Incident Report

Case Number: 2014-3500042 **FAIRFAX COUNTY POLICE DEPARTMENT** **Date Approved: 12/25/2014**

Incident Information

Date/Time	On / Between	Date/Time	Date/Time	Officer	EIN
12/16/2014 08:30	On ☑ Between ☐	12/16/2014 08:30 TUE	12/16/2014 08:30 TUE	KITZEROW, S.	301640

Incident Location	Supervising Officer	EIN	Date
[redacted]	KINKEAD, T.	304511	12/25/2014

Organization	Patrol	Sub
DEPUTY CHIEF FOR PATROL	101	913.04

Disposition	Case Status
	SERVICE

Weather and Light Conditions	Case Closed	Time
/	☐ Juvenile ☐ Adult	Received: 08:30 Arrived: 08:30 Cleared: 08:30

Nature of Case
SUSPICIOUS - EVENT

Events

1	Description	Code	IBR	
	SUSPICIOUS - EVENT	SUSP-1	999	☐ Att ☑ Com

Alcohol, Drugs or Computers Used	Criminal Activity	Forced Entry	Weapons
☐ Alcohol ☐ Drugs ☐ Computers		☐ Yes ☑ No	1. 2. 3.

Entry	Exit	How Left Scene

Bias Motivation	Bias Target

Bias Circumstances	Hate Group

Security	Location Type
	HOUSE

DEF000001

Incident Report

Case Number: 2014-3500042 **FAIRFAX COUNTY POLICE DEPARTMENT** **Date Approved: 12/25/2014**

Other Persons Involved

Seq. #	Type	Name(Last, First, M)
1	INDIVIDUAL	HARRINGTON, MAURA ANN

Race	Sex	DOB	Age	Height	Weight	Hair	Eye
WHITE	FEMALE	[redacted]	49	5'05"	140 lbs	BROWN	BROWN

AKA

Address	Home Phone	Cell Phone
[redacted]	[redacted]	

Employer Name/Address	Occupation	Business Phone

NOVARIS #	SSN
	[redacted]

Scars, Marks, Tattoos or other distinguishing features

Physical Characteristics

Seq. #	Type	Name(Last, First, M)
2	INDIVIDUAL	KRUCK, GREGORY PETER

Race	Sex	DOB	Age	Height	Weight	Hair	Eye
WHITE	MALE	[redacted]	30	5'09"	170 lbs	BROWN	BROWN

AKA

Address	Home Phone	Cell Phone
[redacted]		[redacted]

Employer Name/Address	Occupation	Business Phone
	ATTORNEY	

NOVARIS #	SSN
	[redacted]

Scars, Marks, Tattoos or other distinguishing features

Physical Characteristics

8-29-13

CASE# 2013-2410240

Crime Scene Log

7907 B Pebble Brook CT

Lingenfelter		1710
Dannemann	303733	1710
Holland	309066	1730
Owens	310032	1730
Smith	315620	1731
Szuminski	301861	1735
Longerbeam	311942	1736
Thompson	313528	1740
Horan	318348	1744
Barrett	300528	1755
Deane	303406	1821
White	315326	1821
Stallings	311746	1825
Kellam	300642	1825
Knoll	301557	1835
Bond	304820	2007
Chambers	315781	2009
Davenport		2055
Eltringham		2055
Sharp	303690	2220
Hill		2300
RANDAZZO	301867	2327
Caudle	301825	2334
G.L. HAUGHT	310669	2339
HINSON	317769	2350
FORRELL	312051	8-30-13 0008
GRIFFITH	315326	8-30-13 0008

	HOLLAND	209066	8-30-13	0014
	OWENS	002860	8-30-13	0014
	LT BALL	210528	8-3013	0014
	CIB 5	2486	8-30-13	0015
	FLANAGAN	208173	8-30-13	0023
ME	PRICE	00068	8-30-13	0128
ME	RICHARDS	9850	8-30-13	0128
METRO	DEIFEL	CALL CAR	8-30-13	0234
METRO	TUCKER	CALL CAR	8-30-13	0234
	COTTOM	206455	8-30-13	0237
	SCENE	SECURE AT	0256	HRS. LAST ENTRY

TABLE OF CONTENTS:

911 CALL & RADIO (TRACK 2)

M. HARRINGTON (girlfriend)

D. GEER (father)

A. TORRES (Involved officer)

J. STEWART (friend of decedent)

R. BARNES (officer – negotiator)

D. NEIL (officer – 1st responder)

KUSHNER (cover officer)

HAYLEA GEER (daughter of decedent)

D. PARKER (cover officer)

KUNSTEL (officer rear containment)

MANZO (supervisory officer)

LINGENFELTER (officer rear containment)

HANIDIAS (officer rear containment)

FISH (supervisory officer)

QUARTO (officer perimeter)

JOCA (supervisory officer)

ESHELMAN (citizen witness)

D. TORRES (wife of A. Torres)

SCENE PICTURES

NBC BROADCAST

PICTURES FROM ESHLEMAN's PHONE

October 29, 2013

TABLE OF CONTENTS:

TRAINING RECORDS

OFFICER RICCIO (K-9 Officer on perimeter)

OFFICER NEIL (2nd interview)

OFFICER PARKER (2nd interview)

OFFICER KUSHNER (2nd interview)

RADIO TRACK 4

RADIO TRACK 5

RADIO TRACK 3 (SHOTS FIRED)

LYDIA GIFFORD (neighbor)

To Ray Morrogh on 12/4/2013

REPORT – (missing supplements from crime scene, hinson, paul Thompson)

TIMELINE

CHUCK PETERS interview

Woodstream Homeowners Association

August 31, 2013

To All Woodstream Residents:

As you probably already know from local news media reports or neighbors, a resident of a home on the Pebble Brook Court cul-de-sac was shot and killed during a confrontation with Fairfax County police officers on the afternoon of Thursday, August 29th.

The Woodstream Homeowners Association Board of Directors wishes to inform all residents that this was an isolated domestic incident limited to the one home, and there is no ongoing danger to our community from this incident. This tragic event is not characteristic of our community, and Woodstream continues to be a very safe neighborhood for you and your family.

The Board of Directors also wishes to thank all Woodstream residents, particularly those living on Pebble Brook Court, for their cooperation with the Fairfax County police during this incident and the subsequent investigation. Please be aware that the police may be in our neighborhood on and off for the next few days as they complete their investigation.

For further information regarding this incident, you may visit the Fairfax County Police Department website at *http://www.fairfaxcounty.gov/police/*. If you have any concerns or questions regarding the safety of our community, please contact the Board of Directors at [redacted]

On behalf of the Woodstream Board of Directors,

[redacted]
President

Woodstream Home Owner's Association
[redacted]

[redacted]

Holland, Bryan

From: Powell, Jeff
Sent: Friday, August 30, 2013 4:48 AM
To: FCPD-Dutyrpt
Subject: ESR 8-29-13 Mids

Event Summary Report
August 29, 2013
Night Shift
1730-0530

PLC: Lieutenant Tor Bennett
DO: Captain Jeff Powell
Julian Date 241-242

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

STAFFING

[redacted]

MISCELLANEOUS

[redacted]

SIGNIFICANT EVENTS

DEF000010

PSA 730 / Domestic Violence - Officer Involved Shooting / 7907 Pebble Brook Ct / 20132410240 / 1439 hours

West Springfield Units were dispatched to a Domestic Violence where it was reported that one party was armed with a firearm. Once officers were on the scene the event escalated into an Officer Involved Shooting. No officers were injured. U001/CIB/CSS/Peer Support and all other associated commanders and units responded. The investigation is still active. Chief Roessler also sent an FCPD email regarding the incident for informational purposes.

DOA`s NOT REQUIRING CIB RESPONSE

[redacted]

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File

Officer Involved Shooting in Springfield Area

Fairfax County Police Department
Public Information Office
4100 Chain Bridge Road, Fairfax, Va. 22030
703-246-2253. TTY 703-204-2264. Fax 703-246-4253
FCPD-PIO@fairfaxcounty.gov
www.fairfaxcounty.gov/police
News Release: E132412019/(7)
August 29, 2013

Officer Involved Shooting in Springfield Area

West Springfield Police District - Police are investigating an officer involved shooting that occurred this afternoon. Around 2:40 p.m. officers responded to a domestic dispute in the 7900 block of Pebble Brook Court involving a man whom the complainant advised was armed with a firearm. Upon arrival of police, several officers encountered the complainant outside the residence. The officers conducted negotiations with the man at the front door of the residence and they attempted to have him come out of the home peacefully. During the negotiations a patrol officer fired a single shot that struck the man. The man then barricaded himself inside the residence.

For the purpose of rendering aid, the police hostage rescue vehicle was utilized to allow a safe approach and entry into the residence. Once inside, tactical officers found the man deceased.

The decedent has been identified as 46-year-old John Geer. The officer involved was placed on routine administrative leave while the investigation continues.

All information provided in this release is based on preliminary investigation and may be subject to revision as the investigation continues.

Contact Fairfax County: Phone, Email or Twitter | **Main Address:** 12000 Government Center Parkway, Fairfax, VA 22035
Technical Questions: Web Administrator

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File

Holland, Bryan

From: McGowan, Graham
Sent: Sunday, September 01, 2013 5:03 AM
To: FCPD-Dutyrpt
Subject: ESR 08-31-13 Night

Event Summary Report
Saturday, August 31, 2013
Night Shift
1730 - 0530

PLC: Lieutenant Dean Lay
DO: Captain Graham McGowan
Julian Dates: Sat 243 Sun 244

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[redacted]

Miscellaneous Information & Notifications

CIB – Detectives conducted a canvass in the Pebble Brook Court area (Station 7) reference the OIS

[redacted]

Significant Events

[redacted]

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Notes from Reviewing interview of Flanagan

8/29/13 1918 hrs - Rodney Barnes

- 316949
- 1998 8/31
- 10 yrs in NAVY
- 1996-98 - Corpus Christi
- Mt Vernon 2000/2001 - West Spfd
- Hostage Negotiator
- Crisis intervention
- Crim Patrol tactics
- Sig Sauer 226 - gun belt/Shotgun/TASER pepper spray/pepper ball gun
- SRO for 7 yrs
- Patrol Days A

740 B - normal area

Blue unmarked 4325 - Police package

Acad. Records

shoulder mic

boots - patrol pants - gray SHIRT - PATCH - NAME TAG - OUTERVEST - embroidered badge, 2 mags taser, asp, light - cuffs weapon - (rt hand) pepper spray

mag 12 + mag 11

gun = chamber + 11 mag

last day of shift.

up @ 4 - dressed + go

no meds that would impair judgement

no alcohol/drugs -

Roll call 0530 -

hit street by 0600

DEF0000051

@ Station a 1600
shift 0530 - 1700

Suspicious persons - call
adult + juvenile in stair well

Heard radio - 730 730+731C
Neil + Torres -
Read event - boyfriend throwing stuff out
Disp as Domdis (we think)

NOT uncommon for DOMDIS = DOMVIO
or DOMVIO = DOMDIS

TORRES said guy had a gun +
"No problem shooting" - EL responded
lights & siren - other traffic -
EL said 3 minutes off

They asked for shield - SAID IT WAS
in trunk. Other units were responding
~~EL~~
Arrived on Pebble - come down -
saw Torres silver unmarked.

Guy in door with hands up -
grabbed shield & helmet

Brought shield to Torres -
he said set it by tree -
Neil was talking to him -
Adam Torres on left
Neil on side walk

Screen door with screen -
hands up
Hard door yellow fully open -
You could see his legs -
had shorts on -

Hands on screen - at times -
open + at times closed -

Cl was covering - Torres wasn't
talking - DAVID's new -
Cl me Barnes - He asked me
first name Rodney - can cl
call you Rodney - what's ur new
John -

Parker + Kusiner arrived -

There was radio traffic the
whole time -

TORRES got on radio.

EL said "hey we dont want anybody to get hurt - he didnt want Torres gun.

He said can you not point gun at me -

EL convinced Torres to go to ready gun

Kept talking -
He said he could throw things out -
EL asked him about kids

He didnt want neighbors to see this -
He said we couldnt come in house -

He said if EL drop hands Elm going to get shot -

He kept going back & forth
EL told him EL'll give you commands - he said "Not commands"

Gave him surrender ritual

He said I'll come out if they move way back -

I know whats goma happen if I come out

You'll cant put me out

He said he deals with kitchens - works from home -

What if I come out and set on steps -

He said I'm tired and I need water said ~~he'd come in~~ I office could

I do have a gun - its right there (to his left) 357 in holster - ~~the~~

Opened the door - he said can you see it -

He said I dont want anybody to get hurt

DEF0000055

Neil saw him put something down.

He ~~he~~ asked Barnes to come in
He said el aint gonna reach
for it.
He asked to get phone -
What if el reach -
el said pls dont.
he asked if he could put hands
on door
He said tell them to move
all the way back.

el said I wont handcuff -
he said he wouldnt do it.

He said he was going back into
house.

Asked to scratch nose -

el heard pow - whole time
finger on slide

He scratched nose and put hands
back up.
WTF? shot -

Torres was nearby.

He screamed ouw - el saw
him do like this -
Shut door.

Heard movement in house -
we moved.

Joca said ~~el~~ da we dont know
who shot -
el said Offa shot
Officer fired and he's hit.

Adam said "el did elm sorry."
He moved his hand to his waist -

He said "Man my wrist"
oh man - man - man
elm sorry.

el was pissed. He said did you
see it? el said "NO"

elm gonna have to talk to IA.
el did have an argument with
my wife before el came to work

We need to get in there and get him -

el was mad -> el didn't see what he saw.

el read

irritated at times
telling us what he could do
what we couldn't do

"Nobody needs to get hurt today"

He said he owned house -

He saw his DAD - there was a guy with FISH - The guy said "what are you doing John"

That irritated John - said what's he doin here?

No I'm not coming out -
He said "COMMANDO"
I told him what to do -

ill come out but im not getting handcuffed.

I asked him if he drank. he said last night

He was red. speech slurred at times.
He said if I shut door there is nothing I can do.
At times he opened door.
He said - NO I know the law.

Asked to get phone.

He said Ske the gun is here.
I couldnt see it was dark.

Im not gonna reach for no gun.

With that gun being that close I felt threatened.
He kept saying gun was right there

I dont want to die today.

Never dropped hands to waist.

MANZO

Review interview

8/29 Don Geer -

John called → moving furn out
talking about past & present
John upset & hung up

Short time later Maura called -
John taking stuff out
John said to Maura - if police
come in I'll shoot 'em

Jeff called and said Maura was
upset -

Don arrived @ 1500 -
3 officers out front door -
guns pointed at them -
hands up on top of door -

Don did not see gun -
door opened a foot -
hard wood door opened a foot

Don standing near "park"
75 yards from house - directly in front -
Don in middle of road -

Could not hear conv with Police -

el waved to Don and he acknowledged
el was there

Don never sees gun.
John & Mauro's kids - together 20 yrs w/o marriage

From arrival to hearing shot - 15/20 mins
Hands never left top of door. John in door -
draws diagram

They were communicating. Could'nt hear
there was brief conversation at least.
Unknown who shot.

After shot. hands came down. grabbed side
swung around & shut door.
DIDN'T PAY ATTENTION TO officers -
They kept moving us back.
Jeff Stewart arrived.

They had been having problems on & off.
John had a drinking problem -
would get mean & NASTY w/ Kids

Unknown if he was drinking today but
wouldn't surprise me, today
he found out about lease, went off
deep end & threw furniture
Kids were gonna go w/ her.

2 handguns - shotgun - rifle or 2 -
Bought him a gun cabinet -
at top of stairs

John never sought help for drinking -
too stubborn → he knows everything

Kitchen designer - sells cabinets

We had a falling out several years ago -
threatened Dan & grabbed his hand

Jeff is close with him

Cora Eisenman interview -

Follow up -
SWAT -
Phone orders - Jeff [redacted]
John
Maura
Cerna re Dai Adam
Timeline -
Transcripts
INTRUSIVE THOUGHTS - ? (F/S)
Cora Hostage negotiator stuff
Perceptions affected by stand off
Who interviewed Jeff onscene -
Where was Jeff standing ?
Canvass
Cora SD card -
Check on all radio traffic

- CTZT GPS
- why honk?
- Radio traffic
suicide by cop

<-> Adam -
finger on slide ?
State of mind ?
"Elm Sarry"
Hurt wrist ?
Dom situation Wife kids
Commands at time of shot -
Torres parked
Make a plan ?

- Jayson Carson -
- Peer support - (Amos)
Joe Hill with Torres

—

Schiable (Negotiator debriefed him)

—

Thompson - Torres (on his cell phone)
- discharged 1 round
- on phone with wife
- wanted to hear voice

HANIDIAS - Radio v. Torres
weapons in house?

Teague?

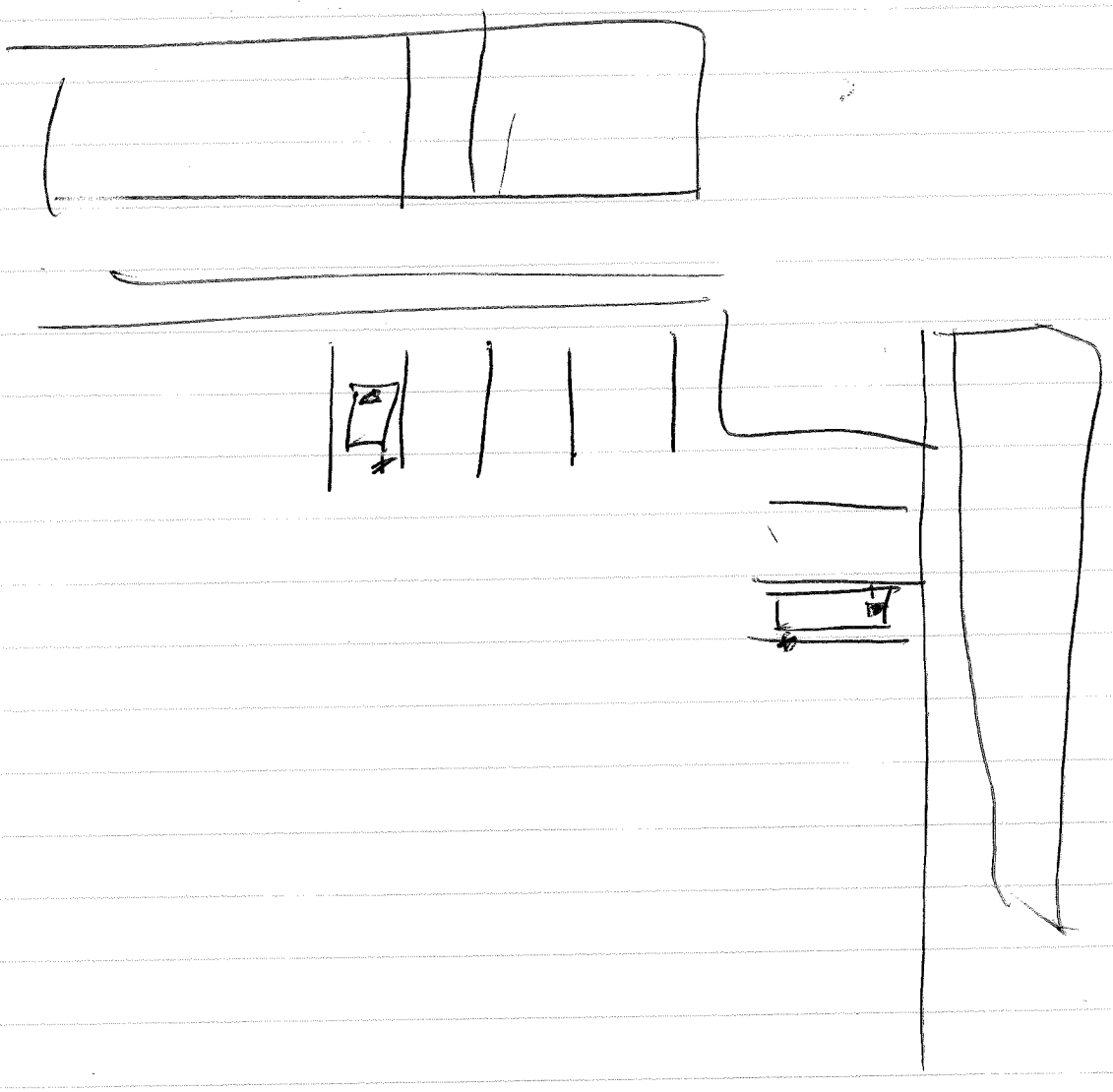
NEIL: Preplan?
- Honked a Torres?
- Gesture geer made "oh great"?
~~How did male walk away~~?
- Tone of convo with Geer? / Torres telling at all
~~When draw gun?~~
~~Why move to side~~
✓ Damvio? Suitcase
Where positioned at time of shot?
Convo during incident? INFO provided
that wasn't via radio is there any?
Demeanor of encounter / post encounter

Kushner - ALL INFO VIA Radio or briefed
a scene?
~~[illegible]~~?
I can go in, and you all
are going to be in as spot?
— Teague?
HANDS moving?
Movement at time of shot?
Constant moving around.

Parker ⇒ briefed by anybody onscene
Geer demeanor
Torres demeanor
Closing door bad for us theat -

Wearing glasses -

Torres talk?
Post event demeanor



Police are investigating an officer involved shooting that occurred on August 29, 2013 that resulted in the death of 46 year old John Geer. Around 2:40 p.m. officers responded to a domestic dispute in the 7900 block of Pebble Brook Court between the complainant and Mr. Geer. Upon arrival of the police, officers encountered the complainant outside the residence. Mr. Geer entered his residence and stood in the doorway. Mr. Geer told the officers he was armed with a gun and took a firearm from behind his back and placed it on a stoop to his left inside the residence. The officers conducted negotiations with Mr. Geer at the front door and attempted to have him come out of the home. During the negotiations a patrol officer fired a single shot that struck Mr. Geer. Mr. Geer retreated inside the residence and closed the door behind him. Officers continued to try to communicate with Mr. Geer, but did not receive a response.

For the purpose of rendering aid the police hostage rescue vehicle was utilized to allow a safe approach and entry into the residence. Once inside, tactical officers including a medic found Mr. Geer deceased.

A firearm was located on the stoop inside the home.

	A	B	C	D	E	F	G	H	I	J	K	L
1						POLICE INVOLVED SHOOTING PEBBLE BROOK COURT						
2	**INTERVIEW**	**DETECTIVE**	**TRANSCRIBER**	**DATE STARTED**	**DATE COMPLETED**	**corrected?**						
3	BARNES	FLANAGAN	AnneMarie	9/4/2013	9/18/2013	c						
4	GEER	FLANAGAN	Karol	9/4/2013	9/6/2013	c						
5	KUNSTEL	FLANAGAN	Brenda	9/4/2013	9/4/2013	c						
6	TORRES PART 1	FARRELL	Brenda	9/5/2013	9/5/2013	c						
7	TORRES PART 2	FARRELL	Brenda	9/6/2013	9/7/2013	c						
8	JEFFREY STEWART	FARRELL	Jennifer	9/6/2013	9/11/2013	c						
9	911 CALL + radio track 2 and 3		Jennifer	9/6/2013	9/11/2013							
10	NEIL	HINSON	Linda	9/17/2013	9/20/2013							
11	RICCIO	HINSON	AnneMarie	9/17/2013	9/19/2013							
12	OFFICER PARKER	BIBEAULT	Brenda	9/7/2013	9/7/2013	c						
13	OFFICER KUSHNER	BIBEAULT	Karol	9/9/2013	9/11/2013							
14	LT MANZO	BIBEAULT	Brenda	9/8/2013	9/8/2013	c						
15	OFFICER ERIT HANIDIAS	BOND	AnneMarie	9/17/2013	9/18/2013	c						
16	LT MIKE FISH	BOND	Brenda	9/17/2013	9/17/2013	c						
17	QUARTO	HINSON	Linda	9/17/2013	9/18/2013	c						
18	LIGENFELTER	SMIT	Karol	9/6/2013	9/7/2013	c						
19	ESHLEMAN	STALLINGS	Karol	9/12/2013	9/13/2013							
20	HAYLEA GEER (1 AND 2)	BOND	Karol	9/16/2013	9/18/2013	c						
21	JOCA	CHAMBERS	Linda	9/11/2013	9/12/2013	c						
22	TORRES PART 3	FARRELL	Brenda	9/10/2013	9/10/2013	c						
23	MARAH HARRINGTON	FARRELL	Brenda	9/11/2013	9/12/2013	c						
24	DANIELLE TORRES	FARRELL	Karol	9/12/2013	9/13/2013							
25	DANIELLE TORRES CALL	FARRELL	Karol	9/13/2013	9/13/2013							
26	DISP 4 & 5		Kristen	9/23/2013	9/24/2013							
27	LYDIA GIFFORDS	BOND	Karol	9/18/2013	9/20/2013							
28	PARKER PART 2	FARRELL	Karol	9/26/2013	9/27/2013							
29	KUSHNER PART 2	FARRELL	Brenda	9/26/2013	9/27/2013							
30	NEIL PART 2	FARRELL	AnneMarie	9/26/2013	9/28/2013							

****

A: I'm calling the police, John.

Q: Fairfax 911. Where is your emergency?

A: I need a cop please out in 7907 Pebble Brook Court.

Q: Okay. I can't understand you. What's the numbers?

A: 7907 Pebble Brook Court.

Q: And that's a house?

A: Yeah and my um, he's just throwing everything out of the house of mine and -

Q: Okay. Who is he?

A: My uh, my partner that I've lived with for the past twenty-four years.

Q: Okay. So, it's your live in boyfriend is that what you're saying?

A: Yeah. Yeah and in front of our kids.

Q: Okay. What is your name?

A: My name's Maura.

Q: What's your last name Maura?

A: Harrington.

Q: And how about a phone number to reach you at?

A: Um [redacted]. He's destroying my furniture.

Q: Okay. Has he hit you or the children?

A: No, but he threw, he threw something down the stairs as I was coming up. It hit me on the top of the head, but I don't think he knew I was coming up the stairs.

Q: Okay. And how long has -

A: He says he's not, he says he's not gonna hurt us. But, he, I don't know what to do. He's throwing my stuff out.

Q: Okay. Is he moving out or are you moving out? What's -

A: No. I am planning on moving out. Yes. And it's causing a problem 'cause I've already signed a lease on another place.

Q: Alright. And what is his name?

A: John Geer.

Q: I'm sorry. Don?

A: John.

Q: What's the last name?

A: Geer. G-E-E-R.

Q: Is he white, black, Hispanic, Asian?

A: White.

Q: And how old?

A: Forty-six.

Q: How about a height and weight?

A: Um, five nine, one hundred and seventy.

Q: What's he wearing today?

A: He's got shorts on and he's in, he's threatening us right now.

Q: What's he saying?

A: That he's gonna come to bring some guns.

Q: Okay. Has he been drinking?

A: No, he normally does. But, I don't think he has today.

Q: Okay. Does he do drugs?

A: No.

Q: Okay. Does he have any weapons in the house?

A: Uh, yeah.

Q: What kind of weapons?

A: I think --. Well, he says he's not threatening anyone now.

Q: Okay.

A: He has a gun case.

Q: What kind of guns does he have though?

A: Um, shotguns. Uh, handguns. That's the kind of guns he has, but they're in a case.

Q: Alright. And how many kids do you all have? How do you -

A: Two.

Q: Two. Okay. And they're -

A: Seventeen and thirteen.

Q: They're -

A: They're outside right now.

Q: Okay. Alright. What I want you to do is you and the kids to remain outside and watch for the officers. Okay?

A: Okay.

Q: And don't really interact with him anymore. If something else changes -

A: Okay.

Q: Give us a call back. Okay?

A: Thank you.

Q: You're welcome. Bye, bye.

****

This statement has been typed as recorded/KFA/ September 9, 2013.

****

Q: **UNKNOWN OFFICER:** Hey Matt about how far off are you?

A: **MATT:** Half a mile. Do we have a, like a command post location or a rally point yet?

Q: Negative. Everybody's set up on the house out front. We need to get some units in the back. I'm up uh, 7946 Pebble Brook.

A: Alright. I'll do that for now instead. I got some binoculars.

Q: Hey Ben, did you go to the back?

A: **BEN:** Negative. I'm not sure who's at the back.

Q: Direct. Go ahead. On ops 1 you can 22.

A: **UNKNOWN OFFICER:** Yes sir, go ahead. Go ahead LT.

Q: **UNKNOWN OFFICER:** Carpenter ops 1.

A: **UNKNOWN OFFICER:** 731 Charlie. Copy ops 1.

Q: **UNKNOWN OFFICER:** Yeah.

A: **UNKNOWN OFFICER:** Hey, can you come up here to the uh, command bus? We have a uh, assignment we got to take care of up here.

Q: **UNKNOWN OFFICER:** 1 minute off.

A: **UNKNOWN OFFICER:** 731 Charlie you copy ops?

Q: **UNKNOWN OFFICER:** Hey Doug, he was talking to somebody. I'm down

here what can I do for you?

A: **UNKNOWN OFFICER:** I was just gonna advise everything's quiet out back. If you guys need anything up front just let me know.

Q: **UNKNOWN OFFICER:** Okay.

A: **KEVIN:** Hey Doug.

Q: **DOUG:** Go ahead Kevin.

A: **KEVIN:** Hey Doug we're telling every-, we're taping things off out here and we're telling them they can only go in and out the back door. So, you might just see activity back there. They're cleared to do it. They can only use the back.

Q: **DOUG:** Alright. That's good. Thank you.

A: **UNKNOWN OFFICER:** Zebra 750 on ops 1. Zebra 750 on ops 1. Zebra 750 on ops 1.

Q: **ZEBRA 750:** It's Sharron. Go, go ahead.

A: **UNKNOWN OFFICER:** Hey Doug you good back there? You need some more water, bug spray anything?

Q: **DOUG:** If you have some spray that would be great. I'm good on water though. Thank you.

A: **UNKNOWN OFFICER:** Alright. I'll be right back.

Q: **UNKNOWN OFFICER:** Mike (INAUDIBLE) copy or ops 1.

A: **UNKNOWN OFFICER:** 730 OPS on ops.

Q: **UNKNOWN OFFICER:** Go ahead.

A: **UNKNOWN OFFICER:** 730 OPS on ops.

Q: **UNKNOWN OFFICER:** Go.

A: **UNKNOWN OFFICER:** Hey, I don't know if you're in close. You can 22 I'm with the homeowner. It looks like it's a uh, mistake (INAUDIBLE).

Q: **UNKNOWN OFFICER:** Paul Thompson you copy on 7 ops 1?

A: **UNKNOWN OFFICER:** Hey Kevin or Matt any news from up front? Hey Matt do you copy ops?

Q: **MATT:** Go ahead Doug.

A: **UNKNOWN OFFICER:** Hey uh, word from (INAUDIBLE) coming down yet?

Q: **MATT:** Negative.

A: **UNKNOWN OFFICER:** Alright. Thanks.

Q: **UNKNOWN OFFICER:** (INAUDIBLE) I got my cell phone. I'll bump a call in up there and check in. Hey Doug FYI I got no response. I'll let you know.

A: **UNKNOWN OFFICER:** Alright. No problem.

Q: **UNKNOWN OFFICER:** Hey Doug copy.

A: **DOUG:** Go ahead.

Q: The boss just called me. He's working it.

A: Alright. Great. If uh, you have a runner free I could take uh, some water back here if you got any.

Q: Yeah. I'll send somebody back. Randazzo you copy ops?

A: **RANDAZZO:** Yeah, go ahead for Randazzo.

Q: Hey, what's your ETA back to the station?

A: I'm at the light for Rolling and Old Keene right now.

Q: Alright. This is disorderly holding. When you get back I'll back you on it. Just let me know when you're (INAUDIBLE).

A: Alright. I'm direct.

Q: **UNKNOWN OFFICER:** Horn you copy ops?

A: **HORN:** Go ahead.

Q: I just talked to the captain um, Erit's car is still in the uh, parking lot up here with all the other vehicles that were in the cul de sac that they have moved. That's all been taken back to the station.

A: Okay. So, your car is gone as well?

Q: According to the captain, yes 'cause mine was up there at the cul de sac. So, everything that was up there has been taken back.

A: Okay.

Q: **ERIT:** Hey Doug, am I allowed to go up there and retrieve my car myself?

A: **JOE HILL:** Hey Erit, this is Joe Hill. Yeah, if you can get a ride down there you can go and bring it back. If you can't get a ride let me know. I'll come get you.

Q: 10-4. Thanks captain.

Q: **210 ALPHA:** 710 Alpha you cops on ops 1? This is 210 Alpha. 710 you copy ops 1? It's 210.

Q: **UNKNOWN OFFICER:** We're looking for a 710 Charlie.

Q: **UNKNOWN OFFICER:** 710 adam I believe or Charlie. Who's looking for the uh, (INAUDIBLE) timer?

Q: **UNKNOWN OFFICER:** Ligenfelter on ops 1.

A: **UNKNOWN OFFICER:** Go ahead.

Q: **UNKNOWN OFFICER:** Hey, I'm up at the cul de sac and uh, your car, your cruiser's actually the only one that's still here.

A: **UNKNOWN OFFICER:** Oh. I'm direct. Thank you very much.

Q: **UNKNOWN OFFICER:** Hey Erit, you copy uh, tac 1?

A: **UNKNOWN OFFICER:** Hey Doug. Yeah, his car is in the spot. Black, low jack.

Q: **UNKNOWN OFFICER:** Direct sir. Thank you.

A: **UNKNOWN OFFICER:** Sir, when it comes time um, Matt could take Erit's car up if that's alright um, 'cause Matt's car went north along with his keys.

Q: **UNKNOWN OFFICER:** Yep. That'll work out just fine.

A: **UNKNOWN OFFICER:** 731 Charlie. Go-ops.

Q: **731 CHARLIE:** Go ahead.

A: **UNKNOWN OFFICER:** Matt, have they gotten down there yet?

Q: They meaning CIB or relief? Both -

A: Go ahead LT.

Q: When the time comes we're set for cars. Lingenfelter's car's still here and

I'm gonna bring Hanidias's car up.

A: Okay. So you have transportation to get back. That's good.

Q: **UNKNOWN OFFICER:** Hey Matt, I'm on my way out here with Erit in my car, so he can pick up his own car.

A: **MATT:** Okay.

Q: **UNKNOWN OFFICER:** (INAUDIBLE) can you come back?

A: **UNKNOWN OFFICER:** Okay. I'm here en route.

Q: **UNKNOWN OFFICER:** Yeah, go ahead.

A: **UNKNOWN OFFICER:** Hey Matt, you copy 1?

Q: **UNKNOWN OFFICER:** Hey Doug, you copy ops 1?

A: **DOUG:** Go ahead sir. Go ahead sir. Go ahead sir. Commander 7, go ahead this is Doug.

Q: **UNKNOWN OFFICER:** 721 Alpha, hey Check your CAD for a message.

A: **UNKNOWN OFFICER:** Hey Doug, I'm out front with him. Stand by.

Q: **UNKNOWN OFFICER:** Direct.

A: **721 ALPHA:** Someone have traffic for 721 Alpha.

Q: **UNKNOWN OFFICER:** Yeah Chris. Just check your CAD for a message. I got some more questions.

A: **721 ALPHA:** I'm direct. I'm responding now.

Q: **UNKNOWN OFFICER:** Hey Doug, you copy?

A: Go ahead.

Q: As soon as the last media vehicle leaves the perimeter's gonna be

collapsed down to where we have the inner set out here. One of the midnights guys will take over for me at that point and then uh, the captain's working on getting you somebody.

A: Direct. Thank you. I appreciate it.

Q: Anyways, I think we're in the same vehicle. We'll be with you at the same time.

A: Alright. Just name your charge 'cause it only goes one way.

Q: 10-4.

A: **UNKNOWN OFFICER:** 731 Charlie go ops.

Q: **731 CHARLIE:** Go ahead.

A: Arrangements have been made for your um, relief. Correct?

Q: According to the captain we're half way there. Um, Doug and I are sharing a car at this point. So, whenever we have two coming uh, we'll be good to go. They're waiting for the last of the media trucks to leave and they're gonna collapse the perimeter down and they'll be able to handle it with one unit because all the uh, CIB and Crime Scene will be out front.

A: Okay. We'll wait for you at the station.

Q: **UNKNOWN OFFICER:** Danneman on ops.

A: **UNKNOWN OFFICER:** Yeah.

Q: Hey this is Cottel. I'm up front. Looks like we got one van still taking a live shot and hopefully they'll be out of there soon. I'm here to relieve one of your guys. I'll send a message here if we can get something.

A: Direct. None of us are using MCT's down here. So, just hit us on the radio.

Q: Yeah. I'll probably head that way (INAUDIBLE).

A: **UNKNOWN OFFICER:** 721 Charlie you copy?

Q: **721 CHARLIE:** Go ahead.

A: Hey, what door are you at?

Q: I'm outside the building now. I just went through the bottom and through the back. I haven't heard anything.

A: I'm direct.

Q: I'm taking the parking lot to see if there's anybody inside the car.

A: **UNKNOWN OFFICER:** Hey Doug, we got one of them. Just waiting on the second one.

Q: **DOUG:** Direct. You want to send them out back?

A: Hey Cottel is finishing up, taking down the uh, line tape. We'll go down there in a second.

Q: Direct. Thank you.

A: **UNKNOWN OFFICER:** We found a nut.

Q: Dircet. We'll be coming up front. Thanks.

A: Hey Doug, we're good to go.

Q: Direct. Coming up front.

A: **UNKNOWN OFFICER:** (INAUDIBLE) copy ops.

Q: **UNKNOWN OFFICER:** Go ahead.

A: Hey, I don't know if you're aware, I don't know what you can see from back there, but they're getting ready to enter the scene just so you're aware.

Q: I'm direct. Thanks.

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This statement has been typed as recorded/KFA/ September 24, 2013.

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Q: **UNKNOWN OFFICER:** TAC 51.

A: **PAUL:** Mark Smith are you on 7 ops 1?

Q: **MARK SMITH:** Yeah, go ahead. 7 ops 2.

A: (INAUDIBLE) 7 ops 2. Hey Mark, it's Paul. Um, (INAUDIBLE) is not available 'cause he's at a doctor's appointment with his daughter and Hauda is not available. We have no uh, tac medic uh, representation at the command post. Can you guys maybe come down to the command post in a cruiser and serve as command post liaison? And that way also if we need to fly this guy out you'll be right here to start treatment.

Q: Okay. If you can arrange to have uh --. Are you near the command post and arrange for a cruiser?

A: Alright. I can't do that. I'm on the HRV. We're getting ready to make entry. So, I'm going in.

Q: Okay.

A: **UNKNOWN OFFICER:** Lieutenant Davenport do you copy ops? Hey LT, are you near your phone?

Q: **LT DAVENPORT:** Yeah, go ahead. It's Davenport.

A: Hey Lieutenant Davenport are you near your phone?

Q: Yes sir. It's in my hand.

A: I'm direct. I'm calling.

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This statement has been typed as recorded/KFA/ September 24, 2013.

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Q: Attention all units on channel 7 event the domestic event on Pebble Brook Court has now been unpatched. We'll remain on channel 7. Car 7 Charlie, are you direct? Car 7 Bravo, are you direct that the channels are split?

A: **7 BRAVO:** I'm direct.

Q: 1531.

A: **740 CHARLIE:** This is 740 Charlie. Shots fired.

Q: Shots fired. 1534.

A: **730 BRAVO:** 730 Bravo. We've got he's down inside the house.

7 CHARLIE: Car 7 Charlie. I'm direct on that.

Q: 1534.

A: Car 7 Charlie. Have rescue come down here and stage for us?

Q: 10-4.

A: (INAUDIBLE)

UNKNOWN OFFICER: (INAUDIBLE) you copy. (INAUDIBLE) open door.

UNKNOWN OFFICER: Hold the channel.

740 BRAVO: 740 Bravo. He's hit. He's back inside the house. Doors closed. We don't know if he's moving around or not.

Q: Car 7 Bravo you direct?

A: **7 BRAVO:** 7 Bravo and 7 Charlie are direct. Have rescue stage at the top of Pebble Brook.

Q: Direct. 1535.

A: **7 CHARLIE:** Car 7 Charlie. We don't know what the situation is inside the residence at the present time. We do know that shots were fired. Um, unknown whether he initiated that and shot himself or what the situation is.

740 BRAVO: 740 Bravo. We --. The shot was fired from an officer. He did not fire.

Q: Car 7 Bravo you direct?

A: **7 CHARLIE:** This is 7 Charlie. I'm direct.

Q: 1535.

A: **COMMANDER 7:** Commander 7. I'm direct in that. I'll be in route.

Q: 1535.

A: **7 CHARLIE:** This is 7 Charlie. Make notifications for me please.

Q: Handled. 1535.

A: **COMMANDER 7:** This is Commander 7. My CAD just went down. Can you give me the location of the incident?

Q: Commander 7 it's gonna be 7907 Pebble Brook Court. Cross street is Forest Pathway.

A: **COMMANDER 70:** Commander 70.

Q: Commander 70.

A: If it hasn't been done the command post is gonna be at 7950 um, Pebble Beach.

Q: 10-4.

A: Correction. It's gonna be Pebble Brook. Again 7950. I need any responding units to respond and check in at the command post please.

Q: 10-4. Command post is gonna be 7950 Pebble Brook Court. 1537.

A: **7 CHARLIE:** Car 7 Charlie.

Q: Car 7 Charlie.

A: We believe he's wounded and we also believe that he's still is armed with several weapons inside the residence. So, I'm requesting the duty officer make a tac call out for us please.

Q: Direct on the tac call out. 1538.

A: **740 BRAVO:** 740 Bravo. I hear moving in the house and some screaming. Is there any way we can try to get a phone call back into the house on his cell or something?

UNKNOWN OFFICER: Standby Rodney. We're gonna try to get the friend to do that.

740 BRAVO: 740 Bravo. I've got movement at the door. I can't see him, but I hear something.

Q: 740 Bravo movement at the door. 1539.

A: Do we have anymore shields that are available in the cruisers?

UNKNOWN OFFICER: Adam's got one.

UNKNOWN OFFICER: What we have is not reachable. If we have another one up here.

7 BRAVO: 7 Bravo.

Q: Car 7 Bravo.

A: If you can call the station and tell any day work unit that may be in there they need to come back out for any help.

Q: 10-4. 1540.

A: We do not need them to respond to the scene. We have plenty of units. They can handle calls for service.

Q: 10-4. They'll be going to channel 4.

A: **UNKNOWN OFFICER:** Rodney any movement?

740 BRAVO: I haven't heard anything else. If we can't get a phone call can we try the PA? Maybe he can hear us and we can get him to come to the door and tell if he can talk to us?

UNKNOWN OFFICER: Hey Rodney. Standby. We got a phone call going in now.

740 BRAVO: And we do have more movement in the house.

7 CHARLIE: 7 Charlie. We're gonna try and make contact with the PA system if we can't make clear contact by phone.

Q: 10-4. 1542.

A: **UNKNOWN OFFICER:** Hey, if you're gonna make a PA announcement

his name is John.

UNKNOWN OFFICER: Rodney, he's not answering his cell, so we're gonna try the house phone.

TAC 51: TAC 51. I'm the medic. I'm in route to the event.

Q: 10-4.

A: **CIB 605:** CIB 605. I'm gonna be on the scene at your event. I'll also be switching over as a hostage negotiator.

Q: 1546.

A: **COMMANDER 7:** This is commander 7. I'm on scene at the command post.

Q: 10-4 commander 7. 1547.

A: **740 BRAVO:** 740 Bravo. I don't hear any movement now.

Q: 1547.

A: **UNKNOWN OFFICER:** 7 Charlie copy.

7 CHARILE: 7 Charlie go ahead.

UNKNOWN OFFICER: Okay. We moved the command post to the top of the road. There's another hostage negotiator that just showed up on the scene. He's debriefing the father and the friend. Um, tried to call the cell phone no response and the house phone no response.

UNKNOWN OFFICER: Direct.

740 BRAVO: 740 Bravo. When he was shot he grabbed his stomach, screamed, fell back into the house and shut the front door. (INAUDIBLE)

Q: Last unit calling.

A: **SOD 2:** SOD 2 in route.

Q: SOD 2 in route. 1549.

A: **FAIRFAX 1:** Fairfax 1. We're on uh, 7 monitoring and 7, but firefighters are requesting us to monitor Fort Belvoir, so we'll be monitoring Fort Belvoir as well.

Q: 1549.

A: **740 BRAVO:** 740 Bravo. His family is next door. His kids are trying to come out the house. Can we get someone to get over to the door and make sure they don't come outside?

UNKNOWN OFFICER: I got it.

UNKNOWN OFFICER: (INAUDIBLE) you take care of this?

7 CHARLIE: Car 7 Charlie. To the command post or correction to the command scene here.

TAC 1: TAC 1.

Q: TAC 1.

A: Hold me, hold me en route to thee event on Pebble Brook.

Q: 1553.

A: **FAIRFAX 1:** Fairfax 1 to –

OSB 1: OSB 1. I'm in route.

Q: 10-4 OSB 1. Car 7 Charlie. Car 7 Bravo.

