes, and I was like, "Oh, okay," because I couldn't see him when we were on the felony stop. And just from the visual of my car to his car, I never even saw him physically.

THOMPSON Did Ofc. Toomey or Ofc. Caro discuss the details of the shooting with you while you were on scene?

STEVENS No. I asked Toomey if he was good just because he's my friend and my partner. He said, "Yeah." And I said, "Okay," and just walked away.

THOMPSON Did you observe anyone else discussing the details of the shooting with Ofc. Toomey or Ofc. Caro while you were on scene?

STEVENS To my knowledge, no, other than maybe a sergeant doing the whole debrief thing.

THOMPSON Did you assist with any other part of the investigation prior to clearing the scene?

STEVENS No. They just kept me standing around there until they had me go back to the station. So, I was just standing there waiting because our car was in there. My phone was in there and all of that stuff.

THOMPSON Okay.

SCHUMACHER I have no additional questions.

THOMPSON Mick?

BOYD Thank you.

THOMPSON Okay.

SCHUMACHER Is there anything else relating to this matter that we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

STEVENS No.

SCHUMACHER After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I am ordering you to contact Sgt. Thompson immediately. I am also ordering you to not discuss this matter with any other department employee other than your appointed representative.

STEVENS Yeah.

SCHUMACHER Do you understand these orders?

STEVENS I do.

SCHUMACHER Concluding the interview at 2125 hours.

STEVENS Do I need to sign anything?

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed #3143

Justin Thompson

NARRATIVE TEXT RELATED ATTACHMENT(S)

1. STATEMENTS

Description OFC STEVENS STATEMENT PDF

INTERVIEW WITH OFFICER STEVENS
Q=Detective Scot Krutz
A=Officer Victor Stevens
A1=Michael Boyd

Q: All right. My name is Det. Scot Krutz. That's S-C-O-T, K-R-U-T-Z. We are here on case number 21-44157. My badge number is 680. I'm with the Sacramento Police Department Homicide Unit. Officer, can you please provide your name and your badge number and spell your name, please?

A: Victor Stevens, V-I-C-T-O-R, Stevens, S-T-E-V-E-N-S, badge number 952.

Q: Okay. Sir, can you identify yourself and spell?

A: Michael Boyd, M-I-C-H-A-E-L, B-O-Y-D, and I am his SPOA representative.

Q: Okay. Officer, how long have you been with the department?

A: Sworn time? A little over four and a half years, five years in June.

Q: How long in total?

A: So, do the math there, four years and eight months.

Q: Okay. What academy did you graduate from?

A: 16-BR1.

Q: And when was that?

A: Graduation was in June of 2016.

Q: Okay. Do you have any specialized training with the department, rifle, FTO?

A: Yeah. I'm a full-time FTO, rifle trained.

Q: Okay. When was your rifle training?

A: Right after I went Phase 4, pretty much. So, that would've been — I think I had to wait a few months — maybe May of 2017.

Q: Okay. And when did you go to FTO school?

A: That would've been November of 2019.

Q: Okay. Were you in the military?

A: No, I was not.

Q: Were you a lateral?

A: No, I was not.

Q: Okay. The night this occurred, so that would be on Monday night, right? How were you uniformed?

A: Full police uniform, long sleeves.

Q: Sacramento Police uniform?

A: Sacramento Police uniform.

Q: Patches prominently displayed?

A: Yeah, patches, corporal stripes.

Q: And your badge was prominently displayed?

A: Yes.

Q: Okay. Were you working your normal shift?

A: Yes.

Q: What shift is that?

A: Graveyard in Sector 6.

Q: Okay. What time does that start?

A: Roll call starts at 9 o'clock in the evening. I'm off at 7 a.m. in the morning.

Q: Okay. What are your days off?

A: Thursday, Friday, and Saturday off.

Q: Okay. And this was a Monday night, right?

A: Yes.

Q: Okay. So, basically, in the middle of your work week?

A: Yeah, essentially our Tuesday, the second day of the workweek for us.

Q: Okay. The night prior, what time did you get off of work?

A: The previous shift? We got out of there in between 7:45-8:00, because we were over by about an hour.

Q: Okay. Were you able to go straight home?

A: Yeah.

Q: And then, what time did you wake up prior to the shift the incident occurred in?

A: 3:30.

Q: Is that normal?

A: Yeah, it's very normal.

Q: Okay. That night, were you partnered up?

A: Yes.

Q: Who were you partnered with?

A: Ofc. King.

Q: Okay. Was he driving, or were you driving?

A: He was driving.

Q: Okay. Is he your trainee?

A: He is.

Q: What Phase is he in?

A: Phase 1.

Q: How long has he been riding with you?

A: It's his fourth week.

Q: This is his fourth week?

A: Yes.

Q: Are you his first car out of the academy?

A: Yes.

Q: Okay. How are you equipped during your shift? How were you equipped on Monday night?

A: As far as what?

Q: All of your equipment.

A: All gear?

Q: Yeah.

A: So, I had my riot bag with my ballistic helmet and my gas mask. I had my rifle. I had my beanbag shotgun. And then, he has his patrol rifle, forms, and stuff.

Q: Okay. And then, on your belt?

A: A firearm, two magazines, taser, an extra rifle mag. On my vest is where I keep my OC, flashlight, handcuffs, radio, tourniquet. Actually, my tourniquet is on the belt.

Q: Okay. What kind of firearm?

A: A Glock 17.

Q: Is that a 9?

A: 9 mm, yes.

Q: Okay. Do you carry a backup?

A: A backup gun? Yes, I do, a revolver I keep in my pocket.

Q: A .38?

A: Yeah, a .38 Special.

Q: Five shot?

A: Yeah, an old Smith and Wesson J-Frame.

Q: Okay. Let's just get to the incident, then. What happened?

A: So, we were going to a different call. We were in route to a 5150 call. It was like 65th, the Elder Creek area. We were getting off the freeway, Highway 50 eastbound. We had gotten off at 65th when I heard Toomey say that he was behind the suspect car. I had heard the radio traffic before about it being an arson and requesting an arson investigator and all that. As we were getting off the freeway, he puts a stop out, and then pretty much it was pursuit almost right away. So, we got pulled off the call. I hit "assist unit" and we hop on to help out Toomey, who was Alpha-68 that night. We start going Code right there at 65th and basically the exit ramp from eastbound 50. We hopped back on Highway 50 going eastbound, and then I was listening to the directions that he was putting out, and they were primarily eastbound. I didn't want to go all the way to Watt in case he doubled back and then we're stuck on the freeway, so we hop off at Power Inn. We go southbound there. And then he said he was on Watt Road, so I pulled over for a second to make sure they didn't double back towards Power Inn. And then we made an eastbound turn on Folsom from there, from Power Inn.

So then, we went eastbound Folsom. We're going pursuit. We could see another unit ahead of us, which ended up being Caro. He was Charles-68. We see it go through the light at Folsom, going southbound Watt. We get up to Folsom and we make that southbound turn, and we catch up to it at about Jackson, Jackson and South Watt. And then we get in number three. We're following in pursuit from there. Earlier in the pursuit, the speeds were a little high. I would say 60. And I think he hit as high as 80 at one point, blowing stop signs. And then, once we're on South Watt, the guy's driving completely changed. He's going only 40 miles an hour. He's got his hazards on, which was a little weird to me. Right? If you're going to go, of all the places, that's the place to go. It's wide open. There's not really any cross traffic. There's nothing out there. So, the fact that he was slowing down, I was thinking, *Okay. Is this guy going to foot bail, or is this guy going to pull like with Wolfe and Martin, kind of just slow roll, stop, and hop out and start shooting?* That was kind of my mindset.

We're still slow-rolling down South Watt. We get to Fruitridge. He hits a westbound turn, going right. So, he goes on Fruitridge there, still going about the same speed. I believe it was Charles-88, so it was Parham, maybe. They

got up ahead of us. So, we go over the train tracks there, and I can see their car out on the shoulder on the righthand side. [inaudible-07:40]. And all of a sudden, the suspect car, the Toyota Sienna, accelerates and drives towards them. And I thought — I couldn't tell the depth, really, how close they were from the number three spot, but from my spot it looked like maybe he was going to try to either drive right at him or swerve around him, because they said they were trying to do spikes, so I didn't know if they got them out in the road and he's swerving towards them.

Then, all of a sudden, he hits that left, and he goes — a hard left, and he goes into that industrial complex. At first, I thought maybe he was going to make a U-turn and try to double back on us because they were doing the spikes, but then he just goes into that industrial complex and starts driving south pretty fast. He gets down — the road curves, and there are some gas pumps off to the left there. He drives in between the gas pumps. Like I said, we were number three, so we were kind of stuck right there a little bit. It almost looked like he was going to try to make a U-turn and come back out, but saw us, so then he drove around that little — there's basically a drainage ditch. He drives around that, back towards that storage structure thing that they have in the parking lot. And I think maybe he thought it went out, because it kind of looked from the front side like maybe you could go around it, but then he just stops, just slams on the brakes, and Toomey rear-ended him.

We initiated a felony stop. We are on the far-right side, and it's kind of a — the way he pulled in, we were not right behind him, more off to the side. And then he starts driving forward, and he throws his reverse lights on, and he kind of turns. And he's almost lined up, basically, between Caro's car and our car, so the middle car and our car's the far right. I thought he was going to try to ram in between us the way he was setting up, but then Caro pulled forward a little bit. I don't know if that stopped him from doing that, or if that just wasn't his plan at all. And then he made a U-turn and starts driving right towards Toomey. From my perspective, that's what it looked like. I hear the shots. As soon as I hear the shots — because of where the car drove, it was out of my line of sight. I was useless in my position on the far right there. I immediately ran around the back of our car and ran over to Toomey on his driver's side. He was kind of standing out there, almost in no-man's land kind of, just like not by any kind of cover or anything, so I grabbed him and I pulled him back to cover.

And then we kind of started formulating a plan there in the back of the car. I told my trainee, Ofc. King, to go grab a beanbag and a shield. So, he ran back to our car. He got the beanbag. Someone else was grabbing a shield. He gets back. The way that the Toyota stopped, it was pretty much parallel with Toomey's car, so we were using Toomey's car as cover. So then, I'm at the front, pretty much looking right on the car, but the window's shot up, so we can't see in. So, King, I see him do the beanbag to try to punch the window out

so we can see in. It ends up just making a hole. It doesn't shatter it out enough. I don't know if that helped him hear us better, the suspect inside the car. We could hear him a little better. We could hear him yelling inside. And then we were giving him commands. The car rolls forward and back a little bit, so I wasn't sure if he wasn't going to try to drive off again. That stopped pretty quick.

Eventually, the door pops and he comes out. They were trying to direct him over to the side so they could get him detained. Obviously, he was in a lot of pain. They get him cuffed. They clear the car. We get that guy over to the side, towards the front of his car, off to, essentially, the east, I guess. I started cutting his clothes, looking for wounds and stuff, so I cut his shirt. I took the belt off, and then someone else was cutting his pants already. I could see he had what looked like multiple gunshot wounds to his abdomen, so I put some chest seals on them. Someone else put another chest seal on. Another unit was there and put a tourniquet on his arm because he had a pretty nasty gunshot wound to his arm. So, we started doing that as soon as it was safe to do so, right away. And then Fire showed up and they transported him out of there. I don't know, for just like your sketch or your diagram, if it helps, but I remember when I was walking, I accidentally kicked the shell from the beanbag round. I kicked it forward. So, it was originally closer to the back of the car. Then, I kicked it and it was closer to Toomey's door area. Then, I start throwing up tape. And then everyone started showing up and telling Sarg what happened. What more can I clarify from there?

Q: Okay. So, at the beginning, you were in route to your 5150 call?

A: Yes.

Q: Where was that? Do you remember?

A: I don't remember the exact street it was on, but the closest major intersection was 65th and Elder Creek.

Q: So, you were in route to 65th Street and Elder Creek, and -

A: Yeah, the general area.

Q: You took 50 to 65th Street?

A: Yes.

Q: You got off at 65th Street?

A: Yes.

Q: And then you heard — what did you hear Toomey put out?

A: I heard him say the traffic stop, and I knew he was on that arson call. So, I knew it was related because he was still on that call, because I had just checked the board.

Q: Okay. So, what did you know about the arson call? Let's start there.

A: Just from the brief that I knew, because I didn't really read the whole call because we were dealing with ours, I knew that a car had been burnt, been torched, because I heard Trevor say, "Hey, Fire was out here and they put it out, but we need an arson investigator for the car."

Q: Who's Trevor?

A: Schwertfeger, sorry, Alpha-88.

Q: So, he was the one handling the arson call?

A: That's his beat, yeah. So, him and his trainee were out there, and Toomey was their cover unit.

Q: Gotcha. Okay. So, what else did you know about the call?

A: That it was an arson on a car. That's about it. And then Toomey said he was behind the suspect car, and then pretty much immediately said, "pursuit." So, the second he said "pursuit," I hit F12 and hit "assist unit" and got on the call.

Q: What does F12 do?

A: It clears us off our current call that we are on, so it cleared us off the 5150 call, and shows basically in service. And then, if you go to the status screen on the in-car computer and you click on a unit, there's an option to hit "assist unit," which will automatically put you on their call rather than having to wait for dispatch to do it. So, I did that to get some unit on the call, that way I could see the map and see where the units were and all that sort of stuff.

Q: Okay. And when you say F12, there's an actual F12 button on your keyboard?

A: The F12 key on the keyboard on the in-car computer. Yes.

Q: Okay. What unit were you that night? I don't think I asked earlier.

A: 1-Alpha-69. That's my normal identifier.

Q: Okay. So, you were considered a one-man unit. Correct?

A: Yes.

Q: Why is that?

A: Because my partner is in training. It's only his fourth week on the street, so he's in the field training process right now.

Q: Okay. So, while you were a two-man unit, you are dispatched as a one-man unit?

A: Yes, because he hasn't met the solo-officer standards yet, basically. He hasn't tested out.

Q: Okay. So, when you put yourself in route to Ofc. Toomey's location, what did you understand his location to be?

A: I knew he was on Occidental. I'm not too familiar with that area. This is my first year in Sector 6, the east area. I'd been in Meadowview for the last three years before this, on graveyard, so that area I know pretty well, but I'm still getting used to where I'm at now. But I knew where Occidental is because I work the overtime job at the Folsom Raley's quite a bit. So, I knew where Occidental is generally, and I knew he was primarily saying he was going eastbound, so I know the next major roadway is going to be Watt. Obviously, there's only certain ways to get there with La Riviera and stuff because you have the freeway and the overpass over the river there. That's why I didn't want to take Highway 50 all the way to Watt, because then if he doubled back and started going westbound or south or something, then I'm stuck on the freeway and I'm basically taking us out of the pursuit. So, we took Folsom going eastbound, hoping that — I was basically trying to predict where he was going to go, but I guessed kind of right. So, we took Folsom going eastbound, basically just trying to get in a position to where we could get in the pursuit.

Q: Okay. Was Ofc. Toomey alone when the pursuit started?

A: Yes.

Q: Okay.

A: Yes, at the time, because Trevor Schwertfeger never said anything, so to my knowledge he was by himself.

Q: Okay. Other than what you've already covered, did you know anything about a

want for the subject in the pursuit?

A: Yeah. So, Ofc. Toomey voiced that it was an arson want over the radio.

Q: Okay. So, now, where did you meet up? Where did you finally get into the pursuit at?

A: Right around South Watt and Jackson, we entered the pursuit as number three.

Q: When you were on South Watt?

A: South Watt, yes.

Q: Were you north of Jackson and heading south, or south of Jackson and heading south?

A: I believe we were south of Jackson and heading south.

Q: Okay. And then you got in. Were you number two or number three in the pursuit?

A: Number three.

Q: Number three. And you were behind…?

A: Caro.

Q: Okay. That's right. Okay. Now, you mentioned that the suspect's vehicle seemed to swerve at officers who were setting up a spike strip?

A: Yes.

Q: How close to them — how far back were you in the pursuit at that point to be able to see them?

A: I was still number three, but I was on the passenger side, so I had a little better view of the shoulder. I couldn't tell how close they were to their car specifically, but all of a sudden, we're — because like I said, he had slowed down quite a bit. He was driving like 40 miles an hour. He was going westbound Fruitridge. And all of a sudden, I see him swerve out towards that patrol car.

Q: Okay. At that point is Fruitridge a two-lane or a four-lane road?

A: Two-lane there, so one in each direction.

Q: And which side was the officer's patrol car parked?

A: It was on the north side of the road, also facing westbound, the same direction of travel we were going. So, I could see the trunk, the rear of their car.

Q: Okay. Where were the officers in regards to their car?

A: I couldn't see the officers from where I was.

Q: Could you see where the spike strip was set up?

A: No.

Q: Did you ever see if there was a spike strip set out?

A: I did not see if there was a spike strip set out. I heard Charles-88 say they were going to try to get ahead to put out spikes.

Q: Oh, okay. Were you able to see the officers when the suspect vehicle drove towards their vehicle?

A: Are you saying when the suspect swerved towards their car?

Q: Yes.

A: No, I couldn't see that from where I was. I was too far back to see them, especially with dark uniforms at night. It's hard to tell.

Q: Okay. So, you didn't see what their reaction was?

A: No, I couldn't see what their reaction was.

Q: Okay. Did the suspect vehicle come into contact with their vehicle?

A: To my knowledge, no.

Q: Okay. And then you said that he, at that point — well, let me back up a little bit.

A: Yes?

Q: What were the speeds like when you entered the pursuit?

A: When we entered pursuit, it was around the 40-mile-an-hour range. It was

almost to that point where we could PIT, but also the location wouldn't — I mean, right there on South Watt, it's one lane in each direction and the shoulder is pretty much nonexistent. It's pretty much some dirt and then it drops off. So, there wasn't really a lot of good locations for it to happen because we have to get down to 35 to be within policy anyways. So, he was right at the threshold where he was going just a little too fast to even do it, but he was right around that 40-mile-an-hour range.

Q: Okay. At this point, and I should have cleared this up earlier, what did you know about the suspect when you entered the pursuit?

A: I didn't know anything about him.

Q: Okay. Did you have a physical description?

A: I don't remember hearing one, no. Just one on board, I remember Toomey saying there was only one in the car.

Q: Okay. Anything else?

A: One in the car, want is arson, and then he gave a vehicle description as a Toyota Sienna minivan. He put the license plate out also, but I can't recall the plate.

Q: Okay. So, after he swerves towards the officers' vehicle who were setting up the spike strip, you said he took a hard southbound turn into the industrial area?

A: Yeah.

Q: Okay. And then, you're still number three, though, right?

A: Yes, we were still number three.

Q: And then you said he went around a big sweeping turn towards some gas pumps?

A: Yeah. So, the road kind of curves. And then, if you cut back north, there are some gas pumps. I don't know what they're for, whatever uses that facility. I know there are some scales out there, so I don't know if it's garbage trucks or whatever, but he makes that turn. The road curves, and then he kind of cuts back toward the gas pumps and cuts in between the two sets of pumps. And it looked like he was maybe going to try to turn back out and go back out the way that he came, but he saw us there, and that's when he continued southward.

Q: But you didn't follow him in between the gas pumps?

A: No, we never went between the gas pumps.

Q: Or Ofc. King? Ofc. King was driving, so -

A: Yes. Our car never went between the gas pumps.

Q: OK. So, after he clears the gas pumps, did the other two patrol vehicles follow him through the gas pumps?

A: Yes.

Q: Were there any other patrol vehicles with you guys at this time?

A: No.

Q: Just the three of you?

A: Just the three of us because the sergeant had said only three patrol units plus a K9 in the pursuit. I do remember seeing, I think it was, Tac-68 — I don't know which officers that was — get behind us and say they were number four. And then Sgt. Schwartz came on the radio and said only three plus K9, so they pulled over and dropped out of the pursuit.

Q: Okay. So, after he clears the gas pumps, then he continues on.

A: Yes.

Q: Right? You touched on it earlier. When he came to the area where the pursuit stopped, what made him stop?

A: He stopped on his own. He slammed on his brakes very abruptly, and Toomey was fairly close to him. I think he was anticipating a foot bail as well. And he ended up rear-ending him. From there, the car stops. We initiated the felony stop, so we fanned out. So, Toomey's car was the far left car. Caro was in the center, and then we pulled up on the right side, so the far right. Then, the car started to drive again. It pulled forward, and then I saw its reverse lights on. And like I said, it was lined up almost between Caro's car and our car, like he was going to try to ram in between.

Q: Okay. So, what do you mean by lined up? Which way is the suspect vehicle facing at that point? In fact, you know what? Let's just see this drawing.

A: Do you want me to draw? Yes.

Q: I'm going to show you — this was taken by the drones after the fact. This is how the vehicles were situated after our briefing.

A: Yeah. So, our car initially was more over here. Somebody moved it for the contact team. And Caro's car actually was a little bit further back, too, on the initial stop. This car was pretty much right here. Like I said, I think he thought this drove around, but this is all fenced over here to my knowledge. He pulled forward, and I saw his reverse lights on, and he was, as best as I can tell, almost lined up with the gap in between Caro's car and our car.

Q: He was lined up to reverse through the gap?

A: Yeah. It looked like his reverse lights were on, and maybe that's what he was thinking, but then Caro pulled forward a little bit and I think that maybe stopped him. It blocked, basically, his path. And I don't know if that changed his plan or what his mindset was at the time, but that's how it looked to me. He then made this U-turn and started to drive towards Ofc. Toomey's car.

Q: Okay. When you guys came to the stop, did you get out of the car?

A: Yes, we were all out of the car.

Q: Where did you position yourself?

A: I was on the passenger side.

Q: Of your vehicle?

A: Of our vehicle, on the very far right.

Q: Okay. Let's use this pen, and write an X where you positioned yourself.

A1: Just to let you know, this picture will be after the vehicle had been moved.

Q: Yes.

A1: Okay. Just so I -

Q: I want him to draw it where he was.

A1: Got it. Thank you.

A: I think…because I know we weren't at that angle. We were more right here, and I know he was pretty much even with that, so maybe around this area.

Q: Make it a big X so I can see it.

A: Okay. Sorry. I didn't want to draw it too big.

Q: There you go. So, that's where -

A: Probably around there -

Q: At that X, you would be on the passenger side of the car where it was positioned?

A: Yeah, give or take a few feet.

Q: So, let's draw a big square where your car was initially positioned. There you go. And at that point, are you in the V of your passenger-side door?

A: Yeah, by the door. Yeah, behind the door.

Q: Yeah. Okay, okay. When you got out of the car, was the suspect vehicle car stopped?

A: Yes, at the time, it was.

Q: Okay. And then he moved forward first. Right?

A: Yes. It didn't look like he was in park yet, or at least his foot was on the brakes. His car was stopped and not moving, and then he drove forward. I saw the reverse lights on, and that's when Caro pulled forward to kind of block his path.

Q: Okay. And then, that's when the suspect then pulled forward?

A: Yeah.

Q: Okay. I understand now.

A: Yeah.

Q: Okay. After that, what commands were being given at this point?

A: "Show us your hands." As far as — I couldn't tell you exactly.

Q: Who was giving the commands?

A: I think I could hear Toomey yelling. I yelled, "Show us your hands!" I don't

know if Caro yelled. I couldn't hear him. I couldn't even see him from where he was. And then, like I said, we were giving commands. As soon as he makes — well, not as soon as he makes a U-turn, but he's driving towards Toomey, and then I hear the shots. And then, basically, where our car was originally, I had the two cars in between us, so I didn't have a line of sight. So, that's why I ran around the cars over to Toomey's car.

Q: Okay. Where was the suspect vehicle when the shots were fired?

A: Maybe a little bit further back here.

Q: Okay. Which way was it pointed?

A: Pointed out that way, kind of almost head on. Not head on, but…because it wasn't right in front of Toomey's car, but that'd be eastbound there. So, facing eastbound.

Q: So, you remember the suspect vehicle to be pointed directly at Toomey's car?

A: Not directly, but like he was going to try to go this way. That's the direction he was driving.

Q: Can you draw, like you did for your vehicle, the suspect vehicle orientation at the time of the shooting?

A: The time of the shooting?

Q: Yes.

A: Like I said, I heard the shots, and the second I heard the shots I ran, so I couldn't really see exactly where the car was at. I just know that it was going — he had U-turned and started to drive off eastbound.

Q: Okay. Was it a smooth U-turn, or did he have to do a multi-turn?

A: Well, he had backed up originally and then stopped, and then he made this U-turn this way. It looked like it was smooth to me. He was a little jerky on the gas and the brakes from my perception, but he didn't do some five-point turn or anything like that.

Q: Okay.

A: Not that I could see.

Q: Were you able to hear the suspect say or voice anything at this point?

A: In the car?

Q: Yeah.

A: I could hear him yelling like he was in pain.

Q: I don't mean — I mean before the shooting.

A: Oh, no. No, I could not.

Q: Could you see the driver?

A: No, I couldn't. It was too dark.

Q: Okay. All right. So, how many shots did you hear fired?

A: Somewhere in the 10 to 15 range, between the two.

Q: Okay. Do you know where your trainee was?

A: He was in his driver door.

Q: At the time of the shooting?

A: Yeah.

Q: Okay.

A: And then we both ran over here. He saw me running, so he ran over.

Q: Let's put a T where your trainee was at that time. Okay. Do you remember him saying anything?

A: No, not to my knowledge.

Q: Okay. Were the three of you or the four of you communicating prior to the shooting about a tactical plan?

A: No, because it happened really quick, before we could even really get a plan going.

Q: Okay. Did you hear any warnings given before the shots were fired?

A: From Ofc. Toomey?

Q: Or Ofc. Caro or your trainee.

A: No, I didn't.

Q: Okay.

A: Other than the initial, "Hey, show us your hands," that sort of stuff.

Q: Such as?

A: When we first stopped, like "Hey, show us your hands. Show us your hands." But right before the shots, I don't remember hearing anything. No.

Q: Was anybody using their PA?

A: No.

Q: Could you tell? No?

A: Not to my knowledge. I don't remember anyone using a PA.

Q: Okay. Were the shots all in one volley?

A: It seemed like maybe two volleys, but very quick together. And I don't know if that's because there was the two shooters. I didn't realize Caro had shot at first, because I couldn't see him, so that might have been why I thought it was two.

Q: Okay. Where was Caro at the time of the shooting?

A: In his driver door to my knowledge. I didn't see him [before I came running around.

Q: You didn't see him?

A: And like I said, because of where we were, I couldn't really see him. My focus was on the suspect car.

Q: Okay. And then, could you see Ofc. Toomey?

A: Not at first, no. I could see him once I ran around.

Q: Yeah.

A: Yeah.

Q: We'll get to that. At the time of the shooting, had you drawn your firearm?

A: Yeah. My gun was out.

Q: Okay. And you did not shoot?

A: No.

Q: Why not?

A: Like I said, the way the car drove, I would've basically had to shoot by these two cars and that, for me — I wasn't going to do that and risk that maybe they were running out or something. I didn't want the crossfire, basically. I didn't want to risk that. I heard the shots and, like I said, as soon as I heard those shots…I already knew I was in a position over here with the car driving off that way. And our threat is over here now, so I just ran over to this car.

Q: Okay. At the time of the shooting, was the car moving towards Ofc. Toomey?

A: Yes.

Q: Okay. So, okay, let's get there. After the shooting, where did you go?

A: I ran around the back of the cars.

Q: Let's start there, though. That's where you parked, right?

A: Yeah, right here.

Q: Don't draw it.

A: Okay.

Q: Just kind of point, otherwise we're going to scribble all over this thing.

A: So, I ran around the back of my car. I ran around these. As I was running, I put out "shots fired" over the radio. I got to the back of Toomey's car here. He was kind of standing out here, so I grabbed him and I pulled him back to cover.

Q: Okay. So, you pulled him back to cover behind the vehicle?

A: Yes, back here at the rear of his car, 12404.

Q: Okay. Was his gun still out?

A: Yes. He had his gun out and was holding on the suspect. Once he got back to the car here, he did a reload.

Q: As you came running around, do you remember where Ofc. Caro was?

A: No, I don't.

Q: Okay. Was Ofc. Toomey saying anything to the suspect at that point when you came into contact with Ofc. Toomey?

A: Not to my knowledge. Not that I can remember, no.

Q: Okay. When you pulled him back, -

A: Yes?

Q: - what did you guys talk about then? What happened?

A: So, I yelled at King, my trainee, to go get a shield and a beanbag.

Q: Okay. So, was King still over here?

A: King had ran over here with me, and then he ran back to the car.

Q: Okay. And the shield and the beanbag are kept in your trunk?

A: The beanbag is in the front of our car in the gun rack because he doesn't have his own rifle, so my rifle and my beanbag are both in the front of the car. Our shield is kept in the trunk of the car.

Q: Okay. And so, he grabbed both?

A: He grabbed the beanbag. Someone else grabbed a shield and brought it over. I don't remember who it was that grabbed a shield.

Q: At this point, had any other units arrived?

A: I could see someone else running up. I think it was Ofc. Patterson. They were pretty close by. I don't remember where they went when they got there, but King ran back and the four of us were right here. And then units started flooding in.

Q: So, the four of you, Patterson -

A: Caro eventually came over here, yes.

Q: Gotcha.

A: So, Caro, Toomey, and myself were here. I yelled at King to go get the beanbag and the shield. He ran back to the car, got the beanbag, got that back over. And then, there were so many units close that it was pretty flooded with officers there pretty quickly.

Q: Okay. So, did King make it back with the beanbag?

A: He did, yes.

Q: Okay. Who fired the beanbag?

A: King did.

Q: Okay. At the window?

A: At the window, yes.

Q: And what was the result of that?

A: It made a pretty decent-sized hole. We were hoping it would shatter the window out, enough that we could see in the car and get a visual on him to make sure he wasn't armed or anything like that. Like I said, ultimately, it ended up just making a hole. The newer windows like that, they just spider out and stay intact. I don't know if that helped him hear us or us hear him. I could definitely hear him a little bit better inside the car afterwards. I could hear him yelling. It just sounded like he was in pain. I couldn't really make out at all what he was saying or if he was saying anything, but I could hear him making noise, so I knew he was still alive in there.

Q: What commands were you guys giving before and after the beanbag round?

A: "Open the door. Show us your hands."

Q: Who is making those commands?

A: I don't remember who it was.

Q: Okay.

A: There was a plethora of officers there at that time.

946 Q: All right. So, Ofc. King shoots. He shot once?
947
948 A: Yes, just one.
949
950 Q: Okay. And he does shoot the driver's side window?
951
952 A: Yes.
953
954 Q: All right. But it doesn't shatter?
955
956 A: No, it just makes a hole.
957
958 Q: Okay. And then you guys give more commands?
959
960 A: Mm-hmm.
961
962 Q: What happens then?
963
964 A: The car kind of rolls a little bit, and I didn't know if he was trying to drive
965 away or if he just hadn't put it in park yet. That stopped, so I'm assuming he
966 was able to get it into park somehow. The door -
967
968 Q: Is this where it rolled to?
969
970 A: It had to be, yeah.
971
972 Q: Okay. So, let me back up, then. When you came running around, right, where
973 was the car? Where was the suspect vehicle in relation to Ofc. Toomey's car?
974
975 A: I remember it being a little bit more parallel, so it must have pulled forward
976 some because after we formed up here, we started getting a lot of officers.
977
978 Q: Yeah.
979
980 A: We had everyone here. I came to the front of Toomey's car. And so, I was
981 standing here. And then Ofc. Mota arrived, and he was my cover unit,
982 basically. So, I had my handgun out and he had his rifle out. And so, we're
983 both across the hood of the car.
984
985 Q: Is this how you remember it, then?
986
987 A: I remember it being a little bit more parallel, so maybe closer to that, because I
988 remember looking at the driver's side window and not being able to see in.
989
990 Q: Okay. So, you mean parallel, so sort of pointed the opposite direction of Ofc.

Toomey's car?

A: Yes.

Q: But to the side of it?

A: Yes.

Q: Is that what you mean?

A: More so facing eastbound, in that direction that he was trying to drive out.

Q: Okay. So, at that point then, after King shoots the window with the beanbag round, you respond to the front passenger side of Toomey's patrol car. Correct?

A: Yeah. I had gone over here.

Q: And Ofc. Mota came to cover you?

A: Ofc. Mota was there, and then a couple other officers showed up as well. I think Ofc. Anstess showed up. He had a shield, so he brought a shield to the front of the car. We had a team here. And like I said, someone went to this car, and I know there were some officers stacked up over here on the far right after the car was moved.

Q: Yeah.

A: Like I said, there were cops everywhere at that point.

Q: Okay. Then what happened?

A: He opened the door, stepped out. I could see that he was -

Q: He being the suspect?

A: The suspect, yes.

Q: Okay.

A: He opened the door. He stepped out. I could see that he was shot, I'm assuming in his stomach, because there was blood on the outside of his shirt and it was running down, and then both arms.

Q: But he was able to open the door himself?

A: Yes.

Q: Okay.

A: Yeah. He stepped out of the car. They directed him over this way, towards the east. Officers detained him in handcuffs while another group simultaneously approached and cleared the car to make sure there's no more suspects or anyone else inside.

Q: Where did the suspect go? So, when you say they called him out of the car, he came out of the car and they directed him over here by verbal commands?

A: Yes.

Q: Okay.

A: And then, he was pretty much right there.

Q: Can you draw an S where he ended up, please?

A: Initially, there.

Q: A big S. There you go.

A: It looked like he was leaning against this, the railing.

Q: Leaning against the fence?

A: The concrete there. Because it's raised concrete there, so it's a couple feet up. He was leaning against that. They got him cuffed. Another group cleared the car.

Q: Did you clear the car?

A: I did not.

Q: Okay. So, are you still standing by Toomey's car?

A: Yeah. I'm still over here. They get him cuffed, and then I come around once he's cuffed, and we pull him over here. You can see the medical supplies on the ground in the picture here. And we started giving first aid right away.

Q: Okay. Let's back up a little bit to when you ran around the car after the shooting.

A: Yes?

Q: You came over here and you dragged Ofc. Toomey back behind the car because he had no cover.

A: Mm-hmm.

Q: What did he say to you?

A: I don't remember him saying anything. I remember him saying, "I'm going to do a reload." I remember that, but I don't remember anything else.

Q: When did Ofc. Caro come over here?

A: Probably around the same time that I got there.

Q: Did he say anything to you?

A: Not that I can remember him saying, no.

Q: Okay. How long were you guys over there? Okay. So, at that point you send your trainee for the beanbag and the shotgun. How long was it before he got back?

A: I know he had a little trouble getting it out. They sometimes stick, especially when you have the slings in there. Maybe a minute.

Q: Okay. Did you guys discuss anything at that point? Were you discussing tactical options?

A: Saying, "Hey, let's put a beanbag through the window so we can try to see him." And that didn't work. He did it. It didn't work. We were asking for a 40 mm. Someone showed up with a 40 mm. I think it was Ofc. Takahara. He had it. He was coming up, but that's about the same time where the suspect door started to open and then he ended up just stepping out on his own.

Q: During that minute, were you guys still giving the suspect commands?

A: Somebody was, yes. I think it was Toomey, but I can't recall exactly who it was.

Q: Okay. And all three of you — you, Toomey, and Caro — were behind this car, and then you spread out?

A: Mm-hmm.

Q: So, you were behind the car?

A: At first, yes.

Q: Okay.

A: And then, as more officers showed up, I came over here to try to get a better view in the car.

Q: Okay. Were you over here when King shot the window with the beanbag?

A: I was not. I was at the front of the car at that point. Yeah.

Q: You were over there? Okay. So, that's actually a good landmark to where we can tell. Okay. Did Ofc. Toomey or Ofc. Caro say anything to King about the shooting? Do you know?

A: I couldn't tell you that. No.

Q: Okay. So, when the suspect came out of the car, did he say anything?

A: Not that I can remember. It was more so like moaning in pain.

Q: Okay. So, were you one of the — you said you were one of the ones who rendered first aid on him.

A: I was.

Q: Did he say anything?

A: Not that I could make out, no. Everyone else was talking too, and the radio was going off. People were talking on the radio, because I have an earpiece, so it's…

Q: Were you asking him what his name was? Or was somebody asking him what his name was?

A: I did not. I remember someone saying that he was already identified from the initial call.

Q: The arson call?

A: Yes, the arson call.

Q: Was this the subject?

A: Yes. Yes, it was.

Q: Okay. Who else was working on him over here first aid wise? Do you remember?

A: I know Ofc. Anstess was there. I believe Ofc. Manning, maybe. I remember seeing him. I don't know if he was one of the ones doing first aid. There were maybe two or three other officers. I couldn't tell you who it was.

Q: Do you know who cleared the car?

A: No, I couldn't tell you that.

Q: That's fine.

A: I think Toomey was part of that, but I don't know who else was with him.

Q: Okay. How long did it take for Fire to get there?

A: A little longer than I would've liked, but, obviously, in those situations stuff seems like it's going by a little bit slower than it really is. So, maybe from when we got him over here, maybe another five minutes. I know it's kind of a difficult location to find as well because it's a single driveway, and if you miss it, there's no other way to get back there. I think there was a little bit of confusion on where it was at first, so I think it was Ofc. Henderson, K9-4, who directed Fire in. I think I remember hearing him saying that on the radio.

Q: Okay. And in that time, did the suspect ever say anything to you?

A: To me? No.

Q: To anybody that you heard?

A: Not that I heard, no.

Q: Did he identify himself?

A: To my knowledge, no.

Q: Okay. Let's get back to the time of the shooting. You're confident the suspect vehicle was pointed in Ofc. Toomey's direction. Correct?

A: From what I could tell over on this side, he was driving eastbound towards Ofc. Toomey's car.

Q: Okay. Have you had any calls for service for this suspect?

A: No, I have not.

Q: Have you ever met him before?

A: No, I have not.

Q: Okay. I forgot to ask earlier. Prior assignments, have you ever been assigned to anything other than patrol?

A: I did a couple TDY's. That was it.

Q: Where?

A: I did a two-week TDY to GET when I was down in the south station, the Gang Enforcement Team. And then, I was at NCU South for a couple months when I was injured.

Q: Okay. What was your injury, if you don't mind me asking?

A: [redacted]on duty.

Q: On duty?

A: Yeah.

Q: Okay. When you responded from 65th and 50, did you respond Code 3?

A: We did, lights and siren.

Q: Okay. Was your body cam activated?

A: No, it was not. I have the old kind, and it must have flicked off with the seatbelt or something, so it didn't activate.

Q: How does that work?

A: So, the older ones, there's a switch on top. If you flick it to one side, it puts it in buffering mode, to where you can then either have it triggered by one of the systems in the car that triggers it, whether it's the rifle release or activating the lights, or if you double tap it, then it turns it on. If that gets switched over, then

it's completely off and nothing is going to turn it on.

Q: Okay. And that's where it was?

A: Yeah.

Q: It was completely to the side?

A: Yeah, and I didn't notice it until the after the fact. It kind of was the last thing on my mind.

Q: Okay. During the pursuit, were there any radio updates other than direction of travel?

A: Speed, direction of travel. I remember Toomey saying the want, obviously, a vehicle description, that there was only one occupant in the car that he could see.

Q: Okay. Was there ever any mention of him being armed?

A: To my knowledge, no.

Q: What's that?

A: To my knowledge, no, at the time.

Q: Okay. I think that's just about everything for right now. When you were set up here, then Caro's car was back further. Right?

A: Initially, at first, yeah.

Q: You said that you felt like he was pointing the rear of his car to break through your guys' position?

A: That's what I thought because he had it in reverse.

Q: Did ever gun it?

A: No, he didn't.

Q: Do anything that would -

A: He did not. That's because as he was pulling forward, he put it in — it looked like it was in reverse. Caro pulled forward and kind of into that path.

Q: And then that seemed to stop him?

A: That stopped that. Yeah.

Q: Okay. Now, at the time of the shooting, was the suspect vehicle moving?

A: Yes, it was.

Q: Okay. And was the suspect vehicle moving towards Ofc. Toomey?

A: From my perspective on this side, yes.

Q: Okay. I think that's it for right now. We're going to take a break.

A: Okay.

Q: We'll go back out into the atrium.

End of Recording

Transcribed by: DocuScript, LLC/mw

INTERVIEW WITH Officer Zachary King

THOMPSON = Sgt. Justin Thompson
MAHONEY = Det. Anna Mahoney
KING = Ofc. Zachary King
BOYD = Mick Boyd

MAHONEY The date is June 22, 2021. The time is 1518 hours. Present in the Internal Affairs office are Zachary King, Mick Boyd, Sgt. Justin Thompson, and myself, Det. Anna Mahoney. Observing is Chessa Maita. The purpose of this investigation is to conduct an interview of Zachary King, who is an employee with the Sacramento Police Department in the capacity of officer. This is an administrative investigation on the charges against Eric Toomey and Nicholas Caro for force, firearm discharge, improper tactics, and neglect of duty, in which you may be a witness. Do you understand that this is an administrative investigation only?

KING Yes, ma'am.

MAHONEY The results of this investigation could lead to disciplinary action up to and including termination of the employees allegedly responsible. Do you understand this?

KING Yes, ma'am.

MAHONEY Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide, at this time, all information you may know regarding this incident. Failure to answer a question, or failure to answer it truthfully and fully, will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

KING Yes, ma'am.

THOMPSON Can you please say and spell your name for the record?

KING My name is Zachary King, Z-A-C-H-A-R-Y, K-I-N-G.

THOMPSON Prior to this interview, I provided you and your representative with the following items: SPD CAD call 21-44157, a written transcription of the statement you provided to Det. Culp on February 17th of 2021, your body-worn camera video from 21-44157, your in-car camera video from 21-44157, and a UAS aerial

		photograph of the OIS scene at 8550 Fruitridge Road. Have you had enough time to review all of this material?
KING		Yes, sir.
THOMPSON		Do you have any questions before we begin?
KING		No, sir.
THOMPSON		What is your current rank and assignment?
KING		I'm a Phase 3 trainee, and I am in 1B currently.
THOMPSON		How long have you been a police officer?
KING		Approximately five months.
THOMPSON		And what academy class did you graduate from?
KING		20-BR2.
THOMPSON		Do you have any prior law enforcement experience?
KING		I did the cadet program with the Explorers for CHP, but that was about it.
THOMPSON		Okay. Did you have any prior assignments in our police department?
KING		No, sir.
THOMPSON		Do you have any specialized training at this time?
KING		No, sir.
THOMPSON		Do you have any past experience being involved in officer-involved shootings?
KING		No, sir.
THOMPSON		Were you working on February 15th of 2021 as a Sacramento Police officer?
KING		Yes, sir.
THOMPSON		And what was your unit identifier that day?
KING		It was 1-Alpha-69.

THOMPSON And do you recall what your hours typically were for that shift?

KING It was the night shift, so 9 p.m. to 7 a.m., around there.

THOMPSON And do you recall your days off?

KING It was Friday, Saturdays — no. Sorry. Thursday, Friday, Saturday.

THOMPSON Anything unusual about that shift on February 15th from a personal standpoint? Tired, hungry, family stuff, anything like that?

KING No, sir.

THOMPSON Were you working solo or with a partner on February 15th?

KING With my training officer.

THOMPSON And who was that?

KING Victor Stevens.

THOMPSON And, again, what phase of training were you in on February 15th?

KING At that point, Phase 1.

THOMPSON So, about how long had you actually been on the streets?

KING It was like three weeks.

THOMPSON Three weeks?

KING Yeah.

THOMPSON Do you recall how — okay. So, in that time, that three weeks, you had just been with Ofc. Stevens?

KING Yes, sir.

THOMPSON What type of patrol car were you driving during that shift?

KING It was the standard UV that we — the Explorers.

THOMPSON And who was driving, and who was passenger?

KING I was driving. Stevens was passenger.

THOMPSON How many times at that point — three to four weeks in, how many times had you been involved in a pursuit at this point in your training?

KING Pursuit? None.

THOMPSON None?

KING No, sir.

THOMPSON How many times had you driven Code 3 at this point?

KING I don't have a definite answer. Approximately, maybe, once or twice.

THOMPSON Was your UV that you were driving on February 15th equipped with any kind of specialized equipment in the back or the -

KING Not that I'm aware of, sir.

THOMPSON Do you guys carry any kind of less-lethal equipment?

KING Yeah. He had his beanbag shotgun and rifle.

THOMPSON Okay. Does the vehicle itself contain any kind of shields or ballistic doors that you recall?

KING Ballistic doors and a shield.

THOMPSON Okay. Is that pretty standard for most UV's?

KING Yes, sir.

THOMPSON What part of the UV car door actually contains the ballistic shields?

KING Below the windshield, just kind of that area.

THOMPSON And would that be the front doors?

KING Yes, sir.

THOMPSON Are there any other parts of the vehicle that you could use as cover?

KING The rear of the vehicle, getting to the rear of the vehicle, I suppose, so you have the whole car as cover. And behind the engine block is pretty safe, usually.

THOMPSON Okay. And how do you know if a car has been equipped with a ballistic shield — I'm sorry — if the doors of the car are equipped with a ballistic shield?

KING It generally has something on the glovebox compartment. It says "Protected by Angel Armor," or something like that.

THOMPSON Do you recall what your uniform was that evening that you were wearing?

KING I was wearing — I didn't have my vest yet, so I was wearing just a regular, full, standard police uniform with long sleeves.

THOMPSON And can you list some of the equipment that you were carrying that day as part of your uniform?

KING My duty weapon, taser, baton, ammo, my magazines, handcuffs — the standard equipment that we're supposed to be equipped with — a flashlight.

THOMPSON Were you wearing your department-issued body-worn camera?

KING Yes, sir.

THOMPSON And to your knowledge was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift on February 15th of 2021?

KING Yes, sir.

THOMPSON At about 2217 hours, were you dispatched to assist officers involved in a pursuit?

KING We requested to be involved in the pursuit, but, yes, sir.

THOMPSON When you say you requested, what do you mean by that?

KING We were on our way to another call, and then we heard the pursuit call come out, and my partner requested dispatch to put us in route to the pursuit.

THOMPSON Do you recall which kind of call you were in route to?

KING It was a 5150 call.

THOMPSON Okay. Can you walk us through, in your own words, from the time you kind of got dispatched, or you requested to be dispatched, to up to the point where you join in the pursuit? And then you can kind of stop there.

KING I'm sorry, can you clarify?

THOMPSON So, from the moment you kind of requested to join the call, and then up to the point where you got involved in the pursuit.

KING Okay. Like what was going through my mind?

THOMPSON Yeah, just kind of what happened.

KING So, essentially, we were on our way to that call. It was — I think it was a 5150, where someone needed medication, so it was kind of — we were just trying to talk about that. And then we heard the pursuit come out. My partner requested that we go in route. And then, honestly, most of the time I was more focused on my driving. At that point, that was the longest code run I probably had done, so I was just more focused on not getting into an accident on the way there, and he was giving me directions on how to get there the fastest.

THOMPSON Okay. About how long had you guys been working at the time you were dispatched? How long has your shift been going at this point?

KING Approximately an hour. We started at 9 with roll call and everything, so a little over an hour.

THOMPSON Do you recall what the initial details of that pursuit call were that you received?

KING My radio ear wasn't that good at that point. So, I think, honestly, all I really heard was there was a pursuit and then the officer involved in the pursuit that was trying to stop the car. So, that's about all I had at that point.

THOMPSON Do you recall wants or anything like that at that point?

KING No, sir.

THOMPSON Okay. Do you recall where you responded from?

KING I think it was the 64th Street exit off of I-50 is where we began the Code 3 run.

THOMPSON And you said you did respond Code 3?

KING Yes, sir.

THOMPSON While you were in route Code 3, do you remember any kind of updates or anything on the radio while you were driving there?

KING I just kind of heard the updates of the pursuit, like he wasn't yielding, and the speeds, and everything like that. And then, I think I possibly heard something about a firearm, him being armed, but I can't say definitely that I heard that.

THOMPSON Okay. Do you think you heard that on the radio?

KING Yes, on the radio.

THOMPSON But you don't remember the nature of what that firearm involvement was or was not?

KING No, sir.

THOMPSON You mentioned something about hearing speeds. Do you recall what kind of speeds you were hearing?

KING It was fluctuating, because it sounds like he was going through a residential area, so it was going 45 to…I don't really know any higher than that, to be honest. I didn't — like I said, I was more focused on trying not to get in an accident or anything.

THOMPSON Okay. While you were in route to the pursuit, were you aware of what crimes had been committed by the suspect at that time?

KING What crimes he committed? No. No, sir.

THOMPSON Did you know if there was probable cause to arrest the suspect at this time on any charges?

KING Just as far as evading for the pursuit.

THOMPSON Do you recall when you knew how many people were in the suspect vehicle?

KING No, sir. I mean, maybe when he got out and they cleared the car, but that was it.

THOMPSON So, leading up to joining the pursuit, you didn't know how many people were in the car?

KING I knew there was a driver, sir.

THOMPSON When you did join the pursuit, what order of the patrol vehicles were you in the pursuit?

KING We were third, sir.

THOMPSON And who was number one and number two?

KING I believe Toomey was number one, Ofc. Toomey, and then Ofc. Caro was number two.

THOMPSON So, once you joined in the number three position, joined the pursuit, can you walk us through up to the vehicle coming to a stop, ultimately, in the industrial park.

KING So, I joined in. And then, at that point my FTO was kind of giving me advice about how far to keep the distance between me and the vehicle in front of me, and then kind of just talking about Code 3 and pursuits and how, if you're not in the pursuit, you can still follow, but as long as you're following the rules of the road, just kind of basic training things, because it was kind of a slow speed. It was like 40 or 45. And so, essentially, then, all of a sudden, the suspect's vehicle swerves and shoots down an alleyway. And then, at that point he was like, "Go, go, go," because he might go foot pursuit. So, we go through, go down the alleyway. Some vehicles, they go around. I kind of didn't really want to follow them because I thought we were going to get stuck in that corner, but then the suspect goes this — sorry, goes the direction, and then puts himself into that corner where the pursuit stopped.

THOMPSON Okay. So, you said his speeds were about 40 to 45 miles an hour?

KING Yeah.

THOMPSON Was there anything else about his driving habits while you were in the pursuit that you recall?

KING Just that he did that swerving motion and shot down the alleyway.

THOMPSON Have you been trained to continuously evaluate whether you, as an officer, should continue a pursuit or terminate it based on the facts presented to you?

KING Yes, sir.

THOMPSON And what kind of things should you consider when determining whether or not to continue or discontinue a pursuit?

KING Speed, the approximate speed of the pursuit, the want, has the suspect been identified, radio traffic, knowledge of the area, and stuff like that.

THOMPSON At any time during the pursuit did you think it should be discontinued?

KING No, sir.

THOMPSON From your recollection during the pursuit, at least your involvement in it, what, if any, crimes did the suspect commit by the way he was driving?

KING He didn't yield to, I think, a red light at one point. I think that was about as much as I saw from my involvement.

THOMPSON Do you recall if you guys had felony evading at that point?

KING Yes, sir.

THOMPSON And you mentioned that the speeds kind of had slowed down. Were there higher speeds earlier in the pursuit?

KING Not that I can recall from my own memory, sir.

THOMPSON Okay. If the suspect did slow down, why do you think he did slow down?

KING Maybe to think about what was going on and to slow it down for — sometimes we have to slow our things down, so I'm thinking the suspects do the same. He's like, "Oh, I have cops chasing me. What am I going to do? Where am I going to go?" kind of thing. I think just kind of figuring out his way, what he was going to do.

THOMPSON So, when you're traveling westbound on Fruitridge Road, do you recall crossing over some railroad tracks before he shot down that alley?

KING Yes, sir.

THOMPSON Okay. Was there a patrol vehicle parked in that area along the north side of Fruitridge Road?

KING Yes, sir.

THOMPSON And what were those officers set up to do?

KING They were setting up spike strips to try to stop the vehicle.

THOMPSON Okay. Do you recall who the officers were that were trying to do that?

KING No, sir.

THOMPSON Can you kind of describe for us, again, the swerving as it relates to that patrol vehicle as best you can?

KING So, essentially, the patrol vehicle was over, laying out spike strips. The suspect swerves towards the patrol vehicle and then, I'm assuming, narrowly misses. I mean, obviously, I can't see from that point of view. And then he goes down that alleyway.

THOMPSON Okay. Do you recall how many lanes across Fruitridge is at this point near those train tracks?

KING I believe three if you include the median.

THOMPSON Do you recall how fast the suspect vehicle was traveling at about that time when it made that swerving movement?

KING Approximately 35 to 40 miles per hour.

THOMPSON So, would you guys be essentially in the number one lane of Fruitridge Road?

KING Yes, sir.

THOMPSON At that time, when he made the swerving movement, why did you believe the suspect vehicle had moved towards that patrol vehicle?

KING Just kind of the relative area in which it was. They had their patrol vehicle on the side of the road, laying out spike strips, and, I mean, he swerves towards kind of the shoulder of the road, where the vehicle must have been.

THOMPSON Okay. Did you actually observe any spike strips in the roadway?

KING No, sir.

THOMPSON Could you see the patrol officers who were deploying the spike strips?

KING No, sir.

THOMPSON In your training and experience, do suspects sometimes swerve to avoid spike strips?

KING Yes, sir.

THOMPSON In your training and experience, do suspects sometimes swerve to hit police cars or police officers?

KING Yes, sir.

THOMPSON Are officers trained to take cover when deploying spike strips in case a suspect swerves towards them?

KING Yes, sir.

THOMPSON In your opinion, were the officers in this situation behind suitable cover to be deploying the spike strips?

KING I mean, considering the fact that I couldn't see them, they must have been concealed by their patrol vehicle.

THOMPSON Can you estimate how close the suspect vehicle came to that patrol vehicle?

KING From my point of view, I can't give an exact estimate, sir.

THOMPSON In your mind, did the suspect commit any crimes by taking the action of moving towards that patrol vehicle?

KING Yes, sir.

THOMPSON And what crimes would that be?

KING It would be a 245, assault with a deadly weapon.

THOMPSON Did anyone voice that over the radio?

KING Not from my — I can't remember, sir, if someone did.

THOMPSON For it to be 245 on a patrol vehicle or the officers, at this point — I know you mentioned you couldn't actually see how close it came. In your opinion, how close would it have to come for it to be a 245 on a police car or a police officer?

KING I think it's kind of the fact that you're driving towards it and then making that swerving motion towards it. Distance-wise? I mean, I don't want to overexaggerate anything, but probably 5 or 10 feet, I think, would be trying to go towards that vehicle. Now, if it's a person, that's up for debate, but I think within 5 or 10 feet is probably pretty dangerous.

THOMPSON Okay. But in this situation, you didn't see what that distance was?

KING No, sir.

THOMPSON So, it's hard to articulate whether or not it was within that 5 to 10 feet range. Right?

KING Yes, for me, sir. Yes, sir.

MAHONEY And you saw the suspect vehicle actually swerve to the right, by your hand motions?

KING Yes, ma'am. Yeah.

MAHONEY Okay.

THOMPSON When the suspect vehicle swerved, from your perspective, had he not turned down the alley, the direction he swerved towards, would he have run into the patrol vehicle?

KING I believe so, sir.

THOMPSON Okay. And from the moment he kind of made that swerving movement, to hitting the alley, how much time passes, realistically?

KING A few seconds.

THOMPSON Okay. So, he pretty much made the movement and kept going?

KING Yes, sir.

THOMPSON Is it important to voice information such as "He just committed a 245 on an officer"?

KING Yes, sir.

THOMPSON Okay. Do you recall why you didn't voice that information?

KING I think my FTO was kind of talking to me at that point. We were — he was trying to get me to go so I could possibly get in a foot pursuit. So, no, sir. To be honest, I was so new in my training and everything, I didn't even think about voicing something over the radio like that.

THOMPSON Can you walk us through what happened after the vehicle turned into that alley, or the industrial complex, up to where it comes to a stop again?

KING So, the vehicle shoots down the alleyway at a pretty fast speed I can't approximate, maybe like 40 or 50 miles per hour. We go behind him. Toomey and Caro follow him through these gas tanks that kind of go through there, and then they circle around. The suspect vehicle slows down. I kind of don't think I'd fit through there, so I don't go. I just kind of stay right here. And then the suspect vehicle shoots forward again and puts himself into that corner in which it happened.

THOMPSON So, did the suspect vehicle actually speed up when it entered the industrial complex?

KING Yes, sir.

THOMPSON Why do you think he did that?

KING I don't think he kind of knew where he was going exactly, but I thought he maybe thought that it would lead somewhere more open, to where he could probably just continue the pursuit.

THOMPSON In this incident, Ofc. Toomey can be heard voicing that it appears like the suspect was going to foot bail. Did you think the suspect was going to foot bail?

KING I think it was a possibility. When they shoot down alleyways, they can either try to ditch the car or continue driving off in whatever direction it allows.

THOMPSON Did you ever see the suspect attempt to foot bail from the vehicle?

KING No, sir.

THOMPSON Did the suspect's door ever open in any way that would suggest he was going to foot bail?

KING Not that I saw, sir.

THOMPSON Would the belief that the suspect is attempting to foot bail change the distance of your vehicle in relation to the suspect vehicle when you're engaged in a pursuit?

KING Yes, sir.

THOMPSON How so?

KING You're going to kind of — you don't want to rear-end the vehicle if they stop all of a sudden, so you're going to kind of back off, maybe, a little bit, just in order — so, if they really do ditch the vehicle or jump out or anything, that you're not going to just go right into their vehicle.

THOMPSON So, at the time the suspect vehicle came to a stop in the industrial complex, what crimes were you aware of that had been committed by the suspect?

KING At that point, like I said, I didn't really think about the 245 at the time. When you asked me, that's when I was actually thinking about it. But at that point I just knew there was felony evading.

THOMPSON Are there any other factors relating to officer safety at this point in your mind?

KING Yeah. The suspect hadn't turned off the vehicle, so the vehicle itself is a danger. We don't — I, personally, didn't know what was in the vehicle, whether weapons, or if there was anybody else in the car besides just the driver. So, it's all these factors to consider, like if anybody else in the vehicle is armed and stuff like that, because we couldn't see, because the vehicle was tinted all the way through, so you can't really see through into the windows.

THOMPSON So, other than the driver at this point, you're not actually sure who else could be in the vehicle?

KING No, sir.

THOMPSON At the conclusion of the pursuit, did you observe the — I'm sorry. Did you observe any collision between Ofc. Toomey's patrol vehicle and the suspect vehicle?

KING Yes, sir.

THOMPSON Can you please explain what you observed related just to that vehicle collision?

KING The suspect stopped really sudden, and then Toomey kind of braked, but then it kind of looked like he just kind of rear-ended him.

THOMPSON Did police officers force this pursuit to come to a stop, or did the suspect stop on his own?

KING The suspect stopped on his own.

THOMPSON Okay. Would you agree, at the conclusion of this pursuit, a felony stop was conducted?

KING Yes, sir.

THOMPSON Can you describe what a felony stop is for us?

KING A felony stop is if there's a dangerous criminal or crime being committed and the vehicle itself is stopped. Then, officers proceed to, in a fan-like pattern, go around it, and then give commands to the driver to exit the vehicle, hands up, make sure that — and call them back to us so that we can do it as safely as possible without approaching the vehicle.

THOMPSON Is conducting a felony stop part of your normal duties as a patrol officer?

KING Yes, sir.

THOMPSON And what's the purpose of that felony stop fan pattern you described?

KING To basically mitigate the suspect being able to try to drive in between patrol vehicles.

THOMPSON Does it provide cover or anything for you guys?

KING Yes, sir.

THOMPSON Is the purpose of a felony stop to block someone in?

KING No, sir.

THOMPSON Could the environment around where a suspect vehicle chooses to come to a stop create a situation where the suspect vehicle could be blocked in?

KING Yes, sir.

THOMPSON In this felony stop, did the felony stop block the suspect in, or could he have continued in some direction?

KING I believe it fairly blocked him in, considering the fact that he drove into the corner, where there was nowhere to go forward.

THOMPSON So, adding to that, was there any direction he could have driven away that did not include driving towards officers?

KING No, sir.

THOMPSON Was your vehicle in a position during the felony stop such that the suspect could have driven around you or past you?

KING I believe so, a little bit, sir.

THOMPSON Can you describe that to us?

KING So, essentially, there's a garage structure right here that — my vehicle actually wasn't here. It was a little farther back and, I think, kind of closer to Caro's, so that there was space in between this garage structure and our vehicle.

THOMPSON Okay. And that garage structure, is it wide open, essentially, out your passenger door?

KING Yes, sir.

THOMPSON There's no — is there any -

KING Well, there are some beams that come down — like right here, here, and here — but that's as far as I remember, sir.

THOMPSON Can you estimate at all the distance from the passenger side of your vehicle to this garage-like structure?

KING Maybe 10 or 15 feet, approximately, I would say.

THOMPSON Did you ever consider repositioning your patrol vehicle?

KING Yes, sir.

THOMPSON And when was that?

KING So, essentially, the suspect vehicle had driven forward again, and then reversed towards Caro's and our car. So, I thought that there was a possibility that he might have tried to drive there, so I tried to reposition my vehicle so that it would make it less appealing for him to do so.

THOMPSON All right. Did you actually move your vehicle at that point?

KING No, sir.

BOYD What did you think? What danger did you think was going to happen when that part of the incident occurred?

KING Danger, as in…?

BOYD What did you think he was going to do? You said you got into your car to -

KING I thought he was going to try to drive past the patrol vehicles, essentially.

BOYD Past, or maybe in between yours and Caro's vehicle?

KING Yes, sir.

THOMPSON Do our general orders allow for us to barricade a roadway or intentionally block the path of a suspect vehicle?

KING No, sir.

THOMPSON To your knowledge, did you or any other officer in this pursuit intentionally block the path of the suspect vehicle at the conclusion of the pursuit?

KING No, sir.

THOMPSON Do officers ever have to reposition their patrol vehicles to properly set up a felony stop?

KING Yes, sir.

THOMPSON And what distance were you trained to be set back from a suspect vehicle when conducting a felony stop?

KING Approximately, maybe, a car length, I would say.

THOMPSON And why do we train to have that distance?

KING That way there's a safety cushion, essentially, so we can react if the suspect decides to get in his vehicle and come back towards us or something like that, or if he decides to drive away, if there was a way to drive away, that we can get back in our vehicles and continue the pursuit.

THOMPSON In what way should officers verbally communicate with one another during a felony stop?

KING As much as deciding who's going to be voice, hands, less-lethal, and lethal, kind of just deciding the roles and which is the officer going to be.

THOMPSON And during this felony stop, what kind of communication took place between you and the other officers on the stop?

KING I was kind of communicating with my partner. I couldn't really — to be honest, I was kind of overwhelmed. This was my first incident being like this. So, all I could really hear was Stevens talking to me and what he was saying.

THOMPSON Okay. Do you recall what that was that he was saying?

KING I know he told the driver, in his own language, to stay in the vehicle and not move. And so, that's as much as I remember. I kind of got — at that point, I got in my vehicle to reposition, and then I asked him if he wanted to move, and then that's when stuff happened.

BOYD So, things were happening pretty quickly?

KING Yes, sir, very quickly.

THOMPSON Did you present your firearm during this felony stop?

KING Yes, sir.

THOMPSON And why did you do that?

KING That's kind of what we're trained. That's what we're trained to do. It's a felony stop. This is someone who has committed a serious crime, and we don't know what he has in the vehicle, if he's armed. I didn't know his history at that point, so it's like — we were just trying to, basically, get him to comply with our commands at that point.

THOMPSON To your knowledge, did any officer present a less-lethal force option prior to the discharge of firearms?

KING No, sir.

THOMPSON To your knowledge, were any less-lethal force options used prior to the discharge of firearms?

KING They tried to deploy the spike strips, but, other than that, no.

THOMPSON In your mind, would less-lethal force options have been applicable at any time in this incident prior to the discharge of firearms?

KING No, sir.

THOMPSON And why is that?

KING Well, all we have available to us — I don't know if anyone on the scene had a 40, but, I mean, we just had our beanbag shotguns. We're not trained to shoot beanbags at a car. There was no reason to at that point.

THOMPSON Can you please describe for us what you could see of the interior of the suspect vehicle at this time, when this felony stop is just getting started?

KING As I mentioned before, it was pretty tinted, so I couldn't see anything inside of his vehicle.

THOMPSON Can you walk us through from the start of the felony stop until the end of officers discharging their firearms and that suspect vehicle comes to a stop?

KING So, we had — like I said, I was in a position where I was straddling, trying to possibly move my vehicle, if need be, to reposition it. And then the suspect reverses towards Caro and our car, and then turns back towards what I saw as Toomey's car and starts proceeding towards his car.

THOMPSON Okay. Do you recall what orders, if any, were given by officers during that felony stop?

KING I heard the "Stop your vehicle. Let's see your hands. Don't move. Turn off the vehicle." Those kinds of commands was what I heard.

THOMPSON Do you recall Ofc. Stevens shouting, "If you fucking move, you're going to get shot"?

KING Yes, sir.

THOMPSON At this moment, in your mind, is lethal force justified if the suspect simply moves the vehicle as described by Ofc. Stevens?

KING If the suspect just moves the car? No.

THOMPSON Did you see the driver comply with any of the orders given by officers on scene?

KING No, sir.

THOMPSON So, we're going to kind of walk through it a little slower.

KING Okay.

THOMPSON When the suspect first put the car in drive and pulled forward, away from Ofc. Toomey's car, was the suspect and his vehicle an imminent threat of deadly force to yourself or the other officers on scene?

KING Going away from Toomey's car?

THOMPSON Yes.

KING No, sir.

THOMPSON And why is that?

KING Because he is not presenting any threat. All he's doing is just not listening to commands, just actively resisting.

THOMPSON In your body-worn camera, and we can review it if you would like, when the suspect put the car in drive and pulled forward, it appears that you re-holstered and sat back down in the driver's seat of your patrol car. Does that sound correct?

KING Yes, sir.

THOMPSON Why did you do that at that point?

KING I was going to attempt to reposition my vehicle.

THOMPSON What, if anything, did you believe the suspect was going to do at that point?

KING I thought he was going to try to drive in between, somewhere in between the patrol cars, to try to get away.

THOMPSON At this point, did you think he was going to ram you or your partners?

KING Me and Stevens? No. But Toomey? Yes.

THOMPSON So, when he's first pulling forward -

KING Oh, when he's first pulling forward? No.

THOMPSON Okay. After pulling forward, the suspect puts the vehicle in reverse. At the moment he put the vehicle in reverse, what did you think he was doing?

KING I thought he was attempting to reposition his vehicle so that he could get away.

THOMPSON When he put the car in reverse and began backing towards your patrol vehicles, was the suspect and his vehicle an imminent threat of deadly force to yourself or the other officers on scene?

KING At that point, when he was reversing, I don't believe so.

THOMPSON And why is that?

KING Because he wasn't — like I said, me and Stevens's vehicle wasn't right here at that point. We were actually kind of farther back here. So, he didn't really reverse close enough to where I felt like he was going to try to hit our car. In fact, I saw his reverse lights come on, he reversed, and then I saw his brake lights go on, so he stopped. And so, at that point it didn't seem like he was trying to back into us or anything.

THOMPSON With the direction he was backing, could he have rammed your vehicle or the other officers on scene?

KING If he continued, yes.

THOMPSON In your opinion, do you think that the suspect's vehicle backing was an attempt to ram your vehicle or the other officers?

KING When he backed up?

THOMPSON When he was backing.

KING No, sir.

THOMPSON So, just that forward and backing, in terms of speed, how would you describe that movement?

KING It was pretty erratic, so it was — and quick. So, it happened — like I said, all of this stuff was happening fast. So, he moved forward, backed up, moved forward. So, it was kind of jerky. So, I don't know, I can't really approximate his speed, maybe as fast as it allows someone to go forward and back.

THOMPSON Would you describe this as kind of like a three-point turn, kind of?

KING Yes, sir.

THOMPSON And again, while he's moving forward and backwards, you still cannot see the driver. Correct?

KING Yes, sir.

THOMPSON After backing, the suspect vehicle begins to pull forward and there is a discharge of firearms by officers on scene. Do you recall, at that time, if you knew which officers had fired?

KING No, sir, I didn't.

THOMPSON From your perspective, at the time of the discharge of firearms, could you tell if the suspect vehicle was an imminent threat of deadly force to any officers on scene?

KING I believe so, sir.

THOMPSON Can you describe that to us, please?

KING So, essentially, he did that three-point turn we talked about, and then he began accelerating and turning towards the driver's side of Toomey's vehicle, what it appeared to be. And so, I mean, obviously, I can't — I don't have an aerial view then, but I believed he was going to try to squeeze in between Toomey's vehicle, and Toomey was in his driver's side door, at his driver's side door.

THOMPSON So, when you say he was going to try and squeeze between Ofc. Toomey, what was he squeezing between?

KING The patrol vehicle and then this — it was like a concrete wall right here.

THOMPSON Okay. Do you recall at what time, or where in this whole chain of events, you were able to kind of see what the distance between those two items were, between Ofc. Toomey's car and the concrete wall?

KING Not until after the fact, sir.

THOMPSON Okay. So, at the moment that suspect vehicle begins to move, you don't know what the distance is between Toomey's vehicle and the concrete wall?

KING Correct, sir.

THOMPSON Do you recall — can you describe for us where the suspect vehicle was pointed, as far as in relation to Ofc. Toomey's car?

KING It's going — what it seemed to me at that point? It was going towards his vehicle.

THOMPSON Okay. From your perspective?

KING Yeah, from my perspective, sir.

THOMPSON So, at the actual time of the shooting, what did you think had happened that caused the other officers to use lethal force?

KING To be honest, I wasn't sure. Like I said, I was actually straddling the vehicle at that point. And that's when I put it in park and then got out. But at that point, I didn't know someone had shot. I didn't know who was shooting, to be honest. I didn't know who shot who, or the suspect was shooting or officers were shooting. So, I was just — I just tried to get cover after that.

THOMPSON One second. Did you ever consider using lethal force?

KING No, sir.

THOMPSON And why not?

KING I didn't have any line of sight that would be safe for me to fire my firearm.

THOMPSON When you say line of sight, do you mean like…?

KING To the driver of the vehicle. Like I said, I couldn't see anything that was going on in that vehicle because it was so tinted. And at that point, when they started firing, the vehicle was traveling towards officers. I was still straddled. So, by the time I got out and had my firearm out, there was no way I would safely shoot into that vehicle.

THOMPSON At some point, were you able to observe the distance between Ofc. Toomey's patrol vehicle and that concrete fence?

KING Probably way after the fact, when I was actually looking at my surroundings at that point.

THOMPSON Can you approximate the distance between the two?

KING Maybe like 15 or 20 feet.

THOMPSON Do you think the suspect vehicle could have gotten past Ofc. Toomey, or do you think it would have struck his vehicle if it had tried to squeeze through there? Not actually hit him, but if it just tried to drive past.

KING I think he'd probably clip his door. I think there's a good chance, by the angle that he was doing, but that's all after the fact, looking at it in hindsight.

THOMPSON And for the record, referring to this UAS picture that we've kind of been looking at -

KING Yes, sir.

THOMPSON Can you point out your vehicle and read the vehicle number for us?

KING It's this one right here, and it's 13415.

THOMPSON And then can you point to Ofc. Toomey and Ofc. Caro's car and their vehicle numbers, please?

KING This is Ofc. Toomey's. It looks like 12404. And then this is Ofc. Caro's, 13414.

THOMPSON And does this photograph appear accurate in relationship to the vehicles on scene, minus the fact that yours was moved?

KING Yes, sir.

THOMPSON Okay.

MAHONEY Just confirming — [*cough*] excuse me — in this photograph as we're looking at it now, your car is closer to the suspect's car than what it was?

KING Much closer, yes.

THOMPSON Can you please walk us through what you did from the last discharge of firearms, up to where the officers contact the suspect and ultimately clear the car?

KING So, after the shots were fired, I run back behind 13414. Then, I moved up to Toomey, who is at the back driver's side corner, the rear driver's side corner of his vehicle. Then, my FTO comes up as well. We decide that we're going to come over here to see over the hood, so we could see in the vehicle. And at that point he asked me to go get our beanbag shotgun, so I go back there. I struggle with that for a while. It's kind of funny if you watch the body cam. And then one of my friends helps me get it out. I come back to where Toomey was at the driver's side rear still. And then, at that point there was a shield and lethal. So, then I come over as the less-lethal. They ask me to shoot out the driver's side window. Because of the shots that had already gone through it, it was pretty spidered. And like I said, it was also tinted, so it was hard to see in between the spidering of the cracks in the window and then the tint.

So, in order to gain visual of the driver — because even though they were giving verbal commands, he wasn't responding. He was just kind of moaning and making noise. So, I proceeded to shoot a single shot, a beanbag shot, through the driver's side window. And it didn't work though, I think because of all the cracks that were already in there. It didn't shatter the window; it just kind of made a hole in it. And then, after that, ultimately, after more commands and everything, he finally comes out. And he's kind of — he's obviously injured. So, then he kind of struggles to get out. They give him commands, and then he kind of sits right here on this concrete wall. And that's when we're all like, "Okay. We need to go up and detain this guy." So, then we go up with the contact team and detain him.

THOMPSON At the time you joined Ofc. Toomey at the back of his patrol vehicle, how close would you approximate that suspect vehicle is to you?

KING Maybe like 20 feet, I would say, around there.

THOMPSON Do you recall the suspect vehicle ever rolling backwards or forwards again after officers had concluded discharging their firearms?

KING It rolled forward. I think this concrete wall stopped it, actually.

THOMPSON Did anyone ask you to fire at the suspect's window, or did you make that decision yourself?

KING I was asked. The officers on scene asked me to do it.

THOMPSON Do you recall who asked you?

KING I do not, to be honest.

THOMPSON Where did you aim when you fired that less-lethal round?

KING In the middle of the driver's window.

THOMPSON Could you see the suspect at all through the window prior to firing that round?

KING No, sir.

THOMPSON When you fired that round, were you attempting to strike the suspect in any way with that less-lethal round?

KING No, sir.

THOMPSON And the effect it had on the window, it just essentially punched a small hole?

KING Yes, sir.

THOMPSON Did you consider firing a second round?

KING No, sir.

THOMPSON And why not?

KING Because if the first one was ineffective, I didn't think a second one would be.

THOMPSON Did you observe any injuries to the suspect?

KING Prior to him exiting the vehicle, yes.

THOMPSON What injuries did you observe?

KING He had gunshot wounds to the — at that point, to what I saw as his abdomen.

THOMPSON Okay. Did you assist in providing any medical aid?

KING No, sir.

THOMPSON What else did you do to assist in this investigation?

KING To be honest, after I shot the beanbag round, to assist anything, I didn't.

THOMPSON Did you stay on scene after -

KING Yes, sir.

THOMPSON - and help with follow-up, a canvas and all that kind of stuff?

KING Yes, sir.

THOMPSON When did you first learn that Ofc. Caro had discharged his firearm?

KING Kind of much later on scene. I think there was — I think, because he got separated and so did Toomey, I was like, "Oh, he must have shot too."

THOMPSON Okay. Do you recall at which point you knew that Ofc. Toomey had fired?

KING I thought Toomey right away. I thought Toomey was the one that fired.

THOMPSON Okay. But Ofc. Caro was later on?

KING Yeah. I didn't even realize until later.

THOMPSON On scene that night did Ofc. Toomey or Ofc. Caro discuss the details of the shooting with you?

KING No, sir.

THOMPSON Did you observe anyone else discuss the details of the shooting with Ofc. Toomey or Ofc. Caro while you were on scene?

KING No, sir. I think everyone was just making sure he was okay.

THOMPSON And I think that's it. You got anything?

MAHONEY I'm good.

THOMPSON Okay. All right.

MAHONEY Can you think of any other things that you think we might need to know for our investigation?

KING No, ma'am.

MAHONEY All right. Is there anything else relating to this matter that we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

KING No, ma'am.

MAHONEY After leaving this interview, should you remember anything that is different from or in addition to the information that you've given today, I am ordering you to contact Sgt. Thompson immediately. I am also ordering you not to discuss this matter with any other department employees. Do you understand these orders?

KING Yes, ma'am.

MAHONEY We're concluding the interview at 1600 hours.

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed #3143

Justin Thompson

NARRATIVE TEXT RELATED ATTACHMENT(S)

1. ATTACHMENTS

Description OFFICER Z. KING #784 INTERVIEW

INTERVIEW WITH OFFICER KING
CULP=Detective Todd Culp
KING=Officer Zachary King
DAVIS= SPOA Timothy Davis

The following is a transcribed statement of the interview provided by Officer Zachary King #784, on 02/17/2021, at approximately 1136 hours. Officer King, SPOA President Timothy Davis #784, and I, Detective Todd Culp #858, were seated inside an interview room at 5770 Freeport Blvd. I audio recorded the conversation and later booked a copy of the recorded audio into evidence, PR# 1114144-001. The transcription is not word for word. For a verbatim copy of the interview, refer to the DVD containing the audio recording. Officer King and Timothy Davis were later provided a copy of this transcription. The following was stated in summary:

CULP: My name is Todd Culp. I'm a detective here. And can I get your first name?

KING Yeah. Zachary.

CULP: And your last name?

KING King.

CULP: And how old are you?

KING 24.

CULP: What is your badge number?

KING 784.

CULP: 784? Tim?

DAVIS: Timothy Davis, badge 340.

CULP: Zack, how long have you been with Sac PD?

KING As an officer? A month.

CULP: A month?

KING Yeah.

CULP: Okay. Did you lateral from any other agencies?

KING No. I'm from in-service, from the academy.

CULP: From the academy? Okay.

KING Yeah.

CULP: And what is your current assignment?

KING Patrol in 6C.

CULP: Have you had any prior assignments or is this your first one?

KING No. This is my first one.

CULP: Do you have any specialized training, ranger master or any of that stuff?

KING No, sir.

CULP: Basic academy?

KING Yes, sir.

CULP: And right now you're in what's considered field training. Right?

KING Correct.

CULP: Can you just kind of describe that, what your role is and what the role of your training officer is?

KING Yeah. So, field training is basically the steps we take to meet the POST requirements to become a full solo officer. Right now, I'm in Phase 1, so it's the first of four. And my FTO's role is to teach me as much as he can about all the stuff that is required for Phase 1, so I can test out into Phase 2.

CULP: So, it's fair to say that you graduated as a police officer. You're a fully sworn police officer. And you go through the Phases as 1, 2, 3 and then 4, and you're, right now, at the very beginning Phase?

KING Yes, sir.

CULP: Okay. Do you have any prior military experience?

KING No, sir.

CULP: So, what we're going to talk about today is the incident that happened on Monday, the 15th, around 2215 hours. It's going to be report number 21-44157. On that day, were you wearing a full police uniform?

KING Yes, sir.

CULP: And with that police uniform, do you have a badge and patches?

KING Yes, sir.

CULP: Okay. Do you wear glasses?

KING No, sir.

CULP: Were you in a fully-marked police vehicle?

KING Yes, sir.

CULP: Okay. And was it equipped with lights and sirens?

KING Yes, sir.

CULP: We're going to deal with a little bit about your duty weapon. What is the make, model, and caliber of that?

KING It is a Glock 17, Gen 5, and it's a 9 mm.

CULP: Okay. And is that issued to you, or was it purchased?

KING It's issued.

CULP: How many rounds does that carry?

KING I believe 17.

CULP: Okay. Seventeen in the magazine and one in the chamber?

KING Yes, sir.

CULP: Okay. Do you have any specialized equipment on your handgun, like a tac light or anything like that?

KING I have a tac light on it, yes, sir.

CULP: Okay. When was the last time you qualified with that?

KING	I believe we qualified in the academy. So, the last time I qualified would be in the academy.
CULP:	In the academy? And you graduated the academy about a month ago?
KING	Yes, sir. Well, in December, yes, sir.
CULP:	In December? Okay. Do you carry a backup weapon?
KING	No, sir.
CULP:	What shift were you working?
KING	We were working nights, so it's the graveyard shift.
CULP:	Graveyard shift?
KING	Yes, sir.
CULP:	And what are your days off?
KING	It is Thursday, Friday, Saturday.
CULP:	Okay. Did you work the shift prior?
KING	Yes, sir.
CULP:	Okay. The day prior?
KING	Yeah.
CULP:	And what team are you on?
KING	We are…sorry, the team?
CULP:	Who's your sergeant?
KING	Sgt. Schwartz.
CULP:	Schwartz is your sergeant?
KING	Yes, sir.
CULP:	And what was your unit identifier that night? Do you know?

KING 1-Alpha-69.

CULP: And what area or district do you guys patrol?

KING It's C, but it's 6C specifically.

CULP: 6C specifically? And that's kind of the east Sac kind of area?

KING Yes, sir.

CULP: Okay. And are you solo, or do you have a partner?

KING I have a partner.

CULP: Okay. How long into the shift were you when the call came out?

KING We started at 9. We did roll call and everything, and we were on our way to our beat.

CULP: So, you left the station and you were on your way -

KING Yes, sir.

CULP: - to your beat when this came out? Okay. Well, it's kind of a moot point, but did anything significant happen prior to that in your shift?

KING No, sir.

CULP: Okay. Were you driving, or were you a passenger?

KING I was driving.

CULP: I want to go into a little bit — I'll describe it this way. We're going to kind of go into the pursuit part, and then I'm going to circle back, and we'll go into what happened at the termination of the pursuit. Okay?

KING Okay.

CULP: So, right now, when you guys were driving to your beat, what kind of call or circumstance came out?

KING So, we were on our way to a…it was a 5150 call about a, I would say, transient subject. He was experiencing schizophrenic stuff and he didn't have his medication, so we were just on our way to that when the call came out.

CULP: Okay. And what kind of call was it?

KING The 5150 call that we were on our way to?

CULP: No, the call that came out.

KING It was a pursuit call.

CULP: It was a pursuit call?

KING Yeah.

CULP: Okay. And how were you notified? Did dispatch put you on it, or did you guys put yourselves on the call?

KING No. So, we were on our way to our other call, and my partner heard it over the radio and requested dispatch to put us in route to it.

CULP: Okay. And do you remember about what location you were when that call came out?

KING Yeah. We were on the 65th Street exit going off of eastbound 50.

CULP: Okay. Were any other units with you at that time?

KING No.

CULP: And did you guys respond Code 3 with lights and sirens?

KING Yes, sir.

CULP: Did you have an ICC or body-worn camera?

KING Yes.

CULP: Both or just one?

KING Both.

CULP: Both of them? Were both of them activated?

KING At the beginning of the Code 3, no. Mine was off, but I turned it on while we were on our way there.

CULP: Okay.

DAVIS: By "mine," you indicated your body camera?

KING Yes, sorry, my body camera.

CULP: Now, as you guys were responding to the pursuit, and then eventually you guys were in it, were you receiving any radio updates?

KING Yes. Because I'm still in training and I'm not the best with it, my partner was handling most of the radio.

CULP: He was handling the radio for you guys?

KING Yeah.

CULP: And so, do you recall any radio updates coming out that you heard?

KING I heard that they were — while we were in the pursuit, I heard that they were trying to set up spike strips, but, honestly, it was my first real run at this, so I didn't really hear too much.

CULP: Sure, no problem. That kind of goes into my next question, if people were setting up tactical plans and spike strips and such like that.

KING Yeah.

CULP: Let me ask you this question.

KING Yes, sir?

CULP: If a vehicle was, say, running stop signs, running stop lights, driving 85-plus miles per hour in a residential area that was marked for, say, a speed of 35 miles an hour, would you consider that a reckless driving?

KING Yes.

CULP: I'm going to go a little bit into the suspect, and then we'll circle back around and we'll talk a little more about the end of that pursuit. Did you ever receive any information on who the suspect was prior to the incident?

KING Prior to the incident, no.

CULP: Have you since been provided any information on who he is?

KING Yes, sir.

CULP: Okay. Did you ever meet or know that suspect prior to that night?

KING No, sir.

CULP: Can you describe the suspect?

KING Yeah. He was a Hispanic male, a little heavier set. He had black hair. I didn't really see too much more than that. That's about my interpretation of him.

CULP: Were you provided that description prior to getting there, or was that after you saw him?

KING After the fact.

CULP: After the fact? After you saw him? Okay. And did you ever see a photo of him prior to being there?

KING No, sir.

CULP: Were you made aware if he had any warrants or was wanted for anything?

KING Not that I recall, no.

CULP: Okay. Did you have any information that he was armed?

KING I heard something about that he may be possibly armed, but nothing clear said or anything like that.

CULP: Did you have any information that he was violent?

KING No, not prior.

CULP: Any information if he was on parole, probation, any criminal history like that?

KING Once again, not prior, no.

CULP: Did you have any prior contacts with that particular vehicle, the red van?

KING No, sir.

CULP: Could you personally determine, yourself, when you were out there, if he was experiencing any mental health issues?

KING Personally, no, I couldn't tell you that.

CULP: Could you determine if he was under the influence of narcotics or alcohol?

KING No, I couldn't determine that.

CULP: We're going to circle back to the end of the pursuit. And you got this map -

KING Yes, sir.

CULP: - and I've got mine here. Which one of these cars in here was yours?

KING 13415.

CULP: 13415?

KING Yes, sir.

CULP: Okay. I'm going to circle it.

KING Okay.

CULP: And you were the driver, right?

KING Yes, sir.

CULP: Okay. So, once this pursuit comes to an end, kind of just tell me in your own words what happened.

KING So, once the pursuit came to the end?

CULP: Yeah.

KING Okay.

CULP: Once you guys got to where this is right here.

KING Okay.

CULP: I realize that the car was moved a little bit.

KING Yes. Okay. So, we were — like I said, the car was moved back a little bit. He had put himself into this corner. Obviously, there is a fence on this part that you can't see and that he realized. Do you want me to describe everything

from…?

CULP: Yeah, absolutely.

KING Okay. So, essentially, we were here. He reversed once he realized that he was no longer able to move forward, reversed again, kind of came back towards us. That was when I got back into my patrol vehicle, and I was going to move it forward farther because it looked as though maybe there was some space in between us and this garage thing that he could've gone out to or reverse through. But then, he accelerated around and back towards the other officers' vehicles. And so, basically, I was afraid that he was going to hit the other officers' vehicles and possibly hurt them.

CULP: Okay. And when you get there, you guys park, right, or stop?

KING Yes, sir, kind of like a fan-like pattern.

CULP: In a fan-like pattern? And he's facing away from you?

KING Yes.

CULP: So, you're at the rear of the car?

KING Yes, sir.

CULP: And then he continues pulling forward, and then backs up and comes back like he's going to come towards the officers over here to your left?

KING Yes, sir.

CULP: Okay. When you saw the car coming back, you were actually in your patrol car. Right?

KING I was straddling into my patrol car. Yes.

CULP: Okay. And so, where were you exactly when you heard the shots come out?

KING I was in that position in my patrol car.

CULP: Okay. Did you have any opportunity to shoot?

KING No.

CULP: Okay. Do you know if any less-lethal was deployed prior to this? We'll get into afterwards, but prior to the shooting, do you know if any less-lethal was

used?

KING Not that I'm aware of, no, sir.

CULP: Do you know what the probable cause was for the pursuit and the stop?

KING As I was made aware of afterwards?

CULP: No, before.

KING Okay. Before, as far as my recollection of it, it was that he was not yielding to a traffic stop. That was as much as I realized.

CULP: Were you able to identify yourself as a police officer?

KING To him? To the suspect?

CULP: Yeah.

KING No.

CULP: But you were fully uniformed and in a marked patrol car?

KING Yes, sir.

CULP: Were the lights on on the patrol cars?

KING Yes, sir.

CULP: Is there any doubt in your mind that he knew or didn't know that there was police vehicles behind him?

KING I don't think that it's possible. There was three fully-marked police vehicles behind him with lights and sirens.

CULP: Okay. How was he acting?

KING I didn't really have — I can't really determine that because I didn't see him in the vehicle. The windows were pretty tinted, so I couldn't see.

CULP: Okay. Did he threaten you personally?

KING No, never.

CULP: Were you injured at all?

KING No, sir.

CULP: Did you ever fear for your own personal safety?

KING My personal safety? No.

CULP: What about the safety of any other people?

KING Absolutely. Like I said before, I was afraid of that when he turned back around and came back facing towards the officers and he started accelerating towards both of their vehicles. And so, I mean, anyone coming up and hitting a car like that, you're going to fear for your life at that point because…

CULP: Let's go into a little bit about the shooting. What was the background behind you guys?

KING Behind us or the suspect?

CULP: I'm sorry. Behind the suspect.

KING Behind the suspect? There was some field. It was an industrial park area, so there was a field. There was a warehouse way over here and over here, but that's about the backdrop of it.

CULP: Okay. Did it appear like there were people there?

KING No, sir.

CULP: Okay. Do you remember how many officers fired?

KING Two.

CULP: Okay. And do you remember how many rounds were fired?

KING Specifically? No. I heard maybe 10 rounds, maybe.

CULP: You heard, yourself, while you were out there that there was about 10 rounds?

KING Yeah, to my left.

CULP: And that's what it sounded like?

KING Yeah, that's what it sounded like.

CULP: Do you know if the suspect ever shot?

KING Not that I'm aware of.

CULP: Okay. Did you personally give the suspect any medical attention?

KING No, sir.

CULP: Do you know if other officers gave him medical attention?

KING Yes, sir.

CULP: Okay. Do you remember what they were doing?

KING I remember seeing them apply a tourniquet and chest seals and pressure upon the wounds.

CULP: Okay. Tim, you got anything?

DAVIS: No.

CULP: All right. Let's take a break, and then…I'm going to leave these in here running.

KING Okay.

CULP: All right. We're back in here. It's 1153. The one thing I did want to ask you about is the less-lethal round.

KING Yes, sir?

CULP: Kind of walk me through that.

KING Okay. So, from when I got told to — I got told by my FTO to use it. Some people were asking for a beanbag shotgun, so my FTO was like, "Go grab it out of our car." I had some trouble getting it out because it was jammed, the locking mechanism was jammed, but one of my friends, I was like, "Hey, can you help me out?" and he assisted me in getting it out. So, I got it, went up. And then they asked me to basically try to break out the driver's side window with a round because, from the shots, it had been kind of cracked to where you couldn't see. It was almost white. So, to get a better visual, they asked me to do that. I fired one single round into the middle of the driver's side window. It didn't break out, I think, just because of the fractures already in it, and it just made one single hole into the middle of it.

586 CULP: Okay. And when you fired it, what was your intention?
587
588 KING My intention was just solely to break out the window so that we could have a
589 clear visual of the driver.
590
591 CULP: Okay. Anything else? All right. We're done.

INTERVIEW WITH Sgt Jeremy Schwartz

SCHUMACHER = Sgt. Don Schumacher
MAHONEY = Det. Anna Mahoney
SCHWARZ = Sgt. Jeremy Schwartz

MAHONEY The date is March 30, 2021. The time is 2031 hours. Present in the Internal Affairs Office are Jeremy Schwartz, Sgt. Don Schumacher, and myself, Det. Anna Mahoney. We advised you that we would be conducting an interview and that you had the right to a representative. We see that you have no representative. Based on what you've been told, do you want to get a representative?

SCHWARTZ No.

MAHONEY Okay. The purpose of this investigation is to conduct an interview of Jeremy Schwartz, who is an employee with the Sacramento Police Department in the capacity of sergeant. This is an administrative investigation on the charges against Officers Nicholas Caro and Eric Toomey for excessive force, discharge of a firearm, improper tactics, neglect of duty, and traffic in which you may be a witness. Do you understand that this is an administrative investigation only?

SCHWARTZ Yes.

MAHONEY The results of this investigation could lead to disciplinary action up to and including termination of the employees allegedly responsible. Do you understand this?

SCHWARTZ Yes.

MAHONEY Based on the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide, at this time, all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation and could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

SCHWARTZ Yes.

SCHUMACHER Okay. Please say and spell your full name for the record.

SCHWARTZ Middle name also?

SCHUMACHER Sure. Actually, no.

SCHWARTZ My name is -

SCHUMACHER First and last is fine.

SCHWARTZ My name is Jeremy Schwartz, J-E-R-E-M-Y, S-C-H-W-A-R-T-Z.

SCHUMACHER And what's your current rank and assignment?

SCHWARTZ I am a patrol sergeant, late watch, District 6.

SCHUMACHER And how long have you been a Sacramento Police officer?

SCHWARTZ Oh, God, I went to the police academy in August of 1995 and was sworn in January of 1996.

SCHUMACHER Okay. How long have you been a sergeant?

SCHWARTZ I was promoted to sergeant November 25th of 2017.

SCHUMACHER Before the interview, I provided you with dispatch audio, your observations from the Crime Report, and your body-worn camera footage from SPD incident 21-44157. Have you had enough time to review these materials?

SCHWARTZ Yes.

SCHUMACHER Were you working on the night of February 15, 2021?

SCHWARTZ Yes, I was.

SCHUMACHER And in what capacity?

SCHWARTZ I was the late watch district sergeant in District 6.

SCHUMACHER And what was your identifier that night?

SCHWARTZ 1-Sam-6.

SCHUMACHER At some point near the beginning of your shift, were you made aware of a call for service at [redacted] Occidental Drive?

SCHWARTZ Yes, I was.

SCHUMACHER And do you remember what kind of call for service that was?

SCHWARTZ I believe it came in as a 952, a 911 hang-up.

SCHUMACHER And how were you made aware of that call for service?

SCHWARTZ It was broadcast over the air, and I copied it since it's a Priority 3 call.

SCHUMACHER And it is typical to copy that kind of call when it comes over the air like that?

SCHWARTZ Yes. I usually copy Priority 3 and higher.

SCHUMACHER Okay. Were there officers dispatched to the call?

SCHWARTZ Yes.

SCHUMACHER And do you know what officers went out there initially?

SCHWARTZ I believe it was Officer Trevor Schwertfeger and his trainee, I believe he had Ben Jillson with him that month, and then Eric Toomey.

SCHUMACHER Okay. Other than hearing the broadcast of the call over the radio, did you ever research the call in any other way, like pull up the call for service or CAD call or anything?

SCHWARTZ I did, yes. I looked at it, just to see the basic details, since it involved a truck being firebombed.

SCHUMACHER Okay. Did you have any prior knowledge about that address or the parties involved in the call for service?

SCHWARTZ I did not.

SCHUMACHER What was the next major piece of information that was broadcast over the air regarding that call at [redacted] Occidental?

SCHWARTZ I remember Officer Schwertfeger requesting the fire department respond back because they apparently arrived, put the car out, and then left without calling an arson investigator.

SCHUMACHER Okay. Did Officer Toomey come up over the air at some point after he arrived on scene?

SCHWARTZ Yeah. Shortly after that, he indicated that he had located the suspect vehicle driving in the area.

SCHUMACHER Okay. Did he broadcast that he was in pursuit?

SCHWARTZ Yes, he did.

SCHUMACHER Do you remember what kind of car he was in pursuit of?

SCHWARTZ It was a — he described it as a red Toyota Sienna. I would think of it as a little more maroon from what I remember.

SCHUMACHER And do you remember what the want was on that?

SCHWARTZ Arson. I believe there was also a domestic violence restraining order violation that I was thinking of because I had seen there was a domestic violence restraining order in place.

SCHUMACHER And was that when you looked at the CAD call?

SCHWARTZ Yes.

SCHUMACHER As a patrol sergeant, what's your role when officers from your sector initiate a pursuit?

SCHWARTZ It would be my role to both monitor and supervise and make sure that it's within policy and that it's being handled as safely as possible and get them the resources they need.

SCHUMACHER While Officer Toomey was in pursuit, did you coordinate any efforts with assisting units?

SCHWARTZ Yes. I made sure they knew that I wanted three units and a K9 in the pursuit and requested an air unit.

SCHUMACHER Did you authorize any spike strips?

SCHWARTZ Yes.

SCHUMACHER And did you authorize the PIT, or the pursuit immobilization technique, also?

SCHWARTZ Yes, if the proper conditions were met.

SCHUMACHER Okay.

SCHWARTZ Which turned out to be a mistake because I remembered afterwards, when I read the call again, that he was supposedly armed. Which, I would not have authorized a PIT if I had remembered that.

SCHUMACHER And that was my next question. So, before authorizing spike strips and PIT, did you have any knowledge that the individual in the minivan may have been armed with a firearm?

SCHWARTZ I should have remembered that, but I was glancing at the call because I was working on body-worn camera video for a Blue Team at the time.

SCHUMACHER Okay. And if you had that knowledge that they were armed, would you have authorized spike strips or the PIT?

SCHWARTZ Neither one.

SCHUMACHER And why is that?

SCHWARTZ Just officer safety reasons. I don't want anybody put that close to someone who might be armed.

SCHUMACHER Okay. From your recollection when you listened to the dispatch audio, when you hold this pursuit up to other pursuits that either you have participated in or monitored as a sergeant, how would it compare?

SCHWARTZ I was happier than some earlier pursuits in the year, just that — (*cough)* excuse me. I think the best example I can use is I sometimes play down to the competition. I know Officer Toomey had one earlier in the month where I didn't get on the radio much, and we had talked about it. He tends to sort of monopolize the radio when he's in a pursuit [redacted] We had a pretty good — actually, we were joking about it. He and Schwertfeger were teamed up earlier in the year and got a pursuit of a moped where Trevor was driving and he just keyed the mic and it was like a stream of consciousness. I could barely get in that I copied it and "Okay. You're chasing a moped. Let's -" And it's like, "Give me some air time." So, we had actually talked about it several times, "Hey, let me copy you're in pursuit. Let me get you the stuff you need," which is why on this one I was happier that he was giving me a chance to get the stuff I needed said so the lieutenant would stay happy too. I did not like the number two unit. I didn't like his radio traffic. I could not understand him. Some of that could be me maybe stuffed up with allergies, but it didn't seem really clear. Even reviewing it tonight, it was hard to tell who was number two in the pursuit.

SCHUMACHER Okay. Well, other than broadcasting the information, some of the tactics being used as far as speeds, driving conditions, weather conditions, how did this pursuit compare to others that you've been involved in or you've monitored?

SCHWARTZ I was happy with it. I was getting traffic condition updates. I was getting speed updates. Part of the reason it was staying fairly low speed is why I was like, "Yes, go ahead and PIT if we get the conditions." He was hovering around that 40-mile-an-hour mark. It seemed pretty likely that they'd catch him on a corner slowing down enough to PIT him.

SCHUMACHER Would you have considered it a fairly low-level pursuit with the speeds being low and with moderate to minor traffic conditions?

SCHWARTZ Yes. Yeah, very much so, other than it was going a little bit longer than our usual ones. They're usually pretty up to speed quickly and gone type of pursuits this year.

SCHUMACHER And as the pursuit continued, and while you were monitoring, did you hear anything that would have made you consider terminating the pursuit due to safety concerns, either for the public or the officers involved?

SCHWARTZ I did not. K9 was a little far away for my liking. I'd like to have them there for the final stop, but I knew they were getting there. And we didn't get an air unit there until after everything had pretty much terminated, which was not making me super happy, but you can't make them fly sooner.

SCHUMACHER So, outside of just your standard updates on the pursuit, such as speeds, traffic conditions, and direction of travel, what was the major next piece of information that came out over the radio that you heard?

SCHWARTZ That he had been cornered and it sounded like he was going to foot bail.

SCHUMACHER Okay. And what about after that?

SCHWARTZ After cornered, foot bail, then I believe that was when I heard "shots fired."

SCHUMACHER After you heard the "shots fired" broadcast over the radio, did you respond to the scene?

SCHWARTZ Yeah. I was already en-route. I just didn't know where they were going to land, so I was taking my time to get there. I don't respond Code 3 to pursuits, just so I'm thinking more. I don't get — the sirens get me all amped up. I need to be looking at a bunch of stuff all at once, so driving the speed limit helps.

SCHUMACHER And about what time did you arrive? And we can look back at your body cam here if you need a refresher on that.

SCHWARTZ 2233 hours is when I marked "on scene."

SCHUMACHER Okay. And when you arrived on scene, who was the first officer that you contacted?

SCHWARTZ I believe it was Officer Catricala.

SCHUMACHER All right. And what did Officer Catricala tell you?

SCHWARTZ He told me that — well, I was trying to get updates on who actually fired the shots all the way there, and I wasn't getting any help with that. And so, I believe he told me that it was Eric Toomey that fired shots and that no one else had fired.

SCHUMACHER Okay. Did he tell you where Officer Toomey was when you got to the scene?

SCHWARTZ Yes. He told me that he had him sequestered in his patrol car, in the K9 car.

SCHUMACHER Did he give you any information as far as what the status of his body cam was?

SCHWARTZ Yes. He told me that he had turned it off and taken it.

SCHUMACHER Okay. Did Officer Catricala tell you that he had told Toomey to turn his body cam off or that it was just off, deactivated?

SCHWARTZ You know, I would have to review the video to be 100 percent. I'm fairly certain, to my recollection, that Officer Toomey had been in an OIS before. And so, he turned his own camera off because he thought that was the proper thing to do once he was sequestered away from the scene.

SCHUMACHER We'll take a peek at it real quick, just so we can be sure on that.

[*BODY CAMERA VIDEO PLAYING*]

So, for the record, we're at 22:35 on Sgt. Schwartz's body-worn cam, number one.

[*BODY CAMERA VIDEO PLAYING*]

So, right there, did he just tell you that his body cam was off?

SCHWARTZ It was off. He didn't say whether he instructed him to turn it off or whether Toomey turned it off himself.

SCHUMACHER Okay. And after you talked to Officer Catricala, the first time you spoke to him, did you have any information that would have led you to believe that there were any other officers who discharged their firearm during the incident?

SCHWARTZ No, I did not.

SCHUMACHER After about five minutes of being at the scene, did you contact Officer Toomey as he was seated in the front seat of Officer Catricala's patrol car?

SCHWARTZ Yes.

SCHUMACHER And was there anyone standing next to Officer Toomey when you approached him?

SCHWARTZ Oh, I don't remember. I could look at the video and…

SCHUMACHER Yeah, we can do that real quick. It's about 22:38.

[*BODY CAMERA VIDEO PLAYING*]

Do you recognize that officer?

SCHWARTZ That's Nick Caro.

SCHUMACHER Okay.

[*BODY CAMERA VIDEO PLAYING*]

And is that Officer Toomey?

SCHWARTZ Yes.

SCHUMACHER Okay. So, going back to that question, when you went up to have a conversation with Officer Toomey, was there an officer standing close to you?

SCHWARTZ Yes.

SCHUMACHER Okay. And was that Officer Caro?

SCHWARTZ Yes, it was.

SCHUMACHER Okay. And did you have a short conversation with Officer Toomey there?

SCHWARTZ Yes.

SCHUMACHER Did Officer Toomey provide you any information about the incident at that time?

SCHWARTZ I believe that's when he told me that he had rear-ended the suspect vehicle at the termination of the pursuit.

SCHUMACHER Okay. And at this time did he give you any information about the shooting?

SCHWARTZ I don't think so. Can we play it a little bit more?

SCHUMACHER Sure.

[*BODY CAMERA VIDEO PLAYING*]

SCHWARTZ So, yeah, based on that, he didn't really mention anything.

SCHUMACHER Okay. Would you estimate how close Officer Caro was to you when you were there talking with Officer Toomey?

SCHWARTZ He was within three to four feet.

SCHUMACHER And while you were speaking to Officer Toomey, did Officer Caro say anything to you?

SCHWARTZ Not that I remember, no.

SCHUMACHER When you walked away from Officer Toomey, did you walk right past Officer Caro?

SCHWARTZ Yes.

SCHUMACHER And did Officer Caro say anything to you then?

SCHWARTZ No.

SCHUMACHER During your first interaction with Officer Toomey, did you instruct him to deactivate his body-worn camera?

SCHWARTZ I don't believe I did. I think it was already off. I don't think I would have told him to turn it off again.

SCHUMACHER When you first saw Officer Caro, did you instruct him to deactivate his body-worn camera?

SCHWARTZ No.

SCHUMACHER About five minutes after you spoke to Officer Toomey for the first time, did you re-contact Officer Catricala again?

SCHWARTZ Five minutes after? Can we -

SCHUMACHER Sure.

SCHWARTZ - zoom forward a little?

SCHUMACHER We'll jump up.

SCHWARTZ Because I know I talked to Vinny a couple times.

SCHUMACHER Yeah. About 22:40-something, I believe.

MAHONEY About :42?

SCHUMACHER Yeah.

[*BODY CAMERA VIDEO PLAYING*]

So, we're at 22:42 on your body-worn camera.

SCHWARTZ Okay.

[*BODY CAMERA VIDEO PLAYING*]

SCHUMACHER We'll stop right there for a moment.

SCHWARTZ Perfect.

SCHUMACHER Did Officer Catricala give you any additional information?

SCHWARTZ He just confirmed that he thought that Eric Toomey was the only shooter, and that he had sequestered him once he got on scene, and that his body cam, Toomey's body cam, was turned off.

SCHUMACHER Okay. Did he also tell you that he asked everyone else on scene if they had discharged their firearm?

SCHWARTZ Yes.

SCHUMACHER And his conclusion was, after he talked to everyone -

SCHWARTZ No one else fired.

SCHUMACHER No one else fired. After you spoke with Officer Catricala, did you also have a short conversation with Officer Parham?

SCHWARTZ Yes.

SCHUMACHER And did he give you any additional information about the incident?

SCHWARTZ Can we…?

SCHUMACHER Sure.

SCHWARTZ Yeah. Because I remember he was telling me that he thought it was just one gunshot wound type of stuff. It was…

[*BODY CAMERA VIDEO PLAYING*]

SCHUMACHER So, did Officer Parham give you any additional information about what had transpired leading up to the -

SCHWARTZ Oh, that was Mota.

SCHUMACHER Oh, that was Mota?

SCHWARTZ Yeah.

SCHUMACHER Oh, I'm sorry.

SCHWARTZ That's okay.

SCHUMACHER I thought that was Parham. They look very similar.

SCHWARTZ They work the same team. They have the same kind of dry delivery and, yeah, thin white guys with glasses.

SCHUMACHER Was Officer Parham also on this call?

SCHWARTZ He was, yes.

SCHUMACHER And do you know what role he played in the pursuit and the officer-involved shooting incident?

SCHWARTZ He and his trainee got ahead of it and were the ones that tried to spike strip the car.

SCHUMACHER Okay. Did Officer Parham ever advise you that he and his partner were nearly struck by the subject in the minivan when they were trying to deploy stop sticks?

SCHWARTZ He indicated to me that the suspect swerved toward them, but I believe he said that the distance was great enough that he didn't feel like he was in serious danger.

SCHUMACHER And do you remember when that conversation took place?

SCHWARTZ No. I mean, we talked about it, obviously, because I was like…you know, I wanted to make sure he was okay.

SCHUMACHER Was it right when everything had just happened, or was it a day after the fact? Just, you know, a roundabout time when that conversation might have happened.

SCHWARTZ We talked about it at the scene because I heard on the radio, "Hey, he just swerved towards Charles-68's car."

SCHUMACHER Okay. And did you ask him about that later?

SCHWARTZ Yes.

SCHUMACHER Okay. And he said it didn't look like it was going to get him, it was just…

SCHWARTZ Right.

SCHUMACHER Maybe for a moment it kind of looked like the car was going towards him?

SCHWARTZ Yes.

SCHUMACHER But it didn't look like it was much of a threat?

SCHWARTZ You've got to know Parham. He's a military guy. He's very deadpan. Not a lot of stuff rattles him. If it had been a younger officer, it would have been like, "Oh, my God! I almost died!" type of reaction, seeing a car coming at him at 45 and swerving toward them when they're trying to spike strip it. His trainee at the time was a big guy and like, "We almost got hit." So, some of that is him downplaying.

SCHUMACHER Okay.

SCHWARTZ It's sort of in his nature and his personality.

SCHUMACHER Okay. While you were taking care of your duties and overseeing the scene investigation, did Officer Toomey remain in Officer Catricala's vehicle?

SCHWARTZ Not the entire time, no. We moved him to my car.

SCHUMACHER Okay. And when you moved him to your car, was Officer Toomey initially alone?

SCHWARTZ No. Caro was with him at my car.

SCHUMACHER And when he first sat in the car? Or did Caro kind of join up later on?

SCHWARTZ I believe Caro joined up later on.

SCHUMACHER All right. So, initially, when he moved from Officer Catricala's car to the front seat of your car, was Officer Caro anywhere around?

SCHWARTZ I didn't see specifically. I saw Toomey headed to my car. I was like, "Yes. Let's get him away from the K9 car, where he's looking at the scene. Let's put him somewhere over here, a little bit out of play." I honestly thought Caro was his emotional support officer at the time, since he'd been there and I didn't realize he had fired his gun yet.

SCHUMACHER All right. And when you moved Toomey from Officer Catricala's car to your car, did he mention anything about the incident to you? And we can watch the body cam if you'd like.

SCHWARTZ Yeah, yeah. Like I said, I try to do a lot of these. I just watched the darn thing, but -

SCHUMACHER Mm-hmm, I know.

SCHWARTZ - getting those details right is important for this.

SCHUMACHER So, we're going to jump up to…this is 22:43:40. And is this Officer Toomey right here?

SCHWARTZ It sure looks like him.

SCHUMACHER And do you remember which officers these are? Is that Officer Catricala?

SCHWARTZ That's Catricala. That might be the other K9 handler that was there.

SCHUMACHER Is that Officer Henderson?

SCHWARTZ Yeah.

SCHUMACHER Okay.

[*BODY CAMERA VIDEO PLAYING*]

SCHWARTZ Yeah. So, at this point, I don't even know where Caro is.

SCHUMACHER And was there any — when you passed Officer Toomey and you gave him the keys to your patrol car, any conversation about the incident, the shooting, or anything like that?

SCHWARTZ No.

SCHUMACHER Okay. And do you know if your ICC was running when Officer Toomey sat in your car?

SCHWARTZ Yes.

SCHUMACHER It was running?

SCHWARTZ Well, just now, he was walking in. The camera is going.

SCHUMACHER Your ICC.

SCHWARTZ Oh, my ICC.

SCHUMACHER Yes, in-car camera.

SCHWARTZ Oh, no, it was not running.

SCHUMACHER Did you attend to some of the other scene responsibilities, and then at some point, about six minutes later, did you return to your patrol car, where Officer Toomey was seated?

SCHWARTZ Yes.

SCHUMACHER And when you got back to your patrol car, what did you observe?

SCHWARTZ Toomey was sitting in the front passenger seat and Caro was sitting in the rear passenger seat.

SCHUMACHER Okay. And were there other officers there also, talking to them?

SCHWARTZ Yes.

SCHUMACHER And do you remember what officers those were?

SCHWARTZ I know Victor Stevens was there because Stevens and Toomey are like best friends.

SCHUMACHER Okay.

SCHWARTZ So, I figured he was there for emotional support. And there were several others standing around, and I told them, "Hey, you guys can't be here. You're not supposed to be talking to him."

SCHUMACHER And were they all chatting?

SCHWARTZ Yes. As near as I could tell, yeah, or I wouldn't have told them to beat it.

SCHUMACHER And were you able to overhear any of the conversation?

SCHWARTZ Nothing specific.

SCHUMACHER At one point did you begin to prepare to take Officer Toomey's public safety statement?

SCHWARTZ Yes.

SCHUMACHER Okay. And when you were preparing to take that, what happened with Officer Caro?

SCHWARTZ He asked me if I was taking his statement or Toomey's, and I was like, "What? I was unaware that you had fired any rounds." Yeah.

SCHUMACHER And was that the first time you received the information that Officer Caro had discharged his firearm during the incident?

SCHWARTZ Yes.

SCHUMACHER And what did you do after hearing that information?

SCHWARTZ I immediately sequestered him in a different car, away from Officer Toomey, and I believe I assigned, I think it was, Officer Manning, initially, to sit with him.

SCHUMACHER Okay. So, you separated them?

SCHWARTZ Definitely, yeah.

SCHUMACHER All right. At 22:52:39, you appear to have deactivated your body-worn camera for about a minute and then reactivate it. Can you explain the reason for the deactivation?

SCHWARTZ The display on my camera went completely dead, and I thought it had turned itself off while I was on the scene. I heard myself talking about it on the camera, going "Oh, no. My camera turned itself off while I've been wandering around out here." And I was trying to make sure that it was recording before I took the public safety statement because I didn't want to not have it recorded.

SCHUMACHER Okay. Did you begin to take any portion of the public safety statement that was not recorded on body cam while your body cam was deactivated?

SCHWARTZ No.

SCHUMACHER All right. So, did you immediately catch the fact that it was not running and then reactive it?

SCHWARTZ Correct.

SCHUMACHER Okay.

SCHWARTZ Yeah. I was looking for the red flash to make sure I got it on camera. This is kind of a big deal, and I did not want to screw it up.

SCHUMACHER And during that minute of time that your body cam was not activated, did Officer Toomey relay any information about the incident?

SCHWARTZ No, he did not.

SCHUMACHER While obtaining the public safety statement from Officer Toomey, did he indicate that he did not think the suspect fired any rounds at him?

SCHWARTZ He did not think anyone fired at him, no.

SCHUMACHER Did Officer Toomey say anything else to you that was not in response to a public safety question that had to do with the shooting incident? So, do you understand that question?

SCHWARTZ Did he add anything to -

SCHUMACHER Exactly. So, I know there's a specific set of questions you ask him. Did he offer any additional information outside of the questions that you specifically ask him?

SCHWARTZ Can we run through it?

SCHUMACHER Sure.

SCHWARTZ Yeah.

SCHUMACHER So, I think we're going to go to your number two body cam. We'll start from the very beginning.

[*BODY CAMERA VIDEO PLAYING*]

So, anything in addition to the questions that you ask him?

SCHWARTZ No. I asked him some clarifying questions that were not specifically in black and white to help me investigate, and he answered those.

SCHUMACHER Okay. And did you obtain Officer Caro's statement after Officer Toomey's?

SCHWARTZ Yes, I did.

SCHUMACHER And while obtaining the public safety statement from Officer Caro, did he indicate that he did not think the suspect fired any rounds at him?

SCHWARTZ That is correct. He did not think the suspect fired.

SCHUMACHER And same question I posed earlier. Other than the very specific set of questions you ask him, did he offer any other additional information outside of those?

SCHWARTZ I don't think so, no.

SCHUMACHER We can watch it again real quick, just to be sure.

SCHWARTZ Okay, yeah. Like I said, he's fairly young. He was pretty wide-eyed about the whole thing.

SCHUMACHER So, we're going to be at 22:55:40 on Sgt. Schwartz's body-worn camera, number two.

[*BODY CAMERA VIDEO PLAYING*]

Anything in addition to the public safety questions and answers?

SCHWARTZ No. No, just the clarifying answers when I asked him additional…

SCHUMACHER Is there anything that was not captured on body-worn camera that you believe was relevant to this investigation?

SCHWARTZ Not that I can think of right now. I think we got most of it, I hope.

SCHUMACHER Yeah. A few of those ones at the end we ask because, you know, body-worn camera is great, but it doesn't pick up everything.

SCHWARTZ Yeah.

SCHUMACHER So, if there were things said, mentioned, that may have been just picked up by your ear, that's why we always ask those questions, to see if maybe you picked up anything that the camera didn't that may be important.

SCHWARTZ I talked to Jarvis off camera, because Caro was working for Jarvis. And he's just like, yeah, you know…he's kind of, you know, got that "Oh, my God. What just happened? I'm new and I didn't think this would ever happen to me in my career" type of thing going on there.

SCHUMACHER Understandable, though, in that situation, right?

SCHWARTZ Yeah. I felt bad because I was like, "I just thought you were the guy hanging out with Toomey." You know, no big deal. And then I'm like, "Oh, jeez. Okay. I should have gotten someone over here to hang out with you." You know? Kind of a…

SCHUMACHER Yeah. Those scenes are a lot going on when you first get there.

SCHWARTZ Yeah, yeah. That was…I was happier to have Lt. Stigerts there than the other one that I was going to handle, but then got taken away from me by Lt. Start.

SCHUMACHER All right. Well, let's — actually, any questions, Anna?

MAHONEY No, sir.

SCHUMACHER Okay. All right. Let's wrap it up.

MAHONEY Is there anything else relating to this matter that we have not covered that needs to be added, clarified, or changed? If so, I'm ordering you to provide that information now.

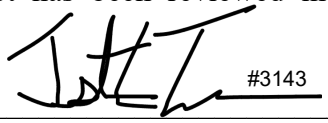
SCHWARTZ Not that I'm aware of.

MAHONEY After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I'm ordering you to contact Sgt. Schumacher immediately. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

SCHWARTZ Yes.

MAHONEY We are concluding this interview at 2105 hours.

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed  #3143

Justin Thompson

INTERVIEW WITH Officer Nicholas Caro

THOMPSON = Sgt. Justin Thompson
TRUJILLO = Det. Christina Trujillo
CARO = Ofc. Nicholas Caro
HOFFMAN = Attorney Joe Hoffman

TRUJILLO The date is August 13, 2021. The time is 0831 hours. Present in the Internal Affairs office are Nicholas Caro, attorney Joe Hoffman, Sgt. Justin Thompson, observing is Sgt. Cory Faria, and myself, Det. Christina Trujillo. The purpose of this meeting is to conduct an interview of Nicholas Caro, who is an employee with the Sacramento Police Department in the capacity of police officer. This is an administrative investigation on the charges of force, firearm discharge, improper tactics, and neglect of duty involving Nicholas Caro. This is an administrative investigation only on these charges. Do you understand that?

CARO Yes.

TRUJILLO However, since the allegations indicated that a crime may have been committed, I am advising you that you have the right to remain silent. Anything you say may be used against you in court. You have the right to the presence of an attorney before and during any questioning. If you cannot afford an attorney, one will be appointed for you free of charge before any questioning if you want. Do you understand each of these rights that I have explained to you?

CARO Yes.

TRUJILLO Having these rights in mind, do you wish to talk to us now?

CARO No.

TRUJILLO Although you have a right to remain silent and not to incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Do you understand that, based upon the authority vested in me by the Chief of Police, I am ordering you to answer all of our questions?

CARO Yes.

TRUJILLO Any statement made under compulsion of a threat of discipline cannot be used against you in a later criminal proceeding. However, if you do not answer our questions truthfully and fully, a charge of insubordination may be imposed which could result in discipline up to and including termination. Do you understand this is an administrative investigation?

CARO Yes.

TRUJILLO Do you understand the allegations?

CARO Yes.

TRUJILLO Do you understand that I am ordering you to answer our questions and that if you do not answer them truthfully and fully, it could result in disciplinary action up to and including termination?

CARO Yes.

THOMPSON Officer, can you please state and spell your name for the record?

CARO Yes. First name is Nicholas, spelled N-I-C-H-O-L-A-S. Last name is Caro, spelled C-A-R-O.

THOMPSON Prior to this interview, I provided you and your representative with the following items: SPD CAD call 21-44157; a written transcription of the statement you provided to Det. Coughran on February 17th of 2021 regarding this incident; your body-worn camera video from SPD 21-44157; your in-car camera video from SPD 21-44157; a screenshot taken by a UAS of the OIS scene from the night of February 15th of 2021; your round count form from February 15th of 2021; an audio recording of radio traffic during SPD CAD call 21-44157; a copy of your POST training record; a copy of your range qualification record from December of 2020; a copy of the Perishable Skills Program (PSP) Tactical Firearms Training outline for 2020; General Order 210.04, General and Professional Conduct, dated July 12th of 2017; General Order 521.01, Pursuit of Vehicles, dated March 20th of 2018; General Order 522.02, Emergency Care for Individuals Under Police Care or Control, dated May 18th of 2018; General Order 580.02, Use of Force, dated September 17th of 2020; General Order 580.06, De-escalation and Planned Response, dated December 1st of 2020. Have you had enough time to review all this material?

CARO Yes.

THOMPSON In regard to the written transcription of the statement you provided to Det. Coughran on February 17th of 2021, is that statement true and accurate?

CARO Yes.

THOMPSON Do you recall if you were allowed to or able to view your body-worn camera or in-car camera from this incident prior to Det. Coughran taking your statement on February 17th of 2021?

CARO Yes.

THOMPSON Do you have any questions before we begin?

CARO No.

THOMPSON Prior to this interview, we provided you with a POST training record. Did you have time to review that?

CARO Yes.

THOMPSON Does that appear to be a true and accurate depiction of the training you have received as a police officer?

CARO Yes.

THOMPSON Is there anything you feel you need to add or change about your training record?

CARO No.

THOMPSON Is there any other training you have received that is not listed there?

CARO No.

THOMPSON In looking at your training record, it appears you attended the Sacramento Police Department's Perishable Skills Program (PSP), also known as CPT, on December 1st of 2020. Does that sound correct?

CARO Yes.

THOMPSON Can you tell me a little bit more about the firearms portion of this course?

CARO In what regards exactly?

THOMPSON Just explain its purpose.

CARO It was a refresher course. It helps us to hone in our skills, learn new tactics, and just brush up on using our service weapon.

THOMPSON Do you know how many times you've attended CPT?

CARO Once.

THOMPSON And was that in December of 2020?

CARO That's correct.

THOMPSON I'm going to list some topics covered in the firearms course outline. Can you tell me if you received instruction in those areas when you attended PSP in December of 2020. The department's use of force and firearms policy, which includes the department's policy for discharging a firearm; judgement and decision-making; target/non-target identification; legal, moral, ethical issues involving use of force and ensuring the use of force is justifiable under department policy and federal and state law; determining if the use of force is necessary; civil and department implication of force and lethal force; lethal force within the spectrum of force options; escalation and de-escalation; constant evaluation of the situation; and case law such as *Tennessee v. Garner*, or the fleeing felon doctrine. Does that list sound consistent with the training you received in the firearms portion of CPT?

CARO Yes.

THOMPSON And in the firearms training of CPT, are you tested on whether or not you understand or know the above topics?

CARO Yes.

THOMPSON Did you receive similar instruction on similar topics while you were in the police academy?

CARO Yes.

THOMPSON Were you tested in the police academy on the above types of topics?

CARO Yes.

THOMPSON Can you just briefly describe in what ways you were tested on those topics while in the academy?

CARO Yes. We were given written tests, as well as on the range we were tested as well.

THOMPSON Did you pass or qualify as it relates to the above topics?

CARO Yes.

THOMPSON And would you agree that the training that we're talking about here is consistent with what most police officers at Sac PD receive?

CARO Yes.

THOMPSON During your employment as a Sacramento Police officer, are you expected to be familiar with our general orders, Office of Operations orders, manuals, and training?

CARO Yes.

THOMPSON Do you recall, prior to February 15th of 2021, when the last time you reviewed General Order 580.02, the department's general order outlining police use of force and the discharge of firearms, was?

CARO It was a month prior. I looked at it again.

THOMPSON So, in January of 2021?

CARO Yes.

THOMPSON And did you do that on Target Solutions?

CARO Just on my own free time.

THOMPSON Okay. Do you feel that you understand the concepts and guidelines contained in that policy?

CARO Yes.

THOMPSON When you're determining whether to apply force in an incident, what kind of factors have you been trained to consider and evaluate?

CARO For applying force?

THOMPSON Yes, sir.

CARO Okay. As far as the suspect's mental state, their size, their force options that they are choosing, the time I have, just to list a few.

THOMPSON Okay. Is it safe to say that there's a long list of factors that go into whether or not we determine to use force?

CARO Yes.

THOMPSON And is each time we use force unique to that incident?

CARO Yes.

THOMPSON In your own words, can you describe for us what deadly force is?

CARO Deadly force is the force option where we are allowed to use our firearm, which can cause great bodily injury or death.

THOMPSON Can you describe for us, in your own words, what an imminent threat is?

CARO An imminent threat is a suspect that poses the present opportunity, ability, and the apparent intent to create great bodily injury or death on someone.

THOMPSON Is understanding the meaning of "deadly force" and an "imminent threat" part of the training we receive as officers at Sac PD?

CARO Yes.

THOMPSON And what kind of circumstances have you been trained that you're authorized to use deadly force?

CARO When a person or an officer is in harms way of receiving great bodily injury or death, I am allowed to use deadly force to protect them or if myself is in danger of receiving great bodily injury or death.

THOMPSON Would you say during your training you were taught to use deadly force, when necessary, against an imminent threat of serious bodily injury and death?

CARO Yes.

THOMPSON Would engaging an imminent threat of serious bodily injury or death likely come from your firearm?

CARO Yes.

THOMPSON And why is that?

CARO Because a firearm can easily take life and also cause great bodily injury. That's why it is deadly force.

THOMPSON Is there anything else, other than a firearm, that we, as police officers, have that can be used as deadly force?

CARO Our batons. In the right circumstances, your CED device could also cause death.

THOMPSON Could a vehicle be used to cause great bodily injury or death?

CARO Yes.

THOMPSON Does engaging an imminent threat of serious bodily injury or death from your firearm require discharging a set number of rounds?

CARO No.

THOMPSON What have you been trained as it relates to discharging from your firearm?

CARO In what ways are you talking about exactly?

THOMPSON So, you say that we're not trained to necessarily discharge a set number of rounds. Right?

CARO Right.

THOMPSON So, in regards to that, what have we been trained?

CARO We've been trained to discharge a firearm until the threat is stopped.

THOMPSON Do you recall when you kind of received that training?

CARO From the academy.

THOMPSON And would you agree that training is pretty consistent across all officers at Sac PD?

CARO Yes.

THOMPSON Why do you believe we train that way?

CARO So it is universal so we are prepared to do our jobs and know that we can't just expect — there are certain circumstances that are unpredictable. If we were to make a set amount of fire or rounds we were allowed to shoot, it wouldn't always help us, depending on the situation.

THOMPSON Because every situation is unique and different?

CARO That's correct.

THOMPSON In what ways are you responsible for essentially every round that you fire at an imminent threat of serious bodily injury or death?

CARO Every round that I fire, I'm responsible because if — I have to answer for every round that I shot and why I shot it. If the threat was — let's say, for instance, that it was null and void, and I fired too many rounds. That would be negligent. But if the threat is still coming at me, I have to answer for every shot and why I did what I did. Or just for argument's sake, if I were to throw a round and it would hit someone on accident, I'd have to answer to that as well.

THOMPSON So, would you agree that essentially every time we pull the trigger, that imminent threat of serious bodily injury or death has to be there?

CARO Yes.

THOMPSON After engaging an imminent threat of serious bodily injury or death from your firearm, what have you been trained to do next?

CARO I've been trained on how to approach whatever suspect I had used deadly force on and to render medical aid to them when it is feasible, when the situation is calm and it is safe.

THOMPSON Okay. Have you been trained — after discharging, and the threat appears neutralized, have you been trained in any way to scan or assess the situation?

CARO What do you mean by that?

THOMPSON So, after you've discharged rounds, is there any procedures that we do, in the form of scanning and assessing, before you holster your weapon?

CARO You're still assessing the threat to make sure that it is neutralized and there's no new threats, or there's no imminent danger around the area, before you proceed.

THOMPSON If a threat did represent itself in a deadly force situation, what are you trained to do?

CARO Address the threat.

THOMPSON When you're kind of scanning and assessing after you've discharged your firearm, does that include continuing to have your firearm out, or are you doing that once your firearm has been holstered?

CARO I continue to have my firearm out.

THOMPSON And is that so that if you need to readdress the threat, you can do so?

CARO Yes.

THOMPSON Is the training we're talking about standard for police officers at Sac PD?

CARO Yes.

THOMPSON Can you summarize for us what General Order 580.02, Use of Force, says about when officers are authorized to discharge their firearms at or from a moving vehicle?

CARO Officers may use their firearms to discharge at or from a moving vehicle if there is a threat of imminent danger or an imminent threat that the vehicle will be used as a weapon that will cause great bodily injury or death to another person or to another officer.

THOMPSON Can you talk to us about, or summarize in your own words, what General Order 580.02, Use of Force, says about moving out of the path of an approaching vehicle?

CARO Officers will take every reasonable opportunity to move out of the path of the moving vehicle.

THOMPSON During your PSP firearms training in December of 2020, did that portion of training include shooting and moving in or around a patrol vehicle?

CARO Yes.

THOMPSON If you recall, can you explain what that portion of training kind of looked like?

CARO We had a patrol car set up on the range, and we were taught how to shoot from every spot we were sitting in the vehicle, as well as to retreat back and use the vehicle as cover, as well as to move forward and address the threat if need be.

THOMPSON So, you briefly touched on it there, but what kind of areas of a patrol vehicle can be used as cover or concealment?

CARO Any part — the doors, the wheels, the engine block, the body of the vehicle itself, any part of the vehicle, generally speaking.

THOMPSON Did you ever have to remediate any portion of that PSP training?

CARO No.

THOMPSON And as a police officer working patrol, how often do you have to utilize cover and concealment?

CARO All the time.

THOMPSON What kind of tactics and strategies have you been trained to utilize when contacting an armed or possibly armed subject?

CARO I've been taught how to gather our resources; make sure we have cover in the use of our shields; or if we need something stronger than that, approach the suspect with a less-lethal option; as well as someone has to have their hands free to take the suspect into custody; as well as having deadly force as well, in case the suspect presents an imminent danger to us.

THOMPSON And have you utilized those tactics and strategies throughout your career?

CARO Yes.

THOMPSON You kind of touched on it briefly, but can you just talk about the concept of contact and arrest teams?

CARO In what ways are you talking about?

THOMPSON Just explain what they are.

CARO Contact/arrest teams are how we approach suspects after either we are giving them commands or we believe that they are still armed and dangerous, and it is how we safely approach to take them into custody.

THOMPSON Have you been trained in the concept of cover officers?

CARO Yes.

THOMPSON Can you explain what that is and how we utilize it?

CARO Cover officers, most of the time, are deadly force, or they're also going to be voice to talk to someone if we approach a suspect. The first officer may have a shield. He may have a less-lethal option. The second officer is more in charge of talking to the suspect, having deadly force, watching the first officer and making sure that they're safe.

THOMPSON Are the use of contact teams and cover officers a common practice in police work?

CARO Yes.

THOMPSON Is that for officer safety reasons?

CARO Yes.

THOMPSON And is distance a key factor to our officer safety?

CARO Yes.

THOMPSON Why is that?

CARO Because distance gives us time. Distance allows us to be able to analyze the situation. It presents itself easier for me to go to cover and concealment. Distance is everything to officer safety.

THOMPSON Would you say you commonly use distance for the purposes of officer safety?

CARO Yes.

THOMPSON Are you familiar with Penal Code 835(a)?

CARO Yes.

THOMPSON Are you able to recite or summarize some of that Penal Code?

CARO It explains that I may use objectively reasonable force to apprehend a suspect, to prevent escape, or to defend myself as well, or overcome resistance.

THOMPSON Does it include a portion about an officer not having to retreat nor desist in their efforts?

CARO That's correct. An officer need not retreat or desist from his efforts by use of reasonable force. It's saying that I don't have to stop what I'm doing because of the threat and resistance or the resistance of the suspect I'm trying to arrest.

THOMPSON So, in your training and experience as a police officer, are you required to retreat or reposition when faced with resistance or threat and resistance by a suspect to be arrested?

CARO No, I am not required.

THOMPSON Is retreating or repositioning an option that police officers are trained in?

CARO Yes.

THOMPSON And why would a police officer choose to retreat?

CARO To get time. And sometimes it's safer to get distance away. It gives us more time to figure out how to work through the situation.

THOMPSON Why would a police officer choose to just reposition?

CARO If they were looking for — instead of concealment, they need cover. So, they would go to something a little stronger than wherever they are concealed.

THOMPSON You kind of touched on it, but what are the advantages to retreating?

CARO Retreating, finding a new position for either cover or concealment, allowing for more time to gather resources and address the threat.

THOMPSON And the same thing, what are the advantages to repositioning?

CARO Repositioning to find cover and concealment, to get yourself more time, and to get more resources to address the threat.

THOMPSON Is discharging a firearm at another person considered deadly force?

CARO Yes.

THOMPSON Have you been trained, at any time, to use your firearm in a way that would be considered less-lethal force?

CARO Can you repeat the question?

THOMPSON Have you been trained, at any time, to use your firearm in a way that would be considered less-lethal force?

CARO No.

THOMPSON Earlier, we mentioned that a vehicle could be used as great bodily injury or death. Does that sound correct?

CARO That's correct.

THOMPSON In your training and experience, at what speeds would a vehicle striking a human cause great bodily injury or death?

CARO I don't recall us talking about at what speeds a vehicle can cause great bodily injury or death.

HOFFMAN Are you talking about a vehicle running into somebody, or running over somebody, or both?

THOMPSON Yeah, I think -

HOFFMAN So, you want to know, potentially, at what speed a vehicle running over somebody would cause death?

THOMPSON Yeah. I would say just talk about how can a vehicle be used to inflict great bodily injury or death.

CARO Okay. Well, they can run someone over. They can crush them. They can use their wheels or the front bumper to crush them, or cut off limbs, or even kill them, potentially.

THOMPSON Okay. Is there a set speed that has to be associated with that movement?

CARO No.

THOMPSON Would you agree that all Sac PD officers have been trained and have some experience in the areas that we've talked about?

CARO Yes.

THOMPSON Other than this incident, have you been involved in any other officer-involved shootings?

CARO No.

THOMPSON Were you working on February 15th of 2021?

CARO Yes.

THOMPSON And what was your unit identifier that day?

CARO 1-Charles-68.

THOMPSON What were your hours, typically, for that shift?

CARO We started roll call at 2:30 p.m. We'd normally go until 12:30 a.m. on that night.

THOMPSON Do you recall your days off for that shift?

CARO I had Tuesday, Wednesday, Thursday off.

THOMPSON So, February 15th was a Monday. Did you work on Sunday, the 14th?

CARO Yes.

THOMPSON Do you recall how much sleep you got the night before?

CARO I went to bed at 2:30 a.m. in the morning and I got up at 9:30 a.m. that same day, so seven hours of sleep.

THOMPSON Did you take a nap or anything leading up to your shift?

CARO No.

THOMPSON Anything else unusual about that shift from a personal standpoint on February 15th?

CARO No.

THOMPSON Were you solo, or with a partner on February 15th?

CARO I was solo.

THOMPSON And what type of patrol car were you driving?

CARO I was driving our SUV, or our UV vehicle.

THOMPSON Was that UV equipped with any special equipment, as far as ballistic shields or ballistic armor in the doors?

CARO All UV's have ballistic shielding and the ballistic doors now. It also has a — I'm sorry — a rifle shield in the back as well.

THOMPSON And you said all of our UV's are equipped. If, for some reason, one wasn't equipped, is there a way that we can tell for sure that it is equipped? Is there any markers on the vehicle?

CARO They have markers. They have the labels of who provides the equipment for those vehicles.

THOMPSON And to your knowledge, was your vehicle equipped with everything that evening?

CARO Yes.

THOMPSON Were you wearing your body-worn camera that evening?

CARO Yes.

THOMPSON And to your knowledge, was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift on February 15, 2021?

CARO Yes.

THOMPSON At about 2220 hours, were you dispatched to assist units in pursuit?

CARO I dispatched myself by messaging dispatch that I was going to join the pursuit.

THOMPSON About how long had you been working at the time you were dispatched?

CARO It was coming toward the tail-end of my shift. I believe I had two hours left in my shift. So, 10 hours, approximately.

THOMPSON And at the time you joined the call for service, what were the details of the call that you were aware of?

CARO I heard over the radio that Ofc. Toomey was in pursuit of an arson suspect from a previous call.

THOMPSON Were you aware of that call, that the call for service was going on? Had you looked at it or anything that you're aware of?

CARO I heard about it earlier in the day, that a truck was caught on fire, and then I didn't look into anything else about the call after that.

THOMPSON Do you recall where you responded from?

CARO I was on Belvedere Avenue and Power Inn. I was writing reports. And I responded from there.

THOMPSON And did you respond Code 3?

CARO Yes.

THOMPSON Were you familiar with the suspect, Adan Herrera, or have any prior contacts with him?

CARO No.

THOMPSON Do you recall if you ran any kind of computer checks on him while you were on your way to the call?

CARO No.

THOMPSON Did you read any previous reports or calls for service he was involved in while you were in route to the call?

CARO No.

THOMPSON Did you view his county record screen, commonly called WebKPF?

CARO No.

THOMPSON While you were in route Code 3, did you get any updated information about the suspect or kind of what was going on?

CARO The updates I received was from Ofc. Toomey that they were in pursuit, going 80 miles an hour down La Riviera Drive, and that he needed units to respond to assist with setting up spike strips in front of them.

THOMPSON While you were in route to assist, what crimes had — to your knowledge, what crimes had been committed by the suspect?

CARO As I was in route to the call, he was an arson suspect and he was evading police.

THOMPSON Were you aware of any kind of restraining order violations at that point?

CARO No.

THOMPSON While you were in route Code 3 to assist Ofc. Toomey, what kind of things are going through your mind?

CARO The speeds they were traveling were very unsafe, and I was nervous or worried about the public safety, as well as, if they maintained those speeds, about my own capabilities of driving and if I were to lose control of my vehicle. So, I was scared for my safety and the public's safety on route to the call.

THOMPSON Were you aware if there was any probable cause to arrest the suspect at this time?

CARO Yes.

THOMPSON And what would the charges be?

CARO It would be he was an arson suspect, as well as felony evasion from police.

THOMPSON You said he was an arson suspect. Do you think he was arrestable at that point, or do you think he was just a suspect?

CARO He was arrestable at that point.

THOMPSON Okay. And to your knowledge, what was that based off of?

CARO From what the victim said on who burnt the truck at the time.

THOMPSON I guess what I'm asking is where in the chain of events did you learn that he was arrestable for arson?

CARO When he ran for being an arson suspect.

THOMPSON Okay.

TRUJILLO Let me just make sure I'm clear. When Ofc. Toomey was broadcasting information over the radio, he said he was in pursuit of an arson suspect. Did you interpret that to mean, when he said "arson suspect," that he was PC arrestable?

CARO Yes.

TRUJILLO Okay.

THOMPSON At this point in the incident, were you aware of any kind of mental health issues related to the suspect?

CARO No.

THOMPSON In your mind, is the suspect an officer safety concern?

CARO Was that particular suspect an officer safety concern? Yes.

THOMPSON And why is that?

CARO The way he was driving on La Riviera, going 80 miles per hour, it showed that he did not care for regard for the road, of other drivers, as well as for our own safety.

THOMPSON What about La Riviera is different than, say, driving on the freeway?

CARO It's a very tight road. It's not easy to maneuver, and going 80 miles an hour down that road is very dangerous.

THOMPSON Is parts of that residential or business?

CARO It's partly residential, yes.

THOMPSON We've kind of been talking about it. Is there any other ways you'd describe the suspect's driving while you were in route to assist Ofc. Toomey?

CARO Is this before I joined the pursuit?

THOMPSON Yes, sir.

CARO I did not know anything else about his driving.

THOMPSON I'm going to play your in-car camera video. For the record, the in-car camera video watermark reads 2021-02-16 T06:19:10Z Axon Fleet 2 X54101305. Ofc. Caro, does this look like your in-car camera video from that incident?

CARO Yes.

THOMPSON And we'll be beginning the video at the 02:20 marker on the time bar, and we'll play it for several minutes, essentially up to the point where you enter the industrial park.

CARO Okay.

[*IN-CAR CAMERA VIDEO PLAYING*]

For the record, we'll pause it there at 07:30 on the time marker for the video. Ofc. Caro, can you kind of just describe for us what we just watched on video?

CARO Yes. So, after Ofc. Toomey advised over the radio that he was in pursuit of an arson suspect, I had attempted to assist with the pursuit by attempting to set up spike strips on Folsom and South Watt. While Ofc. Toomey was describing what was happening, he advised over the radio that they were doing 80 miles an hour on La Riviera. By the time they got to South Watt, I had — South Watt and

Folsom, I should say — I had missed them. I saw them drive by. So, I advised over the radio that I would be joining the pursuit, and I was number 2 in the line of cars. So, we continued down South Watt. Our speeds dropped exponentially, to approximately 40 miles an hour.

We continued down South Watt, and that is when we turned down Fruitridge Road. As we were going down Fruitridge, our speeds were going even slower then. We were going approximately 30 to 25 miles per hour, just going along. As we were going down, I overheard over the radio — at the time, I thought it was Ofc. Patterson and Ofc. Ward advising they were going to get ahead of us to set up spike strips. As we were getting closer, I could see, from my perspective, that they were up ahead on the road. I saw their car. I couldn't make out who was outside the vehicle, but I saw bodies out there. As we were getting closer, I saw the suspect take his car and drive it directly toward them in an attempt to hit them with his car, from what I was seeing. From where I was, it was pretty — I was a little bit further back. It looked like he was maybe approximately 10 yards away from hitting them.

THOMPSON So, you mentioned you were number 2 in the pursuit. Did any other officers join you in the pursuit?

CARO Once we had pulled in to the industrial complex, I was aware that it was Ofc. Stevens and his trainee that had joined the pursuit, and they were number 3 in the line of cars.

THOMPSON Was there ever an air unit involved in this pursuit?

CARO No. An air unit didn't make it in time.

THOMPSON Are we trained to continuously evaluate whether we should continue a pursuit or terminate it based on the facts that are presented to us?

CARO Yes.

THOMPSON And what things do we consider when determining whether to continue or discontinue a pursuit?

CARO Speeds of the vehicle, distance of the suspect vehicle compared to the police officer vehicle, the knowledge of the area, weather conditions, pedestrian traffic, as well as other vehicle traffic.

THOMPSON At any time during this pursuit, did you ever think it should be discontinued?

CARO No.

THOMPSON And why not?

CARO The speeds were — once we got onto South Watt, we were around approximately 40 miles per hour. There was light traffic to no traffic at points. There was no worry of the public safety at that point. It was a slow pursuit.

THOMPSON Do you recall if you were aware, whether while you were in route or during this pursuit, of any knowledge that the suspect may be armed or could have been armed previously?

CARO Personally, when I work patrol, I always assume the suspect is armed. I did not know if anyone had broadcasted that that particular suspect was armed, but I always assume a suspect is armed.

THOMPSON What, if any, crimes did the suspect commit during this pursuit?

CARO Besides the felony evasion?

THOMPSON Felony evasion?

CARO Yes.

THOMPSON Okay.

CARO Oh, sorry. No. As well as he also — as you can see on Fruitridge — attempted 245 to officers on the side of the road because he took his car and swerved it toward them. There was no other reason for him to do that. They were off to the side of the road, just getting ready to set off spike strips. He intentionally drove his car toward them in an attempt to hit them.

THOMPSON So, in your opinion, he committed a 245 on the officers on the side of the road?

CARO That's correct.

THOMPSON Why do you think the suspect slowed down towards the end of that segment of video?

CARO I am not sure what his mindset was. I thought that he was -

HOFFMAN Could you be more precise? Towards the end of the video? I mean, it's a pretty long video. Maybe you could narrow it down, what section you're referring to when you say he slowed down.

THOMPSON Sure. So, earlier, you said that he was going 80, and then he slowed down to 40, and then he slowed down. I think the last broadcast that Ofc. Toomey makes prior to the swerving movement is 25 miles an hour. I can play it back if you'd like me to.

HOFFMAN No. I think that helps define it.

CARO Mm-hmm.

THOMPSON So, as far as him kind of slowing down those speeds during this pursuit, why do you think he did that?

CARO At that time, I believed he was looking to foot bail. He may have been looking to load a weapon because recently, during that time, we lost two deputies in the same kind of manner, in a slow pursuit that ended where they were shot. So, I was worried about what was he planning on doing because he wasn't trying to get away. He may have been planning something.

THOMPSON How many lanes across is Fruitridge prior to entering the industrial park? In that section right there leading up to the entrance to the industrial park, do you recall how many lanes across Fruitridge is?

CARO Could you reanalyze the question? What do you mean by that?

THOMPSON Can you just describe the roadway for the record?

CARO Okay. Yes. It's a two-way road with a center median at points. I believe if you go further down, the center median is not there anymore.

THOMPSON And when you say "center median," do you mean a center lane?

CARO Yes.

THOMPSON Okay. Like a center turn lane, essentially?

CARO Exactly.

THOMPSON So, at the time, you believed it was Ofc. Ward and Ofc. Patterson's vehicle parked on the side of the road. Is that correct?

CARO At that time, yes.

THOMPSON Okay. And can you describe for us kind of where that vehicle is parked on Fruitridge Road? Is it on the curb line?

CARO It's more off to the side. It's not on the curb line. It's like the far north side of the road, as far as it could go. I believe there was an embankment there, if I remember correctly.

THOMPSON So, as the suspect vehicle is approaching — and we have, up on the video screen, the ICC video from your vehicle stopped at 07:20 on the time bar. As the suspect vehicle is approaching this area, would he be considered in the number 1 lane?

CARO Yes.

THOMPSON And when you described his kind of swerve, he moved out of the number 1 lane into the number 2 lane? Can you kind of just go through the swerving movement for us?

HOFFMAN Could you play that one section one more time through?

THOMPSON So, I'll back up to 07:08 on our time bar.

HOFFMAN Thank you.

THOMPSON Okay.

[*IN-CAR CAMERA VIDEO PLAYING*]

And we'll stop it there at the 07:30 marker.

CARO Okay.

THOMPSON So, can you kind of just describe for us, again, the swerving movement that you observed?

CARO It wasn't like a swerve. It looked to me like he turned his vehicle toward them. He went from the number 1 lane, turned it to the right, toward the north, toward those officers on the side of the road. He went from number 1 to number 2, and it looked like he was going to go along the shoulder. I think it's a bike lane there, and he was in there.

THOMPSON And for the record, kind of watching the video, it looks like Fruitridge, at that point, actually goes from a single lane to two lanes -

CARO That's right.

THOMPSON - pretty much right when all this is happening.

CARO That's correct.

THOMPSON How fast would you estimate the suspect vehicle was traveling when he turned towards the patrol vehicle?

CARO For a turning maneuver like that, approximately 35 to 40 miles an hour. It was a very abrupt turn toward them, and it picked up speed very rapidly.

THOMPSON So, do you think he picked up — so, Ofc. Toomey had broadcasted just prior to this, and I can back it up, that he was traveling about 25 miles an hour. So, when he made that turning movement, did he pick up speed to do that?

CARO Yes.

THOMPSON You mentioned earlier that you felt it was a 245 on the vehicle. Do you think that's what the suspect was attempting to do?

CARO Yes, I do, because there's no reason for him to drive toward those officers. They're not in his way. They're just on the side of the road trying to spike his car, and he knew that, and he was trying to hit them, potentially, with his car.

THOMPSON Why do you think the suspect knew they were trying to spike his car?

CARO Because the suspect could see, probably from a better angle, that there's two officers outside. And he probably seen "Cops," or other shows, or anything that could give him a clue that "Hey, they're going to try and perform a maneuver. I'm going to hit them."

THOMPSON You mentioned that the suspect would have had a better angle. Why do you say that?

CARO Well, he was the first one in the pursuit. He can see all of that. I'm in the back.

THOMPSON And you're essentially the suspect vehicle, Ofc. Toomey's car, and then your car?

CARO That's correct.

THOMPSON Did you personally observe the spike strips in the roadway?

CARO No.

THOMPSON Can you describe for us if you did observe where the officers were standing in relation to their patrol vehicle?

CARO I could not specifically say where they were standing. I just know they were outside their vehicle, exposed.

THOMPSON How much time kind of passed? How quickly was that turning movement made, from the time he kind of started the turning movement to ultimately going toward the industrial park?

CARO From when he first made his turn toward the officers on the side of the road and then turned back toward the industrial park? Approximately 10 seconds, maybe more or maybe less. It's hard to tell.

THOMPSON And would you say in that timeframe is when you had to make the approximation of how close he was to the patrol vehicle on the side of the road?

CARO What do you mean by that?

THOMPSON So, you said that within about a 10-second window, he makes the turn and then comes back toward the industrial park. So, kind of where in that timeframe did you make the observation as to how close he came to the patrol car on the side of the road?

HOFFMAN If you recall.

CARO I cannot recall how I made that approximation about how I knew how close he was.

THOMPSON How good of a viewpoint do you think you had on that distance judgement between the suspect's vehicle and the patrol car when the turning movement was made?

CARO From where I was, it was — like I said, I wasn't number 1 in the vehicle. I cannot give an approximate of how close it was, but from my perspective, it looked close. I saw him drive toward those officers on the side of the road. I saw his car deliberately go in that direction.

THOMPSON In your training and experience, do suspects sometimes swerve to avoid spike strips?

CARO They do swerve.

THOMPSON In your training and experience, do suspects sometimes swerve to hit police officers or their vehicles?

CARO They do.

THOMPSON Are officers trained to take cover when deploying spike strips in case a suspect swerves toward their vehicle?

CARO Yes.

THOMPSON And in your opinion, were the officers in the situation behind suitable cover to be deploying spike strips?

CARO Like I said previously, I wasn't exactly sure where they were standing. I just knew they were outside their vehicle. So, I don't know. I cannot recall at this time.

TRUJILLO From your opinion, though, did the officers appear to be behind concealment or cover?

CARO As I said, again, I don't know exactly where they were standing. I just could see shadows or bodies out there. I don't know exactly where they were standing or where they could have gone to.

THOMPSON Looking back now, do you think the suspect may have just been swerving into the industrial complex?

CARO No. There was no reason for him to perform that turn. We were going at slow speeds. He could have easily made that turn. There was no reason for him to turn toward those officers.

THOMPSON How good would you say your estimating of this incident is?

CARO Everything is approximate, so it's approximate.

THOMPSON In your statement to Det. Coughran, if you want to reference it -

CARO Yes.

THOMPSON Lines 1162. Go by the numbers here, 1,162.

CARO Oh, 1,000?

THOMPSON We're a ways down.

CARO Say it one more time.

THOMPSON 1,162.

CARO Okay. Wait. 1,162?

THOMPSON Yes, sir.

HOFFMAN What page of the report are you on?

TRUJILLO That looks like it's on page 26 of the transcript, right at the top.

THOMPSON It's not at that page number.

TRUJILLO It's this one right here.

HOFFMAN The very bottom right-hand corner?

THOMPSON Page 141.

HOFFMAN 141? Thank you.

THOMPSON Uh-huh.

HOFFMAN Let me get there.

TRUJILLO Maybe 140.

HOFFMAN Okay.

THOMPSON 1,162, it looks like it's on page 140 for you.

HOFFMAN Thank you.

THOMPSON So, in that, you were talking about distances. And the reason I'm asking is you made a statement to Det. Coughran that "I'm very bad at estimating distances. It's not what I'm good at." Do you recall why you felt you weren't good at estimating distances?

CARO Because everything's approximate and the way I perceive things, and that is why I told him. Some people are really good at estimating distances. Some people can tell you, "Hey, a target is three football fields away." I'm just not good at thinking like that. That's why it's approximate.

THOMPSON Okay. When you had to estimate the distance in this incident between the suspect's vehicle and that patrol car parked on the side of the road, do you feel like that was your best estimation that you could make?

CARO That was definitely my best estimation.

THOMPSON And had the suspect continued in the direction he turned, would he have hit that patrol vehicle?

CARO He would have hit that patrol vehicle.

THOMPSON In your mind, is the suspect arrestable for a 245 on an officer?

CARO Yes.

THOMPSON Did you voice that over the radio to anyone, that the suspect had done that?

CARO No, because the situation had changed. It startled me that he performed that maneuver. And before I could voice it, that is when the pursuit picked up speed and my attention was focused on the suspect.

THOMPSON Would voicing that information be important to other officers or the supervisor, that he had just committed a 245 on another officer?

CARO They heard over the radio Ofc. Toomey shout to the officers, "Officers up ahead, look out!" So, people knew what he had done.

THOMPSON Why do you think people knew what he had done?

CARO Because everyone is listening to the radio from our pursuit, the watch commander, our sergeant.

THOMPSON So, the sergeant hearing "Officers, watch out," or some version of that, you think that's enough for them to understand that he just committed a 245 on a police officer?

CARO What do you mean by that?

THOMPSON Is 245 on a police officer kind of a big deal?

CARO Yes, it is.

THOMPSON Okay. Do you think that would help the supervisor or the other officers on scene responding, as far as tactics and strategies going forward, knowing that information, that a suspect had just committed a 245 on an officer?

CARO What tactics would it have changed? I'm confused.

THOMPSON Is the suspect a greater officer safety concern after committing a 245 on an officer?

CARO What Ofc. Toomey and myself saw, we knew that he just committed a 245, so we were aware that he's a greater danger, yes.

HOFFMAN So, we're coming in on an hour. We came in here at around 7:30 a.m. Could I take a bathroom break?

THOMPSON Yeah.

HOFFMAN Great. Thank you.

TRUJILLO We're going to pause the interview at 0922 hours.

Okay. Continuing the interview of Ofc. Caro at 0940 hours.

THOMPSON So, Ofc. Caro, we had been talking about the suspect vehicle committing a 245 on the officers in that patrol car parked on the side of the road and whether or not it was important for someone to broadcast that to units in pursuit coming to assist you. Am I right in saying that the broadcast that Ofc. Toomey made was enough to tell officers that something had happened regarding that 245?

CARO What Ofc. Toomey broadcast? I could have done better by broadcasting that I just witnessed a 245. I was too preoccupied with the violent turn he made into the industrial complex, and focusing on my driving, to reach my radio and broadcast that out when I should have.

THOMPSON Did you think the pursuit should be Code 4'd at that point, when you observed him commit a 245 on the patrol car?

CARO At that time, no.

THOMPSON When it comes to estimating distances, and we referred to that statement you made earlier — I'm sorry, not the statement you made, but your statement to Det. Coughran where you said you're bad at estimating distances and you said it was an estimation. In your experience, have you found, when you have to estimate

distances, do you personally tend to overestimate or underestimate? How would you describe your abilities to estimate distances?

CARO Underestimate is what I've come to realize. I underestimate.

THOMPSON And what's that based off of?

CARO What do you mean?

THOMPSON What kind of experience have you had where you know for sure you underestimated a distance and then found out later what the real distance was?

CARO What kind of experience? As in I've underestimated and it actually turned out to be greater or less?

HOFFMAN Do you recall any specific instances that kind of made you think you underestimate?

CARO When I do — when I used to do vehicle collisions. When I was learning, I would try and pace it out, and I'd always come up short for some reason. And I realized that I was underestimating then, but that was during training.

THOMPSON Okay. Same kind of question, but more visually estimating distances. Have you ever found that you underestimate when you visually estimate distances?

CARO Not all the time, no.

THOMPSON For a vehicle to be used in a 245, in this case on an officer, how close do you think it needs to come to the person?

CARO It doesn't have to — it's not the distance that matters, it's the intent, the intent of swerving toward those officers in an attempt to hit them. From my perspective of where I was, it looked like he was attempting to hit them with his vehicle. He may have — after the fact, it may have been a greater distance, but from where I was at that point in time, it looked like he was going to hit them.

THOMPSON At some point, can distance actually be a factor in whether or not it's a 245 on an officer? I mean, if we got extreme and said they were a mile apart, would that be enough to say it was not a 245?

CARO In that instance, yes.

THOMPSON Okay. So, at what distance would you be comfortable in saying that it is no longer a 245 on an officer?

CARO I don't have an approximation about when I would feel comfortable, what distance would I count as a 245. I saw what he did. He drove right directly toward them. From my perspective, it looked close. If he didn't correct himself, he would have — he was going to hit them. It wasn't a "Oh, he may not hit them." It's "He is going to hit them," if he would have continued on that path.

THOMPSON How far — so, if there's the suspect vehicle, Ofc. Toomey's vehicle, and then your car, how far back from essentially the suspect's vehicle would you say you were during this incident around the time you had to make that estimation?

CARO I'm not sure, actually, of how far back.

THOMPSON It's safe to say you're at least two vehicle lengths because there's two cars in front of you?

CARO Yes, yeah.

THOMPSON And there's probably some space in between those?

CARO Yes.

THOMPSON Okay. I'm going to show you some pictures. And before I ask you about them, you guys can review them. So, one of the things that our homicide detectives and CSI are able to do is use a program called JetStream Viewer, where, essentially, they can go out for the purposes of recreating scenes and create a 3-D environment where they can measure distances. Typically, it's used to recreate homicide scenes. In this instance, they used the GPS from that patrol vehicle, and then, obviously, compared it to the ICC video to place that car on the side of the road. What they then did is recreated that through the different points. For the purposes of this interview, I plotted some points between what is essentially the back end of that patrol car and what I guesstimated to be the middle of the driveway that the suspect entered.

CARO Okay.

THOMPSON And if you look through — so, image number 1 is a top-down image of Fruitridge Road, which includes the patrol vehicle on the side of the road, and then the driveway to the industrial complex. Image number 2 is kind of more looking — we're now traveling west. Right? So, we're further west, looking back. And, again, you can kind of see the back end of the patrol vehicle to the entrance, the driveway entrance to the industrial park. And then this third image, image number 3, is looking from the industrial park driveway entrance to the patrol car. So, for reference sake, image 1, again, puts that distance between the rear of the

patrol vehicle and the driveway, the middle of the driveway entrance, at about 126 feet. Image number 2 -

HOFFMAN I'm sorry. You created this, or your homicide investigators did?

THOMPSON The homicide and CSI units, yes, sir.

HOFFMAN Got it. Thank you.

THOMPSON So, the actual — well, let me clarify it for you. So, the positioning of the markers within the program was done by me. So, I clicked here, and then I clicked here. And the reason I wanted to give you three different perspectives is because, obviously, where I clicked could change a little bit. Right? So, again, in this instance, I kind of just clicked the back end to the middle of the driveway. Here, again, trying to grab the back end to the middle of the driveway. On image number 2, it shows to be 129 feet. And then on image number 3, again trying to grab the back end of the patrol vehicle to the middle of the driveway, in this instance it's at 135 feet. So, based on these images and this recreation, the scans estimate the distance between the middle of the driveway and the rear end of where the patrol car would have been parked at about 126 to 135 feet, which I think we can estimate as being about 40 to 45 yards. So, the reason we're asking you all these questions about distance -

HOFFMAN Can I ask a question?

THOMPSON Sure.

HOFFMAN There are two driveways here. There's a driveway to the left here, and there's a driveway immediately to the right.

THOMPSON Yes, sir.

HOFFMAN And the one going into the waste disposal area?

THOMPSON 8550 Fruitridge is this one, the one to the right.

HOFFMAN Is that your recollection? I thought it was this one.

CARO I thought it was this one right here because there was a guard box before we entered in.

HOFFMAN Right.

CARO We passed the guard box.

HOFFMAN I was out there that night, and I think you have the wrong -

CARO Yeah.

HOFFMAN - potentially the wrong driveway. I'm not trying to jam you up.

THOMPSON No, that's fine. So, what we can do is…

CARO Yeah.

HOFFMAN Yeah, I think it's this driveway.

CARO Can we play the video and see if there's a guard box that comes in on it?

THOMPSON Yeah. I was going to open up Google Maps too, but…

HOFFMAN Yeah. No. That would probably be helpful.

CARO That would have probably worked.

HOFFMAN That would be really helpful, actually.

THOMPSON Let's see here.

CARO Okay.

THOMPSON Where are we at here? We're somewhere in this area.

CARO Right there.

THOMPSON This right here. Right?

CARO That's right.

HOFFMAN And is there another driveway here?

CARO Yeah. That's blocked.

HOFFMAN See, I…

CARO That looks like this.

HOFFMAN See, that's what I think, but I could be wrong.

THOMPSON So, one of the things that I would have you look at is do you see the railroad crossing signs there?

CARO Okay.

THOMPSON So, this driveway is in line with the railroad crossings, and then you have the entrance. And then this driveway further, you can kind of see a part of that building.

CARO Oh. That's what this is? Okay.

THOMPSON The corner of this building here. And I think if you actually — I'm looking at these upside down, so let me just kind of refocus here. So, this telephone pole, you can see it's this pole right here.

CARO Okay.

THOMPSON And it comes to the driveway entrance, again, the telephone pole right there. And I don't know that the delineator is the same delineator, but -

CARO Okay.

THOMPSON I think the big thing to go off of is the railroad crossing.

CARO Okay. Yeah.

HOFFMAN Can I see the overhead just one more -

THOMPSON Yeah.

HOFFMAN I just want to make sure we're on the right driveway. And if we come down here to make sure -

CARO Yeah. That's [inaudible-01:01:33].

HOFFMAN Okay.

THOMPSON So, there's the railroad crossing driveway. This is the one that we're talking about, and then this is the one with the building. And then, down in here is where, ultimately -

CARO Right.

THOMPSON There's the fuel pumps you come through.

HOFFMAN So, there's three driveways, and it's — I mean, there's this one, the middle one, and then this one. And the one where you were standing is right here?

THOMPSON Yes. The one on the scans, or that I'm marking on the scans, is the one in the middle. So, again, the -

CARO Okay.

HOFFMAN Okay. Gotcha. Thank you.

THOMPSON Yep. Just for the record, we've been using Google Maps satellite viewer from an aerial view, and then we did use the street viewer just to clarify the pictures or the images that I just showed Ofc. Caro. So, again, in summary, the recreation estimates that the distance, from the rear of the patrol vehicle to the middle of that driveway, to be somewhere between 126 feet. Image number 2 put it at around 129 feet, and then image number 3 put it at 135 feet, which, again, I think when we transition to yards, which you had estimated at being 10 yards, would be closer to 40 yards or maybe a little bit more. We obviously have the benefit of hindsight in this situation, but knowing that the distance was at least 126 to 135 feet, do you think the suspect committed a 245?

HOFFMAN You can absolutely ask that question, but for the record, I'm going to object to the assumption that it was at least 120 feet. The angle could have been cut. Because he swung out, he could have cut that line, and probably did cut it, at less than 120 feet as he swung out and came in. Your assumption is that he came in at a sharp angle, hitting here, making it less than 120 feet. So, for the record, I'm going to object to the lack of foundation for that assumption that he was less than 120 feet, but you can absolutely ask that question.

THOMPSON Okay. Well, I want to lay some foundation, and then we'll kind of go from there. Let me see if — so, for the record, we backed up the in-car camera in an attempt to see if we can figure out where exactly the suspect vehicle was at the time it started the turning movement. We'll begin the time marker at 17:13 on Ofc. Caro's in-car camera video.

[*IN-CAR CAMERA VIDEO PLAYING*]

Now, I just paused it. Would you guys agree that he started his turning movement at that point, or would you like me to go further?

HOFFMAN Can you play that one more time?

THOMPSON Yeah.

HOFFMAN And when you say "he," you're referencing the suspect vehicle?

THOMPSON Yes. In my view of the video, it appears Ofc. Toomey kind of drifts over to the left.

HOFFMAN Right.

THOMPSON And at that point we can start to the see the suspect vehicle, and it appears that he's moving to the right. So, let me play it for a little bit, and then we'll back up again to kind of review it. So, let me go back again so we can kind of look at it together. So, I think it's right around that 17:19 mark is when Ofc. Toomey kind of moves left. Then, you see the suspect vehicle kind of start to move right.

[*IN-CAR CAMERA VIDEO PLAYING*]

So, right there. And so, the reason I'm replaying this video several times, just for our estimation — again, stopping at 17:19. That appears to be when the suspect vehicle is starting to make that turning movement to the right. In this incident, one of the things I'd point out to you on the video is the railroad crossing sign on the ground there. It's certainly in front of your vehicle. It looks like it's at least at the front of Ofc. Toomey's vehicle. And in reference to this image, number 1, I would submit to you guys that the suspect vehicle was actually, at the moment he starts that turning movement, in and around this railroad crossing sign.

HOFFMAN Do you think he cuts that line, the white line? Is that what you're saying?

THOMPSON What I'm saying is when — at this point in the video, 07:19, with the railroad crossing — and, again, we can play it forward to kind of see. You can also see the dashes on the ground start. It's hard to see in this image, but it's essentially — the dashes start on the line right there — that the suspect vehicle actually began his turning movement in and around this railroad crossing symbol.

TRUJILLO His turning movement to the right.

HOFFMAN Okay. So, you want to know if he started turning — the suspect vehicle started moving right or left as he crossed, say, the white line?

THOMPSON I'm trying to lay more foundation for you. You had mentioned that he may have come down further here.

HOFFMAN Yeah.

THOMPSON What I'm saying is that the turning movement, which Ofc. Caro observed as possibly being a 245 on an officer, that turning movement appears to have started in the area of the railroad crossing.

HOFFMAN Where the X's are?

THOMPSON Yes, sir.

HOFFMAN Okay. Let's see if we can tell from this video, then.

THOMPSON So, one of the things — again, stopping at 07:19. At this point it appears that the suspect vehicle is starting that turning movement.

HOFFMAN To the right?

THOMPSON To the right. Over here, you can see what appears to be the railroad crossings on the ground. Obviously, as I hit "play," those will become more evident. So, again, beginning on the video time marker at 07:19.

[*IN-CAR CAMERA VIDEO PLAYING*]

Stopping at 07:21, where you can kind of see those time markers. So, what I would submit to you is that the turning movement began somewhere around the railroad crossing marker.

HOFFMAN To the right.

THOMPSON To the right, yes.

HOFFMAN Towards the officers.

CARO Right.

HOFFMAN Can you tell -

CARO No.

HOFFMAN - if he's parallel to the X's from this video when he starts turning right?

CARO No, I cannot tell. I couldn't tell that night.

HOFFMAN And just for your knowledge, it may be helpful to look at Toomey's and count the white lines in here. As it cuts left, it crosses one of these white lines. And you can reconstruct the distances, I think, a little bit more accurately.

THOMPSON For the patrol car?

HOFFMAN No, for how far the — at what angle the van came in at. You can count these white lines from the railroad tracks. How many white lines past this railroad track? This white line, how many white lines here? And it cuts these white lines for, I believe, a better approximation of the white van's travel, but that's obviously up to your guys' investigation.

THOMPSON So, one of the things I would just ask Ofc. Caro, or one of the things I would mention, is that if the turning movement to the right starts around here, obviously, as we review this, just going to the driveway is somewhere in the realm of 125 feet. Would you agree that whatever distance to this railroad crossing symbol is that it's greater than 125 feet?

HOFFMAN If you know.

CARO I don't know.

HOFFMAN Okay.

THOMPSON You don't know that, looking at this piece of paper, that the line would be longer if it went all the way over here, and therefore the distance would be greater?

HOFFMAN I'm a little confused. Can you ask the question again, please?

THOMPSON If the turning movement started at the railroad crossing, -

CARO Okay.

HOFFMAN To the right?

THOMPSON - to the right, which is your perception that led to the 245 on an officer, would you agree that that distance is likely greater than 125 feet?

CARO Right now, now that I know all the things that I do now?

THOMPSON Yes, in hindsight.

CARO In hindsight? In hindsight, no. You did the estimations. I did not know that the night of. I have only my perspective of what I saw. So, with the estimations you have now…

THOMPSON So, going back to your judgement of distances and whatnot, why do you think your estimation is different than the actual?

HOFFMAN Well, you're — I'm going to object, and you can ask the question, because he gave an estimation of the distance between the suspect vehicle and the patrol car, and what you're talking about is a completely different item, which is the distance from which the suspect vehicle was to the patrol car at the time the suspect vehicle started to turn right. Those are two very different distances. But if you want to ask that, obviously you can.

THOMPSON Okay. Go ahead, officer.

HOFFMAN Do you understand the question?

CARO I'm still not tracking. Could you explain it a different way?

THOMPSON Would you agree that your estimation of the suspect vehicle coming 10 yards away from the patrol vehicle is different than what appears to be recreated here?

CARO Are you asking if I was wrong with my estimation?

HOFFMAN And I'm going to object because what's recreated here is not an estimation of how close the van came to the patrol vehicle. We're talking about page 1 of your exhibit.

THOMPSON Okay.

HOFFMAN Do you understand the question?

CARO I'm still not. I'm sorry. I'm not understanding the question. I'm sorry. I'm not tracking.

THOMPSON When you look at this image that we presented, these three images, do you think your estimation of the suspect vehicle coming within 10 yards of the police vehicle is accurate?

CARO Where I was that night and the way that suspect moved, from my perspective, where I was — I don't have all this. I wasn't focused in on these crosses here or anything like that. I only had what I saw he was trying to do. Okay?

THOMPSON Mm-hmm.

CARO It looked like he was going to hit them. It looked like that distance from where I was and that perspective. I was worried for those officers on the side of the road,

that they were going to get hit by that vehicle. I don't understand this distance. If he would have gone that way, he would have hit them. That's what I was worried about. It wasn't "Oh, he may hit them." He will hit them if he goes that way.

TRUJILLO We understand what you're trying to say as far as at that moment and at that time. Okay? What he's asking you is having the benefit of hindsight, okay, does it appear that you may have significantly underestimated the distance that he was away from the patrol car at the time that he committed the 245?

CARO With the benefit of hindsight, now with what you presented me, I understand that I underestimated because I did not know that at the time. I had none of these markings. But that's what it appeared to me during that moment right there.

THOMPSON Being an officer in that moment — right? Obviously, we're sitting in an office and it's a very different experience. Right?

CARO Right.

THOMPSON So, what kind of things factor in your ability to make an estimation like that in that split-second decision?

CARO What sort of factors?

THOMPSON What is different about us here, sitting in hindsight, versus you in the moment of a pursuit trying to make that estimation?

CARO All the factors of that the suspect was performing all of the moves, all of the different changes he was making, the different roadways. There's millions of factors going on during that time. I don't have time to map out, "Okay, the X's are this many feet away, which means…" It's from what that looked like. Okay? It's what it looked like from my perspective, that he was going to hit them.

HOFFMAN I'd also like to note for the record that your measurement is from the center of the driveway that we believe the suspect entered, as opposed to further to the north in the roadway, where the suspect van would have been. So, I just want to put that on the record, that I believe that exhibit number 1 does not accurately reflect distance that the van would have been, other than potentially the distance the van potentially was at the time it entered the driveway. Other than that, I believe exhibit 1 is fairly irrelevant.

THOMPSON Ofc. Caro, do you think he drove past the driveway to 8550 Fruitridge Road?

CARO Do I think he drove past the driveway?

THOMPSON Yes.

CARO At what point, exactly?

THOMPSON During the pursuit, do you think he, making that turning movement, drove past the driveway?

CARO I couldn't tell you if he did or didn't. I didn't have the sight of that. I just know that's where he went. I don't know if he drove past it or not. I couldn't tell you.

THOMPSON When you review the video, and I can play it for you again, do you think that he drove past the driveway?

CARO I do not know.

HOFFMAN Further east or west of the driveway?

THOMPSON Yes.

HOFFMAN Okay.

THOMPSON If we're to assume that this is an inaccurate measurement, we would have to assume that he went further. So, all I was asking is do you think he actually drove past the driveway and came back, thus making the distance shorter, or do you think he drove into the area of the driveway and pulled in there?

CARO I'm not understanding the point of the question.

HOFFMAN Let me see if I can — He didn't drive west of the driveway and then double-back into the driveway, did he?

CARO No, he did not do that.

HOFFMAN Okay.

THOMPSON And I understand that this only marks one point on the roadway, from the back end to the middle of the driveway. And our intent was not to get specific regarding where the suspect vehicle is in relation to it because recreating that would be extremely difficult, as Mr. Hoffman has pointed out. What we were trying to do with this estimation, somewhere in the realm of closer to 40 yards, and your estimation of 10 yards — we just talked about the differences of you being in the moment, having to perceive these things very quickly, and then, after the fact, how it's very different when we're sitting here in the office.

CARO Well, of course it's different. I'm not worried about my own safety or my life. I get to sit in a nice air-conditioned room. I'm not focused on the road. I'm not focused on driving, or the suspect, or other factors. It's easier to just do this, to map it out — in the daytime too, nonetheless — and make these diagrams. I didn't have that at that time.

TRUJILLO And that's what we're trying to get from you, just what factors were playing a role at that time.

CARO What factors?

TRUJILLO What factors were going through your head at the time? What things were you considering when you made your estimation? What things were going on at that time?

CARO During that time, what factors were the direction he took, how far he went toward those officers. In the video, I gasped. It was like, "Oh, shoot. He's going that way. He's going to hit them." So, I was more focused on their safety than mapping out distance.

THOMPSON Ofc. Caro, I'm going to refer you back to your in-car camera. We will begin around the 07:00 marker, just to back up a little bit for reference's sake, and we'll play it for about 1 minute. For the record, this is starting at time bar marker 07:02.

[*IN-CAR CAMERA VIDEO PLAYING*]

And we will be pausing it there at the 07:58 time marker. Ofc. Caro, can you please walk us through what we observed on video once the suspect vehicle entered the industrial complex?

CARO So, once the suspect vehicle entered the industrial complex, it began to pick up speed again. I heard Ofc. Toomey voice on the radio he may be looking to foot bail. In preparation for the foot bail, I unbuckled my seatbelt to get ready to run. But as we approached the gas pumps, I realized he's not going to foot bail, so I clicked myself back in. We drove through the gas pumps, and we came to this point at the termination of the pursuit, which was the metal awning and the fence. And I know that he's trapped. He has nowhere else to go. We have him trapped. We can get resources. We can do our felony vehicle stop. We can put this to an end from the pursuit, which was dangerous already from him driving 80 miles an hour on La Riviera. I know it's a discrepancy with this, but he drove towards those officers on the side of the road. I just wanted this to be done safely. I was worried for the public's safety, our safety. I wanted this pursuit to come to where it is right now, where we have him trapped.

THOMPSON How fast do you think he sped up to when he entered the industrial complex?

CARO Approximately 50 miles an hour.

THOMPSON Why do you think he sped up?

CARO I have no idea why he sped up.

THOMPSON In the incident, you mentioned that Ofc. Toomey voiced that the suspect appeared like he was going to foot bail. Did you believe he was going to foot bail?

CARO I did believe that, yes, because of where he took us. We were off the main road. He may have just realized he drove himself into a secure complex, and he was looking to foot bail.

THOMPSON Did you ever see the suspect attempt to foot bail from the vehicle?

CARO No.

THOMPSON Did his door ever open in any way that would suggest he was going to foot bail?

CARO No.

THOMPSON Would the belief that the suspect is attempting to foot bail change the distance of your vehicle in relation to the suspect, how close you guys are with your own vehicles in that pursuit? You mentioned you were taking your seatbelt on and off in the anticipation. Do you get closer to the suspect vehicle at all during the pursuit because you think he's going to foot bail?

CARO No, I'm not going to get closer to the suspect's vehicle because I'm number 2 in the position. Toomey's number 1. I'm not going to break formation on that.

THOMPSON At the time the suspect vehicle came to a stop in the industrial complex, what crimes had been committed by the suspect?

CARO Felony evasion, he was an arson suspect, and, as I said before, the 245 on the roadway with our officers.

THOMPSON Are those crimes misdemeanors or felonies?

CARO They're felonies.

THOMPSON What other factors relating to officer safety are in your mind at this point, when it comes to a stop here?

CARO Like I said, those deputies had passed away back in December. I was thinking about that. I was thinking maybe he's loading a gun, getting ready to just, I don't know, start shooting at us. I don't know what he was capable of at that point.

THOMPSON Did you observe the collision between Ofc. Toomey's patrol vehicle and the suspect vehicle?

CARO Yes.

THOMPSON Can you kind of just talk about what you observed in relation to that?

CARO It looked like the suspect vehicle stopped abruptly. And then Toomey also stopped abruptly, but his brakes looked like it locked up in the gravel. He sort of skidded a little bit into the suspect vehicle.

THOMPSON So, I obviously wasn't out there that night. Was the roadway concrete pavement? You mentioned gravel.

CARO It was a little bit of both. It wasn't like a freshly paved road. It had gravel. It had dirt on there. It wasn't like a normal parking lot, if you will.

THOMPSON So, would that affect an officer's ability to stop a vehicle?

CARO Yes.

THOMPSON Did you see anything that led you to believe the suspect was going to come to a stop when he did?

CARO Did I see anything that would have made me believe he would have stopped right there? Honestly, there was nothing that showed besides the actual physical features. If he wanted to, he could have driven right through them. He stopped there because he wanted to.

THOMPSON Were you familiar with this complex prior to this incident?

CARO Unfortunately, no.

THOMPSON Okay. So, did you — so, you had no knowledge of kind of the interior of it and that there was essentially no way in and out except for the one?

CARO That's correct.

TRUJILLO When he came to a stop, you said you knew that he was trapped. But you're not familiar with this complex, this area. Could you explain how you knew that?

CARO So, from my perspective, that gate right there, I thought that's the end of the property.

TRUJILLO Okay.

CARO And then that metal awning and that fence, I thought there was nothing back there, that's the end of the property, he can't go any further. That's what I meant. He's trapped.

TRUJILLO Okay.

THOMPSON Did you see anything that led you to believe that Ofc. Toomey intentionally ran into the back of the suspect vehicle?

CARO No, I did not.

THOMPSON Would you agree at the conclusion of the pursuit a felony stop was conducted?

CARO Yes.

THOMPSON Can you describe what you can see of the interior of the suspect vehicle at this point, at the beginning of this felony stop?

CARO So, as you can see in the video, his windows are all tinted, so I cannot see inside the vehicle at all. So, when I come to my felony vehicle stop, I come out of my car. I have my situational awareness. I have Toomey in my perspective because he's off to the side. And I put my spotlight on his side-view mirror, but I cannot see, physically, into that car. Toomey had the best spot to see inside that car.

HOFFMAN You're talking about the point where you — right after you stop initially, the first time?

CARO Yes.

HOFFMAN Okay.

CARO Yes, that time.

TRUJILLO So, approximately at the time on this in-car camera, at the 07:58 mark, was that approximately about the time you're referring to?

CARO That's correct.

TRUJILLO Okay.

THOMPSON Leading up to the suspect vehicle coming to a stop, during the pursuit, were you able, at any time, to tell how many people were in the vehicle other than the driver?

CARO No.

THOMPSON Can you describe what a felony stop is for the record?

CARO It's when we do our high-risk stops. So, the way it works is after a pursuit, or if there's a stolen vehicle, anything, we do what's called a felony vehicle stop. It's what we were trained. The first car will fan off to the right. Then a car comes right into the middle. And then there's a third car that comes to the left. It's sort of in a pincer move, if you will, so we have a perfect view of the car from all angles, and we can adjust or adapt as need be.

TRUJILLO Let me just make sure we're clear on your right and left, just because you were demonstrating.

CARO Oh, sorry.

TRUJILLO So, let's just be clear on that, if you don't mind, because with your hands you were doing left, but you stated right. So, can we just be clear on that again?

CARO Right. Okay.

TRUJILLO Can you go over that one more time?

CARO So, the first vehicle is going to pull off to the left. Then, the second vehicle comes into the center. The third vehicle then comes off to the right.

TRUJILLO Okay. Thank you.

THOMPSON And you described that as being a fan pattern?

CARO That's correct.

THOMPSON Is conducting felony stops part of the normal duties of a patrol officer?

CARO Yes.

THOMPSON What's the purpose of that fan pattern?

CARO It offers us cover and concealment because we can open our doors. We can overlap with each other to provide more cover, and it gives us protection in case the suspect comes out and starts shooting or any number of different factors.

THOMPSON Is the purpose of a felony stop to block someone in?

CARO It's to prevent them from — not all the time. Sometimes, when we — I've seen it done on the freeway. They can still drive forward if they need to, but it's preventing them from potentially escaping at times, yes.

THOMPSON What times would it be used in a way to prevent them from escaping?

CARO If they had gone into — let's say they went into, I don't know, a gated off area where there's no way forward, only backwards. It prevents them from going backwards, potentially.

THOMPSON So, you've been using the word he was "trapped," and you're saying that it prevents them from escaping. Are we allowed to essentially trap someone or barricade a roadway?

CARO It wasn't a barricaded roadway. It's not that we were barricading a roadway so nobody could get through, but we're preventing him from trying to escape more, potentially, but it's not blocking a roadway.

THOMPSON Would you say you were intentionally blocking the suspect from leaving?

CARO I'm not trying to intentionally block him. It's bad right here, but in a normal vehicle stop, he would be further up. It gives us more time in cover and concealment. I'm not trying to prevent him from doing whatever. I'm trying to protect myself.

THOMPSON Does a felony stop pattern, if it's done correctly, block someone from driving between your patrol vehicles?

CARO Yes, it can, sometimes. I'm sorry. It's supposed to prevent that, yes.

THOMPSON And why do you think we set the felony stop pattern that way?

CARO What do you mean by that?

THOMPSON Why do you think we set up the felony stop pattern so someone can't drive between us?

HOFFMAN For clarification, when you say "we" set up, are you referencing a policy, or training, or both?

THOMPSON In the training you've received as a police officer in regards to this fan pattern you mentioned, why do you think it's set up in such a way that a vehicle could not drive between the police vehicles?

CARO So he can't run us over.

THOMPSON In this felony stop on February 15th of 2021, did the felony stop pattern block the suspect car in, or could he have continued on in some direction?

CARO He could continue in some direction. Felony vehicle stops are not perfect. You have to adjust. It's not always going to be a perfect scenario.

THOMPSON So, in this case, what, if any, direction could he have driven?

CARO Well, he could have driven forward if he wanted to. He could have driven into that alcove right there. He could have driven anywhere. As you saw — as you will see in the video, he decides to drive through where Toomey is positioned.

THOMPSON When you said he could have driven forward or he could have driven into the alcove, were those areas in which he could have continued driving out onto another roadway, or would he have run into a fence or something?

CARO At the time, I did not — I thought it would have just been dirt out there, so if he would have driven forward through that fence, he would have just been traveling through a dirt field, but apparently — after the fact, I learned there's another road back there, but I did not know that at the time.

THOMPSON So, your knowledge at the time of this incident — and, again, you mentioned that you hadn't been here previously — had he continued forward, you don't know that he necessarily couldn't go further than the fence line. Right?

CARO That's correct.

THOMPSON I feel like we talked about it earlier.

TRUJILLO Mm-hmm.

THOMPSON Can you summarize for us what our general orders say in regards to barricading a roadway or intentionally blocking the path of a suspect vehicle?

CARO We need watch commander approval to barricade a roadway or block a suspect.

THOMPSON To your knowledge, did you or any other officer in this pursuit intentionally block the path of the suspect vehicle outside of instructed techniques at the conclusion of this pursuit?

CARO No, not to my knowledge.

THOMPSON Do officers ever have to reposition their patrol vehicles to properly set up a felony stop?

CARO Yes. If you're referring to when I readjusted my vehicle when he began to back up — is that what you're referring to?

THOMPSON You can talk about that, but just in general, do we ever have to reposition our vehicles for a felony stop?

CARO Yes, because — yes.

THOMPSON And why would we have to reposition our vehicles?

CARO Better positioning or if we're off. Like I said, felony vehicle stops aren't perfect all the time, so we have to readjust as need be. It's up to our discretion.

THOMPSON And what distances were you trained to be kind of set back from the suspect vehicle during a felony stop?

CARO I believe the rule of thumb was two, if you can — like I said, it's not perfect every time. The rule of thumb was you want approximately two car lengths back.

THOMPSON And why do you think we train to have that two car lengths back?

CARO Distance. And then that gives us time. It also protects us in case of whatever he decides to do, the suspect.

THOMPSON In this instance, just related to essentially the felony stop pattern and the distance there, do you think this felony stop was initially set up correctly, or do you think there was something we could have done differently?

CARO For that instance, we did what we could do. Like I said, it's not perfect. We set it up with the resources, the time, the space. With what we had available, we set it up.

THOMPSON In what ways should officers verbally communicate with one another during a felony stop?

CARO Just give commands saying either "I'll be voice," or "Hey, he's moving," just officer safety commands, as well as trying to give direction about what's going to happen next when the scene is slowed down because, when it's like this, we're still trying to slow things down and get resources in. So, we don't have time to start yelling orders. We need things to just take a second, take a pause, before we can start really deciding on a plan.

THOMPSON Do you recall what kind of communication took place between you and the other officers on the felony stop?

CARO When we first pulled into where we are right now, at the felony vehicle stop, we were giving commands to the driver. Like I said, it was a changing situation, so we weren't able to really talk to each other about who was going to do what, because before we could start doing that, that's when he started to move again.

THOMPSON Did you present your firearm during this felony stop?

CARO Yes.

THOMPSON Why did you do that?

CARO For my officer safety and the safety of others. Like I said before, I do not know if he is armed or unarmed. I don't know what his intentions are.

THOMPSON Is drawing your firearm as part of a felony stop consistent with the training you've received as a police officer?

CARO That's correct.

THOMPSON During a felony stop, in what ways have you been trained to utilize less-lethal force options?

CARO If we had more time, you could bring out a less-lethal shotgun to maybe crack open a window if you need to, to gain compliance to see what's inside the vehicle. If we had the time to set that up, we probably would have used those tools, but we did not have time.

THOMPSON You made reference there to having time or needing more time. Why do you feel in this instance you didn't have enough time?

CARO Once we pulled there, we gave two commands, and then he started moving again. We did not have any time.

THOMPSON To your knowledge, did any officer present a less-lethal force option prior to the discharge of firearms?

CARO Like I said, there was no time to grab our less-lethal option. So, to my knowledge, I do not know if an officer grabbed a less-lethal option.

THOMPSON To your knowledge, did anyone use less-lethal force options prior to the discharge of firearms?

CARO No. There was no time.

THOMPSON In your mind, would less-lethal force options have been applicable at any time in this incident prior to the discharge of firearms?

CARO No, because by the time we gave out our first two commands, for someone to get their less-lethal shotgun — we don't shoot at a moving vehicle to disable it. That would have just been an attempt to disable it. It would not have done its purpose. We didn't need to look in the window. We didn't need to try and gain compliance. We were just seeing what he was going to do. We didn't have time to set up if we were going to use a less-lethal option.

THOMPSON In this instance, the suspect is still in the vehicle at this point. Correct?

CARO That's correct.

THOMPSON So, could you even deploy a taser at this point because he's in the vehicle?

CARO No.

THOMPSON Could you deploy a beanbag and assume it would hit him?

CARO No.

THOMPSON What did you use for cover during this felony stop?

CARO So, I was in the V of my car, which was my front door, and I had the A pillar, and I was using that as my cover.

THOMPSON Is that consistent with the training you've received on how to conduct a felony stop?

CARO Yes.

THOMPSON From the start of the felony stop to the discharge of firearms, did you ever consider repositioning yourself or your patrol vehicle?

CARO So, when he pulled forward, I realized, "Okay. He's pulling forward. Maybe he's going to start going again." So, I jumped back in my car in preparation for what's going to happen, but then, as I'm getting in my car, I see the reverse lights come on. So, in preparation for that, I pulled forward a little bit to let him know, "Hey, you're trapped," as well as, "Okay. What am I going to do? Do I have to brace for him to hit my car and do whatever or drive right through me?" But before, I guess, he did actually hit my car — before he could have, I should say — he went into an L shape and went away from where I was.

THOMPSON Was this felony stop consistent with the training you've received on how to conduct a felony stop?

CARO Like I said, felony vehicle stops aren't perfect, but it was what we were trained to do.

THOMPSON Is there anything about this felony stop that you would have liked to seen done differently from your perspective or the other officers on scene?

CARO In hindsight, there's nothing they could have done. That's what we had, what we were presented with. It's a weird angle where we were. It's not on a roadway where we can take the road. It wasn't ideal. We had to work with what we had.

THOMPSON I'd like to take a short break at this point.

TRUJILLO Before we do that, I just have another question, if that's okay.

THOMPSON Yeah.

TRUJILLO Sgt. Thompson asked you did you ever consider repositioning yourself or your patrol vehicle, and you had mentioned earlier — correct me if I'm wrong — that you had pulled your vehicle forward slightly at that point.

CARO That's correct.

TRUJILLO Okay. And I think you had said because — again, correct me if I'm wrong. Well, tell me again why you moved your vehicle forward.

CARO Because I was scared he was going to drive through the gap between us. So, I wanted to shore that up, make it stronger.

TRUJILLO Okay, okay. So, you moved your vehicle forward to make sure he didn't go through the gap?

CARO Exactly.

TRUJILLO Okay. I just wanted to be clear on that. Okay. We're going to take a break. The time is 1028 hours.

We're back on the record, resuming the interview of Ofc. Caro at 1043 hours.

THOMPSON Ofc. Caro, I'm going to play a portion of your body-worn camera that we have attempted to sync with your in-car camera. For the record, it appears that the timestamps on the body-worn camera and the in-car camera are off by just a few seconds, so we've attempted to sync those so that they appear in the same — also, for the record, the body-worn camera watermark will say 2021-02-15 22:24:37— I believe that's 0600 — Axon Body 3 X6031437E. And, again, it appears to show your in-car camera next to it, and we've attempted to sync it so we can kind of watch them both together.

[*BODY CAMERA VIDEO PLAYING*]

All right. And the body-worn camera video stopped at a watermark time of 22:25:27. And it was -0800, not -0600. Ofc. Toomey — I'm sorry. Ofc. Caro, can you please walk us through what we just saw on video?

CARO Yes. So, it appeared that the suspect was in the industrial complex. He had just driven through the gas pumps, and he was going toward the back corner of the industrial complex, which was, like I said, a metal and concrete fence, a metal awning. There was another fence behind it. So, once he was in there, I said, "That's it," because we got him. He's trapped right there. So, Ofc. Toomey pulls up his car. He has a little bit of trouble with the brakes, but he comes up, and I fan out to his right. And I believe it was Ofc. Stevens and his trainee that came to the far right of me. So, we pull our cars up. As I'm getting out of my car, I have my situational awareness. I have Toomey in my peripheral. I know that he's in what's called the "V" of the door. Okay? He's outside of his vehicle. All right? I hear him speaking commands. That confirms that, "Okay. He's outside of his vehicle. I need to come up on target." Attention is on that car. Okay? I hear other officers, like Ofc. Stevens, giving commands as well. I hear Ofc. Toomey give one more command, and then I go back into my vehicle to grab the radio to give out radio traffic.

As I'm about to grab the radio, that's when the lights turn on his vehicle, and he puts it in drive. So, I jump back in my vehicle fully, and I push my vehicle forward a little bit to know that he's trapped, okay, because he's starting to come back. And as he's coming back, he then makes an L-shaped turn away from me. And then he begins to proceed to pull forward. So, as he's pulling forward, I put my car back in park, and I jump out. And this is very, very close timing. This isn't like I waited or anything. This is very close timing. Okay? So, he's pulling his car forward. I jump out of my car. Okay? What's going through my head right now is this guy is not going to stop. Okay? As he's pulling more forward to my car, I realize Toomey is in the V of his door on the left side of me. He's outside of his vehicle. He's exposed. And as the car pulls more forward, I realize he's going to drive right through Toomey, okay, because I heard Toomey say his commands. I know that Toomey is in the V of the door, outside of his vehicle. All right? So, as he's pulling forward, I say one last command just to show, "Hey, stop." But by the time I say "Stop right there," after I say "there," his vehicle is already going past my car.

And that is when I take my first shot to stop the vehicle because of everything that's happened up to this point, all of the totality of the circumstances that led up to this, from the pursuit that happened on La Riviera, us going 80 miles an hour, him being an arson suspect. I know there's a discrepancy, but I still believe that was a 245 on the roadway. I knew, right there, he doesn't care about my life. He doesn't care about Toomey's life. He's going to drive right through Toomey, and I need to stop that suspect. If I do not stop that suspect, Toomey was in imminent danger. He could have his leg chopped off, receive great bodily injury, or die. He could have been crushed by the car. And that suspect was using his minivan, a fully-functional minivan, with the intent of driving through Toomey and potentially killing him.

So, all that came through. As I said my "there," as I was on target with the suspect, I fired my first shot to stop the threat. I fired approximately four to five shots before the car — it still is moving forward. As I'm shooting, the car is still moving forward. It's not that the car stopped right in front of my vehicle. It's still moving forward as I'm taking my shots. And as I'm tracking it, I can see Toomey's gun also going off, which confirmed he's in the V. He's outside of his car. He's exposed. When the vehicle finally stopped, I reassessed. And then it lurches one more time, and Toomey stops the threat again. And that's when I go behind the vehicle and we start to assess, "Okay. We need to get him out. We need an extraction team. We need to get our resources all together. We can start to slow things down."

THOMPSON Earlier, when we were talking at the beginning of this felony stop, you could not see the interior of the suspect vehicle because it was tinted. Is that correct?

CARO That's correct.

THOMPSON So, you could not see if the suspect was making any movements?

HOFFMAN If you recall.

THOMPSON If you recall.

CARO When his back was to us, I could not see into his vehicle. The only time I got a glimpse — a very, very brief glimpse — is when he drove his vehicle past mine because that's when his driver's side — I could see in.

TRUJILLO And when you could see him, was he making any movements?

CARO Just turning his wheel toward Toomey.

TRUJILLO Okay.

THOMPSON On your body-worn camera, just prior to the vehicle coming to a stop — and I can back it up for reference if you need it — you can be heard saying something similar to "Come on. That's it." Do you recall that?

CARO Yes.

THOMPSON Do you know what you were referring to?

CARO That's it. He's trapped. He can't drive anywhere. He can't hurt anybody else. He's trapped right there.

THOMPSON And you mentioned earlier that you gave an order, something similar to "Stop."

CARO Yes.

THOMPSON Do you recall, with any specifics as to — I know you mentioned that Ofc. Stevens gave orders and Ofc. Toomey gave orders. Do you recall if any specific — what those specific orders were given that they gave?

CARO I heard Toomey say, "Hands up." I heard Ofc. Stevens go…

THOMPSON Do you recall Ofc. Stevens saying, "If you fucking move, you're going to get shot?"

CARO Yes, I did hear that. And then I heard Toomey again say, "Hands up."

THOMPSON At the moment Ofc. Stevens made that statement of "If you fucking move, you're going to get shot," is lethal force justified if the suspect simply moves the vehicle, as described by Ofc. Stevens's statement?

HOFFMAN Can you say that question one more time?

THOMPSON Ofc. Stevens makes the statement, "If you fucking move, you're going to get shot." In the moment that Ofc. Stevens made that statement, do you think that deadly force would have been authorized at that point?

CARO It depends on what he would have done. I don't know what he — at that time, I don't know what he had in the car. Let's say he came out with a gun and started shooting at us. I don't know. So, I'm a little -

THOMPSON Does the simple act of moving justify the use of deadly force?

CARO Are you trying to say if he would have moved -

HOFFMAN Are you talking about in this situation, or in a separate situation?

THOMPSON Specifically in this situation, again, just in that — I don't want to say the exact moment, but pretty much the exact moment that Stevens makes the statement, "If you fucking move, you're going to get shot" -

HOFFMAN Could you play the video one more time -

THOMPSON Yeah.

HOFFMAN - so I understand the question a little better?

THOMPSON I think you can hear it best on this.

HOFFMAN Okay.

CARO Yeah.

THOMPSON So, it's — for reference, we've backed up Ofc. Caro's body-worn camera. Is that large enough for you to view it?

CARO That's perfect.

THOMPSON And we'll be beginning it, again, at the same time marker of 22:24:37.

[*BODY CAMERA VIDEO PLAYING*]

HOFFMAN Okay. Let's stop it. So, your question is, at that time, is moving his car -

THOMPSON Ofc. Stevens made the statement, "If you fucking move, you're going to get shot."

HOFFMAN Right.

THOMPSON At that moment he makes the statement — let me start with this: When Ofc. Stevens makes the statement "…you're going to get shot," is it safe to assume he means that we're going to discharge firearms at him? Is there any other way to interpret that?

CARO To be honest, I don't understand the question because I know that we have general orders to follow. Just the simple act of him moving around — or let's say he's opening his door and closing his door. That's not enough to get shot. I know what Ofc. Stevens said sounds like if he moves at all, if he moves a finger, we're going to shoot him, but that's not — I don't believe that was his intention. I don't know what his intent was, but I know from our general orders that we have to follow for discharging our firearms, no, the simple movement of him doing a simple movement is not enough to shoot. I'm sure Ofc. Stevens knew that too.

THOMPSON In regards to the orders that either you, Ofc. Toomey, or Ofc. Stevens made initially, did the driver appear to comply with any of those orders?

CARO I could not see what the driver was doing inside the vehicle, but when he started to back up, or when he pulled forward and then backed up again, then, no, he ignored our commands.

THOMPSON Did Ofc. Stevens's order of "If you fucking move, you're going to get shot," did that play into your own mindset at all as to what was taking place?

CARO I was already heightened. I was already aware of my surroundings, and I was already scared with what he could possibly do. I knew he was dangerous. I knew he had just — again, we had just gone on a pursuit, 80 miles an hour on La Riviera. It's dangerous. He had tried to hit officers on Fruitridge. So, yes, I was already suspicious of him. I was scared for my life, my fellow officer's life. So, when Ofc. Stevens said that, I understand the verbiage, but I knew in my mind I'm scared of what this guy was doing. But I don't understand exactly if you're asking me if I thought "Oh, if he moves at all, I'm going to shoot." I don't understand the question fully, actually.

THOMPSON I guess my question is a statement like that — again, you didn't make the statement, but a statement like that — suggesting that if he simply moves, he's

going to get shot — did that elevate you in some way? Does that play into your officer safety concerns that another officer is perceiving that?

CARO I still don't understand the question.

HOFFMAN Can I ask one clarifying question?

THOMPSON Sure.

HOFFMAN When he said, "If you move, you're going to get fucking shot," did you take the word "move" to mean if the suspect lifts his hands? Or when he says "move," are you thinking the word "move" is referencing move his vehicle?

CARO I was referencing he -

HOFFMAN What do you think — no. How did you interpret Stevens's statement of the word "move"? Was it in reference to the suspect moving around in the vehicle, or moving the vehicle?

CARO It was to reference if the suspect was moving to get a gun or if he was going to move his vehicle to strike one of us, not just moving his arms around.

TRUJILLO We'll come back if we need to.

THOMPSON Is de-escalation part of your training as a police officer?

CARO Yes.

THOMPSON In what ways have you been trained in de-escalation?

CARO We've been trained on different types of de-escalation — from verbal, to command presence, to building rapport just to work a suspect or anybody down — and that time and distance are our biggest strengths when it comes to de-escalation.

THOMPSON And some of those things you just mentioned, can you expand on, essentially, describing what de-escalation is?

CARO What, the specific types of de-escalation?

THOMPSON What is de-escalation? You started to kind of go down that path, but what is de-escalation?

CARO It's trying to slow down a situation or make it so we can end things on a peaceful term. So, that's like building rapport and talking to someone and trying to work with them, to let them pretty much voluntarily give up and come into police custody if need be, or whatever the situation may be.

THOMPSON In this instance, did you attempt to de-escalate or use any of those tactics and techniques you were talking about with this suspect?

CARO So, it's a very quick situation. I had no time to build rapport. I had no time to try and gather resources, call people, see who he was. I gave out my verbal commands, which was a type of de-escalation. It's verbal. It's basically giving him an order, saying "Stop. Stop right there," which he ignored. We also gave out other orders, saying "Hands up" and what Ofc. Stevens said. We tried verbal, but we didn't have time to do other de-escalation.

THOMPSON When the suspect first put the car in drive and began pulling forward, away from Ofc. Toomey, was the suspect and his vehicle an imminent threat of serious bodily injury or death to yourself or the other officers on scene?

CARO Specifically when he pulled forward initially, correct?

THOMPSON Yes, sir.

CARO When he pulled forward in that motion, no, he was not an imminent threat.

THOMPSON And why is that?

CARO Because he's going away from us.

THOMPSON At that point, what did you think the suspect was doing by pulling forward?

CARO I honestly thought he was going to drive through that fence and just keep going.

THOMPSON How would you describe this forward driving?

CARO It was very abrupt. It moved forward a little bit before he put the car in reverse. So, it wasn't a long moving forward. It wasn't like he was traveling a far distance. It was just quick.

THOMPSON And you mentioned you thought he was going to drive through the fence by that forward motion?

CARO Just the simple movement of driving forward, yes.

THOMPSON So, in just the moments of it driving forward, have you thought at all about the suspect coming to ram you or your partners yet?

CARO Because the car is in the forward drive position, I did not think he was going to come back and ram us because it's still going forward.

THOMPSON After pulling forward, the suspect put the vehicle in reverse and begins backing. When the vehicle starts backing, what did you think the suspect was doing?

CARO Honestly, the way it was backing originally, it looked like he was going to back right into me and try and ram my vehicle or go through the space between me and Toomey's car, but I was scared he was going to try and just ram his car right into me.

THOMPSON How would you describe that backwards driving that the suspect did?

CARO It was very abrupt. It was quick. It wasn't like when he went forward. It was coming back at me, and I was scared that I'm going to get hit by a car. And I had nowhere to run, nowhere to go. I could just sit in my car and just brace, but that's still not — I'm still in danger. I can't imagine what could have happened if he would have hit me.

THOMPSON So, you mentioned that you thought he might hit you and Ofc. Toomey. Was he backing in such a way that he could have hit Ofc. Stevens's car as well?

CARO No. From my perspective, it looked dead on to my car. It didn't look like it was going toward Ofc. Stevens's car.

THOMPSON And had the suspect vehicle continued backing in the direction he was backing, would he have struck your vehicle?

CARO Yes.

THOMPSON When you pulled your vehicle forward, you referenced that it was to trap him. Can you expand upon what you mean by "trap" and probably more along the lines of why you pulled your patrol vehicle forward?

CARO So, from where I initially stopped, there was a little bit of space between Toomey's car and my car that I could have — I got rid of it, pretty much, by pulling forward. I was showing him there's no space to go between me and Ofc. Toomey's vehicle, so either he's going to ram right into me or just stop. There's no way out. He is stuck where he is. And I was trying to get him to stop. I was trying to show him, "You are stuck. You need to stop."

THOMPSON So, when you use the word "trap," I tend to imply that means you can't go any direction. But with the way you're describing it to me, it more sounds like you want him to feel trapped in the sense that he couldn't continue backing the way he was.

CARO That's correct.

THOMPSON Okay. Was your intention to make him feel that he couldn't go any direction, or just that he could not go backwards any further?

CARO I was trying to make him feel he could not go backwards any further. All he could see is that corner. That's all the space he had is that corner spot right there, and he couldn't go anywhere else.

THOMPSON In this instance, could you have been able to reposition your vehicle to create an opening for the suspect to drive away, or was there a reason that that would have not been applicable?

CARO It would have not been applicable because I would have to back my car all the way. And that's very much bad officer safety because as I'm backing my car out, he could easily just be plowing into me still, and I leave my partners exposed because as my car is there, that's protection for them as well because my vehicle is also used to block the space between them. So, if I would have left, he could have easily hit one of the other officers to my sides. Yeah.

THOMPSON Can you describe for us what the — what's behind you at this point in the incident, when you guys have come to — is there anybody blocking you guys in?

CARO No, there's no one blocking us in.

THOMPSON So, specifically when the suspect began his backing movement towards your patrol vehicle, at that point was the suspect and his vehicle an imminent threat of serious bodily injury or death to yourself or the other officers on scene?

CARO When he initially put it in reverse, he didn't go that far in his backing maneuver. Okay? There was a point, if he was about to strike my vehicle, then, yes, I would have been in imminent danger, but he stopped. He immediately started his turn. Before that thought, "Oh, he's going to hit me," it left because he immediately went into the L shape.

THOMPSON So, is it safe to say that that moment, to where you would have had to use force when he was backing, was quickly approaching, but, ultimately, he came to a stop?

CARO That's right. It changed.

THOMPSON Did you — prior to you pulling the vehicle forward, did you think his intent was to attempt to ram your vehicle?

CARO So, like I said, when he threw it in reverse, my initial thought was "He is going to ram me." It was a quick maneuver, like I've said, but once he changed, then I realized, "Okay. He's not going to ram me." But in that moment, that split second he had it in reverse coming toward me, yes, I thought he was going to ram me because he's shown already he doesn't care about our lives or our safety. I've gone over and over about what happened with La Riviera and then on Fruitridge. He doesn't care. I could have easily just been in his way, and he would have just shoved me out of the way with disregard for my life.

THOMPSON When the suspect put the car in drive again and began moving forward, towards where it ultimately came to rest, was the suspect and his vehicle an imminent threat of serious bodily injury or death to yourself or the other officers on scene?

CARO When are you talking about when he's moving forward?

THOMPSON When he begins to move forward in the direction of Ofc. Toomey's vehicle and where it ultimately comes to rest.

CARO So, after he makes the L and he's going forward again? Correct?

THOMPSON Yes, sir.

CARO Okay. So, as he's pulling forward again, he's still far away. And his car, it's not in the position where it's going to hit our vehicles yet. As he's coming forward in front of my vehicle — mind you, this is quick. It's extremely quick. So, as I'm getting out and I yell my last command, that's when I realize that he is going for Toomey. It's not a simple fact of "Oh, he may miss us." No, he is going to hit Toomey. His car was positioned perfectly to hit Toomey because, by letting him go forward more, I realized the way he's pointed. The way the direction of his wheels is going, he is going to hit Toomey and strike him. Toomey was in imminent danger at that point.

TRUJILLO What led you to believe that he is going to hit Toomey? You said something about the way the car was positioning.

CARO That's correct.

TRUJILLO You mentioned that it was now forward.

CARO That's correct.

TRUJILLO It was in drive. At one moment, you had mentioned that you could see into the vehicle. Was this all playing a role, the moment where you said you can see the driver, I guess you'd say?

CARO So, like I said, I saw the driver. I saw the way his car was going. If his car was, let's say, banking a little bit, even slightly, he would have missed Toomey, but it wasn't. It was going in that direction. He was for sure going to hit Toomey, and it wasn't a slow meandering by. He hit the gas. He was going, accelerating toward Toomey to hit him.

THOMPSON If you could, refer to page 25 of your transcript. It's 139 in the report.

CARO Okay. Say it again. Sorry.

THOMPSON Page 25 of the transcript and 139 of the report.

CARO 25?

THOMPSON It's going to be lines 1096 to about 1101. 1096.

CARO Right here. Got it.

THOMPSON So, if you just want to, take a second to read that.

CARO Okay.

HOFFMAN I'm sorry. Read through from there -

THOMPSON Just, essentially, his response at that point.

HOFFMAN Okay.

THOMPSON Again, for the record, we're referring to lines 1096 through 1101 of Ofc. Caro's transcript with Det. Coughran. In that section, Ofc. Caro, you stated that he was homicidal. Can you define what you meant by the word "homicidal"?

CARO I was defining it as — I was not saying he was going to commit a homicide. I said he was acting homicidal. Okay? The way he was driving on La Riviera, disregard for human life, he didn't care about the public safety. He didn't care that there was officers following him or who was ever in the road. And then when he tried to assault us on Fruitridge, yes, he was not acting normal. He was acting homicidal.

THOMPSON Do you recall at what time in the chain of events from that evening that you kind of came to that conclusion that he was homicidal?

CARO When he tried to ram us on Fruitridge and everything has already been leading up to this, all of it together, all of the — every situation that was presented to us, that was all leading up to what I said in the report.

THOMPSON The statement also mentions that you were scared that he was going to try and kill you. I feel like you kind of touched on it in regards to the backing incident, but do you recall in the chain of events, same kind of question, where you felt that the suspect was going to try and kill you, specifically?

CARO When he threw his car in reverse and was starting to come back to me, in that instance I thought "He is going to try and kill me to get out."

HOFFMAN Can I ask one clarifying question of him? With regard to your assessment in somebody being homicidal, would it be more accurate that you believed his actions to be consistent with somebody who is homicidal, or that he was, in fact, absolutely homicidal?

CARO No. I was trying to explain that it was his actions. That's what I was explaining. With all of the events that led up to that point, his actions -

HOFFMAN Were consistent?

CARO Yes, were consistent with that. I think — I'm sorry if I did not explain that correctly, but it was all of his actions were consistent with being homicidal.

HOFFMAN Okay.

THOMPSON Do you recall how many rounds you ultimately fired at the suspect?

CARO At the time, I thought it was approximately four shots is what I said.

THOMPSON It appears there's a short gap between your first round fired and then the last three. Do you recall why that was?

CARO I was adjusting for the threat. It was moving. It was a moving target. Everything was just compounding, the totality of the circumstances. I wanted to see if my initial shot — if that was enough, but it wasn't. That's when he kept on moving, so I kept firing.

THOMPSON Do you recall what you were aiming at when you fired?

CARO I was aiming at the suspect because he was an imminent threat.

THOMPSON Just for clarification, at that point — because I know previously you couldn't see the suspect, necessarily, in the vehicle. When you do discharge, is he at an angle to where you can see him in the vehicle now?

CARO So, as he's passing me and I take my first shot, I can see him. I know where he is. He's in the driver's seat. And as he's passing, I get a better angle than when he first pulled in and his back is to me.

THOMPSON Would you say you were aiming at his general person? Were you aiming at his head? Do you recall, at all, where you were aiming?

CARO I cannot recall where I was aiming. I know I was aiming at the suspect.

THOMPSON And can you just clarify, again, what you attempted to yell or did yell at the suspect prior to the discharge of your firearm?

CARO I said, "Hey, stop right there." That's all I could muster out before he was moving — I'm sorry, while he was moving past my car. He never stopped. As I'm yelling my command, he never stopped his car. He's still moving his car. It's not like he heard me, stopped for a second, and then kept going. No, he's moving. I yell, "Hey, stop right there!" as he's still driving by me. I tried one last attempt at de-escalation to show him, "Hey, stop right there," but he continued to ignore it as he pulled past my car in the direction of where Ofc. Toomey was.

THOMPSON Do you recall anyone else giving a verbal warning just prior to this discharge of firearms?

CARO It was hard to hear. I don't know who it — I think it was Ofc. Stevens adjusting his vehicle, and his siren was on. And I heard the siren going off, but I only heard, obviously, my command.

TRUJILLO Would you believe — in your opinion, Ofc. Stevens's statement about "Don't move or we'll shoot," or "you'll get shot," or something along those lines, do you believe that that was a verbal command to the suspect?

CARO It was. He was telling him don't move. That was it.

THOMPSON In this kind of situation late at night, industrial park, the car is on — is the suspect's windows up?

CARO They are, but it was — in the industrial complex, we're not in Downtown Sacramento. It's dead quiet. You can hear the crickets chirping. It's dead quiet. I can hear all our voices. It's just quiet. You could hear it crystal clear.

THOMPSON So, in your experience, do you think that the suspect was able to hear your guys' commands?

CARO He could hear our commands.

THOMPSON What kind of things, in your training and experience, are you looking for to determine if a threat has been neutralized?

CARO If it still poses an imminent threat, if there's potential for great bodily injury or death, if that suspect has the apparent — I'm sorry — the intent or the opportunity, or he still is persisting on committing great bodily injury or death.

THOMPSON In this incident, did the volley from your firearm neutralize the threat?

CARO Yes. It did what it was supposed to do. My shooting at the suspect, it stopped him. It did exactly what I wanted it to do. I wanted to stop him from hurting Toomey or killing him. I did my job. I stopped him.

THOMPSON In your mind, did you consider that — did you ever think that the suspect vehicle may have just been trying to drive around you and Ofc. Toomey and not at you or to harm you or him?

CARO No, I did not, because, like I said, the way his vehicle was pointed, if he honestly wanted to just drive around in there or wherever, he could have, but there's no way between Ofc. Toomey, where he was, and the wall. There was no way that suspect was not going to hit Ofc. Toomey. Okay? If Ofc. Toomey or I did not fire, Ofc. Toomey could have been run over. He could have gotten his legs chopped off. He could have died. The suspect did not care. He was going to drive right through that point.

THOMPSON Do you have any other questions on that?

TRUJILLO I'm going to go back a little bit, a ways, if that's okay.

CARO Okay.

TRUJILLO We're going to go back to the part where the suspect initially puts the car in reverse and for that brief moment, as you explained, you were in fear that he may hit you or your vehicle. And I just wanted to make sure it's clear because I can't recall. I know it was a brief moment, -

CARO Right.

TRUJILLO - but was — did you consider using force in that moment before the situation changed?

CARO He was still very far away. It wasn't for my threshold that he was going to do it because I know we cannot use deadly force for threatened harm that it could cause. Because that's what it was, it was just threatened harm that he caused me. He would have to be literally about to hit me, and I realize, "Oh, he's going to do it."

TRUJILLO Okay.

CARO He has to be committed. He has to show me commitment that he wants to create great bodily injury to me.

TRUJILLO And based on your recollection at the time, approximately how far was he and his vehicle from — I should say, how far was the vehicle from you when you felt that threat from him?

CARO He was still pretty far way. It was just the action of him reversing. It wasn't that I was thinking, "Okay. He's in the green." No, it's the action of just starting to reverse toward me. I'm like, "Oh, shoot. He's going to ram his vehicle right into me," but then he just…

HOFFMAN Can I ask for clarification? Were you out of your vehicle or in your vehicle when he's reversing towards you?

CARO I was initially outside my vehicle, but when he was reversing toward me, I had jumped back in my vehicle. I didn't have time to put on my seatbelt or do anything. I was getting ready.

HOFFMAN So, you were inside?

CARO That's correct.

HOFFMAN Okay.

TRUJILLO Okay. So, you were inside your vehicle. Again, I know you said he was still quite a ways. Could you just give us your best estimate, from what you recall, what you mean by he was still quite a ways, what that distance approximately was? We can put it in terms of vehicle lengths if you feel that's easier for you.

CARO Okay, yeah. It looked approximately maybe three vehicle lengths away.

TRUJILLO Three vehicle lengths?

CARO Yes.

TRUJILLO Okay.

CARO Approximately.

TRUJILLO Okay. And you said you chose not to use force at that time because you felt it was more of a distance away. Did his change in his course of action, or his movements then, also contribute to that, in why you didn't use force?

CARO That's correct.

TRUJILLO Okay. I'll stop right there.

THOMPSON Can you walk us through what you did next, from the last discharge of your firearm up to where you and several officers clear the suspect vehicle?

CARO So, we cleared the suspect vehicle. Where's the suspect in that point exactly? Is he — because I wasn't part of the arrest team.

THOMPSON So, essentially, you guys kind of form a contact team at the back of the car at the conclusion of this video.

CARO Right.

THOMPSON And I can play it for reference if you don't recall. Just kind of what takes place after you guys form that initial contact team?

CARO Right. So, we go to the back of Toomey's vehicle, and we get to cover. We get our shield out. And then we see other officers are arriving, too, at that point as well, and we can hear him screaming from the inside, like "Ow! Ow!" I hear the suspect, but the problem was we couldn't see fully into that driver's side window because it was all spiderwebbed from our gunshots. So, we tell Ofc. Stevens's trainee, "Hey, go get the beanbag shotgun so we can break the window and look inside." So, he runs, gets the beanbag shotgun. We put one round into it, and it just made a bigger hole. It didn't shatter it like we would like. So, we were getting more resources to try a different attempt, but before we could, he opens the car door on his own, and then he steps out. It was a male Hispanic. It was the suspect, and he's holding onto his stomach. There's blood coming from it, and he's crying "Ow, ow. Help." So, we get an arrest team to go and contact him.

While that's going on, there's another team going to clear the vehicle. So, once we put him — take him into custody, then we begin assessing, "Okay, what needs to be done for medical purposes?" And they're like, "We need med kids." And I was like, "Oh. My car is right over there. Let me go get my med kit." So, I run back to my car, get my med kit. By the time I get back, because other officers were arriving on scene and they knew that shots had been fired, they had their med kits out and they were already working on the suspect. So, I run up, and everybody's working on him. And I'm not just going to jump in and start messing them all up because that's not helping anyone. So, I'm waiting to see, "Okay, what do we still need to do?" And someone says, "Hey, we need a chest seal." So, I get out my chest seal and I'm starting to open it, and then another officer takes over for me.

THOMPSON So, you mentioned that the driver's side window was heavily — I think you said spiderwebbed.

CARO Yeah.

THOMPSON So, could you guys see the suspect inside the vehicle at that point?

CARO No, we could not.

THOMPSON And you guys, in relation to that suspect vehicle, you were at the back of Ofc. Toomey's car?

CARO That's correct.

THOMPSON Can you estimate how far away that is from the suspect vehicle?

CARO About a car's length, a little over a car's length, actually.

THOMPSON What cover and concealment are you using at this point?

CARO The back of Toomey's car is my cover. Obviously, the suspect knows — well, he might know where we are, but I'm using the back of the car as cover.

THOMPSON When you guys are forming up at the back of Ofc. Toomey's car, prior to the suspect coming out of the car, did you believe that the suspect was injured during that time?

CARO I could hear him, so I knew he was injured. I could hear him screaming, "Ow! Ow!" so I knew he was injured.

THOMPSON Why did you not immediately approach the suspect vehicle to render medical aid?

CARO It was still unsafe. I don't know what he has in there. He could have easily just ambushed us, just waiting for us to get close. It was still unsafe to approach him. It was not feasible.

THOMPSON If you could refer to the front of the binder there, I think it's — I'm sorry, the first page of the binder. For the record, this is a UAS aerial photo of the scene that evening.

CARO Mm-hmm, yes.

THOMPSON Can you please point out and read the number on your patrol vehicle?

CARO 13414.

THOMPSON And can you please point out and read the vehicle numbers for Ofc. Toomey and Ofc. Stevens and King's vehicle?

CARO Ofc. Toomey is 12404. Ofc. Stevens and his trainee was 13415.

THOMPSON To your knowledge, after this incident occurred, did anyone move your — did anyone move any of those vehicles, to your knowledge?

CARO Just Ofc. Stevens's vehicle moved, but I believe he told his trainee to move it because he was back here with us, forming up.

THOMPSON And was that after the discharge of firearms?

CARO That's correct.

HOFFMAN I'm sorry. I've got to take another bathroom break if I can do that real quick.

TRUJILLO Do we want to take the lunch break now, since it's 11:24 a.m.?

THOMPSON We have a ways to go.

TRUJILLO Or do we want to -

HOFFMAN Yeah, that would be fine by me.

TRUJILLO Okay.

THOMPSON 12:30 p.m. or 1 o'clock? It's 11:30 a.m. now.

HOFFMAN How about 12:30 p.m.?

THOMPSON 12:30 p.m.?

HOFFMAN If that works for you. Otherwise, 1 p.m. is fine.

TRUJILLO Okay. We're going to pause the interview at 1124 hours.

Okay. We're resuming the interview of Ofc. Caro at 1237 hours.

THOMPSON Ofc. Caro, at the time that the vehicle began moving towards Ofc. Toomey and you decided to use force, were there any factors — was the use of force because the suspect was trying to escape in any way?

CARO Could you repeat the question, please? Explain it in a different way.

THOMPSON So, when we were talking earlier, you said that you felt like Ofc. Toomey was in imminent danger, and so you used force.

CARO That's right.

THOMPSON Did you use force — I recognize that's why you used force. Another avenue to look at is did you use it because it was a suspect or a felon trying to escape the situation?

CARO No, I did not use force because the suspect was trying to flee. I was using force to protect Toomey, who was in imminent danger from the suspect.

THOMPSON Okay. So, the simple act — would we agree that the subject is a fleeing felon at this point because of the felonies that he had committed?

CARO That's correct.

THOMPSON But that fact alone was not part of your decision-making when it came to using force at that time?

CARO No, because if he would have gone in any other direction, if he would have gone straight or a different route, I would not have used deadly force. But because he was going this direction, which put my partner in line to receive great bodily injury or death, that is why I used deadly force, to protect my partner and save his life.

THOMPSON From the moment of the initial vehicle collision, between Ofc. Toomey and the suspect's vehicle, to the first discharge of firearms is about 25 seconds. Do you recall, during that 25 seconds, when you determined that the suspect vehicle would not be able to drive past Ofc. Toomey?

CARO I determined that because of our positioning. I knew that for the suspect vehicle to drive through that tiny space, he'd have to thread the needle. Okay? He was already driving erratically when he was reversing. He was peeling out. He was not going to be able to make that turn. He was going to hit Toomey and kill him or give great bodily injury to Toomey.

THOMPSON So, I understand that's the "because." My question is the "when." When in that timeframe do you think you were able to make that, if you recall?

CARO When he was just about to pass the front of my vehicle and I knew the direction he was going.

THOMPSON Okay. So, would that be the same time that you actually observed this distance, or were you able to observe this distance between Ofc. Toomey's car and the wall?

CARO So, before the suspect even made his initial reverse and movements, I already knew of the distance between right here. I wasn't, in that moment when I took my first shot, thinking "Oh, I just see the distance right now." No, I knew ahead of time that there's not a lot of room right there. He's not going to fit. He's going to hit Toomey and kill him, potentially.

THOMPSON Okay. In your mind at that time, did you have a hard number as to what this distance was, or was this a visual approximation you were making?

CARO It was a visual approximation.

THOMPSON And in that visual approximation, you felt that the vehicle would not be able to fit through here?

CARO The way he was driving, sporadically and just with the burnout, he was not going to be able to go through there. He wasn't taking it slow, just putting around, like "Oh, I'm going to give myself extra room." He would have just drove right through, taking whatever with him. He did not care.

THOMPSON And when you say "burnout," are you referring to when he began moving forward again towards Ofc. Toomey?

CARO When he initially reversed back to me, he did a little burnout. And then when he moved forward again, he did it again. So, he was not consistent with speeds. Going a consistent speed, I should say.

THOMPSON Do you think you saw this estimation of distance, or this visual approximation, as you were pulling into the industrial complex, or do you think you did it while you were standing in the V pillar of your doorway?

CARO So, I did it with both. As I'm pulling in, I have a situational awareness. I have my peripheral vision. I had my peripheral vision where Toomey is and this right here, which made me know he's trapped, because I knew there was not a big gap for him to go through, that he just swung us around completely. I knew that there was no space for him to drive through right here, and it's not because I turned my head and looked. I had it in my peripheral vision.

THOMPSON And, earlier, you had mentioned you knew Toomey to be standing in the V pillar. Was that because you could hear him? And what else would that be because of?

CARO It was multiple things. So, it was I could hear his voice, which was audible enough that I knew he was outside of his car. I had him in my peripheral vision. I can see his movements. I'm not looking to stare at Toomey. I'm looking at the threat. And then, finally, as the car is going forward, as I'm tracking the suspect, I can see Toomey's gun going off as I'm firing. So, I knew Toomey was in the V of the door.

TRUJILLO Can we refer to his OIS statement? I just need a little clarification.

THOMPSON Go ahead.

TRUJILLO So, let's look at your OIS statement, lines 888 to 889. I'm not sure what page.

THOMPSON It should be around page 20 of the transcription and 134 of the report.

CARO What were the numbers again?

TRUJILLO 888, starting at 888.

CARO Okay.

TRUJILLO Let's see. Okay. Yeah, okay. I just want to make sure I get some clarification.

HOFFMAN I'm sorry. What page of the report?

THOMPSON 134 of the report.

TRUJILLO Yeah.

THOMPSON It should be here.

HOFFMAN Thank you.

THOMPSON 888.

HOFFMAN Got it.

THOMPSON I think she's going to refer to starting with the word "and" there in the middle of the sentence.

CARO Okay.

TRUJILLO You guys see it?

CARO Mm-hmm, yes.

TRUJILLO Okay. So, I'm just going to read it, just so we're clear on the record. It says, "And then he — I see the vehicle begin to lurch forward toward Ofc. Toomey, and I realize that there's only a small space separating the wall and Ofc. Toomey." I just want to get some clarification on what you're referring to right here at this moment when you say "and I realize." Is there a reason you say "and I realize"? You mean at that time you realized in that statement?

CARO I knew — I always knew there was a small space, and I'm beginning to realize there's only a small space. That's the reason I have to save him, because he's going to get crushed. It's not that I just realized, "Oh, shoot, Toomey's over there and it's a small space." No, I realize that's a small space and he's going to get crushed. He's in danger now.

TRUJILLO Okay. So, just to be clear, when you said it in your OIS statement "and I realize," it didn't mean that you suddenly realized at that moment in time, but you had realized at some point prior and during the incident that there was a small space. Is that fair to say?

CARO That's correct, yes. Like I said, it's not that right then and there I was able to look over and go "Oh, there's a small space." He's in a small space. I realize he's in a small space between him and the wall.

TRUJILLO Okay. I just wanted to make sure that that was clear as far as that statement.

CARO Right.

THOMPSON If you could, refer back to that first picture. When you're looking at this visual approximation of whether or not — of how much space is here, does the angle of the suspect vehicle, as it relates to this opening, affect whether or not you think it can fit through that space without hurting Ofc. Toomey?

CARO No, it doesn't affect that. I still believe — yes, for argument's sake, I believe he would have hurt Ofc. Toomey because the way this car rested, that's after we shot our firearms to protect Toomey. So, that is because of us. If we did not shoot our firearms, he would easily have tried to thread the needle, and he couldn't. He wouldn't be able to make it. He wasn't driving slow or caring about our lives or anyone else. He would have gone right through, crushed Toomey, killed him, potentially. He didn't care about trying to slowly go through this. He just wanted to go. He didn't care who was in his way.

THOMPSON Did you, at some point, get to spend time observing what this actual distance was between the two?

CARO As in during the incident? Could you reiterate?

THOMPSON I guess my question is at some point you were part of a contact team here at the rear of the vehicle. Right?

CARO Yes.

THOMPSON And you would have been looking towards the suspect vehicle and, essentially, this space that we're kind of talking about between Ofc. Toomey's car door and the concrete fence.

CARO Right.

THOMPSON Do you recall looking back at that — and I can pull up the video if you'd like — whether or not this vehicle, if it just had a straight line to go through this space, if it would have been wide enough for it to fit?

CARO That's threading the needle for him. He was not driving to that precision. He would have still hit Toomey because that's a — even though you guys are saying right now that that's a big enough space, there's no way he could have made that maneuver. He was driving too erratic.

THOMPSON So, in regards to he couldn't make that maneuver, is that because of the angle in which he was coming towards Ofc. Toomey?

HOFFMAN For the record, I'd like to say that I think that question has been asked and answered. He said that it had to do with the erratic driving, the speeds, breaking traction. You, obviously, can ask the question again. You have to answer it.

CARO It's like I said before. Okay? His driving was erratic. All right? He had to drive around this. There was no way he was going to. The way he was, there was no way he was going to be able to drive through this without hitting Toomey. Okay?

TRUJILLO So, let me stop you there real quick because you're saying "the way he was." That's your terminology. So, define what you're saying by "the way he was." Is it his vehicle positioning? I mean, what specifically is "the way he was"?

CARO It's the suspect. It's not about the vehicle. It's the suspect and the way he was acting.

TRUJILLO Okay.

CARO He was acting erratic. His maneuvers were — there was no precision to it. He was peeling out when he was reversing, peeling out when he was going forward. He didn't — he was not able to make this turn because of his driving, the suspect's driving, not the van being able to maneuver, but the suspect driving.

THOMPSON So, if we removed the suspect from the van and put you, yourself, in that vehicle, would you have been able to drive through that space, if you recall?

CARO Is this a hypothetical question asking if I can do this?

THOMPSON Yes, a hypothetical.

CARO Well -

THOMPSON Well, I mean it more from do you remember if a car without that suspect — because I understand you're saying that the suspect was in a state to where he wouldn't have been able to drive through there because of, kind of, him being the suspect. We're trying to make it a simple question in the sense that could a car fit through that space.

CARO So, you're forgetting one thing, though. This isn't — where the car ended up is after we shot. Initially, when the car is going forward, no, he would have not been able to make it because he would have definitely clipped or hit Toomey's car in the initial progression. If we would have never shot, he would have simply clipped right here and just taken out Toomey and killed him, potentially. That's from our shooting. That's what we were able to do to block him from doing that.

THOMPSON So, would you agree that it has to do with the angle in which he was trying to move through that space?

CARO When he first — when he initially was pulling forward from there, yes, it has to do with the angle.

THOMPSON After observing that the suspect vehicle would not be able to drive past Ofc. Toomey, did you consider telling Ofc. Toomey to reposition so that the suspect would not be unintentionally barricaded, or blocked, or unable to go past him?

CARO There was no time for that. By the time I even said my last command, if I were to shout, "Toomey, run!" or "Move!" he would have been crushed. It was too late. It's not that the suspect was stopped in front of me or going slow. He was accelerating toward Toomey. Toomey would have had to have just a lot — I don't even know what — to get out of the way without getting — unscathed. There was no way he would have moved or repositioned without getting hurt or killed.

TRUJILLO So, you had previously stated that at some point you were able to see the driver as he was heading towards Ofc. Toomey. Correct? You could see his actions?

CARO That's right.

TRUJILLO And he was turning the wheel -

CARO That's right.

TRUJILLO - in the direction of Ofc. Toomey, so I would assume to his left. Is that correct?

CARO Yes.

TRUJILLO Okay. When you used force against the suspect, did you — was the suspect still in the process of making that turning movement? Do you recall if he was still turning the wheel to make that movement? Or what was he doing at that moment that you chose to shoot?

CARO He was committed to turning to the left. I cannot recall if I saw him still actively turning the wheel. I know, from my perspective, I saw he was committed to turning to the left.

TRUJILLO You saw that he was committed to turning to the left? I'm sorry. Help me understand that a little bit.

CARO So, the way the car was already going and the way the wheels were, like I said, when he drove by, it was quick. I wasn't looking at his hands. I just could tell by the wheels, the way they were aligned, how he was moving forward, what was going to happen if we did not use deadly force on him.

TRUJILLO Okay. At the time that you chose to shoot at the suspect, do you remember if you could see what his actions — did they stop the wheel or what? Could you — do you recall?

CARO My view was blocked because, as he's going forward, that's Toomey's car right there. I could not see which direction, if he had corrected himself or if he had let go of the steering wheel, because as the car was going by, my picture was coming more to the rear, but I was able to still see the back of the driver's side, or the front driver's side.

TRUJILLO Okay. So, at the time that you shot, you could not see if he was still continuing to turn his wheel to the left? Is that accurate?

CARO No. What I'm saying is that I could not see if he decided to correct himself or if he had let go of turning this direction. He was still going this direction, but when I took my final shot, that's when he was starting to correct toward this way. So, it wasn't that I couldn't see, "Oh, he's still going," it was the movement. It was his movement altogether.

TRUJILLO So, the movement of the car at that point because you had lost sight of him?

CARO That's right.

TRUJILLO Okay.

THOMPSON You mentioned earlier that — and we had asked you about repositioning your vehicle and that the reason that you could not reposition your vehicle was because you would have essentially opened up the other officers. Did you ever consider repositioning just yourself, your person?

CARO In what instance would I -

HOFFMAN You mean at what point?

CARO At what point? Sorry. At what point, exactly?

THOMPSON I guess I would start with just during this felony stop.

CARO So, when I first initially go into the felony stop?

THOMPSON Yeah, up until the discharge of firearms. Did you ever consider repositioning yourself to take a different position of cover?

CARO So, I did reposition myself when he backed up and did his L turn. I repositioned myself then. So, I'm still a little confused by your question.

THOMPSON Reposition yourself separate from the vehicle, leave your vehicle where it's at and move to a different position of cover.

CARO Just leave my vehicle and run away to someplace else? Is that what you're saying?

TRUJILLO Specifically, he's not talking about moving your vehicle. He's talking about moving your body, your person alone. Did you consider moving yourself alone?

CARO I still don't understand the question because you're asking if I ever thought to just run away.

THOMPSON So, at the conclusion of this incident, would you agree that you reposition with Ofc. Toomey back here to the rear of the vehicle?

CARO That's correct.

THOMPSON Prior to the discharge of firearms, did you, if you recall, ever consider repositioning, the same kind of movement, moving your own body to a different position within the felony stop?

CARO No, because the threat is in front of me and the threat's moving toward me. If I thought — it would not have been good officer safety if I would have repositioned. That was the ideal spot to be in is where I was.

TRUJILLO Okay. So, you're saying that the threat was moving towards you. At any point in that moment, when the threat was moving towards you, did you consider getting out of the way of the threat or moving your body anywhere else?

CARO The only thing I did was when the threat was — when I initially thought the threat was coming toward me, that's when I jumped in my car. So, I moved my body back inside my car and I closed my door. But then, once I saw the threat is changing, that was how I was able to adjust my vehicle. So, that's how I moved. I did not think, "I've got to run. I've got to get out of here." I initially thought I can adjust my vehicle, so that's what I did.

THOMPSON Did you see Ofc. Toomey reposition in any way?

CARO Like I said before, Ofc. Toomey is in my peripheral. I have a car that's coming toward me. So, no, I was not able to look over and see where Ofc. Toomey was when I have a threat coming right at me.

THOMPSON Was Ofc. Toomey in a position to where he could have repositioned himself or his vehicle?

CARO There was no time for that. No. We did not know what that driver was going to do. We don't know what his mindset was. I don't know if Ofc. Toomey knew that as well. There was no time for anybody to reposition their vehicle or move.

THOMPSON How wide would you estimate a patrol UV is?

CARO How wide?

THOMPSON Yes, sir.

CARO I'm not sure, actually. I really don't know how to answer that. I don't.

THOMPSON Have you — refresh my memory. How long have you been a police officer?

CARO So, I was sworn in June of 2019, so it would be just around three years now.

THOMPSON And have you undergone EVOC courses?

CARO Yes.

THOMPSON Do those EVOC courses include familiarization with the vehicle?

CARO Yes.

THOMPSON So, I understand you can't give me a hard number on how wide a vehicle is, but do you feel like you have a basic understanding of how wide a patrol vehicle is as it relates to driving and maneuvering it?

CARO Yes.

THOMPSON Okay.

TRUJILLO Do you — [*cough*] excuse me. Have you had collision training?

CARO Yes.

TRUJILLO Have they ever taught you, in your training, about the length — or the width, I should say — of a regular traffic lane?

CARO They've mentioned it, yes.

TRUJILLO Do you know what that is, what they taught you?

CARO I can't remember that off the top of my head, no.

TRUJILLO Okay.

THOMPSON Ofc. Caro, I'm going to show you seven different images, and they're numbered numbers 4, 5, 6, 7, 8, 9, 10. And I'll kind of walk through it, and I'll give you a second to look at them. So, I'll kind of describe each one as we talk about it.

CARO Okay.

THOMPSON So, again, this is using that same JetStream Viewer that CSI has to recreate scenes. The first image I'm showing you is a top-down aerial image of the scene. The van is stopped against the concrete wall. In this image, we are just taking a basic measurement of the width of the minivan, which was marked here and here, essentially on the front tires of the minivan. The system estimated that distance at approximately 6.3 feet. Image number 5, again, is an aerial image looking down at Ofc. Toomey's car with Ofc. Caro's car right next to it. In this image, we marked, essentially in the same area of the front tires, the distance of Ofc. Toomey's vehicle, essentially its width, and that is listed at 6.1 feet. Image number 6 is Ofc. Toomey's door open from an aerial perspective. In this, we have marked a distance between Ofc. Toomey's door being open and the corner of the concrete wall. In this, it measures the distance at 10.5 feet.

HOFFMAN Thank you.

THOMPSON Mm-hmm. In image number 7, it is also an aerial image looking down at Ofc. Toomey and Ofc. Caro's vehicle. For this measurement, we took the front driver's side bumper, near the tire, to the concrete wall corner, and that was measured at 12.2 feet. In image number 8, this is a perspective looking back at Ofc. Toomey's vehicle. It also shows the driver's side of the suspect vehicle. In this, we made a marking from the front bumper of Ofc. Toomey's vehicle back to the concrete pillar, and that's listed at 15.0 feet. Image number 9 is a much closer image, which essentially puts us in a perspective between Ofc. Toomey's vehicle and the suspect vehicle, looking towards the rear end of Ofc. Toomey's vehicle. For this measurement, there is a marker from the open door of Ofc. Toomey's vehicle to the concrete edge, and that is listed at 10.4 feet. And then, finally, image number 10 is a perspective from the rear end of Ofc. Toomey's vehicle, set back a little

ways, looking back at the suspect vehicle. In this instance, again, the markers are from Ofc. Toomey's open door to the concrete pillar, and that lists it as a distance of 10.5 feet. So, I'll give you a second to look at that. Hypothetically — again, hypothetically — would you agree that a 6-foot-wide vehicle could fit through a 10-foot-wide opening?

CARO Is the suspect still the driver?

THOMPSON Let's remove the suspect from being the driver at this point.

CARO Okay.

THOMPSON Could the 6-foot-wide vehicle drive through a 10-foot opening?

CARO A normal person, not what our suspect was, they probably could do it.

THOMPSON You mentioned is the suspect driving. Can you talk for us, again, as to why the suspect being in the driver's seat, having to maneuver through a 10-foot opening with a 6-foot car, is important in this situation?

CARO Because the suspect is driving erratically. I've explained it again. So, he's been driving erratically. He peeled out reversing. He peeled out going forward. He's not taking this as a slow, "Okay, I've got enough space," cautions turn. He is just going. He doesn't care about what's around him. He's just trying — he would push his way through if he didn't make the turn.

TRUJILLO Just to kind of make sure I'm understanding you correctly, I know you're saying he's driving erratically. So, are you saying, based on just his sudden movements and the speed, it was just too close of a call? Or just he wasn't able to, period, because of all -

CARO Well, it also has to do with another thing. When I drive my car, I am cautious because I don't want to hit it. What we've seen with the suspect going 80 miles an hour on La Riviera, putting people in danger, running toward officers on the side of the road, and now he's going to try and attempt to do this, he doesn't care what's in his way. He'll push his way through and hit whoever. He doesn't care. So, no, he would not make it.

THOMPSON Knowing that this was a 10-foot opening, does that change your perception, in any way, of the circumstances of this incident?

CARO No.

THOMPSON And why is that?

CARO Because it's still him driving. It's still the suspect driving. It's not a normal person trying to just squeeze through a tight space. It's his driving. I don't know what he was capable of with his driving. What if he decided, "Hey, you know what? I see an officer. I want to take him with me"? I don't know what his intentions was. He could have easily done that. He could have decided, "I don't want to go through this spot to get away. I want to take this officer with me." And that's the danger that Toomey was in. He was in danger of getting — not because of him trying to escape, but that he could get great bodily injury or death from the suspect just doing this maneuver.

THOMPSON You mentioned earlier that at some point you saw the suspect exit the vehicle, and he was bleeding around his stomach area. Does that sound correct?

CARO That's correct.

THOMPSON Did someone request Fire to stage during this incident?

CARO Someone did request Fire to stage. I don't recall who specifically requested it.

THOMPSON And what does Fire staging mean, for the record?

CARO It just means that they are ready. When we can make the scene safe, they can come in and perform their medical duty, so just telling them to get ready.

THOMPSON And you mentioned earlier that you had gone and got your med kit for this.

CARO That's correct.

THOMPSON And you had started assisting with a chest seal, but you were tapped out by another officer?

CARO That's correct.

THOMPSON Do you recall why you were tapped out?

CARO I believe they — honestly, I don't know why they tapped me out particularly. It wasn't that I didn't want to help. I was ready to help, but they just did it anyways. I thought they knew that I was in the shooting. I was ready to do my job, but there was already four or five officers working on him. So, I knew if I just went "Hey, guys, get out of the way. My turn," that wouldn't have done no good for him. He was already being worked on. Me running up and just pushing them out of the way would not have saved him.

THOMPSON So, there was enough officers rendering medical aid that you felt safe to step back?

CARO Exactly.

THOMPSON In your opinion, the medical aid that was provided to the suspect on scene, was it consistent with the training that officers have received?

CARO Yes.

THOMPSON Sometime after the suspect was taken into custody, did you deactivate your body-worn camera?

CARO I did. I forgot exactly when exactly I deactivated my body-worn camera, but I stepped away from the scene. I cannot recall if the Fire Department was there or not at that time. I believe they had just arrived and taken him away.

THOMPSON If you want, I can play this portion of your body cam. If you don't recall, that's fine.

CARO I don't recall, so it's fine.

THOMPSON Okay. Would you like me to play some of that portion of video?

CARO Unless there's a bigger point to it, I mean, it doesn't really matter, to be honest.

HOFFMAN Would it refresh your memory to see the video?

CARO Yes. Yeah, it would refresh my memory.

THOMPSON All right. For the record, we are looking at Ofc. Caro's body-worn camera. It will begin at a time marker of 08:23 on the video bar. This is right at — or at the end of the discharge of firearms.

[*BODY CAMERA VIDEO PLAYING*]

The questions are just going to be about your deactivation. Do you want me to speed forward?

CARO You can just speed forward through this, yeah.

THOMPSON Are you okay with that?

HOFFMAN Yeah.

THOMPSON So, we're going to move forward in video. If I start it here, you'll have about a 2-minute reference to kind of figure out what's going on before you deactivate.

CARO Okay.

THOMPSON So, for the record, we're starting the video bar at 17:00. It appears, looking at this video, that you are set back from the scene a little bit, standing next to a patrol car door.

[*BODY CAMERA VIDEO PLAYING*]

The video stopped at the end of the time bar at 19:08 hours. At the time you deactivated your body-worn camera, what was the purpose for the deactivation?

CARO So, I've obviously never been in an OIS before, so my nerves were just shaken up. I knew I needed to step away, but I didn't know if I needed to be pulled to a different car. I didn't know the process. So, I found Ofc. Toomey, and I was just "Hey, what are we supposed to be doing right now?" And he said, "First, you're done investigating. You've done your job." So, I turned off my body-worn camera because then I had to make — where my family knew that I was okay.