A: **7 CHARLIE:** 7 Charlie.

Q: The fire department would like to know if you can do a unified command post with them.

A: **7 BRAVO:** 7 Bravo. Stand by. Commander 70's taking care of that. I'll be up in a second.

Q: Direct. 1554.

A: **UNKNOWN OFFICER:** Barnes do we have any movement?

(INAUDIBLE)

UNKNOWN OFFICER: No movement LT.

7 BRAVO: 7 Bravo.

Q: Go ahead 7 Bravo.

A: Have we done any reverse 911 to this neighborhood to tell people to stay inside away from their doors, away from the windows?

Q: We have already notified the neighbors. 1555.

A: **FAIRFAX 1:** Fairfax 1 to 7 Bravo.

TAC 12: TAC 12 on scene.

Q: TAC 12 on scene.

A: **COMMANDER 70:** Commander 70.

Q: Commander 70.

A: Have the battalion chief respond to the end of Pebble Brook Court. There's a basketball court. That's gonna be the unified command. Uh, commander 7 and myself are standing by.

Q: 10-4.

A: **FAIRFAX 1:** Fairfax 1 to commander 70.

COMMANDER 70: Go ahead Fairfax 1.

FAIRFAX 1: Ok sir. Fire department requested us for the possible medevac. I'm not sure if you needed us for anything uh, we're gonna standoff. Uh, but if you want us overheard we can. Just let us know.

COMMANDER 70: I'm direct Fairfax 1. Thank you. All we need you for right now is the medevac. Once we make contact we'll advise.

FAIRFAX 1: Direct sir.

UNKNOWN OFFICER: Any TAC units that responded here please respond to the incident commander. He's got the blue vest.

SOD 1: SOD 1. I'm in route to Pebble Brook Court.

Q: 10-4 SOD 1.

A: **UNKNOWN OFFICER:** 740 you copy. Hey Rodney you copy?

UNKNOWN OFFICER: As far as when the uh --, as far as his location from that door there how far back do you think he is from that door?

UNKNOWN OFFICER: I was to the side a little bit. Uh, I just saw him yell, grab his side and close the door and that's the last I saw. Uh, Officer Kushner might have seen how far he went back in. But, the door was all like one movement when he went back and grabbed his stomach and screamed he shut the door.

UNKNOWN OFFICER: Okay. Chance's are he's not too far from that door then.

UNKNOWN OFFICER: I, I don't know if he actually hit the ground or the floor or anything. But, we've heard movement in here prior to your guy's arrival. But, I haven't heard anything the last fifteen minutes.

UNKNOWN OFFICER: Alright. Direct.

UNKNOWN OFFICER: There was a handgun. I never saw it. He described it was in a holster, a 357 right by the door by his left knee. Um, I never saw it. He tried to get me to see it. But, uh, I never got eyes on it.

UNKNOWN OFFICER: Alright. 10-4.

UNKNOWN OFFICER: And he said it was holstered.

COMMANDER 7: Commander 7.

CANINE 7: Canine 7.

UNKNOWN OFFICER: Go for Canine 7.

CANINE 7: Are you gonna go around back and get her and bring her around that side?

UNKNOWN OFFICER: I'm going back to the contact with Canine 10 real quick and we'll take care of that.

CANINE 7: Okay.

7 CHARLIE: (Inaudible) 970 Charlie.

Q: Car 70 Charlie.

A: This is 7 Charlie. We're just trying to get 970 Charlie.

970 CHARLIE: I'm 970 here.

7 CHARLIE: Need to respond to the back of the residence adjacent to

[redacted]where the, where the uh, female is, his girlfriend. Escort her out of there and to command.

970 CHARLIE: Just the girlfriend. 10-4.

7 CHARLIE: Just the girlfriend.

UNKNOWN OFFICER: Around the back.

731: 731.

COMMANDER 7: Commander 7. Let me go direct with uh, either 7 Charlie or 7 Baker on the scene down at the uh, house.

UNKNOWN OFFICER: Wait there.

7 CHARLIE: 7 Charlie. Go ahead.

UNKNOWN OFFICER: Hey George uh, can you identify the officer involved in the shooting and send him up to the command post? I'll send you a replacement down for your scene containment.

7 CHARLIE: Okay. We got another officer that can replace him. I'll send him up.

UNKNOWN OFFICER: You gonna get somebody up here to relieve him?

COMMANDER 7: Commander 7 to dispatch.

Q: Commander 7.

A: Hey, if you haven't already done so go ahead and notify Peer Support and (INAUDIBLE). I'm also gonna need the safety officer with the safety bus if that's available um, just for relief for the officers on the scene.

Q: Direct. 1604.

A: **UNKNOWN OFFICER:** Hey Dave. It's Neil.

UNKNOWN OFFICER: (INAUDIBLE)

UNKNOWN OFFICER: Go with Eric and bring the um, girlfriend to the top.

UNKNOWN OFFICER: Anthony stay right there.

TAC 3: TAC 3 on scene.

COMMANDER 7: Commander 7. The officers (INAUDIBLE).

Q: Last unit marking on scene. TAC 3's on scene.

A: **UNKNOWN OFFICER:** George you're calling me. Go ahead.

UNKNOWN OFFICER: Commander 7 the uh, officer involved is in route to you right there.

COMMANDER 7: 10-4.

UNKNOWN OFFICER: (INAUDIBLE)

740 BRAVO: 740 Bravo. I still hear no movement.

SOD 2: SOD 2 on the scene.

Q: 1607

A: **UNKNOWN OFFICER:** Hey canine want to bring her down here and we'll drive her up?

UNKNOWN CANINE: Yeah. 10-4.

COMMANDER 7: Commander 7.

Q: Commander 7.

A: Hey go ahead and alert Motors we're gonna need some traffic support on

Pohick. We're probably gonna need two to four units just to um, take care of the intersection as folks are coming in.

Q: Direct. 1609.

A: **MOTOR:** MOTOR

Q: Last motor unit.

A: **MOTOR 1:** Motor 1. I'm direct. We have several units. Should be on scene shortly.

Q: 10-4. And you're direct they would like the control at Pohick Road?

A: 10-4.

Q: 1609.

A: **TAC 5:** TAC 5's on scene.

Q: TAC 5's on scene. 1609.

A: **NEGOTIATOR 1:** Negotiator 1. I'm on scene.

Q: Negotiator 1 on scene. 1609.

A: **TAC 1:** TAC 1 on scene.

Q: TAC 1 on scene. 1612.

A: **OSB 1:** OSB 1 on scene -

SOD 1: SOD 1 on scene.

Q: Last units you covered each other.

A: **OSB 1:** OSB 1 on scene

Q: Direct OSB 1. Last unit marked on scene.

A: **SOD 1:** SOD 1.

Q: SOD 1 on scene. 1612.

A: **NEGOTIATOR 2:** Negotiator 2 on scene.

Q: 1612.

A: **MOTOR 1:** Motor 1 you can hold me on scene.

Q: 1613.

A: **740 BRAVO:** 740 Bravo. Still no movement. Can't hear anything still.

UNKNOWN OFFICER: Hey officers on front containment from the left unit, which one is it?

UNKNOWN OFFICER: From the left it's the fourth over. From the right it's the fourth over. It's the one exactly in the middle. (INAUDIBLE). Three on each side.

UNKNOWN OFFICER: Direct. Is that where the two officers are standing directly next to?

UNKNOWN OFFICER: 10-4. Plus it's the one that's got all the --, there's a bunch of crap thrown out of the house, a mattress and some furniture and stuff right in front.

UNKNOWN OFFICER: Car 7 Bravo you copy?

UNKNOWN OFFICER: Go ahead.

UNKNOWN OFFICER: (INAUDIBLE) can you come up to the command post?

UNKNOWN OFFICER: (INAUDIBLE) 10-9.

UNKNOWN OFFICER: Sir, can you respond to the command post?

UNKNOWN OFFICER: 10-4.

TAC 4: TAC 4 on scene.

Q: TAC 4 on scene. 1614.

A: **TAC 11:** TAC 11 on scene.

Q: TAC 11 on scene. 1614

A: **UNKNOWN OFFICER:** Hey TAC team to patrol units uh, when you come up off the delta side fyi.

FAIRFAX 1: Fairfax 1.

Q: Fairfax 1.

A: Just for commands information fireside has landed us at Newington Forrest Elementary School. They want us to standby. So, we're on the ground at Newington Forrest Elementary School and will be on portable.

Q: 10-4. Car 7 Charlie you direct?

A: **7 CHARLIE:** I'm direct. Do they need any additional units over there?

FAIRFAX 1: Fairfax 1. Uh, we have fire department guys. We're good.

UNKNOWN OFFICER: Outstanding, thank you.

UNKNOWN OFFICER: Hey, those of you guys pulling back make sure you just stay down and view the house.

Q: Last unit calling.

A: **TAC 1:** TAC 1.

Q: TAC 1 go ahead.

A: TAC 10 alpha sierra set six o'clock at one hundred.

COMMANDER 7: Commander 7 to 7 Baker.

7 BAKER: Go ahead.

COMMANDER 7: Hey Mike, just so I'm clear we do have rear containment on the house since that backs up to the wood line.

7 CHARLIE: This is 7 Charlie. We do.

COMMANDER 7: Okay guys. I'm direct. Thanks.

UNKNOWN OFFICER: Canine on rear containment can you copy?

UNKNOWN CANINE: Yep.

UNKNOWN OFFICER: And can you see uh, how the target's location laid out from the back as far as where the door window is? Is it like the one we're standing in front of now?

UNKNOWN CANINE: On the delta side from ground level, which is gonna be your basement entry you have a slider door. Don't see any other windows. The second level up number two you got two windows off side by side. Looks like it's probably gonna be the living room area and then you got third floor up and I see two windows uh, looks like probably for bedrooms.

UNKNOWN OFFICER: Alright. Direct.

UNKNOWN CANINE: (INAUDIBLE) closed uh, leading to the slider door as well. Inside is pretty well cluttered.

UNKNOWN OFFICER: I'm direct. Broke out there a little bit. Hey, you'll be good as long as you guys don't move around. You're pretty hard to

see as long as you're standing still.

UNKNOWN CANINE: Alright. 10-4. Direct on that. And (INAUDIBLE) --. Coming out of the woods here shortly if he hasn't already. We're switching every half an hour if we can.

UNKNOWN OFFICER: Okay. We're direct. Hey, you got a rifle back there with you?

UNKNOWN CANINE: Negative. We got a shotgun with buckshot and pistol.

TAC 14: TAC 14 on scene with the weapon's truck.

Q: 1623.

A: **MOTOR 9:** Motor 9 on scene with command bus.

Q: 10-4. 1623.

A: **TAC 15:** This is TAC 15 on scene with HRV.

Q: 10-4 TAC 15. 1623.

A: **EOD 2:** EOD 2 to TAC 3.

TAC 3: Go ahead.

EOD 2: Hey we got the small robot coming down to you if you want to stage at the house.

TAC 3: Hey 10-4. Just be aware on the right in the walkway there's something in front of the door there's like a couple mattresses, a bunch of uh, household items, just fyi..

EOD 2: 10-4.

TAC 3: Hey the uh, new HRV's here, right?

EOD 2: Yeah. It's up here at the court.

TAC 3: 10-4. Hey Richard you got an eyeball on that backdoor? 10-4.

UNKNOWN OFFICER: Car 7 Bravo.

7 BRAVO: Go ahead.

UNKNOWN OFFICER: Sir, if you can respond to the command post for the briefing.

TAC 3: TAC 3 to EOD 2.

EOD 2: EOD 2. Go ahead.

TAC 3: Hey man, do you have a camera on that robot?

EOD 2: Say again.

TAC 3: The robot that's coming down here you have a camera on that?

EOD 2: That's 10-4.

TAC 3: Alright. Just wondering if you guys are down here if you might be able to take a look in those lower windows just to see if you can see anything, while we're waiting for the HRV?

EOD 2: Copy. You want us looking in the little windows?

TAC 3: If possible.

EOD 2: Alright.

Q: Last unit calling.

A: **MOTOR 1:** Motor 1.

Q: Motor 1.

A: Do you know if PIO is en route.

UNKNOWN OFFICER: I am on scene.

UNKNOWN OFFICER: Commander 7 PIO's on the scene. It's gonna be Officer Bud Walker.

COMMANDER 7: Okay. Do you know where they are? I got uh, media up here on (INAUDIBLE) and Magic Leaf.

UNKNOWN OFFICER: Okay. Standby. He's at the command post. We'll send him up.

OSB 1: OSB 1.

Q: OSB 1.

A: OSB 1. I have incident command at the time, rules of engagement are gonna be general orders and the SWAT is deploying on the house.

Q: 10-4. Attention all units. OSB 1 has command. 1633.

A: OSB 1. If you get any phone calls from the house the surrender ritual is gonna be come out the door, no weapons, and his hands in the air. You copy?

Q: 10-4. The surrender ritual will be to come out the front door, no weapons, and hands in the air.

A: **COMMANDER 70:** Commander 70.

Q: Commander 70.

A: Also if you could get with the uh, duty officer and have a supervisor from another district move over to West Springfield cover. Our supervisors

busy on the scene.

Q: 10-4. 1634.

A: **UNKNOWN OFFICER:** Lee you copy?

UNKNOWN OFFICER: Go ahead.

UNKNOWN OFFICER: Hey, we're gonna be coming down here soon. We're gonna pick a couple of you guys up in the HRV for front containment. We're gonna go forward with that plan we talked about and make a couple announcements first though.

UNKNOWN OFFICER: Roger that.

Q: OSB 1.

A: **OSB 1:** OSB 1.

Q: I believe phone calls in to the house were being made on the scene. Did you want DPSCC to make the call?

A: No. I have CMC here doing that. But, if for some reason he calls you I just want you to know what the surrender ritual is.

Q: Direct. 1635.

A: **OSB 1:** OSB 1.

Q: OSB 1.

A: The command post will be in the command bus at this time.

Q: Direct. 1635.

A: **SOD 1:** SOD 1 to OSB 1 I'm direct you got uh, tactical command. Uh, be advised uh, we're forward deploying on a public safety concern sir.

OSB 1: OSB 1. I'm direct.

SOD 1: SOD 1 to all tactical channels on channel 7 uh, SOD 1 to all tactical channels on channel 7 uh, tactical com's will be SOD 1 echo, SOD 1 echo. Correction that's PDTN 1 echo, PDTN 1 echo.

COMMANDER 7: Commander 7 to 7 Charlie or 7 Bravo.

7 CHARLIE: This is 7 Charlie. Go ahead.

COMMANDER 7: Hey George uh, unless you need Rodney on the scene for detainment send him up to the command post please and if you need a body I'll send one down to you.

7 CHARLIE: He's in route to you now and we don't need anybody else. We're (INAUDIBLE).

COMMANDER 7: Okay. Commander 7. I'm clear.

COMMANDER 70: Commander 70 to 7 Charlie.

7 CHARLIE: This is 7 Charlie. Go ahead.

COMMANDER 70: George let's follow up on the captain's traffic. When they're relieved down there have them respond up there to the unified command post and check in, so that we can account for them.

7 CHARLIE: Okay.

OSB 1: OSB 1. OSB 1.

Q: OSB 1.

A: OSB 1. I need the uh, station 7 recorder to respond to the command post with his MCT. Please.

Q: 10-4. Car 7 Charlie are you direct? Station 7 recorder responding with his MCT.

A: **TAC 51:** TAC 51. To dispatch.

Q: TAC 51.

A: TAC 51 to dispatch. Can you have Sergeant Smith on Fairfax 1 meet me on channel 7, ops 2?

Q: Fairfax 1.

A: **FAIRFAX 1:** Fairfax 1.

Q: Fairfax 1 we need Sergeant Smith to reach TAC 51 on channel 7, ops 2.

A: Fairfax 1 direct. Who, what was the designator again please?

Q: TAC 51.

A: **OSB 1:** OSB 1.

Q: OSB 1.

A: OSB 1. We're trying to make contact with him down at the scene. If you get any calls from citizens that's us and uh, we have information that he has been hit. We have an ambulance staged and we're trying to render medical aid to him if uh, he'll respond to us.

Q: Direct. 1643.

A: **SOD 1:** SOD 1 to OSB 1. We got visual on the subject on the ground.

Q: OSB 1 you're direct?

A: **OSB 1:** Yeah I'm direct. Thank you.

Q: 1644.

A: **FAIRFAX 1:** Fairfax 1.

Q: Fairfax 1.

A: **SOD 1:** SOD 1 to OSB 1. Go ahead and start me rescue down to the scene.

OSB 1: OSB 1. I'm direct. Rescue's moving in.

Q: Fairfax 1 you have traffic?

A: **FAIRFAX 1:** 1022.

Q: 1644.

A: **OSB 1:** OSB 1 (INAUDIBLE) fire department they're moving forward with medic units to render aid.

Q: 1645.

A: OSB 1. Fire uh, department medics are out with subject now in the house.

Q: 10-4. Out with the subject. 1646.

A: OSB 1 to Commander 70. OSB 1 to Commander 70.

UNKNOWN OFFICER: Who you trying to call?

Q: Commander 70.

A: **COMMANDER 70:** Commander 70. Go ahead.

Q: Go ahead OSB 1.

A: **OSB 1:** OSB 1 to Commander 70. Do you have the parents at the command post, staged inside the command post? We're walking the kids up here now.

Q: Commander 70. Are you direct? The kids are being brought up now.

A: **COMMANDER 70:** Yeah. We're direct.

Q: 1649.

A: **UNKNOWN OFFICER:** Eugene you hear me?

UNKNOWN OFFICER: Alright. There's some parents here to pick up their kids, right? Have them walk down here.

OSB 1: OSB 1.

Q: OSB 1.

A: Could you have uh, Commander 70 or Commander 7 um, come to the command post please? Either one.

Q: Commander 7 or Commander 70.

A: **UNKNOWN COMMANDER:** You have both of us at the command post now. We'll be standing by for him.

Q: OSB 1 you direct?

A: **OSB 1:** Yeah. They're here. Thank you.

Q: 1651.

A: NEGOTIATOR 5: Negotiator 5's on scene.

Q: 1653.

A: **SOD 1:** SOD 1 to OSB 1.

OSB 1: OSB 1. Go ahead.

SOD 1: Just be advised the tactical operations are over. Um, you can go ahead and start with the uh, criminal investigation aspect of the

operation. 10-4.

OSB 1: 10-4. OSB 1. Could I have uh, CIB 1 come to the command post please?

Q: CIB 1, are you direct? CIB 1 or CIB 5.

A: **SOD 1:** SOD 1. They're here with me. They're direct. They'll be going inside the command post here in a bit.

Q: 1655.

A: **FAIRFAX 1:** Fairfax 1. We're clearing channel 7 and heading back to headquarters dispatch.

Q: 1655. OSB 1.

A: **OSB 1:** OSB 1.

Q: Per the PLC, I mean DPSC supervisor can we confirm whether the thirteen year old child, Morgan, is on the scene?

A: The mother's supposed to have both children at the neighbor's house.

Q: Direct. 1657.

A: **CANINE 7:** Canine 7. Just for everybody's information I believe the children are at 7903, 7903.

Q: Direct. 1657. OSB 1.

A: **OSB 1:** OSB 1.

Q: Could someone call DPSC supervisor Loraine Felsdancer ASAP.

A: Okay. Somebody will call her.

Q: 1658

A: **UNKNOWN OFFICER:** Canine 7 do you copy on channel 7?

731 CHARLIE: 731 Charlie to command. 731 Charlie to dispatch.

Q: 731 Charlie.

A: Advise command that various residents on uh, Pebble Road here, Pebble Court are asking if they can leave their homes? They're between the command post and the target site.

Q: OSB 1.

A: **7 BRAVO:** Car 7 Bravo. Tell them they'll have to stand by for a few minutes. The road is blocked with equipment. Once the equipment is moved they can probably move.

741 CHARLIE: 731. I'm direct. 741 and I are headed to the scene for security. We might have an officer patrolling up and down the road advising citizens of that.

Q: Scout 970 Charlie.

A: **SOD 1:** SOD 1 to Canine uh, Riccio, canine 7 you copy?

CANINE 7: Copy. Canine 7.

SOD 1: Yeah, can you switch over uh, PDTA, PDTA 1 echo, PDTA echo.

CANINE 7: 10-4.

OSB 1: OSB 1.

Q: OSB 1.

A: OSB 1. Can you have somebody from PIO come into the command post please?

Q: PIO 6 are you direct? Any PIO unit. OSB 1 are you direct? We're unable to reach any PIO unit.

A: OSB 1. I'm direct.

Q: 1709.

A: **COMMANDER 70:** Commander 70.

Q: Commander 70.

A: I'll be responding back to station 7 with car 7 Charlie and x-ray 700.

Q: Direct. 1712.

A: **OSB 1:** OSB 1.

Q: OSB 1.

A: Hey, can you try calling PIO again for me and have them respond to the command post please?

Q: PIO 6. PIO 6.

A: **PIO 6:** I'm direct.

Q: 1716.

A: **CIB 600:** CIB 600.

Q: CIB 600. CIB 600 did you have traffic?

A: (INAUDIBLE) to my left.

Q: 1720.

A: **IA 5:** IA 5. I'm on scene.1721

COMMANDER 7: Commander 7.

Q: Commander 7.

A: Yeah, could you get an ETA on mobile crisis to the command post?

Q: 10-4. 1722.

A: **OSB 1:** OSB 1.

Q: OSB 1.

A: OSB 1. I'm switching command at this time and uh, CIB 1 will be incident commander.

Q: 10-4. Attention all units CIB 1 will now have Pebble Brook command. 1723.

A: OSB 1.

Q: OSB 1.

A: Yeah, OSB 1. Can you call those houses you initially did the reverse 911 to and tell them that they're clear to come out if they want? We're done here.

Q: 10-4. Direct. 1728.

A: **7 BRAVO:** 7 Bravo. I'll be clearing the scene. In route to the station.

Q: 1729.

A: **IS 74:** IS 74.

Q: IS 74.

A: Please sign me off for the night. Thank you.

CIB 5: CIB 5.

Q: CIB 5.

A: Could you check on the status in the uh, mobile crisis for me?

Q: 10-4. CIB 5.

A: Go ahead.

Q: CIB, CIB 5 it looks like 1712 hours mobile crisis was direct to call a Paul Thompson. I believe that's CIB 6.

A: 10-4. I'll check with CIB 6. Thank you.

Q: 1754.

A: **CIB 404:** I'll be out at Pebble Brook Court.

Q: 1802. Commander 7 go ahead.

A: **COMMANDER 7:** Hey, can you raise Officer Eugene Kim? I don't know his unit designator. Have him respond back to the command post please.

Q: Officer Eugene Kim. Calling Officer Eugene Kim.

A: **CIB 5:** CIB 5.

Q: CIB 5.

A: That will be 711 Charlie.

711 CHARLIE: Car 711 Charlie.

Q: 711 Charlie please go back to command post.

A: Direct. In route.

Q: 1824.

A: **CIB 460:** CIB 460. Can you change my location to station 7?

Q: 1828. SOD 2.

A: **SOD 2:** 10-8

Q: SOD 2 repeat your traffic.

A: Hold me clear from the scene.

Q: 10-4. 1828.

A: **TAC 51:** TAC 51. Same traffic.

Q: 10-4 TAC 51. 1831

A: **OSB 1:** OSB 1. I'm clear.

Q: 1831.

A: **720 BRAVO:** Scout 720 BRAVO.

Q: 720 Bravo.

A: Ma'am could you try to raise zebra 750 for me?

ZEBRA 750: This is Zebra 750. Go ahead.

720 BRAVO: Hey Mike I just got cut loose and uh, as soon as I gas up I'll be up there to meet with you.

ZEBRA 750: Take your time Ron. It don't start until 7:30.

720 BRAVO: 10-4. Thank you. Thank you ma'am.

Q: 1844.

A: **NEGOTIATOR 5:** Negotiator 5.

Q: Negotiator 5.

A: I'm clear of the scene and secure. 303228.

Q: 1850.

A: **SOD 2:** SOD 2.

Q: OSB 2.

A: SOD 2. Can you log me off please?

Q: 10-4. 1850.

A: **TAC 1:** TAC 1.

Q: TAC 1.

A: TAC 1. Can you hold all TAC units clear of the event on Pebble Brook and log them off please?

Q: 10-4. 1902.

A: **CIB 403:** CIB 403.

Q: CIB 403.

A: Can you change my location please to station 7?

Q: 10-4. 1913.

A: **PIO 6:** PIO 6.

Q: PIO 6.

A: I apologize, but my CAD is worthless. Can you hold me in route to headquarters?

Q: 10-4. 1916.

A: **COMMANDER 7:** Commander 7.

Q: Commander 7.

A: CIB 5 has relinquished command. I now have incident command. I'll be here for the remainder.

Q: 10-4.

A: **SOD 1:** SOD 1.

Q: SOD 1.

A: I'll be clear from the scene. I'll be back at uh, PIO back at headquarters.

Q: 10-4.

A: **MOTOR 1:** Motor 1. I'll be in service from the scene also.

Q: 10-4 Motor 1. 19-

A: **MOTOR 5:** Motor 5 clear from Pebble Brook. Out of service. Sign me off please.

Q: 10-4 Motor 5. 19-

A: **7 ALPHA:** 7 Alpha.

Q: Car 7 Alpha.

A: Yes ma'am. I'm having some problems with my CAD. Can you hold me on 9MCT for now to try and figure it out?

Q: 10-4. 1942.

A: **CIB 5:** CIB 5.

Q: CIB 5.

A: Hold me on scene at station 7 please.

Q: 10-4. 1945. CIB 46.

A: **CIB 46:** I am 46. 10-4.

Q: 10-4.

A: **UNKNOWN OFFICER:** My MCT's not responding. Can you sign me off for the night please?

Q: 10-4. 2038.

A: **IA 3:** IA 3.

Q: IA 3.

A: Can you clear me for West Springfield? And I'll be 10-7 remainder. Thank you.

Q: 10-4 IA 3. 21-

A: **MOTOR 16:** Motor 16.

Q: Motor 16.

A: Motor 16. Ma'am if you would the remaining motor units that were on scene at the incident in station 7 we're clear. (INAUDIBLE).

Q: 10-4. In service or logged off?

A: We're just clearing the event for now.

Q: 10-4. 2003.

A: **ACO 2:** ACO 2 on channel 7.

Q: ACO 2.

A: ACO 2 I'm 10-4.

COMMANDER 7: Commander 7.

Q: **MALE DISPATCHER:** Commander 7.

A: Yeah if you're uh, still splitting the channel for this incident you can go ahead and patch this back together. Things are stabilized down here now.

Q: 10-4 sir. 2236.

****

This statement has been typed as recorded/KFA/ September 10, 2013.

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Q: 730 Charlie 740 Charlie to back area 730 domestic 7907 Pebble Brook Court. Caller is stating boyfriend is throwing the callers stuff around, throwing it out. Caller is stating she is in the process of moving out. No known alcohol, drugs. Saying there are two guns that are locked inside a gun safe. (INAUDIBLE) described as a white male, forty-six years of age, five nine, one seventy. 440 Bravo. Everything. 10-4

A: **440 BRAVO:** I'm 10-4, 10-6.

Q: 1442. 711 Charlie everything 10-4?

A: **711 CHARLIE:** 711 Charlie. I'm 10-4. 10-6.

Q: 10-4. 1443.

A: **420 CHARLIE:** 420 Charlie I'll advise.

Q: Area 420 for suspicious person. [redacted] at Grand View Apartments it's gonna be for a black male, blue long sleeve sweater, black jeans, red and black back pack, sleeping in front of the building. 1445.

970 Charlie self-dispatched. 731 Bravo to back area 731 for a residential burglary alarm. [redacted] Audible from the front door. 1453.

740 CHARLIE: 740 Charlie.

Q: Scout 740 Charlie.

A: 740 Charlie.

Q: Scout 740 Charlie.

A: The subject here is threatening that he has a gun and will use it if he needs to.

Q: 10-4. Car 7 Charlie are you direct on this?

Q: Correction 7 Bravo.

7 CHARLIE: 7 Charlie. I'm direct on that.

Q: Any other unit -

A: **740 BRAVO:** 740 Bravo. Hold me en route.

Q: 10-4. Any other units that can start that way?

A: **X700:** X ray 700 in route.

741 BRAVO: 741 Bravo in route.

UNKNOWN OFFICER: However, he's still in his house.

400 CHARLIE: 400 Charlie I'm 10-4, 10-6.

Q: 10-4. Scout 740 Charlie.

A: **740 CHARLIE:** Go ahead.

Q: Are you and 730 Charlie waiting outside?

A: We're outside. Subject is threatening to use a gun. He's inside his house. He stated that he will use it against us if he needs to.

Q: 10-4. Attention all units this channel's gonna be restricted at this time. 1455.

A: **740 BRAVO:** 740 Bravo. I'm about three minutes out.

Q: 10-4.

A: **7 CHARLIE:** Car 7 Charlie. When units get down to the scene have them set up a safe perimeter around the exterior of the residence. Are there any individuals inside that we're aware of, other than the subject?

Q: 740 Charlie.

A: **740 CHARLIE:** Subjects are all inside another house, but we're talking to them from the door.

Q: 7 Charlie, you direct?

A: **7 CHARLIE:** Negative. You said the subjects --. There's no subject inside the house except --.

Q: Subject inside the house. I believe other subjects are next door at the location.

A: Okay. Can we get a landline number to that residence and see if we can establish some type of uh, communication with him?

Q: 10-4.

A: **730 CHARLIE:** Scout 730 Charlie. We're speaking to the subject through the screen window of his front door. There's nobody else in the house according to him. He is armed with a pistol.

MALE VOICE: (Inaudible)…I will not…(Inaudible)…

730 CHARLIE: Said he will use it against us 'cause we have our pistols. He has his hands behind his head. He's talking to us. But, he's refusing to come outside.

Q: 7 Charlie you direct?

A: **7 CHARLIE:** 7 Charlie. I'm direct. 7 Charlie can you get the shield down there.

Q: Anyone with a shield that can respond to a domestic dispute?

A: **740 CHARLIE:** 740 Charlie. I have the shield in my own cruiser. Someone can just come and get it from my trunk would be great.

Q: 10-4. First responding unit if you can retrieve the shield from 740 Charlie's cruiser.

A: **740 BRAVO:** 740 Bravo. I'm on scene.

Q: 10-4. Scout 740 Charlie.

A: **740 CHARLIE:** 740 Charlie.

Q: Do you have any charges against this man yet?

A: **740 CHARLIE:** Not at this time. He's just threatening to use his weapon against us.

Q: 10-4.

A: **7 CHARLIE:** Car 7 Charlie. We responded on a domestic dispute. Is the wife around there or family members?

Q: I believe they're next door. 740 Charlie can you confirm? Scout 740

Charlie to 730 Charlie.

A: **730 CHARLIE:** Scout 730 Charlie. 740 uh, 740 Bravo is on scene. He's a hostage negotiator. I'm gonna go talk to the other parties involved in this.

Q: 10-4. and the other parties are next door?

A: Direct. [redacted]

Q: 10-4.

A: Scout 730 Charlie.

Q: Scout 730 Charlie.

A: Right now it's a domestic dispute. They've been in a relationship for twenty-four years, have two children in common. There's no physical contact. However, he has been throwing her belongings outside and possibly breaking some of her belongings. So, there might be destruction if there's some broken stuff. Other than that we don't have any charges.

Q: 10-4. 7 Charlie you direct?

A: **7 CHARLIE:** 10-4. I'm direct on that. Thank you.

Q: 10-4.

A: **730 CHARLIE:** Scout 730 Charlie.

Q: Scout 730 Charlie.

A: The long term uh, girlfriend of twenty-four years said that he made comments that he's forty-five seconds from putting a bullet in his head and he told a friend of his that he had a gun and he might do a suicide by cop type of situation. Be advised.

Q: 10-4. All units be advised subject said to his long-time girlfriend that he's forty-five seconds from killing himself, has threatened suicide by cop.

A: **7 CHARLIE:** Car 7 Charlie. See if the officers on scene are sufficient of them to make notification to the residents in the general area perimeter of the house what the situation is, so that they can go and seek safe cover.

Q: 10-4. Those few units can go to the neighboring houses, advise them of the situation, stay inside their homes.

A: **741 BRAVO:** 741 Bravo. There's four of us here. We're a little busy right now. Any other units coming that can take care of that?

Approximately ten children -

Q: 730 Charlie. I didn't copy your last traffic.

A: **7 CHARLIE:** 7 Charlie. I was direct on that. He advised that uh, the responding units that are still coming have them make notification. (INAUDIBLE).

Q: 10-4. Thank you.

A: **731 CHARLIE:** 731 Charlie. I'm about a minute off. I'll start on that.

Q: 10-4. Thank you.

A: Hey, do we just want to do reverse 911? Let the folks know that are home.

Q: We will get the service desk started on some phone notifications as well.

A: **741 CHARLIE:** 741 Charlie.

Q: 741 Charlie.

A: Hey, I'm gonna make my way to the rear of the residence, while they have the man up front.

Q: 10-4. Do you need another unit to assist you?

A: If we got one available, yes. But, I know 731 Charlie's gonna be tied up up front to get a good vantage point.

Q: 10-4. Any unit that can respond to the back of the residence with 741 Charlie?

A: **CANINE 7:** Canine 7. You got two canines in route. If you can hold off for a minute, we're about four minutes away.

Q: 10-4. 741 Charlie you direct?

A: **741 CHARLIE:** I'm direct.

Q: 1507.

A: 741 Charlie. Can I go direct canine 7?

Q: 10-4. Canine 7 please respond to 741 Charlie.

A: **CANINE 7:** Go ahead.

741 CHARLIE: As you uh, come into the neighborhood there's a break in the townhouses. Uh, you'll be able to make entry and then walk up in behind the couple rows of townhouses to access the rear of the property. I'll be in the wood line there. Be the first car that you encounter coming into the neighborhood.

CANINE 7: Alright. We're direct. Thank you.

741 CHARLIE: Hey Matt, I'm in the wood line um, where the break is in

the townhouses. Canines in route. They're gonna take a rear position.

7 CHARLIE: Car 7 Charlie. Just to confirm we still got um, contact with him direct?

Q: 731 Charlie you still have direct contact?

A: **741 BRAVO:** 741 Bravo.

Q: Scout 741 Bravo.

A: 740 Bravo has the rapport with the subject. There's three others of us. Have him at gunpoint. He's standing there with his hands up in the air, but he's still inside the house. He said if anyone comes in the backdoor it's gonna escalate, so don't try to enter the back door.

Q: 7 Charlie you direct?

A: **7 CHARLIE:** I'm direct. Thank you.

Q: 741 Charlie are you direct?

A: **741 CHARLIE:** 741 Charlie. We're direct. We just want to get a perimeter on the backside. No entry at this point.

Q: 10-4. 1511.

A: **UNIT 318955:** Unit 318955.

Q: Last unit.

A: Unit 318955. Hold me out with a vehicle on uh, Ox Road and JD Boulevard. It's gonna be a black motorcycle. Virginia current [redacted]. Can you do a license check for me when you have an opportunity?

Q: Last unit if you can switch over to another channel. This channel's

restricted at this time.

A: **730 CHARLIE:** Scout 730 Charlie.

Q: Scout 730 Charlie.

A: An update for the units on scene. According to the long term girlfriend there are two handguns, a shotgun, and he referred to a rifle as a semi-automatic rifle in front of her two days ago. Or sorry today. So, there might be some more weapons inside the house as well.

Q: 10-4. Attention all units be aware. Subject did make reference to two weapons. One being a shotgun, one being a semi-automatic rifle that he did mention today to a longtime girlfriend.

A: **7 BRAVO:** 7 Bravo.

Q: 7 Bravo.

A: 7 Charlie's on the scene. He's with the subject's father speaking to him now.

Q: 10-4. Thank you.

A: **XRAY 700:** X-ray 700.

Q: X-ray 700.

A: X-ray 700. Subject standing at the front door just advised 740 Bravo that he's got a gun in close proximity to him.

Q: 10-4. Attention all units be aware subject did advise he has weapon in close proximity to him.

A: **730 CHARLIE:** Scout 730 Charlie. When we first arrived he advised he

had a gun in his lower waistband in his lower back. He did take something out and put something down on the ground to the left front side of his body on the ground. So, it might still be in his lower back, it might be on the ground, he might have multiple weapons with him. We don't know.

Q: 10-4. Possibly multiple weapons. Last said that he had it in his lower waistband on his back.

A: **7 BRAVO:** 7 Bravo. I just want to verify we do have units to the rear of the townhouse.

Q: 10-4. 741 Charlie is in the rear. Canine should also be there as well.

A: Okay. Thank you.

Q: 1516.

A: **741 CHARLIE:** 741 Charlie. We were advised to hold off until canine arrived. They just got on scene now, so we'll make our way back.

CANINE 7: Canine 7. Please confirm as you're coming down Pebble Brook. Are they on the right side wood line or the left side wood line?

Q: 741 Charlie.

A: **741 CHARLIE:** Right side. Same side as cruiser 4594.

CANINE 7: We're direct. We're coming back to you.

UNIT 318955: Unit 318955. Go ahead.

Q: You can switch over to channel eight.

A: **731 CHARLIE:** 731 Charlie.

Q: 731 Charlie.

A: Can the inner perimeter units advise how many units from the right facing the front the target is?

Q: Any surrounding perimeter unit can advise?

A: He's the fourth unit from the right.

Q: Any unit on scene of the domestic dispute can you advise if you need another unit to respond?

A: **7 BRAVO:** 7 Bravo. I think we're good with what we have here.

Q: 10-4.

A: **731 CHARLIE:** 731 Charlie. Rear containments established. Just have those guys let us know if he leaves the front and heads towards the back.

Q: 10-4. All units if the subject tries to leave the front of the house advise the rear unit 741 Charlie and canine.

A: **730 CHARLIE:** Scout 730 Charlie.

Q: Scout 730 Charlie.

A: Just so the units on scene are aware around 4:30 the parents of the children being locked the daycare will be arriving. I have all the children in the basement in the backside of the house furthest away from the subject um, and I will hold them here until told otherwise.

Q: 10-4. What location is this?

A: We are directly next door. If you're facing the front of the house uh, the last digit's nine. It's the left house when you're facing the house next

door.

Q: 10-4.

A: **7 BRAVO:** 7 Bravo. We're direct where he is.

Q: 10-4. Thank you.

A: **UNKNOWN OFFICER:** Neil has the um, girlfriend stated has he been drinking?

NEIL: Not sure if he's been drinking today. He is an alcoholic and he has started drinking more often lately now that she told him in February that she was planning on moving out. But, he has started drinking. He drinks regularly. She's not aware if he drank today or not. But, he does drink regularly.

731 CHARLIE: Okay. 731 Charlie.

Q: 731 Charlie.

A: We're at (INAUDIBLE) the front of the target location two doors left the resident keeps coming out the back and she's on her phone. If the front units are able to knock on her door and tell her to stay inside that'd be helpful.

Q: 10-4. Any other unit that can go to [redacted] Court to advise the resident?

A: **7 BRAVO**: 7 Bravo. Neil, that's the location you're at. They're going out the back door. Tell them to stay in the house.

CAR 7 CHARLIE: Car 7 Charlie.

Q: Car 7 Charlie.

A: We still got rapport with him. Um, so this is gonna take a little bit of time. Is it possible to go and get us our own frequency to go and uh, handle this incident?

Q: 10-4.

A: Thank you.

CANINE 10: Canine 10 to canine 7. Canine 7 you copy?

CANINE 7: Go ahead.

CANINE 10: Hey just so you know we're almost directly behind the house. I didn't know where you were working up to.

CANINE 7: Okay. 10-4. We got the front covered. Um, if he goes comes out the front and goes towards the bravo side we're gonna take him. If he comes out the front and goes towards the delta side, which is the break to your left he's gonna be all yours and I'd just let him go.

CANINE 10: Alright. That was my next question. Thank you.

UNKNOWN OFFICER: 7 Charlie copy. Uh, some of the parents are –. One of the parents is on scene. Um, they want to know if we can evacuate the child out the back, opposite side of the house and get them out of this house. I can probably get her out safely. Do you want me to do that?

UNKNOWN OFFICER: Neil standby for a second.

UNKNOWN OFFICER: Just hold what you have right now.

COMMANDER 70: Commander 70. Hold me on scene of this domdis in 730.

Q: 10-4.

A: **CANINE 7:** Canine 7 to canine 10.

CANINE 10: Go ahead man.

CANINE 7: Okay. The front door opens from right to left putting his natural path of escape towards the delta side. Just be prepared for that.

CANINE 10: Okay. Just so you know it's gonna be about uh, thirty yards to the woods and then another probably seventy yards to get out to that delta, delta (INAUDIBLE).

UNKNOWN OFFICER: We're direct. We're tucked away towards the uh, Charlie side of the row of townhouses. I don't want him to see the dog and see the escalation. So, we'd have some ground to make up as well.

CANINE OFFICER: Okay. We got it.

Q: Set 63 and set 64.

A: **SET 63:** Set 63. Go ahead.

Q: Attention all units related to the domestic dispute call you're dispatcher's gonna be at PD12. Switch over to channel 7. Any units not involved you're dispatcher's still gonna be at PD07. 1531.

****

This statement has been typed as recorded/KFA/ September 9, 2013.

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER ADAM DANIEL TORRES
September 2, 2013

It's September 2nd, 2013 at 1709 hours at the Massey Building, 9th Floor, uh, an interview with Officer Adam Torres, regarding an Officer Involved Shooting that occurred on August 29th, present is Counsel John Carroll, Detective John Farrell and Detective Chris Flanagan.

****

FARRELL: Adam if you would, please state your full name.

TORRES: **Adam Daniel Torres.**

FARRELL: And can you tell me your four digit EIN?

TORRES: 3681.

FARRELL: And your six digit EIN.

TORRES: 301888.

FARRELL: Ok, and you're currently assigned to the West Springfield Station, is that correct?

TORRES: Yes.

FARRELL: Can you tell me when you graduated the Criminal Justice Academy?

TORRES: August 16, 2006.

FARRELL: And, prior to that, did you have any law enforcement experience?

TORRES: No.

FARRELL: Any military experience?

TORRES: No.

FARRELL: Did you have any specialized education involving Criminal Justice?

TORRES: Uh, just a Bachelor Degree at George Mason University.

FARRELL: And what was that Bachelor's in?

TORRES: Uh, Administration of Justice.

FARRELL: Ok, and um, today you're not taking any medications or intoxicants that would affect your ability to tell us what occurred on, August 29th, is that correct?

TORRES: None.

FARRELL: Ok, and last night you were able to sleep a little bit?

TORRES: Yes.

FARRELL: Ok, do you recall how many hours of sleep you had last night?

TORRES: 9.

FARRELL: Ok, um, in addition to your basic training through the Criminal Justice Academy, can you tell me what other specialized training you've had through the Police Department?

TORRES: Slug, Shield, AIU, CIT, um, Search Warrant, Taser, uh Pepper Ball, Bean Bag, and that's it.

FARRELL: Ok, um, and Shield, Taser, Slug, Pepper Ball and Bean Bag, those are all specialized weapons?

TORRES: Yes.

FARRELL: And you're trained and you qualify in those weapons, is that correct?

TORRES: Yes.

FARRELL: Alright, and could you please explain to me what CIT is?

TORRES: Crisis Intervention Training, which is a um, it, it's how to communicate with, um, emotionally disturbed uh, persons.

FARRELL: Ok, and can you explain to me your, you're assigned to the West Springfield Station in a patrol capacity, is that correct?

TORRES: Yes.

FARRELL: And what shift do you work?

TORRES: Evenings A side.

FARRELL: And what time does the A side shift routinely start?

TORRES: 1:30PM.

FARRELL: And what time do you work till?

TORRES: 1AM.

FARRELL: And essentially, um, throughout the department, patrol is divided between A side and B side, is that correct?

TORRES: Yes.

FARRELL: And, some days A side works and other days B side works?

TORRES: Yes.

FARRELL: And within the A side there's, 3 shifts, day work, uh evenings and

midnights, is that correct?

TORRES: Yes.

FARRELL: And you're on the evening shift?

TORRES: Yes.

FARRELL: Ok, um, and can you tell me uh, what days you worked this week?

TORRES: Uh Wednesday and Thursday, last week.

FARRELL: Ok, so you would have only been scheduled to work Wednesday and Thursday?

TORRES: Yes.

FARRELL: Ok, and, that's a regular schedule?

TORRES: Yes.

FARRELL: Alright um, in addition to working Wednesday and Thursday, did you have any overtime assignments during the week or any other specialized assignments?

TORRES: No.

FARRELL: Uh, any court?

TORRES: Not last week no.

FARRELL: Ok, so uh, on Wednesday, which would have been August 28th, uh did you work a normal shift?

TORRES: Yes.

FARRELL: And that would have been 1330 to about 0100?

TORRES: Yes.

FARRELL: Ok, and uh, then on Thursday, you, what time did you report for duty?

TORRES: At 1330, Thursday.

FARRELL: Ok, do you remember what time you got to the station, or what time you routinely get to the station?

TORRES: 1:00 maybe.

FARRELL: Ok, so you srrive at the station around 1300?