THOMPSON And can you just describe, for the record, kind of where you're standing in relationship to, I guess, the scene itself, where the shooting took place?

CARO Far away from it. I'm pretty far back. I think — I'm not near the active scene with the suspect. I stepped away. I'm in an area where there's a lot of officers just mingling around trying to get more resources, just trying to get tools they need.

THOMPSON Would you say you're part of the inner perimeter, or kind of on the edge of the inner perimeter, or outside of the perimeter?

CARO I was on the edge of the perimeter.

THOMPSON After deactivating your body-worn camera, you mentioned that you called family.

CARO Yes.

THOMPSON Did you do anything else while you were waiting on scene?

CARO I was separated, and I just sat and waited for the process to begin. I met with Sgt. Schwartz, I believe, and it began for my OIS.

THOMPSON And Sgt. Schwartz, did he obtain a public safety statement from you?

CARO Yes.

THOMPSON Do you recall discussing the shooting with anyone after you deactivated your body-worn camera?

CARO Just to my lawyer.

THOMPSON So, you did not discuss any of what happened on scene with any officers?

CARO No.

THOMPSON Did you speak with Ofc. Toomey regarding calling family members?

CARO He advised me that, "Your family is going to be worried. You're not going to come — you're going to be staying out late tonight. Call them and let them know that you're okay," because he said it's better I let them know before the media lets them know.

THOMPSON Do you want to ask a question?

TRUJILLO Yeah, before we get to that. Okay. I think we're done with the body-worn camera stuff. Right?

THOMPSON Yep.

TRUJILLO Okay. I want to go back to get some clarifying questions. At the time of the felony stop, could you tell me approximately how many movements the suspect made with the vehicle? I know he was going forward, in reverse. About how many different movements did he make?

CARO Approximately four movements with the car.

TRUJILLO Okay. And during any of those movements, did he hit anything? Did he hit any of the patrol cars? Did he hit any objects, like a fence or a building, or any officers? Did he hit anything during those approximately four movements?

CARO The last movement he made, he would. He was going to hit someone, but we stopped him. But the previous three movements, no, he did not hit anybody.

TRUJILLO Okay. And so, I know you had stated earlier that you knew that he wasn't able to do it, meaning he wasn't able to drive between Ofc. Toomey and the concrete wall. I guess my question is if he was able to make these other movements abrupt

— because at one point you said he was also spinning his wheels in reverse. Correct?

CARO Yes.

TRUJILLO And he managed to reverse and not hit your patrol vehicle. Correct?

CARO Correct. He stopped before he hit my patrol vehicle.

TRUJILLO Okay. If he was able to do that movement, I guess, and the other movements without hitting anything, what led you to believe, then, his approximately fourth movement, that he would not have been able to do it without hitting Ofc. Toomey? What changed?

CARO So, during those movements — because I know we talked about when he initially backed up. I was in fear for my life. I don't know what his mindset was. Okay? I knew what I had seen leading up to that, like I said, with the pursuit going 80 miles on La Riviera, then the Fruitridge incident. When he backed up his vehicle, I thought he was going to hit me. For whatever reason, he decided not to hit me. That's on him. I don't know why he decided not to hit me. He easily could have. And then, finally, when he decided to go forward again, he said, "I'm going to hit — I am okay with driving right through Ofc. Toomey and potentially killing him or giving great bodily injury." I don't know why he didn't want to hit me. It's his mindset. That's the driver. It's not that it was anything to do with skill. That was his mindset.

TRUJILLO Okay. I'm sorry. So, you said that he was going to move — that's just your interpretation of his actions?

CARO Exactly. Because he easily could have said, "I'm fine with hitting everybody." I don't know what he was thinking. I know he wasn't acting like a normal driver, like "Okay. Let me just back up and make sure everything's okay." No, he was acting erratic. He was driving erratic, and he could have hit us if he really wanted to. I don't know why he didn't.

TRUJILLO So, you're saying he could have hit you if he really wanted to. Earlier, you said he wasn't able to do it with Ofc. Toomey. So, are you saying that he wasn't able to, or he just wanted to?

HOFFMAN If you know. Do you understand the question?

CARO I actually don't understand the question, no.

HOFFMAN I'm sorry. Could you re-ask it?

TRUJILLO Okay. So, I'm just trying to understand. Earlier, you said he wasn't able to make that movement based on how he was driving, his erratic behavior. But also, per your statement, it sounds like he's been acting erratic the whole time he's been making these movements. So, at no other time did he hit anything, but at this one moment in time you believed that he was going to, and you said that he was not going to be able to get between Toomey and the concrete wall. I'm trying to understand, now, why it went from he wanted to hit Toomey and he — or he wasn't able to get through that thing. Let me see if I can word that clearer. I want to know is it — was it that he wasn't able to get through the thing, or that he wanted to hit Ofc. Toomey?

HOFFMAN If you know.

CARO Honestly, I don't know what his mindset was. He may have wanted to hit Ofc. Toomey. I don't know. He could have. I knew this, though. If he would have driven this way, he would have hit Ofc. Toomey. He may have wanted to. He may have not wanted to. All I know is it would have happened. I don't know why he went this way because, as you said, he made these movements already, avoiding all of us. He could have easily hit us there. He was acting erratic. There's nothing to — it's hard to really argue that he was in the right mind to try and go, "Okay. Let me just back up, and just go, and just try and go around." All of the totality of the circumstances leading up to this point, he could have easily just started ramming into our cars and then ran right into Toomey. The movement that he wanted to make, that's a movement for a normal citizen. They take that nice and slow. From his erratic driving going forward, he was going to hit Toomey because he would not have made that. Okay? He may have wanted to hit Toomey as well. I don't know. I don't know what his mindset was.

THOMPSON I'm going to refer you back to the JetStream Viewer again, looking at images 1, 2, and 3, for your reference, which we had previously discussed regarding the pursuit. As it relates to a distance between the patrol car parked on the side of the road, on Fruitridge, and this measurement, the middle of the driveway for 8550 Fruitridge Road, at 126 feet — or let's just estimate it at 40 yards. Is a suspect vehicle coming within 40 yards of a patrol vehicle a close enough distance for it to be an assault on a peace officer?

HOFFMAN In a hypothetical? Not on that night, but -

THOMPSON Yeah. I understand that we're in dispute about the measurement system.

HOFFMAN Right.

THOMPSON So, that's fine. In a hypothetical situation, if a suspect came within 40 yards of a patrol vehicle, is that enough to warrant an assault with a deadly weapon?

CARO It's not the distance. It's his intent. The intent was to drive toward officers. If he swerved a little bit and then corrected himself, I can understand that, but he drove toward them.

TRUJILLO And how do we know intent without actions? So, you're saying that it was his intent. Help us understand how we, as officers, determine someone's intent without being in their head?

CARO It is by their actions, so his action of deliberately driving toward those officers. I understand what you're saying. If he would have just jerked the wheel a little bit, that's one thing, but it's not that he did that. He drove directly toward them.

TRUJILLO And does the distance — is that a factor in that? The distance of 40 yards, is that going to play a factor on whether it is a 245 or not? I know he drove directly at them. We've heard you say that. We understand that. He's driving, from your perspective, directly at them. Let's say in this hypothetical it's 40 yards away.

THOMPSON We want you to separate — you're discussing the intent and the distance together and determining the 245. The question is if we take out the intent, is the distance alone of 40 yards, or approximately 40 yards, enough to justify assault with a deadly weapon?

HOFFMAN With or without swerving towards them?

THOMPSON I guess we would have to remove that because I think that's part of the intent.

HOFFMAN Okay. Without swerving at them.

THOMPSON If you want a swerve — so, let's assume that he is angled or swerving towards a patrol vehicle, and it's at a distance of 40 yards. Without the intent that you've kind of documented here today, is that enough of a distance to justify a 245?

HOFFMAN Do you understand the question?

CARO I'm — the way it sounds, you guys want to know if there's distance to nail down a 245. I'm a little shaky on the question, actually.

THOMPSON No, I think that's essentially what we're saying.

HOFFMAN Okay. Do you understand the question, or do you want it restated again?

CARO No. Can you restate it again, please?

THOMPSON Is a distance of 40 yards, in a hypothetical situation of a vehicle in motion, enough to justify assault with a deadly weapon?

CARO What is the — what does that — are you guys saying in the end he corrected and went the different direction? Is that out of the picture? Or are you saying — is that vehicle still heading that direction?

THOMPSON I'm asking is 40 yards a close enough distance to justify assault with a deadly weapon.

CARO Is the vehicle still moving forward toward those people?

THOMPSON Yes.

TRUJILLO Yes. Let's just say in this hypothetical situation, yes.

CARO Well, yeah. If he's still driving toward them and not changing course at all, yes, because it shows his intent that "I'm going to run you over." He's not changing. You're saying he's — you're asking if he changes, that makes it better. No. If he's going directly toward that, then yes. Forty yards? Yes.

TRUJILLO So, at the point — in this situation, at the point of 40 yards away, you feel at that point that that suspect would be arrestable, or PC arrestable, for 245 at the 40-yard mark?

CARO By his actions, yes. Now, thankfully, he didn't continue going. But what if he did? There's no way to really understand why he made that maneuver, okay, because he had to drive out of his way to go to those officers. It's not a simple that he swerved a little bit and then went back. He drove directly toward them. Yeah.

THOMPSON So, you've talked — the intent appears to matter in regards to whether or not it's a 245 on an officer — right? — the suspect's intent, or at least as you perceive it. Is there a distance at which, regardless of the intent, you no longer feel like it would be a 245? If I was 300 yards away, but my intent was to ram a police officer, would that warrant a 245 with a vehicle?

CARO Are you still heading toward the officer actively?

THOMPSON At 300 yards away, yes.

CARO You're still driving nonstop, not going to stop?

THOMPSON Is there a distance at which you say the distance is too great, it's no longer a 245 with a vehicle, regardless of the intent?

HOFFMAN Under facts similar to this case?

THOMPSON I guess, if you want to say he's swerving at 300 yards away.

HOFFMAN Towards officers?

THOMPSON Sure.

HOFFMAN Okay. Do you understand the question?

CARO Can you restate it again? Sorry.

THOMPSON Yeah. Is there a distance at which the distance is so great that the assault with a deadly weapon no longer applies, regardless of the intent or the direction in which he was driving?

CARO That would come into an endanger. It would be a part of the opportunity and the ability. If you're 300 yards away, you don't have the ability. If you're 40 yards, closer, you have that ability to cause imminent danger to those officers. So, yes, it's still a 245 if they're 40 yards away. At 300 yards away, you don't have that ability, but closer, what I was saying is, yes, he had that ability and the opportunity to do it.

THOMPSON So, at 40 yards you have the ability because of the distance only being 40 yards?

CARO Yes.

THOMPSON And in your experience, a car traveling anywhere from — I think we said Toomey broadcasted it at 25. I think you estimated earlier somewhere in the realm of 40 miles an hour. In your experience, how quickly could someone cover 40 yards?

CARO In a fully-functional minivan and he just stepped on the gas? Very easily. He can cover that distance really quickly if he wants to.

THOMPSON I'd like to take a short break at this time, and then we'll come back with policy. I just want to make sure we don't have any other questions.

HOFFMAN Okay. Just on the — I have two questions on the minivan that I'd like to ask him, but I can wait until later.

TRUJILLO We can do that now if that's —

THOMPSON If you're okay, we can -

TRUJILLO Yeah.

HOFFMAN Not the minivan, but the westbound — when he was westbound on Fruitridge and swerved towards the officers that were going to set up spike strips, did you perceive any other potential reason for him to swerve at those officers other than to potentially assault them?

CARO No, I didn't perceive…

HOFFMAN Okay.

CARO I even — on my video, I audibly gasp when he did it because it was out of the ordinary.

HOFFMAN So, on your body cam or patrol vehicle, you had a physical reaction to that perception, that swerving at the officers?

CARO Yes.

HOFFMAN Okay. I don't have anything else on that.

TRUJILLO Okay. All right. We're going to take a brief break. The time is 1330 hours.

Okay. Resuming the interview at 1346 hours.

THOMPSON Ofc. Caro, after you stopped firing at the suspect vehicle as it moved across in front of you, can you explain why you stopped firing at that point?

CARO Because the threat had changed. It wasn't that it was going to hit Ofc. Toomey. It had now came to where it finally rested, just pointed away. That's when I stopped firing because I knew I stopped the threat.

THOMPSON Would you agree that Ofc. Toomey re-engaged the threat one more time?

CARO He did re-engage one more time, yes.

THOMPSON From your vantage point, were you able to tell why he re-engaged that threat?

CARO I was not able to tell.

THOMPSON So, since you were not able to tell why he re-engaged the threat, is that also why you also did not re-engage?

CARO Yes.

THOMPSON Why do you think Ofc. Toomey fired at the suspect when he did?

CARO I couldn't answer that because I don't know what he saw in particular. I only know what I saw.

THOMPSON If you had been in Ofc. Toomey's position, would you — in that 25 seconds from the end of the vehicle accident to the discharge of firearms, would you have considered repositioning your vehicle or your person?

CARO If I was Ofc. Toomey?

THOMPSON Yes, sir.

CARO I don't know what Ofc. Toomey saw. I knew he was there for a reason. So, whatever Ofc. Toomey perceived as the threat, that was the right move that he made for that particular point. So, if I was in that same point, I would have saw the exact same things. I would have stayed where I was, as Ofc. Toomey did, because it would be the same threat.

THOMPSON If Ofc. Toomey had repositioned and moved to the passenger side of his vehicle, or somewhere over closer to you, do you think that the force still would have been necessary in this incident?

CARO Yes, because that's a — for Ofc. Toomey to run — wait. Before I answer that -

HOFFMAN Do you understand the question?

CARO No, I don't, actually.

HOFFMAN Maybe you could restate it. I'm sorry.

CARO Yeah, yeah.

THOMPSON If we moved — in that 25 seconds from the beginning of the 901 to the discharge of firearms, if Ofc. Toomey had repositioned his person — not his vehicle, but repositioned his person — if he had moved within the felony stop, closer to you, either at your driver's side door or at least to his passenger side of his vehicle, do you feel that when the suspect continued the same driving pattern that force would have been necessary in this situation?

CARO When, exactly, would he have moved? Because there was — and I used my deadly force because Ofc. Toomey was in danger at that point. When, exactly, would he have moved during that?

HOFFMAN Do you understand? In his hypothetical, he's removed Toomey out of the pinch point -

CARO Oh, okay.

HOFFMAN - and away from that side of the vehicle.

THOMPSON There's 25 seconds -

CARO Right.

THOMPSON - between the 901 and the discharge of firearms.

CARO Okay.

THOMPSON Theoretically — well, not theoretically. Ofc. Toomey is outside of his vehicle.

CARO Right.

THOMPSON Is it safe to assume that in 25 seconds an officer could move from the driver's side of his door, around the back end, to the passenger side door?

CARO When we initially came to our felony vehicle stop, it is not reasonable because the threat is forward. Ofc. Toomey would have to lose his sight focus on the threat, and who knows what the suspect could have done. He could have easily just driven right back at Toomey right then and there. So, no, it was not feasible for Ofc. Toomey to run and change direction during that time.

THOMPSON Okay. Even though it was not feasible, had Ofc. Toomey moved to the passenger side of his own vehicle, and the suspect vehicle still continued in the path that it ultimately did, and, like Mr. Hoffman mentioned, it was no longer a pinch point with Ofc. Toomey in the middle of it, would the force still have been necessary in this incident?

CARO Because Ofc. Toomey isn't in the pinch point, no, because he's on the passenger side. Yes.

THOMPSON Let me just clarify just a little bit further. If Ofc. Toomey had simply moved to the rear of his own patrol vehicle — because initially, when I gave you that

question, I said all the way to his other passenger side door. If he had moved to the rear of his vehicle, would the force still have been necessary in this incident?

CARO If I did not shoot and Ofc. Toomey was in the back of his car, his car would have simply just hit him and crushed him. So, yes, the force is still reasonable because he's still in danger.

THOMPSON So, Ofc. Toomey would have needed to completely remove himself from that pinch point area so that the force would no longer have been necessary?

HOFFMAN Did you understand the positional hypothetical?

CARO Not really.

HOFFMAN Can you maybe describe the positional hypothetical?

THOMPSON Yeah. Let's -

HOFFMAN In this, Toomey's behind the vehicle?

THOMPSON Let's pull up the aerial photograph for that purpose.

HOFFMAN Thank you.

THOMPSON So, I think we all agree that Ofc. Toomey's position was right here in the V pillar of the driver's side door.

CARO Correct.

THOMPSON So, in the first question — and if you would like me to re-ask it, I can. But if Ofc. Toomey, in that 25 seconds, had moved over to a position on the passenger side door, the initial question that I had asked was would the threat still have been present. And then, thus, necessary force would have been needed because Toomey is now over here?

CARO No, because Toomey can go to where I was, and I was safe. It's easier for him to go here. It's longer for him to run all the way around to here.

THOMPSON Okay. So, the same kind of question, but in this instance Ofc. Toomey simply moves to the rear of the vehicle and had taken up a position back here. Would force have still been necessary to protect Ofc. Toomey?

CARO Yes, because, in my mind, I was scared that that car was going to slam into this car. If he's back here, that car, at the moment of hitting this car, will hit Toomey as well and potentially run him over and kill him still.

THOMPSON So, is it safe to say that Ofc. Toomey would have needed to move somewhere out, away from the passenger side of his vehicle, to get into a position where he no longer would have been threatened?

CARO That's correct.

THOMPSON Good?

TRUJILLO Yeah.

THOMPSON All right. Ofc. Caro, could you please refer to General Order 210.04, dated July 12th of 2020?

CARO Yes.

THOMPSON Have you had enough time to review this general order and feel you understand it?

CARO Yes.

THOMPSON Did you violate this general order?

CARO No, I did not violate that general order.

THOMPSON Specifically, if you could, refer to page 1 of General Order 210.04, section A, "Professional Conduct," subsection 1, subsection (b). In this incident, did you commit any act that was negligent, intentional, criminal, or otherwise that could bring discredit upon the department or the city?

CARO No, I did not.

THOMPSON In that same area, subsection (c), in this incident, did you abide by all laws, to include the Penal Code?

CARO Yes.

THOMPSON If you could, refer to subsection 2 -

CARO Yes.

THOMPSON - and then subsection (d) as well. In this incident, do you feel you properly performed your assigned police responsibilities?

CARO Yes.

THOMPSON If you could, then please refer to page 3 of General Order 210.04, section E, subsection 1. In this incident, did you act reasonably within the limits of your authority as defined by the statute and judicial interpretations to ensure the rights of the individual and the public were protected?

CARO Yes.

THOMPSON Why do you think that?

CARO Because of the laws that I was following when I chose to do deadly force. It was not because "Oh, he may hit." It's "He was going to hit." I was protecting my fellow officer. He was in imminent danger from great bodily injury or death, which was within my scope of 835(a), and everything else with case law, that I'm allowed to use deadly force to prevent great bodily injury or death on another officer, as well as the suspect had been showing that he had disregard for the public safety during the pursuit, going 80 miles an hour on La Riviera. And he had tried to assault officers on Fruitridge Road as well, and he was an arson suspect. I was performing — from the moment I joined the pursuit, I was in performance of my duty.

THOMPSON If you could, please refer to General Order 580.02. It's dated September 17th of 2020. Have you had time to review this general order and understand it?

CARO Yes.

THOMPSON Do you feel you violated any section of this general order?

CARO No.

THOMPSON Specifically, on page 3 of General Order 580.02, subsection C, titled "Verbal Warning," do you feel you violated this section of policy?

CARO No.

THOMPSON Why not?

CARO Because I gave a verbal command, "Hey, stop right there."

THOMPSON Do you believe that verbal warning was clear and comprehensible?

CARO Yes.

THOMPSON If you could, please refer to page 3 of General Order 580.02, subsection E, "Considerations Governing the Use of Force," subsection 2. Do you feel you violated this section of policy?

CARO No, I did not.

THOMPSON And why is that?

CARO Because I used objectively reasonable force to save my fellow officer and prevent great bodily injury and death to him.

THOMPSON If you could, please refer to — also on page 3 — subsection E, and then subsection 6. Do you feel you violated this section of policy?

CARO No, I did not.

THOMPSON And why is that?

CARO Because I did use — I attempted de-escalation with my verbal warnings and my — it was an order telling him to stop.

THOMPSON In this situation, do you think there was any other feasible ways to de-escalate the situation?

CARO No. We did not have time to try any other de-escalation methods.

THOMPSON On page 4 of General Order 580.02, section E, "Considerations Governing the Use of Force," subsection 11, I'll give you a second to review that.

CARO Okay.

THOMPSON What factors from subsection 11 did you take into consideration as part of your reason for using force?

CARO I don't know where it is. I just saw it. Section (i), the level of threat or resistance presented by the subject when he was trying to drive into Toomey, as well as subsection (n).

THOMPSON Can you read subsection (n) for us?

CARO "The potential for injury to peace officers, subjects, or another person." From what I can tell, those.

THOMPSON Do you think there were any other factors?

CARO There were multiple different factors that were present during this time.

THOMPSON Can you list some of those other factors that might not be listed in subsection 11?

HOFFMAN I'm sorry. Which ones did you cite already?

CARO I cited -

HOFFMAN I'm sorry. You cited (f)? Did you cite (f)?

CARO Uh, (f)? No. I cited (i), and I cited (n).

HOFFMAN Okay.

THOMPSON And I think we had you read (n) into the record, but can you read (i) for us, please?

CARO "The level of threat or resistance presented by the subject."

HOFFMAN Take your time in answering this. Read through all the factors.

CARO All right.

THOMPSON And we can hold on for a second. Do you need a pen to mark those?

CARO Yes, if I could have that, actually. Thank you. Okay.

THOMPSON So, can you do me a favor? As you go through these factors that were in your mindset, can you read which one you're referring to and then just kind of explain why it applies?

CARO Okay. So, the first one was (a), "The immediacy and severity of the perceived threat to peace officers or another person," so as he's using his car as a weapon to drive through Toomey, and the damage or the great bodily injury and death he could cause Ofc. Toomey, as well as using his vehicle to swerve toward officers on the side of the road, and for using his vehicle to drive 80 miles an hour on La Riviera with disregard for human life as he's driving.

The next one is (b), "The conduct of the subject being confronted (as reasonably perceived by the peace officer at that time)." As I said, when he was in — when

we were in the industrial complex, as well as Fruitridge, there was no need for him to drive toward those officers on the side of the road. Also, on La Riviera, there was no need for him to drive 80 miles an hour on that stretch of road. And finally, when we were in that industrial complex, there was no reason for him to drive toward Ofc. Toomey.

HOFFMAN If I could stop you there?

CARO Yeah.

HOFFMAN On the conduct of the subject, you mentioned before during the interview that he was an arson suspect who allegedly recently torched a vehicle. Was that some of the other conduct associated with this individual?

CARO Yes, that as well.

HOFFMAN Okay. Go ahead.

CARO I put down "The effects of drugs or alcohol." He may have been on something at the time.

THOMPSON Did you have any reason to believe he was intoxicated?

CARO I always assume someone could or could not be. From when I finally got to him, I couldn't smell any alcohol or see anything that would explain, but it is a factor.

THOMPSON If you didn't know it for sure, can that be part of your mindset as to why you used force?

TRUJILLO The question is the factors that you took into consideration as part of your reason to use force, so what you knew at the time.

CARO Oh, okay. So, it's not in general? Okay. I'm sorry. I should not have mentioned that one.

THOMPSON Okay. And that was?

CARO (e).

THOMPSON (e)?

CARO Yes.

THOMPSON Okay.

CARO Definitely (f), "The subject's apparent mental state or capacity," because he was acting erratic. He was an arson suspect who had just returned to the scene. He was driving on La Riviera and Fruitridge, and now heading toward Ofc. Toomey. It wasn't like a normal citizen. So, I was taking it into account because that is what made me realize that he will drive through Ofc. Toomey because he doesn't care about our lives.

Oh, my gosh, (g), "The subject's apparent ability to understand and comply with officer commands." We gave him commands to — I told him to stop. Officers told him to put his hands up. He did not listen or follow our commands. "The proximity or access of weapons to the subject." He had his fully-functional minivan that could have ran over officers on the side of the road or run through Ofc. Toomey, causing great bodily injury or death.

TRUJILLO So, just to be clear, you considered his vehicle to be the weapon in that?

CARO Yes.

TRUJILLO Okay.

CARO "The level of threat or resistance presented by the subject." When we were in our vehicle pursuit, he continued to drive at excess speeds, not yielding or following our commands. He had tried to drive toward officers on Fruitridge, and now he was going to drive through Ofc. Toomey when we were in our felony vehicle stop.

And then (j), "The availability of other reasonable and feasible options and their possible effectiveness." The only thing we had was to discharge our firearms, to use deadly force. We could not use our tasers. We couldn't use our batons, our less-lethal shotguns. There was no time, and it would not have made an effect against that suspect. If I had used my less-lethal shotgun as he's driving toward Toomey, Toomey would still have been crushed.

"The seriousness of the subject offense or reason for contact with the subject." He was driving toward Toomey. He was going to kill or hurt Toomey. He really didn't care about his safety at all.

And then (n) I've already said, "The potential for injury to peace officers, subjects, or another person." Obviously, as I mentioned before, Ofc. Toomey getting ran over, great bodily injury or death.

"The risk and reasonable foreseeable consequences of escape or apparent attempt by the subject." Like I said before, I wasn't focused that he was trying to get

away. It was how he was going to get away. So, if he would have driven right through Toomey, running him over, he would have probably taken off again. Which, that is not what I was worried about. I was worried about him actually hitting Toomey, not him trying to escape.

"The apparent need for immediate control of the subject who was posing an imminent threat to peace officers or another person." Like I said, he was about to run over Toomey. Okay? He was going to drive right through Toomey. Toomey was in imminent danger.

So, I also put down (r), "Whether the conduct of the subject being confronted no longer reasonably appears to pose an imminent threat to the peace officer or another person." Once I fired my last shot, he came to a stop and I knew I had stopped the threat, and I re-holstered my gun because the situation had changed. So, that one.

And I also put down (t), "The environmental factors and/or other exigent circumstances." For this one, it's mainly the way he was driving and the terrain of where he was going. So, you have Ofc. Toomey in the V of the car, and then you've got the wall next to him. That situation, that he was going through that to hit Toomey and run him over just to pass through and try and escape again. And that was it.

THOMPSON If you could, please refer to page 6 of General Order 580.02, section K.

CARO Yes.

THOMPSON And it will be under subsection 2. Based on the totality of the circumstances, do you think you were justified in using deadly force in this incident?

CARO Yes, I was.

THOMPSON Why is that?

CARO From the start, he was an arson suspect. He led us on a pursuit going 80 miles an hour down La Riviera, disregard for the safety of the public or other officers. While we were on Fruitridge, he intentionally drove toward officers on the side of the roam and intended assault. And now, he was driving straight through Ofc. Toomey because I knew he didn't care about Ofc. Toomey, where he was. He was committed to running through Ofc. Toomey to get away. He didn't care that Ofc. Toomey was going to receive great bodily injury or death. So, no.

THOMPSON Do you feel you violated that section?

CARO I'm sorry. No. No, I don't feel like I violated that section. Sorry.

THOMPSON If you could, refer to page 7, section L, "Moving Vehicles," subsection 1. Did you make every reasonable effort to move out of the path of the suspect vehicle before discharging your firearm?

CARO I did make a reasonable effort, yes.

THOMPSON And how is that?

CARO I adjusted my vehicle. And by the time I adjusted my vehicle, he had already changed position to where I wasn't in his path, but there wasn't time for Ofc. Toomey to get out of the way.

THOMPSON How is when you repositioned your vehicle moving out of the path of the suspect vehicle?

CARO Maybe, I guess, in that instance it's not. I considered it more that I was adjusting to change position in an attempt to divert him from trying to run into me.

THOMPSON Now, at the time you discharged your firearm, it wasn't that the suspect was no longer coming at — was coming at you. It was that, at that time, he was going at Toomey. Right?

CARO That's correct.

THOMPSON So, if you had made a reasonable effort at that point, when the threat was presented at Toomey, a reasonable effort by you to move out of the path of the suspect wouldn't necessarily apply. Is that correct?

CARO That's right. It wouldn't have been feasible.

THOMPSON If you could, refer to subsection 2 right below it. Did you make every reasonable effort to not intentionally place yourself in a position where the suspect vehicle could perceive you as a threat?

CARO Where the vehicle could perceive myself as a threat? Yes.

THOMPSON And why is that?

CARO Because when we do our felony vehicle stops, that's what we were trained to do to apprehend a suspect. As he's reversing toward me, I didn't just shoot my vehicle forward to try and stop him. I waited to see what he was going to do, and

then he changed direction, where I wasn't in danger anymore. Instead, he headed straight for Toomey, and I didn't move my vehicle at all during that time.

THOMPSON Do you think you moving your vehicle — repositioning your vehicle, did that put you in a position where the suspect vehicle could perceive you as a threat?

CARO No.

THOMPSON And why is that?

CARO Because by the time he had finished his turn, I had just finished readjusting my vehicle, and he was already going back toward Ofc. Stevens's car.

THOMPSON If you could, please refer to General Order 521.01, Pursuit of Vehicles. Have you had time to review this general order and understand it?

CARO Yes.

THOMPSON Do you feel you violated this general order?

CARO No, I did not.

THOMPSON If you could, please refer to page 4 of General Order 521.01, section G, "Use of Force," subsection 4. Did you intentionally block the path of the suspect vehicle outside of instructed techniques?

CARO No.

THOMPSON And why is that?

CARO Because I was instructed on how to do a felony vehicle stop. That is how we positioned our cars. I was going off of my training.

THOMPSON If you could, please refer to General Order 580.06, De-Escalation and Planned Response. It's dated December 1st of 2020. Have you had enough time to review this general order and understand it?

CARO Yes.

THOMPSON In regards to the policy section — I'm sorry. Do you feel like you violated this general order?

CARO No.

THOMPSON In regards to the policy section of General Order 580.06, was it feasible to employ de-escalation techniques in this incident?

CARO Yes. We did employ de-escalation techniques by using verbal commands to try and gain compliance, voluntary compliance, but he ignored them.

THOMPSON Was it feasible to employ any other kinds of de-escalation techniques?

CARO We did not have time to try and build rapport or try to continue to talk to him.

THOMPSON If you could, refer to General Order 522.02, Emergency Care for Individuals Under Police Care or Control, dated May 18th of 2018. Have you had enough time to review this general order and understand it?

CARO Yes.

THOMPSON Do you feel like you violated this general order?

CARO No.

THOMPSON Did you assist in providing sufficient medical care to the suspect, based on your training, as soon as was possible?

CARO Yes.

THOMPSON Would it have been feasible to provide that medical care earlier in this incident?

CARO No, because we did not know the scene was safe yet. So, no, it would not have been feasible.

THOMPSON Looking back at this incident, is there anything you would have done differently?

CARO No.

HOFFMAN I don't have anything.

TRUJILLO Okay. We'll be giving you — all right. Is there anything else relating to this matter which we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

CARO No.

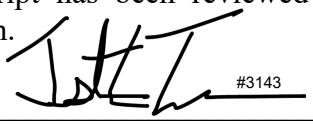
TRUJILLO Okay. After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I am

ordering you to contact Sgt. Thompson immediately. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

CARO I understand.

TRUJILLO Okay. Concluding the interview at 1416 hours.

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed  #3143

Justin Thompson

NARRATIVE TEXT RELATED ATTACHMENT(S)

1. OTHER

Description OFFICER CARO'S TRANSCRIBED STATEMENT

INTERVIEW WITH OFFICER CARO
Q=Detective Chad Coughran
A=Officer Nicholas Caro
A1=Joe Hoffmann

COUGHRAN The date is February 17, 2021. The time is 1736 hours. I am Det. Chad Coughran. Last name is C-O-U-G-H-R-A-N. I am here to interview Ofc. Caro. Ofc. Caro, could you say and spell your full name, please?

CARO First name is Nicholas, spelled N-I-C-H-O-L-A-S. Last name is Caro, spelled C-A-R-O.

COUGHRAN Okay. And representing you here today is your attorney?

HOFFMANN Yes. My name is Joe Hoffmann. I'm an attorney with Mastagni Holstedt, and I am here representing Ofc. Caro.

COUGHRAN Okay. So, Ofc. Caro, I'm going to go through some just kind of background questions before we get into too much. Okay?

CARO Okay.

COUGHRAN What is your badge number?

CARO 561.

COUGHRAN Okay. And how long have you been an officer with the Sacramento Police Department?

CARO Two years.

COUGHRAN Two years? Okay. Did you lateral from another agency?

CARO No.

COUGHRAN Did you, or I'm sorry, what academy did you go to?

CARO 19-BR1.

COUGHRAN Okay. The Sacramento Police Academy?

CARO That's correct.

COUGHRAN Okay. What is your current assignment?

CARO I work as a patrol officer in our Sector 6 area. My beat is 6C on swings.

COUGHRAN On swings? Okay. What were your prior assignments to that?

CARO I worked in south Sacramento, Sector 4. My beat was 4B, swings again.

COUGHRAN Okay. Do you have any specialized training, such as field training officer, range master, use of force?

CARO No.

COUGHRAN Nothing like that?

CARO No specialized training, no.

COUGHRAN Okay. Were you in the military at all?

CARO No.

COUGHRAN No? Okay. When you - the night that we're going to talk about, the night of the officer-involved shooting, were you wearing a Sac Police uniform?

CARO I was wearing a full Sacramento Police uniform.

COUGHRAN Okay. And can you just describe that for me?

CARO Yes. So, it starts with my undershirt. It shows two Sacramento Police patches. And then it goes into my outer carrier vest that has my Sacramento Police badge. It has my radio, my body-worn camera, my baton, my pocket for my notebook and some pens. And I was wearing my full duty belt, which includes my firearm, my CED device, as well as two extra magazines. Also, on my outer carrier vest I have my two-handcuff holster, and I also, in my police pants, I carry an extra rifle magazine, my OC spray, and extra gloves.

COUGHRAN Okay. Do you wear prescription glasses?

CARO No.

COUGHRAN Or contacts?

CARO No.

COUGHRAN Nothing like that? Okay. So, the – I'm sorry, the shift that we're talking

about is February 15th.

CARO Mm-hmm.

COUGHRAN So, the actual shift that led into this incident, during that shift, were you driving a marked police vehicle?

CARO Yes.

COUGHRAN Okay. And that's – so, fully marked?

CARO Yes.

COUGHRAN Could you describe that for me?

CARO Yes. It was a – our UV. It had two Sacramento Police insignias on it. It was black and white. It had our overhead lights, ICC camera, caged area where we put our suspects, and a large trunk as well. It has road flares, police crime tape, a fire extinguisher.

COUGHRAN Okay. And then, the overhead lights, do you know if those were functioning properly?

CARO They were functioning.

COUGHRAN And your siren was functioning properly?

CARO It was functioning properly as well.

COUGHRAN Okay. What – you kind of already started describing the different weapon systems that you had on you. Could you describe — let's talk about your firearm.

CARO Yes.

COUGHRAN Okay. Is that a issued or a purchased firearm?

CARO It is issued.

COUGHRAN Okay. Department issued?

CARO Yes.

COUGHRAN Okay. Could you tell me the make and model?

CARO Yeah. It was a Glock Gen 17. The model 17 sorry, a Gen 5. The serial number is [redacted]

COUGHRAN And the caliber was?

CARO 9 mm.

COUGHRAN 9 mm. Okay. Do you know how many rounds you actually carry in the magazine that was in your weapon?

CARO 17.

COUGHRAN Okay. 17?

CARO Plus one in the chamber already, which is street ready.

COUGHRAN Okay. So, a total of 18?

CARO Correct.

COUGHRAN Okay. And then, additional magazines that you carry?

CARO 17, each had 17 bullets.

COUGHRAN Okay. And how many magazines would you carry?

CARO I had two extra on my duty belt.

COUGHRAN Okay. Do you happen to remember the last time that you qualified with your firearm?

CARO It was November of last year.

COUGHRAN Okay. So, just a few months ago?

CARO Exactly.

COUGHRAN Gotcha. Do you always load your magazines fully loaded, the same way every time?

CARO Yes.

COUGHRAN Okay. Do you carry a backup weapon?

CARO No.

COUGHRAN	No? Okay. So, the night of the 15th, and you said you are — what shift are you?
CARO	Swing shift, 6C is my beat.
COUGHRAN	Okay. So, what normal days off do you have?
CARO	Tuesday, Wednesday, Thursday.
COUGHRAN	Okay. So, your normal days off are Tuesday, Wednesday, Thursday?
CARO	Mm-hmm.
COUGHRAN	Okay. So, that would've been your Friday, that shift?
CARO	Exactly.
COUGHRAN	Okay. I gotcha. Did you work a full week leading up to that?
CARO	Yes.
COUGHRAN	Okay. What was your last sleep cycle? I guess, when did you sleep – last sleep before the incident?
CARO	I went to bed at 2:30 that Monday morning, and I got up at around 9:30 that same morning.
COUGHRAN	Okay. A full night's rest?
CARO	Exactly.
COUGHRAN	Okay. So, what team number are you? Do you know?
CARO	Team 35.
COUGHRAN	Okay. Who is your sergeant?
CARO	Jarvis.
COUGHRAN	Okay. And was he your sergeant that night as well?
CARO	Yes.
COUGHRAN	Okay. And what was your unit identifier that night?

CARO 1-Charles-68.

COUGHRAN Okay. So, was that – were you solo or teamed up?

CARO Solo.

COUGHRAN Okay. And so, your district would be – your sector is Sector 6. Specifically, which beat?

CARO 6C.

COUGHRAN 6C. Okay. And then, the time that this incident happened, I guess that would've been past the halfway mark of your shift that day. Right?

CARO Yes.

COUGHRAN Did you have any significant calls for service prior to this incident that we're going to talk about?

CARO No.

COUGHRAN Nothing like that?

CARO No.

COUGHRAN All right. So, let's go to the incident. From my understanding, it started out as a call for service and had a pursuit involved. At what point did you become aware of this call?

CARO I became aware of the call when I heard Ofc. Toomey put on the radio, "I'm in pursuit and – of the arson suspect." I was off of Belvedere and Power Inn. I was writing reports. So, I stopped writing reports, buckled my seatbelt, messaged dispatch "Code 3," which is a quick way to show that I'm en route to the pursuit. I activated my overhead lights and my continuous siren, and I went northbound on Power Inn to go assist Ofc. Toomey with the pursuit.

COUGHRAN Perfect. All right. Okay. So, you did not respond to the original call for service, this arson call for service, anything like that?

CARO No.

COUGHRAN Okay. And so, you became involved and really became aware of this when you heard Ofc. Toomey broadcast on the radio that he was in pursuit of an arson suspect?

CARO That's correct.

COUGHRAN Okay. And so, you said that you had sent dispatch a message to add you to the call?

CARO Mm-hmm.

COUGHRAN Okay. Is your — was your patrol car equipped with an in-car camera?

CARO Yes.

COUGHRAN Okay. And I think you had already mentioned that you were wearing a body cam that night.

CARO Yes.

COUGHRAN Okay. And I know that you had the opportunity to review both your in-car camera and your body camera. Is that correct?

CARO Yes.

COUGHRAN Okay. So, it's fair to say that those were activated during this incident?

CARO Yes.

COUGHRAN Okay. What I would like to do now, at this point, is I want you to describe the incident to your recollection — okay? — to the best of your memory, from the moment that you first became aware of this incident, kind of all the way through the end to the point after the shooting and things were able to kind of calm down. Okay? So, take your time. Just things that you remember, your perspective. Okay?

CARO Okay. So, like I said, I heard Ofc. Toomey put out on the radio that he was in pursuit of an arson suspect, and I heard that he was driving at high rates of speed on La Riviera, going approximately 80 miles per hour. So, I messaged dispatch to — I was responding Code 3. I activated my overhead lights and my continuous siren, buckled my seatbelt, and I took off northbound on Power Inn to go join in the pursuit. I then turned eastbound on Folsom Road because I heard over the radio that Ofc. Toomey was now heading southbound on South Watt, and he advised that he would like an officer to go further down the road to set up spike strips. As I was heading eastbound on Folsom Blvd., I was approaching South Watt, and I put out over the radio that I will set up spike strips for him.

As I was approaching South Watt and Folsom Blvd., I saw the suspect vehicle continue south, and then I saw Ofc. Toomey's vehicle following right behind. Which, I had missed my opportunity. So, I advised over the radio again to Ofc. Toomey, "Hey, I just saw you pass me, so I'm number two in the pursuit." Then, we were southbound on South Watt and I pick up radio traffic. So, I advise, "Hey, we're southbound on South Watt, approaching Jackson." As we were on South Watt, the suspect began to drop his speed to around 40 to 35 miles an hour, which was out of the ordinary. And it made me nervous because it made me think that he was probably trying to load a gun or maybe look for a route to escape. I don't know what his mindset was. He obviously was trying to get away from us because he was an active arson suspect. So, we were continuing southbound on South Watt, approaching Fruitridge Road, and I put over the radio, "Can you get a unit to South Watt and Fruitridge to set up spike strips?" Tac-88 at the time, which was Ofc. Patterson and Ofc. Ward, advised they would go to the area and try to set up spike strips. But as we got closer, I realized that there's not enough time, so I put out on the radio again, "Set up spike strips further down the road." Ofc. Patterson and Ofc. Ward advised, "Okay. We'll set up spike strips down the road to try and help out."

So, as we were going down on South Watt, the suspect had his rear hazard lights on, driving at slow speeds, around 35 or 40 miles an hour. And then we turned westbound onto Fruitridge Road. As we were on Fruitridge Road going at even slower speeds, maybe 30 miles – 30 miles to 25 miles per hour, I saw down the road Ofc. Ward and Ofc. Patterson's patrol vehicle. And I was getting ready to , potentially, for them to spike the vehicle and then for the pursuit to change. As we were approaching closer to them, the suspect vehicle picked up speed and drove directly toward Ofc. Ward and Ofc. Patterson's vehicle in an attempt to hit them, which then made me even more worried about what else was he willing to do. He had tried to hit their vehicle. They were outside their car, and I know if they would've done the spike strips, he would've definitely hit them.

And then he then turned into this industrial park. Which, before, when we were on Fruitridge Road, we were going speeds of – like low speeds, around 30 or 20 miles an hour. When we turned into the industrial park, he picked up his speeds again, more erratically, to around 50 to 60 miles an hour again. Ofc. Toomey put out on the radio that maybe he was looking for a time to try and foot bail again. So, I removed my seatbelt in anticipation for the foot bail. But as we approach these gas pumps, I click myself back in thinking, *This probably isn't going to be the best time to foot bail*. So, he continued until we reached this metal awning and this concrete and metal fence. The suspect drove directly toward it. And then Ofc. Toomey and myself were prepared to do a felony vehicle stop. Ofc. Toomey took the right position. I took the left position in this V, in a felony vehicle stop fashion. We both came out of our

cars. I had my gun drawn on him. Ofc. Toomey did too. And I heard another officer come up and say, "Put it park." And I heard again, "Put it in park or we'll shoot." I don't know which officer said it, but if I heard it, everybody else heard it. So, I was going in to put out radio traffic that, "Hey, we're calling out," the typical fashion for a felony vehicle stop, when I saw the rear lights turn on, which meant he's going in reverse.

So, I got back in my vehicle, ready to either move or try and box him in more. Instead, he backed up toward me, and then he — the way he backed was in an L shape. So, he backed up away from me, and I could see the entire driver's side. So, I put it in drive, more to box him in, and that is when he put his vehicle in drive and he started to move toward Ofc. Toomey. And it showed right there, as he was moving forward, that the suspect had the present ability, the opportunity, everything. Based on that he was already going excess speeds of 80 miles an hour on La Riviera, which is normally a 25 mile an hour zone, which means he did not care about the public's safety. He had tried to hit us in the roadway on Fruitridge, trying to kill us if he had the opportunity to. He was driving a fully-functional minivan. He did not care that Ofc. Toomey was outside of his car, unprotected, in the only spot that he could get out. The suspect only had one thing on his mind, which was to get away from us, and he didn't care if he had to drive through Toomey to get to it.

So, as he was pulling forward, I realized that he did not – he was not going to stop. He was going to drive right through Ofc. Toomey and potentially kill him. I heard one shot ring out, and I fired as well because I knew if I didn't stop him, he was going to hit Ofc. Toomey and kill him, potentially. It was creating a bigger imminent threat then if I would not have stopped him. He pulls forward, and I see the glass shatter. I fire approximately three or four shots, and then the vehicle stops. It lurches forward one more time, and then I hear one more shot. And then it just stops. I back away from my vehicle and I go join Toomey. And then Ofc. Stevens joins up with us and we begin to get resources to go and approach the vehicle safely. We get a shield. We get a less-lethal shotgun. I believe it was Ofc. Stevens's trainee. We told him to fire one round into the front driver's side window to try and create a hole because right now it's just shattered, but it's not completely broken. So, we shoot one beanbag round from our less-lethal shotgun at it. It doesn't break the glass all the way. So, we call for the 40 mil, hoping that might break the glass all the way. So, we get more resources and we're waiting.

And as we're waiting, the door starts to open, and I can hear officers saying, "Someone's coming out." So, we – we wanted to take over commands because we have a better view, so we call the suspect out. We call him over to us. And when he was getting out of the car, it was a male Hispanic, large set, maybe in his 40s, facial hair, and he was crying. He was saying, "Ow, ow. Help me." He had blood coming from his stomach. So, he walks over

toward us, and we are – take him into custody and begin to render medical aid. They say, "Can someone get a med kit." So, I run back to my car, grab my med kit, come back, begin to open it up. And we started assessing, "Well, what do we need to do?" It looked like he had maybe four shots in his stomach, so I started to pull out one of my chest seals to use it. And then Ofc. Ward taps me out and I walk away, and then I go join Ofc. Toomey, and then I turn off my body-worn camera.

COUGHRAN Okay. Quick follow-up questions to that. So, you were – when you initially started to respond, you said you were in Code 3 status?

CARO Mm-hmm.

COUGHRAN Okay. Which is?

CARO Code 3 says that our overhead lights are activated and our continuous sirens, gives us – which allows us to disobey the rules of the road to respond to a unit that is in pursuit in this case.

COUGHRAN Okay. And your lights and siren were on

CARO Yes.

COUGHRAN that whole time?

CARO Yes.

COUGHRAN Okay. And when you turn on your lights and siren, is that what turns on your in-car camera?

CARO Yes, and my body-worn camera as well.

COUGHRAN So, it turns on your body-worn camera? Okay. When you saw the driver of this vehicle for the first time, did you recognize him at all?

CARO No.

COUGHRAN Okay. Do you think that you've ever met him or had contact with him prior to this incident?

CARO No.

COUGHRAN Okay. When you first heard about this call for service, were there any additional updates over the radio? Any sort of broadcast? Anything that you became aware of as you were responding or joined in the pursuit?

CARO I know over the radio they said that's the arson suspect and that they were investigating a person that happened off of La Riv. A truck had just burned, and that they had the suspect who did it.

COUGHRAN Okay. Did you, at any point, did you become aware of any of this person's history?

CARO No.

COUGHRAN Okay. Were you, or did you know if this person was armed or not armed?

CARO I did not know if he was armed at the time.

COUGHRAN Okay. Do you know, after you finally were able to see the driver and actually talk or hear him and kind of experience him more up close than just behind the wheel of a car, did you know if he was – could you tell if he was under the influence of anything, any narcotics or any alcohol?

CARO None that I could tell.

COUGHRAN Okay. Could you tell if he had – if he was experiencing any sort of mental health episode or anything like that?

CARO None that I could tell.

COUGHRAN Okay. All right. So, what we're going to do, I would like to go through it again, but a little bit slower, and I have just more follow-up questions. Maybe that'll also help exercise your memory and see if we can glean anything that we didn't already do. Okay? And you know what? To help with this, I have some visual aids that we can use here. Okay? I'll put these here. So, these are — I've got two aerial – Google aerial maps that already have a blue route on them. This doesn't necessarily mean that this was your route. This is just on this map. I believe that this was the original route that the pursuit went. But again, you weren't part of the initial part of this pursuit. That's correct?

CARO That's correct.

COUGHRAN Okay. And I'm also going to use — so, we have two maps. I also have here an aerial photo of the scene where the actual shooting took place. This was taken by a Sac PD unmanned aerial device that – this is obviously taken after the actual shooting. Okay? This is probably a few hours after. Okay?

CARO Mm-hmm.

COUGHRAN So, this may not be exactly the way that you remember it.

CARO Mm-hmm.

COUGHRAN So, we can use these, just kind of as a visual aid. Okay?

CARO Okay.

COUGHRAN So, you said that when you started the pursuit you were at Belvedere and what road?

CARO Power Inn. So, that's not going to be on here because this is Florin Perkins.

COUGHRAN Okay. And that's fine. We don't need it on here. And so, you started to drive Code 3 toward the direction of Ofc. Toomey's pursuit?

CARO That's correct.

COUGHRAN Okay. And do you remember if he had broadcast anything like if he had seen the suspect? Could he – do you remember anything like that?

CARO I cannot recall.

COUGHRAN Okay. Did he happen to broadcast what type of vehicle he was pursuing?

CARO I cannot recall if he did. I can only remember that he said he was in pursuit and the direction that he was going.

COUGHRAN Okay. So, from Belvedere, did you say you went northbound on Power Inn?

CARO That's correct.

COUGHRAN Okay. So, you were northbound Power Inn. And then you said you ended up turning eastbound on Folsom?

CARO That's correct.

COUGHRAN Okay. I'll tell you what. Why don't we use blue here on the map? Well, we'll use red. So, would you mind, on here, drawing maybe just a circle at the point that you first observed the pursuit and joined in the pursuit. So, is that Keifer?

CARO I'm sorry… (*overlapping*)

COUGHRAN Okay. So, you said that it was at Folsom Blvd. you observed the pursuing vehicle and Ofc. Toomey's car going southbound on South Watt?

CARO Mm-hmm.

COUGHRAN Okay. And then you joined in behind him. Correct?

CARO That's correct.

COUGHRAN All right. At that point where there any other officers in this pursuit?

CARO No.

COUGHRAN Okay. And so, the position that you took, is that what we call the number two position?

CARO That's correct.

COUGHRAN Okay. And so, you said that the vehicle, the pursuing vehicle, continued southbound on South Watt?

CARO That's correct.

COUGHRAN Okay. And what did you estimate the speeds at kind of when you first joined in here?

CARO At first, it was approximately 40 to… maybe 40 to 30 miles per hour. It was not a fast pursuit.

COUGHRAN Okay. And again, I'm not trying to trick you or anything.

CARO No, no worries.

COUGHRAN This is just from your memory. Okay?

CARO Of course.

COUGHRAN Okay. And so, as the vehicle continued southbound on South Watt still, at this point, by the time you guys reached Fruitridge, were there any other units in the pursuit?

CARO There was one more unit, and then… we… yeah. It was myself, and then there was one more unit behind us, and then Ofc. Toomey, so there was three of us altogether.

COUGHRAN Okay. So, Toomey is still the number one car in the pursuit?

CARO That's correct.

COUGHRAN You were number two?

CARO That's correct.

COUGHRAN And then there was another vehicle behind you?

CARO Yes.

COUGHRAN Okay. And when you saw Ofc. Toomey's car, was – could you tell if his lights and siren were on?

CARO Yes. They were both on.

COUGHRAN Okay. And then, how about the vehicle that was behind you?

CARO Yes.

COUGHRAN Okay. Lights and siren?

CARO Yes.

COUGHRAN Okay. And then, when I ask about lights and siren, are we talking about what kind of lights?

CARO Red and blue.

COUGHRAN Red and blue?

CARO Mm-hmm.

COUGHRAN Okay. All right. So, after the vehicle approached Fruitridge, you said it made a westbound turn on Fruitridge?

CARO That's correct.

COUGHRAN Okay. So, as it's westbound on Fruitridge, could you estimate the speeds that you believe he was driving?

CARO 25 to 30 miles an hour.

COUGHRAN Okay. So, did he slow down a little bit at that point?

CARO A lot, yes.

COUGHRAN He slowed a lot?

CARO Yes.

COUGHRAN Okay. And was the vehicle yielding at any point?

CARO Not yielding at all. No, it was not yielding.

COUGHRAN Okay. So, the vehicle continues westbound on Fruitridge. And then you described seeing an additional officer ahead?

CARO That's correct. It was Ofc. Patterson and Ofc. Ward.

COUGHRAN I'm sorry, Patterson and Ofc. Ward?

CARO That's correct.

COUGHRAN Okay. And were they attempting to join in the pursuit, or what was their purpose?

CARO No. They were pulled off to the side of the road, attempting to deploy a spike strip. So, they were pulled off. We were going westbound. They were pulled off on the north side of Fruitridge in a drainage ditch or just the side of the road.

COUGHRAN Okay. And so, it was your belief that they were trying to just deploy spike strips?

CARO That's correct.

COUGHRAN Okay. And I think you said you saw, actually, one of the officers outside of the car?

CARO Yes. I saw that they were outside of their vehicle. Yes.

COUGHRAN Okay. And could you describe, again, what the suspect's actions were at that point?

CARO Yes. So, as we were getting closer to them, he turned his vehicle directly toward the officers in a jerking motion and he picked up speed. So, he turned his car north, toward the officers to the side of the road. It looked like he was going to try and — he wanted to hit them if they were to throw the spike strip out because he wanted to get away from us.

COUGHRAN Okay. So, if he's going westbound -

CARO So, he would turn right.

COUGHRAN Okay. So, was it like more of a sudden, abrupt turn to the right? Is that what you… How would you describe that?

CARO If… when he turned right, it wasn't just a small jerk. It was full. His vehicle was going right toward them. So, it wasn't like a jerk right. It was a full turn to the right abruptly.

COUGHRAN Okay. And then, obviously, he didn't hit them. Correct?

CARO No, he did not hit them.

COUGHRAN Okay. So, what did the suspect vehicle do at that point?

CARO It then corrected itself and then turned left into the industrial park.

COUGHRAN Okay. So, did it now make a full left turn to go southbound?

CARO Yes.

COUGHRAN Okay. How close would you estimate, this is your perspective, that he – that the suspect vehicle was to those two officers that were attempting the spike strip?

CARO Maybe 10 yards.

COUGHRAN Ten yards? Okay. So, you think he was pretty close to hitting them?

CARO Very close, yes.

COUGHRAN Okay. In your mind, at that point did you think that the vehicle – the vehicles were going to collide?

CARO I did think he was going to collide with them, yes. I did think that he was going to hit them to make sure that he did not get his car spiked.

COUGHRAN Okay. Could you actually see the spikes out in the road?

CARO No. I couldn't see the spikes, but I knew that that's what they were attempting to do.

COUGHRAN Okay. Did they – do you happen to remember if that was broadcast over the

		air?
	CARO	That they were going to deploy spike strips?
	COUGHRAN	Yeah.
	CARO	They said they were getting ahead of him to deploy spike strips, yes.
	COUGHRAN	Okay. And so, now the suspect vehicle is now driving southbound through, you described, an industrial complex.
	CARO	That's correct.
	COUGHRAN	Okay. And so, you can see the suspect vehicle. How would you describe it?
	CARO	Like a red minivan.
	COUGHRAN	A red minivan?
	CARO	Mm-hmm.
	COUGHRAN	Okay. So, all the while you're still in the number two position?
	CARO	That's correct.
	COUGHRAN	Ofc. Toomey is still in number one?
	CARO	That's correct.
	COUGHRAN	And there's this third car behind you?
	CARO	That's correct.
	COUGHRAN	Still lights and siren at this point?
	CARO	Yes.
	COUGHRAN	Okay. And is the suspect vehicle attempting to finally agree or — I'm sorry, follow the rules and pull over and be compliant?
	CARO	No. In fact, when we turned south, he picked up speed again to try and elude us and escape.
	COUGHRAN	Okay. So, the suspect vehicle is going southbound through this complex?

CARO Mm-hmm.

COUGHRAN Can you describe, to your memory, what this complex looked like?

CARO It had a dirt road. It had a gate, like guard box, in the front. And then it had gas pumps, a concrete sort of — oh, my gosh. What do they call it? That word's eluding me. It's like a concrete building and then a metal awning.

COUGHRAN Okay. And so, what were the suspect's actions once he entered that industrial complex?

CARO He was acting erratic, because he started to head toward the gas pumps at a high rate of speed, acting like he was still trying to elude us and trying to escape from us.

COUGHRAN Okay. So, did he drive through the gas pumps?

CARO He drove through them. Yes.

COUGHRAN Okay. And then, at what point did the suspect vehicle finally come to a stop?

CARO He started to head toward the metal awning. There is a metal and concrete fence along – next to the metal awning, and he realized that he had just pinched himself inside there and there's no way to get out directly forward.

COUGHRAN Okay. So, maybe we can refer to this picture here.

CARO Right.

COUGHRAN Does this picture — this is, again, that aerial photograph that the unmanned aerial system took. And does this appear accurate, at least to some degree, to your memory?

CARO Yeah.

COUGHRAN Okay. So, maybe we can describe what we're seeing on this photograph.

CARO Yeah. So, here's the concrete and metal fence I was talking about, and then here's the metal awning. His vehicle came directly… directly to right here, and then he stopped. And then, this is our setup for our felony vehicle stop. That's Ofc. Toomey's vehicle. That's my vehicle.

COUGHRAN Okay. So, on the photograph your referring to, Ofc. Toomey's vehicle would be vehicle 12404?

CARO Mm-hmm.

COUGHRAN And your vehicle would be, you're referring to here, 13414?

CARO That's correct.

COUGHRAN So, is this about, approximately, where you initially stopped?

CARO Yes.

COUGHRAN Okay. And I know the photograph here doesn't show — it's not zoomed out. It's kind of zoomed in a little bit. I'm assuming you guys came in here from the north?

CARO That's correct.

COUGHRAN Okay. And how about what's over here to the west?

CARO I couldn't see anything. I thought this was fenced off, and I don't know what was back there. There was nothing.

COUGHRAN Okay. But you described him, the suspect, as being kind of trapped right here?

CARO Exactly.

COUGHRAN Okay. So, could he have escaped through here to the west?

CARO He might've been able to. I don't know who was over there. I thought there was a fence preventing him from leaving there.

COUGHRAN Okay. Yeah, that's your perspective and that's what we want to know. Okay. So, at this point you said that the suspect vehicle had stopped and you stopped your cars here. And what was the purpose of being kind of offset when you were…?

CARO That's how we perform a felony vehicle stop so we can use our doors as cover and I have enough space to open my door to use it as cover.

COUGHRAN Okay. So, it was a strategic way to try to approach this vehicle?

CARO That's correct.

COUGHRAN Okay. And that's the way that you were trained?

CARO Yes.

COUGHRAN Okay. So, you two, Ofc. Toomey and yourself, you're stopped here. At this point, when you first stopped, do you remember the actual location of the suspect vehicle?

CARO It's going to be directly in front of us like this.

COUGHRAN Okay. Would you mind just kind of drawing a box where you believe the suspect vehicle was at? Okay. Indicating that it's pointing in that direction?

CARO Exactly.

COUGHRAN Where the dots are?

CARO Mm-hmm.

COUGHRAN Okay. And so, at this point did you exit your vehicle?

CARO Yes.

COUGHRAN Okay. And because the suspect vehicle was now stopped?

CARO Yes.

COUGHRAN Okay. Let's talk about what happens at that point.

CARO Okay. So, I exit my vehicle and I point my firearm at the suspect. I hear an officer say, "Put it in park or we'll shoot." And then, Ofc. Toomey is outside of his vehicle. I'm outside of my vehicle. I'm going back to give radio traffic and updates, and that's when I see the rear lights on this vehicle turn on and he starts to move backwards. And he does this, he moves backwards in an L and comes directly past my vehicle, and I see it. And then he – I see the vehicle then begin to lurch forward toward Ofc. Toomey, and I realize that there's only a small space separating the wall and Ofc. Toomey. Ofc. Toomey is outside his vehicle. The suspect had already shown, like I said, that he's willing to put us in great bodily injury. He tried to hurt officers on the roadway with his vehicle. He's driving a fully-functioning minivan. His intent was to drive through Ofc. Toomey with his minivan, killing him or hurting him, to get away from us because he wanted to go through the space between Ofc. Toomey and the wall.

COUGHRAN Okay. And so, you're referring to this space here?

CARO Mm-hmm.

COUGHRAN So, are you saying Ofc. Toomey was standing outside of his vehicle?

CARO Yeah.

COUGHRAN On the driver's side?

CARO Exactly. He was completely exposed.

COUGHRAN Okay. Do you know exactly where Ofc. Toomey was standing outside of his vehicle?

CARO Not exactly, no.

COUGHRAN Okay. But it was your impression that he was standing outside of the driver's door of his vehicle?

CARO Standing outside the driver's door, yes.

COUGHRAN Okay. And so you were standing outside of your driver's door?

CARO That's correct.

HOFFMANN When you say "driver's door," are you talking about the plane of the vehicle? In this picture, this door is open.

CARO Correct.

HOFFMANN So, when you say "outside the driver's door," are you talking about here, or are you talking about in the V in between the vehicle and the door? Can you kind of just clarify that?

COUGHRAN Yeah, and -- well, because you said you weren't exactly sure about Ofc. Toomey's location, correct?

CARO Exactly.

COUGHRAN Okay. So, how about your perspective? Do you know exactly where you were standing?

CARO I was standing in the V of the door, because I was using the A pillar as cover and my door as cover.

COUGHRAN Okay. So, your door was open?

CARO Yes.

COUGHRAN And you were standing in between, you described it as the V of the door.

CARO Exactly.

COUGHRAN Okay. But you weren't exactly sure where Ofc. Toomey was standing?

CARO No.

COUGHRAN Okay. But it was your impression that he was somewhere on his driver's side?

CARO Yes.

COUGHRAN Okay. And we just don't know exactly where?

CARO Right.

COUGHRAN Okay. And so, when you – when you were standing over here, from your perspective, you said you drew your firearm.

CARO Yes.

COUGHRAN Okay. Is that your pistol, the department-issued Glock 17?

CARO Yes.

COUGHRAN Okay. Do you carry other lethal weapons?

CARO I carry my rifle, and I have my less-lethal options, which is the pepper ball and the less-lethal shotgun.

COUGHRAN Okay. And where were those weapons at that time?

CARO My rifle was in the lock for it in the vehicle, the same as my less-lethal shotgun.

COUGHRAN And by lock are you referring to the lock that's kind of in the center console of the front compartment of your vehicle?

CARO Yes.

COUGHRAN The driver's compartment, in there?

CARO Yes.

COUGHRAN Okay. And your pepper ball, where was that at?

CARO The trunk.

COUGHRAN Okay. And so, at that point you decided to use your department-issued pistol. And you said you were pointing it toward the suspect vehicle?

CARO Yes.

COUGHRAN Yes? Okay. And so, you described this turn – these turning movements that the suspect vehicle made. How – how quickly after the vehicle actually stopped before it started to move again? I mean, how much time passed from the moment it stopped to it actually starting to move again? Do you remember?

CARO Maybe like five seconds before it moved again. Like, it was quick, extremely quick. I heard the first command to put it in park or we'll shoot. A second passed, and then it started to move again.

COUGHRAN Okay. And so, you described it moving forward initially?

CARO It lurched forward a little bit, and then, like I said, the rear lights came on and it turned this way, towards me.

COUGHRAN So, it's reversing towards you?

CARO Exactly, exactly.

COUGHRAN Almost, I guess we could describe it. This is actually north here. This would be south.

CARO South.

COUGHRAN So, it was reversing northbound?

CARO Yes.

COUGHRAN Okay. Could you describe it? Was it like a slow reverse?

CARO No. It was a very violent reverse. It was fast. It was not slow. He knew — I don't know why he reversed, but he did it, and then I – when he was over here. I thought, *He needs to know that he's trapped*, so I pulled forward a little bit to make sure he didn't try and go through a gap right here, but that wasn't his intention. His intention was to go toward Ofc. Toomey over here.

COUGHRAN Okay. Do you remember if this vehicle, vehicle number 13415, was it here at this point? Or do you remember?

CARO I… I don't – No, it was not there yet.

COUGHRAN Okay. So, this space over here was a little bit open?

CARO Yes.

COUGHRAN But the suspect vehicle didn't try to reverse back that way?

CARO No, it did not.

COUGHRAN Okay. Because it was – you said after it reversed it then ended up moving forward again.

CARO Yeah, forward toward that car.

COUGHRAN And could you — I mean, in your mind, what direction was he, was this driver trying to go?

CARO He was trying to go — what is this, south? He was trying to go south.

COUGHRAN South?

CARO South…

COUGHRAN And then, this -

CARO So, southeast. So, he was trying to go southeast.

COUGHRAN Okay. Which basically, the way you just described, would be across the front of Ofc. Toomey's vehicle. And then, east would be between this wall and Ofc. Toomey's vehicle. Is that correct?

CARO That's correct.

COUGHRAN Okay. So, in your mind, you believed that the suspect was going to attempt to continue driving and escape through a – this space between the vehicle and the wall?

CARO Yes.

COUGHRAN Okay. And you described Ofc. Toomey being out there at some point.

CARO Yes.

COUGHRAN Okay. Did you see him get back into his vehicle at any point, Ofc. Toomey?

CARO No, I did not see that.

COUGHRAN Okay. Did you see Ofc. Toomey retreat from that point to the back of his vehicle or anything like that?

CARO No, I did not see that.

COUGHRAN Okay. Do you remember specifically, though? Do you remember seeing Ofc. Toomey out there, or was your mind focused on the suspect vehicle?

CARO My mind was only focused on the suspect because I thought he was going to try and ram into me and kill me because his mindset was that he didn't care. He had just committed arson. He was homicidal. He just wanted to get out of there and didn't care what happens. So, I was scared that he was going to try and kill me. And then when he pulled forward again, I was scared he was going to kill Toomey.

COUGHRAN Okay. And so, we had already discussed this when you told me about when you started to fire your weapon. Let's go to that point again here. So, when the suspect vehicle started to move forward, what was going through your mind?

CARO At that point, as he was pulling forward, I remembered that he was already fleeing from us. He was driving 80 miles an hour on La Riviera, didn't care about the public's safety. He had just tried to hurt and kill us on Fruitridge, and I realized he's not going to stop. He's going to kill Toomey, and he – Toomey was an imminent threat — or in imminent danger, I should say. And the suspect was an imminent threat because of his van. It could still move. It could still work. It could still hurt and kill. So, I heard a first shot, and I had to stop that vehicle, and so I started shooting to stop it.

COUGHRAN Okay. And to your memory, how many rounds did you fire?

CARO I believed I shot approximately three times.

COUGHRAN Okay. And you – could you describe it? Were you aiming at the driver's side of that vehicle?

CARO I was aiming at the driver's side of the vehicle. I had a bad angle on the driver himself, but I had to try and save Toomey.

COUGHRAN Okay. And so your – all three rounds that you remember firing, it was toward that driver's -

CARO Yes. And then I knew that there's nobody out here. Before the vehicle started moving, it's just all quiet, nothing out there. So, there's no worry about who is back there because it's just dirt.

COUGHRAN Okay. So, you considered what we would call the backdrop?

CARO Exactly, yes.

COUGHRAN Okay. And you would describe this backdrop as…?

CARO Empty.

COUGHRAN Empty?

CARO A field, I think it is back there.

COUGHRAN Okay. You didn't see residences?

CARO No. I didn't see residents. I didn't see any campfires. I didn't see anybody out there or anything.

COUGHRAN Okay. So, were you at all concerned that any missed rounds would hit anybody else?

CARO I'm always concerned that a round is going to miss, but I knew that there's no worry, that if the round goes through the vehicle, there's nobody on the other side that's going to get hit.

COUGHRAN Okay. All right. Let's also talk about your, just in your mind, if you could, estimate the distance from where you were standing to the actual… the suspect vehicle when you started to fire your weapon.

CARO Maybe two yards, less. I'm very bad at estimating distance. It's not what I'm good at. So…

COUGHRAN Okay.

CARO It was not… it was not that far away, so let's go with two yards.

COUGHRAN Okay. Close enough for you to have an effective…

CARO Yes.

COUGHRAN … hopefully, make an effective, whatever your attempt was, at that point? Right? To be effective with your weapon?

CARO Yeah, to stop the imminent threat. Yes.

COUGHRAN Okay. All right. So, after you fired your three rounds — and you said you had already heard a gunshot prior to you firing. Right?

CARO Yes.

COUGHRAN Okay. Do you remember how many other gunshots you heard that weren't from you?

CARO Approximately four, four to five, I want to say. It's hard to tell.

COUGHRAN Okay. This is just, again, to your recollection. Okay?

CARO Mm-hmm.

COUGHRAN Do you know which other officer or officers were firing?

CARO Just myself and Ofc. Toomey. I only heard two different guns going off.

COUGHRAN Yours and someone else's?

CARO That's correct.

COUGHRAN Okay. Could you see Ofc. Toomey firing at that point?

CARO I saw the smoke from the gun, but I couldn't see him physically firing the gun. I only saw the gun going off.

COUGHRAN Okay. And when you stopped firing, did the other officer continue to fire at that point?

CARO Ofc. Toomey?

COUGHRAN Yeah. Do you remember?

CARO He fired one last shot when I stopped firing.

COUGHRAN Okay. Do you remember when that was?

CARO The vehicle lurched forward more. It looked like, as I said, the driver was not going to stop still. And so, he fired one last shot, and then the vehicle stopped moving.

COUGHRAN Okay. So, at the point that the vehicle stopped moving and the gunshots were done, what happened after that?

CARO So, I heard screaming or crying from the vehicle. Someone was going, "Ow, ow." So, I came to Ofc. Toomey over here to wait for other resources before we approach the vehicle because I was scared the suspect was maybe armed. Because I remember what happened to the deputies just recently, so I was worried that he was going to open up and start firing at us again.

COUGHRAN Okay. Did you have any information to believe that the suspect was armed?

CARO I always assume a suspect is armed.

COUGHRAN Okay.

CARO It's officer safety.

COUGHRAN Okay. So, you moved up to the rear of Ofc. Toomey's patrol vehicle?

CARO That's correct.

COUGHRAN Okay. And was Ofc. Toomey over there at that point?

CARO Yes.

COUGHRAN Okay. What happened after that?

CARO We waited for other resources to arrive. I believe Ofc. Stevens and his trainee were the next to come up. They came up with a shield and a less-lethal shotgun. And then other officers started arriving and spreading out throughout to find cover and begin to extract the suspect from the driver's side.

COUGHRAN Okay. And we know, ultimately, that the driver was taken into custody. At what point, though, did — I mean, how did that come to fruition? Did officers have to approach the vehicle and pull him out? Did he end up surrendering on his own?

CARO No, he opened the door on his own. He walked out on his own, and then we took him into custody, but we were giving him commands, obviously, the entire time, but he was able to walk out on his own.

COUGHRAN Okay. And what was his condition at that point?

CARO I saw blood from his stomach, and he was crying out, "Ow, ow," but awake and talking and conscious.

COUGHRAN Okay. Was there anybody else in this vehicle?

CARO No. When they cleared the vehicle, there was nobody else inside of it.

COUGHRAN Okay. One question I wanted to clear up and I forgot to ask you. At what point did you ever see the driver of this vehicle?

CARO When he came back this way, this is when he passed my car. So, once he turned this way, that's when I saw him in the driver's seat.

COUGHRAN When he made that first reverse?

CARO Exactly.

COUGHRAN Okay. And you could actually see him at that point?

CARO Yes. I saw who he was, the suspect. I saw what he looked like.

COUGHRAN Okay. Was he doing anything at that point other than driving?

CARO No, just driving.

COUGHRAN Just driving? Did he -- did he show any signs of trying to be compliant at that point?

CARO No, he did not. He looked like he saw his way out and was about to pull forward toward it.

COUGHRAN Okay. At any point were you able to yell out any commands or anything?

CARO When he came forward again, I said, "Stop." And then he did not stop and he kept pulling forward. That's when I shot.

COUGHRAN Okay. So, we'll go back to when he finally exited his car. And you said that it appeared that he was bleeding. Did you approach and put handcuffs or anything on him?

CARO No. Other officers were able to do that for me. So, they made a contact team. They went up and put handcuffs on him and took him into custody. And then

I heard them say, "We need a med kit." So, I ran back to my car to grab my med kit. And then, when I came back around again, I saw — I don't remember who was working on him already, but I saw them breaking open med kits, and I was just primed to go, "Okay. What do we need to do? Where is his injuries?" before I put my hands in there and start getting in their way.

COUGHRAN Okay. So, when you say "med kit," you're referring to a medical kit to provide some sort of first aid?

CARO Exactly.

COUGHRAN Okay. And additional officers were already providing that first aid?

CARO That's correct.

COUGHRAN Okay. Did you take part in any of that at that point?

CARO I was about to open my first chest seal, and then Ofc. Ward taps me on the shoulder and said, "Hey, I got you," and I stepped away.

COUGHRAN Okay. All right. And then, in terms of the van, the suspect's vehicle, did you take part in clearing that?

CARO No, I didn't take part in that.

COUGHRAN Okay. All right. And so, I would assume at some point paramedics were called and responded?

CARO They did. They came when they had to. They responded Code 3 to our location. Yes.

COUGHRAN Okay. And so, is that pretty much the end of your involvement in the incident as we just discussed?

CARO Yes.

COUGHRAN Okay. All right. Let me go back and just talk about a few other things. So, you had some additional weapons in your car.

CARO Mm-hmm.

COUGHRAN I'm going to ask, you said you had some — you had a rifle. And you did not deploy that?

CARO No.

COUGHRAN Okay. Because you deployed your service pistol?

CARO Exactly.

COUGHRAN Okay. Did you attempt, at any point, what we call de-escalation techniques during this time?

CARO We gave out one command. He did not listen. That's when he backed toward me. When he started to pull forward, I yelled, "Stop!" He continued forward. There was not enough time to try any more de-escalation.

COUGHRAN Okay. So, it was time?

CARO Mm-hmm.

COUGHRAN It was just — was it too quick?

CARO It was too quick. He was moving too quick for us. He didn't stop and wait and listen to our commands or try and create a rapport with him. He heard the first command, began to back up, was about to pass me, and I said, "Stop!" He ignored that command as well and started to pull forward again.

COUGHRAN Okay. So, by yelling "Stop!" would you consider that a de-escalation technique?

CARO Yes, yes.

COUGHRAN Okay. Like, verbally de-escalate?

CARO Yes, and I was giving him an order to stop.

COUGHRAN Okay. Which – was he compliant?

CARO No, he was not.

COUGHRAN Okay. So, it just was moving too quickly for you to really even attempt de-escalation?

CARO That's correct.

COUGHRAN All right. How about your less-lethal options? Did you make an attempt to use anything?

CARO There was not enough time. I only had enough time to pull out my pistol

before he started making his vehicle maneuvers.

COUGHRAN Okay.

CARO I didn't have enough time to — because you have to hit a button on the vehicle to release the less-lethal shotgun, and I did not have enough time to reach down and hit that button.

COUGHRAN Okay. And you didn't have enough time, I would assume it's fair to say, to go to the trunk of your vehicle and retrieve a pepper-ball gun?

CARO That's correct.

COUGHRAN Okay. And your taser, would that have been effective in this scenario?

CARO That would not have been effective at all. No.

COUGHRAN Okay. So this – the way that you described this incident, it was moving pretty quickly.

CARO Yes.

COUGHRAN Okay. And so, the moment that you made the decision to fire your weapon, exactly at that moment, what was on your mind?

CARO What was on my mind is that I was scared that he was going to try and kill Toomey based on the fact that he was in that van, the van is moving toward him. He's going to use that van as a weapon against Toomey and kill him or create great bodily injury. He was an imminent threat. I was thinking about what he did on Fruitridge, driving his vehicle toward the officers on the side of the road, trying to kill them, trying to hurt them. I was thinking about the pursuit leading up to it, him going 80 miles an hour down a residential to try and escape from us. All I could think of was this suspect has shown that he does not care what happens. He has already tried to hurt people and kill people, and he showed that he was not going to stop. He has shown the intent that he is going to drive forward, and there's no stopping him. And all of that was computing into my mind, and that's when I shot because I knew he was going to drive forward, straight into Toomey, and kill him.

COUGHRAN Okay. Do you have anything else you want to share with us before we take a quick break?

CARO No.

COUGHRAN Okay. So, what we're going to do is pause the recorder here. The time is 6:25

p.m.

END OF FIRST AUDIO FILE

COUGHRAN All right. The time is 6:58 p.m. We are back from a break. All right. So, Ofc. Caro, we've just got a few follow-up questions. So, the vehicle that — when you were in pursuit, you were still the number two car and you guys were driving westbound on Fruitridge. And then you said that there was that other vehicle that was attempting to do the spike strip. And those officers, I'm sorry, one more time, who did you believe that was?

CARO Ofc. Ward and Ofc. Patterson.

COUGHRAN Okay. Ward and Patterson?

CARO Mm-hmm.

COUGHRAN Okay. And could you describe, again, where you saw that – their patrol vehicle?

CARO Off the side of the road. I think there was a drainage ditch over there, like a gully. So, well off the side of the road.

COUGHRAN Okay. On the north or south side?

CARO North side.

COUGHRAN North side? Okay. And did you see – I thought you said you saw at least one of the officers outside of the vehicle?

CARO Yes. I could not tell you who it was, though.

COUGHRAN Okay. Was it just one officer?

CARO I just saw one officer.

COUGHRAN Okay. And do you remember exactly where you saw them standing?

CARO I think it was toward the back of their patrol vehicle.

COUGHRAN Okay. And what direction was their patrol vehicle faced?

CARO It should've been faced, I believe it was, west.

HOFFMANN If you're not sure, you can say, "I don't recall."

CARO I'm not sure.

COUGHRAN Okay. I'm just trying to — so, when you said you saw him at the rear of the vehicle -

CARO As in, I saw their rear headlights. So, I saw their taillights.

COUGHRAN Okay. Do you remember if their overhead lights were on?

CARO I do not recall.

COUGHRAN Okay. That's fine. All right. And do you remember seeing that officer's actions at that point?

CARO I don't recall that either.

COUGHRAN Okay. And then, again, I think you did estimate the, I guess, proximity of the suspect vehicle to the – Ofc. Patterson and Ward's vehicle. And you described that as how many yards?

CARO I think I believe I said 10 yards, approximately.

COUGHRAN Okay. All right. So, it was pretty close. Right?

CARO Mm-hmm.

COUGHRAN So, to the best of your memory, it was fairly close?

CARO Yes.

COUGHRAN Okay. And then, once the pursuit continued southbound into the industrial complex, and then the pursuit finally stopped where the suspect vehicle finally stopped for the first time, did you at all see Ofc. Toomey's car at that point? Do you remember if it – how close he was to it?

CARO Can you rephrase the question?

COUGHRAN Sorry. Do you remember how close Ofc. Toomey's car was to the suspect vehicle once it stopped?

CARO Bumper to bumper. His rear bumper was directly — like maybe inches away from the suspect's rear bumper. So, it was -

HOFFMANN Front bumper?

CARO Ofc. Toomey's front bumper was maybe inches away from the suspect's rear bumper. So…yeah.

COUGHRAN Okay. And so, it had stopped. And how much time passed from the moment the vehicle finally stopped to when it started to move forward again?

CARO Maybe seconds.

COUGHRAN Okay. Just seconds?

CARO Yes.

COUGHRAN Okay. And then, did you describe the vehicle? Did it pull forward some distance? Do you remember that distance?

CARO I can't recall how much it pulled forward. All I can recall is when it came back.

COUGHRAN When it came back? Okay. When that vehicle was reversing toward you, I think at one point you said you were in fear of your life?

CARO Yes. Yes, I was.

COUGHRAN Okay.

CARO Yes.

COUGHRAN Can you describe that to me again, just when it was reversing toward you?

CARO He was reversing back to me. I was scared because I saw that he tried to hit officers on Fruitridge and the way he was driving on La Riviera with the high rate of speed. I thought he was going to ram right into me to get out of where he was, and I had no time to put my seatbelt on or get ready for anything. I just jumped back in my car.

COUGHRAN Okay. So, when he started to reverse toward you, you were already outside of your vehicle?

CARO That's correct.

COUGHRAN Okay. And as he reversed toward you, did you attempt to retreat at that point, or did you stay where you were at? What did you do?

CARO I remember when he reversed back. I got into my car, but as I was getting

into my car, he was already making the L shape. So -

COUGHRAN So, was he still reversing when you were in your car?

CARO Yes, but not toward me anymore.

COUGHRAN Okay. So, his reverse motion no longer was coming at you? Is that what you're saying?

CARO That's correct.

COUGHRAN Okay. So, it was kind of going almost across the front of your car?

CARO Yeah…yeah.

COUGHRAN Okay. And so, at least in your mind, you thought that he was going to try to attempt to reverse into you and your vehicle?

CARO Yes.

COUGHRAN Okay. I think earlier you had mentioned that you were afraid for our lives. And I think you actually said our lives, "I was afraid for our lives." And are you referring to your life and…?

CARO Ofc. Toomey.

COUGHRAN Ofc. Toomey?

CARO Yes.

COUGHRAN Okay. So, when we talked about Ofc. Toomey, again, at some point you said when the vehicle stopped, then you did this, what we would call a felony vehicle stop, where Ofc. Toomey is here on the left. You kind of pulled up to the, I guess, right side of Ofc. Toomey. And that's the way that you were trained to do a felony vehicle stop. Right?

CARO Mm-hmm.

COUGHRAN Okay. And then, did you ever, at any point, look to see where Ofc. Toomey was at during that time?

CARO No.

COUGHRAN Okay. You never physically laid eyes on Ofc. Toomey?

CARO No.

COUGHRAN Okay. At any point prior to the shots being fired, did you see with your own eyes Ofc. Toomey?

CARO I don't recall.

COUGHRAN Okay. So, I guess the question, then, is you described Ofc. Toomey being somewhere on the driver's side of his vehicle. Correct?

CARO That's correct.

COUGHRAN Okay. How did you know that he was outside of his vehicle? Or did you ever know if he was outside of his vehicle?

CARO When we do a felony vehicle stop, we always come out of our cars with our guns drawn. That's how we were trained. And so, I knew if he was doing his training, he's going to be outside of his car, ready to go, with his gun. He won't be sitting inside of his car.

COUGHRAN Okay. So, it was your belief was that Ofc. Toomey would be standing outside of the driver's door of his car?

CARO That's correct.

COUGHRAN Okay. But you never actually saw him standing there?

HOFFMANN If you're not sure -

CARO I'm not sure if I physically saw him standing there.

HOFFMANN And so, you may or you may not have, but at this moment you don't recall?

CARO Yes. I may or may not have, but at this moment I do not recall.

COUGHRAN Okay. When things were — before the actual shots were fired, I think you said that you made a command for him – to the suspect. You yelled for him to stop.

CARO Yes.

COUGHRAN Okay. And then, what other commands, or if any, were you hearing from other officers?

CARO I heard another officer say, "Put it in park or we'll shoot."

COUGHRAN Okay. Do you remember if that was Ofc. Toomey or somebody else?

CARO I – I don't recall who said it.

COUGHRAN Okay. Do you recall if you heard Ofc. Toomey giving commands as well?

CARO I don't recall if I heard him give commands. He may or may not have. I didn't – I can't recall at this time.

COUGHRAN Okay. All right. I think you had mentioned it earlier. You said the word. You thought the suspect was "homicidal."

CARO Mm-hmm.

COUGHRAN Okay. Could you explain that to me or what you were referring to?

CARO Homicidal, meaning that he was willing to kill, that he wasn't thinking like the – a normal citizen. He did not care about our lives. He didn't care about the public's lives. He just looked at killing us as a way to complete his task of escaping.

COUGHRAN Okay. I mean, and that's a, I guess, a pretty strong word. Right?

CARO Yes.

COUGHRAN That he's willing to kill?

CARO Yes.

COUGHRAN And you're using this word just based on…?

CARO What I witnessed on the road before we came into the industrial park, when he swerved his vehicle toward the officers to try and hit them if they were to throw the spike strips.

COUGHRAN Okay. So, you believed that the suspect was making an effort to kill those officers on the road?

CARO Because they would've stopped him or slowed him down, and that would've ruined his chance of escaping.

COUGHRAN Okay. But the suspect vehicle, obviously, didn't hit those officers. Correct?

CARO No.

COUGHRAN Okay. So, he did end up turning southbound before he made any sort of contact with those officers?

CARO Yes.

COUGHRAN Okay. But based on that incident on Fruitridge, that's what made you believe that the suspect was homicidal?

CARO And his driving on La Riviera, and also that he's an arson suspect…

COUGHRAN Okay.

CARO … all of that copulating to the fact of what was going on at that moment.

COUGHRAN Okay. And I believe you had said something earlier to this effect. You said that after the suspect stopped, and we're now here at the end of this pursuit, that you didn't approach because you were afraid that the suspect would fire at us again. And I don't know if you just misspoke when you said that.

CARO Can you? What do you mean? Can you reiterate?

COUGHRAN You had just made the statement about you didn't want to approach because you were afraid that the suspect would "fire at us again."

CARO Are you talking about when we first pulled into the awning and the concrete fence?

COUGHRAN Correct.

CARO Yes.

HOFFMANN Yeah. I heard that too, and I thought you had accidentally misspoken. Did you misspeak, or did you think that he had fired a weapon at you?

CARO I misspoke.

HOFFMANN Okay.

CARO I misspoke.

COUGHRAN And I just want to clarify, did the suspect from this vehicle fire at you guys?

CARO No, he did not fire. I was scared that he may have a weapon or he may try and fire. He didn't actually fire. I was scared that he may try to.

COUGHRAN Okay. So, in your mind, and just your perspective here, all of the gunshots that you heard, none of those came from the suspect?

CARO When he – no, none of those came from the suspect. No.

COUGHRAN Okay. So, it was, in your mind, all of those gunshots were from either yourself or Ofc. Toomey?

CARO Yes.

COUGHRAN Okay. When he – after he reversed, the suspect vehicle reversed, and you had said you had momentarily jumped into your car, you said you had pulled your vehicle forward slightly.

CARO Mm-hmm.

COUGHRAN Okay. And then you described the suspect now driving forward…

CARO Yes.

COUGHRAN … in a forward motion. Did you see the – could you see, at that point, where the vehicle was attempting to go?

CARO Yes.

COUGHRAN Okay. And did you base that on — did you actually see the wheels turning?

CARO Based on the way his vehicle was pointed and the way he was moving forward, I could tell which direction he was going. He was only going to be able to go forward. He wanted to go forward. He was showing the intent of going forward through Ofc. Toomey.

COUGHRAN Okay. Because if he continued going southbound here, where would he go?

CARO He would hit the wall. But his vehicle wasn't pointed southbound. It was pointed more toward — I'm sorry. It wasn't pointing southwest. It was more pointed toward the southeast.

COUGHRAN Southeast? Okay.

CARO Yes.

COUGHRAN So, if he started out facing in this direction, and you said he reversed kind of in a northbound -

CARO That's right.

COUGHRAN - across the front of your car. And then, at some point he's now pointed in this direction. So, he's making kind of that eastbound turn.

CARO That's correct.

COUGHRAN And he obviously didn't make it past Ofc. Toomey's vehicle.

CARO No.

COUGHRAN Okay. Because he ended up stopped at approximately this position here.

CARO That's correct.

COUGHRAN Okay. So, I want to focus again on Ofc. Toomey here. After the shots were fired, did you, from where you were standing, did you happen to see where Ofc. Toomey was?

CARO Once the shots were fired, I looked over and I could see the barrel of the gun.

COUGHRAN Whose gun?

CARO Ofc. Toomey's gun. So, I knew he was in the V, right here.

COUGHRAN Okay. But prior to the shots being fired, you didn't actually see him standing out here?

CARO I don't recall where he was standing.

HOFFMANN And he didn't actually — his statement was that he wasn't sure whether or not he had looked over and seen him or he didn't. He may have and had a good idea of where his location is. He just can't specifically, today, recall whether or not he actually visually confirmed or not. He may have, was his prior – was his statement. So, I think we're, at this point, kind of going over the same ground. Which, if you do that enough, it inevitably leads to some inconsistencies just because of the syntax of language. So, you know…

COUGHRAN Right. Yeah.

HOFFMANN Anyhow, I'll just say that and submit that.

COUGHRAN Okay. And I'm not trying to trick you here. So, you said that it was the way that you were trained was that when officers are doing a felony vehicle stop

— could you describe like that training to me? Because that's the reference that you're using, right? If an officer makes a felony vehicle stop, what do they – what do they do?

CARO Okay. So, when an officer makes a felony vehicle stop, we go into like a V. There's normally a third car. We come out of our vehicles, guns drawn.

COUGHRAN And when you say "come out of our vehicle," where would you go?

CARO I would go to my – whatever spot I'm sitting in, if it was the passenger or if it was the driver, that's the side I'm coming out on. I'm using the door as cover, the A pillar as cover. I'm putting my — I'm drawing my gun on that vehicle because a felony vehicle stop is a high-risk stop. We don't know what is inside that car. We don't know exactly what that driver will do with the distance that they have and the time.

COUGHRAN Okay. And so, are you describing you would be standing kind of in the V of the door, an open vehicle door?

CARO Yes.

COUGHRAN Okay. So, actually standing outside of the car with the door as cover, as you described?

CARO Yes.

COUGHRAN Okay. All right. And so, again, I mean, this is what you described as a felony vehicle stop.

CARO Mm-hmm.

COUGHRAN So, it was your impression that this is based on the way you were trained?

CARO Mm-hmm. Based on my training and experience, yes.

COUGHRAN Okay. That this is how things are supposed to be done?

CARO Yes.

COUGHRAN That you would step out of your door and use it for cover, but you're actually physically outside of the vehicle at that point, standing on the ground?

CARO Standing on the ground, yes.

COUGHRAN Okay. All right. Okay. And so, I think we've already asked enough about

that. All right. I think that's it for the questions I have. Do you have anything else that you'd like to share? Is there anything that maybe I didn't clarify that you want to clear up?

HOFFMANN No, thank you.

COUGHRAN Okay. We'll take one more break. We'll check to see if anyone has any other questions, and then we're almost done. Okay?

CARO Okay.

COUGHRAN All right. The time is 7:14 p.m.

End of Recording

Transcribed by: DocuScript, LLC/mw

INTERVIEW WITH Officer Eric Toomey

THOMPSON = Sgt. Justin Thompson
TRUJILLO = Det. Christina Trujillo
TOOMEY = Ofc. Eric Toomey
HOFFMAN = Joe Hoffman

TRUJILLO All right. The date is September 3, 2021. The time is 8:13 a.m. Present in the Internal Affairs office are Ofc. Eric Toomey, attorney Joseph Hoffmann, Sgt. Justin Thompson, and myself Det. Christina Trujillo. Observing is Sgt. Cory Faria. The purpose of this meeting is to conduct an interview of Eric Toomey, who is an employee with the Sacramento Police Department in the capacity of police officer. This is an administrative investigation on the charges of firearm discharge, force, improper tactics, neglect of duty, and traffic involving Eric Toomey. This is an administrative investigation only on these charges. Do you understand that?

TOOMEY Yes.

TRUJILLO However, since the allegations indicated that a crime may have been committed, I am advising you that you have the right to remain silent. Anything you say may be used against you in court. You have the right to the presence of an attorney before and during any questioning. If you cannot afford an attorney, one will be appointed for you free of charge before any questioning if you want. Do you understand each of these rights that I have explained to you?

TOOMEY Yes.

TRUJILLO Having these rights in mind, do you wish to talk to us now?

TOOMEY No.

TRUJILLO Although you have a right to remain silent and not to incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Do you understand that, based upon the authority vested in me by the Chief of Police, I am ordering you to answer all of our questions?

TOOMEY Yes, I do.

TRUJILLO Any statement made under compulsion of a threat of discipline cannot be used against you in a later criminal proceeding. However, if you do not answer our questions truthfully and fully, a charge of insubordination may be imposed which could result in discipline up to and including termination. Do you understand this is only an administrative investigation?

TOOMEY Yes, I do.

TRUJILLO Do you understand the allegations?

TOOMEY Yes.

TRUJILLO Do you understand that I am ordering you to answer our questions and that if you do not answer them truthfully and fully, it could result in disciplinary action up to and including termination?

TOOMEY Yes.

TRUJILLO Okay.

THOMPSON Good morning, Officer. Can you please state and spell your name for the record?

TOOMEY Sure. First name is Eric, E-R-I-C. Last name is Toomey, T-O-O-M-E-Y.

THOMPSON Prior to this interview, I provided you and your representative with the following items: SPD CAD call 21-44157; a written transcription of the statement you provided to Det. Massee on February 17th of 2021; your body-worn camera video from SPD 21-44157; your in-car camera video from SPD 21-44157; a screenshot taken by a UAS of the OIS scene from the night of February 15, 2021; your round count form from February 15th of 2021; an audio recording of radio traffic during SPD 21-44157; a copy of SPD report 21-44272; a copy of your POST training record; a copy of your range training qualification record; a copy of the Perishable Skills Program (PSP) tactical firearms training outline for 2020; General Order 210.04, General and Professional Conduct, dated July 12th of 2017; General Order 420.01, Use of Police Vehicles, dated June 26th of 2008; General Order 521.01, Pursuit of Vehicles, dated March 20th of 2018; General Order 522.02, Emergency Care for Individuals Under Police Care or Control, dated May 18th of 2018; General Order 580.02, Use of Force, dated September 17th of 2020; and General Order 580.06, De-escalation and Planned Response, dated December 1st of 2020. Have you had enough time to review all of this material?

TOOMEY Yes, I have.

THOMPSON In regard to your written transcription of the statement you provided to Det. Massee on February 17th of 2021, is that statement true and accurate?

TOOMEY Yes, it is.

THOMPSON Do you recall if you were allowed or able to view your body-worn camera and in-car camera from this incident prior to Det. Massee taking your statement on February 17th of 2021?

TOOMEY Yes, I was.

THOMPSON Do you have any questions before we begin?

TOOMEY No.

THOMPSON Prior to this interview, we provided you a POST training record. Does that appear to be a true and accurate depiction of the training you've received as a police officer?

TOOMEY Yeah. The only thing it doesn't include would be some department-specific training.

THOMPSON And what would that be?

TOOMEY Integrated gang training, supervisor school.

THOMPSON When you say "supervisor," do you mean TOPS?

TOOMEY Yes.

THOMPSON Okay.

TOOMEY I think that's it.

THOMPSON Okay. Is there any other training, outside department training or police training that you've taken, that you think is relevant to this incident or your experience level?

TOOMEY You mean just in terms of training? I've been with the department for a little over five and a half years. I went to field training officer school. I am a field training officer. I think — and I've been an acting supervisor before, so I think those are relevant pieces of experience.

THOMPSON But anything outside of law enforcement, like civilian -

TOOMEY Oh, sorry. No.

THOMPSON Private companies or anything like that?

TOOMEY No.

THOMPSON In looking at your training record, it appears you attended the Sacramento Police Department's Perishable Skills Program, also referred to as CPT, in November of 2020. Does that sound correct?

TOOMEY Yes, it does.

THOMPSON Can you tell us a little bit more about the firearms portion of this course and kind of explain its purpose?

TOOMEY Sure. We're required to qualify, I want to say quarterly, on our firearms, and there's a daytime qual and a nighttime qual. So, from what I remember, we did a fairly standard range session. It usually starts with the fundamentals of firearm safety; some refamiliarization with your firearm; some slow, static shooting at targets. And then, essentially, the training kind of progresses through the day. I don't recall if we used rifles. I think we just stuck to handguns for that. And if I'm remembering the correct range session, I remember we finished the day shooting from a patrol vehicle, kind of in the crook of the door, where you'd be on a felony stop. We practiced shooting from that position while waiting for another officer to come over and get behind you and utilize, I guess, different forms of movement after the threat had been dealt with. And then we did target identification. So, it was, I think, steel targets. Yeah, it was three steel targets, or maybe it was four, but they had a number on them. And then they'd call out a number, and you had to identify the number and engage that target. So, that was about it.

THOMPSON How many times have you attended CPT since you started here in the police department?

TOOMEY Five times, six times. Five or six times.

THOMPSON I'm going to list some topics covered in the firearms course outline from 2020, CPT 2020. And can you tell me if you did receive instruction in those areas when you attended CPT in November?

TOOMEY Sure.

THOMPSON It would be the department's use of force and firearms policy, which includes the department policy for discharging a firearm; judgement and decision-making; target and non-target identification; legal, moral, and ethical issues involving the use of force and ensuring the use of force is justifiable under department policy; determining if the use of force is necessary; civil and department implication of force and lethal force; lethal force within the spectrum of force options; escalation

and de-escalation; constant evaluation of the situation; and case law such as *Tennessee v. Garner*, or the fleeing felon doctrine. Does that list sound consistent with the training you received in the firearms portion of CPT?

TOOMEY I mean, most of it. They tend to touch upon use of force. I honestly can't tell you if we covered *Tennessee v. Garner* in the class. I mean, we've all kind of been to the range sessions. It can depend on who the range master is that day for what information gets covered, but I would say, in general, most of that stuff is accurate.

THOMPSON In your firearms training, are you tested on whether or not you understand and know the above topics?

TOOMEY When it relates to the discharge of the firearm, yes. I don't recall having a quiz on policy or case law. I don't remember if we wrote anything down. Does that make sense?

THOMPSON For the CPT portion?

TOOMEY Yeah. When we went to the range, at least I don't recall, I don't think we're given a written test to cover policy issues. It's more maybe just stuff that's discussed during a particular training exercise.

THOMPSON So, maybe you weren't — so, you're not actually tested on those in CPT? Is that what you're saying?

TOOMEY Yeah, at least nothing written. Or it might just be like the instructor says, "This incident would be an example of, let's say, a fleeing felon." And then he'd ask the class, "Do you understand?" You'd go, "Yes, that makes sense," but nothing formal, I guess.

THOMPSON So, some of the topics I mentioned there for the CPT course outline, do we also cover similar topics in the police academy?

TOOMEY Yes, we do.

THOMPSON Now, in the police academy, are you tested on those topics?

TOOMEY Yes.

THOMPSON And in what ways are we kind of tested in the police academy on some of those topics?

TOOMEY Several methods, obviously, just going over each individual learning domain. Right? California Peace Officer Standards of training breaks down each topic of police work into learning domains. So, you'll have a learning domain for use of force, for how to handle firearms. You name it, there's probably one. And then, at least when I went through the academy in 2015, we had individual POST tests for each learning domain that you were required to have a certain cut score to pass. If I remember correctly, I think the use of force test was you could only miss one question. Anything else was a failure. And then, in addition, in the academy, we had department-specific tests. So, it could be reciting our use of force policy at the time, verbatim, or answering true or false questions, or different scenarios like that. And then we also had scenario-based learning. And then you'd have scenario-based tests near the end of the academy that were graded, and those would cover a multitude of factors, anything from how to render medical aid, to an ambush scenario, to use of force. And those are pass or fail; there is no in between. And you have to pass those in order to graduate the academy.

THOMPSON And regarding the topics you just talked about in the academy, did you pass or qualify as it relates to those?

TOOMEY Yes, I did.

THOMPSON During your employment as a Sacramento Police officer, are you expected to be familiar with our general orders, Office of Operations orders, manuals, and training?

TOOMEY Yes, we are.

THOMPSON Prior to February 15th of 2021, do you recall when the last time you reviewed our General Order 580.02, the department's use of force policy, was?

TOOMEY That would have been when I had my last trainee, which would have been — I think I had my last trainee in November or December. And, basically, my standard procedure was whenever I received a new trainee in my car, we would always cover three or four of our large G.O.'s — so, use of force, Code 3 driving, our pursuit policy, de-escalation, our less-lethal policy. And the trainee in my car would basically have to be able to recite the big portions of those, or the pertinent portions, back to me. So, I'd say I reviewed it fairly often because every time I have a new trainee, that's what we did. We didn't get to leave the station until you answered those questions and answered those questions correctly.

THOMPSON So, do you feel you understand the concepts and guidelines contained in that policy?

TOOMEY Yes, I do.

THOMPSON When you're determining whether to apply force, what kind of factors have you been trained to consider and evaluate?

TOOMEY I mean, a variety. Obviously, it's situationally dependent. It depends on what the situation is. Right? Sometimes a simple verbal command of "Please stop" or "You're under arrest" is enough. It's tough to say because, right, our job is very fluid, and things change dynamically and quickly. So, in general, right, we have the right to utilize reasonably objective force if we have probable cause to say a public offense has been committed. Right? So, if we have probable cause to believe that a crime has occurred, we're allowed to use reasonably objective force, but it just — I guess it would depend on what's the nature of the offense. What's the level of resistance or perceived resistance? Are there weapons involved? Do we have a nature of — is this somebody we've dealt with before and maybe we know the — or somebody that typically is not very pro-law enforcement and usually doesn't comply with our lawful orders? I mean, I don't know. There's a variety of factors, and they have to be constantly re-evaluated as the scenario progresses.

THOMPSON Are any two scenarios ever exactly alike?

TOOMEY No.

THOMPSON Would you say, in your experience as an officer, that they almost always are different, essentially?

TOOMEY Yeah. You can go to two calls back to back, and one night they both may be like a party call, but they're each going to have something that makes each call unique to that call. I mean, at the end of the day, right, we're in the people business, and people react differently.

THOMPSON Can you please describe, in your own words, what deadly force is?

TOOMEY Sure. Deadly force is any type of force that has the likelihood to cause great bodily injury or death.

THOMPSON Can you describe for us what an imminent threat is?

TOOMEY An imminent threat is a threat that, based off the officer that's there, their perception at the time that it's a threat that has the ability to cause them serious bodily injury or death, or that same to another officer or citizen, and it's something that must be handled immediately. There's no recourse. Right? You can't wait for another resource or something. It's something that has to be — a good

example would be, right, if somebody points a firearm at you. That's something that's going to have to be dealt with very quickly because that's something that, right, poses a deadly threat to yourself and the general public.

THOMPSON Is understanding the meaning of deadly force and imminent threat part of the training we've received as officers at Sac PD?

TOOMEY Yes.

THOMPSON In what circumstances have you been trained that you're authorized to use a deadly level of force?

TOOMEY Well, I mean, any situation where you're acting within the course and scope of your duty and you believe that the threat you are facing poses an imminent threat to your life or the life of another officer or a citizen. However, you are not allowed to utilize deadly force if the person only poses a harm to themselves. So, you couldn't utilize a firearm if somebody is going to stab themselves in the neck, for instance, and they only pose that threat to themselves. But, yeah, if you believe that the situation at hand poses the risk of imminent threat, right — so, basically something that's going to cause you serious bodily injury or death, or one of your cohorts or the public — you are authorized to use deadly force at that point in time.

THOMPSON So, during your training, have you been taught to use deadly force, when necessary, against an imminent threat of serious bodily injury or death?

TOOMEY Yes.

THOMPSON Would engaging an imminent threat of serious bodily injury or death likely come from your firearm?

TOOMEY In all likelihood, yes.

THOMPSON And why is that?

TOOMEY Well, I mean, that's something that every officer is equipped with, and it's what we're trained on. Right? That's our last-resort force option. I know our policy allows for exigency, right, if you're in a situation where maybe it's outside of our normal practicing — for instance, if you utilized a pocket knife or something in some extreme, extraordinary circumstance — but there's nothing I've ever come across. So, in general, yes, I would say for us, if we were going to be utilizing deadly force, it would be from a firearm.

THOMPSON Does engaging an imminent threat of serious bodily injury or death from your firearm require discharging a set number of rounds?

TOOMEY No.

THOMPSON What have you been trained as it relates to that?

TOOMEY You engage the threat until it is no longer a threat, or at least what your perception of that threat is, right, because if you're the one — if you're the officer that's engaging the imminent threat, it's your perception. So, for instance, I remember, explicitly, in the academy they talked about how they used to train — I think it was San Francisco PD — how they would fire three rounds and then stop and assess. And they found that when officers were getting involved in officer-involved shootings in San Francisco, they would fire three shots and stop and assess, even if there was still an active gunfight going on. And they had officers start to get injured or killed, so they changed their training policy to basically reflect the dynamic nature of our work and say you engage the threat until you believe that it's no longer a threat. That doesn't mean shoot to kill. It means neutralize the threat until you can safely either effect an arrest or move forward, whatever that may be.

THOMPSON So, when, as an officer, have you received that kind of training as it relates to how many rounds you should fire?

TOOMEY The academy, for sure. And it's been covered in, definitely, some academy — sorry, not academy — post-academy firearms classes. I went to the department's Performance Pistol 1 and 2, just our advanced pistol training that we offered for a little bit. And they kind of covered that topic too, how to engage a target appropriately.

THOMPSON And is that training that you've received consistent with what most officers in our organization received?

TOOMEY Yes.

THOMPSON What kind of situation would an officer choose not to discharge multiple rounds to neutralize a threat?

TOOMEY The one thing that immediately comes to mind and, I mean, it may sound kind of Hollywood, for lack of better words, but when you think of a hostage situation, right, where maybe they're standing behind a victim and they're holding them at knifepoint or gunpoint. That would be a scenario where maybe one or two aimed, precise shots would take place, but the likelihood of that occurring are so — I would never expect to come across something like that in my career, but that

would be a situation where you would exercise extreme discretion in your accuracy because you have, I guess, a person who's not a threat in front of a threat. That's one situation where I could think of it.

THOMPSON So, is it safe to say that how many rounds you're going to fire to neutralize a threat, you don't know until you start engaging that threat?

TOOMEY Yeah. It just depends on the situation. Yeah. I mean, you could have it where you fire one shot and that neutralizes it. You can have it where you expend all your ammunition and it's still a threat. It depends on what the situation is and what's going on.

THOMPSON In what ways are you responsible for each round that you fire at an imminent threat of serious bodily injury or death?

TOOMEY Well, you're liable for where every round goes. Right? Part of our firearms training is understanding that when you do discharge your weapon, it's understanding your backdrop, your foreground, what's to the side of it. Basically, right, we're not perfect. You can't — there's no way anybody can assume that every round they fire is going to hit their target. So, you have to be accountable that if you do miss, right, it's going to impact somewhere that is not a threat to people that aren't involved. So, understanding crossfire with other officers, where officers are relevant to your position, right, if you're on a perimeter or something. So, you're accountable for each round that's fired and where they go. As a matter of fact, in the academy and every range session we go to, before you even hit the range, it's "What are the fundamental rules of firearms?" And the first one is know where you're shooting, what's in front, what's in back, and what's to the side.

THOMPSON After engaging an imminent threat of serious bodily injury or death from your firearm, what have you been trained to do next?

TOOMEY Well, okay. So, assuming the scene is safe at that point in time, if possible and practical, you'll render medical aid and make sure that you have some form of higher medical care on the way. Right? So, whether that be the Fire Department or the Sac Metro, they'll come out and transport them to a hospital if that's what they need. Obviously, if they're deceased, then it's a separate issue, but in general, if there's — I mean, just to clarify, we are talking about deadly force. Right? Use of deadly force, or just force in general?

THOMPSON Yeah.

TOOMEY I would say, in general, if you use force, right, if it's a reportable use of force — so anything outside of the use of a control hold, like a taser — we're obligated to

have the Fire Department come out. Obviously, if we utilize a beanbag shotgun or 40 mm, the foam launcher, you have to have either the Fire Department come out or, in all likelihood, they're going to be transported to the hospital for evaluation. So, you have an obligation.

THOMPSON So, talking about just firearm force used, in an event where you engaged a threat and that threat is neutralized or appears to be neutralized, what steps do you take after that? Do you immediately re-holster? What kind of things have you been taught to do?

TOOMEY No, you're going to — before you re-holster — we were taught to re-holster hesitantly. I believe that was the term that was used a lot, and it's you need to assess your situation before you re-holster. Right? You have to determine whether it's a lull in the action or if it's the true cessation of the event because, yeah, there's been instances where people re-holster and there is still a threat, and now you're behind the gun, so to speak.

THOMPSON When you say "assess," is that similar to scanning and assessing?

TOOMEY Yeah. So, yeah, when we go to the range, it's a very common practice. I think everyone on the department, at least that's sworn, has gone through it. Right? We fire our rounds at the target, and then they have you scan left to right with your head, and then re-holster because there's a potential in your scan and assess you may identify something else that is a threat to your safety or another person's safety.

THOMPSON So, while you're scanning and assessing, could a threat re-present itself?

TOOMEY Absolutely.

THOMPSON And if a threat did re-present itself, what are you trained to do?

TOOMEY Well, assuming it's an imminent threat, you would engage that threat until it's neutralized.

THOMPSON And is there a set number of rounds that you would have to re-engage with?

TOOMEY No. It just depends.

THOMPSON Is the training we're kind of talking about here standard for police officers at our department?

TOOMEY Yes.

THOMPSON In your own words, can you summarize what general order 580.02, Use of Force, says about when officers are authorized to discharge their firearms at or from a moving vehicle?

TOOMEY At or from a moving vehicle? So, it's — well, I guess in terms of at a vehicle, it's, I would say, more so the — sorry — the driver of the vehicle. Right? The operator of the vehicle would be where you discharge, but you can do it in situations where you believe that that vehicle poses an imminent threat, right — so, a great risk of serious bodily injury or death to yourself, or another officer, and, I believe, members of the public — but, in general, it would be an extraordinary circumstance where that happens. It's two lines at the very end of when we're allowed to discharge, in the subsection. So, it has to be an imminent threat to yourself or another officer.

THOMPSON Can you summarize for us, in your own words, what General Order 580.02, Use of Force, says about moving out of the path of an approaching vehicle?

TOOMEY Yes. It says that an officer shall make every attempt, if feasible, to move out of the way of a moving car, and that you shouldn't intentionally place yourself in the path of a moving vehicle.

THOMPSON Earlier, you mentioned that during your November CPT training that a portion of that firearms training includes shooting and moving in or around a patrol vehicle. Does that sound correct?

TOOMEY Yes, sir.

THOMPSON During that training, what areas of a patrol vehicle were you taught that you could use for cover or concealment?

TOOMEY The majority of it was in the V that's formed if you open a door and you have, essentially, the area between the door where it meets the frame of the car. We spend a lot of time in there, particularly because we've recently installed ballistic panels in our door so it offers some protection against certain ballistic threats. Then, if I remember correctly, we did a little bit, briefly, at kind of the back corners of the vehicle. So, kind of, at least on a police SUV, that's probably the best example, right, at the trunk area, where the hatch is, basically practicing on the back corners of the vehicle.

THOMPSON Did you ever have to remediate any portion of that CPT training?

TOOMEY No, I did not.

THOMPSON As a police officer working patrol, how often do you utilize cover and concealment?

TOOMEY Every shift. It doesn't have to be a situation where anything is happening, but we're taught, for instance, when you walk up to the front door to knock on the front door of a house, don't stand in front of the door. Move off to the side, or stand on the front lawn behind a tree, or be somewhere. That way, in case something does happen, you hopefully have something in front of you that could stop something that's coming at you. So, I would say we utilize it every day. It's just part of being a tactically-sound officer.

THOMPSON What kind of tactics and strategies have you been trained to utilize when contacting an armed or a possibly armed subject?

TOOMEY I mean, the biggest thing is it's going to depend on, right, the context of the situation and what information we have going into that event. If we're responding to a call where we know there's a firearm involved, that's going to involve a lot of units. And, typically speaking, unless it's something that warrants our — I guess, for the purposes of the exercise, let's say we have a barricaded subject inside a house. If we know there's a barricaded person inside a house that's armed, but we can verify that they're the only person inside the house, typically, at least with our department, we will surround the house and begin trying to establish some form of negotiation so they exit the house. And if they don't, then we can utilize resources that take a longer time to get there, like a SWAT team or a crisis negotiator.

But if it's a felony vehicle stop when we know they're armed, there's policies we have in place to handle that, like fanning the vehicle out, and utilizing a singular voice to issue commands and call them out, and either have them lay down on the ground or call them back to officers, and then clear the vehicle. I mean, but if you know — in general, if you know they're armed with a firearm, you're going to treat it with a higher level of, I guess, respect of the situation. Your situational awareness is going to be greatly heightened, right, because they present — they have the ability, at least based off your information, to present something that could kill you or one of your partners.

THOMPSON Have you been trained on the concept of contact arrest teams?

TOOMEY Yes.

THOMPSON Can you explain what that is?

TOOMEY Yeah. So, I guess a good example would be a felony car stop, and maybe it's a situation where we can't necessarily call, let's say, an occupant of the vehicle back

to us. We would form a team of officers, and each person in that team will have a specific job designation. So, one person may be voice, so they'll issue commands to that person. Then, another person will be responsible for some form of less-lethal option, maybe a taser or a beanbag shotgun. One person will retain lethal cover, so utilization of a firearm, and then the last person would be the actual officer who is going to put the handcuffs on. And if we have enough bodies, you can have a fifth officer that could actually kind of control the speed of the group and their movement. Because they're not involved with the task, they have the ability to kind of see the overarching picture.

THOMPSON You kind of mentioned cover officers in there. Can you just kind of explain what a cover officer is?

TOOMEY Yeah. In general, it's somebody that can have a second set of eyes on a situation. So, maybe, I guess, to speak in vague terms, you're responsible for whatever is in front of you, so your attention is focused on that. So, they have the ability to maybe watch a greater picture and protect you or protect your environment, essentially, while you're — if you're searching a suspect that's been arrested at a felony car stop and you still have other occupants in the car, your cover officers will be watching that car because, obviously, you're going to be busy searching that person, so your attention is going to not be on a possible threat. So, they're there to cover you, to provide safety.

THOMPSON Are the use of contact teams and cover officers a common practice in police work?

TOOMEY For our department, yes.

THOMPSON Do we do contact teams and cover officers for officer safety reasons?

TOOMEY Yes.

THOMPSON Is distance a key factor to officer safety?

TOOMEY It's one of, yes.

THOMPSON Can you explain how distance is a factor in officer safety?

TOOMEY Sure. I think the — I wouldn't say distance alone. It's distance and time. That's a big thing that we're taught. And, once again, with anything in our work, it depends on kind of what situation you're dealing with at the time because everything is a little different. But in general — maybe a good example is a suspect that's holding a knife. If we increase the distance between them, it takes them — right now, they have a longer amount of time to cover that distance to

us, and that allows us to maybe put a patrol car in the way. It's a physical barrier to them. And we can utilize our less-lethal options in conjunction with a potential lethal option. Right? If a less-lethal option fails or isn't effective, then you've increased the amount of time. So, time and distance allow us, in general, to slow things down. And when we're able to slow things down, that's when we're able to maybe utilize different tactics or resources. So, I would say distance is important, but also time is a huge relation to it.

THOMPSON So, in that scenario, you have distance and you have, essentially, time. If you're in a situation where the distance is small, does that typically decrease your time?

TOOMEY Yes, because you're now closer. To stay on that scenario, if you're close to a suspect with a knife, that's a lethal threat. Right? If they get close enough to you to hurt you with that knife, you could die. So, yeah, the closer you are, it, I guess, ups the ante, to use a less-than-professional term, but it increases your threat risk. Typically, the closer you are — because, right, if you close that gap, now the time it takes for them to reach you is shortened. So, it's a very corollary relationship.

THOMPSON Are you familiar with Penal Code 835(a)?

TOOMEY Yes, I am.

THOMPSON Are you able to recite or summarize some of that Penal Code?

TOOMEY I could summarize the majority of it, if you would like me to. So, it starts off with, essentially — so, any peace officer that has probable cause to believe a person has committed a public offense may use reasonably objective force to effect an arrest, prevent escape, or overcome resistance. And the new way — I believe the next paragraph is it defines deadly force. So, deadly force is — the considerations for it, basically, are the valuing the sanctity of life and how it's a last resort. And it talks about the two situations where deadly force — you can use it when a reasonably objective officer believes that it's an imminent threat to their life or another member of the public. And then the second exception was if the person who flees, basically, poses a significant threat to the public if that threat is not dealt with immediately and rapidly. And then it goes on to say that any officer effecting an arrest, or attempting to effect an arrest, doesn't need to resist — not resist, sorry — does not retreat or desist from their efforts to effect an arrest, prevent escape, or use of force by resistance, or threatened or perceived resistance, to basically carry out their duties.

THOMPSON So, with what you just said, as a police officer, are you required to retreat or reposition when you're faced with resistance or threatened resistance?

TOOMEY No, you're not.

THOMPSON Is retreating or repositioning an option that police officers are trained in?

TOOMEY If available, yes.

THOMPSON Why would a police officer choose to retreat?

TOOMEY It depends on the — once again, it's something that depends on, I think, the situation, but it could be maybe you're facing a group of people or a force option that is greater than you, as a singular person, can handle. I think last year kind of proves a good example. If there's a large crowd for maybe a civil unrest scenario, and you're a single officer in a patrol car, and there's a crowd of a hundred people, it would be silly to think that you can take that on your own. Right? You would retreat and then wait for additional resources to help you out. So, I guess that's one scenario where you could. I would say retreat is — it can be advantageous when you're essentially facing some form of force option that is greater than the resources you have available at the time.

THOMPSON Would retreating also — would an advantage of retreating also include increasing that distance and time that we talked about earlier?

TOOMEY Potentially. Retreat is also — I guess the caveat with it, too, is it's not always a feasible option. You may get involved in a situation where it's a greater force that you can probably handle on your own, but at the same time you're also in a position where retreating is not an option due to whatever external factor, but at that point, right, then, if you're stuck, you're going to have to deal with whatever comes.

THOMPSON So, just because you could increase distance and time, it doesn't necessarily make it — it doesn't necessarily mean you're putting yourself in a better position?

TOOMEY Yeah. I mean, in some cases you could retreat and put yourself in a worse situation because maybe you gave up a position of advantage that you initially had in your original position. And in police work, in general now, we tend to come across more people with rifles. We're armed with a handgun. Right? A typical engagement range for us is probably maybe 20 yards at the maximum, and that's somebody that's very proficient. Twenty yards with a rifle is an incredibly easy shot, and our soft body armor doesn't stop that. So, just because you would increase distance, in a scenario like that, they would still have an ability to cause serious injury to you or death. So, it just depends.

THOMPSON So, we've been talking about retreating. How about repositioning? Why would a police officer choose to just reposition?

TOOMEY I think it's a similar vein, right, depending on a situation. Maybe you arrived at a location and you took up a position for whatever your job was, and either in that position you didn't have a good line of sight, it didn't afford good cover or concealment, or maybe you were too far away from the other members of your team, right, a plethora of reasons. So, if you have the opportunity and can safely move to another location, you would try and relocate yourself to a position of advantage.

THOMPSON Is discharging a firearm at another person considered deadly force?

TOOMEY Yes, it is.

THOMPSON Have you been trained, at any time, to use your firearm in a way that would be considered less-lethal force?

TOOMEY Can…?

THOMPSON Have you been trained, at any time, to use your firearm in a way that would be considered less-lethal force?

TOOMEY Oh, no, no. If your gun is coming out, there's only one way that gets used.

THOMPSON In your training and experience, can a vehicle be used to cause great bodily injury or death?

TOOMEY Yes, absolutely.

THOMPSON In your training and experience, at what speeds will a vehicle striking a human cause great bodily injury or death?

TOOMEY I mean, it could be as low as one mile an hour. It just depends on where you are relative to the vehicle. I mean, it just depends, I guess. I was a community service officer before I was an officer, and I went to a lot of vehicle collisions, and I had the firsthand opportunity to observe kind of what a car does to people. And, I mean, even at speeds as low as 10 or 15 miles an hour, it can cause great injury to people. At the end of the day, you're a single person trying to fight a massive mechanical force. So, even at low speeds, if you get caught up in the wheels or something like that, it could definitely break your leg or worse.

THOMPSON Would you agree that all Sac PD officers have been trained and have some experience in the areas that we've talked about so far?

TOOMEY Oh, yes.

THOMPSON Other than this incident, have you been involved in any other officer-involved shootings?

TOOMEY Yes, I have.

THOMPSON What year was that?

TOOMEY 2016, April 8th.

THOMPSON Does that incident affect how you respond to other critical incidents?

TOOMEY It can be an influencing factor, depending on the situation. Basically, a good way to explain it would be it has allowed me to recognize, maybe, when somebody has a particular disposition or an attitude, or a look in their eyes that basically has indicated that they are going to do what it takes to either get away from us — does that make sense? I don't really know how to describe it. It's not like…It's a unique situation, and it's a situation that, once you've been in it, you're kind of attuned to maybe when something has the potential to go down that route again or is going that way. I don't really know the best way to describe it, but I would say maybe subconsciously, in the back of my mind, it's an influencing factor. I think it's why, when I'm on patrol or when I have trainees, I'm very big about, right, we always try and put ourselves in a position of advantage in case something does happen that way. That way, we give not only us the best opportunity to go home, but, right, at the end of the day, we don't want to go out there and have to use that level of force on people. We all signed up to help our community. Right? That's a contentious thing. So, if we can position ourself in a way that is advantageous to not use that — I guess that'd probably be the best way to describe how it influences me. I'm going to do what it needs to take to maybe avoid the situation, set ourselves up in a way that we don't have to do that.

THOMPSON Have you attended the Sacramento Police Department's Emergency Vehicle Operation Course, also known as EVOC?

TOOMEY Yes, I have.

THOMPSON Can you just explain it a little bit, what EVOC is and its purpose?

TOOMEY Sure. So, in the academy, it takes recruits through, basically, how to operate a police vehicle. And it covers everything from driving at low speeds — learning how to parallel park, driving through cones — up to operating a vehicle at high speeds, evasive lane changes, how to corner properly. And then it will ultimately culminate in driving with our emergency equipment activated, properly stopping for intersections, making sure it's clear for us to proceed through the intersection. And then it covers pursuing a suspect vehicle, basically what conditions we're

supposed to broadcast, what sort of information we're supposed to put out over the radio. So, in the academy, that's a large block of instruction. And then, once you graduate the academy, I think it's every other year we go to EVOC. And the last time I went, it was two days and we covered kind of the same things. So, we do placement drills. We do high-speed lane changes. We do some mock pursuits, high-speed cornering, basically just to keep those skills fresh.

THOMPSON Do you recall when the last time was you attended EVOC?

TOOMEY Well, I was supposed to go in March of this year, so that would have been…I guess 2019 would have been the last time I went.

THOMPSON I'm going to list some topics covered in the course outline for EVOC.

TOOMEY Sure.

THOMPSON And can you kind of just — after I read them, I'll ask you if you've received instruction in those areas: the department's Code 3 and pursuit policy, which includes the department's policy for the pursuit immobilization technique, also known as PIT; vehicle placement and accident avoidance; vehicle pursuits with practical exercises to simulate various conditions. Do those sound like areas in which you've received instruction at EVOC?

TOOMEY Yes, sir.

THOMPSON [redacted]

TOOMEY [redacted]

THOMPSON I know, earlier, you mentioned with your trainees it sounds like you review a lot of the big G.O.'s. Is 521.01, our pursuit policy, one of those G.O.'s you review with your trainees?

TOOMEY Yes, absolutely. They don't get to drive until they can answer all the questions relevant to it.

THOMPSON And do you feel you understand the concepts and guidelines contained in General Order 521.01?

TOOMEY Yes, I do.

THOMPSON Okay. I'd like to take a short break at this time.

TOOMEY Sure.

TRUJILLO Okay. We're going to take a break, and the time is 9 a.m.

Okay. Resuming the interview at 9:10 a.m.

THOMPSON Ofc. Toomey, were you working on February 15, 2021, as a Sacramento Police officer?

TOOMEY Yes, I was.

THOMPSON What was your unit identifier that day?

TOOMEY 1-Alpha-68.

THOMPSON And what were your hours, typically, for that shift?

TOOMEY 9 to 7.

THOMPSON Would that be 9 p.m. to 7 a.m.?

TOOMEY Yeah. Sorry. Yeah, 2100 to 0700.

THOMPSON And what were your days off for that shift?

TOOMEY Thursday, Friday, Saturday.

THOMPSON Do you recall how much sleep you got the night of the 14th to the 15th or, I guess, on the 15th?

TOOMEY No. You're correct. I didn't work that Saturday or — oh, boy. Yeah, it was a Monday. The 15th was a Monday. I didn't work that Sunday, so I had a full night's sleep.

THOMPSON Okay. Did you take a nap or anything during the day leading up to your shift on the 15th?

TOOMEY Not that I recall.

THOMPSON Anything else unusual about your shift on the 15th from a personal standpoint?

TOOMEY No.

THOMPSON And were you solo, or with a partner on February 15th?

TOOMEY I was solo.

THOMPSON And what type of patrol car were you driving on that shift?

TOOMEY A Ford Explorer.

THOMPSON And was that UV equipped with any kind of special equipment, such as ballistic shields in the door?

TOOMEY It was a standard police vehicle, so it had ballistic panels in the front driver door, in the front passenger door, and I believe it had it had a ballistic shield in the back, something that we can remove and take out with us.

THOMPSON You mentioned the ballistic shields in the doors or the ballistic panels. Any other parts of the vehicle that can be used as cover, similar to a ballistic panel?

TOOMEY The engine block.

THOMPSON And how do you know, as an officer, whether or not a UV has the ballistic panels in the door?

TOOMEY Well, if it's one that's been retrofitted, when you get inside the car on the passenger side, above the glovebox there's a little thing that says "Protected by Angel Armor," or something to that effect. But, in general, if you look at the vehicle number on the back of the car — for instance, my car that night was 12404. It'll end with a B, and the B stands for "ballistic."

THOMPSON Were you wearing your department-issued body-worn camera that evening?

TOOMEY I was.

THOMPSON And to your knowledge, was all of your equipment, including your body-worn camera, functioning properly at the beginning of your shift on February 15th?

TOOMEY To my knowledge, yes, it was.

THOMPSON At about 2154 hours, were you dispatched to [redacted] Occidental Drive, apartment number [redacted]

TOOMEY Yes, I was.

THOMPSON And were you dispatched with another unit?

TOOMEY I was.

THOMPSON Do you recall who that was?

TOOMEY It was Ofc. Schwertfeger and his trainee, Ofc. Jillson, and I want to say they are 1-Alpha-89. That was their identifier for the evening.

THOMPSON How long had you been working at the time you were dispatched?

TOOMEY Minutes. I was dispatched from the station. I was getting gas at the station when the call came across the radio.

THOMPSON So, was this your first dispatched call of the shift?

TOOMEY Yes.

THOMPSON And what were those initial details of the call that you received?

TOOMEY It was broadcast over the air by our dispatch, and it came across as a 952, so an incomplete call to 911, and they gave an address. And if I remember correctly, they were having trouble connecting with the caller on the other end. But as we drove to the call, basically, the information we had by the time we got there is the complainant of the call had stated that her ex-boyfriend had showed up, burned her vehicle, and she had called the Fire Department, and that she needed the police there. That was basically the gist of it, in terms of what was voiced.

THOMPSON And you mentioned that you responded from 300 Richards?

TOOMEY Yes, I responded from the station.

THOMPSON Did you respond Code 3?

TOOMEY No, I did not.

THOMPSON Had you ever been to this address before?

TOOMEY No, I hadn't.

THOMPSON Were you familiar with the caller or ever have prior contacts with her?

TOOMEY No. That was the first time I had met her.

THOMPSON What about the suspect she was calling about, Adan Herrera? Were you familiar with him or have any prior contacts with him?

TOOMEY No. The only information I had on him was what had been attached to the call by Ofc. Schwertfeger and his trainee.

THOMPSON Did you run any computer checks on him while you were on the way to the call?

TOOMEY Not that I recall. Or if I did, I want to say Trevor's — sorry, Ofc. Schwertfeger's — trainee had done it and attached it to the call. I guess it's important to note that, typically, if there's a training car that you're going with, at least on the team we were on, there's a pretty good understanding between all the FTO's that if they had a trainee, try and let their trainee do the workup on the call, right, because they're the ones that need the experience with it. So, he attached a restraining order, I remember, against the suspect, Mr. Martinez, and one other thing. But if I did run anything, I didn't attach it to the call because Trevor's trainee had already done it.

THOMPSON Do you recall if you read any — you mentioned a restraining order. Did you read any previous reports about the subject?

TOOMEY I don't remember if I read it, but I had information that the suspect had been arrested the week previously for stalking. So, I don't remember if I read that in a report or if that was something that was relayed to me on scene by either Ofc. Schwertfeger or his trainee.

THOMPSON Did you review the subject's county record screen, commonly called WebKPF?

TOOMEY I want to say I did because that's standard practice for me, to try and get as much information about a potential suspect before we get on scene, or at least a picture, that way I don't walk right by them, but I can't specifically recall if I did or not that evening.

THOMPSON So, you don’t recall if you actually saw the picture you're talking about, his mugshot, essentially?

TOOMEY Yeah. I couldn't tell you if I saw it before or after.

THOMPSON While you were in route to this incident, did you get any kind of updated information about the suspect?

TOOMEY Yes. They provided his name, birthday, and physical descriptors. And there was information on what type of vehicle he was driving at the time because they were able to finally get — dispatch was finally able to get ahold of our caller. And,

basically, she was calling because her Ford F150 in the street had been lit on fire by the suspect, and the Fire Department had already been out. Basically, what our call ended up being is it went from an incomplete phone call to an arson report. That was, I think, what it was classed at by the time we arrived on scene.

THOMPSON So, to your knowledge, as you were arriving on scene, what crimes had been committed by the suspect?

TOOMEY Well, based off the information I had on hand, we had a violation of a restraining order because he had been served with a domestic violence restraining order. We had arson. And then, I believe it had been established at that point he had made a threat to return and kill her. So, at that point you would have criminal threats, so 422 of the Penal Code.

THOMPSON What, if anything, is going through your mind while you're on your way to this call regarding the incident and the suspect?

TOOMEY I guess a lot of things. Just in general, when you go to a call, there's a lot of factors to consider. In this case, right, it wasn't my beat, so it wasn't my area of responsibility. It was Ofc. Schwertfeger and his trainee's. So, they were going to be handling the report portion of it. I was there to assist. But, in general, it's a good idea to be on the lookout for is the suspect still on scene or around. That's just good officer safety. And then my thought process was "Okay. Well, if it is an arson, what are some resources we need to kind of start marshaling in place to handle the call?" By the time I arrived on scene, Ofc. Schwertfeger and his trainee had already made contact with the caller. So, when I walked up, they were already talking with her, getting a statement. So, I was just kind of thinking, essentially, "Okay. It's an arson. We probably need to get an arson investigator out there. We have a pretty good description of where he is. It could be important to try and find out. Do we have a known address where he lives?" basically stuff that we could move forward on because, based on the information we had at that time, we had a couple of felony crimes and we had a very good idea of who he was. It's somebody that we could find and arrest, which would be good. He wasn't supposed to be there in the first place. So, I guess that's kind of it, and then, obviously, just always thinking about your officer safety stuff, where you park your car; or how you walk into the complex; in general, being aware of your surroundings. But I had never been to that address before, so I had to look at the map a couple times when I got closer because I had never been to that address.

THOMPSON So, you kind of started to touch on it. When you first arrived on scene, you said you walked up to the apartment and Ofc. Schwertfeger and his trainee were already at the door?

TOOMEY Yeah. They were already speaking with the young lady that called.

THOMPSON Okay. And you said they were taking her statement?

TOOMEY Yes.

THOMPSON Do you recall, during that initial time on scene, if you and the other officers felt you had probable cause at that point to arrest the suspect?

TOOMEY Yeah. By the time I started to walk back to my car, at the very least, if nothing else, we had a violation of a restraining order, and that's a mandated arrest in the State of California. Right? At the very least, we have that. And then, when we went out to the car, it was very burned. And he set it, so you also have arson at the time because she said the vehicle was hers. So, yeah, you have two crimes. If he showed back up on scene, we definitely — he would have gone to jail that night.

THOMPSON So, can you kind of just walk through it? You walk up to the apartment with Ofc. Schwertfeger, and then you mentioned you went out to the car. Can you just kind of walk us through, briefly, that chain of events?

TOOMEY Sure. So, when I arrived on scene, I parked in kind of the front parking lot near the complex, kind of by the office, and then I found my way to where the apartment was. So, I walked up. Ofc. Schwertfeger and his trainee were already talking with the caller. They talked with her for a couple minutes. And then, at some point it was decided we need to go out onto the street and look at the car. Right? Is this car actually burned? And we went out there, and it was. And that's kind of when we found out the Fire Department had already been out here and put it out. I guess that kind of got lost in translation. And then, essentially, I was like, "Okay. Well, I'll walk over to my patrol car," because I had parked outside of the gate. I think Trevor and his trainee parked on the inside. It was a gated complex. I said, "Oh, I'll get my patrol car and park behind the car and use my overhead lights to illuminate it," so we could actually see, because there were no street lights and it was hard using just our flashlights. So, that was kind of the impetus of me getting my car out there.

THOMPSON During this time while you were on scene, did you observe the red Toyota minivan?

TOOMEY Yes, I did.

THOMPSON Can you kind of walk us through how you first came to observe that red Toyota minivan?

TOOMEY Sure, yeah. So, I walked back to my patrol car. Then, I went to exit the parking lot that was at the front of the complex. I believe that's onto Occidental. I think that was the street. Yeah, Occidental. It was on Julliard. Okay. Yeah. So, whatever that road in front was. And there was a car coming, so I just stopped and waited. And the car went really, really slow and kind of — it didn't come to a full and complete stop. It was very hesitant to drive in front of me. And I was looking at the computer, kind of looking at them. I wasn't paying a ton of attention to what it was because I was like, "Okay. I'm going to drive over here. I'll turn my white overhead lights on so we can examine it." And then the car drives in front of me, and it was a red minivan. But at that exact point in time, it didn't register, with me at least. It wasn't — because it's like — there's no way this guy would come back. That's very uncommon. And then I went over to where Ofc. Schwertfeger and his trainee were, and I pulled in. And then he waived his flashlight. And I had my passenger window down, and he was like, "That's the suspect. That's him. Can you go stop him?"

THOMPSON And when you say — who told you that? That was Ofc. Schwertfeger telling you that?

TOOMEY Yes.

THOMPSON And at this point, do you know if you've seen the suspect's mugshot at all, or a picture of him?

TOOMEY I can't recall. I might have, but I couldn't tell you 100 percent if I had or not.

THOMPSON Did you have any other notes on the call or anything that would at least describe what the suspect looked like?

TOOMEY Yeah. We had his physical descriptors, so age and name, and height and weight. I don't recall if it had a clothing description. All the information I really had at that point in time, outside of his physical description, was violation on the restraining order, the arson, and she had stated that he was known to carry a firearm.

HOFFMANN I think, before, you said a threat as well.

TOOMEY Oh, yes, and the threat portion, that basically he had showed up on scene and said he was going to light the truck on fire or something and then return later to kill her. And then, obviously, he returned while we were there.

THOMPSON Do you recall if you saw the driver of the red minivan when it passed you?

TOOMEY When it passed me? No.

THOMPSON You mentioned that the complainant, or the victim in this, mentioned that he's known to carry firearms. Do you recall how you received that information?

TOOMEY If I remember correctly, Ofc. Schwertfeger relayed it to me because I recall having a brief conversation with him while his trainee was talking with the victim in this case. So, if I remember correctly, that's where I heard it from. I knew I had that information in the system. Which, if that's the case, obviously, with a restraining order, you're not allowed to possess firearms or ammunition anyway. So, if he had a firearm on him, that would be another violation.

THOMPSON At this time, were you aware of any kind of mental health issues related to the suspect?

TOOMEY No, I was not.

THOMPSON In your mind, at this point is the suspect an officer safety concern? And if so, why?

TOOMEY I mean, I guess it's kind of a multi-part answer. So, the fact that he returned while we were there is concerning. Right? He's already demonstrated a level of behavior that's unusual. Typically, most people, if they know the police are being called, won't show up right away because they don't want to have to deal with us. So, that was unusual. So, it was — yeah, it was concerning that he showed up. But also, at the same time, right, you have a suspect that's wanted for several felonies. You have a victim who's in fear for her safety. So, at the end of the day, right, we signed up to help people who can't help themselves. So, I had an obligation to stop him, at least get the car stopped and identify him and get his side of the story.

THOMPSON When that minivan first passed you, could you tell how many people were in the vehicle?

TOOMEY At that point in time, no, I couldn't.

THOMPSON Did you attempt to conduct a stop on that suspect vehicle?

TOOMEY I did. I tried to attempt an enforcement stop.

THOMPSON Did you have a cover officer for the stop, or were you a solo unit conducting the stop?

TOOMEY I was a solo unit. We were the only two officers on scene. And at the very least, if I stopped the car, and let's say he had stopped, I'm sure Ofc. Schwertfeger and his trainee would have come over to assist me in that.

THOMPSON So, if he had initially pulled over when you activated your emergency lights, would you have done a felony stop, or would you have approached the vehicle? What steps do you think you would have taken?

TOOMEY I mean, it's difficult to say. I mean, it really just depends on his actions. I guess it's hard for me to say because I know what the outcome was, so I guess it's kind of hard for me to speculate on it. But, I mean, in general, right, if you pull a car over, they yield immediately, they're keeping their hands either out the window or in a visible spot, and they're very compliant with your orders, I might. But the fact that he has a firearm, at the very least, I'm probably going to wait until I have another officer. Overconfidence gets people killed, so I have no issue waiting for a cover unit and doing it safely.

THOMPSON Did you consider waiting for other patrol vehicles to arrive before you initiated the stop?

TOOMEY No, because at that point we have the suspect vehicle, which, conceivably, the suspect is driving it. I have units that are — because they can break away. Right? We can always come back and talk to her afterwards. And I've worked with Ofc. Schwertfeger for a couple of years, so we have a fairly good idea of how each other is going to operate. So, I was fairly confident that if I went and stopped the car, he would get over to his car pretty quickly and assist with me if I needed it, but, also, it was something that needed to be handled then and there. You have a suspect that's wanted for multiple felony crimes. And just, I guess, kind of the nature of how big our district is and our call volume, sometimes you don’t have that luxury of waiting for people to show up, just based off our staffing and what calls are going on. So, no, at that time I was like "I need to handle this."

THOMPSON Is there anything that says you have to wait for additional officers before you put that stop out?

TOOMEY No.

THOMPSON Can you kind of describe the pursuit portion of this for us, kind of up until it reaches — you can kind of stop before it reaches the industrial complex, but essentially the nature of the pursuit.

TOOMEY Sure. So, I activated my overhead lights, broadcast that I was making a traffic stop related to the call we were on. I gave the plate description. And he's still moving and rolls through that stop sign. I guess it would be Occidental onto

Julliard. I'd have to look at a map, but, essentially, he rolls through it. And so, it's like, "Okay." So, I gave him two chirps of the siren, and he just took off and accelerated at a high rate of speed. So, at that point it's like, "Okay. We're in pursuit." And so, I broadcast that I am in pursuit, the direction of travel, my want, road conditions. Essentially, right, when you're in pursuit, you have to consider — I think it's the Belleview 13 or the Belleview 12— so just continuous factors that we have to evaluate when in a pursuit, everything from what's the want, to mundane stuff like what's the condition of your vehicle and the familiarity of the area you're driving in.

So, we continue through a pretty residential area. I think we go Occidental to Julliard, and I believe we come up to — it's like Lake Forest or something. And that's when he makes the right-hand turn. And that's when speeds started to increase pretty significantly through a residential area. I think we were averaging probably 65-70. There was no traffic. And then we made a left-hand turn onto whatever that street is that cuts out toward — that dead ends into La Riviera. He ran through two more — actually, three more — stop signs through there, once on the left-hand, and then right before we crossed over US 50, and then another stop sign after we crossed over US 50. And his speeds were pretty high for a residential neighborhood, definitely above 55-60.

Then, we went eastbound on La Riviera, and he was driving very fast for that area. I mean, luckily, there was no traffic. I think he was going 75-80 miles an hour. And then we get onto Watt, and he almost kind of runs off the road making that really sharp left-hand turn. It's kind of like an S-turn to get onto southbound Watt. I hung back a little bit because he had three different, I guess, options to where he could go. He could either get onto westbound US 50, he could continue over the top and then get onto eastbound US 50, or he could just continue southbound on Watt. So, I backed off a little bit, that way — because if I was too close, then he could just make a last-minute move and maybe I wouldn't be able to follow him. So, he ended up just committing straight and going south on Watt. He started to go through a red light, and then it turned green as he approached the intersection. And speeds were still relatively high through Watt. But once we passed Manlove Road, he turned on his hazards in the number three lane and slowed down to like 30 to 40 miles an hour, which was very odd.

Typically, in pursuits, people either drive as hard as they can until they crash, or they get to some location where, right, they can either drive across a terrain we can't accomplish or they foot bail — sorry, not foot bail, but they exit their vehicle and run away on foot. So, I thought maybe that's what he was looking for, but also, right, on the flip side, another thing that has to be considered is he's — the information I had at the time is that he's known to carry firearms. Is he in that car prepping a weapon? Because all I can see at this point is — once we pass Manlove Road, I can actually see into the car pretty well, and I can only see one

person because I could see through the windows in the minivan, but it was just very odd behavior that you would drive at a very high rate of speed and drop down to a very low rate of speed.

And we continued that all the way south on Watt, until we hit Fruitridge Road and made the right-hand turn, or the westbound turn onto Fruitridge. And the same thing, we kept our speeds between 25 to 35 miles an hour. He had his hazards on the whole time, but just no real response from him other than he just kept driving. And we continued on Fruitridge until we got fairly close to the industrial area. Is that far enough in the pursuit, or do you want me to go a little further forward?

THOMPSON What, if any, crimes did the suspect commit by driving in that manner during the pursuit?

TOOMEY A felony pursuit — sorry, felony evasion — because we had multiple traffic violations throughout the pursuit. So, we had felony evasion. To the best of my recollection, though, he never drove into oncoming traffic or anything like that that would add an additional enhancement. So, we had 2800.2 of the California Vehicle Code.

THOMPSON Did you activate your lights and sirens at the time of the pursuit?

TOOMEY I activated my overhead lights. I activated my siren once I turned onto Lake Forest. That was the first opportunity I had a free hand.

THOMPSON When you say it was your first opportunity with a free hand, can you kind of explain that for us?

TOOMEY Oh, sure. So, I mean, I guess everyone kind of sets up their car a little differently, but the siren system we have in the car, I leave it to where when you turn your light bar all the way on, the siren doesn't activate because, typically, I make traffic stops. That's what I like to do in my spare time. And having a siren on just kind of — it will needlessly increase, kind of, the stakes of a traffic stop if you're always just turning your lights on and having your siren. And there's a way you can leave it on manual mode, and you can press what would be the horn and it activates the siren, but I don't like it because it's really hard to turn it back off, for me. So, the way I have my car set up is the little switch on the center, the median of the car, I have it set to "off." And then I active my lights. And then, if I need to activate my siren, I can just turn it over one notch, and that activates my siren. And then it's easy for me to turn off. Right? So, if we get to the conclusion of a pursuit, or when you get close to a call or something, you can turn it off so you're not basically making the other officers on scene go deaf from your siren.

So, I chirped it twice, and then he took off. And my thought at that time was, "Oh, I really need to put out that we're in pursuit." So, at that point I have one hand on the steering wheel, and I had one hand on my radio. And I have the lapel microphone, and that's what I use because sometimes you try and put the car microphone back and it's falling all over the car, and it's just easier for me to hold it right here. So, that was the first opportunity I had. And I was like, "Oh, my siren's not on." And then, so, I turned it on and just left it on.

THOMPSON Would you say your officer safety concern changed at all based on his driving habits during the pursuit?

TOOMEY Absolutely.

THOMPSON Can you just explain, again, why that is?

TOOMEY Sure. I guess, right, a lot of our job comes down to training and experience. That's something, right, we utilize in court and different things like that. So, I've been involved in several vehicle pursuits throughout my career, and this one was a — it was just very unusual. It was different than any one I had been involved in, notwithstanding, obviously, the conclusion of it. But like I said, usually people, if they're running from you, their goal is to run away from you. And to just arbitrarily slow down and just continue this very slow-speed pursuit — I mean, sometimes you might see that in maybe drivers that are impaired. They're trying to just get home and park in their driveway. That's typically how the whole pursuit will go, in general. I mean, it's hard to generalize police work, but usually when somebody is running from you, they're going to drive their car very fast. They're going to drive it hard, and they're going to do their best to evade you or basically drive in a manner that's going to force you to cancel the pursuit, right, because that's one of the considerations we have to have is — a good example is [redacted] Short of some very serious offenses, we're probably going to cancel that pursuit because we've now — the risk to the public's safety is too high.

But it was just very unusual. So, because of that, and just kind of the history of him, the fact that he's willing to return to the scene of the crime, basically knowing that law enforcement most likely would be there, is very unusual. And then to get in the pursuit, and then to slow down and — I guess, just, right, the totality of the circumstances at that point in time, his behavior was just — it was very unusual and very erratic. And I think that I keyed into that because — I mean, I'm sure you guys can attest to this as well. It's like you start getting that kind of feeling on the back of your neck. You're like, "Oh, this isn't how calls normally go. This is a little different. I should start paying extra close attention and make sure I'm not missing anything," basically trying to keep my officer safety as high as it can be because ultimately, at the end of the day, right, I can only react to

whatever situation I'm given. So, it was just that totality of the circumstance. I think, really, the fact that he said, "Hey, I'm going to come back and I'm going to kill you," and then you showed up while we were there, to me, that demonstrated, I guess, kind of his mindset to me. If you're willing to come back and you know law enforcement is going to be there, it's unusual. I guess that kind of speaks to a person's mindset.

THOMPSON Did additional officers join in the pursuit at some point?

TOOMEY Yes.

THOMPSON Do you recall which officers those were?

TOOMEY Ofc. Caro was the second officer to join me. And then the third officer, I actually didn't find out who it was until we actually were conducting our felony stop, but I knew I had a third unit with me.

THOMPSON Was there ever an air unit involved in this pursuit?

TOOMEY I'm sorry, what was that?

THOMPSON Was there ever an air unit involved in the pursuit?

TOOMEY No.

THOMPSON Are you trained to continuously evaluate whether you as an officer should continue a pursuit or terminate based on the facts presented to you?

TOOMEY Yes.

THOMPSON And what things should you consider when determining whether or not to continue or discontinue a pursuit?

TOOMEY Okay. So, you have the nature of the offense. Is the suspect identified? Do we have an adequate vehicle description? Do we have a license plate of the vehicle? What are the conditions of the roadway, the condition of your vehicle? How is the suspect driving? Are they driving in a manner that's highly erratic and maybe is endangering the public too much? My knowledge of the area I'm driving in, conditions of the roadway, weather — do we have an ability to get a helicopter or an air unit up ahead that can maybe watch him from afar, and we can kind of back off and lower the risk? Those are all things you have to — not only you as an officer have to consider, but your supervisor considers as well.

THOMPSON At any time during the pursuit, did you consider discontinuing it?

TOOMEY No, I didn't because when our speeds were high, there was little to no traffic. And then, like I said, once we passed Manlove Road, our speeds were very low. And so, basically, any oncoming cars had plenty of opportunity to see that "Oh, that's a lot of police cars." And traffic was yielding, actually shockingly well. So, to me, from my vantage point at the time, I didn't see a need to cancel the pursuit. Plus, based off the want we had, to me, that justified staying behind him because we had felony wants. And just based off the nature of the threats he made and the fact that he was known to carry a firearm, it wasn't somebody I would feel comfortable prematurely canceling, and then we lose him and he can come back and do harm to her or something down the road. So, I think that's something I was thinking about during the pursuit.

THOMPSON Have you been trained in our pursuit immobilization technique, also known as PIT?

TOOMEY Yes, I have.

THOMPSON Do you recall what conditions have to be met for you to be able to conduct a PIT?

TOOMEY Yes. So, roadway 35 feet wide, 30 or 35, and speeds below 30. I always get those backwards, but, basically, it has to be — I always just consider I need at least three lanes. That's what I always tell myself is you want at least three lanes and below 30. And, additionally, you need to have at least two other officers with you because, right, one car is going to be dedicated to obviously using the PIT maneuver, and then the other two would try and form a felony stop in front of him.

THOMPSON Do you recall asking for permission to PIT in this incident?

TOOMEY I did.

THOMPSON And why did you ask for that?

TOOMEY Well, once we slowed down, we had — the conditions for a PIT were met for a large distance. And you have to ask for supervisor approval. So, I think part of the way we're trained too, even in EVOC, when we do it, when you get into a pursuit, typically the first couple of things you ask are permission to PIT when in policy and if spike strips can be deployed. Those are two things you'll typically hear people ask for right out of the gate. That way, if it does get — maybe you only have that opportunity to do it in a pursuit for a short window of time. And if you haven't asked for it, you may get permission after that window is already closed.

THOMPSON Do you have any concerns PIT-ing a car that may or may not be armed?

TOOMEY Yeah, I do.

THOMPSON What concerns would you have in this instance as it regards to PIT-ing?

TOOMEY I mean, the biggest thing is — well, I mean, there's a lot of different things. Okay. So, I guess I'll try and cover all of that. So, part of it, right, to do a PIT maneuver, I have to get very close to the suspect vehicle, and I have to hit his car with my car. What's to stop him from engaging me at that distance with a firearm? That's number one. The likelihood is small, but it's a possibility. The other thing, too, is if the PIT maneuver is not successful, maybe our cars get entangled, and now we're very close to each other. And that can obviously devolve into a situation that's bad, for lack of better words.

So, those are two things. And it also could put considerations outside of yourself. Even if your PIT maneuver is successful, you've now just pointed a suspect that's armed at your two units that are going to be conducting the felony stop. So, there's a lot of practical, I guess, considerations to think about when it comes to that because very often, right, we try and do something and it doesn't really turn out the way, 100 percent, how we intended it. So, that would — just the proximity. Right? To kind of go back to the time and distance, the closer you are, the easier it is for somebody to shoot you. So, if you have information that somebody is armed — I mean, in general, just being with this department, I've heard watch commanders deny permission to PIT if they are armed. There are occasions where it's allowed, but, in general, I usually hear supervisors say no.

THOMPSON So, in this incident, with you asking for permission to PIT — well, let me ask you this first. Did the conditions ever get to a point where you could PIT? Did you ever attempt to PIT in this incident?

TOOMEY No, I didn't attempt to PIT, but there were plenty of times where conditions were met, but we were waiting for a K9 officer. So, I think, because we're fortunate as a department to have a fairly robust K9 unit, we typically — when in a pursuit, we try and wait for a K9 officer to get there with us — either before we light a car up, or activate our overhead lights, or before we would attempt a PIT — because ideally, too, right, for a PIT it's good to have four cars. One car does the PIT, and then the other three can fan out. It's a little more difficult for somebody to maneuver around those vehicles. And, obviously, our K9 officers have a higher level of training, and the K9 itself is a phenomenal tool to utilize. So, I think, while conditions were met, the biggest thing is we were just waiting for a K9 officer to join our pursuit.

THOMPSON Does the officer safety concerns you have at this point for the suspect — in regards to how he's driving, the fact that he's now slowed down, you mentioned that he was seen previously with a firearm, maybe not today — is any of that coming into your mindset when you're asking for permission to PIT because officer safety is so high on this subject?

TOOMEY I mean, to be completely honest, I asked because that's how we're trained on that, and it's something that it may be something we can utilize. So, I think something I always teach my trainees, right, is think about police work kind of like you're building a house. You can't build a house if you don't have the right tools in your toolbox. So, just having PIT as an option, it's a nice tool to have, but you may not utilize it. So, I guess that's kind of why, in general, I think we teach permission. I'd rather have permission to already do it. And maybe there's a scenario where it is advantageous to do it, even against an armed suspect. But it's better to, right, have the permission than not have it and wish you would have it.

THOMPSON You mentioned earlier when the suspect kind of slowed down that you were then finally able to kind of see the suspect in the car. Does that sound correct?

TOOMEY I could see a male person in the car.

THOMPSON Okay. And you were able to confirm at that point it was a solo occupant?

TOOMEY Yes.

THOMPSON You guys good for a little bit, or do you want to take a break? The next section could be 20 or 30 minutes.

TOOMEY I'm good for whatever.

HOFFMANN I'm good to roll.

THOMPSON All right. So, I'm going to play a portion of your in-car camera. For the record, the in-car camera watermark says 2021-02-16 T06:15:53Z Axon Fleet 2 X54103348. Ofc. Toomey, does this look like your in-car camera from that incident?

TOOMEY Yes, it does.

THOMPSON And we will begin at the 07:40 marker on the time bar. Let's make it the 07:37 time marker. And we'll let it go for approximately 1 minute.

[*IN-CAR CAMERA VIDEO PLAYING*]

All right. And we will pause it there at the 08:30 time marker. Ofc. Toomey, can you just describe for us what we just watched on video?

TOOMEY Sure. So, it's near the termination of the pursuit. We were traveling westbound on Fruitridge. I believe our next major coming up is Florin Perkins. Yeah, Florin Perkins was the next major. As we crossed over the railroad tracks, the driver of the suspect vehicle — he'd had his hazards on, or emergency lights on, pretty much since we passed Manlove Road on Watt. He turned them off, and I verbalized that because, right, it's unusual. It shows that he has some ability to, right, think outside of his driving. He has the wherewithal to find the button and press it and turn it on and off. But what I think is the most valuable in this part of the video is what I perceived. And so, we're traveling in the number one lane, about 25 to 30 miles an hour. On the edge of the frame, earlier in the video, you can actually see a Sacramento Police officer car on the side of the road. And the driver of this vehicle kind of — not kind of. He makes an abrupt turn to the right, orienting his vehicle towards where that Sacramento Police car was, and accelerates. So, my perception is, right, based off everything that we've had go on through the pursuit so far with how erratic he's driving, my perception was he's going to hit that car or one of the officers because there was no need to swerve to the right at all anyways. There's no impediment in his way. And while we ultimately made a left-hand turn into the industrial complex, that turn could have been facilitated from the left-hand turn lane to his left. There was no reason, basically, to orient your car that way and drive towards them. So, my perception at the time is "Holy crap, he's going to hit those officers." So, I broadcast it over the radio, right, because if he does drive to them, they're only going to have two seconds, maybe, to see it and hopefully get out of the way because they were standing in front of their patrol car.

THOMPSON What were those — to your knowledge, what were those officers doing on the side of the road? Why were they positioned there?

TOOMEY They were attempting to deploy vehicle stop sticks, so spike strips.

THOMPSON And do you recall — do you know which officers those were?

TOOMEY I later found out one officer was Ofc. Parham and his trainee.

THOMPSON You mentioned that the suspect was in the number one lane. Can you kind of describe how many lanes across Fruitridge is at this point?

TOOMEY The total width of the roadway or just our -

THOMPSON Just kind of what the lanes out there look like.

HOFFMANN Are you talking about westbound?

THOMPSON Yeah, westbound Fruitridge.

TOOMEY Okay. Yeah. So, westbound Fruitridge — well, westbound and eastbound are separated by a two-way left-hand turn lane, so what is colloquially referred to as a "suicide lane." You have that in the middle of the roadway. You have our number one lane of travel, and then you have the number two lane of travel, and then you kind of have, I guess, a larger open area of the road that vehicles could yield to. The other side of that fence, I think, is a PG&E maintenance facility or something, so it's not uncommon to have large trucks or something parked there while waiting to get into the facility, just from my experience driving by there. So, I guess, to kind of go back to this, we were traveling in the number one lane. We have the two-way left-hand turn lane to our left, and then we have the number two lane to our right, and then just kind of this temporary parking area. I guess that's probably the best way to describe that side of the road.

THOMPSON And can you describe for us the turning movement the suspect made towards the patrol vehicle?

TOOMEY Yeah. Very abrupt. He's traveling in a straight line at a lower speed, so 25 to 30 approximately, and makes a very hard movement to basically — so, assuming perfect cardinal directions, right, we're facing westbound. He moves his steering wheel hard enough to basically orient the vehicle off that westbound axis, basically in between north and west, a very northwesterly direction. And his vehicle, from my vantage point, is oriented right towards the patrol car. And he accelerated. That was what really concerned me. The initial movement was frightening, but then the acceleration was what really concerned me. It's like, "Oh, my God, he's going to run into those officers." And I didn't know who they were at the time, but regardless, they're coworkers. You don't want anything bad to happen to your coworkers. So, I tried to relay it over the air. Whether or not they heard it, I don't know. I don't even know if it went out, but I tried to say "Watch out! I think that car's going to hit you."

THOMPSON Did you ever observe any spike strips in the roadway?

TOOMEY Not that I recall. I saw them standing in front of their car. I couldn't tell you whether they were out or not.

THOMPSON And you said they were standing out in front of their car?

TOOMEY Yeah, so the front of the car. And they were kind of near the front bumper, so utilizing the car as a little bit of cover, but not anything significant.

THOMPSON How much time would you say actually passes between kind of the beginning of that turning movement and then his turn, ultimately, back into the industrial complex?

TOOMEY A second, a second and a half. Yeah. I'd have to -

THOMPSON Safe to say it happens very quickly?

TOOMEY Yeah. And like I said, my biggest thing was there was no reason for it. He could have facilitated his turn into the complex we ultimately ended up in without any need to make that turn.

THOMPSON In your training and experience, do suspects sometimes swerve to avoid spike strips?

TOOMEY Yes.

THOMPSON In your training and experience, do suspects sometimes swerve to hit police officers or their vehicles?

TOOMEY Yeah. In EVOC, we're actually — in Emergency Vehicle Operations, we do practice throwing spike strips, and we usually watch a couple of videos of officers getting hit by cars deploying spike strips. It's a very dangerous procedure because a car can cause serious injury. So, we're trained to try and find, usually, a very big, solid object, or somewhere we can have cover, because there's a lot of considerations when deploying spike strips. It's not uncommon for suspects to just avoid the spike strips and hit the person deploying them.

THOMPSON Did you perceive any other reasons why the suspect swerved at that time that you can think of?

TOOMEY No. Like I said, from my vantage point and just — right at that point, it's the totality of the circumstances up and to that point. We've had extremely erratic behavior. We have what he's wanted for, his behavior returning to the scene. All of that gets kind of rolled in up and to this point. So, to me, it's like — I guess a good way to put it is we continually kind of raise the bar for what his actions were throughout the pursuit, and I'm like, "Oh, my God, he's going to hit them." And there's nothing I can do at that point. So, I did the best I could, which was "Hey, watch out!" Hopefully they hear it, and hopefully they move. Thankfully, he didn't go hit them.

THOMPSON In your opinion, were the officers in this situation behind suitable cover to be deploying those spike strips?

TOOMEY I mean, they had the best they had for the position they were at because it's — your car can be used. We are taught that you can use your car if it's all you have. That was all they had. But, I mean, at the end of the day, if he accelerated and collides with their car with a minivan at full speed, it's not going to be…it's not going to be something anybody wants to see.

THOMPSON How close would you estimate the suspect vehicle came to that patrol vehicle?

TOOMEY From my estimation at that point, approximately 50 feet. It could have been more, it could have been less, but that was my approximation at the time, just based off my vantage point and kind of how my line of sight looks across towards the car. It was a distance that concerned me a lot, which is why I went out across the air and said, "Hey, get out of the way!"

THOMPSON How good are you at estimating distances, typically?

TOOMEY Decent. For accident investigations, I usually walk out my measurements and stuff. I'm much better at that than going "Oh, this room is 10 feet wide," but decent.

THOMPSON In a situation like this, when you have to make that distance estimation, what factors are playing into your ability to make that decision. I mean, it's safe to say this was a quick, very quick -

TOOMEY Yeah. It was an immediate judgement based off the circumstance I had in front of me. Running a pursuit solo — sorry, I should say operating a pursuit as a solo officer in your car — is already a lot of work. Right? If you're paired up with somebody, for instance, in a pursuit, I can just drive. I don't have to do anything else. I can drive and watch the roadway. My passenger is going to remember where we are and all that stuff. In this scenario, I'm trying to remember where we are. And this was my first year in District 6. I had worked the last three years in District 5. So, my knowledge of the area over here was okay at best. So, I'm trying to remember where we are, so my attention is definitely divided, more towards what's going on in front of me. And then I look, and it's like, "Holy crap, he's going to hit that car!" And then, looking back on it, it's like, yeah, maybe approximately 50 feet. Yeah, that would be my best guess, just based off how my attention was divided at that time. Basically, trying to figure out a distance was low on my priority scale at the time.

THOMPSON Had the suspect continued in the direction he initially swerved, would he have hit that patrol vehicle?

TOOMEY Yes, absolutely.

THOMPSON In your mind, did the suspect commit any crimes by taking the action of swerving towards the patrol vehicle?

TOOMEY Oh, absolutely. That was assault with a deadly weapon.

THOMPSON So, is the suspect arrestable for 245 on those officers at this point?

TOOMEY Yeah, absolutely.

THOMPSON And you mentioned that you attempted to broadcast something similar to "watch out"?

TOOMEY Yes. Yeah. Like I said, my firm belief was he's going to run into that car. And the reality is, right, at that speed — even if the distance is more than 50 feet or less than, at that speed he's going to cover that ground in two seconds, maybe less because he started to accelerate. The likelihood of those officers being able to see it, perceive it, react, and then safely get out of the way in that amount of time, there was just no way I saw that happening. And if that were me in front of the patrol car, I'd be freaked out if I'm watching a pursuit go by and, all of a sudden, the suspect vehicle is coming at my car. You're definitely going to have that moment of hesitation where it's like, "Holy crap, that car's coming at me!" I don't know. I thought I was about to witness something very ugly.

THOMPSON Is there a set distance at which it would no longer be a 245 on an officer even if he swerved towards them?

TOOMEY I mean, I'm sure there's a distance, but it's going to depend. I mean, before we crossed the railroad tracks, sure, that wouldn't be an assault. You can't see the vehicle. But I would hesitate to call an exact number because it's going to depend on everything. But at the end of the day, right, he's driving a vehicle that can accelerate rapidly, and we don't know what his intensions are. And we're going to rely on the fact that either I can get my communication out quick enough and go, "Oh, my God, he's going to run into them! Can I get on the radio, get it to them, hope they hear it, and hope they move?" — probably pretty low — or they are aware of their surroundings and see it coming. Even then, right, when a car's coming at you, if you have the ability to move, you can go left or right. Hopefully the car doesn't go the same direction you do. So, to answer your question, yes, I'm sure there's a distance where it's no longer a threat, but I'd be hesitant to give a number because it's going to depend.

THOMPSON I'd like to show you four images.

TOOMEY Sure.

THOMPSON I'm sorry, three images. For the record, these are CSI JetStream Viewer images that I clipped from that viewer. For your own knowledge, Ofc. Toomey, essentially, this is a tool that CSI and our homicide detectives typically use to recreate scenes. They go out and take camera angles from the various points, which you can kind of see in the triangles.

TOOMEY Okay.

THOMPSON It essentially allows them to rebuild a 3D environment. In this incident, they used the patrol car that we're talking about here as being parked on the side of the road. They used its GPS coordinates during the incident. And then, they also compared it to video to try and recreate the scene of this incident.

TOOMEY Okay.

THOMPSON So, image number one is a top-down view of Fruitridge Road. In this instance, I have clicked with the measuring tool that's built into the program to give us some approximations on distances. In this first image, number one, I have clicked the rear driver's side bumper of that patrol vehicle and essentially picked a point kind of in the middle of the driveway that the suspect entered at 8550 Fruitridge Road. And you can kind of see the railroad crossing sign that you were talking about up here.

TOOMEY Mm-hmm.

THOMPSON And on image number one, it places that distance to the middle of the driveway from the rear of the patrol car at approximately 126 feet. In image number two — let me orient myself here. So, from here, we're looking across the street, kind of at the driver's side of that patrol vehicle. In this instance, again, I've -

TOOMEY Okay. Going to the driveway?

THOMPSON Yes. So, again, I've tried to click the rear driver's side portion of that patrol vehicle to the middle of the driveway. In this instance, it notes it as approximately 129 feet. And then, on image number three, again, a different angle. This is more looking from the actual driveway of 8550 Fruitridge Road. And, again, I've tried to click the rear of the patrol vehicle and put it in the middle of the driveway. In this case, it places it at 135 feet. I'll let you look at that for a second.

HOFFMANN While he reviews that, just for the reviewer, the clicking on the rear of the patrol vehicle, was that position chosen from where the GPS signal emanates from a patrol vehicle?

THOMPSON Is my click where the GPS is?

HOFFMANN Yeah. Where does the GPS signal come out of the patrol vehicle? The rear?

THOMPSON I believe it's on the rear of the roof. I would have to confirm to be sure.

HOFFMANN You're not — okay. And then, is there a plus or minus accuracy that you're aware of?

THOMPSON On the GPS coordinate?

HOFFMANN Yeah.

THOMPSON Not that I'm aware of, no.

HOFFMANN Okay.

THOMPSON You done with that? Do you want to take -

TOOMEY May I just make a — can I ask a question?

THOMPSON Absolutely.

TOOMEY I guess, why was the driveway used to judge distance when, basically, at the driveway we're already oriented away from this patrol officer? I guess, just in my head, basically, how I judged my distance was based off where he was in the lane of travel. I don't know if that's -

HOFFMANN Let me clarify by asking one question. So, we're looking at one. The distance here you measured as 126 feet. Is that 126 feet supposed to be a rough approximation of the distance that the suspect vehicle would have been from the spike-stripping patrol vehicle?

THOMPSON No. The distance of 126 feet is just a marker from the rear of the vehicle to the middle of the driveway.

HOFFMANN Okay. So, it has no relevance, then, to the suspect vehicle to the patrol vehicle with the spike strips for purposes of your questioning?

THOMPSON Yes. I'm not going to ask you if the suspect vehicle was exactly 126 feet away.

HOFFMANN Okay, okay, okay.

THOMPSON This is a reference for us to build off and talk about that suspect vehicle in relation to the patrol car.

TOOMEY Okay.

THOMPSON One of the things I would ask you, as you look at this picture, do you recall the suspect vehicle driving past this driveway to 8550 Fruitridge Road in any way?

TOOMEY You mean going past this driveway?

THOMPSON Yes.

TOOMEY No, because it was on the — there's a sign right here that kind of documents what's inside there, and I remember my overhead lights illuminated it. So, it's easy to see, I guess, where that is. Sorry. I kind of lost my train of thought.

THOMPSON So, the reason we referenced this image is because you estimated a distance of 50 feet. In this, although we can't position it exactly where the suspect vehicle is, the attempt was to show that at least to the driveway where he ultimately entered was 126 feet, or something closer to 40 yards.

TOOMEY Okay.

THOMPSON So, the question is, 126 feet, if we were to estimate that's the distance that the suspect vehicle, or around approximately, came to the patrol vehicle, is that a great enough distance to where it's no longer a 245?

HOFFMANN I'm going to object to your line of questioning because we just established that this diagram, one, was not being used as an approximation of distance from the suspect vehicle to the patrol vehicle with the spike strips, but your question just assumed as much.

THOMPSON Okay. Ofc. Toomey, when the vehicle first started swerving, is that when you believed it could hit the patrol vehicle.

TOOMEY Yes.

THOMPSON Okay. Let's look at the video real quick. So, I'm going to go back to 40 on the time marker. I'll make that 07:39. And, again, we're looking at Ofc. Toomey's in-car camera beginning at the 07:39 marker. And, Ofc. Toomey, what I'm going to attempt to do is once we see the vehicle start to make that turning movement, I'll stop it.

TOOMEY Okay.

THOMPSON If you want me to go further, just let me know, but I'll just kind of watch it and pause it when it looks like it has started that turning movement.

TOOMEY Okay.

THOMPSON Again, we're starting at the 07:39 marker on the time bar.

[*IN-CAR CAMERA VIDEO PLAYING*]

TOOMEY Can you pause it real fast? The sign I was referencing earlier, it's right on the right there.

THOMPSON Okay.

TOOMEY And that's the driveway to where we ultimately turned into.

THOMPSON Just for reference's sake, as we start to watch this video, and we can play it a couple of times just to make sure we're all on the same page, you can start to see the railroad crossing signs here on the ground — I'm sorry, the railroad marking on the ground — which is similar to what you're seeing here on image number one.

TOOMEY Yes.

[*IN-CAR CAMERA VIDEO PLAYING*]

Yeah.

THOMPSON Would you agree that's about when he started the turning movement?

TOOMEY Mm-hmm.

THOMPSON Okay. And where would that red minivan be in relationship to the railroad crossing signs on the ground?

TOOMEY Based off that, it's going to put us pretty much in the middle of — right near the end of — plus or minus right in here, in the number one lane, moving into the number two lane.

THOMPSON So, just for the record, Ofc. Toomey kind of pointed, on image number one, towards the end, if not just past the railroad crossing signs that are labeled on the ground.

TRUJILLO Yeah, the west end.

HOFFMANN And when you say "end," you're talking about the westbound end?

THOMPSON Yes, the westbound end. So, Ofc. Toomey, knowing that that turning movement took place in that area here, and this is the only estimation line that I put down for the purposes of this interview, do you think that the distance from the rear of the patrol vehicle to where you kind of pointed out on image number one, do you think you would estimate that distance at 125 feet, larger, or smaller?

HOFFMANN And are we talking about the beginning of the rightward swerving movement, or the entire duration of the swerving movement?

THOMPSON At the beginning of the swerve.

HOFFMANN The beginning of the swerve?

THOMPSON Yeah.

HOFFMANN Okay.

TOOMEY I'm sorry. Could you repeat your question?

THOMPSON Yeah. Knowing that we've only placed the measurement marker of 126 feet from the rear of the vehicle to the middle of the driveway, the distance which you pointed out or the position which you pointed out at the beginning of the turning movement, do you think that is larger than 126 feet? Smaller than? Approximately the same?

TOOMEY Oh, okay. It's a reference line. Okay.

THOMPSON It's a reference line.

TOOMEY Yeah. Sorry. Okay. I would say greater than, just based on the reference point given.

THOMPSON And, again, that's just for the beginning of the turning movement. Correct?

TOOMEY Yes.

THOMPSON Okay. So, at the beginning of the turning movement, you're estimating that the distance was greater than 126 feet?

TOOMEY Yes. Yeah, for review.

THOMPSON Knowing that now, does that change your perception at all of whether or not this was a 245 on the vehicle?

TOOMEY No, not at all.

THOMPSON Can you please explain that?

TOOMEY Sure, of course. I guess, kind of circling back to the beginning of our interview, once again kind of covering distance and how that relates to whether something is a threat or not, right, and time is kind of the inverse relationship with that. At that speed and that distance, that vehicle still has the capability to cover that distance faster than I believe those officers could get out of the way. Right? And that's assuming a constant speed without him accelerating. Obviously, if he mashes on the accelerator and accelerates full force, not only is he going to cover that distance quicker, but the magnitude of the collision that occurs, whatever he collides with, is going to be that much worse, right, because we have more kinetic energy. And that was — and I know we haven't watched it yet in this particular frame of the video, but it's the acceleration. Right? You have the initial turn, which we've observed, but it was the abrupt acceleration that was — like I said, I was like, "Oh, man, he's going to hit my coworkers!" And had he hit them…I don't know. Cars are a scary subject. Cars do nasty things to people. And had he collided with that patrol car and one of those officers, the outcome would have been really bad.

THOMPSON And it's safe to say at the — we're talking about the moment it began the turning movement being greater than 126 feet, but, pretty much every moment thereafter, the vehicle was getting closer to the patrol vehicle.

TOOMEY Yes.

TRUJILLO Prior to that moment, had the suspect already, during the pursuit, had any sudden changes in the speed that he was going?

TOOMEY Yeah. I think our biggest change, right, is when we were going kind of through the residential area, around La Riviera and through Watt. Our speeds were pretty significant for a residential neighborhood. And then, like I said, we crossed Folsom Boulevard. And then, once we crossed Manlove, which I believe is the next intersection, he just basically slows down to 30 miles an hour and turns his hazards on. And he maintained that speed and that driving style for a while. And the thing is, on Watt, I can't tell you exactly what the speed limit is, but that two-lane portion, the speed limit was a lot higher than what we were going. And the same thing with Fruitridge. So, I think that was part of it. Right? It was another significant change in the style of driving. We went from very quickly and making a lot of sharp turns, to very slow. And then, now we're all of a sudden accelerating

and basically aiming towards the one impediment on the roadway because there was nothing in front of him that would cause that swerve.

THOMPSON After the suspect swerved in this incident, did you consider voicing that he had done that over the radio?

TOOMEY Yeah, because, basically, for me, that's the only thing I can do in that position is hope what I say goes out over the air and that they hear it. And if — I mean, that's all I'm able, I guess, essentially to do in that position.

THOMPSON Did you consider voicing that he essentially had done a 245 on a police officer over the radio?

TOOMEY At that time, no, because we then turned into the complex and speeds accelerated. I didn't know if we were about to have him jump out of the car. My mind, at that time, immediately tracked back to what was relevant in front of me because I'm like, "Oh, I can always add that into my report later, that during the pursuit he made this movement."

THOMPSON Had you had the time to voice that information, could that have been important to the other officers and the supervisor?

TOOMEY Oh, yeah, absolutely.

THOMPSON And why is that?

TOOMEY Because you now have a felony assault on officers. It's just, right, kind of going back to how we continuously evaluate a pursuit and our factors. That's the suspect kind of, right, adding another factor into what we've added. Not only are we proving ourselves to be a danger to the general public and the initial caller of our crime, but he's now presenting a danger to fellow officers. I guess it kind of starts to show a disregard for our safety.

THOMPSON Did you think the pursuit should be Code 4'd at this point, after he swerved towards those officers?

TOOMEY No.

THOMPSON Why is that?

TOOMEY Well, for one, you're demonstrating, like I said, essentially you're a threat to not only the general public, but to the people that are trying to enforce law and order. But, also, we went into an area that was off of a public roadway. So, if his driving

were to get more erratic, essentially it would be contained or confined to an area where the likelihood of us running into the general population is mitigated.

THOMPSON Let's take a break at this time. I think we're good there.

TRUJILLO Okay. All right. We're going to take a break at 10:21 a.m.

Okay. We're continuing the interview with Ofc. Toomey at 1035 hours.

THOMPSON Ofc. Toomey, I'm going to play your in-car camera again. We'll be beginning it at the 07:58 time marker, and we'll be playing it for approximately 1 minute, and then we will pause there.

TOOMEY Okay.

[*IN-CAR CAMERA VIDEO PLAYING*]

THOMPSON We'll stop it right there at the 08:53 time marker. Ofc. Toomey, can you just walk us through what we just watched on video?

TOOMEY Sure. So, we started just before what I perceived to be the assault on officers. I think a good thing to point out in the video is you can actually watch that after he — I guess kind of the distance we had established where he turned, you can actually see he went fully into that number one lane and accelerated. And that was when I said, "Watch out!" And then he facilitates a left-hand turn into an industrial area, for lack of better words. I had been back there once or twice to actually write reports in that little shed thing right there. So, my understanding was like "Okay." I thought the only way out was the way we came back in. To my knowledge, there wasn't a place you could go. So, kind of my preparation at this point was "Okay. He's going to get out of the car and run." That was what I thought, basically, like "Okay. We've now driven in to a point where the vehicle pursuit is going to terminate and we're going to begin to pursue him on foot." And this was just kind of another, I guess, change in how his driving style had been since it all started, right, where all of a sudden we're accelerating pretty quickly through a dimly-lit roadway, kind of around these gas pumps. And basically, my belief at this point, right, is like "Okay. We're getting to a point where he's going to exit the vehicle."

And I guess it just goes back to mindset. Right? We're pursuing him for a multitude of things at this point. Right? We have the violation of the restraining order. We have criminal threats. We have arson. Actually, I guess in there you would have stalking because he has the RO and he made a credible threat, so that would actually trigger the 646. Sorry. So, anyways, then you have the assault on the officer. So, we have a high degree of want. Right? We have felony crimes.

He's potentially armed. So, part of my mindset is, okay, we're pretty confident he's the only person inside the car. That's all I've been able to observe the entire pursuit. If it gets into a foot pursuit, I want to be close to that vehicle so I can keep my eyes on him. Right? We're trained when we get into a foot pursuit, it's important to keep your eyes on them because you don't — I think the example that's used, unfortunately, was the sheriff's deputy that was killed going over the fence. Right? The dangers of a foot pursuit are extremely high, and if you can't keep your eyes on the suspect, we don't know what they're doing. My fear is, okay, if he exits the vehicle and I'm too far away, is he able to round that corner and set up an ambush and ready a firearm? And now I come running around the corner and I'm at a disadvantage. Right? It's a litany of things that could happen.

So, typically, when the pursuit is kind of at the termination, I think, in general, we tend to follow a little closer. That way, if it does go to a foot pursuit, right, because our job is so reactionary — I guess it's kind of like a poker game. Right? You're trying to put some more chips back on your side to try and equal out the playing field because at the end of the day, right, I can only react to what stimulus I'm given from him. And if it goes to a foot pursuit, I want to try and be in at least the most advantageous position I can, to where I can maintain that visual on him and his hands and what he's doing. So, that's why I follow him through the gas pumps. And, actually, in the video you can hear me take off my seatbelt because I had my seatbelt on for the duration. And, basically, it's like — that's part of the preparation, like "Okay. So, I'm going to take my seatbelt off," because on the off chance too, right, we have somebody that's potentially armed. What if he just stops that car, gets out, and starts shooting? I'm left-handed, so it's already hard to draw with where the seatbelt comes out. So, now I've got to try and get the seatbelt off, draw, get out of my vehicle. I mean, the realistic chances of me surviving that encounter at that point are not good. So, that's a consideration I have. Right? It's "Okay. So, I need to be prepared to get out of the vehicle." Vehicles do afford cover, but they can also be a detriment to you. So, I think that's just kind of my mindset when we started to go in here because it's like, "Okay. I think we're coming to a termination point, essentially."

THOMPSON How fast would you estimate the car sped up to when it entered the industrial complex?

TOOMEY Oh, gosh, I'd say 50-55. He hits the brakes fairly abruptly before that little left-hand turn because the lighting is pretty poor back there. I think the camera lightens it up a little bit, but it was kind of difficult to see where you were going, and I think he experienced that.

THOMPSON Why do you think he sped up initially?

TOOMEY To get away. I think that's the only logical reason, right, to try and — just as how time and distance can affect us and how we deploy force options or all that, for him, right, if he can get distance from us, it gives him a little bit of a head start to do whatever it was he was going to do.

TRUJILLO I just want to be clear on that question. So, when you say why you think he sped up initially, are you talking about when he went into the driveway, or when he started making the turning movement?

HOFFMANN I'm sorry, I missed the first part of that question.

TRUJILLO So, I just want to be clear on that question, I guess.

THOMPSON So, for her clarification, when I asked you if he sped up, I was referencing when he pulled into the industrial complex.

TOOMEY Oh, not through the turn?

THOMPSON Not through the turn.

TOOMEY Okay.

THOMPSON As he enters the industrial complex, kind of that long driveway -

TOOMEY Yeah, the straight asphalt driveway.

THOMPSON - he appears to speed up.

TOOMEY Yeah, he does, significantly.

TRUJILLO And was that your response to that, or is it that he initially sped up when he began the turning movement, as far as he made an abrupt turn as — initially, you had said towards the officers and began to accelerate at that point.

TOOMEY Okay.

TRUJILLO Is that what you said initially? Am I understanding that correctly? When we're going back to the 245 portion, he's -

TOOMEY Okay. Yeah. I mean, I can back up -

TRUJILLO I just want to make sure because the question was asked: Why do you think the suspect did that initially? I'm wanting to clarify whether he was accelerating at

the moment he was going towards the officers or after he had entered the driveway.

TOOMEY Oh, gotcha.

THOMPSON Which one were you answering, I guess, is what she's asking.

TOOMEY I was answering your question of we're going down the driveway and accelerating, but, yeah, I mean, he accelerated in his initial turning movement towards the officers too. Right? He makes that turn, accelerates. And, actually, if you watch the video, you can see, actually, the abrupt turn. There's body roll on the car from one side to the other. Yeah. Then, once we hit that driveway entering the industrial area, he accelerates fairly significantly.

TRUJILLO And you were answering the question with your mindset after he was entering the driveway. Am I correct on that?

TOOMEY Yeah.

TRUJILLO Okay.

THOMPSON Did you ever see the suspect attempt to foot bail from the vehicle?

TOOMEY No. I don't think he ever had the opportunity.

THOMPSON Did he ever open the door in any way that would suggest he was going to foot bail?

TOOMEY No. The only time he opened the door was after everything else.

THOMPSON You mentioned earlier kind of the crimes that he had committed at this point in the incident. Can you go through those again? Which one of those are misdemeanors or felonies in your mind?

TOOMEY Sure. Well, right, first and foremost, we have arson. It's a felony. You have the assault on officers, so the 245. That's a felony. You have criminal threats. That's a felony. 273.6, violation of a domestic violence restraining order, is a felony, more a wobbler, but a felony. And then stalking, I believe stalking is a felony. Yeah. Okay. Yeah. It's been a while since I've charged that one. So, that was a felony. So, we have, right — and then we also have felony pursuit, too, at this point. So, he's got a solid list of, right, potential charges, things that he would definitely be taken into custody for and go to jail that night.

THOMPSON At the conclusion of the pursuit, did the suspect vehicle come to a stop inside the industrial complex at 8550 Fruitridge Road?

TOOMEY He came to a stop right where we have actually paused the video. That's a very abrupt stop.

THOMPSON Was there a collision between your patrol vehicle and the suspect vehicle?

TOOMEY There was.

THOMPSON Can you just explain what occurred related to that vehicle collision?

TOOMEY Sure. So, kind of going back to where I said right when you think they're going to potentially foot bail, you want to kind of increase that distance. He accelerated away from me from when we kind of went through the gas pumps and made the kind of U-turn. And then he went for this corner over here. I think maybe his intention was it went around, so he could come back out onto the driveway and exit out. And my familiarity with the area was pretty low, so I thought maybe that's a possibility, so I accelerated too. He braked. I hit the brakes, but there wasn't enough time to slow down and avoid the collision, so I rear-ended his car at a low speed.

THOMPSON Do you recall what the roadway was kind of at — describe what the roadway on the ground was like at that point in the pursuit.

TOOMEY I believe it's all asphalt back there, just the black asphalt. I don't think there was any gravel or anything over there.

THOMPSON Is there a set distance that you've been trained to stay back from a vehicle when you're in pursuit?

TOOMEY No. I think it's more of a, I guess, general rule of thumb. It's going to depend on who you're pursuing, what you're pursuing them for, are they armed. But in general, right, you want to keep enough distance, kind of like how I talked about when we went onto Watt. I hung back a little bit because he had multiple avenues of direction. So, if you're too close to a car, they may make a last-minute maneuver and you won't be able to facilitate your turn. At this point, my instincts and experience were telling me that we're probably going to stop, so I closed that distance a little bit to basically put myself in a better position of advantage in case he did run out of the car. That way, I would be relatively close behind and I could observe him, whether it meant he — he could have got out of the car and laid down and surrendered — right? That's always a possibility — or he gets out of the car and opens fire, or he gets out of the car and runs away. I wanted to be closer.

THOMPSON So, is it safe to say during a pursuit you're constantly, almost by the moment, re-evaluating what that distance needs to be in the pursuit?

TOOMEY Yeah, block by block. I mean, it just depends on how they're driving.

THOMPSON Who would you say was at fault for this collision between your vehicle and the suspect vehicle?

TOOMEY Well, I mean, I guess I look at it this way: He was wanted for a multitude of crimes. Right? 834 of the Penal Code says he has a due regard to submit to an arrest and not resist. So, we've had that the entire time. So, I'm trying to facilitate his arrest, and his abrupt braking — but on the flip side, right, if I'm responding to a traffic collision, typically, in general, the person that rear-ends a vehicle is the at-fault party. So, right, two sides of the story. But at the end of the day, yeah. Could I have been a little further back? Sure, but there's a reason why I was as close as I was. And that's — we can never do anything perfectly. I hit the brakes as hard as I could because you don't necessarily want to be that close to a suspect vehicle, but at the end of the day, right, we have to adapt to the conditions we're given or the conditions that happen, and those are the conditions that happened.

THOMPSON Did you intentionally pin or spear the suspect's vehicle?

TOOMEY No. That was completely an accidental collision.

THOMPSON Would you agree at the conclusion of this pursuit a felony stop was conducted?

TOOMEY Yeah. The two other officers moved in to my right and just — because there was no space on my left to fit a patrol car in there. Because, typically, the way a felony stop would work is the lead vehicle that initiates the stop is usually the center vehicle in our fan of three cars. And then the second car goes left or right. And then, obviously, the third unit just takes the remaining open spot. In this case, everyone moved out to my right because that's where the spacing was.

THOMPSON Can you describe what you can see of the interior of the suspect vehicle at this point in the incident?

TOOMEY So, actually, a lot of my view from him — so, it was, basically, as soon as we stop, I revert to what department training is when you get in a felony stop. Right? It's exit your vehicle quickly and immediately. Establish a position of cover and concealment in the V of your door because that affords some cover and concealment, right, with the ballistic panel in the door. I mean, that doesn't preclude the glass. The glass is not — that'll shatter. You can still get shot

through that, but you have the engine block. But I got out, and a lot of my movements of him were actually through his side-view mirror. So, I could see his face. I could see him looking at me. I mean, it was very obvious that we are police officers. You have red and blue lights behind you. There's a siren. You saw the officers on the street. He definitely saw me and he definitely heard me, but there was no response from inside the vehicle.

THOMPSON When you say you could see his face, I assume there's enough light to where you're probably not making eye contact. Right? Do you think — because of the lights of a patrol vehicle, do you think he could see you?

TOOMEY He would — I mean, from my vantage point, it looked like he was looking right at me because it's like when you're looking in somebody's side-view mirror. You can see their eyes. I mean, I could see him clearly, and he was just kind of — I know this doesn't reflect on the recording, but he's looking down into it. I mean, we're essentially making eye contact through his mirror. And I think part of it is probably with how close my car was at that point. I don't know if my overhead lights would have been a factor in that mirror because it was so close.

THOMPSON Do you recall if he was looking anywhere else other than right at you? Was he looking any other direction?

TOOMEY From what I saw from the mirror, I could just see his eyes, and it was him looking at me. And then, out of the corner of my eye, I could see the reverse lights on his car go on. So, I was splitting my attention between the mirror, trying to look through the back window, but also the lights on his car because I'm the person closest to it, so I have the best — essentially, I have the best advantage to tell everyone else what's going on.

THOMPSON If you can articulate it, do you think you — what do you think he could see in that mirror as far as you, your patrol vehicle, and the surroundings, the wall to your left? I guess, what do you think he would have been able to see in that mirror?

HOFFMANN Which mirror?

TOOMEY His side-view mirror.

HOFFMANN Side mirror? Okay.

THOMPSON His side-view driver's side mirror.

HOFFMANN Thank you.

TOOMEY I mean, if I had to put myself in the driver's seat and think about how I have my mirror positioned — I can only speak how I'd have my mirror oriented, but because I'm offset — and you can actually kind of see it in the video. I'm more to the driver's side of his car. So, in that mirror, he's definitely seeing my open patrol car door, which has our city crest on it with the word "police" on it, and it's reflective to light. It's pretty hard to miss at night. He can see me. As far as the wall, I don't know at that point. I don't know what the lighting situation was behind me because my focus was 100 percent directed on what was going on in front of me, but, I mean, I guess, in general that's probably what your side-view mirror would see. But I'm confident that he saw me, or at the very least knew the door was open, just because that's right where your mirror would be oriented. Like I said, I could see his eyes in the mirror, and it was just like we were making eye contact.

THOMPSON Is conducting a felony stop part of the normal duties of a patrol officer?

TOOMEY Yeah. Yeah, definitely. It can be.

THOMPSON And you mentioned the fan pattern earlier. What's kind of the purpose of that felony stop pattern?

TOOMEY Well, there's multiple. I mean, it depends on how the pursuit was terminated. Right? If it's a PIT maneuver that's performed, the fan is to almost prevent their forward movement towards you. Right? You position your cars in a way that it's difficult for them to drive away. And if they do, they wouldn't maybe necessarily be able to gain enough speed to where it could severely damage a patrol car, in theory. But mostly, right, at least in our department, we have ballistic panels in the door. So, by having our cars fanned out and our doors open, it provides some form of cover. It's not perfect. Right? We've had instances where we've had felony stops — two officers were shot in 2017 on that, but it's to try and give you some form of advantage. And essentially, right, a way we're trained is if you're in a felony stop and — I guess, just for the sake of simplicity, let's assume each car only has one officer in it. Right? That leaves three spots taken, but as additional units arrive on scene, that's three other spots that other officers can move up to and take a position in that door as well. So, you have a person issuing commands, but now you can actually formulate somebody with a less-lethal option. Obviously, it depends on time and resources and all that, but that's kind of the general impetus behind it. It gives us something to try and cover ourselves with.

THOMPSON So, is the purpose of a felony stop to block someone in?

TOOMEY In general, no, that's not. The purpose of a high-risk felony stop is, right, in the name. We're going after somebody who has presented a risk to ourselves, the

general public, so the stop is conducted in such a manner to try and limit a lot of, I guess, the unknown. Right? When you make a normal traffic stop and you're walking up to the window, there's a myriad of things that could happen. It's probably one of the most dangerous things we do. At least in a felony stop you have numbers on your side. You hopefully have time, but not always. Right? It really depends on what the person is going to do, but it allows you to call that person out of the vehicle, call them back to you, try and kind of put the tactical advantage on your side to try and take some things away from them.

THOMPSON Does the felony stop pattern, if done correctly, block someone from driving between our patrol vehicles?

TOOMEY I mean, it can, but I wouldn't bet on it. You never know what the car's going to do, but, yeah, in general you want to have it so if, let's say, the passenger's side door is open and the driver's door, they're close enough to each other that it kind of creates a ballistic area. But that being said, it depends on how cars pull up and whether you're actually angled in a fan or if you're just pulling up side by side. It's tough. There's a way to train, but then there's how we actually have to adapt to our terrain. I think that was one thing that became apparent to me, right, in the academy. You're trained very textbook, "This is the way to do one thing," but then, obviously, when we go out into the real world — like for this situation, for example — we can't perform it to the textbook standard because we have to conform to, basically, the terrain and the environment that we're given.

THOMPSON During a felony stop, would we want someone to try and drive between our vehicles?

TOOMEY No. That would be incredibly dangerous.

THOMPSON And why is that?

TOOMEY Well, a vehicle at that point is an imminent threat to your life and limb, to the officers involved, and the general public at that point. I mean, if a car came through either the middle of the cars or went towards the outside cars, I mean, even at 20 miles an hour that's going to be a devastating effect because, outside of the actual collision with the — right? You may get hit by the car, but even if you're not hit by the car, you could get hit by flying debris, by glass. I mean, these are all things that could cause serious injury to you.

THOMPSON So, in this felony stop, if you had moved your patrol vehicle at any time during the felony stop, what issues would that have created for yourself and the other officers on scene?

TOOMEY A lot.

THOMPSON And not just yourself. If any officer had moved out of that pattern, what issues would that create for the felony stop?

TOOMEY Well, the biggest one is, right, if any car is moved, he's now essentially afforded an opportunity to drive through vehicles, drive through gaps where officers would be standing, and that increases the likelihood that one of myself or my cohorts gets injured or killed. Right? That is an aspect of our job that we kind of accept, that we go out and it's a potential, but if we can mitigate that as much as possible, we do. But also, I guess, kind of speaking more to myself in this scenario, I'll allude to that. While my position wasn't initially advantageous, when I got out of the car, it allowed me to at least observe him to an extent that the other officers couldn't see based off their positioning. So, by me moving, I'm giving up a tactical advantage in the sense that I can at least — I can see into the car. And that gives me some idea of what's going on because if I have to get back in my car, the issue is — right? So, now, I have to get back in my car, put it in drive, separate myself from him, try and move my car to some other position. And it depends on where I go. And now you have other officers worried. That would expose the officer next to me because I'm moving my car away. That gives him an opportunity to drive through there. I mean, it's tough. Are there times where we have the ability to reposition during a felony stop? Sure. Have I actually seen it done in reality? Very infrequently. Usually, where our cars end up is where our cars end up, in general, with a felony stop. Yeah. I guess, basically, the more movement you have, the more complex an operation becomes. And the more complex an operation is, the greater likelihood you have for somebody to get hurt or killed.

THOMPSON In this felony stop on February 15th, did the felony stop block the suspect car in, or could it have continued in some direction?

TOOMEY It's difficult to tell from my vantage point, but, I mean, I don't really recall what's in front of him. I believe there's a chain link fence over there. I don't know if there was a concrete block or something, but if there wasn't, I mean, if he's dedicated enough, in theory, he can drive through the chain link fence and continue out that way. And if he made the righthand turn, I don't know if he had enough space to kind of weave through there because my recollection, essentially, of where the third patrol car was positioned is extremely limited because my focus never really drifted to where the other officers are. I think that's kind of our training. Right? We're all trained to just trust that the person next to you is going to cover, essentially, your area of responsibility. So, it would be redundant for me to go look to my right when I have officers over there that are already doing their job. So, I guess, in the realm of possibility, yeah, maybe he could have drove straight through a fence or potentially navigated through there, but, also, the way he had been driving did not lend any confidence to his ability to make a

precision driving maneuver. Everything had been erratic and abrupt, and not smooth or elegant, just very, yeah, abrupt and erratic driving.

THOMPSON Do our general orders allow for us to barricade a roadway or intentionally block the path of a suspect vehicle?

TOOMEY Potentially, with watch commander approval, but I can't think of any tactics that are commonplace. And to get watch commander approval for something like that, it would have to be some form of extraordinary circumstance. Right? Because if we block a roadway, let's say with a patrol car, right, if we place it perpendicular to the roadway, there's no practicality, I guess, in that. I mean, I'm sure, right, in the realm of possibility somewhere there's a scenario where that's an appropriate or maybe a feasible option, but I've never seen it, nor have I ever asked permission for that because it's just — right? At the end of the day, we would take a patrol car out of service, assuming no officers are in it. So, you're limiting your resources in that way. And God forbid an officer is in the car. Now I have a patrol car with an officer in it getting T-boned by a suspect. That's not — I mean, that's, yeah, horrendous.

THOMPSON To your knowledge, in this incident did you or any other officer in this pursuit intentionally block the path of the suspect vehicle, outside of the instructed techniques, at the conclusion of this pursuit?

TOOMEY No, I don't think so. To me, this is kind of akin to a pursuit ending in a cul-de-sac. It's where — right? In a cul-de-sac, there's a geographic barrier in front of you, whether it be houses or a culvert or something, and the suspect vehicle is not allowed forward progression. It's the same thing here. This is just where it ended up, so we conducted our felony stop. I know my intention wasn't to block him in. And I think part of that is, right, sometimes when you start limiting people's options, they do extraordinary things that could be dangerous. So, it's — yeah. No, my intention wasn't to block him in, and I'm pretty confident that wasn't the officers' — obviously, I can't speak for them, but just in general, the way our cars ended up fanning out, it was a pretty standard way we would conduct a felony stop within the department.

THOMPSON Do you think the felony stop unintentionally blocked the suspect vehicle in?

TOOMEY I mean, I don't think so because that's just where we ended up. And I think it goes back to how our job is reactionary and we can only react to what we're given. And this is, for better or worse, where it ended up. Right? I mean, we can obviously "what if?" if we hadn't have done it or all those things, but at the end of the day, I think we tried to do the best we could with what we were given. Obviously, part of our department — I think something we always do as a department, at least as a patrol team, is after a critical incident we like to debrief

things. And I'm sure if we, as a team — obviously, had this not turned out how it had, I'm sure my sergeant — we would have all sat down as a team and been like, "Hey, is there anything we would have liked to have done differently?" And, yeah, I'm sure we can come up with something. But at the end of the day, this is what we had, and we did the best we could in an unfamiliar area. So, I don't think we unintentionally blocked him in. I also think — at least I know I thought "Okay. This is the end of the pursuit. There's nowhere to go, so hopefully he does what he needs to do and we can safely call him out of his vehicle. We can place him into custody, and then we move forward like we would on any other call." I guess that was kind of my end thought of things.

THOMPSON What distance are we trained to be set back from a suspect vehicle during a felony stop?

TOOMEY I don't know if it's necessarily for a felony stop, but, I mean, in the academy, when we'd make a traffic stop, POST always recommended a car length and a half or two car lengths. That being said, when I went into field training, my FTO's always had our cars a lot closer. We would position, sometimes, within less than a car length. That was more or less what I was taught in field training. And for a felony vehicle stop, it really — it depends. I would say, right, in general, we want a car length and a half because that gives us some space to kind of — if we need to get another car in there, depending on the roadway, we can get another patrol car in there or something like that, but it just — I guess it really just depends. I've had felony stops where we're really close to the car, and I've had stops where we're too far away from the car and you're calling them back to the car and it's taking forever. And it also allows that person the opportunity to go "Oh, I might just run," because it takes too long to get back to your patrol car.

THOMPSON In this incident, with the way it stopped, did you feel comfortable with the distance at which you were conducting the felony stop?

TOOMEY No, but, from where I was, I also didn't feel comfortable trying to move my car. Because while it may not have been necessarily exactly where I wanted it — let's try that again — where I wanted to end up, it was within the realm of where I was okay with being. And I was there, so I had to make do with what I had. And my thought process was if I get back in the vehicle, I have to take my eyes off of him. And if I back up now, what happens is I move my car behind where my other officer is to the right. So, now we have this issue of I'm behind him, they're in front of me, and it starts creating a lot of tactical issues. You have issues for crossfire and different things like that. So, while I wasn't the most comfortable where I was, it wasn't very uncomfortable, if that makes sense. It's not the ideal position, but a position that I could make something happen with.

THOMPSON In what ways should officers verbally communicate with one another during a felony stop?

TOOMEY With each other?

THOMPSON Yes.

TOOMEY Well, typically — and correct me if I'm wrong, but I believe our general order states that the middle car, typically, is the one that would issue verbal commands. So, we try and train a one-voice concept. Right? If everybody is yelling a command, it becomes very confusing very quickly for the person inside of the car. In this case, I had the best line of sight, so I took over commands. But typically, coordination between the officers, we try and coordinate, "Okay. Hey, I'll take voice." And then one person will volunteer, "Oh, I'll take hands," hands meaning I'm willing to accept the person to put them into custody. And then another person might go, "Oh, hey, I'll provide lethal cover." And if you have more officers, then "I'll provide less-lethal cover. I'll have a beanbag shotgun," or whatever, something like that. So, that would kind of be the communication between us, but it's basically coordinating your movements so you're not doing redundant work and you're working as effectively as you can as a team.

THOMPSON During this felony stop, what kind of communication took place between you and the other officers on the stop?

TOOMEY I'm going to be — I had my hands full yelling at him to put his hands up, and we really didn't have time to do anything else. It was a rapidly-unfolding situation, so my communication was solely on the driver because of just my proximity to him. That was my priority to deal with at the time. And it ended up being Ofc. Caro next to me, then Ofc. Stevens and his trainee. And Ofc. Stevens and I have worked on a team together for five years now, and we used to ride together all the time. So, I didn't have to — essentially, I didn't have to worry about what everyone else was going to do because I already knew kind of what they would do. So, I knew if I gave commands, they would figure out what else needs to be done. And I think that's kind of how we're trained. Right? I like to think our FTO program is very rigorous and we do a good job of training people. And we train people that, as an individual officer, you can kind of go "Oh, okay. Sgt. Thompson is doing this. I can do this to supplement your role." And hopefully you have the ability to go "Okay. Everyone else is going to kind of cover me." And I guess that's kind of how I thought in this, "I have to deal with what's right in front of me. I'll issue commands, and then everyone else can kind of independently act to supplement the incident as a whole."

THOMPSON Did you present your firearm during this felony stop?

TOOMEY Yes. We're -

THOMPSON Why — sorry. Why did you do that?

TOOMEY So, the way we are trained — both in the academy, at the range, and during CPT — is when you conduct a felony stop, your priority is to get out of the car quickly. You establish a position of cover or concealment behind your driver or passenger door, depending on what side of the car you're on, kind of where it meets the frame. And then you draw your firearm and you aim it at the vehicle. And then, ideally, one person gives commands. But it's a high-risk felony vehicle stop, so typically we're dealing with somebody that's wanted for a violent felony or they're armed. So, it wouldn't be a situation where if you're — like in this situation with us, no one's going to — me being the primary, I'm not going to grab a less-than-lethal option for somebody that may present a lethal option. So, yeah, just consistent with our training, basically.

THOMPSON You briefly mentioned less-lethal options there. Can you just kind of explain in what ways we have been trained to use less-lethal options in felony stops?

TOOMEY Sure. Obviously, the situation will depend on how many people you get there, but once you start — at least in my experience. Right? I worked with the same group of guys for a long time, and we had it down, pretty much, that the primary car is probably going to have voice and maybe provide lethal cover with a firearm. And then another person or their trainee, right, deploy a beanbag shotgun or a 40 mm impact launcher, or a pepper ball if somebody had it, but those are options that may be dependent. It could be something that could be utilized in a scenario. We've utilized it before to like — maybe you're at the conclusion of a felony stop and you can't see in a vehicle, and a window may get broken out with a — I know our pepper ball gun can swap barrels, and we can shoot glass-break rounds that'll shatter a window. You can use a beanbag shotgun or a 40 mm impact launcher to also shatter out the window too, to get more visibility. So, that's a way that they can use it. And then, obviously, if it's appropriate, they can be used against a person as well, maybe as an intermediary to limit the potential for lethal force, but, obviously, it's not always possible and not always feasible.

THOMPSON To your knowledge, did any officer present a less-lethal force option prior to the discharge of firearms?

TOOMEY Not to my knowledge.

THOMPSON To your knowledge, were any less-lethal force options used prior to the discharge of firearms?

TOOMEY I don't…

THOMPSON Prior to the discharge of firearms.

TOOMEY Oh, no.

THOMPSON In your mind, would less-lethal force options have been applicable at any time in this incident prior to the discharge of firearms?

TOOMEY I mean, I guess that's kind of a two-part question. So, if we say that time and space is frozen, essentially where the video is frozen right now, and if that car went into park and he's compliant, then, yeah, absolutely. You could have that slowdown in events, essentially, and maybe that would allow either additional resources to arrive on scene, or maybe one of the — Ofc. Stevens had a trainee, so maybe one of them could have potentially deployed a less-than-lethal option, but up until — if we were to let this play just a little bit more before the discharge, at that point, no, because now we have somebody that's decided they're going to use their vehicle in a manner that is not consistent with a less-than-lethal option being deployed.

THOMPSON You mentioned earlier that you stood in the V pillar of your car. Was that for, essentially, cover and concealment?

TOOMEY Yeah. It's how we're trained. Right? It's not perfect cover or concealment, because we have ballistic panels in our doors but our glass — the window glass is not, so a round could penetrate that without an issue, but it provides us some form of cover and a decent form of concealment. That's how we're trained. You get out, and you kind of close the door a little bit. Then, you get as low as you can in that frame to basically present yourself as a smaller target.

THOMPSON From the start of the felony stop to the discharge of firearms, did you ever consider repositioning your patrol vehicle in any way?

TOOMEY Repositioning my patrol vehicle?

THOMPSON Patrol vehicle.

TOOMEY No. Like I said earlier, to get back into that car, I have to give up my line of sight on the suspect. Right? Seeing him can't prevent everything, but my ability to see him is huge. And if I get back in my car and reposition it, like I said, it creates more issues. Now, there's more moving pieces. Other people would have to adjust because I may create an opening for the officer in the middle. Yeah. It wasn't a viable option.

THOMPSON From the start of the felony stop to the discharge of firearms, did you ever consider repositioning your person within this felony stop?

TOOMEY No. Kind of in a similar vein, I had eyes on him. Right? I guess it's considering the totality of the circumstance at this point in time, going back to everything he's wanted for, right, stalking, assault, all that. So, you have these multiple felony crimes with the fact that we're told that he's known to carry firearms, and we're trained to not turn your back on a threat like that. That's the big thing. Right? If I go to move around, what's to stop him from engaging me when I'm moving? Could another officer have potentially neutralized that threat while I move? Yeah, but it only takes one round to be the end of the game for me. So, it's always good to maintain that line of sight. Basically, I didn't want to give up my tactical advantage for the spot I had. And at this point in time to where we are, I'm close to the car, but it's not an unusual position in terms of a felony stop, right, because usually you're in your driver's door, kind of behind the car. Obviously, my distance is a little closer than normal, but it's not a — I guess it's just — for our training, it's not something I would consider, to relocate, because if I were to move to the back of my vehicle, now I can't even see his car at all. And the only other option I would have would be — basically, it would have been at the outset to get out of my car, and then maybe sprint around mine and try and get on the other side of Caro's car, but now I'm completely taking my eyes off of the suspect. And at this point I'm the only person that can actually see what's going on inside the car, at least at that point in time. So, I wasn't willing to give up that tactical advantage.

THOMPSON Was this felony stop consistent with the training you have received on how to conduct a felony stop?

TOOMEY I mean, outside of some irregular irregularities, yeah. We fanned out like we should. Everyone pretty much followed how they're trained to seek cover and concealment from their vehicle, train their firearm, and issue commands to the driver of the vehicle.

THOMPSON Was there anything about this felony stop that you would have liked to have seen done differently from your perspective or the other officers on scene?

TOOMEY I mean, it would have been nice if he had just pulled over at the beginning, but, I mean, I guess that kind of goes back to how we debrief stuff. Obviously, if we could go back and do things differently, we would, but at the end of the day, we have to kind of play with the deck of cards we're given. Sure, I mean, I guess having a little space off the back of his car would have been nice, but I don't — I really don't think it would have changed the outcome. I don't. It's where we ended. And I would have preferred a felony stop to be done on a very wide roadway and a nice compliant driver. That's honestly what I thought this was

going to be, too. I went out there with the goal of, "Okay. We're going to apprehend this guy, and we'll take him to jail, and we'll go on to the next call." So, I guess, yeah, if I had to make one change for me, it would maybe be a little farther back because my intention wasn't to collide with his car. That wasn't my intention at all. I mean, that truly was an accident because my end goal is I don't want to raise the stakes unnecessarily, and that could be perceived as that. That wasn't my intention. I just hit his car by accident. So, I'm sure being a little farther back, but I don't think it would have ultimately changed the final outcome.

THOMPSON Do you have any questions?

TRUJILLO All right. We're going to go ahead and take a break. The time is 1121 hours.

Okay. We're resuming the interview of Ofc. Toomey at 1225 hours.

THOMPSON Ofc. Toomey, I'm going to play a portion of your body-worn camera that we have attempted to sync with your in-car camera. For the record, we have essentially used PowerPoint to play both videos side by side and attempted to sync them. They do show to be off by one to two seconds, but the syncing appears to be fairly accurate. The watermark on the body-worn camera says 2021-02-16 T06:24:33Z Axon Body 2 X81109660. Ofc. Toomey, do these appear to be your body-worn camera and in-car camera video?

TOOMEY Yes, they do.

THOMPSON And we'll begin, and it'll play for approximately 1 minute.

[*BODY CAMERA VIDEO PLAYING*]

All right. And we will stop there. The body-worn camera watermark says 2021-02-16 T06:25:42Z. Ofc. Toomey, can you please just walk us through what we just watched on video?

TOOMEY Sure. So, we started with right after I collided with the rear end of the car, at which point I do what my training states. I get out of the car as rapidly as possible, get into a position of cover and concealment behind our door, utilizing our door and the car as cover and concealment. I issued him two commands to put his hands up, and another officer on scene issued another command which was to a similar effect. There was no response from the driver. There was no indication that he's going to acknowledge. He just — as I alluded to earlier, I could see him looking in the side-view mirror. His eyes were just kind of looking at me. That's when I noticed the car was in drive because — if you watch the video carefully, when I initially collide with him, he actually puts the car into reverse. But my patrol car being there kind of limited that movement, so he was forced to go

forward, I guess. And kind of as I talked to earlier, I stayed in that position. I had my, what I perceived to be, position of advantage right there tactically. I could see him. I could observe his movements and all that.

So, when he moves forward, I relayed it to the other officers, "Hey, it's going in drive. He's going forward." He goes forward. And initially when he moved forward, I wasn't really certain what — actually, looking at the video now, you can actually see the fence. He could have drove forward. I thought, "Okay. Maybe he's just going to go for that." I wasn't necessarily anticipating the three-point turn around. So, as he goes forward, I just kind of hold my position. I kind of actually moved myself a little more towards my car, kind of basically like if he does take off and we're going to have to get in pursuit again, at least I can just hopefully get in my car and continue. But instead, he kind of makes that abrupt turn to the right, and then makes the — what's the best way to put it? He reverses to where his car becomes perpendicular, so 90 degrees, to the front of my patrol car. And at that point I can see him. That's the first time I was able to see his full face and head because he was making eye contact with me. I looked at him. I tried to issue him one more command.

And that's when I could see that the wheels on the front of the car were turned towards me. And he goes forward, and I think what really shocked me was you can actually — we can back it up if you want — you can see his wheels spin. He breaks traction on his front wheels when he accelerates towards me. So, at that point, right, considering the totality of where we're at and how we got here, right, going back to what he's wanted for, his behavior and five felonies — and you've already, to me, displayed that you were willing to commit an assault on other officers with your vehicle, and you've ignored everything we've done so far. And basically, the position, as in once he started coming towards me, I was stuck to that position. I didn't have an opportunity to do anything else. Partially, right, because if he is armed, that's the perfect opportunity for him to engage me is when he's perpendicular to my car because he has that clear line of sight.

So, he turns the car towards me. And as soon as the wheels go, I discharged my weapon. And then that causes him to change his angle, and he crashes into the fence to my left. So, at that point, he has now basically kind of flanked me, more or less, so I'm exposed on this side. So, I start to move to the back of my car. And as I'm moving to the back of my car, I see the car start to roll backwards and then go forward again. So, essentially, my mindset at the time is, okay, this guy already tried to run me over, which would have killed me or seriously injured me. I didn't have anywhere to go. Right? He's an imminent threat to my life, and now he's trying to back up again and drive. You've already — to me, the imminent threat hadn't ceased. Right? Just like how we talked about there's no set number of rounds to fire, the threat hadn't ceased, so I discharged one more round. And at that point the car came to rest, and I was able to get a little bit of concealment

around the corner of my car and reload. And then, at that point we were able to try and slow it down a little bit and start getting different resources in place at that point.

THOMPSON When you gave the verbal of "Hands up! Hands up!" did you see the driver comply with that order in any way?

TOOMEY No, not at all.

THOMPSON You kind of alluded to another officer making some kind of order during the initial verbal order. Do you recall who that was and what they said?

TOOMEY It was Ofc. Stevens, and he said something along the lines of "If you fucking move, you're gonna get shot."

THOMPSON At this moment, in your mind, is lethal force justified if the suspect simply moves, as described by Ofc. Stevens's statement?

HOFFMANN At which point? Can you clarify at which point?

THOMPSON When Ofc. Stevens makes that comment of "If you fucking move, you're going to get shot." In your own mind, when Ofc. Stevens is saying that, are you thinking that if the suspect moves, lethal force is justified?

TOOMEY I guess I look at it this way, and this is only because, like I said, I've worked with Ofc. Stevens for so long. I don't — I can't speak to his intent all the way, but just knowing how he operates, that didn't mean at that exact moment. I think it was more of a generalization, along the lines of this has the potential to evolve into a situation where lethal force could be justified. And maybe it came across as a warning. But in terms of my mindset at that exact point when the car moved forward? No. And that's why I didn't shoot when the car moved forward. And that kind of goes back to, right, our time and distance analogy. If he's going to drive away from me and away from other officers at that exact point and time, then, no. Right? It's not — he's going away from us. He may be a threat to somebody else, but not us. Where the threat comes in is when he decides to orient himself towards us. That's when it becomes, right, the situation where lethal force is available or, I don't know — yeah, available. Sure, let's put that word in.

THOMPSON Did you see the driver comply in any way in regards to Ofc. Stevens's order?

TOOMEY No, because shortly after that — I had already given my orders to put his hands up, and he drove forward and then proceeded to begin his three-point turn.

THOMPSON Do you recall if you heard Ofc. Stevens's order and if that at all played into your own mindset?

TOOMEY I guess the best way to put it is I heard it clearly. And for how clearly I heard it, I'm sure the suspect inside the car heard it, just like he definitely heard me say "Put your hands up!" So, what he said didn't influence my decision. What kind of does, right, is we've given you the opportunity to just comply. Right? All you have to do is put the car in park and put your hands up. And, right, if you follow our commands, it would have been like any other felony stop: "Sir, exit the vehicle," take him into custody, and we handle business afterwards from there on out. So, to me, I'd say the way it influenced me was just simply we had given him commands and given him that opportunity to just kind of stop his forward progress, and he obviously didn't, either didn't acknowledge or didn't comply with them.

THOMPSON Are we trained to issue commands that are similar to "If you fucking move, you're going to get shot"?

TOOMEY I mean, to that exact language? No, but in the academy we are taught that language can be a force option, I guess, kind of. Right? I guess the best way to — you can only say "Sir, please be quiet," or "Put your hands up," you can only say that so many times. And maybe that modifier, while it may come across as initially unprofessional, it may have the desired effect of gaining compliance through language, as opposed to compliance through a force option or something similar.

THOMPSON Is de-escalation part of your training as a police officer?

TOOMEY Yes, it is.

THOMPSON Do you recall in what ways you've been trained or what kind of trainings you've undergone as it relates to de-escalation?

TOOMEY Sure. There's a lot of different ways we can de-escalate. Something as simple as talking to somebody, right, establishing communication, establishing rapport with them, that's one method. Right? A lot of times, that's our preferred method. If you can just talk to somebody and handle things at the lowest level, that's always the preferred option. But if that's not an option, or it's not working, or it's not viable or whatever, we have other de-escalation tactics that we can use, right, less-than-lethal weapon systems, so a beanbag shotgun, a 40 mm impact launcher. We have a taser. We have pepper balls. We have OC spray. Right? And a lot of this depends on the amount of time we have to allocate these resources, but K9 is a resource we can use to augment our people that are on the ground. Crisis negotiators, CNT, is somebody that we can have show up. You can have the

SWAT team come out. Right? We have a lot of options available, but at the end of the day, it's going to come down to what type of timeframe are we dealing with and how quickly or how slowly a situation is unfolding.

THOMPSON In that, you kind of talked about what some of the tactics of de-escalation are. How would you describe what de-escalation actually is?

TOOMEY Oh, okay. So, it's in the name. Right? So, I guess to kind of go along with what we've been kind of talking about for the day, it's we have a series of events where the suspect, in this case, is escalating our contact. Right? It goes from what should have been a fairly straightforward traffic stop, to a pursuit, and then an assault. And so, he's been escalating our encounter. De-escalation would just be the opposite, right, trying to bring it back down to where we started. And that can be accomplished through a multitude of methods. Right? The goal of de-escalation is hopefully we don't have to use lethal force because that's kind of like our last resort. Right? That's our highest level of force. So, if you can — and that's initially what I tried, "Put your hands up!" That was what I was able to come up with when I got out of the car. But at the end of the day, we had no compliance. So, without cooperation of that person, it's hard to de-escalate if they don't want to de-escalate.

THOMPSON Other than when you said "Hands up!" did you attempt any other de-escalation tactics or techniques with this suspect?

TOOMEY Just based off the timeframe, no, because I said, "Put your hands up!" twice. And then the car goes into drive, so I communicate to my other officers, "He's moving." And then, by that point he has more or less positioned himself at a 90-degree angle to me. I attempted to issue one more command, but I think I got through whatever, the first word, and then he moved forward. And we know what happened next.

THOMPSON Why did you say out loud "He's putting the car in drive"?

TOOMEY It's pertinent, relevant officer safety information for the other units on scene. And also, I think, this frame in the video doesn't really show it, but when my car was behind his, I can see the taillights very clearly. Whether I want to see them or not, they're in my field of view. So, I can see when his foot is on the brake. I can see when the reverse lights go on or off, and I can also hear the click of the transmission being put into gear. I don't know if the other officers are able to see that or hear that, so it's letting them know, "Hey, he's moving. Be prepared for whatever comes next," whether that be he drives straight through that chain link fence and leaves the area, or he does exactly what he does, or he pulls forward and exits his vehicle. Right? I mean, we don't know what he's going to do. It's just letting other officers know to anticipate that our situation that was maybe,

let's say, a little static at that point, there was not a lot of movement, is now going to become more dynamic because now the vehicle is going to move, and it's just another factor that we have to account for.

THOMPSON You touched on this a little bit earlier, but can you just talk about what you thought the suspect was doing when he first started moving forward, away from your patrol vehicle?

TOOMEY Sure, yeah. When he moved forward, my initial thought was "Okay. We're going to continue the pursuit." I mean, he's already essentially — sorry — demonstrated his kind of recklessness and disregard for rules of the road, the safety of other people, the safety of other officers. So, I'm going, "Okay. Well, we're just going to — we're going to take off again. He's going to try and go through an object and get back out to a main roadway," because that's what he had been trying to do. So, I think that was my initial thought. But then he kind of stopped short, and makes that turn, and then reverses. And it's like "Oh. You're not doing what I thought you were going to do. Now, we're…" Right? He's escalating the situation again because at that point, when you're facing the wall, he's not going to turn to the right because he could have just gone straight. His "avenue of escape" was through me. At that point, I'm pinned into my position. I don't — to me, from my perspective, it wouldn't have been safe to turn my back to a person that we perceived to have a firearm, especially when they can just easily — he could have just reached over and discharged his weapon or whatever, but I can't outrun that car. So, it's like "All right. I've put myself here for a lot of reasons, and we're going to have to handle whatever comes next."

THOMPSON You mentioned right there that you wouldn't turn your back to someone with a firearm. Does this situation change at all — as far as you turning your back, does it change at all if there's no firearm in play at all? Would you ever turn your back to somebody in this kind of situation?

TOOMEY No. In general, no. Right? And I think that brings up a valid point. Just because we don't have information that someone has a firearm doesn't mean they have one. Yeah. Does that make sense? Right? Somebody can always have a firearm, whether we know it or not. And especially, right, on a high-risk felony vehicle stop, we do these stops with the assumption that this person poses a serious threat to ourselves and other people. That's why we don't stop every car like this. So, yeah. No, I wouldn't turn my back on a suspect, especially, right, in the totality we have here for all the crimes he's committed, how the pursuit has played out, his erratic behavior, and all that. That's all stuff that is being taken into account for in my train of thought at that time.

TRUJILLO In your training, have you — is this the same reason why we don't approach the vehicle at the time, until we're ready to clear it?

TOOMEY Mm-hmm.

TRUJILLO Is that the same reason?

TOOMEY Yeah. Right? When we do a felony stop, we don't approach a vehicle with people in it. We have them exit the vehicle. Right? Typical procedure is have them exit the vehicle, and then we'll make an — if we have K9 there, we'll say, "You need to come out. We have a K9. If you don't come out, he's going to find you and bite you," so the K9 bluff, essentially. And then — yeah. And then we form contact teams, and we utilize all sorts of different tactics to approach the vehicle as safely as possible because the vehicle is an unknown. Right? We don't know what's in a car or anything like that.

THOMPSON When the suspect put the car in drive and was pulling forward, away from you, was the suspect in his vehicle an imminent threat of serious bodily injury or death to yourself or the other officers on scene?

TOOMEY Just the forward movement?

THOMPSON Yes, sir.

TOOMEY No. I can say no because, like I said earlier, he could have just gone straight. He had avenues that, I guess, he could have pursued other than orienting himself towards us. So, ultimately, he chose not to do that.

THOMPSON How would you describe that forward driving that he did just for that short portion?

TOOMEY Scary.

THOMPSON Why is that?

TOOMEY Because you don't know what's next. Right? You have — because, right, we get training on felony stops and we do scenario training, but we can never cover everything that's going to happen out in the real world. And so, while I've had training on how to shoot from behind cover, from a car, or all these different scenarios, I had never really encountered anything exactly like this. And I'm going "Okay. So, he's moving forward. What's his intention?" Because even on a perfect felony stop, right — we could have all resources in place; we could have somebody that's initially compliant — they could still decide to just get out and shoot at us. I mean, that's happened not too far from where we're sitting, and that was perfect in terms of textbook. They had cover and protection. So, is he pulling forward to give himself a little bit of an advantage so he can get out of the car and

maybe engage us in a gunfight? I don't know. And that's kind of why I moved a little bit closer into my pillar. It was to try and make myself a smaller target because I didn't know what was going to happen next.

THOMPSON At this point in that forward movement of the suspect vehicle, had you had any thoughts that the suspect might try to ram you or your partners?

TOOMEY No, I didn't. Like I said, when he went forward, I didn't know what his intention was, but him ramming us wasn't something that I was actively thinking about. I mean, it was just like "Okay. What is he going to try and do?" And so, I was, obviously, watching and trying to analyze.

THOMPSON Before we go a little bit further in that three-point turn, can you please reference for me page 262 of your OIS statement? It'll begin on lines 1468.

TOOMEY 262?

THOMPSON Yeah, on the bottom, 1468. So, specifically, it will be 1468, kind of through 1469. I'll let you have a second to look at that, and I'll just kind of read it out loud for the record.

TOOMEY Okay.

THOMPSON So, in that statement, beginning on line 1468, you stated: "Then, I collided with him, so it kind of pinned him in. Then, he drives forward, and that's when I started to go 'Okay.' " Can you just clarify for us what you meant when you said the word "pinned" right there?

TOOMEY Sure. So, I guess kind of the -

HOFFMANN 1468? Hold on a second. Okay. There we are. Got it. Found it.

THOMPSON If you need a second to kind of read through what you were trying to describe there, that's fine.

TOOMEY I have a pretty good idea of what it was. So, I guess probably the best way to put it is not — I guess I shouldn't say pinned him in, as in he didn't have, I guess — what's the best way to put this? My intention was not to block him in, and I guess that kind of goes back. Right? If you start taking away options from people, it can escalate things unintentionally. So, my option was not to pin him in or block his path. My collision was an accident, and it was what it was. I can't undo that. But I think at the time I thought maybe that roadway just, I don't know, went around, or there was an avenue for him to leave. But from my position — it's kind of hard to tell from my body camera in there, but I'm very cognizant of this

wall next to me and this wall in front. So, it felt like a very confined and tight environment. It wasn't a comfortable spot to be in. I just — you feel, I guess, exposed kind of because it's like I didn't have a lot of options. And then, when he goes forward and then kind of makes that turn to stop, it's like — for lack of better words — like "Oh, shit. He's going to turn around," because there's — right? When you go like this and back up, he's not going to just turn right and go the way he could have gone to begin with. He's going to go towards me. And that's when it's like "What do we do?" And I guess that's kind of what I was trying to say there, if that makes sense.

THOMPSON Yeah. So, with a word like "pinned," that sometimes can imply kind of like a 360-degree kind of context. It seems like you're trying to describe something differently as far as that word is concerned.

TOOMEY Yeah. And, I mean, I guess that's what I'm trying to say. My intention and the other officers', we weren't intending to block him in any way, shape, or form because, right, if he has freedom of movement and he drives off again, okay. We get back in pursuit and we go from there. And if the pursuit gets canceled or we have to Code 4 it for whatever reason, then so be it. Right? Everyone can do all of this all over again, find him another day or whatever. So, to me, it was a very uncomfortable spot to be in because it increased my proximity to him. And, right going back to the weapon, at that distance you don't have to be a great shot to hit me. If you fire enough rounds, you'll probably hit me. So, it just — I don't know. It was a very uncomfortable, tight situation. So, I guess it just felt like we were kind of, I don't know, stuck somewhere. I mean, it later turned out he wasn't, but I guess maybe — does that kind of answer your question? I guess that was maybe a poor choice of words in my initial interview.

THOMPSON After pulling forward, the suspect puts the vehicle in reverse and begins backing. What did you think the suspect was doing when he began backing?

TOOMEY So, when he backs up — and you can hear it on the camera, but obviously in person it was louder — you can hear the tires squeal when he backs up. It was a very forceful, violent reverse, I guess. And at that point, I guess kind of in my brain what I'm thinking is we have two options — I guess three. One is he backs up like that and he stops the movement with the car, and then we have to deal with whatever him stopping the car entails, right, a felony stop where he gets out and engages us or he tries to run or whatever. If that happens, we handle that eventuality. Option two is he continues reversing and just reverses into one of the units on scene and tries to push his way through that way, or the other option is to do exactly what he did, stop the car and then drive towards me. And I think it almost caught me off guard with how fast he was able to orient the vehicle. Basically, you go from one second you have a car right in front of you to, all of a sudden, it's now starting to point towards you. And it was like "Oh, this escalated

very, very, very, very quickly." And it's not a situation I had been in. And like I said, just kind of alluding to where that wall was next to me, the world got very small very, very quickly, and I realized my options were extremely limited. And, yeah, it was not a good feeling, to say the least.

THOMPSON When he's backing and you're having these thoughts you just described, did you consider using force at that time?

TOOMEY When he backed up? No, but I was prepared for the eventuality. If it had to happen, I was prepared for it. Right? Because if he stops backing and just stops right there and he starts complying, then there's no need to use force, which is why I didn't discharge when he was backing up. And, I mean, if he continued to back up, I wouldn't have been able to discharge because now I'm shooting towards other officers. And that's just…Right? That's an abhorrent situation. So, I wouldn't. I would be useless in that situation as far as that. But in your head, right, we're kind of taught to constantly re-evaluate our situation and try, in the best of your ability in that time, to go "Okay. What are my options?" And my options at that time were "Okay. Well, I'm in the door. He's here. I can't move. So, if he does drive towards me and it presents an imminent threat to my life, then, yeah, I'll have to discharge my weapon." But, honestly, I was really hoping he would just stop. That was really the preferred outcome. Right? I didn't want to be in a shooting. I just wanted him to stop, and we could arrest him, and the victim doesn't have to worry because we got a dangerous person off the street, and move on from there.

THOMPSON Was his backing — just the backing movement — a threat to you at that time?

TOOMEY Just the backing?

THOMPSON Just the backing.

TOOMEY Just the backing wasn't a threat to me at that point in time because if you watch how he backs up, his vehicle kind of straightened out. It would have collided with either Ofc. Caro or Ofc. Stevens's car. But when he stopped, and then I watched the wheels turn towards me, that's when it's like "Okay. This is about me at this point because I'm the one that's in danger."

THOMPSON In your opinion, do you think the suspect's vehicle backing was an attempt to ram the officers' patrol vehicles?

TOOMEY It's tough to say. And I guess I would explain it like this: Do I know if that was his intention, to back into them? No, I don't. The speed at which he did it though, initially, it appeared that way, but I wasn't in a position where I could safely intervene in any way. So, like I said, if he had just backed straight up, I'm kind

of a bystander at that point, or an observer to it, because any force option I'd have, I wouldn't be able to deploy it safely. But once he stopped in kind of that abrupt slam on the brakes, it was like "Okay. He could still be a threat to them." Right? He could just decide, "I'm going to put it in reverse anyways," and back into them. But his stop was so brief when he backed up, and you could hear the car switch into gear, and you could watch the wheels turn. That's when it was like "Okay. He's not going to continue backing up." So, once the car essentially goes out of reverse and the wheels are canted towards me, at that point he's not a threat to them, he has shifted the focus solely onto my position.

THOMPSON Do you recall, during that backing movement, if you knew that Ofc. Caro was repositioning his vehicle, pulling it forward a little bit? Do you recall seeing that in your periphery or anything?

TOOMEY No. My focus was on the threat that was very, very close to me. I was cognizant to the positioning of the other officers in general. I knew I had two patrol cars to my right, and I was cognizant, essentially, of my field of fire or what a lane of fire would be if I had to discharge. I knew, essentially, where I couldn't shoot. But, no, I didn't know any cars were being repositioned.

THOMPSON At some point in this first forward and then backing by the suspect vehicle, did you transition from indexing your finger to placing your finger on the firearm's trigger?

HOFFMANN If you recall.

TOOMEY Yeah, I don't recall.

THOMPSON If you could, refer to page 255.

TOOMEY 255?

THOMPSON And it will begin on line 1139.

TOOMEY 1139?

THOMPSON Yep. And it'll go through 1144. So, if you just want to read that section…

TOOMEY Okay. I'm good if you're good, Joe.

HOFFMANN One second. Okay.

THOMPSON So, again, in reference to your OIS statement, lines 1139 through 1144, just for the record, I'll read it in so we all know what we're talking about. It begins: "He

drives forward, off of my car, and kind of makes a slight left-hand turn and then reverses, so his car is perpendicular to mine. As he reverses, the tires squeal. It's a front-wheel-drive car, so there was a little bit of traction. We're yelling commands, 'Stop! Stop!' And at this point I had transitioned from having my finger indexed on the side of my firearm," so indexed meaning your finger is not on the trigger. So, can you just explain where in that chain of events, kind of as you referenced here, that you moved from indexing to placing your finger on the trigger?

TOOMEY Okay. Yeah. So, with that, that kind of makes sense. So, I think it kind of is elaborated in the video too. When that car makes that backward movement and stops, that's when I kind of get centered into my door and make myself a smaller target. And that's when I transitioned from essentially having my finger on the frame of the firearm to on the — or at least in the trigger well, which is, right, not something we take lightly. Right? The first rule of firearm safety is, right, finger not on the trigger until you're ready to fire. So, the fact that we're even getting to that point is unnerving. I can count the number of times, honestly, in my career that we've had to even think about moving your finger on the trigger because that's not a decision you just make lightly. Right? It goes against everything, essentially how firearm safety works. So, you're going "Okay. If my finger is on the trigger, that means I've obviously determined that it's an imminent threat to my life. It's somebody that's going to try and kill me or cause serious bodily injury to me or one of my coworkers or, in general, a member of the public." But it also means I've examined all the other rules of firearm safety. What's my backdrop? What's my foreground? Going back to what we talked about earlier, accounting for your rounds. You've basically assessed the situation as well as you can in that timeframe, and you've made the determination that it is safe for you to fire if you're forced to.

THOMPSON Just because you put your finger on the trigger, does that mean you have to use force?

TOOMEY No, absolutely not. You could always index it back to the side, but the fact that it's even in there is unusual. Right? Because a lot of times, right, at a felony stop, you draw your firearm like we're trained to do, but your finger is indexed off to the side of the weapon. And throughout the course of the entire stop, it'll probably stay there until you re-holster.

HOFFMANN Could we play that one section of his body-worn camera to refresh his memory on this section of questioning? Would that help you?

THOMPSON Just for context before we do that, do you think you can recall when your finger moved index to the trigger if we played the video?

TOOMEY Yes, only because I'm pretty confident you can see my body shift, and that's me changing my grip and position. My body-worn camera —

THOMPSON If it's easier for you guys, I'll just switch to just the body camera.

TOOMEY Yeah.

HOFFMANN Thank you.

THOMPSON I probably have the time here, but…

TOOMEY Yeah, that's a good spot.

THOMPSON All right. So, just for the record, we're going to begin. This is Ofc. Toomey's body-worn camera, and we are beginning at the time marker of 14:07. For this, if you see when that happened, why don't you just tell me to pause, and I'll click "pause."

TOOMEY Okay.

[*BODY CAMERA VIDEO PLAYING*]

Right there.

THOMPSON Do you want to watch more of it? Right there?

TOOMEY Yeah. That was the…

THOMPSON Is that your movement, like you kind of described, getting tighter into the V pillar?

TOOMEY Yeah. I guess a good way to look at it is if you back up a tiny little bit, you can see I actually have my supporting hand off the firearm and kind of braced more against the frame, like this, but I'm communicating with the other officers it's being put in drive. When he makes that backwards movement and stops, that's me putting both hands back onto the firearm, moving myself smaller into the V pillar, establishing a solid shooting position if that's where it goes. So, my finger is definitely on the trigger at this point.

THOMPSON Just for the record, we stopped it at approximately the 14:28 time marker on the video.

TOOMEY And this was actually consistent with the CPT training we did at the range in November.

THOMPSON Can you describe that? What do you mean by that?

TOOMEY So, the way we did the range training for CPT, our final training evolution was involving a vehicle like this. And the way we utilized the training is both officers would be on both sides of the car, on the doors. I mean, there's one officer behind a separate piece of cover, away from the vehicle. And so, you would engage from the doorframe, and you would yell, "Moving!" And the other officer would basically provide covering fire, or they would engage the target while you moved. But what we kind of learned was when you are going to shoot from the door, obviously it's being cognizant of what parts of the vehicle are in front of you so you're not shooting your own car, but how to utilize the body of the vehicle to provide the most stable shooting platform, right, because if you're more accurate, the likelihood of your rounds missing and hitting somebody not involved decrease significantly.

THOMPSON Now, the suspect has pulled forward, and then he has pulled back and come to a stop. When the suspect then puts the car in drive again and begins moving forward, towards where it ultimately comes to rest, was the suspect in his vehicle an imminent threat of serious bodily injury or death to yourself or the other officers on scene?

TOOMEY To me.

THOMPSON Can you please explain that?

TOOMEY Yeah, absolutely. So, I guess it's important to note kind of where my vehicle ended up. May I reference the diagram that's in the front of this?

THOMPSON Absolutely.

TOOMEY So, I mean, it kind of gives an overhead, but I'm in the crook of my car right here. And this is not — it's not a lot of space. And I have somebody — I guess the best way to put it, right, is — because when this car initially begins his momentum, he's right here. To me, he hasn't demonstrated the ability to essentially be able to fit through that gap without hitting me. Right? He drove erratically — high speed, low speed, erratic turns. He has demonstrated that he's willing to drive towards officers on the side of the road and put their safety in jeopardy. You've ignored all of our commands. You've basically demonstrated that you're going to do whatever it takes to get away from us. And if that means running me over, then so be it. Right?

So, when you look at that position, right, he turns his wheels and they're canted towards me. And it's like, "Okay. From that angle, you're, at the very least,

probably going to clip the front of my patrol car, but you're for sure going to hit my door." And at that point I have nowhere to go. I wouldn't be able to get back into my car fast enough. And then, even if I do, that presents a thousand other different scenarios that are equally as poor. So, when I saw the wheels and when I saw the car go forward, my exact reaction was "Holy shit, this guy is going to run me over." Yeah. It's an extremely poor position. You're like "Okay." Well, I have one option at that point, and that's to basically defend myself, defend my life, or at least do the best. And that's why — and I think it's an important distinction. When I did shoot, I shot at the driver. I didn't try and disable the vehicle. I was aiming to disable the driver because that's the person who's operating it. And it's…I don't know. It's tough to explain how you, I guess, feel in that moment. Right? You can say the generic, "Oh, I was afraid for my life," or whatever, but there's a certain look that people have in their eye when you're like "Okay. They're going to go through with this." And the look I got was "I couldn't care less if I run this officer over," because he knew I was there. He saw me.

Basically, at this point, it's hard to tell in my body camera, but when he's stopped right here, we're looking at each other. So, he knows I'm there, he knows my door is open, but this is the same guy that went back to his ex-girlfriend's house, burned her truck, threatened to kill her, and then came back while we were there. So, this guy has demonstrated that he has no issue kind of, I guess, following through on threats he makes. So, these are all things I'm thinking about. And, yeah, as soon as that wheel goes and you see the car break traction and you hear the squeal of the tires — it's not like he was just kind of rolling forward and making a precision maneuver. It was "I'm going to slam through this, and I'm going to get out of here. And if that cop dies, then oh well." And with where I was, that was the option I had. It wasn't — like I said, I didn't want to, but it put me in a position where I'm like "I may die, but I'm going to do my best to try and make sure I don't die," and that was the option I had at that time.

THOMPSON Could you please refer to your OIS statement on page 263?

TOOMEY 263? Okay.

THOMPSON It'll be lines 1502 through 1507.

TOOMEY I'm good when you're good, Joe.

HOFFMANN Mm-hmm. Got it.

THOMPSON Again, I'll just read it kind of beginning on line 1502: "So, I already made up my mind at that point. If the car starts moving forward, especially because the wheel has been turned and he was pointing the car towards me, if the car moves forward,

this guy is going to try and kill me. I'm in fear for my life. I have zero doubt in my mind that he would kill me in his way to move. That was my conscious decision. If it moves forward, I'm going to shoot." Can you just give us some context as to when you said, "I already made up my mind at that point"? What do you mean by "that point" in these chains of events, and what was already made up?

TOOMEY Okay. Sure. So, "that point" would be the car has stopped reversing, the wheels are turned, and his only other option at that point is to go forward.

HOFFMANN When you say the wheels are turned, you mean towards you?

TOOMEY Towards me, yeah. They're turned to the left, pointing at me. So, if he hits the accelerator, the car is going to come directly towards me. So, right, obviously, if he stops right there and he decided "Hey, I'm going to comply and I'm going to go with the program," my finger comes off the trigger. We handle our business. We do what we need to do. But I think part of our training is they tell you that if you're going to use force, you have to have that — what's your threshold trying to think things out? Because at the end of the day, right, you want to give everybody as much opportunity as possible to just comply. Right? We don't go to work wanting to hurt people. But as I kind of alluded to, with everything that's already happened up and to this point, he has had plenty of opportunities to comply with us. So, if he's going to decide to drive through where I am and he's going to try and kill me, that's when I made the decision, okay, if that car goes forward, I'm going to have to engage because he can cover that distance from where he is to where I am faster than I have an ability to react to. Whether that be trying to get in the car or, I don't know, running away or something like that, I can't beat a car. I'm not that fast. And that was a big consideration. Right? I now have to fight something that can go a lot faster than me, and this is the only option I have left.

THOMPSON You kind of touched on it there, but let me ask a little bit more specifically. In that moment when you made up your mind and kind of made that conscious decision that, likely imminently, you were going to have to use force, do you recall at all if you considered moving your person?

TOOMEY No, because I didn't have time, and that's what it came down to. When that car had backed up and the wheels were pointed towards me, at that point there's nowhere I can go. He's going to be able to cover that gap, that distance to me, faster than I have the ability to move somewhere that may or may not be safer. Right? I mean, there are so many different alternatives that if we are given more time, right, sure, maybe we could execute a different type of plan. But with what I was given, all of the other options, to me, were worse. Right? Option one: I can move to the back of my patrol car. Sure. Now I lose my line of sight on him.

I can't see him. I can't see what he's doing. And if he hits the front of my car, now I just get hit with my own car. If I move inside the car, assuming I'm able to get all my body parts inside the car, right, I don't leave the foot dangling out, we're now in close proximity to each other. Right? If he gets hooked on the front of the car or we end up door to door for some reason, I now have a suspect, that's supposedly armed with a firearm, door to door. The glass on our car doesn't stop bullets, so now I'm exchanging gunfire with a person a foot away from me, and they're in an elevated position. Right? Their minivan would be a little bit higher, so they're just reaching over, and I can't utilize any form of cover. May I have hit him in that scenario? Yeah, but he probably would have killed me too. And so, even then, even if he doesn't fire, now I'm stuck. Right? I have a minivan on my driver's door, so it's harder for everyone else on the scene to try and help me out because the only way out of my car is to try and climb over the center console and exit out the other door. And there's no way for my cover to really do that without me exposing myself to great risk. So, that was — right?

So, there's all those possibilities of those things that could happen, but in my head, it's just like I knew I couldn't move fast enough at that point. That car was going to be faster than I was, and that was the option I was left with because, realistically, if you were going to move, right, if you were going to say "Okay. I'm going to try and make a change in my position for whatever reason," it was, honestly, probably before the car even stopped. But as I said already, I chose that spot initially because it offered me the best line of sight on him to see him, to communicate to my fellow officers what's going on. So, by the time he reoriented, it was faster than I had an opportunity to react to. And all of my options were worse because, at the end of the day, I'm not faster than a minivan. I can't beat it.

THOMPSON From the moment of the collision with the suspect vehicle to the first discharge of your firearm is approximately 25 seconds.

TOOMEY Okay.

THOMPSON And I can play that back if you want to confirm. Okay. Do you recall — and, again, this question is kind of in relationship to the concrete wall that you've referenced a few times here.

TOOMEY Okay.

THOMPSON So, do you recall at what point in those 25 seconds that you determined that the suspect vehicle likely would not be able to drive past you on that driver's side?

TOOMEY Once he started backing up. Because, like I said, if he goes forward, it's a non-factor to us because if he's going to go forward and drive through a chain link

fence, I think there was a culvert or something on the other side, so that's really just a danger to himself. But when he starts backing up, it's like "Okay. Well, he's not going to go that way." He has two options of movement: back up into the other officers or drive through where I am. So, that's when I started becoming — I mean, I knew the wall was there, but that's when it's like "Oh, boy. This is not a good — this is not a good feeling in any way, shape, or form," but I was committed to that position because he backed up so fast. By the time I go, "Oh, I don't like this feeling," I couldn't do anything about it. And then, when the wheels turned, it's like "Holy shit, he's going to go this way. He's going to drive through here." Then, it's like "There's no way he's going to make that turn." Because, like I said, if you watch how his wheels spin and how he accelerates and the tires squeal, this isn't a guy that's out to make a precise movement behind the wheel. This is a guy that's going to be like a bull in a china shop and just drive through what's ever there. And if I die, so what? I'm in the way.