TORRES: That's about right, yeah.

FARRELL: Ok, and what do you do at that point?

TORRES: Just uh, go around the station, talking with some people, get dressed, uh for work, and then uh, just uh, go sit in the roll call room before roll call starts at 1330.

FARRELL: Ok, um, do you recall how much sleep you had night before?

TORRES: No.

FARRELL: Ok, um, do you usually get a normal night sleep between shifts?

TORRES: Yes.

FARRELL: Alright, um, when you dressed out, do you put on your duty uniform?

TORRES: Yes.

FARRELL: And on the night of the 29th, do you recall being photographed in

your uniform by a crime scene detective?

TORRES: Yes.

FARRELL: Um, at the time, from the time the incident occurred, until the time you were photographed, did you change or manipulate or was your uniform any different than how it was at the time of the event?

TORRES: No.

FARRELL: Ok, can you describe to me your uniform, uh maybe starting from your boots and working your way up?

TORRES: Black boots, uh dark blue pants, duty belt, grey shirt, with a badge on the shirt, pens, name tag, uh FPD pins on the, on a collar.

FARRELL: And name tag?

TORRES: Says A. D. Torres.

FARRELL: Ok.

TORRES: On it.

FARRELL: And you have patches on the sleeves?

TORRES: Yes.

FARRELL: And do you recall what those patches are?

TORRES: It's Fairfax County Police.

FARRELL: Ok, uh, were you wearing a short sleeve or a long sleeve shirt as best you recall?

TORRES: Short.

FARRELL: Ok, um, can you tell me what you were wearing underneath the shirt?

TORRES: My uh duty vest and, uh, a blue shirt under.

FARRELL: Alright, and were you wearing regular patrol pants or do you have the cargo pants?

TORRES: I was wearing regular patrol pants.

FARRELL: Ok, on the night of the 29th, also your duty belt was photographed.

TORRES: Yes.

FARRELL: Um, and I'll ask the same question, did you manipulate or change your belt from the time the event occurred until the time you were photographed?

TORRES: No.

FARRELL: Ok, are you able to tell me what you carry on your belt?

TORRES: Yes.

FARRELL: Uh, let's say if you started from the center of your belt on your right side and just work a way, work around to the left.

TORRES: Starting going from my right, um, uh my OC, uh, my flashlight, uh, my duty weapon, handcuffs, um, my glove pouch, another set of handcuffs, my radio, uh my baton, uh, a Taser, and um, my duty clip, duty magazines.

FARRELL: Ok, um, and what type of weapon do you carry?

TORRES: Sig Sauer 40 caliber.

FARRELL: Is that a 226?

TORRES: Yes.

FARRELL: And, you recall the condition of your weapon, in terms of the load?

TORRES: I had one in the chamber, 12 in the magazine.

FARRELL: And then your back up magazines, what would the condition of those have been?

TORRES: 12, 12 bullets in each magazine.

FARRELL: Ok, um, now I know you said you don't, really recall how much sleep you had the night before, um prior to coming to work, did you have anything to eat, in the morning?

TORRES: I don't remember.

FARRELL: Ok, and what about um, you know at lunch time, at work, did you have anything to eat, anything to drink that you remember?

TORRES: (laughs) uh yes, I, I got some taco bell before I came into work.

FARRELL: Ok, so then you arrive at the station around 1?

TORRES: Yeah.

FARRELL: Um, hang around a little bit, you change out, and then, did there come a time you reported for roll call?

TORRES: Yes.

FARRELL: Alright, and what time would that have been?

TORRES: 1330.

FARRELL: And can you explain to me what occurred at roll call that day, was there anything that stands out that you remember?

TORRES: No.

FARRELL: So it was just, routine?

TORRES: Yeah I, don't.....

FARRELL: You don't recall?

TORRES: I don't recall what was discussed in roll call.

FARRELL: Ok, um, do you remember if, if there was any specialized training or if there was any, any look outs or anything that, that stood out?

TORRES: No training, I, I don't remember any look outs.

FARRELL: Ok, (clears throat) ok, do you remember what time you signed on and hit the street?

TORRES: Um, after 2:00.

FARRELL: Ok, and what uh, patrol area were you assigned?

TORRES: 740.

FARRELL: And what was your designator?

TORRES: 740 Charlie.

FARRELL: And what does Charlie mean?

TORRES: It just means evening unit.

FARRELL: And what is 740?

TORRES: It's uh, specific area for down in Lorton, uh mostly 740 surrounds, Silver Brook, uh Lorton Road, Ox Road, and, and everything in between.

FARRELL: Alright, is that an area that you usually work?

TORRES: No.

FARRELL: Do you have a usual patrol area?

TORRES: I've been, been a, what, what we call a floater unit for the last 2 months.

FARRELL: And what does that mean?

TORRES: Just been moving around different areas, wherever the bosses want me.

FARRELL: Ok, are there other uh, members of your squad that have specific patrol areas that they usually work?

TORRES: Yes.

FARRELL: And so your duty is just to fill in for whatever vacant area they have for that day?

TORRES: Yes.

FARRELL: Ok, um, have you worked 740 before?

TORRES: Yes.

FARRELL: Uh, what cruiser were you operating?

TORRES: 4617.

FARRELL: Is that an assigned cruiser?

TORRES: Yes.

FARRELL: And, can you tell me what it looks like?

TORRES: It's a unmarked silver.

FARRELL: And when you say unmarked, it doesn't have the decals or.....

TORRES: Correct.

FARRELL: It's not painted with the blue and white?

TORRES: Right.

FARRELL: Ok, um, however within the vehicle, its equipped with lights and sirens and it's a police package vehicle?

TORRES: Yes.

FARRELL: Alright, um Crown Vic?

TORRES: Yes.

FARRELL: Alright so, sometime after roll call, you sign on, um, do you recall if you were dispatched to any events prior to this event?

TORRES: None.

FARRELL: Ok, can you think of any other preliminary questions, Chris?

FLANAGAN: Uh, no I don't think, the one thing, I just want to make sure you, when you said, your vest on, your ballistic vest right?

TORRES: Yes.

FLANAGAN: Do, do you know what kind of ballistic vest you wear?

TORRES: (sighs)

FLANAGAN: Not so much the name brand, but I mean the threat level, like what it stops, what it doesn't stop?

TORRES: Oh um.

FLANAGAN: Or if stops is the right word but…..

TORRES: I know, I, yeah I know what um, it's one of the newer ones that just came out in the last couple of years, its slightly heavier than, the ones we used to have on, um, it, it's supposed to stop a higher caliber round.

FLANAGAN: Ok, does it, does that include a rifle round?

TORRES: No.

FLANAGAN: Or a shot gun rounds?

TORRES: I don't remember any shot gun rounds, I, I don't think so, but it might.

FLANAGAN: Ok.

FARRELL: Ok, um, and so you sign on around 2:00, um, do you remember what the weather was like?

TORRES: Uh, sunny (laughs).

FARRELL: Alright.

TORRES: Warm.

FARRELL: Ok, um, so I guess at this point, instead of, asking question after question, I would just like you to um, tell me how, you know how you found out about this call, what you remember, um, about how you were dispatched to it, and, and how things went from there.

TORRES: I, I got dispatched to a, it came out as a domestic dispute, uh call involved, I believe it said an estranged husband was throwing items out of a house, um, I also believe they said, um, person owned a firearm, um, me and uh, Officer Neil we got there at the same time, and, I, we got out of our cruisers, and we saw individual who was yelling at a couple of people, uh, there was some furniture out in the front yard, we tried to get his attention but he started walking away, he went, right to his front door, opened the door, uh closed the screen door behind him, and they just uh, looked at us, um from the screen door, and we tried to get him to, uh, when we first made contact with him we tried to get him to stop and come and talk to us, um, he said, the first thing I remember him saying was, I have a gun, I will use it if I need to because you guys have guns, and then he reached uh, around his back um, I drew my firearm, I, I took some cover behind the nearest tree I could find, and he pulled out a, a firearm that was in its, in its holster and he showed it to us, I, I know that Neil was

talking to him for a little bit, I don't remember when, when he, he eventually, uh put the gun down by his feet, um, he would continue to making these statements of, I have a gun I will use it if I need to, um, I got on the radio, and said there's a man threatening um, that he will use his firearm against us, and I have him at gun point, um, I remember Lieutenant Joca got on the radio, said something along the lines of, he's direct of the event and he needs a person with a shield, and go to the scene, I remembered that I had the shield in my car, so I, I told someone that, that um, the shield was in my, my trunk so I need someone to bring it up to me if they can, um, I know whoever, whoever the guy was yelling at, they went a couple of houses down, they went inside, um, I remember um, I heard a scream, from one of the fam, I, I believe it was a family member, she screamed, just uh, just a scream, nothing was said, uh, soon after that, Rodney Barnes showed up, I, at some point, I, I don't remember if Rodney got my shield or not, but I, I remember my shield was brought up to me, but it's still in its, in its cover, and I just told the person, just uh, put the shield against the tree, um, I heard Rodney say that he was a, he was trained negotiator, so he will go and try to talk to him, he introduced himself at Rodney, I remember we told um, we

told Neil, to go ahead and talk to the other family members, couple of houses down, um since me and Rodney were already, already there anyway, um, the guy was very calm, I will say that, very calm the whole time, I had my gun on him for a long time, he, he was very calm and um, he, (pauses) I remember he said uh, he wanted me, he wasn't, he wasn't, he said he wasn't feeling comfortable around me, so he wanted me to get off his property, um, um, and then I know Rodney said that wasn't going to happen, he needed to stay, I needed to stay on this property, because of, the threat that he provided, he wanted to talk to Rodney alone, um, uh during this time he had his arms up on the um, man, on the door molding, uh on his front door, he had them raised vertical all the way up, and, and every once in a while he'll, he'll jerk down his right hand, down by his face really fast, and then um, he would go and scratch his nose and he'll tell me to calm down, um, and he was just trying to say that he was just scratching his nose, um he said it a couple of times, he asked, he asked Rodney to, if, if I would put my gun down on the ground, cause he wasn't feeling comfortable with me there, and Rodney told him, he's not going to put his gun down, and then he asked Rodney if, if I would at least lower it so he would feel a little more

comfortable, so I, I, Rodney asked me if, if I would just lower it just a little bit, which I did, that, that actually went um, that actually happened a couple of times, um, maybe 3 times at the most, I just lowered the gun for him, and every time he jerked his hand down, it was a fast movement, um I, I raised my gun back up and he, he looked at me every time, and he just says, that he looks young, he needs to calm down, I know, I know Rodney kept asking him to, step out of the house so he would, get, get away from the gun by his feet or what we thought was by his feet, um, so we could just talk to him outside, um have him sit down on the front step, we asked him a couple of times, and he said he wasn't going to do that, (pauses) um, this is going on for quite some time, it was just back and forth, and um, he, he started saying that he was thirsty and he wanted a drink, so Rodney said that if he comes outside we would see what we could do and get him a drink, he said he didn't want to go outside, he wanted to go back inside his house and he would go get a drink, and we were just trying to convince him not to do that, that we didn't want him to go inside the house, and then he said that, he would go inside and he wanted Rodney to come in with him, but I, I would have to stay outside, and Rodney said he wasn't going to do that either, and he, he kept his,

he kept his uh, hands up by the um, by the molding, the door molding and eventually he opened the screen door just slightly and he put his hands up on the screen door, um, he said, he kept saying he was thirsty, he wanted a drink, um, he said that we would be in trouble if he went, if he went inside and closed the door, um, he gave a reason for it, I don't remember why he said it, um, and then, I remember some guy yelling from behind us, um, like uh, John is the guy, John is the guy that um, the deceased guy now but, um he knew him, I think he was his friend, and the guy was yelling and, uh, pretty much for, for John just to um, come on out and just talk to us, um, and John says no, I got this, um, more talk about this, he's thirsty, and then he, he, quick motion he brought both his hands down really quick near his waist, and um, I pulled the trigger one time, and, hit him um, under his right rib cage, he, he grabbed his wound, he yelled fuck, and then closed the door, um, me and Rodney ran over to the um, to our left side, the house next to it, next to his house, um, I got on the radio, and said that uh, shot was fired and the man retreated back into his house, um, every once in a while we would hear movement from inside the house, um, I know Rodney was, was calling his name out, for him to come outside, um, I know we got a PA

announcement at one point for him to come outside, so an ambulance could take a look at him, um, he, there would be like uh, just short moments of just movements and then it would, it would stop and then eventually we couldn't hear anything else, and eventually I was called uh to be replaced, and go back to the command center, down the street. Anything else?

FARRELL: Um, when you, you said you arrive on scene, um, and aft, you're initially dispatched, correct, is that over the radio?

TORRES: Yes.

FARRELL: Ok, do you remember what you hear in that initial dispatch, I, I know you touched on it a little bit.

TORRES: Nuh uh.

FARRELL: Ok.

TORRES: I don't remember.

FARRELL: So when the you're dispatched, they call out your unit number.

TORRES: Yes.

FARRELL: Um, and there's.....

TORRES: No, they call out the unit numbers, and they say respond to, uh such and such address, for a uh domestic dispute, and, and whatever information is provided by the call taker.

FARRELL: Ok.

TORRES: That's what we know.

FARRELL: So you heard, um, you heard the radio transmission and I know you don't specifically re, recall, maybe word for word, but you recall listening to the radio transmission?

TORRES: Yes.

FARRELL: Ok, and did you um, was a message sent to your CAD?

TORRES: Yes.

FARRELL: And the CAD is uh.....

TORRES: It's a, it's a dispatch for our CAD and it just gives generalized information about what we're going to.

FARRELL: Um, did you read the CAD event?

TORRES: Yes.

FARRELL: Ok, so you hear the information as broadcast on the radio and then you read the information provided on the CAD.

TORRES: Yes, it's just the same information.

FARRELL: Ok, were there any updates that you recall as you were responding to the location?

TORRES: No.

FARRELL: Ok, and you and Neil respond at the same time?

TORRES: Yes we got there at the same time.

FARRELL: Ok, where did you park?

TORRES: Parked right in front of his house, um, uh, my, my car was facing his door, it was parked in the street.

FARRELL: Ok, where did Neil park?

TORRES: A little ahead of me, he parked in a parking spot.

FARRELL: So he came in before you? Just in terms of order?

TORRES: Yes.

FARRELL: But you arrived at the same time?

TORRES: Yes.

FARRELL: Ok, um, when you arrive, tell me what happens.

TORRES: I, I get out of my car and I see a guy who's yelling at some uh, I believe its three people, and uh, and he starts, he looks at us and, he starts uh, walking towards his house, and uh, I know Neil tried to get his attention, um, saying sir, sir, sir, please come back, we want to talk to you, and the guy just went inside his house and closed the screen door behind him.

FARRELL: And, the house he went into to, was that the same address you had been dispatched to?

TORRES: Yes.

FARRELL: Do you recall that address?

TORRES: Nnnn, not, the, not the um, not the numbers, Pebble Brook Court.

FARRELL: Ok, do you recall what the people, looked like that he was, that

this man was um, dealing with prior to your arrival?

TORRES: No.

FARRELL: Ok, do you know if they were men or women?

TORRES: I believe there were two females and a male.

FARRELL: Ok, do you remember how um, this, this person was dressed, this person that walked into that residence?

TORRES: Uh white shirt, um, light colored shorts.

FARRELL: Ok, so you arrive on scene, O'Neil's, or Neil's calling out to him.....

TORRES: Uh huh.

FARRELL: And the subject walks into the house?

TORRES: Yes.

FARRELL: Ok, um, when Neil is calling out to him, did the subject respond back to him?

TORRES: No.

FARRELL: Ok, how do you, so what do you and Neil do at that point?

TORRES: He uh, he just walked into the door, and then closed the screen door, then he made that statement of, he has a gun and will use it if he needs to because, because we have guns.

FARRELL: So he said uh, can, what did he say, as best you recall? What you just said to me now, is he said?

TORRES: Yes.

FARRELL: So he would have said, I have?

TORRES: I have a gun and I will use it if I need to because you guys have guns.

FARRELL: Where were you and Neil at this point?

TORRES: In front of his house.

FARRELL: Ok, are you on the sidewalk, are you into his yard?

TORRES: Um, I'm just walking up to his house.

FARRELL: Ok, and how do you respond to that?

TORRES: When he said it?

FARRELL: Yes.

TORRES: Um, (pauses) I remember I took it under consideration when he said it, it wasn't, it wasn't until he, he reached behind his back, um he pretty much did it right after his statement, um, then I drew my firearm, and went um, for cover around a tree.

FARRELL: Ok, so he makes a statement about the gun?

TORRES: Uh huh.

FARRELL: And then he reaches behind his back?

TORRES: Yes.

FARRELL: Can you, do you remember, can you describe how that happened?

TORRES: Yeah, he was standing right uh, right in front of the screen door

facing us, and reached around with his left hand, and he, uh pulled out the uh, his weapon that was in his holster, and he showed it to us, um, I took cover behind a tree, um, had my firearm drawn on him, and I don't, I don't remember what we did with the family or the people he was yelling with.

FARRELL: So he reaches back behind with his left hand?

TORRES: Yes.

FARRELL: And then he, produces a weapon, that's holstered?

TORRES: Yes.

FARRELL: Ok, and how does he, when you say he shows it to you, what do you mean by that?

TORRES: He puts it up by his shoulders and just, just showing it, he holds it there.

FARRELL: In his left hand?

TORRES: In his left hand.

FARRELL: Do you recall how he was gripping the weapon?

TORRES: No.

FARRELL: Ok, but he, he showing it to you, he's displaying it to you?

TORRES: Yes.

FARRELL: Ok, um, and then what does he do with it?

TORRES: Um, he eventually puts it, uh puts it down by his feet.

FARRELL: How long do you think he was holding it up?

TORRES: A few seconds.

FARRELL: But long enough for you to identify it.....

TORRES: Yes.

FARRELL: As a weapon in a holster?

TORRES: Yes.

FARRELL: Do you remember what color the holster was, or is there anything else you can describe about the weapon or the holster?

TORRES: I believe the holster was brown, I can't describe the weapon.

FARRELL: And, did he say anything when he is showing it to you?

TORRES: I don't remember.

FARRELL: Ok, and then, he places it down at his feet?

TORRES: Well what I believe is his feet yes.

FARRELL: Ok, um, describe how that happens from where he's standing up holding the weapon, and how does, what does he do?

TORRES: He, he leans over um, uh, puts it by his feet, and then he comes back up and doesn't have it in his hands.

FARRELL: Ok.

TORRES: I can't see where he put it.

FARRELL: Do you, is he leaning to his side, is he leaning, bending straight down, do you recall?

TORRES: No.

FARRELL: Ok.

TORRES: Um, I know that he just uh, I don't remember how he leaned over but he leaned over and just, put the gun down or I couldn't see a weapon when he came back up.

FARRELL: Ok, did you see him move other than leaning over, did he take a step in one direction or another, or, did he move out of the.....

TORRES: No he.....

FARRELL: Frame of the door?

TORRES: No, he just leaned over.

FARRELL: Ok, and as this occurs, you're moving towards the tree?

TORRES: When, when, when he reached behind his back, I was moving towards the tree and then, um, I had my firearm at him, even before he put the, before he leaned over, um, put the gun down.

FARRELL: Ok why, when you say as he is reaching behind his back you're pulling out your weapon?

TORRES: Yep.

FARRELL: And moving towards the tree.

TORRES: Yep.

FARRELL: Why is that?

TORRES: Uh, cover in case he does pull out a weapon.

FARRELL: Ok, so as he reaches behind…..

TORRES: Yep.

FARRELL: You perceive that…..

TORRES: That a threat is actually, that there is a threat, um, cause he, he already made a statement, he will use a gun and when he reached behind his back I perceived there was a threat so I, I looked for cover behind a tree.

FARRELL: Ok, is that the tree right in the front yard?

TORRES: Yes.

FARRELL: Alright, so you move behind the tree, and you pull out your weapon and point it at him, you know what Neil's doing at this point?

TORRES: No.

FARRELL: Do you look over at Neil or, or…..

TORRES: At, at one point I did look over at Neil, he was, he was just standing out in the open, with his uh, I think he had his gun out, by the side um, I know Neil started talking to him for a little bit, um, I don't remember what else.

FARRELL: Ok, at that point had anyone spoken with the complainant?

TORRES: No.

FARRELL: Ok.

TORRES: It happened, uh real quick, pretty much right when we arrived on scene and he just walked right into the house and, displayed the gun.

FARRELL: Alright um, do you maintain your cover or you're, you're at that point, at that tree throughout?

TORRES: Yes.

FARRELL: Ok, um, do you remember who's handling radio traffic at this point?

TORRES: I was.

FARRELL: And do you remember what you were advising?

TORRES: Yes.

FARRELL: Ok, tell me about that.

TORRES: I advised, there's a man, the subject or man or subject, he uh, he advised he will, he's, he's threatening the use of a weapon, um, and I have him at gunpoint, and he's standing in his doorway.

FARRELL: Ok, um, where's your radio positioned on your belt?

TORRES: The mic is on my left shoulder.

FARRELL: Ok, were you using that mic?

TORRES: Yes.

FARRELL: Ok, initially when you, draw your weapon and point it at him, how are you holding the weapon?

TORRES: Two hands.

FARRELL: Two hands, and then when you go to operate the radio…..

TORRES: I'd um, let go of my left hand, from my, my right and I still had uh, control of my weapon on him with my right hand, um, and to operate the radio I, I had to use my left hand to, to talk on it.

FARRELL: So you just bring your left hand up to your shoulder?

TORRES: Yeah.

FARRELL: Um, press the mic?

TORRES: Yes.

FARRELL: Speak into it?

TORRES: Yes.

FARRELL: You don't have to unclip it from…..

TORRES: No.

FARRELL: Your epaulette or anything like that?

TORRES: No.

FARRELL: So you advise over the radio and what responses do you receive?

TORRES: Um, um, Lieutenant Joca got on the radio um, said he was direct on it, um, and for a shield to go down to location, and I advised him that I had a shield in my car, I needed someone to bring it up to me if he wanted a shield out.

FARRELL: Ok, and then the next unit that arrives on scene, do you recall who

that is?

TORRES: No, I, I, I remember Rodney showing up but I don't remember if he was the next person on scene.

FARRELL: Ok, all your attention is focused.....

TORRES: Right.

FARRELL: On the townhouse, or you, I mean, the officers coming in would have been coming in from behind you correct?

TORRES: Yes.

FARRELL: Ok, um, are you always um, on the same side of the tree or after you initially approach and take up cover do you end up moving?

TORRES: No.

FARRELL: From one side to another.

TORRES: I was always on the same side, didn't move.

FARRELL: Ok, so from your initial approach towards the house, until you move towards the tree, uh that's the extent of.....

TORRES: Yes.

FARRELL: Your movement? And when you approach, do you uh, the house initially, do you walk straight up to it or are you coming from one side or the other?

TORRES: I walked straight up to it.

FARRELL: Ok, um, where does Rodney come up, or what, where's Rodney

end up being positioned?

TORRES: To my uh, left side, um, sort of a diagonal manner um, he is, he's sort of at my um, I hate to say like a 90 degree angle....

FARRELL: Ok.

TORRES: But uh, and if, if I'm facing the house, he's on my, he's on my left side.

FARRELL: Ok.

TORRES: But uh, it's just a slight angle.

FARRELL: Is he closer to the house than you are?

TORRES: Uh, he, closer to, uh the row of houses, yes.

FARRELL: Ok, but you're closer to the door.

TORRES: Yeah I, I had, I had a direct view of the door.

FARRELL: Ok, so, you're, he's closer to the house, the row of houses like you said.....

TORRES: Right.

FARRELL: Because he's a few.....

TORRES: Yeah he's.....

FARRELL: Because he's a 90 degree angle, he's a little bit in front of you but to your left, is he on the other side of the tree?

TORRES: Yes.

FARRELL: Ok, and where's Neil at this point, as best you know?

TORRES: Right side, right um, maybe 10 feet to my right.

FARRELL: Ok, does he have any cover or concealment?

TORRES: No.

FARRELL: How long after Rodney arrived do, does someone direct Neil to talk to the complainant, or how does that, how does that happen?

TORRES: I don't remember who made, um, who made, who wanted him to talk to him, I'm not sure if he said he would go talk to him or he asked if, Rodney to do it, but I know that Rodney um, um, I know that he eventually went over and talked to him.

FARRELL: Ok, did Neil update you all with what he finds out from the complainant?

TORRES: Oh man, I don't remember.

FARRELL: Does Neil ever come back and talk to you guys or is he on the radio or don't remember?

TORRES: I know there's a lot of radio traffic, um a lot of people talking, um, um he never came back to talk to us about, individually talk to us.

FARRELL: Do you remember any other radio updates, or information relating to the call, maybe not whose responding or, where people are going but, any other information other than what you had from your own observations?

TORRES: No.

FARRELL: Ok, um, what about prior to arriving there, did you check location of interest or were you aware of any uh, informa, any information about weapons or……

TORRES: No.

FARRELL: Once um, Rodney arrives on scene, do you talk to this person or give him any commands or uh, interact with him at all, is there any communication between you and him?

TORRES: No.

FARRELL: Other than what he's directing towards you?

TORRES: No.

FARRELL: Now he's making comments that you look young, or he's acting, asking you to lower your weapon…..

TORRES: Yeah.

FARRELL: Do you respond to him at all?

TORRES: No.

FARRELL: Ok, so um, at that point, you're covering, Rodney's handling contact, he's handling all communication?

TORRES: Yes.

FARRELL: Ok, are any other officers on scene at that point providing cover that you're aware of?

TORRES: Um, I know, I know Kushner showed up, I know Dave Parker

showed up, and they took some cover behind uh, a few cars in the parking lot.

FARRELL: How did you know that?

TORRES: I looked behind me really quick when I heard noises.

FARRELL: Ok, ok, um, so, backing up a little bit, the subject reaches behind his back with his left hand, pulls out a holstered weapon, shows it to you, places it on the, on the floor um, or somewhere near him on the ground, where does, where does his hands go from there?

TORRES: Top of the door ledge, or the molding of the door.

FARRELL: Does he place them there or is that um, at direction from you all?

TORRES: He placed them there.

FARRELL: Does he say anything about that?

TORRES: No.

FARRELL: Ok, so he places his hands at the door um, and then is there any movement of his hands prior to let's say Rodney's arrival?

TORRES: I don't remember.

FARRELL: Ok, when do you, you said earlier that at some point he begins to make, you know taking, moving his hands to his face.....

TORRES: Yeah.

FARRELL: What do you remember about that?

TORRES: He, he would jerk his hand down, um, he did it a couple of times

with his right hand, he jerked it down really quick.

FARRELL: So he jerks his hand down from the door frame to his face?

TORRES: Uh huh, to his face, like um, like parallel, like a 90 degree angle with his hands, with his shoulders, and um, he like he would jerk it down, and then he'll look at me and tell me to calm down, he would say, I'm just going to scratch my nose and he just scratches his nose and puts his um, hand back in there, on the uh, uh, the um, the, the door, um, frame.

FARRELL: Would he jerk his hand, and then tell you, scratch his nose, or jerk his hand, scratch his nose and then tell you or.....

TORRES: No he'll jerk his hand, tell me he's going to scratch his nose.

FARRELL: And then scratch it?

TORRES: And then scratch it.

FARRELL: So the hand would kind of come straight down, then he tells you then it comes over the face?

TORRES: Yes.

FARRELL: Ok.

TORRES: He like jerks it really fast.

FARRELL: Oh.

TORRES: And then um, and then he'll look at me when he's doing it.

FARRELL: Ok, what, what was your perception of, of that?

TORRES: Wasn't sure why he was doing it.

FARRELL: How that, how did that make you feel?

TORRES: Uncomfortable.

FARRELL: And why were you uncomfortable?

TORRES: I didn't know if he had another weapon on him, or and why didn't he just tell me first that he wanted to scratch his nose, you know, uh, he doesn't have to make a fast movement.

FARRELL: And how many times did he do that?

TORRES: At least three times.

FARRELL: Ok, and there comes a time where he opens the door?

TORRES: Yeah he, he partially opens the screen door.

FARRELL: If, his hands are up here, how does, how does he open the door, do you recall?

TORRES: No.

FARRELL: Do you recall if he said hey I'm going to open the door and he reached down or.....

TORRES: Yeah he said he wanted to open the screen door.

FARRELL: Ok.

TORRES: And then I don't remember how he opened it, but then he put his hands back up on the door, on the, on the um, screen door, top of the screen door.

FARRELL: Ok, so there was nothing significant about how he opened the door that.....

TORRES: No.

FARRELL: Kind of drew your attention to him, whereas where he's scratching his nose it's a little bit more, noticeable because of.....

TORRES: He's jerking his hand down.

FARRELL: Ok, so at some point, the door is open and then, where are his hands then?

TORRES: He puts them back on the top of the screen door.

FARRELL: Ok, are then like over them, like you can see the fingers in front of it or you can't tell?

TORRES: I can't tell.

FARRELL: Is he, ok, so his hands are on top of the screen door?

TORRES: Top of the screen door.

FARRELL: Alright, are there any other movements that he makes with his body or his, hands that you recall prior to you, um, I mean, I know at the time you pull the trigger, you say his hands are coming down, but prior to that, were there any other movements that you recall?

TORRES: Um, he, he said, one other time he said he wanted to scratch his nose, and then um, and then he did scratch his nose, but that time

he lowered his hand really slowly.

FARRELL: Ok, from the time you arrive on scene, um, until the time that you shoot him, do you remember how long that was or how long that felt?

TORRES: Uh, a long time, um, I don't know, I don't know how much, how long it took, um, what I can tell you, is later, I heard 40 minutes.....

FARRELL: Ok.

TORRES: Um, that might be about right.

FARRELL: That that's seems, consistent with your recollection?

TORRES: That seems, that seems, yeah.

FARRELL: Alright, um, so, when you, when you fire the shot, his hands are, are they over the door or is his door open at that point?

TORRES: The screen door was slightly open.

FARRELL: Ok, and describe what happens.

TORRES: He brought both his hands down in a quick motion towards his waist, and I fired a shot right through the screen door and hit him.

FARRELL: From where his hands are um, how high up are his hands, they're up on the top of the door?

TORRES: Yes.

FARRELL: Do you recall how far they come down?

TORRES: Near his waist.

FARRELL: And, ok, um, and you said in a quick motion.....

TORRES: Really quick.

FARRELL: Um, was it quicker than when he goes to touch his nose or....

TORRES: It's the same, the same speed, really quick.

FARRELL: Ok, um, his hands are kind of, sort of up like this, correct, like in 90 degrees?

TORRES: They're all the way up like this.

FARRELL: Ok, so it's straight up.

TORRES: All the way straight up and he brings him down in a really quick motion like this.

FARRELL: Ok, did they get all the way down to the waist do you recall or did they, do you recall how far they came down?

TORRES: I don't think they made it all the way down to the waist.

FARRELL: Ok.

TORRES: But he got, pretty close, um, at least, at least past his rib cage.

FARRELL: Ok, did he tell you he was going to move his hands?

TORRES: No.

FARRELL: Ok, and, why did you shoot him?

TORRES: I didn't know if he had a, another weapon on him, um, I thought there was just a, you know, through talking with him and, his previous statement is him having a gun and, just thought that was

uh, a credible threat towards myself and Rodney and, whoever else was out there, um, just all his movements.

FARRELL: Ok um, prior to him, prior to him making that movement, and you firing that shot had he been compliant?

TORRES: He um.....

FARRELL: Let me ask you this, was um, what was Rodney asking him to do?

TORRES: To come outside so we could talk to him.

FARRELL: Ok, did he come outside?

TORRES: No.

FARRELL: Did he, um, did he, did he make any demands of you all or make any request?

TORRES: Other than me to leave his property and to have Rodney come inside so he could talk to him alone.

FARRELL: So Rodney asked him to come outside but he won't come outside?

TORRES: And then he one time asked me to put my gun down on the ground.

FARRELL: Ok, and then he stated you're making him nervous....

TORRES: Right.

FARRELL: And Rod, Rodney directs you to lower your weapon?

TORRES: Yeah.....

FARRELL: And.....explain...

TORRES: By, by, he, the, the guy said he wanted me to put my gun down, he wanted me to put my gun down on the ground, Rodney said no, he wasn't going to do that, he wanted me to at least lower my weapon, um, so it's not directed at him, um, he said that he could see the bullet from, from inside my chamber.

FARRELL: Ok.

TORRES: Um.

FARRELL: How far did you lower your weapon?

TORRES: Uh, down to his legs.

FARRELL: Ok, and, and like a ready gun position?

TORRES: Just a ready gun position.

FARRELL: Ok, and that's just lower, where you're not trained on the target but you're sort of assessing for threats, like that kind of....

TORRES: Correct.

FARRELL: Alright, when um, when you, lowered your gun, um, did the subject then comply with, and come outside or.....

TORRES: No, he never came outside.

FARRELL: Ok, so he wasn't compliant with what Rodney was asking him....

TORRES: Right.

FARRELL: To come outside, did he make any other request or did, did you or

Rodney make any other concessions to try to get him to agree to come outside?

TORRES: I don't know, I don't, I don't remember, I don't remember everything Rodney told him.

FARRELL: Ok, was there any discussion about him being arrested or, handcuffed?

TORRES: Um, no I don't think so.

FARRELL: Alright.

TORRES: He said he was getting nervous, because I was um, because every time he jerked his hand down to go scratch his nose supposedly, he um, I raised my gun back up on his chest.

FARRELL: You said he was calm?

TORRES: Very calm.

FARRELL: Ok, how was his tone?

TORRES: Regular talking, just like this.

FARRELL: After the initial threats he made, did he make any other threats after Rodney came?

TORRES: I don't remember.

FARRELL: You said you were initially uh, dispatched to a domestic dispute?

TORRES: Yes.

FARRELL: Ok um, what would your expectations be based on your training,

experience on how you would handle a domestic dispute?

TORRES: My expectations?

FARRELL: What do you think the expectations would be of you on how you would handle or investigate or resolve a domestic dispute, what, what's your duty?

TORRES: To make sure no violence is taken place, uh, it, give them any type of help or counseling they may need at the time, um, we try to, we try to offer um, a cooling off period, if, if there's no crime, or a cooling off period for the parties just to separate, um, at least for a few hours um, most of the time it does happen, someone just leaves the house for a few hours and comes back later and you know just, cooler heads.

FARRELL: Uh huh.

TORRES: Um, some, there have been a few cases that no one wants to leave the house, and we just, we can't force them to leave the house, so we just, we just ask them just to, try to stay in separate rooms for a little bit, um, most of the time that works.

FARRELL: As you arrived there, um, how would you all have handled it had he not gone inside?

TORRES: Just talk to everybody outside.

FARRELL: Ok.

TORRES: Um, um, me or Neil talk to, talk to the guy and uh, the other, talk to the family and see what's going on.

FARRELL: Ok, and is it common to be dispatched to a domestic dispute and find out it's a domestic violence?

TORRES: It, it, it's happened before yes.

FARRELL: Or you're dispatched to a domestic violence and it turns out to be domestic dispute?

TORRES: Yes.

FARRELL: Ok, um, so when you arrive on scene, um, you witness, what is it that's going on there between him and them?

TORRES: Um, it looks like they're having an argument.....

FARRELL: Ok.

TORRES: Outside, um, again I saw some furniture outside.

FARRELL: And that was consistent with the information you had received in the dispatch?

TORRES: Yes.

FARRELL: Ok, and, what was your concern with him going inside the house?

TORRES: Possibility of weapons inside the house, um, we, you know, every once in a while we get training on uh, people who, ambush situations or just, um, people coming back out with weapons, uh sometimes, a person who is in a uh, a very emotional state may,

may want to start claiming suicide later, um, I guess there could be any number of reasons, so.

FARRELL: Ok, so when you arrive on scene, and you see him outside, you just want to deal with him outside?

TORRES: Just want to deal with him outside, unless, unless he's, if he, if he stayed and talked to us, if he wanted to, if he wanted to go back inside and talk to us there, uh, then we would go and talk to him outside but we would, each officer would at least be able to see each other no matter what.

FARRELL: What would you base that decision on?

TORRES: Just separating, uh both parties, um, um, just separating both parties so no one could just hear each other, to at least talk to them individually.

FARRELL: Ok.

TORRES: Um, if we have both of them inside or both of them outside, a lot of times uh, they would just yell at each other and once they see each other, just keep the argument going.

FARRELL: Ok.

TORRES: Um.

FARRELL: So sometimes you separate to further the investigation?

TORRES: Right.

FARRELL: But that would be after a point where things are stable?

TORRES: Right.

FARRELL: So you would want the people involved to be compliant at the point you either move in or out?

TORRES: Right.

FARRELL: So your concern of possibilities of weapons in the house and, he's going in there and, kind of disregarding the direction of you, because you all....

TORRES: Yeah.

FARRELL: Directed him to stay outside?

TORRES: Well....

FARRELL: Or is O'Neil trying to talk to him?

TORRES: I think.....

FARRELL: Or Neil's trying to talk to him.

TORRES: I think Neil said that he wants to talk, talk to him, for him to stop and come and talk to us, he just kept walking.

FARRELL: Ok.

TORRES: Can I take a break?

FARRELL: Sure.

CARROLL: You need to go to the restroom?

TORRES: Yeah that too.

FARRELL: Uh, break in the recording at 1809 hours.

****

This statement has been typed as recorded/(bkw)/ (September 5, 2013)

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER ADAM DANIEL TORRES PART II
September 2, 2013

It's September 2nd, 2013 at 1709 hours at the Massey Building, 9th Floor, an interview with Officer Adam Torres, regarding an Officer Involved Shooting that occurred on August 29th, present is Counsel John Carroll, Detective John Farrell and Detective Chris Flanagan.

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FARRELL: It's uh, 1814 hours, um, continuing the interview with, Adam Torres, present is John Carroll, Chris Flanagan, and John Farrell. Do you remember um, dispatch splitting channels or patching channels or anything like that?

TORRES: No.

FARRELL: Did you have to switch your radio to another channel?

TORRES: No.

FARRELL: Ok, you said you were aware that some officers were behind you, you heard noise, checked back….

TORRES: Yeah.

FARRELL: And you knew Kushner and Parker were there?

TORRES: Yeah.

FARRELL: Do you know how they were armed?

TORRES: Kushner had his shotgun out, and I don't, I don't remember how Parker was, it was either a rifle or a shotgun.

FARRELL: What about uh, were there other civilians out and about?

TORRES: I don't remember, I don't think so, I know the, um, well, what I can tell you is I, I don't remember when, one of the neighbors came out from one of adjoining row of townhouses and wondered what was going on.

FARRELL: Was the neighbor trying to talk to you?

TORRES: No.

FARRELL: Ok.

TORRES: They, they were down the street.

FARRELL: What about other people yelling, or trying to talk to uh, the decedent?

TORRES: It's only that one guy, um, right before the shooting.

FARRELL: Um, so you're out there for this, from when you mark out, essentially from when you mark out there, um, there's almost this immediate altercation, and you draw your weapon, and from then until the time of the shooting, are you, in the same position?

TORRES: Yes.

FARRELL: With your gun drawn?

TORRES: Yes.

FARRELL: Um, with um, you know either between ready gun or gun on him the whole time?

TORRES: Yes.

FARRELL: Ok, that's got to be pretty, fatiguing?

TORRES: Yes.

FARRELL: Ok, and it was pretty hot out?

TORRES: Uh, just warm.

FARRELL: Warm, during that, I mean, did you get to drink water, did anybody bring you supplies, or is it, you're just up there on your own?

TORRES: Just up there by my own.

FARRELL: Ok, and someone brings the shield up to you, but you choose not to use that?

TORRES: Right.

FARRELL: Um, what, what entered your decision at that point?

TORRES: Um, it still had its cover on, on the shield, and I would, if I take the cover off, I would need to take my eyesight off the, uh, off that, off of John.

FARRELL: Ok.

TORRES: Um, for at least a few seconds to get the shield ready.

FARRELL: So you were concerned that even uh, the break in time it would take to uncover the shield, you weren't willing to take your eyes off because of the situation?

TORRES: Yes.

FARRELL: Alright, what about um, your Taser, you, why did you make a decision not to deploy your Taser?

TORRES: You don't take a Taser to a possible gun fight.

FARRELL: Ok, so once the subject showed you the weapon, you felt that it would be inappropriate, or it wouldn't be tac, tactically sound to use the Taser?

TORRES: Correct.

FARRELL: Ok.

TORRES: Plus he was behind a screen door.

FARRELL: Ok, um, describe the door to me, like how well were you able to see him?

TORRES: Hell, I, I can clearly see him, um, I had, it, it was just a screen door, and it had uh, I believe it had a um, a horizontal bar by his uh, either upper thigh or waist level, and that's where, it was just just a, a small bar.

FARRELL: Ok.

TORRES: Everything else was fine.

FARRELL: So its screen and then there's a bar and then what's beneath the bar?

TORRES: Another screen I believe or, a glass, I don't know.

FARRELL: So just screen or glass?

TORRES: Yeah.

FARRELL: However you're able to essentially see his whole body with the exception of where the horizontal, horizontal bar is?

TORRES: Correct.

FARRELL: Alright, and you said he was wearing shorts?

TORRES: Yeah.

FARRELL: Ok, and then a shirt?

TORRES: Yes.

FARRELL: How did the shirt fit on him, do you recall?

TORRES: No, how it fit whether? Or was it……

FARRELL: Was it tight, super tight, was it a tank top, was it…..

TORRES: Oh it was just uh, it wasn't a tank top, it was just a shirt, I don't remember if it had collar or not.

FARRELL: Ok, do you recall if it was tucked in or not?

TORRES: No.

FARRELL: Do you recall any statements you made afterwards to the other officers? That were on scene?

TORRES: Right after I shot him?

FARRELL: Yes.

TORRES: Yeah.

FARRELL: Do you remember what you said?

TORRES: Yes.

FARRELL: What did you say?

TORRES: I said I can't believe I just shot him, or things like, uh, shit I just shot the guy, and that's when, it was just to Rodney, I know Rodney was there, we, we went to the side of the house.

FARRELL: Ok, do you remember why you said that?

TORRES: Um, I remember, cause when, when I, when I shot him I um, I saw Rodney's face, I don't know why I looked at him really quick, I saw Rodney's face and Rodney was just in shock, and then he just, he had a shocked look on his face and he was just, like who just shot him.

FARRELL: So it's kind of in response to, just the way Rodney was looking at that point?

TORRES: And, or then the um, he asked, he asked who shot him, I, I told him I did.

FARRELL: Ok.

TORRES: And I went to the side of the house, its more, it's more like the um, oh shit, I just shot this guy.

FARRELL: So, you're just kind of surprised because of how things evolved, or?

TORRES: Or I never shot anybody before so, um, uh, and I, I meant, I

meant to pull, I meant to pull that trigger, um, it just kind of, you know, just, a reaction of mine.

FARRELL: Ok, you remember if you said anything else?

TORRES: Um, uh, just, just telling Rodney I said that, I hope the guy comes out.

FARRELL: So when you're saying, I can't believe I just shot him, it's just because you haven't shot someone before?

TORRES: It, it, it might have been, I just.....

FARRELL: I guess, I guess my point just to cut to the chase is, I want to make sure that this, it's not an accidental sort of thing?

TORRES: It's not accidental.

FARRELL: Ok, it just, I know you're out there for a long time, for, 40 minutes, um, and so just, you made a decision to pull the trigger based on?

TORRES: His actions.

FARRELL: Ok, how long after you shoot him, um, and you know I hate the how longs.....

TORRES: (laughs)

FARRELL: Um, you moved to the side of the house, correct?

TORRES: Yep.

FARRELL: And then from there, um, at some point are you moved away

from the scene and other people take your position?

TORRES: Yeah.

FARRELL: Ok, is that pretty quick or are you out there for a while?

TORRES: It was a while.

FARRELL: Ok.

TORRES: At least a few minutes.

FARRELL: Ok.

TORRES: Seemed like a long time, probably wasn't.

FARRELL: And then um, they take you back to the command post, and then transport you to the station?

TORRES: Yeah, but it, I was at the Command Post for, um, a little bit of time.

FARRELL: Did anybody talk to you there?

TORRES: Yeah.

FARRELL: Did anybody ask you questions about what happened?

TORRES: Uh, I know a detective came up to me and uh, wanted to know what charges there were so they could get uh, a TAC Team to go inside the house.....

FARRELL: Ok.

TORRES: That or check on the, I guess the welfare of.....

FARRELL: Alright, other than that did anybody ask you any specifics or

anything like that?

TORRES: No.

FARRELL: And then who transported you to the station?

TORRES: Uh Peer Support.

FARRELL: Do you remember who?

TORRES: Don Amos.

FARRELL: Ok, and you fired one round?

TORRES: One round.

FLANAGAN: When the detective asked you about the charges, what did you tell him?

TORRES: It, it, it, it struck me as uh, um, I, I, I told him what the guy did, I, I said, the only thing I can tell you is, the guy mentioned the use of a firearm, he, he showed it to us, um, and um, I don't remember what else I said to him, but um, he said ok we'll go with disorderly.

FLANAGAN: Alright, so you didn't give them a specific charge, you just explained what you had.....