THOMPSON Do you recall what your estimation of the distance between the wall and your car was?

TOOMEY Not a lot, for lack of better words. Out of the corner of my eye, it's like "There's no way a car is going to fit through there," at least not at the angle he was coming at. And I had my door open. If he hits my door, it pushes my door into me. I mean, it was not a good feeling. Like I said, by the time I made the realization that he's going to drive towards me, any opportunity to reposition was already gone. So, it's, right, kind of going back to we have to make do with what we get in front of us. I did the best I could with what I had in front of me because, at the end of the day, I'd like to go home. I don't want to get run over by a car. That's not how I want to go out. And that's kind of what, I guess, got put in front of me. And it's like — I can't relay to you what it feels like to have a vehicle squeal its tires and start driving at you and you have nowhere to go. And it's like "Okay. Yeah, I could shoot him. He could still run me over and kill me," but you've got to fight.

THOMPSON I'm going to show you a few more images.

TOOMEY Sure.

THOMPSON Again, this is our JetStream Viewer that CSI used to recreate the scene after the fact. It's several images. The first one is image number four. This is a top-down aerial view. In this image, you can see the suspect vehicle kind of centered in the middle of the image. To your left-hand side is your patrol vehicle with the door open. For reference's sake on this, we took just a measurement at kind of the front wheels of the suspect vehicle, which gave us an approximation distance of 6.3 feet. That's, again, image number four.

TOOMEY Okay.

HOFFMANN I'm sorry, what's 6.3 feet?

THOMPSON From one tire to the other side, the width of the car, essentially.

HOFFMANN Thank you.

THOMPSON Image number five is, again, another aerial top-down photo. In this one, we have your patrol vehicle kind of centered in the middle of the photo. For this one, the same kind of thing. We attempted to get the distance between your front two tires, so essentially the width of your patrol vehicle, which was right around 6.1 feet.

TOOMEY Okay.

THOMPSON In this top-down aerial photo, the same image, just kind of a different distance measurement. In this one, we clicked near your open driver's side door to the edge of the concrete wall. And that distance, it approximated it at 10.5 feet. That was image number six. In image number seven, the same top-down aerial view with your patrol vehicle in the center. In this one, we took a measurement off the front driver's side bumper, but close to the tire, to the concrete edge of the wall. In that case, it was 12.2 feet. Image number eight is more of a ground view, looking from the back of the suspect vehicle towards your patrol vehicle. For this measurement, we grabbed the front driver's side portion of your bumper, again trying to make a measurement to the concrete wall. And the front bumper to the concrete wall was approximately 15 feet. In image number nine, another ground view. This is essentially looking out the suspect vehicle's driver's side door, back towards your patrol vehicle. In this measurement, we, again, took your driver's side door, open, to the concrete wall, and that estimated a distance of 10.4 feet. And then the last image, image number 10, is actually from behind your patrol vehicle, looking back at the suspect vehicle. Again, it's a measurement that we took from your open driver's side door to the concrete wall, which was measured at 10.5 feet. So, I'll give you a second to just kind of look through those if you need to.

TOOMEY No, I'm good.

THOMPSON You good?

TOOMEY Yeah. I think the only thing that's — I don't know if it would show up in the video, but I know my car was gone through a couple of times before this measurement was taken. So, I don't remember — when I typically get in, I

usually have the door open all of the way, so I don't know if that would change your measurement because it looks like the door is mostly closed.

THOMPSON So, let me have you refer to your statement real quick.

TOOMEY Okay.

THOMPSON If you could, go to page 255.

TOOMEY Sure.

THOMPSON Specifically, lines 1145 through 1146.

HOFFMANN Got it.

THOMPSON Just for the record, I'm going to begin on line — this is Ofc. Toomey's OIS statement, beginning on line 1145, "Where my car is parked, about 8 to 9 feet to my left is a solid concrete and chain link fence, and that's his only out." So, in regards to kind of what you said to Det. Massee, and then the videos here, it sounds like that distance is somewhere in that realm of 8 to 10 feet based on your own perception, and then kind of what we recreated here.

TOOMEY Okay.

THOMPSON Do you recall that you had an actual number in your head of what that distance was, or was that just a perception estimation?

TOOMEY That was just answering Det. Massee's question during the initial interview. She asked me to provide an estimation, and that was my best recollection. At the time of the event, with what I had in front of me, it's like "There's no way a car is going to fit." And a lot of that was just where his car was. And not to say it would have changed anything, but even if this car was straight on, then, sure — right? — I guess, conceivably, he could have fit, but the outcome would have been the same anyways. But from the turn he's going to make, he has to — he's going to hit my car because he's so close to the front of my car. To negotiate that turn, you're going to hit my car and hit me in the process. And I guess, kind of like I've alluded to, this guy is just not — this gentleman is not somebody that's capable of driving that distance. And like I said, I have somebody that's going to drive through me. You're in fear for your life. You're in your head going, "He's going to kill me. I'm going to get run over by a car. This is my only option." And then finding out the distance after the fact, it's like "Oh." I'm going to stick by it because it's like — you're not going to risk your life for 3 feet. And also, when he drives by you, right — let's, I guess, just to what-if it, say he gets through somehow without colliding with anything. What's to stop him from just making

a quick little left-hand turn into you? Right? It only takes that much of a steering wheel. Or he slides out and hits the concrete wall and bounces back towards my car. Like I said, I didn't have great options. And at that time, it's like "This is a very tight, confined environment." And it's like when you get in tense situations, your world kind of feels a little smaller. And it's like "Okay. This car isn't going to — it's not going to make it. His way out is through me. And if I get hit by a car, I'm going to die." That's what it comes down to at the end of the day. I can't — if I get hit by a car, I'm going to die.

THOMPSON Let me ask just two more questions, and then we'll take a break.

TOOMEY Okay.

THOMPSON If that concrete wall to your left, that 8 to 9 feet or 10 feet away, had not been there at all — let's say it was open roadway to your left and the suspect had oriented his vehicle and spun his wheels like he did, do you think you still would have had to engage the threat, or would that have changed the circumstances?

TOOMEY That's why the concrete wall is such a huge modifier. Right? If there's an open field to my left, or there's a place that he can basically just drive wide and clear away from me, that's one thing. But when you have a concrete wall that's forcing your — because the wall is why he turned his wheels that hard. It was because he knew where he needed to turn. Right? He sees his gap, and his gap is dictated by where I am and where the concrete wall is. If there's no concrete wall there, he would have just — well, I mean, he wouldn't have even made the turn. But assuming, in that situation, that for whatever reason he stops and orients himself that way, he would have just drove off. But that's why the wall is such a huge modifier, because it forces that distance that he has to go through, and that distance is ultimately — right? That's a huge determining factor because it's — there's no way he gets through there without getting through a piece of me, and I'm not going to — I'm at least not going to try and die by getting run over by a car. That's kind of — I guess that's what it comes down to. The concrete wall is such a massive modifier. It's hard for me to say what if that wall wasn't there. I mean, if that wall wasn't there and he just drove away, then he drives away. Right? Then, we get in pursuit again and we handle business that way. But, right, with the wall there, it drastically changes kind of the scope of what we're doing.

THOMPSON If you had moved yourself — and you mentioned why you did not, because you had the tactical advantage and a few other officer safety concerns, but had you moved yourself out of this driver's side and moved to the other side of your patrol vehicle or somewhere kind of that direction, out your passenger side, when the vehicle started going forward, would you still have engaged the suspect as he drove the same route if you were not in this kind of pinch point?

TOOMEY So, I mean, I guess here's the thing. Right? If the moment he drives forward, I decided to move, assuming I can, right, move faster than the car — and we'll not take into account the fact that I'm turning my back on a threat — we would have more stuff that presents a different officer safety issue. But I guess, right, just to keep it clean, I mean, yeah, I could move over here, and that would change things, right, because now I can't even see, and I'm not going to shoot at something I can't see. But the fact of the matter is I didn't have that time. And then, my chance to move was long, long before that, but it was also at a time where he wasn't presenting himself to be that imminent threat. When he presented himself as an imminent threat, I was married to that position. I didn't have time to move, and that's what it comes down to. And, honestly, to be out of his way completely and to a point where you'd feel safe, it wouldn't be anywhere near my patrol car because he's going to hit my patrol car. So, I don't want to be anywhere near my car when he hits it because, I don't know, your car can roll into you. And also, that just presents a large issue because now we have a guy that drove past us in a wide-open parking lot and we're all outside of our cars. And now, right, I mean, it's just a terrible situation all the way around. Thinking about it does not make me feel good because it's just a crappy, crappy situation to be in. So, yeah, I mean, I don't know. I guess it's just tough to speculate because when I see this picture, I can only think of what happened when I was there because it's so deeply ingrained into what I think.

THOMPSON Okay.

TRUJILLO All right. We're going to take a break at 1332 hours.

Okay. Resuming the interview at 1353 hours.

THOMPSON Ofc. Toomey, prior to observing that imminent threat and then using deadly force when the vehicle first began to move towards you, did you have an opportunity to issue a clear and comprehensible verbal warning?

TOOMEY No. I started to.

THOMPSON What did you start to say?

TOOMEY If.

THOMPSON What was going to be the rest of that sentence, if you recall?

TOOMEY Not exactly. I mean, I could give you my best estimation, if that's okay. Probably something along like "If you drive towards me, I'm going to have to shoot." I really tried to give him every chance. And I think part of that, too, is you don't want the weight of that situation sitting with you. Right? It's not something you

go out to work and want to do, contrary to popular belief. None of us want to do that. And I was trying to give him every chance, but at the end of the day, I can't force him to listen to me. And, unfortunately, that's what happened.

THOMPSON At the moment of your first discharge of your firearm, can you please explain the facts in your mindset that justified the use of that deadly force?

TOOMEY Of course. So, right, going back with the initial dispatch of the call, we have a suspect who has committed several felony crimes: stalking, arson, violation of a restraining order, assault on an officer, criminal threats, felony evasion at this point. So, there's somebody who has basically demonstrated they have a willingness or a wanton disregard for the safety of other human beings. You have a person that's not supposed to be at his ex-girlfriend's apartment, yet showed up and burned her truck and then came back while we were there. I mean, that just speaks to somebody whose mindset is dangerous. I guess that would be a good way to put it. So, when we end up to this situation where I have to discharge my weapon, right, you have the totality of the circumstances. And my positioning, where I was, my limited ability to move out of the way, as I pulled the trigger, my sole belief in my head was if I do not shoot at him, he's going to run me over and kill me. That was it. You know what I mean? It feels like — it's a scary feeling when you just feel that ice in your veins, knowing that if this doesn't work, this car is going to run you over and kill you, and there's nothing you can do about it. And that's how I felt, he's going to run me over. He's going to kill me. He has already demonstrated that, right, he doesn't — he's going to drive at officers. Just everything, so that was my mindset was "Okay. This is our last-resort option, and I'm going to have to use it to at least try and protect myself."

THOMPSON At that time, do you recall ever considering that the suspect may have been just trying to drive around you?

TOOMEY No. And part of that was when we made eye contact, when he was perpendicular to me and we looked at each other, he knew exactly where I was. And the way he stepped on the accelerator and broke traction of the tires and drove at me, that wasn't controlled driving. That wasn't the person that was going to thread the needle, so to speak. That was the person that was just going to blow through me to accomplish getting away. I was not a factor. I was not something he considered in his escape. It would have been inconsequential to him if I got ran over and hurt or killed. So, no, that wasn't something that crossed my mind. And especially, right, going back, we gave him opportunities to surrender and submit, right, which he's legally obligated to under the law, right, not to resist our efforts to arrest him. Yet, he continues to do so. And like I said, the fact that he knew exactly where I was, and you're still going to choose to drive right there, demonstrated to me that you'll run me over and kill me and continue on your way. And I was like "Okay. Well, I'll do what I've got to do to try and prevent that."

THOMPSON You mentioned earlier, when he's back — just prior to him moving forward again, you've described that the wheels were turned. Do you remember if you could see his hands at all, his actions on the steering wheel or anything like that?

TOOMEY No, because I could see his face. He was looking at me. And then I could see the wheels were turned towards me, almost like a full lock, so, right, when you turn your steering wheel until it can't turn anymore. And, like I said, the biggest issue was it wasn't like the car just kind of rolled. He spun out. His wheels spun before the car got traction and it started to take off. And then, once I discharged my weapon, I don't know if it's because of the injury he sustained or what, but the wheels straightened out after the rounds entered his car. So, I think that's what maybe turned him away from me, but, I mean, that car was pointed directly where I was standing.

THOMPSON In this initial discharge of your firearm, why did you discharge multiple rounds at the suspect?

TOOMEY He presented a threat the entire time he was moving. That's what it comes down to. It goes back to our fundamental training of, right, there is no set amount of rounds and you're going to engage until the threat is no longer a threat. Right? And that was what I believed at the time, and I still believe that's what I needed to do to make that threat stop.

THOMPSON So, when you stopped firing, was that threat neutralized, or was that threat still present?

TOOMEY That threat was definitely still present because I'm in a static position and he essentially drove around me. So, at that point I know that I need to move from where I am because I'm in an even worse spot now. So, I moved back, and as I moved back, the car is still moving. And it's like "Okay. You just tried to run me over once." I'm trying to get out of the way, and the car is still moving. There's no point for that car to be moving. There's no justification for it. Right? He knows, at this point, you need to stop, you need to essentially submit to the arrest, and he's still moving. So, in my head, it's going "Okay. This guy is still trying to run me over. He's still in the mindset of 'I'm going to do what I need to do to get away, and if I hurt or kill a police officer in doing so, then so be it.' " And that's why I discharged that last round, because I was still in a poor position kind of moving back around my car, so I fired because the car was still moving. I fired that last round, and then the car came to rest completely. And then we were able to martial more resources and kind of go through everything else that happened.

THOMPSON So, that first discharge of your firearm, do you recall how many rounds you fired that first volley?

TOOMEY No.

THOMPSON If I said that number was around 13 rounds, would that sound about right?

TOOMEY Yes, sir.

THOMPSON Okay. Can you explain to me, if the imminent threat is still there — there does appear to be a slight gap in time between that first 13 rounds and then that single round. So, can you explain, if the imminent threat is still there, why did you essentially stop and then start again in regards to discharging your firearm?

TOOMEY Oh, sure. So, kind of reiterating, right, we're accountable for every round we fire. Those first 13 rounds, I was in a stable shooting platform. I had a position of advantage, and I was able to essentially fire accurately, and I would be confident in where I was shooting. To basically continue shooting while I moved around the vehicle while the threat was still present, I couldn't guarantee that all of those shots would be delivered in a manner that would be consistent with engaging safely. I couldn't. Right? It's a different backdrop because now it's a backdrop that I haven't analyzed completely. I knew what was directly to, essentially, the side of me, but I need to look at what I'm going to engage.

So, I made the decision at that point to try and move, so I could get some cover onto my side because he essentially flanked me, for lack of better words. And as I was moving back, that's when I had the opportunity to look at the vehicle, assess my backdrop, see that it was still moving, and then deliver one more round that I knew I could account for. I could be confident that if I fired that shot, my backdrop was safe. I wasn't needlessly endangering the public or another officer. While it was still an active and dynamic and dangerous situation for him to be to the side of me, I can't confidently just shoot blindly into an area I haven't fully analyzed yet. That's not — we get trained for a reason. Right? We go to the range, and we do all this training. And it's so even when we're in a heavy circumstance, right, an active, dynamic, fluid — we can still kind of at least think. It may not be a lot of thinking, but you can work through the stress and tension of it and go, "Okay. I need to assess the situation." And that's why there was that gap. It was because that was the time it took me to essentially move from where I was to try and move back with the other officers. And when I fired that last shot, I'm — first off, I'm exposed. Right? I'm standing kind of in no-man's-land, for lack of better words. I'm near the back of my car. I have no cover or concealment, and I have a vehicle that's moving, but that was my first opportunity to really assess exactly where I needed to shoot. And then, once my assessment was like "Okay. I have a safe backdrop. I have a safe foreground," I fired one

more shot. And then the vehicle stopped moving, and at that point I was able to get into a more advantageous position from where the car had ended up.

THOMPSON Do you recall where you were aiming during your first volley from your firearm?

TOOMEY At the driver of the vehicle. And that was the only spot I aimed.

TRUJILLO You had mentioned earlier that after you had shot, that you had observed the wheels had straightened up. Could you be a little more specific at what point you remember the wheels straightening out on the van?

HOFFMANN If you distinctly remember, versus seeing it on video.

TOOMEY The straightening of the wheels is what I saw on the video. But having the wheels turned towards me and the wheels spin, that I observed in real time, and that's what led to, right, that imminent threat and that distinct fear of death, realistically, had this guy come at me because, right, the squeal of the tires is accompanied by — the squeal, I could hear it too, so it was like "Oh, my God, he's coming towards me." So, at that point I looked away from the wheels because I had to deliver shots on target, and I had to, obviously, know where I was shooting.

TRUJILLO Okay. Is it fair to say that you were more, at that point, no longer so much focused on the wheels, but more the movement of the van?

TOOMEY Yeah, the movement of the van, movement of the driver, and basically trying to mitigate an imminent threat to my life as best I could.

TRUJILLO Okay. Thanks.

THOMPSON When you engaged with that one single round, can you describe the movement of the suspect vehicle which caused you to re-engage?

TOOMEY Yeah. So, my perception at the time was as I was moving back to try and adjust my position, because I had an opportunity to do so at that point, the vehicle was moving backwards. It was moving, and it was moving away from the wall in a manner that would have allowed it to basically maneuver again. And it's still in a position where it could be a threat to me. And it goes back to, right, what preceded that right before. You have him drive at me in a manner that he was going to run me over or kill me, and you're still trying to drive. Honestly, it's hard to, I guess, put into words what you feel in that situation because it's like I have no other options at this point. I have deployed the highest level of force I have, and it still didn't work. That's a very sinking feeling to kind of put — I don't — because it's like I don't know what to do now in terms of escalating it further. But my point is, that last round was to stop what was still a threat. That was the best

option I had available at that point in time. Kind of like I said earlier, the reason there is that pause is I was moving. And when I fired that round, there was still a threat, but I wanted to make sure it was an accurate shot, to mitigate risk to bystanders, if there were any.

THOMPSON Do you recall, specifically, if the vehicle — at the time you fired that single round, do you recall, specifically, if the vehicle was going backwards or forwards?

TOOMEY My recollection, right now thinking about it, is backwards. He's backing up. And to back up would require you to maneuver the gearshift.

THOMPSON Does going backwards — if the vehicle is going backwards versus the vehicle is going forward, does that make a difference, in your mindset?

TOOMEY No, because the vehicle is still moving in a manner that's not conducive to being safe. It's still a threat. The vehicle should be stopped. The vehicle should be not moving. And at this point, right, we can get compliance from the driver or whatever we need to do to move forward, I guess, right, kind of expounding on it. But, no, the vehicle, it shouldn't be moving. That's what it comes down to. So, forward or backwards? Like I said, my perception at the time was like it was reversing to get ready to go forward again.

THOMPSON So, earlier, we talked about neutralizing a threat or trying to observe when a threat had been neutralized. So, in this incident, regardless of what that movement of the vehicle was, the fact that it was moving, did that lead you to believe that the threat was not neutralized?

TOOMEY Yeah. It was still an active and imminent threat to me, especially when I'm kind of standing in, like I said, that no-man's-land. I still haven't found a good position of cover and concealment during that initial move. So, that was, right — I have a vehicle that's moving. It's presenting an imminent threat to my life. I'm still in fear for my life. Right? This guy has already presented the fact that he's willing to drive over me. What's to stop him from doing it again? Right? I can assume I hit him based off where I saw the impact marks on the window, but I don't know for sure. I couldn't see inside. So, I'm under the assumption that he's still able and active to operate this vehicle. The vehicle needs to be stationary. And once it's stationary and we can sufficiently get away from it, then part of the threat may stop. Obviously, we still can't see in the vehicle. Maybe he's able to operate a firearm or a myriad of what-ifs. But, no, at that time, when I fired that last shot, I, 100 percent, believed he was still a threat. That's why I fired.

THOMPSON How is he a — in that last portion, where the vehicle is still moving and you have to re-engage it, who is the suspect in his vehicle a threat to?

TOOMEY Me.

THOMPSON Anyone else?

TOOMEY I don't know if anybody was behind me at that point, so I — I know when I finally got behind my car that there was another officer there, but I was the only person that was in danger at that point because I'm the person that's nearest to the car. I'm still in an area where it has the ability to travel through, and he drove it at me. And that was, right, a direct threat to my life. So, yeah, I'm the one that was threatened, and that's ultimately why I fired that last round.

THOMPSON What would the suspect vehicle have had to do — at the time you were observing it moving and then re-engaged with that one round, what would the suspect vehicle have had to do to essentially hit you?

TOOMEY Turn its wheels to the left and accelerate. I mean, that's it, just turn the wheels to the left and accelerate. And I'm still in a position where I could be hit by it, or he could even drive past me and hit one of our other patrol cars because the other officers' positions to me, at that point, are — I don't even know where they are. I know they're not where I'm shooting. I know they're behind me, but I don't know if they're still by their cars or if they're running over to me. And if he makes another sharp left-hand turn from that wall, it's going to go towards me. It could hit me again, or it goes past me and maybe it impacts another officer or impacts another car because, at this point, we're all extremely vulnerable too. Because if we're all moving away from our position of cover and concealment in the doorframe, and now we're kind of exposing ourselves to a vehicle that's driving around our felony stop, that's already tried to run an officer over, that's not a good situation. That's scary. There's no way to go around that. And, like I said, that's why I fired the last shot, right, and it kind of goes back to we're accountable to every round we fire. So, if I didn't believe that was still an imminent threat, I wouldn't have shot, but I did, so that's why I shot.

THOMPSON When you kind of stepped out, away from the V pillar of your driver's side door, do you recall if you already knew that you were going to fire another round?

TOOMEY At that exact point? No, because part of our training, right, like we talked about earlier, is the scan and assess. I had, maybe, a rough idea of the rounds I fired, but I didn't know how many were left. Right? So, I don't know the condition of my firearm, how many rounds were left, and I needed to make that transition from where I was, to where I was going to be, and analyze the threat. So, as I'm moving from where I was to where I'm going to be and I look at the threat, I scan, I analyze it, and it's still a threat, so I fire one more round. That was an independent, I guess — kind of an independent decision because I scanned, reassessed the situation, "Okay. Our threat is still active. It's still an imminent threat to my life and

potentially the life of my fellow officers," so that's when I made that decision to engage one more time. And that final round was effective. The car came to rest, and it did not move again.

THOMPSON In this segment that we're talking about here, where there would be essentially the second discharge of your firearm, how close would you approximate the suspect vehicle is to you?

TOOMEY Ten or 15 feet would be my — I mean, yeah, that would be my best approximation. For me, it's hard to give a firm number because I conceivably had other things going on, right, at that time. Distance wasn't — it was close. Right? It was close enough that I knew it was still an imminent threat. Yeah, it just wasn't good, but 10 or 15 feet would be my best approximation, looking back on it in retrospect.

THOMPSON Do you recall why you chose to move to the back of your patrol vehicle?

TOOMEY I wasn't going to go forward. That was not a good decision because to go forward, I have to get even closer to his car. And to go forward puts me in a path behind him, and I have to move past him, and then I lose the ability to kind of see where the driver's door is. So, forward wasn't an option. Forward, tactically, was a terrible decision. Moving backwards afforded me more options if I'm able to get back there safely, which, ultimately, I was able to get back there safely. So, that's why I moved backwards, right, because if you're able to kind of stay along your car — as opposed to, right, if I go around my door, I have to back out, go closer to him, go around the front of my door, and go to the front of my car. There's more steps involved, and the risk would have been more, as opposed to going back, because if I go back, I can end up where I ended up. Or if the situation remains dynamic and he is able to drive forward, even after that last round, hopefully I can get to another patrol car or something and get out of the way. But going forward was not a good decision.

THOMPSON Why did you engage with only one round?

TOOMEY I fired the one round, and the car came to rest, so I didn't feel the need to fire another round. It had the desired effect. It made the vehicle stationary, and at that point we were able to proceed with the arrest.

THOMPSON Do you recall what you were aiming for when you fired that single round?

TOOMEY The driver, or at least my best approximation of where the driver was. Because the window was cracked, it was very difficult to see inside of the vehicle. So, it was an aimed shot where I approximated the driver to be relative to the driver's door.

THOMPSON From the time you first discharged your firearm to the last round you discharged, it is approximately 6 seconds. In your mind at that time, in those 6 seconds, did the threat from the suspect ever increase or decrease from being an imminent threat of great bodily injury or death?

TOOMEY No. In that 6 seconds, he was an imminent threat to my life the entire time. I mean…yeah, especially when he drives past me. I'm exposed completely, and I don't know if I've hit him. I don't know if he is injured in a way that wouldn't allow him to fire or drive. I don't know any of that information. All I know is I've got a car driving past me with a possibly armed suspect and I'm completely exposed with no cover. So, I go to move back and, like I said, the vehicle moves again. I fire the one round, and then the vehicle comes to rest for the final time. At that point, we were able to get more resources on scene and kind of move forward with the call.

THOMPSON After discharging your rounds and you moved to the back of your patrol vehicle, why did you say that the suspect was definitely dead?

TOOMEY At that point, I looked at the car. I was able to see where all my impact marks were on the window and the door, and just based off where they were, I was pretty confident I hit him. Honestly, it's, I guess, maybe something you say in the heat of the moment too. I just had somebody drive at me and try and kill me. And essentially, my patrol shift for that day went from my Monday to just a day where you have more adrenaline being pushed through your body than you can conceivably happen. So, at that time, I thought he was deceased, and I felt the need to verbalize it to my partners because I felt I had the best view. And I guess I was fairly confident in my shot placement, but obviously that wasn't the case. I think it was something I said at that time. That was my belief.

THOMPSON At the time of your discharge of firearm, were you aware that Ofc. Caro had also discharged his firearm?

TOOMEY I had no idea. I thought I was the only officer that shot.

THOMPSON During this incident where the suspect vehicle is moving forward, backwards, and then the discharge of firearm, do you recall, were you aware of Ofc. Caro's position in relation to you and your patrol vehicle?

TOOMEY When I'm in the door right here — so, looking at this frame — he's to my right in his car. And then, when I fire the last shot, my back is turned to the other officers, so they're behind me. I knew they were behind me.

THOMPSON Do you recall when you became aware that Ofc. Caro had discharged his firearm?

TOOMEY Yeah, I do remember when. I had taken a seat in Sgt. Schwartz's car, and Ofc. Caro walked up to me, and he said, "What's next?" And I was like, "What do you mean what's next?" He's like, "What happens in a situation like this?" I'm like, "What?" And he's like — basically, he says, "Oh, well, I fired too." And I was like, "Oh." I was like, "Oh, my goodness." I'm like, "You need to separate yourself. We can't be near each other. You need to go sit in another car."

THOMPSON So, when you say you were sitting in Ofc. Schwartz's car, is this after the incident has kind of concluded and you've been removed from the inner perimeter?

TOOMEY Yeah. This was — yeah. So, I had — Ofc. Catricala let me sit in his car, and I was like "Let me deactivate my body camera and try and realize what just happened." And then, at that point my sergeant showed up on scene, which was Sgt. Schwartz, and he let me sit in his car. So, I was sitting in his car, and that was when Ofc. Caro walked over and was basically like, "Hey, what's next?" And I was confused because I thought I was the only person that discharged. And then he said that he shot as well, and it was like, "Oh. We can't be near each other. We can't — you can't talk." That I know, that you can't talk to each other. So, he went to another car, and I just continued to sit in Sgt. Schwartz's car until I got taken to the Comm Center.

THOMPSON In your opinion, was the suspect in his vehicle ever an imminent threat of great bodily injury or death to Ofc. Caro?

TOOMEY To Ofc. Caro himself? No, but obviously Ofc. Caro perceived that the vehicle was an imminent threat to my life. And under our use of force policy, it allows him to discharge his firearm.

THOMPSON At the time you used force, was it in any way because the suspect was a felon attempting to flee the situation?

TOOMEY No. Like I said, it came down to he was going to kill me and that I had to do what I had to do to protect my life. Yeah. Right? I mean, in certain, very select circumstances, like *Tennessee v. Garner,* or I think it's the bottom part of 835 — it's like 835(e)(2) or something — it talks about, kind of, fleeing felons. You're allowed to engage a fleeing felon if they present a significant risk to the public or something, but that wasn't my intention because, right, at the end of the day, if he drove away and our cars are still able to operate, we would continue to pursue him. Being in an OIS isn't something I want to be in. So, honestly, I really would have just preferred if he would have just pulled over.

THOMPSON Can you kind of walk us through, just in summary, kind of what happened after the discharge of firearms, up until you kind of remove yourself from the perimeter?

TOOMEY Sure. So, right after, I go to the back. I reloaded my firearm. I maintained control of the radio, that way we had one voice on the radio, or at least what I thought was. But I observed the suspect vehicle. We were able to get more units on scene. I tried to direct incoming units for a shield. We asked for the Fire Department to be staging on Fruitridge, that way we could make sure he had proper medical care once we get him out of the vehicle. So, basically, we had a lot of officers in place. We directed Ofc. Stevens's trainee, whose name is escaping me. I apologize. We directed him to deliver one beanbag round through the window, kind of near the forward portion so it wouldn't impact the driver. Our goal was hopefully that window would collapse out so we could see him because we couldn't see him. That didn't work. It just left a hole in the window.

So, we waited until more officers got on scene. We got our ballistic shields in front of us. We formed a contact team and a voice team and were issuing commands for him to get out of the vehicle while we kind of, I guess, just kept waiting for more resources to show up on scene. Ultimately, he came out of the vehicle on his own. He was directed over to the concrete, and an arrest team went and placed him in custody. Myself and another couple of officers just did a clearing of the car, just a visual search of the car to make sure there were no other suspects in there. And then, at that point I looked over and I saw there were a lot of officers working on him, so there was no point for me to go over there. There were people that were already applying chest seals, and cutting off his clothes, and getting him settled. So, I would have just been in the way, and I knew we had already said Fire was available to come into the scene. So, at that point, like I said, Ofc. Catricala came over and was just kind of like, "Oh, okay. You discharged your weapon," so he took me over to his car, where I was able to just kind of sit.

THOMPSON After the discharge of firearms and you and the other officers formed a contact team at the back of the patrol car, did you know for sure that the suspect was injured?

TOOMEY Yeah, because when he came out of the car, you could see blood coming from his abdomen area and his forearms and wrists. And he was kind of like — actually, right after I made the remark that he's dead, he started moaning, kind of like he was in pain or he was injured, which is why I requested that medical be staged, because I didn't know how long it was going to take for him to come out of the car or what the situation is, but I wanted to make sure we had Fire personnel on Fruitridge, right there. That way, as soon as the scene was safe, they could come in and take him to a hospital.

THOMPSON After you discharged, and you guys have formed that contact team, and he's making sounds that he's injured, why did you not immediately attempt to render him medical aid?

TOOMEY Well, it could be a ruse, for one. Right? We can't see inside the car. I can't be confident I hit him. I mean, I was pretty confident I hit him, but, once again, it goes to the point of we're only obligated to render medical aid when it's safe to do so, and that's not a scenario, at that point in time, where it's safe to do so. Right? At the end of the day, we have somebody who is wanted for felony crimes and is known to carry a firearm. It would be reckless on our part just to run up and assume that he's incapacitated to the point where he doesn't pose a threat. So, that's why we tried to continue with the felony stop like we normally would in having him exit the vehicle. And then, once he exited the vehicle, we were able to kind of ascertain at that point that "Oh, okay. He is injured. He can't necessarily discharge a firearm back at us." So, that's when they started to render medical aid to him. I think it was Sac Metro that showed up and transported him to the hospital.

THOMPSON Looking back at this, how do you feel you and the other officers did on scene in regards to providing the suspect with medical aid?

TOOMEY I think they did — I mean, I think they did a really good job. There were a lot of medical kits on the ground, both personally-owned ones and department-issued ones, and they applied — you could hear — from what I heard just sitting in Ofc. Catricala's car, you could hear them communicating over putting a chest seal here, doing an initial assessment of the body to look for injuries. I mean, they did exactly how we're trained in CPT. And then, when the medics showed up, they put him on a stretcher and took him to the hospital.

THOMPSON At the time you deactivated your body-worn camera, what was the purpose for the deactivation?

TOOMEY I was no longer investigating, and I just isolated myself to a patrol car because I knew, at that point, that I shouldn't be talking to anybody about anything, so I just sat in the car and deactivated.

THOMPSON Can you kind of describe for us where that vehicle is in relation to the scene?

TOOMEY Yeah. I mean, maybe — it's behind my car 30 feet, 40 feet maybe, and away from the wall, so kind of towards the road we came in on, I guess.

THOMPSON Would you say it's still inside the inner perimeter, or is it more on the outer perimeter, edge of the inner perimeter?

TOOMEY On the edge of the inner perimeter. And I just went in and sat in the passenger seat, and stayed there until my sergeant got there, and then he had me go sit in his car.

THOMPSON Did you do anything during that time while you were sitting in the patrol vehicle?

TOOMEY Yeah. I made a phone call to my girlfriend just to let her know I'd be home late.

THOMPSON Did you discuss the shooting with anyone after you deactivated your body-worn camera?

TOOMEY Just the questions I had been asked by Sgt. Schwartz, the public safety exception.

THOMPSON Statement?

TOOMEY Yeah, sorry, public safety statement. No. And then the next time I talked about it was with my attorney at the Comm Center.

THOMPSON Did you speak with Ofc. Caro regarding him calling family members?

TOOMEY Not that I recall. I might have told him to call his wife or something and just let her know that he's okay.

THOMPSON Did you and Ofc. Caro discuss the shooting at all?

TOOMEY No. Just from previous experience of being in one before, I know to separate yourself and don't talk about it.

THOMPSON I'd like to take a 5-minute break and make sure we don't have anything else, and then we'll move on to policy.

TOOMEY Okay.

TRUJILLO All right. Breaking at 1430 hours.

Continuing the interview of Ofc. Toomey at 1439 hours.

THOMPSON Mr. Hoffmann, go ahead.

HOFFMANN I just have a couple of quick questions before they start talking about policy. With regard to the CPT training, have you had any training — with regard to the training of shooting in and around vehicles, is there any practice on moving out of the path of a moving vehicle with regard to that section of the training?

TOOMEY Like moving out of the path of an oncoming car during that training?

HOFFMANN Yeah.

TOOMEY No. It's about, basically, how to shoot from a supported position, kind of in the doorframe, similar to where I was during my OIS, and then using commands with other officers to indicate your movement. And while you were moving to another position, that officer would engage a target, but the target wasn't a vehicle coming at you. It was just like a person shooting at you. I don't know. They kind of left the target open to your interpretation as to what the actual threat was.

HOFFMANN Okay. With regard to your training on felony car stops, can you describe the training in that respect, as far as not taking your eyes off of a suspect?

TOOMEY Oh, sure. The suspect in a car — well, it could be occupants. There could be multiple people inside a vehicle, but in this case, there was just one. You want to keep your eyes on the occupants of the vehicle because they present the greatest risk of officer safety to yourself. Right? We don't know what's inside a vehicle. They could have weapons concealed inside the vehicle, or they could be loading a weapon. There's a multitude of factors, so keeping your eyes on the threat in front of you is one way to try and have solid officer safety, as best you can in that situation.

HOFFMANN Okay. Then, I'm showing you what's been marked as "One." It's a measurement with 126 feet from the entry of the driveway to the patrol vehicle driven by Parham. Do you have an opinion as to whether or not 126 feet accurately reflects the closest distance the suspect vehicle got to the patrol vehicle driven by Parham that was parked on the side?

TOOMEY No, because the distance I would have estimated would have been at the closest point, where he was in the number two lane before he initiated his left-hand turn into the driveway.

HOFFMANN Okay. So -

TOOMEY I think it would have been a little closer.

HOFFMANN So, you think that the distance from the suspect vehicle when it was in the number two lane was closer than it would have been while entering the driveway?

TOOMEY Yeah.

HOFFMANN Okay. Nothing further.

THOMPSON Okay. Ofc. Toomey, if you could, please refer to General Order 210.04, General and Professional Conduct, dated July 12th of 2020.

TOOMEY Sure.

THOMPSON Have you had time to review this general order and understand it?

TRUJILLO Just to confirm, you said the date on there. July — what is it on that?

TOOMEY This is July 12th of 2017.

TRUJILLO That's correct, yeah. I think you said July 12th of 2020. You read this here, but the policy was actually updated July 12, 2017, which would be the right version.

THOMPSON Okay. Let me just make sure we don't — yeah. Earlier, I read that it was July 12th of 2017, so that's just an error on my notes over here.

TOOMEY Okay.

THOMPSON So, again, in regards to General Order 210.04, General and Professional Conduct, dated July 12th of 2017, do you feel like you violated this general order?

TOOMEY I do not.

THOMPSON If you could, refer to page 1 of General Order 210.04, section A, "Professional Conduct," subsection 1, subsection (b).

TOOMEY Mm-hmm.

THOMPSON In this incident, did you commit any act that was negligent, intentional, criminal, or otherwise that could bring discredit upon the department or the city?

TOOMEY No, I don't believe I did.

THOMPSON And why is that?

TOOMEY I think I acted within my authority under 835(a) of the Penal Code, and I was within the scope of the duties I was tasked with that day. Right? Kind of going back where we've been covering for today, at the end of the day, we had a suspect who had committed several felonies. And at that point I'm allowed to use reasonably objective force to effect an arrest, prevent escape, or overcome resistance. And the outcome of this was that, right, at the end of it, he refused to comply with our lawful commands, and he put me in a position where I felt an

imminent fear for my life. Right? I thought I was going to die by getting run over by a car, so I engaged the driver of that car, and I feel like that's within my scope of my peace officer powers. Right? I was acting within my duties lawfully. And I would just add to that, right, this is the department I chose to work for. I grew up in the city, and I wouldn't do anything to intentionally bring discredit to a place I enjoy working.

THOMPSON If you could, please refer to page 1 again, General Order 210.04, section A, subsection 1, subsection (c).

TOOMEY Okay.

THOMPSON In this incident, did you abide by all laws, to include the Penal Code?

TOOMEY Yes, I believe I did.

THOMPSON And in that same section, section A, subsection 2, subsection (d), in this incident, did you properly perform your assigned police responsibilities?

TOOMEY Yes, I believe I did for the same explanation as I gave for A, subsection 1, subsection (b).

THOMPSON If you could, please refer to page 3 of General Order 210.04, section E, subsection 1. In this incident, did you act reasonably within the limits of your authority, as defined by statute and judicial interpretations, to ensure the rights of the individual and the public were protected?

TOOMEY Yes, I believe I did, once again referring to the powers alluded under 835(a) and within our own department use of force policy that allows you to engage the occupant of a moving vehicle if it presents an imminent threat to your life, or another officer's life, or members of the public.

THOMPSON If you could, please refer to General Order 420.01.

TOOMEY Okay.

THOMPSON It's Use of Police Vehicles. That is dated June 26th of 2008. Have you had time to review this general order and understand it?

TOOMEY Yes, I have.

THOMPSON Do you feel you have violated this general order?

HOFFMANN Intentionally, or unintentionally?

THOMPSON Why don't you explain it?

TOOMEY I guess I would be assuming this is in regards to the collision.

HOFFMANN Oh. We're at B1?

TOOMEY Yeah.

HOFFMANN Oh, okay. Sorry. I was at a different section.

THOMPSON Why don't I refer you to a specific subsection, and then we'll talk about that? So, in regards to page 1, section B, "General," subsection 1 -

TOOMEY Okay.

THOMPSON In this incident, when your patrol vehicle struck the suspect vehicle at the end of the pursuit, do you feel you operated a department vehicle with due care and caution?

TOOMEY For that one instance, no. That was an accident. I didn't mean to strike the suspect vehicle.

THOMPSON If you could, please refer to General Order 521.01.

TOOMEY Okay.

THOMPSON Pursuit of Vehicles, dated March 20th of 2018. Have you had time to review this general order and understand it?

TOOMEY Yes, I have.

THOMPSON Do you feel you have violated this general order?

TOOMEY I do not.

THOMPSON If you could, please refer to page 1 of this general order, section B, "Safety Rules About Pursuits." Do you feel you drove with due regard for the safety of all persons in this pursuit?

TOOMEY Yeah, I do. I think I called the pursuit accurately. I gave accurate conditions, the roadway conditions, the actions of the suspect vehicle. It wasn't an arbitrary exercise of the provision. Right? To pull it exactly from the Vehicle Code, we

had a lawful purpose. It was a lawful pursuit. I notified my supervisor of the pursuit, so I made all of my proper notifications when we get in pursuit.

THOMPSON It appears I didn't highlight it, so just follow me here. If you could, please refer to page 1 of General Order 521.01, section C, "General," subsection 1, which states: "Officers in a vehicle pursuit shall immediately," and then, referring to subsection (b) -

TOOMEY Sound the siren continuously?

THOMPSON Did you violate this section of policy when you did not initially activate your siren continuously at the beginning of this pursuit?

TOOMEY Yes, I did.

THOMPSON And can you explain for us, one more time, what took place there as to why it was not activated?

TOOMEY Sure. So, it's just how I have my particular car set up, the siren system we use. I have the siren set to, essentially — I think it's "manual" or "off." So, that way, when I activate my emergency lights, my siren doesn't activate automatically. So, when I turned the lights on and he proceeded to take off in a pursuit, I had one hand on the steering wheel, and I had one hand on my lapel mic to broadcast pertinent updates. And then, once I had stopped broadcasting the updates so my supervisor could acknowledge the pursuit, that was when I realized that my siren wasn't activated. So, I activated it, and it remained activated for the remainder of the pursuit.

THOMPSON If you could, please refer to page 4 of General Order 521.01, section G, "Use of Force," subsection 4.

TOOMEY Okay.

HOFFMANN Sorry, I'm a little slow here.

THOMPSON That's okay.

HOFFMANN Got it.

THOMPSON Ofc. Toomey, did you intentionally block the path of the suspect outside of instructed techniques?

TOOMEY No, I don't believe I did.

THOMPSON Do you feel you violated this section of policy?

TOOMEY No, I don't. Like I said, my intention was not to block the path of the suspect vehicle. And as I review these policies fairly often with my trainees, I know that in order to do something like that would require watch commander approval, but it's not something I would do anyway. So, I wouldn't block a car. It's just not a sound technique.

THOMPSON If you could, please refer to General Order 522.02, which is Emergency Care for Individual Under Police Care and Control. It's dated May 18th of 2018. Have you had enough time to review this general order and understand it?

TOOMEY Yes, I have.

THOMPSON Do you feel like you violated this general order?

TOOMEY No, I don't think I violated it.

THOMPSON Did you provide sufficient medical care to the suspect, based on your training, as soon as was possible?

TOOMEY While I personally was not involved in the medical treatment, that was because there — by the time we had the suspect in custody, there were probably no less than 20 officers on scene, and there were no less than four or five people already administering first aid to the suspect. And we had already asked for a higher level of medical care to be present. I felt that if I went over there, my actions would only hamper whatever they were doing. I guess, to use the colloquial expression, there were already too many cooks in the kitchen.

THOMPSON If you could, please refer to General Order 580.02, Use of Force, dated September 17th of 2020. Have you had time to review this general order and understand it?

TOOMEY Yes, I have.

THOMPSON Do you feel you violated this general order?

TOOMEY No, I do not.

THOMPSON If you could, please refer to page 3 of that general order, subsection C, titled "Verbal Warning." Do you feel you violated this section of policy?

TOOMEY No. I mean, I issued a warning — not a warning, but I gave him an order to put his hands up, and I attempted to give a warning that force would be deployed, but he drove his vehicle at me before I had a chance to finish my command.

THOMPSON So, was it feasible in this incident to issue a clear and comprehensible verbal warning prior to the discharge of your firearm?

TOOMEY For me, no, it would not have been. It wasn't practical at the time.

THOMPSON On page 3 of General Order 580.02, subsection E, "Considerations Governing the Use of Force," subsection 2, in regard to your first volley from your firearm, just your first volley of your firearm, did you use objectively reasonable force necessary to effect the arrest, prevent escape, or overcome resistance?

TOOMEY Yes, I believe it was reasonably necessary force to overcome resistance, and he proved to be an imminent threat to my life.

THOMPSON In regard to your second single round that you discharged from your firearm, did you use an objectively reasonable force necessary to effect the arrest, prevent escape, or overcome the resistance?

TOOMEY Yes, I did, for the same reason as the first volley.

THOMPSON On page 3 of General Order 580.02, subsection E, "Considerations Governing the Use of Force," subsection 6, did you attempt to de-escalate this incident prior to the use of force?

TOOMEY I think I did. I mean, I told him to put his hands up, and he refused to comply. And then, after that, the situation evolved so rapidly, there was no other opportunity to de-escalate. Right? De-escalation, at the end of the day, does require some form of compliance of the suspect. If they don't want to participate in the de-escalation, then there's nothing I can do that'll affect that.

THOMPSON If you could, refer to page 4 of General Order 580.02, section E, "Considerations Governing the Use of Force," subsection 11. Take a moment there to look at that, but what factors from this subsection, 11, did you take into consideration as part of your reason for using force?

TOOMEY If you want, I can just go through and kind of read it off.

THOMPSON Just let us know which ones you're using, what those are.

TOOMEY Sure. So, the first one would be subsection 11, subsection (a), which is the immediacy and severity of the perceived threat to peace officers or another person. And in parentheses it references 835(a) of the California Penal Code. I believe that one applies. Subsection (b) as well, which is the conduct of the

subject being confronted (as reasonably perceived by the peace officer at the time of the event). Subsection (c) doesn't apply. Subsection (d) doesn't apply.

THOMPSON Why don't I pause you there at (d)? Go ahead and read through them, and mark which ones you want to note, and then we'll continue on the record.

TOOMEY Oh, okay. Yeah, sure. Okay.

THOMPSON Okay. Go ahead.

TOOMEY Is it okay if I just read the letters? You don't need me to read the whole thing?

THOMPSON Not unless you want to articulate one specifically.

TOOMEY Sure. So, we have (a), "The immediacy and severity of the perceived threat…" So, the perceived threat to myself was an imminent threat of bodily harm to myself, which could have caused great injury or death. (b) "The conduct of the subject being confronted (as perceived by the officer at the time)." Right? We've gone through all of that. (f) "The subject's apparent mental state or capacity" I think plays a role into it. His mental state, for purposes of us, was — right? He's stalking his ex, and he's committing various felonies. We're going on a long pursuit with erratic driving. He drove at officers. I think that speaks to a person's kind of mental state, where they are within a pursuit and potentially what actions they're willing to take in order to either continue their forward movement or continue their escape. I think that's a very relevant factor.

(g) "The subject's apparent ability to understand and comply with officer commands." There was no complacency. He did not comply with our commands at all. (h) "The proximity or access of weapons to the subject." We had information that he was known to carry firearms, so that's something that plays a role in how you would treat a situation, right, because that's something that could present a lethal threat to myself or another officer. (i) "The level of threat or resistance presented by the subject." We have the entire pursuit. We have the lack of compliance with our commands on scene, and then, ultimately, his attempt to run me over. (j) "The availability of other reasonable and feasible options and their possible effectiveness." Right? We were hoping for K9 to get there. We were hoping to have other resources, and those were things I was thinking about, but ultimately, at the end of the day, we didn't have the time available to utilize those options.

(l) "The seriousness of the subject offense or reason for contact with the subject." Our reason for our contact with him was to arrest him for felony crimes. And he committed other felonies throughout the course of our attempt to apprehend him, so, right, that's something to consider when you are coming in contact with

different individuals. What are they wanted for? While everyone can present a threat equally, obviously somebody who may be armed with a firearm, or is willing to fight with law enforcement, may present a greater threat than somebody illegally camping in the park, I guess. (m) "The training and experience of the peace officer." I think my training and experience plays a relevant role in how I assess a situation and kind of how I make my determinations. I think a lot of our job is based on that and how we — that's how we learn, and that's how we improve as peace officers. But having been in other critical incidents, and working in areas where high-risk felony vehicle stops are conducted relatively often, that definitely plays a role in determining if this is maybe an unusual stop or something to that effect.

(n) "The potential for injury to peace officers, subjects, or another person." When he drove his vehicle at me, it had the possibility of causing serious bodily injury to myself or to kill me, so obviously that's something that was very much at the front of my mind. (o) applies as well, "Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the peace officer." We had a pursuit, and then he attempted to run me over, so that's very relevant. (q) "The apparent need for immediate control of the subject, who was posing an imminent threat to peace officers or another person." So, he was posing an imminent threat to the safety of my person and my life. And then (u), I think it's applicable. It's the availability of other resources. It's something that I think we all like to consider, but sometimes it's a question. We can't do certain things because we either don't have time or those resources aren't available. In this particular instance, we were waiting for K9, but they were unable to make it before the incident occurred. And that's all.

THOMPSON Outside what's listed there in subsection 11, do you think there's any other factors that you considered?

TOOMEY It's a fairly exhaustive list, but…no. I mean, that kind of covers it because I think the biggest thing it covers is he posed an imminent threat to my life. And at the end of the day, I have to act when somebody is trying to kill me or hurt me.

THOMPSON If you could, please refer to page 6 of General Order 580.02, subsection K, "Discharge of Firearms and Other Deadly Force," subsection 2. Based on the totality of the circumstances in regard to your first discharge of firearm, do you think you were justified in using deadly force in this incident?

TOOMEY Yes, I do.

THOMPSON Based on the totality of the circumstances in regard to your second discharge of your firearm, do you think you were justified in using deadly force in this incident?

TOOMEY Yes, I do believe I was justified.

THOMPSON If you could, please refer to page 7 of General Order 580.02, section L, "Moving Vehicles," subsection 1. Did you make every reasonable effort to move out of the path of the suspect vehicle before discharging your firearm?

TOOMEY Yes, I believe I did.

THOMPSON And why is that?

TOOMEY Well, I guess, kind of as we covered previously, at the point it became apparent that he was going to maneuver his vehicle towards me, based off of the distance I had from him and the time it would have taken me to move, I didn't have the time to safely maneuver to another location. Certainly, if I had had the time, or if I felt there was a spot that would have offered a better tactical advantage, then, of course, I could have moved there, but in this exact scenario, I didn't have the time to reposition myself to another spot. So, in that regard, I think I made a reasonable effort because I didn't have the opportunity.

THOMPSON Also, on page 7 of General Order 580.02, section L, "Moving Vehicles," subsection 2, did you make every reasonable effort to not intentionally place yourself in a position where the suspect vehicle could become a threat to you?

TOOMEY Yes. I believe I made every effort reasonable.

THOMPSON Do you think you, in any way, unintentionally placed yourself in a position where the suspect vehicle ultimately became a threat to you?

TOOMEY No, because at the end of the day, he made the decision to turn around. I didn't do that. That was his job because, at the same time, the suspect has a due regard to comply with our orders. Right? Just as much as we're bound to operate under the law and within the scope and authority of our duty, he has a duty to let us arrest him if we have probable cause, which we did. So, like I said previously for L, subsection 1, there was no — by the time I was able to determine where he was going to go, there was nowhere for me to go.

THOMPSON Did you create the situation of the suspect not being able to drive around you to escape, or do you think the suspect created that situation?

TOOMEY I think the suspect created the situation. He led the pursuit. Right? A pursuit is a reactionary event. I don't determine where the pursuit goes. That's what the suspect driving the vehicle does. I can only react to where they go, and where we stopped was where we stopped because of him.

THOMPSON If you could, please refer to General Order 580.06, De-Escalation and Planned Response, dated December 1st of 2020. Have you had time to review this general order and understand it?

TOOMEY Yes, I have.

THOMPSON Do you feel you violated this general order?

TOOMEY No, I do not.

THOMPSON Did you deploy de-escalation techniques?

TOOMEY I mean, I tried. I issued two commands to put your hands up, and there was no response from the suspect. And then he proceeded to put his car into drive and make a three-point turn, and then try and run me over. There wasn't — I didn't have the opportunity. Right? De-escalation relies on if we have time or if it's a feasible option that doesn't increase the risk to officers on scene. Unfortunately, we just didn't have that opportunity.

THOMPSON Is there anything else you'd like to add at this time?

TOOMEY No, I'm good.

TRUJILLO Is there anything else relating to this matter that we have not covered that needs to be added, clarified, or changed? If so, I am ordering you to provide that information now.

TOOMEY No. I think we covered everything.

TRUJILLO After you leave this interview, should you remember anything that is different from or in addition to the information that you've given today, I am ordering you to contact Sgt. Thompson immediately. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

TOOMEY Yes, I do.

TRUJILLO All right. Concluding the interview at 1509 hours.

This transcript has been reviewed in conjunction with the audio recording and is an accurate transcription.

Signed #3143

Justin Thompson

NARRATIVE TEXT RELATED ATTACHMENT(S)

1. STATEMENTS

Description OFFICER TOOMEY'S STATEMENT

INTERVIEW WITH OFFICER TOOMEY
Q=Detective Pamela Massee
A=Officer Eric Toomey
A1=Joe Hoffmann

Q: Thank you for coming today you guys. First, we'll begin by talking about our names, introducing ourselves, spelling the first and last names, badge numbers, everything like that. I will begin. I am Det. Pamela Massee. Today is going to be February 17, 2021. The time is now 1:38 p.m. in the afternoon. I'm removing my mask to help with breathing and for clarity on my audio. The spelling of my first name is P-A-M-E-L-A, and last name is Massee, M-A-S-S-E-E. My badge number is 548. I am here in the room with Ofc. Toomey. Would you please identify yourself?

A: Yeah. I am Ofc. Eric Toomey, E-R-I-C, last is T-O-O-M-E-Y. My badge number is 0894.

A1: And my name is Joe Hoffmann, H-O-F-F-M-A-N-N. I'm an attorney with Mastagni Holstedt, here representing Ofc. Toomey.

Q: We are here today regarding incident 21-44157, which occurred on Monday, February 15, 2021, time approximately 2153 hours. So, for starters, this is only being audio recorded. It is not being video recorded. As I ask you some questions, I'll be asking a lot of questions. Just kind of bear with me. When you answer those questions, please try to answer those questions as if I'm not an officer and I don't know what generic officer codes are and everything like that. So, just kind of be clear with your answers and explain radio codes and stuff like that. Okay?

A: Okay.

Q: And then, for right now, let's just go ahead and please state your full name again.

A: Eric Toomey, E-R-I-C.

Q: Okay. And then, how old are you?

A: 28.

Q: Okay. And what is your badge number?

A: 0894.

Q: Okay. And how long have you been an officer with the Sacramento Police Department?

A: Just under five years.

Q: Okay. What academy were you in?

A: 15-BR1, so the first half of 2015.

Q: Okay. Are you currently off probation?

A: Yes.

Q: Okay. And are you a lateral? Have you ever worked with any other agency?

A: No.

Q: No? Okay. And what is your current assignment?

A: Patrol in the east area on late watch.

Q: Okay. What is the east area?

A: Basically, everything east of Highway 99, south of the American River.

Q: Okay. How long have you been on patrol in that area?

A: A month and a half.

Q: Okay. And let's see. So, we're in February right now. So, did you just go to that area recently?

A: Yes.

Q: And why did you go to that area?

A: Better days off.

Q: Okay. Is there a shift change that occurs in the January time?

A: Yes.

Q: Okay. And is that why you're now in this new area? It's for a shift change?

A: Yes.

Q: Okay. And what prior assignments have you had?

A: Including -

Q: Patrol, specialties, anything like that.

A: Oh, patrol. Patrol my entire career here, predominately in the Meadowview area, but I've done some small TDY's to our post-release supervision team, to the south POP team. And I was an acting sergeant for a couple months.

Q: Okay. And what does POP stand for?

A: Problem-oriented policing.

Q: And what does the post-release — how would you describe it?

A: Well, they've now changed their name, but essentially you go after wanted criminals with felony warrants, or get referrals from detectives for robbery suspects or wanted violent felons, and you track them and locate them.

Q: Okay. So, I heard POP, and then I heard the post-release team. And then was there another one, or was it just those two?

A: It was just the acting sergeant for a couple of months.

Q: Okay. And when were you an acting sergeant?

A: Last year.

Q: Okay. So, in what year?

A: 2020.

Q: 2020? Okay. And did you go to any training for that acting sergeant position?

A: I did. I went to our TOPS. So acting supervisor school.

Q: Okay. And how long is that school?

A: It's normally a week, but for COVID it was two days.

Q: Okay. And when did you attend? What year, approximately, did you attend

that class?

A: 2020.

Q: Okay. And any other specialized training that you have?

A: No.

Q: Are you an FTO?

A: Yes.

Q: Okay.

A: Yes, and I went to FTO school.

Q: Okay. Can you tell me what FTO stands for?

A: Field training officer.

Q: Okay. And how long have you been an FTO for?

A: Almost a year.

Q: Okay. And you said that you went to class for that or attended training for that, right?

A: Yes.

Q: And how long was that training?

A: That was a full week, so five days.

Q: Okay. And have you had trainees in your car?

A: Yes, I have.

Q: Okay. Did you have a trainee in your car on this particular night?

A: No, I did not.

Q: Okay. And any military experience?

A: No.

Q: Okay. And then, a little bit of your background, on the night of the incident were you wearing a Sacramento Police Department uniform?

A: Yes, I was.

Q: Okay. And can you explain to me what that uniform is made up of? Kind of start from toe to head or head to toe and explain what everything is on your uniform.

A: Okay. We wear a dark blue patrol uniform, so dark blue top and dark blue pants. It's the wintertime, so it was a long sleeve. On each shoulder is the seal of the City of Sacramento. On the top, it clearly says the word "police" in gold-colored writing. On your chest, you have your badge on the left side. It clearly displays your agency and your badge number. You have a name embroidered on the right side of your chest as well. My particular one has my first initial and my last name. And then, on the front of your uniform you have a body-worn camera. And then, moving down, you have your duty belt, which has all your equipment that you'll need for patrol.

Q: Okay. Was your body-worn camera on you that night?

A: It was.

Q: Okay. And about where was it positioned on your uniform?

A: In the center of my chest.

Q: Okay. Was your body-worn camera activated?

A: It was.

Q: Okay. And then you said that you have your duty belt. Can you explain to me the different tools that you have on your duty belt?

A: I have my firearm, and I carry two spare magazines for the firearm. I have a handcuff case which has two pairs of handcuffs, and my radio, and a taser.

Q: Okay. Do you carry a baton on you?

A: I do not.

Q: Okay. You said that you had your firearm on you. What kind of firearm did you have?

A: A Sig Sauer P320.

Q: Okay. And was it loaded?

A: It was.

Q: Okay. Was it fully loaded, to the best of your knowledge?

A: Yes.

Q: Okay. Was there one in the chamber already?

A: Yes.

Q: Okay. You said that you had two magazines on you. What's a magazine?

A: A magazine is an ammunition-feeding device. It's what puts bullets into a gun.

Q: Okay. And were those magazines loaded?

A: Yes.

Q: Okay. And can you tell me the capacity of the magazine in your gun versus the ones that are on your duty belt?

A: The one in my gun, I believe, is either 17 or 18 rounds. I'm pretty sure it's 17, plus one already in the chamber. And then, the spare magazines are 21-round magazines. Those are fully loaded as well.

Q: Okay. And do you wear prescription sunglasses or contacts?

A: No.

Q: Okay. Was your badge visible that day?

A: Yes.

Q: Did you have any jacket on or anything like that?

A: No.

Q: Okay. Just the long-sleeved uniform?

A: Yep.

Q: Okay. And was the "police" symbol that you said that was on your patches, was that visible?

A: Yes.

Q: Okay. And were you in a fully-marked unit?

A: Yes.

Q: Okay. And when I say "unit," I mean patrol vehicle. Can you explain to me what a fully-marked patrol vehicle is, what it looks like?

A: Yeah. So, for us, it's a Ford Explorer. It's black and white, so the roof and the front driver door and the front passenger door are white. There's the City of Sacramento crest on the side, and then it says "police." Additionally, it says "police" on the front hood and the back of the car. And it's equipped with overhead emergency lights on the top, and then there's lights in the grill and front lights as well, and the back. They're flashing red and blue lights. In California, you have to have a solid burning red light when it's activated. It's equipped with that. And then, I have a siren as well.

Q: Okay. And do you inspect the vehicle prior to going out into your shift?

A: I do.

Q: Okay. And did you inspect your vehicle on this night?

A: I would like to think I did, but I can't be sure.

Q: Okay. The time that this call came out was approximately what time? Do you recall? And I can give you the CAD call if you'd like.

A: I was dispatched from the station because I had just logged on, so probably 9:45-ish to 9:50.

Q: Okay. To the best of your knowledge, was your patrol vehicle in all working order with the red and blue lights and siren and everything like that?

A: Yes.

Q: Okay. You said that you had just logged on, so we'll get to that here in just a minute. We'll finish going a little bit more through your background first. Let's see. Does your firearm have a tactical light on it?

A: It does.

Q: Okay. And where is that tac light? Is it on top? On the bottom?

A: It's on a half rail mounted below the barrel of the firearm.

Q: Okay. Have you attended training for that tac light?

A: Yes.

Q: Okay. And then, any special weapons that you had in your vehicle or on you?

A: I have a rifle in my car, as well as a less-than-lethal shotgun.

Q: Okay. And where were those guns at?

A: They were in the rack in the front of the car. It's located in between the front seats of the vehicle, so they were secured.

Q: Okay. Any other equipment in the car?

A: No.

Q: Do you carry a shield in the car?

A: All the cars have a pistol-rated shield in the back.

Q: Okay. Do you know if this car had the shield in the back?

A: I don't remember. It should have.

Q: Okay. In regards to your rifle and your less-lethal shotgun, are those issued to you, or do they come standard with the car?

A: The shotgun is issued to me. The rifle is personally owned.

Q: Okay. And then, have you qualified with both of those firearms?

A: Yes.

Q: Okay. And I know you might not be able to give the exact date, but in regards to qualification, when, approximately, was the last time that you qualified?

A: October or November.

Q: Okay. Of which year?

A: 2020.

Q: Okay. And so, we're in February, so that would be approximately about four to five months ago?

A: At the most, yes.

Q: Okay. How many times a year do you qualify?

A: I believe three. Yeah. Low-light qual, daytime qual, and then CPT.

Q: Okay. And then, do you always attend those qualifications?

A: Yes.

Q: Up to date on your qualifications?

A: Yes.

Q: Okay. Do you shoot in your off time as well to practice?

A: Yes.

Q: Okay. Have you shot recently, before this incident, other than that qualification?

A: No. Ammo is expensive right now.

Q: Okay. And then, do you always load your weapon the same way?

A: Yes.

Q: Okay. And do you carry any backup weapons on you?

A: I do not.

Q: In regards to your shift — so, the incident occurred on Monday at approximately 2153 hours is the dispatch time on the CAD call that I am referring to right here.

A: Okay.

Q: Just tell me again about your shift days. What are your normal work days?

A: Sunday night through Wednesday night, so my weekend begins Thursday morning.

Q: Okay. And did you work Sunday night this week?

A: I did not.

Q: Okay. You had it off?

A: Yeah, [redacted]

Q: Okay. So, Monday, was that your first day of your workweek?

A: Yes.

Q: Okay. Were you assigned to this district, in the east district, as you called it?

A: Yes.

Q: Okay. And so, the last shift before the day is going to be Monday. So, your days off are going to be Thursday, Friday, Saturday. Is that correct?

A: Yes.

Q: Okay. And then, what team are you on?

A: Team 35, I believe.

Q: Okay. And who is your sergeant right now?

A: Sgt. Jeremy Schwartz.

Q: Okay. And who was your supervisor on the day of this shift?

A: Sgt. Schwartz.

Q: Okay. And then, what was your unit identifier?

A: 1-Alpha-68.

Q: Okay. And is that also your radio call sign, one and the same?

A: Yes.

Q: Okay. And then, this is the east district, which is which sector?

A: 6.

Q: Okay. Is there a letter that comes after Sector 6 that you're in, this district that you're working? 6A, B, C, D…?

A: I'm normally in 6C.

Q: 6C? Okay. Where was this call initially? What district did this call come out in?

A: 6E.

Q: 6E? So, it was not your district that you were dispatched to?

A: It was my beat.

Q: Your beat?

A: It was my district, though.

Q: Okay. Because you said that you were 6C, right?

A: Yes.

Q: Okay. And then you went to 6E?

A: Mm-hmm.

Q: Okay. And then, what's the difference between 6A, B, C, D, E? Nothing too crazy.

A: Okay. So, basically, you have a district, and the districts are subdivided into beats, and units are assigned to specific beats to kind of break up the geographical area, to respond to calls faster. The area I'm predominately responsible for is everything east of 65th Street, south of Folsom Blvd., and then south to city limits, and then east to city limits.

Q: Okay. If your district that you're working is 6C, that little area, is it normal for you to be sent to 6E? Is that something normal that dispatch does?

A: Yes. There's only one unit assigned to 6E, so another unit from a different beat will have to go assist them since most calls are two-officer calls.

Q: Okay. Were two officers dispatched to this call?

A: Three if you include the trainee, but, yes, two units were dispatched to the call.

Q: Okay. And so, you said that you had just logged on. So, kind of talk to me a little bit about what you were doing prior to this call coming out.

A: Oh, okay. We completed roll call. I went out to the car, loaded it.

Q: What is "it"?

A: Loaded the vehicle. So, I put in my patrol bag, which has forms and traffic safety vests, different stuff like that, and then my bag which includes a ballistic helmet and a gas mask, my lunch, and then loaded my rifle and shotgun into the rack, got gas. And then we sign on to a computer program, and that shows us as in service. So, when I say I logged on, logging in to a computer program.

Q: Okay. And so, at the time that you log in, about how much time passes before you're dispatched?

A: It could be no time or up to hours if there's no calls pending. In this case, I would say it was probably five to 10 minutes.

Q: Okay. And so, you were still at the station at this time?

A: Yes.

Q: Okay. At the time that this call came out, can you tell me what call it was that came to your — and when I say MDT, I'm talking about mobile data terminal. What call came to your MDT?

A: A 952, which is an incomplete police call for service.

Q: Okay. And what were the circumstances of that call?

A: Initially, it was just a 911 hang-up. They weren't able to get any information. It just gave an address within a certain radius of meters. And then, at that point our dispatchers were trying additional callbacks as we were on our way. So, because an incomplete call for service is what we call a priority call, it's dispatched immediately. It doesn't pend.

Q: Okay. And at the time that you got dispatched to this call, did you immediately start going in that direction of the call?

A: I did.

Q: And what was the address that you were responding to?

A: [redacted] Occidental. I believe the apartment was [redacted]

Q: Okay.

A: I'm not 100 percent on the apartment address.

Q: Okay. And how were you notified of this call?

A: They voiced the call over the air. It was more to notify the sergeant, but I received the call on my computer in the car.

Q: Okay. Did dispatch have anything different to say that the MDT had said to you?

A: No.

Q: Okay. And let's see. The location of the call, you said, was on Occidental. And then, were you familiar with this area?

A: I knew how to get there. I had never been on a call there before.

Q: Okay. And any historical calls for service or anything like that that strikes you about this area? Okay. Is this a particularly nice area of town or…?

A: It's not bad. Where the apartment complex is located, it's transitioning from very industrial to more of a residential as you move north. So, I'd say it falls in between. It's near a shopping center, gas station, and then a very busy main road.

Q: Okay. As you're driving, you said that dispatch began to give you updates. Were they over the air, or were they on the MDT?

A: I was reading them on the MDT. I don't remember if they did them over the air. I would assume they did. That's a pretty standard practice for this type of call.

Q: Okay. And what updates were you hearing?

A: They attempted a second callback and got a voicemail. And then the original complainant called back again and, I believe, connected briefly and basically said her ex-boyfriend was threatening her and that he had left. They tried an

additional callback, and this time they were able to get the caller's information, and she stated that her ex-boyfriend had threatened to burn her Ford F150, had burned it, and then left approximately 15 minutes prior to her calling.

Q: Okay. Did they give you any names of anybody?

A: The other unit on the call was able to find, I believe, the driver's license for the caller, and then they put a name for the ex-boyfriend, as well as some descriptors, and then the plate of the vehicle he was driving.

Q: Okay. And do you remember what name they gave you of the ex-boyfriend?

A: I didn't read it, so I didn't remember. I think it was Adrian or something similar.

Q: Okay. Did you perform any records checks while responding to this location?

A: I did not. The other unit's trainee was doing that since they're a newer officer and needed the practice.

Q: Okay. Can you kind of explain that to me? So, you're responding to the call. Do you know that there's another unit going with you at this time?

A: Yes, I do, and they were ahead of me and already at the scene.

Q: Okay. And how do you know that?

A: The computer program we have, our cars are equipped with GPS. You can see where, essentially, another unit is, and they were ahead of me on the freeway and ahead of me getting off, basically, and they hit every green light. I hit all red lights. So, they had been on the scene for four or five minutes prior to my arrival on scene, and the trainee had conducted their own set of records checks.

Q: Okay. The other unit that went with you, you seemed to know that there was an officer and a trainee. Are they on your team?

A: Yes.

Q: Okay. And who were those officers?

A: Ofc. Schwertfeger and Ofc. **Jillsin** [phonetic].

Q: Okay. Who was the trainee?

A: Ofc. Jillsin.

Q: Okay. Did you see when they left the station prior to when you left the station?

A: No. I just know when I got dispatched to the call, their little car icon on the GPS was already on I-5.

Q: Okay. So, as you're responding, is there an understanding that you have with the other training car? What's the protocol with the training car? You had mentioned that the trainee typically does the records checks. So, can you elaborate on that?

A: The records check, or just having a trainee?

Q: Having a trainee do it.

A: Okay. So, right now, our trainees that are out have only been out of the academy for about a month, so they're in their first phase of training. So, familiarizing themselves with the computer and essentially conducting the administrative work before we get on scene is something that's good for them. It builds repetition. It builds knowledge and experience. They become more familiar with a tool we use every single day. So, in terms of a records check for a call for service, typically we'll run a query on the history of the address we're going to and see if there's any relevant and previous calls for service there. If there are names attached to the call, we'll run records checks on them to try and look at driver's licenses, any wants or warrants, probation or parole status, restraining orders. And then we'll also typically run them through a county system called WebKPF, which essentially combines all of those things into an easier to use web program, and we'll run them through there and see what their previous arrests are, if any. It essentially just builds knowledge before you get on scene.

Q: Okay. Is there an agreement between you and that training officer and that trainee to kind of let the trainee do those records checks and stuff like that prior to going to the calls?

A: Yes.

Q: Okay.

A: And we have been on a team previously as well, last year, and we've had trainees before, so it's always an easy thing to let, especially if there are any, the trainee do that to build their repetition and, also, we don't end up doubling

the work.

Q: Okay. At the time that you are dispatched and you're in route, did you see that the other unit had already arrived on scene?

A: Yes. I was exiting Highway 50 onto Power Inn, and I think they were pretty much there. They weren't in the apartment complex per the map. Their car was mapping on the street in front. And then, as I turned onto Julliard from Folsom — so, the apartment's on Occidental. Julliard is the north-south. Occidental is an east-west street. They were kind of parked at the intersection right there, essentially waiting for me to get a little closer, just standard practice for us.

Q: Okay. And that practice is what? What's standard practice?

A: As a solo officer, you typically won't arrive to calls for service on your own outside of a select few. It's an officer safety reason, so you typically wait until your covering unit is nearby. Strength in numbers.

Q: Okay. And prior to arriving on scene, what was the last dispatch notification that you got on the call?

A: The last one I remember receiving was that he had lit her truck on fire and left, and apparently the fire department had responded was the last update I remember. And then they had attached a license plate for the suspect vehicle.

Q: Okay. And then, what was the suspect's vehicle?

A: It was a red Toyota Sienna minivan.

Q: Okay. And at this time, did you meet with those officers who were standing by at the corner first, or did you guys both drive in together?

A: They were able to get inside the complex. The gate was open. I was unable to park my car inside the complex, so I parked in essentially the guest area of the apartment complex and walked in on foot.

Q: Okay. And let's see. You already discussed your route of travel. What was the lighting of the location?

A: Well, the apartment where the complainant or the victim was located, it was fairly well lit. There was overhead lighting. But when I walked out, they were already talking with her, and she wanted to show us her truck, which had been burned, and that was located on Occidental. It was very dimly lit. We were using our flashlights to see pretty much everything on the truck. There

were no street lights nearby. But the weather, I remember, was pretty clear.

Q: Okay. So, what I'll do is I'll kind of break this up into two different sections. So, in regards to the apartment complex, just kind of walk me through everything that happens when you get to the apartment complex and everything like that. And then we'll kind of pause when we get to the pursuit part. Okay?

A: Okay. So, once I realized I couldn't drive through the gate because I didn't have the right key and it didn't have a click-to-enter system, which is irrelevant. Basically, I couldn't get through the gate to go in the secured portion of the parking lot, so I parked in the guest area, turned my car off, locked my car. I walk in. As I'm walking in, that's when I activated my body-worn camera, because I'm about to contact the public. At that point, Ofc. Schwertfeger and Jillsin were already contacting the victim. As I walked up, Ofc. Schwertfeger informed me that the fire department had, in fact, just been out to that location for a vehicle fire, and essentially the neighbors were watching this truck on fire. And the fire department comes and puts it out. He relates to me that her ex-boyfriend was responsible for lighting the vehicle on fire and had been previously arrested the week before for stalking, so 646.9 in the California Penal Code, against this complainant. There was a valid domestic violence restraining order in place preventing him from contact, and there was a stay away portion. So, essentially, he can't come within a certain distance of her, her residence, anyplace she may work, and any other protected persons who were put on that order.

And we walked out to go look at her truck. So, the truck was a blue Ford F150. I don't know what year. It was older, though, and it was parked south of her apartment on the street. So, essentially, we kind of made a U-turn from her apartment out the front pedestrian gate, and then the truck was parked right there on the street. The back bed of the truck was charred and burned. The inside of the cabin was burned a little bit, very smokey, and there was water and foam from the fire department that was still on the street. So, very clearly, they had just put the fire out. The vehicle was definitely totaled at this point. We were walking around the car trying to look for a license plate. I tried to locate a VIN, but the windshield was completely smoked out and the battery was short-circuiting, so we didn't really want to touch the car.

So, at this point we're debating, essentially. Do we have our crime scene investigators come out and take photographs, or will the fire department come out and handle the arson investigation? Because the victim had already stated that the suspect had left about 20 minutes prior to her calling us, and she didn't know what direction he left in, just he left in an unknown direction on Occidental. So, at this point I said, "Hey, I'll go get my patrol car, and I'll park it on the street since I'm closer," that way the training officer could run

his records checks in my computer, as opposed to having him walk all the way back in the complex. So, I walk back over to my car, which is, I don't know, maybe 100 yards away. I get in it, flip a U-turn, and I'm preparing to pull out onto Occidental. There's a car coming from the east, heading west towards the intersection with Julliard, essentially going to pass where the burned-out vehicle was and the other officers.

And so, I stop and wait for oncoming traffic. And the vehicle is going very slowly, very hesitant to pass me, but it passes me. It was a minivan, but nothing that caught my attention. I think I was looking at the computer and something similar. Anyways, I had both windows down in my car. So, as I was pulling up, that's when Ofc. Schwertfeger goes, "Hey, that's the suspect vehicle. He's driving by right now. Go stop him." So, I go, "Okay, no problem." So, I immediately pull back out onto Occidental, and that's when I end up behind a red Toyota Sienna minivan.

Q: Okay. So, let's talk a little bit more about the apartment complex. So, did you actually meet with the ex-girlfriend?

A: I never spoke to her, no. She was there. I might have said hello, but I didn't speak with her. The trainee was already talking with her and obtaining a statement and doing everything for that, which is pretty standard. It's their beat. Therefore, if there is a report to be taken, the understanding is the beat unit will take the paper.

Q: Okay. Did you overhear anything that they were talking about?

A: I did not. I just spoke with Ofc. Schwertfeger. And essentially, as soon as I walked up to the apartment, we almost immediately walked out to the street.

Q: Okay. Who told you about the domestic violence restraining order?

A: Ofc. Schwertfeger did. And if I remember correctly, I could be wrong, I believe it was attached to the call because the complainant did say she had restraining order against him, and I remember somebody saying something about it was valid and served. So, essentially, he's not allowed to contact her. He shouldn't have even been there.

Q: Okay. Ofc. Schwertfeger, what else did he tell you about the suspect or the circumstances or anything like that? Can you tell me about the dialogue or the conversation between the both of you in regards to the suspect?

A: Well, basically, he had previously been arrested for stalking our complainant. There was a restraining order in place. He's coming by and harassing her. So, he's kind of showing that, essentially, an arrest didn't deter him from his

efforts. And I know on the call she did a very good job, the victim did a very good job, of giving his name, a license plate, and a vehicle description, which we're not accustomed to having, so that was very nice to have that information ahead of time because it essentially gave us something to look for prior to arrival on scene. As far as on the scene, we just briefly talked that he had been arrested for stalking the week before. There was a valid restraining order in place. And then, we were standing on the lawn by the truck and Ofc. Schwertfeger gets me and says this is a legitimate stalking case. He proceeds to go look for some cameras, and that's when I decide I'll move my car over so he can finish doing any records checks we need to do.

Q: Okay. Were you aware of any other circumstances about the suspect or cautionary things or anything like that?

A: The complainant did say he was known to carry firearms. She hadn't seen any that day, but in the past, he had been known to carry firearms.

Q: And where did you get this information from?

A: That was from the complainant to the call takers, and it was put on our CAD call.

Q: Okay. And did you read it, or did you hear it?

A: I read it and heard it.

Q: Okay. And did Ofc. Schwertfeger or his trainee tell you anything about firearms?

A: Not that I remember.

Q: Okay. At the point that you go and you look at the vehicle that is burned up, you said that there was suds on the ground and stuff like that. Can you just kind of explain the lighting of that area and just kind of the general view of that area?

A: So, the vehicle was parked on the northern curb line of Occidental, almost directly in front of the dispatched address, so [redacted] There were no street lights nearby that I remember. We were using our flashlights to illuminate the vehicle. The back bed of the truck had some miscellaneous items in it. It was hard to see because it was charred and black, and the inside of the cab had suffered some fire damage as well, and all the windows were completely blacked out from the smoke. The hood was popped on the front. It looks like the fire department maybe attempted to cut the battery to the car. I don't think they did, because you could hear the power cycling up and then shorting out.

There was water all over the ground from hoses, and there was maybe a little bit of the chemical suppressant that they had used, because you could see it on the ground. And the car smelled heavily of smoke and being recently burned. None of us touched it because we were like, *Maybe the car is short circuiting. I don't feel like getting shocked today.*

So, I think at that point, Trevor — sorry, Ofc. Schwertfeger — and I were kind of debating do we ask if Fire had a call for service out there. Apparently, they had. There had been an all units that was broadcast. So, all units, it's not a dispatched call for service. It's just dispatch essentially voicing over the radio that there is something that is happening, maybe relevant to your area of responsibility, or there could be something going on with another agency and it's just to be on the lookout for. In this particular case, the fire department said, "Hey, we were out at the vehicle fire here," but at that time they didn't see anything suspicious. So, I think we requested an arson investigator, and that was pretty much it. We had very minimal conversation at that point.

Q: Okay. Was the ex-girlfriend present at all out on the street or anything like that?

A: Yes. She walked us out to her truck. She was talking with Ofc. Jillsin on the lawn just north of the truck. So, it was the lawn, the sidewalk, and then the vehicle.

Q: Okay. So, who all was outside with you at this point?

A: Ofc. Schwertfeger, Ofc. Jillsin, and the victim.

Q: Okay. And then, the street on Occidental and Julliard, you said, right?

A: Mm-hmm.

Q: Is that a heavily tracked street, not so much, or…?

A: It's predominately residential. Occidental is a residential street, but it could be busier. It is a main road for the residential portion of the neighborhood. Julliard is a much busier road because Julliard, to the south, connects to Folsom Blvd., which is, obviously, a main thoroughfare through the city. So, there was some light vehicle traffic.

Q: Okay. Did you see any other vans driving by or anything like that at that point?

A: No. There were minimal cars that drove by the entire time we were out there.

Q: Okay. And at this point of the investigation, what was your plan? What was your role going to be?

A: Just to hang out, honestly, because at that point we had one person to talk to. The trainee was already talking to her and obtaining her statement. They were the first on the scene. It was their beat, so they would be taking, essentially, the entire report. I was just there to be there, help in any way I could, which maybe would have included doing a canvas of neighboring houses, looking for any video cameras, surveillance cameras, or seeing if there were any witnesses nearby. That would've most likely been the extent of my involvement.

Q: Okay. Did you see a picture of the suspect at this time?

A: I did not.

Q: Okay. Were you aware that — you said that you knew it was a Toyota Sienna, right?

A: Mm-hmm.

Q: And that was on the call for service?

A: Yes.

Q: Okay. Did you have any knowledge of what the suspect looked like at this time?

A: I knew he was an older Hispanic male with darker features, darker hair, but that was it. Once I read that he wasn't on scene and had left a while ago, it's uncommon for suspects to return once they know the police are being called. So, once I got on scene, the report was already being taken, so I was simply there just to support the effort that was already being undertaken by the other officers. So, I didn't remember the name. I just remembered the address I was going to and roughly what the call was about.

Q: Okay. And was there anything listed in the CAD call or from Ofc. Schwertfeger about violent tendencies or anything like that?

A: Other than the information that he's known to carry firearms, that was all I was aware of, but I will say, in experience, judges don't typically grant a restraining order or a domestic violence restraining order without some form of previous physical violence in a relationship. So, the fact that one was granted and served indicated that there was probably a previous past of domestic violence.

Q: Okay. And did you have any information if the suspect, and when I say suspect I'm referring to the ex-boyfriend, if he was on probation or parole, or criminal history, or anything like that besides the stalking?

A: Not that I was aware of. Like I said, the domestic violence restraining order would indicate a previous arrest or conviction for domestic violence, but that's just speculation on my end.

Q: Okay. And then, had you ever had any prior contact with the Toyota Sienna or the complainant, who was the victim or the ex-girlfriend?

A: No. I had never met either of them before.

Q: Okay. Had you ever been to this apartment complex before?

A: No.

Q: Okay. All right. At this point I'm going to have you go ahead and start in to the point where you start to walk to your car and then you see the Toyota Sienna, and I'm just going to let you tell your story from start to finish, and we'll kind of go from there.

A: All right. So, I walk over to my patrol car, get in, turn around. My body-worn camera was activated at this point. My in-car camera was on, but not recording. I typically won't turn it on if the vehicle is parked very far away from where we're going to be because what ends up happening is it's just recording the front of the building with nothing pertinent going on. So, at this point in time it was on, but not recording. I make my U-turn. I get ready to pull out onto Occidental. That's when this car slowly goes by me, almost like they were hesitant to pass me, but that's not uncommon. People see police cars and they think we're going to pull them over for no reason, so it's not uncommon for people to try and let us go first, essentially. But eventually it drives by me. I had my windows down. I go to park behind the Ford F150 that had been burned out. As I'm pulling into the spot, Ofc. Schwertfeger shines his flashlight at me and says, "That's the suspect vehicle. Go get him." "Okay, cool. No problem." So, I pull back out onto Occidental. We're going westbound at this point, coming up on the intersection of Julliard. I get behind the vehicle. It's a red Toyota Sienna minivan. I was able to confirm the plate on the vehicle, which I do have if you want it.

Q: No, thank you.

A: Okay. So, I broadcasted over the radio that I was going to be making a traffic stop related to our call for service and that it was the suspect from the arson. I

recited the plate and broadcasted the location. At this point, I activate my overhead emergency lights and start a traffic stop. I guess it's important to note, our body-worn and in-car camera have a 30-second rollback. So, at this point it rolls back to essentially me getting ready to pull out of the apartment complex. So, at this point both my body-worn and in-car camera are activated and recording. So, I turn on my overhead lights. The suspect vehicle doesn't speed up, but he doesn't slow down. He just kind of slowly keeps going westbound on Occidental and rolls through a stop sign at Julliard, then makes a northbound turn onto Julliard, so a right-hand turn onto Julliard. I briefly sound my siren to indicate, like, "Hey, I'm behind you. I need you to pull over."

At this point, he accelerates away rapidly. I broadcast over the radio that I'm in pursuit on northbound Julliard. We were coming up on Notre Dame. Our speeds at that point, my best recollection, were between 30 and 40 miles an hour. There was a stop sign at the intersection of Julliard and Notre Dame. He doesn't stop for it at all, runs the stop sign, makes essentially a slight right-hand turn, and we continue northbound on Notre Dame. All the while, I'm broadcasting updates for speeds and conditions over the radio. As we were going northbound on Notre Dame, our speeds are between 45 and 55 miles an hour. No traffic at that point. We come up on the intersection of Lake Forrest Drive, and there's a stop sign there, a four-way stop sign. All these stop signs are clearly marked, posted stop signs. He makes a right-hand turn onto Lake Forrest Drive, so we're going back eastbound. He doesn't stop at all.

At this point I realized I hadn't activated my siren, so I turn my siren on, which you're supposed to when you're in pursuit of a vehicle. It shall sound continuously. So, I made sure it was on and sounding continuously. We continue eastbound on Lake Forrest Drive. Speeds were much higher at this point. They were between 70 and 85 miles an hour in a residential neighborhood. There's no traffic at this point, thankfully. When we hit the intersection with Occidental, once again there was another four-way stop sign. He slows down, but doesn't stop for it, and continues to make a northbound turn onto Occidental Drive. So, we continue northbound Occidental. Speeds were still fairly high, in the 60s to 70 miles an hour. There was light traffic on the road at this point. There was a stop sign at, I believe it's, Occidental and Bennington Way. There was a four-way stop sign before you go over on an overpass. He doesn't stop for that at all, just goes through it completely and fully, and there were vehicles around. I cleared the intersection, continued northbound.

We come over an overpass, and it goes down. Speeds at this point were between 70 and 80 miles an hour, still in a residential neighborhood, light traffic. We approached the intersection with, I believe it was, Mediterranean Way. He doesn't stop for the stop sign there. He goes straight through it. At

this point Occidental essentially terminates into a T-intersection with La Riviera Drive or Way, and it's a three-way intersection that's controlled by traffic lights. He makes a right-hand, eastbound turn onto La Riviera and does not stop for the red light, just goes straight through it. We continue eastbound onto La Riviera, which is a major road, but it's still residential. It's houses on both sides, and it's fairly twisty or curvy. Speeds there were between 70 and 85 miles an hour with light traffic on the road. We continue on La Riviera until we come up on Watt Avenue.

At this point he decides he's going to go southbound onto Watt Avenue. Watt Avenue at this point is a major thoroughfare. There are multiple lanes of traffic on either side. So, there actually is an on-ramp onto Watt Avenue. We turn onto the on-ramp, which is like an S-turn, essentially. So, we're going southbound, and it turns to the left and the right. He almost runs off the roadway on the on-ramp to Watt Avenue. He's able to regain traction and continue southbound onto Watt Avenue. We got onto Watt Avenue. Our speeds are sitting at about 60 miles an hour with moderate traffic at this point. I hung back a little bit. You can either continue southbound on Watt Avenue over the top of Highway 50, or you can merge onto westbound US-50 at this point. So, I hung back, that way in case he — whatever direction he goes, I have plenty of time to adjust to his actions. He continues southbound Watt Avenue in the far-right lane, about 60 miles an hour, through a green light over the top of Highway 50.

At this point he picks up his speed. I would say we were going anywhere between 75 and 90 miles an hour with fairly moderate traffic. It's a busy intersection with a lot of major streets, but traffic was yielding, and it was fairly easy for me to maintain a close proximity to him. We pass through the intersection with Folsom Blvd., and at this point a second unit, I believe, is coming up behind me. It was one other patrol officer to join the pursuit because, at this point, I had been a solo officer in pursuit. We continue southbound through the intersection with Manlove Road, and at this point our speeds drop dramatically from about 80 all the way down to 35 to 40 miles an hour, and he activates his hazards. It's very unusual for that to do in a pursuit.

In my experience, when people slow down like that it's because they're starting to look for, essentially, some sort of other evasive action, whether it be to ditch their car and run away on foot, or try and find some sort of terrain that maybe our vehicles can't go across, or in some cases it's to prepare a firearm. That was options I was considering at this point because we now had three officers in pursuit at very low speeds on a very straight, major road with a speed limit of 50 miles an hour. We were going well below the speed limit. So, I peek out into oncoming traffic a little bit and see if I can see the suspect in the car and what he's doing. I couldn't really see anything. The windows were fogged up, but it looked like there was just one person in the car.

So, we continue southbound at extremely low speeds. When we go south of…it's either Manlove or Jackson Road, it turns into South Watt Avenue. So, we were continuing on South Watt Avenue with very low speeds, 35 to 40 miles an hour. His hazards are on. We pass the district and he turns his hazards off, which is interesting. And then, our next major thoroughfare is Fruitridge Road. So, on Fruitridge Road, we make a westbound turn. Our speeds dropped to about 10 miles an hour. As we make the turn, another Sacramento police car actually pulled out from a side street and was in front of the pursuit. Their lights weren't on or anything. They were trying to get ahead to essentially deploy spike strips so we could try and stop the car. I don't know if the suspect saw it. Our speed stayed pretty consistent, 35 to 40 miles an hour, and we continue westbound on Fruitridge. There's a set of railroad tracks that run north-south across Fruitridge Road. After we cross the railroad tracks, it's a raised embankment, we start coming back down.

You could clearly see a marked Sacramento Police car parked along the northern side of Fruitridge Road, and they already had the spike strips out. The suspect becomes cognizant of them and essentially switches lanes and then accelerates towards the patrol car. So, I broadcast on the radio at this point like, "Hey, watch out." I thought he was going to hit him. And then he makes a hard left, very abruptly, into an industrial complex off of Fruitridge Road. I had previously been to this industrial complex. There's a shed in there that we'll sometimes park while we write reports because it's covered from the weather. But with that knowledge of it, ultimately, I knew there was one way in and one way out. So, the way we came in was also our only exit, and the entire area is secured by a chain-link fence that's topped with razor wire. So, there weren't a lot of options for him to go.

And when he goes into the industrial complex, he speeds up significantly, especially for such a confined area, about 50-60 miles an hour, and his driving becomes a little more erratic. You can tell he's braking harder, swerving harder. So, at this point I'm pretty confident that we're going to have somebody getting out of the car. There had to be some sort of evasive action because, at this point, we were essentially pinned in. So, we continue. We drive around some gas pumps that are in there, and he starts to accelerate out from the gas pump, coming back westbound. So, we had come in going southbound. He's going westbound, almost like he's trying to get back to the driveway, but there's a concrete culvert or canal in front of him. And he essentially abruptly slams on the brakes faster than I could react, so I collide with the back of his car at maybe eight to 10 miles an hour. It wasn't anything significant for me, no airbag deployment, but at this point our cars are stuck together.

I exit my vehicle, draw my firearm. I have two other cars that were with me,

so 1-Charles-68, which was Ofc. Caro, and there was another car which was Ofc. Stevens and then his trainee, which was Ofc. King. We are issuing commands. I was yelling, essentially as loud as I could, "Put your hands up! Put your hands up!" I'm in the crook of my driver's door. So, I had my door open and I'm kind of standing where the front door connects with the vehicle. So, I can see him looking at me in the sideview mirror, but I was getting no response other than that. I could see that the lights for the car were initially in reverse, and then they disappeared. So, I yelled to everyone, "He's putting it in drive!" Prior to that, I want to say it was Ofc. Stevens issued a command that was like, "Don't fucking drive or you'll get shot!" And it was audible to where I was. And like I said, I had issued a couple of commands of "Put your hands up! Put your hands up!" Nothing.

He drives forward off of my car and kind of makes a slight left-hand turn and then reverses, so his car is perpendicular to mine. As he reverses, the tires squeal. It's a front-wheel drive car, so there was a little bit of traction. We're yelling commands, "Stop! Stop!" And at this point I had transitioned from having my finger indexed on the side of my firearm. So, indexed means your finger is not on the trigger. I had put it onto the trigger because at this point — so, where my car is parked, about eight to nine feet to my left is a solid concrete and chain-link fence, and that's his only out. If he drives through there, you're going to run me over and you're going to cause serious injury or death. And up and to this point it's, okay, you've clearly displayed a wanton disregard for everything else. He wants to get away. You've ignored multiple commands. We went through a high-speed pursuit through a residential neighborhood. You have odd, erratic behavior through the other half of the pursuit. You drove towards another officer, and now you're driving, essentially, quickly in a very confined area. So, it's obvious to me. At this point my mindset is this guy has no issue running me over to try and get away. He's displayed that mindset of like, "I'm going to get away at all costs."

So, the car stops in reverse, and I start to yell. The full sentence I was going to say was, "Don't fucking put it into drive," but as soon as it goes — I didn't get the opportunity. He starts to put in drive, so at that point I discharged my weapon eight to 12 times, would be my — maybe more. I'm kind of standing up into my car because I'm kind of short, so that gave me a better, elevated position over the door of my patrol car. But also, my thought process, too, was just because we shoot the driver of a car doesn't necessarily mean the car's going to be able to stop. So, it was kind of a last-ditch effort that if he's still able to get through, I could, hopefully in time, get inside my car. My foot might have still got caught or something, but from him driving forward and backing up, it happened so quickly. I didn't have enough time, essentially, to retreat to another area of safety. So, I'm going, *Okay. This guy's going to run me over. He's going to kill me. We're going to try and stop that threat*. So, the vehicle, after we fire the shots, after I fire the shots — I wasn't

coordinating with anybody at this point — the vehicle kind of comes past my car and comes to rest against the chain-link fence.

At this point, I'm starting to move back. I remember the car kind of rolled back a little bit, so I fired one more shot because I thought he was going to try to back up and move forward again. At this point I kind of get to the back corner of my patrol vehicle and take a position of cover or concealment because the driver's window was — it didn't shatter out. It actually absorbed all the rounds that went through it and was cracked. So, we couldn't see inside the car at all. I was pretty confident we had killed the driver. I verbalized that, but then we started hearing moaning coming from inside the car. So, at that point, we're going "Okay. We can't see inside the car. We have somebody who is still alive, and we can't see what's going on inside the car. He's known to carry firearms. For all we know, he's lying in wait for us to approach or whatnot.

So, as more units arrive on scene, we get ballistic shields in place, and we instruct Ofc. King to use a beanbag shotgun to shoot one round through the window in the hopes of shattering out the window so we could at least, at this point, see inside the car and have a better idea of what was going on. He fires the one round, and the window didn't break. It just put a hole through it. So, we started issuing commands. We were getting no response, no response. And after a minute or two, the door opens and the suspect exits the vehicle. At this point it was kind of apparent why he couldn't open the door. He had been — it appeared he had been shot in his forearms, so I don't know if he had the ability to open the car door. He comes out and he sits down on the concrete and chain-link fence. Some officers go and detain him. We clear the rest of the vehicle to make sure there is no other person inside the vehicle, and I just do a quick protective sweep of the vehicle visually to see if there was a firearm in the vehicle. I didn't see one. Other officers were rendering aid. We had already requested the fire department. At this point I walked over to a car that was outside of the scene. I knew my portion of involvement in the call was over at that point, so I deactivated my camera and just sat inside a car outside of the scene.

Q: Okay. So, now I'm going to go over it, and I'm going to ask you some clarifying questions about everything. Okay?

A: Okay.

Q: So, going to the pursuit. You had talked about him not stopping at stop signs and stuff like that. Is that correct?

A: Yes.

Q: Okay. And then, can you describe to me the time of the day, the conditions, the traffic, all that type of stuff?

A: Yeah. So, the pursuit was after 10 o'clock on a Monday night, so it was dark. It's wintertime. We're in February. It gets dark early. There is no sunlight. The only lighting you're going to have is from the headlights of your car and any street signs. The weather was clear, but there wasn't much moonlight that I remember. So, your lighting, it's fairly dimly lit. If you think of a standard city street, that's kind of the lighting we're dealing with. As far as traffic conditions go, until we got onto Watt Avenue, there was no traffic to light residential traffic. The real concerning issue was just his speeds through the residential neighborhood. When you're in a residential neighborhood, your speeds are going to be anywhere from 25 to 30 miles an hour. At some points we were in excess of 80. So, we're running multiple stop signs, and he's not checking the intersections. He's just driving through it. The likelihood for a traffic collision that would result in serious injuries is fairly high, and I guess that kind of elevates the — what's the word I'm looking for? It kind of ups the ante, essentially, for lack of better words. You're increasing the danger to the public at this point and also to officers as well. Right? It's dangerous to be in a vehicle pursuit. But he's displaying that will to get away, and that's scary because it shows that you don't really care what gets in your path as long as you can get away. The damage that's done is irrelevant to you, so it's a very self-centered mindset. When we get onto Watt Avenue, traffic is moderate to heavy at points. There is on-ramp and off-ramps for Highway 50, and it's an eight-lane road. There are four lanes in both directions, with a concrete median and traffic lights. It's a very busy, heavily-traveled road. He was kind of swerving in and out of traffic. I was able to stay up with him no problem, though.

Q: Were there any concerns at this point?

A: When we were on Watt, I didn't have any concerns. There was enough roadway that he could negotiate around it, and the sidewalks are essentially bordered by really tall concrete cinderblock walls. My concern was the speeds in the residential neighborhood. There's a — I mean, not that it's open, but there's a tennis and racquetball club that we drove right by, and it's all residential. There are no businesses through there. It's purely just housing. And so, my concern is are you going to hit a car full of a family? If you do crash, are you going to go through somebody's front living room? That was where my concern was. Because once we got south of Folsom Blvd. on Watt, there was no housing at all. It's all industrial complexes. There's landfills. There's quarries for a concrete aggregate. So, the risk to the public starts to drop a little bit down there because the only thing you're going to crash into is going to either be a field or a fence.

Q: At the time that you are behind him and you're pursuing him through the residential districts and on the freeway, what was going through your mind about the suspect or the vehicle or your safety concerns? What was kind of your mindset?

A: Honestly, when he took off, it kind of validated our investigation at the scene. Right? If you have nothing to hide, then you're going to pull over, let us conduct our investigation, because if you're not the person we want, you're not going to go to jail. But as soon as his hesitation to pass me — granted, I wasn't aware of that initially, but his actions indicated to me that, okay, we have the right person. And then, how he's driving just indicates that we went from a very simple traffic stop, essentially, to a felony pursuit. We have multiple traffic violations. We have high speeds through a residential neighborhood. As I'm pursuing him, it's like, okay, we have good felony wants. We have felony crimes that have been committed. We have arson of a vehicle. We have a violation of a restraining order, and it's a domestic violence restraining order, so it's a felony in the State of California. And now, we have a felony pursuit and essentially delaying or obstructing an officer from arresting, so resisting arrest in one form or another. And he's known to carry firearms, so it's going, okay, are you trying to hide something in the vehicle? Are you hoping to get ahead of us so you can toss something out of the car? It's possible people get ahead of you and they set up an ambush. There's a lot of different things. So, my mindset is, *Okay. I need to at least be able to keep eyes on the vehicle because it limits his ability to potentially surprise me with some sort of tactic*. Obviously, there's still a huge thing of the unknown. He's known to carry firearms, which is a consideration in my head. We've had people shoot from cars before at us. There's a possibility for everything, but I was doing my best to at least stay close to him to try and limit some of those eventualities.

Q: Okay. Have you responded to collisions in this area before, or are you aware of any?

A: Yeah. When I was a community service officer, yeah, I went to crashes over there. It just depends. Like I said, Folsom Blvd. is nearby, La Riviera is nearby, and those are major roads where people tend to drive fast. And the collisions that result over there are usually pretty serious.

Q: Okay. At the point that he passed you, when you were at the apartment complex, did you see inside the vehicle?

A: No. I was looking at it going, *You can drive by me. It's okay*. Because I'm going, *I just need to park my car over here so we can use my computer to run it up*. Because at that point, I'm in, essentially, report mode. Okay, let's gather as much facts and evidence as we can so the trainee can write a good,

thorough report because most times, something like this, a report's going to be written. A detective will review it, and it'll be submitted for an arrest warrant, and then they'll go get him later. That's typically what happens. Ninety-eight percent of the time, people aren't there.

Q: Okay. At any point did you see who was inside the car prior to, we'll say, the industrial yard? Did you ever see who was in the driver's seat?

A: No. I could just see the back of the head. The back window was fogged up. And even when I peeked out on the side, I was only willing to cross over — because it was a two-lane at that point. There was no oncoming traffic, but it was kind of going up a hill. I wasn't willing to drive fully in that lane to see. And also, from a tactical standpoint, if that was his goal, to shoot from his car, me pulling out like that provides a much easier line of fire than directly behind him, so that was a tactical consideration on my end. So, no. I could just tell that there was most likely one person in the car. Sure, there could have been another person laying down in the seat, but nothing that I could see.

Q: Okay. Were you able to tell if that person was a male or a female at that time?

A: No.

Q: Okay. Were you able to tell anything about their stature or anything like that?

A: No. I could just basically see the top of a head.

Q: Okay. And then, at the point that you pull into the industrial — actually, rewind that. So, you said that there was another officer or another unit that joined the pursuit at some point.

A: Mm-hmm.

Q: Okay. That unit, did they have on their lights and sirens?

A: Yes.

Q: Okay. And then, let's see. How do I ask this? Was there another unit behind you at this point, or were you the sole vehicle in the pursuit?

A: I was sole up until south of Folsom Blvd. on Watt. And then, definitely by the time we went south of Manlove, there were three vehicles total, including myself. A fourth had actually joined, but the sergeant reiterated over the radio that three patrol units and then a K9 officer were authorized, so that fourth unit dropped out immediately, so turned their lights off and made a U-turn.

Q: Okay.

A: Basically, we were either waiting for the pursuit to terminate, or for a K9 unit to arrive on scene, because at that point we could essentially either spike strip the car or use a pursuit immobilization technique to PIT the vehicle. And then you have enough vehicles to perform a felony stop, including our K9, which is a great tool. It's an extra tool to have on hand. Obviously, we never got that opportunity.

Q: Okay. You had said that there was another car that was going to attempt to deploy spike strips.

A: Yes.

Q: Okay. And do you know how many officers were in that car?

A: One, maybe two. I believe their unit identifier was 1-Charles-88, so that would indicate that it's a one-officer car. However, if they had a trainee with them, we'll still go out as a solo officer because the trainee is not, obviously, a solo officer. So, there could have been an FTO and their trainee, but I couldn't see the officers. They were utilizing their vehicle as essentially cover as they deployed the spike strips.

Q: Okay. Did you see them standing outside their vehicle?

A: I could see one person kind of near the front passenger-side corner of the patrol vehicle, but other than that, no. My view was fairly obstructed.

Q: Okay. Did they have the spike strips deployed?

A: I don't know. I would assume so because they were outside of the car, and that's when the suspect vehicle made a very abrupt right-hand turn towards them, probably about 50 feet away from them. And there was no reason to make the lane change towards them. There was no traffic around at this point. The spike strips, at most, may have been in the middle of the road if they were deployed, so he could've drove into oncoming traffic to go around it. There was no reason to drive towards the patrol car at all. So, that's why my initial thing was, *Holy shit! He's going to run into this car!* Then, that provides a myriad of different problems because, yeah, he hits the car and then runs another officer over, or it creates a crossfire issue if it turns into a shooting. There's all sorts of different possibilities, but that would have been a very bad situation. So, that's why I broadcast over the radio. I was like, "Watch out." But I was offset from the suspect vehicle towards the driver's side, so I only had a very limited view. I could see their car and maybe one person.

Q: Okay. And at that point does he actually strike the patrol vehicle that's out there?

A: No. He, at that point, makes an abrupt, hard, like 90 degree turn into the industrial complex and accelerates immediately at that point. Like I said, our speeds went from 30 to 40 to 50 to 60 in this very confined industrial area with a poorly-paved road. It was darkly lit. The only place there is really light is by the gas pumps that are in there.

Q: Okay. And are you aware that there are other officers with you at this point?

A: Yes. I knew I had at least two other vehicles with me. I knew the officer behind me was a solo officer because I recognized the identifier, and the third unit I wasn't sure of. I knew it was at least one other officer. Obviously, once we got on scene, I realized it was a close friend of mine, and it was him and his trainee.

Q: Okay. And then, at that point the pursuit goes through the industrial yard. Just kind of describe — you said that there was a culvert and a chain-link fence. What was the backdrop of your area in this area? What was around you?

A: Once the pursuit terminated?

Q: Yes.

A: So, I was facing, essentially, a southwestern direction, and it angles down. The ground starts to slope down, basically, to drain water into the culvert. So, my backdrop in front of the suspect vehicle is all industrial. There's no residential buildings at all. There's the concrete culvert, which actually would've captured some stuff just from the angle we were down at, and then there's an open field or empty area for drainage or chemical waste. I don't know. It's just an open area. And then there's a fence that borders the back. I can't recall if it was a solid fence or not, but there was nobody around and our backdrop was fairly wide open.

Q: Okay. Was there also a building or a structure by you?

A: Yeah. So, there was a — so, he stops in front of me, so it would've been to his right, maybe — I don't know. I'm terrible at this — 25 to 30 feet. There was a large metal shed that has multiple parking stalls in it, because I think the area is used for garbage trucks to get gas and stuff, so it's a fairly large structure, but that prohibited him from going to his right, to go forward. It forced him to the left of it, and at that point you've got a concrete wall that runs parallel to him, and then there's this steep drop off. Had he drove his car

down there, he would've totaled his car or hurt himself or something like that. And he couldn't get through the officers on the other side. I think his intention was, had that road gone through, to essentially circle back to the driveway we came in on and then exit back onto Fruitridge because he realized, *Okay. I'm stuck. I have nowhere to go.*

Q: You had mentioned that you had been at this industrial complex before. How many times had you been there?

A: Once or twice. I'll write reports over there sometimes.

Q: Okay. At the point that he reaches the area where the pursuit terminates, what was going through your mind?

A: A lot. I didn't like being that close to the car. We have had officers in this department, in my time here, that were on a felony vehicle stop and both of them were shot. And that was the suspect exited the vehicle immediately and they were farther away. So, I'm very close to him. So, knowing that he's known to carry firearms, is he going to exit the vehicle and start shooting at me immediately? In which case, I'm fucked. There's not a better way to describe it. I'm at a very close range, so we're going to engage in a gun fight. Hopefully I win. So, that's issue number one. And I was thinking of that issue because, like I said, I could see him in the mirror. I could see his face, and there was just no cognition on his face. He's just staring at me in the mirror. The lights, the reverse lights, kind of flicker. So, he was in reverse initially as my car is pushed up against him. I think his goal was to slam on the brakes and try and put it in reverse because he realized he was stuck, but then I collided with him, so it kind of pinned him in. Then, he drives forward, and that's when I start to go, *Okay. What are we going to do?*

We have a limited set of options. He's increasing, essentially, the danger of the situation. You're starting from the point where it's going to not only — it's going to force some sort of confrontation. A car is a lethal weapon. I've seen people get hit by cars. I've responded to collisions where people have been hit by cars, and human bodies are fragile and delicate. If a Toyota minivan comes at you at 20 miles an hour, it's probably going to kill you or at least severely maim you or injure you. And I had essentially two options of escape, and one was taken away because of how fast he was able to orient his car. It eliminated my option to essentially retreat behind my vehicle. So, I could sit inside the driver's seat of my car, but now he's going to be driving right by me. It's very easy for somebody to shoot into my car, and I'm in a confined environment. At the range, we call the inside of the car — it's death. You don't have options. You don't have places to go. And who knows, his car could get stuck next to mine and wedged, and now we're essentially three feet apart from each other. The options were very, very poor.

And so, at this point I'm starting to go, *Okay. This got real*, essentially. And we had already issued several commands. I was yelling as loud as I could, so I have zero doubt in my mind that he heard me. But the fact that he was trying to put the car in drive — when he pulled off my car, he spun his tires. So, at that rate you're jamming your accelerator. You're trying to accelerate away quickly. So, it's going, okay, you have zero issue running through things to get away. We're just impediments to your escape. So, like I said, once the car is perpendicular to mine, that's when I could see his face. I could see, okay, it's a male Hispanic, and there was just nothing there. It was, okay, — essentially, the really focused mindset of like, *I need to get out of here*, almost like a trapped animal is probably the best way of describing that kind of emotion. It was just that like, *I have to get away. Whatever's in my way is in my way*. At that point, I'm like, *Okay, this guy's going to try and kill me on his way out*.

So, I already made up my mind at that point. If the car starts moving forward, especially because the wheels had been turned and he was pointing the car towards me, if that car moves forward, this guy's going to try and kill me. I'm in fear for my life. I have zero doubt in my mind that he would kill me in his way to move. That was my conscious decision. If it moves forward, I'm going to shoot. And I didn't even get to finish my command. I said, "If — " and then I had to open fire because he starts moving. And I mean, he turned the car right towards me. It was only because we struck him enough times that he actually kind of waivers off to the right. His only avenue was to go through me. He had already displayed just this recklessness throughout the pursuit in the residential neighborhood. He swerves towards an officer for no reason. He's essentially just escalating what we have more and more and more. So, right at this point we have a high-speed pursuit. We have arson. You have, essentially, an assault on an officer with your car. He didn't complete it because I think he realized what he thought was an avenue of escape, but you keep ratcheting it up, and then you force that confrontation. So, like I said, I had zero doubt that he would've run me over with zero issue. And at that point, too, now he has a clear exit out because there was only three of us, or three cars, at that point. We're all outside of our car, so you have a better chance of escaping at that point.

Q: Okay. You had said that you were standing outside your car, in between the car door and the vehicle, and you were kind of wedged in that little position. Right?

A: Mm-hmm.

Q: Do you know where the other officers were at in relation to you?

A: To my right.

Q: Okay.

A: Typically, we fan our vehicles out in what we call high-risk or felony vehicle stops. There are three cars, and they make — they look like blades of a fan, and they all kind of triangulate onto one position. It was a little more difficult this time because, like I said, my proximity to the suspect vehicle. Usually, we have a standoff distance, and that allows you some time to react. We didn't have that this time. So, they're fanning out, essentially blocked him in, to where he drives straight into the culvert or he has to do what he did, which was make a U-turn and try to come out through me.

Q: Okay. Do you know if any of those officers were outside of their vehicle?

A: No. I would assume so because I could hear some commands being issued, and we do that more outside of the car. You're not going to yell from inside of a car. And just knowing two of the officers that were on scene, and having worked with them for five years at this point, I know they would be out of their car, but I didn't see it. Just having worked with that person so long, I knew they would be out of their car.

Q: Okay. When the suspect accelerated away from the car, you described that the car was attached or whatever. Did it jolt your car forward or anything like that?

A: No. When I hit, I think it just kind of bent the push bar back on the front of my car a little bit into mine. It was a very low-speed collision. Honestly, when I hit the car, I was like, *Fuck. I'm definitely going to get in trouble for that*. So, when he pulled off, there was no jolt on the car, just his wheels spun a little bit because he's stabbing the accelerator. And his wheels were turned to the left at that point, so it kind of pulls his car away to the left, and that allows him to back up. And when he backs up, once again, the wheels spin a little bit and he comes towards…I think it was Ofc. Stevens car, because they were the farthest to the right of me in our felony stop. And then, at that point he had the angle to — if he cranks his wheel all the way, he has the angle to come out right through me. I'm a much easier thing to go through than a concrete wall, so that was his only option. And at that point, I'm going, *Okay, dude, you know you're pinned in. You know there's at least three cops here. You know you have firearms pointed at you. You can clearly hear what we're telling you, and you're still willing to drive around?* We're irrelevant to him until we're relevant by shooting him. That was — I firmly believe that's what stopped him.

Q: Okay. About how many feet or what was the distance between you and him?

We'll break it up. When he first pulled away, about how many feet? Well, actually, when you guys were collided, about how far do you think you were away from him?

A: Maybe eight feet at the longest, basically if you figure from the back of the minivan to the driver's seat.

Q: Okay. And then, at the point that he pulls away from you, then you said that he backs up. Right?

A: Yeah.

Q: And he now has his vehicle faced towards you. About how many feet between you and him do you think there is?

A: Six yards, so it was about 18 or 20 feet.

Q: Okay. And is this at the point that you actually get to get a good look in the car, or…?

A: Yeah. It's the first time I can see his whole face and part of his torso, but it was brief. He was only in that position for a second or two before he puts it in drive and takes off.

Q: Okay. You said that you saw him, and that he was sitting in the seat and he had a blank expression on his face.

A: Mm-hmm.

Q: What was going through your mind at that point that you saw him sitting in that driver's seat and the car was faced towards you?

A: I was thinking, *He's going to drive forward.* I had — that's why — I've been in plenty of high-risk vehicle stops. I've been in plenty of critical incidents. People, for the most part, have some sort of expression on their face or, basically, they do things that lead you to believe that they're going to comply or do what you want. And it's very rare that I'm in a situation where my finger is actually on the trigger of a firearm. I've been on felony stops where I don't even pull my gun out. It's like, *Oh, okay. This is clearly the wrong people*, or whatever. As soon as he backed up, I was pretty confident. I'm like, *Okay, the next thing is going to be a shooting.* So, I had already basically figured that's where it was going. And just looking at that, there's a certain, I think, type of mindset when people steel themselves up for these types of confrontations. I had previously been in a shooting several years ago, and it was kind of that same look on their face, where it's they're going to do what

they need to do to get away. And if you're harmed in the process, you're harmed in the process. And in this case, I can't stop a Toyota Sienna with my body. So, it's just like it's that face of…I don't really know the right adjectives to describe it, but it was just I had zero doubt that he was going to drive forward and he did.

Q: Okay. And when he starts to drive forward, do you know about how fast he was when he started to drive forward, or how the vehicle was accelerating, or anything like that?

A: When he came towards me, probably a handful of miles an hour. As soon as the car rolled forward, I made the decision that we're going to shoot, because at that point he can hit the accelerator and that car is going to accelerate faster than I can get out of the way. And like I said, my only option was to go inside my car. I had one foot inside the car and I'm kind of stepped up. My foot's going to be hanging out of the car if he slams that door on my foot. My options were poor. So, yeah, as soon as the car started to roll forward, that's when I started shooting, because it's easy for him to essentially just come right through there, and I don't have an option. So, my mindset at the time was if he's able to move forward, I'm going to die…or at least get seriously injured.

Q: Okay. And he starts to move forward, and at this point your finger is already on the trigger of the firearm. Is that correct?

A: Yes.

Q: Okay. And how many times do you think that you fired?

A: No less than eight.

Q: Okay. Can you explain to me the sequence of the shots, like the tone of it? Is it pop…pop…pop, pop, pop, pop? Or is there a break?

A1: If you remember.

A: Yeah. I mean, the first string of fire is pretty rapid. I'm trying to get rounds on the target. As the vehicle comes to kind of rest, that's when I start moving back because, essentially, he's kind of moved to my flank and I have no — I'm exposed on the side. I have nothing that could stop a round other than my vest, but that's assuming he hits my vest, because we still don't know if this guy's armed. And now I can't see inside the vehicle. So, I'm moving back, and the car, to my recollection, rolls back a little bit, so I fire one more round. The separation of time there was maybe half a second between the first string and that, and that's when I'm able to tuck behind the corner of my vehicle. I reload. I put a fresh magazine into the firearm and essentially just hold on the

target the entire time until we get him out of the car and basically make sure the scene is safe.

Q: Okay. Let me go over and make sure I've covered all my questions I wanted to ask you. Did you ever verbally identify yourself as a police officer at this time?

A: Not that I recall.

Q: Okay. You had already went over the commands, so I'm not going to ask you that again. Did it appear that the suspect was understanding any of the commands that you guys were giving him?

A: No. There was no response from the vehicle, like I said, just that very blank expression. He just kept doing his own thing.

Q: Did it appear that the suspect was having any mental or drug concerns at this point?

A: Not that I could see.

Q: Okay. Were you injured at all?

A: No.

Q: Okay. You had mentioned that you had the less-lethal shotgun in your car.

A: Yes.

Q: Why did you not transition to that less-lethal shotgun?

A: Oh, okay. It's one of those things where it was very situationally dependent. Typically, the primary officer in a pursuit is also the primary at the termination point. In this case, I'm the primary in both the pursuit and the termination point. I have information that he is known to carry firearms, and it's our policy and procedure, and we're going to meet a lethal threat with a lethal option. I'm not going to have a beanbag shotgun when I'm having a lethal firearm pointed at me or some sort of lethal force coming at me. I have also been on calls where a beanbag shotgun has been deployed and there's zero effect. And also, from a tactical standpoint too, they're in a rack that's located to my right. So, in order for me to deploy those, I have to take my eyes off of a potentially lethal target to press a button, holster, turn around, grab it, load it, and then come back up on target. If the suspect is intending to do harm on me, he has more than enough time where I'm not looking. Essentially, from where the other officers' vehicles were positioned at that

point, they would've had a very difficult time neutralizing that threat because they wouldn't have the right angle. So, in that situation you're always going to have a lethal firearm. Responding officers, as they get there, can deploy beanbag shotguns or a 40 mm impact launcher. We have other options available, but typically we want to make sure we have enough lethal options available, as well as people that can go hands-on. Like I said, we've had stops where people have been shot before. It's fairly common across this country, unfortunately, so that termination point is definitely where you're at the highest risk for some sort of confrontation.

Q: You've mentioned other shootings. Have there been other shootings recently? What other shootings are you referring to?

A: In 2017, we had two officers shot at the end of a high-risk felony vehicle stop, and at that point there were plenty of units there. There were three police cars, plus a K9 unit, plus units from other agencies, and that person was able to get out of a car and fire off several rounds and strike two officers. And that was a perfect scenario, essentially. You have all your resources in place. He was initially compliant, too, and then comes out of the vehicle and starts shooting. So, you're always at that disadvantage because, by nature, we are reactionary when it comes to these situations. You have to react to what's in front of you. And that happened while I was here. And then, the Sacramento Sheriff's Office recently had an officer killed this year, a couple weeks ago, once again on a high-risk stop after a pursuit. So, it shows not only is there a potential for this to happen, it's relevant in our area. It happens fairly frequently. And like I said, it's that termination point where you're at the highest risk because you have to exit your vehicle and you don't know. You can't see inside a car. We don't have x-ray vision. So, are they preparing a weapon? What are they trying to do? We don't know. We have to react to what we're given. And hopefully, if you react, you react quick enough.

Q: Okay. You also had your taser on you. I know this is kind of a silly question, but why did you not deploy your taser?

A: Well, practically speaking, it was too far away. It was outside of the effective range of a taser. But once again, it's a less-than-lethal weapon system that works maybe 50 percent of the time. I couldn't see what clothing he was wearing. Once again, if he exits the vehicle and he has a firearm, a taser is useless. And the time it takes for me to re-holster and transition, it's probably too late.

Q: Okay. And then, in regards to medical care or after care, just kind of touch on that one more time for me. So, after the shooting you had described other officers being there and kind of your role in regards to the medical care afterwards.

A: Okay. By the time he exited the vehicle, there were several officers on scene. I'd say no less than 10. Once they handcuffed him, they pulled him to a side location. I didn't partake in the medical care. There were plenty of people over there, but I know by the time they load him into the ambulance, they had applied tourniquets to both his arms. They had put chest seals on, essentially did their best to stabilize him on scene while we waited for the fire department. And I had requested that the fire department stage on Fruitridge Road before he even exited the vehicle. I don't know if they were able to accomplish that request, but we had already made sure we had some form of medical care available and ready to go.

Q: Okay. I think at this point I'm going to take a pause in the interview, unless there's any questions that you guys have for me?

A1: I have three really quicky questions.

Q: Sure.

A1: You mentioned that when you saw his face it was a Hispanic male. Was that relevant to the ID of the arson suspect?

A: Yes, it was.

A1: Okay. And then, you mentioned that when driving, the driver of the minivan needlessly drove kind of quickly towards the officers attempting a spike strip.

A: Mm-hmm.

A1: Did you have any suspicion that a crime was committed when he swerved towards the officers with the spike strips?

A: To me, yeah. I mean, the proximity and the fact that there was zero reason to do it, your only intent at that point is to hit a police car, hit a police officer. Right? So, we would consider that an assault with a deadly weapon, which in California is a felony. Like I said, it was just another thing that kind of upped what we already had. I've been in pursuits before where they're very low speed, and the person gets bored and pulls over, and they just kind of surrender. But every time you start adding that layer of complexity — and that was, to me, I think, really demonstrated at that point. Okay, this guy's going to do what he needs to do to get away from us, especially us driving at low speeds when we are driving a car that's capable of overtaking you. It's just giving you time to try and figure out an escape plan essentially, which is, like I said, uncommon. Usually, people, if they want to get away from us, they're going to pull over and run because we're wearing 35 pounds of gear.

We're not that fast. We like to think we are, but we're not.

A1: You talked about some of the balancing considerations you gave during the 2800.2. Were there any concerns at the time about what might happen to the reporting party if the suspect was not apprehended at that time? And if so, why?

A: Yeah. Right? We can't sit with people all day. We have to leave at some point. And if we lose this gentleman, I think it's relevant. He came back. He came back after he lit the car on fire and knew she called the police. So, there's a chance that when you come back out, we're going to be there. And we were. So, it's showing that he's willing to keep coming back to that area, and the escalation of violence against her was increasing. And there was a remark on the CAD call that said she believed his threats to kill her were credible. I don't know what her statement was. I just know that's something she relayed to our call taker, so I can't expand on that. But part of being able to arrest somebody for criminal or terrorist threats in California is your threat has to be both credible and actionable. To me, he had demonstrated that ability. He knew where she lived. He lit her car on fire, and then he's willing to show up when law enforcement is there. And then, when we get behind you, you're willing to essentially drive without due regard for anybody else on the roadway. So, yeah, it was, I guess, just not a standard — I don't know that anything is standard in our job, but it wasn't a normal pursuit where you chase somebody and either the car crashes or they run away. It didn't have that feeling.

A1: And then, very briefly you talked about the emergency lights being on during this pursuit. Can you just briefly talk about the colors of your emergency lights and what direction they were facing?

A: Yes. So, equipped with overhead emergency lights on the light bar, on the roof. They flash red and blue. And part of that red and blue is there is one, essentially, LED square that always stays solid, burning red. Emergency vehicles in the State of California have to be equipped with that, so it's equipped with that. They face to the front and to the rear, so you're identifiable from both the front and rear. Even our sideview mirrors have red and blue lights that alternate, as well as on the grill. And then, the rear lights on the car, wig wag as well.

A1: That's it.

Q: Okay. Did you actually see the red and blue lights when you were driving? Did you actually perceive the red and blue lights?

A: Yeah. You can see them flashing off stop signs. Anything reflective, you can

see off of it. I will say, I was driving a newer car with one of our newer light bars. They are LED lights, and they're extremely bright, so it's very obvious to tell that it's a police car.

Q: Okay. I also have some visual aids I'll give you. We kind of already touched on everything a little bit. I wanted to give you the pursuit. So, you talked about the pursuit and your direction and where you went. So, I'm presenting Ofc. Toomey with four different sheets of paper. One is going to be an overview of the pursuit. One is going to have the beginning route of the pursuit. One is the middle route, and then one is the end route.

A: Is it okay if I write on that?

Q: I didn't have a Google map in front of me when you were telling me. So, do these images depict your pursuit route?

A: Yes, for the overview. The beginning, if we want to get technical, it's right there that we started, but, yes, that's correct through there.

Q: Okay. So, you're indicating at the corner of Julliard…?

A: And Occidental. I'll circle it…which didn't really do anything.

Q: It might be the ink.

A: Yeah. Let's try yours.

Q: No?

A: I guess I just won't. Okay, third try. There we go.

Q: Okay. Ofc. Toomey, you circled an area on the map that is near the corner of Julliard, and it shows a College Greens Pet Center area.

A: Yeah, essentially Julliard and Occidental.

Q: Okay. And then, what about the middle version?

A: Yes, that's good.

Q: Okay.

A: The end is good, too. Our pursuit terminated right in there.

Q: Okay. And you're indicating towards the industrial yard?

A: Yeah, the Fruitridge Transfer Station.

Q: Okay. Would you put a circle around that, please?

A: Yeah. Right there.

Q: And then, the other image that I have for you, it's an aerial depiction of the termination of the pursuit. I had given this to you prior to entering the room today so you had a chance to look over it. Is that correct?

A: Yes.

Q: Okay. This image was taken after the pursuit terminated, and it's from our drone helicopter. Does this image look as you remember, or was there anything different?

A: No. That's as I remember.

Q: Okay. And then, where were you at in this picture?

A: Right in my driver's door, right there.

Q: Okay. And on what vehicle number are you pointing to?

A: 12404.

Q: Okay. And you're pointing towards the nook of the door, near the driver's seat, and where the door opens?

A: Yes.

Q: Okay. And then, are you able to mark on the map where the suspect vehicle was at prior, when he reverses and he has his car facing towards you?

A: And he was perpendicular to me?

Q: Correct.

A: Okay. That would be right there.

Q: Okay. And approximately how many feet do you think that was?

A: 18 to 20.

Q: Okay. And where did he receive medical aid at?

A: Right here.

Q: Okay. Is there anything more than you would like to mark on the map or anything like that?

A: No. My car was in the same spot. It never moved from the termination.

Q: Okay. Perfect. Any other questions at this point?

A1: No, thank you.

Q: Okay. We will be pausing the interview, and we will resume after a brief break. I'm stopping the recording.

Okay. So, I'm going to go back over a few things with you just to kind of follow up and get some clarifying information. Okay?

A: Okay.

Q: So, we'll go to kind of the middle of the pursuit, where you kind of talked about the possibility of the suspect having a firearm and knowing that he has a firearm.

A: Okay.

Q: At any point, did you see him with a firearm?

A: No.

Q: Okay. Can you kind of walk me through a little bit of — were there any actions that he did that made you think that he had a firearm? Anything further on that?

A: The information on the call was that he's known to carry firearms. I guess, like I said earlier, it's very unusual for somebody to be driving very fast during a pursuit and then just abruptly slow down and put your hazards on, especially when there's no traffic, you're on a straight road with a high speed limit. He was in a spot where he could've easily exceeded 100 miles an hour, no problem. [redacted] So, I can't see into the car. I have the knowledge that not only are you known to carry firearms, but you're showing this extreme persistence and mindset in coming back, and I can't see in the car. Like I said, people only slow down — they tend to use that time to prepare for something, whatever it may be, like I

said, it's evasive action, or running away from the car, or setting up some sort of ambush. So, that's just one of the possibilities I was exploring because it's very, very unusual, especially just given the conditions on the roadway. It would be different if we were in downtown and we're going 35 to 40 miles an hour. That's reasonable. A lot of intersections, there could be heavy traffic, but we're on a wide open, essentially highway road. It's very unusual that you just abruptly stop unless you're trying to figure something out.

Q: Okay. And then, you had described that other units joined the pursuit and that a unit joined the pursuit for spike strips. Is that correct?

A: No. They were ahead of the pursuit and deployed spike strips.

Q: How do you know that?

A: They broadcasted over the air, and it was on the CAD call as well. It was Charles-88. I can't remember if it was 1-Charles-88 or 2-Charles-88. They said they were setting up to deploy spike strips ahead of the pursuit.

Q: Okay. Did you know who that unit was? Do you know that officer?

A: It's a swing-shift unit, so I don't know.

Q: Okay. Did you ever see that unit in the pursuit or anything like that?

A: No.

Q: No? Okay. When you got to the area that you talked about, the unit and the suspect swerving towards their car, I'm going to kind of have you slow that section down and kind of talk to me about what you saw, what you perceived, what was going through your mind at that point.

A: Okay. As we were approaching that point, our speeds were still relatively low, 35 to 40, and the suspect had been driving, at that point, very…calmly would maybe be the best word for it, center of the road, not swerving over the road, just driving slowly. When we crest over the railroad tracks and he sees the officer, he's driving slowly and then abruptly switches lanes, turns towards them, accelerates, and then makes a hard left. But as he accelerated towards them, he's fairly close in proximity to them, and it was a complete departure of how he had been driving for the past couple minutes. And from my vantage point, it's like, *Oh, he's going to drive into that car*. That's what I thought. And then at the last second, he immediately cuts back to the left, I'm assuming because he saw what he perceived as an avenue of escape, but, like I said, I couldn't see if spike strips were deployed. But if they were, they're typically going to be probably in the middle of the road, and then you just

kind of pull them as you need to hit the suspect vehicle. He could've just drove around them. There was no need to drive towards the police car.

Q: Okay. You said that he was pretty close to that police car? What would you approximate the distance between him and the other police car?

A: 50 feet.

Q: Okay.

A: Yeah, 50 feet.

Q: And about how fast was he going at this point?

A: 35-40 miles an hour, and then he accelerated towards them, so maybe 45.

Q: Okay. And how were you feeling at that point? What was going through your mind?

A: Well, I'm like, *He's going to hit them*. And then you have to start exploring your — not exploring, but thinking of your eventualities for what you have to do if that happens. I think it's just part of the nature of the job. We prepare for multiple options so we're ready for whatever pops up. Obviously, he didn't hit them, so we didn't have to do anything with it.

Q: Okay. You said that you had seen the officers outside the vehicle. Is that correct?

A: I could see at least one.

Q: Okay. And that officer, where was he positioned again?

A: The front of his car or her car.

Q: Okay. And you talk about eventuality. Can you kind of run through what that means if the suspect swerved?

A: Yeah. We deal with people, and people are unpredictable, so you have to be prepared for anything. Right? There's a chance he does drive into the vehicle, and that presents its own separate set of circumstances that we now have to deal with, versus him just turning off and then now we have to deal with what we've already been dealing with, which is a vehicle pursuit.

Q: Okay. If he drove into that vehicle, what were you, at that time, perceiving would have happened?

A: Well, I doubt the officers would have been able to get out of the way in time. So, it's, okay, we're potentially going to have a vehicle collision. We have a suspect inside a car that we don't know if he's armed or not. And at that point, had they hit them, right, they're demonstrating a complete disregard for our life and our safety. So, we'd have to deal with that and potentially a wounded officer, so it presents just a very difficult situation. So, thankfully, he didn't hit them. And even if they're unharmed, it still presents a very difficult situation in terms of now we have a suspect that's crashed into a police car. We don't know where the other officer is. So, if we, for some reason, do have to open fire, we don't know what our backdrop is. It just…it was a very nasty situation that he initially, I think, was going for. And then, like I said, I'm pretty sure he saw what he thought was an escape route and took that.

Q: Okay. And what do you mean by escape route?

A: It provided an alternative to, I think, what he was trying to do. I can't speculate on, I guess, what he was thinking exactly, because he was all over the map in terms of his actions, but I don't know. Maybe he thinks we hit that and we have to deal with one of our own. Right? We're going to be more inclined to provide medical aid to one of our own. If he runs off, he's essentially split our resources, versus "Oh, maybe this area provides me another alternative to either get away and hide my car, or run away on foot or whatever." Because it didn't appear like he was familiar with the area.

Q: Okay. So, I'm trying to understand you correctly. So, as he was driving and he made that evasive maneuver, at that point you believed that he was heading towards the officer. But then he changed his mind to an escape route?

A: Yeah. Or just a different…yeah, a different direction. He makes a very abrupt and hard left, which was a departure of how he had been driving for the past couple of minutes. And he had the present ability, right? He's driving a fully-functional car that's already at speed. It doesn't take long for him to cover that gap between where he was to where the patrol car was. And obviously, driving a patrol car, there's nothing I can do to stop that.

Q: Okay. And then, at the point that you guys go into the industrial yard, did you see him making any furtive movements inside the car, anything with his hands, anything to further the possibility that he has a gun on him?

A: Not when we were driving in there. The back window was pretty fogged up, and the only light I had on the car were my headlights and what light my overhead lights were giving off, but it's very poorly lit back there, so I couldn't see inside the car.

Q: Okay. You guys get to the point where it reaches the dead end and you collide, ultimately, with his back bumper. At that point, how were you feeling? What was going through your head at that point?

A: *What's next?* We just had a long pursuit. You just drove at an officer. You're desperately trying whatever you can to get away from us, and we've now, essentially, pinned you in in a location. My thoughts are, *Is this guy going to get out and start shooting?* Knowing that he has a history of carrying a firearm, if he does, I'm in a poor location for that. Is he going to try driving straight? In which case, okay, what do we do next? Because we can't drive in after him. And then, the most pressing thing is, okay, what do we do if he does start to drive away? There's one way out and it's through me. So, it was — my, I think, objective was get out of the car before he did. Had it come to that, at least if I'm out of my car I can hopefully move somewhere else if the opportunity presented itself. Ultimately, it didn't, but I think I was trying to balance three or four different things in my head. What is this guy willing to do? Because to me, he had already demonstrated that we were just impediments in his escape.

Q: Okay. So, those are things that were going through your head. What emotions were you feeling?

A: My adrenaline was going at that point. You're starting to get fearful of what's going on. At that point, I think I was definitely still in — well, I guess I'm always in kind of the practical mindset of, *Okay. What do we do next? How do we do our job?* But I was getting that feeling, kind of like when the hairs on the back of your neck stand up and you're like, *Okay. This isn't how calls normally end.* This has now turned into a very unusual circumstance because, like I said, we're dealing with somebody who clearly did not want to be put into custody that night. So, I think I was starting to get worrisome of what the next action would be. He ultimately did exactly what I was afraid that he would do, which was start the car forward.

Q: Okay. At the point that he pulls away from you and he cans his car and — how did you describe it?

A: He was perpendicular to my car.

Q: Perpendicular to you. What were you feeling at that moment?

A: I mean, at that point he's driving a fully-functioning automobile. He has the present ability to drive forward. I'm stuck. I'm in a bottleneck. I have a wall to my left, my car to the right, and I'm committed to my spot at that point. I can't turn away and move. Let's say I do get to the back of my car, he could just ram through my car and run me over with my own car. So, my only

option at that point was exactly what I had to do. I'm like, *Okay. This guy's going to kill me*. I'm in fear for my life at this point. If he drives forward, I'm left one option, which is to shoot him in self-defense, and that's exactly what happened. I shot at him until he stopped moving.

Q: Okay. And to piggyback and have you go a little bit further with that in regards to your placement at the vehicle, the driver's door, why did you not retreat? Why did you not reposition yourself?

A: I'd lose my angle. So, the angle I had when I came out of the car, it allowed me to at least see into the driver's side. I could see in his mirror. I could at least see him, and I have an idea of what he's doing. And because I'm so close, you're hesitant to turn away because it's that one second when you turn around is when they come out. You never turn your back to a threat. And I think it's like, *Okay. What if he starts driving forward again?* I was trying to do that balancing act of I want to keep eyes on him and I also want to be in the most advantageous position I can if we do have to use force. Or if we have to get back in the car again, I'm there. Also, the crook of that door affords good ballistic protection if it does go that way. We have ballistic panels in the door. I have an engine block to my right, so I have good cover as opposed to just concealment.

Q: Okay. Were those things running through your head at this moment in time?

A: Yeah, yeah.

Q: Okay. And so, you ultimately chose to stay at the door rather than to retreat for those reasons?

A: Yes.

Q: Okay. And at this point that you saw inside the car, were you able to see his hands?

A: Not that I remember.

Q: Okay. Were you able to see any movement that his body was doing or anything like that?

A: He was just looking around, but the view I have when he's perpendicular to me was only a second or two. It wasn't very long.

Q: Okay. For guesstimating the time that you guys reached that termination point of the pursuit to the time of the shooting, about how much time do you think passed?

A1: I'm sorry, from what point to what point?

Q: Termination of the pursuit, so where you hit the back of his bumper, to the point where the shooting happens. How much time do you think elapses?

A: Oh, gosh, 15-20 seconds at the most.

Q: Okay.

A: Yeah, it wasn't very long. He was persistent in continuing his forward progress.

Q: What do you mean by persistent?

A: I mean just the whole pursuit. Right? You have multiple opportunities to pull over and surrender, but it goes back to just the initial point of the pursuit. You're coming back to the scene after you lit a car on fire while police are there, so you're persistent in your attempts to contact your ex. You had multiple opportunities to pull over from us. You slow your speeds down to a point where you could've just pulled over and surrendered safely. You, from my position, drive towards a fellow officer when you have — there's no reason to swerve. There's no reason to go that way. You drive into a dead-end area, where, once again, you could've stopped and surrendered once he realized it was a dead-end area. We get in a pursuit. You're clearly in a penned in position. You're overwhelmed by bodies. There's more of us than there are of you. It wasn't just a one-on-one type of thing, so you could've just, once again, got out and surrendered, but instead you choose to ignore all the verbal commands you're being given, and you're positioning your vehicle in a way that you can escape by running one of us over. So, it displays that just behavior of like, "I'm going to get out of here. It's just a matter of how I make my forward progress to getting out of here."

Q: Do you think that he was trying to harm you, or do you think he was just trying to escape?

A: I think he was trying to escape, but he had — to me, my perception was he didn't care if I got hurt in his escape. Like I said, we were just in the way, and if he runs me over, oh well. That was not a consideration for him. The consideration was leaving, and he knew what way he was going. He knew the option. He knew I was standing there. He saw me in his mirror. So, by driving that way, you demonstrate two things to me, your intent to escape and your intent to kill me, because you know I'm there and that's your only way out.

Q: From what you're saying, it sounds like the escape and the harming you kind of coexist together?

A: Yeah. You can't have one without the other.

Q: Okay. And let's see. How were you specifically feeling at this time? What emotions were going through you at this point that he now has his car perpendicular to you?

A: I thought he was going to kill me. Yeah. I mean, you're perpendicular. You've ignored all our commands up and to this point. And just, like I said, considering the totality of the circumstances, everything that's happened up and to that point, okay, this guy is going to kill me. And I have a limited set of options to deal with that, and I'm going to go home. So, if you're going to try and kill me, I'm going to stop you or at least do my best. So…yeah. It was a scary situation, but I knew absolutely. I've been in enough things to where I know when you get — you're just kind of amped up, versus you're actually afraid for your life, and I was convinced that this guy would kill me, no qualms.

Q: So, you were scared?

A: Oh, yeah.

Q: Okay. And in regards to the — let's talk about de-escalation tactics. Okay? Are you aware of de-escalation tactics?

A: Yes.

Q: Tell me what you're aware of in regards to de-escalation tactics.

A: I mean, there's numerous tactics, just talking with somebody, establishing a rapport with them, trying to find different things out about them that you can talk with, have a different conversation. Essentially, bringing the situation from a high level of intensity down to a low level of intensity and trying to minimize that. But pretty much everything we're taught relies on time. We didn't have time.

Q: Okay. What other de-escalation tactics are you taught?

A: Less-than-lethal is technically a de-escalation tactic. Right? Basically, you want to — de-escalation is just trying to use the lowest level of force to bring somebody into custody or to resolve the situations. And most times, for us, it's just talking with people and establishing a line of communication and kind of finding out what's on their mind, what their thoughts are, letting them know

where we're at and if we can come to a peaceful resolution. If it means deploying the K9 or deploying a beanbag shotgun or a 40 mm impact round, then it may come to that. Or in terms of a barricade, you can have SWAT or crisis negotiators come out. But like I said, those are all things that require time, and we didn't have that.

Q: Okay. So, voice, K9, less-lethal options, what other de-escalation tactics are there that you're taught? Anything with hands? Any other — yourself? I mean, is there anything else that you think of when you think of de-escalation?

A: I mean, we do control holds. There's all sorts of stuff, but I guess, just pertinent to this situation, we needed some form of communication with him, which we never got. We have a person in a running vehicle that wasn't willing to communicate with us, so your less-lethal options in that situation are very, very limited in terms of what you can do for de-escalation. Yeah, I guess, in a perfect world we have enough people there and you can maybe break a window out in the car so you know for a fact he can hear you. I'm sure he could. We were yelling more than loud enough.

Q: Were his windows down?

A: No. His windows were up. But we've all been inside a car, we know how you can hear the outside even with your windows up. And with how close we were and how loud we were yelling, I'm confident he heard us. But yeah, right, in a perfect world you get enough people there. You have enough time. You can break a window out, try and establish a line of communication. If that doesn't work, we can deploy pepper ball or OC into the car. We can deploy a K9. Ultimately, he was not receptive to any form of communication, and there were four of us on scene. So, we did the best we could with the resources and time we had on hand.

Q: Okay. So, those de-escalation tactics were not available to you at that time due to the time constraints?

A: Time constraints and just the situation at hand, yeah.

Q: Okay. I already went over that, so I'm not going to touch on that. Okay. I want to talk about the actual shooting incident, specifically about the last round that was fired.

A: Okay.

Q: And kind of I want to know how you were feeling at that moment. So, we'll start from the time that the vehicle is perpendicular with you and you're

looking inside the car. And I kind of want to hear what's going on inside your mind and how you're feeling and what emotions are going through you.

A: Okay. So, he's perpendicular for the one or two seconds. There was just no emotion on the face, no reception to our commands. I go to issue a command. He starts pulling forward. So, that's when, right, at that point I'm stuck. I'm in a bottleneck position. I have nowhere to go. I have a suspect driving a lethal weapon at this point. So, I'm in fear for my life, my safety, so I discharged my weapon until the car stops. So, I kind of track it, essentially, as I'm firing from the hood of my vehicle, going towards the fence is where I fired the initial however-many shots. At that point I start moving back. As I'm moving back, I remember the car rolling back a little bit, is what it looked like. At this point, I just had a car drive at me. I had somebody that was going to kill me. And I'm going, *Okay. Well, what's stopping them from doing it again?* So, I fired one more round, and that's when the car came to rest. I was also able to retreat to a more advantageous position where I had some cover and concealment as well, more avenues of escape for me. And so, if he somehow did put it in drive and drive out, we were in a much better location.

Q: Okay. After your first succession of rounds, you said that you started to move backwards.

A: Mm-hmm.

Q: Okay. At that point, what were you trying to do?

A: Get some cover and get myself some more options for movement. I'm in a pinch point. I have nowhere to go when he's driving at me initially. And I'm going to be much more accurate shooting from a stable shooting platform, which was against my car, because I can brace myself against the car and whatnot. Once I get the initial — the car initially stops. Now, at this point I'm exposed, my entire side. I have no cover. I have no concealment. I have a suspect inside a car that I can't see that's known to carry firearms. I need to move. I had that opportunity, so I start to move back. As I'm moving back, I perceive the car moving, and I fire one more round. And I'm able to tuck myself, at that point, behind my car. I would say at the point in time between the first succession and the last round was, I don't know, a half second.

Q: When you saw that car begin to move, what were you thinking?

A: Like, *Oh, this dude's going to run me over*. Essentially, *Oh, fuck. What do we do? I used my absolute last resort force option and it didn't work. What do I do next?* It's like you've shot somebody, and I was confident I hit him just looking where the bullet holes were in the car, and you're going, *Okay. What do we do now?* We've exhausted literally everything we have at that point.

So, I was like, *Clearly, this dude's committed to what he's doing and he's going to get away*. He had already demonstrated he'd kill me by driving at me. So, at that point, after we had already shot at him, I had zero doubt. You're definitely going to try and run me over, no problem. So, I think that was my mindset when I saw the car roll back. So, the final round that I put through the car, the car had stopped moving after that. It just kind of came to rest.

Q: Okay. Did you see any reverse lights or anything like that on the car at that time?

A: I couldn't because I was facing the driver's side. So, I couldn't see the tail lights.

Q: Okay. But you saw the vehicle move backwards?

A: Mm-hmm.

Q: Okay. Let's see. I think that covers my follow-up questions. There will be — I've got to go and check with everybody one more time.

A: Okay.

Q: Is there something more that you would like to elaborate on, or is there something more that you would like to have me ask or anything like that? No? Okay. I'm going to pause the interview again, and we will resume after this break.

A: Okay.

End of Recording

Transcribed by: DocuScript, LLC/mw

Sacramento Police Department
Internal Affairs Division

Investigative Summary

IAD2021-033

Investigator: Sgt. Don Schumacher #3038
Sgt. Justin Thompson #3143

On 02-16-21, at approx. 0045 I Sgt. Schumacher responded to 8550 Fruitridge Rd for an officer involved shooting investigation (SPD 21-44157). At approx. 0104 hours I attended a briefing held by patrol Sgt Jeremy Schwartz which provided the facts and circumstances of the incident known at the time, to include the fact that Officers Eric Toomey and Nicholas Caro discharged their firearms at the conclusion of a pursuit they were involved in. At approx. 0140 IA Detective Christina Trujillo participated in the scene walk through with both Officer Toomey and Officer Caro.

On 02-17-21, I monitored the voluntary statements given to the SPD Homicide Unit by Officer Toomey and Officer Caro.

On 02-23-21, Officer Toomey and Officer Caro were placed on administrative leave.

On 02-24-21, I received a directive from Captain Dan Monk to begin an administrative investigation on Officer Toomey for the allegations of Force, Firearm Discharge, Improper Tactics, Neglect of Duty and Traffic and Officer Nicholas Caro for the allegations of Force, Firearm Discharge, Improper Tactics, and Neglect of Duty.

On 03-04-21, I completed a body worn camera and in car camera video footage review of the incident. During the review, I was unable to locate any digital evidence that captured the conversation(s) between Officer Toomey and Officer Caro while they were in close proximity to each other after the shooting.

On 03-30-21, Det Mahone and I conducted a witness interview of Sgt Jeremy Schwartz in the Internal Affairs Office. After the interview, the audio recording was uploaded for transcription.

End of Sgt. Schumacher's Investigative summary.

Begin Sgt. Thompson's Investigative summary.

5/26/2021 – I Sgt. Thompson emailed the training division requesting the training records of Officer Toomey and Officer Caro.

5/28/2021 – I observed that on the shift prior to the OIS, Officer Toomey had called in [redacted]. (attached to IApro)

I then attached to IApro the applicable General Orders, the SPD report 21-44157, SPD 901 report 21-44272, associated CAD Calls 21-44157, 21-44158, 21-44272, Dispatch Audio files, BWC video and ICC video files and training reports provided by the training division.

6/1/2021 - I was re-assigned as the lead investigator on this incident.

6/1/2021 – I sent Officer James Summey a witness interview notification for Thursday June 10th, 2021 at 2100 hours.

6/2/2021 – I sent Officer Vincent Catricala a witness interview notification for Tuesday June 8th,

2021 at 1800 hours.

6/8/2021 – I met with Det. Massee who provided me with additional video, dispatch audio, CSI Scans and UAS video related to this incident. The items were then uploaded to IApro.

6/8/2021 – Sgt. Schumacher and I conducted an interview of Officer Vincent Catricala at the Internal Affairs office. The interview was audio recorded and uploaded to Docuscripts for transcription.

6/8/2021 – I sent Officer Victor Stevens a witness interview notification for Wednesday June 16th, 2021 at 2100 hours.

6/9/2021 – Sgt. Schumacher and I conducted an interview of Officer James Summey at the Internal Affairs office. The interview was audio recorded and uploaded to Docuscripts for transcription.

6/16/2021 – I received an email from Det. Massee with the medical records for the suspect regarding his treatment at Kaiser Hospital. (attached to IA pro) The password to access the records was provided as [redacted]. The first file I reviewed was titled Kaiser Permanente Disclosure of Patient Medical information and was for Adan Martinez 5/17/1982. The file was 125 pages long. On page 2 I observed that the hospital noted Gunshot wounds to the Martinez's abdominal wall, left forearm and right hand. The second file I reviewed was titled 2/15/2021 – ED to Hosp-Admission (Discharged) in 3W. The file was 338 pages long. In my review of this document regarding Martinez's treatment it appears that the blood draw taken by the hospital showed him to have <0.01% ethanol in his system. Additionally, the files showed that lab results detected Amphetamine and methamphetamine in his system however the quantity was not indicated since the cut-off value is 250ng/ml (page 139 in Hospital encounters.pdf). The last file was regarding the records request and was a one-page document regarding the release of medical information.

6/16/2021 – Sgt. Schumacher and I conducted an interview of Officer Victor Stevens in the Internal Affairs office. The interview was audio recorded and uploaded to Docuscripts for transcription.

6/22/2021 – Det. Mahoney and I conducted an interview of Officer Zachary King in the Internal Affairs Office. The interview was audio recorded and uploaded to Docuscripts for transcription.

6/22/2021 – I sent Officer Tony Parham a witness interview notification for Friday July 2nd, 2021 at 0900 hours. (Attached to IApro).

7/1/2021 – I completed a review of the JetStream program utilized by CSI to create 3D scans of the OIS scene. The JetStream program allowed for 3D movement and included a measuring tool for measuring distance between objects within the 3D rendering. In reviewing the Jetstream 3D environment, I observed the following distances:

- Officer Toomey's patrol vehicle front bumper to corner of concrete fence – aerial perspective: 12.29 feet.
- Officer Toomey's patrol vehicle front bumper to corner of concrete fence – perspective from front of Officer Toomey's patrol vehicle: 15.04 feet
- Officer Toomey's patrol vehicle driver door to corner of concrete fence – close perspective: 10.43 feet
- Officer Toomey's patrol vehicle driver door to corner of concrete fence – aerial perspective: 10.56 feet
- Officer Toomey's patrol vehicle driver door to corner of concrete fence – perspective from behind Officer Toomey's patrol vehicle: 10.53 feet

- Width of Officer Toomey's patrol vehicle – aerial perspective: 6.18 feet
- Width of suspect van – aerial perspective: 6.32 feet

I took screenshots of the above and later added them to IApro for reference. The Jetstream viewer with data is included in the red binder via USB.

07/02/2021 – Det. Trujillo and I conducted an interview of Officer Tony Parham in the Internal Affairs Office. The interview was audio recorded and uploaded to Docuscripts for transcription.

8/6/2021 – I sent Officer Nicholas Caro an accused interview notification for Friday August 13th, 2021 at 0800 hours.

8/13/2021 – Det. Trujillo and I conducted an interview of Officer Caro. Present during the interview was attorney Joe Hoffman and observing was Sgt. Cory Faria. I later uploaded the audio from the interview to Docuscript for transcription.

8/24/2021 – I sent Officer Eric Toomey an accused interview notification for Friday September 3rd, 2021 at 0800 hours.

9/3/2021 - Det. Trujillo and I conducted an interview of Officer Toomey. Present during the interview was attorney Joe Hoffman and observing was Sgt. Cory Faria. I later uploaded the audio from the interview to Docuscript for transcription.

9/22/2021 – I contacted CSI and requested the CSI photographs from this incident.

9/23/2021 – CSI dropped off a hard-drive with the CSI photographs related to this incident. I transferred the photographs to a USB drive for review.

Material Reviewed by Schumacher:

Tommey BWC/ICC

Caro BWC/ICC

Schwartz BWC

22:11:00: Officer Toomey arrived on scene at [redacted] Occidental Dr and contacted Officer Schwertfeger and his partner Officer Jillson, who were speaking to the complainant on the call. Officer Schwertfeger advised Officer Toomey that the complainants x-boyfriend (Martinez) was arrested for stalking a week ago and tonight had lit her vehicle on fire.

22:12:00: Officers Toomey, Schwertfeger, and Jillson walked out to the street in front of the apartment complex and viewed the complainant's truck, which appeared to have extensive fire damage to the bed and rear end. Officer Schwetfeger made a request to dispatch for fire to return for an arson investigation.

22:16:15: Officer Toomey walked back to his patrol car was in the process of moving it when the suspect (Martinez) drove by in a red Toyota minivan. Officer Schwertfeger was still on foot near the complainants truck and pointed out the suspect vehicle to Officer Toomey. Officer Toomey states, "is that him?" Officer Schwerfeger replies, "Ya, that's the car."Officer Toomey accelerated and pulled behind the Toyota as it traveled in a south west direction on Occidental Dr. Upon pulling behind the Toyota, Officer Toomey immediately activated his red and blue lights and broadcast over the police radio that he was, "going to have a related stop".

22:16:30: The Toyota signaled to make a north bound turn on Juliard Dr and slowly rolled through the stop sign as Officer Toomey broadcast the license plate of the Toyota and that it was going to be the suspect of the arson call he was on. Almost immediately after making a north bound turn on Juliard, Officer Toomey chirped his siren and the Toyota quickly accelerated. Officer Toomey broadcast that he would be in pursuit and accelerated to math speeds with the Toyota.

22:16:52: Officer Caro began a code three response from the area of Power Inn and Belvedere.

22:16:55: The Toyota ran the stop sign at Juliard and Notre Dame at approx 35 mph and made a north bound turn. Officer Toomey gave updates over the air regarding speed and want.

22:17:10: The Toyota ran the stop sign at Notre Dame and Lake Forest at approx 25 mph and made a north bound turn. Officer Toomey activated his siren and gave an update on directions of travel and traffic conditions.

22:17:22: The Toyota ran the stop sign at Lake Forest and Occidental at approx. 35 mph and made a north bound turn.

22:17:35: The Toyota ran the stop sign at Occidental and Bennington at approx. 50 mph as it continued north.

22:17:51: The Toyota ran the stop sign at Occidental and Mediterranean at approx. 50 mph as it continued north.

22:17:57: The Toyota ran the stop light at Occidental and La Riviera at approx. 35 mph and made a east bound turn. The Toyota reached speeds of 75 mph as it traveled east on La Riviera.

22:18:40: The Toyota slowed to about 25 mph and made a south bound turn on Watt from La Riviera.

22:19:10: The Toyota increased its speed to about 65 mph as it continued south on Watt and over the Hwy 50 overpass and wove through light to moderate traffic.

22:19:47: Officer Caro caught up to the pursuit and broadcast over the air that he was in position two.

22:19:45: The Toyota continued south on Watt past Manlove, slowed to about 35 mph and activated its emergency hazard lights.

22:20:10: Officer Caro broadcast over the air that he would be "calling" the pursuit.

22:20:35: Officer Toomey made a request to Sgt Schwartz over the air for the permission to PIT as the Toyota continued south on Watt at approx 35 mph. Sgt Schwartz authorized the PIT shortly after the request by Officer Toomey.

22:21:15: Officer Caro inquired to himself, "Well can we pit?"

22:22:20: The Toyota turned west on Fruitridge from South Watt at about 25 mph.

22:24:00: The Toyota slowed to 25 mph as it continued west on Fruitridge.

22:24:08: The Toyota's brake lights briefly illuminated, and it made an abrupt lane change from w-1 to w-2 of Fruitridge Rd. The lane change positioned the Toyota so that it was heading toward a patrol vehicle that was parked on the north curb-line of Fruitridge approx. 200' west (per google maps). Officer Toomey also applied the brakes to his patrol vehicle.

22:24:10: The Toyota's brake lights briefly illuminated, and it made a sharp abrupt left turn towards the driveway of 8550 Fruitridge. When the Toyota began the left turn maneuver, Officer Toomey broadcast over the air, "unit watch out" and Officer Caro abruptly stated, "oh Jeesh." When the Toyota made the abrupt left turn, it was approx. 150' away from the patrol car parked on the north curb line of Fruitridge (per google maps).

22:24:14: The Toyota completed the sharp left turning maneuver and entered the driveway of a commercial property at 8550 Fruitridge Rd, accelerated to about 50 mph and continued south. Officer Toomey broadcast, "68, looks like we're gonna foot bail here in a second. We are in an industrial complex."

22:24:24: Officer Caro removed his seat belt, but kept it partially over his should has he drove.

22:24:30: The Toyota slowed to about 20 mph and wove through a set of gas pumps before it continued south towards a large asphalt parking lot bordered on the south side by concrete K rails and chain link fencing.

22:24:40: The Toyota sped up to approx. 30 mph as it traveled sough through the parking lot.

22:24:42: The Toyota's brake lights illuminated as it turned in a south west direction and began to approach a fenced off dead end.

22:24:45: The Toyota came to a stop and front of Officer Toomey's car collided with the rear of the Toyota. Officer Toomey placed his patrol vehicle in park and exited his driver door.

22:24:47: The rear backing lights on the Toyota illuminated but it remained stationary. Officer Toomey positioned himself in the "V" of his driver door, pointed his handgun in the direction of the Toyota, and yelled, "Hands up." Officer Caro parked his car to the right of Officer Toomey's, got out and positioned himself in the "V" of his driver door while pointing his handgun and the patrol car's spotlight in the direction of the Toyota.

22:24:52: The rear baking lights on the Toyota turned off and Officer Toomey gave another, "Hands up" command.

22:24:56: The Toyota lurched slightly and Officer Toomey verbally advised the other officers that Martinez was, "He is putting the car in drive." Officer Caro got back into the driver seat of his vehicle, shut the door, and placed it in "drive".

22:24:58: The Toyota quickly pulled forward, made an abrupt left turn maneuver then came to a stop before immediately backing up with the front wheels turned to the right to initiate a three point turn maneuver. Officer Caro moved his patrol vehicle forward 6-8 feet as the Toyota backed up.

22:25:06: The Toyota finished the backing segment of the three point turn and stopped 8-10 feet in front of Officer Caro's patrol car facing south east, roughly perpendicular to the line of the three patrol vehicles. As the Toyota backed up, Martinez can be seen behind the steering wheel looking in the direction of the officers and the patrol cars.

22:25:07: Officer Caro placed his patrol car in park and exited his vehicle again and yelled a statement beginning with, "Stop or else…"

22:25:08: Martinez adjusted the front wheels of the Toyota straight or slightly to the left and the Toyota began to move forward in a south east direction. While he remained in the V of his patrol car door, Officer Toomey shouted, "You're gonna get..." Officer Toomey was mid sentence when the Toyota began to move forward. The Toyota moved in a straightforward direction for about one foot before Officer Toomey fired his first round, striking the driver side door window of the Toyota. After Officer Toomey's first round struck the drive door window, the van accelerated quickly enough to cause its front wheels to lose traction with the asphalt and Officer Toomey rapidly delivered 9 additional rounds toward the driver door and window of the Toyota. As Officer Toomey fired his handgun, the Toyota continued forward and slightly left, passing about 10-12 feet in front of Officer Toomey at a near perpendicular "T" angle. As the Toyota passed directly in front of Officer Toomey and continued on its trajectory, Officer Toomey shot three additional rounds as the Toyota was moving away from him.

Concurrently, after Officer Toomey's third shot, Officer Caro fired his first round at the Toyota as it accelerated away from him, then fired three additional rapid fire shots as the Toyota continued in a south east direction.

22:25:11: The Toyota came to a stop within about 2 feet of a concrete wall. Officer Toomey stepped out and to the left from the V of his patrol car door so that he was directly perpendicular to the driver door of the Toyota. Officer Toomey illuminated the driver door and window of the Toyota with the tac light on his handgun. Due to the condition of the driver door window of the Toyota, Martinez can not

be seen through the glass. Officer Toomey placed both hands on his handgun and fired one round into the driver door/window area of the Toyota while the Toyota inched forward towards the concrete wall. After Officer Toomey fired his last round, the Toyota's front bumper made contact with the concrete wall.

22:25:18: Officer Stevens instructed Officer Toomey to get to cover. Officer Toomey backed up to the rear left bumper of his patrol vehicle and stated, "He's definitely, he's definitely dead. I am going to reload". Officer Toomey performed a tac reload of his handgun provided an update over the radio stating, "68, he is moaning in the driver's seat. The driver's window is shattered, I can't see in but we can hear him talking. 68, next unit in, get us a shield and let's get a rifle. And 68, please have fire stage. We will get you and address here in a second." Toomey made the statement to Officer Caro, "Deep breaths, deep breaths."

22:25:56: Officer Toomey advised his cover units that Martinez was known to carry firearms as he instructed the other officers to get a shield and tuck behind him. Toomey instructed an assisting officer to use a bean bag shotgun to break out the driver side window so they could see into the vehicle.

22:26:44: Officer King shot one bean bag round into the driver door window and Officer Toomey yelled the command, "Put it in park and get out now."

22:27:54: Martinez exited the Toyota

22:29:12: While equipped with the shield, Officers Toomey, Jensen and Mucher moved from the corner of the patrol vehicle up to the Toyota while Officers simultaneously contacted Martinez near the concrete wall.

22:30:02: Officer Toomey loudly advised several officers that Martinez was known to be armed and a search of the car should be done. Officer Toomey briefly conducted a visual inspection of the Toyota with his flashlight before Officer Catricala approached him and asked if Martinez, "took it out and tried to cap himself." Officer Toomey replied by saying, "No. We will talk about it later."

22:30:25: Officer Caro retrieved a med kit from his patrol vehicle assisted with the treatment of Martinez.

22:31:41: Officer Catricala asked Officer Toomey if he wanted to go sit in his patrol vehicle. Officer Toomey stated, "Yes, somewhere I can deactivate this shit." Officer Catricala walked Officer Toomey to his K9 vehicle, which was parked in very close proximity to the Toyota and were officers were tending to Martinez, and opened the passenger side door. Officer Toomey asked Officer Catricala if he thought it was ok to turn off his BWC. Officer Catricala replied by saying, "Yeah, turn it off." Officer Catricala turned off his ICC and Officer Toomey took a seat in the front passenger seat of the vehicle.

22:31:41: Officer Toomey deactivated his BWC.

22:32:54: Officer Caro returned items to his car and as he walked away stated, "Absoutely cr…?"

22:33:00: As Officer Caro walks past K9 vehicle, Officer Toomey is observed in the front seat on the phone talking to someone. (later described by Catricala as a phone call to his wife.)

22:34:46: Sgt Schwartz arrived on scene and was contacted by Officer Catricala, who stated, "I have been talking with everybody. The only person who shot is Toomey, so that shots fired came from

Toomey's gun and that is why the suspect was hit in the stomach. He is in my car, his body cam is off and he is not talking to anybody. He made a phone call to his wife and my car is right there."

22:35:45: Officer Caro contacted Officer Toomey as he sat in Officer Catricala's car. Officer Caro asked Officer Toomey, "What do we have to do now?". Officer Toomey glanced down at Officer Caro's BWC and said, "You're done investigation. Turn it off."

22:35:56: Officer Caro deactivated his BWC.

22:38:26: Sgt Schwartz contacted Officer Toomey as he sat in Officer Catricala's car with Officer Caro standing a few feet away. Sgt Schwartz advised Officer Toomey that he needed to grab some paperwork and that he would be back to talk to him shortly. Sgt Schwartz walked back to his patrol car, passing Officer Caro and Officer Caro did not make Sgt Schwartz aware that he had discharged his firearm.

22:41:40: Officers Stevens and King walked to Officer Catricala's car, where Officer Toomey was seated in the front passenger seat with the door open and Officer Caro was standing right next to him. Officer Stevens gestured to his chest and asked Officer Caro if they were recording. Officer Caro stated, "No, we're not". Officer Toomey glanced at Officer King's activated BWC and made an inaudible comment to Officer Stevens. Officer Stevens stepped away from Officer Toomey and Caro and walked his trainee, Officer King, away from the other officers and mentioned that he (King) was still recording.

22:42:12: Sgt Schwartz re-contacted Officer Catricala, who re-iterated that he asked everyone at the scene, and Officer Toomey was the only one who shot. Officer Catricala made the suggestion to move Officer Toomey from his car, to another vehicle. Sgt Schwartz unlocked his car and Officers Catricala and Henderson walked Officer Toomey to Sgt Schwartz' patrol vehicle where he sat in the front passenger seat.

22:48:16: Sgt Schwartz authorized Officers Stevens and King to de-active their BWCs. Officer Stevens advised Sgt Schwartz that he was going to go check on Officer Toomey. Officers Stevens and Officer King began walking towards the patrol vehicle Officer Toomey was sitting in.

22:49:09: Sgt Schwartz walked back to his patrol car. Officer Toomey was seated in the front passenger seat, Officer Caro was in the rear right passenger seat, both doors were open, and the officers were talking with Officer Stevens and King. There were no recordings that captured any of the conversation between the officers. When Sgt Schwartz reached his patrol vehicle, he instructed the officers that they could not be talking to Officer Toomey.

22:51:49: Sgt Schwartz asked Officer Caro to step away while he asked Officer Toomey the public safety questions. Officer Toomey advised Sgt Schwartz that he tried to tell. Sgt Schwartz immediately separated the officers

22:53:40: Sgt Schwartz obtained a public safety statement from Officer Toomey.

22:56:30: Sgt Schwartz obtained a public safety statement from Officer Caro.

Christina Trujillo

From: SPD CLU
Sent: Wednesday, February 24, 2021 7:11 AM
To: Christina Trujillo
Subject: Re: Administrative Leave Notification

Good Morning,
Thank you for letting us know, we will contact Sgt. Donald Schumacher with any subs going forward.
Sincerely,
Tessa Connelley

From: Christina Trujillo <CTrujillo@pd.cityofsacramento.org>
Sent: Tuesday, February 23, 2021 6:52 PM
To: Olivette Jackson <OJackson@pd.cityofsacramento.org>; SPD CLU <clu@pd.cityofsacramento.org>
Cc: Matt Young <MYoung@pd.cityofsacramento.org>; Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: Administrative Leave Notification

Hello,

Officers Nicholas Caro (Abra: 4754, Badge #561) and Eric Toomey (Abra: 4236, Badge #894) were placed on Administrative Leave as of today, 02/23/2021. Please notify Internal Affairs of any subpoenas for both officers moving forward. At this time, Sgt. Donald Schumacher is the point of contact for the administrative investigation.

Respectfully,

Christina

Detective Christina Trujillo #846
Sacramento Police Department
Internal Affairs Division
ctrujillo@pd.cityofsacramento.org

Christina Trujillo

From: Audrey Lee
Sent: Wednesday, February 24, 2021 8:16 AM
To: Christina Trujillo
Subject: RE: Administrative Leave Notification

Thanks, Christina.

Audrey

From: Christina Trujillo <CTrujillo@pd.cityofsacramento.org>
Sent: Tuesday, February 23, 2021 6:55 PM
To: Audrey Lee <ACLee@pd.cityofsacramento.org>; Elizabeth Vaage <evaage@pd.cityofsacramento.org>
Cc: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: Administrative Leave Notification
Importance: High

Hello,

Officers Nicholas Caro (Abra: 4754, Badge #561) and Eric Toomey (Abra: 4236, Badge #894) were placed on Administrative Leave as of today, 02/23/2021. At this time, Sgt. Donald Schumacher is the point of contact for the administrative investigation. Please let us know if you have any questions. Thank you.

Respectfully,

Christina

Detective Christina Trujillo #846
Sacramento Police Department
Internal Affairs Division
ctrujillo@pd.cityofsacramento.org

Christina Trujillo

From: Chris McMillan
Sent: Tuesday, February 23, 2021 8:30 PM
To: Christina Trujillo; David Bier; Brian Dabel; Demetri Ojeda; Clinton K. Willis
Cc: Donald Schumacher
Subject: RE: Administrative Leave Notification

Clint, FYI.

Chris McMillan | Senior IT Support Specialist | IT Department - PSIT Regional Support
☎: 916.808.0412 | ☎: 916.808.0444 (PSIT Service Desk) | ✉: cmcmillan@pd.cityofsacramento.org

---

From: Chris McMillan <CMcMillan@pd.cityofsacramento.org>
Sent: Tuesday, February 23, 2021 8:27 PM
To: Christina Trujillo <CTrujillo@pd.cityofsacramento.org>; David Bier <dbier@pd.cityofsacramento.org>; Brian Dabel <BDabel@pd.cityofsacramento.org>; Demetri Ojeda <DOjeda@pd.cityofsacramento.org>
Cc: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: Re: Administrative Leave Notification

FYI.
I took care of disabling the building access and AD accounts for both.

Chris McMillan
Senior ITSS | City of Sacramento - IT Dept. | PSIT
O: 916-808-0412 | Help Desk: 916-808-0444

From: Christina Trujillo <CTrujillo@pd.cityofsacramento.org>
Sent: Tuesday, February 23, 2021 6:44:17 PM
To: David Bier <dbier@pd.cityofsacramento.org>; Brian Dabel <BDabel@pd.cityofsacramento.org>; Demetri Ojeda <DOjeda@pd.cityofsacramento.org>
Cc: Chris McMillan <CMcMillan@pd.cityofsacramento.org>; Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: Administrative Leave Notification

Hello,

Officers Nicholas Caro (Abra: 4754, Badge #561) and Eric Toomey (Abra: 4236, Badge #894) were placed on Administrative Leave as of today, 02/23/2021. Please cancel their access to e-mail, all computer systems/databases, and card key access to all police and city facilities. At this time, Sgt. Donald Schumacher is the point of contact for the administrative investigation.

Respectfully,

Christina

Detective Christina Trujillo #846
Sacramento Police Department
Internal Affairs Division
ctrujillo@pd.cityofsacramento.org

Desiree Sayles

From: Justin Thompson
Sent: Tuesday, June 22, 2021 5:38 PM
To: Tony Parham
Cc: Greg Halstead; Ray Villegas; Michael Boyd; Tim Davis Sr.
Subject: Internal Affairs Witness Notification - Friday July 2, 2021 @ 0900 hours

Dear Officer Parham,

You have been identified as a **witness** in an Internal Affairs investigation related to SPD 21-44157. Please respond to the Internal Affairs office (5760 Freeport Blvd) on **Friday *July 2, 2021 at 0900 hrs*.** As a courtesy, we offer you the opportunity to have an SPOA labor representative present during your interview. The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf.

With the exception of your officially appointed labor representative, you are ordered not to discuss this matter with any other Department employee. Please email or call me at 916-808-3707 if you have any questions.

Please **respond** to this email to confirm the appointment

Justin

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department
Office: 916-808-3707

Desiree Sayles

From: Justin Thompson
Sent: Tuesday, June 22, 2021 5:38 PM
To: Tony Parham
Cc: Greg Halstead; Ray Villegas; Michael Boyd; Tim Davis Sr.
Subject: Internal Affairs Witness Notification - Friday July 2, 2021 @ 0900 hours

Dear Officer Parham,

You have been identified as a **witness** in an Internal Affairs investigation related to SPD 21-44157. Please respond to the Internal Affairs office (5760 Freeport Blvd) on **Friday *July 2, 2021 at 0900 hrs*.** As a courtesy, we offer you the opportunity to have an SPOA labor representative present during your interview. The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf.

With the exception of your officially appointed labor representative, you are ordered not to discuss this matter with any other Department employee. Please email or call me at 916-808-3707 if you have any questions.

Please **respond** to this email to confirm the appointment

Justin

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department
Office: 916-808-3707

Desiree Sayles

From: Justin Thompson
Sent: Tuesday, June 8, 2021 5:38 PM
To: Victor Stevens
Cc: Greg Halstead; Tim Davis Sr.; Donald Schumacher
Subject: Internal Affairs Witness Notification

Dear Officer Stevens,

You have been identified as a **witness** in an Internal Affairs investigation related to SPD 21-44157. Please respond to the Internal Affairs office (5760 Freeport Blvd) on **Wednesday, June 16, *2021 at 2100 hrs*.** As a courtesy, we offer you the opportunity to have an SPOA labor representative present during your interview. The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf.

With the exception of your officially appointed labor representative, you are ordered not to discuss this matter with any other Department employee. Please call me at 808-3707 if you have any questions.

Please **respond** to this email to confirm the appointment.

Justin

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department
Office: 916-808-3707

Desiree Sayles

From: Nick Caro [redacted]
Sent: Friday, August 6, 2021 10:18 AM
To: Justin Thompson
Subject: Re: Internal Affairs Interview Notification - Friday August 13th @ 0800 hours

Good morning Sgt.Thompson,

I have received the notification.

Respectfully,

Nicholas Caro

On Fri, Aug 6, 2021 at 10:13 AM Justin Thompson <JThompson@pd.cityofsacramento.org> wrote:

> Dear Officer Caro,
>
> You have been identified as an **accused** employee in an Internal Affairs investigation involving: **Force, Firearm Discharge, Improper Tactics, and Neglect of Duty** related to SPD 21-44157.
>
> Please respond to the Internal Affairs office (5760 Freeport Blvd) on **Friday August 13th at 0800 hours.**
> The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf. I have also cc'd your attorney Joe Hoffman.
>
> Except for your officially appointed labor representative, you are ordered not to discuss this matter with any other Department Employee.
> Please email or call me at 916-808-3707 if you have any questions.
>
> In preparation for your interview I am providing you with the following material. OneDrive Link
>
> Please **respond** to this email to confirm the appointment.
>
> **Sgt. Justin Thompson #3143**
>
> *Sacramento Police Department*
>
> *Internal Affairs Division*
>
> *O: 916-808-3707*

Desiree Sayles

From: Eric T [redacted]
Sent: Tuesday, August 24, 2021 2:47 PM
To: Justin Thompson
Subject: Re: Internal Affairs Interview Notification - Friday September 3rd @ 0800 hours

Sgt. Thompson,

I copy the email and will be there at 0800 on September 3rd.

Respectfully,

Eric

On Tue, Aug 24, 2021 at 14:43 Justin Thompson <JThompson@pd.cityofsacramento.org> wrote:

> Dear Officer Toomey,
>
> You have been identified as an **accused** employee in an Internal Affairs investigation involving: **Force, Firearm Discharge, Improper Tactics, Neglect of Duty and Traffic.**
>
> This is related to SPD 21-44157.
>
> Please respond to the Internal Affairs office (5760 Freeport Blvd) on **Friday September 3rd at 0800 hours.** The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf. I have also cc'd your attorney Joe Hoffman.
>
> Except for your officially appointed labor representative, you are ordered not to discuss this matter with any other Department Employee.
> Please email or call me at 916-808-3707 if you have any questions.
>
> In preparation for your interview I am providing you with the following material. OneDrive Link
>
> Please **respond** to this email to confirm the appointment.
>
> **Sgt. Justin Thompson #3143**
>
> *Sacramento Police Department*
>
> *Internal Affairs Division*
>
> *O: 916-808-3707*

Christina Trujillo

From: Aaron Donato <ADonato@cityofsacramento.org>
Sent: Tuesday, February 23, 2021 6:58 PM
To: Christina Trujillo
Subject: RE: Administrative Leave Notification

Thank you for the notification.

From: Christina Trujillo <CTrujillo@pd.cityofsacramento.org>
Sent: Tuesday, February 23, 2021 6:57 PM
To: Aaron Donato <ADonato@cityofsacramento.org>
Subject: Administrative Leave Notification
Importance: High

Hello,

Officers Nicholas Caro (Abra: 4754, Badge #561) and Eric Toomey (Abra: 4236, Badge #894) were placed on Administrative Leave as of today, 02/23/2021. At this time, Sgt. Donald Schumacher is the point of contact for the administrative investigation. Please let us know if you have any questions. Thank you.

Respectfully,

Christina

Detective Christina Trujillo #846
Sacramento Police Department
Internal Affairs Division
ctrujillo@pd.cityofsacramento.org

Desiree Sayles

From: Pamela Massee
Sent: Tuesday, June 15, 2021 3:48 PM
To: Justin Thompson
Cc: Scott MacLafferty
Subject: Fw: Your Request for Information from Kaiser Permanente Release of Medical Information: 74656851 rad
Attachments: 74656851-1_MARTINEZ_ADAN_06_09_21.zip

Here are the medical records for Adan...password is [redacted]. Let me know if you have any problems opening it.

Pamela Massee, Detective
Sacramento Police Department
Office Of Investigations
PH# (916)808-0697
Email: pmassee@pd.cityofsacramento.org

From: ssc-roi-dept <SSC-ROI-Dept@kp.org>
Sent: Tuesday, June 15, 2021 3:42 PM
To: Pamela Massee <PMassee@pd.cityofsacramento.org>
Subject: Your Request for Information from Kaiser Permanente Release of Medical Information: 74656851 rad

Re: Case/Reference/Claim# n/a

Thank you for contacting Kaiser Permanente. Checked Sections Apply.

Release Number: 74656851

The attached medical records are a true copy of the records described in the authorized request prepared by duly authorized Custodian of Medical Records for Kaiser Foundation Hospitals and The Permanente medical Group, Inc.

☐ The information you requested is enclosed. Please contact us at the email address below if you have further questions.
The information is password encrypted for security reasons:

1. To access the attached information, you will need to launch the file in a PDF reader
2. For your protection, your Electronic Medical Records are locked with a password. [redacted]
3. If you experience difficulties opening this pdf, please reply to this email (include the release number in the subject line)
4. Here are some helpful tips:
    a. Verify the date of birth with your client. If the date of birth is correct, your client may need to call our Kaiser Permanente Member Services department at (800) 464-4000 to correct their date of birth in our system.
    b. Ensure that you are not adding any slashes or dashes [redacted]

☐ In response to your request for a medical certification form completion, we are enclosing:

☐ A clinical summary of pertinent medical information that provides the same information you are requesting on your form.

☐ A standardized electronic form that provides the same information you are requesting.

☐ Incomplete Authorization: We are unable to process your request because you have not provided a valid authorization that complies with Federal and California State law, to include California Evidence Code and California Insurance Code as applicable. Please resubmit ensuring that the following missing items are included: Choose an item.

☐ Patient Access Request: We have received a request submitted by a third party (someone other than the patient) as a *patient access request* and we are not able to confirm the following: Choose an item. In order to protect our patient's privacy and access rights, please instruct the patient to submit their request on our patient portal at kp.org/requestrecords or directly via email to one of our locations (found at kp.org/contactromi/ncal), Through the patient portal (or by email) records can be easily directed to a third party of the patient's choosing free of charge. An alternate option is to resubmit with the missing information including patient signature.

☐ We are unable to process your request for one or more of the following reasons:

- ☐ We received a payment without a valid authorization included. Please resubmit with both payment and authorization
- ☐ We are not able to identify the correct patient. If applicable, resubmit and include the following: Choose an item. , Choose an item. , Choose an item.
- ☐ No medical records, per request, found for this patient in Northern California.
- ☐ We are unable to process requests that request limitation by a body part, diagnosis, symptom, or treatment. Please resubmit the request with a limitation by department, physician/provider, location, or timeframe as appropriate.

We hope that you find this option easy, convenient, and secure

[redacted]
ROI Specialist II
Release of Medical Information

Permanente Medicine
The Permanente Medical Group

6600 Bruceville Road
South Valley Centre Bldg 5
916-525-6940
SSC-ROI-Dept@kp.org

permanente.org

Facebook | Twitter | LinkedIn | Instagram

Kaiser Permanente
kp.org

Save Time- manage your medical records online. Get started today at kp.org/requestrecords

Scan this code to request records on kp.org

Scan this code to obtain our contact information

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. v.173.295 Thank you.

Desiree Sayles

From: Pamela Massee
Sent: Tuesday, June 15, 2021 3:48 PM
To: Justin Thompson
Cc: Scott MacLafferty
Subject: Fw: Your Request for Information from Kaiser Permanente Release of Medical Information: 74656851 rad
Attachments: 74656851-1_MARTINEZ_ADAN_06_09_21.zip

Here are the medical records for Adan...password is [redacted]. Let me know if you have any problems opening it.

Pamela Massee, Detective
Sacramento Police Department
Office Of Investigations
PH# (916)808-0697
Email: pmassee@pd.cityofsacramento.org

From: ssc-roi-dept <SSC-ROI-Dept@kp.org>
Sent: Tuesday, June 15, 2021 3:42 PM
To: Pamela Massee <PMassee@pd.cityofsacramento.org>
Subject: Your Request for Information from Kaiser Permanente Release of Medical Information: 74656851 rad

Re: Case/Reference/Claim# n/a

Thank you for contacting Kaiser Permanente. Checked Sections Apply.

Release Number: 74656851

The attached medical records are a true copy of the records described in the authorized request prepared by duly authorized Custodian of Medical Records for Kaiser Foundation Hospitals and The Permanente medical Group, Inc.

☐ The information you requested is enclosed. Please contact us at the email address below if you have further questions.
The information is password encrypted for security reasons:

1. To access the attached information, you will need to launch the file in a PDF reader
2. For your protection, your Electronic Medical Records are locked with a password. [redacted]
3. If you experience difficulties opening this pdf, please reply to this email (include the release number in the subject line)
4. Here are some helpful tips:
    a. Verify the date of birth with your client. If the date of birth is correct, your client may need to call our Kaiser Permanente Member Services department at (800) 464-4000 to correct their date of birth in our system.
    b. Ensure that you are not adding any slashes or dashes [redacted]

☐ In response to your request for a medical certification form completion, we are enclosing:

☐ A clinical summary of pertinent medical information that provides the same information you are requesting on your form.

☐ A standardized electronic form that provides the same information you are requesting.

☐ Incomplete Authorization: We are unable to process your request because you have not provided a valid authorization that complies with Federal and California State law, to include California Evidence Code and California Insurance Code as applicable. Please resubmit ensuring that the following missing items are included: Choose an item.

☐ Patient Access Request: We have received a request submitted by a third party (someone other than the patient) as a *patient access request* and we are not able to confirm the following: Choose an item. In order to protect our patient's privacy and access rights, please instruct the patient to submit their request on our patient portal at kp.org/requestrecords or directly via email to one of our locations (found at kp.org/contactromi/ncal), Through the patient portal (or by email) records can be easily directed to a third party of the patient's choosing free of charge. An alternate option is to resubmit with the missing information including patient signature.

☐ We are unable to process your request for one or more of the following reasons:

- ☐ We received a payment without a valid authorization included. Please resubmit with both payment and authorization
- ☐ We are not able to identify the correct patient. If applicable, resubmit and include the following: Choose an item. , Choose an item. , Choose an item.
- ☐ No medical records, per request, found for this patient in Northern California.
- ☐ We are unable to process requests that request limitation by a body part, diagnosis, symptom, or treatment. Please resubmit the request with a limitation by department, physician/provider, location, or timeframe as appropriate.

We hope that you find this option easy, convenient, and secure

[redacted]
ROI Specialist II
Release of Medical Information

Permanente Medicine
The Permanente Medical Group

6600 Bruceville Road
South Valley Centre Bldg 5
916-525-6940
SSC-ROI-Dept@kp.org

permanente.org

Facebook | Twitter | LinkedIn | Instagram

Kaiser Permanente
kp.org

Save Time- manage your medical records online. Get started today at kp.org/requestrecords

Scan this code to request records on kp.org

Scan this code to obtain our contact information

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. v.173.295 Thank you.

PERMANENTE MEDICINE®
The Permanente Medical Group

Release of Medical Information
6600 Bruceville Road
Sacramento, CA 95823
916-525-6940

Date: 6/9/21

To: Sacramento Police Department

5770 Freeport Blvd Ste 100

Sacramento, CA 95822-3516

Patient: Adan Martinez

SSN: [redacted]

Checked Sections Apply

☒ **The information you requested is enclosed. Please contact us at the email address below if you have further questions.**

☐ In response to your request for medical records, we are enclosing a clinical summary of pertinent medical information to meet minimum necessary standards. If you need additional information, please submit a new request to the email address below with an authorization allowing disclosure of copies of medical record for the date range you require.

☐ In response to your request for a medical certification form completion, we are enclosing:
- ☐ A clinical summary of pertinent medical information that provides the same information you are requesting on your form.
- ☐ A standardized electronic form that provides the same information you are requesting on your form.

☐ We are unable to process your request because you have not provided a valid authorization that complies with Federal and California State law and is missing two or more of the following required elements:
Description of health information to be released, identification of the disclosing party (Kaiser Permanente), identification of the recipient the information is being disclosed to, purpose of the disclosure, expiration date of the authorization, a right to revoke clause with instructions on how to revoke, appropriate signature/date of the individual or their representative, appropriate re-disclosure statement, right to receive a copy statement, and form in 14 point font

☐ We are unable to complete your request for one or more of the following reasons:
- ☐ We are not able to positively identify the patient and need 2 of the following: Kaiser Permanente medical record number, date of birth, verification of spelling of full name (first, middle, last), patient address or phone number.
- ☐ No medical records found for this patient in Northern California.
- ☐ No medical records found for the timeframe requested.
- ☐ We cannot convert the electronic health information you requested into the technical format you wanted. We have offered to provide it in alternative formats, and can still do so, if you agree to accept an alternative
- ☐ We are unable to locate or retrieve the information requested due to a system or technical failure despite multiple attempts to retrieve or locate the information

Please return completed authorization form and any other missing information to:
Kaiser Permanente Release of Medical Information
6600 Bruceville Road Sacramento, CA 95823
Email : SSC-ROI-Dept@kp.org
If you are a member and have any questions about this letter or want to submit a complaint in response to this letter, contact Member Services as follows:

Phone: 1-800-464-4000 English | 1-800-788-0616 Español | 1-800-757-7585 中文 | 711 TTY

Hours: 24/7 for most services, except major holidays.

Medicare members: 1800-443-0815 Hours 7 days a week, 8a.m. to 8 p.m.

Patient

KAISER PERMANENTE®

Kaiser Permanente Disclosure of Patient Medical Information

Kaiser Permanente documents patient medical record information in a Federally certified electronic medical record.

The output contained in this file is one or more of the following:

- A true and accurate copy of the requested patient medical record information for the timeframe requested as authorized by the patient or allowed by law or regulation
- If a medical certification form was requested, we may have substituted relevant medical records in lieu of form completion
- We may have also substituted a standardized electronic form, generated from our certified electronic medical record in lieu of form completion

State and federal law permit the use of electronic signatures (e-signatures) and electronic records in connection with transactions between parties.

- Medical certification forms and electronic records that are signed using electronic signatures can be audited and validated to prevent fraud
- The relevant laws provide that electronic signatures are as legally valid and as legally acceptable as wet signatures

This record output was generated on 6/9/21 and certified by Kaiser Permanente Release of Medical Information

Patient Demographics

Patient Demographics

Name	Patient ID	Legal Sex	Birth Date
Martinez, Adan	[redacted]	Male	05/17/82 (39 yrs)

Address	Phone	Email
[redacted]	[redacted]	—

Reg Status	PCP	Date Last Verified	Next Review Date
Verified	—	06/02/21	07/02/21

Marital Status	Religion	Alias
[redacted]	[redacted]	[redacted]

Emergency Contact 1

[redacted]

Patient Preferred Languages

Interpreter Needed: No Spoken Language: English Written Language: English

Patient Demographics (continued)

Patient Preferred Languages (continued)

Basic Information

Date Of Birth	Race	Ethnicity
5/17/1982	Hispanic/Latino	American/United States

Address History

Change	Street	City	County	State	Zip	Country	House Number	District	Error?
[redacted]									

Patient (continued)

Care Team

Active

No active care team members

Problem List as of 6/8/2021

Problems last reviewed by [redacted] (M.D.) on 6/2/2021 1626

GUNSHOT WOUND OF ABDOMINAL WALL

Diagnosis: GUNSHOT WOUND OF ABDOMINAL WALL
Noted on: 02/16/2021
Chronic: No
ICD-10-CM: S31.109A, W34.00XA

GUNSHOT WOUND OF LEFT FOREARM

Diagnosis: GUNSHOT WOUND OF LEFT FOREARM
Noted on: 02/15/2021
Chronic: No
ICD-10-CM: S51.802A, W34.00XA

Overview Note

Added automatically from request for surgery 1316107

GUNSHOT WOUND OF RIGHT HAND

Diagnosis: GUNSHOT WOUND OF RIGHT HAND
Noted on: 02/16/2021
Chronic: No
ICD-10-CM: S61.401A, W34.00XA

Unreconciled Documentation from Outside Organizations

Problem	Priority	Noted On	Resolved On	Chronic	Status	State
Received from NextGen Share on 6/2/2021 1605						
[redacted]	—	[redacted]	—	—	Active	Active
[redacted]	—	[redacted]	—	—	Active	Active

Patient (continued)

Problem List (continued) as of 6/8/2021

Allergies

Allergies last reviewed by [redacted] (M.D.) on 6/2/2021 1626
No Known Allergies

Immunizations

Immunizations never marked as reviewed

[redacted]

Previous revisions

[redacted]

The documentation on this immunization is incomplete.

[redacted]

Previous revisions

[redacted]

PPD/Skin Test - PPD Results Key: 00 = Negative 01 = Positive

There is no flowsheet data to display.

Current Medications

Medications

This report is for documentation purposes only. The patient should not follow medication instructions within.
For accurate instructions regarding medications, the patient should instead consult their physician or after visit summary.

Current Medications

Patient (continued)

Current Medications (continued)

[redacted]
Instructions: [redacted]
Authorized by: [redacted] (M.D.)

[redacted]
Instructions: [redacted]
Authorized by: [redacted] (M.D.)

[redacted]
Instructions: [redacted]
Authorized by: [redacted] (M.D.)
Refill: No refills remaining

History as of 6/8/2021

Surgical History

Past Surgical History

Procedure	Laterality	Date	Comments	Source
REMOVAL OF FOREIGN BODY FROM HAND [223550]	Bilateral	2/16/2021	Performed by [redacted] (M.D.) at SSC-MAIN-OR	Provider
IRRIGATION OF WOUND [223872]	Bilateral	2/16/2021	Performed by [redacted] (M.D.) at SSC-MAIN-OR	Provider
ORIF FRACTURE WRIST [225455]	Left	2/16/2021	Performed by [redacted] (M.D.) at SSC-MAIN-OR	Provider

Implants

Screws/Plates/Wires

Plate Bone Lcp Straight 170mm Wrist Sterile 2.4mm Screw - Log1316107 - Implanted (Left) Arm

Inventory item:	PLATE BONE LCP STRAIGHT 170MM WRIST STERILE 2.4MM SCREW	Model/Cat number:	242.003S
Manufacturer:	SYNTHES	Lot number:	69P3479

As of 2/16/2021 (Log 1316107)

Status: **Implanted**

Screw Bone 18mm 2.4mm 4mm T8 Self Tap Self Retain Stardrive - Log1316107 - Implanted (Left) Arm

Inventory item:	SCREW BONE 18MM 2.4MM 4MM T8 SELF TAP SELF RETAIN STARDRIVE	Model/Cat number:	201.768
Manufacturer:	SYNTHES	Lot number:	X

As of 2/16/2021 (Log 1316107)

Status: **Implanted**

Screw Bone 14mm 2.4mm 4mm T8 Self Tap Lo Profile Head - Log1316107 - (Left) Arm

Patient (continued)

Implants (continued)

Implanted

Inventory item:	SCREW BONE 14MM 2.4MM 4MM T8 SELF TAP LO PROFILE HEAD	Model/Cat number:	201.764
Manufacturer:	SYNTHES	Lot number:	X

As of 2/16/2021 (Log 1316107)

Status: **Implanted**

Screw Bone 14mm 2.4mm 1.9mm T8 Full Thread Self Tap Lock - Log1316107 - Implanted (Left) Arm

Inventory item:	SCREW BONE 14MM 2.4MM 1.9MM T8 FULL THREAD SELF TAP LOCK	Model/Cat number:	212.814
Manufacturer:	SYNTHES	Lot number:	X

As of 2/16/2021 (Log 1316107)

Status: **Implanted**

Advance Care Planning

Plan

Patient Capacity

The patient has full capacity. There is no history of patient status change.

Current Code Status

Date Active	Code Status	Order ID	Comments	User	Context
Prior					

Active Health Care Agents

There are no active Health Care Agents on file.

02/15/2021 - DIAGNOSTIC SERVICES - SCAN in SURGERY CLINIC MOB3

Visit Information

Provider Information

Encounter Provider

[redacted] (D.O.)

Department

Name	Address	Phone
SURGERY CLINIC MOB3	6600 BRUCEVILLE ROAD Sacramento CA 95823-4671	916-688-2014

Clinical Notes

Surgical Service

Procedures - Filed on 3/1/2021 1532

Version 1 of 1

Procedure Orders
1. NONSPECIFIC LAB SCANNED RESULT [1794413828] ordered by Scanning, Inbound at 02/15/21 0000

Scan on 3/1/2021 2:28 PM by [redacted] (D.O.): TEG Analysis (below)

Electronically signed by [redacted] (D.O.) at 3/1/2021 3:32 PM

Labs

Lab

NONSPECIFIC LAB SCANNED RESULT [1794413828] (Final result)

Electronically signed by: **Scanning, Inbound on 02/15/21 0000** Status: **Completed**
Ordering user: Scanning, Inbound 02/15/21 0000 Authorized by: [redacted] (D.O.)
Ordering mode: Standard
Frequency: - Quantity: 1
Lab status: Final result

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Scan on 3/1/2021 2:28 PM by [redacted] (D.O.): TEG Analysis (below)

NONSPECIFIC LAB SCANNED RESULT [1794413828] Resulted: 03/01/21 1532, Result status: Final result

Order status: Completed Filed by: Scanning, Inbound 03/01/21 1532
Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Transcription

Type	ID	Date and Time	Dictating Provider
Laboratory Result	[redacted]	3/1/2021 2:28 PM	[redacted] (D.O.)

Signed by [redacted] (D.O.), OSTEOPATHIC DOCTOR on 03/01/21 at 1532

02/15/2021 - DIAGNOSTIC SERVICES - SCAN in SURGERY CLINIC MOB3 (continued)

Labs (continued)

Recipients

[redacted] (D.O.)

Added By?	Delivery Method	Outcome	Message ID	Address Source
Scheme	In Basket	Result sent	732537927	Authorizing Provider

All Reviewers List

[redacted] (D.O.) on 4/19/2021 5:05 PM

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/15/2021 11:05 PM

Time	Provider	Department	Length
11:05 PM	RADIOLOGY SSC	SSC-RAD* >BRUCEVLL HOS	15 min

Arrival Time: 11:04 PM
Enc Form Number: 31282929113

History

Made On:	2/15/2021 11:04 PM	By: [redacted]	RIS
Checked In:	2/15/2021 11:04 PM	By: [redacted]	ES
Remove Arr.:	2/17/2021 6:56 AM	By: Epic, User	AR
EOD Status:	2/21/2021 12:35 AM	By: Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By: Epic, User	AR

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account [redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
71045	RADIOLOGIC EXAM CHEST SINGLE VIEW	2/15/2021 11:14 PM	[redacted] (M.D.)		1
71045	RADIOLOGIC EXAM CHEST SINGLE VIEW	2/16/2021 11:14 PM	[redacted] (M.D.)	26	1

Imaging

Imaging

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

XR CHEST [1793500117] (Final result)

Electronically signed by: [redacted] **(R.N.) on 02/15/21 2302** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (R.N.) 02/15/21 2302
Authorized by: [redacted] (D.O.)
Frequency: STAT One Time 02/15/21 2315 - 1 occurrence
Quantity: 1
Indications comment: Trauma
Ordering provider: [redacted] (D.O.)
Ordering mode: Standardized Procedures (No Cosign)
Class: Inpatient
Lab status: Final result
Instance released by: [redacted] (R.N.) (auto-released) 2/15/2021 11:03 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT
Priority Portable/Non-Portable	Portable

End Exam Questions

	Answer	Comment
Comments		

XR CHEST [1793500117]

Resulted: 02/16/21 0716, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2303
Resulted by: [redacted] (M.D.)
Performed: 02/15/21 2314 - 02/15/21 2314
Resulting lab: NCAL RADIATOR INTERFACE
Order status: Completed
Filed by: Rad Results, Inbound 02/16/21 1136
Accession number: 11203969766

Narrative:
XRAY CHEST

** HISTORY **:
38 year old man, trauma

** TECHNIQUE **:

1 view of the chest acquired.
COMPARISON: None available

** FINDINGS **:
LUNGS: The lungs are hypoinflated. No infiltrates or effusions are seen.

MEDIASTINUM/OTHER: Normal cardiomediastinal silhouette.

Impression:
Hypoinflation of the lungs
No acute fracture/pneumothorax

Procedures Performed	Chargeables
XR CHEST FRONTAL. [249724]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1691 - Unknown	NCAL RADIATOR INTERFACE	Unknown	Unknown	06/21/15 1700 - Present

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

XR CHEST [1793500117] Resulted: 02/15/21 2314, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2303
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/15/21 2314
Performed: 02/15/21 2314 - 02/15/21 2314
Accession number: 11203969766

Procedures Performed	Chargeables
XR CHEST FRONTAL. [249724]	

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Case 1316087

Surgery Information

General Information

Date: 2/15/2021 | Time: | Status: Posted
Location: SSC-NON OR PROCEDURE | Room: | Service:
Patient class: | Case classification:

Diagnosis Information

No post-op diagnosis codes associated with the log.

Anesthesia Staff

Name	Type	Time Period
[redacted] (M.D.)	Supervising Anesthesiologist	
[redacted] (C.R.N.A)	Certified Registered Nurse Anesthetist	

Clinical Documentation

Case Tracking Events

No case tracking events recorded

Event Tracking

No event timings documented

Patient Preparation

None

Case Request Questionnaire

No data filed

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/15/21

Anesthesia Information

Anesthesia Summary - Martinez, Adan [redacted] **Male** **39 Y** Current as of 06/09/21 0942

Height: 5' 8" (02/16/21)
Weight: 106.3 kg (234 lb 6.4 oz) (02/16/21)
BMI: 36 (02/16/21)
NPO Status: Not recorded
Allergies: No Known Allergies

Procedure Summary

Date: 02/15/21
Anesthesia Start:
Procedure: XR CHEST
Scheduled Providers:
Anesthesia Type: General
Room / Location: RADIOLOGY DEPARTMENT
Anesthesia Stop:
Diagnosis:
Closing Enc Provider:
ASA Status: IV - Emergent

Responsible Staff 06/09/21

Name	Role	Begin	End
[redacted] (M.D.)	Sup MD		
[redacted] (C.R.N.A)	CRNA		

Events

Date	Time	Event
2/15/2021	2334	Equipment Check

Medications (Filter: Administrations occurring from 02/15/21 0000 to 06/08/21 2359)

None

Preprocedure Signoff

Not yet signed.

Signoff Status

None

Notes

Anesthesia Preprocedure Evaluation

[redacted] (M.D.) at 2/15/2021 2313

Version 2 of 2

Author: [redacted] (M.D.)
Filed: 2/16/2021 12:00 AM
Status: Addendum
Service: —
Date of Service: 2/15/2021 11:13 PM
Editor: [redacted] (M.D.) (Physician)
Author Type: Physician
Creation Time: 2/15/2021 11:13 PM

* No surgery found *
* Surgery not found *
* No surgery found *

Review of Patient Medical Status (Active or History)

General Information

(+) Elevated BMI

Exercise
[redacted]

Mr. .Adam Martinez sustained GSW to his abdomen, right wrist, and left forearm. He was BIBA to ED as full trauma activation.

Anesthesia Plan
Interview: plan discussed in person
Verification: patient verified, procedure confirmed, consents reviewed, site verified
Patient medications and allergies reviewed

ASA physical status: **IV Emergent**
Emergent Reason: **Threat to life**

Beta blockers not prescribed to patient prior to admission

Discussed: general anesthesia

Anesthesia Type Chosen
Primary: **General**

Patient unable to consent/unable to reach alternate or Durable Power of Attorney agent.

I order the CRNA to provide anesthesia and to select and administer the drugs.

Interview status: In process

Author's name: [redacted] (M.D.)

Author's role: Supervising/Charge Anes

Electronically signed by [redacted] (M.D.) at 2/16/2021 12:00 AM

Version 1 of 2

Author: [redacted] (M.D.) | Service: — | Author Type: Physician
Filed: 2/15/2021 11:14 PM | Date of Service: 2/15/2021 11:13 PM | Creation Time: 2/15/2021 11:13 PM
Status: Signed | Editor: [redacted] (M.D.) (Physician)

* No surgery found *
* Surgery not found *

Anesthesia on 02/15/21 (continued)

* No surgery found *

Review of Patient Medical Status (Active or History)

General Information
(+) Elevated BMI

Exercise
[redacted]

Mr. .Adam Martinez sustained GSW to his abdomen and left forearm. He was BIBA to ED as full trauma activation.

Anesthesia Plan
Interview: plan discussed in person
Verification: patient verified, procedure confirmed, consents reviewed, site verified
Patient medications and allergies reviewed

ASA physical status: **IV Emergent**
Emergent Reason: **Threat to life**

Beta blockers not prescribed to patient prior to admission

Discussed: general anesthesia

Anesthesia Type Chosen
Primary: **General**

Patient unable to consent/unable to reach alternate or Durable Power of Attorney agent.

I order the CRNA to provide anesthesia and to select and administer the drugs.

Interview status: In process

Author's name: [redacted] (M.D.)

Author's role: Supervising/Charge Anes

Electronically signed by [redacted] (M.D.) at 2/15/2021 11:14 PM

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/15/21 (continued)

Anesthesia Graph

No data available

KAISER PERMANENTE® 8241 E STOCKTON BOULEVARD SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in CT SCAN

Visit Information

Appointment Information

IP CT SCAN — **Completed**
2/15/2021 11:15 PM

Time	Provider	Department	Length
11:15 PM	CT RM1 GE EVO64 EIN[redacted]	SSC-CTS* >BRUCEVLL HOS	15 min

Arrival Time: 11:13 PM
Enc Form Number: 31282929238

History

Made On:	2/15/2021 11:13 PM	By:	[redacted] (Rad Tech)	RIS
Checked In:	2/15/2021 11:13 PM	By:	[redacted] (Rad Tech)	ES
Remove Arr.:	2/16/2021 7:52 AM	By:	Epic, User	AR
EOD Status:	2/21/2021 12:35 AM	By:	Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By:	Epic, User	AR

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
70450	CT HEAD/BRAIN W/O CONTRAST MATERIAL	2/15/2021 11:26 PM	[redacted] (M.D.)	26	1
70450	CT HEAD/BRAIN W/O CONTRAST MATERIAL	2/15/2021 11:26 PM	[redacted] (M.D.)		1

Imaging

Imaging

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

CT HEAD [1793500128] (Final result)

Electronically signed by: [redacted] **(R.N.) on 02/15/21 2309** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (R.N.) 02/15/21 2309
Authorized by: [redacted] (D.O.)
Frequency: STAT X1 One time 02/15/21 2315 - 1 occurrence
Quantity: 1
Indications comment: Trauma
Ordering provider: [redacted] (D.O.)
Ordering mode: Standardized Procedures (No Cosign)
Class: Inpatient
Lab status: Final result
Instance released by: [redacted] (R.N.) (auto-released) 2/15/2021 11:09 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT

Order comments: withOUT contrast, please perform prior to any CT contrast studies.

End Exam Questions

	Answer	Comment
Was contrast used?	No	
Contrast Agent Used		
Dose Administered (in mL)		
Comments		

CT HEAD withOUT contrast, please perform prior to any CT contrast studies. [1793500128] Resulted: 02/15/21 2345, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2309
Resulted by: [redacted] (M.D.)
Performed: 02/15/21 2326 - 02/15/21 2326
Resulting lab: NCAL PWS INTERFACE
Order status: Completed
Filed by: Ps360,Results 02/15/21 2348
Accession number: 11203969772

Narrative:
CT HEAD WITHOUT CONTRAST

** HISTORY **:
38 years old, Trauma

** TECHNIQUE **:
CT images of the head acquired without intravenous contrast.

CTDI: 44.78 mGy
DLP: 804.23 mGy-cm

COMPARISON: None available.

** FINDINGS **:
BRAIN PARENCHYMA: No acute hemorrhage. No mass effect or herniation. Gray-white differentiation is maintained. White matter is within normal limits for age.

VENTRICLES/EXTRA-AXIAL SPACES: No hydrocephalus or extra-axial fluid collections.

EXTRACRANIAL STRUCTURES: Normal bones and soft tissues demonstrates radiodensity in the dermis level of the superior axial image through the frontal sinus lateral to the frontal sinus measuring less than 0.5 mm series 3 image 39 representative of radiodense foreign body for additional punctate radiodense foreign bodies are noted just superiorly. Visualized paranasal sinuses and mastoids are clear.
6.3 mm lucency midline frontal bone superior to the frontal sinus unclear etiology. If clinically indicated consider bone scan for further evaluation.
Impression:

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

No acute intracranial mass shift or bleed.
The soft tissues demonstrates radiodensity in the dermis level of the superior axial image through the frontal sinus lateral to the frontal sinus measuring less than 0.5 mm series 3 image 39 representative of radiodense foreign body for additional punctate radiodense foreign bodies are noted just superiorly.

6.3 mm lucency midline frontal bone diploic space superior to the frontal sinus unclear etiology. If clinically indicated consider bone scan for further evaluation.

Components

Component	Value	Reference Range	Flag	Lab
RADIOLOGY EXAM DESCRIPTION	CT HEAD WITHOUT CONTRAST	—	—	1089

Procedures Performed	Chargeables
CT HEAD NO CONTRAST. [250780]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1089 - Unknown	NCAL PWS INTERFACE	Unknown	Unknown	08/07/08 0802 - Present

CT HEAD withOUT contrast, please perform prior to any CT contrast studies. [1793500128]
Resulted: 02/15/21 2326, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2309
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/15/21 2326
Performed: 02/15/21 2326 - 02/15/21 2326
Accession number: 11203969772

Procedures Performed	Chargeables
CT HEAD NO CONTRAST. [250780]	

Signed

Electronically signed by [redacted] (M.D.) on 2/15/21 at 2345 PST

KAISER PERMANENTE® 8241 E STOCKTON BOULEVARD SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in CT SCAN

Visit Information

Appointment Information

IP CT SCAN — **Completed**
2/15/2021 11:20 PM

Time	Provider	Department	Length
11:20 PM	CT RM1 GE EVO64 EIN[redacted]	SSC-CTS* >BRUCEVLL HOS	15 min

Arrival Time: 11:13 PM
Enc Form Number: 31282929241

History

Made On:	2/15/2021 11:13 PM	By:	[redacted] (Rad Tech)	RIS
Checked In:	2/15/2021 11:13 PM	By:	[redacted] (Rad Tech)	ES
Remove Arr.:	2/16/2021 7:52 AM	By:	Epic, User	AR
EOD Status:	2/21/2021 12:35 AM	By:	Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By:	Epic, User	AR

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #312180922475)

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #312180922475)

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
72125	CT CERVICAL SPINE W/O CONTRAST MATERIAL	2/15/2021 11:26 PM	[redacted] (M.D.)	26	1
72125	CT CERVICAL SPINE W/O CONTRAST MATERIAL	2/15/2021 11:26 PM	[redacted] (M.D.)		1

Imaging

Imaging

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

CT SPINE [1793500129] (Final result)

Electronically signed by: [redacted] **(R.N.) on 02/15/21 2309** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (R.N.) 02/15/21 2309
Authorized by: [redacted] (D.O.)
Frequency: STAT X1 One time 02/15/21 2315 - 1 occurrence
Quantity: 1
Indications of use: Trauma, concern for fracture
Ordering provider: [redacted] (D.O.)
Ordering mode: Standardized Procedures (No Cosign)
Class: Inpatient
Lab status: Final result
Instance released by: [redacted] (R.N.) (auto-released) 2/15/2021 11:09 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT

Order comments: CT Spine Cervical withOUT contrast study, please perform prior to any CT contrast studies.

End Exam Questions

	Answer	Comment
Was contrast used?	No	
Contrast Agent Used		
Dose Administered (in mL)		
Comments		

CT SPINE CT Spine Cervical withOUT contrast study, please perform prior to any CT contrast studies. [1793500129] Resulted: 02/15/21 2344, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2309
Resulted by [redacted] (M.D.)
Performed: 02/15/21 2326 - 02/15/21 2326
Resulting lab: NCAL PWS INTERFACE
Order status: Completed
Filed by: Ps360,Results 02/15/21 2347
Accession number: 11203969773

Narrative:
CT CERVICAL SPINE WITHOUT CONTRAST

** HISTORY **:
38 years old, TRAUMA, CONCERN FOR FRACTURE

** TECHNIQUE **:
CT images of the cervical spine acquired without intravenous contrast.

CTDI: [redacted]
DLP: [redacted]

COMPARISON: None available.

** FINDINGS **:
BONES: No acute fracture or malalignment. Straightening of the normal cervical lordosis.
DISCS: Disc space heights are normal.
SPINAL CANAL: No osseous narrowing of the spinal canal.
SOFT TISSUES: No prevertebral soft tissue swelling. Visualized neck soft tissues are normal.
OTHER: Visualized lung apices are clear.

Impression:

No acute bony injury.

Components

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

Component	Value	Reference Range	Flag	Lab
RADIOLOGY EXAM DESCRIPTION	CT CERVICAL SPINE WITHOUT CONTRAST	—	—	1089

Procedures Performed	Chargeables
CT CERVICAL SPINE NO CONTRAST. [250763]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1089 - Unknown	NCAL PWS INTERFACE	Unknown	Unknown	08/07/08 0802 - Present

CT SPINE CT Spine Cervical withOUT contrast study, please perform prior to any CT contrast studies. [1793500129]
Resulted: 02/15/21 2326, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2309
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/15/21 2326
Performed: 02/15/21 2326 - 02/15/21 2326
Accession number: 11203969773

Procedures Performed	Chargeables
CT CERVICAL SPINE NO CONTRAST. [250763]	

Signed

Electronically signed by [redacted] (M.D.) on 2/15/21 at 2344 PST

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in CT SCAN

Visit Information

Appointment Information

IP CT SCAN — **Completed**
2/15/2021 11:30 PM

Time	Provider	Department	Length
11:30 PM	CT RM1 GE EVO64 EIN[redacted]	SSC-CTS* >BRUCEVLL HOS	15 min

Arrival Time: 11:13 PM
Enc Form Number: 31282929243

History

Made On:	2/15/2021 11:13 PM	By:	[redacted] (Rad Tech)	RIS
Checked In:	2/15/2021 11:13 PM	By:	[redacted] (Rad Tech)	ES
Remove Arr.:	2/16/2021 7:52 AM	By:	Epic, User	AR
EOD Status:	2/21/2021 12:35 AM	By:	Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By:	Epic, User	AR

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #312180922475)

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
74177	CT ABDOMEN & PELVIS W/CONTRAST MATERIAL	2/15/2021 11:36 PM	[redacted] (M.D.)		1
71260	DIAGNOSTIC COMPUTED TOMOGRAPHY THORAX W/CONTRAST	2/15/2021 11:36 PM	[redacted] (M.D.)		1
74177	CT ABDOMEN & PELVIS W/CONTRAST MATERIAL	2/16/2021 11:36 PM	[redacted] (M.D.)	26	1
71260	DIAGNOSTIC COMPUTED TOMOGRAPHY	2/16/2021 11:36	[redacted] (M.D.)	26	1

02/15/2021 - Appointment in CT SCAN (continued)

All Charges for This Encounter (continued)

Code	Description	Service Date	Service Provider	Modifiers	Qty
	THORAX W/CONTRAST	PM			

Imaging

Imaging

CT CHEST [1793500671] (Final result)

Electronically signed by: [redacted] **(R.N.) on 02/15/21 2309** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (R.N.) 02/15/21 2309
Authorized by: [redacted] (D.O.)
Frequency: STAT X1 One time 02/15/21 2315 - 1 occurrence
Quantity: 1
Indications of use: Trauma
Ordering provider: [redacted] (D.O.)
Ordering mode: Standardized Procedures (No Cosign)
Class: Inpatient
Lab status: Final result
Instance released by: [redacted] (R.N.) (auto-released) 2/15/2021 11:09 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT
Is the patient diabetic?	[redacted]
Are there any potential contraindications to giving contrast? (E.g impaired renal function, previous adverse reaction)	[redacted]

Order comments: CT Thorax Please complete any non-contrast CT studies prior to giving contrast for this study.

End Exam Questions

	Answer	Comment
Was contrast used?	Yes	
Contrast Agent Used	Omnipaque 300	
Dose Administered (in mL)	145	
Comments		

CT CHEST CT Thorax Please complete any non-contrast CT studies prior to giving contrast for this study. [1793500671] Resulted: 02/16/21 0011, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2309
Resulted by: [redacted] (M.D.)
Performed: 02/15/21 2336 - 02/15/21 2340
Resulting lab: NCAL PWS INTERFACE
Order status: Completed
Filed by: Ps360,Results 02/16/21 0014
Accession number: 11203969775

Narrative:
CT CHEST ABDOMEN PELVIS WITH CONTRAST

** HISTORY **:
38 years old, TRAUMA

** TECHNIQUE **:
CT images of the chest, abdomen and pelvis acquired with 145 mL Omnipaque 300 intravenous contrast.

CTDI: [redacted]
DLP: [redacted]

COMPARISON: None available.

** FINDINGS **:
CHEST
HEART AND GREAT VESSELS: Heart size normal.
LYMPH NODES: No suspicious lymph nodes.

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

OTHER MEDIASTINUM: No significant abnormality.
LUNGS: Mild atelectasis. No suspicious pulmonary nodule.
PLEURAL SPACE: Normal.
SOFT TISSUES: No significant abnormality.
BONES: No significant abnormality.

ABDOMEN/PELVIS
LIVER: Normal.
GALLBLADDER/BILE DUCTS: No calcified gallstones. No biliary dilation.
SPLEEN: Normal.
PANCREAS: Normal.
ADRENALS: Normal.
KIDNEYS: No significant abnormality.
GI TRACT: No significant abnormality.
MESENTERY/LYMPH NODES: No suspicious lymph nodes.
PERITONEUM: No free air or fluid.
AORTA/VESSELS: Normal abdominal aortic diameter (<3cm).
BLADDER: No significant abnormality.
PELVIC STRUCTURES: No significant abnormality.
SOFT TISSUES: Subcutaneous stranding and gas in the anterior abdominal wall. Indeterminate punctate subcutaneous radiodensity in the anterior abdominal wall (series 3, image 90). Small fat-containing periumbilical hernia.
BONES: No significant abnormality.

Impression:
Subcutaneous stranding and gas in the anterior abdominal wall. Subcutaneous punctate radiodensity in the anterior abdominal wall may represent calcification or foreign body.

No CT evidence of acute traumatic injury.No free fluid or free air. No acute osseous abnormality.

No CT evidence of acute traumatic thoracic injury.

Components

Component	Value	Reference Range	Flag	Lab
RADIOLOGY EXAM DESCRIPTION	CT CHEST ABDOMEN PELVIS WITH CONTRAST	—	—	1089

Procedures Performed	Chargeables
CT CHEST ABD AND PELVIS. [250766]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1089 - Unknown	NCAL PWS INTERFACE	Unknown	Unknown	08/07/08 0802 - Present

CT CHEST CT Thorax Please complete any non-contrast CT studies prior to giving contrast for this study. [1793500671] Resulted: 02/15/21 2336, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2309
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/15/21 2336
Performed: 02/15/21 2336 - 02/15/21 2340
Accession number: 11203969775

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

Procedures Performed	Chargeables
CT CHEST ABD AND PELVIS. [250766]	

Signed

Electronically signed by [redacted] (M.D.) on 2/16/21 at 0011 PST

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in CT SCAN

Visit Information

Appointment Information

IP CT SCAN — **Completed**
2/15/2021 11:40 PM

Time	Provider	Department	Length
11:40 PM	CT RM1 GE EVO64 EIN[redacted]	SSC-CTS* >BRUCEVLL HOS	15 min

Arrival Time: 11:14 PM
Enc Form Number: 31282929250

History

Made On:	2/15/2021 11:14 PM	By:	[redacted] (Rad Tech)	RIS
Checked In:	2/15/2021 11:14 PM	By:	[redacted] (Rad Tech)	ES
Remove Arr.:	2/16/2021 7:52 AM	By:	Epic, User	AR
EOD Status:	2/21/2021 12:35 AM	By:	Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By:	Epic, User	AR

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted])

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
Q9967	LOCM 300-399 MG/ML IODINE CONCENTRATION PER ML	2/15/2021 11:35 PM	[redacted] (M.D.)		95
73201	CT UPPER EXTREMITY W/CONTRAST MATERIAL	2/15/2021 11:35 PM	[redacted] (M.D.)	LT	1
73201	CT UPPER EXTREMITY W/CONTRAST MATERIAL	2/16/2021 11:35 PM	[redacted] (M.D.)	26, LT	1

02/15/2021 - Appointment in CT SCAN (continued)

Imaging

Imaging

CT ANGIOGRAM [1793500674] (Final result)

Electronically signed by: [redacted] **(R.N.) on 02/15/21 2311** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (R.N.) 02/15/21 2311
Ordering provider: [redacted] (D.O.)
Authorized by: [redacted] (D.O.)
Ordering mode: Standardized Procedures (No Cosign)
Frequency: STAT X1 One time 02/15/21 2315 - 1 occurrence
Class: Inpatient
Quantity: 1
Lab status: Final result
Indications of use: Other
Indications comment: trauma
Instance released by: [redacted] (R.N.) (auto-released) 2/15/2021 11:11 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT
Is the patient diabetic?	[redacted]
Are there any potential contraindications to giving contrast? (E.g impaired renal function, previous adverse reaction)	[redacted]

Order comments: CTA of left upper extrimities

End Exam Questions

	Answer	Comment
Was contrast used?	Yes	
Contrast Agent Used	Omnipaque 300	
Dose Administered (in mL)	95	
Comments		

CT ANGIOGRAM CTA of left upper extrimities [1793500674]

Resulted: 02/16/21 0007, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2311
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: Ps360,Results 02/16/21 0010
Performed: 02/15/21 2335 - 02/15/21 2335
Accession number: 11203969777
Resulting lab: NCAL PWS INTERFACE
Narrative:

CT ANGIOGRAM LEFT UPPER EXTREMITY

** HISTORY **:
38 years old, OTHER trauma

** TECHNIQUE **:
CT angiogram images of the left upper extremity acquired with 95 mL Omnipaque 300 intravenous contrast.

CTDI: 29.6,19.54 mGy
DLP: 14.8,1373.6 mGy-cm

COMPARISON: None available.

** FINDINGS **:
VASCULAR

LEFT SUBCLAVIAN ARTERY: Patent.
LEFT AXILLARY ARTERY: Patent.
LEFT BRACHIAL ARTERY: Patent.
OTHER VASCULAR FINDINGS: At the level of the axial images through the capitate streak artifact limits evaluation of arterial flow but proximally in the radial ulnar arteries are visualized but there is poor opacification of vascularity at the level of the proximal diaphysis of the metacarpals and incomplete visualization of the superficial palmar arch and deep palmar arch as well

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

as distal radial artery of the index finger and common palmar digital arteries which could be related to vasospasm and or soft tissue hematoma compression. There is no active extravasation of contrast although at the level of the capitate streak or defect limits evaluation.

VISUALIZED LUNGS: Please refer to dedicated CT chest for further dilation.
Partially visualized abdomen and pelvis appear unremarkable please refer to dedicated CT chest evaluation.

SOFT TISSUES: Focal subcutaneous gas is noted at the level of the left forearm below the radial head and there is a 6.3 mm radiodense subcutaneous dermis foreign body series 3 image 1 and subcutaneous gas and gas within the muscle is noted medial to the radius surrounding the radial artery at the arterial fascial plane appears intact and there is no extravasation of the radial artery to the level where it is obscured at the level of the capitate. There is soft tissue hematoma overlying the soft tissues and muscles of the distal radius with multiple radiodense foreign bodies noted suggesting gunshot fragments.
BONES:
Oblique fracture intra-articular extension lateral aspect of the distal radius and comminuted fracture intra-articular extension with multiple radiodense foreign body distal diaphysis and articular surface of the ulna and lodged large gunshot radiodense fragment with multiple small fragments in the carpal bones making evaluation difficult for fracture, the gunshot fragment appears to be lodged lateral articular surface of the trapezoid and lodged within the capitate with probable fracture of the triquetrum/pisiform. Fracture of the lunate is suggested. At the level of the axial images through the capitate streak artifact limits evaluation of arterial flow but proximally in the radial ulnar arteries are visualized but there is poor opacification of vascularity at the level of the proximal diaphysis of the metacarpals and incomplete visualization of the superficial palmar arch and deep palmar arch as well as distal radial artery of the index finger and common palmar digital arteries which could be related to vasospasm and or soft tissue hematoma compression. There is no active extravasation of contrast although at the level of the capitate streak or defect limits evaluation.

Impression:
1. Oblique fracture intra-articular extension lateral aspect of the distal radius and comminuted fracture intra-articular extension with multiple radiodense foreign body distal diaphysis and articular surface of the ulna and lodged large gunshot radiodense fragment with multiple small fragments in the carpal bones making evaluation difficult for fracture, the gunshot fragment appears to be lodged lateral articular surface of the trapezoid and lodged within the capitate with probable fracture of the triquetrum/pisiform. Fracture of the lunate is suggested.

2. At the level of the axial images through the capitate streak artifact limits evaluation of arterial flow but proximally in the radial ulnar arteries are visualized but there is poor opacification of vascularity at the level of the proximal diaphysis of the metacarpals and incomplete visualization of the superficial palmar arch and deep palmar arch as well as distal radial artery of the index finger and common palmar digital arteries which could be related to vasospasm and or soft tissue hematoma compression. There is no active extravasation of contrast although at the level of the capitate streak or defect limits evaluation.

3. Focal subcutaneous gas is noted at the level of the left forearm below the radial head and there is a 6.3 mm radiodense subcutaneous dermis foreign body series 3 image 1 and subcutaneous gas and gas within the muscle is noted medial to the radius surrounding the radial artery at the arterial fascial plane appears intact and there is no extravasation of the radial artery to the level where it is obscured at the level of the capitate. There is soft tissue hematoma overlying the soft tissues and muscles of the distal radius with multiple radiodense foreign bodies noted suggesting gunshot fragments.

Components

Component	Value	Reference Range	Flag	Lab
RADIOLOGY EXAM DESCRIPTION	CT ANGIOGRAM LEFT UPPER EXTREMITY	—	—	1089

Procedures Performed	Chargeables
CT ANGIOGRAM LEFT UPPER EXTREM. [250753]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1089 - Unknown	NCAL PWS	Unknown	Unknown	08/07/08 0802 - Present

02/15/2021 - Appointment in CT SCAN (continued)

Imaging (continued)

INTERFACE

CT ANGIOGRAM CTA of left upper extrimities [1793500674] Resulted: 02/15/21 2335, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2311
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/15/21 2335
Performed: 02/15/21 2335 - 02/15/21 2335
Accession number: 11203969777

Procedures Performed	Chargeables
CT ANGIOGRAM LEFT UPPER EXTREM. [250753]	

Signed

Electronically signed by [redacted] (M.D.) on 2/16/21 at 0007 PST

KAISER PERMANENTE® 8241 E STOCKTON BOULEVARD SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/15/2021 11:50 PM

Time	Provider	Department	Length
11:50 PM	DR PORT6 CANON RADP EIN[redacted]	SSC-RAD* >BRUCEVLL HOS	10 min

Arrival Time: 11:47 PM
Enc Form Number: 31282929316

History

Made On:	2/15/2021 11:47 PM	By: [redacted]	RIS
Checked In:	2/15/2021 11:47 PM	By: [redacted]	ES
Changed:	2/16/2021 12:37 AM	By: Dicom, Background User	ES
EOD Status:	2/21/2021 12:35 AM	By: Epic, User	ES

Changes

2/16/2021 12:37 AM

Old Appointment:	New Appointment:
Visit Type: IP IMAGING	Visit Type: IP IMAGING
Provider: **DR PORT1 CANON RADP EIN[redacted]**	Provider: **DR PORT6 CANON RADP EIN[redacted]**
Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]	Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]
Date: 2/15/2021	Date: 2/15/2021
Time: 11:50 PM	Time: 11:50 PM
Length: 10	Length: 10

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Visit Account Information (continued)

Imaging

Imaging

XR LEFT FOREARM [1793500687] (Final result)

Electronically signed by: [redacted] **(D.O.) on 02/15/21 2340** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (D.O.) 02/15/21 2340
Ordering provider: [redacted] (D.O.)
Authorized by: [redacted] (D.O.)
Ordering mode: Standard
Frequency: STAT One Time 02/15/21 2345 - 1 occurrence
Class: Inpatient
Quantity: 1
Lab status: Final result
Indications of use: Trauma, concern for fracture
Indications comment: gsw
Instance released by: [redacted] (D.O.) (auto-released) 2/15/2021 11:40 PM

Provider Details

Provider	NPI
[redacted]	[redacted]

Questionnaire

Question	Answer
Priority	STAT

End Exam Questions

	Answer	Comment
Comments		

XR LEFT FOREARM [1793500687] (Abnormal) Resulted: 02/16/21 0732, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: Rad Results, Inbound 02/16/21 1440
Performed: 02/16/21 0026 - 02/16/21 0036
Accession number: 11203969800
Resulting lab: NCAL RADIATOR INTERFACE
Narrative:
XRAY BILATERAL FOREARM, WRIST, AND HAND

** HISTORY **:
38 year old man, trauma. Gunshot wound

** TECHNIQUE **:

Multiple view(s) of bilateral forearm, wrist, and hand acquired.

COMPARISON: None available

** FINDINGS **:
RIGHT: The radius and ulna are intact. The elbow and wrist joints are intact. The bones and joints within the hand and wrist are intact. There is a large bullet in the soft tissues adjacent to the first metacarpal bone. There is a tiny metallic foreign body in the soft tissues within the webspace between the first and second digits.

LEFT: Elbow joint is intact. The radius is intact. There is a comminuted fracture involving the distal ulna. There are numerous tiny radiopaque foreign body is identified at the fracture site as well as in the soft tissues of the distal forearm. A large bullet fragment is present embedded within the capitate bone. Fractures are seen triquetral bone.

No fractures are present within the hand. The joints within the hand are normal

Impression:
No fracture or dislocation within the LEFT forearm, wrist, and hand
Large bullet fragment in the soft tissues adjacent to the LEFT first metacarpal and a tiny radiopaque foreign body in the webspace between the first and second digits

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

Multiple tiny radiopaque foreign bodies are present in the distal forearm and a large bullet fragment is present embedded within the RIGHT capitate bone.
Comminuted fracture of the distal ulna , triquetral bone fracture , and capitate fractures are present on the RIGHT

Action required

Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Procedures Performed	Chargeables
XR LEFT FOREARM. [249753]	

Recipients

[redacted] **(D.O.)**

Added By?	Delivery Method	Outcome	Message ID	Address Source
Scheme	In Basket	Result sent	728858919	Ordering Provider

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1691 - Unknown	NCAL RADIATOR INTERFACE	Unknown	Unknown	06/21/15 1700 - Present

XR LEFT FOREARM [1793500687] Resulted: 02/16/21 0036, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/16/21 0036
Performed: 02/16/21 0026 - 02/16/21 0036
Accession number: 11203969800

Procedures Performed	Chargeables
XR LEFT FOREARM. [249753]	

Reviewed by

[redacted] (D.O.) on 04/19/21 1705

All Reviewers List

[redacted] (D.O.) on 4/19/2021 5:05 PM

KAISER PERMANENTE® 8241 E STOCKTON BOULEVARD SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/15/2021

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/15/2021 11:55 PM

Time	Provider	Department	Length
11:55 PM	DR PORT6 CANON RADP EIN [redacted]	SSC-RAD* >BRUCEVLL HOS	5 min

Arrival Time: 11:47 PM
Enc Form Number: 31282929317

History

Made On:	2/15/2021 11:47 PM	By: [redacted]	RIS
Checked In:	2/15/2021 11:47 PM	By: [redacted]	ES
Changed:	2/16/2021 12:36 AM	By: Dicom, Background User	ES
Remove Arr.:	2/17/2021 6:50 AM	By: Epic, User	AR
EOD Status:	2/21/2021 12:35 AM	By: Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By: Epic, User	AR

Changes

2/16/2021 12:36 AM

Old Appointment:	New Appointment:
Visit Type: IP IMAGING	Visit Type: IP IMAGING
Provider: **DR PORT1 CANON RADP EIN** [redacted]	Provider: **DR PORT6 CANON RADP EIN** [redacted]
Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]	Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]
Date: 2/15/2021	Date: 2/15/2021
Time: 11:55 PM	Time: 11:55 PM
Length: 5	Length: 5

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account # [redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family
Address	**Phone**			
[redacted]	[redacted]			

Coverage Information (for Hospital Account # [redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	
Subscriber	**Subscriber #**
Martin, Adan	[redacted]
Address	**Phone**

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Visit Account Information (continued)

[redacted]

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
73110	RADEX WRIST COMPLETE MINIMUM 3 VIEWS	2/16/2021 12:16 AM	[redacted] (M.D.)	26, LT	1
73120	RADEX HAND 2 VIEWS	2/16/2021 12:16 AM	[redacted] (M.D.)	26, LT	1
73110	RADEX WRIST COMPLETE MINIMUM 3 VIEWS	2/16/2021 12:16 AM	[redacted] (M.D.)	LT	1
73120	RADEX HAND 2 VIEWS	2/16/2021 12:16 AM	[redacted] (M.D.)	LT	1

Imaging

Imaging

XR LEFT WRIST [1793500689] (Final result)

Electronically signed by: [redacted] **(D.O.) on 02/15/21 2340** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (D.O.) 02/15/21 2340
Ordering provider: [redacted] (D.O.)
Authorized by: [redacted] (D.O.)
Ordering mode: Standard
Frequency: STAT One Time 02/15/21 2345 - 1 occurrence
Class: Inpatient
Quantity: 1
Lab status: Final result
Indications of use: Trauma, concern for fracture
Indications comment: gsw
Instance released by: [redacted] (D.O.) (auto-released) 2/15/2021 11:40 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT

End Exam Questions

	Answer	Comment
Comments		

XR LEFT WRIST [1793500689] (Abnormal) Resulted: 02/16/21 0734, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: Ps360,Results 02/16/21 0737
Performed: 02/16/21 0016 - 02/16/21 0036
Accession number: 11203969801
Resulting lab: NCAL PWS INTERFACE
Narrative:
XR LEFT WRIST AND LEFT HAND.

** HISTORY **:
38 years old, TRAUMA, CONCERN FOR FRACTURE gsw.

** TECHNIQUE **:
3 views of the left wrist and left hand obtained.

COMPARISON: Radiograph 2/16/2021 (accession 11203969801), Radiograph 2/16/2021, CT 2/15/2021 (accession 11203969806)

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

** FINDINGS **:

See impression.

Impression:
Numerous metallic fragments and shrapnel are noted within the left distal forearm and wrist obscuring the carpal bones, particularly the capitate. Acute comminuted mildly displaced intra-articular fracture of the distal ulna. Acute nondisplaced intra-articular fracture of the dorsal distal radius. Fractures of the capitate, lunate, and triquetrum are better demonstrated on the prior CT. There is soft tissue swelling about the distal forearm and wrist.

Action required. +

Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Components

Component	Value	Reference Range	Flag	Lab
RADIOLOGY EXAM DESCRIPTION	XR LEFT WRIST AND LEFT HAND.	—	—	1089

Procedures Performed	Chargeables
XR LEFT WRIST. [249779]	

Recipients

[redacted] (D.O.)

Added By?	Delivery Method	Outcome	Message ID	Address Source
Scheme	In Basket	Result sent	728648050	Ordering Provider

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1089 - Unknown	NCAL PWS INTERFACE	Unknown	Unknown	08/07/08 0802 - Present

XR LEFT WRIST [1793500689] Resulted: 02/16/21 0036, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/16/21 0036
Performed: 02/16/21 0016 - 02/16/21 0036
Accession number: 11203969801

Procedures Performed	Chargeables
XR LEFT WRIST. [249779]	

Reviewed by

[redacted] (D.O.) on 04/19/21 1705

02/15/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

Signed

Electronically signed by [redacted] (M.D.) on 2/16/21 at 0734 PST

All Reviewers List

[redacted] (D.O.) on 4/19/2021 5:05 PM

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/16/2021 12:00 AM

Time	Provider	Department	Length
12:00 AM	DR PORT6 CANON RADP EIN[redacted]	SSC-RAD* >BRUCEVLL HOS	15 min

Arrival Time: 12:00 AM
Enc Form Number: 31282929335

History

Made On:	2/15/2021 11:48 PM	By: [redacted]	RIS
Checked In:	2/16/2021 12:00 AM	By: [redacted]	ES
Checked In:	2/16/2021 12:01 AM	By: [redacted]	ES
Changed:	2/16/2021 12:33 AM	By: Dicom, Background User	ES
EOD Status:	2/22/2021 12:44 AM	By: Epic, User	ES

Changes

2/16/2021 12:33 AM

Old Appointment:	New Appointment:
Visit Type: IP IMAGING	Visit Type: IP IMAGING
Provider: **DR PORT1 CANON RADP EIN[redacted]**	Provider: **DR PORT6 CANON RADP EIN[redacted]**
Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]	Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]
Date: 2/16/2021	Date: 2/16/2021
Time: 12:00 AM	Time: 12:00 AM
Length: 15	Length: 15

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #312180922475)

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Visit Account Information (continued)

[redacted]

Imaging

Imaging

XR RIGHT HAND [1793502967] (Final result)

Electronically signed by: [redacted] **(D.O.) on 02/15/21 2340** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (D.O.) 02/15/21 2340
Authorized by: [redacted] (D.O.)
Ordering provider: [redacted] (D.O.)
Ordering mode: Standard
Frequency: STAT One Time 02/15/21 2345 - 1 occurrence
Class: Inpatient
Quantity: 1
Lab status: Final result
Indications of use: Trauma, concern for fracture
Indications comment: gsw
Instance released by: [redacted] (D.O.) (auto-released) 2/15/2021 11:40 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	STAT

End Exam Questions

	Answer	Comment
Comments		

XR RIGHT HAND [1793502967] (Abnormal) Resulted: 02/16/21 0732, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: Rad Results, Inbound 02/16/21 1440
Performed: 02/16/21 0002 - 02/16/21 0032
Accession number: 11203969802
Resulting lab: NCAL RADIATOR INTERFACE
Narrative:
XRAY BILATERAL FOREARM, WRIST, AND HAND

** HISTORY **:
38 year old man, trauma. Gunshot wound

** TECHNIQUE **:

Multiple view(s) of bilateral forearm, wrist, and hand acquired.

COMPARISON: None available

** FINDINGS **:
RIGHT: The radius and ulna are intact. The elbow and wrist joints are intact. The bones and joints within the hand and wrist are intact. There is a large bullet in the soft tissues adjacent to the first metacarpal bone. There is a tiny metallic foreign body in the soft tissues within the webspace between the first and second digits.

LEFT: Elbow joint is intact. The radius is intact. There is a comminuted fracture involving the distal ulna. There are numerous tiny radiopaque foreign body is identified at the fracture site as well as in the soft tissues of the distal forearm. A large bullet fragment is present embedded within the capitate bone. Fractures are seen triquetral bone.

No fractures are present within the hand. The joints within the hand are normal

Impression:
No fracture or dislocation within the LEFT forearm, wrist, and hand

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

Large bullet fragment in the soft tissues adjacent to the LEFT first metacarpal and a tiny radiopaque foreign body in the webspace between the first and second digits

Multiple tiny radiopaque foreign bodies are present in the distal forearm and a large bullet fragment is present embedded within the RIGHT capitate bone.
Comminuted fracture of the distal ulna , triquetral bone fracture , and capitate fractures are present on the RIGHT

Action required

Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Procedures Performed	Chargeables
XR RIGHT HAND. [249817]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1691 - Unknown	NCAL RADIATOR INTERFACE	Unknown	Unknown	06/21/15 1700 - Present

XR RIGHT HAND [1793502967] Resulted: 02/16/21 0032, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/16/21 0032
Performed: 02/16/21 0002 - 02/16/21 0032
Accession number: 11203969802

Procedures Performed	Chargeables
XR RIGHT HAND. [249817]	

KAISER PERMANENTE®
8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/16/2021 12:05 AM

Time	Provider	Department	Length
12:05 AM	DR PORT6 CANON RADP EIN[redacted]	SSC-RAD* >BRUCEVLL HOS	15 min

Arrival Time: 12:00 AM
Enc Form Number: 31282929334

History

Made On:	2/15/2021 11:50 PM	By: [redacted]	RIS
Checked In:	2/16/2021 12:00 AM	By: [redacted]	ES
Checked In:	2/16/2021 12:01 AM	By: [redacted]	ES
Changed:	2/16/2021 12:33 AM	By: Dicom, Background User	ES
Remove Arr.:	2/16/2021 11:55 PM	By: Epic, User	AR
EOD Status:	2/22/2021 12:44 AM	By: Epic, User	ES
Checked Out:	5/6/2021 3:14 AM	By: Epic, User	AR

Changes

2/16/2021 12:33 AM

Old Appointment:	New Appointment:
Visit Type: IP IMAGING	Visit Type: IP IMAGING
Provider: **DR PORT1 CANON RADP EIN[redacted]**	Provider: **DR PORT6 CANON RADP EIN[redacted]**
Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]	Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]
Date: 2/16/2021	Date: 2/16/2021
Time: 12:05 AM	Time: 12:05 AM
Length: 15	Length: 15

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #312180922475)

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	
Subscriber	**Subscriber #**
Martin, Adan	[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Visit Account Information (continued)

Address	Phone
[redacted]	

All Charges for This Encounter

Code	Description	Service Date	Service Provider	Modifiers	Qty
73090	RADEX FOREARM 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	26, 76, LT	1
73090	RADEX FOREARM 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	26, RT	1
73100	RADEX WRIST 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	26, 76, LT	1
73100	RADEX WRIST 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	26, RT	1
73120	RADEX HAND 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	26, 77, LT	1
73120	RADEX HAND 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	26, RT	1
73090	RADEX FOREARM 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	76, LT	1
73090	RADEX FOREARM 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	RT	1
73100	RADEX WRIST 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	76, LT	1
73100	RADEX WRIST 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	RT	1
73120	RADEX HAND 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	77, LT	1
73120	RADEX HAND 2 VIEWS	2/16/2021 12:23 AM	[redacted] (M.D.)	RT	1

Imaging

Imaging

XR RIGHT FOREARM [1793500688] (Final result)

Electronically signed by: [redacted] **(D.O.) on 02/15/21 2340** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (D.O.) 02/15/21 2340
Ordering provider: [redacted] (D.O.)
Authorized by: [redacted] (D.O.)
Ordering mode: Standard
Frequency: Routine One Time 02/15/21 2345 - 1 occurrence
Class: Inpatient
Quantity: 1
Lab status: Final result
Indications of use: Trauma, concern for fracture
Indications comment: gsw
Instance released by: [redacted] (D.O.) (auto-released) 2/15/2021 11:40 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	ROUTINE

End Exam Questions

	Answer	Comment
Comments		

XR RIGHT FOREARM [1793500688] (Abnormal) Resulted: 02/16/21 0732, Result status: Final result

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: Rad Results, Inbound 02/16/21 1440
Performed: 02/16/21 0023 - 02/16/21 0033
Accession number: 11203969804
Resulting lab: NCAL RADIATOR INTERFACE
Narrative:
XRAY BILATERAL FOREARM, WRIST, AND HAND

** HISTORY **:
38 year old man, trauma. Gunshot wound

** TECHNIQUE **:

Multiple view(s) of bilateral forearm, wrist, and hand acquired.

COMPARISON: None available

** FINDINGS **:
RIGHT: The radius and ulna are intact. The elbow and wrist joints are intact. The bones and joints within the hand and wrist are intact. There is a large bullet in the soft tissues adjacent to the first metacarpal bone. There is a tiny metallic foreign body in the soft tissues within the webspace between the first and second digits.

LEFT: Elbow joint is intact. The radius is intact. There is a comminuted fracture involving the distal ulna. There are numerous tiny radiopaque foreign body is identified at the fracture site as well as in the soft tissues of the distal forearm. A large bullet fragment is present embedded within the capitate bone. Fractures are seen triquetral bone.

No fractures are present within the hand. The joints within the hand are normal

Impression:
No fracture or dislocation within the LEFT forearm, wrist, and hand
Large bullet fragment in the soft tissues adjacent to the LEFT first metacarpal and a tiny radiopaque foreign body in the webspace between the first and second digits

Multiple tiny radiopaque foreign bodies are present in the distal forearm and a large bullet fragment is present embedded within the RIGHT capitate bone.
Comminuted fracture of the distal ulna , triquetral bone fracture , and capitate fractures are present on the RIGHT

Action required

Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Procedures Performed	Chargeables
XR RIGHT FOREARM. [249815]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1691 - Unknown	NCAL RADIATOR INTERFACE	Unknown	Unknown	06/21/15 1700 - Present

XR RIGHT FOREARM [1793500688] Resulted: 02/16/21 0033, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/16/21 0033
Performed: 02/16/21 0023 - 02/16/21 0033
Accession number: 11203969804

Procedures Performed	Chargeables
XR RIGHT FOREARM. [249815]	

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/16/2021 12:10 AM

Time	Provider	Department	Length
12:10 AM	DR PORT6 CANON RADP EIN[redacted]	SSC-RAD* >BRUCEVLL HOS	15 min

Arrival Time: 12:00 AM
Enc Form Number: 31282929336

History

Made On:	2/15/2021 11:50 PM	By: [redacted]	RIS
Checked In:	2/16/2021 12:00 AM	By: [redacted]	ES
Checked In:	2/16/2021 12:01 AM	By: [redacted]	ES
Changed:	2/16/2021 12:34 AM	By: Dicom, Background User	ES
EOD Status:	2/22/2021 12:44 AM	By: Epic, User	ES

Changes

2/16/2021 12:34 AM

Old Appointment:	New Appointment:
Visit Type: IP IMAGING	Visit Type: IP IMAGING
Provider: **DR PORT1 CANON RADP EIN[redacted]**	Provider: **DR PORT6 CANON RADP EIN[redacted]**
Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]	Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]
Date: 2/16/2021	Date: 2/16/2021
Time: 12:10 AM	Time: 12:10 AM
Length: 15	Length: 15

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Visit Account Information (continued)

[redacted]

Imaging

Imaging

XR RIGHT WRIST [1793500690] (Final result)

Electronically signed by: [redacted] **(D.O.) on 02/15/21 2340** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (D.O.) 02/15/21 2340
Authorized by: [redacted] (D.O.)
Ordering provider: [redacted] (D.O.)
Ordering mode: Standard
Frequency: Routine One Time 02/15/21 2345 - 1 occurrence
Class: Inpatient
Quantity: 1
Lab status: Final result
Indications of use: Trauma, concern for fracture
Indications comment: gsw
Instance released by: [redacted] (D.O.) (auto-released) 2/15/2021 11:40 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	ROUTINE

End Exam Questions

	Answer	Comment
Comments		

XR RIGHT WRIST [1793500690] (Abnormal) Resulted: 02/16/21 0732, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: Rad Results, Inbound 02/16/21 1440
Performed: 02/16/21 0024 - 02/16/21 0034
Accession number: 11203969805
Resulting lab: NCAL RADIATOR INTERFACE
Narrative:
XRAY BILATERAL FOREARM, WRIST, AND HAND

** HISTORY **:
38 year old man, trauma. Gunshot wound

** TECHNIQUE **:

Multiple view(s) of bilateral forearm, wrist, and hand acquired.

COMPARISON: None available

** FINDINGS **:
RIGHT: The radius and ulna are intact. The elbow and wrist joints are intact. The bones and joints within the hand and wrist are intact. There is a large bullet in the soft tissues adjacent to the first metacarpal bone. There is a tiny metallic foreign body in the soft tissues within the webspace between the first and second digits.

LEFT: Elbow joint is intact. The radius is intact. There is a comminuted fracture involving the distal ulna. There are numerous tiny radiopaque foreign body is identified at the fracture site as well as in the soft tissues of the distal forearm. A large bullet fragment is present embedded within the capitate bone. Fractures are seen triquetral bone.

No fractures are present within the hand. The joints within the hand are normal

Impression:
No fracture or dislocation within the LEFT forearm, wrist, and hand

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

Large bullet fragment in the soft tissues adjacent to the LEFT first metacarpal and a tiny radiopaque foreign body in the webspace between the first and second digits

Multiple tiny radiopaque foreign bodies are present in the distal forearm and a large bullet fragment is present embedded within the RIGHT capitate bone.
Comminuted fracture of the distal ulna , triquetral bone fracture , and capitate fractures are present on the RIGHT

Action required

Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Procedures Performed	Chargeables
XR RIGHT WRIST. [249842]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1691 - Unknown	NCAL RADIATOR INTERFACE	Unknown	Unknown	06/21/15 1700 - Present

XR RIGHT WRIST [1793500690] Resulted: 02/16/21 0034, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/16/21 0034
Performed: 02/16/21 0024 - 02/16/21 0034
Accession number: 11203969805

Procedures Performed	Chargeables
XR RIGHT WRIST. [249842]	

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

Appointment Information

IP IMAGING — **Completed**
2/16/2021 12:15 AM

Time	Provider	Department	Length
12:15 AM	DR PORT6 CANON RADP EIN[redacted]	SSC-RAD* >BRUCEVLL HOS	15 min

Arrival Time: 12:00 AM
Enc Form Number: 31282929333

History

Made On:	2/15/2021 11:50 PM	By: [redacted]	RIS
Checked In:	2/16/2021 12:00 AM	By: [redacted]	ES
Checked In:	2/16/2021 12:01 AM	By: [redacted]	ES
Changed:	2/16/2021 12:35 AM	By: Dicom, Background User	ES
EOD Status:	2/22/2021 12:44 AM	By: Epic, User	ES

Changes

2/16/2021 12:35 AM

Old Appointment:	New Appointment:
Visit Type: IP IMAGING	Visit Type: IP IMAGING
Provider: **DR PORT1 CANON RADP EIN[redacted]**	Provider: **DR PORT6 CANON RADP EIN[redacted]**
Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]	Dept: SSC-RAD* >BRUCEVLL HOS [1400700080]
Date: 2/16/2021	Date: 2/16/2021
Time: 12:15 AM	Time: 12:15 AM
Length: 15	Length: 15

Visit Account Information

Hospital Account

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account #[redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family
Address	**Phone**			
[redacted]	[redacted]			

Coverage Information (for Hospital Account #[redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	
Subscriber	**Subscriber #**
Martin, Adan	[redacted]
Address	**Phone**
[redacted]	

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Visit Account Information (continued)

[redacted]

Imaging

Imaging

XR LEFT HAND [1793502966] (Final result)

Electronically signed by: [redacted] **(D.O.) on 02/15/21 2340** Status: **Completed**
This order may be acted on in another encounter.
Ordering user: [redacted] (D.O.) 02/15/21 2340
Authorized by: [redacted] (D.O.)
Frequency: Routine One Time 02/15/21 2345 - 1 occurrence
Quantity: 1
Indications of use: Trauma, concern for fracture
Ordering provider: [redacted] (D.O.)
Ordering mode: Standard
Class: Inpatient
Lab status: Final result
Indications comment: gsw
Instance released by: [redacted] (D.O.) (auto-released) 2/15/2021 11:40 PM

Provider Details

Provider	NPI
[redacted] (D.O.)	[redacted]

Questionnaire

Question	Answer
Priority	ROUTINE

End Exam Questions

	Answer	Comment
Comments		

XR LEFT HAND [1793502966] (Abnormal) Resulted: 02/16/21 0734, Result status: Final result

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Resulted by: [redacted] (M.D.)
Performed: 02/16/21 0025 - 02/16/21 0035
Resulting lab: NCAL PWS INTERFACE
Order status: Completed
Filed by: Ps360,Results 02/16/21 0737
Accession number: 11203969806

Narrative:
XR LEFT WRIST AND LEFT HAND.

** HISTORY **:
38 years old, TRAUMA, CONCERN FOR FRACTURE gsw.

** TECHNIQUE **:
3 views of the left wrist and left hand obtained.

COMPARISON: Radiograph 2/16/2021 (accession 11203969801), Radiograph 2/16/2021, CT 2/15/2021 (accession 11203969806)

** FINDINGS **:

See impression.

Impression:
Numerous metallic fragments and shrapnel are noted within the left distal forearm and wrist obscuring the carpal bones, particularly the capitate. Acute comminuted mildly displaced intra-articular fracture of the distal ulna. Acute nondisplaced intra-articular fracture of the dorsal distal radius. Fractures of the capitate, lunate, and triquetrum are better demonstrated on the prior CT. There is soft tissue swelling about the distal forearm and wrist.

Action required. +

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

Acknowledged by: [redacted] (D.O.) on 04/19/21 1705

Components

Component	Value	Reference Range	Flag	Lab
RADIOLOGY EXAM DESCRIPTION	XR LEFT WRIST AND LEFT HAND.	—	—	1089

Procedures Performed	Chargeables
XR LEFT HAND. [249755]	

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
1089 - Unknown	NCAL PWS INTERFACE	Unknown	Unknown	08/07/08 0802 - Present

XR LEFT HAND [1793502966] Resulted: 02/16/21 0035, Result status: In process

Ordering provider: [redacted] (D.O.) 02/15/21 2340
Order status: Completed
Resulted by: [redacted] (M.D.)
Filed by: [redacted] 02/16/21 0035
Performed: 02/16/21 0025 - 02/16/21 0035
Accession number: 11203969806

Procedures Performed	Chargeables
XR LEFT HAND. [249755]	

Signed

Electronically signed by [redacted] (M.D.) on 2/16/21 at 0734 PST

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21

Anesthesia Information

Anesthesia Summary - Martinez, Adan [redacted] **Male** **38 Y** Current as of 02/16/21 1004

Height: 5' 8" (02/16/21)
Weight: 106.3 kg (234 lb 6.4 oz) (02/16/21)
BMI: 36 (02/16/21)
NPO Status: Not recorded
Allergies: No Known Allergies

Procedure Summary

Date: 02/16/21

Room / Location: MOR 2 - SSC KPHC USE ONLY / SSC-MAIN-OR; RADIOLOGY DEPARTMENT

Anesthesia Start: 1017

Anesthesia Stop: 1233

Procedures:
XR LEFT HAND
HAND REMOVAL OF FOREIGN BODY (Bilateral Arm)
IRRIGATION OF WOUND (Bilateral Hand)
WRIST ORIF FRACTURE (Left Wrist)

Diagnosis: GUNSHOT WOUND OF LEFT FOREARM, INIT

Scheduled Providers: [redacted] (M.D.)

Closing Enc Provider: [redacted] (C.R.N.A)

Anesthesia Type: General

ASA Status: III

Responsible Staff

02/16/21

Name	Role	Begin	End
[redacted] (M.D.)	Sup MD	1017	1233
[redacted] (C.R.N.A)	CRNA	1017	1138
[redacted] (C.R.N.A)	CRNA	1138	1211
[redacted] (C.R.N.A)	CRNA	1211	1233

Events

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

Attestation Information

Staff Name	Date	Time	Type
[redacted] (R.N.)	02/16/21	9:57 AM	Preop Verify
[redacted] (R.N.)	02/16/21	12:36 PM	Intraop Verify
[redacted] (R.N.)	02/16/21	12:37 PM	Procedure Review

Medications (Filter: Administrations occurring from 02/15/21 0000 to 06/08/21 2359)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1015	2 mg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1024	50 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)
1032	50 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1031	100 mg	Given	Injection	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1034	200 mg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1039	4 mg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1047	4 mg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1042	10 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)
1046	10 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)
1217	10 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 0747	2 g (over 30 min)	HandOff	intraVENOUS	[redacted] (R.N.)
1037	2 g	Given	intraVENOUS	[redacted] (C.R.N.A)
1637	2 g (over 30 min)	Missed	intraVENOUS	[redacted] (R.N.)

Comment: Pt received at 1037 while in OR

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 0746	2 g	HandOff	intraVENOUS	[redacted] (R.N.)
1043	2 g	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1056	0.5 mg	Given	intraVENOUS	[redacted] (C.R.N.A)
1114	0.5 mg	Given	intraVENOUS	[redacted] (C.R.N.A)
1136	0.5 mg	Given	intraVENOUS	[redacted] (C.R.N.A)
1143	0.5 mg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1056	100 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)
1105	100 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)
1107	100 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)
1114	100 mcg	Given	intraVENOUS	[redacted] (C.R.N.A)

[redacted]

Date/Time	Rate/Dose/Volume	Action	Route	Admin User
02/16/21 1015		New Bag	intraVENOUS	[redacted] (C.R.N.A)
1143	800 mL	Given By Physician	intraVENOUS	[redacted] (C.R.N.A)
1236	200 mL	Given By Physician	intraVENOUS	[redacted] (C.R.N.A)
1834	75 mL/hr	New Bag	intraVENOUS	[redacted]
1900	75 mL/hr	Rate Change	intraVENOUS	
2000	75 mL/hr - 375 mL	Rate Change	intraVENOUS	
2100	75 mL/hr	Rate Change	intraVENOUS	
2200	75 mL/hr	Rate Change	intraVENOUS	
02/17/21 0050	75 mL/hr	Rate Change	intraVENOUS	(R.N.)
0800	75 mL/hr	Rate Change	intraVENOUS	[redacted] (R.N.)
0900	75 mL/hr	Rate Change	intraVENOUS	[redacted] (R.N.)

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Preprocedure Signoff

Ready for Procedure: [redacted] (C.R.N.A) on 02/16/21 at 1004
Reviewed: [redacted] (C.R.N.A) on 02/16/21 at 1004

Signoff Status

None

Notes

Anesthesia Postprocedure Evaluation

[redacted] (M.D.) at 2/16/2021 1726

Version 1 of 1

Author: [redacted] (M.D.) Service: — Author Type: Physician
Filed: 2/16/2021 5:26 PM Date of Service: 2/16/2021 5:26 PM Creation Time: 2/16/2021 5:26 PM
Status: Signed Editor: [redacted] (M.D.) (Physician)

Post Anesthesia Note

Patient: Adan Martinez

Procedure(s):
Bilateral - HAND REMOVAL OF FOREIGN BODY
Bilateral - IRRIGATION OF WOUND
Left - WRIST ORIF FRACTURE
Surgeon(s):
[redacted] (M.D.)
[redacted] (M.D.)

Patient seen and evaluated prior to discharge or transfer

[redacted]

Electronically signed by [redacted] (M.D.) at 2/16/2021 5:26 PM

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Anesthesia Preprocedure Evaluation

[redacted] (C.R.N.A) at 2/15/2021 2359

Version 5 of 5

Author: [redacted] (C.R.N.A)
Service: —
Author Type: NURSE ANESTHETIST (C.R.N.A.)
Filed: 2/16/2021 10:04 AM
Date of Service: 2/15/2021 11:59 PM
Creation Time: 2/15/2021 11:59 PM
Status: Addendum
Editor: [redacted] (C.R.N.A) (NURSE ANESTHETIST (C.R.N.A.))

* No surgery found *
* Surgery not found *
* No surgery found *

Review of Patient Medical Status (Active or History)

General Information

(+) Substance use (Meth use a month agp)
(+) Elevated BMI - BMI >=30
Pt denies alcohol use, Pt denies cannabis use

Anesthesia History

[redacted]

Exercise

[redacted]

Airway Disorders

[redacted]

Respiratory

[redacted]

Comments: [redacted]

Gastrointestinal / Hepatobiliary

[redacted]

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

Airway Exam

Neck Motion: Normal
Oral Opening: Normal more than 3 cm
Thyromental Distance: Normal > 7 cm
Mallampati: III
Potential difficult airway
No: loose teeth

Pulmonary / Cardio Exam

Breath sounds: clear and equal bilaterally

Cardiac rhythm: Regular rate and rhythm

Anesthesia Plan

Interview: plan discussed in person
Verification: patient verified, procedure confirmed, consents reviewed, site verified
Side: Left
Patient medications and allergies reviewed

ASA physical status: **III**

Beta blockers not prescribed to patient prior to admission

Discussed: general anesthesia

Anesthesia Type Chosen
Primary: **General**
Orotracheal, **Laryngeal mask airway**

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Risks, benefits, alternatives and related procedures for anesthesia discussed with patient. Questions invited and answered.
Patient agrees to the above plan
Specific risks discussed but not limited to: Dental or airway trauma and/or sore throat, Post operative nausea and vomiting, Headache, back pain and nerve injury, Aspiration and other respiratory complications, MI, stroke, death, Emergence delirium, Awareness / recall under anesthesia, Cognitive dysfunction

Lab: Reviewed
ECG: None ordered/indicated

NPO: solids**>8hrs**
NPO: clear liquids**>2hrs**

I order the CRNA to provide anesthesia and to select and administer the drugs.

Interview status: Complete

Author's name: [redacted] (M.D.)

Author's role: Supervising/Charge Anes

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Interview Status: Complete

Author's name: [redacted] (C.R.N.A)

Authors role: CRNA

Electronically signed by [redacted] (C.R.N.A) at 2/16/2021 10:04 AM

Version 4 of 5

Author: [redacted] (M.D.) | Service: — | Author Type: Physician
Filed: 2/16/2021 9:54 AM | Date of Service: 2/15/2021 11:59 PM | Creation Time: 2/15/2021 11:59 PM
Status: Addendum | Editor: [redacted] (M.D.) (Physician)

* No surgery found *
* Surgery not found *
* No surgery found *

Review of Patient Medical Status (Active or History)

General Information

(+) Substance use (Meth use a month agp)
(+) Elevated BMI - BMI >=30
Pt denies alcohol use, Pt denies cannabis use

Anesthesia History

[redacted]

Exercise

[redacted]

Airway Disorders

[redacted]

Respiratory

[redacted]

Comments: [redacted]

Gastrointestinal / Hepatobiliary

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

No hx of: [redacted]

[redacted]

Airway Exam

[redacted]

Pulmonary / Cardio Exam

[redacted]

Anesthesia Plan

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

Lab: Reviewed
ECG: None ordered/indicated

NPO: [redacted]
NPO:

I order the CRNA to provide anesthesia and to select and administer the drugs.

Interview status: Complete

Author's name: [redacted] (M.D.)

Author's role: Supervising/Charge Anes

Electronically signed by [redacted] (M.D.) at 2/16/2021 9:54 AM

Version 3 of 5

Author: [redacted] (M.D.) Service: — Author Type: Physician
Filed: 2/16/2021 9:24 AM Date of Service: 2/15/2021 11:59 PM Creation Time: 2/15/2021 11:59 PM
Status: Addendum Editor: [redacted] (M.D.) (Physician)

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

* No surgery found *
* Surgery not found *
* No surgery found *

Review of Patient Medical Status (Active or History)

General Information

(+) Elevated BMI - BMI >=30

Pt denies alcohol use, Pt denies substance use, Pt denies cannabis use

Exercise

[redacted]

Anesthesia Plan

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

Lab: Reviewed
ECG: None ordered/indicated

I order the CRNA to provide anesthesia and to select and administer the drugs.

Interview status: Chart review only

Author's name: [redacted] (M.D.)

Author's role: Supervising/Charge Anes
[redacted] and [redacted]

Electronically signed by [redacted] (M.D.) at 2/16/2021 9:24 AM

Version 2 of 5

Author: [redacted] (M.D.) | Service: — | Author Type: Physician
Filed: 2/16/2021 1:58 AM | Date of Service: 2/15/2021 11:59 PM | Creation Time: 2/15/2021 11:59 PM
Status: Addendum | Editor: [redacted] (M.D.) (Physician)

* No surgery found *
* Surgery not found *
* No surgery found *

Review of Patient Medical Status (Active or History)

General Information
(+) Elevated BMI - BMI >=30
Pt denies alcohol use, Pt denies substance use, Pt denies cannabis use

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Exercise

[redacted]

[redacted]

Anesthesia Plan

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

Lab: Reviewed
ECG: None ordered/indicated

I order the CRNA to provide anesthesia and to select and administer the drugs.

Interview status: Chart review only

Author's name: [redacted] (M.D.)

Author's role: Supervising/Charge Anes
[redacted] and [redacted]

Electronically signed by [redacted] (M.D.) at 2/16/2021 1:58 AM

Version 1 of 5

Author: [redacted] (M.D.) | Service: — | Author Type: Physician
Filed: 2/15/2021 11:59 PM | Date of Service: 2/15/2021 11:59 PM | Creation Time: 2/15/2021 11:59 PM
Status: Signed | Editor: [redacted] (M.D.) (Physician)

* No surgery found *
* Surgery not found *
* No surgery found *

.

Electronically signed by [redacted] (M.D.) at 2/15/2021 11:59 PM

Anesthesia Procedure Notes

[redacted] (C.R.N.A) at 2/16/2021 1046

Version 1 of 1

Author: [redacted] (C.R.N.A) | Service: — | Author Type: NURSE ANESTHETIST (C.R.N.A.)
Filed: 2/16/2021 10:46 AM | Date of Service: 2/16/2021 10:46 AM | Creation Time: 2/16/2021 10:46 AM
Status: Signed | Editor: [redacted] (C.R.N.A) (NURSE ANESTHETIST (C.R.N.A.))

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

Procedure Orders
1. Airway OR [1793707922] ordered by [redacted] (D.O.)

Airway OR

[redacted]

Electronically signed by [redacted] (C.R.N.A) at 2/16/2021 10:46 AM

Anesthesia Graph

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

Anesth Flowsheet

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

[redacted]

Visit Account Information

[redacted]

Imaging

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

released) 2/16/2021 12:28 PM

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

Imaging (continued)

[redacted]

KAISER PERMANENTE®

8241 E STOCKTON BOULEVARD
SACRAMENTO CA 95828-8200

Martinez, Adan
MRN: [redacted], DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 2/16/2021

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT

Visit Information

[redacted]

Visit Account Information

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

[redacted]

02/16/2021 - Appointment in RADIOLOGY DEPARTMENT (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 3/2/2021

03/02/2021 - Allied Health/Nurse Visit in ORTHOPEDICS STN 1

[redacted]

03/02/2021 - Allied Health/Nurse Visit in ORTHOPEDICS STN 1 (continued)

[redacted]

03/02/2021 - Allied Health/Nurse Visit in ORTHOPEDICS STN 1 (continued)

[redacted]

03/02/2021 - Allied Health/Nurse Visit in ORTHOPEDICS STN 1 (continued)

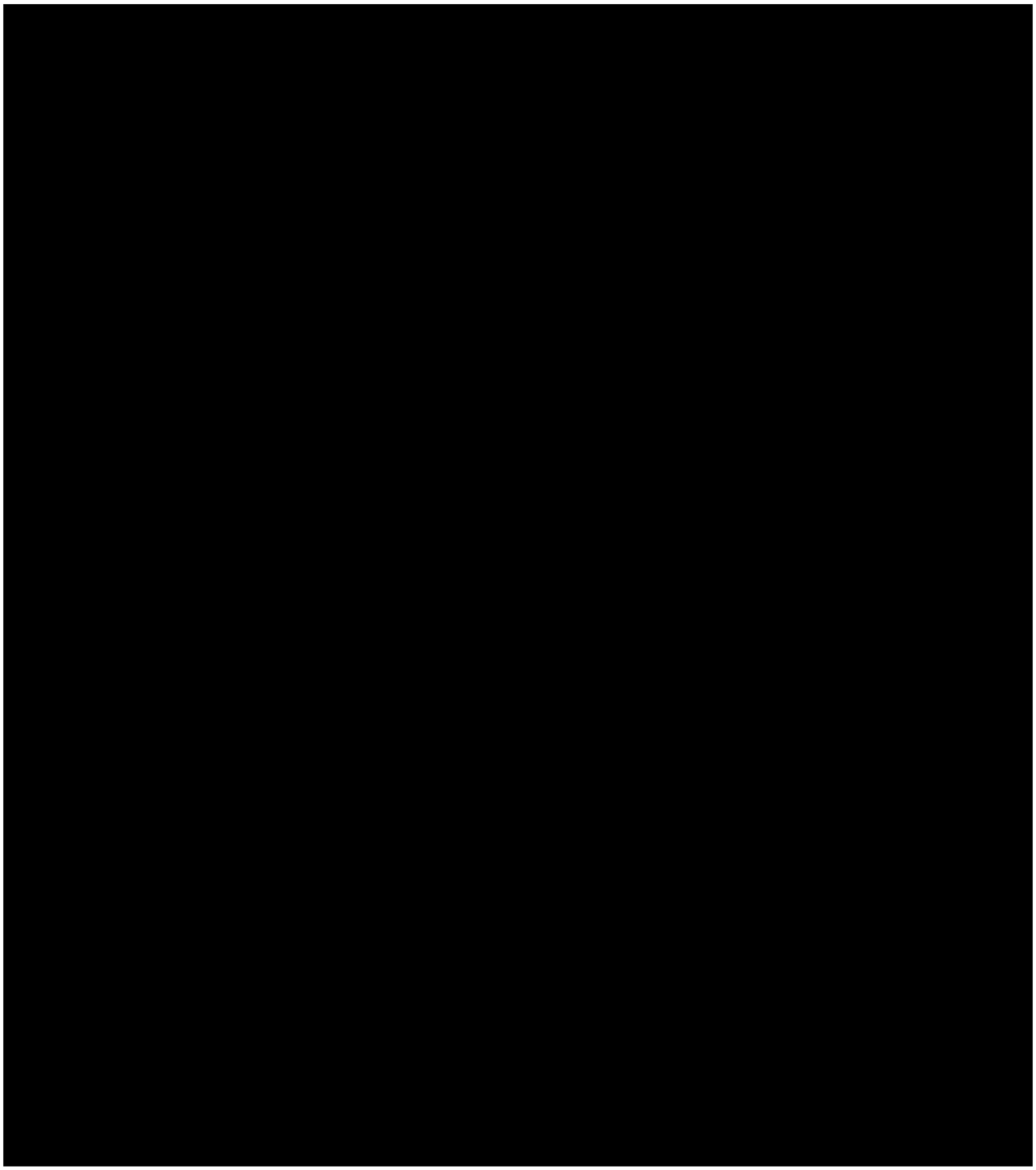
After Visit Summary (continued)

[redacted]

[redacted]

03/02/2021 - Allied Health/Nurse Visit in ORTHOPEDICS STN 1 (continued)

After Visit Summary (continued)



Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 3/2/2021

03/02/2021 - Telephone in ORTHOPEDICS STN 1

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 5/10/2021

05/10/2021 - Telephone in ORTHOPEDICS STN 1

[redacted]

05/10/2021 - Telephone in ORTHOPEDICS STN 1 (continued)

Clinical Notes (continued)

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 5/14/2021

05/14/2021 - Telephone in ORTHOPEDICS STN 1

[redacted]

05/14/2021 - Telephone in ORTHOPEDICS STN 1 (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 5/14/2021

05/14/2021 - Ancillary Orders in ORTHOPEDICS STN 1

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 5/14/2021

05/14/2021 - Ancillary Orders in ORTHOPEDICS STN 1 (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 6/1/2021

06/01/2021 - Ancillary Orders in ORTHOPEDICS STN 1

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 6/2/2021

06/02/2021 - Telephone in ORTHOPEDICS STN 1

[redacted]

06/02/2021 - Telephone in ORTHOPEDICS STN 1 (continued)

Clinical Notes (continued)

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 6/2/2021

06/02/2021 - Office Visit in ORTHOPEDICS STN 1

[redacted]

06/02/2021 - Office Visit in ORTHOPEDICS STN 1 (continued)

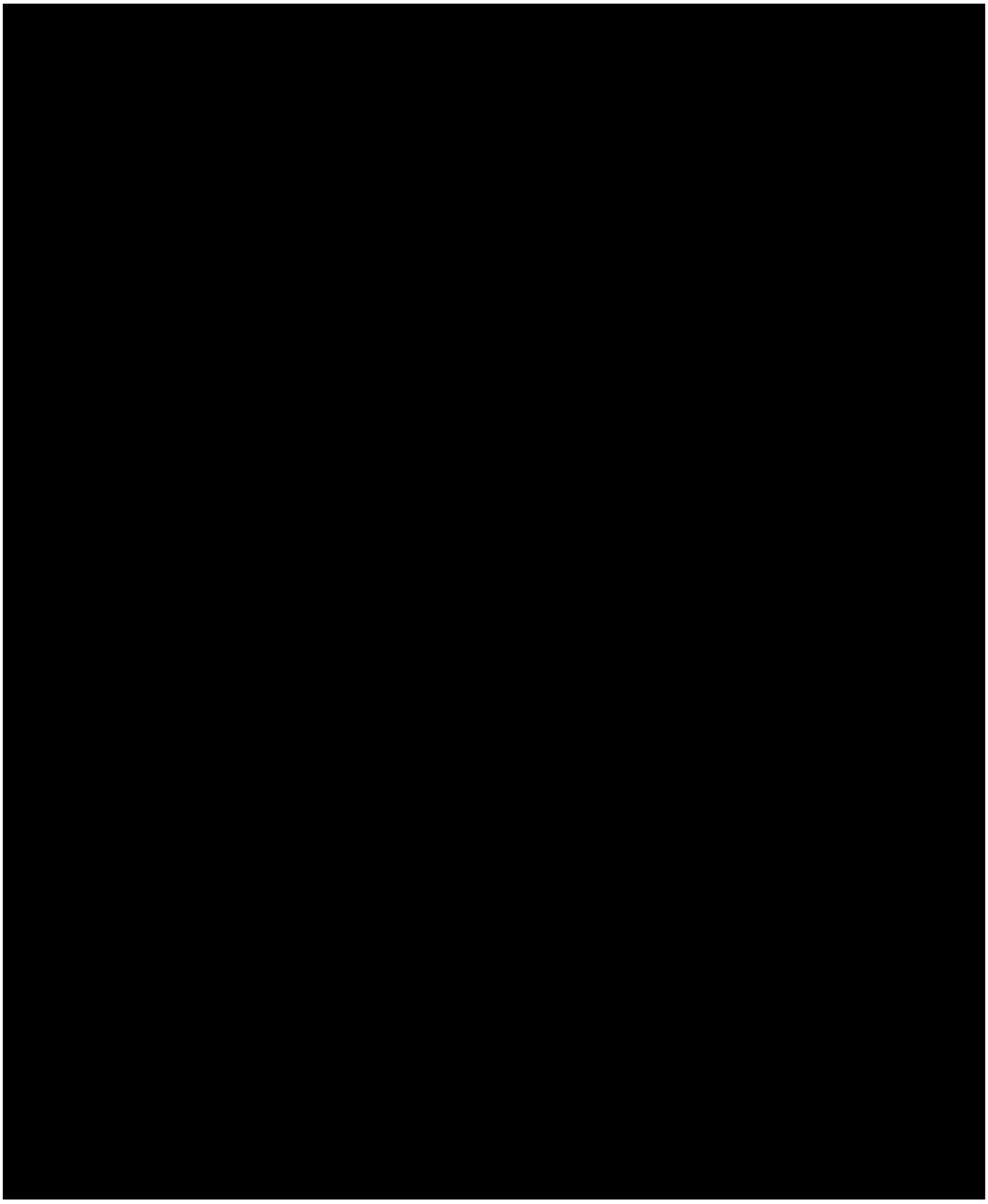
[redacted]

06/02/2021 - Office Visit in ORTHOPEDICS STN 1 (continued)

[redacted]

06/02/2021 - Office Visit in ORTHOPEDICS STN 1 (continued)

After Visit Summary (continued)



06/02/2021 - Office Visit in ORTHOPEDICS STN 1 (continued)

[redacted]

06/02/2021 - Office Visit in ORTHOPEDICS STN 1 (continued)

Encounter-Level Documents - 06/02/2021: (continued)

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Visit date: 6/2/2021

06/02/2021 - Ancillary Procedure in RADIOLOGY IN ORTHOPEDICS

[redacted]

06/02/2021 - Ancillary Procedure in RADIOLOGY IN ORTHOPEDICS (continued)

[redacted]

06/02/2021 - Ancillary Procedure in RADIOLOGY IN ORTHOPEDICS (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W

Visit Information

Admission Information

Arrival Date/Time:	02/15/2021 11:00 PM	Admit Date/Time:	02/15/2021 11:01 PM	IP Adm. Date/Time:	02/16/2021 1:07 AM
Admission Type:	Trauma	Point of Origin:	Non-health Care Facility Point Of Origin	Admit Category:	Unscheduled, Less Than 24 Hours Prior To Admission
Means of Arrival:	Ambulance	Primary Service:	Orthopedics	Secondary Service:	N/A
Transfer Source:	Not Applicable	Service Area:	NORTHERN CALIFORNIA REGION	Unit:	3W
Admit Provider:	[redacted] (D.O.)	Attending Provider:	[redacted] (M.D.)	Referring Provider:	

Discharge Information

Discharge Date/Time	Discharge Disposition	Discharge Destination	Discharge Provider	Unit
02/17/2021 1:32 PM	Legal Custody	None	[redacted] (M.D.)	3W

Level of Service

Level of Service
CRITICAL CARE ILL/INJURED PATIENT INIT 30-74 MIN

Reason for Visit

Chief Complaint

- GUNSHOT WOUND

Visit Diagnoses

- **GUNSHOT WOUND OF LEFT FOREARM, INIT (primary) [S51.802A, W34.00XA]**
- GUNSHOT WOUND OF RIGHT HAND, INIT [S61.401A, W34.00XA]

Revision History

Action	Name	Code	User	Date/Time
Diagnosis #1				
Add	**GUNSHOT WOUND OF LEFT FOREARM, INIT (primary)**	S51.802A, W34.00XA	[redacted] (M.D.)	02/16/2021 0049
Diagnosis #2				
Add	GUNSHOT WOUND OF RIGHT HAND, INIT	S61.401A, W34.00XA	[redacted] (M.D.)	02/17/2021 1002

Hospital Problems

Name	Code	Date Noted	Date Resolved	Present on Admission?
GUNSHOT WOUND OF LEFT FOREARM (primary)	S51.802A, W34.00XA	02/15/2021	—	—
GUNSHOT WOUND OF ABDOMINAL WALL	S31.109A, W34.00XA	02/16/2021	—	Exempt from POA reporting
GUNSHOT WOUND OF RIGHT HAND	S61.401A, W34.00XA	02/16/2021	—	Exempt from POA reporting

Visit Account Information

Hospital Account

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Visit Account Information (continued)

Name	Acct ID	Class	Status	Primary Coverage
Martinez, Adan	[redacted]	Inpatient	Discharged/Not Billed	MEDI-CAL EDS - MEDI-CAL EDS

Guarantor Account (for Hospital Account # [redacted])

Name	Relation to Pt	Service Area	Active?	Acct Type
Martinez, Adan	Self	NCAL	Yes	Personal/Family

Address	Phone
[redacted]	[redacted]

Coverage Information (for Hospital Account # [redacted])

F/O Payor/Plan	Precert #
MEDI-CAL EDS/MEDI-CAL EDS	

Subscriber	Subscriber #
Martin, Adan	[redacted]

Address	Phone
[redacted]	

Treatment Team

Provider	Service	Role	Specialty	From	To
[redacted] (M.D.)	—	Attending Provider	Orthopaedics, Hand Surgery	02/16/21 1231	02/17/21 1332
[redacted] (D.O.)	—	Attending Provider	TRAUMA SURGERY	02/16/21 0107	02/16/21 1231
[redacted] (M.D.)	—	Attending Provider	Emergency Medicine	02/15/21 2310	02/16/21 0107
[redacted] (Rcp)	—	Respiratory Therapist	GENERAL, OTHER	02/17/21 1106	02/17/21 1107
[redacted] (P.T.)	—	Physical Therapist	GENERAL, OTHER	02/17/21 0803	02/18/21 0800
[redacted] (R.N.)	—	Registered Nurse	GENERAL, OTHER	02/16/21 2302	02/17/21 0930
[redacted] (R.N.)	—	Discharge Planner	GENERAL, OTHER	02/16/21 0843	02/18/21 1600
[redacted] (R.N.)	—	Registered Nurse	GENERAL, OTHER	02/16/21 0319	02/16/21 0725
[redacted] (R.N.)	—	Registered Nurse	GENERAL, OTHER	02/16/21 0139	02/16/21 0212

Treatment Team Audit Trail

User	Date/Time	Action	Provider	Role	ED
[redacted] (M.D.)	02/15/21 2310	Add	[redacted] (M.D.)	Attending	Yes
[redacted] (D.O.)	02/16/21 0107	Update	[redacted] (M.D.)	Attending	Yes
[redacted] (D.O.)	02/16/21 0107	Add	[redacted] (D.O.)	Attending	No
[redacted] (R.N.)	02/16/21 0139	Add	[redacted] (R.N.)	Registered Nurse	Yes
[redacted] (R.N.)	02/16/21 0212	Update	[redacted] (R.N.)	Registered Nurse	Yes
[redacted] (R.N.)	02/16/21 0319	Add	[redacted] (R.N.)	Registered Nurse	Yes
[redacted]	02/16/21 0725	Update	[redacted] (R.N.)	Registered Nurse	Yes
[redacted] (R.N.)	02/16/21 0843	Add	[redacted] (R.N.)	Discharge Planner	No

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Treatment Team (continued)

[redacted] (R.N.)	02/16/21 0844	Update	[redacted] (R.N.)	Discharge Planner	No
[redacted] (M.D.)	02/16/21 1231	Update	[redacted] (D.O.)	Attending	No
[redacted] (M.D.)	02/16/21 1231	Add	[redacted] (M.D.)	Attending	No
[redacted] (R.N.)	02/16/21 2337	Add	[redacted] (R.N.)	Registered Nurse	No
[redacted] (P.T.)	02/17/21 0803	Add	[redacted] (P.T.)	Physical Therapist	No
[redacted] (R.N.)	02/17/21 0823	Update	[redacted] (R.N.)	Discharge Planner	No
[redacted] (R.N.)	02/17/21 0930	Update	[redacted] (R.N.)	Registered Nurse	No
[redacted] (Rcp)	02/17/21 1107	Add	[redacted] (Rcp)	Respiratory Therapist	No
[redacted] (Rcp)	02/17/21 1107	Update	[redacted] (Rcp)	Respiratory Therapist	No

Events

ED Arrival at 2/15/2021 2300

Unit: KP South Sacramento ED

Admission at 2/15/2021 2301

Unit: KP South Sacramento ED | Room: E | Bed: E-63
Patient class: Emergency | Service: Emergency Medicine

ED Roomed at 2/15/2021 2301

Unit: KP South Sacramento ED | Room: E | Bed: E-63
Patient class: Emergency | Service: Emergency Medicine

Transfer In at 2/16/2021 0029

Unit: KP South Sacramento ED | Room: E | Bed: E-65
Patient class: Emergency | Service: Emergency Medicine

ED Transfer at 2/16/2021 0029

Unit: KP South Sacramento ED | Room: E | Bed: E-65
Patient class: Emergency | Service: Emergency Medicine

Patient Update at 2/16/2021 0107

Unit: KP South Sacramento ED | Room: E | Bed: E-65
Patient class: Inpatient | Service: Trauma

Transfer In at 2/16/2021 0224

Unit: KP South Sacramento ED | Room: O | Bed: O-42
Patient class: Inpatient | Service: Trauma

ED Transfer at 2/16/2021 0224

Unit: KP South Sacramento ED | Room: O | Bed: O-42
Patient class: Inpatient | Service: Trauma

Transfer In at 2/16/2021 0723

Unit: HPS | Room: HPS | Bed: HPS-22
Patient class: Inpatient | Service: Trauma

Admit from ED at 2/16/2021 0723

Unit: HPS | Room: HPS | Bed: HPS-22
Patient class: Inpatient | Service: Trauma

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Events (continued)

Surgery at 2/16/2021 1017

Unit: SSC-MAIN-OR
Room: MOR 2 - SSC KPHC USE ONLY
Patient class: Surgery During Current Hospital Contact
Service: Orthopedics

Patient Update at 2/16/2021 1231

Unit: HPS
Room: HPS
Bed: HPS-22
Patient class: Inpatient
Service: Orthopedics

Transfer Out at 2/16/2021 1726

Unit: HPS
Room: HPS
Bed: HPS-22
Patient class: Inpatient
Service: Orthopedics

Transfer In at 2/16/2021 1726

Unit: 3W
Room: 310
Bed: 310-A
Patient class: Inpatient
Service: Orthopedics

Discharge at 2/17/2021 1332

Unit: 3W
Room: 310
Bed: 310-A
Patient class: Inpatient
Service: Orthopedics

ED Provider Note

ED Provider Notes by [redacted] (M.D.) at 2/16/2021 0205

Version 1 of 1

Author: [redacted] (M.D.)
Service: —
Author Type: Physician
Filed: 2/16/2021 5:15 AM
Date of Service: 2/16/2021 2:05 AM
Creation Time: 2/16/2021 2:05 AM
Status: Signed
Editor: [redacted] (M.D.) (Physician)

History obtained from the patient

CC: GUNSHOT WOUND

[redacted]

HPI: Mr. Adan Martinez is a 38 Y male with a PMH significant for nothing who presents with GSW to the abdomen and upper extremities. Per officers. PT was vandalizing/torching significant other car. Police were called and pt gave chase. Shots were fired and pt hit a fence at low speed. Pt found to have left upper extremity ballistic wounds, tourniquet was placed. Pt also noted to have multiple ballistic wounds to the abdomen and right thumb

A: airway patent and protected
B:symmetric chest rise, Breath sound clear, oxygen sat 99 RA
C: 1+ DP doppler pulses noted after tourniquet removed
D: GCS 15 able to move all digits
E: exposed

PMH:
Patient Active Problem List:
GUNSHOT WOUND OF LEFT FOREARM

ED Provider Note (continued)

GUNSHOT WOUND OF RIGHT HAND
GUNSHOT WOUND OF ABDOMINAL WALL

PSH:
[redacted]

[redacted]

No outpatient medications have been marked as taking for the 2/15/21 encounter (Hospital Encounter).

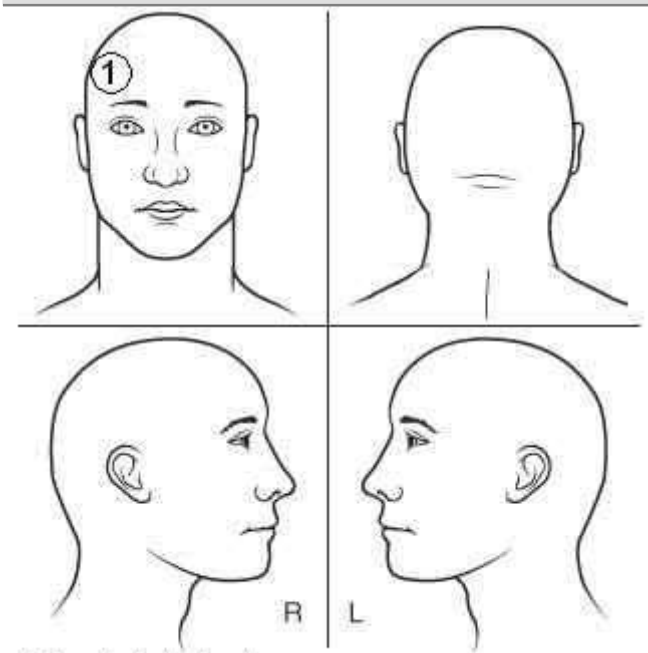
Allergies (reviewed): [redacted]
Family History (confirmed): [redacted]
Social History (confirmed):

Review of Systems
Constitutional: Negative for chills and fever.
HENT: Negative for congestion.
Respiratory: Negative for cough and shortness of breath.
Cardiovascular: Negative for chest pain and leg swelling.
Gastrointestinal: Negative for abdominal pain, blood in stool, diarrhea, nausea and vomiting.
Genitourinary: Negative for dysuria and hematuria.
Neurological: Negative for headaches.
All other systems reviewed and are negative.

Physical Exam
Vitals signs reviewed.
Constitutional:
General: He is not in acute distress.
Appearance: He is well-developed. He is not diaphoretic.
HENT:
Head: Normocephalic and atraumatic.

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)

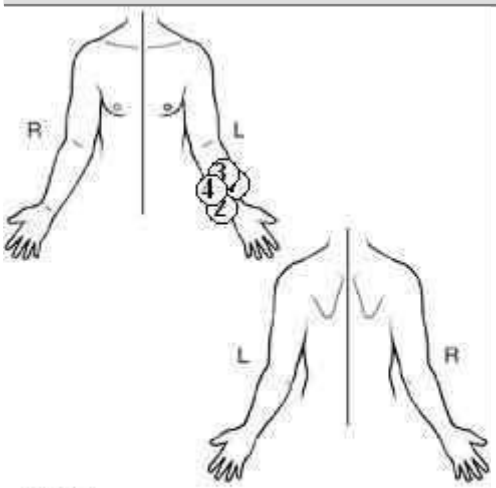


1: Abrasion to forehead

Eyes:
General: No scleral icterus.
Right eye: No discharge.
Left eye: No discharge.
Conjunctiva/sclera: Conjunctivae normal.
Neck:
Musculoskeletal: Normal range of motion.
Cardiovascular:
Rate and Rhythm: Normal rate.
Pulmonary:
Effort: Pulmonary effort is normal. No respiratory distress.
Abdominal:
General: There is no distension.
Palpations: Abdomen is soft.
Comments: **Multiple GSW x 5 to the anterior abdomen**
Musculoskeletal: Normal range of motion.
Arms:

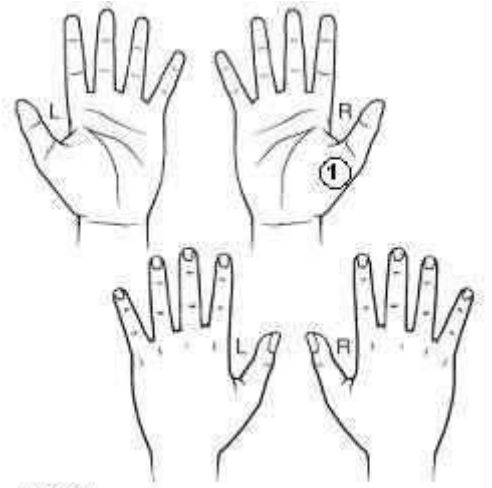
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)



1: GSW
2: GSW
3: GSW
4: GSW

Hands:



1: GSW

Skin:
General: Skin is warm.
Neurological:
Mental Status: He is alert.

MEDICAL DECISION MAKING AND PLAN:

[redacted]

Impression: 38 Y Y male presenting with GSW to the abdomen, to the right hand and left forearm. Primary survey intact, secondary survey as above

Plan
Trauma labs
CT head
CT cervical spine

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)

CT chest abdomen and pelvis
CTA of right upper extremity
cxray
Xray left hand
Xray left wrist
Xray left forehand
Xray right hand
Xray right forearm
Ancef

ED Course:
Imaging shows no acute traumatic abdominal or thoracic injury. Ballistic foreign body noted at right thenar eminence with no underlying fracture. Left forearm with open fracture and ballistic foreign bodies. Orthopedics consulted who plan on taking to OR for fixation. Surgery to consult for admit and re eval.

Results review:

Recent Results (from the past 24 hour(s))
CBC NO DIFFERENTIAL
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]		

CHEM 7 (NA, K, CL, CO2, BUN, GLUC, CR)
Collection Time: 02/15/21 11:04 PM

R
[redacted]

PT
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]	[redacted]	[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)

PT INR	1.1	Ratio

ALCOHOL (ETOH) LEVEL, BLOOD

Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
Ethanol,bld,qn	<10	mg/dL
Ethanol %, blood	<0.01	%

THROMBOELASTOGRAPH, RAPID

Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
THROMBOELASTOGRAPH, RAPID	See scan	

ABO-RH TYPING (MEDICAL CENTER)

Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]		

RBC ANTIBODY SCREEN (MEDICAL CENTER)

Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]		

ABO-RH TYPING (MEDICAL CENTER)

Collection Time: 02/15/21 11:07 PM

Result	Value	Ref Range
[redacted]		

Ct Head

Result Date: 2/15/2021

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)

[redacted]

Ct Chest

Result Date: 2/16/2021

[redacted]

Ct Angiogram

Result Date: 2/16/2021

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)

[redacted]

Ct Spine

[redacted]

No acute bony injury.

Dx:

		ICD-10-CM
1.	**GUNSHOT WOUND OF LEFT FOREARM, INIT**	**S51.802A** **W34.00XA**

DISPOSITION: orthopedics

Condition on leaving the ED: Stable

I have confirmed the presence of the below clinical diagnoses, which were considered in the current and ongoing care of the patient. At the time of this visit, the medical record indicates, and/or the patient states, that there are no changes in these conditions unless otherwise noted. As treatment warrants, the patient has been advised to follow up with PCP or appropriate specialist.

None

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Provider Note (continued)

Electronically signed by [redacted] (M.D.) at 2/16/2021 5:15 AM

ED Notes

ED Nursing by [redacted] (R.N.) at 2/15/2021 2324

Version 1 of 1

Author: [redacted] (R.N.) | Service: — | Author Type: REGISTERED NURSE
Filed: 2/15/2021 11:28 PM | Date of Service: 2/15/2021 11:24 PM | Creation Time: 2/15/2021 11:24 PM
Status: Signed | Editor: [redacted] (R.N.) (REGISTERED NURSE)

Trauma Handoff Report: Full

Law Enforcement: yes, Badge no pending, Case no pending **Visitor Restriction:** yes,

MECHANISM OF INJURY: Penetrating Injury

The patient was shot multiple time(s) with PD firearms. Law enforcement is aware of the incident. **CHIEF COMPLAINT:** multiple GSW on abd and left forearm

Pending Studies/Meds: yes, Confidential: yes,

Patient Synopsis/Brief Overview: Pt is being admitted for pending.
Expected treatment plan at this time includes pending.

Initial Glasgow Coma Scale(GCS) : Eye Opening, 4 = spontaneous, Verbal Response, 5 = oriented, Motor Response, 6 = obeys commands, Total 15
Initial Vital Signs:
ED Triage Vitals [02/15/21 2304]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Notes (continued)

[redacted]

Interventions: Warm Blankets, Warm Saline Drip and Limit Skin Exposure

Current Vital Signs: [redacted]

Current Glasgow Coma Scale (GCS) : Eye Opening, 4 = spontaneous, Verbal Response, 5 = oriented, Motor Response, 6 = obeys commands, Total 15

Language: English **Cognitive Status:** awake and alert and oriented

Intubated: no **Oxygen Requirements:** oxygen 2 Litres via nc

Pertinent Lab values:

Recent Results (from the past 24 hour(s))

CBC NO DIFFERENTIAL

Collection Time: 02/15/21 11:04 PM

R [redacted]

ABO-RH TYPING (MEDICAL CENTER)

Collection Time: 02/15/21 11:04 PM

Narrative
Priority:->STAT
Indications?->Trauma

RBC ANTIBODY SCREEN (MEDICAL CENTER)

Collection Time: 02/15/21 11:04 PM

Narrative
Priority:->STAT
Indications?->Trauma

Neuro Assessment: :

Cardiac Rhythm: sinus rhythm **Cardiac Monitor Strip to Chart: yes**
PIV access: forearm right, condition patent and no redness and antecubital right, condition patent and no redness

Infusing Meds: yes, NS **Drains/Tubes/Ports** None

C-Spine Precautions: Not Applicable

Tetanus/Immunization status: given pending

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Notes (continued)

Tox. Screen: pending

Intake & Output:

Blood Transfusion: No **MTP**: No

Medication Patches in place/location: No

This patient as the following Special Needs: Other Comments:

[redacted] **RN**
Callback number [redacted]

Electronically signed by [redacted] (R.N.) at 2/15/2021 11:28 PM

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Notes (continued)

[redacted]

[redacted]

ED SBAR REPORT

Situation:

Adan Martinez is a 38 Y male in room O/O-42

Background:

Patient presented to the ED on 2/15/2021 at 2301 with a chief complaint of **GSW to the bilateral upper arms and abdomen**

Language: English

Allergies: Patient has no known allergies.

Assessment in Brief (please refer to flowsheets and MAR for details):

Vital Signs:

Patient Vitals for the past 4 hrs:

	Pulse	BP	Resp	SpO2	O2 Delivery

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Notes (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Notes (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

ED Care Timeline (continued)

[redacted]

Discharge Summary Note

Discharge Summary by [redacted] (M.D.) at 2/17/2021 0956

Version 2 of 2

Author: [redacted] (M.D.)
Service: —
Author Type: Physician
Filed: 2/17/2021 1:17 PM
Date of Service: 2/17/2021 9:56 AM
Creation Time: 2/17/2021 9:56 AM
Status: Signed
Editor: [redacted] (M.D.) (Physician)

Date of Admission: 2/15/2021

Date of Discharge:
2/17/2021

Issues to be Addressed at Follow-up:
Left capitate fracture, with dorsal wrist spanning plate, will need plate removal in 6 weeks, possible bone grafting vs fusion.
Right thumb soft tissue wound, status post foreign body removal

Pending Study Results at Discharge:

Unresulted Lab Orders

Date and Time	Order Name	Status	Specimen Source
2/16/2021 2230	AMPHETAMINE CONFIRMATION PANEL (AMP, METH, MDA, MDMA)	In process	--

Final Diagnoses:

Active Hospital Problems

Diagnosis

- (Principal) GUNSHOT WOUND OF LEFT FOREARM
  Added automatically from request for surgery 1316107
- GUNSHOT WOUND OF RIGHT HAND
- GUNSHOT WOUND OF ABDOMINAL WALL

Resolved Hospital Problems
No resolved problems to display.

Discharge Disposition:
Medically fit for Incarceration. Discharge to Legal Custody

Medications, instructions, follow up information: See patient Discharge Instructions/AVS.

Hospital Course and Significant Findings:
38M who presented after presumed GSW to the Bilateral upper extremities, orthopaedic surgery was consulted for evaluation. He was taken to the operative theatre on 2/16/2021 for
HAND REMOVAL OF FOREIGN BODY
IRRIGATION OF WOUND
WRIST ORIF FRACTURE (2/16/2021)

Procedure completed without immediate Complication. He was evaluated on the date of discharge after 24 hours of post operative antibiotics and has been deemed medically fit for Incarceration.

Primary Procedures:
Procedure(s):
HAND REMOVAL OF FOREIGN BODY
IRRIGATION OF WOUND
WRIST ORIF FRACTURE

Secondary Procedures:
None

Reason for Hospital Admission (Admitting Diagnosis):
Penetrating trauma to the bilateral upper extremities

Complications: none

Consults:
None
Smoker: No.

Condition on Discharge: Stable, Medically fit for incarceration

Code Status at Time of Discharge: Full Code

[redacted], MD
Orthopaedic Surgery Resident, PGY-4
"SSC Ortho General Resident"

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Discharge Summary Note (continued)

Kaiser Phone: [redacted]

I have reviewed the notes, xrays studies and concur with the care given.

[redacted], MD
Department of Orthopaedic Surgery

Electronically signed by [redacted] (M.D.) at 2/17/2021 1:17 PM

Version 1 of 2

Author: [redacted] (M.D.) | Service: — | Author Type: PHYSICIAN, RESIDENT
Filed: 2/17/2021 10:00 AM | Date of Service: 2/17/2021 9:56 AM | Creation Time: 2/17/2021 9:56 AM
Status: Incomplete | Editor: [redacted] (M.D.) (PHYSICIAN, RESIDENT)
Cosign Required: Yes | Cosigner: —

Date of Admission: 2/15/2021

Date of Discharge:
2/17/2021

Issues to be Addressed at Follow-up:
Left capitate fracture, with dorsal wrist spanning plate
Right thumb soft tissue wound, status post foreign body removal

Pending Study Results at Discharge:

Unresulted Lab Orders

Date and Time	Order Name	Status	Specimen Source
2/16/2021 2230	AMPHETAMINE CONFIRMATION PANEL (AMP, METH, MDA, MDMA)	In process	--

Final Diagnoses:

Active Hospital Problems

Diagnosis

- (Principal) GUNSHOT WOUND OF LEFT FOREARM
  Added automatically from request for surgery 1316107
- GUNSHOT WOUND OF RIGHT HAND
- GUNSHOT WOUND OF ABDOMINAL WALL

Resolved Hospital Problems
No resolved problems to display.

Discharge Disposition:
Medically fit for Incarceration. Discharge to Legal Custody

Discharge Summary Note (continued)

Medications, instructions, follow up information: See patient Discharge Instructions/AVS.

Hospital Course and Significant Findings:
38M who presented after presumed GSW to the Bilateral upper extremities, orthopaedic surgery was consulted for evaluation. He was taken to the operative theatre on 2/16/2021 for
HAND REMOVAL OF FOREIGN BODY
IRRIGATION OF WOUND
WRIST ORIF FRACTURE (2/16/2021)

Procedure completed without immediate Complication. He was evaluated on the date of discharge after 24 hours of post operative antibiotics and has been deemed medically fit for Incarceration.

Primary Procedures:
Procedure(s):
HAND REMOVAL OF FOREIGN BODY
IRRIGATION OF WOUND
WRIST ORIF FRACTURE

Secondary Procedures:
None

Reason for Hospital Admission (Admitting Diagnosis):
Penetrating trauma to the bilateral upper extremities

Complications: none

Consults:
None
Smoker: No.

Condition on Discharge: Stable, Medically fit for incarceration

Code Status at Time of Discharge: Full Code

[redacted], MD
Orthopaedic Surgery Resident, PGY-4
"SSC Ortho General Resident"
Kaiser Phone: [redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2)

Unknown

Consult/ H&P by [redacted] (D.O.) at 2/15/2021 2322

Version 1 of 1

Author: [redacted] (D.O.) | Service: — | Author Type: PHYSICIAN (D.O.)
Filed: 2/16/2021 1:01 AM | Date of Service: 2/15/2021 11:22 PM | Creation Time: 2/15/2021 11:22 PM
Status: Signed | Editor: [redacted] (D.O.) (PHYSICIAN (D.O.))

Trauma Consult/History and Physical Note

Type of encounter: Full activation

History of Present Illness:
Adam Martinez is a 35 Y-year-old male who was injured as a result of multiple GSW with low speed auto vs fence. Police report they were called to domestic violence call where they found patient outside who then jumped into a car and drove off after which shots were fired and he ran the vehicle into a fence. Tourniquet placed on LUE by police at 22:35 pm (removed 23:05 pm at SSC ER).

Prehospital vital signs: [redacted]

Past Medical History

Active Ambulatory Problems

Diagnosis	Date Noted
• No Active Ambulatory Problems	

No Additional Past Medical History

Past Surgical History:
No past surgical history on file.

Medications Prior to Admission:
None

Allergies:
No Known Allergies - per EMS

Social History:
Unknown

Review of Systems:
As per HPI

Objective:
Patient Vitals for the past 1 hrs:

	Pulse	BP	Resp	SpO2	O2 (LPM)	O2 Delivery
02/15/21 2312	[redacted]					
02/15/21 2310						
02/15/21 2304						

Rebreather

Physical Exam:
General appearance: uncomfortable appearing

Mental Status: awake, drowsy, intermittently interactive; appears altered

Neuro: GCS 12 (E4V2M6), moves all extremities, follows simple commands

Head: no scalp contusions

Ears: externally normal

Eyes: pupils symmetric and reactive, no conjunctival hemorrhage

Face: small left temple abrasion

Neck: no evident abnormalities

Chest wall/lungs: nontender, breath sounds symmetric; no crepitus

Heart: regular rate and rhythm

Abdomen: multiple (5) skive/GSW wounds across anterior abdomen; abdomen soft, nondistended, nontender

Pelvis: stable, nontender

Back: no gross abnormalities

Spine:
C-spine: nontender, no stepoffs
TLS: nontender, no stepoffs

Perineum: no gross blood at meatus

Extremities: GSW x 4 left wrist/forearm with mild venous ooze (tourniquet removed); GSW x 1 right wrist

Vascular: palpable radial, ulnar, and dorsalis pedal pulses bilaterally; dopplerable radial signals bilaterally

Selected Results:
Recent Results (from the past 24 hour(s))
CBC NO DIFFERENTIAL
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]		

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

CHEM 7 (NA, K, CL, CO2, BUN, GLUC, CR)
Collection Time: 02/15/21 11:04 PM

[redacted]

PT
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]		

ALCOHOL (ETOH) LEVEL, BLOOD
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
Ethanol,bld,qn	<10	mg/dL
Ethanol %, blood	<0.01	%

THROMBOELASTOGRAPH, RAPID
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
THROMBOELASTOGRAPH, RAPID	See scan	

ABO-RH TYPING (MEDICAL CENTER)
Collection Time: 02/15/21 11:04 PM

Result	Value	Ref Range
[redacted]		

RBC ANTIBODY SCREEN (MEDICAL CENTER)
Collection Time: 02/15/21 11:04 PM

[redacted]

ABO-RH TYPING (MEDICAL CENTER)
Collection Time: 02/15/21 11:07 PM

Result	Value	Ref Range
[redacted]	[redacted]	

Imaging (UNOFFICIAL):
CXR: no fracture, no pneumothorax

CT head: no intracranial bleed

Impression

No acute intracranial mass shift or bleed.
The soft tissues demonstrates radiodensity in the dermis level of the superior axial image through the frontal sinus lateral to the frontal sinus measuring less than 0.5 mm series 3 image 39 representative of radiodense foreign body for additional punctate radiodense foreign bodies are noted just superiorly.

6.3 mm lucency midline frontal bone diploic space superior to the frontal sinus unclear etiology. If clinically indicated consider bone scan for further evaluation.

CT c-spine: no fracture

Impression

No acute bony injury.

CT chest/abd/pelvis: anterior abdominal soft tissue contusions; no intrathoracic or intraabdominal injury

Impression

Subcutaneous stranding and gas in the anterior abdominal wall.
Subcutaneous punctate radiodensity in the anterior abdominal wall may represent calcification or foreign body.

No CT evidence of acute traumatic injury.No free fluid or free air. No acute osseous abnormality.

No CT evidence of acute traumatic thoracic injury.

LUE CTA: no major vasculature injury to wrist; retained bullet and metallic fragments in left wrist and hand; left comminuted distal ulnar fracture; left distal radius chip fracture; likely hand fractures

Impression

1. Oblique fracture intra-articular extension lateral aspect of the distal radius and comminuted fracture intra-articular extension with multiple radiodense foreign body distal diaphysis and articular surface of the ulna and lodged large gunshot radiodense fragment with multiple small fragments in the carpal bones making evaluation difficult for fracture, the gunshot fragment appears to be lodged lateral articular surface of the trapezoid and lodged

within the capitate with probable fracture of the triquetrum/pisiform. Fracture of the lunate is suggested.

2. At the level of the axial images through the capitate streak artifact limits evaluation of arterial flow but proximally in the radial ulnar arteries are visualized but there is poor opacification of vascularity at the level of the proximal diaphysis of the metacarpals and incomplete visualization of the superficial palmar arch and deep palmar arch as well as distal radial artery of the index finger and common palmar digital arteries which could be related to vasospasm and or soft tissue hematoma compression. There is no active extravasation of contrast although at the level of the capitate streak or defect limits evaluation.

3. Focal subcutaneous gas is noted at the level of the left forearm below the radial head and there is a 6.3 mm radiodense subcutaneous dermis foreign body series 3 image 1 and subcutaneous gas and gas within the muscle is noted medial to the radius surrounding the radial artery at the arterial fascial plane appears intact and there is no extravasation of the radial artery to the level where it is obscured at the level of the capitate. There is soft tissue hematoma overlying the soft tissues and muscles of the distal radius with multiple radiodense foreign bodies noted suggesting gunshot fragments.

L forearm/wrist/hand: left comminuted ulnar fracture, radius fracture, retained bullet/fragments

R forearm/wrist/hand: retained single bullet in thenar eminence; no fractures

Assessment:
Abdominal wall soft contusion
Open left forearm and wrist fractures with retained bullet fragments
Right hand soft tissue with retained bullet

Upon re-evaluation after CT, GCS 15. Reports pain predominantly in left wrist; denies nausea.

Consults:
Orthopedics - discussed case with Dr. [redacted] at 12:16 am

Plan:
Ancef for open fracture
Admit to ward
Serial abdominal exams/labs
To OR with Ortho in AM

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

Electronically signed by [redacted] (D.O.) at 2/16/2021 1:01 AM

Consult Note by [redacted] (M.D.) at 2/16/2021 0115

Version 2 of 2

Author: [redacted] (M.D.) | Service: — | Author Type: Physician
Filed: 2/16/2021 4:36 AM | Date of Service: 2/16/2021 1:15 AM | Creation Time: 2/16/2021 1:15 AM
Status: Addendum | Editor: [redacted] (M.D.) (Physician)

ORTHOPAEDIC SURGERY CONSULT NOTE:
2/16/2021

REASON FOR CONSULT: GUNSHOT WOUND

[redacted]

Socioeconomic History

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Diagnosis	Date Noted

- No Active Ambulatory Problems

No Additional Past Medical History

No outpatient medications have been marked as taking for the 2/15/21 encounter (Hospital Encounter).

No past surgical history on file.

No family history on file.

Social History

Socioeconomic History
[redacted]

Review of Systems:
Unable to obtain due to patients status

EXAM:

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

Status: Signed Editor: [redacted] (Msw) (SOCIAL WORKER)

TRAUMA BRIEF NOTE

PATIENT ID

Adan Martinez is a 38 Y Latino(a) male who speaks

MRN: [redacted]

SITUATION

Admitting diagnosis: GSW L wrist, abdominal wall, R hand
Arrived by: ambulance

CONTACT INFORMATION

Informant: Staff and Law Enforcement
Person Contacted (Name/Relationship/Number): None - Patient is in custody

TRAUMA DETAILS

Type of Trauma: Full and Gun Shot
Other details including location: Fruitridge/Florin-Perkins
Fatalities: No

LAW ENFORCEMENT DETAILS

Law Enforcement Involved: yes
Agency: Sacramento PD - 916-264-5471
Officer Name/Badge#: Valenzuela #855
Case #: 21-44157
Tow Company Name/phone #: NA

CHEMICAL DEPENDENCY SCREENING

Blood alcohol: negative
BAL: 0
Tox screen: No results available at time of note

ABUSE / NEGLECT

[redacted]

DISCHARGE PLANNING

Plan for admission: YES

LIFE CARE PLANNING

Code Status: Full Code
AD/POLST: no
DDM: Not addressed

INTERVENTIONS

[redacted]

FOLLOW UP/CARE PLAN

Complete trauma assessment per Trauma Team Protocol.
Patient was brouhgt in by ambulance after GSW and low speed MVC. Patient is in custody. This writer did not speak with him. Full trauma assessment to follow inpatient as indicated.

Note completed by:

[redacted] MSW 2/16/2021 2:34 AM

ED MSW: 7-2681/SSC Social Services Department: 916-688-2755

Electronically signed by [redacted] (Msw) at 2/16/2021 4:34 AM

Social Services by [redacted] (M.S.W.) at 2/16/2021 1157

Version 1 of 1

Author: [redacted] (M.S.W.) | Service: — | Author Type: SOCIAL WORKER
Filed: 2/16/2021 12:02 PM | Date of Service: 2/16/2021 11:57 AM | Creation Time: 2/16/2021 11:57 AM
Status: Signed | Editor: [redacted] (M.S.W.) (SOCIAL WORKER)

Medical Social Work Follow Up Note:

Patient ID and location:
[redacted]
Adan Martinez is currently in HPS bed A (not bed 22 as their is no such bed)

Follow up information with Patient and/or Collaterals:
MSW attempted to met with the patient and complete the assessment and SBIRT at 10:17 AM and he was being rolled off to surgery.

MSW does have LE at bedside and remains in custody. He will discharge to the custody of LE.

Patient is not to have any visitors and is on mandatory confidential status.

Intervention:
* MSW attempted to met with the patient and complete the assessment and SBIRT at 10:17 AM and he was being rolled off to surgery.
* MSW participated in the trauma rounds.
* MSW completed a chart review.

Plan/Follow up:
MSW will continue to have the patient complete the trauma assessment and the SBIRT with this patient prior to discharge.

[redacted], MSW
Medical Social Worker
Main Social Service Number [redacted]

Electronically signed by [redacted] (M.S.W.) at 2/16/2021 12:02 PM

Brief Operative Note by [redacted] (M.D.) at 2/16/2021 1225

Version 1 of 1

Author: [redacted] (M.D.) | Service: — | Author Type: Physician
Filed: 2/16/2021 12:28 PM | Date of Service: 2/16/2021 12:25 PM | Creation Time: 2/16/2021 12:25 PM
Status: Signed | Editor: [redacted] (M.D.) (Physician)

BRIEF OP NOTE

Procedure Date and Time:
2/16/2021 1045

Pre-Op Diagnosis:
Pre-Op Diagnosis Codes:
* GUNSHOT WOUND OF LEFT FOREARM, INIT [S51.802A, W34.00XA]
Gunshot wound right hand
Open DRUJ dislocation, left
Left distal radius fracture

Post-Op Diagnosis:
Post-Op Diagnosis Codes:
* GUNSHOT WOUND OF LEFT FOREARM, INIT [S51.802A, W34.00XA]
Same

Procedure(s) with Laterality:
Procedure(s) (LRB):
HAND REMOVAL OF FOREIGN BODY (Bilateral)
IRRIGATION OF WOUND (Bilateral)
WRIST ORIF FRACTURE (Left)

Surgeon & Assistant:
Surgeon(s) and Role:
* [redacted] (M.D.) - Primary
* [redacted] (M.D.) - Assisting

Anesthesia Type:
General Anesthesia

Findings:
Reducible, left DRUJ dislocation, with marked comminution of the ulnar head
1 cm defect central left capitate
Superficial bullet, right thenar eminence

Estimated Blood Loss:

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

75 ml

Fluids:
[redacted]

Drains:
none

Complications:
(1) No - Per Anesthesia Provider Comments: none
(2) No - Surgery Comments: none

Specimens:

Specimen ID	Type	Site	Comments	Sent To
			FOREIGN BODY R WRIST THROUGH CHAIN OF CUSTODY SENT TO SAC PD.	
			FOREIGN BODY L ARM THROUGH CHAIN OF CUSTODY SENT TO SAC PD.	

Implants/Explants

Implants

PLATE BONE LCP STRAIGHT 170MM WRIST STERILE 2.4MM SCREW - LOG1316107

Inventory Item: PLATE BONE LCP STRAIGHT 170MM WRIST STERILE 2.4MM SCREW
Serial no.:
Model/Cat no.: [redacted]
Implant name: PLATE BONE LCP STRAIGHT 170MM WRIST STERILE 2.4MM SCREW - LOG1316107
Laterality: Left
Area: Arm
Manufacturer: SYNTHES
Date of Manufacture:
Action: Implanted
Number Used: 1
Device Identifier:
Device Identifier Type:
Lot no.: 69P3479
Exp. Date: 8/31/2030

SCREW BONE 18MM 2.4MM 4MM T8 SELF TAP SELF RETAIN STARDRIVE - LOG1316107

Inventory Item: SCREW BONE 18MM 2.4MM 4MM T8 SELF TAP SELF RETAIN STARDRIVE
Serial no.:
Model/Cat no.: [redacted]
Implant name: SCREW BONE 18MM 2.4MM 4MM T8 SELF TAP SELF RETAIN STARDRIVE -
Laterality: Left
Area: Arm

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

LOG1316107
Manufacturer: SYNTHES
Action: Implanted
Device Identifier:
Lot no.: X
Date of Manufacture:
Number Used: 1
Device Identifier Type:
Exp. Date:

SCREW BONE 14MM 2.4MM 4MM T8 SELF TAP LO PROFILE HEAD - LOG1316107

Inventory Item: SCREW BONE 14MM 2.4MM 4MM T8 SELF TAP LO PROFILE HEAD
Serial no.:
Model/Cat no.: [redacted]
Implant name: SCREW BONE 14MM 2.4MM 4MM T8 SELF TAP LO PROFILE HEAD - LOG1316107
Laterality: Left
Area: Arm
Manufacturer: SYNTHES
Action: Implanted
Device Identifier:
Lot no.: X
Date of Manufacture:
Number Used: 1
Device Identifier Type:
Exp. Date:

SCREW BONE 14MM 2.4MM 1.9MM T8 FULL THREAD SELF TAP LOCK - LOG1316107

Inventory Item: SCREW BONE 14MM 2.4MM 1.9MM T8 FULL THREAD SELF TAP LOCK
Serial no.:
Model/Cat no.: [redacted]
Implant name: SCREW BONE 14MM 2.4MM 1.9MM T8 FULL THREAD SELF TAP LOCK - LOG1316107
Laterality: Left
Area: Arm
Manufacturer: SYNTHES
Action: Implanted
Device Identifier:
Lot no.: X
Date of Manufacture:
Number Used: 2
Device Identifier Type:
Exp. Date:

Condition:
stable

Disposition:
Med/Surg

Dictation:
pending

Electronically signed by [redacted] (M.D.) at 2/16/2021 12:28 PM

Post-op Nursing by [redacted] (R.N.) at 2/16/2021 1420

Version 1 of 1

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

Author: [redacted] (R.N.) Service: — Author Type: REGISTERED NURSE
Filed: 2/16/2021 3:34 PM Date of Service: 2/16/2021 2:20 PM Creation Time: 2/16/2021 3:30 PM
Status: Signed Editor: [redacted] (R.N.) (REGISTERED NURSE)

Dr. [redacted] at bedside to see pt, verbal order to change abd dressing.

1440-Changed abd dressing-noted no drainage to wounds, multiple superficial wounds to abdomen. Placed xeroform, gauze and abd binder per Dr. [redacted].

Electronically signed by [redacted] (R.N.) at 2/16/2021 3:34 PM

Discharge Planner by [redacted] (R.N.) at 2/16/2021 1430

Version 1 of 1

Author: [redacted] (R.N.) Service: — Author Type: REGISTERED NURSE
Filed: 2/16/2021 2:31 PM Date of Service: 2/16/2021 2:30 PM Creation Time: 2/16/2021 2:30 PM
Status: Signed Editor: [redacted] (R.N.) (REGISTERED NURSE)

Patient Care Coordinator (PCC) Interim Note

- Chart reviewed and case discussed with Trauma Team
-Patient is in OR during PCC rounds
-Will follow up tomorrow to collect Initial Assessment info

- **PCC TO DO:** Initial Assessment

[redacted] RN, BSN
Patient Care Coordinator
[redacted]

Electronically signed by [redacted] (R.N.) at 2/16/2021 2:31 PM

Progress Notes by [redacted] (Pa-C) at 2/16/2021 1553

Version 1 of 1

Author: [redacted] (Pa-C) Service: — Author Type: PHYSICIAN ASSISTANT (P.A.)
Filed: 2/16/2021 4:47 PM Date of Service: 2/16/2021 3:53 PM Creation Time: 2/16/2021 3:53 PM
Status: Attested Editor: [redacted] (Pa-C) (PHYSICIAN ASSISTANT (P.A.))
Cosigner: [redacted] (M.D.) at 2/16/2021 6:38 PM

Attestation signed by [redacted] (M.D.) at 2/16/2021 6:38 PM

Trauma Surgery

[redacted]

Trauma Surgery Progress Note

Hospital Day(s): 1
s/p admission for GUNSHOT WOUND OF LEFT FOREARM

Day of Surgery s/p Procedure(s):
HAND REMOVAL OF FOREIGN BODY
IRRIGATION OF WOUND
WRIST ORIF FRACTURE (2/16/2021)

Subjective/24h Interval:
S/p bilateral hand foreign body removal, irrigation of wounds and left wrist ORIF

Past medical history: HTN

[redacted]

Currently in custody.

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

[redacted]

[redacted]

	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

[redacted]

Assessment:

Active Hospital Problems

Diagnosis

- (Principal) GUNSHOT WOUND OF LEFT FOREARM
  Added automatically from request for surgery 1316107
- GUNSHOT WOUND OF RIGHT HAND
- GUNSHOT WOUND OF ABDOMINAL WALL

Plan:

GUNSHOT WOUND OF ABDOMINAL WALL
Did not penetrate peritoneal space on imaging. Abdomen soft, no NV. No leukocytosis or lactic acidosis on afternoon labs.
- BID Xeroform/gauze dressings with loosely placed abdominal binder to hold in place
- Wound care education ordered prior to discharge
- May advance diet as tolerated
- Cleared for prophylactic [redacted] from a trauma standpoint

GUNSHOT WOUND OF LEFT FOREARM
GUNSHOT WOUND OF RIGHT HAND
OPEN LEFT DRUJ DISLOCATION
LEFT DISTAL RADIUS FRACTURE
S/p wound irrigation and foreign body removal bilaterally as well as left wrist ORIF 2/16
- PT/OT consults

Pending admission urine studies.

Remainder of care per primary Orthopaedic Surgery Team.

Follow up plan to date:
No Trauma Surgery follow up needed.
PCP follow up for abdominal wound check.

[redacted] PA-C
Trauma Surgery

Electronically signed by [redacted] (Pa-C) at 2/16/2021 4:47 PM
Electronically signed by [redacted] (M.D.) at 2/16/2021 6:38 PM

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

==========

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Clinical Notes (group 2 of 2) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Labs (continued)

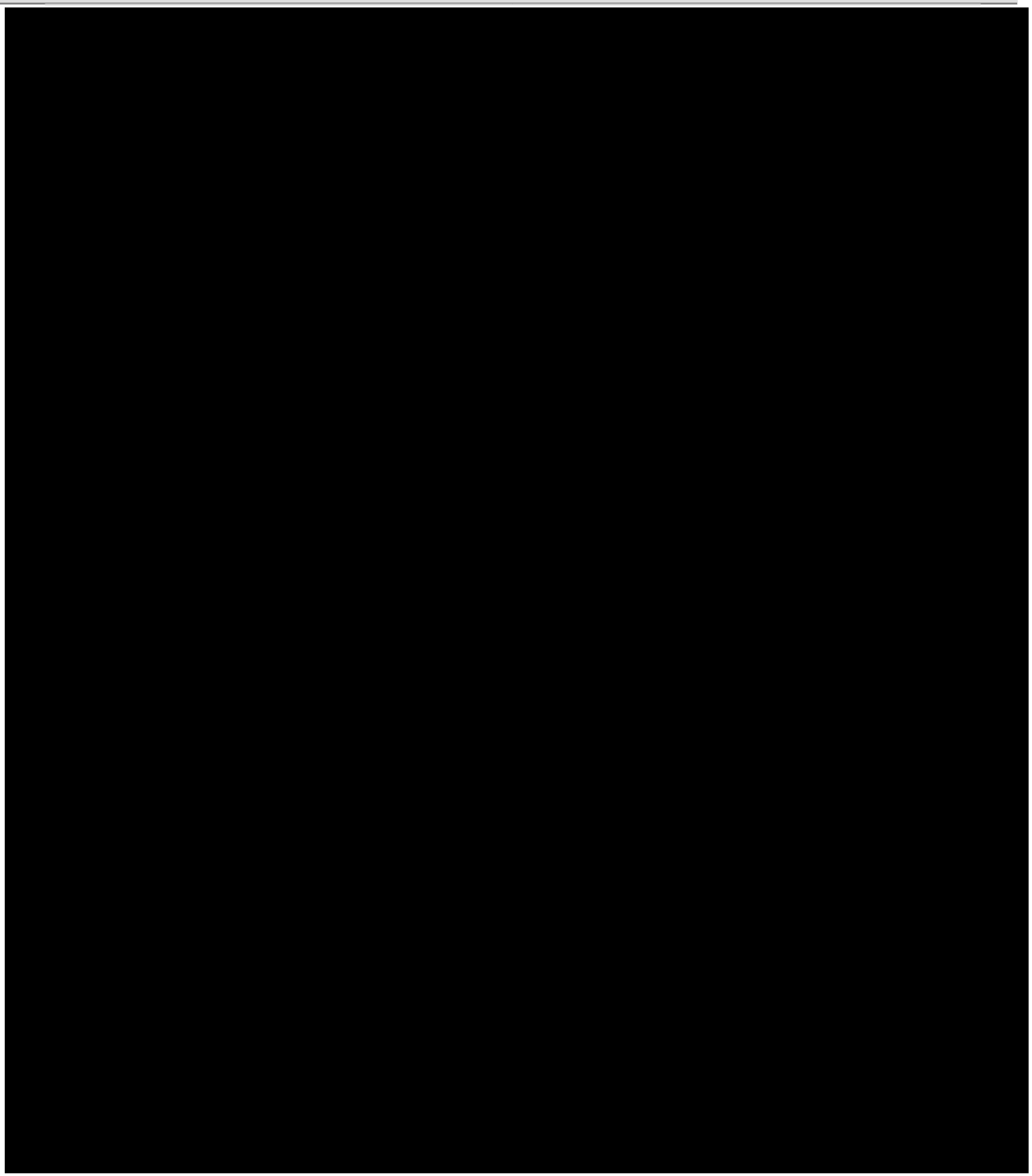
[redacted]

Imaging

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



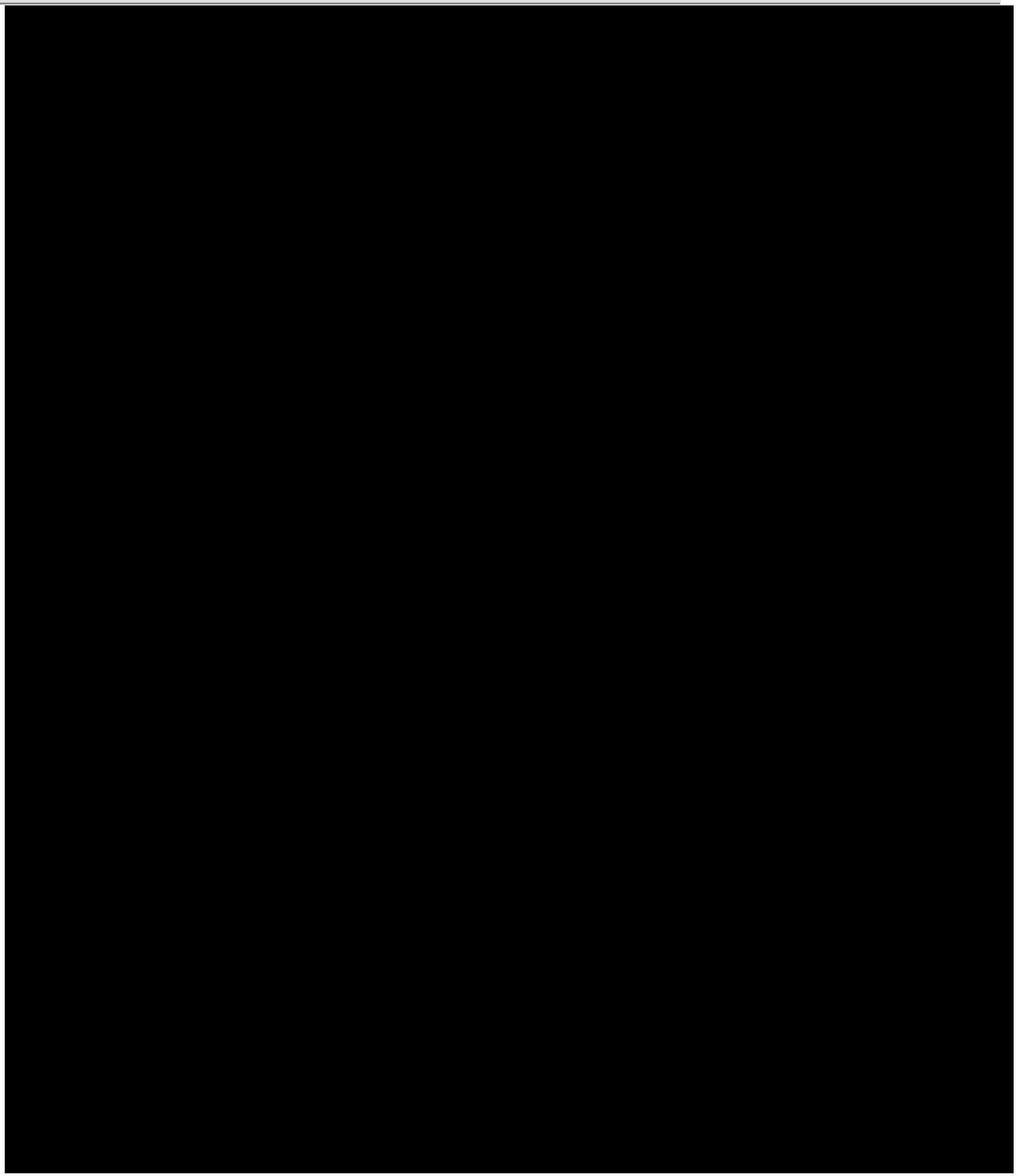
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



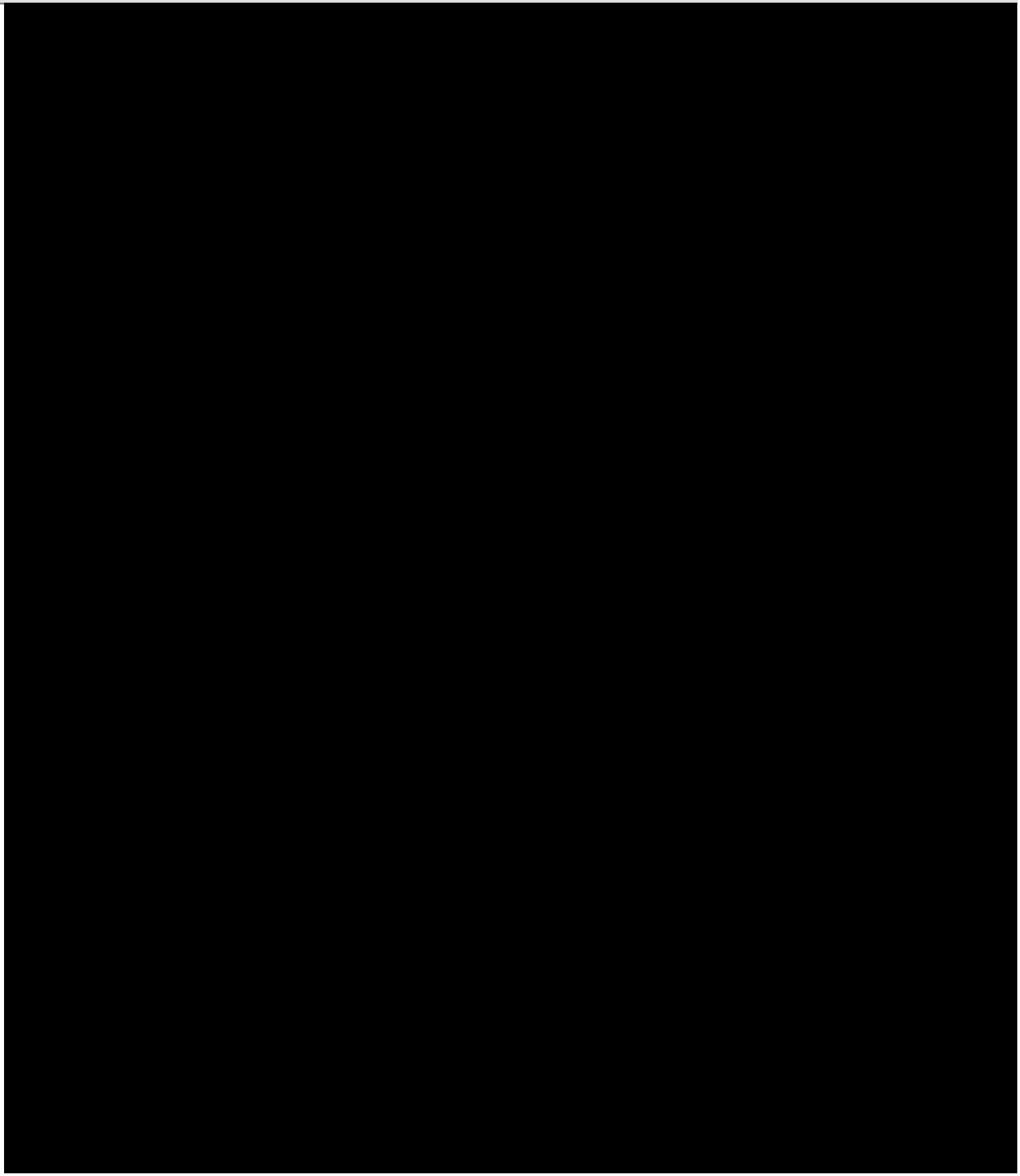
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

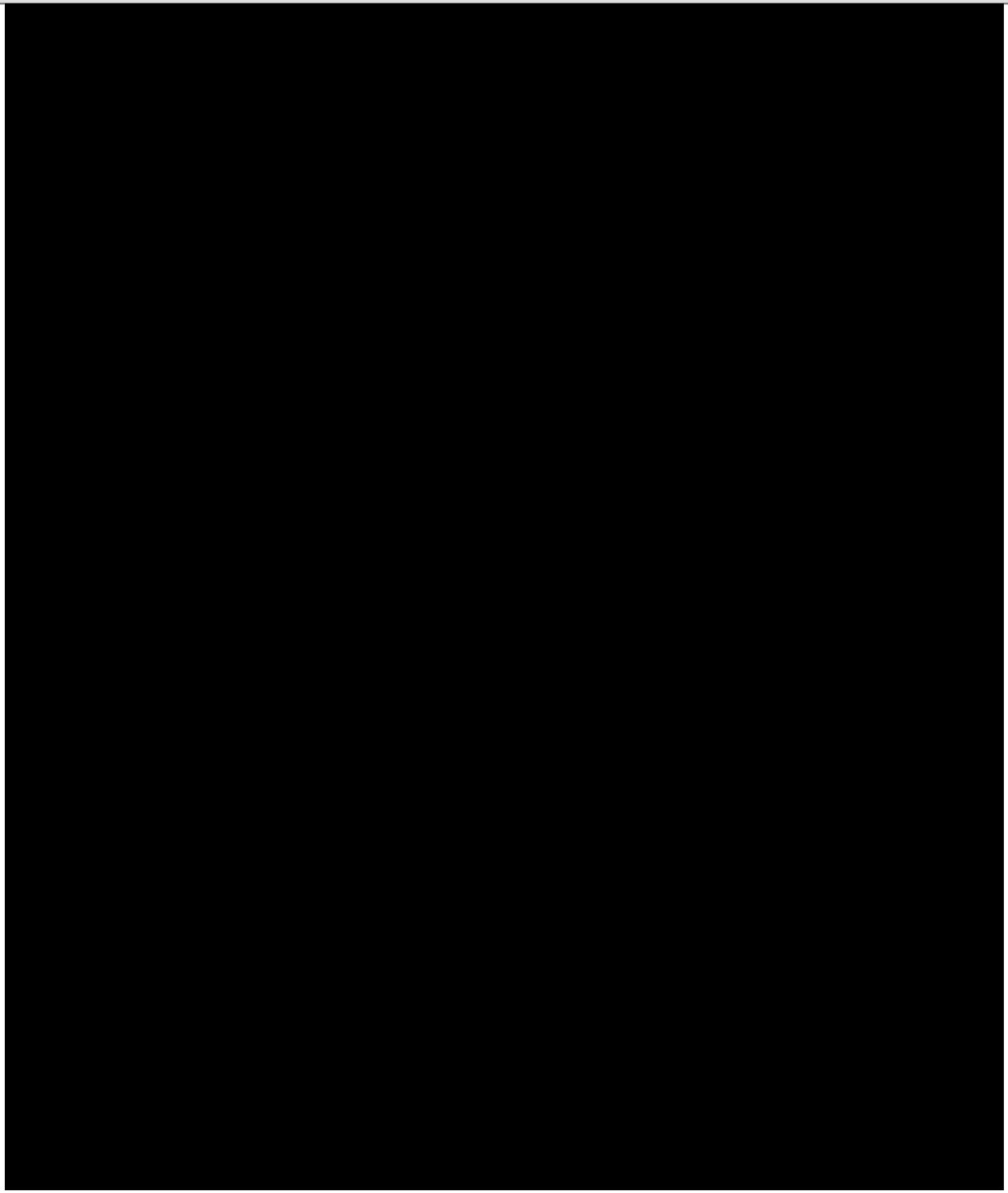
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



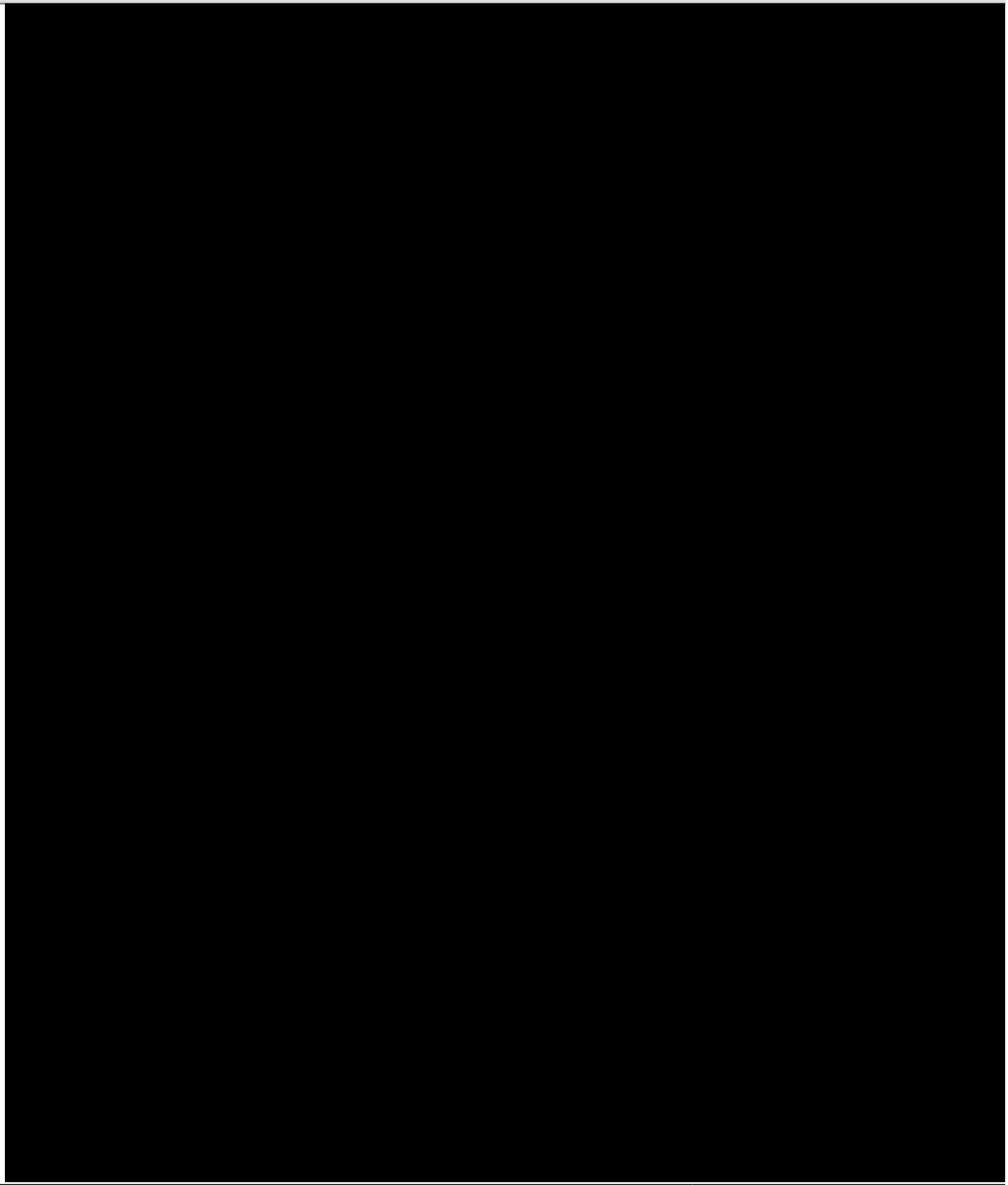
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

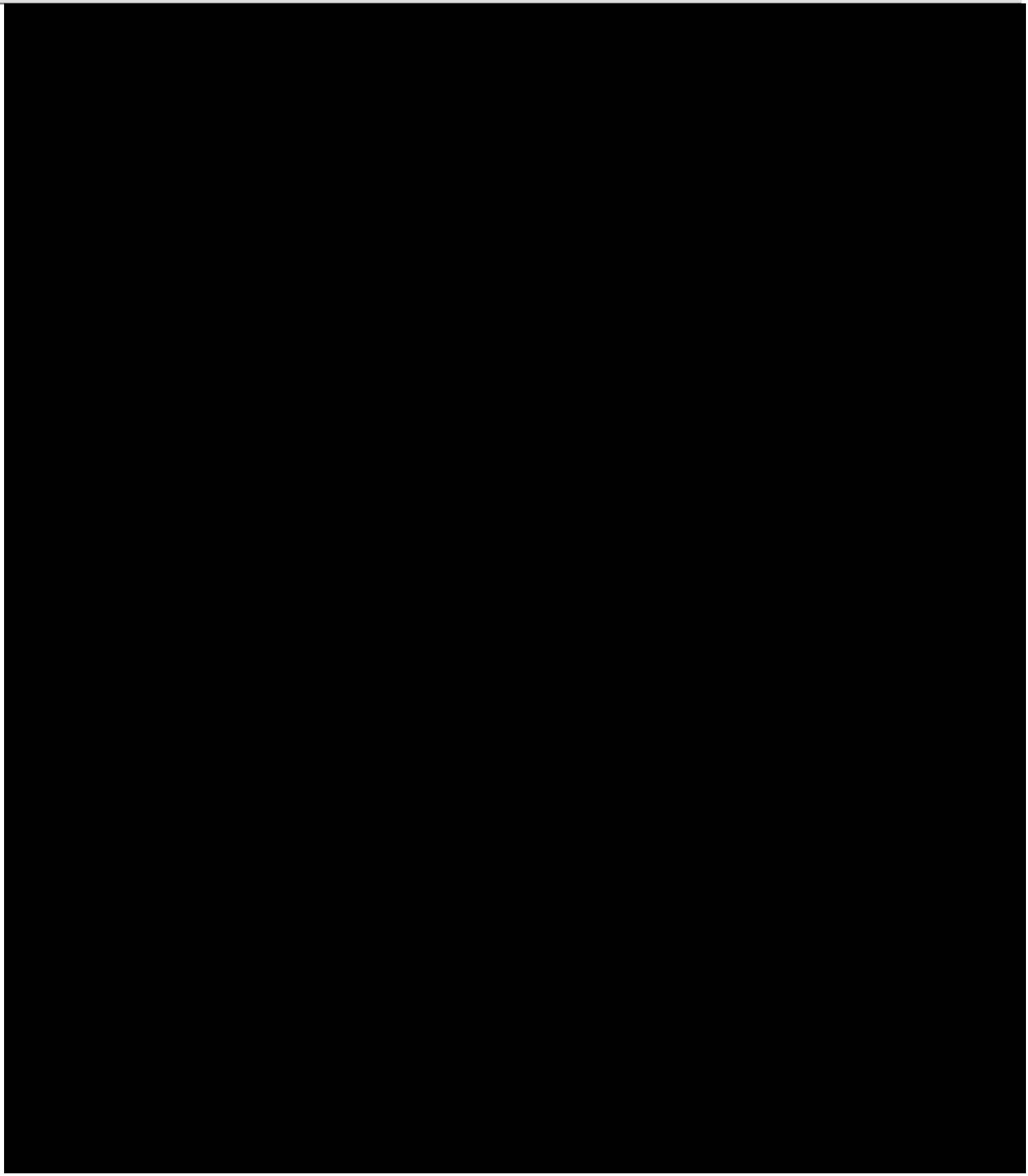
[redacted]

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

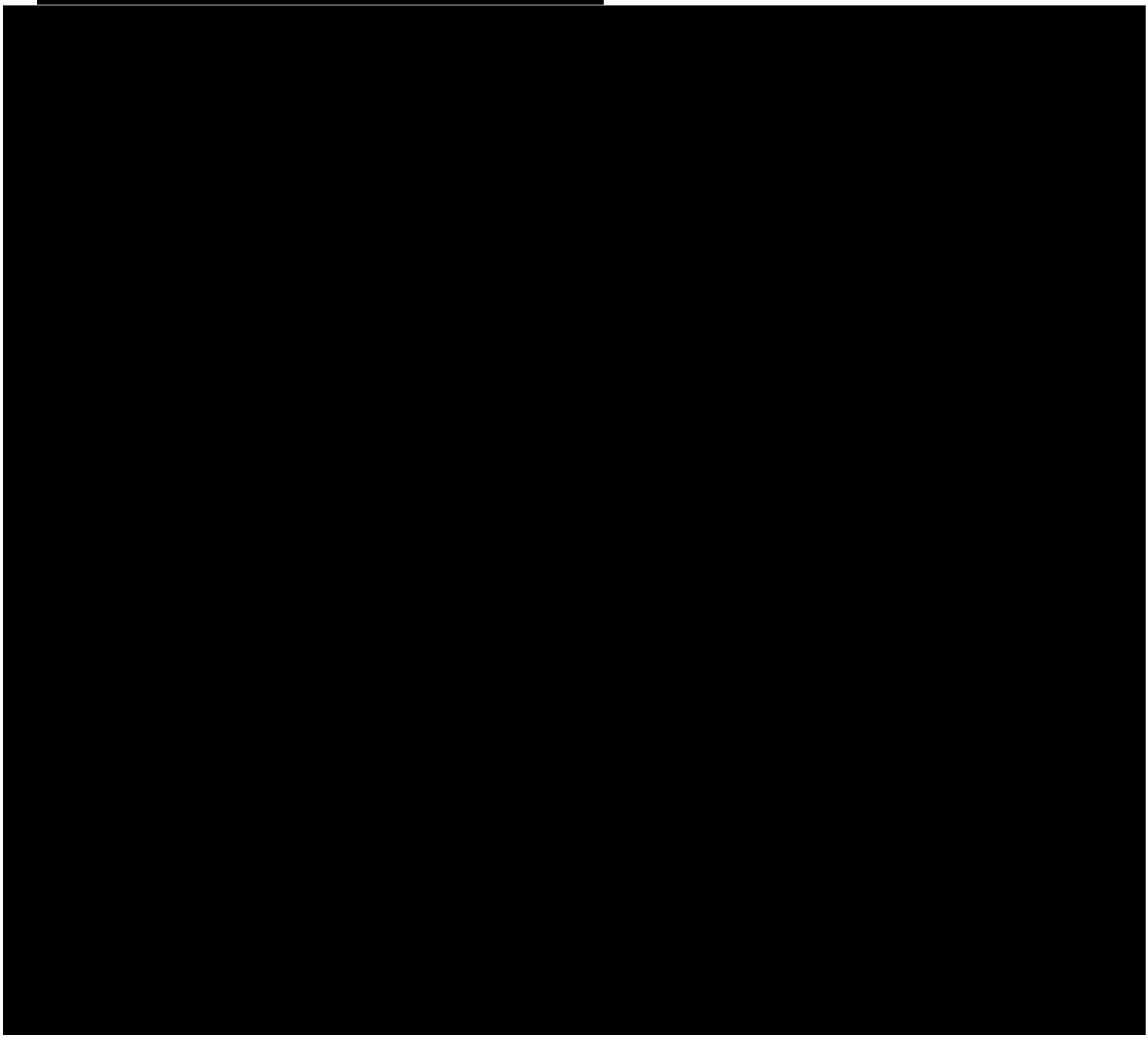
Imaging (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]



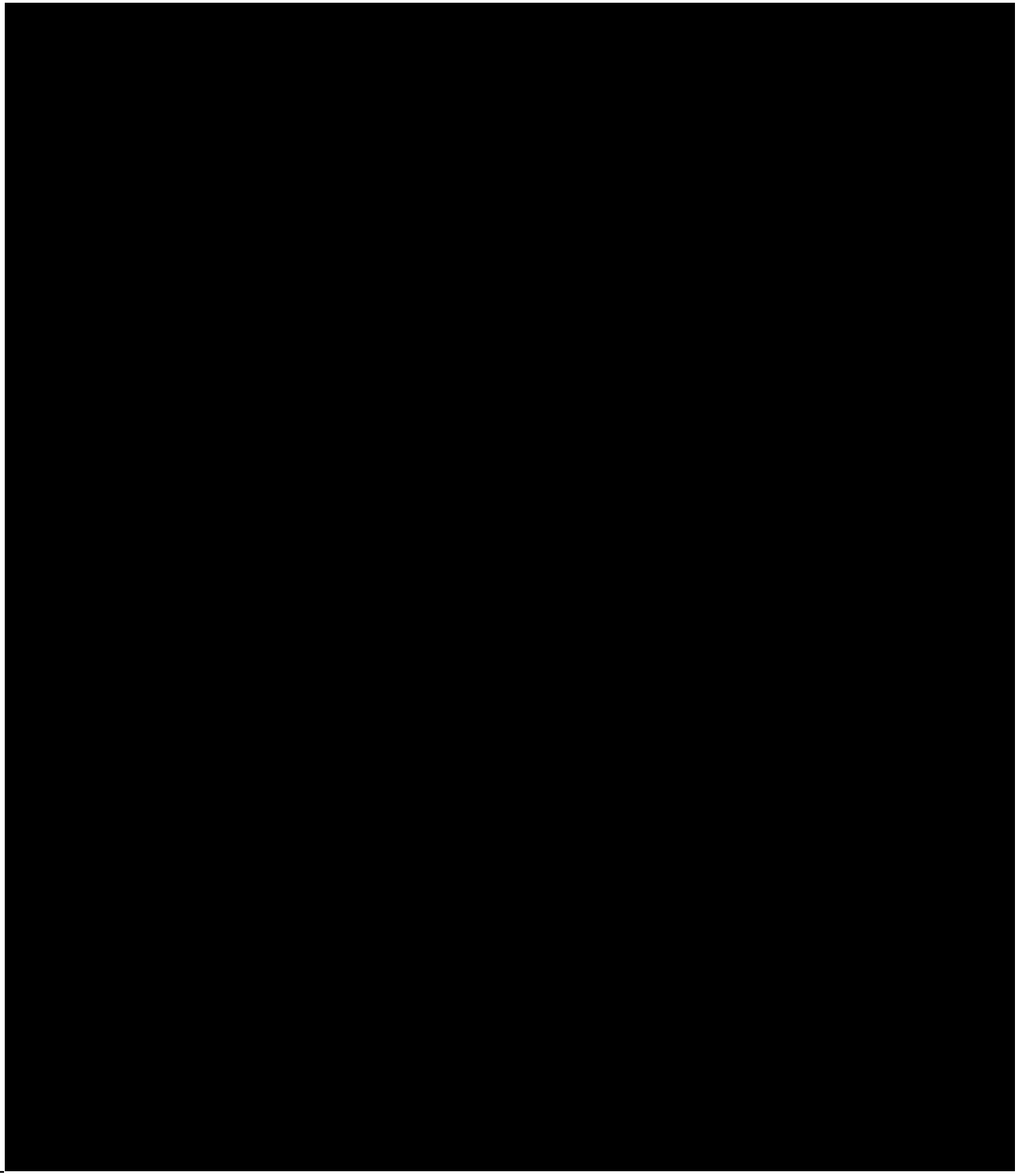
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

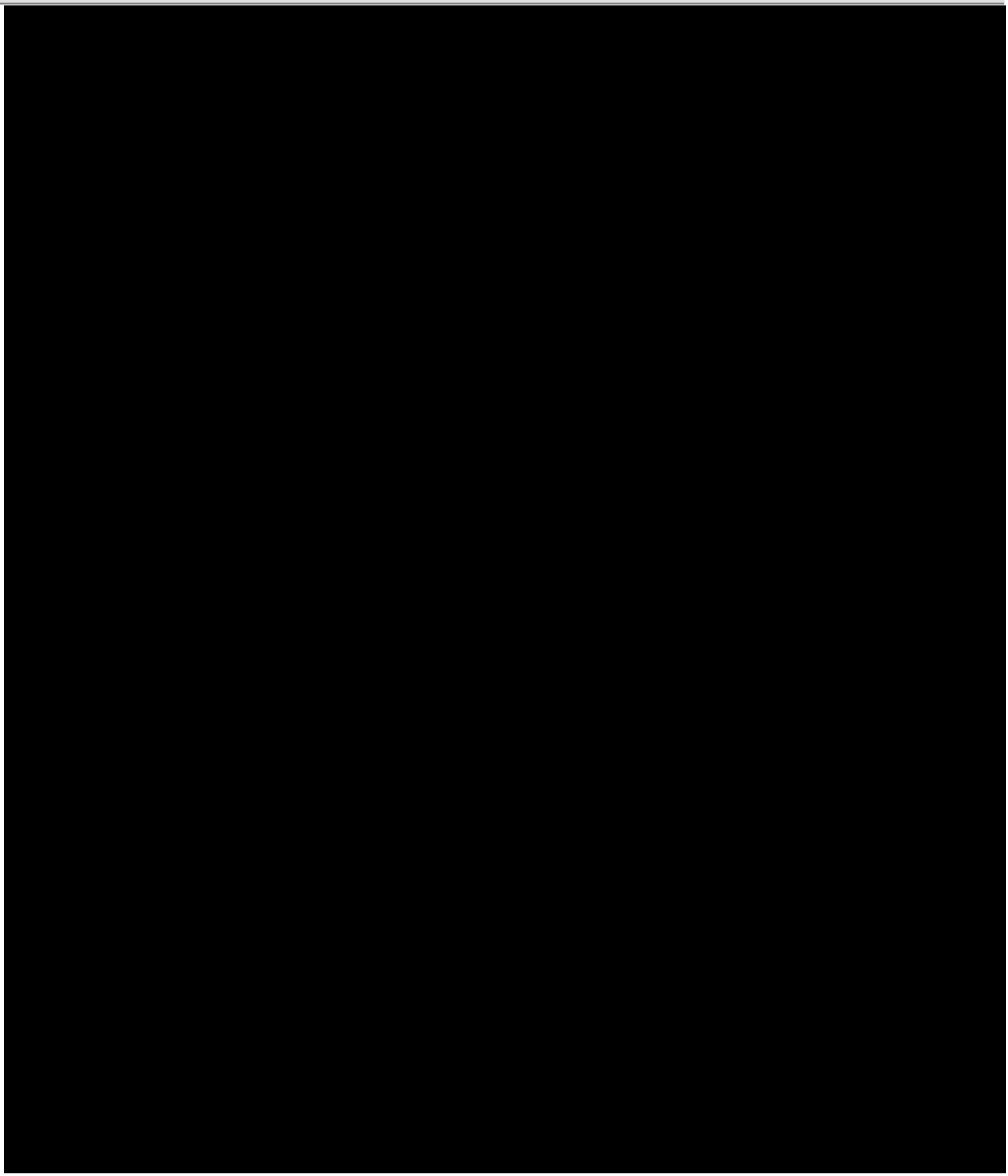
[redacted]

[redacted]

[redacted]

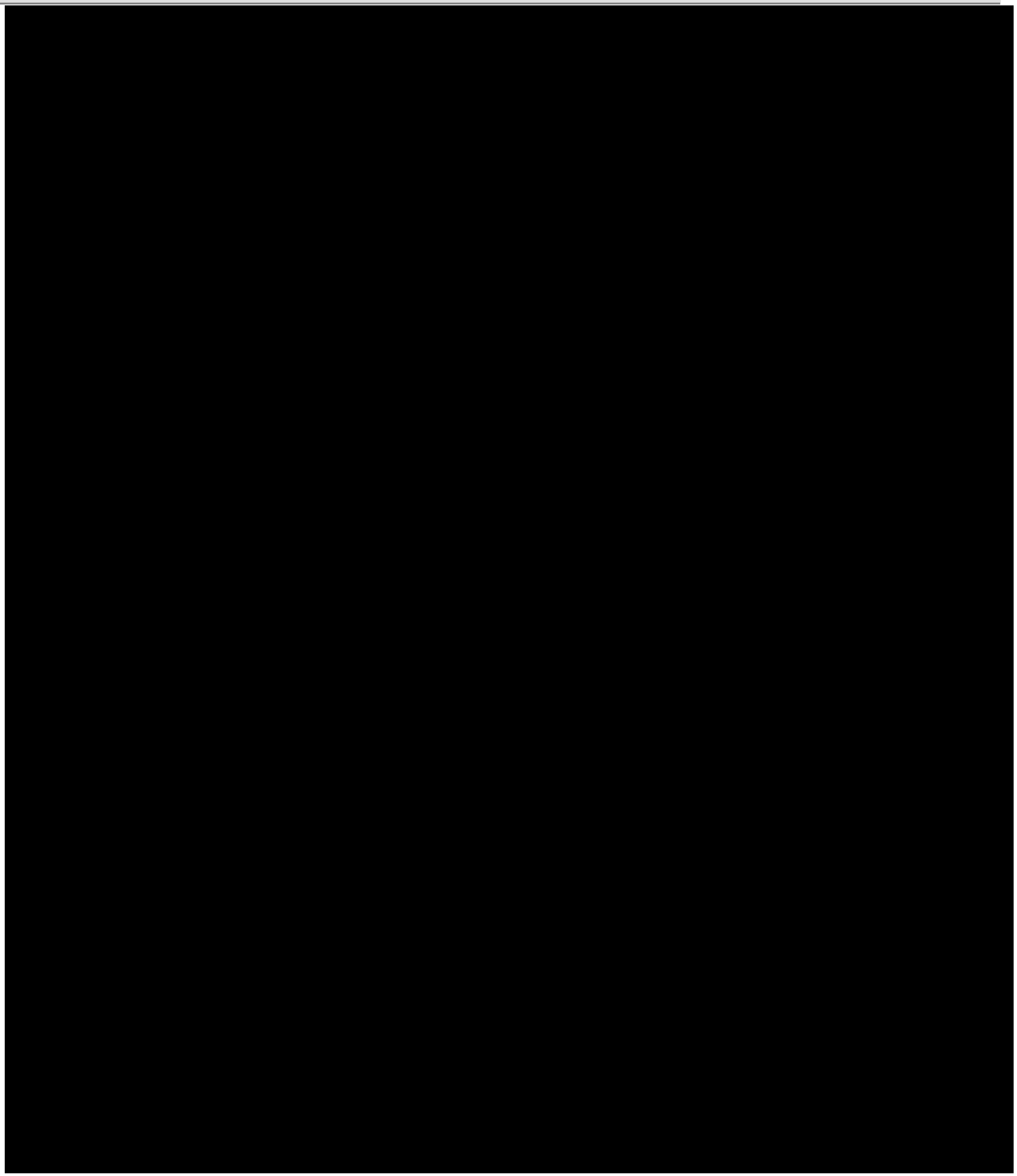
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



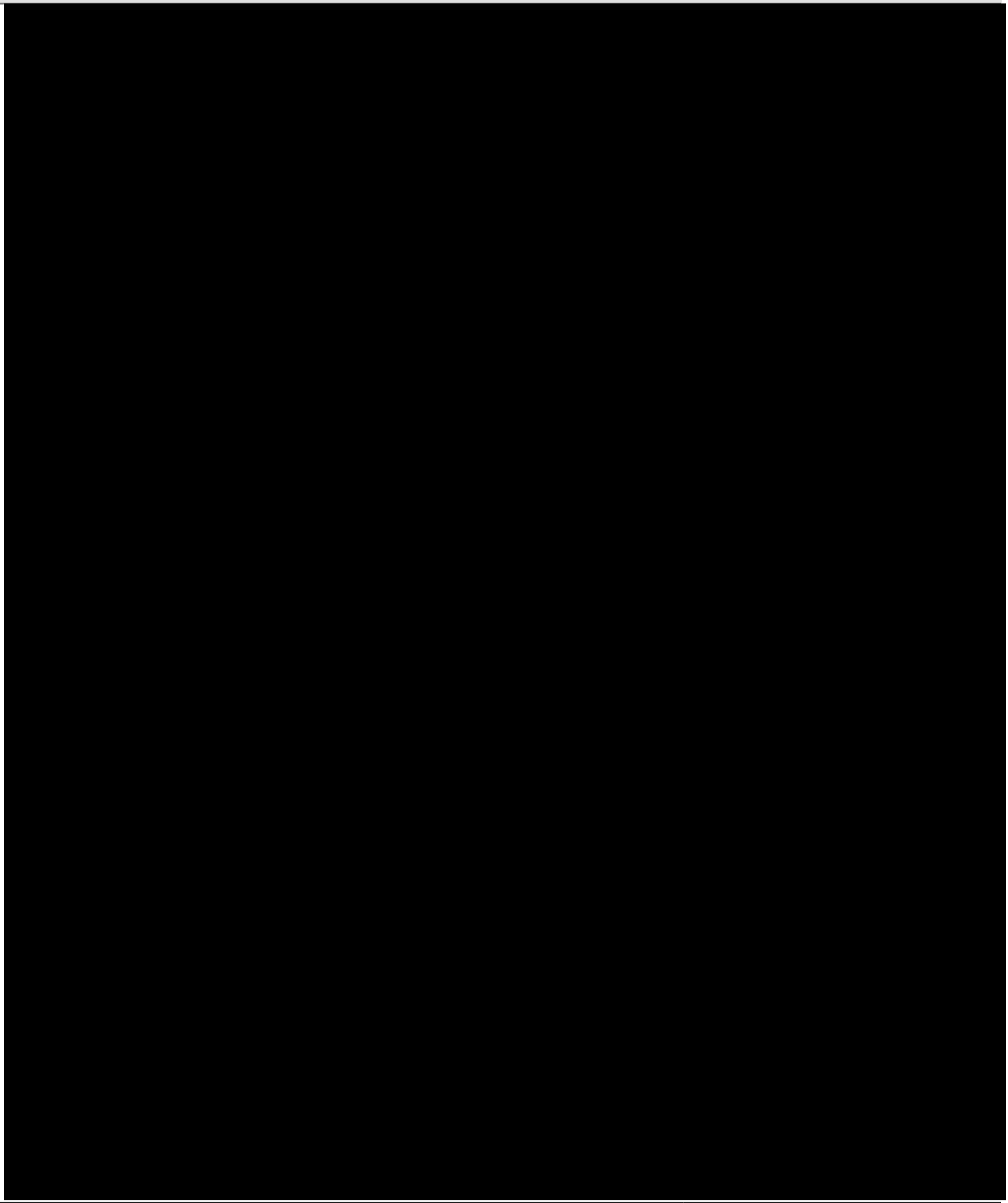
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



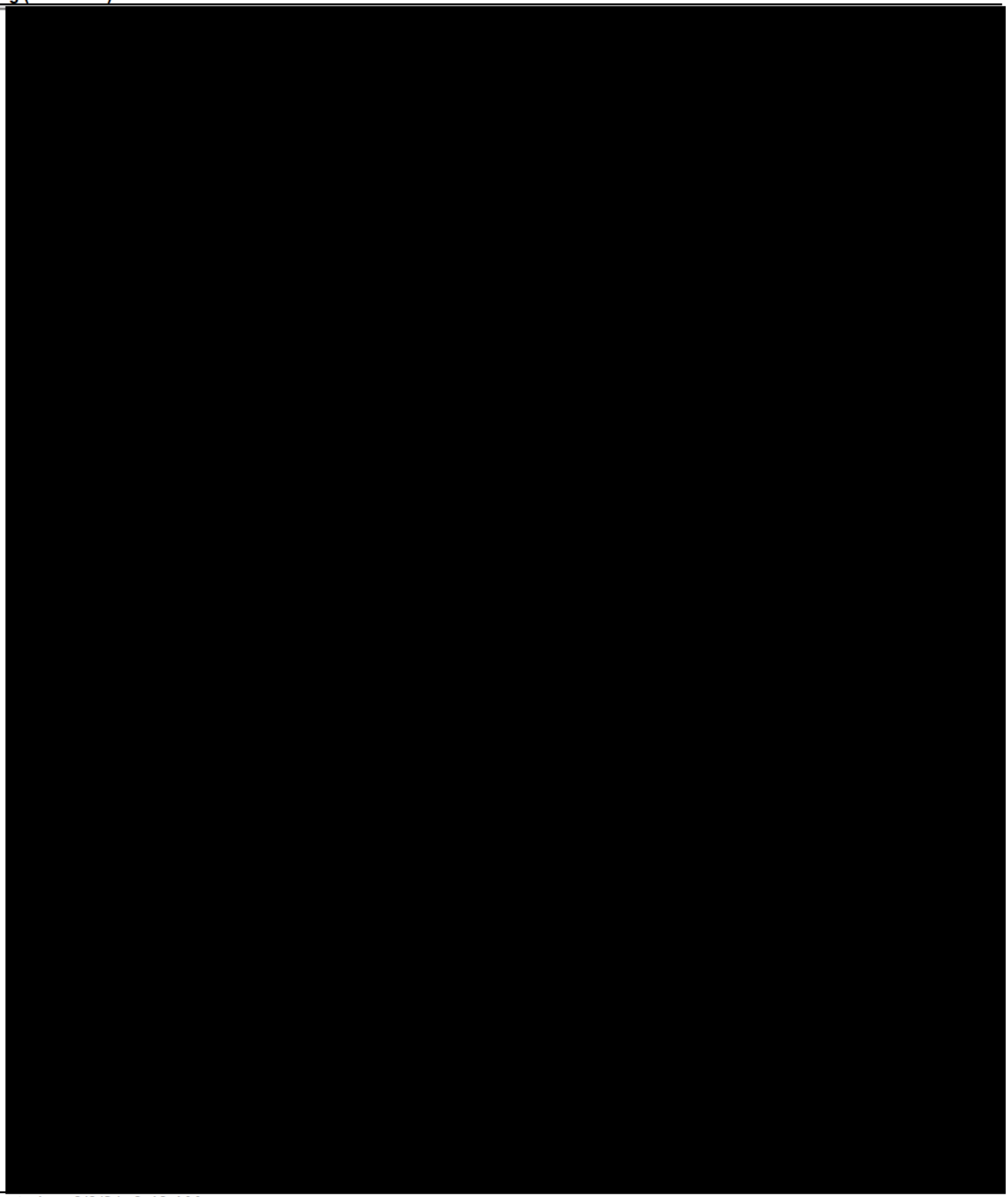
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



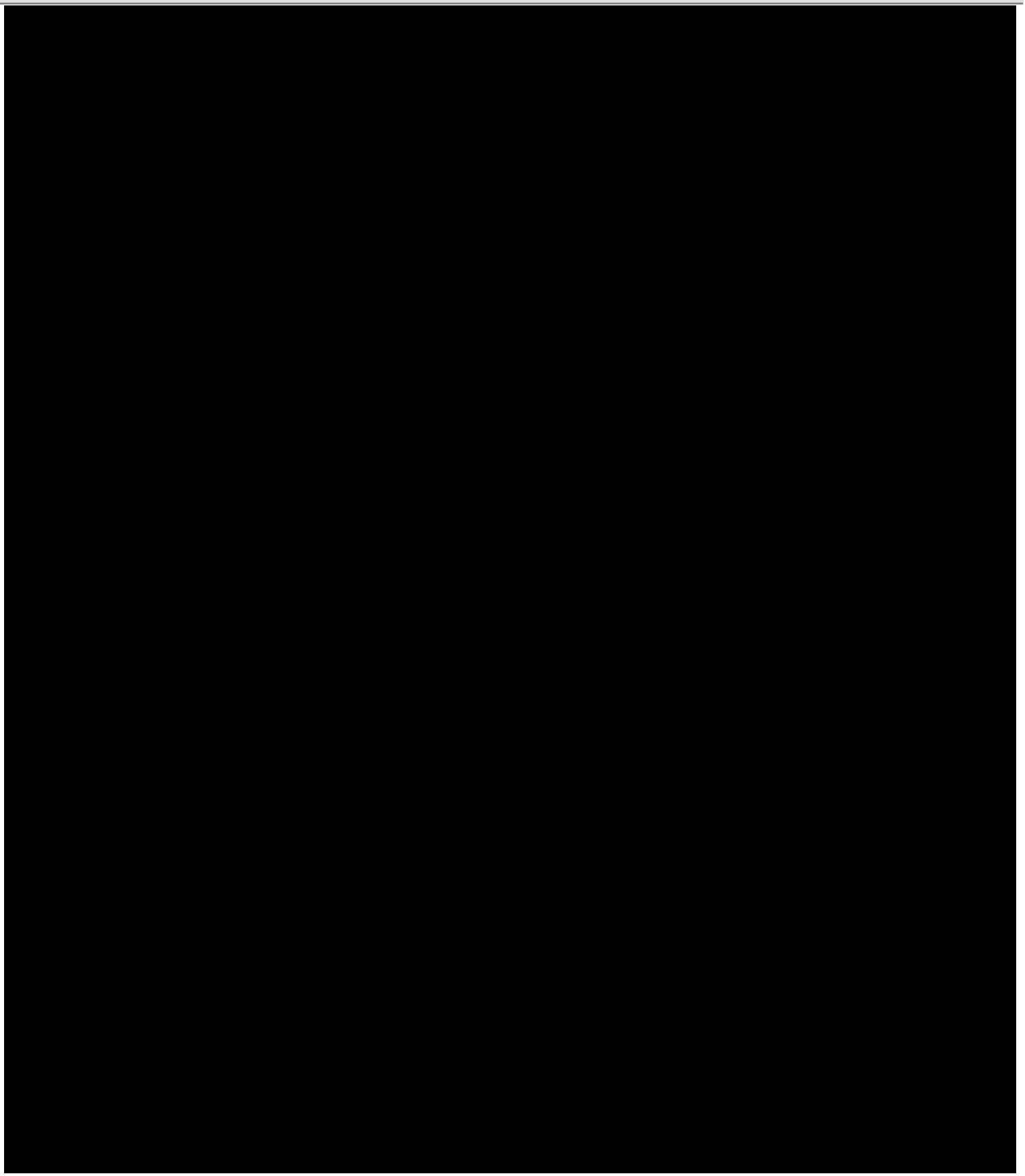
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Imaging (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316087

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
			[redacted]	
			[redacted]	

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Case 1316107 (HAND REMOVAL OF FOREIGN BODY) (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Anesthesia on 02/16/21 (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Other Orders (group 3 of 3) (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Care Plan (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

Patient Education (continued)

[redacted]

[redacted]

[redacted]

[redacted]

After Visit Summary (continued)

[redacted]

Vitals

[redacted]

Martinez, Adan
MRN: [redacted] DOB: 5/17/1982, Sex: M
SSN: [redacted]
Adm: 2/15/2021, D/C: 2/17/2021

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents

Clinical photo - [redacted]

Scan on 2/16/2021 2:27 PM

Clinical date/time: 2/16/2021 1835 User: [redacted] (Pa-C)
Description: Abdomen

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817 User: [redacted] M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817
User: [redacted] (M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817 User: [redacted] (M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817 User: [redacted] (M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817 User: [redacted] (M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817 User: [redacted] (M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

Scan on 4/9/2021 8:17 AM

Clinical date/time: 4/9/2021 0817 User: [redacted] (M.D.)
Description: —

Scan (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

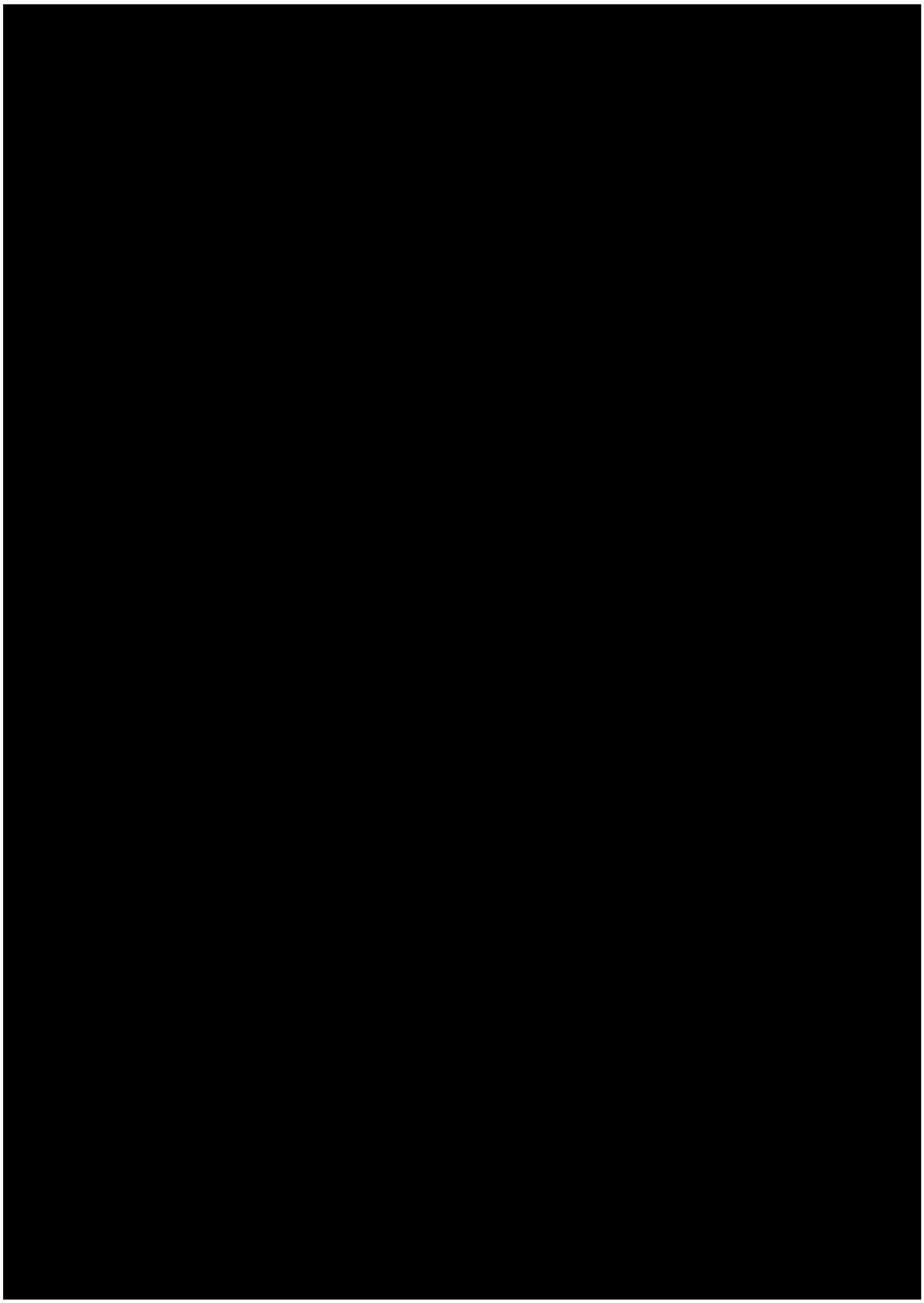
Consent.

Electronic signature on 2/16/2021 12:50 AM - Not e-signed

Clinical date/time: 2/16/2021 0050 Description: [redacted] (M.D.)

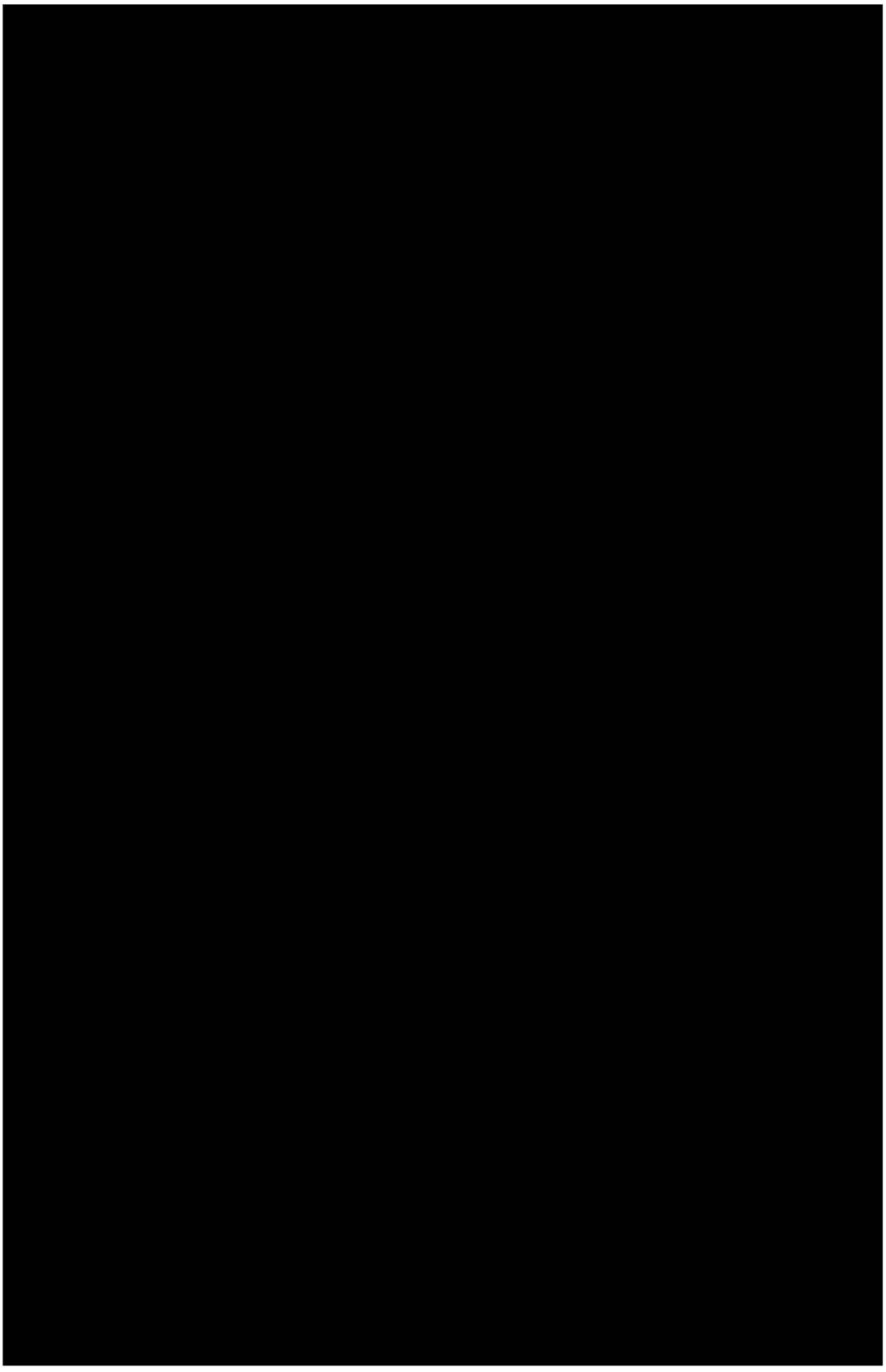
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Documents (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021:

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 4/9/2021 8:17 AM by [redacted] (M.D.) (below)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 2/16/2021 2:27 PM by [redacted] (Pa-C): Abdomen (below)

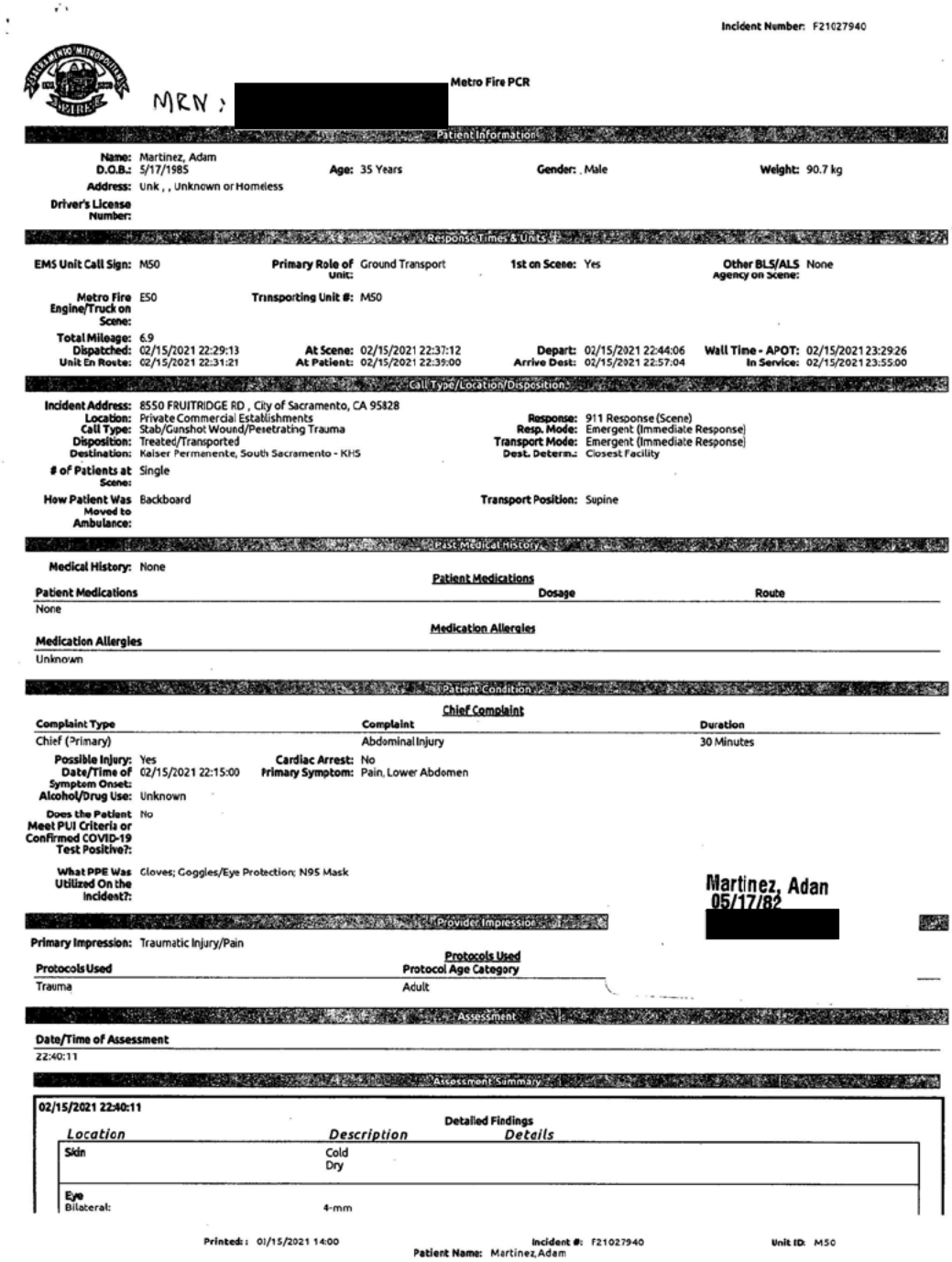
02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Scan on 3/23/2021 11:22 AM by [redacted] (D.O.): Prehospital Care Report (below)
Description: Prehospital Care Report **Scan Date:** 3/23/2021 **Index Date:** 3/23/2021

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)



Incident Number: F21027940

Metro Fire PCR

MRN: [redacted]

Patient Information

Name: Martinez, Adam
D.O.B.: 5/17/1985 Age: 35 Years Gender: Male Weight: 90.7 kg
Address: Unk , , Unknown or Homeless
Driver's License Number:

Response Times & Units

EMS Unit Call Sign: M50 Primary Role of Unit: Ground Transport 1st on Scene: Yes Other BLS/ALS Agency on Scene: None
Metro Fire Engine/Truck on Scene: E50 Transporting Unit #: M50
Total Mileage: 6.9
Dispatched: 02/15/2021 22:29:13 At Scene: 02/15/2021 22:37:12 Depart: 02/15/2021 22:44:06 Wall Time - APOT: 02/15/2021 23:29:26
Unit En Route: 02/15/2021 22:31:21 At Patient: 02/15/2021 22:39:00 Arrive Dest: 02/15/2021 22:57:04 In Service: 02/15/2021 23:55:00

Call Type/Location/Disposition

Incident Address: 8550 FRUITRIDGE RD , City of Sacramento, CA 95828
Location: Private Commercial Estatlishments
Call Type: Stab/Gunshot Wound/Pesetrating Trauma
Disposition: Treated/Transported
Destination: Kaiser Permenente, South Sacramento - KHS
Response: 911 Resoonse (Scene)
Resp. Mode: Emergent (Immediate Response)
Transport Mode: Emergent (Immediate Response)
Dest. Determ.: Closest Facility
# of Patients at Scene: Single
How Patient Was Moved to Ambulance: Backboard
Transport Position: Supine

Past Medical History

Medical History: None

Patient Medications

Patient Medications	Dosage	Route
None		

Medication Allergies

Medication Allergies
Unknown

Patient Condition

Chief Complaint

Complaint Type	Complaint	Duration
Chief (Primary)	Abdominal Injury	30 Minutes

Possible Injury: Yes
Date/Time of Symptom Onset: 02/15/2021 22:15:00
Alcohol/Drug Use: Unknown
Cardiac Arrest: No
Primary Symptom: Pain, Lower Abdomen
Does the Patient Meet PUI Criteria or Confirmed COVID-19 Test Positive?: No
What PPE Was Utilized On the Incident?: Gloves; Goggles/Eye Protection; N95 Mask

Martinez, Adan
05/17/82 [redacted]

Provider Impression

Primary Impression: Traumatic Injury/Pain

Protocols Used

Protocols Used	Protocol Age Category
Trauma	Adult

Assessment

Date/Time of Assessment
22:40:11

Assessment Summary

02/15/2021 22:40:11

Detailed Findings

Location	Description	Details
Skin	Cold Dry	
Eye Bilateral:	4-mm	

Printed: 01/15/2021 14:00 Incident #: F21027940 Unit ID: M50
Patient Name: Martinez,Adam

Page 1 of 8

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

	PERRL	
Shoulder		
Abdomen Generalized:	Pain Puncture/Stab Wound Bleeding Uncontrolled	1 penetrating injury to right upper quadrant 1 penetrating injury to left lower quadrant 2 penetrating injuries to umbilical region
Hip		
Upper Leg		
Knee		
Lower Leg		
Ankle		
Upper Arm		
Elbow		
Forearm Forearm-Left:	Puncture/Stab Wound Swelling Fracture-Closed Deformity Bleeding Controlled Pain	4 penetrating injuries to left forearm
Hand Thumb-Right:	Puncture/Stab Wound Bleeding Controlled	1 penetrating injury below right thumb on palm side
Back/Spine		

Martinez, Adan
05/17/82
[redacted]

Normal Findings

Mental Status ; Neurological ; Head ; Face ; Neck ; Shoulder (Shoulder-Left, Shoulder-Right) ; Chest/Lungs ; Hip (Hip-Left, Hip-Right) ; Upper Leg (Leg-Upper-Left, Leg-Upper-Right) ; Knee (Knee-Left, Knee-Right) ; Lower Leg (Leg-Lower-Left, Leg-Lower-Right) ; Ankle (Ankle-Left, Ankle-Right) ; Upper Arm (Arm-Upper-Left, Arm-Upper-Right) ; Elbow (Elbow-Left, Elbow-Right) ; Forearm (Forearm-Right) ; Back/Spine (Back-General) ;

Not Done

Trauma

Cause of Injury: Firearm Injury
Physiologic/Anatomic Trauma Triage Criteria: Tourniquet needed to control extremity hemorrhage

Mechanism of Injury: Penetrating
Mechanism of Injury & Special Considerations: Does Not Meet Mechanism of Injury or Special Considerations

Vitals Signs

Vitals

PTA	Time	GCS	Systolic	Diastolic	Method of Blood Pressure Measurement	Pulse	Pulse Rhythm	ECG Rhythm	ECG Type	Vital Comments	Resp	Effort	SpO2	Qual	Filed	Pain	Crew
No	22:43:27	15	102	60	Auscultated	106	Regular	Sinus Tachycardia	4 Lead	Import Event 'Minimum Timeframe (5 Min)'. Individual events used in creating this vital: [HR:21/02/15 22:48:25];	16	Normal	92	At Room Air	10		Daniels ki, Alexander (P3866 3)
No	22:48:04	15	109	65	Automated	99	Regular	Sinus Tachycardia ; Sinus Rhythm	4 Lead	Import Event 'Blood Pressure'. Individual events used in creating this vital: [SBP:21/02/15 22:32:04], [DBP:21/02/15 22:32:04], [SpO2:21/02/15 22:32:04], [HR:21/02/15 22:32:04];	18		100	At Room Air	10		Hughes , Avon (P3018 2)
No	22:53:13	15	106	54	Auscultated	88	Regular	Sinus Rhythm	4 Lead	Import Event 'Blood Pressure'. Individual events used in creating this vital: [SBP:21/02/15 22:56:13], [DBP:21/02/15 22:16:13], [SpO2:21/02/15 22:56:13], [HR:21/02/15 22:56:13];	16		100	O2			Hughes , Avon (P3018 2)

Narrative

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Incident Number: F21027940

M50 atf 37 y/o male lying supine on ground with law enforcement by his side. Patient is handcuffed behind his back. Patient is fully alert and oriented with GCS 15. Patient was involved in a shooting 20 minutes prior to firstresponder arrival. Patient was shot with a gun by unknown person and for unknown reason. Law enforcement was first on scene and had provided first aid to the patient. Law enforcement had used a tourniquet on the patients left arm and 3 chest seals on the patients abdomen. Patient was released from handcuffs and prepared for medical transport. Prior to moving patient a rapid trauma assessment was performed. Rapid trauma assessment revealed lung sounds clear and equal bilaterally, 4 penetrating injuries to abdomen; 1 right upper quadrant, 1 left lower quadrant, and 2 around umbilical region, all covered with chest seals. Four penetrating injuries to the patients left forearm and 1 penetrating injury to the patients right thumb on the palm side. Bleeding was controlled with tourniquet on left arm by law enforcement. Patient was placed on backboard and moved to ambulance. Enroute to hospital, vitals were obtained and stable. Patient was wrapped in blanket and O2 non rebreather at 15 lpm was given to patient. IV was established with 200 ml of NS fluid, and 4lead with sinus tach. Patients left arm was bandaged. Patient was closely monitored and lungs sounds were reassessed with no changes. Interventions were reassessed, with no changes. Trauma alert was given to hospital prior to arrival. Patient care was then transferred to ED RN without incident.

Treatment

Medications

PTA	Time	Medication	Dosage	Route	Response	Complication	Crew
No	22:45:36	Normal Saline	200 Milliliters (ml)	Intravenous (IV)	Unchanged	None	Danielski, Alexander (P38663)
No	22:46:44	Oxygen	15 Liters Per Minute (LPM [gas])	Non-Rebreather Mask	Improved	None	Danielski, Alexander (P38663)

Procedures

PTA	Time	Procedure	Success	Att	Size	Vascular Access Location	Procedure Location	Location	Response	CMS Prior To	CMS After	Procedure Complication	Procedure Comments	Crew
No	22:42	33 Spinal Immobilization (Full)	Yes	1			Back		Unchanged	Intact	Intact	Bleeding ; Injury		Danielski, Alexander (P38643)
No	22:44	26 4 Lead ECG Obtained	Yes	1					Unchanged			None		Hughes, Aron (P30182)
No	22:45	36 IV Saline Lock	Yes	1	18	Antecubital-Right		Antecubital-Right	Unchanged			None		Danielski, Alexander (P38643)
	22:46	52 4 lead ECG Obtained LP-15	Yes	1					Unchanged			None	Import Event 'Leads On'	Hughes, Aron (P30182)
No	22:49	30 General Wound Care	Yes	1			Forearm-Left		Unchanged	Intact	Intact	None		Hughes, Aron (P30182)

Medical Devices

Date/Time of Event (per Medical Device)	Medical Device Event Type	EKG Comments	Medical Device Crew Member ID
22:46:52	ECG-Monitor	Import Event 'Leads On'	Hughes, Aron (P30182)

Base Hospital Contact & Pre Arrival Alerts

Was a Base Hospital Contacted?: No

Hospital Team Activations

Destination Team Pre-Arrival Alert or Activation	Date/Time of Destination Prearrival Alert or Activation
Yes- Critical Trauma Alert	22:50:56

Unit Personnel

Crew Member	Level of Certification	Role
Dabb, Jeremy (P22397)	EMT-Paramedic	First Responder
Petty, Joseph (P30559)	EMT-Paramedic	Driver/Pilot-Response
Hughes, Aron (P30182)	EMT-Paramedic	Primary Patient Caregiver-At Scene
Schwartzman, Jack (P38346)	EMT-Paramedic	Driver/Pilot - Transport
Danielski, Alexander (P38663)	EMT-Paramedic	Primary Patient Caregiver - Transport

Insurance & Billing Information

Company Name	Company City	Company State	Insurance Policy #	Relationship
Unknown				

Signatures

Type of Person Signing: Healthcare Provider
Signature Reason: Ambulance Patient OffloadTime
Printed Name: [redacted]
Signature Date:
Signature Status: Signed

[redacted]

Type of Person Signing: Patient
Signature Reason: Permission to Transport; Permission to Treat; HIPAA Acknowledgement/Release; Release for Billing
Printed Name:
Signature Date:
Signature Status: Not Signed - Due to Distresi Level

Martinez, Adan
05/17/82 [redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

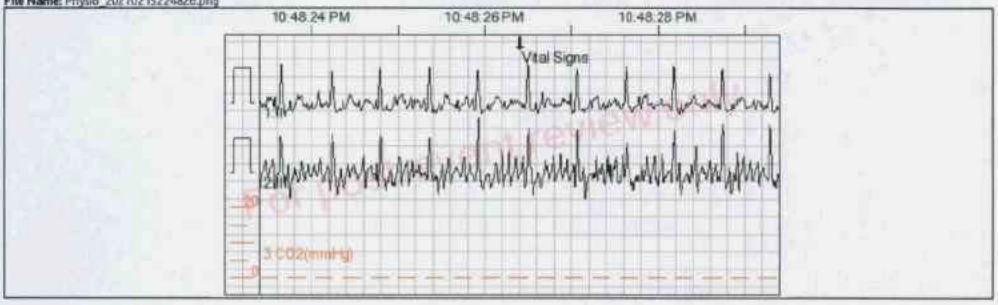
Incident Number: F21027940

Type of Person Signing: Patient Representative
Signature Reason: Authorized Representative; HIPAA Acknowledgement/Release; Release for Billing; Permission to Treat; Permission to Transport
Printed Name:
Signature Date:
Signature Status: Not Signed - Transferred Care/No Access to Obtain Signature

Type of Person Signing: EMS Primary Care Provider (for this event)
Signature Reason: EMS Provider
Printed Name: Alexander Danielski
Signature Date: 02/15/2021 23:06:14
Signature Status: Signed

Attachments

Time: 02/15/2021 22:43:27
File Name: Physio_20210215224826.png



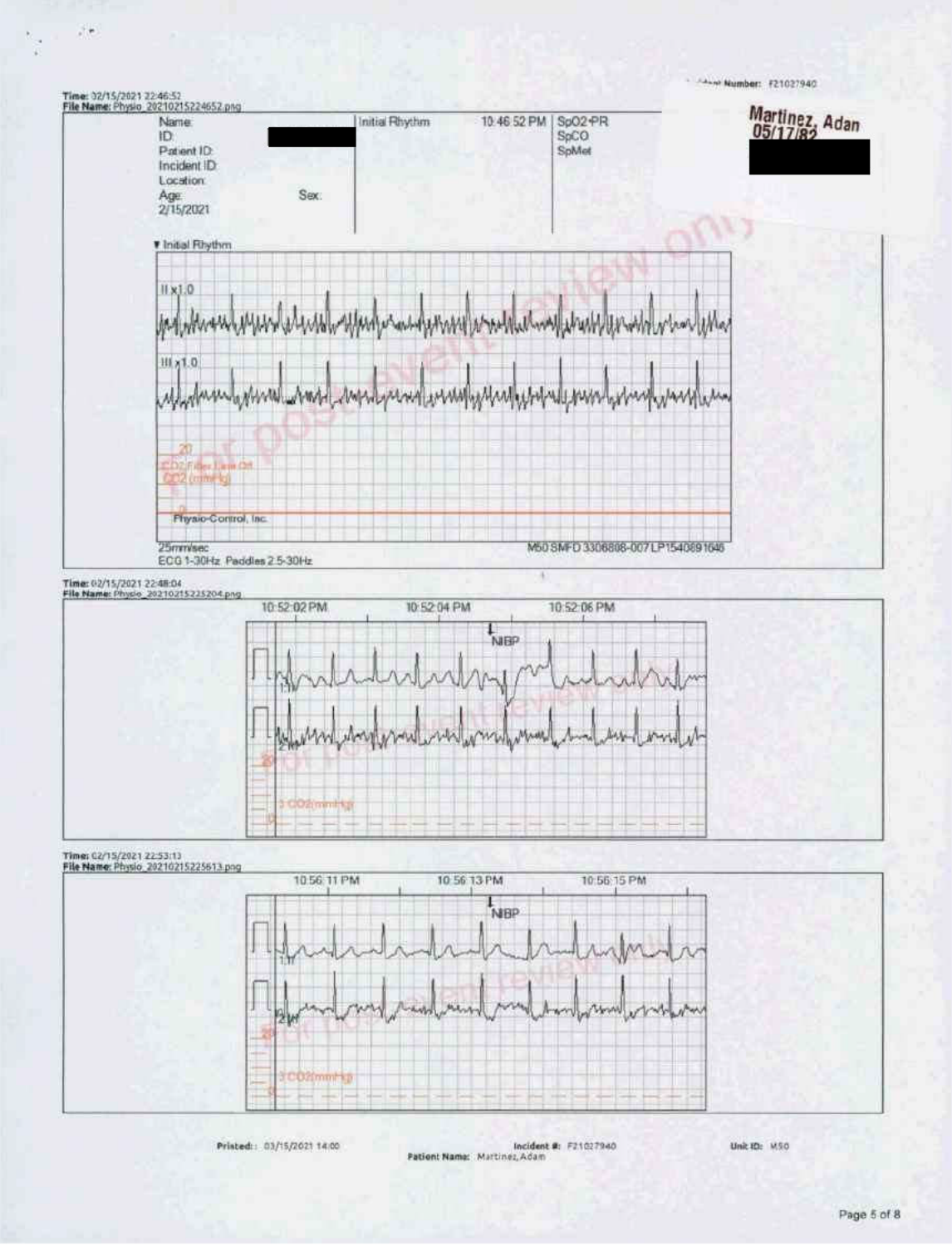
Martinez, Adan
05/17/82 [redacted]

Printed: 03/15/2021 14:00 Incident #: F21027940 Unit ID: M50
Patient Name: Martinez,Adam

Page 4 of 8

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

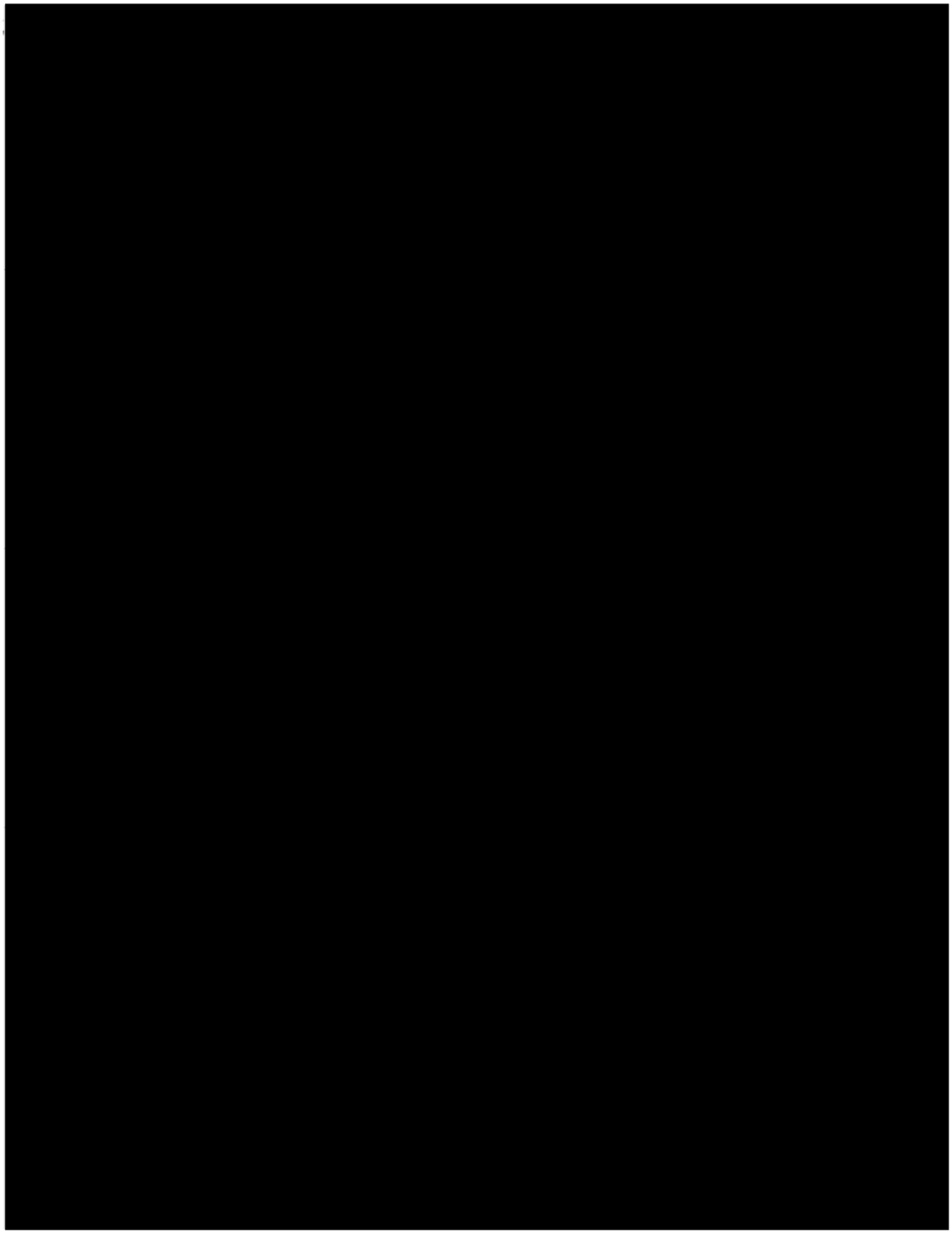
Encounter-Level Documents - 02/15/2021: (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

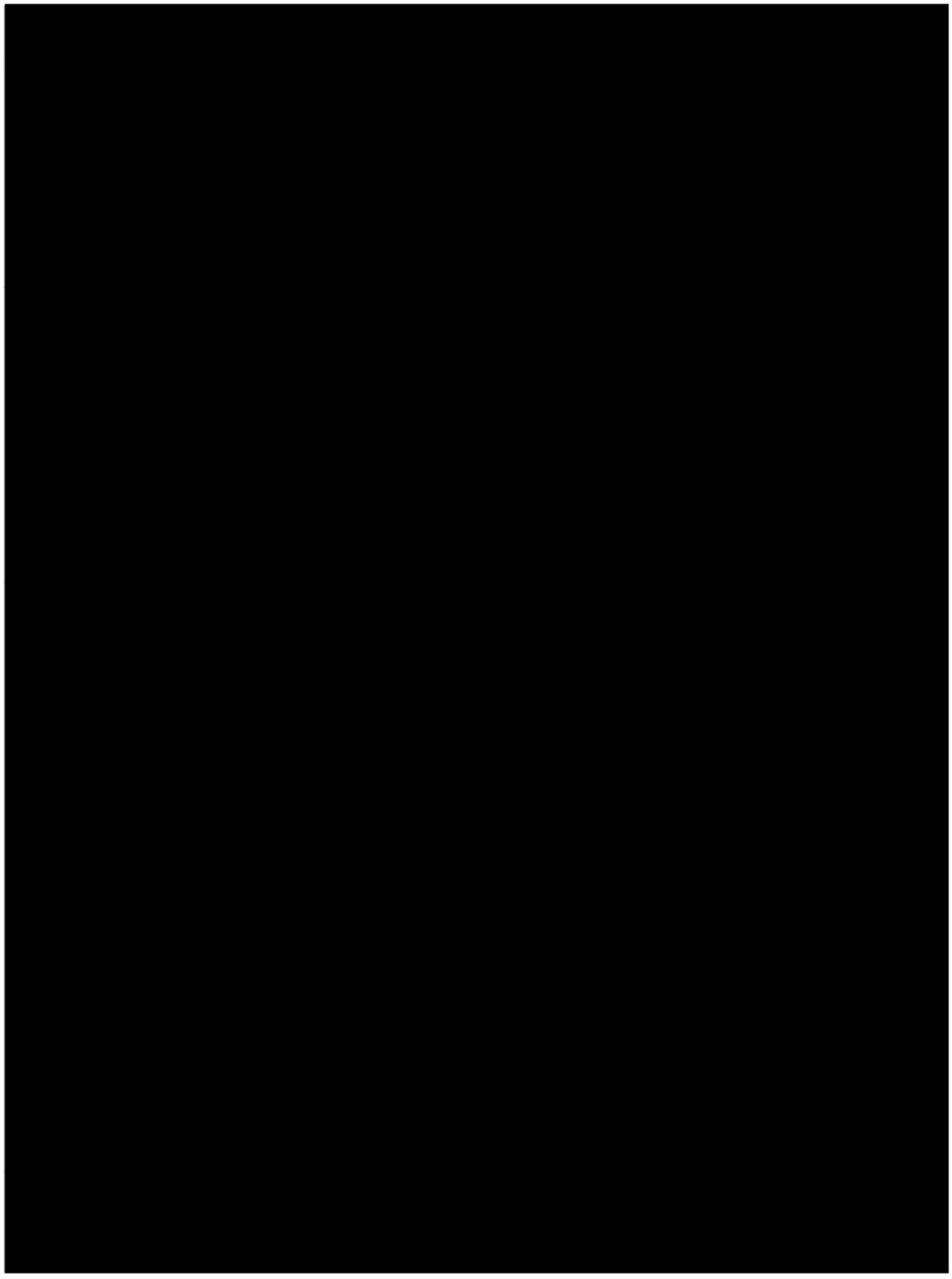
Encounter-Level Documents - 02/15/2021: (continued)

Scan on 2/19/2021 9:50 AM by [redacted] (D.O.): Inpt Min Rec (below)
Description: Inpt Min Rec **Scan Date:**2/19/2021 **Index Date:**2/19/2021



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)



02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

[redacted]

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

TRAUMA RESUSCITATION FLOW SHEET

[redacted] Date: 2/15/2021 Time of Arrival 2258

HOSPITAL INFORMATION

Name: _____ Age: _____ ☒ M ☐ F ☐ ALS ☐ BLS Unit# 30 ☐ Pvt. Auto ☐ PD _____

TRAUMA: Activation Time: 2251 **Level:** ☐ Limited ☒ Full ☐ Tran [redacted]

	Name	Time Called	Time Arrived
Surgeon:			
Neurosurgeon:			
Ortho:			
Other:			

EDMD:
Surgeon:
RN 1:
RN 2/TEC
Scribe:

☒ X-ray ☒ Lab ☒ OR ☐ RT ☒ Soc. Svc. ☐ Other: _____

PRE-HOSPITAL INFORMATION

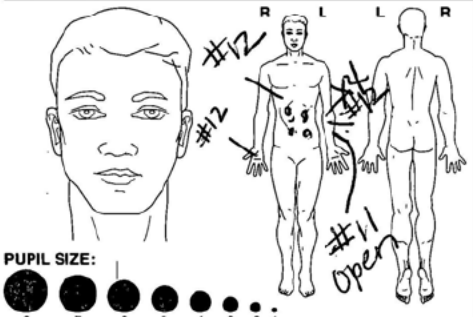
MECHANISM OF INJURY: GSW **CHIEF COMPLAINT:** GSW, multiple

Vehicle: ☐ Auto ☐ Motorcycle ☐ Bicycle ☐ Pedestrian vs _____ ☐ Other: _____
☐ Driver ☐ Passenger F/B Restrained: ☐ Yes ☐ No ☐ Unk ☐ Air bag deploy Helmet: ☐ Yes ☐ No Assault: ☐ Yes ☐ No
Speed: _____ Ejection: _____ Fall: Distance _____ feet Surface: _____ Penetrating: _____
LOC: ☐ Yes ☐ No ☐ Unk ☐ Possible minutes: _____ Domestic violence: ☐ Yes ☐ No ☐ Refer: _____
Family (name/relationship): _____ Time: _____ ☐ Notified ☐ Message ☐ Unable to reach
Med History: _____ LMP: _____ Wt: 181 kg/lb Ht: 5'7"
Medications: _____ **Tetanus:** _____
Allergies: ☒ NKA ☐ _____ Latex: ☐ Yes ☐ No

PRE-HOSPITAL TREATMENT

A. Oral/Nasal ☐ ETT Size _____ cm/_____ @ lips/nares **B.** O_2 NC/NRBM 15 l/min ☐ BVM Vital Sign [redacted]
C. ☒ IV #1 ☐ IV #2 ☐ CPR ☐ Rigid Collar ☒ Back Board ☐ Splint: _____ Glucose: _____ Meds Given: _____
Other Information / Meds: _____ ☐ Transfer Facility: _____

PRIMARY SURVEY



PUPIL SIZE: 8 7 6 5 4 3 2 1

Airway: ☒ Patent ☐ *Obstructed: Partial/Complete*
Trachea: ☒ Midline ☐ *Deviated* ☐ *C-collar in place/not visualized*
Spine Precautions Maintained in ED: ☐ Full spine ☐ C-spine ☐ Not immobilized
Breathing: ☒ Unlabored ☐ *Labored* ☒ Reg. depth ☐ *Shallow*
☐ *Assisted with* _____ ☐ Suctioned: ☐ Oral ☐ Nasal
Circulation: ☒ Rhythm: ☒ Regular sinus ☐ *Irregular: type:* _____
Capillary refill _____ sec
☐ Neck Veins: ☐ Flat ☐ *Distended* ☐ *C-collar/not visualized*
Skin: ☒ Warm ☐ Cool ☐ Dry ☐ *Moist* ☐ *Pink* ☐ *Pale* ☐ *Ashen* ☐ *Cyanotic*

SECONDARY SURVEY

Head: Pupil size: R 2 / L 2 Reaction: R + / L + **Drainage:** Ears ___ Nose ___
Tympanic Membranes: R: ☒ Clear ☐ Other: _____ L: ☒ Clear ☐ Other: _____
Neck: ☒ Atraumatic ☐ Other: _____ ☐ C-collar/deferred
Chest: ☒ Equal expansion ☐ Flail: R / L
Breath sounds: ☒ Clear R L ☐ Absent: R / L
☐ Decreased: R / L ☐ Wheezes: R / L ☐ Crackles: R / L
Abdomen: ☒ Soft ☐ Guarded ☐ Distended ☐ Firm ☐ Flat ☐ Non-tender
Bowel Sounds: ☐ Present ☐ Absent **Fetal Heart Tones:** Rate: _____
Pelvis: ☒ Stable ☐ Unstable
☐ Atraumtic Genitalia ☐ Meatus checked: Blood: ☐ Yes ☐ Nc ☐ Deferred
☐ Rectal tone checked: ☐ Normal ☐ Decreased ☐ Absent ☐ Not Assessed

EXTREMITIES

	Pulses R / L	Motor Strength R / L
Radial:	+ / +	UE: ___ / ___
DP:	+ / +	LE: ___ / ___
PT:	+ / +	Grip: ___ / ___

Sensation: ☒ Intact Bilaterally ☐ Deficit: _____

Back: ☒ Atraumatic ☐ Other: _____ ☒ Log rolled

GLASGOW COMA SCALE

EYE
(4) SPONTANEOUS
(3) TO VOICE
(2) TO PAIN
(1) NONE

VERBAL
(5) ORIENTED
(4) CONFUSED
(3) INAPPROPRIATE WORDS
(2) INCOMPREHENSIBLE WORDS
(1) NONE
ETT/TRACH
IF PATIENT IS LESS THAN 2 Y/O, USE VERBAL SCALE IN KEY

MOTOR
(6) OBEYS COMMANDS
(5) LOCALIZED PAIN
(4) WITHDRAWS PAIN
(3) FLEXION (PAIN)
(2) EXTENSION (PAIN)
(1) NONE

1 ABRASION
2 AMPUTATION
3 AVULSION
4 BURN
5 EDEMA
6 CONTUSION
7 CREPITUS
8 ECCHYMOSIS
9 PUNCTURE
10 WEAKNESS
11 FX/DISLOCATION
12 GUNSHOT WOUND
13 HEMATOMA
14 LACERATION
15 PAIN/TENDER
16 RASH
17 FETAL HEART TONES

PUPIL REACTION
+ = BRISK
– = SLUGGISH
C = EYE CLOSED BY SWELLING
O = NO REACTION

GCS INFANT LESS THAN 2 YEARS OLD
5 = SMILES, LISTENS, FOLLOWS
4 = CRIES, CONSOLABLE
3 = INAPPROPRIATE, CONSISTENT CRY
2 = AGITATED, RESTLESS

KAISER PERMANENTE®
South Sacramento Medical Center
6600 Bruceville Road
Sacramento, CA 95823
(916) 688-2000

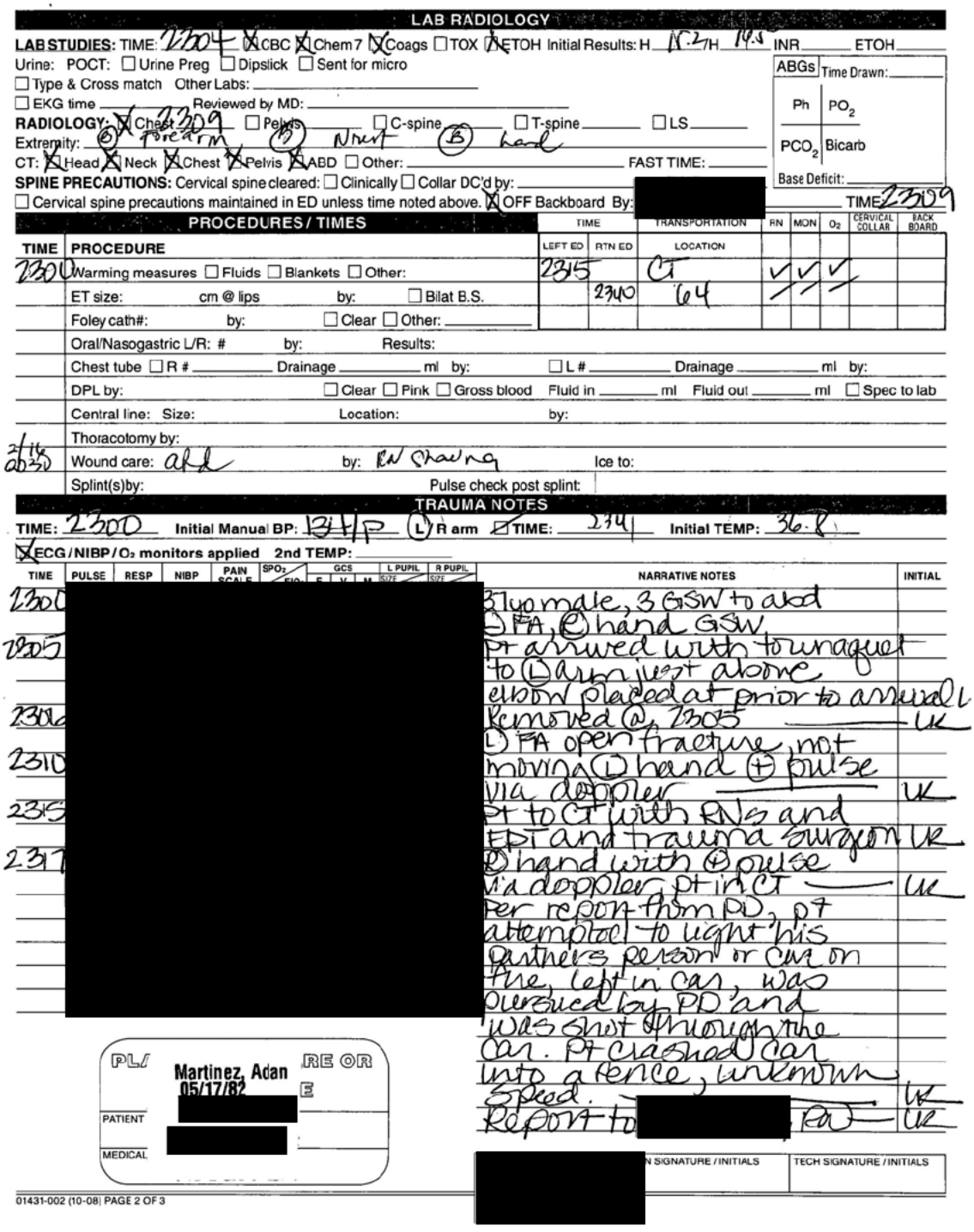
Martinez, Adan
05/17/82
[redacted] M.D [redacted]

TRAUMA RESUSCITATION FLOW SHEET

11431-002 (10-08) PAGE 1 OF 3

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)



LAB RADIOLOGY

LAB STUDIES: TIME: 2304 ☒CBC ☒Chem 7 ☒Coags ☐TOX ☒ETOH Initial Results: H 15.2 H 14.5 INR ____ ETOH ____
Urine: POCT: ☐Urine Preg ☐Dipslick ☐Sent for micro
☐Type & Cross match Other Labs: ____
☐EKG time ____ Reviewed by MD: ____
RADIOLOGY: ☒Chest 2309 ☐Pelvis ☐C-spine ☐T-spine ☐LS
Extremity: (L) Forearm (R) Wrist (B) Hand
CT: ☒Head ☒Neck ☒Chest ☒Pelvis ☒ABD ☐Other: FAST TIME:
SPINE PRECAUTIONS: Cervical spine cleared: ☐Clinically ☐Collar DC'd by:
☐Cervical spine precautions maintained in ED unless time noted above. ☒OFF Backboard By: [redacted] TIME 2309

ABGs Time Drawn: Ph PO_2 PCO_2 Bicarb Base Deficit:

PROCEDURES / TIMES

TIME	PROCEDURE	TIME LEFT ED	TIME RTN ED	TRANSPORTATION LOCATION	RN	MON	O_2	CERVICAL COLLAR	BACK BOARD
2300	Warming measures ☐Fluids ☐Blankets ☐Other:	2315		CT	✓	✓	✓		
	ET size: cm @ lips by: ☐Bilat B.S.		2340	64	/	/			
	Foley cath#: by: ☐Clear ☐Other:								
	Oral/Nasogastric L/R: # by: Results:								
	Chest tube ☐R # ____ Drainage ____ ml by: ☐L # ____ Drainage ____ ml by:								
	DPL by: ☐Clear ☐Pink ☐Gross blood Fluid in ____ ml Fluid out ____ ml ☐Spec to lab								
	Central line: Size: Location: by:								
	Thoracotomy by:								
2/16 0230	Wound care: abd by: RN shaving Ice to:								
	Splint(s)by: Pulse check post splint:								

TRAUMA NOTES

TIME: 2300 Initial Manual BP: 134/P (L) R arm ☒TIME: 2341 Initial TEMP: 36.8
☒ECG / NIBP / O_2 monitors applied 2nd TEMP: ____

TIME	PULSE	RESP	NIBP	PAIN SCALE	SPO_2 FIO	GCS E	GCS V	GCS M	L PUPIL SIZE	R PUPIL SIZE	NARRATIVE NOTES	INITIAL
2300	[redacted]										31yo male, 3 GSW to abd (L) FA, (R) hand GSW. Pt arrived with tourniquet to (L) arm just above elbow placed at prior to arrival. Removed @ 2305	UK
2305											(L) FA open fracture, not moving (L) hand (+) pulse via doppler	UK
2310											Pt to CT with RNs and EPT and trauma surgeon	UK
2315											(R) hand with (+) pulse via doppler pt in CT	UK
2317											Per report from PD, pt attempted to light his partners person or car on fire, left in car, was pursued by PD and was shot through the car. Pt crashed car into a fence, unknown speed.	UK
											Report to [redacted] RN	UK

PLACE PATIENT LABEL HERE
Martinez, Adan 05/17/82 [redacted]
PATIENT
MEDICAL [redacted]

[redacted] SIGNATURE / INITIALS | TECH SIGNATURE / INITIALS

01431-002 (10-08) PAGE 2 OF 3

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

TRAUMA NOTES

TIME	PULSE	RESP	NIBP	PAIN SCALE	SpO2 / FiO2	GCS E	GCS V	GCS M	L PUPIL SIZE	L PUPIL REACT	R PUPIL SIZE	R PUPIL REACT	NARRATIVE NOTES	INITIALS
2320	[redacted]												2330 Handoff received from RN [redacted] currently in CT, VSS at this time — RL	
2330													2340 Back into trauma bay	
													Belongings collected by PD	
													badge # 546 officer Anglstein.	NL
2347													2348 Dr. [redacted] at bedside	
2348													for Ward [redacted] clerk	RL

☐ Additional Narrative Notes

MEDICATIONS

TIME	MEDICATION	DOSE	ROUTE	SITE	PAIN SCALE PRE MED / POST MED	INITIALS
2345	Tetanus-diphtheria Lot #: U6824 46AA Expiration: 11/06/22	0.5 ml	IM	Deltoid L / R	☐ VIS to pt or representative	DU
2307	[redacted] 2g (50 ml)		IV	PAC		
2345						

INTAKE

Pre-hospital IV intake total: _____ (add to final total) ☐ IV Patent: Y / N

UP TIME DOWN	BAG #	FLUID	SIZE / LOCATION	AMT INFUSED	ORAL / OTHER TYPE
RSQ PAC		EMS SL		250ml	
18g R hand					

Blood Products

UP TIME DOWN	BAG #	UNIT #	TYPE
			☐ PRBC
			☐ FFP
			☐ Other
			☐ Other

Blood / Blood Products: _____

OUTPUT

TIME	URINE	NG / EMESIS	CHEST TUBE #1	CHEST TUBE #2	OTHER
TOTALS					0

INTAKE TOTALS: 425 ml
OUTPUT TOTALS: 0 *

DISPOSITION

Time: 0617
Belongings: ☐ Patient ☐ Family ☐ PD ☑ Valuables to Admitting PD Badge # 546
☐ Home Accompanied by: _____
Discharge Instructions: ☐ Ambulatory ☐ Other: _____
☑ Admit to: PACU Report to: [redacted] RN
☐ Transfer to: PACU By (agency): _____
☐ AMA ☐ Custody of Police: _____
☐ Morgue ☐ Coroner ☐ Badge No.: _____
☐ Donor Agency Contacted: _____

PLACE LABEL HERE
Martinez, Adan
05/17/82
[redacted]
[redacted] M.D [redacted]

01431-002 (10-08) PAGE 3 OF 3

02/15/2021 - ED to Hosp-Admission (Discharged) in 3W (continued)

Encounter-Level Documents - 02/15/2021: (continued)

Re: Internal Affairs Witness Interview

Justin Thompson <JThompson@pd.cityofsacramento.org>
Wed 6/2/2021 11:17 AM
To: Vincent Catricala <vcatricala@pd.cityofsacramento.org>

My apologies, this will be in regards to SPD 21-44157.

I have also granted you access to your Body Worn Camera/Fleet Video regarding this incident.

Justin

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department

From: Vincent Catricala <vcatricala@pd.cityofsacramento.org>
Sent: Wednesday, June 2, 2021 11:09 AM
To: Justin Thompson <JThompson@pd.cityofsacramento.org>
Subject: Re: Internal Affairs Witness Interview

I'll be there. What is this in regards to? I don't see a case #

Get Outlook for iOS

From: Justin Thompson <JThompson@pd.cityofsacramento.org>
Sent: Wednesday, June 2, 2021 11:00:28 AM
To: Vincent Catricala <vcatricala@pd.cityofsacramento.org>
Cc: Greg Halstead <GHalstead@pd.cityofsacramento.org>; Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>; Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: Internal Affairs Witness Interview

Dear Officer Catricala,

You have been identified as a **WITNESS** in an Internal Affairs investigation. Please respond to the Internal Affairs office (5760 Freeport Blvd) on Tuesday ***June 8th, 2021 at 1800 hours*****.** As a courtesy, we offer you the opportunity to have an SPOA labor representative present during your interview. The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf.

With the exception of your officially appointed labor representative, you are ordered not to discuss this matter with any other Department employee. Please email or call me at 808-3707 if you have any questions.

Please **respond** to this email to confirm the appointment.

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department

[redacted]

Re: ICC footage

Donald Schumacher <DSchumacher@pd.cityofsacramento.org>

Wed 3/24/2021 2:32 PM

To: Clinton K. Willis <ckwillis@pd.cityofsacramento.org>

Thanks Clint. I appreciate your efforts.

Donald Schumacher
Sergeant
Sacramento Police Internal Affairs Unit

From: Clinton K. Willis <ckwillis@pd.cityofsacramento.org>
Sent: Wednesday, March 24, 2021 2:29 PM
To: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: RE: ICC footage

The car has checked and is working properly, offloading it footage as it should. Which means there is no footage from that car on 2/15/21
Thanks,

Clinton Willis | System Engineer | City of Sacramento – PSIT
5770 Freeport Blvd. | Sacramento, CA 95822 | ☎: 916.808.0415 | ✉: ckwillis@pd.cityofsacramento.org

---

From: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Sent: Tuesday, March 23, 2021 12:51 PM
To: Clinton K. Willis <ckwillis@pd.cityofsacramento.org>
Subject: Re: ICC footage

Thank so much. I really appreciate it.

Donald Schumacher
Sergeant
Sacramento Police Internal Affairs Unit

From: Clinton K. Willis <ckwillis@pd.cityofsacramento.org>
Sent: Tuesday, March 23, 2021 12:34 PM

To: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Subject: RE: ICC footage

Sorry for the delay, that car has a axon icc system which means it should offload anytime it has an internet connection. This means the ICC will upload out in the field. I don't see any footage on the car from that day. However it is making footage after that date. I will need to car deadline and I will have it double check the footage has offloaded. I just want to give a heads up how the system is setup oldest footage offloads first, so it should be there. I will deadline the car around shift change today, and have a tech look at it tomorrow.

Thanks,

Clinton Willis | System Engineer | City of Sacramento – PSIT
5770 Freeport Blvd. | Sacramento, CA 95822 | ☎: 916.808.0415 | ✉: ckwillis@pd.cityofsacramento.org

---

From: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>
Sent: Tuesday, March 23, 2021 9:04 AM
To: Clinton K. Willis <ckwillis@pd.cityofsacramento.org>
Subject: Re: ICC footage

Hi Clint,

Any word on this request?

Donald Schumacher
Sergeant
Sacramento Police Internal Affairs Unit

From: Donald Schumacher
Sent: Thursday, March 4, 2021 8:11 AM
To: Clinton K. Willis <ckwillis@pd.cityofsacramento.org>
Subject: ICC footage

Hi Clinton,

I heard from Sgt Mike Lang that you were able to harvest some ICC footage from a patrol car that was not uploading properly. Would you be able to examine the ICC system for vehicle 13458 for the same issue? I need footage from the same event on 02-15-21 if it exists. The vehicle is a Sgt UV and should be housed at 300 Richards.

Call me if you have any questions.

[redacted]

Don
[redacted]

Donald Schumacher
Sergeant
Sacramento Police Internal Affairs Unit

[redacted]

Internal Affairs Witness Interview

Justin Thompson <JThompson@pd.cityofsacramento.org>

Wed 6/2/2021 11:00 AM

To: Vincent Catricala <vcatricala@pd.cityofsacramento.org>
Cc: Greg Halstead <GHalstead@pd.cityofsacramento.org>; Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>; Donald Schumacher <DSchumacher@pd.cityofsacramento.org>

Dear Officer Catricala,

You have been identified as a **WITNESS** in an Internal Affairs investigation. Please respond to the Internal Affairs office (5760 Freeport Blvd) on Tuesday ***June 8th, 2021 at 1800 hours*****.** As a courtesy, we offer you the opportunity to have an SPOA labor representative present during your interview. The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf.

With the exception of your officially appointed labor representative, you are ordered not to discuss this matter with any other Department employee. Please email or call me at 808-3707 if you have any questions.

Please **respond** to this email to confirm the appointment.

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department

Internal Affairs Witness Notification - 6/10/2021 @ 2100 hours

Justin Thompson <JThompson@pd.cityofsacramento.org>

Tue 6/1/2021 4:49 PM

To: James Summey <jsummey@pd.cityofsacramento.org>
Cc: Greg Halstead <GHalstead@pd.cityofsacramento.org>; Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>

Dear Officer Summey,

You have been identified as a **witness** in an Internal Affairs investigation. Please respond to the Internal Affairs office (5760 Freeport Blvd) on ***Thursday June 10th, 2021 at 2100 hours*****.** As a courtesy, we offer you the opportunity to have an SPOA labor representative present during your interview. The SPOA has been cc'd on this email, but it is up to you to coordinate with them on your behalf.

With the exception of your officially appointed labor representative, you are ordered not to discuss this matter with any other Department employee. Please call me at 808-3707if you have any questions.

Please **respond** to this email to confirm the appointment.

Justin

Justin Thompson #3143
Sergeant – Internal Affairs
Sacramento Police Department

[redacted]

Fwd: Request

Gerald Landberg <GLandberg@pd.cityofsacramento.org>

Wed 3/31/2021 9:54 AM

To: Donald Schumacher <DSchumacher@pd.cityofsacramento.org>

Sent from my iPhone

Begin forwarded message:

From: Daniel Monk <DMonk@pd.cityofsacramento.org>
Date: February 24, 2021 at 9:23:29 AM PST
Subject: Request

Hi Gerald-
Please conduct a formal investigation into the OIS from last week. At this time, the allegations will be force, firearm discharge, improper tactics, neglect of duty, and traffic.

Thanks,
Dan

Captain Dan Monk
Sacramento Police Department
Office of the Chief
916-808-0805

SACRAMENTO POLICE DEPARTMENT
Officer Involved Shooting Checklist
Homicide Supervisor

Case #: 21-44157

Involved Officer:

Name: ERIC TOOMEY Badge # 0894 ABRA: 4236 Date/Time: 2-16-21 / 0330

Hired Date: _____ Height: _____ Weight: _____ Assignment: PATROL

Officer Injured: Yes ☐ No ☒ *If so, list injury(s):* _____

LOCATION / INVOLVED PERSONNEL

Interview Room #	Interviewing Detective	Attorney/Representative Present
5	SGT LANGE 3067	J. HOFFMANN

PRIMARY WEAPON CHECK

☒ Department ☒ Personally Owned ☐ Glock ☒ Sig Sauer P320 ☐ Shotgun ☐ Rifle ☐ Other _____

☒ 9mm ☐ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber ☐ *Other (List):* _____

☒ Serial #: [redacted] ☒ Blue Finish ☐ Stainless Steel

Equipment Attached: ☐ None ☒ Flashlight ☐ Optical Sight ☐ Sling

☒ Fully loaded with one in the chamber prior to the shooting. ☒ Yes ☐ No

If not, describe condition: Total # of Rounds *(Prior to OIS):* _____

☒ Upon inspection, was there a round in the chamber? ☒ Yes ☐ No

# of Rounds in attached magazine 21 Estimated # of rounds fired: 14

☒ Were additional magazines accessed? ☒ Yes ☐ No Total # of Extra Magazines Carried: 2

# of Rounds in: Extra Magazine #1: 21 LEFT AT SCENE Extra Magazine #2: 3 Extra Magazine #3: _____

☒ Duty holster was carried on? ☐ Right side ☒ Left side

☒ Does officer carry a back-up weapon? ☐ Yes ☒ No Serial #: _____

☐ Did officer access his/her back-up weapon? ☐ Yes ☐ No N/A

# of Rounds in back-up weapon _____ Fully Loaded? ☐ Yes ☐ No

SECONDARY WEAPON (NOT USED) Total Rounds: _____

☐ Department ☐ Personally Owned ☐ Glock ☐ Sig Sauer ☐ 9mm ☐ .40 Caliber

☐ Serial #: _____ Was there a round in the chamber? ☐ Yes ☐ No

# of Rounds in: Extra Magazine #1: _____ Extra Magazine #2: _____ Extra Magazine #3: _____

REPLACEMENT WEAPON

☒ Department Issued ☒ Sig Sauer ☐ Glock ☐ 9mm ☒ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber

Serial #: [redacted] P226

☐ Email sent to Department Armorer? ☒ Yes ☐ No

CRIME LAB INSPECTION

☒ DA-7 sent to Crime Lab for gun inspection / test fire? ☒ Yes ☐ No

Date Submitted: 2-16-21 *By Detective:* SGT LANGE 3067

SACRAMENTO POLICE DEPARTMENT
Officer Involved Shooting Checklist
Homicide Supervisor

Case #: 21-44157

Involved Officer:

Name: NICHOLAS CARO Badge # 0561 ABRA: 4754 Date/Time: 2-16-21/ 0341

Hired Date: _____ Height: _____ Weight: _____ Assignment: PATROL

Officer Injured: Yes ☐ No ☒ *If so, list injury(s):* _____

LOCATION / INVOLVED PERSONNEL

Interview Room #	Interviewing Detective	Attorney/Representative Present
5	SGT M. LANGE 3067	HOFFMAN

PRIMARY WEAPON CHECK

☒ Department ☐ Personally Owned ☒ Glock G17 ☐ Sig Sauer ☐ Shotgun ☐ Rifle ☐ Other_____

☒ 9mm ☐ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber ☐ *Other (List):* _____

☒ Serial #: [redacted] ☒ Blue Finish ☐ Stainless Steel

Equipment Attached: ☐ None ☒ Flashlight ☐ Optical Sight ☐ Sling

☒ Fully loaded with one in the chamber prior to the shooting. ☒ Yes ☐ No

If not, describe condition: Total # of Rounds *(Prior to OIS):* _____

☒ Upon inspection, was there a round in the chamber? ☒ Yes ☐ No

# of Rounds in attached magazine 13 Estimated # of rounds fired: 4

☒ Were additional magazines accessed? ☐ Yes ☒ No Total # of Extra Magazines Carried: 2

# of Rounds in: Extra Magazine #1: 17 Extra Magazine #2: 17 Extra Magazine #3: _____

☒ Duty holster was carried on? ☒ Right side ☐ Left side

☒ Does officer carry a back-up weapon? ☒ Yes ☐ No Serial #: _____

☐ Did officer access his/her back-up weapon? ☐ Yes ☐ No N/A

# of Rounds in back-up weapon _____ Fully Loaded? ☐ Yes ☐ No

SECONDARY WEAPON (NOT USED) Total Rounds: _____

☐ Department ☐ Personally Owned ☐ Glock ☐ Sig Sauer ☐ 9mm ☐ .40 Caliber

☐ Serial #: _____ Was there a round in the chamber? ☐ Yes ☐ No

# of Rounds in: Extra Magazine #1: _____ Extra Magazine #2: _____ Extra Magazine #3: _____

REPLACEMENT WEAPON

☒ Department Issued ☐ Sig Sauer ☒ Glock G17 ☒ 9mm ☐ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber

Serial #: [redacted]

☐ Email sent to Department Armorer? ☒ Yes ☐ No

CRIME LAB INSPECTION

☐ DA-7 sent to Crime Lab for gun inspection / test fire? ☒ Yes ☐ No

Date Submitted: 2-16-21 *By Detective:* SGT LANGE 3067

All Assignments

Type:
All Assignments
Run Date:
Feb 16, 2021 7:09 PM
Shared with:
Not Shared
Filters:
Users: 1 selected
Type: All Assignments
User Status: Active, Offline

First Name	Last Name	Employee ID	Last Login	Assignment Name	Assignment Type	Assignment Method	Course Status
Nicholas	Caro	0021158	01/21/2021 10:43 AM	Coronavirus 101 - What You Need to Know (Newest Version)	AICC Course	Create New Assignment	assigned
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Asbestos Notification 2020	Policy Review	Create New Assignment	assigned
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Asbestos Notification 2019	Regulatory Training	Create New Assignment	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* AB 953 - Racial and Identity Profiling Act (RIPA) Compliance	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 525.07 Body Worn Camera	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* EEO In-Person Training	Policy Review	Record Completions	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 580.02 Use of Force (9/18/2019)	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 580.20 Deployment of Remote Restraint Device	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RCTB #70-Temporary Emergency Gun Violence Restraining Order	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 580.12 Less Lethal Weapon Systems	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Infection Control Update (BBP) 2019	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* G.O. 523.09, RCTB 74, SPD 606 (12/16/19)	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 532.03 Bomb Threats and Explosive Devices	Policy Review	Self Assign	complete

Nicholas	Caro	0021158	01/21/2021 10:43 AM	* 525.09 Unmanned Aerial Systems 10-08-19	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 532.05 Hazardous Materials Incidents	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Ketch Pole	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* G.O. 523.09, RCTB 74, SPD 606 (12/16/19)	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Axon View XL In-Car Camera	Training	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RM 260.12 Field Training Program (FTP) Manual	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 580.02 Use of Force 6-8-20	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* CAROTID CONTROL HOLD-SUSPENSION EFFECTIVE IMMEDIATELY	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 580.02 Use of Force 9-17-20	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RCTB# 82 Vehicle Searches 9-23-20	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* (CED) GO 580.10 Conducted Energy Device	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 430.02 Personal Appearance Standards	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RCTB #81 No-Knock Raid Warrants	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 253.02 Supplemental Employment & GO 580.12 Less Lethal Weapon Systems	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* CAROTID CONTROL HOLD-SUSPENSION EFFECTIVE IMMEDIATELY	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* GO 580.14 Use of Canines 1-20-21	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RIPA Update - January 2021	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RCTB #87 - Unencrypted Radio Communications	Policy Review	Self Assign	complete

Nicholas	Caro	0021158	01/21/2021 10:43 AM	* RCTB #86 - Invasion of Privacy	Policy Review	Self Assign	complete
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Juvenile Custodial Interrogation WIC 625.6 (a)	Policy Review	Self Assign	complete

Assignments - Incomplete

Type:
Assignments - Incomplete
Run Date:
Feb 16, 2021 7:15 PM
Shared with:
Not Shared
Filters:
Users: 1 selected
Type: All Assignments
User Status: Active, Offline

First Name	Last Name	Employee ID	Last Login	Assignment Name	Assignment Type	Assignment Method	Course Status
Nicholas	Caro	0021158	01/21/2021 10:43 AM	Coronavirus 101 - What You Need to Know (Newest Version)	AICC Course	Create New Assignment	assigned
Nicholas	Caro	0021158	01/21/2021 10:43 AM	* Asbestos Notification 2020	Policy Review	Create New Assignment	assigned

All Assignments

Type:
All Assignments
Run Date:
Feb 16, 2021 7:11 PM
Shared with:
Not Shared
Filters:
Users: 1 selected
Type: All Assignments
User Status: Active, Offline

First Name	Last Name	Employee ID	Last Login	Assignment Name	Assignment Type	Assignment Method	Course Status
Eric	Toomey	17054	02/02/2021 08:49 PM	Sexual Harassment Prevention for Supervisors (California AB 1825)	TargetSolutions Course	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	Nutrition Principles	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Strength Training Principles	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	CrossFit Strength Training	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Olympic Lift - Clean and Press	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Nutrition Plate, Lable and Tips	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Weight Management Principles	SCORM Course	Create New Assignment	started
Eric	Toomey	17054	02/02/2021 08:49 PM	* Asbestos Notification 2020	Policy Review	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	* Asbestos Notification 2019	Regulatory Training	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	* FOS Opportunity training	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* EVOC (Sworn Personnel)	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* FOS Opportunity training	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* EVOC - Sworn	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Basic Patrol Rifle Operator (BPRO)	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Gas Mask Fit Requirement	Training	Record Completions	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* CPT - Annual Training	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 580.02 Use of Force (05/16/17)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 580.03 Discharge of Firearms (05/16/17)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 522.02 Emerg. Care for Individuals Under Police Care or Control (05/16/17)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 340.01 Report Quality Control / Review (05-03-17)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* AB 1785 (Distracted Driving)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* City of Sacramento Employee Handbook	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* City of Sacramento Records Management	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Equal Employment Opportunity Policy	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 255.01 Specialty Unit Testing and Selection (04/21/17)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Zero Tolerance Policy	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Nepotism Policy	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Security Awareness Training	Training	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Asbestos Notification	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 525.07 Body-Worn Camera (04/26/17)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2017 Range Day Qualification - Rifle	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2017 Range Day Qualification - Pistol	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2017 Range Day Qualification - Shotgun	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Domestic Violence Response 2017	POST certified Training	Record Completions	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 255.01 Specialty Unit Testing and Selection 6-27-17	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 210.04 General and Professional Conduct	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Volume #51 - 30 Day Impound Tows per 14602.6 VC	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Crisis Intervention	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 220.05 Disciplinary Actions 8-21-17	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RM 220.01 IA Manual	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 220.05 Disciplinary Actions 8-21-17	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RM 220.01 IA Manual	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* EEO In-Person Training	Policy Review	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Flu Shot Declination Form	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Asbestos Notification 2016	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Legal Update - People v. Harrison	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* City of Sacramento Injury and Illness Prevention Program (IIPP)	SCORM Course	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Domestic Violence Response 2017	POST certified Training	Save and Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2017 Range Night Qualification - Pistol	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2017 Range Night Qualification - Pistol	Training	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2017 Range Night Qualification - Rifle	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Discharge of Firearm - GO 580.03 (1-19-18)	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #54 - Failure to Sign a Cite	Policy Review	Create New Assignment	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* Time Charging - Release of Reports	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Revised GOs For Review	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Park Ejections & GO 580.04	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 521.01 Pursuit of Vehicles	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* City of Sacramento Records Management Policy	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Foreign Nationals GO	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.02 - Use of Force	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Foreign Nationals RCTB	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Updated BWC Policy	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Preventing Phishing	SCORM Course	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 522.02, 522.06, 533.01	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB Text Message Retention Policy	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 580.18 Deployment of Armored Vehicles	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 525.08	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 523.06 - Release Under Section 849(b) PC	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Foot Pursuits 580.13	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Performance Pistol	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2018 Range Low Light Rifle Qualifications	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 2018 Range Low Light Pistol Qualifications	Training	Record Completions	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Martin v. City of Boise	Policy Review	Create New Assignment	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* Critical Incidents Involving K9s	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.12 - Less Lethal Weapon System	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* AB 953 - Racial and Identity Profiling Act (RIPA) Compliance	Policy Review	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB - Public Safety Statements	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* In Car Camera (ICC) Video classification	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 525.07 Body Worn Camera	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB - Public Safety Statements	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 510.09 Mobile Data Computers	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.12 Less Lethal Weapon Systems	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RM 220.01 Internal Investigations Manual	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #70-Temporary Emergency Gun Violence Restraining Order	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.02 Use of Force (9/18/2019)	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.20 Deployment of Remote Restraint Device	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 570.06 Early Intervention Program	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* 525.09 Unmanned Aerial Systems 10-08-19	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Infection Control Update (BBP) 2019	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 532.05 Hazardous Materials Incidents	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 532.03 Bomb Threats and Explosive Devices	Policy Review	Self Assign	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #73 Sacramento Regional Family Justice Center (SRFJC)	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* IS 100 - Introduction to ICS	FEMA, NIMS, CAL OES and Emergency Management	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* IS 700 - NIMS, an Introduction	FEMA, NIMS, CAL OES and Emergency Management	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 523.09, RCTB 74, SPD 606 (12/16/19)	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 430.02 Body Markings	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RM 532.04 Active Shooter Response	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.20 Deployment of Remote Restraint Device (Bolawrap ® 100)	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #75 Estes Robbery	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 523.09, RCTB 74, SPD 606 (12/16/19)	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Axon View XL In-Car Camera	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Ketch Pole	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 430.02 Body Markings	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB 76 & 77: Search of Vehicles for Identification And Banned pesticides at Marijuana Grows	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RM 532.04 Active Shooter Response	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 330.06 Use of Police Community Chaplains	Training	Self Assign	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB# 78 Fire Department Requests for PD on Medical Aid Calls	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Ballistic Threat Management Mobile Armored Shield	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Communications Directive 532.18 911 Wireless Call Handling	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RM 260.12 Field Training Program (FTP) Manual	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 360.01 Media Relations	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB# 78 Fire Department Requests for PD on Medical Aid Calls	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* CAROTID CONTROL HOLD-SUSPENSION EFFECTIVE IMMEDIATELY	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #81 No-Knock Raid Warrants	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 253.02 Supplemental Employment & GO 580.12 Less Lethal Weapon Systems	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB 80 - Bias Motivated or Hate Crime Incidents	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB 80 - Bias Motivated or Hate Crime Incidents	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Volume 79 CTS 12-gauge Super-Sock Bean Bag impact round	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Covid-19 Prevention Plan-Jerpf	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #81 No-Knock Raid Warrants	Policy Review	Self Assign	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 253.02 Supplemental Employment & GO 580.12 Less Lethal Weapon Systems	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Coronavirus 101 - What You Need to Know (Newest Version)	AICC Course	Create New Assignment	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 522.07 Automated External Defibrillator	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Covid-19 Prevention Plan-Jerpf	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* (CED) GO 580.10 Conducted Energy Device	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.02 Use of Force 9-17-20	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB# 82 Vehicle Searches 9-23-20	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #84 2020 Ford UV Police Interceptor Update	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #83 Vehicle Tow and Community Care	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.14 Use of Canines	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.01 Use of Force Review Board 9-30-2020	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB# 82 Vehicle Searches 9-23-20	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.02 Use of Force 9-17-20	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* (CED) GO 580.10 Conducted Energy Device	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 430.02 Personal Appearance Standards	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 522.07 Automated External Defibrillator	Policy Review	Self Assign	complete

Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 580.06 De-Escalation and Planned Response	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #86 - Invasion of Privacy	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Juvenile Custodial Interrogation WIC 625.6 (a)	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* Communications Directive - 510.23 Supervisory Telephone Messages	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 580.06 De-Escalation and Planned Response	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* G.O. 580.06 De-Escalation and Planned Response	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #86 - Invasion of Privacy	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RIPA Update - January 2021	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #87 - Unencrypted Radio Communications	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* GO 580.14 Use of Canines 1-20-21	Policy Review	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #88 Catalytic Converter Theft	Training	Self Assign	complete
Eric	Toomey	17054	02/02/2021 08:49 PM	* RCTB #90 First Amendment Audit	Policy Review	Self Assign	complete

Assignments - Incomplete

Type:
Assignments - Incomplete
Run Date:
Feb 16, 2021 7:15 PM
Shared with:
Not Shared
Filters:
Users: 1 selected
Type: All Assignments
User Status: Active, Offline

First Name	Last Name	Employee ID	Last Login	Assignment Name	Assignment Type	Assignment Method	Course Status
Eric	Toomey	17054	02/02/2021 08:49 PM	Strength Training Principles	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	CrossFit Strength Training	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Olympic Lift - Clean and Press	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Nutrition Plate, Lable and Tips	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	Weight Management Principles	SCORM Course	Create New Assignment	started
Eric	Toomey	17054	02/02/2021 08:49 PM	Nutrition Principles	SCORM Course	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	* Asbestos Notification 2019	Regulatory Training	Create New Assignment	assigned
Eric	Toomey	17054	02/02/2021 08:49 PM	* Asbestos Notification 2020	Policy Review	Create New Assignment	assigned

Ofc. Toomey #894

Eric Toomey <etoomey@pd.cityofsacramento.org>

Sun 2/14/2021 3:56 PM

To: [redacted]

Cc: Jeremy Schwartz <JSchwartz@pd.cityofsacramento.org>

Hello,

I Ofc. Toomey #894 will not me present for my scheduled shift tonight due to [redacted].

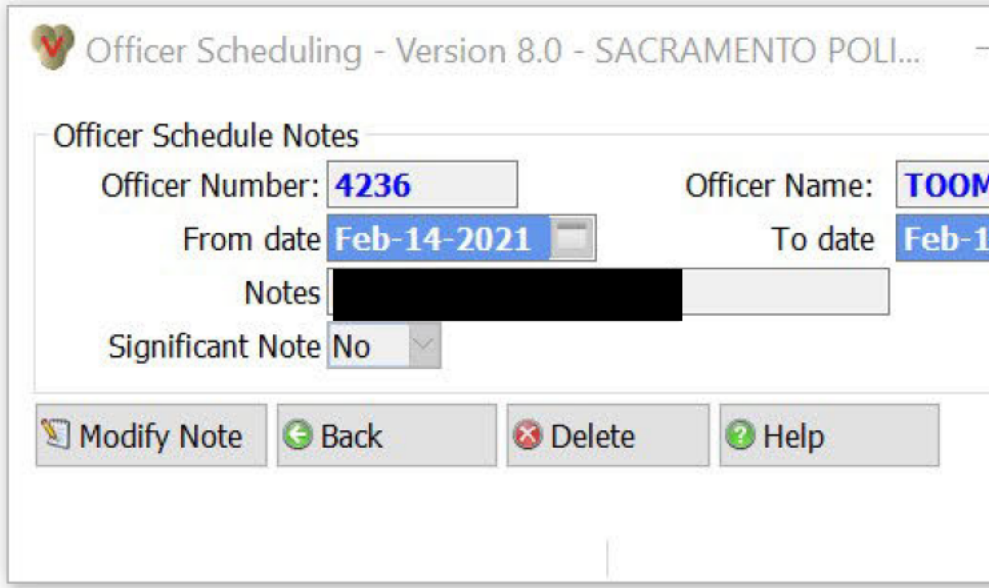
My normal shift is D6 Late watch, 1A68.

Respectfully,

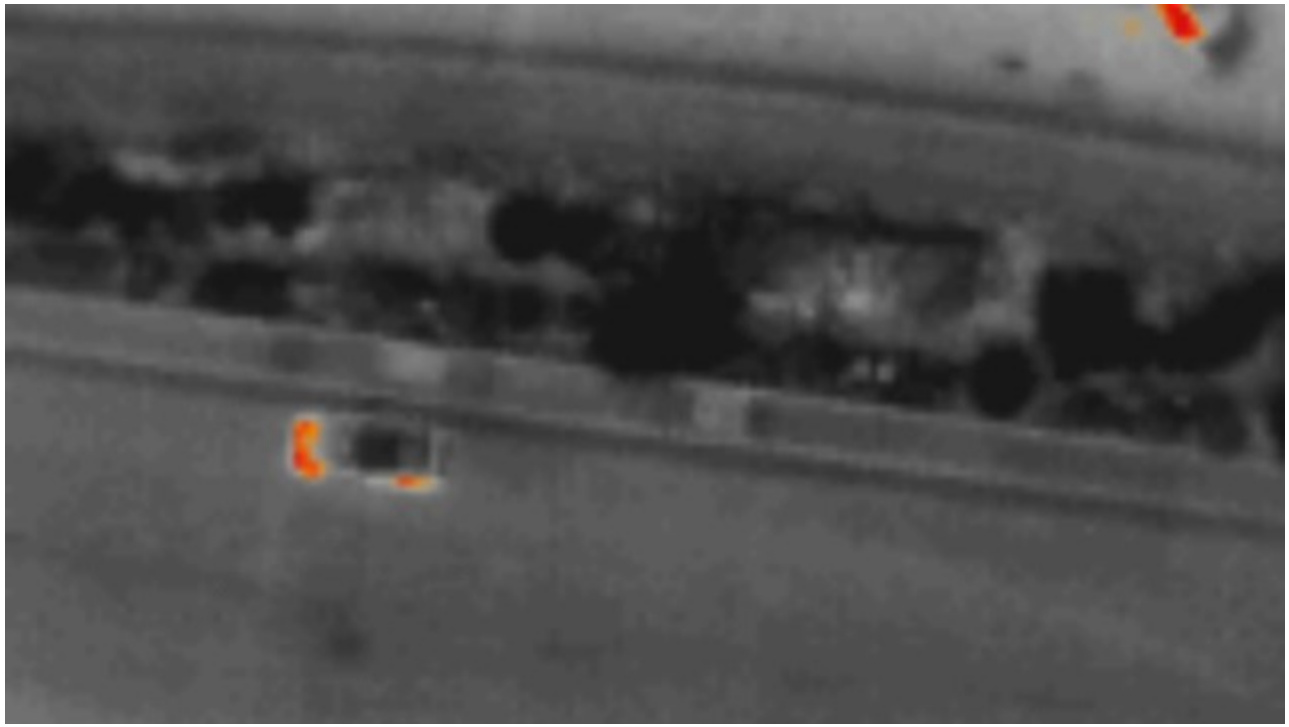
Ofc. Eric Toomey #894

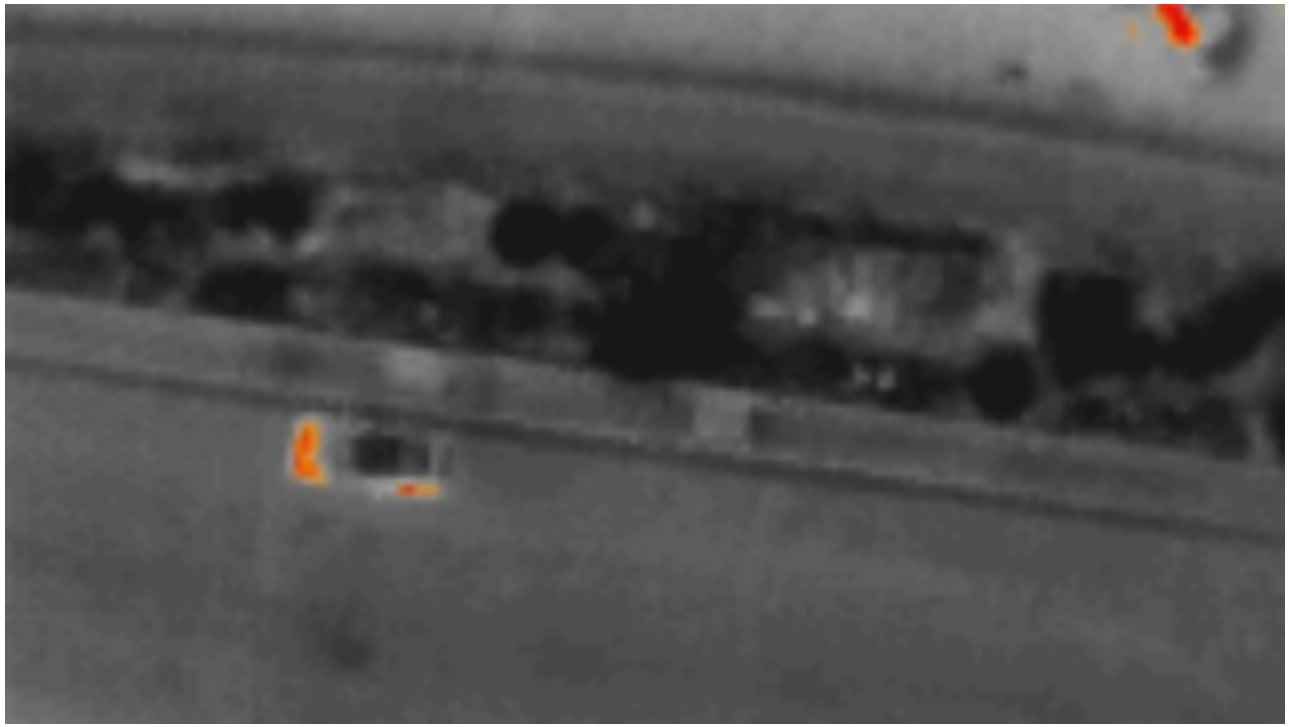
[redacted]

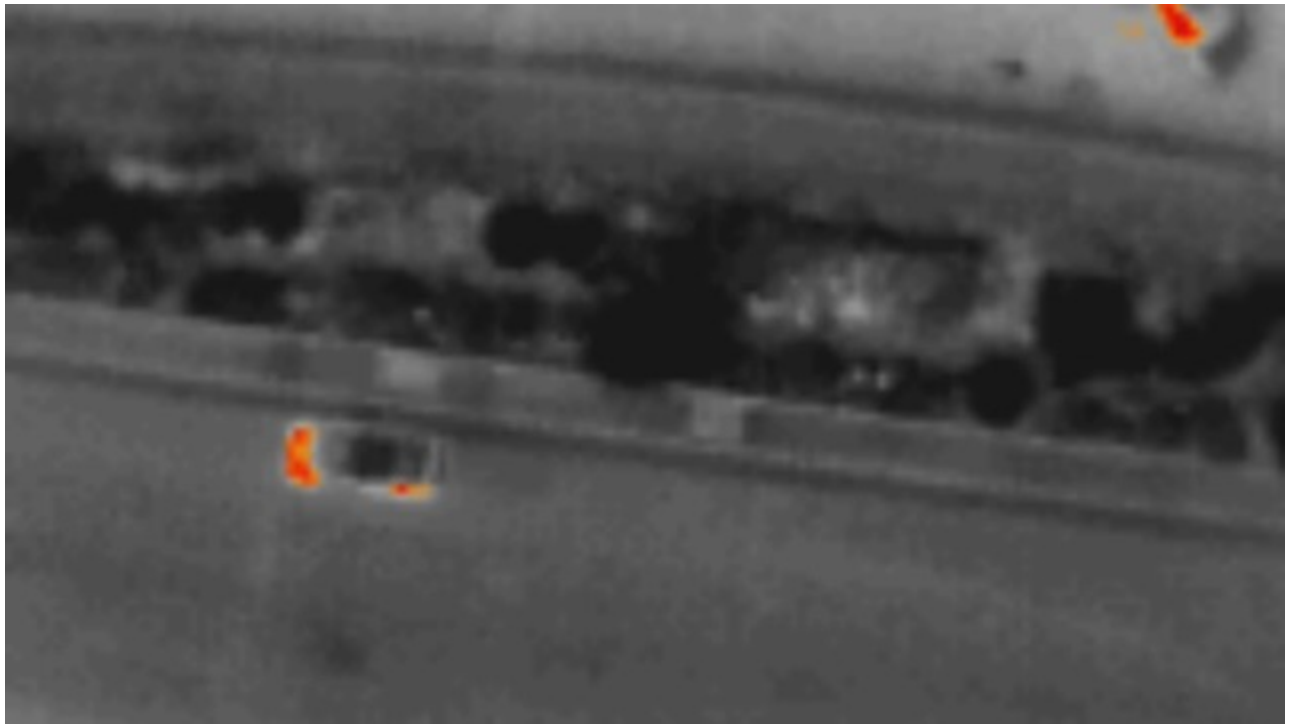
Start	End	Notes	Other A	Attend Court	Unit	Updated By	S
2100	700			Yes	1A68		
2100	700			Yes	1A68		
2100	700			Yes	1A68		
0	0			No			
0	0			No			
0	0			No			
0	0			No		899	
2100	700			Yes	1A68		
0	0			No		899	
0	0			No		899	
0	0			No			
0	0			No			
0	0			No			
0	0			No		899	

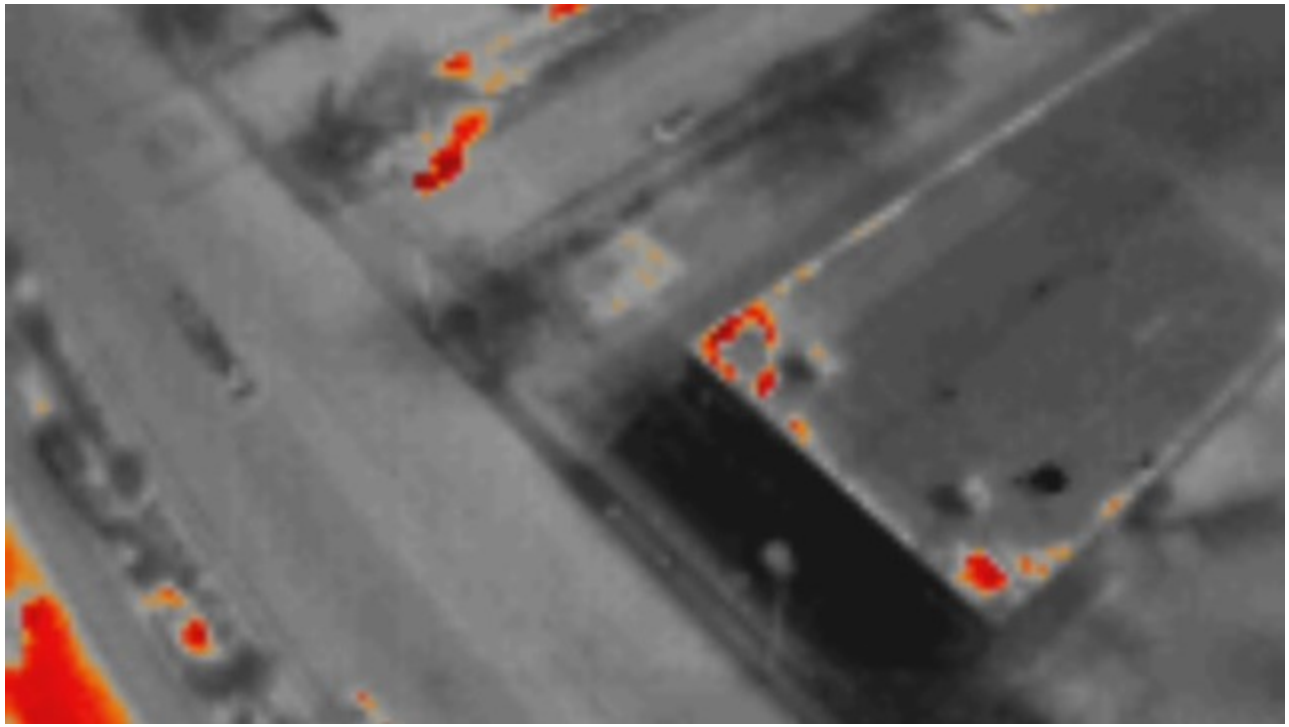


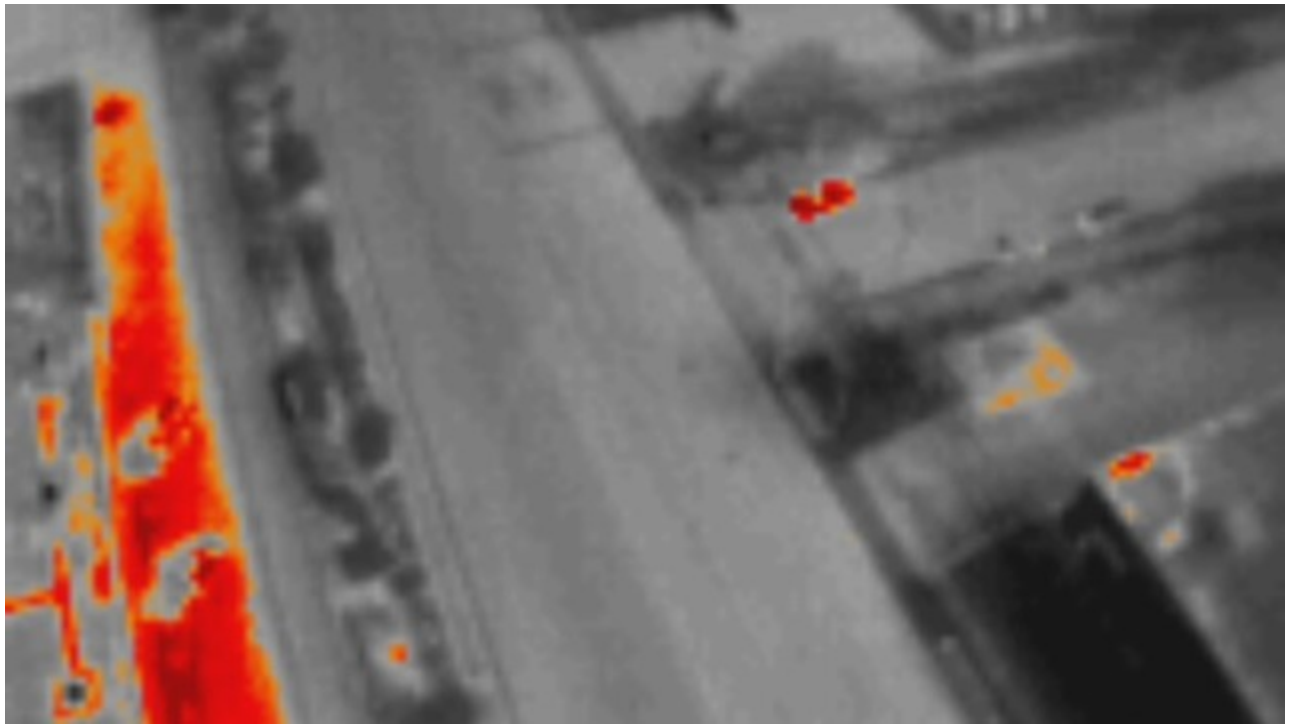
nt Exists

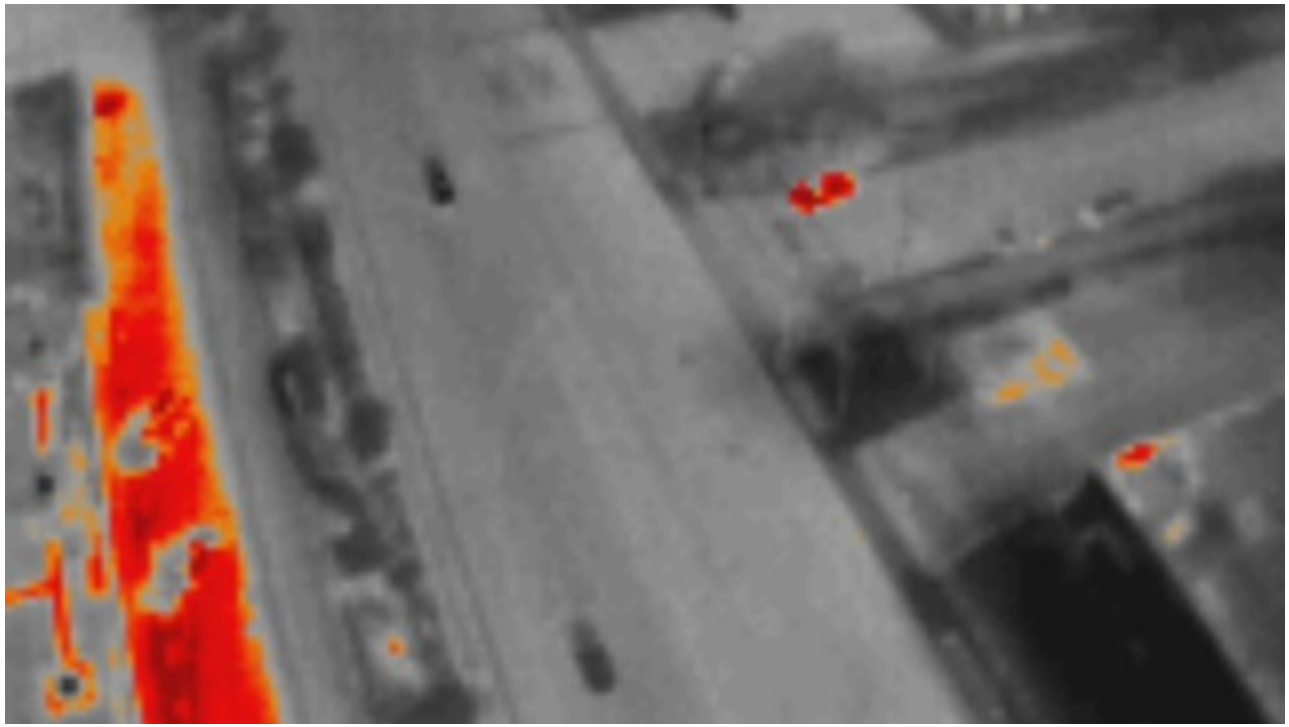


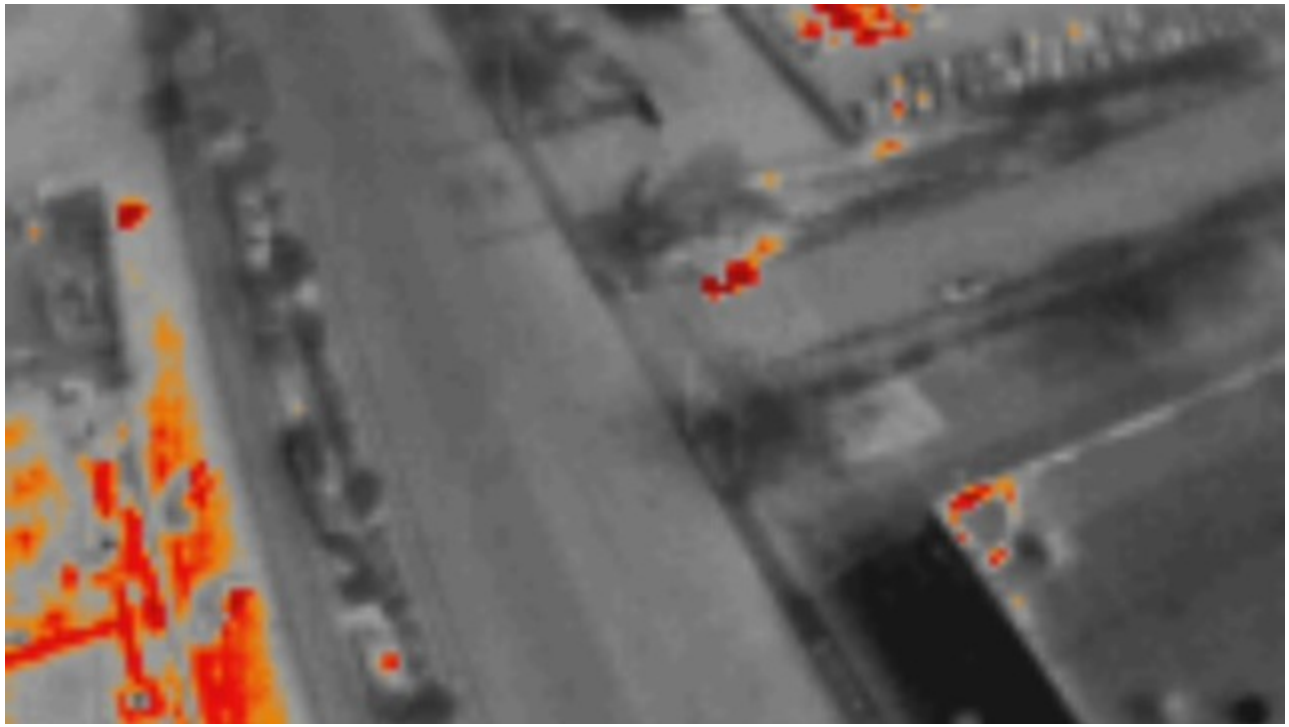


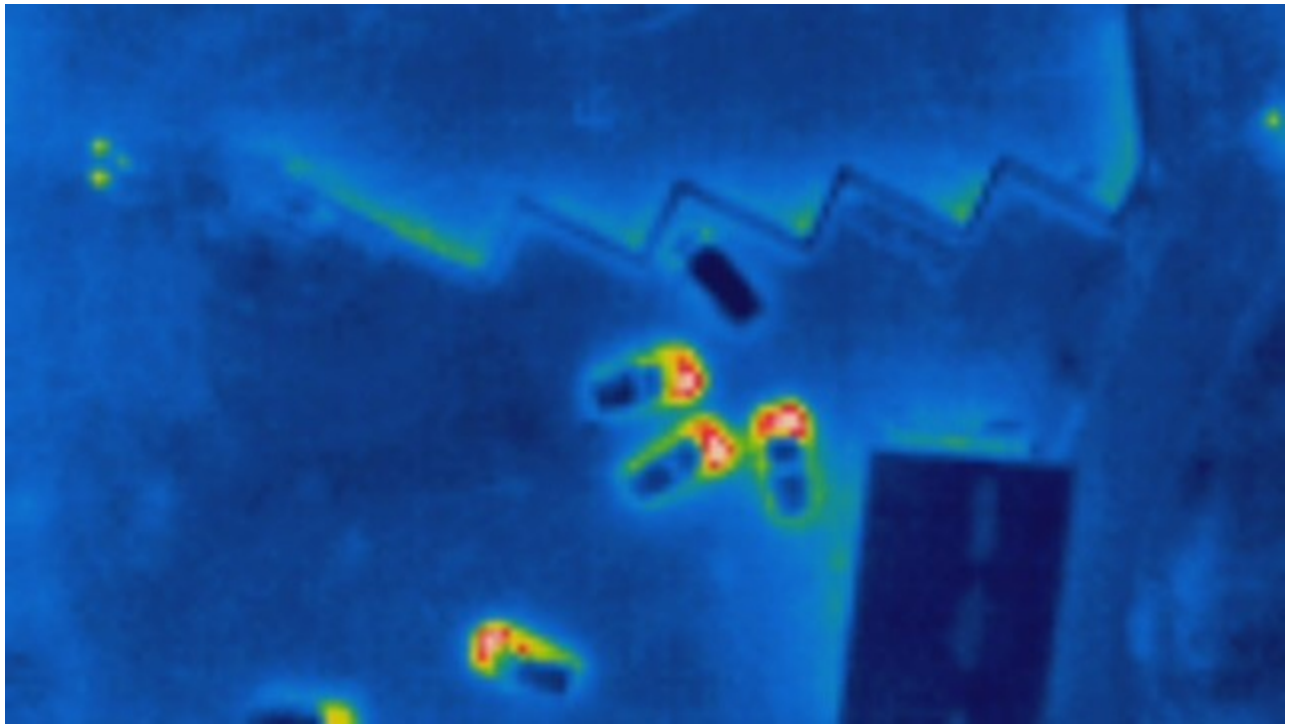












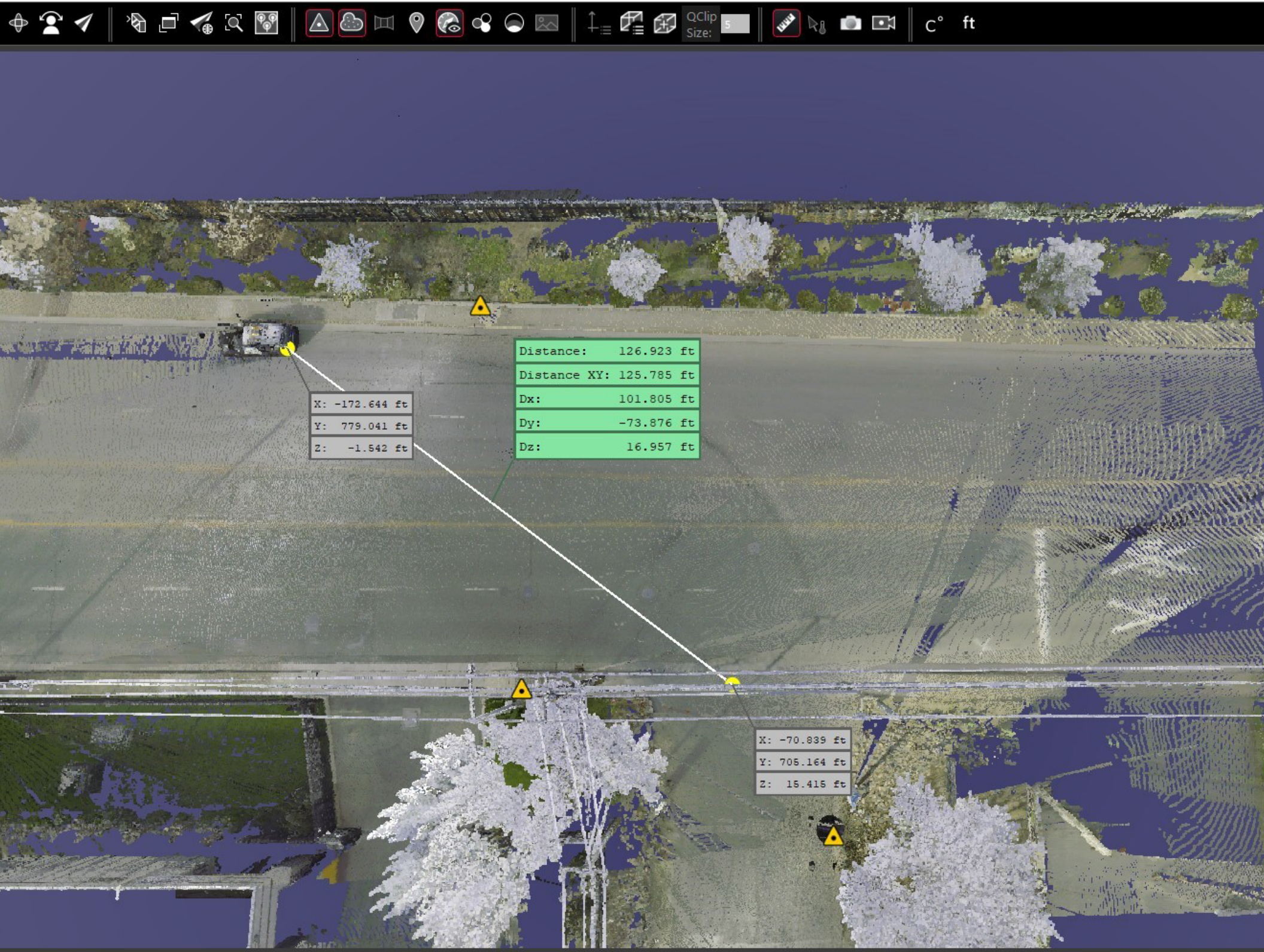
HANLEY
8530

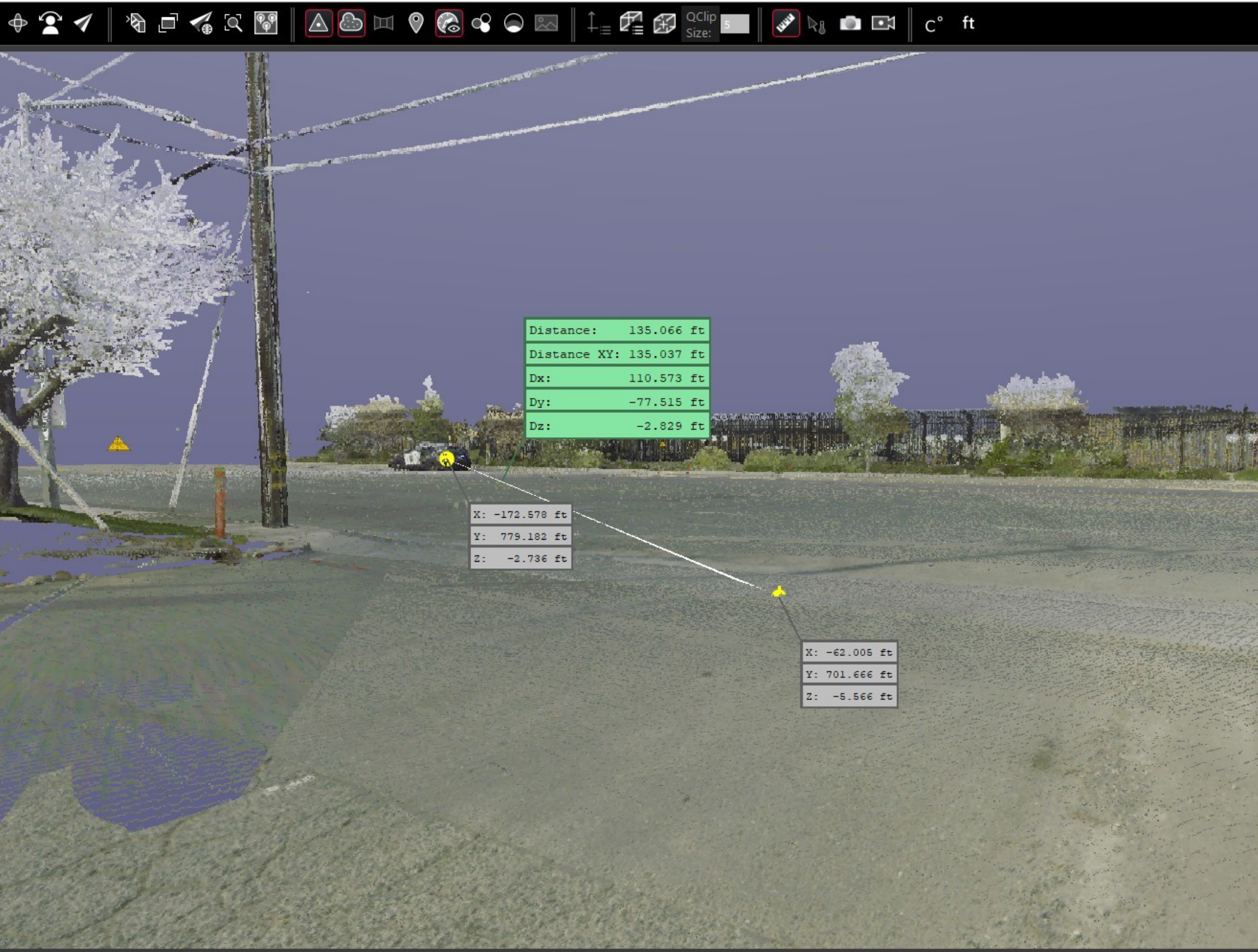
HANLEY S
8530

13673

13673

13415
13414
17404


QClip Size:
5
C°
ft
X: -172.644 ft
Y: 779.041 ft
Z: -1.542 ft
Distance: 126.923 ft
Distance XY: 125.785 ft
Dx: 101.805 ft
Dy: -73.876 ft
Dz: 16.957 ft
X: -70.839 ft
Y: 705.164 ft
Z: 15.415 ft


QClip Size:
C°
ft
Distance: 135.066 ft
Distance XY: 135.037 ft
Dx: 110.573 ft
Dy: -77.515 ft
Dz: -2.829 ft
X: -172.578 ft
Y: 779.182 ft
Z: -2.736 ft
X: -62.005 ft
Y: 701.666 ft
Z: -5.566 ft

QClip Size:
5
C°
ft
Distance: 129.117 ft
Distance XY: 129.074 ft
Dx: 105.837 ft
Dy: -73.882 ft
Dz: -3.360 ft
X: -172.990 ft
Y: 779.380 ft
Z: -2.344 ft

QClip Size:
5
C°
ft
Distance: 12.299 ft
Distance XY: 12.297 ft
Dx: 3.930 ft
Dy: -11.652 ft
Dz: 0.194 ft
X: 182.033 ft
Y: -98.120 ft
Z: 0.369 ft

QClip Size:
5
C°
ft
Distance: 15.049 ft
Distance XY: 15.048 ft
Dx: 6.752 ft
Dy: -13.448 ft
Dz: -0.170 ft
X: 186.100 ft
Y: -109.782 ft
Z: 0.513 ft
X: 179.348 ft
Y: -96.334 ft
Z: 0.683 ft

QClip Size:
5
C°
ft
Distance: 6.180 ft
Distance XY: 6.176 ft
Dx: 1.071 ft
Dy: -6.083 ft
Dz: -0.203 ft
X: 183.367 ft
Y: -91.198 ft
Z: 2.438 ft
X: 184.438 ft
Y: -97.281 ft
Z: 2.235 ft

QClip Size:
5
C°
ft
Distance: 10.437 ft
Distance XY: 10.304 ft
Dx: -1.619 ft
Dy: -10.176 ft
Dz: -1.664 ft
X: 187.668 ft
Y: -99.528 ft
Z: 2.192 ft
POLICE

QClip Size:
5
C°
ft
Distance: 10.556 ft
Distance XY: 10.391 ft
Dx: -1.784 ft
Dy: -10.236 ft
Dz: -1.862 ft
X: 187.702 ft
Y: -99.491 ft
Z: 2.446 ft

QClip Size:
5
C°
ft
Distance: 10.534 ft
Distance XY: 10.479 ft
Dx: 1.558 ft
Dy: 10.363 ft
Dz: 1.069 ft
X: 186.130 ft
Y: -109.697 ft
Z: 0.411 ft
X: 187.688 ft
Y: -99.334 ft
Z: 1.480 ft
12404 C
B
13414

QClip Size:
5
C°
ft
Distance: 6.322 ft
Distance XY: 6.267 ft
Dx: -5.477 ft
Dy: -3.045 ft
Dz: 0.838 ft
X: 181.327 ft
Y: -109.689 ft
Z: 1.401 ft
X: 175.850 ft
Y: -112.733 ft
Z: 2.239 ft

CERTIFICATION OF COMPLETION

This award certifies that

NICHOLAS CARO

has successfully completed
Counter Bias Training Simulation (CBTsim)

Score Achieved: "Exemplary"

CBT SIM

October 25, 2020

Date

Dr. Lois James
Assistant Professor

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
CAIN	NICHOLAS	561	PATROL

DATE/TIME: 12/07/20 1700

☒ QUALIFIER ☐ TRAINING

☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: COLT	Brand:	Brand:	Brand:
Model: M-4	Model:	Model:	Model:
Caliber: 5.56	Caliber:	Caliber:	Caliber:
Serial #: [redacted]	Serial #:	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☑ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS: Mueller

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT

LESS LETHAL QUALIFICATION C76-C21

FIRST NAME:	LAST NAME:	M.I:
NICHOLAS	CARO	S

BADGE / ABRA:	ASSIGNMENT:
561/4754	PATROL

PEPPERBALL:	☒ PASS	☐ FAIL
L/L SHOTGUN:	☒ PASS	☐ FAIL
TASER:	☒ PASS	☐ FAIL
40 MM:	☒ PASS	☐ FAIL

INSTRUCTOR(S):	DATE & TIME:
MUELLER	12-1-20

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
CARO NECHOLAS		561/4754	PATROL
	DATE/TIME: 12/1/20 1630	☒ QUALIFIER	☐ TRAINING

☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: GLOCK	Brand:	Brand:	Brand:
Model: 17	Model:	Model:	Model:
Caliber: 9MM	Caliber:	Caliber:	Caliber:
Serial # : [redacted]	Serial # :	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS: ZEIGER

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
CARO, NICHOLAS	561	PATROL/NORTH

SOCIAL SECURITY #:	DATE/TIME:	
	11/6/19 17:10	☒ QUALIFIER ☐ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: GLOCK	Brand:	Brand:	Brand:
Model: 17	Model:	Model:	Model:
Caliber: 9mm	Caliber:	Caliber:	Caliber:
Serial #: [redacted]	Serial #:	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS: ZEIGER

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
CARO NICHOLAS		561/4754	PATROL
	DATE/TIME: 10/11/19 1516	☐ QUALIFIER	☐ TRAINING

☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: COLT	Brand:	Brand:	Brand:
Model AR-15	Model	Model:	Model:
Caliber: .223/.556	Caliber:	Caliber:	Caliber:
Serial # : [redacted]	Serial # :	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS:
GRIFFIN

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT

CERTIFICATE OF TRAINING

Nicholas Caro

has successfully completed a 40-hour Crisis Intervention Training (CIT) course in compliance with SB29, CA Police Officer Standards in Training (POST) and the Sacramento Police Department guidelines and policies.