TORRES: Right.

FLANAGAN: Heard.

TORRES: I think it just kind of struck me as a, somewhat of a shock more than anything else, I said I just shot the guy I don't know what

other charges you need to go into house but, I guess, it was just, I don't know.....

FLANAGAN: Right.

TORRES: Weird thinking.

FLANAGAN: Uh, maybe a couple of things, just so I'm clear like on the layout, there was dark by the time I got down there but is, if you're on the sidewalk in front of the cars and you're facing the townhouses.....

TORRES: Uh huh

FLANAGAN: Alright does that make sense?

TORRES: Yes.

FLANAGAN: Not, not the sidewalk that comes from the houses to the sidewalk but to that one that is parallel to them.

TORRES: Wait a minute, I'm sorry, say again.

FLANAGAN: Alright, I probably made that more confusing than that had to be.

TORRES: (laughs) do you, do you want to draw it?

FLANAGAN: I, uh no....

TORRES: We can.....

FLANAGAN: That's ok.....

TORRES: I can definitely draw.

FLANAGAN: If, if, if I'm, if I pull straight down the hill, and I pull into the

parking spot, and I get out of my car and I'm looking at the front of the townhouses, ok, they, if, if we're talking about this guy's door, where is the tree in relation to the door? As we're facing the townhouse, left or right?

TORRES: Left.

FLANAGAN: Ok, um, is it the only tree right in that little lawn area.....

TORRES: From what I remember, yes.

FLANAGAN: Ok, now with relation to that tree, where are you standing as best as you can recall?

TORRES: To the right of the tree.

FLANAGAN: To the right of the tree as you face it, right?

TORRES: Uh huh.

FLANAGAN: Um, now are you, you mentioned I think that you're using the tree for cover?

TORRES: Yep.

FLANAGAN: How, how are you positioning yourself with the tree?

TORRES: There was a (laughs) a um, a branch right at my head level, so I had to step to the right of the tree a little bit, just to see him um, um, I, I guess if I got on my knees I, I could have been, um, right behind the tree and took cover from there, uh, I didn't quite think of it that way, at that time but, I just stepped to the right of the

tree just a little bit.

FLANAGAN: Ok so you…..

TORRES: The tree was within arm's reach though, I can tell you that.

FLANAGAN: Ok, it's within forward of you within arm's reach?

TORRES: Yeah, within arms reach.

FLANAGAN: Alright and um, so I think what you're describing is that the branch that comes out then, to the right, is obstructing your view of the door?

TORRES: Yeah, it's right in my face. (laughs)

FLANAGAN: Are, are you, so which way to do you lean out to see?

TORRES: To the right side.

FLANAGAN: You lean out to your right?

TORRES: Yeah.

FLANAGAN: So are you now, um, exposing yourself to this guy?

TORRES: Yeah.

FLANAGAN: Alright, and when you lean out, to see, do you lean out or do you step out?

TORRES: Step out.

FLANAGAN: Ok, when, when you're in that position, what can you see of the front of the door?

TORRES: I could see his, his whole body, from the screen door, I see the

screen door, I see his whole body, he's facing outside, um, and then there's no oth, there's nothing else in between, me and him.

FLANAGAN: Ok.

TORRES: Except the screen door.

FLANAGAN: Now thinking if, I guess like in your mind's eye, as you're looking in, besides him, is there anything else that you can see, in the door?

TORRES: No, no, I don't remember, just him.

FLANAGAN: Um, do you remember which way the doors open, did you ever observe that?

TORRES: Um, I don't remember.

FLANAGAN: If, if you don't it's ok……

TORRES: Yeah.

FLANAGAN: Um, and I'm asking you just to kind of I guess give you a bearing too, so my, I don't want to confuse you with the questions, I, I'd rather just get your, what you truly observed, um, but if, if, if we're talking about looking into the door, right, and then looking to the right, as you see it to the right, can you see essentially I guess past him, to the right, can you see what's on the right hand side, as you go in?

TORRES: No.

FLANAGAN: And I, and I don't mean like, just him, I mean anything, a, a couch or a TV or a door, my, my point is, can you see anything in the house to the right?

TORRES: Yeah.

FLANAGAN: What can you see?

TORRES: I keep thinking there's a stairwell, and, I might be wrong but…

FLANAGAN: What makes you think that?

TORRES: Uh, I, I don't know.

FLANAGAN: Ok.

TORRES: Uh, just, just thinking back, right now, there's just something that, I don't know.

FLANAGAN: Ok, and that would be as you look at it, it would be off to the right, so it would be to his left?

TORRES: It would be to his left.

FLANAGAN: Ok, now, and then, I guess the opposite of that, can you see anything to your left or his right inside?

TORRES: Uh no.

FLANAGAN: Do you ever see the um, for lack of a better term, the main door, not the screen but the main door?

TORRES: Only when he closed it.

FLANAGAN: Ok, and that's, that's after the shooting?

TORRES: Yeah.

FLANAGAN: Ok, you could never see it, in, in, from your perspective, you could never see it before?

TORRES: No.

FLANAGAN: Um, when you guys first arrive on scene, is the, is the main door opened or closed, if you remember?

TORRES: Main door was open.

FLANAGAN: Ok, now, when, getting back to where he um, shows you the weapon, and sets it down, would that have been towards his left or towards his right?

TORRES: His left.

FLANAGAN: And is that the area that you see or that, you have reason to believe that you observed a staircase or a stairwell?

TORRES: Yeah.

FLANAGAN: Ok.

TORRES: Right now I'm thinking, I think it is a stairwell, I don't know what it was, I know it wasn't, it wasn't a uh, living object (laughs) um.....

FLANAGAN: Right.

TORRES: Um.

FLANAGAN: Yeah, I think between your recollection of it being a long time, I think we've talked about, the CAD or something eluding to it

being 40 minutes, um, does the lighting change out there during that time, do you have any specific recollection of it being difficult to see in there or not difficult or is it changing over time?

TORRES: No, it stayed the same.

FLANAGAN: Ok, and then considering your position at that tree, from where you are, let me ask you this beforehand, do you remember anything else at the um, specific like at the base of the tree?

TORRES: No, just a shield, just resting against the tree.

FLANAGAN: Um, was there anything that affected your, your footing like around the tree that made you adjust besides the shield?

TORRES: No.

FLANAGAN: Ok, and now with regards to Officer Barnes, he, he's to your left I think you described earlier?

TORRES: Um, yeah its, its, uh like a diagonal, towards the next townhouse, um.

FLANAGAN: Is he using anything for cover?

TORRES: No.

FLANAGAN: How, I know, I know distances are, are difficult but, is he within arm's reach of the tree?

TORRES: No.

FLANAGAN: He's, he's beyond arms reach?

TORRES: He's beyond, he's, how, how it looked at the beginning, before we asked Neil, to move, it looked like, uh, an "L", or our, or on the point of the "L" so, I'll draw it, on the (drawing) point of the "L", here's the tree, here's where I am, this is where Rodney is, this is where Neil was and this is the row of townhouses right here.

FLANAGAN: Alright.

TORRES: Um, we eventually asked Neil to go uh, over to the next row, couple of townhouses over here where the family started going and Rodney stayed over here, you can see that.

FLANAGAN: Yeah, I, I understand what you're saying, is he that close to the houses?

TORRES: He's probably around here, technically, um, he's, he's probably right around here, he....

FLANAGAN: What kind of, I'm sorry, I didn't mean to interrupt you.

TORRES: Well, he got at least a, I mean he at least talked to the guy so I would think he would be able to see him, um, from at least some point of angle.

FLANAGAN: Ok.

TORRES: Um.

FLANAGAN: Who has, a better point of observation of the, of the front door,

including um, this guy, you or Rodney?

TORRES: That would be me probably, I'm looking directly at him.

FLANAGAN: What.

TORRES: But I don't know what Rodney's perspective of, of him was.

FLANAGAN: Right, I understand.

TORRES: I mean.

FLANAGAN: Is there anything that you're aware of that is in front of Rodney, like you mentioned you had a branch in front of you, is there anything that's in front of him that he either mentions or that you're aware of that's an obstruction to him?

TORRES: No, no, I don't think there's anything in front of him.

FLANAGAN: Ok.

TORRES: Well, the branch wasn't in my way, I just stepped away from the tree to, you know, to um, you know, so I, I could at least see the guy and see what he does, um, I don't want you to think that the branch is in my way and obstructing anything, it just, I mean I stepped away from it, just so it wouldn't be in my way.

FLANAGAN: And just to be clear, at, at the time that you pulled the trigger, you're not saying the branch is obstructing your line of sight?

TORRES: It was not.

FLANAGAN: (inaudible) and I, and I think I had this written down but I think

you came back later and addressed this, when um, you described him making the uh, the jerking motions with his hands, the, the jerking motion, is that, is the jerking part the downward part or is it the part towards his face to actually scratch his nose?

TORRES: Downward part.

FLANAGAN: Ok, so he's jerking down like this?

TORRES: Yeah.

FLANAGAN: And then, the process of that, and I think you, I think eventually you said it happened different ways but, at some points he was jerking his hands down without asking to scratch his nose or without tell you he's scratching his nose?

TORRES: He, he's jerking his hands down before, to scratch his nose and then, one time he said that he needed to scratch his nose and then he, he brought his hand down slowly.

FLANAGAN: What, what was your take on with him, did he seem to be intentionally jerking his hands down, I think you had mentioned that after he would do that he would look at you.....

TORRES: He just looks at me and tells me to calm down.

FLANAGAN: What were you doing, that a person would think you weren't calm?

TORRES: Uh, when I had my gun at the, uh, ready gun and then he'd br,

you know he doesn't tell anybody anything he just jerks his hand down, I bring my, my gun back up on him.

FLANAGAN: Ok, and, that, those were your only actions that you're aware of that.....

TORRES: Right.

FLANAGAN: And that those comments, at least in your mind that he's making it, is a result of you um, getting back on aim on him?

TORRES: Right.

FLANAGAN: And, and I think Detective Farrell asked you, did you respond to him verbally in any way to that?

TORRES: No, I never talked to him at all.

FLANAGAN: Did um, did Officer Barnes ever give him any commands to, to not jerk his hands or to not make quick movements?

TORRES: He said um, when he told me to calm down, he said, well when you bring your hands down like that, that's, that's, you know Officer Torres is gonna bring his gun back up.

FLANAGAN: That, that's what Officer Barnes said?

TORRES: Something along those lines yeah.

FLANAGAN: Ok, do you know how many times that was said if more than once?

TORRES: Ah man, uh, once that I recall.

FLANAGAN: Ok.

TORRES: I don't remember if it was said again.

FLANAGAN: Do, do you recall, um, anything else that the deceased had said, not necessarily to you but as you guys are, um, and I guess I'll say when you're, when you've got him at gun point at the door, any other things that he would have said?

TORRES: Just to us?

FLANAGAN: Yes.

TORRES: About what he was doing?

FLANAGAN: Yeah.

TORRES: Or.....

FLANAGAN: Anything.....

TORRES: Just.....

FLANAGAN: Any other statements that, that you recall that he made.

TORRES: His nose was itchy and um, um, started claiming he was thirsty later, um, I don't remember anything else, or anything else he directed towards us.

FLANAGAN: Ok, um, did he ever make any statement about um, the consequences of it, of his actions, like if he knew he did this, this would happen or, anything along those lines?

TORRES: No.

FLANAGAN: And you talked to Detective Farrell about um, comments that you made with Officer Barnes after, what, did, did Officer Barnes say anything to you about the shooting?

TORRES: Um, he said, don't worry, you're good, um, um, he said something else I don't know remember what it was.

FLANAGAN: Ok, and, how close in proximity to the shooting is this, in time I mean?

TORRES: Oh right after um, I shot him and I got on the radio and said there's a shot fired and we both um, took uh, went right next to, to the townhouse right next to him, next to the guy.

FLANAGAN: Ok, why'd you do that?

TORRES: (sighs) uh just seemed like something that I needed to do, um, I, just to get away from the front door, um.

FLANAGAN: Why did you think you needed to get away from the front door?

TORRES: I, I don't know, it, it just something that came to mind just, just to move, um.

FLANAGAN: Was, was that a tactical decision?

TORRES: I just, I just moved in my event, I don't know.

FLANAGAN: Ok.

TORRES: I just moved behind him, moved behind Rodney.

FLANAGAN: Ok, and.....

TORRES: Because Rodney moved also, so, um, I, I just moved right, right, right where he was.

FLANAGAN: Did you have any further concerns at that point for, for your safety or, for the other officers that were out there for their safety?

TORRES: Um, I was, I was worried that he, he was going to come back out with a gun, and start shooting, um, that, we were both worried about that, me and Rodney were.

FLANAGAN: How do you know Rodney was worried about that?

TORRES: Because we talked about it.

FLANAGAN: Ok, do you remember what he said?

TORRES: No, I, I know, it was just, it was just mentioned, just hopefully he doesn't come out with a gun.

FLANAGAN: Ok.

TORRES: Um, um, we, were, I know Rodney kept calling his name, um, yes, just yelling at, just have him, just step outside or, we were just looking for any type of response from him, um.....

FLANAGAN: And I think at one point you said that um, you said we got to go and get him, what do you mean by that?

TORRES: I, I um, you know I, I was just hoping that he was ok, um, um, he, I just uh, my concern was he was going to bleed out to death,

um, knowing that, I, I didn't want the guy to die um, I, I wanted to get him some sort of medical attention, um, that's why.

FLANAGAN: Ok, was there, and, and I'm just referring to you and Rodney now in that, situation right there, was there a way for you and Rodney to safely enter that house to, to render aid to him?

TORRES: No, because if we opened that door, who knows what, what he was waiting for um, we heard movement inside the house but we don't know what he was doing.

FLANAGAN: What, how would you describe the movements?

TORRES: It's like a small thumping, um, it, it, it'd be like a thumping noise for a second or two and it would stop, and then it um, started up again, uh maybe 20 or 30 seconds later.

FLANAGAN: And how long do you think that went on for?

TORRES: Couple of cycles.

FLANAGAN: Ok.

TORRES: Maybe three cycles.

FLANAGAN: And I, and I think you mentioned that Officer Barnes is trying to communicate with him?

TORRES: Yeah, he was calling out his name.

FLANAGAN: Was there ever any verbal response from inside the house?

TORRES: No.

FLANAGAN: Would, would a person, a reasonable person be able to hear what Rodney was saying from inside the house with the door closed?

TORRES: Uh, Rodney was yelling it, I mean I, um, I, I don't, I don't know what the insulations like from, from the door so I....

FLANAGAN: But typic, but you think Rodney was yelling it in such a way that a person behind the door would have heard him?

TORRES: Yeah.

FLANAGAN: Ok, and, and I think Detective Farrell touched on this too, you mentioned that you had a two hand grip on the weapon, and um, I may have missed this, are you right handed or left handed?

TORRES: I'm right handed.

FLANAGAN: You're right handed, and the only time you took your hand off the wea, your left hand off the weapon was to communicate on the radio?

TORRES: Yeah.

FLANAGAN: At the time that you discharged the round, how many hands did you have on your weapon?

TORRES: Two.

FLANAGAN: You had two hands, um, and how would you describe your shooting position?

TORRES: My shooting position?

FLANAGAN: Are you out off the tree, like you were telling me you were standing before?

TORRES: Yeah.

FLANAGAN: Ok and, and I think you clarified this with Detective Farrell so I don't need to go into that again about what you actually observed at that time but, you're, he was still in that, you described the movements that he made, but where was he standing within the door when you saw those movements?

TORRES: Right in front of the door, right, right in front of the screen door, and he had his, he had his uh hands up on the, on the screen door, and then he just, brought both his hands down really quick.

FLANAGAN: How would you describe his body position as far as, straight, um, straight…

TORRES: He's looking straight at me…..

FLANAGAN: As far as left or right, so he's not, he's looking straight at you?

TORRES: Right at me.

FLANAGAN: So is he angled to some degree?

TORRES: No, he's looking straight at me.

FLANAGAN: But which way, if, if, I'm understanding your position right here, if I'm him standing in the doorway…..

TORRES: I guess, I guess there's a slight angle to him, um, but he's looking straight at me when he does it.

FLANAGAN: Ok, and is his body position the same way when he, I just don't want to be confused, when you say looking, his heads not turned, that's not what you mean right?

TORRES: Um, his, his body positions right at me I, I don't remember, I don't remember if you, I don't remember where his head, if his head was turned or not, um, I know his body was right at me though, um, I don't remember his head, I don't remember if he was looking at me or not.

FLANAGAN: Ok.

TORRES: I mean, I mean physically looking at me, I, his body was facing me.

FLANAGAN: But he's in the center of the doorway?

TORRES: Yes.

FLANAGAN: And in the, the statements that you, do you recall if any other statements that you made to any other officers um, after the uh, after the shooting?

TORRES: No.

FLANAGAN: Did, at any time um, particularly just after the shooting, did, did you make a comment about um, having a um, an argument with

your wife earlier?

TORRES: Yeah.

FLANAGAN: Could you recall that?

TORRES: Yes.

FLANAGAN: What, what statement did you make?

TORRES: I um, I, I had a, just, it, I just had an argument with the wife on the way to the call, I was on the phone, um, I, I told my wife that, hey I have to go, I'm about to get on scene of this, this domestic, and, and I've got to concentrate on that, um, so, that, that was that.

FLANAGAN: How, how did that, come up like, why did you make that statement then, when you did.

TORRES: I just, I, wondered, a lot of thoughts were going through my head and, I um, I, I was wondering if the guy died, I was wondering um, it's just a lot of things just came up, um, for a split second, I just thought um, whether it was just out of anger that this happened, um, but it, it wasn't out of anger, there was just something that happened right before hand, um, um, I, you know, we were just, I don't know, I just said it.

FLANAGAN: That, that was just the one statement to Rodney, but did you talk to him anymore about that?

TORRES: No.

FLANAGAN: Alright, and when you talk about, wondering for a split second if it was out of anger, um, what, what was, were you angry when you were down there on the scene?

TORRES: No.

FLANAGAN: Ok, were you thinking, when you were engaging this guy or throughout this call while you're on scene um, what are you thinking about?

TORRES: Um, wondering what he's going to do, hopefully that he comes out of the door, um yeah, the argument was still lingering in the back of my mind, uh, I was more concerned that the guy would come out of the door, that he'd just at least sit down and talk to us, um, so.

FLANAGAN: When, when you're, on the, you say this happens on the way to the call?

TORRES: The argument yes.

FLANAGAN: That you're talking to her?

TORRES: Yeah.

FLANAGAN: How long is that for?

TORRES: Man, I don't know, couple of minutes maybe.

FLANAGAN: It's all just on the phone, it's not prior to that?

TORRES: It's all on the phone.

FLANAGAN: Ok, and what's the nature of the argument?

TORRES: Uh, um, she's stressed out because of school, she's uh staying at home with the kids, um, she doesn't have a lot of time to do a lot of stuff and you know, I 'm telling her that, you know, you, I'm just telling her that you took way too many classes that, try to do this and I know that she wants to try to get her degree and uh, she was saying that she doesn't feel that uh, uh, you know, a lot of stupid stuff about the kids, um, about how I don't spend enough time with them, things like that um, you know.

FLANAGAN: And then how does it end on the telephone?

TORRES: I just told her I have to go.

FLANAGAN: Ok, and I take it you had already been dispatched to this call?

TORRES: I was, we were having an argument on, on the way out, when I was going to it.

FLANAGAN: Did she call you or did you call her?

TORRES: Oh man, I don't remember.

FLANAGAN: Ok, and, and I think you already answered this before I asked you but you said that you were focused on, um, the call at hand um, but after this is over and you make that comment to Rodney.....

TORRES: I don't even know if I did or not (laughs) ok I guess I did, ok.

FLANAGAN: What, what do you think, why do you think you make that comment, let me ask you this, how long after the shooting is it that you make that comment?

TORRES: Ah man, it, it had to be right after then because, we, we……

FLANAGAN: We're not talking like an hour later?

TORRES: No, cause we, we weren't allowed to talk to each other, once we got called back to the Command, I, once I got called back to the Command Bus, I, I didn't have any contact with him, I, I wanted to, after I found out he di, after the guy died, um, I just wanted someone to talk to that I knew, rather than, I got like 50 people I don't know them, um, trying to get me to calm down, so um.

FLANAGAN: And, and, what happens to you, after this has happened and, um, I mean I know, the protocols of the way things are happened, you mention that, that witnesses are separated, and um, they're instructed not to talk to people.

TORRES: Yeah.

FLANAGAN: But, for you, the person, um and I think you just kind of alluded to it somewhat, you're kind of separated from everyone else, I know this statement was made immediately after the shooting, do you talk to anybody else about it right after that?

TORRES: No.

FLANAGAN: It's just that one statement?

TORRES: Just that one time.

FLANAGAN: And.....

TORRES: Because I got back to uh, Command Bus and, um, I saw my Captain there and, I asked him if I could call my wife, that was the first person I thought about talking to, so.

FLANAGAN: This, the person that you ultimately shot, do you know his name?

TORRES: John, um, I don't know how to pronounce his last name, it's like Geer "G" "E" "E" "R" or something.

FLANAGAN: Ok, how, how did you find that out, how did you know that?

TORRES: News.

FLANAGAN: Ok.

TORRES: I, I knew his first name, um, when we were going, sometime through the call, I remember Rodney yelling the name out, um, I remember I said it on the radio at one point, um, I, I don't, I don't think I knew his last name until I, I looked it up.

FLANAGAN: Ok.

TORRES: Later.

FLANAGAN: Had you ever been on a call before when you had contact with

him?

TORRES: Not that I recall.

FLANAGAN: Have you ever been to that residence before?

TORRES: I may have, I, I really don't, I don't, I don't know.

FLANAGAN: Ok.

TORRES: I, I, sev, seven years of handling, handling, you know, thousands of domestics, I may have, I don't know.

FLANAGAN: Ok but.....

TORRES: Or Other complaints, I.....

FLANAGAN: But you have no, specific recollection of.....

TORRES: Of him no.

FLANAGAN: Knowing him or knowing that townhouse?

TORRES: Right.

FLANAGAN: Even though you may have been there?

TORRES: I, we, yeah.

FLANAGAN: Possibly.

TORRES: Possibly, yeah possibly once in the past or something, I, I have no idea.

FLANAGAN: Ok um, the complainant in the call, his girlfriend, do you know her?

TORRES: No, never met any of them before.

FLANAGAN: And ok, anyone…

TORRES: At least that I know of.

FARRELL: From their family?

TORRES: No.

FLANAGAN: Um, is there any reason why prior to this call you would be angry with this individual?

TORRES: No, no reason at all.

FLANAGAN: Ok, and you said for one second, you thought that, were you angry with him?

TORRES: I wasn't angry with him.

FLANAGAN: Why did you discharge your weapon?

TORRES: Because he made a, what I believe, was a threatening move, where I didn't know if he had another firearm on him, and he's already made the mention of firearms, and he jerked his hands down near his waist, where I thought he could have another firearm at least, and I didn't want him to, to take it out, to take the firearm out, I don't know if he had another gun on him or, or what, um, but I, I at least perceived the threat that he did.

FLANAGAN: Do you, I already asked you about the other officers perception, I don't want to get into what gay, other guys may have seen because I don't even know if you know where they are, where

they were standing, but you're confident in your position and your ability to observe his actions and where you were....

TORRES: Yes.

FLANAGAN: There were no um, other than the branch that we talked about, that you, moved to eliminate, there were no obstructions from what you could see and you could see, his body position the whole time?

TORRES: Yes.

FLANAGAN: Ok, now, I know you've talked about this a couple of times but, and we just have the audio recording but, but you were demonstrating to, is you were sitting, I don't know if you were, um, if you're cognizant of doing it, and you showed how you had moved your hands um, and I think you described to Detective Farrell as um, possibly as low as his rib cage.....

TORRES: Uh huh.

FLANAGAN: And when you were doing that, you had your hands up like this um, which is just slightly above my head, and then down to this point right here and then you, you physically moved your hands like this, to like in front of his chest.

TORRES: Oh.

FLANAGAN: Is that, and, and I'm, I'm only showing you that because I know

sometimes we talk with our hands.

TORRES: Right.

FLANAGAN: Is, is that in fact what you're thinking as well, what you're trying to describe?

TORRES: I'm trying to describe it what he did, he had his hands all the way up here by the door.

FLANAGAN: Right.

TORRES: And brought his hands down really quick, at least by his rib cage.

FLANAGAN: Ok, so down, the way you describe, the way you, displayed it, with your hands is exactly is the way you're describing it in what you saw?

TORRES: Yes.

FLANAGAN: Ok, I just wanted to be sure because I know, we do talk with our hands like that, and what you were showing us, what.....

TORRES: Yeah.

FLANAGAN: In fact what you were describing. And that was both hands correct?

TORRES: Yes, both hands.

FLANAGAN: Um, when he did that, I had my hands open like this, with my palms, do you know how his hands were?

TORRES: No.

FLANAGAN: Uh, (Unintelligible), we had something else.

FARRELL: So, you explained why you shot at that time, you're in fear, um, during the, you know, this altercation of 40 minutes or whatever it is, was there another, was there ever another point where you were that afraid?

TORRES: Other than, him jerking his hands down, to, supposedly scratch his nose, um, yeah.

FARRELL: So when he jerks his hands down, from up top down, head level....

TORRES: Uh huh.

FARRELL: Scratch his nose?

TORRES: He would, to scratch his nose, he only did it with one hand.

FARRELL: Ok, why didn't you shoot him at that point, what was the difference between the other motions and when you make the decision to fire?

TORRES: He brought his hands down too far.

FARRELL: Ok, and from the beginning, from when he goes into the house, shows the weapon and then places it down, from that point, do you feel that, the incident is escalating, is it, going along at the same pace, is it going up and down, do you feel that you're any

closer to resolving it at the time, you know, just prior to when you, uh shoot in response to him moving his hands, do you feel like this is, that Rodney's making any progress in negotiations, that this person is, um, complying or, what's your feeling at that point?

TORRES: That uh, I, I just don't think it was, it was working, um, um, you know, you know, you know Rodney had already asked him a couple of times to step out of the house and he just kind of playing around and, he doesn't want to step out of the house and you know, he's already made, statements that he's going to go back inside the house and close the door and he doesn't even do that, so I don't even know what he was doing, he just, felt like he was just playing around.

FARRELL: Can you recall any reason, um, for you to believe that he may have had any other weapons other than.....

TORRES: There's always a possibility of someone having more than just one weapon on them.

FARRELL: Ok, what's your cell phone number?

TORRES: [redacted]

FARRELL: And then no problems with your vision, do you wear contacts or glasses.....

TORRES: No.

FARRELL: Or anything like that?

TORRES: No.

FARRELL: I don't have any more questions, do you?

FLANAGAN: I don't have any other questions.

FARRELL: Is there anything else you want, that you'd like to say, or anything else you think we should have asked?

TORRES: No.

FARRELL: Is there anything else that you think we should do in the investigation, you know, other than we're speaking to the other officers, canvassing the neighborhood, is there anything else that, you know maybe we wouldn't think of that, you think would be important for us to do or someone you think would be important for us to talk to?

TORRES: Um, just, uh trying to find out his mentality at the time, um, um, that, that's it, I can think of.

FARRELL: Ok.

TORRES: Um, um, you know.

FARRELL: Did you have anything John?

CARROLL: There, there was one, and I just kind of followed up with the questions, it's my understanding and I think he communicated,

but I want to make sure it was that, the right hand came down a few times, and so the difference I think was when both hands came down, is that, is that…

TORRES: Right both hands came down.

CARROLL: …what you guys understood?

FLANNAGAN: Yeah.

CARROLL: Cause I, It seemed a little loose.

FARRELL: Ok, so that was the only time both hands came that far down?

TORRES: It's the only time both hands did come down.

FARRELL: Ok, and then the right hand never came down that far?

TORRES: Right hand only came down to his face.

FARRELL: Ok.

TORRES: And then um, you know, that's it.

FARRELL: Alright, that will conclude the recording at 1903 hours.

****

This statement has been typed as recorded/(bkw)/ (September 7, 2013)

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER ADAM DANIEL TORRES PARTI II
September 4, 2013

It's September 4th, 2013 at 1303 hours, interview with Adam Torres, regarding an Officer Involved Shooting that occurred on August 29th, present is Counsel John Carroll, Detective Chris Flanagan, and Detective John Farrell.

****

FARRELL: If you would just state your name?

TORRES: Adam Torres.

FARRELL: Ok, um, and we spoke a couple of days ago, regarding the incident and, um, you gave a comprehensive statement, is that correct?

TORRES: Yes.

FARRELL: Ok, and at that point I explained, what my role is in the investigation and you understood that, correct?

TORRES: Yes.

FARRELL: Ok, um, and is, at, you're understanding is that you're back here today because I had some follow up questions that I wanted to ask based on some either, new information or things I need to clarify, is that correct?

TORRES: Correct.

FARRELL: Ok, and before I get started, is there anything else you wanted to, to add or anything else you remembered or, or that you think is

important for me to know at this point?

TORRES: No.

FARRELL: Ok, um, when you um, when you arrived on scene, you were operating an unmarked cruiser, correct?

TORRES: Yes.

FARRELL: Ok, when you initially uh, respond to the neighborhood, um, what do you recall about your response, in terms of where you parked, or where, you're responding to the area, do you pre-stage at a location?

TORRES: I, I did at one point yes.

FARRELL: Ok, where was that at?

TORRES: Um, just right outside the neighborhood, um.

FARRELL: Would that been it, would that have been in view of uh, the residence?

TORRES: No.

FARRELL: Ok, and then at that point uh, the second officer arrives?

TORRES: Yeah.

FARRELL: And then, you guys respond in together?

TORRES: Yes.

FARRELL: Ok, about how long were you, staged?

TORRES: 30 seconds maybe.

FARRELL: Ok, and then, as you arrive down at the scene, it, do you have an opportunity to um, who was the second officer that arrived with you?

TORRES: Uh, Neil.

FARRELL: Do you guys have an opportunity to uh, formulate a plan or discuss anything about the call…..

TORRES: No.

FARRELL: Before approaching?

TORRES: No.

FARRELL: Ok, and why was that?

TORRES: Uh, we just, just went in right together, just, we didn't talk about it, we just, um, I, I don't know what his assumption, I, I guess my assumption is just to, a regular, just domestic dispute going on and, um, um, so.

FARRELL: So at that point you guys don't, there's no discussion about the call? You approach?

TORRES: Yeah, no, no discussion at all.

FARRELL: Ok, and then we spoke, um, there comes a time when you, um, feel a need to draw your weapon, and you said that you maintained it, two hand grip, with the exceptions of times you were manipulating the mer, the radio, is that correct?

TORRES: Correct.

FARRELL: Ok, um, can you, can you just describe the, your grip of the weapon? In terms of where, how your hands would be placed.

TORRES: Um, um, well, I'm right handed so.

FARRELL: Ok.

TORRES: Right hand goes on the um, um, whatever the term is, the, right on the handle, I got my uh, finger on the barrel, on the outside of the barrel, um, my left hand over the top of my right, my right hand.

FARRELL: Ok, so right hand on the handle of the gun, your finger is along the barrel?

TORRES: Correct.

FARRELL: And then your left hand is on top of your right hand....

TORRES: Yes.

FARRELL: Is that correct? Ok um, and is that the grip you maintain throughout the, incident?

TORRES: Uh, no, not the entire time.

FARRELL: Ok, was there a time that you changed your grip or.....

TORRES: Um, I, ev, every once and a while I put my finger on the trigger, just to, um, in case I, uh, in case I, um, wanted, just, just a few times I, I did it, um...

FARRELL: Do you remember if that was in response to, something specific or

um, why your finger would have moved from the barrel to the trigger?

TORRES: I know when I know when he, he jerked his hand down the first time I put my finger on the trigger.

FARRELL: Ok, and is there any other times specifically when you recall your finger being on the trigger?

TORRES: Um, two or three other times, mostly just when he jerk, jerked his thing, or just jerked his hand down.

FARRELL: So your recollection is that, your finger moves from the, the slide onto the trigger in response to him moving his hands?

TORRES: Correct.

FARRELL: Ok, do you recall a time, during the incident where your finger is on the trigger and it's in response to anything else?

TORRES: No.

FARRELL: Ok, and then with the exception of, when you pull the trigger, was there a time where you're actually taking slack out or do you recall anything else?

TORRES: What do you mean taking slack out?

FARRELL: Um, you, are you manipulating the trigger at all or, is it, do you recall, do you recall doing anything with the trigger other than putting your finger on it?

TORRES: No.

FARRELL: Ok, and then, times um, prior to the shooting where your fingers on the trigger, um, what causes you to place it back on the barrel, do you remember?

TORRES: Um.

FARRELL: Or why does your finger come off the trigger?

TORRES: Um, um when he put his hands back up on the, on the screen door, and he's just talking calmly, I just put my finger back on the, on the barrel.

FARRELL: Ok, um, at the time you fired the shot, do you recall if you gave any commands or if you said anything to him at that point?

TORRES: No, I didn't, I didn't say anything.

FARRELL: Were you injured at all during the, the incident?

TORRES: No.

FARRELL: Uh, any complaints of pain or, anything that happened to you, from standing out there for that period of time or?

TORRES: Uh, I, I know, standing out there like um, with the gun on the guy for a while, my arms just starting to hurt a little bit.

FARRELL: Do you remember saying anything to anybody about, being injured or, pain or?

TORRES: No.

FARRELL: What about from firing the shot, were you injured from that at all?

TORRES: No.

FARRELL: Or do you remember complaining about pain from that?

TORRES: No.

FARRELL: Do you remember saying anything about your wrist being hurt?

TORRES: No.

FARRELL: You remember your wrist hurting?

TORRES: No.

FARRELL: Ok, and then we talked about um, statements that were made, that you made after um, the incident um, and, I want to go over those again a little bit, um, who were the officers that you made statements to?

TORRES: Um, I guess Rodney, he was the only one there, and he said I said something so, um he was the only one around at the time.

FARRELL: Ok, and that's, you make a statement about, um, a problem with your wife?

TORRES: If, if he said I said something like that, then I, I probably did, um, um, I don't remember saying anything like that.

FARRELL: Ok.

TORRES: Um, you know.

FARRELL: And then you said, you told us that you said, you made it,

something along the lines of, like I can't believe I shot him or.

TORRES: Yeah.

FARRELL: Ok, do you remember saying um, that you were sorry?

TORRES: No. Oh yes, um, I said uh, I said to Rodney, I said something along the lines of, hey Rodney I'm sorry about that or, um, uh something along those lines.

FARRELL: Ok, do you remember what you were thinking at the time you said that?

TORRES: Um, I, I just, I, I just remember seeing Rodney's face after I pulled the trigger, and he just looked like he was just, in, a lot of shock, like he just couldn't believe it, and um, he was breathing a little, kind of heavily, so I just, I don't know if, if I was just trying to calm him down, um, because he, he was trying to talk, he was talking to the guy for most, or the whole entire time.

FARRELL: Ok.

TORRES: Um.

FARRELL: So, it was in response to, Rodney?

TORRES: Right.

FARRELL: Ok, um, and, I know we spoke about this at length, um, the other day, but you're not apologizing because you accidentally shot the person?

TORRES: No.

FARRELL: Ok, and are you apologizing because, you felt like you shot the person and it wasn't justified?

TORRES: No, it was justified, I, I, I have no, I have no doubt about that at all, um, I don't feel sor, I don't feel sorry for shooting the guy at all, um, um, if I was saying I'm sorry to anybody, it was just to Rodney because of his, um, his reaction to everything.

FARRELL: Ok.

TORRES: Um, it wasn't anything particular to, to John at all.

FARRELL: So it's not, it's um, it's in response to his reaction.....

TORRES: Right.

FARRELL: Not in response to, any sort of justification or lack thereof for your action?

TORRES: Correct.

FARRELL: Ok, you have any follow up on that Chris?

FLANAGAN: Um, do, the only, not so much on that part, can I jump back to the....

FARRELL: Uh huh.

FLANAGAN: Hand position, um Adam, when, and I'm not trying to split hairs but, right, you've already talked about how his hands moved down and that's what caused you to pull the trigger.....

TORRES: Yeah.

FLANAGAN: Um, just before that, just before his hands moved, where is your finger?

TORRES: I don't remember.

FLANAGAN: Ok, do you know if it was on the, on the, the barrel or on the trigger before his hands moved?

TORRES: No.

FLANAGAN: Ok, up to that point that was all I had.

FARRELL: Ok., um, alright and then, the guy, like I wanted to touch again on, just sort of your state of mind, at the time this occurs, um, when you're, when you're in route, you're on the phone, and there's um, a conversation with your wife, how long are you on the phone for?

TORRES: Uh, a few minutes.

FARRELL: Ok, do you recall if that, if the phone call, um, was after you're dispatched, or while you're being dispatched or prior to being dispatched?

TORRES: Prior.

FARRELL: Ok, um, and then at what point, if you recall, do you terminate the phone call?

TORRES: (sighs) um, right, right when I'm sitting right outside the neighborhood.

FARRELL: Ok.

TORRES: Um.

FARRELL: And, do you explain to your wife you're going to a call or do you make any statements about, um....

TORRES: I told her, I, I'm going to a call right now and I can't talk to you at the time, at the moment.

FARRELL: Was she upset by that?

TORRES: She was.

FARRELL: Ok, um, and you said you guys are, you said you were arguing or, speaking about um, she was complaining about how much time you spend with the kids?

TORRES: Or us, supposedly lack of time I spend and she's stressed over school work, um, uh, she's trying to get uh, go work at the same time, going to school, uh, she's staying at home with the girls uh, uh, so, a lot, a lot of stress going on with her.

FARRELL: And you guys are married?

TORRES: Yes.

FARRELL: Living together?

TORRES: Yes.

FARRELL: Ok, and how old are the girls?

TORRES: Four and two.

FARRELL: Ok, um, is, have you um, had like, these types of arguments before over the phone or discussions while on duty?

TORRES: Yes.

FARRELL: Ok, um, and have you been able to do your job?

TORRES: Yes.

FARRELL: Or has, have you ever had an incident where you weren't able to handle a call or you, um, weren't able to comply with your duties because of, a, a phone call or, something involving this domestic situation?

TORRES: No.

FARRELL: Ok, is this um, something that's been going on for a while or is this, was that the first time you guys had talked about it?

TORRES: It's been going on for a while.

FARRELL: Ok, um, when you hang up, or explain to her that you're going on a call, or is it just kind of a hang up?

TORRES: Tell her I'm going on a call, and then I hang up.

FARRELL: Ok, um, were you pretty upset or were you pretty heated when, at the conclusion of the phone call?

TORRES: Somewhat heated, yeah, wasn't, I wasn't irate, but uh, upset.

FARRELL: Ok, and how did that influence how you handled the call?

TORRES: It didn't.

FARRELL: Ok, so at the time you approach and you're dealing with um, John Geer, this incident isn't in the front of your mind?

TORRES: Its lingering, it's not there, it's not uh, um, it, it's not my main focus at the, at the time.

FARRELL: Ok, and when you, what do you mean by lingering?

TORRES: It, it's you know, you just have an argument with your wife over something, you know you're a little upset, and you just, now you're heading towards a domestic, and now you have to worry about what other people are arguing about, um, um, the, I'm focused on what I need to do, not I mean, I can, I can deal with um, talking to my wife later, um, she needs to understand that I have a job also, I need to do it.

FARRELL: Ok, has she been able to understand that in the past or is that.....

TORRES: She has.

FARRELL: Ok, um, do you shoot Mr. Geer because you're angry at your wife?

TORRES: No.

FARRELL: Ok.

TORRES: Not at all.

FARRELL: Alright, is when, as you're working this domestic, is this personalized for you in some way, that it affects how you

handle.....

TORRES: No.

FARRELL: The incident?

TORRES: No.

FARRELL: Ok, so, at the time you pull the trigger, this is, what is this in response to?

TORRES: Him making a threatening gesture, what I felt was a threatening gesture going towards the weapon.

FARRELL: At the time you're pulling the trigger are you thinking about, that you're angry at your wife?

TORRES: No.

FARRELL: And then afterwards, you make a comment about it.

TORRES: I, I don't know why I made a comment.

FARRELL: Ok, just, is it just a, a thought that.....

TORRES: It just, I guess there was just a, thought that popped up and, as many other thoughts that came to mind at the time.

FARRELL: Ok, what were some of the other thoughts that came to mind at the time?

TORRES: Like my arms are hurting, um, can't believe I shot somebody, I was hoping the guy would come out and seek medical attention, um, I was worried about Rodney, um, what, how he was doing

um.....

FARRELL: Did you have any other thoughts unrelated to the call, that just popped in your head?

TORRES: Um, I was just thinking about my wife, I wanted to talk to her, (pauses) um, but I didn't even remember the argument (laughs) afterwards.

FARRELL: Ok.

TORRES: Um, I just wanted to talk to her.

FARRELL: When you say, what did you want to talk to her about?

TORRES: Just to talk, um, get some sort of uh, um, I don't know if this is the right word, um, some sort of sanity back you know, um, you know, I just shot somebody it's, I want to talk to somebody that um, just, I just wanted to talk to her, nothing in particular, just, um, just to tell her that, hey this is, this is what happened, um, I asked her if she's ok um, just something that popped in my head.....

FARRELL: Ok.

TORRES: I just wanted to talk to her.

FARRELL: Did you get the opportunity to talk to her after it, the shooting?

TORRES: Yeah.

FARRELL: Where, how, how did that come about?

TORRES: Uh, Command, walked back to the Command Center in the Cul-

de-sac, um, somewhere, where ever it was, down the street, and I saw a whole bunch of people there and I saw my Captain there and I asked him if I could call my wife.

FARRELL: Where, was she on her cell phone or home phone?

TORRES: We got, just cell phones.

FARRELL: Ok, what's her cell phone number?

TORRES: [redacted]

FARRELL: Chris?

FLANAGAN: Um, when you're, can you, um describe for me in more detail if you can, when you talk about your arms hurting?

TORRES: Yeah um, holding my arms up for a long period of time with my firearm drawn out, uh, I guess it's a little bit of stress on the arms....

FLANAGAN: Uh huh.

TORRES: Um, I, I don't know how long I was standing out there with my arms out, um, they, they were just hurting a little bit, that's all.

FLANAGAN: And, where about's in your arms, if you can, like describe to me....

TORRES: (sighs) right, right around here, like shoulder to, to the elbow.

FLANAGAN: This, and I don't want to put words in your mouth, but just from what you're showing me, are we talking about the bicep area?

TORRES: Right.

FLANAGAN: Ok, tri, bicep or triceps?

TORRES: Yeah.

FLANAGAN: Ok, um, were you able to take any steps, while you're out there for this long period of time to, um, to relax or to reduce that…..

TORRES: I know.

FLANAGAN: Stress on your arm?

TORRES: I know when uh, Rodney asked me to, um, just to put my weapon down just a little bit, just to lower it, um, it was a nice relief (laughs)

FLANAGAN: Right.

TORRES: Uh, I, I, didn't um, you know.

FLANAGAN: Now did that um, that many, did that in any way affect your ability to, to perform your duties or do what you did that day?

TORRES: No.

FLANAGAN: Was that something that you were aware of as the event was going on?

TORRES: Yes.

FLANAGAN: And, and I think Detective Farrell asked you specifically about it, it wasn't something in your wrist, um, in which you should, maybe it was just your upper arms?

TORRES: Right.

FLANAGAN: Ok.

TORRES: Um, getting, getting back to the wrist um, I, I may have went like this in my wrist later on, when I was um, uh standing next to the house……

FARRELL: Like stretched it out?

TORRES: Stretched it out, um, it wasn't, I didn't hurt my wrist, I just um, I, I was holding on to the gun, like, like a death grip at that time, and it just um, I just needed to stretch it out for just a second.

FLANAGAN: Is it, this is after the shooting?

TORRES: After the shooting, yeah.

FLANAGAN: Ok, and where is your weapon at that point?

TORRES: Put it back in my, transferred it to my left hand, just for a second, just to stretch my fingers out and my, my wrist out.

FLANAGAN: Ok, and its, not looking for a medical diagnosis, but just so I understand, are we talking about, injury verses soreness, you know did, did you, was there something that occurred acutely that's causing that wrist pain or is it, like what you were describing with your arms?

TORRES: No I, I, af, after the shooting um, I, I just held onto the gun tight.

FLANAGAN: Ok.

TORRES: Um, and I was just holding it in that position for, quite a long time

and it just um, um, I guess my hand start hurting a little bit so I just needed to stretch it out a little bit, just....

FLANAGAN: Ok.

TORRES: That, put the gun back in my hand.

FLANAGAN: And, and I can see, what you're doing but for, the purposes of documentation, you're referring to your right wrist?

TORRES: Right.

FLANAGAN: Right?

TORRES: Correct.

FLANAGAN: That was all I had.

FARRELL: Alright, do you have anything else you wanted to add?

TORRES: Um, no I, I, don't know where he put that gun down, I know he put it by his feet somewhere, um, I don't know if he had another gun on him, or another weapon, um, so, (pauses) you know (laughs) the stress of, I, I guess almost an hour after, after being there, and he's got his, and he's jerking his arms down several times and then he, he, or his hand down several times and then that last uh, that's when he brings both his hands down um, past his rib cage um, um, I, I just felt like he was going for something.