Crisis Intervention Training

July 15-18, 2019

POST CCN# 2320-20801-19001

Cpl. Keri Wilson #413
In-Service Coordinator

07/18/2019
Date

Sacramento Police Department

Certificate of Training

Nicholas Caro

Sacramento Police Department

Has Successfully Completed 18 Hours of Training in

Firearms/ Tactical Rifle

CA POST # 2320-32075-18-009 Completed May 13th, 2019

Michael Hight
Lead Rifle Instructor

POST PROFILE NAME:

CARO, NICHOLAS

CALIFORNIA COMMISSION ON **POST**

CONFIDENTIAL PROFILE REPORT

AKA: N/A

DATE: 02/16/2021

A. PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Sex	Race
C76-C21	SACRAMENTO PD	[redacted]	M	S

B. CERTIFICATES AWARDED

Total Number of Certificates: 0

C. EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
06/22/2019			PO	06/22/2019	34040	SACRAMENTO PD	F	P	

*Reason for Separation: 1 = Resignation, 2 = Discharge, 3 = Retirement, 4 = Death, 5 = Felony, 6 = Other, 7 = Promotion/Demotion

D. POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
05/13/2019	K	2320-32075-18-009	18		Y	34040	SACTO PD		FIREARMS/TACTICAL RIFLE
06/20/2019	A	2320-00100-18-002	942		Y	34040	SACTO PD		BASIC COURSE-INTENSIVE
07/11/2019	K	2320-33590-19-001	40	X	Y	34040	SACTO PD		TRAFFIC COLLISION INV
07/18/2019	K	2320-20801-19-001	40		Y	34040	SACTO PD		CRISIS INTERVENTION
10/04/2019	K	2320-20290-19-001	18		Y	34040	SACTO PD		DUI DETECTION-FIELD SOBRIETY
10/23/2020	K	2320-21955-20-003	5		Y	34040	SACTO PD		CROWD CONTROL UPDATE
11/28/2020	K	9180-25589-20-151	2	X	Y	34040	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
11/30/2020	K	9180-25586-20-153	8	X	Y	34040	POST		FIRST AID/CPR/AED (WEB)
12/01/2020	K	2320-29501-20-024	4		Y	34040	SACTO PD	*	FIREARM(PSP)

*Meets Perishable Skills

F. FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

A. PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)

POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date / Sex:	Self-explanatory.
Race:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

B. CERTIFICATES AWARDED

Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

C. EMPLOYMENT: Subject's employment history as indicated in POST database

Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

D. POST TRAINING: Courses attended or completed as indicated in POST database

Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

E. NON-CERTIFIED COURSES

This section will only appear if applicable.

F. FOOTNOTES

This section reserved for additional information.

CERTIFICATION OF COMPLETION

This award certifies that

ERIC TOOMEY

has successfully completed
Counter Bias Training Simulation (CBTsim)

Score: “Achieved”

CBT SIM

October 22, 2020

Date

Dr. Lois James
Assistant Professor

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

C52 - A83

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL

DATE/TIME: 11/16/2020

☒ QUALIFIER ☐ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG	Brand:	Brand:	Brand:
Model P320	Model	Model:	Model:
Caliber: 9MM	Caliber:	Caliber:	Caliber:
Serial # : [redacted]	Serial # :	Serial#:	Serial #:
Issued? ☐ YES ☒ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

CPT QUAL

RANGE MASTERS:

ZETGER

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT

LESS LETHAL QUALIFICATION

FIRST NAME:	LAST NAME:	M.I:
ERIC	TOOMEY	D

BADGE / ABRA:	ASSIGNMENT:
894/4236	PATROL

PEPPERBALL:	[X] PASS	[ ] FAIL
L/L SHOTGUN:	[X] PASS	[ ] FAIL
TASER:	[X] PASS	[ ] FAIL
40 MM:	[X] PASS	[ ] FAIL

INSTRUCTOR(S):	DATE & TIME:
MUELLER	11/16/20 @ 0700

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		894/ 4236	PATROL
	DATE/TIME: 11/13/2020	[X] QUALIFIER	[ ] TRAINING

[ ] PISTOL [ ] SHOTGUN [X] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP
Brand: LWRC I	Brand:	Brand:	Brand:
Model: M6IC	Model:	Model:	Model:
Caliber: 5.56	Caliber:	Caliber:	Caliber:
Serial # :	Serial # :	Serial#:	Serial #:
Issued? [ ] YES [X] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO
Pass? [X] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO

COMMENTS:

RIFLE UPDATE

RANGE MASTERS:

PARHAM

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		894/ 4236	PATROL
	DATE/TIME: 11/13/2020	[X] QUALIFIER	[ ] TRAINING

[ ] PISTOL [ ] SHOTGUN [X] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP
Brand: LWRC I	Brand:	Brand:	Brand:
Model: M6IC	Model:	Model:	Model:
Caliber: 5.56	Caliber:	Caliber:	Caliber:
Serial # :	Serial # :	Serial#:	Serial #:
Issued? [ ] YES [X] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO
Pass? [X] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO

COMMENTS:

RIFLE UPDATE

RANGE MASTERS:

PARHAM

SPD 987 (Rev 07/13)

Certificate of Completion

TO

Eric Toomey

FOR SUCCESSFUL COMPLETION OF

Leading continuously: implicit bias training

The American Leadership Forum – Mtn. Valley Chapter recognizes your completion of the Implicit Bias Training.

ALF-MVC Leading Consciously Training is designed for nonprofits, for-profit entities, public sector leaders and individuals who wish to better understand the cognitive science behind our unconscious biases. The training covers the most current science around implicit bias and the brain and also includes a deep dive into interventions across personal, interpersonal, structural levels.

Recognized on this 29th day of September 2020.

AMERICAN LEADERSHIP FORUM
MOUNTAIN VALLEY CHAPTER

BOLA WRAP REMOTE RESTRAINT

Eric Toomey

Sacramento Police Department

BolaWrap Certified Instructor

September 11, 2020

Date

SACRAMENTO POLICE DEPARTMENT

Certificate of Completion

THIS IS TO CERTIFY THAT

Eric Toomey

HAS SATISFACTORILY COMPLETED

Standardized Field Sobriety Testing

POST NUMBER 2320-20290-15-004

THIS 20 HOUR POST CERTIFIED COURSE MEETS THE REQUIREMENTS OUTLINED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

MARCH 19, 2016
DATE OF COMPLETION

OFFICER LUKE MOSELEY
CERTIFIED INSTRUCTOR

MEMORANDUM **SACRAMENTO POLICE DEPARTMENT**

To: James Beezley, Captain
Personnel Services Division

Date: April 12th, 2016

Attn: Mark Greenlee, Captain
Training Division

From: Tyson Butler, Officer
Range Master

Subject: Firearms refresher for Officer Eric Toomey #0894.

This memorandum is submitted as record of firearms refresher training for Officer Eric Toomey. In accordance with General Order 580.03, I conducted refresher training with him at the McClellan Range Facility on April 12th 2016.

Officer Toomey underwent firearms refresher training due to his intentional discharge of his firearm while in the course of his duties.

Officer Toomey displayed proficient weapons handling skills and successfully completed all the topics of instruction given. The refresher training covered the following topics:

Pistol;
Pistol confidence course
Marksmanship fundamentals
Target acquisition
Immediate action
Shooting while moving
Use of cover

Please contact me with any questions.

Respectfully submitted,

Tyson Butler
Range Master

Received 4/14/16
Delete this — forwatch file

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		894/436	PATROL
	DATE/TIME: 2/26/20 1800	☐ QUALIFIER	☐ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIGSAUER	Brand: LWRCI	Brand:	Brand:
Model: P320	Model: M6IC	Model:	Model:
Caliber: 9MM	Caliber: 5.56	Caliber:	Caliber:
Serial # : [redacted]	Serial # : [redacted]	Serial#:	Serial #:
Issued? ☐ YES ☒ NO	Issued? ☐ YES ☒ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS: MILLER

SPD 987 (Rev 07/13)

Sacramento Police Department

Certificate of Training

Eric Toomey

Sacramento Police Department

Has Successfully Completed 9 Hours of Training in

Performance Pistol

August 23, 2018

Michael Pinola

Rangemaster/Lead Instructor

CPL. M. PINOLA #279

POLICE
CITY OF SACRAMENTO
FOUNDED IN 1849
TM

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		894 / 4236	PATROL
SOCIAL SECURITY #:	DATE/TIME:	[X] QUALIFIER	[ ] TRAINING
	10/8/19		

[X] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP
Brand: SIG SAUER	Brand:	Brand:	Brand:
Model P320	Model	Model:	Model:
Caliber: 9MM	Caliber:	Caliber:	Caliber:
Serial # [redacted]	Serial # :	Serial#:	Serial #:
Issued? [ ] YES [X] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO
Pass? [X] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO

COMMENTS:

RANGE MASTERS:

MANTELL / GRIFFIN

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOSMEY, ERIC	894/4236	PATROL

DATE/TIME: 9/5/19

[X] QUALIFIER [ ] TRAINING

[ ] PISTOL [ ] SHOTGUN [X] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP
Brand: LWRCI	Brand:	Brand:	Brand:
Model M6A2	Model	Model:	Model:
Caliber: 5.56	Caliber:	Caliber:	Caliber:
Serial # : [redacted]	Serial # :	Serial#:	Serial #:
Issued? [ ] YES [X] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO
Pass? [X] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO

COMMENTS: 4 hr RIFLE UPDATE

RANGE MASTERS: [illegible]

SPD 987 (Rev 07/13)

Sacramento Police Department

Certificate of Training

Eric Toomey

Sacramento Police Department

Has Successfully Completed 9 Hours of Training in

Performance Pistol

August 23, 2018

Michael Pinola

Rangemaster/Lead Instructor

CPL. M. PINOLA #279

POLICE
CITY OF SACRAMENTO
FOUNDED IN 1849
TM

SACRAMENTO POLICE DEPARTMENT

Certificate of Completion

THIS IS TO CERTIFY THAT

Eric Toomey

HAS SATISFACTORILY COMPLETED

Standardized Field Sobriety Testing

POST NUMBER 2320-20290-15-004

THIS 20 HOUR POST CERTIFIED COURSE MEETS THE REQUIREMENTS OUTLINED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

MARCH 19, 2016
DATE OF COMPLETION

OFFICER LUKE MOSELEY
CERTIFIED INSTRUCTOR

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		814/4236	PATROL (TEAM 15)
SOCIAL SECURITY #:	DATE/TIME: 6-13-17	☐ QUALIFIER	☐ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ BACKUP	☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand: COLT	Brand: REM	Brand:
Model: P226	Model: M16	Model: 870	Model:
Caliber: .40	Caliber: 556	Caliber: 12	Caliber:
Serial # : [redacted]	Serial # [redacted]	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☒ YES ☐ NO	Issued? ☐ YES ☒ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

DAYLIGHT QUAL

RANGE MASTERS:

SGT. MARZAN

SPD 987 (Rev 07/13)

Sacramento Police Department

Certificate of Training

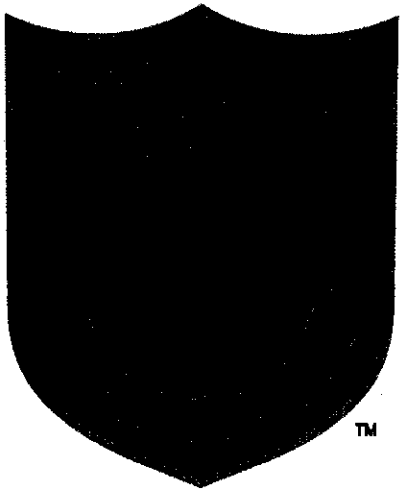
Eric Toomey

Sacramento Police Department

Has Successfully Completed 36 Hours of Training in

Basic Patrol Rifle Operator

CA POST # 2320-32075-16-003 March 21 through 24, 2017



Doug Rosin

Lead Instructor

Michael Pinola

Rangemaster

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL

SOCIAL SECURITY #:	DATE/TIME:	☒ QUALIFIER	☐ TRAINING
[redacted]	3/7/16 @ 1640		

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand: REMINGTON	Brand:	Brand:
Model P226	Model 870	Model:	Model:
Caliber: .40	Caliber: 12 ga	Caliber:	Caliber:
Serial # [redacted]	Serial # [redacted]	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:
LOW LIGHT QUAL,

RANGE MASTERS:
CPL. WILSON, OFC. MABUNGA, CPL VU, COMMANDER LOMMORI

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL

SOCIAL SECURITY #:	DATE/TIME:	☒ QUALIFIER	☐ TRAINING
[redacted]	5/20/16 1300		

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG	Brand:	Brand:	Brand:
Model P226R	Model	Model:	Model:
Caliber: .40	Caliber:	Caliber:	Caliber:
Serial #: [redacted]	Serial #:	Serial#:	Serial #:
Issued? ☒ YES ☐ NO Pass? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO Pass? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO Pass? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS:
PARHAM, FAN

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT

Certificate of Completion

THIS IS TO CERTIFY THAT

Eric Toomey

HAS SATISFACTORILY COMPLETED

Standardized Field Sobriety Testing

POST NUMBER 2320-20290-16-004

THIS 20 HOUR POST CERTIFIED COURSE MEETS THE REQUIREMENTS OUTLINED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

MARCH 19, 2016
DATE OF COMPLETION

OFFICER LUKE MOSELEY
CERTIFIED INSTRUCTOR

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL - SOUTH

SOCIAL SECURITY #:	DATE/TIME:		
[redacted]	4/12/16/1000	☐ QUALIFIER	☒ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand:	Brand:	Brand:
Model: P226	Model:	Model:	Model:
Caliber: .40	Caliber:	Caliber:	Caliber:
Serial #: [redacted]	Serial #:	Serial#:	Serial #:
Issued? ☒ YES ☐ NO Pass? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO Pass? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO Pass? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO Pass? ☐ YES ☐ NO

COMMENTS:

OIS REFRESHER TRAINING

RANGE MASTERS:

T. BUTLER

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		8193/4236	CSO
SOCIAL SECURITY #: [redacted]	DATE/TIME: 3/9/16 1636	☒ QUALIFIER	☐ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand: REMINGTON	Brand:	Brand:
Model P226	Model 870	Model:	Model:
Caliber: .40	Caliber: 12ga	Caliber:	Caliber:
Serial # : [redacted]	Serial # : RANGE GUN	Serial#:	Serial #:
Issued? ☐ YES ☒ NO	Issued? ☐ YES ☒ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

DAYTIME QUAL

RANGE MASTERS:

CPL. MUELLER, CPL. WILSON

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		8193/4236	CSO
SOCIAL SECURITY #: [redacted]	DATE/TIME: 3/9/16 1342	☐ QUALIFIER	☒ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand:	Brand:	Brand:
Model P226	Model	Model:	Model:
Caliber: .40	Caliber:	Caliber:	Caliber:
Serial # : [redacted]	Serial # :	Serial#:	Serial #:
Issued? ☐ YES ☒ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

NEW HIRE REFRESHER TRAINING

RANGE MASTERS:

CPL MUELLER, CPL WILSON

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):		BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC		8A3/4622	FTO TRAINING
SOCIAL SECURITY #: [redacted]	DATE/TIME: 6/26 1730	☒ QUALIFIER	☐ TRAINING

☒ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand: REMINGTON	Brand:	Brand:
Model P226	Model 870	Model:	Model:
Caliber: .40	Caliber: 12 GA	Caliber:	Caliber:
Serial # [redacted]	Serial # :	Serial#:	Serial #:
Issued? ☐ YES ☒ NO	Issued? ☐ YES ☒ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS: CANNEDY

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL

SOCIAL SECURITY #:	DATE/TIME:	
[redacted]	5/30/18	☒ QUALIFIER ☐ TRAINING

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand: LWRC	Brand:	Brand:
Model: 226R	Model: M6IC	Model:	Model:
Caliber: .40	Caliber: 5.56	Caliber:	Caliber:
Serial #: [redacted]	Serial #: [redacted]	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

RANGE MASTERS: Peckinpaugh / Pirosol / Lomoni

SPD 987 (Rev 07/13)

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL

SOCIAL SECURITY #:	DATE/TIME:	
[redacted]	5/8/18 @ 0900	[X] QUALIFIER [ ] TRAINING

[ ] PISTOL [ ] SHOTGUN [X] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP	[ ] PISTOL [ ] SHOTGUN [ ] RIFLE [ ] BACKUP
Brand: LWRC	Brand:	Brand:	Brand:
Model: M6IC	Model:	Model:	Model:
Caliber: .223	Caliber:	Caliber:	Caliber:
Serial #: [redacted]	Serial #:	Serial#:	Serial #:
Issued? [ ] YES [X] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO	Issued? [ ] YES [ ] NO
Pass? [X] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO	Pass? [ ] YES [ ] NO

COMMENTS:

RANGE MASTERS: Lommori

SPD 987 (Rev 07/13)

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CERTIFICATE LEDGER

SACRAMENTO POLICE DEPARTMENT

34040

Certificate Recipients	Cert Number	Cert Type	Award Date
ERIC DANIEL TOOMEY	135808	Intermediate Certificate	03/18/2018

Total Records: 1

POST COORDINATOR
SACRAMENTO POLICE DEPARTMENT
5770 FREEPORT BLVD, STE 100
SACRAMENTO 95822

EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

XAVIER BECERRA
ATTORNEY GENERAL

The

Commission on Peace Officer Standards and Training

Hereby awards the

Intermediate Certificate

to

ERIC DANIEL TOOMEY

March 18, 2018

For having fulfilled the requirements for character, education, training, and experience as prescribed in Title 11, Division 2, of the California Code of Regulations.

Joyce E Dudley

JOYCE E. DUDLEY
CHAIR

I 135808

Manuel Alvarez Jr.

MANUEL ALVAREZ, JR.
EXECUTIVE DIRECTOR

EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

XAVIER BECERRA
ATTORNEY GENERAL

The

Commission on Peace Officer Standards and Training

Hereby awards the

Basic Certificate

to

ERIC DANIEL TOOMEY
MUNICIPAL POLICE

February 5, 2018

For having fulfilled the requirements for character, education, training, and experience as prescribed in Title 11, Division 2, of the California Code of Regulations.

Joyce E Dudley

JOYCE E. DUDLEY
CHAIR

B 189536

Manuel Alvarez, Jr.

MANUEL ALVAREZ, JR.
EXECUTIVE DIRECTOR

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CERTIFICATE LEDGER

SACRAMENTO POLICE DEPARTMENT

34040

Certificate Recipients	Cert Number	Cert Type	Award Date
ERIC DANIEL TOOMEY	189536	Basic Certificate	02/05/2018

Total Records: 1

POST COORDINATOR
SACRAMENTO POLICE DEPARTMENT
5770 FREEPORT BLVD, STE 100
SACRAMENTO 95822

SACRAMENTO POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME (LAST, FIRST):	BADGE/ABRA	CURRENT ASSIGNMENT:
TOOMEY, ERIC	894/4236	PATROL

SOCIAL SECURITY #:	DATE/TIME:	☒ QUALIFIER ☐ TRAINING
[redacted]	12/5/17 1715	

☒ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP	☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☐ BACKUP
Brand: SIG SAUER	Brand: COLT	Brand:	Brand:
Model P226R	Model M16	Model:	Model:
Caliber: .40 SW	Caliber: 5.56	Caliber:	Caliber:
Serial #: [redacted]	Serial #: [redacted]	Serial#:	Serial #:
Issued? ☒ YES ☐ NO	Issued? ☒ YES ☐ NO	Issued? ☐ YES ☐ NO	Issued? ☐ YES ☐ NO
Pass? ☒ YES ☐ NO	Pass? ☒ YES ☐ NO	Pass? ☐ YES ☐ NO	Pass? ☐ YES ☐ NO

COMMENTS:

LOW LIGHT QUAL

RANGE MASTERS:

PAEZ, MARZAN, DONNELL

SPD 987 (Rev 07/13)

POST PROFILE NAME:

TOOMEY, ERIC DANIEL

CALIFORNIA COMMISSION ON **POST**

CONFIDENTIAL PROFILE REPORT

AKA: N/A

DATE: 02/16/2021

A. PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Sex	Race
C52-A83	SACRAMENTO PD	[redacted]	M	W

B. CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
189536	B	02/05/2018		46.65	0.00	
135808	I	03/18/2018	BS	0.00	0.00	CALIFORNIA STATE UNIVERSITY - SACRAMENTO

Total Number of Certificates: 2

C. EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
01/05/2015	03/19/2016	6	TRN	01/05/2015	34040	SACRAMENTO PD	F	P	
03/19/2016			PO	03/19/2016	34040	SACRAMENTO PD	F	P	

*Reason for Separation: 1 = Resignation, 2 = Discharge, 3 = Retirement, 4 = Death, 5 = Felony, 6 = Other, 7 = Promotion/Demotion

D. POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/18/2015	A	2320-00100-14-002	933		Y	34040	SACTO PD		BASIC COURSE-INTENSIVE
07/17/2015	K	2320-33590-15-001	40		Y	34040	SACTO PD		TRAFFIC COLLISION INV
03/20/2016	K	2320-20290-15-004	18		Y	34040	SACTO PD		DUI DETECTION-FIELD SOBRIETY
05/24/2016	K	2320-20701-15-014	8		Y	34040	SACTO PD		PROCEDURAL JUSTICE
06/24/2016	K	2320-21115-15-058	18		Y	34040	SACTO PD	*	DRIVER TRAINING UPDATE
12/02/2016	K	5990-20801-16-013	8		Y	34040	FPD		CRISIS INTERVENTION
03/15/2017	K	2320-21115-16-032	18		Y	34040	SACTO PD	*	DRIVER TRAINING UPDATE
03/24/2017	K	2320-32075-16-003	36		Y	34040	SACTO PD		FIREARMS/TACTICAL RIFLE
04/03/2017	K	2320-20762-16-003	4	X	Y	34040	SACTO PD	*	CRISIS INTERVENTION BEHAV HEALTH TRAINING SB11
04/04/2017	K	2320-29503-16-012	4	X	Y	34040	SACTO PD	*	ARSTCTL(PSP)
04/04/2017	K	2320-29501-16-017	4		Y	34040	SACTO PD	*	FIREARM(PSP)
04/06/2017	K	2320-30091-16-008	5	X	Y	34040	SACTO PD		EXPLOSIVES RECOG. AND RESPONSE
08/10/2017	K	2320-20801-17-002	40		Y	34040	SACTO PD		CRISIS INTERVENTION
11/28/2017	K	9180-25583-17-151	2	X	Y	34040	POST		DOMESTIC VIOLENCE RESPONSE (WEB)
05/28/2018	K	2320-21798-17-011	8	X	Y	34040	SACTO PD		FIRST AID/CPR UPDATE
05/29/2018	K	2320-22308-17-011	5	X	Y	34040	SACTO PD		ACTIVE SHOOTER RESPONSE UPDATE
05/30/2018	K	2320-29501-17-040	4		Y	34040	SACTO PD	*	FIREARM(PSP)
05/30/2018	K	2320-29503-17-036	4	X	Y	34040	SACTO PD	*	ARSTCTL(PSP)
05/31/2018	K	2320-23025-17-011	2	X	Y	34040	SACTO PD		GENDER AWARENESS
05/31/2018	K	2950-24203-17-047	2	X	Y	34040	BUTTE CTR		CRITICAL INCIDENT FOR PATROL
10/17/2018	K	2320-21955-18-016	5	X	Y	34040	SACTO PD		CROWD CONTROL UPDATE
12/11/2018	K	1270-20272-18-056	16	X	Y	34040	CHP		ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT
03/13/2019	K	2320-21115-18-035	18	X	Y	34040	SACTO PD	*	DRIVER TRAINING UPDATE
11/14/2019	K	2320-29503-19-005	4	X	Y	34040	SACTO PD	*	ARSTCTL(PSP)
11/14/2019	K	2320-20762-19-002	4	X	Y	34040	SACTO PD	*	CRISIS INTERVENTION BEHAV HEALTH TRAINING SB11
11/14/2019	K	2320-29501-19-003	4		Y	34040	SACTO PD	*	FIREARM(PSP)
11/14/2019	K	2320-21516-19-003	2		Y	34040	SACTO PD		HUMAN TRAFFICKING AWARENESS
11/14/2019	K	2320-23287-19-003	2	X	Y	34040	SACTO PD		RACIAL PROFILING UPDATE
03/06/2020	K	2970-31725-19-004	40		Y	34040	SRPSC		FIELD TRAINING OFFICER
05/23/2020	K	9180-25579-19-328	3	X	Y	34040	POST		GANGS: PC 186.22 FOR PATROL (WEB)

POST PROFILE NAME:

TOOMEY, ERIC DANIEL

CALIFORNIA COMMISSION ON **POST**

CONFIDENTIAL PROFILE REPORT

AKA: N/A

DATE: 02/16/2021

D. POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/16/2020	K	9180-25589-20-139	2	X	Y	34040	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
11/16/2020	K	2320-29501-20-022	4		Y	34040	SACTO PD	*	FIREARM(PSP)
11/21/2020	K	9180-25586-20-144	8	X	Y	34040	POST		FIRST AID/CPR/AED (WEB)

***Meets Perishable Skills**

F. FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

A. PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)

POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date / Sex:	Self-explanatory.
Race:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

B. CERTIFICATES AWARDED

Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

C. EMPLOYMENT: Subject's employment history as indicated in POST database

Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

D. POST TRAINING: Courses attended or completed as indicated in POST database

Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

E. NON-CERTIFIED COURSES

This section will only appear if applicable.

F. FOOTNOTES

This section reserved for additional information.

Sacramento Police Department
PERISHABLE SKILLS PROGRAM (PSP) 2019
I-TACTICAL FIREARMS TRAINING (4 hours) 2320-32095-

2020

Course Goals

The course will provide the trainee with topics of tactical firearms and lethal force training required in the POST Perishable Skills Training Program (PSP). The trainee will develop the necessary tactical firearms knowledge and skills to survive and win a lethal force encounter.

The course consists of a hands-on/ practical skills firearms training for Sacramento Police Department Officers.

Tactical Firearms:

Topics/ Exercises

a) Judgment and decision-making exercise(s)
b) Student evaluation and testing
c) Safety guidelines and orientation
d) Sight alignment, trigger control, accuracy
e) Target recognition and analysis
f) Weapons clearing
g) Live fire tactical
h) Policies and/or legal issues
i) Use of force considerations
j) Moral obligations

Course Objectives

Trainees will:

1) Demonstrate knowledge of their individual department's Use of Force/ Firearms policy
2) Demonstrate a minimum standard of tactical firearms proficiency with every technique, exercise, and course-of-fire, to include:
    a) Judgment and decision making
    b) Weapons safety
    c) Basic presentation techniques
    d) Fundamentals of shooting
    e) Target/ Non-Target identification
    f) Speed, accuracy and effectiveness under stress and movement conditions
    g) Shot placement: stopping power and penetration

Sacramento Police Department
PERISHABLE SKILLS PROGRAM (PSP) 2019
I-TACTICAL FIREARMS TRAINING (4 hours) 2320-32095-

Equipment Needed

1) 190 rounds of handgun ammunition per student
2) 30 rounds rifle ammunition per student
3) 5 targets per student
4) 25 yard shooting range
5) Barricades
6) First Aid Kit
7) White board with markers
8) Class outline
9) Eye and ear protection for each student
10) Minimum of 3 instructors
11) Maintenance supplies for targets, target backers, etc.

EXPANDED COURSE OUTLINE

I. SAFETY GUIDELINES/ ORIENTATION (c.)

A. Introduction, registration and orientation
B. Course objectives/overview, exercises, evaluation/testing
C. Weapons, range and shooting safety rules. (Pre-range weapons unloading procedures and lunch/extended break reload/unload rules)

1. General Safety Rules
   a. Treat ALL firearms as if they are loaded.
   b. Keep your firearm pointed in the safest direction possible.
   c. Do not put your finger on the trigger until you are on target and ready to fire.
   d. Be certain of your target, its surroundings and what is beyond it.

2. Range Safety Rules (Pistols)
   a. Once training starts, the range will be considered a HOT RANGE which means pistols and magazines will be kept loaded with ammo.
   b. Because it is a hot range, **ALL pistols WILL remain in their holster**, with holster retention devices in use, except when on the firing line under the supervision of the range masters and/or at a designated safe handling area.

c. Officers will be allowed to administratively load their pistol magazines when off the firing line but they must keep their pistols holstered.

3. On the Firing Line Safety Rules
    a. Refer to General Safety Rules; keep all firearms pointed down range
    b. All malfunctions shall be handled by the officer. If they cannot fix the malfunction then (keeping the weapon pointed down range) they shall raise their off hand for range master assistance.
    c. Never draw a handgun from the holster on the range unless instructed to do so.
    d. Never leave your firing position unless cleared by the range master.
    e. Never go forward of the firing line unless instructed to do so.
    f. Never bend over to retrieve dropped articles (i.e., magazines, ammunition) on the firing line unless instructed to do so or cleared by the range master first.
    g. If hot brass comes in contact with your skin, keep your weapon pointed down range, de-cock and holster. Once the weapon is safely holstered, you may take care of the hot brass. Notify the range master of what you're doing.
    h. All officers will wear eye & ear protection and bulletproof vests while on the firing line and/or in the immediate vicinity of the firing line.
    i. There will be no smoking, chewing tobacco, eating, or drinking on the firing line.
    j. Wash hands and face before leaving the range.

4. Range Commands
    a. LOAD and MAKE READY
        i. Shooter will point muzzle in a safe direction and load or press check as necessary.
    b. FIRE COMMANDS
        i. During the course of fire, the instructor will tell the class what the fire command will be.

c. CHALLENGE
    i. Shooter gives at least one command to disarm the threat (i.e., "Police! Don't move!"), before no threat or fire command is given.

d. NO THREAT
    i. Shooter conducts follow through and scanning on their own.
    ii. Holster reluctantly.
    iii. Wait for direction.

e. CEASE FIRE!
    i. All shooters immediately;
        1. Stop firing
        2. Safely holster their weapon
        3. Listen for further direction

II. LETHAL FORCE OVERVIEW (h,i,j)

A. Legal/ Moral/ Ethical Issues involving Use of Force/ Lethal Force
    1. Ensuring the use of force is justifiable under department policy, federal and state law.
    2. Determining if the use of force is necessary.
    3. Administer after force care.
B. Civil and Department Implications of Force/Lethal Force
    1. Civil lawsuit by suspect and/or family
    2. Internal Affairs investigation
    3. Office of Police Accountability
C. Report writing and preliminary investigation
    1. Document your mindset at the time, suspect's actions, how you felt, fear for your life or the life of others of imminent death or serious bodily injury.
    2. Be articulate so that others will understand the degree of threat you felt.

III. USE of FORCE/LETHAL FORCE and FIREARMS POLICY

A. Use of Force Options
    1. Lethal Force within the spectrum of force options
    2. Verbal, hands, less lethal, lethal force spectrum
    3. Command presence

4. Control holds
5. O.C., Baton, CED, Pepperball, Bean Bag
6. Firearms
7. Escalation/ De-Escalation
    a. Constant evaluation of the situation
    b. Tactical response proportional to threat

B. Department Policy Discharge of Firearms G.O. 580.03
1. In the necessary defense of themselves or in the defense of another person when the officer reasonably believes that an imminent danger of death or serious bodily injury exists.
2. The officer has probable cause to believe the suspect has committed, or attempted to commit, a felony involving the use of, or threatened use of, force likely to cause serious bodily injury or death.
3. To stop a dangerous animal that poses an imminent risk of death or serious bodily injury to a person.
4. At the firing range pursuant to all safety rules and regulations.
5. Firearms shall NOT be discharged as a warning.

C. Supporting Case Law
1. Tennessee vs. Garner Fleeing Felon Doctrine
The court held that deadly force may not be used to stop a fleeing felon UNLESS it is to stop the escape AND the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others…or he has committed a crime involving the infliction or threatened infliction of serious physical harm and the ability to carry out that action or threat.
2. Deadly Force
    a. Use of deadly force is limited to situation that threatened death or serious bodily injury to;
        i. 1st party- you the officer
        ii. 2nd party- anyone else
        iii. 3rd party- projected threat, what may happen SBI/death if not stopped based on what officer knows at the time
3. Graham vs. Conner Objective Reasonableness
4. Use of force decision based on facts and circumstances known to the officer at the time the force was used.
    a. Officer's state of mind will be taken into consideration, whether evil or good intentions. Factors weighed in determining objective reasonableness:

i. Scope of intrusion (degree and extent of force used)
ii. Manner of intrusion (type of force used)
iii. Where intrusion occurred
iv. Need to perform official duties (what was the officer doing-on/off duty)
v. Justification for intrusion (why was force being used)
vi. Facts and circumstances
vii. Severity of crime
viii. Did the suspect pose immediate threat to officer or others?
ix. Did the suspect actively resist?
x. Did the suspect attempt to evade arrest by fleeing?

IV. FUNDAMENTALS of SHOOTING (d,e)

A. Shooting Platform
1. Stance
a. Stable platform, Weaver stance, Modified Weaver, Isosceles
b. Balanced, feet shoulder width apart
2. Grip
a. Firm two handed grip
b. 360 degree Isometric tension
c. Proper placement of arms
3. Sight Alignment
a. Front sight is vertically and horizontally centered between the rear sights
b. Focus on the front sight
4. Sight Picture
a. Placement of the Sight Alignment on the target where you want the round to impact
b. Target may be blurry
c. Rear sight may be blurry
d. Front sight is clear
5. Trigger Control
a. Proper placement of trigger on finger
b. Slow, steady press of the trigger rearward
c. Reset trigger quickly and prepare for next shot

B. Fire and Follow Through
a. Maintain your sight picture on the threat after firing.

b. Finger on trigger, ready to engage threat.
c. Follow the threats movement down until it is determined the threat no longer presents an immediate danger

C. Holster Reluctantly
1. After the threat has been neutralized
2. Scan the surrounding area (360°) for any other danger before holstering.

D. **Range Drill (One Hole Drill)……..….5yds/ 10 rounds**
1. On the "Fire" command shooters will;
   a. Draw and fire 5 rounds at the 1" dot target
   b. Focus on fundamentals
   c. No time limit
   d. Shoot the smallest group possible
2. Repeat 2X
   a. Discuss trigger management prior to reshooting drill

E. **Action vs Reaction Drill…… 7 yds. / 20 rounds**
1. Shooters to draw and fire 1 round into the "B" Zone
   a. Normal standing / non-tactical positions such as arms crossed
   b. T Note: Remind shooters they need to be utilizing the 4 ount draw and Holster Reluctantly techniques during each string of fire. Touch/prep the trigger as soon as gun is on target
2. Re-holster after each shot
3. Run 10 times at own pace
4. Shooters will repeat the above process into the "Head" Zone

F. **Action vs Reaction with a Partner…….. 7 yds / 10 rounds**
1. Action shooter will draw and fire 1 rd into the "Head" Zone.
2. Reaction shooter will react to shooter one and draw and fire 1 rd into the "B" Zone.
   a. The winner is the shooter that fires their round first with a positive hit in their appropriate zone.
   b. Repeat 9 times

V. PISTOL MALFUNCTIONS (a,f,g)

A. Double Feed
1. Causes

a. Failure to extract a fired casing with a live round trying to load behind it or;
b. Ejected brass deflected back into pistol during the firing cycle

2. Immediate Action
   a. Identify cause of malfunction
   b. Remove the magazine and lock the slide to the rear.
   c. Clear any ammunition that may remain in the chamber.
   d. Reload the pistol.
   e. Continue addressing threat.

B. **Range Drill (Double Feed)…….7 yards/ 6 rounds**

1. Start with an empty weapon, slide locked to the rear
2. Insert a round into the chamber
3. Insert a fresh magazine into the weapon
4. Walk the slide forward creating a double feed
5. On command,
   a. Shooters will fire 2 rounds on target
      i. Address malfunction and fire course
6. Repeat 2X

VI. WEAPON RELOADING (d,e,g)

A. Emergency Reloading

1. Causes
   a. The weapon is shot dry,
   b. Magazine is empty and slide is locked back.
2. Immediate Action Drill
   a. Release the empty magazine
   b. Insert a fresh magazine,
   c. Release the slide forward,
   d. Continue addressing situation.

B. **Range Drill (Emergency Reload)……7 yard line/ 15 rounds**

   a. Set up weapon so there is 1 round in the chamber
   b. An empty magazine in the weapon
   c. On command,
      i. Draw and fire 3 rounds on target
      ii. Address reload and continue firing
      iii. Repeat 5x

C. Competition (optional time permitting) Emergency Reload……...7 yard line / 2 rounds
   a. Repeat the above range drill
   b. Shoot individually utilizing electronic timer
   c. 1 second penalty for each miss outside of the B zone
   d. Fastest time wins

Note: Remind shooters to utilize the 4 count draw and Holster Reluctantly techniques during each string of fire.

VII. SPEED VS. ACCURACY (g)

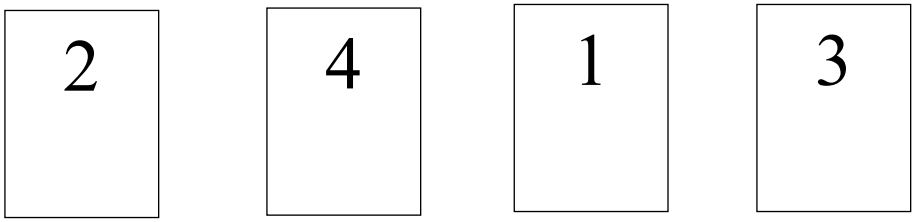
A. **Range Drill (3 rounds from the holster)……..……5-7yds./ 30 rounds**
   1. Draw and fire 3 rounds (B zone scoring)
   2. De-cock and holster on own
   3. Repeat on own for a total of 30 rounds
      a. The focus of this drill is speed, accuracy, and recoil management.
      b. Emphasis flat line of presentation and getting to the trigger as soon an acceptable sight picture exists
   4. Run 3 or 4 times from the 5 yd lind and then repeat at the 7yd line

VIII. MULTI TARGET IDENTIFICATION ENGAGEMENT (a,e,g)

A. **Range Drill……10 yards/ 30 rounds**
   1. 3 mags with 10 rds each,
   2. 4 steel targets set up at the 0 yard line.
   3. The targets will be numbered 2,4,1, 3 with spray paint.
   4. Instructors will call out two numbers. (For example, 23, 41 or 32) for each firing sequence.
   5. The first number represents the start of the numerical sequence and the second number is the “NO SHOOT” target.
   6. Example 23: Shooter would shoot 2, skip 3 (no shoot), 4 and finish with 1.
   7. The shooter will complete the sequence until all targets are hit in order. Shooter can not move on to the next target until a positive hit is made on the target before
   8. Shooters will repeat the sequence two (2) times
   9. Once all the targets have been hit in sequential order after the second time, the instructor will give two more numbers.

10. The shooter will repeat the course of fire with a new sequence and "NO SHOOT" numbers.
11. Repeat above for a total of 3 rounds
12. Officers will assess and holster after the completion of the firing sequence.
13. Reload when necessary.

Target example



IX. SITUATIONAL STACKED SHOOTING- BARRICADE / BARRELL / OPEN ENVIRONMENT (a,e,g,i)

A. **Dry Fire - Barricade**
   1. One shooter with a Rifle and one shooter with a handgun.
   2. Rifle shooter will be standing.
   3. Handgun shooter kneeling.
   4. The rifle officer will stack over the kneeling officer. Only certified rifle operators will be shooting the rifle.
   5. Instructors demonstrate safe options of getting into and out of the stacked position.
   6. Rifle officer will be over the kneeling officer in such a way that if the kneeling officer would attempt to stand up, the rifle officer would come up against the rifle officer's elbow(s).
   7. The rifle officer will communicate to the kneeling officer when it is clear to stand up.

B. **Dry Fire – Barrel**
   1. Both shooters handgun.
   2. One shooter kneeling and shooting from the side of the barrel.
   3. Second shooter kneeling and shooting over the top of the barrel.
   4. Instructors will make sure that both shooters are aligned so that their barrels are parallel of each other.

C. **Dry Fire – Open Environment**
   1. One shooter with a handgun.
   2. One shooter with a less lethal shotgun
   3. Both shooters will be abreast.

D. **Range Drill……10 yd Line / 30 rounds**

1. Barricade, Barrel and Open Environment will be at the 10 yard line.
2. 6 Shooters at a time.
3. Each shooter will have 3 mags with 10 rounds each for their handgun.
4. Rifle shooter will have 1 mag with 10 rounds.
5. Instructor will give a fire command or an impact command.
6. Shooters will fire 2 rds per fire command. The less lethal shooter will only engage on the command of impact. Lethal shooters will not engage on the command of impact. Repeat until empty and reload.
    a. All shooters will stay unholstered and on target until ready to move to the next objective.
    b. Each pair of shooters will rotate and complete all 3 stations.

X. SHOOTING FROM POLICE UV (a,e,g)

A. **Range Drill…….10 yd Line / 15 rounds**

B. Use Dia. 1 for range setup
1. S-1 and S-2 start in UV at the 25-yard line.
2. S-1 drives UV to the 10-yard line.
3. S-1 and S-2 exit UV, and fire 2-5 rds upon threat command at targets #2 and #3
4. S-1 yells "**moving**" and S-2 responds "**covering**".
5. S-1 will then retreat to the rear driver side of the UV.
6. S-1 yells "**covering**" and S-2 responds "**moving**".
7. S-2 will then retreat to the rear passenger side of the UV.
8. From the rear of the UV, both shooters will fire 2-5 rds upon the threat command at #2 and #3.
9. S-1 yells "**moving**" and S-2 responds "**covering**".
10. S-1 will then move to the barricade.
11. S-1 yells "**covering**" and S-2 responds "**moving**".
12. S-2 will then move to the barricade.
13. S-1 and S2 will then fire 2-5 rds upon the threat command at target #1.

C. Instructor notes
1. Discuss "**moving**" and "**covering**".
2. Discuss safe movement and muzzle discipline.
3. Give threat command when safe to do so or after movement is complete. (Instructor Discretion)

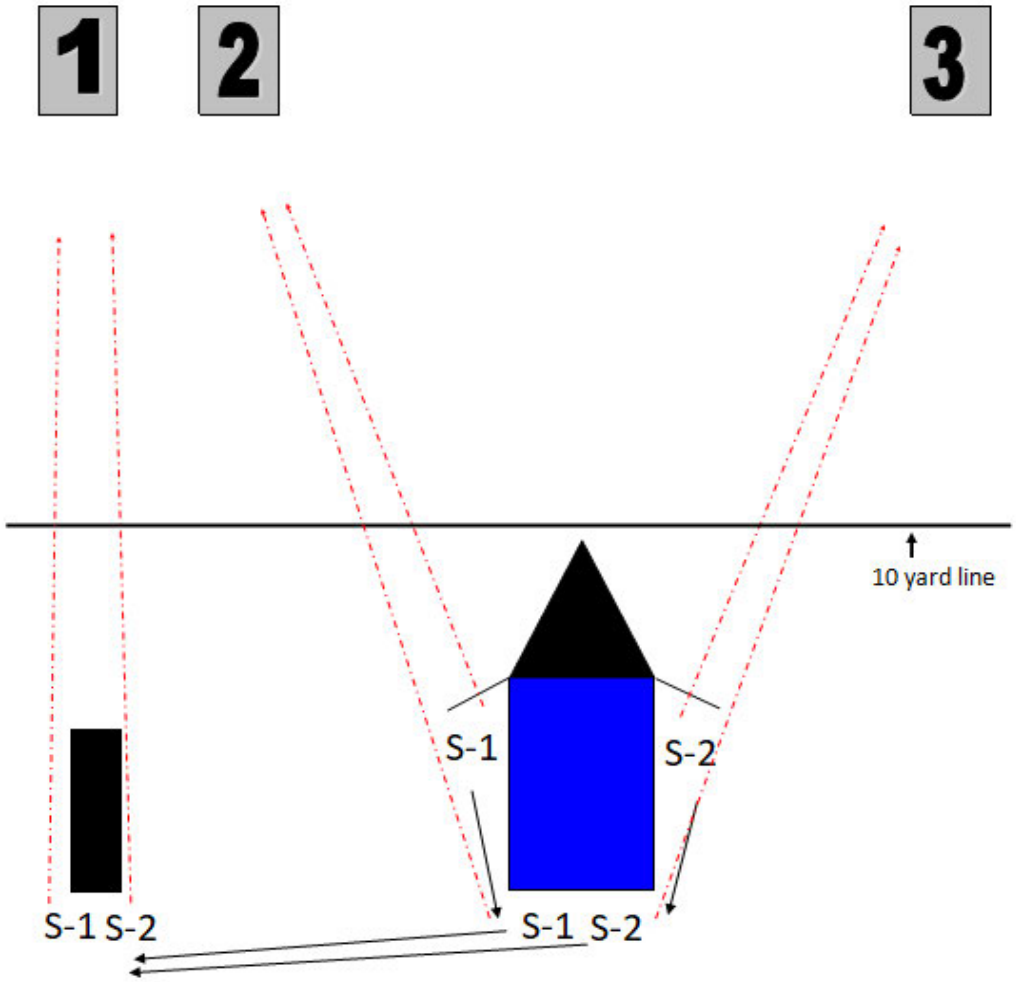
***** Time Permitting*****

XI. CHALLENGE / DESCALATION DRILL (a,e,g)

A. **Range Drill……..…7 yds. / 15 rounds**

1. Instructor will inform officers of how many rounds to fire. This should be between 1 and 3 rounds. (May also include a failure to incapacitate drill by calling out 2 to the body and 1 to the head).
2. Instructor will then call out a Challenge command or a Shoot command, (some kind of threat command).
3. On Challenge command the student will draw and challenge the target ("Police don't move", Show me your hands, etc.). Emphasis on Challenge is keeping the finger off the trigger and straight on the slide.
4. Follow up to Challenge command will be either a "no threat" command where officers can holster or give a threat command where they will then complete the course of fire that was given.
5. ***REPEAT UNTIL THE 15 ROUNDS ARE EXPIRED. AT LEAST 3 CHALLENGE COMMANDS SHOULD BE GIVEN.***

Dia. 1



210.04
GENERAL AND PROFESSIONAL CONDUCT
07-12-17

PURPOSE
The purpose of this order is to establish criteria for the general and professional conduct of Department employees.

PREAMBLE
Working in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City shall be the mission of the Department.

POLICY
It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE
A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off duty shall
   a. Be governed by ordinary and reasonable rules of good conduct and behavior.
   b. Not commit any act whether negligent, intentional, criminal, or otherwise that could bring discredit upon the Department or the City.
   c. Abide by all laws to include, but not limited to the Penal Code, the Health and Safety Code, and the Welfare and Institutions Code. In addition, employees shall ensure that their personal vehicles are compliant with the California Vehicle Code.
2. Employees shall
   a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
   b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.
   c. Treat other employees in the Department, regardless of rank, with the respect due to them as fellow employees.
   d. Properly perform assigned police responsibilities during a scheduled shift.
      NOTE: Improper performance or failure to perform assigned police responsibilities during a scheduled shift shall be regarded as neglect or dereliction of duty and cause for disciplinary action.
   e. Not speak slightingly or express humiliating discourtesies or derogatory comments to or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.
   f. When contacting the public in the performance of their official duties
      (1) Courteously and accurately provide all appropriate information upon request.
      (2) Respectfully provide their name, badge, and/or identification number upon request.
      (3) Impartially serve all persons coming to the attention of the Department.
   g. Remain awake while on duty. If unable to stay awake, employees shall report this fact to their supervisor, who shall determine the appropriate course of action.
      NOTE: Sleeping on duty shall be regarded as dereliction of duty and cause for disciplinary action.

h. Not lend, sell, or permit the use of their badges or credentials by other employees/persons under any circumstances.
i. Not seek the influence or intervention of any person outside the Department for purposes of personal advantage, transfer, or advancement.
j. Not use any electronic amplifying or recording device to eavesdrop upon or record the conversation of any other employee without their knowledge. This shall not prohibit the use of taping devices or electronic amplifying or recording devices during criminal investigations or other law enforcement activity in which there is no expectation of privacy.
k. Not file false, inaccurate or improper information orally or in writing, either personally or through another employee, for criminal prosecution, personal gain, or for unearned recognition, including sick or injury reports, falsification of public records, or for any other purpose.
l. Submit written reports as required by Department orders or instructions from a superior.
m. Pay their debts promptly.
n. Maintain a telephone with voicemail capability where they can be reached during any emergency requiring their services. NOTE: Employees on duty or officially on call shall be directly available by normal communication, including cellular telephones.
o. Complete an Emergency Notification Form (SPD 552) pursuant to General Order 256.01 (Address and Telephone Changes).
p. Upon notification of an emergency, report for duty as soon as reasonably possible or in compliance with the directive given upon notification.
q. Not interfere with any person arrested, case under investigation, or case being prosecuted, with the intention of doing physical harm, delaying, or preventing the case from reaching a successful conclusion in accordance with lawful procedure.
r. Not converse with arrested persons unless required by the nature of their police duties or connected with an official investigation of a case.
s. Report all facts in writing to the COP if they receive any information that the lawful prosecution of any criminal charge is being, or has been, interfered with in any manner that would indicate any unlawful compounding, compromising, or fixing.
t. Not, while on duty, suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Employees shall not
   (1) Convey communications between prisoners and their attorneys, bail bond brokers, or persons involved in a criminal or civil case of interest to this Department. A supervisory officer may exercise such authorization when an in-custody prisoner requests a specific attorney to be contacted.
   (2) Act as bailor for any person in custody where a fee, gratuity, or reward is solicited or accepted.

B. AUDIOVISUAL MEDIA FOR SOCIAL NETWORKING OR PERSONAL USE

1. All audiovisual media (e.g., film/digital images, video, etc.) captured in the performance of an employee's duties shall be considered property of the Sacramento Police Department.
2. It shall not be recorded, printed, downloaded, or distributed for an employee's personal or non-Departmental use unless used in a manner approved by the Chief of Police.
3. Employees shall not use personally-owned cameras or equipment (including cellular phone cameras) to capture audiovisual media during the performance of their duties pursuant to GO 525.04 (Use of Digital Cameras for Investigative Purposes).
4. If a situation exists in which the use of personal or non-Departmental equipment is deemed necessary, employees shall notify their supervisor.

C. GRATUITIES
1. A gratuity is defined as any gift or reduction in normal price, offered or given, whether solicited or not, because of one's position with the Police Department. These include
   a. Discounts or free food and drink (including coffee) at restaurants and drive-ins.
   b. Discounts or free admission to places of amusement (e.g., sporting events and theaters) on or off duty.
2. Employees shall not accept any gratuity as they represent a compromise of our professional status.
3. This order shall apply only to those types of gratuities that are given to employees because of their employment with the Police Department. Discount prices offered to employee groups as a normal procedure for business operations shall not be prohibited by this order.
4. Employees offered or who suspect that they have been given a gratuity shall
   a. Explain to the donor that they cannot accept a discount or gift as it is against Department policy.
   b. Ask the person(s) offering to cooperate with the Department in doing their part to eliminate this practice.
5. Supervisors who are made aware of the gratuity shall
   a. Contact the business person(s) suspected of or known to offer gratuities and advise them of the Department policy.
   b. Advise these persons that if the practice continues, it may result in officers not being allowed to frequent the establishment during duty hours. NOTE: Officers invited to various functions to speak or for other purposes as Department representatives are allowed to accept free meals.
6. Department personnel in their capacity as City employees shall not endorse products or services when they know or should reasonably know the endorsement identifying the Department will be used for advertising.

D. SUPERVISION/LAWFUL ORDERS
1. Employees are subject to the lawful supervision of all superiors.
   a. Any employee given an order in conflict with any previous order or direction shall call the conflict to the attention of the person giving the order.
   b. If that supervisor requires the order still be carried out, the employee shall comply and the responsibility for the conflict and the action taken by the employee shall rest with that supervisor.
2. Supervisors shall not knowingly issue any order that is in violation of any law, ordinance, Department order, or the Law Enforcement Code of Ethics.
3. Employees shall fulfill the functions of the Department and the office to which they are assigned and perform any lawful duty assigned by a superior.
4. The willful disobedience of any lawful order issued by a superior is insubordination.
5. Employees shall not publicly criticize instructions or orders received.
6. Employees in doubt as to the nature or details of their assignment shall seek clarification from their supervisor.

E. OFFICER RESPONSIBILITY
1. Officers shall act reasonably within the limits of their authority as defined by statute and judicial interpretations to ensure the rights of both the individual and the public are protected.
2. Officers, on or off duty, shall take appropriate police action toward aiding all fellow peace officers exposed to danger.
3. On duty officers shall
   a. Be in uniform/properly dressed and have required equipment required on/with them.
   b. Be attentive and alert to the directions of supervisors at roll call.

c. Acquaint themselves daily with the information provided by the Department (e.g., AB, IB, SNOW, etc.).
d. Respond to their given assignment promptly and remain to the end of their shift, unless otherwise relieved.
e. Be attentive to reports and complaints by citizens and take appropriate action or refer them to the appropriate person or agency.
f. Not allow prisoners or suspects access to weapons or objects readily adaptable as weapons.
g. Respond as soon as possible to calls meeting the criteria for police assistance from citizens or other officers.
(1) Failure to answer a call for police assistance promptly without justification shall be regarded as dereliction of duty and cause for disciplinary action.
(2) Except under extraordinary circumstances or when otherwise directed by a supervisor, employees shall not fail to answer any direct landline or radio call directed to them.
h. When in plain clothes, conspicuously display their badge if their firearm is exposed.

4. Off-duty officers shall perform reasonable police services pursuant to GO 570.02 (Crimes Involving Officers or Their Families).
5. Plainclothes off-duty officers shall not wear or carry their firearm conspicuously exposed.
6. On or off-duty plainclothes officers shall not draw or display their firearm in any public place except during the course of an arrest or investigation or when an officer reasonably believes it is necessary for their safety or the safety of others.
7. Officers outside the boundaries of this state for extradition or other matters of direct concern to the City shall not engage in police activities unless necessary in the performance of their extradition duties as an agent of the state, and then only after consideration of the tactical situation. If an officer does engage in police activities, he/she must notify the Department as soon as reasonably practical after taking such action.
8. The priority of call assignments depends on many factors and shall normally be the responsibility of Communications personnel and field supervisors.
a. Officers may delay responding to a call if
(1) Contacted by a citizen in need of immediate police attention.
(2) Personal observation of an event requires immediate police attention.
b. Such determination shall be based on the comparative urgency and the risk to life and property of the assigned call and the intervening incident.
c. When it is impossible for an officer to handle a citizen's concern or an observed event, the officer shall, if circumstances permit, either give directions for obtaining such assistance or initiate the necessary notifications.

F. MEALS/PERSONAL BUSINESS

1. While on duty, employees shall
a. Devote their time to the performance of police functions.
b. Not carry on personal business. Personal visitations shall only be made during the approved meal period.
c. Arrange for a meal period in accordance with the established labor agreements and the schedule made by the employees' supervisors and/or the need for police service.
d. Not play any illegal games of chance for money.
e. Not, while in uniform, shop or carry packages containing merchandise unless required in the line of duty.
f. Not leave their assigned area for any reason other than for police duties without permission from their supervisor. Approval or disapproval of the request shall be within the authority of

the supervisor and shall be based on the following considerations, including, but not limited to:
(1) Distance from the work area.
(2) Anticipated time required.
(3) Expected workload.
(4) Need for police services.

2. No more than four (4) uniformed personnel and a maximum of three (3) marked cars shall be permitted at a place of business or parked together except for official business.
3. Police Department cashiers shall not cash personal checks for employees at any time.

G. ABSENCE WITHOUT LEAVE

1. Employees shall report for duty as scheduled unless absence is authorized by a supervisor.
2. Employees shall be absent without leave upon failing to appear for duty at the date, time, and location specified without supervisory approval.
3. Supervisors shall report absences without leaves as follows:
   a. Absences of one (1) day shall be reported in writing to the respective division/watch commander.
   b. Absences in excess of one (1) day shall be reported in writing to the Chief of Police (COP).

H. ALCOHOL/DRUG IMPAIRMENT

1. Employees shall not
   a. Use or possess marijuana or marijuana products, as defined by California H&S code Section 11018.1, medical or otherwise, on or off duty.
   b. Drink alcoholic beverages to an extent that renders them unfit to report for their next regularly scheduled shift.
   Appear on duty under the influence of any alcoholic beverage or drug.
   c. While on duty, transport alcoholic beverages in a police vehicle except as evidence, property of the prisoner or suspect, or found property.
   d. Carry a firearm on or off duty when impaired due to being under the influence of alcohol, medication, or any other substance.
   e. While on duty or on call, drink any kind of intoxicating beverage or take any intoxicating drugs.
      (1) Employees shall notify their supervisor if they are taking, while on duty or on call, a prescribed medication that may impair their judgment or performance.
      (2) Supervisors shall follow GO 220.06 (Employees Suspected of Working Under the Influence - WUI) concerning the employee's fitness for duty or his/her ability to remain on call.
2. Plainclothes officers may, while on special assignment, partake of an alcoholic beverage when necessary for the performance of such assignment.
   a. The alcoholic beverage shall be consumed in moderation and officers shall not become intoxicated.
   b. Advance notice of the assignment shall be given to the Division Commander. This advance notice shall include pertinent details of the assignment, as well as the specific location(s) (if known) where the employees are going to consume alcoholic beverages.
   c. Employees working hours during which their respective division commander is not available shall give advance notice to an on-duty watch commander

420.01
USE OF POLICE VEHICLES
06-26-08

PURPOSE
To establish procedures for the use of police vehicles.

POLICY
To ensure that City vehicles are used in a safe manner for official business.

PROCEDURE
A. DEFINITIONS
1. GRAFFITI - unauthorized decals, signs, bumper stickers, markings, or accessories.
2. SHORT TERM PARKING - parking generally less than two (2) hours.
3. PRIORITY POLICE BUSINESS - investigating crimes, responding to calls, etc. Priority police business does not include attending meetings or court.
4. COMMUNICATION EQUIPMENT - includes, but is not limited to: telephones, cellular/ wireless telephones (cell phones), pagers, computers, and other mobile service devices.
5. HANDS FREE DEVICE - an apparatus used with a cellular telephone that permits the user to talk on the telephone without holding it.
6. TEXT MESSAGE - a written message sent in textual form designed to appear on the viewing screen of a cellular telephone or pager.
7. PUSH-TO-TALK DEVICES - Police radios or cellular telephone models or devices that allow for two-way radio communications in addition to regular cellular telephone service and text messaging.

B. GENERAL
1. Employees shall operate Department vehicles with due care, caution, and obey all traffic laws except as authorized by law.
2. When leaving City vehicles unattended, the drivers shall:
   a. place the gear selector in "park".
   b. set the emergency brake.
   c. roll up all windows.
   d. remove the keys.
   e. lock all doors.
3. When Community Service Officers (CSOs) and Crime Scene Investigators use marked patrol vehicles, they shall display magnetic "Civilian Employee" signs on the right and left sides of the vehicle.
4. After using a City vehicle, employees shall remove all trash from the vehicle and dispose of it properly.
5. Employees shall also follow the provisions of G.O. 255.09, Modified Duty.

C. USE OF SEAT BELTS
1. Employees riding in Department vehicles shall use the three-point harness safety belt (shoulder and lap harness) when the vehicle is placed in motion. To ensure employee safety and reduce the possibility of injury, the three-point harness safety belt shall not be altered nor modified in any manner.
2. Employees transporting persons other than City employees shall ensure passengers use seat belts.
   a. Unless a prisoner poses a danger to the transporting officer, officers shall fasten the belt for the handcuffed prisoner. Officers who do not secure a prisoner with a seat belt, due to a belligerent or combative attitude, shall note this fact in the Arrest Report.
   b. Patrol wagon prisoners are exempt from the seat belt requirement.

D. USE OF CELLULAR TELEPHONES

California Vehicle Code 23123 states that a person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

1. Unless extenuating circumstances exist, employees will not utilize a cellular telephone while operating a vehicle unless the telephone is equipped for hands-free use.
2. While operating a Department vehicle or while operating any vehicle while on duty, employees shall exercise caution when dialing calls or sending a text message while the vehicle is in motion. Such use shall not be attempted while in heavy traffic or high speed conditions.

   NOTE: To place or receive a telephone call, or send a text message, employees should pull off the road to the nearest, safest, most practical location and stop their vehicle.
3. Employees using a push-to-talk device for two-way communications with other law enforcement personnel who are using that device in the course and scope of his/her employment, shall be exempt from Section D1 above.
4. Traffic violations
   a. Traffic citations issued to an employee for violating CVC 23123 while using a City vehicle are the responsibility of the employee per City Policy.

E. TEMPORARY ASSIGNMENT OF VEHICLES

1. When additional vehicles are required to supplement existing operations, employees shall contact the Fleet Management Section, Office of Technical Services (OTS), and obtain a vehicle from the pool. In emergency situations, the on-duty station commander may authorize the use of any designated vehicle.
2. Fleet Vehicles
   a. Employees seeking the use of a vehicle from the unmarked vehicle pool shall contact the Fleet Management Section, present sufficient authorization for the vehicle (e.g., a Travel and Training Request, a One-Day Request, or other form of supervisory authority), complete the Fleet Vehicle Sign-out Log, and obtain the keys. A gasoline credit card shall be issued when necessary.
   b. When a vehicle has been assigned to sworn personnel in the Office of Operations the vehicle equipment number shall be reported, via MDC if available, to the dispatcher so it may be noted on the unit history. Personnel assigned to other Offices are not required to adhere to this procedure.
   c. After using the vehicle, the user shall fuel, clean, and park it in the appropriate space. The ending mileage shall be noted. The keys and credit card shall be returned to the Fleet Management Section and the ending mileage reported.
3. Duplicate Sets of Keys
   a. Under NO circumstances shall employees duplicate keys to any unmarked vehicle without prior authorization of the Manager, Fleet Management Section.
   b. Employees shall not obtain keys to vehicles permanently assigned to another section without prior approval of the section commander. Section commanders shall ensure the keys to their permanently assigned vehicles are kept in a secured location.
4. Except as noted in section B3 above, patrol vehicles used by sworn personnel not in uniform and civilian personnel shall have "Out of Service" signs prominently displayed in both the driver and passenger rear windows.

F. PERMANENT ASSIGNMENT OF VEHICLES

1. City policy mandates all permanent overnight retention vehicle assignments be authorized by the City Manager.
   a. Office chiefs shall submit a memo to the Chief of Police (COP) identifying employees within their offices needing permanent vehicle assignment. The memorandum shall be submitted before January 1 of each year.
   b. The COP will make appropriate notification to the City Manager.

2. The Fleet Management Section shall maintain a list of permanent vehicle assignments, including:
   a. the type of vehicle.
   b. position classification of persons to whom vehicles are assigned.
   c. the reason for permanent overnight retention assignment.

G. VEHICLE/OFFICER SAFETY

Employees, before beginning their tour of duty, shall verify the vehicle is in good operating condition. Items to be checked include: emergency lights, siren, and MDC.

1. Before going in-service at the start of shift and always after transporting any passengers, officers shall, if possible, remove the back seat of the vehicle and inspect the area under the seat, the rear passenger compartment, and the area under the front seats for contraband, evidence and/or property prisoners may have hidden and/or lost.
2. A complete vehicle inspection shall also be conducted at the end of shift before securing the vehicle.
3. Patrol Wagon
   When backing the patrol wagon, the passenger officer, or another City employee, shall signal the driver from behind the vehicle.

H. VEHICLE REPAIR

1. When a vehicle needs repair or service, the driver shall:
   a. park the vehicle at the applicable police facility garage.
   b. leave the hood ajar.
   c. complete a Fleet Equipment Request/Repair Form.
   d. leave the form with an on-duty employee at the police facility garage. If the garage is closed, leave the form in the box designated for the forms.
2. If a shortage of vehicles occurs, employees shall contact their immediate supervisor. The supervisor shall check with the on-duty garage personnel, who shall determine if any of the deadlined vehicles are safe to use.
3. No employee shall close the hood on a deadlined vehicle and use it without first obtaining the permission of the police garage employee on duty.
4. When a vehicle breaks down in the field, the employee shall notify Communications of the exact location of the vehicle and the nature of the problem.
   a. When the public safety garage is open:
      (1) Communications shall contact a garage employee who will determine if a tow is needed. If the mechanical problem is minor and can be corrected in the field, garage personnel shall respond to the officer's location to make repairs.
      (2) If needed, a tow truck shall be dispatched by garage personnel to have the disabled vehicle towed to the applicable police facility garage.
   b. If the public safety garage is closed, Communications shall contact the tow company directly for towing to the applicable police facility garage.
   c. A disabled vehicle shall not be left unattended while waiting for a tow. A vehicle that is disabled for any reason shall not be pushed by another vehicle for any distance except to alleviate a traffic hazard.

I. OUT OF TOWN BREAKDOWN

When a City vehicle requires repair work while out of town, the employee shall notify the WJKPF garage of its location, nature of the problem and, if possible, an estimate for repairs. Only the garage supervisor may authorize repair out of town.

NOTE: Costs of repairing damage to City vehicles resulting from misconduct by the employee having custody of the vehicle may be recoverable from the employee.

J. VEHICLE DAMAGE/GRAFFITI

1. Collisions involving City vehicles shall be investigated per the provisions of G.O. 537.04.
   NOTE: The California Highway Patrol M.A.I.T. may be called to assist in the investigation of accidents involving a fatality or serious injuries. See G.O. 537.01.
2. Employees involved in collisions or noting damage to vehicles that happened during their shift shall complete a City of Sacramento Driver's Report of Accident form (RM2 or Blue border form) and a Fleet Management Equipment Repair/Request form, and submit them to their supervisor as soon as circumstances permit. Blue border forms shall then be

routed to the Professional Standards Unit (PSU), and the Equipment Repair/Request form to garage personnel.

3. Before and after using City vehicles, Department personnel shall visually inspect the vehicle, inside and out, visors and back of seats. This inspection includes operating condition, appearance (damage), and any graffiti present.
   a. If during the inspection the employee discovers new damage which has not been reported, the employee shall complete an Equipment Request/Repair Form. The form shall be submitted to the employee's supervisor who shall immediately investigate the matter. The supervisor shall:
      (1) investigate the unit history and identify the previous user plus any other pertinent information.
      (2) route the Equipment Request/Repair Form and results of the investigation to the section commander who shall:
         (a) review the report and forward it to the Fleet Management Section to request the damage be repaired or removed.
         (b) order further investigation or initiate the process for disciplinary action if appropriate.
   b. If during the inspection the employee discovers new graffiti present, observed materials shall be removed before using the vehicle. The removal may be done by personnel observing the damage or garage personnel. If removal is not possible due to time constraints, the nature of the materials or other variables, the employee shall complete an Equipment Request/Repair Form.
   c. Employees who notice new damage/graffiti shall park the vehicle at the applicable police facility garage and leave the hood ajar.
4. Vehicles should not be utilized until the discrepancies are corrected, and another vehicle substituted. In situations where the use of a vehicle is necessitated, supervisors, with concurrence of the garage staff, may authorize the use of a vehicle deadlined for cosmetic reasons.

K. VEHICLE TAKEN HOME

Except for permanently assigned vehicles, City vehicles are to be used for official business only and shall not be taken home except under special circumstances (early morning raids, surveillance, official trips, etc.). If it becomes necessary to take a vehicle home:

1. the driver shall complete a Use of Police Vehicle form (SPD 440).
2. the concerned division commander shall sign the form and forward it to the Fleet Management Section through the Captain, Staff Services Division.

L. USE OF CITY OWNED VEHICLES

Employees shall not transport unauthorized persons in police vehicles for other than official police business, unless prior authorization is received from the employee's supervisor.

M. TRANSPORTING CHILDREN

1. Employees transporting children in City vehicles under the age of four (4), or weighing less than 40 pounds, shall secure the child in an approved child passenger seat.
2. If due to physical unfitness, medical condition, or size, the child being transported will not benefit from a seat belt, the employee shall select alternative means of transportation for the child. Alternative means to consider are:
   a. another City vehicle with proper restraints.
   b. parent, relative, or friend's vehicle with proper restraints.
   c. ambulance or proper medical transporter.

N. PARKING AND PARKING PLACARDS

1. "Police Only Zones" are intended for short term parking. All day parking is prohibited in these zones.
2. City vehicles may park in metered areas when conducting short term, priority police business (a parking placard is not mandatory).
3. Parking placards shall be assigned by the Deputy Chief of Police, OTS. Parking placards may be used to park in metered spaces for short term priority police business.

O. TRAFFIC VIOLATIONS

1. Traffic and parking citations issued to an employee using a City vehicle are the responsibility of the employee per City Policy.
2. Any employee receiving a citation under an emergency situation shall complete an Emergency Vehicle Exemption form (SPD 007), directing it to the employee's Office Chief, explaining the situation in detail. Upon approval of the Office Chief, the memorandum and citation shall be sent to the Office of the Chief (OOC), Attn: Staff Assistance.
3. The OOC shall log the citation and send a request for dismissal, including a reason for the request, to the City Transportation Division.

521.01
PURSUIT OF VEHICLES
03-20-18

PURPOSE
The purpose of this order is to establish procedures for vehicle pursuits.

POLICY
It shall be the policy of the Sacramento Police Department to closely control and monitor pursuits consistent with California law and the safety of all persons.

PROCEDURE
A. DEFINITION
1. PURSUIT – An active attempt by a peace officer, while operating a motor vehicle, to apprehend a suspect who is also operating a motor vehicle and trying to avoid capture by using high-speed driving or other evasive tactics, including, but not limited to, driving off a highway, making a sudden or unexpected movement, driving on the wrong side of the roadway, or driving in a legal manner but failing to yield to the officer's signal to stop.
2. SURVEILLANCE MODE – A response in which an air unit is used as an observation platform for continued surveillance of a motor vehicle after a pursuit has been terminated at the direction of a supervisor. Operating in Surveillance Mode allows officers on the ground to work in conjunction with the air unit to maintain a loose containment of the motor vehicle until the suspect stops and abandons the motor vehicle.
3. BLUE TEAM (BT) – IA Pro Blue Team is Web-based computer software that allows sergeants to enter UOF and pursuit incidents from a Department computer.

B. SAFETY RULES ABOUT PURSUITS
California Vehicle Code Section 21055 states that the driver of an emergency vehicle may disregard Division 11, "Rules of the Road," when in pursuit of an actual or suspected violator or when responding to an emergency. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver of an authorized emergency vehicle from the consequences of an arbitrary exercise of the provision.

C. GENERAL
1. Officers in a vehicle pursuit shall immediately
   a. Activate emergency lights.
   b. Sound the siren continuously.
2. A Code 3 response is justified in a pursuit by a unit other than the initiating or secondary unit only when authorized by a supervisor.

D. FACTORS TO CONSIDER WHEN INITIATING, CONTINUING, AND TERMINATING PURSUITS
1. When a suspect exhibits the intention of avoiding arrest by using a vehicle to flee, or refuses to stop, officer(s) shall consider public safety and effective law enforcement to determine whether initiation of a vehicle pursuit is reasonable. Factors to be considered include
   a. The nature of the offense.
   b. Is the pursuit reasonable with regard to posted and safe speed limits and road, weather, and traffic conditions?
2. The involved officer(s) and supervisor shall continually reassess whether a pursuit should continue. Factors the involved officer(s) and supervisor shall consider in determining whether a pursuit should continue or be terminated include, but shall not be limited to

a. The safety of the public in the area of the pursuit.
b. The volume of vehicular and pedestrian traffic, roadway and environmental conditions, and the time of day.
c. The violation for which the suspect is wanted.
d. The speed and driving exhibited by the violator.
e. The distance of the pursuit.
f. The physical condition of the police vehicle(s) in the pursuit.
g. The suspect has been identified to the point that he/she can be apprehended at a later time.
h. The quality of radio communications.
i. The familiarity with the area of pursuit by the officer and supervisor controlling the pursuit.
j. The distance between the pursuing and fleeing vehicle.

3. Officers shall not engage or participate in pursuits while transporting prisoners, victims, and/or citizens, except for ride-alongs who have signed an “Indemnity and Hold Harmless” agreement (SPD 357).
4. When a supervisor orders a pursuit to be terminated, officers shall not continue to pursue the violator.
   a. When a supervisor reduces the number of units involved in a pursuit, the unneeded officers shall make themselves “Available” and return to their normally assigned duties.
   b. Only the supervisor who ordered a pursuit to be terminated, or a higher authority, may authorize the resumption of the pursuit.

E. PURSUIT RESPONSIBILITIES

1. Officers initiating a pursuit shall verbally broadcast
   a. Their unit identifier(s) and that they are in pursuit.
   b. The location, direction of travel, and approximate speed.
   c. Traffic conditions.
   d. The reason for the pursuit.
   e. A description of the vehicle and occupants, if possible.
2. The primary unit and two (2) secondary units may pursue a suspect fleeing in a vehicle.
   a. The district sergeant may authorize additional units if the circumstances dictate (e.g., PIT or felony stop).
   b. Officers shall not trail the pursuit, but shall remain alert to its progress and location. They should attempt to position themselves to be available as perimeter units and/or to provide traffic breaks at intersections.
   c. When the pursuit has been terminated, all units involved in the pursuit (including perimeter units) shall
      (1) Immediately enter a “Miscellaneous” message on the pursuit call, to include actions taken, location, vehicle number, and other pertinent information.
      (2) Make themselves available for service.
3. Primary Unit
   a. The officer initiating the pursuit shall be designated the primary unit unless the district sergeant directs otherwise. The first responsibility of the officer initiating the pursuit is the safety of the public and the apprehension of the suspect(s) in view of the factors in sections B, C, and D above.
   b. Unless relieved by the district sergeant, the senior officer in the primary unit shall control pursuit tactics and ensure the broadcast of the progress, except as noted in paragraph E.4.a. below.
4. Secondary Unit(s)
   a. Any authorized units shall back up the primary unit and, when in a position to do so, broadcast their unit identifier, their position as secondary unit, the progress of the pursuit,

and pertinent information at the termination of the pursuit. This procedure allows the officer(s) in the primary unit to apprehend the suspect(s) without first notifying the dispatcher of their movements.

b. The secondary unit shall also follow the guidelines in sections B, C, and D above.

5. Air Units
   a. When available, air units shall assist ground units by advising of the pursued vehicle's direction of travel, potential traffic hazards, possible cut off routes, and other logistical information.
   b. Air units should not be tasked with broadcasting the progress of a pursuit when ground units are available to do so.
   c. Air units may be used as an observation platform for continued surveillance of a motor vehicle during Surveillance Mode.
   d. An aircraft is not defined as an authorized emergency vehicle in the California Vehicle Code and should not be described as a pursuit vehicle.
6. When broadcasting the progress of a pursuit, primary or secondary units shall update the location, direction of travel, approximate speed, traffic conditions, pertinent dangerous driving, and/or dangerous conditions (e.g., high speeds, running stop signs and/or red lights, wrong-way driving, pedestrian traffic).
7. Perimeter units shall perform ancillary duties (e.g., evidence collection, intersection control) while obeying rules of the road and with due regard for public safety.
8. Officers in unmarked vehicles or on motorcycles shall broadcast their involvement in a pursuit, specifically identifying their vehicle as unmarked or a motorcycle, and shall discontinue their involvement in the pursuit when marked units are in position to take over as the primary and secondary units.

F. DISPATCHER RESPONSIBILITIES

Dispatchers shall

1. Rebroadcast the initial pursuit information and periodically update pursuit progress to all units on all channels.
2. Activate the Emergency In Progress (EIP) signal and indicate so on the incident history.
3. Utilize the "Z" command to log the pursuit.
4. Confirm the district sergeant and watch commander copy the pursuit.
5. Dispatch secondary units as necessary.
6. Accurately reflect the involved units' status. NOTE: CLX or CLXA commands may ONLY be used if it is known and confirmed that all units in the pursuit are actually with the primary unit.
7. Request air units and/or K9 assistance in the pursuit as appropriate.
8. Include miscellaneous pertinent information on the incident history. Pertinent includes, but is not limited to, permission to use the Pursuit Immobilization Technique (PIT), locations of items thrown from the suspect vehicle, location of any spike strip used, and all CODE 4 information.
9. If the pursuit crosses district boundaries, either move units to the involved channel or patch the channels together if deemed necessary by the district sergeant.

G. USE OF FORCE

1. The use of the Pursuit Immobilization Technique (PIT) and hollow spike strips MAY constitute lethal force if not used as instructed. These methods of stopping a vehicle shall
   a. Only be used with supervisor approval.
   b. Be considered only where force would be a reasonable police action per G.O. 580.02 (Use of Force), or if the public's safety is at risk.
2. Pursuit Immobilization Technique (PIT)
   a. The following factors shall be considered when using the PIT
      (1) The officer has successfully completed Department PIT training.

(2) There is a third vehicle in the pursuit.
(3) The officer and/or supervisor believes that continued movement of the pursued vehicle would place others in danger of great bodily harm.
(4) The risk to persons other than the occupants of the pursued vehicle outweighs the risk of making the forcible stop.
(5) When other reasonable means of apprehension have been considered and rejected as impractical or unavailable.

b. The maximum speed during application of the PIT shall not exceed 35 miles per hour.
c. The use of the PIT shall require
(1) The completion of a City of Sacramento Vehicle Accident Report (RM2 – blue border form).
(2) Photographs of the involved vehicles (damaged or not).
(3) Officers and supervisor's narratives of the PIT actions taken within their report.

3. Hollow Spike Strip Deployment
a. Spike strips shall be available within each district.
(1) Pursuing units shall notify the deploying unit as far in advance as possible to ensure close coordination between the pursuing units and the officer deploying the strip(s).
(2) Deploying officers shall not attempt to overtake and pass a pursuit to position the spike strip.
(3) Spike strips shall not be used in locations where geographic configurations increase the risk of injury to the suspect (e.g., roadways with curves or steep embankments).
(4) Consider whether a third unit is in the pursuit.
b. Other specialized units wishing to deploy spike strips shall coordinate their requirements with the appropriate district sergeant.
c. When a spike strip is deployed, the Communications Center shall be notified of the location. The Communication Center shall then rebroadcast the location of the spike strip to all units.

4. Watch commander approval shall be required for barricading a roadway, intentionally blocking the path of a suspect vehicle outside of instructed techniques, ramming a vehicle, when other extraordinary means of stopping a vehicle (see the factors in section D.1. above) are deemed necessary, or when any of the following type vehicles are involved in the use of force:
a. Motorcycles, mopeds, or similar vehicles.
b. Any vehicle transporting hazardous materials.
c. Any bus transporting passengers.
d. Any vehicle that would pose an unusual hazard.

5. Officers shall not intentionally pin or spear the suspect's vehicle with their patrol vehicles.

H. DISTRICT SERGEANT RESPONSIBILITY

1. The district sergeant where the pursuit originated shall monitor and control any pursuit from its origin to its conclusion, ensuring
a. Available aircraft have been requested to assist as necessary.
b. Only the required units are involved, when considering both the number of active and perimeter units, and verbally identifying units authorized in the pursuit.
c. Proper radio channels and procedures are being used.
d. Affected allied agencies have been notified. Supervisors of assisting allied agencies should be contacted directly.

2. The district sergeant shall order the pursuit discontinued when the factors set forth in sections D.1. or D.2., or other valid considerations, indicate termination is proper.
3. In the event the district sergeant is involved in the pursuit, the watch commander shall supervise the pursuit and follow the provisions outlined in sections H.1. and H.2.
4. District sergeants shall discontinue their involvement in the pursuit when marked units are in

position to take over as the primary/secondary units and resume responsibility of supervising the pursuit.

5. The district sergeant in whose jurisdiction the pursuit originated shall
   a. Complete a BT.
   b. Proceed to the termination point of the pursuit to complete the report or provide assistance.
   c. If the pursuit results in a fatality, severe injury, or property damage, respond to the scene(s), and ensure
      (1) All necessary police reports are completed.
      (2) Crime Scene Investigations takes photographs.
      (3) Traffic investigators are notified of fatalities or severe injuries.
      (4) The Professional Standards Unit and the EVOC sergeant are notified of fatalities, severe injuries, or major property damage.
6. The BT shall be routed through the chain of command to the Watch Commander responsible for the pursuit. The WC will assign a secondary Lieutenant to review the BT. The BT shall then be forwarded to the EVOC sergeant along with all comments.

I. EVOC SERGEANT RESPONSIBILITY

The EVOC sergeant shall:

1. Review the BT and route it along with comments to the area Captain responsible for final approval.
2. Forward a copy of the BT to the CHP.
3. Submit quarterly statistical reports to the Deputy Chief, OOO.

J. MULTI-AGENCY PURSUITS

1. The “Sacramento (Regional) County Law Enforcement Inter-Agency Vehicular Pursuit Guidelines” provide that allied agencies are prohibited from joining a pursuit unless specifically requested by the agency whose officers are in pursuit or directly ordered by a patrol supervisor, except when a single unit of the initiating agency requires assistance for officer safety.
2. When an outside agency advises the Communication Division of a pursuit, dispatchers shall relay all available information to the affected district sergeant and watch commander.
3. If assistance is requested by the pursuing agency, officers assigned to assist shall terminate the pursuit at the City limits unless there is either
   a. A reasonable likelihood the pursuit will reenter the City.
   b. Extenuating circumstances are present, including, but not limited to
      (1) Officer or public safety.
      (2) The outside agency's inability to continue the pursuit.
      (3) The seriousness of the crime.
4. Requests for outside agency assistance shall be per the Inter-Agency Vehicular Pursuit Guidelines.
   a. District sergeants shall ensure its provisions are followed.
   b. If there is a conflict between its provisions and this G.O., this G.O. shall prevail.

K. VEHICLE SAFETY CHECK

1. Department vehicles with visible or audible damage shall be taken to a Public Safety Garage to be checked. Employees shall consider whether their vehicle was subjected to any maneuvers that could have caused damage, including, but not limited to
   a. Use of force.
   b. Rapid acceleration.
   c. High speed.
   d. Rapid cornering.
   e. Hard braking.

2. The involved district sergeant/supervisor shall determine whether
   a. Officer(s) shall complete their shift and then take the vehicle to the garage.
   b. Officers shall slowly drive the vehicle to the garage.
   c. The vehicle shall be towed to the garage.
3. Involved officer(s) shall prepare Fleet Management Equipment Request/Repair Form and give it to the Public Safety Garage supervisor on duty.
   a. The Equipment Report shall provide the garage personnel with details of the pursuit that could affect the vehicle's safe performance.
   b. In case of a shortage of vehicles, no one is authorized to release a vehicle that has not been inspected.

521.02
CODE 3 DRIVING
05-22-17

PURPOSE
The purpose of this order is to establish emergency response codes and procedures for emergency driving.

POLICY
It shall be the policy of the Sacramento Police Department to respond to emergency calls as quickly and safely as circumstances allow, while concurrently protecting the safety of the officer and the public.

PROCEDURE
A. EMERGENCY RESPONSE CODES DEFINED
1. CODE 900 – A dire emergency. A critical situation involving life or death circumstances to an officer (e.g., officer being fired upon or officer down).
2. CODE 3 – A radio code designating an emergency that shall be answered immediately.
   a. Pursuit – See G.O. 521.01.
   b. Emergency Response (See Section C.3 below) – While responding, red lights shall be used and the siren shall be used as necessary in accordance with 21055 CVC. NOTE: This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver of an authorized emergency vehicle from the consequences of an arbitrary exercise of the provision.
3. COVER – An officer's request for immediate assistance. A Code 3 response shall be assumed unless otherwise noted.
4. BACKUP – An urgent call that shall be answered without delay. Red lights and siren shall not be used and all traffic laws shall be observed.

B. OFFICER RESPONSIBILITY
1. The driver of an emergency vehicle, per Section 21056 CVC, is not relieved from the responsibility of
   a. Driving with due regard for the safety of all persons using the highway.
   b. Recognizing the consequences of an arbitrary exercise of the privileges granted under Section 21055 CVC.
2. Officers shall record all Code 3 driving on the vehicle's ICC system in accordance with General Order 525.03.

C. CODE 3 DRIVING AUTHORIZED
1. Only sworn police officers are authorized to drive Code 3.
2. Civilian personnel (including Community Service Officers) who are driving a police vehicle are not authorized to drive Code 3.
3. A call may justify a Code 3 response if one of the following elements is present:
   a. A violent crime in progress.
   b. The preservation of life.
   c. The prevention of a crime of violence.
   d. Assistance to conduct a felony stop.
   e. A serious public hazard.
   f. A public safety unit requests Code 3 cover or advises of other dire emergency.

4. If a Code 3 response is justified, the dispatcher may dispatch the minimum number of units required in the initial response Code 3. Any additional units shall be dispatched as back-up.
   a. Officers receiving a dispatched Code 3 assignment may elect not to respond Code 3 on the basis of field information. Officers shall inform the dispatcher of the code change and reason at the earliest possible opportunity.
   b. The final decision for responding Code 3 shall be made by the officer receiving the call. When more than one unit is assigned Code 3 in the general location, Communications shall broadcast that units are responding Code 3 in the area.
   c. Upon broadcast of a Code 4 by units on the scene or a supervisor, units shall immediately discontinue the Code 3 response. Officers shall not deactivate emergency equipment (red lights and/or siren) until they have resumed compliance with the rules of the road.

522.02
EMERGENCY CARE FOR INDIVIDUALS UNDER POLICE CARE OR CONTROL
5-18-18

PURPOSE
The purpose of this order is to establish procedures for medical care for individuals under police care or control.

POLICY
It shall be the policy of the Sacramento Police Department to provide emergency medical treatment to individuals under police care or control, while ensuring their safety and that of others during treatment.

PROCEDURE
A. EMERGENCY MEDICAL TREATMENT
1. Officers having any doubt concerning a person's condition shall request emergency medical assistance.
2. Officers shall provide first aid to injured parties if it can be done safely.
3. Officers shall be aware of behaviors indicative of medical distress such as the medical condition known as excited delirium. Excited delirium is a potentially fatal condition caused by a complex set of physiological conditions, including over-exertion of the subject and inability for sufficient respiration to maintain normal blood chemistry. Indicators of excited delirium are
   a. Bizarre/aggressive behavior.
   b. Dilated pupils.
   c. Fear/panic/paranoia.
   d. High temperature.
   e. Irrational/incoherent speech.
   f. Jumping into water.
   g. Profuse sweating.
   h. Public disrobing.
   i. Self-inflicted injuries.
   j. Shivering.
   k. Inconsistent breathing patterns.
   l. Seizure.
   m. Unexpected physical strength.
   n. Sudden tranquility.
4. If officers suspect that a subject is suffering from any medical distress, including excited delirium, they should place the subject into a comfortable position (e.g., seated or supine position, etc.), and attempt to keep the subject calm and still until Emergency Medical Services (EMS) arrive and can treat the subject.
5. Officers will use their training and experience in deciding if a subject is suffering from an overdose of opioids and whether it is appropriate to deploy intra-nasal naloxone (Narcan) as directed in G.O. 522.06 (Administration of Narcan).
6. Communications personnel receiving telephone requests for ambulances shall
   a. Make every effort to determine the seriousness of the situation.
   b. Follow established procedure for dispatch of appropriate emergency medical personnel.

B. REFUSAL OF MEDICAL ATTENTION
1. The Department has no authority to force a non-arrested injured or ill person of a sound mental state to be transported to a medical facility.

2. When officers encounter a situation involving a refusal to accept medical attention, an Incident Report (SPD 107) recording the facts and circumstances shall be completed.
   EXCEPTION: See G.O. 522.01 (Handling Mentally Ill Persons).

C. EMERGENCY MEDICAL AUTHORITY
1. The highest-level paramedic/emergency medical technician (EMT) on scene is in charge and responsible for the examination, treatment, and transportation of medical patients.
2. Police supervisors and/or officers shall inform paramedics/EMTs when a patient is in lawful custody and request the patient be transported to a facility designated to handle prisoners.
3. Law enforcement does not have the authority to order anyone to stop performing cardiopulmonary resuscitation (CPR) or to interfere with a paramedic/EMT.

D. OUT-PATIENT MEDICAL CARE FOR ARRESTEES
1. An arrestee requiring outpatient emergency medical care whose condition allows transportation in a passenger vehicle shall be taken to an emergency room.
2. Sacramento County's “intent to incarcerate” forms are located inside the Prisoner Watch Kit binder. The kits are stored at the following city emergency rooms: UC Davis Medical Center, Sutter General, Mercy General, Methodist, and Kaiser South.
3. The “intent to incarcerate” form shall be completed and signed by both the treating physician and the custodial officer.
4. After treatment is rendered, officers shall transport the subject with the proper documentation to the Sacramento County Jail.

E. ADMISSION OF AN ARRESTEE TO A MEDICAL FACILITY
1. If an ambulance is required, the patient should be sent to the nearest area hospital.
2. When the subject is waiting for or receiving medical attention, officers shall
   a. Remain with the subject at all times.
   b. Obtain an estimated time for medical clearance release.
   c. Notify their supervisor of the estimated length of hospitalization to allow the supervisor to initiate arrangements for prisoner watch if needed.
3. The affected watch commander shall be responsible for staffing extended prisoner watch assignments.
4. Officers shall complete all booking paperwork and give it to the prisoner watch officer before leaving the hospital, unless other arrangements have been made through the affected watch commander.
5. In any case in which more than one consecutive officer is required for prisoner watch, all officers involved shall
   a. Ensure a Prisoner Watch Log (SPD 916) is being kept.
   b. Document all observations on the SPD 916 as to occurrences on their shift. If there is no SPD 916 available, the officer shall document his/her actions within the C.A.D. call.
   c. Document prisoner comments and actions (e.g., if they are violent or a flight risk).
   d. Liaison with hospital police or security staff regarding the prisoner watch.
   e. Keep all SPD 916 pages with the prisoner’s paperwork until the prisoner is released for incarceration. When the prisoner is released for incarceration, the SPD 916 pages shall be turned in as a report supplement by the booking officer.

580.02
USE OF FORCE
9-17-20

PURPOSE

This policy establishes guidelines for the use and application of force, as well as the procedures for after-force medical care and for the reporting, investigation and review of incidents after an application of force.

POLICY

The Sacramento Police Department (SPD) values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions. Use of force (UOF) by peace officers is of important concern to the community. The role of law enforcement is to safeguard life, dignity, liberty of all persons, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

A peace officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance and the need for apprehension prior to the utilization of force. A peace officer shall continually evaluate tactics when determining the appropriate UOF response. If necessary, a peace officer shall render medical aid pursuant to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) as soon as reasonably possible.

A peace officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person. When making UOF decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

Peace officers shall use deadly force only when necessary in defense of human life or to prevent serious bodily injury. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force. SPD shall evaluate the UOF used by its peace officers to ensure that the use of such force is lawful and consistent with this policy.

PROCEDURE

A. DEFINITIONS

1. IMMINENT THREAT - An imminent threat is considered to exist if a subject has demonstrated actions that would lead one to reasonably believe that, based on the totality of the circumstances, the subject will continue to pose a threat if not apprehended immediately. A person is an imminent threat if the peace officer reasonably believes that the person has the present intent, means, opportunity and ability to complete the threat regardless of whether the threatened action has been initiated. Penal Code Section 835a (e)(2) states: “An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”
2. FEASIBLE - “Feasible” means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the peace officer or another person.

3. TOTALITY OF CIRCUMSTANCES – All facts known to, or perceived by, the peace officer at the time, including the conduct of the officer and the subject leading up to the UOF.
4. PROPORTIONALITY - When determining the appropriate level of force, a peace officer shall balance the severity of the offense committed, the threat to public safety and the level of force needed to overcome resistance based on the totality of the circumstances known to, or perceived by, the officer at the time.
5. DE-ESCALATION - Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the UOF or with a reduction of the force necessary. De-escalation tactics include, but are not limited to, warnings, verbal persuasion, and tactical repositioning.
6. CRISIS INTERVENTION TECHNIQUES (CIT) - A collaborative approach to safely and effectively address the needs of people with mental illnesses, link them to appropriate services, and divert them from the criminal justice system if appropriate. The primary goal of CIT is to improve peace officer and mental health consumer safety while reducing injuries to peace officers and consumers during law enforcement contacts. Crisis intervention techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.
7. LEVELS OF RESISTANCE DEFINITIONS
    a. COMPLIANT - Subject offers no resistance.
    b. PASSIVE NON-COMPLIANCE - Does not respond to verbal commands but also offers no physical form of resistance.
    c. ACTIVE RESISTANCE - Physically evasive movements to defeat a peace officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
    d. ASSAULTIVE - Aggressive or combative; attempting to assault the peace officer or another person, verbally or physically displays an intention to assault the peace officer or another person.
    e. LIFE-THREATENING - Any action likely to result in serious bodily injury or death of the peace officer or another person.
8. FORCE DEFINITIONS
    a. OBJECTIVELY REASONABLE FORCE - An objective standard of force viewed from the perspective of a reasonable peace officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to, or perceived by, the peace officer at the time.
    b. NECESSARY FORCE – Peace officers may use deadly force only when necessary in defense of human life or serious bodily injury. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force. (Penal Code 835a).
    c. REPORTABLE UOF - Any UOF that causes injury as defined below; any UOF whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, or CED; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the department (section G.4. & G.5.).
    d. LESS LETHAL FORCE- Any force that is not reasonably likely to cause death. Less lethal force options include, but are not limited to, the use of the CED, baton, chemical agents, 40mm projectiles, bean bag shotgun rounds, personal body weapons, and control holds.
    e. DEADLY FORCE - Any force that poses a substantial risk of causing death or serious bodily injury is considered deadly force. Deadly force may include, but is not limited to, the discharge of a firearm, an intentional strike to the head with an impact weapon or an improvised impact weapon.
9. INJURY DEFINITIONS

a. INJURY - Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the UOF applied. Injury, as defined in this order, does not include the temporary pain associated with the proper application of control holds and/or restraints.
b. SERIOUS BODILY INJURY - A serious impairment of physical condition, including but not limited to loss of consciousness, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

B. DUTY TO INTERVENE

1. A peace officer shall intervene when they observe another peace officer using force that is clearly beyond that which is objectively reasonable under the circumstances, and when in a position to do so, prevent the use of unreasonable force, and report the incident to their immediate supervisor.
2. Peace officers shall report potential unreasonable force to a superior officer and/or Internal Affairs (IA) when present and observing another peace officer using force that the officer believes to be beyond that which is necessary, as determined by a reasonable peace officer under the circumstances based upon the totality of information actually known to the officer.

C. VERBAL WARNING

If feasible, and if doing so would not increase the danger to the peace officer or another person, the peace officer shall make every attempt to identify themselves and to issue a clear and comprehensible verbal warning before using any type of force that is likely to cause any serious bodily injury or death, so that the subject(s) may submit to the authority of the peace officer.

D. RENDERING MEDICAL AID

Peace officers on scene shall render aid and/or summon medical assistance pursuant to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) when any UOF has resulted in any type of injury or death regardless of custody status.

E. CONSIDERATIONS GOVERNING UOF

1. All applications of force whether deadly or less lethal are governed by this policy.
2. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force necessary to effect the arrest, to prevent escape or to overcome resistance.
3. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts because 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 objectively reasonable force (in compliance with Penal Code section 835a) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other de-escalation tactics.
4. When using force, a peace officer should only use techniques and equipment that are approved by the department.
5. Circumstances may arise in which a peace officer reasonably believes that it would be impractical or ineffective to use any of the tools, weapons or techniques provided by SPD. A peace officer may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the peace officer may resort to using any objectively reasonable means of force. The use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.
6. When feasible under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to peace officers or another person, peace officers shall attempt to de-escalate situations.
7. When a peace officer believes they are dealing with a mentally ill, developmentally disabled, or an emotionally disturbed subject, the officer shall, if time and circumstances reasonably permit, utilize CIT.
8. Peace officers shall ensure that a crime scene barrier is placed to preserve the scene and shield the public’s view of a deceased subject after they have been declared deceased.

9. Authorized non-sworn uniformed department personnel shall only use the CED or OC in immediate defense of themselves or another member of the department.
10. Authorized non-sworn uniformed department personnel who use the CED or OC in defense of themselves or another person shall:
    a. Attempt to get away from the situation as soon as possible.
    b. Not engage the subject and immediately call for code 3 assistance from sworn peace officers.
11. When determining whether to apply force and evaluating whether a peace officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. Those factors may include, but are not limited to:
    a. The immediacy and severity of the perceived threat to peace officers or another person (PC 835a)
    b. The conduct of the subject being confronted (as reasonably perceived by the peace officer at the time)
    c. Officer versus subject factors such as age, size, relative strength, skill level, injuries sustained, level of exhaustion and number of peace officers available versus subjects
    d. The conduct of the involved peace officer (PC 835a)
    e. The effects of drugs or alcohol
    f. The subject's apparent mental state or capacity (PC 835a)
    g. The subject's apparent ability to understand and comply with officer commands (PC 835a)
    h. The proximity or access of weapons to the subject
    i. The level of threat or resistance presented by the subject
    j. The availability of other reasonable and feasible options and their possible effectiveness (PC 835a)
    k. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained
    l. The seriousness of the subject offense or reason for contact with the subject
    m. The training and experience of the peace officer
    n. The potential for injury to peace officers, subjects or another person
    o. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the peace officer
    p. The risk and reasonably foreseeable consequences of escape or apparent attempt by the subject
    q. The apparent need for immediate control of the subject who was posing an imminent threat to peace officers or another person
    r. Whether the conduct of the subject being confronted no longer reasonably appears to pose an imminent threat to the peace officer or another person
    s. Prior contacts with the subject or awareness of any propensity for violence
    t. The environmental factors and/or other exigent circumstances.
    u. The availability of other resources
    v. Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

F. PROHIBITED USES OF FORCE

1. Peace officers shall not use force:
    a. By means of a carotid control hold, choke hold, or any other type of neck restraint unless the officer reasonably believes there to be an imminent threat of serious bodily injury or death.
    b. Against subjects who are not subject to arrest or detention, except to protect the officer or another person.
    c. Against subjects who are handcuffed or otherwise restrained, except where the subject is actively resisting, attempting escape, or poses an imminent threat to the peace officer, themselves or another person.
    d. Against subjects for the sole purpose of preventing the exercise of first amendment rights, when a legitimate law enforcement purpose does not exist.

e. To punish or to retaliate.
f. To stop a subject from swallowing a substance that is already in their mouth.

G. FORCE OPTIONS

1. Peace officers have a variety of force options available to them. Peace officers do not need to follow a continuum of force but shall select the UOF they deem appropriate for the circumstances, ensuring their UOF complies with the law, the provisions of this policy and any specific department policies or manuals governing the type of force they select to use.
2. Peace officers shall continue to assess their UOF selection and either transition to a different UOF option or discontinue a UOF based on their assessment, ensuring their UOF option remains reasonable for the circumstances.
3. Equipment for Sworn Peace Officers
   a. Issued and required on person
      (1) Firearm
      (2) Conductive Energy Devices (CED)
      (3) Impact weapons (Baton)
      (4) Handcuffs
      (5) Radio
      (6) Oleoresin Capsicum (OC) spray
      (7) Body Worn Camera (BWC)
      (8) Flexible Body Armor
   b. Issued and need to have readily available. This is not a complete list of other issued equipment:
      (1) Less Lethal Shotgun (readily available in patrol vehicle)
      (2) Patrol rifle (readily available in patrol vehicle and for qualified sworn personnel)
      (3) Flashlight
      (4) Gas Mask
      (5) Ballistic Helmet
      (6) Orange reflective vest
4. Required Equipment Issuance and UOF options for Non-Sworn Uniformed Department Personnel
   a. Issued and required on duty belt:
      (1) Oleoresin Capsicum (OC) spray
      (2) Conductive Energy Devices (CED)
5. UOF Options for Sworn Peace Officers
   a. The following is an alphabetical list of UOF options. This is not a complete list of options:
      (1) Bola Wrap
      (2) Chemical Agents
      (3) Conductive Energy Devices (CED)
      (4) Control Holds
      (5) Discharge of Firearms and Other Deadly Force
      (6) Impact Weapons (baton)
      (7) Less Lethal Weapons Systems
      (8) Personal Body Weapons
      (9) Pointing of a Firearm at a Person
      (10) Takedowns
      (11) Use of Canine
      (12) Verbal Commands/Instructions/Command Presence
6. The following is a list of SPD policies and manuals covering specific UOF topics:
   a. GO 580.04 (Firearms)
   b. GO 580.10 (Use of the Conductive Energy Device (CED)
   c. GO 580.12 (Less Lethal Weapons Systems)
   d. GO 580.14 (Use of Canine)

e. GO 580.20 (Deployment of BolaWrap®)
f. RM 523.02 (Search and Handcuff Manual)
g. RM 532.09 (Arrest of Passive Resisters Manual)
h. RM 532.11 (Crowd and Riot Control Manual)
i. RM 580.07 (Chemical Agents Manual)
j. RM 580.08 (Baton Manual)

H. USE OF PERSONAL BODY WEAPONS

Personal body weapon (PBW) is the improvised use of a part of a peace officer's body, including but not limited to the head, hands, arms, legs, and feet, as an impact weapon to deliver a strike to a subject.

1. A peace officer may use PBWs to transition to a better position of advantage (i.e., positional change, handcuffing, etc.) to create distance/space, or overcome an assaultive subject.
2. When PBWs are used, peace officers must continually evaluate the ability to transition to a more advantageous position and/or recognize the signs of submission/compliance by the subject.
3. PBWs shall not be utilized against subjects solely engaging in passive non-compliance or merely active resistance.
4. PBWs should not be used on handcuffed persons unless they are exhibiting active aggression and/or to prevent subjects from harming themselves or another person.

I. USE OF A CONDUCTIVE ENERGY DEVICE (CED)

1. A peace officer may deploy and use the CED under the following circumstances:
   a. To incapacitate a subject whose conduct rises at least to the level of active resistance. This includes threats or pre-indicators leading up to assaultive or resistive behavior.
   b. To incapacitate a suicidal subject who can't be safely controlled through crisis intervention techniques or other force options.
2. Peace officers shall avoid using the CED for more than a total of three (3) five-second cycles (15 seconds), unless the totality of the circumstances are such that a reasonable peace officer would conclude that each subsequent application of the CED, analyzed separately, is warranted by the imminent threat to the officer or another person.
3. CED deployment shall cease when the subject no longer represents an imminent threat to the peace officer or another person.
4. The use of the CED is considered a serious UOF. Each individual cycle of the CED must be objectively reasonable under the circumstances.
5. The CED should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression and/or to prevent subjects from harming themselves or another person.
6. The CED shall be used pursuant to GO 580.10 (Use of the Conducted Energy Device (CED).

J. POINTING A FIREARM

1. Nothing in this policy shall preclude a peace officer from drawing of a firearm when the officer reasonably believes it necessary for the safety of the officer or another.
2. Detentions involving the pointing of a firearm at a person shall be entered into RIPA pursuant to GO 210.09 (RIPA).
3. The pointing of a firearm at a person shall be documented in the appropriate report, RIPA and on the CAD call using the abbreviation "FPAP" (Firearm Pointed At Person).

K. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

1. The use of a firearm or other deadly force is the most serious decision a peace officer may make. In determining whether deadly force is necessary, peace officers shall evaluate each situation considering the circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to a reasonable peace officer.
2. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary against imminent threat of serious bodily injury or death.
3. Peace officers are authorized to use a deadly level of force under the following circumstances:

a. To prevent a crime where the subject's actions are reasonably believed to place others in imminent jeopardy of serious bodily injury or death; or,
b. To prevent the escape of a fleeing subject when the peace officer reasonably believes the escape will pose a significant threat of serious bodily injury or death to the peace officer or another person if apprehension is delayed.

4. A peace officer shall not use deadly force against a person who presents only a danger to themselves and does not pose an imminent threat of serious bodily injury or death to another person or officer.
5. A subject gaining control of one or more pieces of a peace officer's equipment, without the subject presenting an imminent threat of serious bodily injury or death, is not enough to justify the use of deadly force.
6. A peace officer may discharge a firearm in the performance of their official duty:
   a. To protect themselves or another person from what is reasonably believed to be an imminent threat of serious bodily injury or death.
   b. To prevent a crime where the subject's actions are reasonably believed to place person(s) in imminent jeopardy of serious bodily injury or death.
   c. To effect an arrest, prevent an escape, or recapture an escapee when the peace officer reasonably believes the subject to be arrested poses an imminent threat to cause serious bodily injury or death if apprehension is delayed.
   d. At a firing range, pursuant to all safety rules and regulations.
   e. To stop a potentially aggressive animal, such as a dog, if the animal reasonably appears to pose an immediate threat of serious bodily injury or death to a peace officer or to another person and alternative methods are not feasible or would likely be ineffective.
      (1) In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Conducted Energy Device, oleoresin capsicum (OC) spray, animal control peace officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
7. Firearms shall not be discharged as a warning.
8. Peace officers shall make every attempt to consider their surroundings and potential risks to bystanders and other peace officers to the extent reasonable under the circumstances, before discharging a firearm.
9. The decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force.
10. When an employee discharges or attempts to discharge a firearm while on or off duty, intentionally or accidentally, the employee shall immediately notify the on-duty watch commander. This does not include intentional discharges at a range or for recreational purposes (e.g., hunting, private target practice, or other similar activities).

L. MOVING VEHICLES

1. A peace officer shall make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
2. A peace officer shall make every reasonable effort to not intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer.
3. Peace officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
4. Peace officers shall not discharge a firearm at or from a moving vehicle unless one of the following circumstances exists:
   a. The peace officer reasonably believes that deadly force, or the imminent threat of deadly force, is being used against a peace officer or another person by means other than the moving vehicle.

b. The peace officer reasonably believes that the driver is using or is attempting to use the vehicle as a means to cause injury or death to the peace officer or another person.

5. In reviewing incidents involving the discharging of a firearm from a moving vehicle or at a moving vehicle, SPD will consider the totality of the circumstances, including but not limited to whether the peace officer or another person were in imminent danger of serious bodily injury or death and whether the peace officers present employed tactics consistent with SPD's UOF principles and approved training.

M. MANDATORY REPORTING PROCEDURE

1. Reporting Uses of Force

a. Employees shall notify the field supervisor as soon as practical anytime any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with a peace officer.

b. A reportable UOF is any UOF where any of the following apply:

(1) The UOF involves:

(a) The discharge of a firearm.
(b) A canine bite.
(c) The use of an impact weapon.
(d) The use of a chemical agent.
(e) The application caused a visible injury.
(f) The subject subjected to the force complained of injury or continuing pain.
(g) Any application of a CED
(h) The subject subjected to the force was rendered unconscious.
(i) The use of personal body weapons.
(j) Any UOF as outlined in Appendix #1 with the corresponding reporting requirements in Appendix #2 (refer to Appendix #1 and #2 at end of policy).
(k) A subject alleges any of the above has occurred.

(2) The UOF deviates from the techniques taught or the equipment provided by the department (see in section G.4. & G.5.).

(3) The UOF causes injury.

(a) For the purpose of determining if a UOF is reportable, an injury is defined as any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the UOF applied. The temporary pain associated with the proper application of control holds and/or restraints is not an injury for purposes of determining if a UOF is reportable.

c. If a peace officer is in doubt as to whether a UOF is reportable, the officer shall notify their field supervisor, who will then be responsible for making the determination.

d. After notifying the field supervisor:

(1) The peace officer shall complete the applicable report(s) (crime, casualty, and/or incident). The report shall include a complete detailed description of how and why force was used, as well as a description of injuries that the subject received or claims to have received.

(2) All peace officers on scene shall write supplemental observations whether or not they used force.

(3) A peace officer booking an arrested subject shall notify the appropriate jail medical staff employee of the injury and type of force used.

(4) The peace officer shall forward through the chain of command to the Professional Standards Unit (PSU) a competed red border form (RM 3).

e. Whether or not a UOF is reportable under this policy, any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with a peace officer shall be documented in a crime, casualty, or incident report. The peace officer's field supervisor shall be notified. Brief resistance to the application of departmentally approved control holds does not require a report.

2. Supervisors' Responsibilities

a. Upon notification of a reportable UOF, the peace officer's field supervisor shall:

(1) Respond to the location of the arrest to ensure that a thorough investigation takes place. A thorough investigation into a UOF by a peace officer should include, but is not limited to, an area canvass (for witnesses, evidence and surveillance video), witness statements (which should be obtained by a supervisor or peace officers not involved in the UOF), subject statements, and photographs of the scene and any injuries. If the supervisor is unable to respond to the location of the arrest, the supervisor shall note the reasons why on the call.
(2) Review the incident with the arresting peace officer and/or other officers.
(3) Review all recordings (both audio and video) of the event, including In-Car Camera, Body Worn Camera video, and any available surveillance video).
(4) Assess the appropriateness of the UOF and any charge(s) against the subject.
(5) Consider arranging for other peace officers to transport and book the subject in the event the subject continues to display hostile, confrontational, or oppositional behavior toward the arresting officer(s).

b. Management Level Review

(1) The peace officer's field supervisor shall initiate a management level review by making a tracking software entry whenever the following reportable UOF events occur:
  (a) Any reportable UOF that results in the subject requiring a medical clearance (Fit for Incarceration report) prior to booking or, if the subject is not booked into jail or juvenile hall, any injury that would likely require a Fit for Incarceration report.
  (b) Any reportable UOF, involving the discharge of a firearm, a canine bite, or the use of an impact weapon, chemical agent, or CED.
  (c) Any reportable UOF that deviates from the techniques taught or the equipment provided by the department.
  (d) Any UOF the supervisor or watch commander determines should be subject to a management level review.
(2) The field supervisor shall immediately notify the watch commander upon determining that a management level review is required.
(3) The field supervisor shall enter the following information into the tracking software:
  (a) List of peace officers involved.
  (b) The type of force that was used.
  (c) The extent of injuries (if any) to the peace officer and the subject.
  (d) Whether or not the supervisor responded to the scene and if not, why.
  (e) Any administrative actions taken by the supervisor or other personnel.
  (f) All pertinent documents shall be attached to the entry.
(4) Tracking software entries should be completed within 30 days of the incident date.
(5) In cases where a firearm has been discharged or the UOF results in death, the tracking software entry shall be completed by IA/PSU and shall not be completed by the field supervisor.
(6) If the UOF was captured on non-departmental video, a copy of the video shall be forwarded to PSU.
(7) All uses of force shall be categorized using the level of force definitions. (See Appendix #1.)
(8) The watch commander shall review with the field supervisor any uses of force that are subject to management level review. If, after the review, the watch commander determines that the UOF was inconsistent with department policy, the watch commander shall contact the peace officer's captain and review the incident. If necessary, the captain will refer the incident to Internal Affairs.
(9) UOF deployed by supervisors
  (a) In the event a sergeant uses force or gives a peace officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the watch commander will be responsible for identifying the person responsible for complying with this section.
  (b) In the event a manager uses force or gives a peace officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the manager shall notify their direct

superior and the superior shall be responsible for identifying the person responsible for complying with this section.

N. OFFICER INVOLVED SHOOTING RESPONSE AND INVESTIGATION

1. Duties of the Initial On-Scene Supervisor

In any peace officer-involved shooting, the initial on-scene supervisor or district sergeant shall:

a. Respond immediately, take charge, and ensure the watch commander has been notified of the incident.

b. Stabilize the situation and establish protection of the crime scene. All personnel desiring to gain access to the scene shall be referred to the crime scene recorder.

c. Obtain a brief overview of the situation.

(1) The supervisor shall attempt to gain an overview of the situation by contacting non-shooting officer(s).

(2) If the supervisor is unable to gain an overview of the situation from non-shooting peace officers, the supervisor shall obtain a public safety statement from at least one shooting officer. The on-scene supervisor shall ensure shooting peace officers are only contacted once and that additional supervisors do not repeat the request for a public safety statement.

(3) Public safety statements are conducted using SPD Card 136. The supervisor will ask the series of preliminary questions contained on SPD Card 136. While these questions are intended to cover most situations, they may not fit every incident. Supervisors may deviate slightly from the questions to match the facts of the incident but should be careful to limit their questions to only obtaining information needed for a public safety statement. The SPD Card 136 questions are:

(a) What was your approximate location(s) when you discharged your firearm?

(b) What was the approximate number of rounds you fired and in what direction?

(c) Do you know if any other peace officers fired any rounds?

(d) Is it possible the suspect(s) fired rounds at you? If so, from what direction?

(e) Are you aware of any victims/witnesses/injured people? If so, what is their location?

(f) Are there any outstanding suspect(s)? If so, what is their description, direction and mode of travel? Are there weapons involved?

(g) Are there any weapons/evidence that need to be secured? If so, what is their location?

(4) If a peace officer declines to give a public safety statement the supervisor may administratively order any SPD officer to immediately provide limited public safety information necessary to secure the scene, locate witnesses/evidence, request additional resources and pursue outstanding suspect(s). If the shooting involves peace officers from an outside agency involved within city limits, the supervisor will have to coordinate obtaining the above information with a supervisor from that outside agency.

d. After obtaining a public safety statement, administratively order each involved peace officer not to discuss the incident with other peace officers until they receive further direction from a supervisor and to turn off their body-worn cameras.

e. Physically collect the body-worn cameras from all involved peace officers and place them into separate envelopes to start the chain of custody. This camera(s) will later be turned over to investigators for downloading of their contents.

f. Separate involved officer(s), assign a Peer Support member to each officer, and coordinate with the watch commander to move the officer(s) to an off-site staging area.

g. Remain on-scene to brief arriving investigators and be there to answer any questions as they may arise.

h. After turning the scene over to the Homicide Sergeant, the supervisor shall prepare a supplemental report, memorializing the Public Safety Statement(s) and other actions taken at the scene for the general offense report (GO).

i. Give consideration toward GO 570.03 (Post-Trauma Response) and offer the employee(s) peer support pursuant to GO 570.04 (Peer Support Program).

2. Officer Involved Shooting Investigation
   a. Care should be taken to preserve the integrity of any physical evidence present on the involved peace officer(s) and the officer(s)' equipment and/or clothing (e.g. blood, fingerprints, etc.) until investigators or Forensic Investigators (FI) can properly retrieve it.
   b. Evidence collection shall minimally consist of:
      (1) Retrieving and booking any expended cartridges, bullets, along with all live ammunition pertinent to the incident.
      (2) Diagramming of the crime scene, including positions of persons and objects and the trajectories of expended shots.
      (3) Producing adequate pictorial sketches and photographs, including the use of a video camera if necessary, of damaged property.
      (4) Obtaining a recording of all radio transmissions within ten (10) days or as soon as they are available.
      (5) Obtaining copies of the peace officer(s)' firearm training records.
      (6) Determining factors of probable cause, if present, that contributed to the peace officer(s)' decision in discharging a weapon.
      (7) Ensuring all items of evidence related to the shooting are collected and booked.
      (8) Noting the condition of city equipment that may be associated with the weapon discharge. Removing from service for later inspection all such equipment that could remotely be attributed to or may have been damaged, For example:
         (a) If a weapon discharged due to being caught on the peace officer's gun belt or clothing, book all such articles.
         (b) If the discharge was the result of a vehicle door closing on a peace officer with the weapon drawn, remove the vehicle from service.
   c. Obtain statements from all person's present.
   d. Have the area canvassed for witnesses and obtain statements.
   e. Involved peace officers shall not review any video at the scene without supervisor approval except for exigent public safety reasons (e.g., providing subject description, subject's direction of travel, vehicle description, weapon type etc.).
3. Watch Level Investigation Following an Officer Involved Shooting
   a. The following shooting incidents shall be investigated at the watch level:
      (1) Shooting of an animal.
      (2) Accidental discharge without injury.
      (3) Unsuccessful attempted discharge (e.g., weapon malfunction).
   b. The on-duty watch commander shall:
      (1) Initiate an administrative investigation involving the discharge of firearms, except accidental discharges at the range. The investigation shall be documented in a memorandum and sent through the chain of command to the appropriate office chief. The report shall then be forwarded to the Professional Standards Unit (PSU), where the report shall be kept on file.
      (2) Designate a sergeant as the principal investigating supervisor.
   c. If, in the watch commander's opinion, a more thorough investigation is necessary, a homicide callout may be initiated.
4. Homicide Unit Responsibilities Following an Officer Involved Shooting
   a. The Homicide Unit shall investigate the following shooting incidents:
      (1) Intentional discharge at a person.
      (2) Discharge resulting in serious bodily injury or death to a person.
   b. After the scene has been stabilized and imminent threats of hostility neutralized, command of the scene shall be relinquished to the Homicide Unit supervisor.

c. Homicide detectives shall be aware that any shooting may have a traumatic effect upon involved and uninvolved peace officers. Detectives shall conduct their investigation in a professional manner that shall not add unnecessary trauma to the situation.
d. District Attorney's Office (DA) and Office of Public Safety Accountability (OPSA) Notification
   (1) The DA and OPSA or their designees shall be notified to respond to all officer-involved shootings that result in injury to another person.
   (2) The DA and OPSA shall be permitted access to the incident scene to the extent possible without contaminating evidence or otherwise disturbing the scene. Their presence is to merely observe and familiarize themselves with the situation.
   (3) The DA shall conduct an independent assessment of the circumstances and will issue written findings.

5. Death Notifications:
   a. The Office of Investigations Captain or designee shall contact the Coroner's Office as soon as practical in an attempt to identify the next of kin of any subject who dies in police custody or as result of a UOF incident.
   b. The Coroner's Office shall make the death notification to the next of kin.
   c. The Office of Investigations Captain or designee shall identify an investigative sergeant to serve as an information liaison between the deceased subject's next of kin and the department. Investigative updates shall be provided to the next of kin as needed or requested.
6. Surrender/Inspection of Weapons Following an Officer Involved Shooting
   a. A peace officer shall be allowed to retain a handgun while at the scene. Firearms other than the involved officer(s)' handgun (e.g., rifles, etc.) that have been discharged shall be secured by the watch commander after the situation has been stabilized. A peace officer may be required to surrender their handguns at the scene if a replacement weapon is immediately available. If this occurs, it shall be accomplished in a private area outside the view of the public or the media.
   b. The peace officer(s)' weapon(s) shall be inspected by an investigator who is familiar with the weapon system used, and documented as follows:
      (1) The magazine shall be removed.
      (2) The chamber shall be checked and cleared, and its condition noted.
      (3) All live rounds shall be counted, or the cylinder be opened, and the number and location of spent and live rounds described and diagrammed (if necessary).
      (4) The serial number shall be recorded.
      (5) The weapon shall then be reloaded and returned to the peace officer or booked at the discretion of the investigator.
   c. On an accidental discharge, the weapon shall be booked and referred to the armorer for inspection.
   d. The peace officer's supervisor shall ensure that a replacement weapon is issued in a timely manner. Replacement weapons shall minimally be kept available at all substations and in the Detective Division.
   e. Any other weapon at the scene may be inspected by the investigating peace officers at their discretion.
7. Transportation from the Scene
   a. As soon as is practical, the involved peace officer(s) shall be transported from the scene to an offsite staging area, usually the nearest department facility. The peace officer(s) shall be kept secure from public confrontations pursuant to (GO 570.04) Peer Support Program.
   b. Peer Support members shall not remove the involved peace officer(s) from the scene without approval of the Incident Commander (IC).
   c. A peace officer being transported to a police facility in a marked unit shall not be placed in the rear seat unless under arrest. A peace officer may be transported from the scene by their SPOA representative and/or their attorney when appropriate.
8. Incident Documentation

a. Every peace officer shall prepare a written report of their activity and observations as soon as reasonably practical unless an oral statement is taken from detectives. Peace officers who complete oral interviews are not required to prepare a written report.
b. A peace officer may be directed to prepare reports at the Detective Division at the discretion of the investigating supervisor or higher authority.
c. Injured peace officers are exempt from preparing a report until physically capable.
d. Reports shall be submitted and approved prior to end of watch unless circumstances make the completion of a report unreasonable as determined by an appropriate supervisor.
e. Outside agency personnel may use their own report forms. Copies of the reports may serve as SPD supplements.
f. A peace officer shall be advised of their Miranda rights when:
   (1) Under arrest.
   (2) Information available to the investigator(s) causes them to believe the peace officer is criminally responsible.
   (3) The peace officer makes incriminating statements during an oral interview.
g. While a peace officer(s) is providing a voluntary oral interview for statement under Miranda, the following personnel may view the process:
   (1) Assigned detectives, supervisors, Internal Affairs Division (IAD) investigator, PSU representative, DA investigator, OPSA representative, and/or the peace officer's legal representative.
   (2) Except with the expressed authorization of the ranking detective or supervisor, no others shall be allowed to view the interview.
h. When an oral interview is conducted, it shall be audio recorded if possible. The peace officer(s) shall be informed that the interview is being recorded.
i. No more than two (2) detectives shall be in the interview room with a peace officer. A peace officer may have representation present during any interview. The representative shall not obstruct or otherwise interfere with the investigative process. However, the representative may invoke Miranda to protect the peace officer from self-incrimination.
j. Involved peace officer(s) and their representatives will have access to their In-Car Camera and Body-Worn Camera recordings and/or other reasonably available recordings of the incident that depicts the involved peace officer or the perspective of the involved peace officer at the time of the incident. However, if such a recording also contains significant content outside these parameters, the Chief of Police, or designee, may redact or withhold the portions of the video containing the content. The peace officer and their representative shall be notified of any redactions or withholdings. A peace officer shall be encouraged to recall the circumstances and provide a chronological outline of the incident. The peace officer(s) shall have the opportunity to talk to an SPOA representative or attorney prior to giving an oral or written statement.
k. The interviewing detective shall be sensitive to the physical needs and emotional well-being of the peace officer. When appropriate, food and drink shall be provided. The detective shall:
   (1) Ensure that the peace officer is able to move about the office without confronting subjects, witnesses, or the media.
   (2) Ask the peace officer(s) if they wish to talk with the police chaplain and/or a Peer Support member pursuant to (GO 570.04) Peer Support Program.
l. A peace officer who is an eyewitness to a shooting shall:
   (1) Respond to the Detective Division to complete a written report or oral interview.
   (2) Be directed to an available desk away from other peace officers or distractions.
   (3) Proceed with the preparation of a written report or make notes for the oral interview.
m. If applicable, the investigating supervisor shall complete or shall ensure the completion of:
   (1) An After-Action Report (SPD 005) pursuant to GO 532.13 (After Action/Debriefing Reports).
   (2) A red border form (RM3).

9. Shooting by SPD Peace Officers Outside City Jurisdiction

a. Whenever a peace officer, by discharge of a firearm, causes a death or injury outside the city jurisdiction, the peace officer shall notify the agency having jurisdiction and their watch commander, who shall ensure IAD is notified and assigned to assist the agency conducting the investigation for purposes of coordination and keeping informed of the investigation.
b. If the agency having jurisdiction does not have the resources available to conduct the investigation and requests the SPD conduct the investigation, the watch commander shall be notified. The watch commander shall assess whether SPD will conduct the investigation.

10. Shooting by Peace Officers of Another Law Enforcement Agency Within City Jurisdiction
    a. If death or injury is the result of a police shooting by another law enforcement agency, the Homicide Unit shall be notified to handle the investigation. The other agency shall be notified immediately so they may monitor the investigation pursuant to GO 560.01 (Arrest and Investigation by Allied Agencies).
11. Refresher Training
    Any peace officer involved in an accidental or intentional firearms discharge shall undergo firearms refresher training prior to returning to full duty. Refresher training:
    a. Shall be in accordance with the module prepared by the Training Section.
    b. May include topics such as officer safety tactics, policy, and the law.
    c. Shall be conducted by an authorized range master who shall direct a memorandum to the Captain, Personnel Service Division (PSD), or designee, indicating that the peace officer has received firearm refresher training.
    d. Shall be documented and submitted to the PSD to be placed in the peace officer's personnel file and a copy forwarded to PSU to be placed in the department's incident folder and tracking software system.
12. Return to Duty
    Return to duty for each employee involved in a fatal or injury shooting shall only occur after:
    a. Consideration has been given to GO 570.03 (Post Trauma Response).
    b. The COP, or designee, has notified the City Manager.

O. REVIEW PROCEDURES
1. Internal Affairs Division
    a. The IAD captain shall direct IAD investigators or PSU representatives to respond as needed.
    b. If an involved peace officer has elected to not provide criminal investigators with a voluntary statement, the assigned IAD investigator shall conduct an administrative interview to determine all relevant information.
    c. Prepare a memorandum to the involved peace officer(s) advising them of any in policy shooting review disposition.
2. Professional Standards Unit
    PSU shall:
    a. Have access to all reports and investigative materials regarding any officer shooting incident with the exception of IAD investigative files.
    b. Keep and maintain reports and related material indefinitely.
    c. Contact the City of Sacramento Risk Manager by the next business day to discuss any potential civil liability issues.
    d. Schedule and facilitate a preliminary review and final review.
    e. Collect data and report statistics on UOF incidents.
    f. Maintain the Early Intervention Program (EIP).
3. Administrative Review
    a. Officer involved shootings, other uses of force resulting in death, in custody deaths and other significant events at the discretion of the Chief of Police shall be reviewed via the following two-step process:
        (1) Preliminary Review

(a) This review shall take place within the first 30 days following the incident. Extensions beyond the 30-day deadline must be approved by the Chief of Police.
(b) The Preliminary Review is intended to be a high-level analysis of the incident evaluating our organizational performance. This review should be facilitated by the Area Captain.
(c) If the incident involved a UOF, the policy issues related to the specific application of force during the event shall not be addressed.
(d) Areas covered should include an overview of facts, initial response, training, equipment, policy considerations other than the specific application of force and internal and external communication.
(e) The Captain of the Office of the Chief shall prepare and submit a memo documenting the findings of the preliminary review to PSU.

(2) Internal Affairs Administrative Review
(a) The Internal Affairs Division shall investigate the incident for policy compliance.
(b) The internal affairs investigation shall commence immediately following the incident.
(c) Any policy violations that occurred outside of the UOF application will be investigated within the normal internal investigation procedures and conclude as soon as possible.
(d) The investigation into the UOF application will not conclude until all criminal investigations have been completed, and the District Attorney's office or, when applicable, other state or federal agencies have rendered a legal opinion on the UOF.
(e) Once the Internal Affairs Review of the UOF application has been completed, the final policy review will be scheduled.

(3) Final Policy Review
(a) An administrative review to determine if the force used during the incident complied with department policy.
(b) Takes place after the District Attorney has rendered an opinion on the UOF.
(c) Shall be chaired by the Deputy Chief, Office of Investigations, and minimally consist of:
1) Captain(s) of the involved employee(s)
2) Lieutenant, Training Division
3) Watch Commander
4) Department Range Master
5) PSU
6) Risk Management
7) Office of Public Safety Accountability Director
8) SPOA President
(d) Sworn managers attending the Final Policy Review shall recommend to the COP whether the specific UOF was within department policy.
(e) The investigating Watch Commander or Homicide Sergeant shall be prepared to fully explain the investigation during the final policy review.
(f) The Homicide Sergeant shall ensure that a copy of the District Attorney's review letter is forwarded to PSU for proper filing and distribution to the involved employee(s).
(g) The Captain of the Office of the Chief shall prepare and submit a memo documenting the findings of the Final Policy Review to PSU.

P. UOF REVIEW BOARD

All Level 1 and Level 2 UOF incidents will be reviewed on a monthly basis pursuant to GO 580.01 (UOF Review Board).

Q. DISCLOSURE OF PUBLIC RECORDS

The department will disclose public records pursuant to state and federal law.

R. REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

PSU shall submit statistical data regarding all qualifying officer-involved shootings and incidents involving UOF resulting in serious bodily injury is to be reported to the California Department of Justice (URSUS) as required by Government Code 12525.2.

S. UOF ANALYSIS AND POLICY REVIEW
   1. At least annually, PSU should prepare an analysis report on UOF incidents. The report should be submitted to the Chief of Police. The report should not contain the names of peace officers, subjects or case number but should include:
      a. The identification of any trends in the UOF by members.
      b. Training needs recommendations.
      c. Equipment needs recommendations.
      d. Policy review and revision recommendations.

T. TRAINING
   1. At least annually, all sworn personnel shall receive training related to this agency's UOF policy and related legal updates for the following:
      a. Legal standards for UOF
      b. Duty to intervene
      c. The use of objectively reasonable force
      d. Supervisory responsibilities
      e. UOF review and analysis
      f. Guidelines for the use of deadly force
      g. State required reporting.
   2. Additional regular and periodic training shall include:
      a. Training standards and requirements relating to demonstrating knowledge and understanding of the law enforcement agency's UOF policy.
      b. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
      c. Minimum training and course titles related to the objectives in the UOF policy include but are not limited to:
         (1) De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
         (2) Implicit and explicit bias and cultural competency.
         (3) Skills including de-escalation (crisis intervention) techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
         (4) Alternatives to the use of deadly force and physical force, so that de-escalation tactics and less lethal alternatives are, where feasible, part of the decision-making process leading up to the consideration of deadly force. Enhancing a peace officer's discretion and judgment in using less lethal and deadly force in accordance with this policy.
         (5) Mental health and policing, including bias and stigma.
         (6) Using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement peace officers and community members to increase trust and reduce conflicts.
         (7) UOF scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making.
   3. All UOF training provided to all sworn personnel shall be documented by the department.

U. LEGAL REFERENCES
   1. California Penal Code sections 196 and 835a.
   2. *GRAHAM V. CONNOR* (1989) 490 U.S.386 is a legal standard which defines what reasonable force is. The court's decision "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an imminent threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a

reasonable officer on scene, rather than with 20/20 vision of hindsight... the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."

3. *TENNESSEE V. GARNER* 471 U.S. 1 (1985),[2] is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.

LEVEL 1	LEVEL 2	LEVEL 3
• UOF resulting in death • UOF resulting in Serious Bodily Injury (SBI) • Officer involved shooting resulting in injury or death • Officer involved shooting-subject missed • Use of vehicle as weapon resulting in SBI • In-custody death • Use of non-issued equipment resulting in SBI or death	• Officer involved shooting of an animal • Canine bite • CED deployment-probe • Use of chemical agents • Use of baton • Use of CED drive stun • Use of personal body weapons • Use of less lethal weapons systems • Use of BolaWrap®	• Any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with an officer • Any UOF that results in a visible injury or complaint of pain by the subject to whom force was applied to. Example: visible scratch, abrasion, complaint of pain however not minor discomfort by application of certain control holds or handcuffs

REPORTING REQUIREMENTS FOR LEVEL 1	REPORTING REQUIREMENTS FOR LEVEL 2	REPORTING REQUIREMENTS FOR LEVEL 3
• Sergeant notification • Homicide call out • CSI request • IAD call out • PSU call out • PIO call out • District Attorney response team • OPSA • Crime or casualty report • Red border form (RM 3) • Tracking software entry All call outs are based on the needs of the incident.	• Sergeant notification • Crime or casualty report • CSI request • Red border form (RM 3) • Tracking software entry • Watch commander investigation (shooting of an animal)	• Sergeant notification • Incident/crime report • CSI request • Red border form (RM 3) if there is visible injury • No tracking software entry

580.06
De-Escalation and Planned Response
12-1-20

PURPOSE
The purpose of this order is to provide guidelines for interacting with those individuals who may be experiencing emotional or mental health crises.

POLICY
The Sacramento Police Department is committed to providing a consistently high level of service to all members of the community and recognizing that persons in crisis may benefit from intervention. It shall be the intent of the involved peace officer(s) to resolve an incident as safely as possible to protect the public and persons involved by reducing the danger through use of tactics, techniques, and force options. This is to ensure equitable and safe treatment of all involved. A peace officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person. When making use of force decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. The Sacramento Police Department (SPD) values the sanctity of human life and the freedoms guaranteed by the United States and California Constitutions. Use of force (UOF) by peace officers is of important concern to the community. The role of law enforcement is to safeguard life, dignity, liberty of all persons, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

PROCEDURE
A. DEFINTIONS
   1. DE-ESCALATION - Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation, to decrease the likelihood of the need to use force, decrease the severity of any force required, reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation with voluntary compliance. De-escalation techniques include, but are not limited to, gathering information, assessing risks, warnings, verbal and non-verbal persuasion, crisis intervention techniques, utilizing available resources (such as personnel and equipment), and tactical repositioning.
   2. CRISIS INTERVENTION TECHNIQUES (CIT) - A collaborative approach to safely and effectively addressing the needs of people with mental illnesses, linking them to appropriate services, and diverting them from the criminal justice system, if appropriate. The primary goal of CIT is to improve peace officer and mental health consumer safety while reducing injuries to peace officers and consumers during law enforcement contacts. Crisis intervention techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.

B. GENERAL
   1. PLANNING – Peace officers should attempt to arrive at the scene with a coordinated approach based upon initial information and any pre-existing knowledge of the subject(s) or the involved parties. As additional information or factors become known to the peace officer, responding peace officers need to remain flexible and adapt to changing circumstances. Peace officers should attempt to isolate and contain subjects who are experiencing a crisis situation.

2. TIME – Peace officers need to recognize that time is an essential element for de-escalation as it allows a peace officer the opportunity to communicate with the suspect, refine tactical plans and, if necessary, call for additional resources. Time can also provide an opportunity for the suspect to reconsider his/her actions and decisions, and aid in voluntary compliance.
3. ASSESSMENT- Peace officers should continually assess the situation as circumstances change and additional information is received. In the event of non-compliance demonstrated by the subject, peace officers should attempt to determine whether the lack of compliance is a deliberate attempt to resist or escape, or an inability to comprehend due to environmental, physical, cognitive, or other conditions. If the subject is unable to comprehend the situation, additional resources or tactical options may be needed to safely resolve the situation (i.e. in-field mental health counselor or county clinician).
4. COMMUNICATE – Peace officers should recognize that every situation is fluid and unique, therefore ongoing communication and coordination between peace officers is critically important for effective response. Communication between peace officers can improve decision making under tense circumstances and increase effectiveness of coordinated actions. Peace officers should consider using the following tactics:
    a. Verbal warnings
    b. Persuasion
    c. Re-directing
    d. Asking open-ended questions
    e. Giving clear and direct orders that can be received and understood
    f. Building rapport
    g. Perspective taking (understanding the why)
    h. Finding the meaning behind the words
    i. Showing empathy

SACRAMENTO POLICE DEPARTMENT
COMPLAINT HARDCOPY

CP 2021 - 44158 **Reported: Feb-15-2021 21:54:26**

Summary Information

Call Number: **SA 2021-44158** Date/In Time: **Feb-15-2021 21:54:26** Status: **CLOSED**
Initial Call Type: **INCOMPLETE CALL FOR POLICE**
Final Call Type: **INCOMPLETE CALL FOR POLICE**
Priority: **3** Queue Type: **R** How Received: **911 SYSTEM**
Address: [redacted] **OCCIDENTAL DR** Community: **SACRAMENTO**
District: **6** Zone: **6E** Grid: **1115**
Call Taker: **3751 LIGHT, NICOLE 6051** Call Taker Desk: **CS2**

Initial Remarks :
CHP XFER....FEM TOLD THEM SHE WAS REPORTING SOMEONE THREATENING HER...SHE H/U IN XFER...WILL TRY TO CB NOW

Complainant Name: **UNK LAST** [redacted]
Address: [redacted] **OCCIDENTAL DR**
Home Phone: [redacted] **CELL PHONE**

Clearance Remarks :
DUPLICATE CALL

Founded: **Yes** Report Expected: **No**
How Cleared: **CANCEL**
BOLO: **N**
Reporting Officer1:
Reporting Officer2:
Cleared By: **3751 LIGHT, NICOLE 6051** Clearance Desk/Unit ID: **CS2**

Call Times:
Received : **Feb-15-2021 21:54:26**
Cleared : **Feb-15-2021 21:55:11**

Total - Units/Services: **0** Remarks: **0** Documents: **0** Entities: **0**

Call Relation: **Duplicate**
Related Calls:
CP SA202144157 Prime

Chronological Events

02-15-2021 21:55:11 CS2 3751 LIGHT, NICOLE 6051 Call Update
Related Call:ADDED TO PRIME:SA21-44157

**** END OF HARDCOPY ****

SACRAMENTO POLICE DEPARTMENT
COMPLAINT HARDCOPY

CP 2021 - 44272 **Reported: Feb-16-2021 03:00:45**

Summary Information

Call Number: **SA 2021-44272** Date/In Time: **Feb-16-2021 03:00:45** Status: **CLOSED**
Initial Call Type: **VEHICLE ACCIDENT-NO OR UNKNOWN INJURIES**
Final Call Type: **VEHICLE ACCIDENT-NO OR UNKNOWN INJURIES**
Priority: **7** Queue Type: **R** How Received: **TELEPHONE**
Address: **8550 FRUITRIDGE RD** Community: **SACRAMENTO**
District: **6** Zone: **6C** Grid: **1411**
Call Taker: **4598 HUTCHINS, CAITLYN 6042** Call Taker Desk: **SR4**

Initial Remarks :
PER 1CS30 CITY INVD 901

Home Phone: **916 - CELL PHONE**

Clearance Remarks :
CITY INVOLVED 901 TO FOLLOW

Founded: **Yes** Report Expected: **Yes**
How Cleared: **POLICE MATTER RESOLVED AT SCENE**
BOLO: **N** Study: **NA**
Reporting Officer1: **4755 - WRIGHT, SEAN R 8180**
Reporting Officer2:
Cleared By: **4755 WRIGHT, SEAN R 8180** Clearance Desk/Unit ID: **1CS30**

Call Times:
Received : **Feb-16-2021 03:00:45**
Dispatch : **Feb-16-2021 03:02:16**
En Route : **Feb-16-2021 03:02:16**
On Scene : **Feb-16-2021 03:02:16**
Cleared : **Feb-16-2021 05:36:20**

Total - Units/Services: **1** Remarks: **0** Documents: **0** Entities: **0**

Call Relation: **Follow-up**
Related Calls:
CP SA202144157 Prime

Chronological Events

02-16-2021 03:02:12 SR4 4598 HUTCHINS, CAITLYN 6042 Call Update
Related Call:ADDED TO PRIME:SA21-44157

Dispatch Information

Prime Unit: **1CS30 Type:CS 4755 WRIGHT, SEAN R 8180**
Dispatched: **Feb-16-2021 03:02:16**
En Route : **Feb-16-2021 03:02:16**
On Scene : **Feb-16-2021 03:02:16**
In Service: **Feb-16-2021 05:36:20**

**** END OF HARDCOPY ****

SACRAMENTO POLICE DEPARTMENT
COMPLAINT HARDCOPY

CP 2021 - 44157 **Reported: Feb-15-2021 21:53:05**

Summary Information

Call Number: **SA 2021-44157** Date/In Time: **Feb-15-2021 21:53:05** Status: **ACTIVE**
Initial Call Type: **ARSON-LESS THAN 15 AGO**
Final Call Type: **ARSON-LESS THAN 15 AGO**
Priority: **4** Queue Type: **R** How Received: **911 SYSTEM**
Address: [redacted] **OCCIDENTAL DR** Community: **SACRAMENTO**
District: **6** Zone: **6E** Grid: **1115**
Call Taker: **3836 FURNISS, KELLY 6036** Call Taker Desk: **SD9**

Initial Remarks :
911 H/UP... PH 2, 19 METERS, 90 PERCENT... FEM
SAID UMMM WHEN I ASKED IF SHE HAD AN EMERG,THEN
H/UP... VM LEFT ON CB... NO HIST W/ PH #

Complainant Name: [redacted]
Address: [redacted] **OCCIDENTAL DR**
Home Phone: [redacted] **CELL PHONE**

Clearance Remarks :

Founded: **Yes** Report Expected: **No**
How Cleared: **PENDING**
BOLO: **N**
Reporting Officer1:
Reporting Officer2:

Call Times:
Received : **Feb-15-2021 21:53:05**
Dispatch : **Feb-15-2021 21:54:37**
En Route : **Feb-15-2021 21:54:54**
On Scene : **Feb-15-2021 22:05:52**

Total - Units/Services: **72** Remarks: ****** Documents: **9** Entities: **0**

Call Relation: **Prime**
Related Calls:

CP SA202144158	**Duplicate**
CP SA202144186	**Duplicate**
CP SA202144272	**Follow-up**

Chronological Events

02-15-2021 21:54:15 SD9 3836 FURNISS, KELLY 6036 Call Update
Comp.Name:SPRINT 866-398-3284 TO: F

02-15-2021 21:54:15 SD9 3836 FURNISS, KELLY 6036 Call Update
Comp.Contact:CHANGED TO:Y

02-15-2021 21:54:15 SD9 3836 FURNISS, KELLY 6036 Call Update
Comp.adress:8150 37TH AVE CA TO: [redacted]
OCCIDENTAL DR CA

02-15-2021 21:54:15 SD9 3836 FURNISS, KELLY 6036 Call Update
Comp.phone: [redacted] **TO:C** [redacted]

02-15-2021 21:54:37 SR8 3659 NICE, APRIL 6054 Status Change

1A88 DP 4890 JILLSON, BENJAMIN 0481
[redacted] OCCIDENTAL DR

02-15-2021 21:54:37 SR8 3659 NICE, APRIL 6054 Status Change
1A68 DP 4236 TOOMEY, ERIC 0894 [redacted]
OCCIDENTAL DR

02-15-2021 21:54:37 SR8 3659 NICE, APRIL 6054 Status Change
1A88 DP 4266 SCHWERTFEGER, TREVOR 0765
[redacted] OCCIDENTAL DR

02-15-2021 21:54:54 1A88 4890 JILLSON, BENJAMIN 0481
1A88 ER 4890 JILLSON, BENJAMIN 0481

02-15-2021 21:54:54 1A88 4890 JILLSON, BENJAMIN 0481
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765

02-15-2021 21:55:06 1A68 4236 TOOMEY, ERIC 0894
1A68 ER 4236 TOOMEY, ERIC 0894

02-15-2021 21:55:08 SR8 3659 NICE, APRIL 6054 Call Remark
1SM6 COPIED

02-15-2021 21:55:11 CS2 3751 LIGHT, NICOLE 6051 Call Remark
DUPLICATE: SA21-44158: CHP XFER....FEM TOLD THEM SHE WAS REPORTING SOMEONE THREATENING HER...SHE H/U IN XFER...WILL TRY TO CB NOW

02-15-2021 21:55:11 CS2 3751 LIGHT, NICOLE 6051 Call Remark
DUPLICATE: SA21-44158: CALLER: [redacted] UNK LAST, [redacted]
OCCIDENTAL DR, (H) [redacted] YES CONTACT

02-15-2021 21:55:11 CS2 3751 LIGHT, NICOLE 6051 Call Update
Related Call:ADDED DUPLICATE:SA21-44158

02-15-2021 21:55:29 CS2 3751 LIGHT, NICOLE 6051 Call Remark
ON CB GOT ANOTHER VM....VM WAS LFT PRIOR TO 2ND CALL

02-15-2021 21:56:00 4890 JILLSON, BENJAMIN 0481 Text Document
[redacted]

02-15-2021 21:56:02 1A88 4890 JILLSON, BENJAMIN 0481 RMS Query
RMS Q LOC-LOC: [redacted] OCCIDENTAL DR TYPE:H MUN:1
APT: [redacted] SVTP:P CAD:Y REC:Y PKI:N

02-15-2021 21:56:02 1A88 4890 JILLSON, BENJAMIN 0481 RMS Query
RMS Q LOC-LOC: [redacted] OCCIDENTAL DR TYPE:H MUN:1
APT: [redacted] SVTP:P CAD:Y REC:Y PKI:N

02-15-2021 21:57:56 SD11 4949 LIONEL, TEIAJA 6085 Call Remark

C CB ADVD AIDEN HERRERA OR MARTINEZ,DOB: 5/17/1982,MH38,5FT6/MED,UNK CLOTHING THREATENED TO BURN C'S FORD F150 BEFORE LEAVING AND THEN DID SO,C CALLED FIRE EARLIER ABOUT THIS

02-15-2021 21:59:00 4949 LIONEL, TEIAJA 6085 Text Document

[redacted]

02-15-2021 21:59:12 SD11 4949 LIONEL, TEIAJA 6085 Call Remark
ADVD SUBJ IS POSS DRIVING RED TOYT MINIVAN PL [redacted],UNK DOT...KWN TO CARRY GUNS BUT NO WPNS SEEN TODAY

02-15-2021 21:59:22 1A88 4890 JILLSON, BENJAMIN 0481 External Query
EXT Q PERS-NAME:MARTINEZ G1:ADAN G2:HERRERA DOB:05171982 SEX:M STATE:CA REC:N CAD:N EXTN:Y EXTE:Y EXTM:Y EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:1A88

02-15-2021 21:59:22 1A88 4890 JILLSON, BENJAMIN 0481 External Query
EXT Q PERS-NAME:MARTINEZ G1:ADAN G2:HERRERA DOB:05171982 SEX:M STATE:CA REC:N CAD:N EXTN:Y EXTE:Y EXTM:Y EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:1A88

02-15-2021 22:00:00 4890 JILLSON, BENJAMIN 0481 Text Document

[redacted]

02-15-2021 22:00:02 SD11 4949 LIONEL, TEIAJA 6085 Call Update
Comp.Name:F TO: [redacted] F

02-15-2021 22:01:51 SD11 4949 LIONEL, TEIAJA 6085 Call Remark
C ADVD SUBJ IS C'S EX BF...C ALSO HAS ACTIVE RO AGAINST HIM...ADVD SUBJ LEFT 15 AGO AND WAS NOT PHYSICAL W/COMP

02-15-2021 22:02:25 SD11 4949 LIONEL, TEIAJA 6085 Call Update
Final Call type:952 TO:447T

02-15-2021 22:02:25 SD11 4949 LIONEL, TEIAJA 6085 Call Update
Call type:952 TO:447T

02-15-2021 22:02:25 SD11 4949 LIONEL, TEIAJA 6085 Call Update
Priority:3 TO:4

02-15-2021 22:03:12 SR8 3659 NICE, APRIL 6054 Call Remark
SAME AS CALL #44142

02-15-2021 22:05:52 1A88 4890 JILLSON, BENJAMIN 0481
1A88 OS 4266 SCHWERTFEGER, TREVOR 0765

02-15-2021 22:05:52 1A88 4890 JILLSON, BENJAMIN 0481
1A88 OS 4890 JILLSON, BENJAMIN 0481

02-15-2021 22:07:23 SD11 4949 LIONEL, TEIAJA 6085 Call Remark
EX BF ALSO THREATENED TO KILL C...BELIEVES THREATS TO BE CREDIBLE...NFI

02-15-2021 22:07:41 1A68 4236 TOOMEY, ERIC 0894
1A68 OS 4236 TOOMEY, ERIC 0894

02-15-2021 22:13:19 SR8 3659 NICE, APRIL 6054 Special Service Request
(FA) FIRE/AMB: FA,SD9,PLS CALL FIRE SEE IF THEY ARE SENDING OUT AN ARSON INVESTIGATOR OUT FOR THIS? UNITS WILL NEED ONE DUE TO THIS CALL..THX

02-15-2021 22:16:47 SR8 3659 NICE, APRIL 6054
1A68 OS 4236 TOOMEY, ERIC 0894 QRY VEH:
1A68 [redacted] CA 2021

02-15-2021 22:16:47 SR8 3659 NICE, APRIL 6054
1A68 OS 4236 TOOMEY, ERIC 0894
OCCIDE/JULLIARD,@[redacted],RELATED SUSP

02-15-2021 22:16:52 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 IN PURSUIT

02-15-2021 22:16:54 SR8 3659 NICE, APRIL 6054 Status Change
1C64 DP 4689 MANNING, DOUGLAS S 0563
[redacted] OCCIDENTAL DR

02-15-2021 22:16:54 SR8 3659 NICE, APRIL 6054 Status Change
1C65 DP 4681 MUCHER, RYAN 0636 [redacted]
OCCIDENTAL DR

02-15-2021 22:16:54 SR8 3659 NICE, APRIL 6054 Status Change
1C65 DP 4232 JENSEN, CONNER 0935 [redacted]
OCCIDENTAL DR

02-15-2021 22:17:01 1C64 4689 MANNING, DOUGLAS S 0563
1C64 ER 4689 MANNING, DOUGLAS S 0563

02-15-2021 22:17:02 1C65 4232 JENSEN, CONNER 0935
1C65 ER 4681 MUCHER, RYAN 0636

02-15-2021 22:17:02 1C65 4232 JENSEN, CONNER 0935

1C65 ER 4232 JENSEN, CONNER 0935

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 Sent to MDT: 1A88,Status changed to ER by SR8

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 Sent to MDT: 1A68,Status changed to ER by SR8

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054 Status Change
1A68 ER 4236 TOOMEY, ERIC 0894 NB JULLARD,35 MPH .. WANT IS ARSON

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 NB JULLARD,35 MPH .. WANT IS ARSON

02-15-2021 22:17:04 1C62 4611 DARCY, JOHN 0618 Status Change
1C62 ER 4611 DARCY, JOHN 0618 ASSIST:1A68 /OCCIDE/JULLIARD

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 NB JULLARD,35 MPH .. WANT IS ARSON

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 NB JULLARD,35 MPH .. WANT IS ARSON

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 NB JULLARD,35 MPH .. WANT IS ARSON

02-15-2021 22:17:04 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 NB JULLARD,35 MPH .. WANT IS ARSON

02-15-2021 22:17:08 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 PURSUI T EIP ON

02-15-2021 22:17:15 SR8 3659 NICE, APRIL 6054 Call Remark
1SM6 COPIED

02-15-2021 22:17:16 SR8 3659 NICE, APRIL 6054 Status Change
K94 ER 3628 HENDERSON, DUSTIN 0343
[redacted] OCCIDENTAL DR

02-15-2021 22:17:22 1C67 4403 MOTA, STEPHEN 0332 Status Change
1C67 ER 4910 KHANG, JIMMY 0272 ASSIST:1A88 /NB JULLARD

02-15-2021 22:17:22 1C67 4403 MOTA, STEPHEN 0332 Status Change
1C67 ER 4403 MOTA, STEPHEN 0332 ASSIST:1A88 /NB JULLARD

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054

1A68 ER 4236 TOOMEY, ERIC 0894 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:30 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:31 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:31 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 EB LAKE FORREST,BLEW STOP SIGN

02-15-2021 22:17:36 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 NO TRAFFIC ...

02-15-2021 22:17:37 1A69 4947 KING, ZACHARY S 0784 Status Change
1A69 ER 4947 KING, ZACHARY S 0784
ASSIST:1A68 /EB LAKE FORREST

02-15-2021 22:17:37 1A69 4947 KING, ZACHARY S 0784 Status Change
1A69 ER 4367 STEVENS, VICTOR 0952
ASSIST:1A68 /EB LAKE FORREST

02-15-2021 22:17:53 SR8 3659 NICE, APRIL 6054 Status Change
K910 ER 4154 CATRICALA, VINCENT 0379 EB LAKE FORREST, [redacted] OCCIDENTAL DR

02-15-2021 22:18:00 3659 NICE, APRIL 6054 Text Document
[redacted]

02-15-2021 22:18:01 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 MEDITRANNIAN BLEW STOP SIGN 60MPH

02-15-2021 22:18:03 TAC88 4621 PATTERSON, CALEB 0943 Status Change
TAC88 ER 4621 PATTERSON, CALEB 0943
ASSIST:1A68 /EB LAKE FORREST

02-15-2021 22:18:03 TAC88 4621 PATTERSON, CALEB 0943 Status Change
TAC88 ER 4745 WARD, JOHN T 0583
ASSIST:1A68 /EB LAKE FORREST

02-15-2021 22:18:04 CS1 214 DABROWSKI, JANEE 6105 Call Remark
LN15 COPIED

02-15-2021 22:18:05 1C61 4874 LEE, DAVID 0264 Status Change
1C61 ER 4874 LEE, DAVID 0264 ASSIST:1C62
/EB LAKE FORREST

02-15-2021 22:18:05 1C61 4874 LEE, DAVID 0264 Status Change
1C61 ER 4399 OSMOND, FREDERICK 0982
ASSIST:1C62 /EB LAKE FORREST

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 EB LA
RIV,50 MPH

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
1C61 ER 4874 LEE, DAVID 0264 EB LA RIV,50
MPH

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
1C61 ER 4399 OSMOND, FREDERICK 0982 EB LA
RIV,50 MPH

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
K910 ER 4154 CATRICALA, VINCENT 0379 EB
LA RIV,50 MPH

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 EB LA
RIV,50 MPH

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 EB LA
RIV,50 MPH

02-15-2021 22:18:11 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 EB
LA RIV,50 MPH

02-15-2021 22:18:12 SR8 3659 NICE, APRIL 6054
1A69 ER 4367 STEVENS, VICTOR 0952 EB LA RIV,50 MPH

02-15-2021 22:18:12 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 EB LA RIV,50 MPH

02-15-2021 22:18:12 SR8 3659 NICE, APRIL 6054
TAC88 ER 4745 WARD, JOHN T 0583 EB LA RIV,50 MPH

02-15-2021 22:18:12 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 EB LA RIV,50 MPH

02-15-2021 22:18:12 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 EB LA RIV,50 MPH

02-15-2021 22:18:12 SR8 3659 NICE, APRIL 6054
1A69 ER 4947 KING, ZACHARY S 0784 EB LA RIV,50 MPH

02-15-2021 22:18:13 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 EB LA RIV,50 MPH

02-15-2021 22:18:13 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 EB LA RIV,50 MPH

02-15-2021 22:18:14 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 EB LA RIV,50 MPH

02-15-2021 22:18:14 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 EB LA RIV,50 MPH

02-15-2021 22:18:26 1A61 4619 ANSTESS, OWEN 0546 Status Change
1A61 ER 4619 ANSTESS, OWEN 0546
ASSIST:1A68 /EB LA RIV

02-15-2021 22:18:26 1A61 4619 ANSTESS, OWEN 0546 Status Change
1A61 ER 3154 VALENZUELA, MARIO 0855
ASSIST:1A68 /EB LA RIV

02-15-2021 22:18:39 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 LA RIV/MOORBROOK

02-15-2021 22:18:50 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 SETTING UP TO GO SB WATT,20MPH

02-15-2021 22:19:08 1C79 869 TEURN, LO 0403 Status Change

1C79 ER 869 TEURN, LO 0403 ASSIST:1A68
/LA RIV/MOORBROOK

02-15-2021 22:19:08 1C79 869 TEURN, LO 0403 Status Change
1C79 ER 4529 CEJA, CINDI 8163 ASSIST:1A68
/LA RIV/MOORBROOK

02-15-2021 22:19:12 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 SB WATT/US
50

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1C61 ER 4874 LEE, DAVID 0264 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1C61 ER 4399 OSMOND, FREDERICK 0982 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
K910 ER 4154 CATRICALA, VINCENT 0379 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:40 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:41 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:41 SR8 3659 NICE, APRIL 6054
TAC88 ER 4745 WARD, JOHN T 0583 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:41 SR8 3659 NICE, APRIL 6054
1A69 ER 4367 STEVENS, VICTOR 0952 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:41 SR8 3659 NICE, APRIL 6054
1A69 ER 4947 KING, ZACHARY S 0784 SB

FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:41 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:42 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:42 SR8 3659 NICE, APRIL 6054
1C79 ER 869 TEURN, LO 0403 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:42 SR8 3659 NICE, APRIL 6054
1C79 ER 4529 CEJA, CINDI 8163 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:43 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:44 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:44 SR8 3659 NICE, APRIL 6054
1A61 ER 3154 VALENZUELA, MARIO 0855 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:44 SR8 3659 NICE, APRIL 6054
1A61 ER 4619 ANSTESS, OWEN 0546 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:44 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 SB
FOLSOM,60MPH #2 LANE,YIELDING TRAFFIC

02-15-2021 22:19:47 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 RED TOYT SIENNA,1 ON BOARD

02-15-2021 22:20:03 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 HAS HAZARDS ON .. 40MPH

02-15-2021 22:20:14 TAC88 4621 PATTERSON, CALEB 0943
TAC88 OS 4621 PATTERSON, CALEB 0943

02-15-2021 22:20:14 TAC88 4621 PATTERSON, CALEB 0943
TAC88 OS 4745 WARD, JOHN T 0583

02-15-2021 22:20:30 1SM6 899 SCHWARTZ, JEREMY 3073 Status Change
1SM6 ER 899 SCHWARTZ, JEREMY 3073
ASSIST:1A61 /SB FOLSOM

02-15-2021 22:20:38 SR8 3659 NICE, APRIL 6054 Status Change
1C68 ER 4754 CARO, NICHOLAS S 0561 SB
FOLSOM, [redacted] OCCIDENTAL DR

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1C61 ER 4399 OSMOND, FREDERICK 0982 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1C61 ER 4874 LEE, DAVID 0264 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1SM6 ER 899 SCHWARTZ, JEREMY 3073 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
K910 ER 4154 CATRICALA, VINCENT 0379 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:40 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:41 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:41 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 Sent to MDT: TAC88,Status changed to ER by SR8

02-15-2021 22:20:41 SR8 3659 NICE, APRIL 6054
TAC88 ER 4745 WARD, JOHN T 0583 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:41 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:42 SR8 3659 NICE, APRIL 6054
1C68 ER 4754 CARO, NICHOLAS S 0561 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:42 SR8 3659 NICE, APRIL 6054
1A69 ER 4367 STEVENS, VICTOR 0952 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:42 SR8 3659 NICE, APRIL 6054
1A69 ER 4947 KING, ZACHARY S 0784 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:43 SR8 3659 NICE, APRIL 6054
1C79 ER 4529 CEJA, CINDI 8163 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:43 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:43 SR8 3659 NICE, APRIL 6054
1C79 ER 869 TEURN, LO 0403 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:44 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:44 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:44 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:45 SR8 3659 NICE, APRIL 6054
1A61 ER 4619 ANSTESS, OWEN 0546 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:45 SR8 3659 NICE, APRIL 6054
1A61 ER 3154 VALENZUELA, MARIO 0855 SB
WATT/JACKSON,40MPH,NO TRAFFIC

02-15-2021 22:20:50 SR8 3659 NICE, APRIL 6054 Call Remark
PER 1SM6 OK TO PIT

02-15-2021 22:20:53 SR8 3659 NICE, APRIL 6054 Call Remark
1A69 #3

02-15-2021 22:21:05 SD9 3836 FURNISS, KELLY 6036 Call Remark
FIRE ADV THEIR ENGINE THAT WAS O/S DIDNT REQ AN ARSON INVESTIGATOR ORIGINALLY,WHICH THEY'D TYPICALLY DO IF ANYTHING SEEMED 927,FIRE DISPATCH CK'ING WITH UNITS THAT WERE OUT THERE AND WILL CB WITH MORE INFO

02-15-2021 22:21:11 1A88 4890 JILLSON, BENJAMIN 0481
1A88 ER 4890 JILLSON, BENJAMIN 0481
VEH:13525 ID:9036900 MDT SIGNON

02-15-2021 22:21:11 1A88 4890 JILLSON, BENJAMIN 0481
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765
VEH:13525 ID:9036900 MDT SIGNON

02-15-2021 22:21:12 1C88 4911 SUMMEY, JAMES 0491 Status Change
1C88 ER 4911 SUMMEY, JAMES 0491
ASSIST:1C62 /SB WATT/JACKSON

02-15-2021 22:21:12 1C88 4911 SUMMEY, JAMES 0491 Status Change
1C88 ER 3432 PARHAM, TONY 0770
ASSIST:1C62 /SB WATT/JACKSON

02-15-2021 22:21:13 SR8 3659 NICE, APRIL 6054 Status Change
1C89 ER 4444 ECKERT, SCOTT 1001 SB
WATT/JACKSON, [redacted] OCCIDENTAL DR

02-15-2021 22:21:13 SR8 3659 NICE, APRIL 6054 Status Change
1C89 ER 4674 SYPOLT, JESSICA 0524 SB
WATT/JACKSON, [redacted] OCCIDENTAL DR

02-15-2021 22:21:21 SR8 3659 NICE, APRIL 6054 Call Remark
********3 UNITS AND K9 ONLY PER 1SM6 **********

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1C61 ER 4399 OSMOND, FREDERICK 0982 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1C61 ER 4874 LEE, DAVID 0264 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 SB
S WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1SM6 ER 899 SCHWARTZ, JEREMY 3073 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
K910 ER 4154 CATRICALA, VINCENT 0379 SB S
WATT,40MPH

02-15-2021 22:21:33 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 SB S

WATT,40MPH

02-15-2021 22:21:34 SR8 3659 NICE, APRIL 6054
1C89 ER 4674 SYPOLT, JESSICA 0524 SB S WATT,40MPH

02-15-2021 22:21:34 SR8 3659 NICE, APRIL 6054
TAC88 ER 4745 WARD, JOHN T 0583 SB S WATT,40MPH

02-15-2021 22:21:34 SR8 3659 NICE, APRIL 6054
1C89 ER 4444 ECKERT, SCOTT 1001 SB S WATT,40MPH

02-15-2021 22:21:34 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 SB S WATT,40MPH

02-15-2021 22:21:35 SR8 3659 NICE, APRIL 6054
1A69 ER 4947 KING, ZACHARY S 0784 SB S WATT,40MPH

02-15-2021 22:21:35 SR8 3659 NICE, APRIL 6054
1A69 ER 4367 STEVENS, VICTOR 0952 SB S WATT,40MPH

02-15-2021 22:21:35 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 SB S WATT,40MPH

02-15-2021 22:21:36 SR8 3659 NICE, APRIL 6054
1C68 ER 4754 CARO, NICHOLAS S 0561 SB S WATT,40MPH

02-15-2021 22:21:37 SR8 3659 NICE, APRIL 6054
1C88 ER 4911 SUMMEY, JAMES 0491 SB S WATT,40MPH

02-15-2021 22:21:37 SR8 3659 NICE, APRIL 6054
1C88 ER 3432 PARHAM, TONY 0770 SB S WATT,40MPH

02-15-2021 22:21:38 SR8 3659 NICE, APRIL 6054
1C79 ER 869 TEURN, LO 0403 SB S WATT,40MPH

02-15-2021 22:21:38 SR8 3659 NICE, APRIL 6054
1C79 ER 4529 CEJA, CINDI 8163 SB S WATT,40MPH

02-15-2021 22:21:38 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 SB S WATT,40MPH

02-15-2021 22:21:39 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 SB S WATT,40MPH

02-15-2021 22:21:39 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 SB S WATT,40MPH

02-15-2021 22:21:39 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 SB S WATT,40MPH

02-15-2021 22:21:40 SR8 3659 NICE, APRIL 6054
1A61 ER 4619 ANSTESS, OWEN 0546 SB S WATT,40MPH

02-15-2021 22:21:40 SR8 3659 NICE, APRIL 6054
1A61 ER 3154 VALENZUELA, MARIO 0855 SB S WATT,40MPH

02-15-2021 22:21:54 SR8 3659 NICE, APRIL 6054 Call Remark
1C88 TRYING SPIKES AT FRUITRIDGE/S WATT

02-15-2021 22:22:15 SR4 4647 TACARDON, CORINA M 6031 Call Remark
BC CH4

02-15-2021 22:22:23 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:23 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:23 SR8 3659 NICE, APRIL 6054
1SM6 ER 899 SCHWARTZ, JEREMY 3073 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:23 SR8 3659 NICE, APRIL 6054
K910 ER 4154 CATRICALA, VINCENT 0379 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:24 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:24 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:24 SR8 3659 NICE, APRIL 6054
1C61 ER 4399 OSMOND, FREDERICK 0982 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:24 SR8 3659 NICE, APRIL 6054
1C61 ER 4874 LEE, DAVID 0264 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:24 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:25 SR8 3659 NICE, APRIL 6054
TAC88 ER 4745 WARD, JOHN T 0583 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:25 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:25 SR8 3659 NICE, APRIL 6054
1C89 ER 4444 ECKERT, SCOTT 1001 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:25 SR8 3659 NICE, APRIL 6054
1C89 ER 4674 SYPOLT, JESSICA 0524 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:25 SR4 4647 TACARDON, CORINA M 6031 Call Remark
1SM5 COPIES

02-15-2021 22:22:26 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:26 SR8 3659 NICE, APRIL 6054
1A69 ER 4947 KING, ZACHARY S 0784 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:26 SR8 3659 NICE, APRIL 6054
1A69 ER 4367 STEVENS, VICTOR 0952 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:27 SR8 3659 NICE, APRIL 6054
1C68 ER 4754 CARO, NICHOLAS S 0561 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:28 SR8 3659 NICE, APRIL 6054
1C88 ER 3432 PARHAM, TONY 0770 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:28 SR8 3659 NICE, APRIL 6054
1C88 ER 4911 SUMMEY, JAMES 0491 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:28 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:29 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:29 SR8 3659 NICE, APRIL 6054
1C79 ER 869 TEURN, LO 0403 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:29 SR8 3659 NICE, APRIL 6054

1C79 ER 4529 CEJA, CINDI 8163 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:30 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:30 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:30 SR8 3659 NICE, APRIL 6054
1A61 ER 4619 ANSTESS, OWEN 0546 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:30 SR8 3659 NICE, APRIL 6054
1A61 ER 3154 VALENZUELA, MARIO 0855 PASSING DISTRICT,40 MPH,YIELDING

02-15-2021 22:22:42 SR8 3659 NICE, APRIL 6054
K910 ER 4154 CATRICALA, VINCENT 0379 WB FRUITRIDGE/S WATT

02-15-2021 22:22:42 SR8 3659 NICE, APRIL 6054
1SM6 ER 899 SCHWARTZ, JEREMY 3073 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C65 ER 4232 JENSEN, CONNER 0935 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C65 ER 4681 MUCHER, RYAN 0636 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
TAC88 ER 4745 WARD, JOHN T 0583 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C61 ER 4399 OSMOND, FREDERICK 0982 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C62 ER 4611 DARCY, JOHN 0618 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C89 ER 4674 SYPOLT, JESSICA 0524 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C89 ER 4444 ECKERT, SCOTT 1001 WB FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
TAC88 ER 4621 PATTERSON, CALEB 0943 WB

FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1A88 ER 4890 JILLSON, BENJAMIN 0481 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:43 SR8 3659 NICE, APRIL 6054
1C61 ER 4874 LEE, DAVID 0264 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:44 SR8 3659 NICE, APRIL 6054
K94 ER 3628 HENDERSON, DUSTIN 0343 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:44 SR8 3659 NICE, APRIL 6054
1C88 ER 3432 PARHAM, TONY 0770 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:44 SR8 3659 NICE, APRIL 6054
1C88 ER 4911 SUMMEY, JAMES 0491 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:44 SR8 3659 NICE, APRIL 6054
1C68 ER 4754 CARO, NICHOLAS S 0561 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:44 SR8 3659 NICE, APRIL 6054
1A69 ER 4367 STEVENS, VICTOR 0952 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:44 SR8 3659 NICE, APRIL 6054
1A69 ER 4947 KING, ZACHARY S 0784 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:45 SR8 3659 NICE, APRIL 6054
1C64 ER 4689 MANNING, DOUGLAS S 0563 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:46 SR8 3659 NICE, APRIL 6054
1C79 ER 869 TEURN, LO 0403 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:46 SR8 3659 NICE, APRIL 6054
1A68 ER 4236 TOOMEY, ERIC 0894 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:46 SR8 3659 NICE, APRIL 6054
1C79 ER 4529 CEJA, CINDI 8163 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:47 SR8 3659 NICE, APRIL 6054
1C67 ER 4910 KHANG, JIMMY 0272 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:47 SR8 3659 NICE, APRIL 6054
1C67 ER 4403 MOTA, STEPHEN 0332 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:48 SR8 3659 NICE, APRIL 6054
1A61 ER 4619 ANSTESS, OWEN 0546 WB
FRUITRIDGE/S WATT

02-15-2021 22:22:48 SR8 3659 NICE, APRIL 6054
1A61 ER 3154 VALENZUELA, MARIO 0855 WB
FRUITRIDGE/S WATT

02-15-2021 22:23:00 SR4 4647 TACARDON, CORINA M 6031 Call Remark
BC UPDATE ON CH4

02-15-2021 22:23:26 SCT156 4760 BARRETT, MITCHELL B 0204 Status Change
SCT156 ER 4760 BARRETT, MITCHELL B 0204
ASSIST:1C68 /WB FRUITRIDGE/S WATT

02-15-2021 22:23:27 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 40MPH NO TRAFFIC

02-15-2021 22:24:09 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 25MPH .. HAZARDS ARE OFF .. NO TRAFFIC

02-15-2021 22:24:34 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 MIGHT FOOTBAIL INDUSTRIAL COMPLEX

02-15-2021 22:25:12 SR8 3659 NICE, APRIL 6054 Call Remark
NEED UNIT TO UNSWORTH

02-15-2021 22:25:19 SR8 3659 NICE, APRIL 6054 Call Remark
SHOTS FIRED ******************

02-15-2021 22:25:33 1C78 4787 FRANZEN, RYAN 0528 Status Change
1C78 ER 4787 FRANZEN, RYAN 0528
ASSIST:1A68 /WB FRUITRIDGE/S WATT

02-15-2021 22:25:33 1C32 4828 COFFMAN, JAMES 0851 Status Change
1C32 ER 4828 COFFMAN, JAMES 0851
ASSIST:1A69 /WB FRUITRIDGE/S WATT

02-15-2021 22:25:39 1C58 4945 HILLMAN, RICHARD T 0654 Status Change
1C58 ER 4945 HILLMAN, RICHARD T 0654
ASSIST:1A68 /WB FRUITRIDGE/S WATT

02-15-2021 22:25:39 1C58 4945 HILLMAN, RICHARD T 0654 Status Change
1C58 ER 4353 RODARTE, JUAN 0967
ASSIST:1A68 /WB FRUITRIDGE/S WATT

02-15-2021 22:25:45 1C31 4469 MCAULIFF, DEIDRE 0697 Status Change
1C31 ER 4469 MCAULIFF, DEIDRE 0697
ASSIST:1A68 /WB FRUITRIDGE/S WATT

02-15-2021 22:25:48 SD8 3833 WOOD, SARAH 6000 Call Remark
FIRE IS ADVG THEY HAVE NO EVIDENCE ON SCENE ....

WILL CB WITH FURTHER

02-15-2021 22:25:49 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 DRIVER IS MOANING .. DIRVERS WINDOW IS SHATTERED ...

02-15-2021 22:25:57 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 ER 4920 KAMMERER, ZACHARY 0554
ASSIST:1C58 /WB FRUITRIDGE/S WATT

02-15-2021 22:25:57 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 ER 4077 TAYLER, NICHOLAS 0741
ASSIST:1C58 /WB FRUITRIDGE/S WATT

02-15-2021 22:26:00 3194 LANNOM, DARBY 3076 Text Document
[redacted]

02-15-2021 22:26:00 3194 LANNOM, DARBY 3076 Text Document
[redacted]

02-15-2021 22:26:00 3194 LANNOM, DARBY 3076 Text Document
[redacted]

02-15-2021 22:26:02 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 IS 4077 TAYLER, NICHOLAS 0741

02-15-2021 22:26:02 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 IS 4920 KAMMERER, ZACHARY 0554

02-15-2021 22:26:07 3SM2 3194 LANNOM, DARBY 3076 Status Change
3SM2 ER 3194 LANNOM, DARBY 3076
ASSIST:1C68 /WB FRUITRIDGE/S WATT

02-15-2021 22:26:10 SR4 4647 TACARDON, CORINA M 6031 Status Change
1A56 ER 4706 RODRIGUEZ JR, JORGE 0906
[redacted] **OCCIDENTAL DR**

02-15-2021 22:26:12 SR4 4647 TACARDON, CORINA M 6031 Status Change

1C55 ER 4077 TAYLER, NICHOLAS 0741
[redacted] OCCIDENTAL DR

02-15-2021 22:26:12 SR4 4647 TACARDON, CORINA M 6031 Status Change
1C55 ER 4920 KAMMERER, ZACHARY 0554
[redacted] OCCIDENTAL DR

02-15-2021 22:26:14 SR4 4647 TACARDON, CORINA M 6031 Status Change
1A49 ER 4419 HAYNES, MARK A 0742 [redacted]
OCCIDENTAL DR

02-15-2021 22:26:14 SR4 4647 TACARDON, CORINA M 6031 Status Change
1A49 ER 489 KAWASAKI, RICHARD 0465
[redacted] OCCIDENTAL DR

02-15-2021 22:26:19 [redacted] Status Change
[redacted] **ER** [redacted]
ASSIST:1C67 /WB FRUITRIDGE/S WATT

02-15-2021 22:26:27 SR8 3659 NICE, APRIL 6054 Special Service Request
(RQ) GEN REQ: RQ,SR12,PLS HAVE FIRE STAGE 8550 FRUITRIDGE

02-15-2021 22:26:29 SR8 3659 NICE, APRIL 6054 Status Change
K910 OS 4154 CATRICALA, VINCENT 0379

02-15-2021 22:26:29 SR8 3659 NICE, APRIL 6054
K910 OS 4154 CATRICALA, VINCENT 0379 Sent to MDT: K910,Status changed to OS by SR8

02-15-2021 22:26:29 SR4 4647 TACARDON, CORINA M 6031 Call Remark
1SM5 COPIES

02-15-2021 22:26:35 SR4 4647 TACARDON, CORINA M 6031 Call Remark
1SM4 COPIES

02-15-2021 22:26:42 SR4 4647 TACARDON, CORINA M 6031 Status Change
GRN56 ER 4665 BARTLETT, DANIEL 0480
[redacted] OCCIDENTAL DR

02-15-2021 22:26:45 SR4 4647 TACARDON, CORINA M 6031 Status Change
1C59 ER 4320 PANGELINAN, ALICIA 0382
[redacted] OCCIDENTAL DR

02-15-2021 22:26:45 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 NO CHANGE .. CAN HEAR DRIVER MOANING .. NOT COMPLYING

02-15-2021 22:26:53 K94 3628 HENDERSON, DUSTIN 0343 Status Change
K94 OS 3628 HENDERSON, DUSTIN 0343

02-15-2021 22:26:58 SR8 3659 NICE, APRIL 6054 Call Remark
NO MORE UNITS TO THE SCENE *

02-15-2021 22:27:04 1C59 4320 PANGELINAN, ALICIA 0382 Status Change
1C59 IS 4320 PANGELINAN, ALICIA 0382

02-15-2021 22:27:07 SR8 3659 NICE, APRIL 6054 Call Remark
TRYING TO GET SUBJ TO PUT VEH INTO PARK .. ITS STILL MOVING

02-15-2021 22:27:13 SR12 397 FLORES, CHANEL 6067 Call Remark
FIRE STAGING,UNK LOG AT THIS TIME

02-15-2021 22:27:15 1A49 4419 HAYNES, MARK A 0742 Status Change
1A49 IS 4419 HAYNES, MARK A 0742

02-15-2021 22:27:15 1A49 4419 HAYNES, MARK A 0742 Status Change
1A49 IS 489 KAWASAKI, RICHARD 0465

02-15-2021 22:27:26 SR8 3659 NICE, APRIL 6054 Status Change
2C34 ER 4862 SMITH, JOSEPH M 0575 [redacted] OCCIDENTAL DR

02-15-2021 22:27:26 SR8 3659 NICE, APRIL 6054 Status Change
2C34 ER 4750 ROSE, KEVIN E 0273 [redacted] OCCIDENTAL DR

02-15-2021 22:27:36 SR8 3659 NICE, APRIL 6054 Call Remark
K910 VEH IS BLOCKED IN .. CAN'T GO ANYWHERE

02-15-2021 22:27:39 SR4 4647 TACARDON, CORINA M 6031 Call Remark
1SM4 AND 1SM5 COPIES D6 HAS SUFFICIENT UNITS 906 C4 OTHERS

02-15-2021 22:27:45 1C79 869 TEURN, LO 0403 Status Change
1C79 OS 869 TEURN, LO 0403

02-15-2021 22:27:45 1C79 869 TEURN, LO 0403 Status Change
1C79 OS 4529 CEJA, CINDI 8163

02-15-2021 22:27:46 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 NO RESPONSE INSIDE .. NO CHANGE AT THIS POINT ..

02-15-2021 22:27:53 SR8 3659 NICE, APRIL 6054 Status Change
1A68 OS 4236 TOOMEY, ERIC 0894 8550 FRUITRIDGE RD

02-15-2021 22:27:53 SR8 3659 NICE, APRIL 6054
1A68 OS 4236 TOOMEY, ERIC 0894 Sent to MDT: 1A68,Status changed to OS by SR8

02-15-2021 22:27:56 SR8 3659 NICE, APRIL 6054 Call Remark
1A68 DOOR OPEN

02-15-2021 22:28:01 SR8 3659 NICE, APRIL 6054 Status Change
1C68 OS 4754 CARO, NICHOLAS S 0561 8550 FRUITRIDGE RD

02-15-2021 22:28:01 SR8 3659 NICE, APRIL 6054
1C68 OS 4754 CARO, NICHOLAS S 0561 Sent to MDT: 1C68,Status changed to OS by SR8

02-15-2021 22:28:07 SR8 3659 NICE, APRIL 6054 Call Remark
TALKING TO SUBJ .. HE IS MOVING IN THE VEH

02-15-2021 22:28:13 SR8 3659 NICE, APRIL 6054
1C67 OS 4910 KHANG, JIMMY 0272 8550
FRUITRIDGE RD

02-15-2021 22:28:13 SR8 3659 NICE, APRIL 6054
1C67 OS 4403 MOTA, STEPHEN 0332 8550
FRUITRIDGE RD

02-15-2021 22:28:13 SR8 3659 NICE, APRIL 6054
1C67 OS 4403 MOTA, STEPHEN 0332 Sent to
MDT: 1C67,Status changed to OS by SR8

02-15-2021 22:28:18 SR8 3659 NICE, APRIL 6054 Call Remark
1C68 HANDS UP

02-15-2021 22:28:22 SR8 3659 NICE, APRIL 6054 Call Remark
2C34/SR8,C3

02-15-2021 22:28:33 SR8 3659 NICE, APRIL 6054 Status Change
1A78 OS 3797 TAKEHARA, GREG 0872 8550
FRUITRIDGE RD, [redacted] OCCIDENTAL DR

02-15-2021 22:28:39 SR4 4647 TACARDON, CORINA M 6031 Call Remark
1A56 GRN56 ADVD C3 BUT WERE C4D

02-15-2021 22:28:57 SR8 3659 NICE, APRIL 6054
1A61 OS 4619 ANSTESS, OWEN 0546 Sent to
MDT: 1A61,Status changed to OS by SR8

02-15-2021 22:28:57 SR8 3659 NICE, APRIL 6054
1A61 OS 3154 VALENZUELA, MARIO 0855 8550
FRUITRIDGE

02-15-2021 22:28:57 SR8 3659 NICE, APRIL 6054
1A61 OS 4619 ANSTESS, OWEN 0546 8550
FRUITRIDGE

02-15-2021 22:29:14 SCT156 4760 BARRETT, MITCHELL B 0204 Status Change
SCT156 OS 4760 BARRETT, MITCHELL B 0204

02-15-2021 22:29:40 SR8 3659 NICE, APRIL 6054 Call Remark
K910 DRIVER INTO CUSTODY .. CLEARING VEH ... HE
HAS 3-4 GSW'S

02-15-2021 22:29:47 1CS30 4755 WRIGHT, SEAN R 8180 Status Change
1CS30 ER 4755 WRIGHT, SEAN R 8180
ASSIST:1C89 /WB FRUITRIDGE/S WATT

02-15-2021 22:29:54 SR8 3659 NICE, APRIL 6054 Call Remark
1C88 SUBJ DETAINED ... FIRE CLEAR TO ENTER C3

02-15-2021 22:30:11 SR8 3659 NICE, APRIL 6054 Call Remark
1C88 SINGLE GSW TO THE STOMACH .. SELFINFLECTED ..

02-15-2021 22:30:14 SR8 3659 NICE, APRIL 6054 Call Remark
EIP OFF

02-15-2021 22:30:22 [redacted] Status Change
[redacted] **IS** [redacted]

02-15-2021 22:30:22 SR8 3659 NICE, APRIL 6054 Call Remark
2C34/SR8,REDUCED

02-15-2021 22:30:29 SR8 3659 NICE, APRIL 6054
1A88 OS 4890 JILLSON, BENJAMIN 0481 Sent to MDT: 1A88,Status changed to OS by SR8

02-15-2021 22:30:29 SR8 3659 NICE, APRIL 6054
1A88 OS 4266 SCHWERTFEGER, TREVOR 0765 8550 FRUITRIDGE RD

02-15-2021 22:30:29 SR8 3659 NICE, APRIL 6054
1A88 OS 4890 JILLSON, BENJAMIN 0481 8550 FRUITRIDGE RD

02-15-2021 22:30:29 SR12 397 FLORES, CHANEL 6067 Call Remark
FIRE ADV TO ENTER C3..LOG 940

02-15-2021 22:30:35 SR8 3659 NICE, APRIL 6054
1C65 OS 4232 JENSEN, CONNER 0935 8550 FRUITRIDGE RD

02-15-2021 22:30:35 SR8 3659 NICE, APRIL 6054
1C65 OS 4681 MUCHER, RYAN 0636 8550 FRUITRIDGE RD

02-15-2021 22:30:35 SR8 3659 NICE, APRIL 6054
1C65 OS 4232 JENSEN, CONNER 0935 Sent to MDT: 1C65,Status changed to OS by SR8

02-15-2021 22:30:38 SR8 3659 NICE, APRIL 6054 Status Change
1C61 OS 4874 LEE, DAVID 0264 8550 FRUITRIDGE RD

02-15-2021 22:30:38 SR8 3659 NICE, APRIL 6054 Status Change
1C61 OS 4399 OSMOND, FREDERICK 0982 8550 FRUITRIDGE RD

02-15-2021 22:30:38 SR8 3659 NICE, APRIL 6054
1C61 OS 4874 LEE, DAVID 0264 Sent to MDT: 1C61,Status changed to OS by SR8

02-15-2021 22:30:41 SR8 3659 NICE, APRIL 6054
1C64 OS 4689 MANNING, DOUGLAS S 0563 8550 FRUITRIDGE RD

02-15-2021 22:30:41 SR8 3659 NICE, APRIL 6054
1C64 OS 4689 MANNING, DOUGLAS S 0563 Sent to MDT: 1C64,Status changed to OS by SR8

02-15-2021 22:30:49 SR8 3659 NICE, APRIL 6054 Status Change

1CS30 IS 4755 WRIGHT, SEAN R 8180 PREEMPT

02-15-2021 22:31:06 SR8 3659 NICE, APRIL 6054 Status Change
STAR OS SSD11 SSD HELICOPTER [redacted]
OCCIDENTAL DR

02-15-2021 22:31:16 SR8 3659 NICE, APRIL 6054
TAC88 OS 4621 PATTERSON, CALEB 0943 8550
FRUITRIDGE

02-15-2021 22:31:16 SR8 3659 NICE, APRIL 6054
TAC88 OS 4745 WARD, JOHN T 0583 8550
FRUITRIDGE

02-15-2021 22:31:17 CS2 3751 LIGHT, NICOLE 6051 Call Remark
FIRE IS LL RE THE ARSON PORTION OF
THIS.....UNITS CAN CALL ARSON7 DIRECTLY IF NEEDED

02-15-2021 22:31:17 SR8 3659 NICE, APRIL 6054
TAC88 OS 4621 PATTERSON, CALEB 0943 Sent
to MDT: TAC88,Status changed to OS by SR8

02-15-2021 22:31:22 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 OS 4920 KAMMERER, ZACHARY 0554

02-15-2021 22:31:22 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 OS 4077 TAYLER, NICHOLAS 0741

02-15-2021 22:31:39 SR8 3659 NICE, APRIL 6054 Status Change
1C89 OS 4444 ECKERT, SCOTT 1001 8550
FRUITRIDGE RD

02-15-2021 22:31:39 SR8 3659 NICE, APRIL 6054
1C89 OS 4674 SYPOLT, JESSICA 0524 Sent to
MDT: 1C89,Status changed to OS by SR8

02-15-2021 22:31:39 SR8 3659 NICE, APRIL 6054 Status Change
1C89 OS 4674 SYPOLT, JESSICA 0524 8550
FRUITRIDGE RD

02-15-2021 22:31:45 SR12 397 FLORES, CHANEL 6067 Call Remark
ALL UPDATES PUT OUT ON HOTLINE

02-15-2021 22:31:49 GRN56 4665 BARTLETT, DANIEL 0480 Status Change
GRN56 IS 4665 BARTLETT, DANIEL 0480

02-15-2021 22:32:05 SR8 3659 NICE, APRIL 6054 Call Remark
1C61 3 CHEST SHIELDS APPLIED ***

02-15-2021 22:32:28 1A56 4706 RODRIGUEZ JR, JORGE 0906 Status Change
1A56 IS 4706 RODRIGUEZ JR, JORGE 0906

02-15-2021 22:32:28 SR8 3659 NICE, APRIL 6054 Status Change
1A69 OS 4947 KING, ZACHARY S 0784 8550
FRUITRIDGE

02-15-2021 22:32:28 SR8 3659 NICE, APRIL 6054 Status Change

1A69 OS 4367 STEVENS, VICTOR 0952 8550 FRUITRIDGE

02-15-2021 22:32:28 SR8 3659 NICE, APRIL 6054
1A69 OS 4947 KING, ZACHARY S 0784 Sent to MDT: 1A69,Status changed to OS by SR8

02-15-2021 22:33:06 SR8 3659 NICE, APRIL 6054 Call Remark
1C61 TURNIQUET APPLIED TO LEFT ARM ***

02-15-2021 22:33:20 SR8 3659 NICE, APRIL 6054 Status Change
1CS30 ER 4755 WRIGHT, SEAN R 8180 [redacted] OCCIDENTAL DR

02-15-2021 22:33:34 1SM6 899 SCHWARTZ, JEREMY 3073 Status Change
1SM6 OS 899 SCHWARTZ, JEREMY 3073

02-15-2021 22:34:00 SR8 3659 NICE, APRIL 6054
1C62 OS 4611 DARCY, JOHN 0618 Sent to MDT: 1C62,Status changed to OS by SR8

02-15-2021 22:34:00 SR8 3659 NICE, APRIL 6054 Status Change
1C62 OS 4611 DARCY, JOHN 0618 8550 FRUITRIDGE RD

02-15-2021 22:34:30 SR8 3659 NICE, APRIL 6054 Status Change
3CS65 ER 4741 VIRK, DILPREET 8201 [redacted] OCCIDENTAL DR

02-15-2021 22:34:52 SR8 3659 NICE, APRIL 6054
1C67 OS 4403 MOTA, STEPHEN 0332 DELETED STACK TO SA21-44159

02-15-2021 22:35:31 SR8 3659 NICE, APRIL 6054
1C78 OS 4787 FRANZEN, RYAN 0528 Sent to MDT: 1C78,Status changed to OS by SR8

02-15-2021 22:35:31 SR8 3659 NICE, APRIL 6054 Status Change
1C78 OS 4787 FRANZEN, RYAN 0528 8550 FRUITRIDGE RD

02-15-2021 22:35:35 SR8 3659 NICE, APRIL 6054
1C88 OS 3432 PARHAM, TONY 0770 8550 FRUITRIDGE RD

02-15-2021 22:35:35 SR8 3659 NICE, APRIL 6054
1C88 OS 4911 SUMMEY, JAMES 0491 Sent to MDT: 1C88,Status changed to OS by SR8

02-15-2021 22:35:35 SR8 3659 NICE, APRIL 6054
1C88 OS 4911 SUMMEY, JAMES 0491 8550 FRUITRIDGE RD

02-15-2021 22:35:53 SR8 3659 NICE, APRIL 6054
1C89 OS 4674 SYPOLT, JESSICA 0524 DELETED STACK TO SA21-44168

02-15-2021 22:36:22 SR8 3659 NICE, APRIL 6054
1C78 OS 4787 FRANZEN, RYAN 0528 8550 FRUITRIDGE RD

02-15-2021 22:36:26 SR8 3659 NICE, APRIL 6054
1C79 OS 4529 CEJA, CINDI 8163 8550 FRUITRIDGE RD

02-15-2021 22:36:26 SR8 3659 NICE, APRIL 6054
1C79 OS 869 TEURN, LO 0403 8550 FRUITRIDGE RD

02-15-2021 22:36:27 SR4 4647 TACARDON, CORINA M 6031
1C55 OS 4077 TAYLER, NICHOLAS 0741 UNAVAILABLE

02-15-2021 22:36:28 SR4 4647 TACARDON, CORINA M 6031
1C58 ER 4945 HILLMAN, RICHARD T 0654 UNAVAILABLE

02-15-2021 22:36:29 SR8 3659 NICE, APRIL 6054
1C88 OS 4911 SUMMEY, JAMES 0491 8550 FRUITRIDGE RD

02-15-2021 22:36:29 SR8 3659 NICE, APRIL 6054
1C88 OS 3432 PARHAM, TONY 0770 8550 FRUITRIDGE RD

02-15-2021 22:36:35 1C31 4469 MCAULIFF, DEIDRE 0697 Status Change
1C31 OS 4469 MCAULIFF, DEIDRE 0697

02-15-2021 22:36:44 1C58 4945 HILLMAN, RICHARD T 0654 Call Remark
C3 FROM MLK AND FRUITRIDGE. NO INCIDENCES, NOT IN PURSUIT

02-15-2021 22:36:50 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 IS 4077 TAYLER, NICHOLAS 0741

02-15-2021 22:36:50 1C55 4077 TAYLER, NICHOLAS 0741 Status Change
1C55 IS 4920 KAMMERER, ZACHARY 0554

02-15-2021 22:37:09 SCT156 4760 BARRETT, MITCHELL B 0204 Call Remark
C3 FROM 8391 FOLSOM BLVD TO WATT/FOLSOM BLVD....NOT IN THE PURSUIT...C3 FROM WATT TO UNSWORTH

02-15-2021 22:37:14 SR8 3659 NICE, APRIL 6054 Status Change
1C32 OS 4828 COFFMAN, JAMES 0851

02-15-2021 22:37:15 SR8 3659 NICE, APRIL 6054
1C32 OS 4828 COFFMAN, JAMES 0851 Sent to MDT: 1C32,Status changed to OS by SR8

02-15-2021 22:37:42 SR8 3659 NICE, APRIL 6054 Status Change
2C34 IS 4862 SMITH, JOSEPH M 0575 PREEMPT

02-15-2021 22:37:42 SR8 3659 NICE, APRIL 6054 Status Change

2C34 IS 4750 ROSE, KEVIN E 0273 PREEMPT

02-15-2021 22:38:45 SR8 3659 NICE, APRIL 6054 Call Remark
K94 METRO 50 OS

02-15-2021 22:38:55 1C78 4787 FRANZEN, RYAN 0528 Call Remark
CODE3 FROM SUTTER G, REDUCED AT 99/47TH AVE, NO INCIDENTS, NOT IN PURSUIT

02-15-2021 22:39:00 1C78 4787 FRANZEN, RYAN 0528 Status Change
1C78 IS 4787 FRANZEN, RYAN 0528

02-15-2021 22:40:49 SR4 4647 TACARDON, CORINA M 6031
1C58 ER 4945 HILLMAN, RICHARD T 0654
CONTROL FOR UNIT CLEARED

02-15-2021 22:40:49 SR4 4647 TACARDON, CORINA M 6031
1C58 ER 4353 RODARTE, JUAN 0967 CONTROL FOR UNIT CLEARED

02-15-2021 22:40:53 SR4 4647 TACARDON, CORINA M 6031
1C58 ER 4945 HILLMAN, RICHARD T 0654
AVAILABLE

02-15-2021 22:41:31 SR8 3659 NICE, APRIL 6054 Status Change
STAR IS SSD11 SSD HELICOPTER

02-15-2021 22:42:05 SR8 3659 NICE, APRIL 6054 Status Change
1C36 ER 4517 CATO, BERLINDA 0443 8550 FRUITRIDGE RD, [redacted] OCCIDENTAL DR

02-15-2021 22:42:17 SCT156 4760 BARRETT, MITCHELL B 0204 Status Change
SCT156 IS 4760 BARRETT, MITCHELL B 0204

02-15-2021 22:42:25 1C58 4945 HILLMAN, RICHARD T 0654 Status Change
1C58 IS 4353 RODARTE, JUAN 0967

02-15-2021 22:42:25 1C58 4945 HILLMAN, RICHARD T 0654 Status Change
1C58 IS 4945 HILLMAN, RICHARD T 0654

02-15-2021 22:42:30 1A88 4890 JILLSON, BENJAMIN 0481
1A88 ER 4890 JILLSON, BENJAMIN 0481 [redacted] OCCIDENTAL DR

02-15-2021 22:42:30 1A88 4890 JILLSON, BENJAMIN 0481
1A88 ER 4266 SCHWERTFEGER, TREVOR 0765 [redacted] OCCIDENTAL DR

02-15-2021 22:43:22 SR8 3659 NICE, APRIL 6054 Call Remark
1A69 ER TO KAISER SOUTH

02-15-2021 22:43:32 1C62 4611 DARCY, JOHN 0618 Call Remark
C3 FROM ALHAMBRA BLVD/J ST TO UNSWORTH AVE/OUTFALL CIR, NEVER IN PURSUIT, NO INCIDENTS.

02-15-2021 22:45:54 1A88 4890 JILLSON, BENJAMIN 0481
1A88 OS 4890 JILLSON, BENJAMIN 0481

02-15-2021 22:45:54 1A88 4890 JILLSON, BENJAMIN 0481
1A88 OS 4266 SCHWERTFEGER, TREVOR 0765

02-15-2021 22:46:01 CS1 214 DABROWSKI, JANEE 6105 Status Change
LN15 ER 285 STIGERTS, MARNIE J 4110 8550
FRUITRIDGE RD, [redacted] OCCIDENTAL DR

02-15-2021 22:47:16 1CS30 4755 WRIGHT, SEAN R 8180 Status Change
1CS30 OS 4755 WRIGHT, SEAN R 8180

02-15-2021 22:47:22 3CS65 4741 VIRK, DILPREET 8201 Status Change
3CS65 OS 4741 VIRK, DILPREET 8201

02-15-2021 22:49:27 1C36 4517 CATO, BERLINDA 0443
1C36 OS 4517 CATO, BERLINDA 0443

02-15-2021 22:50:59 K910 4154 CATRICALA, VINCENT 0379 Call Remark
C3 FROM SUTTERVILLE / I-5 UNTIL TERMINATION OF PURSUIT. NEVER IN PURSUIT. NO INCIDENTS.

02-15-2021 22:51:15 K94 3628 HENDERSON, DUSTIN 0343 Call Remark
NEVER INVOLVED IN THE PURSUIT / RESP C3 FROM SUTTERVILLE & LAND PARK TO THE OIS SCENE, NO INCIDENTS

02-15-2021 22:52:07 1A78 3797 TAKEHARA, GREG 0872 Call Remark
RESPONDED C3 FROM MCKINLEY PARK/TIVOLI TO SCENE, NOT IN PURSUIT, NO INCIDENTS

02-15-2021 22:53:46 K94 3628 HENDERSON, DUSTIN 0343 Status Change
K94 IS 3628 HENDERSON, DUSTIN 0343

02-15-2021 22:53:59 CS1 214 DABROWSKI, JANEE 6105 Call Remark
MGMT PAGE SENT PER LN15

02-15-2021 22:54:53 K910 4154 CATRICALA, VINCENT 0379 Status Change
K910 IS 4154 CATRICALA, VINCENT 0379

02-15-2021 22:55:38 SR4 4647 TACARDON, CORINA M 6031 Status Change
GRN56 OS 4665 BARTLETT, DANIEL 0480 8550
FRUITRIDGE RD, [redacted] OCCIDENTAL DR

02-15-2021 22:55:45 SR4 4647 TACARDON, CORINA M 6031
GRN56 OS 4665 BARTLETT, DANIEL 0480
CONTROL FOR UNIT CHANGED P6

02-15-2021 22:58:33 SR8 3659 NICE, APRIL 6054 Status Change
1CS40 ER 4869 WAUTERS, MADISON 8132 8550
FRUITRIDGE RD, [redacted] OCCIDENTAL DR

02-15-2021 22:58:43 LN15 285 STIGERTS, MARNIE J 4110 Status Change
LN15 OS 285 STIGERTS, MARNIE J 4110

02-15-2021 22:59:21 [redacted] [redacted] Call Remark
RESPONDED FROM RT Q ST P-LOT UNTIL SUS WAS DETAINED. REDUCED AND C4 NEAR 65TH AND HWY 50. NO

ISSUES.

02-15-2021 23:01:29 1CS40 4869 WAUTERS, MADISON 8132
1CS40 ER 4869 WAUTERS, MADISON 8132
VEH:12667 ID:9036798 MDT SIGNON DDS/BSC

02-15-2021 23:03:23 1CS40 4869 WAUTERS, MADISON 8132 Status Change
1CS40 IS 4869 WAUTERS, MADISON 8132

02-15-2021 23:03:45 1C31 4469 MCAULIFF, DEIDRE 0697 Call Remark
C3 FROM FRUITRIDGE/99. NEVER IN PURSUIT. NO INCIDENTS.

02-15-2021 23:04:45 SR8 3659 NICE, APRIL 6054 Call Update
Related Call:ADDED FOLLOWUP:SA21-44186

02-15-2021 23:07:54 SR3 319 GARCIA, RANEE 6044 Call Remark
3SM6 CALLED IN AND ADV HE IS ENRT TO THE OIS SCENE

02-15-2021 23:08:04 1C79 869 TEURN, LO 0403 Call Remark
ERT C3 FROM JACKSON RD AND FOLSOM BLVD TO SCENE NO INCIDENT NOT INV IN PURSUIT

02-15-2021 23:08:14 SR8 3659 NICE, APRIL 6054 Status Change
3SM6 ER 3876 JARVIS, JEREMIAH 3022
[redacted] OCCIDENTAL DR

02-15-2021 23:09:02 1C31 4469 MCAULIFF, DEIDRE 0697 RMS Query
RMS Q LOC-LOC:WB FRUITRIDGE:S WATT TYPE:H SVTP:P CAD:Y REC:Y PKI:N

02-15-2021 23:09:45 SR8 3659 NICE, APRIL 6054
1A88 OS 4890 JILLSON, BENJAMIN 0481 QRY
VEH: 1A88 [redacted] CA 2021

02-15-2021 23:09:46 SR8 3659 NICE, APRIL 6054 Call Remark
1A88 @[redacted]

02-15-2021 23:12:30 1C89 4674 SYPOLT, JESSICA 0524 Status Change
1C89 IS 4674 SYPOLT, JESSICA 0524

02-15-2021 23:12:30 1C89 4674 SYPOLT, JESSICA 0524 Status Change
1C89 IS 4444 ECKERT, SCOTT 1001

02-15-2021 23:16:20 1C61 4874 LEE, DAVID 0264 Call Remark
RESPONDED CODE 3 FROM STOCKTON / BROADWAY WITHOUT INCIDENT...NEVER IN PURSUIT

02-15-2021 23:17:37 1C61 4874 LEE, DAVID 0264 Status Change
1C61 IS 4399 OSMOND, FREDERICK 0982

02-15-2021 23:17:37 1C61 4874 LEE, DAVID 0264 Status Change
1C61 IS 4874 LEE, DAVID 0264

02-15-2021 23:19:13 SR12 397 FLORES, CHANEL 6067 Status Change
1C61 OS 4874 LEE, DAVID 0264 8550
FRUITRIDGE, [redacted] OCCIDENTAL DR

02-15-2021 23:19:13 SR12 397 FLORES, CHANEL 6067 Status Change
1C61 OS 4399 OSMOND, FREDERICK 0982 8550 FRUITRIDGE, [redacted] OCCIDENTAL DR

02-15-2021 23:19:49 1C65 4232 JENSEN, CONNER 0935 Status Change
1C65 ER 4681 MUCHER, RYAN 0636 300R W/ BODY CAMS

02-15-2021 23:19:49 1C65 4232 JENSEN, CONNER 0935 Status Change
1C65 ER 4232 JENSEN, CONNER 0935 300R W/ BODY CAMS

02-15-2021 23:20:24 SR12 397 FLORES, CHANEL 6067 Status Change
1C78 OS 4787 FRANZEN, RYAN 0528 [redacted] OCCIDENTAL DR

02-15-2021 23:23:01 1C64 4689 MANNING, DOUGLAS S 0563
1C64 ER 4689 MANNING, DOUGLAS S 0563 COMMS CENTER

02-15-2021 23:24:46 TAC88 4621 PATTERSON, CALEB 0943 Call Remark
C3 FROM FOLSOM/NOTRE DAME, REDUCED AT WATT/JACKSON WHEN TOLD TO DROP OUT BY 1SM6 DUE TO BEING 4TH UNIT. LOOSELY FOLLOWED PURSUIT TO TERMINATION POINT WHILE OBEYING RULES OF ROAD.

02-15-2021 23:28:34 SR12 397 FLORES, CHANEL 6067 Call Remark
3CS65 MEDIA IS OS

02-15-2021 23:29:58 TAC88 4621 PATTERSON, CALEB 0943 RMS Query
RMS Q PERS-NAME:[redacted] G1:[redacted] DOB:[redacted]
STATE:CA REC:Y CAD:N EXTN:Y EXTE:Y EXTM:Y
EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:TAC88

02-15-2021 23:29:58 TAC88 4621 PATTERSON, CALEB 0943 External Query
EXT Q PERS-NAME:[redacted] G1:[redacted] DOB:[redacted]
STATE:CA REC:Y CAD:N EXTN:Y EXTE:Y EXTM:Y
EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:TAC88

02-15-2021 23:29:58 TAC88 4621 PATTERSON, CALEB 0943 RMS Query
RMS Q PERS-NAME:[redacted] G1:[redacted] DOB:[redacted]
STATE:CA REC:Y CAD:N EXTN:Y EXTE:Y EXTM:Y
EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:TAC88

02-15-2021 23:29:58 TAC88 4621 PATTERSON, CALEB 0943 External Query
EXT Q PERS-NAME:[redacted] G1:[redacted] DOB:[redacted]
STATE:CA REC:Y CAD:N EXTN:Y EXTE:Y EXTM:Y
EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:TAC88

02-15-2021 23:30:09 ARSON7 XFD002 FOWLER, DAVID SCOTT XFD002 Status Change
ARSON7 ER XFD002 FOWLER, DAVID SCOTT XFD
ASSIST:1A69 /8550 FRUITRIDGE

02-15-2021 23:30:21 ARSON7 XFD002 FOWLER, DAVID SCOTT XFD002 Status Change
ARSON7 OS XFD002 FOWLER, DAVID SCOTT XFD

02-15-2021 23:30:43 1C64 4689 MANNING, DOUGLAS S 0563
1C64 OS 4689 MANNING, DOUGLAS S 0563

02-15-2021 23:34:49 1C65 4232 JENSEN, CONNER 0935 Status Change
1C65 OS 4232 JENSEN, CONNER 0935

02-15-2021 23:34:49 1C65 4232 JENSEN, CONNER 0935 Status Change
1C65 OS 4681 MUCHER, RYAN 0636

02-15-2021 23:35:11 CS1 214 DABROWSKI, JANEE 6105 Call Remark
OIS C/O PAGE SENT

02-15-2021 23:37:38 CS1 214 DABROWSKI, JANEE 6105 Status Change
IV18 ER 602 MACLAFFERTY, SCOTT 3065
[redacted] **OCCIDENTAL DR**

02-15-2021 23:37:48 CS1 214 DABROWSKI, JANEE 6105 Status Change
IV80 ER 3857 COUGHRAN, CHAD 0635 [redacted]
OCCIDENTAL DR

02-15-2021 23:38:09 CS1 214 DABROWSKI, JANEE 6105 Status Change
IV107 ER 522 KRUTZ, SCOT 0680 [redacted]
OCCIDENTAL DR

02-15-2021 23:38:36 CS1 214 DABROWSKI, JANEE 6105 Status Change
IV145 ER 4017 MASSEE, PAMELA 0548 [redacted]
OCCIDENTAL DR

02-15-2021 23:49:28 1A78 3797 TAKEHARA, GREG 0872 RMS Query
RMS Q LOC-LOC:4001 J ST TYPE:H MUN:1 SVTP:P
CAD:Y REC:Y PKI:N

02-15-2021 23:54:07 1C65 4232 JENSEN, CONNER 0935 Call Remark
C3 FROM BROADWAY/59TH, REDUCED AT WATT/FOLSOM WHEN SUFFICIENT UNITS WERE IN PURSUIT. RESPONDED TO PURSUIT TERMINATION POINT. NEVER IN PURSUIT

02-15-2021 23:59:37 1C88 4911 SUMMEY, JAMES 0491 Call Remark
RESPONDED C3 FROM COMM CENTER TO POWER INN / FRUITRIDGE....NEVER IN PURSUIT...ATTEMPTED TO DEPLOY SPIKE STRIPS ON FRUITRIDGE JUST EAST OF POWER INN, BUT VEHICLE BEGAN SWERVING / BECAME UNSAFE AND WAS NOT DEPLOYED

02-15-2021 23:59:40 1C32 4828 COFFMAN, JAMES 0851 Call Remark
RESPONDED C3 FROM S/B 99/ FRUITRIDGE EAST. NO INCIDENTS. NOT INVOLVED IN THE PURSUIT

02-16-2021 00:03:17 2C34 4750 ROSE, KEVIN E 0273 Call Remark
C3 FROM RICHARDS UNTIL SUBJ DETAINED. REDUCED AT 1-5 AND HWY 50. REDIRECTED TO PRIORITY CALL BEFORE 906.

02-16-2021 00:06:05 SR4 4647 TACARDON, CORINA M 6031 Call Remark
1A55/SR4,CAN YOU PUT IN THE COMMENTS I RESPONDED C3 TO THE PURSUIT FROM FLOREN AND DEACTIVATED 24TH ST

02-16-2021 00:06:33 1A56 4706 RODRIGUEZ JR, JORGE 0906 Call Remark
RESPONDED C3 FROM FLORIN/ 24TH ST... REDUCED AT FLORIN RD/ EAST PWKY. NOT INVOLVED IN PURSUIT. RESPONDED WHEN SHOTS FIRED WAS PUT OUT ON RADIO, NEVER OS. CLEARED DUE TO SUFFICIENT ON SCENE.

02-16-2021 00:07:27 SD11 4949 LIONEL, TEIAJA 6085 Call Remark
PLS PUT STF21 ON THIS CALL

02-16-2021 00:14:49 1A88 4890 JILLSON, BENJAMIN 0481 Call Remark
RESP C3 FROM ORIGINAL SCENE TO PURSUIT UNTIL SUFFICIENT UNITS WERE ON PURSUIT ON WATT AVE... REDUCED AND PARALLELED TO ATTEMPT SPIKE STRIPS... RESP C3 TO TERMINATION WHEN SHOTS FIRED BROADCAST... ICC/BWC.... NO INCIDENTS

02-16-2021 00:25:05 GRN56 4665 BARTLETT, DANIEL 0480 Call Remark
DID NOT RESPOND TO THE PURSUIT IN ANY CAPACITY. STOOD BY AT KAISER UNTIL FIRE AND UNITS ARRIVED AND THEN STOOD BY WITH UNITS AND SUSPECT.

02-16-2021 00:57:05 CS3 3747 TANTILLO, MARC 6121 Call Remark
SHOW IV10 906

02-16-2021 00:58:56 SD9 3836 FURNISS, KELLY 6036 Call Remark
MED 50 RESPONDED PER FIRE

02-16-2021 01:00:52 SD9 3836 FURNISS, KELLY 6036 Call Remark
FIRE WILL LOOK UP WHICH PERSONNEL RESPONDED AND CB W/NAMES

02-16-2021 01:02:43 CS3 3747 TANTILLO, MARC 6121 Call Remark
SHOW IV182 IV91 ON THIS AND PER IV10 ALL IV UNITS ARE 906

02-16-2021 01:13:23 SD12 4835 MICHEL, ELENA 6043 Call Remark
************FIRE CB WITH PERSONEL NAMES: ENG 50: JEREMY DABB,JOE PETTY,AARON HUGHES.....MED 50: ALEX DANIELSKI,JACK SCHWARTZMAN*********

02-16-2021 01:25:55 CS3 3747 TANTILLO, MARC 6121 Call Remark
IV10 REQ'D THE MIC...1A88 IS QUALIFIED TO DRIVE IT AND WILL HANDLE GETTING IT 906

02-16-2021 01:54:01 CS3 3747 TANTILLO, MARC 6121 Call Remark
PLS SHOW IV31 906

02-16-2021 01:55:35 1C67 4403 MOTA, STEPHEN 0332 Call Remark
CODE 3 TO THE PURSUIT FROM ELVAS & J TO WATT & JACKSON, NOT INVOLVED IN PURSUIT, TRAILED TIL TERMINATION POINT

02-16-2021 01:57:27 1C36 4517 CATO, BERLINDA 0443 Call Remark
NO CODE RESPONSE, NOT INVOLVED IN PURSUIT, PURSUIT CONCLUDED BEFORE EN ROUTE, ASSISTED WITH CANVAS AT ORIGINAL 925, SUPP TO FOLLOW

02-16-2021 02:00:40 SR4 4598 HUTCHINS, CAITLYN 6042 Call Remark
1A69 WAS TAKEN OFF CALL IN ERROR

02-16-2021 02:14:33 1A61 3154 VALENZUELA, MARIO 0855 Call Remark
SAC METRO ENGINE AND MEDIC 50: FIREFIGHTER ARON HUGHES #776, FIREFIGHTER JACK SCHWARTZMAN #777, ALEXANDER DANIELSKI #775, JOE PETTY #333, CAPTAIN JEREMY DABB #242727

02-16-2021 03:02:12 SR4 4598 HUTCHINS, CAITLYN 6042 Call Update
Related Call:ADDED FOLLOWUP:SA21-44272

02-16-2021 03:04:41 SR12 4835 MICHEL, ELENA 6043 Call Remark
STF23 CLR AND PLS LOG OFF

02-16-2021 03:16:00 4394 SILVA, ADRIAN 8156 Text Document
[redacted]

02-16-2021 03:19:14 SD9 4647 TACARDON, CORINA M 6031 Call Remark
1A65**CENTRAL VALLEY TOW FOR EVIDENCE IMPOUND FORD F150 [redacted] ADVD BURNED AND DOORS UNLOCKED**

02-16-2021 03:54:00 4394 SILVA, ADRIAN 8156 Text Document
[redacted]

02-16-2021 04:12:17 1A65 4394 SILVA, ADRIAN 8156 Call Remark
FORD FCN 4302104700604.

02-16-2021 04:20:14 1C64 4689 MANNING, DOUGLAS S 0563 Call Remark
C3 FROM COMMS CENTER, REDUCED AT JACKSON / S WATT, NOT INVOLVED IN PURSUIT, BWC/ICC ACTIVATED, SUP TO FOLLOW

02-16-2021 07:03:18 SD13 3749 BEARD, ESTHER 6094 Call Remark
ATLAS DISPOSAL INDUSTRIES [redacted] PH# [redacted] CALLING IN..HIS BUSN IS BLOCKED OFF BY POLICE TAPE AND PD IS OS..C IS WONDERING WHEN THEY WILL BE ABLE TO ENTER THE PROPERTY AND ALSO THEY HAVE CAMERAS IF PD NEEDS VIDEO

02-16-2021 07:15:55 SD13 3749 BEARD, ESTHER 6094 Call Remark
CB [redacted] FROM ATLAS AND ADV'D THAT THE AREA WILL BE BLOCKED FOR A COUPLE MORE HOURS.

02-16-2021 07:19:16 CS1 248 SOUTHWARD, KAMERON 6159 Call Update
Call transferred to Records:44157

Dispatch Information

Backup Unit: **1A49 Type:PT 4419 HAYNES, MARK A 0742 489 KAWASAKI, RICHARD 0465**
Dispatched: **Feb-15-2021 22:26:14**
En Route : **Feb-15-2021 22:26:14**
In Service: **Feb-15-2021 22:27:15**

Backup Unit: **1A56 Type:PT 4706 RODRIGUEZ JR, JORGE 0906**
Dispatched: **Feb-15-2021 22:26:10**
En Route : **Feb-15-2021 22:26:10**
In Service: **Feb-15-2021 22:32:28**

Backup Unit: **1A61 Type:PT 3154 VALENZUELA, MARIO 0855 4619 ANSTESS, OWEN 0546**
Dispatched: **Feb-15-2021 22:18:26**
En Route : **Feb-16-2021 05:53:19**
On Scene : **Feb-16-2021 06:11:02**
In Service: **Feb-16-2021 06:12:04**

Backup Unit: **1A65 Type:PT 4394 SILVA, ADRIAN 8156 3162 BECERRA, RAUL 0399**
Dispatched: **Feb-16-2021 02:48:12**
En Route : **Feb-16-2021 04:13:43**
On Scene : **Feb-16-2021 02:57:32**
In Service: **Feb-16-2021 04:25:40**

Backup Unit: **1A65 Type:PT 3162 BECERRA, RAUL 0399**
Dispatched: **Feb-16-2021 05:03:08**
En Route : **Feb-16-2021 07:12:17**
On Scene : **Feb-16-2021 05:34:29**

Backup Unit: **1A68 Type:PT 4236 TOOMEY, ERIC 0894**
Dispatched: **Feb-15-2021 21:54:37**
En Route : **Feb-15-2021 22:17:04**
On Scene : **Feb-15-2021 22:27:53**
In Service: **Feb-16-2021 03:59:31**

Backup Unit: **1A69 Type:PT 4947 KING, ZACHARY S 0784 4367 STEVENS, VICTOR 0952**
Dispatched: **Feb-15-2021 22:17:37**
En Route : **Feb-15-2021 22:17:37**
On Scene : **Feb-15-2021 22:32:28**
In Service: **Feb-16-2021 01:58:04**

Backup Unit: **1A69 Type:PT 4947 KING, ZACHARY S 0784 4367 STEVENS, VICTOR 0952**
Dispatched: **Feb-16-2021 02:00:31**
En Route : **Feb-16-2021 02:00:31**
On Scene : **Feb-16-2021 02:00:31**
In Service: **Feb-16-2021 03:59:32**

Backup Unit: **1A78 Type:PT 3797 TAKEHARA, GREG 0872**
Dispatched: **Feb-15-2021 22:28:33**
En Route : **Feb-15-2021 22:28:33**
On Scene : **Feb-15-2021 22:28:33**
In Service: **Feb-16-2021 02:50:35**

Prime Unit: **1A88 Type:PT 4890 JILLSON, BENJAMIN 0481 4266 SCHWERTFEGER, TREVOR 0765**
Dispatched: **Feb-15-2021 21:54:37**
En Route : **Feb-16-2021 00:16:35**
On Scene : **Feb-16-2021 00:19:12**
In Service: **Feb-16-2021 03:43:52**

Backup Unit: **1B63 Type:PT 4620 RAPPAZZO, KATIE 0669**
Dispatched: **Feb-16-2021 06:35:54**
En Route : **Feb-16-2021 06:35:54**
On Scene : **Feb-16-2021 07:05:00**

Backup Unit: **1C31 Type:PT 4469 MCAULIFF, DEIDRE 0697**
Dispatched: **Feb-15-2021 22:25:45**
En Route : **Feb-15-2021 22:25:45**
On Scene : **Feb-15-2021 22:36:35**
In Service: **Feb-16-2021 00:12:03**

Backup Unit: **1C32 Type:PT 4828 COFFMAN, JAMES 0851**
Dispatched: **Feb-15-2021 22:25:33**
En Route : **Feb-15-2021 22:25:33**
On Scene : **Feb-15-2021 22:37:14**
In Service: **Feb-16-2021 00:03:31**

Backup Unit: **1C36 Type:PT 4517 CATO, BERLINDA 0443**
Dispatched: **Feb-15-2021 22:42:05**
En Route : **Feb-16-2021 00:15:52**
On Scene : **Feb-16-2021 00:28:07**
In Service: **Feb-16-2021 02:54:42**

Backup Unit: **1C55 Type:PT 4077 TAYLER, NICHOLAS 0741 4920 KAMMERER, ZACHARY 0554**
Dispatched: **Feb-15-2021 22:25:57**
En Route : **Feb-15-2021 22:25:57**
In Service: **Feb-15-2021 22:26:02**

Backup Unit: **1C55 Type:PT 4077 TAYLER, NICHOLAS 0741 4920 KAMMERER, ZACHARY 0554**
Dispatched: **Feb-15-2021 22:26:12**
En Route : **Feb-15-2021 22:26:12**
On Scene : **Feb-15-2021 22:31:22**
In Service: **Feb-15-2021 22:36:50**

Backup Unit: **1C58 Type:PT 4945 HILLMAN, RICHARD T 0654 4353 RODARTE, JUAN 0967**
Dispatched: **Feb-15-2021 22:25:39**
En Route : **Feb-15-2021 22:25:39**
In Service: **Feb-15-2021 22:42:25**

Backup Unit: **1C59 Type:PT 4320 PANGELINAN, ALICIA 0382**
Dispatched: **Feb-15-2021 22:26:45**
En Route : **Feb-15-2021 22:26:45**
In Service: **Feb-15-2021 22:27:04**

Backup Unit: **1C61 Type:PT 4874 LEE, DAVID 0264 4399 OSMOND, FREDERICK 0982**
Dispatched: **Feb-15-2021 22:18:05**
En Route : **Feb-15-2021 22:18:05**
On Scene : **Feb-15-2021 22:30:38**
In Service: **Feb-15-2021 23:17:37**

Backup Unit: **1C61 Type:PT 4874 LEE, DAVID 0264 4399 OSMOND, FREDERICK 0982**
Dispatched: **Feb-15-2021 23:19:13**
En Route : **Feb-15-2021 23:19:13**
On Scene : **Feb-15-2021 23:19:13**
In Service: **Feb-16-2021 03:05:19**

Backup Unit: **1C62 Type:PT 4611 DARCY, JOHN 0618**
Dispatched: **Feb-15-2021 22:17:04**
En Route : **Feb-15-2021 22:17:04**
On Scene : **Feb-15-2021 22:34:00**
In Service: **Feb-16-2021 00:34:31**

Backup Unit: **1C64 Type:PT 4689 MANNING, DOUGLAS S 0563**
Dispatched: **Feb-15-2021 22:16:54**
En Route : **Feb-16-2021 02:27:32**
On Scene : **Feb-16-2021 04:17:19**
In Service: **Feb-16-2021 04:20:43**

Backup Unit: **1C65 Type:PT 4232 JENSEN, CONNER 0935 4681 MUCHER, RYAN 0636**
Dispatched: **Feb-15-2021 22:16:54**
En Route : **Feb-15-2021 23:19:49**
On Scene : **Feb-15-2021 23:34:49**
In Service: **Feb-16-2021 00:03:14**

Backup Unit: **1C67 Type:PT 4403 MOTA, STEPHEN 0332 4910 KHANG, JIMMY 0272**
Dispatched: **Feb-15-2021 22:17:22**
En Route : **Feb-16-2021 01:42:00**
On Scene : **Feb-16-2021 01:42:00**
In Service: **Feb-16-2021 02:22:05**

Backup Unit: **1C68 Type:PT 4754 CARO, NICHOLAS S 0561**
Dispatched: **Feb-15-2021 22:20:38**
En Route : **Feb-15-2021 22:20:38**
On Scene : **Feb-15-2021 22:28:01**
In Service: **Feb-16-2021 03:59:38**

Backup Unit: **1C78 Type:PT 4787 FRANZEN, RYAN 0528**
Dispatched: **Feb-15-2021 22:25:33**
En Route : **Feb-15-2021 22:25:33**
On Scene : **Feb-15-2021 22:35:31**
In Service: **Feb-15-2021 22:39:00**

Backup Unit: **1C78 Type:PT 4787 FRANZEN, RYAN 0528**
Dispatched: **Feb-15-2021 23:20:24**
En Route : **Feb-15-2021 23:20:24**
On Scene : **Feb-15-2021 23:20:24**
In Service: **Feb-16-2021 00:20:27**

Backup Unit: **1C79 Type:PT 869 TEURN, LO 0403 4529 CEJA, CINDI 8163**
Dispatched: **Feb-15-2021 22:19:08**
En Route : **Feb-15-2021 22:19:08**
On Scene : **Feb-15-2021 22:27:45**
In Service: **Feb-16-2021 01:13:33**

Backup Unit: **1C88 Type:PT 4911 SUMMEY, JAMES 0491 3432 PARHAM, TONY 0770**
Dispatched: **Feb-15-2021 22:21:12**
En Route : **Feb-16-2021 03:36:33**

On Scene : **Feb-16-2021 03:47:52**
In Service: **Feb-16-2021 03:47:58**

Backup Unit: **1C89 Type:PT 4674 SYPOLT, JESSICA 0524 4444 ECKERT, SCOTT 1001**
Dispatched: **Feb-15-2021 22:21:13**
En Route : **Feb-15-2021 22:21:13**
On Scene : **Feb-15-2021 22:31:39**
In Service: **Feb-15-2021 23:12:30**

Backup Unit: **1CS30 Type:CS 4755 WRIGHT, SEAN R 8180**
Dispatched: **Feb-15-2021 22:29:47**
En Route : **Feb-15-2021 22:29:47**
In Service: **Feb-15-2021 22:30:49**

Backup Unit: **1CS30 Type:CS 4755 WRIGHT, SEAN R 8180**
Dispatched: **Feb-15-2021 22:33:20**
En Route : **Feb-15-2021 22:33:20**
On Scene : **Feb-15-2021 22:47:16**
In Service: **Feb-16-2021 03:02:15**

Backup Unit: **1CS30 Type:CS 4755 WRIGHT, SEAN R 8180**
Dispatched: **Feb-16-2021 05:36:47**
En Route : **Feb-16-2021 05:36:47**
On Scene : **Feb-16-2021 05:36:47**

Backup Unit: **1CS40 Type:CS 4869 WAUTERS, MADISON 8132**
Dispatched: **Feb-15-2021 22:58:33**
En Route : **Feb-15-2021 22:58:33**
In Service: **Feb-15-2021 23:03:23**

Backup Unit: **1CS55 Type:CS 4942 BRIGGS, GREGORY L 8186**
Dispatched: **Feb-16-2021 00:00:27**
En Route : **Feb-16-2021 00:00:27**
On Scene : **Feb-16-2021 00:11:19**
In Service: **Feb-16-2021 04:20:59**

Backup Unit: **1SM6 Type:PS 899 SCHWARTZ, JEREMY 3073**
Dispatched: **Feb-15-2021 22:20:30**
En Route : **Feb-15-2021 22:20:30**
On Scene : **Feb-15-2021 22:33:34**
In Service: **Feb-16-2021 03:56:00**

Backup Unit: **2C34 Type:PT 4750 ROSE, KEVIN E 0273 4862 SMITH, JOSEPH M 0575**
Dispatched: **Feb-15-2021 22:27:26**
En Route : **Feb-15-2021 22:27:26**
In Service: **Feb-15-2021 22:37:42**

Backup Unit: **2CS33 Type:CS 4935 MALDONADO, LIZMARH 8102**
Dispatched: **Feb-16-2021 07:08:32**
En Route : **Feb-16-2021 07:08:32**

Backup Unit: **3CS65 Type:CS 4741 VIRK, DILPREET 8201**
Dispatched: **Feb-15-2021 22:34:30**
En Route : **Feb-15-2021 22:34:30**
On Scene : **Feb-15-2021 22:47:22**
In Service: **Feb-16-2021 01:43:38**

Backup Unit: **3SM2 Type:PS 3194 LANNOM, DARBY 3076**
Dispatched: **Feb-15-2021 22:26:07**
En Route : **Feb-15-2021 22:26:07**
In Service: **Feb-16-2021 00:09:11**

Backup Unit: **3SM6 Type:PT 3876 JARVIS, JEREMIAH 3022**
Dispatched: **Feb-15-2021 23:08:14**
En Route : **Feb-15-2021 23:08:14**
On Scene : **Feb-16-2021 00:33:43**
In Service: **Feb-16-2021 04:57:47**

Backup Unit: **ARSON7 Type:XX XFD002 FOWLER, DAVID SCOTT XFD002**
Dispatched: **Feb-15-2021 23:30:09**
En Route : **Feb-15-2021 23:30:09**
On Scene : **Feb-15-2021 23:30:21**
In Service: **Feb-16-2021 00:45:10**

Backup Unit: **DA55 Type:XX**
Dispatched: **Feb-16-2021 00:16:41**
En Route : **Feb-16-2021 00:16:41**
On Scene : **Feb-16-2021 01:37:43**

Backup Unit: **GRN56 Type:GR 4665 BARTLETT, DANIEL 0480**
Dispatched: **Feb-15-2021 22:26:42**
En Route : **Feb-15-2021 22:26:42**
In Service: **Feb-15-2021 22:31:49**

Backup Unit: **GRN56 Type:GR 4665 BARTLETT, DANIEL 0480**
Dispatched: **Feb-15-2021 22:55:38**
En Route : **Feb-15-2021 22:55:38**
On Scene : **Feb-15-2021 22:55:38**
In Service: **Feb-16-2021 00:27:53**

Backup Unit: **IV10 Type:DT 536 LANGE, MICHAEL 3067**
Dispatched: **Feb-16-2021 00:57:16**
En Route : **Feb-16-2021 00:57:16**
On Scene : **Feb-16-2021 00:57:16**

Backup Unit: **IV107 Type:DT 522 KRUTZ, SCOT 0680**
Dispatched: **Feb-15-2021 23:38:09**
En Route : **Feb-15-2021 23:38:09**
On Scene : **Feb-16-2021 01:03:22**

Backup Unit: **IV145 Type:DT 4017 MASSEE, PAMELA 0548**
Dispatched: **Feb-15-2021 23:38:36**
En Route : **Feb-15-2021 23:38:36**
On Scene : **Feb-16-2021 01:03:22**

Backup Unit: **IV152 Type:DT 866 SAARIO, JUSTIN 0460**
Dispatched: **Feb-16-2021 00:23:34**
En Route : **Feb-16-2021 00:23:34**
On Scene : **Feb-16-2021 01:03:22**

Backup Unit: **IV18 Type:DT 602 MACLAFFERTY, SCOTT 3065**
Dispatched: **Feb-15-2021 23:37:38**
En Route : **Feb-15-2021 23:37:38**
On Scene : **Feb-16-2021 01:03:22**

Backup Unit: **IV182 Type:DT 3481 MCGOVERN, SHAUN 0892**
Dispatched: **Feb-16-2021 01:03:33**
En Route : **Feb-16-2021 01:03:33**
On Scene : **Feb-16-2021 01:03:33**

Backup Unit: **IV31 Type:DT 263 ELLIS, JOSEPH 3132**
Dispatched: **Feb-16-2021 01:54:19**
En Route : **Feb-16-2021 01:54:19**
On Scene : **Feb-16-2021 01:54:19**

Backup Unit: **IV75 Type:DT 4075 SCHULTE, BRENDAN 0911**
Dispatched: **Feb-16-2021 00:23:34**
En Route : **Feb-16-2021 00:23:34**
On Scene : **Feb-16-2021 01:03:29**

Backup Unit: **IV80 Type:DT 3857 COUGHRAN, CHAD 0635**
Dispatched: **Feb-15-2021 23:37:48**
En Route : **Feb-15-2021 23:37:48**
On Scene : **Feb-16-2021 01:03:29**

Backup Unit: **IV86 Type:DT 3793 CULP, TODD 0858**
Dispatched: **Feb-16-2021 00:23:33**
En Route : **Feb-16-2021 00:23:33**
On Scene : **Feb-16-2021 01:03:29**

Backup Unit: **IV91 Type:DT 4053 DERRICK, LEE 0342**
Dispatched: **Feb-16-2021 01:03:33**
En Route : **Feb-16-2021 01:03:33**
On Scene : **Feb-16-2021 01:03:33**

Backup Unit: **IV96 Type:DT 3299 MURAWSKI, BRIAN 0871**
Dispatched: **Feb-16-2021 00:23:34**
En Route : **Feb-16-2021 00:23:34**
On Scene : **Feb-16-2021 01:03:29**

Backup Unit: **K910 Type:K9 4154 CATRICALA, VINCENT 0379**
Dispatched: **Feb-15-2021 22:17:53**
En Route : **Feb-15-2021 22:17:53**
On Scene : **Feb-15-2021 22:26:29**
In Service: **Feb-15-2021 22:54:53**

Backup Unit: **K94 Type:K9 3628 HENDERSON, DUSTIN 0343**
Dispatched: **Feb-15-2021 22:17:16**
En Route : **Feb-15-2021 22:17:16**
On Scene : **Feb-15-2021 22:26:53**
In Service: **Feb-15-2021 22:53:46**

Backup Unit: **LN15 Type:PS 285 STIGERTS, MARNIE J 4110**
Dispatched: **Feb-15-2021 22:46:01**
En Route : **Feb-15-2021 22:46:01**
On Scene : **Feb-15-2021 22:58:43**
In Service: **Feb-16-2021 03:18:50**

Backup Unit: [redacted] **Type:RT** [redacted]
Dispatched: **Feb-15-2021 22:26:19**
En Route : **Feb-15-2021 22:26:19**

In Service: **Feb-15-2021 22:30:22**

Backup Unit: **SCT156 Type:SC 4760 BARRETT, MITCHELL B 0204**
Dispatched: **Feb-15-2021 22:23:26**
En Route : **Feb-15-2021 22:23:26**
On Scene : **Feb-15-2021 22:29:14**
In Service: **Feb-15-2021 22:42:17**

Backup Unit: **STAR Type:HE SSD11 SSD HELICOPTER**
Dispatched: **Feb-15-2021 22:31:06**
En Route : **Feb-15-2021 22:31:06**
On Scene : **Feb-15-2021 22:31:06**
In Service: **Feb-15-2021 22:41:31**

Backup Unit: **STF21 Type:SD 3790 TRUJILLO, CHRISTINA 0846**
Dispatched: **Feb-16-2021 00:09:55**
En Route : **Feb-16-2021 00:09:55**
On Scene : **Feb-16-2021 00:09:55**
In Service: **Feb-16-2021 04:09:12**

Backup Unit: **STF23 Type:SD 3558 KUHLMANN, JEFF A 0759**
Dispatched: **Feb-16-2021 00:21:52**
En Route : **Feb-16-2021 00:21:52**
On Scene : **Feb-16-2021 00:21:52**
In Service: **Feb-16-2021 03:04:35**

Backup Unit: **TAC88 Type:SD 4621 PATTERSON, CALEB 0943 4745 WARD, JOHN T 0583**
Dispatched: **Feb-15-2021 22:18:03**
En Route : **Feb-16-2021 01:41:18**
On Scene : **Feb-16-2021 02:09:03**
In Service: **Feb-16-2021 02:16:04**

Unit: **Type:**

Unit: **Type:**

Unit: **Type:**

Unit: **Type:**

Unit: **Type:**

Unit: **Type:**

Special Service Information
At: **Feb-15-2021 22:30:00 SR8 3659**
Last Updated: **02-15-2021 22:13:19**

At: **Feb-15-2021 22:60:00 SR8 3659**
Last Updated: **02-15-2021 22:26:27**

At: **Feb-16-2021 00:70:00 SR8 3659**
Last Updated: **02-16-2021 00:57:32**

At: **Feb-16-2021 00:80:00 SR8 3659**
Last Updated: **02-16-2021 00:58:52**

At: **Feb-16-2021 03:70:00 1A65 4394 SILVA, ADRIAN 8156**
Remarks: **can you pls start an evidence impound [redacted] ... ford f150,**
Last Updated: **02-16-2021 03:17:15**

At: **Feb-16-2021 07:60:00 SR4 4337**
Last Updated: **02-16-2021 07:06:27**

**** END OF HARDCOPY ****

SACRAMENTO POLICE DEPARTMENT
COMPLAINT HARDCOPY

CP 2021 - 44142 **Reported: Feb-15-2021 21:20:53**

Summary Information

Call Number: **SA 2021-44142** Date/In Time: **Feb-15-2021 21:20:53** Status: **CLOSED**
Initial Call Type: **ALL UNITS BROADCAST**
Final Call Type: **ALL UNITS BROADCAST**
Priority: **6** Queue Type: **R** How Received: **911 SYSTEM**
Address: [redacted] **OCCIDENTAL DR** Community: **SACRAMENTO**
District: **6** Zone: **6E** Grid: **1116**
Call Taker: **3751 LIGHT, NICOLE 6051** Call Taker Desk: **CS2**

Initial Remarks :
VEH JUST EXPLODED AND IS ON FIRE

Address: **49 BICENTENNIAL CIR**
Home Phone: [redacted]

Clearance Remarks :
FIRE HANDLE

Founded: **Yes** Report Expected: **No**
How Cleared: **POLICE MATTER RESOLVED AT SCENE**
BOLO: **N** Study: **NA**
Reporting Officer1: **4760 - BARRETT, MITCHELL B 020**
Reporting Officer2:
Cleared By: **4760 BARRETT, MITCHELL B 0204** Clearance Desk/Unit ID: **SCT156**

Call Times:
Received : **Feb-15-2021 21:20:53**
Dispatch : **Feb-15-2021 21:24:11**
En Route : **Feb-15-2021 21:24:11**
Cleared : **Feb-15-2021 21:32:28**

Total - Units/Services: **1** Remarks: **3** Documents: **0** Entities: **0**

Chronological Events

02-15-2021 21:21:36 CS2 3751 LIGHT, NICOLE 6051 Call Remark
CALLER WAS XFER TO FIRE..JUST FYI FOR UNITS ITS NEAR TREES AND AN APT COMPLEX

02-15-2021 21:21:53 SD13 4598 HUTCHINS, CAITLYN 6042 Call Remark
PER FIRE THEYRE 906

02-15-2021 21:21:58 SR8 3659 NICE, APRIL 6054 Call Update
Clear remarks:CHANGED TO:BC

02-15-2021 21:21:58 SR8 3659 NICE, APRIL 6054 Call Update
Call was CLEARED:

02-15-2021 21:21:58 SR8 3659 NICE, APRIL 6054 Call Update
Cleared by:P TO:X

02-15-2021 21:24:09 SR8 3659 NICE, APRIL 6054 Call Remark
RO

02-15-2021 21:24:09 SR8 3659 NICE, APRIL 6054 Call Update

Call was REOPENED/REQUEUED:REOPENED CALL

02-15-2021 21:24:11 SR8 3659 NICE, APRIL 6054 Status Change
SCT156 ER 4760 BARRETT, MITCHELL B 0204
[redacted] OCCIDENTAL DR

02-15-2021 21:32:28 SCT156 4760 BARRETT, MITCHELL B 0204 Call Cleared
SCT156 IS 4760 BARRETT, MITCHELL B 0204
CLEARED CASE SA44142 FOUNDED-Y REPORT-N CLEARED
BY-A FINAL-AU BOLO-N STUDY FLAG-NA REM-FIRE HANDLE

02-15-2021 21:32:28 SCT156 4760 BARRETT, MITCHELL B 0204 Status Change
SCT156 IS 4760 BARRETT, MITCHELL B 0204

Dispatch Information

Prime Unit: **SCT156 Type:SC 4760 BARRETT, MITCHELL B 0204**
Dispatched: **Feb-15-2021 21:24:11**
En Route : **Feb-15-2021 21:24:11**
In Service: **Feb-15-2021 21:32:28**

**** END OF HARDCOPY ****

SACRAMENTO
POLICE DEPARTMENT
GENERAL OFFENSE HARDCOPY
(TRAFFIC ACCIDENT-NON-INJURY)
GO# SA 2021-44272

Table of Contents

Related Event GO# SA 2021-44272 1

Offense(s) 1

Related Event(s) 2

Related Person(s) 2

1. DRIVER # 1 - TOOMEY, E 0894 4236 2
2. DRIVER # 2 - HERRARA, ADAN 3
3. VEH REG OWN # 1 - [redacted] 4

Related Business(es) 5

1. VEH REG OWN # 1 - CITY OF SACRAMENTO 5

Related Vehicle(s) 5

1. IN COLLISION # 1 - [redacted] VIN# [redacted] 5
2. IN COLLISION # 2 - [redacted] VIN# [redacted] 6

Related Follow Up(s) 8

1. Follow Up Report # SA 1 - GUNTER, MICHAEL 0331 8

Related Clearance Information 9

Related Attachment(s) 10

1. ACCIDENT - TRAFFIC COLLISION REPORT 10

General Offense Information

Operational Status	SUSPENDED-INVESTIGATION COMPLETED
Reported On	FEB-15-2021 (MON.) 2154
Occurred On	FEB-15-2021 (MON.) 2154
Approved On	MAR-16-2021 (TUE.)
Approved By	1039 - VASSALLO, ADAM 3047
Report Submitted By	4755 - WRIGHT, SEAN R 8180
Org Unit	OOO PATROL DIST 3 LATE (TEAM 19)
Accompanied By	372 - GUNTER, MICHAEL 0331 **Downtime** 154
Address	8550 FRUITRIDGE RD
Municipality	SACRAMENTO
County	SACRAMENTO COUNTY
	District 6 **Beat** 6C **Grid** 1411
Special Study	TRAFFIC ACCIDENT W/RECCOS
Family Violence	NO
Cargo Theft	NO

Offenses (Completed/Attempted)

Offense #	1 5400-1 TRAFFIC ACCIDENT-NON-INJURY - COMPLETED
Location	STREETS / HWY / ROAD / ALLEY
Suspected Of Using	N/A
Bias	NONE (NO BIAS)

Related Event(s)

1. CP SA2021-44272

COMPLAINT INFORMATION

Incident Location **Address** 8550 FRUITRIDGE RD
District 6 **Beat** 6C **Grid** 1411

GENERAL INFORMATION

Case Type	VEHICLE ACCIDENT-NO OR UNKNOWN INJURIES	**Priority**	7
Dispatched Time	03:02:16	**En Route Time**	03:02:16
At Scene Time	03:02:16	**Cleared Time**	05:36:20
How Call Was Received	TELEPHONE		
Unit IDs	1CS30		

COMPLAINANT INFORMATION

Name	
Sex	F
DOB	
Home Telephone	(916) -
Remarks	PER 1CS30 CITY INVD 901

CLEARANCE INFORMATION

Final Case Type	VEHICLE ACCIDENT-NO OR UNKNOWN INJURIES		
Report Expected	YES	**Founded**	YES
Cleared By	POLICE MATTER RESOLVED AT SCENE		
Reporting Officer 1	4755 - WRIGHT, SEAN R 8180		

Related Person(s)

1. DRIVER # 1 - TOOMEY, E 0894 4236

PERSON PHOTO

MUGSHOT

CD# SA [redacted]

CASE SPECIFIC INFORMATION

Sex MALE
Race CAUCASIAN/WHITE/HISPANIC/
EAST INDIAN/GUAMANIAN
Address [redacted]
BUSINESS PHONE [redacted]

PERSON PARTICULARS

Occupation POLICE OFFICER
Employer CITY OF SACRAMENTO 300 RICHARDS BLVD
Ethnicity WHITE(RACE:W)

MASTER NAME INDEX REFERENCE

Name TOOMEY , E 0894 4236
Sex MALE
Race CAUCASIAN/WHITE/HISPANIC/
EAST INDIAN/GUAMANIAN
Date Of Birth [redacted]
Ethnicity WHITE(RACE:W)
Address [redacted]

PHONE NUMBERS

MAIN HOME PHONE [redacted]
BUSINESS PHONE [redacted]

LINKAGE FACTORS

Age Range UNKNOWN
Related Vehicle # 1 - 1512659, CA
Person Seat Position FRONT LEFT

2. DRIVER # 2 - HERRARA, ADAN

CASE SPECIFIC INFORMATION

Sex MALE
Race CAUCASIAN/WHITE/HISPANIC/
EAST INDIAN/GUAMANIAN
Address [redacted]
Municipality SACRAMENTO

State CALIFORNIA
ZIP Code 95815
MAIN HOME PHONE [redacted]

PERSON PARTICULARS

Ethnicity HISPANIC(RACE:W)
Height 5'07 **Weight** 250 LBS.
Eye Color BROWN
Hair Color BLACK

MASTER NAME INDEX REFERENCE

Name MARTINEZ , ADAN HERERRA
Sex MALE
Race CAUCASIAN/WHITE/HISPANIC/
EAST INDIAN/GUAMANIAN
Date Of Birth MAY-17-1982
Ethnicity HISPANIC(RACE:W)
Address [redacted] **Apartment** [redacted]
Municipality SACRAMENTO
State CALIFORNIA
ZIP Code 95824-

PHONE NUMBERS

CELL PHONE [redacted]
MESSAGE PHONE [redacted]
BUSINESS PHONE [redacted]
MAIN HOME PHONE [redacted]

LINKAGE FACTORS

Resident Status UNKNOWN
Age Range UNKNOWN
Related Vehicle # 2 - [redacted]
Person Seat Position FRONT LEFT

3. VEH REG OWN # 1 - [redacted]

CASE SPECIFIC INFORMATION

Sex FEMALE
Race UNKNOWN
Address [redacted]

Municipality SACRAMENTO
State CALIFORNIA
ZIP Code 95815

PERSON PARTICULARS

Ethnicity UNKNOWN(RACE:U)

LINKAGE FACTORS

Resident Status UNKNOWN
Age Range UNKNOWN

Related Business(es)

1. VEH REG OWN # 1 - CITY OF SACRAMENTO

Address 5730 24TH ST BLDG 1
Municipality SACRAMENTO
State CALIFORNIA
ZIP Code 95822
Type GOVERNMENT

Related Vehicle(s)

1. IN COLLISION # 1 - 1512659, CA VIN# 1FM5K8AR4HGA63306

CASE SPECIFIC INFORMATION

License Number 1512659
State Of Issue CALIFORNIA
VIN 1FM5K8AR4HGA63306
License Type EXEMPT
Year Of Issue 1299
Type AUTO
Make And Model FORD EXPLORER
Style SPORT UTILITY VEHICLE
Year 2017
Color BLACK, WHITE

AUTOMOBILE DETAILS

Body Damage MINOR

MASTER VEHICLE INDEX REFERENCE

License Number 1512659
State Of Issue CALIFORNIA
License Type EXEMPT
Year Of Issue 1299
Towed YES

INSURANCE INFORMATION

Company CITY OF SACRAMENTO
Policy # SELF INSURED

OWNER INFORMATION

Owner Type BUSINESS
Owner Role IN COLLISION
Owner Name CITY OF SACRAMENTO 5730 24TH ST BLDG 1 SACRAMENTO 42

2. IN COLLISION # 2 - [redacted] VIN# [redacted]

CASE SPECIFIC INFORMATION

License Number [redacted]
State Of Issue [redacted]
VIN [redacted]
License Type PASSENGER
Year Of Issue 2021
Type TRUCK/VAN/PICKUP
Make And Model TOYOTA SIENNA
Style VAN/TRAILER
Year 2006
Color RED

AUTOMOBILE DETAILS

Body Damage MINOR

MASTER VEHICLE INDEX REFERENCE

License Number [redacted]
State Of Issue [redacted]
License Type PASSENGER
Year Of Issue 2021
Towed YES

INSURANCE INFORMATION

Company NONE

OWNER INFORMATION

Owner Type PERSON
Owner Role IN COLLISION
Owner Name [redacted]

Follow Up Report # 1

ASSIGNMENT INFORMATION

Assigned To 372 - GUNTER, MICHAEL 0331
Rank DETECTIVE
Capacity OFFENSE INVESTIGATION (DETECTIVES ONLY)
Org Unit OSS METRO TRAFFIC MAJ COLL INV TEAM
Assigned On MAR-11-2021 (THU.) 0749
By 1039 - VASSALLO, ADAM 3047
Report Due On APR-10-2021 (SAT.)