FARRELL: Do you have anything else?

FLANAGAN: And I guess that brings up another point, Adam is that if um, we

talked on Monday, it's been a couple of days now, um, lots of times we ask, guys questions and they don't know the answer to them when we ask them and its, we expect that, we understand that, in traumatic situations like this that um, even if your brain does record, what you saw or what you heard, it's not an easy thing to then sit back and articulate that, um, and the reason why I say that is, um, because I want you to feel like if, even if there's something we, that anybody's asked you about a couple of days ago that you, didn't recall then that you now recall, um I want you to feel comfortable in telling us that and not thinking that, you know because I didn't say it the other day, is that going to be interpreted in, a negative light.

TORRES: Right.

FLANAGAN: Our, our responsibility is to, uncover all the facts, um, so if there's things that you remember, which we found over time, um, officers and civilian witnesses, um that are involved in traumatic situations like this, do remember things over time, that they weren't necessarily able to articulate immediately following or the day after an event like this, come to mind and when, um, our experiences from talking to people later is that, sometimes they're a little uncomfortable, where they question their own memory or, we

don't want you to feel uncomfortable or any, or any witness for that matter, to feel uncomfortable telling us, ex, exactly what they remember to the bet of their ability.

TORRES: Right.

FLANAGAN: And that doesn't mean that I'm looking for something, it's just that, we know that this, this happens in cases um, that are stressful and traumatic like this so, um, whether it's today or any other point and time, I mean obviously you have um, Mr. Carroll representing you, you know if, if there's things that you do remember or there's more things you want to tell us, regardless of whether we asked you about them or not, um, you know you can speak with your counsel, and, and we're more than willing to sit down and listen to, to anything that uh, that comes to mind from this point on or from any point.

CARROLL: There's one other point and, and he said it to me, and I can raise it or, or tell him you know, remind him but, um, in terms of a domestic situation, what Adam told me was that, um, gun's would never be drawn if this guy wouldn't have shown a gun.

FARRELL: Ok.

CARROLL: That wouldn't have been the way he operates correct?

TORRES: Right.

CARROLL: And you told me about that so that's....

TORRES: Right.

CARROLL: Something you might want to...

FLANAGAN: Can you explain your, your thinking?

TORRES: Um, you know when, you know his whole comment of, um, I have a gun and will use it, if I need to since you guys have guns, um, you know then he put his hands behind his back, you know I, uh, it gave me a pretty good, idea or indication that he had something, he had a gun with him, um, that's the reason I pulled the gun out, my firearm out, um, um, again if, if, I don't know if he had multiple firearms on him, and I never saw his whole body um, he wasn't being very cooperative with us at the time, we just wanted to get him outside, away from the gun that he put down on his feet, by his feet, um.

CARROLL: In a normal domestic situation you wouldn't have guns drawn right?

TORRES: No, not at all (laughs)

FLANAGAN: Sorry my handwritings a little slow, it takes me a while to catch up, that, that's all I have.

FARRELL: Alright, anything else?

TORRES: No.

FARRELL: Alright, that concludes the interview at 1333 hours.

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This statement has been typed as recorded/(bkw)/ (September 10, 2013)

Fairfax County Police

Case Number: 2013-2410242

Transcribed on: September 17, 2013

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Flanagan: This is Detective Flanagan with the Fairfax County Police. The date is Octo… I'm sorry, August 29, 2013, at 19:18 hours. This is an interview with Officer Rodney Barnes at the West Springfield District Station in regards to an officer involved shooting that occurred on this date. Uhmm, Officer Barnes we were talking for a little bit about, uhh, some of your background information if .. before we getting into talking about what, .. uhmm, the incident today. If we could go back over some of that, if that's ok? … Uhmm, and if you could, uhmm, speak clearly so it's – it's captured on the recorder as well.

Barnes: Yes.

Flanagan: Ok. Uhmm, Rodney can you state your full name for me.

Barnes: Rodney Michelle Barnes.

Flanagan: Rodney, what's your EIN?

Barnes: 316949

Flanagan: And when were you hired by the Fairfax County Police?

Barnes: August 31, 1998.

Flanagan: Ok. Did you have any military experience prior to that?

Barnes: Yes, ten years in the Navy.

Flanagan: Ok. And .. any other law enforcement experience?

Barnes: Uhh, yes, Corpus Christi, Texas. **INAUDIBLE** with the South Corpus Christi Police Department from '96 or '95 to '98, I can't remember. I know I came here in '98.

Flanagan: Ok. And – and you mentioned that you graduated from the Fairfax County Police Academy in '98 ..-..

Barnes: '99.

Flanagan: ..-.. or that you were hired in '98. You graduated in '99.

Barnes: right.

Flanagan: Where did you go after the academy?

Barnes: Mount Vernon District Station.

Flanagan: Ok. And were you inve... Was that in a cap... patrol capacity?

Barnes: Yes, patrol.

Flanagan: Ok. And did you transfer from that station at any point?

Barnes: Yeah, in 2000. .. I came to ... I think it's 2000. .. I came here in 2000 or 2001, I can't ... I think it was 2000.

Flanagan: Ok. And here is West Springfield ..-..

Barnes: West Springfield.

Flanagan: District?

Barnes: And I've been here the whole up to now.

Flanagan: Ok. All of that was in a patrol capacity?

Barnes: Yes.

Flanagan: And, uhmm, ...

Barnes: **INAUDIBLE**

Flanagan: ..... aside from your regular academy training, uhmm, have you had any other source of specialized training?

Barnes: No. I was the SRO for almost seven years .....

Flanagan: Ok.

Barnes: ..... here at station.

Flanagan: Ok.

Barnes: Uhmm, but, ... I mean we had training in the Navy, but that's different kinda .....

Flanagan: How about, uhmm, have you had hostage negotiator training **INAUDIBLE**?

Barnes: Yes, I have.

Flanagan: You have had that.

Barnes: And I'm a hostage negotiator too.

Flanagan: Ok. And how about crisis intervention? Have you ever had ..-..

Barnes: I've had that training too.

Flanagan: ..-.. **INAUDIBLE**.

Barnes: Yes.

Flanagan: Ok. Any other training that you can think off?

Barnes: I mean, ...

Flanagan: O..O..Other than your – what you received in the academy initially.

Barnes: I mean, I've been back to the academy for some – a lot of classes, but .....

Flanagan: Ok.

Barnes: Like criminal patrol tactics, uhh, ... I can't remember off – right of the head what I've been to for – at the academy for.

Flanagan: Ok. .. Uhmm, and with regards to your training you, uhh, we also talked about the – the service weapon ..-..

Barnes: Uh-um.

Flanagan: ..-.. that you carry. What kind of service weapon is that?

Barnes: 226.

Flanagan: Ok. And that's ..-..

Barnes: A Sig Sauer 226.

Flanagan: Ok. And, uhmm, you're qualified with that?

Barnes: Yes, I am.

Flanagan: What other weapons are you qualified with?

Barnes: Uhh, the shotgun, ... uhh, and the Taser. .. I mean weapons.

Flanagan: Right.

Barnes: Uhh, I guess you don't consider a Taser.

Flanagan: Taser, yeah.

Barnes: A Taser, … pepper spray. I don't know if that's what one of the things …..

Flanagan: Ok. … Uhmm, what about pepper balls?

Barnes: Pepper ball. Yes, pepper ball gun.

Flanagan: Ok. And I think you also mentioned, uhh, for as far as special assignments, you were and SRO?

Barnes: For almost seven years.

Flanagan: Ok. And .. your current assignment right now, what is that?

Barnes: Uhh, patrol, Days-A at West Springfield Station.

Flanagan: Ok. That's day work?

Barnes: Day work, yes.

Flanagan: Ok. And on this particular day do you – what was your designator?

Barnes: 740B.

Flanagan: And "Bravo" means you're day work and that "740" means you cover area "740"?

Barnes: Right, that's my normal patrol area.

Flanagan: And that's just your standard patrol, uhmm, responding for calls, for service, ..-..

Barnes: Right.

Flanagan: ..-.. in your area and (inaudible)..-..

Barnes: Being proactive.

Flanagan: ..-.. (inaudible) ok.

Barnes: Yeah.

Flanagan: Ok. Uhh, do you remember what cruiser you had today?

Barnes: Yes, I had a, uhh, blue unmarked, which is not my cruiser. My cruisers been dead-lined, so I don't really have a cruiser right now. I use midnight's cruiser last nigh.... To yesterday and todays 4325.

Flanagan: Ok. Now, when you say, uhmm, ..-..

Barnes: Line package. Got a whole police package.

Flanagan: So, it's got lights and sirens?

Barnes: Yes.

Flanagan: It just doesn't have the decals on it?

Barnes: That's correct.

Flanagan: Ok. ... Uhmm, and could you describe your uniform for me. I guess the easiest way is probably starting at your shoes and then just kinda go up to your shoulders.

Barnes: I have, uhh, a pair of black pa..., uhh, Oakley ... leather boots. .. Waterproof. And I have a dark blue patrol pants with the cargo pockets. And I have a gray shirt with – displaying my PFC and my, ... uhh, patch that says Fairfax County Police Department. And, uhmm, I have a outer vest, the new outer – patrol outer vest ... displaying my name, R. Ir ... I

mean Barnes. And displaying a embroidered Fairfax County Badge. And I have a shoulder mic. And I have – On my waist I have, uhh, two … magazines. And, .. uhmm, my radio is up on the vest. And I also have a Taser. I have a ASP. I have a Mag-Lite. I have two, uhmm, handcuffs in the .. back – in the back. I have a – my service weapon on the right. I'm right handed. And I have, uhh, pepper spray …… in the front ..-..

Flanagan: Ok.

Barnes: ..-.. on the right.

Flanagan: Ok. And you mentioned that you're right handed.

Barnes: I'm right handed.

Flanagan: And the magazines that are stored in your pouch, the two on your belt, do you know the condition of those? What the load is on those?

Barnes: Uhh, I think one has thirteen. Here's thirteen. .. Uhh, twelve. … And one has eleven.

Flanagan: Ok.

Barnes: I didn't top it off.

Flanagan: Ok. .. And .. the weapon that's in your holster, your Sig, do you know the condition of that?

Barnes: It's ready. It's – It's one in the mag – It's one in the chamber … and I guess eleven in the magazine.

Flanagan: Ok. ..... And the way you're dressed right now, and what we just talked about, is that how you were dressed at the time of this incident?

Barnes: Yes, it was.

Flanagan: Ok. No gloves, no hat or coats ..-..

Barnes: No gloves.

Flanagan: ..-.. or anything different?

Barnes: No.

Flanagan: Ok. And I think you mentioned this, but you said you were right handed, is that correct?

Barnes: I'm right handed, yes.

Flanagan: Ok. .... And, uhmm, what day of the shift is this for you guys?

Barnes: It's the last day. It's our Friday.

Flanagan: And – and that's, uhmm, ... it's a two day shift for you?

Barnes: Two day, yes.

Flanagan: And this is the second of your .....

Barnes: Right.

Flanagan: .... two day shift? And how was your sleep last night? How would you describe it?

Barnes: It's like – It's normal. I, uhh, ... When I usually get home .. I usually .. sometime nod out on the couch .....

Flanagan: Uh-um.

Barnes: .... for a couple hours. My wife gets on me about .. sleeping on the couch, so I went upstairs probably about 11 ....

Flanagan: Right.

Barnes: ... 11:15 after taking the dog out. And I got up at 3 ... Well, the clock goes off at 3:50, I probably got out of bed at .. I – I lay there for like another ten minutes sometimes.

Flanagan: Right.

Barnes: So, I think I actually got out of bed at 4:00. I always look at the clock. Then if I haven't showered before, I shower that morning and then get dressed ..-..

Flanagan: Uh-uh.

Barnes: ..-.. and .... go ..-..

Flanagan: Ok.

Barnes: ..-.. downstairs and head to work.

Flanagan: Alright. Uhmm, are you – are you on any medications now that would impair your judgment in any way?

Barnes: I'm on medication, but not anything that would impair .....

Flanagan: Ok.

Barnes: ..... for me to, ... you know, my judgment.

Flanagan: Ok. And, uhmm, how about alcohol use and drug use. Any alcohol or drug use in the last 48 hours?

Barnes: No, I don't drink and I haven't taken any drug other than

prescribed to me.

Flanagan: Your prescribed drugs, Ok.

Barnes: And vitamins.

Flanagan: Ok. And for .. you – you mentioned that you're Days-A. What time is roll call for day work?

Barnes: 05:30.

Flanagan: Alright. And what time do you typically hit the street?

Barnes: Uhh, we … have a short roll call, … probably ten minutes. And we're in service – He wants us in service by six o'clock.

Flanagan: Alright. And was that the case this morning?

Barnes: Yeah, around six. I maybe, uhh, like for me .. probably 6:01, 6:02, but, yes.

Flanagan: Ok.

Barnes: We – We – He wants us in service at six.

Flanagan: And typically, for day work, when you guys come off the street?

Barnes: Oh, day work? He want us marked out at the station at four.

Flanagan: Alright. And you're actual days ..-..

Barnes: 16:00.

Flanagan: ..-.. ends when?

Barnes: What now? Our actual day from 05:30 to 17:00.

Flanagan: Ok. And you're – you're in the station at four?

Barnes: 16:00.

Flanagan: Ok. Alright. Now, uhmm, as far as this morning goes, was that – was it normal .. did you actually hit the street around six o'clock?

Barnes: Yeah. Yes, sir.

Flanagan: And, uhmm, you mentioned that you were, uhh, "740B". In the course of your duties, uhmm, prior to this event, was – was there any, uhmm, strange or unusual calls this morning, or today?

Barnes: I won't have to say strange, we had a suspicious person that we found .. two, uhh, one was a teenager, one was an adult, ..-..

Flanagan: Uh-uh.

Barnes: ..-.. sleeping in a stairway at a ... a garage in Lorton at a condo ..-..

Flanagan: Yeah.

Barnes: ..-.. we had to deal with. We were out on that for a few hours, because we was trying to reach a parent to pick up ..-..

Flanagan: Ok.

Barnes: ..-.. the sixteen year old, because she was a minor.

Flanagan: And was that resolved without issue?

Barnes: Yes, it was resolved.

Flanagan: Ok. Any other significant events during the day?

Barnes: No, sir.

Flanagan: Ok. And in regards with – with the, uhmm, the incident that we're here for, how do you first become aware of that?

Barnes: Well, you – you – I knew they were going to – I heard, you know, they dispatched, uhh, "730 .. C" – Charlie units, "730C", "731C". I think that's the two.

Flanagan: Ok.

Barnes: Uhh, Officer Neil and Officer Torres went to where, uhh, what I caught of it, was that, uhh, the – the boyfriend had, … and I read the event too, had thrown was throwing her the bed and stuff out and wouldn't let her back in the house, and she said she's gonna move her stuff, she was in the process of moving out.

Flanagan: Do you – Do you know what that event was dispatched as?

Barnes: I wanna say a dom… I think a domestic dispute.

Flanagan: Uh-uh.

Barnes: I don't believe it was dom… I thought it was a domestic dispute.

Flanagan: And what's the difference between a domestic dispute and ..-..

Barnes: Well, a domestic dispute ..-..

Flanagan: ..-.. domestic violence?

Barnes: ..-.. there's some kind of argument or something ..-..

Flanagan: Ok.

Barnes: ..-.. and domestic violence there's some kind of physical altercation .....

Flanagan: Uhmm, ...

Barnes: .... involving a covered relationship or, ... you know, ... a wife and .....

Flanagan: Is it uncommon for one to lead to the other?

Barnes: Yeah, it's not uncommon to lead from domestic you get there. If it's not a domestic, it's domestic violence, and you get there. Come out of domestic violence and you get there. There was actually no physical contact.

Flanagan: Uh-um.

Barnes: So, then you make it a domestic dispute.

Flanagan: Ok. And would they say be true for the reverse, where you were dispatched to a domestic dispute.

Barnes: And we change it to a domestic ... 'cause we find out ... in – in the investigation, if this is the case, like, "Hey, well, yeah, he pushed me." It ..-..

Flanagan: Ok.

Barnes: ..-.. it changes, you know, what ..... You know. .... But I

wasn't … the primary officer …..

Flanagan: Ok.

Barnes: ….. responding.

Flanagan: And, uhmm, do you know approximately what time it was when this was first radioed?

Barnes: I – I honestly didn't look at my clock or … I don't know.

Flanagan: Alright. Did you … You – you weren't one of the officers dispatched, you just heard it?

Barnes: No, the – the two primary officers were dispatched.

Flanagan: Ok.

Barnes: Then I heard 'em, sounded like Torres got on the radio and said that the guy has a gun or something like that and he wasn't going anywhere. We wasn't coming in. He – he got no problem shooting. I – I'm – I'm not sure of the exact word, but it was something about a gun and, uhmm, ... and that they need another unit. Or either the dispatch said something about a unit and they said, "Are any units available?" And I said, "740B". And they said – I said, "Hold me enroute." And they …. And, uhh, then there was no other traffic and I remember I actually went. … Then I heard "741" said he was coming and I – I went lights and siren. ….. And then they said some other traffic, and I said that I'm about three minutes off.

Flanagan: Ok. .....

Barnes: Do you just want me to talk or just wait ask the .....

Flanagan: Uhmm, ...

Barnes: Ok.

Flanagan: ..... do – you can just tell at your pace. Sometimes I, oh, when I writing and I write to slow, uhmm, ..-..

Barnes: No, you do alright.

Flanagan: ..-.. I might have to .... to stop you, but, uhmm, ... So, you're – you're running code to call. You're running lights and sirens. And did you say it took you about three minutes to get there?

Barnes: I – I made a comment, 'cause something else came on that they needed a .. the, uhh, shield.

Flanagan: Ok.

Barnes: And then they said, the first officer get on the scene, I think Jocca, Lieutenant Jocca, may have said that, ...

Flanagan: Ok.

Barnes: .... which said, "Hey, when the first Unit ...." He said that it was in his trunk. The first – The next to first Unit that gets on the – The next Unit that gets on the scene get – get the shield for him.

Flanagan: Ok.

Barnes: So, I said, "Hey, I'm about a few – a couple minutes off. .. Two or three minutes off."

Flanagan: Ok.

Barnes: Something like that.

Flanagan: Where – where … At this point, had you heard for other resources being called?

Barnes: They're .. At the same time when I said that I was enroute, "741Char … Barvo" was enrou.... "Bravo" … "Bravo" was enroute ..-..

Flanagan: Ok.

Barnes: ..-.. and maybe some other Units said something.

Flanagan: Ok.

Barnes: I did hear "741", ..-..

Flanagan: Ok.

Barnes: ..-.. which is my partner, ……

Flanagan: Alright.

Barnes: ….. you know, down south.

Flanagan: Now, ..-..

Barnes: **INAUDIBLE**.

Flanagan: ..-.. prior you getting here, do you hear any more radio traffic?

Barnes: I – I don't recall. All I know … I know before I got there, when I said I was coming three minutes off, I told them I was – I be

on scene in two minutes ..-..

Flanagan: Ok.

Barnes: ..-.. or something like that.

Flanagan: Ok.

Barnes: And I said, uhmm, … They restricted the channel.

Flanagan: Ok. …….

Barnes: The dispatcher did.

Flanagan: And what happened when you arrive?

Barnes: When I arounded, uhh, Pebble, … I can't remember, … I came around the corner. Came in. 'Cause you, .. you know, when you come down, .. you don't cover the number and you're up high, you don't see it. So, when I came down I saw, uhh, Torres', uhh, silver unmarked parked there. And I saw them standing in yard. And I could see the guy in the – in the door, the screen door, with his hands up.

Flanagan: Ok.

Barnes: 'Cause they were talking to him. Now, when I pull up, … I pull up behind Torres' cruiser and I went in the trunk, I grabbed the – I grabbed the shield and the helmet. .. He had a helmet. And I brought that up to him. I said, you know, seeing what he want to do with the shield, 'cause I'm not siel…. shield qualified or whatever.

Flanagan: You brought that to Torres?

Barnes: I br.... Yeah, 'cause they asked me to bring it ..-..

Flanagan: Ok.

Barnes: ..-.. when I got on scene. So, he's got him at gun point, both of them. And I want to see what he wanted to with that. He said, "Set it by the tree." So, I set the helmet down in the grass and set it against the tree, and then I took a ..... The tree's here. I moved over to the left. And I was just standing there, had my gun out, 'cause Neil is kinda talking to him, but not really much going ..-..

Flanagan: So, who are the officers that are there when you ..-..

Barnes: When I got there, it was – I was the third officer on scene.

Flanagan: Ok.

Barnes: Officer David Neil and Adam Torres was – were on scene.

Flanagan: Ok. And if you're ... Am I correct, that if you come straight down the hill ..-..

Barnes: They're right ..-..

Flanagan: ..-.. the house is ..-..

Barnes: Straight.

Flanagan: ..-.. right down ..-..

Barnes: Right there.

Flanagan: ..-.. straight in front of you?

Barnes: Torres is on the left, ...

Flanagan: Ok.

Barnes: ..... like in the front yard, ...

Flanagan: Ok.

Barnes: ..... and – and, uhh, Neil was kinda like on the sidewalk edge – like edge – on the edge of the grass to .. like it was like a "V". You know, he is. And then here is – here is Torres and here's – here's Neil, ...

Det. Ok.

Flanagan:

Barnes: .... and the guy's in the door.

Flanagan: Now, ..-..

Barnes: And I said, ..-..

Flanagan: ..-.. he – he's ... is he .... Where – What ... Describe to me how hr'd in the ..-..

Barnes: He has a white screen door with a screen.

Flanagan: Ok.

Barnes: And he's inside the screen door.

Flanagan: Ok.

Barnes: But his hand ... Well, I can see his hands up, ... 'cause they had ordered ... I guess that's something they told him, to keep his hands up.

Flanagan: Yeah.

Barnes: And he was talking to them through the screen.

Flanagan: Is there a full door too? Like a hard door? … Can you ever see that?

Barnes: No, the hard door is in the back, it's open.

Flanagan: Ok, so it's …..

Barnes: Yeah.

Flanagan: The hard door is open full and ..-..

Barnes: Yeah.

Flanagan: ..-.. the screen door …..

Barnes: And the door, the hard door, was yellow. .. Looked like it was yellow. … But the screen door was white and like black in the screen. … And … Oh, you know what, it was a full screen door, because you could actually see his – his shorts and everything. It wasn't one of those were it's just screen, …….

Flanagan: Uh-um.

Barnes: ….. 'cause that would've been real bad, 'cause it was a screen door where you could see the top ..-..

Flanagan: Ok.

Barnes: ..-.. and you could see …. you …. I think he had shorts on.

Flanagan: Right.

Barnes: You could see his feet. It's let, you know, you could see his

legs.

Flanagan: What … And you said his hands were up where ..-..

Barnes: His hands were ..-..

Flanagan: ..-.. it's ..-..

Barnes: ..-.. his hands were like … Here's the screen. His hands were on the screen. .. Like this. And he's talking to 'em through the door.

Flanagan: Is the door, screen door, closed?

Barnes: At times it openes a little bit, …….

Flanagan: Uh-uh.

Barnes: …… and it's closed. Like .. he would open it sometimes like about that much …….

Flanagan: Ok.

Barnes: …. at – in the course of ….. talking. ……

Flanagan: Ok. And do you – Are you able to communicate with Torres?

Barnes: Well, ..-..

Flanagan: Or do you learn more about what's going on?

Barnes: ..-.. well, I kinda like .. 'cause I'm just here to cover for them, ..-..

Flanagan: Right.

Barnes: ..-.. I didn't had not intentions or .. talking. At the time when I got there, Torres wasn't really saying anything.

Flanagan: Ok.

Barnes: David was saying something. I don't recall what he was saying. Like, "Hey," you know, "come out." You know, whatever, "Come." And guy .... So, I – I got there and I kinda waited. And it kinda like .... You know, David is new. He was talking. But then, I was like, you know, I said – I said, "David do you mind if I .... And I said, "Hey, I'm Officer Barnes." I said, "Hey, I'm also a hostage negotiator, a crisis negotiator. Hey, ..." And then he said, "What's your first name Officer Barnes?" I said, "Rodney." And then he said, "Can I call you Rodney?" I said, "Sure." And then I said, "Can I ..... What's your name?" He said, "I'm John." Until then the conversation .... Yeah, for some reason, I cannot remember that David went next door. I guess to talk ... Somebody had maybe said something on the radio, so he just left me and Torres there.

Flanagan: Ok.

Barnes: But then shortly .. after that – shortly, .. and I don't know if David had moved yet, but I could hear Parker was there. Parker gets on scene, he got his rifle. And then Kushner gets there. And Kushner got – he took a position. And – and Parker took a position.

Flanagan: Ok.

Barnes: And then I'm talking to him. And .. So, it was just me and him talking.

Flanagan: Alright.

Barnes: And at that point nobody else was talking to him.

Flanagan: Ok. ... And wha... what do you, other than what do you hear on the radio, you ..-..

Barnes: The ra..... ... It was radio traffic the – the whole time. I mean different people, like Lieutenant Jocca was saying stuff when they got in there, and, you know, a couple times Torres, ... we're at gunpoint, ... Torres gotta get on the radio, while we're at gunpoint with this guy, ...

Flanagan: Yeah.

Barnes: .... talking to the ... whoever.

Flanagan: Right.

Barnes: You know.

Flanagan: And .. what .... The communication between you and this guy, what is that?

Barnes: Far as I just told him ..-..

Flanagan: You say when you're talking.

Barnes: We're talking. I say, "Hey, you know, ... You know, we don't want anybody get hurt." You know, and, uhh, he seemed to like talking to me, ...

Flanagan: Uh-um.

Barnes: ..... but he wanted – he wanted ... a couple times he wanted Torres not to point the gun right at him.

Flanagan: Uh-um.

Barnes: And ..-..

Flanagan: Like ... What was he saying? How do we know that?

Barnes: What do you mean?

Flanagan: Like ... What – what was he .... You said that he didn't want Torres ..-..

Barnes: Why, ..-..

Flanagan: ..-.. **INAUDIBLE**

Barnes: ..-.. When we got there, we had the gun, he said, "Hey, guys," you know, "nobody gonna get hurt here. I don't have a gun in my hand." And I don't know every exact word, ..-..

Flanagan: Uh-uh.

Barnes: ..-.. he said, "Hey, can you – can you not point that gun at me. Can you get Officer whatever to lower his gun?

Flanagan: Uh-um.

Barnes: And he was getting a little irritated, and I said, "Hey, we – now, we can't like drop our guns." But he did ... I did convince Torres to take it down to ready. Ready gun, ...

Flanagan: Uh-uh.

Barnes: …. you know.

Flanagan: Right.

Barnes: And – and we're talking, he seem to be ok with that several times.

Flanagan: Uh-uhm.

Barnes: And then the rifle … Like Ben was out there with his rifle. Ben kinda … He was on him – He lowered it, but from that distance it wasn't really low….., you know, it was down.

Flanagan: Right.

Barnes: He just was **INAUDIBLE** get….. He said, … you know, that, you know, - he says stuff like, uhh, … So we're talking. I ask him … He said, "Is not against the law for me to throw things out." Uhmm, you know. " My …." He kept call … He referred her as his partner, 'cause ..-..

Flanagan: Uh-um.

Barnes: ..-.. they're not married, ..-..

Flanagan: Right.

Barnes: ..-.. but they been together twenty-something years .. and they have two kids. And it …. Later on I ask him, "Sir, so how many kids you have? How - how old are you're kid?" He told me. Uhmm. He said, "Yeah, they're awesome." I said, "Well, you know, ….." And then was – he made some comments

about, ... you know, ... some pregnant lady. You know, people started to come home, he didn't want them, ... you know .... They don't need to see this. And – and, uhh, ... you know, I was like, "Hey, you know, we don't want anybody get hurt." I said ... He said, "Well, I know my rights. You can't come in the house." And I said, "Hey, you know, we ain't got no reason to come in your house."

Flanagan: Uh-um.

Barnes: I said, you know, ... Not ... Several times I was trying to get him to ..... "Hey, can you ...." You know, he was – he was saying, "I know if I reach down or drop my hands I can get shot." I said, "Hey, nobody is gonna shoot you if you just do what ....."

Flanagan: What .... Whe..... – When ... At what point did he say that?

Barnes: He said it .... He sta.... – He started to tell me ... Like he knew ... Like our procedures. Like, you know, I know, that if I drop my gun-hand, I'm gonna get shot. He said that to us.

Flanagan: Uh-uh.

Barnes: Several times. But, ... along with that, 'cause he kept going back and forth, ... And I'm talking to him. And he seem to enjoy talking to me. And he said .... And I – and it – and it ... early on I was getting where, "Hey, why don't you come out

and we talk." He said, "Well, ... what would've happen if I come out?" I said, "We'll just talk." I said ... I said, "I – I'm – I'm gonna give you some commands," and then, you know, they teach us ..... He said, "No, not commands." I said, "Well, I ask you to come out and you have to do some things." He said, "Oh,....." You know – You know how you gotta switch or make it more human where he didn't really wanna, ... You know, like you're authority. He knew we were ..-..

Flanagan: Right.

Barnes: So, he said – he said, "Well, ..." said, "if I come out, was gonna happen ....." And I'm kinda told him what the surrender, you know, what he needed to do fo... for – for us .....

Flanagan: Right.

Barnes: .... to come out. He said, "Am I gonna be handcuffed? I said, "Well, you know, I'm gonna put you down on your knees and – and I'ma take.... ask you some things." I said, "We're gonna handcuff you till we sort this out, ... you know, and for your safety and my safety. And then we'll find out what's happening."

Flanagan: Ok.

Barnes: He said, ... He said, "Well, I'll come out if .... Torres ....

those guys move back to a van. Way back." And I said, "Well, ... And then he said, "You stay here." I said, "Well, they can't leave me here. Can't stay here." .. You know. And he's .... Back and forth. And he was like, uhmm, "No, I know what's gonna happen if I step out here, 'cause I have different rights then if I step out on the porch." I said, "Well, this is your property, if you come out on the porch it's gonna be nothing different as far as your rights.

Flanagan: Uh-uh.

Barnes: I mean, it's still your house. Your property." I said, "We just wanna talk to you and find out what went on here and what ....." He said, "Well, I know that y'all can't put me out, because I know I can put her out and I know it takes 30 to 90 days through the courts to get her out." And so he – he was telling us – telling me – telling us that. And, uhh, .. uhh, I then asked him, say, "Hey," you know, trying to deflect him, I said, "Hey, what – what – what do you do for a living?" He said, "Oh, .. Oh, well, I – I – I deal with kitchens." And I said, "Well, - Well, what like remodeling?" He said, "No, I sell kitchens, and I can do it from the house. I just sell complete kitchens and I – I do it from here." And he, well, you know, I'm trying to get him off of .... And then he, you know, and he said, "Well,

what if I come out there and sat down on the steps?" I would say, "If you come out sit on the step, we'll talk." He said, "Just you and me?" I said, "Well, we'll talk, but they can't leave and leave me here."

Flanagan: Uh-um.

Barnes: He said, "Well, nah, 'cause I know ....." And he said, "Well, you know what, I – I – I'm getting tired and I need some water and I want, uhh, ... I wanna go get some water out of the kitchen. So, I'm a shut the door. .. Go in. Get some water." And he – he made a comment one time were, "You can come get some water with me. Officer, one of you come in side." I said, "No, I can't come inside your house." You know, he just wanted ..-..

Flanagan: Yeah.

Barnes:. ..-.. me to come in. Of course ..-..

Flanagan: Yeah.

Barnes: ..-.. I would not do that. And he said, uhh, ... **INAUDIBLE** talk about the gun and ..... I – I – I'm kinda jumping around, and he goes, ... He said, "Yeah, I do have a gun. It's sitting right here on the couch, on the chair, right by the door." ... Like, he's standing there ... He said there was a gun .... he had set right there.

Flanagan: Oh, you're motioning ..-..

Barnes: To the left ..-..

Flanagan: ..-.. to the left side?

Barnes: To his left.

Flanagan: Ok.

Barnes: Like, you facing the door. He's facing us. He said, "I have a gun." He laid down. He's said it was a 3 ..... He described it 357. He said it was holster ... in a brown holster or whatever. He said, "I know," ... He said, "The barrel – The han... - The – the – the, uhmm, ..." He said that the butt isn't facing me. He said, ... And he kinda opened the door a little bit more. ... He said, "Officer Barnes, see. Can you see it? Is right there." I kinda looked, but I couldn't see it. He said, "You see it?" And I said, "I can't see it." He said, "Well, it's here, you know, I don't .." He said, "I don't want anybody to get hurt." I said, "I don't wanna get shot. I don't want anybody else to get shot." I said, "Well, we don't want anybody to get hurt."

Flanagan: Did he say why he had the gun there?

Barnes: No, he never told me why he had the gun there. He just said he had there. Now, ..-..

Flanagan: Huh.

Barnes: ..-.. before I got there, I don't really know.

Flanagan: Huh.

Barnes: Neil said later something about he had something in his hand, but he put it down. I'm thinking that must've been the gun. They can tell you, I don't know any of that.

Flanagan: Ok.

Barnes: And then, uhh, .. uhh, but he ... And he said, "Well, Officer Barnes, why don't you come and get the gun?" He said, "You come get the gun and we'll talk." I said, "Well, I can't come in the house and get the gun." He said, "It's right here." So he opened the door a little more. He said, "Right here. Just come get the door." I said, "I tell you what, if you come outside .... then I'll get the gun." He said, "No, no, no." And then ... He said, "No." I said, "Ok. Well, just ... He said, "I ain't gonna reach for it. I'm not." And he .. A couple of times he needed to scratch his nose. He would say, "Hey, I'm gonna scratch my nose." And he would slowly take his hand and scratch his nose.

Flanagan: Uh-um.

Barnes: And one – one time he – he'd said – he said, "Can I get my phone?" He said, "It's in my front left pocket." But he had like a polo shirt on, it was a little longer. I said, "No, no, just don't reach." He said, "What if I reach?" I said, "Listen, .. don't

reach. I don't want you to reach in your pocket." He said, "Well, can I just put my hand in my pocket?" I said, "No, ... please don't." ... And he didn't. He didn't do it. He said, "Do you mind if I just ... He opened the door and said, "Can I just," because he was getting tired, "can I just put my hands over the top of the door?" You know, like, open the, yeah, the door.

Flanagan: Right.

Barnes: Open a little bit out and he ... Just to rest ... You know, that kinda help you ...

Flanagan: Right.

Barnes: ... he was moving, move around ... Kinda hold him. So, I let him ... I said, "Yeah, sure." .... And, uhh, ... he said, "You know what, "I'm gonna shut the door and go back in here. You can come in here and talk to me." I said, "No, I can't come in." And this went on. And – and then he was like, "Well, tell them to move. If they – if they'll move all the way back, I'll come out and talk to you. But I don't wanna be handcuffed." So, then I even said, "Ok," I said, "you come out. You sit down. We're not gonna handcuff you." You know. He said, "No, you wanna get me separated from my house." You know. And he said, "No, I'm not closing the door." And I

said, "Well, can you just come out shut ..." I said, "You can even prop the door open. .. The screen door, .. prop it open, and just come and sit down with me." No. .... He wouldn't do that. But .. we're talking.

Flanagan: Even after you said that you wouldn't handcuff him?

Barnes: No, I even said it, I wouldn't handcuff him. Then he would say, "If they move all the way back and you stay here, ..." Well, they wouldn't leave me there by myself.

Flanagan: Right.

Barnes: So I said, "We can't do that." You know. .... Then we're talking, you know, I'm just gonna go back in the house, and this went on. And ..... He said, uhh, ... And a couple of times I said, "Hey, have I disrespect you." But he said, "No, no, you haven't. You – you haven't. You know, we talking. You know, but I want them to leave." Then a couple of times he would – he – he asked to scratch his nose again. He would tell us. He said, "I'm gonna scratch my nose again." And then, next thing I know, it's like, pow. You know. ... And, you know, it kinda startled you like, "What ....." And my ... And the whole time my finger ... is down the side.

Flanagan: Uh-uh.

Barnes: You know. 'Cause as it went on, .. a couple of times he was

saying, ... He said, "Man he keep pointing that gun at me." Talking about Adam. He said, "He keep pointing that gun at me." You know. Adam say nothing. And he would lower it. And then, next thing I know, I heard a "Pop", .. you know. And – and he had just scratched his nose and put his hand back up there. And it just happened so fast. And I'm like, .. When he shot him, I'm like, ... To myself, "Who the fuck shot?" You know. ... I know it wasn't him. And when it shot, you know, "Pow". And then, ... for an instant .... And he – he, .. when he's shot, ... when the shot went off, ... First I thought it was a rifle? I said, "Nah, that's not a rifle. And ... 'Cause Torres was right here. He wasn't far from me.

Flanagan: Uh-um.

Barnes: And it was loud. .. And he go, "Ahhhh." And he would – We – got shot, ... he was like, "Ouhhh." And I kinda saw him, you know, do like this, and as he went back, ... **INAUDIBLE** he just went back. And he – and he was going back, he shot the door. ... Boom. I just heard, Boom. Now I couldn't tell if he went to the floor. .. 'Cause they asked me, .. the hostage negotiator asked me later, 'cause he saw me up there, "Hey, did he fall?" I said, "I don't know."

Flanagan: Uh-um.

Barnes: He said, "Well, he's right there." I said, "I don't know if he's right there." Then later on ..... at – at couple times I heard .... Like went into the house, like ... something, maybe he was on the floor or down or he stumbled. I don't know where they found him.

Flanagan: Right.

Barnes: So, ... But when we ... shot went in, ... uhh, I think out of my eye I saw Dave and them retreat to better ... something, but me and Torres, where we were, we just went to the side it's brick. Then the next – right next to it, like you got the – the window ... we went right here. Brick, where we couldn't - we just had a angle at the door. ... And then it says, "Shots fired." And then there was some confusion, 'cause Jocca and them was out there, and saying, "Yeah, we don't know who shot." And then I said, ... I – I kinda got a little pissed, because ... I'm like, "Hey," ... It was to many people talking. Everybody was ..... I said, "I need the channel, you know.

Flanagan: Uh-um.

Barnes: I said, ... "An officer fired a shot. He was hit .... somewhere in the stomach area or somewhere, .. you know, and he went back into the house shut .... As he was going backwards, he yelled, ... he's, "Ahhh," and he shut the door. And – and that

motion … And that motion, he shut the door. …. So, …. 'Cause the door …. Which way the door open? .. I wanna say the door open …. Is it this way? …. Anyway, I think it went this way, because the screen door opens this way and I wanna say that the … the door open … maybe this way. But anyway, in his motion, .. 'cause when he went back, "Ahhh," the door closed. Slammed.

Flanagan: The – the hard door?

Barnes: The hard door. … And then I said, "Hey, an officer fired. He's hit." And I kinda .. figured .. should I say looked in the stomach or whatever.

Flanagan: Uh-um.

Barnes: And then, uhh, we moved. Adam was behind me. .. And he's like .. He said, … 'Cause I said, "Who shot?" He said, "I did. I'm sorry." And he said, .. He says, "He – he put – he moved his hand down to his waist." I said, "I didn't see that." You know. And I never took my eye off of him. I'm not … I'm – I just … I'm like, … And he was … I said, "You ok?" He said, "Are you ok?" I said, "I'm fine. I'm fine. I'm fine." You know, a little pumped up. I'm like, … He said, "Man, my wrist." He said his wrist was hurting. I don't know if it was from the way he was holding it, but he said, "I jammed my wrist," or

something. And, uhh, … he was kept making look. I said, - I said, "Breath." "Ahh, man." I said, "You gonna be ok. Ok, we gotta deal with this. You gonna be ok." And he … You know, he makes me, he's like, "Man, … Man, you know." He said, "I'm sorry." I'm like, "You gonna be ok. Torres, we gonna deal with this. You know." He said, "I'm sure…. IA … You gonna have to do all that, you're fine. Just – just deal with that. You deal with it." Then he made a comment. … 'Cause I was like….. He said, "You're ok, just breath." I said, "I'm good." He even patted me on the shoulder. I'm ok, 'cause, you know, I was kinda – I was pissed, but then, like, "What-the-hell just happened here?

Flanagan: Uh-uh.

Barnes: You know. He said, "Did you see it?" I said, "No." That's all I said. I didn't like, "Man, what the fuck. Why did you do that?" That wasn't time for that. It wasn't. But I was also trying to calm him down. He was concerned about me. .. You know, he said, "You're alright, man?" … And he said, …… 'Cause I wasn't really saying anything to him, 'cause we were watching the door and we need to …. And, uhh, he said, - he said, - he said, "Man," he said, "Man, I know I have to talk to IA." I said, "Yeah, we all are." He said, "They gonna take my

gun?" I said, "Yeah, they gonna do all that." You know, 'cause he don't know.

Flanagan: Right.

Barnes: And then he made a comment that kinda ... He said, "Man, I did have argument with my wife before I came to work." You know, I'm saying to myself..... You know, I didn't say, "Hey," I said, "Man you gonna be ok, just deal with this."

Flanagan: What do you think he meant by that? Did he say what he meant?

Barnes: No. I mean ... I guess he was just trying to give reason that ... In my mind, I'm like, "What-the-hell just happen here? ..... You know. And he ... And I can tell you he was ... shaken-up.

Flanagan: Right.

Barnes: It was normal. And then, you know, he's the one that shot – fired the shot. I'm like, "Maybe he saw somebody I didn't see," but I'm like, "I had a perfect view." ... And, ha, you know, - you know, I'm like, "Hey." And then he kept saying, "Man, they need to get in there and get him. We need to get him." You know. I said, "Hey, we gotta hold tight, we can't just, you know ..... And then, I'm like .... I was kinda pissed, 'cause I was talking to him, like, you know, "Is he ok." You

know, "Is he ok." And I even started yelling in there, "Hey, John. John. John." But a couple ti.... – a couple times they can hear the recording, "I heard him inside." I know for a fact he ..-..

Flanagan: Heard him talking or .....?

Barnes: No, I heard like ... stuff moving, you know, for ....

Flanagan: Right.

Barnes: ... a couple times. And it got to a point where there was nothing.

Flanagan: How long did you guys stay up front?

Barnes: Till TAC – till TAC – TAC came up on the delta side. Like you facing it, they were over there.

Flanagan: Uh-um.

Barnes: The delta side. And when they came around, they told us they were coming. They got on the corner, they said .... So, I moved down to were ... like, two townhouses down, and where Dave and a couple other guys .. and we moved **INAUDIBLE** ride to the other tree line.

Flanagan: Uh-um.

Barnes: There's a center Island, we stayed right there. Uhmm, where there was me, Dave, uhmm, Dave Parker, Dave Neil, Anthony Quarto, ... 'Cause that's where he was the whole

time. I didn't know this.

Flanagan: Uh-um.

Barnes: And then, Eric from evenings was stand...., he came down there. Then eventually Lieutenant Jocca came. And then, uhh, ... Well, before that, before we got moved outta there, they asked .... I kept Torres, you say, I kept telling ..., "Hey man, you want me – me ... I can get you a relieve. I can get you a relieve." 'Cause I knew it was a matter of time they gonna call for him.

Flanagan: Right.

Barnes: And next thing you know they said, "Hey, can we get Torres re – relieved?" So, Dave had a rifle. He came up to where I was, and we were there awhile. So, then Torres went back to the command bus and we were there for a while till TAC ... I don't know how much longer, but it was awhile.

Flanagan: Uh-um.

Barnes: When TAC told us, you know, to get out of there. And we came back around to where we were out of the way. And then, uhh, Jocca gets there. And he didn't really .... He was trying to tell us, which I knew, the robot was on his way down.

Flanagan: Uh-um.

Barnes: Which I know what the robot ... And he was trying to going

through to tell Ryan and then what was next. And, uhmm, ... But Torres kept, you know, before he left, like, "Hey, you know, we need, you know, we need to get in there. You know, we need to get in there and get him." I said, "I know." "We need to, you know ...."

Flanagan: Was – Was he like – Was he concerned for ..-..

Barnes: Yeah.

Flanagan: ..-.. they guy being .....

Barnes: Yeah, he was. Yeah, he was. ... He – He was. .. He – He was concerned, and he was scared and ... And I just .. I was mad, 'cause I was like, what-the-hell happened here? You know. And I'm saying to myself, ... And I didn't say anything to him, 'cause I was concerned about him. I'm – I'm not .. here to throw him under the bus or anything like that, but I – I – I didn't see what he saw.

Flanagan: Uh-um.

Barnes: What he thought he saw. Whatever. I don't know if his hand – finger was on the trigger, I don't know.

Flanagan: Ok. Well, let's go back and, uhmm, .. I guess we'll start with like in a little more detail. .. Uhmm, you're in your car and .. you hear the call come out. .. And you said you read the CAD-traffic.

Barnes: I had read the CAD, the traffic, yeah, about what the call was.

Flanagan: Do you remember what the CAD-traffic said?

Barnes: Something about he had thrown .... Oh, I read where there was no alcohol and the weapons were secure or something. That's all.