SUBMISSION INFORMATION

Submitted On MAR-15-2021 (MON.) 1411
Checked By 1039 - VASSALLO, ADAM 3047
Approved On MAR-16-2021 (TUE.)
By 1039 - VASSALLO, ADAM 3047

FOLLOW UP CONCLUSION

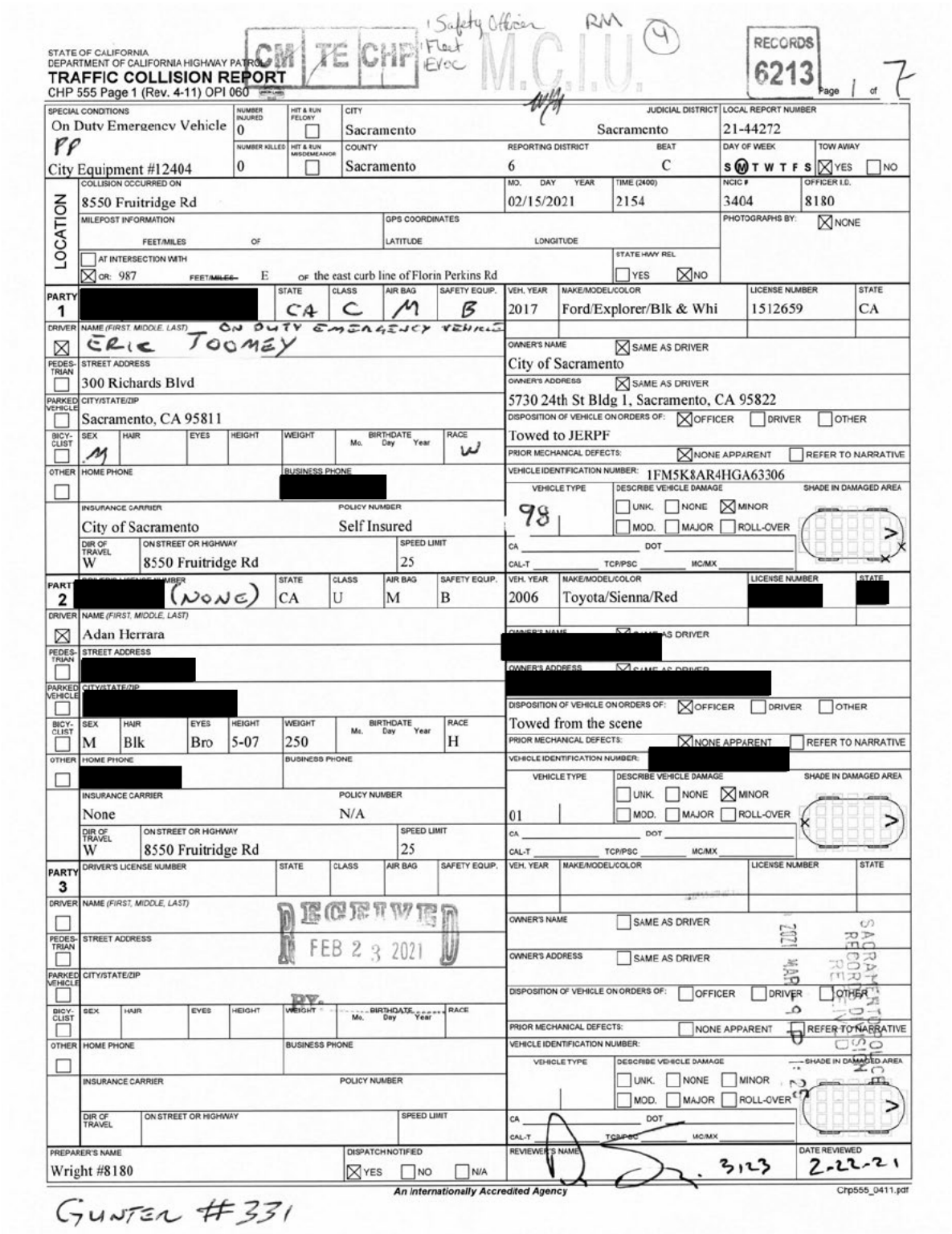
Follow Up Concluded YES

Clearance Information

Agency	SACRAMENTO PD
Cleared Status	SUSPENDED - OTHER - NOT APPLICABLE
Cleared On	MAR-15-2021 (MON.)
Cleared By Officer 1	372 - GUNTER, MICHAEL 0331
Org Unit	TRAFF - OSS METRO TRAFFIC MAJ COLL INV TEAM
Complainant/Victim Notified	NO

Related Attachment - ACCIDENT

Description TRAFFIC COLLISION REPORT
Reference Number



STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
TRAFFIC COLLISION REPORT
CHP 555 Page 1 (Rev. 4-11) OPI 060

CM TE CHP — Safety Officer Fleet Evoc — M.C.I.U. — RM — (4)

RECORDS 6213 Page 1 of 7

SPECIAL CONDITIONS: On Duty Emergency Vehicle PP City Equipment #12404	NUMBER INJURED: 0	HIT & RUN FELONY: ☐	CITY: Sacramento	JUDICIAL DISTRICT: Sacramento	LOCAL REPORT NUMBER: 21-44272	
	NUMBER KILLED: 0	HIT & RUN MISDEMEANOR: ☐	COUNTY: Sacramento	REPORTING DISTRICT: 6	BEAT: C	DAY OF WEEK: S M T W T F S	TOW AWAY: ☒ YES ☐ NO

LOCATION

COLLISION OCCURRED ON	MO. DAY YEAR	TIME (2400)	NCIC #	OFFICER I.D.
8550 Fruitridge Rd	02/15/2021	2154	3404	8180

MILEPOST INFORMATION: FEET/MILES OF
GPS COORDINATES: LATITUDE LONGITUDE
PHOTOGRAPHS BY: ☒ NONE
☐ AT INTERSECTION WITH
☒ OR: 987 FEET/~~MILES~~ E OF the east curb line of Florin Perkins Rd
STATE HWY REL: ☐ YES ☒ NO

PARTY 1

STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
CA	C	M	B	2017	Ford/Explorer/Blk & Whi	1512659	CA

DRIVER ☒ NAME (FIRST, MIDDLE, LAST): ON DUTY EMERGENCY VEHICLE — ERIC TOOMEY
PEDESTRIAN ☐ STREET ADDRESS: 300 Richards Blvd
PARKED VEHICLE ☐ CITY/STATE/ZIP: Sacramento, CA 95811
BICYCLIST ☐ SEX: M | HAIR | EYES | HEIGHT | WEIGHT | BIRTHDATE Mo. Day Year | RACE: W
OTHER ☐ HOME PHONE | BUSINESS PHONE: [redacted]
INSURANCE CARRIER: City of Sacramento | POLICY NUMBER: Self Insured
DIR OF TRAVEL: W | ON STREET OR HIGHWAY: 8550 Fruitridge Rd | SPEED LIMIT: 25

OWNER'S NAME ☒ SAME AS DRIVER
OWNER'S ADDRESS ☒ SAME AS DRIVER: City of Sacramento
5730 24th St Bldg 1, Sacramento, CA 95822
DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER
Towed to JERPF
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE
VEHICLE IDENTIFICATION NUMBER: 1FM5K8AR4HGA63306
VEHICLE TYPE: 98 | DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☒ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA
CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 2

STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
CA	U	M	B	2006	Toyota/Sienna/Red	[redacted]	[redacted]

DRIVER'S LICENSE NUMBER: [redacted] (NONE)
DRIVER ☒ NAME (FIRST, MIDDLE, LAST): Adan Herrara
PEDESTRIAN ☐ STREET ADDRESS: [redacted]
PARKED VEHICLE ☐ CITY/STATE/ZIP: [redacted]
BICYCLIST ☐ SEX: M | HAIR: Blk | EYES: Bro | HEIGHT: 5-07 | WEIGHT: 250 | BIRTHDATE Mo. Day Year | RACE: H
OTHER ☐ HOME PHONE: [redacted] | BUSINESS PHONE
INSURANCE CARRIER: None | POLICY NUMBER: N/A
DIR OF TRAVEL: W | ON STREET OR HIGHWAY: 8550 Fruitridge Rd | SPEED LIMIT: 25

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER
OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER
DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER
Towed from the scene
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE
VEHICLE IDENTIFICATION NUMBER: [redacted]
VEHICLE TYPE: 01 | DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☒ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA
CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE

DRIVER ☐ NAME (FIRST, MIDDLE, LAST):
PEDESTRIAN ☐ STREET ADDRESS:
PARKED VEHICLE ☐ CITY/STATE/ZIP:
BICYCLIST ☐ SEX | HAIR | EYES | HEIGHT | WEIGHT | BIRTHDATE Mo. Day Year | RACE
OTHER ☐ HOME PHONE | BUSINESS PHONE
INSURANCE CARRIER | POLICY NUMBER
DIR OF TRAVEL | ON STREET OR HIGHWAY | SPEED LIMIT

RECEIVED FEB 23 2021 BY:

OWNER'S NAME ☐ SAME AS DRIVER
OWNER'S ADDRESS ☐ SAME AS DRIVER
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER
PRIOR MECHANICAL DEFECTS: ☐ NONE APPARENT ☐ REFER TO NARRATIVE
VEHICLE IDENTIFICATION NUMBER:
VEHICLE TYPE | DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA
CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

SACRAMENTO POLICE DEPARTMENT RECORDS DIVISION 2021 MAR 9 RECEIVED

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
Wright #8180	☒ YES ☐ NO ☐ N/A	3123	2-22-21

An Internationally Accredited Agency — Chp555_0411.pdf

GUNTER #331

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC COLLISION CODING

CHP 555 Page 2 (Rev. 4-11) OPI 060

M.C.I.U.

Page 2 of 7

DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER
02/15/2021	2154	3404	8180	21-44272

PROPERTY DAMAGE

OWNER'S NAME	OWNER'S ADDRESS	NOTIFIED
		☐ YES ☐ NO

DESCRIPTION OF DAMAGE

SEATING POSITION

1 - DRIVER
2 TO 6 - PASSENGERS
7 - STATION WAGON REAR
8 - REAR OCC. TRK. OR VAN
9 - POSITION UNKNOWN
0 - OTHER

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP/SHOULDER HARNESS USED
H - LAP/SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

M / C BICYCLE HELMET
DRIVER: V - NO, W - YES
PASSENGER: X - NO, Y - YES

AIR BAG
B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE
0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES
A - CELLPHONE HANDHELD
B - CELLPHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT

- A VC SECTION VIOLATED: CITED ☐ YES ☐ NO
- B OTHER IMPROPER DRIVING*: 1 IMPROPER TURN
- C OTHER THAN DRIVER*
- D UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)

- A CLEAR
- X B CLOUDY
- C RAINING
- D SNOWING
- E FOG / VISIBILITY FT.
- F OTHER*:
- G WIND

LIGHTING

- A DAYLIGHT
- B DUSK - DAWN
- X C DARK - STREET LIGHTS
- D DARK - NO STREET LIGHTS
- E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE

- X A DRY
- B WET
- C SNOWY - ICY
- D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS)

- A HOLES, DEEP RUT*
- B LOOSE MATERIAL ON ROADWAY*
- C OBSTRUCTION ON ROADWAY*
- D CONSTRUCTION - REPAIR ZONE
- E REDUCED ROADWAY WIDTH
- F FLOODED*
- G OTHER*:
- X H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES	1	2	3
A CONTROLS FUNCTIONING			
B CONTROLS NOT FUNCTIONING*			
C CONTROLS OBSCURED			
X D NO CONTROLS PRESENT / FACTOR*	X		

TYPE OF COLLISION

- A HEAD - ON
- B SIDE SWIPE
- X C REAR END
- D BROADSIDE
- E HIT OBJECT
- F OVERTURNED
- G VEHICLE / PEDESTRIAN
- H OTHER*:

MOTOR VEHICLE INVOLVED WITH

- A NON - COLLISION
- B PEDESTRIAN
- X C OTHER MOTOR VEHICLE
- D MOTOR VEHICLE ON OTHER ROADWAY
- E PARKED MOTOR VEHICLE
- F TRAIN
- G BICYCLE
- H ANIMAL:
- I FIXED OBJECT:
- J OTHER OBJECT:

PEDESTRIAN'S ACTIONS

- X A NO PEDESTRIANS INVOLVED
- B CROSSING IN CROSSWALK - AT INTERSECTION
- C CROSSING IN CROSSWALK - NOT AT INTERSECTION
- D CROSSING - NOT IN CROSSWALK
- E IN ROAD - INCLUDES SHOULDER
- F NOT IN ROAD
- G APPROACHING / LEAVING SCHOOL BUS

SPECIAL INFORMATION	1	2	3
A HAZARDOUS MATERIAL			
B CELL PHONE HANDHELD IN USE		X	
C CELL PHONE HANDSFREE IN USE			
D CELL PHONE NOT IN USE			
E SCHOOL BUS RELATED			
F 75 FT MOTORTRUCK COMBO			
G 32 FT TRAILER COMBO			
H Unknown			
I			
J			
K			
L			
M			
N			
O			

OTHER ASSOCIATED FACTOR(S) *(MARK 1 TO 2 ITEMS)*

	1	2	3
A VC SECTION VIOLATION: CITED ☐ YES ☐ NO			
B VC SECTION VIOLATION: CITED ☐ YES ☐ NO			
C VC SECTION VIOLATION: CITED ☐ YES ☐ NO			
D	X		
E VISION OBSCUREMENT:			
F INATTENTION*:			
G STOP & GO TRAFFIC			
H ENTERING / LEAVING RAMP			
I PREVIOUS COLLISION			
J UNFAMILIAR WITH ROAD		X	
K DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO			
L UNINVOLVED VEHICLE			
M OTHER*:			
N NONE APPARENT			
O RUNAWAY VEHICLE			

MOVEMENT PRECEDING COLLISION	1	2	3
A STOPPED			
B PROCEEDING STRAIGHT		X	
C RAN OFF ROAD			
D MAKING RIGHT TURN			
E MAKING LEFT TURN			
F MAKING U TURN			
G BACKING			
H SLOWING / STOPPING			
I PASSING OTHER VEHICLE			
J CHANGING LANES			
K PARKING MANEUVER			
L ENTERING TRAFFIC			
M OTHER UNSAFE TURNING			
N XING INTO OPPOSING LANE			
O PARKED			
P MERGING			
Q TRAVELING WRONG WAY			
R OTHER*: In Pursuit	X		

SOBRIETY - DRUG PHYSICAL *(MARK 1 TO 2 ITEMS)*

	1	2	3
A HAD NOT BEEN DRINKING	X		
B HBD - UNDER THE INFLUENCE			
C HBD - NOT UNDER INFLUENCE*			
D HBD - IMPAIRMENT UNKNOWN*			
E UNDER DRUG INFLUENCE*			
F IMPAIRMENT - PHYSICAL*			
G IMPAIRMENT NOT KNOWN		X	
H NOT APPLICABLE			
I SLEEPY / FATIGUED*			

SKETCH

INDICATE NORTH

MISCELLANEOUS
Not to scale
SEE PAGE 3

An Internationally Accredited Agency

Chp555_0411.pdf

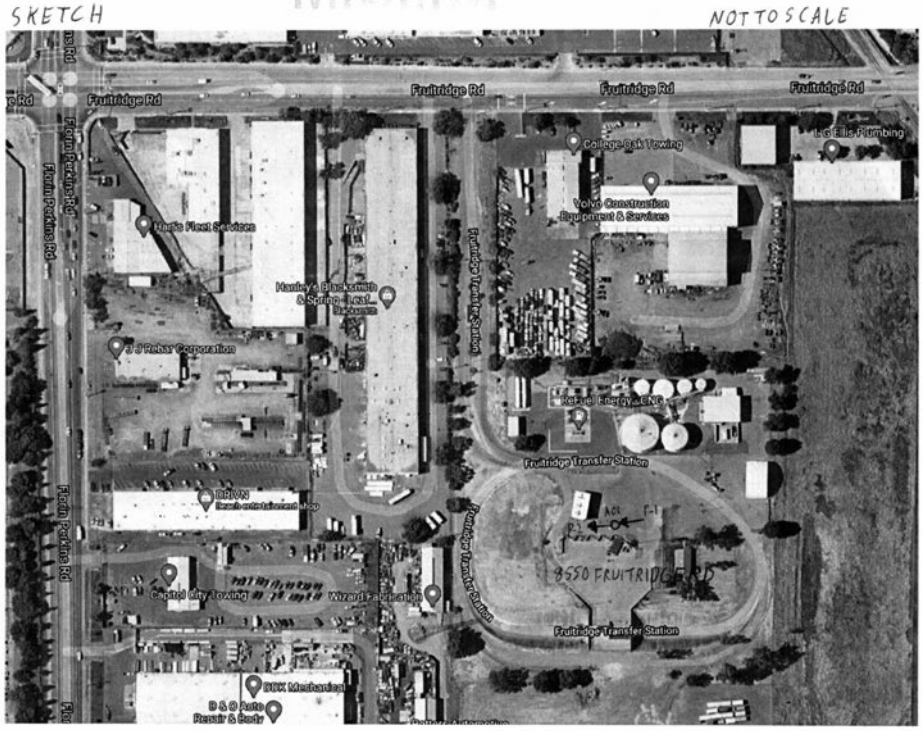
PAGE 3 OF 7

M.C.I.U.

21-44272

SKETCH

NOT TO SCALE



NORTHBOUND

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL
CHP 556 (Rev 7-90) OPI 042

M.C.I.U.

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
2/15/2021	2154	3404	8180	21-44272

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X" APPLICABLE)			
X Narrative	x Collision report	BA update	Fatal	Hit and run update	
Supplemental	Other:	Hazardous materials	School bus	Other:	

CITY/COUNTY/JUDICIAL DISTRICT	REPORT DIST/BEAT DISTRICT/BEAT_ DIST/	CITATION NUMBER
SACRAMENTO/SACRAMENTO/SACRAMENTO	6C	

LOCATION/SUBJECT	STATE HIGHWAY RELATED	
8550 Fruitridge Rd/Florin Perkins Rd	Yes	NO X

FACTS

NOTIFICATION: On 2/15/2021 at approximately 2233 hours, I, CSO Wright #8180, was assigned 1CS30. I was in full Sacramento Police Department Community Service Officer uniform and operating a marked patrol vehicle. At the time, I was sent via dispatch to the scene of the termination of a pursuit at 8550 Fruitridge Rd (related to call number 21-44157). All times, speeds, and measurements in this investigation are approximate. Measurements were taken using the Google Maps distance measuring tool, unless otherwise indicated. I arrived at the above location at approximately 0302 hours. My in car camera and body worn camera were activated and recording during this call.

SCENE: At the scene of the collision, 8550 Fruitridge Rd is private property with a driveway leading south from Fruitridge Rd. The driveway is flat and level, has not lane lines painted onto it, runs a general north-south and leads to a paved, open parking lot with scales and gas, fueling pumps. The driveway circles around the center of 8550 Fruitridge Rd. In the middle of the circle is an open, paved parking lot area with an open metal shed on the west side of the circle and a raised cement wall running east to west just south of the shed. The pursuit terminated just north of the wall and east of the shed.

PHYSICAL EVIDENCE:

CSI was on scene and processing the scene for evidence related to the Officer Involved Shooting (21-44157). I did not locate any physical evidence on scene related to the collision.

PARTIES:

P1 (Ofc. Toomey #984) was unavailable on scene and was not injured as a result of the collision. Ofc. Toomey was identified as a party by the following:

- Ofc. Toomey was in pursuit of P2 while driving V1. To the best of my knowledge, his In Car Camera was activated and recording.

V1 (Ford) was located on scene and had sustained minor damage to front push bar and passenger side headlight.

P2 (Herrara) was located on scene and was identified by officers prior to my arrival on scene. Herrara sustained multiple injuries from the OIS, but was not injured as a result of the collision. Herrara was identified as a party by the following:

- Officers' observations during the pursuit and the OIS (21-44157)

V2 (Toyota): was located on scene and had sustained minor damage to the rear bumper as a result of the collision.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME	DATE
Wright #8180	2/22/2021		

Use previous editions until depleted. 90 57541

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL
CHP 556 (Rev 7-90) OPI 042

M.C.I.U.

Page 5 OF 7

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
2/15/2021	2154	3404	8180	21-44272

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X" APPLICABLE)			
X Narrative	x Collision report	BA update	Fatal	Hit and run update	
Supplemental	Other:	Hazardous materials	School bus	Other:	

CITY/COUNTY/JUDICIAL DISTRICT	REPORT DIST/BEAT DISTRICT/BEAT_ DIST/	CITATION NUMBER
SACRAMENTO/SACRAMENTO/SACRAMENTO	6C	

LOCATION/SUBJECT	STATE HIGHWAY RELATED	
8550 Fruitridge Rd/Florin Perkins Rd	Yes	NO X

STATEMENTS:

P1 (Ofc. Toomey) was unavailable to me due to the Officer Involved Shooting Investigation (call number 21-44157). I was not able to obtain a statement from Ofc. Toomey.

P2 (Herrara) was transported to Kaiser South Hospital from the scene prior to my arrival on scene for injuries sustained during the OIS. I was not able to obtain a statement from Herrara regarding the collision.

AREA OF IMPACT:

AOI #1: V1 vs V2, 987' E/ECL of Florin Perkins Rd and 802' S/SCL of Fruitridge Rd.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME	DATE
Wright #8180	2/22/2021		

Use previous editions until depleted. 90 57541

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

M.C.I.U.

PAGE 6 of 7

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
2-15-21	2154	3404	8180	21-44272

Per Department policy, I received this original report for review, correction, and completion. I received the report on 3-3-21.

I reviewed two recordings of the collision. The recordings were included in a press release by the SPD Public Information Office. This press release was related to the Officer Involved Shooting (OIS) that occurred shortly after the collision. The recordings that I viewed were from the In-Car-Camera (ICC) of V-1 and the ICC of the second vehicle involved in the pursuit.

Per DMV, D-2 has not been issued a driver's license and was in violation of 12500(a) California Vehicle Code.

V-1 is a marked Sacramento Police Department patrol vehicle. D-1 is a sworn Sacramento Police Officer. At the time of the collision, D-1 was in the course of his duties.

OPINIONS & CONCLUSIONS:

Summary:

D-1 (Toomey) was driving V-1 (Ford) in the area of 8550 Fruitridge Road. D-2 (Herrara) was driving V-2 (Toyota) in the area of 8550 Fruitridge Road. P-1 was actively pursuing P-2 for suspected criminal and traffic violations. The emergency lights and siren of V-1 were active. P-2 was failing to yield to P-1. During the pursuit, P-2 came to a stop on the private property of 8550 Fruitridge Road. P-1 attempted to stop. P-1 was unable to stop. P-1 rear-ended P-2. The collision caused minor damage to the front of V-1 and minor damage to the rear of V-2. After the collision, P-2 continued to flee.

Area of Impact:

As indicated in the original report.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
M. Gunter	0331	3-4-21	A Vasquez 3049	

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

M.C.I.U.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
2-15-21	2154	3404	8180	21-44272

Cause:

Based on the recordings and described damage, this collision occurred because D-1 was traveling at an improper speed while pursuing a suspected crime and traffic violator with emergency lights and siren activated and while on private property.

RECOMMENDATIONS:

None.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
M. Gunter	0331	3-4-21	A Vasquez 3049	3/9/21

*** END OF HARDCOPY ***

City of
SACRAMENTO
Office of the City Attorney

EVIDENCE PRESERVATION MEMORANDUM ([redacted])

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED
AND ATTORNEY WORK PRODUCT MATERIALS

[redacted]

City of
SACRAMENTO
Police Department

KATHERINE LESTER
Chief of Police

5770 Freeport Blvd., Suite 100
Sacramento, CA 95822-3516

(916) 808-0800
Fax: (916) 808-0818
www.sacpd.org

May 5, 2022
IAD2021-033

Final Letter Received
Date 5-9-22
Employee ET
Supervisor #4073

Officer Eric Toomey #894
5770 Freeport Blvd., Suite100
Sacramento, CA 95822

Dear Officer Toomey:

This letter is to inform you that you are hereby terminated from your position of Police Officer and from City service effective May 9, 2022. This action is based on the following facts:

IAD2021-033, Police Incident 21-44157

1. You have been employed as a Police Officer with the City of Sacramento since March 19, 2016. For calendar year 2021, you were assigned to Late Shift and worked Sunday through Wednesday, 9:00 PM. through 7:00 AM.
2. On February 15, 2021, you were on duty working patrol and your unit identifier was 1A68.
3. At approximately 9:54 PM you were dispatched to [redacted] Occidental Drive #[redacted] to assist Officer Trevor Schwertfeger #765 (unit identifier 1A88) and Officer Benjamin Jillson #481 (unit identifier 1A88) on an arson that took place less than 15 minutes prior to you being dispatched (Sacramento Police Incident 21-44157). There was information that the suspect, identified as Adan Herrera Martinez, was wanted for Penal Code 451 – Arson and Penal Code 273.6 – Violation of a Restraining Order.
4. At approximately 10:16:02 PM, Mr. Martinez drove past you in a 2006 Toyota Sienna ([redacted] License #[redacted]. You attempted to conduct an enforcement stop on Mr. Martinez. You were a solo unit at this time and had received information that Mr. Martinez was wanted for felony arson, violation of a restraining order, and had previously been seen in possession of a firearm. Mr. Martinez did not yield, and you broadcasted on police radio that you were in pursuit.
5. After broadcasting you were in pursuit of the suspect, you did not turn on your siren for approximately 28 seconds[1].

[1] The specific times, distances and sequence of events are recounted below, based on the best estimates of audio/video recordings and witness statements. To the extent there may be any minor deviations or discrepancies in terms of seconds, feet, etc., the proposed discipline is based on your general course of conduct and violation of the Rules and Regulations of the Civil Service Board and Sacramento Police Department Manual of Orders, as detailed herein.

6. At approximately 10:24:44 PM, Mr. Martinez's vehicle came to an abrupt stop in the area of 8550 Fruitridge Road. You were following Mr. Martinez and failed to come to a stop behind Mr. Martinez creating a collision where your front bumper struck the rear bumper of Mr. Martinez's vehicle.
7. You initiated a felony stop with the assistance of Officer Nicholas Caro #561 (unit identifier 1C68), Officer Victor Stevens #952 (unit identifier 1A69), and Officer Zachary King #784 (unit identifier 1A69).
8. During the felony vehicle stop, your patrol vehicle was positioned near a low solid concrete wall with chain link fencing above. The wall was on the driver's side of your patrol vehicle. Officer Caro, Officer Stevens, and Officer King positioned their patrol vehicles to the passenger side of your vehicle in a felony vehicle stop pattern[2].
9. At approximately 10:24:48 PM you were standing in the "V"[3] of your driver side door when you yelled out "hands up" two times as an order to Mr. Martinez.
10. At approximately 10:24:56 PM you stated out loud, "He is putting the car in drive." Mr. Martinez then pulled his vehicle forward away from officers, stopping along a fence line. You remained in the "V" of your driver-side door.
11. At approximately 10:25:03 PM, Mr. Martinez put his vehicle in reverse and backed toward Officer Caro, Officer Stevens, and Officer King. Mr. Martinez came to a stop in front of those officers in a position that was perpendicular to your patrol vehicle. You remained in the "V" of your driver-side door.
12. At approximately 10:25:08 PM, Mr. Martinez put his vehicle into drive at which time you discharged your firearm thirteen (13) times from a position at the "V" of your driver-side door, striking Mr. Martinez and his vehicle. Mr. Martinez's vehicle drove past the front bumper of your patrol vehicle, from your right to left, and rolled into the concrete wall on the driver side of your patrol vehicle.
13. At approximately 10:25:11 PM, you stepped away from the driver side of your vehicle door. Mr. Martinez's vehicle had struck the concrete wall and rolled backward before rolling forward again into the concrete wall at a slow speed.
14. At approximately 10:25:14 PM, you discharged one additional round toward Mr. Martinez and his vehicle. You then began moving backward toward the rear of your patrol vehicle.
15. At approximately 10:25:17 PM, you had moved backward toward the rear of your patrol vehicle.
16. You and other officers on-scene formed a contact team and were able to call-out Mr. Martinez from his vehicle where he was taken into custody and medical aid was rendered.
17. At approximately 10:31:02 PM, you sat down in a patrol vehicle in the inner perimeter of the scene and de-activated your body worn camera without being told to do so by a supervisor.

---

[2] The felony stop fan pattern is three or more police cars creating a half moon or fan shape behind a high-risk vehicle during a stop. The pattern is typically set back 20-30 feet from the high-risk vehicle and allows officer space to open doors between patrol cars and call suspects back if needed.
[3] The "V" of the door is the area between the open door and "A" pillar of the patrol vehicle where officers can use the door and engine compartment for concealment and cover.

18. On February 16, 2021, Forensic Investigators completed 3D scans of the scene at 8550 Fruitridge Road using a Leica RTC360 3D laser scanner[4]. The 3D scans showed that the distance from the outside edge of your open patrol car door to the concrete wall on the driver side of your patrol vehicle was approximately 10.437 feet. The 3D scans showed that the distance from the driver side edge of the front push bumper on your patrol vehicle was approximately 15.049 feet.

Basis for Discipline

Your tactics and decisions leading up to and during the felony vehicle stop resulted in the unnecessary use of force against Mr. Martinez. You committed several violations of Sacramento Police Department policies throughout this incident.

1. At the beginning of the vehicle pursuit, you did not activate your siren continuously for approximately the first 28 seconds of the pursuit as required by Sacramento Police Department General Order 521.01 – Pursuit of Vehicles.
2. At the termination point of the pursuit in the area of 8550 Fruitridge Road, you collided with Mr. Martinez's vehicle. The collision occurred because you were traveling at an unsafe speed while pursuing a suspected crime and traffic violator with emergency lights and siren activated and while on private property. This collision resulted in your vehicle being positioned improperly for a high-risk felony stop in violation of Sacramento Police Department General Order 421.01 – Use of Police Vehicles.
3. You did not attempt to de-escalate the situation by reducing the danger through available use of tactics, techniques, and force options. From the beginning of the felony vehicle stop to the first discharge of your firearm was approximately 25 seconds. In that time frame you yelled "hands up" two times but failed to assess the risks, tactically reposition your person or your vehicle, change your tactics, or re-evaluate your technique or force options in violation of Sacramento Police Department General Order 580.06 – De-escalation and Planned Response.
4. Upon observing the possible and subsequent imminent threat to yourself by Mr. Martinez and his vehicle, you did not make any reasonable effort to move your person or your vehicle out of the path of Mr. Martinez's vehicle as required by Sacramento Police Department General Order 580.02 – Use of Force. Instead, you chose to discharge your firearm at Mr. Martinez and his vehicle.
5. Mr. Martinez's vehicle passed the front of your patrol vehicle and struck the concrete wall in a position that was perpendicular to your patrol vehicle. Mr. Martinez's vehicle rolled back away from the concrete wall before rolling forward at a slow speed. You did not employ de-escalation techniques or tactically reposition at this time. You stepped away from the driver side of your vehicle door and discharged one additional round at Mr. Martinez with your firearm. This subsequent shooting of Mr. Martinez did not rise to the level of objective use of reasonable force necessary against an imminent threat of serious bodily injury or death as required by Sacramento Police Department General Orders 580.02 – Use of Force and 580.06 – De-escalation and Planned Response.
6. At the conclusion of this incident, you de-activated your body worn camera without supervisor approval while you were still inside the scene of the incident which violated Sacramento Police Department General Order 525.07 – Body Worn Camera.

[4] The Leica RTC360 3D Scanner is a lightweight portable laser scanner on a collapsible tripod. The Leica RTC360 creates 3D reality with a measuring rate of up to 2 million points per second, and an advanced HDR imaging system.

Officer Involved Shooting Interview

On February 17, 2021, you participated in an interview with Criminal Investigator Detective Pamela Massee #548, and you stated the following:

1. You carried a Sig Sauer P320 with two spare magazines, a Taser (Conducted Energy Device), two pair of handcuffs, baton, rifle, and less-than-lethal shotgun which you had with you on the day of the shooting (page 5, lines 215-225 and page 8, lines 325-332).
2. While en-route to the scene you recall receiving updates that Mr. Martinez had lit the complainant's truck on fire and left the scene (page 16, lines 695-700).
3. On-scene, you spoke with Officer Schwertfeger who informed you that Mr. Martinez, "was responsible for lighting the vehicle on fire and had been previously arrested the week before for stalking, so 646.9 in the California Penal Code, against this complainant" (page 17, lines 735-745).
4. You advised that Officer Schwertfeger told you about the domestic violence restraining order against Mr. Martinez and that you believed it was attached to the call for service and was valid and served (page 18, lines 798-802).
5. You stated that the complainant, [redacted] had told dispatch call takers, and it was put on your call for service remarks, that Mr. Martinez "was known to carry firearms. She hadn't seen any that day, but in the past, he had been known to carry firearms" (page 19, lines 822-825).
6. You advised that you attempted to stop Mr. Martinez and his vehicle, but he just kept going westbound on Occidental Drive and then northbound onto Julliard Drive. You briefly sounded your siren to indicate, "Hey, I'm behind you. I need you to pull over." Mr. Martinez accelerated his vehicle away from you and you broadcasted on police radio that you were in pursuit (page 23, lines 991-1018).
7. Mr. Martinez entered the industrial complex at 8550 Fruitridge Road and after driving around the complex, you stated, "essentially abruptly slams on the brakes faster than I could react, so I collide with the back of his car at maybe eight to 10 miles an hour. It wasn't anything significant for me, no airbag deployment, but at this point our cars are stuck together" (page 25 of 54).
8. You drew your firearm and advised that you were yelling, "Put your hands up!" while standing in the "crook" of your driver's door (page 25-26, lines 1125-1130).
9. You described that Mr. Martinez drove forward making "a slight left-hand turn and then reverses, so his car is perpendicular to mine." You then stated, "And at this point I had transitioned from having my finger indexed on the side of my firearm. So, indexed means your finger is not on the trigger. I had put it onto the trigger because at this point – so, where my car is parked, about eight to nine feet to my left is a solid concrete and chain-link fence, and that's his only out. If he drives through there, you're going to run me over and you're going to cause serious injury or death" (page 26, lines 1139-1148).
10. You stated, "He starts to put in drive, so at that point I discharged my weapon eight to 12 times, would be my-maybe more. I'm kind of standing up into my car because I'm kind of short, so that gave me a better, elevated position over the door of my patrol car. But also, my thought process, too, was just because we shoot the driver of a car doesn't necessarily mean the car's going to be able to stop. So, it was kind of a last-ditch effort that if he's still able to get through, I could, hopefully in time, get inside my car. My foot might have still got caught or something, but from him driving forward and backing up, it happened so quickly. I didn't have enough time, essentially, to retreat to another area of safety" (page 26, lines 1159-1168).

11. You stated, "I'm starting to move back. I remember the car kind of rolled back a little bit, so I fired one more shot because I thought he was going to try to back up and move forward again" (page 27, lines 1174-1176).
12. When asked by Detective Massee what was going through your mind when Mr. Martinez reached the area where the pursuit terminated, you stated, "So, I already made up my mind at that point. If the car starts moving forward, especially because the wheels had been turned and he was pointing the car towards me, if that car moves forward, this guy's going to try and kill me. I'm in fear for my life. I have zero doubt in my mind that he would kill me in his way to move. That was my conscious decision. If it moves forward, I'm going to shoot" (page 34, lines 1502-1507).
13. When asked to describe if your patrol car was jolted by Mr. Martinez's vehicle separating from yours, you stated "Honestly, when I hit the car, I was like, Fuck. I'm definitely going to get in trouble for that" (page 35, lines 1558-1560).
14. When asked by Detective Massee how fast Mr. Martinez was coming forward you stated, "When he came towards me, probably a handful of miles an hour. As soon as the car rolled forward, I made the decision that we're going to shoot, because at that point he can hit the accelerator and that car is going to accelerate faster than I can get out of the way. And like I said, my only option was to go inside my car. I had one foot inside the car if he slams that door on my foot. My options were poor. So, yeah, as soon as the car started to roll forward, that's when I started shooting, because it's easy for him to essentially just come right through there, and I don't have an option" (page 37, lines 1631-1639).
15. When Detective Massee asked you what was going through your head when you collided with Mr. Martinez, you stated, "'What's next?' We just had a long pursuit. You just drove at an officer. You're desperately trying whatever you can to get away from us, and we've now, essentially, pinned you in in a location. My thoughts are, 'Is this guy going to get out and start shooting?' Knowing that he has a history of carrying a firearm, if he does, I'm in a poor location for that. Is he going to try driving straight? In which case, okay, what do we do next? Because we can't drive in after him. And then, the most pressing thing is, okay, what do we do if he does start to drive away? There's one way out and it's through me. So, it was -my, I think, objective was get out of the car before he did. Had it come to that, at least if I'm out of my car I can hopefully move somewhere else if the opportunity presented itself. Ultimately, it didn't, but I think I was trying to balance three or four different things in my head. What is this guy willing to do? Because to me, he had already demonstrated that we were just impediments in his escape" (page 48, lines 2120-2133).
16. When asked how you felt when Mr. Martinez pulled away from you and his car was perpendicular to yours, you stated, "I mean, at that point he's driving a fully-functioning automobile. He has the present ability to drive forward. I'm stuck. I'm in a bottleneck. I have a wall to my left, my car to the right, and I'm committed to my spot at that point. I can't turn away and move. Let's say I do get to the back of my car, he could just ram through my car and run me over with my own car. So, my only option at that point was exactly what I had to do. I'm like, 'Okay. This guy's going to kill me.' I'm in fear for my life at this point. If he drives forward, I'm left one option, which is to shoot him in self-defense, and that's exactly what happened. I shot at him until he stopped moving" (page 48-49, lines 2156-2164).
17. When asked why you did not retreat, you stated, "I'd lose my angle. So, the angle I had when I came out of the car, it allowed me to at least see into the driver's side. I could see in his mirror. I could at least see him, and I have an idea of what he's doing. And because I'm so close, you're hesitant to turn away because it's that one second when

you turn around is when they come out. You never turn your back to a threat. And I think it's like, 'Okay, what if he starts driving forward again?' I was trying to do that balancing act of I want to keep eyes on him and I also want to be in the most advantageous position I can if we do have to use force. Or if we have to get back in the car again, I'm there. Also, the crook of that door affords good ballistic protection if it does go that way. We have ballistic panels in the door. I have an engine block to my right, so I have good cover as opposed to just concealment" (page 49, lines 2170-2181).

18. When asked by Detective Massee if you thought Mr. Martinez was trying to harm you or just trying to escape, you stated, "I think he was trying to escape, but he had - to me, my perception was he didn't care if I got hurt in his escape. Like I said, we were just in the way, and if he runs me over, oh well. That was not a consideration for him. The consideration was leaving, and he knew what way he was going. He knew the option. He knew I was standing there. He saw me in his mirror. So, by driving that way, you demonstrate two things to me, your intent to escape and your intent to kill me, because you know I'm there and that's your only way out" (page 50, lines 2242-2249).
19. When asked by Detective Massee about de-escalation tactics, you stated, "But pretty much everything we're taught relies on time. We didn't have time." You further stated, "There's all sorts of stuff, but I guess, just pertinent to this situation, we needed some form of communication with him, which we never got" (page 52, lines 2307-2309).
20. When asked to describe your mindset when Mr. Martinez's vehicle was perpendicular to you, you stated, "So, he's perpendicular for the one or two seconds. There was just no emotion on the face, no reception to our commands. I go to issue a command. He starts pulling forward. So, that's when, right, at that point I'm stuck. I'm in a bottleneck position. I have nowhere to go. I have a suspect driving a lethal weapon at this point. So, I'm in fear for my life, my safety, so I discharged my weapon until the car stops. So, I kind of track it, essentially, as I'm firing from the hood of my vehicle, going towards the fence is where I fired the initial however-many shots. At that point I start moving back. As I'm moving back, I remember the car rolling back a little bit, is what it looked like. At this point, I just had a car drive at me. I had somebody that was going to kill me. And I'm going, 'Okay. Well, what's stopping them from doing it again?' So, I fired one more round, and that's when the car came to rest" (page 53, lines 2344-2355).
21. When Detective Massee asked what you were trying to do when you moved backward after the first succession of rounds by your firearm, you stated, "Now, at this point I'm exposed, my entire side. I have no cover. I have no concealment. I have a suspect inside a car that I can't see that's known to carry firearms. I need to move. I had that opportunity, so I start to move back. As I'm moving back, I perceive the car moving, and I fire one more round" (page 53, lines 2371-2375).

Internal Affairs Interview

On September 3, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and admitted or stated the following:

1. In November of 2020, you attended a firearms range session during the Department's Perishable Skills Program. During that training, you worked on firing from the "crook of the door," where you would be on a felony stop. "We practiced shooting from that position while waiting for another officer to come over and get behind you and utilize, I guess, different forms of movement after the threat had been dealt with" (page 4, lines 134-153).

2. You agreed that the November 2020 training included shooting and moving in or around a patrol vehicle. You stated, "The majority of it was in the V that's formed if you open a door and you have, essentially, the area between the door where it meets the frame of the car." You further stated, "We did a little bit, briefly, at kind of the back corners of the vehicle" (page 12, lines 12-517).
3. When asked how distance is a factor in officer safety you stated, "I wouldn't say distance alone. It's distance and time. That's a big thing that we're taught...So, time and distance allow us, in general, to slow things down. And when we're able to slow things down, that's when we're able to maybe utilize different tactics or resources... So, yeah, the closer you are, it, I guess, ups the ante, to use a less-than-professional term, but it increases your threat risk" (pages 14-15, lines 607-608, lines 616-618, and lines 626-627).
4. When asked if you have been trained to retreat or reposition you stated, "If available, yes" (page 16, lines 660).
5. When asked if retreating would increase distance and time as it relates to officer safety, you advised that it potentially could but that it could also make the situation worse (page 16, lines 678-683).
6. When asked why an officer would choose to reposition, you stated, "Maybe you arrived at a location and you took up a position for whatever your job was, and either in that position you didn't have a good line of sight, it didn't afford good cover or concealment, or maybe you were too far away from the other members of your team, right, a plethora of reasons. So, if you have the opportunity and can safely move to another location, you would try and relocate yourself to a position of advantage" (page 17, lines 702-707).
7. That at the time you walked back to your patrol vehicle, after observing the burned truck on-scene, you felt that Mr. Martinez was arrestable for violating a restraining order and for arson (page 25, lines 1061-1067).
8. That Officer Schwertfeger relayed to you that the victim knew Mr. Martinez to carry a firearm (page 27, lines 1144-1149).
9. That you did not consider waiting for other patrol vehicles before making the initial vehicle stop on Mr. Martinez. You stated, "Sometimes you don't have that luxury of waiting for people to show up, just based off our staffing and what calls are going on. So, no, at that time I was like 'I need to handle this'" (page 28, lines 1210-1212).
10. You waited to activate your siren during the pursuit until you had a free hand. You articulated that you had one hand on the steering wheel and one hand on your radio lapel microphone and at the first opportunity, you turned your siren on (pages 30-31, lines 1307-1320).
11. That towards the end of the vehicle pursuit you pulled your vehicle closer to Mr. Martinez's vehicle in case the pursuit terminated and led to a foot pursuit (page 49, lines 2115-2122).
12. That you have not been trained at a set distance to remain back when pursuing a vehicle. You also stated that "If you're too close to a car, they may make a last-minute maneuver and you won't be able to facilitate your turn. At this point, my instincts and experience were telling me that we're probably going to stop, so I closed that distance a little bit to basically put myself in a better position of advantage in case he did run out of the car" (page 52, lines 2263-2271).
13. That you could have been a little further back from Mr. Martinez at the conclusion of the pursuit (page 53, lines 2290-2292).
14. When asked at what distances you have been trained to set back from a suspect vehicle during a felony stop, you stated that POST (Peace Officers Standards and Training)

recommended "A car length and a half or two car lengths" and also stated, "In general, we want a car length and a half because that gives us some space" (page 59, lines 2555-2560).

15. When asked if you felt comfortable with the distance at which you were conducting the felony stop, you stated, "No, but, from where I was, I also didn't feel comfortable trying to move my car...It's not the ideal position, but a position that I could make something happen with" (page 59, lines 2571 and lines 2580-2581).
16. When asked if from the start of the felony stop to the discharge of firearms, if you ever considered repositioning your patrol vehicle in any way, you stated, "No." You articulated that getting back in your car would "give up my line of sight on the suspect" and "creates more issues. Now, there's more moving pieces. Other people would have to adjust because I may create an opening for the officer in the middle. Yeah. It wasn't a viable option" (page 62, lines 2707-2712).
17. When asked if from the start of the felony stop to the discharge of firearms, if you ever considered repositioning your person within the felony stop, you stated, "No." You articulated that you wanted to "maintain that line of sight" and that you "didn't want to give up my tactical advantage for the spot I had" (page 63, line 2717 and lines 2725-2726).
18. You admitted that if you could make one change to the felony stop that "it would maybe be a little farther back because my intention wasn't to collide with his car" (page 64, lines 2760-2762).
19. When asked if you attempted any de-escalation tactics or techniques with Mr. Martinez other than saying "hands up," you stated, "Just based off the timeframe, no" (page 68, line 2957).
20. When Mr. Martinez first pulled his vehicle forward, away from your patrol vehicle, you stated your thought was, "He's going to try and go through an object and get back out to a main roadway, because that's what he had been trying to do. So, I think that was my initial thought" (page 69, lines 2989-2991).
21. When discussing Mr. Martinez's action during the felony stop and his vehicle being perpendicular just prior to the discharge of firearms, you stated, "At that point, I'm pinned into my position. I don't-to me, from my perspective, it wouldn't have been safe to turn my back to a person that we perceived to have a firearm, especially when they can just easily – he could have just reached over and discharged his weapon or whatever, but I can't outrun that car. So, it's like, 'All right. I've put myself here for a lot of reasons, and we're going to have to handle whatever comes next'" (page 69, lines 2996-3001).
22. When asked if you considered moving your person in the moment that you knew you were about to use force, you stated, "No, because I didn't have time, and that's what it came down to." You continued and stated, "Realistically, if you were going to move, right, if you were going to say 'Okay. I'm going to try and make a change in my position for whatever reason,' it was, honestly, probably before the car even stopped. But as I said already, I chose that spot initially because it offered me the best line of sight on him to see him, to communicate to my fellow officer's what's going on" (pages 79-80, line 3453, and lines 3480-3484).
23. When asked when you determined that Mr. Martinez would not be able to drive between you and the concrete wall, you stated, "Once he started backing up" (page 80, line 3503).
24. When asked if you would have still engaged with force when, prior to the discharge of firearms, if you had moved your person away from the driver side of your patrol vehicle and out of the "pinch point" between your car and the concrete wall, you stated, "Yeah, I could move over here, and that would change things, right, because now I can't even see, and I'm not going to shoot at something I can't see" (page 85, lines 3684-3686).

25. When asked if you ever considered that Mr. Martinez may have just been trying to drive around you, you stated, "No. And part of that was when we made eye contact, when he was perpendicular to me and we looked at each other, he knew exactly where I was" (page 86, lines 3754-3755).
26. When describing your firearm discharge, you stated, "And that's why I discharged that last round, because I was still in a poor position kind of moving back around my car, so I fired because the car was still moving" (page 87, lines 3805-3806).
27. When asked if from the first discharge of your firearm to the last, if the imminent threat to you ever increased or decreased, you stated, "No. In that 6 seconds, he was an imminent threat to my life the entire time" (page 93, line 4037).
28. When asked why you de-activated your body worn camera, you stated, "I was no longer investigating, and I just isolated myself to a patrol car because I knew, at that point, that I shouldn't be talking to anybody about anything, so I just sat in the car and deactivated" (page 96, lines 4194-4196).

As indicated above, your own statements reflect numerous violations of the Rules and Regulations of the City of Sacramento Civil Service Board and the Sacramento Police Department Manual of Orders. The statements made by you, as well as those of your fellow officers and witnesses at the scene and the related audio/video evidence, compel the conclusion that:

You did not activate your siren continuously during this pursuit in violation of Sacramento Police Department General Order 521.01 – Pursuit of Vehicles.

You collided with Mr. Martinez's vehicle because you were traveling at an unsafe speed in violation of Sacramento Police Department General Order 421.01 – Use of Police Vehicles.

Moreover, you did not tactically re-position your vehicle or your person during the felony stop when you were aware of the dangers that were present. In your statement to Detective Massee you said that at the time of the collision you were thinking, "And then, the most pressing thing is, okay, what do we do if he does start to drive away? There's one way out and it's through me" (page 48, lines 2126-2127). By your own statement you recognized that Mr. Martinez could not get past you at the time of the collision which was approximately 25 seconds prior to your discharge of firearms. In your statement to Internal Affairs, you advised that you determined that Mr. Martinez would not be able to fit between your patrol vehicle and the concrete wall when Mr. Martinez began backing up (page 80, line 3503). Mr. Martinez began his backing movement at approximately 10:25:03 PM; you discharged your firearm approximately five seconds later. After you stepped away from the doorway of your patrol vehicle, discharged your last round from your firearm and began moving, it took you approximately 3 seconds to reach the back area of your patrol vehicle. In your statement to Internal Affairs, you advised you did not reposition because you had no time (page 79, line 3453). Your own statement and the timing of this incident shows that you had time but made no reasonable effort in violation of Sacramento Police Department General Orders 580.02 – Use of Force and 580.06 – De-escalation and Planned Response.

Being in and remaining in a position where Mr. Martinez's vehicle could be perceived as a threat to you, you did not make every reasonable effort to avoid intentionally placing yourself in that position in violation of Sacramento Police Department General Order 580.02 – Use of Force.

When faced with an approaching vehicle, you did not make every reasonable effort to move out of the path of the vehicle instead of discharging your firearm at the vehicle or its occupants in violation of Sacramento Police Department General Order 580.02 – Use of Force.

After Mr. Martinez's vehicle had passed the front bumper of your vehicle and collided with the concrete wall; his vehicle rolled backward and then forward at a slow speed in a position that was perpendicular to your own. As you moved away from your driver side door you used deadly force by discharging one round from your firearm at Mr. Martinez when it was not reasonably necessary. The threat from Mr. Martinez was no longer imminent and this use of force was not objectively reasonable. This discharge of your firearm was in violation of Sacramento Police Department General Orders 580.02 – Use of Force and 210.04 – General and Professional Conduct.

Additionally, you did not employ or attempt de-escalation techniques in accordance with your training in violation of Sacramento Police Department General Order 580.06 – De-escalation and Planned Response.

Finally, you de-activated your body worn camera without the approval of a supervisor after being involved in an Officer Involved Shooting in violation of Sacramento Police Department General Order 525.07 – Body Worn Camera.

Your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (b) incompetence; (c) inefficiency; (d) inexcusable neglect of duty; (q) negligence which causes damage to City or public property; and (w) caused impairment, disruption, and discredit to your employment and the public service.

Your actions in this matter are also in violation of the following Sacramento Police Department's Manual of Orders, which state in relevant part:

GENERAL ORDERS
210.04
GENERAL AND PROFESSIONAL CONDUCT
07-12-17

PURPOSE
The purpose of this order is to establish criteria for the general and professional conduct of Department employees.

PREAMBLE
Working in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City shall be the mission of the Department.

POLICY
It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE

A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off duty shall
   b. Not commit any act whether negligent, intentional, criminal, or otherwise that could bring discredit upon the Department or the City.
   c. Abide by all laws to include, but not limited to the Penal Code, the Health and Safety Code, and the Welfare and Institutions Code.
2. Employees shall
   d. Properly perform assigned police responsibilities during a scheduled shift.
   NOTE: Improper performance or failure to perform assigned police responsibilities during a scheduled shift shall be regarded as neglectful or dereliction of duty and cause for disciplinary action.

E. OFFICER RESPONSIBILITY

1. Officers shall act reasonably within the limits of their authority as defined by statute and judicial interpretations to ensure the rights of both the individual and the public are protected.

GENERAL ORDERS
420.01
USE OF POLICE VEHICLES
06-26-08

PURPOSE

To establish procedures for the use of police vehicles.

POLICY

To ensure that City vehicles are used in a safe manner for official business.

PROCEDURE

B. GENERAL

1. Employees shall operate Department vehicles with due care, caution, and obey all traffic laws except as authorized by law.

GENERAL ORDERS
521.01
PURSUIT OF VEHICLES
03-20-18

PURPOSE

The purpose of this order is to establish procedures for vehicle pursuits.

POLICY

It shall be the policy of the Sacramento Police Department to closely control and monitor pursuits consistent with California law and the safety of all persons.

PROCEDURE

B. SAFETY RULES ABOUT PURSUITS

California Vehicle Code Section 21055 states that the driver of an emergency vehicle may disregard Division 11, "Rules of the Road," when in pursuit of an actual or suspected violator or when responding to an emergency. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver of an authorized emergency vehicle from the consequences of an arbitrary exercise of the provision.

C. GENERAL

1. Officers in a vehicle pursuit shall immediately
   b. Sound the siren continuously.

GENERAL ORDERS
580.02
USE OF FORCE
09-17-20

PURPOSE

This policy establishes guidelines for the use and application of force, as well as the procedures for after-force medical care and for the reporting, investigation and review of incidents after an application of force.

POLICY

The Sacramento Police Department (SPD) values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions. Use of force (UOF) by peace officers is of important concern to the community. The role of law enforcement is to safeguard life, dignity, liberty of all persons, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

A peace officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance and the need for apprehension prior to the utilization of force. A peace officer shall continually evaluate tactics when determining the appropriate UOF response. If necessary, a peace officer shall render medical aid pursuant to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) as soon as reasonably possible.

A peace officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person. When making UOF decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

Peace officers shall use deadly force only when necessary in defense of human life or to prevent serious bodily injury. The decision by a peace officer to use force shall be evaluated from the

perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force. SPD shall evaluate the UOF used by its peace officers to ensure that the use of such force is lawful and consistent with this policy.

PROCEDURE

E. CONSIDERATIONS GOVERNING UOF

2. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force necessary to effect the arrest, to prevent escape or to overcome resistance.
6. When feasible under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to peace officers or another person, peace officers shall attempt to de-escalate situations.

K. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

1. The use of a firearm or other deadly force is the most serious decision a peace officer may make. In determining whether deadly force is necessary, peace officers shall evaluate each situation considering the circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to a reasonable peace officer.
2. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary against imminent threat of serious bodily injury or death.

L. MOVING VEHICLES

1. A peace officer shall make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
2. A peace officer shall make every reasonable effort to not intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer.

GENERAL ORDERS
580.06
DE-ESCALATION AND PLANNED RESPONSE
12-1-20

PURPOSE

The purpose of this order is to provide guidelines for interacting with those individuals who may be experiencing emotional or mental health crises.

POLICY

The Sacramento Police Department is committed to providing a consistently high level of service to all members of the community and recognizing that persons in crisis may benefit from intervention. It shall be the intent of the involved peace officer(s) to resolve an incident as safely as possible to protect the public and persons involved by reducing the danger through use of tactics, techniques, and force options. This is to ensure equitable and safe treatment of all involved. A peace officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person. When making use of force decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not

limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. The Sacramento Police Department (SPD) values the sanctity of human life and the freedoms guaranteed by the United States and California Constitutions. Use of force (UOF) by peace officers is of important concern to the community. The role of law enforcement is to safeguard life, dignity, liberty of all persons, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

PROCEDURE

B. GENERAL

1. PLANNING – Peace officers should attempt to arrive at the scene with a coordinated approach based upon initial information and any pre-existing knowledge of the subject(s) or the involved parties. As additional information or factors become known to the peace officer, responding peace officers need to remain flexible and adapt to changing circumstances. Peace officers should attempt to isolate and contain subjects who are experiencing a crisis situation.
2. TIME – Peace officers need to recognize that time is an essential element for de-escalation as it allows a peace officer the opportunity to communicate with the suspect, refine tactical plans and, if necessary, call for additional resources. Time can also provide an opportunity for the suspect to reconsider his/her actions and decisions, and aid in voluntary compliance.
3. ASSESSMENT- Peace officers should continually assess the situation as circumstances change and additional information is received. In the event of non-compliance demonstrated by the subject, peace officers should attempt to determine whether the lack of compliance is a deliberate attempt to resist or escape, or an inability to comprehend due to environmental, physical, cognitive, or other conditions. If the subject is unable to comprehend the situation, additional resources or tactical options may be needed to safely resolve the situation (i.e. in-field mental health counselor or county clinician).
4. COMMUNICATE – Peace officers should recognize that every situation is fluid and unique, therefore ongoing communication and coordination between peace officers is critically important for effective response. Communication between peace officers can improve decision making under tense circumstances and increase effectiveness of coordinated actions. Peace officers should consider using the following tactics:
    a. Verbal warnings
    b. Persuasion
    c. Re-directing
    d. Asking open-ended questions
    e. Giving clear and direct orders that can be received and understood
    f. Building rapport
    g. Perspective taking (understanding the why)
    h. Finding the meaning behind the words
    i. Showing empathy

GENERAL ORDERS
525.07
BODY-WORN CAMERA
01-16-19

PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that they may reliably record their investigations and enforcement activity in accordance with the law and in order to provide accountability and transparency to the public.

POLICY

It shall be the policy of the Sacramento Police Department (SPD) to utilize a BWC in a manner that will assist in criminal investigations and prosecutions as well as civil litigation, by providing a recording of the incident that may supplement an employee's report and help document police conduct, investigations, and enforcement activity.

PROCEDURE

F. DEACTIVATION OF THE BODY-WORN CAMERA

1. Once their BWC is activated, employees shall not deactivate their BWCs until the investigative or enforcement activity has concluded. If investigative or enforcement activity resumes, the employee shall re-activate the BWC and continue recording.

3. After a recorded public safety statement is obtained during an OIS the patrol sergeant will instruct involved officers to turn off their BWC so that they can be collected as evidence.

A copy of this letter will be placed in your personnel file. Pursuant to Rule 12.7 of the Rules and Regulations of the Civil Service Board, you have the right to appeal this disciplinary action to the Civil Service Board within fifteen (15) calendar days from date you receive this letter. You may submit your request for appeal, in writing, to the secretary of the Civil Service Board, 915 I Street, Historic City Hall, First Floor, Sacramento, California 95814.

Sincerely,

Steve Oliveira
Deputy Chief of Police

Approved:

Katherine Lester
Chief of Police

Approved:

Howard Chan (May 7, 2022 16:53 PDT)

Howard Chan
City Manager

Approved:

Christen Snyder
Labor Relations Officer

Approved:

Aaron A. Donato (May 5, 2022 19:38 PDT)

Aaron Donato
Labor Relations Manager

Approved:

Shelley Banks-Robinson
Director of Human Resources

cc: Human Resources, Labor Relations

General Offense Information

Operational status: **CLEARED BY ARREST-PENDING SGT. APPROVAL**
Reported on: **Feb-16-2021 (Tue.) 113**
Occurred on: **Feb-15-2021 (Mon.) 2145**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Report submitted by: **4890 - JILLSON, BENJAMIN 0481**
Org unit: **OOO PATROL DIST 6 LATE (TEAM 36)**
Accompanied by: **4266 - SCHWERTFEGER, TREVOR J 0765**
Address: **8550 FRUITRIDGE RD**
Municipality: **SACRAMENTO** County: **SACRAMENTO COUNTY**
District: **6** Beat: **6C** Grid: **1411**
Felony/Misdemeanor: **FELONY**
Arson: **UNOCCUPIED**
Family violence: **No**

Offenses (Completed/Attempted)

Offense: # **1 1602-0 422 PC THREAT/INTENT TO TERROR - COMPLETED**
Location: **STREETS / HWY / ROAD / ALLEY**
Offender suspected of using: **N/A**
Bias: **NONE (NO BIAS)**
Offense: # **2 2099-4 451(D) PC ARSON OF PROPERTY - COMPLETED**
Location: **STREETS / HWY / ROAD / ALLEY**
Offender suspected of using: **N/A**
Bias: **NONE (NO BIAS)**
Offense: # **3 5007-1 273.6(A) PC VIO DV COURT ORDER - COMPLETED**
Location: **STREETS / HWY / ROAD / ALLEY**
Offender suspected of using: **N/A**
Bias: **NONE (NO BIAS)**
Offense: # **4 5499-143 2800.2(A) VC EVADE RECKLES-FEL - COMPLETED**
Location: **STREETS / HWY / ROAD / ALLEY**
Offender suspected of using: **N/A**
Bias: **NONE (NO BIAS)**
Offense: # **5 7000-43A IMPOUNDED VEHICLE - COMPLETED**
Location: **STREETS / HWY / ROAD / ALLEY**
Offender suspected of using: **N/A**
Bias: **NONE (NO BIAS)**

Related Attachment(s) - ATTACHMENTS

Attachment Description: **ICC REQ FOR 21-44157**
Reference Number:

City of SACRAMENTO Police Department

DIGITAL DUPLICATION REQUEST

☑ In Car Camera (ICC)
☐ Body Worn Camera (BWC)

Requestor		Badge #	Division	Phone #
Name of Agency (Outside Agency Request Only) Andre Binns		Date of Request 02/26/2021		Date Required 03/04/2021
Title IA	Name Andre Binns	Address 901 G Street, Sacramento CA		Phone # [redacted]
CAD/Report Number 21-44157				
Date/Time of Incident 02/15/2021	Vehicle # See Below	Type of Incident		

SPD Officers Involved in the Incident (Name & Badge #)

1.	2.
3.	4.

Specific footage requested (e.g. suspect statement, pursuit, etc.)

Provide all ICC released to media.
ICC's & Veh's 062516/12411, 062610/11886, 061917/12389, 100115/ 12444, 062722/RT675, 061720/12060, 061818/12434, 061735/12406

Additional Information/Incident Information/Officers

Approving Person (When Required per G.O. 525.03)

PRINT NAME	BADGE#	
Andre Binns	603	
SIGNATURE Andre Binns Digitally signed by Andre Binns Date: 2021.02.26 08:54:32 -08'00'	DATE	TIME

PRINT NAME OF REQUESTING DEP. DISTRICT ATTORNEY OR CITY ATTORNEY

FOR E&P USE ONLY

Date Request Received	Date Completed	Name	Badge
2/26/21	3/3/21	Denise Poirier	6313
NOTES:			

Please e-mail your requests to InCarCamera@pd.cityofsacramento.org
(Requests must be received seven business days prior to required date)

SPD 524 (Rev 06/17)

Related Attachment(s) - EVIDENCE.COM

Attachment Description: **Evidence.com Case URL**
Reference Number: [redacted]

***** The attached file cannot be included in this hardcopy. *****

Related Attachment(s) - EVIDENCE.COM

Attachment Description: **Evidence.com Case URL**
Reference Number: [redacted]

***** The attached file cannot be included in this hardcopy. *****

Related Attachment(s) - EVIDENCE.COM

Attachment Description: **Evidence.com Case URL**
Reference Number: [redacted]

***** The attached file cannot be included in this hardcopy. *****

Related Attachment(s) - IMPOUND/STORED VEHICLE RELEASE

Attachment Description: **IMPOUND RELEASE TOYOTA**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
Release of Impounded Vehicle

June 8th, 20 21

Report No. 21-44157

Central Valley Tow
8240 14th Avenue
Sacramento, CA 95826

Please deliver to Adan Herrera

Address [redacted]

The following vehicle:

Make Toyota, Type Siena, VIN No. [redacted]
License [redacted], Yr 2006 Impounded by CSO Wright #8180 (Officer)
On 2/16/21 (Date)

Any expense will be paid by bearer.

(Signature) Pamela Masses (Clerk or officer releasing)

I, the undersigned, do hereby certify that I am legally authorized and entitled to take possession of the above described vehicle, and do hereby relieve and guarantee to protect the City of Sacramento, its Police Department, their officers, employees, or agents, against any loss or liability by reason of delivering possession of said vehicle to me, and assume all responsibility and become liable for all expenses accrued or accruing against said vehicle occasioned by the impounding of the same.

(Signature) _____ (Owner, legal owner or agent of owner)

Remarks: SPD will pay all tow related expenses until the end of the business day on 6/11/21.

Original to Records
Copy to owner
Copy to case file

SPD 140 (Rev 06-11)

Related Attachment(s) - OTHER

Attachment Description: **ROUND COUNT FORMS FOR OFC TOOMEY AND OFC CARO**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
Officer Involved Shooting Checklist
Homicide Supervisor

Case #: 21-44157

Involved Officer:
Name: ERIC TOOMEY Badge # 0894 ABRA: 4236 Date/Time: 2-16-21 / 0330
Hired Date: _____ Height: _____ Weight: _____ Assignment: PATROL
Officer Injured: Yes ☐ No ☒ *If so, list injury(s):* _____

LOCATION / INVOLVED PERSONNEL

Interview Room #	Interviewing Detective	Attorney/Representative Present
5	SGT LANGE 3067	J. HOFFMANN

PRIMARY WEAPON CHECK

☒ Department ☒ Personally Owned ☐ Glock ☒ Sig Sauer P320 ☐ Shotgun ☐ Rifle ☐ Other _____
☒ 9mm ☐ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber ☐ *Other (List):* _____

☒ Serial #: [redacted] ☒ Blue Finish ☐ Stainless Steel
Equipment Attached: ☐ None ☒ Flashlight ☐ Optical Sight ☐ Sling

☒ Fully loaded with one in the chamber prior to the shooting. ☒ Yes ☐ No
If not, describe condition: Total # of Rounds *(Prior to OIS):* _____

☒ Upon inspection, was there a round in the chamber? ☒ Yes ☐ No
# of Rounds in attached magazine 21 Estimated # of rounds fired: 14

☒ Were additional magazines accessed? ☒ Yes ☐ No Total # of Extra Magazines Carried: 2
# of Rounds in: Extra Magazine #1: 21 LEFT AT SCENE Extra Magazine #2: 3 Extra Magazine #3: _____

☒ Duty holster was carried on? ☐ Right side ☒ Left side

☒ Does officer carry a back-up weapon? ☐ Yes ☒ No Serial #: _____
☐ Did officer access his/her back-up weapon? ☐ Yes ☐ No N/A
# of Rounds in back-up weapon _____ Fully Loaded? ☐ Yes ☐ No

SECONDARY WEAPON (NOT USED) Total Rounds: _____
☐ Department ☐ Personally Owned ☐ Glock ☐ Sig Sauer ☐ 9mm ☐ .40 Caliber
☐ Serial #: _____ Was there a round in the chamber? ☐ Yes ☐ No
# of Rounds in: Extra Magazine #1: _____ Extra Magazine #2: _____ Extra Magazine #3: _____

REPLACEMENT WEAPON

☒ Department Issued ☒ Sig Sauer ☐ Glock ☐ 9mm ☒ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber
Serial #: [redacted] P226

☐ Email sent to Department Armorer? ☒ Yes ☐ No

CRIME LAB INSPECTION

☒ DA-7 sent to Crime Lab for gun inspection / test fire? ☒ Yes ☐ No
Date Submitted: 2-16-21 *By Detective:* SGT LANGE 3067

SACRAMENTO POLICE DEPARTMENT
Officer Involved Shooting Checklist
Homicide Supervisor

Case #: 21-44157

Involved Officer:

Name: NICHOLAS CARO Badge # 0561 ABRA: 4754 Date/Time: 2-16-21/ 0341

Hired Date: _____ Height: _____ Weight: _____ Assignment: PATROL

Officer Injured: Yes ☐ No ☒ *If so, list injury(s):* _____

LOCATION / INVOLVED PERSONNEL

Interview Room #	Interviewing Detective	Attorney/Representative Present
5	SGT M. LANGE 3067	HOFFMAN

PRIMARY WEAPON CHECK

☒ Department ☐ Personally Owned ☒ Glock 17 ☐ Sig Sauer ☐ Shotgun ☐ Rifle ☐ Other _____

☒ 9mm ☐ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber ☐ *Other (List):* _____

☒ Serial #: [redacted] ☒ Blue Finish ☐ Stainless Steel

Equipment Attached: ☐ None ☒ Flashlight ☐ Optical Sight ☐ Sling

☒ Fully loaded with one in the chamber prior to the shooting. ☒ Yes ☐ No

If not, describe condition: Total # of Rounds *(Prior to OIS):* _____

☒ Upon inspection, was there a round in the chamber? ☒ Yes ☐ No

# of Rounds in attached magazine 13 Estimated # of rounds fired: 4

☒ Were additional magazines accessed? ☐ Yes ☒ No Total # of Extra Magazines Carried: 2

# of Rounds in: Extra Magazine #1: 17 Extra Magazine #2: 17 Extra Magazine #3: _____

☒ Duty holster was carried on? ☒ Right side ☐ Left side

☒ Does officer carry a back-up weapon? ☒ Yes ☐ No Serial #: _____

☐ Did officer access his/her back-up weapon? ☐ Yes ☐ No N/A

# of Rounds in back-up weapon _____ Fully Loaded? ☐ Yes ☐ No

SECONDARY WEAPON (NOT USED) Total Rounds: _____

☐ Department ☐ Personally Owned ☐ Glock ☐ Sig Sauer ☐ 9mm ☐ .40 Caliber

☐ Serial #: _____ Was there a round in the chamber? ☐ Yes ☐ No

# of Rounds in: Extra Magazine #1: _____ Extra Magazine #2: _____ Extra Magazine #3: _____

REPLACEMENT WEAPON

☒ Department Issued ☐ Sig Sauer ☒ Glock 17 ☒ 9mm ☐ .40 Caliber ☐ .45 Caliber ☐ .223 Caliber

Serial #: [redacted]

☐ Email sent to Department Armorer? ☒ Yes ☐ No

CRIME LAB INSPECTION

☐ DA-7 sent to Crime Lab for gun inspection / test fire? ☒ Yes ☐ No

Date Submitted: 2-16-21 *By Detective:* SGT LANGE 3067

Related Attachment(s) - OTHER

Attachment Description: **EVIDENCE IMPOUND 04318X2**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
VEHICLE RECOVERY/STORAGE/INVENTORY REPORT

1. VEHICLE UPDATE: ☒ COMPLETE ☐ NOT APPLICABLE
2. REPORT NUMBER: 21-44157
3. VEHICLE DISPOSITION: ☐ DO NOT RELEASE APPROVED BY: ☒ IMPOUNDED # 44157 ☐ ASSET SEIZURE
☐ 10751 CVC ☐ HOLD FOR FEES ☐ TRAFFIC ACCIDENT ☐ ABANDONED ☐ HAZARD ☒ INVENTORIED / SECURED AT SCENE ☐ RELEASED TO REG. OWNER

☐ ALL SUSPECTS ARRESTED ☐ SUSPECTS OUTSTANDING ☐ WITNESSES ☐ PROPERTY SLIPPLEMENT ☐ EVIDENCE BOOKED ☐ STATEMENTS ☐ OBSERVATIONS
1 RECOVERY OF SPD STOLEN 2 SPD STOLEN RECOVERED BY OUTSIDE AGENCY 3 SPD RECOVERY FOR OUTSIDE AGENCY
(☒) VEHICLE STORED / TOW ( ) RECOVERED PLATES ONLY ( ) RECOVERED PARTS ONLY ( ) VEHICLE INVENTORY ONLY

4. CRIME CODE SECTION | SOURCE | 5. CRIME DEFINITION: EVIDENCE IMPOUND
7. CSI NOTIFIED ☐ YES ☐ NO | 8. RECOVERY DATE: 02/16/21 | 9. RECOVERY TIME: 0320 | 10. STOLEN DATE/ TIME | 11. FCN#: 43021047006O4
12. LOCATION OF RECOVERY/ TOW / INVENTORY: 3130 OCCIDENTAL DR | 13. AUTHORITY FOR TOW (CVC SECTION): 22655.5 | 72 HOUR NOTICE LEFT? ☒ NO ☐ YES DATE

DRIVER
14. NAME ☐ 30 Day Tow Advised ☐ SAME AS SUSPECT ☒ NONE | 15. AGE | 16. D.O.B. | 17. SEX | 18. RACE | 19. D.L.#
20. RESIDENCE ADDRESS | CITY/STATE/ZIP | 21. RESIDENCE PHONE
22. BUSINESS ADDRESS | CITY/STATE/ZIP | 23. BUSINESS PHONE

REG/OWN
24. NAME: MARTINEZ ADAN [redacted] ☐ SAME AS DRIVER | 25. AGE | 26. D.O.B. | 27. SEX | 28. RACE | 29. D.L.#
30. RESIDENCE ADDRESS [redacted] | CITY/STATE/ZIP | 31. RESIDENCE PHONE
32. BUSINESS ADDRESS | CITY/STATE/ZIP | 33. BUSINESS PHONE

LEG/OWN
34. NAME ☒ SAME AS REG OWNER | 35. AGE | 36. D.O.B. | 37. SEX | 38. RACE | 39. D.L.#
40. RESIDENCE ADDRESS | CITY/STATE/ZIP | 41. RESIDENCE PHONE
42. BUSINESS ADDRESS | CITY/STATE/ZIP | 43. BUSINESS PHONE

PLATES ONLY
44. LICENSE NUMBER | 45. STATE | 46. MONTH/YEAR REG | 47. NO PLATES (FRONT / REAR?) | 48. SEE CODES ON REVERSE SIDE VEH LIC CUSTODY
49. OUTSIDE AGENCY NAME | 50. AGENCY NOTIFIED ☐ YES ☐ NO | 51. OUTSIDE AGENCY REPORT # | 52. DATE REPORTED STOLEN

VEHICLE
A ☒ AUTO B ☐ TRUCK C ☐ MOTORCYCLE D ☐ MOTORHOME E ☐ VAN F ☐ OTHER H ☐ VESSEL
54. YEAR: 1994 | 55. MAKE: FORD | 56. MODEL: F150 | 57. BODY STYLE: PICKUP | 58. VEHICLE COLOR(S): BLUE
59. LICENSE NUMBER (required for vessel) [redacted] | 60. STATE [redacted] | 61. MONTH/YEAR REG: 09/21 | 62. VIN (FRAME # FOR MOTORHULL # FOR VESSEL) [redacted]
63. CONDITION ☐ GOOD ☒ POOR ☐ FAIR ☐ EXTL | 64. STEERING COLUMN TAMPERED? YES (NO) IGNITION TAMPERED? YES (NO) | 65. VIN ALTERED? YES (NO) VIN REMOVED? YES (NO) EXPLAIN: SMOKE DAMAGE
VESSEL ONLY | 66. TYPE OF PROPULSION / MOTOR | 67. HULL MATERIAL | 68. VESSEL TYPE | 69. VESSEL LENGTH

COMPLETE BOXES 70 THROUGH 73 ONLY IF VEHICLE WAS RECOVERED FOR AN OUTSIDE AGENCY OR BY AN OUTSIDE AGENCY
70. OUTSIDE AGENCY NAME | 71. AGENCY NOTIFIED ☐ YES ☐ NO | 72. OUTSIDE AGENCY REPORT # | 73. DATE REPORTED STOLEN

74. SEE CODES ON REVERSE SIDE VEHICLE D LIC/VIN 2 CUSTODY Y CONDITION PARTS / PLATES / FRONT / REAR? (CIRCLE ONE) [redacted]
75. TIME TOWED: 0411 | 77. DATE TOWED: 02/16/21 | 78. ODOMETER READ: UNK | 79. NAME OF TOW COMPANY: CENTRAL VALLEY TOW | 80. IGNITION INTERLOCK DEVICE (IID) INSTALLED? YES (NO)

81. (YES / NO / UNK)
ENGINE, TRANSMISSION, BATTERY, WINDSHIELD, REAR VIEW MIRROR, SIDEVIEW MIRROR(S), SPEAKERS, RADIO, TAPE DECK, CLOCK, KEYS, REGISTRATION, CELL PHONE, CD PLAYER, DVD PLAYER, GPS, AIR CONDITIONER, LEFT FRONT TIRE, LEFT REAR TIRE, RIGHT FRONT TIRE, RIGHT REAR TIRE, SPARE TIRE, FRONT BUMPER, REAR BUMPER, FENDERS, GRILL, TOP, BODY, HUB CAPS, MAGS, WHEELS, FRONT SEATS, REAR SEATS, CAMPER SHELL

82. ESTIMATED VALUE AT TIME OF TOW: ☒ 0 - $500 ☐ $501 - $4000 ☐ MORE THAN $4000

ITEM NUMBER | ARTICLE ☐ Driver removed all property
VEHICLE HAS FIRE DAMAGE TO INTERIOR & EXTERIOR
MISC CLOTHES / TRASH IN BED
DOOR VIN CHECKS OK

Damage Profile

82. CONNECT-UP: 21-44158 | TYPE: CAD | 83. CONNECT-UP | TYPE | 84. CONNECT-UP | TYPE | 85. DUMPSITE / SERIES? (CIRCLE ONE)
86. REPORT PREPARED BY: A. SILVA | 87. BADGE: 740 | 88. DIV: PT | 89. YRS SRV | 90. APPROVED BY: SCHWARTZ | 91. BADGE: 3073
92. ASSISTED BY | 93. BADGE | 94. DIV | 95. YRS SRV | 96. DATE | 97. TIME | PG 1 OF 1

SPD 188 (REV 02/17) (AUTHORITY 23670 CVC)

SACRAMENTO POLICE DEPARTMENT RECORDS DIVISION RECEIVED FEB 17 2021 12:42

Related Attachment(s) - OTHER

Attachment Description: **CLETS**
Reference Number:

21-44157

SACRAMENTO POLICE DEPARTMENT
vMail Print for mailbox: MURPHY, COLLEEN M 6231

From: DAVIS, SAMANTHA L 6249
To: VEHICLE UPDATE
Subject: EVSH/21-44157
Date: Tue. Feb 16, 2021 @ 06:20:10

[redacted]

RECORDS
6205

Printed On: Tue Feb 16 2021
For User: MURPHY, COLLEEN M 6231
Page 1 of 1

21-44157

SACRAMENTO POLICE DEPARTMENT

vMail Print for mailbox: MURPHY, COLLEEN M 6231

From: DAVIS, SAMANTHA L 6249
To: VEHICLE UPDATE
Subject: EVSH/21-44157
Date: Tue. Feb 16, 2021 @ 06:19:49

[redacted]

[redacted]

RECORDS 6205

** End of Message **

Printed On: Tue Feb 16 2021
For User: MURPHY, COLLEEN M 6231

Page 1 of 1

21-44157

SACRAMENTO POLICE DEPARTMENT

vMail Print for mailbox: MURPHY, COLLEEN M 6231

[redacted]

RECORDS
6205

Printed On: Tue Feb 16 2021
For User: MURPHY, COLLEEN M 6231

Page 1 of 1

21-44157

SACRAMENTO POLICE DEPARTMENT

vMail Print for mailbox: MURPHY, COLLEEN M 6231

[redacted]

Printed On: Tue Feb 16 2021
For User: MURPHY, COLLEEN M 6231

Page 1 of 1

Related Attachment(s) - OTHER

Attachment Description: **CRIME SCENE LOG**
Reference Number:

CRIME SCENE LOG

CALL#: 21-44157 REPORT #: 21-44157
RECORDER: OFC. MUCHER LOCATION: 8550 FOUNDRIDGE RD
CRIME: DATE: 02/15/21 TIME: 2153 SCENE SGT.: SCHWARTZ STAGING LOCATION:

NAME	BADGE #	AGENCY	ENTRY TIME	REASON FOR ENTRY
OFC MUCHER	636	SAC PD	2225	PURSUIT / PATROL
OFC JENSEN	935	SAC PD	2223	PURSUIT / PATROL
WARD	973	SAC PD	2225	PURSUIT / PDT
VAL ENZUELA	855	SAC PD	2225	ASSIST
SCHWARTZ MAN		SAC FIRE	2225	TRANSPORT
PATTERSON	947	SAC PD	2225	ASSIST
MANNING	563	SAC PD	2225	PATROL
SUMMEY	491	SAC PD	2225	ASST SGT
TAKE HARA	872	SAC PD	2225	ASSIST
STEVENS	952	SAC PD	2225	ASSIST
KING	784	SAC PD	2225	ASSIST
SGT SCHWARTZ	3073	SAC PD	2225	SCENE SGT
KHAN	272	SAC PD	2225	ASSIST
MOTA	332	SAC PD	2225	ASSIST
OSMONIS	982	SAC PD	2225	ASSIST
LEE	264	SAC PD	2225	ASSIST
CSO WRIGHT	8180	SAC PD	2225	SCENE SECURITY / T-CONT

SACRAMENTO POLICE DEPARTMENT RECORDS DIVISION RECEIVED 2021 FEB 18 PM 6:12

SPD 280

SACRAMENTO POLICE DEPARTMENT
PUBLIC HARDCOPY
RELEASED PER PUBLIC RECORDS ACT REQUEST
GO# SA 2021-44157 CLEARED BY ARREST- 1602-0 422 PC THREAT/INTENT TO TERROR
PENDING SGT. APPROVAL

CALL#: 21-44157

CRIME SCENE LOG

REPORT #: 21-44157

RECORDER: COWRIGHT #8180

LOCATION: 8550 FRUITRIDGE RD

CRIME: _____ DATE: 2/15/21 TIME: 2153 SCENE SGT.: SGT. SCHWARTZ #3073 STAGING LOCATION: _____

NAME	BADGE #	AGENCY	ENTRY TIME	REASON FOR ENTRY
OFC TOOMEY	894	SAC PD	2225	RESPONDING OFC
OFC CARO	561	SAC PD	2225	RESPONDING OFC
SYPOLT	524	SAC PD	2225	RESPONDING
ECKERT	1001	SAC PD	2225	RESPONDING
DARCY	618	SAC PD	2225	PREMITER
LT. STEIGERTS	4110	SAC PD	2300	LT
SGT CUNNINGHAM	3021	SPD	2314	ASSISTING
SGT LAMAR	3141	SPD	2319	ASSISTING
SGT JARVIS	3022	SPD	2323	ASSISTING
MOLLET	6373		2336	CSI
CAPT. BASSETT	5055		2345	SUPERVISOR
DC PELETTA	5100		2357	SUPERVISOR
DC RISLEY	5018		2357	SUPERVISOR
CHAN, R	5001		2358	SUPERVISOR
DC LBSTER	5060		0004	SUPERVISOR
R. WOO	325		0007	PIO
HEINLEIN	4065	↓	0008	LT

SPD 280

CRIME SCENE LOG

CALL#: 21-4457 REPORT #: 21-99157

RECORDER: C/O WRIGHT #390 LOCATION: 8550 FRUITRIDGE

CRIME: _____ DATE: 2/15/21 TIME: 1153 SCENE SGT.: SCHWARTZ STAGING LOCATION: _____

NAME	BADGE #	AGENCY	ENTRY TIME	REASON FOR ENTRY
PITTS	490	SPD	0015	DETECTIVE
YOUNG	7102		0016	DETECTIVE
JILLSON	481		0012	ASSISTING
SCHWARTZGER	765		0022	ASSISTING
COLP	858		0023	DETECTIVE
MRUTZ	860		0025	DETECTIVE
CHAN	866		0026	PIO
HHULMAN	759		0028	~~DE~~ PSU
LANDBERG	7107		0027	DETECTIVE
SCHUMACHER	7034		0027	√
HAHN	5011		0028	CHIEF
TRUJILLO	946		0028	DETECTIVE
COUGHRAN	635		0032	DETECTIVE
SGT BRIGGS	7025	√	0039	PIO
P'CZEAT MOWSM	DA [redacted]55	DA OFFICE	0041	DA OFFICE
ERWIN	5035	SPD	0047	SUPERVISOR

SPD 280

SACRAMENTO POLICE DEPARTMENT
PUBLIC HARDCOPY
RELEASED PER PUBLIC RECORDS ACT REQUEST
GO# SA 2021-44157 CLEARED BY ARREST- 1602-0 422 PC THREAT/INTENT TO TERROR
PENDING SGT. APPROVAL

REPORT NUMBER: 21-44157

CRIME SCENE LOG

DATE: 2/15/21 TIME: 2153 LOCATION: 8550 FRUITRIDGE RD PREPARED BY: CSO WRIGHT #8180

NAME	BADGE	IDENTIFIER	AGENCY	ENTRY TIME	JUSTIFICATION FOR ENTRY / NOTES
MACLAFFERTY	3065		SPD	0050	OBTECTIVE
SCHULTE	911		↓	↓	↓
SAARIO	960				
MURAWSK	871		↓	↓	↓
DARRICH	342		SPD	0052	
SGT LANGE	7067		↓	~~0058~~ 0052	
MCGOWRN	892		↓	0058	
POROLI	#34		DA OFFICE	0101	DA OFFICE INVESTIGATOR
MASSEE	548		SPD	0103	
ELLIS	3132		↓	↓	
CSI LOUIE	6384		↓	0104	CSI
CSI WOO	6382		↓	0114	CSI SUPERVISOR
TIM DAVIS	740		↓	0120	SPOA
JOSEPH HOFFMAN	N/A		SPOA	0120	SPOA LAWYER
CSO MALDONADO	8103		SPD	0735	ASSIST / SCENE RECORDER
GUNTHER	6386		↓	0737	CSI
GRAY	704	2365	↓	0846	VEHICLE RETRIEVAL
O'BRION	936	2365	↓	0846	VEHICLE RETRIEVAL
[redacted]			FORENSICLEAN	0907	SCENE CLEANING
			FORENSICLEAN	0917	SCENE CLEANING
TARBET	~~6168~~ ~~2C566~~ 0921	2C560	SPD	0919	VEHICLE RETRIEVAL
MADSEN	~~2C567~~ 0921	2C560	SPD	0919	VEHICLE RETRIEVAL

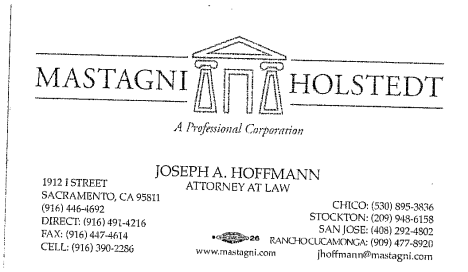
SPD 280 (REV 1/17)

4/4

For: 4533 Printed On: Aug-28-2024 (Wed.)

Related Attachment(s) - OTHER

Attachment Description: **BUSINESS CARD FOR ATTORNEY**
Reference Number:



Related Attachment(s) - OTHER

Attachment Description: **IMPOUNDED VEH RPT**
Reference Number:

21-44157

SACRAMENTO POLICE DEPARTMENT
VEHICLE RECOVERY/STORAGE/INVENTORY REPORT

- [x] ALL SUSPECTS ARRESTED
- [ ] SUSPECTS OUTSTANDING
- [ ] WITNESSES
- [ ] PROPERTY SUPPLEMENT
- [ ] EVIDENCE BOOKED
- [ ] STATEMENTS
- [ ] OBSERVATIONS

1 RECOVERY OF SPD STOLEN
2 SPD STOLEN RECOVERED BY OUTSIDE AGENCY
3 SPD RECOVERY FOR OUTSIDE AGENCY

(/) VEHICLE STORED / TOW
( ) RECOVERED PLATES ONLY
( ) RECOVERED PARTS ONLY
( ) VEHICLE INVENTORY ONLY

1. VEHICLE UPDATE: [x] COMPLETE [ ] NOT APPLICABLE
2. REPORT NUMBER: 21-44157
3. VEHICLE DISPOSITION: [ ] DO NOT RELEASE APPROVED BY:
[ ] 10751 CVC [ ] HOLD FOR FEES [ ] TRAFFIC ACCIDENT [ ] ABANDONED [ ] HAZARD
[ ] IMPOUNDED # [ ] ASSET SEIZURE
[ ] INVENTORIED / SECURED AT SCENE [ ] RELEASED TO REG. OWNER

4. CRIME CODE SECTION | SOURCE | 5. CRIME DEFINITION: EVIDENCE IMPOUND
7. CSI NOTIFIED: [x] YES [ ] NO | 8. RECOVERY DATE | 9. RECOVERY TIME | 10. STOLEN DATE/ TIME | 11. FCN#: 4302104702532
12. LOCATION OF RECOVERY/ TOW / INVENTORY: 8550 FRUITRIDGE RD | 13. AUTHORITY FOR TOW (CVC SECTION): 22655.5 VC | 72 HOUR NOTICE LEFT? [x] NO [ ] YES DATE

DRIVER
14. NAME: ADAN HERRERA | [ ] 30 Day Tow Advised | [ ] SAME AS SUSPECT | [ ] NONE | 15. AGE: 38 | 16. D.O.B.: 5/17/82 | 17. SEX: M | 18. RACE: H
20. [redacted] | 21. RESIDENCE PHONE ( )
22. BUSINESS ADDRESS [redacted] | 23. BUSINESS PHONE ( )

REG/OWN
24. [redacted] | 25. AGE | 26. D.O.B. | 27. SEX | 28. RACE | 29. D.L. #
30. [redacted] | 31. RESIDENCE PHONE ( )
32. BUSINESS ADDRESS CITY/STATE/ZIP | 33. BUSINESS PHONE

LEG/OWN
34. NAME | [x] SAME AS REG OWNER | 35. AGE | 36. D.O.B. | 37. SEX | 38. RACE | 39. D.L. #
40. RESIDENCE ADDRESS CITY/STATE/ZIP | 41. RESIDENCE PHONE ( )
42. BUSINESS ADDRESS CITY/STATE/ZIP | 43. BUSINESS PHONE

PLATES ONLY
44. LICENSE NUMBER | 45. STATE | 46. MONTH/YEAR REG | 47. NO PLATES (FRONT / REAR?) | 48. SEE CODES ON REVERSE SIDE VEH LIC CUSTODY
49. OUTSIDE AGENCY NAME | 50. AGENCY NOTIFIED [ ] YES [ ] NO | 51. OUTSIDE AGENCY REPORT # | 52. DATE REPORTED STOLEN

RECORDS 6228

VEHICLE
A [x] AUTO B [ ] TRUCK C [ ] MOTORCYCLE D [ ] MOTORHOME E [ ] VAN F [ ] OTHER H [ ] VESSEL

54. YEAR: 2006 | 55. MAKE: TOYOTA | 56. MODEL: SIENNA | 57. BODY STYLE: VAN | 58. VEHICLE COLOR(S): RED
59. LICENSE NUMBER [redacted] | 60. STATE [redacted] | 61. MONTH/YEAR REG: 1/21 | [redacted]
63. CONDITION [ ] GOOD [x] POOR [ ] FAIR [ ] EXTL | 64. STEERING COLUMN TAMPERED? YES / NO | IGNITION TAMPERED? YES / NO | 65. VIN ALTERED? YES / NO | VIN REMOVED? YES / NO EXPLAIN:
VESSEL ONLY: 66. TYPE OF PROPULSION / MOTOR | 67. HULL MATERIAL | 68. VESSEL TYPE | 69. VESSEL LENGTH

COMPLETE BOXES 70 THROUGH 73 ONLY IF VEHICLE WAS RECOVERED FOR AN OUTSIDE AGENCY OR BY AN OUTSIDE AGENCY

70. OUTSIDE AGENCY NAME | 71. AGENCY NOTIFIED [ ] YES [ ] NO | 72. OUTSIDE AGENCY REPORT # [redacted] | 73. DATE REPORTED STOLEN

74. SEE CODES ON REVERSE SIDE: VEHICLE CONDITION: G | LIC/VIN: Ø | CUSTODY: T | PARTS / PLATES FRONT / REAR ? (CIRCLE ONE)

76. TIME TOWED: 1335 | 77. DATE TOWED: 2/16/21 | 78. ODOMETER READ: UNK | 79. NAME OF TOW COMPANY: CENTRAL VALLEY TOW | 80. IGNITION INTERLOCK DEVICE (IID) INSTALLED? YES / NO: NO

81.

	YES NO LINK		YES NO LINK		YES NO LINK		YES NO LINK		YES NO LINK		YES NO LINK
ENGINE		SPEAKERS		CELL PHONE		AIR CONDITIONER		FRONT BUMPER		HUB CAPS	
TRANSMISSION		RADIO		CD PLAYER		LEFT FRONT TIRE		REAR BUMPER		MAGS	
BATTERY		TAPE DECK		DVD PLAYER		LEFT REAR TIRE		FENDERS		WHEELS	
WINDSHIELD		CLOCK		GPS		RIGHT FRONT TIRE		GRILL		FRONT SEATS	
REAR VIEW MIRROR		KEYS				RIGHT REAR TIRE		TOP		REAR SEATS	
SIDEVIEW MIRROR(S)		REGISTRATION				SPARE TIRE		BODY		CAMPER SHELL	

82. ESTIMATED VALUE AT TIME OF TOW: [x] 0 - $500 [ ] $501 - $4000 [ ] MORE THAN $4000

ITEM NUMBER	ARTICLE [ ] Driver removed all property
	EVIDENCE IMPOUND

Damage Profile: 360° OOSS — Right Side, Left Side, Rear, Front

82. CONNECT-UP | TYPE | 83. CONNECT-UP | TYPE | 84. CONNECT-UP | TYPE | 85. DUMPSITE / SERIES? (CIRCLE ONE)

86. REPORT PREPARED BY: CSO WRIGHT | 87. BADGE: 8180 | 88. DIV: PT | 89. YRS SRV: 1 | 90. APPROVED BY: [signature] | 91. BADGE: 3063
92. ASSISTED BY | 93. BADGE | 94. DIV | 95. YRS SRV | 96. DATE | 97. TIME | PG 1 OF 1

SPD 188 (REV 02/17) (AUTHORITY 23670 CVC)

Related Attachment(s) - OTHER

Attachment Description: **DA RELEASE-MARTINEZ**
Reference Number:

Sacramento County District Attorney's Office

Property Release and Disposition

Seek Justice, Serve Justice, Do Justice

SACRAMENTO POLICE DEPARTMENT
555 Sequoia Pacific Blvd, Sacramento, CA 95811
evidenceandproperty@pd.cityofsacramento.org

Date : 4/28/2021

Defendant(s) ADAN MARTINEZ

Victim:

Filed Charge(s) HS 11377(a)(MIS), PC 451(d)(FEL), PC 646.9(b)(FEL), more

Report #: 21-44157

Case Type: Adult Criminal ☑ Adults ☐ Juveniles

☑ J & S Imposed ☐ Dismissed / Acquitted

☑ Release all Property, other than contraband, to its rightful owner.

☐ Per Court Order ☐ Stipulation ☑ Conviction ☑ Felony

Confiscate these Weapon(s)

Please be advised that this case is still pending.

☐ Co-Defendants Pending ☐ Outstanding Warrants ☐ Proceedings Suspended

Pending List

☐ Release nothing until further notification

Items to release after photography

1136688

Renishta Lal
(Signed) Renishta Lal

1 of 1 Wednesday, April 28, 2021 9:30 AM

Related Attachment(s) - OTHER

Attachment Description: **TOYOTA VEHICLE RELEASE FORM**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
Release of Impounded Vehicle

June 8th, 20 21

Report No. 21-44157

Central Valley Tow
8240 14th Avenue
Sacramento, CA 95826

Please deliver to Adan Herrera

Address [redacted]

The following vehicle:

Make Toyota, Type Siena, VIN No. [redacted]
License [redacted], Yr 2006 Impounded by CSO Wright #8180 (Officer)
On 2/16/21 (Date)

Any expense will be paid by bearer.

(Signature) Pamela Masses (Clerk or officer releasing)

I, the undersigned, do hereby certify that I am legally authorized and entitled to take possession of the above described vehicle, and do hereby relieve and guarantee to protect the City of Sacramento, its Police Department, their officers, employees, or agents, against any loss or liability by reason of delivering possession of said vehicle to me, and assume all responsibility and become liable for all expenses accrued or accruing against said vehicle occasioned by the impounding of the same.

(Signature) _____
(Owner, legal owner or agent of owner)

Remarks: SPD will pay all tow related expenses until the end of the business day on 6/11/21.

Original to Records
Copy to owner
Copy to case file

SPD 140 (Rev 06-11)

Related Attachment(s) - OTHER

Attachment Description: **PHOTO REQUEST**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
PHOTO REQUEST
FAX NUMBER 808-7653
TELEPHONE NUMBER 808-8792
Photo Request may also be e-mailed to photo_request@pd.cityofsacramento.org

REQUESTOR	DIVISION	DATE	TIME	PHONE NUMBER
Anna Johnson	1451	09/15/21	10:41	916-808-3834

OFFENSE / ACCIDENT REPORT NUMBER	NUMBER OF COPIES
21-44157	1

MUG SHOT NUMBER (Include name of arrestee, DOB, DOA, X-ref #)	NUMBER OF COPIES

DATE & TIME NEEDED:	REMARKS / SPECIAL INSTRUCTIONS:
AS SOON AS POSSIBLE	Photo request for CAO for litigation case Martinez, Adan v. City. Please route to GAU in OOC. Thank you.
☐ WILL CALL ☐ PICKUP PLEASE CHECK: ■ YES ☐ NO	

REQUEST TAKEN BY:	DATE	TIME
REQUEST COMPLETED BY: LH 408 9/16/21	DATE	TIME

SPD 838 (REV 01/09)

1 – Louie ~~6373~~ 6384 — 8 Photos
2 – Mollet 6373 — 2 Photos
3 – — 1 Photos
4 – — 2 Photos
5 – — 1 Photos
6 – Gunther 6386 — 23 Photos
7 – — 64 Photos
8 – — 4 Photos
9 – — 25 Photos
10 – — 74 Photos
11 – Hynes 6371 — 39 Photos
12 – Louie 6384 — 22 Photos
13 – — 6 Photos
14 – — 18 Photos
15 – — 6 Photos
16 – — 6 Photos
17 – Mollet 6373 — 705 Photos
18 – — 198 Photos
19 – — 53 Photos

Related Attachment(s) - OTHER

Attachment Description: **CRIME LAB REPORT OF TOYOTA SIENNA**
Reference Number:

Sacramento County
District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Rod Norgaard
Chief Deputy

Michael M. Blazina
Assistant District Attorney

Edward M. Pollock
Laboratory Director

9/2/2021

Sacramento Police Department
5770 Freeport Blvd. Suite 100
Sacramento, CA 95822

LAB CASE NO: 21-001089
REQUEST NO: 0003
AGENCY NO: SPD-21-044157

* DZ86Q5ZR0CHWJP*

SUBJECT:
Toomey, Officer
Caro, Officer
Martinez, Adan

VICTIM:

VEHICLE EXAMINATION REPORT

I received a request to examine a vehicle to document bullet trajectories and to collect any firearms-related evidence. According to Sacramento Police Department (SPD) Detective Pamela Massee, the vehicle was associated with an officer involved shooting, during which SPD Officers Toomey and Caro had fired upon it. Detective Massee also submitted bodycam and in-car-camera footage from both involved officers to assist with my examination. She requested that I try to sequence the shots striking the vehicle and determine which of the officers had fired each shot.

Between May 7 and June 4, 2021, Criminalists Matt Nakayama, An Truong, and I examined the vehicle. During the examination, Criminalist Truong and I took photographs for general documentation and note-taking purposes.

The vehicle is a burgundy Toyota Sienna minivan, [redacted] license plate [redacted]. The general condition of the vehicle was fair. I noticed there was minor damage on the rear bumper. I also observed multiple defects on the vehicle exterior which appeared to be bullet strikes. The strikes were primarily located on the driver door and window, with two strikes being present on the driver side sliding door and window just to the rear of the driver door. I observed additional strikes inside the vehicle, which appeared to be likely continuations of bullet paths entering through the driver side. I also observed defects on the exterior of the front passenger door and window, which appeared to be exit holes. These also appeared to be likely continuations of shots entering through the driver side.

LABORATORY OF FORENSIC SERVICES
4800 Broadway, Suite 200 - Sacramento, CA 95820-1530
(916) 874-9240 FAX (916) 321-2230
www.sacda.org
This report contains the results and conclusions of the signing analyst.
Supporting examination documentation is maintained in the case file.

We labeled strikes alphanumerically (e.g. A1, B1, C1, D1, etc.) and documented them photographically. We labeled any subsequent strikes or defects along each trajectory with sequential numeric identifiers (e.g. B2, B3, etc.). Where possible, we used trajectory rods to help evaluate bullet paths. We were able to place trajectory rods for five of the strikes on the driver door. Once the rods were in place, we measured the horizontal and vertical angles of the bullet paths and photographed them for general documentation purposes.

The strikes and associated trajectories are detailed in the following table. Note: All shots originated outside the vehicle and initially struck the driver side exterior.

Strike	Description
A	Strike to driver window near front edge. Bullet went through window. No obvious subsequent strike point. Termination point unknown.
B	Strike to driver window near top edge below A pillar. Bullet went through window and grazed plastic trim just below rubber seal. General trajectory appeared to be slightly front-to-rear, possibly continuing toward passenger seat. May be associated with strike “Z” (on side of passenger seat near top).
C	Strike to driver window near top edge below A pillar. Strike is just above and to the rear of strike “B.” Bullet went through window and grazed plastic trim just below rubber seal. Possible direction appears to be slightly rear-to-front.
D	Strike near center of driver window. Bullet went through window and may be associated with strike “T” on windshield.
E	Probable bean bag strike to driver window. Hole is larger than others on window. Projectile went through window and may have exited through passenger window (strike “U”).
F	Strike to driver window just above door panel and exterior trim. Based on radial cracks, this was the first shot to hit the window. Bullet went through window and through top of interior door panel. Termination point unknown.
G	Strike to driver window. Bullet went through window and may be related to strike “X” on passenger front door.
H	Strike to driver window. Bullet went through window. No obvious subsequent strike point. Termination point unknown.
I	Strike to driver window. Bullet went through window and may be related to strike “Y” on passenger door.
J	Strike to driver window and trim below driver window. Bullet grazed exterior trim and went through window and grazed top of interior door panel. No obvious subsequent strike point. Termination point unknown.
K	Strike to driver window just above door panel and exterior trim. Bullet went through window. No obvious subsequent strike point. Termination point unknown.
L	Strike to trim at top of driver door panel just below window. Bullet went through trim and exited from top of interior door panel, pushing out a large flap of the plastic panel material. If projectile continued in a straight line, it would have had general trajectory toward front passenger seat. No obvious subsequent strike point observed. Termination point unknown.

M	Strike to driver door just below trim under the window. Bullet went through door and exited from the upper interior door panel with apparent trajectory toward driver seat. No obvious subsequent strike point. Based on trajectory, may have struck driver. Termination point unknown.
N	Strike to driver door near center of the door (front-to-back) and slightly higher than the door handle. Bullet went through door with apparent trajectory toward front passenger seat. No obvious subsequent strike point. Termination point unknown.
O	Strike to driver door near center of door. Bullet terminated inside the door. Collected as item CT-14 after removing interior door panel.
P	Strike to driver door close to front edge of the door and just below the decorative horizontal trim. Bullet possibly deflected slightly to the right (toward the rear of the vehicle) inside the door. Bullet went through driver door storage bin and exited into the general driver footwell area. No obvious subsequent strike point. Termination point unknown.
Q	Strike to driver door near center of door (front-to-back) and slightly below the decorative horizontal trim. Bullet went through door, through interior storage bin, and into plastic trim below driver seat. Fired bullet collected from under the driver seat as item CT-10.
R	Strike to driver side sliding door window near front edge, just behind the vertical trim. Bullet went through window and produced an exit hole on the metal interior of the door. The bullet was visible inside the door at the exit hole. Bullet path appeared to have directionality from rear-to-front and driver side-to-passenger side. Fired bullet collected from hole inside sliding door as item CT-13.
S	Strike to driver side sliding door slightly below door handle. Bullet went through door exterior, appeared to fragment and/or deflect inside door, then exited from metal on door interior just in front of plastic door panel. Bullet or fragment struck vertical rubber seal and then vertical metal door frame at rear edge of B pillar.
T	Strike to interior of windshield. Likely a continuation of one of the bullet paths coming through the driver window. Bullet was traveling in a general rear-to-front and driver side-to-passenger side direction. Bullet struck inside of windshield, deflected down, struck the top of the dash, and then struck the interior of the windshield again, just above the dash near the passenger side. May be associated with strike “D” through driver window. Possible lead fragment collected from passenger side dash as item CT-05.
U	Strike to interior side of front passenger window. Part of hole is connected to the hole for strike “V.” The hole for strike “U” is larger than a typical bullet strike and could possibly correspond to a strike from the bean bag or possibly more than one projectile. Projectile(s) exited the vehicle through the window. Termination point(s) unknown.
V	Strike to interior side of front passenger window. Hole is connected to larger hole labeled strike “U.” Strike “V” appears more consistent with a bullet strike than strike “U.” Based on radial cracks, strike “V” was the first strike to the passenger window. Likely associated with a shot coming through the driver door/window. Bullet exited the vehicle through the window. Termination point unknown.

W	Strike near top of interior front passenger door panel, close to the rear edge of the door. Likely a continuation from one of the bullets entering through the driver door or window. Bullet did not exit passenger door. Projectile located inside door at bottom after removing interior door panel. Collected as item CT-16.
X	Strike to interior front passenger door panel, near middle of door in upholstered (cloth) area. Likely a continuation from one of the bullets entering through the driver door or window. Bullet appeared to have slight downward trajectory through door. Possibly related to strike "G" on driver window. Went through the passenger door and exited from the exterior door panel. Termination point unknown.
Y	Strike to interior front passenger door panel, in upholstered (cloth) area, just above the power window control switch. Likely a continuation from one of the bullets entering through the driver door or window. May be related to strike "I" on driver window. Bullet appeared to have slight downward trajectory through the passenger door. Went through the passenger door and exited from the exterior door panel. Termination point unknown.
Z	Strike to front passenger seat, near the top of the seat on the side facing the driver seat. May be associated with strike "B" on the driver window. Possible lead core fragment recovered from inside passenger seat. Collected as item CT-11.
AA	Strike to front passenger left armrest. Vehicle was received with this armrest in an upright position. Referring to bodycam video, the armrest was in a down position just after the shooting. The position of the armrest during the shooting is unknown. Because of this limitation, unable to associate this strike with any specific shot coming through the driver door or window. Copper jacket fragment recovered from inside armrest and collected as item CT-12.
BB	Strike to clear plastic instrument panel cover/lens. Possible lead fragment observed behind plastic cover/lens. Unable to associate with any specific shot coming through driver door or window. Fragment collected as item CT-17.

SEQUENCE OF SHOTS FIRED

Based on my review of the submitted video footage, it appeared that eighteen shots were fired during the shooting. Fourteen of these were fired by Officer Toomey and four were fired by Officer Caro. Both officers were positioned off the driver side of the subject's vehicle, with Officer Toomey closer to the front end and Officer Caro closer to the rear. After the shooting, a bean bag round was fired into the driver window to try to knock out the glass, so the officers would be able to see the driver inside.

I observed nineteen strikes to the driver side of the vehicle. I was able to sequence the shots and assign them to the officers as follows:

Shot Sequence	Labeled Strike	Officer	Basis
1	F	Toomey	Based on video footage and slight front-to-rear trajectory of bullet path.

2	B	Toomey	Based on video footage and apparent front-to-rear trajectory of bullet striking window and plastic trim.
3	A	Toomey	Based on video footage.
4	C	Caro	Based on video footage and apparent rear-to-front trajectory of bullet striking window and plastic trim.
5	P	Toomey	Based on video footage and general bullet trajectory.
6	O	Toomey	Based on video footage and general bullet trajectory.
7	Q	Toomey	Based on video footage and general bullet trajectory.
8	N	Toomey	Based on video footage and general bullet trajectory.
9	M*	Toomey	The 9th shot fired was possibly "M" based on video footage and by process of exclusion from evaluating remaining strikes.
10	G	Toomey	Based on video footage and possible association with strike "X" on front passenger door.
11	D	Caro	Based on video footage and possible association with strike "T" to windshield.
12	H	Toomey	Based on video footage.
13	R	Caro	Based on video footage and apparent rear-to-front bullet trajectory.
14	K	Toomey	Based on video footage.
15	S*	Caro	Based on video footage, the 15th shot was the last shot fired by Caro. The associated strike to the vehicle was not observed in any of the video footage. Of the remaining strikes on the vehicle, strike "S" appeared to have a general trajectory more consistent with Caro's position during the shooting.
16	I or J*	Toomey	Based on video footage, the 16th shot was fired by Toomey. The associated strike to the vehicle was not observed in any of the video footage, so it could be either "I" or "J."
17	I or J*	Toomey	Based on video footage, the 17th shot was fired by Toomey. The associated strike to the vehicle was not observed in any of the video footage, so it could be either "I" or "J."
18	L*	Toomey	Based on video footage and general bullet trajectory. Strike "L" did not appear to be present just prior to the 18th shot, but did appear to be present just after.
19	E*	n/a	Bean bag round fired into the window after the shooting.

*Strike to vehicle not directly observed in conjunction with the shot being fired in any of the video footage.

Note: strikes "T" through "BB" are apparent bullet path continuations (subsequent strikes).

EVIDENCE COLLECTED

Per the examination request, we visually searched the interior of the vehicle for any firearms-related evidence. Per Detective Massee's instruction, we did not search through or inventory the numerous items in the rear cargo area of the vehicle. We limited our search to the front and middle-row areas of the vehicle. We removed the interior door panels from the driver and front passenger door to retrieve projectiles. We also removed the instrument panel from the dash to collect a possible projectile fragment. The door panels and instrument panel were returned to the vehicle upon completion of our examination.

The following evidence was collected from the vehicle:

Item	Location	Description
CT-01	Driver seat footwell	Possible jacket fragment
CT-02	Driver seat footwell	Circular plastic disk (possibly from bean bag)
CT-03	Driver seat footwell	Possible jacket fragment with possible blood
CT-04	Front passenger seat	Possible jacket fragment on hat
CT-05	Dashboard - passenger side	Possible lead fragment from strike "T"
CT-06	Driver side middle row floorboard	Possible lead fragment
CT-07	Driver side middle row floorboard	Possible jacket fragment
CT-08	Driver side middle row under seat	Possible jacket fragment
CT-09	Passenger side middle row floorboard	Possible lead fragment
CT-10	Under driver seat	Fired bullet from strike "Q"
CT-11	Inside front passenger seatback	Possible lead fragment from strike "Z"
CT-12	Inside front passenger seat armrest	Possible jacket fragment from strike "AA"
CT-13	Inside driver side sliding door	Fired bullet from strike "R"
CT-14	Inside driver door	Fired bullet from strike "O"
CT-15	Inside driver door	Possible fragments
CT-16	Inside front passenger door	Fired bullet from strike "W"
CT-17	Inside instrument panel	Possible fragment from strike "BB"

DISPOSITION OF EVIDENCE

The vehicle was released to Detective Massee on June 8, 2021. All items collected from the vehicle were packaged in Submission 014 and transferred to the laboratory's Evidence section for storage. If examination of any of the items is needed, please contact the laboratory.

All digital evidence, including photographs taken during the examination and video files submitted by SPD, will be stored electronically on a secure network drive.

Craig Triebold
Supervising Criminalist

Date: 8/4/2021

Technical review by: Matthew Nakajima

Date: 8/12/2021

Administrative review by: Megan E Wood

Date: 9/2/2021

Related Attachment(s) - OTHER

Attachment Description: **PSU PHOTO REQUEST**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
PHOTO REQUEST
FAX NUMBER 808-7653
TELEPHONE NUMBER 808-8792
Photo Request may also be e-mailed to photo_request@pd.cityofsacramento.org

REQUESTOR	DIVISION	DATE	TIME	PHONE NUMBER
Calvin Lim	PSU	7/12/23	0800	916-808-8409

OFFENSE / ACCIDENT REPORT NUMBER	NUMBER OF COPIES
21-44157	1

MUG SHOT NUMBER (Include name of arrestee, DOB, DOA, X-ref #)	NUMBER OF COPIES
N/A	

DATE & TIME NEEDED:	REMARKS / SPECIAL INSTRUCTIONS:
As soon as Practical	Please provide all photos associated with this report. We need to review them for a mandated release in accordance PC 832.7. Please forward to PSU.
■ WILL CALL ☐ PICKUP PLEASE CHECK: ■ YES ☐ NO	

REQUEST TAKEN BY:	DATE	TIME
REQUEST COMPLETED BY: HP #6353	DATE 7/12/23	TIME

SPD 838 (REV 01/09)

PR#1, 8 photos, K. Louie #6384
PR#2, 22 photos, K. Louie
PR#3, 6 photos,
PR#4, 18 photos
PR#5, 6 photos
PR#6, 6 photos
PR#7, 705 photos, S. Mollet #6373
PR#8, 198 photos,
PR#9, 53 photos
PR#10, 2 photos
PR#11, 1 photo

PR#12, 2 photos, S. Mollet
PR#13, 1 photo,
PR#14, 23 photos, K. Gunther #6386
PR#15, 64 photos,
PR#16, 4 photos,
PR#17, 25 photos
PR#18, 74 photos,
PR#19, 39 photos, A. Hynes #6371

Filled via download unto PSU Req. parsport and transfered

Related Attachment(s) - OTHER

Attachment Description: **DA DISPOSITION LETTER**
Reference Number:

Sacramento County District Attorney's Office
THIEN HO
District Attorney

DATE: August 16, 2024

TO: Chief Kathy Lester
Sacramento Police Department
5770 Freeport Boulevard
Sacramento, CA 95822

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case No. SPD 2021-44157
Shooting Officers: SPD Officer Eric Toomey #894
SPD Officer Nicholas Caro #561
Person Shot: Adan Herrera Martinez (DOB 05/17/1982)

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Adan Herrera Martinez. For the reasons set forth, we conclude that the initial shooting by the officers was lawful. We also conclude that as to Officer Eric Toomey's final gunshot, there is no reasonable likelihood a jury would find that Officer Toomey no longer had a lawful right to self-defense.

The District Attorney's Office received and reviewed written reports and other documentary items. These items include Sacramento Police Department report 2021-44157, body-worn camera footage, in-car camera recordings, dispatch calls, witness interviews, photographs, diagrams, Sacramento Police Department personnel records, evidence logs, medical records, and Sacramento County District Attorney Laboratory of Forensic Services reports.

FACTUAL SUMMARY

On February 15, 2021, at approximately 9:20 p.m., a call was placed to 9-1-1 regarding a blue pickup truck that was on fire in the parking lot of an apartment complex located at [redacted] Occidental Drive in Sacramento. The Sacramento Fire Department responded to the scene to extinguish the vehicle fire.

At approximately 9:53 p.m., Sacramento Police Department (SPD) Officer Eric Toomey was dispatched to assist Officers Benjamin Jillson and Trevor Schwertfeger in responding to an

incomplete 9-1-1 call from an apartment on Occidental Drive. Officer Toomey was dressed in full SPD uniform equipped with a body-worn camera (BWC). Officer Toomey was driving a marked patrol vehicle equipped with emergency overhead lights. He was armed with a Sig Sauer model P230 handgun.

As Officer Toomey was driving to the scene, dispatch updated the call to add that the caller's ex-boyfriend had threatened her and burned her truck. Officer Toomey parked in the apartment complex guest area and activated his BWC. He stood by as Officers Jillson and Schwertfeger contacted the complainant.

The complainant told Officer Jillson that her ex-boyfriend, Adan Herrera Martinez, was the father of her two children. She told Officer Jillson that Martinez was in a car accident in 2018 that led to him using crystal methamphetamine. She stated that Martinez had previously pulled a gun on her, which led her to obtain a restraining order against him. She also stated that on February 14th, her father was preparing to take her to a medical appointment when her father was approached by Martinez. Martinez told the complainant's father that he was going to burn his own truck, and that he was "going to start with the head." When asked what that meant, Martinez told the complainant's father it was not a threat towards him, but towards his own mother, who Martinez felt did not want him anymore.

The complainant told Officer Jillson that earlier that evening, she heard a loud noise. Her father went out to the parking lot to investigate. He came back inside and told the complainant that the blue pickup truck was on fire. Firefighters arrived and extinguished the fire, but the complainant called 9-1-1 because she thought the fire was meant as a threat. Both the complainant and Martinez were listed as registered owners of the blue pick-up truck.

The complainant and the officers then walked over to view the fire damage to the 1994 blue Ford F-150 pick-up truck. At approximately 10:16 p.m., Officer Toomey went to bring his car closer so they could run various record checks. As he was doing so, a red Toyota Sienna minivan slowly passed by him. The complainant recognized the red Toyota Sienna and told Officer Jillson it was driven by Martinez. Officers Jillson and Schwertfeger directed Officer Toomey to stop the red Toyota. They told Officer Toomey that Martinez was driving, that the complainant had a valid restraining order against Martinez, and that Martinez was known to carry firearms.

Officer Toomey caught up to and got behind the red Toyota Sienna. He confirmed that the license plate was registered to Martinez. Officer Toomey then activated his overhead emergency lights to initiate a traffic stop.

Martinez did not slow, pull over, or yield to the officer's lights. Martinez instead drove through a stop sign at Occidental Drive and Julliard Drive.

Officer Toomey sounded his siren to ensure Martinez was aware of his presence. Martinez then rapidly accelerated. The red Toyota Sienna reached speeds approaching 85 m.p.h. in a residential area and ran through several stop signs without slowing or stopping. Officer Toomey followed as Martinez drove at high speeds onto La Riviera Drive and then southbound on Watt Avenue. Officer Toomey noted that Martinez almost went off the roadway as he entered the

Watt Avenue on-ramp. Martinez then accelerated to speeds between 75 and 90 m.p.h. as he traveled south on Watt Avenue to the south of Highway 50. Officer Toomey continued to pursue Martinez with his overhead emergency lights activated.

Two additional SPD units joined the pursuit. Officer Nicholas Caro was driving a marked patrol vehicle in the area of Belvedere Avenue and Power Inn Road when he heard Officer Toomey announce over the radio that he was in pursuit of an arson suspect. Officer Caro activated his emergency lights and notified dispatch he would respond to assist Code 3.[1]

Officer Caro drove eastbound on Folsom Boulevard towards Watt Avenue. He wanted to get in front of the chase to be able to deploy spike strips. However, Martinez's minivan passed Folsom Boulevard before Officer Caro reached Watt Avenue, so Officer Caro joined in the pursuit instead.

Officer Victor Stevens and his trainee, Officer Zachary King, were the third vehicle in the pursuit, behind Officers Toomey and Caro.

As Martinez continued south of Watt Avenue past Manlove Road, Martinez decelerated to approximately 40 m.p.h. and activated his hazard lights. Officer Toomey thought Martinez was preparing to either bail out of the minivan on foot, take the minivan off-road, or was readying a firearm.

Martinez turned right and headed westbound on Fruitridge Road. Officer Tony Parham and Officer James Summey had parked their patrol vehicle on the north side of the road and were preparing to deploy spike strips. Officer Toomey saw Martinez accelerate directly towards Officers Parham and Summey. He believed Martinez was going to hit them with his minivan.

Martinez then made a sudden left turn into an industrial area at 8550 Fruitridge Road. Martinez continued to drive erratically, accelerating to between 50-60 m.p.h.

At approximately 10:24 p.m., Martinez drove into a dead end in the industrial area, with a low concrete wall in front of him. Martinez slammed on his brakes to avoid hitting the wall. Officer Toomey applied his brakes behind Martinez but bumped into the rear bumper of the minivan before coming to a stop.

Officer Toomey exited his vehicle and drew his firearm. He stood in the opening between his open driver's-side door and the door frame. Officer Caro's vehicle was to his immediate right. Officer Stevens' vehicle was farthest to the right. Officer Caro pulled his patrol vehicle slightly forward, trying to block Martinez in more securely.

Officer Toomey yelled to Martinez, "Put your hands up! Put your hands up!" Martinez did not respond or acknowledge Officer Toomey's commands and remained inside the minivan.

---

[1] Code 3 indicates to consider the call an emergency response and proceed immediately, including utilizing emergency lights and sirens as reasonably necessary.

Officer Toomey then announced, "He's putting it in drive!" Martinez began to drive the minivan quickly forward towards the concrete wall. Martinez then placed the minivan in reverse and began to quickly turn backwards as if to make a K-turn.[2]

Officer Toomey could hear the minivan's tires squeal. He yelled, "Stop! Stop!" Officer Toomey could see that he was standing approximately 8-9 feet from the concrete wall to his left. He knew that for Martinez to escape, Martinez had to drive the minivan through that 8–9-foot opening. Officer Toomey believed if Martinez tried to do so, Officer Toomey would be run over, resulting in serious injuries.

Officer Toomey knew that Martinez had refused to yield to officers and had driven at excessive speed through residential areas, ignoring stop signs, to avoid arrest. Officer Toomey believed Martinez intended to try to escape, regardless of whether it meant running over Officer Toomey to do so.

After the reverse portion of Martinez's attempted K-turn, Martinez put the minivan in drive and accelerated towards the narrow opening between where Officer Toomey stood and the concrete wall. Officer Toomey did not believe he had time to safely retreat out of harm's way or to use less-lethal options, as the minivan was approximately 20 feet away and beginning to advance. He began to fire at the minivan, discharging 13 rounds within 3 seconds to prevent Martinez from running him over.

As Martinez began to accelerate forward, Officer Caro saw that Officer Toomey was unprotected along Martinez's only avenue of escape. He knew that Martinez had just led officers on a reckless chase, driving up to 85 m.p.h. on La Riviera Drive. Officer Caro believed Martinez intended to avoid capture at all costs, even if it meant hitting Officer Toomey with his minivan. Officer Caro believed he had no time to retrieve his less-lethal weapons and did not believe that they would be effective against a minivan. Officer Caro heard shots being fired by another officer. Officer Caro then fired 4 rounds in rapid succession as the minivan advanced.

The minivan slowed its acceleration as the shots were fired by Officers Toomey and Caro. Approximately 2 seconds after Officer Toomey fired his 13th round, the minivan lurched forward again. Officer Toomey fired his 14th round towards the minivan. The minivan then came to a halt.

Martinez remained inside the minivan. Officers could not see through the window, but they could hear moaning from inside. As Martinez was known to carry firearms, officers assembled a team with shields to approach the minivan as additional units arrived. Trainee Officer Zachary King fired a round from a bean bag shotgun to try to shatter the window so officers could see inside. However, the window did not shatter.

Officers then gave Martinez commands to surrender. After approximately one minute, Martinez exited through the driver's side door. Martinez appeared to have been shot in both forearms.

---

[2] A K-turn is also known as a three-point turn. It is a standard method of reversing direction where there is insufficient space to make a U-turn.

Officers approached Martinez, placed him into custody, and provided medical assistance until they were relieved by emergency medical technicians.

Martinez was transported by ambulance to Kaiser Permanente South Sacramento Medical Center. Martinez suffered four gunshot wounds to his left arm, one gunshot wound to his right arm, and grazing wounds to his torso. Surgery was performed to repair a fracture to Martinez's wrist and to remove a bullet fragment that had lodged in his wrist.

A blood sample was taken from Martinez by Kaiser personnel. Testing done at Kaiser showed that Martinez's blood was presumptively positive for methamphetamine and amphetamine. The concentration of methamphetamine was not specified, and the sample was not retained by Kaiser. The presumptive testing also showed that Martinez had a blood alcohol content of less than .01%.

Martinez's clothing was searched after his arrest. One live 9mm round and one live .38 caliber round of ammunition were found in Martinez's right pants pocket.

Martinez was advised of his Miranda rights at Kaiser and agreed to speak with detectives. Martinez acknowledged seeing the lights of the cars following him but denied knowing that they were police officers. He denied hearing any of the commands directed at him by officers. He told detectives his intention was to turn around and escape, but denied he was trying to hit anyone with his vehicle.

Martinez acknowledged using crystal methamphetamine but denied using any on the day of the incident. He denied setting his truck on fire. He explained that he drove to the apartment complex to check on the truck because someone had told him that his truck had been burned.

Police department detectives and crime scene investigators responded to preserve and document the scene, including taking photographs and measurements. They noted that the opening between Officer Toomey's patrol vehicle and the concrete wall was approximately 12.6 feet.

The distance from where Officer Toomey was standing to Martinez's minivan at the time of the first gunshot was approximately 13.8 feet. The distance from where Officer Toomey was standing to Martinez's minivan at the time of the final shot was approximately 14.8 feet.

The distance from where Officer Caro was standing to Martinez's minivan at the time Officer Caro's first shot was approximately 12.8 feet.

Martinez's minivan was a 2006 Toyota Sienna. A 2006 Toyota Sienna is approximately 6.5 feet wide.

(Overhead view of the minivan and patrol vehicles after Martinez was taken into custody)

Body-worn camera video and in-car camera (ICC) video from each of the responding officers was reviewed. The videos depict the events as described above. Of note, the ICC video shows that the pursuit of Martinez lasted approximately eight minutes, covering approximately six miles. The video shows that Martinez ran through six stop signs and one red light without stopping. It further shows that Martinez reached speeds of 85 m.p.h. while driving in a residential area.

ICC from Officer Caro's patrol vehicle shows the minivan as it completes the second leg of the K-turn, which is the reverse leg. The minivan then moves forward towards where Officer Toomey was standing. As the minivan moves forward, the video clearly shows the front driver's side wheel spin on the pavement as it loses traction during the initial forward movement towards Officer Toomey's location. As the wheel is spinning, the first shots are heard. After the wheel spins, it regains traction as the minivan rolls to its eventual stop. ICC from Officer Toomey's vehicle shows the same events.

Martinez was arrested and charged with three felonies in Sacramento Superior Court case number 21FE002994. He pled guilty to a felony violation of Penal Code section 236 (False Imprisonment), arising from an earlier related incident involving the same victim, and a misdemeanor violation of Vehicle Code section 2800.2 (Reckless Evasion of a Peace Officer). He was placed on 4 years of formal probation and sentenced to serve 180 days in the county jail.

SPD initiated an administrative review of Officer Toomey's conduct during this incident. Officer Toomey was terminated from SPD effective May 9, 2022, for the following department policy and general order violations:

1. Officer Toomey did not promptly activate his emergency lights and siren. Officer Toomey waited approximately 28 seconds after beginning his pursuit of Martinez to activate the lights and siren.[3]
2. Officer Toomey collided with the rear of Martinez's vehicle at the end of the pursuit. The review determined Officer Toomey was pursuing at an unsafe speed.[4]
3. Officer Toomey did not tactically reposition himself or his vehicle at the end of the pursuit, when he was aware of the dangers presented by his location between his vehicle and the concrete wall.[5]
4. Officer Toomey did not make every reasonable effort to avoid intentionally placing himself in a position where Martinez's vehicle was a threat to him.[6]
5. Officer Toomey did not make every reasonable effort to move out of the path of an approaching vehicle instead of discharging his firearm at the vehicle or its occupants.[7]
6. Officer Toomey's final gunshot was not reasonably necessary because the threat from Martinez's vehicle was no longer imminent. Officer Toomey fired his initial volley of gunshots. Martinez's vehicle rolled backwards, then forward at a slow rate of speed. Officer Toomey then fired one additional gunshot.[8]
7. Officer Toomey did not employ or attempt de-escalation techniques.[9]
8. Officer Toomey de-activated his body-worn camera at the conclusion of the incident before being directed to do so by a superior officer.[10]

LEGAL ANALYSIS

An officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11; *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; California Penal Code section 835a(b); CALCRIM 2670.) The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) Officers do not need to retreat or desist their efforts if the person they are arresting or detaining resists or threatens resistance; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a(d).)

Here, Officer Toomey had reasonable cause to detain Martinez for the arson of the blue Ford pick-up truck and for possible violation of the complainant's restraining order. When the complainant recognized Martinez's minivan passing by the scene of the arson that had just

[3] Sacramento Police Department General Order 521.01 – Pursuit of Vehicles.
[4] Sacramento Police Department General Order 421.01 – Use of Police Vehicles.
[5] Sacramento Police Department General Order 580.2 – Use of Force, and General Order 580.06 – De-escalation and Planned Response.
[6] Sacramento Police Department General Order 580.02 – Use of Force.
[7] Sacramento Police Department General Order 580.02 – Use of Force.
[8] Sacramento Police Department General Order 580.2 – Use of Force, and General Order 210.04 General and Professional Conduct.
[9] Sacramento Police Department General Order 580.06 – De-escalation and Planned Response.
[10] Sacramento Police Department General Order 525.07 – Body-Worn Camera.

occurred, Officers Jillson and Schwertfeger directed Officer Toomey to stop and detain Martinez.

Officer Toomey caught up to the minivan and confirmed that the license plate was registered to Martinez. Officer Toomey activated his overhead emergency lights to direct Martinez to yield. Martinez chose not to yield and continued driving. Officer Toomey then activated the siren of his patrol vehicle to further direct Martinez to yield.

Martinez had an obligation to allow himself to be detained. Martinez chose not to do so. Instead, Martinez accelerated to unsafe speeds in a residential area and led Officer Toomey on a reckless and extended chase. Martinez drove at speeds up to 85 m.p.h. through residential neighborhoods and drove through six stop signs and a red light without slowing or stopping. His actions represented a serious risk of death or serious bodily injury to members of the community who might be on those streets.

Martinez slowed but still refused to yield as he continued south on Watt Avenue past Manlove Road. As he turned right on Fruitridge Road, Martinez accelerated and drove directly at officers attempting to deploy spike strips to stop him. Martinez abruptly turned left into the industrial area and avoided striking the officers. He continued to drive recklessly through the industrial area before coming to a dead end.

Officer Toomey, Officer Caro, and a third SPD vehicle attempted to box Martinez in so that he could not escape. The officers got out of their patrol vehicles, drew their firearms, and commanded Martinez to surrender.

Rather than comply with the officers' lawful orders to surrender, Martinez drove forward towards the concrete wall, then quickly reversed, and turned while attempting to make a K-turn. He had an opening of roughly 12 feet between the concrete wall and Officer Toomey's patrol vehicle. Officer Toomey was standing outside the driver's side door in the path Martinez would have to travel to be able to get away. Despite the officers' orders to stop, Martinez put the minivan in drive and began quickly to drive forward towards the opening. Martinez drove forward quickly enough to cause the front driver's side wheel to lose traction and spin.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 505, 507, 3470; California Penal Code section 835a(c)(1)(A).) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. (California Penal Code section 835a(a)(4); *Graham v. Connor* (1989) 490 U.S. 386.)

Here, Officer Toomey reasonably believed that he was at risk of being immediately run over and seriously injured by Martinez's minivan. He had just witnessed the reckless disregard for the safety of others Martinez had displayed during the pursuit in Martinez's efforts to avoid detention, and he believed that Martinez would do anything he needed to in order to get away, even if that meant hitting Officer Toomey with his car. The minivan was only approximately 15 feet away from Officer Toomey. The minivan was approximately 6.5 feet wide. The opening Martinez needed to drive through was only approximately 12 feet wide, and Officer Toomey was standing outside his driver's side door. Under these circumstances, Officer Toomey was justified in his decision to fire at the minivan to prevent it from running him over.

The minivan slowed as Officer Toomey fired 13 shots in rapid succession. Approximately two seconds after Officer Toomey's 13th shot, the minivan briefly lurched forward again. Officer Toomey was still in the minivan's avenue of escape. Accordingly, Officer Toomey believed he was still in danger of being struck by Martinez's truck. Officer Toomey fired one final round towards the minivan. The minivan then came to a halt and Martinez was thereafter taken into custody.

Similarly, Officer Caro was aware of the extent of Martinez's disregard of the safety of others and the danger Martinez created during the chase. Officer Caro knew that Officer Toomey was standing outside his driver's side door along Martinez's only possible avenue of escape. Officer Caro believed that Martinez intended to drive through that opening, even at the risk of striking Officer Toomey. Accordingly, Officer Caro was justified in firing in order to prevent Martinez from running down Officer Toomey.

Finally, it is noted that Officer Toomey was terminated for violations of department policy and general orders detailed above. However, any such violations are not determinative of whether an officer's actions constitute a crime. In Section 1(g) of Senate Bill 230,[11] the Legislature expressly stated, "A law enforcement agency's use of force policies and training may be introduced as evidence in proceedings involving an officer's use of force. The policies and training may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training."

Here, only one general order violation impacts the question of whether Officer Toomey properly acted in self-defense or the defense of others in firing at Martinez's vehicle. Specifically, the police department review found Officer Toomey's decision to fire his final round at Martinez's vehicle was not justified, as they found the threat presented by Martinez's vehicle was no longer imminent.

However, the standard for an agency's administrative review is preponderance of the evidence, a significantly lesser standard than that required for a criminal case. The standard of proof in a criminal case is proof beyond a reasonable doubt. Prosecutors are ethically prohibited from filing a criminal case if there is no reasonable likelihood that a jury would convict. Under the circumstances of this case, there is no reasonable likelihood a jury would find Officer Toomey

[11] Senate Bill 230 was signed by the Governor on September 12, 2019.

guilty beyond a reasonable doubt. As detailed above, Officer Toomey stood in extremely close proximity to Martinez's vehicle. He believed Martinez intended to drive through the narrow opening between where Officer Toomey was standing and the concrete wall, potentially endangering Officer Toomey's life. As Martinez's Toyota Sienna moved forward, Officer Toomey fired 13 gunshots and Officer Caro fired 4 gunshots to try and stop Martinez's vehicle.

The police department internal review found these 13 shots fired by Officer Toomey to be justified actions of self-defense. The final gunshot by Officer Toomey was fired only approximately 2 seconds after the 13th shot. During this time, Martinez had given no indication, verbally or otherwise, that he was surrendering to the officers and had ceased his resistance. In fact, when the last shot was fired, the Toyota had just proceeded forward again, and Officer Toomey still remained in the vehicle's expected path of travel. It is very unlikely that a criminal jury would find that a significant change in circumstances occurred in those 2 seconds to conclude that Officer Toomey no longer had a lawful right to self-defense. Given the totality of circumstances involved in this incident, a criminal conviction of Officer Toomey based solely on the final gunshot fired 2 seconds after the other lawfully justified gunshots is highly improbable.

CONCLUSION

Based on the circumstances of this incident, Officers Caro and Toomey were justified in using deadly force. As to Officer Toomey's final gunshot, there is no reasonable likelihood that a jury would convict Officer Toomey for firing his last shot at Martinez to prevent him from hitting Officer Toomey with his minivan as Martinez attempted to escape. Accordingly, we will take no further action in this matter.

Cc: Eric Toomey
Sacramento Police Department Officer Nicholas Caro
Sacramento Police Department Detective Pamela Massee
Sacramento Police Department Sergeant Joseph Ellis
Office of Public Safety Accountability

Related Person(s)

1. VICTIM # 1 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

MAIN [redacted]
HOME PHONE:
CELL [redacted]
PHONE:
Email: [redacted]

2. ARREST/CITE # 1 - MARTINEZ, ADAN HERRERA

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: **May-17-1982**
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

MAIN [redacted]
HOME PHONE:
CELL [redacted]
PHONE:

3. WITNESS # 1 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

MAIN [redacted]
HOME PHONE:

4. WITNESS # 3 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

5. WITNESS # 4 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

6. WITNESS # 5 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **AFRICAN AMERICAN/BLACK**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

7. WITNESS # 6 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

8. WITNESS # 7 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

9. WITNESS # 8 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **AFRICAN AMERICAN/BLACK**
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

10. WITNESS # 9 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

11. WITNESS # 10 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

12. WITNESS # 11 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Year of birth: [redacted]
Approximate age: **70**
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

13. WITNESS # 12 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

14. WITNESS # 13 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **AFRICAN AMERICAN/BLACK**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

15. WITNESS # 14 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers

BUSINESS PHONE: [redacted]
CELL PHONE: [redacted]

16. WITNESS # 15 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

BUSINESS PHONE: [redacted]
CELL PHONE: [redacted]

17. WITNESS # 16 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

CELL PHONE: [redacted]

18. WITNESS # 17 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **AFRICAN AMERICAN/BLACK**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

CELL PHONE: [redacted]

19. WITNESS # 18 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

20. WITNESS # 19 - [redacted]

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:

21. WITNESS # 20 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **UNKNOWN**
Municipality: [redacted]
Phone Numbers
CELL [redacted]
PHONE:
MAIN [redacted]
HOME PHONE:

22. WITNESS # 21 - KING, Z 784

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Address: [redacted]
Municipality: [redacted]

23. WITNESS # 22 - [redacted]

(Case Specific Information)

Sex: **Female**
Race: **CAUCASIAN/WHITE**

Date of birth: [redacted]
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Phone Numbers

CELL PHONE: [redacted]

24. WITNESS # 23 - STEVENS, V 0952 4367

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Date of birth: [redacted]
Address: [redacted]
Municipality: [redacted]

25. SUBJECT # 1 - CARO, N 561

(Case Specific Information)

Sex: **Male**
Race: **ASIAN (ALL)/ PACIFIC ISLANDER**
Address: [redacted]
Municipality: [redacted]

26. SUBJECT # 2 - TOOMEY, E 894

(Case Specific Information)

Sex: **Male**
Race: **CAUCASIAN/WHITE**
Address: [redacted]
Municipality: [redacted]

27. VEH ADDL RO # 1 - [redacted]

(Case Specific Information)

Sex: **Unknown**
Race: **UNKNOWN**
Address: [redacted] Apartment: [redacted]
Municipality: [redacted]

Related Vehicle(s)

1. SUSPECT # 1 - [redacted] VIN# [redacted]

(Case Specific Information)

License number: [redacted]
State of issue: [redacted]
VIN #: [redacted]
License type: **PASSENGER**
Year of issue: **2021**
Vehicle type: **AUTO**
Make and model: **TOYOTA Sienna**
Style: **VAN/TRAILER**
Year: **2006**
Color: **RED**

Master Vehicle Index Reference

License number: [redacted]
State of issue: [redacted]
License type: **PASSENGER**
Year of issue: **2021**

Owner Information

Owner type: **PERSON**
Owner role: **SUSPECT**
Owner name: **MARTINEZ, ADAN HERRERA**

2. SEIZED/IMPOUNDED/TOWED # 2 - [redacted] VIN# [redacted]

(Case Specific Information)

License number: [redacted]
State of issue: [redacted]
VIN #: [redacted]
License type: **PASSENGER**
Year of issue: **2021**
Miscellaneous information: **BURNED**
Vehicle type: **AUTO**
Make and model: **FORD F150**
Style: **PICKUP**
Year: **1994**
Color: **BLUE**

Automobile Details

Condition: **POOR**

Master Vehicle Index Reference

License number: [redacted]
State of issue: [redacted]
License type: **PASSENGER**
Year of issue: **2021**
Miscellaneous information: **BURNED**
Towed: **Yes**

Owner Information

Owner type: **PERSON**
Owner role: **SEIZED/IMPOUNDED/TOWED**
Owner name: **MARTINEZ, ADAN HERRERA**

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject OBSERVATIONS: SGT LANGE #3067
Author 536 - LANGE, MICHAEL 3067 [redacted]
Related Date Feb-16-2021

OBSERVATIONS: Sgt Lange #3067

I am currently assigned as a Detective Sergeant in the Homicide Unit of the Sacramento Police Department.

NOTIFICATION:

On 2-15-21, at 2335 hrs, I was notified by SPD Communications via a text notification a homicide team call out to 8550 Fruitridge Rd for an Officer Involved Shooting. Information was that SPD Officers were involved in a pursuit and (2) Officers fired at the suspect at the conclusion of the pursuit. I responded directly to the scene to assist with the investigation.

ARRIVAL AND BRIEFING:

I arrived on-scene at 0052 hrs and checked in with the crime scene recorder, CSO Wright. Detective Sergeant Maclafferty had been assigned as the case supervisor for the incident. I was assigned to help coordinate the investigative follow-up and conduct weapons inspections/round counts of the firearms belonging to involved Officers.

At 0104 hrs, Lt. Stigerts and Sgt Schwartz briefed the investigative team regarding the circumstances known to them at the time. During the briefing the following Officers were identified as being involved and/or primary witnesses.

Officer Eric Toomey # 0894

Officer Nick Caro # 0561

Officer Victor Stevens #0952

Officer Zachary King # 0784

WALK-THROUGH / LIGHTING:

At appx 0140 hours, Sgt Schwartz performed a walk thru with the investigative team of the crime scene. The lighting at the time of the walk-through was supplied by flashlights and parking lot street lamps.

SCENE DEPARTURE:

At appx 0215 hrs, I departed the scene and responded to Police Headquarters at 5770 Freeport Blvd.

WEAPONS INSPECTION:

Officer Eric Toomey # 0894

Officer Toomey had previously been transported from the scene and was waiting at the Police Communications Center. At the conclusion of his investigative walk thru, Officer Toomey was then brought to Police Headquarters for an official weapon's inspection and round count. Prior to the round count, photos were taken to document his appearance at the time of the incident. At 0330 hrs, I conducted the weapons inspection of Officer Toomey's firearm. The inspection occurred inside of interview room # 5 and was video recorded.

Officer Toomey was armed with a personally owned Sig Sauer, model P320, 9mm semi-automatic handgun. The firearm had the serial number of [redacted]. The firearm had an attached tactical light affixed to the front rail system. Officer Toomey stated that prior to the incident, his primary handgun was fully duty loaded with (1) round in the chamber and (17) rounds in the magazine that was inserted into the firearm. Officer Toomey also carried (2) spare magazines that had a 21 round capacity each on his duty belt. During the incident, Officer Toomey fired rounds and then changed magazines, leaving the magazine onscene.

Upon inspection, I located (22) total rounds in the firearm. (1) round was in the chamber and (21) rounds were in the attached magazine (21 round capacity). After firing the rounds, he reloaded with a 21 round capacity magazine. No additional rounds were fired after the reload. At the time of the inspection, he only had (1) additional magazine. I inspected the extra magazine and found it to be fully loaded with (21) rounds. Officer Toomey's weapon was carried in a holster that was affixed to the left right side of his uniform duty belt.

Sgt Ellis was the scene supervisor. He collected Officer Toomey's magazine that was exchanged. Sgt Ellis located (3) rounds contained inside of it.

Accounting for the magazine change, it is estimated that Officer Toomey fired (14) rounds during the incident.

Officer Nicholas Caro # 0561

Officer Caro had previously been transported from the scene and was waiting at the Police Communications Center. At the conclusion of his investigative walk thru, Officer Caro was then brought to Police Headquarters for an official weapon's inspection and round count. Prior to the round count, photos were taken to document his appearance at the time of the incident. At 0341 hrs, I conducted the weapons inspection of Officer Toomey's firearm. The inspection occurred inside of interview room # 5 and was video

recorded.

Officer Caro was armed with a department issued Glock model 17, 9mm semi-automatic handgun. The firearm had the serial number of [redacted]. The firearm had an attached tactical light affixed to the front rail system. Officer Caro stated that prior to the incident, his primary handgun was fully duty loaded with (1) round in the chamber and (17) rounds in the magazine that was inserted into the firearm. Upon inspection, I located (14) total rounds in the firearm. (1) round was in the chamber and (13) rounds were in the attached magazine. In addition to the rounds in Officer Caro's handgun, he carried (2) additional (17) round capacity ammunition magazines worn on his duty belt. Neither of these magazines were accessed during the incident. I inspected both magazines and found them to be fully loaded with (17) rounds each. Officer Caro's weapon was carried in a holster that was affixed to the right side of his uniform duty belt. It is estimated that Officer Caro fired 4 rounds during the incident.

CRIME LAB INSPECTION:

On 2-16-21, at 1010 hrs, I released the firearms, magazines and ammunition to the county crime lab for a weapons functionality examination and test fire.

On 2-17-21, I was contacted by the Sacramento County Crime Lab that the firearm inspections were complete and they were ready to be picked up. Detective Putman retrieved the firearms and brought them to me at Police Headquarters.

On 2-18-21, I released both firearms back to the involved Officers.

Narrative Text

Type EVIDENCE PROCESSING REQUEST
Subject 21-44157
Author 4017 - MASSEE, PAMELA 0548
Related Date Feb-19-2021 16:00

From: MASSEE, PAMELA 0548
To: ID-CRIME SCENE INVEST
cc: MASSEE, PAMELA 0548
Subject: 21-44157
Date: Fri. Feb 19, 2021 @ 16:00:06

VEHICLE PROCESSING REQUEST

Report Number [21-44157]
Crime Type [ARSON]

Requestor's Name [MASSEE] Contact #'s Desk [808-0697]

Requestor's Unit [HOMICIDE] Cell [[redacted]]

Please notify me by the following method upon completion of processing:
[ ]Email [
]

[X]Phone [redacted]

Address [CENTRAL VALLEY TOW YARD
Vehicle Lic Plate [[redacted]]
Vehicle Make/Model[BLUE FORD F150 (BURNED)]

Forensic Processing Requests

****
*****
Latent Print Processing
Process the following areas on the vehicle for fingerprints

Exterior:
[X]Exterior Front Driver Side Area (Door, Window, Car Frame, Handle)
[X]Exterior Front Passenger Side Area
[X]Exterior Rear Driver Side Area
[X]Exterior Rear Passenger Side Area

Additional:
[ ]Engine Hood
[ ]Windshield [ ]Rear Window

[ ]Front Driver Side Fender [ ]Front Passenger Side Fender
[ ]Rear Driver Quarter Panel [ ]Rear Passenger Quarter Panel
[ ]Front Bumper [ ]Rear Bumper
[ ]Trunk Lid [ ]Tail Gate
[ ]Roof [ ]Sunroof
[ ]Other (Please Specify Below)

Comments:
[PLEASE PROCESS THE WHOLE VEHICLE FOR PRINTS WHERE YOU WOULD MIGHT LOGICALLY FIND A PRINT LEADING TO AN ARSON SUSPECT.]

Interior:

[X]Interior Front Side Driver Side Area (Door, Window, Car Frame, Handl

Gear Shift, Seatbelt, Rear View Mirror
[X]Interior Front Passenger Side Area
[ ]Interior Rear Driver Side Area
[ ]Interior Rear Passenger Side Area

Comments:
[
]

****
*****

GLOBAL SWABS (CONTACT DNA):

Collect global swabs from the following areas on the vehicle:

[X]Front Drivers Side Area (Steering Wheel, Gear Shift, Door Handles, Seatbelt
[X]Front Passenger Side Area (Door Handles, Seatbelt)
[ ]Rear Driver Side Area (Door Handles, Seatbelt)
[ ]Rear Passenger Side Area (Door Handles, Seatbelt)

Comments:
Please collect global swabs from other areas specifically noted below:
[
]

****
*****

GSR

Unless otherwise noted, GSR samples can be collected from the interior door panels, steering wheel and gear shifts

Collect GSR samples from the following areas on the interior of the vehicle:

[ ]Front Driver Side Area
[ ]Front Passenger Side Area
[ ]Rear Driver Side Area
[ ]Rear Passenger Side Area

For more specific locations to be sampled on the interior of the vehicle, coordinate with CSI directly with detailed case information. Other areas that

can be sampled are headliners, seats, seatbelts, visors, etc. These areas won' be sampled without further information or contact from detective units.

Comments:
[
]

****
*****

Evidence Collection:

[ ]Recover any fired projectiles from the vehicle –By checking this box I give CSI the authority to use any means necessary to recover projectiles for further investigation.

**** It is the responsibilty of the investigating unit to complete the Red Border form to document any damage caused during the collection.

[ ]Collect Other Evidence (Please specify below for specific areas)
[ ]Trace Evidence
[ ]Biological Evidence

Comments:
[THIS VEHICLE HAS BEEN BURNED AND NEEDS TO BE PROCESSED WITH THE ARSON INVESTIGATOR. THIS VEHICLE IS LISTED IN A SEARCH WARRANT. PLEASE PROCESS THE VEHICLE ACCORDINGLY AND LET ME KNOW IF YOU HAVE ANY QUESTIONS;-) THANK YOU SO MUCH!]

***Note, it is the responsibility of Patrol Officers or the Investigating Unit to search vehicles, identify items of physical evidence related to their investigation and release the vehicle once the processing is complete.

Narrative Text

Type EVIDENCE PROCESSING REQUEST
Subject 21-44157
Author 4017 - MASSEE, PAMELA 0548
Related Date Feb-19-2021 16:10

From: MASSEE, PAMELA 0548
To: ID-CRIME SCENE INVEST
cc: MASSEE, PAMELA 0548
Subject: 21-44157
Date: Fri. Feb 19, 2021 @ 16:10:09

VEHICLE PROCESSING REQUEST

Report Number [21-44157]
Crime Type [OIS]

Requestor's Name [MASSEE #548] Contact #'s Desk [808-0697]

Requestor's Unit [HOMICIDE] Cell [redacted]

Please notify me by the following method upon completion of processing:
[X]Email [
]

[ ]Phone [
]

Address [CENTRAL VALLEY TOW YARD
Vehicle Lic Plate [redacted]]
Vehicle Make/Model[RED TOYOTA SIENA]

Forensic Processing Requests

****
*****
Latent Print Processing
Process the following areas on the vehicle for fingerprints

Exterior:
[X]Exterior Front Driver Side Area (Door, Window, Car Frame, Handle)
[X]Exterior Front Passenger Side Area
[ ]Exterior Rear Driver Side Area
[ ]Exterior Rear Passenger Side Area

Additional:
[ ]Engine Hood

[ ]Windshield [ ]Rear Window
[ ]Front Driver Side Fender [ ]Front Passenger Side Fender
[ ]Rear Driver Quarter Panel [ ]Rear Passenger Quarter Panel
[ ]Front Bumper [ ]Rear Bumper
[ ]Trunk Lid [ ]Tail Gate
[ ]Roof [ ]Sunroof
[ ]Other (Please Specify Below)

Comments:
[
]

Interior:
[ ]Interior Front Side Driver Side Area (Door, Window, Car Frame, Handle

Gear Shift, Seatbelt, Rear View Mirror
[ ]Interior Front Passenger Side Area
[ ]Interior Rear Driver Side Area
[ ]Interior Rear Passenger Side Area

Comments:
[
]

****
*****

GLOBAL SWABS (CONTACT DNA):

Collect global swabs from the following areas on the vehicle:

[X]Front Drivers Side Area (Steering Wheel, Gear Shift, Door Handles, Seatbelt
[X]Front Passenger Side Area (Door Handles, Seatbelt)
[ ]Rear Driver Side Area (Door Handles, Seatbelt)
[ ]Rear Passenger Side Area (Door Handles, Seatbelt)

Comments:
Please collect global swabs from other areas specifically noted below:
[
]

****
*****

GSR

Unless otherwise noted, GSR samples can be collected from the interior door panels, steering wheel and gear shifts

Collect GSR samples from the following areas on the interior of the vehicle:

[X]Front Driver Side Area
[X]Front Passenger Side Area
[ ]Rear Driver Side Area
[ ]Rear Passenger Side Area

For more specific locations to be sampled on the interior of the vehicle, coordinate with CSI directly with detailed case information. Other areas that

can be sampled are headliners, seats, seatbelts, visors, etc. These areas won' be sampled without further information or contact from detective units.

Comments:

[PLEASE DO GSR SAMPLES FROM THE AREA AROUND THE DRIVERS AND PASSENGERS SIDE.

****
*****

Evidence Collection:

[X]Recover any fired projectiles from the vehicle –By checking this box, I give CSI the authority to use any means necessary to recover projectiles for further investigation.

**** It is the responsibilty of the investigating unit to complete the Red Border form to document any damage caused during the collection.

[X]Collect Other Evidence (Please specify below for specific areas)
[ ]Trace Evidence
[ ]Biological Evidence

Comments:
[THIS CAR HAS BEEN SHOT BY OFFICERS AND WE NEED TO RECOVER THE PROJECTILES

LODGED IN THE VEHICLE. ALSO PLEASE ATTEMPT TO USE TRAJECTORY RODS ON THE HOLES IF REASONABLE. WE WILL NOT BE SENDING THIS VEHICLE TO THE CRIME LAB. THANK YOU IN ADVANCE;) AND CALL ME WITH ANY QUESTIONS. THANK YOU!]

***Note, it is the responsibility of Patrol Officers or the Investigating Unit

to search vehicles, identify items of physical evidence related to their investigation and release the vehicle once the processing is complete.

Narrative Text

Type PROPERTY TEXT
Subject DA RELEASE VIEWABLE IN ATTACHMENTS.
Author 659 - MEYER, JENNIFER A 6318 [redacted]
Related Date Apr-29-2021 12:41

OIS/Continue to hold. He pled NC to felony 236 PC and 2800.2a VC; he received a sentence of 180 days SWP.

Narrative Text

Type PROPERTY TEXT
Subject LITIGATION HOLD-DO NOT RLS/DISPOSE OF ANY EVIDENCE
Author 505 - KINCAID, KELLY 6324
Related Date Sep-09-2021 12:30

Per the GAU, there is now a Litigation Hold on this case - 21-44157.
Do Not release or dispose of any remaining evidence until the case is concluded and we have authorization from the GAU and CAO.

KK6324

Narrative Text

Type PROPERTY TEXT
Subject PC832.7 HOLD - HOLD EVIDENCE
Author 505 - KINCAID, KELLY 6324
Related Date Apr-15-2024 10:27

In addition to the Litigation Hold, there is a PC832.7 Hold on all record-type evidence that can be reproduced, per PSU.
Continue to hold until this Hold is lifted by PSU. Follow all other release/disposal guidelines and protocols.

KK6324

Follow Up Report # SA 1

Assignment Information

Assigned to: **3628 - HENDERSON, DUSTIN A 3029** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OSS K-9**
Assigned on: **Feb-15-2021 (Mon.) 618** by: **3628 - HENDERSON, DUSTIN A 3029**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 256**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. HENDERSON #343
Author 3628 - HENDERSON, DUSTIN A 3029
Related Date Feb-15-2021 23:31

On 02-15-2021, at approximately 2217 hours, I was working full uniformed patrol in a marked Sacramento Police Department "K9" vehicle. I was dispatched to a vehicle pursuit stemming from an arson investigation. Ofc. Toomey (1A68) was the primary unit in the pursuit and was radio broadcasting his directions and speeds. I responded code 3 in attempt to assist on the pursuit. I observed the following in summary:

As I was responding to the pursuit I heard over the radio that shots were fired. I continued responding code 3 and arrived shortly after. The location was 8550 Fruitridge Rd. I observed multiple other Sacramento Police units were already on scene.

Other officers called the pursuit suspect out of the vehicle and took him into custody.

I then responded out to the frontage/driveway road off of Fruitridge Rd in order to guide the responding medical units into the inner perimeter and scene.

Sacramento Metro Medic and Engine 50 arrived and I guided them into the scene.

No further actions.
On 02-15-2021, at approximately 2217 hours, I was working full uniformed patrol in a marked Sacramento Police Department "K9" vehicle. I was dispatched to a vehicle pursuit stemming from an arson investigation. Ofc. Toomey (1A68) was the primary unit in the pursuit and was radio broadcasting his directions and speeds. I responded code 3 in attempt to assist on the pursuit. I observed the following in summary:

As I was responding to the pursuit I heard over the radio that shots were fired. I continued responding code 3 and arrived shortly after. The location was 8550 Fruitridge Rd. I observed multiple other Sacramento Police units were already on scene.

Other officers called the pursuit suspect out of the vehicle and took him into custody.

I then responded out to the frontage/driveway road off of Fruitridge Rd in order to guide the responding medical units into the inner perimeter and scene.

Sacramento Metro Medic and Engine 50 arrived and I guided them into the scene.

No further actions.

Follow Up Report # SA 2

Assignment Information

Assigned to: **3797 - TAKEHARA, GREG 0872** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 LATE (TEAM 36)**
Assigned on: **Feb-16-2021 (Tue.) 618** by: **3797 - TAKEHARA, GREG 0872**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 500**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. TAKEHARA #872
Author 3797 - TAKEHARA, GREG 0872
Related Date Feb-15-2021 22:16

On 2-25-2021 at approx. 2216 hours I, Ofc. Takehara #872 (1A78) was on patrol in the East area of the city of Sacramento. I heard Ofc. Toomey #894 engage in a vehicle pursuit of a vehicle related to an arson. My ICC and bodyworn cameras were on and recording.

I responded Code 3 from the area of McKinley Blvd / Tivoli Way to 8550 Fruitridge Rd where the pursuit ended. Upon arrival, the driver of the suspect vehicle was still seated inside with the door and window shut. I deployed the 40MM baton and took a position with the contact team. The driver exited the vehicle and was detained without incident. I remained on scene for scene security. Sgt. Schwartz cleared me from the scene at 0245 hours.

Follow Up Report # SA 3

Assignment Information

Assigned to: **4154 - CATRICALA, VINCENT 0379** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OSS K-9**
Assigned on: **Feb-15-2021 (Mon.) 618** by: **4154 - CATRICALA, VINCENT 0379**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-15-2021 (Mon.) 2350**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject CATRICALA #379
Author 4154 - CATRICALA, VINCENT 0379
Related Date Feb-15-2021 23:27

On 02/15/21, at approx. 2217 hours, I, Officer Catricala #379 and my K9 Buster responded Code 3 to the area of Juliard Dr / Folsom Blvd to assist Officers actively in pursuit of a fleeing vehicle. Officer Toomey was the primary Officer in pursuit and was broadcasting his location and direction of travel of the pursuit.

At approx. 2225 hours and prior to my arrival units on scene broadcasted over the radio that shots had been fired. It was unclear as to whether the suspect shot at officers or vice versa. I continued to respond Code 3 and arrived on scene at 8550 Fruitridge Rd at 2226 hours. On this date and time I was wearing full police uniform and driving a fully marked patrol vehicle.

I observed the following in summary:

I observed 3-4 patrol vehicles fanned out in a felony stop formation pointing at a red van. The red van was facing southeast. I observed what appeared to be 4-5 gun shot holes in the driver's side of the red van. I pulled a patrol vehicle behind the red van to block it in and keep it from further evading.

Officers called the MHA driver out of the driver's seat of the red van. The MHA was slow to get out, but was cooperative and compliant. As he got out and put his hands in the air I could see blood on his hands, arms, stomach area and thighs. He was taken into custody by Officers and medical aid was rendered immediately.

Officers cleared the red van for any remaining threats. There was no one else inside.

I requested fire Code 3 and advised they were clear to enter.

I cleared the scene.

My body worn camera was activated and recording during this incident.

No further observations.

Follow Up Report # SA 4

Assignment Information

Assigned to: **4232 - JENSEN, CONNER 0935** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 34)**
Assigned on: **Feb-16-2021 (Tue.) 618** by: **4232 - JENSEN, CONNER 0935**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 155**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. JENSEN #935
Author 4232 - JENSEN, CONNER 0935
Related Date Feb-16-2021 1:33

On 02/15/2021, at approx. 2217 hours, I (Ofc. Jensen #935) and Ofc. Mucher #636 were in full police uniform driving a fully marked police vehicle in the area of 59th St / Broadway. We were advised 1A68 (Ofc. Toomey #894) was in pursuit of a red Toyota Sienna (LIC#[redacted]). We responded Code 3 to the pursuit. Our body worn cameras were activated during the investigation.

We responded Code 3 to the pursuit until sufficient units were engaged. We then reduced our Code 3 response but remained in the area due to the possibility of the subject fleeing from the vehicle.

The pursuit turned southbound into the Fruitridge Transfer Station where it terminated. As we pulled into the driveway leading towards the pursuit termination point, we heard several gunshots and a unit stating shots fired over the radio.

We responded Code 3 into the complex and located the scene. I grabbed my department issued rifle and took a position on the furthest left patrol vehicle next to Ofc. Toomey. Ofc. Mucher grabbed a patrol shield and took a position in front of us.

Officers continued to give the suspect commands but we did not receive a response. An officer used a less lethal bean bag round in order to break out the driver's window due to a lack of visibility in the vehicle. After firing a less lethal bean bag round into the vehicle, it slowly rolled backwards then came to a stop.

Officers continued to give commands and the driver's door finally opened. The driver stepped out and listened to officers commands. He took a seated position near the barrier to the left of the vehicle. A contact team was established for the subject. I was apart of the other contact team to clear the vehicle of any threats.

We approached the vehicle as the other contact team took custody of the suspect. We opened the driver's door and then the rear door and observed nobody else inside.

Once the driver was being given medical treatment, we canvassed the area for any potential items which may have been tossed from the vehicle.

Ofc. Mucher began a crime scene log.

Sgt. Schwartz requested we take Ofc. Toomey's and Ofc. Caro's body worn cameras back to 300 Richards Blvd to be docked. We docked the cameras in Sgt.

Porter's and Sgt. Butler's desks.

Follow Up Report # SA 5

Assignment Information

Assigned to: **4399 - OSMOND, FREDERICK C 0982** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 34)**
Assigned on: **Feb-16-2021 (Tue.) 618** by: **4399 - OSMOND, FREDERICK C 0982**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 239**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 05 SUPPLEMENT
Subject PATROL - UAS TEMPLATE
Author 4399 - OSMOND, FREDERICK C 0982
Related Date Feb-16-2021 2:21

On[02/15/21]I was dispatched to[8550 FRUITRIDGE RD]. arrived on scene at[2226] to assist with the use of a Department issued

UAS. The request for the use of UAS was authorized by[LT STIGERTS].

UAS Mission authorization:
[ ]Tactical
[ ]Public Safety or Life Preservation
[ ]Missing Person or Search and rescue
[X]Post-event Crime Scene documentation
[ ]Major Collision investigation
[ ]Natural disaster
[ ]Fire Authority request
[ ]Other DETAILED REQUEST FROM COP OR OTHER AUTHORITY
[IT SHOULD BE NOTED THAT I RESPONDED TO ASSIST WITH THE VEHICLE PURSUIT. SEE OFC. LEE'S #264 OBSERVATIONS FOR FURTHER DETAILS REGARDING MY INVOLVEMENT IN

THE INCIDENT. I WAS REQUESTED AT APPROX. 0215 (02/16/21) FOR AERIAL PHOTOGRAPHS WITH MY UAV.]

Factual information preceding flight:

[OFFICER INVOLVED SHOOTING.
Flight considerations:

Weather [CLEAR

Lighting [NIGHT

Visibility [11+ MILES

Airspace [G

Notifications [NOTAM COMPLETE

Flight Altitude [<100 FEET AGL

BWC in use [Yes]

Flight recordings [Yes]

Additional Flight observations:

[
]

Follow Up Report # SA 6

Assignment Information

Assigned to: **4403 - MOTA, STEPHEN 0332** [redacted] Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 34)**
Assigned on: **Feb-16-2021 (Tue.) 619** by: **4403 - MOTA, STEPHEN 0332** [redacted]
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 301**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. S. MOTA #332
Author 4403 - MOTA, STEPHEN 0332 [redacted]
Related Date Feb-16-2021 2:31

On 2/15/21 at approximately 2217 hours I, S. Mota #332 responded to assist officers who where in pursuit of a arson suspect. I responded code 3 with full lights and sirens from Elvas Ave and J St.

Once I reached Jackson Rd and S. Watt Ave I noticed that 3 patrol cars in the pursuit. I turned off my lights and siren and began to trail the vehicles while obeying the rules of the road. As we approached 8550 Fruitridge rd I noticed the suspect vehicle make a left turn into the complex.

I followed the line of patrol cars into the complex. I realized from working this area that this property backs into Unsworth Ave. I asked for units to take a perimeter spot there in case the suspect were to flee the vehicle and I turned around to head to Unsworth Ave.

As I turned my patrol car to leave the property I heard multiple gun shots then a radio transmission advising that shots had been fired. I approached the patrol cars which had been in a position of a felony stop and began to exit my vehicle.

I heard units ask for a rifle and a shield. I deployed my rifle and took a position at the front of a patrol car. I was in a position where I could clearly see the suspects driver side door. I noticed multiple bullet holes in the driver side window but I could not see into the vehicle.

I could hear the sound of a subject who was moaning in pain. I began to yell into the vehicle for the subject to come out so that we could render aid. After multiple announcements I noticed the driver side door open and then shut through its own momentum. I again began to call into the vehicle.

At this time a Hispanic male adult wearing a black shirt began to exit the vehicle with his hands up. I noticed the subject was bleeding from the abdomen and left hand. Other officers on scene began to give orders to the subject then took him into custody.

Once the subject had been taken into custody I rendered my rifle safe and placed it in my patrol car. I then assisted in conducting a canvas of the area and witnesses.

Ofc. Khang and I located one witness refer to Officer Khang's supplemental report.

My body worn camera was on and recording during this incident.

Follow Up Report # SA 7

Assignment Information

Assigned to: **4529 - CEJA, CINDI 0683** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-15-2021 (Mon.) 619** by: **4529 - CEJA, CINDI 0683**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 242**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. CEJA #683
Author 4529 - CEJA, CINDI 0683
Related Date Feb-15-2021 23:30

On Monday 02-15-21, at approximately 2219 hours, Ofc. Teurn #403 and I, Ofc. Ceja #683 (1C79) heard Ofc. Toomey #894 (1A68) advise he was in pursuit of a vehicle in the area of Julliard Dr. and Occidental Dr. Ofc. Teurn and I responded code three to assist but never got in the position to be in pursuit. We heard an officer advise that shots had been fired at the termination of the pursuit at 8550 Fruitridge Rd. We arrived at approximately 2227 hours and observed the following summary:

Our body worn camera and in car camera were activated.

Ofc. Teurn and I did not assist with taking the suspect into custody.

I assisted with conducting a neighborhood canvass of the businesses.

I located one camera on the northeast corner of 8516 Fruitridge Rd. I located a second camera on 8516 Fruitridge Rd. facing south towards the buildings and not the roadway.

I located one camera on the east wall of 8500 Fruitridge Rd. and a second camera on the northwest wall facing north towards Fruitridge Rd.

Both buildings appeared to be vacant. The front was fenced off and the front of 8516 Fruitridge Rd. was boarded up.

Follow Up Report # SA 8

Assignment Information

Assigned to: **4621 - PATTERSON, CALEB 0943** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 35)**
Assigned on: **Feb-16-2021 (Tue.) 619** by: **4621 - PATTERSON, CALEB 0943**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 315**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject PATTERSON #943
Author 4621 - PATTERSON, CALEB 0943
Related Date Feb-16-2021 2:38

On 02/15/2021 at approx. 2218 hours, I, Ofc. Patterson #943 and my partner Ofc. Ward #583 (TAC88) were in full SPD uniform, driving a fully marked, SPD patrol vehicle. We were patrolling in the area of Folsom Blvd and Notre Dame Dr. Our body worn cameras were activated and recording for the following:

While driving on Folsom Blvd, I heard 1A68 state on the radio that he was in pursuit of a vehicle on Julliard Dr northbound from Folsom Blvd. I responded with my emergency lights activated and my siren sounding continuously to assist in the pursuit.

Once sufficient units were in the pursuit (1SM6 authorized 3 units and a K9 and we were number 4), I reduced. However, at that point the pursuit was under the speed limit and we continued to trail the pursuit while obeying the rules of the road as we were in sight and believed the subject might foot bail due to their slower speeds at this point.

We trailed the pursuit into an industrial complex at 8550 Fruitridge Rd. I was familiar with the complex and knew the road we were on to be a loop through the complex before returning to the entrance on Fruitridge Rd. I parked my patrol vehicle at the "V" where the loop begins and requested my partner Ofc. Ward to grab the spike strips in an attempt to spike the vehicles tires when it came back around on the loop.

As I exited my patrol vehicle, I observed that the suspect vehicle had stopped by a shed behind our patrol vehicle approx. 200 ft away from what I could observe at the time. I then heard what I knew to be gunfire and pieces of glass coming off the suspect vehicle and heard bullets pinging off of a hard surface. I cannot recall how many shots were fired.

I ran over around the shed and joined the officers at the scene of the felony stop that was now occurring. I did not observe the actual shooting and only had a view of the suspect vehicle's, passenger side at the time of the shots. At this point, I did not know who had fired or what had occurred.

After joining the officers on scene of the shooting, I assisted in holding a cover position while other officers began giving commands to the suspect in the vehicle.

When the suspect exited the vehicle, I joined the contact team and placed the suspect in handcuffs after he walked back to us. The suspect was apologizing and kept repeatedly saying that he was sorry.

After detaining him, we brought him back behind the patrol vehicles for cover

while the contact team cleared the suspect car. We placed him in the recovery position on his side as officers began cutting off his clothes to assess his injuries. I assisted in rendering medical aid by assisting with chest seals on his gunshot wounds to the torso and assessing his body for further injuries.

I waited with the suspect until fire arrived on scene and took over medical aid and transported.

After this was completed I canvassed the property to look for any potential victims, cameras or evidence and did not locate anything of note.

End of Observations

Follow Up Report # SA 9

Assignment Information

Assigned to: **4674 - SYPOLT, JESSICA 0524** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-16-2021 (Tue.) 619** by: **4674 - SYPOLT, JESSICA 0524**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 208**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 05 SUPPLEMENT
Subject OFC. SYPOLT
Author 4674 - SYPOLT, JESSICA 0524
Related Date Feb-16-2021 2:01

On 02/15/21 at approx. 2221 hours, Ofc. Eckert #1001 and I, (Ofc. Sypolt #524) were dispatched to assist with a vehicle pursuit that came to its termination point at 8550 Fruitridge Rd. Our body-worn cameras and in car cameras were activated and recording for the duration of the investigation. I observed the following in summary:

We responded to the scene with lights activated.

When we arrived, we assisted with a felony stop after shots had already been fired.

We assisted holding the suspect at gunpoint until he was detained.

The suspect I saw detained was a male Hispanic adult.

Ofc. Eckert and I cleared the scene.

Follow Up Report # SA 10

Assignment Information

Assigned to: **4681 - MUCHER, RYAN 0636** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-16-2021 (Tue.) 619** by: **4681 - MUCHER, RYAN 0636**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 130**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC MUCHER #636
Author 4681 - MUCHER, RYAN 0636
Related Date Feb-16-2021 :30

On 02/15/2020 at approx. 2216 hours, I (Officer Mucher #636) and Ofc Jensen #935 were on uniform patrol in the area of Broadway and 59th St. 1A68 (Ofc Toomey) advised that he was in pursuit. We responded code three to the pursuit and observed the following in summary:

I activated my overhead lights and sirens and responded code 3 from the area of Broadway and 59th St. I was driving code 3 until sufficient units were in the pursuit. I reduced my speed and de-activated my overhead lights and sirens when sufficient units were in the pursuit.

We were notified by officers that the suspect may have been looking for a place to foot bail, so we stayed in the area of the pursuit.

I observed the suspect vehicle (Red, Toyota, Sienna, [redacted]) make a southbound turn onto Fruitridge Transfer Station access road. Officers followed the vehicle into that area.

I was stopped at the entrance to Fruitridge Transfer Station when I heard multiple gunshots. 1A68 had broadcasted shots fired over the radio, and I re-activated my overhead lights and responded Code 3 to the scene.

Upon my arrival, I deployed a Sacramento Police Department issued ballistic shield.

I observed the S-Vehicle facing in a eastbound direction with several apparent bullet holes on the driver's side window. I could not see anyone inside but I could hear sounds of a male subject groaning.

A male (later identified as Adan Martinez) opened the driver's side door and exited the vehicle. S-Martinez was detained by officers and those officers rendered medical aid.

Myself and other officers approached the vehicle and determined the vehicle was clear of any additional subjects.

I began completing a Sacramento Police Department crime scene log, and 1CS30 (Wright #8180) relieved me of those duties.

1SM6 (Schwartz) requested that I transport the two involved officer's body-worn-cameras to 300 Richards. We transported them to 300 Richards Blvd and docked the cameras at the desks of Sgt. Porter and Sgt. Butler.

Follow Up Report # SA 11

Assignment Information

Assigned to: **4689 - MANNING, DOUGLAS S 0563** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 35)**
Assigned on: **Feb-16-2021 (Tue.) 619** by: **4689 - MANNING, DOUGLAS S 0563**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 517**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. MANNING #563
Author 4689 - MANNING, DOUGLAS S 0563
Related Date Feb-16-2021 4:42

On 02/15/2021 at approximately 2216 hours, I (Ofc. Manning #563) was in full uniform driving a marked Sacramento Police Vehicle when I responded to assist other Sacramento Police Officers who were in pursuit of an arson suspect. Ofc. Toomey #894, Ofc. Schwertfeger #765 and Ofc. Jillson #481 were on scene at [redacted] Occidental Dr. #[redacted] investigating an arson call where a vehicle was set on fire by a known suspect. Ofc. Toomey broadcast that he located the suspect vehicle, described as a red Toyota minivan. I activated my overhead, red and blue emergency lights and siren and responded to the area to assist. My body-worn camera and in car camera was activated. I observed the following in summary:

I responded to the area of S Watt Ave. and Jackson Rd. as the pursuit continued southbound S Watt Ave. As I approached the intersection, an other officer advised that they assumed the number 3 position. At that point I deactivated my overhead emergency lights, siren, body-worn camera and in car camera.

The pursuit continued southbound S Watt Ave. and then westbound Fruitridge Rd. I responded to the intersection of Florin Perkins Rd. and Fruitridge Rd. and prepared spike strips. I reactivated my body-worn camera at that point and it remained activated for the duration of my investigation. The pursuit then made a northbound turn into the Fruitridge Transfer Station from Fruitridge Rd. Shortly after, an officer broadcast that shots had been fired.

I responded to the Fruitridge Transfer Station and arrived on scene at approximately 2226 hours. I observed the red Toyota minivan came to rest along the southern fence line. There were multiple apparent bullet holes through the Toyota minivan's driver window and door. Officers were giving commands for the driver to exit the vehicle.

The driver eventually exited the vehicle and was detained in handcuffs without further incident.

I observed the suspect was bleeding heavily through his shirt and I observed multiple apparent gunshot wounds to his left arm. I utilized trauma sheers to cut his pants and shirt off to reveal any other gunshot wounds.

Upon doing so, I observed him to have multiple gunshot wounds to his abdomen. Other officers applied occlusive dressings to the gunshot wounds on his abdomen. I applied a tourniquet to the suspects left arm, just above the elbow at approximately 2233 hours in an attempt to prevent hemorrhaging.

Sacramento Metro Fire Medic 50 arrived on scene at transported the suspect to

a local area hospital.

Follow Up Report # SA 12

Assignment Information

Assigned to: **3162 - BECERRA, RAUL 0399** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 LATE (TEAM 36)**
Assigned on: **Feb-16-2021 (Tue.) 625** by: **3162 - BECERRA, RAUL 0399**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 413**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #1) [redacted] (DOB: [redacted])
Subject [redacted]
Author 3162 - BECERRA, RAUL 0399
Related Date Feb-16-2021 3:57

On 02-16-21 at approx 0315 hrs. I Ofc Becerra #399 (1A65) contacted W-[redacted] in the area of [redacted] Occidental Dr. He related the following in summary (in Spanish). My body worn camera was active and recording.

I live in [redacted] My daughters and my wife live here. I come to visit them ever so often. I came here last Saturday (2/13). I know that my daughter and her husband have been having some issues. They are not legally married but they do have two children in common and one that's about to be born.

On Sunday, (2/14), I was getting ready to take my daughter to a Dr's appointment. Her appointment was at 2pm. It was around 1pm and I was by my truck parked out on the street. That's when my daughters husband (S-Martinez, Adan) approached me. He was on foot. I had an Orange in my hand and he asked if he could have it. I gave it to him.

He then started talking some none-sense like he was not right in his mind. He said he was going to burn his truck (which was parked on the street). I told him he could do whatever he wanted with it since it was his. He then said he was going to start with the head. I sort of took that as a threat since I the father of his wife. I asked him why me and he said it was nothing against me. He said he was talking about his own mother because she did not want him anymore. I told him he must have done something for her not to want him anymore. Again, I told him that was not my problem.

He then said he wanted to leave far away and asked me for gas money. I told him I did not have much. I reached into my pocket and gave him $42 dollars. I gave him money to get him to leave the area. I was worried he would do something to my daughters or my wife. I did not see what he wad driving that day. He owns the burnt truck and a red van.

To my knowledge he does not have any mental issues or has been diagnosed with anything that I know of.

Follow Up Report # SA 13

Assignment Information

Assigned to: **4874 - LEE, DAVID 0264** [redacted] Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-16-2021 (Tue.) 625** by: **4874 - LEE, DAVID 0264** [redacted]
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 131**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. LEE #264
Author 4874 - LEE, DAVID 0264 [redacted]
Related Date Feb-16-2021 :29

On 02/15/2021, at approximately 2216 hours, Ofc. Osmond #982 and I, Ofc. Lee #264 (1C61) were working patrol in the area of Stockton Blvd / Broadway. We were wearing full Sacramento Police Officer's uniforms and driving a fully marked Sacramento Police Patrol Vehicle. Our vehicle was equipped with a fully function siren and red/blue overhead emergency lights.

At approx. 2216 hours, Ofc. Toomey #894 (1A68) advised via radio that he was in pursuit of a vehicle in the area of Julliard Dr. and Occidental Dr.

At approx. 2218 hours, Ofc. Osmond and I responded "Code 3" (lights and sirens) from Stockton Blvd / Broadway (without incident) to assist with the pursuit. Our in car camera and body worn cameras were activated for the duration of our involvement in the incident.

We were never involved in the vehicle pursuit. While responding, and prior to arriving, Officers advised via the radio that shots had been fired at 8550 Fruitridge Rd. We arrived to the scene approx. 1 minute later. Upon arrival, we assisted other Officers who were already on scene. The driver of the vehicle was detained by other Officers. Other Officers began providing medical treatment to the suspect. I provided the Officers with my department issued medical kit. I observed other Officers apply one of the department issued chest seals which was inside my medical kit.

Ofc. Osmond and I later conducted a canvass to the East of the shooting scene. We did not locate any subjects/witnesses, or cameras.

We did not take any further investigative actions.

Follow Up Report # SA 14

Assignment Information

Assigned to: **3154 - VALENZUELA, MARIO 0855** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 LATE (TEAM 36)**
Assigned on: **Feb-16-2021 (Tue.) 628** by: **3154 - VALENZUELA, MARIO 0855**
Report due on: **Feb-16-2021 (Tue.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 619**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. M. VALENZUELA#855
Author 3154 - VALENZUELA, MARIO 0855
Related Date Feb-16-2021 :45

On 02-15-21 at approx. 2219 hrs. I, Ofc. Valenzuela #855 along with Ofc. Anstess #546 were on routine patrol in a marked patrol vehicle in full uniform in the area of Stockton Blvd/Parker Ave. when we heard 1A68 (Ofc. Toomey #894) advise that he was in a vehicle pursuit of the suspect (later identified as Adan Martinez, DOB: 5-17-82) in the described vehicle (red Toyota minivan, plate #[redacted]). We responded code 3 northbound on Stockton Blvd followed by eastbound on highway 50 when 1SM6 (Sgt Schwartz #3073) only three units and a K9 in the pursuit. Per pursuing officers the vehicle was headed southbound on Watt Ave. south of Hwy 50. We redirected out attention to intersecting the pursuit to possibly utilize the use of stop sticks. Ofc. Anstess drove code 3 heading southbound on Power Inn Rd to Fruitridge Rd. Just prior to that pursuing units the vehicle was now headed westbound on Fruitridge Rd. heading towards us. We continued eastbound on Fruitridge Rd. from Power Inn Rd. Units advised the vehicle had passed Florin Perkins Rd. We responded to the area of Fruitridge Rd. just west of Florin Perkins and were unable to located the vehicle (Red Toyota Minivan) along with the pursuing units. A few seconds later we were advised over the air that shots had been fired but were not immediately advised of the location.

My body worn camera was activated during the incident.

Due to our vehicle mapping capabilities we were able to determine that the involved units were at 8550 Fruitridge Rd just south of our location. Upon arrival there were several units already on scene fanned out from the described Red Toyota Minivan (plate #[redacted])across it's driver side. The vehicle appeared to have collided with a concrete wall with chain-link fencing. I could see what appeared to be several bullet holes throughout the shattered driver side window.

Officers were able to call out suspect Martinez who was the driver and solo occupant of the vehicle and detain him without further incident and immediately begin to render medical aid. Sacramento Metro Engine 50 and Medic 50 arrived on scene to render medical treatment to suspect Martinez. Sacramento Medic 50 transported suspect Martinez to Kaiser South for treatment. Upon arrival, Kaiser south medical staff advised suspect Martinez's injuries consisted of what appeared to be shallow (graze wound) gun-shot wounds to his abdomen along with apparent gun-shot wounds to both his left lower arm and right wrist.

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. ANSTESS #546
Author 4619 - ANSTESS, OWEN 0546 [redacted]
Related Date Feb-16-2021 2:11

On 02/15/2021 at approximately 2219 hours, Cpl. Valenzuela #855 and I, Officer Anstess #546 were in the area of Stockton Blvd/Parker Ave on routine patrol in full uniform driving an Sacramento Police Department marked patrol vehicle equipped with overhead red and blue lights. At approximately 2217 hours, I heard via the radio that Officer Toomey #894 (1A68) he was in a vehicle pursuit of a suspect vehicle later identified as a 2006 Red Toyota minivan, [redacted] driven by a suspect later identified as Martinez, Adan (XREF: [redacted]).

We responded code 3 northbound on Stockton Blvd from Parker Ave eastbound onto Highway 50. Upon driving eastbound on Highway 50, Sgt. Schwartz (1SM6) advised that only 3 patrol units and a K9 unit were allowed in the pursuit. Cpl. Valenzuela then advised me to respond to the area that vehicle was heading towards. Per the officers in the vehicle pursuit, they were driving southbound on Watt Ave at Jackson Ave. I began driving eastbound on Highway 50 towards Howe Ave where I made a southbound turn onto the Howe Ave off ramp exiting towards the direction of the pursuit. I then continued southbound on Power Inn Rd to Fruitridge Rd. Just before I got to Fruitridge Rd, units in the vehicle pursuit advised the suspect vehicle was heading westbound on Fruitridge Rd from southbound Watt Ave. I then made an eastbound turn onto Fruitridge Rd from Power Inn Rd. While heading eastbound on Fruitridge Rd, patrol units advised on the radio that they had shot fired at approximately 2225 hours.

Per the MDT Map on my patrol vehicle computer, I observed the pursuing units were located at 8550 Fruitridge Rd just south of Fruitridge Rd. Upon arriving on scene, I observed the above mentioned suspect vehicle facing southeast with the driver side of the vehicle towards us. They were multiple other units on scene fanned out. Units on scene requested a ballistic shield was needed for units closets to the suspect vehicle. I accessed a ballistic shield from the trunk of my patrol vehicle and brought up to the front car of the patrol vehicles fanned out. Upon seeing the suspect vehicle, I observed several bullet holes around the front driver side window area.

The suspect vehicle front driver side door was still closed upon arriving on scene. I then began giving the solo occupant (Suspect-Martinez) verbal commands to come out of the vehicle was his hands up in the air facing away from me. Suspect-Martinez then exited the vehicle with his hands up. I continued with verbal commands to Suspect-Martinez to then walk (east from his vehicle) where myself and Ofc. Patterson #943 detained him into handcuffs.

****Due to equipment issues, my body camera was not activated when my overhead red and blue lights were activated. I later manually activated my body worn camera at approximately 2229 hours where it stayed on for the duration of my

investigation

Upon detaining Suspect-Martinez in handcuffs, are observed three gunshot wounds on his lower torso area, a through and through gunshot wound to his left forearm area, a single entry gunshot wound to his right hand, and flesh wound on his lower left torso. With the assistance of other officers, we removed all of Suspect-Martinez clothing to check for additional injuries were weren't aware of. We then applied 3 chest seals to the torso of Suspect-Martinez, a tourniquet to his upper left arm and gauze that I used to apply pressure to of his lower left torso flesh wound.

After medical aid was provided to Suspect-Martinez, I stayed with him and began to ask him for identifying information about himself to include his name, date of birth, address, and who his family was.

Upon speaking with Suspect-Martinez, he continued to spontaneously state, "I'm sorry, I'm sorry, I'm sorry guys."

Sacramento Metro Engine 50 and Medic 50 arrived on scene to render medical treatment to suspect Martinez. I rode with Sacramento Medic 50 who transported suspect Martinez to Kaiser South Hospital for treatment.

Upon arriving at Kaiser South Hospital, medical staff advised me that Suspect-Martinez's injuries consisted of the following:
- Shallow graze gunshot wounds to his torso area
- A bullet lodged inside his right thumb
- A bullet lodged inside his left wrist
- Gunshot wounds to both his left lower arm and right wrist.

Upon the medical staff at Kaiser South providing medical aid to Suspect-Martinez, they removed his black tennis shoes and black socks. I later collected these items in a paper bag. I later secured the bag in the back of locked patrol vehicle.

I later transported Suspect-Martinez's shoes and socks back to the scene and transferred the items to CSI Mollet #6373 (CSI11).

Follow Up Report # SA 15

Assignment Information

Assigned to: **4017 - MASSEE, PAMELA 0548** Rank: **DETECTIVE**
Capacity: **OFFENSE INVESTIGATION (DETECTIVES ONLY)** Org unit: **OOI MAJOR CRIMES - HOMICIDE**
Assigned on: **Feb-15-2021 (Mon.) 747** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Report due on: **Nov-12-2023 (Sun.)**

Submission Information

Submitted on: **Jan-11-2024 (Thu.) 1416**
Checked by: **813 - QUINN, ROBERT 3098**
Approved on: **Apr-23-2024 (Tue.)** by: **813 - QUINN, ROBERT 3098**
Follow Up Conclusion
Follow Up concluded: **Yes**

Related Attachment(s) - OTHER

Attachment Description: **FORD F150 VEHICLE RELEASE FORM**
Reference Number:

SACRAMENTO POLICE DEPARTMENT
Release of Impounded Vehicle

March 3, 20 21

Report No. 21-44157

Central Valley Tow
8240 14th Avenue
Sacramento, CA 95826

Please deliver to [redacted] and/or Adan Martinez

Address [redacted]

The following vehicle:

Make Ford, Type F150, VIN No. [redacted]
License [redacted], Yr 1994 Impounded by Officer Silva #740 (Officer)
On 2/16/21 (Date)

Any expense will be paid by bearer.

(Signature) Pamela Masses (Clerk or officer releasing)

I, the undersigned, do hereby certify that I am legally authorized and entitled to take possession of the above described vehicle, and do hereby relieve and guarantee to protect the City of Sacramento, its Police Department, their officers, employees, or agents, against any loss or liability by reason of delivering possession of said vehicle to me, and assume all responsibility and become liable for all expenses accrued or accruing against said vehicle occasioned by the impounding of the same.

(Signature) _____ (Owner, legal owner or agent of owner)

Remarks: SPD will pay all tow related expenses until the end of the business day on 3/3/21

Original to Records
Copy to owner
Copy to case file

SPD 140 (Rev 06-11)

Narrative Text

Type 01 VICTIM STATEMENT
Related Person (VICTIM #1) [redacted] (DOB: [redacted])
Subject (VICTIM #1) [redacted] (DOB: [redacted])
Author 866 - SAARIO, JUSTIN A 3045
Related Date Feb-16-2021 2:03

On 2/16/21, at approximately 0203 hours, Detective Murawski and I, Det. J. Saario, contacted [redacted] at [redacted] Oxidental Dr #[redacted]. My bodycam was activated for the entire interview. For complete transcripts refer to recorded video. I obtained the following statement in summary:

Det. Saario - We want to talk to you about everything that has transpired with you and Adan. Is he your husband?
[redacted] - He is my boyfriend. He is the father of my child. We have a 12-year-old daughter together.

I have known Adan since I was about 12 years old. We were friends growing up. We were dating when I was 15 or 16 and he was older. [redacted] When I turned 18, I moved to Sacramento from Watsonville. Adan moved here with me and we began living together since then. That was in 2010. We were together the entire time since 2010.

While we were together, there were not any domestic violence incidents and he was not violent with me. In 2018, he was in a car accident. The doctor started prescribing pretty hard medicine. He went to the doctor and he wasn't Ok. He had back pain. I do not know exactly how or when he started using drugs but he got introduced to Crystal (methamphetamine). We were living on Tessa St. That is where I got the restraining order on him.

I got the restraining order because Adan placed his hand on my throat and had a gun. He pulled the gun on me. That is when I told him he had to leave. The gun was like the kind you guys have (semi-auto) but not metal. It looked plastic to me. It was not heavy. When he took it out, he did not get a chance to point it at me. I took the gun away from him and threw it against the wall. I got the restraining order against him right after that.

I moved here and did not think he would find out where I was living, but he did. He knows where my daughter goes to school and it is not that far from here. I moved here with my mom in October 2019. It was not that long after moving here that he found out where I was living.

There was a period where I was not sure if he used drugs, but I suspected it. During that time was when he became more aggressive. I was still living on [redacted] at that time. It was 2019 when he started acting different and getting more aggressive. I do not know how to explain it but he started acting completely different. He started acting aggressive.

Since getting the restraining order, we have had some contact. I did not report all the incidents he had violated the restraining order. I believed he was ok and tried to get back together and work things out. Then he started acting different again. I am not familiar with drugs or how to tell if you are using drugs. There was a point where I believed he was remorseful, and he was going to change. We started talking. During that time, I got pregnant again. That was about 7 months ago. We were having contact for about

two months and that is when I got pregnant again. I was allowing him to come to this apartment. He started getting aggressive again and I completely broke things off with him again. That is when I started calling the cops again reporting when he was violating the restraining order. Over the last seven months, my mother or I have called about 5 times reporting him violating the restraining order. I usually try to ignore him coming around. He will come and park near the apartments, but I would not call. My mom would tell me that he is around the area. He did not call my phone because I blocked his number from calling me.

I did not see him tonight. This really started on Sunday. I had a therapy appointment on Sunday at 2 PM. I know he has court coming up, but he has said he was not going to go to court. He said he was going to leave. My dad ([redacted]) was going to take me to my therapy. It was about 1 PM. My dad walked out to the car before I did and Adan was already there. He was parked behind our car. He (Adan) had left his truck out front. My dad walked out and Adan came up to him. Adan told my dad that he was trying to leave town. He asked my dad for money. My dad gave him some money just to get him to leave us alone. I walked out to the car and saw Adan talking to my dad. I just ignored him and got into the passenger seat. He tried talking to me, but I just got in the passenger seat of the car and ignored him. Adan was at the driver side of the car trying to talk to me and my dad was in the driver seat. Adan told my dad he was going to burn the truck and "kill the head".

Det. Murawski - What does that mean?
[redacted] - He was going to kill the head of the household, me. That is what I believe. At that time I did not want to listen to him, I did not want to see him. So, I did not really pay attention to him.

Det. Saario - After your dad told you what he (Adan) said, did you believe he was going to kill you?
[redacted] - I believed it when I saw what he did to the truck.
Det. Murawski - After you left, have you heard from him until tonight?
[redacted] - No.
Det. Saario - Is that all he said to your father (During the interview [redacted] was standing with [redacted]. [redacted] only speaks Spanish. [redacted] asked [redacted] in Spanish if that was all Adan said to him).
[redacted] - So he said he was going to start by killing the Head. My dad asked him, so are you saying you are going to kill us? He (Adan) said, "No, not you".
Det. Murawski - Did your dad see if he had any weapons?
[redacted] - (Translating with [redacted]). No. After he said this to my father, he left. I did not have any contact with Adan since that.

Tonight, I heard the noise, but did not come out. My dad heard the noise, but he did come out. It sounded like a car crash. It was loud. My dad came back and told me that the truck was on fire.

The truck is Adan's, but it is still in my name. The two of us own the vehicle. The truck was parked on the street right outside my apartment. He (Adan) wasn't supposed to be here. He took the minivan and the truck. He wasn't supposed to be around here. He left the truck here on Sunday. He will do that. I do not know if he does that to make me feel threatened. I do not drive the truck or minivan. I think he parks the cars here just to let me know he is around here.

He is homeless. He keeps his property in the minivan and the truck. He will go over to his mother's house to get cleaned up. She lived by Fruitridge and 44th St. It is an apartment.

My dad came back and told me the truck was on fire. There were firefighters at the truck. The neighbors

on top were saying something to him but he does not understand English. When I found out that the truck was on fire, I thought he (Adan) was going to do something to me. I called 911 right away. I asked for someone to come. There were firefighters but I know they would not do anything to help me. My first thought was that he was going to do something. Like the drugs were there and he was not in his head.

I did not see Adan out there tonight.

When the officers came, right when I was out front with them, I saw him drive by in the minivan with his lights off. He drove right in front of us. The minivan is red. I told the officers that was him. The officers told me to go back inside and the officers took off after him. After that, I just heard a bunch of gunshots. The neighbor upstairs told me to come back in here.

When I called 911, I thought Adan was going to come hurt me. I do not know what he has in his head. He thinks that there are people with him. That he is part of this group of bad people. He has said he is an informant to the police. I do not know if I believe him. If that is real. It is just scary that he might not be alone.

I could not see if he was driving, but I knew it was him because it drove by without its lights on.

When I heard the gunshots, I thought it was related to Adan. My only fear was that he was going to be dead.

*** Det. Murawski and I explained that Adan was involved in a shooting with the police department but was still alive and at the hospital. I told [redacted] that he was going to go to jail after being at the hospital and that her and her daughter were safe for the night.

The truck is still parked out on the street. I have not gotten any phone calls, text messages, or social media contact from him. He believes there is something listening to him. I blocked his phone from calling me. As soon as I saw it was a ([redacted]) area code, I know it was him. I blocked the phone and erased all the history from my phone. I didn't want to even look at it. I blocked it over a month ago. I didn't want to see it. He had a different phone number before that.

He has an Instagram page that is Adan Herrera with some numbers after. ([redacted] wrote the name Adanherrera# on Det. Murawski's notepad). His picture is on it. Adan's mother's name is [redacted]. I have her number also ([redacted] wrote [redacted] ([redacted]) [redacted] on Det. Murawski's notepad). I talk to her. I just talked to her this morning. She has diabetes and she is not ok. He causes her a lot of problems. She is very angry at him. He was mistreated by her and his father when he was growing up. I remember him waking up in the middle of the night screaming and crying. She lives with her boyfriend. His name is [redacted]. She only speaks Spanish.

My cell phone number is [redacted]. My father's name is [redacted]. His date of birth is [redacted]. He lives at [redacted]. His cell phone number is [redacted].

I have been feeling like something is wrong with Adan. I did not get any information from the fire department when they were out here. The officers gave me a domestic violence pamphlet when they came back. Can you take the truck away so my daughter doesn't see it?

I think the neighbors upstairs may have seen what happened. I think it is the neighbor on the left when you go up the stairs.

*** End of Statement ***

Narrative Text

Type 01 VICTIM STATEMENT
Subject VIC STATEMENT: [redacted]
Author 522 - KRUTZ, SCOT 0680 [redacted]
Related Date Feb-18-2021 13:50

On 2-18-21, at 1350hrs, I interviewed [redacted] at her apartment complex at [redacted]. We walked around the complex as we spoke and my body worn camera recorded the conversation. The following is a summary of her statement:

I met Adan in my neighborhood when I was a kid. I was around 12 when I saw him and he was a part of my neighborhood. We started talking when I was around 16 [redacted] We weren't allowed to see each other for a while.

We started to have a serious relationship when I moved to Sacramento in 2010. We never married but we were planning to. He wanted me to graduate first. I was studying for my Mechanical Engineering degree and I am 10 classes away from graduating. I was attending on and off because of family and money. He was working while I was going to school. He was a handyman and owned his own company.

We lived in the College Town Apartments near to Sacramento State. Then my mom had domestic violence issues with my dad and Adan rented a house so she could move in with us and we could keep her safe.

That was when things started to get pretty bad. He got into a car accident in 2018 and things got really bad. The doctor provided him with strong medicine but he couldn't really work. For him not being able to provide ... he said he felt useless. Then I didn't notice when he started using drugs. He felt like he was worthless because the insurance wouldn't respond. It was like they didn't care.

He became very distant and finally he broke out with anger and he said that I was the prostitute and he made up all these things that I didn't understand. He said the neighbors told him I was out all day. He was at home but I would have to bring the girls here for school and the university was still on so it would take me an hour sometimes with traffic. When it was a minimum day I would hang out here instead of wasting gas because we didn't have the money to pay for it. But I didn't want to move the girls from school because they were attached to their friends and the school was a good school. I knew they weren't going to get that over there because Hagginwood is not a good area.

After the night when he broke out and said all those things I kicked him out. I filed a restraining order because he scared me. He put his hand on my throat and he said he knew. It didn't make sense what he said about the car listening and the TV listening and that I was the head of an organization of prostitutes. This was at the house on [redacted] Even when he came over here last week and he got arrested I told the officers he was waiting for them because he said he had proof of I don't know what.

That night on [redacted] Ave was the first time he had ever been physical with me. I didn't call the police that night. I've only called the police when I didn't want to see him and I had a restraining order. I didn't think it would get any bigger. I didn't think he would harm me at all. I wasn't afraid of him until then but he did scare me and that was why I got a restraining order. I don't know drugs and I couldn't trust him if he was using drugs. My daughter was ten then.

That took me by surprise. It was like he had been thinking this and he didn't tell me anything until he broke out. His accident was in February and this incident was in October. He didn't go to a hospital after his accident because he didn't have insurance. We had never dealt with anything like that before and we didn't know we had rights.

We were out of the [redacted] house by Oct 30 of that year and I had the contract here. We moved because I didn't want to be there and I didn't want to be around the people who told him that stuff. I didn't want to be around the people who gave him drugs. A neighbor had come up to me and tell me he would help me but he was the one who gave Adan drugs and stole our car. This was our front neighbor.

My mom moved in here with me. So it was me and my mom and my little sister and my daughter. My son was born on [redacted].

Adan came back into my life and I started talking to him. There was a check that had been sent to him by the insurance. It was $4000 and that was all they gave him. They had sent it to the [redacted] Ave house but it was forwarded to my address. We started talking after that. I thought he was OK and his family thought he was OK. I wanted to give it another try.
I understand that our life wasn't perfect. We never accomplished much. We didn't get married and we didn't buy a house like other people do. But we were OK. There was nothing that I didn't have.

He moved back in with me for a month. This apartment was too small and I didn't want it to be an imposition on my mom. So we wanted to move out so I started looking for a job. He started talking about me being a prostitute again. I don't know why he thinks that. I wasn't seeing anybody. He just took his stuff and left. But then he came back and I told him I didn't want to see him.

He moved out before I knew I was pregnant. But he had questions. He told me he knew me and how I act and he just wanted me to tell him if I was pregnant. I guess he could tell and I didn't.

When he took his things and left last summer, that was when I told him I didn't want to see him. He came back in October of 2020 and my mom had to call the cops because he said he wasn't going to leave. He left before they came. That is what he would do pretty much every time he came over. I don't know how many time he has come over and I have had to call the police.

He didn't make any threats in October. He said he just wanted answers. He wanted me to admit to the prostitution. He would ask how I got money. I was not working as a prostitute.

He fears that I have been with somebody because he cheated on me. I don't know how many time he cheated on me but trust was a problem in our relationship.

In October, he heard my mom call the police right in front of him and he left.

I knew he was homeless and he would hang around here. He had no stable place. He would drive either the truck or the mini-van. I didn't drive either one and he had control of both. Both those cars are his. He put me on there as a registered owner.

After October, he brought presents for the kids in January. He brought his mom and dropped the presents off.

I told him then that he wasn't allowed to come by but only on special occasions and if he behaved. But he came back alone some time after that and he knocked on the door and we didn't answer. I didn't even get close to the door. He just knocked and dropped off oranges and then he left. He knew I didn't want to see him.

I would avoid the front entrance of my complex because I didn't want to see if the truck was parked there or not.

I didn't call the police when he dropped off the presents because everything was Ok.

I know we have had to call the police but I don't remember the dates. He would come and knock on the door but he wouldn't say anything. He has done that a few times. He wasn't violent but I didn't want to see him. His presence made me feel bad. I didn't want to see if he was clean or not. I just would ignore him.

The week prior to February 8, I didn't see him around but he did come to the door and knock. I don't know how many days before it was but I did call the cops each time he came. I called from my number. I didn't interact with him. Sometimes the police would come and sometimes he would leave and I would tell the police not to come.

I wasn't here when the incident happened last week. When I heard about it I was angry and I wanted the police to know about it. I was also scared because I thought I didn't know him. He cares too much about our kids and even if he is so angry it didn't make sense that he would do that, to scare them.

Last summer was when he moved in for a month. Then we didn't talk for several months.

On the 8th, I knew he was going to come because he had told his mom he was going to come and she warned me. I waited at the gate because I knew he would come since it was [redacted]. When he arrived he didn't say anything, he pointed at the gate to open it for him but I ran and I didn't say anything to him and I didn't hear him say anything.

The night prior to him being arrested my dad's tires were slashed. My dad's truck was parked on the street where the fire was.

He got arrested and then I didn't hear anything until last Saturday when my dad was going to take me to my therapy appointment. He approached us and I told him I didn't want to see him or talk to him and I told him he had court. He didn't scare me. He seemed happy. He hadn't seen me in a while. I didn't pay attention to what he said to me as I got into my dad's car. My dad told me he threatened my life and to burn the truck.

He seemed happy when I came out to the car but I told him I didn't want to see him or talk to him. And then he talked to my dad and told my dad those things. (My dad told me what he had said after Adan lit the truck on fire.) My dad gave him gas money and then he walked away. My dad was in the car and Adan was standing next to it but I couldn't hear what he was saying to my dad.

I didn't see him the day the truck was lit on fire. When he burned his truck I heard the noise from my apartment but I didn't go out cause I didn't think it involved me. My dad went out because his truck was out

there. He saw the fire and he moved his truck. When he came back in and told me about Adan's truck, he also told me about what Adan had said about burning the truck and threatening me the day before.

After the fire, I was outside with the police when I saw the van drive by and I pointed it out to them. It scared me.

I was scared when my mom told me he had come into the house and said that teeth were gonna fly. I don't know what that meant but it scared me.

My lifestyle has changed because of him. I had to move. I didn't believe he would do harm to me but I didn't want to see him, it just hurt me to see him homeless. That changed after he threatened to knock teeth out. I was afraid of him the last ten days.

I didn't have any contact with him from the time he was arrested to when he was here when my dad and I were leaving.

My son was a couple of months old when he moved out from [redacted]

I got pregnant when he moved back in for a month in the summer.

I blocked his number right away after he moved out. I don't answer unknown numbers. He has never harassed me over the phone.

The last message he ever sent me was that he loved me. I don't remember when that was. After that I blocked his number.

For a while, I know, his mother told me that he didn't have a phone because she couldn't contact him and she didn't know where he was.

When he drove by the truck fire had already been put out. I didn't see him; I saw the van.

I don't know if he has friends in this area. He knows how to use public transportation.

I've never really paid attention to whether he had friends or not.

He never acted weird or anything with my daughter. I don't want her to have a different image of what she knows. She does know about the restraining order and that was because of the drugs. One of the girls saw him attack me at the [redacted] house and I am not sure if that was my sister or my daughter. They told my mother in law that they didn't see anything, just heard something.

My dad told me what he had said after the truck fire and then I didn't know what Adan would do then.

I heard gun shots some time after the van took off.

The day he was arrested I helped his mother search his van and there was no gun in there.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #22) [redacted], (DOB: [redacted])
Subject (WITNESS #22) [redacted] (DOB: [redacted])
Author 3793 - CULP, TODD A 3075
Related Date Feb-16-2021 8:52

On 02/16/2021, at approximately 0852 hours, I contacted [redacted] again at [redacted] Occidental Drive #[redacted], and obtained additional details. I recorded our conversation on my Body Worn Camera. [redacted] stated the following in summary:

I was here last night when car was on fire. I heard the first initial bang. I thought it was a firework or something. A few seconds later I heard a second one and I looked out the sliding glass window.

I saw two (2) cars driving in front of my apartment. They were driving this way (northbound Occidental). Then they turned around in this parking lot entrance. I saw them turn around there and that is when I noticed the car was on fire.

I came outside and there were two gentleman outside. One of them said, "Is that so and so's car." I don't remember what name he said. I don't know the guy that said that. He was a Hispanic male wearing a hoodie. I think he live in the complex.

I didn't see anyone around the truck that might have started the fire.

One of the cars that turned around was a van and the other was a mini SUV. I don't think I remember the color of the cars that turned around.

****

On 02/23/2021, at approximately 1542, I re-contacted [redacted] at her residence. She stated the following in summary:

I'm pretty sure of the van, I'm not to sure on the other. If I saw pictures I could try and see if they are of the vehicles that I saw.

(I showed [redacted] photos of the Toyota Siena AC License [redacted]). She stated the following in summary:

I think the color does match. I was talking with my neighbor upstairs and she mentioned there was a burgundy van parked in front of the truck earlier. It was a more a purple-ish burgundy color.

I heard the loud explosion at first and then a softer one. Then I looked out the window. Not too long after that I saw the cars turn around. And they were turning around slowly.

The first one I believe was the van. It pulled into the parking lot and turned around. After it turned around the other car came and turned around.

About 6 months ago, I might have met the owner of the truck. We called in a wallet that we found sitting on the truck. We called it in, and the police came and picked it up. I think it was the owner of the truck that we asked if it was his wallet.

(I showed [redacted] a color booking photo of Adan MARTINEZ.) She stated the following in summary:

I can't say for sure if that was the guy. My husband might know. It was night.

The truck definitely didn't have a camper on it. I could see the fire was in the bed of the truck. I have seen that truck before and I don't remember ever seeing it with a camper on it.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #3) [redacted] (DOB: [redacted])
Subject (WITNESS #3) [redacted] (DOB: [redacted])
Author 4075 - SCHULTE, BRENDAN 0911
Related Date Feb-16-2021 9:21

On 02/16/2021 at approximately 0153 hours, I Detective Schulte #0911 contacted [redacted] via phone at [redacted] and obtained his statement. It should be noted that I placed the call on speaker phone and had my Body Worn Camera activated during the call. [redacted] stated the following in summary:

I work in 8530 Fruitridge Rd #[redacted] as a machinist by trade. We have a cultivation going. We typically work this late at night. I was inside the building when I heard a lot of sirens, so I went outside. I'm not sure what time that was at. I saw Officers running around and then I heard gun shots at about the same time. My guess is I heard about 13 gun shots, it sounded like whoever was shooting emptied their gun. I didn't see the details of anything because I was so far away.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #21) KING, Z, 7
Subject (WITNESS #21) KING, Z A (YOB: [redacted])
Author 3793 - CULP, TODD A 3075
Related Date Feb-17-2021 11:36

On 02/17/2021, at approximately 1136 hours, I Detective Todd Culp, interviewed Officer Zachary King #784. We were inside a non-recorded interview room at 5770 Freeport Blvd. Present during the interview was Officer King, SPOA President Timothy Davis #784, and myself. I audio recorded the conversation and later booked a copy of the recorded audio into evidence, PR# 1114144-001. The audio was later transcribed into a summary of the conversation. For a verbatim copy of the interview, refer to the DVD containing the audio recording.

SEE ATTCHED TRANSCRIBED STATEMENT

Related Attachment(s) - ATTACHMENTS

Attachment Description: **OFFICER Z. KING #784 INTERVIEW**
Reference Number:

INTERVIEW WITH OFFICER KING
CULP=Detective Todd Culp
KING=Officer Zachary King
DAVIS= SPOA Timothy Davis

The following is a transcribed statement of the interview provided by Officer Zachary King #784, on 02/17/2021, at approximately 1136 hours. Officer King, SPOA President Timothy Davis #784, and I, Detective Todd Culp #858, were seated inside an interview room at 5770 Freeport Blvd. I audio recorded the conversation and later booked a copy of the recorded audio into evidence, PR# 1114144-001. The transcription is not word for word. For a verbatim copy of the interview, refer to the DVD containing the audio recording. Officer King and Timothy Davis were later provided a copy of this transcription. The following was stated in summary:

CULP: My name is Todd Culp. I'm a detective here. And can I get your first name?

KING Yeah. Zachary.

CULP: And your last name?

KING King.

CULP: And how old are you?

KING 24.

CULP: What is your badge number?

KING 784.

CULP: 784? Tim?

DAVIS: Timothy Davis, badge 340.

CULP: Zack, how long have you been with Sac PD?

KING As an officer? A month.

CULP: A month?

KING Yeah.

CULP: Okay. Did you lateral from any other agencies?

KING No. I'm from in-service, from the academy.

CULP: From the academy? Okay.

KING Yeah.

CULP: And what is your current assignment?

KING Patrol in 6C.

CULP: Have you had any prior assignments or is this your first one?

KING No. This is my first one.

CULP: Do you have any specialized training, ranger master or any of that stuff?

KING No, sir.

CULP: Basic academy?

KING Yes, sir.

CULP: And right now you're in what's considered field training. Right?

KING Correct.

CULP: Can you just kind of describe that, what your role is and what the role of your training officer is?

KING Yeah. So, field training is basically the steps we take to meet the POST requirements to become a full solo officer. Right now, I'm in Phase 1, so it's the first of four. And my FTO's role is to teach me as much as he can about all the stuff that is required for Phase 1, so I can test out into Phase 2.

CULP: So, it's fair to say that you graduated as a police officer. You're a fully sworn police officer. And you go through the Phases as 1, 2, 3 and then 4, and you're, right now, at the very beginning Phase?

KING Yes, sir.

CULP: Okay. Do you have any prior military experience?

KING No, sir.

CULP: So, what we're going to talk about today is the incident that happened on Monday, the 15th, around 2215 hours. It's going to be report number 21-44157. On that day, were you wearing a full police uniform?

KING Yes, sir.

CULP: And with that police uniform, do you have a badge and patches?

KING Yes, sir.

CULP: Okay. Do you wear glasses?

KING No, sir.

CULP: Were you in a fully-marked police vehicle?

KING Yes, sir.

CULP: Okay. And was it equipped with lights and sirens?

KING Yes, sir.

CULP: We're going to deal with a little bit about your duty weapon. What is the make, model, and caliber of that?

KING It is a Glock 17, Gen 5, and it's a 9 mm.

CULP: Okay. And is that issued to you, or was it purchased?

KING It's issued.

CULP: How many rounds does that carry?

KING I believe 17.

CULP: Okay. Seventeen in the magazine and one in the chamber?

KING Yes, sir.

CULP: Okay. Do you have any specialized equipment on your handgun, like a tac light or anything like that?

KING I have a tac light on it, yes, sir.

CULP: Okay. When was the last time you qualified with that?

KING I believe we qualified in the academy. So, the last time I qualified would be in the academy.

CULP: In the academy? And you graduated the academy about a month ago?

KING Yes, sir. Well, in December, yes, sir.

CULP: In December? Okay. Do you carry a backup weapon?

KING No, sir.

CULP: What shift were you working?

KING We were working nights, so it's the graveyard shift.

CULP: Graveyard shift?

KING Yes, sir.

CULP: And what are your days off?

KING It is Thursday, Friday, Saturday.

CULP: Okay. Did you work the shift prior?

KING Yes, sir.

CULP: Okay. The day prior?

KING Yeah.

CULP: And what team are you on?

KING We are…sorry, the team?

CULP: Who's your sergeant?

KING Sgt. Schwartz.

CULP: Schwartz is your sergeant?

KING Yes, sir.

CULP: And what was your unit identifier that night? Do you know?

KING 1-Alpha-69.

CULP: And what area or district do you guys patrol?

KING It's C, but it's 6C specifically.

CULP: 6C specifically? And that's kind of the east Sac kind of area?

KING Yes, sir.

CULP: Okay. And are you solo, or do you have a partner?

KING I have a partner.

CULP: Okay. How long into the shift were you when the call came out?

KING We started at 9. We did roll call and everything, and we were on our way to our beat.

CULP: So, you left the station and you were on your way -

KING Yes, sir.

CULP: - to your beat when this came out? Okay. Well, it's kind of a moot point, but did anything significant happen prior to that in your shift?

KING No, sir.

CULP: Okay. Were you driving, or were you a passenger?

KING I was driving.

CULP: I want to go into a little bit — I'll describe it this way. We're going to kind of go into the pursuit part, and then I'm going to circle back, and we'll go into what happened at the termination of the pursuit. Okay?

KING Okay.

CULP: So, right now, when you guys were driving to your beat, what kind of call or circumstance came out?

KING So, we were on our way to a…it was a 5150 call about a, I would say, transient subject. He was experiencing schizophrenic stuff and he didn't have his medication, so we were just on our way to that when the call came out.

CULP: Okay. And what kind of call was it?

KING The 5150 call that we were on our way to?

CULP: No, the call that came out.

KING It was a pursuit call.

CULP: It was a pursuit call?

KING Yeah.

CULP: Okay. And how were you notified? Did dispatch put you on it, or did you guys put yourselves on the call?

KING No. So, we were on our way to our other call, and my partner heard it over the radio and requested dispatch to put us in route to it.

CULP: Okay. And do you remember about what location you were when that call came out?

KING Yeah. We were on the 65th Street exit going off of eastbound 50.

CULP: Okay. Were any other units with you at that time?

KING No.

CULP: And did you guys respond Code 3 with lights and sirens?

KING Yes, sir.

CULP: Did you have an ICC or body-worn camera?

KING Yes.

CULP: Both or just one?

KING Both.

CULP: Both of them? Were both of them activated?

KING At the beginning of the Code 3, no. Mine was off, but I turned it on while we were on our way there.

CULP: Okay.

DAVIS: By "mine," you indicated your body camera?

KING Yes, sorry, my body camera.

CULP: Now, as you guys were responding to the pursuit, and then eventually you guys were in it, were you receiving any radio updates?

KING Yes. Because I'm still in training and I'm not the best with it, my partner was handling most of the radio.

CULP: He was handling the radio for you guys?

KING Yeah.

CULP: And so, do you recall any radio updates coming out that you heard?

KING I heard that they were — while we were in the pursuit, I heard that they were trying to set up spike strips, but, honestly, it was my first real run at this, so I didn't really hear too much.

CULP: Sure, no problem. That kind of goes into my next question, if people were setting up tactical plans and spike strips and such like that.

KING Yeah.

CULP: Let me ask you this question.

KING Yes, sir?

CULP: If a vehicle was, say, running stop signs, running stop lights, driving 85-plus miles per hour in a residential area that was marked for, say, a speed of 35 miles an hour, would you consider that a reckless driving?

KING Yes.

CULP: I'm going to go a little bit into the suspect, and then we'll circle back around and we'll talk a little more about the end of that pursuit. Did you ever receive any information on who the suspect was prior to the incident?

KING Prior to the incident, no.

CULP: Have you since been provided any information on who he is?

KING Yes, sir.

CULP: Okay. Did you ever meet or know that suspect prior to that night?

KING No, sir.

CULP: Can you describe the suspect?

KING Yeah. He was a Hispanic male, a little heavier set. He had black hair. I didn't really see too much more than that. That's about my interpretation of him.

CULP: Were you provided that description prior to getting there, or was that after you saw him?

KING After the fact.

CULP: After the fact? After you saw him? Okay. And did you ever see a photo of him prior to being there?

KING No, sir.

CULP: Were you made aware if he had any warrants or was wanted for anything?

KING Not that I recall, no.

CULP: Okay. Did you have any information that he was armed?

KING I heard something about that he may be possibly armed, but nothing clear said or anything like that.

CULP: Did you have any information that he was violent?

KING No, not prior.

CULP: Any information if he was on parole, probation, any criminal history like that?

KING Once again, not prior, no.

CULP: Did you have any prior contacts with that particular vehicle, the red van?

KING No, sir.

CULP: Could you personally determine, yourself, when you were out there, if he was experiencing any mental health issues?

KING Personally, no, I couldn't tell you that.

CULP: Could you determine if he was under the influence of narcotics or alcohol?

KING No, I couldn't determine that.

CULP: We're going to circle back to the end of the pursuit. And you got this map -

KING Yes, sir.

CULP: - and I've got mine here. Which one of these cars in here was yours?

KING 13415.

CULP: 13415?

KING Yes, sir.

CULP: Okay. I'm going to circle it.

KING Okay.

CULP: And you were the driver, right?

KING Yes, sir.

CULP: Okay. So, once this pursuit comes to an end, kind of just tell me in your own words what happened.

KING So, once the pursuit came to the end?

CULP: Yeah.

KING Okay.

CULP: Once you guys got to where this is right here.

KING Okay.

CULP: I realize that the car was moved a little bit.

KING Yes. Okay. So, we were — like I said, the car was moved back a little bit. He had put himself into this corner. Obviously, there is a fence on this part that you can't see and that he realized. Do you want me to describe everything

from…?

CULP: Yeah, absolutely.

KING Okay. So, essentially, we were here. He reversed once he realized that he was no longer able to move forward, reversed again, kind of came back towards us. That was when I got back into my patrol vehicle, and I was going to move it forward farther because it looked as though maybe there was some space in between us and this garage thing that he could've gone out to or reverse through. But then, he accelerated around and back towards the other officers' vehicles. And so, basically, I was afraid that he was going to hit the other officers' vehicles and possibly hurt them.

CULP: Okay. And when you get there, you guys park, right, or stop?

KING Yes, sir, kind of like a fan-like pattern.

CULP: In a fan-like pattern? And he's facing away from you?

KING Yes.

CULP: So, you're at the rear of the car?

KING Yes, sir.

CULP: And then he continues pulling forward, and then backs up and comes back like he's going to come towards the officers over here to your left?

KING Yes, sir.

CULP: Okay. When you saw the car coming back, you were actually in your patrol car. Right?

KING I was straddling into my patrol car. Yes.

CULP: Okay. And so, where were you exactly when you heard the shots come out?

KING I was in that position in my patrol car.

CULP: Okay. Did you have any opportunity to shoot?

KING No.

CULP: Okay. Do you know if any less-lethal was deployed prior to this? We'll get into afterwards, but prior to the shooting, do you know if any less-lethal was

used?

KING Not that I'm aware of, no, sir.

CULP: Do you know what the probable cause was for the pursuit and the stop?

KING As I was made aware of afterwards?

CULP: No, before.

KING Okay. Before, as far as my recollection of it, it was that he was not yielding to a traffic stop. That was as much as I realized.

CULP: Were you able to identify yourself as a police officer?

KING To him? To the suspect?

CULP: Yeah.

KING No.

CULP: But you were fully uniformed and in a marked patrol car?

KING Yes, sir.

CULP: Were the lights on on the patrol cars?

KING Yes, sir.

CULP: Is there any doubt in your mind that he knew or didn't know that there was police vehicles behind him?

KING I don't think that it's possible. There was three fully-marked police vehicles behind him with lights and sirens.

CULP: Okay. How was he acting?

KING I didn't really have — I can't really determine that because I didn't see him in the vehicle. The windows were pretty tinted, so I couldn't see.

CULP: Okay. Did he threaten you personally?

KING No, never.

CULP: Were you injured at all?

KING No, sir.

CULP: Did you ever fear for your own personal safety?

KING My personal safety? No.

CULP: What about the safety of any other people?

KING Absolutely. Like I said before, I was afraid of that when he turned back around and came back facing towards the officers and he started accelerating towards both of their vehicles. And so, I mean, anyone coming up and hitting a car like that, you're going to fear for your life at that point because…

CULP: Let's go into a little bit about the shooting. What was the background behind you guys?

KING Behind us or the suspect?

CULP: I'm sorry. Behind the suspect.

KING Behind the suspect? There was some field. It was an industrial park area, so there was a field. There was a warehouse way over here and over here, but that's about the backdrop of it.

CULP: Okay. Did it appear like there were people there?

KING No, sir.

CULP: Okay. Do you remember how many officers fired?

KING Two.

CULP: Okay. And do you remember how many rounds were fired?

KING Specifically? No. I heard maybe 10 rounds, maybe.

CULP: You heard, yourself, while you were out there that there was about 10 rounds?

KING Yeah, to my left.

CULP: And that's what it sounded like?

KING Yeah, that's what it sounded like.

CULP: Do you know if the suspect ever shot?

KING Not that I'm aware of.

CULP: Okay. Did you personally give the suspect any medical attention?

KING No, sir.

CULP: Do you know if other officers gave him medical attention?

KING Yes, sir.

CULP: Okay. Do you remember what they were doing?

KING I remember seeing them apply a tourniquet and chest seals and pressure upon the wounds.

CULP: Okay. Tim, you got anything?

DAVIS: No.

CULP: All right. Let's take a break, and then…I'm going to leave these in here running.

KING Okay.

CULP: All right. We're back in here. It's 1153. The one thing I did want to ask you about is the less-lethal round.

KING Yes, sir?

CULP: Kind of walk me through that.

KING Okay. So, from when I got told to — I got told by my FTO to use it. Some people were asking for a beanbag shotgun, so my FTO was like, "Go grab it out of our car." I had some trouble getting it out because it was jammed, the locking mechanism was jammed, but one of my friends, I was like, "Hey, can you help me out?" and he assisted me in getting it out. So, I got it, went up. And then they asked me to basically try to break out the driver's side window with a round because, from the shots, it had been kind of cracked to where you couldn't see. It was almost white. So, to get a better visual, they asked me to do that. I fired one single round into the middle of the driver's side window. It didn't break out, I think, just because of the fractures already in it, and it just made one single hole into the middle of it.

586 CULP: Okay. And when you fired it, what was your intention?
587
588 KING My intention was just solely to break out the window so that we could have a
589 clear visual of the driver.
590
591 CULP: Okay. Anything else? All right. We're done.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #6) [redacted], (DOB: [redacted])
Subject (WITNESS #6)[redacted] (DOB: [redacted]
Author 3299 - MURAWSKI, BRIAN J 3065
Related Date Feb-18-2021 13:51

On 2/17/21, at approx. 1514 hours, Detective Culp and I contacted [redacted] at [redacted] Occidental Drive # [redacted]. Upon contacting [redacted], she gave the following statement in summary:

I got off work a little bit after nine and came home. When I got home, I parked in the back of my housing unit. I then went to go get my mail which is at the front of my unit. As I was out there, I realized that there was a red van parked in the middle of the street. It was basically parallel to the truck that ended up catching on fire. What caught my attention with that red van was that its hazards were on and its lights were off. The van was facing westbound towards Julliard. As I got my mail, I remember hearing a door close and the vehicle drive away. I then went inside of my apartment and started to open up a package that I had just got. Just as I opened the package, I heard a boom. After hearing the boom, I did not even go outside until I heard the fire truck come.

Once I heard the fire truck right outside of my house, I decided to look what was going on. That is when I saw that the truck was on fire. When I realized that the truck was the same one that the red van pulled up, I thought that it was weird and maybe connected to the fire. I then made sure that I told the fire fighters about the red van right away. I did not see anyone at or inside of the van. When I heard the door shut, I had my back to the street, so I did not see anyone inside of it. I can not say for sure if I have seen that van around her before.

I know that I heard the loud boom at some point after nine and before 9:30, but I am not exactly sure what time it was though. I remember that the van I saw was a darker red color and that it was older and kind of run down looking. I was just standing on the side of the van and it was just a quick look at it, so I did not get the greatest look of it. I do remember that it was parked right next to the truck that caught on fire though.

I live here with my cousin [redacted]. We have lived here since November of 2020. She was not here at the time of the car fire though. She ended up getting home shortly afterwards. I am not aware of any video that may have captured the truck fire. A neighbor named [redacted], did send me a photo of the truck as it was on fire though. The time on the photo is 9:21. I think that [redacted] lives at the apartment just next to me.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #5) [redacted], (DOB: [redacted])
Subject (WITNESS #5) [redacted] (DOB: [redacted])
Author 3299 - MURAWSKI, BRIAN J 3065
Related Date Feb-23-2021 9:51

On 2/18/2021, at approx. 1540 hours, I Detective Murawski contacted Witness [redacted] at [redacted] Occidental #[redacted]. He then gave the following statement in summary:

The truck that caught on fire the other day belonged to my neighbor. He had been my neighbor for some time now. A day or two before that truck caught on fire, I talked to the guy who owns it. He was telling me that his wife had made up some false accusations and got him arrested and that he had just got out of jail. I remember seeing him and his wife out there just after their baby was born. They had seemed fine then and I would just get out and talk to them when I would see them. I am the kind of guy who likes to get to know my neighbors.

I just started noticing recently that he had been sleeping in his truck out on the street. I would say that started about three weeks back or so. The Saturday before he blew up his truck, I saw him out on the street. When I saw him out there, he told me that he was going to be leaving. When he told me that it seemed like he was troubled, so I went over and talked to him. I asked him why he was leaving, and he told me that his wife was pregnant and that she told him that the baby was not his. She told him that the baby belonged to the guy that drove the gold truck. When he said that, I remembered seeing that gold truck with all of its tires flattened a few days before that. After he told me that I gave him a hug and a handshake and gave him $80 because he said that he was leaving for Southern California. He had told me that his name was Adam or something like that.

Adam told me that he was from Mexico. He also told me that after she told him that the baby was not his, she told him to get out of the house. She then took all of the house furniture and took all of his money out of his bank account. That is why I ended up giving him that money. It made sense, because I had been seeing him living out of that truck for a few weeks and I even gave him some water after seeing him out there. It seemed like since the beginning of February I started noticing him out on the street. He would always come by and get the mini van or the truck and take off. The mini van that he had was a burgundy mini-van and it seemed like it was just a normal family van.

When he was talking to me on that Saturday before the fire, he was just crying. It definitely seemed like he was in a bad place. I told him that if he wanted to leave, it was probably the best idea even though it seemed hard to leave his wife and kids behind. That is why I gave him that $80. I was just trying to help the guy out. I mean his wife had just wiped out his bank account and like he said she had been lying on him and getting him arrested. He told me that he was from Mexico and that he just wanted to go back there. He said something like he lived on a ranch out there and had a bunch of horses that he took care

of.

It looked like they were doing good over the years. That is why I was surprised to see him living out of the back of his truck. I remember that being right about the time my baby was born on [redacted] of this year. I have never seen the two of them arguing before. As far as I know there have been no fights between them or anything. I actually thought that they were doing pretty darn well. I am not sure what her name was though. I think that she told me her name awhile back.

Like I said I talked to Adam last Saturday. I think that it was around 3 or 4 in the afternoon. When I talked to him it was probably for a 30-45 minutes. Never had a once thought that he would do something like this. I mean he did not seem like he was a person who was hard trouble. That truck always had a white camper shell on it. I remember him recently telling me that he could not sleep in the back because the camper shell had been leaking.

The last time that I saw that burgundy van was when I saw him on that Saturday. After I talked to him and left for a little while, the van was gone when I came back. At that point I did not see him anymore until I heard that big boom. It was about 9:15 on Monday night. I remember because we were all inside watching our favorite show and it came on at 9. After hearing that loud boom, I thought that it might have been an M 80 or something. Before I really knew what happened I heard another loud boom. I then looked outside and saw the truck on fire and a bunch of people running towards it. I was telling everyone that they needed to back up because the truck might blow up and they were too close and it may kill them.

When I saw the Fire Department come and start to put the fire out, I started thinking. I mean it seemed crazy because Adam had just left, and they were either aiming for him or his truck. My neighbor then told me that she had seen a brown van right before the fire. As soon as she told me that, I was like it was him. He came back and blew up his own truck. I did not see him or the van that night. I do not even remember seeing anyone around that truck that night. I mean I was hanging out in front of my house that night and I did not see anything suspicious that night. I am like the neighborhood watch around this neighborhood.

I am just shocked to see that they were having that much of a problem. I mean they never showed signs of anything like that happening. Before that Saturday, Adam had never mentioned to me that he ever had problems with his wife. Even then I did not think he would do anything crazy. I mean he seemed like a very peaceful man, but after he told me what he told me, it seemed like enough to drive any man to his tipping point. He did not seem like he was planning to come back for revenge though. He told me that he had left her the key to the truck and that he was just going to take his stuff out of it and leave. We then said a prayer together and then we left. That was the last time I saw him.

That van that you showed me is Adam's van and the picture of the guy with the beard is the guy that I know as Adam.

I did not take any pictures or video of the fire, but it seemed like everyone else that I saw outside that night was taking pictures and video. I mean everyone was holding their phones out.

Ever since I have known Adam he seemed like the same person. He had a calm demeanor and always seemed at peace. He did not show any signs of anger and he was always cordial.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #20) [redacted],
Subject (WITNESS #20) [redacted]
Author 4017 - MASSEE, PAMELA 0548
Related Date Feb-24-2021 16:17

In Summary:

On 2/24/21 I, Det. Massee #548 spoke with [redacted] via phone. This interview was audio recorded via my computer and later booked into evidence. She told me the following in summary:

I work at YWCA in Sacramento. Adan Martinez was a handy man that did some work for us on an hourly basis. I probably haven't seen him or talked to him in two years. I'm not sure of the exact time but it has been at least a year and half since he has done any work at the "Y". He did work for us and then we found someone else that we preferred working with. I personally worked with Adan because I am the property manager and I had to be present when he was present. There were no problems with Adan when he worked for us.

Handymen can be hard to find; ones that you need to do certain jobs and when they can't do those you have to find someone else. We just choose to move onto someone else. I think Adan only worked for us for a handful of months. He may have been there on and off, once every other week for about 4 months. It was very sporadic, like I needed painting done or I had projects at that "Y" that I can't do by myself. But when the project gets too big or too heavy than I need to bring someone in to help. I know he did some painting for us and he rebuilt some drawers for us.

I do have a file at my desk with more information if it's needed. Adan has not worked with us for years though.

Narrative Text

Type 03 SUSPECT STATEMENT
Related Person (ARREST/CITE #1) MARTINEZ, ADAN, H (DOB: May-17-1982)
Subject (ARREST/CITE #1) MARTINEZ, ADAN H (DOB: May-17-19
Author 4017 - MASSEE, PAMELA 0548
Related Date Feb-17-2021 9:36

In Summary:

On 2-17-21 at approximately 0936 hours I, Detective Massee #548 spoke with Adan Martinez at Kaiser South Hospital (6600 Bruceville Road). Martinez was detained in a hospital bed and was alert and coherent. Prior to interviewing Martinez we spoke to the Reserve Officer Dee Baker #1121 who was in charge of hospital watch of Martinez. Baker advised that Martinez was able to clearly speak English and was having a good day today. Upon arrival I read Martinez his Miranda rights verbatim from my department issued Miranda card (SPD 133). Martinez stated "yes" to each question and nodded his head yes to each right. This interview was recorded on my body worn camera. Martinez then stated the following in summary:

My birthday is 8-17-1982. I don't want to answer the question to where I am living right now. Yes, I have been staying in my car. I haven't talked to my mom recently. I have a good relationship with my mom. My mom and dad aren't together anymore. The last time that I saw my mom was before the accident, but I don't remember when exactly. I have two kids. I don't want to talk about my kids. I am not married and I don't want to talk about that. I am not going to answer those questions about [redacted] I met [redacted] when she was 12 but we were just friends. I did not used to live in Watsonville. Actually, I did live in Watsonville before Sacramento. [redacted] and I didn't move to Sacramento together, she moved here first.

I would talk to you if you were the FBI but not if you are the police department. I would talk to the FBI first because I didn't do anything wrong. I am a good person. I work for the YWCA at L and 16th. I am not a bad father. I love my family. I love everybody. I moved here to Sacramento in 2010. I have been working here in Sacramento since then up until 2019.

In regards to the night of the incident. I know police cars **do not** have LED lights and that car did have LED lights. He never talked. I saw the car. Some of my friends are homeless and I drove past and he started following me. I knew it wasn't a police car. I drove by and saw my blue truck. I have two cars. I have my van and I have my blue truck. I knew that the blue truck stopped running. I did drive by that night and I saw the blue truck was damaged.

***Note: at this point I asked Martinez if he saw the police car when he drove by and he put up his index finger and stated "just 1". Then he stated, "but I'm sure it wasn't a police truck".

To me a police car has a logo but I didn't see that. I'm sure that police cars don't have LED lights. As I drove by I saw the white and red lights. That's why I stopped but he just kept following me and I was like who are you? I knew that car was following me and I only saw red and white lights. When I saw red and white lights I knew that I needed to move to the side. I did move to the side but they stayed behind me. As I was driving I stopped at the stop signs but as I would stop they would start to follow me.

As this person was following me I was scared and I thought that they were going to hurt or kill me. Nobody has tried to hurt or threaten me recently. I don't remember where I drove to as they were following me. I don't know where [redacted] stays. I don't know if she stays off of Occidental. My blue truck was parked on Occidental though. I am familiar with Watt Avenue and Fruitridge Road. In regards to the area where the incident happened at, I have been there before. I know Sacramento because I have lived here for like 11 or 12 years. I had never been in that industrial yard before though.

When I entered into the industrial yard the thing that was going through my mind was that I was scared and then everything happened. When I entered the industrial yard, I saw all of the vehicles and I also saw the helicopter. I don't know if the helicopter was a police helicopter. I don't remember hearing any commands. Once I entered the industrial yard I didn't know where I was going. I can't tell you about what happened once I entered the industrial yard. I was just scared. I was scared and I didn't know why they followed me. I don't remember being shot. This is a bad dream only. I was thinking that my family was in the back. When they shot me they didn't just shoot me they shot all of my family.

I haven't seen my kids recently. I feel in my body all the....god protected me that night. When I felt the bullets I wanted to know why they would hurt my family. At that point I just wanted to know why they followed me and then everything happened. I saw just the white lights only and I stopped and I went slow. They didn't give me any orders or anything. They never gave me orders. I don't remember hearing anybody saying anything. I don't remember turning my car around and facing towards the officers. I turned my car around because I was scared. I passed out but I don't remember when. I do remember driving, the car following me and driving into the industrial yard.

***Note: at this point I asked Martinez if he was trying to hurt the person following him and he shrugged his right shoulder and slightly shook his head as if he was unsure.

I wasn't trying to hit the car that was following me. I don't remember my surroundings there. I remember I was just trying to escape. I tried to escape just by one car only. Just by that first car. I don't remember seeing a person standing outside of that car.

***Note: I then asked Martinez if he saw other people outside and he stated "I just saw him". He then stated the following:

It is a bad dream and the officers have cameras and it will show all the stuff that they do. I don't have cameras in my car.

I saw that they started laughing when they took my clothes off of me. The officers, they don't know the paramedics. I don't want to relive it.

I just remember when they took me to the hospital I said, "I'm sorry, I'm sorry California".

If you see my record I never hurt anyone and I have worked for the city for a long time.

I used drugs before. I used crystal. The last time I used it was like for a month. I didn't use it every single day. Crystal is almost the same as the pills that they give you for recreation. I did the program in 2019 and I got my diploma for that. An ex-marine gave me my Red Wing shoes and when I wear them they make

me feel better. I kept those shoes clean for 10 years.

On the day of this incident I didn't use any methamphetamine. When I use meth I smoke it. I didn't have any meth in my car.

When I stay in my car I stay near the lake.

I do everything for her (referring to [redacted]). The blue truck belongs to both me and [redacted]. I don't know how long the truck has had mechanical problems. I parked the truck over there. I park the truck over there all the time because when it starts raining the water starts seeping into the back. I parked it on Occidental by [redacted] house but I don't know when. I normally drive around in the red van when I am not in the blue truck. When I drove by the truck that night that was the first time that I drove by.

I don't know where I was before I drove by that night. The only people that drive the minivan are me and her and her mom and dad maybe. I don't remember if I was in the minivan all day on Sunday.

My cell phone number doesn't work. I don't call anybody and nobody calls me. The phones you found in my backpack are old phones.

When I drove by that night I drove by because a guy told me about my blue truck. Then when I drove by, the truck was already burnt. I don't know the persons name who told me about my truck. The person was somebody who knows me and it was a person who asks for money. I don't know where I talked to this person at.

[redacted] is [redacted] dad. I don't remember arguing with him. I don't remember threatening to burn up the blue truck. Ask him why he would say that.

I don't know if [redacted] is taking care of my kids right now but I am not taking care of them. I didn't light my truck on fire. Why would I light my truck on fire? I wasn't angry.

I don't know why people would say that I was at the truck before it caught on fire. I wasn't there.

***Note: at this point I asked Martinez if his red van was over there at the time that the blue truck was on fire and he stated, "I park over there". Then he stated the following:

That guy told me about my truck and I went slow and I saw that my truck was burned. I was not parked in that area at that time that my truck got caught on fire.

I had a lot of tools. I took my tools for work and I left my clothes in the back of the truck.

***Note: at this point Det. Coughran asked Martinez again about possibly being over there before his truck caught on fire. He then stated the following:

Oh, I went for one tool. I was at the truck before it burned but I don't know how long before. It was a little bit dark outside.

The day that I saw her I told her that I was gonna leave but I didn't say anything about burning my truck.

One time they broke my window.

It was an officer when I drove by?

I have never been pulled over by LED lights before but I have been pulled over before. When they have pulled me over before I saw white and red lights. When that car was following me I didn't see more than 1 vehicle.

I am not color blind and I can distinguish blue and red colors. Why would I burn my own stuff? I wouldn't burn that truck because it is a custom truck. It is a special truck to me.

The first time they took me to jail I parked my truck over there. I took off the plates because I didn't want someone to use my numbers. I spent 5 days in jail. When I got out someone broke all the interior and took a few tools from my truck. I didn't stop that day because I didn't want to see my stuff burned.

When the fire was done somebody told me. If it was the police department that was there they could have stopped me. But when I went over there, there was just that one truck. When I saw my truck I just started crying because that truck was special to me.

I am honest all the time. The video in the area will not show me lighting my truck on fire but it will show me going there that day to get just one tool out. I don't know what tool it was though. The tool was located in the trunk area. I didn't have any lighter or matches on me at this time. I don't know why the truck would catch on fire right after I left.

In regards to what would catch on fire; there are paints. I had a lot of clothes in the truck and tools too. I didn't have anyone else with me at the time that I came over.

The restraining order has been in place for a while but [redacted] has me come back.

***Note: at this point I asked Martinez if he threatened [redacted] and he stated the following:

Whatever they do, it's her family. They say the same thing. I felt bad when they told me that my truck was no more. I didn't threaten [redacted] The last time he gave me $40.

And this time I am going to talk to my lawyer. I don't want any problems. I had the accident and they covered for that. The lady never paid for the damage. For that truck they gave me $4,000 and they gave me $4,600 for my back.

I can talk with [redacted] too because the minivan is for [redacted]. I feel like I have my family in the back.

I don't want to talk anymore. It's a bad dream and a terrible dream.

Narrative Text

Type 07 SUBJECT STATEMENT
Related Person (SUBJECT #1) CARO, N, 5
Subject (SUBJECT #1) CARO, N 5
Author 3857 - COUGHRAN, CHAD M 4015
Related Date Feb-17-2021 17:36

On 2/17/2021 at 1736 hours I, Detective Coughran #635, interviewed Officer Caro at HOJ inside interview room #2. The interview was audio recorded only. Present for the interview was Attorney Hoffmann. The interview room was livestreamed to other monitors so that other Detectives, managers, DA Investigators and Internal Affairs could watch the interview. During the interview I utilized three printouts; two were Google aerial maps that depicted the pursuit route and one was an aerial photo of the shooting scene that was captured from an SPD unmanned aerial system (UAS) after the briefing. I later booked these three photos as evidence (see attached). I later submitted the audio of the entire interview to DocuScript, a transcription service who transcribed the interview verbatim. I later (2/25/2021) listened to the interview and compared it to the transcript and made several minor changes for accuracy. Prior to submitting the statement, I provided a copy of the transcription to Attorney Hoffmann and asked that he and Officer Caro review the statement for accuracy. They requested minor grammatical changes for accuracy, nothing that changed the substance of the interview.

One addition that Attorney Hoffmann requested:

Page 20, lines 893 - 895 should read, "His intent was to drive through Ofc. Toomey with his minivan, killing him or hurting him, to get away from us because he wanted to go through the space between Ofc. Toomey (Ofc. Toomey's vehicle) and the wall."

SEE ATTACHED TRANSCRIBED STATEMENT

Related Attachment(s) - OTHER

Attachment Description: **OFFICER CARO'S TRANSCRIBED STATEMENT**
Reference Number:

INTERVIEW WITH OFFICER CARO
Q=Detective Chad Coughran
A=Officer Nicholas Caro
A1=Joe Hoffmann

COUGHRAN	The date is February 17, 2021. The time is 1736 hours. I am Det. Chad Coughran. Last name is C-O-U-G-H-R-A-N. I am here to interview Ofc. Caro. Ofc. Caro, could you say and spell your full name, please?
CARO	First name is Nicholas, spelled N-I-C-H-O-L-A-S. Last name is Caro, spelled C-A-R-O.
COUGHRAN	Okay. And representing you here today is your attorney?
HOFFMANN	Yes. My name is Joe Hoffmann. I'm an attorney with Mastagni Holstedt, and I am here representing Ofc. Caro.
COUGHRAN	Okay. So, Ofc. Caro, I'm going to go through some just kind of background questions before we get into too much. Okay?
CARO	Okay.
COUGHRAN	What is your badge number?
CARO	561.
COUGHRAN	Okay. And how long have you been an officer with the Sacramento Police Department?
CARO	Two years.
COUGHRAN	Two years? Okay. Did you lateral from another agency?
CARO	No.
COUGHRAN	Did you, or I'm sorry, what academy did you go to?
CARO	19-BR1.
COUGHRAN	Okay. The Sacramento Police Academy?
CARO	That's correct.

COUGHRAN Okay. What is your current assignment?

CARO I work as a patrol officer in our Sector 6 area. My beat is 6C on swings.

COUGHRAN On swings? Okay. What were your prior assignments to that?

CARO I worked in south Sacramento, Sector 4. My beat was 4B, swings again.

COUGHRAN Okay. Do you have any specialized training, such as field training officer, range master, use of force?

CARO No.

COUGHRAN Nothing like that?

CARO No specialized training, no.

COUGHRAN Okay. Were you in the military at all?

CARO No.

COUGHRAN No? Okay. When you - the night that we're going to talk about, the night of the officer-involved shooting, were you wearing a Sac Police uniform?

CARO I was wearing a full Sacramento Police uniform.

COUGHRAN Okay. And can you just describe that for me?

CARO Yes. So, it starts with my undershirt. It shows two Sacramento Police patches. And then it goes into my outer carrier vest that has my Sacramento Police badge. It has my radio, my body-worn camera, my baton, my pocket for my notebook and some pens. And I was wearing my full duty belt, which includes my firearm, my CED device, as well as two extra magazines. Also, on my outer carrier vest I have my two-handcuff holster, and I also, in my police pants, I carry an extra rifle magazine, my OC spray, and extra gloves.

COUGHRAN Okay. Do you wear prescription glasses?

CARO No.

COUGHRAN Or contacts?

CARO No.

COUGHRAN Nothing like that? Okay. So, the – I'm sorry, the shift that we're talking

about is February 15th.

CARO Mm-hmm.

COUGHRAN So, the actual shift that led into this incident, during that shift, were you driving a marked police vehicle?

CARO Yes.

COUGHRAN Okay. And that's – so, fully marked?

CARO Yes.

COUGHRAN Could you describe that for me?

CARO Yes. It was a – our UV. It had two Sacramento Police insignias on it. It was black and white. It had our overhead lights, ICC camera, caged area where we put our suspects, and a large trunk as well. It has road flares, police crime tape, a fire extinguisher.

COUGHRAN Okay. And then, the overhead lights, do you know if those were functioning properly?

CARO They were functioning.

COUGHRAN And your siren was functioning properly?

CARO It was functioning properly as well.

COUGHRAN Okay. What – you kind of already started describing the different weapon systems that you had on you. Could you describe — let's talk about your firearm.

CARO Yes.

COUGHRAN Okay. Is that a issued or a purchased firearm?

CARO It is issued.

COUGHRAN Okay. Department issued?

CARO Yes.

COUGHRAN Okay. Could you tell me the make and model?

CARO Yeah. It was a Glock Gen 17. The model 17 sorry, a Gen 5. The serial number is [redacted].

COUGHRAN And the caliber was?

CARO 9 mm.

COUGHRAN 9 mm. Okay. Do you know how many rounds you actually carry in the magazine that was in your weapon?

CARO 17.

COUGHRAN Okay. 17?

CARO Plus one in the chamber already, which is street ready.

COUGHRAN Okay. So, a total of 18?

CARO Correct.

COUGHRAN Okay. And then, additional magazines that you carry?

CARO 17, each had 17 bullets.

COUGHRAN Okay. And how many magazines would you carry?

CARO I had two extra on my duty belt.

COUGHRAN Okay. Do you happen to remember the last time that you qualified with your firearm?

CARO It was November of last year.

COUGHRAN Okay. So, just a few months ago?

CARO Exactly.

COUGHRAN Gotcha. Do you always load your magazines fully loaded, the same way every time?

CARO Yes.

COUGHRAN Okay. Do you carry a backup weapon?

CARO No.

COUGHRAN No? Okay. So, the night of the 15th, and you said you are — what shift are you?

CARO Swing shift, 6C is my beat.

COUGHRAN Okay. So, what normal days off do you have?

CARO Tuesday, Wednesday, Thursday.

COUGHRAN Okay. So, your normal days off are Tuesday, Wednesday, Thursday?

CARO Mm-hmm.

COUGHRAN Okay. So, that would've been your Friday, that shift?

CARO Exactly.

COUGHRAN Okay. I gotcha. Did you work a full week leading up to that?

CARO Yes.

COUGHRAN Okay. What was your last sleep cycle? I guess, when did you sleep – last sleep before the incident?

CARO I went to bed at 2:30 that Monday morning, and I got up at around 9:30 that same morning.

COUGHRAN Okay. A full night's rest?

CARO Exactly.

COUGHRAN Okay. So, what team number are you? Do you know?

CARO Team 35.

COUGHRAN Okay. Who is your sergeant?

CARO Jarvis.

COUGHRAN Okay. And was he your sergeant that night as well?

CARO Yes.

COUGHRAN Okay. And what was your unit identifier that night?

CARO 1-Charles-68.

COUGHRAN Okay. So, was that – were you solo or teamed up?

CARO Solo.

COUGHRAN Okay. And so, your district would be – your sector is Sector 6. Specifically, which beat?

CARO 6C.

COUGHRAN 6C. Okay. And then, the time that this incident happened, I guess that would've been past the halfway mark of your shift that day. Right?

CARO Yes.

COUGHRAN Did you have any significant calls for service prior to this incident that we're going to talk about?

CARO No.

COUGHRAN Nothing like that?

CARO No.

COUGHRAN All right. So, let's go to the incident. From my understanding, it started out as a call for service and had a pursuit involved. At what point did you become aware of this call?

CARO I became aware of the call when I heard Ofc. Toomey put on the radio, "I'm in pursuit and – of the arson suspect." I was off of Belvedere and Power Inn. I was writing reports. So, I stopped writing reports, buckled my seatbelt, messaged dispatch "Code 3," which is a quick way to show that I'm en route to the pursuit. I activated my overhead lights and my continuous siren, and I went northbound on Power Inn to go assist Ofc. Toomey with the pursuit.

COUGHRAN Perfect. All right. Okay. So, you did not respond to the original call for service, this arson call for service, anything like that?

CARO No.

COUGHRAN Okay. And so, you became involved and really became aware of this when you heard Ofc. Toomey broadcast on the radio that he was in pursuit of an arson suspect?

CARO That's correct.

COUGHRAN Okay. And so, you said that you had sent dispatch a message to add you to the call?

CARO Mm-hmm.

COUGHRAN Okay. Is your – was your patrol car equipped with an in-car camera?

CARO Yes.

COUGHRAN Okay. And I think you had already mentioned that you were wearing a body cam that night.

CARO Yes.

COUGHRAN Okay. And I know that you had the opportunity to review both your in-car camera and your body camera. Is that correct?

CARO Yes.

COUGHRAN Okay. So, it's fair to say that those were activated during this incident?

CARO Yes.

COUGHRAN Okay. What I would like to do now, at this point, is I want you to describe the incident to your recollection — okay? — to the best of your memory, from the moment that you first became aware of this incident, kind of all the way through the end to the point after the shooting and things were able to kind of calm down. Okay? So, take your time. Just things that you remember, your perspective. Okay?

CARO Okay. So, like I said, I heard Ofc. Toomey put out on the radio that he was in pursuit of an arson suspect, and I heard that he was driving at high rates of speed on La Riviera, going approximately 80 miles per hour. So, I messaged dispatch to – I was responding Code 3. I activated my overhead lights and my continuous siren, buckled my seatbelt, and I took off northbound on Power Inn to go join in the pursuit. I then turned eastbound on Folsom Road because I heard over the radio that Ofc. Toomey was now heading southbound on South Watt, and he advised that he would like an officer to go further down the road to set up spike strips. As I was heading eastbound on Folsom Blvd., I was approaching South Watt, and I put out over the radio that I will set up spike strips for him.

As I was approaching South Watt and Folsom Blvd., I saw the suspect vehicle continue south, and then I saw Ofc. Toomey's vehicle following right behind. Which, I had missed my opportunity. So, I advised over the radio again to Ofc. Toomey, "Hey, I just saw you pass me, so I'm number two in the pursuit." Then, we were southbound on South Watt and I pick up radio traffic. So, I advise, "Hey, we're southbound on South Watt, approaching Jackson." As we were on South Watt, the suspect began to drop his speed to around 40 to 35 miles an hour, which was out of the ordinary. And it made me nervous because it made me think that he was probably trying to load a gun or maybe look for a route to escape. I don't know what his mindset was. He obviously was trying to get away from us because he was an active arson suspect. So, we were continuing southbound on South Watt, approaching Fruitridge Road, and I put over the radio, "Can you get a unit to South Watt and Fruitridge to set up spike strips?" Tac-88 at the time, which was Ofc. Patterson and Ofc. Ward, advised they would go to the area and try to set up spike strips. But as we got closer, I realized that there's not enough time, so I put out on the radio again, "Set up spike strips further down the road." Ofc. Patterson and Ofc. Ward advised, "Okay. We'll set up spike strips down the road to try and help out."

So, as we were going down on South Watt, the suspect had his rear hazard lights on, driving at slow speeds, around 35 or 40 miles an hour. And then we turned westbound onto Fruitridge Road. As we were on Fruitridge Road going at even slower speeds, maybe 30 miles – 30 miles to 25 miles per hour, I saw down the road Ofc. Ward and Ofc. Patterson's patrol vehicle. And I was getting ready to , potentially, for them to spike the vehicle and then for the pursuit to change. As we were approaching closer to them, the suspect vehicle picked up speed and drove directly toward Ofc. Ward and Ofc. Patterson's vehicle in an attempt to hit them, which then made me even more worried about what else was he willing to do. He had tried to hit their vehicle. They were outside their car, and I know if they would've done the spike strips, he would've definitely hit them.

And then he then turned into this industrial park. Which, before, when we were on Fruitridge Road, we were going speeds of – like low speeds, around 30 or 20 miles an hour. When we turned into the industrial park, he picked up his speeds again, more erratically, to around 50 to 60 miles an hour again. Ofc. Toomey put out on the radio that maybe he was looking for a time to try and foot bail again. So, I removed my seatbelt in anticipation for the foot bail. But as we approach these gas pumps, I click myself back in thinking, *This probably isn't going to be the best time to foot bail.* So, he continued until we reached this metal awning and this concrete and metal fence. The suspect drove directly toward it. And then Ofc. Toomey and myself were prepared to do a felony vehicle stop. Ofc. Toomey took the right position. I took the left position in this V, in a felony vehicle stop fashion. We both came out of our

cars. I had my gun drawn on him. Ofc. Toomey did too. And I heard another officer come up and say, "Put it park." And I heard again, "Put it in park or we'll shoot." I don't know which officer said it, but if I heard it, everybody else heard it. So, I was going in to put out radio traffic that, "Hey, we're calling out," the typical fashion for a felony vehicle stop, when I saw the rear lights turn on, which meant he's going in reverse.

So, I got back in my vehicle, ready to either move or try and box him in more. Instead, he backed up toward me, and then he — the way he backed was in an L shape. So, he backed up away from me, and I could see the entire driver's side. So, I put it in drive, more to box him in, and that is when he put his vehicle in drive and he started to move toward Ofc. Toomey. And it showed right there, as he was moving forward, that the suspect had the present ability, the opportunity, everything. Based on that he was already going excess speeds of 80 miles an hour on La Riviera, which is normally a 25 mile an hour zone, which means he did not care about the public's safety. He had tried to hit us in the roadway on Fruitridge, trying to kill us if he had the opportunity to. He was driving a fully-functional minivan. He did not care that Ofc. Toomey was outside of his car, unprotected, in the only spot that he could get out. The suspect only had one thing on his mind, which was to get away from us, and he didn't care if he had to drive through Toomey to get to it.

So, as he was pulling forward, I realized that he did not – he was not going to stop. He was going to drive right through Ofc. Toomey and potentially kill him. I heard one shot ring out, and I fired as well because I knew if I didn't stop him, he was going to hit Ofc. Toomey and kill him, potentially. It was creating a bigger imminent threat then if I would not have stopped him. He pulls forward, and I see the glass shatter. I fire approximately three or four shots, and then the vehicle stops. It lurches forward one more time, and then I hear one more shot. And then it just stops. I back away from my vehicle and I go join Toomey. And then Ofc. Stevens joins up with us and we begin to get resources to go and approach the vehicle safely. We get a shield. We get a less-lethal shotgun. I believe it was Ofc. Stevens's trainee. We told him to fire one round into the front driver's side window to try and create a hole because right now it's just shattered, but it's not completely broken. So, we shoot one beanbag round from our less-lethal shotgun at it. It doesn't break the glass all the way. So, we call for the 40 mil, hoping that might break the glass all the way. So, we get more resources and we're waiting.

And as we're waiting, the door starts to open, and I can hear officers saying, "Someone's coming out." So, we – we wanted to take over commands because we have a better view, so we call the suspect out. We call him over to us. And when he was getting out of the car, it was a male Hispanic, large set, maybe in his 40s, facial hair, and he was crying. He was saying, "Ow, ow. Help me." He had blood coming from his stomach. So, he walks over

toward us, and we are – take him into custody and begin to render medical aid. They say, "Can someone get a med kit." So, I run back to my car, grab my med kit, come back, begin to open it up. And we started assessing, "Well, what do we need to do?" It looked like he had maybe four shots in his stomach, so I started to pull out one of my chest seals to use it. And then Ofc. Ward taps me out and I walk away, and then I go join Ofc. Toomey, and then I turn off my body-worn camera.

COUGHRAN Okay. Quick follow-up questions to that. So, you were – when you initially started to respond, you said you were in Code 3 status?

CARO Mm-hmm.

COUGHRAN Okay. Which is?

CARO Code 3 says that our overhead lights are activated and our continuous sirens, gives us – which allows us to disobey the rules of the road to respond to a unit that is in pursuit in this case.

COUGHRAN Okay. And your lights and siren were on

CARO Yes.

COUGHRAN that whole time?

CARO Yes.

COUGHRAN Okay. And when you turn on your lights and siren, is that what turns on your in-car camera?

CARO Yes, and my body-worn camera as well.

COUGHRAN So, it turns on your body-worn camera? Okay. When you saw the driver of this vehicle for the first time, did you recognize him at all?

CARO No.

COUGHRAN Okay. Do you think that you've ever met him or had contact with him prior to this incident?

CARO No.

COUGHRAN Okay. When you first heard about this call for service, were there any additional updates over the radio? Any sort of broadcast? Anything that you became aware of as you were responding or joined in the pursuit?

CARO	I know over the radio they said that's the arson suspect and that they were investigating a person that happened off of La Riv. A truck had just burned, and that they had the suspect who did it.
COUGHRAN	Okay. Did you, at any point, did you become aware of any of this person's history?
CARO	No.
COUGHRAN	Okay. Were you, or did you know if this person was armed or not armed?
CARO	I did not know if he was armed at the time.
COUGHRAN	Okay. Do you know, after you finally were able to see the driver and actually talk or hear him and kind of experience him more up close than just behind the wheel of a car, did you know if he was – could you tell if he was under the influence of anything, any narcotics or any alcohol?
CARO	None that I could tell.
COUGHRAN	Okay. Could you tell if he had – if he was experiencing any sort of mental health episode or anything like that?
CARO	None that I could tell.
COUGHRAN	Okay. All right. So, what we're going to do, I would like to go through it again, but a little bit slower, and I have just more follow-up questions. Maybe that'll also help exercise your memory and see if we can glean anything that we didn't already do. Okay? And you know what? To help with this, I have some visual aids that we can use here. Okay? I'll put these here. So, these are — I've got two aerial – Google aerial maps that already have a blue route on them. This doesn't necessarily mean that this was your route. This is just on this map. I believe that this was the original route that the pursuit went. But again, you weren't part of the initial part of this pursuit. That's correct?
CARO	That's correct.
COUGHRAN	Okay. And I'm also going to use — so, we have two maps. I also have here an aerial photo of the scene where the actual shooting took place. This was taken by a Sac PD unmanned aerial device that – this is obviously taken after the actual shooting. Okay? This is probably a few hours after. Okay?
CARO	Mm-hmm.

COUGHRAN So, this may not be exactly the way that you remember it.

CARO Mm-hmm.

COUGHRAN So, we can use these, just kind of as a visual aid. Okay?

CARO Okay.

COUGHRAN So, you said that when you started the pursuit you were at Belvedere and what road?

CARO Power Inn. So, that's not going to be on here because this is Florin Perkins.

COUGHRAN Okay. And that's fine. We don't need it on here. And so, you started to drive Code 3 toward the direction of Ofc. Toomey's pursuit?

CARO That's correct.

COUGHRAN Okay. And do you remember if he had broadcast anything like if he had seen the suspect? Could he – do you remember anything like that?

CARO I cannot recall.

COUGHRAN Okay. Did he happen to broadcast what type of vehicle he was pursuing?

CARO I cannot recall if he did. I can only remember that he said he was in pursuit and the direction that he was going.

COUGHRAN Okay. So, from Belvedere, did you say you went northbound on Power Inn?

CARO That's correct.

COUGHRAN Okay. So, you were northbound Power Inn. And then you said you ended up turning eastbound on Folsom?

CARO That's correct.

COUGHRAN Okay. I'll tell you what. Why don't we use blue here on the map? Well, we'll use red. So, would you mind, on here, drawing maybe just a circle at the point that you first observed the pursuit and joined in the pursuit. So, is that Keifer?

CARO I'm sorry… (*overlapping*)

COUGHRAN Okay. So, you said that it was at Folsom Blvd. you observed the pursuing vehicle and Ofc. Toomey's car going southbound on South Watt?

CARO Mm-hmm.

COUGHRAN Okay. And then you joined in behind him. Correct?

CARO That's correct.

COUGHRAN All right. At that point where there any other officers in this pursuit?

CARO No.

COUGHRAN Okay. And so, the position that you took, is that what we call the number two position?

CARO That's correct.

COUGHRAN Okay. And so, you said that the vehicle, the pursuing vehicle, continued southbound on South Watt?

CARO That's correct.

COUGHRAN Okay. And what did you estimate the speeds at kind of when you first joined in here?

CARO At first, it was approximately 40 to… maybe 40 to 30 miles per hour. It was not a fast pursuit.

COUGHRAN Okay. And again, I'm not trying to trick you or anything.

CARO No, no worries.

COUGHRAN This is just from your memory. Okay?

CARO Of course.

COUGHRAN Okay. And so, as the vehicle continued southbound on South Watt still, at this point, by the time you guys reached Fruitridge, were there any other units in the pursuit?

CARO There was one more unit, and then… we… yeah. It was myself, and then there was one more unit behind us, and then Ofc. Toomey, so there was three of us altogether.

COUGHRAN Okay. So, Toomey is still the number one car in the pursuit?

CARO That's correct.

COUGHRAN You were number two?

CARO That's correct.

COUGHRAN And then there was another vehicle behind you?

CARO Yes.

COUGHRAN Okay. And when you saw Ofc. Toomey's car, was – could you tell if his lights and siren were on?

CARO Yes. They were both on.

COUGHRAN Okay. And then, how about the vehicle that was behind you?

CARO Yes.

COUGHRAN Okay. Lights and siren?

CARO Yes.

COUGHRAN Okay. And then, when I ask about lights and siren, are we talking about what kind of lights?

CARO Red and blue.

COUGHRAN Red and blue?

CARO Mm-hmm.

COUGHRAN Okay. All right. So, after the vehicle approached Fruitridge, you said it made a westbound turn on Fruitridge?

CARO That's correct.

COUGHRAN Okay. So, as it's westbound on Fruitridge, could you estimate the speeds that you believe he was driving?

CARO 25 to 30 miles an hour.

COUGHRAN Okay. So, did he slow down a little bit at that point?

CARO A lot, yes.

COUGHRAN He slowed a lot?

CARO Yes.

COUGHRAN Okay. And was the vehicle yielding at any point?

CARO Not yielding at all. No, it was not yielding.

COUGHRAN Okay. So, the vehicle continues westbound on Fruitridge. And then you described seeing an additional officer ahead?

CARO That's correct. It was Ofc. Patterson and Ofc. Ward.

COUGHRAN I'm sorry, Patterson and Ofc. Ward?

CARO That's correct.

COUGHRAN Okay. And were they attempting to join in the pursuit, or what was their purpose?

CARO No. They were pulled off to the side of the road, attempting to deploy a spike strip. So, they were pulled off. We were going westbound. They were pulled off on the north side of Fruitridge in a drainage ditch or just the side of the road.

COUGHRAN Okay. And so, it was your belief that they were trying to just deploy spike strips?

CARO That's correct.

COUGHRAN Okay. And I think you said you saw, actually, one of the officers outside of the car?

CARO Yes. I saw that they were outside of their vehicle. Yes.

COUGHRAN Okay. And could you describe, again, what the suspect's actions were at that point?

CARO Yes. So, as we were getting closer to them, he turned his vehicle directly toward the officers in a jerking motion and he picked up speed. So, he turned his car north, toward the officers to the side of the road. It looked like he was going to try and — he wanted to hit them if they were to throw the spike strip out because he wanted to get away from us.

COUGHRAN Okay. So, if he's going westbound -

CARO So, he would turn right.

COUGHRAN Okay. So, was it like more of a sudden, abrupt turn to the right? Is that what you… How would you describe that?

CARO If… when he turned right, it wasn't just a small jerk. It was full. His vehicle was going right toward them. So, it wasn't like a jerk right. It was a full turn to the right abruptly.

COUGHRAN Okay. And then, obviously, he didn't hit them. Correct?

CARO No, he did not hit them.

COUGHRAN Okay. So, what did the suspect vehicle do at that point?

CARO It then corrected itself and then turned left into the industrial park.

COUGHRAN Okay. So, did it now make a full left turn to go southbound?

CARO Yes.

COUGHRAN Okay. How close would you estimate, this is your perspective, that he – that the suspect vehicle was to those two officers that were attempting the spike strip?

CARO Maybe 10 yards.

COUGHRAN Ten yards? Okay. So, you think he was pretty close to hitting them?

CARO Very close, yes.

COUGHRAN Okay. In your mind, at that point did you think that the vehicle – the vehicles were going to collide?

CARO I did think he was going to collide with them, yes. I did think that he was going to hit them to make sure that he did not get his car spiked.

COUGHRAN Okay. Could you actually see the spikes out in the road?

CARO No. I couldn't see the spikes, but I knew that that's what they were attempting to do.

COUGHRAN Okay. Did they – do you happen to remember if that was broadcast over the

721		air?
722		
723	CARO	That they were going to deploy spike strips?
724		
725	COUGHRAN	Yeah.
726		
727	CARO	They said they were getting ahead of him to deploy spike strips, yes.
728		
729	COUGHRAN	Okay. And so, now the suspect vehicle is now driving southbound through,
730		you described, an industrial complex.
731		
732	CARO	That's correct.
733		
734	COUGHRAN	Okay. And so, you can see the suspect vehicle. How would you describe it?
735		
736	CARO	Like a red minivan.
737		
738	COUGHRAN	A red minivan?
739		
740	CARO	Mm-hmm.
741		
742	COUGHRAN	Okay. So, all the while you're still in the number two position?
743		
744	CARO	That's correct.
745		
746	COUGHRAN	Ofc. Toomey is still in number one?
747		
748	CARO	That's correct.
749		
750	COUGHRAN	And there's this third car behind you?
751		
752	CARO	That's correct.
753		
754	COUGHRAN	Still lights and siren at this point?
755		
756	CARO	Yes.
757		
758	COUGHRAN	Okay. And is the suspect vehicle attempting to finally agree or — I'm sorry,
759		follow the rules and pull over and be compliant?
760		
761	CARO	No. In fact, when we turned south, he picked up speed again to try and elude
762		us and escape.
763		
764	COUGHRAN	Okay. So, the suspect vehicle is going southbound through this complex?
765		

CARO Mm-hmm.

COUGHRAN Can you describe, to your memory, what this complex looked like?

CARO It had a dirt road. It had a gate, like guard box, in the front. And then it had gas pumps, a concrete sort of — oh, my gosh. What do they call it? That word's eluding me. It's like a concrete building and then a metal awning.

COUGHRAN Okay. And so, what were the suspect's actions once he entered that industrial complex?

CARO He was acting erratic, because he started to head toward the gas pumps at a high rate of speed, acting like he was still trying to elude us and trying to escape from us.

COUGHRAN Okay. So, did he drive through the gas pumps?

CARO He drove through them. Yes.

COUGHRAN Okay. And then, at what point did the suspect vehicle finally come to a stop?

CARO He started to head toward the metal awning. There is a metal and concrete fence along – next to the metal awning, and he realized that he had just pinched himself inside there and there's no way to get out directly forward.

COUGHRAN Okay. So, maybe we can refer to this picture here.

CARO Right.

COUGHRAN Does this picture — this is, again, that aerial photograph that the unmanned aerial system took. And does this appear accurate, at least to some degree, to your memory?

CARO Yeah.

COUGHRAN Okay. So, maybe we can describe what we're seeing on this photograph.

CARO Yeah. So, here's the concrete and metal fence I was talking about, and then here's the metal awning. His vehicle came directly… directly to right here, and then he stopped. And then, this is our setup for our felony vehicle stop. That's Ofc. Toomey's vehicle. That's my vehicle.

COUGHRAN Okay. So, on the photograph your referring to, Ofc. Toomey's vehicle would be vehicle 12404?

CARO Mm-hmm.

COUGHRAN And your vehicle would be, you're referring to here, 13414?

CARO That's correct.

COUGHRAN So, is this about, approximately, where you initially stopped?

CARO Yes.

COUGHRAN Okay. And I know the photograph here doesn't show — it's not zoomed out. It's kind of zoomed in a little bit. I'm assuming you guys came in here from the north?

CARO That's correct.

COUGHRAN Okay. And how about what's over here to the west?

CARO I couldn't see anything. I thought this was fenced off, and I don't know what was back there. There was nothing.

COUGHRAN Okay. But you described him, the suspect, as being kind of trapped right here?

CARO Exactly.

COUGHRAN Okay. So, could he have escaped through here to the west?

CARO He might've been able to. I don't know who was over there. I thought there was a fence preventing him from leaving there.

COUGHRAN Okay. Yeah, that's your perspective and that's what we want to know. Okay. So, at this point you said that the suspect vehicle had stopped and you stopped your cars here. And what was the purpose of being kind of offset when you were…?

CARO That's how we perform a felony vehicle stop so we can use our doors as cover and I have enough space to open my door to use it as cover.

COUGHRAN Okay. So, it was a strategic way to try to approach this vehicle?

CARO That's correct.

COUGHRAN Okay. And that's the way that you were trained?

CARO Yes.

COUGHRAN Okay. So, you two, Ofc. Toomey and yourself, you're stopped here. At this point, when you first stopped, do you remember the actual location of the suspect vehicle?

CARO It's going to be directly in front of us like this.

COUGHRAN Okay. Would you mind just kind of drawing a box where you believe the suspect vehicle was at? Okay. Indicating that it's pointing in that direction?

CARO Exactly.

COUGHRAN Where the dots are?

CARO Mm-hmm.

COUGHRAN Okay. And so, at this point did you exit your vehicle?

CARO Yes.

COUGHRAN Okay. And because the suspect vehicle was now stopped?

CARO Yes.

COUGHRAN Okay. Let's talk about what happens at that point.

CARO Okay. So, I exit my vehicle and I point my firearm at the suspect. I hear an officer say, "Put it in park or we'll shoot." And then, Ofc. Toomey is outside of his vehicle. I'm outside of my vehicle. I'm going back to give radio traffic and updates, and that's when I see the rear lights on this vehicle turn on and he starts to move backwards. And he does this, he moves backwards in an L and comes directly past my vehicle, and I see it. And then he – I see the vehicle then begin to lurch forward toward Ofc. Toomey, and I realize that there's only a small space separating the wall and Ofc. Toomey. Ofc. Toomey is outside his vehicle. The suspect had already shown, like I said, that he's willing to put us in great bodily injury. He tried to hurt officers on the roadway with his vehicle. He's driving a fully-functioning minivan. His intent was to drive through Ofc. Toomey with his minivan, killing him or hurting him, to get away from us because he wanted to go through the space between Ofc. Toomey and the wall.

COUGHRAN Okay. And so, you're referring to this space here?

CARO Mm-hmm.

901		
902	COUGHRAN	So, are you saying Ofc. Toomey was standing outside of his vehicle?
903		
904	CARO	Yeah.
905		
906	COUGHRAN	On the driver's side?
907		
908	CARO	Exactly. He was completely exposed.
909		
910	COUGHRAN	Okay. Do you know exactly where Ofc. Toomey was standing outside of his
911		vehicle?
912		
913	CARO	Not exactly, no.
914		
915	COUGHRAN	Okay. But it was your impression that he was standing outside of the driver's
916		door of his vehicle?
917		
918	CARO	Standing outside the driver's door, yes.
919		
920	COUGHRAN	Okay. And so you were standing outside of your driver's door?
921		
922	CARO	That's correct.
923		
924	HOFFMANN	When you say "driver's door," are you talking about the plane of the vehicle?
925		In this picture, this door is open.
926		
927	CARO	Correct.
928		
929	HOFFMANN	So, when you say "outside the driver's door," are you talking about here, or
930		are you talking about in the V in between the vehicle and the door? Can you
931		kind of just clarify that?
932		
933	COUGHRAN	Yeah, and – well, because you said you weren't exactly sure about Ofc.
934		Toomey's location, correct?
935		
936	CARO	Exactly.
937		
938	COUGHRAN	Okay. So, how about your perspective? Do you know exactly where you
939		were standing?
940		
941	CARO	I was standing in the V of the door, because I was using the A pillar as cover
942		and my door as cover.
943		
944	COUGHRAN	Okay. So, your door was open?
945		

CARO Yes.

COUGHRAN And you were standing in between, you described it as the V of the door.

CARO Exactly.

COUGHRAN Okay. But you weren't exactly sure where Ofc. Toomey was standing?

CARO No.

COUGHRAN Okay. But it was your impression that he was somewhere on his driver's side?

CARO Yes.

COUGHRAN Okay. And we just don't know exactly where?

CARO Right.

COUGHRAN Okay. And so, when you – when you were standing over here, from your perspective, you said you drew your firearm.

CARO Yes.

COUGHRAN Okay. Is that your pistol, the department-issued Glock 17?

CARO Yes.

COUGHRAN Okay. Do you carry other lethal weapons?

CARO I carry my rifle, and I have my less-lethal options, which is the pepper ball and the less-lethal shotgun.

COUGHRAN Okay. And where were those weapons at that time?

CARO My rifle was in the lock for it in the vehicle, the same as my less-lethal shotgun.

COUGHRAN And by lock are you referring to the lock that's kind of in the center console of the front compartment of your vehicle?

CARO Yes.

COUGHRAN The driver's compartment, in there?

CARO Yes.

991		
992	COUGHRAN	Okay. And your pepper ball, where was that at?
993		
994	CARO	The trunk.
995		
996	COUGHRAN	Okay. And so, at that point you decided to use your department-issued pistol.
997		And you said you were pointing it toward the suspect vehicle?
998		
999	CARO	Yes.
1000		
1001	COUGHRAN	Yes? Okay. And so, you described this turn – these turning movements that
1002		the suspect vehicle made. How – how quickly after the vehicle actually
1003		stopped before it started to move again? I mean, how much time passed from
1004		the moment it stopped to it actually starting to move again? Do you
1005		remember?
1006		
1007	CARO	Maybe like five seconds before it moved again. Like, it was quick, extremely
1008		quick. I heard the first command to put it in park or we'll shoot. A second
1009		passed, and then it started to move again.
1010		
1011	COUGHRAN	Okay. And so, you described it moving forward initially?
1012		
1013	CARO	It lurched forward a little bit, and then, like I said, the rear lights came on and
1014		it turned this way, towards me.
1015		
1016	COUGHRAN	So, it's reversing towards you?
1017		
1018	CARO	Exactly, exactly.
1019		
1020	COUGHRAN	Almost, I guess we could describe it. This is actually north here. This would
1021		be south.
1022		
1023	CARO	South.
1024		
1025	COUGHRAN	So, it was reversing northbound?
1026		
1027	CARO	Yes.
1028		
1029	COUGHRAN	Okay. Could you describe it? Was it like a slow reverse?
1030		
1031	CARO	No. It was a very violent reverse. It was fast. It was not slow. He knew — I
1032		don't know why he reversed, but he did it, and then I – when he was over here.
1033		I thought, *He needs to know that he's trapped*, so I pulled forward a little bit to
1034		make sure he didn't try and go through a gap right here, but that wasn't his
1035		intention. His intention was to go toward Ofc. Toomey over here.

1036		
1037	COUGHRAN	Okay. Do you remember if this vehicle, vehicle number 13415, was it here at
1038		this point? Or do you remember?
1039		
1040	CARO	I… I don't – No, it was not there yet.
1041		
1042	COUGHRAN	Okay. So, this space over here was a little bit open?
1043		
1044	CARO	Yes.
1045		
1046	COUGHRAN	But the suspect vehicle didn't try to reverse back that way?
1047		
1048	CARO	No, it did not.
1049		
1050	COUGHRAN	Okay. Because it was – you said after it reversed it then ended up moving
1051		forward again.
1052		
1053	CARO	Yeah, forward toward that car.
1054		
1055	COUGHRAN	And could you — I mean, in your mind, what direction was he, was this driver
1056		trying to go?
1057		
1058	CARO	He was trying to go — what is this, south? He was trying to go south.
1059		
1060	COUGHRAN	South?
1061		
1062	CARO	South…
1063		
1064	COUGHRAN	And then, this -
1065		
1066	CARO	So, southeast. So, he was trying to go southeast.
1067		
1068	COUGHRAN	Okay. Which basically, the way you just described, would be across the front
1069		of Ofc. Toomey's vehicle. And then, east would be between this wall and
1070		Ofc. Toomey's vehicle. Is that correct?
1071		
1072	CARO	That's correct.
1073		
1074	COUGHRAN	Okay. So, in your mind, you believed that the suspect was going to attempt to
1075		continue driving and escape through a – this space between the vehicle and
1076		the wall?
1077		
1078	CARO	Yes.
1079		
1080	COUGHRAN	Okay. And you described Ofc. Toomey being out there at some point.

CARO Yes.

COUGHRAN Okay. Did you see him get back into his vehicle at any point, Ofc. Toomey?

CARO No, I did not see that.

COUGHRAN Okay. Did you see Ofc. Toomey retreat from that point to the back of his vehicle or anything like that?

CARO No, I did not see that.

COUGHRAN Okay. Do you remember specifically, though? Do you remember seeing Ofc. Toomey out there, or was your mind focused on the suspect vehicle?

CARO My mind was only focused on the suspect because I thought he was going to try and ram into me and kill me because his mindset was that he didn't care. He had just committed arson. He was homicidal. He just wanted to get out of there and didn't care what happens. So, I was scared that he was going to try and kill me. And then when he pulled forward again, I was scared he was going to kill Toomey.

COUGHRAN Okay. And so, we had already discussed this when you told me about when you started to fire your weapon. Let's go to that point again here. So, when the suspect vehicle started to move forward, what was going through your mind?

CARO At that point, as he was pulling forward, I remembered that he was already fleeing from us. He was driving 80 miles an hour on La Riviera, didn't care about the public's safety. He had just tried to hurt and kill us on Fruitridge, and I realized he's not going to stop. He's going to kill Toomey, and he – Toomey was an imminent threat — or in imminent danger, I should say. And the suspect was an imminent threat because of his van. It could still move. It could still work. It could still hurt and kill. So, I heard a first shot, and I had to stop that vehicle, and so I started shooting to stop it.

COUGHRAN Okay. And to your memory, how many rounds did you fire?

CARO I believed I shot approximately three times.

COUGHRAN Okay. And you – could you describe it? Were you aiming at the driver's side of that vehicle?

CARO I was aiming at the driver's side of the vehicle. I had a bad angle on the driver himself, but I had to try and save Toomey.

COUGHRAN Okay. And so your – all three rounds that you remember firing, it was toward that driver's -

CARO Yes. And then I knew that there's nobody out here. Before the vehicle started moving, it's just all quiet, nothing out there. So, there's no worry about who is back there because it's just dirt.

COUGHRAN Okay. So, you considered what we would call the backdrop?

CARO Exactly, yes.

COUGHRAN Okay. And you would describe this backdrop as…?

CARO Empty.

COUGHRAN Empty?

CARO A field, I think it is back there.

COUGHRAN Okay. You didn't see residences?

CARO No. I didn't see residents. I didn't see any campfires. I didn't see anybody out there or anything.

COUGHRAN Okay. So, were you at all concerned that any missed rounds would hit anybody else?

CARO I'm always concerned that a round is going to miss, but I knew that there's no worry, that if the round goes through the vehicle, there's nobody on the other side that's going to get hit.

COUGHRAN Okay. All right. Let's also talk about your, just in your mind, if you could, estimate the distance from where you were standing to the actual… the suspect vehicle when you started to fire your weapon.

CARO Maybe two yards, less. I'm very bad at estimating distance. It's not what I'm good at. So…

COUGHRAN Okay.

CARO It was not… it was not that far away, so let's go with two yards.

COUGHRAN Okay. Close enough for you to have an effective…

CARO Yes.

COUGHRAN … hopefully, make an effective, whatever your attempt was, at that point? Right? To be effective with your weapon?

CARO Yeah, to stop the imminent threat. Yes.

COUGHRAN Okay. All right. So, after you fired your three rounds — and you said you had already heard a gunshot prior to you firing. Right?

CARO Yes.

COUGHRAN Okay. Do you remember how many other gunshots you heard that weren't from you?

CARO Approximately four, four to five, I want to say. It's hard to tell.

COUGHRAN Okay. This is just, again, to your recollection. Okay?

CARO Mm-hmm.

COUGHRAN Do you know which other officer or officers were firing?

CARO Just myself and Ofc. Toomey. I only heard two different guns going off.

COUGHRAN Yours and someone else's?

CARO That's correct.

COUGHRAN Okay. Could you see Ofc. Toomey firing at that point?

CARO I saw the smoke from the gun, but I couldn't see him physically firing the gun. I only saw the gun going off.

COUGHRAN Okay. And when you stopped firing, did the other officer continue to fire at that point?

CARO Ofc. Toomey?

COUGHRAN Yeah. Do you remember?

CARO He fired one last shot when I stopped firing.

COUGHRAN Okay. Do you remember when that was?

CARO The vehicle lurched forward more. It looked like, as I said, the driver was not going to stop still. And so, he fired one last shot, and then the vehicle stopped moving.

COUGHRAN Okay. So, at the point that the vehicle stopped moving and the gunshots were done, what happened after that?

CARO So, I heard screaming or crying from the vehicle. Someone was going, "Ow, ow." So, I came to Ofc. Toomey over here to wait for other resources before we approach the vehicle because I was scared the suspect was maybe armed. Because I remember what happened to the deputies just recently, so I was worried that he was going to open up and start firing at us again.

COUGHRAN Okay. Did you have any information to believe that the suspect was armed?

CARO I always assume a suspect is armed.

COUGHRAN Okay.

CARO It's officer safety.

COUGHRAN Okay. So, you moved up to the rear of Ofc. Toomey's patrol vehicle?

CARO That's correct.

COUGHRAN Okay. And was Ofc. Toomey over there at that point?

CARO Yes.

COUGHRAN Okay. What happened after that?

CARO We waited for other resources to arrive. I believe Ofc. Stevens and his trainee were the next to come up. They came up with a shield and a less-lethal shotgun. And then other officers started arriving and spreading out throughout to find cover and begin to extract the suspect from the driver's side.

COUGHRAN Okay. And we know, ultimately, that the driver was taken into custody. At what point, though, did — I mean, how did that come to fruition? Did officers have to approach the vehicle and pull him out? Did he end up surrendering on his own?

CARO No, he opened the door on his own. He walked out on his own, and then we took him into custody, but we were giving him commands, obviously, the entire time, but he was able to walk out on his own.

COUGHRAN Okay. And what was his condition at that point?

CARO I saw blood from his stomach, and he was crying out, "Ow, ow," but awake and talking and conscious.

COUGHRAN Okay. Was there anybody else in this vehicle?

CARO No. When they cleared the vehicle, there was nobody else inside of it.

COUGHRAN Okay. One question I wanted to clear up and I forgot to ask you. At what point did you ever see the driver of this vehicle?

CARO When he came back this way, this is when he passed my car. So, once he turned this way, that's when I saw him in the driver's seat.

COUGHRAN When he made that first reverse?

CARO Exactly.

COUGHRAN Okay. And you could actually see him at that point?

CARO Yes. I saw who he was, the suspect. I saw what he looked like.

COUGHRAN Okay. Was he doing anything at that point other than driving?

CARO No, just driving.

COUGHRAN Just driving? Did he – did he show any signs of trying to be compliant at that point?

CARO No, he did not. He looked like he saw his way out and was about to pull forward toward it.

COUGHRAN Okay. At any point were you able to yell out any commands or anything?

CARO When he came forward again, I said, "Stop." And then he did not stop and he kept pulling forward. That's when I shot.

COUGHRAN Okay. So, we'll go back to when he finally exited his car. And you said that it appeared that he was bleeding. Did you approach and put handcuffs or anything on him?

CARO No. Other officers were able to do that for me. So, they made a contact team. They went up and put handcuffs on him and took him into custody. And then

		I heard them say, "We need a med kit." So, I ran back to my car to grab my med kit. And then, when I came back around again, I saw — I don't remember who was working on him already, but I saw them breaking open med kits, and I was just primed to go, "Okay. What do we need to do? Where is his injuries?" before I put my hands in there and start getting in their way.
	COUGHRAN	Okay. So, when you say "med kit," you're referring to a medical kit to provide some sort of first aid?
	CARO	Exactly.
	COUGHRAN	Okay. And additional officers were already providing that first aid?
	CARO	That's correct.
	COUGHRAN	Okay. Did you take part in any of that at that point?
	CARO	I was about to open my first chest seal, and then Ofc. Ward taps me on the shoulder and said, "Hey, I got you," and I stepped away.
	COUGHRAN	Okay. All right. And then, in terms of the van, the suspect's vehicle, did you take part in clearing that?
	CARO	No, I didn't take part in that.
	COUGHRAN	Okay. All right. And so, I would assume at some point paramedics were called and responded?
	CARO	They did. They came when they had to. They responded Code 3 to our location. Yes.
	COUGHRAN	Okay. And so, is that pretty much the end of your involvement in the incident as we just discussed?
	CARO	Yes.
	COUGHRAN	Okay. All right. Let me go back and just talk about a few other things. So, you had some additional weapons in your car.
	CARO	Mm-hmm.
	COUGHRAN	I'm going to ask, you said you had some – you had a rifle. And you did not deploy that?
	CARO	No.

1351		
1352	COUGHRAN	Okay. Because you deployed your service pistol?
1353		
1354	CARO	Exactly.
1355		
1356	COUGHRAN	Okay. Did you attempt, at any point, what we call de-escalation techniques
1357		during this time?
1358		
1359	CARO	We gave out one command. He did not listen. That's when he backed toward
1360		me. When he started to pull forward, I yelled, "Stop!" He continued forward.
1361		There was not enough time to try any more de-escalation.
1362		
1363	COUGHRAN	Okay. So, it was time?
1364		
1365	CARO	Mm-hmm.
1366		
1367	COUGHRAN	It was just — was it too quick?
1368		
1369	CARO	It was too quick. He was moving too quick for us. He didn't stop and wait
1370		and listen to our commands or try and create a rapport with him. He heard the
1371		first command, began to back up, was about to pass me, and I said, "Stop!"
1372		He ignored that command as well and started to pull forward again.
1373		
1374	COUGHRAN	Okay. So, by yelling "Stop!" would you consider that a de-escalation
1375		technique?
1376		
1377	CARO	Yes, yes.
1378		
1379	COUGHRAN	Okay. Like, verbally de-escalate?
1380		
1381	CARO	Yes, and I was giving him an order to stop.
1382		
1383	COUGHRAN	Okay. Which – was he compliant?
1384		
1385	CARO	No, he was not.
1386		
1387	COUGHRAN	Okay. So, it just was moving too quickly for you to really even attempt de-
1388		escalation?
1389		
1390	CARO	That's correct.
1391		
1392	COUGHRAN	All right. How about your less-lethal options? Did you make an attempt to
1393		use anything?
1394		
1395	CARO	There was not enough time. I only had enough time to pull out my pistol

before he started making his vehicle maneuvers.

COUGHRAN Okay.

CARO I didn't have enough time to — because you have to hit a button on the vehicle to release the less-lethal shotgun, and I did not have enough time to reach down and hit that button.

COUGHRAN Okay. And you didn't have enough time, I would assume it's fair to say, to go to the trunk of your vehicle and retrieve a pepper-ball gun?

CARO That's correct.

COUGHRAN Okay. And your taser, would that have been effective in this scenario?

CARO That would not have been effective at all. No.

COUGHRAN Okay. So this – the way that you described this incident, it was moving pretty quickly.

CARO Yes.

COUGHRAN Okay. And so, the moment that you made the decision to fire your weapon, exactly at that moment, what was on your mind?

CARO What was on my mind is that I was scared that he was going to try and kill Toomey based on the fact that he was in that van, the van is moving toward him. He's going to use that van as a weapon against Toomey and kill him or create great bodily injury. He was an imminent threat. I was thinking about what he did on Fruitridge, driving his vehicle toward the officers on the side of the road, trying to kill them, trying to hurt them. I was thinking about the pursuit leading up to it, him going 80 miles an hour down a residential to try and escape from us. All I could think of was this suspect has shown that he does not care what happens. He has already tried to hurt people and kill people, and he showed that he was not going to stop. He has shown the intent that he is going to drive forward, and there's no stopping him. And all of that was computing into my mind, and that's when I shot because I knew he was going to drive forward, straight into Toomey, and kill him.

COUGHRAN Okay. Do you have anything else you want to share with us before we take a quick break?

CARO No.

COUGHRAN Okay. So, what we're going to do is pause the recorder here. The time is 6:25

p.m.

END OF FIRST AUDIO FILE

COUGHRAN All right. The time is 6:58 p.m. We are back from a break. All right. So, Ofc. Caro, we've just got a few follow-up questions. So, the vehicle that — when you were in pursuit, you were still the number two car and you guys were driving westbound on Fruitridge. And then you said that there was that other vehicle that was attempting to do the spike strip. And those officers, I'm sorry, one more time, who did you believe that was?

CARO Ofc. Ward and Ofc. Patterson.

COUGHRAN Okay. Ward and Patterson?

CARO Mm-hmm.

COUGHRAN Okay. And could you describe, again, where you saw that – their patrol vehicle?

CARO Off the side of the road. I think there was a drainage ditch over there, like a gully. So, well off the side of the road.

COUGHRAN Okay. On the north or south side?

CARO North side.

COUGHRAN North side? Okay. And did you see – I thought you said you saw at least one of the officers outside of the vehicle?

CARO Yes. I could not tell you who it was, though.

COUGHRAN Okay. Was it just one officer?

CARO I just saw one officer.

COUGHRAN Okay. And do you remember exactly where you saw them standing?

CARO I think it was toward the back of their patrol vehicle.

COUGHRAN Okay. And what direction was their patrol vehicle faced?

CARO It should've been faced, I believe it was, west.

HOFFMANN If you're not sure, you can say, "I don't recall."

CARO	I'm not sure.
COUGHRAN	Okay. I'm just trying to — so, when you said you saw him at the rear of the vehicle -
CARO	As in, I saw their rear headlights. So, I saw their taillights.
COUGHRAN	Okay. Do you remember if their overhead lights were on?
CARO	I do not recall.
COUGHRAN	Okay. That's fine. All right. And do you remember seeing that officer's actions at that point?
CARO	I don't recall that either.
COUGHRAN	Okay. And then, again, I think you did estimate the, I guess, proximity of the suspect vehicle to the – Ofc. Patterson and Ward's vehicle. And you described that as how many yards?
CARO	I think I believe I said 10 yards, approximately.
COUGHRAN	Okay. All right. So, it was pretty close. Right?
CARO	Mm-hmm.
COUGHRAN	So, to the best of your memory, it was fairly close?
CARO	Yes.
COUGHRAN	Okay. And then, once the pursuit continued southbound into the industrial complex, and then the pursuit finally stopped where the suspect vehicle finally stopped for the first time, did you at all see Ofc. Toomey's car at that point? Do you remember if it – how close he was to it?
CARO	Can you rephrase the question?
COUGHRAN	Sorry. Do you remember how close Ofc. Toomey's car was to the suspect vehicle once it stopped?
CARO	Bumper to bumper. His rear bumper was directly — like maybe inches away from the suspect's rear bumper. So, it was -
HOFFMANN	Front bumper?

CARO	Ofc. Toomey's front bumper was maybe inches away from the suspect's rear bumper. So…yeah.
COUGHRAN	Okay. And so, it had stopped. And how much time passed from the moment the vehicle finally stopped to when it started to move forward again?
CARO	Maybe seconds.
COUGHRAN	Okay. Just seconds?
CARO	Yes.
COUGHRAN	Okay. And then, did you describe the vehicle? Did it pull forward some distance? Do you remember that distance?
CARO	I can't recall how much it pulled forward. All I can recall is when it came back.
COUGHRAN	When it came back? Okay. When that vehicle was reversing toward you, I think at one point you said you were in fear of your life?
CARO	Yes. Yes, I was.
COUGHRAN	Okay.
CARO	Yes.
COUGHRAN	Can you describe that to me again, just when it was reversing toward you?
CARO	He was reversing back to me. I was scared because I saw that he tried to hit officers on Fruitridge and the way he was driving on La Riviera with the high rate of speed. I thought he was going to ram right into me to get out of where he was, and I had no time to put my seatbelt on or get ready for anything. I just jumped back in my car.
COUGHRAN	Okay. So, when he started to reverse toward you, you were already outside of your vehicle?
CARO	That's correct.
COUGHRAN	Okay. And as he reversed toward you, did you attempt to retreat at that point, or did you stay where you were at? What did you do?
CARO	I remember when he reversed back. I got into my car, but as I was getting

into my car, he was already making the L shape. So -

COUGHRAN So, was he still reversing when you were in your car?

CARO Yes, but not toward me anymore.

COUGHRAN Okay. So, his reverse motion no longer was coming at you? Is that what you're saying?

CARO That's correct.

COUGHRAN Okay. So, it was kind of going almost across the front of your car?

CARO Yeah…yeah.

COUGHRAN Okay. And so, at least in your mind, you thought that he was going to try to attempt to reverse into you and your vehicle?

CARO Yes.

COUGHRAN Okay. I think earlier you had mentioned that you were afraid for our lives. And I think you actually said our lives, "I was afraid for our lives." And are you referring to your life and…?

CARO Ofc. Toomey.

COUGHRAN Ofc. Toomey?

CARO Yes.

COUGHRAN Okay. So, when we talked about Ofc. Toomey, again, at some point you said when the vehicle stopped, then you did this, what we would call a felony vehicle stop, where Ofc. Toomey is here on the left. You kind of pulled up to the, I guess, right side of Ofc. Toomey. And that's the way that you were trained to do a felony vehicle stop. Right?

CARO Mm-hmm.

COUGHRAN Okay. And then, did you ever, at any point, look to see where Ofc. Toomey was at during that time?

CARO No.

COUGHRAN Okay. You never physically laid eyes on Ofc. Toomey?

1621	CARO	No.
1622		
1623	COUGHRAN	Okay. At any point prior to the shots being fired, did you see with your own
1624		eyes Ofc. Toomey?
1625		
1626	CARO	I don't recall.
1627		
1628	COUGHRAN	Okay. So, I guess the question, then, is you described Ofc. Toomey being
1629		somewhere on the driver's side of his vehicle. Correct?
1630		
1631	CARO	That's correct.
1632		
1633	COUGHRAN	Okay. How did you know that he was outside of his vehicle? Or did you ever
1634		know if he was outside of his vehicle?
1635		
1636	CARO	When we do a felony vehicle stop, we always come out of our cars with our
1637		guns drawn. That's how we were trained. And so, I knew if he was doing his
1638		training, he's going to be outside of his car, ready to go, with his gun. He
1639		won't be sitting inside of his car.
1640		
1641	COUGHRAN	Okay. So, it was your belief was that Ofc. Toomey would be standing outside
1642		of the driver's door of his car?
1643		
1644	CARO	That's correct.
1645		
1646	COUGHRAN	Okay. But you never actually saw him standing there?
1647		
1648	HOFFMANN	If you're not sure -
1649		
1650	CARO	I'm not sure if I physically saw him standing there.
1651		
1652	HOFFMANN	And so, you may or you may not have, but at this moment you don't recall?
1653		
1654	CARO	Yes. I may or may not have, but at this moment I do not recall.
1655		
1656	COUGHRAN	Okay. When things were — before the actual shots were fired, I think you
1657		said that you made a command for him – to the suspect. You yelled for him to
1658		stop.
1659		
1660	CARO	Yes.
1661		
1662	COUGHRAN	Okay. And then, what other commands, or if any, were you hearing from
1663		other officers?
1664		
1665	CARO	I heard another officer say, "Put it in park or we'll shoot."

COUGHRAN Okay. Do you remember if that was Ofc. Toomey or somebody else?

CARO I – I don't recall who said it.

COUGHRAN Okay. Do you recall if you heard Ofc. Toomey giving commands as well?

CARO I don't recall if I heard him give commands. He may or may not have. I didn't – I can't recall at this time.

COUGHRAN Okay. All right. I think you had mentioned it earlier. You said the word. You thought the suspect was "homicidal."

CARO Mm-hmm.

COUGHRAN Okay. Could you explain that to me or what you were referring to?

CARO Homicidal, meaning that he was willing to kill, that he wasn't thinking like the – a normal citizen. He did not care about our lives. He didn't care about the public's lives. He just looked at killing us as a way to complete his task of escaping.

COUGHRAN Okay. I mean, and that's a, I guess, a pretty strong word. Right?

CARO Yes.

COUGHRAN That he's willing to kill?

CARO Yes.

COUGHRAN And you're using this word just based on…?

CARO What I witnessed on the road before we came into the industrial park, when he swerved his vehicle toward the officers to try and hit them if they were to throw the spike strips.

COUGHRAN Okay. So, you believed that the suspect was making an effort to kill those officers on the road?

CARO Because they would've stopped him or slowed him down, and that would've ruined his chance of escaping.

COUGHRAN Okay. But the suspect vehicle, obviously, didn't hit those officers. Correct?

CARO No.

COUGHRAN Okay. So, he did end up turning southbound before he made any sort of contact with those officers?

CARO Yes.

COUGHRAN Okay. But based on that incident on Fruitridge, that's what made you believe that the suspect was homicidal?

CARO And his driving on La Riviera, and also that he's an arson suspect…

COUGHRAN Okay.

CARO … all of that copulating to the fact of what was going on at that moment.

COUGHRAN Okay. And I believe you had said something earlier to this effect. You said that after the suspect stopped, and we're now here at the end of this pursuit, that you didn't approach because you were afraid that the suspect would fire at us again. And I don't know if you just misspoke when you said that.

CARO Can you? What do you mean? Can you reiterate?

COUGHRAN You had just made the statement about you didn't want to approach because you were afraid that the suspect would "fire at us again."

CARO Are you talking about when we first pulled into the awning and the concrete fence?

COUGHRAN Correct.

CARO Yes.

HOFFMANN Yeah. I heard that too, and I thought you had accidentally misspoken. Did you misspeak, or did you think that he had fired a weapon at you?

CARO I misspoke.

HOFFMANN Okay.

CARO I misspoke.

COUGHRAN And I just want to clarify, did the suspect from this vehicle fire at you guys?

CARO No, he did not fire. I was scared that he may have a weapon or he may try and fire. He didn't actually fire. I was scared that he may try to.

COUGHRAN Okay. So, in your mind, and just your perspective here, all of the gunshots that you heard, none of those came from the suspect?

CARO When he – no, none of those came from the suspect. No.

COUGHRAN Okay. So, it was, in your mind, all of those gunshots were from either yourself or Ofc. Toomey?

CARO Yes.

COUGHRAN Okay. When he – after he reversed, the suspect vehicle reversed, and you had said you had momentarily jumped into your car, you said you had pulled your vehicle forward slightly.

CARO Mm-hmm.

COUGHRAN Okay. And then you described the suspect now driving forward…

CARO Yes.

COUGHRAN … in a forward motion. Did you see the – could you see, at that point, where the vehicle was attempting to go?

CARO Yes.

COUGHRAN Okay. And did you base that on — did you actually see the wheels turning?

CARO Based on the way his vehicle was pointed and the way he was moving forward, I could tell which direction he was going. He was only going to be able to go forward. He wanted to go forward. He was showing the intent of going forward through Ofc. Toomey.

COUGHRAN Okay. Because if he continued going southbound here, where would he go?

CARO He would hit the wall. But his vehicle wasn't pointed southbound. It was pointed more toward — I'm sorry. It wasn't pointing southwest. It was more pointed toward the southeast.

COUGHRAN Southeast? Okay.

CARO Yes.

COUGHRAN So, if he started out facing in this direction, and you said he reversed kind of in a northbound -

CARO	That's right.
COUGHRAN	- across the front of your car. And then, at some point he's now pointed in this direction. So, he's making kind of that eastbound turn.
CARO	That's correct.
COUGHRAN	And he obviously didn't make it past Ofc. Toomey's vehicle.
CARO	No.
COUGHRAN	Okay. Because he ended up stopped at approximately this position here.
CARO	That's correct.
COUGHRAN	Okay. So, I want to focus again on Ofc. Toomey here. After the shots were fired, did you, from where you were standing, did you happen to see where Ofc. Toomey was?
CARO	Once the shots were fired, I looked over and I could see the barrel of the gun.
COUGHRAN	Whose gun?
CARO	Ofc. Toomey's gun. So, I knew he was in the V, right here.
COUGHRAN	Okay. But prior to the shots being fired, you didn't actually see him standing out here?
CARO	I don't recall where he was standing.
HOFFMANN	And he didn't actually — his statement was that he wasn't sure whether or not he had looked over and seen him or he didn't. He may have and had a good idea of where his location is. He just can't specifically, today, recall whether or not he actually visually confirmed or not. He may have, was his prior – was his statement. So, I think we're, at this point, kind of going over the same ground. Which, if you do that enough, it inevitably leads to some inconsistencies just because of the syntax of language. So, you know…
COUGHRAN	Right. Yeah.
HOFFMANN	Anyhow, I'll just say that and submit that.
COUGHRAN	Okay. And I'm not trying to trick you here. So, you said that it was the way that you were trained was that when officers are doing a felony vehicle stop

		— could you describe like that training to me? Because that's the reference that you're using, right? If an officer makes a felony vehicle stop, what do they – what do they do?
	CARO	Okay. So, when an officer makes a felony vehicle stop, we go into like a V. There's normally a third car. We come out of our vehicles, guns drawn.
	COUGHRAN	And when you say "come out of our vehicle," where would you go?
	CARO	I would go to my – whatever spot I'm sitting in, if it was the passenger or if it was the driver, that's the side I'm coming out on. I'm using the door as cover, the A pillar as cover. I'm putting my — I'm drawing my gun on that vehicle because a felony vehicle stop is a high-risk stop. We don't know what is inside that car. We don't know exactly what that driver will do with the distance that they have and the time.
	COUGHRAN	Okay. And so, are you describing you would be standing kind of in the V of the door, an open vehicle door?
	CARO	Yes.
	COUGHRAN	Okay. So, actually standing outside of the car with the door as cover, as you described?
	CARO	Yes.
	COUGHRAN	Okay. All right. And so, again, I mean, this is what you described as a felony vehicle stop.
	CARO	Mm-hmm.
	COUGHRAN	So, it was your impression that this is based on the way you were trained?
	CARO	Mm-hmm. Based on my training and experience, yes.
	COUGHRAN	Okay. That this is how things are supposed to be done?
	CARO	Yes.
	COUGHRAN	That you would step out of your door and use it for cover, but you're actually physically outside of the vehicle at that point, standing on the ground?
	CARO	Standing on the ground, yes.
	COUGHRAN	Okay. All right. Okay. And so, I think we've already asked enough about

that. All right. I think that's it for the questions I have. Do you have anything else that you'd like to share? Is there anything that maybe I didn't clarify that you want to clear up?

HOFFMANN No, thank you.

COUGHRAN Okay. We'll take one more break. We'll check to see if anyone has any other questions, and then we're almost done. Okay?

CARO Okay.

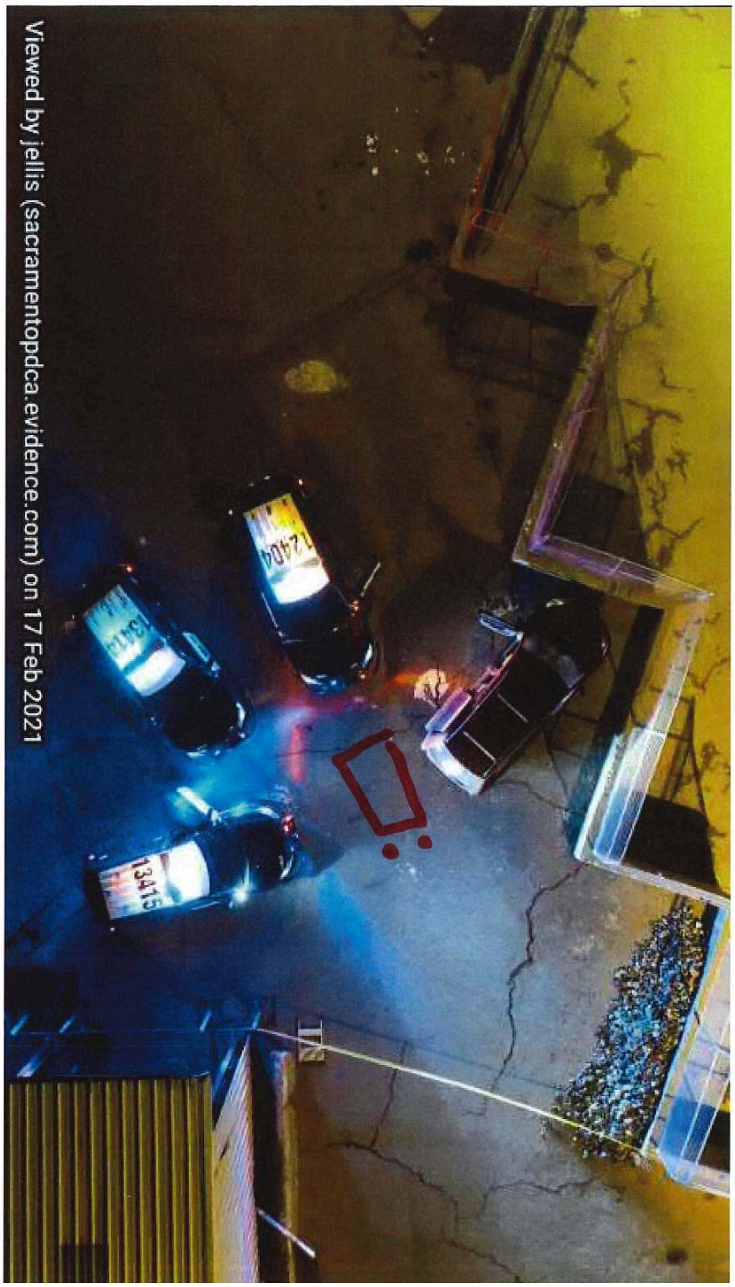
COUGHRAN All right. The time is 7:14 p.m.

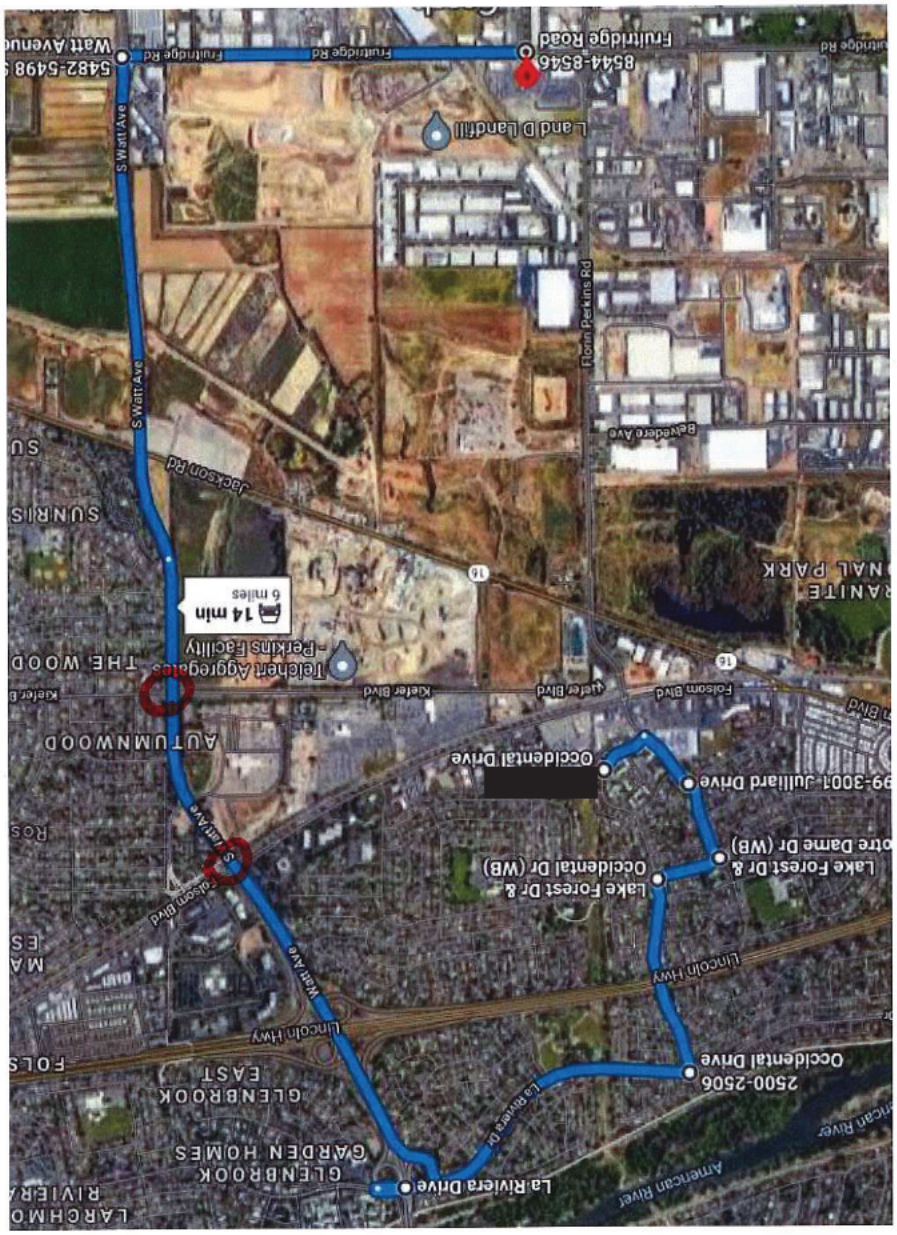
End of Recording

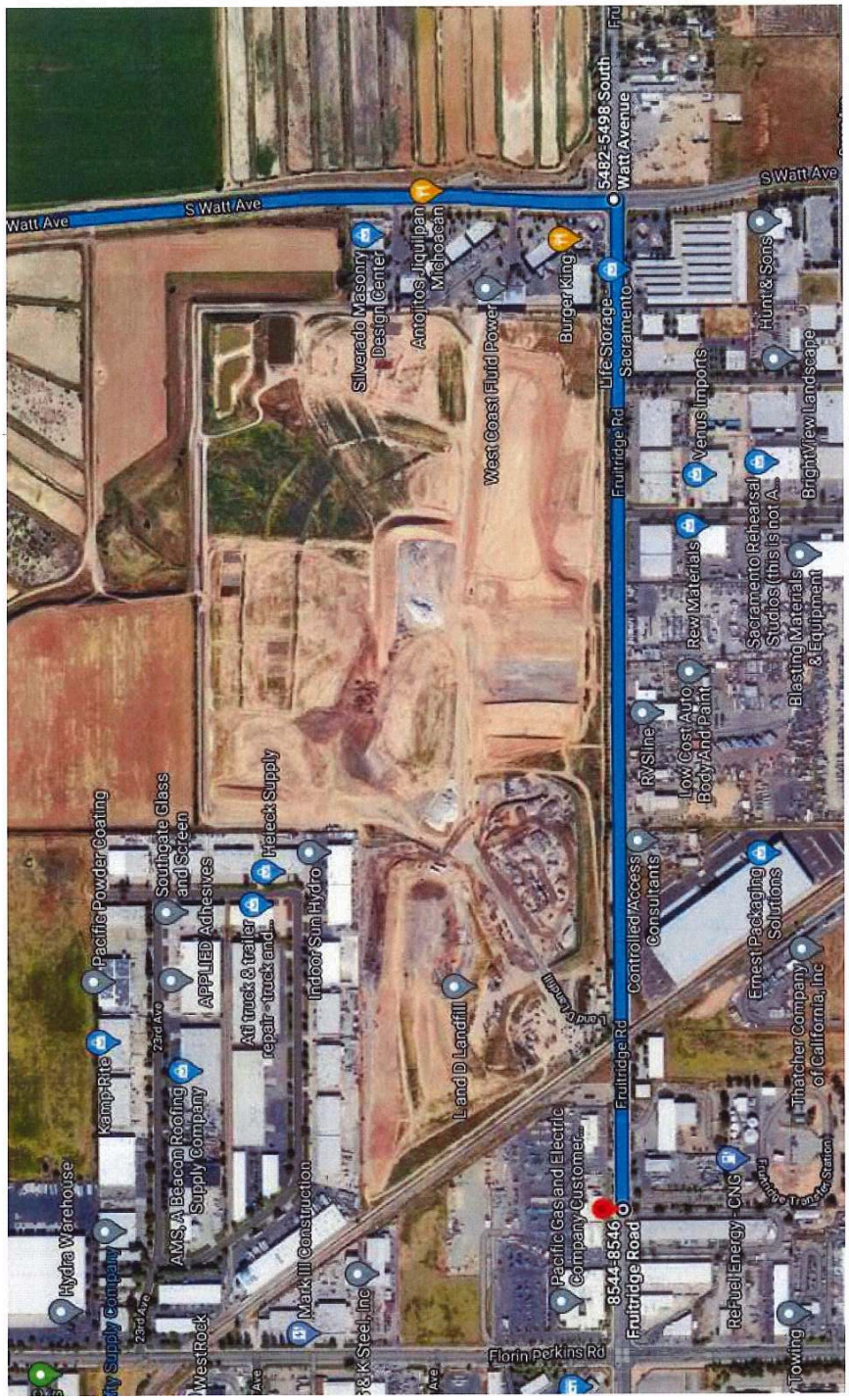
Transcribed by: DocuScript, LLC/mw

Related Attachment(s) - OTHER

Attachment Description: **SHOWN TO OFFICER CARO IN INTERVIEW**
Reference Number:




Fruitridge Road
8544-8546
Watt Avenue
5482-5498
Fruitridge Rd
S Watt Ave
L and D Landfill
Florin Perkins Rd
Jackson Rd
14 min
6 miles
Teichert Aggregates
-Perkins Facility
Keiser Blvd
Folsom Blvd
Occidental Drive
Lake Forest Dr &
Occidental Dr (WB)
Lincoln Hwy
2500-2506
Occidental Drive
La Riviera Drive
La Riviera Dr
American River
GLENBROOK
GARDEN HOMES
GLENBROOK
EAST
AUTUMNWOOD
THE WOOD


S Watt Ave
5482-5498 South Watt Avenue
Silverado Masonry Design Center
Antojitos Jiquilpan Michoacan
Burger King
West Coast Fluid Power
Life Storage - Sacramento
Fruitridge Rd
Hunt & Sons
Venus Imports
BrightView Landscape
Sacramento Rehearsal Studios (this is not A...
Rew Materials
Blasting Materials & Equipment
RV Shine
Low Cost Auto Body And Paint
Controlled Access Consultants
Ernest Packaging Solutions
Thatcher Company of California, Inc
Pacific Powder Coating
Southgate Glass and Screen
Heiteck Supply
APPLIED Adhesives
Indoor Sun Hydro
All truck & trailer repair - truck and...
L and D Landfill
Kamp-Rite
AMS A Beacon Roofing Supply Company
Hydra Warehouse
Mark III Construction
Pacific Gas and Electric Company Customer...
8544-8546 Fruitridge Road
CNG
Refuel Energy
Towing
WestRock
Florin Perkins Rd

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DETECTIVE COUGHRAN'S OBSERVATIONS
Author 3857 - COUGHRAN, CHAD M 4015
Related Date Feb-15-2021 23:35

I, Detective Coughran #635, am assigned to the Sacramento Police Department's Major Crimes Division, Homicide Unit.

NOTIFICATION:

On Monday, 2/15/2021 at 2335 hours, while off-duty and on-call, I was notified of a homicide team call-out. I was told to respond to 8550 Fruitridge Rd where an officer involved shooting (OIS) occurred. I was told that there were two officers who fired their weapons and both officers were uninjured.

ARRIVAL:

On Tuesday, 2/16/2021 at 0030 hours I arrived on scene. I parked my unmarked police along the main driveway of 8550 Fruitridge Rd, outside of the outer crime scene tape. At 0032 hours I checked in with the scene recorder, CSO Wright.

BRIEFING:

At 0104 hours Lieutenant Stigerts and Sergeant Schwartz provided the briefing. Present for the briefing were several homicide and felony assaults detectives, along with CSI personnel, Internal Affairs and PSU officers, members of SPD management, Investigators with the District Attorney's Office, and more. We were briefed on the facts and circumstances known at the time of the briefing. Please see Lead Detective Massee's observations for further details.

WALK-THROUGH:

At 0140 hours we did a scene walkthrough. I made observations from just outside the inner crime scene tape.

FOLLOW-UP:

I was assigned to assist Detective Massee who was the case agent for this investigation. I was told that I would be interviewing Officer Caro #561, who was one of the two officers who discharged their firearms.

At 0227 hours I did a perspective walk-through with Officer Caro. Present for the walkthrough was his attorney, Joseph Hoffmann, with the Mastagni Holstedt Law Firm. Also present for the walk-through was CSI Officer Woo, Sergeant Ellis, Officer Trujillo with Internal Affairs, Officer Kuhlman with PSU and

Detective McGovern. Prior to starting the walk-through, I advised Officer Caro to only answer the specific questions that I asked and to save his statement for the interview at a later time. As we entered the scene, Officer Caro walked to the area just outside the driver's door of SPD Patrol UV #13414. He advised that he fired 3 rounds while he was standing outside the driver's door. He pointed in the direction that he fired, which was a south-southwest direction. At the conclusion of the walkthrough Officer Caro walked away with his attorney. No additional questions were asked.

At 0330 hours Detective Krutz and I arrived at Kaiser South Hospital to attempt to contact Suspect Adan MARTINEZ. Upon arrival in the emergency room, I spoke to Suspect MARTINEZ who was lying in a hospital bed. He appeared to be heavily medicated and wouldn't respond to my questions. We confirmed with a nurse that he had been given fentanyl, which was why he wasn't able to be interviewed at that time. This contact was recorded on my body-worn-camera (BWC).

Wednesday, 2/17/2021

At 0937 hours Detective Massee and I responded to Kaiser South Hospital. We went to room #310 where Suspect MARTINEZ was in a recovery room. A uniformed SPD Officer was standing by with him during this time. Upon arrival Detective Massee and I interviewed MARTINEZ, after Detective Massee read him his Miranda Rights (see Detective Massee's observations for further).

Later that afternoon, Officer Caro arrived at Police Headquarters (Hall of Justice, HOJ) for his OIS interview. It was decided that prior to his interview, he would be allowed to view his BWC video and his In-Car-Camera (ICC) video from his patrol UV (#13414).

At 1632 hours, Officer Caro and Attorney Hoffman were provided a USB thumb drive that contained Officer Caro's BWC, ICC video and dispatch audio. They were allowed to view these videos in the privacy of an office, alone together. I read Officer Caro the Officer Involved Shooting Video Admonishment and completed the form (later booked as evidence).

At 1736 hours, once they were done watching the videos, I interviewed Officer Caro at HOJ inside interview room #2. The interview was audio recorded only. Present for the interview was Attorney Hoffmann. The interview room was livestreamed to other monitors so that other Detectives, managers, DA Investigators and Internal Affairs could watch the interview. During the interview I utilized three printouts; two were Google aerial maps that depicted the pursuit route and one was an aerial photo of the shooting scene that was captured from an SPD unmanned aerial system (UAS) after the briefing. I later booked these three photos as evidence (see attached). Officer Caro described his role and his mindset during the interview (see statement). I later booked a copy of the audio interview as evidence. I later submitted the audio of the entire interview to DocuScript, a transcription service who transcribed the interview verbatim. I later (2/25/2021) listened to the interview and compared it to the transcript and made several minor changes for accuracy. Prior to submitting the statement, I provided a copy of the transcription to Attorney

Hoffmann and asked that he and Officer Caro review the statement for accuracy. They requested minor grammatical changes for accuracy, nothing that changed the substance of the interview.

Thursday, 2/18/2021

I attempted to determine the exact location of Officer Parham and Officer Summey's patrol vehicle (#12406) as they were attempting to deploy stop sticks on Fruitridge Rd at the moment that Suspect MARTINEZ drove into 8550 Fruitridge Rd. I utilized other officers' ICC videos to determine an approximate location of where their vehicle was parked along the north curb line of Fruitridge Rd (just west of the entrance to 8550 Fruitridge Rd). Furthermore, Detective Massee obtained the GPS tracks for patrol vehicle #12406 which showed the latitude and longitude of the vehicle while it was parked along Fruitridge Rd (38.5253005, -121.3883508).

At 1345 hours Sergeant MacLafferty and I arrived at the original shooting scene (8550 Fruitridge Rd). We attempted to recreate the scene on Fruitridge Rd where Officer Parham and Officer Summey's patrol vehicle was at when Suspect MARTINEZ swerved prior to MARTINEZ entering 8550 Fruitridge Rd. I contacted Officer Paul Fong who was a trained UAS pilot who was currently working. He agreed to respond and assist. I contacted CSI and requested that they respond to assist with taking photos or scans of the roadway with the patrol car in place. Once Officer Fong was on-scene, he parked his vehicle in the closest approximate location to where we believed Officer Parham's patrol vehicle was parked at the time that Suspect MARTINEZ drove into the industrial lot. Once the patrol vehicle was in place, Officer Fong flew the UAS high above and took numerous photos from the air. This provided us perspective of how close Suspect MARTINEZ was to Officer Parham and Officer Summey. CSI Kinoshinta did scans with the patrol vehicle in place. She was able to roughly estimate that the rear bumper of the patrol vehicle was approximately 133.5 feet from the center of the driveway into 8550 Fruitridge Rd. (see CSI scans for full details).

Related Attachment(s) - OTHER

Attachment Description: **OIS VIDEO ADMONISHMENT FORM FOR OFFICER CARO**
Reference Number:

Report Number: 21-44157

OIS VIDEO ADMONISHMENT

There exists video evidence pertaining to this case. You will be provided ample time to view the evidence before providing a statement. The purpose of showing footage is to assist your recollection of the incident so that you can sufficiently describe your state-of-mind. When viewing video evidence footage, be aware of the following:

- Recordings may depict events differently than you recall.
- Clips may not show the entire incident as seen or heard by you.
- The evidence may portray fields of view not normally observed by the human eye.
- Camera framerates limit the ability to smoothly capture movement.
- Coloring and lighting may be outside of the spectrum of the human eye.
- Depth, distance, and orientation could differ from your position during the incident.

OFC. CARO #561
Officer's Name and Badge Number

2/17/2021 1634
Date and Time

DET. COUGHRAN #635
Detective's Name and Badge Number

2/17/2021 1634
Date and Time

	TYPE	TIMESTAMP/LOCATION
☑	OFC. CARO'S BWC VIDEO	BEGIN 2/15/21 @ 22:16:49
☐		END 2/15/21 @ 22:35:56
☐		
☑	OFC. CARO'S ICC VIDEO	BEGIN CAM TIME (PER VIDEO STAMP)
☐		@ 2/16/21 @ 06:16:50
☐		END 2/16/21 @ 07:43:44
☐		
☑	DISPATCH AUDIO 21-44157.WAV	21:10 MINUTES OF DISPATCH AUDIO
☐		
☐		
☐		
☐		
☐		

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DET. DERRICK OBSERVATIONS
Author 4053 - DERRICK, LEE 0342
Related Date Feb-15-2021 23:35

I, Detective Lee Derrick #342, am currently assigned to the Office of Investigations, Major Crimes Division as a Detective within the Felony Assaults Unit. My primary duties in the Felony Assaults Unit are to investigate and/or assist with the investigation of crimes including, but not limited to assaults with deadly weapons, felony batteries, kidnappings, and homicides. Additionally, my duties include managing crime scenes, interviewing victims, witnesses, and suspects, and presenting cases to the Sacramento County District Attorney's Office for prosecution, as well as delivering courtroom testimony.

On Monday, February 15, 2021 at approximately 2335 hours, I was notified by SPD Communications of a homicide team call out to 8550 Fruitridge Rd (Sacramento County Solid Waste). I arrived on scene at approximately 0055 hours and checked in with the Crime Scene Recorder. I attended the homicide briefing and walk through of the scene conducted by Lieutenant Stigerts #4110 and Sergeant Schwartz #3073. I was informed that Sacramento Fire Department Engine #50 and Medic #50 responded to the above location where the shooting suspect was transported to Kaiser South for medical treatment.

Homicide Sergeant MacLafferty #3065 tasked Detective Schulte #911 and I with locating any surveillance video at the scene as well as at the original crime scene located at [redacted] Occidental Dr.

On Tuesday, February 16, 2021 at approximately 0617 hours, I spoke with Sacramento County Solid Waste Manager Alan Macisaac via telephone. Manager Macisaac informed me Rapid Response Monitoring and Sonitrol had access to the video located at the scene. Manager Macisaac told me the video would most like be poor quality and is only activated by motion.

I contacted a resident located at [redacted] Occidental Dr who had surveillance camera. The resident informed me the camera is owned by the property owner ([redacted]). At approximately 0912 hours, I left [redacted] a voicemail to contact me regarding his surveillance camera. I again contacted [redacted] on 02/17/21 at 1428 hours and left a voicemail for him to contact me. On 02/17/21, at approximately 1427 hours, [redacted] contacted me regarding his surveillance camera. [redacted] told me that the camera only has a view as far as the center lane of Occidental Dr. I requested [redacted] review his video for the possible suspect vehicle or arson and contact me if the video showed these events.

On Wednesday, February 17, 2021 at approximately 0726 hours, Manager Macisaac informed me Sonitrol contacted him to inform him that they did not receive any motion activation from the cameras located at the storage tanks so no video recording of the pursuit or OIS was available.

On Thursday, February 18, 2021 at approximately 1100 hours, Detective Schulte and I conducted the following neighborhood canvass:

[redacted] Occidental Dr - The homeowner advised us that the cameras are not operational.

[redacted] Occidental Dr - The homeowner advised us that the cameras are not operational.

On Friday, February 19, 2021, Detective Schulte and I canvassed Occidental Dr and observed an exterior surveillance camera at [redacted] Occidental Dr. Detective Schulte downloaded the footage from the camera which depicted the northbound and southbound lanes of Occidental Dr in front of the residence. I reviewed the footage recorded on 02/15/21 at 2030 hours until 2209:59 hours, I observed the suspect vehicle (Toyota Sierra) driving northbound Occidental Dr followed by a SPD Patrol vehicle in pursuit. I did not observe the suspect vehicle or anything else of note prior to the 2209:59 hours or after the suspect vehicle is observed fleeing from SPD. Detective Schulte later booked a copy of the footage at HOJ as evidence.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DETECTIVE MASSEE #548
Author 4017 - MASSEE, PAMELA 0548
Related Date Feb-15-2021 23:35

I, Detective Massee #548 (IV145), have been employed by the Sacramento Police Department since 2009. I am currently assigned to the Office of Investigations as a Detective with the Homicide Unit. My primary duties as a Detective within the Homicide Investigations Unit are to investigate homicides, suspicious deaths, kidnappings, "in custody" deaths, and officer involved shootings.

SYNOPSIS OF SPD CAD CALL #21-44157 (PRIOR TO DETECTIVES ARRIVAL):

On 2/15/21 at approximately 2120 hours an All Units Broadcast came out at [redacted] Occidental Drive (SPD Call #21-44142) regarding a vehicle that just exploded and is on fire. The call was transferred to the fire department and handled by the fire department at that time (The Fire Department incident number was 21-12353).

On 2/15/21 at approximately 2153 hours The Sacramento Police Department Dispatch Center received a 911 hang up call from [redacted] (SPD Call #21-44157). The text of the call was a female called and said "ummm". Then when asked if she had an emergency the phone disconnected. At approximately 2154 hours a second call for service came from the same phone number and the text of this call stated that '[redacted] called 911 and told them that she was reporting someone threatening her and then she hung up again (SPD Call #21-44158).

Call #21-44157 was identified as the primary call number and the female later identified herself as [redacted] DOB: [redacted]. The call stated that Aiden Herrera or Martinez with a date of birth of 5/17/1982 threatened to burn the complaints Ford F150 before leaving and then he did so. She advised that the subject was possibly driving a red Toyota minivan with a license plate of [redacted] and that he is known to carry guns but no weapons were seen today. The ex-boyfriend also threatened to kill the complainant and she believes the threats are credible.

Patrol Officers Schwertfeger #765 and Jillson #481 (1A88) and Officer Toomey #894 (1A68) were dispatched and responded to the scene at approximately 2205 hours and 2207 hours.

Per the SPD dispatch screen at approximately 22:16:52 hours Officer Toomey broadcasted that he was in pursuit. At approximately 22:24:34 hours Officer Toomey broadcasted that there might be a foot-bail at the industrial complex (8550 Fruitridge Road). Then at approximately 22:25:19 hours units broadcasted that there were "shots fired".

Medical aid was then rendered on scene and Martinez was subsequently transported to Kaiser South Hospital where he was expected to survive.

NOTIFICATION:

On Monday, 2/15/21, at approximately 2335 hours I, Detective Massee #548 was notified by SPD Communications of a homicide team call out for an officer involved shooting to 8550 Fruitridge Road, in

South Sacramento.

Detective Sergeant S. MacLafferty #3065 (IV18) was the Homicide Unit Sergeant assigned to supervise the incident. Homicide Detective Sergeant J. Ellis #3132 (IV31), and Detective Sergeant M. Lange #3067 (IV10) also responded to the scene of the call-out.

Detective C. Coughran #635 (IV80), Detective S. Krutz #680 (IV107), Detective A. Worm #312 (IV79), Detective T. Culp # 858 (IV86), Detective B. Murawski # 871 (IV96), Detective B. Schulte #911 (IV75), Detective L. Derrick #342 (IV91), Detective J. Saario #460 (IV152), [redacted] and I, Detective P. Massee #548 were requested and responded to the scene to conduct an investigation.

ARRIVAL

At approximately 0103 hours I arrived on scene and checked in with CSO Wright #8180.

Upon arrival I observed that 8550 Fruitridge Road was a large industrial complex and was blocked off with yellow crime scene tape.

BRIEFING:

Present for the briefing was Chief D. Hahn #5011, Deputy Chief D. Peletta #5100, Deputy Chief D. Risley #5010, Deputy Chief K. Lester #5060, Captain R. Chan #5001, Captain J. Bassett #5055, Captain Eklund #5035, Lieutenant B. Heinlein #4085, Patrol Lieutenant M. Stigerts #4110, Sergeant G. Landberg #3107, Sergeant R. Young #3102, PIO Sergeant S. Briggs #3025, PIO Officer K. Chan #866, PIO Officer R. Woo #325, Officer C. Trujillo #846, Officer S. Pitts #990, as well as Supervising Forensic Investigator F. Woo #6382, Forensic Investigator S. Mollett #6373 (CSI11), and Forensic Investigator K. Louie #6384 (CSI15) also responded to the scene for processing (see CSI call). It should be noted that OPSA was not present for this investigation.

At approximately 0104 hours Lieutenant Stigerts #4110 (LN15) briefed us on the circumstances known to her at this time. Lt. Stigerts advised the following:

On 2/15/21 at approximately 2153 hours The Sacramento Police Department dispatch received a 911 call from [redacted] Occidental Drive #[redacted] regarding an arson in progress. The text of the call was that the ex-boyfriend whom she has a domestic violence restraining order against threatened to set her car on fire and kill her. At the time of this call the truck had been set on fire.

Patrol Officer Toomey #894 responded to the scene and saw the suspect vehicle occupied by suspect Martinez driving by. Officers were aware at this time that suspect Martinez may be armed and has been armed in the past but no gun was seen today.

Officer Toomey pursued after suspect Martinez for a distance until the pursuit terminated at 8550 Fruitridge Road and an officer involved shooting occurred.

Sergeant Schwartz #3073 then briefed us on what was known to him regarding the officer involved shooting. Sgt. Schwartz advised the following:

During the pursuit Officer Parham #770 and his trainee attempted to deploy spike strips to stop the pursued vehicle. However, the suspect avoided the strips and continued fleeing. Suspect Martinez then entered 8550 Fruitridge Road which is a transfer station in an industrial area. Suspect Martinez then arrived to a dead end that was blocked by fences, rocks and a building at which point the pursuit ceased. At this point Officer Toomey's car collided with the rear end of the suspect's vehicle due to the abrupt stop. Officers then believed that suspect Martinez was going to flee on foot however, he began to drive his vehicle towards officers at which time Officer Toomey #894 and Officer Caro #561 fired at the suspect vehicle and struck the suspect multiple times. Officers then deployed the bean bag shotgun and fired at the vehicle in order to get suspect Martinez to surrender. Suspect Martinez then came out of the vehicle willingly where medical aid was immediately rendered by the officers on scene.

The following Officers who discharged their firearms were:

Officer Toomey #894 (1A68) fired 14 rounds
Officer Caro #561 (1C68) fired 4 rounds

The following Officer discharged less than lethal munitions at the subjects vehicle:

Officer King #784 (1A69) fired 1 bean bag round

The following Officer was on scene at the time and witnessed the incident:

Officer Stevens #952 (1A69)

We were advised that Metro 50 and Medic 50 arrived on scene and transported suspect Martinez to Kaiser South Medical Hospital. Once at the hospital the injuries notated on suspect Martinez were as follows: both wrists were shattered, 4 gunshot wounds to the left arm, 1 gunshot wound to the right arm, a bullet was lodged in his thumb and he sustained multiple graze wounds to his abdomen. At this time suspect Martinez was expected to survive his injuries but would require surgery to fix his wrists.

According to Sgt. Schwartz suspect Martinez has violated the restraining order approximately (3) three times within the last year and there is a remark in Webkpf (Known Person's Finder) stating that if suspect Martinez is contacted that he needs to be booked for violating the restraining order.

The suspect was identified as Adan Martinez, date of birth of May 17, 1982, possible address of [redacted], with a possible phone number of [redacted] and a Sacramento County X-Reference number of [redacted].

We were advised that Arson Investigator Fowler #7 with the Sacramento County Fire Department was conducting an arson investigation on the burned truck. That truck had been identified as a blue 1994 Ford F150, [redacted] license [redacted] Vin: [redacted] (SPD Cad call 21-44142).

The victim who is also the ex-girlfriend of Martinez was identified as [redacted] date of birth of [redacted] residing at [redacted].

The vehicle being driven tonight by suspect Martinez was identified as a 2006 maroon, Toyota Siena with a [redacted] license plate of [redacted]

WALK-THROUGH:

At approximately 0140 hours, Sgt. Schwartz conducted a walkthrough of the crime scene with us. I observed three patrol vehicles spaced apart and they appeared to be fanned out in a felony vehicle stop formation. The patrol vehicles were stopped facing a south/southwestern direction towards where the suspect vehicle was stopped. Officer Toomey's patrol vehicle #12404 was on the left side of the stop formation and there was minor passenger side headlight and fender damage, followed by Officer Caro's vehicle #13414 and then Officers King and Steven vehicle #13415. The suspect vehicle was stopped just south of the front of the patrol vehicles and was facing in a southeast direction. I observed multiple spent shell casings on the ground near Officer Toomey's patrol vehicle #12404 and multiple bullet holes in the suspect vehicle.

INVESTIGATIVE FOLLOW-UP

At the conclusion of the briefing I was assigned as the lead detective. It was decided that the officers who witnessed the OIS would be formally interviewed at HOJ. These officer performed a walk through with their legal representative, IA and the detective who was assigned to interview them.

At 0219 hours I did a perspective walk-through with Officer Toomey. Present for the walkthrough was his attorney, Joseph Hoffmann, with the Mastagni Holstedt Law Firm. Also present for the walkthrough was CSI Officer Woo, Sergeant Ellis, Officer Trujillo with Internal Affairs, Officer Pitts with PSU, Det. [redacted] and Detective McGovern. Prior to starting the walkthrough, I advised Officer Toomey to only answer the specific questions that I asked and to save his statement for the interview at a later time. As we entered the scene, Officer Toomey walked to the area just outside the driver's door of SPD Patrol UV #12404. He advised that he fired approximately 8 to 12 rounds while he was standing outside the driver's door. He pointed in the direction that he fired, which was a south/southwest direction. He then retreated behind his vehicle where he took cover. Based on where Officer Toomey was standing behind his vehicle I observed a magazine on the ground. I asked Officer Toomey if that was his magazine and if he reloaded to which he answered "Yes". At the conclusion of the walk-through Officer Toomey walked away with his attorney. No additional questions were asked.

I was assigned to interview Officer Toomey at a later time.

It should be noted that at approximately 2230 hours Officer Eckert #1001 (1C88) broadcasted on the radio that the Martinez had a gunshot wound to the stomach and it appeared self-inflicted. However, throughout our investigation we were never able to verify this.

Detective Murawski #871 and Detective Saario #460 were assigned to follow-up with Victim [redacted] and Witness [redacted] (See supplements).

Det. Murawski spoke with Victim [redacted] father [redacted] (See statement).

I then responded to HOJ where I wrote the search warrant for the Ford F150 ([redacted] license [redacted] and the Toyota Siena ([redacted] license [redacted] (SW# [redacted] to process the Siena at the scene and later process the Ford. On 2-16-21 at approximately 0940 hours the warrant was signed by The Honorable Judge Lewis.

After the warrant was signed, I notified the scene Detectives who were awaiting the warrant in order to finish completing the processing of the crime scene.

On 2-16-21 I responded back out to the scene at 8550 Fruitridge Road with Arson investigator David Fowler and he searched the car for arson paraphernalia and other possible items of evidence. We located various items such as hand sanitizer, laundry detergent, oil, etc. However, at this point we were unable to determine if any of the items located in Toyota Siena contributed to the arson of the truck. Investigator Fowler advised that upon examining the items located inside the Toyota, he found a very slight presence of hydro carbon. Fowler completed his own set of observations for this case on this report (See supplements). The Fire Department internal investigative case number that was used was 21-065.

I was advised by Detectives on scene that upon searching Martinez's pants, CSI along with detectives located one live 9mm FC Lugar round and one 38 SPL+P in his pocket (See Det. McGovern's supplement).

Both the Ford F150 and the Toyota Siena were evidence impounded by the Central Valley Tow Yard.

On 2-17-21 Det. Coughran and I responded to Kaiser South Hospital and spoke with Adan Martinez and obtained his Mirandized statement (See statement).

Martinez advised that on the date of the incident someone told him that his truck was damaged and he drove by to check on it. As he drove by he observed a truck stopped next to his truck that had red and white flashing LED lights. That truck then began following him and he didn't know why. Once he entered the industrial yard he didn't remember what he did or why he did it. However, he did notice all the cars around him and the helicopter but even at this point he did not believe that these vehicles were police cars. He then stated that he tried to escape by that one car and then the shooting occurred. Martinez denied lighting his truck on fire, denied knowing that it was the police that were following him and denied making the threats to Witness [redacted] about burning his own truck.

On 2-17-21 Officer Toomey arrived at Police Headquarters (Hall of Justice, HOJ) for his OIS interview. It was decided that prior to his interview, he would be allowed to view his BWC video and his In-Car-Camera (ICC) video from his patrol UV (#12404). Prior to interviewing Officer Toomey, I reviewed his body worn camera and in car camera.

Officer Toomey and Attorney Joseph Hoffmann with the Mastagni Holstedt law firm were provided a USB thumb drive that contained Officer Toomey's BWC, ICC video and dispatch audio. They were allowed to view these videos in the privacy of an office, alone together. I read Officer Toomey the Officer Involved Shooting Video Admonishment and completed the form (later booked as evidence).

At 1338 hours, once they were done watching the videos, I interviewed Officer Toomey at HOJ inside interview room #2. The interview was audio recorded only. Present for the interview was Attorney Hoffmann. During the interview I utilized three printouts; two were Google aerial maps that depicted the pursuit route and one was an aerial photo of the shooting scene that was captured from an SPD unmanned aerial system (UAS) after the briefing. I later booked these three photos as evidence (see attached). Officer Toomey described his role and his mindset during the interview and advised that prior to discharging his firearm he was in fear that the suspect was going to run him over with his car.

I later booked a copy of the audio interview as evidence. I later submitted the audio of the entire interview to DocuScript, a transcription service who transcribed the interview verbatim (See statement for further details).

On 2-17-21 Detective Coughran interviewed Officer Caro and obtained his statement (See supplement).

On 2-17-21 Detective Culp obtained Officer King's statement (See supplement).

On 2-17-21 Detective Krutz obtained Officer Steven's statement (See supplement).

I later reviewed the videos for the officers on scene at the time of the shooting. The below summary is just a brief synopsis of what occurred at approximate times. For a more exact times and description please refer to the Officers body worn cameras, Officer statements, in car cameras, CSI scene diagrams, crime lab report, etc.

OFFICER TOOMEY'S IN CAR CAMERA (ICC) AND BODY WORN CAMERA

2-16-21

-22:10:37 hours Officer Toomey arrives to [redacted] Occidental Drive and activates his body worn camera
-22:16:02 hours Suspect Martinez drives in front of Officer Toomey's patrol vehicle
-22:16:13 hours Officer Toomey is notified that the vehicle driving by is the suspect's vehicle
-22:16:22 hours Officer Toomey activates his overhead red and blue lights
-22:16:45 hours Officer Toomey advised dispatch that he is in pursuit
-22:24:10 hours Martinez's van swerves near Officer Parham's vehicle and Officer Toomey broadcasts "Unit watch out"
-22:24:23 hours Officer Toomey broadcast "68, looks like they're going to foot bail here in a second; we are in an industrial complex"
-22:24:44 hours Martinez's van comes to an abrupt halt at which point Officer Toomey's patrol vehicle collides with the bumper of Martinez's van.
-22:24:48 hours Officer Toomey begins giving commands to Martinez
-22:24:57 hours Martinez accelerates forward until it reaches a wall/fence and then begins to do a backing maneuver
-22:25:06 hours Martinez then cant's his van in a southern direction where he is in a "T" formation with the patrol vehicles (hood facing south, drivers side doors facing the front of the patrol vehicles)
-22:25:08 hours Officer Toomey fires 13 rounds within approximately 3 seconds at Martinez as Martinez's van drives forward in front of Officer Toomey's patrol vehicle
-22:25:13 hours Officer Toomey fires the 14th round
-22:25:19 hours Officer Toomey takes cover behind his vehicle
-22:25:29 hours Officer Toomey begins coordinating with other officers and dispatch
-22:26:49 hours Officer Toomey begins giving commands to Martinez
-22:27:50 hours Martinez begins to exit from his vehicle
-22:29:21 hours Officers approach Martinez to detain him
-22:29:55 hours Officers begin to render medical aid to Martinez
-22:31:02 hours Officer Toomey deactivates his body worn camera

OFFICER CARO'S IN CAR CAMERA (ICC) AND BODY WORN CAMERA

2-16-21

-22:17:21 hours Officer Caro activates his red and blue emergency lights and begins to drive towards the pursuit
-22:19:47 hours Officer Caro updates dispatch the he is number 2 in the pursuit
-22:24:47 hours Officer Caro stops his vehicle next to Officer Toomey's at the pursuit termination point and exits his vehicle
-22:24:59 hours Officer Caro gets back into his vehicle and moves it forward slightly
-22:25:08 hours Officer Caro gets back out of his vehicle and begins to give commands to Martinez
-22:25:09 hours Officer Caro fires his first round
-22:25:10 hours Officer Caro fires 3 more rounds
-22:25:17 hours Officer Caro joins Officer Toomey at the back of Officer Toomey's patrol vehicle
-22:29:52 hours Officer Caro grabs a medical kit for the officers who are beginning to render aid to Martinez
-22:30:19 hours Officer Caro grabs supplies for the officers rendering medical aid
-22:35:54 hours Officer Caro deactivates his body worn camera

OFFICER KING'S IN CAR CAMERA (ICC) AND BODY WORN CAMERA

2-16-21

-22:17:00 hours Officer King who is the driver actives his red and blue emergency lights and begins responding to the pursuit. Officer Steven's is his passenger/partner
-22:20:50 hours Officers advise that they are number 3 in the pursuit
-22:24:49 hours Officer King stops his car and exits his vehicle
-22:25:02 hours Officer King gets back into the driver's seat
-22:25:08 hours Officer King begins to put his car in drive when shots fired can be heard
-22:25:20 hours Officer King runs over to the back of Officer Toomey's patrol vehicle
-22:26:27 hours Officer King grabs his bean bag shot gun out of his car
-22:26:45 hours Officer King fires a bean bag round through Martinez's vehicle
-22:29:22 hours Officer King assists with taking Martinez into custody
-22:37:53 hours Officer King stows his bean bag shot gun
-22:48:15 hours Officer King deactivates his body worn camera

OFFICER STEVEN'S IN CAR CAMERA (ICC) AND BODY WORN CAMERA

2-16-21

-22:46:04 hours Officer Steven's body worn camera activates (***Note this is after the OIS has occurred)
-22:48:17 hours Officer Steven's deactivates his body worn camera

It should be noted that Officer Steven's body worn camera was not active before or during the OIS due to it being in the "off" position. However, since Steven's and King were partners the in car camera was recording in addition to Officer King's body worn camera (See Officer Steven's statement for further).

I watched Officer Ward #583 and Officer Patterson's (TAC88) cameras. At the time of the shooting their vehicle was positioned to the west of the shooting and their view was obscured from a wall between them and the first 3 pursuing officers. After the shooting they responded to assist.

I watched Officer Mucher #636 and Officer Jensen #935 (1C65) cameras. These officers were #4 in the pursuit and stopped at the entrance of the industrial yard. After the shooting they responded to the scene.

On 2-17-21 Martinez was released from the hospital and was booked into jail for 451(C)PC, 30305PC, 646.9PC, 2800.2VC, 273.6PC and 11377HS. Det. Krutz completed a bail enhancement for Martinez which was approved for the amount of $200,000 by The Honorable Judge Lewis.

On 2-18-21 I obtained GPS coordinates of Officer Parham's patrol vehicle from Sgt. Kristy Morse. Based on Officer Parham's ICC video and his GPS coordinates I was able to determine that the approximate longitude/latitude of Officer Parham's vehicle was 38.5253005, -121.3883508. I relayed this information to Sgt. Maclafferty and Det. Coughran who responded back out to the scene with a UAS pilot and CSI to recreate the scene.

Det. Coughran #635 and Sgt. Maclafferty responded back out to 8550 Fruitridge Road to approximate the distance Suspect Martinez was to Officer Parham and Officer Summey. CSI Kinoshinta did scans with the patrol vehicle in place. She was able to roughly estimate that the rear bumper of the patrol vehicle was approximately 133.5 feet from the center of the driveway into 8550 Fruitridge Rd. (See CSI scans for full details and Det. Coughran's supplement).

I also had CSI review the scans from the crime scene and they were able to assist me with the approximate measurements for the crime scene

-Opening between Officer Toomey's patrol vehicle and the rock wall to his left is approximately 12.60 feet
-Distance between Officer Toomey and Martinez as the first shot is fired is approximately 13.84 feet
-Distance between Officer Toomey and Martinez when Toomey fires his 14th shot is approximately 14.81 feet
-Distance between Officer Caro and Martinez when Officer Caro fires his first shot is approximately 12.80 feet

I screenshotted these images and later booked them into evidence at HOJ.

I later reviewed the Atlas video surveillance which captures several different angles. One angle was the gas pumps and it shows vehicles driving by. Another camera angle captures the scene from the south and vehicles can been seen arriving. However, the view from this camera is too far away and only shows cars arriving.

On 2-19-21 Det. Von Schoech and I responded to [redacted] Occidental #[redacted] and spoke with [redacted] [redacted] ([redacted] mom). Det. Von Schoech obtained her statement (See statement).

We also briefly spoke with [redacted] and advised her about the process of our investigation.

Det. Von Schoech advised that he will obtain additional statements from [redacted] and [redacted] sister in

Las Vegas (See supplements).

On 2-19-21 I completed a vehicle processing request for both the F150 and the Toyota Siena. Arson Investigators advised they would assist CSI in the processing of the Ford F150.

On 2-23-21 I was updated by CSI that the blue F150 had been processed. I then spoke with Patrick Taylor who is a Fire Investigator II with the Sacramento Fire Department. Taylor advised that he was unable to find a "viable ignition source" within the truck and at this point in the investigation the truck being burned was a result of arson.

On 2-23-21 I spoke with [redacted] and asked her what phone number Adan used to use to communicate with her. [redacted] provided me with the phone number of [redacted]. A records check in ZetX (a free phone look up website) showed that there was no name registered to the this phone number. [redacted] also provided screen shots for the various social media accounts that belonged to Martinez. Those accounts were identified as follows: Instagram: [redacted], Instagram: [redacted], Instagram: [redacted], Facebook: [redacted].

On 2-24-21 I met with Arson Investigator Fowler with the Sacramento County Fire Department and re-examined the F150. Upon seeing the F150 I observed that it was full of burned clothes, a small bbq and other personal items. I later completed a search of the vehicle and was unable to locate any items of evidence. Taylor advised that his supplements would be completed under this report number.

On 2-24-21 I spoke with [redacted] with the YWCA (Young Women's Christian Association) and obtained her statement regarding Martinez (See statement).

I spoke Det. Von Schoech he advised me that the last phone number that Adan communicated with his mother [redacted] with was [redacted]. A records check in ZetX showed that this number was registered to Adan Herrerra.

Per WebKPF Martinez's alias is Adan Herrera and Adan Herreramartinez.

On 2-24-21 I contacted Kara Stoner with the Sacramento County Crime Lab and organized the forensic processing of the Toyota Siena.

On 2-25-21 Arson Investigator Fowler reached out to me in regards to the clothing that he seized from the bed of the truck. I advised Fowler that I would take custody of the clothing and book it into evidence.

On 3-1-21 I completed the search warrant extension for the Toyota Siena which was authorized by The Honorable Judge Lewis (SW# [redacted] This extension was to allow as much time as necessary to forensically process the Toyota for bullet trajectory, etc.

On 3-1-21 I collected the sanitizer bottle from behind the driver's seat which was not collected at the scene. Additionally, I was advised that detectives had located license plates inside the Toyota (possibly related to Martinez's statement where he advised he removed his license plates). Upon searching the Toyota, I located 3 license plates sitting on the seat behind the drivers seat. Two license plates had the numbers [redacted] and one license plate had the numbers [redacted]

A records check of [redacted] returns to a 2005 Mercury Grand Marquis registered to Adan Herreramartinez at [redacted], [redacted]. However, per LEARN that license plate was scanned on 2-1-21 parked in front of the apartments on Occidental but was affixed to the Ford F150.

A records check of [redacted] returned not on file in both our Versadex system and in Carfax. However, in LEARN the license plate shows to be affixed to the blue F150 in all the search results.

On 3-1-21 I completed a vehicle release form for the Ford F150 and left [redacted] a voice mail regarding the status of the vehicle.

On 3-1-21 I authorized the Toyota be towed to the Sacramento County Crime Lab. I released the vehicle to [redacted] at approximately 1100 hours.

On 3-3-21 Det. Severi obtained the air surveillance from SSD STAR. However, upon viewing this video it appears to only capture the incident after the officer involved shooting.

On 3/3/21 I listened to Officer Toomey's interview and compared it to the transcript and made several minor changes for accuracy. Prior to submitting the statement, I provided a copy of the transcription to Attorney Hoffmann and asked that he and Officer Toomey review the statement for accuracy.

On 3-16-21 I completed a CDR warrant for the two separate phone numbers that we had for Martinez which are [redacted] (provided by [redacted] and [redacted] (provided by [redacted] At approximately 1410 hours The Honorable Judge Lewis approved the warrant (SW# [redacted]

On 3-16-21 I contacted The Sacramento County Sheriff's Department regarding any history that they had with both [redacted] and Martinez. I observed that on 3/10/20 at 6:56:27PM their officers conducted a traffic stop on Martinez at Bell Street/El Camino Avenue. Martinez and [redacted] were the occupants and were stopped in an older model Ford truck license [redacted] (SSD Cad #20-86934). The call was cleared that [redacted] was the passenger and that the driver (Martinez) advised that he was working with DMV to get the brand new license plates into the system and the female was advised to drive home. Then on 1/12/20 [redacted] appeared to be involved in a traffic collision at Folsom Blvd/Manlove Rd. and she was driving the Toyota ([redacted] License [redacted] (SSD Cad #20-132390).

On 3-17-21 I spoke with [redacted] the Security Manager with Kaiser South Hospital regarding any further evidence or projectiles that they may have. [redacted] advised that they no longer have any evidence related to Martinez and that the projectiles recovered from Martinez were collected by CSI Gunther sometime after Martinez's surgery. Additionally, Kaiser advised that they no longer posses any blood samples from Martinez.

On 3-26-21 I completed a search warrant for the following social media accounts related to Martinez which were identified by [redacted]: [redacted]

On 3-30-21 The Honorable Judge Lewis signed the search warrant (SW# [redacted]

It should be noted that while working this investigation Detectives downloaded POD video from the

surrounding area near Occidental Drive for additional surveillance of Martinez in the area. However, this video was not analyzed due to the fact that the case resolved and this evidence was not needed to support further 646.9PC conduct.

On 4-8-21 I received my returns from Facebook/Instagram regarding Martinez's accounts. These returns were later booked into evidence at HOJ.

On 4-19-21 I contacted Triebold with the Sacramento County Crime Lab and he advised that they are still processing the Toyota and it will still be awhile before the vehicle is finished being processed.

On 4-19-21 I submitted a search warrant to the district attorney's office seeking a search warrant for Martinez's medical records from Kaiser South Hospital. The DDA responded to that request and advised that at this moment the search warrant was denied due to the fact that Martinez's case was close to resolving and that information would not be pertinent to their case.

On 4-21-21 I received my CDR returns from T-Mobile regarding Adan's two separate phone numbers. These returns were later booked into evidence at HOJ.

On 4-21-21 I was advised the by the district attorney's office that Martinez pled out to 646.9PC and 2800.2VC.

On 4-28-21 I examined the CDR returns for Martinez on cell phone number [redacted] and searched for cell phone activity for the month of February, 2021. I observed that there only appeared to be cell phone activity on February 11, 2021. Phone number [redacted] called him several times on this day and the general area where Martinez's phone pinged was near the intersection of Folsom Blvd./Power Inn Rd. and also near Gerber Rd./Power Inn Rd. I then searched the records for cell phone number [redacted] during the month of February, 2021. I observed only 1 CDR on 2-7-21 and this pinged in the area of Kiefer Blvd./S Watt Ave. I did not locate any CDR on the date of the officer involved shooting.

On 4-28-21 I examined the Facebook/Instagram returns. I observed the following:

Return for phone number [redacted]	No evidentiary information located at this time
Return for phone number [redacted]	No evidentiary information located at this time
Return for Facebook [redacted]	No evidentiary information located at this time
Return for Instagram [redacted]	No evidentiary information located at this time
Return for Instagram [redacted]	No evidentiary information located at this time
Return for [redacted]	No evidentiary information located at this time

On 5/18/21 I completed the search warrant returns for both Martinez's Facebook/Instagram accounts in addition to his CDR's search warrant.

On 5/18/21 I completed the ECPA notification form for Martinez and sent him a Certified letter with a copy of his search warrants.

On 5/24/21 I received a phone call from Martinez who advised me that he received the paperwork that I sent him and wanted to know if there was anything that he needed to do. I advised him that the paperwork was his copy and he didn't need to do anything. Martinez advised me that he wanted to speak to me about

everything that happened on that day and I advised him that he could come speak with me whenever he would like.

On 6/8/21 I was contacted by Craig Triebold with the Sacramento County Crime Lab who advised me that the evidence processing of the Toyota was complete. I then responded to the crime lab and took custody of the Toyota. Central Valley Tow responded and towed the vehicle back to their facility at my request.

I also had attempted to contact Martinez via phone to advise him that I was ready to release his vehicle back to him. However, upon calling the listed phone number [redacted] a Spanish speaking female answered and advised that she didn't know Martinez. I then contacted probation and attempted to locate a better phone number for Martinez or his possible GPS location since he was supposed to be on ankle monitor. However, the person who I spoke with said that their only listed phone number for him was [redacted] and they did not see that he was on GPS monitor.

On 6/8/21 Det. Schulte and I responded to [redacted]. in an attempt to contact Martinez. Upon arrival I contacted Martinez and spoke with him regarding his recovery and advised him that his Toyota was ready to be released back to him. While speaking with Martinez I asked him for consent to obtain his medical records from Kaiser regarding the injuries sustained during the shooting. Martinez provided me consent and signed the Medical Release Authorization form provided from Kaiser. Martinez also showed me his ankle monitor that he was advised to wear and believed that it was monitored through the probation department. I then provided Martinez with the information that he needed to get his vehicle out of impound.

I then completed the vehicle release authorization form and notified Central Valley that the vehicle was ready to be released.

I later received a voicemail from Martinez and he provided me with his contact number which was [redacted].

On 6/9/21 I submitted the consent form to Kaiser South to obtain Martinez's records.

On 6/10/21 I responded to Kaiser and picked up the medical records for Martinez.

Upon reviewing those medical record's I deduced the following:

Martinez was checked into Kaiser Hospital on Bruceville Road on 2/15/21 at 11:13 PM

Martinez's problem list was that he had a gunshot wound of his abdominal wall (Noted on 2/16/21), a gunshot wound of left forearm (Noted on 2/15/21) and a gunshot wound of right hand (Noted on 2/16/21.

The findings from the Xray were as follows:

RIGHT: The radius and ulna are intact. The elbow and wrist joints are intact. The bones and joints within the hand and wrist are
intact. There is a large bullet in the soft tissues adjacent to the first metacarpal bone. There is a tiny metallic foreign body in the
soft tissues within the webspace between the first and second digits.

LEFT: Elbow joint is intact. The radius is intact. There is a comminuted fracture involving the distal ulna. There are numerous
tiny radiopaque foreign body is identified at the fracture site as well as in the soft tissues of the distal forearm. A large bullet
fragment is present embedded within the capitate bone. Fractures are seen triquetral bone.

No fractures are present within the hand. The joints within the hand are normal.

Martinez's surgical history showed that on 2/16/21 there was a removal of foreign body from hand, irrigation of wound and ORIF fracture wrist.

I observed that Martinez had an ethanol level of <0.01%

Per Martinez's lab results Amphetamine and methamphetamine were detected in his system however, I was unable to locate the quantity.

Martinez was then discharged on 2/17/21.

On 7/6/21 I received an additional email from T-Mobile providing me with what appears to be text message content from Martinez's phones. I reviewed these documents and did not observe anything pertinent to this investigation. I later booked these records into evidence at HOJ.

On 8/10/21 I contacted Craig Triebold with the Crime Lab and he advised me that the OIS vehicle forensic report was still being reviewed.

On 8/10/21 I submitted the search warrant return for the vehicle extension search warrant that I completed for the Toyota Siena.

On 9/2/21 I received the vehicle examination report from Craig Triebold in regards to his findings of the Toyota Sienna which I then attached to this report. In this report the Crime Lab was able to examine the video and place where Officer Toomey's rounds possibly hit and where Officer Caro's rounds possibly hit. The Crime Lab was able to place all 14 rounds fired by Officer Toomey and all 4 rounds fired by Officer Caro (See report for further).

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject SGT. ELLIS---OBS
Author 263 - ELLIS, JOSEPH 3132
Related Date Feb-15-2021 23:35

I, Sgt. J. Ellis #3132, am currently the supervisor of Homicide Team 2 for the Sacramento Police Department's Major Crimes Division.

On Monday, 2/15/21 at approx. 2335 hours, I was advised of an Officer Involved Shooting at 8550 Fruitridge Rd in the City/County of Sacramento. I notified my team to respond. I arrived on 2/16/21 at approx. 0103 hours, and checked in with the crime scene recorder.

At approx 0104 hours, I attended a briefing given by Lt. Stigerts and Sgt. Schwartz of the facts and circumstances as he knew them.

I attended a walk thru of the scene at approx 0140 hrs with Sgt. Schwartz, where he pointed out potential evidence.

Sergeant MacLafferty assigned me to be the scene sergeant and I supervised Detectives [redacted] and Det. McGovern in the collection of evidence related to the shooting.

No further actions.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject SGT MACLAFFERTY OBSERVATIONS
Author 602 - MACLAFFERTY, SCOTT A 7751 [redacted]
Related Date Feb-15-2021

SERGEANT SUMMARY REGARDING HOMICIDE TEAM CALL-OUT: 21-44157

NOTIFICATION:

On Monday, 02/15/21 at approx. 2335 hours, I (Detective Sergeant Scott MacLafferty #3065) was the on-call Homicide Sergeant for the Sacramento Police Department's Major Crimes Unit. I was notified by SPD Communications of an officer involved shooting that occurred at 8550 Fruitridge Road. I spoke with Homicide Sergeants Joe Ellis and Mike Lange and initiated a full Homicide Team call out.

ARRIVAL:

I arrived on (02/16/21) at approx. 0045 hours, and found the crime scene to be secure with Police Officers and yellow police tape. I checked in with the crime scene recorder and entered the scene where I met with the Watch Commander, Lieutenant Marnie Stigerts, and Patrol Sergeant Jeremy Schwartz. At approx. 0104 hours, they gave a briefing as to the facts and circumstances of the call as they knew them. After the briefing was over, the scene and investigation was turned over to the Homicide team. (See Detective Massee's observations for complete details).

WALK-THROUGH:

On 02/16/21 at 0140 hours, the Homicide team performed a walk-through of the scene. This primarily consisted of the involved patrol cars and suspect vehicle (Red Toyota Sienna).

The four involved officers were requested to come back to the scene and performed a walk-through the scene with their assigned detective and representatives.

Sergeant Lange was assigned to complete the round count summaries for Officer Toomey and Officer Caro at the Hall of Justice.

DEPARTURE:

Prior to leaving the scene, I made the following assignments.

-Detective Massee, Lead Detective (Assigned to Officer Toomey)

-Detective Coughran, Assisting Detective (Assigned to Officer Caro)

-Detective Krutz, Assisting Detective (Assigned to Officer Stevens)

-Detective Culp. Assisting Detective (Assigned to Officer King)

-Detectie Murawski and Saario-Assigned to investigate the arson incident on Occidental drive

-Detective McGovern-Scene Detective

-Detective [redacted] Scene Oversight Detective

I then returned to the Hall of Justice and made arrangements for the involved officers to be interviewed on 02/17/21.

On Wednesday, 02/17/21, Officer Toomey, Caro, Stevens, and King completed their voluntary statements to investigators.

On Thursday, 02/18/21, Detective Coughran and I met with Officer Paul Fong at 8550 Fruitridge Road. Officer Fong did a fly over with his UAS and obtained over head video/photos. Based on GPS coordinates we were able to recreate where Officer Parham's vehicle was parked on Fruitridge road when the suspect vehicle swerved and entered the driveway of 8550 Fruitridge Road. The distance from his patrol vehicle to the center of the driveway entrance to 8550 Fruitridge Road was approx. 133.5 feet.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DETECTIVE T. CULP OBSERVATIONS
Author 3793 - CULP, TODD A 3075
Related Date Feb-16-2021 2:00

I, Detective T. Culp #858, have been employed by the Sacramento Police Department as a sworn police officer since April 2007. From April 2007 to January 2014, I was assigned to Patrol Division of the Department. My primary duties consisted of, but were not limited to, responding to 911 emergency calls and conducting proactive police enforcement of the law. From January 2014 to September 2016, I was assigned to the Department's Crime Suppression Unit. My primary duties consisted of, but were not limited to, conducting follow up to burglaries, robberies, and other theft related crimes. From September 2016 to July 2017, I was assigned to the Department's Night Investigations Unit. My primary duties consisted of, but were not limited to, investigating shootings and other gun related crimes. From July 2017 to the time of this writing, I was assigned to the Department's Homicide Investigation Unit. My primary duties are to investigate homicides, suspicious deaths, kidnappings, "in custody" deaths and officer involved shootings.

NOTIFICATION:

On Monday, 02/15/2021, at approximately 2335 hours, I was off-duty and received a callout to assist in the investigation of a Sacramento Police Department Officer Involved Shooting.

I responded to the scene located at 8550 Fruitridge Road, and arrived on 02/16/2021 at 0023 hours. I checked in with the scene recorder Officer Wright #8180.

At 0104 hours, Lieutenant M. Stigerts #4110, and Sergeant J. Schwartz #3073, conducted a briefing of the facts known to them at the time.

FOR BRIEFING DETAILS SEE DETECTIVE P. MASSEE'S OBSERVATIONS

WALK-THROUGH

At 0140 hours Sergeant Schwartz conducted a walkthrough of the scene and pointed out items of evidence to the investigating team.

ADDITIONAL FOLLOW-UP:

At 0239 hours, I conducted a walkthrough of the scene with Officer Zachary King #784. Present during the interview were, SPOA President Tim Davis #340, IA Officer Christian Trujillo #846, Officer J. Kuhlmann #759, Officer S. Pitts #990, Detective [redacted], Detective S. McGovern #892, Detective Sergeant J. Ellis #3132, and CSI Supervisor F. Woo #6382.

During the walkthrough Officer King pointed out the location where he was when the shots were fired. The area was behind Vehicle #13415 on the driver's side. CSI Woo placed a cone where Officer King stated he was, and CSI Woo obtained perspective photographs.

Officer King then pointed out the area where he was standing when he fired the less lethal bean bag

round. The area was on the driver's side of vehicle #12404. Officer King stated that he fired the round in a northern direction and pointed to the front driver's side window of the Maroon, Toyota Sienna ([redacted] License [redacted] CSI Woo placed a cone where Officer King stated he was, and CSI Woo obtained perspective photographs.
On Tuesday, 02/16/2021, at approximately 0840 hours, I contacted [redacted] at [redacted] #[redacted] and obtained her statement. I used Detective D. Putman's #870 Body Worn Camera to record our conversation. ***SEE STATEMENT***

[redacted] stated that she heard two loud explosions and then looked outside. She stated that she saw a van drive northbound Occidental Drive, make a U-Turn into her complex and drive away toward Julliard Drive. [redacted] stated that she observed a second vehicle that she thought was an SUV do the same thing. [redacted] didn't see anything before the fire and didn't see who started the fire.

I contacted a female, black, adult who identified herself as [redacted] at [redacted] #[redacted] She stated that she didn't see anything that happened. She stated that the only thing she heard was a boom. She stated that there was no one at her house with her. I used Detective D. Putman's #870 Body Worn Camera to record our conversation.

On Wednesday, 02/17/2021, at approximately 1136 hours, I conducted an interview of Officer Z. King #784. Present during the interview was SPOA President Tim Davis. Prior to the interview Officer King and Tim Davis reviewed Officer King's Body Worn Camera footage, In Car Camera footage, and the dispatch audio of the call. Officer King signed the OIS Video Admonishment, which I later booked into evidence, PR# 1114144-001. During the interview I showed Officer King an overhead photo of the scene taken from a SPD Unmanned Aerial System (UAS). I later booked the photo into evidence, PR# 1114144-002. The interview was audio recorded and I later booked a copy of the recording into evidence, PR# 1114144-003. ***SEE STATEMENT***

I emailed a copy of the final statement to Officer King and SPOA President Tim Davis. Officer King reviewed the statement and corrected his age was 23 not 24.

On 02/23/2021, at approximately 1542 hours, I contacted [redacted] again at [redacted] #[redacted] and obtained additional details. I recorded our conversation on my Body Worn Camera. ***SEE STATEMENT***

On 02/23/2001, at approximately 1551 hours, I contacted [redacted] and [redacted] at [redacted] #[redacted] I recorded our conversation on my Body Worn Camera.

They stated that they didn't see what happened the night of the fire. They stated they heard a boom and recorded the aftermath.

[redacted] stated that she saw the police start to chase the guy down. She stated that they didn't physically see the suspect "blow up the vehicle."

[redacted] stated that she heard the police walk the female victim out of her apartment toward the vehicle that had been on fire. She stated she heard the female say, "That's him." She stated that she then heard the police saying that's him, go get him.

[redacted] [redacted] and [redacted] [redacted] emailed me the videos they recorded of the vehicle on fire.

[redacted] [redacted] stated that she had never seen the male suspect before, however a few days prior she heard the female victim call the police. [redacted] stated she heard the female tell the police that he came and pushed her mom, threatened her family, and told her that everyone in the house was going to pay. She stated that was approximately a week and a half prior.

[redacted] [redacted] and [redacted] [redacted] emailed me the videos they recorded of the truck on fire. I later booked the videos into evidence, PR# 1118310-002.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject PURSUIT OBSERVATIONS
Author 3793 - CULP, TODD A 3075
Related Date Feb-16-2021 6:00

On 02/16/2021, at approximately 0600 hours, I Detective Todd Culp #858, reviewed the In-Car-Camera footage from patrol vehicle #12404, driven by Officer Eric Toomey #894. The footage was recorded on 02/15/2021 and began at approximately 2215 hours. The timestamp on the footage was in UTC time, (+ 8 hours.) I reviewed the footage for the purpose of documenting the pursuit portion of the video only. All times were documented by the timestamp on the video. Officer Toomey was driving a fully marked patrol vehicle and wearing a full police uniform at the time. I observed the following in summary:

0616:23 hours, Officer Toomey is driving southbound Occidental Drive and is behind a maroon Toyota Sienna ([redacted] License [redacted] Officer Toomey activated his overhead lights and the In-Car-Camera activated. The Toyota continued to drive and failed to stop at the stop sign located at Occidental Drive and Julliard Drive. The Toyota turned northbound Julliard Drive.

0616:42 hours, Officer Toomey sounds his siren twice and the Toyota began to accelerate.

0616:55 hours, the Toyota accelerated through the stop sign at Julliard Drive and Notre Dame Drive at approximately 35 MPH, failing to stop at the sign. The Toyota drove northbound Notre Dame Drive and Officer Toomey continued to follow, updating over the police radio that he was in pursuit.

0617:10 hours, the Toyota turned eastbound Lake Forest Drive. The Toyota failed to stop at the stop sign and drove onto the sidewalk as it turned.

At 0617:16 hours, Officer Toomey began to sound his siren continuously. The Toyota accelerated to approximately 55 MPH.

At 0617:23 hours, the Toyota turned northbound Occidental Drive failing to stop at the stop sign.

At 0617:35 hours, the Toyota accelerated though the stop sign at Occidental Drive and Bennington Way at approximately 60 MPH.

At 0617:49 hours the Toyota drove through the stop sign at Occidental Drive and Mediterranean Way.

At 0617:57 hours, the Toyota turned eastbound La Riviera Drive failing to stop at a stale red light. The Toyota accelerated to approximately 75 MPH. La Riviera Drive has a posted speed limit of 35 MPH.

At 0618:41 hours, the Toyota turned southbound Watt Avenue through a green light. The Toyota accelerated to approximately 80 MPH.

At 0619:47 hours, the Toyota turned its hazard lights on and decelerated to approximately 40 MPH.

At 0620:42 hours, Officer Toomey requested permission to use the PIT maneuver.

0622:30 hours, the Toyota turned westbound Fruitridge Road through a green a light.

0624:11 hours, the Toyota turned southbound into Fruitridge Transfer Station located at 8550 Fruitridge Road, where the pursuit eventually was terminated.

I observed the pursuit lasted for approximately 8 minutes over a distance of approximately 6 miles. I observed the Toyota failed to stop at 6 stop signs, 1 red light, and drove approximately 85 MPH thorough a residential neighborhood with a posted speed limit of 35 MPH. I observed Officer Toomey was pursuing the Toyota with his lights and siren activated. This was a violation of 2800.2 VC - evading a Peace Officer, Reckless Driving, a felony.

The driver of the Toyota was later identified as Adan MARTINEZ, DOB 05/17/1982, XREF: [redacted]

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DET. SCHULTE OBSERVATIONS
Author 4075 - SCHULTE, BRENDAN 0911
Related Date Feb-16-2021 9:10

I, Detective Schulte #0911, have been employed by the Sacramento Police Department as a sworn, full time, police officer since 2013. I am currently assigned to the Office of Investigations as a Detective with the Felony Assaults Unit. My primary duties are to investigate and/or assist with the investigation of crimes including, but not limited to assaults with deadly weapons, felony batteries, kidnapping, and homicide. Additional responsibilities include interviewing victims, witnesses and suspects, presenting cases to the Sacramento County District Attorney's Office for prosecution, and delivering courtroom testimony.

On Monday 02/15/2021 at approximately 2335 hours, I was notified by Homicide Sergeant Ellis #3132 of a homicide team call out to 8550 Fruitridge Rd. Sacramento Police Department Officers were involved in a pursuit and a subsequent Officer Involved Shooting occurred.

I arrived on scene at approximately 0045 hours and checked in with the Crime Scene Recorder. I attended the homicide briefing and walkthrough of the scene, conducted by Lieutenant Stigerts #4110 and Sergeant Schwartz #3073. I was then assigned by Homicide Sergeant Maclafferty #3065 to assist with contacting two potential witnesses to the incident.

I contacted witness [redacted] via phone and obtained his statement (see statement). It should be noted that I placed the call on speaker phone and my Body Worn Camera was activated during the call.

I attempted to contact witness [redacted] via phone. The call went to voicemail and I left my contact information.

I then responded to HOJ and assisted Homicide Sergeant Lange #3067 with the downloading of Body Worn Camera footage from the incident.

Detective L. Derrick #0342 and I responded to Occidental Drive in an attempt to locate any surveillance cameras in the area. I observed the following of note:

- [redacted] Occidental Dr #[redacted] : I observed an exterior surveillance camera. I made contact with the residents who advised the camera was controlled by the property owner, [redacted]. I attempted to contact [redacted] via phone. The call went to voicemail and I left my contact information.

- [redacted] Occidental Dr (The Confluence Apartments): I observed multiple exterior surveillance cameras. I attempted to contact the manager via the listed phone number [redacted]. The call went to voicemail and I left my contact information.

- [redacted] Occidental Dr: I observed an exterior Ring camera. I made contact with the resident who advised that the camera did not record anything the night of the incident.

On 02/17/2021, I contacted The Confluence Apartments ([redacted] Occidental Dr) via phone. They advised that their cameras all faced the interior of the complex and would not capture anything occurring on the street.

On 02/18/2021, Detective Derrick and I responded to the area of Folsom Blvd and Juliard Dr to continue with the canvas of the area. I located the following of note:

- 8461 Folsom Blvd (Mobil): I observed exterior surveillance cameras. I contacted the manager who provided access to the security system. I observed that a camera faced westbound and captured both northbound and southbound traffic on Juliard Dr just north of Folsom Blvd. I downloaded the footage from 02/15/2021 from 2030 hours to 2230 hours. It should be noted that the camera is approximately 23 minutes and 30 seconds fast. I reviewed the footage and did not observe the suspect vehicle. I later booked the footage at HOJ as evidence.

On 02/19/2021, I again attempted to contact Creede Mack via phone, with negative results.

Detective Derrick and I responded to 3315 Juliard Dr (Express Stop) and obtained a copy of their surveillance footage. I reviewed the footage which showed Juliard Dr and the intersection of Folsom Blvd. I reviewed the footage recorded on 02/15/21 at 2030 hours until 2230 hours and did not observe the suspect vehicle or anything of note. I later booked a copy of the footage at HOJ as evidence.

Detective Derrick and I canvassed Occidental Dr and observed an exterior surveillance camera at [redacted] Occidental Dr. I downloaded the footage from the camera which depicted the northbound and southbound lanes of Occidental Dr in front of the residence. Detective Derrick reviewed the footage recorded on 02/15/21 at 2030 hours until 2230 hours and did not observe the suspect vehicle or anything of note. I later booked a copy of the footage at HOJ as evidence.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DET. SAARIO FOLLOW-UP
Author 866 - SAARIO, JUSTIN A 3045
Related Date Feb-16-2021

I, Detective Saario #460, have been employed by the Sacramento Police Department (SPD) as a sworn officer since 2000. I am currently assigned as a Detective in the Office of Investigations - Major Crimes Division in the Homicide Unit. My primary duties are to investigate crimes including, but not limited to Homicide Investigations, Suspicious Death Investigations, Death In Custody Investigations, and Officer Involved Shooting Investigations. Additionally, my duties include managing crime scenes, interviewing victims, witnesses, and suspects, presenting cases to the Sacramento County District Attorney's Office for prosecution, as well as delivering courtroom testimony.

On 2/15/21, at 2335 hours, I was notified by Sacramento PD Communications Center of a Homicide Team Call-Out regarding an Officer Involved Shooting Investigation at 8550 Fruitridge Rd. I was notified by Det. Sgt. Ellis to respond to the scene to assist with the investigation. I responded to the scene.

At approximately 0043 hours, I arrived at the scene.

At 0049 hours, I checked in with the Crime Scene Recorder, CSO Wright #8180 and entered the scene.

Once the Homicide Team had arrived, Lt. Stigerts and Sgt. Schwartz conducted a briefing of the incident regarding the facts known to them at the time of the briefing. After the briefing, I conducted a walk-through of the crime scene with the Homicide Team. Det. Sgt. MacLafferty assigned Det. Murawski and I to contact [redacted] at [redacted]. #[redacted] and obtain her statement.

At approximately 0200 hours, Det. Murawski and I arrived at [redacted]. and we responded to apartment #[redacted] Det. Murawski and I contacted [redacted] and obtained her audio/video recorded statement. I determined [redacted] father, [redacted] needed to be interviewed but only spoke Spanish. Det. Murawski contacted Ofc. Becerra and requested he respond to obtain [redacted] statement due to Ofc. Becerra ability to speak Spanish.

I responded to the apartments above #[redacted] to contact the residents to determine if they witnessed the suspect who committed the arson. I knocked on the two doors but no one answered. Ofc. Becerra's trainee, Ofc. Silva, completed an evidence impound of the burnt Ford F-150 and it was towed from the scene by Central Valley Towing.

I responded to SPD Headquarters to obtain additional information related to the case and advise them of the statement from Cacho. Det. Sgt. MacLafferty requested Det. Murawski and I conduct a neighborhood canvass at the apartment complex and neighbors on Occidental Dr.

At approximately 0830 hours, Det. Murawski, Det. Culp, and I responded back to Occidental Dr. to conduct a neighborhood canvass to identify any witnesses to the arson of the Ford F-150.

I had my body worn camera activated during the neighborhood canvass. I conducted the following neighborhood canvass:

[redacted] Occidental Dr #[redacted] - Contacted [redacted] [redacted] (Refused DOB) - Heard a loud boom but did not seen anything.
[redacted] Occidental Dr. #[redacted] - No answer.

[redacted] Occidental Dr. #[redacted] - No answer
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Heard an explosion and looked out and saw the car on fire. Did not see anything prior to hearing the explosion.
[redacted] Occidental Dr. #[redacted] - No answer.
[redacted] Occidental Dr. #[redacted] - No answer.

[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Looked out and saw the fire. Did not see anything suspicious to the fire.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Did not see or hear anything.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Did not see or hear anything.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] (Refused last name and DOB) - Did not see or hear anything.

[redacted] Occidental Dr #[redacted] - No answer.
[redacted] Occidental Dr #[redacted] - Contacted [redacted] [redacted] - Heard footsteps outside apartment prior to hearing a loud boom. Did not see anything before or after explosion.
[redacted] Occidental Dr #[redacted] - Contacted [redacted] [redacted] - Heard what sounded like two gunshots. Looked outside and saw the truck on fire. Did not see anything prior to hearing the "gunshots".
[redacted] Occidental Dr #[redacted] - Contacted [redacted] [redacted] - Did not see or hear anything.

[redacted] Occidental Dr. #[redacted] - No answer.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Did not see or hear anything.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Heard a loud boom but did not see anything.

[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Head a boom and saw the fire. Did not see or hear anything prior to the fire or anything suspicious.
[redacted] Occidental Dr. #[redacted] - No answer.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Heard a boom but did not see anything.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Heard a boom but did not see anything.

[redacted] Occidental Dr. #[redacted] - No answer.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Did not see or hear anything.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Heard a boom. Looked outside and saw the fire. Did not see anything suspicious prior to the boom.
[redacted] Occidental Dr. #[redacted] - Contacted [redacted] [redacted] - Heard two explosions. Looked outside and saw smoke. Did not see anything prior.

*** End of Observations ***

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject SCENE OBSERVATIONS
Author [redacted]
Related Date Feb-16-2021

I, Detective [redacted], have been employed by the Sacramento Police Department as a Police Officer since 2007. I am currently assigned as a Detective with the Felony Assaults Unit, in the Office of Investigations. My primary duties are to investigate crimes, including but not limited to assault with a deadly weapon, felony battery, kidnapping, and homicide. Additionally, my duties include managing crime scenes, interviewing victims, witnesses, and suspects, presenting cases to the Sacramento County District Attorney's Office for prosecution, as well as delivering courtroom testimony.

NOTIFICATION:

On Monday, 2/15/21, at approximately 2335 hours, I was notified by SPD Communications of a homicide team call out to 8550 Fruitridge Road, located within the City and County of Sacramento. The Police Department had responded to an arson call and later located the suspect vehicle in the area. A vehicle pursuit ensued involving several SPD officers. A subsequent Officer Involved Shooting (OIS) occurred at the above location, involving the suspect who was identified as Adan Martinez. I was informed that the Sacramento Fire Department had responded to the scene and transported S-Martinez to the hospital to be treated for his injuries. SPD Patrol officers secured the scene, and a homicide team call-out was initiated.

Detective Sergeant S. MacLafferty #3065 (IV18) was the Homicide Unit Sergeant assigned to supervise the incident. Homicide Detective Sergeant J. Ellis #3132 (IV31), and Detective Sergeant M. Lange #3067 (IV10) also responded to the scene of the call-out.

Detective C. Coughran #635 (IV80), Detective S. Krutz #680 (IV107), Detective A. Worm #312 (IV79), Detective T. Culp # 858 (IV86), Detective B. Murawski # 871 (IV96), Detective P. Massee #548 (IV145), Detective B. Schulte #911 (IV75), Detective L. Derrick #342 (IV91), Detective J. Saario #460 (IV152) and I ([redacted]), were requested and responded to the scene to conduct an investigation.

ARRIVAL:

On Tuesday, 2/16/21, at approximately 0045 hours, I arrived on scene and checked in with the Crime Scene Recorder - Community Service Officer S. Wright #8180 (1CS30). Upon my arrival, I observed that the main entry gate access onto the property from Fruitridge Road was blocked off by marked patrol units. I observed the interior perimeter around the immediate scene to be blocked off and secured by yellow crime scene tape and marked patrol units.

In addition to the above mentioned Detectives, I observed the following personnel to be on scene and present during the briefing: Chief D. Hahn #5011, Deputy Chief D. Peletta #5100, Deputy Chief D. Risley #5010, Deputy Chief K. Lester #5060, Captain R. Chan #5001, Captain J. Bassett #5055, Captain Eklund #5035, Lieutenant B. Heinlein #4085, Patrol Lieutenant M. Stigerts #4110, Sergeant G. Landberg #3107, Sergeant R. Young #3102, PIO Sergeant S. Briggs #3025, PIO Officer K. Chan #866, PIO Officer R. Woo #325, Officer C. Trujillo #846, Officer S. Pitts #990, as well as Supervising Forensic Investigator F. Woo #6382, Forensic Investigator S. Mollett #6373 (CSI11), and Forensic Investigator K. Louie #6384 (CSI15) also responded to the scene for processing (see CSI call).

BRIEFING:

On 2/16/21, at approximately 0104 hours, once the homicide team was present, Sergeant J. Schwartz #3073 (1SM6) briefed us about the incident and the circumstances known to him at the time. Please refer to Detective P. Massee's supplement for details. Patrol officers had completed a neighborhood canvass, which did not yield any witnesses due to the time of day and surrounding businesses being closed. Numerous items of evidence were located on scene by patrol officers and pointed out to investigators. All evidence was left in place and the investigation was turned over to the homicide team at that time.

SCENE DESCRIPTION:

The original vehicle pursuit occurred outside on public city streets throughout the East Sacramento area, located within the County of Sacramento. The vehicle pursuit ultimately ended up on the property located at 8550 Fruitridge Road (Re-fueling station for Sacramento County Waste Management). The officer-involved shooting occurred at the South end of the property, South of the fueling pumps, in an open paved area. There was also a stand alone open structure just South of the fuel pumps, that was open on one side. There was a long, two lane driveway/road access leading southbound from Fruitridge Road. The driveway bends to the East, which leads to the fuel pump area and a large open lot area.

LEGAL ACCESS TO SCENE:

The shooting incident occurred outside, in an area that was accessible to the pedestrian and vehicular traffic.

WALK-THROUGH:

At 0140 hours, Sergeant J. Ellis, Detective S. McGovern, and I (Detective [redacted]) along with CSI Personnel, performed a walk-through of the crime scene. All items of evidence were pointed out by Sergeant J. Schwartz.

SCENE LIGHTING:

The lighting at the time of the incident was supplied by numerous street lights throughout the property. Additional lighting was provided by patrol vehicle's and Officer's hand-held flashlights.

WEATHER / TEMPERATURE FACTORS:

The weather conditions near the time of the incident were listed on 'Weather Underground' at: https://www.wunderground.com/history/daily/KSMF/date/2021-2-15, as:

DATE: 02/15/21

TIME: 10:53 PM PST

TEMPERATURE: 49 degrees Fahrenheit

CONDITIONS: Fair with calm winds

SUNRISE: 06:58 AM PST

SUNSET: 05:45 PM PST

EVIDENCE OF SURVEILLANCE VIDEO:

Detective L. Derrick contacted the Sacramento County Solid Waste Manager Alan Macisaac regarding video surveillance located near the large store containers just East of the scene. Macisaac advised detectives that the video would most like be poor quality and is only activated by motion. He later responded to the scene and advised detectives that they did not have any footage and the cameras had not activated from any of the motion of the incident.

Detective S. McGovern contacted the responsible party for Atlas Disposal regarding surveillance cameras observed on and around the gas pumps just North of the scene. Detective S. McGovern spoke with [redacted] and obtained video footage from the gas pump surveillance cameras, as well as surveillance footage from 8565 Unsworth Avenue (property to the South of the scene).

**See detective supplements for further details.

SUSPECT INFORMATION:

LOCATION:

Suspect Adan Martinez was transported from the scene to Kaiser South Hospital prior to detective's arrival. Information regarding the victim's injuries were obtained from Sergeant J. Schwartz at the briefing.

POSITION:

Responding officers gave commands for Suspect Martinez to exit his vehicle to which he complied. Suspect Martinez was detained in handcuffs, without incident, and then provided medical attention. Officers provided medical aid until the Sacramento Fire Department personnel arrived and took over the medical attention.

APPARENT WOUNDS:

Suspect Martinez sustained numerous gunshot wounds to his upper body and arms. He sustained an apparent gunshot wound to his left arm, an apparent gunshot wound to his right hand, and an apparent graze wounds to his abdomen. (See detective supplements for further details on injuries)

IDENTIFICATION OF THE SUSPECT:

The suspect was verbally identified as Adan Martinez. Patrol Officers were able to locate a Sacramento County WebKPF mugshot photograph (Xref# [redacted] of the suspect to confirm that he was in fact 'Adan Martinez'.

VEHICLE(S):

A red Toyota Sienna minivan ([redacted] license plate [redacted] - Vehicle driven by Suspect Martinez while he fled from officers during the vehicle pursuit. I observed several apparent bullet holes (entry) along the driver's side of the vehicle. I observed approximately five bullet holes in the driver's door, and at least nine apparent bullet holes in the driver's door window, however, the glass had shattered and created larger holes in some parts of the window. There was also an apparent bullet hole in rear slider door, and one in the rear slider door window. The front passenger door had two apparent bullet holes, that appeared to be exit holes, and also a large hole in the window. I also observed an apparent bullet hole in the windshield of the vehicle.

CSI PERSONNEL:

The following CSI personnel assisted in the location, identification, diagramming, photographing, and collection of evidence located at the crime scene:

Supervising Forensic Investigator F. Woo #6382, Forensic Investigator S. Mollett #6373 (CSI11), Forensic Investigator K. Louie #6384 (CSI15), Forensic Investigator M. Rostocil #6352 (CSI33), and Forensic Investigator K. Gunther #6386 (CSI31)

MEASUREMENTS AND DIAGRAM:

Forensic Investigator M. Rostocil #6352 (CSI33) took measurements of the overall crime scene, including all items of evidence, and completed the crime scene diagrams using a Leica RTC360 3D Scanner.

PHOTOGRAPHS:

Forensic Investigator S. Mollett #6373 (CSI11) took all photographs of the crime scene including all items of evidence.

Forensic Investigator M. Rostocil #6352 (CSI33) took overall scene photographs using the OSCR360 camera

Forensic Investigator K. Gunther #6386 (CSI31) obtained photographs of suspect Martinez at Kaiser South Hospital.

Forensic Investigator K. Louie #6384 (CSI15) obtained photographs of the Patrol Officers involved in the incident at the scene.

PHYSICAL EVIDENCE:

Numerous items of evidence were documented and collected from the crime scene located at 8550 Fruitridge Road. For exact location and descriptions of evidence collected from the scene, please refer to the CSI reports, diagrams, and photographs. CSI collected all evidence at my direction and later booked it into the SPD Evidence and Property Section. All of the evidence items were assigned numbered placards and photographed, in place, with the numbered placards.

The following evidence items were collected and booked under Property Report #1113185 by Forensic Investigator K. Gunther #6386 (CSI31).

OUTSIDE OPEN LOT AREA OF 8550 FRUITRIDGE ROAD:

Item#: Description / Location:

#1: Black belt with silver buckle, with apparent blood, located on the ground East of red Toyota Sienna LE

#2: Black Champion brand t-shirt, size XXL, in cut condition, with apparent blood, located on the ground East of the red Toyota Sienna LE

#2a: One (1) fired projectile, located with the black Champion brand t-shirt (Item #2)

#3: Black SPYDER brand men's underwear, with apparent blood, located on the ground East of red Toyota Sienna LE

#4: Old Navy brand blue jeans that had been cut, size 38x32, with apparent blood, located on the ground East of red Toyota Sienna LE

#4a: One (1) silver FC 9mm Luger unfired bullet, located in the front right pants pocket of the Old Navy brand jeans (Item #4)

#4b: One (1) gold RP .38 Special '+P' unfired bullet, located in the front right pants pocket of the Old Navy brand jeans (Item #4)

#4c: One (1) $5 Estados Unidos Mexicanos coin, located in the front right pants pocket of the Old Navy brand jeans (Item #4)

#4d: One (1) silver Panasonic CR2032 3V battery, located in the front right pants pocket of the Old Navy brand jeans (Item #4)

#4e: One (1) silver men's ring, with diamonds, located in the front right pants pocket of the Old Navy brand jeans (Item #4)

#5: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #12404

#6: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #12404

#7: Black 9mm magazine, with 17 round capacity, three (3) unfired bullets, located on the ground South of patrol vehicle #12404

#7a: Three (3) FC 9mm Luger unfired bullets, located inside of black magazine (Item #7)

#8: One (1) FC 9mm Luger fired cartridge casing, located on the roof of patrol vehicle #12404

#9: One (1) FC 9mm Luger fired cartridge casing, located on the roof of patrol vehicle #12404

#10: One (1) FC 9mm Luger fired cartridge casing, located on the exterior passenger's side of windshield of patrol vehicle #12404

#11: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #13414

#12: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #13414

#13: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #13414

#14: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #13414

#15: One (1) FC 9mm Luger fired cartridge casing, located on the ground South of patrol vehicle #13414

#16: One (1) FC 9mm Luger fired cartridge casing, located on the exterior windshield of patrol vehicle #13414

#17: One (1) FC 9mm Luger fired cartridge casing, located on the exterior windshield of Patrol vehicle #13414

#18: One (1) FC 9mm Luger fired cartridge casing, located on the ground under patrol vehicle #13414

#19: One (1) FC 9mm Luger fired cartridge casing, located on the ground under patrol vehicle #13414

#20: One (1) FC 9mm Luger fired cartridge casing, located on the ground East of patrol vehicle #13415

#21: One (1) FC 9mm Luger fired cartridge casing, located on the ground East of patrol vehicle #13415

#22: One (1) less lethal spent shotgun shell, located on the ground East of red Toyota Sienna LE

#23: One (1) fired projectile, located on the ground East of red Toyota Sienna LE

INSIDE OF SUSPECT VEHICLE:

Item#: Description / Location:

#24: One (1) fired projectile, located on the front driver's floorboard of red Toyota Sienna LE

#25: One (1) fired projectile, located on the front driver's floorboard of red Toyota Sienna LE

#26: Small clear plastic baggie that contained white substance (Item #26a), located in the center console of red Toyota Sienna LE

#26a: Approximately .20 grams of apparent Crystal Methamphetamine, located inside of small plastic baggie (Item #26) in the center console of red Toyota Sienna LE

#27: One (1) fired bean bag round, located on the interior front passenger's door panel of red Toyota Sienna LE

#28: One (1) fired projectile, located on the floor between the front driver's door and seat of red Toyota Sienna LE

#29: One (1) piece of gold colored projectile jacketing, located on the front passenger's floorboard of red Toyota Sienna LE

#30: One (1) fired projectile, located on the front passenger's floorboard of red Toyota Sienna LE

#31: One (1) piece of gold colored projectile jacketing, located on the front passenger's door pocket of red Toyota Sienna LE

#32: Brown leather wallet, with miscellaneous cards/papers inside, collected from front passenger's door pocket of red Toyota Sienna LE

#33: Two (2) $1 bills, located inside the brown leather wallet that was found inside the red Toyota Sienna LE.

#34: Apple iPad in black case, located inside of a black backpack from inside the trunk area of red Toyota Sienna LE

#35: One (1) silver LG cellphone, located inside of a black backpack from inside the trunk area of red Toyota Sienna LE

#36: One (1) silver LG cellphone, located inside of a black backpack from inside the trunk area of red Toyota Sienna LE

#37: One (1) black cellphone in silver case, located inside of a black backpack from inside the trunk area of red Toyota Sienna LE

#38: One (1) white cellphone in black case, located inside of a black backpack from inside the trunk area of red Toyota Sienna LE

#39: One (1) Meguiars Insane Shine Tire Coating spray can, located inside of a plastic bag in trunk of red Toyota Sienna LE

#40: One (1) 1.8 gallon container of Ensueno Fabric Softener, with blue liquid inside, located in the trunk area of red Toyota Sienna LE

NOTE: Items #29 - 40 were not originally marked with placards on scene, as they were later located during a complete search of the vehicle after a search warrant was obtained.

FROM SUSPECT:

Item#: Description / Location:

#49 One (1) GSR sample taken from hands of suspect Martinez, collected by Forensic Investigator K. Gunther.

ADDITIONAL EVIDENCE COLLECTED:

Item#: Description / Location:

#55 One (1) FC 9mm Luger fired cartridge casing, collected from underneath patrol vehicle #13415.

#56 One (1) FC 9mm Luger fired cartridge casing, collected from ground where patrol vehicle #13414 had been positioned.

SECONDARY SCENE SEARCHES:

Detective P. Massee obtained a search warrant for S-Martinez's vehicle, which was still on scene. Detectives and CSI personnel were still on scene and conducted a search of the red Toyota Sienna LE ([redacted] See the items listed above for complete list of the items located (Items #24 - #40).

DEPARTURE:

On 2/16/21, at approximately 1240 hours, I departed the scene after completing the evidence collection process with CSI personnel and returned to Police Headquarters.

DISPATCH COMMUNICATIONS:

On 2/16/21, Homicide Sergeant M. Lange submitted a Dispatch Activity Report request (SPD 878) to the SPD Communications Center to obtain a copy of Radio Call #21-44157, as well as all associated connect-up calls. These items were later booked as evidence.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject OBS SEVERI #456
Author 3592 - SEVERI, MICHAEL A 3052
Related Date Feb-17-2021 5:26

I, Detective Severi #456 (IV100), have been employed by the Sacramento Police Department since 2005. I am currently assigned to the Office of Investigations, as a Detective in the Homicide Unit. My primary responsibilities are to investigate and/or assist with the investigation of homicide, suspicious deaths or missing persons, officer-involved shootings, and in-custody police deaths.

On 2-17-21 at 0526 hours, I submitted an email request to the Sacramento Sheriff Office's Legal Affairs Division, for helicopter (STAR) video associated with an officer-involved shooting incident by the Sacramento Police Department on 2-15-21 at approximately 2225 hours.

On 3-3-21 at 1120 hours, I received a reply email from Legal Affairs. The email read "I sent a link from our evidence.com account for the video you requested below. Please let me know if you are unable to view the link."

I logged into evidence.com and downloaded the helicopter video. I saved the video in the case file and notified the lead investigator (Det. Massee) of the video update.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject OFC STATEMENT: V. STEVENS #952
Author 522 - KRUTZ, SCOT 0680 [redacted]
Related Date Feb-17-2021 11:15

On 2-17-21, at approximately 1115hrs, I interviewed Ofc. Stevens #952 in an interview room at HOJ. Ofc Boyd #598 of the Sacramento Police Officer's Association was also present. The interview was audio recorded and then sent to Docuscript for transcription. I received the transcription on 3-3-21 and reviewed it. I then forwarded the edited transcription to Ofc Stevens and Ofc Boyd for their approval. They approved it and it has been attached to this report. The audio recording was booked into evidence

Related Attachment(s) - STATEMENTS

Attachment Description: **OFC STEVENS STATEMENT PDF**
Reference Number:

INTERVIEW WITH OFFICER STEVENS
Q=Detective Scot Krutz
A=Officer Victor Stevens
A1=Michael Boyd

Q: All right. My name is Det. Scot Krutz. That's S-C-O-T, K-R-U-T-Z. We are here on case number 21-44157. My badge number is 680. I'm with the Sacramento Police Department Homicide Unit. Officer, can you please provide your name and your badge number and spell your name, please?

A: Victor Stevens, V-I-C-T-O-R, Stevens, S-T-E-V-E-N-S, badge number 952.

Q: Okay. Sir, can you identify yourself and spell?

A: Michael Boyd, M-I-C-H-A-E-L, B-O-Y-D, and I am his SPOA representative.

Q: Okay. Officer, how long have you been with the department?

A: Sworn time? A little over four and a half years, five years in June.

Q: How long in total?

A: So, do the math there, four years and eight months.

Q: Okay. What academy did you graduate from?

A: 16-BR1.

Q: And when was that?

A: Graduation was in June of 2016.

Q: Okay. Do you have any specialized training with the department, rifle, FTO?

A: Yeah. I'm a full-time FTO, rifle trained.

Q: Okay. When was your rifle training?

A: Right after I went Phase 4, pretty much. So, that would've been — I think I had to wait a few months — maybe May of 2017.

Q: Okay. And when did you go to FTO school?

A: That would've been November of 2019.

Q: Okay. Were you in the military?

A: No, I was not.

Q: Were you a lateral?

A: No, I was not.

Q: Okay. The night this occurred, so that would be on Monday night, right? How were you uniformed?

A: Full police uniform, long sleeves.

Q: Sacramento Police uniform?

A: Sacramento Police uniform.

Q: Patches prominently displayed?

A: Yeah, patches, corporal stripes.

Q: And your badge was prominently displayed?

A: Yes.

Q: Okay. Were you working your normal shift?

A: Yes.

Q: What shift is that?

A: Graveyard in Sector 6.

Q: Okay. What time does that start?

A: Roll call starts at 9 o'clock in the evening. I'm off at 7 a.m. in the morning.

Q: Okay. What are your days off?

A: Thursday, Friday, and Saturday off.

Q: Okay. And this was a Monday night, right?

A: Yes.

Q: Okay. So, basically, in the middle of your work week?

A: Yeah, essentially our Tuesday, the second day of the workweek for us.

Q: Okay. The night prior, what time did you get off of work?

A: The previous shift? We got out of there in between 7:45-8:00, because we were over by about an hour.

Q: Okay. Were you able to go straight home?

A: Yeah.

Q: And then, what time did you wake up prior to the shift the incident occurred in?

A: 3:30.

Q: Is that normal?

A: Yeah, it's very normal.

Q: Okay. That night, were you partnered up?

A: Yes.

Q: Who were you partnered with?

A: Ofc. King.

Q: Okay. Was he driving, or were you driving?

A: He was driving.

Q: Okay. Is he your trainee?

A: He is.

Q: What Phase is he in?

A: Phase 1.

Q: How long has he been riding with you?

A: It's his fourth week.

Q: This is his fourth week?

A: Yes.

Q: Are you his first car out of the academy?

A: Yes.

Q: Okay. How are you equipped during your shift? How were you equipped on Monday night?

A: As far as what?

Q: All of your equipment.

A: All gear?

Q: Yeah.

A: So, I had my riot bag with my ballistic helmet and my gas mask. I had my rifle. I had my beanbag shotgun. And then, he has his patrol rifle, forms, and stuff.

Q: Okay. And then, on your belt?

A: A firearm, two magazines, taser, an extra rifle mag. On my vest is where I keep my OC, flashlight, handcuffs, radio, tourniquet. Actually, my tourniquet is on the belt.

Q: Okay. What kind of firearm?

A: A Glock 17.

Q: Is that a 9?

A: 9 mm, yes.

Q: Okay. Do you carry a backup?

A: A backup gun? Yes, I do, a revolver I keep in my pocket.

Q: A .38?

A: Yeah, a .38 Special.

Q: Five shot?

A: Yeah, an old Smith and Wesson J-Frame.

Q: Okay. Let's just get to the incident, then. What happened?

A: So, we were going to a different call. We were in route to a 5150 call. It was like 65th, the Elder Creek area. We were getting off the freeway, Highway 50 eastbound. We had gotten off at 65th when I heard Toomey say that he was behind the suspect car. I had heard the radio traffic before about it being an arson and requesting an arson investigator and all that. As we were getting off the freeway, he puts a stop out, and then pretty much it was pursuit almost right away. So, we got pulled off the call. I hit "assist unit" and we hop on to help out Toomey, who was Alpha-68 that night. We start going Code right there at 65th and basically the exit ramp from eastbound 50. We hopped back on Highway 50 going eastbound, and then I was listening to the directions that he was putting out, and they were primarily eastbound. I didn't want to go all the way to Watt in case he doubled back and then we're stuck on the freeway, so we hop off at Power Inn. We go southbound there. And then he said he was on Watt Road, so I pulled over for a second to make sure they didn't double back towards Power Inn. And then we made an eastbound turn on Folsom from there, from Power Inn.

So then, we went eastbound Folsom. We're going pursuit. We could see another unit ahead of us, which ended up being Caro. He was Charles-68. We see it go through the light at Folsom, going southbound Watt. We get up to Folsom and we make that southbound turn, and we catch up to it at about Jackson, Jackson and South Watt. And then we get in number three. We're following in pursuit from there. Earlier in the pursuit, the speeds were a little high. I would say 60. And I think he hit as high as 80 at one point, blowing stop signs. And then, once we're on South Watt, the guy's driving completely changed. He's going only 40 miles an hour. He's got his hazards on, which was a little weird to me. Right? If you're going to go, of all the places, that's the place to go. It's wide open. There's not really any cross traffic. There's nothing out there. So, the fact that he was slowing down, I was thinking, *Okay. Is this guy going to foot bail, or is this guy going to pull like with Wolfe and Martin, kind of just slow roll, stop, and hop out and start shooting?* That was kind of my mindset.

We're still slow-rolling down South Watt. We get to Fruitridge. He hits a westbound turn, going right. So, he goes on Fruitridge there, still going about the same speed. I believe it was Charles-88, so it was Parham, maybe. They

got up ahead of us. So, we go over the train tracks there, and I can see their car out on the shoulder on the righthand side. [inaudible-07:40]. And all of a sudden, the suspect car, the Toyota Sienna, accelerates and drives towards them. And I thought — I couldn't tell the depth, really, how close they were from the number three spot, but from my spot it looked like maybe he was going to try to either drive right at him or swerve around him, because they said they were trying to do spikes, so I didn't know if they got them out in the road and he's swerving towards them.

Then, all of a sudden, he hits that left, and he goes — a hard left, and he goes into that industrial complex. At first, I thought maybe he was going to make a U-turn and try to double back on us because they were doing the spikes, but then he just goes into that industrial complex and starts driving south pretty fast. He gets down — the road curves, and there are some gas pumps off to the left there. He drives in between the gas pumps. Like I said, we were number three, so we were kind of stuck right there a little bit. It almost looked like he was going to try to make a U-turn and come back out, but saw us, so then he drove around that little — there's basically a drainage ditch. He drives around that, back towards that storage structure thing that they have in the parking lot. And I think maybe he thought it went out, because it kind of looked from the front side like maybe you could go around it, but then he just stops, just slams on the brakes, and Toomey rear-ended him.

We initiated a felony stop. We are on the far-right side, and it's kind of a — the way he pulled in, we were not right behind him, more off to the side. And then he starts driving forward, and he throws his reverse lights on, and he kind of turns. And he's almost lined up, basically, between Caro's car and our car, so the middle car and our car's the far right. I thought he was going to try to ram in between us the way he was setting up, but then Caro pulled forward a little bit. I don't know if that stopped him from doing that, or if that just wasn't his plan at all. And then he made a U-turn and starts driving right towards Toomey. From my perspective, that's what it looked like. I hear the shots. As soon as I hear the shots — because of where the car drove, it was out of my line of sight. I was useless in my position on the far right there. I immediately ran around the back of our car and ran over to Toomey on his driver's side. He was kind of standing out there, almost in no-man's land kind of, just like not by any kind of cover or anything, so I grabbed him and I pulled him back to cover.

And then we kind of started formulating a plan there in the back of the car. I told my trainee, Ofc. King, to go grab a beanbag and a shield. So, he ran back to our car. He got the beanbag. Someone else was grabbing a shield. He gets back. The way that the Toyota stopped, it was pretty much parallel with Toomey's car, so we were using Toomey's car as cover. So then, I'm at the front, pretty much looking right on the car, but the window's shot up, so we can't see in. So, King, I see him do the beanbag to try to punch the window out

so we can see in. It ends up just making a hole. It doesn't shatter it out enough. I don't know if that helped him hear us better, the suspect inside the car. We could hear him a little better. We could hear him yelling inside. And then we were giving him commands. The car rolls forward and back a little bit, so I wasn't sure if he wasn't going to try to drive off again. That stopped pretty quick.

Eventually, the door pops and he comes out. They were trying to direct him over to the side so they could get him detained. Obviously, he was in a lot of pain. They get him cuffed. They clear the car. We get that guy over to the side, towards the front of his car, off to, essentially, the east, I guess. I started cutting his clothes, looking for wounds and stuff, so I cut his shirt. I took the belt off, and then someone else was cutting his pants already. I could see he had what looked like multiple gunshot wounds to his abdomen, so I put some chest seals on them. Someone else put another chest seal on. Another unit was there and put a tourniquet on his arm because he had a pretty nasty gunshot wound to his arm. So, we started doing that as soon as it was safe to do so, right away. And then Fire showed up and they transported him out of there. I don't know, for just like your sketch or your diagram, if it helps, but I remember when I was walking, I accidentally kicked the shell from the beanbag round. I kicked it forward. So, it was originally closer to the back of the car. Then, I kicked it and it was closer to Toomey's door area. Then, I start throwing up tape. And then everyone started showing up and telling Sarg what happened. What more can I clarify from there?

Q: Okay. So, at the beginning, you were in route to your 5150 call?

A: Yes.

Q: Where was that? Do you remember?

A: I don't remember the exact street it was on, but the closest major intersection was 65th and Elder Creek.

Q: So, you were in route to 65th Street and Elder Creek, and -

A: Yeah, the general area.

Q: You took 50 to 65th Street?

A: Yes.

Q: You got off at 65th Street?

A: Yes.

Q: And then you heard — what did you hear Toomey put out?

A: I heard him say the traffic stop, and I knew he was on that arson call. So, I knew it was related because he was still on that call, because I had just checked the board.

Q: Okay. So, what did you know about the arson call? Let's start there.

A: Just from the brief that I knew, because I didn't really read the whole call because we were dealing with ours, I knew that a car had been burnt, been torched, because I heard Trevor say, "Hey, Fire was out here and they put it out, but we need an arson investigator for the car."

Q: Who's Trevor?

A: Schwertfeger, sorry, Alpha-88.

Q: So, he was the one handling the arson call?

A: That's his beat, yeah. So, him and his trainee were out there, and Toomey was their cover unit.

Q: Gotcha. Okay. So, what else did you know about the call?

A: That it was an arson on a car. That's about it. And then Toomey said he was behind the suspect car, and then pretty much immediately said, "pursuit." So, the second he said "pursuit," I hit F12 and hit "assist unit" and got on the call.

Q: What does F12 do?

A: It clears us off our current call that we are on, so it cleared us off the 5150 call, and shows basically in service. And then, if you go to the status screen on the in-car computer and you click on a unit, there's an option to hit "assist unit," which will automatically put you on their call rather than having to wait for dispatch to do it. So, I did that to get some unit on the call, that way I could see the map and see where the units were and all that sort of stuff.

Q: Okay. And when you say F12, there's an actual F12 button on your keyboard?

A: The F12 key on the keyboard on the in-car computer. Yes.

Q: Okay. What unit were you that night? I don't think I asked earlier.

A: 1-Alpha-69. That's my normal identifier.

Q: Okay. So, you were considered a one-man unit. Correct?

A: Yes.

Q: Why is that?

A: Because my partner is in training. It's only his fourth week on the street, so he's in the field training process right now.

Q: Okay. So, while you were a two-man unit, you are dispatched as a one-man unit?

A: Yes, because he hasn't met the solo-officer standards yet, basically. He hasn't tested out.

Q: Okay. So, when you put yourself in route to Ofc. Toomey's location, what did you understand his location to be?

A: I knew he was on Occidental. I'm not too familiar with that area. This is my first year in Sector 6, the east area. I'd been in Meadowview for the last three years before this, on graveyard, so that area I know pretty well, but I'm still getting used to where I'm at now. But I knew where Occidental is because I work the overtime job at the Folsom Raley's quite a bit. So, I knew where Occidental is generally, and I knew he was primarily saying he was going eastbound, so I know the next major roadway is going to be Watt. Obviously, there's only certain ways to get there with La Riviera and stuff because you have the freeway and the overpass over the river there. That's why I didn't want to take Highway 50 all the way to Watt, because then if he doubled back and started going westbound or south or something, then I'm stuck on the freeway and I'm basically taking us out of the pursuit. So, we took Folsom going eastbound, hoping that — I was basically trying to predict where he was going to go, but I guessed kind of right. So, we took Folsom going eastbound, basically just trying to get in a position to where we could get in the pursuit.

Q: Okay. Was Ofc. Toomey alone when the pursuit started?

A: Yes.

Q: Okay.

A: Yes, at the time, because Trevor Schwertfeger never said anything, so to my knowledge he was by himself.

Q: Okay. Other than what you've already covered, did you know anything about a

want for the subject in the pursuit?

A: Yeah. So, Ofc. Toomey voiced that it was an arson want over the radio.

Q: Okay. So, now, where did you meet up? Where did you finally get into the pursuit at?

A: Right around South Watt and Jackson, we entered the pursuit as number three.

Q: When you were on South Watt?

A: South Watt, yes.

Q: Were you north of Jackson and heading south, or south of Jackson and heading south?

A: I believe we were south of Jackson and heading south.

Q: Okay. And then you got in. Were you number two or number three in the pursuit?

A: Number three.

Q: Number three. And you were behind…?

A: Caro.

Q: Okay. That's right. Okay. Now, you mentioned that the suspect's vehicle seemed to swerve at officers who were setting up a spike strip?

A: Yes.

Q: How close to them — how far back were you in the pursuit at that point to be able to see them?

A: I was still number three, but I was on the passenger side, so I had a little better view of the shoulder. I couldn't tell how close they were to their car specifically, but all of a sudden, we're — because like I said, he had slowed down quite a bit. He was driving like 40 miles an hour. He was going westbound Fruitridge. And all of a sudden, I see him swerve out towards that patrol car.

Q: Okay. At that point is Fruitridge a two-lane or a four-lane road?

A: Two-lane there, so one in each direction.

Q: And which side was the officer's patrol car parked?

A: It was on the north side of the road, also facing westbound, the same direction of travel we were going. So, I could see the trunk, the rear of their car.

Q: Okay. Where were the officers in regards to their car?

A: I couldn't see the officers from where I was.

Q: Could you see where the spike strip was set up?

A: No.

Q: Did you ever see if there was a spike strip set out?

A: I did not see if there was a spike strip set out. I heard Charles-88 say they were going to try to get ahead to put out spikes.

Q: Oh, okay. Were you able to see the officers when the suspect vehicle drove towards their vehicle?

A: Are you saying when the suspect swerved towards their car?

Q: Yes.

A: No, I couldn't see that from where I was. I was too far back to see them, especially with dark uniforms at night. It's hard to tell.

Q: Okay. So, you didn't see what their reaction was?

A: No, I couldn't see what their reaction was.

Q: Okay. Did the suspect vehicle come into contact with their vehicle?

A: To my knowledge, no.

Q: Okay. And then you said that he, at that point — well, let me back up a little bit.

A: Yes?

Q: What were the speeds like when you entered the pursuit?

A: When we entered pursuit, it was around the 40-mile-an-hour range. It was

almost to that point where we could PIT, but also the location wouldn't — I mean, right there on South Watt, it's one lane in each direction and the shoulder is pretty much nonexistent. It's pretty much some dirt and then it drops off. So, there wasn't really a lot of good locations for it to happen because we have to get down to 35 to be within policy anyways. So, he was right at the threshold where he was going just a little too fast to even do it, but he was right around that 40-mile-an-hour range.

Q: Okay. At this point, and I should have cleared this up earlier, what did you know about the suspect when you entered the pursuit?

A: I didn't know anything about him.

Q: Okay. Did you have a physical description?

A: I don't remember hearing one, no. Just one on board, I remember Toomey saying there was only one in the car.

Q: Okay. Anything else?

A: One in the car, want is arson, and then he gave a vehicle description as a Toyota Sienna minivan. He put the license plate out also, but I can't recall the plate.

Q: Okay. So, after he swerves towards the officers' vehicle who were setting up the spike strip, you said he took a hard southbound turn into the industrial area?

A: Yeah.

Q: Okay. And then, you're still number three, though, right?

A: Yes, we were still number three.

Q: And then you said he went around a big sweeping turn towards some gas pumps?

A: Yeah. So, the road kind of curves. And then, if you cut back north, there are some gas pumps. I don't know what they're for, whatever uses that facility. I know there are some scales out there, so I don't know if it's garbage trucks or whatever, but he makes that turn. The road curves, and then he kind of cuts back toward the gas pumps and cuts in between the two sets of pumps. And it looked like he was maybe going to try to turn back out and go back out the way that he came, but he saw us there, and that's when he continued southward.

Q: But you didn't follow him in between the gas pumps?

A: No, we never went between the gas pumps.

Q: Or Ofc. King? Ofc. King was driving, so -

A: Yes. Our car never went between the gas pumps.

Q: OK. So, after he clears the gas pumps, did the other two patrol vehicles follow him through the gas pumps?

A: Yes.

Q: Were there any other patrol vehicles with you guys at this time?

A: No.

Q: Just the three of you?

A: Just the three of us because the sergeant had said only three patrol units plus a K9 in the pursuit. I do remember seeing, I think it was, Tac-68 — I don't know which officers that was — get behind us and say they were number four. And then Sgt. Schwartz came on the radio and said only three plus K9, so they pulled over and dropped out of the pursuit.

Q: Okay. So, after he clears the gas pumps, then he continues on.

A: Yes.

Q: Right? You touched on it earlier. When he came to the area where the pursuit stopped, what made him stop?

A: He stopped on his own. He slammed on his brakes very abruptly, and Toomey was fairly close to him. I think he was anticipating a foot bail as well. And he ended up rear-ending him. From there, the car stops. We initiated the felony stop, so we fanned out. So, Toomey's car was the far left car. Caro was in the center, and then we pulled up on the right side, so the far right. Then, the car started to drive again. It pulled forward, and then I saw its reverse lights on. And like I said, it was lined up almost between Caro's car and our car, like he was going to try to ram in between.

Q: Okay. So, what do you mean by lined up? Which way is the suspect vehicle facing at that point? In fact, you know what? Let's just see this drawing.

A: Do you want me to draw? Yes.

Q: I'm going to show you — this was taken by the drones after the fact. This is how the vehicles were situated after our briefing.

A: Yeah. So, our car initially was more over here. Somebody moved it for the contact team. And Caro's car actually was a little bit further back, too, on the initial stop. This car was pretty much right here. Like I said, I think he thought this drove around, but this is all fenced over here to my knowledge. He pulled forward, and I saw his reverse lights on, and he was, as best as I can tell, almost lined up with the gap in between Caro's car and our car.

Q: He was lined up to reverse through the gap?

A: Yeah. It looked like his reverse lights were on, and maybe that's what he was thinking, but then Caro pulled forward a little bit and I think that maybe stopped him. It blocked, basically, his path. And I don't know if that changed his plan or what his mindset was at the time, but that's how it looked to me. He then made this U-turn and started to drive towards Ofc. Toomey's car.

Q: Okay. When you guys came to the stop, did you get out of the car?

A: Yes, we were all out of the car.

Q: Where did you position yourself?

A: I was on the passenger side.

Q: Of your vehicle?

A: Of our vehicle, on the very far right.

Q: Okay. Let's use this pen, and write an X where you positioned yourself.

A1: Just to let you know, this picture will be after the vehicle had been moved.

Q: Yes.

A1: Okay. Just so I -

Q: I want him to draw it where he was.

A1: Got it. Thank you.

A: I think…because I know we weren't at that angle. We were more right here, and I know he was pretty much even with that, so maybe around this area.

Q: Make it a big X so I can see it.

A: Okay. Sorry. I didn't want to draw it too big.

Q: There you go. So, that's where -

A: Probably around there -

Q: At that X, you would be on the passenger side of the car where it was positioned?

A: Yeah, give or take a few feet.

Q: So, let's draw a big square where your car was initially positioned. There you go. And at that point, are you in the V of your passenger-side door?

A: Yeah, by the door. Yeah, behind the door.

Q: Yeah. Okay, okay. When you got out of the car, was the suspect vehicle car stopped?

A: Yes, at the time, it was.

Q: Okay. And then he moved forward first. Right?

A: Yes. It didn't look like he was in park yet, or at least his foot was on the brakes. His car was stopped and not moving, and then he drove forward. I saw the reverse lights on, and that's when Caro pulled forward to kind of block his path.

Q: Okay. And then, that's when the suspect then pulled forward?

A: Yeah.

Q: Okay. I understand now.

A: Yeah.

Q: Okay. After that, what commands were being given at this point?

A: "Show us your hands." As far as — I couldn't tell you exactly.

Q: Who was giving the commands?

A: I think I could hear Toomey yelling. I yelled, "Show us your hands!" I don't

know if Caro yelled. I couldn't hear him. I couldn't even see him from where he was. And then, like I said, we were giving commands. As soon as he makes — well, not as soon as he makes a U-turn, but he's driving towards Toomey, and then I hear the shots. And then, basically, where our car was originally, I had the two cars in between us, so I didn't have a line of sight. So, that's why I ran around the cars over to Toomey's car.

Q: Okay. Where was the suspect vehicle when the shots were fired?

A: Maybe a little bit further back here.

Q: Okay. Which way was it pointed?

A: Pointed out that way, kind of almost head on. Not head on, but…because it wasn't right in front of Toomey's car, but that'd be eastbound there. So, facing eastbound.

Q: So, you remember the suspect vehicle to be pointed directly at Toomey's car?

A: Not directly, but like he was going to try to go this way. That's the direction he was driving.

Q: Can you draw, like you did for your vehicle, the suspect vehicle orientation at the time of the shooting?

A: The time of the shooting?

Q: Yes.

A: Like I said, I heard the shots, and the second I heard the shots I ran, so I couldn't really see exactly where the car was at. I just know that it was going — he had U-turned and started to drive off eastbound.

Q: Okay. Was it a smooth U-turn, or did he have to do a multi-turn?

A: Well, he had backed up originally and then stopped, and then he made this U-turn this way. It looked like it was smooth to me. He was a little jerky on the gas and the brakes from my perception, but he didn't do some five-point turn or anything like that.

Q: Okay.

A: Not that I could see.

Q: Were you able to hear the suspect say or voice anything at this point?

A: In the car?

Q: Yeah.

A: I could hear him yelling like he was in pain.

Q: I don't mean — I mean before the shooting.

A: Oh, no. No, I could not.

Q: Could you see the driver?

A: No, I couldn't. It was too dark.

Q: Okay. All right. So, how many shots did you hear fired?

A: Somewhere in the 10 to 15 range, between the two.

Q: Okay. Do you know where your trainee was?

A: He was in his driver door.

Q: At the time of the shooting?

A: Yeah.

Q: Okay.

A: And then we both ran over here. He saw me running, so he ran over.

Q: Let's put a T where your trainee was at that time. Okay. Do you remember him saying anything?

A: No, not to my knowledge.

Q: Okay. Were the three of you or the four of you communicating prior to the shooting about a tactical plan?

A: No, because it happened really quick, before we could even really get a plan going.

Q: Okay. Did you hear any warnings given before the shots were fired?

A: From Ofc. Toomey?

Q: Or Ofc. Caro or your trainee.

A: No, I didn't.

Q: Okay.

A: Other than the initial, "Hey, show us your hands," that sort of stuff.

Q: Such as?

A: When we first stopped, like "Hey, show us your hands. Show us your hands." But right before the shots, I don't remember hearing anything. No.

Q: Was anybody using their PA?

A: No.

Q: Could you tell? No?

A: Not to my knowledge. I don't remember anyone using a PA.

Q: Okay. Were the shots all in one volley?

A: It seemed like maybe two volleys, but very quick together. And I don't know if that's because there was the two shooters. I didn't realize Caro had shot at first, because I couldn't see him, so that might have been why I thought it was two.

Q: Okay. Where was Caro at the time of the shooting?

A: In his driver door to my knowledge. I didn't see him [before I came running around.

Q: You didn't see him?

A: And like I said, because of where we were, I couldn't really see him. My focus was on the suspect car.

Q: Okay. And then, could you see Ofc. Toomey?

A: Not at first, no. I could see him once I ran around.

Q: Yeah.

A: Yeah.

Q: We'll get to that. At the time of the shooting, had you drawn your firearm?

A: Yeah. My gun was out.

Q: Okay. And you did not shoot?

A: No.

Q: Why not?

A: Like I said, the way the car drove, I would've basically had to shoot by these two cars and that, for me — I wasn't going to do that and risk that maybe they were running out or something. I didn't want the crossfire, basically. I didn't want to risk that. I heard the shots and, like I said, as soon as I heard those shots…I already knew I was in a position over here with the car driving off that way. And our threat is over here now, so I just ran over to this car.

Q: Okay. At the time of the shooting, was the car moving towards Ofc. Toomey?

A: Yes.

Q: Okay. So, okay, let's get there. After the shooting, where did you go?

A: I ran around the back of the cars.

Q: Let's start there, though. That's where you parked, right?

A: Yeah, right here.

Q: Don't draw it.

A: Okay.

Q: Just kind of point, otherwise we're going to scribble all over this thing.

A: So, I ran around the back of my car. I ran around these. As I was running, I put out "shots fired" over the radio. I got to the back of Toomey's car here. He was kind of standing out here, so I grabbed him and I pulled him back to cover.

Q: Okay. So, you pulled him back to cover behind the vehicle?

A: Yes, back here at the rear of his car, 12404.

Q: Okay. Was his gun still out?

A: Yes. He had his gun out and was holding on the suspect. Once he got back to the car here, he did a reload.

Q: As you came running around, do you remember where Ofc. Caro was?

A: No, I don't.

Q: Okay. Was Ofc. Toomey saying anything to the suspect at that point when you came into contact with Ofc. Toomey?

A: Not to my knowledge. Not that I can remember, no.

Q: Okay. When you pulled him back, -

A: Yes?

Q: - what did you guys talk about then? What happened?

A: So, I yelled at King, my trainee, to go get a shield and a beanbag.

Q: Okay. So, was King still over here?

A: King had ran over here with me, and then he ran back to the car.

Q: Okay. And the shield and the beanbag are kept in your trunk?

A: The beanbag is in the front of our car in the gun rack because he doesn't have his own rifle, so my rifle and my beanbag are both in the front of the car. Our shield is kept in the trunk of the car.

Q: Okay. And so, he grabbed both?

A: He grabbed the beanbag. Someone else grabbed a shield and brought it over. I don't remember who it was that grabbed a shield.

Q: At this point, had any other units arrived?

A: I could see someone else running up. I think it was Ofc. Patterson. They were pretty close by. I don't remember where they went when they got there, but King ran back and the four of us were right here. And then units started flooding in.

Q: So, the four of you, Patterson -

A: Caro eventually came over here, yes.

Q: Gotcha.

A: So, Caro, Toomey, and myself were here. I yelled at King to go get the beanbag and the shield. He ran back to the car, got the beanbag, got that back over. And then, there were so many units close that it was pretty flooded with officers there pretty quickly.

Q: Okay. So, did King make it back with the beanbag?

A: He did, yes.

Q: Okay. Who fired the beanbag?

A: King did.

Q: Okay. At the window?

A: At the window, yes.

Q: And what was the result of that?

A: It made a pretty decent-sized hole. We were hoping it would shatter the window out, enough that we could see in the car and get a visual on him to make sure he wasn't armed or anything like that. Like I said, ultimately, it ended up just making a hole. The newer windows like that, they just spider out and stay intact. I don't know if that helped him hear us or us hear him. I could definitely hear him a little bit better inside the car afterwards. I could hear him yelling. It just sounded like he was in pain. I couldn't really make out at all what he was saying or if he was saying anything, but I could hear him making noise, so I knew he was still alive in there.

Q: What commands were you guys giving before and after the beanbag round?

A: "Open the door. Show us your hands."

Q: Who is making those commands?

A: I don't remember who it was.

Q: Okay.

A: There was a plethora of officers there at that time.

946 Q: All right. So, Ofc. King shoots. He shot once?
947
948 A: Yes, just one.
949
950 Q: Okay. And he does shoot the driver's side window?
951
952 A: Yes.
953
954 Q: All right. But it doesn't shatter?
955
956 A: No, it just makes a hole.
957
958 Q: Okay. And then you guys give more commands?
959
960 A: Mm-hmm.
961
962 Q: What happens then?
963
964 A: The car kind of rolls a little bit, and I didn't know if he was trying to drive
965 away or if he just hadn't put it in park yet. That stopped, so I'm assuming he
966 was able to get it into park somehow. The door -
967
968 Q: Is this where it rolled to?
969
970 A: It had to be, yeah.
971
972 Q: Okay. So, let me back up, then. When you came running around, right, where
973 was the car? Where was the suspect vehicle in relation to Ofc. Toomey's car?
974
975 A: I remember it being a little bit more parallel, so it must have pulled forward
976 some because after we formed up here, we started getting a lot of officers.
977
978 Q: Yeah.
979
980 A: We had everyone here. I came to the front of Toomey's car. And so, I was
981 standing here. And then Ofc. Mota arrived, and he was my cover unit,
982 basically. So, I had my handgun out and he had his rifle out. And so, we're
983 both across the hood of the car.
984
985 Q: Is this how you remember it, then?
986
987 A: I remember it being a little bit more parallel, so maybe closer to that, because I
988 remember looking at the driver's side window and not being able to see in.
989
990 Q: Okay. So, you mean parallel, so sort of pointed the opposite direction of Ofc.

Toomey's car?

A: Yes.

Q: But to the side of it?

A: Yes.

Q: Is that what you mean?

A: More so facing eastbound, in that direction that he was trying to drive out.

Q: Okay. So, at that point then, after King shoots the window with the beanbag round, you respond to the front passenger side of Toomey's patrol car. Correct?

A: Yeah. I had gone over here.

Q: And Ofc. Mota came to cover you?

A: Ofc. Mota was there, and then a couple other officers showed up as well. I think Ofc. Anstess showed up. He had a shield, so he brought a shield to the front of the car. We had a team here. And like I said, someone went to this car, and I know there were some officers stacked up over here on the far right after the car was moved.

Q: Yeah.

A: Like I said, there were cops everywhere at that point.

Q: Okay. Then what happened?

A: He opened the door, stepped out. I could see that he was -

Q: He being the suspect?

A: The suspect, yes.

Q: Okay.

A: He opened the door. He stepped out. I could see that he was shot, I'm assuming in his stomach, because there was blood on the outside of his shirt and it was running down, and then both arms.

Q: But he was able to open the door himself?

A: Yes.

Q: Okay.

A: Yeah. He stepped out of the car. They directed him over this way, towards the east. Officers detained him in handcuffs while another group simultaneously approached and cleared the car to make sure there's no more suspects or anyone else inside.

Q: Where did the suspect go? So, when you say they called him out of the car, he came out of the car and they directed him over here by verbal commands?

A: Yes.

Q: Okay.

A: And then, he was pretty much right there.

Q: Can you draw an S where he ended up, please?

A: Initially, there.

Q: A big S. There you go.

A: It looked like he was leaning against this, the railing.

Q: Leaning against the fence?

A: The concrete there. Because it's raised concrete there, so it's a couple feet up. He was leaning against that. They got him cuffed. Another group cleared the car.

Q: Did you clear the car?

A: I did not.

Q: Okay. So, are you still standing by Toomey's car?

A: Yeah. I'm still over here. They get him cuffed, and then I come around once he's cuffed, and we pull him over here. You can see the medical supplies on the ground in the picture here. And we started giving first aid right away.

Q: Okay. Let's back up a little bit to when you ran around the car after the shooting.

A: Yes?

Q: You came over here and you dragged Ofc. Toomey back behind the car because he had no cover.

A: Mm-hmm.

Q: What did he say to you?

A: I don't remember him saying anything. I remember him saying, "I'm going to do a reload." I remember that, but I don't remember anything else.

Q: When did Ofc. Caro come over here?

A: Probably around the same time that I got there.

Q: Did he say anything to you?

A: Not that I can remember him saying, no.

Q: Okay. How long were you guys over there? Okay. So, at that point you send your trainee for the beanbag and the shotgun. How long was it before he got back?

A: I know he had a little trouble getting it out. They sometimes stick, especially when you have the slings in there. Maybe a minute.

Q: Okay. Did you guys discuss anything at that point? Were you discussing tactical options?

A: Saying, "Hey, let's put a beanbag through the window so we can try to see him." And that didn't work. He did it. It didn't work. We were asking for a 40 mm. Someone showed up with a 40 mm. I think it was Ofc. Takahara. He had it. He was coming up, but that's about the same time where the suspect door started to open and then he ended up just stepping out on his own.

Q: During that minute, were you guys still giving the suspect commands?

A: Somebody was, yes. I think it was Toomey, but I can't recall exactly who it was.

Q: Okay. And all three of you — you, Toomey, and Caro — were behind this car, and then you spread out?

A: Mm-hmm.

Q: So, you were behind the car?

A: At first, yes.

Q: Okay.

A: And then, as more officers showed up, I came over here to try to get a better view in the car.

Q: Okay. Were you over here when King shot the window with the beanbag?

A: I was not. I was at the front of the car at that point. Yeah.

Q: You were over there? Okay. So, that's actually a good landmark to where we can tell. Okay. Did Ofc. Toomey or Ofc. Caro say anything to King about the shooting? Do you know?

A: I couldn't tell you that. No.

Q: Okay. So, when the suspect came out of the car, did he say anything?

A: Not that I can remember. It was more so like moaning in pain.

Q: Okay. So, were you one of the — you said you were one of the ones who rendered first aid on him.

A: I was.

Q: Did he say anything?

A: Not that I could make out, no. Everyone else was talking too, and the radio was going off. People were talking on the radio, because I have an earpiece, so it's…

Q: Were you asking him what his name was? Or was somebody asking him what his name was?

A: I did not. I remember someone saying that he was already identified from the initial call.

Q: The arson call?

A: Yes, the arson call.

Q: Was this the subject?

A: Yes. Yes, it was.

Q: Okay. Who else was working on him over here first aid wise? Do you remember?

A: I know Ofc. Anstess was there. I believe Ofc. Manning, maybe. I remember seeing him. I don't know if he was one of the ones doing first aid. There were maybe two or three other officers. I couldn't tell you who it was.

Q: Do you know who cleared the car?

A: No, I couldn't tell you that.

Q: That's fine.

A: I think Toomey was part of that, but I don't know who else was with him.

Q: Okay. How long did it take for Fire to get there?

A: A little longer than I would've liked, but, obviously, in those situations stuff seems like it's going by a little bit slower than it really is. So, maybe from when we got him over here, maybe another five minutes. I know it's kind of a difficult location to find as well because it's a single driveway, and if you miss it, there's no other way to get back there. I think there was a little bit of confusion on where it was at first, so I think it was Ofc. Henderson, K9-4, who directed Fire in. I think I remember hearing him saying that on the radio.

Q: Okay. And in that time, did the suspect ever say anything to you?

A: To me? No.

Q: To anybody that you heard?

A: Not that I heard, no.

Q: Did he identify himself?

A: To my knowledge, no.

Q: Okay. Let's get back to the time of the shooting. You're confident the suspect vehicle was pointed in Ofc. Toomey's direction. Correct?

A: From what I could tell over on this side, he was driving eastbound towards Ofc. Toomey's car.

Q: Okay. Have you had any calls for service for this suspect?

A: No, I have not.

Q: Have you ever met him before?

A: No, I have not.

Q: Okay. I forgot to ask earlier. Prior assignments, have you ever been assigned to anything other than patrol?

A: I did a couple TDY's. That was it.

Q: Where?

A: I did a two-week TDY to GET when I was down in the south station, the Gang Enforcement Team. And then, I was at NCU South for a couple months when I was injured.

Q: Okay. What was your injury, if you don't mind me asking?

A: [redacted] on duty.

Q: On duty?

A: Yeah.

Q: Okay. When you responded from 65th and 50, did you respond Code 3?

A: We did, lights and siren.

Q: Okay. Was your body cam activated?

A: No, it was not. I have the old kind, and it must have flicked off with the seatbelt or something, so it didn't activate.

Q: How does that work?

A: So, the older ones, there's a switch on top. If you flick it to one side, it puts it in buffering mode, to where you can then either have it triggered by one of the systems in the car that triggers it, whether it's the rifle release or activating the lights, or if you double tap it, then it turns it on. If that gets switched over, then

it's completely off and nothing is going to turn it on.

Q: Okay. And that's where it was?

A: Yeah.

Q: It was completely to the side?

A: Yeah, and I didn't notice it until the after the fact. It kind of was the last thing on my mind.

Q: Okay. During the pursuit, were there any radio updates other than direction of travel?

A: Speed, direction of travel. I remember Toomey saying the want, obviously, a vehicle description, that there was only one occupant in the car that he could see.

Q: Okay. Was there ever any mention of him being armed?

A: To my knowledge, no.

Q: What's that?

A: To my knowledge, no, at the time.

Q: Okay. I think that's just about everything for right now. When you were set up here, then Caro's car was back further. Right?

A: Initially, at first, yeah.

Q: You said that you felt like he was pointing the rear of his car to break through your guys' position?

A: That's what I thought because he had it in reverse.

Q: Did ever gun it?

A: No, he didn't.

Q: Do anything that would -

A: He did not. That's because as he was pulling forward, he put it in — it looked like it was in reverse. Caro pulled forward and kind of into that path.

Q: And then that seemed to stop him?

A: That stopped that. Yeah.

Q: Okay. Now, at the time of the shooting, was the suspect vehicle moving?

A: Yes, it was.

Q: Okay. And was the suspect vehicle moving towards Ofc. Toomey?

A: From my perspective on this side, yes.

Q: Okay. I think that's it for right now. We're going to take a break.

A: Okay.

Q: We'll go back out into the atrium.

End of Recording

Transcribed by: DocuScript, LLC/mw

Narrative Text

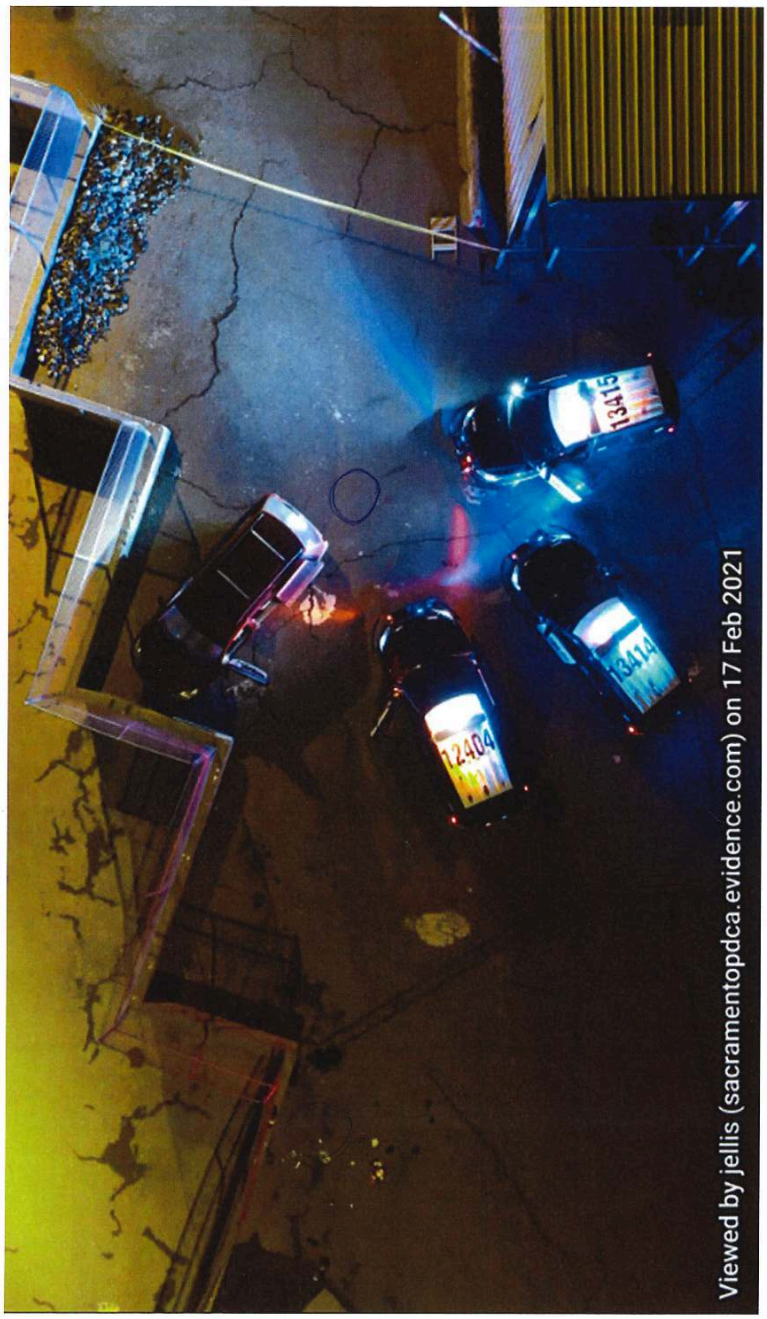
Type 06 DETECTIVE SUPPLEMENT
Subject OFFICER STATEMENT;OFFICER TOOMEY
Author 4017 - MASSEE, PAMELA 0548
Related Date Feb-17-2021 13:38

On 2/17/2021 at 1338 hours I, Detective Massee #548, interviewed Officer Toomey at HOJ inside interview room #2. The interview was audio recorded only. Present for the interview was Attorney Hoffmann. The interview room was live streamed to other monitors so that other Detectives, managers, DA Investigators and Internal Affairs could watch the interview. During the interview I utilized three printouts; two were Google aerial maps that depicted the pursuit route and one was an aerial photo of the shooting scene that was captured from an SPD unmanned aerial system (UAS) after the briefing. I later booked these three photos as evidence (see attached). I later submitted the audio of the entire interview to DocuScript, a transcription service who transcribed the interview verbatim. I later listened to the interview and compared it to the transcript and made several minor changes for accuracy. Prior to submitting the statement, I provided a copy of the transcription to Attorney Hoffmann and asked that he and Officer Toomey review the statement for accuracy. They requested minor grammatical changes for accuracy, nothing that changed the substance of the interview.

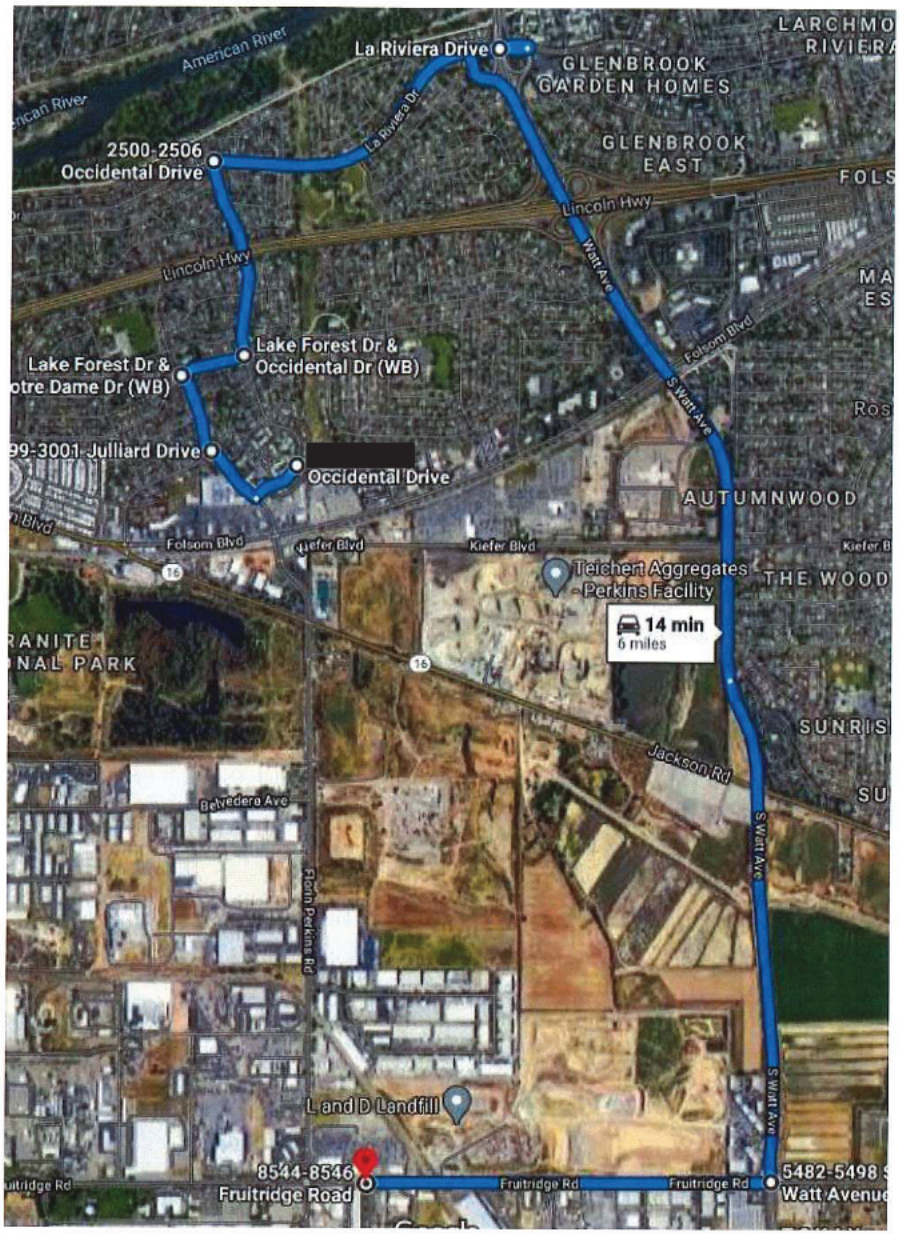
SEE ATTACHED TRANSCRIBED STATEMENT

Related Attachment(s) - OTHER

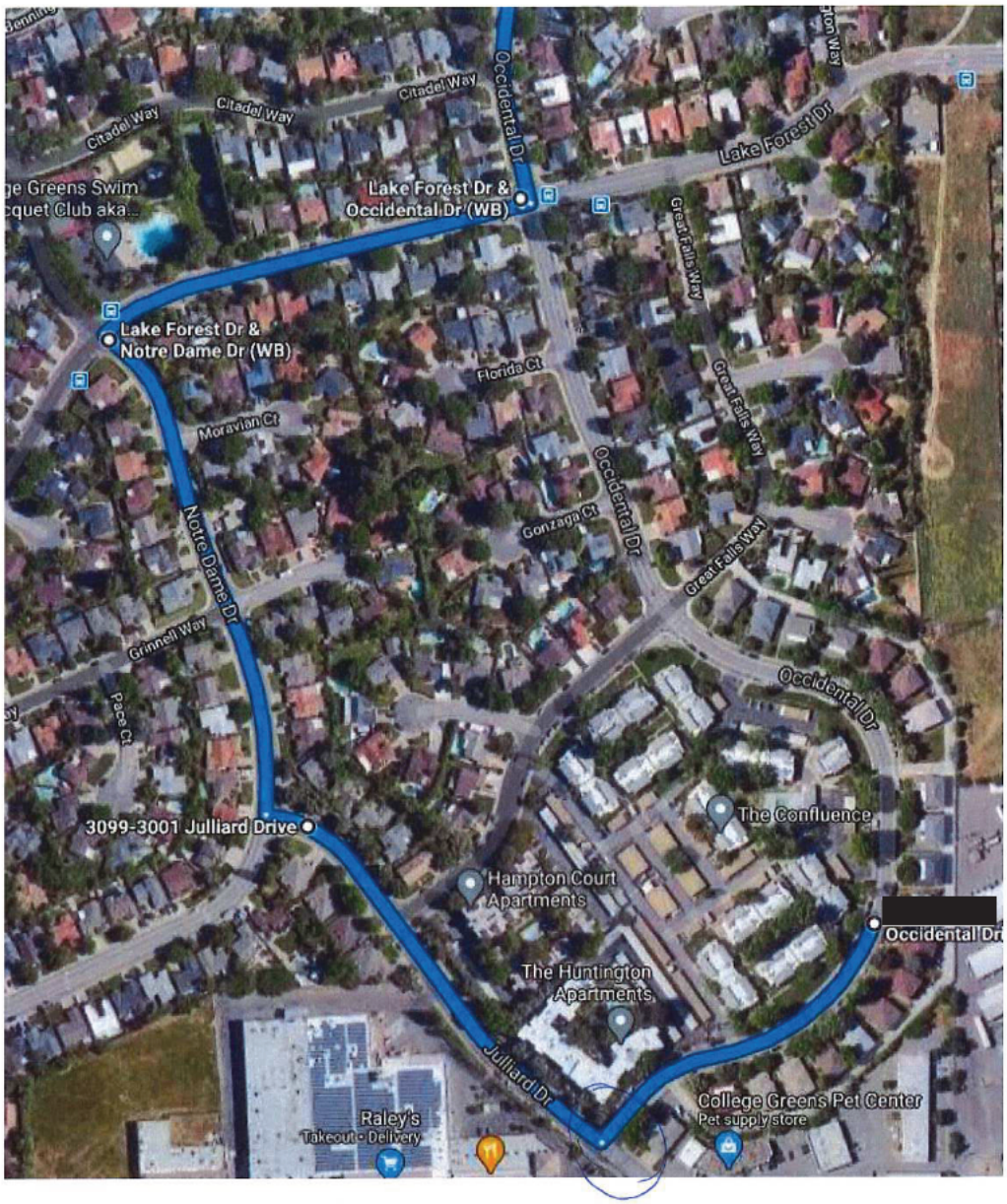
Attachment Description: **FORMS SHOWN TO OFFICER TOOMEY**
Reference Number:



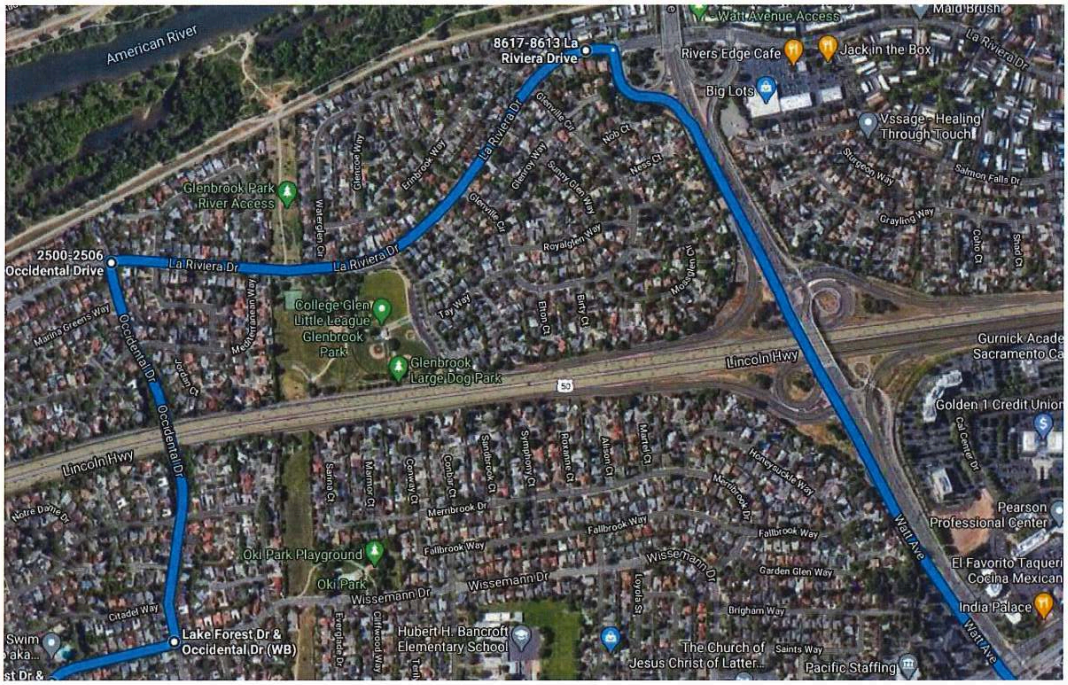
OVERVIEW


La Riviera Drive
American River
GLENBROOK GARDEN HOMES
GLENBROOK EAST
2500-2506 Occidental Drive
Lincoln Hwy
Watt Ave
Lake Forest Dr & Occidental Dr (WB)
Lake Forest Dr & otre Dame Dr (WB)
99-3001 Julliard Drive
Occidental Drive
Folsom Blvd
Kiefer Blvd
AUTUMNWOOD
Teichert Aggregates - Perkins Facility
14 min
6 miles
Jackson Rd
Belvedere Ave
Hazel Perkins Rd
L and D Landfill
8544-8546 Fruitridge Road
Fruitridge Rd
5482-5498 Watt Avenue

BEGIN


Citadel Way
Citadel Way
Citadel Way
Occidental Dr
Lake Forest Dr
Lake Forest Dr & Occidental Dr (WB)
Great Falls Way
Lake Forest Dr & Notre Dame Dr (WB)
Florida Ct
Moravian Ct
Notre Dame Dr
Occidental Dr
Gonzaga Ct
Great Falls Way
Grinnell Way
Occidental Dr
Pace Ct
3099-3001 Julliard Drive
The Confluence
Hampton Court Apartments
Occidental Dr
The Huntington Apartments
Julliard Dr
College Greens Pet Center
Pet supply store
Raley's
Takeout · Delivery

MIDDLE


American River
8617-8613 La Riviera Drive
Rivers Edge Cafe
Jack in the Box
Big Lots
Vssage - Healing Through Touch
Glenbrook Park River Access
2500-2506 Occidental Drive
La Riviera Dr
College Glen Little League Glenbrook Park
Glenbrook Large Dog Park
Lincoln Hwy
Golden 1 Credit Union
Pearson Professional Center
El Favorito Taqueri Cocina Mexican
India Palace
Oki Park Playground
Oki Park
Wissemann Dr
Lake Forest Dr & Occidental Dr (WB)
Hubert H. Bancroft Elementary School
The Church of Jesus Christ of Latter...
Pacific Staffing
Occidental Dr
Walt Ave

END

Hydra Warehouse
Kamp Rite
Pacific Powder Coating
AMS, A Beacon Roofing Supply Company
Southgate Glass and Screen
APPLIED Adhesives
Ati truck & trailer repair - truck and...
Heleck Supply
Mark III Construction
Indoor Sun Hydro
Silverado Masonry Design Center
Antojitos Jiquilpan Michoacan
L and D Landfill
West Coast Fluid Power
Burger King
Pacific Gas and Electric Company Customer...
8544-8546 Fruitridge Road
Fruitridge Rd
Life Storage Sacramento
5482-5498 South Watt Avenue
Controlled Access Consultants
RVSline
Low Cost Auto Body And Paint
Rew Materials
Venus Imports
ReFuel Energy - CNG
Ernest Packaging Solutions
Sacramento Rehearsal Studios (this is not A...
Hunt & Sons
Towing
Thatcher Company of California, Inc
Blasting Materials & Equipment
Bright View Landscape
Watt Ave
Florin Perkins Rd

Related Attachment(s) - OTHER

Attachment Description: **OIS ADMONISHMENT SHOWN TO OFFICER TOOMEY**
Reference Number:

Report Number: 21-44157

OIS VIDEO ADMONISHMENT

There exists video evidence pertaining to this case. You will be provided ample time to view the evidence before providing a statement. The purpose of showing footage is to assist your recollection of the incident so that you can sufficiently describe your state-of-mind. When viewing video evidence footage, be aware of the following:

- Recordings may depict events differently than you recall.
- Clips may not show the entire incident as seen or heard by you.
- The evidence may portray fields of view not normally observed by the human eye.
- Camera framerates limit the ability to smoothly capture movement.
- Coloring and lighting may be outside of the spectrum of the human eye.
- Depth, distance, and orientation could differ from your position during the incident.

ERIC TOOMEY #894
Officer's Name and Badge Number

2/17/21 @ 1235
Date and Time

MASSEE #548
Detective's Name and Badge Number

2-17-21 @ 1235
Date and Time

	TYPE	TIMESTAMP/LOCATION
☐	OFFICER TOOMEY'S BWC	2-16-21 @ 06:10:38 TD
☐		2-16-21 @ 06:31:02 END
☐	OFFICER TOOMEY'S ICC	2-16-21 @ 06:15:54 TD
☐		2-16-21 @ 07:40:15 END
☐		
☐		
☐		
☐		
☐		
☐		
☐		
☐		
☐		

Related Attachment(s) - STATEMENTS

Attachment Description: **OFFICER TOOMEY'S STATEMENT**
Reference Number:

INTERVIEW WITH OFFICER TOOMEY
Q=Detective Pamela Massee
A=Officer Eric Toomey
A1=Joe Hoffmann

Q: Thank you for coming today you guys. First, we'll begin by talking about our names, introducing ourselves, spelling the first and last names, badge numbers, everything like that. I will begin. I am Det. Pamela Massee. Today is going to be February 17, 2021. The time is now 1:38 p.m. in the afternoon. I'm removing my mask to help with breathing and for clarity on my audio. The spelling of my first name is P-A-M-E-L-A, and last name is Massee, M-A-S-S-E-E. My badge number is 548. I am here in the room with Ofc. Toomey. Would you please identify yourself?

A: Yeah. I am Ofc. Eric Toomey, E-R-I-C, last is T-O-O-M-E-Y. My badge number is 0894.

A1: And my name is Joe Hoffmann, H-O-F-F-M-A-N-N. I'm an attorney with Mastagni Holstedt, here representing Ofc. Toomey.

Q: We are here today regarding incident 21-44157, which occurred on Monday, February 15, 2021, time approximately 2153 hours. So, for starters, this is only being audio recorded. It is not being video recorded. As I ask you some questions, I'll be asking a lot of questions. Just kind of bear with me. When you answer those questions, please try to answer those questions as if I'm not an officer and I don't know what generic officer codes are and everything like that. So, just kind of be clear with your answers and explain radio codes and stuff like that. Okay?

A: Okay.

Q: And then, for right now, let's just go ahead and please state your full name again.

A: Eric Toomey, E-R-I-C.

Q: Okay. And then, how old are you?

A: 28.

Q: Okay. And what is your badge number?

A: 0894.

Q: Okay. And how long have you been an officer with the Sacramento Police Department?

A: Just under five years.

Q: Okay. What academy were you in?

A: 15-BR1, so the first half of 2015.

Q: Okay. Are you currently off probation?

A: Yes.

Q: Okay. And are you a lateral? Have you ever worked with any other agency?

A: No.

Q: No? Okay. And what is your current assignment?

A: Patrol in the east area on late watch.

Q: Okay. What is the east area?

A: Basically, everything east of Highway 99, south of the American River.

Q: Okay. How long have you been on patrol in that area?

A: A month and a half.

Q: Okay. And let's see. So, we're in February right now. So, did you just go to that area recently?

A: Yes.

Q: And why did you go to that area?

A: Better days off.

Q: Okay. Is there a shift change that occurs in the January time?

A: Yes.

Q: Okay. And is that why you're now in this new area? It's for a shift change?

A: Yes.

Q: Okay. And what prior assignments have you had?

A: Including -

Q: Patrol, specialties, anything like that.

A: Oh, patrol. Patrol my entire career here, predominately in the Meadowview area, but I've done some small TDY's to our post-release supervision team, to the south POP team. And I was an acting sergeant for a couple months.

Q: Okay. And what does POP stand for?

A: Problem-oriented policing.

Q: And what does the post-release — how would you describe it?

A: Well, they've now changed their name, but essentially you go after wanted criminals with felony warrants, or get referrals from detectives for robbery suspects or wanted violent felons, and you track them and locate them.

Q: Okay. So, I heard POP, and then I heard the post-release team. And then was there another one, or was it just those two?

A: It was just the acting sergeant for a couple of months.

Q: Okay. And when were you an acting sergeant?

A: Last year.

Q: Okay. So, in what year?

A: 2020.

Q: 2020? Okay. And did you go to any training for that acting sergeant position?

A: I did. I went to our TOPS. So acting supervisor school.

Q: Okay. And how long is that school?

A: It's normally a week, but for COVID it was two days.

Q: Okay. And when did you attend? What year, approximately, did you attend

that class?

A: 2020.

Q: Okay. And any other specialized training that you have?

A: No.

Q: Are you an FTO?

A: Yes.

Q: Okay.

A: Yes, and I went to FTO school.

Q: Okay. Can you tell me what FTO stands for?

A: Field training officer.

Q: Okay. And how long have you been an FTO for?

A: Almost a year.

Q: Okay. And you said that you went to class for that or attended training for that, right?

A: Yes.

Q: And how long was that training?

A: That was a full week, so five days.

Q: Okay. And have you had trainees in your car?

A: Yes, I have.

Q: Okay. Did you have a trainee in your car on this particular night?

A: No, I did not.

Q: Okay. And any military experience?

A: No.

Q: Okay. And then, a little bit of your background, on the night of the incident were you wearing a Sacramento Police Department uniform?

A: Yes, I was.

Q: Okay. And can you explain to me what that uniform is made up of? Kind of start from toe to head or head to toe and explain what everything is on your uniform.

A: Okay. We wear a dark blue patrol uniform, so dark blue top and dark blue pants. It's the wintertime, so it was a long sleeve. On each shoulder is the seal of the City of Sacramento. On the top, it clearly says the word "police" in gold-colored writing. On your chest, you have your badge on the left side. It clearly displays your agency and your badge number. You have a name embroidered on the right side of your chest as well. My particular one has my first initial and my last name. And then, on the front of your uniform you have a body-worn camera. And then, moving down, you have your duty belt, which has all your equipment that you'll need for patrol.

Q: Okay. Was your body-worn camera on you that night?

A: It was.

Q: Okay. And about where was it positioned on your uniform?

A: In the center of my chest.

Q: Okay. Was your body-worn camera activated?

A: It was.

Q: Okay. And then you said that you have your duty belt. Can you explain to me the different tools that you have on your duty belt?

A: I have my firearm, and I carry two spare magazines for the firearm. I have a handcuff case which has two pairs of handcuffs, and my radio, and a taser.

Q: Okay. Do you carry a baton on you?

A: I do not.

Q: Okay. You said that you had your firearm on you. What kind of firearm did you have?

A: A Sig Sauer P320.

Q: Okay. And was it loaded?

A: It was.

Q: Okay. Was it fully loaded, to the best of your knowledge?

A: Yes.

Q: Okay. Was there one in the chamber already?

A: Yes.

Q: Okay. You said that you had two magazines on you. What's a magazine?

A: A magazine is an ammunition-feeding device. It's what puts bullets into a gun.

Q: Okay. And were those magazines loaded?

A: Yes.

Q: Okay. And can you tell me the capacity of the magazine in your gun versus the ones that are on your duty belt?

A: The one in my gun, I believe, is either 17 or 18 rounds. I'm pretty sure it's 17, plus one already in the chamber. And then, the spare magazines are 21-round magazines. Those are fully loaded as well.

Q: Okay. And do you wear prescription sunglasses or contacts?

A: No.

Q: Okay. Was your badge visible that day?

A: Yes.

Q: Did you have any jacket on or anything like that?

A: No.

Q: Okay. Just the long-sleeved uniform?

A: Yep.

Q: Okay. And was the "police" symbol that you said that was on your patches, was that visible?

A: Yes.

Q: Okay. And were you in a fully-marked unit?

A: Yes.

Q: Okay. And when I say "unit," I mean patrol vehicle. Can you explain to me what a fully-marked patrol vehicle is, what it looks like?

A: Yeah. So, for us, it's a Ford Explorer. It's black and white, so the roof and the front driver door and the front passenger door are white. There's the City of Sacramento crest on the side, and then it says "police." Additionally, it says "police" on the front hood and the back of the car. And it's equipped with overhead emergency lights on the top, and then there's lights in the grill and front lights as well, and the back. They're flashing red and blue lights. In California, you have to have a solid burning red light when it's activated. It's equipped with that. And then, I have a siren as well.

Q: Okay. And do you inspect the vehicle prior to going out into your shift?

A: I do.

Q: Okay. And did you inspect your vehicle on this night?

A: I would like to think I did, but I can't be sure.

Q: Okay. The time that this call came out was approximately what time? Do you recall? And I can give you the CAD call if you'd like.

A: I was dispatched from the station because I had just logged on, so probably 9:45-ish to 9:50.

Q: Okay. To the best of your knowledge, was your patrol vehicle in all working order with the red and blue lights and siren and everything like that?

A: Yes.

Q: Okay. You said that you had just logged on, so we'll get to that here in just a minute. We'll finish going a little bit more through your background first. Let's see. Does your firearm have a tactical light on it?

A: It does.

Q: Okay. And where is that tac light? Is it on top? On the bottom?

A: It's on a half rail mounted below the barrel of the firearm.

Q: Okay. Have you attended training for that tac light?

A: Yes.

Q: Okay. And then, any special weapons that you had in your vehicle or on you?

A: I have a rifle in my car, as well as a less-than-lethal shotgun.

Q: Okay. And where were those guns at?

A: They were in the rack in the front of the car. It's located in between the front seats of the vehicle, so they were secured.

Q: Okay. Any other equipment in the car?

A: No.

Q: Do you carry a shield in the car?

A: All the cars have a pistol-rated shield in the back.

Q: Okay. Do you know if this car had the shield in the back?

A: I don't remember. It should have.

Q: Okay. In regards to your rifle and your less-lethal shotgun, are those issued to you, or do they come standard with the car?

A: The shotgun is issued to me. The rifle is personally owned.

Q: Okay. And then, have you qualified with both of those firearms?

A: Yes.

Q: Okay. And I know you might not be able to give the exact date, but in regards to qualification, when, approximately, was the last time that you qualified?

A: October or November.

Q: Okay. Of which year?

A: 2020.

Q: Okay. And so, we're in February, so that would be approximately about four to five months ago?

A: At the most, yes.

Q: Okay. How many times a year do you qualify?

A: I believe three. Yeah. Low-light qual, daytime qual, and then CPT.

Q: Okay. And then, do you always attend those qualifications?

A: Yes.

Q: Up to date on your qualifications?

A: Yes.

Q: Okay. Do you shoot in your off time as well to practice?

A: Yes.

Q: Okay. Have you shot recently, before this incident, other than that qualification?

A: No. Ammo is expensive right now.

Q: Okay. And then, do you always load your weapon the same way?

A: Yes.

Q: Okay. And do you carry any backup weapons on you?

A: I do not.

Q: In regards to your shift — so, the incident occurred on Monday at approximately 2153 hours is the dispatch time on the CAD call that I am referring to right here.

A: Okay.

Q: Just tell me again about your shift days. What are your normal work days?

A: Sunday night through Wednesday night, so my weekend begins Thursday morning.

Q: Okay. And did you work Sunday night this week?

A: I did not.

Q: Okay. You had it off?

A: Yeah, [redacted]

Q: Okay. So, Monday, was that your first day of your workweek?

A: Yes.

Q: Okay. Were you assigned to this district, in the east district, as you called it?

A: Yes.

Q: Okay. And so, the last shift before the day is going to be Monday. So, your days off are going to be Thursday, Friday, Saturday. Is that correct?

A: Yes.

Q: Okay. And then, what team are you on?

A: Team 35, I believe.

Q: Okay. And who is your sergeant right now?

A: Sgt. Jeremy Schwartz.

Q: Okay. And who was your supervisor on the day of this shift?

A: Sgt. Schwartz.

Q: Okay. And then, what was your unit identifier?

A: 1-Alpha-68.

Q: Okay. And is that also your radio call sign, one and the same?

A: Yes.

Q: Okay. And then, this is the east district, which is which sector?

A: 6.

Q: Okay. Is there a letter that comes after Sector 6 that you're in, this district that you're working? 6A, B, C, D…?

A: I'm normally in 6C.

Q: 6C? Okay. Where was this call initially? What district did this call come out in?

A: 6E.

Q: 6E? So, it was not your district that you were dispatched to?

A: It was my beat.

Q: Your beat?

A: It was my district, though.

Q: Okay. Because you said that you were 6C, right?

A: Yes.

Q: Okay. And then you went to 6E?

A: Mm-hmm.

Q: Okay. And then, what's the difference between 6A, B, C, D, E? Nothing too crazy.

A: Okay. So, basically, you have a district, and the districts are subdivided into beats, and units are assigned to specific beats to kind of break up the geographical area, to respond to calls faster. The area I'm predominately responsible for is everything east of 65th Street, south of Folsom Blvd., and then south to city limits, and then east to city limits.

Q: Okay. If your district that you're working is 6C, that little area, is it normal for you to be sent to 6E? Is that something normal that dispatch does?

A: Yes. There's only one unit assigned to 6E, so another unit from a different beat will have to go assist them since most calls are two-officer calls.

Q: Okay. Were two officers dispatched to this call?

A: Three if you include the trainee, but, yes, two units were dispatched to the call.

Q: Okay. And so, you said that you had just logged on. So, kind of talk to me a little bit about what you were doing prior to this call coming out.

A: Oh, okay. We completed roll call. I went out to the car, loaded it.

Q: What is "it"?

A: Loaded the vehicle. So, I put in my patrol bag, which has forms and traffic safety vests, different stuff like that, and then my bag which includes a ballistic helmet and a gas mask, my lunch, and then loaded my rifle and shotgun into the rack, got gas. And then we sign on to a computer program, and that shows us as in service. So, when I say I logged on, logging in to a computer program.

Q: Okay. And so, at the time that you log in, about how much time passes before you're dispatched?

A: It could be no time or up to hours if there's no calls pending. In this case, I would say it was probably five to 10 minutes.

Q: Okay. And so, you were still at the station at this time?

A: Yes.

Q: Okay. At the time that this call came out, can you tell me what call it was that came to your — and when I say MDT, I'm talking about mobile data terminal. What call came to your MDT?

A: A 952, which is an incomplete police call for service.

Q: Okay. And what were the circumstances of that call?

A: Initially, it was just a 911 hang-up. They weren't able to get any information. It just gave an address within a certain radius of meters. And then, at that point our dispatchers were trying additional callbacks as we were on our way. So, because an incomplete call for service is what we call a priority call, it's dispatched immediately. It doesn't pend.

Q: Okay. And at the time that you got dispatched to this call, did you immediately start going in that direction of the call?

A: I did.

Q: And what was the address that you were responding to?

A: [redacted] Occidental. I believe the apartment was [redacted]

Q: Okay.

A: I'm not 100 percent on the apartment address.

Q: Okay. And how were you notified of this call?

A: They voiced the call over the air. It was more to notify the sergeant, but I received the call on my computer in the car.

Q: Okay. Did dispatch have anything different to say that the MDT had said to you?

A: No.

Q: Okay. And let's see. The location of the call, you said, was on Occidental. And then, were you familiar with this area?

A: I knew how to get there. I had never been on a call there before.

Q: Okay. And any historical calls for service or anything like that that strikes you about this area? Okay. Is this a particularly nice area of town or…?

A: It's not bad. Where the apartment complex is located, it's transitioning from very industrial to more of a residential as you move north. So, I'd say it falls in between. It's near a shopping center, gas station, and then a very busy main road.

Q: Okay. As you're driving, you said that dispatch began to give you updates. Were they over the air, or were they on the MDT?

A: I was reading them on the MDT. I don't remember if they did them over the air. I would assume they did. That's a pretty standard practice for this type of call.

Q: Okay. And what updates were you hearing?

A: They attempted a second callback and got a voicemail. And then the original complainant called back again and, I believe, connected briefly and basically said her ex-boyfriend was threatening her and that he had left. They tried an

additional callback, and this time they were able to get the caller's information, and she stated that her ex-boyfriend had threatened to burn her Ford F150, had burned it, and then left approximately 15 minutes prior to her calling.

Q: Okay. Did they give you any names of anybody?

A: The other unit on the call was able to find, I believe, the driver's license for the caller, and then they put a name for the ex-boyfriend, as well as some descriptors, and then the plate of the vehicle he was driving.

Q: Okay. And do you remember what name they gave you of the ex-boyfriend?

A: I didn't read it, so I didn't remember. I think it was Adrian or something similar.

Q: Okay. Did you perform any records checks while responding to this location?

A: I did not. The other unit's trainee was doing that since they're a newer officer and needed the practice.

Q: Okay. Can you kind of explain that to me? So, you're responding to the call. Do you know that there's another unit going with you at this time?

A: Yes, I do, and they were ahead of me and already at the scene.

Q: Okay. And how do you know that?

A: The computer program we have, our cars are equipped with GPS. You can see where, essentially, another unit is, and they were ahead of me on the freeway and ahead of me getting off, basically, and they hit every green light. I hit all red lights. So, they had been on the scene for four or five minutes prior to my arrival on scene, and the trainee had conducted their own set of records checks.

Q: Okay. The other unit that went with you, you seemed to know that there was an officer and a trainee. Are they on your team?

A: Yes.

Q: Okay. And who were those officers?

A: Ofc. Schwertfeger and Ofc. **Jillsin** [phonetic].

Q: Okay. Who was the trainee?

A: Ofc. Jillsin.

Q: Okay. Did you see when they left the station prior to when you left the station?

A: No. I just know when I got dispatched to the call, their little car icon on the GPS was already on I-5.

Q: Okay. So, as you're responding, is there an understanding that you have with the other training car? What's the protocol with the training car? You had mentioned that the trainee typically does the records checks. So, can you elaborate on that?

A: The records check, or just having a trainee?

Q: Having a trainee do it.

A: Okay. So, right now, our trainees that are out have only been out of the academy for about a month, so they're in their first phase of training. So, familiarizing themselves with the computer and essentially conducting the administrative work before we get on scene is something that's good for them. It builds repetition. It builds knowledge and experience. They become more familiar with a tool we use every single day. So, in terms of a records check for a call for service, typically we'll run a query on the history of the address we're going to and see if there's any relevant and previous calls for service there. If there are names attached to the call, we'll run records checks on them to try and look at driver's licenses, any wants or warrants, probation or parole status, restraining orders. And then we'll also typically run them through a county system called WebKPF, which essentially combines all of those things into an easier to use web program, and we'll run them through there and see what their previous arrests are, if any. It essentially just builds knowledge before you get on scene.

Q: Okay. Is there an agreement between you and that training officer and that trainee to kind of let the trainee do those records checks and stuff like that prior to going to the calls?

A: Yes.

Q: Okay.

A: And we have been on a team previously as well, last year, and we've had trainees before, so it's always an easy thing to let, especially if there are any, the trainee do that to build their repetition and, also, we don't end up doubling

the work.

Q: Okay. At the time that you are dispatched and you're in route, did you see that the other unit had already arrived on scene?

A: Yes. I was exiting Highway 50 onto Power Inn, and I think they were pretty much there. They weren't in the apartment complex per the map. Their car was mapping on the street in front. And then, as I turned onto Julliard from Folsom — so, the apartment's on Occidental. Julliard is the north-south. Occidental is an east-west street. They were kind of parked at the intersection right there, essentially waiting for me to get a little closer, just standard practice for us.

Q: Okay. And that practice is what? What's standard practice?

A: As a solo officer, you typically won't arrive to calls for service on your own outside of a select few. It's an officer safety reason, so you typically wait until your covering unit is nearby. Strength in numbers.

Q: Okay. And prior to arriving on scene, what was the last dispatch notification that you got on the call?

A: The last one I remember receiving was that he had lit her truck on fire and left, and apparently the fire department had responded was the last update I remember. And then they had attached a license plate for the suspect vehicle.

Q: Okay. And then, what was the suspect's vehicle?

A: It was a red Toyota Sienna minivan.

Q: Okay. And at this time, did you meet with those officers who were standing by at the corner first, or did you guys both drive in together?

A: They were able to get inside the complex. The gate was open. I was unable to park my car inside the complex, so I parked in essentially the guest area of the apartment complex and walked in on foot.

Q: Okay. And let's see. You already discussed your route of travel. What was the lighting of the location?

A: Well, the apartment where the complainant or the victim was located, it was fairly well lit. There was overhead lighting. But when I walked out, they were already talking with her, and she wanted to show us her truck, which had been burned, and that was located on Occidental. It was very dimly lit. We were using our flashlights to see pretty much everything on the truck. There

were no street lights nearby. But the weather, I remember, was pretty clear.

Q: Okay. So, what I'll do is I'll kind of break this up into two different sections. So, in regards to the apartment complex, just kind of walk me through everything that happens when you get to the apartment complex and everything like that. And then we'll kind of pause when we get to the pursuit part. Okay?

A: Okay. So, once I realized I couldn't drive through the gate because I didn't have the right key and it didn't have a click-to-enter system, which is irrelevant. Basically, I couldn't get through the gate to go in the secured portion of the parking lot, so I parked in the guest area, turned my car off, locked my car. I walk in. As I'm walking in, that's when I activated my body-worn camera, because I'm about to contact the public. At that point, Ofc. Schwertfeger and Jillsin were already contacting the victim. As I walked up, Ofc. Schwertfeger informed me that the fire department had, in fact, just been out to that location for a vehicle fire, and essentially the neighbors were watching this truck on fire. And the fire department comes and puts it out. He relates to me that her ex-boyfriend was responsible for lighting the vehicle on fire and had been previously arrested the week before for stalking, so 646.9 in the California Penal Code, against this complainant. There was a valid domestic violence restraining order in place preventing him from contact, and there was a stay away portion. So, essentially, he can't come within a certain distance of her, her residence, anyplace she may work, and any other protected persons who were put on that order.

And we walked out to go look at her truck. So, the truck was a blue Ford F150. I don't know what year. It was older, though, and it was parked south of her apartment on the street. So, essentially, we kind of made a U-turn from her apartment out the front pedestrian gate, and then the truck was parked right there on the street. The back bed of the truck was charred and burned. The inside of the cabin was burned a little bit, very smokey, and there was water and foam from the fire department that was still on the street. So, very clearly, they had just put the fire out. The vehicle was definitely totaled at this point. We were walking around the car trying to look for a license plate. I tried to locate a VIN, but the windshield was completely smoked out and the battery was short-circuiting, so we didn't really want to touch the car.

So, at this point we're debating, essentially. Do we have our crime scene investigators come out and take photographs, or will the fire department come out and handle the arson investigation? Because the victim had already stated that the suspect had left about 20 minutes prior to her calling us, and she didn't know what direction he left in, just he left in an unknown direction on Occidental. So, at this point I said, "Hey, I'll go get my patrol car, and I'll park it on the street since I'm closer," that way the training officer could run

his records checks in my computer, as opposed to having him walk all the way back in the complex. So, I walk back over to my car, which is, I don't know, maybe 100 yards away. I get in it, flip a U-turn, and I'm preparing to pull out onto Occidental. There's a car coming from the east, heading west towards the intersection with Julliard, essentially going to pass where the burned-out vehicle was and the other officers.

And so, I stop and wait for oncoming traffic. And the vehicle is going very slowly, very hesitant to pass me, but it passes me. It was a minivan, but nothing that caught my attention. I think I was looking at the computer and something similar. Anyways, I had both windows down in my car. So, as I was pulling up, that's when Ofc. Schwertfeger goes, "Hey, that's the suspect vehicle. He's driving by right now. Go stop him." So, I go, "Okay, no problem." So, I immediately pull back out onto Occidental, and that's when I end up behind a red Toyota Sienna minivan.

Q: Okay. So, let's talk a little bit more about the apartment complex. So, did you actually meet with the ex-girlfriend?

A: I never spoke to her, no. She was there. I might have said hello, but I didn't speak with her. The trainee was already talking with her and obtaining a statement and doing everything for that, which is pretty standard. It's their beat. Therefore, if there is a report to be taken, the understanding is the beat unit will take the paper.

Q: Okay. Did you overhear anything that they were talking about?

A: I did not. I just spoke with Ofc. Schwertfeger. And essentially, as soon as I walked up to the apartment, we almost immediately walked out to the street.

Q: Okay. Who told you about the domestic violence restraining order?

A: Ofc. Schwertfeger did. And if I remember correctly, I could be wrong, I believe it was attached to the call because the complainant did say she had restraining order against him, and I remember somebody saying something about it was valid and served. So, essentially, he's not allowed to contact her. He shouldn't have even been there.

Q: Okay. Ofc. Schwertfeger, what else did he tell you about the suspect or the circumstances or anything like that? Can you tell me about the dialogue or the conversation between the both of you in regards to the suspect?

A: Well, basically, he had previously been arrested for stalking our complainant. There was a restraining order in place. He's coming by and harassing her. So, he's kind of showing that, essentially, an arrest didn't deter him from his

efforts. And I know on the call she did a very good job, the victim did a very good job, of giving his name, a license plate, and a vehicle description, which we're not accustomed to having, so that was very nice to have that information ahead of time because it essentially gave us something to look for prior to arrival on scene. As far as on the scene, we just briefly talked that he had been arrested for stalking the week before. There was a valid restraining order in place. And then, we were standing on the lawn by the truck and Ofc. Schwertfeger gets me and says this is a legitimate stalking case. He proceeds to go look for some cameras, and that's when I decide I'll move my car over so he can finish doing any records checks we need to do.

Q: Okay. Were you aware of any other circumstances about the suspect or cautionary things or anything like that?

A: The complainant did say he was known to carry firearms. She hadn't seen any that day, but in the past, he had been known to carry firearms.

Q: And where did you get this information from?

A: That was from the complainant to the call takers, and it was put on our CAD call.

Q: Okay. And did you read it, or did you hear it?

A: I read it and heard it.

Q: Okay. And did Ofc. Schwertfeger or his trainee tell you anything about firearms?

A: Not that I remember.

Q: Okay. At the point that you go and you look at the vehicle that is burned up, you said that there was suds on the ground and stuff like that. Can you just kind of explain the lighting of that area and just kind of the general view of that area?

A: So, the vehicle was parked on the northern curb line of Occidental, almost directly in front of the dispatched address, so [redacted] There were no street lights nearby that I remember. We were using our flashlights to illuminate the vehicle. The back bed of the truck had some miscellaneous items in it. It was hard to see because it was charred and black, and the inside of the cab had suffered some fire damage as well, and all the windows were completely blacked out from the smoke. The hood was popped on the front. It looks like the fire department maybe attempted to cut the battery to the car. I don't think they did, because you could hear the power cycling up and then shorting out.

There was water all over the ground from hoses, and there was maybe a little bit of the chemical suppressant that they had used, because you could see it on the ground. And the car smelled heavily of smoke and being recently burned. None of us touched it because we were like, *Maybe the car is short circuiting. I don't feel like getting shocked today.*

So, I think at that point, Trevor — sorry, Ofc. Schwertfeger — and I were kind of debating do we ask if Fire had a call for service out there. Apparently, they had. There had been an all units that was broadcast. So, all units, it's not a dispatched call for service. It's just dispatch essentially voicing over the radio that there is something that is happening, maybe relevant to your area of responsibility, or there could be something going on with another agency and it's just to be on the lookout for. In this particular case, the fire department said, "Hey, we were out at the vehicle fire here," but at that time they didn't see anything suspicious. So, I think we requested an arson investigator, and that was pretty much it. We had very minimal conversation at that point.

Q: Okay. Was the ex-girlfriend present at all out on the street or anything like that?

A: Yes. She walked us out to her truck. She was talking with Ofc. Jillsin on the lawn just north of the truck. So, it was the lawn, the sidewalk, and then the vehicle.