Flanagan: There weapons in the house?

Barnes: Yeah, but they supposedly were secured.

Flanagan: Uh-uh.

Barnes: That's from the comp... the call-taker.

Flanagan: Ok. Uhmm, ...

Barnes: And I wasn't going, 'cause it wasn't ... At that point they didn't say anything about, "Hey, he say he has a gun and he ain't coming out and .. we better not come ... Whatever.

Flanagan: Then the first thing you hear about the gun is from ....

Barnes: Torres.

Flanagan: ..... the officers that are on the scene?

Barnes: Adam, ...

Flanagan: Adam.

Barnes: .... because he was talking.

Flanagan: And what do you – what do you recall .. from that ..-..

Barnes: When I heard him say, "The guy got a gun, he ain't coming out." Then ... they ask for another unit. I said, "Is there any

unit ... This is 740B, hold me enroute." .. Then I heard 741 and I said, "Hey," .. As we going, they .... When I got turned on Hooes running code ... Turned on Hooes ... 'Cause I didn't have far to go up to Hooes to make a right on Newington Forest, then I know I got to make a left on Maple Leaf – Maple Leaf. ... And, uhh, ... So I was on scene and .....

Flanagan: Wa....Was there any radio traffic or CAD-traffic about, ... uhmm, threats against the officers from the guy?

Barnes: I – I thought I heard 'em say that he would shoot us if we come in there or he has a gun. I didn't hear it all, I just heard about .... that he had a gun. He wasn't coming in – He – We wasn't coming in or he wasn't coming out. It would be bad if we came in. .. That's the kind of what I heard.

Flanagan: That – And – And what do you hear, ... you hear that on the police radio.

Barnes: Yeah, it's on the radio.

Flanagan: From .....?

Barnes: From Torres.

Flanagan: Ok. So, ..-..

Barnes: 'Cause he called.

Flanagan: ..-.. he's relaying that ..-..

Barnes: And that's ..-..

Flanagan: ..-.. to the dispatcher?

Barnes: ..-.. And that's why he said, "Hey, we need a unit." So I knew, at that point, I don't need to go casually, so I ..-..

Flanagan: Yeah.

Barnes: ..-.. I ran code.

Flanagan: Ok.

Barnes: And then they restricted the channel. And then he said, uhh, … They were talking about …. Something else he said … I don't know, that they, uhh, they needed the shield. And I said, "Hey, I'll be on scene shortly." … Three minutes. Two minutes. .. Whatever. And I got on scene and .. I saw them .. in their position.

Flanagan: So, when you – when you're coming down, … uhh, the street, …..

Barnes: Which? On .. The actual street.

Flanagan: On Pebble …..

Barnes: Pebble.

Flanagan: Pebble, yeah. .. Uhmm, the townhouses straight down at the bottom of the hill?

Barnes: Yeah. When I came ….. 'Cause when you first come in, you're way up there. You know, like where the command

thing is?

Flanagan: Right.

Barnes: You come down. Then I saw his car. 'Cause I didn't actually know who ..-..

Flanagan: Right.

Barnes: When I – I saw Torres, he always drive the silver unmarked.

Flanagan: Ok.

Barnes: And I didn't see .. Neil's car, 'cause it was over to the left, .. like around ....

Flanagan: Yeah.

Barnes: But I saw his car and I saw him standing in there. And I pull up behind his car and got his, uhh, ...

Flanagan: Alright. You parked behind his car?

Barnes: Right behind it.

Flanagan: Alright. And .. as you're looking at townhouses straight ahead of you, from right to left, which townhouse is his? .... How far in?

Barnes: Maybe the third one. ... From – from the right in .....

Flanagan: Uh-uh.

Barnes: .... it was maybe the third or fourth one. I don't – I don't know.

Flanagan: Ok.

Barnes: Third. .. I don't know. ... 'Cause I couldn't ... I didn't know the

number – I knew the number, but you couldn't see the numbers from there. How I knew which one it was? When I saw him standing in the door, I said, "Oh damn, it's right there." ..... I – I don't know if it was the third in. .... Third. Yeah. Third in or fourth in. I'm not sure. .... Maybe more than that. .... Fourth. I don't know. .....

Flanagan: Was it closer to the right or to the left?

Barnes: Close to the right.

Flanagan: Ok. .....

Barnes: It looked like to me, ... I don't really know how long they were, ... I think it was .... It maybe even, but it maybe ... I thought it was closer to the right. .....

Flanagan: And the screen door, .. which way did that open?

Barnes: Outward, .. to the right. Like, if you're facing it, it opens this way. Like, I'm facing it, ... it opened like this.

Flanagan: Ok, so it ... when you're coming from the outside in, the knob is on the right hand side?

Barnes: Yeah. .....

Flanagan: And do you know which way the .. large interior door ... which way that one opened?

Barnes: It had to open opposite, because I could see in what he was trying to show me. Like, he opened the door a little bit. Like

he opened it enough where I can see in past him. So, the door ... 'Cause I wouldn't been able to see that. So, I think the door, you facing it, it opened opposite .. of what ... Well, you know what I mean? .. It opens .. Like you open that door like this, ... the screen door this way, ...

Flanagan: Uh-uh.

Barnes: ..... the door opens this way.

Flanagan: Ok.

Barnes: That's what it looks like. .. 'Cause if it was that way, there's no way that I could've seen inside of there where he was trying to tell me the gun was. .. 'Cause I could actually see in there.

Flanagan: Ok. So if this is, ... this whole sketch .. it's not accurate as far as ..-..

Barnes: The screen door opens this way.

Flanagan: Right. So, if this is the screen, opening like that, ... and then this is the main door, ...

Barnes: The main door opens that way.

Flanagan: Like this, right?

Barnes: Are you facing it? ... Yeah, it opens ..-..

Flanagan: So the knob would be here, opening like that?

Barnes: No, no, no, the knob would be on the right.

Flanagan: Ok, then how would be the knob on the right on this door then? .. On the screen door.

Barnes: The knob was here, .. 'cause it opens. The knob .. The screen door only opens one way. .. Outward. ... It can't go inward.

Flanagan: Right.

Barnes: You know what I mean. .... The screen door opens this way.

Flanagan: So, they're opening this .. like this? ....

Barnes: Screen door this way and the door open this way.

Flanagan: So, is that right, like that?

Barnes: Yeah. .... So, if he closes it, ... Wait a minute, ... that don't look right. .. Ok. .. All I know, I saw the door cl.... There's no .....

Flanagan: Where – where ..-..

Barnes: If the door ..-..

Flanagan: ..-.. he's mentioning the gun is right down where you ..-..

Barnes: When he opened the door enough, I could look right in here. ... He was trying to tell me that the gun was right there ..-..

Flanagan: So, ..-..

Barnes: ..-.. on something.

Flanagan: ..-.. facing inside out, the gun's to stood to his left?

Barnes: Yeah. ... So the door .. The door couldn't open this way,

'cause I wouldn't been able to see it. So, the door – the hard door had to open that way.

Flanagan: Ok.

Barnes: That's the way I see it. I – I couldn't see .... Maybe I'm, ta uhh, .. 'Cause there's no way. 'Cause I wouldn't have been able to see in. ... Is that confusing?

Flanagan: Uhmm. ... Well, ...

Barnes: It looked like a door. Like this door here. ... It looked like this door ... open this way.

Flanagan: Ok.

Barnes: Because I wouldn't have been able ... If the door open like this – If the door open this way, ... then I couldn't seen in there. .. You know what I mean?

Flanagan: Right.

Barnes: That's what I ..... I'm sorry.

Flanagan: It's ok, just to the best of your memory.

Barnes: Yeah.

Flanagan: Uhmm, and we can – I can go down and look at the door.

Barnes: Yeah.

Flanagan: Uhmm. So, ...

Barnes: I know it was like yellow looking.

Flanagan: Out in front – What is out in front? Like, where are you guys

located out in front of the townhouse?

Barnes: There ain't notin'. At – we're .. Like you got the yard. Like there's grass here.

Flanagan: Uh-uh.

Barnes: Yard. And there's grass over here. And there's the sidewalk. …

Flanagan: The sidewalk that leads up to the front door?

Barnes: Yeah, well, you got the sidewalk up here, but there's a sidewalk going up .. right to the front door. … I was in the grass over here. There's a tree in the yard here.

Flanagan: Ok. It .. And ..-..

Barnes: And Torres was right there by the tree.

Flanagan: Are there – Is there parking lot ……

Barnes: Yes, that's – that's where park.

Flanagan: Ok.

Barnes: Cars pull up. …. You had the parking lot, .. sidewalk, …. you know the regular sidewalk to walk down the front of them. … Yeah, like that. … Then you had the sidewalk that walk, you know for each – each ….

Flanagan: Uh-um.

Barnes: ….. each townhouse you got …. Right. ……. Right.

Flanagan: Ok. And you said there's a tree over here?

Barnes: There's a tree right in the yard. … Like, right here.

Flanagan: Ok.

Barnes: Wasn't a real wide tree. .. It was long. .. And Torres was right here, I was right here.

Flanagan: He's to the right of the tree?

Barnes: Yeah.

Flanagan: Is he using the tree as his cover?

Barnes: Kinda. .. I mean it wasn't really – It wasn't a lot of cover, you know. … Now, I'm in the open … over here.

Flanagan: And you're right here?

Barnes: Yeah. … 'Cause they were here and Neil was like here. ….. Neil ..-..

Flanagan: Like there?

Barnes: ..-.. was like here. … Like right there.

Flanagan: Is he u…. – Is he ..-..

Barnes: He's closer ..-..

Flanagan: ..-.. using anything for cover?

Barnes: ..-.. to the sidewalk. .. No, he has nothing for cover. … 'Cause they, I guess, … Now, I don't know, they must've … was gettin' ready to talk to him .. and then he wouldn't come out the door and they was just talking to him right there.

Flanagan: Ok. – Where ..-..

Barnes: So they wasn't ..-..

Flanagan: ..-.. are the positions of the other officers? .. If you know.

Barnes: Ok. ... There's a – a van or something ... There's something parked there.

Flanagan: Uh-uh.

Barnes: So, Parker .. was like on the end of that car.

Flanagan: There's a van?

Barnes: Like .. Some kinda vehicle, I don't remember what kinda vehicle. ... And Parker was like ... right there. ... You know, cover. He had cover. .. If I'm – I – I – I think I'm right here, I'm not sure.

Flanagan: Ok.

Barnes: And then I nee... I saw Ben ... There's ... You got other townhouses over here.

Flanagan: Right.

Barnes: There's some cars here. ... And Ben is on the .. there's a .. Ben is on the front corner.

Flanagan: In front of the cars?

Barnes: Yeah, but like, ... he – he was the front of the car .. Like here's the car, he's like right here. ... And he got his rifle.

Flanagan: Ok.

Barnes: Like, .. let's say, ... Yeah, you're right. ... Like, let's say, he

might've been this car. I don't know if it was this car ... this car ... and he's right there.

Flanagan: Ok.

Barnes: With the rifle.

Flanagan: What's Ben's last name?

Barnes: Kushner. ... K-U-S-C-H-N-E-R. Kushner. Whatever his name is.

Flanagan: Ok.

Barnes: K-U-S-C-H-N-E-R.

Flanagan: Any other officers that you remember?

Barnes: No, that's it. ..... Tha..... Now, as far as us? I knew Neil and them was at a house, the townhouse, where ... down by where the family was. The son. Neil ... I just know he ... Neil went over to a house behind us, like down here somewhere.

Flanagan: At the .... Was – Where was he at the time of the shooting?

Barnes: Nah, he wasn't there. Neil had left to go over here, for whatever reason. I don't remember what.

Flanagan: Ok.

Barnes: I don't remember ... I'm sorry .... I don't remember what he went for.

Flanagan: So he wasn't there at the time the shot was fired?

Barnes: No, no, he wasn't. .. But he can hear ... I mean, he was – he

had a position over here. Like … So he couldn't see it. …… And then, ……

Flanagan: Ok. … Uhmm, any other officers that you remember?

Barnes: I know Lieutenant … Like back here, ……

Flanagan: Uh-uh.

Barnes: …. Lieu … I can see the cars, .. like our cars are here, … I can see Lieutenant Fish out there.

Flanagan: Up there? Up the street?

Barnes: Yeah. … I don't – I know, .. uhmm, they were out there, I just didn't really pay much attention to them.

Flanagan: Ok.

Barnes: I was focused on him. .. At the time of the shot I don't really know who was over here. Maybe they came after, I don't – I don't know.

Flanagan: Ok. And ……

Barnes: And then we moved to the corner.

Flanagan: Right. …. Right after the shooting?

Barnes: Yeah.

Flanagan: Ok. … Before that, … So, this is where you negotiating from, right here.

Barnes: Uh-um.

Flanagan: And, uhmm, how does the negotiation start off with you

talking? Or do … Des…describe me .. like his demeanor. Like when you first get there.

Barnes: He was just in the door and he's talking to Neil. Neil's ..-..

Flanagan: Uh-uh.

Barnes: ..-.. talking to him. And I don't remember exactly what they were saying. They were talking. But it started to go like, you know, "I'm not coming out," and all this. And, you know, "Y'all need to leave." Something like that. And Neil kinda like, .. I felt, was getting maybe a little stumped. You know.

Flanagan: But what … Like … What – what was the guy saying? What do you remember him saying?

Barnes: I don't remember exactly what he was saying. Like, you know, ….. He said something about, all these officers, …. and at the time I was the only one there, the other ones hadn't got there yet.

Flanagan: Uh-um.

Barnes: And, uhh, I just came up with the shield, "Oh," something like, "Y'all bringing everything?" or something like that. And I asked where he wanted, you know, asked the … Torres where he wanted it, you know, he couldn't really take the shield right then, you know, at that point, you know. We – He said, "Just put it by the tree." So leaned it up against the tree.

Flanagan: Ok.

Barnes: Then I went to the left of the tree, … with gun drawn, you know. … Then he was concerned about why the guns are pointin' at him. And then Neil was saying some things, but Neil didn't talk to him. Neil talk to him about another couple of minutes, but … And then I – I kinda like say, "Neil, do you mind?"

Flanagan: What, what..-..

Barnes: **INAUDIBLE**.

Flanagan: ..-.. was the guy saying .. to them?

Barnes: Uhh, …. like, it's not against the law to throw stuff – throw her .. stuff out.

Flanagan: Uh-um.

Barnes: And stuff like that. And Neil said, "Hey, why don't just come out and we can talk to you." And he really seemed – appear like he really didn't wanna talk to Neil, you know, like it wasn't going.

Flanagan: Did – did he say anything about the gun …. at that point?

Barnes: No. He – I don't recall him saying anything about the gun. …. I don't. He didn't have one in his hands.

Flanagan: Ok. And then you start talking?

Barnes: Yeah. I said, "Do you mind?" They say, "Hey." I started

talking to him. Introduced myself. And then he said, "Can I call you ... What's your first name?" I said, "Can I – Can I call you Rodney?" I said, "Sure." I said, uhmm, ... 'cause I said Officer Barnes. I said, "Hey, I'm ... I'm a negotiator also, you know, we can ... He said, "Well, what's your first name?" "Rodney." He was real, you know, kinda ... And I – And ... So, he ... I said, "Rodney. Sure." He said, "Well, I'm John." I said, "Ok. .. So, can I call you John?" And we started talking. ... You know, kinda went over what .. went on today and that, you know, ... he hadn't broken any laws. .. And, uhh, ... He said something at one time that I seem to be reasonable, ... or something like that, .. you know. And I'm just trying to keep him talking.

Flanagan: And what was his demeanor?

Barnes: He was irritated at times. .. You know.

Flanagan: What was ..-..

Barnes: Like, why we were here. We didn't need to be there. And ... You know, he ... irritated like, ... He – He – He – He spoke well. You know what I mean. He kinda like, you know, ... He – He – He would like tell .... He was just telling us what, you know, what we could do, what we can't do and, you know. And then he said, "I can call my lawyer and get him on the

phone," and – and he knows ..... A couple times, you know, he was upset that they had a gun point at him and .... I got 'em to lower them to "ready-gun". ... And he – he appreciated that. He said, "Hey, I don't want ..." He said, "Nobody needs to get hurt today." You know, he said that several times. You know, like I said, I asked him about his kids. I asked him why we were here. You know, what happened today, and ... He just said, "Hey, you know, ... you know, I got every right to throw her stuff out." You know. And I asked, ... I said, "Hey, so do y'all own the house together?" He said, "No. I own this for 20 something years .... and it's in my name." I said, "Ok." He said, "I know it's gonna take 30 to 90 days to ... for her to, ... you know, to need to put her out." And, uhmm, ... he was saying that his dad, I guess, ... Supposedly, I didn't see him, he said, "So, I see that's my dad out there." I guess some people had come. Now, at one point, there was a guy ... that was down there with Fish and them. I'm talking to him, for whatever reason, they told him to talk to the guy. .. He said, "What are you doing, John?" You know, I'm him like, ... you know, "What are you doing, John?" You know, I don't know who that was. He's, ..-..

Flanagan: Uh-uh.

Barnes: ..-.. "Oh, that's my friend. What is he doing here?" Well, first he said, "Oh, my dad is out there now." And then he – his friend is saying, "Come on, I'm trying to call you on the phone. Come out here man, don't do this. You don't ....." And then they finally .. shut him up, the friend, ...

Flanagan: Uh-um.

Barnes: ..... 'cause I guess he tried to call him on the phone. That kinda irritated him a little bit. I said, "What's ..-..

Flanagan: Now, why ..-..

Barnes: ..-.. all this?"

Flanagan: ..-.. why did you say he was – he was irritated? Like ..-..

Barnes: That the friend was out there talking to him.

Flanagan: But what was he doing that make you think he was irritated?

Barnes: He said, "Man, what is he doing here?" He said, "Now they want everybody to talk to me." Something like that. And – and then finally, whatever reason, ... I don't know who did it, he stopped talking to him. ... And then I said, "Hey." .. You know. And then he started talking to me again after I got his attention.

Flanagan: Uh-um.

Barnes: 'Cause I guess they shut him up. 'Cause I was in the middle .. of talking to him .. and that .. I didn't expect that.

Flanagan: Uh-um.

Barnes: You know what I mean?

Flanagan: Were – were you guys giving him commands or did you give him a surrender ritual?

Barnes: Oh, .. yes I did. I said, "Hey John, why don't you come out and talk to us?" I said, ...

Flanagan: And what did he say?

Barnes: And I said, ... He said, "No, I'm not coming and you can't come in." Then I said, "Hey," .... I said, "I'm gonna give you some commands, you come out and talk to me." He said, "What ha.... .... He said, "What happen .... What I have to do if I come out?" And I told him. .. He correct me, says, "Commands?" He said, "Can I .... I said, "Tell you what, I ask you to do some things for me." I said, "It's for my safety and your safety." He said, "What is that?" I said, "You open the door, keep your hands where we can see 'em. You gonna come out. Turn around. Walk back to the voice. And when I tell you to stop, you go to your knees, keep your hands over your head, and then s.... you gonna be handcuffed." He said, "Nope. I'll come out, but I'm not getting handcuffed." So, then I changed .. and said, "Hey, how 'bout you come out, come out where we can talk, ... And he said, "No. You're – you're

trying to .... I know if I come out, there's different rules if outside my house." I said, "This is your property." He said, "Well, why don't y'all just leave? ... You stay here and everybody else leaves." And he said, uhh, ... He said, ... I said, ... Then I changed to, "Well, no handcuffs, ... just come out and talk to me." I said, "Why don't you just sit down?" A couple times he said, "Well, .. ok, if I just come out there and sit down, ... what's gonna happen?" I said, "We just gonna talk." "No, I don't believe you." And he kept talking about .... "I know those long guns can take me out." I said, "Listen, if you don't make any movements and keep your hands up ..... that's not gonna happen." He said, "Yeah, yeah." I said, "No." You know. And then .... You know, I asked him earlier, I said, "Hey, who had anything to drink?" I heard that earlier. He said, "Last night." 'Cause to ... It appeared that maybe he .. may been drinking. I don't .. I didn't know. That's why I asked him.

Flanagan: What made you think that?

Barnes: Just the way, you know, ... He was kinda like .. red, ... you know. Like ... And it could've been from the sun. He just looked like he was red. Like ... You know, that's why I asked him, "Have you been drinking?"

Flanagan: Was his speech slurred or .....?

Barnes: At times, ... but not really. But I just thought maybe he had some drinks. He said, "I had a few drinks, but it was last night." And – and went on from that. And I told you he tried to get me to come in and get the gun. "Here's the gun. You know, I don't want .... I'm gonna to get some water, come back." He said, "If I shut the door, there ain't nothing y'all can do." I said, "That's true, but I don't want you to do that. ... John, we're talking. Try to resolve this. ... and the kept talking." You know.

Flanagan: Uh-um.

Barnes: I mean, at times you would think you'll make some ground, 'cause he open the door. He'll think about it. And then he said, "Well, if everybody moves back and you stay here, I'll come out."

Flanagan: But even when you .. changed your plan and told him he wasn't gonna be handcuffed, he then still didn't come out?

Barnes: No, he said – he said he would if everybody moved. And then he said, "No, I know the law. My rights change when I come out." I said, "If you're on your porch, you're still on your property." He said, "Ok. Yeah, yeah, it's my property, why don't y'all just get off my property." ..... He said, "I haven't

broken any laws." And he would let us know when he gotta scratch his nose. And one thing ..... he only asked to get his phone one time, and I told, ... you know, I said, "Hey, you know." He said, "I know. I know. I might get shot." I said, "Listen, you don't know ....." He said, "The guns right here. See it Officer Barnes? See it Officer Barnes?"

Flanagan: Why do you think he was showing you the gun?

Barnes: He wanted to let me know that it was where he say it was, ... but I really couldn't see in there. It was dark. He says it's right here. He described it. 357 ... It's in a holster. ... I .. The butt is turned the other way. You know. He said, "I'm not gonna reach for no gun." That's what he said. He said, "See Officer Barnes. See." Then he said, "Hey, come and get the gun Officer Barnes." Well, that wasn't gonna happen.

Flanagan: And why wouldn't you do that?

Barnes: Uhh, I don't know what else he had, ... you know.

Flanagan: So, is he – In your mind he was still a threat to you?

Barnes: With that gun being that close, ... I thought so. 'Cause even if I moved up, I'm in the line of fire of the other officers.

Flanagan: Uh-um.

Barnes: And from my vantage point it would have to be, like, shootin' through the screen. You know what I mean?

Flanagan: Right.

Barnes: If he reached. You know.

Flanagan: Right.

Barnes: Then I'm like, "Ok." .... I just didn't think that was a good idea to go ..... You know, I did say, "If you come outside, out here where we .... away from the door, and the ground, I'll get the gun." "No, ... you can come in and get it." 'Cause he opened just a little and said, "Come get it. See Officer Barnes, come get the gun." I said, "I stand right here." You know, that's just to .....

Flanagan: Did – did you think he was trying to bait you into trying to come in there to get the gun or .....?

Barnes: He ... I don't know. He – he – he ... Did I think he was sincere by giving me the gun? I don't know. ..... But I did want to get him away from that gun, it was just to close. If there was a gun there. Now, I didn't see it. I couldn't see it. .. He kept saying, "It's right here."

Flanagan: He – he was inferring that it was within arm's reach?

Barnes: "Oh, it's right there." Like he's staying here. ... Got the door. ... And it was dark.... I couldn't see. ... He says, "It's right here. It's standing right here." ... There must've been something there, like a table.... I don't know. He says, "It's

right there. See Officer Barnes. See."

Flanagan: And you're motioning to your left hand side there?

Barnes: Yeah, which was his .....

Flanagan: Uh-um.

Barnes: It's my right, his left. ... Here he is. Here the knee. It seem like he coulda just reached over and got the gun.

Flanagan: Ok.

Barnes: I couldn't see it. He tried ..-..

Flanagan: Now ..-..

Barnes: ..-.. to let me see it.

Flanagan: ..-.. and .. when – when you're talking to him, ... uhmm, ... You said earlier that you heard .. Officer Torres on the radio talk about threats he made about shootin' police officers or ..-..

Barnes: Something, I didn't catch all of it. I just said, "Hey, I'm not going anywhere and it's won't – it won't be ugly. It'll be ... Something ugly or... I didn't catch it all. I just ..-..

Flanagan: Was ..-..

Barnes: ..-.. talking about ..-..

Flanagan: ..-.. Was there anything like that said when you were actually there?

Barnes: No, when I got there he just said, "Hey," you know, uhh, ...

He – He told me he didn't want anybody – He didn't want – He – I don't want anybody to get shot. And he said, "And I don't wanna get shot, … 'cause I don't wanna die today." That's exactly what he said.

Flanagan: Uh-um.

Barnes: But he never said anything while I was there about, "If we came in there he would .. shoot."

Flanagan: Did he ..-..

Barnes: Not to me.

Flanagan: ..-.. Did he make any threats towards anyone?

Barnes: Not while I was there.

Flanagan: Ok. …….. Alright. And then you said that you're talking to him and, … walk me through again, he says he – he talks about going back inside the house to get some water?

Barnes: He said he was thirsty. He says, "Listen, I'm thirsty. I'm gonna go in the kitchen and get some water. You can come in with me if you want to and watch me get the water." I said, "Well, I can't do that." I said, ….. And then - And then he said, "I shut the door. I – I'll come back."

Flanagan: Uh-um.

Barnes: And I didn't want him to do that. And he didn't shut the door. 'Cause a couple times, like, "Oh, yeah, he's going." But I kept

talking to him, ... you know. I said, "Hey, I did some stuff for you, like, you know, we're not, you know, will you just stay here and talk to me?" "I'm thirsty." And it ... Several times I, "Hey, I can get you some water. Come out on the stoop." I said, "You can either stand there, shut the door, or prop it open, stand there, or sit down on the stoop, and we'll talk." Then he kept saying, "Well, my rights change if I sit on the stoop."

Flanagan: Did he ever leave the doorway while you were there talking to him?

Barnes: No.

Flanagan: Ok. .. And then ... What happens next?

Barnes: Well, we hear a shot.

Flanagan: Well, what .... Tell me, where you're looking right before you hear the shot.

Barnes: The whole time I'm looking at him. His hands were up here.

Flanagan: Ok.

Barnes: He hands ... A couple times his hands would slide down. You know, like he would take it off and slide it down. And then he – he would say, "Hey, I'm gonna scratch my nose again." He would do that twice, three times. .. But he never, like dropped his hands down, .. 'cause then ... that's critical.

Flanagan: You're – You're motion like all the way to his waist.

Barnes: Right.

Flanagan: Yeah.

Barnes: He never … And I – I never seen him go past like here. … I didn't.

Flanagan: To ..-..

Barnes: I'm – I'm looking … I can see him.

Flanagan: ..-.. like chest level?

Barnes: Yeah. He wouldn't go, …. you know, he would go like here. He never like … Or one time he's like, "Hey, if I get my, …. earlier, what – can I just get my….." And then the gun went back up. That's early on. "No. Ok, don't get your phone." He only mentioned the phone once.

Flanagan: Alright. So, when you see him right before he gets shot, ……

Barnes: When, he … right before he got shot ……

Flanagan: …… what's he doing?

Barnes: …. his hands were on the door, ..-..

Flanagan: Alright.

Barnes: ..-.. but I can't remember if he had dropped them a little bit ..-..

Flanagan: Is he ..-..

Barnes: ..-.. but they were still up.

Flanagan: ..-.. Is he hanging on the door like you described earlier or ..-..

Barnes: I can't remember if he was still hanging on the door, but they were like down. I can't remember if he was still hanging on the door. He might've dropped them. 'Cause a couple times he was just bring 'em down then could reacquire the door.

Flanagan: So, when you're – you're saying, drop 'em and you're motioning, you're like motioning like dropping 'em to shoulder height.

Barnes: Right. Like – like – like, … you know …… But then, that's why .. the shot surprised me. … I'm like ..-..

Flanagan: Had he dropped them when – right before the shot – had he dropped them to the shoulder level?

Barnes: They were still up kinda high. I don't know if they were still on the door, but it wasn't … it may been shoulder level or – or .. level or a little higher, … but he didn't, I mean, … And ….. They – they were still up.

Flanagan: Ok.

Barnes: Whether he was still on the door ……..

Flanagan: And – and you're looking at him as the round is discharged?

Barnes: Yeah. 'Cause when the shot went, he … I'm looking at him. I'm like, … He go, "Ahhh." … He's like, …. He go ……

Flanagan: You got your hands out in front of you, when you're doing that?

Barnes: Who me? No, no, no.

Flanagan: Uh-um.

Barnes: When the shot went, ..-..

Flanagan: Where are his hands ..-..

Barnes: ..-.. he go, "Ahhh." And when he goes back, the door closes.

Flanagan: Do you see he hands go to his side like that?

Barnes: His right hand came like here, like, ... kinda like, "Ahhh." Something like this. The right hand.

Flanagan: Right.

Barnes: And then, in the same mo..... he went back and then the door closed. I don't know which hand he used. He might've moved .... I just saw him go. He goes back. .... Now, I don't know if he uses his right hand to shut door or left. I don't know.

Flanagan: But you're ... When he gets shot, and what you displaying to me now, is you're standing up and with his right hand he puts his right hand **INAUDIBLE**

Barnes: Something like that. And then ... But Ben probably could better see how the door was closed.

Flanagan: Right, ..-..

Barnes: ..-.. 'cause ..-..

Flanagan: ..-.. before that. Before we get to the door closing, when … you're displaying how he moved his right hand to his ..-..

Barnes: When the shot went, "Pow", he go, "Ahhhh." .. And he went … And I see he goes back. … Like, quick, "Ahhhh." Screamed. Next thing I know the door's closed, … 'cause I lost sight of him.

Flanagan: Humm. You're … But listen – listen to my question. With your right hand you're motioning to where his injury is.

Barnes: Yeah, he grabbed something, like he was reaching wherever ..-..

Flanagan: Ok.

Barnes: ..-.. he was hit.

Flanagan: Yeah, my question is, when you're this – showing me how he did that, you're bringing your right hand from waist level ..-..

Barnes: No, no.

Flanagan: ..-.. to his side.

Barnes: No, no, ..-..

Flanagan: So, tell me how ..-..

Barnes: ..-.. he was up.

Flanagan: Ok.

Barnes: When the shot happened, his hands were up, and he go, "Ahhhh." And then … I saw the right hand come down.

Flanagan: Ok.

Barnes: Not like right here coming down .....

Flanagan: Right.

Barnes: ..... it was up higher.

Flanagan: Gotcha. Ok.

Barnes: And then the door closes. He went back. .. 'Cause they asked me, "Did he fall?" I said, "I don't know." He just went back in, the door went. Now, Ben .. or Parker could probably see better, "Hey," ..... 'Cause it was like a one motion and ..-..

Flanagan: And Parker is by the car at the end of the sidewalk?

Barnes: Huh, Parker's over here .... and Ben's is over here.

Flanagan: Right. .... Ok.

Barnes: Do you mind if I piss and come back?

Flanagan: No, we can, uhh, ...

Barnes: I'm kinda ..-..

Flanagan: Why don't we take a break! The, uhh, time is, uhmm, 20:21 hours.

Barnes: Ok.

Flanagan: This is a continuation of the interview with Officer Rodney Barnes. The time is 20:25 hours. ..... Officer

Barnes we were just talking you – you're mentioning where Officer Parker was and where, uhmm, he may've had a better view and from ..-..

Barnes: He and uhmm .... Kushner.

Flanagan: The – rough ..-..

Barnes: Parker is closer than Kushner.

Flanagan: The rough sketch that we drew, uhmm, kinda shows him straight away from the door.

Barnes: It maybe a little more .... I'm – I'm just .... It's like he may had a – a – a different view.

Flanagan: Ok.

Barnes: From .. I mean, I'm not saying that .. he did, ..-..

Flanagan: Ok.

Barnes: ..-.. but I'm sure he should been able to see. He could see the guy's hands and stuff and Ben could too.

Flanagan: Ok. But from what you're saying and what you saw, his hands were up at, uhmm, ... at a minimum at his shoulders?

Barnes: Right. .. At a minimum.

Flanagan: Ok. ... Uhmm, at, at the time the round was discharged?

Barnes: Right. As it just shocked ... It just surprised us. Like, what-the-hell.

Flanagan: Ok. ... And .... you had said that the officer was, uhmm, ...

Well, actually you described yourself as being .. like – like you were – like you were pissed or angry. What were you talking ..-..

Barnes: No, what – what I'm talking about is, is that I'm like, "What-the-hell." You know, like, … What I'm angry about is like, … and I don't know, you know, he said, "We're ….." I'm like, why did he shoot? You know. And I was ok, even when we moved over and he was relieved, at the moment I'm good. I mean, 'cause we gotta make sure …. But then I – I got really angry, when, you know, when I was removed.

Flanagan: **INAUDIBLE**.

Barnes: Not for being removed, 'cause I knew …. But just being over there and, you know, you're sittin' there and you're like, …. And then the adrenaline kinda comes off.

Flanagan: Uh-um.

Barnes: 'Cause TAC took over and you're just off to the side …. over in cover. And, you know, I'm just, you know, hot and sweaty. And then one guy had "go bag" and he let me have some water. .. And then, you know, … And as I'm walking to …. the command bus, I was just like, you know, ….. "What-the-hell happened?" You know, that's – that's what I'm … I'm just …. Like, .. in my opinion and what I saw, I'm like, "Why did –

Why did he shoot?" You now, I'm ....

Flanagan: Uh-um.

Barnes: .... He can say what he, ... and that's fine, but I didn't see what he saw.

Flanagan: Uh-um.

Barnes: You – You know what I mean?

Flanagan: Uh-um. Well, you know, I'm ..-..

Barnes: And I was just ..-..

Flanagan: ..-.. just here to get your ..-..

Barnes: ..-.. 'cause – 'cause I'm just coming down. And it's like. You know I was talking to him right when he didn't, he didn't, he – he basically did everything I asked him to do, ... except come out, you know. We were talk, you know, but he ..-..

Flanagan: Well did he comply when you were asking him to – to come outside?

Barnes: He thought of ... A couple times he would say he was, then he said, "No, if I come out, ... you know, of course with the handcuffs." And I said, "Well, ok, no handcuffs. Would you just come out and talk to us get a ....." He said, "No. No, ... you – you want me to get away from the door." He did say that. You know, "Like you want me to get away from the door so I can't retreat back." And I said, "No, just want you to

come out." I say, "Hey, you know what, I don't, you know, talking to you between the screen door, ... I mean, you know. .. I ... It be nice if you come out and just ... You can stand on the steps, sit .... But at first he said, "Ha, what if I just come right there and step on the ... sit on the steps?" I said, "Fine."

Flanagan: But yet, he still didn't do that?

Barnes: No, he didn't do it.

Flanagan: And how – how long is this negotiation going on for?

Barnes: Hey, I really don't .... It – it almost seem like it was forever. ... I – I know that sounds crazy, ...

Flanagan: Uh-um.

Barnes: ..... but I don't – I don't know how long.

Flanagan: Ok. Now, ..-..

Barnes: And – and if he sh... closed – if he'd closed the door and gone back in the house, ... you know, ... we wasn't gonna go knock on the door. You know, ..-..

Flanagan: Ok.

Barnes: ..-.. 'cause, you know, ... No one, ... Now, far as I'm con.... noted, none of his fam.... all the family was out of the house. So, it was just him in the house.

Flanagan: Ok.

Barnes: You know.

Flanagan: But, uhmm, if you don't know how long the negotiation ..-..

Barnes: I don't.

Flanagan: ..-.. went on for, but during that time, uhmm, .. It sounds like from what you told me, you gave him several opportunities just to come out, and then even change your plan.

Barnes: Yeah, but, you know, a couple time he would talk about it, then his biggest thing was, "Everybody leave and then you stay." .. You know. ... And then he would start to where he say .. kept saying he was thirsty and he was going to go in his kitchen and get some water.

Flanagan: But – but even though you changed your plan, you've allowed him to come out and told him he wouldn't be handcuffed; he still didn't comply with that?

Barnes: No.

Flanagan: Ok. ..... I mean, and I think you said, you can never actually see the gun.

Barnes: No, 'cause he tried to open the door ... wide enough for me to see it, ... And I can see in there, but I couldn't see the gun. I just couldn't see it, you know.

Flanagan: Right.

Barnes: And he, haha, I didn't want him to reach in there .... "Here you go." Sure ... No, I don't want that. He said it was in the

Holster. I wanna say he might have said it was a brown holster. He did say it was … a 357. Black or something like that.

Flanagan: Ok.

Barnes: And he even wanted me to come get the gun.

Flanagan: Now, this … After this has been over, have you talked to any of the other officers about this?

Barnes: No, just, uhmm, … just, uhh, … I know it shouldn't be much talking. Uhmm, … only thing Parker said to me when he took over for Torrez .. or Torres, he .. he said, "Hey Rodney, if he comes out," he said, "you know the door opens this way, if he comes out," ….. I said, "If he comes out you have a rifle I'm gonna let you, … I mean, y'all … I'm gonna …. kinda like, … you know, do what you gotta do. You know. And he said, uhmm, …. We just had plan, uhmm, "Hey, you know the door opens this way? So, if he'll opens that door, we'll see it." You know the screen door, …..

Flanagan: Uh-um.

Barnes: ….. it has opened to where we are. And then ….. 'Cause he said, he came over, "Man," he said, "This ain't good." You know. And I said, "tell me about it." You know. That's it.

Flanagan: What did – What did you mean … What – What did you

think...I don't know, you can't really say what (inaudible) ..-..

Barnes: I think what he meant was the same thing I thought, like, why'd you shoot? ..... You know.

Flanagan: Uh-um.

Barnes: That thing – that .... It seemed to me like we kinda understood. ... I mean, he said, "Oh, it's gonna be a long day." You know. Well, you know, he said, "It's gonna be a long day," or something like that. .. He said, "I won't' make my overtime assignment at six." He had an overtime assignment at St. Meads at six. And I said, "Nope." ... And then we were finally relieved by TAC. .... And then we went over to the tree line. I didn't s.... The other officers, like Neil, ... Neil was ... 'cause he was new, he kept saying, "Oh, I'm just trying to go over what ....." I said, ... All I told him, he was talking, I said, "Neil, just ..... Yeah, you gonna have talk to IA. Just tell 'em what you saw. Don't ... If you didn't see, ... You say – you tell 'em exactly what you saw, exactly what you did. That's it." And then he would say nothing else, 'cause he was kinda .....

Flanagan: Uh-um.

Barnes: ..... just talking, and I know you shouldn't be doing that. You know what I mean, 'cause Dave wouldn't say anything. Dave

was up there by the tree. I said, "Hey man," .... 'Cause I asked him, "Are you ok?" You know. I said, "Hey." He said, "Ahh, I'm just trying to go over. I've never been to IA." I said, "No, big deal. .. You gonna talk to a lot of people, just tell 'em what you saw. Tell 'em everything. Tell the truth." And then he didn't would say nothing else. And then the other two officers, they didn't really say anything to me. They would come, "Hey man, what happened?"

Flanagan: Uh-um.

Barnes: I wasn't gonna tell them anyway. And Lieut... Lieutenant Jocca didn't ask me either. He just came down and said what the robot was doing? 'Cause I even said, if he came and asked me what happened, I wasn't gonna tell him, you know. I just didn't feel like, .. you know, ... But he didn't. ... Yeah, my Lieutenant came down and he stood there for a while and he was like, ... 'Cause I was sweatin'. You know, I was ..... I was angry too. .... But I mean, like I said, if he seen .... I just didn't see what he saw. I can't say, "Oh," ..... Yeah, if I didn't have a good view, then I can't question that. You know what I mean?

Flanagan: Uh-um.

Flanagan: I can't say, ... you know, if I was .... My view was obstructed

or something like that, that's different. Than I'm not gonna, ... second guess what somebody did or what they felt, you know. ..... Then the guy's kids are like a door down, two doors down. They heard the shot.

Flanagan: Uh-um.

Barnes: One of them tried to come out. ... And you could hear him, "Don't hurt my dad." This is after the shot. ... You know. And then they .... we had to get somebody over there to not – to tell them not to come out of the house, you know, 'cause they wasn't being ..... You know, he could've just ran out and we couldn't done anything, so they got an officer up there. .... Uhmm, so, as – as I just kinda like decompressed a little bit out there, you know, I was like, ... "What the fuck," you know. I wasn't like scared, 'cause I didn't know what to do in this situation and like, ... But I was like, ... "What happened," you know. .....

Flanagan: Ok. Uhmm, ... Is – Is there anything else that, uhmm, that you think that I need to know about ... or anything else you can remember that I haven't asked you about? ... And this won't be you're only opportunity ..-..

Barnes: I know.

Flanagan: ..-.. to talk to me, but, ... uhmm, but you're thinking of right

now that I need to know?

Barnes: Right at this moment, I can't.

Flanagan: Ok.

Barnes: I just don't (inaudible).

Flanagan: That completes the interview with Officer Barnes. The time is 20:34 hours.

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Transcribed on 09/17/2013

By Annemarie Carr, Administrative Assistant

Fairfax County Police Department
Major Crimes Division - #20132410242
CHARLES K. PETERS
August 29, 2013

It's October 3, 2013 at 1443 hours, Detective Farrell investigating Officer Involved Shooting that occurred August 29, 2013, interviewing uh, Commonwealth Attorney, Chuck Peters.

****

Q: If you would just state your name.

A: Yes my name is Charles K. Peters.

Q: And we're here today um, to discuss an incident that occurred um, back in the Spring involving Officer Torres, is that correct?

A: That is.

Q: And we've spoken about this, previously in passing and I've explained to you today that I just want to take a recorded statement from you regarding your recollection of what occurred on that date.

A: Yes, that's my understanding.

Q: Ok, if you would, if you would just tell me about your interaction with Officer Torres, um, on that court date uh, back on March 5, 2013.