Q: Okay. So, who all was outside with you at this point?

A: Ofc. Schwertfeger, Ofc. Jillsin, and the victim.

Q: Okay. And then, the street on Occidental and Julliard, you said, right?

A: Mm-hmm.

Q: Is that a heavily tracked street, not so much, or…?

A: It's predominately residential. Occidental is a residential street, but it could be busier. It is a main road for the residential portion of the neighborhood. Julliard is a much busier road because Julliard, to the south, connects to Folsom Blvd., which is, obviously, a main thoroughfare through the city. So, there was some light vehicle traffic.

Q: Okay. Did you see any other vans driving by or anything like that at that point?

A: No. There were minimal cars that drove by the entire time we were out there.

Q: Okay. And at this point of the investigation, what was your plan? What was your role going to be?

A: Just to hang out, honestly, because at that point we had one person to talk to. The trainee was already talking to her and obtaining her statement. They were the first on the scene. It was their beat, so they would be taking, essentially, the entire report. I was just there to be there, help in any way I could, which maybe would have included doing a canvas of neighboring houses, looking for any video cameras, surveillance cameras, or seeing if there were any witnesses nearby. That would've most likely been the extent of my involvement.

Q: Okay. Did you see a picture of the suspect at this time?

A: I did not.

Q: Okay. Were you aware that — you said that you knew it was a Toyota Sienna, right?

A: Mm-hmm.

Q: And that was on the call for service?

A: Yes.

Q: Okay. Did you have any knowledge of what the suspect looked like at this time?

A: I knew he was an older Hispanic male with darker features, darker hair, but that was it. Once I read that he wasn't on scene and had left a while ago, it's uncommon for suspects to return once they know the police are being called. So, once I got on scene, the report was already being taken, so I was simply there just to support the effort that was already being undertaken by the other officers. So, I didn't remember the name. I just remembered the address I was going to and roughly what the call was about.

Q: Okay. And was there anything listed in the CAD call or from Ofc. Schwertfeger about violent tendencies or anything like that?

A: Other than the information that he's known to carry firearms, that was all I was aware of, but I will say, in experience, judges don't typically grant a restraining order or a domestic violence restraining order without some form of previous physical violence in a relationship. So, the fact that one was granted and served indicated that there was probably a previous past of domestic violence.

Q: Okay. And did you have any information if the suspect, and when I say suspect I'm referring to the ex-boyfriend, if he was on probation or parole, or criminal history, or anything like that besides the stalking?

A: Not that I was aware of. Like I said, the domestic violence restraining order would indicate a previous arrest or conviction for domestic violence, but that's just speculation on my end.

Q: Okay. And then, had you ever had any prior contact with the Toyota Sienna or the complainant, who was the victim or the ex-girlfriend?

A: No. I had never met either of them before.

Q: Okay. Had you ever been to this apartment complex before?

A: No.

Q: Okay. All right. At this point I'm going to have you go ahead and start in to the point where you start to walk to your car and then you see the Toyota Sienna, and I'm just going to let you tell your story from start to finish, and we'll kind of go from there.

A: All right. So, I walk over to my patrol car, get in, turn around. My body-worn camera was activated at this point. My in-car camera was on, but not recording. I typically won't turn it on if the vehicle is parked very far away from where we're going to be because what ends up happening is it's just recording the front of the building with nothing pertinent going on. So, at this point in time it was on, but not recording. I make my U-turn. I get ready to pull out onto Occidental. That's when this car slowly goes by me, almost like they were hesitant to pass me, but that's not uncommon. People see police cars and they think we're going to pull them over for no reason, so it's not uncommon for people to try and let us go first, essentially. But eventually it drives by me. I had my windows down. I go to park behind the Ford F150 that had been burned out. As I'm pulling into the spot, Ofc. Schwertfeger shines his flashlight at me and says, "That's the suspect vehicle. Go get him." "Okay, cool. No problem." So, I pull back out onto Occidental. We're going westbound at this point, coming up on the intersection of Julliard. I get behind the vehicle. It's a red Toyota Sienna minivan. I was able to confirm the plate on the vehicle, which I do have if you want it.

Q: No, thank you.

A: Okay. So, I broadcasted over the radio that I was going to be making a traffic stop related to our call for service and that it was the suspect from the arson. I

recited the plate and broadcasted the location. At this point, I activate my overhead emergency lights and start a traffic stop. I guess it's important to note, our body-worn and in-car camera have a 30-second rollback. So, at this point it rolls back to essentially me getting ready to pull out of the apartment complex. So, at this point both my body-worn and in-car camera are activated and recording. So, I turn on my overhead lights. The suspect vehicle doesn't speed up, but he doesn't slow down. He just kind of slowly keeps going westbound on Occidental and rolls through a stop sign at Julliard, then makes a northbound turn onto Julliard, so a right-hand turn onto Julliard. I briefly sound my siren to indicate, like, "Hey, I'm behind you. I need you to pull over."

At this point, he accelerates away rapidly. I broadcast over the radio that I'm in pursuit on northbound Julliard. We were coming up on Notre Dame. Our speeds at that point, my best recollection, were between 30 and 40 miles an hour. There was a stop sign at the intersection of Julliard and Notre Dame. He doesn't stop for it at all, runs the stop sign, makes essentially a slight right-hand turn, and we continue northbound on Notre Dame. All the while, I'm broadcasting updates for speeds and conditions over the radio. As we were going northbound on Notre Dame, our speeds are between 45 and 55 miles an hour. No traffic at that point. We come up on the intersection of Lake Forrest Drive, and there's a stop sign there, a four-way stop sign. All these stop signs are clearly marked, posted stop signs. He makes a right-hand turn onto Lake Forrest Drive, so we're going back eastbound. He doesn't stop at all.

At this point I realized I hadn't activated my siren, so I turn my siren on, which you're supposed to when you're in pursuit of a vehicle. It shall sound continuously. So, I made sure it was on and sounding continuously. We continue eastbound on Lake Forrest Drive. Speeds were much higher at this point. They were between 70 and 85 miles an hour in a residential neighborhood. There's no traffic at this point, thankfully. When we hit the intersection with Occidental, once again there was another four-way stop sign. He slows down, but doesn't stop for it, and continues to make a northbound turn onto Occidental Drive. So, we continue northbound Occidental. Speeds were still fairly high, in the 60s to 70 miles an hour. There was light traffic on the road at this point. There was a stop sign at, I believe it's, Occidental and Bennington Way. There was a four-way stop sign before you go over on an overpass. He doesn't stop for that at all, just goes through it completely and fully, and there were vehicles around. I cleared the intersection, continued northbound.

We come over an overpass, and it goes down. Speeds at this point were between 70 and 80 miles an hour, still in a residential neighborhood, light traffic. We approached the intersection with, I believe it was, Mediterranean Way. He doesn't stop for the stop sign there. He goes straight through it. At

this point Occidental essentially terminates into a T-intersection with La Riviera Drive or Way, and it's a three-way intersection that's controlled by traffic lights. He makes a right-hand, eastbound turn onto La Riviera and does not stop for the red light, just goes straight through it. We continue eastbound onto La Riviera, which is a major road, but it's still residential. It's houses on both sides, and it's fairly twisty or curvy. Speeds there were between 70 and 85 miles an hour with light traffic on the road. We continue on La Riviera until we come up on Watt Avenue.

At this point he decides he's going to go southbound onto Watt Avenue. Watt Avenue at this point is a major thoroughfare. There are multiple lanes of traffic on either side. So, there actually is an on-ramp onto Watt Avenue. We turn onto the on-ramp, which is like an S-turn, essentially. So, we're going southbound, and it turns to the left and the right. He almost runs off the roadway on the on-ramp to Watt Avenue. He's able to regain traction and continue southbound onto Watt Avenue. We got onto Watt Avenue. Our speeds are sitting at about 60 miles an hour with moderate traffic at this point. I hung back a little bit. You can either continue southbound on Watt Avenue over the top of Highway 50, or you can merge onto westbound US-50 at this point. So, I hung back, that way in case he — whatever direction he goes, I have plenty of time to adjust to his actions. He continues southbound Watt Avenue in the far-right lane, about 60 miles an hour, through a green light over the top of Highway 50.

At this point he picks up his speed. I would say we were going anywhere between 75 and 90 miles an hour with fairly moderate traffic. It's a busy intersection with a lot of major streets, but traffic was yielding, and it was fairly easy for me to maintain a close proximity to him. We pass through the intersection with Folsom Blvd., and at this point a second unit, I believe, is coming up behind me. It was one other patrol officer to join the pursuit because, at this point, I had been a solo officer in pursuit. We continue southbound through the intersection with Manlove Road, and at this point our speeds drop dramatically from about 80 all the way down to 35 to 40 miles an hour, and he activates his hazards. It's very unusual for that to do in a pursuit.

In my experience, when people slow down like that it's because they're starting to look for, essentially, some sort of other evasive action, whether it be to ditch their car and run away on foot, or try and find some sort of terrain that maybe our vehicles can't go across, or in some cases it's to prepare a firearm. That was options I was considering at this point because we now had three officers in pursuit at very low speeds on a very straight, major road with a speed limit of 50 miles an hour. We were going well below the speed limit. So, I peek out into oncoming traffic a little bit and see if I can see the suspect in the car and what he's doing. I couldn't really see anything. The windows were fogged up, but it looked like there was just one person in the car.

So, we continue southbound at extremely low speeds. When we go south of…it's either Manlove or Jackson Road, it turns into South Watt Avenue. So, we were continuing on South Watt Avenue with very low speeds, 35 to 40 miles an hour. His hazards are on. We pass the district and he turns his hazards off, which is interesting. And then, our next major thoroughfare is Fruitridge Road. So, on Fruitridge Road, we make a westbound turn. Our speeds dropped to about 10 miles an hour. As we make the turn, another Sacramento police car actually pulled out from a side street and was in front of the pursuit. Their lights weren't on or anything. They were trying to get ahead to essentially deploy spike strips so we could try and stop the car. I don't know if the suspect saw it. Our speed stayed pretty consistent, 35 to 40 miles an hour, and we continue westbound on Fruitridge. There's a set of railroad tracks that run north-south across Fruitridge Road. After we cross the railroad tracks, it's a raised embankment, we start coming back down.

You could clearly see a marked Sacramento Police car parked along the northern side of Fruitridge Road, and they already had the spike strips out. The suspect becomes cognizant of them and essentially switches lanes and then accelerates towards the patrol car. So, I broadcast on the radio at this point like, "Hey, watch out." I thought he was going to hit him. And then he makes a hard left, very abruptly, into an industrial complex off of Fruitridge Road. I had previously been to this industrial complex. There's a shed in there that we'll sometimes park while we write reports because it's covered from the weather. But with that knowledge of it, ultimately, I knew there was one way in and one way out. So, the way we came in was also our only exit, and the entire area is secured by a chain-link fence that's topped with razor wire. So, there weren't a lot of options for him to go.

And when he goes into the industrial complex, he speeds up significantly, especially for such a confined area, about 50-60 miles an hour, and his driving becomes a little more erratic. You can tell he's braking harder, swerving harder. So, at this point I'm pretty confident that we're going to have somebody getting out of the car. There had to be some sort of evasive action because, at this point, we were essentially pinned in. So, we continue. We drive around some gas pumps that are in there, and he starts to accelerate out from the gas pump, coming back westbound. So, we had come in going southbound. He's going westbound, almost like he's trying to get back to the driveway, but there's a concrete culvert or canal in front of him. And he essentially abruptly slams on the brakes faster than I could react, so I collide with the back of his car at maybe eight to 10 miles an hour. It wasn't anything significant for me, no airbag deployment, but at this point our cars are stuck together.

I exit my vehicle, draw my firearm. I have two other cars that were with me,

so 1-Charles-68, which was Ofc. Caro, and there was another car which was Ofc. Stevens and then his trainee, which was Ofc. King. We are issuing commands. I was yelling, essentially as loud as I could, "Put your hands up! Put your hands up!" I'm in the crook of my driver's door. So, I had my door open and I'm kind of standing where the front door connects with the vehicle. So, I can see him looking at me in the sideview mirror, but I was getting no response other than that. I could see that the lights for the car were initially in reverse, and then they disappeared. So, I yelled to everyone, "He's putting it in drive!" Prior to that, I want to say it was Ofc. Stevens issued a command that was like, "Don't fucking drive or you'll get shot!" And it was audible to where I was. And like I said, I had issued a couple of commands of "Put your hands up! Put your hands up!" Nothing.

He drives forward off of my car and kind of makes a slight left-hand turn and then reverses, so his car is perpendicular to mine. As he reverses, the tires squeal. It's a front-wheel drive car, so there was a little bit of traction. We're yelling commands, "Stop! Stop!" And at this point I had transitioned from having my finger indexed on the side of my firearm. So, indexed means your finger is not on the trigger. I had put it onto the trigger because at this point — so, where my car is parked, about eight to nine feet to my left is a solid concrete and chain-link fence, and that's his only out. If he drives through there, you're going to run me over and you're going to cause serious injury or death. And up and to this point it's, okay, you've clearly displayed a wanton disregard for everything else. He wants to get away. You've ignored multiple commands. We went through a high-speed pursuit through a residential neighborhood. You have odd, erratic behavior through the other half of the pursuit. You drove towards another officer, and now you're driving, essentially, quickly in a very confined area. So, it's obvious to me. At this point my mindset is this guy has no issue running me over to try and get away. He's displayed that mindset of like, "I'm going to get away at all costs."

So, the car stops in reverse, and I start to yell. The full sentence I was going to say was, "Don't fucking put it into drive," but as soon as it goes — I didn't get the opportunity. He starts to put in drive, so at that point I discharged my weapon eight to 12 times, would be my — maybe more. I'm kind of standing up into my car because I'm kind of short, so that gave me a better, elevated position over the door of my patrol car. But also, my thought process, too, was just because we shoot the driver of a car doesn't necessarily mean the car's going to be able to stop. So, it was kind of a last-ditch effort that if he's still able to get through, I could, hopefully in time, get inside my car. My foot might have still got caught or something, but from him driving forward and backing up, it happened so quickly. I didn't have enough time, essentially, to retreat to another area of safety. So, I'm going, *Okay. This guy's going to run me over. He's going to kill me. We're going to try and stop that threat*. So, the vehicle, after we fire the shots, after I fire the shots — I wasn't

coordinating with anybody at this point — the vehicle kind of comes past my car and comes to rest against the chain-link fence.

At this point, I'm starting to move back. I remember the car kind of rolled back a little bit, so I fired one more shot because I thought he was going to try to back up and move forward again. At this point I kind of get to the back corner of my patrol vehicle and take a position of cover or concealment because the driver's window was — it didn't shatter out. It actually absorbed all the rounds that went through it and was cracked. So, we couldn't see inside the car at all. I was pretty confident we had killed the driver. I verbalized that, but then we started hearing moaning coming from inside the car. So, at that point, we're going "Okay. We can't see inside the car. We have somebody who is still alive, and we can't see what's going on inside the car. He's known to carry firearms. For all we know, he's lying in wait for us to approach or whatnot.

So, as more units arrive on scene, we get ballistic shields in place, and we instruct Ofc. King to use a beanbag shotgun to shoot one round through the window in the hopes of shattering out the window so we could at least, at this point, see inside the car and have a better idea of what was going on. He fires the one round, and the window didn't break. It just put a hole through it. So, we started issuing commands. We were getting no response, no response. And after a minute or two, the door opens and the suspect exits the vehicle. At this point it was kind of apparent why he couldn't open the door. He had been — it appeared he had been shot in his forearms, so I don't know if he had the ability to open the car door. He comes out and he sits down on the concrete and chain-link fence. Some officers go and detain him. We clear the rest of the vehicle to make sure there is no other person inside the vehicle, and I just do a quick protective sweep of the vehicle visually to see if there was a firearm in the vehicle. I didn't see one. Other officers were rendering aid. We had already requested the fire department. At this point I walked over to a car that was outside of the scene. I knew my portion of involvement in the call was over at that point, so I deactivated my camera and just sat inside a car outside of the scene.

Q: Okay. So, now I'm going to go over it, and I'm going to ask you some clarifying questions about everything. Okay?

A: Okay.

Q: So, going to the pursuit. You had talked about him not stopping at stop signs and stuff like that. Is that correct?

A: Yes.

Q: Okay. And then, can you describe to me the time of the day, the conditions, the traffic, all that type of stuff?

A: Yeah. So, the pursuit was after 10 o'clock on a Monday night, so it was dark. It's wintertime. We're in February. It gets dark early. There is no sunlight. The only lighting you're going to have is from the headlights of your car and any street signs. The weather was clear, but there wasn't much moonlight that I remember. So, your lighting, it's fairly dimly lit. If you think of a standard city street, that's kind of the lighting we're dealing with. As far as traffic conditions go, until we got onto Watt Avenue, there was no traffic to light residential traffic. The real concerning issue was just his speeds through the residential neighborhood. When you're in a residential neighborhood, your speeds are going to be anywhere from 25 to 30 miles an hour. At some points we were in excess of 80. So, we're running multiple stop signs, and he's not checking the intersections. He's just driving through it. The likelihood for a traffic collision that would result in serious injuries is fairly high, and I guess that kind of elevates the — what's the word I'm looking for? It kind of ups the ante, essentially, for lack of better words. You're increasing the danger to the public at this point and also to officers as well. Right? It's dangerous to be in a vehicle pursuit. But he's displaying that will to get away, and that's scary because it shows that you don't really care what gets in your path as long as you can get away. The damage that's done is irrelevant to you, so it's a very self-centered mindset. When we get onto Watt Avenue, traffic is moderate to heavy at points. There is on-ramp and off-ramps for Highway 50, and it's an eight-lane road. There are four lanes in both directions, with a concrete median and traffic lights. It's a very busy, heavily-traveled road. He was kind of swerving in and out of traffic. I was able to stay up with him no problem, though.

Q: Were there any concerns at this point?

A: When we were on Watt, I didn't have any concerns. There was enough roadway that he could negotiate around it, and the sidewalks are essentially bordered by really tall concrete cinderblock walls. My concern was the speeds in the residential neighborhood. There's a — I mean, not that it's open, but there's a tennis and racquetball club that we drove right by, and it's all residential. There are no businesses through there. It's purely just housing. And so, my concern is are you going to hit a car full of a family? If you do crash, are you going to go through somebody's front living room? That was where my concern was. Because once we got south of Folsom Blvd. on Watt, there was no housing at all. It's all industrial complexes. There's landfills. There's quarries for a concrete aggregate. So, the risk to the public starts to drop a little bit down there because the only thing you're going to crash into is going to either be a field or a fence.

Q: At the time that you are behind him and you're pursuing him through the residential districts and on the freeway, what was going through your mind about the suspect or the vehicle or your safety concerns? What was kind of your mindset?

A: Honestly, when he took off, it kind of validated our investigation at the scene. Right? If you have nothing to hide, then you're going to pull over, let us conduct our investigation, because if you're not the person we want, you're not going to go to jail. But as soon as his hesitation to pass me — granted, I wasn't aware of that initially, but his actions indicated to me that, okay, we have the right person. And then, how he's driving just indicates that we went from a very simple traffic stop, essentially, to a felony pursuit. We have multiple traffic violations. We have high speeds through a residential neighborhood. As I'm pursuing him, it's like, okay, we have good felony wants. We have felony crimes that have been committed. We have arson of a vehicle. We have a violation of a restraining order, and it's a domestic violence restraining order, so it's a felony in the State of California. And now, we have a felony pursuit and essentially delaying or obstructing an officer from arresting, so resisting arrest in one form or another. And he's known to carry firearms, so it's going, okay, are you trying to hide something in the vehicle? Are you hoping to get ahead of us so you can toss something out of the car? It's possible people get ahead of you and they set up an ambush. There's a lot of different things. So, my mindset is, *Okay. I need to at least be able to keep eyes on the vehicle because it limits his ability to potentially surprise me with some sort of tactic*. Obviously, there's still a huge thing of the unknown. He's known to carry firearms, which is a consideration in my head. We've had people shoot from cars before at us. There's a possibility for everything, but I was doing my best to at least stay close to him to try and limit some of those eventualities.

Q: Okay. Have you responded to collisions in this area before, or are you aware of any?

A: Yeah. When I was a community service officer, yeah, I went to crashes over there. It just depends. Like I said, Folsom Blvd. is nearby, La Riviera is nearby, and those are major roads where people tend to drive fast. And the collisions that result over there are usually pretty serious.

Q: Okay. At the point that he passed you, when you were at the apartment complex, did you see inside the vehicle?

A: No. I was looking at it going, *You can drive by me. It's okay*. Because I'm going, *I just need to park my car over here so we can use my computer to run it up*. Because at that point, I'm in, essentially, report mode. Okay, let's gather as much facts and evidence as we can so the trainee can write a good,

thorough report because most times, something like this, a report's going to be written. A detective will review it, and it'll be submitted for an arrest warrant, and then they'll go get him later. That's typically what happens. Ninety-eight percent of the time, people aren't there.

Q: Okay. At any point did you see who was inside the car prior to, we'll say, the industrial yard? Did you ever see who was in the driver's seat?

A: No. I could just see the back of the head. The back window was fogged up. And even when I peeked out on the side, I was only willing to cross over — because it was a two-lane at that point. There was no oncoming traffic, but it was kind of going up a hill. I wasn't willing to drive fully in that lane to see. And also, from a tactical standpoint, if that was his goal, to shoot from his car, me pulling out like that provides a much easier line of fire than directly behind him, so that was a tactical consideration on my end. So, no. I could just tell that there was most likely one person in the car. Sure, there could have been another person laying down in the seat, but nothing that I could see.

Q: Okay. Were you able to tell if that person was a male or a female at that time?

A: No.

Q: Okay. Were you able to tell anything about their stature or anything like that?

A: No. I could just basically see the top of a head.

Q: Okay. And then, at the point that you pull into the industrial — actually, rewind that. So, you said that there was another officer or another unit that joined the pursuit at some point.

A: Mm-hmm.

Q: Okay. That unit, did they have on their lights and sirens?

A: Yes.

Q: Okay. And then, let's see. How do I ask this? Was there another unit behind you at this point, or were you the sole vehicle in the pursuit?

A: I was sole up until south of Folsom Blvd. on Watt. And then, definitely by the time we went south of Manlove, there were three vehicles total, including myself. A fourth had actually joined, but the sergeant reiterated over the radio that three patrol units and then a K9 officer were authorized, so that fourth unit dropped out immediately, so turned their lights off and made a U-turn.

Q: Okay.

A: Basically, we were either waiting for the pursuit to terminate, or for a K9 unit to arrive on scene, because at that point we could essentially either spike strip the car or use a pursuit immobilization technique to PIT the vehicle. And then you have enough vehicles to perform a felony stop, including our K9, which is a great tool. It's an extra tool to have on hand. Obviously, we never got that opportunity.

Q: Okay. You had said that there was another car that was going to attempt to deploy spike strips.

A: Yes.

Q: Okay. And do you know how many officers were in that car?

A: One, maybe two. I believe their unit identifier was 1-Charles-88, so that would indicate that it's a one-officer car. However, if they had a trainee with them, we'll still go out as a solo officer because the trainee is not, obviously, a solo officer. So, there could have been an FTO and their trainee, but I couldn't see the officers. They were utilizing their vehicle as essentially cover as they deployed the spike strips.

Q: Okay. Did you see them standing outside their vehicle?

A: I could see one person kind of near the front passenger-side corner of the patrol vehicle, but other than that, no. My view was fairly obstructed.

Q: Okay. Did they have the spike strips deployed?

A: I don't know. I would assume so because they were outside of the car, and that's when the suspect vehicle made a very abrupt right-hand turn towards them, probably about 50 feet away from them. And there was no reason to make the lane change towards them. There was no traffic around at this point. The spike strips, at most, may have been in the middle of the road if they were deployed, so he could've drove into oncoming traffic to go around it. There was no reason to drive towards the patrol car at all. So, that's why my initial thing was, *Holy shit! He's going to run into this car!* Then, that provides a myriad of different problems because, yeah, he hits the car and then runs another officer over, or it creates a crossfire issue if it turns into a shooting. There's all sorts of different possibilities, but that would have been a very bad situation. So, that's why I broadcast over the radio. I was like, "Watch out." But I was offset from the suspect vehicle towards the driver's side, so I only had a very limited view. I could see their car and maybe one person.

Q: Okay. And at that point does he actually strike the patrol vehicle that's out there?

A: No. He, at that point, makes an abrupt, hard, like 90 degree turn into the industrial complex and accelerates immediately at that point. Like I said, our speeds went from 30 to 40 to 50 to 60 in this very confined industrial area with a poorly-paved road. It was darkly lit. The only place there is really light is by the gas pumps that are in there.

Q: Okay. And are you aware that there are other officers with you at this point?

A: Yes. I knew I had at least two other vehicles with me. I knew the officer behind me was a solo officer because I recognized the identifier, and the third unit I wasn't sure of. I knew it was at least one other officer. Obviously, once we got on scene, I realized it was a close friend of mine, and it was him and his trainee.

Q: Okay. And then, at that point the pursuit goes through the industrial yard. Just kind of describe — you said that there was a culvert and a chain-link fence. What was the backdrop of your area in this area? What was around you?

A: Once the pursuit terminated?

Q: Yes.

A: So, I was facing, essentially, a southwestern direction, and it angles down. The ground starts to slope down, basically, to drain water into the culvert. So, my backdrop in front of the suspect vehicle is all industrial. There's no residential buildings at all. There's the concrete culvert, which actually would've captured some stuff just from the angle we were down at, and then there's an open field or empty area for drainage or chemical waste. I don't know. It's just an open area. And then there's a fence that borders the back. I can't recall if it was a solid fence or not, but there was nobody around and our backdrop was fairly wide open.

Q: Okay. Was there also a building or a structure by you?

A: Yeah. So, there was a — so, he stops in front of me, so it would've been to his right, maybe — I don't know. I'm terrible at this — 25 to 30 feet. There was a large metal shed that has multiple parking stalls in it, because I think the area is used for garbage trucks to get gas and stuff, so it's a fairly large structure, but that prohibited him from going to his right, to go forward. It forced him to the left of it, and at that point you've got a concrete wall that runs parallel to him, and then there's this steep drop off. Had he drove his car

down there, he would've totaled his car or hurt himself or something like that. And he couldn't get through the officers on the other side. I think his intention was, had that road gone through, to essentially circle back to the driveway we came in on and then exit back onto Fruitridge because he realized, *Okay. I'm stuck. I have nowhere to go.*

Q: You had mentioned that you had been at this industrial complex before. How many times had you been there?

A: Once or twice. I'll write reports over there sometimes.

Q: Okay. At the point that he reaches the area where the pursuit terminates, what was going through your mind?

A: A lot. I didn't like being that close to the car. We have had officers in this department, in my time here, that were on a felony vehicle stop and both of them were shot. And that was the suspect exited the vehicle immediately and they were farther away. So, I'm very close to him. So, knowing that he's known to carry firearms, is he going to exit the vehicle and start shooting at me immediately? In which case, I'm fucked. There's not a better way to describe it. I'm at a very close range, so we're going to engage in a gun fight. Hopefully I win. So, that's issue number one. And I was thinking of that issue because, like I said, I could see him in the mirror. I could see his face, and there was just no cognition on his face. He's just staring at me in the mirror. The lights, the reverse lights, kind of flicker. So, he was in reverse initially as my car is pushed up against him. I think his goal was to slam on the brakes and try and put it in reverse because he realized he was stuck, but then I collided with him, so it kind of pinned him in. Then, he drives forward, and that's when I start to go, *Okay. What are we going to do?*

We have a limited set of options. He's increasing, essentially, the danger of the situation. You're starting from the point where it's going to not only — it's going to force some sort of confrontation. A car is a lethal weapon. I've seen people get hit by cars. I've responded to collisions where people have been hit by cars, and human bodies are fragile and delicate. If a Toyota minivan comes at you at 20 miles an hour, it's probably going to kill you or at least severely maim you or injure you. And I had essentially two options of escape, and one was taken away because of how fast he was able to orient his car. It eliminated my option to essentially retreat behind my vehicle. So, I could sit inside the driver's seat of my car, but now he's going to be driving right by me. It's very easy for somebody to shoot into my car, and I'm in a confined environment. At the range, we call the inside of the car — it's death. You don't have options. You don't have places to go. And who knows, his car could get stuck next to mine and wedged, and now we're essentially three feet apart from each other. The options were very, very poor.

And so, at this point I'm starting to go, *Okay. This got real*, essentially. And we had already issued several commands. I was yelling as loud as I could, so I have zero doubt in my mind that he heard me. But the fact that he was trying to put the car in drive — when he pulled off my car, he spun his tires. So, at that rate you're jamming your accelerator. You're trying to accelerate away quickly. So, it's going, okay, you have zero issue running through things to get away. We're just impediments to your escape. So, like I said, once the car is perpendicular to mine, that's when I could see his face. I could see, okay, it's a male Hispanic, and there was just nothing there. It was, okay, — essentially, the really focused mindset of like, *I need to get out of here*, almost like a trapped animal is probably the best way of describing that kind of emotion. It was just that like, *I have to get away. Whatever's in my way is in my way*. At that point, I'm like, *Okay, this guy's going to try and kill me on his way out*.

So, I already made up my mind at that point. If the car starts moving forward, especially because the wheels had been turned and he was pointing the car towards me, if that car moves forward, this guy's going to try and kill me. I'm in fear for my life. I have zero doubt in my mind that he would kill me in his way to move. That was my conscious decision. If it moves forward, I'm going to shoot. And I didn't even get to finish my command. I said, "If — " and then I had to open fire because he starts moving. And I mean, he turned the car right towards me. It was only because we struck him enough times that he actually kind of waivers off to the right. His only avenue was to go through me. He had already displayed just this recklessness throughout the pursuit in the residential neighborhood. He swerves towards an officer for no reason. He's essentially just escalating what we have more and more and more. So, right at this point we have a high-speed pursuit. We have arson. You have, essentially, an assault on an officer with your car. He didn't complete it because I think he realized what he thought was an avenue of escape, but you keep ratcheting it up, and then you force that confrontation. So, like I said, I had zero doubt that he would've run me over with zero issue. And at that point, too, now he has a clear exit out because there was only three of us, or three cars, at that point. We're all outside of our car, so you have a better chance of escaping at that point.

Q: Okay. You had said that you were standing outside your car, in between the car door and the vehicle, and you were kind of wedged in that little position. Right?

A: Mm-hmm.

Q: Do you know where the other officers were at in relation to you?

A: To my right.

Q: Okay.

A: Typically, we fan our vehicles out in what we call high-risk or felony vehicle stops. There are three cars, and they make — they look like blades of a fan, and they all kind of triangulate onto one position. It was a little more difficult this time because, like I said, my proximity to the suspect vehicle. Usually, we have a standoff distance, and that allows you some time to react. We didn't have that this time. So, they're fanning out, essentially blocked him in, to where he drives straight into the culvert or he has to do what he did, which was make a U-turn and try to come out through me.

Q: Okay. Do you know if any of those officers were outside of their vehicle?

A: No. I would assume so because I could hear some commands being issued, and we do that more outside of the car. You're not going to yell from inside of a car. And just knowing two of the officers that were on scene, and having worked with them for five years at this point, I know they would be out of their car, but I didn't see it. Just having worked with that person so long, I knew they would be out of their car.

Q: Okay. When the suspect accelerated away from the car, you described that the car was attached or whatever. Did it jolt your car forward or anything like that?

A: No. When I hit, I think it just kind of bent the push bar back on the front of my car a little bit into mine. It was a very low-speed collision. Honestly, when I hit the car, I was like, *Fuck. I'm definitely going to get in trouble for that*. So, when he pulled off, there was no jolt on the car, just his wheels spun a little bit because he's stabbing the accelerator. And his wheels were turned to the left at that point, so it kind of pulls his car away to the left, and that allows him to back up. And when he backs up, once again, the wheels spin a little bit and he comes towards…I think it was Ofc. Stevens car, because they were the farthest to the right of me in our felony stop. And then, at that point he had the angle to — if he cranks his wheel all the way, he has the angle to come out right through me. I'm a much easier thing to go through than a concrete wall, so that was his only option. And at that point, I'm going, *Okay, dude, you know you're pinned in. You know there's at least three cops here. You know you have firearms pointed at you. You can clearly hear what we're telling you, and you're still willing to drive around?* We're irrelevant to him until we're relevant by shooting him. That was — I firmly believe that's what stopped him.

Q: Okay. About how many feet or what was the distance between you and him?

We'll break it up. When he first pulled away, about how many feet? Well, actually, when you guys were collided, about how far do you think you were away from him?

A: Maybe eight feet at the longest, basically if you figure from the back of the minivan to the driver's seat.

Q: Okay. And then, at the point that he pulls away from you, then you said that he backs up. Right?

A: Yeah.

Q: And he now has his vehicle faced towards you. About how many feet between you and him do you think there is?

A: Six yards, so it was about 18 or 20 feet.

Q: Okay. And is this at the point that you actually get to get a good look in the car, or…?

A: Yeah. It's the first time I can see his whole face and part of his torso, but it was brief. He was only in that position for a second or two before he puts it in drive and takes off.

Q: Okay. You said that you saw him, and that he was sitting in the seat and he had a blank expression on his face.

A: Mm-hmm.

Q: What was going through your mind at that point that you saw him sitting in that driver's seat and the car was faced towards you?

A: I was thinking, *He's going to drive forward.* I had — that's why — I've been in plenty of high-risk vehicle stops. I've been in plenty of critical incidents. People, for the most part, have some sort of expression on their face or, basically, they do things that lead you to believe that they're going to comply or do what you want. And it's very rare that I'm in a situation where my finger is actually on the trigger of a firearm. I've been on felony stops where I don't even pull my gun out. It's like, *Oh, okay. This is clearly the wrong people*, or whatever. As soon as he backed up, I was pretty confident. I'm like, *Okay, the next thing is going to be a shooting.* So, I had already basically figured that's where it was going. And just looking at that, there's a certain, I think, type of mindset when people steel themselves up for these types of confrontations. I had previously been in a shooting several years ago, and it was kind of that same look on their face, where it's they're going to do what

they need to do to get away. And if you're harmed in the process, you're harmed in the process. And in this case, I can't stop a Toyota Sienna with my body. So, it's just like it's that face of…I don't really know the right adjectives to describe it, but it was just I had zero doubt that he was going to drive forward and he did.

Q: Okay. And when he starts to drive forward, do you know about how fast he was when he started to drive forward, or how the vehicle was accelerating, or anything like that?

A: When he came towards me, probably a handful of miles an hour. As soon as the car rolled forward, I made the decision that we're going to shoot, because at that point he can hit the accelerator and that car is going to accelerate faster than I can get out of the way. And like I said, my only option was to go inside my car. I had one foot inside the car and I'm kind of stepped up. My foot's going to be hanging out of the car if he slams that door on my foot. My options were poor. So, yeah, as soon as the car started to roll forward, that's when I started shooting, because it's easy for him to essentially just come right through there, and I don't have an option. So, my mindset at the time was if he's able to move forward, I'm going to die…or at least get seriously injured.

Q: Okay. And he starts to move forward, and at this point your finger is already on the trigger of the firearm. Is that correct?

A: Yes.

Q: Okay. And how many times do you think that you fired?

A: No less than eight.

Q: Okay. Can you explain to me the sequence of the shots, like the tone of it? Is it pop…pop…pop, pop, pop, pop? Or is there a break?

A1: If you remember.

A: Yeah. I mean, the first string of fire is pretty rapid. I'm trying to get rounds on the target. As the vehicle comes to kind of rest, that's when I start moving back because, essentially, he's kind of moved to my flank and I have no — I'm exposed on the side. I have nothing that could stop a round other than my vest, but that's assuming he hits my vest, because we still don't know if this guy's armed. And now I can't see inside the vehicle. So, I'm moving back, and the car, to my recollection, rolls back a little bit, so I fire one more round. The separation of time there was maybe half a second between the first string and that, and that's when I'm able to tuck behind the corner of my vehicle. I reload. I put a fresh magazine into the firearm and essentially just hold on the

target the entire time until we get him out of the car and basically make sure the scene is safe.

Q: Okay. Let me go over and make sure I've covered all my questions I wanted to ask you. Did you ever verbally identify yourself as a police officer at this time?

A: Not that I recall.

Q: Okay. You had already went over the commands, so I'm not going to ask you that again. Did it appear that the suspect was understanding any of the commands that you guys were giving him?

A: No. There was no response from the vehicle, like I said, just that very blank expression. He just kept doing his own thing.

Q: Did it appear that the suspect was having any mental or drug concerns at this point?

A: Not that I could see.

Q: Okay. Were you injured at all?

A: No.

Q: Okay. You had mentioned that you had the less-lethal shotgun in your car.

A: Yes.

Q: Why did you not transition to that less-lethal shotgun?

A: Oh, okay. It's one of those things where it was very situationally dependent. Typically, the primary officer in a pursuit is also the primary at the termination point. In this case, I'm the primary in both the pursuit and the termination point. I have information that he is known to carry firearms, and it's our policy and procedure, and we're going to meet a lethal threat with a lethal option. I'm not going to have a beanbag shotgun when I'm having a lethal firearm pointed at me or some sort of lethal force coming at me. I have also been on calls where a beanbag shotgun has been deployed and there's zero effect. And also, from a tactical standpoint too, they're in a rack that's located to my right. So, in order for me to deploy those, I have to take my eyes off of a potentially lethal target to press a button, holster, turn around, grab it, load it, and then come back up on target. If the suspect is intending to do harm on me, he has more than enough time where I'm not looking. Essentially, from where the other officers' vehicles were positioned at that

point, they would've had a very difficult time neutralizing that threat because they wouldn't have the right angle. So, in that situation you're always going to have a lethal firearm. Responding officers, as they get there, can deploy beanbag shotguns or a 40 mm impact launcher. We have other options available, but typically we want to make sure we have enough lethal options available, as well as people that can go hands-on. Like I said, we've had stops where people have been shot before. It's fairly common across this country, unfortunately, so that termination point is definitely where you're at the highest risk for some sort of confrontation.

Q: You've mentioned other shootings. Have there been other shootings recently? What other shootings are you referring to?

A: In 2017, we had two officers shot at the end of a high-risk felony vehicle stop, and at that point there were plenty of units there. There were three police cars, plus a K9 unit, plus units from other agencies, and that person was able to get out of a car and fire off several rounds and strike two officers. And that was a perfect scenario, essentially. You have all your resources in place. He was initially compliant, too, and then comes out of the vehicle and starts shooting. So, you're always at that disadvantage because, by nature, we are reactionary when it comes to these situations. You have to react to what's in front of you. And that happened while I was here. And then, the Sacramento Sheriff's Office recently had an officer killed this year, a couple weeks ago, once again on a high-risk stop after a pursuit. So, it shows not only is there a potential for this to happen, it's relevant in our area. It happens fairly frequently. And like I said, it's that termination point where you're at the highest risk because you have to exit your vehicle and you don't know. You can't see inside a car. We don't have x-ray vision. So, are they preparing a weapon? What are they trying to do? We don't know. We have to react to what we're given. And hopefully, if you react, you react quick enough.

Q: Okay. You also had your taser on you. I know this is kind of a silly question, but why did you not deploy your taser?

A: Well, practically speaking, it was too far away. It was outside of the effective range of a taser. But once again, it's a less-than-lethal weapon system that works maybe 50 percent of the time. I couldn't see what clothing he was wearing. Once again, if he exits the vehicle and he has a firearm, a taser is useless. And the time it takes for me to re-holster and transition, it's probably too late.

Q: Okay. And then, in regards to medical care or after care, just kind of touch on that one more time for me. So, after the shooting you had described other officers being there and kind of your role in regards to the medical care afterwards.

A: Okay. By the time he exited the vehicle, there were several officers on scene. I'd say no less than 10. Once they handcuffed him, they pulled him to a side location. I didn't partake in the medical care. There were plenty of people over there, but I know by the time they load him into the ambulance, they had applied tourniquets to both his arms. They had put chest seals on, essentially did their best to stabilize him on scene while we waited for the fire department. And I had requested that the fire department stage on Fruitridge Road before he even exited the vehicle. I don't know if they were able to accomplish that request, but we had already made sure we had some form of medical care available and ready to go.

Q: Okay. I think at this point I'm going to take a pause in the interview, unless there's any questions that you guys have for me?

A1: I have three really quicky questions.

Q: Sure.

A1: You mentioned that when you saw his face it was a Hispanic male. Was that relevant to the ID of the arson suspect?

A: Yes, it was.

A1: Okay. And then, you mentioned that when driving, the driver of the minivan needlessly drove kind of quickly towards the officers attempting a spike strip.

A: Mm-hmm.

A1: Did you have any suspicion that a crime was committed when he swerved towards the officers with the spike strips?

A: To me, yeah. I mean, the proximity and the fact that there was zero reason to do it, your only intent at that point is to hit a police car, hit a police officer. Right? So, we would consider that an assault with a deadly weapon, which in California is a felony. Like I said, it was just another thing that kind of upped what we already had. I've been in pursuits before where they're very low speed, and the person gets bored and pulls over, and they just kind of surrender. But every time you start adding that layer of complexity — and that was, to me, I think, really demonstrated at that point. Okay, this guy's going to do what he needs to do to get away from us, especially us driving at low speeds when we are driving a car that's capable of overtaking you. It's just giving you time to try and figure out an escape plan essentially, which is, like I said, uncommon. Usually, people, if they want to get away from us, they're going to pull over and run because we're wearing 35 pounds of gear.

We're not that fast. We like to think we are, but we're not.

A1: You talked about some of the balancing considerations you gave during the 2800.2. Were there any concerns at the time about what might happen to the reporting party if the suspect was not apprehended at that time? And if so, why?

A: Yeah. Right? We can't sit with people all day. We have to leave at some point. And if we lose this gentleman, I think it's relevant. He came back. He came back after he lit the car on fire and knew she called the police. So, there's a chance that when you come back out, we're going to be there. And we were. So, it's showing that he's willing to keep coming back to that area, and the escalation of violence against her was increasing. And there was a remark on the CAD call that said she believed his threats to kill her were credible. I don't know what her statement was. I just know that's something she relayed to our call taker, so I can't expand on that. But part of being able to arrest somebody for criminal or terrorist threats in California is your threat has to be both credible and actionable. To me, he had demonstrated that ability. He knew where she lived. He lit her car on fire, and then he's willing to show up when law enforcement is there. And then, when we get behind you, you're willing to essentially drive without due regard for anybody else on the roadway. So, yeah, it was, I guess, just not a standard — I don't know that anything is standard in our job, but it wasn't a normal pursuit where you chase somebody and either the car crashes or they run away. It didn't have that feeling.

A1: And then, very briefly you talked about the emergency lights being on during this pursuit. Can you just briefly talk about the colors of your emergency lights and what direction they were facing?

A: Yes. So, equipped with overhead emergency lights on the light bar, on the roof. They flash red and blue. And part of that red and blue is there is one, essentially, LED square that always stays solid, burning red. Emergency vehicles in the State of California have to be equipped with that, so it's equipped with that. They face to the front and to the rear, so you're identifiable from both the front and rear. Even our sideview mirrors have red and blue lights that alternate, as well as on the grill. And then, the rear lights on the car, wig wag as well.

A1: That's it.

Q: Okay. Did you actually see the red and blue lights when you were driving? Did you actually perceive the red and blue lights?

A: Yeah. You can see them flashing off stop signs. Anything reflective, you can

see off of it. I will say, I was driving a newer car with one of our newer light bars. They are LED lights, and they're extremely bright, so it's very obvious to tell that it's a police car.

Q: Okay. I also have some visual aids I'll give you. We kind of already touched on everything a little bit. I wanted to give you the pursuit. So, you talked about the pursuit and your direction and where you went. So, I'm presenting Ofc. Toomey with four different sheets of paper. One is going to be an overview of the pursuit. One is going to have the beginning route of the pursuit. One is the middle route, and then one is the end route.

A: Is it okay if I write on that?

Q: I didn't have a Google map in front of me when you were telling me. So, do these images depict your pursuit route?

A: Yes, for the overview. The beginning, if we want to get technical, it's right there that we started, but, yes, that's correct through there.

Q: Okay. So, you're indicating at the corner of Julliard…?

A: And Occidental. I'll circle it…which didn't really do anything.

Q: It might be the ink.

A: Yeah. Let's try yours.

Q: No?

A: I guess I just won't. Okay, third try. There we go.

Q: Okay. Ofc. Toomey, you circled an area on the map that is near the corner of Julliard, and it shows a College Greens Pet Center area.

A: Yeah, essentially Julliard and Occidental.

Q: Okay. And then, what about the middle version?

A: Yes, that's good.

Q: Okay.

A: The end is good, too. Our pursuit terminated right in there.

Q: Okay. And you're indicating towards the industrial yard?

A: Yeah, the Fruitridge Transfer Station.

Q: Okay. Would you put a circle around that, please?

A: Yeah. Right there.

Q: And then, the other image that I have for you, it's an aerial depiction of the termination of the pursuit. I had given this to you prior to entering the room today so you had a chance to look over it. Is that correct?

A: Yes.

Q: Okay. This image was taken after the pursuit terminated, and it's from our drone helicopter. Does this image look as you remember, or was there anything different?

A: No. That's as I remember.

Q: Okay. And then, where were you at in this picture?

A: Right in my driver's door, right there.

Q: Okay. And on what vehicle number are you pointing to?

A: 12404.

Q: Okay. And you're pointing towards the nook of the door, near the driver's seat, and where the door opens?

A: Yes.

Q: Okay. And then, are you able to mark on the map where the suspect vehicle was at prior, when he reverses and he has his car facing towards you?

A: And he was perpendicular to me?

Q: Correct.

A: Okay. That would be right there.

Q: Okay. And approximately how many feet do you think that was?

A: 18 to 20.

Q: Okay. And where did he receive medical aid at?

A: Right here.

Q: Okay. Is there anything more than you would like to mark on the map or anything like that?

A: No. My car was in the same spot. It never moved from the termination.

Q: Okay. Perfect. Any other questions at this point?

A1: No, thank you.

Q: Okay. We will be pausing the interview, and we will resume after a brief break. I'm stopping the recording.

Okay. So, I'm going to go back over a few things with you just to kind of follow up and get some clarifying information. Okay?

A: Okay.

Q: So, we'll go to kind of the middle of the pursuit, where you kind of talked about the possibility of the suspect having a firearm and knowing that he has a firearm.

A: Okay.

Q: At any point, did you see him with a firearm?

A: No.

Q: Okay. Can you kind of walk me through a little bit of — were there any actions that he did that made you think that he had a firearm? Anything further on that?

A: The information on the call was that he's known to carry firearms. I guess, like I said earlier, it's very unusual for somebody to be driving very fast during a pursuit and then just abruptly slow down and put your hazards on, especially when there's no traffic, you're on a straight road with a high speed limit. He was in a spot where he could've easily exceeded 100 miles an hour, no problem. [redacted] So, I can't see into the car. I have the knowledge that not only are you known to carry firearms, but you're showing this extreme persistence and mindset in coming back, and I can't see in the car. Like I said, people only slow down — they tend to use that time to prepare for something, whatever it may be, like I

said, it's evasive action, or running away from the car, or setting up some sort of ambush. So, that's just one of the possibilities I was exploring because it's very, very unusual, especially just given the conditions on the roadway. It would be different if we were in downtown and we're going 35 to 40 miles an hour. That's reasonable. A lot of intersections, there could be heavy traffic, but we're on a wide open, essentially highway road. It's very unusual that you just abruptly stop unless you're trying to figure something out.

Q: Okay. And then, you had described that other units joined the pursuit and that a unit joined the pursuit for spike strips. Is that correct?

A: No. They were ahead of the pursuit and deployed spike strips.

Q: How do you know that?

A: They broadcasted over the air, and it was on the CAD call as well. It was Charles-88. I can't remember if it was 1-Charles-88 or 2-Charles-88. They said they were setting up to deploy spike strips ahead of the pursuit.

Q: Okay. Did you know who that unit was? Do you know that officer?

A: It's a swing-shift unit, so I don't know.

Q: Okay. Did you ever see that unit in the pursuit or anything like that?

A: No.

Q: No? Okay. When you got to the area that you talked about, the unit and the suspect swerving towards their car, I'm going to kind of have you slow that section down and kind of talk to me about what you saw, what you perceived, what was going through your mind at that point.

A: Okay. As we were approaching that point, our speeds were still relatively low, 35 to 40, and the suspect had been driving, at that point, very…calmly would maybe be the best word for it, center of the road, not swerving over the road, just driving slowly. When we crest over the railroad tracks and he sees the officer, he's driving slowly and then abruptly switches lanes, turns towards them, accelerates, and then makes a hard left. But as he accelerated towards them, he's fairly close in proximity to them, and it was a complete departure of how he had been driving for the past couple minutes. And from my vantage point, it's like, *Oh, he's going to drive into that car*. That's what I thought. And then at the last second, he immediately cuts back to the left, I'm assuming because he saw what he perceived as an avenue of escape, but, like I said, I couldn't see if spike strips were deployed. But if they were, they're typically going to be probably in the middle of the road, and then you just

kind of pull them as you need to hit the suspect vehicle. He could've just drove around them. There was no need to drive towards the police car.

Q: Okay. You said that he was pretty close to that police car? What would you approximate the distance between him and the other police car?

A: 50 feet.

Q: Okay.

A: Yeah, 50 feet.

Q: And about how fast was he going at this point?

A: 35-40 miles an hour, and then he accelerated towards them, so maybe 45.

Q: Okay. And how were you feeling at that point? What was going through your mind?

A: Well, I'm like, *He's going to hit them*. And then you have to start exploring your — not exploring, but thinking of your eventualities for what you have to do if that happens. I think it's just part of the nature of the job. We prepare for multiple options so we're ready for whatever pops up. Obviously, he didn't hit them, so we didn't have to do anything with it.

Q: Okay. You said that you had seen the officers outside the vehicle. Is that correct?

A: I could see at least one.

Q: Okay. And that officer, where was he positioned again?

A: The front of his car or her car.

Q: Okay. And you talk about eventuality. Can you kind of run through what that means if the suspect swerved?

A: Yeah. We deal with people, and people are unpredictable, so you have to be prepared for anything. Right? There's a chance he does drive into the vehicle, and that presents its own separate set of circumstances that we now have to deal with, versus him just turning off and then now we have to deal with what we've already been dealing with, which is a vehicle pursuit.

Q: Okay. If he drove into that vehicle, what were you, at that time, perceiving would have happened?

A: Well, I doubt the officers would have been able to get out of the way in time. So, it's, okay, we're potentially going to have a vehicle collision. We have a suspect inside a car that we don't know if he's armed or not. And at that point, had they hit them, right, they're demonstrating a complete disregard for our life and our safety. So, we'd have to deal with that and potentially a wounded officer, so it presents just a very difficult situation. So, thankfully, he didn't hit them. And even if they're unharmed, it still presents a very difficult situation in terms of now we have a suspect that's crashed into a police car. We don't know where the other officer is. So, if we, for some reason, do have to open fire, we don't know what our backdrop is. It just…it was a very nasty situation that he initially, I think, was going for. And then, like I said, I'm pretty sure he saw what he thought was an escape route and took that.

Q: Okay. And what do you mean by escape route?

A: It provided an alternative to, I think, what he was trying to do. I can't speculate on, I guess, what he was thinking exactly, because he was all over the map in terms of his actions, but I don't know. Maybe he thinks we hit that and we have to deal with one of our own. Right? We're going to be more inclined to provide medical aid to one of our own. If he runs off, he's essentially split our resources, versus "Oh, maybe this area provides me another alternative to either get away and hide my car, or run away on foot or whatever." Because it didn't appear like he was familiar with the area.

Q: Okay. So, I'm trying to understand you correctly. So, as he was driving and he made that evasive maneuver, at that point you believed that he was heading towards the officer. But then he changed his mind to an escape route?

A: Yeah. Or just a different…yeah, a different direction. He makes a very abrupt and hard left, which was a departure of how he had been driving for the past couple of minutes. And he had the present ability, right? He's driving a fully-functional car that's already at speed. It doesn't take long for him to cover that gap between where he was to where the patrol car was. And obviously, driving a patrol car, there's nothing I can do to stop that.

Q: Okay. And then, at the point that you guys go into the industrial yard, did you see him making any furtive movements inside the car, anything with his hands, anything to further the possibility that he has a gun on him?

A: Not when we were driving in there. The back window was pretty fogged up, and the only light I had on the car were my headlights and what light my overhead lights were giving off, but it's very poorly lit back there, so I couldn't see inside the car.

Q: Okay. You guys get to the point where it reaches the dead end and you collide, ultimately, with his back bumper. At that point, how were you feeling? What was going through your head at that point?

A: *What's next?* We just had a long pursuit. You just drove at an officer. You're desperately trying whatever you can to get away from us, and we've now, essentially, pinned you in in a location. My thoughts are, *Is this guy going to get out and start shooting?* Knowing that he has a history of carrying a firearm, if he does, I'm in a poor location for that. Is he going to try driving straight? In which case, okay, what do we do next? Because we can't drive in after him. And then, the most pressing thing is, okay, what do we do if he does start to drive away? There's one way out and it's through me. So, it was — my, I think, objective was get out of the car before he did. Had it come to that, at least if I'm out of my car I can hopefully move somewhere else if the opportunity presented itself. Ultimately, it didn't, but I think I was trying to balance three or four different things in my head. What is this guy willing to do? Because to me, he had already demonstrated that we were just impediments in his escape.

Q: Okay. So, those are things that were going through your head. What emotions were you feeling?

A: My adrenaline was going at that point. You're starting to get fearful of what's going on. At that point, I think I was definitely still in — well, I guess I'm always in kind of the practical mindset of, *Okay. What do we do next? How do we do our job?* But I was getting that feeling, kind of like when the hairs on the back of your neck stand up and you're like, *Okay. This isn't how calls normally end.* This has now turned into a very unusual circumstance because, like I said, we're dealing with somebody who clearly did not want to be put into custody that night. So, I think I was starting to get worrisome of what the next action would be. He ultimately did exactly what I was afraid that he would do, which was start the car forward.

Q: Okay. At the point that he pulls away from you and he cans his car and — how did you describe it?

A: He was perpendicular to my car.

Q: Perpendicular to you. What were you feeling at that moment?

A: I mean, at that point he's driving a fully-functioning automobile. He has the present ability to drive forward. I'm stuck. I'm in a bottleneck. I have a wall to my left, my car to the right, and I'm committed to my spot at that point. I can't turn away and move. Let's say I do get to the back of my car, he could just ram through my car and run me over with my own car. So, my only

option at that point was exactly what I had to do. I'm like, *Okay. This guy's going to kill me*. I'm in fear for my life at this point. If he drives forward, I'm left one option, which is to shoot him in self-defense, and that's exactly what happened. I shot at him until he stopped moving.

Q: Okay. And to piggyback and have you go a little bit further with that in regards to your placement at the vehicle, the driver's door, why did you not retreat? Why did you not reposition yourself?

A: I'd lose my angle. So, the angle I had when I came out of the car, it allowed me to at least see into the driver's side. I could see in his mirror. I could at least see him, and I have an idea of what he's doing. And because I'm so close, you're hesitant to turn away because it's that one second when you turn around is when they come out. You never turn your back to a threat. And I think it's like, *Okay. What if he starts driving forward again?* I was trying to do that balancing act of I want to keep eyes on him and I also want to be in the most advantageous position I can if we do have to use force. Or if we have to get back in the car again, I'm there. Also, the crook of that door affords good ballistic protection if it does go that way. We have ballistic panels in the door. I have an engine block to my right, so I have good cover as opposed to just concealment.

Q: Okay. Were those things running through your head at this moment in time?

A: Yeah, yeah.

Q: Okay. And so, you ultimately chose to stay at the door rather than to retreat for those reasons?

A: Yes.

Q: Okay. And at this point that you saw inside the car, were you able to see his hands?

A: Not that I remember.

Q: Okay. Were you able to see any movement that his body was doing or anything like that?

A: He was just looking around, but the view I have when he's perpendicular to me was only a second or two. It wasn't very long.

Q: Okay. For guesstimating the time that you guys reached that termination point of the pursuit to the time of the shooting, about how much time do you think passed?

A1: I'm sorry, from what point to what point?

Q: Termination of the pursuit, so where you hit the back of his bumper, to the point where the shooting happens. How much time do you think elapses?

A: Oh, gosh, 15-20 seconds at the most.

Q: Okay.

A: Yeah, it wasn't very long. He was persistent in continuing his forward progress.

Q: What do you mean by persistent?

A: I mean just the whole pursuit. Right? You have multiple opportunities to pull over and surrender, but it goes back to just the initial point of the pursuit. You're coming back to the scene after you lit a car on fire while police are there, so you're persistent in your attempts to contact your ex. You had multiple opportunities to pull over from us. You slow your speeds down to a point where you could've just pulled over and surrendered safely. You, from my position, drive towards a fellow officer when you have — there's no reason to swerve. There's no reason to go that way. You drive into a dead-end area, where, once again, you could've stopped and surrendered once he realized it was a dead-end area. We get in a pursuit. You're clearly in a penned in position. You're overwhelmed by bodies. There's more of us than there are of you. It wasn't just a one-on-one type of thing, so you could've just, once again, got out and surrendered, but instead you choose to ignore all the verbal commands you're being given, and you're positioning your vehicle in a way that you can escape by running one of us over. So, it displays that just behavior of like, "I'm going to get out of here. It's just a matter of how I make my forward progress to getting out of here."

Q: Do you think that he was trying to harm you, or do you think he was just trying to escape?

A: I think he was trying to escape, but he had — to me, my perception was he didn't care if I got hurt in his escape. Like I said, we were just in the way, and if he runs me over, oh well. That was not a consideration for him. The consideration was leaving, and he knew what way he was going. He knew the option. He knew I was standing there. He saw me in his mirror. So, by driving that way, you demonstrate two things to me, your intent to escape and your intent to kill me, because you know I'm there and that's your only way out.

Q: From what you're saying, it sounds like the escape and the harming you kind of coexist together?

A: Yeah. You can't have one without the other.

Q: Okay. And let's see. How were you specifically feeling at this time? What emotions were going through you at this point that he now has his car perpendicular to you?

A: I thought he was going to kill me. Yeah. I mean, you're perpendicular. You've ignored all our commands up and to this point. And just, like I said, considering the totality of the circumstances, everything that's happened up and to that point, okay, this guy is going to kill me. And I have a limited set of options to deal with that, and I'm going to go home. So, if you're going to try and kill me, I'm going to stop you or at least do my best. So…yeah. It was a scary situation, but I knew absolutely. I've been in enough things to where I know when you get — you're just kind of amped up, versus you're actually afraid for your life, and I was convinced that this guy would kill me, no qualms.

Q: So, you were scared?

A: Oh, yeah.

Q: Okay. And in regards to the — let's talk about de-escalation tactics. Okay? Are you aware of de-escalation tactics?

A: Yes.

Q: Tell me what you're aware of in regards to de-escalation tactics.

A: I mean, there's numerous tactics, just talking with somebody, establishing a rapport with them, trying to find different things out about them that you can talk with, have a different conversation. Essentially, bringing the situation from a high level of intensity down to a low level of intensity and trying to minimize that. But pretty much everything we're taught relies on time. We didn't have time.

Q: Okay. What other de-escalation tactics are you taught?

A: Less-than-lethal is technically a de-escalation tactic. Right? Basically, you want to — de-escalation is just trying to use the lowest level of force to bring somebody into custody or to resolve the situations. And most times, for us, it's just talking with people and establishing a line of communication and kind of finding out what's on their mind, what their thoughts are, letting them know

where we're at and if we can come to a peaceful resolution. If it means deploying the K9 or deploying a beanbag shotgun or a 40 mm impact round, then it may come to that. Or in terms of a barricade, you can have SWAT or crisis negotiators come out. But like I said, those are all things that require time, and we didn't have that.

Q: Okay. So, voice, K9, less-lethal options, what other de-escalation tactics are there that you're taught? Anything with hands? Any other — yourself? I mean, is there anything else that you think of when you think of de-escalation?

A: I mean, we do control holds. There's all sorts of stuff, but I guess, just pertinent to this situation, we needed some form of communication with him, which we never got. We have a person in a running vehicle that wasn't willing to communicate with us, so your less-lethal options in that situation are very, very limited in terms of what you can do for de-escalation. Yeah, I guess, in a perfect world we have enough people there and you can maybe break a window out in the car so you know for a fact he can hear you. I'm sure he could. We were yelling more than loud enough.

Q: Were his windows down?

A: No. His windows were up. But we've all been inside a car, we know how you can hear the outside even with your windows up. And with how close we were and how loud we were yelling, I'm confident he heard us. But yeah, right, in a perfect world you get enough people there. You have enough time. You can break a window out, try and establish a line of communication. If that doesn't work, we can deploy pepper ball or OC into the car. We can deploy a K9. Ultimately, he was not receptive to any form of communication, and there were four of us on scene. So, we did the best we could with the resources and time we had on hand.

Q: Okay. So, those de-escalation tactics were not available to you at that time due to the time constraints?

A: Time constraints and just the situation at hand, yeah.

Q: Okay. I already went over that, so I'm not going to touch on that. Okay. I want to talk about the actual shooting incident, specifically about the last round that was fired.

A: Okay.

Q: And kind of I want to know how you were feeling at that moment. So, we'll start from the time that the vehicle is perpendicular with you and you're

looking inside the car. And I kind of want to hear what's going on inside your mind and how you're feeling and what emotions are going through you.

A: Okay. So, he's perpendicular for the one or two seconds. There was just no emotion on the face, no reception to our commands. I go to issue a command. He starts pulling forward. So, that's when, right, at that point I'm stuck. I'm in a bottleneck position. I have nowhere to go. I have a suspect driving a lethal weapon at this point. So, I'm in fear for my life, my safety, so I discharged my weapon until the car stops. So, I kind of track it, essentially, as I'm firing from the hood of my vehicle, going towards the fence is where I fired the initial however-many shots. At that point I start moving back. As I'm moving back, I remember the car rolling back a little bit, is what it looked like. At this point, I just had a car drive at me. I had somebody that was going to kill me. And I'm going, *Okay. Well, what's stopping them from doing it again?* So, I fired one more round, and that's when the car came to rest. I was also able to retreat to a more advantageous position where I had some cover and concealment as well, more avenues of escape for me. And so, if he somehow did put it in drive and drive out, we were in a much better location.

Q: Okay. After your first succession of rounds, you said that you started to move backwards.

A: Mm-hmm.

Q: Okay. At that point, what were you trying to do?

A: Get some cover and get myself some more options for movement. I'm in a pinch point. I have nowhere to go when he's driving at me initially. And I'm going to be much more accurate shooting from a stable shooting platform, which was against my car, because I can brace myself against the car and whatnot. Once I get the initial — the car initially stops. Now, at this point I'm exposed, my entire side. I have no cover. I have no concealment. I have a suspect inside a car that I can't see that's known to carry firearms. I need to move. I had that opportunity, so I start to move back. As I'm moving back, I perceive the car moving, and I fire one more round. And I'm able to tuck myself, at that point, behind my car. I would say at the point in time between the first succession and the last round was, I don't know, a half second.

Q: When you saw that car begin to move, what were you thinking?

A: Like, *Oh, this dude's going to run me over*. Essentially, *Oh, fuck. What do we do? I used my absolute last resort force option and it didn't work. What do I do next?* It's like you've shot somebody, and I was confident I hit him just looking where the bullet holes were in the car, and you're going, *Okay. What do we do now?* We've exhausted literally everything we have at that point.

So, I was like, *Clearly, this dude's committed to what he's doing and he's going to get away*. He had already demonstrated he'd kill me by driving at me. So, at that point, after we had already shot at him, I had zero doubt. You're definitely going to try and run me over, no problem. So, I think that was my mindset when I saw the car roll back. So, the final round that I put through the car, the car had stopped moving after that. It just kind of came to rest.

Q: Okay. Did you see any reverse lights or anything like that on the car at that time?

A: I couldn't because I was facing the driver's side. So, I couldn't see the tail lights.

Q: Okay. But you saw the vehicle move backwards?

A: Mm-hmm.

Q: Okay. Let's see. I think that covers my follow-up questions. There will be — I've got to go and check with everybody one more time.

A: Okay.

Q: Is there something more that you would like to elaborate on, or is there something more that you would like to have me ask or anything like that? No? Okay. I'm going to pause the interview again, and we will resume after this break.

A: Okay.

End of Recording

Transcribed by: DocuScript, LLC/mw

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject OBSERVATIONS: DET. KRUTZ
Author 522 - KRUTZ, SCOT 0680 [redacted]
Related Date Feb-18-2021 8:04

NOTIFICATION:

On 2-15-21, at 2335hrs, I was at home and on call when I was notified of an Officer Involved Shooting that had occurred 8550 Fruitridge Rd. and instructed to respond to that location.

ARRIVAL:

I arrived on scene at 0030hrs and checked in with the scene recorder.

BRIEFING:

At 0104hrs, I attended a briefing given by Lt. Stigerts #4110 (LN15) and Sgt. Schwartz #3073 (1SM6) regarding the facts of the incident known to the department at the time. They stated that the call originated at [redacted] Occidental Dr #[redacted] as a Arson in Progress at 2153hrs. The victim, [redacted] [redacted] had called in and stated that her ex boyfriend had threatened her and set fire to her truck. She also said he was known to carry guns. Officers responded to the scene and arrived at 2205hrs. While on scene, Ofc Toomey #894 (1A68) saw the suspect drive by and attempted to stop him. A pursuit ensued which terminated at 8550 Fruitridge Road where Ofc Toomey and Ofc Caro #561 (1C68) fired at the suspect vehicle. The suspect was struck in the arms and was later transported to Kaiser South by Sacramento Metro Medic #50. The scene was secured and a call out was initiated.

WALK THROUGH:

At 0140hrs, Sgt. Schwartz led us on a walk through of the scene.

INVESTIGATIVE FOLLOW UP:

After the briefing, I was instructed to interview Ofc Stevens #952 (1A69) who was third in the pursuit. At 0231hrs, I accompanied Ofc Stevens of a walk through of the scene and asked him to indicate where he was standing when the shots were fired. He did so and a cone was placed on the ground on that location. Ofc Davis #340 from SPOA, Ofc Kuhlmann #759 from the Force Investigations Team, Ofc Trujillo #846, Det [redacted] Det McGovern #892, and Sgt Ellis #3132 accompanied us on the walk through.

I then responded to HOJ where I was instructed to locate the suspect's mother, [redacted] [redacted] . Her address had been given during the briefing as [redacted] [redacted] #[redacted] This address doesn't exist.

At 0600hrs, I responded to [redacted] [redacted] #[redacted] with Det Von Schoech, who is the designated family liason officer for the department. There was no answer at this residence. The victim had stated she worked at the Motel 6 at College Town and Howe avenue so we responded there. The manager said she worked there but she wouldn't start until 1000hrs. Several calls to the phone number the victim gave us for [redacted] [redacted], went to voicemail. At approximately 0800hrs, Det Von Schoech called her again and spoke

to her.

At approximately 1100hrs, I returned to the scene to assist with the search of the vehicle.

On 2-17-21, at 1115hrs, I interviewed Ofc Stevens in an interview at HOJ. His union representative, Ofc Boyd was present. The statement was recorded and sent off for transcription. I received the transcription on 3-3-21 and reviewed it for any errors. I then sent an edited copy to Ofc Stevens and Ofc Boyd for their approval. On 4-5-21 I received word from Ofc Stevens that the transcription was accurate and I attached it to the report.

On 2-18-21, I contacted the victim, [redacted] [redacted] at her residence to develop an overall time line of her relationship with the suspect. I took her statement as we walked through her apartment complex and it was recorded on my BWC. (please see attached statement).

[redacted]

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject MURAWSKI OBSERVARTONS
Author 3299 - MURAWSKI, BRIAN J 3065
Related Date Feb-18-2021 14:08

I, Detective Murawski #0871 (IV96), have been employed by the Sacramento Police Department since 2003. I have been assigned to Office of Investigations as a Detective within the Sacramento Police Department since August of 2016. As a Detective I have been assigned to the Neighborhood Crimes Unit (Robbery/Burglary), the Felony Assaults Unit, and I am currently assigned as a Detective within Homicide Investigation Unit. My primary duties as a Detective within the Homicide Investigations Unit are to investigate homicides, suspicious deaths, kidnappings, "in custody" deaths, and officer involved shootings.

NOTIFICATION:

On Monday, 2/15/21, at approx. 2335 hours, I (Detective Murawski #871, IV96) was notified of a homicide team call out, regarding a Sacramento Police Department (SPD) Officer Involved Shooting (OIS) that occurred in the area of 8550 Fruitridge Road, in the City of Sacramento. I arrived on-scene in the area of 8550 Fruitridge Road at approx. 0046 hours and attended a briefing that was conducted by SPD Patrol Lieutenant M. Stigerts #4110 and SPD Patrol Sergeant J. Schwartz #3073 at that location at approx. 0104 hours.

ADDITIONAL FOLLOW-UP

Following the briefing, Detective Saario and I were assigned to contact the original complainant, [redacted] regarding follow-up on an arson that she had called in.

At approx. 0200 hours on 2/16/21, Detective Saario and I contacted [redacted] and obtained her statement. (See Detective Saario's supplement) While speaking with [redacted] her father, [redacted] was also present. [redacted] stated that her father had seen, [redacted] ex-boyfriend outside of the apartment complex on 2/1/21. She stated that her father was Spanish speaking only.

After finding out that [redacted] was Spanish speaking only, I contacted SPD Ofc. R. Becerra (Spanish speaking officer) and had him respond to the scene and obtain a statement from [redacted]

At approx. 0315 hours, Ofc. Becerra and I contacted [redacted] and obtained his statement. (See Ofc. Becerra's supplement) While speaking with [redacted] he advised us that he had seen his daughter's

[redacted] baby's father (Adan) on Saturday 2/13/21 outside of [redacted] apartment. When [redacted] saw Adan outside of the apartment, he advised [redacted] that he was going to burn his own truck and he made an additional threat to start with the head. [redacted] stated that Adan clarified that he meant his mom when he said the head. He stated that he had recently had a falling out with her. [redacted] stated that Adan asked for gas money to leave the area and [redacted] give him approx. $42 in an effort to assist him in leaving the area as he thought that his daughters and wife would be safer if Adan was no longer in the area. [redacted]

After speaking with both [redacted] and [redacted] Detective Saario and I located Adan's blue Ford F150 ([redacted] plate [redacted] that was parked on Occidental. Upon us seeing the truck it appeared to have been recently burned. The truck did not appear to have any license plates on it and there were what appeared to be numerous items located in the bed of the truck that all appeared to have been burned. Ofc. A. Silva and Ofc. Becerra later completed an evidence impound form for Adan's truck and it was stored at Central Valley Tow.

On 2/16/21, at approx. 0834 hours, Detective Culp responded back out to the area of [redacted] Occidental Drive to conduct additional follow-up regarding the arson portion of this case. While in that area, we attempted to contact [redacted] at [redacted] Occidental Drive #[redacted] with negative results. I did however speak with [redacted] and she advised me that [redacted] was not home at that time, but that he did speak with officers regarding the fire the night before.

On 2/16/21, at approx. 0836 hours, Detective Culp and I attempted to contact [redacted] at [redacted] Occidental Drive #[redacted] but there was no answer at the door. I did however leave a business card with my call back information at her door.

On 2/16/21, at approx. 0841 hours, I contacted [redacted] at [redacted] Occidental Drive #[redacted] Upon contacting [redacted] she advised me that she heard a couple of explosions outside the night before and when she looked out after hearing a third explosion, she saw a silver vehicle driving away from a truck that was on fire. She stated that she did not see anyone in or around the ruck prior to the fire though. [redacted] also advised that on February 13th she saw the owner of the truck moving stuff from the truck into another vehicle. She stated that she has seen the owner of the truck on numerous occasions and the truck is always parked on the street.

On 2/16/21, at approx. 0914 hours, I contacted [redacted] at [redacted] Occidental Drive #[redacted] He stated that he remembered hearing two loud bangs that sounded like fireworks the night before. He stated that by the time that he looked outside the fire department had already put out the fire. He stated that there was a truck that had been on fire and that he remembered that the truck had a handyman sticker on the back of it.

On 2/16/21, at approx. 0914 hours, I contacted [redacted] at [redacted] Occidental Drive #[redacted] She stated that she had seen a big fireball and heard two loud bangs outside of her apartment the night before. She stated that from her apartment window she was unable to see where the fire was coming from. She also stated that she was unable to see anyone in or around the truck around the time of the fire.

On 2/17/21, at approx. 1514 hours, Detective Culp and I contacted [redacted] at [redacted] Occidental Drive #[redacted] Upon contacting [redacted] I obtained her statement. She also advised me that she had been talking to a neighbor named [redacted] the night of the fire and that [redacted] had sent her a picture of the blue truck on fire.

On 2/17/21, at approx. 1526 hours, Detective Culp and I contacted [redacted] at [redacted] Occidental Drive #[redacted] While speaking with [redacted] she advised me that she had been inside of her apartment when she heard a loud bang and then went outside to see what happened. As she was outside, she saw a truck that was on fire and called the police. As she was outside, she took a photograph of the burning truck with her phone. I asked [redacted] if she would email the photo, which she ended up doing. I later copied the photo to the case file and booked it as evidence.

On 2/17/21, at approx. 1534 hours, Detective Culp and I contacted [redacted] at [redacted] Occidental Drive #[redacted] Upon contacting [redacted] she advised me that she had not noticed the truck fire until her son told her that there was a fire outside. She then looked outside and noticed that there was a truck on fire and the fire apartment was there. She then took video of the truck fire with her phone. [redacted] was able to email that video and I later attached it to the case file and booked it as evidence.

On 2/18/2021, at approx. 1540 hours, I contacted Witness [redacted] at [redacted] Occidental #[redacted] and obtained his statement. While speaking with [redacted] I showed him a photo of both Adan Martinez, 5/17/82 and his burgundy van. [redacted] stated that the photo of Martinez was the same person that he knew as Adam and that the burgundy van was the same van that he knew Adam to drive.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject STATEMENT FROM [redacted] 021621
Author 3241 - VON SCHOECH, KONRAD 0813 [redacted]
Related Date Mar-01-2021 9:13

On 2-16-21, at about 0830 hours, I, Detective Konrad VonSchoech #813, contacted [redacted] via telephone ([redacted]). [redacted] is Adan Martinez's mother. My conversation with [redacted] was in Spanish. I am fluent in Spanish and was able to clearly communicate with her. [redacted] told me that she heard from relatives that her son had been shot by the police. I confirmed that information and also told her that her son was in stable condition and being treated at Kaiser-South Hospital. I recorded the conversation and later booked a copy of the recording into evidence. [redacted] provided me with a statement in Spanish, which I later translated into English. The following is a summary of that statement:

My name is [redacted] My date of birth is [redacted]. I live at [redacted], in [redacted]. My son is Adan Herrera Martinez. I know a little bit about what happened this morning. I want to know what happened to my son.

My son has been on drugs and I think he is having issues with his kid's mom. Her name is [redacted] They have two children together; a 12-year-old daughter named [redacted] and a 2-year-old son named [redacted]

I talked to my daughter, [redacted] this morning and she told me that Adan had been shot by the police.

Adan was living with [redacted] and the kids, but about two years ago, they separated. [redacted] went to go live with her mother. I not sure why they separated but my son told me that it was because [redacted] cheated on him.

He is very obsessed with her. My family and I have encouraged him to move on and find another partner, but he kept insisted that [redacted] was his woman. He had a restraining order against him but he would still go over there to see the kids. I think he got the restraining order against him due to him being violent.

I don't have any first-hand knowledge that he was physically violent with [redacted] I just know that they would argue with each other.

He had a gun, but I don't know what he did with it. I don't know what kind of gun it was; I don't know much about firearms. I know he had a gun because about two years ago when he and [redacted] had the issues, [redacted] brought me the gun and asked me to hide it from him. [redacted] told me that Adan either hit her with the gun or threw it at her, which made her fearful. I had the gun hidden from him for about a year, but then he started insisting that I give the gun back to him, so I did.

I don't know what type of drugs Adan was using but the other day, before Adan got out of jail, [redacted] and I went to his van to look for the gun. [redacted] was afraid that he may still have the gun. We looked through the van but did not find it. I don't know what he did with the gun but it wasn't there. We did find a glass pipe that he uses to consume his drugs.

I have never known Adan to have any issues with the police. I never heard him say that he wanted to hurt police officers, injury police officers or say that he hated police.

End of statement, refer to recording for further details.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject [redacted] 021921
Author 3241 - VON SCHOECH, KONRAD 0813 ([redacted]
Related Date Mar-03-2021 9:30

On 2-19-21, Detective Pam Massee and I contacted [redacted] at her home [redacted]). [redacted] does not speak English. My conversation with her was in Spanish. I am fluent in Spanish and was able to communicate with her. [redacted] provided me with a statement, which I later translated into English. I audio recorded the statement and later booked a copy of the recording into evidence. The following is a summary of that statement:

My name is [redacted] I have been living here for 3 years. I used to live in [redacted] That is where I first met Adan. Adan started dating my daughter. She was a minor and 10-years younger than he was. I did not approve of their relationship.

[redacted] moved to Sacramento in 2010 when she was 19-years-old for the purposes of attending Sac State. She moved here with her daughter [redacted] Adan then moved here to be with [redacted] shortly thereafter and began living together. I moved here in 2017. I moved in with [redacted] and Adan. At that time, they lived in an apartment closed to the University. But then we moved to a house on [redacted].

Everything seemed to be fine when I lived with [redacted] and Adan. When we were living in [redacted] I never knew of any violent incidents between Adan and [redacted] me or my husband. Adan was not a violent person. Even when I first moved here, I never saw anything violent with Adan.

All of this began about a year and a half ago. I was actually staying with some relatives in [redacted] and [redacted] called me and told me that Adan had been acting very aggressive because he was jealous. [redacted] asked me to come back to Sacramento because Adan started using drugs and was becoming jealous and violent. She said that he was just insistent that she was cheating on him with other men, but not physically violent; it was just verbal violence. [redacted] had just given birth in June 2019 to their son. I came back in September and in October, we moved out of the house and into this apartment. Adan and [redacted] broke up and he did not move with us. At this point, I still didn't witness or knew of Adan being physically violent or threatening with [redacted] Ever since then, Adan has been living in Sacramento, Watsonville or Las Vegas. He will come by here once in a while.

Recently, Adan came over here with his mom. I don't really remember what words he used but he said something to the effect of, "I'm tired of being made a fool, everyone is going to get fucked." He said that in front of his mom. [redacted] wasn't here. It was just me here. This happened this month on the 7th. I heard a knock on the door and I asked who it was. I heard Adan's mother say, "its me." I opened the door and saw him. I didn't want to let them in, but she asked to come in and see the baby. He seemed calm so I didn't think anything of it. He asked if [redacted] was there, but he didn't believe me. He looked around the apartment for her and realized that she really wasn't there. He then held the baby and then that is when he made that comment about being a fool. I wasn't physically scared of him, but I was worried that he would wait around until [redacted] came back and that they may engage in a confrontation. [redacted] is pregnant and I didn't want her to have any complications. He then handed me back the baby and left without incident. He seemed calm. I then closed the door. He left and didn't come back. His mom stayed here. She then told me that she didn't know she was coming here and that he just picked her up from work and brought her there. She

then waited for someone to come pick her up.

I have never seen him with a gun. [redacted] has never told me that he had a gun or that he has ever threatened her with a gun. I imagine that [redacted] doesn't tell me everything.

I don't have any knowledge that Adan has ever been violent with others.

I feel glad that he is not going to be coming around anymore. What he did is indicative of someone who is not right because of the drugs that he is using; not that it's an excuse. I don't want to make excuses for him but I'm also not going to make things up and say he did more than what he actually did. He should face charges for what he did and that is all. That's all I can say.

Det. Massee: Has Adan been living in his truck?

[redacted] We think he is but we don't know that for sure.

Det. Massee: For how long?

[redacted] Since after Christmas when he came back from Las Vegas. Probably around December 30th.

Det. Massee: Has he been welcome to stay here in the house?

[redacted] No.

Det. Massee: Did they think it was creepy that he was staying in the truck and would see them coming and going?

[redacted] We weren't' terrorized, bothered maybe.

Det. Massee: The last time that he got arrested, did he come back here? And what happened?

[redacted] I don't remember if he came back here after he was arrested. But in January he would come and knock on the door once or twice a week and ask for [redacted] I would tell him she wasn't home and he would leave.

Det. Massee: And his behavior was unwanted? Did they want him here?

[redacted] No.

Det. Massee: Did he ever text you or communicate with you or [redacted] in any way?

[redacted] Not with me. [redacted] blocked him a while ago.

Det. Massee: Were you here when he threatened [redacted] with burning down the truck and slashing the tires?

[redacted] That happened out on the street. I was inside. I did not see or hear what happened or what was

said.

Det. Massee: After that incident, did Adan come back or hassle you guys in any way?

[redacted] No.

Det. Massee: Do you know about the restraining order and why it was obtained?

[redacted] Yes, we got it in October or September of 2019. [redacted] got it because she was tired of him bothering her and accusing her of being with other men.

Det. Massee: Did you ever here their conversations about the cheating? Or him calling her a prostitute?

[redacted] No, but [redacted] would tell me.

Det. Massee: How long was that going on for?

[redacted] It started in September 2019.

Det. Massee: Does she know about his drug use?

[redacted] I don't know about that. I never saw him using drugs but I know he was using because I noticed that he would have dilated pupils and because of his behavior.

Det. Massee: When you noticed that he was using drugs, did he continue to become more aggressive, more violent, more bothersome?

[redacted] He was unstable; he was usually calm but he became very insistent with [redacted] about needed to discuss things about the cheating.

Det. Massee: Did he ever say anything about suicide, or having a life insurance policy?

[redacted] No.

Det. Massee: How do you personally feel about him staying out there in the truck, his arrest and his recent behavior?

[redacted] I feel sorry for him. Because he is a human being who is suffering. I don't wish him any harm, but I also don't want him near my family. I am glad that he is no longer around here.

Det. Massee: What do you think that he has done or types of charges he should face?

[redacted] Well, for his threatening behavior and for slashing the tires. On the 8th, the police were called because of the slashed tires. He is most likely the one who did that. And for saying that we were "fucked." We aren't afraid of him, but we are cautious of him.

Det. Massee: Do you think he set fire to the truck?

[redacted] I think he did because he told my husband that he was going to burn it.

Det. Massee: Did [redacted] tell you that Adan told him he was going to burn the truck?

[redacted] Yes. But he took it as crazy talk.

Det. Massee: If you think he burned his truck, how do you think he would have done that?

[redacted] I have no idea.

Det. Massee: Do you know if he as had any other police contact? Or his feelings towards police?

[redacted] No. He would not have had those types of conversations with me.

End of statement, for further details, refer to recording.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject [redacted] 022221
Author 3241 - VON SCHOECH, KONRAD 0813 [redacted]
Related Date Mar-03-2021 16:05

On 2-22-21, I, Detective Konrad VonSchoech #813, contacted [redacted] via telephone ([redacted]). [redacted] does not speak English. My conversation with him was in Spanish. I am fluent in Spanish and was able to communicate with him. [redacted] provided me with a statement, which I later translated into English. I audio recorded the statement and later booked a copy of the recording into evidence. The following is a summary of that statement:

My name is [redacted] I currently live in [redacted]). I have known Adan since he began dating my daughter. I never knew of any violent behavior on the part of Adan towards [redacted] moved to Sacramento to finish school and Adan followed her there.

My wife and I split up a while back and she went to Sacramento to live with [redacted] My wife and I reconciled, and I visit her and [redacted] in Sacramento often. I have never heard that Adan was physically violent or made any threats towards [redacted] The only time was when he threatened to burn his truck.

The day he threatened to burn the truck, he also made a threat and said he was "going to start with the head of the household." I feel like I am the head of the house because I am [redacted] dad. So, I asked him why me. He then told me that the head of the household was his mother. This happened a day or two before he burned his truck. I was just standing outside waiting for my daughter because she had a doctor's appointment. Adan came up to me and said those things. I'm not sure what his intentions were when he said that he would "starting with the head of the household." He then said that his mom was the head of the household and that he said that because she didn't love him. I took that comment as a threat. He seemed to just be talking randomly. That is when he said he was going to set his truck on fire. He also asked me for money because he wanted to go somewhere far. I have him 42 dollars and told him to leave. Other than this, Adan has never made any threats to me. He didn't say how he would set his truck on fire.

One week before he set his truck on fire, he slashed all 4 tires on my car. I didn't see him do it but who else would have done that. I don't have any issues with anyone else.

I have never seen Adan carry a gun. I have never seen him hurt anyone physically or make any threats against anyone. I am not afraid of Adan. I do want him punished for what he has done.

End of statement. Refer to the recording for further details.

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject [redacted] 022221
Author 3241 - VON SCHOECH, KONRAD 0813 [redacted]
Related Date Mar-04-2021 9:48

On 2-22-21, I, Detective Konrad VonSchoech #813, contacted [redacted] (Adan Marinez's sister) via telephone ([redacted]). [redacted] does not speak English. My conversation with her was in Spanish. I am fluent in Spanish and was able to communicate with her. [redacted] provided me with a statement, which I later translated into English. I audio recorded the statement and later booked a copy of the recording into evidence. The following is a summary of that statement:

My name is [redacted] I am Adan's sister. I know that he was recently put in jail. The last time Adan came here to stay with me, he told me that he purchased a life insurance policy and that [redacted] was the beneficiary. He said that he was worth more dead than he is alive. He said that in December when he was here. I'm not sure why he told me that.

I have never known Adan to be violent with [redacted] or with any member of the family. I have never known that Adan to have made any threats against [redacted]

I heard that he burned his truck, but that is his property.

End of statement. Refer to recording for further details.

Follow Up Report # SA 16

Assignment Information

Assigned to: **XFD002 - FOWLER, DAVID SCOTT XFD002** Rank: **FIRE ARSON INVESTIGATOR**
Capacity: **CITY FIRE INVESTIGATION (ARSON USE ONLY)** Org unit: **FIRE ARSON INVESTIGATORS**
Assigned on: **Feb-17-2021 (Wed.) 1126** by: **XFD002 - FOWLER, DAVID SCOTT XFD002**
Report due on: **Feb-24-2021 (Wed.)**

Submission Information

Submitted on: **Feb-25-2021 (Thu.) 1434**
Checked by: **XFD008 - TAYLOR, PATRICK XFD008 (**[redacted]
Approved on: **Mar-08-2021 (Mon.)** by: **XFD008 - TAYLOR, PATRICK XFD008 (**[redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Related Attachment(s) - ATTACHMENTS

Attachment Description: **SFD CAD & FIRE REPORTS**
Reference Number: **SFD INC 21-12353**

SPD 21-44157
ORIGINAL

```
02/16/21  15:55:08 PRINT REQUESTED BY TERMINAL SFD6447
Incident History for:#F21027921   02/16/21 15:55:03

CLOSED INCIDENT     Closed                    PREM:
B3   22VF    VF      VEHICLE FIRE             CODE 3  JUR:22  BATT:B2          0215
LOC [redacted] OCCIDENTAL DR ,SAC               IFO COMPLEX
btwn 3000 GREAT FALLS WY & 3300 JULLIARD DR (V)
SRC(PH2) [redacted]                8485 LAKE FOREST DR (CELL TOWER)          AT&T MO
4 [redacted]      Map:191D4    TB:318F1    CX:X-60A
VEH FIRE...FORD P/U
RCV:02/15/21 211837 ENT:02/15/21 211928 DSP:02/15/21 211932 RSP:02/15/21 212116
ENG:02/15/21 212116 ALS:02/15/21 212116
/211928   ENTRY   (510261  )  D6       VEH FIRE...FORD P/U
/211928   $WEATHR (********)           TEMP (SRF): 049.7   Humidity: 087
                                      Wind Speed: 003    Direction: 001
                                            Rain: 000.05 Barometer: 030.07
/211929    SUGG   (********)           E60+ (P-FS1)
/211932    DISP   (510199  ) E60       [00.0] (P-FS1)
/211932   $ASNCAS (510199  ) E60       $22F21012353
/211933    VOICED (510199  )
/211946   $STADSP (FSCS    )           FSCS AUTO DISPATCH COMPLETE
/211946   $STADSP (FSCS    )           FSCS AUTO DISPATCH COMPLETE
/211954   $DUP    (510133  )    LOCI:IFO CONFLUENCE APTS LOCP:[redacted] R
                                      /P:[redacted] SRC:49 BICENTENNIAL CI (CELL TOWE
                                      R) SRCI:VERIZON WIRELESS 1-800-451-5 SRCP:[redacted]
                                      [redacted] TXT1:VEH FIRE
/212116   *ONSCNE (225901  ) E60       [01:44]
/212118    MISC   (510133  )           ,ADD'L RP: [redacted]
/212118    MISC   (510133  )           ,[redacted]
/212118    MISC   (510133  )           ,[redacted]
/212118    MISC   (510133  )           ,[redacted]
/212118    MISC   (510133  )           ,911
/212118    MISC   (510133  )           ,212105
/212118    MISC   (510133  )           ,021521
/212130    MISC   (510199  )           ,ADDL RP 7DE MALE, UNK   PH #
/212139    MISC   (510171  )           ,ADDTL RP FEMALE [redacted]
/212139    MISC   (510171  )           ,8485 LAKE FOREST DR (CELL TOWER)
/212139    MISC   (510171  )           ,AT&T MOBILITY 800-635-6840 4
/212139    MISC   (510171  )           ,[redacted]
/212139    MISC   (510171  )           ,PH2
/212139    MISC   (510171  )           ,212048
/212139    MISC   (510171  )           ,021521
/212141    MISC   (510133  )           ,ADD'L RP: MALE
/212141    MISC   (510133  )           ,8485 LAKE FOREST DR (CELL TOWER)
/212141    MISC   (510133  )           ,AT&T MOBILITY 800-635-6840 4
/212141    MISC   (510133  )           ,[redacted]
/212141    MISC   (510133  )           ,PH2
/212141    MISC   (510133  )           ,212132
/212141    MISC   (510133  )           ,021521
/212145    MISC   (510154  )           ,ADDTL RP [redacted]
/212145    MISC   (510154  )           ,8180 FOLSOM BLVD (CELL TOWER)
/212145    MISC   (510154  )           ,T-MOBILE USA
/212145    MISC   (510154  )           ,[redacted]
/212145    MISC   (510154  )           ,PH2
/212145    MISC   (510154  )           ,212115
/212145    MISC   (510154  )           ,021521
/212158    MISC   (510133  )           ,ADD'L RP: [redacted]
/212158    MISC   (510133  )           ,8780 JACKSON RD (CELL TOWER)
/212158    MISC   (510133  )           ,T-MOBILE USA
/212158    MISC   (510133  )           ,[redacted]
```

```
/212158   MISC    (510133  )          ,PH2
/212158   MISC    (510133  )          ,212144
/212158   MISC    (510133  )          ,021521
/212213   MISC    (510171  )          ,ADDTL RP [redacted]
/212213   MISC    (510171  )          ,[redacted]
/212213   MISC    (510171  )          ,8485 LAKE FOREST DR (CELL TOWER)
/212213   MISC    (510171  )          ,AT&T MOBILITY 800-635-6840 4
/212213   MISC    (510171  )          ,[redacted]
/212213   MISC    (510171  )          ,PH2
/212213   MISC    (510171  )          ,212143
/212213   MISC    (510171  )          ,021521
/212220   MISC    (510267  )          ,3149 OCCIDENTAL DR (CELL TOWER)
/212220   MISC    (510267  )          ,VERIZON WIRELESS
/212220   MISC    (510267  )          ,[redacted]
/212220   MISC    (510267  )          ,PH2
/212220   MISC    (510267  )          ,212142
/212220   MISC    (510267  )          ,021521
/212220   MISC    (510267  )          ,[redacted]
/213556   *AIQ    (225901  ) E60
/213601   CLOSE   (510171  )
/221939   MISC    (510133  )          ,SPD OS W/FEMALE AT [redacted] OCCIDENTAL #[redacted], FE
                                      MALE STATES BF THREATENED TO BURN VEH, IN P
                                      URSUIT OF SUSPECT IN AREA, SPD LOG #157
/222556   MISC    (510133  )          ,PER E60, NO WITNESSES, NO EVIDENCE LOC, VE
                                      H HAD NO PLATES..SPD UPDATED, BELIEVE IS RP
                                       VEH...REQ IF ABLE TO GET I7 # FOR PASS ON
                                      TO UNITS ON INCIDENT, CURRENTLY IN PURSUIT
                                      OF SUSPECT
/222606   MISC    (510133  )          ,I7 PAGED
/222800   MISC    (510133  )          ,I7 ADV'D **
/223027   CROSS   (510133  )  #F21027940
                                      ,RELATED
/223125   MISC    (510133  )          ,SPD UPDATED GIVEN I7 CONTACT # [redacted]
                                      [redacted]
/233238   REOPEN  (510267  )
/233254   DISPOS  (510267  ) I7
/233325   SUGG    (********)          E60+ (P-FS1)
/233329   RELREQ  (510267  )          ALL
/233337   NODISP  (510267  )
/233744   MISC    (510133  ) I7       ,CASE # ACTUALLY: $22I21000065, ASSIGNED TO
                                       #938 IN ERROR, I7 AWARE
/233759   AIQ     (510133  ) I7
/233916   CLOSE   (510171  )
*** New Date: 02/16/21 ***
/024956   MISC    (510171  )          ,SPD REQ I7 LL DETECTIVE SAARIO [redacted]
/025252   MISC    (510171  )          ,I7 ADVD
/105221   CROSS   (510265  )  #F21028201
                                      ,SAME INC
```

Sacramento City Fire Department
Fire Report

ORIGINAL
SPD 21-44157

Date/Time: 02/15/2021 21:19:32
Incident #: 21012353
Department: Sacramento Fire Department
Location: [redacted] OCCIDENTAL DR Sacramento, CA
Intersection: [NONE SELECTED]

Property Use: 960 Street, other
Mixed Use Property:
Action Taken 1: 11 Extinguishment by fire service personnel
Action Taken 2:
Action Taken 3:

Fire Origin: 80 Vehicle area, other
Fire Spread:

Heat Source: 60 Heat from other open flame or smoking materials
Item First Ignited: UU Undetermined
Type of Material First Ignited: 70 Fabric, textile, fur, other

Ignition Cause: 1 Intentional
Ignition Factor 1: UU Undetermined
Ignition Factor 2:

Equipment Involved:
Equipment Portable:
Equipment Power Source:

Suppresion Factor 1:
Suppresion Factor 2:
Suppresion Factor 3:

Structure Type:
Building Status:
Main Floor Square Feet: 0

Stories With Extreme Damage: 0
Stories With Heavy Damage: 0
Stories With Significant Damage: 0
Stories With Minor Damage: 0

Fire Spread Material:
Fire Spread Material Type:

Detectors Present: U Undetermined
Detector Type:
AES Present: N None Present
AES Type:
AES Operation:

Human Factors
None: X
Asleep:
Mental Challenged:
Unattended:
Alcohol/Drugs:
Physical Challenged
Multiple Persons
Age: Estim Age: 0 Sex: Unknown

Sacramento City Fire Department

Fire Report

NFIR's Narrative

truck parked on side of road with fully involved material inside bed. Appears someone may have been living out of vehicle. Many flamable products and small explosions on arrival. No witnesses available, no security camera in sight. Owner not o/s. No license plate attached.Neighbor stated he knows the owner but the owner was not around. Did not know owners name or location.

Apparatus Dispatched

E60 Total Onscene Time 880

Dispatch: 02/15/2021 21:19:32 On Scene: 02/15/2021 21:21:16
On Route: 02/15/2021 21:35:56 Return Service: 02/15/2021 21:35:56

Transport Times:
Patient Transported
Transport Complete

Narrative

I7 Total Onscene Time 0

Dispatch: 02/15/2021 23:32:54 On Scene: 02/15/2021 23:37:59
On Route: 02/15/2021 23:37:59 Return Service: 02/15/2021 23:37:59

Transport Times:
Patient Transported
Transport Complete

Narrative

Narrative Text

Type 01 VICTIM STATEMENT
Related Person (VICTIM #1) [redacted] (DOB: [redacted])
Subject (VICTIM #1) [redacted] (DOB: [redacted])
Author XFD002 - FOWLER, DAVID SCOTT XFD002
Related Date Feb-17-2021 13:16

On 2/15/2021 about 2340 hrs; I, Sacramento Fire Dept. Investigator D. Fowler #007, contacted V-[redacted] at [redacted] Occidental Dr. #[redacted] in the City of Sacramento.

V-[redacted] stated in summary:

I spoke to police officers a short time ago.

Aden is my Domestic Partner. I have a restraining order against him. Yesterday he told my dad that he was going to burn the truck and "kill the head". I took that to mean me.

Tonight, about 9:30pm, I'm not sure of the actual time, I heard a boom outside. A short time later, my dad went outside and saw the truck on fire. The fire dept. was just showing up.

Some of those things in the back of the truck are mine or our stuff. The truck is ours but it may be in his name.

The last time I have seen him was yesterday. I have not seen him today. My dad is staying with me just in case he tries to hurt us.

End.

Narrative Text

Type 04 OBSERVATIONS
Subject FOWLER OBSERVATIONS
Author XFD002 - FOWLER, DAVID SCOTT XFD002
Related Date Feb-17-2021 15:21

DISPATCH:

On 02/15/2021 at approximately 2228 hours, I, Investigator D. Fowler #007, was contacted by SFD dispatch via phone wanted to advise that SFD Engine 60 had responded to a truck bed fire on the street in front of [redacted] Occidental Dr. #[redacted] Engine 60 Captain extinguished the truck bed fire, determined that there were no witnesses, no evidence, no vehicle license plate and that an Investigator was not needed.

Dispatch further advised that SPD was currently involved in a vehicle pursuit of an arson suspect that may be related to the truck fire and that SPD officers would soon call me.

ARRIVAL:

I assigned myself to the call at 2247 hrs and arrived on-scene at [redacted] Occidental Dr. #[redacted] at 2330 and met with SPD Officers already on-scene who briefed me on events and advised that they were canvassing the area for possible witnesses and cameras.

OBSERVATIONS:

At the scene, I observed a blue Ford pick-up truck with no plates, parked on the street next to the sidewalk along Occidental Dr. The rear truck bed and contents within has severe fire damage with what appears to be the burned/melted remains of a white camper shell. Most fire damage centered around the truck bed with damage extending into the upper portion of the passenger compartment.

Truck bed contents appear to consist of burned camping gear, tools, toiletries, folding chairs, small camp grill, folded stacks of clothes and other misc. items.

A portable camp grill located near the tailgate appears intact with moderate fire damage. I am unable to locate any containers of camping fuel, propane bottles or gasoline. Miscellaneous, unidentified spray paint type cans found among the debris.

I used a hand held hydrocarbon (example: Gasoline, oil, etc) detector, that "sniffs" and alarms when exposed to significant hydrocarbon vapor concentrations, around the contents of the truck bed. I received alarms in multiple areas of burned clothing items that were scattered around the truck bed.

From a pile of clothes located next to the burned portable camp grill, I collected a burned pair of blue jeans and socks into a lined, metal paint can for lab analysis.

Other than the intact, portable camp grill, I am unable to locate any potential heat source among the burned debris in the truck bed.

Both driver side vehicle fuel caps and receptacles are intact with no evidence of tampering.

I obtained a statement from V-[redacted] [redacted] (see statement)

SPD officers conducted a canvass of the area.

Fire origin: Blue Ford F-150 truck bed

Cause: Incendiary; Unknown open flame or device used to ignite soft clothing and other combustible items located ini the truck bed.

I cleared the scene on 02/16/2021 at 0045.

Narrative Text

Type 05 SUPPLEMENT
Subject FOLLOW UP SUPPLEMENT
Author XFD008 - TAYLOR, PATRICK XFD008 ([redacted]
Related Date Mar-08-2021

02/23/21 @ 1000 hours, I, SFD Fire Investigator II Taylor (F001), arrived at 769 N 16th St. - Central Valley Tow Evidence Impound, to assist SPD Forensic Investigator A. Hayes (#6371) with processing the burned blue 2-door Ford F150 truck (VIN # [redacted] at the request from SPD Detective Masse. I scanned the vehicle's cab and the truck bed with a handheld VOC gas detector for the purpose of detecting hydrocarbon vapors. I did not receive any affirmative or positive alerts. I conducted a search of the aforementioned areas and did not observe anything worthy of collecting for evidence or observe any viable ignition sources located within the truck bed. I did note there were charred remnants of female clothing in the left (driver side) rear quadrant of the truck bed.

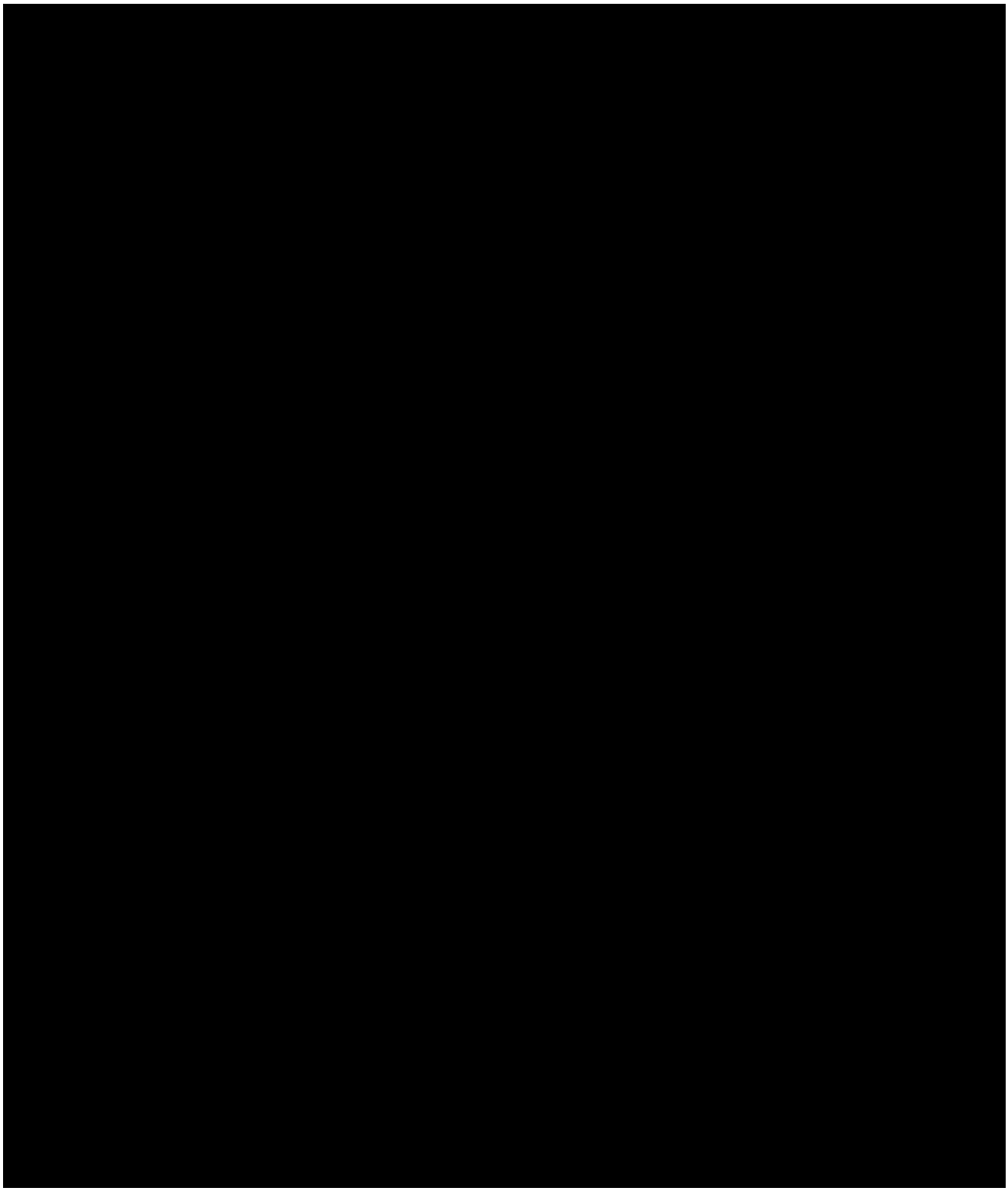
03/01/21 @ 1517 hours, I conducted a DMV registered owner query for the blue 2-door Ford F150 truck (VIN # [redacted] I noted that Martinez, Adan and [redacted] were listed as the registered owners of the vehicle with an address listed as [redacted] Occidental Dr, Apt. [redacted] Sacramento, Ca 95826.

Narrative Text

Type CLETS RESPONSE
Subject Rsp: IV 404318X2
Author XFD008 - TAYLOR, PATRICK XFD008 ([redacted]
Related Date Mar-01-2021 15:23

4DCNCA000LW.IV

[redacted]



Follow Up Report # SA 17

Assignment Information

Assigned to: **4745 - WARD, JOHN T 0583** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 35)**
Assigned on: **Feb-16-2021 (Tue.) 1150** by: **4745 - WARD, JOHN T 0583**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 326**
Approved on: **Feb-16-2021 (Tue.)** by: **3440 - ENKOJI, RYAN K 3032**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC WARD #583
Author 4745 - WARD, JOHN T 0583
Related Date Feb-16-2021 2:41

On 2/15/21, at approx 2218 hrs, Ofc Patterson #943 and I (Ofc Ward #583) responded to a vehicle pursuit in the area of Juliard Dr / Occidental Dr. Our body worn cameras and in-car camera were activated and recording. I observed the following in summary:

We responded code three (lights and sirens) to the pursuit.

We caught up to the pursuit at southbound Watt Ave and Jackson Hwy. We briefly took the number four spot in the pursuit when advised by 1SM6 to drop out due to only 3 units and a K9 unit being authorized.

We resumed driving within the rules of the road and reduced our lights and sirens.

We loosely followed the pursuit while following the rules of the road up to its termination point.

Ofc Patterson and I made plans to attempt to deploy spike strips when the suspect vehicle turned into a large lot at 8550 Fruitridge Rd to prevent it from getting back out onto the main road.

I observed the suspect vehicle and pursuing units turn towards the east onto a loop road on the property.

Ofc Patterson and I set up towards the west of the property thinking the suspect vehicle may make its way back towards Fruitridge Rd.

I went to the back of the patrol vehicle to grab spike strips and while doing so observed the suspect vehicle and pursing units circle to the southeast of our position. Almost simultaneously I heard a volley of gunshots coming from the area of the suspect vehicle and pursuit units which was approx 70-80 yards away at the time. I do not recall the number of shots I heard.

Ofc Patterson and I ran to area of the shots and assisted with the felony stop while officers were attempting to get the suspect to exit the vehicle which was still in gear.

I transitioned from my firearm to assisting with taking the suspect into custody as he exited his vehicle.

I then assisted with rendering medical aid to the suspect once he was in custody until fire arrived.

I then assisted with canvassing the area after the incident. I observed cameras on both the northeast corner and southeast corner of a building located at 8555 Unsworth Ave. The building was almost directly to the west of where the shooting had occurred.

Follow Up Report # SA 18

Assignment Information

Assigned to: **4911 - SUMMEY, JAMES 0491** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-16-2021 (Tue.) 1151** by: **4911 - SUMMEY, JAMES 0491**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 333**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #3) [redacted] (DOB: [redacted])
Subject (WITNESS #3) [redacted] (DOB: [redacted])
Author 4911 - SUMMEY, JAMES 0491
Related Date Feb-16-2021 1:52

On Monday 02/15/2021 at approximately 2300 hours I, Ofc. Summey #491 contacted [redacted] (dob: [redacted]) at 8530 Fruitridge Blvd Suite # 18. He stated the following in summary:

I was inside and heard sirens coming by the business. I went outside to see what was going on and I heard about 9 shots coming right there from the scene (pointing eastbound towards the final felony stop). We have a camera on the business but it only points at the parking lot, it doesn't go any further than the bushes.

Narrative Text

Type 04 OBSERVATIONS
Subject OFFICER SUMMEY #491
Author 4911 - SUMMEY, JAMES 0491
Related Date Feb-16-2021 : 7

On Monday (02/16/2021) Ofc. Parham #770 and I, Ofc. Summey #491 were assigned to patrol working in our assigned district, 6E. We were driving a fully marked patrol vehicle and wearing a full Sacramento Police Department uniform. At approximately 2217 hours, we responded code 3, lights and sirens, to assist in a vehicle pursuit that was currently located in the area of [redacted] Occidental Dr.

It should be noted that our Panasonic In Car Camera (vehicle #12406) was activated, but due to an error had to be restarted and did not activate either of our Body Worn Cameras.

My partner and I responded from the Sacramento Police Department Communication Center. Upon driving eastbound 14th Ave, we heard officers broadcast that the pursuit was headed south on Watt Ave from La Riviera Dr. We turned S/B onto Power Inn Rd from 14th Ave.

Upon turning east onto Fruitridge Rd from Power Inn Rd, it was broadcasted that there were 3 patrol vehicles in the pursuit. We resumed normal driving conditions and deactivated our emergency lights. Units in the pursuit then requested a unit deploy spike strips at Watt Ave/Fruitridge Rd.

We broadcasted that we would attempt to to deploy the spike strips at that location. We continued driving east on Fruitridge Rd and realized that based on our location and how close the pursuit was to Fruitridge Rd, we would not be able to deploy spike strips in time at that location. We pulled to the south side of Fruitridge Rd to make a u-turn when we saw the pursuit turn west onto Fruitridge Rd from Watt Ave heading towards us.

We immediately made the u-turn on Fruitridge Rd and attempted to gain distance on the pursuit to deploy spike strips. Once pulled to the north side of the road, I attempted to deploy spike strips and noticed that the suspect vehicle was swerving and driving erratically. Fearing for our safety, I took cover behind our patrol vehicle before being able to deploy the spike strips. As the suspect vehicle neared, it made a sharp left (south) turn into a driveway.

Officers requested a unit respond to Usworth Ave to contain the area south of their location.

My partner and I reentered our patrol vehicle and attempted to drive west on Fruitridge Rd towards Unsworth Ave to set up a loose perimeter in case the pursuit turned into a foot pursuit.

As my partner and I approached Fruitridge Rd/Florin Perkins, we heard the

shots fired announcement broadcasted over the radio. At this point we were unsure whether the suspect fired or officers had fired the shots.

We immediately reactivated our emergency overhead lights and made a u-turn. We followed other responding units into the driveway which led us south to the pursuit termination point. There were approximately 10-12 officers already on scene that had formed two contact teams at vehicle #12404.

I deployed the tactical shield from my patrol vehicle and my partner deployed the less lethal shotgun. I joined the contact team on the drivers side of patrol vehicle (#12404).

While on the contact team, I noticed my body worn camera had not been activated by the Panasonic In Car Camera when we activated the emergency lights. I immediately activated my Body Worn Camera for the duration of the incident. Ofc. Parham later advised me that the Panasonic In Car Camera had not activate his Body Worn Camera either and that he had to activate his manually as well.

When I joined the contact team, I noticed that the suspect vehicle had multiple holes in the window and driver side door. The suspect vehicle was facing southeast. Due to the fog on the interior of the windows of the suspect vehicle I was unable to see any occupants inside. I heard officers making verbal commands for the driver to put their hands up. Officers made further commands for the driver to slowly exit the vehicle with their hands up. At this point I saw the driver's door slowly open and a male exit the vehicle. I noticed there was blood on the driver's arms as well as his lower abdomen. Officers directed the suspect to walk over to the contact/arrest team on the driver's side of vehicle 12404.

Upon noticing the suspect's face, I immediately recognized the suspect as Martinez, Adan from a previous call/restraining order arrest on 02-08-2021 (call # 21-31868). The suspect was handcuffed and then laid out on the ground for officers to provide medical aid.

I returned to my patrol vehicle and started marking off the scene with yellow crime scene tape.

The fire department arrived on scene at approximately 2230 hours and transported Martinez.

My partner and I conducted a canvas of the surrounding businesses, yielding the following results:

-Cameras facing 360 degrees on the CNG fuel pumps north of the scene.

-8590 Fruitridge Blvd. (College Oak Towing). Closed, may have rear cameras facing the scene.

-8594 Fruitridge Blvd. (Volvo). Closed, may have rear cameras facing the scene.

-8530 Fruitridge Blvd Suite 22. Closed. No answer. No cameras facing scene.

-8530 Fruitridge Blvd Suite 20. Closed. No answer. No cameras facing scene.

-8530 Fruitridge Blvd Suite 18. Open. Contacted [redacted] [redacted] (see witness statement).

-8530 Fruitridge Blvd Suite 16. Open. Contacted [redacted] [redacted] (dob: [redacted]; ph # [redacted]). He was the only employee inside during incident, and had the music up loud. He saw nothing/heard nothing.

-8530 Fruitridge Blvd Suite 14. Closed. No answer. No cameras facing scene.

-8530 Fruitridge Blvd Suite 12. Closed. No answer. No cameras facing scene.

-8530 Fruitridge Blvd Suite 10. Closed. No answer. No cameras facing scene.

-8530 Fruitridge Blvd Suite 6. Closed. No answer. No cameras facing scene.

-8530 Fruitridge Blvd Suite 4. Closed. No answer. No cameras facing scene.

END OF CANVAS

Upon returning from our canvas, 1SM6, Sgt. Schwartz requested my partner and I to reenter the scene and upload the In Car Camera footage for 3 patrol vehicles involved in the pursuit (vehicles #12404,13415,13414). We deactivated the vehicles In Car Cameras and initiated the process of uploading the data.

We were relieved from the scene at approximately 0330 hours.

Follow Up Report # SA 19

Assignment Information

Assigned to: **899 - SCHWARTZ, JEREMY M 7759** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 LATE (TEAM 36)**
Assigned on: **Feb-16-2021 (Tue.) 1151** by: **899 - SCHWARTZ, JEREMY M 7759**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 716**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject SCHWARTZ
Author 899 - SCHWARTZ, JEREMY M 7759
Related Date Feb-16-2021 6:10

On 02-15-21, at 2220 hrs, I responded towards the vehicle pursuit involving suspect Adan Martinez. The pursuit ended at 8550 Fruitridge Rd at approximately 2225 hrs. I arrived there at 2233 hrs. I activated my body worn camera.

Officers were still providing first aid to S-Martinez. Officer Mucher was acting as crime scene recorder. CSO Wright later took over as crime scene recorder. Officers set up inner and outer perimeters and taped them off with crime scene tape.

I determined that officers Toomey and Caro were involved in the shooting, and that officers Stevens and King witnessed it. I assigned officer Manning to stay with officer Toomey. Sgt Jarvis arrived and stayed with officer Caro. I directed officers Stevens and King to standby for detectives to arrive.

Metro 50 and Medic 50 arrived to treat S-Martinez. Officer Anstess rode in the ambulance with S-Martinez and officer Valenzuela followed the ambulance in their squad car. S-Martinez was transported to Kaiser South.

Officers Schwertfeger and Jillson were present, but weren't actually involved in the pursuit. I sent them back to [redacted] Occidental to finish taking the threats and restraining order violation report from V-[redacted]

Officers Parham and Summey canvassed to the west of 8550 Fruitridge. They located one witness who heard the shots, but did not see the shooting. Officers Osmond and Lee canvassed to the east and south of 8550 Fruitridge. They did not locate any witnesses. Officers Mota and Khang canvassed on Unsworth. They located one witness who heard the shots, but did not see the shooting. The only cameras located during the canvass were directly over the gas pumps at 8550 Fruitridge.

At 2253 hrs, I obtained a public safety statement from officer Toomey. At 2256 hrs, I obtained a public safety statement from officer Caro. Both statements were captured on my body worn camera.

Both officers Toomey and Caro had already turned their body worn cameras off. Officers Jensen and Mucher collected Toomey and Caro's body worn cameras. They transported the body worn cameras to 300 Richards Bl and docked them so that the video would download for detectives.

Officers Toomey and Caro were transported to the comm center to wait for detectives to arrive. I spoke with officer Stevens to get information for the briefing and the walk thru. I directed officers Parham and Summey to turn

officers Toomey, Caro, and Stevens and King's in car cameras off and to start the video upload process on them.

At 0104 hrs, Lt Stigerts and I gave the homicide investigators briefing. At 0140 hrs, I conducted the scene walk thru with homicide investigators. After that I stood by with officers Stevens and King until homicide detectives released us. I transported officers Stevens and King back to 300 Richards Bl.

Follow Up Report # SA 20

Assignment Information

Assigned to: **4910 - KHANG, JIMMY 0272** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-16-2021 (Tue.) 1151** by: **4910 - KHANG, JIMMY 0272**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 1522**
Approved on: **Feb-17-2021 (Wed.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 05 SUPPLEMENT
Subject OFFICER KHANG #272
Author 4910 - KHANG, JIMMY 0272
Related Date Feb-16-2021 2:31

On February 15, 2021 at approximately 2210 hours, I (Officer Khang #272) and Officer Mota (#332) responded Code 3 from Elvas Avenue and J Street to assist in a pursuit of an arson suspect. My body-worn camera and in-car camera were activated and recording for the duration of the investigation. I observed the following in summary:

When we caught up to the pursuit at Jackson Road and South Watt Avenue, Due to the pursuit already having the required units for a pursuit Officer Mota turned off the red lights and sirens, and we trailed the pursuit down South Watt Avenue following the rules of the road.

I observed three marked patrol vehicles in pursuit of a red Toyota van with red lights and sirens followed by another marked patrol vehicle that was also trailing the pursuit without red lights and sirens and following the rules of the road.

Officer Mota turned westbound onto Fruitridge Road, following the pursuit.

The Toyota van, then, turned southbound onto Fruitridge Transfer Station.

Officer Mota turned into the transfer station, but then turned the vehicle around to take a perimeter position if the driver was to flee from the vehicle and as we were about to exit the Transfer Station, I heard multiple gunshots.

Officer Mota turned us around and we met up with the other patrol vehicles that were in the pursuit along with the Toyota van.

I grabbed a shield from the back of one of the marked patrol vehicles and proceeded to the marked patrol vehicle on the west side of the incident.

I saw the driver of the van open the driver door and step out of the vehicle. Officers directed him to the east side in front of the van.

A contact team cleared the van of other occupants, and other officers provided medical aid to the suspect.

I conducted a canvass of the businesses on Unsworth Avenue.

I contacted one security guard ([redacted] [redacted] identified by his [redacted] driver's license [redacted] at 6001 Unsworth Avenue. He stated that he heard the sirens and saw the red lights at Fruitridge Transfer Station. He also stated hearing "numerous" gunshots.

The other businesses on Unsworth Avenue were closed.

Follow Up Report # SA 21

Assignment Information

Assigned to: **4890 - JILLSON, BENJAMIN 0481** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-16-2021 (Tue.) 1151** by: **4890 - JILLSON, BENJAMIN 0481**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 710**
Approved on: **Feb-16-2021 (Tue.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 01 VICTIM STATEMENT
Related Person (VICTIM #1) [redacted] (DOB: [redacted])
Subject [redacted]
Author 4890 - JILLSON, BENJAMIN 0481
Related Date Feb-16-2021 22:05

On Monday February 15, 2021 at at [redacted] Occidental Dr. Apt. [redacted] at approximately 2210 hours Officer Schwertfeger and I (Officer Jillson) made contact with the [redacted] (victim). The following is her statement in summary:

Around 9:45pm I heard a loud exploding "bang" sound. I did not go outside to see what it was but my father did. I was told that it was my truck that exploded. I haven't seen my truck yet.

****Due to Office Toomey's pursuit of the possible suspect I left V-[redacted] but later came back at approximately 2250 to continue getting her statment***

Yesterday (Sunday 2/14/2021) my father was going to take me to [redacted] so we got in his truck. My father got in the driver's seat and I got in the front passener seat. It was then that Adan Martinez (Suspect) came up to the driver's side door.

Adan is my former partner whom I have a restraining order against and he has violated that order before.

I tried to ignore Adan because I wanted nothing to do with him when he came up to the truck. I told him "Don't even talk to me." He started talking to my father and I just tried to ignore him.

My father told me that Adan said he was going to "burn the truck and kill the head of the household." My dad gave Adan some gas money so that he would just leave. Adan is always asking people for gas money.

I know that what Adan said meant that he was going to burn a blue truck that is registered under both of our names. Also when he said "kill the head of the household" that he was referring to me. I honestly didn't think that Adan was serious about burning the truck or hurting me but now that he has blown up the truck I am scared.

Coming up on February 17th Adan has court to deal with the restraining order and also possession of illegal substances. I don't know what types of drugs Adan uses. I think it is a black crystal but whatever drugs he is using has changed him.

Adan was always aggressive with other people but never with me. Although since he has been using drugs he has become aggressive with me.

I have seen Adan with weapons before. About a year ago when I got the restraining order he took out a black handgun but I took it from him and threw it against the wall. At the time we were living at [redacted] and my mom lived with us as well.

Back in October of 2020 I saw another gun that Adan had. It was in a black baggie with bullets in the baggie too. I don't know if it was the same gun as I saw before.

My truck that was burned I believe to be worth about $4,000. It did have some of his tools in it but I don't know how much they cost.

I do want to press charges against Adan and I really want him to get help.

Narrative Text

Type 02 WITNESS STATEMENT
Related Person (WITNESS #6) [redacted] (DOB: [redacted]
Subject [redacted]
Author 4890 - JILLSON, BENJAMIN 0481
Related Date Feb-16-2021 6:49

On Monday February 15, 2021 at approximately 2329 hours I (Officer Jillson) made contact with [redacted] at [redacted] Occidental Dr. The following is here statement in summary:

It was just after 9pm when I got home from work and then went to check the mail. I saw a red van, with its hazard lights on, across the street parked next to a truck. I thought it was odd because the van was basically in the middle of the road. The van was an older van but I don't know what kind.

When I was checking my mail I heard a door close and the van leave.

After checking the mail I went back inside and I started to open a package. It was about a minute after I had heard the door close of the van when I heard a loud "boom" and it sounded like it came from down the street.

I didn't go outside right away but eventually I went outside and saw a fire truck and the burnt truck.

Narrative Text

Type 04 OBSERVATIONS
Subject SCHWERTFEGER #765
Author 4266 - SCHWERTFEGER, TREVOR J 0765
Related Date Feb-15-2021 22:05

On 2/15/21 at approximately 2226 hours, Ofc. Jillson #481 and I, Ofc. Schwertfeger #765, responded to 8550 Fruitridge Rd to assist units on scene of an officer involved shooting. We arrived on scene at that location at approximately 2227 hours. I observed the following in summary:

I secured a shield from my patrol vehicle and brought the shield up to the hood of a car perpendicular to the suspect vehicle. The suspect vehicle had several bullet holes in the driver-side front window and I could not see the suspect through the splintered glass. Officers gave several commands for the subject to exit the vehicle and he eventually complied. I recognized the subject to be Adan Martinez from WebKPF booking photographs I had viewed earlier in the evening regarding the investigation. Martinez was detained by officers and I began rendering aid. I applied two chest seals to gunshot wounds on S-Martinez's stomach and lower torso. I saw two additional gunshot wounds on his lower torso which other officers treated and what appeared to be two gunshot wounds on his left arm. I assisted with medical aid until other officers and fire personnel took over.

Narrative Text

Type 04 OBSERVATIONS
Subject JILLSON #481
Author 4890 - JILLSON, BENJAMIN 0481
Related Date Feb-16-2021 5:30

On Monday February 15, 2021 at approximately 2154 hours Officer Schwertfeger and I (Officer Jillson) were dispatched to [redacted] Occidental Dr. Apartment #[redacted] for an incomplete call for police. Further information came in that the caller [redacted] [redacted] (victim) was being threatened by someone and that her truck might have been set on fire. A records check of V-[redacted] showed that she had a restraining order against Adan Martinez (suspect) whom was reported to have left V-[redacted] residence only 15 minutes prior to calling police. Per the text on the call, S-Martinez drove a red van with a license plate of [redacted] At approximately 2205 hours we arrived on scene. Our body-worn cameras and in-car camera were activated and the following is what I observed in summary.

Upon arriving on scene we found apartment [redacted] and made contact with V-[redacted] V-[redacted] explained to us that she had heard a loud explosion. V-[redacted] father went to see what had caused the sound and he discovered that a blue truck registered to V-[redacted] and S-Martinez had been set on fire and exploded. (See attached victim's statement).

A records check of S-Martinez showed that he had been served a Domestic Violence Restraining Order protecting the victim, V-[redacted] (FCN/4261932300690 ORI/CA0340000 OCA/[redacted] Per the terms of the protective order, S-Martinez is required to stay away at least 100 yards from V-[redacted] and additionally "THE RESTRAINED PERSON MUST NOT CONTACT, MOLEST, ATTACK, STRIKE, THREATEN, SEXUALLY ASSAULT, BATTER, TELEPHONE, SEND ANY MESSAGES TO, FOLLOW, OR DISTURB THE PEACE OF THE PROTECTED PERSON(S)".

Officer Schwertfeger and I had V-[redacted] walk with us out to her truck that was parked outside the apartment complex on Occidental Drive. Officer Toomey (#489) had joined us at this point and was with us by the burnt truck.

As I continued to talk to V-[redacted] a red van drove by ([redacted] LIC# [redacted] and V-[redacted] exclaimed "That's him!" referring to S-Martinez. Officer Toomey quickly jumped in his patrol vehicle that was parked on Occidental Drive and drove after the red van.

Officer Schwertfeger and I ran east down Occidental Drive believing that the red van would stop for Officer Toomey but it did not. Officer Toomey advised over the radio that he was in pursuit of the suspect vehicle. See Officer Toomey's report for pursuit details. Officer Schwertfeger and I then ran to our vehicle that was parked in the apartment complex and pursue the suspect.

We responded to the pursuit then to 8550 Fruitridge Road (the termination of the pursuit) when officers advised that shots had been fired. I exited the vehicle and got in position behind Officer Schwertfeger who had grabbed a

shield. Commands were given for S-Martinez, who was driving the red van, to exit the vehicle.

S-Martinez was cuffed and medical aid started being administered to him.

After medical aid was administered to S-Martinez, Officer Schwertfeger and I returned to [redacted] Occidental Drive to follow up with the statement that V-[redacted] had started to give us.

After speaking with V-[redacted] we gave her a domestic violence pamphlet with a report number.

Sacramento Fire Arson Investigator Fowler #007 responded to the scene to conduct an investigation of the arson of the truck.

Officer Schwertfeger and I, along with Officer Cato, began to canvas the apartment complex and the houses on the east side of Occidental Drive to see if anyone had further information or details related to the truck that had was on fire. Officer Schwertfeger and I conducted the following canvass:

[redacted] Occidental Drive #[redacted] Officer Schwertfeger contacted [redacted] ([redacted]) who advised she had heard two explosions within in a minute of each other earlier in the evening but had not seen or heard anything else.
PH# [redacted]

[redacted] Occidental Drive #[redacted] Officer Schwertfeger attempted contact but received no answer

[redacted] Occidental Drive #[redacted] 2346 hours/[redacted]/ ([redacted]
I was in my place around 8pm but I didn't hear anything

[redacted] Occidental Drive #[redacted]/2336 hours/[redacted] ([redacted]
I was in my bedroom when I head what sounded like 2 loud gun shots. It may have just been an echo as to why I heard 2 big sounds. That blue truck is always across the street by the apartment complex.

[redacted] Occidental Drive #[redacted]/2335 hours/ No one answered the door

[redacted] Occidental Drive #[redacted]/2341 hours/[redacted] (did not want to give any additional information)
Around 9pm I heard a loud "boom." I don't want to be contacted anymore about this.

[redacted] Occidental Drive #[redacted]/2344 hours/[redacted] (wouldn't give any additional personal information)
I saw heard a loud "bang" and went out and saw the truck on fire.

[redacted] Occidental Drive #[redacted]/2325 hours/[redacted]
Yesterday (2/14/2021) I talked with that guy in the red van. He said his wife

took all of his money and that she was pregnant with another man's baby. I gave him $80 to help him out. Sometime between 9:30-10:00pm tonight I heard a loud boom.

[redacted] Occidental Drive #[redacted]/2329 hours/[redacted]/[redacted]/[redacted]/[redacted]
After 9pm I got home from work and went out to check my mail. I saw an older red van pulled up next to the blue truck across the street. I went inside and started to open my mail when I heard a big boom from down the street.

[redacted] Occidental Drive #[redacted] 2352 hours/ No one answered the door

[redacted] Occidental Drive #[redacted] 2355 hours/ No one answered the door

[redacted] Occidental Drive #[redacted] 2355 hours/ [redacted] / [redacted]
I saw some smoke around 9:30pm

[redacted] Occidental Drive #[redacted] Officer Schwertfeger attempted contact but received no answer.

[redacted] Occidental Drive #[redacted] Officer Schwertfeger contacted [redacted] who advised she heard a boom, looked from her porch and saw the fire, then heard 3-4 more booms shortly after and had her grandson call 911.
PH# [redacted]

[redacted] Occidental Drive Apt #[redacted] / 0004 hours / No answer

[redacted] Occidental Drive #[redacted] Officer Schwertfeger spoke with [redacted]) and [redacted]. [redacted] advised that her neighbor (V-[redacted] had called the police a few days prior and she'd overheard her talk about being threatened to the police. [redacted] advised she had repeatedly seen a maroon van in the area which she believed was V-[redacted] child's father's vehicle but had not seen it today. She heard two explosions then a pop and saw the truck on fire.
PH# [redacted]

[redacted] Occidental Drive #[redacted] Officer Schwertfeger attempted contact with no answer.

Follow Up Report # SA 22

Assignment Information

Assigned to: **4517 - CATO, BERLINDA 0443** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 3 MID (TEAM 15)**
Assigned on: **Feb-16-2021 (Tue.) 1156** by: **4517 - CATO, BERLINDA 0443**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-16-2021 (Tue.) 1509**
Approved on: **Feb-17-2021 (Wed.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFFICER CATO #443
Author 4517 - CATO, BERLINDA 0443
Related Date Feb-16-2021 :41

On Monday 02/16/21 at approx. 2242 hrs I, Officer Cato #443 was dispatched to [redacted] Occidental Dr, Apt [redacted] regarding arson. I arrived on scene at approx. 2249 hrs.

My body worn camera and in car camera were activated and recording.

Officers on scene advised they needed assistance with a neighborhood canvas.

Neighborhood Canvas:

- [redacted] Occidental Dr:

- Apt [redacted] advised she heard two bangs, then looked out her window and she saw two cars (van and mini SUV) going eastbound Occidental Dr make a u-turn shortly after bang heard, unsure if they were related.

- Apt [redacted] advised that she saw her neighbor transferring items from the blue truck to a burgundy car yesterday (02/14/21). She was unsure who set the blue truck on fire believed it may have been someone upset about that trucks alarm going off all the time. She saw a silver SUV go eastbound on Occidental Dr, before the explosions. She heard 3 explosions and what sounded like something hit her window. She looked outside and saw the car on fire.

- Apt [redacted] and [redacted] advised that they heard a bang, went outside and saw the truck engulfed in flames. [redacted] walked over to the truck to ensure no one was in it and they remained outside until fire arrived.

- Apt [redacted] No answer, no cameras observed.

- Apt [redacted] Resident (MBJ, 15, large build, short black afro) advised only heard a boom and did not see anything.

- Apt [redacted] ([redacted] advised he only saw the fire, then saw fire department and police on scene.

- Apt [redacted] Resident (FBA, 30s) advised that she heard a boom and did not see anything.

- Apt [redacted] advised that she heard 2 booms from her couch but did not look outside.

- Apt [redacted] No answer, no cameras observed.

- Apt [redacted] No answer, no cameras observed.

- Apt [redacted] No answer, no cameras observed.

- Apt [redacted] No answer, no cameras observed.

- Apt [redacted] No answer, no cameras observed.

- *Apt [redacted] [redacted] [redacted] (contacted near gate and not at this apt but she advised she lived at this apt). She advised that she saw the car engulfed and believes it may have been done by her neighbors baby daddy because she saw her neighbor (Apt [redacted] talking to police.

- [redacted] Occidental Dr: Resident refused to give name, advised that she did not see anything. Has a ring doorbell facing street and advised that it did not pick up anything.

- [redacted] Occidental Dr #[redacted] No answer. Camera observed above front door facing door area and a camera on the north east corner facing the ground.

- [redacted] Occidental Dr #[redacted] [redacted] [redacted] [redacted] heard an explosion and looked out her window and saw the car on fire. Then saw fire department arrive. She did not see anything else before or after explosions were heard.

- [redacted] Occidental Dr: No answer, camera observed on facing street on north west corner.

Follow Up Report # SA 23

Assignment Information

Assigned to: **4935 - MALDONADO, LIZMARH 0729** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 3 DAY (TEAM 13)**
Assigned on: **Feb-16-2021 (Tue.) 1157** by: **4935 - MALDONADO, LIZMARH 0729**
Report due on: **Feb-17-2021 (Wed.)**

Submission Information

Submitted on: **Feb-17-2021 (Wed.) 756**
Approved on: **Feb-17-2021 (Wed.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Author 4935 - MALDONADO, LIZMARH 0729
Related Date Feb-16-2021 16:10

On 02/16/21 at approximately 0708 hours, I, CSO Maldonado #8103 was dispatched to 8550 Fruitridge Rd to complete the Crime Scene Log (SPD 280). I arrived on scene at approximately 0728 hours. I relieved CSO Wright #8180 at approximately 0735 hours. I completed the crime scene log at approximately 0950 hours and submitted it 300 Richards Blvd.

Follow Up Report # SA 24

Assignment Information

Assigned to: **4250 - GUNTHER, KAITLYN 6386** Rank: **FORENSIC INVESTIGATOR I/II**
Capacity: **MAJOR CRIME SUPPLEMENT (FORENSICS/ID USE ONLY)** Org unit: **OOI FORENSIC ID - CRIME SCENE INVESTIGATION**
Assigned on: **Feb-17-2021 (Wed.) 1923** by: **4250 - GUNTHER, KAITLYN 6386**
Report due on: **Mar-03-2021 (Wed.)**

Submission Information

Submitted on: **Feb-28-2021 (Sun.) 1204**
Checked by: **1106 - WOO, FRANK 6382**
Approved on: **Mar-03-2021 (Wed.)** by: **1106 - WOO, FRANK 6382**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type CSI REPORT
Subject EVIDENCE COLLECTION
Author 4250 - GUNTHER, KAITLYN 6386
Related Date Feb-28-2021

On 2/16/21, at approximately 0643 hours, I, Forensic Investigator K. Gunther #6386 (CSI25), arrived at 6600 Bruceville Rd-Kaiser South Hospital, in regards to an Officer Involved Shooting that had occurred. Upon arrival, I contacted hospital staff.

PHOTOGRAPHS:

I took twenty-three (23) photographs of the following, which were uploaded into the Digital Crime Scene (DCS) system:

Overall appearance of Adan Martinez (DOB: 5/17/82)

-Lower left arm in bandaged condition

-Left hand in apparent swollen condition

-Right hand in bandaged condition, with fingers exposed

-Injury to upper left arm

-Injury to left hip area

-Injuries to stomach (most still in bandaged condition)

-Condition of hands

Note: I was advised by the nurse that the bandages were unable to be removed due to swelling and the potential for bleeding if the bandages were to be removed. Also, shortly after I took Adan Martinez's photographs, the nurse was taking him to go to surgery.

I used a Gunshot Residue Kit on the hands of Adan Martinez, which I secured inside of my vehicle.

I changed my location at approximately 0704 hours, to 8550 Fruitridge Rd. Upon arrival, at approximately 0733 hours, I contacted Forensic Investigator S. Mollet #6373.

At approximately 0735 hours, I obtained custody of misc. clothing items belonging to Adan Martinez, that were originally from the hospital, from Forensic Investigator S. Mollet #6373. The clothing items were

secured inside of my vehicle.

PHOTOGRAPHS:

I took ninety-three (93) photographs of the following, which were uploaded into the Digital Crime Scene (DCS) system:

Overall condition of placarded Items #2 and #4 (prior to packaging/sealing them inside of a metal can):

-Item #2: Black Champion brand t-shirt, size XXL, in cut condition, with apparent blood

-Recovered fired projectile, collected from the shirt

-Item #4: Pair of Old Navy blue jeans, size 38x32, in cut condition, with apparent blood

-The following items were collected from inside of front right pant pocket:

-One (1) silver FC 9mm Luger unfired cartridge

-One (1) gold RP 38 SPL +P unfired cartridge

-$5 Estados Unidos Mexicanos coin

-One (1) silver Panasonic CR2032 3V battery

-One (1) silver men's ring, with diamonds

Overall condition of a red 4-door Toyota Sienna LE ([redacted]# [redacted] (on the property of 8550 Fruitridge Rd)

-Condition of front driver's door window and front passenger's door window (after applying tape to secure the apparent bullet holes in the windows)

-Condition of a 16.9 fl oz Hand Sanitizer pump bottle, located on the rear passenger's floorboard

-Condition of a black backpack with misc. items inside, originally located in the rear hatch area

-Condition of an LG ipad in black case (possible S/N: [redacted] located inside of the black backpack

-Condition of a white plastic Rite Aid bag, originally located in the rear hatch area

-Condition of a Meguiars Insane Shine Tire Coating spray can

-Condition of a blue 1.8 gallon Ensueno Fabric Softener container, with blue liquid inside, originally located in the rear hatch area

-Condition of a white Formula Shell SAE 5W-30 motor oil container, 5 U.S. quarts, originally located in the rear hatch area

-Condition of a yellow Prestone Anifreeze container, originally located in the rear hatch area

-Condition of a black Addidas backpack, originally located in the rear hatch area

-Condition of two (2) silver LG cellphones

-Condition of a black cellphone in silver case

-Condition of a white cellphone in black case

-Condition of a red and white Igloo cooler, originally located in the rear hatch area

-Condition of a black Craftsman tool belt, originally located in the rear hatch area

-Condition of misc. clothing, originally located in the rear hatch area

-Condition of a tackle box, originally located in the rear hatch area

-Condition of a cardboard box, with misc. cooking utensils, originally located in the rear hatch area

-Condition of a black plastic crate, with misc. house tools inside, originally located in the rear hatch area

-Condition of a white plastic garbage bag, with misc. items inside, originally located in the rear hatch area

-Condition of a blue duffel bag, with misc. clothing items inside, originally located in the rear hatch area

Overall condition of the scene at 8550 Fruitridge Rd (after the patrol vehicles were moved)

-One (1) silver FC 9mm Luger fired cartridge casing, located on the ground near where patrol vehicle #13414 was originally

At approximately 1214 hours, after securing all items of evidence inside of my vehicle, I changed my location back to 6600 Brucevile Rd- Kaiser South Hospital. Upon arrival, at approximately 1243 hours, I contacted hospital security.

I obtained custody of two (2) fired projectiles recovered from Adan Martinez, from a Hospital Security Officer at approximately 1336 hours. I secured the evidence items inside of my vehicle.

At approximately 1338 hours, I changed my location to 300 Richards Blvd- The Sacramento Police Department's Forensic Unit. Upon arrival, at approximately 1407 hours, I secured all items of evidence inside of a homicide room in the CSI Office.

PHOTOGRAPHS:

I took seventy-four (74) photographs of the following, which were uploaded into the Digital Crime Scene (DCS) system:

Overall condition of the following items of evidence:

-Item #1: Black belt, with silver buckle, in cut condition, with apparent blood

-Item #3: Black SPYDER brand men's underwear, in cut condition, with apparent blood

-Item #7: Black SIG SAUER 9mm magazine, with 17 round capacity, containing:

-Three (3) FC 9mm Luger unfired cartridges

-Condition of a brown leather wallet, belonging to Adan Martinez:

-Multiple Monopoly "shop, win, play" cards

-Blue Visa debit card (#[redacted]), belonging to [redacted]

-Motel 6 hotel room key

-Light blue hotel room key, unknown hotel

-Blue Master Card debit card (#[redacted]), belonging to valued customer

-Misc. business and gift cards

-Medical band belonging to [redacted]

-Franklin Gas and Mart receipt:

On 2/14/21 @ 05:35:13 PM

"4991 Franklin Blvd, Sac CA, 95820"

-AMPM receipt:

On 9/24/20 @ 09:52:05 PM

"2963 65th St, Sac CA 95820"

[redacted]

-Estados Unidos Mexicanos paperwork, belonging to Adan Martinez

-Chase Bank paperwork, belonging to Adan Martinez

-Misc. notes

-Two (2) $1 bills, US Currency

-Brown paper hospital bag, with the following clothing items inside, belonging to Adan Martinez:

-Two (2) long black socks

-Black Under Armour, size 12.5, left and right shoe

-Clear plastic hospital bag, with plastic container inside, containing a fired projectile,

recovered from right wrist of Adan Martinez

-Clear plastic hospital bag, with plastic container inside, containing a fired projectile, recovered from left arm of Adan Martinez

-Condition of Item #26: small clear plastic baggie, with white substance inside

EVIDENCE:

I collected, packaged, transported, and booked the following items of evidence into the large storage room at 555 Sequoia Pacific Blvd- The Sacramento Police Department's Evidence and Property Section, under PR# 1113185:

-Item #1: Black belt with silver buckle, in cut condition, with apparent blood, collected from ground East of

red Toyota Sienna LE

-Item #2: Black Champion brand t-shirt, size XXL, in cut condition, with apparent blood, collected from ground East of the red Toyota Sienna LE

-One (1) fired projectile, collected from Item #2

-Item #3: Black SPYDER brand men's underwear, in cut condition, with apparent blood, collected from ground East of red Toyota Sienna LE

-Item #4: Old Navy brand blue jeans, size 38x32, in cut condition, with apparent blood, collected from ground East of red Toyota Sienna LE

-One (1) silver FC 9mm Luger unfired cartridge, collected from front right pocket of Item #4

-One (1) gold RP 38 SPL +P unfired cartridge, collected from front right pocket of Item #4

-One (1) $5 Estados Unidos Mexicanos coin, collected from front right pocket of Item #4

-One (1) silver Panasonic CR2032 3V battery, collected from front right pocket of Item #4

-One (1) silver men's ring, with diamonds, collected from the front right pocket of Item #4

-Item #5: One (1) FC 9mm Luger fired cartridge casing, collected from ground South of patrol vehicle #12404

-Item #6: One (1) FC 9mm Luger fired cartridge casing, collected from ground South of patrol vehicle #12404

-Item #7: Black SIG SAUER 9mm magazine, with 17 round capacity, originally contained three (3) unfired cartridges, collected from ground South of patrol vehicle #12404

-Three (3) FC 9mm Luger unfired cartridges, originally from inside of Item #7

-Item #8: One (1) FC 9mm Luger fired cartridge casing, collected from roof of patrol vehicle #12404

-Item #9: One (1) FC 9mm Luger fired cartridge casing, collected from roof of patrol vehicle #12404

-Item #10: One (1) FC 9mm Luger fired cartridge casing, collected from exterior passenger's side of windshield of patrol vehicle #12404

-Item 11: One (1) FC 9mm Luger fired cartridge casing, collected from ground South of patrol vehicle #13414

-Item #12: One (1) FC 9mm Luger fired cartridge casing, collected from ground South of patrol vehicle #13414

-Item #13: One (1) FC 9mm Luger fired cartridge casing, collected from ground South of patrol vehicle #13414

-Item #14: One (1) FC 9mm Luger fired cartridge casing, collected from ground South of patrol vehicle #13414

-Item #15: One (1) FC 9mm Luger fired cartridge casing, collected from the ground South of patrol vehicle #13414

-Item #16: One (1) FC 9mm Luger fired cartridge casing, collected from exterior windshield of patrol vehicle #13414

-Item #17: One (1) FC 9mm Luger fired cartridge casing, collected from exterior windshield of Patrol vehicle #13414

-Item #18: One (1) FC 9mm Luger fired cartridge casing, collected from ground under patrol vehicle #13414

-Item #19: One (1) FC 9mm Luger fired cartridge casing, collected from ground under patrol vehicle #13414

-Item #20: One (1) FC 9mm Luger fired cartridge casing, collected from ground East of patrol vehicle #13415

-Item #21: One (1) FC 9mm Luger fired cartridge casing, collected from ground East of patrol vehicle #13415

-Item #22: One (1) less lethal shotgun shell, collected from ground East of red Toyota Sienna LE

-Item #23: One (1) fired projectile, collected from ground East of red Toyota Sienna LE

-Item #24: One (1) fired projectile, collected from front driver's floorboard of red Toyota Sienna LE

-Item #25: One (1) fired projectile, collected from front driver's floorboard of red Toyota Sienna LE

-Item #26: Small clear plastic baggie, originally contained white substance, collected from center console of red Toyota Sienna LE

-Approximately .20 grams of apparent Crystal Meth, originally inside of Item #26 (booked into Property Drop Box)

-Item #27: One (1) fired bean bag round, collected from interior front passenger's door panel of red Toyota Sienna LE

-Item #28: One (1) fired projectile, collected form floor between the front driver's door and seat of red Toyota Sienna LE

-One (1) gold colored jacketing, collected from front passenger's floorboard of red Toyota Sienna LE

-One (1) fired projectile, collected from front passenger's floorboard of red Toyota Sienna LE

-One (1) gold colored jacketing, collected from front passenger's door pocket of red Toyota Sienna LE

-One (1) brown leather wallet, with misc. cards/papers inside, collected from front passenger's door pocket of red Toyota Sienna LE

-Two (2) $1 bills, collected from the brown leather wallet (booked into the Property Drop Box)

-One (1) ipad in black case, collected from black backpack originally inside of trunk area of red Toyota Sienna LE

-One (1) silver LG cellphone, collected from black backpack originally inside of trunk area of red Toyota Sienna LE

-One (1) silver LG cellphone, collected from black backpack originally inside of trunk area of red Toyota Sienna LE

-One (1) black cellphone in silver case, collected from black backpack originally inside of trunk area of red Toyota Sienna LE

-One (1) white cellphone in black case, collected from black backpack originally inside of trunk area of red Toyota Sienna LE

-One (1) Meguiars Insane Shine Tire Coating spray can, collected from plastic bag in trunk of red Toyota Sienna LE

-One (1) 1.8 gallon container of Ensueno Fabric Softener, with blue liquid inside, collected from trunk area of red Toyota Sienna LE

-One (1) sample of blue colored liquid, collected from Ensueno Fabric Softener container

-One (1) Gunshot Residue (GSR) kit, collected from hands of Adan Martinez

-One (1) Brown paper hospital bag, that originally contained misc. clothing items belonging to Adan Martinez

-Two (2) black socks, belonging to Adan Martinez (originally from hospital)

-Left and right shoe, Under Armour brand, size 12.5 men's, belonging to Adan Martinez (originally from hospital)

-One (1) fired projectile recovered from Adan Martinez's left arm (from hospital)

-One (1) fired projectile recovered from Adan Martinez's right wrist (from hospital)

-One (1) FC 9mm Luger fired cartridge casing, collected from underneath patrol vehicle #13415 (after search)

-One (1) FC 9mm Luger fired cartridge casing, collected from ground where patrol vehicle #13414 was (after search)

I cleared the call at approximately 2045 hours.

Follow Up Report # SA 25

Assignment Information

Assigned to: **4218 - ROSTOCIL, MICHAEL 6374** Rank: **FORENSIC INVESTIGATOR I/II**
Capacity: **MAJOR CRIME SUPPLEMENT (FORENSICS/ID USE ONLY)** Org unit: **OOI FORENSIC ID - CRIME SCENE INVESTIGATION**
Assigned on: **Feb-17-2021 (Wed.) 2051** by: **4218 - ROSTOCIL, MICHAEL 6374**
Report due on: **Feb-27-2021 (Sat.)**

Submission Information

Submitted on: **Mar-04-2021 (Thu.) 352**
Checked by: **1106 - WOO, FRANK 6382**
Approved on: **Mar-04-2021 (Thu.)** by: **1106 - WOO, FRANK 6382**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type CSI REPORT
Subject OSCR PHOTOS/DIAGRAMS
Author 4218 - ROSTOCIL, MICHAEL 6374
Related Date Feb-17-2021 20:58

On 2-16-21, at approximately 0308 hours, I, Forensic Investigator Rostocil #6352 (CSI33), arrived at 8550 Fruitridge Road to assist with processing the scene of an officer-involved shooting. Upon arrival, the scene was secured by uniformed patrol officers and yellow crime scene tape. I met with Supervising Forensic Investigator F. Woo #6382 and homicide detectives. The scene was processed under the direction of Supervising Forensic Investigator F. Woo.

OSCR360 PHOTOS

I took twenty-four (24) overall photographs of the scene using the OSCR360 camera which were later saved to the Forensic Storage network drive.

DIAGRAMS

I collected measurements of the crime scene and evidence using a Leica RTC360 3D scanner. On 2-18-21, Forensic Investigator A. Kinoshita #6361 collected additional measurements of the crime scene using the Leica RTC360 3D scanner. I combined the RAW scan data from both data sets and it was registered and prepared for viewing using the Leica Cyclone Register 360 software. On 3-2-21, the data was finalized, and I transferred all scan data to the Forensic Storage network drive.

I cleared the location at approximately 0800 hours.

Follow Up Report # SA 26

Assignment Information

Assigned to: **4308 - LOUIE, KACIE 6384** Rank: **FORENSIC INVESTIGATOR I/II**
Capacity: **MAJOR CRIME SUPPLEMENT (FORENSICS/ID USE ONLY)** Org unit: **OOI FORENSIC ID - CRIME SCENE INVESTIGATION**
Assigned on: **Feb-18-2021 (Thu.) 140** by: **4308 - LOUIE, KACIE 6384**
Report due on: **Feb-25-2021 (Thu.)**

Submission Information

Submitted on: **Feb-20-2021 (Sat.) 14**
Checked by: **1106 - WOO, FRANK 6382**
Approved on: **Feb-20-2021 (Sat.)** by: **1106 - WOO, FRANK 6382**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type CSI REPORT
Subject CSI
Author 4308 - LOUIE, KACIE 6384
Related Date Feb-19-2021

On 2/16/2021 at approximately 0025 hours, I, Forensic Investigator K. Louie #6384 (CSI31) arrived at 8550 Fruitridge Rd. to assist in processing a scene regarding an officer involved shooting. Upon arrival, the scene was secured by yellow crime scene tape, uniformed police officers and marked patrol vehicles. The scene was processed under the direction of Supervising Forensic Investigator F. Woo #6382

PHOTOGRAPHS

I took twenty-six (26) photographs of the following; which were uploaded into the Digital Crime Scene (DCS) system:

- Overall appearance of Ofc. Toomey #894
- Overall appearance of Ofc. Caro #561
- Overall appearance of Ofc. Stevens #952
- Overall appearance of Ofc. King #784

At approximately 0300 hours, I cleared the scene and changed my location to 5770 Freeport Blvd. #100 (Sacramento Police Department's Hall of Justice). I arrived at approximately 0308 hours and contacted Det. Sgt. Lange #3067.

PHOTOGRAPHS

I took thirty (30) photographs of the following; which were uploaded into the DCS system:

Ofc. Toomey's #894 round count

- (1) black semi-automatic Sig Sauer P230 9MM pistol (S/N: [redacted] with tac light
- (1) empty black Sig Sauer 21 round 9MM magazine (Magazine #1)
  - (1) FC 9MM Luger unfired cartridge collected from chamber
  - (21) FC 9MM Luger unfired cartridges collected from magazine #1
- (1) empty black Sig Sauer 21 round 9MM magazine (Magazine #2)
  - (21) FC 9MM Luger unfired cartridges collected from magazine #2

Ofc. Caro's #561 round count

- (1) black semi-automatic Glock 15 Gen 5 9MM pistol (S/N: [redacted] with tac light
- (1) empty black Glock 17 round 9MM magazine (Magazine #1)
  - (1) FC 9MM Luger unfired cartridge collected from chamber
  - (13) FC 9MM Luger unfired cartridges collected from magazine #1
- (1) empty black Glock 17 round 9MM magazine (Magazine #2)
  - (17) FC 9MM Luger unfired cartridges collected from magazine #2
- (1) empty black Glock 17 round 9MM magazine (Magazine #3)
  - (17) FC 9MM Luger unfired cartridges collected from magazine #3

I cleared the call at approximately 0410 hours.

Follow Up Report # SA 27

Assignment Information

Assigned to: **3432 - PARHAM, TONY 0770 (** [redacted] Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO PATROL DIST 6 MID (TEAM 34)**
Assigned on: **Feb-18-2021 (Thu.) 1750** by: **3432 - PARHAM, TONY 0770 (** [redacted]
Report due on: **Feb-18-2021 (Thu.)**

Submission Information

Submitted on: **Feb-18-2021 (Thu.) 229**
Approved on: **Feb-18-2021 (Thu.)** by: **602 - MACLAFFERTY, SCOTT A 7751** [redacted]
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC PARHAM #770
Author 3432 - PARHAM, TONY 0770 ([redacted]
Related Date Feb-15-2021 22:21

On 2-15-21, Ofc Summey #491 and I (Ofc Parham #770) were working uniformed patrol in a marked patrol car (veh #12406) assigned to east Sacramento (Sector 6). Ofc Summey was driving and I was the passenger. At approx 2221 hrs, we responded to a vehicle pursuit related to a suspect in an arson at [redacted] Occidental Dr #[redacted] Per the text of the call the complainant ([redacted] advised that her ex-boyfriend (Adan Martinez DOB: 5-17-82) had threatened to kill her and burn her Ford F150. [redacted] further stated that she had an active restraining order against Martinez, that he was known to carry weapons and was possibly driving a red Toyota Minivan ([redacted] #[redacted]).

I am familiar with Martinez and assisted with serving the domestic violence restraining order (SPD #19-343036 / RO #[redacted] on 10-22-19 [redacted]

Ofc Summey and I responded Code 3 (emergency lights / sirens) from the SPD Communications Center (7399 San Joaquin St). As we drove E/B on 14th Ave from Business Dr, the pursuing officer (Ofc Toomey #894 / 1A68) advised he was S/B Watt Ave from La Riviera Dr. I directed Ofc Summey to go S/B on Power Inn Rd from 14th Ave to position ourselves to assist with the pursuit. Around the time we turned E/B onto Fruitridge Rd, Ofc King #784 / Stevens #952 (1A69) advised that they were #3 in the pursuit. Ofc Summey and I resumed a Code 1 (normal) response and deactivated our emergency lights / siren once we were back in compliance with the rules of the road.

It should be noted that during our response the Panasonic In-Car Camera (ICC) system was automatically activated (once emergency lights are activated), but did not activate our body-worn camera (BWC). I did not notice this until later in the call at which point I immediately activated my BWC. Additionally, the ICC system did not activate my partners BWC and he also had to manually activate it at the scene.

At approx 2221 hrs, a request was made to place spike strips at S Watt Ave / Fruitridge Rd. I advised that we would attempt to place the spike strips at that location. As we continued E/B on Fruitridge Rd approaching S Watt Ave, I determined (via MDT/GPS) that we would not be able to place the spike strips at S Watt Ave / Fruitridge Rd (pursuit was too close).

I directed Ofc Summey to turn around and proceed W/B on Fruitridge Rd. As we turned around, I could see the pursuit turn W/B onto Fruitridge Rd. We continued W/B on Fruitridge Rd over the railroad tracks and pulled to the north side of Fruitridge just east of Florin Perkins RD (8594 Fruitridge Rd /

vehicle facing W/B).

Ofc Summey attempted to deploy the spike strips from near the front of our patrol vehicle, but the approaching suspect vehicle was too close. I directed Ofc Summey to take cover behind the front of our vehicle as the suspect vehicle began to swerve / drive erratically before making an abrupt S/B turn onto the service road into the Fruitridge Transfer Station, 8550 Fruitridge Rd.

Ofc Mota #332 / Ofc Khang #272 (1C67) requested a unit respond to Unsworth Ave (south of the Fruitridge Transfer Station) to set up a perimeter.

Ofc Summey and I began driving towards Unsworth Ave as we heard "shots fired" broadcast over the radio. We reactivated our emergency lights and responded to the scene at 8550 Fruitridge Rd. At that point, I was unclear if the suspect or officers had fired the shots.

Once on scene, I observed 3 patrol vehicles in a felony stop configuration facing south or southwest near the south fenceline of the property. There were numerous officers (approx 10-15) that had formed two contact/arrest teams on the driver side and passenger side of the patrol vehicle that was furthest east.

I deployed my less than lethal (bean bag) shotgun and asked the members of the contact/arrest team if they needed a tactical shield. The team on the driver side of the vehicle requested an additional shield. Ofc Summey deployed our shield and joined the contact/arrest team on the driver side while I took a position at the rear of the patrol vehicle. I did not have a clear view of the suspect vehicle or the suspect inside the vehicle.

The suspect (Martinez) was still inside the vehicle (driver side door closed) and was not initially following commands to exit the vehicle. After several attempts, Martinez exited the vehicle with his hands up and following the directions of officers.

Once in my view, I observed what appeared to be a gunshot wound (GSW) to Martinez's abdomen. Not knowing the circumstances surrounding the cause of the GSW or if Martinez had been armed, I advised Dispatch of a single GSW that appeared self-inflicted. After Martinez was handcuffed and the vehicle cleared, I directed officers to check the suspect vehicle in order to secure any weapons.

Fire personnel were cleared to enter the scene, so I moved our patrol vehicle in order to expedite their ingress.

Ofc Summey and I walked the service road / immediate area in order to search for any discarded weapons with negative results. I then assisted Ofc Summey in placing crime scene tape around the scene and conducting a canvas of the businesses to the west and north of the scene (see Ofc Summey's report for

canvas).

Later, Ofc Summey and I were directed by Sgt Schwartz #3073 to reenter the inner perimeter / scene and deactivate / upload the ICC from the vehicles involved in the pursuit / felony stop.

At approx 0335 hrs Ofc Summey and I were released from the scene by Sgt Ellis #3132.

Follow Up Report # SA 28

Assignment Information

Assigned to: **4879 - MORGAN, MATTHEW 0335** Rank:
Capacity: **SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE)** Org unit: **OOO TRAINING NORTH**
Assigned on: **Feb-17-2021 (Wed.) 1750** by: **4879 - MORGAN, MATTHEW 0335**
Report due on: **Feb-18-2021 (Thu.)**

Submission Information

Submitted on: **Feb-17-2021 (Wed.) 1527**
Approved on: **Feb-17-2021 (Wed.)** by: **263 - ELLIS, JOSEPH 3132**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type 04 OBSERVATIONS
Subject OFC. MORGAN #335
Author 4879 - MORGAN, MATTHEW 0335
Related Date Feb-17-2021 14:46

On Wednesday, February 17, 2021, at approximately 1256 hours, Officer Jarrell #569 and I, (Officer Morgan #335) were dispatched to 6600 Bruceville Road (Kaiser South) to transport Adan Martinez and to relieve Reserve Officer Baker #7754 (GLD54).

I arrived on scene at approximately 1312 hours. Our body worn camera and in car camera were activated and recording for the entirety of the investigation. I observed the following in summary:

I arrived at Kaiser South and responded to room #310 to transport S-Martinez to Hall of Justice so detectives can further question him.

S-Martinez was medically cleared from medical staff at Kaiser South. I took custody of S-Martinez and his property.

I transported S-Martinez to Hall of Justice and arrived at approximately 1349 hours. Detective Coughran took custody of S-Martinez and his property.

Follow Up Report # SA 29

Assignment Information

Assigned to: **3481 - MCGOVERN, SHAUN 0892** Rank: **DETECTIVE**
Capacity: **SUPPLEMENTAL INVESTIGATION (DETECTIVE ONLY)** Org unit: **OOI MAJ CRIMES - FELONY ASSAULTS SOUTH**
Assigned on: **Feb-19-2021 (Fri.) 1412** by: **3481 - MCGOVERN, SHAUN 0892**
Report due on: **May-20-2021 (Thu.)**

Submission Information

Submitted on: **Feb-26-2021 (Fri.) 911**
Checked by: **263 - ELLIS, JOSEPH 3132**
Approved on: **Feb-26-2021 (Fri.)** by: **263 - ELLIS, JOSEPH 3132**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type 06 DETECTIVE SUPPLEMENT
Subject DETECTIVE MCGOVERN
Author 3481 - MCGOVERN, SHAUN 0892
Related Date Feb-19-2021

I, Detective S. McGovern (IV182), have been employed by the Sacramento Police Department as a Police Officer since 2007. I am currently assigned to the Office of Investigations as a Detective with the Felony Assaults Unit. My primary duties are to investigate and/or assist with the investigation of crimes including, but not limited to assaults with deadly weapons, felony batteries, kidnapping, and homicide.

NOTIFICATION

On Monday, 02/15/21, at approximately 11:49 pm, I was notified by Sergeant S. MacLafferty (#3065) of a call out for an officer involved shooting investigation (21-44157) and I was advised to report to 8550 Fruitridge Road, Sacramento, CA.

ARRIVAL

I responded to the scene and arrived on 02/16/21 at approximately 12:55 am.

BRIEFING

At approximately 1:04 am, Lt. Stigerts (4110) conducted a briefing of the incident with Sergeant J. Schwartz (3073) assisting. I attended the briefing until its completion. After the briefing, Sergeant MacLafferty assigned me to assist Detective [redacted] who was designated the Scene Detective with Detective Sergeant J. Ellis as the Scene Oversight.

INVESTIGATIVE FOLLOW-UP

At about 11:00 am, Detective [redacted] advised me that a supervisor from Atlas Disposal (8565 Unsworth Avenue, Sacramento, CA), which was located directly to the south of the scene, had security video that showed the incident. I responded to 8565 Unsworth Avenue and spoke to Atlas Disposal Operations Manager [redacted]. [redacted] informed me that a camera on the north side of the Atlas Disposal building located at 8565 Unsworth Avenue captured the incident. [redacted] advised me he was unable to download the video and told me that Atlas Disposal employee [redacted] would call me once the video was ready. After speaking with [redacted] I returned to the scene.

While on-scene, I observed that the fuel pumps located at 8550 Fruitridge Road were being used by Atlas Disposal trucks which were driving from 8565 Unsworth Avenue to 8550 Fruitridge Road via a gate shared by the properties. I contacted [redacted] and requested the video from the fuel pump cameras.

After leaving Atlas Disposal, I returned to the scene and assisted with scene processing. While on-scene, I helped CSI Gunther (CSI25) as she collected item #4 (Pair of Old Navy blue jeans, size 38 X 32). I assisted by cutting a fresh evidence paper bag open which allowed the jeans to be laid out on the inner portion of the paper bag on the ground. CSI Gunther laid the jeans on the paper bag and I observed as she removed the contents of the right front pocket. The right front pocket contained two live rounds of

ammunition, a battery, a coin and a mens wedding ring. The ammunition was a single live FC 9mm Luger round and a live R P 38 SPL+P. CSI Gunther photographed the clothing and contents.

After the on-scene search of the red Toyota Sienna mini-van bearing [redacted] license plate [redacted] was concluded, I requested a evidence impound tow for the vehicle. At about 12:35 pm, Central Valley Tow arrived on-scene and towed the red Toyota Sienna bearing [redacted] license plate [redacted] to their secure facility. I contacted the Sacramento Police Department records department and entered the red Toyota Sienna bearing [redacted] license plate [redacted] into SVS as an evidence impound under FCN 4302104702532.

At about 12:40 pm, after coordinating the evidence impound tow for the red Toyota bearing [redacted] license plate [redacted] I departed the scene.

At about 2:35 pm, [redacted] emailed me a link to a share file which contained the video from the 8565 Unsworth Avenue security camera. I emailed [redacted] inquiring about the fuel pump video from 8550 Fruitridge Road and he replied that the cameras over the fuel pumps were operated by a different vendor and they were attempting to obtain the video.

On Wednesday, 02/17/21, at about 10:12 am, I followed the link emailed by [redacted] and downloaded a copy of the security video.

On Thursday, 02/18/21, at about 10:07 am, I called [redacted] and talked to him about the security video from the fuel pumps located on 8550 Fruitridge Road. [redacted] informed me that Atlas Disposal utilized the security company Sonitrol for the cameras and that he did not have direct access to the video. [redacted] told me that he was working with Sonitrol to get a copy of the video.

On Wednesday, 02/24/21, at about 9:30 am, I went to 8565 Unsworth Avenue and met with [redacted] provided me with a thumb drive and advised me it contained the security video from the pumps. I transported the thumb drive to Headquarters and reviewed the video. The video was labeled Dispenser 1&2 and had a start time of 10:22:24.409 PM. I reviewed the video and observed that it did not contain any images of the incident. I noted that at the start of the video there was a reflection of red and blue lights in the upper left corner of the video. At about 10:15 am, I called [redacted] and talked to him about the time stamp on the video. [redacted] informed me that the camera system for the pumps was not monitored and to his knowledge the time stamp was not regularly updated for daylight savings time or checked for accuracy. I advised [redacted] the vehicle pursuit drove in-between the fuel pumps and asked him to review the video further back.

On Thursday, 02/25/21, at about 1:30 pm, I returned to 8565 Unsworth Avenue and contacted [redacted] provided me with a thumb drive and advised me video of the pursuit passing the pumps was captured on the Dispenser 1&2 and Dispenser 3&4 security cameras. I transported the thumb drive to Headquarters and reviewed the video. The camera view of Dispenser 1&2 captured the suspect vehicle entering into view at time stamp 09:02:36 PM 2/15/2021 and the second patrol vehicle exiting the view of the camera at 09:02:41 PM 2/15/2021. The Dispenser 3&4 security camera showed the suspect vehicle entering into view at 09:03:08 PM 2/15/2021 and the second patrol vehicle exiting the view of the camera at 09:03:13 PM 2/15/2021. After reviewing the security video, I booked both thumb drives as evidence at Headquarters (Sacramento Police Department Property Number SA 1113639-001).

End of Observations

Follow Up Report # SA 30

Assignment Information

Assigned to: **4776 - MOLLET, SAMANTHA 6373** Rank: **FORENSIC INVESTIGATOR I/II**
Capacity: **MAJOR CRIME SUPPLEMENT (FORENSICS/ID USE ONLY)** Org unit: **OOI FORENSIC ID - CRIME SCENE INVESTIGATION**
Assigned on: **Feb-20-2021 (Sat.) 504** by: **4776 - MOLLET, SAMANTHA 6373**
Report due on: **Feb-27-2021 (Sat.)**

Submission Information

Submitted on: **Feb-20-2021 (Sat.) 2313**
Checked by: **1106 - WOO, FRANK 6382**
Approved on: **Feb-24-2021 (Wed.)** by: **1106 - WOO, FRANK 6382**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type CSI REPORT
Subject SCENE PHOTOGRAPHS
Author 4776 - MOLLET, SAMANTHA 6373
Related Date Feb-20-2021 23:12

On 2/15/2021, at approximately 2334 hours, I, Forensic Investigator S. Mollet #6373 (CSI11), arrived at 8550 Fruitridge Rd, to assist in the processing of a scene regarding an officer involved shooting that had occurred. Upon arrival, the scene was secured by patrol vehicles, uniformed officers, and yellow crime scene tape. The scene was processed under the direction of Detective Ellis #3132 and Supervising Forensic Investigator Woo #6382.

PHOTOGRAPHS

I took nine-hundred and sixty-two (962) photographs of the following, which were uploaded into the Digital Crime Scene (DCS) System:

Overall condition of scene

-One (1) green medical kit located on ground near Southeast side of lot

-Miscellaneous medical supplies located on ground near Southeast side of lot

-One (1) red medical kit located on ground near Southeast side of lot

-One (1) red medical kit located on cement wall near Southeast side of lot

-Apparent blood located on ground near Southeast side of lot

-One (1) black buckle piece located on ground near Southeast side of lot

-One (1) black, cloth bag located on ground near Sacramento Police Department Patrol Vehicle #12404C (CA#1512659)

-Two (2) Sacramento Police Department shields located near Sacramento Police Department Patrol Vehicle #12404C (CA#1512659)

-Apparent blood located on ground North of red, 4-door Toyota Sienna LE ([redacted])

-Three (3) 12GA Super-Sock Bean Bag cartridges located on front driver side seat of Sacramento Police Department Patrol Vehicle #13415C (CA#1424039)

-One (1) "Remington Less Lethal" #S233 with six (6) 12GA Super-Sock Bean Bag cartridges attached to side located in Sacramento Police Department Patrol Vehicle #13415C (CA#1424039)

Overall condition of Sacramento Police Department Patrol Vehicle #13415C (CA#1424039) located near Southwest side of lot

Overall condition of Sacramento Police Department Patrol Vehicle #13414C (CA#1424042) located near Southwest side of lot

Overall condition of Sacramento Police Department Patrol Vehicle #12404C (CA#1512659) located near Southwest side of lot

-Damage to front bumper

-Damage to passenger side of push bar

-Damage to trim around front passenger side tire

Overall condition of red, 4-door Toyota Sienna LE ([redacted]) located near Southwest side of lot

-Damage to rear bumper

-Two (2) apparent bullet holes through front passenger side door

-One (1) apparent bullet hole through front passenger side door window

-One (1) apparent bullet strike in front windshield

-One (1) apparent bullet hole through front windshield

-Ten (10) apparent bullet holes through front driver side door window

-One (1) apparent bullet hole through front driver side door window trim

-Five (5) apparent bullet holes through front driver side door

-One (1) apparent bullet hole in rear driver side door window

-One (1) apparent bullet hole in rear driver side door

-Apparent blood located on front driver side seat

-Apparent blood located on driver side car frame

-Apparent blood located on front driver side floorboard

-Apparent blood located on front driver side seatbelt

-Apparent blood located on steering wheel

-Apparent blood located on gear shift

-Apparent blood located on front passenger side seat

-Apparent blood located on center console

Approximate locations of Officer Toomey #894

Approximate location of Officer Caro #561

Approximate locations of Officer King #784

Approximate location of Officer Stevens #952

Overall location of all items of evidence; for detailed evidence list, see FI Gunther's #6386 (CSI25) report

I cleared the call at approximately 0901 hours on 2/16/2021.

Follow Up Report # SA 31

Assignment Information

Assigned to: **4462 - KINOSHITA, AILEE 6361** Rank: **FORENSIC INVESTIGATOR I/II**
Capacity: **CSI SCENE DIAGRAMS (FORENSICS/ID USE ONLY)** Org unit: **OOI FORENSIC ID - CRIME SCENE INVESTIGATION**
Assigned on: **Feb-20-2021 (Sat.) 1559** by: **4462 - KINOSHITA, AILEE 6361**
Report due on: **Mar-22-2021 (Mon.)**

Submission Information

Submitted on: **Feb-26-2021 (Fri.) 916**
Checked by: **1106 - WOO, FRANK 6382**
Approved on: **Feb-26-2021 (Fri.)** by: **1106 - WOO, FRANK 6382**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type CSI REPORT
Subject ADDITIONAL 3D SCANS
Author 4462 - KINOSHITA, AILEE 6361
Related Date Feb-26-2021 9:04

On 02/18/2021 at approximately 1330 hours, I, Forensic Investigator A. Kinoshita #6361 (CSI26) arrived at 8550 Fruitridge Rd - Fruitridge Transfer Station, to take additional 3-D scans in regards to an officer involved shooting that occurred on 02/15/2021. I worked under the direction of Detective Coughran #635 and Sgt. MacLafferty #3065.

ADDITIONAL DIAGRAM MEASUREMENTS AT FRUITRIDGE TRANSFER STATION:

I collected additional measurements of the crime scene and evidence using a Leica RTC360 3D scanner. During Setup 008 there was an "external force detected" error. Setup 008 does not exist in the raw data.

I transferred my additional scan data on to the Forensic Storage Network Drive. The RAW scan data was registered and prepared for viewing using the Leica Cyclone Register 360 software by Forensic Investigator Rostocil #6352.

I cleared the scene at approximately 1522 hours.

Follow Up Report # SA 32

Assignment Information

Assigned to: **4773 - HYNES, ANNA-LEE B 6371** [redacted] Rank: **FORENSIC INVESTIGATOR I/II**

Capacity: **CSI VEHICLE PROCESSING (FORENSICS/ID USE ONLY)** Org unit: **OOI FORENSIC ID - CRIME SCENE INVESTIGATION**

Assigned on: **Feb-23-2021 (Tue.) 1124** by: **4773 - HYNES, ANNA-LEE B 6371** [redacted]

Report due on: **Mar-05-2021 (Fri.)**

Submission Information

Submitted on: **Feb-23-2021 (Tue.) 1125**

Checked by: **1106 - WOO, FRANK 6382**

Approved on: **Feb-24-2021 (Wed.)** by: **1106 - WOO, FRANK 6382**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type CSI REPORT
Subject VEHICLE PROCESSING
Author 4773 - HYNES, ANNA-LEE B 6371 [redacted]
Related Date Feb-23-2021 11:24

On 2/23/21 at approximately 0959 hours, I, Forensic Investigator A. Hynes #6371 (CSI22), arrived at 769 N 16th St. - Central Valley Tow Evidence Impound, to process a vehicle related to an arson. Upon arrival I contacted Fire Investigator P. Taylor. The vehicle process request was assigned to me by Supervising Forensic Investigator F. Woo #6382. Det. Massee #548 requested the following processing on a blue 2-door Ford F150 truck ([redacted]): Latent processing (interior and exterior side of driver's side area, interior and exterior of passenger's side area) and global swabs (interior and exterior side of driver's side area and interior and exterior side of passenger's side area).

PHOTOGRAPHS

I took forty-one (41) photographs of the following; which were uploaded into the Digital Crime Scene (DCS) System:

Overall condition of blue 2-door Ford F150 truck ([redacted])

-Damage to truck bed

-Damage to rear passenger's side tire

-Damage to interior of cab

-Damage to rear window

LATENT PROCESSING

While wearing a mask and clean gloves I used visual examination, a clean brush and clean black powder to process the following areas for possible latent prints with negative results:

Blue 2-door Ford F150 truck ([redacted])

-Exterior side of driver door

-Exterior side of passenger door

-All exterior sides of truck bed

EVIDENCE

I collected, packaged, transported and booked the following items of evidence into the Drop Box at 555

Sequoia Pacific Blvd - The Sacramento Police Department's Evidence and Property Section under PR#114031:

Two (2) global swabs collected from blue 2-door Ford F150 truck ([redacted])

-One (1) global swab from exterior driver door handle

-One (1) global swab from exterior passenger door handle

I cleared the call at approximately 1054 hours.

Upon completion of processing I notified Det. Massee #548, Supervising Forensic Investigator F. Woo #6382 and the SPD Tow Administrator via e-mail.

Clearance Information

Agency: **SACRAMENTO PD**
Cleared status: **CLEARED BY ARREST - NOT APPLICABLE**
Cleared on: **Feb-17-2021 (Wed.)**
Cleared by Officer 1: **522 - KRUTZ, SCOT 0680** [redacted]
Org Unit: **HOMIC - OOI MAJOR CRIMES - HOMICIDE**
Complainant/Victim notified: **No**

Related Property Report(s)

Report Information

Property Report #: 1126742
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Jun-10-2021 (Thu.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1126742- 1**
Article: **YPAPER- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **MEDICAL RELEASE FORM, TOYOTA RELEASE FORM, CENTRAL TOW FORM**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113109
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **LOUIE, KACIE 6384**
Related:
Offense: **GO SA 2021- 44157**
General remarks: **OFC. TOOMEY'S #894 FIREARM**
Related items: **5**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113109- 2**
Article: **YMAGGUN- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(1) EMPTY BLACK SIG SAUER 9MM 21 ROUND MAGAZINE**
Recovered location: **OFC TOOMEY #894**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113109- 3**
Article: **YMAGGUN- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(1) EMPTY BLACK SIG SAUER 9MM 21 ROUND MAGAZINE**
Recovered location: **OFC TOOMEY #894**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113109- 4**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(22) FC 9MM LUGER UNFIRED CARTRIDGES**
Recovered location: **MAGAZINE #1**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113109- 5**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(21) FC 9MM LUGER UNFIRED CARTRIDGES**

Recovered location: **MAGAZINE #2**
Flags: **d *e**
Current Location: **(Disposed)**

Firearm - Evidence

Status: **SEIZED (EVIDENCE)**
Tag #: **SA1113109- 1**
Make: **SIGARMS SWISS ARMS AG - US (SIG SAUER IS SSS)**
Item: **PISTOL** Type: **SEMI-AUTOMATIC**
Model: **P320** Caliber: **9MM**
Serial #: [redacted]
Description: **(1) BLACK SIG SAUER P230 9MM PISTOL WITH TAC LIGHT**
Recovered location: **OFC. TOOMEY #894**
Flags: **d *e**
Current Location: **(Disposed)**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113110
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **LOUIE, KACIE 6384**
Related:
Offense: **GO SA 2021- 44157**
General remarks: **OFC. CARO'S #561 FIREARM**
Related items: **7**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113110- 2**
Article: **YMAGGUN- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(1) EMPTY BLACK GLOCK 9MM 17 ROUND MAGAZINE**
Recovered location: **OFC. CARO #561**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113110- 3**
Article: **YMAGGUN- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(1) EMPTY BLACK GLOCK 9MM 17 ROUND MAGAZINE**
Recovered location: **OFC. CARO #561**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113110- 7**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(17) FC 9MM LUGER UNFIRED CARTRIDGES**
Recovered location: **MAGAZINE #3**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113110- 4**
Article: **YMAGGUN- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(1) EMPTY BLACK GLOCK 9MM 17 ROUND MAGAZINE**

Recovered location: **OFC. CARO #561**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113110- 5**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(14) FC 9MM LUGER UNFIRED CARTRIDGES**
Recovered location: **MAGAZINE #1**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113110- 6**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **(17) FC 9MM LUGER UNFIRED CARTRIDGES**
Recovered location: **MAGAZINE #2**
Flags: **d *e**
Current Location: **(Disposed)**

Firearm - Evidence

Status: **SEIZED (EVIDENCE)**
Tag #: **SA1113110- 1**
Make: **GLOCK,INC**
Item: **PISTOL** Type: **SEMI-AUTOMATIC**
Model: **17 GEN 5** Caliber: **9MM**
Barrel length: Finish: **BLK**
Serial #: [redacted]
Description: **(1) BLACK SEMI-AUTO GLOCK 17GEN5 9MM PISTOL**
Recovered location: **OFC CARO #561**
Flags: **d *e**
Current Location: **(Disposed)**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1130889
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Jul-15-2021 (Thu.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1130889- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **MEDICAL DISC FROM KAISER SOUTH WITH MED RECORDS**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1115127
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Mar-05-2021 (Fri.)** by: **VON SCHOECH, KONRAD 0813** [redacted]
Related:
Offense: **GO SA 2021- 44157**
Related items: **2**

Articles

Status: **SEIZED (EVIDENCE)** Tag #: **SA1115127- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **STATEMENT FROM** [redacted]
Current Location: **EP BL/10061502**

Articles

Status: **SEIZED (EVIDENCE)** Tag #: **SA1115127- 2**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **STATEMENT FROM:** [redacted]
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113435
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-18-2021 (Thu.)** by: **SCHULTE, BRENDAN 0911**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113435- 1**
Article: **RVTAPE- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **SURVEILLANCE FROM 8461 FOLSOM BLVD (MOBIL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1115022
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Mar-04-2021 (Thu.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **3**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1115022- 1**
Article: **YBOTTLE- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **HALF FULL BOTTLE OF HAND SANITIZER 16.9 FL OZ FOUND IN TOYO**
Flags: ***e**
Current Location: **EP AB/07151302**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1115022- 2**
Article: **YLICENS- MISCELLANEOUS**
Serial # 1: [redacted] OAN:
Description: **DMV LICENSE PLATE** [redacted]
Flags: ***e**
Current Location: **EP AB/07151302**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1115022- 3**
Article: **YLICENS- MISCELLANEOUS**
Serial # 1: [redacted] OAN:
Description: **DMV LICENSE PLATE** [redacted]
Flags: ***e**
Current Location: **EP AB/07151302**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113290
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **LANGE, MICHAEL 3067** [redacted]
Related:
Offense: **GO SA 2021- 44157**
Location: **5770 FREEPORT BLVD** Apartment: **100**
Municipality: **SACRAMENTO** County: **SACRAMENTO COUNTY**
District: **4** Zone: **4C**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113290- 1**
Article: **OSTATIO- OFFICE EQUIPMENT (INCLUDES PHOTOCOPIERS AND TYPEWRITERS)**
Serial # 1: **UNKNOWN** OAN:
Description: **ROUND COUNT FORMS FOR OFC TOOMEY AND OFC CARO**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113639
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **MCGOVERN, SHAUN 0892**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113639- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Make:
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Value: **$NaN** Color: **SILVER/ALUMINUM**
Description: **DVD - SECURITY VIDEO 8565 UNSWORTH AVE**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1114031
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-23-2021 (Tue.)** by: **HYNES, ANNA-LEE B 6371** [redacted]
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114031- 1**
Article: **YSAMPLE- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **2 GLOBAL SWABS FROM BLUE 2D FORD F150 ([redacted]#[redacted])**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113328
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-17-2021 (Wed.)** by: **COUGHRAN, CHAD M 4015**
Related:
Offense: **GO SA 2021- 44157**
Related items: **4**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113328- 1**
Article: **DCIRCUI- DATA PROCESSING EQUIPMENT**
Serial # 1: **UNKNOWN** OAN:
Description: **USB DRIVE - VID/AUD SHOWN TO OFC CARO (ICC, BWC, DAR)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113328- 2**
Article: **DCIRCUI- DATA PROCESSING EQUIPMENT**
Serial # 1: **UNKNOWN** OAN:
Description: **OIS VIDEO ADMONISHMENT FOR OFC CARO**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113328- 4**
Article: **DCIRCUI- DATA PROCESSING EQUIPMENT**
Serial # 1: **UNKNOWN** OAN:
Description: **SHOWN TO OFC CARO PRIOR TO INTERVIEW (CAD CALL, UAS AERIAL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113328- 3**
Article: **DCIRCUI- DATA PROCESSING EQUIPMENT**
Serial # 1: **UNKNOWN** OAN:
Description: **SHOWN TO OFC CARO IN INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1114144
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-24-2021 (Wed.)** by: **CULP, TODD A 3075**
Related:
Offense: **GO SA 2021- 44157**
Related items: **3**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114144- 1**
Article: **YPAPER- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Value: **$1.00** Color:
Description: **OIS ADMONISHMENT - OFICER KING**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114144- 2**
Article: **YINVPHO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Value: **$1.00** Color:
Description: **AERIAL PHOTO OF SCENE - SHOWN TO OFC KING DURING INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114144- 3**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Value: **$1.00** Color:
Description: **INTERVIEW OF OFC KING - 02/17/21**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1118310
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Mar-31-2021 (Wed.)** by: **CULP, TODD A 3075**
Related:
Offense: **GO SA 2021- 44157**
Related items: **2**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1118310- 1**
Article: **YINVPHO- MISCELLANEOUS**
Model: # of pieces: **3**
Serial # 1: **UNKNOWN** OAN:
Value: **$1.00** Color:
Description: **SHOWN TO [redacted] [redacted] DURING INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1118310- 2**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Value: **$1.00** Color:
Description: **VIDEO FROM [redacted] [redacted] AND [redacted] [redacted]**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1120573
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Apr-20-2021 (Tue.)** by: **KRUTZ, SCOT 0680** [redacted]
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1120573- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **NONE** OAN:
Description: **DISC WITH OFC STEVENS INTERVIEW AND IMAGES SHOWN IN INT**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1114275
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **MCGOVERN, SHAUN 0892**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114275- 1**
Article: **DCIRCUI- DATA PROCESSING EQUIPMENT**
Make: **PHILLI**
Model: # of pieces: **2**
Serial # 1: **UNKNOWN** OAN:
Value: **$NaN** Color: **WHITE, GRAY**
Description: **2 - THUMB DRIVES CONTAINING FUEL PUMP VIDEO**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1121434
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Apr-28-2021 (Wed.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **2**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1121434- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH FACEBOOK/INSTAGRAM RETURNS**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1121434- 2**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH T-MOBILE CDR**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1120476
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Apr-19-2021 (Mon.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1120476- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH DAR ON IT**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113257
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **FOWLER, DAVID SCOTT XFD002**
Related:
Offense: **GO SA 2021- 44157**
Related items: **2**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113257- 1**
Article: **YSAMPLE- MISCELLANEOUS**
Serial # 1: **NONE** OAN:
Description: **BURNED PAIR OF BLUE JEANS AND BURNED PAIR OF SOCKS**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113257- 2**
Article: **YINVPHO- MISCELLANEOUS**
Serial # 1: **NONE** OAN:
Description: **SFD 21-065, SCENE PHOTOS**
Current Location: **FD ARSON**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1122574
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **May-08-2021 (Sat.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1122574- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH [redacted] [redacted] STATEMENT**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113185
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-16-2021 (Tue.)** by: **GUNTHER, KAITLYN 6386**
Related:
Offense: **GO SA 2021- 44157**
Related items: **57**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 2**
Article: **PSHIRT- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #2: BLK T-SHIRT CHAMPION BRND, XXL, CUT COND, APP BLOOD**
Recovered location: **GRND EAST OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 1**
Article: **PBELT- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #1: BLK BELT W SILVER BUCKLE, CUT COND, APP BLOOD**
Recovered location: **GRND EAST OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 3**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE FIRED PROJECTILE, CLCTD FRM ITEM #2**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 4**
Article: **PUNDERW- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #3: BLK SPYDER BRND MENS UNDERWEAR, CUT COND, APP BLOOD**
Recovered location: **GRN EAST RED TOYOTA SIENNA LE**
Flags: ***e**

Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 5**
Article: **PPANTS- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #4: OLD NAVY BLUE JEANS 38X32 SIZE, CUT COND, APP BLOOD**
Recovered location: **GRND EAST OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 6**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE SILVER FC 9MM LUGER UNFIRED CARTRIDGE**
Recovered location: **FRNT RIGHT POCKET OF ITEM #4**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 7**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE GOLD RP 38 SPL +P UNFIRED CARTRIDGE**
Recovered location: **FRNT RIGHT POCKET OF JEANS- ITEM #4**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 9**
Article: **EBATTER- EQUIPMENT, MEASURING DEVICES, AND TOOLS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE SILVER PANASONIC CR2032 3V BATTERY**
Recovered location: **FRNT RIGHT POCKET OF JEANS- ITEM #4**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 11**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #5: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**

Recovered location: **GRND S OF PATROL VEH #12404**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 12**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #6: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND S OF PATROL VEH #12404**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 13**
Article: **YMAGGUN- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #7: BLK SIG SAUER 9MM MAGAZINE, 17 RND CAPACITY**
Recovered location: **GRND E OF PATROL VEH #12404**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 14**
Article: **YAMMO- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **THREE (3) FC 9MM LUGER UNFIRED CARTRIDGES, ORIG FRM ITEM #7**
Flags: **d *e**
Current Location: **(Disposed)**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 15**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #8: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **ROOF OF PATROL VEH #12404**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 16**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:

Description: **ITEM #9: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **ROOF OF PATROL VEH #12404**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 17**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #10: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **PASS WINDSHIELD OF PATROL VEH #12404**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 18**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #11: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND S OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 19**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #12: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND S OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 20**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #13: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND S OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 21**
Article: **YCASING- MISCELLANEOUS**

Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #14: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND S OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 22**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #15: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND S OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 23**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #16: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **WINDSHIELD OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 24**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #17: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **WINDSHIELD OF PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 25**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #18: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND UNDER PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 31**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #24: ONE FIRED PROJECTILE**
Recovered location: **FRNT DRIVERS FLOOR (RED TOYOTA SIENNA LE)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 26**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #19: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND UNDER PATROL VEH #13414**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 27**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #20: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND E OF PATROL VEH #13415**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 28**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #21: ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GRND E OF PATROL VEH #13415**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 29**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #22: ONE LESS LETHAL SHOTGUN SHELL**
Recovered location: **GRND E OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 30**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #23: ONE FIRED PROJECTILE**
Recovered location: **GRND E OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 32**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #25: FIRED PROJECTILE**
Recovered location: **FRNT DRIVERS FLOOR, RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 33**
Article: **YNARCPA- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #26: SMALL CLEAR PLASTIC BAGGIE, ORIG CNTND WHITE SUBS**
Recovered location: **CNTR CONSOLE OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 34**
Article: **YMISCEL- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #27: FIRED BEAN BAG ROUND, FRM INT FRNT PASS DOOR PANEL**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 35**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ITEM #28: FIRED PROJECTILE, FLOOR BTWN FNT DRIVER DOOR/SEAT**
Recovered location: **RED TOYOTA SIENNA LE**

Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 36**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE GOLD COLORED JACKETING, FRNT PASS FLOOR**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 37**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE FIRED PROJECTILE, FRONT PASS FLOOR**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 38**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE GOLD COLORED JACKETING, FRNT PASS DOOR POCKET**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 39**
Article: **PWALLET- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **BROWN LEATHER WALLET, W/ MISC CARDS/PAPERS INSIDE**
Recovered location: **FRNT PASS DOOR POCKET, TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 41**
Article: **YMISCEL- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:

Description: **ONE IPAD IN BLACK CASE, FRM INSIDE BLK BACKPACK**
Recovered location: **IN TRUNK AREA OF RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 42**
Article: **OTELEPH- OFFICE EQUIPMENT (INCLUDES PHOTOCOPIERS AND TYPEWRITERS)**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE SILVER LG CELLPHONE, ORIG IN BLK BACKPACK OF TRUNK AREA**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 43**
Article: **OTELEPH- OFFICE EQUIPMENT (INCLUDES PHOTOCOPIERS AND TYPEWRITERS)**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE SILVER LG CELLPHONE, ORIG IN BLK BACKPACK IN TRUNK AREA**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 44**
Article: **OTELEPH- OFFICE EQUIPMENT (INCLUDES PHOTOCOPIERS AND TYPEWRITERS)**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE BLK CELLPHONE IN SILVER CASE, ORG IN BLK BACKPACK IN TRK**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 45**
Article: **OTELEPH- OFFICE EQUIPMENT (INCLUDES PHOTOCOPIERS AND TYPEWRITERS)**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE WHITE PHONE IN BLK CASE, ORIG IN BLK BACKPACK IN TRUNK**
Recovered location: **RED TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 46**
Article: **YMISCEL- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:

Description: **ONE MEGUIARS INSANE SHINE TIRE COATING SPRAY CAN**
Recovered location: **PLSTIC BAG IN TRUNK, TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 50**
Article: **HDISPOS- HOUSEHOLD EQUIPMENTAPPLIANCES AND HOUSEWARES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE BROWN PAPER BAG ORIG CNTND MISC ITEMS**
Recovered location: **BELONGING TO ADAN MARTINEZ (FRM HOSPITAL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 47**
Article: **YMISCEL- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE BOTTLE, 1.8 GAL, ENSUENO FABRIC SOFTENER W/ LIQUID INSID**
Recovered location: **TRUNK OF TOYOTA SIENNA LE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 48**
Article: **YSAMPLE- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE SAMPLE OF BLUE COLORED LIQUID, FRM FABRIC SOFTENER BOTTL**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 49**
Article: **YSAMPLE- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE GSR KIT COLLECTED FRM HANDS OF ADAN MARTINEZ**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 51**
Article: **PHOSIER- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:

Description: **TWO BLK SOCKS, BELONGING TO ADEN MARTINEZ**
Recovered location: **FRM HOSPITAL**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 52**
Article: **PSHOES- PERSONAL ACCESSORIES**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **LEFT AND RIGHT SHOE, UNDER ARMOUR BRND, SIZE 12.5 MENS**
Recovered location: **ADAN MARTINEZ (HOSPITAL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 56**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **GROUND WHERE PATROL VEH #13414 WAS**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 53**
Article: **YCASING- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE FIRED PROJECTILE RECOVERED FRM ADAM MARTINEZ'S**
Recovered location: **LEFT ARM (FRM HOSPITAL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 54**
Article: **YCASING- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **ONE FIRED PROJECTILE RECOVERED FRM ADAM MARTINEZ'S**
Recovered location: **RIGHT WRIST (FRM HOSPITAL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113185- 55**
Article: **YCASING- MISCELLANEOUS**
Model: # of pieces: **1**
Serial # 1: **UNKNOWN** OAN:

Description: **ONE FC 9MM LUGER FIRED CARTRIDGE CASING**
Recovered location: **UNDER PATROL VEH # 13415 (AFTER SEARCH)**
Flags: ***e**
Current Location: **EP BL/10061502**

Securities - Evidence

Status: **SEIZED (EVIDENCE)**
Tag #: **SA1113185- 8**
Type: **FOREIGN CURRENCY**

Denomination	Number	Value
$1000		**$0.00**
$100		**$0.00**
$50		**$0.00**
$20		**$0.00**
$10		**$0.00**
$5		**$0.00**
$2		**$0.00**
$1		**$0.00**
Half dollars		**$0.00**
Quarters		**$0.00**
Dimes		**$0.00**
Nickels		**$0.00**
Pennies		**$0.00**

Denomination: **$5.00**
Country / Issuer: **ESTADOS UNIDOS MEXICANOS**
Description: **ONE $5 ESTADOS UNIDOS MEXICANOS COIN**
Recovered location: **FRNT RIGHT POCKET OF JEANS-ITEM #4**
Flags: ***e**
Current Location: **EP BL/10061502**

Securities - Evidence

Status: **SEIZED (EVIDENCE)**
Tag #: **SA1113185- 40**
Type: **CURRENCY, U.S./ CASH / MONEY**

Denomination	Number	Value
$1000		**$0.00**
$100		**$0.00**
$50		**$0.00**
$20		**$0.00**
$10		**$0.00**
$5		**$0.00**
$2		**$0.00**
$1	**2**	**$2.00**
Half dollars		**$0.00**
Quarters		**$0.00**
Dimes		**$0.00**
Nickels		**$0.00**

Pennies **$0.00**
Denomination: **$2.00**
Value: **$2.00**
Country / Issuer: **US**
Description: **TWO (2) $1 BILLS, FRM BROWN LEATHER WALLET**
Flags: ***e**
Current Location: **EP BL/10061502**

Jewelry - Evidence

Status: **SEIZED (EVIDENCE)**
Tag #: **SA1113185- 10** Article: **RING, WEDDING SET**
Gender: **MEN'S** # of pieces:
Description: **ONE SILVER MENS RING, WITH DIAMONDS**
Recovered location: **FRNT RIGHT JEANS POCKET- ITEM #4**
Flags: ***e**
Current Location: **EP BL/10061502**

Drugs - Evidence

Status: **SEIZED (EVIDENCE)**
Tag #: **SA1113185- 57**
Name: **AMPHETAMINES/METHAMPHETAMINES**
Form: **CRYSTAL** Quantity: **0.200**
Unit: **GRAM** Value: **$NaN**
Description: **.20 GRAMS OF APP CRYSTAL METH, ORIG INSIDE ITEM #26**
Flags: ***e**
Current Location: **EP DG/03051501**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1113330
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-17-2021 (Wed.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **4**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113330- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC CONTAINING OFC. TOOMEYS AUDIO INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113330- 2**
Article: **YPAPER- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **OIS ADMONISHMENT SHOWN TO OFC. TOOMEY**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113330- 3**
Article: **YPAPER- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **IMAGES SHOWN TO TOOMEY DURING THE INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1113330- 4**
Article: **YPAPER- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **IMAGES GIVEN TO TOOMEY BEFORE INTERVIEW (CAD CALL, AERIAL)**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1114029
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Feb-23-2021 (Tue.)** by: **SCHULTE, BRENDAN 0911**
Related:
Offense: **GO SA 2021- 44157**
Related items: **2**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114029- 1**
Article: **RVTAPE- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **3315 JULIARD SURVEILLANCE**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1114029- 2**
Article: **RVTAPE- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: [redacted] **OCCIDENTAL DR SURVEILLANCE**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1134076
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Aug-10-2021 (Tue.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles

Status: **SEIZED (EVIDENCE)** Tag #: **SA1134076- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH EXTRA T-MOBILE DATA**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140572
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140572- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH 1ST CONTACT WITH** [redacted] [redacted]
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140578
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **9**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 5**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH ICC OF OFC. MUCHER AND JENSON**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 6**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **PARHAM ICC, WARD ICC, WARD BWC**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 7**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **TOOMEY AND CARO ROUND COUNT**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 8**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **BWC** [redacted]
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH ADAN,** [redacted] **AND CFS**

Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 2**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH SSD SURVEILLANCE VIDEO**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 3**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH MISC. IMAGES**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 4**
Article: **YPAPER- MISCELLANEOUS**
Serial # 1: **UNKNOWN** OAN:
Description: **RETURN CERTIFIED MAIL PAPER**
Flags: ***e**
Current Location: **EP BL/10061502**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140578- 9**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH SCENE MEASUREMENTS**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140567
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140567- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH TOYOTA CRIME LAB REPORT**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140557
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140557- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH OFC. TOOMEY INTERVIEW + IMAGES SHOWN**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140558
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140558- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH OFC. CARO INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140562
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140562- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH ADAN MARTINEZ INTERVIEW**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

Related Property Report(s)

Report Information

Property Report #: 1140563
Property case status: **SEIZED (EVIDENCE)**
Submitted on: **Oct-03-2021 (Sun.)** by: **MASSEE, PAMELA 0548**
Related:
Offense: **GO SA 2021- 44157**
Related items: **1**

Articles - Evidence

Status: **SEIZED (EVIDENCE)** Tag #: **SA1140563- 1**
Article: **RCDISC- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES**
Serial # 1: **UNKNOWN** OAN:
Description: **DISC WITH FRUITRIDGE ROAD UAS VIDEO**
Flags: ***e**
Current Location: **EP BL/10061502**

Flags = d (disposed) x (x-reference) n (entered on NCIC) *e (evidence)

***** END OF HARDCOPY *****

Print

Sacramento Police Department
Vehicle Pursuit Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
02/16/2021	02/16/2021	21:53
Record ID Number	**Report Number**	**IA No**
27297	21-44157	OIP2021-069
Date/Time Entered	**Entered By**	
03/09/2021 13:49	Police Officer Jeffery Kuhlmann	
Sacramento PD Blue Team Assigned Investigator	**IAPro Assigned Investigator**	
[Pending assignment]	AA Colleen Barker #6445	

Incident Summary

See attached report. I reviewed associated in car camera, body worn camera, audio recordings, and the crime report. While reviewing the incident I observed the following concerns:

- Ofc Toomey was the primary vehicle in this pursuit. When Ofc Toomey located the suspect vehicle, he advised dispatch he was in pursuit. According to his in car camera (ICC), Ofc Toomey activated his overhead lights, in attempt to stop the suspect vehicle. According to the time stamp on his ICC, At the 54th second, Ofc Toomey stated he was in "Pursuit" via radio. Ofc Toomey did NOT activate his siren until 1:21 seconds after he initially stated his was in a vehicle pursuit. Ofc Toomey had been in pursuit approx 27 seconds before sounding his siren continuously.

- Ofc Toomey pursued the suspect vehicle N/B Occidental Dr. The suspect vehicle continued failing to stop for Ofc Toomey. As the vehicle continued N/B Occidental, the suspect vehicle approached La Riviera Dr. The intersection is a controlled, 3 way intersection. The suspect vehicle made an east bound turn on to La Riviera Dr., failing to stop at the Red light. Ofc Toomey did not broadcast the vehicle failing to stop at the red light before proceeding east bound La Riviera Dr. At the time, there was only 1 vehicle at the intersection.

I did not observe any concerns regarding the driving conditions of the second or third vehicle involved with the pursuit.

9/8/21: Lit placed; lit hold memo attached. Martinez, Adan v. City of Sacramento, et al. - DNS

Incident Location

Addresses

[redacted] Occidental Drive, Sacramento, CA, 95826
6E

- Location of Occurrence: 6 - East

Vehicle Pursuit Details

Reason Pursuit was Initiated	Time of Day of Pursuit	Duration in Minutes	Initial Violation
Penal Code - Felony	2101 - 2400	8	Do Not Use
Weather Condition	**(mph)**	**Pursuit Distance**	**Type of Vehicle Pursued**
Clear	85	05-10 Miles	Van/Mini-Van
Beginning Location	**Ending Location**	**Agency Initiating Pursuit**	**Agency Ending Pursuit**
Julliard Drive/Notre Dame	8550 Fruitridge Road	Sacramento PD	Sacramento PD

Event that Concluded Pursuit	DUI Factors	Aerial Vehicle available	Aerial Vehicle used
Suspect vehicle voluntarily stopped	None	No	No
Stop Device Used	**Stop Device Type**	**In car camera available**	**In car camera used**
No	[None Entered]	Yes	Yes
Video ID Number	**DUI Arrest**	**Liability claim filed**	**Pursuit was terminated**
[None Entered]	No	No	No
Pursuit Aborted By		**Accident Occurred**	
[None Entered]		No	
Type of Property Damage	**Parties Injured**	**Suspect Vehicle Amount ($)**	**Police Vehicle Amount ($)**
[None Entered]	[None Entered]	[None Entered]	[None Entered]
Parked Vehicle Amount ($)	**Property Damage Amount ($)**	**Other Amount ($)**	
[None Entered]	[None Entered]	[None Entered]	
Offender Sex	**Offender Age**	**Offender Race**	
Male	39	White/Hispanic/Mid-East/East Indian (W)	

Reporting/Involved Citizen

Adan Herrera Martinez

Date of Birth: 05/17/1982 **Race:** White/Hispanic/Mid-East/East Indian (W) **Ethnicity:** Hispanic (Race: W) **Gender:** Male

Addresses

[redacted]

Phone Numbers

[redacted]

Role: Suspect

Injuries Sustained By Citizen
No injury

Charges Against Citizen
- 451 PC
- 273.6(a) PC
- 422 PC
- 2800 VC-Felony

Incident Officers

Police Officer Eric Toomey

Assignment at time of incident: Police Officer OOO/Patrol/District 6 **Video Footage:** Worn/Activated
Role: Primary Driver
Policy Outcome: Not yet entered

Injuries Sustained By Officer
No injury

Officer Witnesses

Police Officer Victor Stevens

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Third Passenger

Police Officer Zachary King

Assignment at time of incident: Police Officer OOI/RESEARCH/DEV/TRAINING/FIELD TRAING
Video Footage: Worn/Activated
Role: Third Driver

Police Officer Nicholas Caro

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Secondary Driver

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
05/21/2021	21-44157 MRE Report	pdf
05/17/2021	Chp187A toomey pursuit	pdf
05/21/2021	City of Sacramento Blue Border Form 2	pdf

Assignment History

Date/Time Sent	From	To	Activity
07/19/2021 11:32	AA C Barker #6445		Field status changed in IAPro from To IA to Released
07/19/2021 11:32	AA C Barker #6445		Released back to IAPro

Chain of Command History

Routing Number: 1

From Police Officer Jeffery Kuhlmann

To Police Sergeant Robert Young

Cc:

Date/Time Sent 05/20/2021 10:14

Instructions From [Police Officer Jeffery Kuhlmann] To [Police Sergeant Robert Young]

Here is the blue team...let me know if there is any issues on it...Jeff

Comments/Response From [Police Sergeant Robert Young]

[Forwarded by Police Sergeant Robert Young]

Routing Number: 2

From Police Sergeant Robert Young

To Police Officer Jeffery Kuhlmann

Cc:

Date/Time Sent 05/20/2021 13:14

Instructions From [Police Sergeant Robert Young] To [Police Officer Jeffery Kuhlmann]

Please add info per my request. Thanks

Comments/Response From [Police Officer Jeffery Kuhlmann]

[Forwarded by Police Officer Jeffery Kuhlmann]

Routing Number: 3

From Police Officer Jeffery Kuhlmann

To Police Sergeant Robert Young

Cc:

Date/Time Sent 05/21/2021 13:15

Instructions From [Police Officer Jeffery Kuhlmann] To [Police Sergeant Robert Young]

chp 187, blue boarder, and MRE report is all attached... Jeff

Comments/Response From [Police Sergeant Robert Young]

[Forwarded by Police Sergeant Robert Young]

Routing Number: 4

From Police Sergeant Robert Young

To Police Sergeant Don Crye

Cc:

Date/Time Sent 05/26/2021 07:49

Instructions From [Police Sergeant Robert Young] To [Police Sergeant Don Crye]

Sir,
After your review please forward to Lt. M Stigerts.
Thank you,
Robbie

Comments/Response From [Police Sergeant Don Crye]

The officer was not initially within policy (siren not activated) when he began pursuing the suspect vehicle...

Please forward to LT. M Stigerts for review...

Routing Number: 5

From Police Sergeant Don Crye

To Police Lieutenant-Exempt Marnie Stigerts

Cc:

Date/Time Sent 05/26/2021 10:48

Instructions From [Police Sergeant Don Crye] To [Police Lieutenant-Exempt Marnie Stigerts]

Please forward to LT. M Stigerts for review..... Thanks

Comments/Response From [Police Lieutenant-Exempt Marnie Stigerts]

I reviewed the pertinent report, BWC and Fleet associated with this incident. I concur that the policy was justified, however, Ofc. Toomey was initially not within policy due to continuous siren. No other issues noted with officers' response to, or involvement in, the pursuit.

Print

Sacramento Police Department
Firearm Discharge Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
02/15/2021	02/15/2021	21:53
Record ID Number	**Report Number**	**IA No**
27352	21-44157	OIS2021-01
Date/Time Entered	**Entered By**	
03/23/2021 11:59	[IAPro entry - AA Colleen Barker #6445]	
Sacramento PD Blue Team Assigned Investigator	**IAPro Assigned Investigator**	
[Pending assignment]	AA Colleen Barker #6445	

Incident Summary

City of Sacramento Police Department
DANIEL HAHN
Chief of Police
5770 Freeport Blvd., Suite 100
Sacramento, CA 95822-3516

(916) 808-0800
Fax : (916) 808-0818
www.sacpd.org
MEDIA ADVISORY/NEWS RELEASE
For Immediate Release No. 20210216-011
Tuesday, February 16, 2021
Officer Involved Shooting – 8500 Block of Fruitridge Road
Below is a summary of the events known to us at this time. The investigation into this incident is in the preliminary stages and details may change as information becomes available.

On Monday, February 15, 2021 at approximately 9:53 p.m., Sacramento Police Department patrol officers responded to a residence in the East Sacramento area after a victim called to report that her ex-boyfriend, whom she has a restraining order against, had burned their vehicle, threatened to kill her, and was possibly armed.

Shortly after, an officer located the suspect, an adult male, driving in the area. He was the only occupant of the vehicle. Officers attempted an enforcement stop on the vehicle and the suspect fled, leading to a pursuit. As the pursuit continued, assisting officers attempted to deploy stop-sticks in an effort to safely disable the suspect vehicle.

The pursuit continued into an industrial lot in the 8500 block of Fruitridge Road where the vehicle abruptly came to a stop and officers initiated a high-risk felony stop. During the high-risk stop, two officers discharged their service weapons at the suspect striking him.

Officers formed a contact team and rendered medical aid until Sacramento Metro Fire Personnel arrived on scene to take over. The suspect was transported to a local hospital where he is listed in stable condition and is expected to survive. No officers were injured during this incident.

There are no further details to release at this time. As the investigation progresses updates will be provided. The investigation into the arson is being conducted by the Sacramento Fire Department.

This incident is being investigated by the Sacramento Police Department's Homicide Unit and Internal Affairs Division. The Office of Public Safety Accountability and the Sacramento County District Attorney's Office are providing oversight by monitoring the investigation.

This incident falls under the City Council's policy on Police Use of Force as well as SB 1421. As a result, the video and audio associated with this incident will be released to the public within 30 days. Detectives are in the process of identifying and retrieving video associated with this incident.

The Sacramento Police Department encourages any witnesses with information regarding this incident to contact the dispatch center at (916) 264-5471 or Sacramento Valley Crime Stoppers at (916) 443-HELP (4357). Callers can remain anonymous and may be eligible for a reward up to

$1,000. Anonymous tips can also be submitted using the free “P3 Tips” smartphone app.

Sacramento Police Media Relations · (916) 808-0808 · pio@pd.cityofsacramento.org

The Mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City

9/8/21: Lit placed; lit hold memo attached. Martinez, Adan v. City of Sacramento, et al. - DNS

Incident Location

Addresses

8550 Fruitridge Rd, Sacramento, CA, 95826
6C

- Location of Occurrence: 6 - East

Firearm Discharge Details

Firearm Discharge Type	Number Of Officers Involved
Perpetrator	2
Citizen Influence Assessment	**Type of Response to Incident**
Unknown	

Crisis Details

Nature of Crisis
• Unknown
Final Disposition
• Arrested

Reporting/Involved Citizen

Adan Herrera Martinez

Date of Birth: 05/17/1982 **Race:** White/Hispanic/Mid-East/East Indian (W) **Ethnicity:** Hispanic (Race: W) **Gender:** Male

Addresses
[redacted]

Phone Numbers
[redacted]

Role: Arrested/Booked

Additional Snapshot Data

Homeless at time of involvement	Perceived Limited English	Primary Language
Yes	No	English
Sexual Orientation	**Gender Expression**	**Experiencing Mental Crisis (Officer Assessment)**
[None Entered]	[None Entered]	Unk
Experiencing Mental Crisis (Self Reported)	**Armed at Time of Incident**	
Unk	No	

Firearm Discharge Details For Citizen

Type of Citizen Involvement	Citizen Age at Time of Incident	Number of Shots Fired by Citizen
Suspect or offender	38	0

Citizen Condition	Party Causing Injury	Citizen Arrested
Injured	Patrol	Yes

Charges Against Citizen
[None Entered]

Injuries Sustained By Citizen

Injury	Region	Injury Location
Gunshot Wound		

Charges Against Citizen
- 273.6 PC
- 30305 PC
- 11377 HS
- 646.9 PC
- 2800.2 VC
- 451(C) PC

Incident Officers

Police Officer Nicholas Caro

Assignment at time of incident: Police Officer OOO/Patrol/District 6// **Video Footage:** Worn/Activated
Role: [None Entered]
Policy Outcome: Not yet entered
Firearm Discharge Details

Total Number of Shots	Number of Hits	Number of Misses	Number of Prior Shootings
0	0	0	0

Officer Condition	Unintentional Discharge	Officer Action at Time of Discharge	Role was within Policy
Not injured			

Violations	Reinstatement Status	Conclusion Date	Administration Leave Date
		[None Entered]	[None Entered]

On Range Date	Date Returned to Duty	Officer Assistance Program Attended Date	Comments
[None Entered]	[None Entered]	[None Entered]	

Weapons Used By Officer
- Handgun

Injuries Sustained By Officer
No injury

Police Officer Eric Toomey

Assignment at time of incident: Police Officer OOO/Patrol/District 6// **Video Footage:** Worn/Activated
Role: [None Entered]
Policy Outcome: Not yet entered
Firearm Discharge Details

Total Number of Shots	Number of Hits	Number of Misses	Number of Prior Shootings
0	0	0	0

Officer Condition	Unintentional Discharge	Officer Action at Time of Discharge	Role was within Policy

Not injured

Violations	Reinstatement Status	Conclusion Date	Administration Leave Date
		[None Entered]	[None Entered]

On Range Date	Date Returned to Duty	Officer Assistance Program Attended Date	Comments
[None Entered]	[None Entered]	[None Entered]	

Weapons Used By Officer
• Handgun

Injuries Sustained By Officer
No injury

Officer Witnesses

Police Officer Zachary King

Assignment at time of incident: Police Officer OOI/RESEARCH/DEV/TRAINING/FIELD TRAING
Video Footage: Worn/Activated
Role: [None Entered]

Police Officer Victor Stevens

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: [None Entered]

Tasks

Task Description	Date Due	Date Completed	Summary

Running Sheet Entries

No running sheet entries to show

Attachments

No Attachments

Assignment History

No assignment history

Chain of Command History

Preliminary Review Summary

Incident - 8500 Block Fruitridge Rd – Officer Involved Shooting
Date of Incident - February 15, 20201
Case # 21-44147

The preliminary review took place on Microsoft Teams on March 17, 2021 at 10:30am.

Order of events:

- Overview of facts – Capt. Jason Bassett
- Field Operations review – Lt. Marnie Stigerts
- Communications Division review – Shelly Butler
- Investigations Division review – Lt. Bryce Heinlein
- Policy Considerations review – Sgt. Clay Buchanan
- Training Considerations review – Lt. Joe Bailey / Lt. Zack Bales
- Command Staff Response – Group Discussion
- Equipment/Resources review – Capt. Jason Bassett
- Employee Wellness – Sgt. Matt McPhail
- PIO Response- Sgt. Sabrina Briggs
- Stakeholder/Community Response – Capt. Jason Bassett
- Internal Messaging – Group Discussion
- Analysis and Discussion

Follow Up:

- Policy Considerations Review
    - A department training bulletin on pre-trial probation will be forthcoming.

- Training Division Review
    - There were actions taken during this incident that are not in alignment with our training standards. We will be looking at our training on repositioning during traffic stops, and any other systemic training issues identified in this event.

- Employee Wellness Review
    - There were issues with the Everbridge notification process that stemmed from the lack of training and experience in using the mobile app. There

will be training provided on its use so that the issue is corrected in the future.

MEMORANDUM **Sacramento Police Department**

To: Ethan Hanson, Captain
Office of Investigations
Personnel Services Division

Date: February 18, 2021

Attn: Zack Bales, Lieutenant
Office of Specialized Services
Training Division

From: Michael Blessing, Corporal
Office of Specialized Services
Training Division, Range Master

Subject: Firearms Refresher for Nick Caro #561

This memorandum is submitted as record of firearms refresher training for Officer Nick Caro. In accordance with General Order 580.02, I conducted refresher training with him at the McClellan range facility on February 18, 2021.

Officer Caro underwent firearms refresher training, due to his intentional discharge of his firearm while in the course of his duties.

Officer Caro displayed proficient weapons handling skills and successfully completed all the topics of instruction given. The refresher training covered the following topics:

Pistol Confidence Course
Marksmanship fundamentals
Target acquisition
Immediate action
Malfunction Clearance
Use of cover

Please contact me if there are any questions.

Respectfully Submitted,

Michael Blessing
Range Master

MEMORANDUM **Sacramento Police Department**

To: Ethan Hanson, Captain
Office of Investigations
Personnel Services Division

Date: February 18, 2021

Attn: Zack Bales, Lieutenant
Office of Specialized Services
Training Division

From: Michael Blessing, Corporal
Office of Specialized Services
Training Division, Range Master

Subject: Firearms Refresher for Eric Toomey #894

This memorandum is submitted as record of firearms refresher training for Officer Eric Toomey. In accordance with General Order 580.02, I conducted refresher training with him at the McClellan range facility on February 18, 2021.

Officer Toomey underwent firearms refresher training, due to his intentional discharge of his firearm while in the course of his duties.

Officer Toomey displayed proficient weapons handling skills and successfully completed all the topics of instruction given. The refresher training covered the following topics:

Pistol Confidence Course
Marksmanship fundamentals
Target acquisition
Immediate action
Malfunction Clearance
Use of cover

Please contact me if there are any questions.

Respectfully Submitted,

Michael Blessing
Range Master

Officer Involved Shooting
8550 Fruitridge Rd
SPD Preliminary Review

Involved Officer

- Eric Toomey, 1A68, 5 years, 5 mos
- Nicholas Caro, 1C68, 1 year, 9 mos

- Lt. Stigerts (Watch Commander)
- Sgt. Schwartz (District Sergeant)

Suspect

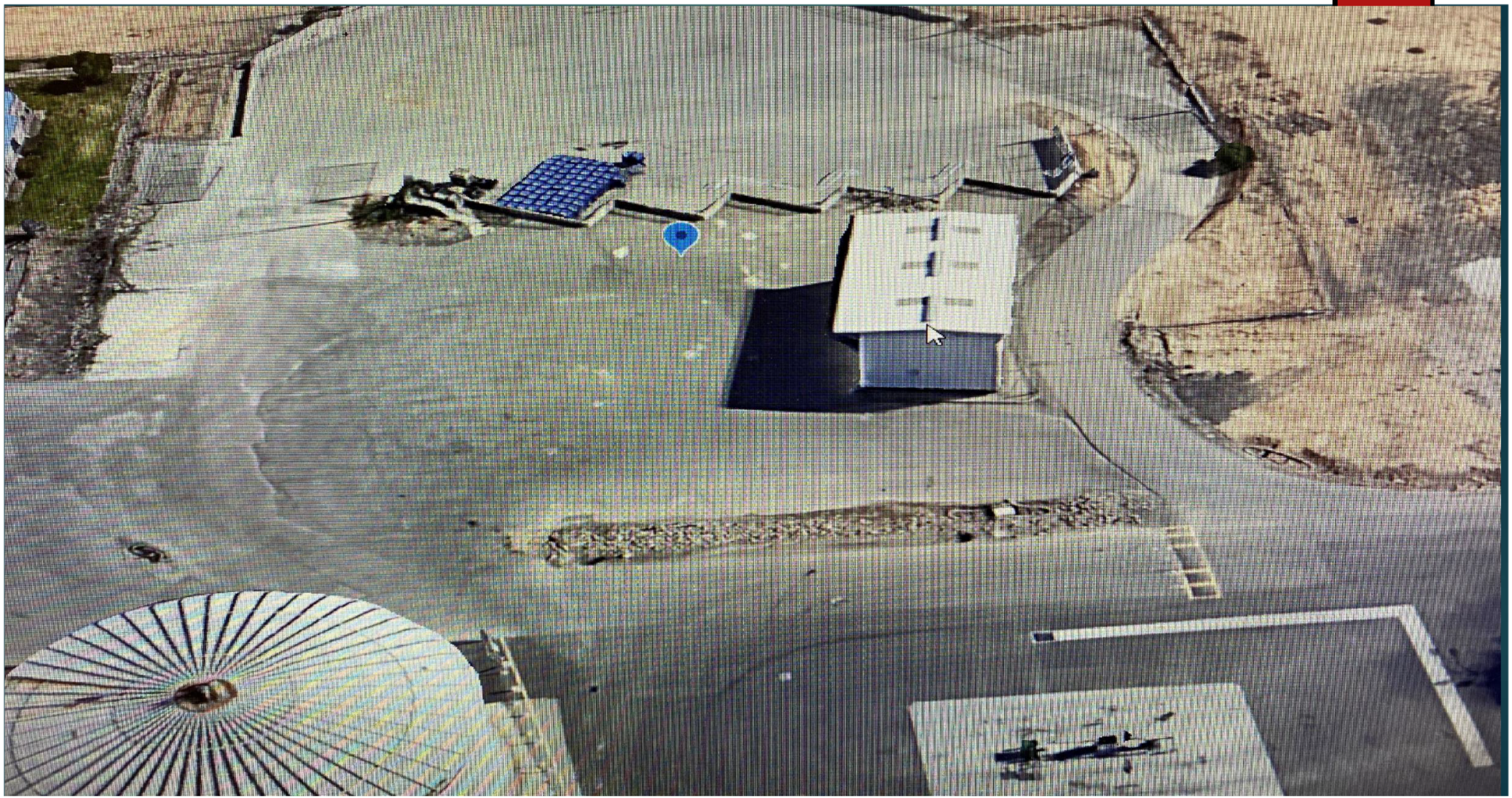
Adan Herrera Martinez
5/17/1982
Injured

[redacted]

Location

8550 Fruitridge Rd – Transfer Station

Industrial Area



Preliminary Review

- Field Operations
- Communications Center
- Investigations
- Policy Considerations
- Training Considerations
- Command Staff Response
- Equipment and Resources
- Employee Wellness
- PIO Response
- Stakeholder / Community Response
- Internal Messaging

OIS 2021-44157

FEBRUARY 15, 2021 AT 2225 HOURS

8550 FRUITRIDGE RD. (6C)

952-Arson & Threats

- 2153 hours – Call received
- 2155 hours – Officers dispatched to the original call
- 2207 hours – Officer Toomey marked on scene
- 2216 hours – Officer Toomey saw the suspect vehicle and advised he was in pursuit
  - Running stop signs, upwards of 60mph
  - 3 units and K9 authorized
  - PIT authorized, attempt to deploy spike strips
- 2224 hours – Suspect turned into industrial complex, possible foot-bail
- 2225 hours – Shots fired
- 2229 hours – Martinez in custody and medical provided
- 2230 hours – Single GSW to stomach, self-inflicted

Unsworth Ave
Unsworth Ave
Potters Automotive
Unsworth Ave
Unsworth Ave
Perkins Rd
DDK Mechanical
Wizard Fabrication
Fruitridge Transfer Station
Capitol City Towing
8550 Fruitridge Rd
Sacramento, CA 95826
DRIVN
Beach entertainment shop
Florin Perkins Rd
ReFuel Energy - CNG
J J Rebar
Fruitridge Transfer Station
Manley's Blacksmith
& Spring - Leaf...
Blacksmith
Hart's Fleet
L G Ellis Plumbing
Volvo Construction
Equipment & Services
College Oak Towing
Fruitridge Rd
Fruitridge Rd
Fruitridge Rd
Google

Final location of all vehicles

Dispatch Audio Recording

- Pursuit lasted about 9 minutes and covered 6 miles
- Maximum speed of approximately 80 mph
- Slowed to approximately 25 mph, hazard lights on, minimal traffic
- Turned off hazards, sped into industrial complex
  - Isolated area
- After shots fired, no information on who shot
- Attempt to clarify was not successful
  - Ofc. Parham stated suspect wounds "self-inflicted"

Contact Team 1
Toomey
Contact Team 2
Stephens
King
Caro

City of SACRAMENTO
Office of the City Attorney

EVIDENCE PRESERVATION MEMORANDUM ([redacted]

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED
AND ATTORNEY WORK PRODUCT MATERIALS

DATE: September 8, 2021

[redacted]

[redacted]

CITY OF SACRAMENTO
VEHICLE ACCIDENT REPORT

CLAIM NO.

COMPLETION OF THIS FORM IS REQUIRED WHENEVER CITY VEHICULAR EQUIPMENT IS INVOLVED IN AN ACCIDENT THAT CAUSES DAMAGE TO ANY PROPERTY.

IMPORTANT!
1. Call Police at 732-0100 if there has been an accident with injuries.
2. Keep calm.
3. Do not argue at scene of accident. Be courteous. Show your license willingly.
4. Secure the necessary information required for completion of this form.
5. Secure the names of possible witnesses or the license number of vehicles you think may have witnessed the accident.
6. Carefully examine damage. Take photographs if possible.
7. Do not talk to anyone about accident, except: your Supervisor, the Police, or City's Adjuster.
8. Complete Driver's Report of Accident and distribute as required (below) within 24 hours.
9. Take vehicle for inspection to Fleet Management Body Shop within 24 hours.

NOTE! In case of serious injuries or extensive property damage immediately call the City's Safety Officer at 808-5278. (After hours call Sacramento City 311 at 264-5011.)

Equip.No.	Employee's Name (Print)	Employee ID	Dept ID	Employee's DOB	Years of City Service
12404	Eric Toomey	894			4

Date and Time of Accident	Location of Accident	Use of Vehicle	Time Police Notified	Police Report No.
2-16-21 2145	8550 Fruitridge Rd	Patrol		21-44157 ☐ None

Other Party's Home Phone	Insurance company	Policy No.	Agent

	Year	Make	Model	License No.	Damages
City Vehicle	2017	Ford	Explorer/UV	1512659	☑ Minor ☐ Moderate ☐ Major Describe
Other Vehicle	2006	Toyota	[redacted]		Driver's Name, Address, and Operator's License No.: Adan Herrera Martinez, [redacted] Phone: [redacted]

Damage to Property of Others
Owner's Name and Address:
Damages ☑ Minor ☐ Moderate ☐ Major

Describe Property Damage:
Collision with Vehicle Lic # [redacted]

Weather:
Visibility: Dark
Pavement ☑ Dry ☐ Wet ☐ Other
Describe:

Witness(s)
Name, Address and Phone No.
Name, Address and Phone No.
Name, Address and Phone No.

Injury to Person(s)

Name and Address	Age	Phone No	Occupation	Injury

COMPLETE DESCRIPTION OF ACCIDENT ON BACK SIDE OF FORM

Distribution:
Original and 1 Copy to Risk Mgmt.
1 Copy to Fleet Mgmt.
1 Copy Retained by Dept./Div.
1 Copy to Safety Offices

Jeff Kuhlmann — Digitally signed by Jeff Kuhlmann Date: 2021.05.21 13:01:19 -07'00'
Signature of Driver | 5-21-21 Date | 916-808-7318+ Phone No.

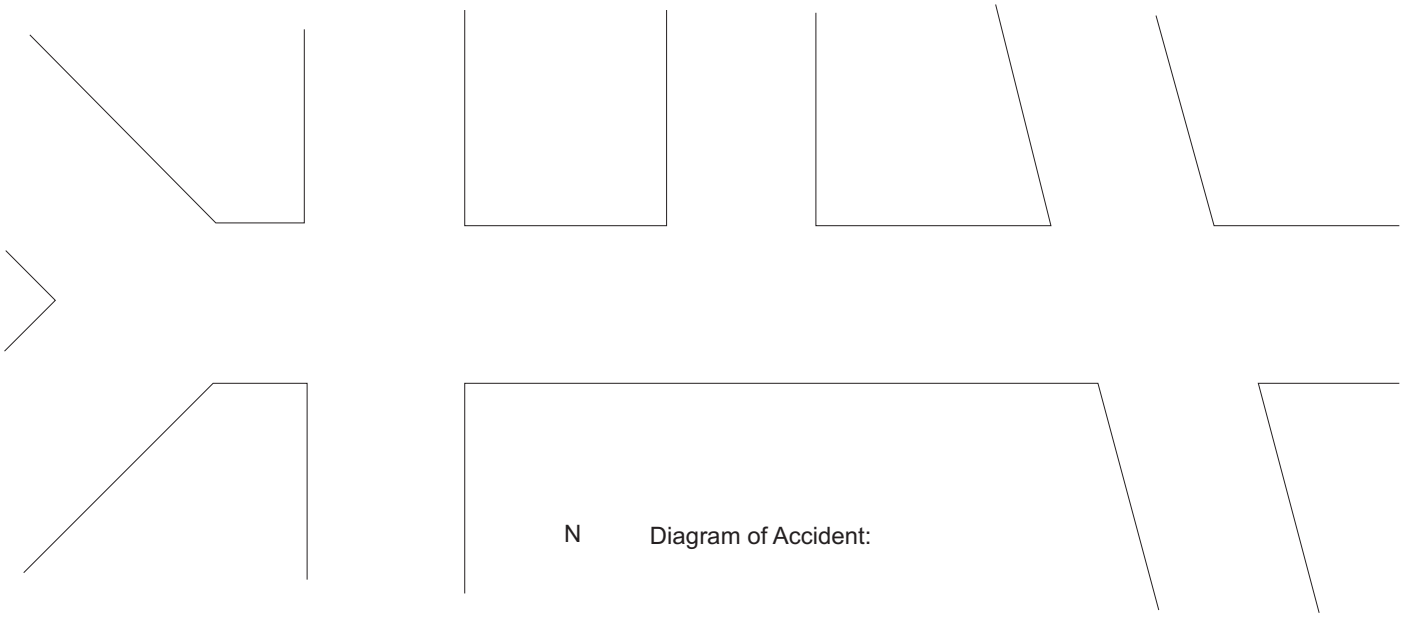
Robert Young — Digitally signed by Robert Young Date: 2021.05.26 09:38:54 -07'00'
Signature of Supervisor | Date | Phone No.

FORM RM 2 (3/09)

DESCRIPTION OF ACCIDENT

On 2/15/21, Ofc Toomey was involved in a minor vehicle collision, while pursuing a suspect vehicle. The suspect vehicle came to an abrupt stop, on the property of 8550 Fruitridge Rd. Ofc Toomey collided with the rear of the vehicle, causing minor damage to his city vehicle and to the suspect vehicle. No know injuries occurred due to the accident.

Diagram of Accident. Show Names of Streets and Directions in Which Vehicles Were Going.



N Diagram of Accident:

ADDITIONAL SPACE IF REQUIRED

Print

Sacramento Police Department
Level 2 Use Of Force Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
02/15/2021	02/15/2021	22:25
Record ID Number	**Report Number**	**IA No**
27216	21-44157	UOF2021-007
Date/Time Entered	**Entered By**	
02/18/2021 07:13	Police Officer Steven Pitts	
Sacramento PD Blue Team Assigned Investigator	**IAPro Assigned Investigator**	
[Pending assignment]	AA Colleen Barker #6445	

Incident Summary

- Officer King assisted with a vehicle pursuit of an arson suspect.
- The pursuit ended at 8550 Fruitridge Rd.
- At the termination of the pursuit, Officers conducted a felony vehicle stop.
- During the vehicle stop, shots were fired by two officers, striking the suspect.
- Officers were unable to view inside of the passenger compartment of the vehicle.
- A plan was formulated to utilize a less lethal shotgun to break out the driver side window and provide officers with a view inside of the passenger compartment.
- 1 officer fired a less lethal shotgun at the front driver side window.
- The suspect then exited the vehicle and was taken into custody.
- The suspect was transported to Kaiser South with non-life threatening injuries

Incident Location

Addresses

8550 Fruitridge Road, Sacramento, CA, 95826

- Location of Occurrence: 6 - East

Use of Force Details

Reason For Using Force	Service Being Rendered	More Than 1 Citizen Involved
Effect Arrest	Call for Service	No
Weather Condition	**Light Condition**	**Distance to Citizen**
Clear	Outdoor-Dark	11 feet to 14 feet
Citizen Injured	**Citizen Hospitalized**	**Citizen Arrested**
No	Yes	Yes
Citizen Build	**Citizen Height**	**Citizen Influence Assessment**
Larger than Officer	5'7" to 5'9"	Unknown
Officer(s) Injured	**Officer(s) Taken to Hospital**	
No	No	

Crisis Details

Nature of Crisis

- None

Final Disposition
• Arrested

Reporting/Involved Citizen

Adan Herrera Martinez

Date of Birth: 05/17/1982 **Race:** White/Hispanic/Mid-East/East Indian (W) **Ethnicity:** Hispanic (Race: W) **Gender:** Male

Addresses
[redacted]

Phone Numbers
[redacted]

Role: Arrested/Booked

Additional Snapshot Data

Homeless at time of involvement	Perceived Limited English	Primary Language
No	Unk	English
Sexual Orientation	**Gender Expression**	**Experiencing Mental Crisis (Officer Assessment)**
DO NOT USE	DO NOT USE	No
Experiencing Mental Crisis (Self Reported)	**Armed at Time of Incident**	
No	No	

Type of Resistance Citizen Used Against Officer
• Active Resistance

Injuries Sustained By Citizen
No injury

Charges Against Citizen
• 30305(a)(1) PC
• 273.6(a) PC
• 11377 HS
• 451 PC
• 2800.2 VC

Incident Officers

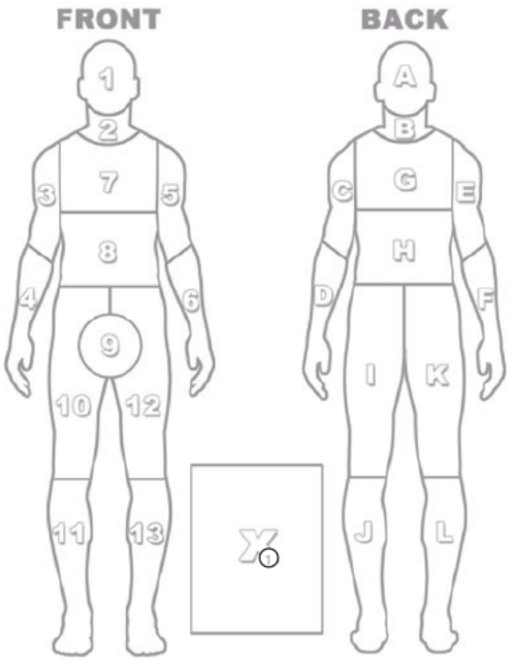
Police Officer Zachary King

Assignment at time of incident: Police Officer OOI/RESEARCH/DEV/TRAINING/FIELD TRAING **Video Footage:** Worn/Activated
Role: Primary Officer
Policy Outcome: Within policy

Force used by this Officer against Citizen
• Super-Sock Bean Bag - Force Effective: No

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
Super-Sock Bean Bag	No	X	1



Injuries Sustained By Officer

Injury	Region	Injury Location
No injuries noted or visible		

Officer Witnesses

Police Officer Conner Jensen

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Scott Eckert

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer John Ward

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Victor Stevens

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/NOT Activated
Role: Officer not prime for UOF

Police Officer Nicholas Caro

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Stephen Mota

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Caleb Patterson

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Jessica Sypolt

Assignment at time of incident: Police Officer OOI/RESEARCH/DEV/TRAINING/FIELD TRAING
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Ryan Mucher

Assignment at time of incident: Police Officer OOI/RESEARCH/DEV/TRAINING/FIELD TRAING
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Police Officer Eric Toomey

Assignment at time of incident: Police Officer OOO/Patrol/District 6
Video Footage: Worn/Activated
Role: Officer not prime for UOF

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
02/18/2021	CALL SUMMARY	pdf
02/18/2021	CAD CALL	pdf
02/18/2021	Radio Audio	zip
03/03/2021	Red Border Form	pdf
03/03/2021	Report	pdf

Assignment History

Date/Time Sent	From	To	Activity
05/17/2021 13:53	AA C Barker #6445		Field status changed in IAPro from To IA to Released
05/17/2021 13:53	AA C Barker #6445		Released back to IAPro

Chain of Command History

Routing Number: 1	
From	Police Officer Steven Pitts
To	Police Sergeant Robert Young
Cc:	
Date/Time Sent	02/25/2021 09:56
Instructions From [Police Officer Steven Pitts] To [Police Sergeant Robert Young]	

level 2 blue team entry

Comments/Response From [Police Sergeant Robert Young]

[Forwarded by Police Sergeant Robert Young]

Routing Number: 2

From	Police Sergeant Robert Young
To	Police Officer Steven Pitts
Cc:	
Date/Time Sent	03/02/2021 14:37

Instructions From [Police Sergeant Robert Young] To [Police Officer Steven Pitts]

Please add to summary per our discussion.

Comments/Response From [Police Officer Steven Pitts]

Comments to summary added.

Routing Number: 3

From	Police Officer Steven Pitts
To	Police Sergeant Robert Young
Cc:	
Date/Time Sent	03/03/2021 07:41

Instructions From [Police Officer Steven Pitts] To [Police Sergeant Robert Young]

Updated Summary.

Comments/Response From [Police Sergeant Robert Young]

[Forwarded by Police Sergeant Robert Young]

Routing Number: 4

From	Police Sergeant Robert Young
To	Police Officer Steven Pitts
Cc:	
Date/Time Sent	03/03/2021 09:42

Instructions From [Police Sergeant Robert Young] To [Police Officer Steven Pitts]

Add Red Border. Thank you

Comments/Response From [Police Officer Steven Pitts]

Corrections Made.

Routing Number: 5

From	Police Officer Steven Pitts
To	Police Sergeant Robert Young
Cc:	
Date/Time Sent	03/03/2021 10:17

Instructions From [Police Officer Steven Pitts] To [Police Sergeant Robert Young]

Corrections Made

Comments/Response From [Police Sergeant Robert Young]

[Open routing]

Routing Number: 6

From	Police Sergeant Robert Young
To	Police Officer Steven Pitts
Cc:	
Date/Time Sent	03/09/2021 14:04

Instructions From [Police Sergeant Robert Young] To [Police Officer Steven Pitts]

Hold this until the officer statement is transcribed to see where he aimed the LL

Comments/Response From [Police Officer Steven Pitts]

Statement Reviewed. No additional corrections added.

Routing Number: 7

From	Police Officer Steven Pitts
To	Police Sergeant Robert Young
Cc:	
Date/Time Sent	04/08/2021 11:17

Instructions From [Police Officer Steven Pitts] To [Police Sergeant Robert Young]

Statement reviewed. No additional corrections added.

Comments/Response From [Police Sergeant Robert Young]

[Forwarded by Police Sergeant Robert Young]

Routing Number: 8

From	Police Sergeant Robert Young
To	Police Captain Jason Bassett
Cc:	
Date/Time Sent	04/08/2021 11:36

Instructions From [Police Sergeant Robert Young] To [Police Captain Jason Bassett]

Level 2 UOF for less lethal bean bag deployment on OIS.

Comments/Response From [Police Captain Jason Bassett]

This use of force was reviewed by the use of force committee. This use of force was within policy. An review and possible amendment to the policy was recommended regarding the use of flexible baton rounds to break windows.

Print

Sacramento Police Department
Vehicle Accident Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
02/16/2021	02/16/2021	21:45
Record ID Number	**Report Number**	**IA No**
27665	21-44157	VEH2021-057
Date/Time Entered	**Entered By**	
05/27/2021 08:26	[IAPro entry - AA Colleen Barker #6445]	
Sacramento PD Blue Team Assigned Investigator	**IAPro Assigned Investigator**	
[Pending assignment]	AA Colleen Barker #6445	

Incident Summary

Summary from blue border:

On 2/15/21, Ofc Toomey was involved in a minor vehicle collision, while pursuing a suspect vehicle. The suspect vehicle came to an abrupt stop, on the property of 8550 Fruitridge Rd. Ofc Toomey collided with the rear of the vehicle, causing minor damage to his city vehicle and to the suspect vehicle. No know injuries occurred due to the accident.

9/8/21: Lit placed; lit hold memo attached. Martinez, Adan v. City of Sacramento, et al. - DNS

Incident Location

Addresses

8550 Fruitridge Rd, Sacramento, CA, 95826
6C

- Location of Occurrence: 6 - East

Vehicle Accident Details

Time of Accident	Cause of Accident	Officer at Fault
2101 - 2400		No
Weather Condition	**Officer was Injured**	**Others were Injured**
	No	No
Departmental Vehicle Damage ($)	**Other Vehicles Damage ($)**	

Primary Vehicle

Vehicle Type	Year	Fleet Number
	2017	
Make	**Model**	**Color**
Ford	Explorer	
Plate Number	**Plate State**	**Vehicle VIN**
1512659	CA	

Damage Summary
minor damage

Secondary Vehicle 1

Vehicle Type	Year	Fleet Number
	2006	
Make	**Model**	**Color**
Toyota		
Plate Number	**Plate State**	**Vehicle VIN**
[redacted]	[redacted]	
Damage Summary		
minor damage		

Reporting/Involved Citizen

Adan Herrera Martinez

Date of Birth: 05/17/1982 **Race:** White/Hispanic/Mid-East/East Indian (W) **Ethnicity:** Hispanic (Race: W) **Gender:** Male

Addresses

[redacted]

Phone Numbers

[redacted]

Role: [None Entered]

Incident Officers

Police Officer Eric Toomey

Assignment at time of incident: Police Officer OOO/Patrol/District 6 **Video Footage:** [None Entered]
Role: [None Entered]
Policy Outcome: Not yet entered

Injuries Sustained By Officer
No injury

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No Attachments

Assignment History

No assignment history

Chain of Command History

City of SACRAMENTO Police Department

KATHERINE LESTER
Chief of Police

5770 Freeport Blvd., Suite 100
Sacramento, CA 95822-3516

(916) 808-0800
Fax: (916) 808-0818
www.sacpd.org

Report Number: 2021-44157

Please note that the records provided in this release do not include records or portions of records that are exempt from disclosure pursuant to applicable law. Without limiting other arguments against disclosure that may exist, the following records or portions of records are specifically prohibited or exempted from disclosure:

Records or information that constitutes the personal data or information of an officer or their family members (Cal. Pen. Code §§ 832.7(b)(5) and (b)(6)(A));

Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would constitute an unwarranted invasion of personal privacy (Cal. Gov. Code § 7927.700; see also City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008);

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 § 1; Cal. Pen. Code § 832.7(a); Cal. Evid. Code § 1040);

Records or information, the disclosure of which would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person (Cal. Pen. Code § 832.7(b)(6)(D));

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 7922.000);

Records or information, the disclosure of which would reveal or compromise official law enforcement security and investigative procedures (Cal. Gov. Code §§ 7923.600(a) & 7923.615(a));

Records or information that constitute confidential medical, financial, or other information, the disclosure of which is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy (Cal. Pen. Code § 832.7(b)(6)(C));

Records or information from separate or prior investigations not independently subject to disclosure (Cal. Pen. Code § 832.7(b)(4)); and

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 Sec. 1; Cal. Pen. Code § 15150 et seq.; Cal. Pen. Code §§ 11105 and 13300; Cal. Evid. Code § 954; Cal. Code Civ. Proc. § 2018.030; and HIPAA 45 CFR Part 160 and Subparts A and E of Part 164).

Sacramento Police Department
Professional Standards Unit
916-808-3790
spdpsu@pd.cityofsacramento.org