A: Certainly, on March 5, 2013, I was the Commonwealth Attorney assigned to Courtroom 1E, uh which is one of many traffic courtrooms, in the Fairfax County Courthouse, I had a, docket that

day, it was Judge Cassidy's uh, courtroom, and I had a docket involving a number of traffic offences, including uh, at least a few DWI's, I don't recall exactly how many, um, but as part of uh, handling a docket in a traffic courtroom, it is a Commonwealth Attorney's um, responsibility to physically meet with uh, all of the defense attorney's that represent clients in that traffic courtroom, so what takes place is while the judge is on the bench and he is dealing with what's called pro-se's, or uh clients, excuse me, or, or defendants that don't have attorney's, on a myriad of case, traffic or related cases, everything from speeding to, to not stopping for traffic lights, and not having drivers license, the Commonwealth Attorney is in uh, the witness room, which is in the alcove of that particular courtroom, each courtroom has a small, alcove witness room, and it's the Commonwealth's uh, job to first meet with the officer's uh that, issue the summons or arrest of those particular defendants that are now represented with attorney's on this court date. So, on March 5, 2013, uh, I started the docket at 9:15, uh 15 minutes before court starts, I, I went into the courtroom, I organized my docket, uh, received uh, all of my what are called passes, those are the court files for those defendants that have attorneys, I organize the, the Commonwealth's desk, uh, at the

front of the courtroom, uh Judge Cassidy started court on that date and after he uh, went through some preliminary matters, uh, he dismissed me to uh, the witness room where I would meet with officers and attorneys on those defendants that had uh, attorneys for that date. Which I did, uh, over the period of the next uh, uh couple of hours, uh, which is typical for a, a traffic docket, uh I would meet with the officer first, uh get a summary of the facts, uh for their particular case whether it be a reckless driving case or a driving on suspended case, or no license or, a case involving a, a, DWI, or a DWI and refusal, I sit down with the officer first, and ask them what happened, uh, ask them any questions I have about the case uh, specific to whatever facts that they've given me, I'd also get a copy of the defendants driving record and any criminal convictions, um so I know, uh sort of the entire, entirety of the case before I deal with the defense attorney representing the defendant, uh, and possibly negotiating a plea or at least make an offer uh prior to going to trial, if for some reason the defense attorney and the defendant do not accept the offer, the plea offer, then those cases go to trial uh, at the end of the docket uh where, where the judge hears, hears the evidence and the judge, judge decides what happens. So this process is going on uh, oh the

morning of March 5th, probably a good hour, if not an hour and a half into the docket, that would put it somewhere in the neighborhood of, of uh 11 in the morning, 10:30, 10:45 um, I uh, there were 3 people in the, 3 officers in the witness room uh, I know, I believe Officer Wheeler was one of the officers, I think he's from uh, West Springfield, maybe Franconia, uh, Officer Torres uh was in the witness room, and uh, a third officer who I don't recall um, I had already dealt with Officer Wheeler and I ask, asked Officer Torres um, about his defendant, uh who was charged with a DWI, and Officer Torres um, began to tell me the facts of the case, what road um, the defendant was driving down, uh the fact the defendant had made an improper lane change because the defendant had used no turn signal in making that lane change on Southbound Rolling Road, and that he conducted a traffic stop for that violation uh, and we went through the rest of, rest of the facts involving the case uh, the fact that uh, the vehicle um, was stopped and then um, what, whatever statements the defendant made, whatever field sobriety test the officer gave right on through to the PBT and ultimately uh, the uh, arrest and breath testing uh, at the ADC, uh in the ASAP room, uh in this particular case, um, I became concerned because I asked him, Officer

Torres a couple of questions about the stop uh, in a DWI case there's uh, a couple of things that you have to be able to prove uh, first of all you have to prove that there was at least reasonable suspicion for the traffic stop, that, that there's at least a reasonable suspicion that uh, either criminal or traffic violation has taken place, you don't need probable cause but you need at least reasonable suspicion, second major thing, is after hearing all of the evidence, uh, up to the arrest, you have to determine whether probable cause existed for the arrest that can, for a DWI, can include the field sobriety test, statements made, a PBT, all those things and then finally, uh, you have to determine whether the breath or blood test was administered in conformance with uh, the, the statutes under 18.2 of the criminal code, uh which require the test, or excuse me, the arrest be within 3 hours of driving and requires very specific things from the person who runs the breath test, uh to ensure that it's in compliance with both the statutes as well as DFS procedures, so we were still at the reasonable suspicion stage on the stop, and I asked Officer Torres uh, whether um, any other vehicles were affected, uh by the defendant making a lane change without using a turn signal, uh and he said something to the extent of there, no there were no

other vehicles there, um, and I said ok, I said was he affected, you know maybe, maybe this guy cut him off or something like that and he said no he was back behind observing, and uh, you know at that point, I, I probably started getting a little bit concerned that uh, we didn't have reasonable suspicion for the traffic stop, and uh, he knew that, that, I was concerned because I could tell that he was starting to get a little bit uptight, and uh, I was just, just asking him simple questions um, almost trying to help him you know I guess, that's what my job is, is to, is to you know get uh everything out of him so I'm, I, I can put on, on a trial if I need to so again, asking were any other vehicles on the road, you know, what about uh, himself, no, no, he just, he was insistent that it was a violation of law to uh, not use your turn signal when changing lanes, no matter if there are any other vehicles on the road or not, and uh, he was just very adamant about that and uh, I said ok, um, then we went through again the rest of the facts, and then uh, I believe he uh, he left the room and uh the other two officers that were sitting there sort of minding their own business uh, sort of shook their heads and said something to like, you know they, they, they understood my questions because they were under, under the same mindset that it, it actually is not a violation of law to not

use your turn signal if no other vehicles were affected so, they got up and left, and I forgot whether I actually asked them to leave or if they left on their own because they needed to get back into the courtroom, in any event I was by myself in the uh witness room and I went into the alcove and I just waved Officer Torres back into the, in to the witness room, and uh, shut the door and uh, as calmly as I could, suggested to him that we really didn't have reasonable suspicion uh, for, for the stop that uh, I think I had the code book open uh and, and just, just sort of pointed out I, I, I after, dealing with the officers, I think one of my biggest roles is to train them and help them, uh rather than to be critical of them and I think I was, I was very clear, I remember my words that, that I learned something new in, in my job every single day and that's the same thing with police work so, don't, don't feel bad about it, but uh, I said you know, its, unless somebody is affected by not using your turn signal and making a lane change, it's really not a violation of law and I really can't put this trial on uh, without at least reasonable suspicion of a, of a criminal violation because it's just going to be knocked out of the water and then we'll probably have to plead it to something, something else uh if anything, and he, just flipped out despite, me trying to lessen any tension by

talking about, the fact that uh, we all make mistakes every day, we all learn something every day and uh, he uh, if he wasn't already standing, he jumped up or was already standing, uh, and at the doorway he was, he's moving towards the doorway, they are a very small room and uh, immediately uh told me that, I was, I was fucked up uh, that, that the court was, was fucked up, that, that the hell with the Fair, the hell with his job, uh, he's glad that he's out of here, um, in no uncertain terms, or at least, I'll say at least 3 or 4 recitations that he made, all sequentially, about screw you, fuck you, fuck this place, fuck this department, I'm glad I'm out of here, and with that he, he opened the door and rolled out the door, and I have no idea where he went, I never saw him again, uh, when the door was open, I recall, I think it was Officer Wheeler that came in um, it was loud enough that, what Officer Torres was saying was loud enough that uh, people that were outside the door in the alcove heard probably most of what he said and uh, I think they came in to make sure that I, I was safe uh, what, what had happened, and I'm sure they saw me with somewhat of a stunned look on my face because I was somewhat stunned, but you know it happens uh, and I said uh, everything's good, don't, don't worry um, I did uh, speak to uh, the attorney who was Kyle

Maniks who was representing the defendant uh, that was involved in Officer Torres event, uh, I didn't go into any detail with Mr. Manikis other than uh, I did fill out a plea form uh that nolle prosed the case, meaning that the Commonwealth was not going to proceed with the case at that date and time and the, the case would be effectively dismissed and that was, that was the end of that case, uh, I have no idea where Officer Torres went, how he found out that the case was nolle prose, but I never saw him again that day, um, I was contacted um, let me back up a little bit, uh, that afternoon, I did send an email to Casey Lingam who was the Chief Deputy, Commonwealth Attorney, uh basically number 2 person in the office, uh with Mr. Morrow and uh basically, uh just told him uh, what had taken place, uh I was a little bit concerned, that uh, other attorneys that were in the alcove, outside the witness room may have overheard that there was uh, some shouting uh by the officer and uh, we have a, a small office and I wanted to make sure that if anything came to his attention, uh that he was aware of, of what, what had taken place and why it had taken place, what the context was, and uh, the fact that uh, the officer had had this, this what, what I consider to be a, a meltdown uh, at that, at that point. Uh, we both agreed that uh, you know

officers can have a bad day, and uh that there was not an immediate need to do anything uh, he, he was, agreed with my outcome of uh, nolle prossing the case with Mr. Manikis and uh, from the Commonwealth's perspective uh, leaving it at that uh, I was contacted uh, by uh, the Acting Chief, Jim Morris, uh within a couple of days, I was also contacted by uh, the Deputy Chief's, uh who are Ed Roessler and, and uh, Tom Ryan, I was also contacted by the Patrol Major's, and also by Officer Torres' captain, uh, the Patrol Major is Mike Kline and the Captain uh, was Joe Hill, at the West Springfield Station, uh all of them apologizing for what had taken place and uh, and I made it clear to them that uh, what had taken place but, but more specifically that uh, you know, things happen and uh, it didn't, didn't interfere with the relationship obviously between the Commonwealth Attorney's office and the Police Department in anyway, and uh, I would be contact, and then I was contacted by, Officer Torres' Sergeant probably a week after that to uh, give a statement of what took place uh, that was consistent uh with the statement that I gave today, and, that was uh, pretty much the end of uh, of any uh, involvement that I've had in this matter uh.....

Q: Um when you, um, when you describe how he's, he gets up or

he's already up and then he's moving towards the door, did you feel physically threatened at all at that point?

A: I didn't feel physically threatened but, I knew that he was agitated, uh for the lack of any better word, he was agitated when he was in the room the first time when I was repeatedly asking him about the, the RS for the stop, even before I, I said that it was a problem, I just, when I was asking multiple times, I mean he was agitated, when I say agitated, another adjective would be he was tight, he was not, he was not cordial, he was not engaging in, in conversation, he, he knew that he was right and I was wrong, he did make a statement that I, I had forgotten that, the DMV manual says that you have to use your turn signal and he has never had a case dismissed uh, for not having, for not using your turn signal when making a lane change because he's relying on the DMV, uh manual, uh, of course I, let him know that the judge cannot use the DMV manual he can only use State Code, and any case law interpreting the State Code uh, which I think just tightened him up that much, that much more so, uh I wasn't in fear uh, of him coming towards me because I think in fact he was moving away from me, but I, I knew even before that he, you know, he, let loose and said all those things that uh, that he was, he was agitated.

Q: And then, as a, how long have you been working here as a Commonwealth Attorney?

A: Uh, I have been in, I physically been here as a Commonwealth Attorney uh, for about a year and a half, uh, I, after my graduation from Law School, I was actually hired uh, in January of this year, so I, I've been here now, 9, 9 months.

Q: Ok, and during that time, you've had other interactions with uh officers, or defense attorneys or, the public and your role as a Commonwealth Attorney that, I'm, I'm sure have been confrontational or, um, maybe somewhat argumentative, have you ever been in a situation uh, that was as tense as this one?

A: Never, uh, having, having, worked in a number of different jobs over the years uh, I've, I've got a, a reasonably good skill set uh, of de-escalating tension and um, I've, I have never had an incident involving uh, an officer or a defense attorney uh, in, in the courthouse environment in any aspect of the courthouse environment where someone has, has just gone off completely uh, melted down and uh, and uh, gone off as, as this one was.

Q: And you describe, this incident as occurring in a waiting room that's between the courtroom where cases are being heard and, the hallway that the public is walking through.

A: That's correct, it, the best describe it as then, the courtroom has, has uh two sets of doors uh, that you go thorough, the first set of doors, then a second set of doors so we'll call that area the alcove, between the two sets of doors, in that alcove is a door that leads to a small witness room, that on a good day might seat 4 or 5 people at the most, very small room that is just uh, a doorway that is off that alcove between the hallway and the uh, and the courtroom itself.

Q: And anyone familiar with that alcove, as officers would be or Commonwealth Attorney's would be, um, wouldn't expect that to be a private place where that kind of outburst wouldn't be heard, either in the courtroom or by other people?

A: Not during traf, traffic court hours, it's an extremely busy area that, that you've got often, as many as 5 or 6 attorney's outside that room waiting to meet with the Commonwealth Attorney, you've got, attorneys out there talking to officers getting additional facts on cases before they come in and see the Commonwealth, officers coming and going, as well as you've got citizens that are both entering the courtroom and leaving the courtroom that are passing through that alcove area, uh that, that can potentially can hear and certainly, uh it's the courtroom is just one set of doors in

between so any, any outburst is going to be heard in the court, it may not be, intelligible in the front of the court, but they're going to hear, hear some type of outburst in the courtroom itself.

Q: Ok, uh those are all my questions for you, is there anything else you think is important for me to know?

A: Nope I think that's it.

Q: Alright, thank you, that concludes the interview at 1444 hours.

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This statement has been typed as recorded/(bkw)/ (November 25, 2013)

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 19, 2013

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FARRELL: It's September 13, 2013 at nine thirty. Detectives Farrell and Flanagan involving in, investigating an officer involved shooting interviewing Danielle Candice Torres. Ok. Danielle, can you just state your name one more time?

D.TORRES: Danielle Candice Torres.

FARRELL: Ok, and you understand that Detective Flanagan and I are conducting the investigation into the uh officer involved shooting, correct?

D.TORRES: Yes.

FARRELL: Involving Officer Adam Torres? What's your um relationship to Adam Torres?

D.TORRES: He's my husband.

FARRELL: And how long have you all been married?

D.TORRES: Six years.

FARRELL: And how many children do you have?

D.TORRES: Two.

FARRELL: Ok, um, on the, on the day of the shooting it's my understanding you were on the phone with Adam?

D.TORRES: Yes I was.

FARRELL: Ok, can you tell me about that phone call?

D.TORRES: We were having a disagreement uh involving finances and um the care of our children.

FARRELL: Ok. Um, how did that, how did that disagreement begin, was it something that started that day at home or?

D.TORRES: Um, no it was just a general conversation, we talk everyday while he's at work, I like to keep um tabs with him cause he works a very stressful job, I worry about him so I don't like not hearing from him for long periods of time and we were talking and it just escalated to more of a disagreement opposed to just a general conversation.

FARRELL: Do you recall if you called him or if he called you?

D.TORRES: I called him.

FARRELL: Ok, um and just tell me about the conversation as much as you remember.

D.TORRES: Um, I don't remember very much of the conversation, it was you know an everyday conversation, it wasn't anything special. You know we're tight on budget you know we're a young family, we have two young children, we have, this is our first school year so we're balancing budget so our kids going to classes as well as going to school, it's just very tight at home and we were having, it just came up because I had to enroll my second child in school because I attend school now as well. So I need time to do homework and stuff at home and having two kids its not possible. And so that's what our discussion was about.

FARRELL: Ok, um was, were, you said that that was something that just a, arose from the general phone conversation?

D.TORRES: Yes.

FARRELL: So it wasn't, the purpose of the call was not for you to talk to him about that it was just something that came out of the

conversation?

D.TORRES: Yes.

FARRELL: Ok, um about how long was the conversation if you recall?

D.TORRES: Maybe a couple, they're not very long, usually a couple minutes, maybe two to three minutes.

FARRELL: Ok, um and that one do you, do you remember specifically if it was that short or?

D.TORRES: Most of them are that short when he's at work.

FARRELL: Ok.

D.TORRES: We don't usually just speak for long periods of time because he's usually on his way to a call.

FARRELL: Ok.

D.TORRES: When we talk.

FARRELL: Did he tell you if he was on the way to a call?

D.TORRES: Yes.

FARRELL: Ok, what did he tell you about the call?

D.TORRES: Just that it was a domestic dispute.

FARRELL: Ok, um and how does the conversation end?

D.TORRES: I hung up because he was at the, he arrived on scene so he said he had to go.

FARRELL: Ok, so was it you hung up on him or?

D.TORRES: A bit of both. I hung up on him because he said he was at, you know we were in a heated discussion about our finances, he said he had arrived on the scene, he had to go so I hung up.

FARRELL: Ok, um how long have you guys been having these, this disagreement over the finances?

D.TORRES: It's been an ongoing thing for the last few years, you know with kids and everything nothing seems to come to an end, it's always more finances, it's never like there's never an end to the finances, you know kids go to school then they have to do classes then they have to, books and uniforms, so it's a continuous thing.

FARRELL: So this is sort of a routine stressor in your marriage?

D.TORRES: Yes.

FARRELL: Ok, and had you guys, that morning um had you been at home?

D.TORRES: Yes.

FARRELL: Ok, had, so did you see Adam in the morning?

D.TORRES: Yes, I did.

FARRELL: Ok, did you guys argue at home?

D.TORRES: No.

FARRELL: Ok, tell me about that morning as, if you remember.

D.TORRES: Pretty routine, we get up, both of us, or one of us gets up with the girls, I don't remember if both us got up that morning or if it was just the one of us, um we go downstairs they have breakfast, everybody gets dressed that was a Thursday, um my older daughter was probably going to school. I'm not a hundred percent sure, but one of us would drop her off and then we go head home, Adam would pack his stuff for work and he would leave at noon.

FARRELL: Ok, um so prior to him leaving at work was there anything unusual about that morning?

D.TORRES: No.

FARRELL: Was there any arguing or?

D.TORRES: No.

FARRELL: Ok, um anything that he said when he left the house that he was upset or anything that you noticed?

D.TORRES: No.

FARRELL: Ok, so as far as you recall when he leaves the house that day it's pretty generic, normal?

D.TORRES: Yes.

FARRELL: Him leaving for work?

D.TORRES: Yes.

FARRELL: Ok, as he's on his way to work did you guys talk on the phone at all?

D.TORRES: Um, I can't recall.

FARRELL: Ok, and then he's at work and you call him, do you remember why you called him specifically?

D.TORRES: I always call him after roll call just to check in and see how the day went, if there's anything unusual that he's expecting that day.

FARRELL: So it's pretty routine that everyday sometime after roll call you'll try and call him?

D.TORRES: Yeah.

FARRELL: Ok.

D.TORRES: The only days I don't call is if I'm busy with the girls. If something comes up on my side and I'm busy then I don't call him.

FARRELL: Ok.

D.TORRES: But usually by that time the girls are either sleeping or taking a nap and I usually call him.

FARRELL: Ok. Would it, would it be routine for you all to, if you, if you missed a call at roll call would you guys speak during the shift?

D.TORRES: Yes.

FARRELL: Would it be uh odd for you guys not to speak during the shift?

D.TORRES: Yes.

FARRELL: So pretty much every day he works there's a time where you guys speak.

D.TORRES: Yes.

FARRELL: And usually it's after roll call, or you try to call him after?

D.TORRES: I try to call him after roll call if not it's later in the day.

FARRELL: Ok.

D.TORRES: Like I say he usually calls me when he's on his way to a call when he's got a, when there's a little bit of a gap.

FARRELL: Right. And then on this date you guys are, are talking and then uh the conversation turns to an argument.

D.TORRES: Yes.

FARRELL: Ok. How would you describe that argument, how heated was it?

D.TORRES: You want a ratio of like one to five?

FARRELL: However you want to describe it.

D.TORRES: Um, it's normal conversation for us so if I was on a scale of one to five it would be about a two and a half.

FARRELL: Ok. Were you upset?

D.TORRES: I was upset, yes.

FARRELL: Ok. What about him?

D.TORRES: Um, Adam's pretty level headed so he's kind of takes everything

with a brunt and takes him a while to digest things, it's not something he gets upset about right then and there, usually takes him a while to get through the conversation.

FARRELL: Ok, so when that conversation ended um was he, how would you describe him as from his tone like how did you think he was when the conversation ended?

D.TORRES: Work mode.

FARRELL: Ok.

D.TORRES: When he's at work he's pretty level headed.

FARRELL: Was there a name calling or?

D.TORRES: No.

FARRELL: Cursing or?

D.TORRES: No.

FARRELL: Angry I'm, I'm never going to talk to you again kind of hanging up or?

D.TORRES: No.

FARRELL: Ok, so it's just a pretty...

D.TORRES: Just end of the conversation, you have to work now; we'll pick this up later when you get home tonight.

FARRELL: Ok, when you um on other instances when you've spoken to him on the phone after roll call or during the shift have there been other instances when you guys have argued or?

D.TORRES: Yes.

FARRELL: Ok, um are those; were the tone or nature of those arguments any different than?

D.TORRES: No.

FARRELL: So it was routine?

D.TORRES: Yes.

FARRELL: As far as these things go?

D.TORRES: If we have a discus, if we have an argument, yes.

FARRELL: Ok. Did he make any statements to you that you know I can't, I can't take it or I can't, when you call me like this I can't do my job or it effects how um my ability to do all my duties or anything like that?

D.TORRES: No.

FARRELL: Ok, um later after, um how do you learn about the shooting?

D.TORRES: He phoned me.

FARRELL: Ok. When did he call you?

D.TORRES: About couple minutes after everything happened and he was with his um LT.

FARRELL: Ok, um when he called you what did he say?

D.TORRES: He said I was involved in a shooting, I shot somebody, I'm not going to be available for the next couple of hours I just wanted to tell you and you were the first person I wanted to speak to.

FARRELL: Ok, did he reference the earlier argument?

D.TORRES: No.

FARRELL: Ok, did you reference it?

D.TORRES: No.

FARRELL: Did he uh blame you?

D.TORRES: No.

FARRELL: For the shooting?

D.TORRES: No.

FARRELL: Did he, did he say that had anything to do with, that your argument, did he bring up the argument at all?

D.TORRES: No.

FARRELL: Ok. And then later you speak to him again when he is at the station?

D.TORRES: Yes.

FARRELL: Ok, and what is, what is the nature of that conversation?

D.TORRES: The same thing, just that he's ok, just checking in to see how I'm doing, if I'm feeling ok, that's about it.

FLANAGAN: Ok. Did he say anything; did he bring up the argument from earlier at that point?

D.TORRES: No.

FARRELL: So at any point did he say that that contributed to what occurred or…

D.TORRES: No, we never brought up the conversation that we had earlier for the rest of the day. It was purely just discussion about what was going on with him, how long he thought he was going to be at the station, whether I needed to come pick him up or not, if everybody was ok, you know just giving me general information and so that I can follow along with what's happening.

FARRELL: Ok. So nothing back to?

D.TORRES: No.

FARRELL: What had occurred earlier?

D.TORRES: No.

FARRELL: Ok. What time did he get home that night?

D.TORRES: Um, probably about, I think it was like eleven PM.

FARRELL: Ok. And then at that point do you guys talk some more about what happened?

D.TORRES: No, we went to bed.

FARRELL: Ok, um I'm assuming that since this has occurred you guys have spoken about what happened.

D.TORRES: Once or twice.

FARRELL: Ok, um what, what has he explained to you about what oc, what happened?

D.TORRES: He told me everything.

FARRELL: Ok.

D.TORRES: Every detail that's happened from the time that he got off the phone with me that he went in to the, in to the call, where he stood, we went over everything with a fine tooth comb cause he wanted to tell me everything.

FARRELL: Ok. What did he, why did he tell you he shot this person?

D.TORRES: Because there was movement. He felt like the man was reaching for his weapon and so he shot him.

FARRELL: Ok. Did he say, did he say he was angry with the man?

D.TORRES: No.

FARRELL: Ok.

D.TORRES: He was doing his job.

FARRELL: Did he say that he was angry with you?

D.TORRES: No.

FARRELL: Um, did he make any statements; I know he didn't say that but is there any part of you that believes that him being angry with you

or that argument contributed to this?

D.TORRES: No.

FARRELL: All right. Now you said um that it takes him a while, that he's level headed when he's kind of in work mode?

D.TORRES: Um hm.

FARRELL: And that he sort of processes things and then digests, you said it takes him a while to digest information?

D.TORRES: Yes.

FARRELL: Ok, um how would you describe him?

D.TORRES: Level headed, he's pretty stable person when he's in work mode he's in work mode, when he's in family mode he's in family mode, he doesn't overreact, he's the best person under stress.

FARRELL: Ok. When you guys argue at home um what does it take for him to just lose control or?

D.TORRES: I've never seen him lose control.

FARRELL: Ok. So when he gets, if he gets angry or frustrated is that something that would happen at the front end of an argument or at the end of an argument or what does, what does it take to kind of push his buttons?

D.TORRES: It, it takes a lot to push his buttons.

FARRELL: Ok.

D.TORRES: He's, I've never seen, he's never raised his voice, he's never gotten frustrated he usually just listens to everything um he sits quietly he digests everything and that's why I get so frustrated.

FARRELL: Ok.

D.TORRES: Because I don't, because he doesn't react.

FARRELL: Are you more emotional?

D.TORRES: I'm more emotional.

FARRELL: Ok, so if, when you guys are arguing or having these discussions are, are you the one that's more louder or maybe?

D.TORRES: Yes.

FARRELL: A little bit more animated than he is?

D.TORRES: Yes.

FARRELL: What questions do you have?

FLANAGAN: Um, I was writing really fast, um. Danielle, and I, I think you said this, do you, do you recall how long that conversation lasted for that day on the phone?

D.TORRES: A couple minutes, two or three minutes.

FLANAGAN: Ok. Did, while he was on the phone with you at that point um, and I think you mentioned that he was going to a domestic um type of call, did he say anything more about the call?

D.TORRES: No, that's all the information he received.

FLANAGAN: Ok. And what's, what's Adam's cell phone number?

D.TORRES: [redacted]

FLANAGAN: [redacted]

D.TORRES: Yes.

FLANAGAN: And just, just so I'm clear when you were, and I apologize for this headrest being in between us.

D.TORRES: That's fine.

FLANAGAN: Um, when, as the conversation ends.

D.TORRES: Um hm.

FLANAGAN: And, and, and correct me if I'm wrong, I don't want to put words

in your mouth, did you say that he said he was on scene and had to go or how, how did that come about?

D.TORRES: Yes, he told me that he was on scene and that he had to go and I hung up.

FLANAGAN: Ok, was it, were you, was it like a normal hang up or was it more like were you still frustrated and you just hung up on him and broke the conversation off or was it like a mutual um, like a, like a normal hang up? Goodbye, goodbye, I gotta go.

D.TORRES: No, not mutual, I was frustrated.

FLANAGAN: Ok.

D.TORRES: And he, I know that he has to go to work so I hung up.

FLANAGAN: Ok. And do you remember what's the last thing was that he was saying?

D.TORRES: That we would discuss this later, that he was busy at, with work and that he was on scene and that he had to go.

FLANAGAN: Ok. Did he try and call you back? Right, right then I mean, not.

D.TORRES: No.

FLANAGAN: Not after.

D.TORRES: No.

FLANAGAN: Did you try and call him back?

D.TORRES: No.

FLANAGAN: Ok. I, I don't think I have anything else.

FARRELL: Do you have any questions for us?

D.TORRES: No.

FARRELL: That concludes the interview at nine forty six hours.

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Transcribed on 9/19/2013

By Karol L. Quinn, Administrative Assistant

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 6, 2013

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FLANAGAN: This is Detective Flanagan with the Fairfax County Police. The date is August 29, 2013 at 1726 hours. This is an interview with Donald Geer regarding an officer involved shooting which occurred on this date. Um, Mr. Geer how, how did you first become aware of a situation or a problem today at the townhouse?

GEER: Uh, John called me up um, and it was about something else uh some business on some, he's in the kitchen cabinet design business and it was related to that uh and then we got off on he was saying he was in the process of moving the uh furniture out of the house from his, I'll call her his wife. They've been living together for twenty some odd years or so, I don't know, but.

FLANAGAN: Ok.

GEER: And they the two children, um, and he told me they were moving everything out and then we started talking about uh, uh a little bit of the past and present and I could tell he was upset but to what degree and he got pee'd off at me and ended up hanging up. Um, a few minutes, a short while later, uh, I'll call her his wife called and.

FLANAGAN: Is it Maura?

GEER: Mora.

FLANAGAN: Ok.

GEER: M-O-R-A, uh, Harrington H-A-R-R-I-N-G-T-O-N.

FLANAGAN: Ok.

GEER: Uh, called me up and said that she was over here and John was taking uh all her stuff out and that she had called the police and John had said something about if the police come in I'm going to shot 'em. And um, you know I that kind of set me back and I, what am I gonna do or what should I do and just about that time Jeff called and said he got another call from Maura too and uh you know well I mean, I don't think I heard, she didn't say he had a gun at that time. I, I'm, I'm a little vague on that.

FLANAGAN: Ok.

GEER: I don't, don't have the right order on that.

FLANAGAN: Ok.

GEER: But uh Jeff called and said you know Maura's really upset and uh, all this and you ought to get over there so I came over here and I got here you know in the vicinity of three o'clock. And at that time uh, I, I came, there was three officers uh right outside the front door probably fifteen, twenty feet away uh with guns uh, pointed at him and he was at the front door uh the door itself was open, the screen door was, was there and he had his hands up and his hands were on the top of the door. As far as I didn't see any gun or any arms whatsoever.

FLANAGAN: Well now, when you said he had his hands up uh, can you demonstrate to me?

GEER: Here's the top of the door, he had his hands spread out like this holding the top of the screen door.

FLANAGAN: Ok, so he's actually holding the door?

GEER: Yeah.

FLANAGAN: And you said the door is open?

GEER: That door was open probably a foot. The uh, the main door, the hard wood door.

FLANAGAN: Um, hm.

GEER: Uh, was, looked like it was wide open, I don't, don't really recall but it was open.

FLANAGAN: Now what is your perspective, where do you see this from?

GEER: What are you, what are you referring too?

FLANAGAN: Like where, where are you standing when you see this?

GEER: Well, I saw the uh.

FLANAGAN: When he's standing at the door with his hands on there, where are you?

GEER: Ok, I was down, there's a little park on the left side, have you been down there?

FLANAGAN: No, I've not.

GEER: Ok, uh, I would say fifty yards or seventy five yards up this road here looking down at the house.

FLANAGAN: Ok, so before you get to his house?

GEER: Yeah.

FLANAGAN: Ok.

GEER: We were directly in the front, in front of his house.

FLANAGAN: Ok. And is his house on what would be the right side of the road?

GEER: His, if you go down this road you'll go right in to the, in to his house. He's right at the end of this road, this road here.

FLANAGAN: Ok, does it face up this way?

GEER: It faces up this way.

FLANAGAN: Ok. And which side of the road are you standing on? Which side of this road?

GEER: I was standing in the middle or.

FLANAGAN: Ok.

GEER: Or, or close to the middle.

FLANAGAN: In the middle of this road right here?

GEER: Yeah. We were standing there talking with uh some policemen.

FLANAGAN: Do you know the names of the officers that you were standing with?

GEER: No, I do not.

FLANAGAN: Ok. And can you hear conversation between them?

GEER: Uh, down at the uh house?

FLANAGAN: Yeah.

GEER: The police that were talking to him, no.

FLANAGAN: Ok.

GEER: At one point I waved to John, uh, and he just, I, he kind of halfway acknowledged I was there but he didn't uh wave or anything cause he had his hands up and you know he had guns pointed at him.

FLANAGAN: Um, hm. Did you see him at any time with a gun out there?

GEER: No. May I ask a?

FLANAGAN: Sure.

GEER: Has anybody gone and talked to Maura and the kids?

FLANAGAN: Yeah, I, the detectives haven't but I think we had our peer support with them.

GEER: Ok.

FLANAGAN: And I think they were going to talk to the kids when I came to speak to you.

GEER: Ok, I was, I'm concerned about that.

FLANAGAN: Now the, the, they're teenagers?

GEER: Yeah, one's thirteen, one's seventeen.

FLANAGAN: And they're John's children?

GEER: Yes.

FLANAGAN: Ok.

GEER: John and Maura, with Maura.

FLANAGAN: Ok.

GEER: Basically they have been together I guess, well, the oldest one is seventeen and uh they were together a few years before she was born so they've been together for twenty years.

FLANAGAN: Ok.

GEER: Just never got married. Which I guess isn't unusual in today's world.

FLANAGAN: Yeah, I don't think it's, it has kind of changed hasn't it? Um, how long do you think you were here for that, where, where you actually witnesses, witnessed the uh.

GEER: From the time I arrived.

FLANAGAN: Yeah.

GEER: Until I heard the gun shot?

FLANAGAN: Exactly.

GEER: I'm going to say fifteen to twenty minutes.

FLANAGAN: And, and during that time is, is there movement, either movement by the officers or movement by John or is it all just stagnant at the door.

GEER: I, uh, it was pretty stagnant I think.

FLANAGAN: Ok, he's not coming and going?

GEER: No, no, he, he nev, he never had his hands leave the top of the door, uh and I never saw any that the policemen were you know like this with the gun pointed at him and uh, I never saw them move.

FLANAGAN: Do you, do you know where or can you tell me where those officers were generally?

GEER: Yeah.

FLANAGAN: The three that you're talking about.

GEER: Can I have?

FLANAGAN: Sure.

GEER: I'll do it right here. Front door, there was a tree, a tree here and one was here. There was a vehicle in the road here and there was one that, let's do it this way and I think there was one over about here, I'm not sure, that seems about right.

FLANAGAN: Ok.

GEER: This is tree and that's the three officers.

FLANAGAN: Ok.

GEER: I believe, I'm, now I'm, I could be a little off but that's in the approximate.

FLANAGAN: Right, right. And they're in this position the whole time?

GEER: Yeah.

FLANAGAN: And John's at the door the whole time?

GEER: Right.

FLANAGAN: As, as best that you remember that you could see?

GEER: Right.

FLANAGAN: Um, and I, I think you said you couldn't hear any conversation.

GEER: No.

FLANAGAN: But could you tell, was there any indication they were communicating with each other that you could see?

GEER: There was a, yeah, uh, it kind of, well, one of the police officers that was with me uh standing there said, said they were communicating.

FLANAGAN: Ok.

GEER: Uh, I couldn't hear it and I couldn't tell whether his mouth was moving or not, I, I, I wasn't think.

FLANAGAN: Too far away or just not paying attention to that.

GEER: Probably not paying attention, I, if I was really paying attention I may have seen it.

FLANAGAN: Ok.

GEER: Uh, but I did see a, ah INAUDIBLE ok, there was at least a brief conversation.

FLANAGAN: Um, hm.

GEER: Not, I don't know if it was steady or not.

FLANAGAN: Right

GEER: But I do, do recall a couple of times where it appeared some verbiage was going back and forth between the police officer and him.

FLANAGAN: Ok. And, and after you heard the shot um, did you see which officer shot, were you able to tell?

GEER: No, I don't.

FLANAGAN: Ok.

GEER: I don't remember.

FLANAGAN: What happened after the shot was fired?

GEER: Um, the shot was fired and he brought his hands down and grabbed his side uh, uh and kind of swung around and went inside and shut the door. And this is the main door.

FLANAGAN: Ok, um, did you see what the officers did after that? I assume you couldn't see what John was doing as, since, when he shut the main door.

GEER: No, no, right, right, I couldn't see him all. I, I'd, no I didn't pay any attention as to what the officers did and I, and that's when they started, you know, and uh started moving us back, moving us back because you know, it was the gunfire at one time.

FLANAGAN: Right.

GEER: And I guess they were looking out for our safety so they kept moving, moving us further and further back.

FLANAGAN: Right. Right, I understand. Um, was Jeff with you right there at that that same time too?

GEER: He was there the whole, yeah, I got here probably five, ten minutes before Jeff got here.

FLANAGAN: Well, what's Jeff's last name?

GEER: Stewart. S-T-E-W-A-R-T.

FLANAGAN: And do what, do you, can you, can you tell me a little more of the history um between John and Maura, were, were they going, was she moving out?

GEER: Yes. They.

FLANAGAN: Ok. Can you tell me a little more about that?

GEER: They had been having problems over the past few years.

FLANAGAN: Ok.

GEER: Uh, on and off. John uh, had some, had a drinking problem, uh, you know, uh and when he would drink he would get pretty mean.

FLANAGAN: Ok.

GEER: And nasty. And uh with the kids uh he would get uh mean with them so uh she, and she's been talking about getting away from him for a number of years.

FLANAGAN: Ok.

GEER: But she just didn't have anywhere to go so she finally couldn't take it any longer I guess I'm uh that's my summation.

FLANAGAN: Ok. Do you know if he had been drinking today?

GEER: No. I don't know.

FLANAGAN: Ok.

GEER: Well, it would, uh, personally I, wouldn't surprise me if he was. I mean after he, when he found, what I understand when he found out she had signed a lease. They had been talking about her moving out and all and there was communication between them about that. And today he found out that she had signed a lease.

FLANAGAN: Um, hm.

GEER: And that's when he kind of you know, went off the deep end and started carrying her furniture out from what I gather.

FLANAGAN: Ok. Were the kids going to go with her?

GEER: Yeah.

FLANAGAN: Um, how about, did, did, are there weapons in the house that you're aware of?

GEER: Yes.

FLANAGAN: What, what does he have on the house or she have?

GEER: Jeff can tell ya that, we've given it to, he's told several people.

FLANAGAN: Ok.

GEER: Um I, I think he has two, I think two handguns and I know a shotgun and I think a rifle or two, I don't know, you know he, know several years ago I bought him a gun cabinet for Christmas and.

FLANAGAN: Ok.

GEER: He could put the guns in so the girls couldn't get to it.

FLANAGAN: Do you know where he keeps that gun cabinet?

GEER: I believe it is on the stairway going down to the basement. Right at the top of the stairway I think there's a, it's not a real big gun cabinet but uh I think that's where it is.

FLANAGAN: Ok.

GEER: So that would be on the first floor.

FLANAGAN: Ok.

GEER: I mean this has been a year, several years since I've, I've noticed it there but that's.

FLANAGAN: Right.

GEER: What my guess is.

FLANAGAN: Um, has, has John ever sought help for his drinking?

GEER: I don't think so.

FLANAGAN: Ok.

GEER: He's too stubborn for that.

FLANAGAN: Does he have any other medical problems?

GEER: Not to my knowledge.

FLANAGAN: Ok. How about uh mental health, has he ever sought help for mental health or any issues?

GEER: No, he's too stubborn for that. He knows everything, or he knew everything.

FLANAGAN: Do you, do you know if he ever did have mental health problems or is it?

GEER: No.

FLANAGAN: Ok.

GEER: I mean, uh, you'd have to know John.

FLANAGAN: What, what does John do?

GEER: Uh, he's a uh kitchen cabinet designer.

FLANAGAN: Ok.

GEER: Or kitchen designer basically selling cabinets. He's self-employed.

FLANAGAN: Ok. Um, have there been other, any other incidents at the house, I mean like incidents of violence that you are aware of?

GEER: Not that I'm aware of.

FLANAGAN: Ok.

GEER: I mean he's uh, we had a falling out several years ago uh he wasn't violent but like he, he threatened to hurt me a little bit you know just grabbing my hand and started twisting and then he

stopped but.

FLANAGAN: Um, hm.

GEER: I shouldn't say that's really no violence but he does have a temper, temper. And Jeff probably can answer more of those questions than I can.

FLANAGAN: Is Jeff close with him?

GEER: Yeah. And they've know each other you know twenty five, thirty years and uh you know he, he talked to John several times today.

FLANAGAN: Ok.

GEER: And he's been my, closer to John in recent years than I have.

FLANAGAN: Ok. Um, is there anything else you should think, you think I should know or that I didn't ask you?

GEER: I can't think of anything right now and my mind isn't not going as well as it should.

FLANAGAN: I totally understand and that's why I was going to preface that with this won't be the last time we talk.

GEER: Ok.

FLANAGAN: But I just, I, I was told that you were here so I wanted to sit down with you and.

GEER: Ok.

FLANAGAN: Like I said I don't know much about what actually happened but I did know that your, your son had passed so I wanted to let you know that before you heard it.

GEER: Yeah, I appreciate that.

FLANAGAN: Somewhere else.

GEER: Right.

FLANAGAN: Um, and like I said we'll, I'll give you my card um but I'm sure we're going to talk again.

GEER: Ok.

FLANAGAN: And uh if you, but if you, before we do speak if you have any questions you can call me at either one of those numbers. Unfortunately I do have a cell phone so I am always reachable.

GEER: Ok, um, can I go down and see Maura and the kids?

FLANAGAN: Let me find out where they are first. I'm not sure if they're.

GEER: Uh, they're down there in one of the houses right next door.

FLANAGAN: Yeah, I know the kids, well, let me find out because my partner John Farrell was going to talk to Maura, so he may be talking to her right now, but before I talk Jeff I'll find that out right now.

GEER: No, I just want to talk to Maura and tell her you know to bring the kids over to our house tonight.

FLANAGAN: Right.

GEER: And that sort of thing.

FLANAGAN: Right.

GEER: And I, you know just.

FLANAGAN: I'll find out right how we can make those arrangements.

GEER: Do you want Jeff in here now?

FLANAGAN: Um, let me check on the family first.

GEER: Ok.

FLANAGAN: And then uh and I'll talk to Jeff if he has time to wait.

GEER: Can you check that and I want, I want to check my, talk to my wife.

FLANAGAN: Absolutely.

GEER: His mother.

FLANAGAN: Ok.

GEER: And let her know cause she knows a little bit that's going on but not much.

FLANAGAN: That concludes the interview at 17:45 hours.

Transcribed on 9/6/2013

By Karol L. Quinn, Administrative Assistant

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 13, 2013

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STALLINGS: Detective Stallings here, Fairfax County Police, uh today is August the 29th, uh 2013 and I'm here with uh Edith Eshleman and we're on uh Pebble Brook Court um, Ms. Eshleman if you, if you could um just from start to finish um and in chronological order so it'd be better for us to understand uh if you could tell us just what happened today.

ESHLEMAN: OK, well I was here at home, I didn't have any idea that anything was going on and I uh came outside for my car, I don't drive my car very often and I wanted to put the battery charger on it as you see cause I knew I was running low, and I walked outside on the sidewalk and I saw two uh unmarked police cars standing over there so I got kind of curious and I looked over and I saw uh two officers in the front yard over there uh with their guns drawn pointed at the front door and uh I looked there for a minute and I saw more officers rolling in and uh the situation didn't look too good so I backed up and I stayed on my porch and I, I watched for another ten minutes and then uh an officer came up to me and uh asked me to go inside.

STALLINGS: Ok.

ESHLEMAN: Uh, and then I was probably only inside maybe five or ten minutes and I heard the shot.

STALLINGS: Ok. All right. And uh, you said you were home and uh about what time did you come outside and uh see the two, two police cars?

ESHLEMAN: Uh.

STALLINGS: Best you can remember.

ESHLEMAN: I think it was about quarter to three.

STALLINGS: All right. And uh which house were they in front of?

ESHLEMAN: Uh, the one there uh with all the tape and the stuff out in front.

STALLINGS: The blue shutters, yellow shutters?

ESHLEMAN: Uh, no this one over here that.

STALLINGS: Oh.

ESHLEMAN: Uh, let's see, one, two, three, the forth one down.

STALLINGS: One, two, three, the forth one down from where we're standing and we're standing in front of 7901. Ok, and uh, when you saw the uh the officers um, and they were, they were in front of the house, is the first thing that you saw was the officers with their, their guns drawn or did you see something, or did you see something before that?

ESHLEMAN: Other than the cruisers and then I just looked around and I saw them INAUDIBLE position.

STALLINGS: Ok, and uh and was anything being said at the time that you could hear?

ESHLEMAN: Yeah, they were having a conversation with the occupant and I couldn't hear the whole thing but I did hear them say they wanted to help and to come out.

STALLINGS: Ok, and uh other than being, uh other than saying that they wanted to help um did you hear anything else that was said?

ESHLEMAN: No.

STALLINGS: Ok. Uh, what type of volume uh could you hear in those voices?

ESHLEMAN: Um, they were speaking loudly like I say I was here on my sidewalk so I could, could catch a couple of words but it wasn't loud enough that I could you know fully understand like we're talking.

STALLINGS: Sure, ok. And uh and was that while their, their guns were drawn, before or after or something different?

ESHLEMAN: While they were drawn.

STALLINGS: While they were.

ESHLEMAN: They, they were drawn when I walked outside.

STALLINGS: Ok. All right and uh how long do you estimate that that went on uh, before the other officers began to arrive?

ESHLEMAN: Well, I started to see them come in when I was still outside uh and then it was like a continued thing you know from that.

STALLINGS: Ok, could you see uh the person, or persons that they were talking to?

ESHLEMAN: No. And I couldn't hear him either.

STALLINGS: Um, at any point did you see anybody other than the police at that house?

ESHLEMAN: No.

STALLINGS: All right, and uh, and after the officers uh asked you to go in um did you hear anything other than the, the gun shot that occurred five to ten minutes later, could you hear anything else?

ESHLEMAN: Uh, when the one cruiser came down and parked right in front of my truck and he put his PA on and he was calling him uh, oh I'm sorry.

STALLINGS: That's all right.

ESHLEMAN: Asking him uh to come out so that the, wanted to know if he was ok, they wanted to help and, and to just put his hands up and

come out and he did that oh maybe four or five times and then when your um I don't know, call, your tank, SWAT tank or whatever for lack of a better term came down here they had a PA on and said the same thing, come out.

STALLINGS: Ok. And uh, so that was going on, uh the officer with the PA um, was that going on while you were inside before you heard the shot, just the officer on the PA?

ESHLEMAN: That was after.

STALLINGS: That was after you heard the shot?

ESHLEMAN: Yeah.

STALLINGS: Ok.

ESHLEMAN: Quite a bit after.

STALLINGS: And the tank, that would have been after as well?

ESHLEMAN: Yeah. That was probably oh 4:30 or something like that, maybe close to that when I came down.

STALLINGS: All right. So the uh so between the time you were asked to go inside and when you heard that first gunshot anything significant happen that you heard or saw?

ESHLEMAN: Just uh a lot of the officers and I saw K9 and I, I was watching out of my upstairs window and they were going around the back and you know all this and from being in the fire department I've been on some of these on the fire departments side so I had kind of an idea of what was going on.

STALLINGS: Ok, uh before you heard the shot did you look out the windows at all?

ESHLEMAN: Only when I came outside.

STALLINGS: Ok.

ESHLEMAN: I, like I said I had no idea anything was going outside til I came out to get in my car and that's when I saw it.

STALLINGS: And when you say shot uh have you heard gun shots before?

ESHLEMAN: Yes. I have a gun so.

STALLINGS: So you recognize that as what you thought at the time as a gun shot?

ESHLEMAN: Oh, yeah, it was quite loud.

STALLINGS: Based on that experience?

ESHLEMAN: Yeah.

STALLINGS: Ok, and uh was there one or more than one or something different?

ESHLEMAN: Only one.

STALLINGS: Just one? Ok. And uh you could clearly hear that inside your house and at that point did you look outside?

ESHLEMAN: Yes, I was over right around the front door.

STALLINGS: When you looked outside what did you see?

ESHLEMAN: Um, a bunch of police still kind of milling around, going around back uh the canine guy was over there by the trees uh there were other officers, there was an officer uh on the hood of this car with a, like a AR15 rifle.

STALLINGS: Ok.

ESHLEMAN: I took a bunch of pictures still on my cell phone.

STALLINGS: Oh, you did?

ESHLEMAN: Yeah.

STALLINGS: Um, the uh, remind me about photographs before we leave so we need to get copies of those before we leave.

ESHLEMAN: Ok.

KELLAM: Is it digital?

ESHLEMAN: Yeah, they're on my cell phone, so.

STALLINGS: Uh, and uh anything else?

ESHLEMAN: No, not really I was just kind of waiting til the uh the news was going to come on so I could see, get the other perspective.

STALLINGS: Right. Ok.

ESHLEMAN: And uh then I, I knew it was, when I saw the uh medic unit come down and uh from being in the fire department they weren't running and it was kind of like they were really relaxed I knew that this uh wasn't a lifesaving event gonna happen so.

STALLINGS: Um, what can you tell us about the family there?

ESHLEMAN: Um you know, really quiet um he's lived here for a long time he lived here as a single guy and like had some single guy roommates and this was like maybe twenty years ago, I've lived here oh twenty three, twenty four years um so I mean I know him just as a neighbor, um I didn't like sit down and drink beer with him or any of that kind of stuff but you know I would see him outside here and we would chat and he was always friendly, a really nice guy.

STALLINGS: Do you know his name?

ESHLEMAN: Just John, I don't know his last name.

STALLINGS: Just John? Do you know if the police um or any of the neighbors have been there before for disturbances to try to help out?

ESHLEMAN: Not that I recall. It's pretty quiet back here. I mean they well could have if it didn't uh, you know I didn't hear any noise or I wasn't home but I never saw them.

STALLINGS: Do you know which car that he drives?

ESHLEMAN: I thought he had an SUV. No, I couldn't say for sure. I thought he had a SUV at one point.

STALLINGS: Is there anything else you can tell us about the man?

ESHLEMAN: Uh, now well one thing I can tell you is the neighbor uh Lee that lives in the second house there; she's the Mrs. Kravitz of the neighborhood.

STALLINGS: Ok.

ESHLEMAN: So she knows everything, when I want scoop I go talk to her so.

STALLINGS: [redacted]

ESHLEMAN: Yeah. So, and I think that, I, I talked to her earlier and I knew the kids were in there and she, she talked to him this afternoon so, uh.

STALLINGS: She did?

ESHLEMAN: Yeah. If the police were ever called out here for anything she'd know cause she's, she's home here during the day, she's got, "Hey, how are you?" She, uh, that's her husband. She has a, a day care business.

STALLINGS: That's [redacted] INAUDIBLE

ESHLEMAN: Yeah, that's George, so she's home every day and uh yeah so if something happens during the day she knows what's going on.

STALLINGS: Ok, um anybody else you think we should talk to?

ESHLEMAN: Uh, no, not that I can think of. We're not a real you know tight knit neighborhood, uh you know certain people but you know not so much like I say I only knew his first name and uh most people aren't home here during the day you know except for her and like I'm, depending on my schedule, so.

STALLINGS: Right. Ok. All right and uh being a gun owner and uh sometimes gun owners talk to other gun owners do you know if uh this family, do you know if anyone in there, that house owns a gun?

ESHLEMAN: I didn't, I was surprised when uh when Lee told me he that he had guns.

STALLINGS: Uh, Lee is here?

ESHLEMAN: Yeah.

STALLINGS: When did uh, when did she tell you that?

ESHLEMAN: Uh, this afternoon uh let's see its twenty of seven; I probably talked to her 5:45, 5:30, something like that.

STALLINGS: So that was after this incident occurred?

ESHLEMAN: Yes.

STALLINGS: But you didn't have any knowledge prior to that?

ESHLEMAN: No.

STALLINGS: I'm not really a big gossiper before the fact you know I over hear after, you know what happened afterwards.

STALLINGS: Right, right.

ESHLEMAN: But uh, yeah I'm really surprised, yeah I, I you know, you always see these people on the news talking about some guy that you know is a serial killer, had bodies in their crawl space and what a nice guy he was everything and I never thought I'd be one of those people, not that he was a serial killer but he really was a nice guy.

STALLINGS: Yeah.

ESHLEMAN: From what I knew of him.

STALLINGS: Yeah, yeah uh that brings me up to my next question. When you

would see him even though you didn't know him well, when you would you interact with him um how did he carry himself, what was he like?

ESHLEMAN: Uh, friendly, smiling seemed to be a happy guy uh always you know talk to me a little bit more than just you know hey how are you doing, it was like hey, the weathers really nice I hope you get to out and enjoy it and you know that kind of thing.

STALLINGS: Ever seen him upset or INAUDIBLE?

ESHLEMAN: Not that I can recall.

STALLINGS: Anything else you can think of that would be important for us to know or something like this?

ESHLEMAN: Um, not really, I mean if you can give me a business card, if I think of anything I can call you but.

KELLAM: INAUDIBLE you said you'd never saw him outside the house, the occupant.

ESHLEMAN: Today, yes.

KELLAM: Right. Is that because uh you couldn't see the total front of the house or because the, your view was obstructed

ESHLEMAN: Uh, well it was partially obstructed, I mean I, the only, my car INAUDIBLE.

KELLAM: INAUDIBLE

STALLINGS: You can recap it.

KELLAM: So you, you, you saw the officers before the shooting and you could see the front of the house at that time but you did not see the occupant outside the house, is that correct?

ESHLEMAN: That's correct.

KELLAM: And you of course were inside the house when the shot was fired.

ESHLEMAN: Yes, right inside the door.

KELLAM: So you wouldn't know if he was standing inside or outside?

ESHLEMAN: No, the way I, I sit back a little bit so uh I couldn't see his house.

KELLAM: Uh, where exactly were the officers?

ESHLEMAN: Uh right by the, the tree there in the yard. One was um leaning up against it and the other one was adjacent to him a few feet over.

KELLAM: So they were basically right in front of the house?

ESHLEMAN: Yes.

KELLAM: Two of the officers with guns drawn?

ESHLEMAN: Yes.

KELLAM: Do you know what type of guns?

ESHLEMAN: My guess would be forty caliber Sigs.

KELLAM: They were pistols?

ESHLEMAN: Yes. I saw another officer with a rifle but he was out here up, at the car and there was another officer I think he had a shotgun it looked like when he came down.

KELLAM: You saw all that before the shots were fired.

ESHLEMAN: Yes. The off, the one that was talking to him and had that, his back was kind of to me, had on a, a, a black I guess it was a bullet proof vest but it was on the outside, the other one I could tell had a vest on but it was underneath the shirt.

KELLAM: OK. So the officers with the shotgun and maybe the rifle, where were they?

ESHLEMAN: Uh, the one was uh with the rifle was spread over my neighbors

hood of his SUV and then the.

KELLAM: The, the SUV that's in front of [redacted]?

ESHLEMAN: Yes. And then the one with the shotgun he pulled his car in up behind these other ones and he was walking down and he stayed out behind that red uh, that red van.

KELLAM: Is, is that car still here?

ESHLEMAN: The red, the van that?

KELLAM: The car that, with the other officer who was behind?

ESHLEMAN: Uh.

KELLAM: With the shotgun?

ESHLEMAN: Yes, it was that red van.

KELLAM: The red van?

ESHLEMAN: The third one over there.

KELLAM: Uh, in front of the house with the blue shutters?

ESHLEMAN: Uh, no, on, on this row.

KELLAM: Ok, on this row.

ESHLEMAN: On the other side of just that blue car there.

KELLAM: Ok.

ESHLEMAN: He, he was you know using that for cover.

KELLAM: The officers that were in front of the tree, did they have any equipment with them other than their pistols?

ESHLEMAN: Um, I didn't see any or I didn't, I don't recall any.

KELLAM: As I look over there now and I, I saw a couple of uh body bunkers, you didn't see any of those things?

ESHLEMAN: What's a body bunker?

KELLAM: The black things that have the handle on it, they hold up the shield.

ESHLEMAN: Oh, the shield type thing? Not at that time I didn't see those.

KELLAM: Uh, is it possible they might have had it and you didn't notice it?

ESHLEMAN: It's possible, I mean I, yeah I won't swear that I didn't see it.

KELLAM: Were the officers that you saw in uh, Fairfax County Police uniforms?

ESHLEMAN: Uh, yes with the exception of um a couple that were in camo, and this was the first one I took this was uh the uh the canine guy and he was over there behind those trees.

KELLAM: Was that all after the shooting or before?

ESHLEMAN: This I think was after.

KELLAM: Ok.

ESHLEMAN: And that was on, should be right there.

KELLAM: So the last thing that you saw prior to hearing the shots fired was two officers in front of the tree?

ESHLEMAN: And by that time there were a couple more behind that red van or SUV or whatever it is.

KELLAM: So am I correct if I say that there were at least four officers there when you heard the shot?

ESHLEMAN: Yes.

KELLAM: Possibly more but you don't know.

ESHLEMAN: Possibly more yeah cause I know they were going around back and like I say they were all over the place.

KELLAM: Ok. That's about all I have.

STALLINGS: Um, can you uh, can you email those photographs?

ESHLEMAN: Sure.

STALLINGS: Uh, if you could email them for me, we could try it right now, uh, to uh [redacted]

ESHLEMAN: Uh.

STALLINGS: Uh, if you could email the, the entire group that you took INAUDIBLE

ESHLEMAN: Ok.

STALLINGS: [redacted]

ESHLEMAN: Ok.

STALLINGS: [redacted]

ESHLEMAN: Ok.

STALLINGS: [redacted]

ESHLEMAN: [redacted]

STALLINGS: [redacted]

KELLAM: Would those photographs also have the time that they were snapped?

ESHLEMAN: Uh, yeah, I don't have that enabled on here but I know there's a way you can get in to the information in there that it'll tell you.

KELLAM: Ok.

ESHLEMAN: There's some information that comes with it in the file that in the jpeg file that they can look at and it tells you it was taken with an IPhone and.

KELLAM: Yeah, yeah, I know my phone it says the coordinates for where it's at, that G-O whatever it is?

STALLINGS: G-O Locator or something like that?

KELLAM: Yeah.

STALLINGS: Is it a IPhone four or five?

ESHLEMAN: Uh, this is a four S.

STALLINGS: Do you think that all the photos were taken after you heard the gun shot?

ESHLEMAN: Uh, yes because when I first came out I didn't have my phone and then when I went back in and I started to see stuff escalate that's when I grabbed it.

STALLINGS: Ok. Thank you very much.

ESHLEMAN: It may take me three or four of these to uh.

STALLINGS: How many are there?

ESHLEMAN: One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, INAUDIBLE uh, over twenty of them.

STALLINGS: Over twenty?

ESHLEMAN: Some of them don't really show much, just really a bunch of cops standing around and.

STALLINGS: You might have to send them like four or five at a time, too.

ESHLEMAN: Right.

KELLAM: Did you take any video?

ESHLEMAN: Uh, I did, I haven't watched it INAUDIBLE.

STALLINGS: I tell you I think um, prob, probably actually what the best thing for us to do, if you know you'd allow for us to do it that would be great, uh, is actually would be for one of our computer guys to come and actually take that stuff off of the phone, that way you don't have to email it and stuff like that. Cause I don't think that

video is gonna come through on my email I thinks it, uh, I think Fairfax County would shut my email down.

ESHLEMAN: Yeah.

STALLINGS: Uh, would that be all right if we did that that would, uh.

ESHLEMAN: Yeah.

STALLINGS: And it would help us, would help us greatly.

ESHLEMAN: Ok. When do you think they'll do that?

STALLINGS: Um I'll, I'll get somebody to come down now, uh, I, I would say that uh.

KELLAM: They probably have a laptop with them.

ESHLEMAN: Oh, ok.

STALLINGS: I'll, I'll ask them to bring the equipment here so he doesn't have to take it anywhere.

ESHLEMAN: Ok.

STALLINGS: Uh, just if you don't mind just don't erase or.

ESHLEMAN: Oh, no, no.

STALLINGS: Change anything from the format that it's in so INAUDIBLE

ESHLEMAN: Yeah, and I know if you pull it up in a, you know, one of these camera apps uh it will have the information on there, what time it was taken so.

STALLINGS: Ok, yeah, I think uh with, with his equipment he'll be able to tell us exactly when photos were taken you know the start and stop time of the video and all, all that stuff as well so that will be great.

ESHLEMAN: Ok.

STALLINGS: Um, all right, I'll uh get that in the works and are you going to be here?

ESHLEMAN: Yeah.

STALLINGS: For the next little bit?

ESHLEMAN: Yeah, I'll be here.

STALLINGS: Perfect.

KELLAM: Yeah, I, I think we'd probably appreciate it if you didn't share that with others if you.

ESHLEMAN: Ok, well I did put some on my Facebook page but.

STALLINGS: Oh, you did?

ESHLEMAN: Yeah.

STALLINGS: All right, uh, what is uh, and, and I mean just to let you know I mean for us um it's, when, when information gets out there um, uh it, it's, um.

KELLAM: Misconstrued?

STALLINGS: Sure, it can be, it can be to taken and different theories can be drawn from information.

ESHLEMAN: Sure.

STALLINGS: That's why until, until we're able to establish what actually did happen we try to control the information, uh, but I mean it's, it's normal these days for stuff like that to be on Facebook uh, if you don't mind just don't post anymore.

ESHLEMAN: Oh, sure.

STALLINGS: Ok. What's your Facebook page?

ESHLEMAN: Uh, I think it's just at my name.

STALLINGS: Just [redacted]

ESHLEMAN: I believe so, I don't think I had anything special but I don't, I'll tell you here in a second. Yes, it'd be [redacted]

[redacted]

STALLINGS: [redacted]

ESHLEMAN: [redacted]

STALLINGS: Dot. All right, anything else?

ESHLEMAN: Uh, I don't think so, I mean I can re, remove that stuff if you want, it's not a big deal.

STALLINGS: Well, I think once it's up there it's up there uh if you don't mind removing it that would probably create less damage uh but I don't, I don't think we can tell you to remove it so, but if you're asking us that'd be appreciated, that'd be better.

ESHLEMAN: Ok.

STALLINGS: Thank you. Um, any other questions?

KELLAM: No. No sir.

STALLINGS: All right.

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Transcribed on 9/13/2013

By Karol L. Quinn, Administrative Assistant

Fairfax County Police Department
Fairfax, Virginia
May 19, 2014

Case Number: 2013-2410242

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It's April 18, 2014 at 1504 hours, uh, at the helicopter; Detective Farrell interviewing MPO PAUL DEHAVEN regarding an officer involved shooting that occurred on August 20th, 29, 2013.

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FARRELL: Um, MPO DeHaven, if you would, just state your name?

DE HAVEN: Uh, MPO Paul DeHaven.

FARRELL: And what's your four-digit EIN?

DE HAVEN: 2561.

FARRELL: And how long have you been, uh, on the Fairfax County Police Department?

DE HAVEN: Twenty years.

FARRELL: And what's your current assignment?

DE HAVEN: The Helicopter Division.

FARRELL: And approximately how long have you been assigned to the helicopter?

DE HAVEN: Fifteen to sixteen years.

FARRELL: And, um, as a member of the Helicopter Division, uh, you're a certified paramedic, is that correct?

DE HAVEN: Correct.

FARRELL: And approximately how long have you been a paramedic?

DE HAVEN: Fifteen to sixteen years.

FARRELL: All right and regarding your qualifications as a paramedic, um, is that the highest level of, um, medical training that we have on the department for officers who are involved out on the street?

DE HAVEN: Yes.

FARRELL: Ok and when you go on missions with the helicopter, is there always a paramedic assigned?

DE HAVEN: Yes.

FARRELL: And in addition to your duties as, um, a paramedic with the helicopter, you're also assigned in some capacity to the TAC Team?

DE HAVEN: Yes, as a tactical paramedic.

FARRELL: And if you would, just explain what that means.

DE HAVEN: We have a, uh, program where three paramedics from the Helicopter Division have additional duties as what we call a Tactical Paramedic which means that one of us is on call at all times and any time that the SWAT Team, EOD, Dive Team, essentially any of the special operations units either go out for a search warrant, barricade, uh, bomb event, a dive mission, whoever the on call tactical paramedic also responds with whichever team it is for purposes of providing health and welfare of the team members themselves but also to provide any medical aid for anybody that may become injured, um, during whichever operation we're on.

FARRELL: Ok so the purpose for that is for the officers but also the individuals that we may come in contact with?

DE HAVEN: Correct, suspects, civilians, hostages, anybody that may be involved.

FARRELL: And as a, as a Tactical Paramedic you train, uh, with the TAC Team on entries and responses to different types of calls?

DE HAVEN: We do.

FARRELL: Ok. And how long have you been assigned as a Tactical Medic?

DE HAVEN: Twelve to thirteen years.

FARRELL: Ok. And in the course of the twelve to thirteen years, you've had occasion to assist on barricades and, uh, shootings and high risk situations?

DE HAVEN: Yes.

FARRELL: And, uh, in the course of those twelve to thirteen years, you've had the opportunity to use your skills as a paramedic to, to assist officers or, um, injured, injured citizens?

DE HAVEN: Yes.

FARRELL: And as a paramedic or as a paramedic assigned to the TAC Team, you've had occasion to, um, see or observe dead people and do you pronounce them dead or do you, do you make a, uh, do you evaluate them?

DE HAVEN: I have seen quite a few dead, uh, people throughout my career both in the Helicopter Unit as well as, um, with the TAC Team. As a paramedic, I'm not specifically, um, declaring somebody dead unless there are clear and obvious signs that are incompatible with life.

FARRELL: Ok.

DE HAVEN: Um, the only exception to that would be in consultation with what we call Med Control, which would be the doctor at the hospital. If we had a particular patient whose injuries were such and the circumstances were such that there, uh, they're injuries were incompatible with life, then the doctor could authorize the cessation of any kind of efforts.

FARRELL: Ok. And just tell me how you became involved with this officer involved shooting on the date if you recall?

DE HAVEN: I was the on-call TAC Medic and got called out for what was determined, which was dispatched to us as a barricaded situation, um, and I arrived on scene and, uh, uh, joined up with the TAC Team as they were putting their, uh, Reaction Team so forth together.

FARRELL: Were you working that day?

DE HAVEN: I was.

FARRELL: So do you recall where you responded from?

DE HAVEN: From the heliport.

FARRELL: And how did you arrive on scene?

DE HAVEN: Uh, in a vehicle, department vehicle.

FARRELL: While you were on scene, did you have occasion to speak with the officer involved in the shooting?

DE HAVEN: No, I did not.

FARRELL: If you get a call where you guys gotta go, that's fine.

DE HAVEN: Ok.

FARRELL: Um, so you arrive on scene and Reaction Team is being put together in order to respond?

DE HAVEN: Correct.

FARRELL: Ok and tell me what happened from there.

DE HAVEN: Um, when I arrived on scene, I checked in with the Fire Department, uh, command post to let them know that I was on scene. We designated a landing zone, uh, in case we needed to use the helicopter and, in fact, the helicopter was actually overhead and it was already landing in the landing zone that was designated, uh, to standby; so they were already essentially gonna be on the ground ready to go if needed. Um, I then checked in with the SWAT

supervisor who assigned me to, uh, stage inside the Hostage Rescue Vehicle with the Reaction Team and that's where I remained until the team, uh, made entry into the house and requested that I respond into the house.

FARRELL: Um, you said you checked in with the Fire Department, you looked for a viable landing zone, checked with the SWAT commander, the decision was made for you to be in the Hostage Rescue Vehicle; are these all, uh, pretty typical . . .

DE HAVEN: Yep, yeah.

FARRELL: Things that occur when you assist with the team?

DE HAVEN: Yes.

FARRELL: Um, so are you, are you often in a line of march or do you usually wait for them to secure an area or how does that work?

DE HAVEN: The tac medic is usually the last person in the line of march, um, and we go typically as far as the, the front door and the team goes in and clears the residence or establishment and once the scene is deemed clear, then if there's a need for the medic to come in, then the medic will come in.

FARRELL: So in terms of tactics, you're not involved in actively clearing . . .

DE HAVEN: No.

FARRELL: Um, you're duties are to wait and provide medical assistance as needed.

DE HAVEN: Correct.

FARRELL: Ok. However, you're armed and if there was a threat, you would respond as would any other officer?

DE HAVEN: Correct. And the rationale behind that is the; you don't want the medic to be in the process of actively searching for suspects, clearing rooms, and end up being the individual

that gets wounded. So the medic is in the line of march, quote, unquote, in the hot zone environment.

FARRELL: Ok.

DE HAVEN: But kind of just outside so that we're quick to respond but not, uh, in the immediate line of fire so to speak.

FARRELL: And in the past, have you used the Hostage Rescue, Rescue Vehicle; have you ever been in it before?

DE HAVEN: Oh, yes, uh, ha.

FARRELL: So is it common for the TAC Team to wait for the Hostage Rescue Vehicle in order to make an entry or in order to approach a residence?

DE HAVEN: I, I think it all is dependent on the nature of the incident and those are all tactical decisions that the, um, SOD Commander and the TAC Team and the TAC Commander, uh, will make those decisions.

FARRELL: So you're not involved in that decision making.

DE HAVEN: Not typically, no.

FARRELL: Ok. And from when you responded on scene until when entry was made, um, or from when you got the call until when you responded on scene and entry was made, how would you describe the response? Was it a typical response, a quicker response, a slower response? Did you have any observations about, um . . . ?

DE HAVEN: Um . . .

FARRELL: How things evolved?

DE HAVEN: I would say that it was a fairly typical response for a high priority in-progress, um, tactical situation. There was clearly a sense of urgency, um, on the part of the, uh, the TAC

Team, EOD and the other, uh, units that were arriving on scene to get a reaction team put together and get to the house, um, in as timely a fashion as possible.

FARRELL: Ok and, um, what was; do you know what prompted that urgency?

DE HAVEN: Uh, the fact that, that it was a barricaded subject, the fact that there had been a report that a shooting had occurred and the belief that the individual had been shot.

FARRELL: Ok. And once you were called, uh, into the residence, tell me what your observations were.

DE HAVEN: Um, as I was called into the residence, the team had already made entry and were in the process of clearing the, the building and, uh, as I came through the front door, I observed a single male lying on the floor in the foyer, hallway area, um, his feet were closest to the front door, his head was, um, towards the interior of the house. He was wearing a T-shirt and pants, um, there was a hole in the front of his T-shirt with uh, um, a large blood pool around that hole. There was also a large pool of blood on the floor around his body.

FARRELL: Ok, what observations did you make about him?

DE HAVEN: I made my way to, uh, his head. I went around to the, uh, the top of his body where his head was, um, I observed that his skin was ashen in color, the blood that was on the floor had already, uh, begun to coagulate which indicated that it had been there for a fair amount of time, um, there was no visible indication of any movement or breathing, uh, coming from the individual. I then, uh, retrieved my stethoscope and listened for lung sounds, uh, I heard no air movement, no indication of respirations. I listened for heart sounds and I heard no heart sounds, uh, which would indicate that the heart would not be beating. I also felt for both a carotid pulse and a radial pulse, the radial pulse being in the wrist. Uh, I felt no pulse in either location and I found his skin to be cool to the touch. I also checked his pupils and his pupils were what we call

fixed and dilated, which means they were widened, enlarged and they were not reacting to, uh, the introduction of light.

FARRELL: Ok and based on all those observations, what was your conclusion?

DE HAVEN: Uh, my conclusion was that there were no signs of life, uh; from the individual and also that he had been, uh, deceased for a fair amount of time.

FARRELL: Did there come a time where the Fire Department entered?

DE HAVEN: Yes, I requested that a, uh, single medic from the Fire Department, um, join me at the individual, uh, specifically with a cardiac monitor so that we could, uh, verify that there was no electrical or cardiac activity, uh, being generated from the heart.

FARRELL: Was that done?

DE HAVEN: Yes.

FARRELL: And what was the conclusion that they came to?

DE HAVEN: The, uh, the conclusion was that the electrical activity or the rhythm, uh, was what we call asystole, commonly known as flat line, uh, which indicates that there's no electrical activity from the heart which, uh, is indicative of a, a non-beating heart; no, uh, no life signs.

FARRELL: So those observations supported your observations that at this point Mr. Geer was deceased?

DE HAVEN: Correct.

FARRELL: Or the subject later identified as Mr. Geer.

DE HAVEN: Correct. And I also had the, the Fire Department medic confirm my findings of no pulse, ashen skin, etc.

FARRELL: And is that all protocol?

DE HAVEN: That is typical, um, conduct for this type of a situation or any type of situation where it appears the subject is most likely deceased.

FARRELL: So based on those observations and the fact that the Fire Department confirmed, um, your initial observations, was any aid provided?

DE HAVEN: No.

FARRELL: And, um, you talked about the stethoscope and checking for pulses, um, in the course of doing those things, was the decedent's body moved in any, um, significant way other than what it would take to accomplish, uh, those tasks?

DE HAVEN: No, uh, in fact, I specifically made a point of trying not to move or disturb his shirt so I actually reached through the opening of the neck . . .

FARRELL: Ok.

DE HAVEN: Of the shirt to place the stethoscope as opposed to removing the shirt completely. Um, his appearance was such that he appeared to be deceased so I was consciously trying to not disturb, uh, the scene as much as possible; however, I didn't let that prevent me from . . .

FARRELL: Ok.

DE HAVEN: Making the necessary assessments.

FARRELL: So to no large degree was he moved; did you, uh, ever observe a weapon in his proximity?

DE HAVEN: I do not recall seeing a weapon.

FARRELL: Ok. And based on the, uh, positioning of, um, the decedent and the pooling of the blood and the condition of his clothing, were you able to or are you able to, um, um, draw a conclusion as to whether after he was shot he moved through the home or whether, um, it's more

likely that he fell right there where you located him or was that beyond the scope of what you're able to infer from your observations?

DE HAVEN: From a non – I'm not a crime scene detective . . .

FARRELL: Ok.

DE HAVEN: So from a non, um, I guess non-technical, non-specifically trained eye, I couldn't specify.

FARRELL: Right.

DE HAVEN: From just a casual observation it appeared to me that, um, where he was found was either where he fell after he was shot or very, very close.

FARRELL: Ok.

DE HAVEN: Um, in fact one observation I failed to mention is there was actually a, uh, deformed, uh, bullet on the floor in or about the, uh, the blood.

FARRELL: And then, um, so after the Fire Department came in, um, and you concluded your assessment, was it, did you do anything else in the house; did you move about the house?

DE HAVEN: No, myself and the Fire Department medic, uh, retrieved our equipment and we retreated back out the front door again being conscious not to kick anything or disturb anything.

FARRELL: Ok and then, um, at some point you generated a word document with, with notes as to what actions you took?

DE HAVEN: Yes.

FARRELL: Ok and you provided me with a copy of that word document, um, are there any other notes or any other official documents or unofficial documents that you would have generated, um, as a course of your involvement in this?

DE HAVEN: None that I would have generated, um, any time there's a patient contact, there needs to be what we call a Patient Care Report or a PPCR generated to document the condition of that individual, um, that was accomplished by the Fire Department medic.

FARRELL: Ok.

DE HAVEN: So that would be the official medical record if that's what you want to call it of the condition and the assessment findings.

FARRELL: All right. Is there anything else you can think of that would be important for me to know in the course of my investigation regarding your actions that day or your observations?

DE HAVEN: Not that comes to mind.

FARRELL: Ok. That concludes the interview at 1552 hours.

Date of Interview: April 18, 2014
Typist: Linda Powers

Fairfax County Police Department
Fairfax, Virginia
May 20, 2014

Case Number: 2013-2410242

* * * * * * * * * * *

It's April 17, 2014 at 1329 hours; Detectives Farrell and Flanagan in the CIB Cold Case office interviewing Officer STEVEN CARROLL regarding an officer involved shooting that occurred August 29th, 2013.

* * * * * * * * * * *

FARRELL: If you would just state your name please.

CARROLL: Steven Carroll.

FARRELL: And what's your, um, rank on the department?

CARROLL: Master Police Officer.

FARRELL: And how long have you been on the Police Department?

CARROLL: It will be 20 years this fall in October.

FARRELL: And what's your current assignment?

CARROLL: I'm assigned to Operations Support Division to the SWAT Team.

FARRELL: And how long have you been a member of the SWAT Team?

CARROLL: Since odd, uh, transferred to the SWAT Team August, the first week of August, 2013.

FARRELL: Ok and prior to August of 2013, where were you assigned?

CARROLL: I was assigned to the, uh, OCN, um, Narcotics Unit for the last 12 years; since 2001.

FARRELL: Ok, were you ever on the SWAT Team on a stand-by capacity or supplementary?

CARROLL: I was supplemental SWAT Team since 2007, the fall of 2007 or early winter of 2008.

FARRELL: Ok so from 2007 or 2008 you were a member of the supplemental team and then you became a member of the full-time team in August of 2013.

CARROLL: Yes.

FARRELL: And as a member of the supplemental and then later as a member of the full-time team, um, do you receive specialized training?

CARROLL: Yes.

FARRELL: Ok and what type of operations or, or work, um, do you do as a member of the supplemental or as a member of the full-time SWAT Team?

CARROLL: Um, we serve search warrants for various entities in the department, uh, we also respond to barricade situations involving emotionally disturbed persons, um, hostage barricade situations, um, we also execute arrest warrants, um, anything that comes out as a high risk nature.

FARRELL: Ok, um, and as a member of the Narcotics Unit, did you also receive specialized training?

CARROLL: Yes.

FARRELL: And did that involve specialized tactics and higher risk situations than an average patrol officer would deal with?

CARROLL: Yes.

FARRELL: Ok. So it would be fair to say since, uh, 2001 when you became a member of the Narcotics Unit that you've been exposed to specialized tactical training, um, at a higher level than, than the average police officer?

CARROLL: Yes.

FARRELL: Ok. And does that training, um, also consist of training as, as a group or is it just an individualized training?

CARROLL: The majority of it's as a group, um, especially with the SWAT Team and, uh, when I was in OCN, I was assigned to the Street Crimes Unit for five years so that was also as a team type training. Um, the last seven years of my time in OCN was with narcotics and that was also a lot of team training when it came to tactics.

FARRELL: Ok, um, and do you recall how you became involved in this case?

CARROLL: Yes, I was, uh, actually on my way home on the 29th of August and we were, we had a pre-alert that there was possibly a barricade situation in West Springfield and they were, it wasn't clear if we were gonna get called out or not so, uh, we monitored the radio traffic and, uh, I remember hearing, uh, I believe it was the supervisor on scene saying that it was gonna take a little time, they had to establish a rapport with the guy and, uh, shortly after that it, I heard some traffic that made me think that there was some type of shooting and then we got received a page shortly thereafter to respond and that; at that time I was right near the, uh, Prince William County and 66 so I turned around and came back to the county.

FARRELL: And as a member of the SWAT Team, it's part of your duties is to respond to those types of calls?

CARROLL: Yes.

FARRELL: And it's pretty common for you guys to be called out, uh, for these types of events during different hours of the day?

CARROLL: Yes.

FARRELL: However in this case you were on your way home from work?

CARROLL: Yes.

FARRELL: Uh, how would you describe your response from Prince William County and 66 to the scene of the event?

CARROLL: I responded lights and siren.

FARRELL: Did you have your gear with you?

CARROLL: I had all my gear with me.

FARRELL: So the fact that you were already in your vehicle, um, and you had all your equipment with you, would you describe your response as quicker than a usual call out from home or about the same?

CARROLL: It's the same; I always have my gear with me.

FARRELL: Ok. And then just tell me what happened when you arrived on scene.

CARROLL: Uh, I believe I was the first TAC officer on scene and as I was gearing up, um, I remember Walt Fasci pulled in next to me. He started gearing up and we were, um, waiting for just a couple more guys to get there so we could get a Reaction Team to the house. Um, shortly thereafter, Lee Northrop arrived on scene, he was TAC 3, being the senior member of the team, I went to him for direction, um, and it was and I, I gave him briefly what I knew about it that there's been a shooting at the residence and an individual was still inside the residence and his question asked was, 'Was it a police shooting or was it a citizen that shot at the police"? And I went over to the command post and spoke to the incident commander, I can't remember his name, um, I can't remember his name, however, I, uh, asked him if it was a police shooting or a, um, citizen shooting. He said no that the police had shot the individual inside the house. So at that point we felt we had a little bit of an urgency to get down there and, um, render aid to somebody. Um, as we I believe it was, um, Lee Northrop, Walt Fasci and myself, Jey Phillips

and, uh, there's one other, um, Lance Guckenberger, went down towards the residence and as we were going down there, we also made contact with John Diguilian, who was the sniper, um, he was readjusting his position. We made it to the Delta corner of the, uh, target townhome. We were actually about two houses down from him but on the Delta corner and, uh, waiting for the word from the command post to let us go. There were, there was some confusion whether they said they needed the warrant for us to make entry, um, we felt that we had community caretaker at that point, um, but the call came, they ended up bringing the; they were also waiting for the HRV to get there. As soon as the HRV was there, the, uh, boom was put on the front of the HRV and that was driven down to the location and the front door was breached. Um, once the front door was breeched, uh, immediately heard from inside the HRV they could see the individual in the hallway, in the front hallway, so, uh, and also, uh, MPO Depoto was with us as well from the SWAT Team in that group I talked about. Uh, that group of about five or six of us went inside, um, I remember Jey Phillips and, uh, Lance Guckenberger rendered aid; it appears he was already deceased but, um, they dealt with him and, uh, with myself and Tony Depoto cleared the upstairs just to make sure there was no other victims or anybody injured in the house, uh, and as we're going up the stairs on the, the first landing which is about two steps off the main level, which would be the number two level, uh, there was a revolver in a holster laying on the ground.

FARRELL: Ok. Did you manipulate that weapon?

CARROLL: No.

FARRELL: At all? So it was just left where you observed it on the landing as far as you know?

CARROLL: Yes.

FARRELL: Ok, um, you said that when you arrived on scene that you may have been the first TAC officer on scene . . .

CARROLL: Uh, ha.

FARRELL: And that a Reaction Team was formed. Can you explain to me what a Reaction Team is and what the purpose of that is?

CARROLL: A Reaction Team would be formed, uh, a small group of guys, usually about five, and we put them as close to the incident as we safely can stage and their job is to be the team that would go inside if there was immediate danger or immediate threat that had to be dealt with. It can also be utilized to arrest an individual that may come out of a residence.

FARRELL: So essentially they're there to react to whatever, um, if something happens immediately while another . . .

CARROLL: When the rest of the team is en route, they're also forming a plan of entry, um, that's the initial team that's set up close to the target.

FARRELL: Ok.

CARROLL: To deal with whatever happens until the plan can be formulated.

FARRELL: And when you said you were at the delta corner of the townhouse, what does that mean?

CARROLL: Delta corner is if, if you were facing the front door of the residence, the front side of the building is labeled as A or alpha and then it goes clockwise around the building; left side being the baker bravo side, the back being the Charlie side and the right side being the delta side.

FARRELL: Ok. Um and you said that you were there was some discussion as to, um, what legal authority you all had to enter the home and whether or not, uh, a warrant was needed and additionally that while that was going on you were waiting for the HRV, what is the HRV?

CARROLL: The HRV is the Hostage Rescue Vehicle. It's a, it's an armored vehicle that the county utilizes.

FARRELL: Um and what would be the advantage of utilizing the HRV in a situation like this?

CARROLL: It could provide us mobile cover, um, an area where we are safe where we can't be shot closer to the resident's house. It allows us a, a place of observation, um, closer to that; in this case it was able to give us entry into the house without exposing any of the, uh, operators.

FARRELL: And then you said that a boom was put on it in order for the door to be breached; what does that mean?

CARROLL: Uh, there's a boom which is a, it's a two, uh, it's kind of two pieces of metal that are put together to make them longer and it ends up being about 10 or 12 feet long that's attached to the front of the HRV and it's on a hydraulic piston that allows it to raise up and down and on the end of that is a flat piece of metal, it's approximately 12 by 12 that, um, acts as a battering ram and it's able just to make contact with something and by the vehicle being accelerated, it will push through. In this case it was the front door.

FARRELL: Is that something that's operated at a high speed?

CARROLL: No, low speed. Basically the truck is in 4-wheel drive below so it's moving very slowly and it applies constant pressure to the walking mechanism and eventually pops the door open.

FARRELL: Is that, uh, a piece of equipment you guys use, um, in these types of calls?

CARROLL: We have, yes.

FARRELL: And, um, as being a member of the Tactical Unit, you waited for other members of the TAC Team to arrive on scene?

CARROLL: Yes.

FARRELL: And why is that?

CARROLL: Because they're the ones that are trained in these high risk tactics and we actually relieved the patrol officers who were standing in front of the windows of the residence, of the townhouse . . .

FARRELL: So . . .

CARROLL: Um, in a, in a dangerous area if it was, if there had been a shooting involved or a shooting and it was deemed dangerous for us to come out, we had to move the officers out of the area and they were in a bad place to be standing.

FARRELL: So in these types of situations you prefer to form a response team, uh, with other members of the TAC Team because of training and their experience?

CARROLL: Yes.

FARRELL: Ok. So it wouldn't be, uh, routine for you just to grab whatever patrol officers were available and attempt to form a reaction team or attempt to make an entry?

CARROLL: No.

FARRELL: And then you said that, um, you've been on these types of or barricade situations in the past?

CARROLL: Yes.

FARRELL: And essentially since this occurred, um, can you explain to me how barricades are usually handled?

CARROLL: Uh, usually the patrol officer will arrive on scene and encounter a situation that he feels he's not able to contain or to control and, uh, the tactics necessary to bring to resolution would be too dangerous so at that point the supervisors are usually notified and the supervisors consult with the duty officer who consults with the SOD Commanders and they decide whether

the situation meets a high rusk, high risk tactic and at that point then the, uh, SWAT Team is activated.

FARRELL: And then when you all respond to these types of calls, um, is your course of action usually to make entry or is it to, uh, begin dialogue or, or how do you all, how do you usually typically respond from when you arrive on scene?

CARROLL: Typically they try to, we get ourselves ready as quickly as we can, um, set up a reaction, reaction team close, put out a sniper observer to give us Intel as much as they can cause they can, they have the optics and the means to view things from a farther distance or a concealed location at a closer distance and give us a good idea of what they can see, um, once we are set up on there, then we try to, um, and relieved the, um, patrol officers from those locations, get them to a safe area then we try to, uh, have some type of dialogue with the cit, the citizen or the subject in the barricade. Um a lot of times that would be through the Negotiations Unit, um, sometimes not; sometimes we, we're the ones that initiate that contact and, uh, we try to get them to come out voluntarily and if that doesn't work then we have to go to other tactics.

FARRELL: Uh, would it be usual for you all to make entry as quickly as you did in this situation or was there something about the facts and circumstances that accelerated your response?

CARROLL: Uh, the fact we knew we had somebody that was injured inside, um, we had some information that, we had information the person was shot inside the residence. Um, we also had information that they could hear some type of flailing around or flopping around inside the residence to make us think that there indeed was an injured person inside and we felt for his medical safety we needed to at least get a foothold in the door and try to determine what was going on inside the residence.

FARRELL: So based on the, uh, desire to render aid, um, things moved a little bit quicker than maybe they, they usually would?

CARROLL: Yes.

FARRELL: Ok, um, the concern being that either the person was unable to ask for help or maybe needed help but couldn't get to a position where you guys could render aid?

CARROLL: Yes.

FARRELL: Ok. Um, yeah, any questions?

FLANAGAN: Um, we kind of just talked about it a little bit right there but you used the term community caretaker. What, what does that mean?

CARROLL: Basically it's a, I guess for it's a legal term it's used to, um, kind of under search and seizure where we might make entry into a residence, um, without probable cause of a crime being committed without, um, their consent, without, uh, there would be an exigent circumstance that we would make entry and the reason we would make the exigent circumstance entry would be to render aid as a caretaker of the community for either a fire, some type of injury, or in this case the result of a gunshot to render aid or first aid.

FLANAGAN: So as, as a, a law enforcement officer, do you have a responsibility to go in there and render aid if it's necessary or determine if based on the facts that you had before you that it was necessary that there was a good chance that this person needed some sort of medical assistance?

CARROLL: Yes.

FLANAGAN: Um and then just a couple of other terms when, um, what is, uh, generally speaking, what does pre-alert mean?

CARROLL: The pre-alert is there may be a situation arising on the street where a one of our SWAT Commanders is notified of an ongoing event and just as a courtesy to the operators, the supervisor will call us and tell us of a pending event and then that allows us to maybe make arrangements if we were off duty or if we're doing something in the county to make arrangements to get ready to go to something like that and we can also monitor those channels.

FLANAGAN: So are there, are times when you are pre-alerted you don't actually end up getting called out?

CARROLL: Yes.

FLANAGAN: Um and then you also mentioned getting on the scene and gearing up. What is gearing up?

CARROLL: Uh it would mean getting into our tactical uniform, which in this case was a, uh, a, a Nomex Suit, we put on, we would, uh, put on our duty belt which has a thigh rig which is a holster on our leg with our sidearm, uh, putting on our body armor, putting on a helmet, um, catching our communications gear and, uh, I also in this case I grabbed my, uh, short rifle, um, which is a INAUDIBLE stand-off weapon that, uh, UMP, uh, 45 which would give us, um, a need to give us more fire power than our handgun.

FLANAGAN: And the equipment that you described there, uh, is that more than what the normal patrol officer would have?

CARROLL: Yes.

FLANAGAN: And you, you're not, the Fairfax County Police TAC Team, um, is a stand-alone unit; you're not a patrol officer who upon receiving a call leaves your duty and then goes to an event.

CARROLL: Right, we're a stand-alone unit. We do have guys that are supplemental who respond . . .

FLANAGAN: And what's the difference between you guys and supplemental?

CARROLL: Supplemental guys are; they're assignment is to patrol or to some other unit besides, uh, OSB and they respond to supplement the full-time team.

FLANAGAN: Ok, they train with you guys?

CARROLL: They do train with us, they have the same gear but their primary assignment would be another unit.

FLANAGAN: Ok.

FARRELL: Um, the officer that fired the shot, did you speak with him at all?

CARROLL: No.

FARRELL: And then from the time that you got the call and initiated your response, um, until the time you made entry, uh, how did that compare to usual responses or, um, was there any issue in your mind with the timeliness of the response?

CARROLL: Our response there was pretty quick; I thought our entry was a little slow.

FARRELL: Ok.

CARROLL: I thought we probably should have gone a little bit sooner but, uh, we were waiting for the HRV and that was en route so, um, I think the main frustration was that our commander wasn't, in our minds, we didn't think he knew what if he had standing to make entry.

FARRELL: Ok. Do you know if that was, uh, uh once the HRV got there, do you know if that issue had been resolved by then or if it was, um, that delay overlapped with the arrival of the HRV or whether or not; do you have any idea if that contributed to . . . ?

CARROLL: I think once the HRV got there, we put into place what we had planned on doing which was making entry but I think before that there was some issue going on back and forth between the, um, the Captain that's higher above us whether we had standing to do that but I think by the time HRV got there, which was what we were waiting on, um, we went ahead and made entry at that point.

FARRELL: So, um, would that, would it have been, um, I guess what my question would be do you know if you all would have made entry without the HRV?

CARROLL: That was some of the after-action, uh, debrief that we had and it was a lot of people's idea that we probably should have made some type of entry on that door . . .

FARRELL: Ok.

CARROLL: Um it would put us at greater risk; however, we did have reason to believe somebody in there was injured.

FARRELL: So it's sort of a, oh, um, you had to weigh the tactical advantage of having the HRV verses the, uh, need to get in there and render aid.

CARROLL: Uh, ha.

FARRELL: Um, ok, so there may have been some sort of delay there as that decision was made or there was because ultimately it was decided . . .

CARROLL: There was . . .

FARRELL: That the HRV would be utilized . . .

CARROLL: That's what we needed to use.

FARRELL: And that's how entry was made.

CARROLL: Yes.

FARRELL: Ok. Have you responded to other barricades where, um, a shot was fired, um, maybe not by the police officer but either the subject fired a shot at officers or at himself maybe committing suicide?

CARROLL: Yes.

FARRELL: Um would the response, what is the response to render aid to that person? Um, is it any different than a response to render aid to a person that had been shot by the police? Or what other maybe steps would be taken if a shot was fired, uh, and there's no information as to what's going on in the house?

CARROLL: If we had no information about what's going on in the house, it would be a little bit longer response trying to figure that out but in the fact we had information that we shot the police, the individual inside and I confirmed it with on-scene commander. So we had knowledge that it was going on so I think we had a more of an urgency to make entry.

FARRELL: What steps would be taken if, um, if it was like a suicide or just a shot within, within the residence at the point that you all have a reaction team in place? Would entry be made or would other, uh, means be utilized to attempt to communicate with the individual or get him to come out of the house?

CARROLL: We would, commonly, we would try to initiate contact either through a telephone and that would be involving Intel from family or friends or neighbors to get us contact through our Negotiations Unit or, um, with their telephones. If that's not possible, then we usually utilize the HRV through a loud speaker, um, sometimes it involves us putting a throw phone, which is a little portable telephone that is put up near the residence, and then over the HRV loud speaker we're telling them that is out there for them and can they come pick it up. IF there's no response, then the next step is usually, um, given a situation similar to this, would be to maybe

utilize a robot that would make entry and go and clear the residence, um, that's, that would be a common thing would be to put a robot, um, usually a lot of times it's EOD, um, our bomb unit would come up and utilize their, uh, their robots and they have a, uh, basically a camera on a pole that's on their robot that would usually breech a front window or a window that they can have access to to look inside the residence.

FARRELL: Ok. Um and you don't know how long the HRV was on scene prior to utilizing to make entry?

CARROLL: Not, I just think as soon as it got there, they put a team together on it and got it down there; I don't know the exact time but . . .

FARRELL: Cause you're on the Reaction Team down at the residence.

CARROLL: We're on the Reaction Team at the residence.

FARRELL: Ok.

FLANAGAN: Do you have any other questions?

FARRELL: You have anything else, uh, that you think we should know or we didn't ask or?

CARROLL: Not that I can recall.

FARRELL: Ok, that concludes the interview at 1355 hours.

Date of Interview: April 17, 2014
Typist: Linda Powers